4.5

ERF 533, 28 MADELIEFIE STREET, GANSBAAI (BLOMPARK): PROPOSED DEPARTURE AND CONSENT USE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF "DIE NEDERDUITSE GEREFORMEERDE SENDING GEMEENTE GANSBAAI-STANFORD"

533 GBP (3724)
SW van der Merwe (028) 313 8900 Hermanus Administration
21 August 2018

1. EXECUTIVE SUMMARY

To consider an application received on 30 June 2017 from Messrs Warren Petterson Planning on behalf of "Die Nederduitse Gereformeerde Sending Gemeente Gansbaai-Stanford" for the following:

Consent use

Application for consent use in terms of Sections 16(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to erect a 25m high transmission tower on Erf 533, Gansbaai (Blompark); and

Departure

Application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following:

- departure of the 10,5m height restriction to permit a 25m transmission tower, and
- departure of the 5m street building line onto the property boundary (0m) in order to accommodate the transmission tower and equipment compound.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal.

3. BACKGROUND / SITE HISTORY

Erf 533, Blompark is situated on the corner of Gousblom-, Ridderspoor- and Leeubekkie Streets. The property is zoned as Community Zone 1: Community Facilities and measures 4124m² in extent. The property is developed with a church, church hall and rectory.

The subject property is surrounded by single residential properties to the north, east and south. Southwest of the subject property is a private open space (sports field) developed with spotlights; whilst adjoining to the west is a community zone erf (old age home), a local business erf and general residential zone erf (residential care home). Blompark Primary School is situated ±140m south west of the proposed installation.

The proposed development comprises a 25m high transmission tower (lattice mast) and associated equipment compound, which structures encroach the applicable 5m building line restriction as well as the 10,5m height restriction. The equipment compound will be situated on the south western corner of the property adjacent Gousblom Street. The equipment compound measures 10m by 10m and will provide for the equipment of up to four (4) mobile phone operators. Access and servicing will occur from Gousblom Street.

The applicant indicated in writing that as an alternative the transmission tower could be camouflaged as a tree mast. This will be further elaborated upon in the evaluation.

4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's Motivation Report is attached as Annexure B. The main grounds of motivation are summarized as follows:

- 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;
- 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 will be hindered;
- the development is compliant with the planning principles in terms of the Spatial Planning and Land Use Management Act (SPLUMA):

  Spatial Justice
  This refers to fair and equally distributed services and enhanced accessibility to these services. The proposal will provide excellent communication service to the inhabitants of an area.

  Spatial Sustainability
  Enhanced signal in an area will promote all three the dimensions of sustainability (economic, social and environmental). Economically business will benefit from enhanced connectivity. The social facet is addressed as more people will have access to emergency services. Environmentally sensible placement of base station and the possibility of co-location will limit the amount of base stations should there be sufficient signal in the area.

  Spatial Efficiency
  Free standing and rooftop base stations are placed optimally in an area with a reason (i.e. the amount of users, quality of service, etc.) when considering the placement in order to promote effectiveness.

  Spatial Resilience
  This relates to the ability to withstand potential shocks (i.e. economic crisis, social disruption, etc.). Telecommunication installations will provide a service always

necessary. In a state of crisis, communication plays an integral role in a societal environment.

Good Administration

The proposed installation will be lawful and reasonable, following an equal and fair public participation process in order to incorporate the views and opinions of all relevant parties.

- the Integrated Development Plan (IDP) refers to enhancement of telecommunications infrastructure to provide Overstrand Municipality with enhanced communication technologies, better coordination of disaster management (allow emergency services to be contacted and connected);
- telecommunications evolved from merely a convenience to an essential business tool;
- over time more reasonable tariffs were introduced making it available to a much larger sector of the population;
- data usage become faster, more affordable and more accessible;
- user behaviour changes, resulting in average consumer date usage doubling each year;
- current telecommunications infrastructure cannot handle this high demand, resulting in congested networks, connection problems, dropped calls etc.;
- congestion of existing sites together with decrease in its coverage range results in the need for new free standing and / or rooftop cellular base stations;
- the proposed installation will be situated at the nominal point, as identified by network engineers, thus limiting the need for future base stations and ensuring development of an effective network;
- Gansbaai experience dropped calls and poor network coverage (both voice and data);
- the application is thus motivated by several customer complaints from residents, businesses and commuters) received by MTN, Vodacom and Cell C;
- the proposed installation will increase the amount of LTE coverage;
- the proposed installation provides opportunity for co-location;
- the proposal will not interfere with the current use of the property;
- the proposal will not negatively impact surrounding land uses and the environment, nor will it affect buildings with heritage value;
- the proposal will have no impact on external engineering services or traffic;
- the proposal will not have detrimental effect on the surrounding area whilst providing an essential service to the surrounding community;
- the proposed network upgrade is aimed at areas with economic and tourism potential;
- the proposed installation is situated to ensure optimum functionality for the following reasons:
  - optimum location between existing and planned sites;
  - there is a huge demand with existing base stations unable to provide sufficient coverage;
  - the proposed site is accessible to contractors;
  - the proposal poses the best solution to existing coverage problems with the least negative impacts;
  - the proposal is secure due to its locality, and
  - the proposal will serve the complainant area optimally;
- the proposed installation is a lattice mast that will create a see through effect, thereby reducing its visual impact;
- the proposed installation will be colour coded to match the backdrop, thereby mitigating visual impact and blend in with its surroundings, and

- ❖ the proposed installation will comply with the ICNIRP guidelines, as endorsed by the Department of Health.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal Departments	Yes	08/02/2018	16/03/2018
Ward councillor	Yes	08/02/2018	16/03/2018
Notices	Yes	15/02/2018	23/03/2018
Total letters of support	**None**		

Was public participation undertaken in accordance with Section 45 - 49 of the Proposed Draft 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**

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

Name	**Date received**	**Summary of comments**	**Recommendation**
Electro Technical Services	14/02/2018	No objection.	Positive
Operational Services	15/02/2018	No objection.	Positive
Department of Health	23/02/2018	No objection.	Positive
Building Department	22/02/2018	No objection	Positive
Fire Services	22/03/2018	No objection.	Positive
Environmental Section	05/04/2018	The height of the bell tower must be reduced from 25m to 15m in height to minimize the visibility impact.	Positive
Engineering Services	25/07/2018	Annexure F.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) late objection has been received from Gansbaai Primary School, situated on Erf 639. The applicant did not respond to each point of objection due to the fact that the objection was submitted after the closing date.

The objection is attached as Annexure D and the applicant's comment in response to the objection is attached as Annexure E.

The main grounds of objection are summarised as follows:

Objection

I am the acting principle of the above mentioned school. Myself, the teaching and non-teaching staff strongly objects to the application. The Council is responsible for our wellbeing and interest.

Town Planner's response

The objection of the acting principal is noted. The objection will be evaluated on the basis of its merit and is addressed in the motivation below as part of the desirability criteria.

Objection

Medical research has shown that there are serious issues regarding these towers that need to be addressed.

Town Planner's response

There is no scientific proofed evidence that telecommunication base stations affect health and this viewpoint is supported by the South African Department of Health.

The SA Department of Health utilises the World Health Organisation (WHO) international project on Electro Magnetic Fields (EMF) as its primary source of information and guidance with respect to the health effects of EMF. The WHO recommends using the exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which is also recommended by the SA Department of Health and will be incorporated in the conditions of approval.

Objection

It will be an unpleasant sight that does not belong in a residential area.

Town planner's response

Although the area to the north, east and southern of the subject property is residential, it should be acknowledged that the surrounding area has a mixed character comprising residential, institutional, business and recreational uses. Sporting facilities situated south west of the property already has floodlights on the sports field that visually impact on the character of the area. Given the aforementioned as well as the fact that the proposed transmission tower will be situated in the south western corner of the subject and being screened from residential properties to the north, east and southern, together with the fact that the proposed installation will comprise a see through lattice mast, it is not considered to unacceptably detract from the visual amenity of the locality or the character of the surrounding area.

