

OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><b>ERF 4395, 30 AMARYLIS CRESCENT, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: INTERACTIVE TOWN &amp; REGIONAL PLANNING ON BEHALF OF THUMPER HEIGHTS TRADING PROPRIETARY LIMITED</b></p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 4395, Betty's Bay (the property), namely:</p> <p><b>Removal of Restrictive Title Deed Conditions</b> Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.7, B.7.(i) and B.7.(ii) as contained in Title Deed T9793/2024 of the property.</p> <p><b>Departure</b> Application in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4m to 3,55m to accommodate a proposed new pergola.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus, at the Betty's Bay Library, Clarence Drive, Betty's Bay and on the municipal webpage at the following link <a href="https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/">https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</a></p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) <a href="mailto:landuse@overstrand.gov.za">landuse@overstrand.gov.za</a>) on or before <b>17 July 2026</b>, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the <b>Principal Town Planner, Mrs. H. van der Stoep</b> at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments.</p> <p><i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i></p>	<p><b>ERF 4395, AMARYLISSINGEL 30, BETTYSBAAI: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES EN AFWYKING: INTERACTIVE STADS- EN STREEKSBEPLANNING NAMENS THUMPER HEIGHTS TRADING PROPRIETARY LIMITED</b></p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 4395, Bettysbaai (die eiendom), naamlik:</p> <p><b>Opheffing van Beperkende Titelaktevoorwaardes</b> Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes B.7, B.7.(i) en B.7.(ii) soos vervat in Titelakte T9793/2024 van die eiendom.</p> <p><b>Afwyking</b> Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die straatboulyn vanaf 4m na 3,55m te verslap om die voorgestelde nuwe pergola te akkommodeer.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, by die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai en op die munisipale webtuiste by die volgende skakel <a href="https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/">https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</a></p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) <a href="mailto:landuse@overstrand.gov.za">landuse@overstrand.gov.za</a>) voor of op <b>17 Julie 2026</b>, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die <b>Hoofstadsbeplanner, Me. H. van der Stoep</b> by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p> <p><i>U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i></p>	<p><b>ISIZA 4395, 30 AMARYLIS CRESCENT, BETTY'S BAY: ISICELO SOKUSUSWA KWEMIQATHANGO ENESITHINTELO KWITAYITILE KUNYE NOKUNYENISWA: ABAKWA-INTERACTIVE TOWN &amp; REGIONAL PLANNING EGAMENI LABAKWA-THUMPER HEIGHTS TRADING PROPRIETARY LIMITED</b></p> <p>Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho ka-2020 woMasipala waseOverstrand Ohlonyelweyo ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala (uMthetho kaMasipala) ukuba kufunyenwe ezi zicelo zilandelayo zimalunga neSiza 4395 eBetty's Bay (ipropathi), ukuba:</p> <p><b>Ukususwa Kwemiqathango Enezithintelo Kwitayitile</b> Isicelo ngokumayela neCanadelo 16(2)(f) loMthetho kaMasipala ukuba kususwe imiqathango enezithintelo kwitayitile ethi B.7, B.7.(i) nethi B.7.(ii) njengoko iqulethwe kwiTayitile T9793/2024 yepropathi.</p> <p><b>Ukunyeniswa</b> Isicelo ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyeniswe umga wesakhiwo okwicala elingasesitratweni ukusuka ku-4m ukuya ku-3.55m ukulungiselela iveranda entsha ecetywayo,</p> <p>Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus, kwiThala leeNcwadi eBetty's Bay Library, Clarence Drive, Betty's Bay nakwiwebhusayithi kamasipala kule linki ilandelayo <a href="https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/">https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</a></p> <p>Naziphi na izimvo zimele zibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (e) <a href="mailto:landuse@overstrand.gov.za">landuse@overstrand.gov.za</a>) ngaphambi okanye ingadlulanga <b>17 Julayi 2026</b>, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabhekiswa ku<b>Principal Town Planner, uNkskz. H. van der Stoep</b> ku 028-3138900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe leTown and Spatial Planning apho igosa lakwamasipala liya kumnceda afake amagqabaza akhe okuhlomla.</p> <p><i>Nceda uphawule ukuba ngokumayela noMthetho Wokukhuselwa kweNkazelo yoBaq (POPIA), uza kungena kwinkqubo yokuthatha inxaxheba kaluntu ibe ngenxa yoko uyavuma ukuba igama, ifani yakho, iinkcukacha zakho zoqhagamshelwano namagqabaza akho angadizwa / asetyenziswa kwinkqubo (yokufaka isicelo).</i></p>
<p>Dr DGI O'Neill  <b>Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala</b>          PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;"><i>Notice no. / Kennisgewing nr. / Inothi si yeNomb: 124/2026</i></p>		



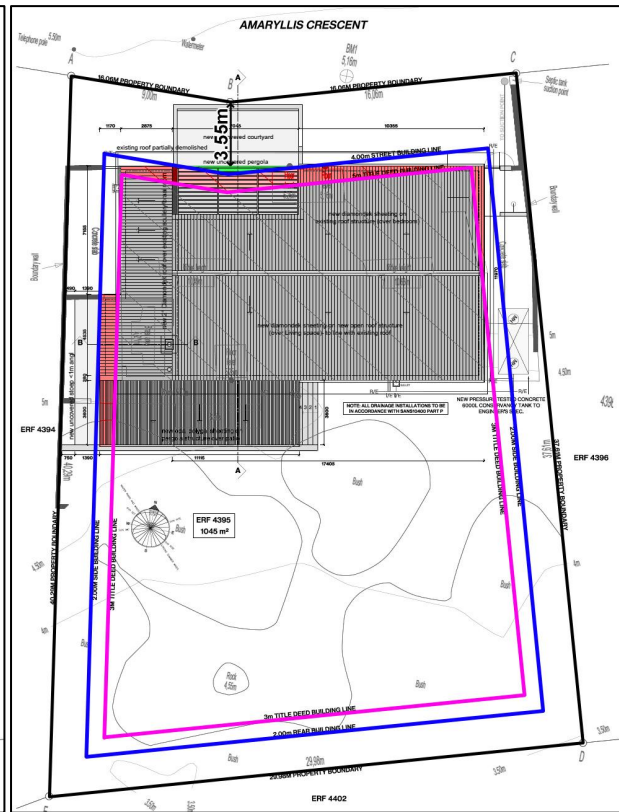
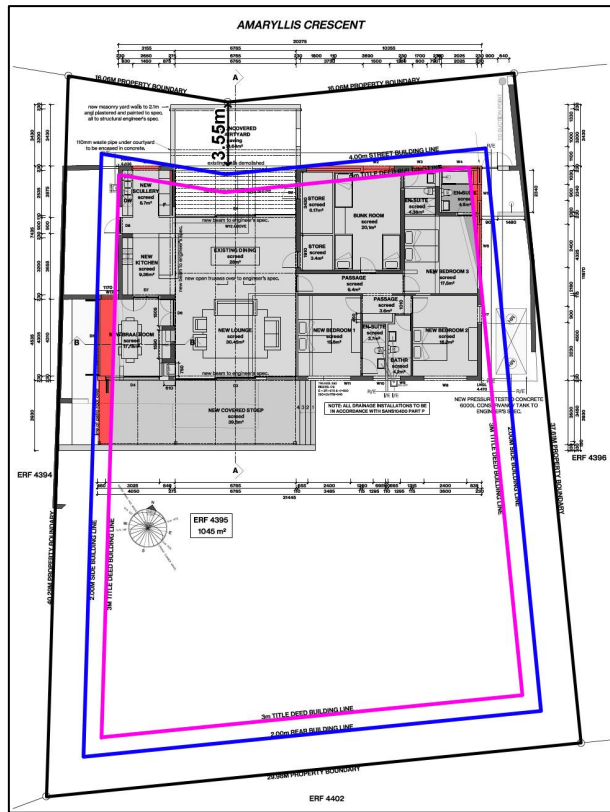


# ERF 4395

# BETTY'S BAY

30 Amaryllis Crescent

## Building Line Departures & Removal of Restrictive Title Deed Conditions Application



**Andre Wiehahn** Pr Pln A/927/1996  
 B Art et Sc (Town and Regional Planning)  
 Cell phone: 082 466 0490  
 E-mail: info@iatrp.co.za

**February 2026**

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Notes

# 1. Introduction

**a. Brief**

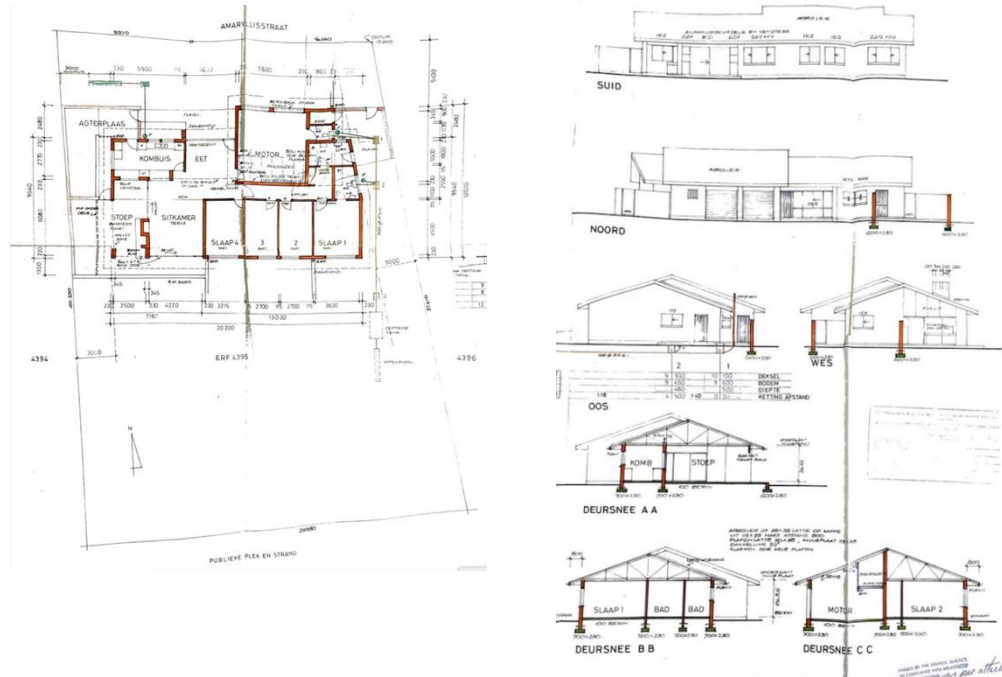
Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning is appointed by the owners of the property Thumper Heights Trading Pty Ltd to prepare and submit an application for building line departures and the removal of restrictive title deed conditions of Erf 4395, Betty's Bay in terms of the relevant legislation.

