



**P.O Box 22125, Fish Hoek, 7974**

**NOTICE IS HEREBY GIVEN THAT THE ANNUAL GENERAL MEETING OF THIS ASSOCIATION WILL TAKE PLACE IN THE CIVIC CENTRE, FISH HOEK ON THURSDAY 26 FEBRUARY 2004 AT 7.30pm.**

#### **AGENDA**

1. **WELCOME, INTRODUCTIONS & APOLOGIES**
2. **GUEST SPEAKERS**  
**Messrs Mader Visagie and Simon van Niekerk** of Land Use Management, City of Cape Town Directorate of Planning and Environment, will address the meeting on 'Planning issues in the City and more particularly in Fish Hoek and Clovelly'.
3. **MINUTES OF THE QUARTERLY GENERAL MEETING HELD ON 27.11.2003**  
These have been available for scrutiny at the Fish Hoek Library, Regal Cycles, Silverglades Pharmacy, Wakefords and Weavers since early January. Copies will be available at the meeting.
4. **MATTERS ARISING**
5. **COUNCILLORS' REPORT**
6. **TREASURER'S REPORT**
7. **AMENDMENTS TO THE CONSTITUTION**
8. **CHAIRMAN'S REPORT**
9. **ELECTION OF EXECUTIVE FOR 2004**  
Current Executive: Allen Rose-Innes (Chairman), Steve Perrett (Vice-chairman), Barry Lennox (Secretary) - co-opted during the year, Bill Greenwood (Treasurer), Tony Ive, Peter Johnson, Wallace van Zyl, Trevor Webster.  
All above Exco members will be available for re-election in 2004. Many long-serving members have, however, indicated that they will not be available for 2005.  
**We therefore need new Exco members - especially younger residents - to provide for appropriate succession and new ideas. We also need a Minutes Secretary. Please volunteer.**
10. **GENERAL**

#### **SUBSCRIPTIONS**

**Please note that subscriptions (R25 per household for 2004) are due. Your address label indicates the status of your subs. Subs can be paid to the postal address; at the following shops: Regal Cycles, Wakefords, Weavers, and Silverglades Pharmacy; or at the meeting. Cheques must be made out to Fish Hoek & Clovelly Residents' Association.**

**Per our November 2003 Newsletter we advised that if outstanding subs for 2002 were not paid by 31 December 2003, we would remove those names from our membership list. This has been done.**

**We appeal to members in arrears for 2003 to pay these subs together with their 2004 subs.**

## AMENDMENTS TO THE CONSTITUTION

We submit various proposed amendments for approval at the Annual General Meeting. The motivation for these amendments is to recognise the revised situation in respect of Municipal Wards and to bring the situation of subscriptions and minutes into line with practice.

### PRESENT CONSTITUTION

#### 2. OBJECTS OF THE ASSOCIATION

- 2.5 To encourage residents of the Ward to become members of the Association (Ward 20)

#### 3. MEMBERSHIP

- 3.1 Membership shall be open to all persons who have permanent residence in Fish Hoek and Clovelly or who own property in the area, subject to prior payment of the prescribed membership fee.

Special membership may be granted to persons outside of the ward boundaries at the discretion of the Executive Committee

#### 4. SUBSCRIPTIONS AND FINANCE

- 4.1 The financial year of the Association shall be the calendar year from January 01 to December 31 in each year.

- 4.2 The annual subscription shall be proposed by the Executive Committee and confirmed at a General Meeting of the Association. The annual subscription per individual shall be due on or before December 31 of that year.

#### 6. GENERAL MEETINGS

- 6.9 A summary of major issues raised at General Meetings to be published in the local press with an actual copy of the Minutes available for scrutiny at the Fish Hoek Library.

### PROPOSED AMENDMENTS

- 2.5 To encourage residents of Fish Hoek and Clovelly to become members of the Association.