Objection

The proposed installation is to the financial benefit of the NGK Stanford-Gansbaai and not to the benefit of the school, residents or the surroundings as indicated. Allowing the tower has nothing to do with the normal business function of the premises.

Town Planner's response

The point of objection is noted. This point of objection will be addressed in the motivation below as part of the desirability criteria.

Objection

Our constitution states that everyone has the right to an environment that is not harmful to their health or wellbeing. Allowing this will be in direct conflict with this right.

Town planner's response

The objector's statement is not substantiated by supporting evidence. There is no scientific proofed evidence that telecommunication base stations affect health and this viewpoint is supported by the South African Department of Health. This ground of objection should therefore be dismissed.

8. SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

Refer to Point 7. above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to Point 7. above.

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

10.1 (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, but will enhance access to telecommunications infrastructure that that is fair and equal.

Spatial sustainability
Enhanced signal in the Gansbaai / Blompark area will promote all three (3) dimensions of sustainability (economic, social and environmental). Economically business will benefit from enhanced connectivity. The social facet is addressed as more people will have access to emergency services. Environmentally sensible placement of base stations and the possibility of co-

location will limit the amount of base stations should there be sufficient signal in the area

Efficiency
The proposed telecommunication infrastructure will be situated optimally in the area in terms of the amount of users, quality of service as identified by network engineers and thereby promoting effectiveness.

Spatial resilience
The application will ensure that the existing resource, land is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents. Furthermore, it should be noted that telecommunication installations provide a service that is always necessary. In a state of crisis, communication plays an integral role in a societal environment.

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.

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

Same as above

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

The proposed application is in line with the strategic documents.

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

Not applicable.

10.5 Impact on Municipal engineering services

The existing services are available.

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

Not applicable.

10.7 Existing and proposed zoning comparisons and considerations

The Overstrand Zoning Scheme Regulations provide for telecommunication installations as a consent use, subject to compliance with the development parameters stipulated in the Scheme Regulations. The proposed transmission tower encroach the 10,5m height restriction with 14,5m and will also encroach the 5m street building line onto the property boundary.

10.8 The desirability of the proposal

The proposed transmission tower will be beneficial to the Gansbaai area and surrounding community (residents, businesses, emergency services, etc.) since it will provide improved network provision and coverage, enhance social

interaction (i.e. access to social media) and economic efficiency (i.e. access for businesses and individuals to faster and more efficient internet and communication connectivity). It will also be beneficial to commuters as well as tourist who rely on cell phones when passing / visiting the area. The proposed installation is an attempt to respond to customer complaints with regards to poor coverage and dropped calls in the area that is under pressure, especially over public holidays and long weekends due to the influx of people.

The proposed transmission tower will be a lattice mast which is a see through structure and will be able to accommodate apparatus of four (4) different operators, which is considered beneficial from a visual amenity point of view compared to four (4) individual, lower installations. The recommendation of the Environmental Department that the height be reduced to 15m is not agreed with. Further, in order to ensure that the applicant permits other operators on the installation, a condition will be imposed to ensure that the applicant permits co-location. The departure of the applicable height restriction is therefore supported, subject to the installation being painted to blend in with the backdrop.

Although the proposed installation will have a visual impact, the opinion is held that the proposed installation comprising of a lattice mast being a see trough structure that will be painted to blend in with the backdrop and that the fact that the church has a tower and the existing of floodlights at the sports complex will not have an unacceptable detrimental visual impact such as to warrant refusal of the proposal.

The relaxation of the street building line from 5m to 0m to accommodate the equipment compound will unacceptably detract from the character of the street scene or impact upon vehicle or pedestrian safety. The site currently has a 1,8m vibacrete wall, whilst the proposed equipment compound will be provided with a steel palisade fence to a maximum height of 2,1m.

Registered notices were served on 122 interested and affected parties and only one (1) late objection was received from Gansbaai Primary School, situated ±140m south east of the application property.

The South African Department of Health is of the opinion that the proposed installation based on compliance with the ICNIRP standards does not pose a health risk.

The location of the property and scale of the proposal is such that it would not negatively affect scenic routes identified in the proposed Overstrand Municipality Overlay Zones.

The proposal is supported by all municipal departments.

The application for consent use to permit a 25m transmission tower (lattice mast) and departure of the height restriction from 10,5m to 25m and the 5m street building line to 0m is supported.

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

11. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a consent use to permit a 25m transmission tower (lattice mast) and associated equipment compound as well as departure in terms of Section 16(2)(b) of the By-Law to encroach the 10,5m height restriction to 25m and the 5m building line onto the property boundary on Erf 533, Gansbaai (Blompark), **be approved** in terms of the provisions of Section 61 of the By-Law, be subject to the following conditions:

   (a) that the placement of the transmission tower and associated infrastructure development occur in accordance with the Site Plan (attached as Annexure C;

   (b) that the owner of the transmission tower must permit co-location of up to four (4) different operators on the installation;

   (c) that the Senior Manager: Town- and Spatial Planning be notified prior to other operators being permitted on the transmission tower and be provided with the relevant details of the proposed installations by means of a Site Development Plan (SDP) prior to the submission of building plans;

   (d) that all the relevant conditions of Engineering Services (attached as Annexure F), be complied with;

   (e) that building plans be submitted to the Building Department for approval prior to the commencement of the development

   (f) that commercial rates and service tarrifs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

   (g) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the transmission tower is operated or should the operation be found to be detrimental to the peacefulness and amenity of the surrounding area;

   (h) that the materials used must be of such a nature that the transmission tower blends in with the existing character of the environment such as to minimise visual impact;

   (i) that the EMF of the transmission tower shall at all times be compliant with ICNIRP standards as endorsed by the South African Department of Health;

   (j) that the Municipality be indemnified against any claim which may be instated as a result of the above approval;

   (k) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

   (l) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

2. that the applicant 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 conditional approval.

11. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The late objection is not supported due to a lack of substantiation thereof.
- ❖ None of the internal departments have any objection.
- ❖ Numerous such enterprises have been approved in similar nodes throughout the Overstrand Municipality's area of jurisdiction.
- ❖ The proposed transmission tower will contribute to economic development, promotion of tourism and will ensure improved access to telecommunication services and emergency services.
- ❖ The proposal will not have an unacceptable visual impact.

