

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

**11.
ERF 36, 10 CLARENCE DRIVE, ROOIELS, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : A MURPHY**

36 KRE (3006)

H van der Stoep

17 March 2016

(028) 3138900

Hermanus Administration

1. Executive Summary

An application has been received on 6 August 2015 from A Murphy on Erf 36, Rooi Els for a departure from the relevant Scheme Regulations in order to relax the 2m lateral and rear building lines, respectively, to accommodate the proposed alterations and additions to the existing dwelling 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

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

Registered letters were sent to surrounding possibly affected neighbours and two (2) objections were received.

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

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

Discussion

The two (2) objections received can be summarized as follows:

Mr. BH Shmitz

The objection was submitted in Afrikaans and is translated:

- Our house front looks in a westerly direction and the proposed addition of the applicant is in an easterly direction and is the only shady area for relaxation. It means that the applicant will have a view directly on our area from the balcony. Therefore we will have no privacy.
- The two eastern bedrooms will also have no privacy due to the fact that both buildings are built at the rear of the erven, thus any noise will have a direct influence.
- Due to the lack of privacy, the value of our house will be compromised.
- The rain gutter was constructed on the boundary wall, which may have a detrimental effect on our walls.
- The previous owner also wanted a balcony, which we objected to with the same reasons. During their application the Municipality requested them (the previous owner) to change the sliding door to a window, which was never done.
- Mr Murphy did visit us in April with regard to the balcony and indicated that he understand the reasoning, but still proceeded with the application. He built without a building plan and without the building inspector on site.
- Mr. Murphy knew we would be overseas and he waited until we were away to lodge the application.

Rooi Els Ratepayers' Association

The objection was submitted in Afrikaans and is translated.

- No substantive reasons were given why the building line should be relaxed.
- The owner of Erf 36 could build without transgressing the building lines.
- The relaxation of the building lines will create a precedent.
- Rooi Els is a sensitive coastal town and the relaxation will have a detrimental impact on Rooi Els.
- It seems the owner built without building plans.
- It is also problematic that five (5) parking bays are shown on the plan.
- The storm water is an issue.
- The application will be to the detriment of the area.

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

Applicant's response to the objections received :

Mr. BH Shmitz

- The building was inherited when the property was bought. At the moment we stand at our window and can look down at the neighbours. The proposed deck will have a balustrade constructed of a solid material to ensure privacy for both owners.
- The issue with the bedrooms, the house was bought as such and thus unfortunately there is nothing to be done. It is unlikely that the deck will be used at night.
- The deck will not worsen the existing situation. However, the window on the western side will be decreased to create more privacy for both owners. The new deck falls completely within the building restrictions and is our right to have a deck.
- The rain gutter is not protruding and a surveyor was employed to ensure that the claim that part of the garage falls over the boundary, is not correct. The gutter was constructed to ensure that rain water is directed on our own property as not to undermine the adjacent walls.
- The construction was to do repairs of an old zinc roof, by replacing it with a concrete roof. If it was a balcony it would have had a balustrade.
- The pouring of the roof was done with full consent of the Municipality and the Building Inspector was on site in April 2015 and we have evidence of the inspections. Mr. Tielman was the Structural Engineer to ensure compliance.
- We left in April 2015 to return to Australia and the final plans were handed over to Mr. Weideman to submit the application.

Rooi Els Ratepayers' Association

- Alterations to the northern elevations of the living room have been re-built straight in line with the existing piece of wall that existed.
- As for the wall in the garage which has been built to create a store, this does require a departure as it falls within the 3,15m encroachment zone. The store will be utilized to store valuables safely locked away. There are no windows in the garage.
- Yes.
- I agree but each case should be judged on merit.
- I agree and therefore we intend to scrap the idea of a plunge pool and create a garden that will attract animals.
- We strongly disagree and they should get their facts right.
- Parking bays - The parking bays have been carried over from the previous approved plans. It is a commercial property.
- I do not see why the application will be to the detriment of the area.

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

Town Planner's comment to the objections received:

Mr. BH Shmitz

- It is correct that both buildings on Erven 36 and 42 were built towards the rear of the respective properties. However, what is unclear is that the objector's erf (Erf 42) is 1587m² in extent, but the house is located on the rear of the property and the area towards the western side is undeveloped and used for garden purposes.
- It should be made clear that the deck is not transgressing any building line restriction.
- The possible influence of value of property has not been proven.
- The rain gutter is to ensure that any storm water generated by structures on an erf must be directed back onto the erf.
- This aspect will be addressed as the owner indicated that a smaller window will be installed to ensure privacy.
- The Building Inspector did inspect the building work as per plan.
- Noted.

Rooi Els Ratepayers' Association

- The applicant has for aesthetic reasons straightened the northern boundary wall. The wall proposed is located within an existing garage to create a store room to safeguard valuables whilst residing in Australia.
- The straightening of a wall cannot be done anywhere else on the erf as it is location bounded. It is not a new building or room that is being built.
- It is not correct, since relaxation and/or departures of building lines is possible within the legal ambit of the Overstrand Scheme Regulations and is done for garages, store rooms and cases where the new Scheme Regulations are more restrictive and the application has merit.
- Noted.
- It is an assumption and not proven.
- It is a commercial erf and the Scheme Regulations does not restrict the amount of parking bays shown on an erf.
- This aspect can be dealt with at building plan phase should it be found that the rain gutter protrudes over the boundary of the applicant.
- Noted.

Evaluation

The application is for the departure of a rear and lateral building line on Erf 36, Rooi Els. The erf has an existing zoning of Business 2 in terms of the previous Zoning Regulations 8. The building was constructed in terms of the building lines applicable in Regulations 8, which was as follows:

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

Street building line: 0m
Lateral building lines : 0m
Height : 2 storeys

With the inception of the Overstrand Zoning Scheme Regulations in 2014, the erf was reclassified as Business Zone 3. The development parameters are as follows:

Street building line : 0m
Lateral building lines: 0m, except where it abuts another zoning, the building line will be 3m.
Rear building line: 3m, except where it abuts another zoning, the building line will be 4,5m.

The application for a departure is for a wall and change of use in an existing garage over the 4,5m building line. The latter will create a store room. This is allowable in terms of the Overstrand Zoning Scheme Regulations. No objection has submitted for this departure since the garage has been built with an approved building plan. This alteration is located on ground floor level.

The objections relate to the deck proposed by the applicant. Erf 36 does have a Title Deed restriction of 3,15m and also has a rear building line of 4,5m. The application was advertised for the departure of the rear and lateral building lines, however the building lines was incorrectly stated and should have read that the rear building line be relaxed from 4,5m to 3,15m as per the Title Deed and the lateral building line of 3m respectively. Objections received are against the deck and the possible impact it may have. The deck does comply with the Title Deed restriction of 3,15m. The previous parameters in terms of Regulation 8 had a building line of 3m, which would have enabled the applicant to build closer should a relaxation had been applied for and approved.

The following should be taken into consideration: the building is used for residential purposes and that the existing situation in terms of privacy has been compromised with the erection of the two buildings on their rear boundaries. However, in evaluating the application the zoning must be taken into consideration. The erf is zoned Business Zone 3 and the applicable primary and consent uses may be executed. Should the applicant in future decide to execute the primary rights and consent uses, which includes a restaurant, the aspect of the deck and privacy is a real concern.

The objection to privacy is a real concern with regard to the land use rights the erf enjoy. The applicant clearly indicated that the privacy is already compromised without the proposed deck since there is clear view onto the adjacent erf. The applicant does state that the window from the existing bedroom be made smaller to create privacy for the owners in both directions.

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

The objector is safeguarded by the Title Deed restriction since the deck is designed to comply with the restriction of 3,15m.

The Rooi Els Ratepayers' Association indicated that the departures of the building lines will lead to a precedent, is not correct since all applications are being dealt with on merit. The straightening of the northern side of the building transgressing the 3m building line will have no impact and is for aesthetical reasons. No objection from the neighbour was received in this regard. It should also be noted that there is no restriction should an owner indicate parking on his property, as long as he does comply with his development parameters.

