

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting: 30 March 2016)**

13.

**ERF 3486, 7 RESTIO CLOSE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA:
PROPOSED RELAXATION: AC DE BEER**

3486 KBB (3059)

H van der Stoep

21 January 2016

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 22 September 2015 from AC de Beer on Erf 3486, Betty's Bay for a relaxation of the 5m street building line to 4,670m and 3m lateral building line to 2m respectively, in terms of the Title Deed in order to accommodate the encroachments of the existing dwelling house on the property concerned.

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- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

N/A

6. Background/Discussion/Evaluation/Conclusion

Background

Registered letters were sent to surrounding possibly affected neighbours and one (1) comment was received from Prof. N. Heideman.

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

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Discussion

The restrictive Title Deed condition reads as follows:

Page 5, Paragraph B.6.(b) :

“(b). 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 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m lateral boundary common to any adjoining erf, provided that with the consent of the local authority -”

During the distribution process a comment was received from the neighbour located north of the application site, Professor Heideman.

He indicated that in principle he has no objection against the application, but what is of concern is the water tank within the lateral building line. This may have a detrimental effect on his property value should he decide to sell his erf.

Applicant’s response to the comment received

The comment is not an objection per se.

Town Planner’s response to the comment received

The comment with regard to the water tank cannot be construed as an objection against the application. Water tanks are water conservation devices and are supported and encouraged by the municipality. It is recommended that the tank be covered with reeds and or a material that would lessen the visual impact of the tank.

Evaluation

The application is motivated that the residential dwelling was not built in the location as indicated on the approved building plan. This has come to light during an inspection when the property was sold. In terms of the Overstrand Zoning Scheme, a residential erf has a street building line of 4m and a lateral building line of 2m. The application falls within the parameters of the present Zoning Scheme applicable on all residential erven within the Overstrand. The relaxation will not have any detrimental effect on the neighbours or the surrounding community, and no objections have been received against the application.

Conclusion

The application is recommended.

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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

No objection.

Fire Department

No objection.

10. Annexures

Annexure A: Locality Plan

Annexure B: Site Development Plan

Annexure C: Motivation

Annexure D: Comment received from neighbour

Annexure E: Applicant's response to comment received

Annexure F: Services Report

RECOMMENDATION:

that the relaxation of the 5m street building line as stipulated in Condition B6(b) of Title Deed T19309/1977 of Erf 3486, Betty's Bay for the relaxation of the 5m street building line to 4,670m and 3m lateral building line to 2m respectively, in terms of the Title Deed in order to accommodate the encroachments of the existing dwelling house on the property concerned, **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;

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- (c) that this approval is only for the relaxation of the Title Deed building line as indicated on Plan No. D.1080.B (1 to 5) dated 25 August 2015, which was submitted with the application; and
- (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.

RESPONSIBLE OFFICIAL:	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION:	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT:	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR:	N/A

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PROPOSED RELAXATION: AC DE BEER**

3486 KBB (3059)

H van der Stoep

21 January 2016

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION:

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT:

13 APRIL 2016

TARGET DATE TO INFORM OBJECTOR:

