



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

DATE:	31 JULY 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

16 July 2025

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session in the Town Planning Committee Room on **Thursday, 31 July 2025** at **10:00** to consider the attached agenda.

H JANSER (MS)

CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Senior Town Planner)
7. Ms H van der Stoep (Senior Town Planner)
8. Mr P Roux (Town Planner)
9. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

31 July 2025

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 26 June 2025

4. ITEMS FOR CONSIDERATION

4.1 ERF 98, 13 MARK STREET, GANSBAAI: APPLICATION FOR REZONING, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY, MESSRS. TOWN AND COUNTRY ON BEHALF OF TA'LEEMUL ISLAM MASJID MADRASAH AND SCHOOL

Report attached

4.2 ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF TELKOM SA LTD

Report attached

4.1

ERF 98, 13 MARK STREET, GANSBAAI: APPLICATION FOR REZONING, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY, MESSRS TOWN AND COUNTRY ON BEHALF OF TA'LEEMUL ISLAM MASJID MADRASAH AND SCHOOL**98 GGB (4570/2024)****SW van der Merwe
27 May 2025****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 30 January 2024 from Messrs Town & Country in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on behalf of Ta'leemul Islam Masjid Madrasah and School, the owners of Erf 98, Gansbaai for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone 1 (SR1) to Community Zone 1: Place of Worship to accommodate an Islamic Centre.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to encroach the southern street building line from 5m to 3,96m to accommodate the existing building and proposed prayer room extension.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing structures and use as place of worship.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 98, Gansbaai is zoned for Residential Zone 1 purposes and measures 972m² in extent. The property is situated on the corner of Mark Street and Barnard Street, Gansbaai and developed with a dwelling house and an outbuilding (garage).

The property was registered in the name of the current owner during 2022. Building plans were approved on 23 February 2022 for amongst others a foyer and bathroom addition to the existing dwelling that adhere to the 4m street building line for a Residential Zone 1 property. The addition as built is situated 3,96m from the street boundary of the property.

The property is being used as a Place of Worship without approval since March 2022. Following receipt of a formal complaint on 6 May 2022 a compliance notice dated 30 June 2022 was served onto the applicant who appointed a professional town planner to submit the required applications. The application was submitted on 30 January 2024.

The application for rezoning to Community Zone will formalise the use of the property as an Islamic Centre (mosque and lecture room and proposed dwelling for the imam). The centre will cater for a congregation of approximately 100 people to accommodate residents, visitors and future growth and will consist of the following:

- 3 prayer areas
- lecture room
- ablution facilities
- house for the imam
- garage
- 18 on-site parking bays with access from Barnard Street

The centre will be open an hour and a half before sunrise to two hours after sunset. The congregation gathers once per week as a group on a Friday between 12:30 and 14:00. The building will also be used where followers of Islam are called to pray. Five daily prayers are prescribed by Islam; first prayer begins pre-dawn with the last prayer after dusk. Most of the five daily prayers can take place anywhere, but all men are required to gather at the mosque for the Friday noon prayer. The mosque will also be used throughout the week for prayer, study, reflection, or a place for rest and reflection on an individual needs' basis. No loudspeaker will be installed. Alternatives for calling of prayer will be investigated i.e. radio transmitters / receivers to houses of the congregation.

Community Zone properties need to adhere to a 5m building line in terms of the Overstrand Land Use Scheme, 2020. In addition to rezoning, the application also entails a departure of the southern street building line along Mark Street to 3,96m to accommodate the existing building and proposed prayer room extension.

Despite the aforesaid building line, the parsonage and associated outbuildings (garage) is subject to the development parameters of Residential Zone 1. Therefore, a 2m lateral building line is applicable. In this regard the application submitted and advertised included a lateral building line encroachment from 5m to 2m which is no longer applicable and was formally withdrawn by the applicant.

4. SUMMARY OF APPLICANT'S MOTIVATION

REZONING AND DEPARTURE

- ❖ Gansbaai CBD functions as a commercial node along the R43 corridor serving, De Kelders, Franskraal and Birkenhead area.
- ❖ Commercial development should be contained along this axis.
- ❖ The proposal complies with the general goals of the SDF in that it is situated within the central portion of Gansbaai CBD and avoids the R43 corridor.
- ❖ Proposal addresses the social needs / expectations of all sections of the community.
- ❖ The Overstrand Municipal Growth Management Strategy earmarks the property as an economic opportunity.
- ❖ Consistent with key PSDF policies that seeks:
 - (i) Greater productivity
 - (ii) More inclusive development in urban areas
 - (iii) Strengthening resilience and sustainable development

- ❖ Consistent with the planning principles in terms of LUPA and SPLUMA:
 - (i) *Spatial Justice*: Proposed Islamic Centre will provide the community with a place of worship where they can enjoy their constitutional right to a religion.
 - (ii) *Spatial Sustainability*: Consistent with the overhead planning documents and makes use of existing infrastructure.
 - (iii) *Spatial Efficiency*: The proposal uses existing resources and will add value to Gansbaai, i.e. providing a place of worship.
 - (iv) *Spatial Resilience*: Enable more citizens to access worship in a sustainable location.
 - (v) *Good Administration*: Application will be considered and processed within the timeframes of the municipal planning By-Law.
- ❖ Existing access from Barnard Street will be used.
- ❖ 19 onsite parking bays are required. Proposal provides 18 on-site parking bays and one in a garage.
- ❖ Municipal services exist and are provided by the municipality.
- ❖ The property is already developed, and no indigenous vegetation will be removed.
- ❖ The property is flat and being situated on a corner plot easily accessible.
- ❖ Erf size sufficient for the proposed use.
- ❖ Property is situated in the urban edge.
- ❖ Surrounding area has a mixed character that will not be significantly impacted by the proposed Islamic centre.
- ❖ Property is central to the Gansbaai CBD area.
- ❖ Proposal will not detract from already existing uses in the surrounding neighbourhood with mixed uses.
- ❖ The proposal is in line with the general principles set in forward planning documents providing much needed community facilities.

ADMINISTRATIVE PENALTY

Nature, duration, gravity and extent of contravention

No additional buildings were erected as the Islamic Centre is operated from the existing dwelling.

Conduct of the person (allegedly) involved in contravention

It is not believed that the current owners are involved in any contraventions.

Report by a Quantity Surveyor in matters of unauthorised building / construction

No unauthorised construction took place.

Whether the unlawful conduct was stopped

No, as the mosque currently fulfil a religious and community service.

Whether the person allegedly involved in the contravention has previously contravened this By-Law

There is not previous known.

PLANNING PRINCIPLES

- ❖ Compliant with planning principles in terms of LUPA and SPLUMA:

Spatial Justice

An Islamic centre is proposed in a central area that will provide the community with a place of worship where they can enjoy their constitutional right to practise their religion together.

Spatial Efficiency

Proposal makes use of existing resources and will add value to the town by adding a place of worship.

Spatial Sustainability

Proposal is in line with planning policy documents and makes use of existing infrastructure.

Spatial Resilience

Proposal will enable more citizens to worship in a convenient location.

Good Administration

No bearing on applicant. Overstrand Municipality to consider application fairly and within the timeframes provided in the municipal planning By-Law.

ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	12 April 2024	17 May 2024
Notices via e-mail & site notice	Yes	12 April 2024	17 May 2024
Internal Departments	Yes	12 April 2024	17 May 2024
Ward councillor	Yes	12 April 2024	17 May 2024
Total comments	Three (3) letters of objection		
Total letters of support	One (1) letter of support		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Waste Management	15/04/2024	No objection.
Building Department	16/04/2024	No objection. All buildings to comply with NBR and all other applicable law. Provide disabled parking, hard surface access to the building in line with SANS 10400 Part S.
Fire Services	17/04/2024	No objection, subject to compliance with the provision of SANS 10400-A: 2016, 10400-T: 2020 and the By-Law relating to fire safety.
OpenServe (Telkom)	25/04/2024	Attached as Annexure F.
Engineering Services	20/05/2024	Attached as Annexure G.
District Health	23/05/2024	Attached as Annexure H.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Three letters of objection and one letter of support were received and are listed below:

- ✚ **R Morricks**, the owner of Erf 106 Gansbaai (*letter of support*)
- ✚ **I Crous**, the owner of Erf, 105, Gansbaai
- ✚ **Juana Maritz**, the owner of Erf 639
- ✚ **Black Square Town Planning** on behalf of PC Groenewald the owner of Erf 99, Gansbaai.

The letters of objection and support are attached as per Annexure D. The applicant's response to the objections is attached as per Annexure E.

The objections can be summarized as follows:

LETTER OF SUPPORT, R Morricks

"We do not have a problem with the proposed changes to Erf 98."

APPLICANT'S RESPONSE

Noted

TOWN PLANNER'S RESPONSE

Noted

OBJECTION, Ilze Crous, Erf 105, 40 Buitekant Street, Gansbaai**Objection 1****Continued contravention of By-Laws**

- ❖ Concern that the local By-Laws have been contravened since March 2022 to start the Islamic Centre in the middle of Gansbaai and are still continuing.
- ❖ Question whether it is in order to contravene a law and later argue that a need has now been created for the service in a place where it was against in the law in the first place.
- ❖ Comment there was no need for an Islamic Centre or school in the middle of a fisherman's village.

APPLICANT'S RESPONSE

The owner was made aware of the contravention and has since lodged the application for the determination of the administrative penalty and applied for the appropriate rezoning and building line departures.

The need for the Islamic Centre in the middle of town is to make it accessible to people at work, to conveniently be able to go to the masjid on a Friday.

TOWN PLANNER'S RESPONSE

The objectors' concern is noted as well as the applicant's response thereto. The application submitted followed the prescribed application and public participation processes, including an application for determination of an administrative penalty dealing with the unauthorized land use aspect. Despite the land use contravention, the application is still to be evaluated and considered on its individual merit, regardless of the fact that the current use is unauthorised.

Objection 2

- ❖ Why in the middle of a fisherman's village?
- ❖ Question whether there is no other appropriate site available where this need can be attended to.

APPLICANT'S RESPONSE

We believe that the site is appropriate in terms of surrounding land use and location. Other than residential uses, there is within 100m of this site in Barnard Street, an OK Foods, a site selling old building material, a municipal erf, bookkeepers and a radio / tv repair shop. This area has a mixed-use appearance.

TOWN PLANNER'S RESPONSE

The applicant's comment is noted and agreed with.

Objection 3

- ❖ Lack of parking.
- ❖ Comment that there will be vehicles parking on the pavements around the facility. The school may also attract a large number of students with additional requirements for parking and an increased noise factor. It will exacerbate the traffic problem in a quiet neighbourhood.

APPLICANT'S RESPONSE

The parking plan makes provision for enough parking bays, as prescribed by the zoning scheme. With the facility being centrally located, many worshippers will also walk to the masjid.

The school referred to is not a traditional academic school. The school is only attended by scholars of the church when there aren't any services and consists of only a small number of people at a time.

TOWN PLANNER'S RESPONSE

Onsite parking provision will be made available in accordance with the provisions of the Overstrand Land Use Scheme and are supported by the Council's Engineering Services Department. This will be further considered in the evaluation below.

Objection 4

- ❖ Rezoning: noise and traffic.
- ❖ Concern that if the zoning is changed it will cause more human and vehicle traffic. It will have an impact on the services provided in the neighbourhood. More people as activities grow.

APPLICANT'S RESPONSE

The rezoning is only formalizing the existing use, a small extension and allows for building plans to be lodged for an extension and a house.

TOWN PLANNER'S RESPONSE

The rezoning will increase the activity on the property beyond that experienced as a single residential property. The application property is situated centrally in the Gansbaai CBD within one road parallel to the Main Road in an area with mixed commercial and residential character already. Considering the subject property is situated in an area with mixed uses, character and traffic generation based on this mixed area character, the proposed change of use is not considered to further detract from the current status quo in the area.

It should also be pointed out that the property back directly onto Main Road facing commercial properties, such as a restaurant with an entertainment license, liquor store and various shops. As such the immediate surrounding area cannot be described as a quiet residential neighbourhood. In addition, the current primary rights permit operational hours beyond midnight, which is considered to have a far greater impact on the adjoining property owners opposed to a place of worship.

Objection 5

- ❖ Changing the character of the neighbourhood.
- ❖ Noted that this is an area with many heritage houses.

APPLICANT'S RESPONSE

The existing house remains, and the extensions proposed, are similar to what is already there. In essence there will not be an impact in character, except that the site will be visually and aesthetically improved.

TOWN PLANNER'S RESPONSE

The property is situated outside the Heritage Protection Overlay Zone. There are properties in the vicinity that had been identified as conservation worthy in terms of the Overstrand Heritage Survey that will not be affected by the proposed change of use. The property itself is not classified in terms of the Overstrand Heritage Survey.

Objection 6

- ❖ Concerns about the way in which the centre was started. Residents weren't informed and no application was lodged at the municipality.

APPLICANT'S RESPONSE

Noted

TOWN PLANNER'S RESPONSE

The property owners did meet with the planner for the Gansbaai area prior to acquiring the property. The owners were advised that the current zoning is not suitable for a place of worship and that the appropriate use rights to be obtained prior to commencement thereof. Despite the aforesaid, the owners proceeded with the purchase. Following receipt of a formal complaint during May 2022 the unauthorized land use was discovered, and a compliance notice was served onto the owner, resulting in the submission of the planning application. Despite the aforesaid the application will be considered upon merit as per the evaluation below.

OBJECTION, Juana Maritz, Erf 639, 32 Barnard Street, Gansbaai**Objection 1**

- ❖ "I wish to put on record that I have no concern with the intended extensions and prayer operations, provided the operation is executed silent and non-disturbing"

APPLICANT'S RESPONSE

Noted and in order.

TOWN PLANNER'S RESPONSE

Applicant's comments are noted.

Objection 2

- ❖ "No calling at prayer time should be allowed. And we re-iterate that NO devise(s) of disturbance be approved for any calling that could be an invasion of the peace to the non-Islamic community.
- ❖ We welcome and respect Islamic prayer operations. However, we would also appreciate respect shown to the general community who has been around for long years.
- ❖ Cell phone devices should be fine. However no loud calling / singing in the residential area."

APPLICANT'S RESPONSE

As noted in the application, no loudspeaker devices will be used for the calling of prayer.

TOWN PLANNER'S RESPONSE

The applicant indicated that no loudspeaker devices will be used for the calling of prayer. This matter will be worked into the approval conditions should the application be supported.

Objection 3

- ❖ **Parking should strictly be at the confirmed residence. The question is asked how the prayer of a 100 people could be silent.**

APPLICANT'S RESPONSE

In order

TOWN PLANNER'S RESPONSE

Onsite parking provision will be made available in accordance with the provisions of the land use scheme. The parking layout is further discussed in the desirability of the application under paragraph 11.

Objection 4

- ❖ Comment that she is sure that the garden will be groomed as the leaves has been a disturbance to neighbours as gutters and drains are clogged and need cleaning every day.
- ❖ The state of the grounds of the property is currently untidy. It would be appreciated if this could be addressed.

APPLICANT'S RESPONSE

The entire erf will be cleared and the parking area formalized once the application is approved.

TOWN PLANNER'S RESPONSE

Applicant's comment is noted.

OBJECTION, Black Square on behalf of PC Groenewald, Erf 99, 15 Mark Street, Gansbaai**Objection 1**

Lack of clarity pertaining to application and application flaws

Proposed Device

- ❖ The application states that a loudspeaker will not be installed at the mosque. Alternatives such as a radio transmitter system at homes and businesses of worshippers will be considered and also smart phone applications. The effect of the proposed mosque therefore seems to not have been properly thought through as no definite solutions are in place to convince the surrounding residential community of the potential non-effect of this use.

- ❖ Accordingly, no noise / nuisance mitigation measures are investigated and a mere statement by the applicant in this regard cannot be construed as mitigation.

APPLICANT'S RESPONSE

Mitigation is only required if there is a perceived nuisance. Since loudspeakers will not be used, there is no anticipated noise nuisance. The specific device that will be used to inform worshippers in their homes or work area is irrelevant, as long as there is no noise pollution perceived by surrounding landowners, or members of the public.

The use was already unlawfully implemented. The formalization of the use will however ensure that the erf will be made aesthetically more pleasing and vehicles will be parked in an organized way.

TOWN PLANNER'S RESPONSE

The applicant's comment is noted and agreed with.

Site development plan

- ❖ There were two site / parking plans attached to the application, demonstrating that there is not a clear plan in place.
- ❖ The consultant then analyses the workability of the parking plans.
- ❖ Ms. Swart notes that 19 parking bays are required, and that the SDP only makes provision for only 18 bays are provided (including the garage bay) which constitutes as a permanent departure).
- ❖ Comment that provision is not made for disabled parking and that that there is therefore a shortcoming in the application.

APPLICANT'S RESPONSE

The initial plan was revised after the municipal Town Planning Division pointed out to us that the first one was not workable. It is unfortunate that neighbours were supplied with the plan that was no longer applicable / relevant.

Since Ms. Jacolene Swart, however, refers to our cover letter with the revised information, she is very well aware that the initial plan was revised.

The distances between parking bays comply with regulations.

The relevant SDP makes provision for 18 bays and 1 garage parking space that equates to 19 parking bays.

It is very clear on the SDP that there is more than enough space to allow for one of the parking bays to be used for purposes of disabled parking bay – especially since provision was made for a disabled ramp as part of the new building extensions. Please refer to the amended plan, indicating the disabled parking bay.

TOWN PLANNER'S RESPONSE

The applicant is correct that the parking layout was amended upon request of the planning department. The amended parking layout that had been distributed is dated with an official Overstrand municipal stamp, dated 11 March 2024. The said plan was part of the official public participation process allowing interested and affected parties to comment or even to seek clarification.

The parking layout and compliance with the scheme regulations will be further discussed in the evaluation below.

Objection 2

- ❖ **It is noted that the site is too small for what is proposed.**
- ❖ **It is questioned whether the ±160m² floor area, that includes ablutions and general areas, is sufficient to accommodate a 100 people.**

APPLICANT'S RESPONSE

The SDP illustrates that with the small masjid proposed, there is sufficient space on site to comply with parking requirements.

The floor plan that was attached showed the distribution of the anticipated 100 people between the prayer rooms, although there will be most likely be less people at a time.

According to mosque guidelines that were consulted the following:

“the average human requires a rectangular area to pray. The dimensions needed are 120cm or 1.2m in length and 50cm or 0.5m in width. If we multiply the two numbers together, we get the total area a person needs to pray i.e. 1.2 x 0.5 – 0.6 square meters.”

The proposal therefore allows for enough space.

TOWN PLANNER'S RESPONSE

The applicant's comment is noted. Should the application be supported, the applicant will be required to submit a detailed SDP to demonstrate compliance with the development parameters in terms of the Scheme regulations, which will be further discussed in the desirability of the application under paragraph 11.

Objection 3

The municipal notice did not include colour images / photos, which makes it difficult for the lay persons to read.

APPLICANT'S RESPONSE

Notices indicate that more information can be obtained from the municipality. In most instances municipalities do not include motivation reports and is it the public's responsibility to obtain the complete document from the local authority.

TOWN PLANNER'S RESPONSE

Colour copies are available on the planning file or could be requested if required.

Objection 4**Incompatible zoning and associated land use rights**

It is noted that the majority of the area measured Northwards from the corner of Mark Street and Barnard Street is residential in nature. The proposed rezoning to Community Zone 1 is therefore not only out of character in its immediate area but creates a spot zoning adjacent to residential uses and other business uses. While other community uses are present in Gansbaai there are generally situated on much larger properties (approximately double the extent of the subject property, at the least); and were situated on similar-sized properties, the uses pertain to childcare (pre-schools, etc.), with much smaller capacity than proposed.

APPLICANT'S RESPONSE

Ms. Swart does not indicate where she believes would then be a suitable area for Community Zone 1 erven. A place of worship is often situated inside residential areas or commercial areas where it is easy to access. In this specific instance, it will mostly be used on a Friday during business hours. The placement of the place of worship in a central area in town is therefore ideal, since worshippers can leave their place of work to attend the Friday prayer.

It is astounding that the objector would find a supermarket and or restaurant also in close vicinity, to be more acceptable than a place of worship that is used much less than a business zoned property.

TOWN PLANNER'S RESPONSE

The objector states that Community Zone erven are evident in Gansbaai but on plots double the size, whilst smaller Community Zone erven are limited to childcare facilities. This statement is not correct. Erf 12 and Erf 512 Gansbaai are Community Zone erven of 873m² and 1084m² respectively. Both these erven are situated in residential areas and used for worship purposes without any complaints. Despite the aforesaid, the plot size will determine the impact and potential of the property since building plans will have to demonstrate compliance with the development parameters in terms of the zoning applied for save for any deviations from the parameters, unless approved by the municipality. Further, the scale and bulk of the development could be controlled in terms of the approval conditions to ensure it remains in keeping with the character of the area, should the application be supported. The compatibility of the proposed rezoning will be further discussed in the desirability of the application under paragraph 11.

Objection 5

One must consider the future development rights associated with a rezoning (height, bulk, etc.) Ms Swart then does a comparison of the rights associated between the Community Zone and Single Residential Zone.

APPLICANT'S RESPONSE

With the site being relatively small, there is no room for further expansion, due to parking requirements. Future development rights are therefore irrelevant.

TOWN PLANNER'S RESPONSE

- ❖ The objector provided a summary of the primary rights, consent uses and development parameters of Residential Zone 1 and Community Zone to demonstrate that the extension of the rights by means of the proposed rezoning is undesirable. This sentiment is not necessarily agreed with for the following reasons:

- the application for rezoning is for a place of worship only and should not be considered as an open-ended permission in terms of primary rights and consent uses;
- 1.2 floor factor (i.e. 1166m² floor space) of the proposed zoning is more restrictive as the total floor space permitted under residential zone 1 based on 50% coverage and a three-story building would have a total floor area of 1458m²,
- proposed coverage at 60% is more than the permitted 50% under residential zone, however the 1,2m bulk factor tempers the total permissible floor space;
- height restriction of the proposed zoning for the building (10,5m) and the tower (14m) is higher, but could be limited in terms of the approval conditions.

Objection 6

- ❖ Non-compliance with applicable policy.
- ❖ Ms Swart notes that the application is not sufficiently motivated in terms of desirability, since the document merely states that the proposal will not have an impact on the surrounding area.
- ❖ Reference to Section 84(2) with reference to unlawful use.
- ❖ Section 90(3) refers to the conduct of the person involved in the contravention. It is noted that the person is clearly involved in illegal use, due to the illegal activity on Erf 98.

APPLICANT'S RESPONSE

The motivation report evaluated desirability in terms of all the different facets indicated in the By-Law that includes among other:

- Overhead planning policy
- SPLUMA development principles
- Availability of services
- Surrounding land use
- Physical Characteristic
- Character of the area

The desirability of the proposal was therefore motivated on more principles than just the impact on the direct neighbour.

An application is specifically made for the determination of an administrative penalty due to the illegal use of the property.

The owner lodged an application for the determination of an administrative penalty and is also attempting to rectify the illegal use.

Mr. Anik, who is the applicant, is also a business owner of a number of business premises in Gansbaai. He provides job opportunities to the local community and establishing the masjid is not for personal gain, but to provide a place of worship to the Islamic community of Gansbaai.

TOWN PLANNER'S RESPONSE

The applicant's comment is noted.

Reference to Section 84(2) is noted. Following receipt of a complaint pertaining to the unauthorized land use a compliance noticed was served on the property owner. This resulted in the appointment of Messrs. Town- and Country for the submission of the application under consideration. Despite the aforesaid, the application is still to be considered on merit within the legislative prescripts.

Reference to Section 90(3) it is agreed with that the application seeks amongst others to rectify a contravention. Therefore the applicant who acquired the property during 2022 allowed the use in contravention with the zoning of the property which is not disputed by the applicant.

Objection 7**Land Use Scheme, 2020**

Section 9.1.2 comment with regards to how the objector would prefer the building lines to be indicated on the site development plan.

APPLICANT'S RESPONSE

Noted

TOWN PLANNER'S RESPONSE

A place of worship is subject to a 5m building line. A parsonage or dwelling unit including associate outbuildings reverts to building lines applicable to Residential Zone 1, i.e. a 2m lateral building line which had been indicated correctly on the SDP.

The parking area for the place of worship does not trigger a departure application.

Objection 8

- ❖ 16.1.1 (d) upon an application, the Municipality will also take the following principles into account.
 - if in its opinion, the architectural effect of the building line relation will enhance the appearance of a street;
 - if in its opinion there are special circumstances, motivated to its satisfaction.
- ❖ Ms. Swart states that no visual effort was included and also that no special circumstances are motivated.

APPLICANT'S RESPONSE

The application included architectural drawings that indicated that extensions will merely extend what is already there.

The motivation, taken from the document that was lodged, as follow:

- The departures are required due to the original house being erected 3,96m from the street boundary. Placing the addition on the same building line is practical and allows for sufficient space remaining for parking purposes.

- The departures required on the side buildings lines are for a dwelling. The impact of it would therefore be the same as the adjoining residential property towards the north.

The departures will not have a negative visual impact on surrounding landowners, or impact on any sight lines from the street.

TOWN PLANNER'S RESPONSE

In terms of Section 9.1.2 of the land use scheme a 2m lateral building line is applicable to a dwelling unit and garage. The 5m building line is only applicable to the place of worship and the street building line encroachment of the existing dwelling and proposed prayer room addition being in line with the existing dwelling. The encroachment is mainly as a result of the more restrictive 5m building line applicable to the zoning, therefore this section is not applicable.

Section 16.1.1(d) contains principles that the decision maker must consider as alluded to by the applicant above. This matter will be further considered in the desirability of the application under paragraph 11.

Objection 9

17.1.5 The parking bays do not comply with the parking bay minimum requirements of 2,5m x 5m.

APPLICANT'S RESPONSE

The parking bays are compliant.

TOWN PLANNER'S RESPONSE

Noted and agreed with as far as the individual parking bay dimensions are concerned.

Objection 10

17.1.6 Comment that a physically disabled parking bay was not indicated on the SDP

APPLICANT'S RESPONSE

The disabled parking bay was not indicated on the amended parking bay, but sufficient space is available. Please refer to the amended SDP, indicating the disabled parking bay.

TOWN PLANNER'S RESPONSE

The revised SDP indicates a disabled parking bay although the dimension is not correct. Should the application be supported, provision for disabled parking will be incorporated in the approval conditions.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

N/A

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

Spatial Justice

The proposal will not perpetuate past spatial imbalances and will provide access to opportunities (i.e., place of worship) within the Gansbaai CBD which is a community need and a constitutional right.)

Spatial Sustainability

The proposed community facility is centrally located and easily accessible from the Main Road. Being situated within an area of mixed commercial and residential character, adjacent to the CBD the proposal will make optimum use of existing land and will not impact on agricultural land or environmental sensitive or biodiversity rich areas. The application is thus deemed spatially sustainable.

Efficiency

The proposed development in accordance with the SDF and OMGMS promotes a compact CDB, optimal use of space, energy, infrastructure, resources, and land. The proposal also promotes densification and urban development typologies, thus consistent with the principle of efficiency.

Spatial Resilience

The principle relates to climate change to ensure that occupants will be able to use / develop their properties with little as possible physical and financial discomfort. The proposal is consistent with the applicable strategic policy documents, which adheres to the principle of spatial resilience.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

Consistent with the IDP and Spatial Development Framework.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on municipal engineering services

Municipal services are available and will not be impacted upon by the proposal. The application is supported by the Engineering Services Department, subject to conditions, including the payment of a bulk development contribution levy.

10.7 Outcomes of investigations/applications i.t.o other legislation

The proposed rezoning and consent use application does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Zoning Scheme to accommodate the land uses through an application process.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL**PROPOSED REZONING**

The subject property is situated within the Gansbaai CBD with easy access via Mark- and Barnard Streets via Main Road, Gansbaai. The property is situated in an area earmarked as a local economic opportunity as per the Overstrand Municipal Growth Management Strategy (OMGMS).

The proposed rezoning is consistent with the SDF and OMGS for the following reasons:

- the proposal comprises infill development, thus making better use of existing brown field land, thereby consistent with the principles of compaction and containment of the urban edge and the provision of a balanced land use mix;
- the property is centrally located in the CBD and easy accessible;
- the property abuts the main road corridor and will not impact the westerly expansion of the CBD to link with the Gansbaai harbour;
- the proposal provides for a buffer between the commercial uses along the Main Road axis, the Islamic Centre and adjoining residential properties;
- according to the OMGMS church sites is under provided for (13 existing sites whilst 22 is required in terms of the applicable standards for community facility provision) in Gansbaai as a whole.

The proposed rezoning from Residential Zone 1 to Community Zone to accommodate the Islamic Centre will legalise the use of the property, being the only facility in the Greater Gansbaai where followers of Islam could congregate. The proposed rezoning therefore addresses a need in the area which is a constitutional right and in line with the SDF and OMGMS.

The surrounding area comprises a mixture of commercial uses (shops, offices, restaurants with place of entertainment) to the southeast, south and west. Properties directly adjacent to the north and east are predominantly residential. A commercial property (offices) is also situated further north on the corner of Barnard- and Voortrekker Streets. It is therefore clear that the area has a mixed character. Being situated within the CBD and earmarked as an economic opportunity the property could be developed with higher intensity / impact type of uses compared operating past midnight, opposed to the proposed place of worship which is considered to have a lesser impact onto the adjoining residential area.

As per the town planner's response to the objections, it is not uncommon to find churches within, or in proximity of residential areas.

For the reasons above the view is held that the Islamic Centre, given its central location and proximity to the Main Road commercial axis will not have a significant or impact on the adjoining residential properties sufficient to justify the application being undesirable.

The applicant indicated that the Islamic Centre will not call for prayer of the congregation by loudspeaker, thereby ensuring that the character of the area is not adversely impacted upon. This will be incorporated in the approval conditions should the application recommended for approval.

The amended SDP submitted indicates access to be obtained from Barnard Street with egress onto Mark Street. Although no objection is raised by the municipal Engineering Services Department to the parking layout, the layout is not considered practical in all respects. The proposed disabled parking bay, (bay 15) does not comply with the minimum dimensions required in terms of the scheme regulations. Tandem parking bays 10 and 19 is not practical and cannot be accepted in the current format. It would be more preferable that consideration be given to demolish the existing garage which is in a poor state in any event in favour of the on-site parking requirement and the provision of the dwelling house and the first floor. Therefore, should the recommendation be supported, the applicant will be required to submit a detailed parking layout plan with dimensions to demonstrate compliance with the land use scheme. The SDP will also have to confirm the maximum occupancy to demonstrate a feasible parking layout.

Having had regard to the evaluation above the proposed place of worship is not considered to detract from vested rights of adjoining properties as the associated impact, if any could be mitigated in terms of approval conditions. Parking will be provided on-site in accordance with a revised SDP to demonstrate compliance with the land use scheme and will not adversely impact the safety of road users or sightlines.

DEPARTURE

The proposed departure is for an existing approved addition that encroach the more restrictive 5m street building line by reason of the rezoning. It will not result in any changes to the external appearance of the building, does not impact the character of the area or traffic in terms of sightlines.

Despite the more restrictive 5m building line applicable to community zone the construction of a dwelling is a primary right and subject to the same building lines as per Residential Zone 1, namely 2m. The proposed dwelling (pasturage) maintains a 2m building line and therefore need not to be considered as a departure as the 5m building line. Application also incorrectly included a lateral building line encroachment which is not required since a 2m lateral building line applies. This will be dealt with in the resolution.

No objections were raised by the Engineering Services Department because of the availability and capacity of services, subject to conditions, amongst others payment of a bulk contribution levy.

The title deed does not contain any restrictive conditions that prohibit the proposed rezoning.

DETERMINATION OF AN ADMINISTRATIVE PENALTY

The nature, duration, gravity and extent of the contravention

The existing dwelling on property is used as an Islamic Centre since March 2022, which use is ongoing. No unauthorized construction took place as existing approved buildings are being utilized.

The conduct of the person involved in the contravention

According to the applicant it not believed that the currents owners are involved in any contraventions.

A formal complaint was submitted regarding the unauthorized use of the property as Islamic Centre resulting in the service of a formal compliance notice being served on the property owner dated 30 June 2022 (attached as per Annexure I). The property owner appointed Messrs. Town and Country who submitted a land use application to obtain retrospective permission.

Whether the unlawful conduct was stopped

The unauthorised use did not stop as the Islamic Centre fulfils a religious and community service.

A report by a quantity surveyor in matters of unauthorised building/construction

The applicant deems a QS report unnecessary due to the negligible impacts and well documented existing conditions.

Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

The property owner has not to the applicant's knowledge previously contravened the By-Law.

The responsibility lies with the property owner to ensure the use of the property complies with the zoning of the property. The owner, prior to the property purchase did make enquires to the planning department and was advised that the property may not be used for purpose of place of worship. A professional town planner and subsequent application was submitted following service of a compliance notice. The property owner did approach the municipality prior to acquiring the property and was fully aware of the land use restrictions in terms of the current zoning. Despite the aforesaid the property owner commenced with the unauthorised use as a place of worship, which in similar cases resulted in an administrative penalty fee to be imposed varying between 10% and 20%, based on the municipal valuation of the unauthorised land use. Having had regard to the conduct of the property owner, who had been correctly informed continued with the unauthorised use and only proceeded with the submission of the land use application following service of a compliance notice it is recommended that an administrative penalty of 20% per annum be imposed for the duration of the unauthorised use since March 2022.

Description	Municipal Land Value / m ² (R216500 / 972m ²)	Area of encroachment	Value of unauthorised use as per municipal valuation
Unauthorised place of worship	R222,74/m ²	101m ²	R22 497,00

The duration of the encroachment is 39 months. Therefore, the administrative penalty amounts to R14 623,05 calculated as follows:

$$R22\ 497,00 \times 20\% = R4499 \text{ per annum} / 12 \text{ months} = R374,92$$

$$R374,92 \times 39 \text{ months (duration of encroachment)} = \mathbf{R14\ 621,75.}$$

In view of the above, it is the opinion that the application under consideration holds sufficient merit not to be deemed undesirable from a town planning perspective and could be sufficiently mitigated in terms of approval conditions.

The application is therefore considered desirable.

13. RECOMMENDATION

1. that the comment be noted;
2. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) applicable to Erf 98, Gansbaai from Residential Zone 1 to Community Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure of the street building line from 5m to 4m to accommodate the existing building, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 98, Gansbaai to accommodate the Islamic Centre, **be imposed**, and that an administrative penalty fee of **R14 621,75** be payable within sixty (60) days of this decision, and
5. that the approvals in paragraphs 1. to 3. above be subject to the following conditions:

- (a) that primary rights be limited to a place of worship in accordance with the provisions of the scheme regulations;
 - (b) that the development of the property be limited to a height restriction of 8m, save for a church tower not exceeding 10,5m, measured from base level as per the Overstrand Land Use Scheme;
 - (c) that a detailed Site Development Plan (SDP) be submitted within 60 (sixty) days of the decision date indicating the maximum occupancy of the building and detailed parking layout demonstrating compliance with Fire Safety regulations and the development parameters in terms of the Overstrand Land Use Scheme;
 - (d) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (e) that on-site parking provision be provided in accordance with the approved SDP in (b) above;
 - (f) that the requirements Telkom, Engineering Services Department and District Health (attached as Annexures F-H), be adhered to;
 - (g) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that the display of signage be subject to compliance with the Municipal By-Law on Signage;
 - (i) that calling for prayers by loudspeaker be prohibited, no amplified sound equipment outside of the building be permitted and that sound during services be contained inside of the building;
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The development is consistent with the applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development will not detract from the character of the area.
- ❖ The development will not adversely impact upon vested rights of adjoining property owners.
- ❖ The development is situated within the CBD.
- ❖ There is a need for additional churches in the Gansbaai area.
- ❖ The Islamic Centre caters for a need in the community which is a constitutional right.

- ❖ The development impact could be sufficiently mitigated in terms of approval conditions.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Objections
Annexure E: Response from applicant
Annexure F: Comment: Telkom
Annexure G: Services Report
Annexure H: Comment: District Health
Annexure I: Compliance Notice dated 30 June 2022

SIGNATURE**REGISTERED PLANNER**

Name: **P ROUX**

SACPLAN Reg No: **A/2246/2015**

Signature: _____

Date: _____


ANNEXURE A
12/178

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MET KLIPPEL



Town & Country
Creative Land Solutions
P.O. Box 1085
Bredasdorp
7280
Tel. 028 424 1545
Fax. 028 425 2085
E-mail: towncountry@vodamail.co.za

PROJECT
LOCALITY PLAN: ERF 98 GANSBAAI
OVERSTRAND MUNICIPALITY

 **Town & Country**
Creative Land Solutions

Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE NTS	DATE JAN 2024
DWG No.	REVISION
Notes:	

MOTIVATIONAL REPORT
PROPOSED REZONING, A DEPARTURE FROM BUILDING LINES AND A
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 98, GANSBAAI

Ref. GAN/3101

1. INTRODUCTION

This office was appointed by the owners, the Ta'Leemul Islam Masjid Madrasah and School to prepare the town planning application for the proposed rezoning of the premises to Community Zone, to formalise the current use of the property. The property has been used as an Islamic Center since March 2022. Future uses will include the mosque, lecture room and a house for the Imam.

There was a residential house on the property, before it was bought by the current owners.

2. APPLICATION

Application is made for:

- I. Rezoning of Erf 98 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning to Community Zone 1, to allow for an Islamic Centre.
- II. A Departure from Building Lines in terms of Section 16(2)(b) to allow for a 3,96m street building line on the southern boundary and a 2m building line on the northern and western boundary in lieu of 5m.
- III. Determination of an Administrative Penalty in terms of Section 16 (2)(q) of the Overstrand Municipality By-Law on municipal land use planning.

The Primary uses for Community Zone 1 is 'clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship.'

An 'place of worship' in terms of the Integrated Zoning Scheme is: *'means a place of public religious devotion and includes any building incidental thereto and a pastorage or dwelling unit ancillary thereto but does not include a funeral parlour;*

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3. PROPERTY DETAILS

TOTAL AREA	972m ²
REGISTERED OWNER	Ta'Leemul Islam Masjid Madrasan and School
Boundaries: North	Erf 632
East	Barnard Street and Erf 99
South	Mark Street and Erf 115
West	Erf 91

Erf 98 is registered under title deed T1227/2021.

