

ERF 569 (UNREGISTERED ERF 11015), 16 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: F.C KOTZE ON BEHALF OF FORTUSTAR (PTY) LTD

Notice is hereby given in terms of Section 48, read with Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for consent use to conduct a five (5) bedroom guesthouse from the existing dwelling on Erf 569, Hermanus.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **19 May 2023**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. H. Boshoff** at 028-313 8900. The Municipality may refuse to accept comments 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.

ERF 569 (ONGEREGISTREERDE ERF 11015), MARINE DRIVE 16, WESTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK: F.C. KOTZE NAMENS FORTUSTAR (PTY) LTD

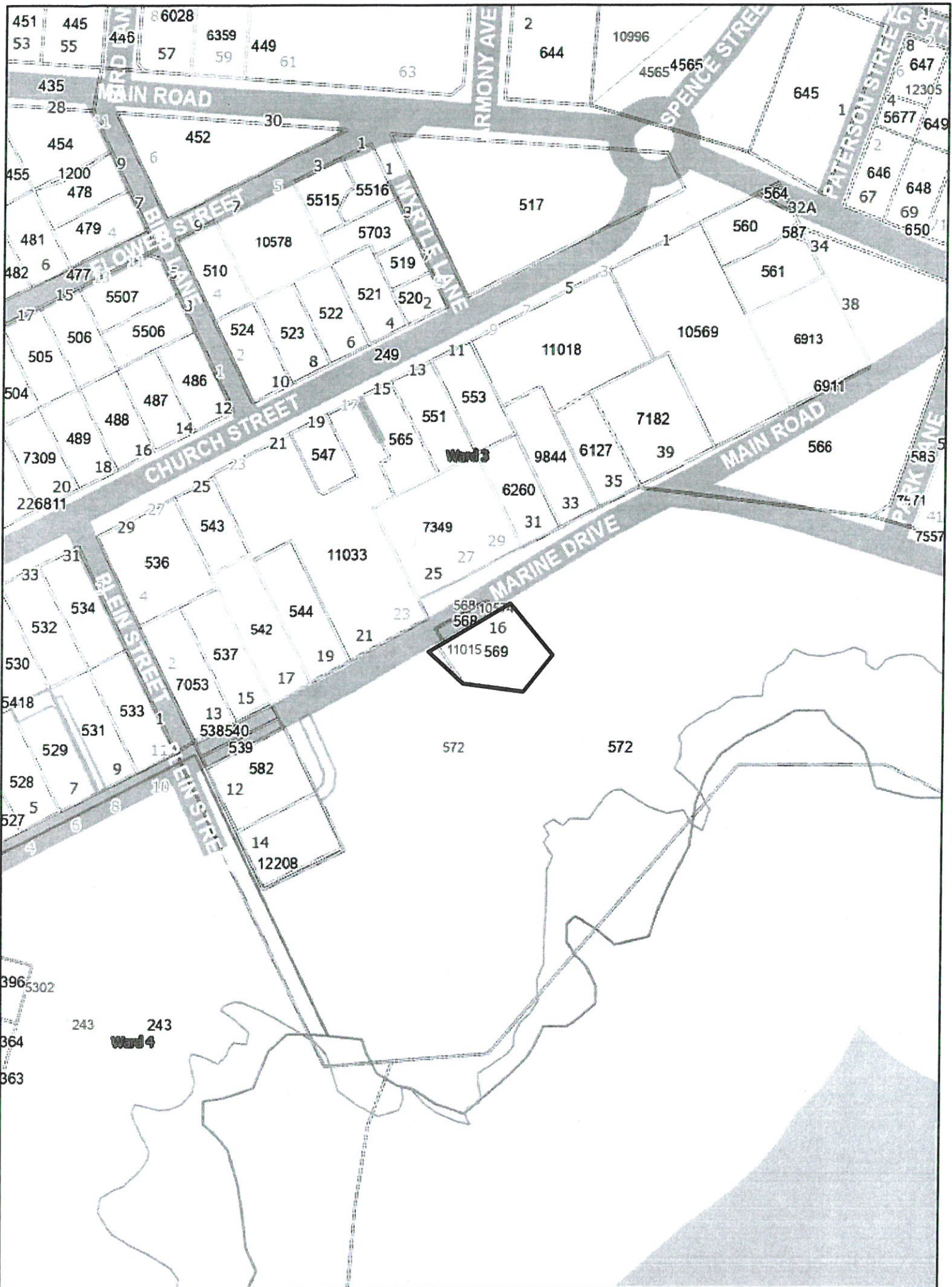
Kennis word hiermee gegee ingevolge Artikel 48, saamgelees met Artikel 16(2)(o) van die Overstrand Munisipaliteit Wysigdeverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek om vergunningsgebruik ontvang is om die bestaande woning op Erf 569, Hermanus as 'n vyf (5) slaapkamer gastehuis aan te wend.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel 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 **19 Mei 2023**, met U naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir die kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Boshoff** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA SAMA- 569 (11015), 16 MARINE DRIVE, EWESTCLIFF, EHERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUSETYENZISWA KWEMVUME: F.C KOTSE EGAMENI FORTUSTAR (PTY) LTD