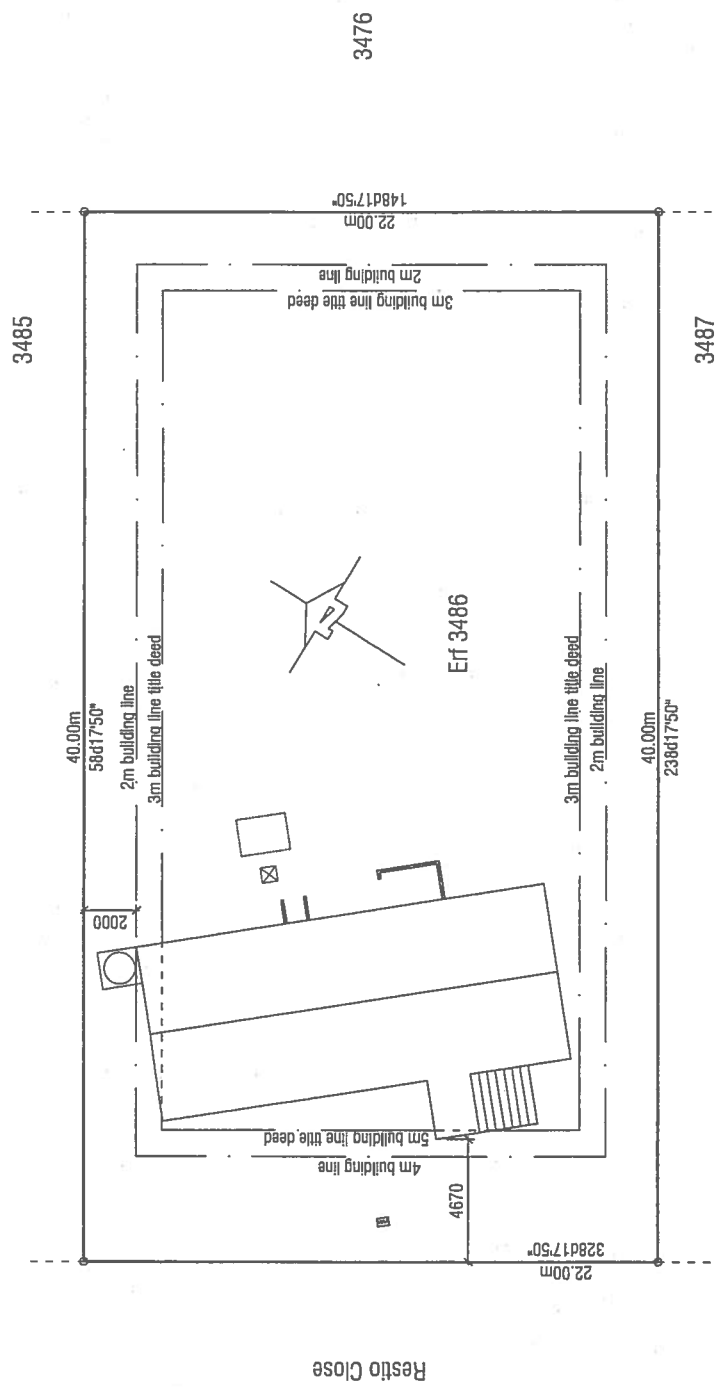
N/A



LOCALITY PLAN
ERF 3486
BETTY'S BAY



Areas: Dwelling 106.79m ² Covered Stoep 3.77m ² Total 110.56m ² Erf 880m ² Coverage 12.6%		Class of occupancy of building H4 Occupancy Dwelling House	
Population 4 Orientation South West Climatic Zone 4 - Temperate Coastal		Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.	
Sandra Schutte B.Arch.(U.P.) Pr. Arch, MArch, CIA Tel & Fax 028 271 4238 121 Main Road PO Box 92 Kleinmond 7195 bruinvolkstie@telkomsa.net			
Client de Beer Owner Signature		SACAP Reg No: Pr Arch 21077 1343	
Project Building Plans for Municipal Approval Documentation of existing dwelling Erf No. 3486 Restio Close Betty's Bay			
Drawing Site Plan Scale 1:200			
Drawn Project No D.1080.B	LS Revision 0	Checked Date 2015/08/25	SS Sheet No 1 of 5



Site Plan
Scale 1:200

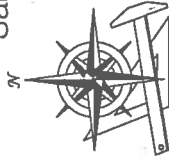
General Specifications
 All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.
 Sewer work in accordance with the National Building Regulations and Municipal by-laws.
 All structural concrete work to Engineer's design and specification.
 All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10400-D.
 Builders toilet and site operations to be in accordance with SANS 10400-F.
 Fire safety to comply with SANS 10400-T and the Overstrand Fire Safety By-law PN 6454 - 2006.
 All materials and fittings used to be SABS approved. It is the responsibility of the Owner to appoint a Land Surveyor to confirm erf boundaries.
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.
 Gas installation plan to be submitted by installer if required.

Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.

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 Pr. Arch. MIMArch, CIA

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 121 Main Road
 P.O. Box 92
 Kleinmond
 7195



