

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 September 2015  
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

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16.

**ERF 1104, 5 BITOU STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : HS VAN RIET**

**1104 HVM (2881)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**4 August 2015**

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**1. Executive Summary**

An application has been received on 14 April 2015 from K Winter on behalf of the property owner, HS van Riet, on Erf 1104, Vermont for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m to accommodate the existing braai and a screen wall of 2,2m in height, with built-in windows.

The application also include a relaxation of the 1,5m lateral building line as stipulated in the Title Deed to 0m to accommodate the mentioned structures.

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 from the applicant in support of the proposal is attached as Annexure C.

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

Infrastructure and Planning  
Town 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 1104, Vermont is developed with a double storey dwelling. The erf measures approximately 799m<sup>2</sup> in extend and is zoned Residential Zone I.

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The applicant constructed a built braai onto the boundary with Erf 1105, Vermont. This consist of a braai structure of 2,4m high, work area with cabinets and an existing 2,2m high wall.

The applicant also intends to construct a screen wall over the same eastern lateral building lines of 2,2m in height, with built-in window frames in such walls.

The only neighbour affected is Erf 1105, who consented to the application.

The application was circulated to all relevant municipal departments. No objections were received.

### **Evaluation**

#### Departure from the relevant Scheme Regulations

The braai is an existing structure for which the neighbour consented before it was built.

The screen wall is only 10cm higher than the standard allowed height.

The gradient of the property drops steeply from the northern side in a southern direction. Only the owner of Erf 1105 could slightly be affected by the building work, who consented to the application.

#### Relaxation of restrictive title conditions

Prior to 1 July 2015, the Provincial Department of Environmental Affairs and Development Planning granted consent for the relaxation of title deed conditions imposed by the former Administrator of the Cape. With the commencement of the new national Spatial Planning and Land Use Management Act (Act 16 of 2013)(SPLUMA) and the provincial Land Use Management Act (Act 3 of 2014)(LUPA), the municipality is regarded as the Administrator and has become the competent authority to decide on this matter.

The procedure for the relaxation of the restrictive conditions entails the consent from interested and affected parties. The only neighbouring owner of Erf 1105 consented in writing to the relaxation and no other objections were received.

Paragraph E7 of the Title Deed T28245/86 states:

*“No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 meters of the rear or 1,5m meters of the lateral boundary*

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*common to any adjoining erf, provided that with the consent of the local authority:-"*

It is thus clear that the title deed permits the Administrator (now the Municipality) to grant a relaxation.

The relaxation of the relevant restrictive title condition, namely condition E7 contained in the Title Deed T28245/86 imposing a 1,5m lateral building line, is supported as it would not adversely impact the safety and wellbeing of the local community, whilst written consent from the affected adjoining occupier of Erf 1105 was obtained.

**Conclusion**

The application will not have a negative effect on surrounding property owners or the character of this residential area.

The application is desirable and is supported.

**7. Financial Implications**

None

**8. Staff Implications**

None

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

**Engineering Services Department**

See Annexure D.

**Building Control Department**

Supported.

**Fire Department**

Application is not in conflict with National Fire Protection Regulations SANS 10400T:2011.

**Environmental Officer**

Approved.

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**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Services Report
- Annexure E: Comments from Telkom
- Annexure F: Consent letter from owner of Erf 1105

**RECOMMENDATION:**

1. that the application for the relaxation of the eastern 1,5m Title Deed building line to 0m, as stipulated in Condition E7 of the Title Deed T28245/1986 of Erf 1104, Vermont, **be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 1104, Vermont to allow the relaxation of the eastern lateral building line from 2m to 0m to accommodate an existing braai and two new screen walls, **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 building lines indicated on Plan No. 1A and 1B dated August 2015, which was 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 imposed by Telkom in their letter dated 17 June 2015 (attached as Annexure E) be complied with; and
  - (f) that the structure must remain open and no roof may be placed over it.
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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<b>RESPONSIBLE OFFICIAL:</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>14 OCTOBER 2015</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>14 OCTOBER 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

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**16.  
ERF 1104, 5 BITOU STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : TITLE  
DEED RELAXATION AND PROPOSED DEPARTURE : HS VAN RIET**