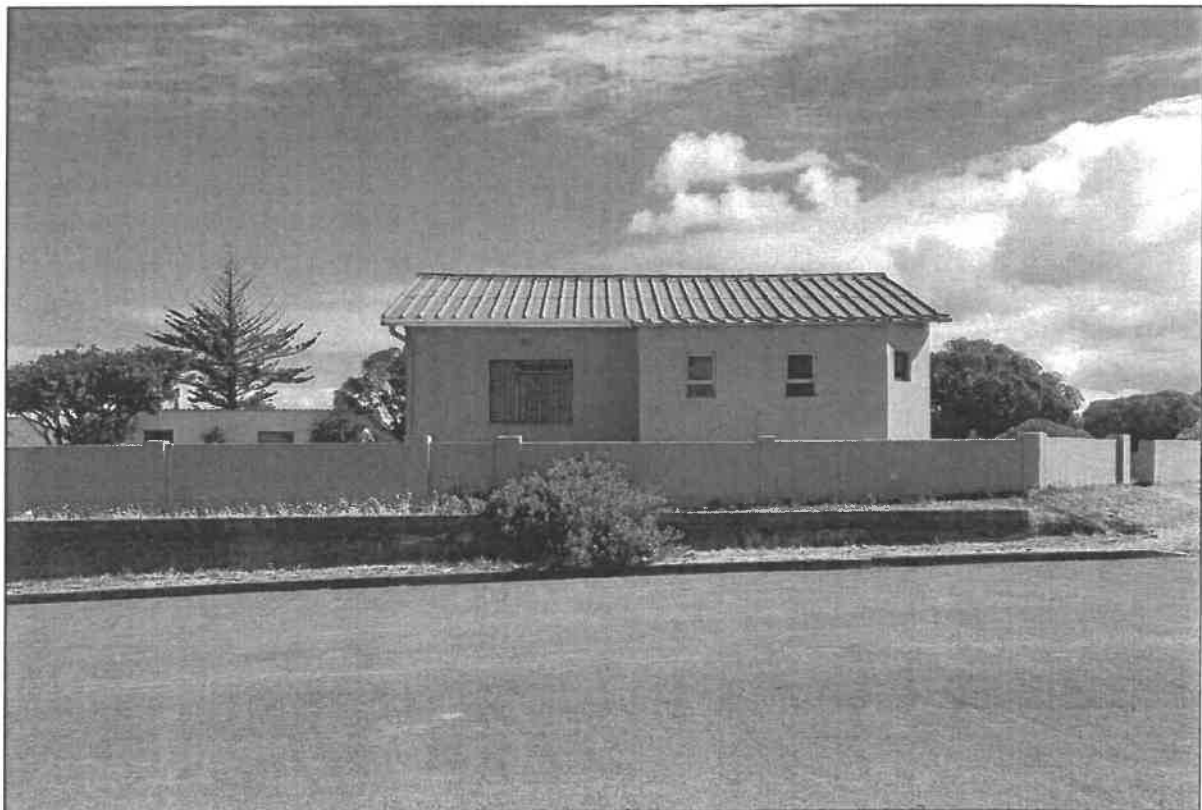


Photo 1. Existing building on Erf 98 in a northern direction.

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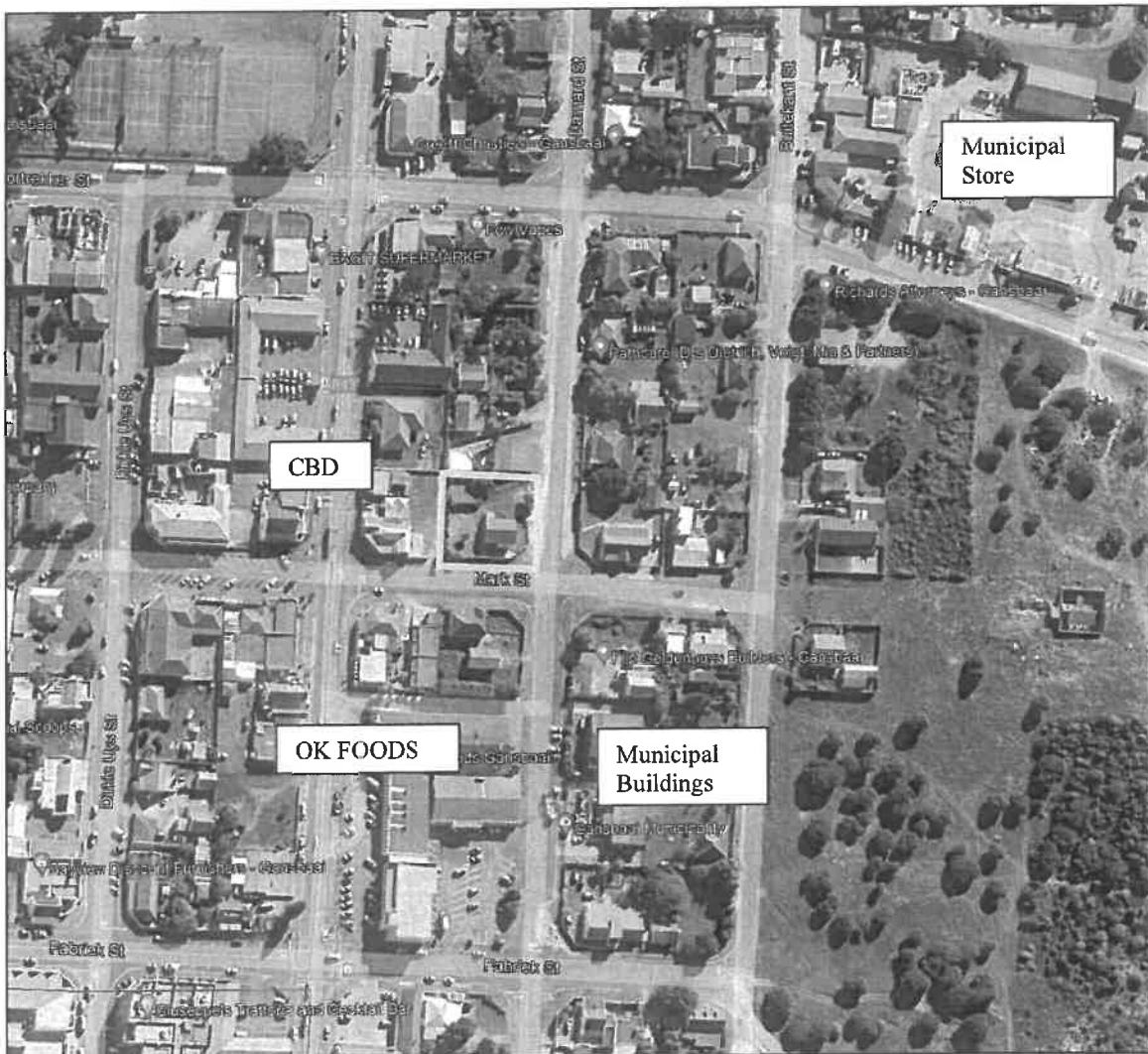


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4. SITE DESCRIPTION AND SURROUNDING AREA

Erf 98 is located on the corner of Barnard and Mark Street. The erf is generally flat. There is currently a house and garage on the property. The existing house has been used since March 2022 as an Islamic Centre.

Properties in the neighbourhood of Erf 98 are of mixed use. The erven bordering onto Erf 98 is residential towards the north and Business (a pub) towards the west. There is a residential property towards the east and business zoned properties towards the south.



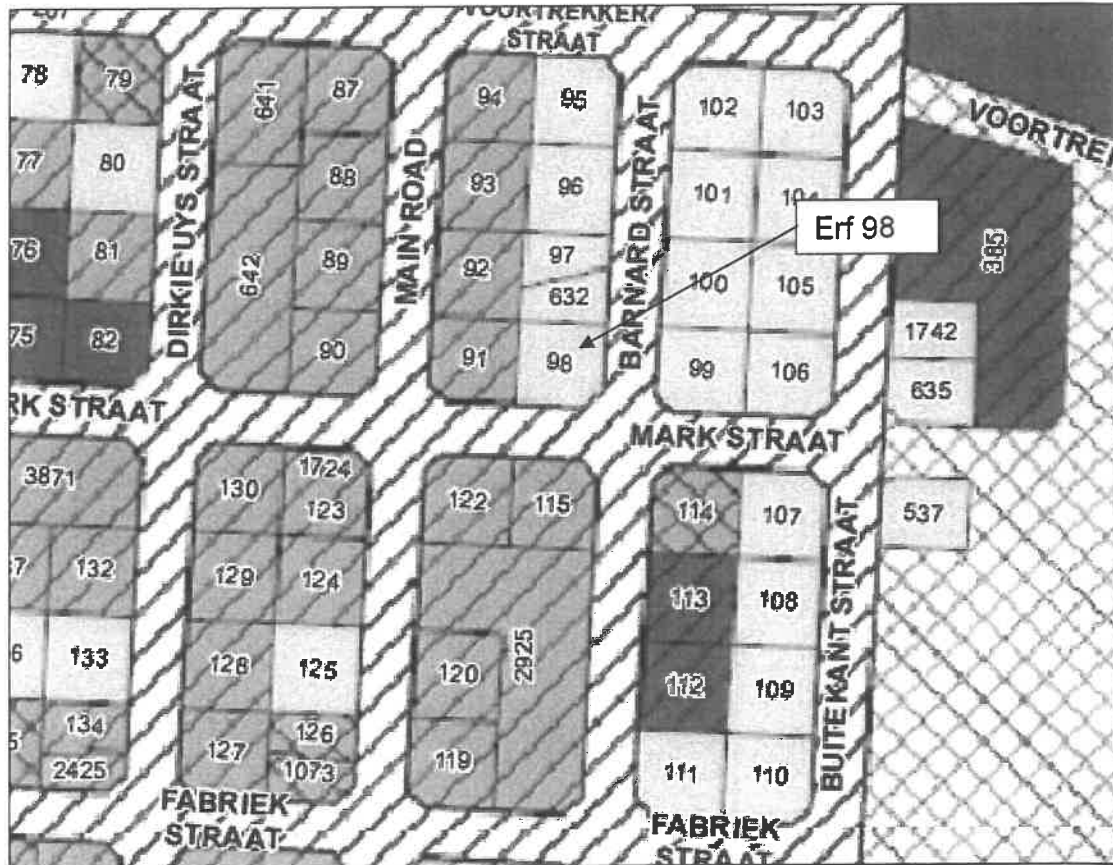
Google Earth Image, to illustrate the location of Erf 98 and surrounding land use.

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5. ZONING

Erf 98 is zoned Single Residential. The use as a place of worship is not a primary or consent use allowed under a Single Residential zoning. Please refer to the zoning plan extract below.



Extract from the Gansbaai Zoning Scheme Plan.

6. PROPOSED REZONING AND DEVELOPMENT

Application is made for the Rezoning of Erf 98 to Community Zone, for purposes of an Islamic Centre.

The existing building on Erf 98 is already used as a mosque and the owners are now required to rezone the property to Community Zone (Place of worship) to formalise the existing use, a lecture room and to be able to erect a house and to do extensions to the existing building.



The centre will make provision for a congregation of approximately 100 people to accommodate residents, visitors and future growth over time.

The proposed centre will consist of the following:

- 3 Prayer Areas
- A Lecture room (classroom) – not used during communal gatherings
- Ablution Facilities (male and female), with specific attention given to making it accessible for wheel chairs
- A house for the Imam
- A garage
- 18 on-site parking bays

All Health and Safety regulations will be complied with. All services are in place. Sufficient parking will be supplied on site, as prescribed by the Overstrand scheme regulations.

The Centre will be open from an hour and a half before sunrise to two hours after sunset. The congregation gathers only once a week as a group. The communal gathering takes place on a Friday between 12h30 and 14h00.

The building will also be used as a Centre from where the followers of Islam are called to pray. The first prayer begins at pre-dawn, and the last one is after dusk. Though most of the five daily prayers prescribed in Islam can take place anywhere, all men are required to gather together at the mosque for the Friday noon prayer. Mosques are also used throughout the week for prayer, study, or simply as a place for rest and reflection, but this is done on an individual needs basis.

A loudspeaker will not be installed at the mosque. Alternatives will be explored for the call to prayer such as installation of radio transmitters / receiver to the congregation's houses and places of work as well as smartphone applications.



7. PROPOSED BUILDING LINE DEPARTURE

Building lines applicable to a Community Zone is 5m on all the boundaries.

Application for building line departures is required for the following:

- A departure from the street boundary along Market Street to allow for a 3,96m building line, to accommodate the existing building and the new addition.
- A departure from the two side boundary lines, to allow for 2m side building lines, to accommodate the new house and the existing garage.

The departures are required due to the original house being erected 3,96m from the street boundary. Placing the addition on the same building line is practical and allows for sufficient space remaining for parking purposes.

The departures required on the side buildings lines, are for a dwelling. The impact of it would therefore be the same as the adjoining residential property towards the north.

The departures will not have a negative visual impact on surrounding landowners, or impact impact on any sight lines from the street.

8. DETERMINATION OF AN ADMINISTRATIVE FEE

The Islamic Centre is already operational since March 2022.

The facility provides a community service to the Islamic community of Gansbaai. With Gansbaai and surrounds becoming a very popular tourist destinations it also provides for a worship centre for visitors.

The applied for community zone, is small and with the house partially in a business area, impacts very little on residential properties.

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With the determination of an administrative fee, Council is asked to please take the above into consideration.

A determination of an Administrative Penalty in terms of Section 90(3) of the By-Law) of the Overstrand Municipality By-Law on municipal land use planning is required, due to the facility that is already operational.

In terms of the By Law the applicant must, to the satisfaction of the Municipality, provide the following information such as-

- (a) the nature, duration, gravity and extent of the contravention;

No additional buildings were erected, but the Islamic Centre became operational in approximately March 2022 inside the existing house. Our office was appointed in December 2023. Zoning Scheme Parameters will generally be complied with, except where the residential building borders onto residential erven and also where the existing house will not be complying with the more stringent requirements of the Community Zone regulations.

- (b) the conduct of the person (allegedly) involved in the contravention;

It is not believed that the current owners were involved in any contraventions.

- (c) a report by a quantity surveyor in matters of unauthorised building/construction;

As far as we are aware no unauthorised construction took place.

- (d) whether the unlawful conduct was stopped;

The unlawful conduct was not stopped, due to the Mosque fulfilling a religious and community service.



(e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

We do not know of any previous contraventions.

9. RELEVANT OVERHEAD PLANNING POLICY

Various local, provincial and national forward planning documents are applicable to the application.

9.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (SDF)

The vision of the Overstrand SDF is based on the vision of the Overstrand IDP and is as follows:

'Overstrand Municipality is striving to be the most desirable destination to visit, stay and do business'.

In order to achieve this, the document identifies various principles:

Development Principles:

- Efficient and integrated planning – Promote efficient and integrated planning and development through:
 - Integrated development and planning in rural and urban areas with a view to mutual support
 - Optimal utilisation of existing developed resources including bulk infrastructure
 - Promotion of compaction and densification as opposed to low-density sprawl
 - Protection of the agricultural resource base
 - Spatially co-ordinating sectoral activities
 - Addressing historically distorted spatial patterns



RELEVANT GOALS & OBJECTIVES FORMULATED BY THE DOCUMENT INCLUDE AMONG OTHER THE FOLLOWING:

Goal	Objective
To provide an environmentally and economically sustainable bulk service infrastructure and road transport network.	<ul style="list-style-type: none"> • To ascertain the overall carrying capacity of existing bulk services related to existing and future growth, and where appropriate, determine flood lines; • To identify critical problem areas relating to bulk water supply, groundwater abstraction and quality; • To improve and maintain the standard of bulk services with particular reference to bulk water supply, sewerage and solid waste and sewage management; and • To create an efficient, well defined hierarchy of roads.
To address the social needs and expectation of all sections of the community.	<ul style="list-style-type: none"> • To provide access to a full spectrum of social services and facilities; • To ensure the provision of basic housing and services; • To encourage public participation in all issues of public concern; and • To co-ordinate the joint management of certain functions on a sub-regional level, e.g. sporting facilities, education and health facilities.
To promote the conservation and sustainable use of the natural resources in the Overstrand municipal area.	<ul style="list-style-type: none"> • To protect, conserve, and restore where appropriate, all areas deemed to be conservation worthy; • To ensure that the impact of existing and proposed development is adequately evaluated from a holistic environmental perspective, taking current and future generations into account; • To promote the sound management of natural areas to ensure their sustainability; • Rehabilitate and/or restore degraded and disturbed environments where necessary to meet conservation or environmental management objectives; • To limit and control development and activities within environmentally sensitive and/or conservation worthy areas so as to ensure their sustainability taking into account effects on biodiversity; • To promote efficient use of water and energy resources; and • To implement water conservation and demand management objectives within municipal areas in order to promote savings and decrease the demand for costly bulk water supply systems.
To ensure that ongoing development pressure and its spatial implications are managed in a sustainable manner that protects the unique character of the	<ul style="list-style-type: none"> • To promote a spatial development pattern that contains urban sprawl/urban development and promotes compact well-defined settlements; • To retain and strengthen the unique identity of the



<p>existing cultural landscape and the place-specific character and form of the existing settlement pattern.</p>	<p>municipal areas and its districts;</p> <ul style="list-style-type: none"> • To determine clear limits to urban development and define the urban edge/limits of existing settlements; • To conserve and improve the visual quality of the landscape and the scenic route experience of the primary movement corridors; and • To improve the aesthetic quality of the built environment.
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The SDF describes Gansbaai as a fishing village and a popular residential, holiday and retirement destination.

The Gansbaai Spatial Development Framework provides guidelines that should steer future development in the Gansbaai area. This include:

- Commercial The Gansbaai CBD functions as a central node for De Kelder, Franskraal and Birkenhead. Development along the R43 corridor should be encouraged and contained along this axis, and confined to the central portion of Gansbaai.
- New Urban Development No new development areas are proposed for Gansbaai. In order to accommodate the housing need for Gansbaai, densification should be encouraged in accordance with the OGMS.

PROPOSED DEVELOPMENT COMPLIANCE

- The development as proposed complies with the general goals and objectives set for the Overstrand Municipal area, seeing that although Erf 98 is not on the R43 axis, it is located in the central portion of Gansbaai and will contribute towards addressing the social needs and expectation of all sections of the community



9.2 OVERSTRAND SECTORAL DENSIFICATION STRATEGY

A densification study was completed by Urban Dynamics, for the Overstrand Municipality in 2010. The objective of this study is to:

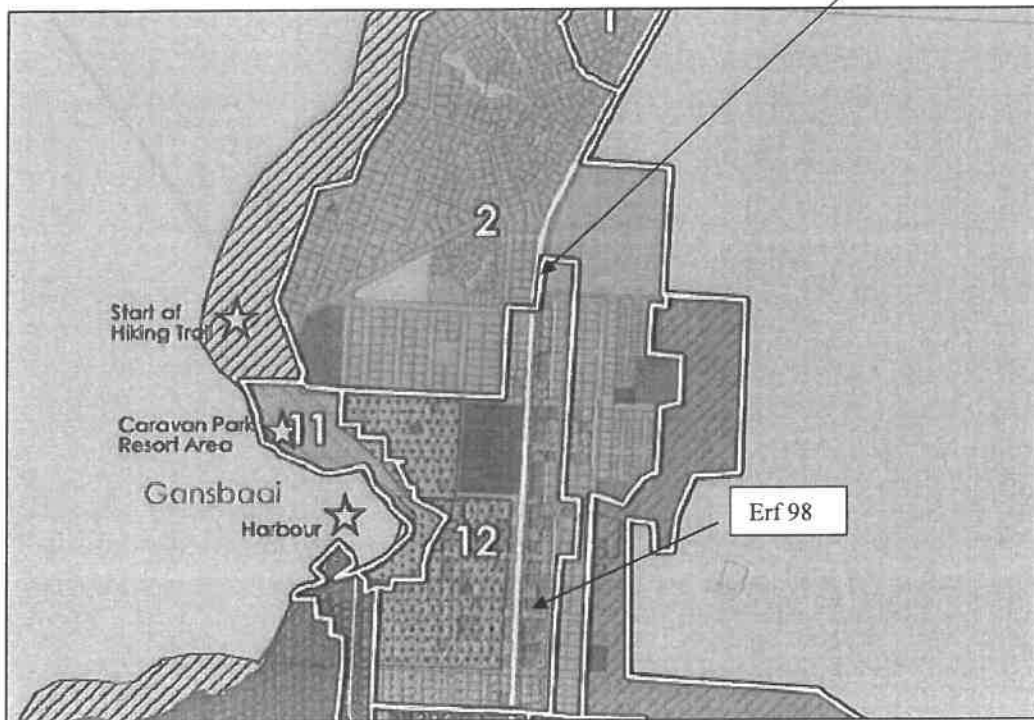
- Promote a more compact, denser, efficient and environmentally sustainable;
- Protect sensitive environments and resources within and outside the urban edge; and
- Rationalise bulk infrastructure and service capacity to ensure that the bulk capacity is provided in the urban areas where growth and development is considered desirable

Critical Contextual Informant being used in the study, includes:

- Historical Development Pattern and Heritage Resources of the towns and settlements within the Overstrand Municipal Area,
- Current Land Use and Distribution Patterns (zoning, densities, land ownership, land values, erf sizes)
- Natural elements and setting
- Population growth and Housing demand
- Bulk Service Capacities
- Traffic capacities and circulation

The Growth Management Strategy indicates Erf 98 for business purposes, inside block 12. Please refer to the extract of the growth plan below.





Extract
from the
Growth
Manageme
nt Strategy:

Plan H: Proposal, indicating the location of Erf 98

9.3 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) 2014

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

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- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (iii) Strengthening resilience and sustainable development.

Key policies that are supported by this application:

Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth

5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) should be targeted to levers the regeneration and revitalisation of urban economies.

1. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development.

Policy S3: Ensure Compact, Balanced & Strategically Aligned Activities & Land Uses

This policy reflects the main aim of the policy through targeting economic assists (e.g. Modal Interchanges underutilised strategically located land parcels) should be used as a lever to regenerate and revitalise urban settlements.

Promoting functional integration and mixed land use to increase liability of urban areas. Thus the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration.

9.4 SECTION 42 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) AND CHAPTER 6 OF THE LAND USE PLANNING ACT (LUPA)



The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) are applicable. One of the main objectives of these acts is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

Section 42 of SPLUMA and Chapter 6 of LUPA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- national and provincial government policies
- the municipal spatial development framework; and take into account—
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

SPLUMA and LUPA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial justice
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration

Compliance with SPLUMA & LUPA Principles:

As discussed in paragraphs 9.1 and 9.2 of this report, this development proposal is consistent with the approved statutory spatial policy framework for the area, as well as the Provincial Spatial Development



Framework. The table below indicates how the proposed development will be consistent with the SPLUMA principles.

SPLUMA & LUPA Principle	Compliance
Spatial Justice	The Islamic Centre is proposed in a central area that will provide the community with a place of worship where they can enjoy their constitutional right to practise their religion together.
Spatial Sustainability	The proposal is in line with existing overhead planning documents and is making use of existing infrastructure.
Spatial Efficiency	The proposed uses make use of existing resources. The development add value to the town of Gansbaai, providing in a place of worship.
Spatial Resilience	The proposed use will enable more citizens to worship in a convenient location.
Good Administration	This principle has no direct bearing on the application; however, the Overstrand Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.



10. ACCESS & PARKING

Access to the property is proposed from Barnard Streets and is existing.

According to the Integrated Zoning Scheme Regulations applicable to the Overstrand, parking needs to be supplied at follow:

Use	Regulation	Proposed area of development	Parking Required
Place of Worship	1 parking bays for every 6 people	The masjid can accommodate a maximum of 100 people	16,7
Dwelling	2 parking bays per dwelling	1 dwelling house	2
Total			19

¹GLA – Gross Leasable Area

The site plan makes provision for seventeen (18) on-site parking spaces and one garage.

11. SERVICES

All services are existing, and it is not expected that any upgrades will be required.

Water: Supplied by the Overstrand Municipality

Electricity: Supplied by the Overstrand Municipality

Sewerage: Overstrand Municipality

Rubbish Removal: Overstrand Municipality. Most of the rubbish generated by the mosque, can be recycled.

12. DESIRABILITY

Physical Characteristics of the Property

- The erf is already developed and no natural vegetation will be removed.



- The erf is flat.
- Being a corner property, the site is very accessible.
- The size of the erf makes it suitable for the proposed use, since the provision of enough parking spaces is possible.

Overhead Planning

The project generally complies with the overhead planning for the area:

- The erf is inside the Urban Edge as indicated on the approved Overstrand Spatial Development Framework.
- It complies with general goals and objectives set in local planning documents, seeing that it is centrally located in Gansbaai.
- The proposal is in line with the Provincial Spatial Development Framework and the Provincial Tourism Framework.

Character of the Area

- The area is of a mixed use and different building styles. The proposed Islamic Centre will not have a significant impact on the character of the area.

Potential of the Site

- The property is very accessible and is large enough for what is required.
- The property is central to the Gansbaai business area.

13. CONCLUSION

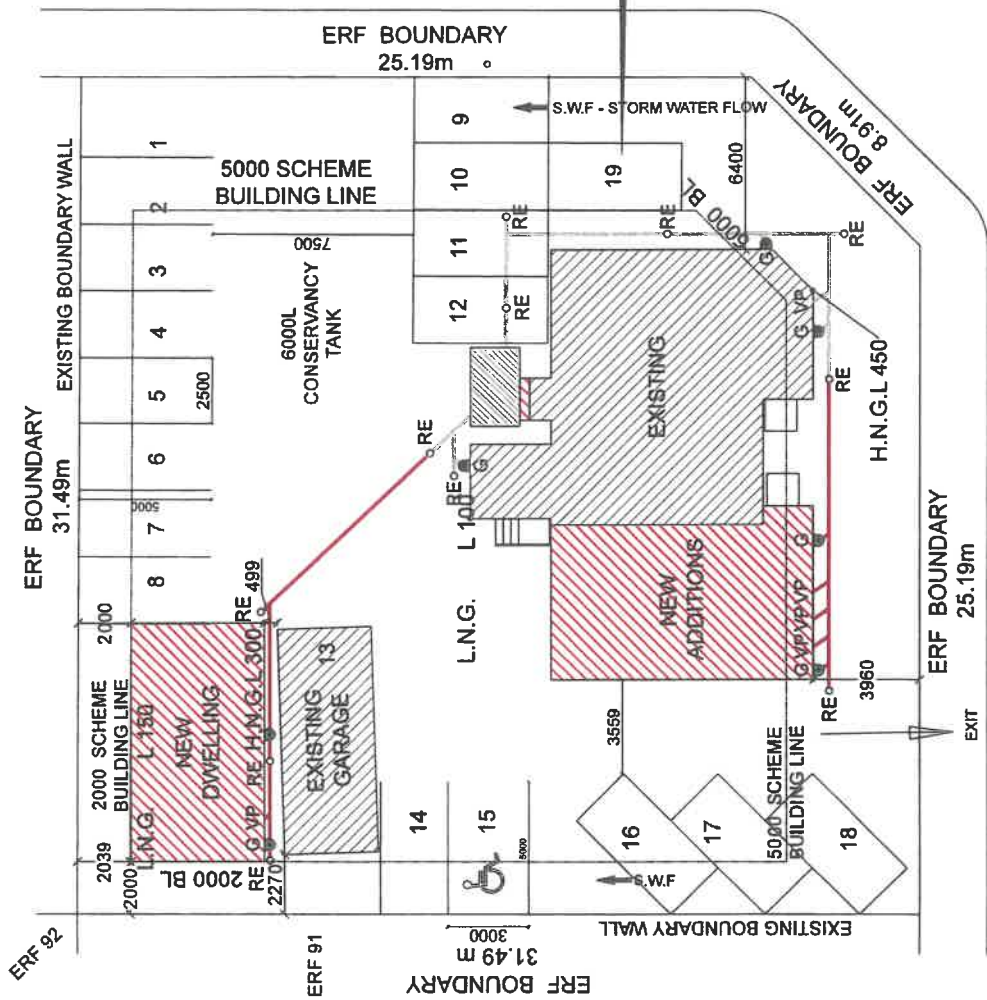
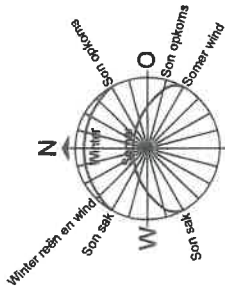
The proposed rezoning will not detract from already existing uses in the surrounding neighbourhood, since the erf is located in an area with a mixed use. The proposed use is in line with general principles set by forward planning documents, providing in much needed community facilities.



PARKING BAYS
1 BAY PER 6 PEOPLE ACC.
TO SCHEME REGULATION

PROPOSED NEW DWELLING AND ADDITIONS FOR
TALEEMUL ISLAM MASJID MADRESSA & SCHOOL
ON ERF NO 98 AT GANSBAAI

CONVERSION OF EXISTING DWELLING TO
TALEEMUL ISLAM MASJID MADRESSA & SCHOOL



SITE PLAN
SCALE 1:200

13 MARK ST

MASJID & SCHOOL	
ERF DEKING	971 m ² 19.56%
NEW DWELLING	
ERF DEKING	971 m ² 4.64%
TOTAL	
ERF DEKING	971 m ² 24.20%
AREA'S	
Existing Masjid :	101.22
Existing Garage :	29.75 m ²
New Additions :	58.92 m ²
New Dwelling :	45.00 m ²
Totaal Footprint	234.89 m ² 234.89 m ²

BRICKWORK
190 Block walls. Interior and Exterior plastered and painted according to owners choice.
ROOF CONSTRUCTION

TRUSSES :
IBR - ULTRA - COLORBOND sheets on 76 x 50mm purlines @ 900mm s/s on 114x38 trusses @ 900 h/a acc. to specialist on 114 x 38 mm wall plate provided with 32 x 1.6 mm galvanized builder's hoop at each beam
BEAMS :
See plan for details

CEILING
25 mm ISO-Pine on 38x38 SAD @ 450mm c-c

WINDOWS AND DOOR
Bronze Aluminium
SEWERAGE

According to municipal requirements and regulations

GUTTERS
PVC gutters and divert pipes. Gutters on 225 x 12mm fascia board

ELECTRICAL WORK
All electrical works by specialist. Compliance certificate must be provided.

Scales Used :
1:10, 1:20, 1:50, 1:100, 1:200
REG No D2730

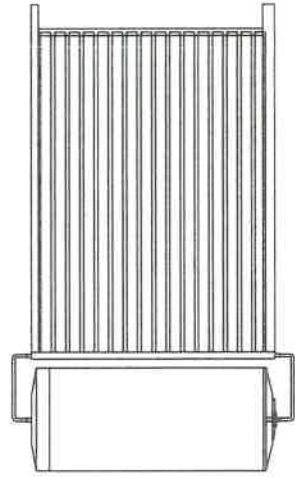
GENERAL NOTE

All measurements and elevations must be checked on site before work may begin. Measurements on plan take precedence before measurements scaled from plan. Floor level in all cases min. 300mm above ground level. Moisture proofing layer must be placed under all openings in exterior walls, builders hoop 300mm on both sides of wall entrenched. All roof timbers built into wall must be covered with dpc at section where it makes contact with the wall.

ALL CONSTRUCTION WORK STRICTLY ACCORDING TO NATIONAL, PROVINCIAL AND LOCAL BUILDING REGULATIONS.

AMENDMENTS MADE BY TOWN & COUNTRY FOR TOWN PLANNING APPLICATION PURPOSES

DATUM :18 JUNE 2024
TEK NO : JJ 41 / 23



Kwiksol Direct System 100lit - Frost & Frost Free - w/ 12 Tubes (SOL-100-EF)

150L Kwiksol Solar Water Heater Direct System which must be a min of 70% effective. Complies with SANS 1307 and 10106 Installation done according to SANS 10254. (The Kwiksol Solar Water Heater Direct System complies with SANS 1307, is SABS 400RPa approved and can be used as a close coupled system or split system.)

Alida Conradie

From: Ronell Morricks <
Sent: Monday, 15 April 2024 09:27
To: Alida Conradie
Subject: ERF 98, 13 MARK STREET, GANSBAAI - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Dear Alida

We do not have a problem with the proposed changes to Erf 98.

Kind regards – Ronell, Graham and Anell – Erf 106

Ronell Morricks
HR Practitioner: Employee Enablement
MEDICLINIC SOUTHERN AFRICA

Mediclinic Corporate Office
25 Du Toit Street
Stellenbosch, 7600
PO Box 456
Stellenbosch. 7599

www.mediclinic.co.za

MEDICLINIC 
EXPERTISE YOU CAN TRUST.



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22 April 2024

Dear Alida

44

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
24 APR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO.	GB 98 2/16
	Gansbaai
SCAN NO.	GB 98
COLLABORATOR NO.	2036189

TP.N/Heart
(S.ud mone)

Objection to the establishment of an Islamic centre in the middle of Gansbaai

I wish to object to the rezoning of the land and the building of an Islamic centre.

Continued contravention of by-laws

In the first place it is of concern that local by-laws have been contravened since March 2022 to start the Islamic centre in the middle of Gansbaai. This contravention hasn't stopped. In fact, the owners (or previous owners) continued with the services well-knowing that this is against municipal by-laws. They now argue that a need has been created. Does that mean it is in order to contravene a law and later argue that a need has now been created for the service in a place where it was against the law in the first place?

Why in the middle of a fisherman's village?

While Gansbaai is open to welcome everyone, it isn't clear why a mosque should be erected in the middle of the fisherman's village where there was no need for an Islamic centre or school before.

Is there no other appropriate site available where this created need be attended to? Or was the location chosen and used deliberately to make it easier to just formalise the use of the property as an Islamic centre?

Lack of parking

Providing 18 parking bays on the site is most certainly going to be a problem. Even if this is in line with municipal requirements it still means a very large number of vehicles will have to park on the pavements around the facility.

The school may also attract a large number of students with additional requirements for parking and an increased noise factor. I will also exacerbate the traffic problem in a quiet neighbourhood.

Rezoning: noise and traffic

It is a particular concern that the zoning of the property must be changed. This in itself means that provision must be made for a lot more human and vehicle traffic. It will have an influence on the services provided in the area.

Although the applicants say they won't install a loudhailer, the services will increase the noise and traffic in the neighbourhood.

Asking for the formalisation of the current use and a departure from existing building lines, means a need has been created and there has already been growth. This will

TP

24 APR 2024

increase even more as more people attend the activities at the Islamic centre and school.

Changing the character of the neighbourhood

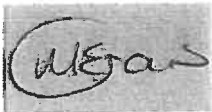
It will most certainly change the character of the neighbourhood. This is an area with many heritage house. People may sell up and leave which will lead to further changes. Isn't there a more appropriate piece of land elsewhere in town that is more appropriate for their needs and will allow them to grow the services they offer?

Concerns about the way in which the centre was started

It is worrying that the centre and services were started without informing the residents and without approval from the municipality. It seems as if this was started in a stealthy way to establish a so-called need for an Islamic centre as they knew this would most likely not be approved in the beginning.

Hopefully, this modus operandi doesn't mean that the applicants tried to push the boundaries to see what can be done without the necessary approval. I hope they will be given a penalty to discourage similar behaviour in future.

Regards

A handwritten signature in black ink, appearing to read 'Ilze Crous', enclosed within a rectangular border.

Ilze Crous

Owner: 40 Buitekant Street

TP - A Theart
(S vld Merwe)

14 MAY 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Alida Conradie

From: Juana Maritz
Sent: Tuesday, 14 May 2024 09:07
To: Marlize Miller; Alida Conradie
Subject: Re: Response from owner erf 632. ERF 98, 13 MARK STREET, GANSBAAI - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Morning..

Please can you confirm receipt of this..
I have not heard a word since I sent this through. It's critically important that I know you got my response.

Thanks

Juana maritz

On Fri, 03 May 2024, 12:49 am Juana Maritz ·
Good day

I hereby acknowledge receipt of the correspondence. I wish to put on record that I have no concern with the intended extentions..and prayer operations, provided the operation is executed silent and non disturbing.

No calling at prayer time should be allowed .. And we re- iterate that NO devise/s of disturbance be approved for any calling that could be an invasion of the peace to the non Islamic community.

We welcome and respect Islamic prayer operations.. However we would also appreciate respect shown to the general community whom has been around for long years.

Cellphone devices would be fine.. However NO loud calling/ singing in the residential area should be allowed.

Parking should strictly be at the confirmed residence and more spesific if you are outlining accommodation or 100 people at a time. One wonders how prayer of 100 people could be silent and non disturbance to the community.

Whatever is approved.. Ensure no disturbance! No loud calling.. We would want a silent place of respect and prayer..

Any intended loud activity I disapprove of whether it is early or late or at any given time.

In the process we are sure that the garden will be groomed as the leaves has been a disturbance to neighbours as gutters and drains are clogged and needs cleaning on a daily basis.

The garden of the is also in an ungroomed state and needs upgrade and attention. Currently the state on the grounds of the property does not blend in well with the houses in the direct surrounds.. And it would be appreciated that it be addressed that it should be well kept.. Inclusive of the trimming of trees.

I thank you

Juana maritz
42 Barnard str

Kindly acknowledge receipt of this correspondence

FILE NO. Erf 98 - GB
SCAN NO. GB 98
COLLABORATOR NO.
2046460

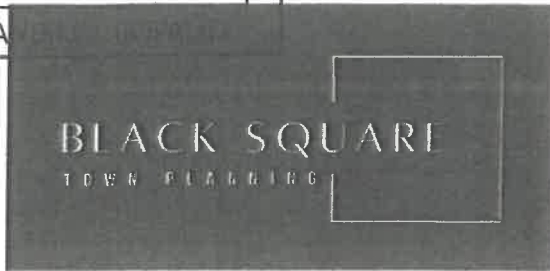
20 MAY 2024

DOCUMENT CONTROL

TP. n. / theak
(S. ud w. now)

APP ID / FILE REF	4570/2024 98 GGB
BSTP REF	2051 R – Erf 98, Gansbaai, 13 Mark Street
DATE	17 May 2024

OVERSTRAND



The Director: Infrastructure and Planning
Overstrand Municipality
Hermanus
7200
Via e-mail: alida@overstrand.gov.za

FILE NO.	ST 98
	Gansbaai
SCAN NO.	
COLLABORATOR NO.	2050148

Attention: A Conradie / SW vd Merwe / S Muller

Dear Sir / Madam,

OBJECTION TO APPLICATION – APPLICATION FOR REZONING, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 98, GANSBAAI, 13 MARK STREET.

1. INTRODUCTION

Kindly note that this objection is lodged by Black Square Town Planning (BSTP) in terms of Section 52 of the By-Law on Municipal Land Use Planning on behalf of the following property owner, as an interested and affected party, to this application: PC Groenewald – Erf 99, Gansbaai, 15 Mark Street.

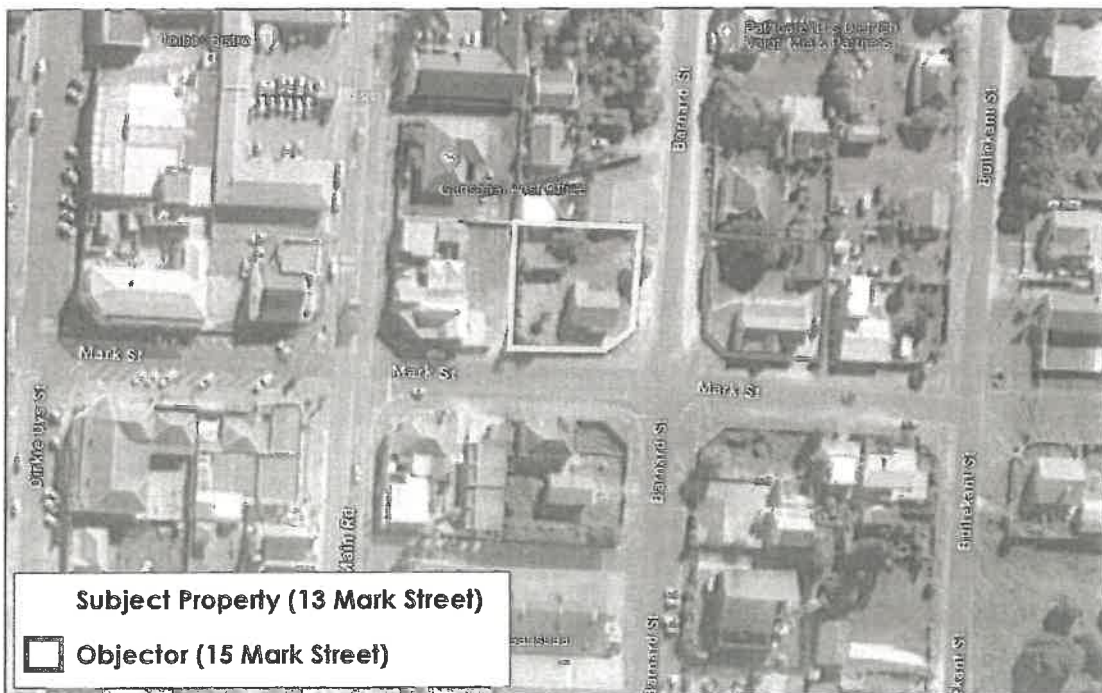


Figure 1: Locality of Objector in relation to subject property.