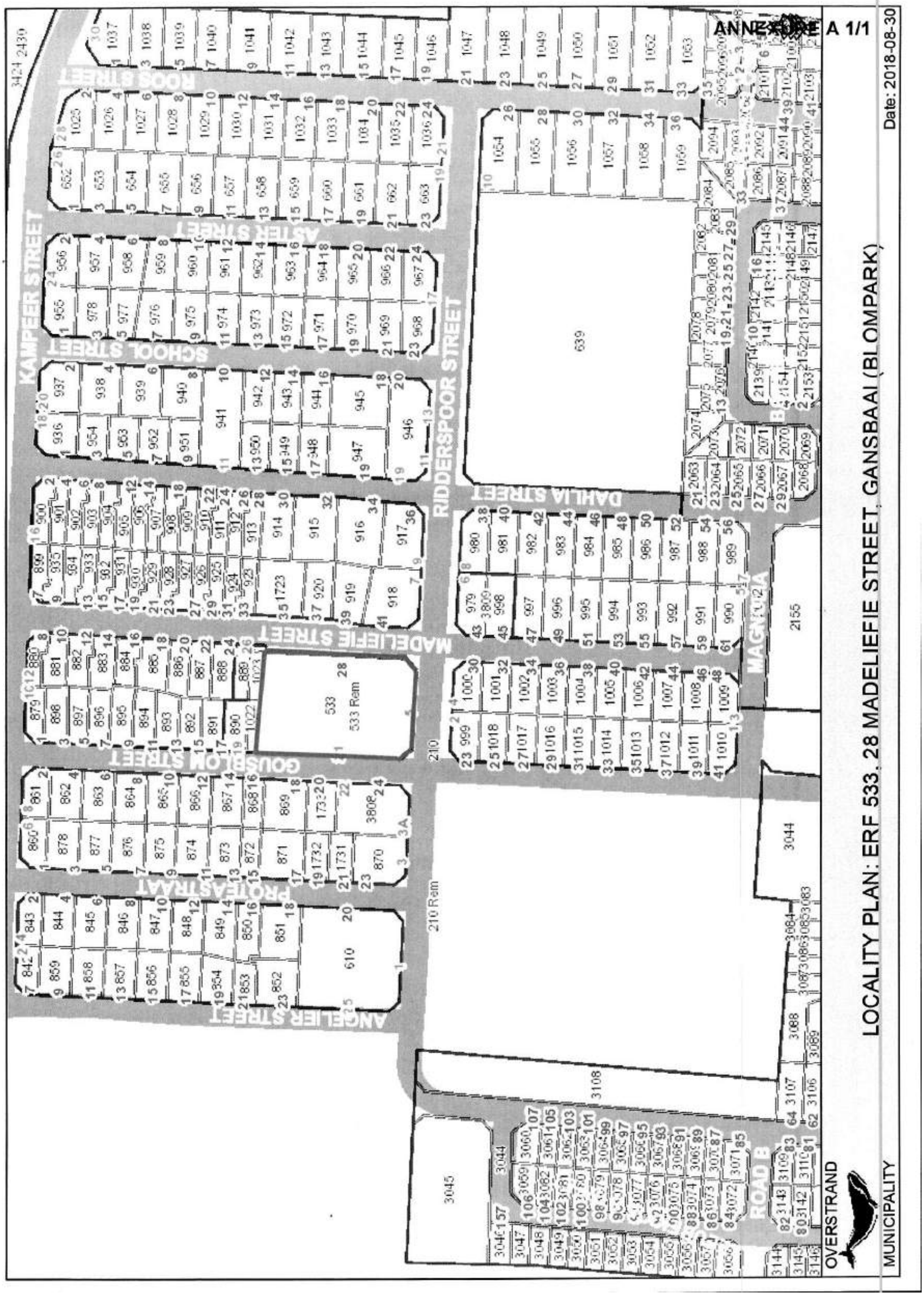
12. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Plan
Annexure D:	Objection received
Annexure E:	Applicant's comment to objection
Annexure F:	Services Report

SIGNATURE

REGISTERED PLANNER

Name :	**SW VAN DER MERWE**
SACPLAN Reg No:	**A/1850/2014**
Signature :	_____
Date:	_____


ANNEXURE A 1/1
LOCALITY PLAN: ERF 533, 28 MADELIEFIE STREET, GANSBAAI (BLOMPARK)
Date: 2018-08-30
OVERSTRAND
MUNICIPALITY
KAMPEER STREET
ROOS STREET
ASTER STREET
SCHOOL STREET
RIDDERSPOOR STREET
DAHLIA STREET
MADELIEFIE STREET
GOUSBLOM STREET
PROTEASTRAAT
ANGELIER STREET
MAGNOLIA
ROAD B
533
533 Rem
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Warren Petterson Planning
P.O. Box 152
Century City
7446

T: (021) 552 5255
F: (086) 537 9187
C: (084) 551 0045
E: wessel@wpplanning.co.za

SECTION A: BACKGROUND

A.1. THE APPLICATION

Application is hereby made for the following:

- ✓ **Consent Use in terms of the zoning scheme** in terms of section 16(2)(o) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 for the purpose of erecting a 25m FSBTS.
- ✓ **Permanent Departures** regulation in terms of section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 for the purpose of the relaxation of the street building line from 5m to 0.0m in order to allow for the above mentioned consent.

- ✓ **Permanent Departures** regulation in terms of section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 for the purpose of the relaxation of the height restriction from 10.5m to 25.0m in order to allow for the above mentioned consent.

A.2. DETAILS OF THE DEVELOPMENT AREA

Table 3 - Details of the Development Area

TITLE DEED DESCRIPTION	ERF 533, GANSBAAI, WESTERN CAPE PROVINCE.
TITLE DEED NUMBER	T24982/1985
PROPERTY SIZE (m^2)	$4124m^2$
CURRENT ZONING (per OMIZS, 2013)	COMMUNITY ZONE 1
OWNER OF PROPERTY	NEDERDUITSE GEREFORMEERDE SENDINGKERK

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

T: (021) 552 5255
F: (086) 537 9187
C: (084) 551 0045
E: wessel@wpplanning.co.za

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 Municipality of Overstrand is located directly adjacent Gousblom Street.

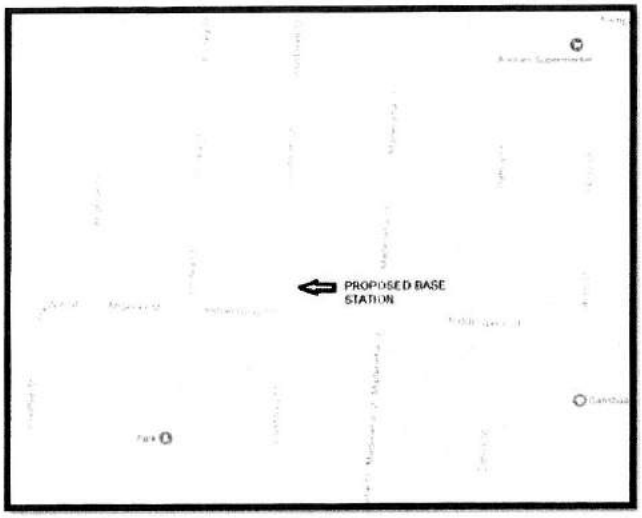

Figure 1 - Location of the property adjacent to Gousblom Street.

B.2. CURRENT LAND USE AND ZONING

Table 4 - Current land use and zoning

CURRENT LAND USE	The property is being used for worshipping purposes. There are 3 existing buildings on the property namely the Church building, church hall and a rectory.
ZONING	Community Zone 1

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

The property in question with the zoning of 'Community Zone 1: Community Facilities (CO1) has the following primary rights and rights by means of a consent use application:

9.1 COMMUNITY ZONE 1: COMMUNITY FACILITIES (CO1)

Use of the property

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

(a) **Primary uses** are: clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction, place of worship;

(b) **Consent uses** are: dwelling units, cemetery, conference facility, dwelling house, hospital, institution, recreational facilities, residential building, rooftop base station, transmission tower, urban agriculture;

(c) **Additional use:** A property in this zone may occasionally be used for fundraising or social functions provided that:
(i) Such functions are incidental and subsidiary to the uses permitted in this zone; and
(ii) Such functions do not, in the Council's opinion, generate excessive or prolonged disturbance including noise, traffic or other public nuisance.

Figure 2 - Community Zone 1: Communicity Facilities (CO1)

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

B.3. SURROUNDING AREA

Suburbs near the property are Gansbaai (Northern direction), Van Dyks Baai (Southern Direction), and Franskraal (Eastern Direction).

The R43 to the north east of the property serve as the main distributor. The surrounding land uses in the area are predominantly utilised for residential and educational purposes.