**1104 HVM (2881)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**4 August 2015**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
22 SEPTEMBER 2015, WHICH COMMITTEE SUPPORTED THE  
RECOMMENDATION**

**RESPONSIBLE OFFICIAL:**

**H VAN DER STOEP**

**TARGET DATE FOR IMPLEMENTATION:**

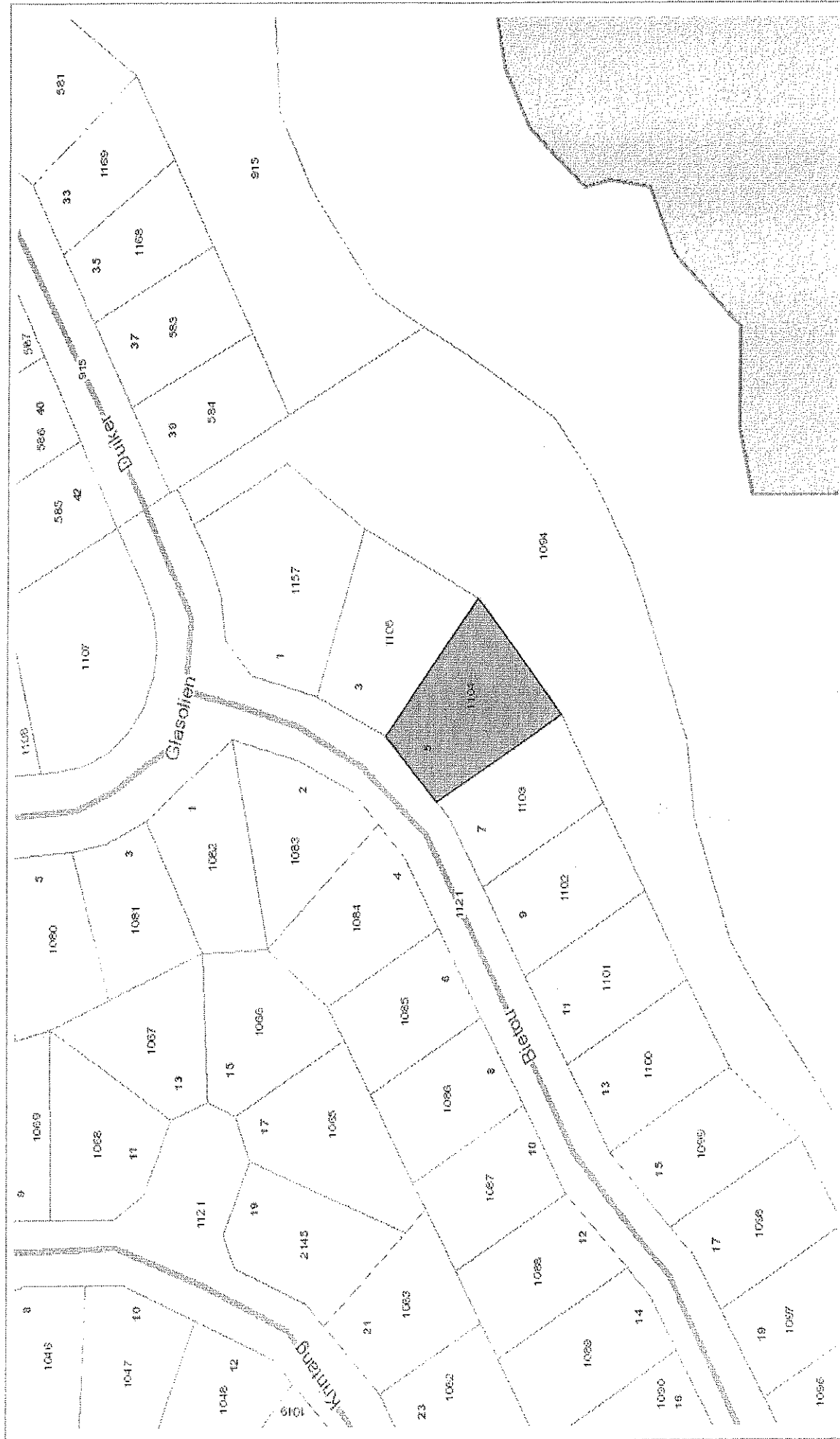
**14 OCTOBER 2015**

**TARGET DATE TO INFORM APPLICANT:**

**14 OCTOBER 2015**

**TARGET DATE TO INFORM OBJECTOR:**

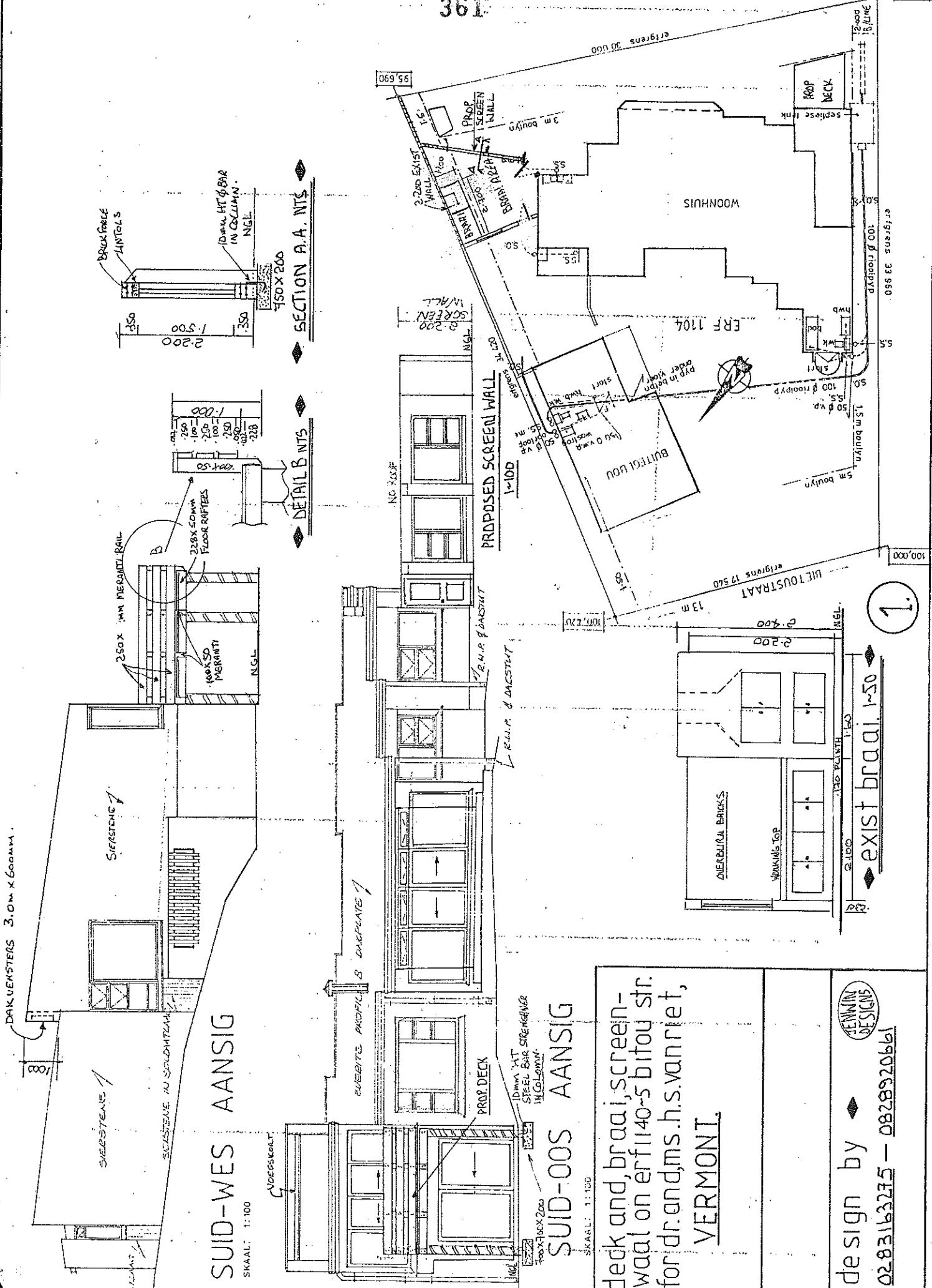
**N/A**



LOCALITY PLAN / LIGGINGPLAN  
 ERF 1104  
 VERMONT







SUID-WES AANSIG  
SKAAL: 1:100

SUID-00S AANSIG  
SKAAL: 1:100

deck and, braai, screen-waal on erf 1140-5 bitou str. for dr. and ms. h.s. van riet, VERMONT.

design by  
JENNIN DESIGNS  
0283163275 - 0828920661

1.

exist braai 1-50

362

Annexure C 1/1

untitled

TP-A Theart  
(H Olivier)



Karl Winter Pat20577  
Re erf1104  
5 bitou str  
Vermont  
Dd. Seyn van Riet [owner]

Motivation for removal of 1.5 bldg line  
to zero on eastern boundary.