20 MAY 2024

TP

It is herewith formally recorded that this objection pertains to the proposed redevelopment of Erf 98, Gansbaai, located at 13 Mark Street, hereafter referred to as the subject property, as advertised to interested / affected parties on 12 April 2024. It is further recorded that the closing date for the submission for comments on this application is 17 May 2024.

Kindly direct any communication on this matter via email directly to the following persons at this office:

- J Swart: jacolene@blacksquaretownplanning.co.za
- C Garatsa clotilda@blacksquaretownplanning.co.za

2. INTEREST OF THE OBJECTOR

As noted from Figure 1 above, the objecting property owner is a direct neighbour to the subject property and has a direct interest in this application as their property and legitimate expectations are directly affected by the contents of the said application.

3. OBJECTION TO APPLICATION

Objection is lodged against the following applications:

- Rezoning from Residential Zone 1 (Single Residential) to Community Zone 1 (Community Facilities).
- Departures from building lines to allow for a 3.96m street building line and a 2m building line along the Northern and Western common boundaries.

4. GROUNDS / REASONS FOR OBJECTION

The main reasons / grounds for objection are summarised into the following main points, as will be elaborated on in Sections 5 – 7 below:

- Lack of clarity pertaining to the application and application flaws.
- Incompatible zoning and associated land use rights.
- Non-compliance with applicable policy / legislation.

5. LACK OF CLARITY PERTAINING TO THE APPLICATION AND APPLICATION FLAWS

The cover letter of the motivation report states the following: "*a loudspeaker will not be installed at the mosque. Alternatives such as a radio transmitter system at homes and businesses of worshippers will be considered and also smart phone applications*" (own emphasis added). The effect of the proposed mosque therefore seems to not have been properly thought through as no definite solutions are in place to convince the surrounding residential community of the

potential non-effect of this use. Accordingly, no noise / nuisance mitigation measures are investigated and a mere statement by the applicant in this regard cannot be construed as mitigation.

The site development plan (SDP) submitted also seems to demonstrate clear non-compliance with the Zoning Scheme and lacks crucial information for assessment which will be further elaborated on in Section 7 of this report. In addition, while the SDP makes reference to a school, no mention of a school is made in the applicant's motivation report. This further leaves the community to question the intent behind the application at hand which seems to include a hidden agenda.

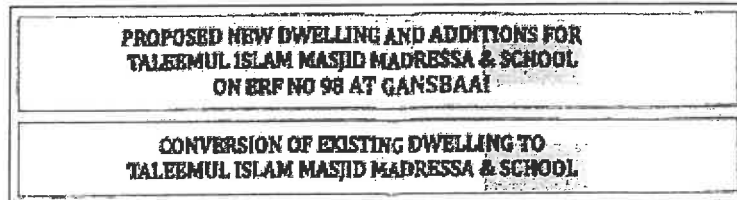


Figure 2: SDP extract.

The SDP also seems to present two parking solutions which is not only confusing to interested / affected parties, but once again seems to indicate that there is no clear plan of action in place for this development. No drawing dates / revision numbers are included on the drawings, hence causing uncertainty to which one of the proposed parking solutions constitute the revised parking proposal as noted on the applicant's cover letter. Regardless, both are analysed below.

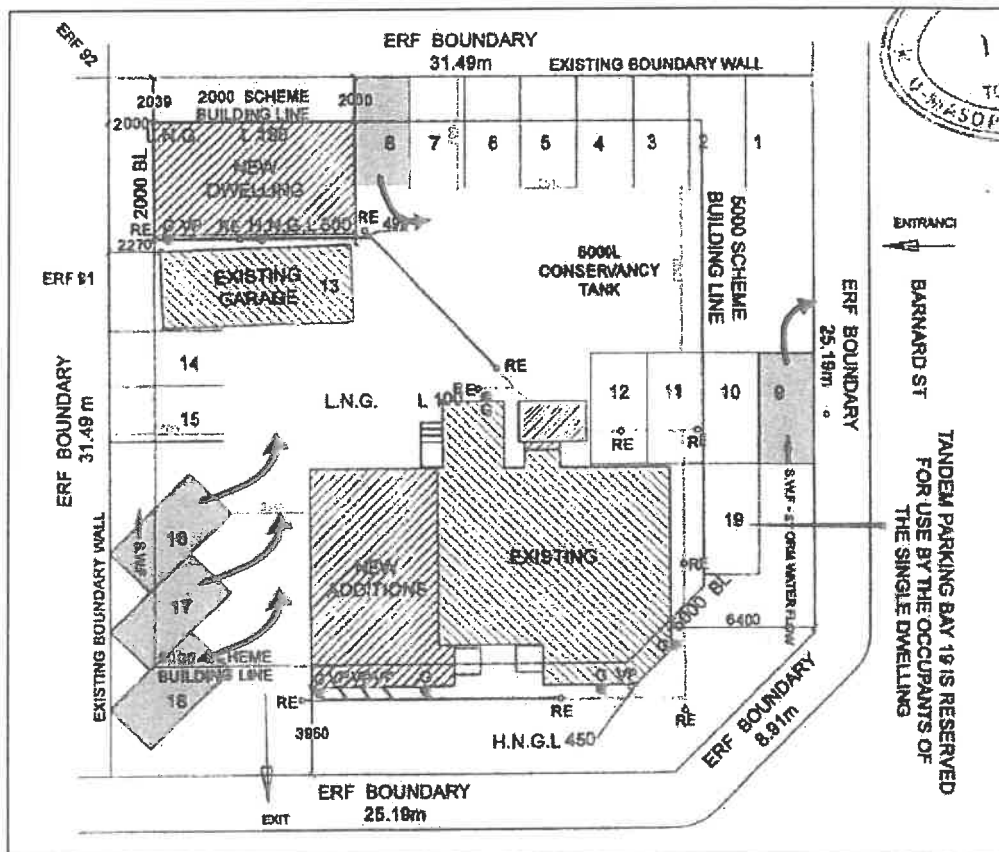


Figure 3: Problematic parking bays in terms of vehicle manoeuvring. One-way vehicle movement on site.

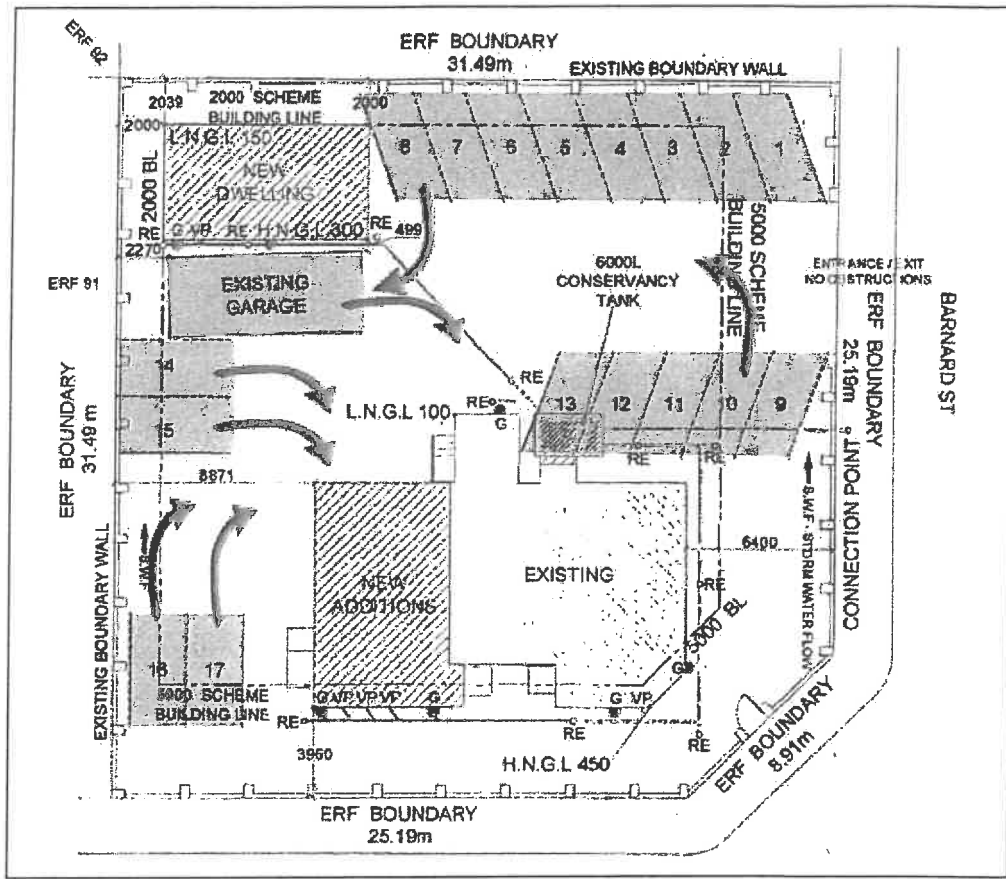


Figure 4: Problematic parking bays in terms of vehicle manoeuvring. Two-way vehicle movement on site.

Moreover, the SDP does not illustrate the workability of the parking proposal and leaves questions on whether the proposed parking solution is practical in terms of vehicle manoeuvring. It is well noted that the current unauthorised use on the property is causing illegal parking and associated congestion in surrounding streets which will be further exasperated by an impractical parking proposal and the associated expansion of the facility. Problematic vehicle turning points are highlighted in Figures 3 and 4. In essence:

- **Figure 3:** Bays 8 and 9 will experience severe difficulty in reversing out of the parking space due to space constraints. These parking bays also need a larger width to accommodate turning (such as included for bay 1). These bays are therefore essentially nullified which would lead to the provision of only 17 working bays on site (in lieu of the required 19) which would constitute as a permanent departure. It is also uncertain whether the 3.5m lateral space would deem sufficient for vehicle manoeuvring in relation to bays 16 – 18.
- **Figure 4:** Bays 14 – 17 would be impossible to reverse from, especially considering the position of the building extension and garage. Noting that this plan indicates a single entry / exit point, vehicles in bays 14 – 17 would have no choice but to reverse out all the way from these bays to Barnard Street. The same is true for the garage parking bay. No dimensions are indicated for bays 1 – 13 which leaves one to question whether these bays

conform to legal parking requirements (in terms of both SANS and the Zoning Scheme); and whether these vehicles would be able to turn around successfully to exit onto Barnard Street in forward gear. Visually, bays 1 – 13 do not conform to the dimensions specified in Section 17.1.5 of the Zoning Scheme. Essentially, this parking layout is not feasible at all. Moreover, only 18 bays are provided (including the garage bay) which constitutes as a permanent departure.

17.1.5 The following minimum requirements shall apply to parking bays:

To the requirements of the Parking Policy, as amended, and the requirements of the Engineering Department:

- a) a parking bay shall measure a minimum of 2.5 m in width and a minimum of 5.0 m in length for perpendicular or angled parking and 6,0 m x 2,5 m for parallel parking:

Figure 5: Zoning Scheme extract.

It is also pointed out that Section 17.1.6 requires any zoning other than single residential zones to provide parking on site for physically disabled persons. No such parking provision is made on site as per the SDP, which provision is mandatory since a rezoning is proposed. At least one disabled parking needs to be included (noting that this will be included in the total 19 bays required as per Section 17.1.9 of the Zoning Scheme). The matter of parking provision, especially, is therefore fundamentally flawed in terms of the requirement of the zoning scheme; and no application was made for this shortcoming.

17.1.6 Other than in the single residential zones, parking that is capable of being used by physically disabled persons must be provided on any land unit to ensure easy and convenient access for physically disabled persons to services and facilities generally open and accessible to the public and to residential uses.

Figure 6: Zoning Scheme extract.

The site is clearly too small in extent to accommodate the proposed development whilst attempting to adhere to parking requirements. The motivation report also has contradicting statements in terms of parking provision which no departure application was made for (refer to Figure 7).

It is also not indicated on the SDP how the proposed 160.14m² (existing 101.22m² mosque + proposed mosque additions of 58.92m²) can accommodate 100 persons, especially since this floor space includes the ablution facilities. This leaves one to question the practicality of the number of persons proposed to be accommodated versus the total floor space provided, while noting that kneeling forms part of prayer sessions which would require no less than 1m² per person.

The motivation report distributed to interested / affected parties by the Municipality also did not include colour images / photos, nor does the notice on the Municipal website contain colour images / photos. Not only is this misleading

to such parties in terms of context, but it removes the ability for lay persons in the community to differentiate between distinctive map areas. In this regard, special reference is made to the mapping contained on pages 4 and 12 of the applicant's motivation report. The notice distributed by the Municipality is therefore deemed defective in terms of Section 49 of the By-Law on Municipal Land Use Planning.

10. ACCESS & PARKING

Access to the property is proposed from Barnard Streets and is existing.

According to the Integrated Zoning Scheme Regulations applicable to the Overstrand, parking needs to be supplied at follow:

Use	Regulation	Proposed area of development	Parking Required
Place of Worship	1 parking bays for every 6 people	The masjid can accommodate a maximum of 100 people	16,7
Dwelling	2 parking bays per dwelling	1 dwelling house	2
Total			19

³GLA – Gross Leasable Area

The site plan makes provision for ~~seventeen~~ **(18)** on-site parking spaces and one garage. Are the total bays provided 18 or 19?

Figure 7: Inaccurate statements in applicant's motivation report.

6. INCOMPATIBLE ZONING AND ASSOCIATED LAND USE RIGHTS

As noted, the subject property is primarily surrounded by the following zonings (refer to Figure 8):

- Residential Zone 1: Single Residential.
- Business Zone 2: General Business Bulk Zone 2.
- Business Zone 3: Local Business.

As per Figure 8, it is worth noting that the majority of the area measured Northwards from the corner of Mark Street and Barnard Street is residential in nature. The proposed rezoning to Community Zone 1 is therefore not only out of character in its immediate area but creates a spot zoning adjacent to residential uses and other business uses. While other community zonings are present in Gansbaai, these are generally situated on much larger properties (approximately double the extent of the subject property, at the least); and where situated on similar-sized properties, the uses pertain to childcare (pre-schools, etc) with a much smaller capacity than proposed. Accordingly, the proposed rezoning is considered incompatible with existing surrounding uses and zonings.

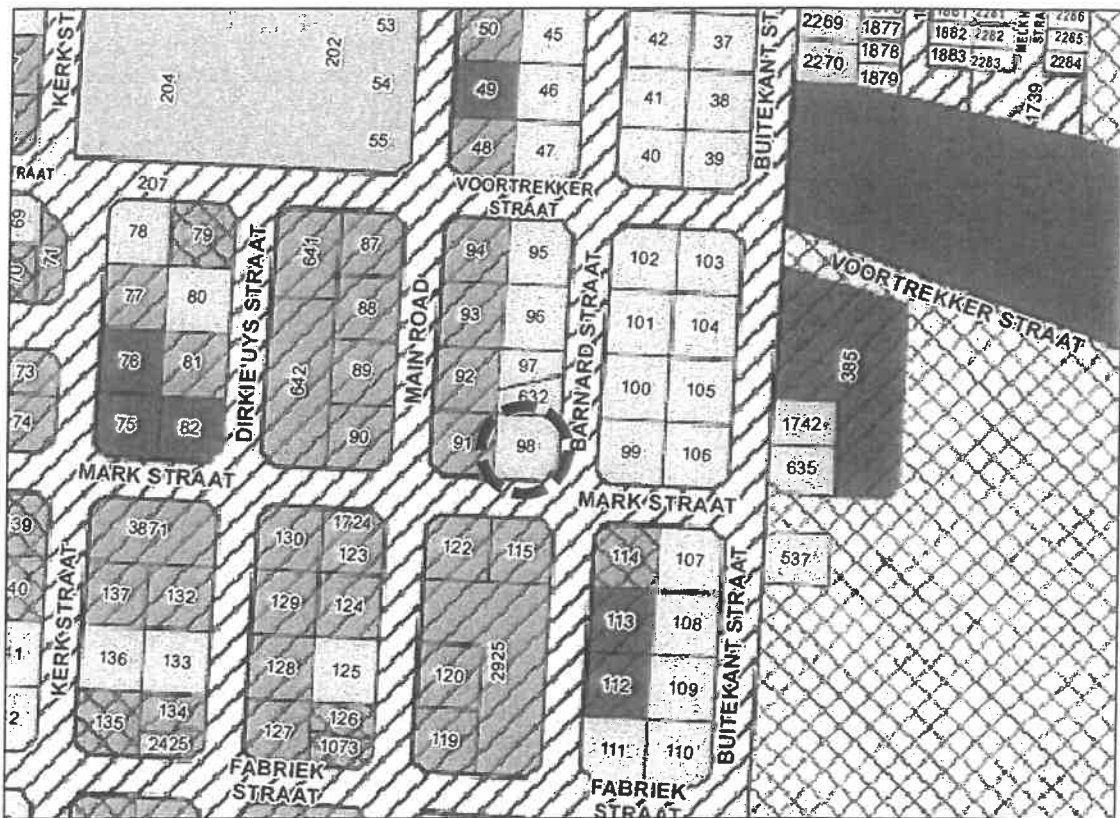


Figure 8: Extract from De Kelders & Gansbaai zoning map. Subject property circled in black.

Moreover, one must also consider the future development rights associated with a rezoning (height, bulk, etc). Noting that the subject property is bordered by residential properties, amongst others, future development possibility on this property should be taken into account and should play a determining role in the decision on this application. A comparison on current development rights and proposed rights are therefore presented below, which clearly illustrate the extension in development rights that would be afforded by a rezoning of this nature (in terms of both use and development parameters). In light hereof, the proposal is considered to be incompatible with surrounding residential uses.

Table 1: Zoning Scheme parameters - SR1 (current) vs CO1 (proposed).

PARAMETER	CURRENT USE (SR1)	PROPOSED USE (CO1)
Primary Uses	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering.	Clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship.
Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship,	Dwelling units, cemetery, conference facility, dwelling house, hospital, institution, recreational facilities, residential building,

	residential building and intensive horticulture. NB: The applicant's report states that a place of worship is not a consent use under SR1 zoning which is erroneous in terms of the Zoning Scheme – refer to Figure 9.	transmission apparatus and urban agriculture.
Floor Factor	N/A	1.2 (this means a potential floor space of 1166m ² taking into account that the property extent is 972m ²)
Coverage	50%	60%
Building Lines	Street: 4m Side / Rear: 2m	5m
Height	8m	10.5m (14m with architectural feature).

5. ZONING

Erf 98 is zoned Single Residential. The use as a place of worship is not a primary or consent use allowed under a Single Residential zoning. Please refer to the zoning plan extract below.

Figure 9: Extract from applicant's motivation report. Read in conjunction with Table 1 as contained in this report.

The existing unauthorised use on the property should also not be considered as sufficient reason to grant the proposed rezoning to CO1 (as per Section 85 of the By-Law), especially considering that the proposal is undesirable as denoted above. Moreover, the unlawful conduct on this property has not been ceased as required by the By-Law.

7. NON-COMPLIANCE WITH APPLICABLE POLICY / LEGISLATION

For the sake of brevity, relevant documents and associated sections of non-compliance are summarised in Table 2 below:

Table 2: Regulatory Documents and Status of Compliance.

APPLICABLE SECTION	PROPOSAL COMPLIANCE
BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020	
66(1): When the Authorised Official or Municipal Planning Tribunal considers	The motivation document merely states that the proposal will not have

<p>an application it must have regard to the following...</p> <p>(c) the desirability of the proposed utilisation of land...</p>	<p>an impact on the surrounding area; however, it is not elaborated on nor are the interests of surrounding residential properties assessed in this regard. As also concluded in Section 5 of this report, the application is not considered desirable and is therefore not compliant with Section 66(1) of the By-Law.</p>
<p>84(2): An owner who permits land to be used in a manner set out in Subsection (1)(c) and who does not cause the use to be ceased or take reasonable steps to ensure that the use ceases, or who breach the provisions of a land use scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.</p>	<p>Notice to cease unlawful use with immediate effect should have been issued by the Municipality. Regardless, the property owner is clearly aware of their contravention, yet still continues to exercise this contravention. This illegal conduct is therefore not only guilty of an offence but is wilfully and knowingly exercised without the intention to cease such operations.</p>
<p>90(3): The applicant must, to the satisfaction of the Municipality, provide the following information such as...</p> <p>(b) the conduct of the person (allegedly) involved in the contravention</p>	<p>The applicant's report states the following: "<i>it is not believed that the current owners were involved in any contraventions</i>".</p> <p>While the phrase "it is not believed" is extremely vague, the owner of the property is clearly involved in its illegal use as the unauthorised use is still exercised, despite the owners being aware of its illegality.</p>
<p>LAND USE SCHEME, 2020</p>	
<p>9.1.2: The following development parameters apply in this zone, provided that the development parameters for a dwelling house are determined by the development parameters that apply to the Single Residential Zone (SR1)...</p> <p>(d) Building lines:</p> <p style="padding-left: 40px;">(i) All building lines shall be 5,0 m.</p>	<p>While taking note of the 2m building line being applicable to a dwelling house in this zone (as per SR1 development rules), the SDP wrongly illustrates the 2m building line as part of this proposal which is extremely misleading to residents in the community who are not acquainted with development rules in this regard. The building line in this zoning is 5m and should be indicated as such along all site boundaries.</p>
<p>16.1.1.(d): Upon an application, the Municipality will also take the following principles into account...</p>	<p>The application is not motivated in terms of this section at all. It is therefore pointed out that:</p>

<p>(i) if, in its opinion, the architectural effect of the building line relaxation will enhance the appearance of a street.</p> <p>(ii) if, in its opinion, there are special circumstances, motivated to its satisfaction by the property owner, such as the topography of the site.</p>	<p>(i) no visual effort is included in the SDP or motivated in the report to illustrate a positive effect on the streetscape.</p> <p>(ii) no special circumstances are motivated in the report. The applicant is of the opinion the proposed departure areas are applied for in order to be able to use the remainder of the site for parking purposes, which is proving non-compliant and impractical. Simply put, the proposed use is not appropriate for the extent of the site.</p>
<p>17.1.5: The following minimum requirements shall apply to parking bays:</p> <p>(a) a parking bay shall measure a minimum of 2,5 m in width and a minimum of 5,0 m in length for perpendicular or angled parking...</p>	<p>Refer to Section 5 of this report. The proposal is not compliant in this regard.</p>
<p>17.1.6: Other than in the single residential zones, parking that is capable of being used by physically disabled persons must be provided on any land unit to ensure easy and convenient access for physically disabled persons to services and facilities generally open and accessible to the public and to residential uses.</p>	<p>Refer to Section 5 of this report. The proposal is not compliant in this regard.</p>

In light of the above, it is concluded that the proposal does not illustrate compliance with mentioned regulatory documents and should be refused on this basis, amongst other considerations.

8. CONCLUSION

Considering the contents of this report and the arguments presented, it is respectfully requested that the application for rezoning and permanent departures be refused. In summary:

- The proposal does not seem to be well thought out and does not propose concrete grounds for evidence of its workability.
- The motivation report contains inaccurate statements which is misleading.

- The proposal is not appropriate for the extent of the site; nor is it appropriate in terms of its surrounding context.
- The parking solutions provided are impractical and does not conform to the Zoning Scheme requirements.
- The application does not adhere to various aspects of the By-Law and Zoning Scheme as per Section 7.
- The illegal conduct on the property has not ceased despite the owners of the property being well aware of its illegality. The unauthorised use is therefore wilfully exercised without the intention to cease such operations.

We trust that the concerns as highlighted in this report will be earnestly considered. Should you have any queries, please do not hesitate to contact us.

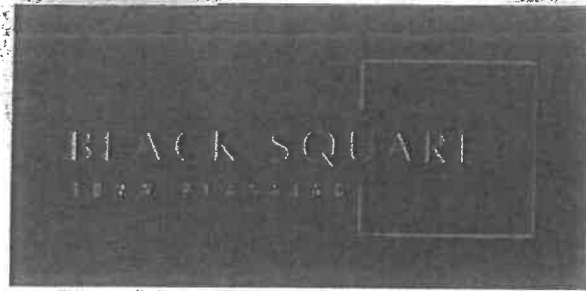
Kind regards,
Jacolene Swart | BSTP



BLACK SQUARE
TOWN PLANNING

JACOLENE SWART
(BArch / BSPHons / MURP)
Managing Director

+27 21 461 3759
+27 82 223 7701
73 Loop Street, Third Floor, Cape Town, 8001
jacolene@blacksquaretownplanning.co.za
blacksquaretownplanning.co.za



POWER OF ATTORNEY

I, the undersigned, Marinda Groenewald, Passport/ID Number: 5204295073087, hereby confirm that:

- I am the registered owner of Erf 99 Gansbaai.
- I am duly authorised to grant the Power of Attorney.

I hereby grant Power of Attorney to Jacolene Swart of Black Square Town Planning to act as my duly authorised representative to review and comment on the submitted Land Use Application (Application ID: 4570/2024, Erf 98 Gansbaai), which is currently being advertised by Overstrand Municipality and to handle all other related matters.

SIGNED ON THIS 13 DAY OF Mei, 2024

Peter Carl Groenewald

NAME IN PRINT

A handwritten signature in black ink, appearing to read "Peter Carl Groenewald", written over a horizontal line.

SIGNATURE

TP: 59 Theart
(S v.d. Merwe)

OVERSTRAND MUNICIPALITEIT ANNEXURE E 1/7
 REKORDBEHEER
 24 JUN 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY



REF: GAN/3101

Overstrand Municipality
 P.O Box 20
 Hermanus
 7200

FILE NO. ERF 98
 Gansbaai
 SCAN NO.
 GB 98
 COLLABORATOR NO.
 2067023

18 June 2024

Sir

RESPONSE ON COMMENTS RECEIVED ON THE PROPOSED REZONING, BUILDING LINE DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 98 GANSBAAI

With reference to the above and comments received during the public participation process. Comments were received from:

1. Ronell Morrnick
2. Ilze Crous
3. Juana Maritz
4. Black Square Town Planning on behalf of PC Groenewald

A summary of the comments and our response as follows:

1. Ronell Morrnick

COMMENT	OUR RESPONSE
'We do not have a problem with the proposed changes to Erf 98.	Noted

2. Ilze Crous

COMMENT	OUR RESPONSE
Continued Contravention of By-Laws – concern that the local by-laws have been contravened since March 2022 to start the Islamic centre in the middle of Gansbaai and is still continuing. Question whether it is in order to contravene a law and later argue that a need has now been created for the service in a place where it was against in the law in the first place. Comment there was no need for an Islamic centre or school in the middle of a fisherman's village.	The owner was made aware of the contravention and has since lodged the application for the determination of the administrative penalty and applied for the appropriate rezoning and building line departures. The need for the Islamic Centre in the middle of town, is to make it accessible to people at work, to conveniently be able to go to the masjid on a Friday.

TP
 24 JUN 2024

<p>Question whether there is no other appropriate site available where this need can be attended to.</p>	<p>We believe that the site is appropriate in terms of surrounding land use and location. Other than the residential uses, there is within 100m of this site in Barnard Street, an OK Foods, a site selling old building material, a municipal erf, bookkeepers and a radio/tv repair shop. This area has a mixed use appearance.</p>
<p>Parking. Comment that there will be vehicles parking on the pavements around the facility. The school may also attract a large number of students with additional requirements for parking and an increased noise factor. It will exacerbate the traffic problem in a quiet neighbourhood.</p>	<p>The parking plan makes provision for enough parking bays, as prescribed by the zoning scheme. With the facility being centrally located, a large number of worshippers will also walk to the masjid.</p> <p>The school referred to is not a traditional academic school. The school is only attended by scholars of the church when there isn't any services and consists of only a small number of people at a time.</p>
<p>Rezoning: noise and traffic Concern that the zoning is changed. It will have an impact on services provided in the neighbourhood. More people as activities grow.</p>	<p>The rezoning is only formalising the existing use, a small extension and allows for building plans to be lodged for an extension and a house.</p>
<p>Changing the character of the neighbourhood Noted that this is an area with many heritage houses.</p>	<p>The existing house remains and the extensions proposed, are similar to what is already there. In essence there will not be an impact in character, except that the site will be visually and aesthetically improved.</p>
<p>Concerns about the way in which the centre was started. Residents weren't informed and no application was lodged at the municipality.</p>	<p>Noted.</p>

3. Juana Maritz (32 Barnard Street – a neighbour sharing a boundary with the property)

COMMENT	OUR RESPONSE
<p>It is stated that: 'I wish to put on record that I have no concern with the intended extensions.. and prayer operations, provided the operation is executed silent and non disturbing'</p>	<p>Noted and in order.</p>
<p>No calling at prayer time should be allowed. And we re-iterate that NO devise(s) of disturbance be approved for any calling that could be an invasion of the peace to the non Islamic Community.</p>	<p>As noted in the application, no loudspeaker devices will be used for the calling of prayer.</p>

'We welcome and respect Islamic prayer operations. However we would also appreciate respect shown to the general community whom has been around for long years'	
Cellphone devices should be fine. However no loud calling calling / singing in the residential area.	
Parking should strictly be at the confirmed residence. The question is asked how the prayer of a 100 people could be silent.	In order.
Comment that she is sure that the garden will be groomed as the leaves has been a disturbance to neighbours as gutters and drains are clogged and need cleaning every day.	The entire erf will be cleared and the parking area formalised once the application is approved.
The state of the grounds of the property is currently untidy. It would be appreciated if this could be addressed.	

4. Black Square on behalf of PC Groenewald, 15 Mark Street

COMMENT	OUR RESPONSE
<p>Lack of clarity</p> <p><u>Proposed Device</u></p> <ul style="list-style-type: none"> - The application states that 'a loudspeaker will not be installed at the mosque. Alternatives such as a radio transmitter system at homes and businesses of worshippers will be considered and also smart phone applications. The effect of the proposed mosque therefore seems to not have been properly thought through as no definite solutions are in place to convince the surrounding residential community of the potential non-effect of this use. - Accordingly, no noise / nuisance mitigation measures are investigated and a mere statement by the applicant in this regard cannot be construed as mitigation. <p><u>Site development plan</u></p> <ul style="list-style-type: none"> - There were two site / parking plans attached to the application, demonstrating 	<p>Mitigation is only required if there is a perceived nuisance. Since loudspeakers will not be used, there is no anticipated noise nuisance. The specific device that will be used to inform worshippers at their homes or work area is irrelevant, as long as there is no noise pollution perceived by surrounding landowners, or members of the public.</p> <p>The use was already unlawfully implemented. The formalisation of the use, will however ensure that the erf will be made aesthetically more pleasing and vehicles will be parked in an organised way.</p> <p>The initial plan was revised, after the municipal town planning division</p>

<p>that there is not a clear plan in place.</p> <ul style="list-style-type: none"> - The consultant then analyse the workability of the parking plans. <ul style="list-style-type: none"> - Ms Swart note that 19 parking bays are required and that the SDP only makes provision for 'only 18 bays are provided (including the garage bay) which constitutes as a permanent departure) - Comment that provision is not made for disabled parking and that that there is therefore a shortcoming in the application. 	<p>pointed out to us that the first one was not workable. It is unfortunate that neighbours were supplied with the plan that was no longer applicable / relevant. Since Ms Jacolene Swart however refer to our cover letter with the revised information, she is very well aware that the initial plan was revised.</p> <p>The distances between parking bays comply with regulations.</p> <ul style="list-style-type: none"> - The relevant SDP makes provision for 18 bays and 1 garage parking space, that equates to 19 parking bays. - It is very clear on the SDP that there is more than enough space to allow for one of the parking bays to be used for purposes of disabled parking bay – especially since provision was made for a disabled ramp as part of the new building extensions. Please refer to the amended plan, indicating the disabled parking bay.
<p>It is noted that the site is too small for what is proposed.</p> <p>It is questioned whether the ±160m² floor area, that includes ablutions and general areas, is sufficient to accommodate a 100 people.</p>	<p>The SDP illustrates that with the small masjid proposed, there is sufficient space on site to comply with parking requirements.</p> <p>The floor plan that was attached, showed the distribution of the anticipated 100 people between the prayer rooms, although there will be most likely be less people at a time.</p> <p>According to mosque guidelines that was consulted the following:</p> <p><i>the average human requires a rectangular area to pray. The dimensions needed are 120 cm or 1.2 m in length and 50 cm or 0.5 m in width. If we multiply the two numbers together we get the total area a person needs to pray i.e. 1.2 x 0.5 = 0.6 square meters.</i></p>

	The proposal therefore allows for enough space.
The municipal notice did not include colour images / photos, which makes it difficult for the lay persons to read.	Notices indicate that more information can be obtained from the municipality. In most instances municipalities does not include motivation reports and is it the public's responsibility to obtain the complete document from the local authority.
<p>Incompatible zoning and associated Land Use Rights</p> <p>It is noted that the majority of the area measured Northwards from the corner of Mark Street and Barnard Street is residential in nature. The proposed rezoning to Community Zone 1 is therefore not only out of character in its immediate area but creates a spot zoning adjacent to residential uses and other business uses. While other community uses are present in Gansbaai there are generally situated on much larger properties (approximately double the extent of the subject property, at the least); and where situated on similar-sized properties, the uses pertain to childcare (pre-schools, etc), with much smaller capacity than proposed.</p>	<p>Ms Swart does not indicate where she believes would then be a suitable area for Community Zone 1 erven. A place of worship is often situated inside residential areas, or commercial areas where it is easy to access. In this specific instance, it will mostly be used on a Friday during business hours. The placement of the place of worship in a central area in town, is therefore ideal, since worshippers can leave their place of work to attend the Friday prayer.</p> <p>It is astounding that the objector would find a supermarket and or restaurant also in close vicinity, to be more acceptable than a place of worship, that is used much less than a business zoned property.</p>
One must consider the future development rights associated with a rezoning (height, bulk, etc) Ms Swart then does a comparison of the rights associated between the community zone and Single Residential.	With the site being relatively small, there is no room for further expansion, due to parking requirements. Future development rights are therefore irrelevant.
<p><u>Non-Compliance with applicable policy</u></p> <p>Ms Swart notes that the application is not sufficiently motivated in terms of desirability, since the document 'merely states that the proposal will not have an impact on the surrounding area'</p>	<p>The motivation report evaluated desirability in terms of all the different facets indicated in the By-Law, that includes among other:</p> <ul style="list-style-type: none"> - Overhead planning policy - SPLUMA development principles - Availability of services

<p>Reference to Section 84(2) with reference to unlawful use.</p> <p>Section 90(3) refers to the conduct of the person involved in the contravention. It is noted that the person is clearly involved in illegal use, due to the illegal activity on Erf 98.</p>	<ul style="list-style-type: none"> - Surrounding land use - Physical Characteristic - Character of the area <p>The desirability of the proposal was therefore motivated on more principles than just the impact on the direct neighbour.</p> <ul style="list-style-type: none"> - An application is specifically made for the determination of an administrative penalty due to the illegal use of the property. <p>The owner lodged an application for the determination of an administrative penalty and is also attempting to rectify the illegal use.</p> <p>Mr Anik, who is the applicant, is also business owner of a number of business premises in Gansbaai. He provides job opportunities to the local community and establishing the masjid is not for personal gain, but to provide a place of worship to the Islamic community of Gansbaai.</p>
<p><u>Land Use Scheme, 2020</u></p> <p>Section 9.1.2 Comment with regards to how the objector would prefer the building lines to be indicated on the site development plan.</p>	<p>Noted</p>
<p>16.1.1 (d) Upon an application, the Municipality will also take the following principles into account..</p> <p>i) if in its opinion, the architectural effect of the building line relation will enhance the appearance of a street.</p> <p>ii) if, in its opinion there is special circumstances, motivated to its satisfaction....</p> <p>Ms Swart state that no fisual effort was included and also that no special special circumstances are motivated.</p>	<p>The application included architectural drawings, that indicated that extensions will merely extend what is already there.</p> <p>The motivation, taken from the document that was lodged, as follow:</p> <p><u>The departures are required due to the original house being erected 3,96m from the street boundary.</u> Placing the addition on the same building line is practical and allows for sufficient space remaining for parking purposes.</p>

	<p><i><u>The departures required on the side buildings lines, are for a dwelling. The impact of it would therefore be the same as the adjoining residential property towards the north.</u></i></p> <p><i>The departures will not have a negative visual impact on surrounding landowners, or impact on any sight lines from the street.</i></p>
17.1.5 The parking bays does not comply with the parking bay minimum requirements of 2,5m x 5m.	The parking bays are compliant.
17.1.6 Comment that a physically disabled parking bay was not indicated on the SDP.	The disabled parking bay was not indicated on the amended parking bay, but sufficient space is available. Please refer to the amended SDP, indicating the disabled parking bay.

Ms Swart is only objecting with regards to compliance to the various legislation and in all instances this proposal is, or can be compliant.

In Conclusion

Four letters were received during the public participation process, of which two supported the proposal in principle. It is believed that the proposal is compliant with the zoning scheme parameters in terms of parking requirements. The surrounding area is of a mixed use and the proposed masjid should not have a detrimental impact on the surrounding properties. From the two letters objecting, it does not appear if there is any current objection, that will not be addressed / improved by the formalisation of the site.

We hope you find the above in order.

Yours Faithfully



Louna Truter

For Town & Country



TP. N. Theale
(S.ud n. Nene)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 APR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

OPENSERVE (PTY)LTD – Western Cape
Jan Smuts Drive, Pinelands

Contact Person: Lori Hartman
Tel: 081 4071645
Email: lorettah@openseve.co.za

Our Ref: WWIP_WGNB1573_24

Your Ref: 98GGB

FILE NO. <u>AT 98</u>
<u>Gansbaai</u>
SCAN NO.
COLLABORATOR NO.
<u>2036745</u>

24 April 2024

Attention: **Marlize Miller**

Overstrand Municipality
Planning

Dear Sir/Madam

OPTIC FIBRE SERVICES AFFECTED

APPLICATION FOR WAYLEAVE: *The application is for the following: Rezoning departure; and determination of an administrative penalty. Erf 98, 13 Mark Street, Gansbaai*

With reference to your application received 16 April 2024.