Isaziso sinikwe ngokuphathelele kwiCandelo lama-48 - lomThetho kaMasipala wesiLungiso wase-Overstrad kuYilo lokuSetyenziswa koMhlaba kaMasipala, 2020, (UmThetho kaMasipala) ukuba isicelo sifunyanelwe ukusetyenziswa kwemvume ukuze kusetyenziswe umhlaba njengamagumbi okulala amahlanu (5) endlu yokundwendwela

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: uCwangciso leDolophu, Paterson Street, Hermanus. Naziphi izimvo ezibhaliweyo mazingeniswe ngokwemagatya amaCandelo Amama-51 nelama-52 omThetho kaMasipala zize zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngalo mhla okanye phambi komhla wama- **19 uMeyi 2023**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela **uMnu. H. Boshoff** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvala. Naye nawuphi umntu ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loCwangciso lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.





MOTIVATION

1 ABBREVIATIONS AND DEFINITIONS

By-Law	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020
CBD	Central Business District
HWC	Heritage Western Cape
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
SRI	Residential Zone 1: Single Residential
Subject Property	As defined in paragraph 2 below

2 PROPERTY DETAILS

Erf Number	Erf 569 Hermanus (to be reregistered as Erf 11015)
Extent	1 198m ²
Zoning	Residential Zone 1: Single Residential

3 BACKGROUND AND INTENT

Erf 569 Hermanus is currently the subject of an “exchange transaction” of a portion of ERF 569, owned by Fortustar (Pty) Ltd, for an equal-sized part of Erf 572, which belongs to the OM. After the “exchange transaction”, the newly constituted Erf 11015 will be transferred and registered at the deeds office in favour of Fortustar (Pty) Ltd. This process is well advanced. Erf 11015, referred to as the “**subject property**”, is located at 16 Marine Drive, Westcliff, Hermanus (refer to Plan 1 - Locality Plan). The directors of the property owner, Fortustar (Pty) Ltd, mandated Frederik Christoffel Kotzé to submit this consent use application on their behalf (refer to Annexure A - Shareholder Resolution and Annexure B - Power of Attorney).

The owners intend to operate a five-bedroom guest house at the property. To ensure compliance with the OMLUS, approval is required for **consent use to allow a guest house**.

4 PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

When Fortustar procured the property in 2017, it operated as a guest house known as Wendy's Cottage. The property was subsequently redeveloped following



approval from the appropriate Heritage Western Cape¹ and OM committees. The original heritage building was restored to better approximate its original form, as required by the HWC. Similarly, the new building was designed and subsequently approved within the context of heritage indicators proposed by HWC. There are no conditions on the usage of either the original heritage building or the new residence.

OM approved the building plans for the new development on the 04th of December 2020 (Building Plan No 37395) (refer to Plans 2, 3 and 4 - Building Plans). The construction, which was recently concluded, is of high architectural integrity, and the property was designed to be used as a guest house. It blends in with the mixed-use character of the surrounding area, with several guest houses, restaurants, and hotels near the property.