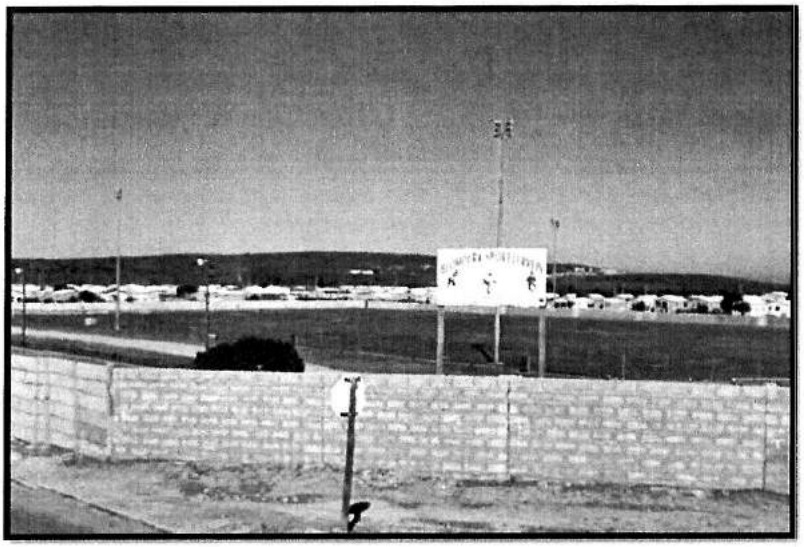

Figure 3 - Sports grounds opposite the church

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

T: (021) 552 5255
F: (086) 537 9187
C: (084) 551 0045
E: wessel@wpplanning.co.za

SECTION C: DEVELOPMENT PROPOSAL

C.1. APPLICATION SPECIFICATIONS

The client (Rich Rewards Trading 43) wishes to apply for consent, a permanent departure (relaxation of height restriction) and a permanent departure (relaxation of common building line) in order to erect a FSTBS.

C.1.1 Development Concept

The application comprises the following proposed development parameters:

- ✓ A 25m lattice type mast,
- ✓ 4 x 3-sector antennas attached to the mast,
- ✓ Microwave dishes attached to the mast,
- ✓ 4 x Equipment containers, and
- ✓ A 2.4m high palisade fence.

The total ground coverage of the FSBTS 100m².

C.1.2 Building Line Relaxation

In terms of the property's zoning of 'Community Zone 1: Community Facilities', a street building line restriction of 5m is applicable. The FSBTS is proposed on the western boundary of the property within these 5m (street) and building line. The building line relaxation affects the western boundary.

(d) **Building lines**

(i) All building lines shall be 5,0 m; and
(ii) The general building line exemptions of 16.1 apply.

Figure 4 - Building Lines for 'Community Zone 1: Community Facilities' (OMIZS, 2013)

- ✓ A **permanent departure** application is hereby made regulation in terms of section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 for the relaxation of the street building line of Erf 533, Gansbaai from 5m to 0.0m to allow for the erection of a FSBTS.

The FSBTS is positioned within the building line. However, this will not obstruct the existing utility services, landscaping etc.

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

T: (021) 552 5255
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C.1.3 Height Restriction Relaxation

In terms of the property's zoning of 'Community Zone 1: Community Facilities', a maximum height above base level of 10.5m to top of roof (please read together with the OMIZS, 2013:68). The FSBTS is proposed at a height of 25m.

(c) **Height**

(i) The maximum height of any building is 10,5 m measured from the base level to the top of the roof, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature to accentuate the significance of a building; and
(ii) The general provisions for retaining structures and earth banks in 16.6 apply.

Figure 5 - Height restrictions (OMIZS, 2013:68)

- ✓ A **permanent departure** application is hereby made in terms of section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 for the relaxation of the height restriction of Erf 533, Gansbaai **from 10.5m to 25m** to allow for the erection of a FSBTS.

The FSBTS is exceeding the current maximum height above base level with 14.5m. However, this will not obstruct the existing utility services, landscaping etc.

The mast will not intrude on the privacy rights of any of the surrounding property owners. No security camera will be placed on the mast which can overlook onto any other properties.

C.2. ACCESS

Access to the proposed FSBTS will be obtained from the proposed access gate to the base station found on the south-western side of the property, situated adjacent to the Gousblom Street.

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

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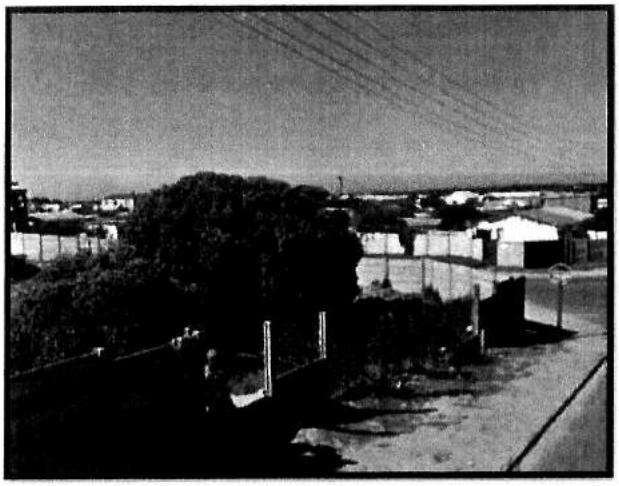

Figure 6 - Access to site

C.3. SECURITY

The entire base station site will be surrounded by a 2.4m tall Palisade fence with an access gate that will be locked at all times. The proposed equipment will be secure inside the equipment units that will be kept locked at all times. The antennae will be secure given their position at the top of the mast.

These measures rule out the possibility of any public access to the equipment and serve to protect the equipment from being vandalized. Similar security measures are implemented at similar installations and have proved to be very effective.

C.4. POWER

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

C.5. ENVIRONMENTAL REGULATIONS

Environmental and social sustainability are regulated by *The National Environmental Management Act (Act 107 OF 1998) (NEMA) - published in Government Notice No. R546*. When read together with

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Century City
7446

T: (021) 552 5255
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C: (083) 255 8349
E: dloots@wpplanning.co.za

the National Environmental Management Act Regulations Listing Notice 3 of 2014 (*Government Notices No. 983, 984 and 985, promulgated 06 December 2014*), an Environmental Impact Assessment (EIA) or Environmental Authorization (EA) is only applicable in the following circumstances:

The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower:

i) is to be placed on a site not previously used for this purpose; and

ii) will exceed 15 metres in height

But excluding attachments to existing buildings and masts on rooftops.

The requirements in the Western Cape are defined in NEMA Listing Notice 3 of 2014:

(f) In Western Cape:

i) All areas outside urban areas; or

ii) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas.

iii) Areas zoned for use as public open space or equivalent zoning within urban areas.

The proposed development does not constitute a listed activity as the site has been previously used for this purpose. An Environmental Authorization (EA) is therefore not required. (See Annexure F).

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

T: (021) 552 5255
F: (086) 537 9187
C: (084) 551 0045
E: wessel@wpplanning.co.za

SECTION D: POLICY AND LEGISLATION

D.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

This application complies with the land development principles (Chapter 2, SPLUMA, 2013) as referred to in section 42 of the *Spatial Planning Land Use Management Act, 2013* (Act 16 of 2013) (SPLUMA):

Table 5 - Compliance of application with Principles 7a-7e of SPLUMA, 2013

	HOW DOES THIS APPLICATION COMPLY WITH THIS PRINCIPLE?
Principle 7a: Spatial Justice	In a broader sense, spatial justice refers to an intentional incorporation of spatial (geographical) aspects. This refer to the fair and equally distributed services and enhanced accessibility of these services. The aim of this proposal is to provide excellent communication service to the inhabitants of an area.
Principle 7b: Spatial Sustainability	Spatial sustainability is an explicit concept which describe the relations between environmental, economic and socio-cultural facets related to a societal environment. Enhanced signal in an area will promote all three the dimensions of sustainability (economic, social and environmental facets). Economically, businesses in the area will benefit from enhanced connectivity. The social facet is addressed as more people will have access to emergency services (e.g. Healthcare, Police, Fire response etc.). The third dimension (Environmental facets) will be promoted as the sensible placement of telecommunication base stations and the possibility of co-location will limit the amount of base stations should there be sufficient signal in an area.
Principle 7c: Spatial Efficiency	Spatial efficiency relates to the concept of minimum distance to be travelled between a specific location and intended destination. FSTBS and RTBS is placed in an area (optimally situated between planned and existing stations) with a reason. This reason is to incorporate various factors (e.g. amount of users, quality of service etc.) when considering the placement in order to promote effectiveness and is not merely placed by random.
Principle 7d: Spatial Resilience	Spatial resilience can be defined as the ability of a region to withstand possible arising shocks (e.g. economic crisis, social disruptions etc.). However, FSTBS and RTBS will be a service that will always be necessary. In a state of crisis, communication plays an integral role in a societal environment.
Principle 7e: Good administration	This installation will be lawful and reasonable, following an equal and fair public participation process in order to incorporate the views and opinions of all relevant parties.