The existing property had no boundary wall on  
the eastern boundary, there was no privacy between  
my kitchen and my neighbours dwelling.  
I decide to approach my neighbour, as suggested by  
a builder to obtain permission from her to build  
the wall and a braai, which she agreed to.  
We would like to build a screenwall as per plan  
to allow us protection from the south easter as  
per plan submitted.  
Your assistance in granting this encroachment would  
be appreciated.

yours, K. Winter [on behalf of D. van Riet]

*[Signature]* 2015/04/23  
062847461

HTT LORETTA

FILE NO:	EL 1104-Ver
SCAN NO:	71
COLLABORATOR NO:	778575

TP 23 APR 2015


30 APR 2015 ✓

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR RELAXATION & DEPARTURE: ERF 1104, VERMONT (2881)**

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 storm water be allowed to discharge through Erf 1104 Vermont, unobstructed.

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DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

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DATE

364



# Telkom

Network Engineering and Build

Telkom SA SOC Limited

10 Jan Smuts Drive  
Pinelands  
7404

TP - A Theart  
(LH Olivier)

Tel : 021 414 5614  
Fax : 088 021 414 5614  
Email : PetersI2@telkom.co.za

Enquiries : Ihlam Peters  
Our Ref. : WWIP\_WHMN1763\_15  
Your ref. : 1104 HVM (2381)

17 June 2015

Attention : S Muller

Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

FILE NO:	EL 1104-VM
SCAN NO:	25
COLLABORATOR NO:	792857

Dear Sir/Madam

**TELKOM SERVICES: PROPOSED RELAXATION OF TITLE DEED CONDITION AND DEPARTURE – ERF 1104, 5 BITOU STREET, VERMONT, OVERSTRAND MUNICIPAL AREA**

With reference to your letter dated 15 May 2015.

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 the drawing supplied, 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.

19 JUN 2015

# 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 OPTIC FIBRE cables are affected, please contact our representative Frederik Swart at telephone number (028) 514 1199 / 081 363 7815 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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Marius Langenhoven  
Operations Manager  
Wayleave Management, Western Region

Wayleave  
Telkom S.A Ltd


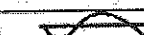





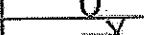
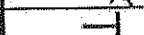



This wayleave, Ref is WWIP WHMNI763 15 is valid for 12 months from date hereof and is subject to the following conditions.

