

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting: 30 March 2016)**

7.

**ERF 3397, 88 MAIN ROAD, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF A DE BRUYN**

3397 HON (3026)

H Olivier

(028) 313 8900

Hermanus Administration

29 January 2016

1. Executive Summary

Application has been received on 26 August 2015 from Mr B Scorgie on behalf of A de Bruyn on Erf 3397, Onrus River for a departure from the relevant Scheme Regulations in order to relax the 2m eastern lateral building line to 0m in order to accommodate the usage change of an existing braai room into a second dwelling.

Departure is also applied for to relax the 2m northern lateral building line to 0,765m to accommodate the use change of the existing courtyard area into an additional pergola for vehicle parking.

Lastly application was also make to relax the 4m western street building line to 3m to accommodate the use changes of the existing carport into a bedroom and also relax the same street building line to 0m to accommodate a garage and new pergola.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Erf 3397, Onrus River measures approximately 578m² in extend. The erf is zoned Residential Zone I and is developed with a dwelling with single garage and carport.

The property owner now applied for relaxations of both the lateral lines and also the western street building line to accommodate use changes, new extensions and also extended and additional parking provision.

Notices were sent to surrounding property owners and two (2) letters of objection were received. These comments can be summarized as follow:

- (a) In terms of the Spatial Development Framework (SDF) of Overstrand relaxations of building lines next to a street should only be considered in unique cases.
- (b) The land owner can by way of better planning accommodate an additional bedroom elsewhere, and park vehicles on an alternative area on the site, and not over street building lines. The character of the street must be retained.
- (c) The relaxation of the 4m street building line will cause traffic congestion in this narrow street, and limit manoeuvrability for vehicles apposite the property to leave their properties.
- (d) The relaxation of the street building line could affect the pedestrian flow.
- (e) Not aware of any previous departure approvals on the property since 2008.
- (f) The approval of the application will create a risk to people and assets.

The letters of objection are attached as Annexure D.

The applicant was provided an opportunity to respond to the comments received. The response is attached as Annexure E and can be summarized as follow:

- (a)+(b) It is correct that there is still a lot of free space on the property, but the amendments to the house was planned as such to do it in an economic viable manner, but it will improve the aesthetics of the existing sub-standard accommodation.

The use of pergolas for parking next to the street would create a light open feel next to the street.

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- (c)+(d) There will still be a 2,6m pavement area between the property boundary and the road surface. Vehicles will also park on the premises at Erf 3397, and opposite neighbours will still have more than the 7,5m required rear space to manoeuvre from their properties.

There will still be pavement areas for safe pedestrian flow.

The position of the parking will not change from the original position, and its position is as far away from the corner as possible.

There is also only seventeen (17) properties that get access via this road.

- (e) Cannot comment on the departure approvals, but all existing structures are indicated on the plans from Council dating back to 1997.
- (f) The proposed improvements to the property will increase the surrounding property values.

The applicant's response to the objection is attached as Annexure E.

The application was also circulated to all relevant municipal departments and State Departments. No objections were received against the application.

Evaluation

Erf 3397, Onrus River is situated on the corner of Hillside Crescent and Onrus River Main Road. Access to the site is obtained from Hillside Crescent.

The property is developed with an existing single storey dwelling with storage in the roof space, a carport and enclosed carport structure on its western side.

The applicant now proposes to develop a full double storey dwelling on the property with a second dwelling, large timber deck and balcony, make some internal changes and also re-vamp the existing carports. The changes and extensions are over the 2m northern and eastern lateral building lines, and also the 4m street building line with Hillside Crescent.

Old records were scrutinized and it was found that a family room was approved over the eastern lateral building line in 1990, with the closest point being 150mm from the lateral boundary. The revamp of this portion of the dwelling to a granny flat up to 0m from the lateral boundary would not have an impact on surrounding neighbours, as the area is already being utilized as habitable area. The 150mm encroachment would also have no real impact.

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Approvals for building plans were granted in 1990 to 1997 to accommodate a bathroom 3m from the street boundary with Hillside Crescent, and two (2) carports on either side of the bathroom 3m and 2m respectively from the street boundary line.

The applicant proposes major changes to the dwelling on the western side of the property, which include the construction of an enclosed pergola structure, and changing portions of the existing carports to a new bathroom and bedroom respectively and also extending the carport garage like structure. These alterations are over the street building line with Hillcrest Crescent and over the northern lateral building line.

