

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
16 February 2016
(Also the agenda for the Mayoral Committee Meeting : 24 February 2016)**

**6.
ERF 309, 4 MARINE ROAD, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA :
PROPOSED RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : HHJ &
LMC SCHONKEN**

321 GPB (3124)

SW van der Merwe

(028) 313 8900

Hermanus Administration

11 January 2016

1. Executive Summary

To consider an application for relaxation of restrictive title condition received on 9 November 2015 from Mr HHJ & LMC Schonken on Erf 309, Pearly Beach in order to construct a carport on the lateral property boundary.

A Locality Plan of the property concerned is attached as Annexure A. The Site Development Plan is attached as Annexure B, and the Motivation Report from the applicant in support of the application is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
(SPLUMA)

6. Background/Discussion/Evaluation/Conclusion

Background

Erf 309 Pearly Beach is situated on the corner of Marine Drive and Twist Street and measures 787m² in extent. The property is zoned for single residential purposes and developed with a dwelling.

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The applicant proposes to construct a carport, which carport will be situated on the lateral property boundary adjoining Erf 310, Pearly Beach. The proposed carport encroach the 1,57m lateral building line in terms of the Title Deed up to the eastern lateral property boundary.

In a letter dated 22 July 2015 the Provincial Government : Western Cape (PGWC) advised that from 1 July 2015 as a result of the enactment of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) the PGWC can no longer dispose of applications for relaxation of restrictive title conditions since Municipalities are from the aforementioned date regarded as the administrator and is therefore the competent authority to decide on these matters.

Discussion

The affected adjoining property owner (Erf 310) provided written consent in favour of the application (attached as Annexure D).

Evaluation

The proposed carport complies with the requirements pertaining to carports as stipulated under Section 16.1.1 (b) of the Scheme Regulations and does not require consent in terms of the provisions of Section 15 of the Land Use Planning Ordinance (Ordinance 15 of 1985). The opinion is held that the proposed carport would be aesthetically pleasing and would not detract from the visual amenity of the locality or the residential amenity of the adjoining property, whilst the owner of Erf 310, Pearly Beach also provided his written consent.

Pertaining to the relaxation of the restrictive Title Deed building lines, paragraph 4 of Title Deed T27675/1989 states:

“That this erf shall be subject to the following conditions, provided especially that where, in the opinion of the Administrator after consultation the Township’s Board and the local authority, it is expedient that the restriction in any such conditions should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions he may impose...”

The Title Deed of Erf 309, Pearly Beach permits the administrator to grant a relaxation. The relaxation of the relevant restrictive title condition is supported as it would not adversely impact the safety and wellbeing of the local community.

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Conclusion

That the application be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Control

“No objection to the departure of the lateral building line to accommodate a carport.”

Fire Department

“No objection provided that the carport is not enclosed on more than two sides.”

Operational Services

Attached as Annexure D.

Services Report

Attached as Annexure E.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Letter
- Annexure D: Comment Operational Services
- Annexure E: Services Report
- Annexure F: Consent from adjacent property owner

