



MUNISIPALITEIT OVERSTRAND
ERF 3337, MARINEWEG 1,
MASAKHANE, GANSBAAI: AANSOEK
OM HERSONERING EN
VERGUNNINGSGEBRUIK: MNRE
ETERNITY SERVICES (PTY) LTD
NAMENS MS PM YAWA

Kennis word hiermee gegee ingevolge Artikel 47 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is van toepassing op boegenoemde eiendom, naamlik:

- hersonering ingevolge Artikel 16(2)(a) van die Verordening, om die eiendom van *Minder Formele Ontwikkelingsone na Besigheidsone 3* te hersoneer ten einde 'n restaurant op die eiendom toe te laat;
- vergunningsgebruik ingevolge Artikel 16(o) van die Verordening, ten einde 'n besigheidsperseel toe te laat, beperk tot 'n motorwassery.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai.

Enige kommentaar moet skriftelik wees ingevolge die bepalings 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 **25 Februarie 2022**, met u naam, adres, kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr 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. 2/2022

OVERSTRAND MUNICIPALITY
ERF 3337, 1 MARINE WAY,
MASAKHANE, GANSBAAI:
APPLICATION FOR REZONING AND
CONSENT USE: MESSRS ETERNITY
SERVICES (PTY) LTD ON BEHALF OF
MS PM YAWA

Notice is hereby given in terms of Section 47 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received applicable to above-mentioned property, namely:

- rezoning in terms of Section 16(2)(a) of the By-Law, from *Less Formal Development Zone to Business Zone 3* in order to permit a restaurant on the property;
- consent use in terms of Section 16(o) of the By-Law, in order to permit a business premises, limited to a car wash.

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 at Gansbaai Library, Main Road, Gansbaai.

Any comments must be in writing in terms of the provisions of Sections 51 and 52 of the By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093/ (e) alida@overstrand.gov.za) on or before **25 February 2022**, quoting your name, address, 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. 2/2022

UMASIPALA WASE-OVERSTRAND
INTSALELA ISIZA 3337, 1 MARINE
WAY, EGANSBAAI:
UMASIPALA WASE-OVERSTRAND :
ISICELO SOKUSETYENZISWA
KWAKHONA NOKUSETYENZISWA
KWEMVUME. MESSRS ETERNITY
SERVICES (PTY) LTD EGAMENI LIKA
MS PM YAWA

Isaziso sikhutshwa ngokwemiqathango yeSolotyha 47 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo esifunyanweyo esichaphazela ezi ziza zikhankanywe apha ngasentla, ezizezi:

- ucando ngokutsha ngokweCandelo le-16(2)(a) loMthetho kaMasipala, ukusuka kuMmandla woPhuhliso oluNgaPhambili ukuya kwindawo yoShishino 3 ukuze kuvumeleke indawo yokutyela kwipropati;

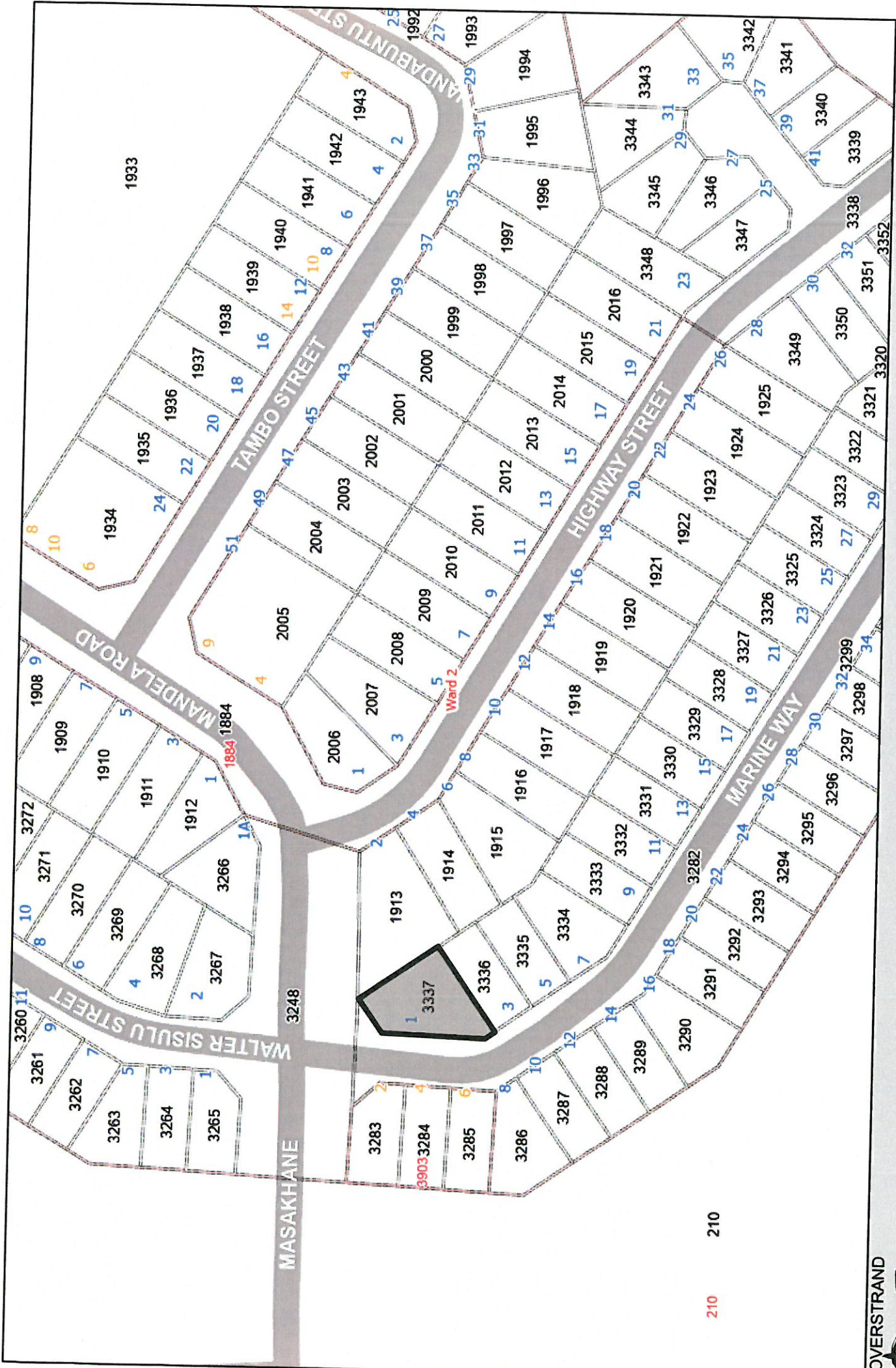
- imvume yokusetyenziswa ngokwemigaqo yeCandelo le-16(o) loMthetho kaMasipala ukuze kuvumeleke indawo yeshishini, enomnyino wokuvasa iimoto.