The objections received against the application relate to the encroachment of the street building line. It is the objectors' opinion that it would impact on the character of the area, create unsafe traffic and pedestrian movement and impact on property values.

This office is strict in considering the relaxation of street building lines, especially with structures right up to the street boundary or garages up to such street boundary.

It must be noted that the existing carport on the northern side of the site cannot be defined as a carport, as a carport may only be enclosed on two (2) sides. It is also very unlikely that such type structure would be considered positively if it was now submitted.

The new proposals also include the creation of a second dwelling, and would require the provision of three (3) on-site parking bays.

The new "pergola" for vehicle parking will be enclosed on three (3) sides and the walling over the street building line is in excess of 2,1m. It is also proposed to extend the existing carport up to the street boundary, with side walls up to the street boundary and with a façade of 3m in height. Even if this structure will not have a garage door it is considered to be a garage in terms of definition. Lastly the carport south of the existing carport will be changed into a bedroom up to 3m from the street boundary.

The space left in front of the bathroom and new roof will be approximately 3m wide and 5,5m in length, parallel with Hillside Crescent, and cannot be considered ideal for the parallel parking of a vehicle.

It is the opinion that the street building line encroachment only necessitate from the fact that the land owner wants to do the changes to the dwelling in the most economical way. He/she however does have other options and there is no unique circumstances why such encroachments should be considered.

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Although the applicant is correct that there is still a 2,6m road reserve to ensure sufficient space for vehicles reversing from properties opposite Hillside Crescent, other concerns regarding traffic safety is considered valid. The position of a third parking bay parallel in front of the dwelling is not considered viable and can create traffic congestion. Hillside Crescent is a steep road with limited areas for visitors to park. The proposal for a second dwelling could even create additional guests, thereby meaning that more guests will visit the property with additional traffic impact. Parking of guests on the pavement could then also affect pedestrian flow.

High walling up to the street boundary and facades do have an impact on the street ambiance and aesthetics of the area, and for that reason such proposals are not considered positively.

Considering the above the objectors' concerns regarding the impact of the proposed relaxation of the street building line will have a negative effect on the character of the area and also on traffic and pedestrian safety, are valid concerns.

The relaxation of the street building line and the northern lateral building line can therefore not be supported, and it is the opinion that the land owner will have to redesign the proposed alterations proposed in the north western corner of the property to a more desirable proposal.

Conclusion

The application was duly advertised and two letters of objection were received. The applicant did respond to the objections, but some objections are considered valid objections.

The relaxation of the western lateral building line to accommodate a second dwelling can be supported, but the amendments/extensions proposed over the northern lateral and western street building line could have a negative impact on traffic and pedestrian safety, the character of the area and negative effect surrounding neighbours, and is not desirable. Such relaxations are not supported.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

Engineering Services

Attached as Annexure F.

Fire Department

No objection – provided that a LP Gas installation plan is submitted to the Municipality for approval and a flammable substance application on the prescribed form is submitted to the Fire Safety Department.

Building Department

To comply with all SANS 10400 Regulations.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's response on the objections
- Annexure F: Services Report
- Annexure G: Comments: Eskom

RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for departure on Erf 3397, Onrus River to relax the 2m eastern lateral building line to 0m to accommodate the use change of an existing braai room to a second dwelling, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of the eastern lateral building line as indicated on Plan No. 22.7/15 dated 24/03/2015, submitted with the application;

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- (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report (attached as Annexure G), be complied with; and
 - (f) that an additional parking bay be provided on-site for the second dwelling, and it be indicated on the site plan at building plan submission phase.
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 3397, Onrus River to relax the 2m northern lateral building line to 0,765m to accommodate a pergola for vehicle parking, and to relax the 4m street building line to 3m to accommodate the usage change of the existing carport into a bedroom, and also relax the same building line to 0m to accommodate a garage and new pergola, **not be approved**, for the following reasons:
- (a) it could create traffic problems and impact on traffic and pedestrian safety; and
 - (b) walling and facades onto the street boundary will have a negative impact on the aesthetic of the building and impact on the street ambiance, thereby also impacting on the character of the area.
3. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016

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ERF 3397, 88 MAIN ROAD, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF A DE BRUYN**

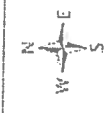
**3397 HON (3026)
H Olivier (028) 313 8900 Hermanus Administration
29 January 2016**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016



LOCALITY PLAN
ERF 3397
ONRUS RIVER



ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE

CK 94/37360/23

Tel 028 316 3294 • Fax 028 316 2200 • Email archoffice@maxitec.co.za • 48 Main Rd • PO Box 181 • Onrust River 7201



20 August 2015

The Town Planner
Overstrand Municipality
P O Box 20
HERMANUS
7200

Dear sir/madam

DEPARTURE APPLICATION : A DU BRUYN : ERF 3397 : No. 88 MAIN ROAD. ONRUSRIVER

I am applying on behalf of Ms A du Bruyn for a departure from the Zoning Scheme Regulations. The following departures are being applied for :

2m EASTERN BUILDING LINE – usage change within the 2m space.

