

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
20 October 2015  
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

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**6.  
ERF 7006, 294 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : REALTIME STRATEGIES CAPE  
(PTY) LTD**

**7006 HVK (2920)**

**P Roux**

**26 August 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

To consider an application received on 18 May 2015 from Real Time Strategies Cape (Pty) Ltd on Erf 7006, Hermanus (Voëlklip) for a departure from the relevant Scheme Regulations in order to convert the flat roof structure into a pitched roof to prevent leakages.

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 Priorities**

Provision of democratic, accountable and ethical governance  
Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

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

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

Erf 7006, Hermanus (Voëlklip) is zoned for single residential purposes and measures 496m<sup>2</sup> in extent and is developed with a three storey dwelling and garage.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
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The applicant motivated that they intend to erect a pitched roof on the existing concrete roof in order to mitigate further leakages. A section of the dwelling encroaches on the 2m lateral building line, thus the reason for the departure.

Registered notices were sent to all surrounding affected property owners, and two objections were received against the proposal.

The application was also circulated to all relevant municipal departments.

### **Discussion**

The objections can be summarized as follow:

#### **Ugo Rivera on behalf of Francesco Rivera Investment Holdings (Pty) Ltd, owners of Erf 4063**

- a) reasons given to increase the existing building's height are spurious; and
- b) simpler ways of solving roof leaks which would not involve having to apply for departure are available.

### **Applicants' response**

Mr Rivera did not submit a letter to prove he has the mandate to object on behalf of the Francesco Rivera Investment Holdings (Pty) Ltd. Therefore he does not have *locus standi* in this matter, and his objection cannot be taken into consideration.

#### The applicant did address the objector's concern:

- a) the building and the proposed plans submitted show that the proposal falls within the allowed height restriction.
- b) Erf 4063 is situated across the road from Erf 7006 and faces towards the seashore. Erf 7006 is towards the back of Erf 4063. Therefore the proposed application will not have adverse impact on Erf 4063.

### **Town Planners' comment**

- a) The previous Hermanus Zoning Scheme stipulated a lateral building line of 1,2m and a height restriction of 7,5m. The building plans for the existing dwelling were approved in 2009. The existing dwelling is in line with the provisions of the previous Zoning Scheme. The Overstrand Zoning Scheme stipulates a 2m lateral building line and the height restriction is stipulated as 8m. The reason for the departure is because a section of the roof will encroach over the building line leaning on the existing wall. In normal circumstances a roof overhang is permitted of 1m over the building line. However, the wall is built on the former 1,2m building line, thus the proposed encroachment of the roof is not seen as an overhang. The

**AGENDA of the  
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departure is not for the relaxation of the height restriction, since the Zoning Scheme does permit for an 8m high building.

- b) The opinion is the same as the applicant. The dwelling on Erf 4063 faces south towards the ocean. The garage of the dwelling faces towards the north and no primary viewing windows face towards the Erf 7006. Thus, increasing the height of the dwelling on Erf 7006 will have little effect on the owners of Erf 4063.

**PJ Lord on behalf of the Lord Trust, owners of Erven 4096 and 8408**

- a) it is not necessary to raise the height of the roof in order to waterproof the existing structure. There are plenty of other waterproofing technics;
- b) the property is already at over the limit on most of the property;
- c) no thought was given to the architectural style of the neighbourhood when the structure was originally built. The structure was built to the limit of the boundaries and has a resemblance to a blockhouse.

**Applicants' response**

Mr P J Lord also did not submit a letter to prove he has the mandate to object on behalf of the Lord Trust. Therefore he does not have *locus standi* in this matter, and his objection cannot be taken into consideration.

The applicant did address the objector's concern:

- a) allegations made that the building is already over the limit is absurd, all inspections were done during and after the erection of the dwelling;
- b) the Lord Trust has a problem with all the buildings in and around the neighbourhood. He and his wife have at numerous occasions, reverted to verbal confrontation with the applicant and his family; and
- c) the building was erected and completed in 2009, eight years ago. In 2010 the Lord Trust gave objection to the erection of a garage, because a window would face towards their vacant plot.