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SACAP Reg No: Pr Arch 21077

Client **de Beer** 1343

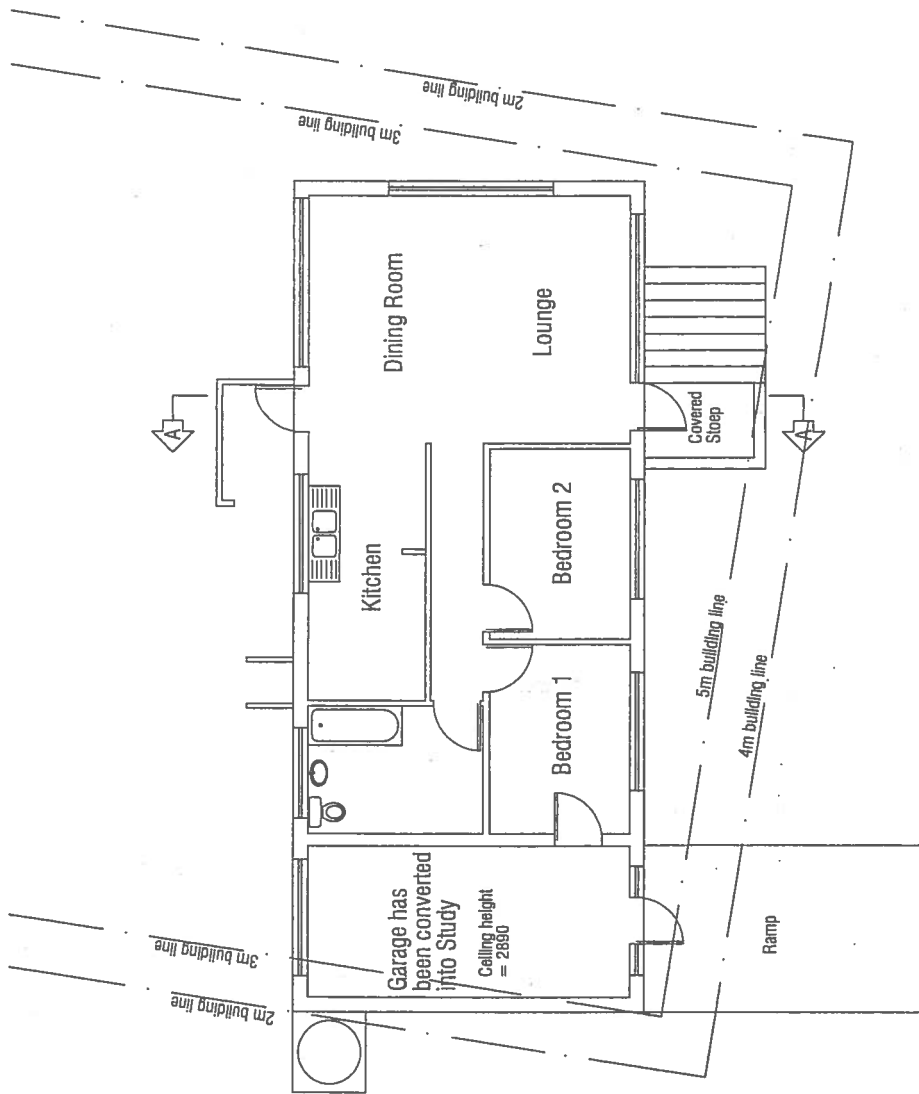
Owner Signature

Project
Building Plans for Municipal Approval
Documentation of existing dwelling
Erf No. 3486
Restio Close
Betty's Bay

Drawing
Ground Storey Plan

Scale 1:100

Drawn	LS	Checked	SS
Project No	Revision	Date	Sheet No
D.1080.B	0	2015/08/25	2 of 5



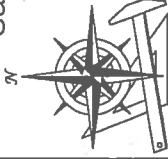
Ground Storey Plan
 Scale 1:100

Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.

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SACAP Reg No: Pr Arch 21077

Client **de Beer** 1343

Owner Signature

Project

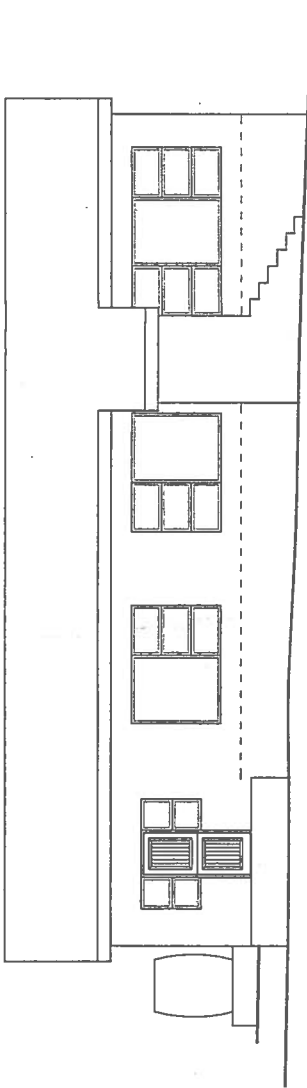
Building Plans for Municipal Approval Documentation of existing dwelling