The alterations to the building will have no detrimental effect on the character of the town since it is not a new building, but minor changes of an existing building.

DISCUSSION

The deck, which is a wraparound north and north west of the application property, is the real issue. The aspect of privacy between the objector and applicant is already compromised due to the fact that both buildings are located to the rear of the erven. The structures on the properties are located 3,15m as per Title Deed restrictive conditions applicable, thus the space between them is approximately 6m.

The objector's house (Erf 42) has two (2) bedrooms located at the rear of the dwelling, whilst bedroom 2 of the applicant's house on first floor level has at present a clear view on the objector's house.

The wraparound deck on the north western side of bedroom 2 may exacerbate and compromise the present privacy problem. The applicant did indicate that a smaller window will be put in place to create more privacy.

What is unclear, is only the deck on first floor level on the north western side of bedroom is necessary, since the building plan indicates a window and will not have any beneficial value for the applicant. A deck on the north western side and front of bedroom 2 is not supported as it will create a habitable space which will attribute to the lack of privacy.

The proposed deck and staircase north of the dwelling complies with the 3,15m Title Deed restriction, but transgress the 4,5m rear building line restriction as per the Overstrand Zoning Scheme. The deck and staircase on the northern side of the building do comply with the Title Deed restriction of 3,15m. This is more restrictive than the 3m as per the previous scheme and a setback with approximately 1m will have no influence on first floor level with

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
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regard to privacy. The deck as proposed on the northern side be allowed as habitable space.

Should the property ever be used for a restaurant, the deck not be used for seating, this will ensure privacy and restrict possible noise pollution.

The objector's erf is located next to a business erf and thus must realize that the applicant does have rights that can be executed. Should it be a residential erf a 2m building line would have applied, if there had not been a 3,15m title restriction.

Conclusion

The application be recommended for approval in part as a compromise to ensure privacy for both parties.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure F.

Building Control Department

Relaxation of 3,15m title – in line with existing structure – supported.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's response to objections received
- Annexure F: Services Report

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
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RECOMMENDATION:

1. 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 36, Rooi Els in order to relax the 4,5m rear building line to 0m on ground floor level, change of use for storage purposes and a wall to be constructed in the existing garage, **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 36, Rooi Els in order to relax the northern boundary lateral building line from 4,5m to 2,5m, **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 relevant Scheme Regulations on Erf 36, Rooi Els in order to relax the northern boundary lateral building line from 4,5m to 3,15m to accommodate the deck , **be approved**;
4. that approvals 1, 2 and 3 above are subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Number JC5857/102 (excluding the deck on the north western side of the staircase over 4,5m rear building line) dated January 2016, which was submitted with the application;
 - (b) that the uses for the deck exclude entertainment or restaurant purposes;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all conditions imposed in the Services Report (attached as Annexure F), be complied with; and
 - (f) that amended building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.

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

5. 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 36, Rooi Els in order to relax the 4,5m rear building line to 3,15m for the north western deck, **not be approved**, due to the following reason:
 - (a) the deck wraps around on the western side of the building along the bedroom which has a window and it's therefore unclear why die deck must proceed to the front of bedroom 2 as it will not be directly accessible from that side of the bedroom.
6. that the applicant be notified of his 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 :	8 JUNE 2016
TARGET DATE TO INFORM APPLICANT :	8 JUNE 2016
TARGET DATE TO INFORM OBJECTOR :	8 JUNE 2016

**AGENDA of the
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**ERF 36, 10 CLARENCE DRIVE, ROOIELS, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : A MURPHY**

36 KRE (3006)

H van der Stoep

17 March 2016

(028) 3138900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 MAY 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION:

1. 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 36, Rooi Els in order to relax the 4,5m rear building line to 0m on ground floor level, change of use for storage purposes and a wall to be constructed in the existing garage, **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 36, Rooi Els in order to relax the northern boundary lateral building line from 4,5m to 2,5m, **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 relevant Scheme Regulations on Erf 36, Rooi Els in order to relax the northern boundary lateral building line from 4,5m to 3,15m to accommodate the deck , **be approved**;
4. that approvals 1, 2 and 3 above are subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Number JC5857/102 (excluding the deck on the north western side of the staircase over 4,5m rear building line) dated January 2016, which was submitted with the application;
 - (b) that the uses for the deck exclude entertainment or restaurant purposes;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all conditions imposed in the Services Report be complied with; and

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

- (f) that amended building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
5. that the replacement of the roof with a slab structure above the ground floor level be granted, but a balustrade be put on the 3.15m title deed building line and that the slab structure not be accessible beyond the balustrade; and
6. that the applicant be notified of his 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 :	8 JUNE 2016
TARGET DATE TO INFORM APPLICANT :	8 JUNE 2016
TARGET DATE TO INFORM OBJECTOR :	8 JUNE 2016



LIGGINGPLAN / LOCALITY PLAN
 ERF 36
 ROOIELS



NOTES: (Read together with drawing Nos. JC5857/102, 103, 104, 105, 106, 107 and 108.)
 These drawings are copyright of the Architectural Technologist. Do not scale, refer only to figured dimensions. All dimensions and levels to be checked on site prior to setting out. Any discrepancies to be reported to the Architectural Technologist immediately.

All work to be done in accordance with the National Building Regulations. All DPC's vertical and horizontal to conform to SABS 0400 section KK15 with regards to quality and positioning.
 Windows to be minimum of 10% of floor area and 5% openable for ventilation.

All glazing to comply with part N of the National Building Regulations and SABS 0137 - access doors and sidelights to have safety glass.
 Windows lower than 500mm above finished floor level, windows lower than 1800mm above pitch line of stairs to have safety glass.

Dimensions to staircase, treads minimum 250mm and risers maximum 200mm and minimum 2100mm head clearance measured vertically from pitch line.

(Notes continued on Drawing No. JC5857/102)

Owner :
 Architectural Designer :
 Reg No. ST1302

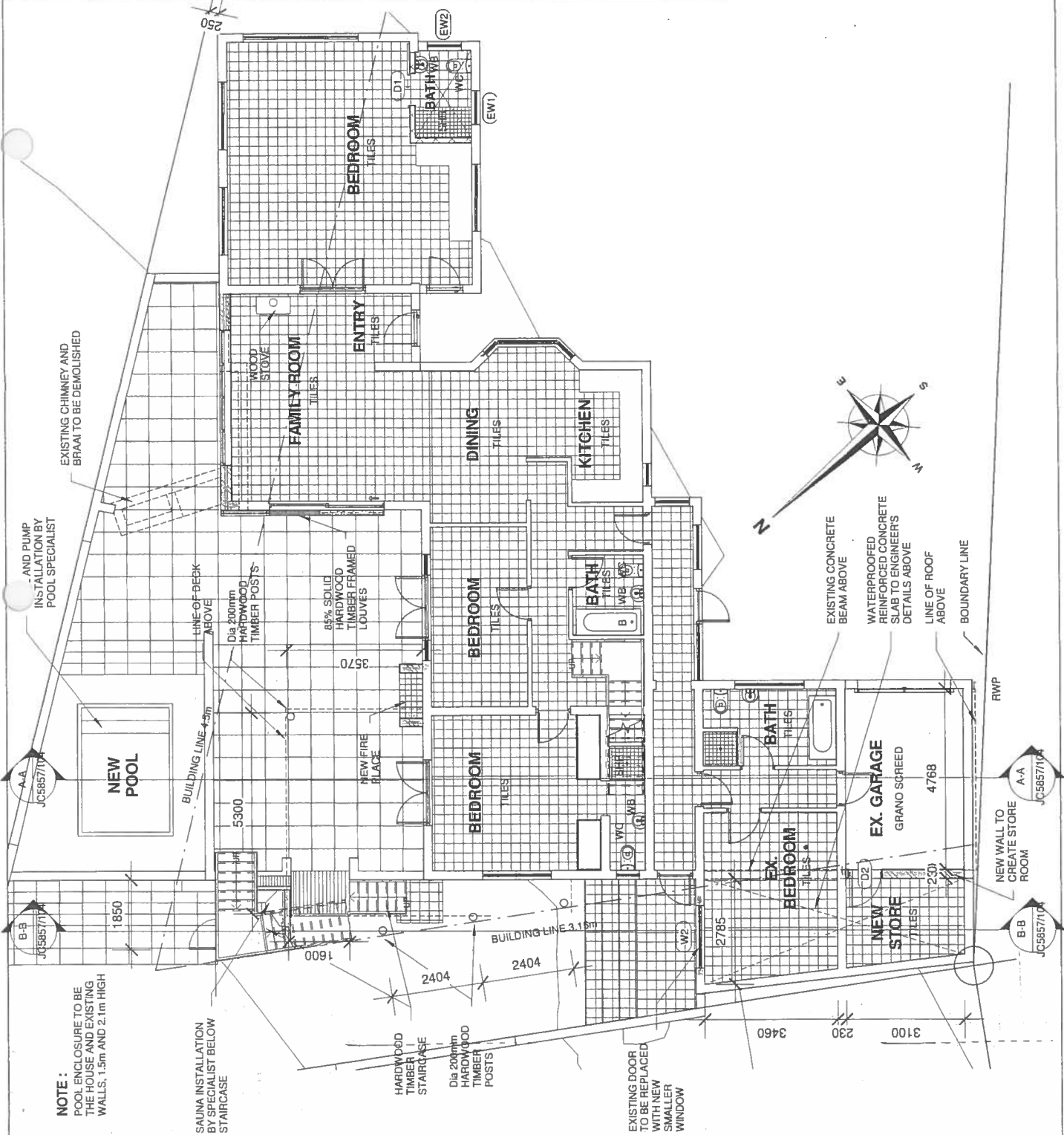
Project :
HOUSE MURPHY
 PROPOSED ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 36 CLARENCE DRIVE ROOIBELS FOR MRS. A. MURPHY