**b. Background, Development Objective & Application Proposal**

Refer to Annexure XXX for copies of the original approved building plans

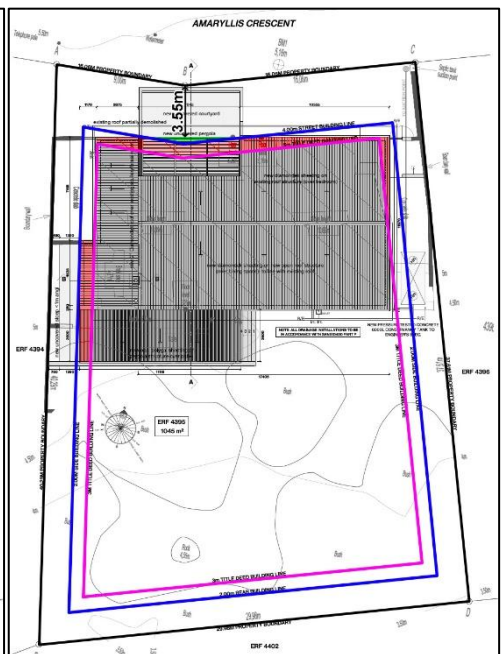
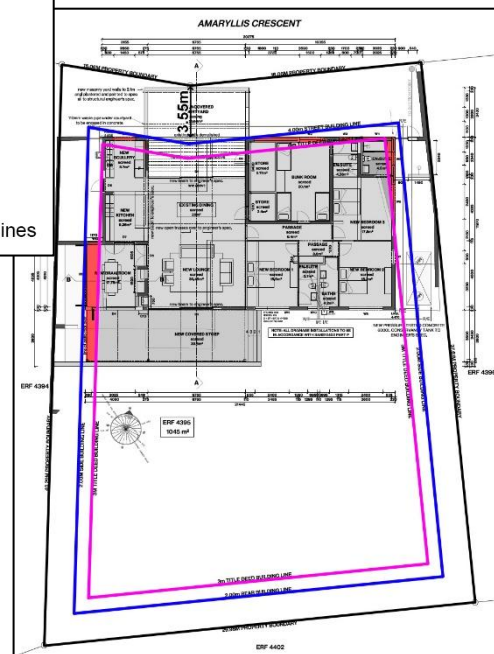
The property was purchased in 2024 with the existing dwelling house exceeding both the zoning scheme and title deed building lines. The dwelling house's building plans were originally approved and accordingly built exceeding the title deed building lines as shown in the following sketches:



The **development objective** is to do some alterations and amendments to the existing dwelling house but also rectify the historic title deed building line statutory oversights.

The proposed amendments to the dwelling house are shown in the following sketches which encroaches both the zoning scheme and title deed building lines:

- Proposed amendments & additions exceeding title deed building lines
- Proposed amendments & additions exceeding title deed & zoning scheme building lines
- Title Deed building lines
- Zoning Scheme building lines





**Figure 1: Proposed Building Plan illustrations**

The proposed amendments exceed both the title deed and zoning scheme building lines and subsequently application is made for:

- Departure to relax the street building lines from 4m to 3.55m to allow for a proposed pergola.
- The removal of restrictive title deed condition, Clause B.7 from Title Deed T9793/2024.

## 2. The Application

<p><b>a. Analysis: Title Deed</b> Refer to <b>Annexure D</b> for the Conveyancer Certificate.</p>	<p>The conveyancer Amelia Galvin from Virtual Lawyers provided a conveyancer certificate confirming that the following title deed conditions restricts the development proposal.</p> <p><b>Title Deed T9793/2024:</b></p> <p><i>“B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T33673/1977 imposed by the Administrator of the Cape Province by virtue of the provisions of Ordinance No. 33 of 1934, when approving the establishment of the Township Bettys Bay Extension No. 4, namely:-</i></p> <p>7. <i>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 of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority -</i></p> <p style="margin-left: 20px;"><i>(i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner erf, the distance of 12m shall be measured from the point furthest from the streets abutting the erf.</i></p> <p style="margin-left: 20px;"><i>(ii) an outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.”</i></p> <p>Application is therefore for the removal of restrictive title deed conditions B.7. from Title Deed T9793/2024.</p>																																									
<p><b>b. Analysis: Development Criteria:</b></p>	<p>The development parameters for Erf 4395 Betty’s Bay as per the Overstrand Municipality Land Use Scheme, 2020 are summarised as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #92d050;"> <th style="width: 15%;">Parameters</th> <th style="width: 35%;">Existing Zoning:</th> <th style="width: 20%;">Proposal:</th> <th style="width: 30%;">Comments</th> </tr> </thead> <tbody> <tr> <td><b>Zoning</b></td> <td>Residential Zone 1: Single Residential</td> <td>Residential Zone 1: Single Residential</td> <td>Consistent</td> </tr> <tr> <td><b>Primary Use</b></td> <td>Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering</td> <td>Dwelling house</td> <td>Consistent</td> </tr> <tr> <td><b>Consent Uses</b></td> <td>Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building &amp; intensive horticulture</td> <td>N/A</td> <td>Consistent</td> </tr> <tr> <td><b>Coverage</b></td> <td>50%</td> <td>25.8%</td> <td>Consistent</td> </tr> <tr> <td><b>Height</b></td> <td>8m</td> <td>5.6m</td> <td>Consistent</td> </tr> <tr> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Building Lines</b></td> <td style="text-align: center;"><b>Street</b></td> <td>4m</td> <td>3.55m</td> <td style="background-color: #ffff00;"><b>Application includes a departure</b></td> </tr> <tr> <td style="text-align: center;"><b>Side</b></td> <td>2m</td> <td>≤2m</td> <td>Consistent</td> </tr> <tr> <td style="text-align: center;"><b>Rear</b></td> <td>2m</td> <td>≤2m</td> <td>Consistent</td> </tr> <tr> <td><b>Parking</b></td> <td>Dwelling house: 2 bays</td> <td>2 bays</td> <td>Consistent</td> </tr> </tbody> </table>	Parameters	Existing Zoning:	Proposal:	Comments	<b>Zoning</b>	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Consistent	<b>Primary Use</b>	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent	<b>Consent Uses</b>	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building & intensive horticulture	N/A	Consistent	<b>Coverage</b>	50%	25.8%	Consistent	<b>Height</b>	8m	5.6m	Consistent	<b>Building Lines</b>	<b>Street</b>	4m	3.55m	<b>Application includes a departure</b>	<b>Side</b>	2m	≤2m	Consistent	<b>Rear</b>	2m	≤2m	Consistent	<b>Parking</b>	Dwelling house: 2 bays	2 bays	Consistent
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<p><b>c. Application:</b> The application form is attached as <b>Annexure A</b>.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:</p> <ul style="list-style-type: none"> <li>Departure to relax the street building lines from 4m to 3.55m to allow for a proposed pergola in terms of Chapter IV, Section 16(2)(b).</li> <li>The removal of restrictive title deed condition, Clause B.7 from Title Deed T9793/2024 in terms of Chapter IV, Section 16(2)(f).</li> </ul>																																									

### 3. Contextual Site Information

a. **Property Description**

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of Erf 4395 Betty's Bay.

