



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

MINUTES

DATE:	30 NOVEMBER 2023
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	11:00

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE
TOWN PLANNING COMMITTEE ROOM ON
30 NOVEMBER 2023 AT 11:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management
Mr S Müller, Director : Infrastructure & Planning
Mr S Madikane, Director : LED
Mr H Blignaut, Deputy Director : Engineering
Services

OFFICIALS:

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

APOLOGIES:

Ms R Louw, Senior Manager : Strategic Planning
Mr R Kuchar, Senior Manager : Town & Spatial
Planning




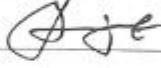



MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: 30 NOVEMBER 2023

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	
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Apology
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Apology
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	

1. OPENING

The Chairperson, Ms H Janser, opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ms R Louw
Mr R Kuchar

RESOLVED:

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

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 2 November 2023****RESOLVED:**

that the approval of the Minutes of the Municipal Planning Tribunal Meeting held on **2 November 2023, be approved.**

4. ITEMS FOR CONSIDERATION**4.1****ERF 171, 4 LE GRANGE STREET, FRANSKRAAL: PROPOSED APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF TELKOM SA SOC LTD****171 GFK (3901/2021)****P Roux****(028) 313 8900****Hermanus Administration****8 November 2023**

EXECUTIVE SUMMARY

An application has been received on 2 November 2021 (final version received on 25 July 2022) from Messrs Warren Petterson Planning on behalf of Telkom SA SOC LTD on Erf 171, Franskraal in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law to remove conditions C.20(b) & C.20(d) as contained in Title Deed No. T4468/1955, applicable to Erf 171, Franskraal, and
- ❖ **consent use** in terms of Section 16(2)(o) of By-Law, to replace the existing transmission apparatus (TA) with a 45m lattice mast.

RESOLVED:

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 171, Franskraal for the removal of the restrictive conditions C.20(b) & C.20(d) as contained in Title Deed No. T4468/1955, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 171, Franskraal, for the consent use to replace the existing transmission apparatus with a lattice mast, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the approvals above be subject to the following conditions:
 - (a) that this approval is only for the removal of restriction and the consent use as applied for;

- (b) that the approval be limited to the building/structures as per Plan number 05403-P1 sheets 1 to 8 as submitted with the application subject to condition 3.(c);
 - (c) that the height of the transmission apparatus be restricted to 35m and coloured in a neutral colour;
 - (d) that building plans in line with condition 4.(b) and (c) be submitted to the Building Control Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage;
 - (e) that the use of the structure be limited to 10 years, in which time the property owner must conduct extensive studies into alternative sites and more optimum network coverage if feasible;
 - (f) that the property owner submits a Noise Impact Assessment prior to the submission of building plans and that mitigation steps be shown on the building plan and implemented on site. This is relevant to all structures and operations on the site;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR THE RESOLUTION:

- ❖ Mitigation measures are proposed by the applicant to address the concerns regarding noise and maintenance.
- ❖ The existing mast will be replaced with a lattice mast which will be less visually intrusive as per the recommendation of the VIA.
- ❖ The site has been in the ownership of Telkom since 1955 and from a town planning perspective the mast is considered to be part of the urban fabric.
- ❖ The application is supported by all relevant municipal departments and state or other institutions.
- ❖ The development on site is limited to the approval of the proposed SDP.
- ❖ No additional services will be required.

- ❖ The current and proposed transmission apparatus is the only one in a 2,5km radius and provides a necessary service to the community.
- ❖ The consent use approval was only granted for a 10-year period. The technology in terms of transmission apparatus changes fast and therefore alternative sites and methods will have to be investigated during this 10-year period to better service the community.

RESPONSIBLE OFFICIAL :

P ROUX

4.2**ERF 5703, 3 MYRTLE STREET, WESTCLIFF, HERMANUS: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING : CREATIVE PROFILE TOWN PLANNERS ON BEHALF OF 3 ON MYRTLE PROPRIETARY LIMITED****4304/2022****S van der Merwe
25 October 2023****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

The following application has been received on 30 November 2022 from Creative Profile Town Planners on behalf of 3 ON MYRTLE PROPRIETARY LIMITED:

- **rezoning**, in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), of Erf 5703, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to accommodate offices/lettable space and four single bedroom flats on the property.

RESOLVED:

1. that the objection received be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), for the rezoning of Erf 5703, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to accommodate offices/lettable space and four single bedroom flats on the property, **be approved** in terms of the provisions of Section 61 of the By-Law; and
3. that the above approval be subject to the following conditions:
 - (a) that a three (3) meter building line must be maintained at the eastern boundary of Erf 521, Hermanus;
 - (b) that all health care risk waste that is generated by the practice must be collected and transported by a suitably registered company and be disposed of at a licensed disposal facility;
 - (c) that the parking layout must be in accordance with the parking layout plan number 101 dated MAY 2023 that was submitted with the application;
 - (d) that all the parking bays be clearly demarcated and provided with a hard surface;

- (e) that the development must comply with the provisions of SANS 10400 A:2016, 10400-T:2020 and the By-Law Relating to Community Fire Safety;
 - (f) that the building plans must be submitted to Heritage: Western Cape for approval prior to the submission thereof at the Building Department since the structures on the property are older than 60 years;
 - (g) that the building plans in (f) above be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at that stage be complied with;
 - (h) that a refuse area must be provided on the property in accordance with Chapter 17.4 of the Overstrand Municipality Land Use Scheme, 2020 and must also form part of the building plan submission;
 - (i) that the conditions of Engineering Services and Telkom must be complied with;
 - (j) that no on-street parking be allowed whatsoever;
 - (k) that any advertising signs must be approved by the Building Department of the Municipality and must comply with the Municipal By-Law on Signage;
 - (l) 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;
 - (m) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
 - (n) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) with regard to the conditions in 3. above, and that the commenter/objector be informed that it has no right to appeal the above decision due to non-compliance with the requirements as set out in Section 52 of the By-Law (comment/objection was received after the closing date for the submission of comments/objections).

REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ The proposal is in line with forward planning documents.
- ❖ Much needed job opportunities will be created.
- ❖ The proposal is not regarded as being undesirable from a town planning point of view.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE****The meeting adjourned at 11:25**