Drawing Title
COUNCIL DRAWINGS LOWER FLOOR PLAN

Date MAY 2015
 Drawn by JW
 Scale 1 : 100
 Project number **JC5857/101**

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CONTRACTS



NOTE :
 POOL ENCLOSURE TO BE THE HOUSE AND EXISTING WALLS: 1.5m AND 2.1m HIGH

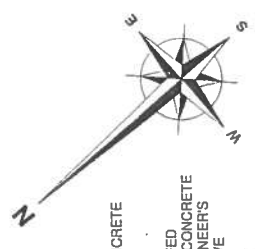
SAUNA INSTALLATION BY SPECIALIST BELOW STAIRCASE

HARDWOOD TIMBER STAIRCASE

Dia 200mm HARDWOOD TIMBER POSTS

EXISTING DOOR TO BE REPLACED WITH NEW SMALLER WINDOW

EXISTING CONCRETE BEAM ABOVE
 WATERPROOFED CONCRETE SLAB TO ENGINEER'S DETAILS ABOVE
 LINE OF ROOF ABOVE
 BOUNDARY LINE



AND PUMP INSTALLATION BY POOL SPECIALIST

EXISTING CHIMNEY AND BRAAI TO BE DEMOLISHED

LINE OF BEEK ABOVE

Dia 200mm HARDWOOD TIMBER POSTS

85% SOLID HARDWOOD TIMBER FRAMED LOUVRES

NEW FIRE PLACE

BUILDING LINE 3.15m

NEW WALL TO CREATE STORE ROOM

NEW WALL TO CREATE STORE ROOM

(Notes continued from Drawing No. JC5857/101) (Read together with drawing Nos. JC5857/101, 103, 104, 105, 106, 107 and 108.)

ROOFS:

Big Six Profile Fibre cement roof sheeting on 50x75 purlins at max. 1140mm centres, with fixed galv. drive screws. Trusses to be Gangnalled pre-fabricated trusses by specialist manufacturer. (Treated SA Pine) at approx. 900mm centres. Purlins to be tied to rafters and roof trusses with galv. Hurricane brackets. Rafters to be tied to walls with galv. hoop iron built in min. 600mm deep. Rafters to be tied to steep edge carrier beam with galv. Teco brackets. Roof pitch at 35Deg, and roof slopes at 11Deg, as indicated on sections. Steep edge carrier beam to be 69x236mm treated Laminco beam, bolted to 100x100mm hardwood timber posts.

ROOFS:

Reinforced concrete slabs to engineer's details with full bore outlet to dispose rain water at ground level. Flashings and waterproofing to roof slab and parapets to be by waterproofing specialist.

External: To Eaves closures 4mm Nulec fibre cement sheets with quadrant and half round cover strips on 32x32mm SAP battens at 450mm centres to underside of rafters of trusses.

Underside of reinforced concrete slab internally to be skimmed. Underside of concrete slab externally to be plastered

(Notes continued on Drawing No. JC5857/103)

Owner :

Architectural Designer :

Reg No. ST1302

Project :

HOUSE MURPHY

PROPOSED ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 36 CLARENCE DRIVE ROO ELS FOR Mrs. A. MURPHY

