

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

14.

ERF 4740, 22 THIRTEENTH AVENUE, KLEINMOND : OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION AND DEPARTURE : MESSRS DAVID HELLIG & ABRAHAMSE ON BEHALF OF JHS MANS

4740 KKM (2876)

H van der Stoep

9 September 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 8 April 2015 from Messrs David Hellig & Abrahamse on behalf of JHS Mans for the rezoning of Erf 4740, Kleinmond from Residential Zone I : Single Residential to General Residential Zone I: Town Housing.

An application has also been received for the subdivision of the applicable rezoned erf to create the following:

- Portions 1 – 9 : Town Housing;
- Portion 10 : Private Road; and
- Portion 11 : Public Road.

An application has lastly been received for a departure from the Scheme Regulations to relax the western and eastern perimeter boundaries from 3m to 2m respectively.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Subdivision 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

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5. Legal Requirements

- Sections 17, 24 and 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to all surrounding affected property owners. Five (5) objections were received against the proposal.

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

Discussion

The objections received against the application can be summarized as follows:

❖ Mr. J.J and JC de Vries:

- Similar erf sizes have seven (7) dwellings and not nine (9) as the proposed development.
- The aforementioned will be more acceptable, but subject to discussions with surrounding owners.
- No mention is made of a dividing wall between the proposed development and the neighbours.

❖ B Barnard, PW Behrens, C Barnard, JP Duvenhage, J Brink, M Jones & JW van Staden:

(This is a translation of the Afrikaans objections.)

Character of the Environment

The fact that there are already existing high density developments in the area, most of the erven is still undeveloped. The area has a rural character. The habitants are used to low impact traffic, space on erven, fynbos which attribute to a rural feel. Another high density development will not attribute to the rural character of the area.

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Economic viability

People who were not part or privy to any viability study cannot give comment on the viability of the project, thus one look at the past and current trends and the following is deducted;

- There is an enormous amount of houses available in the present market.
- There are four similar developments that do not get off the ground in Fifteenth Avenue, Eleventh and Tenth Avenue, Thirteenth and Ninth Streets, Tenth and Ninth Avenue and Ninth and Seventh Avenue and Streets.
- The problem arises that the erven are being cleaned of any vegetation and with the northwest and south east winds, dust storms occur. Should the developments not sell, the vacant erven are overgrown with aliens and this vegetation is ideal for vagrants and criminal elements.

Streets

Thirteenth Avenue is one of the main feeding streets in terms of the Overstrand Municipality Kleinmond and Traffic Engineering Guidelines, Report no. C1279-W-001, 3 August 2011). The street makes provision for traffic to Botriver Avenue. Development will further attribute to the deterioration of the Avenue.

Stormwater drainage

Heavy downpours resulted in storm water flooding of erven south of Thirteenth Avenue. The Municipality cannot approve if the storm water drainage is not in place and this aspect was not addressed in the application.

Sewerage

In terms of the application, the sewerage is sufficient, however there are blockages regularly.

Water provision

The Report indicated that the pipeline will have to be upgraded in the near future. The question is how this development will contribute to the upgrading and the influence it will have on the residents.

❖ Mr. C Lombaard; (Late objection):

Character of the area

The property was bought due to its setting in a low density of the area. The proposed development next to my erf will detract from the tranquil setting of the area.

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Mountain views

My house has been designed as such to have unhindered mountain views. The house on Portion 2 of the detailed plan will obscure the view of Dragons Back and the house on Portion 1 will obscure the view of Babilonstoren.

Relaxing the building limits from 3m to 2m

The 3m is the standard that applies to the residential area in general. The wall proposed will replaced the natural hedge as a border between the properties.

The wording of the application on Page 8, Section 3.1 - this is not correct in as far that there are no shortage of smaller town housing in the area. The proposed development is not an improvement or strengthens the character of the area, but detracting from it.

Valuation of my property

The proposed development will have an influence on the value of the property due to increased traffic, noise and air pollution.

