



OVERSTRAND MUNISIPALITEIT
ERF 393, VAN DYKSTRAAT 15, GANSBAAI:
AANSOEK OM OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES: AM KIECK

Kennis word hiemeer gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verodening), van die volgende aansoek van toepassing op Erf 393, Gansbaai naamlik:

Opheffing van beperkende titelaktevoorwaardes ingevolge Artikel 16(2)(f) van die Verordening, vir die opheffing van die volgende beperkende titelaktevoorwaardes soos vervat in Titelakte Nr. 2336/95:

- voorwaarde D.(4).(b), ten einde 'n tweede woning op die eiendom te akkommodeer; en
- voorwaarde D.(4).(d), ten einde 'n motorafdak langs die lateralegrens van die eiendom te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement Stadsbeplanning te Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentare moet skriftelik ingedien word ingevolge die bepalinge van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za bereik voor of op **7 Julie 2023**, met u naam, adres en kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mr SW van der Merwe** 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 Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. 91/2023

OVERSTRAND MUNICIPALITY
ERF 393, 15 VAN DYK STREET, GANSBAAI:
APPLICATION FOR REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS: AM KIECK

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 application applicable to Erf 393, Gansbaai namely:

Removal of Restrictive Title Deed Conditions in terms of Section 16(2)(f) of the By-Law, for the removal of the following restrictive title deed conditions as contained in Title Deed No. 2336/95:

- condition D.(4).(b), in order to accommodate a second dwelling on the property; and
- condition D.(4).(d), in order to accommodate a carport along the property boundary.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department Town Planning at 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before **7 July 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. 91/2023

UMASIPALA WASE-OVERSTRAND
ISIZA SAMA- 393, 15 VAN DYK STREET,
EGANSBAAI: ISICELO SOKUSUSWA
KWESITHINTELO SEMIQATHANGO YETAYITILE:
AM KIECK

Isicelo sinikwe ngokuphathelele kwiCandelo lama-47 nelama-48 neCandelo le-16(2)(f), (b) no(q) lomThetho kaMasipala wesiLungiso wase-Overstrad kuYilo lokuSetyenziswa koMhlaba kaMasipala, 2020, (UmThetho kaMasipala)) ukuba isicelo sifunyanweyo sisebenza kwisiza sama- 393, eGansbaai ezizezi:

UkuSuswa kwesiThintelo kwimiQathango yeTayile ngokuphathelele kwiCandelo le-16(2)(f) lomThetho kaMasipala sokususwa kwemiqathango yeTayitile ethintelwayo njengoko iqulethwe kwinombolo yeTayile 2336/95:

- umqathango D.(4).(b), ukuze kulungiselelwe ukuhlala kwesibini kumhlaba; kunye
- nomqathango D.(4).(d), ukuze kulungiselelwe indawo yokuhlala imoto ngakumda womhlaba.

linkcukacha mayela nesi sindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe Loyilo Dolophu e-16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 nele-52 loMthetho kaMasipala zize zifike kwaMasipala (16 Paterson Street Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za engadlulanga **7 uJulayi 2023**, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingafakwa ku**Mcebi Dolophu, uMnu SW van der Merwe** ku 028-313 8900. UMasipala angangavumi ukwamkela amaqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amaqabaza okuhlomla.

Umpathi kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inothi kaMasipala. 91/2023



ERF 393, 15 VAN DYK STREET, GANSBAAI



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APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS ERF 393, GANSBAAI

MOTIVATION

BACKGROUND

Erf 393, Gansbaai is 595m² in extent and is held by Title Deed No. 2336/95. The property is developed with an existing dwelling, garage and wendy house.

It is the intention to convert the existing garage into a second dwelling and to construct a carport on the property.

The application intends to address the removal and amendment of restrictive title deed conditions to accommodate the second dwelling and carport.

APPLICATION DETAILS

Application is made in terms of:

Chapter 4, Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the removal of restrictive title deed conditions D. 4.(b) to accommodate a second dwelling on the property and the amendment of condition D.4.(d) to remove the lateral building line restriction only to accommodate a carport on the property.

NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 393, Gansbaai is situated in 15 Van Dyk Street, Gansbaai, is 595m² in extent and is held by Title Deed No. 2336/95.