The property is nestled among several hotels (e.g., Misty Waves and The Windsor Hotel) and guesthouses (such as La Fontaine Guest House, Pelagus Guesthouse, Ocean View, Hermanus Boutique Guest House, One Marine Drive Boutique, Beluga House, Ocean Eleven and Cliff House) and restaurants (e.g., Heritage Restaurant, Fick's Pool, and Just Pure Bistro). When the current owners procured the property, it was used as a guest house, known as Wendy's Cottage. This demarcation, as well as the other guesthouses (or hotels and restaurants) in proximity to 16 Marine Drive, is clearly shown on the "Locality Plan" included with this application (refer to Plan 1 - Locality Plan). The eastern, southern, and western boundaries of the erf are surrounded by municipal land restricted for public use; this includes the historic "Hermanus Pieters' Fontein". To the north, the erf borders on Marine Drive, with the Hermanus Breakwater Complex (six townhouses occupied primarily by occasional visitors to Hermanus), the Heritage Restaurant, Misty Waves Hotel, and Pelagus Guest House, the closest neighbours on the opposite side of Marine Drive.

The erf is located on the cliff path and within short walking distance (probably about 300 metres) from the centre of Hermanus town, with its plethora of tourist attractions.

The new building that was recently completed on the site was designed with the option to be used as an upmarket guest house. The facility will be able to offer five luxury (more than 40 m² each) guest bedrooms, all *en-suite*, with 180-degree sea views (from each room and its private balcony). Each guest room has a double bed to accommodate two guests (refer to Plan 5 - Guest Room Location). Guests will

¹ According to the Overstrand Heritage Survey Draft Report of 2009, the original building on the property was graded "3B" in terms of section 8(4) of the National Heritage Resources Act. Consequently, the owners had to get Heritage Western Cape approval for any intended developments on the site.



have access to a large open-plan living area, dining room, TV room, bar, patio, wooden deck, and heated swimming pool.

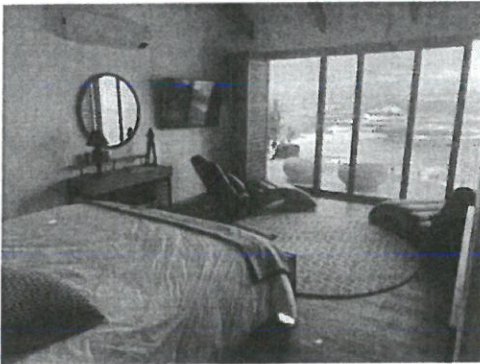


Figure 1: Pictures of the subject property

The house has a separate vehicle access gate for guests, and dedicated guest parking for at least six vehicles (in addition to a double garage and one parking bay for staff), which is aligned with the parking requirements of the OMLUS (refer to Plan 6 - Parking Space). The site's location and amenities are well suited for an upmarket guest house. The guest house will be managed by the owners of Fortustar, who will also live on the property.

In the past, "Wendy's Cottage" was a popular guest house among visitors to Hermanus. The revamped "Wendy's" will still offer the same supreme views and location, but now with upgraded amenities and luxury aimed at discerning tourists from South Africa and internationally. If consent is granted, "Wendy's" will further add to Hermanus' already rich and diverse tourist offering to the benefit of Overstrand and its people. In addition to the owners, the guest house will also employ four local staff.

5 APPLICATION

Considering the above, an application is made for the following:



- **Consent Use** for a guest house in terms of Section 16(2)(0) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6 LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned for single residential purposes, interspersed with some “General Residential Zone 3” properties. The surrounding area’s zoning is illustrated in Plan 7 – Zoning Plan.

7 TITLE DEED

Title deed T33062/2017 (refer to Annexure C) was perused, and there are no restrictive conditions that prohibit the consent use being sought by the property owner.