Work to existing structure, i.e. new window and gas bottle storage area.

Application is for the building line to be relaxed from 2m to 0m in order to accommodate the changes

2m NORTHERN BUILDING LINE – work within the 2m space.

Application is for the building line to be relaxed from 2m to 0,765 to accommodate the following :

- Existing courtyard wall to be raised with new pergola timbers over

4m WESTERN STREET BUILDING LINE

- Usage change of existing structure
- Extension of existing structures.

Application is for the building line to be relaxed from 4m to 0m in order to accommodate the following :

- Existing carport converted into bedroom which will be 3 000 away from erf boundary
- Existing 2nd carport extend onto erf boundary
- Courtyard wall raised with pergola timbers over

Motivation

EASTERN BUILDING LINE

The existing structure has been approved as a braai room, but has subsequently been changed into a separate flat. There have also been window and doors changes on the northern wall which was not on the previously approved drawings. The building also appears to have been constructed on the boundary and not approx 250mm away from the boundary as indicated on the approved drawing.

The departure on this building line is to legalize the existing structures altered by the previous owner.

NORTHERN BUILDING LINE

The existing courtyard area will be used as an addition parking bay. For aesthetic purposes we wish to erect pergola timbers over the parking bay.

WESTERN BUILDING LINE

A departure was granted to the previous owner which permitted him to construct a bathroom and 2 carports within the street building line space. My client's living requirements are different from the previous owner and would like to alter the existing bedroom wing.

The proposed changes would necessitate usage of part of the one carport's area to accommodate an additional bathroom. The carport would then ideally need to be extended onto the erf boundary. The carport will no longer conform to the definition of a carport. The extension definition would mean a usage change from a carport to garage.

The road is a short feeder route to a very small residential area and would not carry much vehicle traffic even at peak hour.

If this extension is considered, we are comfortable to keep the garage open, i.e. no door, should this be a requirement.

For the 2nd carport the idea was to incorporate this space as habitable area and increase the size of the adjacent bedroom.

Although we are taking away one of the parking bays, we are creating a new bay on the northern side of the dwelling.

I trust you will consider my client's requirements in light of the motivations supplied. If anything is not clear or needs additional info, please contact me at any stage.

Yours faithfully

Brandon Scorgie

Loretta Gillion - ERF 3397, 88 MAINROAD. PROPOSED DEPARTURE

From: "Paul de Villiers" <paul@orbic.co.za>
To: <loretta@overstrand.gov.za>
Date: 26/10/2015 11:08 AM
Subject: ERF 3397, 88 MAINROAD. PROPOSED DEPARTURE
Cc: "Henk Olivier" <holivier@overstrand.gov.za>



TP A Theart
(H Olivier)

Geagte Mnr. Henk Olivier.

Ek verwys jou na bogenoemde aansoek om afwyking.

Namens die Onrus Belastingbetalers, maak ons ten sterkste beswaar teen die bogenoemde aansoek. Ter ondersteuning van ons standpunt, verwys ek jou na n verslag wat ons via Wyk 13 ingedien het nl. 'Comments on the Spatial Development plan for Overstrand'. In die verslag maak ons n ernstige beroep op die munisipaliteit om verslapping van boulyne op die straatreserwes slegs in die mees uitsonderlike gevalle toe te staan. Ons wil so v&er as moontlik die groen karakter van Onrus behou en nie sien hoe erwe tot op maksimum toegebou word nie. Ek het bogenoemde erf besoek en is oortuig daarvan dat met beter beplanning die motorhuis en afdak op n ander wyse geakkomodeer kan word sonder om dit teen die straat te bou. Die addisionele slaapkamer kan op n ander plek gebou word en so word die bestaande garage behou. Dit is n groot erf met baie oop spasie vir n addisoinele slaapkamer. Dit is n baie mooi sraat met pratige bome en ons hoop die karakter kan behou word.