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

D.2. INTEGRATED DEVELOPMENT PLAN, 2014

The IDP (2014) refers to the enhancement of TI in order to provide the Overstrand Municipal area with enhanced communicative technologies especially with regard to fibre-optic communication connectivity required for a pro-poor Tourism as stipulated on page 90 (IDP, 2014.)

> The International Centre for Responsible Tourism advocates "Pro-poor Tourism" – an approach towards tourism which ensures that "local poor people are able to secure economic benefits from tourism in a fair and sustainable manner Robson, S and Higton, S, 2004). Pro-poor tourism can benefit local poor people in three ways: It can bring economic gain through employment and micro-enterprise development; infrastructure such as roads, water and electricity supply, telecommunications and waste management can be improved; and poor people can be engaged in decision-making.

Figure 7 - Extract: PAge 90 of the OMIDP, 2014

Furthermore, improved TI will contribute to the better coordination of Disaster Management as it will allow emergency service to be contacted and connected to any area in distress when needed – as stipulated on page 230 of the OMIDP, 2014.

> 12.2.3 DISASTER MANAGEMENT COORDINATOR:
>
> a. Establish and maintain required telecommunications links
> b. Identify available resources for disaster management purposes,
> c. Establish and maintain a resources database.
> d. Ensure effective media liaison.
> e. Coordinate all communication to and from incident.
> f. Compilation of pro-active departmental disaster management programmes to support risk reduction or elimination.
> g. Rendering support and advice throughout all phases of disaster management planning activities,
> h. Disaster Management Plan forms an integral part of the IDP,

Figure 8 - Extract: Page 230 of the OMIDP, 2014

This application is in line with this vision of the Overstrand Municipality as the TI installed on the said property will provide these sought-after services (e.g. Pro-poor Tourism and Disaster Management).

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

SECTION E: MOTIVATION

This section is seen as the motivation of the application as it provides information with regard to the need and desirability, development parameters, site characteristics, visual impact, health and safety and alternative candidates relating to this specific application.

E.1. BACKGROUND

Over recent years' cellular communication in South Africa has evolved from merely a means of convenience to an essential business tool, means of communication and safety measure. Initial high tariff rates limited the accessibility of the product and its service. However, over time more reasonable consumer tariffs and packages have been introduced, making cellular communications more accessible to a much larger sector of the population.

Data usage on the mobile networks is also becoming faster, more affordable, and more accessible. User behaviour patterns are continuously changing in reaction to cheap internet, new data intensive smartphones, data intensive applications and websites, and an increasingly social-media-driven society. These factors resulted in the average consumer data usage doubling every year.

The current cellular infrastructure is not equipped to handle this level of high demand. As a result, the networks become congested with connection problems and dropped calls on the voice network and limited or unstable internet connections on the data network.

Cellular service providers are taking steps to improve their network by keeping abreast with the advances in communication technology and providing increased capacity in terms of coverage in the areas where there is an increased demand. MTN, Vodacom and Cell C strives to make this technology available to a wider spectrum of the population.

Newer technology such as LTE provides faster internet to more users which alleviates the pressure on the base station, however its range is very limited. A single old generation GSM voice based base station could cover dozens of kilometres. The new LTE base stations have a maximum coverage range of 500m depending on the number of users.

The congestion of existing sites together with the decrease in its coverage range necessitates that the distance between base stations decreases, resulting in the need for construction of new freestanding and rooftop cellular base stations.

It is estimated that cellular network operators in South Africa will build more than 4000 new base stations over the next 5 years.

The proposed site is located at a nominal point as identified by network planners. By utilizing sites located at the networks' nominal points the number of future base stations is limited and an effective service network can be developed.

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

T: (021) 552 5255
F: (086) 537 9187
C: (084) 551 0045
E: wessel@wpplanning.co.za

E.2. DEVELOPMENT MOTIVATION

Please read together with previous sections in this application. This consent use, height restriction relaxation and building line departures in order to allow for the erection of a FSBTS 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 the Gansbaai, dropped calls and poor network coverage (related to both voice and data) are experienced. This application is motivated by several customer complaints (from residents, businesses and commuters) received by MTN, Vodacom and Cell C in and around the area of Gansbaai. MTN, Vodacom and Cell C identified several positions in the area that need to be equipped with base stations to alleviate the pressure and to cater for the ever-increasing demand.

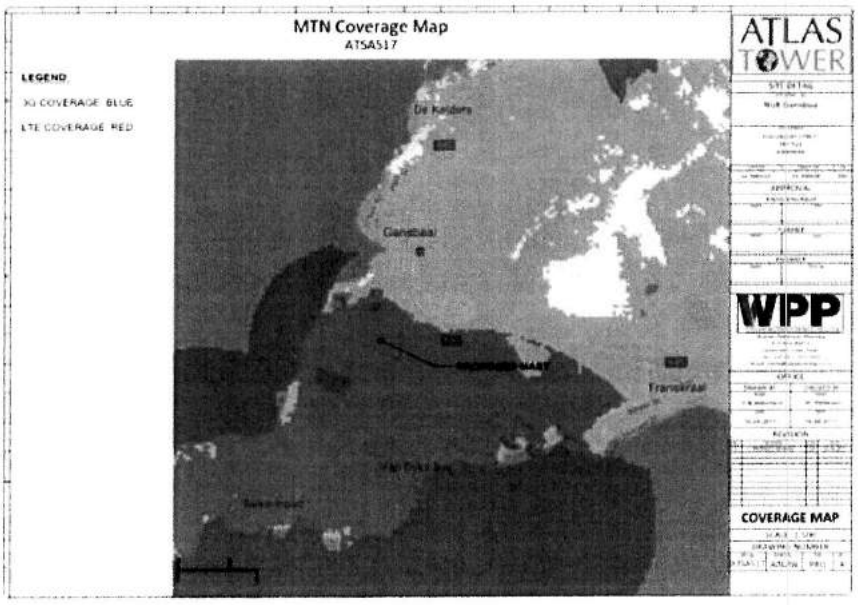


Figure 9 - MTN service coverage for the area of Gansbaai

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

Figure 9 illustrates the current coverage in Gansbaai. It should be noted that some areas have very limited LTE coverage. Therefore, a FSBTS as proposed in this application will increase the amount of coverage in this area (*Refer to the website https://www.cellc.co.za/cellc/coverage-map for coverage maps*).

The increase in network strength brought by the proposed FSBTS will aid the local businesses and can unlock growth potential which will have a positive economic impact. Residents, businesses and commuters will have a more secure connection to emergency services and armed response which will have a huge social impact.

The FSBTS will be erected at a cost of approximately R1.5mil. These high costs are a very good reason to rather co-locate on existing freestanding base stations or to settle for a rooftop base station in lieu of building a new freestanding base station.

The mix of land uses range from low density residential to open space. The proposed base station will not interfere with the current use of the property and there are no negative impacts on the surrounding land uses and environment. No trees need to be removed to build the base station and no buildings with heritage value will be affected.

The proposed use will have no impact on the external engineering services, on transport or traffic related considerations, 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 use will have no detrimental impact on the surrounding properties and will provide an essential service to the surrounding community.

