

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
17 May 2016
(Also the agenda for the Mayoral Committee Meeting: 25 May 2016)**

**9.
ERF 6375, 131 DAHLIA STREET, MOUNT PLEASANT, OVERSTRAND MUNICIPAL
AREA: PROPOSED DEPARTURE : A MENTOOR**

6375 HMP (3174)

H Olivier

(028) 313 8900

Hermanus Administration

11 April 2016

1. Executive Summary

Application has been received on 28 December 2015 from A Mentoors on Erf 6375, Mount Pleasant for a departure from the relevant Scheme Regulations in order to relax the 2m north eastern rear building line to 0m and to relax the 2m south eastern lateral building line to 0m to accommodate a second dwelling and double garage.

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 6375, Mount Pleasant measures approximately 578m² in extent. The erf is zoned Residential Zone I and is developed with a dwelling with wendy house.

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The property owner now applied for relaxation of the lateral building line and also the rear building line to accommodate a new proposed second dwelling on the property, and a garage.

Notices were sent to surrounding property owners and no objections were received.

Evaluation

The applicant motivates that the main reason for the proposed encroachments is to accommodate a new proposed second dwelling on the property.

The proposal is to relax the rear and south eastern lateral building line from 2m to 0m. The new building will contain a double garage and second dwelling, which will be 18,8m long on the rear boundary, and also on the south eastern lateral boundary for a distance of 6,38m.

The property is 578m² in extend, which is not considered a small erf. The applicant want to make extensions to the main dwelling and also then construct the new double garage and second dwelling, and want to encroach the building lines to obtain a preferred layout for him/her on the site.

The encroachment of 18,8m in length onto a property boundary is however considered an extreme encroachment, and the construction of portions of dwellings onto boundary lines are not supported as a rule on single residential properties.

It is the opinion that with better planning the new proposed extensions and placement of the new second dwelling and garage can be placed as such that it would have a much lessor impact on the surrounding area.

The encroachment of the second dwelling over the rear boundary is not supported.

The encroachment of the double garage onto the rear boundary for a distance of 6,38m and onto the south eastern lateral boundary for a distance of 6,38m is however supported, as it will have a much lesser impact on the surrounding area.

Conclusion

No objections were received against the application.

The construction of the second dwelling on the rear boundary for a distance of approximately 12,4m is not supported.

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The encroachment of the new proposed double garage onto the rear and south eastern lateral boundary is in line with previous similar applications that were approved, and it would not have a negative impact on the surrounding area. It is considered desirable.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services

Attached as Annexure D.

Fire Department

Structural wall on boundaries must provide minimum 60 minute fire resistance – SANS 10400 T : 2011 – Fire Protection Regulations. Open veranda may not be enclosed unless garage pedestrian door is approved sans 1253 – Class F Fire Door.

Building Department

Supported. Minimal impact. To comply with all SANS 10400 Regulations – departure supported.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Services Report
- Annexure E: Comments: Telkom

RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for departure on Erf 6375, Mount Pleasant to relax the 2m north eastern rear building line and the south western lateral building lines to 0m to accommodate a double garage, **be approved**, subject to the following conditions:

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- (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. 2829, 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 D), be complied with; and
 - (f) that all the conditions by Telkom in their letter (attached as Annexure E), be complied with.
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure on Erf 6375, Mount Pleasant to relax the 2m north eastern rear building line to 0m to accommodate a proposed new second dwelling, **not be approved**, due to the following reasons:
- This erf is not developed with semi-detached unit, and considering the large size of the erf of 578m², the development of a dwelling (second) onto a property boundary cannot be supported;
 - The total length of the second dwelling and double garage would be 18,8m onto a property boundary, which is excessive construction onto a property boundary, and cannot be supported;
 - There is sufficient space on the property to better plan the placement of the extensions to the main dwelling and second dwelling to not encroach building lines, and
 - Allowing excessive buildings/structures onto property boundaries could have a negative impact on the character of the area.
3. 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.