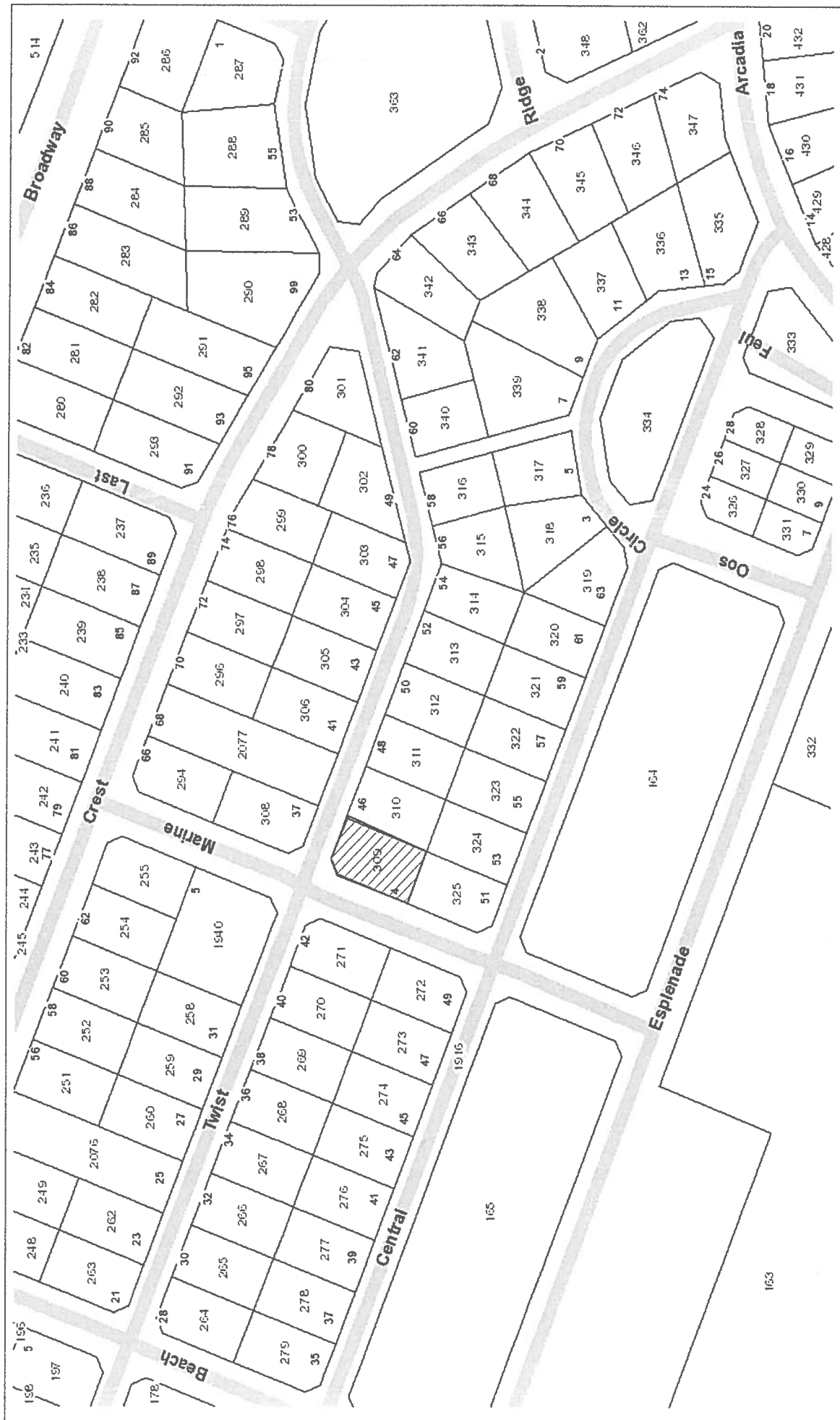
**AGENDA of the
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RECOMMENDATION:

1. that the application for relaxation of a restrictive Title Deed condition applicable to Erf 309, Pearly Beach in order to relax the 1,57m lateral building line to 0m contained in Title Deed T27675/89, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building line as indicated on Plan No. 05/15 sheets 1 to 5 of 5 dated 12 June 2015, as submitted with the application;
 - (b) that the conditions of Operational Services (Annexure D) and the Services Report (Annexure E), be complied with;
 - (c) 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;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	9 MARCH 2016
TARGET DATE TO INFORM APPLICANT :	9 MARCH 2016
TARGET DATE TO INFORM OBJECTOR :	N/A



LOCALITY PLAN
Erf 309 Pearly Beach



NOTAS:

AFDAK:

Big Six Nutec dakplate (vollelengte) op 50 x 76 daklatte @ 1000 b/h op 38 x 228 balke @ 1000 b/h, met truss hangers aan muur vasgeheg, en met 8 x 160 Spax Screws aan 50 x 228 drabaik aan onderkant vasgeheg. Drabaik rus op 100mm gegalvaniseerde pale, wat maks.3.0m uitmekaar in grond geplant is, en met M12 boute en moere aan itens van pale vasgeheg word.

VLOER:

75mm Beton of playteisel op 250mic. vogwerende membraan op goed gekompakteerde grond.

NB:

Geen deel van die afdak of fondasies mag die erf grens oorskry nie.