Property	Extent	Title Deed	Registered Owner
Erf 4395 Betty's Bay	1045m <sup>2</sup>	T9793/2024	Thumper Heights Trading Pty Ltd

The following Surveyor General Plans reflect the application site:

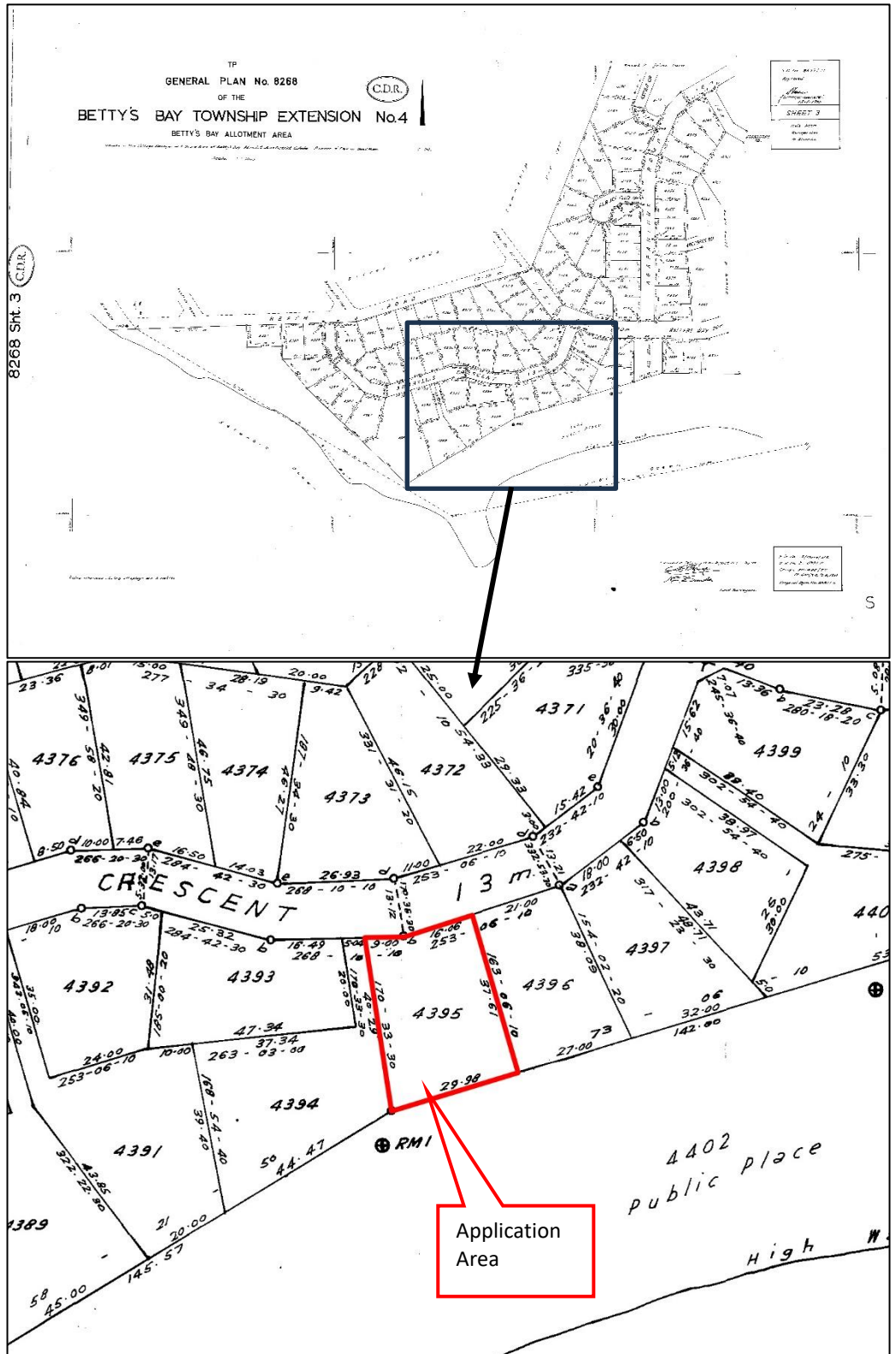


Figure 2: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F

**Regional Context:**

Within the regional context, the application area is located within Betty's Bay which is within the Overstrand Municipal area.

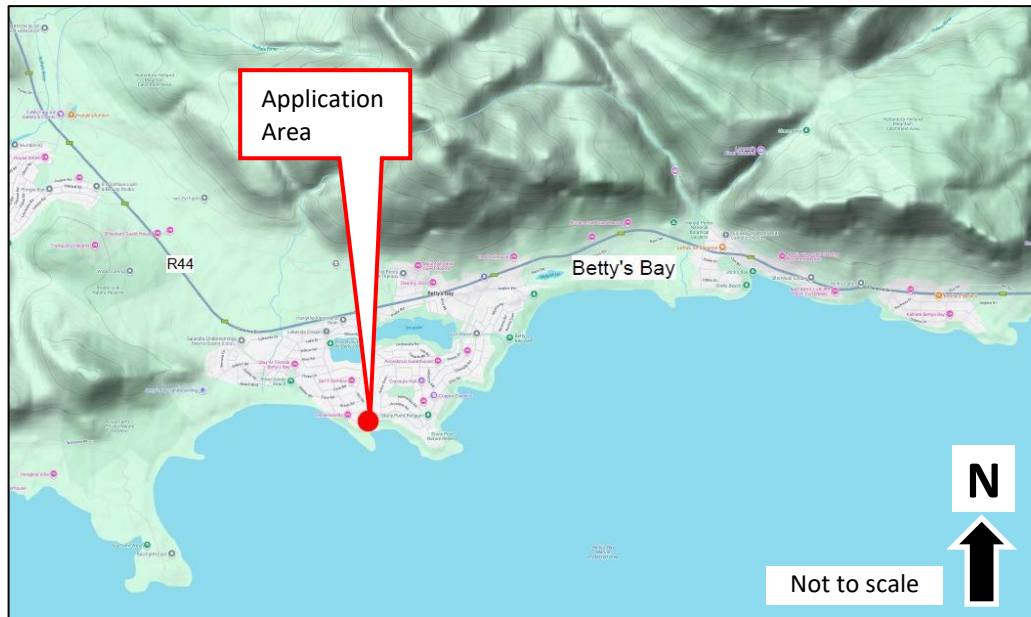


Figure 3: Locality Plan – Regional Context

**Local Context:**

Within the local context the application area consists of a single residential erf within Betty's Bay. The application area is located at number 30 Amaryllis Crescent.

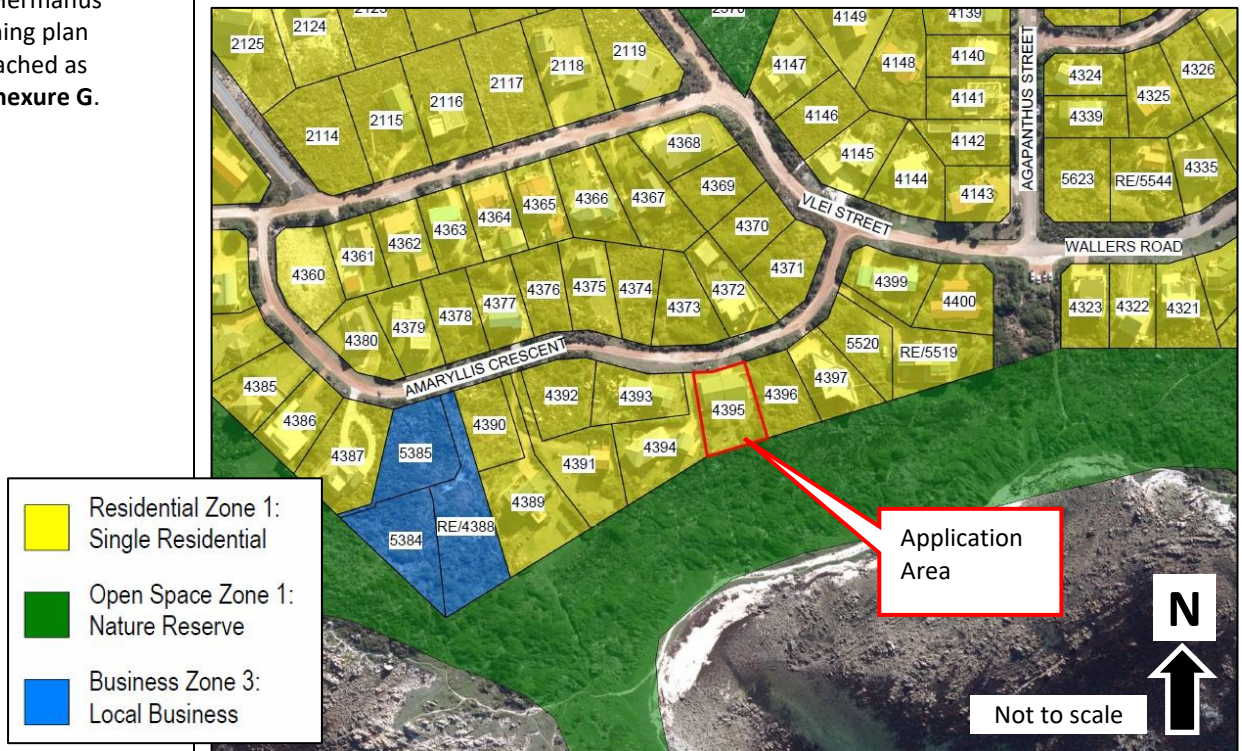


Figure 4: Locality Plan – Local Context

**c. Land Use:**

Refer to the Extract of Hermanus Zoning plan attached as Annexure G.

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings. No change in land use is proposed. The proposal is consistent with the land use of the area.



**Figure 5: Aerial Image illustrating the residential land-use activities of the application area**

**d. Zoning:**

Refer to the Extract of Hermanus Zoning plan attached as Annexure H.

The application area, Erf 4395, Betty's Bay is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed and the application area is consistent with the zoning of the area.