**Town Planner's comment**

The conflict between the neighbours is evident and must be dealt with in a private manner. This office will not make any comment in this regard.

The property was developed within the provisions of the previous Zoning Scheme. It should be noted that the adjacent properties are also developed with an architectural style which resembles a blockhouse. Furthermore, the dwelling on Erf 8408 is situated north west of the subject property. The main views from Erf 8408 are over Erf 4096, which is a vacant property. As such the proposed encroachment will have little to no impact on the owners of the adjacent property

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
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As stated by the applicant both objections were done on behalf of a Trust or a Business Group, none of the two gave a letter of consent from their respective members to lodge an objection. Therefore the objections cannot be considered, thus the objections will not be considered in the evaluation.

### **Evaluation**

The property is zoned for residential use and is developed as such. All provisions of the former Zoning Scheme were adhered to when the property was developed.

The applicant consulted various professionals for solutions to mitigate the leakages that occur. However the best cost effective solution will be to construct a pitched roof over the existing roof. The departure application will be for the section of the roof that will encroach upon the 2m building line. As discussed previously, if the roof was not built on the existing wall of the building, which was legally built on the 1,2m lateral building line, it would have been regarded as a roof overhang which would not have required a departure.

The proposed pitched roof will add an additional dimension to the existing block shaped dwelling which will not have a negative impact on the character of the surrounding residential area.

No changes will be made to the existing footprint of the dwelling. The height will increase with 0,5m and the proposed height of the dwelling will be in line with the height restriction as stipulated in the Zoning Scheme. The section of the roof that will encroach upon the 2m building line will not be higher than 0,5m. Therefore the opinion is held that the approval of the proposed application will not have a significant impact on the surrounding property owners.

### **Conclusion**

The application is recommended for approval.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
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**9. Comments from other Departments, Divisions and Administrations**

**Building Control Department**

*“From ground level there will be limited impact as the roof increase is less than 5%.”*

**Engineering Services Department**

Attached as Annexure F.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Applicant’s response on the objection received
- Annexure E: Objections received
- Annexure F: Services Report

**RECOMMENDATION:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,2m to convert the flat roof structure into a pitched roof to prevent leakages, **be approved**, subject to the following conditions:
  - (a) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
  - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (c) that all other parameters as prescribed in the Zoning Scheme be adhered to; and
  - (d) that all the conditions in the Services Report (attached as Annexure F) be complied with.
2. that the applicant be notified of its 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.

**AGENDA of the  
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<b>RESPONSIBLE OFFICIAL :</b>	<b>P ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>11 NOVEMBER 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>11 NOVEMBER 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>11 NOVEMBER 2015</b>

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**P Roux**

**26 August 2015**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
20 OCTOBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**11 NOVEMBER 2015**

