

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
19 April 2016  
(Also the agenda for the Mayoral Committee Meeting: 28 April 2016)**

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**4.  
ERF 2812, 25 ATLANTIC DRIVE, ONRUS RIVER, OVERSTRAND MUNICIPAL  
AREA: PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF SAP NEWILL**

**2812 HON (2877)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**2 March 2016**

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**1. Executive Summary**

Application has been received on 8 April 2015 from Mr B Scorgie on behalf of SAP Newill on Erf 2812, Onrus River for a departure from the relevant Scheme Regulations in order to relax the 2m northern lateral and rear building lines to 0m to accommodate a single garage with laundry and store room, and also to relax the 2m southern lateral building line to 0,83m and the rear building line from 2m to 1,04 to accommodate the use change of an existing outbuilding into a second dwelling and scullery.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

- Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

Erf 2812, Onrus River measures approximately 495m<sup>2</sup> in extend. The erf is zoned Residential Zone I and is developed with a dwelling with single garage.

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The property owner now applied for relaxations of both the lateral lines and also the rear building line to accommodate use changes of an outbuilding to a scullery and second dwelling, and also to construct a new garage with store room and laundry.

Notices were sent to surrounding property owners and one (1) letter of objection was received. This objection can be summarized as follows:

- Relaxation of building lines are not supported and request that existing regulations in terms of the Zoning Scheme be applied.

The letter of objection is attached as Annexure D.

The property owner and his consultant responded to the objection, which can be summarised as follows:

- The objection is not reasonable as the location the garage is proposed to be build is the only feasibility siting and will not interfere with their property or view.
- The Zoning Scheme Regulations makes provision that application can be made for a departure to encroach building lines.
- The new proposed garage will be to the rear of the property, not close to the dwelling on the objector's property, and their sun and light will not be affected.
- An outbuilding was constructed on the objector's property  $\pm 1\text{m}$  from the common boundary with Erf 2812. This appears to be a garage that was changed into a bedroom. It however only has small windows facing south, so sun influx will not be affected.

The response to the objection is attached as Annexure E.

The application was also circulated to all relevant municipal departments and institutions. No objections were received against the application.

### **Evaluation**

Erf 2812, Onrus River is situated in Atlantic Drive, in the southern side of Onrus River next to the sea.

The property measures approximately 495m<sup>2</sup>, and is developed with an existing single storey dwelling and single garage.

The applicant motivated that the position of the existing garage behind the dwelling and at a 90° angle with the road, make it very difficult to access. The

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land owner now wants to permanently come and live in Onrus River, and therefore propose to build a new garage. It is motivated that the best place to position the garage (with store and laundry) would be in the north eastern corner of the erf, where it will have minimal impact on neighbours' views and sunlight. It is also proposed to change the existing garage into a second dwelling to be used for family visiting and for a possible caretaker when the necessity arises.

When the dwelling on Erf 2812 was constructed a 0,9m rear and lateral building line was applicable. It is clear that the dwelling was shifted to 0,83m from the southern lateral boundary and 1,04m from the rear boundary.

The proposed alterations of the existing garage, servant's room and outside toilet into a scullery and second dwelling will be in the footprint of the existing building. There will also be no windows to the rear boundary impacting on neighbours' privacy.

It is also proposed to construct the new garage with store and laundry onto the northern lateral and eastern rear building line. The garage and store will traverse the new 2m building lines that are applicable. The proposed garage will be 7m in length on the lateral boundary, and 4,8m on the rear boundary.

The owner of Erf 2811 who shares a lateral boundary with Erf 2812, where the garage is proposed, objected to the application. No real reasons providing lack of desirability was provided by the objector.

It is to be noted that there is an existing outbuilding, situated on the south-eastern corner of Erf 2811, which will be directly adjacent to the new proposed garage. Such outbuilding was approved as a garage with store room at the back. It is noted in the applicant's response on the objection that this outbuilding appears to have been changed into a bedroom. This is however not in line with the approved building plan.

Considering the above, the placement of a garage next to an outbuilding 1m away also approved as a garage would be minimal.

The comment of the applicant with regards to the placement of the garage, that it would have less of an impact on views or light and sunlight, is noted.

### **Conclusion**

One letter of objection was received against the application. The applicant did respond to the objection, and it is the opinion that the applicant did sufficiently address the objection.

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It is the opinion that the relaxation of the building lines will not have a detrimental effect on the character of the area or the surrounding property owners.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services**

Attached as Annexure F.

**Fire Department**

No objection – application is in compliance with National Fire Protection Regulations SANS 10400 T : 2011 – 60 minute fire wall in place on boundary.