The property is characterized by residential structures. There is a dwelling ±219.04m², garage ± 35.85 m², stoep ±0,07m² and wendy house ±07,50m² in extent.

4. ZONING AND LAND USE

Erf 393, Gansbaai is zoned as Residential Zone 1: Single Residential and is surrounded by predominantly single residential properties and public roads. Erf 393, Gansbaai is used for single residential living purposes.

5. PROPOSAL

The following is proposed:

- 5.1 The removal of restrictive title deed condition D. 4.(b) to accommodate a second dwelling on the property; and
- 5.2 the amendment of condition D.4.(d) to remove the lateral building line restriction only to accommodate a carport along the property boundary.

6. REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS

Title Deed T2336/95 contains a restrictive title deed condition that needs to be removed to accommodate the proposed second dwelling.

It is proposed to remove the following restrictive title deed condition:

"D. 4(b) *it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*"

It is proposed to amend the following restrictive title deed condition to allow for the encroachment of the lateral building line to accommodate the proposed carport

"D. 4(d) *no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as on erf.*"

The reasons for the removal of the condition specified above are as follow:

- Condition D.4(b) restricts the use of the subject property to one dwelling with associated outbuildings only. A second dwelling is a **primary right** in terms of the SR1 zoning. The property is developed with a garage and it is the intention to convert the existing garage into a second dwelling. Provision is made on site for an additional parking bay for the second dwelling. It is therefore proposed to remove this condition to allow the owner to convert the garage into a second dwelling.

The reasons for the amendment of the condition specified above are as follow:

- In terms of the provision of Section 16.1.1. (c) the municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the **lateral-** and rear building lines, provided that:
 - (i) written consent from the immediate neighbours is obtained;
 - (ii) no building that encroaches the building line may be higher than 3,5m above the existing ground level on the common boundary, provided that the height may increase at a 40 degree angle away from such boundary;
 - (iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9m, whichever is the most restrictive;

- (iv) where the lateral/rear boundary of the property is less than 19,5m in width, the structure will have a maximum width of 6,5m on the rear boundary;
- (v) no doors and windows shall be permitted in any wall closer than 1m to the rear or lateral boundary;
- (vi) a 1m wide access may be required to the satisfaction of the Fire Department;
- (vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;
- (viii) the garage/carport shall be included in the calculation of coverage on the land unit, and
- (ix) the municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.

It is proposed to amend the condition to allow the encroachment of the lateral building line from 1,57m to 0m line to accommodate the carport as follows:

"D. 4(d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear boundary or 1,57 metres of the lateral boundary (underlined to be removed) common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected with in the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as on erf."

In terms of Chapter 4, Section 35(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and Section 39(5) of the Land Use Planning Act (LUPA), 2014, when the Municipality considers the removal, suspension or amendment of a restrictive condition; the municipality must consider the following:

The financial or other value of the rights in terms of the restrictive conditions 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 and amendment of the restrictive conditions will allow the property to be developed as proposed in terms of the primary land use rights, as defined in terms of the Overstrand Municipality Zoning Scheme. The primary right referred to is a second dwelling unit to be used for the purposes of a self-catering, when the need arises as well as to construct a carport on the lateral boundary. This will increase the market value of the area and attract investment opportunities as future owners will be able to develop according to the primary uses as set out in the Zoning Scheme Regulations of the Overstrand municipal area.

The personal benefit which accrues to the holder of rights in terms of the restrictive conditions

The restrictions prevent the property from being developed to its full potential. The proposal will have a low impact on the existing built form in the area. Surrounding property owners are still protected by town planning legislation. The removal and amendment will increase the market value of the property and the area that leads to social and economic benefits,

The personal benefit which will accrue to the person seeking the removal and amendment of the restrictive conditions, if removed and amended

The property owner will benefit as it will expand the development rights available on the property in terms of the primary land uses defined in the Overstrand Municipality Zoning

Scheme. The owner will be able to convert an existing structure into a second dwelling to also be used as a self-catering unit.

The social benefit of the removal, suspension or amendment of the restrictive conditions remaining in place

It is unlikely that the retention of the conditions would have a significant social benefit. It will add another layer of enforcement by the Municipality in addition to the requirements of the Scheme Regulations.