Fortustar (Pty) Ltd
 Co Reg: 2014/015000/07
 VAT No: 456 037 9611
 16 Manna Drive
 Westhof
 Hammanskop
 200
 021 461 1111
 021 461 1111
 021 461 1111



MOTIVATION

8 ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
Land Use Restrictions			
Parameters	Proposal	Comply / deviate	
Primary use	Creche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering	Dwelling House	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House , House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	Guest House	Applied
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined per the net erf area: 400m ² and greater = 50%	Area of site= 1 198m ² Building Footprint = 535.35m ² Coverage = 44.69%	Comply
Building lines	The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	Street building line > 4m Side and rear building lines > 2m	Comply
Height	The maximum height of a building, measured from the base level to the top of the structure is 8,0 m.	Height from base-level to top = 8.0m	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	<u>Parking Requirements</u> Five parking bays are required for the five guest rooms & two parking bays are required for the managers/owners: - 7 parking bays required - 9 parking bays provided	Comply



9 SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

9.1 Electricity, Water, Sewage and Solid Waste

The subject property is connected to OM's networks, which include electricity, water, and sewage, as per the approved building plans. The property makes extensive use of solar power and, although it is still tied to the municipal electricity grid, makes very little use of OM-supplied electricity. The proposal of this application will not place an excessive amount of pressure on these networks.

9.2 Access and Egress

Access and egress to the subject property are gained from Marine Drive via two security motor gates. The proposal will not affect or negatively impact Marine Drive traffic flow.

10 NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal under Section 66 (l) (c) of the OM By-Law.

10.1 Need and desirability

Several neighbouring properties are already operating as facilities providing tourism accommodation. These properties, as well as 16 Marine Drive, are located within a short walking distance of the Hermanus CBD, on the Hermanus cliff path, offering spectacular sea views and easy access to many restaurants, and are thus well suited to provide tourism accommodation.

The property previously successfully provided tourism accommodation in the old heritage cottage on the site.

No further development on the property will be required to enable the functioning of the proposed guest house, i.e., all the necessary developments have already been approved by OM, and construction has been completed. The proposed guest house does not contradict any policies, legislation, or title deed conditions.



10.2 Impact on views, sunlight, and character of the area

The subject property is in a mixed-use setting. The existing buildings comply with OMLUS's development parameters, ensuring no views, sunlight, or the area's character is affected. The new residential building was designed according to heritage indicators proposed and approved by Heritage Western Cape.

The guest house was designed in such a way as to ensure it does not take away from the character of the area. It is not predicted that the proposal, i.e., consent use for a guest house on the property, will have any new effect on the views, sunlight, and character of the area.

10.3 Economic Impact

The proposal will have a positive impact on the economy by:

- creating job opportunities (a minimum of four employees will be sourced from the local community);
- attracting more tourists to the Overberg area (and further enriching their choice of accommodation) who will spend their holiday money at the various tourist attractions and other businesses (such as shops, restaurants, wineries etc.) in the town and surrounding areas; and
- the property was initially developed with the option to operate it as a guest house. Because of this, the owners made a substantial investment that already resulted in an upwards revaluation of the property to R9 852 900 in terms of Section 49(1)(c) read together with Section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004), thereby creating additional income for the municipality through the collection of rates and taxes and an increased municipal valuation.

10.4 Opportunity cost

An opportunity cost in land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The approval of this consent use application is not anticipated to harm any of the surrounding properties.



10.5 Impact on heritage

The subject property is listed in the OM Heritage Register. Consequently, the initial development of the property had to be approved by HWC. The Section 34 Permit was obtained from HWC on the 05th of November 2020 (refer to Annexure D - HWC Section 34 Permit). There are no conditions attached to the permit that has an impact on this consent use application.

10.6 Environmental Impact

The subject property is not located within an environmentally critical area. Furthermore, no new development will be required in terms of this consent use application. Therefore, the approval of the application will not have any environmental impact.

11 POLICIES AND REGULATIONS

11.1 Overstrand Municipally Environmental Protection Overlay Zone (EMOZ)

The granting of the consent use application to operate a guest house on the property will not contravene any of the policies or regulations associated with the EMOZ.

11.2 Overstrand Municipally Heritage Protection Overlay Zone (HPOZ)

The granting of the consent use application to operate a guest house on the property will not contravene any policies or regulations associated with the HPOZ.