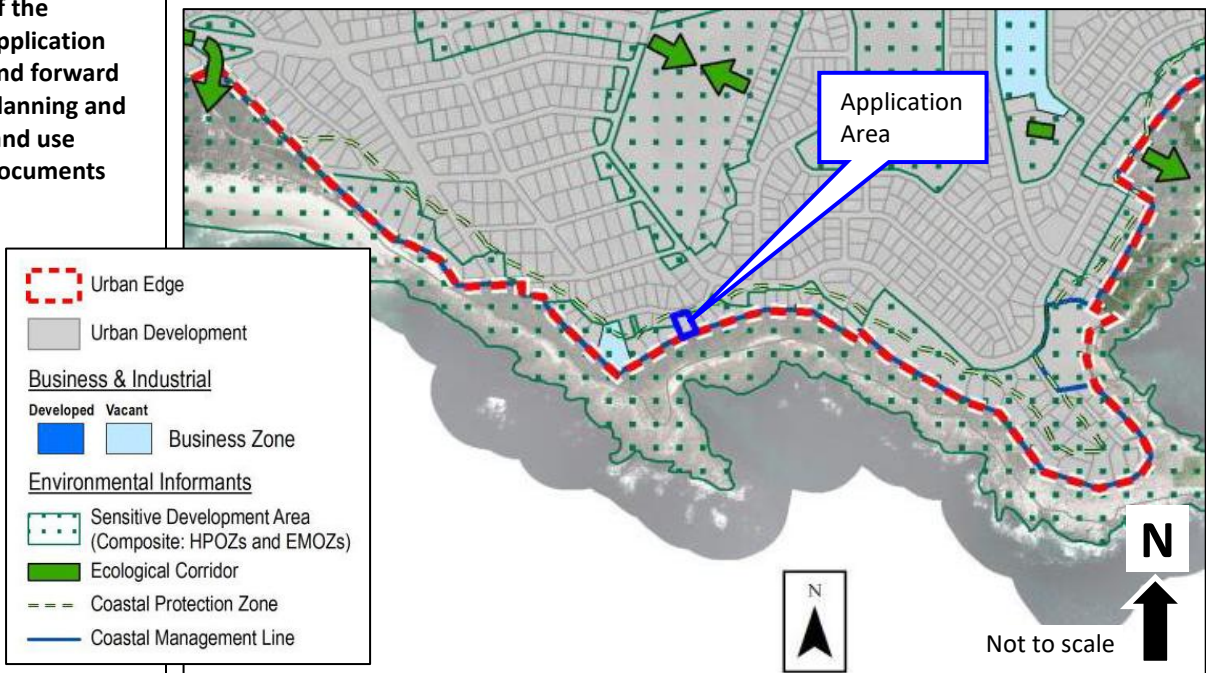
**Figure 6: Extract from the Overstrand Municipality: Online zoning viewer**

**e. Laws and policies relevant to the consideration of the application and forward planning and land use documents**

The following policy is applicable to the application area and the development proposal:

**i. Overstrand Municipal Spatial Development Framework, 2020**

The application area falls within an Urban Development are, and a Coastal Protection Zone.

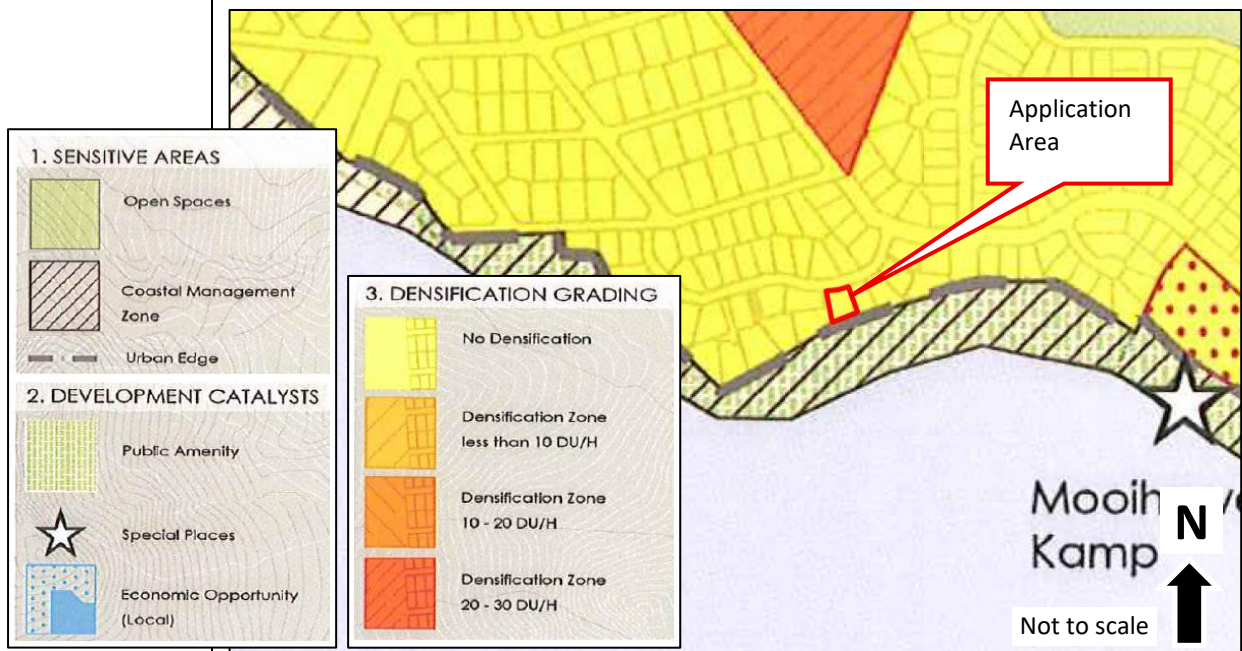


**Figure 7: Betty's Bay West Spatial Proposal 2020 plan extract**

No change in land use or spatial structure is proposed and the application proposal is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

**i. Overstrand Municipality Growth Management Strategy, June 2010**

The application area is located within a no densification area. No densification is proposed.



**Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.**

The application is consistent with the Overstrand Municipality Growth Management Strategy, 2010.

## 4. Motivation

**Motivation for the application:**

Refer to **Annexure I** for the Building Plan

**a. Introduction and Background**

The application area is situated at 30 Amaryllis Crescent in Betty's Bay, and features a residential dwelling.

The application area was purchased with the existing dwelling house in 2024, which exceeds both the zoning scheme and title deed building lines.

**b. Proposal**

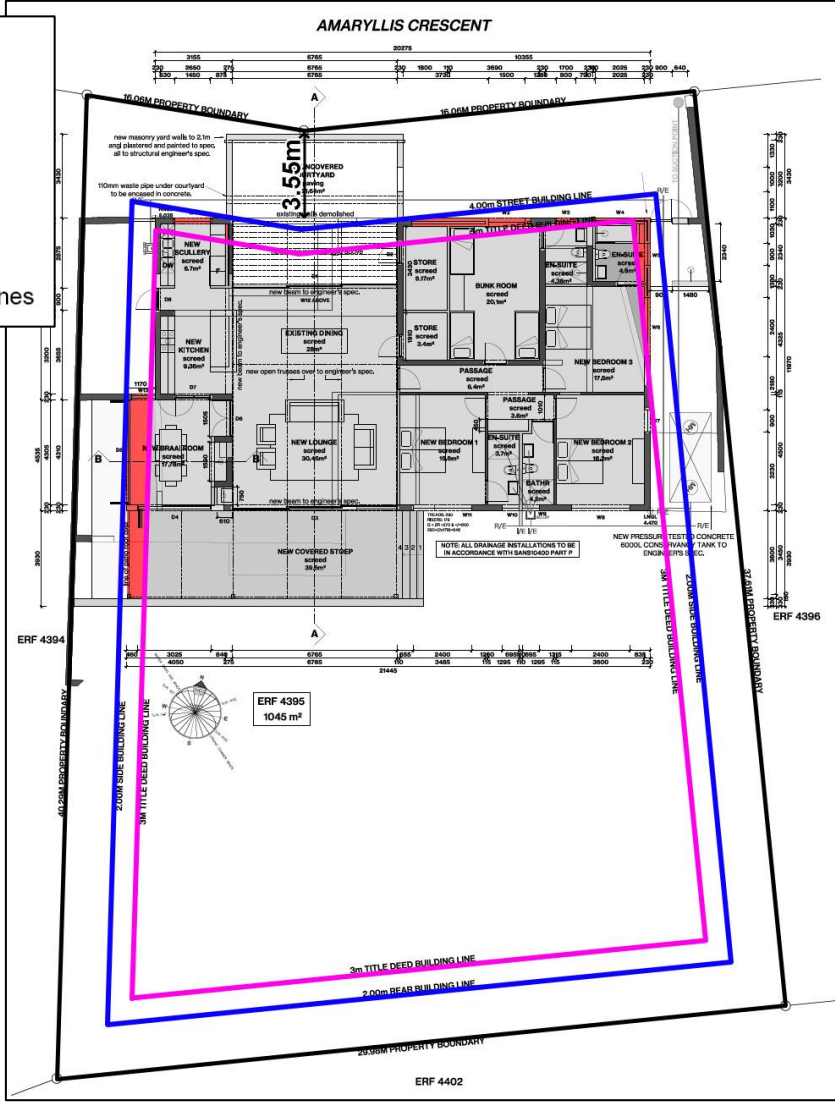
The **development objective** is primarily to allow for amendments to the dwelling house exceeding title deed and zoning scheme building lines.

The existing dwelling is up to 3.55m from the street boundary.

