



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

MINUTES

**DATE:
VENUE:
TIME:**

**31 JULY 2025
MS TEAMS
10:00**

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN VIRTUALLY ON
31 JULY 2025 AT 10:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management
Mr S Müller, Chief Engineer : Infrastructure Services
Ms R Louw, Divisional Manager : Strategic Support
Services
Mr H Blignaut, Principal Engineer : Civil
Infrastructure Planning

OFFICIALS:

Mr R Kuchar, Divisional Manager : Town & Spatial
Planning
Mr H Olivier, Town Planner
Mr P Roux, Town Planner
Me H van der Stoep, Senior Town Planner

APOLOGIES:

Ms S Swart, Senior Committee Officer

MUNICIPALITY



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MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: **31 JULY 2025**

I, the undersigned, hereby declare:

- that I will make known details of any personal or other interest in respect of matters on the agenda and whether I have been approached by any party prior to the meeting
- that I have read all the information on the agenda

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

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ms S Swart

RESOLVED:

that the above applications for leave of absence **be approved.**

3. CONFIRMATION OF MINUTES

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

RESOLVED:

that the Minutes of the Municipal Planning Tribunal Meeting held on **26 June 2025, be approved.**

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

98 GGB (4570/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

27 May 2025

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.

RESOLVED:

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 3,96m 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 tower not exceeding 10,5m, measured from base level to the top of the tower 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 be provided in accordance with the approved SDP in (c) above;

- (f) that the requirements of Telkom, the Engineering Services Department and District Health, 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 be installed or operated outside the building be permitted and that sound during services be contained within 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.

REASONS FOR THE RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The development proposal is consistent with the applicable strategic policy documents.
- ❖ The development proposal is consistent with planning principles.
- ❖ The development proposal will not detract from the character of the area.
- ❖ The development proposal will not adversely impact upon the vested rights of adjoining property owners.
- ❖ The development is situated within the Central Business District.
- ❖ There is a need for additional churches in the Gansbaai area.
- ❖ The Islamic Centre caters for a need within the community, which is a constitutional right.
- ❖ The impact of the development proposal can be sufficiently mitigated by way of approval conditions.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

4.2

ERF 6679, 22 FOURTH 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**

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 telecommunication apparatus on the property; and
 - relax the permissible height restriction from 8.5m to 25m to accommodate the telecommunication apparatus on the property.

RESOLVED:

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 transmission apparatus 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 northern building line from 3m to 0m and the eastern building line from 3m 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 been completed and that the necessary mitigation mitigation steps be done at that stage;
 - (d) that should the transmission tower becomes defunct, the structures be removed from the site;
 - (e) that all the conditions in the Service Report be complied with;
;

- (f) that the mitigation measures and recommendations as set out in the Visual Impact Assessment, dated July 2024, be complied with
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) 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.

REASONS FOR THE RESOLUTION

Points 2 and 4

- ❖ The objections relating to health and safety concerns and environmental impact have duly been addressed and do not prove the application not to be desirable. The concerns relating to impact on property value, visual impact and location of the site (versus alternative better sites) have been addressed by applying mitigation measures to only allow a 15m high lattice mast on the property.
- ❖ Erf 6679, Hermanus is zoned Business Zone 3 and is currently utilised by Telkom for telecommunication infrastructure. The utilisation of this site for a transmission tower is consistent with the existing uses and will make use of the established infrastructure on the property.
- ❖ 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 the Voëlklip area zoned for Business and is thus appropriately located for such infrastructure.
- ❖ The relaxation of the 3m northern and eastern building lines to accommodate the transmission apparatus is not anticipated to have any negative impact on properties to the west of Fourth Avenue, due to adequate buffer areas (roads, infrastructure, natural planting and open space) between the subject property and the residential erven.
- ❖ Voëlklip is no longer solely a tourist destination but has 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 continue to increase.

Point 3

- ❖ The concerns of the objectors are valid with regards to the visual impact of a 25m-high transmission tower in close proximity to residential units.
- ❖ The Visual Impact Assessment indicates that a 25m high transmission tower will have a moderate significance rating up to 400m. However, the immediately adjacent residential erven will have direct view of the structure, resulting in a higher degree of visual exposure for these properties
- ❖ 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 buildings 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 permeable than the other options and will blend in with the surrounding area.

RESPONSIBLE OFFICIAL :**P ROUX****The meeting adjourned at 10:42**