11.3 Spatial Planning Policies

PSDF

Broad policy objectives

The objective of the policy is to create an enabling policy environment and prioritises creating employment opportunities, social inclusion, and improving the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies aimed at creating a policy alignment between different spheres of government.

Consistency of the proposal with the policy

The PSDF highlights that the OM is a significant leisure, lifestyle, and holiday economic centre. The approval and implementation will enable the property owners to operate a guest house that will allow guests and tourists to have accommodation



available while supporting the lifestyle and holiday economic centre as prescribed by the policy.

The policy cites those coastal economic activities, including nature-based tourism. The guest house is ideally located in Hermanus as it has easy access to the Hermanus CBD, the cliff path and the ocean. This proposal is intended to capitalise on this nature-based tourism prevalent on the subject property.

The PSDF promotes the transition of urban settlements from having limited economic opportunities to various livelihoods and opportunities. This guest house is intended to ensure additional economic opportunities are available on the subject property, which is compatible with the mixed land use fabric and will contribute towards providing various livelihoods as prescribed by the policy.

MSDF

The broad policy objectives of the MSDF include enhancing the image of the Overstrand as a liveable urban area that provides a range of facilities and activities which tourists can enjoy. Development proposals should also capitalise on the unique sense of place that urban areas in the Overstrand are renowned for. The MSDF promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes valued by inhabitants.

Consistency of the proposal with the policy

The spatial proposal plan designates the subject property for residential purposes, and the proposed guest house on the property is in harmony with this designation.

The policy cites that tourism destinations must be accessible, safe, and attractive by maintaining current facilities and developing new ones. This proposal entails the continuation of the operation of the guest house (as was the case with the heritage cottage on the site). It involves the continuation of operating the property as a tourist accommodation facility that is accessible and with a variety of safety and security measures as prescribed by the policy.

The policy highlights that development proposals should ideally protect the unique character of Greater Hermanus. The building was designed with the input and approval of HWC heritage indicators to ensure it adheres to the special character of Hermanus and its history. The development bulk and scale are in line with SR1 zoning requirements.



12 PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains five uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

12.1 Spatial justice

Spatial justice refers to planning proposals that do not contribute toward perpetuating apartheid spatial development imbalances. This proposal to continue to operate a guest house is not predicted to contribute to past spatial injustices.

12.2 Spatial sustainability and efficiency

Spatial sustainability refers to planning proposals that result in viable communities. This proposal is to continue utilising the property for more than just a residential property and operate a guest house to ensure the property is being used for its maximum capabilities.

12.3 Spatial resilience

This proposal does not conflict with any spatial planning policies or other OM regulations, a hallmark of resilience.

12.4 Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comments and raise concerns about the proposal or make possible suggestions that may result in an enhanced outcome from which both parties benefit. Comments will be reviewed and considered, after which they will be addressed accordingly.

13 EVALUATION

The consent use will allow the property owners to operate a guest house legally.

The application is not out of the context of the surrounding area and is not seen as a nuisance of land use. The proposals are in harmony with all relevant spatial planning policies, illustrating that the property owners did not arbitrarily invent this application but had due consideration for applicable spatial planning policies.



Fortustar (Pty) Ltd
Co Reg: 2014/015000/07 VAT No: 454 027 9611
Postal Suite # 138 18 Marine Drive
Private Bag # 16 Westcliff
Hermanus Hermanus
7200 7200
Mobile +27(0)31 209-1906 chris.lotze@fortustar.com