**TARGET DATE TO INFORM APPLICANT :**

**11 NOVEMBER 2015**

**TARGET DATE TO INFORM OBJECTOR :**

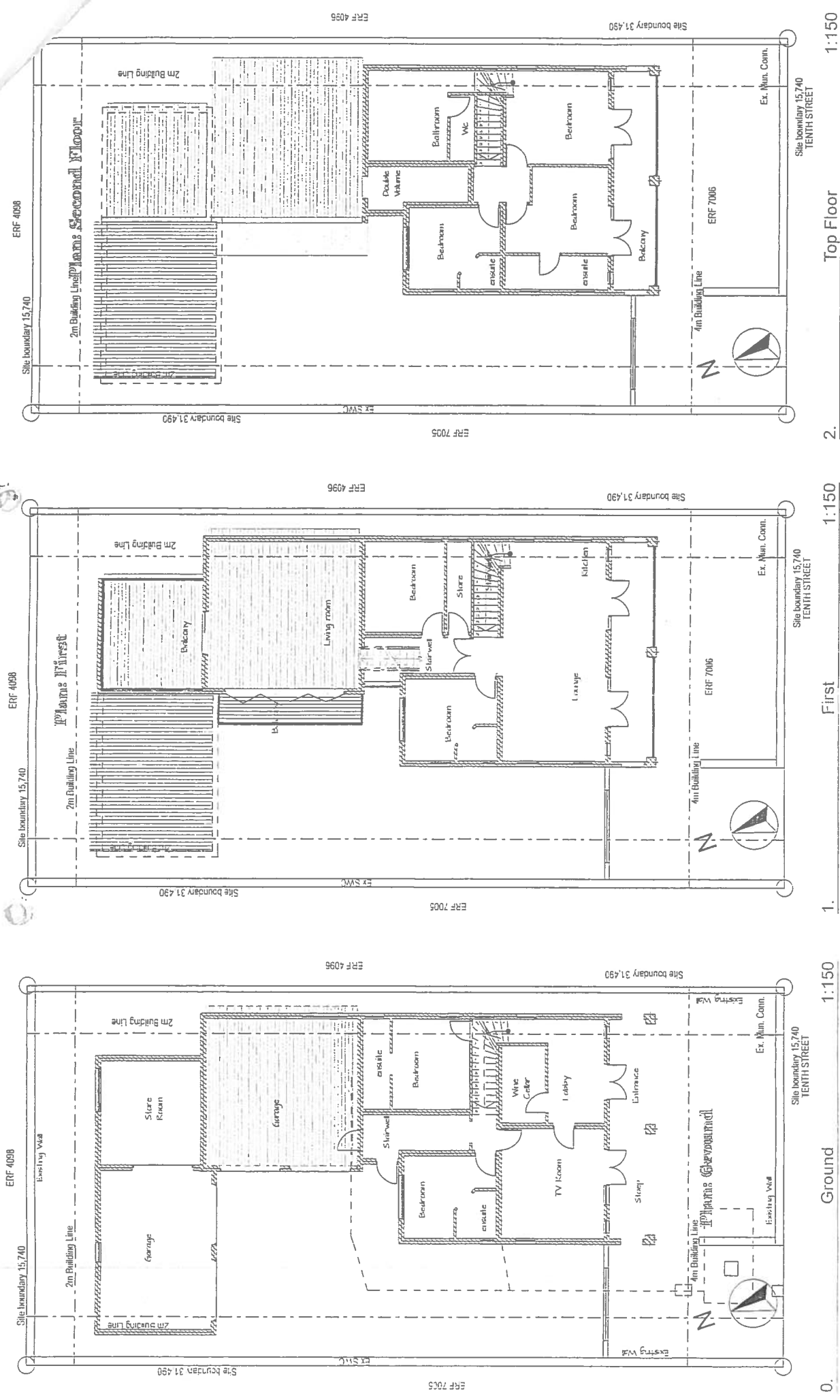
**11 NOVEMBER 2015**



Erf 7006 Voëklip, Hermannus  
Locality Plan







<p><b>Job Details</b></p> <p>Status: A.01.2 Revision: 463 Layout ID: 1504 Leon Botha Job no. Botha</p>	<p><b>ImageStudio</b></p> <p>15 Belladonna Street Sandton Hermanus, 7200 stevens@imagestudio.co.za 0741027887</p>	<p><b>Erf 7006</b></p> <p>Amendments for approval Leon Botha, 0832656900 204 Tenth Street Hermanus 7200 unitrade@halfica.com</p>	<p><b>Drawing Name</b></p> <p>Top Floor, First, Ground 1:150</p> <p><b>Drawing Status</b></p> <p>Submission Drawings Only</p>
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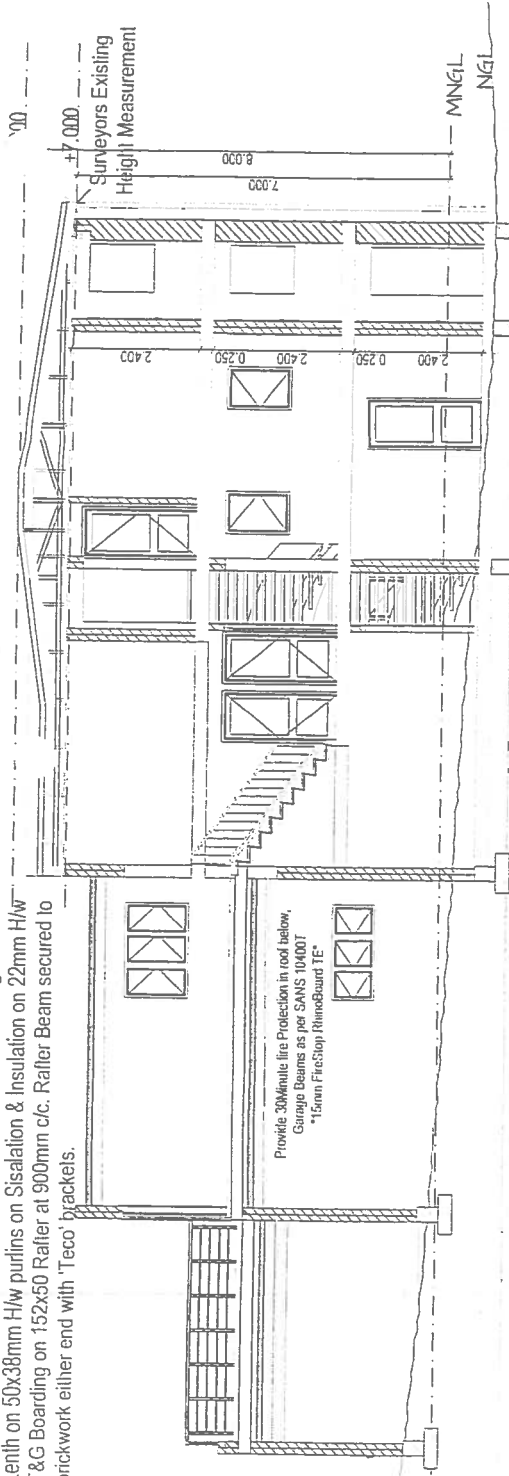
**ImageStudio**  
Architectural Plans 074 102 7887  