**Building Department**

To comply with all SANS 10400 Regulations – departure supported.

**Operational Services**

No objection.

**Environmental Department**

Departure approved.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's response on the objections
- Annexure F: Services Report
- Annexure G: Comments: Telkom

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**RECOMMENDATION:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for departure on Erf 2812, Onrus River to relax the 2m northern lateral building line and rear building lines to 0m to accommodate a single garage with laundry and store room, and also to relax the 2m southern lateral building line to 0,83m and the rear building line from 2m to 1,04m to accommodate the use change of an existing outbuilding into a second dwelling and scullery, **be approved**, subject to the following conditions:
  - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (c) that this approval is only for the relaxation of the eastern lateral building line as indicated on Plan No. 2812 Newill dated Sept 2015, submitted with the application;
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (e) that all the conditions in the Services Report (attached as Annexure G), be complied with;
  - (f) that all the conditions by Telkom in their letter (attached as Annexure G), be complied with; and
  - (g) that two (2) parking bays provided for the main dwelling and one (1) additional parking bay be provided on-site for the second dwelling and it be indicated on the site plan at building submission phase.
  
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 MAY 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 MAY 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>12 MAY 2016</b>

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AREA: PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF SAP NEWILL**

**2812 HON (2877)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**2 March 2016**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
19 APRIL 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