MOTIVATION



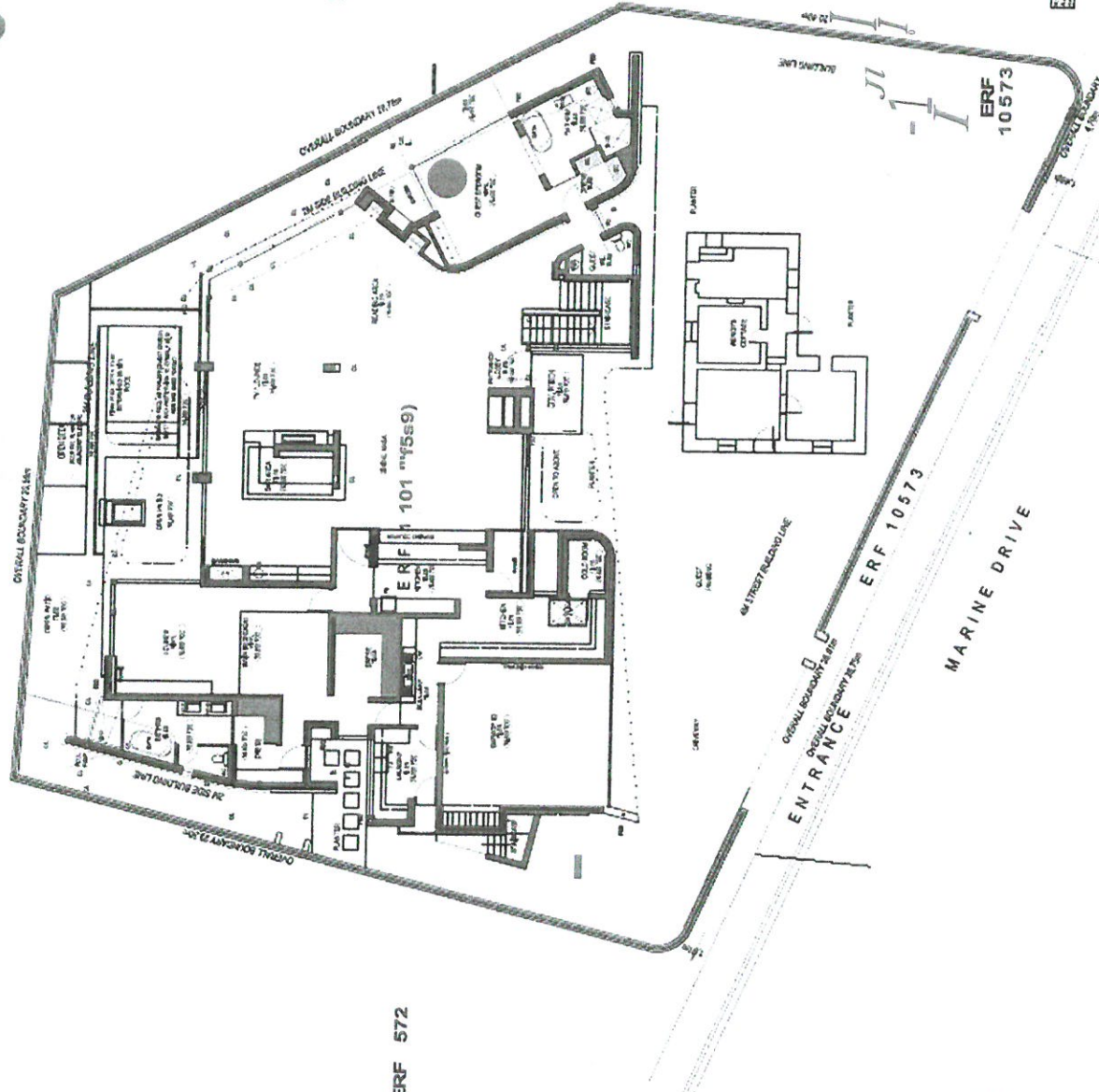
14 REQUEST

Based on the abovementioned motivation, it is requested that the following be approved:

Consent Use for a guest house in terms of Section 16(2)(0) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

● Guest Rooms

ERF 572



ERF 572

ERF 572

ERF 101 (1559)

ERF 10573

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF HOUSTON, TEXAS, BUILDING REGULATIONS AND THE AMERICAN INSTITUTE OF ARCHITECTS (AIA) CODE OF ETHICS AND STANDARDS OF PRACTICE.

2. THE ARCHITECT (DESIGNER) SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

3. THE ARCHITECT (DESIGNER) SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF ANY STRUCTURE UNLESS THE ARCHITECT (DESIGNER) HAS BEEN SPECIFICALLY NOTED TO DO SO.