As important OPTIC FIBRE cables are affected, please contact our representatives Melt Van As at telephone number 0813637873/ MeltVA@Openseve.co.za at least 48 hours' prior of commencement on construction work.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

The approval wayleave letter also serves as the permit.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

25 APR 2024

As per sketch attached, Open Serve infrastructure **will be affected**, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

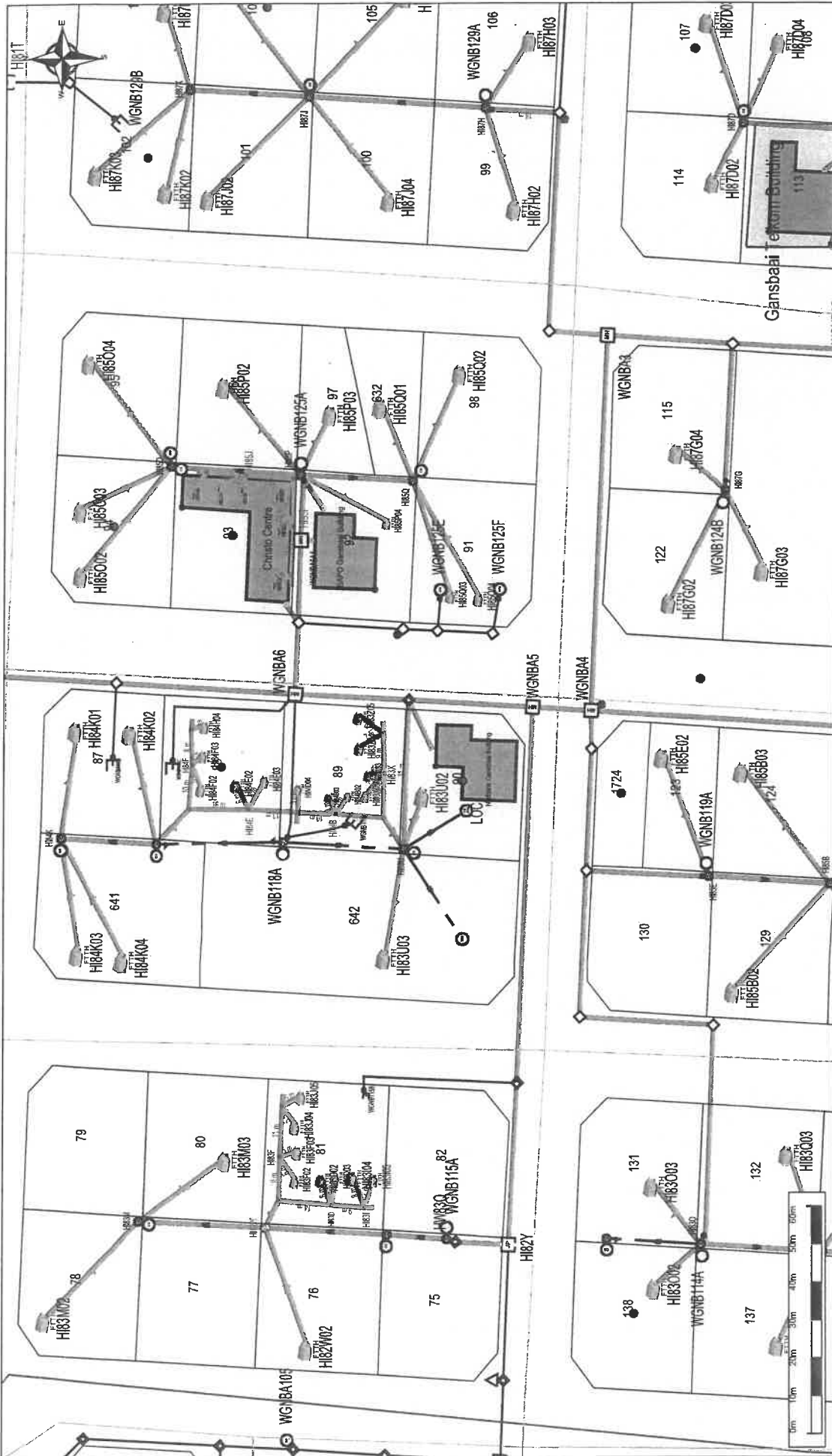
Yours sincerely

Lori Hartman

obo

Operations Manager

Wayleave Management: Western Region



Legend

	Existing Manhole		Existing DLC		Existing Indoor DP		Existing Pole		Planned Overhead Route		Conduit Terminus (Virtual Element)
	Planned Manhole		Planned DLC		Planned Indoor DP		Planned Pole		To Be Recovered Overhead Route		
	To Be Recovered Manhole		To Be Recovered DLC		To Be Recovered DP		To Be Recovered Pole		Existing Underground Route		
	Existing Jointing Pit		Existing Pillar Joint		Existing DP		Strut		Planned Underground Route		
	Planned Jointing Pit		Planned Pillar Joint		Planned DP		Stay		To Be Recovered Underground Route		
	To Be Recovered Jointing Pit		To Be Recovered Pillar Joint		To Be Recovered DP		Access Point (Virtual Element)		Existing Overhead Route		

Scale: 1:1434
Date: 24/04/2024
Created By: hartmal

PLANT AFFECTED : OPTIC FIBRE CABLES AFFECTED

This wayleave, Reference Number WGNB1573_24 valid for 06 months from date here of and is subject to the following conditions:

- 1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve plant (I.E. any Telecommunication equipment above or below ground level).**
- 2. The position of our plant affected by the proposal is indicated as approximate and Melt Van As /0813637873/ MeltVA@openserve.co.za upon which the actual location of Openserve Plant will be indicated on site.**
- 3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.**
- 4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.**
- 5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's full responsibility.**
- 6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.**

Date: 24 April 2024

By: Lori Hartman
For Regional General Manager

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	
Optic Fibre indicated in PINK on the plan	

The pipeline indicated (in Pink) contains OPTIC FIBRE cables.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 98, GANSBAAI**

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 and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer'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 developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 98, Gansbaai, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

OVERBERG DISTRIKSMUNISIPALITEIT DISTRICT MUNICIPALITY UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/3/12/8/3

Navrae/Enquiries: C Adams (Sauer)

Bylyn/Ext.: 028 3131243

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157
Faks/Fax: (028) 4251014

HERMANUS OFFICE
TEL: 028 3131243
EMAIL: cadams@odm.org.za

Town Planning Department
Overstrand Municipality
PO Box 20
HERMANUS
7200

23 May 2024

APPLICATION: ERF 98, 13 MARK STREET, GANSBAAI

WATER

Water used on premises if other than Municipal water should be comply with SABS Standards, (SANS 241) Standard for drinking water.

WASTE

Written agreement with the Local Municipality/Authority to arrange for the removal of refuse on a regular basis. Waste/storage/disposal and collection should comply with the Integrated waste management By-law and other legislation.

SEWERAGE

Applicant to arrange with the Local Municipality of that specific area in writing if tanker services will be required. Toilet facilities on site should be sufficient for the number of people which the premises intend to accommodate.

EDUCATIONAL INSTITUTION

Applicant to apply for a Health Certificate to operate as an Educational Institution.

- *According to section 2 (10) of notice 1229 of 2015, National Environmental Health Norms and Standards for premises and acceptable monitoring standards for Environmental Health Practitioners, the premises must operate under a valid Health Certificate issued by an EHP, to the effect that the premises comply with the Norms and Standards.*
- *In terms of The Overberg District Municipality, Municipal Health Services By Law 8126 of 15 July 2019, with reference to Annexure A:6 premises must comply with Standards for Schools: place of education/educational institution/after care facility/child care facility.*

CERTIFICATE OF ACCEPTABILITY

Applicant to apply for a Regulation 638 Certificate of Acceptability from ODM (Municipal Health Services), if any food preparation will take place on site.

- *In terms of the Regulation 638, 3 (1), subject to sub regulation (11) and regulation 14 (4&5), a person may not handle or permit food to be handled (sold) on a premises in respect of which a valid Certificate of Acceptability has been issued or is not in force.*

**Alle korrespondensie moet aan die Munisipale Bestuurder gerig word
All correspondence must be addressed to the Municipal Manager**

Application forms is obtainable from ODM Gansbaai Office from Environmental Health Practitioner
Ms Fundiswa Qumba. Email: fqumba@odm.org.za

Cooperation in this regard will be appreciated.

Yours faithfully,



MUNICIPAL MANAGER
CA/nc

OVERBERG DISTRICT MUNICIPALITY
26 LONG STR. PRIVATE BAG X22
BREDASDORP 7230



23 MAY 2024

OVERSTRAND SUB - DISTRICT
TEL: 026 425 1157
info@odm.org.za • www.odm.za

OFFICE OF THE DIRECTOR: INFRASTRUCTURE & PLANNING
TOWN PLANNING

ENQUIRIES | NAVRAE: N Gerber
FILE REFERENCE | LEÉRVERWYSING: 98 GGB
DATE | DATUM: 30 June 2022



Attention: Ta'leemul Islam Masjid Madrasah and School
P O Box 38330
GATESVILLE
7766

DELIVERY BY HAND

Dear Madam / Sir


NOTICE OF NON-COMPLIANCE



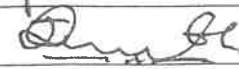
UNAUTHORISED LAND USE: ERF 98 GANSBAAI, 13 MARK STREET, GANSBAAI

1. The Municipality has reason to suspect that you are **transgressing Section 84(1)(a) and (c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 (By-Law)** as follows:
 - ❖ Contravenes and fails to comply with Sections 16(1), 16(5) and 84(2).
 - ❖ Utilises land in a manner other than prescribed by a land use scheme.
2. In terms of transgressions of Section 84(1), as stipulated in the By-Law, you are guilty of an offence and **liable upon conviction to a fine or imprisonment** not exceeding a period of 20 years or to both a fine and such imprisonment.
3. The subject property is zoned **Residential Zone 1: Single Residential (SR1)**. A place of religion (mosque / masjid) or a place of instruction (school) are not permitted in terms of the primary use rights of the property and therefore in contravention of the permitted land uses and development parameters in terms of the **Overstrand Municipality Land Use Scheme 2020 (Scheme)**.
4. You are hereby requested in terms of Section 85 of the By-Law, to cease the unlawful land uses and rectify the contravention **within thirty days of this notice**.
5. **Within thirty days of this notice**, you may cause to **submit the required land use planning application** to the Town and Spatial Planning Department to obtain the necessary land use rights.

6. Please note that the submission of an application does not automatically warrant an approval of the land use. You may contact the area planner, Mr Schalk van der Merwe (svdmerwe@overstrand.gov.za; 028 313 8900) to discuss the application requirements and desirability of such an application. Any feedback and updates on the non-compliance matter should kindly be directed to myself, Ms Naudica Gerber (ngerber@overstrand.gov.za) for record purposes.
7. Please note that failure to comply with the above requests will result in further action, legal or otherwise, being taken against you in terms of Section 88 of the By-Law.
8. In terms of **Section 88 of the By-Law**, if a person fails to comply with a compliance notice the Municipality may— (a) lay a **criminal charge** against the person; (b) apply to a Court of competent jurisdiction for an order restraining that person from continuing the illegal activity, and/or to demolish, remove or alter any building, structure or work illegally erected or constructed and/or to rehabilitate the land concerned without the payment of compensation or to rehabilitate the land concerned; or, (c) in the case of a temporary departure or consent use, the Municipality may withdraw the approval granted and take any of the other steps contemplated in Section 85.
9. Please ensure compliance with the National Building Regulations and Standards, the approved building plans, as well as the conditions contained in the title deed of your property (if any).
10. The matter will be monitored to ensure that the required steps as requested have been taken.

Yours faithfully

PP 
 S MÜLLER
 DIRECTOR: INFRASTRUCTURE & PLANNING

SIGNED: (Delegated Official)			ADDRESS: (Where served)	13 Mark Str Gansbaai 7220
SERVED:	DATE:	05 July 2022		
	TIME:	15:12		
SERVER:	NAME:	W. Fourie	SIGN:	
RECIPIENT:	NAME:	Idrus Wasil:	SIGN:	
RECIPIENT:	EMAIL:	idruswasil@gmail.com 0717752038		

4.2

ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF TELKOM SA LTD

6679 HVK (4724/2024)

P Roux

13 June 2025

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 has been received on 25 July 2024 from Messrs Warren Petterson Planning on behalf of Telkom SA Ltd on Erf 6679, Voëlklip Hermanus for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a telecommunication apparatus (TA) of 25m in height on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law in order to:
 - relax the northern building line from 3m to 0m and the eastern building line from 3m to 0m, to accommodate a telecommunication apparatus on the property; and
 - relax the permissible height restriction from 8.5m to 25m to accommodate the telecommunication apparatus on the property.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 900m² in extent and is developed with existing infrastructure which is used by Telkom. The property is zoned Business Zone 3: Local Business.

Telkom seeks to develop the property with a telecommunication apparatus and therefore application is made.

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

- ❖ The property is located in Hermanus (Voëlklip) at 22 Fourth Street. The surrounding uses include a residential area, a public open space and directly south a commercial land unit.
- ❖ It is proposed to develop a 25m lattice mast (transmission apparatus), 3 x 4 - sector antennas attached to the mast, microwave dishes attached to the mast and custom base station.

- ❖ The main purpose of the proposed transmission apparatus is to provide better coverage for the residential area, especially during busy seasons. Further, the tower will have a battery backup and will therefore allow for coverage even if the power is off.
- ❖ Co-location will also be possible. There is limited transmission apparatus in the area, one tower is situated at the end of Voëlkop while the latest approved tower is situated more than a kilometre away.
- ❖ The mast will be developed as a lattice mast as it is underpinned by the findings of the Visual Impact Assessment (VIA) which found it to be less intrusive visually. The VIA concluded that a lattice mast will have a moderate to low impact.
- ❖ Health concerns are addressed by the applicant and states that the EMF exposure complies with the limits as contained in the guidelines in terms of the ICNIRP.
- ❖ There are no restrictive title deed conditions

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	18 October 2024	22 November 2024
Email notices / registered notices and notice board on-site	Yes	18 October 2024	22 November 2024
Internal Departments	Yes	18 October 2024	22 November 2024
Ward councillor	Yes	18 October 2024	22 November 2024
Total comments	FOURTEEN (14)		
Total letters of support	ONE (1)		
Was public participation undertaken in accordance with Section 46 - 50 of the By-law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes
In case of application for removal, amendment, or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies.			N/A

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Fire Department	21/10/2024	No objection, subject to compliance with the provisions of SANS 10400 A:2016, 10400 T:2024 and the By-Law relating to fire safety.
Building Control	25/10/2024	Building plan application must comply with all applicable law including Form 2 of SANS 10400. Engineer to take responsibility for structural integrity and clearance by Environment Management Department.
Waste Management	20/11/2024	No objection.
Local Heritage	04/11/2024	No objection.
Engineering Services	02/12/2024	Attached as Annexure F.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was duly advertised in the local newspaper. Registered letters were also sent out to the local residents.

Fourteen (14) letters of objection were received, and the applicant was provided with an opportunity to respond to the objections. See Annexures D and E respectively.

The points of objections are grouped together; the applicant's reply and the municipal town planners' response thereon can be summarized as follows:

OBJECTION 1 + LOCATION

Several of the objectors are not in favour of the location of mast on Erf 6679, and although some agree that the infrastructure will be beneficial, it is still felt that the location proposed will have a negative impact on the surrounding residential area.

APPLICANT'S RESPONSE

The location was chosen due to several factors, which includes costumer's complaints, optimal location for coverage and location near the existing Telkom exchange. The coverage map indicates that there is a limit to coverage in the area.

It was proposed that the location of the mast be located on the outskirts of Hermanus, but the proposed location is ideal in terms of a visual impact. The location is near the residential area where the demand/need for additional coverage exists.

Relocating the mast to these areas would not provide sufficient LTE and 4G coverage for Voëlklip (the target area), which includes local businesses, residents, and a significant influx of holidaymakers during festive and holiday seasons.

It is important to note that, although the surrounding area is primarily residential, the proposed TA is strategically located within the only two business-zoned properties in the area. This placement minimizes any potential impact on the surrounding residential community. This is one (1) of only two (2) properties earmarked for business activities in the area in need of mobile coverage (Erven 6679 and 6256) with sufficient available space for such an installation.

Additionally, to minimize the impact on the residential area, the TA is positioned in the north-eastern corner of the property, the farthest point from residential properties. The existing Telkom exchange building serves as a buffer, further separating the base station from the residential area. This together with recommended design for reduced visual impact, ensures impact on the residential area is low-moderate.

TOWN PLANNER'S RESPONSE

The objectors questioned whether the telecommunication apparatus cannot be situated on the periphery of the residential suburb where it does not have a large impact on views from the residential properties. The applicant identified that there are alternative sites however, they are non-viable due to several factors which includes the zoning of the properties and the fact that the service/coverage area will be in sufficient.

OBJECTION 2

VISUAL IMPACT

Concerns were highlighted regarding the visual impact the structure will have.

APPLICANT'S RESPONSE

According to the VIA report done by the specialist, from a visual perspective the 25m lattice mast is seen as moderately compatible with the receiving environment. The intensity or the degree to which the proposed development will impact views, and scenic or cultural resources will be moderate-low. The duration of the impact upon its surroundings of the development is assessed as long term. The significance rating is assessed as moderate-low.

Mitigation measures are proposed as follows:

- The use of muted, matt finishes for all parts of the proposed development / infrastructure to be used whenever possible.
- Fencing must be visually permeable e.g. welded mesh (e.g. ClearVu or similar), but not steel palisade. Darker colours are visually recessive and therefore colours such as dark grey, etc. should be considered.
- Preferably no lights, including along the infrastructure fence line, should be installed with the proposed infrastructure.

Taking into consideration the information from the VIA report and the need and desirability explained in this motivation document for a TA in Voëlklip, our client agreed to the recommendation made in the VIA and amended the proposal from a 25m tree mast to a 25m lattice mast in order to reduce visual impact.

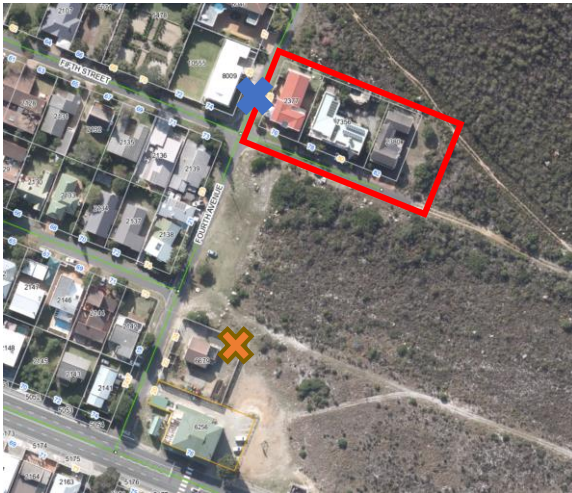
TOWN PLANNER'S RESPONSE

The response of the applicant is noted and although most of the statements of the VIA is agreed with, one critical assessment was not made and that was the viewpoint of erven situated directly behind the tower on Fifth Street.

Viewpoint 4 as indicated in the VIA was situated as indicated at the blue cross on the image below. The three erven's views in Fifth Street (marked in the red rectangle) will be directly affected by the proposed structure. Although it is acknowledged that the surrounding erven's views will be impacted by moderate to low, the assessment's outcome is not agreed with; the height of the structure cannot be screened from view in any manner.

Impact on views is difficult to measure as mountain and sea views must be considered, but then also the fact that a building of 8,5m in height can be erected on the subject property as a primary right, which could impact views of directly adjacent property owners. In general, the area can be developed with structures of a height of approximately 8m to 8,5m and should this be done, a 25m mast would still be a very high visual structure in this area.

A telecommunication tower of 15m in height would blend in more with the surrounding area and would have a much lower visual impact. Once the area is further developed the property owner could resubmit an application with an updated VIA to motivate a taller tower.

OBJECTION 3**NEED FOR COVERAGE**

A few objectors highlighted that they have good cellular reception or fibre alternatives and do not require additional coverage in the area.

APPLICANT'S RESPONSE

Coverage maps indicate that there is a shortage in coverage in the area and even some of the objector's have stated this. The proposed TA will allow all services providers to co-locate on the site. The site will relieve pressure on the existing TA in the Hermanus area which has to work harder to provide coverage to the entire area, reducing its efficiency.

The objectors questioned why the TA is needed when fibre is available. While fibre is excellent for delivering reliable, high speed connectivity within homes, and may solves some connectivity issues, it is inherently limited to indoor environments. Fibre networks are not designed to address connectivity in outdoor spaces (where Wi-Fi is not available), where seamless and reliable mobile communication is an essential part of modern life. The proposed TA is a critical step toward bridging this gap and meeting the community's growing connectivity needs.

TOWN PLANNER'S RESPONSE

The response from the applicant is agreed with. Fibre is for home use, only when cellular connection is required by people on the move and visiting the area. The data provided by the applicant shows that there is a need for connectivity in the area. The need is therefore evident; there are currently only two "formally approved" towers (marked with red crosses on the image below) servicing the area. The one tower is at the edge of Voëklip, while the other tower is in the middle of the golf course. A third tower (marked with an orange cross on the image below) was recently approved on the edge of the golf course however, this tower has still to be developed, and it will be more than a kilometre away from the proposed site.

It should be noted that in recent years the Voëklip suburb has developed at a rapid pace and the infill development of vacant erven has taken place. In addition to this Voëklip is not only a holiday residential area but more and more people have started to reside in Voëklip permanently. The demand for decent cellular connectivity has increased and will continue to increase, and the two existing towers will not be able to cope with the demand.

While doing a site inspection it was noted that the coverage of the MTN signal was lost.



OBJECTION 4

+ HEALTH CONCERNS

Several objectors raised health concerns and studies which state that transmission apparatus have a potential health risk to property owners.

APPLICANT'S RESPONSE

Current research on telecommunications base stations has reached a point whereby scientists are satisfied that the base stations do not pose a health threat. Research on handsets is however ongoing, as it is deemed that placing the handset against your head could pose a greater threat to health. Mobile phones are low powered radiofrequency transmitters. They operate at frequencies between 450 and 2700 MHz. The handset only transmits power when turned on. Using the phone in areas of good reception decreases exposure as it allows the phone to transmit at reduced power.

South Africa's Department of Health has published EMF exposure limit guidelines. These are based on guidelines endorsed by the ICNIRP (International Commission on Non-Ionising Radiation Protection), an independent scientific organization established in 1992. Emissions from the base stations and antennae comply with these guidelines.

In a statement made by the Department of Health dated 8 September 2020 on the health effects of base stations states the following: "*considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects*".

A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use. There are no conclusive studies linking emissions at these levels to any health effects and scientific research that may reveal such a link is ongoing. The steps taken by the cellular communication companies to ensure the safety of the public against any possible harmful emissions, along with the above facts, concerns about health issues can be allayed.

TOWN PLANNER'S RESPONSE

The comment provided by the applicant is agreed with. Further, the use of cellular phones and equipment emitting radio frequencies are prevalent within society, and on a daily basis business and the public make use of such equipment, be it Wi-Fi routers, cell phones, card machines, digital car radios, smart home appliances etc.

OBJECTION 5 **NOISE POLLUTION**

Some concern was raised regarding noise pollution.

APPLICANT'S RESPONSE

The placement of the TA at the rear of the property, behind the existing Telkom exchange building, has been carefully considered to mitigate any potential noise impact. This location acts as a natural barrier; significantly reducing any noise should it emitted by the base station equipment. We are of the opinion that the lattice mast, which have gaps in between the structure, will ensure that the wind will 'streamline' more effectively through the infrastructure and therefore result in a reduction of potential noise created. It is also important to note that modern base station equipment is designed with noise reduction in mind, typically operating well within permissible noise levels and often quieter than common environmental noise sources.

For comparison, the nearby shop generates and contributes to noise in the area. During the day, constant noise is experienced from shoppers using the grocery store (high volumes of vehicular traffic) adjacent to the proposed property. Additionally, the generators on site, air vent units, as well as AC units all currently contribute to noise in the area.

In summary, we do not believe that the base station will result in significant noise pollution due to the existing business premises which operates from 07:00am to 20:00pm seven days a week, already contributing to significant noise in the area.

TOWN PLANNER'S RESPONSE

The response from the applicant is agreed with, in addition to this there will be no moving parts on the property structure. Load shedding is also a known impact on operations and functioning of TA infrastructure, therefore should a generator be used to ensure the continuation of the operations and functioning of TA infrastructure then the noise levels of such a generator must be included in the Noise Impact Assessment. The aforementioned will be stipulated as a condition (should the application be approved).

OBJECTION 5

IMPACT ON SOLAR PANELS

Some concern was raised regarding the influence of the telecommunication apparatus on nearby solar panels.

APPLICANT'S RESPONSE

The proposed TA will have no negative impact on solar panels in the surrounding area. Lattice masts are designed with open framework, allowing sunlight to pass through without significant obstruction. Unlike solid structures, the minimal surface area of a lattice masts ensures it does not cast substantial shadows on surrounding areas.

TOWN PLANNER'S RESPONSE

The response of the applicant is noted and agreed with. It should be noted that the property on which the solar panels are installed is situated to the west of the proposed location of the tower and the solar panel are positioned to receive sunlight from the north, due to the angle of the sun and solar panels the position of the tower will not have a negative impact on the solar panels.

OBJECTION 6

IMPACT ON TOURISM

Some concern was raised regarding the impact the tall tower will have on the scenic and visual quality of the area and there by inherently have a negative impact on tourism.

APPLICANT'S RESPONSE

The objector raised concerns regarding the effects on tourism spending. The proposed installation will significantly boost tourism by improving and ensuring reliable cellular connectivity. In today's digital age, seamless connectivity is essential for the smooth operation of card machines, banking apps, and tap-to-pay devices. Without these services functioning properly, tourists may face inconvenience, and their spending could decrease, negatively impacting local businesses. Poor cellular connectivity, therefore, has a direct and harmful effect on the tourism industry.

On the other hand, the proposed solution will enhance cellular connectivity, ensuring a stable and efficient telecommunications network. This improvement will not only eliminate the frustrations of poor connectivity but also make the area more attractive to tourists who rely on digital services for convenience (many tourists visit and rely on connectivity to work remotely). A dependable network will promote increased spending, attract more visitors, and support the long-term growth of the tourism sector.

TOWN PLANNER'S RESPONSE

The main concern of the objector is that the tourism activity conducted (self-catering) on its property will be negatively affected by the tower which will have a direct view of the tower. It should be noted that self-catering is a primary right in terms of the residential zoning and there are various similar uses in Voëlklip. The fact that the telecommunication apparatus is proposed directly across the objector's property does not mean that the tower will have a negative impact on tourism in the general area. Furthermore, the objector's use of its property and the fact that it purchased the property does not have bearing in this regard as the property's main use should be for the occupancy of a single family. Lastly, the objector has failed to mention that the main view of the mountain is directly north of the property, in its line of sight there is electrical infrastructure such as pole and wires.

OBJECTION 6 **FEASIBILITY STUDY**APPLICANT'S RESPONSE

The proposed cell tower location and design were carefully selected to meet the community's growing connectivity needs while minimizing visual and environmental impacts. The location is clearly optimal, as confirmed by the coverage maps provided by radio planners. Furthermore, the site, clustered with the existing Telkom exchange and situated within the only two business-owned properties in the surrounding area, is ideal. The visual impact is deemed low, as stated by the appointed VIA specialist, with mitigation measures already planned for implementation.

This well-considered approach ensures the project not only enhances connectivity for the community but also preserves the local environment and aesthetic appeal. The combination of expert planning and strategic location makes this project a crucial step toward supporting future growth, without compromising the integrity of the surrounding area. We are confident that it will serve the long-term interests of the community.

TOWN PLANNER'S RESPONSE

It should be noted that in recent years the Voëlklip suburb has developed at a rapid pace and the infill development of vacant erven has taken place. In addition to this Voëlklip is not only a holiday residential area but more and more people have started to reside in Voëlklip permanently. The demand for decent cellular connectivity has increased and will be continuing to increase.

OBJECTION 6 **MAINTENANCE OF PROPERTY**APPLICANT'S RESPONSE

The objectors have raised concerns about the current state of the property. While we acknowledge their observations, it is important to note that the property's current condition is not directly related to this application. However, if approval is granted, the property is likely to see improved maintenance. Regular visits by service providers to maintain the tower and equipment would naturally result in better upkeep and overall tidiness of the site.

TOWN PLANNER'S RESPONSE

The site is owned by Telkom SA Ltd and therefore it must be maintained by Telkom. The municipality can therefore not make any promises on its behalf.

OBJECTION 6 **IMPACT ON THE PROPERTY VALUES**APPLICANT'S RESPONSE

Concerns further relate to nearby property values being negatively affected. There is no evidence suggesting that base stations reduce the property values in any given area. If anything, value will be added by improved communication and subsequent virtual accessibility and safety in an area. Properties throughout the Western Cape have been enjoying above expected value increases.

We believe that this mast will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. Efficient internet connectivity and mobile coverage will therefore benefit surrounding properties rather than negatively impact.

TOWN PLANNER'S RESPONSE

The impact on property value is always debatable and based on speculation. The fact that must be considered is will potential buyers of properties in the vicinity have negative connotations to the existence of a TA close to a property. Some people will possibly consider it as a possible health risk, and others could consider the visual impact of a 25m high tower as imposing.

The opinion is that a transmission tower in proximity could possibly affect a portion of potential buyers, but to assume it would negatively impact property values is still considered speculation. Further, there are numerous other areas where telecommunication apparatuses have been developed, and the property market has continued to be ongoing.

SPLUMA also stipulate that an application cannot only be evaluated on its possible impact on property values; all other criteria must be considered.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

All municipal departments and other institutions support the application.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

The application will not further perpetuate spatial injustices. It will be aimed to provide an equal opportunity to communication services for tourists visiting the area and the village's inhabitants.

Spatial sustainability

The subject property is located within the urban edge thus no urban sprawl will occur. No natural habitat will be impacted upon, and it will thus have no negative impact on the environment.

Efficiency

The telecommunication infrastructure will be situated optimally in the area in terms of the existing town and its planned expansion.

Spatial resilience

The application will ensure that the existing resource (land) is used to its maximum in an affordable manner, and it is in line with the Overstrand Municipality's forward planning documents.

Good administration

The application followed the required planning procedures, and a good public participation process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

The application is consistent with the planning principles.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

No changes are made in terms of the zoning of the property nor is there any additional densification proposals.

The proposal is considered consistent with the principles as contained in SDF where in it is highlighted that it is essential to maintain and improve the existing communication network.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on municipal engineering services

No impact.

10.7 Outcomes of investigations/applications i.t.o other legislation

The title deed of the property does not contain any restrictive conditions.

10.8 Existing and proposed zoning comparisons and considerations

The Overstrand Municipality Land Use Scheme Regulations provide for telecommunication installations as a consent use on the subject property, subject to compliance with the applicable development parameters. The proposed transmission tower will exceed the prescribed 8,5m height restriction with 16,5m which is regarded as a considerable encroachment of the height restriction.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Erf 6679, Voëlklip is situated behind OK Minimark and approximately 30m from the Main Road. It is zoned Local Business Zone 3 and being utilized for existing telecommunication infrastructure.

There is an existing building on the western side of the site. The proposal is to place a 25m high telecommunication apparatus and supporting infrastructure on the rear north-eastern corner of the erf, the telecommunication tower will be supported by additional infrastructure. Application is made for consent use to utilise the site for a telecommunication apparatus and to relax the 3m rear building line, to accommodate the supporting infrastructure and the telecommunication apparatus. It is to be noted that Erf 6679 is also a Business Zone 3 erf in the ownership of Telkom. It must also be noted that the proposed base station yard will still be approximately 41m from surrounding residential erven and due to the tower being situated at the rear of the property such a departure will have no impact on the surrounding area. Departure from the applicable height restriction is also applied for which will be discussed later on in this evaluation.

The objections relate to health and safety concerns, environmental concerns, visual impact, property values and why alternative sites were not considered. These concerns were discussed in detail under point 7 above. However, to consider the desirability of the application, the location of the site and visual impact will again be addressed.

The objectors are correct that there are possibly alternative sites that could have been considered that are better located to construct a tower of 25m on. It must however be realized that Erf 6679 is zoned for Business Zone 3 purposes, and can therefore also be developed with shops, offices, or restaurants, which could have a much greater impact on surrounding properties. The erf is also already utilized for telecommunication infrastructure, and a telecommunication base station would not be out of line with the existing use, and the site is sufficiently serviced for such use. Ultimately the location concerns relate back to the visual impact. If the visual impact is high the concerns are not unfounded, if the visual impact is moderate, the application can be considered as acceptable.

The visual impact

The Visual Impact Assessment (VIA) indicates the visual impact of a 25m lattice mast will be moderate to low closer than 400m from the site. The fact is, a 25m tower will be visually intrusive. In the VIA it is recommended that a lattice mast tower be constructed opposed to a tree, as it would blend in with surrounding built environment and be less of an impact visually.

The above-mentioned recommendation is noted, but it will mean that the lattice mast will still be 16.5m higher than the highest structure in the immediate vicinity, which at maximum will be able to develop to 8.5m. The fact is a 25m lattice mast will still be an imposing structure and have a visual impact on surrounding properties.

It is the opinion that a 15m lattice mast will be more appropriate in this area, in addition to this when the area is more developed the property owner can then re assess the impact of the additional height.

The application for a departure to relax the 3m rear building line and consent use to establish a transmission tower on the property, is supported. However, the departure to relax the 8,5m height restriction is only partially supported, as a relaxation to 25m is not supported, but a transmission tower of 15m is supported.

13. RECOMMENDATION

1. that the objections be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law), for a **consent use** to erect a transmission tower on Erf 6679, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law,
3. that the application in terms of Section 16(2)(b) of the By-Law for a **departure** to exceed the applicable 8,5m height restriction on Erf 6679, Hermanus, **be partially approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following condition:
 - (a) that the relaxation is to only construct a transmission apparatus (lattice mast tower) of **maximum 15m in height from base level**;
4. that the application in terms of Section 16(2)(b) of the By-Law for a **departure** to encroach the 3m rear building line up to 0m on Erf 6679, Hermanus, to accommodate the transmission apparatus, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in points 2. to 4. above be subject to the following conditions:
 - (a) that a lattice mast be erected as recommended in the Visual Impact Assessment;
 - (b) that the transmission apparatus and supporting infrastructure be restricted to the development indicated on Plan *05220-P1* and that an amended elevation plan showing the 15m high lattice mast be submitted to the Town and Spatial Planning Department prior to the submission of building plans;
 - (c) that the property owner submits a Noise Impact Assessment after construction has completed and that the necessary mitigation steps be done at that stage;
 - (d) that should the transmission tower becomes defunct, the structures be removed to an approved landfill site;
 - (e) that all the conditions in the Service Report (attached as Annexure F), be complied with;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION**Points 2 and 4**

- ❖ The objections relating to health and safety concerns and environmental impact has duly been addressed and does not prove the application not to be desirable, whilst the concerns relating to impact on property value, visual impact and location of the site (alternative better sites) have been addressed by applying mitigation measures to only allow a 15m high tree mast on the property.
- ❖ Erf 6679, Hermanus is zoned Business Zone 3 and utilized by Telkom for telecommunication infrastructure, and the utilization of this site for a transmission tower will be in line with existing uses and will utilize existing infrastructure.
- ❖ With an increased demand for coverage more communication infrastructure will be placed closer to residential areas as their radius for coverage gets smaller. Erf 6679 is one of the few sites in Voëlklip area which are zoned and can be utilized for such use, mitigating measures such as to construct a lower mast of 15m in height, the major concern of visual impact can sufficiently be mitigated.
- ❖ The relaxation of the 3m rear building line to accommodate the transmission apparatus will have no impact on surrounding property owners, as there is sufficient buffer area (roads, infrastructure, natural planting and open space) between the vacant site and other residential erven.
- ❖ Voëlklip is no longer only a tourist destination but have a large population of permanent residents who seek to work and live here. The existing towers in the area do not provide sufficient coverage and the demand for cellular connection will only increase.

Point 3

- ❖ The concerns of the objectors are valid with regards to the visual impact of a 25m transmission tower so close to residential units.
- ❖ The Visual Impact Assessment indicated that a 25m transmission tower will have a moderate up to 400m. However, the directly adjacent residential erven will have direct view of the structure.
- ❖ The proposal to construct a lattice mast, as recommended in the Visual Impact Assessment, would mitigate the visual impact to a certain extent, but the highest structures in the area can only be developed up to 8.5m in height. A 25m high structure or even a 20m high structure will still be visually imposing in this area.
- ❖ A lattice mast of 15m in height will be more visually preambled than the other options which and will blend in more with the surrounding area.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Letters of objection
Annexure E:	Applicant's response to objection
Annexure F:	Services Report
Annexure G:	Visual Impact Assessment

SIGNATURES**AUTHOR:**

Name: **PETRUS ROUX**

SACPLAN Reg No: **A/2246/2015**

Signature: _____

Date: _____

REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____



GYRO SITE ID: 06220-01

GYRO SITE NAME: VOELKLIP EXCHANGE

PROPERTY DESCRIPTION:

ERF 6679, HERMANUS

ADDRESS: 4TH AVENUE, VOELKLIP, HERMANUS

CO-ORDINATES:
Lat: -34.405623°
Long: 19.278331°

ELEVATION:
29m



TOWN AND REGIONAL PLANNING CONSULTANTS
Unit H, 3rd Floor
Mead Building, Bridgeway,
Century City, Cape Town
Tel: (021) 532 5235
Fax: 086 637 9187
P.O. Box 152,
Century City,
7448

PROJECT:
PROPOSED NEW GYRO 25m LATTICE MAST AND
CUSTOM BASE STATION

APPROVED MAST:
25m LATTICE MAST

- NOTES:**
- A) NEW 25m LATTICE MAST
 - B) CUSTOM BASE STATION
 - C) ZONING: BUSINESS ZONE 3
 - D) BUILDING LINE: 3m
 - E) OWNER: TELKOM SA LTD

DATE	DESCRIPTION	REVISION
25-04-2024	1st Issue	0

DRAWING NUMBER: 06220-01

SHEET: 1 OF 5

DRAWING TITLE: LOCALITY MAP

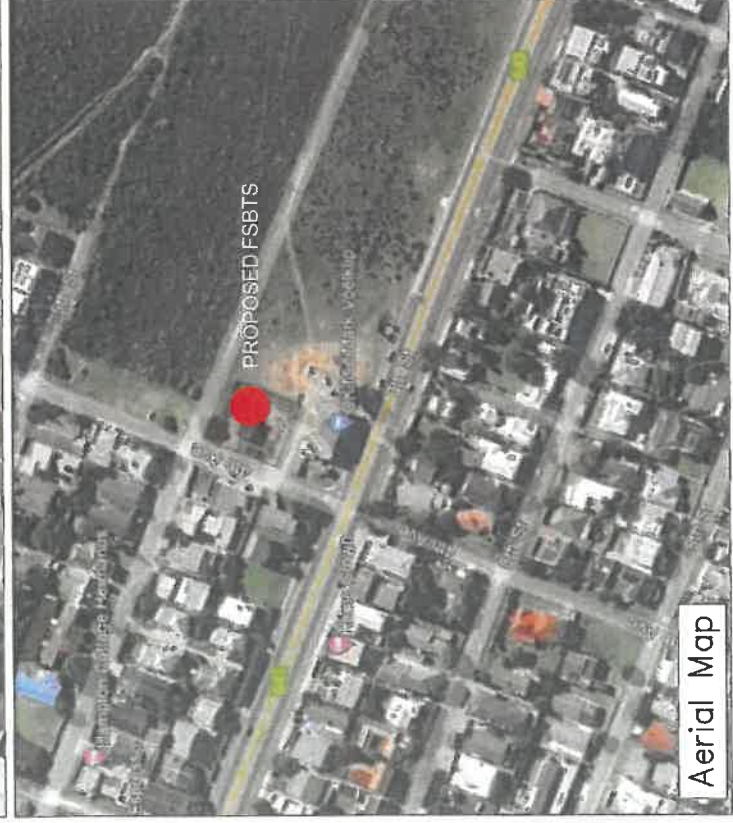
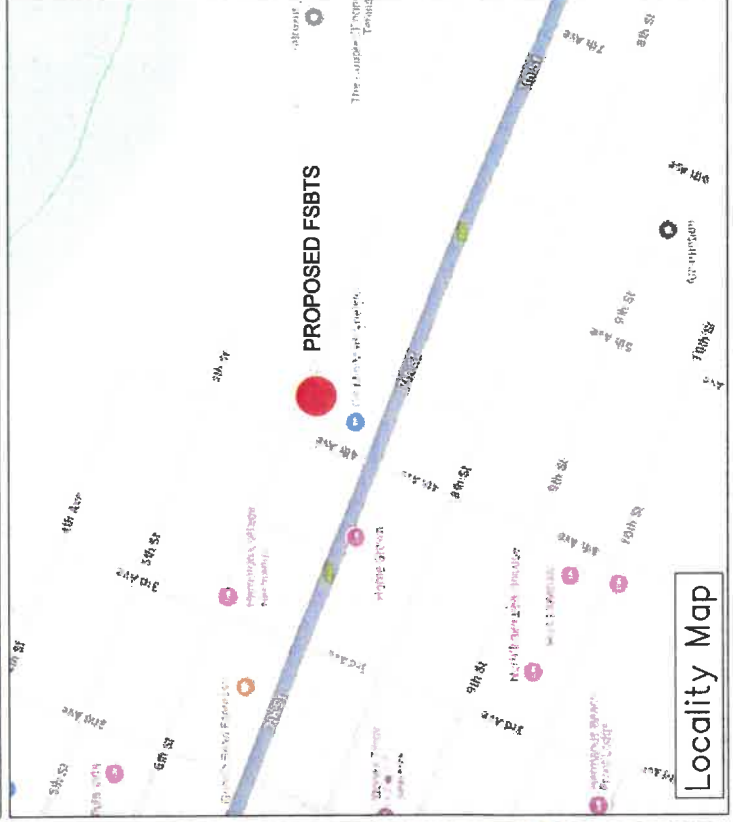
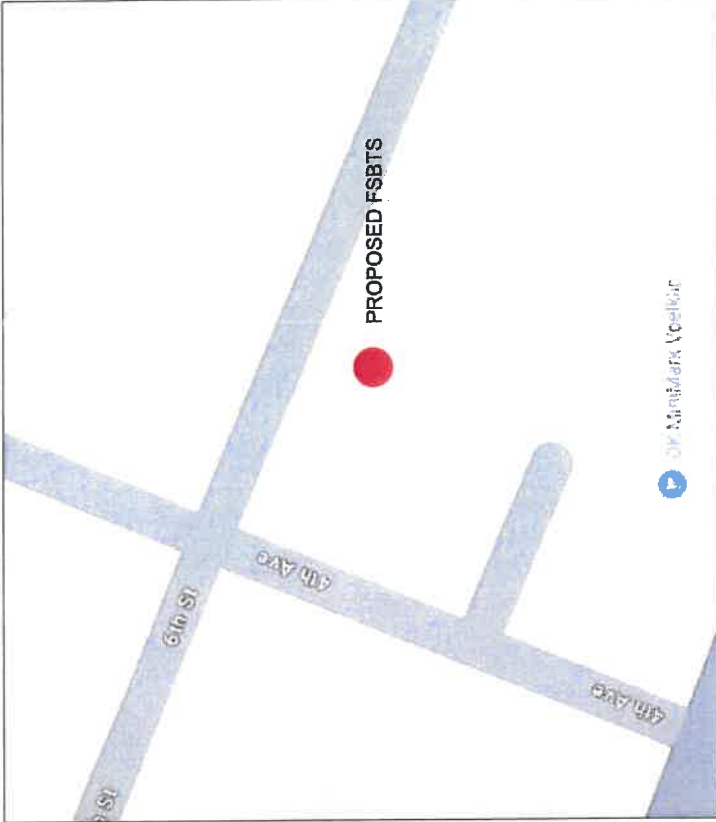
DRAWN: A. RODRIGUES

SCALE: NTS

DATE: 2024-04-25

REVISION: 0

ANNEXURE A



LIST OF DEFINITIONS AND ABBREVIATIONS

This section represents the definitions and abbreviations that will be found in this application.