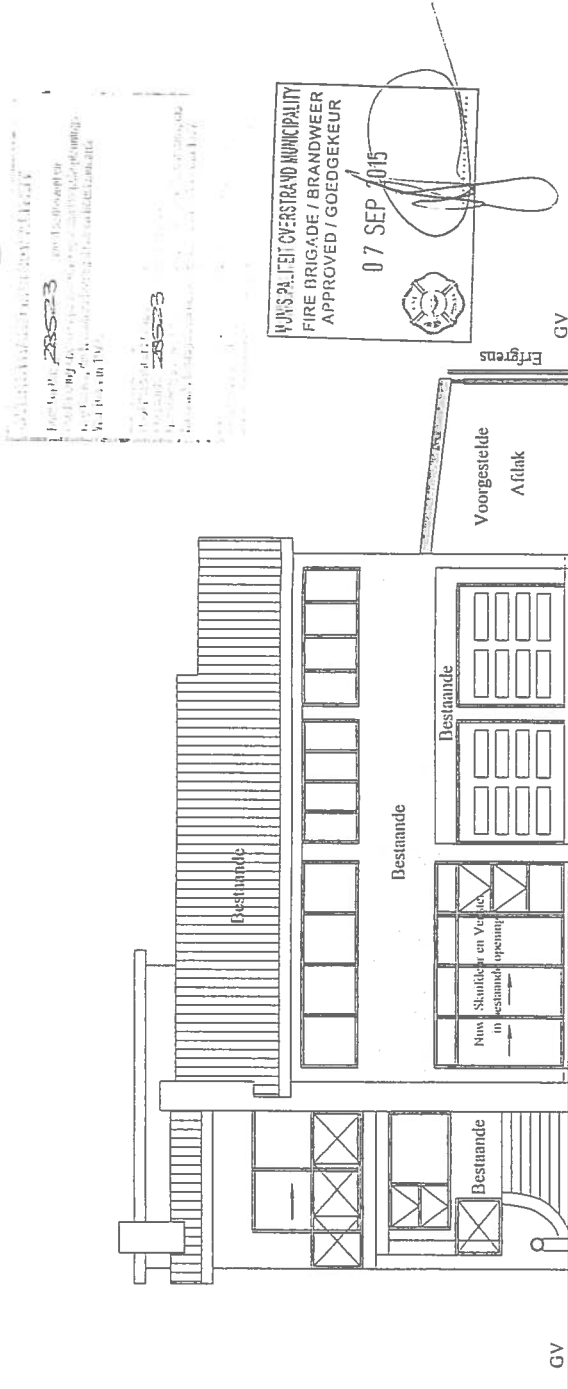
ALGEMEN:

Alle werk moet voldoen aan NBR sowel as plaaslike owertheid regulasies.

**VOORGESTELDE WOONWA /
BOOT AFDAK OP ERF 309,
PEARLY BEACH, VIR MNR.
EN MEV. HHJ SCHONKEN.**

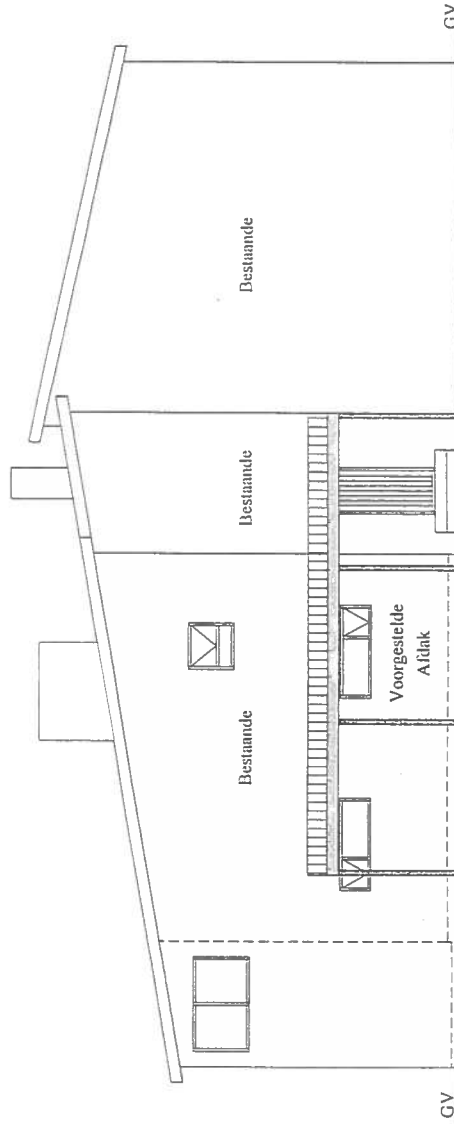
J.J. Carstens	Reg. No. D 1831
Posbus 1153	Neweystraat 7
Gansbaai	Pearly Beach
7220	7220
Tel./Faks. : 028 381 9198	Tek. No. Sch. 05 / 15
Sel. : 082 707 9280	2015 - 06 - 12