The social benefit of the removal, suspension or amendment of the restrictive conditions

It can be argued that the possible social benefit of removing and amending the conditions and consequently allowing for an additional dwelling unit to also be used as a self-catering unit including the proposed carport will be positive.

Whether the removal, suspension or amendment of the restrictive conditions will completely remove all the rights enjoyed by the beneficiary or only some of the rights

It will not remove the rights completely since the Municipal By-Law provides a level of control in which the property is used and developed. By denying the removal and amendment it will deprive the owner of the primary right granted as per the zoning scheme and the utilization of the property to its full potential. The removal and amendment will be in the interest of the public. The benefit of removing and amending the conditions outweighs the benefits of keeping it in place.

7. POTENTIAL OF THE PROPERTY

The zoning and primary land use of the property will remain unchanged. The location of the property within a single residential area allows the property to be developed for low impact land uses only i.e bed-and breakfast, day care, home occupation, second dwelling.

The visual impact will be kept to a minimum since the structures already exists except for the carport, which forms part of the application.

The structures are within the permissible coverage applicable to single residential properties.

No impact on existing rights of adjacent property owners as the existing structures are aesthetically pleasing, the architectural style matches architectural style in the area and the proposal will add value to the property.

The adjacent property owner provided consent for the relaxation of the lateral building line to construct a carport along the property boundary.

8. ECONOMIC IMPACT

The proposal will allow the owner to convert the existing garage into second dwelling and construct a carport, which will have a low but positive impact on local economy.

9. SOCIAL IMPACT

The proposal will have no impact on the social status quo of the area. The removal and amendment of restrictive conditions will allow the owner to develop the property to its full potential.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is the opinion that the proposal is compatible with the character of the area and does not impact negatively on the rights of adjacent property owners.

10. IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the property already exist. The proposal will have no impact on the usage of the existing available services.

11. IMPACT ON HERITAGE AND BIPHYSICAL ENVIRONMENT

Erf 393, Gansbaai is not situated within the Heritage Overlay Zone. The property is also not earmarked for heritage conservation purposes and the property is not older than 60 years.

The proposal does not trigger any listed activities in terms of the National Environment Management Act and is not situated in the Environmental Overlay Zone.

12. TRAFFIC IMPACT, PARKING AND ACCESS

Access to Erf 393, Gansbaai will remain unchanged. No new access points are proposed.

The Overstrand Zoning Scheme stipulates that a minimum of two parking bays are required for a dwelling house and an additional parking bay for a second dwelling. The dwelling and proposed second dwelling on Erf 393, Gansbaai complies with the minimum parking requirements.

13. PLANNING PRINCIPLES

Spatial Justice

The application will not perpetuate spatial injustices.

Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and it will have no negative influence on the environment.

Efficiency

The application will optimize the use of the property in terms of municipal services and infrastructure.

Spatial resilience

The structures on the property will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration

The application will follow the required planning procedures, and a good public participation process will be followed.

14. RECOMMENDATION

- All services on the subject property already exists.
- The densification in the form of a second dwelling is in line with the relevant densification policies for the area.
- The adjacent property owner provided consent for the relaxation of the lateral boundary to construct a carport.
- The zoning and primary land use of the property will remain unchanged.
- The proposal is compatible with the existing built character of the area.
- No impact on traffic.
- Ample parking is provided on site.
- There are not heritage and environmental aspects that will negatively impact the application.
- The proposal is compatible with the spatial planning strategies for the area.
- The application is compliant with the applicable planning principles.

The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.

Alle maties moet op jeraal
na begin word

Fondasie:
1. Fondasie 300mm onder
N.G.V. 700mm x 300mm
2. Fondasie soos aangehaal

Betonwerk:
1. Betonwerk deur spesiale
2. Betonwerk soos aangehaal

Muur:
Muur op grondlyn min hoër
as 1,2m
Strook Fondasie 700 x 300
Fondasie 300mm onder N.G.V

STRAND MUNISIPALITEIT
Stappien No. 10724
Word as beveel vir goedkeuring
onderwerp aan die toepaslike Dorpsbeplannings Regulasies, die
Nasionale Bouwregulasie en Boustandaarde Wet 103 van 1977.
Dorpsbeplanning Beample
Stappien No. 10724
Word goetseker onderworpe aan die
Nasionale Dorpsbeplannings Regulasies, die Nasionale Bouwregulasie en
Boustandaarde Wet 103 van 1977.
Plan goetseker deur op 22/10/16