DEFINITIONS:

Please note: For the purpose of this application and its associated descriptions and motivation, and unless it appears otherwise in the text, the terms used herein are as follows:

Table 1 - Definitions

PROPERTY:	Erf 6679, Hermanus
CLIENT:	Gyro Properties (PTY) LTD
APPLICANT:	Warren Petterson Planning
OWNER:	Overstrand Municipality
CONSENT USE	means the secondary use right that is permitted in terms of the provisions pertaining to a particular zone, only with the consent of the Council
DEPARTURE	means a permanent departure or a temporary departure (has the meaning assigned to it by Planning Law)
RESTRICTIVE CONDITION	means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned, excluding servitudes creating real or personal rights
SURVEYOR-GENERAL	means the Surveyor-General as defined in the Land Survey Act

ABBREVIATIONS:

Please note: For the purpose of this application and its associated descriptions and motivation, and unless it appears otherwise in the text, the terms used herein are as follows:

Table 2 - Abbreviations

OZS	Overstrand Zoning Scheme
SPLUMA	Spatial Planning and Land Use Management Act, 2013
RBTS	Rooftop Base Telecommunication Station
TA	Transmission Apparatus
TI	Telecommunication Infrastructure
TOA	Top of Antenna
SG-DIAGRAM	Surveyor-General Diagram
SDF	Spatial Development Framework
IDP	Integrated Development Plan

SECTION A: BACKGROUND

A.1. THE APPLICATION

Application is hereby made for the following:

- ✓ **Consent Use** in terms of Section 16(2) (o) of the Overstrand Municipal Planning By-Law, 2020 for the purpose of erecting a 25m Lattice Transmission Apparatus. (Subject to the provisions of Chapter 16.10.23 of the Overberg Zoning Scheme).
- ✓ **Permanent departures** in terms of Section 16 (2)(b) of the Overstrand Municipal Planning By-Law, 2020 for the relaxation of the northern building line of Erf 6679 Hermanus, from **3.0m** to **0.0m** to allow for the erection of a 25m Lattice Transmission Apparatus. (Subject to the provisions of Chapter 16.10.23 of the Overberg Zoning Scheme).
- ✓ **Permanent departures** in terms of Section 16 (2)(b) of the Overstrand Municipal Planning By-Law, 2020 for the relaxation of the eastern building line of Erf 6679 Hermanus, from **3.0m** to **0.0m** to allow for the erection of a 25m Lattice Transmission Apparatus. (Subject to the provisions of Chapter 16.10.23 of the Overberg Zoning Scheme).
- ✓ **Permanent departures** in terms of Section 16 (2)(b) of the Overstrand Municipal Planning By-Law, 2020 for the relaxation of the height restrictions of Erf 6679 Hermanus, from 8.5m to 25.0m to allow for the erection of a 25m Lattice Transmission Apparatus. (Subject to the provisions of Chapter 16.10.23 of the Overberg Zoning Scheme).

A.2. DETAILS OF THE DEVELOPMENT AREA

Table 3 - Details of the Development Area

TITLE DEED DESCRIPTION	Erf 6679 Hermanus, in the Municipality of Overstrand, Division of Caledon, Province of the Western Cape
TITLE DEED NUMBER	T41900/1985
PROPERTY SIZE (m²)	900m ²
CURRENT ZONING	Business Zone 3: Local Business
OWNER OF PROPERTY	Telkom SA LTD

SECTION B: CONTEXTUAL INFORMANTS

The following section includes information relating to the locality, current land use, zoning and surrounding area.

B.1. LOCALITY

The property within the Overstrand Municipality is located on Erf 6679 Hermanus. The proposed Transmission apparatus will be situated adjacent 4th Avenue, and near 7th Street (R43) which serves as the main distributor for Voëlklip, and links with Standford to the east and town of Hermanus to the west



Figure 1- Location of the Proposed Transmission apparatus

B.2. CURRENT LAND USE AND ZONING

Table 4 - Current land use and zoning

CURRENT LAND USE	The land is currently being utilised as a Telkom Exchange site (utility usage)
ZONING	Business Zone 3: Local Business

7.2 BUSINESS ZONE 3: LOCAL BUSINESS (B3)

Use of the property

7.2.1 The following use restrictions apply to property in this zone:

- 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.
- 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).

Development parameters

7.2.2 The following development parameters apply:

a) Coverage

The maximum coverage for all buildings on the land unit is 75%.

b) Floor factor

The maximum floor factor is 1.5.

c) Height

(i) The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m.

(ii) The maximum number of storeys is 2.

Figure 2 – Overstrand Municipality Land Use Scheme, 2020 extract: Business Zone 3: Local Business (B3)

B.3. SURROUNDING AREA

Voëlklip is a popular holiday destination situated between mountain and sea on the outer reaches of Hermanus. This suburb in Hermanus is situated only 130km from Cape Town which makes it the perfect destination for the people of Cape Town to spend a breakaway weekend away from the city. The other surrounding suburbs further to the east from the proposed transmission apparatus are, Standford and Gansbaai.

The immediate surrounding properties in the area are predominantly zoned as Residential Zone 1: Single Residential and Business Zone 3: Local Business, south from the proposed transmission apparatus. Other properties found in the surrounding area are zoned, Open Space Zones to the north (Nature reserve). The property on which the transmission apparatus is proposed, is zoned business zone 3, which makes provision for a transmission apparatus as a consent use according to the Overstand Land Use Zoning Scheme 2020.



Figure 3- Zoning Map of Surrounding Properties in Voëlklip

SECTION C: DEVELOPMENT PROPOSAL

C.1. APPLICATION SPECIFICATIONS

Our client wishes to apply for consent use and permanent departures in terms of Section 16 (2)(o) and Section 16(b) of the Overstrand Municipal Planning By-Law, 2020 to allow for the proposed transmission apparatus, described as follow.

C.1.1 Development Concept

The application comprises the following proposed development parameters:

- ✓ A 25m Lattice Mast (Transmission apparatus)
- ✓ 3 x 4 - sector antennas attached to the mast,
- ✓ Microwave dishes attached to the mast, and
- ✓ 4 x Equipment outdoor cabinets which will be locked at all times

C.1.2 Building Line Relaxation (Relaxation of the Northern and Eastern Building line)

A permanent departure application is hereby made in terms of Section 16 (2)(b) of the Overstrand Municipal Planning By-Law, 2020 for the relaxation of the northern building line of Erf 6679 Hermanus, from **3.0m** to **0.0m** to allow for the erection of a Transmission Apparatus inside the existing utility compound area.

A permanent departure application is hereby made in terms of Section 16 (2)(b) of the Overstrand Municipal Planning By-Law, 2020 for the relaxation of the eastern building line of Erf 6679 Hermanus, from **3.0m** to **0.0m** to allow for the erection of a Transmission Apparatus inside the existing utility compound area.

The Transmission Apparatus is positioned on the north-eastern corner of the property inside the compound area, and will not obstruct the existing utility services, landscaping etc.

C.1.3 Height Restriction Relaxation (Relaxation of the Height Restriction linked with the development parameters of a Business Zone 3 property)

According to the Overstrand Municipal Planning By-Law, 2020, a height restriction of **8.5m** is applicable to properties zoned as Business Zone 3: Local Business. A permanent departure application is hereby made in terms of Section 16 (2)(b) of the Overstrand Municipal Planning By-Law, 2020 for the relaxation of the height restriction from **8.5m** to **25.0m** to allow for the erection of a Transmission Apparatus inside the existing utility compound area on Erf 6679 Hermanus.

C.2. UTILITY SERVICES

Electricity for the TA will be obtained from the available on-site electrical supply to the property. Advances in technology (telecommunication related equipment) enable the TA to utilise less electricity.

The proposed use will have no impact on the external engineering services, on transport or traffic related considerations, or on the biophysical environment.

C.3. ENVIRONMENTAL REGULATIONS

The subject property is located within an urban area and is not zoned as open space. An application was submitted to the Department of Environmental Affairs and Development Planning to determine the applicability of NEMA. The outcome of the applicability application which will confirm if the proposed application triggers or not-trigger any notices, will be provide to the municipality once DEADP has confirmed (refer to Annexure F).

SECTION D: POLICY AND LEGISLATION

D.1. OVERSTRAND MUNICIPALITY LAND USE SCHEME, 2020

In terms of Chapter 16.10.23, applications for the installation of Transmission Apparatus (TA) shall, to the satisfaction of the Municipality, incorporate the following:

(a). Site Development Plan which clearly illustrates the proposal in the context of the existing landscape and receiving environment, with reference to application guidelines as may be incorporated in the application form;

Please refer to sheet 2 of the drawings dated 25 April 2024, Revision 0.

(b). Telecommunication Apparatus Infrastructure Plan (indicating but not limited to the following, namely dimensioned plans showing detail of TA, graphic illustration of the proposed facility, elevation details, proposed materials and colours, screening or fencing)

Please refer to sheet 2 and 4 of the drawings dated 25 April 2024, Revision 0. Please also refer to Figures 26 in this motivation document, indicating what the tower is expected to look like.

(c). Site Development Plan & Telecommunication Apparatus Infrastructure Plan to be accompanied by a report detailing the motivation for the selected site, how the siting and design of the facility responds to the SDP;

Please refer to Section E.2.2 of the motivation report.

(d). Motivation report to be accompanied by relevant proof pertaining to need and desirability (demand & technical requirements);

Please refer to Section E.2.1 of the motivation report, as well as Annexure H.

(e). Application to satisfactorily demonstrate to the AO / MPT that all alternatives to the site itself have been explored within a 1km radius of the subject property;

Please refer to Section E.2.2 of the motivation report.

(f). Minimum of two alternative sites and design options to be considered;

Please refer to Section E.2.2 of the motivation report. Alternative positions and mast types were considered but the proposed location on Erf 6679 Hermanus is deemed the best position to erect a 25m Lattice Transmission Apparatus.

(g). Zoning and land use map to accompany application, that shall also indicate all areas of heritage or environmental significance, if applicable;

Please refer to section B.3 and Figures 3 in the motivation report.

(h). Visual Impact Assessment prepared by a suitably qualified professional, if required by the municipality, that shall incorporate mitigation measures limiting visual impact;

A Visual Impact Assessment was conducted on the 19th July 2024 by Antoinette de Beer relating to the tower position of the proposed TA on Erf 6679 Hermanus. The VIA stated that the visual impact will be moderate-low and low (Annexure I):

According to the Visual Impact Assessment:

This Visual Impact Assessment (VIA) has been conducted as part of the application for local authority consent use for the proposed new 25m mast and custom base station. The site is located on Erf 6679 on 4th Avenue, Voëlklip, Hermanus. Fourth Avenue is accessible from the R43 / 7th street and the latter is classified as a route of regional significance.

The proposed development is seen as moderately compatible with the receiving environment. The intensity or the degree to which the proposed development will impact views and scenic or cultural resources will be moderate-low. The duration of the impact upon its surroundings of the development is assessed as long term. The significance rating is assessed as moderate-low.

Proposed mitigation measures include:

- The use of muted, matt finishes for all parts of the proposed development / infrastructure to be used whenever possible.
- Fencing must be visually permeable e.g. welded mesh (e.g. 'ClearVu' or similar), but not steel palisade. Darker colours are visually recessive and therefore colours such as dark grey, etc. should be considered.
- Preferably no lights, including along the infrastructure fence line, should be installed with the proposed infrastructure.

Any development will cause a visual change within the landscape. The visual impact significance rating is assessed as moderate-low and low if all mitigation measures are implemented.

Figure 4 Extract from the Visual Impact Assessment

(j). Statement demonstrating that the installation complies with the applicable health and safety standards.

Please refer to Annexure G that forms part of the application.

D.2. OTHER POLICIES AND LEGISLATION

Other policies and legislative frameworks include: Integrated Development Plan (2023/24), and the Spatial Development Framework (SDF), 2020.

D.2.1. Five-Year Integrated Development Plan (2023/24)

The proposed development complies with the Integrated Development Plan (IDP) principles as set out in the Overstrand Municipal Spatial Development Framework 2023-2024. These principles are also echoed in the National Development Plan (NDP) and the Provincial Spatial Development Framework (PSDF). The core focus of the IDP principles and the OMSDF 2020, are to ensure the spatial transformation through the integration of communities. Spatial transformation in this sense is only possible through the development of denser and more inclusive neighbourhoods. Denser and more inclusive neighbourhoods are possible through the harness of advances in energy, water, transport, and **communication services** to improve resource efficiency. As mentioned in the IDP of Overstrand, no new urban development is proposed for Pearly Beach, but densification will be required in order to accommodate the housing need in the area (page 266 of the Overstrand IDP). *Therefore, this application is in-line with the IDP of Overstrand municipality.*

Telecommunications form a critical part of our everyday lives, what most people don't realise, is that it also plays a vital role in times of crisis. As stipulated in the Overstrand Municipality's IDP (2203/24), one of the key ICT focus areas is for the continues improvement of the Telephone infrastructure, especially on backup power for the remaining sites to ensure that these infrastructure remain active during loadshedding (page 116 of the Overstrand IDP). Fewer base stations in a specific area will cause the back-up batteries to run-out faster as more people depend on the network, causing radios to work harder and the battery-life to decrease. This Transmission tower helps with providing coverage during loadshedding as it helps distribute the load on base stations in the area.

It is clear from the information above; telecommunications infrastructure forms a vital part of the municipality's Disaster Management Plan.

D.2.2. Municipal Spatial Development Framework, 2020

This application is in line with the spatial development principles as set out in the Overstrand SDF, 2020, as it strives to improve urban efficiency, and align planned growth with infrastructure. As a result, connectivity is enhanced on local, national and international level as stipulated in the SDF, 2020.

Cellular infrastructure contributes to the economic growth within municipal area. This is seen on page 35 of MSDF 2020 where the Communication sector has achieved strong annual growth and contributing to the GVA in Overstrand. The above on economic growth can be emphasised that the proposed transmission apparatus is situated within business area of Voëlklip surrounded by business zones and residential zones, therefore showing the importance that coverage must be provided to these zones.

With the emphasis on the population growth in in the Overstrand Municipality, one can motivate the importance of the location and design of the proposed 25m TA at Voëlklip. The proposed 25m TA location is situated between residential and business zones, on a business zone 3 property (existing Telkom substation). Location mostly plays a big role when proposing TA as the service provider like Vodacom and Telkom wants to provide coverage to many users. The proposed 25m lattice transmission apparatus will accommodate all the network operators with their additional required telecommunication infrastructure and provide the much needed coverage for the surrounding area of Voëlklip.

There are also main factors which contribute to the chosen location for the proposed TA such as

- Safety distances
- Elevation
- Access
- Interested owners
- The right zoning which can accommodate the proposed TA according to the Overstrand Land Use Scheme and to promote the adequate coverage to the surrounding area.
- Making sure the proposed TA falls within no heritage/environmental overlay zones.

The proposed TA plays a big factor as it must fit in with the surrounding area, limiting visual impact. The lattice mast will be the best option as motivated by the visual impact assessment specialist.

The location and design of the proposed TA therefore corresponds with the MSDF 2020 as the Communication sector has achieved strong annual growth and contributing to the GVA in Overstrand.

D.2.3. State of the Nation Address by President Cyril Ramaphosa, 9 February 2023

During the annual State of the Nation Address, which was held at the Cape Town City Hall on the 9th of February (SONA 2023), the president mentioned in his speech to the public of South Africa, that The South African government will focus on migrating the remaining households to digital television signal and complete the switch-off of analogue transmission. According to the president, this will release valuable spectrum for the rollout of 5G mobile networks and will reduce the cost of data. These actions are a step in bringing South Africa closer to affordable, high-speed internet access for all.

To meet this vision, which was set out in the SONA speech, it is important for the government, to upgrade telecommunication technology in order maintain the capacity demand. This Transmission Tower is in line with this vision and is contributing to reaching the goal in providing affordable, high-speed internet access for every South Africa.

SECTION E: DEVELOPMENT MOTIVATION

This section is seen as the motivation of the application as it provides information with regards to the need and desirability, development parameters, site characteristics, visual impact, health and safety and alternative candidates relating to this specific application. The TA should be supported based on the following grounds:

E.2.1. Need and Desirability

In a modern-day society, the dependency on communicative technology becomes increasingly higher. This is due to the society's utilisation of more mobile devices and more than one device per household which mainly relies on internet connectivity (e.g. smartphones, portable computers, tablets/iPads etc.). These devices are used for multiple purposes including socialisation, business related uses and accessibility to important emergency services. Due to factors including densification, urbanisation and influx of seasonal guests especially over festive seasons and holidays, in a tourist attractive place like Voëlklip, poor network coverage (related to both voice and data) is experienced.

Many people all over South Africa has moved to Hermanus/Voëlklip, for the beauty and peaceful surroundings. This makes it the perfect retirement coastal town, resulting in capacity constraints on the existing network coverage in Voëlklip. Because of this reason, Telkom has approached our client and requested to obtain all the necessary approvals in order to erect a 25m Lattice Transmission Apparatus (Annexure I). The proposed TA will be able to carry the required telecommunication infrastructure to accommodate the network's needs.



Figure 5 Existing surrounding Telkom Infrastructure near Voëlklip

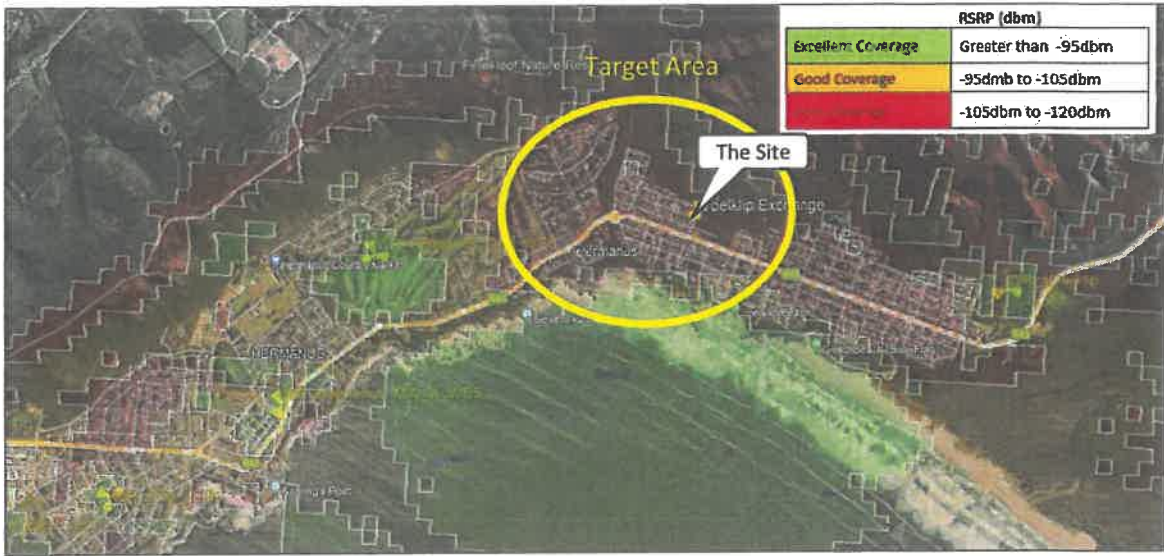


Figure 6 Current Telkom coverage at Voëlklip



Figure 7 – Telkom After Coverage Prediction @15m at Erf 6679 Hermanus

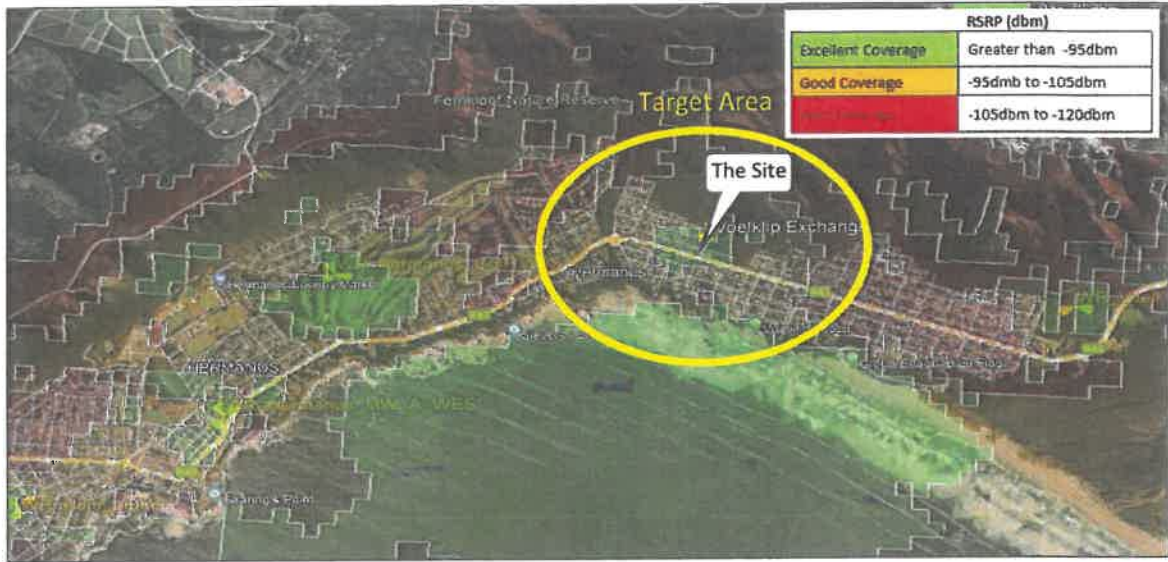


Figure 8 - Telkom After Coverage Prediction @20m at Erf 6679 Hermanus



Figure 9 - Telkom After Coverage Prediction @25m at Erf 6679 Hermanus

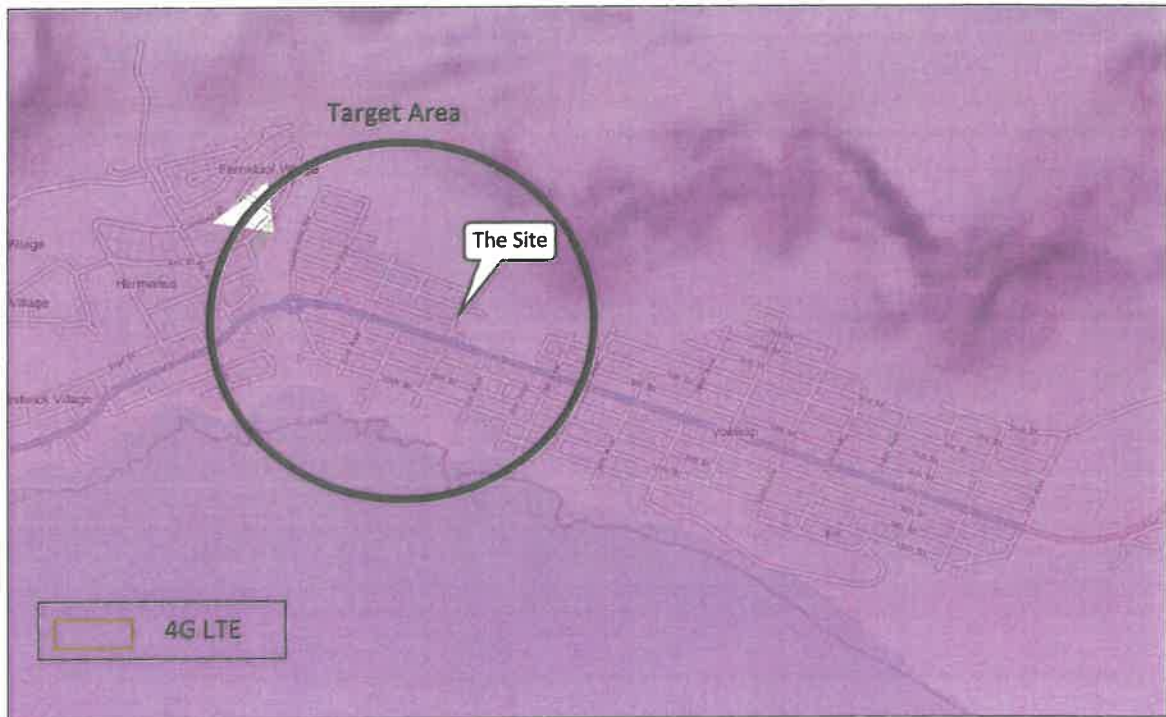


Figure 10 - Vodacom 4G LTE Coverage in Voëlklip

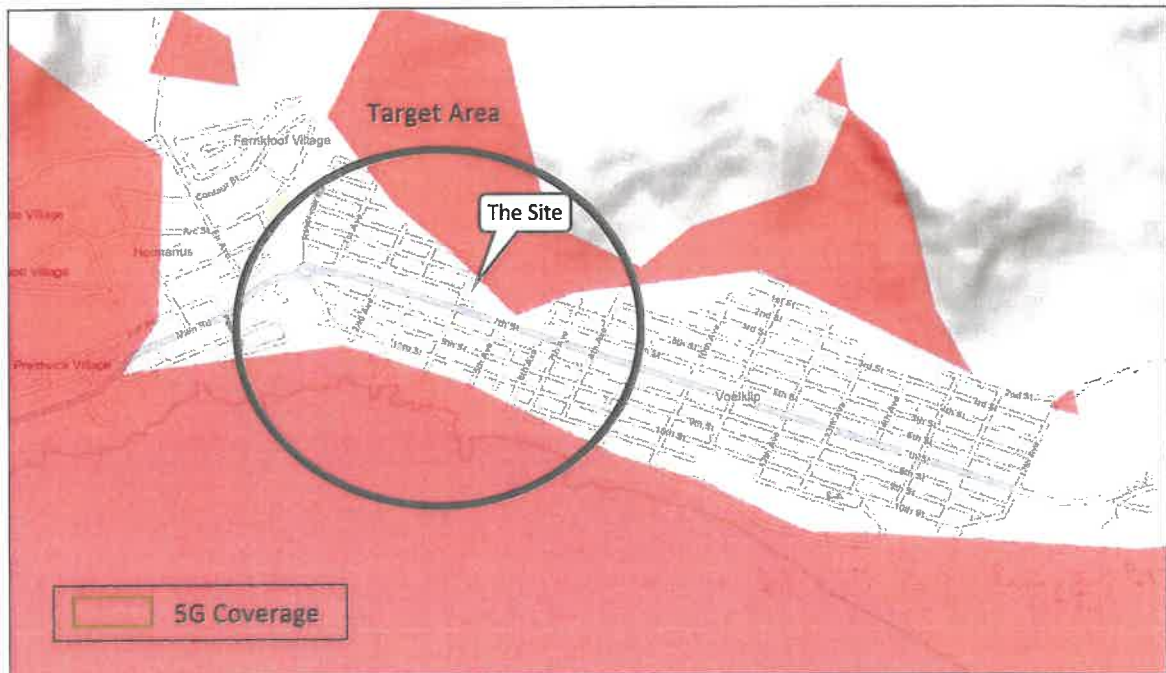


Figure 11 - Vodacom 5G Coverage in Voëlklip

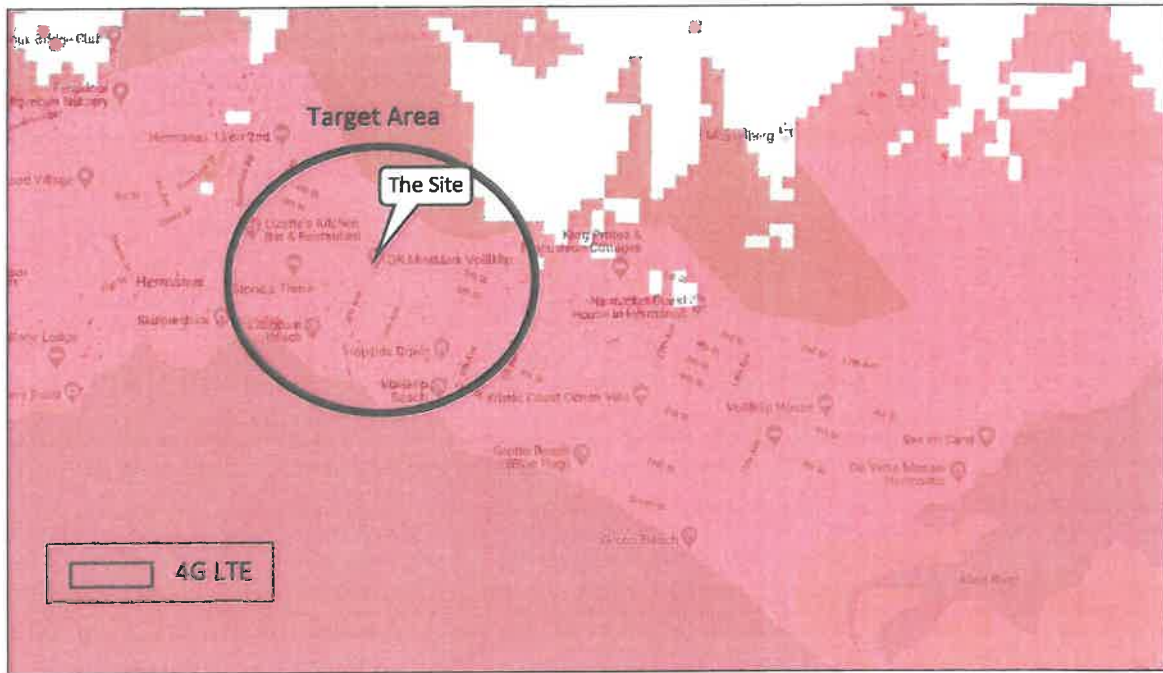


Figure 12- MTN 4G LTE Coverage in Voëlklip

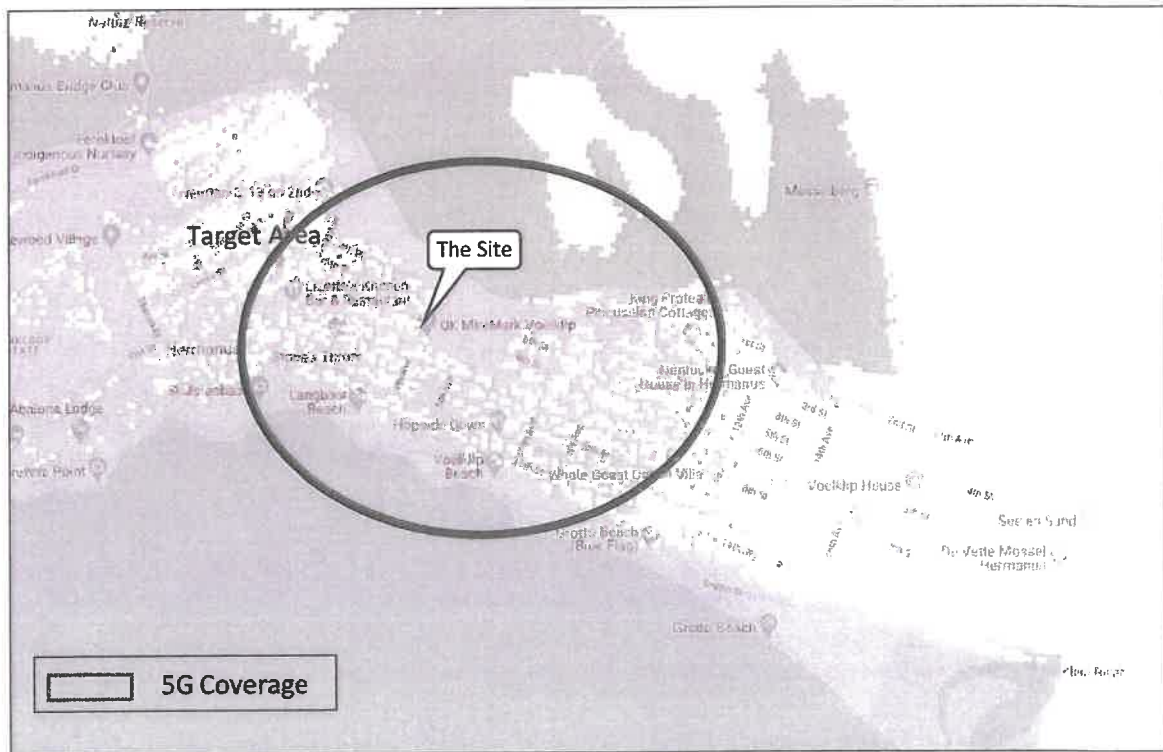


Figure 13 - MTN 5G Coverage in Voëlklip

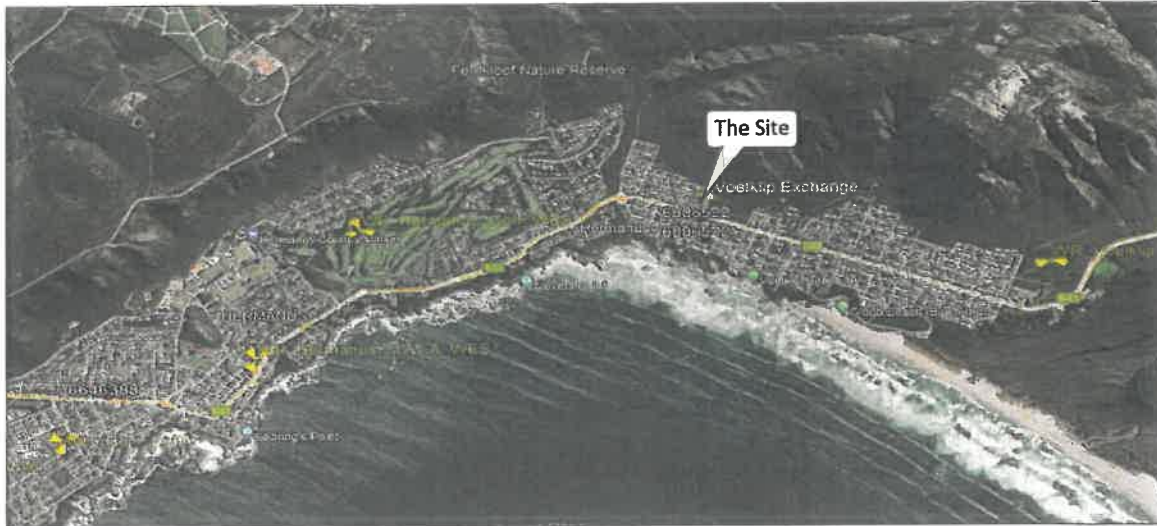


Figure 14 - Telkom Customers Complains

Figures 6 and 9 illustrate the coverage prediction for Telkom at the different height of the Transmission Apparatus. As seen in these coverage plots, which was provided by the radio planners of Telkom, there is a need for additional coverage in the target area of Voëlklip.

To further understand the coverage plots which was provided by the Telkom radio planners, the following should be noted:

RSRP (dbm)

Excellent Coverage	Greater than -95dbm
Good Coverage	-95dmb to -105dbm
Poor Coverage	-105dbm to -120dbm

RSRP - the Reference Signal Received Power is the power of the LTE Reference Signals spread over the full bandwidth and narrowband

dbm (displayed as negative value that is why the smaller negative value is improved coverage) - The power, expressed in decibel-milliwatts, of the reference signal received from the cell tower. The reference signal is not the same signal that carries your data, but is a special, extra signal, which is exclusively used for estimating the power of the data-carrying signals coming from the cell tower, which the modem and tower use to negotiate data rates. An antenna can help you recover some RSRP, resulting in faster speeds. As always, proper installation of the antenna and related equipment is of critical importance and can turn a poor service into an excellent one.

Why the smaller value is the more improved coverage is because the values is as negative and moving closer to positive. To provide the necessary coverage for the Telkom customer complaint target area (as seen in figure 14), a 25m mast is required.

Figure 10 - 14 illustrates the current LTE/5G coverage for Vodacom and MTN in Voëlklip. It should be noted that although full LTE network coverage for Vodacom and MTN is visible in Voëlklip, the denser population and new telecommunication technologies influences the capacity constraints in the area, which could have a negative impact on the network coverage. As illustrated in the coverage images, there are currently limited 5G coverage for Vodacom and MTN in Voëlklip, the proposed 25m TA replacement will enable Vodacom and MTN to co-locate on the TA and install all the required telecommunication infrastructure and new antennas, to provide better coverage (LTE Advance/ 5G) to the area of Voëlklip.

South Africa is currently dealing with an electricity crisis and is experiencing loadshedding daily. This has a huge economic impact on the local businesses, as many are dependent on electricity to function. Dependency on communicative technology is becoming increasingly higher and business increasingly depend on coverage (for notifications of power outages, malfunctioning machinery/refrigeration etc because of power issues).

Furthermore, due to loadshedding many of the existing telecommunication base stations also go off, as the back-up batteries are not able to charge fully in between loadshedding. The battery life of the existing base stations is affected by the amount of surrounding base stations, as the more traffic going through one site, the greater the electricity usage. Fewer base stations in a specific area will cause the back-up batteries to run-out faster as more people depend on the network causing radios to work harder and the battery-life to decrease. This proposed Transmission Apparatus helps with providing coverage during loadshedding as it helps distribute the load on base stations in the area.