Applicant's reply on the objections

❖ JJ and JC de Vries:

The objector indicated that seven (7) dwellings will be more acceptable than nine (9) dwellings. The Spatial Planning Document (Growth Management Strategy), earmarked the area at a density of 20 units/ha. A maximum of nine (9) dwellings can thus be accommodated. There are similar high density developments in the area and these gated developments have established a specific character to the area.

❖ B Barnard, PW Behrens, C Barnard, JP Duvenhage, J Brink, M Jones & JW van Staden:

For easy reference the same numerical order will be followed.

1. Character of the area:

Despite the fact that many of the existing erven in the immediate are vacant, the Overstrand Municipality has earmarked this specific area for higher density development in the spatial documents. According to the Strategic Growth Management Interventions, the densification will decrease towards the edge of the existing urban area with the low density along the outer edge of the urban areas. Similar developments have been approved in the area and this development is not in conflict with the existing land uses.

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2. Economic viability:

Although there is an oversupply of erven in Kleinmond, the applicant has done due diligence to ensure the economic viability of the proposed development. There is a clear tendency that more people seek smaller erven with visible security in comparison to normal conventional erven.

Apart from the security, this development will also optimize services and infrastructure thereby making it more affordable for both residents as well as the Municipality.

3. Roads:

Although Thirteenth Avenue is not fully developed yet, the Municipality has made provision in their future planning for these roads to be upgraded. There is no reason to believe that the existing road network will not be able to accommodate the additional traffic generated by this development.

4. Storm water drainage:

It is agreed that provision should be made for storm water management to prevent any accumulative impact on the surrounding area. This aspect will be evaluated by the Engineering Services Department of the Municipality. There is an open storm water channel along the southern side of Thirteenth Avenue and there is no reason to believe that sufficient measures will not be found to handle the expected storm water run-off from the proposed development.

5. Sewerage:

According to the Engineering Report, which was discussed with the relevant officials as well as the report of Messrs GLS Consultants, there is sufficient capacity in the existing system to accommodate the proposed development.

6. Potable water:

According to the Engineering Report and Gross Lease Area Report there is sufficient capacity in the existing water network for the proposed development. In terms of Bulk Services Levies, the Municipality will indicate whether it is applicable. The report of Messrs GLS Consulting made it clear that the upgrading of the water pipeline is not required.

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❖ C Lombaard:

Character of the area:

The spatial planning document earmarked this area for densification. There is no reason to believe that the proposed development will impact negatively on the surrounding areas. There are many examples where existing gated developments are located next to single erven without a significant impact mainly because of the extent of the erven. The proposed town houses will all front the private road and the activities will be along this road.

Mountain views:

The proposed town houses will be single storey dwellings and positioned on the property with clear vistas between the proposed dwellings. In comparison with the existing Lobelia development comprising of double storey buildings, this development proposal is much more sensitive to the surroundings.

Relaxing of the building limits:

The intention is to erect a wall around the perimeter of the proposed development. The relaxation of the 3m to 2m will be to accommodate a bedroom and a small window. The latter will face the perimeter wall and will have no direct impact on the surrounding properties.

Wording of the application:

According to the investigation conducted by the applicant it is evident that smaller erven inside a secure environment is still in demand and that the proposed development will fulfil this demand. Since there are already gated developments in the area, it is unlikely that the proposed development will detract from the existing character of the area.

The proposed development will prevent urban sprawl, but will optimize existing infrastructure and services. Higher density development also provides alternative residential options as recommended by Provincial Spatial Policies.

Valuation of the property:

The statement that the proposed development will have a negative impact on the objectors' properties is not substantiated. It has been proven that higher density developments in fact increase the land value of surrounding properties since it increase new development opportunities. Since the area has been earmarked for higher densities and some town house developments have been approved, it is unlikely that the proposed development will suddenly change the value of the surrounding properties.

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Town Planner's comment:

Character of the area:

The area has been earmarked for densification to 20 units/ha as per the Overstrand Municipal Spatial Growth Management Strategy, 2010. The area has similar town house developments or gated developments and thus the character of the area is a mixed residential area.