HHJ Schonken Bl. 1 van 5



SUIDWES AANSIG

SKAAL 1 : 100



SUIDOOS AANSIG

SKAAL 1 : 100

NOTAS:

AFDAK:

Big Six Nutec dakplate (vollengte) op 50 x 76 daklante @ 1000 h/h op 38 x 228 balke @ 1000 h/h, met lrus hangars aan muur vasgeleg, en met 8 x 160 Spax Screws aan 50 x 228 drabalk aan onderkant vasgeleg. Drabalk rus op 100mm gegalvaniseerde pale, wat maks.3.0m uitmekaar in grond geplaat is, en met M12 boute en moere aan flens van pale vasgeleg word.

VLOER:

75mm Deton of plaweisel op 250mic. vogwerende membraan op goed gekompakteerde grond.

NB:

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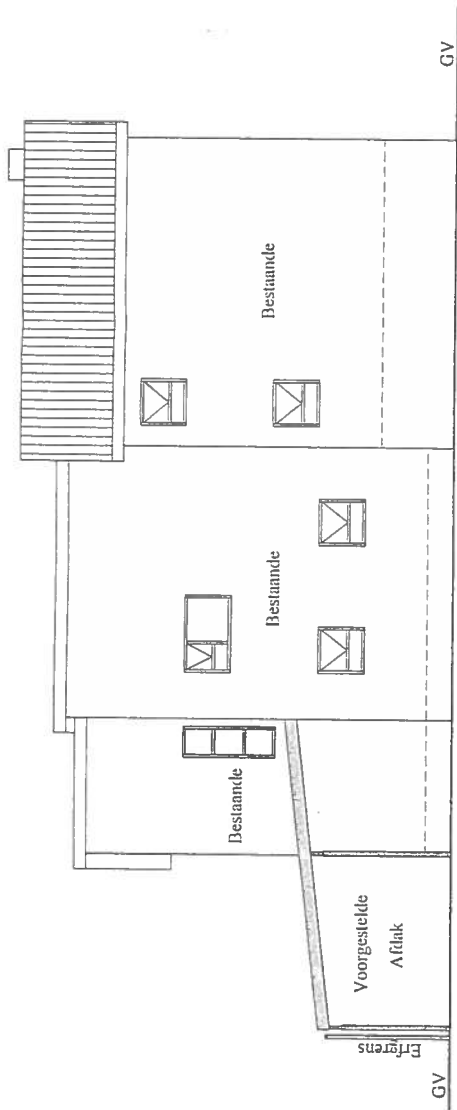
ALGEMEEN:

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**VOORGESTELDE WOONWA /
BOOT AFDAK OP ERF 309,
PEARLY BEACH, VIR MNR.
EN MEV. HIJ SCHONKEN.**

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IIIIJ Schonken Bl. 2 van 5



NOORDDOOS AANSIG

SKAAL 1 : 100

AREA:

GRONDVLOER	:	139 . 57m ²
EERSTE VLOER	:	147 . 14m ²
STOEPE	:	46 . 35m ²
VOORGESTELDE AFDAK	:	37 . 83m ²
TOTAAL	:	370 . 89m ²

28523
28523

NOTAS:

AFDAK:

Big Six Nutec dakplate (volle lengte) op 50 x 76 daklatte @ 1000 l/h op 38 x 228 bulke @ 1000 l/h, met truss hangers aan muur vasgeheg, en met 8 x 160 Spax Screws aan 50 x 228 drabalk aan onderkant vasgeheg. Drabalk rus op 100mm gegalvaniseerde pale, wat maks. 3.0m uitmeknar in grond geplant is, en met M12 boute en moere aan flens van pale vasgeheg word.