linkcukacha mayela nesi sindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: loYilo Dolophu ePaterson Street, Hermanus naku-Area Manager, Main Road, Gansbaai.

Naziphi na izimvo ezibhaliweyo ngokwemiba yezibonelelo zeCandelo lama-51 nama 52 oMthethwana kufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi kwe **25 uFebhuwari 2022**, ubhale igama lakho, idilesi yakho, iinkcukacha zoqhagamshelwano, umdla kwisicelo nezizathu zokufaka amagqabaza. Imibuzo ngefowni ingabhekiswa ku**Mnu. SW van der Merwe oyi-Town Planner** ku 028-313 8900. Umasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya afake izimvo zakhe ngokusemthethweni.

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

Inothi kaMasipala Nombolo. 2/2022





2021-09-27 (**Second Amendment**)

Attention: P Roux

P.O. Box 20
Hermanus
7200

APPLICATION FOR REZONING AND CONSENT IN RESPECT OF ERF 3337 GANSBAAI, 1 MARINE WAY AT MASAKHANE

This application is hereby submitted for the rezoning of Erf 3337 Gansbaai.

This application is submitted in terms of the following legislation:

- a) Spatial Planning and Land Use Management Act, 2013;
- b) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- c) The Overstrand Land Use Scheme, 2020;
- d) **The Overstrand Municipality Spatial Growth Management Strategy, 2010;**
- e) **The Overstrand Municipality Spatial Development Framework, May 2020.**

Attached as part of this application are the following:

- 1. This cover letter.
- 2. Comprehensive motivation report.
- 3. Annexures.

If there are any enquiries with regards to this application, do not hesitate to contact Emmanuel Akufuna on 074 418 7577 and via email at emmanuel@eternityservices.co.za

Regards

A handwritten signature in black ink, appearing to be 'E. Akufuna', written over a horizontal line.

.....
Mr. Emmanuel Akufuna Professional Architectural
Technologist. PAT34897891

06 DEC 2021



APPLICATION FOR REZONING AND CONSENT IN RESPECT
OF ERF 3337 GANSBAAI, 1 MARINE WAY AT MASAKHANE

PREPARED BY:

Emmanuel Akufuna (PAT34897891)

Cell: 074 418 7577

Email: emmanuel@eternityservices.co.za

ON BEHALF OF:

Client name: Vuyani Yawa

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SECTION 1: BACKGROUND AND PURPOSE OF THE APPLICATION

1.1 Application background

Erf 3337 Gansbaai is currently zoned *Less Formal Development Zone* and it is the intention of the owner to utilize the property for business premises which comprises of a "restaurant and a car wash". Therefore this application is hereby submitted to rezone the Erf 3337 Gansbaai from *Less Formal Development Zone* to *Business Zone 3* with a consent for business premises, limited to a car wash.

1.1.1 Land ownership

A title deed of Erf 3337 Gansbaai is attached as Annexure 2.

1.2 Purpose of the application

Erf 3337 Gansbaai, hereafter referred to as "the property" is currently zoned *Less Formal Development Zone* as per the Overstrand Land Use Scheme, 2020.

At present the property is developed with a single dwelling house and it is the intention of the owner to make minor alterations to the existing dwelling house to allow for a restaurant to operate from the property. The car wash facilities will also be developed on the property.

The following uses are permitted under *Business zone 3*:

<p>BUSINESS ZONE 3: LOCAL BUSINESS (B3)</p> <p>Use of the property</p> <p>The following use restrictions apply to property in this zone:</p> <p>a) Primary uses are: shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.</p> <p>b) Consent uses are: bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2, flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (subject to the provisions of Chapter 16.10).</p>
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From the above extract of the scheme, the proposed restaurant will be a primary use and the ancillary car wash will be permitted a consent under business premises.

The proposed alterations shall comprise of the following:

- A sitting/dining area;
- Kitchen;
- Toilet;
- Outside covered sitting/dining area;
- A delivery bay and wash bay.