Area: 51.9v/k.m
Stoep: 51.9 v/k.m
TOTAAL: 51.9 v/k.m

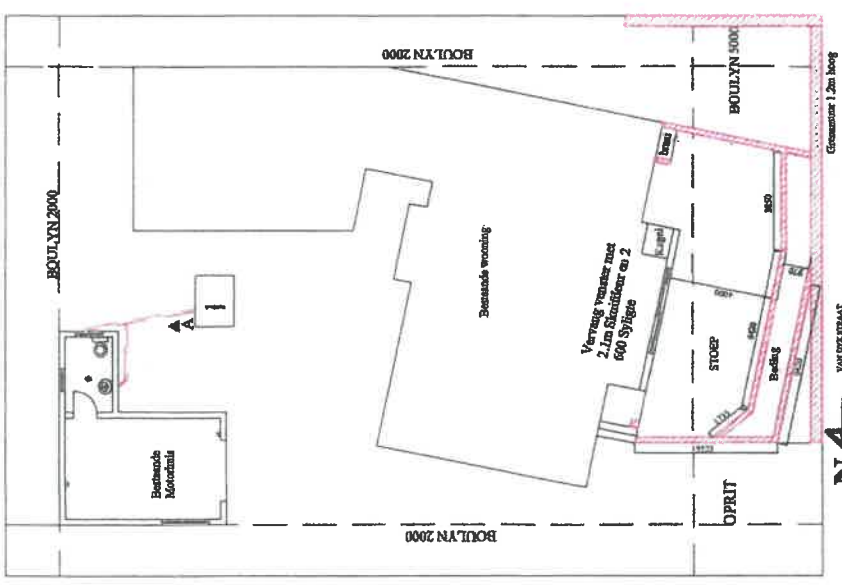
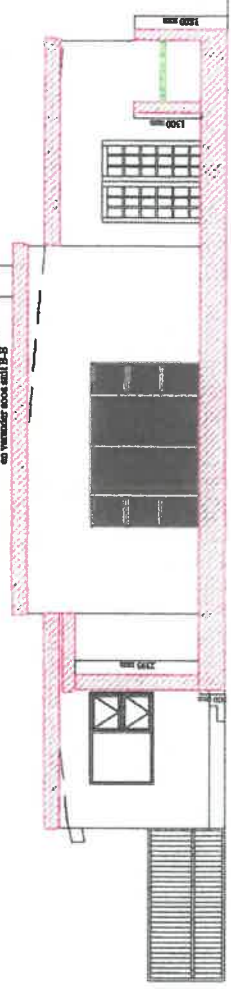
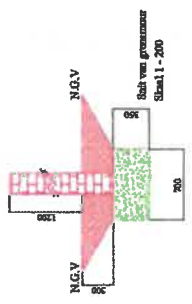
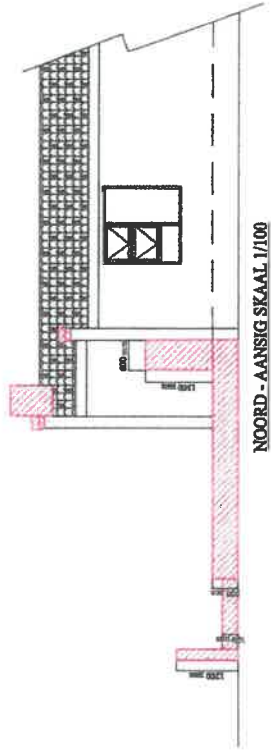
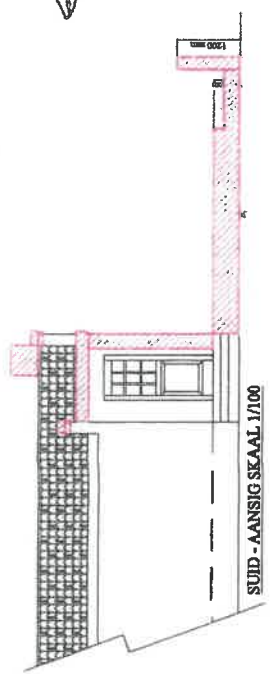
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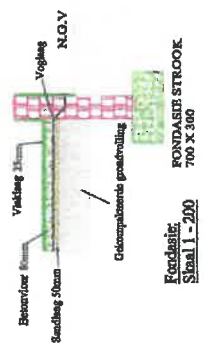
Skale:
Aansigte Skaal 1 - 100
Snit Skaal 1 - 20
Grond Skaal 1 - 200