VLOER:

75mm Beton of plaveisel op 250mmic. vogwerende membrann op goed gekompakteerde grond.

NB:

Geen deel van die aftrak of fondasies mag die erf grens oorskry nie.

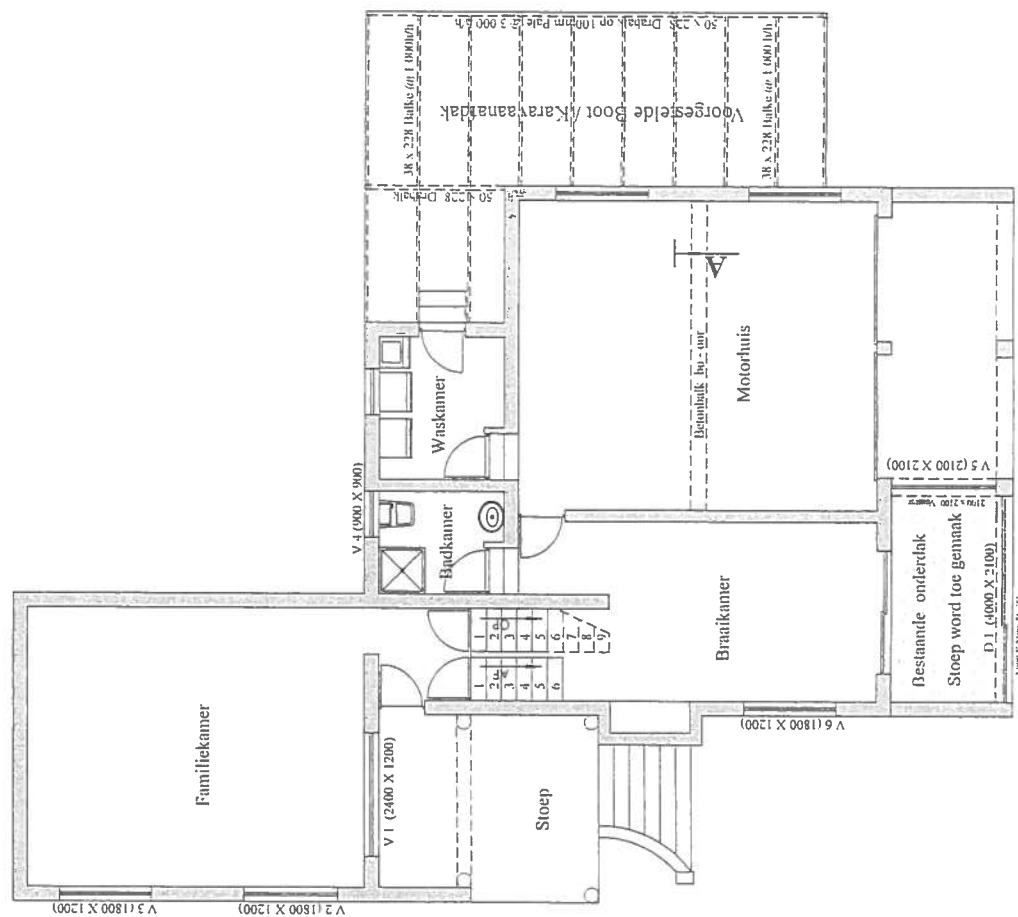
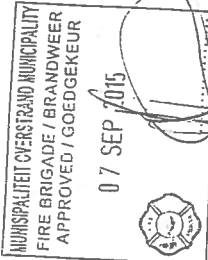
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VOORGESTELDE WOONWA / BOOT AFDAK OP ERF 309, PEARLY BEACH, VIR MNR. EN MEV. HHJ SCHONKEN.