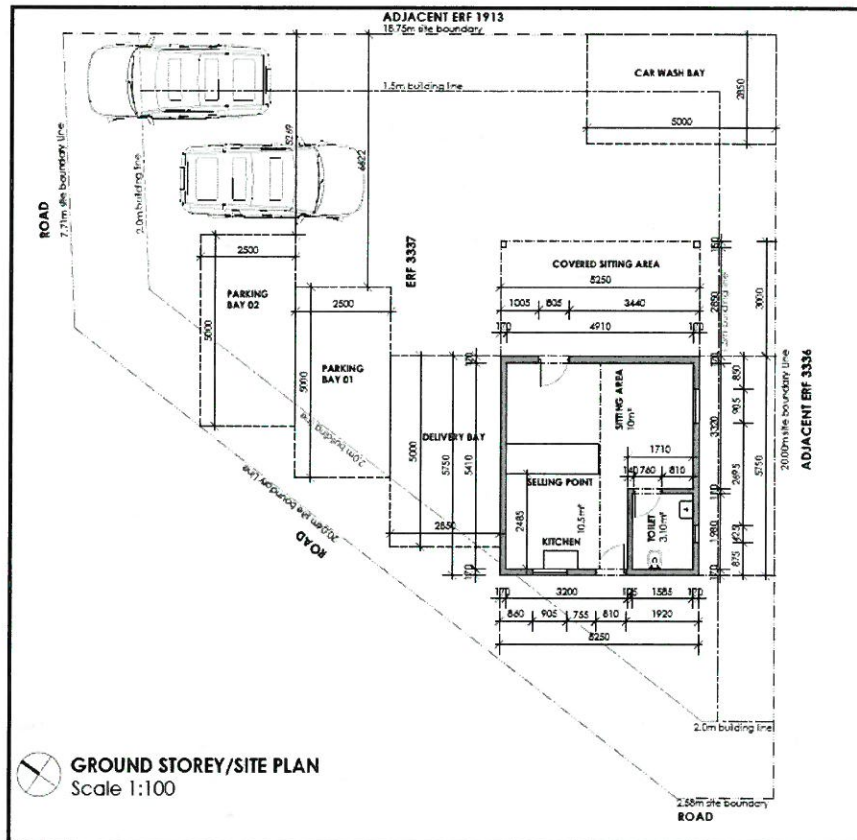


Figure 1: Proposed layout plan of the restaurant and car wash.

From the above extract of the building plan (i.e. Figure 1), it is clear that the proposed development is relatively small in terms of scale and there is ample onsite parking space for patrons to park, without adversely affecting existing traffic flow.

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SECTION 2: MOTIVATION

2.1 Introduction

This section of the report provides a detailed motivation for the proposed *Restaurant and Car Wash* in terms of the development parameters as outlined in the land use scheme and contemporary planning legislation.

2.1.1 Area of jurisdiction

The subject property is located in the township of Gansbaai, which is within the jurisdiction of the Overstrand Municipality:

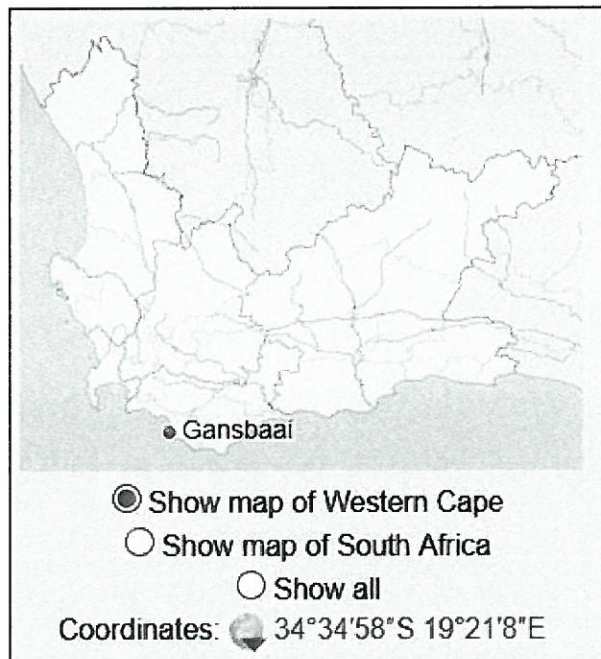


Figure 2: Gansbaai is located south-east of Cape Town.

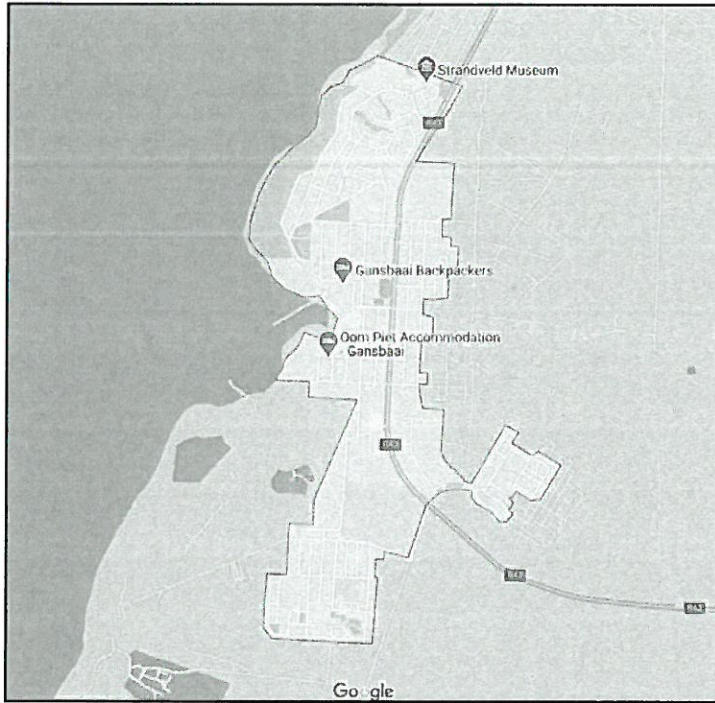


Figure 3: The town of Gansbaai is traversed by the R43 in a north-southly direction.