Drawing Title

COUNCIL DRAWINGS UPPER FLOOR PLAN

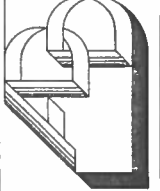
Date MAY 2015

Drawn by JW

Scale 1 : 100

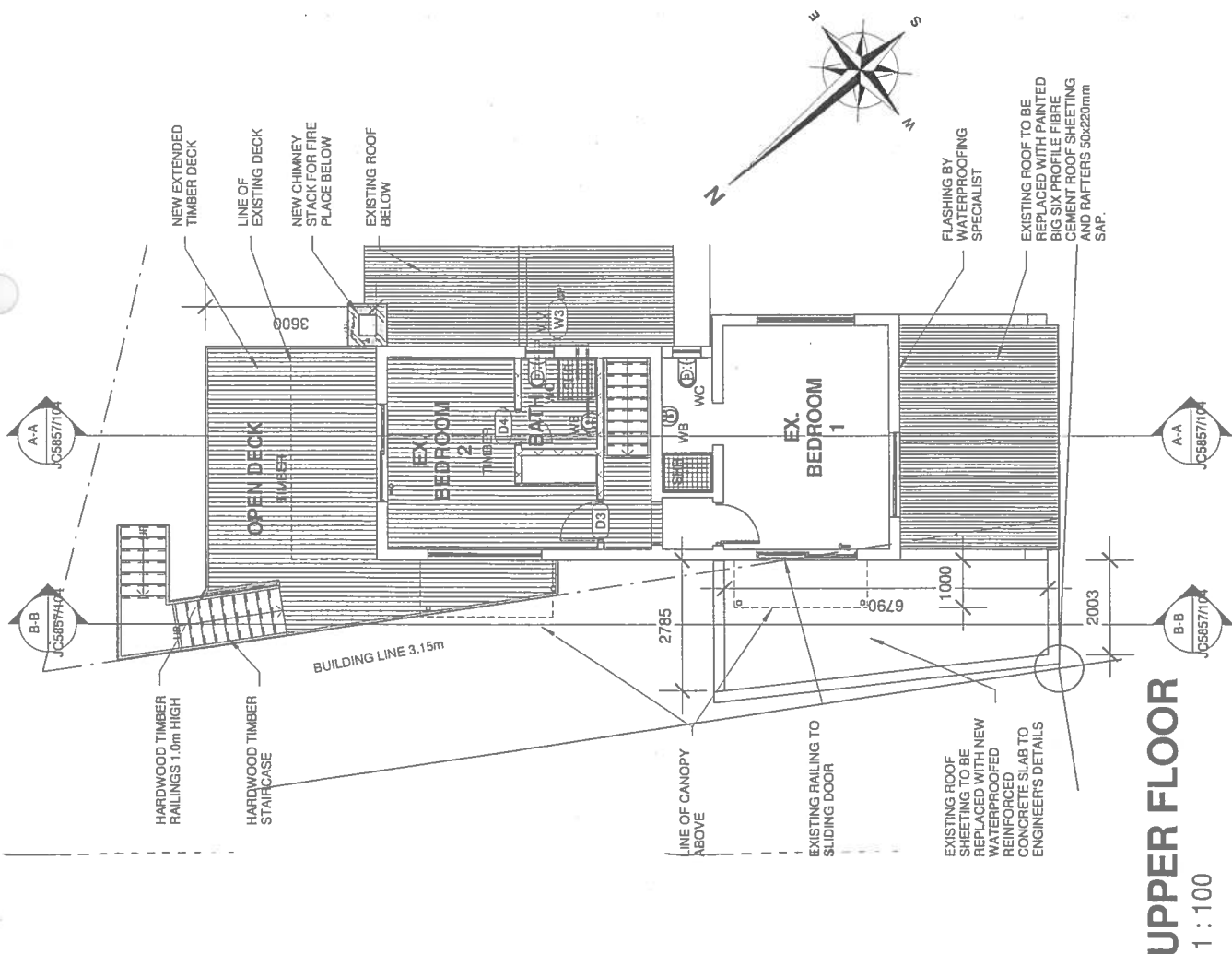
Project number **JC5857/102**

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AREAS	SQUARE METERS
SITE AREA	942.09 Sqm
EXISTING BUILDING (BOTH FLOORS)	293.22 Sqm
EXISTING DECK	8.87 Sqm
PROPOSED WORK	
TOTAL NEW WORK	
OPEN DECK	18.61 Sqm
COVERAGE	
BUILDING FOOT PRINT	267.70 Sqm
SITE AREA	942.09 Sqm
% COVERAGE	28.42 Sqm



UPPER FLOOR
1 : 100

(Notes continued from Drawing No. JC5857/102)(Read together with drawing Nos. JC5857/101, 102, 104, 105, 106, 107 and 108.)

WALLS:
Brickwalls to be 280mm stretcher bond cavity wall constructed in selected red hard clay bricks in preparation for plaster finish internally and externally.
Walls to be painted inside and out. Openings less than 3 metres in width to be spanned with precast concrete lintels built in minimum of 220mm either side of opening with min. of 5 courses brick/force reinforced brickwork above. Reinforced concrete lintels to openings wider than 3.0m to Engineer's details. Truss ends to be wrapped in plastic where built into walls.

FLOORS:
Upper floors externally to be tiled on 30mm screed on waterproofed reinforced concrete slab to Engineer's details.
Lower floors to be tiled on 30mm screed on 100mm concrete surface bed on DPC on compacted filling.

TIMBER DECKS:
Timber decking to be 105x22mm treated hardwood timber floor boards with 10mm spacings between boards on 44x220mm floor joists at 450mm centres. Floor joists to be built into walls and fixed to 69x250mm lamitico edge carrier beam. Carrier beam to be bolted to 100x100mm hardwood timber posts.
(Notes continued on Drawing No. JC5857/104)

Owner :
Architectural Designer :
Reg No. ST1302

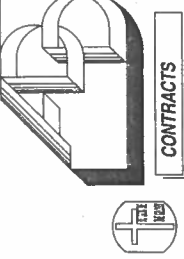
Project :
HOUSE MURPHY
PROPOSED ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 36 CLARENCE DRIVE ROOIBELS FOR Mrs. A. MURPHY

Drawing Title
COUNCIL DRAWINGS SITE PLAN

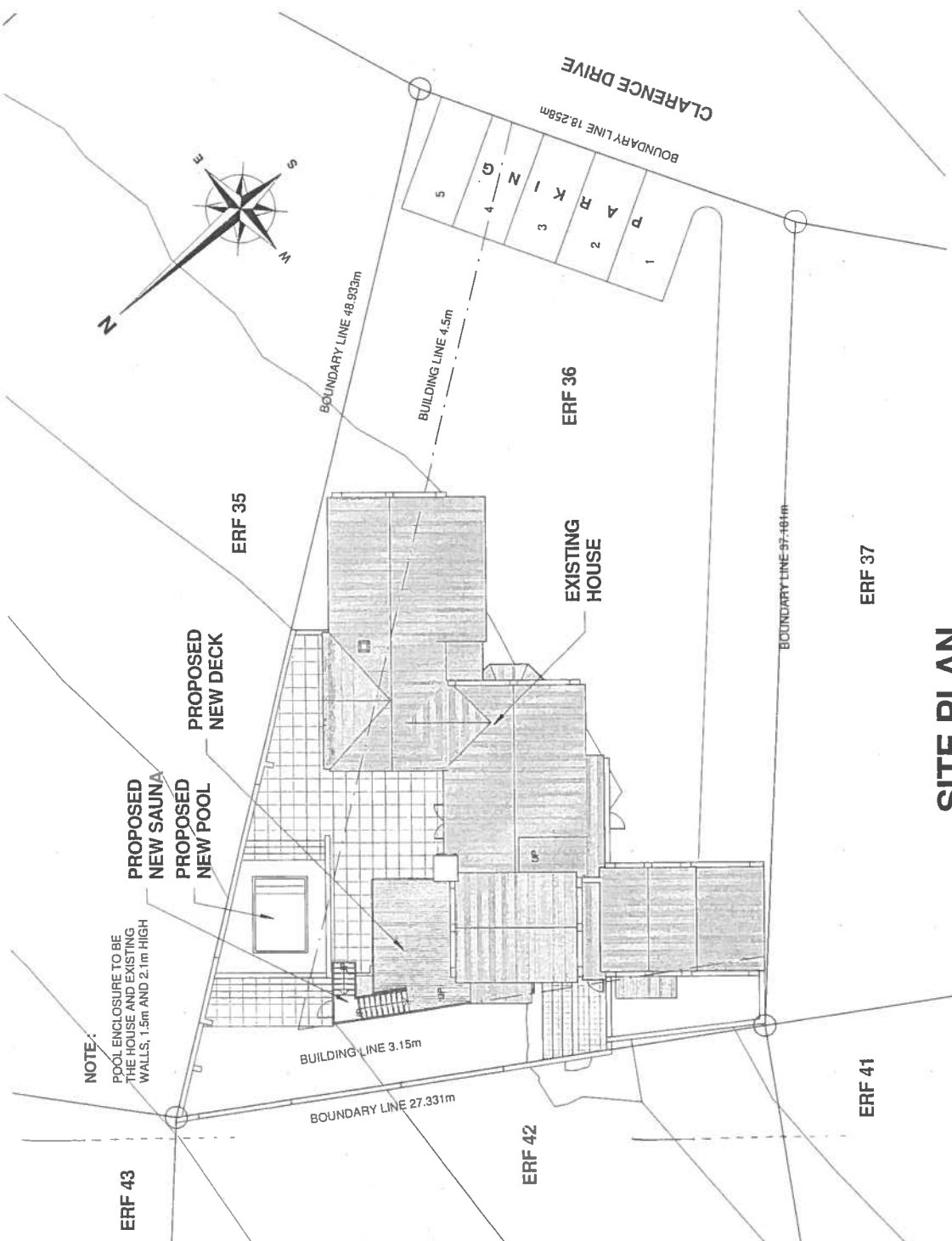
Date MAY 2015
Drawn by JW
Scale 1 : 200

Project number
JC5857/103

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CONTRACTS



NOTE:
POOL ENCLOSURE TO BE THE HOUSE AND EXISTING WALLS, 1.5m AND 2.1m HIGH

SITE PLAN
1 : 200

(Notes continued from Drawing No. JC5857/103) (Read together with drawing Nos. JC5857/101, 102, 103, 105, 106, 107 and 108.)

WINDOWS:
All windows to be Wispeco powder coated aluminium to Architect's window schedule

GLAZING:
All glazing to comply with SABS 0137 and AAAMSA Regulations and any glazing to doors and to windows within 500mm of the floor level to comply with safety glazing regulations.

