



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	27 FEBRUARY 2020
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	10:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 27 FEBRUARY 2020, AT 10:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr S Madikane, Director : LED
Ms H Janser, Directorate Development
Management

OFFICIALS:

Ms H van der Stoep, Senior Town Planner
Ms S Swart, Council Support Services

APOLOGIES:

Mr R Kuchar, Senior Manager : Town & Spatial
Planning



MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER & UNDERTAKING OF CONFIDENTIALITY AND IMPARTIALITY

Date: 27 FEBRUARY 2020

I, the undersigned, hereby declare:

- that all information, documentation and decisions regarding any matter before the committee are confidential and undertake not to make known anything in this regard
- that I will make known details of any personal or other interest in respect of matters on the agenda and whether I have been approached by any party prior to the meeting
- that I have read all the information on the agenda

NAME	DEPARTMENT / SECTION MUNICIPALITY	SIGNATURE
S MÜLLER	CHAIRPERSON OVERSTRAND MUNICIPALITY	
R WILLIAMS	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	
D ARRISON	MPT MEMBER OVERSTRAND MUNICIPALITY	
H JANSER	MPT MEMBER DIR: DEV MANAGEMENT	
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Apology
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	

1. OPENING

The Chairperson, Mr S Müller, opened the meeting and welcomed those present. The rules of a Municipal Planning Tribunal were discussed.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr R Kuchar

RESOLVED:

that the above-mentioned application for leave of absence, **be granted.**

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 23 January 2020****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **23 January 2020, be confirmed.**

4. ITEMS FOR CONSIDERATION**4.1**

ERF 1405 AND 1406, 18 BRANDERDRAAI, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION AND AMENDMENT OF GENERAL PLAN: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF NJ & JL HENZEN, J MARQUART AND JS BROUWER

1405 & 1406 HSB (3196)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 December 2019

EXECUTIVE SUMMARY

An application has been received on 24 May 2019 from Messrs Plan Active Town and Regional Planners on behalf of NJ & JL Henzen, J Marquart and JS Brouwer applicable to Erven 1405 and Erf 1406, Sandbaai for the following:

- ❖ closure in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Public Open Space Erf 1406, Sandbaai;
- ❖ rezoning in terms of Section 16(2)(a) of the By-Law of Erf 1406, Sandbaai from Open Space Zone 2 : Public Open Space to Residential Zone 1 : Single Residential;
- ❖ consolidation in terms of Section 16(2)(e) of the By-Law of Erven 1406 and 1405, Sandbaai; and the
- ❖ amendment in terms of Section 25(2) of the By-Law of General Plan No. TP 9192 Sandbaai Township Ext. No. 2 by the creation of the Public Place Erf 1406, Sandbaai to be closed, as an ordinary erf.

RESOLVED:

that the item **be referred back.**

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

4.2

**ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI:
APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN
PETTERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL
PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI-
PROPC07 PROPRIETARY LIMITED**

2861 HSB (2930)**H van der Stoep****17 December 2019****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 1 February 2019 from Messrs Warren Petterson Planning Town and Regional Planning Consultants (WPP) on behalf of Whale Coast Village Mall Proprietary Limited, The Sandbaai Development Trust and HCI-PROPC07 Proprietary Limited applicable to Erf 2861, Sandbaai for the following:

- ❖ consent use (transmission tower) in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to accommodate a free standing cellular communication base station consisting of a 25m high lattice type transmission tower, 3x3 sector antennas and microwave dishes attached to the tower, together with three (3) equipment containers; and
- ❖ departure in terms of Section 16(2)(b) of the above By-Law to exceed the 14m height restriction applicable to the property in order to accommodate the 25m high mast of the cellular communication base station.

RESOLVED:

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a consent use to accommodate a 25m high transmission tower with associated equipment on Erf 2861, Sandbaai, as well as the departure in terms of Section 16.(2)(b) of the By-Law to exceed the applicable 14m height restriction with 11m to accommodate the transmission tower on the property, **not be approved** in terms of the provisions of Section 61 of the By-Law; and
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with regard to the above decisions.

REASONS FOR THE RESOLUTION:

- ❖ The applicant failed to provide substantive evidence demonstrating the need of the proposed transmission tower.
- ❖ The transmission tower will be situated amidst one of the high density residential hubs of Sandbaai that is not an ideal location making the tower extremely visually intrusive, thus impacting on the vested rights of surrounding property owners.
- ❖ A characteristic of the broader Sandbaai is the established $\pm 8,5\text{m}$ height of structures (dwellings) whilst no structures with a height of 25m occurs in Sandbaai. The height of the structure will therefore impact visually on the broader character of Sandbaai.
- ❖ The alternative locations provided by the applicant are basically all on the same site. The applicant did not demonstrate the possibility of higher towers beyond the urban edges that could effectively cover most of the Sandbaai area. The option of placing the tower directly against the rear of the mall or much closer was also not addressed in the application.
- ❖ The applicant alleges that there is insufficient network coverage in Sandbaai whilst the network coverage maps on the websites of the various service providers indicate the contrary.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****The meeting adjourned at 11:00**