2.1.2 Locality of the property

2.1.3 Surrounding zoning and land uses

The subject property is located within a primarily residential neighborhood, which comprises of single residential dwelling houses

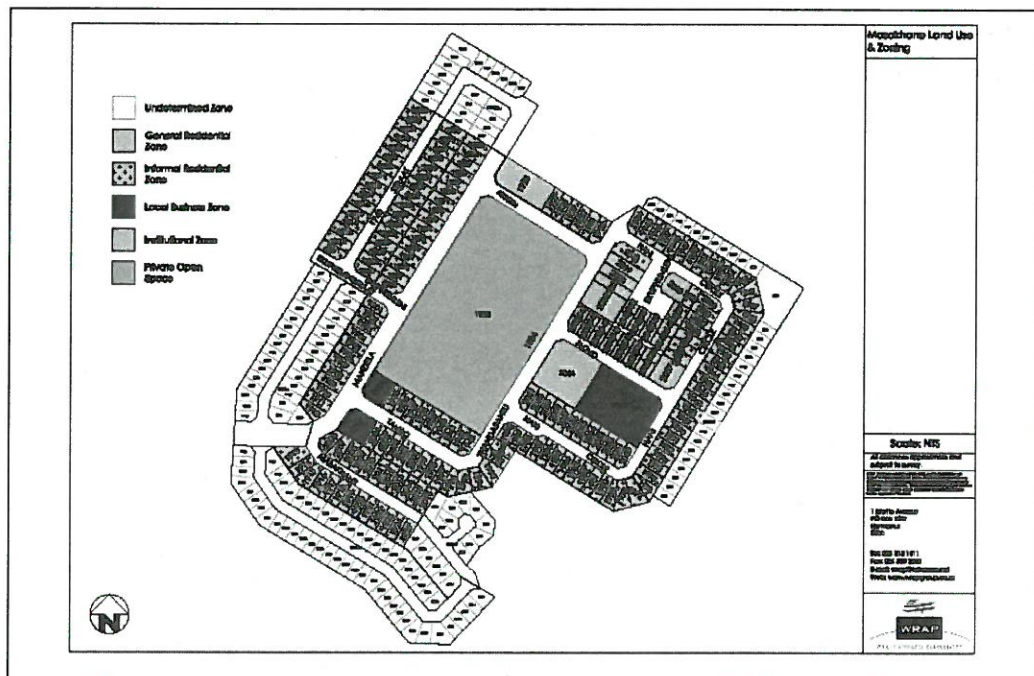


Figure 5: Surrounding zoning map.

2.2 Applicable legislation

This application is hereby submitted in terms of the following legislation:

- a) Spatial Planning and Land Use Management Act, 2013;



- o The approval of this rezoning application will permit for the subject property to be utilized for more than just residential purposes and thus allowing the owner to generate an additional income from the subject property.
 - o The surrounding land owners will have the convenience of accessing goods and services as well a place of leisure in close proximity to their place of residence.
- b) The Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020:
- o Section 16(2)(a): for the rezoning of Erf 3337 Gansbaai from *Less formal development zone to Business Zone 1*, in order to permit a restaurant on the subject property.
 - o Section 16(O): for consent in order to permit business premises on the subject property, limited to a car wash.
- c) The Overstrand Municipality Spatial Growth Management Strategy, 2010:
- o The subject property is located within Planning Unit area 5 and at the time of publishing the OMSGMS in 2010, the report highlighted that no densification plans had been proposed for the area and studies were required to determine the availability of bulk services in the area.

- o In line with the current proposal the Growth Management Strategy, clearly indicated a need to integrate the Masakhane township with surrounding economic zones and introducing commercial nodes within the primarily low density residential development.

d) The Overstrand Municipality Spatial Development Framework, 2020.

- o The Masakhane township is located within the Greater Gansbaai urban edge;
- o The proposed development adheres to the spatial objectives of creating sustainable human settlement through the integration of housing areas with social and economic facilities.

Development Potential

2.3.1 Desirability: socio-economic impact, surrounding land uses, impact on engineering services, traffic and biophysical environment

The above desirability aspects are elaborated upon below:

- Socio-economic impact; this development will result in jobs with regards to the selling of goods and additional income to the owner. Temporary jobs will also be created during the construction phase of the project.
- Surrounding land uses; the proposed uses are complementary to the



residential character of the neighborhood and will not have any adverse impact on the surrounding land uses.

- iii. Impact on engineering services; no adverse impact on existing municipal services is envisaged.
- iv. Traffic impact: there will be no increased burden on the existing road network as ample onsite parking will be made available.
- v. Bio-physical environment: The site is already developed and there are no trees or vegetation worth preserving onsite.

2.3.2 Scale and impact

The proposed development can be categorised as a small scale economic enterprise, as its catchment area is at a local neighbourhood level.

The proposed development, which comprises of a restaurant and a carwash will positively contribute to the upgrading of infrastructure and general economic well-being of this neighbourhood in the following aspects:

- a) Permitting for a business zoned property will permit for the local authority to charge higher rates and taxes, which will in turn increase municipal revenue for improving its level of service delivery in this neighbourhood



(i.e. refuse collection, roads, provision of water and electricity);

- b) Employment opportunities will be created by the proposed development in terms of cleaners, waiters and cooks being employed at the restaurant, as well car washer at the ancillary car wash. Temporary jobs will be created during the construction phase of the development;
- c) The new structure will be modern and eco-friendly, thus requiring less maintenance from the local authority and in turn improve upon the general aesthetics of the neighbourhood.