E.2.2. Site selection methodology

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 18:00 and 23:00. This is because during these times people are at their homes and use internet intensive devices. 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. Due to the tourism value of the said area, upgrading the coverage of LTE, 4G technology and accessibility to Fibre will be beneficial for Gansbaai within the Greater Overstrand area. This area includes tourist and economic attractions which include wineries, estates and route towards tourist destinations along the coast. Telecommunication networks experience peak demand in the holidays and festive seasons. Thus, a large portion of the network upgrade is aimed at areas with tourism and economic potential.

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

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

E.2.2.1. Choice of site

These points are selected because of an increase of customer complaints, within an area. 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 10-12 strive to explain how the need for an increase in cellular infrastructure evolves in a typical urban area.

Cellular infrastructure explained:

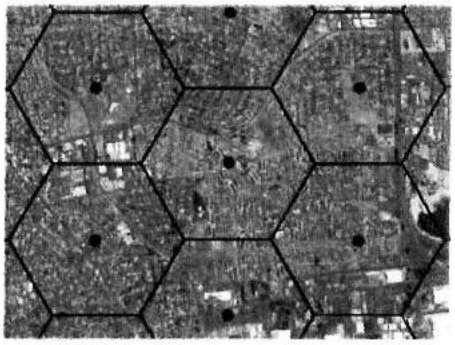


Figure 10 - Initial coverage (cell) provided by Telecommunications Base Stations

Figure 10 is an illustration of optimum network and data coverage. This is explained by envisioning the octagonal shape of a honeycomb (cells).

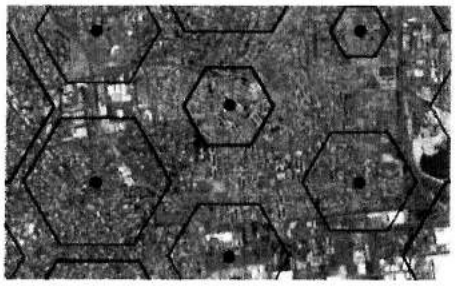
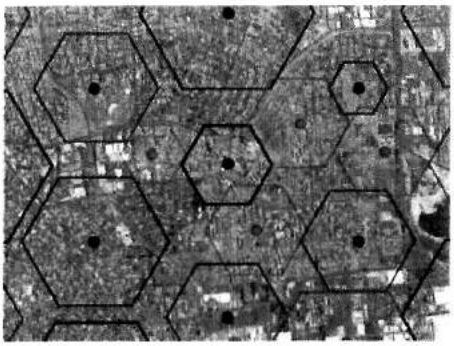


Figure 11 - Coverage decreases due to increases in network users - cell size decreases

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.

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za



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

Figure 12 - Additional telecommunications 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 12). If a need for coverage does not exist in a specific area, no company would invest capital to build a telecommunication base station in the said area. The fact that there are only a few telecommunication base stations in the surrounding area supports the statement that there is a clear need for coverage in the area.

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

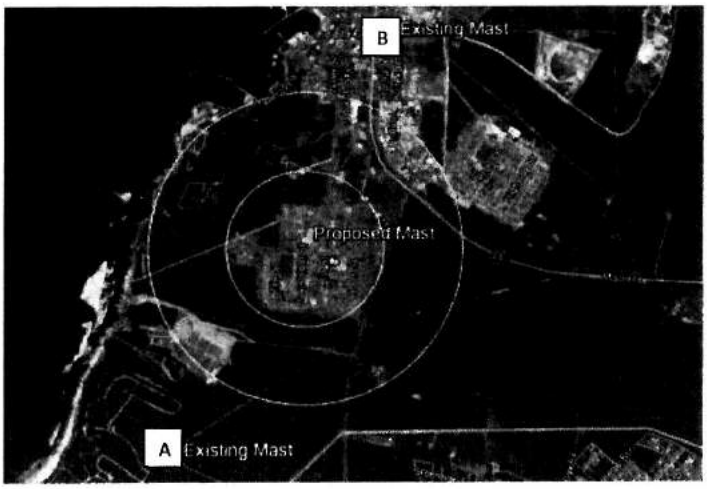


Figure 13 - Surrounding base stations

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

Table 6 - Surrounding base stations as alternatives

	FSTBS/RTBS	Site location	Distance	Lack of sufficiency
A	FSTBS	Reservoir	+/-1603m	Failure to provide for the necessary coverage necessity due to distance away from proposed mast
B	FSTBS	Barnard Street	+/-1423m	Failure to provide for the necessary coverage necessity due to distance away from proposed mast

Considering the information in Figure 12 and Table 7 the need for the proposed FSTBS is clear. Existing TI are not sufficient to provide coverage as the closest TBS is approximately 1423m away from the proposed FSTBS.

E.2.3. Site characteristics

Special consideration is given to geographical aspects so that each base station is positioned to ensure optimum functionality. This reduces the number of base stations necessary to provide an optimal network. At the same time, special attention is also given to ensure that there is minimal impact on the local, social, physical, natural and visual environments.

This site was selected for several reasons, namely:

- It is situated optimally between planned and existing sites,
- There is a huge demand by cellular users in this area and the surrounding base stations are unable to provide an acceptable level of coverage to the area,
- It is accessible to contractors during construction and maintenance,
- The proposal and location of the base station is the best solution to the coverage problem of the area with the least negative impacts,
- The proposal is secure due to its locality, and
- Most importantly it will serve the complaint area (the area with the lowest levels of cellular reception due to locality and high volumes of users) optimally.

It is important to note that the nature of such development is dependent on a "willing landlord" scenario. The theoretically best position is determined by the radio engineers and the closest properties that adhere to the above guidelines are targeted. Often several properties are targeted before a willing landlord is discovered that terms can be agreed with.

E.2.4. Visual Impact

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

The proposed FSTBS will create an opportunity for other service providers to co-locate, as other structures of this height do not exist in this area.

The impact of the site, proposed at the minimal height of 25m is designed as a lattice framework, as this creates a see-through effect, thereby reducing the visual impact.

In addition, the proposed equipment and mast will be colour coded to match the backdrop to further mitigate the visual impact and ultimately blend in with its surroundings.

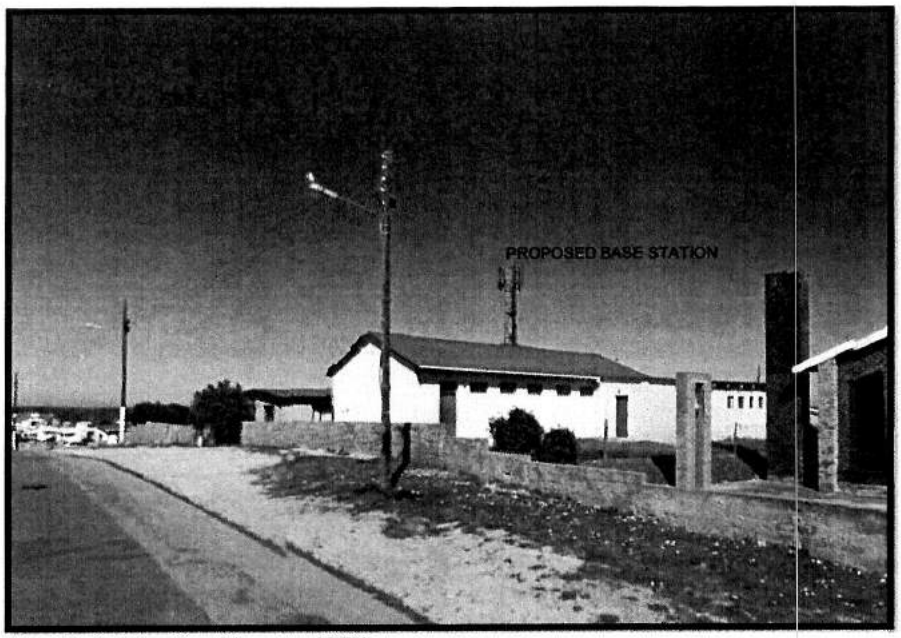


Figure 14 - Superimposition of the proposed FSTBS

Illustrated in Figure 14 is a superimposition of the proposed FSTBS which indicates that the mast will neatly blend in with the surrounding environment.