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RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	8 JUNE 2016
TARGET DATE TO INFORM APPLICANT :	8 JUNE 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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AREA: PROPOSED DEPARTURE : A MENTOOR**

6375 HMP (3174)

H Olivier

(028) 313 8900

Hermanus Administration

11 April 2016

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 MAY 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

8 JUNE 2016

TARGET DATE TO INFORM APPLICANT :

8 JUNE 2016

TARGET DATE TO INFORM OBJECTOR :

N/A

11 Stranloper Singel
 Paarde vlei
 Somerset Wes
 7130

Insake : Aansoek om verslapping: boulyne te erf : 6375, 131 Dahlia straat
 Mt Pleasant Hermanus.

Wie dit mag aangaan:

Geagte heer/ dame

Hierme wens ons Mnr A.J. Mentoor & Mev G. J. Mentoor, eienaars van bogenoemde eiendom, aansoek te doen vir verslapping vir die oprig van 'n tweede wooneenheid op die eiendom. Die rede hiervoor is : ons beoog om die eenheid te bou, hoofsaaklik om 'n famililid, te huisves wat tans die oorsiener is van die eiendom, aangesien ons huidelik nie daar woonagtig kan wees nie.

Die grensmuur is alreeds opgerig, met die doel om die bou van die wooneenheid te bespoedig. Die familielid is 'n enkel senior burger, wat ons graag huisvesting wil gee, omdat die kanse om op haar ouderdom, lae koste behuising te bekom, baie skraal is.

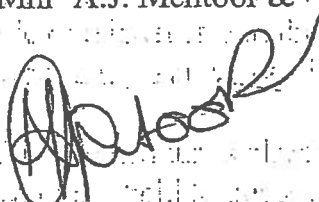
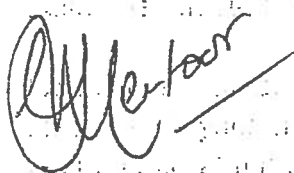
Ons is ten volle bewus van 'n tydelike struktuur wat op die erf aanwesig is, wat verwyder sal word sodra die bou van die eenheid in aanvang mag neem. Ons sal u oorweging om verslapping baie waardeer.

Byvoorbaat dank

Die Uwe

Mnr A.J. Mentoor &

Mev G.J. Mentoor

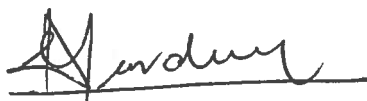



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6375, MOUNT PLEASANT (3174)**

Water : In order
Electricity : In order
Stormwater : In order
Roads & Traffic : In order
Sewer : In order

Conditions:

1. that only the existing electricity connection will be available and that, should additional capacity be required, an investigation be conducted with regard to the capacity required and that available, at the owner's cost;
2. 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 owner's cost,
3. that stormwater be allowed to discharge through Erf 6375, Mount Pleasant, unobstructed;
4. that no on-street parking be allowed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

17/2/2016

DATE

Telkom



Network Engineering and Build

Telkom SA SOC Limited

TP- A Theart
(C Holivier)

10 Jan Smuts Drive
Pinelands
7404

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

FILE NO:	EL 6375 ME
SCAN NO:	Pleasant
ERF 6375	
COLLABORATOR NO:	879995

Enquiries : Mikhail Fredericks
Our Ref. : WWIP_WSSW0448_16
Your ref. : 6375 HMP (3174)

26 February 2016

Attention: Loretta

Overstrand Municipality

Dear Sir/Madam

Wayleave Application: Propose departure – Dahlia Street - Overstrand

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.

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.

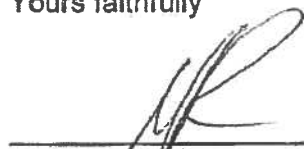
As important cables are affected, please contact our representative MELT VAN AS at telephone number 081 363 7873 at least 48 hours prior of commencement on construction work.

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



Daniel Cornelius
Operations Manager
Wayleave Management: Western Region

**Wayleave
Telkom S.A Ltd**




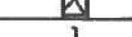







This wayleave, Ref is WWIP WSSW0448 16 is valid for 12 months from date hereof and is subject to the following conditions.

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 MELT VAN AS at Telephone No 081 363 7873 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: 23 February 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)	