In terms of the hours of operation and number of employees at the proposed facility, these will be subject any conditions which the local authority (i.e. municipality), shall choose to impose as part of its conditions of approval for this application, taking into cognisance the COVID-19 state of disaster guidelines imposed by the National Government.

As a guideline to the municipality the following hours of operation are proposed:

Day of the week	Hours of operation
Monday	08h00 -20h00
Tuesday	08h00 -20h00
Wednesday	08h00 -20h00
Thursday	08h00 -20h00



Friday	08h00 -20h00
Saturday	08h00 -20h00
Sunday	08h00 -20h00

2.3.3 Applicable planning and policy documents

During the compilation of this motivation report reference was made to the following forwarding planning documents of the Overstrand Municipality:

- i. Overstrand Spatial Development Framework, 2020

The proposed development will result in a business being developed in a primarily low density residential neighbourhood. The latter aligns to the SDF objective of *"All housing developments should be planned within the context of creating sustainable human settlement where housing area are integrated with social and economic facilities"*.

The proposal adheres to the above objective as it will be within walking distance to the surrounding patrons and it will introduce a diversity in land use, which is essential to creating sustainable human settlements.

The SDF also provides the following objectives for Masakhane:

- o *"Buildings that accommodate community activities, as well as education, health and entrepreneurial development and business and skills training, should be located at points of*

highest access in urban settlements"

- The proposed development will be located in between to demarcated commercial nodes (Mandela Road Node and the GAP/Commercial Node) and easily accessible via Marine Way.
- *"Encourage mixed use and high density residential development within and adjacent to urban, suburban and rural centre"*.
 - In order to rectify the spatial disparities of outdated apartheid spatial planning, this development will be introduce a business use in close proximity to residential use zones, which will lead to economic and employment opportunities within this township.

ii. Overstrand Growth Management Strategy, 2010

According to the Overstrand Grown Management Strategy, Masakhane township area falls within Planning Unit 5 of the Greater Gansbaai area. Planning Unit 5 at the time of publishing the Growth Management Strategy in 2010 did not propose any densification plans for the area nor additional community facilities where proposed. However the 2020 SDF makes provision for forward planning guidelines for the area, as covered under the SDF section above.



iii. Overstrand business corridors and nodes

As previously stated the subject property is ideally located in close proximity to the Mandela Road Node and the GAP/Commercial node, which will allow the proposed business development to commercial the identified nodes.

The close proximity of the proposed development to the identified nodes will positively contribute to the introduction of commercial activities within previously residential only neighbourhoods.

2.3.4 **SPLUMA principles**

The diversification of land use ensures that modern sustainable neighborhoods are created and are introduced to older and new parts of the town.

Below is a diagram representing the pillars pivotal for sustainable development according to Allen et al.:

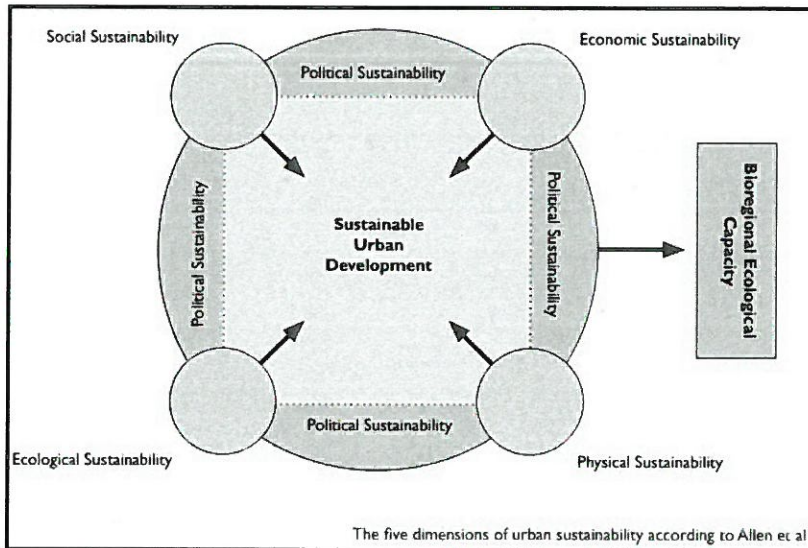


Figure 6: Principles for a sustainable development.

From the previous diagram (i.e. Figure 6), Allen et al. summarize factors essential for a sustainable urban development as follows:

- a) Economic sustainability: the ability of the local economy to sustain itself without adversely impacting on the bio-physical environment. The current proposal has no adverse impact on the bio-physical environment as the site is already developed.

- b) Social sustainability: effective policies and actions aimed at improving the quality of life and access to land and land use rights. Promoting businesses in close proximity of residential areas ensures that commuting distances are



reduced for residents and ensures that money that could have been spent elsewhere is reinvested back into local neighborhoods.

- c) Ecological sustainability: a balance between the impact of urban development on the city-region and global carrying capacity. The proposed business will have minimal impact in terms of scale and will have far less impact at a city region or globally.

- d) Physical sustainability: the capacity of the built environment and technological structures to sustain human life and productive activities. Modern architectural features will ensure that an environmentally sustainable structure is constructed on site.

- e) Political sustainability: the quality of governance systems and frameworks guiding the preceding dimensions.

The proposed development adheres to the above sustainable pillars, as the favourable approval of this application will ensure that the ecological footprint of the town is reduced, by having mix land uses (i.e. residential in close proximity to business). The latter will result in less travel time for residence and money is circulated within the local community.