SILLS:
All sills to be plastered externally and internally.
(Notes continued on Drawing No. JC5857/105)

Owner :
Architectural Designer :
Reg No. ST1302

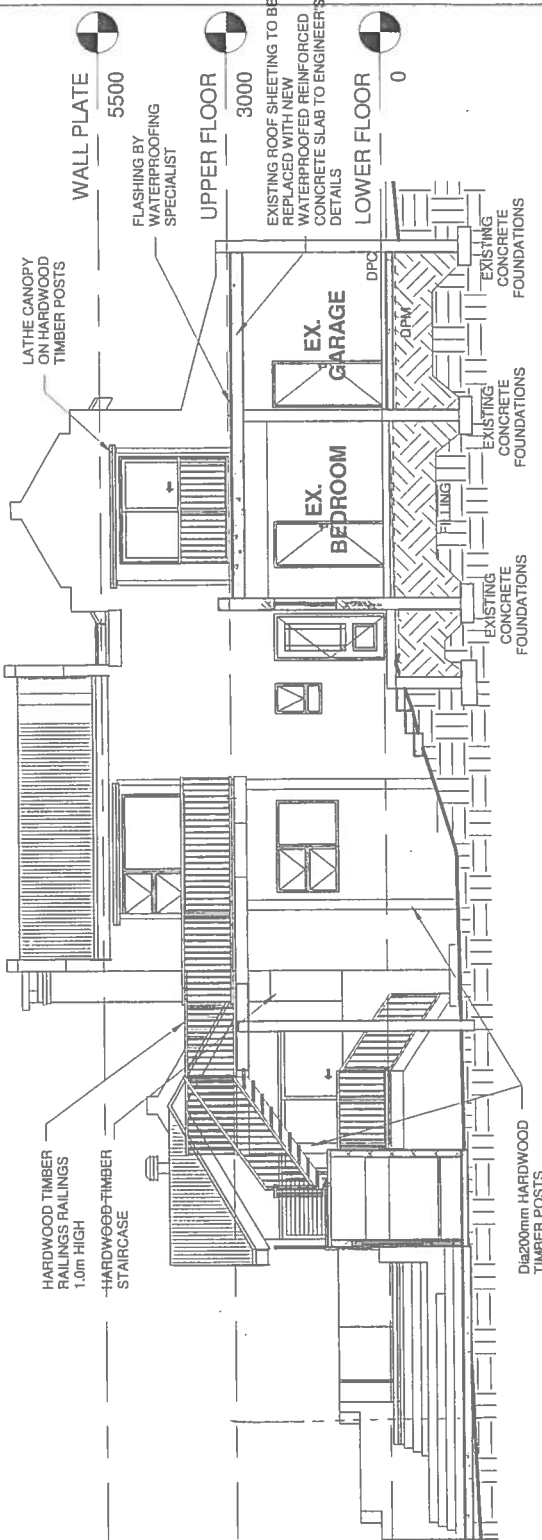
Project : **HOUSE MURPHY**
PROPOSED ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 36 CLARENCE DRIVE ROOIBELS FOR Mrs. A. MURPHY

Drawing Title
COUNCIL DRAWINGS SECTIONS A-A AND B-B

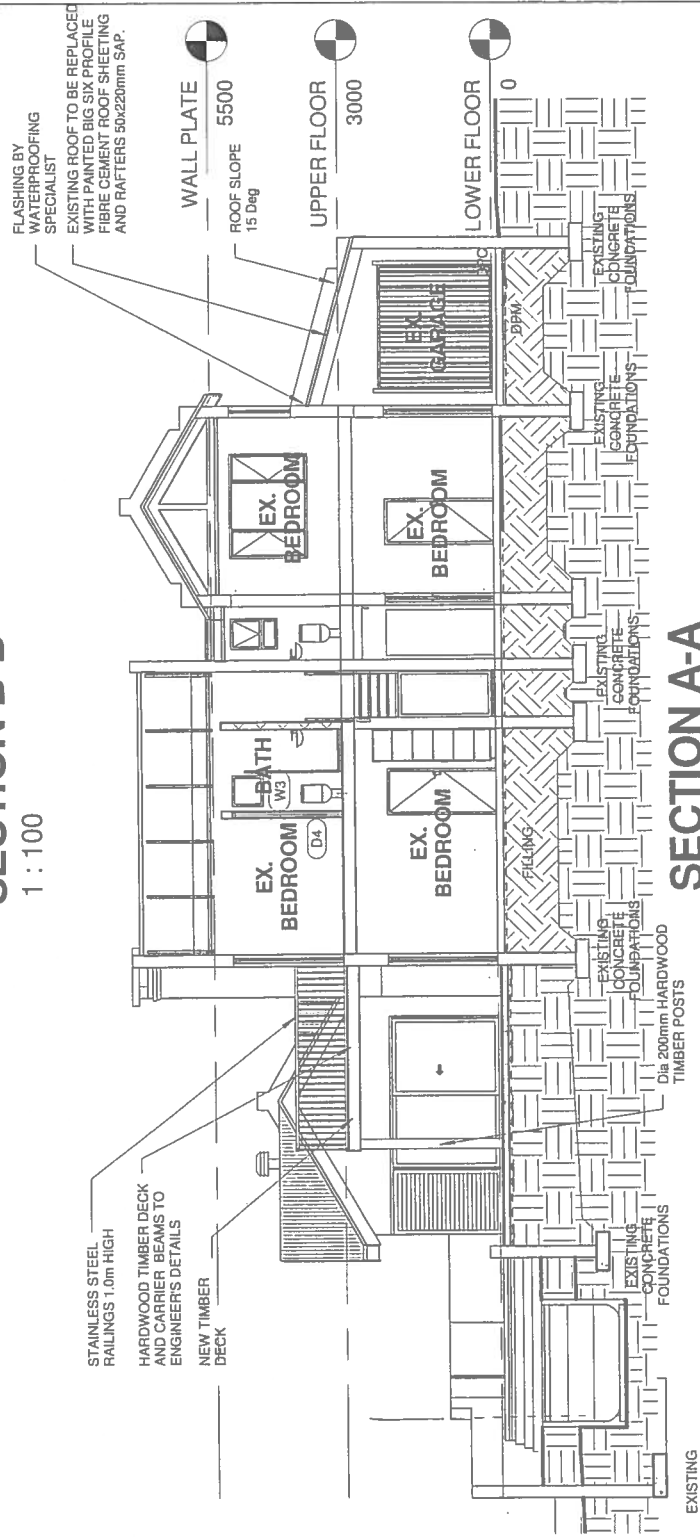
Date MAY 2015
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Scale 1 : 100
Project number **JC5857/104**

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SECTION B-B
1 : 100



SECTION A-A
1 : 100

(Notes continued from Drawing No. JC5857/104)(Read together with drawing Nos. JC5857/101, 102, 103, 104, 106, 107 and 108.)

HANDRAILINGS:
 All handrailings to be 1000mm high and handrailings to stairs to be not less than 850mm and not more than 1000mm high measured vertically.
 Balaustrades to have openings of not more than 99mm apart.

Stainless steel handrailings and balaustrades.
 Handrailings : Dia 50mm stainless steel pipe
 Balaustrades : Dia 4mm stainless steel cables at 100mm centres.
 Posts : Dia 50mm stainless steel pipe with flange bracket.