J.J. Crnstens Reg. No. D 1831
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 Gansbaai Pearly Beach
 7220 7220
 Tel./Faks.: 028 381 9198 Tek. No. Sch. 05 / 15
 Sel.: 082 707 9280 2015 - 06 - 12

HHJ Schonken Bl. 3 van 5



SKAAL 1:100

GRONDVLOER PLAN

Handwritten notes and signatures, including a date stamp 28 SEP 2015.

NOTAS:

AFDAK:

Big Six Nutec dakplate (vol lengte) op 50 x 76
 daklalte @ 1000 l/h op 38 x 228 halke @ 1000 l/h,
 met truss hangers aan muur vasgeheg, en met 8 x 160
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 vasgeheg. Drabalk rus op 100mm gegalvaniseerde
 pale, wat maks.3.0m uitmekaar in grond geplant is,
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 vasgeheg word.

VLOER:

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 membran op goed gekompakteerde grond.

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 grens oorskry nte.

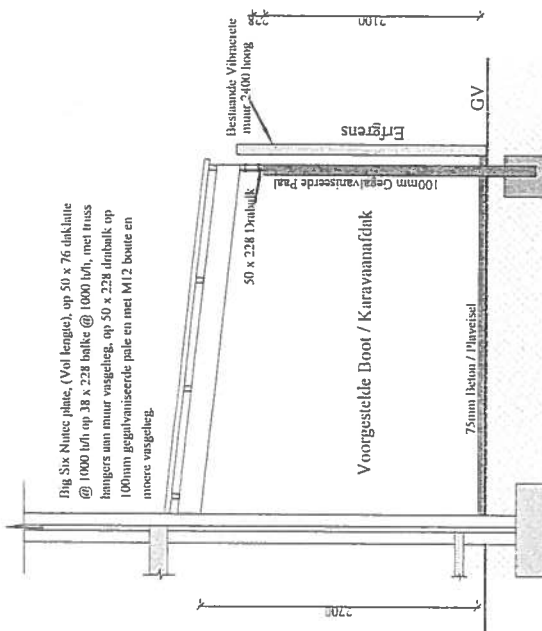
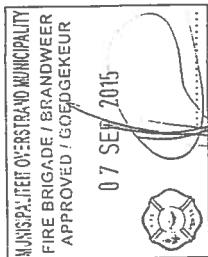
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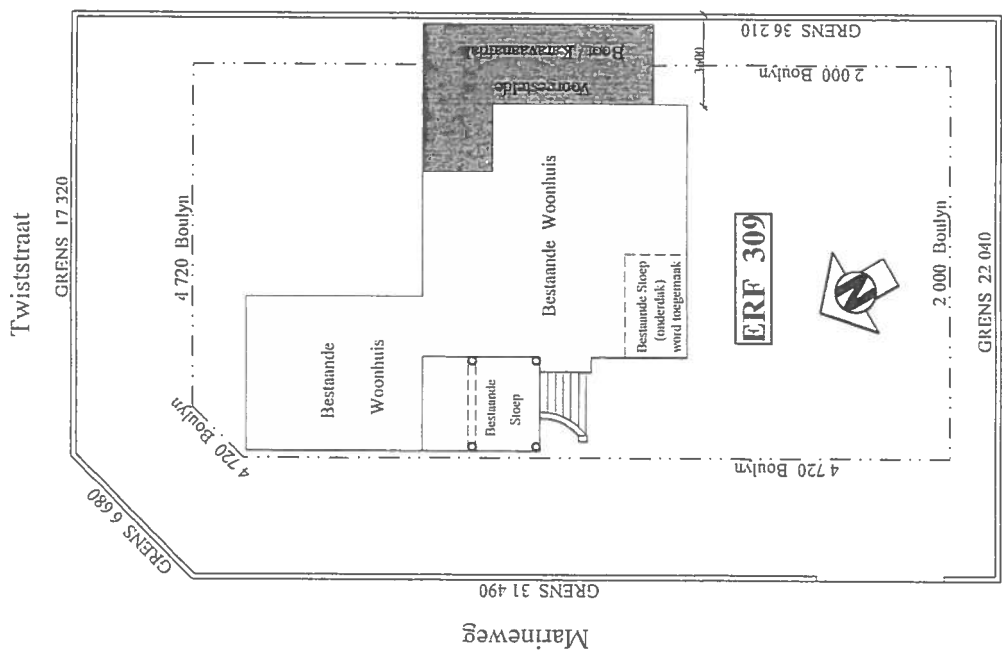
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HHJ Schonken Bl. 4 van 5



SKAAL 1 : 50

SNIT A-A



SKAAL 1 : 200

TERREINPLAN

NOTAS:

AFDAK:

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ALGEMEEN:

Alle werk moet voldoen aan NBR sowel as planslike owerheid regulasies.