The proposal adheres to the principles of SPLUMA as elaborated upon below:

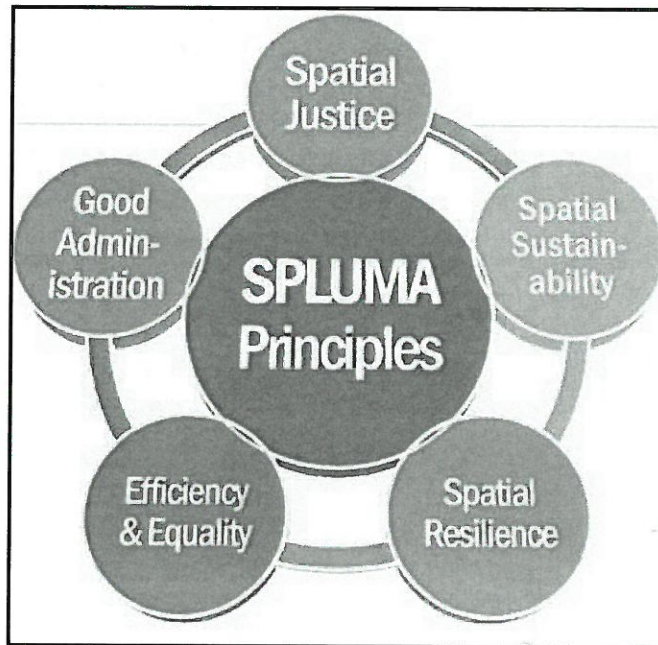


Figure 7: Principles for a sustainable development

i. Spatial justice:

The proposal will allow for the subject property to continue to be utilised for business purposes. The business component will allow the owner to generate an income from the subject property.

ii. Spatial sustainability:

This development is deemed the most sustainable and most effective use



of the subject property, as it discourages urban sprawl and centralizes the provision goods within the neighborhood.

iii. Efficiency and equality:

By introducing a business component within the neighborhood, the municipality will be ensuring that the owner is able to generate an income from the subject property without discrimination or prejudice in turn the community will have access to goods and services within a walking distance.

iv. Spatial resilience:

The proposed alterations will improve upon the existing dwelling house, in the form of a new modern architectural style, that shall be capable of withstanding unforeseen natural disasters.

v. Good administration:

The approval of this application will ensure a pro-development stance is taken by the municipality and a good administrative stance is taken on the part of the municipality. Therefore the municipality will allow for economic



opportunities within a primarily residential neighbourhood in a well regulated manner.

Building plan

A building plan of the proposed alterations is attached as Annexure 7.

The following is a summary of how the proposal adheres to the development parameters of *Business Zone 1*.

	<i>PERMITTED</i>	<i>PROPOSED</i>
<i>Floor Factor</i>	3	0.16
<i>Coverage</i>	100%	16.5%
<i>Street building line</i>	0m	2m
<i>Side boundary (abutting a residential or community zone)</i>	3m	2m

Car wash

The proposed car wash will act as a complimentary business to the restaurant. It will comprise of a single washing bay measuring 5m by 2.8m in extent. The

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proposal is not uncommon for businesses in townships. The car wash often adds to the relaxed atmosphere at township restaurants, as patrons are able to enjoy a meal and have their cars washed as well.

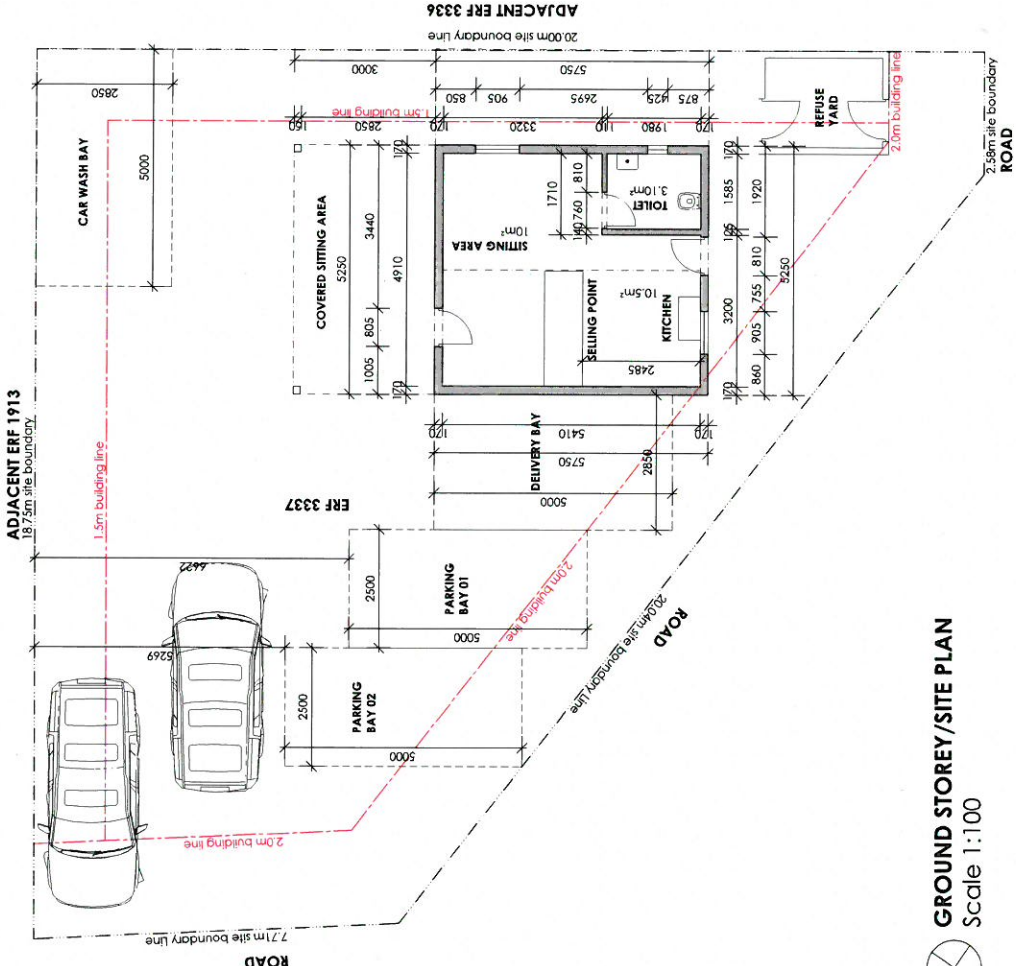
Recommendation

This report has detailed that development proposal under consideration adheres to the overarching principles relating to equity, efficiency, spatial resilience and justice as prescribed by SPLUMA.