Projek Vir
Mey Kick
Van Dyk straat
Gamsbaai
7220

Getekene Deur:
Kraam van Staden
Posbus 1138
Gamsbaai
7220
Sel 082 929 8688



WINDSTRAAT
Erf 393 Skaal 1-200

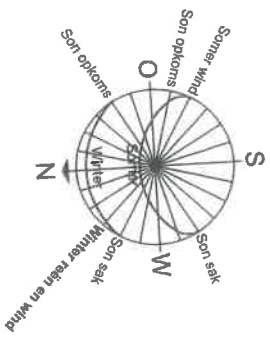


FONDASIE SKAAL 1-200
700 X 300

ERF 398

ERF 392

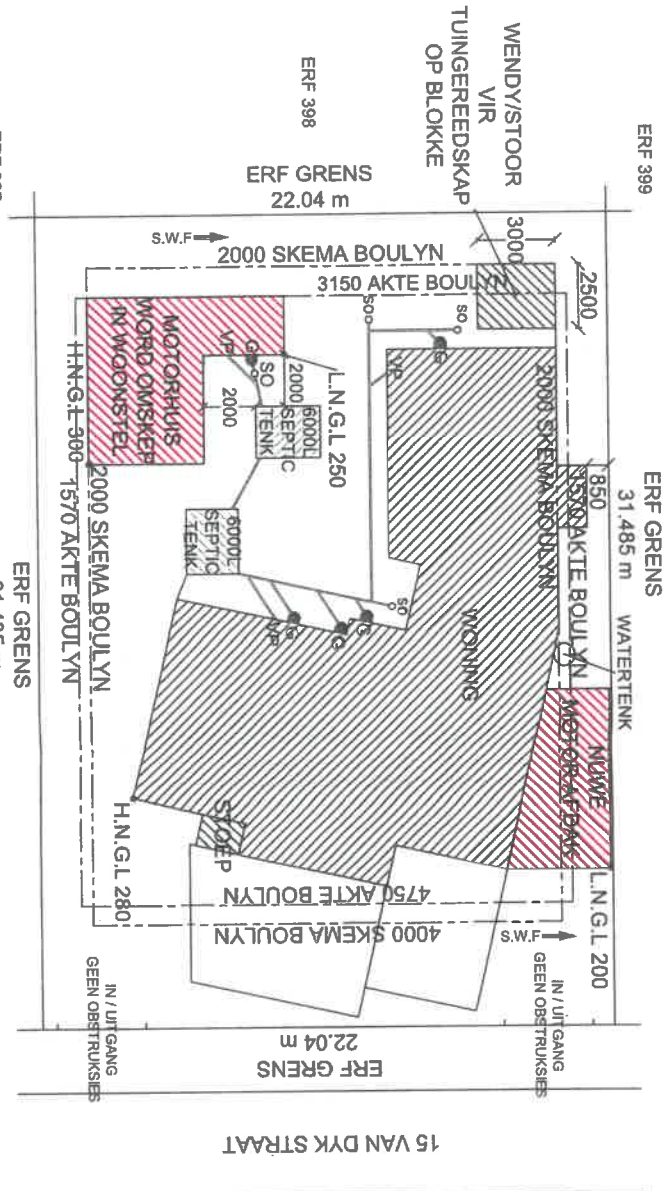
ERF 394



VOORGESTELDE NUWE MOTORAFDAK EN OMSKEPPING VAN MOTORHUIS VIR
MEV. KIECK
OP ERF NO 393 GELÛF TE GANSBAAI

WONING	694 m ²
ERF DEKKING	35,93%
WONSTEL	
ERF DEKKING	694 m ²
ERF DEKKING	05,16%
TOTAAL	694 m ²
ERF DEKKING	41,11%

PAGE 01 OF 06
STEENWERK Buite muur geparier met algewone en gevorf.
DAKKONSTRUKSIE Motor afdak : Sien detail op plan
PLAFONNE 25 mm ISO-Fine op 38x38 SAD @ 400mm c-c gespywer
VENSTERS EN DEURE Bronze Aluminium