COZA

Drawn by: Steven van der Merwe  
Date: Monday, April 13, 2015  
Checked by: D2456 PArchDraught



"Cromadeck" Dolphin Black IBR '686' Aluminium Roofsheeting Continuous Length on 50x38mm H/w purlins on Sisalation & Insulation on 22mm H/w T&G Boarding on 152x50 Rafter at 900mm c/c. Rafter Beam secured to brickwork either end with 'Teco' brackets.

Trusses to specialists design



Provide 30Minute fire Protection in roof below, Garage Beams as per SANS 10400T  
\*15mm FireStop RainsBoard TE\*

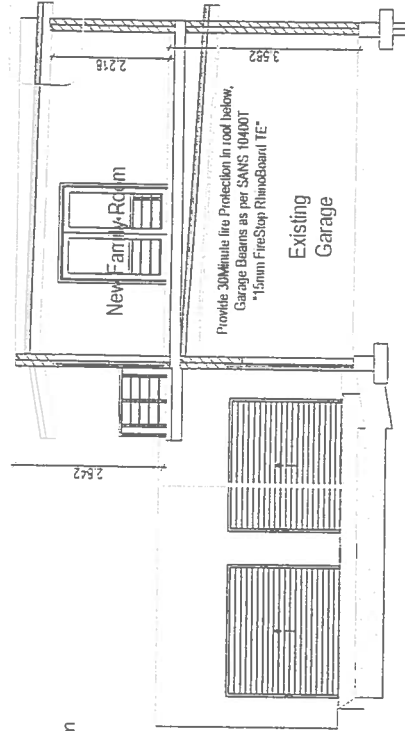
S-01

Building Section

1:100

"Cromadeck" Dolphin Black IBR '686' Aluminium Roofsheeting Continuous Length on 50x38mm H/w purlins on Sisalation & Insulation on 22mm H/w T&G Boarding on 152x50 Rafter at 900mm c/c. Rafter Beam secured to brickwork either end with 'Teco' brackets.