The approval of this application will not deviate from the residential character of the neighborhood nor have an adverse impact on the natural environment. Therefore the Municipality is hereby requested to consider this application favorably.

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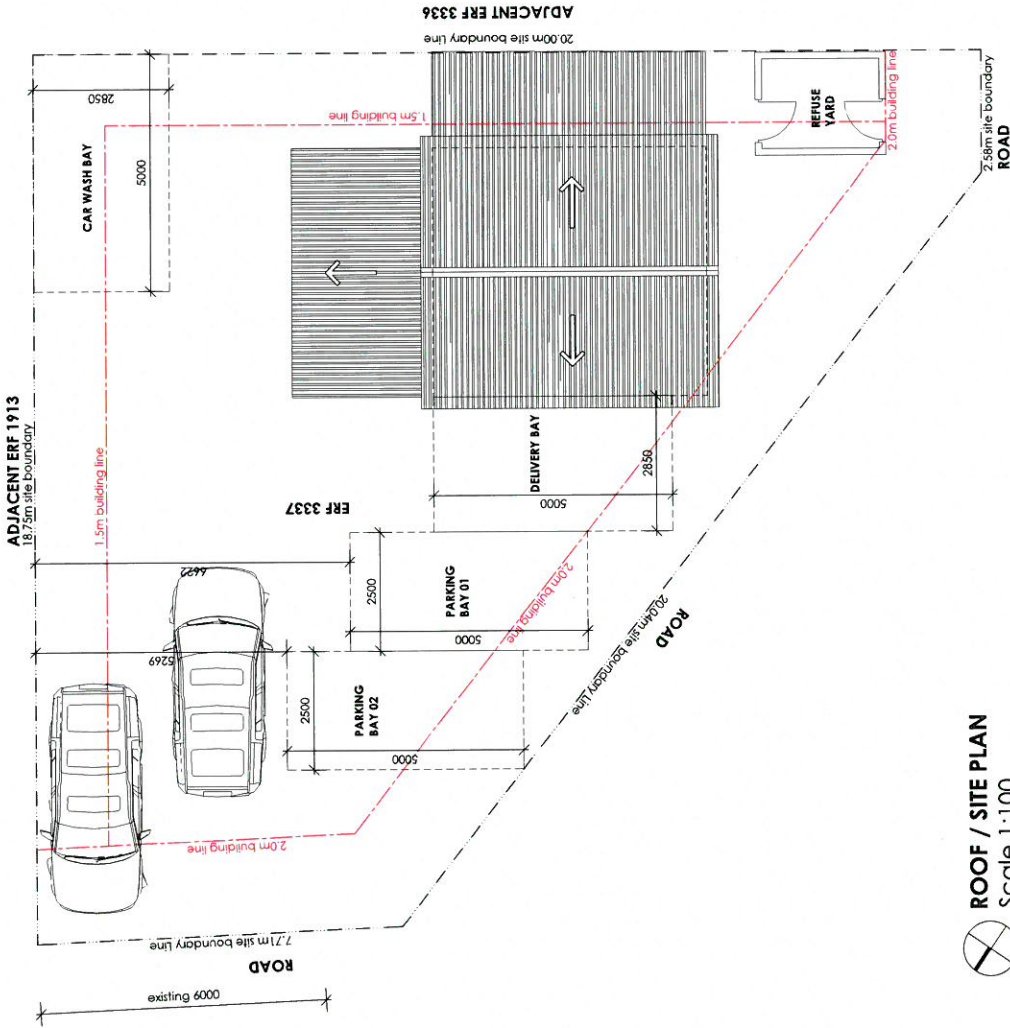
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 EMAIL: admin@eternityservices.co.za

PROJECT TITLE: PROPOSED ALTERATIONS TO EXISTING BUILDING
 CLIENT: VUYANI YAWA
 ON ERF: ERF 3337
 ADDRESS: VUYANI YAWA
 MALAKHANE
 GANSBAAI