GELUTE PVC geuite en afdelpepe. Geuite op 225 x 12 mm fasie boord
OPPERVLAKTE Woning : 219,04 m ² Nuwe Woonstel : 35,85 m ² Nuwe Motorafdak : 22,85 m ² Wendy/Stoor : 07,50 m ² Sloep : 02,07 m ²
Totaal : 287,31 m ² *Footprint* : 285,24 m ²
SKAAL : 1:20, 1:50, 1:100, 1:200
REG No D2730



TERREIN PLAN
SCALE 1:200

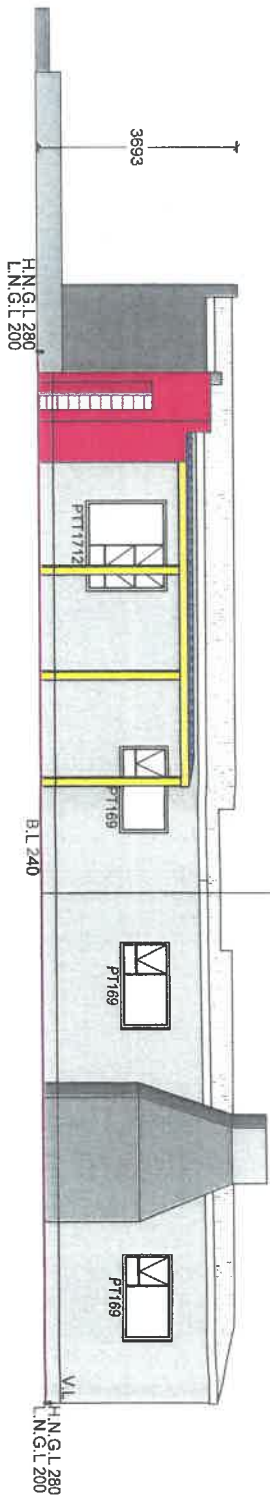
ALLE BOUWERK STRENG VOLGENS
NATIONALE, PROVINSIALE EN
PLAASLIKE BOUREGULASIES.
J.J van der Nest
ARGITEKONIESE DIENSTE
P.R. ARCH.DRAUGHT
SACAP REG: (D2730)

GETEKEN :
J.J VAN DER NEST
Bleshokstraat 3
Kleinbaai, 7220
Sel : 082-486-8580
DATUM :
TEK NO : JU 0723

VOORGESTELDE NUWE MOTORAFDAK EN OMSKEPPING VAN MOTORHUIS VIR

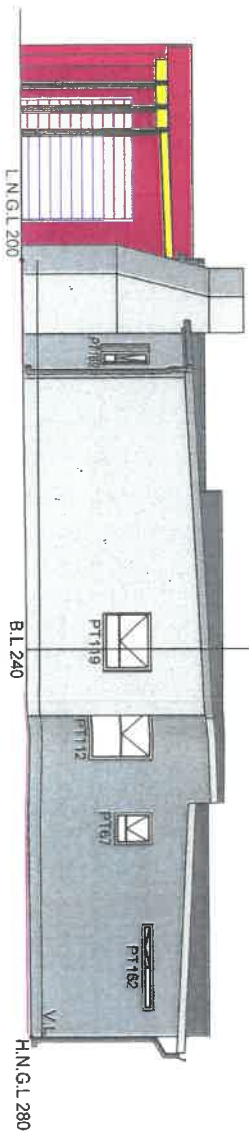
MEV. KIECK
OP ERF NO 393 GELêF TE GANSBAAI