Households without inverter or other back up power supply will be able to stay connected and communicate if the local TMI remains on air.

The network relief brought on by this Transmission Apparatus will aid local businesses and can unlock growth potential which will have a positive economic impact. Residents, businesses, and commuters have a more secure connection with day-to-day services, transport, emergency services and armed response which have a huge social impact on a functional living environment.

The land use in the area is primarily residential, middle to high-income housing. The proposed TA replacement will not interfere with the current use on the property and there are no negative impacts on the surrounding land uses and environment. No trees need to be removed to build the Transmission Apparatus and no buildings with heritage value will be affected.

The Transmission Apparatus does not have any impact on the external engineering services, on transport or traffic related items, or on the biophysical environment. Every possible measure has been taken to make the design as aesthetically pleasing as possible.

It is our submission that the proposed Transmission Apparatus does not have any detrimental impact on the surrounding properties and will provide an essential and well used service to the surrounding community.

The radio planners of Telkom also provided a map which illustrates the complaints, which were received from their clients, due to lack off coverage/drop calls. Telkom strives to provide excellent coverage to everyone of their clients, so each complaint received by their customers is deemed as an important issue which needs to be address and to ensure that top coverage is being produced to all their clients.

E.2.2. Choice of site

As an increase in the number of users occurs, the area, which is covered by the existing network decreases, leading to poorer network coverage. Figures 15-17 strives to explain how the need for an increase in cellular infrastructure evolves in a typical urban area. Cellular infrastructure explained:

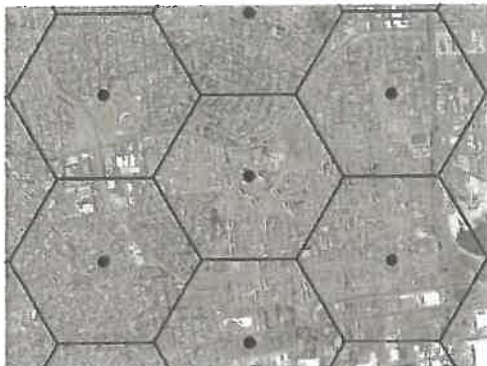
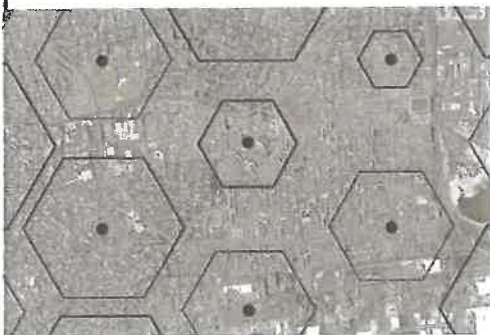


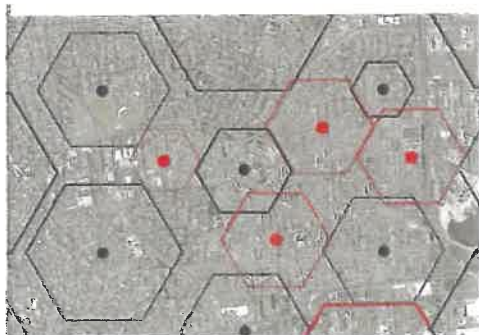
Figure 15 is an illustration of optimum network and data coverage. This is explained by envisioning the octagonal shape of a honeycomb (cells).

Figure 15- Initial Coverage (Cell) provided by Telecommunication Base stations



As network users increase, the cells shrink which leads to gaps within this network of cells. This leads to dropped calls, weak/ limited signal and the failure to access the latest technologies in communication innovations.

Figure 16 - Coverage Decreases due to increase in network users - Cell size decreases



Gaps between cells require new/additional telecommunication base stations to be placed in these gaps to retain good network coverage

Figure 17 - Additional telecommunication base stations required to fill the gaps

Locations for telecommunication infrastructure are primarily chosen within areas where a need exists for coverage (refer to Figure 17). If a need for coverage/ capacity does not exist in a specific area, no company would invest capital to build a telecommunication transmission tower in the said area.

The need for coverage is however not the only determining factor when identifying a possible position for a telecommunication base station/ transmission apparatus. Other determining factors include altitude, zoning and the visual impact of the proposed base station/ transmission apparatus. Distance away from existing base stations/ transmission apparatus in the surrounding area is also an influencing factor.



Figure 18 -500m and 1km radius of the proposed site and surrounding base stations

Table 5– Nearest Surrounding Transmission towers/infrastructure as alternative

	Mast and Height	Site location	Distance
A	Tree mast, 30m (North of the Cape Nature Office)	17 th Avenue	+/-2300m

Considering the information in Figure 18 and Table 6 the need for the proposed TA is clear. Existing TI is not sufficient to provide coverage and assist with the capacity constrains as there are no other TA/TBS within the 500m and 1km radius.

The proposed 25m Lattice Transmission Apparatus will provide all the network operators the opportunity to co-locate on the mast, in order to improve the network coverage in Voëlklip.

Givin the existing landscape and property zoning patterns in the suburb of Voëlklip, it is notable that there are only a few properties existing in the specific area of Voëlklip, which makes provision for a transmission apparatus according to the Overstand Land Use Zoning Scheme 2020. The surrounding

properties are all zoned Residential Zone 1: Single Residential which reduce the possibility of considering alternative sites. As illustrated in Figure 3, only 3 properties make provision for a transmission apparatus and all these possible alternatives were considered. This following section will elaborate on the alternative sites and will provide the reason for why Erf 6679 Hermanus was accepted.

Alternative sites Considered:

Erf 6679 Hermanus (Option 1) - It should be noted that when determining a possible position for a TA base station, the following determining factors play a role in identifying a suitable position, 1. Altitude, 2. Zoning, 3. Visual Impact, 4. Distance away from existing base stations, 5. Requirements of the network, and 6. Willing landlord. Erf 6679 Hermanus is zoned Business Zone 3, which is compliant with the Overstand Land Use Zoning Scheme 2020, which makes provision for a transmission apparatus as a consent use. The location of the proposed base station is also situated optimally between existing surrounding base stations, which help with reducing the need for future base stations in the area. Our client Gyro (which is affiliated with Telkom) was approached by Telkom to erect a TA in Voëlklip, as there is a need for coverage in the area according to the radio planners of Telkom. This position will meet the requirement of the network. The property is also owned by Telkom and is currently used as a Telkom substation. Comparing with the surrounding property land uses in the area, this property will make the most sense visually, as the existing utility services and concrete palisade fence will blend in with the TA infrastructure associated with telecommunication infrastructure reducing the visual impact. Based on the findings and the fact that our client (Gyro/Telkom) owns the property, this position was deemed as the best option compared to the alternative sites.

Erf 6256 Hermanus (Option 2) – As mentioned in Option 1 the same determining factors was also looked at, at Erf 6256 Hermanus. This property is also zoned Business Zone 3, which makes provision for a transmission apparatus as a consent use. Optimally this position would also have worked for the radio planners of Telkom in terms of distance away from existing surrounding base stations, and network requirement. However, the only reason why this property was not chosen, was because of limited space. As confirmed by the landowner of the property, there is not enough space on the property for this base station. They were not willing to rent out a 10m x 10m portion of their property in order to accommodate the base station.

Erf 4771 Hermanus (Option 3) – Option 3 also meet all the requirement as previously mentioned in the previous two options. The zoning of the property is Open Space Zone 2 which makes provision for a transmission apparatus as a consent use. Optimally this position would also have worked for the radio planners of Telkom in terms of distance away from existing surrounding base stations, and network requirement. However, because the property is currently being utilised as an open space, and part of the nature reserve, we are of the opinion the Visually this position would have a bigger impact on the surrounding area. The ‘openness’ of the property will not ‘screen’ the TA equipment container and the TI infrastructure would be more visible. Also, the property is not owned by Telkom itself, which makes it more difficult to sign a lease with the landowner.



Figure 19 - Alternative sites considered in Voëlklip

E.2.3. Visual Impact Assessment (VIA)

As stipulated in section 16.10.23 of the Overstrand Planning Zoning Scheme a Visual Impact Assessment (VIA) is one of the requirements which is needed for a Transmission Apparatus Land use application. A VIA has been conducted for the abovementioned consent use and permanent departures application, as seen in the VIA report our client initially proposed a 25m Tree mast to blend in with the existing natural surroundings of Voëlklip.

The following superimpositions was included in the VIA to determine which TA structure (mast type and height) would be deemed as the most appropriate, according to the visual impact on the surrounding area of Voëlklip.



Figure 20 - Superimposition of proposed 15m Lattice mast looking west from the R43/7th street route of regional scenic significance



Figure 21 - Superimposition of proposed 15m Monopole mast looking west from the R43/7th street route of regional scenic significance



Figure 22 - Superimposition of proposed 15m Tree mast looking west from the R43/7th street route of regional scenic significance



Figure 23 - Superimposition of proposed 20m Lattice mast looking west from the R43/7th street route of regional scenic significance



Figure 24 - Superimposition of proposed 20m Monopole mast looking west from the R43/7th street route of regional scenic significance



Figure 25 - Superimposition of proposed 20m Tree mast looking west from the R43/7th street route of regional scenic significance



Figure 26 - Superimposition of proposed 25m Lattice mast looking west from the R43/7th street route of regional scenic significance

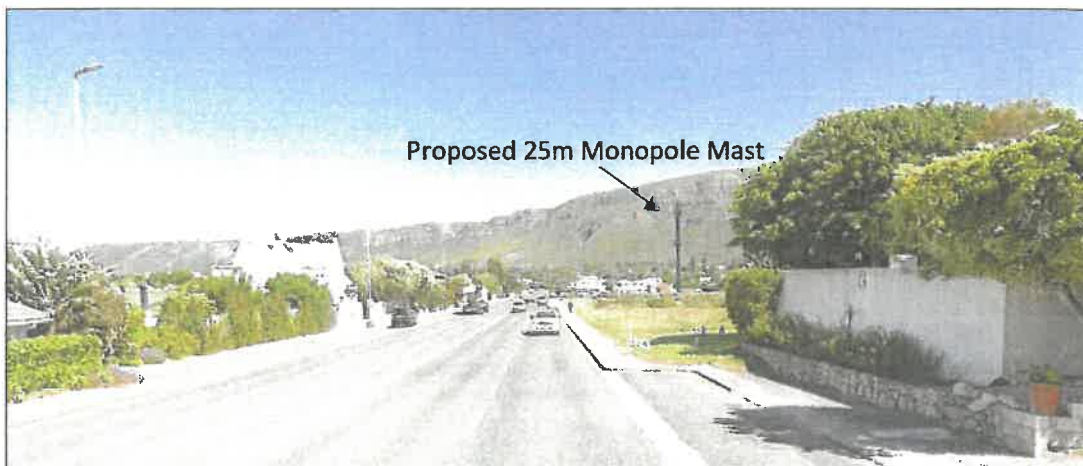


Figure 27 - Superimposition of proposed 25m Monopole mast looking west from the R43/7th street route of regional scenic significance



Figure 28 - Superimposition of proposed 25m Tree mast looking west from the R43/7th street route of regional scenic significance

According to the VIA report from a visual perspective the 25m lattice mast is seen as **moderately compatible** with the receiving environment. The intensity or the degree to which the proposed development will impact views, and scenic or cultural resources will be **moderate-low**. The duration of the impact upon its surroundings of the development is assessed as long term. The significance rating is assessed as **moderate-low**.

The following mitigation measurements proposed by the VIA specialist include:

- *The use of muted, matt finishes for all parts of the proposed development / infrastructure to be used whenever possible.*
- *Fencing must be visually permeable e.g. welded mesh (e.g. 'ClearVu' or similar), but not steel palisade. Darker colours are visually recessive and therefore colours such as dark grey, etc. should be considered.*
- *Preferably no lights, including along the infrastructure fence line, should be installed with the proposed infrastructure.*

*Any development will cause a visual change within the landscape. The visual impact significance rating assessed as **moderate-low and low** if all mitigation measures are implemented.*

Taking into consideration the information from the VIA report and the need and desirability explained in this motivation document for a TA in Voëlklip, our client agreed to the recommendation made in the VIA and amended the proposal from a 25m Tree Mast to a 25m Lattice mast.

E.2.5. Health concerns

There has been increasing public concern about health risks associated with cellular communication, please see attached Health letter in Annexure G.

SECTION F: CONCLUSION

This consent use and permanent departures application to allow for the proposed transmission apparatus to be erected on Erf 6679 Hermanus, will provide an essential and sort after service to the surrounding community, businesses and commuters. This application is in line with the current policy and legislation on a local level. Policy and legislation are mainly focused on the Spatial Planning and Land Use Management Act, 2013. Furthermore, this application is in compliance with the Five-Year Integrated Development Plan (2023/24), and Overstrand Municipal Spatial Development Framework, 2020.

We would like to emphasise the positive contribution this transmission tower will have on the immediate as well as the surrounding community and passing commuters:

- Most households in the surrounding area depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.
- Please note that the residents in the area are not the only ones being provided with these services. Visitors to the area, businesses and daily commuters will benefit by having access to improved communication facilities.
- Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers' is poor, then contacting emergency services becomes a difficult task.

Finally, we would like to emphasize that communications companies deliver an important service to the wider public, and in terms of their license with ICASA they have to meet certain standards in order to retain their licenses. One of these standards is to supply adequate network coverage to their demanding customers. The proposal also allows for other service providers to share this installation and refrain from constructing another base station in this area.

We trust that this application will meet your requirements and will receive your positive consideration.



GYRO SITE ID: 06220-01

GYRO SITE NAME: VOELKLIP EXCHANGE

PROPERTY DESCRIPTION:

ERF 6679, HERMANUS

ADDRESS: 4TH AVENUE, VOELKLIP, HERMANUS

CO-ORDINATES: Lat: -34.405623° Long: 19.278331° ELEVATION: 29m



TOWN AND REGIONAL PLANNING CONSULTANTS 118
Unit 1, 3rd Floor, P.O. Box 182, Market Building, Bridgeway, Century City, Cape Town, 7448
Tel: (021) 862 5295 Fax: 084 637 9187

PROJECT: PROPOSED NEW GYRO 25m LATTICE MAST AND CUSTOM BASE STATION

APPROVED MAST: 25m LATTICE MAST

- NOTES:
- A) NEW 25m LATTICE MAST
 - B) CUSTOM BASE STATION
 - C) ZONING: BUSINESS ZONE 3
 - D) BUILDING LINE: 3m
 - E) OWNER: TELKOM S A LTD

ANNEXURE C 1/3

DATE	DESCRIPTION	REVISION
25-04-2024	1st Issue	0

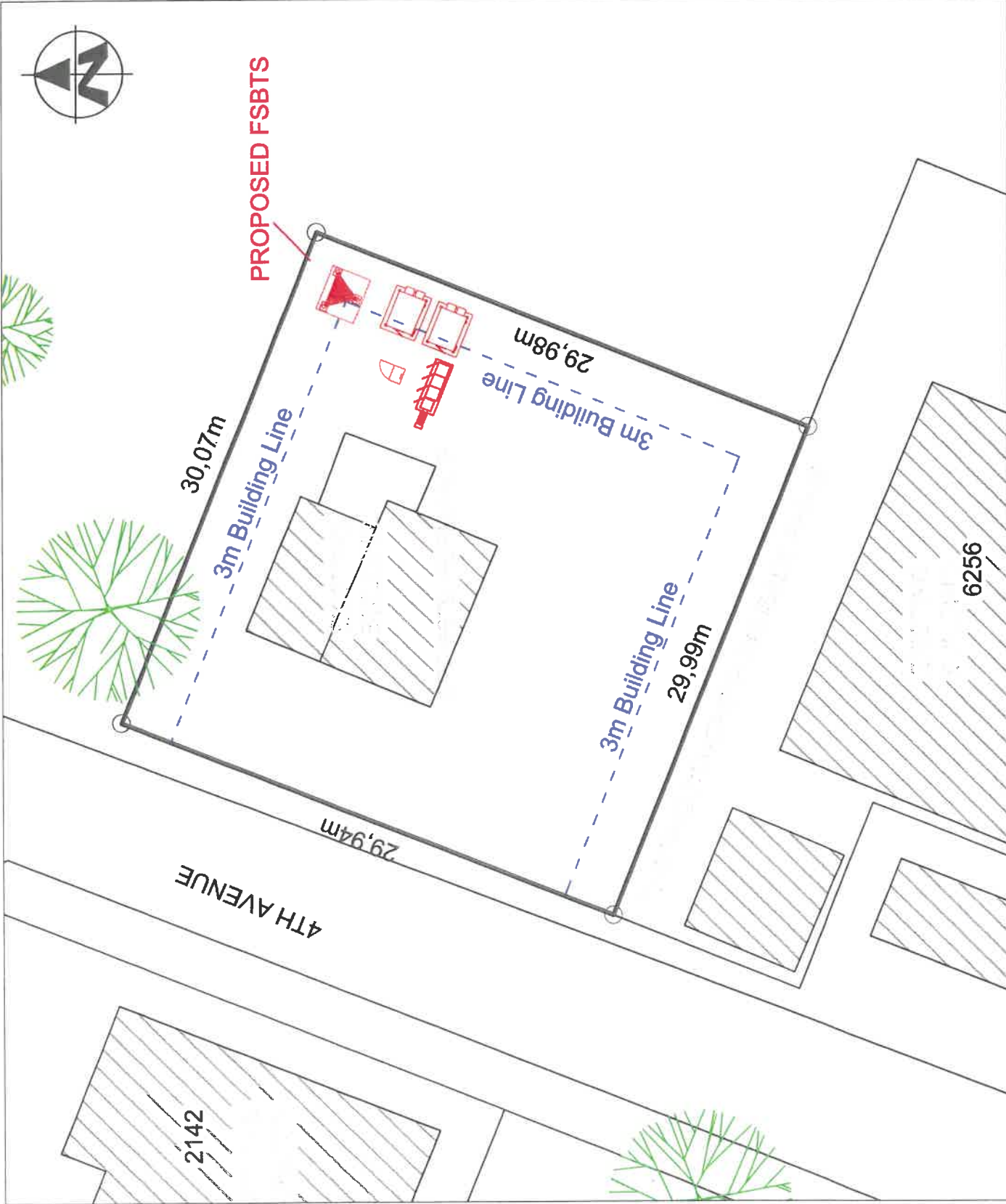
DRAWING NUMBER: 06220-01 SHEET: 2 OF 5

DRAWING TITLE: SITE PLAN

DRAWN: A. RODRIGUES SCALE: 1:300

DATE: 2024-04-25 REVISION: 0

Site Plan





GYRO SITE ID: 05220-01

GYRO SITE NAME: VOELKLIP EXCHANGE

PROPERTY DESCRIPTION:

ERF 8679, HERMANUS

ADDRESS: 4TH AVENUE, VOELKLIP, HERMANUS

CO-ORDINATES: ELEVATION: 28m
Lat: -34.405623°
Long: 19.278331°



PROJECT: PROPOSED NEW GYRO 25m LATTICE MAST AND CUSTOM BASE STATION

APPROVED MAST: 25m LATTICE MAST

- NOTES: A) NEW 25m LATTICE MAST B) CUSTOM BASE STATION C) ZONING: BUSINESS ZONE 3 D) BUILDING LINE: 3m E) OWNER: TELKOM S A LTD

DATE	DESCRIPTION	REVISION
25-04-2024	1st Issue	0

DRAWING NUMBER: 05220-01 SHEET: 3 OF 5

DRAWING TITLE: TOP VIEW

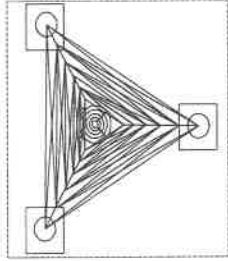
DRAWN: A. RODRIGUES SCALE: 1:75 SHEET: 2/3
DATE: 2024-04-25 REVISION: 0

Top View

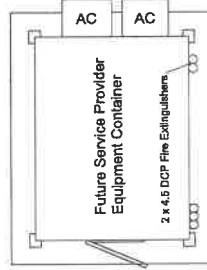


EXISTING CONCRETE PALISADE FENCE

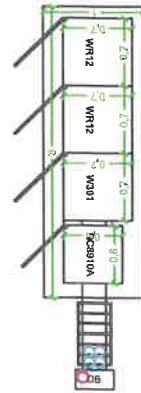
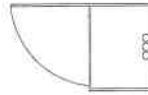
25M LATTICE MAST



25M TREE MAST



2X FUTURE EQUIPMENT CABINET

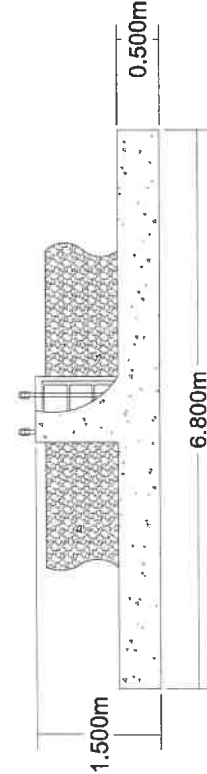
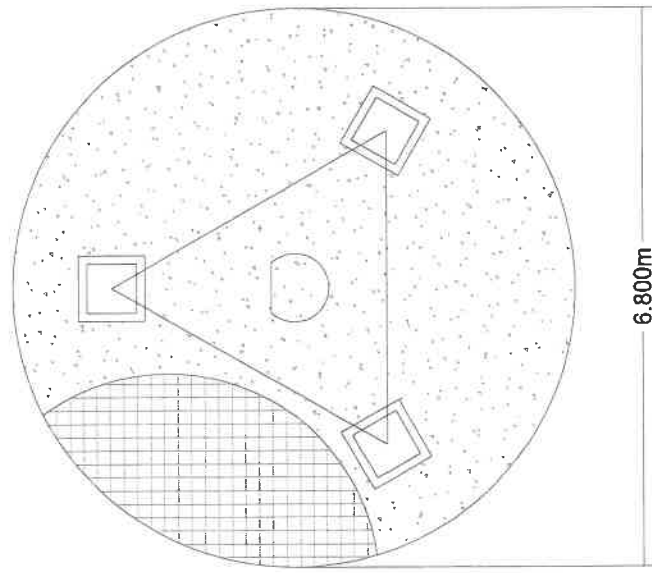


EXISTING CONCRETE PALISADE FENCE

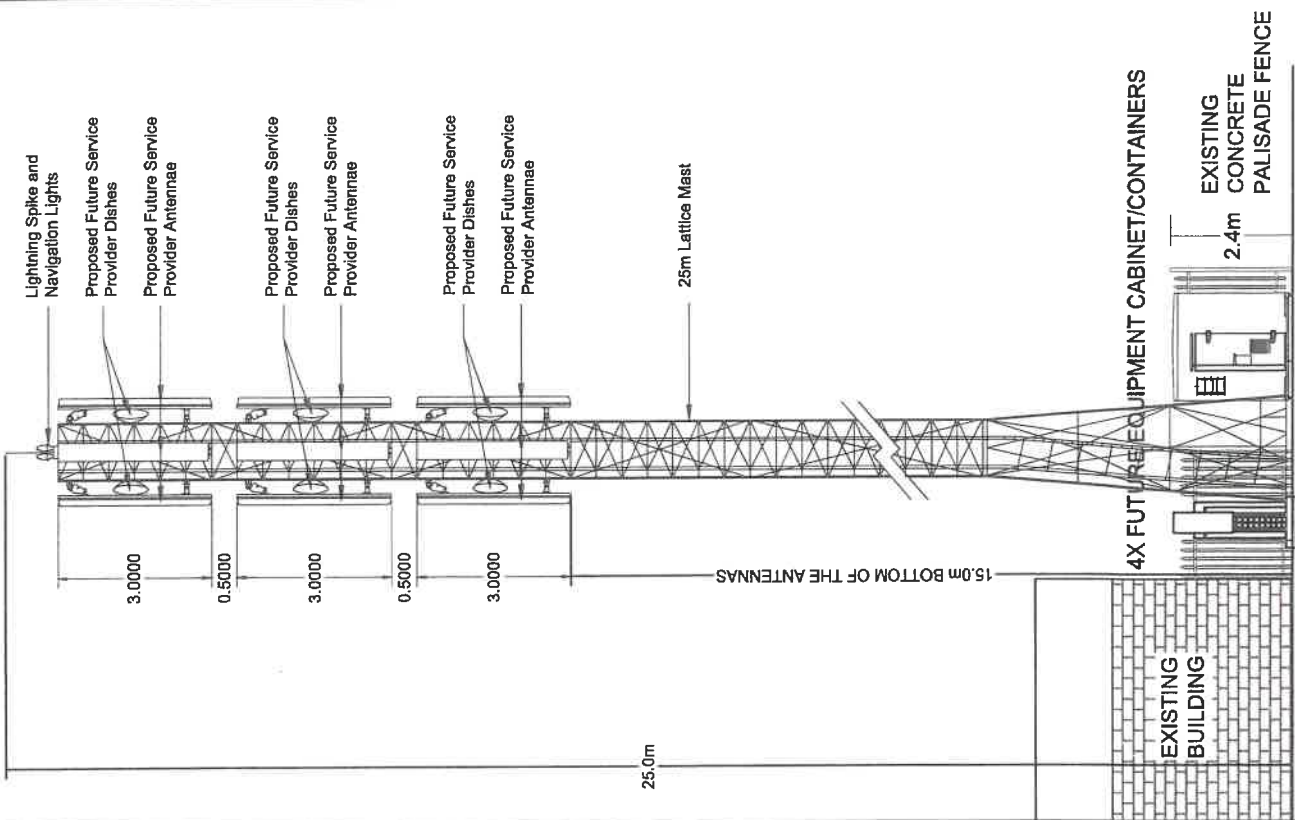
EXISTING BUILDING



Elevation



25m LATTICE
MAST FOUNDATION
SCALE 1:125



GYRO SITE ID: 05220-01

GYRO SITE NAME: VOELKLIP EXCHANGE

PROPERTY DESCRIPTION: ERF 6678, HERMANUS

ADDRESS: 4TH AVENUE, VOELKLIP, HERMANUS

CO-ORDINATES: ELEVATION: 29m
Lat: -34.405623°
Long: 19.278331°



TOWN AND REGIONAL PLANNING CONSULTANTS
Unit H, 3rd Floor
Maboneng, Braamfontein,
Century City, Cape Town
Tel: (021) 662 6206
Fax: (021) 637 9167
P.O. Box 102,
Century City,
7446

PROJECT: PROPOSED NEW GYRO 25m LATTICE MAST AND CUSTOM BASE STATION

APPROVED MAST: 25m LATTICE MAST

NOTES:
A) NEW 25m LATTICE MAST
B) CUSTOM BASE STATION
C) ZONING: BUSINESS ZONE 3
D) BUILDING LINE: 3m
E) OWNER: TELKOM S A LTD

DATE	DESCRIPTION	REVISION
25-04-2024	1st Issue	0

DRAWING NUMBER: 05220-01
SHEET: 4 OF 5

DRAWING TITLE: ELEVATION

DRAWN: A. RODRIGUES
SCALE: NTS

DATE: 2024-04-25
REVISION: 0

Alida Conradie

From: Jenny McQueen
Sent: Friday, 18 October 2024 16:03
To: Alida Conradie
Subject: Fwd: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: NOTICE - 6679 HVK (Consent use & Departure).pdf

I am the owner of erf 2155 in Voelklip Hermanus.
 I have no objection to this application.
 Kind regards
 Jenny McQueen
 Erf 2155
 59 6th Street Voelklip Hermanus

TP n. Theait
 (H. Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
21 OCT 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Sent from my iPhone

Begin forwarded message:

From: Marlize Miller <mmiller@overstrand.gov.za>
Date: 18 October 2024 at 15:44:22 SAST
To: Alida Conradie <alida@overstrand.gov.za>
Cc: Marlize Miller <mmiller@overstrand.gov.za>, Enquiries <enquiries@overstrand.gov.za>
Subject: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

FILE NO. ERF 6679
HVK
SCAN NO.
COLLABORATOR NO.
2142541

To whom it may concern

ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETERSON PLANNING ON BEHALF OF GYRO PROPERTIES (PTY) LTD ON BEHALF OF TELKOM (SA) LTD

You are regarded as a potentially affected property owner.

Attached please find a self-explanatory notice/advert for your attention.

Sections 47 & 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post

TP - A Theart
(HOLLIER)

REKORDBEHEER

22 OCT 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Alida Conradie

From: Angela De villiers <
Sent: Monday, 21 October 2024 15:13
To: Alida Conradie
Subject: Appeal against erection of Telkom Mast in Voelklip

I strongly object to the proposed Telkom Mast planned for Voelklip in the disguise of a palm tree in the area of 7th Street & 3rd Avenue on the grounds of it being a health hazard to the adjacent neighbourhood.

Kind regards
Angela de Villiers
9, Eighth Avenue
Voelklip

Sent from my iPhone

FILE NO. Erf 6679 - HVK
<input type="text"/>
SCAN NO. HVK 6679
<input type="text"/>
COLLABORATOR NO.
2143381

OVERSTRAND MUNICIPALITY 3/17
REKORDBEHEER
29 OCT 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Stanley Pienaar <
Sent: Tuesday, 29 October 2024 10:42
To: Alida Conradie
Subject: Application for consent.
Attachments: NOTICE - 6679 HVK (Consent use & Departure).pdf

TP-A Theart
(Hollivier)

Hi Alida,

We have seen the notice attached for the application for consent on a transmission apparatus right across from our house in voelklip.

Our erf number is 2142 (19 Fourth Avenue)
Stanley Pienaar

Alida, we go against the installation of the transmission apparatus and my reasons for that is; We have just completed large renovations on our property for the reason to change it back to a self catering airBnB in the next year. The house used to be Grys paleis self catering before we bought the house.

This tower will greatly affect the view of the surroundings for everyone including the B&B 78 on 5th that looks right down onto the telkom property.
 Also this will devalue my house immediately as this structure is not blending in with our surroundings at all.
 We have also installed solar panels and this will now be greatly affected by losing sun to dishes on the tower. 25m is surely going to affect my solar. I have 18 panels on my roof and the sun is coming up right in the direction of this tower.
 It does also pose a health risk to us and this has been proven where there are court cases going on with regards to the health concerns of these towers. We do not want the same.

The property has not been maintained once in the 7 years that we have been here. We have lodged a complaint with the municipality before where the property was overgrown. They came out and sprayed some poison to kill all the weeds. That is it. The place is a sore eye for us. Plastic hanging of their barbed wire and around the place is not good. We clean the area around it ourselves. We also had a problem with vagrants making shelters right next to their fence where there is a huge tree. They made a big mess and we removed them with the help of security. HPP. We then got the municipality out again to come and trim the tree so we can prevent them coming back. We maintain that arera as well to make sure this does not happen again.

Now they want to put a tower up that is going to spoil the whole area.

Alida,
I say to know the erection of this tower and go against it. For me, they can remove the whole building. I do not give consent.

Best Regards
Stanley Pienaar

TP

FILE NO. Erf 6679-HVK
SCAN NO. Stanley
COLLABORATOR NO. 2147057

REKORDBEHEER

29 OCT 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP- A Theart
(H Olivier)

Alida Conradie

From: lientjie pienaar
Sent: Tuesday, 29 October 2024 10:30
To: Alida Conradie
Subject: Objection on application for use and departure for erf 6679 HVK, 76 Seventh Street, Voelklip, Hermanus
Attachments: Telkom building.jpg

Dear Alida

I Helene Maria Pienaar, Co-Owner of erf 2142, 19, 4th Avenue Voelklip, Hermanus hereby object on the application of departure and use of erf 6679.

We are directly affected by their application as we live right across from them. Over our almost 8 years of living opposite of this Telkom building, they have not once made any effort to uphold, clean and take care of their property. See pic attached. If they cannot even maintain their property, how can we trust that they can maintain a communication tower? It is already unsightly as it is, no need for a tower to be added and making it worse.

A couple of weeks ago their fire alarm went off for 2 days, no one came out to check on it, until I contacted our Mayor, she sorted it out. It feels like they do not care about their fellow neighbours and the neighbourhood.

They do not care for their surrounds, the erven surrounding them or the area that they occupy.

As for there communication tower, I strongly object, our property value will decline, not only will it be unsightly, but it will affect our health and I believe the health of animals and nature in it surrounds. Who will be responsible for our health declining and the medical costs that goes with that? I do feel if it is approved someone will have to be liable for this whole area of Voelklip and all its residents and holiday makers health, health issues that goes along with this communication tower and the costs as well as all of the residents property value losses. This tower is way above our height restrictions allowed in this area, it should be kept as is, we all comply and so should they. This is a residential area after all.

The tower will also affect our, all of our neighbours and guesthouses lovely views, which Voelklip is know for, mountain views, nature reserve views and even a sea views. The little veldjie at which erf 6679 border is part of the nature reserve if I am not mistaken.

I also do not believe that a communication tower is needed in the area, we have fibre everywhere, why do we need a tower in a residential area?

It is shown that residential areas with a communication tower in it's vicinity's value decline and no one wants to buy a property that is close by due to health related issues.

Please do keep me updated on this matter.

Kind regards
Lientjie (Helene Pienaar)

FILE NO.	Erf 6679 - HVK
SCAN NO.	Pienaar
COLLABORATOR NO.	2147040

TP



TP - A Theart
(HOLLIVIER)

30 OCT 2024

Alida Conradie

From: Hundermark, Stan <hundermarksara@gmail.com>
Sent: Wednesday, 30 October 2024 12:31
To: Alida Conradie
Cc: Sara Hundermark | Sportsmart
Subject: RE: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

Hi Aldie,

As a property owner in 5th street Voelklip, I am 100% against the proposed construction of this communications structure.

I do not believe that it is keeping with the area, and more importantly, I believe that this structures height will way exceed the max height within the Voelklip area.

The erecting of this tower, will be nothing more than an eye sore, in a suburb that is all about been at one with nature, and should remain this way.

So in closing, I am not granting consent.

Regards
Stan Hundermark

From: hundermarksara@gmail.com <hundermarksara@gmail.com>
Sent: Monday, October 21, 2024 1:59 PM
To: Hundermark, Stan <stan.hundermark@disney.com>
Subject: FW: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

This Message is From an External Sender

Caution: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from [Mail](#) for Windows

From: Marlize Miller
Sent: Friday, 18 October 2024 15:43
To: Alida Conradie
Cc: Marlize Miller; Enquiries
Subject: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner

To whom it may concern

FILE NO.	Erf 6679-HVK
SCAN NO.	HVK 6679
COLLABORATOR NO.	2149283

TP- A Theart
(H Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
31 OCT 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Jakobie Murray <jakobie@murray.co.za>
Sent: Thursday, 31 October 2024 13:03
To: Alida Conradie
Subject: Fwd: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: NOTICE - 6679 HVK (Consent use & Departure).pdf

Herewith a complaint re the planned building of a telecommunication tower on erf 6679, 76 Seventh street, Voelklip, Hermanus. We as home owners affected by the tower wish the planned tower to be moved to another location. Not only does it spoil our view to the mountain (and therefore the value of our property), But the possible health risks are of bigger concern,

According to Navarro et al, 2003: Hutter et al , 2006 and Faisel et al, 2007 there are definitely neuropsychiatric effects found in humans being exposed to radio frequency exposure. Also a risk for cancer is mentioned, severe headaches and altered sleep problems, a high incidence of diabetes type 2. Numerous other health risks are mentioned. These are only involving humans. The effect on the eco system is not mentioned.

Herewith I oppose the erection of a communication tower at above mentioned address.

regards
 Jakobie Murray
 71 6th street

----- Forwarded message -----

From: Marlize Miller <mmiller@overstrand.gov.za>
Date: Fri, Oct 18, 2024 at 3:43 PM
Subject: ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
To: Alida Conradie <alida@overstrand.gov.za>
Cc: Marlize Miller <mmiller@overstrand.gov.za>, Enquiries <enquiries@overstrand.gov.za>

FILE NO. Erf 6679 - HVK
SCAN NO. HVK 6679
COLLABORATOR NO. 2150177

To whom it may concern

ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF GYRO PROPERTIES (PTY) LTD ON BEHALF OF TELKOM (SA) LTD

You are regarded as a potentially affected property owner.

Alida Conradie

From: Monday, 11 November 2024 09:00
Sent: Alida Conradie
To: OBJECTION - ERF 6679, 76 seventh street
Subject:

<p>OVERSTRAND MUNISIPALITEIT</p> <p>REKORDBEHEER</p> <p>11 NOV 2024</p> <p>DOCUMENT CONTROL</p> <p>OVERSTRAND MUNICIPALITY</p>

Good morning, Alida,

I trust you are well,

I would formally like to Object to the ERF 6679, 76 seventh street, Voelklip, Hermanus.

If you require any further information from me, please advise,

Kind Regards,

Warren Espey

*TP - A Theart
(Holivier)*



Eco Oak Flooring (Pty) Ltd
 1A Corner Pollsmoor and, Main Rd,
 Kirstenhof, Cape Town, 7945

www.ecooakflooring.co.za

@ecooakflooring

Ecooakflooring

FILE NO. <i>ERF 6679 - HNK</i>
<input type="text"/>
SCAN NO.
<input type="text"/>
COLLABORATOR NO.
<i>2325188</i>

TP

6679 HVK TP-A Theart (H Olivier)

Alida Conradie

From: Susan Kumleben
Sent: Monday, 11 November 2024 18:55
To: Alida Conradie
Subject: Objection to proposed telecoms mast

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
12 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Ms Conradie,

I would like to submit an objection to the proposed erection of a 25m telecoms tower on 7th St in Hermanus. This pertains to file 6679 HVK App ID 4724/2024.

More telecoms support is a good thing. However, as with all real estate, location, location, location. There is no reason why this mast must interrupt any resident's line of sight to the Ocean. It does seem like there are MANY tracks of land available along the bottom of the mountain that would neither distract from any resident's sight lines OR expose an resident to excessively close radio/telecom signals. Just because we do not see them, does not mean that they are no there, nor that they are harmless. A minimum distance from houses of 100 meters is often recommended.

I assume this mast will be camouflaged, as is the one on the gold course. That helps!

May I take this chance to say thank you for being part of the Overstrand government – the highest rated in South Africa. As a resident I am deeply indebted to you and all your colleagues for that achievement. Thank you!

With best wishes,

Sue Kumleben
19 Kwaaewater Rd
Hermanus

FILE NO. Erf 6679-HVK
[]
SCAN NO.
[]
COLLABORATOR NO.
2425588

TP

10/17

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER

~~14 NOV 2024~~

DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

6679 HVK

Alida Conradie

From: Danie du Plooy <
Sent: Thursday, 14 November 2024 15:01
To: Alida Conradie
Cc: Danie du Plooy
Subject: Voëlklip Lattice Transmission Tower

TP-A Theart
(Holivier)

To whom it may concern.

This letter serves to convey my strongest possible objection to the erection of the proposed tower. The main reasons being the harmful waves send out, devaluation in property prices and obstruction of our sea view.

1 Numerous trustworthy international research articles on the harmful effects of the radio-frequency electromagnetic fields- and other waves - have on our health were published. Please see - Environmental Research volume 214, Part 2, November 2022, 113851. Evidence for a health risk by Radio-frequency(RF) on humans living around mobile phone-base stations: From RF sickness to Cancer.

There were also changes in the biochemical parameters.

These facts are withheld from the population by big companies, governments and -sadly- the World Health Organization.

RF sickness is a term for the effect on the nervous system - headache, sleep disturbances, fatigue, dizziness etc. Increase in many types of cancers was noted in the areas surrounding the towers.

2 It speaks for itself that house prices in the immediate vicinity of a tower will drop. Voëlklip residential area must be on the top 10 most sought after in the country. We have invested our savings in our house and hope that the selling prize one day will be enough to buy a carefree retirement. That is now doubtful.