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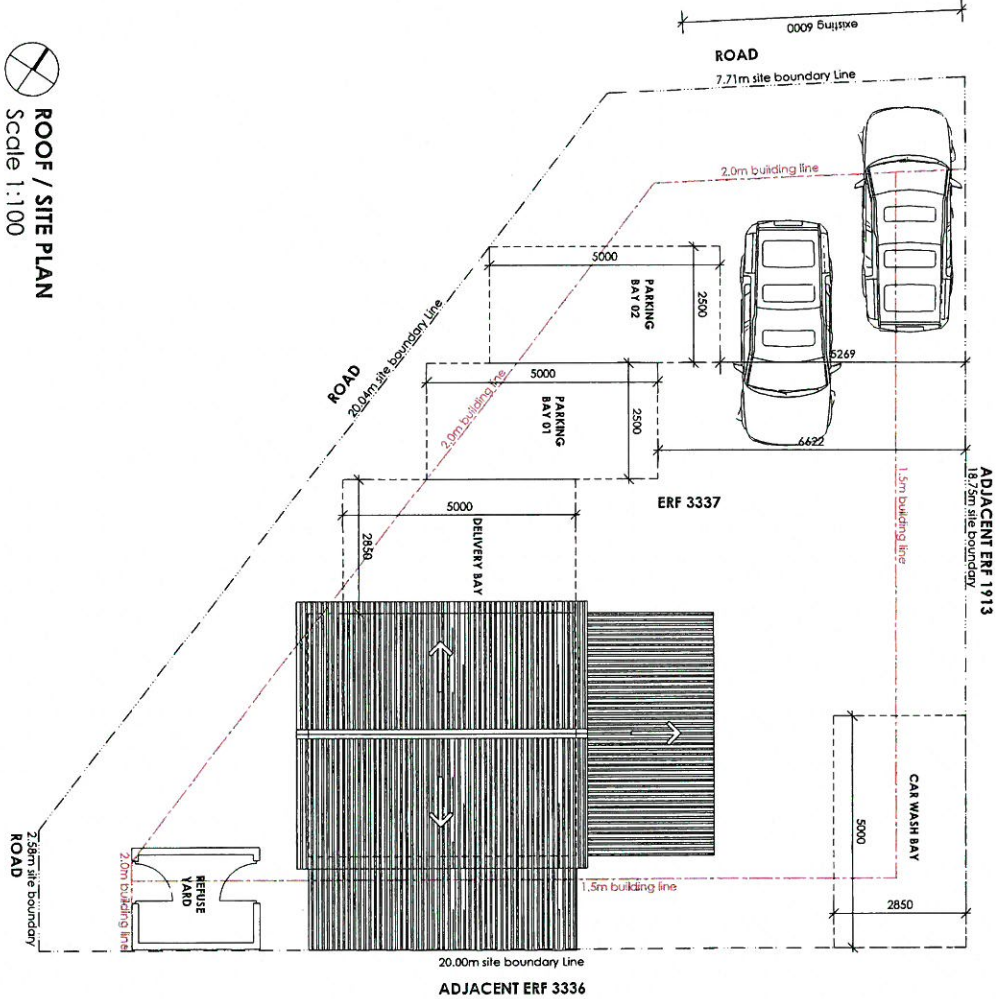


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admin@eternityservices.co.za

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ON ERF: ERF 3337
1 MASARANE WAY
GANSBAAI

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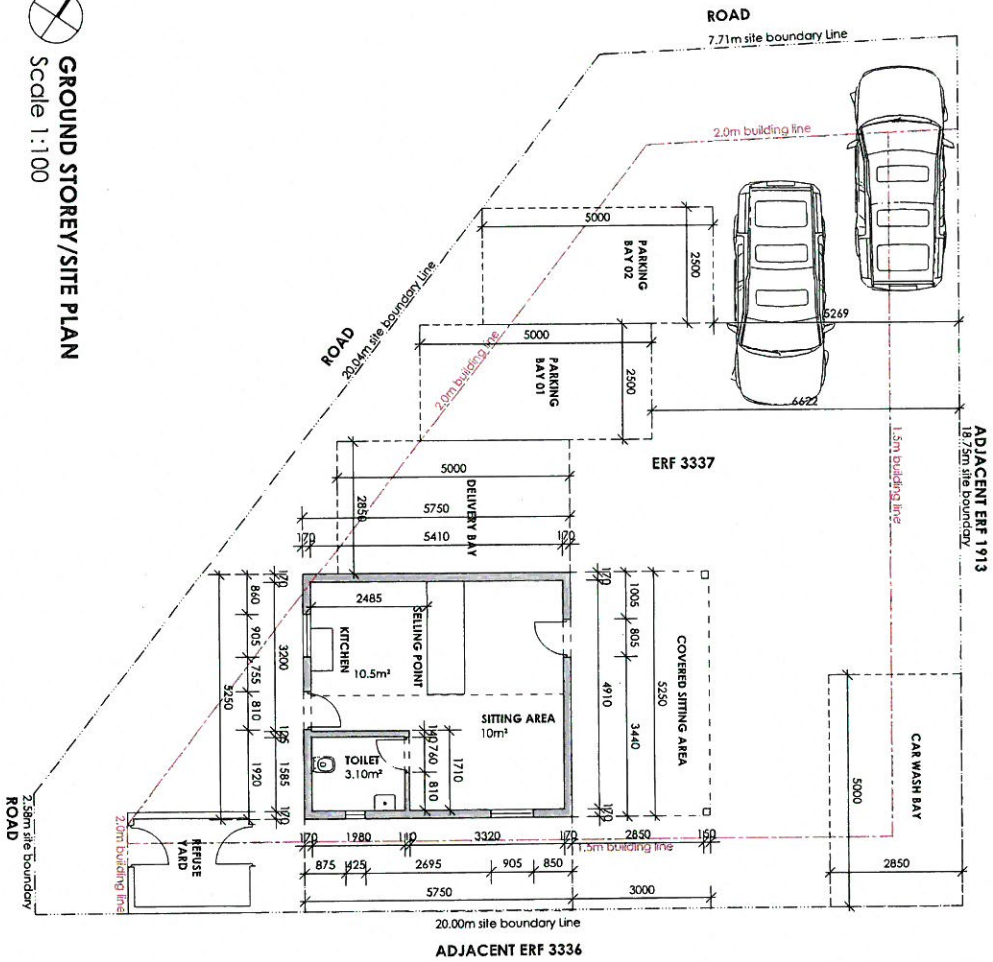
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 DATE: OCTOBER 2020
 DRAWN BY: E.A.P./N.S.B./R.M.
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