Die uwe.

Paul de Villiers
 OBBV Voorsitter
 08265 88265

FILE NO:	EL 339704
SCAN NO:	41
COLLABORATOR NO:	850922

TP 26 OCT 2015

Per Registered Post.



Reg

P O Box 3996
Durbanville
7551

October 29th, 2015

Overstrand Municipality
P O Box 20
Hermanus
7200

FILE NO: EL 3397-HON
SCAN NO:
COLLABORATOR NO:
852738

Dear Sir / Madam

ERF 3397, 88 MAIN ROAD ONRUS RIVER, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : B SCORGIE (obo A DE BRUYN)

With reference to the above proposed departure, we as owners of ERF 3585 can unfortunately not give our permission to the proposed departures from the Scheme Regulations as requested for the following reasons.

- Hillside Road is already a very narrow street and vehicles have to take care to pass each other on that street. Relaxing the western 4 meter street building line to 3m to accommodate the usage changes of the existing carport into a bedroom and also relaxing the same street building line to 0 m to accommodate a garage and new pergola will cause traffic congestion.
- As there is hardly any space to park on the sidewalk in Hillside Road for visitors during the very busy December holidays and over long weekends, departures like above will make it very uncomfortable not only for vehicle drivers but also for pedestrians to use Hillside Road to get to the Main Road. Pedestrians will be forced to use the street surface as there will be no side walk, which will put them at risk. The fact that Hillside Road is a feeder road to a small residential area does not mean that building lines can be relaxed and not have a substantial or big impact on other property owners in Hillside Road.
- Coming out of our driveway, we already have very little space to reverse the vehicles into Hillside Road to get to Main Road without crossing the opposite street building line. Same scenario with all the property owners on Hillside Road.
- Relaxing the street building line will force pedestrians to use the street surface, especially when cars are parked on the side of the street, which is a huge safety risk for all. As mentioned above, vehicles already have to take care when passing each other in the narrow Hillside Street. If there are pedestrians also in the street because of building lines relaxed to 0 meters, accidents involving pedestrians are very likely.
- We bought the property in 2008 and was / is not aware of any departures granted to the previous owner, nor did we ever receive any applications for departures on Erf3397 from 2008 – current.

2 NOV 2015

A thorough Risk Assessment will confirm that the Risks to People & Assets and Impact on Pedestrian movement is simply too big to allow for departures as set out in the application from ERF 3397, 88 MAIN ROAD ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : B SCORGIE (obo A DE BRUYN).

Yours Faithfully



Pierre and Loraine Van Rensburg

Property Owner : Erf 3585

1 Hillside Crescent

Onrus

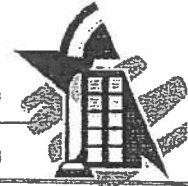


TP. A Theat
(C H Olivier)

ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE

CK 94/37350/23

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The Town Planner
P.O. Box 20
Hermanus
7200

14 December 2015

FILE NO: EL 3397-011

SCAN NO: 31

COLLABORATOR NO: 863623

RE - ERF 3397, 88 MAIN ROAD, ONRUST RIVER - MS A. DU BRUYN
FILE REFERENCE: 3397 HON 3026

With reference to your covering letter Dated 13 November 2015 and attached letters of objection received from-

- Onrust River Ratepayers Association
- P & L van Rensburg

My response to the letters are addressed individually

1. MR AND MRS VAN RENSBURG

- a. Hillside crescent is a short street which feeds Hester De Wet Street.
In total there are 17 Properties which includes all the properties in both Hester De Wet and Hillside Crescent. The movement of traffic that can be expected driving past ERF 3397 speaks for itself.

The boundary of the property cannot be moved and therefore the request for the relocation of the building lines cannot cause congestion as noted by the writers.

Perhaps the writer is not clear on where the 0m building line is that I ask for on behalf of my client.

The attached drawing should make it clear that there remains 2.6m between the road surface and the extent of the proposed structures.

The intent is to get vehicles off the road reserve by creating 3 parking areas.

TP
14 DEC 2015

Should the writer feel the need to utilize part of the road reserve when exiting their drive way, this area will still remain open as it currently is.

A comfortable reverse area however only requires 7.5m which is already available excluding the road reserve on my client's property.