3 The proposed site is 100m from our house - right in-front towards the sea- partly blocking our view to the sea.

It will be a sad day if this tower is erected.

Why isn't there an article in the local newspaper about this proposal?

Thanks,
Dr Danie du Plooy.

FILE NO. 6679-HVK

SCAN NO.

COLLABORATOR NO. 2511947

131
OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

20 NOV 2024

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OVERSTRAND MUNICIPALITY

*TP - A Theart
(H Olivier)*

2377
SF Naude
76 Fifth street
Voëlklip
Hermanus

To: Directorate: Planning & Development

Town & Spatial Planning

For attention: Alida Conradie

Re Notification to Potentially Affected Owner

Date: 19 November 2024

FILE NO. <i>ERF 6679 - HNK</i> ✓
SCAN NO.
COLLABORATOR NO. <i>2557022</i>

**ERF 6679, 76 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETERSON PLANNING
ON BEHALF OF GYRO PROPERTIES (PTY) LTD ON BEHALF OF TELKOM (SA) LTD**

Comments, objections and representations.

I would like to start of with one of your notes regarding the area. Your wording I quote: "Voëlklip is a popular holiday destination between the mountain and the sea on the outer reaches of Hermanus makes it the perfect destination for the people of Cape Town to spend a breakaway weekend away from the city." To that I would add "contributing to the growth seen in Voëlklip the previous say ten years or maybe longer".

By erecting the proposed 25-meter-high mast will most certainly have a negative impact on the income generated by these tourists to Voëlklip and the greater Hermanus area. People are much more sensitive to exposure resulting from microwave and transmission signals than ever before.

The coverage prediction of the mast @25m (figure 9 in your proposal) is covering a big area of uninhabited mountain and sea areas making me wonder whether this site chosen for the mast is optimal.

With regard to the erection site of the mast, I have the following issues/concerns;

1. Market value of my property:

I am the owner of the property situated on stand 2377, 76 Fifth street, Voëlklip.

The erection of the mast would be directly in the views from my house towards the ocean and would result in a major negative impact on the market value of my house. The municipal valuation of my property was increased by approximately 66% during the last municipal valuations to R7.4 million. Would the municipality be willing to reduce the current value of my property and for the other affected properties for calculating rates and taxes with the monstrosity of the mast being in full view of both the 1st and 2nd floor windows of my house looking out towards the ocean?

TP

Further I am of the opinion that where my house is situated, stand 2377, I will derive no benefit from the mast due to the close proximity from my house to the mast.

2. Health risks/Concerns

Health risks are due to the continuous exposure to microwave and transmission signals.

In your proposal you mention "there has been increasing public concern about health risks associated with cellular communication" and that this important subject is covered in Annexure G. I could not find such an annexure in your letter to the residents. This is a serious miscommunication.

I would like to see this communication and have enough time to be able to comment on this important subject by talking to professionals regarding this subject.

According to overseas publications the effects of this exposures are radiofrequency sickness, cancer and changes in biochemical parameters. More and more articles are published in the USA and Europe warning people on the health risks stemming from radiation due to these kinds of pollution.

In your proposal this very important subject is just brushed aside by not even including the Annexure G in your communication.

In conclusion this mast is a monstrosity to the residents of Voëlklip which we can do without and does not fit in with the unique Voëlklip neighbourhood.

Regards

Francois Naude

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

6679 HMC

Alida Conradie

From: Stefan Kranz <
Sent: Wednesday, 20 November 2024 12:42
To: Alida Conradie
Subject: Objection to telecoms tower Voelklip

Madam

As a longtime resident of Voelklip ,with multiple electronic devices and absolutely no problem with connectivity at any time, I see absolutely no need for the proposed tower.

I am also against the erection of the tower from an aesthetic point of view as it would detract from an area of exceptional beauty.

My address is: 39 10th Avenue,Voelklip.

Kind regards

Stefan Kranz

Sent from my iPad

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(H Olivier)

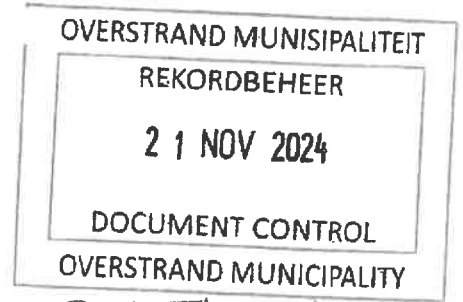
FILE NO. Erf 6679-HNK
SCAN NO. 06
COLLABORATOR NO.
2557459

TP

Alida Conradie

6679 HMK

From: cheryl bradley
Sent: Thursday, 21 November 2024 10:47
To: Alida Conradie
Subject: Cell phone tower...



TP-A Theart
(Hollivier)

Hello

It is with great concern that I write today about a 5G cell tower.

It has been proven in many scientific papers to be a TREMENDOUS health risk.

Why put it in a residential area?
Where is your feasibility study?
This is of grave concern to the residents of this area

Awaiting your reply.

Yours Cheryl Bradley.

Sent from my phone

FILE NO Erf 6679-HMK
SCAN NO. 01
COLLABORATOR NO.
2558083

TP

15/17

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

~~21 NOV 2024~~

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

6679 PMK

Alida Conradie

From: Judy Miller <j
Sent: Thursday, 21 November 2024 10:31
To: Alida Conradie
Subject: Resending objection thanks

I would like to add my voice to the objection of a cellphone tower in Voelklip. I too have connection problems on normal Vodacom but fibre sorts out the Wi-Fi and Whatsup very well.

It is well documented that towers are a health concern and if 5G is connected then that is a very serious concern .

NO TO A VOELKLIP TOWER.

Yours

Judy Miller

15-3rd street, Voelklip

C

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

21 NOV 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP-A Theart
(H Olivier)

FILE NO. Erf 6679-HVK

SCAN NO. 09

COLLABORATOR NO.
2557655

TP

25 NOV 2024

Alida Conradie

6679 HMC.

From: Marianne Friedman
Sent: Friday, 22 November 2024 17:38
To: Alida Conradie
Subject: Objection - Erf 6679 Consent use and departure

DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

TP-A Theart
 (H Olivier)

Dear Overstrand Municipality

I, Marianne Friedman (Jabula Trust),
 joint-owner of Jabula (Erf 2306),
 89 8th Street, Voëlklip,

object to consent use and departure being given to relax building lines of Erf 6679 and to relax permissible height restrictions from 8m to 25m.

I hereby object to the erection of the 25m Cell Tower on Erf 6679, 76 7th Street, Voëlklip, Hermanus.

- **Property devaluation**
- **Noise pollution**
- **Eyesore**
- **Potential health risk living close to a cell tower**

Please be aware of the following health risks:

Living under a cell tower could mean lifelong health trouble for these individuals (Headaches, insomnia, brainfog, tinnitus, chronic fatigue just to name a few).

Risk for breast and brain tumours increases significantly.

This cell tower should not be erected in a built up residential area with many people living close by.

Marianne Friedman
 for Jabula Trust

Erf 2306

FILE NO. Erf 6679-HVK
SCAN NO. 08
COLLABORATOR NO.
2559207

OVERSTRAND MUNISIPALITEIT
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25 NOV 2024
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TP

OVERSTRAND MUNICIPALITY 47/17
REKORDBEHEER
22 NOV 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Alida Conradie

From: Jose Ferreira
Sent: Friday, 22 November 2024 14:36
To: Alida Conradie
Subject: Objection to application ID 4724/2024

TP-A Theart
(Hollivier)

Good day.

We, the owners of 78on5th Bed and Breakfast at 78 Fifth Street (ERF 7356) would like to object to the planned Telkom tower at ERF 6679 HVK based on the following reasons.

1. Health reasons: Risks associated with electromagnetic waves

The EM waves used in telecommunication are produced with regular phase differences (coherence) and with specific orientations (polarization). These two properties are vital determinants of the health risks associated with the telecom's industry.

For communication

2. Visual disturbance: As a business relying on tourism our current view is of the utmost importance and a 25 meter structure directly in front of us will not only be an eyesore but could lead to a loss of business due to the obstruction of the view from our sea facing rooms. As it is Telkom is not maintaining the current yard which means the property is already an eyesore. There is no guarantee that a new addition will be maintained at all all times which again could lead to properties in the area dropping in value.

3. Property value: It is a known fact that the value of properties in the region of such a tower has depreciated and therefor we strongly object to the planned tower.

We urge you to reconsider this plan as it it will have a huge impact on our surrounding properties.

We thank you for your time

J Ferreira

AF Moens

FILE NO. ERF 6679 - HVK
SCAN NO. 02
COLLABORATOR NO.
2559057

JP



Warren Petterson Planning
P.O. Box 152
Century City
7446

T: (021) 552 5255
F: (086) 537 9187
C: (079) 103 9084
E: ryan@wpplanning.co.za

Director: Infrastructure & Planning

Overstrand Municipality
Town planning Department
16 Patterson Street
Hermanus
7200

05 December 2024

Dear Alida

RESPONSE TO OBJECTIONS RECEIVED ON THE APPLICATION FOR LOCAL AUTHORITY CONSENT USE AND PERMANENT DEPARTURE APPLICATION IN ORDER TO PERMIT A TRANSMISSION APPARATUS ON ERF 6679, VOËLKLIP, HERMANUS.

Your email dated 27 November 2024 refers.

During the public participation process of this application, **fourteen (14) letters/emails of objection** were received from the surrounding property owners. **One (1) letter/email was received stating no objection.**

As mentioned in the Motivation Report, the Overstrand Municipality Integrated Land Use Scheme (2020) specifically makes provision for Transmission Apparatus installations on business zoned properties (Subject property zoning: 'Business Zone 3: Local Business') by means of Council's Consent. This is one (1) of only two (2) properties earmarked for business activities in the area in need of mobile coverage with sufficient available space for such an installation.

We believe this proposed development will be greatly beneficial for the inhabitants of Voëlkliip which includes local businesses, holidaymakers and residents as well as surrounding communities and commuters. This benefit relates to the fact that an improvement will be experienced in terms of network provision and coverage. This mast will provide infrastructure for 2-3 service providers (e.g. Cell C, Vodacom and/or MTN) – sharing of infrastructure.

In light of this, we feel that each application should be evaluated according to its individual merit. Therefore, we are of the opinion that this application should be approved based on the proposed mitigation measures for the Transmission Apparatus illustrated in this letter.

The main concerns raised by the objector's/affected parties are summarised as follow:

1. Location of the Transmission Apparatus
2. Visual Impact
3. No need for the Transmission Apparatus
4. Health Concerns
5. Noise Pollution
6. Negative Affect on Solar Panels
7. Height Restriction Exceeded
8. Negative Impact on Tourism
9. Feasibility Studies
10. Poor Maintenance of Property
11. Devaluation of Properties

These issues have been addressed below, in an attempt to motivate that the proposed application by no means was done in a careless act and that these concerns raised were taken into account prior to the application being submitted to the municipality.

INTRODUCTION

The use of cellular mobile telephones, computers, tablets etc. among the public in South Africa has become a necessity, widely accepted and frequently utilised. The distribution of users is not limited in the urban area but also spread across the country with variation in density. This includes holiday settings such as Hermanus and surrounding towns in the Overstrand Municipality.

Modern mobile telecommunication is based on a cellular system (refer to figures 1-3). Each cell is covered by a Transmission Apparatus that keeps track of the mobile phones within its range, connects them to the telephone network and handles carry-over to the next base station if a customer is leaving the coverage area (figure 1). Early mobile telecommunication systems had very large cells with tens of kilometres radius and were predominantly located along highways due to offering service mainly for car-phones.

With the introduction of digital mobile phone systems cell sizes got much smaller and telecommunications infrastructure were established in densely populated areas (figure 3). The limited power of mobile phones made it necessary to reduce the distance to the customers. The cell size depends on (1) the radiation distance of the mobile phone; (2) the average number of connected calls; (3) the topographic characteristics of the covered area and the surrounding buildings, vegetation and other shielding objects; and (4) the type of antenna used.

The current roll out of telecommunication infrastructure by cellular network providers is undertaken to upgrade and improve network coverage and quality to all customers. Telecommunication networks experience peak demand in the evenings between 17:00 and 23:00, as well as during holiday seasons. This is because during these times people are at their homes and use internet intensive devices. During Peak Seasons, the number of users is significantly larger which puts strain on the existing Infrastructure.

Thus, a large portion of the network upgrade is aimed at residential areas. Business and other activity areas have been prioritised over the past 20 years for commercial reasons and given the fact that legislation and policies steered proposals of this nature, towards non-residential areas.

When choosing a site for a Transmission Apparatus, service providers are guided by nominal points indicating the areas where poor signal is being experienced.

Cellular infrastructure explained:

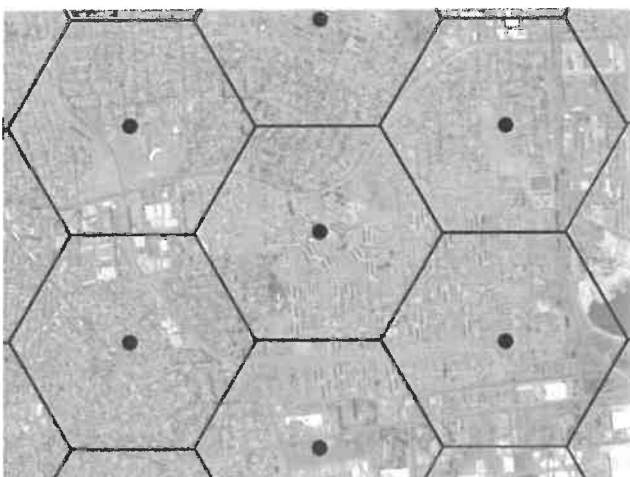


Figure 1 is an illustration of optimum network and data coverage. This is explained by envisioning the octagonal shape of a honeycomb (cells).

Figure 1 - Initial coverage (cell) provided by Transmission Apparatus

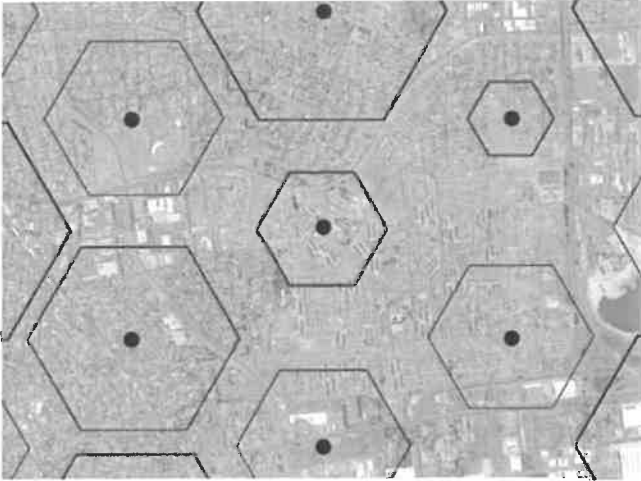


Figure 2 - Coverage decreases due to increase in network users – cell size decreases

As network users increase, the cells shrink which leads to gaps within this network of cells. This leads to dropped calls, weak/limited signal and the failure to access the latest technologies in communication innovations.

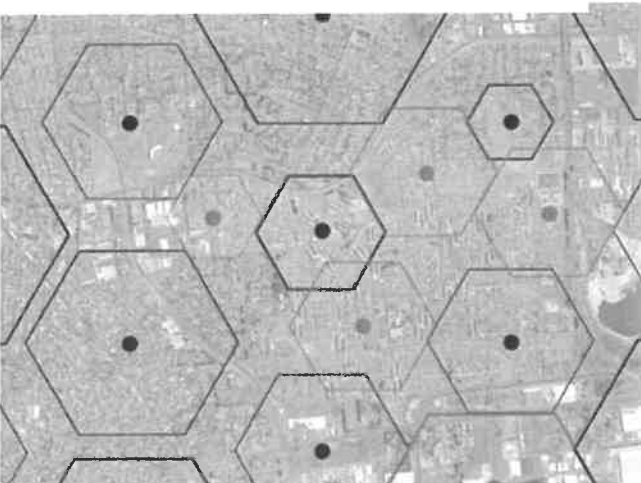


Figure 3 - Additional Transmission Apparatus required to fill the gaps

Gaps between cells require new/additional Transmission Apparatus to be placed in these gaps to retain good network coverage

1. LOCATION OF THE MAST

The proposed location of the cell mast was selected taking into account the normal points identified, where there is an increase in customer complaints, within in area. The fact that there are only a few telecommunications base stations in the surrounding area supports the statement that there is a clear need for coverage in the area. This is further motivated by the comments received during public participation where objectors state that they do in fact experience connectivity problems.

The Figures 4 and 5 below, illustrate how the proposed location is ideal in terms of providing the necessary network coverage to the surrounding area. The Figures illustrate the current and future network coverage in Voëlklip (Hermanus) for Telkom.

It is clear that the proposed location is optimal in terms of coverage distribution. Additionally, the position within the existing Telkom Exchange ensures that base station will have no effect on the surrounding area as the site is tucked away in the property where is has no effect on daily actives in the surrounding area.



Figure 4 : Current Telkom Coverage in Voëlklip (Hermanus)

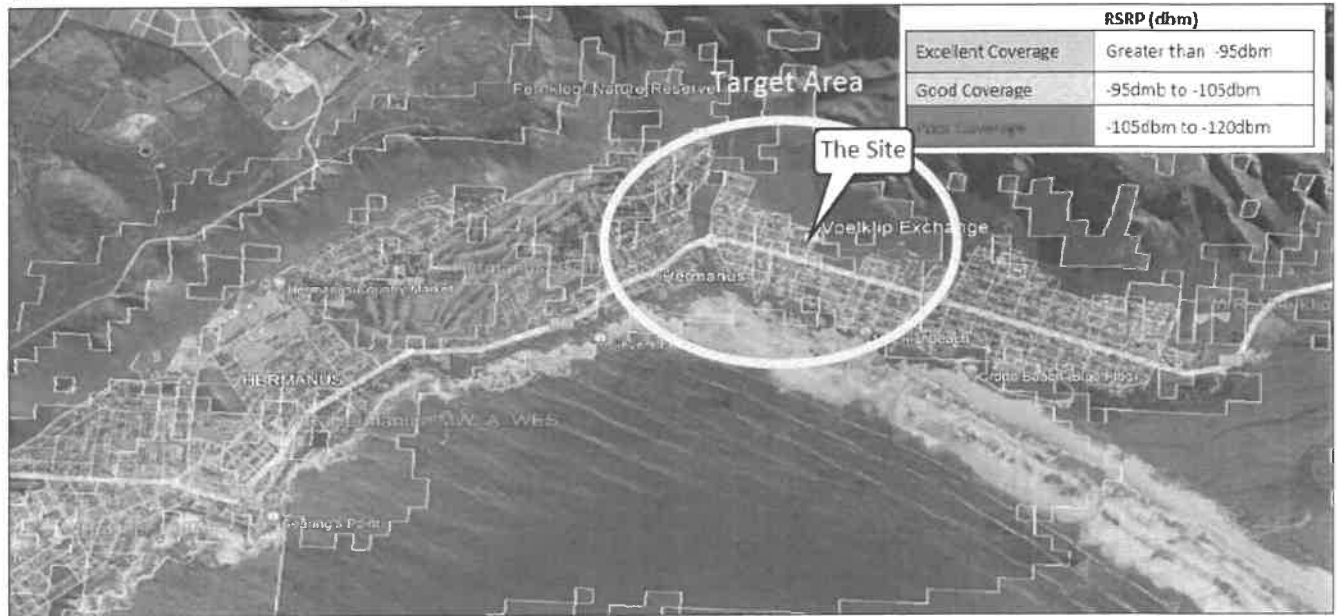


Figure 5: Telkom Coverage Prediction after Installation of Cell Mast in Voëlklip (Hermanus)

It is clear that there is a need for coverage in the surrounding area. The predicted coverage radius will be the same for all service provider who co-locate on the proposed TA.

The location is also ideal in terms of visual impact. This was raised by the objectors, who questioned why the TA could not be relocated to the outskirts of Voëlklip or the mountains outside of the residential area. However, as mentioned in the introduction, the location is chosen near the residential are, as this is where the demand/need for additional coverage lies.

Relocating the mast to these areas would not provide sufficient LTE and 4G coverage for Voëlklip (the target area), which includes local businesses, residents, and a significant influx of holidaymakers during festive and holiday seasons

It is important to note that, although the surrounding area is primarily residential, the proposed TA is strategically located within the only two business-zoned properties in the area. This placement minimizes any potential impact on the surrounding residential community. This is one (1) of only two (2) properties earmarked for business activities in the area in need of mobile coverage (Erven 6679 and 6256) with sufficient available space for such an installation.

Additionally, to minimize the impact on the residential area, the TA is positioned in the northeastern corner of the property, the farthest point from residential properties. The existing Telkom Exchange building serves as a buffer, further separating the base station from the residential area. This together with recommended design for reduced visual impact (discussed in point 2 below), ensures impact on the residential area is low-moderate. Refer to Figure 6 below.



Figure 6: Location of the Proposed Transmission Apparatus

Alternative Locations considered:

Alternative 1	Erf 6256, Hermanus was also considered as an option for a TA. The property is also zoned as Business Zone 3, which makes provision for a TA as a consent use. This position could work; however, the landowner of the property did not sign a lease due to space limitations on the property.
Alternative 2	Erf 4771, Hermanus also meets all requirements. The zoning of the property is Open Space Zone 2, which makes provision for a TA as a consent use. However, as the current use is open space and the property forms part of the nature reserve, this position was not deemed suitable compared to the proposed property.

In summary, the proposed location is ideal for providing optimal coverage to the surrounding area while minimizing any impact on the community. Situated on one of only two business-zoned properties in the area, it ensures targeted coverage for the intended service area

2. VISUAL IMPACT

As Stipulated in section 16.10.23 of the Overstrand Planning Zoning Scheme, a visual impact assessment (VIA) is a requirement which is needed for a TA Application.

According to the VIA report done by the specialist, from a visual perspective the 25m lattice mast is seen as moderately compatible with the receiving environment. The intensity or the degree to which the proposed development will impact views, and scenic or cultural resources will be moderate-low. The duration of the impact upon its surroundings of the development is assessed as long term. The significance rating is assessed as moderate-low.

The following mitigation measurements proposed by the VIA specialist that will be implemented include:

- The use of muted, matt finishes for all parts of the proposed development / infrastructure to be used whenever possible.
- Fencing must be visually permeable e.g. welded mesh (e.g. ClearVu or similar), but not steel palisade. Darker colours are visually recessive and therefore colours such as dark grey, etc. should be considered.
- Preferably no lights, including along the infrastructure fence line, should be installed with the proposed infrastructure.

They also stated that any development will cause a visual change within the surrounding landscape. The visual impact significance rating assessed as moderate-low and low if all mitigation measures are implemented. Taking into consideration the information from the VIA report and the need and desirability explained in this motivation document for a TA in Voëlklip, our client agreed to the recommendation made in the VIA and amended the proposal from a 25m Tree Mast to a 25m Lattice mast in order to reduce visual impact.



Figure 7: Superimposition of 25m Lattice Mast

The Objectors raised concerns regarding impact on views, however, we believe that the impact on views will be minimal. As stated in the VIA report, a lattice design is inherently less bulky than other types of structures, such as monopoles or tree masts. Its open framework allows it to visually integrate into the backdrop rather than obstructing views.

Furthermore, the VIA report categorizes the visual impact as moderate-low to low when the mitigation measures are applied. This reflects that the mast does not disrupt significant scenic or cultural resources, as it neither obstructs panoramic views nor alters the visual identity of the area.

In conclusion, the proposal is both reasonable and necessary, addressing the clear need for improved cellular coverage that even the objector has highlighted. By situating the base station within the business/utility zone, away from residential properties, and incorporating recommendations from the visual impact specialist, we have taken significant steps to minimize its visual impact while resolving connectivity challenges for the community.

3. NEED FOR COVERAGE

The need for the proposed TA is clear. Coverage maps provided by radio planners (Refer to Figures 4 – 5 above) clearly demonstrate the weak cellular coverage in the surrounding area. Even the objector acknowledges experiencing connectivity issues, stating: *“I too have connection problems on normal Vodacom, but fibre sorts out the WiFi and WhatsApp very well.”*

The objectors questioned why the TA is needed when fibre is available. While fibre is excellent for delivering reliable, high-speed connectivity within homes, and may solve some connectivity issues, it is inherently limited to indoor environments. Fibre networks are not designed to address connectivity in outdoor spaces (where WiFi is not available), where seamless and reliable mobile communication is an essential part of modern life. The proposed TA is a critical step toward bridging this gap and meeting the community’s growing connectivity needs.

Cellular connectivity bridges this critical gap by offering wide-reaching, robust coverage that enables individuals to stay connected while navigating their outdoor routines. Whether it’s for real-time navigation, accessing emergency services, or staying in touch during activities, cellular connectivity ensures convenience, safety, and uninterrupted communication in ways fibre cannot.

Investing in enhanced cellular infrastructure is not merely a technical upgrade; it is a vital step toward fostering a more inclusive, connected, and empowered community. This approach ensures that all members of the area, regardless of their specific needs or circumstances, benefit from reliable, consistent connectivity indoors and outdoors.

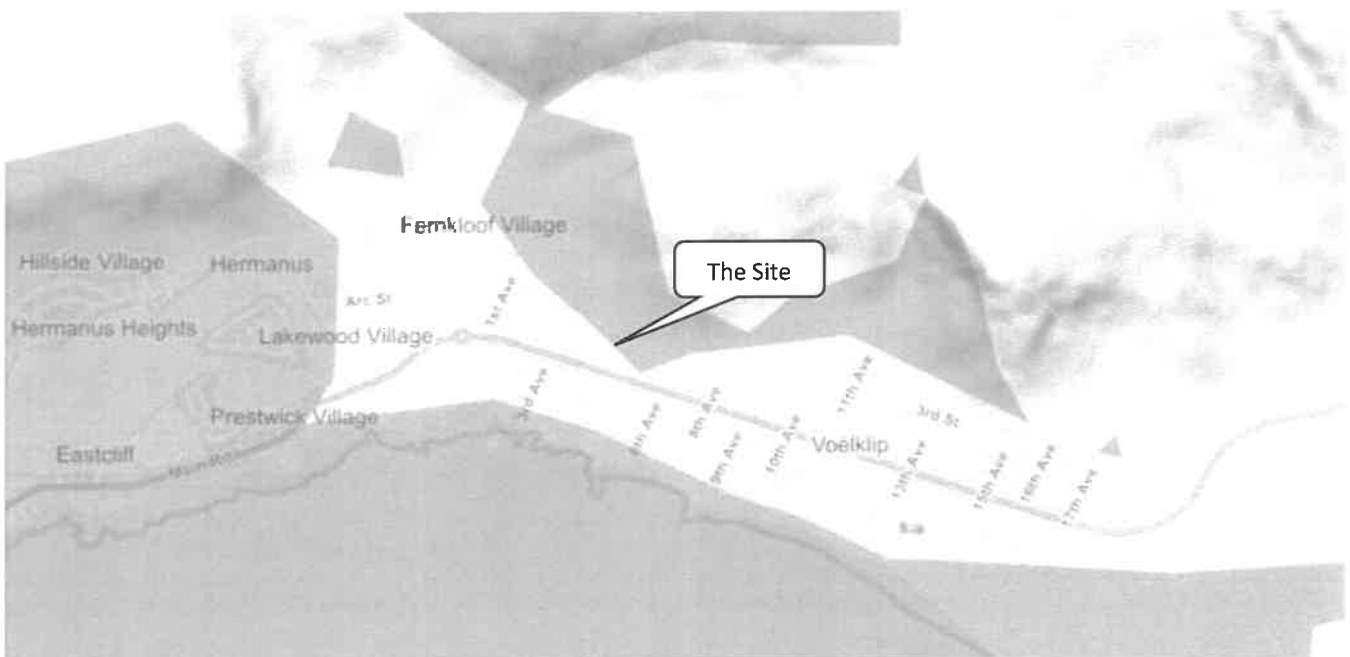


Figure 8: Vodacom 5G Coverage Map

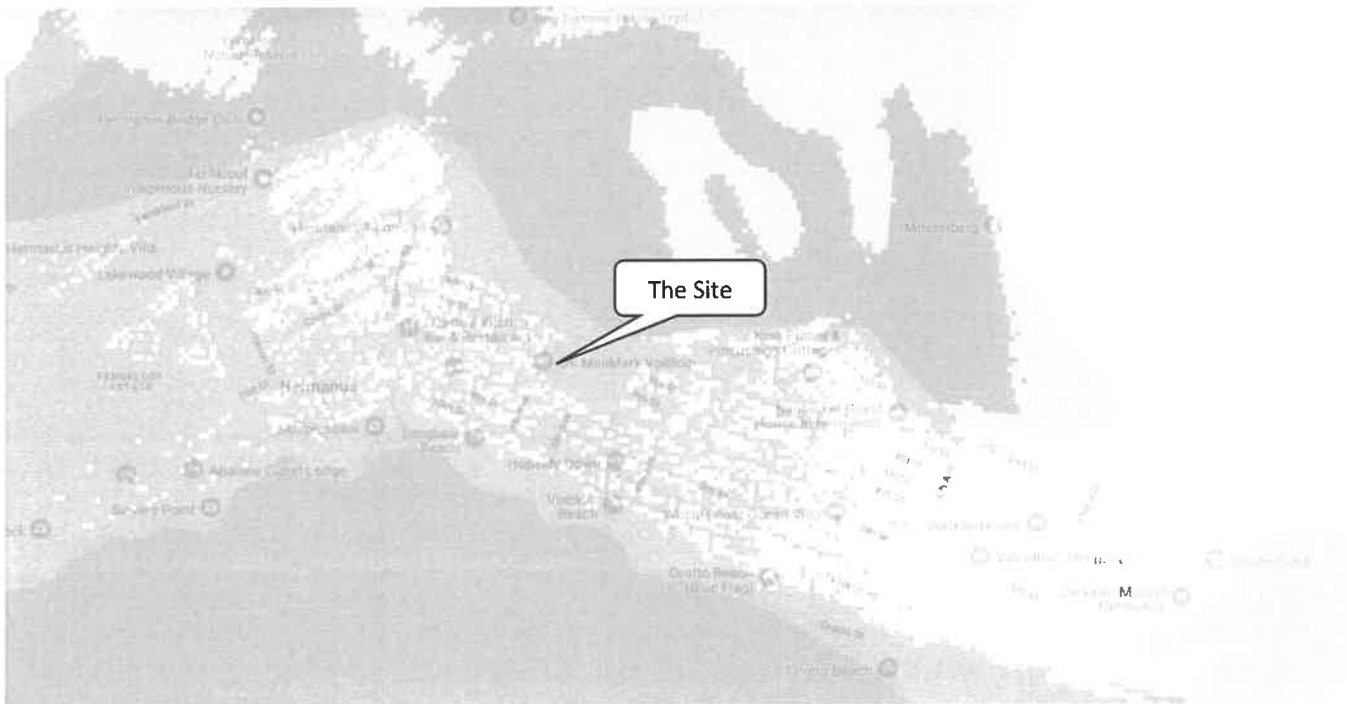


Figure 9: MTN 5G Coverage Map

It is clear all services provides require additional network coverage in the Voëlklip area, as seen in [Figures 4 - 5](#) and [8 – 9](#) above. The proposed Transmission Apparatus will allow all services providers to co-locate on the site. The site will relieve pressure on the existing TA in the Hermanus Area which have to work harder to provide coverage to the entire area, reducing its efficiency.

4. HEALTH CONCERNS

A few objectors raised concerns about potential health risks caused by transmission towers. We would like to address and re-assure the objectors that all the necessary health and safety factors were taken into consideration during the planning of this base station. One should also keep in mind that Transmission Towers are built at a height of 25m will ensure that the antenna heights is well above any habitable spaces, therefore there should be no risks or negative impacts caused by such installations.

Transmission Apparatus are perceived as hazardous because of the radiation they produce. Misconceptions are held by the general public in South Africa about the radiation (non-ionising radiation) of the electromagnetic waves used for telecommunications especially from TA. This perception has often led to public opposition on the construction and existence of these facilities in many parts of the country.

Current research on telecommunications base stations has reached a point whereby scientists are satisfied that the base stations do not pose a health threat. Research on handsets is however ongoing, as it is deemed that placing the handset against your head could pose a greater threat to health. Mobile phones are low powered radiofrequency transmitters. They operate at frequencies between 450 and 2700 MHz. The handset only transmits power when turned on. Using the phone in areas of good reception decreases exposure as it allows the phone to transmit at reduced power.

South Africa's Department of Health has published EMF exposure limit guidelines. These are based on guidelines endorsed by the ICNIRP (International Commission on Non-Ionising Radiation Protection), an independent scientific organization established in 1992. Emissions from the base stations and antennae comply with these guidelines.

In a statement made by the Department of Health dated 8 September 2020 on the Health Effects of base stations states the following:

“Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects”

A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use. There are no conclusive studies linking emissions at these levels to any health effects and scientific research that may reveal such a link is ongoing. The steps taken by the cellular communication companies to ensure the safety of the public against any possible harmful emissions, along with the above facts, concerns about health issues can be allayed.

We are therefore of the opinion that all health aspects regarding the proposed base station were taken into consideration and that this proposal will not be in violation of any individual’s constitutional right to an environment that is not harmful to their health or general wellbeing.

5. NOISE POLLUTION

The placement of the TA at the rear of the property, behind the existing Telkom exchange building, has been carefully considered to mitigate any potential noise impact. This location acts as a natural barrier, significantly reducing any noise should it emitted by the base station equipment. We are of the opinion that the lattice mast, which have gaps in between the structure, will ensure that the wind will “streamline” more effectively through the infrastructure and therefore result in a reduction of potential noise created. It is also important to note that modern base station equipment is designed with noise reduction in mind, typically operating well within permissible noise levels and often quieter than common environmental noise sources.

For comparison, the nearby shop generates contributes to noise in the area. During the day, constant noise is experienced from shoppers using the grocery store (high volumes of vehicular traffic) adjacent to the proposed property. Additionally, the generators on site, air vent units, as well as AC units all currently contribute to noise in the area.

In summary, we do not believe that the base station will result in significant noise pollution due to the existing business premises which operates from 07:00am to 20:00pm seven days a week, already contributing to significant noise in the area.



Figure 10: Existing Infrastructure creating noise



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6. IMPACT ON SOLAR PANELS

The proposed TA will have no negative impact on solar panels in the surrounding area. Lattice Masts are designed with open framework, allowing sunlight to pass through without significant obstruction. Unlike solid structures, the minimal surface area of a lattice masts ensures it does not cast substantial shadows on surrounding areas.

7. HEIGHT RESTRICTION EXCEEDED

The proposed 25-meter cell tower has been thoughtfully designed to harmonize with the residential surroundings while addressing critical connectivity needs. Although it exceeds the standard height restriction, this increase is essential to achieve its intended purpose: significantly improving cellular coverage and reliability for residents, especially in areas currently experiencing weak signals.

To ensure the structure integrates seamlessly into the neighbourhood, aesthetic measures such as a sleek, unobtrusive design and landscaping buffers will minimize its visual impact. Importantly, this tower will not affect scenic views or create an overbearing presence, as its placement has been carefully selected to maintain harmony with the area's character.

As per the VIA report done by the specialist, from a visual perspective the 25m lattice mast is seen as moderately compatible with the receiving environment. The visual impact significance rating is assessed as moderate-low and low if all mitigation measures are implemented.

In Summary, the proposed height departure will low impact on the surrounding area, as confirmed by the VIA specialist.

8. IMPACT ON TOURISM

The objector raised concerns regarding the effects on tourism spending. The proposed installation will significantly boost tourism by improving and ensuring reliable cellular connectivity. In today's digital age, seamless connectivity is essential for the smooth operation of card machines, banking apps, and tap-to-pay devices. Without these services functioning properly, tourists may face inconvenience, and their spending could decrease, negatively impacting local businesses. Poor cellular connectivity, therefore, has a direct and harmful effect on the tourism industry.

On the other hand, the proposed solution will enhance cellular connectivity, ensuring a stable and efficient telecommunications network. This improvement will not only eliminate the frustrations of poor connectivity but also make the area more attractive to tourists who rely on digital services for convenience (Many Tourists Visit and rely on connectivity to work remotely). A dependable network will promote increased spending, attract more visitors, and support the long-term growth of the tourism sector.

9. FEASIBILITY STUDY

The objector questioned whether a feasibility study had been conducted. The proposed cell tower location and design were carefully selected to meet the community's growing connectivity needs while minimizing visual and environmental impacts. The location is clearly optimal, as confirmed by the coverage maps provided by radio planners. Furthermore, the site, clustered with the existing Telkom exchange and situated within the only two business-owned properties in the surrounding area, is ideal. The visual impact is deemed low, as stated by the appointed VIA Specialist, with mitigation measures already planned for implementation.

This well-considered approach ensures the project not only enhances connectivity for the community but also preserves the local environment and aesthetic appeal. The combination of expert planning and strategic location makes this project a crucial



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step toward supporting future growth, without compromising the integrity of the surrounding area. We are confident that it will serve the long-term interests of the community.

Refer to Section 1 and 2 above (Coverage and VIA Specialist Report).

10. MAINTENANCE OF PROPERTY

The objectors have raised concerns about the current state of the property. While we acknowledge their observations, it is important to note that the property's current condition is not directly related to this application. However, if approval is granted, the property is likely to see improved maintenance. Regular visits by service providers to maintain the tower and equipment would naturally result in better upkeep and overall tidiness of the site.

11. IMPACT ON PROPERTY VALUES

Concerns further relate to nearby property values being negatively affected. There is no evidence suggesting that base stations reduce the property values in any given area. If anything, value will be added by improved communication and subsequent virtual accessibility and safety in an area. Properties throughout the Western Cape have been enjoying above expected value increases.

We believe that this mast will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. Efficient internet connectivity and mobile coverage will therefore benefit surrounding properties rather than negatively impact.



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CONCLUSION

We would like to emphasise the positive contribution this base station will have on the immediate area of Voëlklip (Hermanus) as well as the surrounding community:

- Most households in the surrounding area depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.
- Please note that the residents in the area are not the only ones being provided with these services. Visitors (tourists) to the area, businesses and daily commuters will benefit by having access to improved communication facilities.
- Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers' is poor, then contacting emergency services becomes a difficult task.

Finally, we would like to emphasize that communications companies deliver an important service to the wider public, and in terms of their license with ICASA they have to meet certain standards in order to retain their licenses. One of these standards is to supply adequate network coverage to their demanding customers. The proposal also allows for all other service providers to share this installation and refrain from constructing another base station in this area.

Please notify us should any additional information be required. We look forward to your positive consideration of this application.

Kind regards,

A handwritten signature in black ink, appearing to read 'Ryan Roux'.

Ryan Roux
Warren Petterson Planning



Department of Health

Directorate: Radiation Control
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Date: 8 September 2020

To whom it may concern

HEALTH EFFECTS OF CELLULAR BASE STATIONS AND HANDSETS

The Directorate: Radiation Control was the section within the National Department of Health that was responsible, from the viewpoint of human health, for regulating electronic products producing **non-ionising** electromagnetic fields (EMF), i.e. where the frequency of such EMF is less than 300 GHz. The Directorate Radiation Control has since been transferred to the South African Health Products Regulatory Authority (SAHPRA). In carrying out its responsibility, the Directorate has been utilising the World Health Organization's (WHO) International EMF Project (www.who.int/peh-emf/en/) as its primary source of information and guidance with respect to the health effects of EMF. The International EMF Project was established by the WHO in 1996 to (i) assess the scientific evidence for possible adverse health effects of non-ionising electromagnetic fields on an on-going basis, (ii) initiate and coordinate new research in this regard, and (iii) compile health risk assessments for different parts of the electromagnetic spectrum. The Department of Health has been a member of the International Advisory Committee of the International EMF Project since 1998.