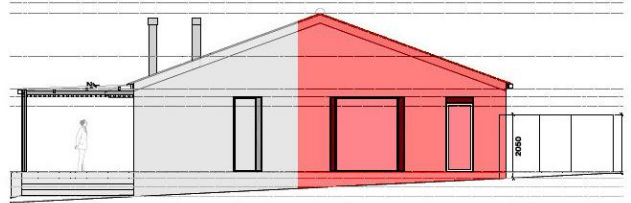
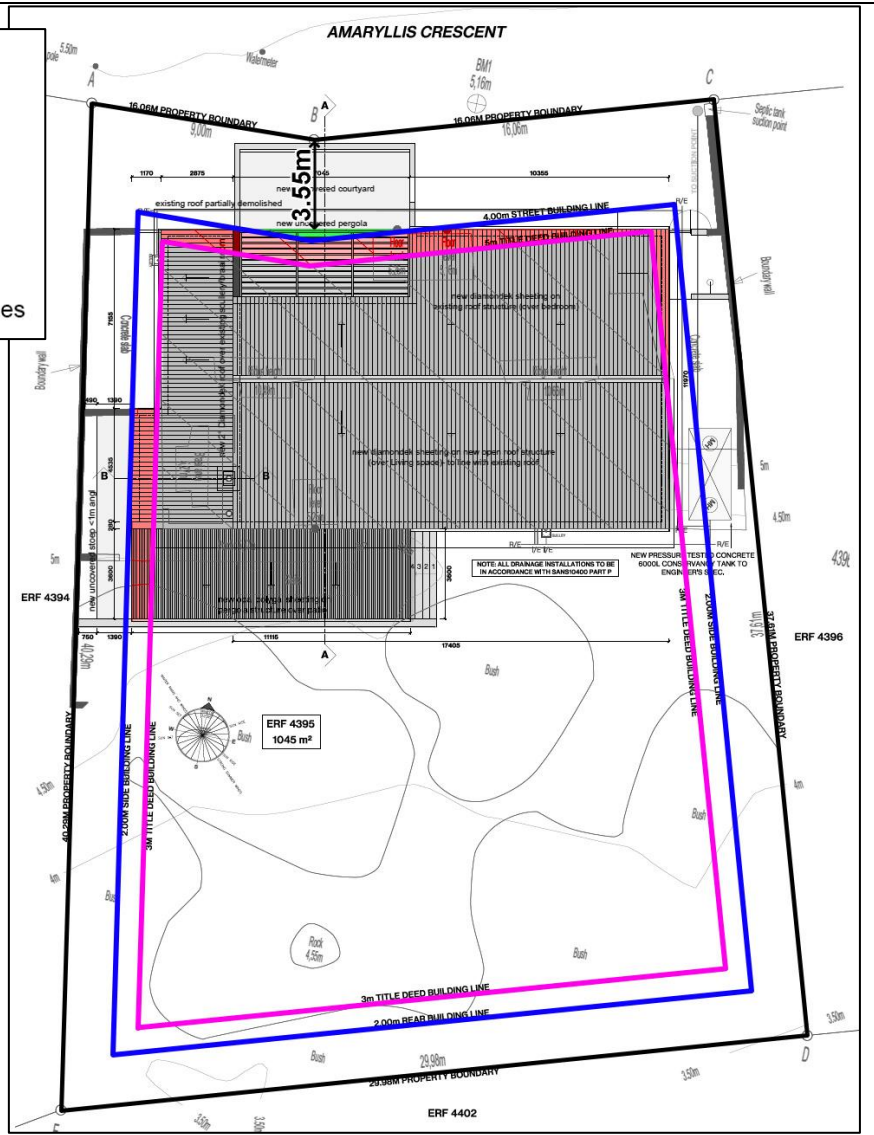
A new braai room, covered stoep, bathroom and bedroom extension are proposed exceeding title deed building lines. Amendments to windows and internal walls are also proposed exceeding title deed building lines. The asbestos roof of the entire dwelling is proposed to be replaced with new steel roof sheeting.

A roof up to 3.55m from the street boundary is proposed to be replaced with a pergola exceeding the zoning scheme building line.

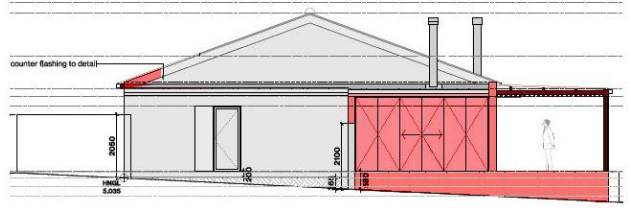
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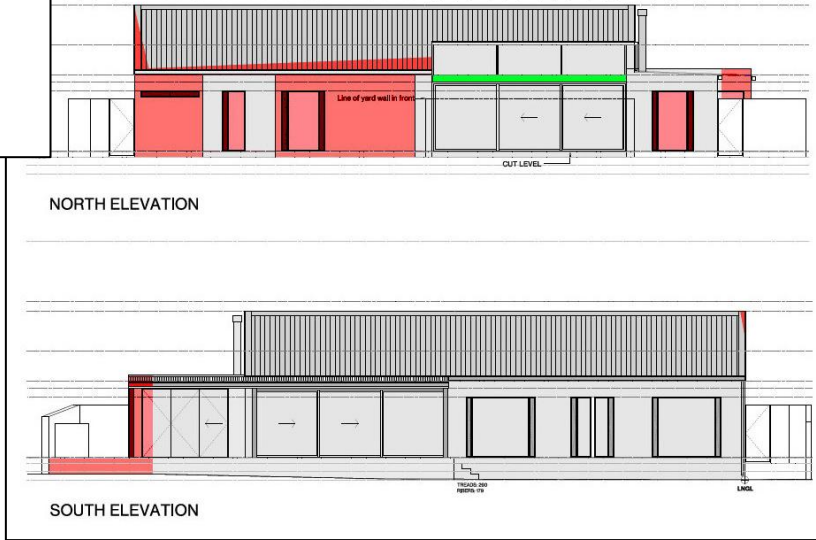


EAST ELEVATION



WEST ELEVATION

- Proposed amendments & additions exceeding title deed building lines
- Proposed amendments & additions exceeding title deed & zoning scheme building lines



**Figure 9: Proposed Building Plan illustrations**

Application is therefore for:

- Departure to relax the street building lines from 4m to 3.55m to allow for a proposed pergola.
- The removal of restrictive title deed condition, Clause B.7 from Title Deed T9793/2024.

**The removal of restrictive title deed condition**

Application includes the removal of Clause 7 from Title Deed T9793/2024 which includes title deed building lines. Clause 7 reads as follows:

**Title Deed T9793/2024:**

*“B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T33673/1977 imposed by the Administrator of the Cape Province by virtue of the provisions of Ordinance No. 33 of 1934, when approving the establishment of the Township Bettys Bay Extension No. 4, namely:-*

7. *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 of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority -*
  - (i) *an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner erf, the distance of 12m shall be measured from the point furthest from the streets abutting the erf.*
  - (ii) *an outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.”*

The existing dwelling as well as proposed additions and amendments to the existing dwelling exceeds the title deed building lines, therefore requiring the removal of the Clause B.7 from Title Deed T9793/2024.

The existing building includes an asbestos roof exceeding the title deed building lines which will need to be replaced for health purposes.

The building footprint is proposed to be expanded over the title deed building lines by a proposed bathroom, a portion of a bedroom, a braai room and a covered stoep. Neither the proposed bathroom, bedroom extension or braai area will exceed zoning scheme building lines.

Zoning scheme building lines which are 4m from the street and 2m on the sides are still applicable and therefore the character of the area and access for services and safety are still protected.

The existing dwelling and proposed additions are on the ground floor and therefore the removal of the restrictive title deed condition will not impact on the privacy, light or views of the adjacent properties.

The proposed bathroom and bedroom extension exceeding the title deed building lines will also give the building a 90-degree corner, instead of the existing zig-zag and skew walls, making the building appear neater and improving the character of the area.

The proposed bathroom, bedroom extension, braai room and covered stoep, as well as amendments to the existing dwelling exceeding title deed building lines will improve the functionality of the dwelling house.

The proposed removal of the restrictive title deed condition will also allow for renewal of the property, thus having a positive impact on the character of the area.

The removal of Clause B.7 from Title Deed T9793/2024 are motivated in terms of Section 35(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 here below:

***“35. Requirements for amendment, suspension or removal of restrictive conditions***

*(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:*

*(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;”*

The removal of Clause B.7 from Title Deed T9793/2024 is required to retain the existing dwelling house, thus required to avoid potential significant financial loss.

*“(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;”*

The original purpose of Clause B.7 is to manage building lines and associated character of the area which serves the township as a whole. As a result, Clause 7 does not grant any personal benefits.

*“(c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;”*

The removal of Clause B.7 is required to allow for the existing dwelling house as well as proposed amendments.

*“(d) the social benefit of the restrictive condition remaining in place in its existing form;”*

Since the application area is still subject to zoning scheme building lines which protects the character of the area, there is no social benefit to the restrictive condition remaining in place.

*“(e) the social benefit of the removal or amendment of the restrictive condition; and”*

Since the removal of Clause B.7 relates to a single residential property, it will not impact the community and therefore there is no social benefit.

“(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.”

It is proposed to completely remove Clause B.7 since it is required to accommodate the existing building and proposed amendments, while not impacting the surrounding community.

**Building line departure**

Application includes a departure to relax the street building lines from 4m to 3.55m to allow for a proposed pergola.

The proposed pergola will be in a courtyard, surrounded by the dwelling on 3 sides and within the existing dwelling house footprint, thus not having any additional impact.

The existing dwelling is not parallel to the road, due to the road creating a corner in front of the proposed pergola and the average straight façade of the dwelling is further than 4m from the road, thus being consistent with the character of the area.

The pergola is for the ground floor courtyard and is surrounded by the dwelling house on three sides, thus not impacting on light or views of neighbouring properties.