- 3.1 No change

Special membership may be granted to persons outside of Fish Hoek and Clovelly at the discretion of the Executive Committee

- 4.1 No change

- 4.2 The annual subscription per household shall be proposed by the Executive Committee and confirmed at a General Meeting prior to the commencement of the financial year. The annual subscription shall be due on or before the first quarterly general meeting of the financial year.

- 6.9 The draft minutes of General Meetings shall be available for scrutiny at the Fish Library within one month of the General Meeting.

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RETURN SLIP FOR SUBSCRIPTIONS	Tick block(s)	2003 - R20	2004 - R25
Name: .....			
Street Address: ..... .....			
Postal Address: ..... (if different) .....			
Telephone: ..... Fax: ..... E-mail: .....			

## **NEWSLETTER - FEBRUARY 2004**

### **Building and plan regulations flouted**

There are many instances of people building without approved plans or building structures that deviate from approved plans. The only way to counter this is for residents to be watchful. Every new structure and all alterations have to be authorised by the Council.

If there is any building taking place, which entails departures from the zoning of the area or regulations – such as building lines, height restrictions or bulk factor – then the neighbours have a right of consent. Property owners should not sign any agreement for departures unless they have seen the plans and they are satisfied that they fully understand the plans and their implications. We recommend that you contact your councillor, the building inspector or our Association if in doubt.

There are also clear directives relating to the process of building, in terms of the Town Planning Regulations and the National Building Regulations. Important among these is that the building/extension must only be used for the purpose for which it has been approved. In addition, building materials and rubble have to be stored on the property. With council approval, materials may be off-loaded on the pavement but have to be removed within 48 hours. No building construction work is to be carried out on Sundays or religious holidays, before 06h00 and after 17h00 on Saturdays, and before 06h00 and after 18h00 on any other day. Please report any transgressions to the Building Inspector at the Fish Hoek Municipal Office.

### **Views under the spotlight**

The Supreme Court ruling last year concerning a Durban resident whose views from his property would have been obscured by proposed alterations to a building on a neighbouring property has raised much interest. The Court ordered the local authority to set aside its approval of the proposed alterations on the technical point that at the time of the approval, there was no building control officer properly appointed to recommend acceptance or refusal of the plans as required by the National Building Regulations and Building Standards Act, 1977.

The Court also ruled that the execution of the (specific) plans would significantly diminish the value of the adjoining property and that the Act prevented the approval of the reference plans on these grounds.

In a later case, the Cape High Court dismissed the application of a property owner in Hout Bay who contended that a building being erected on a vacant erf below his property would substantially impair and obstruct the view from his property and derogate from the value of his property. In this case the new building was being constructed within the confines of the prescribed height restrictions and the building lines and had been properly approved in terms of the Act. As this case only concerned the effect of the impairment of the view from the applicant's property, the Court ruled that upholding this interpretation "would have the effect of creating untold numbers of unregistered new real rights in land, more particularly, new servitudes in favour of 'dominant' properties which the owners of 'servient' properties never bargained for or in any way consented to be subjected to".

According to a note on the first case, issued by attorneys Shepstone and Wylie, "the judgment has established not only the principle of consideration of views enjoyed from neighbouring and adjoining properties, but also underlines the need for local authorities to consider other issues that may negatively affect the value of such properties, for example the impact that a building may have on the streetscape or the townscape"

Clearly, clarity on these issues is required but in the meantime each matter will need to be looked at carefully on its merits.

The City of Cape Town has issued a very informative brochure on its Scenic Drive Management Policies which provides guidelines for the protection of views on scenic drives, relating to buildings and boundary walls, overhead electrical cables, parking areas, informal trading points, etc.

### **Zoning Schemes under focus**

There is a multitude of outdated Zoning Schemes emanating from the various municipalities incorporated into the Unicity and the Council is presently looking at a consolidated scheme for the entire Unicity area.

Mader Visagie, manager of Land Use Management for the southern area of the South Peninsula Administration, and Simon van Niekerk, senior planner for the Fish Hoek/Clovelly area, will inform the Quarterly General Meeting on planning issues in the City and more particularly in Fish Hoek/Clovelly. This is your opportunity to receive answers to the various queries you may have.