R-values  
0.01 Chromadeck roofing  
136 sisalation  
0.03 air gap  
0.25 Newtech ceiling  
186 Thermo acustics foam 75mm  
Total Rvalue R45



Provide 30Minute fire Protection in roof below, Garage Beams as per SANS 10400T  
\*15mm FireStop RainsBoard TE\*

D-02

Detail

S-02

Building Section

1:100

NOTES:

- A. This drawing is not to be scaled, figured dimensions only to be used.
- B. All levels shown are finished levels, unless indicated otherwise.
- C. Any discrepancy must be reported to the designer before any work is put in hand.
- D. I.E's with marked covers at all bends and junctions in drains.
- E. All built work to comply with latest National Building Regulations, NBR's. F. All wastes to be accessible for repairs, and to be fitted with reseal traps as per NBR's
- G. 2 AB's to all WC compartments.
- H. Structural timber where built in, to be wrapped in "Dakseat Yellow" "Sisalation" insulation to whole roof area.
- I. Concrete mixes : Foundations - 1 : 3 : 6 Surface Beds - 1 : 3 : 6 Slabs and Columns - 1 : 2 : 4

FINISHES:

- ROOF: Pitch 1,75 degrees. Chromadeck Dolphin Black
- MR Aluminium Roofsheeting on 50x38mm h/w purlins on Sisalation on 22mm T&G Boarding on 228x38mm h/w beam. 114x38mm Wallplates strapped down with Galv.hoop iron 600mm down. Teco brackets as per Eng. best instruction.
- WALLS: 230mm Cementbrick with brickforce every third layer, plastered and painted on existing. Steel beam reinforcing as shown.
- FLOORS: New hardwood flooring 22mm boarding with sisalation layer on 15x38mm floorbeams all supported on 150x76mm L-Beam as shown to Eng. best instruction.
- WINDOWS: To match existing.
- AIRBRICKS: To all Bathrooms.
- RAINWATER GOODS: To match existing
- DAMP PROOF MEMBRANES: DPM's to all surface beds and walls, window and door reveals and cills.
- DOORS: Aluminium Anodised from Messrs. AGI. Inside panelled and framed h/w doors.
- LIGHT AND VENTILATION: All habitable rooms to have adequate natural light and ventilation. 10% Floor area light and 5% Floor area ventilation.

**ImageStudio**  
Architectural Plans  
Date  
Stoven van der Merwe  
Checked by  
D2456 ParchDraught

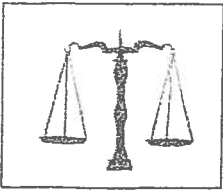
Drawing Name	Building Section, Detail
Drawing Status	Submission Drawings Only
1:100, 1:20	

Erf 7006
Amendments for approval
Leon Botha, 0832656900
294 Tenth Street
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0741027897

Job Details	A.01.4	463	1504 Leon
Status	Revision	Layout ID:	Job no.
Job bag:			

S-02	Building Section	1:100
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Ons verw:/Our ref: ERF 7006 Voëlklip

U verw:/Your ref

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18 Mei 2015

STADSBEPLANNING

HERMANUS.

PER HAND:

**IS. BOULYN VERSLAPPING – ERF 7006 VOËLKLIP**

**REALTIME STRATEGIES (PTY) LTD**

Geliewe kennis te neem dat aansoek gedoen is deur meneer Leon Botha, direkteur van Realtime Strategies (Pty) Ltd om verslapping van die boulyn op bovermelde eiendom.

AGTERGROND.

Die huis op die eiendom is 'n bestaande struktuur wat reeds in 2008 voltooi is. Die bou beperking was op daardie stadium 1,200m.

Die struktuur het 'n platdak wat teen die voorgeskrewe helling opgerig is.

Sedert die voltooiing van die huis in 2008 is daar voortdurend dak lekkasies en het die eienaar verskeie instansies genader om die probleem te herstel, met groot koste en sonder sukses.

Die meeste van hierdie boukontrakteurs en ingenieurs was dit eens dat die enigste oplossing sal wees om 'n nuwe dak op te sit waarvan die helling kante toe lê met 'n oorhang.

Meneer Botha het 'n plaaslike ingenieur genader wat die nodige aanbevelings gedoen het en 'n tekenaar is aangestel wat die planne volgens die aanbevelings opgetrek het.

Die bou beperkings lyn is sedertdien verander na 2,000m, na die voltooiing van die hoofstruktuur.

Die nuwe dak sal egter nou die boulyn oorskry en daarom is aansoek gedoen om 'n verslapping.