Economic viability:

The applicant has done due diligence study to establish whether there is a demand for the proposed development.

Roads:

This aspect is dealt with by the Engineering Services Department, which indicated that the roads will be able to accommodate the proposed development.

Storm Water Drainage:

The relevant department indicated that the applicant must submit a report indicating if the downstream storm water infrastructure will be able to handle increase of run-off from the hardened surfaces.

Sewerage:

As per the Services Report by Messrs GLS Consultants.

Potable water:

As per the Services Report by Messrs GLS Consultants.

Electricity:

The relevant department indicated that the applicant must submit a report on demand to determine the availability of electrical supply, and is subject to provisions of the Master Plan.

Mountain views:

It should be noted that present developments obscure view of the mountains to a certain extent. The proposed development is single storey and will have a minor impact. Consideration should be given that the mountain views have not been incorporated in any Title Deed or a right, and thus does the Zoning Scheme prevail.

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Relaxation of the building limits:

The relaxation is necessary to accommodate the proposed development on single storey level. The activity will be of a quiet nature since it is a bedroom and not an entertainment area.

Wording of the application:

The area is a mixed residential area consisting of single residential and town houses, which in terms of the policy documents are possible in the area. The applicant remains the responsible person to ensure that there is a market for the development.

Valuation of the property:

This is noted, but no proof has been submitted that the development will detract or have an influence on the area's property values.

Evaluation

The Overstrand Municipality Growth Management Strategy has earmarked the area for densification to 20 units/ha. This is to ensure densification of the area in a manner conducive to the area, taking into consideration the developments and trend of development of the area. The application in terms of its planning indicates that the development will result in to 20,1 units per ha, which is in contradiction with the allotted densification proposal. The applicant will have to scale down the development that it falls within the 20 units/ha and that should entail that the proposed nine (9) units be reduced to eight (8) units per hectare to fall within the stipulated requirements of the Strategic Growth Management Strategy, Unit 9.

The proposed development will be single storey that is much more sensitive to the residential character of the area. Taking into consideration that the applicant could erect a 8m high single dwelling with a coverage of 50% that can influence view lines much more than the present proposed development. It should also be taken into consideration that in terms of the Overstrand Zoning Scheme Regulations that building lines are 2m, with a 4m street building line restriction. The proposed development does not transgress the single residential building lines applicable and therefore should have no impact on the adjacent owners.

The economic viability has been investigated by the applicant, which resulted in the application. A development of this nature is costly and one should expect that the developer has done its homework with regard to the economic viability of the project.

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The additional traffic generated should not have a major impact on Thirteenth Avenue and has been taken into consideration with the compilation of the Growth Management Strategy, 2010. The document does indicate that storm water and electricity must be addressed and this aspect was highlighted by the relevant departments. Thus the applicant will have to address and investigate the cumulative effect of the development on the area.

Conclusion

The application is recommended for approval subject to certain conditions.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Control Department

- Guidelines to go to Aesthetics/Heritage for comment.
- Check 13th road widening.
- 2m departure supported.
- Demolition application for existing building.

Fire Department

- Structures must comply with National Fire Regulation – SANS 10400T:2011.
- Fire hydrants providing minimum of 1000 litres per minutes must be provided as required by SANS 10400T:2011 – Section 4.35.4.

Engineering Services Department

Attached as Annexure F.

Traffic Department

All in order. No obstructions or flow of traffic will be affected.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Subdivision Plan
- Annexure C: Motivation Report

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- Annexure D: Objections received
- Annexure E: Applicant's comment on objections received
- Annexure F: Services Report

RECOMMENDATION:

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 4740, Kleinmond from Residential Zone I : Single Residential to General Residential Zone I: Town Housing, **be approved**;
2. that, in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the subdivision of the applicable rezoned erf to create the following: Portions 1 – 8 : Town Housing; Portion 10 be renumbered to Portion 9 : Private Road and Portion 11 be renumbered to Portion 10 : Public Road, **be approved**;
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the Scheme Regulations on Erf 4740, Kleinmond to relax the western and eastern perimeter boundaries from 3m to 2m respectively, **be approved**, subject to the following conditions:
 - (a) that the development be restricted to eight (8) units;
 - (b) that the development be restricted to single storey building, without a loft room;
 - (c) that an amended Site Development Plan (indicating the 8 units) be submitted for approval;
 - (d) that the Guidelines be submitted to the Aesthetics/Heritage Committee for comment;
 - (e) that a demolition application be submitted to the Building Control Department for the existing building;
 - (f) that the structures must comply with National Fire Regulation – SANS 10400T:2011;
 - (g) that fire hydrants providing minimum of 1000 litres per minutes must be provided as required by SANS 10400T:2011 – Section 4.35.4;
 - (h) that all other parameters as prescribed in the Zoning Scheme be adhered to;

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- (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (j) that all the conditions in the Services Report (attached as Annexure F) be complied with;
 - (k) that Engineering Reports for storm water and electricity be submitted to the Engineering Services Department for approval; and
 - (l) that a Service Agreement be entered into between the Municipality and the developer.
4. 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 :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2015
TARGET DATE TO INFORM APPLICANT :	11 NOVEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	11 NOVEMBER 2015

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ERF 4740, 22 THIRTEENTH AVENUE, KLEINMOND : OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION AND DEPARTURE : MESSRS DAVID HELLIG & ABRAHAMSE ON BEHALF OF JHS MANS

4740 KKM (2876)

H van der Stoep

9 September 2015

(028) 313 8900

Hermanus Administration

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 20 OCTOBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION :

11 NOVEMBER 2015

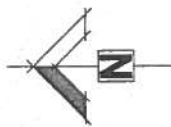
TARGET DATE TO INFORM APPLICANT :

11 NOVEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

11 NOVEMBER 2015

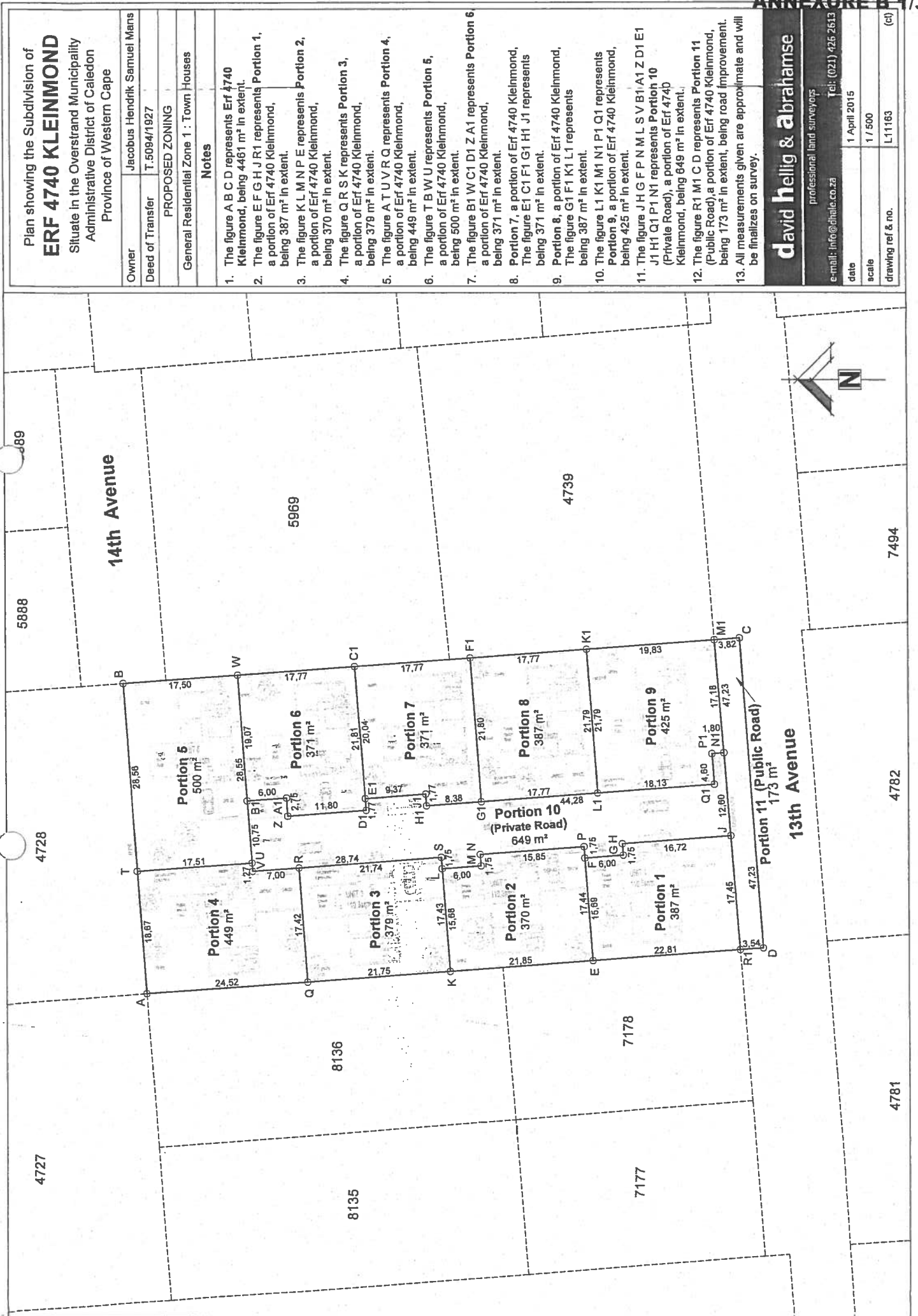
LOCALITY PLAN
ERF 4740 KLEINMOND
 Situate in the City of Cape Town
 Administrative District of the Cape
 Province of Western Cape