VOORGESTELDE WOONWA / BOOT AFDAK OP ERF 309, PEARLY BEACH, VIR MNR. EN MEV. HHJ SCHONKEN.

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HHJ Schonken. Bl. 5 van 5

FENESTRASIE

ERF 309 PEARLY BEACH - GRONDVLOER

ORIEN TATION	WINDOW NO.	CONDUCTANCE		SOLAR HEAT GAIN			TYPE GLAZING		
		A x U	TOTAL	A	S	E			
S. WES	V 1	2.16	5.73	12.38	2.16	0.66	0.77	1.09	X
S. WES	D 1	8.40	3.40	28.56	8.40	0.66	0.80	4.43	Y
N. WES	V 2	2.16	5.73	12.38	2.16	0.66	0.84	1.19	X
N. WES	V 3	2.16	5.73	12.38	2.16	0.66	0.84	1.19	X
N. WES	V 6	2.16	5.73	12.38	2.16	0.66	0.84	1.19	X
N. OOS	V 4	0.81	5.73	4.64	0.81	0.66	0.55	0.29	X
S. OOS	V 5	4.41	3.40	14.99	4.41	0.66	0.21	0.61	Y
TOTAL CONDUCTANCE =				97.71	TOTAL SHG		9.99		

Glazing Type X = 4mm Clear Float Glass

MUNISIPALITEIT OORSTRAND-MUNISIPALITEIT
FIRE BRIGADE / BRANDWEER
APPROVED / GOEDGEKEUR

07 SEP 2015



Area x Climate-Zone Constant = Cu Permissible

77.09 x 1.4 = 107.93 Cu Permissible

Total Cu = 97.71

97.71 <= 107.93 (Permissible)

Glazing Type Y = 7.38mm Laminated Float Glass Low E

Area x SHG Constant = SHG Permissible

77.09 x 0.13 = 10.02 SHG Permissible

Total SHG = 9.99

9.99 <= 10.02 SHG (Permissible)

AAN: Bouafdeling
Overstrand Munisipaliteit
Gansbaai

VAN: H Schonken
Marineweg 4,
Pearly Beach.

DATUM: 28 Augustus 2015

AANSOEK VIR AANBOUINGS TE MARINEWEG 4 PEARLY BEACH
ERF 309 HH en LM SCHONKEN

Wie dit mag aangaan,

Graag wil ons aansoek doen vir aanbouings by ons huis op bogenoemde erf te Marineweg 4 Pearly Beach. Dit behels 'n afdak en 'n stoep wat met aluminium en glas toegemaak moet word.

Die beplande afdak is langs die huis en oorskry die voorgeskrewe bou afstand vanaf die aangrensende erf (310). Die voorafvervaardigde betonmure wat opgerig is tussen ons erf en erf 310 is 2,4 m hoog vir ongeveer 14 meter vir 'n beplande afdak.

Mnr. Jan Carstens en die bouinspekteur is die plek gewys waar die afdak beplan word en hulle voorsien nie 'n probleem met die oprigting daarvan nie, aangesien die afdak basies nie sigbaar gaan wees vir die bure nie en ook nie vanaf die strate nie omdat die erf 'n skerp helling het na die agterkant toe en langs 'n 2,4 m muur is.

Ek kon net 'n posbus adres van die eienaar van erf 310 by die bouafdeling kry om toestemming te verkry om die afdak oor die voorgeskrewe boulyn te bou. Op 6 Mei 2015 het ek 'n geregistreerde brief vanaf Flamwood Walk te Klerksdorp aan die persoon gestuur wat onafgehaal by Stellenbosch poskantoor gebly het. Die poskantoor het die geregistreerde posstuk weer vir my teruggestuur Klerksdorp toe en my sekretaresse tot my aftrede het dit op 10 Julie weer per geregistreerde pos vir my Pearly Beach toe gestuur. Ek heg dan ook hierby aan die onoorgemaakte geregistreerde brief en registrasie strokies vir u aandag.