Safety of pedestrians is always at concern for every property owner. The road reserve on both sides of the erf will ensure that pedestrians can walk freely and safely to and from their properties.

b. Attached to the letter I have included a Sketch indicating the road reserve (sidewalk) on both sides of hillside crescent as well as the width of the road. From my drawing it can be clearly seen that there is:

- Sufficient space for 2 x vehicles to comfortably pass one another
- Sufficient space for pedestrians
- Sufficient parking space/ width on the road reserve for visitors during the year or over the December Holiday period (should this be necessary)

The position that has been indicated for parking the vehicles will not change as this is the logical place to accommodate "off-street" parking on this ERF IE: as far away from the corner as possible and not taking access from the busy Main Road. From a traffic flow perspective this to me makes more sense than constructing a free-standing garage structure in the open space available on the property.

I cannot comment on the approvals regarding Departures for the Existing Structures. The approved drawings at Council reflect the current structures as they have been indicated on our drawings. These drawings available at council are dated 1997.

2. ONRUST RIVER RATEPAYERS ASSOCIATION

There are always many routes to follow when it comes to a Design brief by a property owner. The writer is correct with the statement that the erf has a lot of free space but the following needs to be considered simultaneously.

- The restrictive Building lines on the 2 Roads especially on Main Road which has a setback of 4.5m
- The layout and orientation of the individual rooms and areas in relation to the available open space

In an economic climate where funds and over capitalization are no consideration it would be possible to re-configure the internal layout of the entire Dwelling which would negate any request or need for a departure. However, with a limited budget and the primary objective being the improvement of the aesthetics and sub - standard accommodation of the building my client has endeavored to re-design the existing footprint in order to achieve these objectives.

It must be noted that the proposed improvements to the property will increase the surrounding property values as the existing house has a Downgrading effect on the area.

This re-design has necessitated the need for departure with a minimal increase of the footprint being required.

The road reserve remains unaffected and unaltered. The light open feel & design of the pergola parking area adjacent to the proposed carport. Is far more a softer approach than the construction of a 2.1m gated perimeter wall all round the Property.

I would gladly meet with the writers of both letters and welcome a site meeting to discuss the proposed additions.

I trust you will find the above in order and I look forward to your response.

Regards

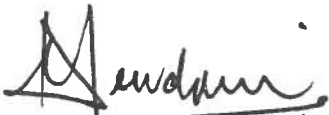
Brandon Scorgie

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3397, ONRUS RIVER (3026)**

Water : In order
Electricity : Escom
Stormwater : In order
Roads & Traffic : In order
Sewer : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that stormwater be allowed to discharge through Erf 3397, Onrus River, unobstructed;
3. that no off-street parking be allowed.



**DENNIS HENDRIKS
MANAGER: PROJECT MANAGEMENT
& DEVELOPMENT CONTROL**

17/11/2015
DATE



TR A Theart
(H Olivier)



OVERSTRAND MUNICIPALITY
P.O. Box 20
HERMANUS
7200

Date:
12.10.2015

Enquiries:
Mr David Williams
Tel: 021 980 3102
Fax: 021 980 3053

Attention: Loriaan Isaacs

PROPOSED DEPARTURE: ERF 3397, 88 MAIN ROAD, ONRUS
YOUR REF: Erf 3397
OUR REF: 03028/15

I refer to your letter dated 30 September 2015.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / support any of the existing services, at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the properties not to be affected.
3. All services indicated on included drawing to be verified on site (by Applicant)
4. Enclosed find a copy of the **Occupational Health and Safety Act (Act No. 85 of 1993)**
5. (i) Included drawing indicates existing Eskom services in the vicinity and is for information / planning only and should not be issued.
(ii)(a) This is not an approval for applicant to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.
(b) Formal application must be made to Eskom, Land Development, P.O.Box 222, Brackenfell, 7561 – Esack Daware.

Yours faithfully

David Williams
LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	EL 3397 ON
SCAN NO:	
COLLABORATOR NO:	849 091

Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30



TR 19 OCT 2015

ESKOM (WESTERN REGION)

OCCUPATIONAL HEALTH AND SAFETY ACT (Act No 85 of 1993) WITH REGULATIONS

D16 (7) Excavations

"The builder or excavator shall ascertain as far as possible the location and nature of underground services likely to be affected by the excavation and take such steps as may be necessary to prevent danger to persons".

THE ELECTRICITY ACT (Act No 41 of 1987)

Section 27 (3) : Offences and Penalties

"Any person who without legal right (the proof of which shall be upon him) cuts or damages or interferes with any apparatus for generating, transmitting or distributing electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding twelve months".