david heilig & abrahamse
 professional land surveyors
 e-mail: info@dhahale.co.za
 Tel: (021) 426 2613
 date: 25 February 2015
 scale: 1/2000
 drawing ref & no.: L11163 (c)



5462



Plan showing the Subdivision of
ERF 4740 KLEINMOND
 Situate in the Overstrand Municipality
 Administrative District of Caledon
 Province of Western Cape

Owner	Jacobus Hendrik Samuel Mans
Deed of Transfer	T.5094/1927
PROPOSED ZONING	
General Residential Zone 1 : Town Houses	
Notes	

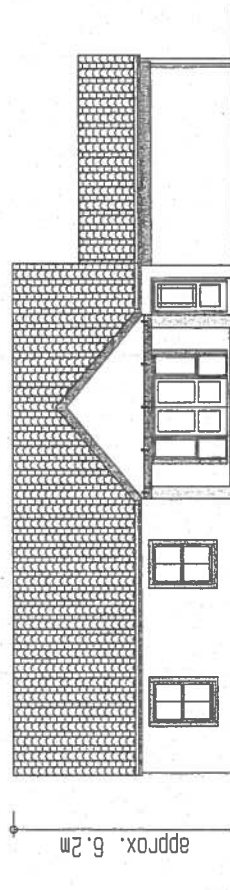
1. The figure A B C D represents Erf 4740 Kleinmond, being 4461 m² in extent.
2. The figure E F G H J R 1 represents Portion 1, a portion of Erf 4740 Kleinmond, being 387 m² in extent.
3. The figure K L M N P E represents Portion 2, a portion of Erf 4740 Kleinmond, being 370 m² in extent.
4. The figure Q R S K represents Portion 3, a portion of Erf 4740 Kleinmond, being 379 m² in extent.
5. The figure A T U V R Q represents Portion 4, a portion of Erf 4740 Kleinmond, being 449 m² in extent.
6. The figure T B W U represents Portion 5, a portion of Erf 4740 Kleinmond, being 500 m² in extent.
7. The figure B 1 W C 1 D 1 Z A 1 represents Portion 6, a portion of Erf 4740 Kleinmond, being 371 m² in extent.
8. Portion 7, a portion of Erf 4740 Kleinmond, The figure E 1 C 1 F 1 G 1 H 1 J 1 represents being 371 m² in extent.
9. Portion 8, a portion of Erf 4740 Kleinmond, The figure G 1 F 1 K 1 L 1 represents being 387 m² in extent.
10. The figure L 1 K 1 M 1 N 1 P 1 Q 1 represents Portion 9, a portion of Erf 4740 Kleinmond, being 425 m² in extent.
11. The figure J H G F P N M L S V B 1 A 1 Z D 1 E 1 J 1 H 1 Q 1 P 1 N 1 represents Portion 10 (Private Road), a portion of Erf 4740 Kleinmond, being 649 m² in extent.
12. The figure R 1 M 1 C D represents Portion 11 (Public Road), a portion of Erf 4740 Kleinmond, being 173 m² in extent, being road improvement.
13. All measurements given are approximate and will be finalized on survey.