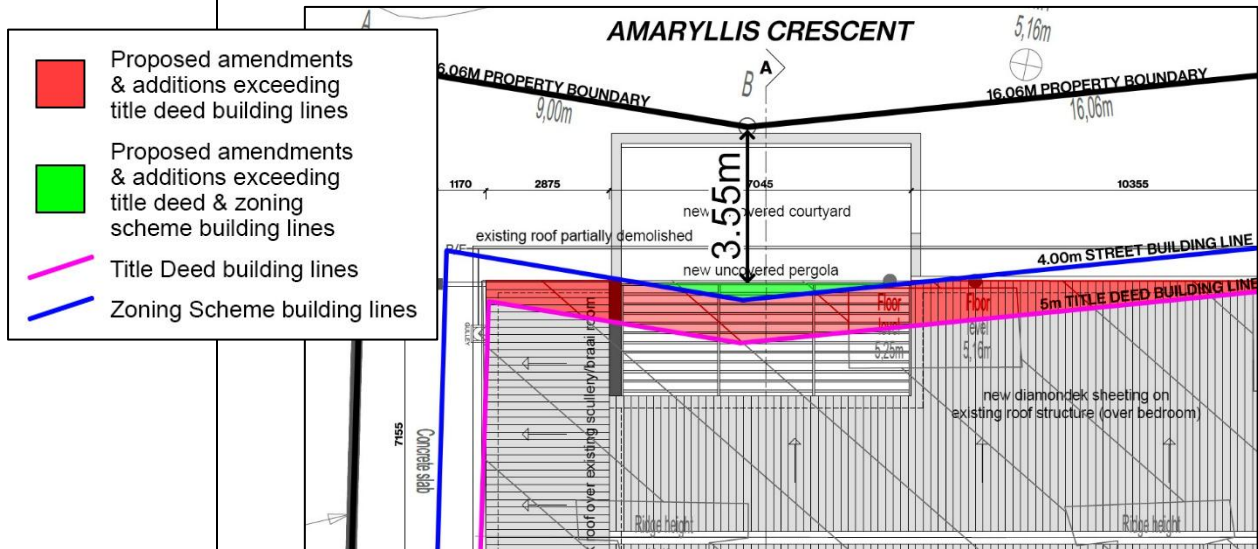


Figure 10: Building line departure illustration

**c. Desirability**

The application proposal is considered desirable for the following reasons:

- The application proposal is considered consistent with the relevant strategic planning policy documents.
- The application proposal is consistent with the character of the area.
- The removal of the restrictive title deed condition and building line departure are required to allow for the existing dwelling and is required to avoid significant financial loss.
- The application proposal will improve the functionality of the dwelling house.
- The application proposal will not impact on the neighbouring properties.

**d. Planning Principles**

In terms of Chapter VI of the Spatial Planning and Land Use Management Act 2013, the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

	<p><b>Possible results of the development</b> The application proposal will allow for an existing dwelling house and does not impact on spatial justice.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial justice</b>.</p> <p>2) <b>Spatial Sustainability</b> which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.</p> <p><b>Possible results of the development</b> The application proposal relates to a developed single residential property and will therefore not impact on valuable agricultural land, environmentally sensitive or biodiversity rich areas or scenic or cultural landscapes.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial sustainability</b>.</p> <p>3) <b>Efficiency</b> which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p> <p><b>Possible results of the development</b> No change in spatial structure is proposed and will therefore not impact on spatial efficiency.</p> <p>The application proposal is <b>consistent</b> with the <b>efficiency principle</b>.</p> <p>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p><b>Possible results of the development</b> The application proposal will allow for the existing dwelling house, thus potentially avoiding significant financial loss.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial resilience</b>.</p> <p>5) <b>Good Administration</b> which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p><b>Possible results of the development</b> Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>good administration</b>.</p>
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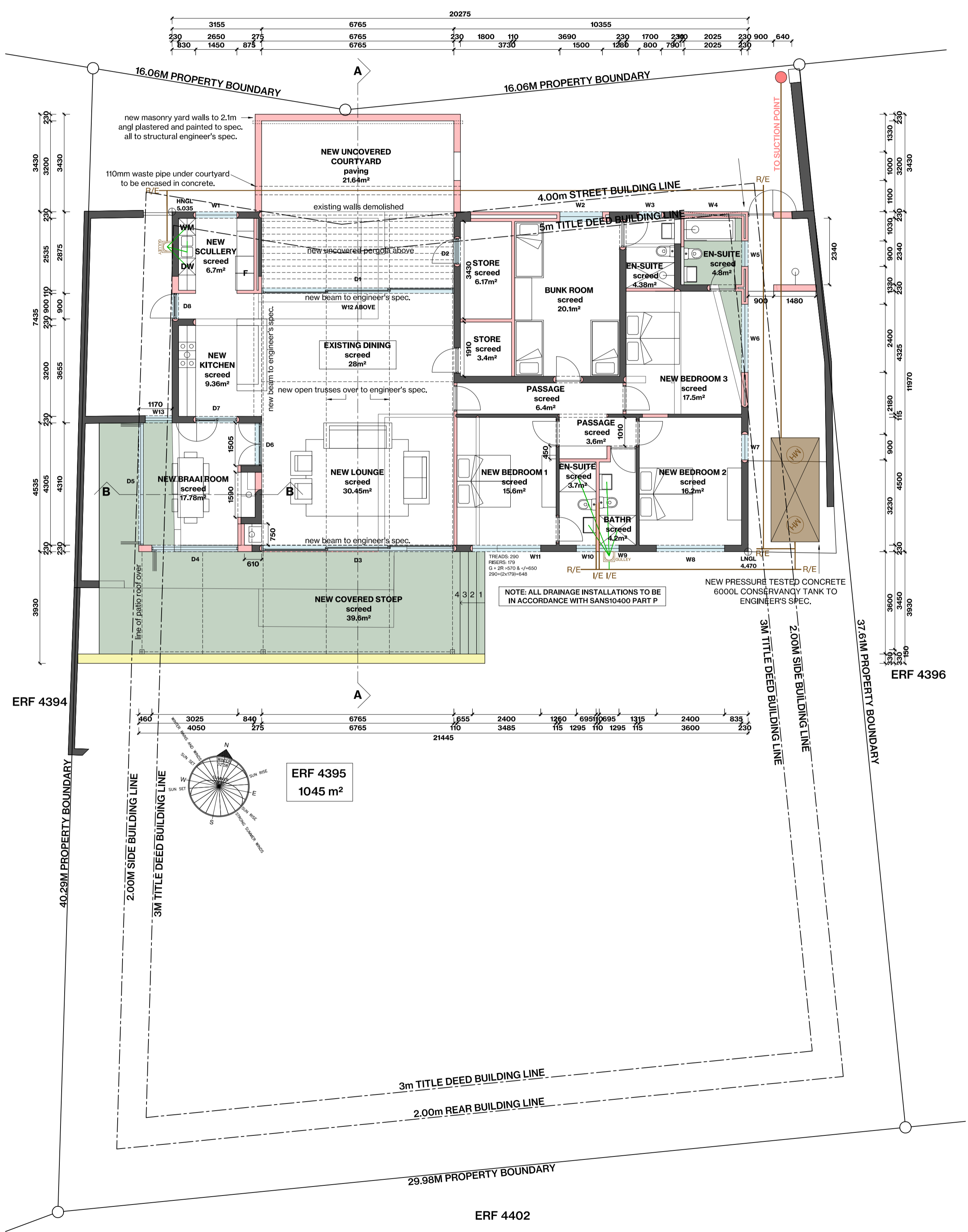
**5. Conclusion**

The application as motivated in this report is regarded **desirable** and consistent with the character of the area.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the following:

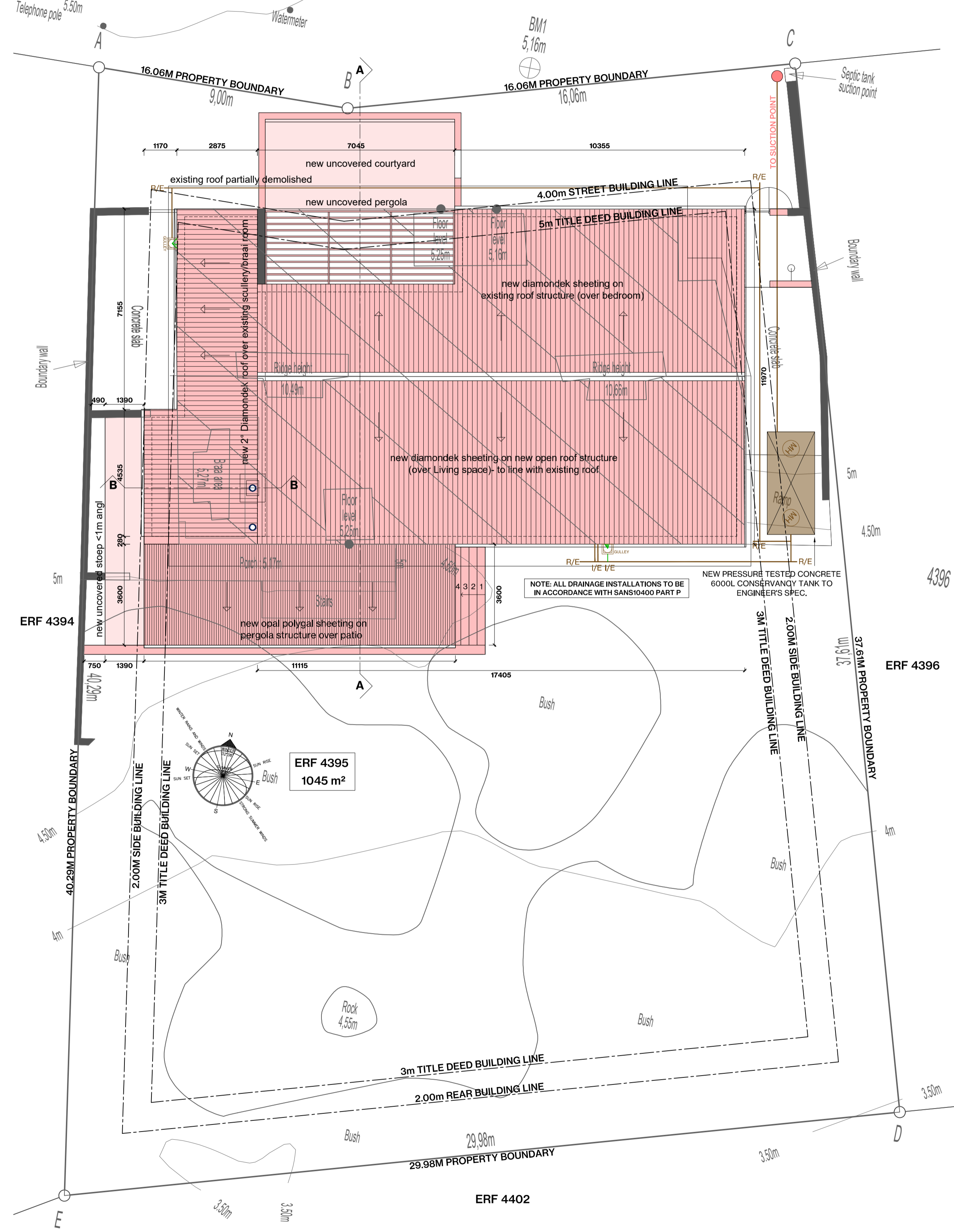
- Departure to relax the street building lines from 4m to 3.55m to allow for a proposed pergola in terms of Chapter IV, Section 16(2)(b).
- The removal of restrictive title deed condition, Clause 7 from Title Deed T9793/2024 in terms of Chapter IV, Section 16(2)(f).