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REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	01/10/2011	ISSUED FOR PERMIT	JL	ML
2	01/10/2011	ISSUED FOR PERMIT	JL	ML
3	01/10/2011	ISSUED FOR PERMIT	JL	ML
4	01/10/2011	ISSUED FOR PERMIT	JL	ML
5	01/10/2011	ISSUED FOR PERMIT	JL	ML
6	01/10/2011	ISSUED FOR PERMIT	JL	ML
7	01/10/2011	ISSUED FOR PERMIT	JL	ML
8	01/10/2011	ISSUED FOR PERMIT	JL	ML
9	01/10/2011	ISSUED FOR PERMIT	JL	ML
10	01/10/2011	ISSUED FOR PERMIT	JL	ML

CLIENT

THE CITY OF HOUSTON, TEXAS, DEPARTMENT OF PUBLIC WORKS, 1001 CALLE STAMPA, HOUSTON, TEXAS 77002

PROJECT

RENOVATION AND IMPROVEMENT OF THE CITY OF HOUSTON, TEXAS, DEPARTMENT OF PUBLIC WORKS, 1001 CALLE STAMPA, HOUSTON, TEXAS 77002

DATE

01/10/2011

SCALE

AS SHOWN

PROJECT NO.

1001 CALLE STAMPA

PROJECT NAME

RENOVATION AND IMPROVEMENT OF THE CITY OF HOUSTON, TEXAS, DEPARTMENT OF PUBLIC WORKS, 1001 CALLE STAMPA, HOUSTON, TEXAS 77002

NO.	DATE	DESCRIPTION	BY	CHKD.
1	01/10/2011	ISSUED FOR PERMIT	JL	ML
2	01/10/2011	ISSUED FOR PERMIT	JL	ML
3	01/10/2011	ISSUED FOR PERMIT	JL	ML
4	01/10/2011	ISSUED FOR PERMIT	JL	ML
5	01/10/2011	ISSUED FOR PERMIT	JL	ML
6	01/10/2011	ISSUED FOR PERMIT	JL	ML
7	01/10/2011	ISSUED FOR PERMIT	JL	ML
8	01/10/2011	ISSUED FOR PERMIT	JL	ML
9	01/10/2011	ISSUED FOR PERMIT	JL	ML
10	01/10/2011	ISSUED FOR PERMIT	JL	ML

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8	01/10/2011	ISSUED FOR PERMIT	JL	ML
9	01/10/2011	ISSUED FOR PERMIT	JL	ML
10	01/10/2011	ISSUED FOR PERMIT	JL	ML

GENERAL NOTES

1. THE CLIENT HAS ADVISED THAT THE PROPOSED WORK IS TO BE CONSIDERED AS A PRELIMINARY DESIGN ONLY. THE CLIENT HAS ADVISED THAT THE PROPOSED WORK IS TO BE CONSIDERED AS A PRELIMINARY DESIGN ONLY. THE CLIENT HAS ADVISED THAT THE PROPOSED WORK IS TO BE CONSIDERED AS A PRELIMINARY DESIGN ONLY.

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REVISIONS

NO.	DATE	DESCRIPTION
1	2024/01/15	ISSUED FOR PERMIT
2	2024/01/20	REVISED PER CLIENT COMMENTS
3	2024/02/01	REVISED PER CLIENT COMMENTS