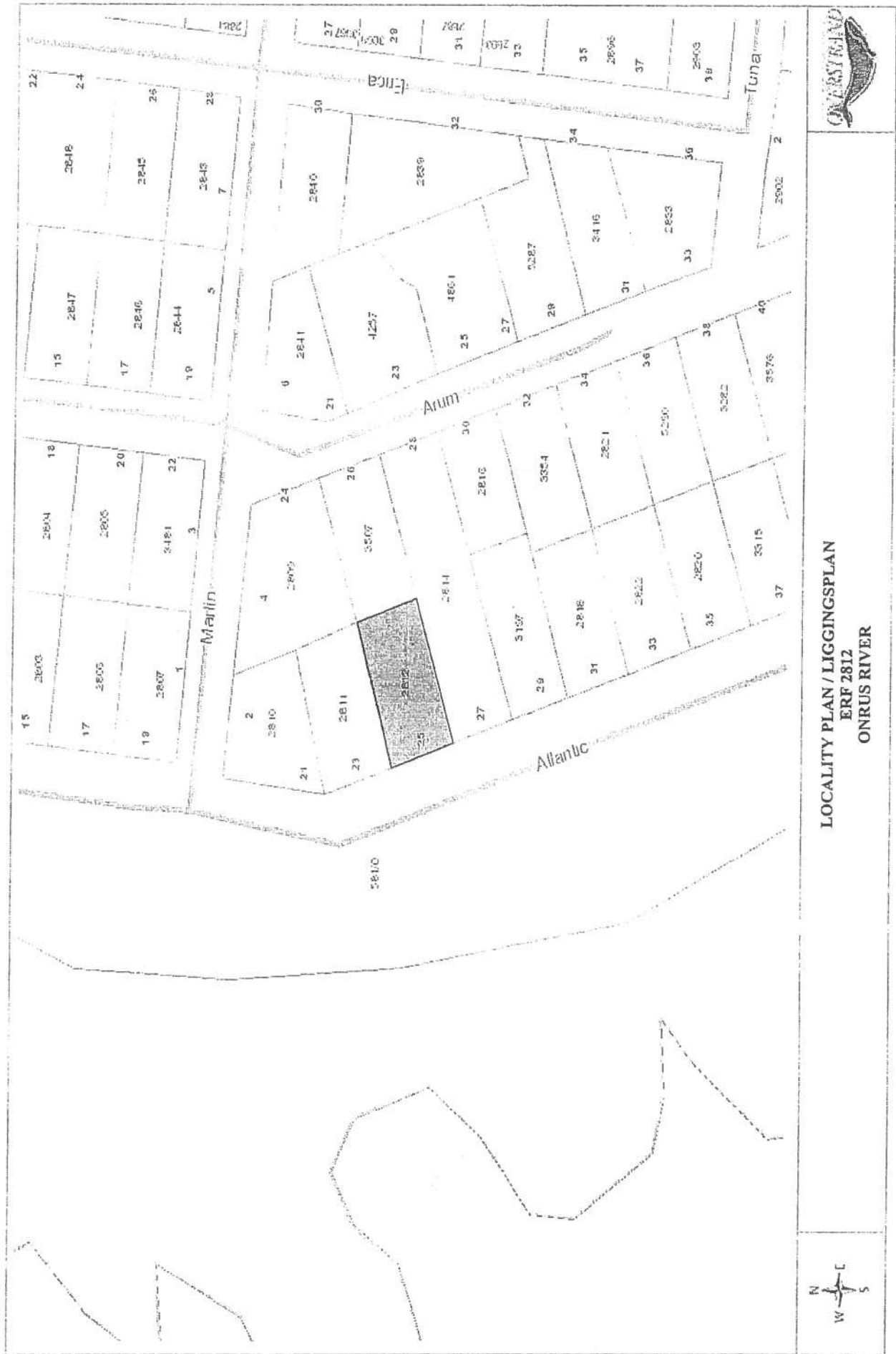
**12 MAY 2016**

**TARGET DATE TO INFORM APPLICANT :**

**12 MAY 2016**

**TARGET DATE TO INFORM OBJECTOR :**

**12 MAY 2016**



LOCALITY PLAN / LIGGINGSPLAN  
 ERF 2812  
 ONRUS RIVER





**ENGELBRECHT & SCORGIE**  
ARCHITECTURAL OFFICE

CK 94/37360/23

Tel 028 316 3294 • Fax 028 316 2200 • Email archoffice@maxitec.co.za • 48 Main Rd • PO Box 181 • Onrust River 7201



06 October 2015

The Town Planner  
Overstrand Municipality  
P O Box 20  
HERMANUS  
7200

Dear sir/madam

**DEPARTURE Ms S NEWILL – ERF 2812 : ATLANTIC DRIVE, ONRUSRIVER**

On behalf of the owner of the property, Ms S Newill, we apply for a departure from the Zoning Scheme Regulations.

The following departures are requested :

- Existing out-building to be converted into a 2<sup>nd</sup> dwelling unit
- New garage and laundry area constructed on the lateral and rear boundary

**Building lines affected**

- Southern lateral building line relaxed from 2m to 0,83m
  - The out-building was approved on the 900mm building line, but was constructed 830mm from the boundary. Usage change of out-building as approved to a 2<sup>nd</sup> dwelling unit within the lateral building line zone
  - There is also an existing window which was not on the originally approved plan, but built in the storage area with the construction of the main dwelling. This is now used as a scullery and forms part of the kitchen
- Eastern rear building line relaxed from 2m to 1,04m
  - Usage change of out-building as approved to a 2<sup>nd</sup> dwelling unit within the rear building line zone
- Eastern rear building line relaxed from 2m to 0m
  - To construct a new garage with laundry area on the boundary
- Northern lateral building line relaxed from 2m to 0m
  - To construct a new garage with laundry area on the boundary

**Motivation report**

- The original house which was designed made provision for the garage at the back of the property. To access the garage one had to drive past the house, make a 90° turn into the

garage. With a small car this was still possible even though it required a couple of point turns, but with a larger vehicle, it was impossible

- The requirement for a garage which is easily accessible, has resulted in our current application, i.e. converting the out-building/garage into a 2<sup>nd</sup> dwelling and the construction of a new garage
- The dwelling has for years been used as a holiday house, but the owner has now moved into the property and will be residing here permanently. The impractical status quo was accepted in the past as it was not so important to have permanent garaging space. The owner now needs a garage for storage of their vehicle as it is close to the sea, and exposed to the elements. The crime in our quiet neighbourhood has also reached alarming proportions with vehicles which are not secure being broken into or stolen
- The side have been taken into account with the positioning of the garage. Setting it back does not affect any view lines of the neighbour to the north. This neighbor also has an out-building close to the area where we have proposed the garage and the position does not affect any sunlight or light as it is southwards
- The conversion of the existing out-building into a 2<sup>nd</sup> dwelling is to be used two-fold :
  - for family and friends when visiting
  - for the accommodation of a caregiver in later years, should this necessity arise
- The neighbor at the back of the property, Mr Badenhorst (Erf 3507), has indicated that they have no objection to the proposals

I trust you will consider my client's application and should you require any clarification or information, please contact me.

Yours faithfully

  
BRANDON

21 November 2015

Aan: *Mnr & Mev. Newell*  
*25 Atlantic Drive*  
*Onrus*  
.....  
.....

Geagte Mnr & Mev Newell

INSAKE: U VERSOEK IN TERME VAN VERSLAPPING VAN BOU-REGULASIES

Na oorweging van u versoek, in terme van die verslapping van die bestaande bou-regulasies, is dit my besluit, om nie my toestemming te verleen om die bestaande bou-regulasie, (vir die oprigting van u projek), te laat oorskrei nie.

My besluit berus daarop dat die regulasies, soos dit tans van toepassing is, gehandhaaf moet word en dat dit geld vir beide partye van buurman-skap.