E.2.5. Health concerns

There has been increasing public concern about health risks associated with cellular communication. Current scientific research is yet to produce conclusive evidence suggesting adverse health effects associated with, working with or living close to cellular technology. Although antennae and base stations emit radio waves, their frequency is not considered high enough to pose a health risk. Antennae mounted on towers, masts or any other structures are usually substantially elevated above ground level, and as radio waves are emitted at this level thereby further reducing the

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

amount of radiation at ground level. Furthermore, regular tests regarding the compliance to safety regulations add to reducing the health risk factor.

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 14 October 2011 on the Health Effects of base stations states the following:

"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 height of the mast, distance to the mast, and duration of exposure."

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.

SECTION F: CONCLUSION

We would like to emphasise the positive contribution this base station will have on the immediate area of Erf 533, Gansbaai 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.

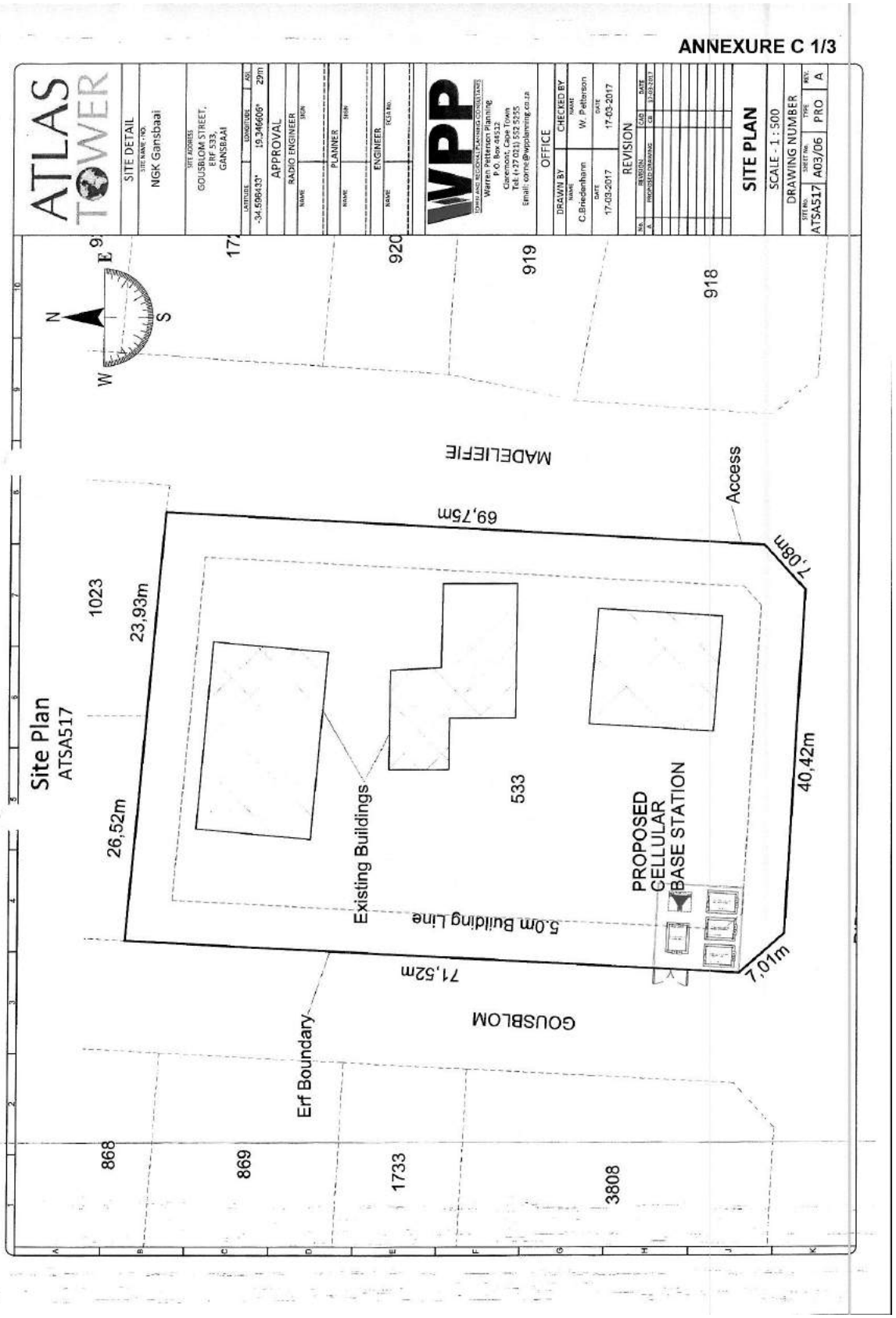
Finally, we would like to emphasize that communications companies deliver an important service to the wider public, and in terms of their license with ICASA they have to meet certain standards in order to retain their licenses. One of these standards is to supply adequate network coverage to their demanding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

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

T: (021) 552 5255
F: (086) 537 9187
C: (083) 255 8349
E: dloots@wpplanning.co.za

Please notify us should any additional information be required. We look forward to your positive consideration of this application.

ANNEXURE C 1/3



ANNEXURE C 2/3

ATLAS TOWER

SITE DETAIL
SITE NAME / NO.
NGK Gansbaai

SITE ADDRESS
GOUSBLOM STREET,
ERF 533,
GANSBAAI

LATITUDE	LONGITUDE	AGL
-34.5984°33"	19.3456°6"	29m

APPROVAL
RADIO ENGINEER — NAME / SIGN
PLANNER — NAME / SIGN
ENGINEER — NAME / SCSA No.

WPP
TOWN AND REGIONAL PLANNING CONSULTANTS
Warren Petterson Planning
P.O. Box 44512
Claremont, Cape Town
Tel: (+27 021) 552 5255
Email: comet@wppplanning.co.za

OFFICE
DRAWN BY — NAME: C.Briedenhann — DATE: 17-03-2017
CHECKED BY — NAME: W. Petterson — DATE: 17-03-2017

REVISION

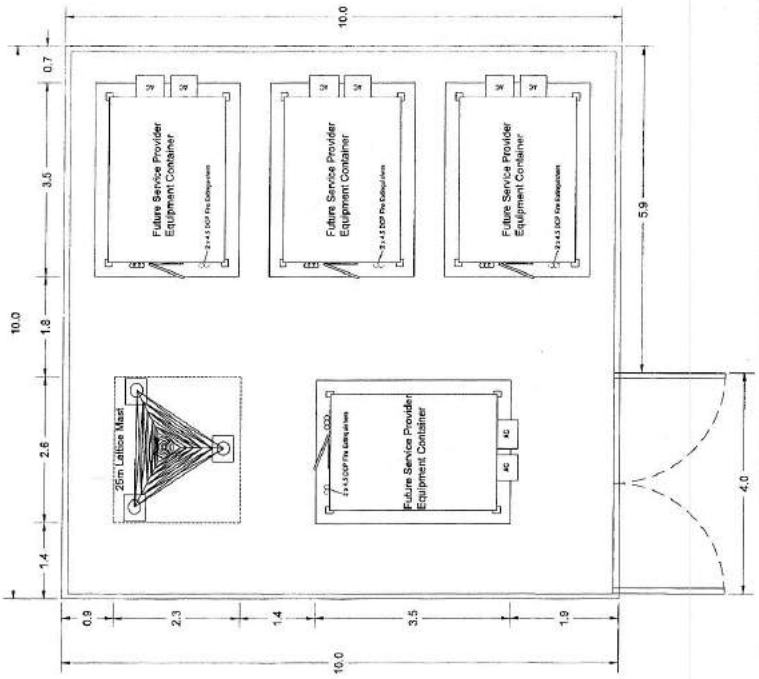
NO.	REVISION	CAD	DATE
A	PROPOSED DRAWING	CB	17-03-2017