AMARYLLIS CRESCENT



PLAN  
SCALE 1:100

AMARYLLIS CRESCENT



ROOF / SITE PLAN  
SCALE 1:100

GENERAL SPECIFICATIONS FOR COUNCIL SUBMISSION PURPOSES ONLY:

- \* ALL WORK TO COMPLY WITH THE CURRENT NATIONAL & LOCAL BUILDING REGULATIONS
- \* ALL WORK TO COMPLY WITH THE MODEL PREAMBLES FOR TRADES, 1999 EDITION.
- \* THESE DRAWINGS MUST NOT BE SCALED. WORKED FROM FIGURED DIMENSIONS ONLY OR CONSULT THE PROJECT ARCHITECT.
- \* DIMENSIONS AND LEVELS ARE TO BE CHECKED, THE LATTER ON SITE, BY THE CONTRACTOR BEFORE COMMENCEMENT OF ANY WORK OR SETTING OUT OF SHOP DRAWINGS.

**STRUCTURAL DESIGN:**  
TO BE IN ACCORDANCE WITH PART B OF SANS 10400. REFER TO STRUCTURAL ENGINEERS DETAILS AND SPECIFICATIONS.

**PUBLIC SAFETY:**  
TO BE CONDUCTED IN ACCORDANCE WITH PART D OF SANS 10400.

**SITE OPERATIONS:**  
TO BE CONDUCTED IN ACCORDANCE WITH PART F OF SANS 10400.

**EXCAVATIONS:**  
TO ENGINEERS DETAILS

**FOUNDATIONS:**  
TO ENGINEERS DETAILS

**FLOOR CONSTRUCTION:**  
TO ENGINEERS DETAILS

**WALL CONSTRUCTION:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART K OF SANS 10400. EXTERNAL WALLS TO BE 280mm WITH 50mm CAVITY. INTERNAL WALLS TO BE 150mm AND 230mm RESPECTIVELY.

**ROOF CONSTRUCTION:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART L OF SANS 10400. REFER TO STRUCTURAL ENGINEERS DETAILS

**BEAMS:**  
REFER TO STRUCTURAL ENGINEERS DETAILS

**STAIRS:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART M OF SANS 10400.

**DOORS & WINDOWS:**  
SEE ATTACHED DOOR AND WINDOW SCHEDULES IF APPLICABLE.

**GLAZING:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART N OF SANS 10400. ALL GLAZED AREAS EXCEEDING 1m² OR LESS THAN 500mm ABOVE FINISH FLOOR LEVEL TO BE SAFETY GLAZED (8mm NOMINAL THICKNESS)

**LIGHTING & VENTILATION:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART O OF SANS 10400.

**DRAINAGE:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART P OF SANS 10400. TO CONNECT INTO NEW / EXISTING GULLIES & MANHOLES THAT CONNECT TO EXISTING MUNICIPAL SEWER LINE.

**STORM WATER DISPOSAL:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART R OF SANS 10400.

**FIRE PROTECTION:**  
TO BE CONSTRUCTED IN ACCORDANCE WITH PART T OF SANS 10400.

FOR MUNICIPAL APPROVAL

OWNER: \_\_\_\_\_  
DATE: \_\_\_\_\_

ARCHITECT: \_\_\_\_\_  
REG. NO. PAD58735663

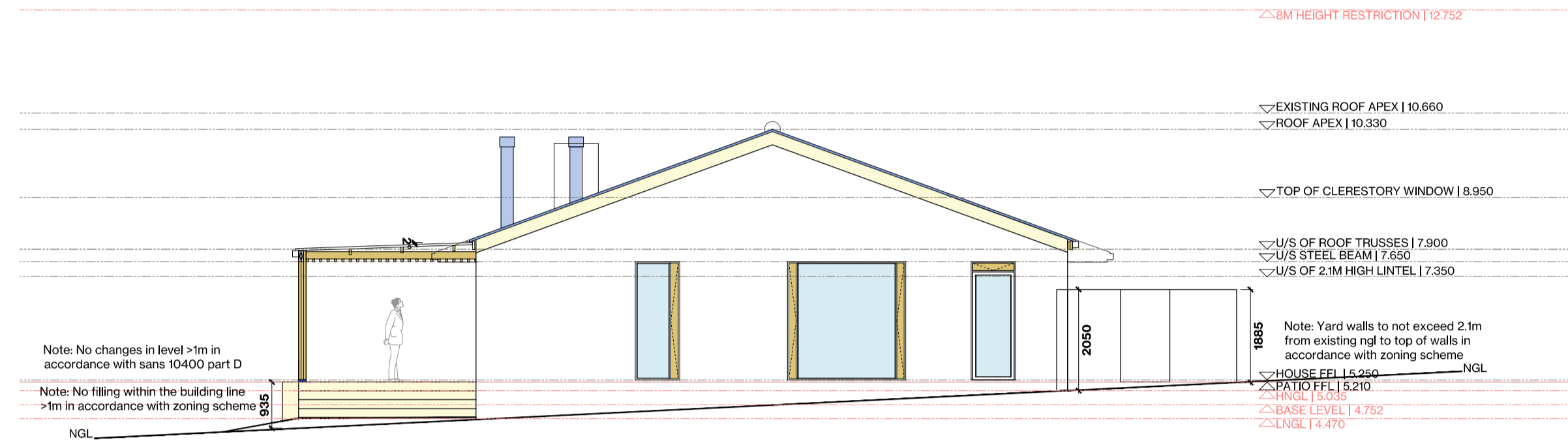
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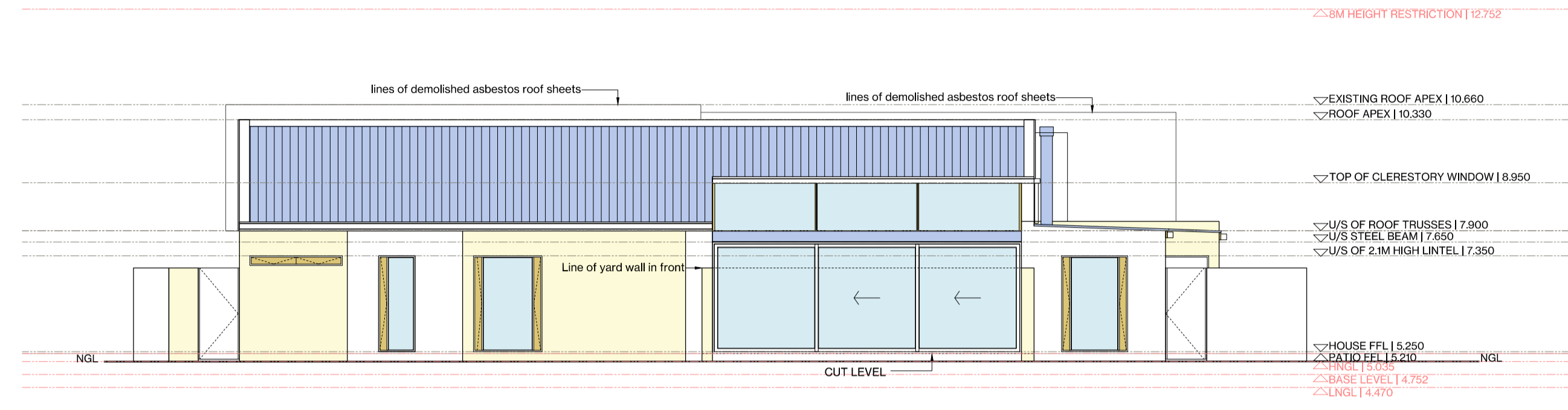
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**HOUSE GROVES**  
ERF 4395, 30 AMARYLLIS CRESCENT, BETTYS BAY  
**ADDITIONS & ALTERATIONS**