(Notes continued on Drawing No. JC5857/106)

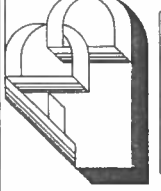
Owner :
 Architectural Designer :
 Reg No. ST1302

Project :
HOUSE MURPHY
 PROPOSED ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 36 CLARENCE DRIVE ROOIBELS FOR Mrs. A. MURPHY

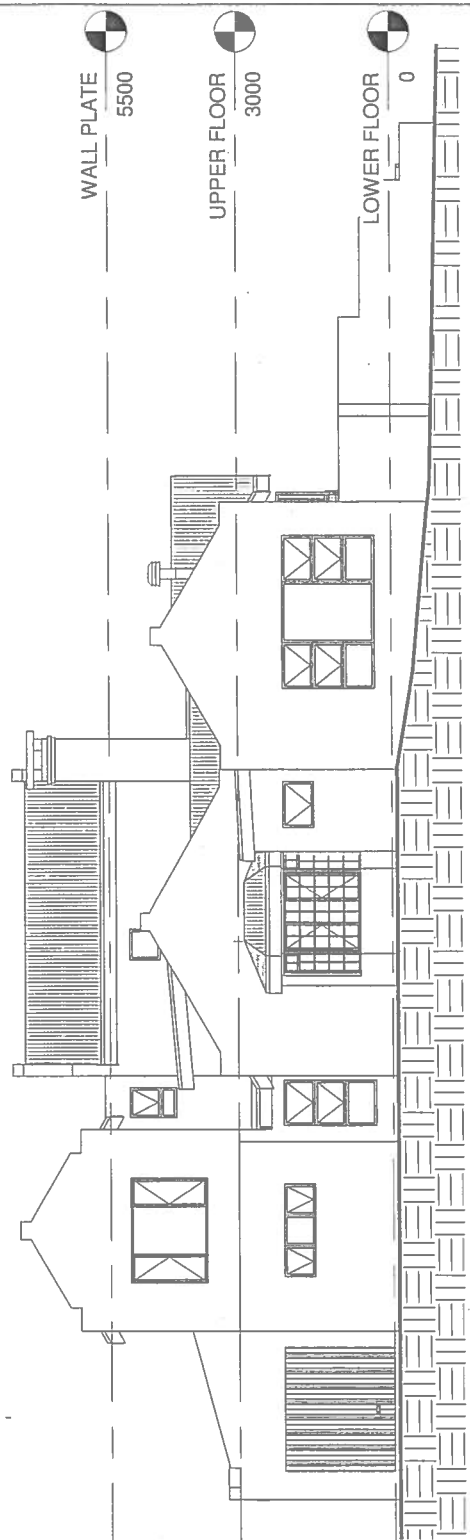
Drawing Title
COUNCIL DRAWINGS ELEVATIONS

Date MAY 2015
 Drawn by JW
 Scale 1 : 100
 Project number **JC5857/105**

J.C. WEIDEMAN
 (P/S-ARCHT)
 P.O. BOX 41
 PRINGLE BAY
 7196
 Tel. 028 273 8302
 Cel. 082 717 616 8
 jc.weideman@gmail.com

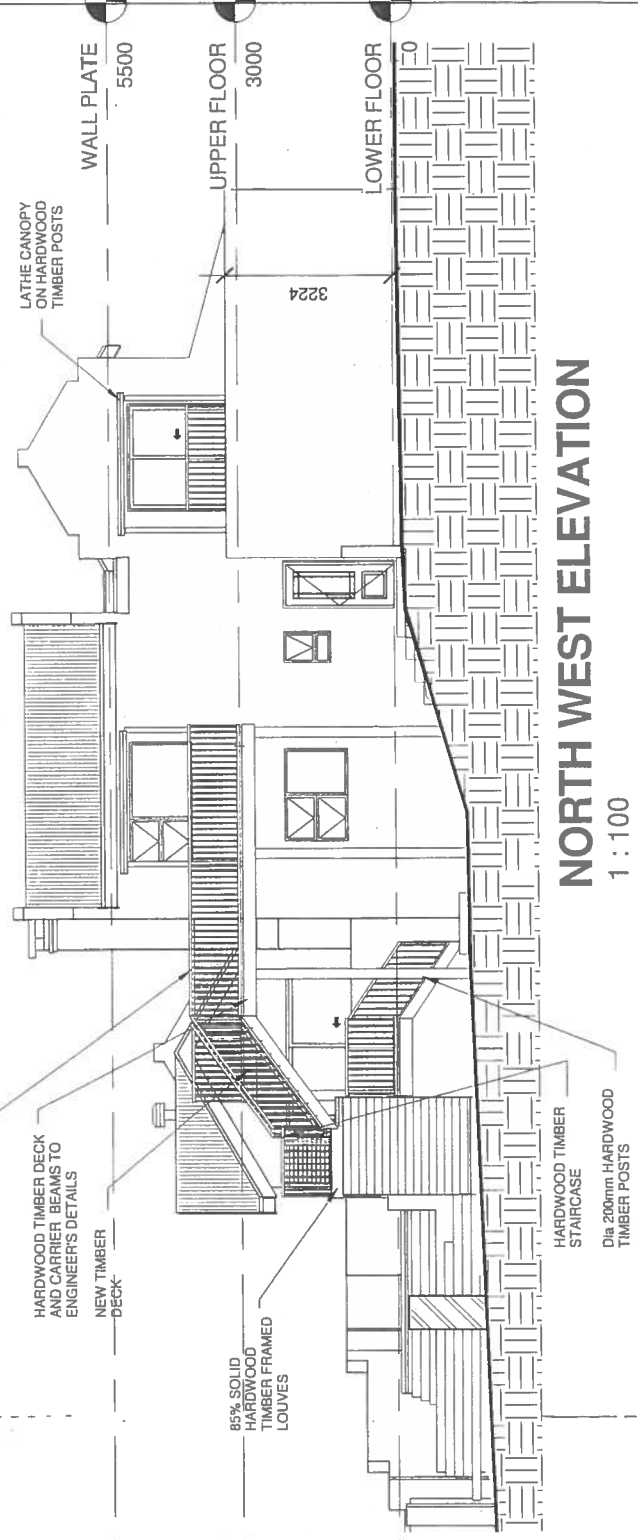


CONTRACTS



SOUTH EAST ELEVATION

1 : 100



NORTH WEST ELEVATION

1 : 100

(Notes continued from Drawing No. JC5857/105/Read together with drawing Nos. JC5857/101, 102, 103, 104, 105, 107 and 108.)

STAIRCASE
Staircase to be timber.
Treads . . . 300x32mm
Risers . . . x16 @ 170mm

RETAINING WALLS:
All retaining walls to be to Engineer's details.

Owner :

Architectural Designer :

Reg No. ST1302

Project :

HOUSE MURPHY
PROPOSED ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 36 CLARENCE DRIVE ROOIBELS FOR Mrs. A. MURPHY

Drawing Title

COUNCIL DRAWINGS ELEVATIONS

Date

MAY 2015

Drawn by

JW

Scale

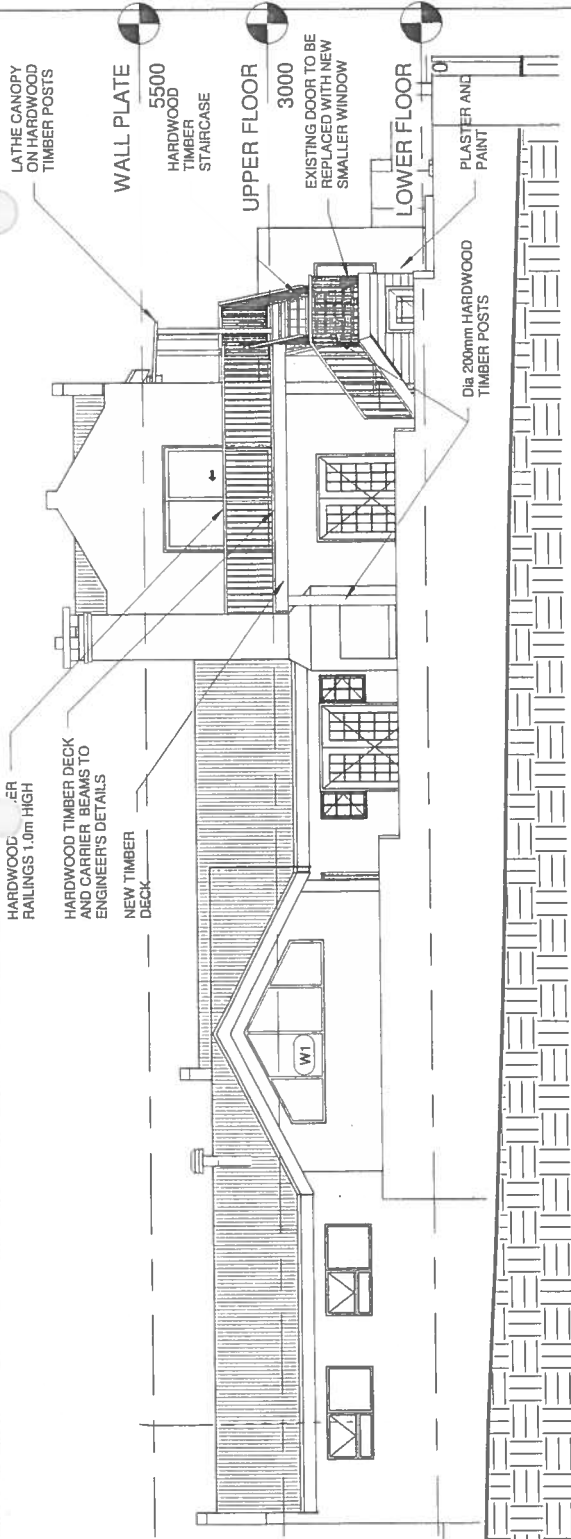
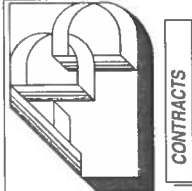
1 : 100