Ons wil graag spesiale toestemming van die Bouafdeling kry om voortegaan met die oprigting van die beplande afdak aangesien daar reeds baie moeite gedoen is om toestemming van die eienaar van erf 310 te bekom maar nie daarin kon slaag om die eienaar in die hande te kry nie.

Die afdak sal streng volgens bouregulasies gebou word en aan die nodige spesifikasies voldoen en basies nie sigbaar sal wees nie en die waterafloop sal met geute aan ons kant van die erf wees.

Die volgende word hierby aangeheg:

- Die geregistreerde posstuk
- 'n Volledige afskrif van die Titelakte van die eiendom.
- 'n SANS 10400 dokument ingevul deur Mnr. Carstens wat die plan geteken het.
- Drie afskrifte van die planne met die nodige dele ingekleur waar van toepassing en voldoen aan die voorskrifte van die Nasionale Bouregulasies
- Ingevalde aansoek om bouplan goedkeurings vorm.

Indien daar nog iets is wat kort, kan u my gerus kontak by 0723475042.

Ons vertrou dat die aansoek u goedkeuring sal geniet.



HHJ SCHONKEN en LM SCHONKEN

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: S. van der Merwe	Van / From:	J. de Villiers
Afskrif / Copy:	15/3/10/1	Datum / Date:	7 December 2015

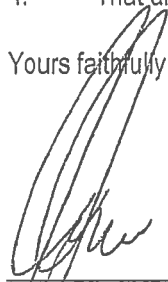
RE: APPLICATION FOR DEPARTURE (BUILDING LINES) ON ERF 309, PEARLY BEACH

The request for comment from the Department: Operations (Gansbaai) dated 3 December 2015 with regard to the abovementioned proposal refers.

The Department: Operations (Gansbaai) has no objection to the application for departure with regard to building lines on Erf 309, Pearly beach as indicated in the application, subject to the following conditions:

1. That the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development on Erf 309, Pearly Beach.
2. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage.
3. That on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Operations.
4. That any additional and / or extended vehicle entrances will be for the owner's account.

Yours faithfully



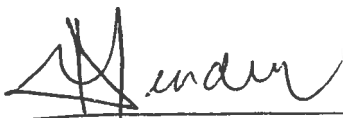
J. de Villiers Pr. Eng.
 Senior Manager: Operations
 Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 309, PEARLY BEACH**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 309, Pearly Beach, unobstructed;
6. that no off-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**



DATE

AAN: Mnr FJ van Zyl.

VAN: HHJ Schonken.

DATUM: 19 Oktober 2015

TOESTEMMING OM BOULYNOP ERF 309 TE OORSKRY

Na aanleiding van ons telefoniese gesprek wil ek dankie sê dat u nie 'n beswaar het dat ek die boulyn tussen my erf 309 en u erf 310 oorskry met die bou van 'n afdak nie. Ek waardeer dit opreg.

Die afdak sal basies verskans wees agter die beton muur wat reeds 2,4 meter hoog is. Daar sal ook geen water vanaf die afdak in u erf gestort word nie aangesien daar 'n afloop geut aan my kant sal wees. Verder rus die afdak op metal pale en nie aan die muur nie.

Al het u reeds mondelings toestemming verleen moet ek dit op skrif ook deurgee aan die bouafdeling en stadsbeplanner. Ek sal dit waardeer indien u die onderstaande gedeeltes kan voltooi en vir my E Pos.

Ek die ondergetekende _____

ID 7412015079980 eienaar van erf 310 verleen hiermee toestemming dat die eienaar van erf 309 Mnr. HHJ Schonken die voorgeskrewe boulyn volgens die boueregulasie mag oorskry tussen erf 309 en erf 310 met die bou van 'n afdak.

Geteken op _____

Stellenbosch

te _____

20 Oktober 2015