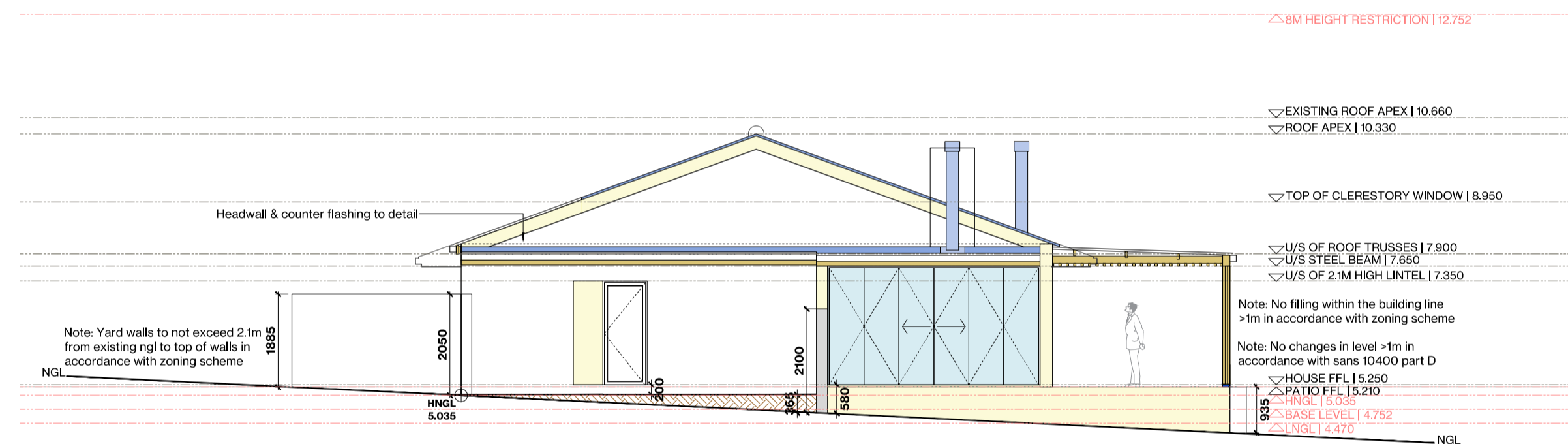
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SHEET SIZE A1	DRAWN BJWV	
DATE 2025 / 04 / 23	CHECKED BM	
PROJECT NO. 42	DRAWING NO. 101	REV. 01



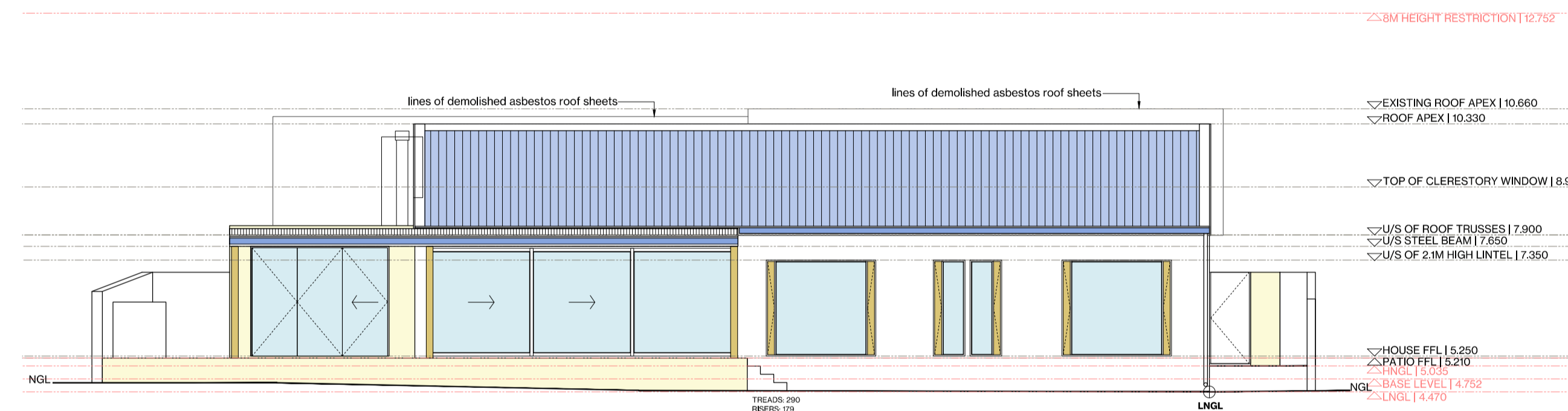
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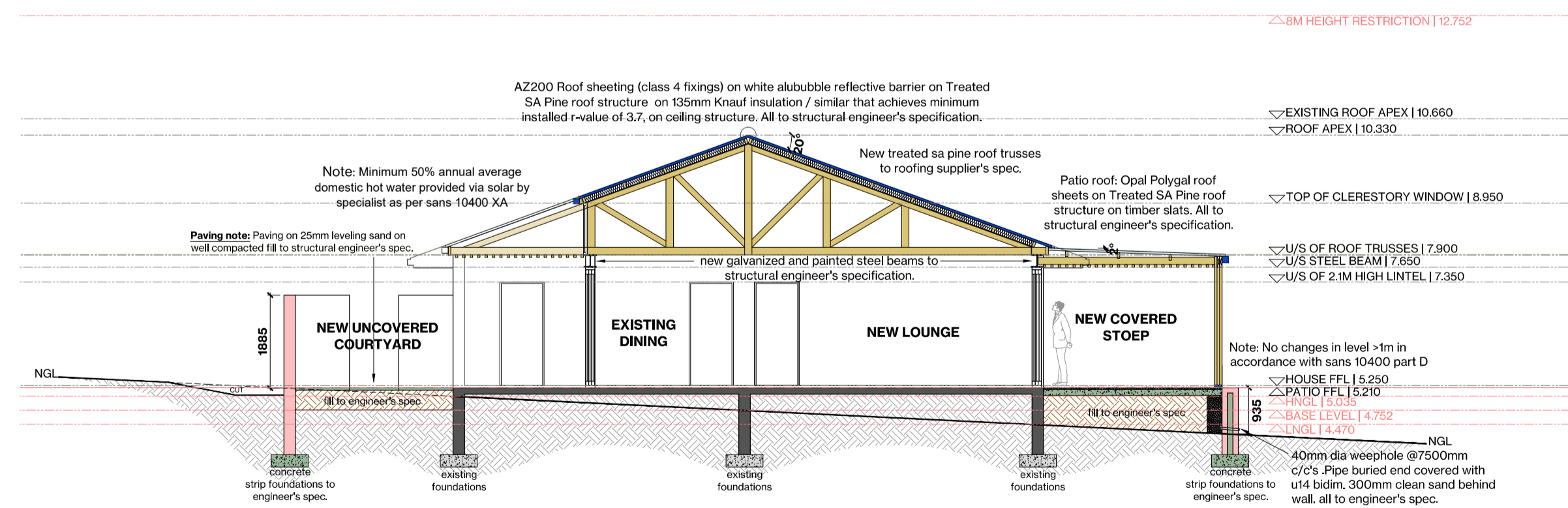
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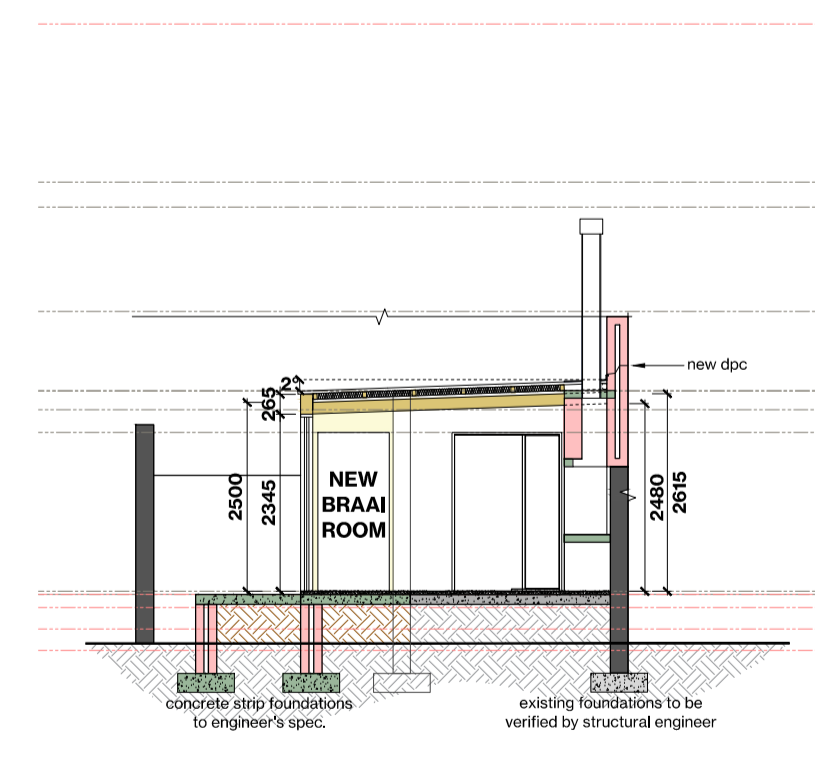
WEST ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100



SECTION AA  
SCALE 1:100



SECTION BB  
SCALE 1:100

MUNICIPAL BY-LAW		
SITE AREA (SQM)		1045m <sup>2</sup>
ZONING		SR1
PERMITTED COVERAGE		50%
MAXIMUM ROOF HEIGHT		8m
STREET BUILDING LINE		4m
GARAGE STREET BUILDING LINE		4m
SIDE & REAR BUILDING LINES		2m
PARKING REQUIREMENTS		2BAYS
COVERED AREA	HOUSE (excl. patios) = 230.17m <sup>2</sup>	
TOTAL COVERED AREA	COVERED PATIOS = 39.6m <sup>2</sup>	
PROPOSED COVERED AREA		269.77m <sup>2</sup>
PARKING BAYS PROVIDED		2

MUNICIPAL BY-LAW  
SCALE: N/A

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 ERF 4395, 30 AMARYLIS CRESCENT, BETTYS BAY

**ADDITIONS & ALTERATIONS**

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**ELEVATIONS & SECTIONS**

SCALE AS INDICATED	DESIGNED BM
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DATE 2025 / 04 / 23	CHECKED BM
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	REV. 01