FEITE

Indien die boulyn nie verander was nie, sou die nuwe dak nie die lyn oorskry het nie.

Dit is nie 'n nuwe aanbouing nie.

Erge skade word aan plafonne en vloere (hout) veroorsaak deur die lekkende dak.

Die verslapping sal geen persoon/eienaar van aangrensende persele nadelig raak nie.

Ons maak staat op u gunstige oorweging van die aansoek.

Die uwe

Nms. L Botha

Johann Janse van Rensburg, AGRIC. DIPL. (LC), BA, LLB (UNISA)  
Bygestaan deur/ Assisted by: Zeldia Botha (Konsultant/Consultant)

P.O Box 394, Groenkloof, 0027  
 158 A Dorado Ave, Waterkloofridge, Pretoria  
 Tel. (012) 346 8090 / 0832656900 Fax (012) 346 8095  
 E-mail unitrade@iafrica.com

TR A Theart  
 C H Olivier)

Overstrand Municipality  
 Director: Infrastructure & Planning  
 HERMANUS.

16 July 2015

ATT: S Müller  
 Per E-mail: [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)



**RE: Erf 7006, 294 Tenth street, Voëklip, Hermanus**

As per my authority to address and sign all documents related to the submission of the building plans for approval previously provided to the Overberg Municipality dated 7 May 2015 I hereby address the issues raised and comments on submission.

### **Background**

- This property was erected and completed in 2009. Final inspection on this section took place during 2009.
- The building line was 1m at that time and the regulations regarding the building line changed since 2009, and is now 2m.
- The main part of the house has a flat roof and we had problems with a leaking roof since day one. We had repairs done at great costs to no avail.
- We then got independent engineers and respectable building contractors to advise us what to do to rectify the problem.
- All was of the same opinion – to put up a new roof with a pitch, with gutters on the sides.
- A surveyor was brought in to measure the height according to the height certificate that we obtain from the Overstrand municipality.
- We then instructed an architect to draft the plans and submit the same to the Overstrand municipality.

### **1. Objections and grounds**

We have a few concerns regarding the objections received by the Overstrand municipality.

#### **1.1. Mr. Ugo Rivera**

According to the letter send to the Overstrand municipality, with regard to the objection to the proposed departure of the building line, Mr. Rivera did not submit a letter to prove that he has a mandate to object on behalf of the Francesco Rivers Investment Holdings, therefore he does not have *locus standi* in this matter, and his objection cannot be taken into consideration.

We will however address his complain/concern/s:

- His main objection is with regard to the height of the building on Erf 7006 (294), The building (with new roof) and the plans submitted falls within the allowed height, as per certificate obtained from Overstrand municipality and submitted with the plan.
- The property of Francesco Rivera Inv. Holdings, is situated on the opposite side of Tenth street, that is closer to the seashore with the back of the dwelling on Erf 4063 facing the street and therefore the property on Erf 7006 (294).
- This means there will be no interference whatsoever from this proposed departure for the property on Erf 4063. **Map attached "A"**

Reg.no. 2006/035942/07

Director: L Botha

FILE NO:	EL 7006-HVK
SCAN NO:	55
COLLABORATOR NO:	822474

22 JUL 2015

**1.2. Mr. P J LORD**

The same rules apply, no mandate to act on behalf of the Lord Trust was submitted, and therefore Mr. Lord do not prove that he has locus standi to object on behalf of the Trust.

We will however address his complain/concern/s:

- The allegation that the building is already over the limit is absurd, all inspections were done during and after the erection of the dwelling.
- The Lord Trust has a problem with all the buildings in and around the neighborhood as his letter clearly shows, i.e. 294, 292 and 290, and he and his wife has at numerous occasions, reverted to verbal confrontation with myself and my family members threatening with legal actions if we do not adhere to their whims and wishes.
- The Building on Erf 7006 (294) was erected and completed in 2009 (main building) more than 8 years ago with approved building plans, all inspections were done and approved.
- In 2010 while we were building the garages at the back of the property, Mr. Lord and his wife also approached the then building inspector with the complaint that one window facing their property is affecting their privacy, and that was on a vacant stand (4096). *Map attached "B"*
- Their objections are mainly that the building looks like a "blockhouse".