david hellig & abrahamse
 Professional land surveyors
 e-mail: info@dhaile.co.za Tel: (021) 425 2613

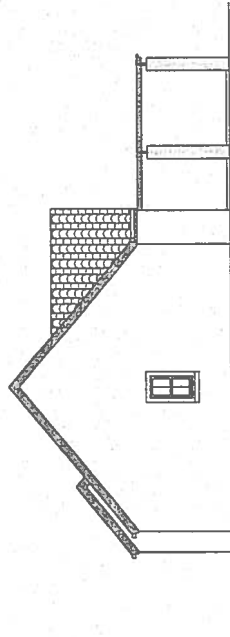
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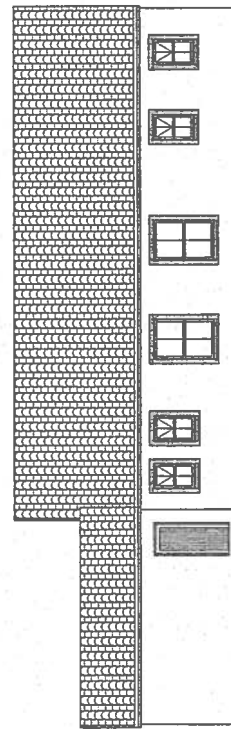
STREET ELEVATION looking East 1100