8m SKEMA HOOGTE BEPERKING



SUID AANSIG
SKAAL 1:100

8m SKEMA HOOGTE BEPERKING

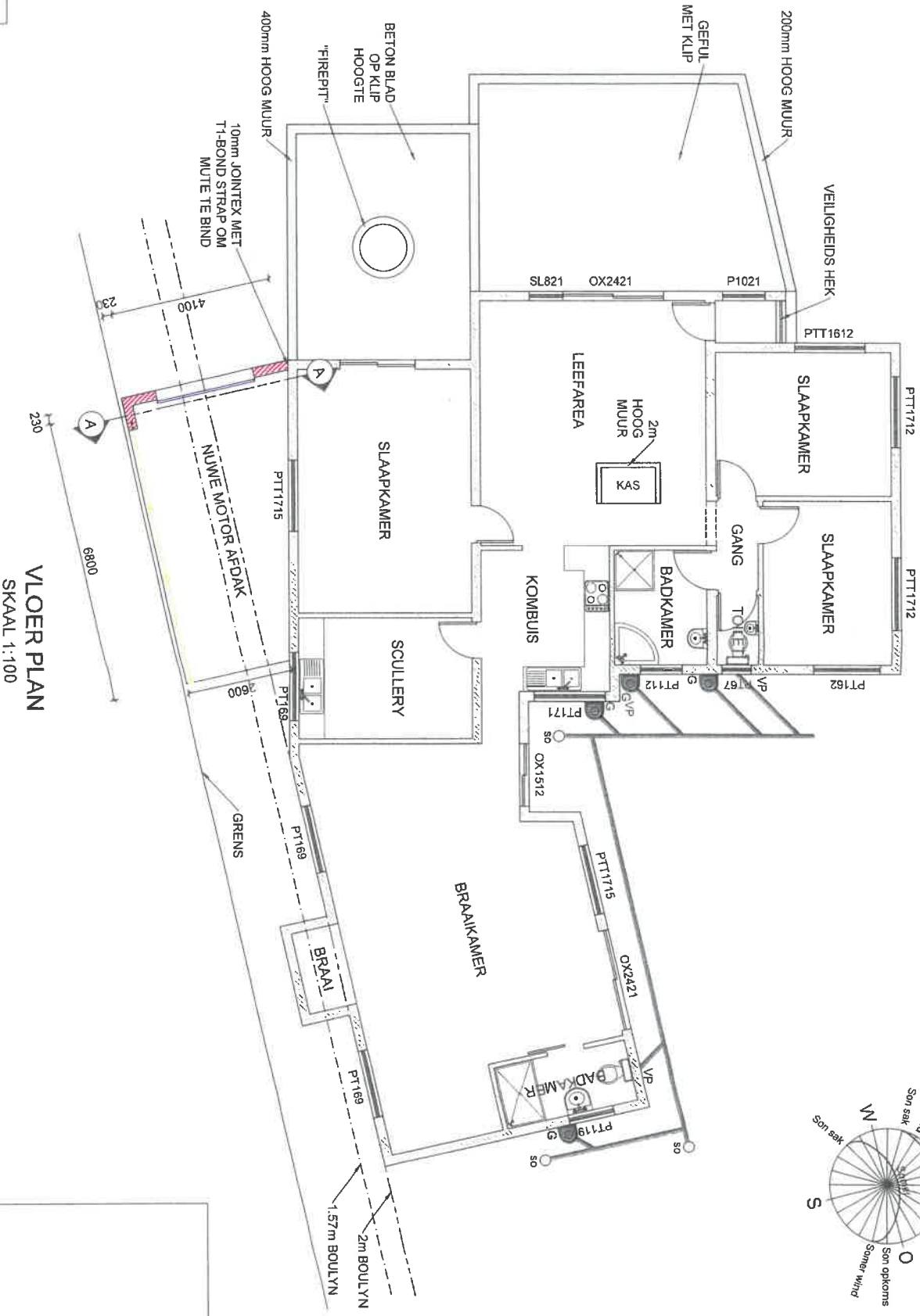
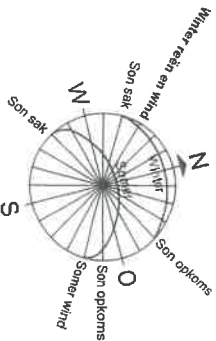


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SKAAL 1:100

NOTA:

ALLE HOUT MOET
BEHANDEL WEES
EN VOLGENS
REGULASIES VAN
SANS 10082 EN
0163

VOORGESTELDE NUWE MOTORAFDAK EN OMSKEPPING VAN MOTORHUIS VIR
MEV. KIECK
OP ERF NO 393 GELEEF TE GANSBAAI



VLOER PLAN
SKAAL 1:100

- Color Index
- Nuwe Steenwerk
 - Nuwe Beton
 - Nuwe Staal/yster
 - Nuwe Hout
 - New Rivoelwerk
 - *Bestaande Werk