### **Political agendas and the lack of service delivery**

We are fortunate in having some very good councillors in our area, but at Council level the political jockeying and one-upmanship has torn the heart out of the Unicity and senior staff are leaving. It is going to get worse with the national elections coming up. Political victories are more important than the people whom they are

supposed to serve are. We are largely uncertain where the money we pay is going. It's one thing to be satisfied that one's rates are being used to address real inequities, but another to suspect they are being used in short-term voter-catching programmes.

In one year, arrears owing to the Council have increased from R2.7 billion to R3.4 billion.

### **Depletion of municipal resources in our area**

Your Association is keeping a close eye on the library, cash-receiving office and building survey department at the civic centre in Fish Hoek. These are the sole relics of a previously well-serviced area.

### **Kommetjie Road and the unresponsive Council**

The dangers of Kommetjie Road have long been an issue. A study by consultants recommended various measures to improve safety and improve access to the road from the mountainside and the avenues. However, the Council has not allocated any money for this. The normal channels – via councillors and through (unanswered) letters to the Council – are ineffective. Perhaps the time has come to forge new alliances and to adopt the modes of “struggle politics” effectively used by others. With the size of the Unicity, the executive system of the mayor's office and the sidelining of councillors, we have effectively become disenfranchised.

### **Chapman's Peak Drive fees and aesthetics**

This scenic and vital road link is now open, as long as the controversial toll fee is paid. The toll for a single trip is R20 whereas a discount structure is applicable for regular/frequent users. For example, frequent users using the road 40 times a month pay a reduced fee of R275, which equates to R6.88 per trip. There is some confusion as to the level of discounts applicable for other categories such as the holders of Wild Cards, issued by the South African National Parks. To qualify for any discounts, it is necessary to pre-register at the offices located at Noordhoek Farm Village Information Office (tel 789 2812) or at 6 Bay Beach Centre, Hout Bay (tel 790 9163).

The upgraded drive, while undoubtedly an engineering marvel, is less naturally pleasing than before. The rock catchment nets are ugly and the barren, gunnited rocks no longer have fynbos attractively clinging to them. Also the design of the various galleries and overhangs is not uniform. Maybe in time nature will rectify this! The Environmental Impact Assessment study for the permanent toll plaza(s) is still in progress.

### **Bed and Breakfast Establishments and Guest Houses**

We often receive queries about the regulations applicable to B&B's and Guest Houses within residential areas. In this regard we are guided by the draft Fish Hoek Valley Local Structure Plan of October 1999 which was extensively workshopped at the time. This Plan recognises the importance of tourism and the need for a range of tourist accommodation and defines the conditions under which these establishments are permitted, as follows:

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|---------------------|---|
| Bed and Breakfasts: | - on-site parking must be provided to the ratio of 1.25 bays per rentable room; |
|                     | - a maximum of three rentable rooms with a maximum of five boarders;            |
|                     | - the owner of the property must live on the premises and operate from it.      |
| Guest Houses:       | - a maximum of 6 bedrooms/suites and 12 guests;                                 |
|                     | - one on-site parking bay per room;   |
|                     | - signage limited to one unilluminated sign not bigger than 0.2 square metres;  |
|                     | - approval is transferable should the property be sold.                         |

In both cases the Council shall have the right to terminate the use at any time should the conditions not be met or if the use creates a disturbance to the surrounding residents.

Residents should contact their councillor or this Association should they have concerns about any operations.

### **A safe holiday season**

There were no major problems on the beaches and we thank the Fish Hoek Police Forum and the authorities for their efforts. Members of the Mannenberg Neighbourhood Watch, who were paid a small daily fee, reinforced the Law Enforcement officers until 18 January. These members are trained in law enforcement, similarly to police reservists.

### **Removal of illegal signage**

The municipality can be phoned with complaints about illegal signage on municipal property, such as electrical boxes, poles and pavements. The contact person is Emile on 633 7435 or 082 351 0259.