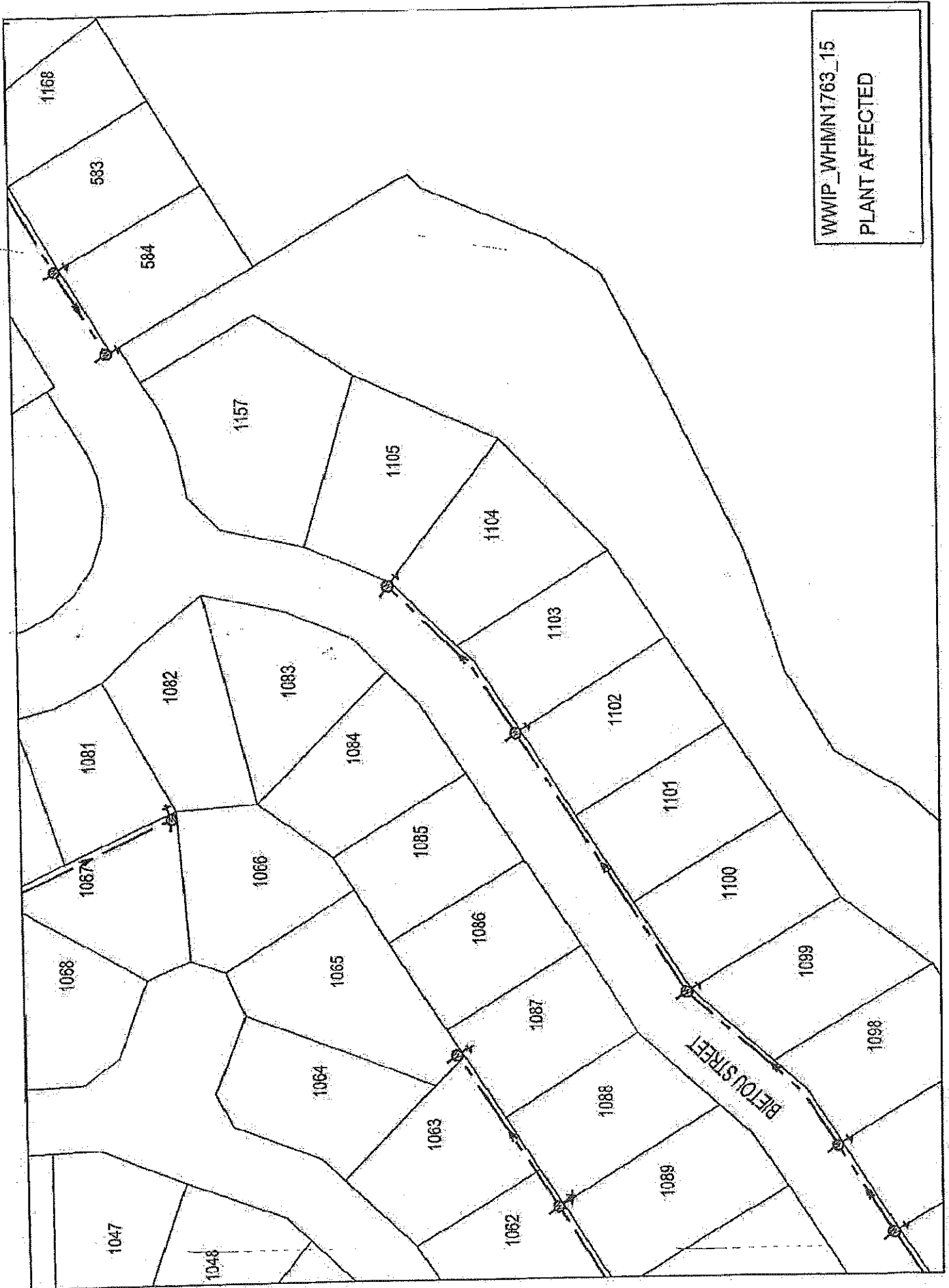
1. No mechanical plant or vibrator type compactors may be used within three metres of any Telkom plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **FREDERIK SWART** at Telephone No **081 363 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: 10 June 2015

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 )	





Posbus 20  
HERMANUS  
7200

Tel: (028) 3138089  
Fax: (028) 3132822  
e-mail: elowings@overstrand.gov.za

P O Box 20  
HERMANUS  
7200

### BUILDING ON REAR AND SIDE BOUNDARIES

NAME OF APPLICANT K. Winter (OBO HS VAN RIET)  
 ERF NO 1104 VERMONT  
 STREET ADDRESS 5 BITOU STREET

**NOTE:** REASONS FOR REFUSAL MUST BE STATED AND IF NOT, IT WILL BE ASSUMED THAT THERE ARE NO LEGITIMATE GROUNDS FOR REFUSAL

IF THE ERF IS REGISTERED IN A TRUST, THE PERSON SIGNING ON BEHALF OF THE TRUST MUST PROVIDE POWER OF ATTORNEY.

#### 1) ABUTTING OWNER'S COMMENTS

I, JC FAURE, the owner of ERF 1105 which abuts ERF 1104, have seen the drawing showing the structure to be erected thereon, and wish to comment as follows:-

I do /  do not hereby grant permission to the Applicant to carry out the proposed building work.

SIGNED [Signature]

DATE 11-5-2015

#### 2) ABUTTING OWNER'S COMMENTS

I, M M FAURE, the owner of ERF 1105 which abuts ERF 1104, have seen the drawing showing the structure to be erected thereon, and wish to comment as follows:-

I do /  do not hereby grant permission to the Applicant to carry out the proposed building work.

SIGNED [Signature] [Signature]

DATE 11-5-2015