Erf No. 3486 Restio Close Betty's Bay

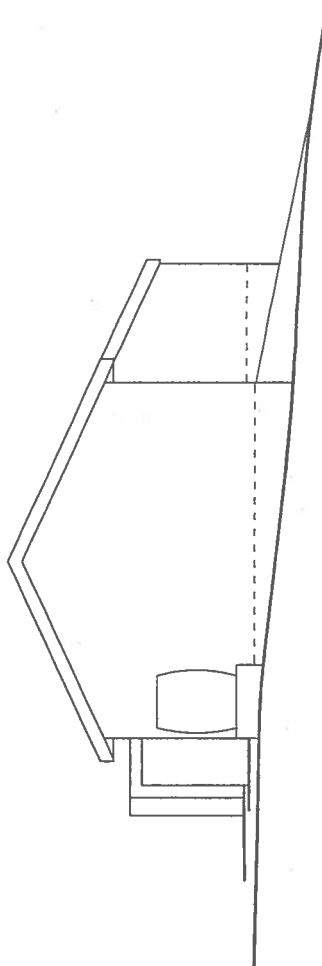
Drawing
Elevations

Scale **1:100**

Drawn	LS	Checked	SS
Project No	Revision	Date	
D.1080.B	0	2015/08/25	3 of 5
		Sheet No	



South West Elevation



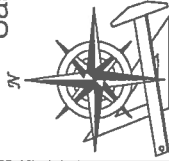
North West Elevation

Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.

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SACAP Reg No: Pr Arch 21077

Client **de Beer** 1343

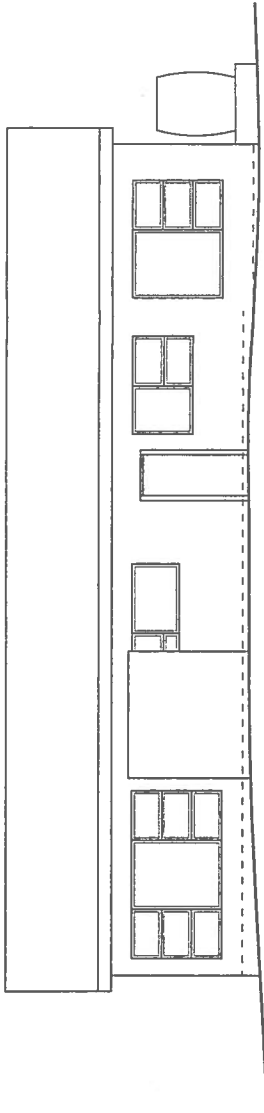
Owner Signature

Project
Building Plans for Municipal Approval Documentation of existing dwelling
Erf No. 3486
Restio Close
Betty's Bay

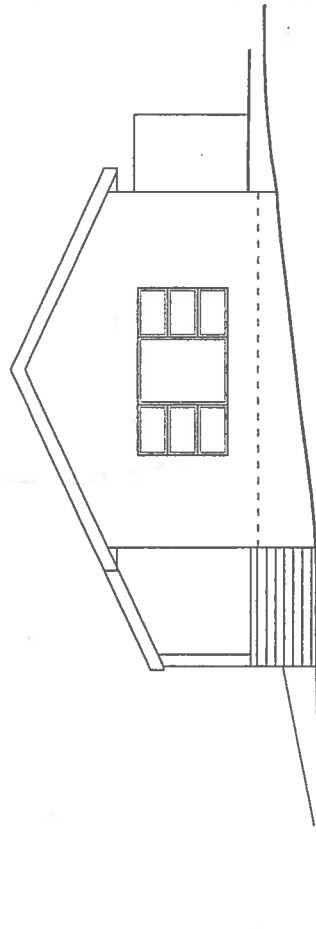
Drawing
Elevations

Scale 1:100

Drawn	LS	Checked	SS
Project No	Revision	Date	2015/08/25
D.1080.B	0	Sheet No	4 of 5



North East Elevation



South East Elevation

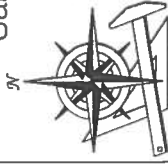
Scaled dimensions invalid. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors to be reported to the Architect.

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SACAP Reg No: Pr Arch 21077

Client **de Beer** 1343

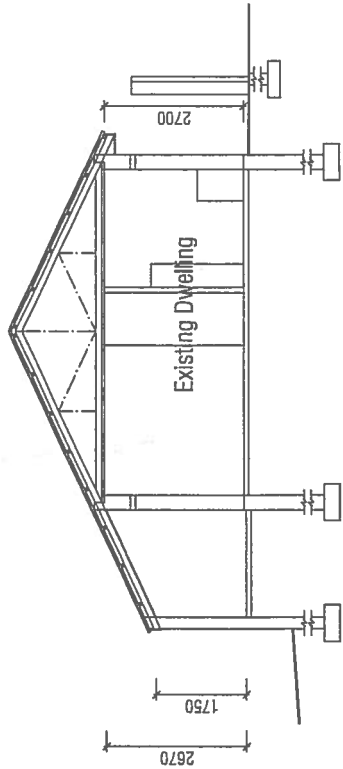
Owner Signature

Project
Building Plans for Municipal Approval Documentation of existing dwelling
Erf No. 3486
Restio Close
Betty's Bay