Met beste wense,

Die uwe

.....*M. M. van Rensburg*

Mev M M van Rensburg, 23 Atlantic Drive, ONRUS

TR A Theart  
(H Olivier)



**ENGELBRECHT & SCORGIE**  
ARCHITECTURAL OFFICE

CK 94/37350/23

Tel 028 316 3294 • Fax 028 316 2200 • Email archoffice@maxitec.co.za • 48 Main Rd • PO Box 181 • Onrust River 7201

13 January 2016

The Town Planner  
Overstrand Municipality  
P O Box 20  
HERMANUS  
7200

Dear sir/madam

DEPARTURE Mr SAP NEWILL – ERF 2812 : ATLANTIC DRIVE, ONRUSRIVER

With reference to the letter received from Ms MM van Rensburg (no. 23 Atlantic Drive).

The regulations Ms van Rensburg mentions makes provision for out-building to be constructed on the boundary (with the neighbours' consent). My client is not asking for any deviation from the regulations which is not in character with the Onrust Properties.

The positioning of the garage has specifically been placed at the rear of the property so that the views adjacent property owners are not in any way affected. The dwelling of the adjacent property no. 23 is also not close to the proposed garage. The sun and light will in no means be affected. There is an out-building on the adjacent property which is approx 1m away from the common boundary and looks like a freestanding garage which has possibly been converted into some type of room. The windows facing the proposed garage are not huge windows and south facing, so no sun influx will be affected.

I trust you will consider the comments of both property owners and appointed agents when evaluating the departure application and I look forward to your correspondence.

Yours sincerely

BRANDON

FILE NO:	EL 2812 ON
SCAN NO:	17
COLLABORATOR NO:	868529

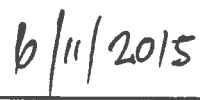
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2812, ONRUS RIVER (2877)**

Stormwater (SW) : In order  
Electricity : Escom  
Water : In order  
Sewer : In order  
Roads and traffic : In order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that stormwater be allowed to discharge through Erf 2812 Onrus River, unobstructed;
3. that no on-street parking be allowed.

  
\_\_\_\_\_  
**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

  
\_\_\_\_\_  
**DATE**



# Telkom

Network Engineering and Build

Telkom SA SOC Limited

10 Jan Smuts Drive  
Pinelands  
7404

Tel : 021 414 5554  
Fax : 088 021 414 5554  
Email : FredeMN1@telkom.co.za

Enquiries : Mikhall Fredericks  
Our Ref. : WWIP\_WONR0032\_16  
Your ref. : ERF 2812 HON

TP- A Theart  
(H Olivier)

08 January 2016

Attention : Loretta

Overstrand Municipality

Dear Sir/Madam

**Wayleave Application: Propose departure – Atlantic Drive – Onrus Rivier.**

With reference to your letter and dated

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, ~~such work will be done~~ at the request and cost of the applicant.

FILE NO:	EL 2812-0N
SCAN NO:	18
COLLABORATOR NO:	867406

Telkom SA SOC Limited: Reg no 1991/005476/30

Directors: JA Mabuza (Chairman), SN Maseko (Group Chief Executive Officer), DJ Fredericks (Chief Financial Officer), S Botha, Dr. CA Fynn, N Kapila\*, I Kgaboesele, K Kweyama, K Mzondeki, F Petersen, LL Von Zeuner.

Company Secretary: X Mpongoshe Makasi

\*India

TP

08 JAN 2016

# Telkom

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

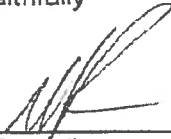
**As important cables are affected, please contact our representative FREDERIK SWART at telephone number 081 363 7815 at least 48 hours prior of commencement on construction work.**

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully



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Daniel Cornelius  
Operations Manager  
Wayleave Management: Western Region

**Wayleave  
Telkom S.A Ltd**

This wayleave, Ref is WWIP\_WONR0032\_16 is valid for 12 months from date hereof and is subject to the following conditions.

1. No mechanical plant or vibrator type compactors may be used within three metres of any Telkom plant ( I.E. any Telecommunication equipment above or below ground level ).
2. The position of our plant affected by the proposal is indicated as approximate and **FREDERIK SWART** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Telkom Plant will be indicated on-site.
3. A written request must be submitted to Telkom for consideration should the applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Telkom immediately should the applicant locate any Telkom plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicants full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for and damage or loss as a result thereof.

Date: 08 January 2016

M.FREDERICKS

For Regional General Manager  
Western Cape

Telkom Symbol Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC )	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	