COMMENTS

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CLIENT DETAILS

CHRIS AND CONSTANCE KOTZE

PROJECT TITLE

PROPOSED ALTERATIONS AND
STAND 10515 (50% PLAN)
FOR FORTSTAR (PTY) LTD

DRAWING TITLE

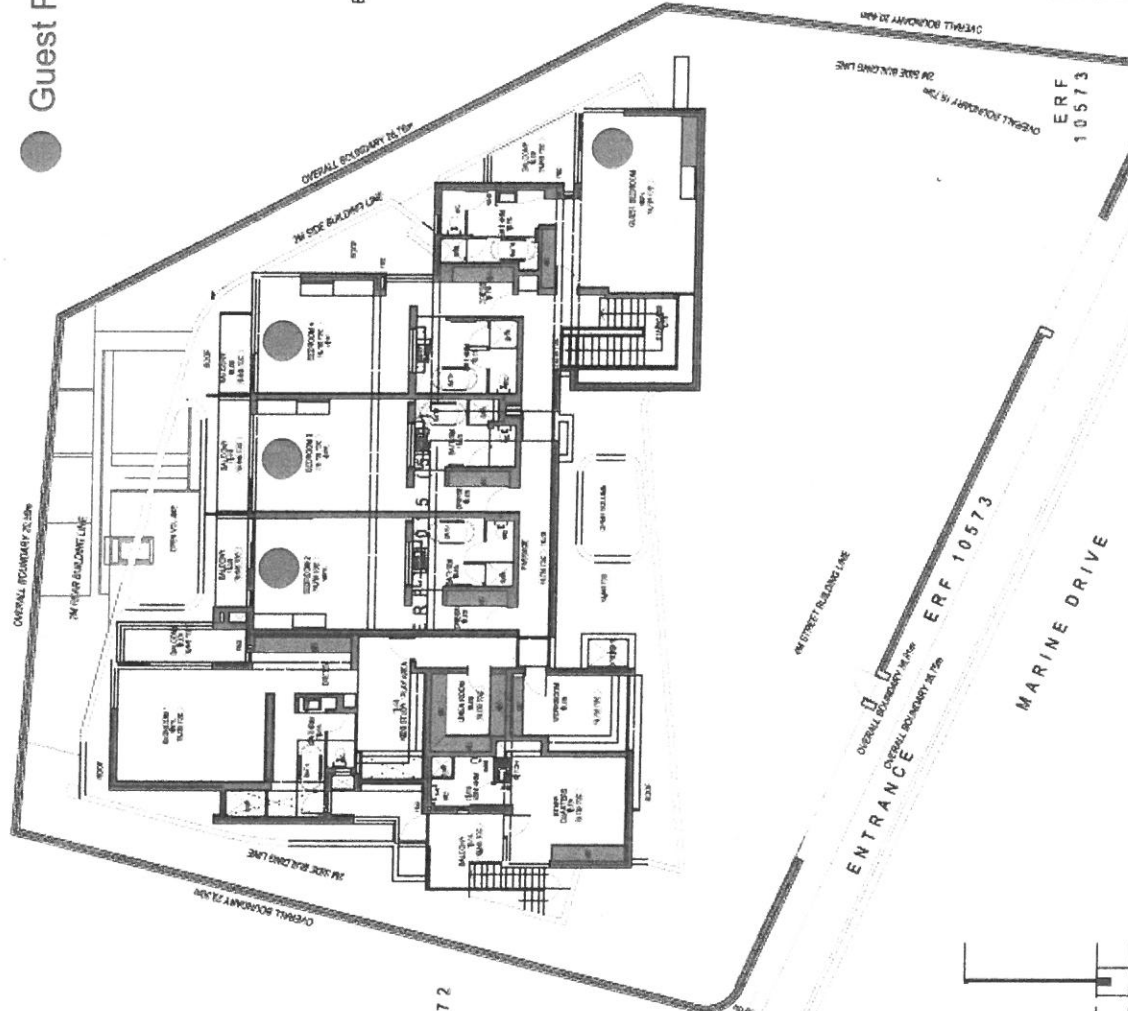
GROUND FLOOR PLAN

STATUS

FOR COUNCIL

NO.	DATE	BY	FOR
1	2024/01/15	CHRIS AND CONSTANCE KOTZE	FOR COUNCIL

Guest Rooms



ERF 572

ERF 572

ERF 572

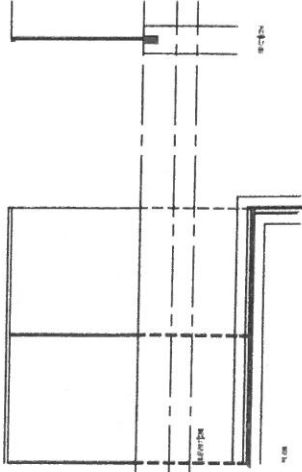
ERF 572

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NOTES

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