TOP VIEW
SCALE: NTS
DRAWING NUMBER

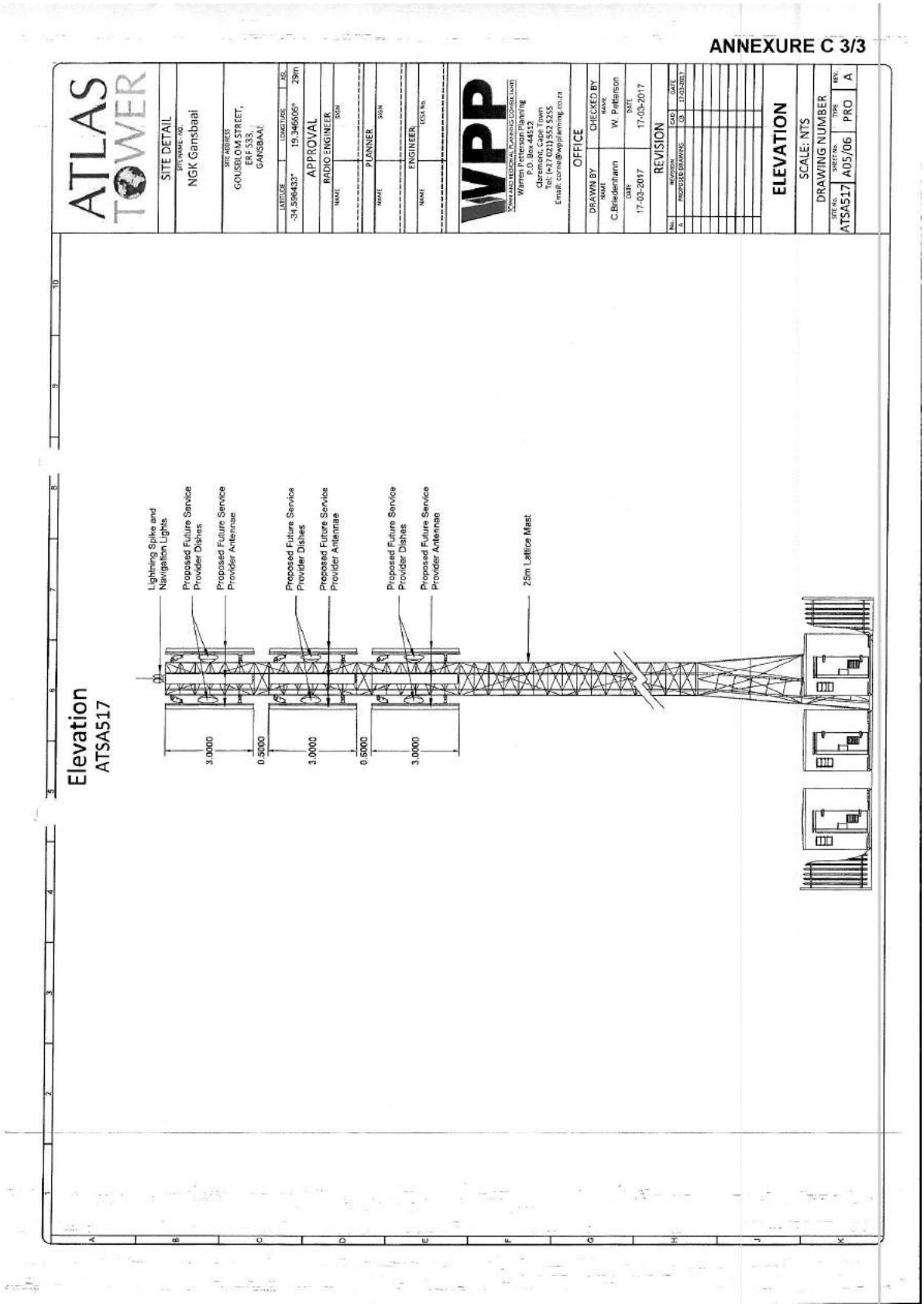
SITE No.	SHEET No.	TYPE	REV.
ATSA517	A04/06	PRO	A

S E M N

Top View
ATSA517



ANNEXURE C 3/3



ANNEXURE D 1/1

Gansbaai Primary School

Tel: 028 384 0061
Fax: 028 384 2130
E-mail: gansbaaiprimaryschool@gmail.com
Like us on facebook

Ridderspoor Street
PO Box 115
Gansbaai
7220

Pilchies

OVERSTRAND MUNICIPALITY
23 APR 2018
OVERSTRAND MUNICIPALITY

Subject	:	Atlas Tower NGK Gansbaai – Erf 533 Blompark
Date	:	10 April 2018
Attention	:	S. van der Merwe (Senior Town Planner)
R/E	:	Serious objection

TP A Theart (Sblmerwe)

I am the acting principal of the above mention school. Please note that myself and the teaching and non-teaching staff strongly object to the respected application. The council is responsible for our wellbeing and interest.

Medical research has shown that there are serious issues regarding these towers that needs to be addressed. It will be an unpleasant sight that does not belong in a residential area. It will interfere with our wellbeing and every day line of sight. It will be unsightly and a burden. This proposal is to the financial benefit the NGK Stanford/Gansbaai. It is not the benefit of Gansbaai Primary or residents of Blompark. Especially the surroundings area as indicated. Allowing such a tower has absolutely nothing to do with the normal business function of this premises.

Our constitution states clearly that everyone has the right to an environment that is not harmful to their health or wellbeing. Allowing this will be in direct conflict with this right.

Yours singerly

Mr. NS Pedro
Acting Principal
Gansbaai Primary School
Tel: 028-384 0061
Fax: 028-384 2130
Mobile: 073 525 65 75
e-mail: gansbaaiprimaryschool@gmail.com or neilpedro19740715@gmail.com

FILE NO: EL 533 Blompark
SCAN NO: 55
COLLABORATOR NO: 153939

Gansbaai Primêre Skool
Ridderspoorstraat
Gansbaai, 7220
Tel./Faks: 028 384 0061
W.K.O.D.

13 APR 2018

ANNEXURE E 1/1

Alida Conradie - RE: Erf 533 Gansbaai

From: Dirko Loots <dloots@wpplanning.co.za>
To: Alida Conradie <alida@overstrand.gov.za>
Date: 2018/04/24 03:16 PM
Subject: RE: Erf 533 Gansbaai
Cc: Wian von Solms <wvonsolms@atlastowers.com>

Hi Alida

Ons neem kennis van die brief. Aangesien die beswaar laat is en ongeldig is, neem ek aan die besluit bly steeds gedelegeerd?

Groete
Dirko

From: Alida Conradie [alida@overstrand.gov.za]
Sent: Tuesday, April 24, 2018 11:25 AM
To: Dirko Loots <dloots@wpplanning.co.za>
Subject: Erf 533 Gansbaai

Beste Dirko,

Sien aangehegte skrywe vir jou aandag.

Vriendelike Groete

Alida Conradie

Administrator, Town & Spatial Planning Department

Overstrand Municipality

A: 16 Paterson Street, Hermanus, 7200 **P**: P O Box 20

T: 028 313 8900 | **F**: 028 313 2093 | **E**: alida@overstrand.gov.za

>>> <scans@overstrand.gov.za> 2018/04/24 11:10 AM >>>

Overstrand Municipality
A: 1 Magnolia Street, Hermanus, 7200 | P: P.O Box 20, Hermanus, 7200

ANNEXURE F 1/1

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & CONSENT USE: ERF 533, GANSBAAI (3724)

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

Conditions:

1. that only the existing water connection and sewer conversancy tank 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 stormwater be allowed to discharge through Erf 533, Gansbaai, unobstructed;

5. that no on-street parking be allowed.

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

05/4/2018
DATE