**2. Submission**

- 2.1. We submit that a new pitched roof will change the appearance, so that the "blockhouse" appearance will be dealt with. I do want to also point out that there are numerous houses in Voelklip with a block design.
- 2.2. At the time when the building on Erf 7006(294) were erected the building line was 1m and the building regulations since have changed to a minimum of 2m.
- 2.3. Furthermore, the proposed roof would not affect any neighbor, as the change is not to walls, foundations or any construction on ground level.
- 2.4. The amended roof do not change the footprint of the house it simply changes the angel of the roof.
- 2.5. The application for the proposed roof plans was taken after thorough investigation by two independent civil engineers and the recommendation to put a new pitch roof up within the height specifications will be the only and best solution to solve the problem.
- 2.6. We also take notice of the objections as far as other means of solving the problems are mentioned, but unfortunately none of the two persons lodging the objections are qualified civil engineers specializing in roof structure, and therefore we will rather take the advice from the qualified engineers.
- 2.7. We therefore respectfully submit that the erection of the new proposed roof will be the best cost effective solution on the long run, and will also enhance the appearance of the building and more important, be within the municipal building regulations and would not affect any other property in the area i.e. blocking the view etc.

We hereby request the Overstrand municipality to approve the application for the proposed departure.

Kind regards



L Botha  
Director

My Map "A"



My Map "B"



FRANCESCO RIVERA INVESTMENT  
HOLDINGS (PTY) LTD



12 Desmond Street  
Kramerville  
Sandton  
PO Box 857  
Wendywood  
2144

Tel: (011) 430 7700  
Fax: (086) 502 2404  
Email: tiber@tiber.co.za

03 July 2015

Overstrand Municipality  
Director: Infrastructure and Planning  
Hermanus

TP- A Theart  
(H Olivier)

Attention: S Müller  
By email: [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)

Dear Mr Müller

Erf 7006, 294 Tenth Street, Voëlkop, Hermanus

I refer to the departure application dated 18 May 2015 made by JJ van Rensburg on behalf of Realtime Strategies (Pty) Ltd which was sent to us for comment under cover of your letter dated 29 May 2015.

As a representative of the owners of erf 4063 I wish to object to the granting of such a departure.

I believe that the reasons given for further increasing the height of an already horrendously overscaled building are spurious. There are simpler ways of solving roof leaks which would not involve having to apply for departures from the municipal building lines.

Yours sincerely

Ugo Rivera  
Director

FILE NO:	EL 7006 - HVK
SCAN NO:	
COLLABORATOR NO:	816881

Reg

Director Infrastructure and Planning  
PO Box 20  
Hermanus 7200  
Email [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)

Lord Trust  
2A Maclear Road  
Bishops court 7708

16<sup>th</sup> June 2015

Dear Sir/ Madam,

REF – Erf 7006, 294 Tenth Street Voelklip

Proposed departure – Realtime Strategies Cape (Pty) Ltd.

Your letter of 29<sup>th</sup> May 2015



TP- A Theart  
(H Olivier)

I object to this departure on the following grounds.

It is not necessary to raise the height of the building to waterproof it effectively. There are plenty of proprietary products for waterproofing flat roofs that are more than adequate which would not require a departure.

The property is already at or over the limit on most of its boundaries.

The property along with the two on its Western boundary were erected I understand by the same developer with no thought being given to any form or style or sympathy with the architectural style of the neighbourhood. It (294) was designed (together with 292 & 290) to maximise the amount of habitable space with no thought being given to style or appearance. Consequently it was built to the limit of boundaries and has a resemblance to a blockhouse.

There is no reason why a departure should be given which will exacerbate its already gross appearance when proper maintenance procedures for a flat roof building would suffice to render it waterproof.

Yours faithfully,

P. J. Lord Trustee for Lord trust

FILE NO:	EL 7006 - HVK
SCAN NO:	
COLLABORATOR NO:	791947


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 7006, VOELKLIP (2891)**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : 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 owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 7006, Voelklip, unobstructed;
4. that no on-street parking be allowed.

  
\_\_\_\_\_  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

  
\_\_\_\_\_  
DATE