Project number

JC5857/106

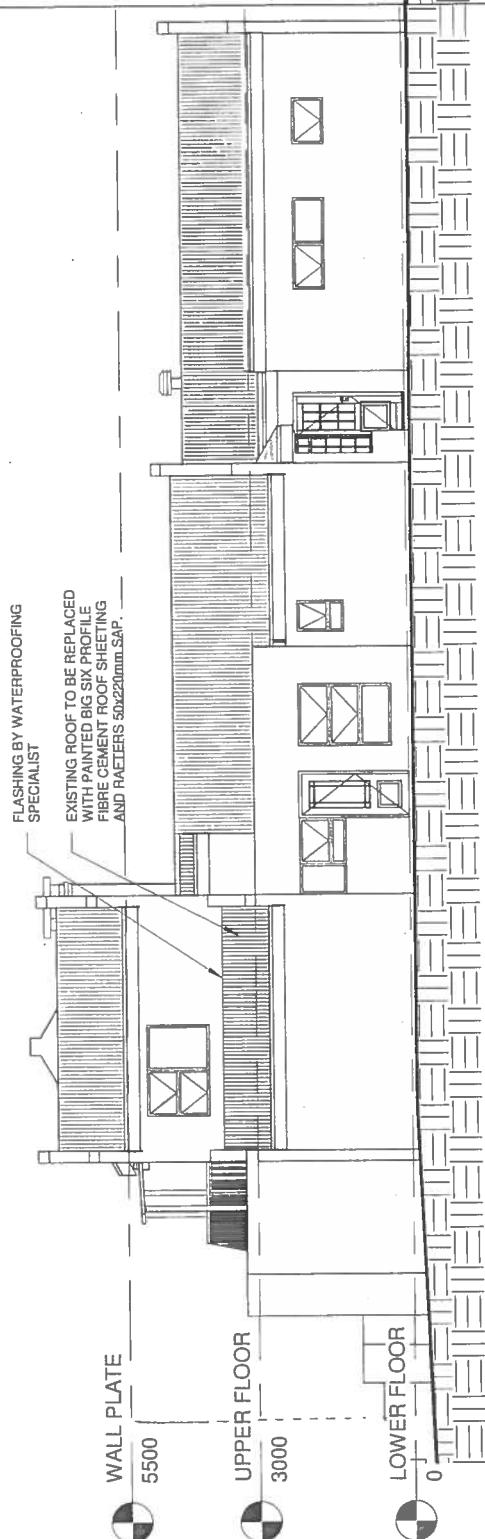
J.C. WEIDEMAN
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7196

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Cel. 082 717 616 8
jc.weideman@gmail.com



NORTH EAST ELEVATION

1 : 100



SOUTH WEST ELEVATION

1 : 100

182 South Western Highway
Donnybrook
WESTERN AUSTRALIA
6239

Overstrand Municipality
Town Planning Dept,
P O Box 20
Hermanus

21 July 2015

Dear Sirs

APPLICATION ; A MURPHY - 36 CLARENCE DRIVE : ROOI ELS
APPLICATION FOR DEPARTURE AS SOME OF THE NEW WORK PROPOSED
FALLS WITHIN BUILDING LINE RESTRICTIONS

I hereby hand in my application with duly signed paperwork and a copy of the Certificate of Title and would strongly ask you to consider our application. We live overseas in Australia at the moment – and it has been difficult convey to yourselves, and when I did try and phone Hanien van der Stoep from Town Planning she was away on holidays, however our Consultant Johan Weideman has been handling the matter for us.

Please could you consider our application. We are reasonable owners and are very conscious of your rules and regulations but in this instance feel that this would be a reasonable and most practical request being a paying ratepayer. I don't believe it will have any impact on the environment, neighbours or the Municipality.

We request if you could consider our application please.

Thank you.

With gratitude



Angela Murphy


ROOI ELS RATEPAYERS ASSOCIATION

PO Bbx 89 Betty's Bay 7141 - rerarebv@gmail.com

 TP- A Theart
(Hvd Stoep)


13 November 2015

 Die Senior Stads Beplanner
H van der Stoep
Overstrand Munisipaliteit

Faks: 028 313 2093

IS: ERF 36 ROOI ELS AANSOEK VERGUNNINGS GEBRUIK

Geliewe kennis te neem dat die Rooi Els Belastingbetalers vereniging hiermee beswaar aanteken teen die voorgestelde aansoek van die eienaar van Erf 36 Rooi Els om die boulyne van die eiendom te oorskry.

Ons besware moet as volg genotuleer word:

1. Geen substantiewe redes word deur die eienaar aangevoer waarom die boulyne verslap moet word nie;
2. Die eienaar van Erf 36 kan klaarblyklik aanbou elders op sy eiendom sonder om die bougrense te oorskry;
3. Die verslapping van die bougrense skep 'n onaanvaarbare presedent vir ander inwoners om ook hulle bougrense te laat oorskry;
4. Rooi Els is 'n sensitiewe kusedorpie met 'n unieke karakter. Hierdie aansoek kan tot onaanvaarbare toekomstige boulyn verslappings lei wat 'n inpak sal hê op Rooi Els;
5. Dit blyk voorts dat die eienaar reeds die bouplanne verontagsaam het aangesien sekere verbouings nie op die bou planne aangedui is nie;
6. Dit is voorts kommerkekkend dat 5 parkeer ruimtes aangedui word op die aansoek van die bouplan van die eienaar. Ons maak beswaar oor die beoogde parkeer ruimtes en stel voor dat slegs 2 parkeer plekke toegelaat word;
7. Ons is voorts bekommerd oor die stormwater afloop wat die aanbouings sal veroorsaak op die bure / aangrensende eiendom;
8. die aansoek sal die karakter van die area skend.

Ons versoek dat u die aansoek afkeur. Ons behou ook ons reg voor om verdere kenmerke te lewer in die toekoms.

Geliewe ontvangs te erken.