In June 2005 the International EMF Project hosted a workshop that was specifically aimed at considering the possible health consequences of the emissions from cellular base stations and wireless networks. The findings of this workshop were summarised in a 2-page Fact Sheet (<http://www.who.int/peh-emf/publications/facts/fs304/en/>). The following extract from this Fact Sheet is still considered by the WHO as a summary of the findings to date, i.e. ***“Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.”***

Another WHO Fact Sheet was published in June 2011 and reviewed in October 2014, i.e. *Electromagnetic fields and public health: mobile phones*. This Fact Sheet can be found at

<http://www.who.int/mediacentre/factsheets/fs193/en/>) and the conclusion is stated as follows: ***“A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use.”***

The WHO recommends utilising internationally recognised exposure guidelines such as those that were published in 1998 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and reconfirmed in 2009. The 1998 guidelines were replaced by the updated 2020 version for the frequency range 100 kHz – 300 GHz (i.e. including all the frequencies employed by the cellular industry). The Department of Health likewise recommends the use of these ICNIRP guidelines to protect people against the known adverse health effects of EMF.

The numerous measurement surveys, which have been conducted around the world and in South Africa, have shown that the actual levels of public exposure as a result of base station emissions invariably are only a fraction of the ICNIRP guidelines, even in instances where members of the public have been really concerned about their exposure to these emissions. At present there is **no** confirmed scientific evidence that points to any health hazard associated with the very low levels of exposure that the general public would typically experience in the vicinity of a cellular base station. The Department is therefore satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations. This also means that local and other authorities, in considering the environmental impact of any particular base station, do not need to and should not attempt, from a public health point of view, to set any restrictions with respect to parameters such as distance to the mast, duration of exposure, height of the mast, etc.

The Department of Health is not able to make any pronouncements about the specific levels of EMF that a member of the public would experience at any particular base station site when it is in operation. However, generally-speaking unless a person would climb to the top of a mast (or other structure supporting an antenna) and position him/herself not more than a few meters away right in front of the active antenna, such a person would have no real possibility of being exposed to even anywhere near the afore-mentioned ICNIRP guideline limits. Since these base stations are typically cordoned off by means of barbed wire fencing and locked gates/doors in order to protect the sensitive and expensive technology, getting to a mast and actually climbing it despite the afore-mentioned security measures would certainly not be considered responsible behaviour. Even then the only real threat to the health of the person would be falling at any height from the structure in question. Based on the results of numerous global and local surveys, the experience has been that the exposure to base station EMF at ground level is typically in the range of between 0.001 – 1.0 % of the

afore-mentioned ICNIRP guideline limits. Against this background of available data, there would be no scientific grounds to support any allegation that adverse health effects might be suffered by a responsible member of the public due to the EMF emitted by a base station.

Although the Department of Health currently neither prescribes nor enforces any compulsory exposure limits for electromagnetic fields, the Department does advise all concerned (whether they be a government department, the industry or the public) that voluntary compliance with the afore-mentioned ICNIRP exposure guidelines is the recommended and science-based way to deal with any situation involving human exposure to the non-ionising electromagnetic fields emitted by cellular base stations and handsets.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'LL du Toit', written in a cursive style.

LL du Toit
DEPUTY DIRECTOR: RADIATION CONTROL

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: ERF 6679, VOELKLIP
(4724/2024)**

Stormwater (SW)	:	Refer to conditions
Electricity	:	Refer to conditions
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

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 the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

02/12/2024
DATE

VIA: Erf 6679, Hermanus

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VISUAL IMPACT ASSESMENT
for a proposed new mast and custom base station
on Erf 6679, Hermanus
Overstrand Municipality



Client: Warren Petterson Planning
P.O. Box 152
Century City
7446

On behalf of the Gyro Group

Prepared by:



ARLA Consulting
Landscape Architects

Antoinette de Beer

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Source: Overstrand public viewer and City Farm mapper with adaptations.

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ADDENDA

- Addendum A: Curriculum Vitae: Antoinette de Beer
- Addendum B: Criteria used for the Assessment of Impacts

1.0 INTRODUCTION

1.1 General

This Visual Impact Assessment (VIA) has been conducted as part of the application for local authority consent use for the proposed new 25m mast and custom base station. The site is located on Erf 6679 on 4th Avenue, Voëlklip, Hermanus.

1.2 Level of Assessment

The level of assessment is determined by the type of environment (in this case areas or routes of moderate scenic, cultural, or historical significance) and the type of development (in this case a Category 2 development i.e. small-scale infrastructure).

According to the above, minimal visual impact is expected and thus a Level 2 VIA, namely:

- Potentially low level of intrusion on landscapes or scenic resources;
- Limited change in the visual character of the area;
- Low-key development, similar in nature to existing development.

The methodology for a Level 2 VIA would be as follow:

- Identification of issues raised,
- Site visit,
- Description of the receiving environment and the proposed project,
- Establishment of view catchment area and receptors,
- Brief indication of potential visual impacts, and possible mitigation measures.

1.3 Personnel

The Visual Impact Assessment was compiled by Antoinette de Beer, Landscape Architect, and an independent Visual Impact Assessment practitioner whose detailed CV and Experience is set out in Addendum A. Antoinette was assisted by Synergy Landscape Architects (Pty) Ltd.

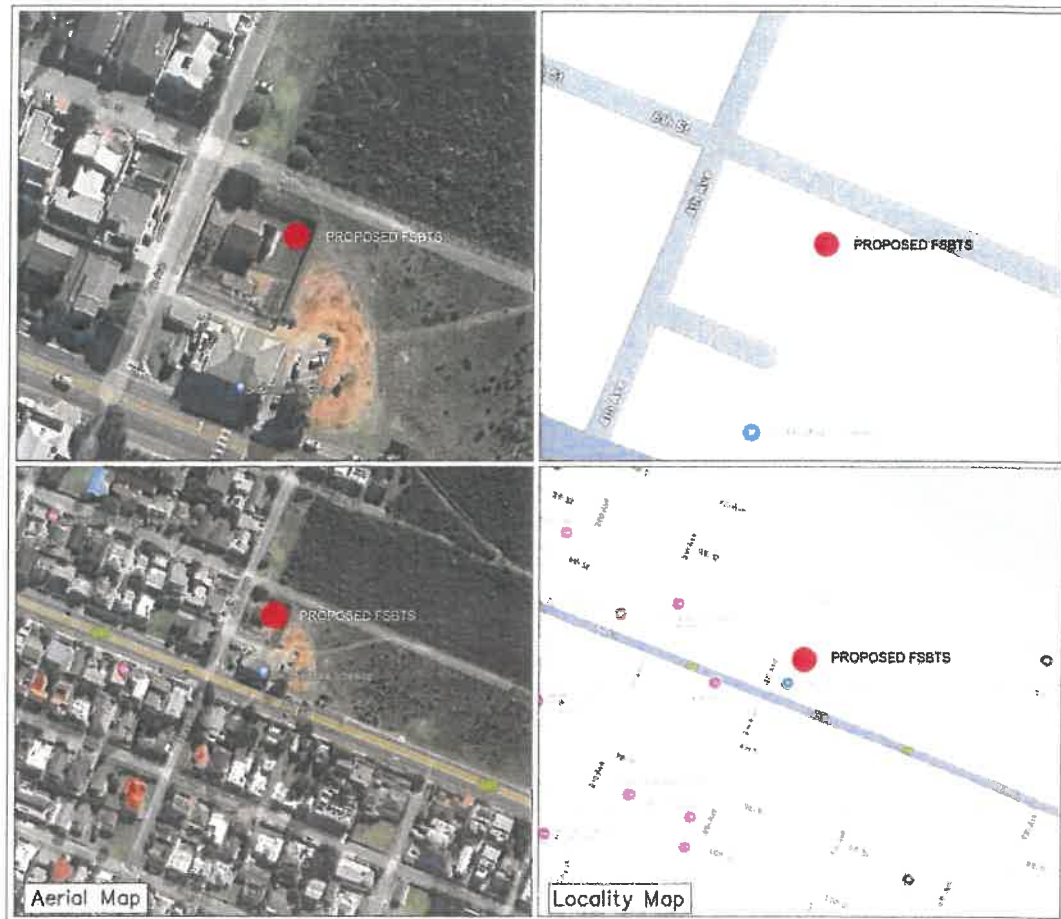


Figure 1: Locality map of the proposed new 25m mast and custom base station on Erf 6679, Hermanus. Source: WPP Town and Regional Planning Consultants

1.4 Declaration of Interest

A de Beer has expertise in conducting the specialist report including knowledge of regulations and any guidelines that have relevance to the proposed activity. A de Beer acts as the independent specialist and will perform the work in an objective manner, even if this results in views and findings that are not favourable to the client.

A de Beer will comply with the Act, regulations and all other applicable legislation and undertakes to disclose to the client and the competent authority all material information in her possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the property by the competent authority; and the objectivity of any report, plan or document to be prepared by her for submission to the competent authority.

A de Beer

12/07/2024

2.0 SPECIALIST REPORT CONTENT AND METHODOLOGY

2.1 General

This visual impact assessment (VIA) provides an overview of the landscape character of the locality and assesses the degree to which the new mast and custom base station on Erf 6679, Hermanus would be visually appropriate.

2.2 Methodology

2.2.1 The sequence of work employed in this Study.

A desktop survey using Google Earth, CapeFarmMapper and Overstrand public viewer was undertaken. Subsequently the probable extent of the potential visual impact of the proposed new mast and custom base station of this nature on this site was established. Following the desktop information gathering process, a site visit was undertaken to test the conclusions of the terrain analysis, to identify receptors and appraise the local landscape.

2.2.2 Written and Drawn Material was made available:

- Drawing: Locality map, Drawing Number 05220-01 dated 2024-04-25 prepared by WPP Town and Regional Planning Consultants
- Drawing: Site Plan, Drawing Number 05220-01 dated 2024-04-25 prepared by WPP Town and Regional Planning Consultants Drawing:
- Drawing: Top view, Drawing Number 05220-01 dated 2024-04-25 prepared by WPP Town and Regional Planning Consultants
- Drawing: elevation, Drawing Number 05220-01 dated 2024-04-25 prepared by WPP Town and Regional Planning Consultants

And other drawn and written information received in emails and on site.

2.2.3 Receiving Site

The receiving site was assessed, and areas of the locality from where the proposed new mast and custom base station appeared to be visible, adjacent lands, and local roads. The study was conducted during 23/05/2024. The weather on the day of the site visit was cloudy with rain. A photographic survey of the site and surrounding areas was carried out by Antoinette de Beer. The visual assessment was undertaken using standard criteria such as geographic view-sheds and viewing distances as well as qualitative criteria such as compatibility with the existing landscape character and settlement pattern, referring to '*Guideline for involving Visual and Aesthetic Specialists in EIA Processes, Provincial Government of the Western Cape, DEA+DP, Edition 1, June 2005*'.

2.3 Assumptions and Limitations

The information and deductions in this report are based on information received from the client, research, and fieldwork by the specialist.

3.0 SITE AND SETTING

3.1 Site Description

The proposed site is located on Erf 6679, Hermanus which is accessible from the R43 / 7th Street (Provincial Route). Erf 6679, Hermanus is zoned as Business Zone 3: Local Business, adjacent to the south is Business Zone 3: Local Business and to the north and east Open Space Zone 2: Public Open Space. The other immediate surrounding areas are zoned as Residential Zone 1: Single Residential.



Figure 3: Illustrating the site location with a red square, adjacent land uses are identified.
Source: Overstrand public viewer and City Farm mapper with adaptations

3.2 Land Use and Landform in the wider landscape

Erf 6679 is situated in a Business Zone: Local Business and within the urban edge of Hermanus. The surrounding land uses in the area are predominantly zoned as Residential Zone 1: Single Residential and Open Space Zone 2 Public Open Space. Other land uses found in the surrounding area are Business Zone 3: Local Business situated adjacent north of Erf 6679, The R43 / 7th Avenue is zoned as Transport Zone 2: Road and Parking. The R43 is classified as a route of regional scenic significance (Overstrand MSDF 2020:47).

3.3 Protected Landscapes and the Bio Region

Erf 6679 sits within the historical extent of the Agulhas Limestone Fynbos vegetation unit. The site is not pristine and, in an area, where no natural habitats or biodiversity remains as mapped in the MSDF 2020 (Overstrand MSDF 2020:41) of the Overstrand Municipality.

3.4 Landscape Character

Landscape character is defined as the distinct, recognisable, and consistent pattern of elements in the landscape. It is these patterns that give each locality its 'sense of place', making one landscape different from another, rather than better or worse (as per Worcestershire County Council).

The landscape character can be described as suburban, consisting of single or double storey, free standing dwellings on erven zoned as single residential. A business node, local retail) is located within this suburban area adjacent to a vacant erf zoned open space. The latter connects physically and visually with the Fernkloof Nature Reserve further beyond. Single Norfolk pine trees (*Araucaria* sp.) are scattered throughout Hermanus which gives Voëlklip an unique character within Hermanus.



Image 1: Single Norfolk pine trees (*Araucaria* sp.) in close proximity to the proposed site.
Source: A de Beer

3.5 Sense of Place

Sense of place is used to describe how someone perceives and experiences a place or environment. The site is experienced and can be described as a local / neighbourhood business node serving not only the residents of Voëlklip but also the motorists on the R43 / 7th Avenue which links Hermanus to Stanford. The open space east of the local node serves as a visual and physical link for residents to the Fernkloof Nature Reserve but also as a communal / park area for community events. The residential neighbourhood west of the local / neighbourhood business node can be described as an established (many mature trees), safe (very few residences have boundary walls) and peaceful neighbourhood where one could retreat, retire or spend a holiday.

3.6 Viewpoints

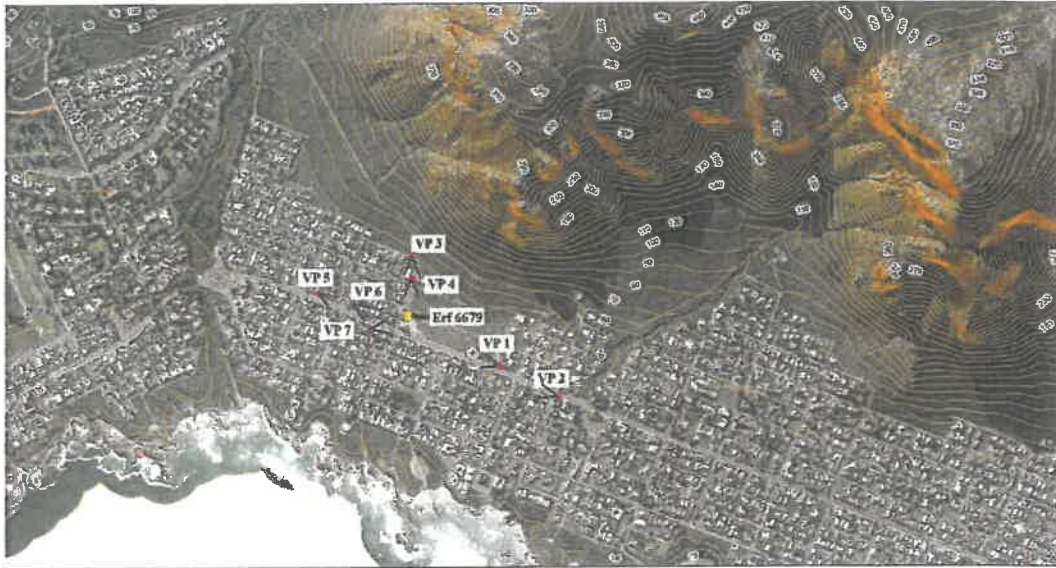


Figure 4: Illustrating identified viewpoints (red dots) of the site location (yellow dot).
 Source: Overstrand Public Viewer and City Farm Mapper with adaptations.



Image 2: Viewpoint 1: view of proposed development from 7th Street / R43 looking west.
 Source: A de Beer



Image 3: Viewpoint 2: view of proposed development from 7th Street / R43 looking west.
Source: A de Beer



Image 4: Viewpoint 3: view of proposed development looking south.
Source: A de Beer



Image 5: Viewpoint 4: view of proposed development looking south
Source: A de Beer



Image 6: Viewpoint 5: view of proposed development from 7th Street / R43 looking east.
Source: A de Beer



Image 7: Viewpoint 5: view of proposed development from 7th Street / R43 looking east.
Source: A de Beer



Image 8: Viewpoint 6: view of proposed development from 7th Street / R43 looking east.
Source: A de Beer



Image 9: Close-up view of proposed development site from the public open space looking west. *Source: A de Beer*



Image 10: Close up View of proposed development site from 4th Avenue looking northeast. *Source: A de Beer*

4.0 PROJECT DESCRIPTION

4.1 Project Description: Preferred Layout

As per the notes on the drawings prepared by Warren Petterson Planning:

- Custom base station
- Zoning: Business Zone 3
- Building line: 3m
- Owner: Telkom S.A. Ltd

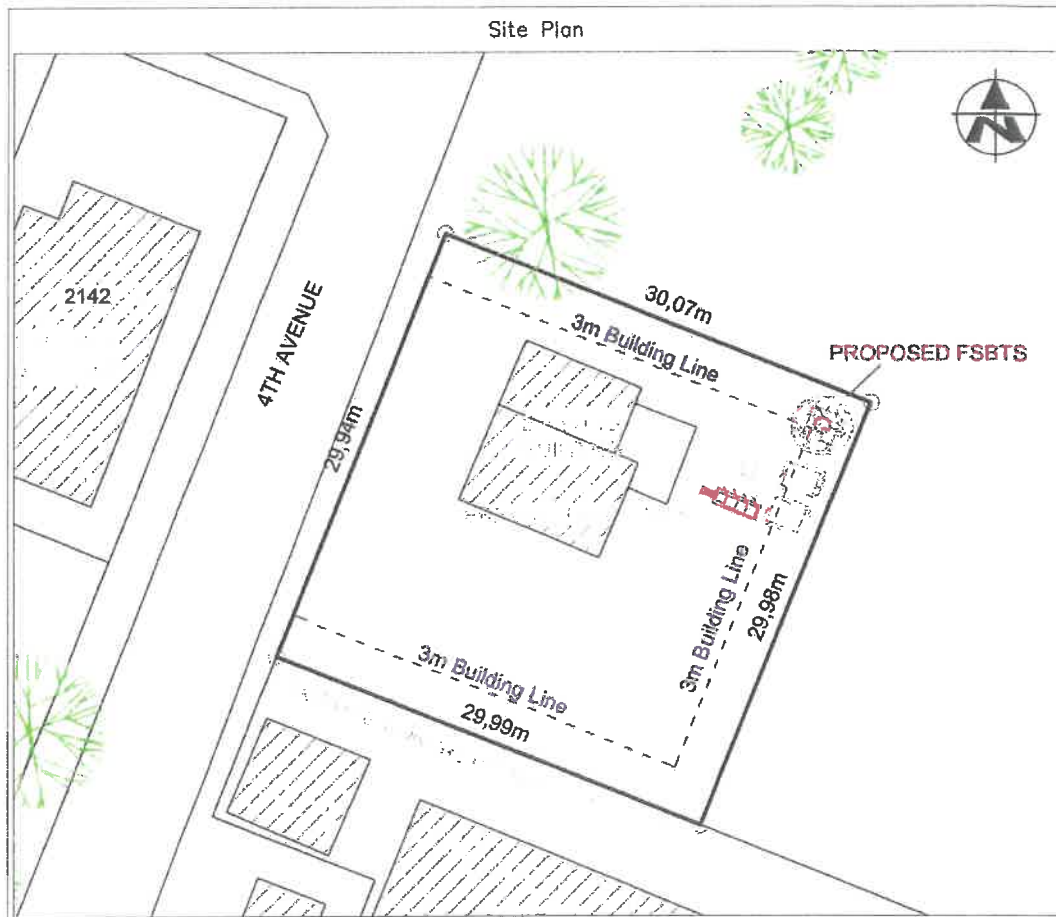


Figure 5: Site Plan: Illustrating the Proposed Development
Source: WPP Town and Regional Planning Consultants

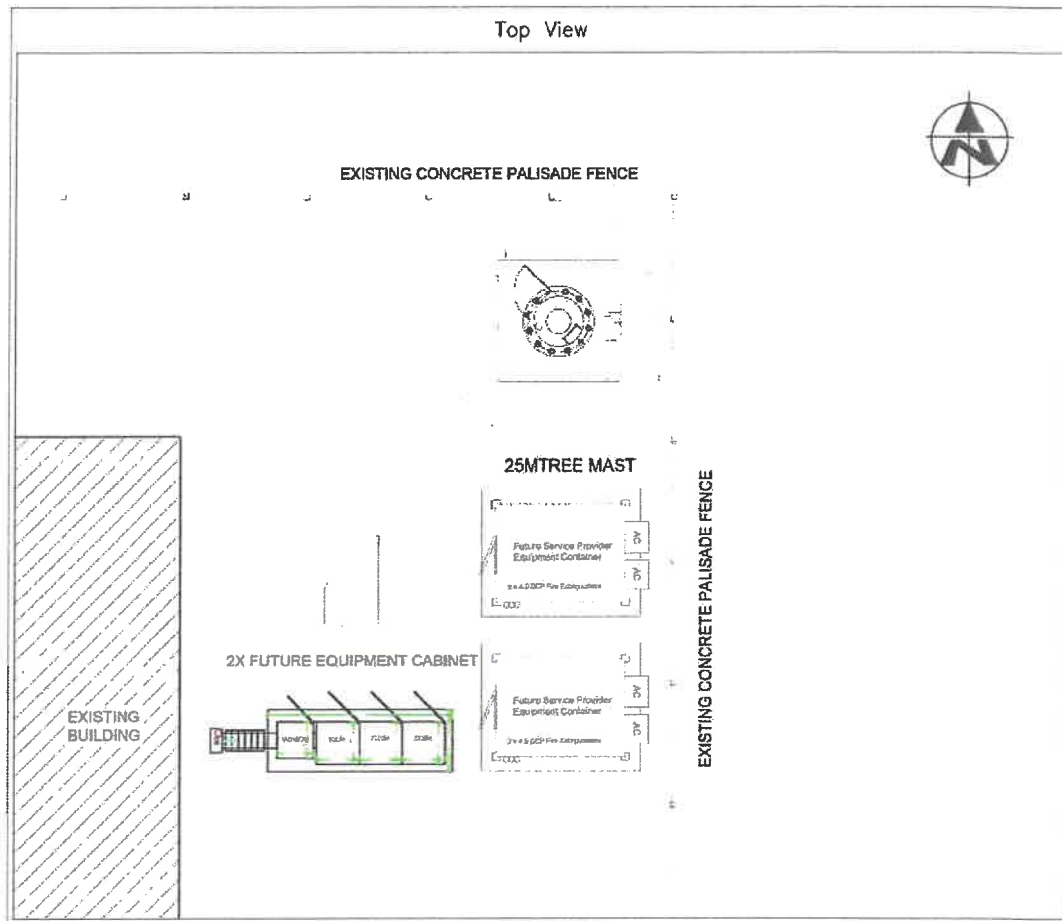


Figure 6: Top View of the Proposed Development
Source: WPP Town and Regional Planning Consultants

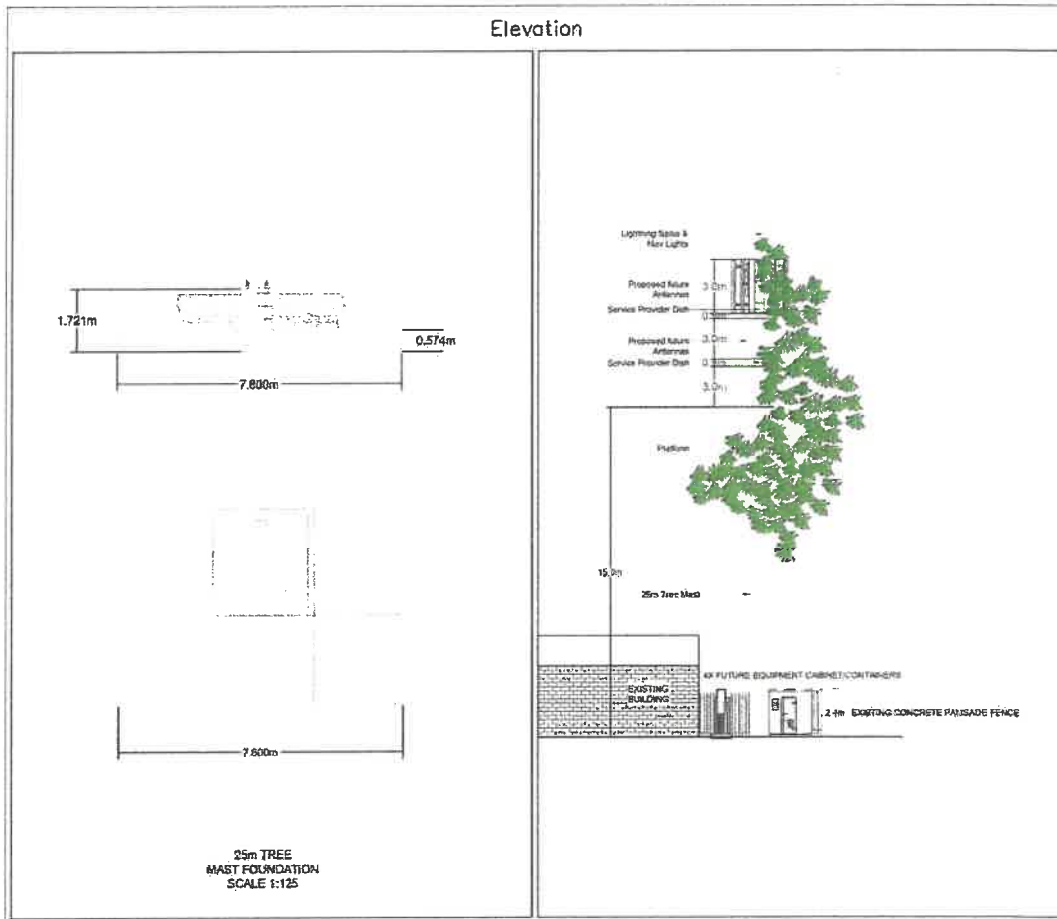


Figure 7: Elevation: Illustrating the Proposed Development
Source: WPP Town and Regional Planning Consultants

4.2 Mast Alternatives Considered

The following mast alternatives and heights were considered:



Figure 8: Photomontage of proposed 15m lattice mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 9: Photomontage of proposed 15m Monopole mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 10: Photomontage of proposed 15m Tree mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 11: Photomontage of proposed 20m Lattice mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 12: Photomontage of proposed 20m Monopole mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 13: Photomontage of proposed 15m Tree mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 14: Photomontage of proposed 25m Lattice mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*

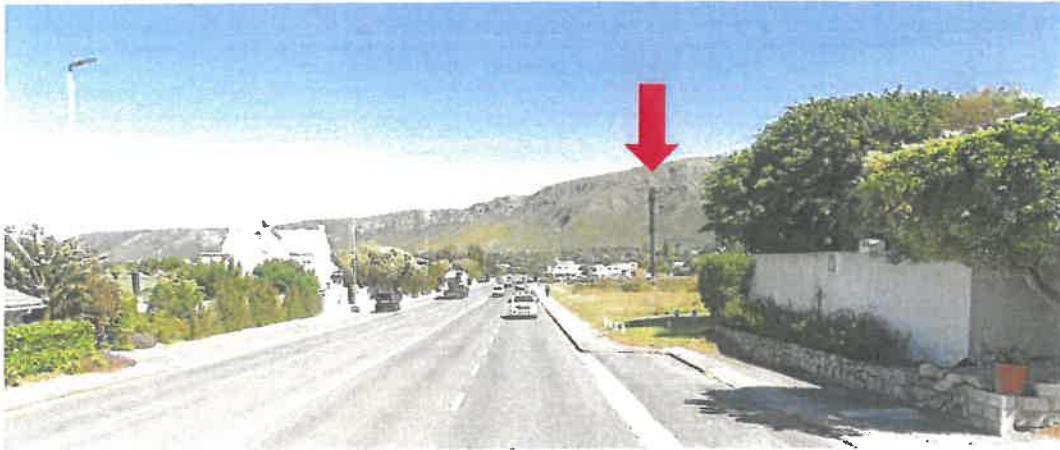


Figure 15: Photomontage of proposed 25m Monopole mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*



Figure 16: Photomontage of proposed 25m Tree mast looking west from the R43 / 7th Street route of regional scenic significance. *Source: WPP Town and Regional Planning Consultants*

Mast Type:

Monopole mast: this mast is visually bulkier and more solid than the lattice mast.

Tree mast: a tree mast works well if within proximity of other pine-like trees, such as the Norfolk Pines within the vicinity of Erf 6679. However, none of the existing mature Norfolk Pines are above 15m and will most probably never grow to a height of 20 or 25m due to the harsh coastal climatic conditions. Anything above 15m would therefore look out of place.

Lattice mast: this mast is visually lighter and more permeable than the monopole mast and would be the **preferred** choice for this site.

Mast Height:

The 15m mast height will obviously be the least visible, or visible from the smallest area, and the 25m mast height will be the most visible, from the largest area. However, from the R43 / 7th Avenue it is anticipated that the mast will not project above the skyline due to the height of the mountainous in the background. The mountain backdrop therefore softens the visual impact.

The views from a higher elevation, for instance from the residential units, roads and mountain tracks north and north-east of the development, will be most affected by the 25m high mast and the least by the 15m high mast. Residents along 4th Avenue (Erf 2142, 2142, 2138, 2139, 2377, 2380, 6040, 7356 and Remainder Erf 8009) will be negatively affected the most, regardless of mast height.

Due to the above any of the three mast heights can be considered from a height perspective.

5.0 VISUAL ANALYSIS

5.1 Visibility of the project

The visibility of the project relates to the geographic area from which the project will be visible, or view catchment area. The actual zone of visual influence of the project may be smaller because of screening by existing trees and buildings. The visibility of the project has been rated as **moderate** i.e. visible from an intermediate area (several hectares).

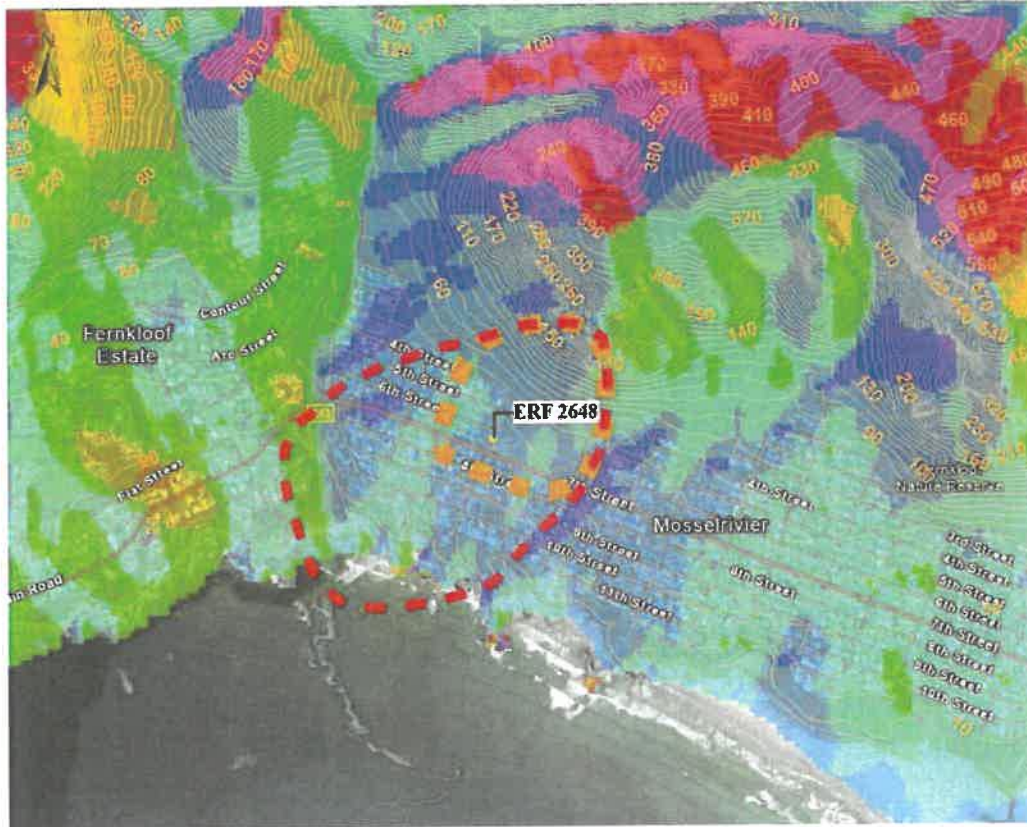


Figure 17: The view catchment for the proposed development is delineated by a broken red line from where the project would be visible. Note the actual zone of visual influence of the project, delineated by a broken orange line, may be smaller because of screening by existing trees and buildings around the site.

Source: Overstrand public viewer and City Farm mapper with adaptations.

5.2 Extent of the Impact

The extent of the visual impact, i.e. the spatial or geographic area of influence of the visual impact, (of the proposed 25m lattice mast) was assessed and rated **local**: limited to the immediate surroundings. This was based on the nature of the proposed development, (its height and bulk), the nature of its setting, and the experience of the specialist. The extent of the impact would be based on:

- The landscape character won't change significantly with the proposed new 25m lattice mast and custom base station, and
- The lower part of the proposed new 25m lattice mast and custom base station will be moderately screened by existing vegetation and structures.

5.3 Visual Sensitivity of Receptors

The R43 / 7th Avenue, a route of regional scenic significance, the residential units as well as the Fernkloof Nature Reserve has been identified as the highly sensitive visual receptors within the viewshed. Moderately sensitive receptors include residential units further afield however the proposed development would be partially screened from them by topography and existing structures and vegetation.

The anticipated visual impact prior to mitigation is **moderate**.

5.4 Compatibility of the Development

The level of compatibility or congruence of the project with the qualities of the area, or its 'sense of place'. This is related to the idea of context and maintaining the integrity of the landscape or townscape. The compatibility of the proposed development and land usage with existing land character is assessed as **moderately compatible**; the development would fit into partially into the scenic natural landscape and would fit into the urban landscape. In addition, the visual impact of the development is screened from view from certain locations.

5.5 Extent of Visual Impact

The extent of the visual impact is rated **local**: limited to the immediate surroundings

5.6 Duration of Visual Impact

The duration of the impact upon its surroundings of the development is assessed as **long term**.

5.7 Intensity or Magnitude of Visual Impact

The intensity of the degree to which the nature of the landscape will be altered is **moderate-low**; as the development will blend in partially with the surroundings and the site is screened by the topography, and existing buildings/infrastructure from most of the receptors.

5.8 Significance of the Visual Impact

The significance rating is assessed a **moderate-low**, (within a range of low, moderate, and high). This is based on a combination of the criteria above and considers the development as having a local impact, (within 500m) with moderate-low intensity over the long term.

6.0 Mitigation of the Impacts

The most significant aspect of the visual impact results from the addition of the the proposed new 25m lattice mast and custom base station on Erf 6679. The needs of the sensitive receptors outlined particularly in paragraph 5.3 must be addressed. The proposed development would relate spatially and physically to the suburban landscape. Therefore, this development is judged to be **moderately** appropriate, the development is compatible in terms of function, but can blend in more with care. The negative visual impacts need to be managed by the implementation of mitigation measures as follow:

6.1 Users of the R43 scenic route & Fernkloof Nature Reserve

Efforts can be made to reduce the visibility of the tower:

1. The construction of a lattice mast is recommended, as opposed to a monopole or tree mast. The lattice mast is visually a lighter structure as opposed to a monopole mast. A tree mast works well if within proximity of other pine-like trees, such as the Norfolk Pines within the vicinity of Erf 6679. However, none of the existing mature Norfolk Pines are above 15m and will most probably never grow to a height of 20 or 25m due to the harsh coastal climatic conditions.
2. Use muted, matt finishes for all parts of the proposed development. Avoid bright or highly reflective coloured finishes wherever possible. Darker colours are visually recessive and therefore colours such as dark grey or black should be considered.
NOTE: masts should not be painted white & red as others have been done within the Overberg.

6.2 Residential Receptors

The site is partially enclosed from the south (business node) and west (residential units) however it is exposed towards the north and east. The visual impact on the sense of place of the surrounding suburban landscape should be limited and managed where possible.

Efforts can however be made to reduce the visibility of the tower base and base station:

1. Tree and shrub planting north and east of the proposed development site should be considered - this should be done in such a way that it ties together the suburban landscape on the west with the natural landscape on the east.
2. Fencing should remain visually permeable (i.e. no solid walls).

6.3 Lighting

Preferably no lights, including along the proposed infrastructure fence line, should be installed with the proposed infrastructure. This is not applicable to the property boundary line. Should any lighting be required, effective light management needs to be incorporated to ensure that the visual impact is limited without jeopardising user safety and security.

- Aim lights down. Full cut-off shielded fixtures that keep light from going uselessly up or sideways. Full cut-off fixtures produce minimum glare. They create a pleasant looking environment. They increase safety because one sees illuminated people, cars, and terrain, not glaring bulbs.
- Install fixtures carefully to maximize their effectiveness on the targeted area and minimise their impact elsewhere. Proper aiming of fixtures is crucial. They can illuminate a target with a low wattage bulb just as well as a wasteful light does with a high-wattage bulb.
- If colour discrimination is not important, choose energy- efficient fixtures utilising yellowish high-pressure sodium (HPS) bulbs. If "white" light is needed, fixtures using compact

fluorescent or metal halide (MH) bulbs are more energy-efficient than those using incandescent, halogen, or mercury vapour bulbs.

- Neon or unshielded bright security lights may not be used.

6.4 Construction period

The construction period should be kept to a minimum, and with due care to local residents and road users. There should preferably be no out-of-normal-hours working due to the proximity of residential areas. The site vehicle entrance should have adequate traffic control measures, signage, and dust control measures. The use of heavy machinery should be minimised to prevent scarring and erosion of the site and cut and fill operations should be minimized.

Controls on the location of materials storage, etc, should be enforced to ensure that they are contained within the actual development area boundaries. In addition, no fires are to be allowed and no litter or contaminants are to be allowed to enter the environment. Excess materials and all waste to be removed from the construction areas.

No information is to hand at the time of writing about the anticipated programme from commencement to completion. Finite dates should be imposed to ensure that the timeframe is not so open-ended that the visual impact of construction extends unreasonably.

6.5 Operational Period

The site should always be neat and tidy and have no impact whatsoever beyond its fence line / boundary.

7.0 CONCLUSIONS and RECOMMENDATIONS

This Visual Impact Assessment (VIA) has been conducted as part of the application for local authority consent use for the proposed new 25m mast and custom base station. The site is located on Erf 6679 on 4th Avenue, Voëlklip, Hermanus. Fourth Avenue is accessible from the R43 / 7th street and the latter is classified as a route of regional significance.

The proposed development is seen as moderately compatible with the receiving environment. The intensity or the degree to which the proposed development will impact views and scenic or cultural resources will be moderate-low. The duration of the impact upon its surroundings of the development is assessed as long term. The significance rating is assessed as moderate-low.

Proposed mitigation measures include:

- The use of muted, matt finishes for all parts of the proposed development / infrastructure to be used whenever possible.
- Fencing must be visually permeable e.g. welded mesh (e.g. 'ClearVu' or similar), but not steel palisade. Darker colours are visually recessive and therefore colours such as dark grey, etc. should be considered.
- Preferably no lights, including along the infrastructure fence line, should be installed with the proposed infrastructure.

Any development will cause a visual change within the landscape. The visual impact significance rating is assessed as moderate-low and low if all mitigation measures are implemented.

From a visual perspective, the development should be endorsed on the condition that the visual impact is mitigated as per the mitigation measures and recommendations set out in this document.

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