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 BIENAAR: MEV. KIECK
 J.J. van der Nest
 ARGITEKTONIESE
 DIENST
 SACAP REG.: (P) 1190
 GETTEKEN: [Signature]
 J.J. van der Nest
 Blesb. kstrat 3
 Klein. aal 7220
 Sel: 082 86 8880
 DATUM: 2023
 TEK NO: JJ 07/23

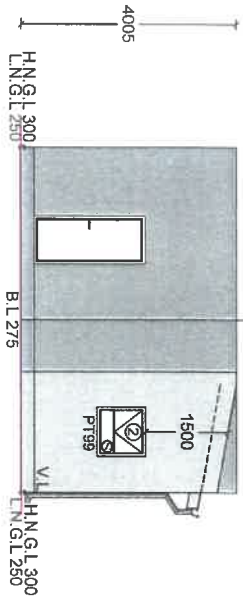
NOTA:

ALLE HOUT MOET
 BEHANDEL WEES
 EN VOLGENS
 REGULASIES VAN
 SANS 10082 EN
 0163

STAMPS

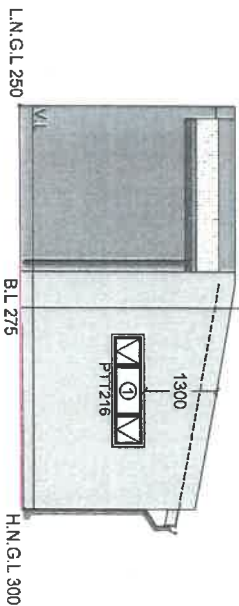
VOORGESTELDE NUWE MOTORAPDAK EN OMSKEPPING VAN MOTORHUIS VIR
MEV. KIECK
OP ERF NO 393 GELEË TE GANSBAAI

8m SKEMA HOOGTE BEPERKING



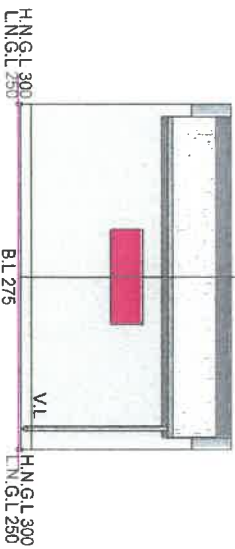
SUID AANSIG
SKAAL 1:100

8m SKEMA HOOGTE BEPERKING



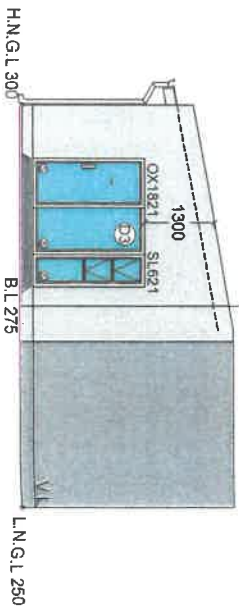
OOS AANSIG
SKAAL 1:100

8m SKEMA HOOGTE BEPERKING



NOORD AANSIG
SKAAL 1:100

8m SKEMA HOOGTE BEPERKING



WES AANSIG
SKAAL 1:100

PAGE 06 OF 06

EIENAR: MEV. KIECK

J.J. van der Nest

ARGITEKTONIESE

DIENST

SACAP REG: (P/3/30)

GETEKEN: *[Signature]*

J.J. van der Nest

Blesb. straat 3

Kleinmond, 720

Set: 082 486 8580

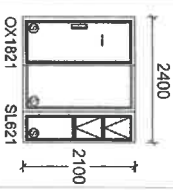
DATUM: 22.3.20

TEK NO: JJ 07/23

NOTA:

ALLE HOUT MOET
BEHANDEL WEES
EN VOLGENS
REGULASIES VAN
SANS 10082 EN
0163

AFMETINGS BO
VENSTERS SLEGS
VIR XA
DOELEINDES



D4
DOOR - ALUMINIUM
AREA - 5,04m²
GLASS - DOUBLE
CLEAR SAFETY
GLASS WITH
SAFETY MARK
x1

STAMPS