FHL Raymond

 PP. Puyen
(Lid belas met Beplanning)

FILE NO:	EL 36 Rooi Els
SCAN NO:	13
COLLABORATOR NO:	856686

TP 13 NOV 2015

Hoof Dorps Beplanner

Overstrand Streek

Mev. H. Van Der Stope

File Ref 36 KRE (3006)

15 Oktober 2015



FILE NO:	EL 36-Roof
SCAN NO:	44
COLLABORATOR NO:	848257

Per Registreerde Pos

En loretta@overstrand.gov.za

Geagte Mev Van Der Stope

In verband met die afwykings aansoek wat ingedien is deur Mnr A. Murphy, wil ons beswaar daarteen aanteken vir die volgende redes:

1. Aangesien ons huis se voorkant na wes wys is die oostekant, m.a.w die kant waarvoor Mnr Murphy vir verslapping aansoek doen, ons enigste skaduwee kant om te ontspan en dit sal beteken dat daar voortdurende afgekyk kan word vanaf sy balkon, wat dus veroorsaak dat ons geen privaatheid in ons eie erf het nie.
2. Die twee oostekant slaapkamers van ons woning sal ook geen privaatheid geniet nie, aangesien altwee huise oorspronklik baie vêr na agtertoe gebou is op die erwe. Enige musiek/lawaai sal veroorsaak dat dit baie ontstigtelik kan raak, aangesien dit 'n balkon is waar daar voortdurende gelawaai kan word.
3. Aangesien die twee huise oorspronklik baie naby mekaar gebou is en dan in hierdie geval nog voortdurend mense afkyk op jou eie ontspanningsarea, sal dit die waarde van ons eiendom ook beïnvloed, sou ons besluit om die huis eendag te verkoop.
4. Verder het mnr. Murphy 'n reëngeut bo-aan op die gesamentlike gebou/muur aangelê inn ons kant, wat alreeds onooglik is en wat dalk voortaan water-probleme kan gee, wat groot skade aan ons muur wat direk op ons perseël gebou is en nie halfpad op sy perseël staan nie.
5. Die vorige eienaar wou ook dieselfde balkon aangebring het, wat ons toe al afgekeur het vir dieselfde redes. Die vorige eienaar was destyds deur die munisipaliteit versoek om die skyfdeur met 'n venster te vervang, wat hy net botweg geweier het om na te kom. Dit het nou veroorsaak dat ons deur dieselfde proses moet gaan met die nuwe eienaar en dus sal dit voortaan aanhou en aanhou sodra die huis van eienaar verwissel.
6. Toe mnr. Murphy rondom April hier was het ons hom persoonlik gaan sien en aan hom verduidelik dat ons nie gaan toestem as hy 'n balkon daar gaan aanbring nie. Hy het ons redes verstaan en selfs gesê hy sou dieselfde gevoel het as die situasie omgekeer was. Tog het hy net voortgegaan en nou selfs vir verslapping aansoek doen. Hy het die beton struktuur gegiet sonder toestemming van die munisipaliteit en sonder goedkeuring en

TP 16 OCT 2015

15 OCT 2015 ✓

kontrole van 'n bou inspekteur of 'n ingenieur op terrein. Ons was toevallig daar en het geen persone gesien wat sulke funksie sou verrig nie.

7. Wat baie ontstellend is, is die feit dat mnr. Murphy bewus daarvan was dat ons in die buiteland sou wees hierdie tyd. Hy het vanaf April tot nou toe gewag om sy aansoek te doen vir verslapping met die wete dat ons nie hierdie brief betyds sou kon beantwoord het as ons nie iemand gehad het wat wel toegang tot ons persoonlike sake gehad het nie.

Ek vertrou die bogenoemde punte sal voorkeur geniet, aangesien dit baie lastig kan raak en dus beskou ons dit in 'n baie ernstige lig.

Vriendelike groete,

B.H en L.M. SCHMITZ

Loretta Gillion - Reply to Objection : Erf 36 Rooi Els (3006) - A.L. Murphy

From: Angela Murphy <Angela@summitdonnybrook.com.au>
To: "Loretta Gillion (loretta@overstrand.gov.za)" <loretta@overstrand.gov.za>
Date: 27/01/2016 05:01 AM
Subject: Reply to Objection : Erf 36 Rooi Els (3006) - A.L. Murphy
Cc: "jc.weideman@gmail.com" <jc.weideman@gmail.com>,
 "patangl@westnet.com.au..."

TP - A Theart
(H Jd Sheep)



Attention Loretta Gillian

Administrator Town Planning
 Hermanus Administration
 Overstrand Municipality Date 27/1/2016

FILE NO:	EL 36-Rooi Els
SCAN NO:	22
COLLABORATOR NO:	870970

Dear Sirs

36 CLARENCE DRIVE ROOI ELS :

In answer to objection by BH/LM Schmitz of 15.10.2015 reply as follows as per point form to their letter:

1. This is what we inherited. At the moment we can stand at our window and look down at our neighbours. The western side of our deck is where the stairs will come up. Once on the Deck will enjoy the views to the north and north west. I intend to construct the Ballustrade on the western elevation of a more solid format to create privacy in both directions.
2. Again this is what we inherited. Fortunately they are bedrooms and its not likely that the deck will be used into the night.
3. I don't feel the deck will make this situation any worse than already existing, however I do intend decrease the size of the bedroom window on the western elevation in order to create more privacy in both directions. Please note the new deck that is going to be built falls COMPLETELY inside the building restrictions and it is our right to have a deck. It also falls under our building rights.
4. The rain gutter is not protruding. We were forced to obtain the services of a Land Surveyor after Mr. Schmitz caused alarm by saying he had had the boundary surveyed and that corner of our garage was over. He has never been able to supply proof of this. The gutter is there to make sure that the water is carried onto our property and not to undermine any of the adjacent walls.
5. What has been constructed is repairs of the old Zink Roof, by replacing with concrete roof. If it was a balcony it would have a balustrade, "which incidentally would provide more privacy"
6. I have not changed about the way I feel and as I have indicated am endeavouring to create more privacy between us, and am open to suggestion from the Schmitz or the Municipality on this matter. The pouring of the roof slab was done with full consent of the Municipality with the Building Inspector Danie (April 2015) who was the prior inspector current to the one we now have. He in fact inspect the property on two occasions during the month of April 2015 and we have evidence of his visitations. Mr. Tielman the Engineer also inspected before the concrete slab pour took place. I did not see the Schmidz there.
7. This is total nonsense. When we left in April 2015 to return to Australia our plans had been finalised and were submitted to Johan Weideman in due course.

Our Response to Rooi Els Rate Payers Association Letter of Objection reply in point form :

TP 27 JAN 2016

27 JAN 2016

1a. With regard to alterations on the northern elevation the living wall room has been re-built straight, in line with the piece of wall that existed "i.e. as per plan" therefore I don't believe any departure was required.

1.b.As for the wall in the Garage which has been built to create a store, this does require a departure as it falls within the 3.150 encroachment zone. The store gives us peace of mind as we can leave our valuables safely locked away. There are no windows in the garage so nothing has changed for any neighbours. Therefore can you give us departure on this matter please?

2. Yes, thank you we can build within building lines.

3. I agree, but each case should be considered.

4. I agree, in line with your view we intend to scrap the idea of a plunge pool and create a garden to attract native animals.

5. We strongly disagree with this point. It seems to us that they should get their facts right before "seeming" things.

6. Parking Bays: 5 Parking bays were shown on the plan as it was carried over from existing plans. Surely if this is a commercial property it is a requirement to show 5 parking bays. Is this not the case?

7. I don't see why our application would be to the detriment of the town. We are endeavouring to create a character look that only resembles the opposite to this comment!


General comments:

We look forward to your response and in finalising our reply to above objections have been saddened as new owners to have come up against some false accusations from our new neighbours who introduced himself initially by shouting over the fencing saying "are you the Builder?" and the Rate Payers Association last comment saying that our application should be refused and would be detrimental to the town when in fact we are conservationists at heart and have spent a substantial amount of money to bring the building up to scratch from what an eye sore it was!


Never mind the fact that our letters of objection were in Afrikaans and it took 21 days to get them translated hence the request for an extension of time!, never mind that Mr. Schmidz broken eye sore gutter rattles in the wind along with his chimney cap squeaking in the wind as it has not been greased and keeps us awake!

We look forward to your response.

Thank you kindly



Angela Murphy Licensee - Donnybrook Branch
 M 0438 310 315 | T 08 9731 2555 | F 08 9731 2558
 182 South Western Highway, Donnybrook WA 6239
 Head Office: PO Box 387, Bunbury WA 6231
www.summitbunbury.com.au

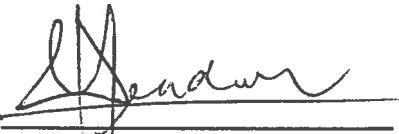


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 36, ROOI ELS (3006)**

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 should additional services be required the owner will be responsible for the payment of bulk services levies;
3. that stormwater be allowed to discharge through Erf 36, Rooi Els, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

10/12/2015

DATE