TYPICAL ELEVATION 1100



TYPICAL ELEVATION 1100



TYPICAL ELEVATION 1100

RICHARD ADCOCK ARCHITECT

40 Egypt Street, Table View
W/tns: 552 2484, cell: 083 050 8484

RICHARD ADCOCK

S.A.C.A.P 4093

Project
Proposed new Group Housing
erf 4,740, KLENMOND

scale 1:200

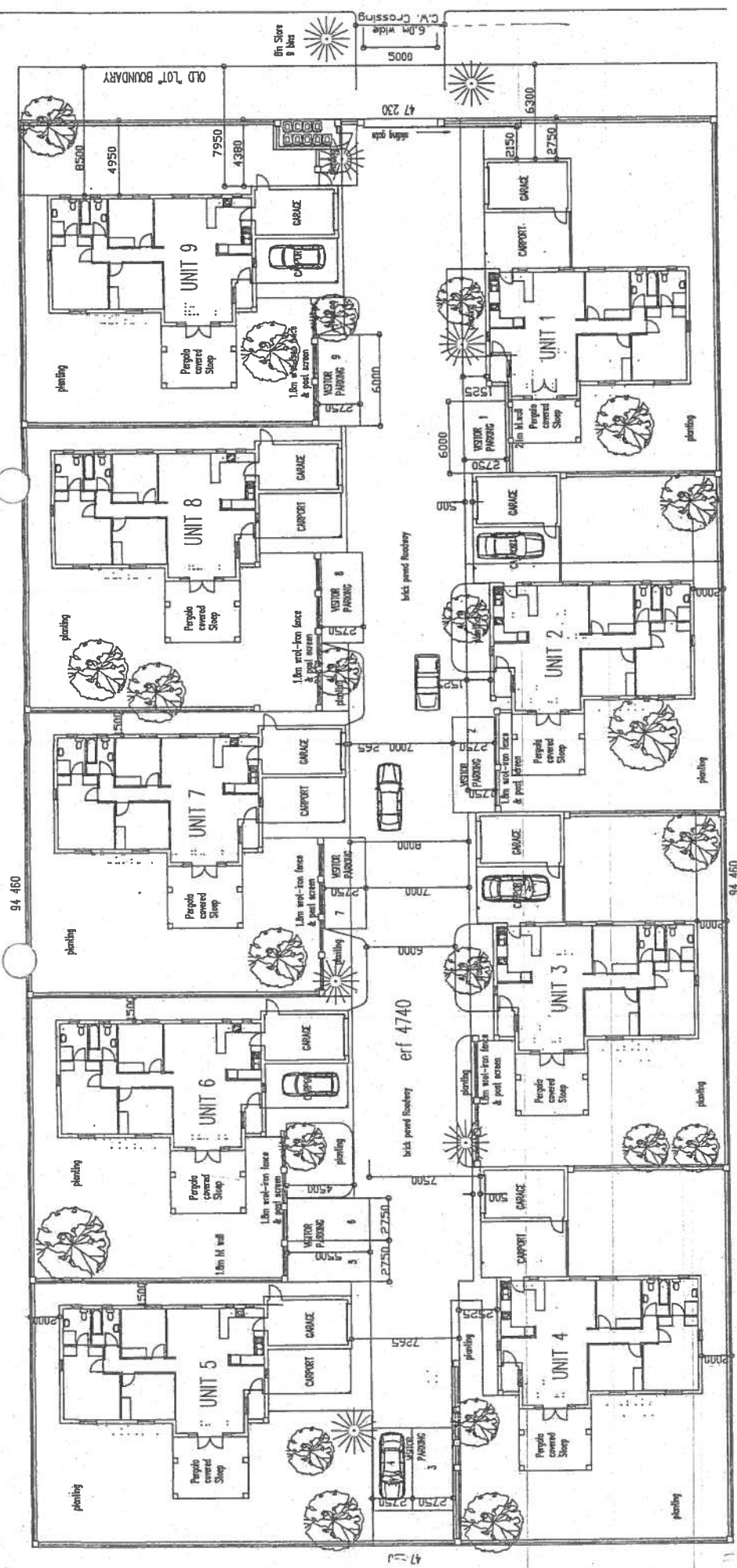
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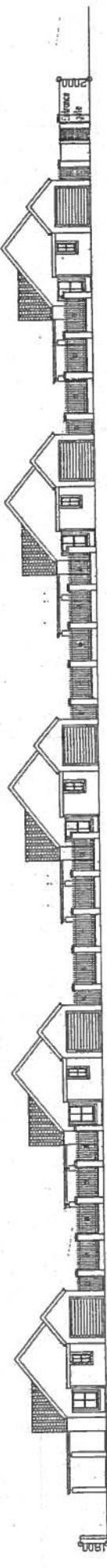
rev. no.



13th Ave



SITE DEVELOPMENT PLAN 1:200



STREET ELEVATION looking East 1:200

SITE DEVELOPMENT DETAILS:
 SITE AREA = 4 461sqm
 No. Units proposed = 9 i.e. 20.1 units/Hectare
 Parking provided :
 Visitors bays = 9 i.e. 1/dwelling
 Garages = 9 i.e. 1/dwelling
 Car Ports = 9 i.e. 1/dwelling

RICHARD ADCOCK ARCHITECT

40 Eprl Street, Tole Vw
W/rae 057 940 call 050 050 044

Proposed new Group Housing
erf 4740, KLEINMOND

RICHARD ADCOCK

S.A.C.A.T. 05/03

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 date 13 March 2015
 rev. no. B
 erf. no. 876-SDP1

ANNEXURE B 3/3