Drawing
Section

Scale **1:100**

Drawn	LS	Checked	SS
Project No	Revision	Date	Sheet No
D.1080.B	0	2015/08/25	5 of 5



Section A-A
Scale 1:100

Aansoek vir boulynoorskryding erf 3486 Bettysbaai

Ek het onlangs my huis verkoop en met die uitklaring het die Bouinspekteur laat weet dat die bestaande huis se Bouplanne verskil met dit wat gebou is. Ons het vir Sandra Schutte opdrag gegee om die huis te gaan opmeet en Bouplanne in te dien vir goedkeuring deur die Boukomitee. Aangesien die huis skuins gebou is en omring is deur natuurlike plantegroei van die Bettysbaai berg was dit nie moontlik om met die blote oog die erfgrense te bepaal nie en het ons 'n landmeter aangestel om die posisie van die huis ten opsigte van die erf te bepaal. Op hierdie stadium het ons agtergekom dat die huis die straatboulyn en syboulyn oorskry.

Die oordrag het reeds plaasgevind maar die nuwe koper beskou dit nog my verantwoordelikheid om die saak reg te stel. Vind hierby aangeheg die aansoekvorm en betaling.

By voorbaat dankie

Mev AC de Beer.

TP- A Theart
(Child Stoop)

Loretta Gillion - Erf 3486, 7 Restio Close, Betty's Bay

From: Nic Heideman <nic.heideman@uct.ac.za>
To: "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>
Date: 06/11/2015 12:52 PM
Subject: Erf 3486, 7 Restio Close, Betty's Bay



Good afternoon,

I received the registered letter from you today.

I have no objection to the existing encroachments, except possibly to what appears to be a rain water tank on my (erf 3485) side. Even to that water tank I have no objection but a future owner of my plot may feel different about the tank.

Yours sincerely,

Prof Nic Heideman

UNIVERSITY OF CAPE TOWN

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FILE NO:	EL 3486-RB
SCAN NO:	15
COLLABORATOR NO:	854774

TP

06 NOV 2015

06 NOV 2015

TP A Theast
C H vbl stoep

Loretta Gillion - FW: Erf 3486, Betty's Bay (3059) - Comment from Neighbour

From: "Sandra Schutte" <bruinvolksie@telkomsa.net>
To: "'Hanneen van der Stoep'" <hvdstoep@overstrand.gov.za>
Date: 14/12/2015 10:25 AM
Subject: FW: Erf 3486, Betty's Bay (3059) - Comment from Neighbour
Cc: "'Loretta Gillion'" <lpage@overstrand.gov.za>



Loretta

Die bure het ontvangs erken van die buurman se brief maar volgens hulle het die buurman nie werklik beswaar aangeteken nie , hy is net bekommerd oor 'n moontlike toekomstige koper van sy erf. Ek het die antwoord van die bure met Hanneen bespreek op 27 November en weer 11 Desember en sy het aanbeveel dat die aansoek verder verwerk word en dan sal sy as 'n voorwaarde stel dat die watertenk met dennelatte beklee word.

Kleinmondgroete
Sandra

From: Anine Symington [anines@dvh.law.za]
Sent: 25 November 2015 10:07 AM
To: bruinvolksie@telkomsa.net
Subject: FW: Erf 3486, Betty's Bay (3059) - Comment from Neighbour

Goeie dag Sandra

Sien epos hieronder vanaf die nuwe eienaars.

Kind regards / Vriendelike groete
Anine Symington



FILE NO:	EL 3486-88
SCAN NO:	103
COLLABORATOR NO:	863525

DYKES VAN HEERDEN SLABBERT HOPKINS
P O BOX 4261, TYGERVALLEY, 7536
Unit E4/2, Edward IV, 120-122 Edward Street, Bellville, 7530
Docex 42, Tygerberg
Ph: 0861 110 210 / 021 910 1911
Ph: Outside of the RSA - 0027 21 910 1911
Fax: 086 5155 812 / 021 910 4911
anines@dvh.law.za

TP 14 DEC 2015

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR RELAXATION: ERF 3486, BETTY'S BAY (3059)**

Electricity : Escom Area
Stormwater : In Order
Water : In Order
Sewer : In Order
Roads and traffic : In Order

Conditions:

1. that only the standard 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 3486, Betty's Bay, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

8/11/2015
DATE