

4.3**ERF 47, 36 VAN BLOEMENSTEIN STREET, BIRKENHEAD : APPLICATION FOR AMENDMENT OF RESTRICTIVE TITLE CONDITIONS, CONSENT USE AND DEPARTURE : MESSRS WARREN PETTERSON PLANNING ON BEHALF OF WJ VERMEULEN****47 GBH (3504/2019)****SW van der Merwe****30 November 2021****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

To consider an application received on 18 November 2019 from Messrs Warren Petterson Planning on behalf of WJ Vermeulen applicable to Erf 47, Birkenhead in terms of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law) for the following:

- ❖ amendment of restrictive title deed conditions B(a) and B(b) contained in Title Deed T19974/1997 in terms of Section 16(2)(f) of the By-Law in order to accommodate transmission tower;
- ❖ application for consent use in terms of Sections 16(o) of the By-Law to construct a 25m transmission tower, and
- ❖ application for departure in terms of Section 16(2)(b) of the By-Law from 10,5m to 25m to accommodate a transmission tower.

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, the Site Development Plan is attached as Annexure C and the Title Deed as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 47, Birkenhead measures 4402m² in extent and is zoned for Business Zone 3: Local Business purposes and situated in a local business node comprising 8 erven. The application property is developed with a dwelling house and associated outbuildings, contrary to the provisions of the Overstrand Land Use Scheme and the National Building Regulations and is therefore unauthorised.

Erf 48 adjoining the application property is developed with a tourism business comprising a restaurant and animal park, whilst the remainder of the erven in the business node are undeveloped. Consent use for a residential building applicable to Erf 40 was granted to house volunteers involved in owners' tourism business. The surrounding area to the north, east, south and west predominantly comprises low density residential development (Birkenhead Township, Romansbaai Beach and Fynbos Estate, Perlemoenpunt and van Dyksbaai (Kleinbaai).

The application for consent use entails the installation of a 25m transmission tower (TT) with 3 x 3 sector panels, microwave dishes and an equipment compound containing 3 equipment containers on a 64m² portion of the subject property. The equipment compound will be situated 4,5m from the rear- and 1,57m from the eastern lateral property boundaries respectively. Application is also made for

departure of the 10,5m height restriction to 25m as well as an application for amendment of the following restrictive title conditions contained in title deed T19974/1997 that read as follows, namely:

B(a) *"That this erf be used for business purposes only."*

B(b) *"That only one building together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."*

It is proposed that the above conditions be amended to read as follows:

B(a) *"That this erf be used for business purposes only, including a transmission tower."*

B(b) *"That only one building together with such outbuildings as are ordinarily required to be used therewith, including a transmission tower, be erected on this erf."*

The proposed TT allows for co-location of up to three network operators. The primary aim of the proposed TT is to improve network coverage (3G and LTE services) for various network operators (i.e. MTN, Cell C, Vodacom and Telkom Mobile) in Birkenhead. The TT furthermore connects the surrounding existing network including Gansbaai and Franskraal as well as the recently approved TT on Erf 1201, Van Dyksbaai which serves to reduce poor signal areas when leaving the coverage radius from existing TT. The proposed TT will be situated at least 140m from the closest residential properties situated within the Romansbaai Beach and Fynbos Estate.

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:

- ❖ The main purpose is to improve 3G and LTE services for various service providers in the area (i.e. MTN, Vodacom, Cell C & Telkom Mobile).
- ❖ The proposal will be beneficial for the residents of Birkenhead, surrounding communities and commuters.
- ❖ The proposed TT will connect with existing installations in Gansbaai and Van Dyksbaai that will help to reduce poor signal areas when leaving the coverage radius of existing transmission towers.
- ❖ Proposed departure of the height restriction will allow co-location, thus more operators, reducing the number of installations needed in the area and improved coverage.
- ❖ The amendment of the restrictive title conditions will not deprive any individual from property ownership.
- ❖ Municipal services are available.
- ❖ The proposal does not trigger NEMA.
- ❖ The proposal is consistent with the applicable policy documents.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ Modern day society is more dependent on communication technology (i.e. use of mobile devices, more than one device per household) that relies on internet connectivity.
- ❖ Mobile devices are used for multiple purposes (i.e. social, business and access to emergency services).

- ❖ Poor network coverage experienced in area of Birkenhead, Romansbaai, van Dyksbaai and Franskraal due to seasonal influx over festive seasons and holidays.
- ❖ The proposed installation will alleviate the pressure and cater for ever increasing demand.
- ❖ There is limited LTE coverage in the surrounding area (refer to diagrams 1 to 3 as per Annexure B).
- ❖ The proposal will aid local business growth and can unlock growth potential, thus a positive economic impact.
- ❖ Residents, businesses and commuters will have secure access to emergency services and armed response that will have a huge / positive social impact.
- ❖ The surrounding area has mixed land uses varying from low density residential to business uses.
- ❖ The proposed transmission tower will not interfere with the current use of the property.
- ❖ The proposed transmission tower will not have a negative impact on surrounding land uses or the environment.
- ❖ The only existing transmission tower in the vicinity is a 55m lattice mast situated 1km from the nominal point.
- ❖ The aforesaid transmission tower will not provide the required network coverage due to its distance from the nominal point (more than 1km).
- ❖ Erven 19 and 20, Birkenhead are alternative proposed sites, but was discounted as a site closer to the nominal point (Erf 47) is required.
- ❖ The proposed TT will create the opportunity for co-location with other operators.
- ❖ The height is required to minimise the need for future TT in the area.
- ❖ A lattice mast is proposed that will reduce the visual impact of the proposed TT.
- ❖ According to the VIA a lattice mast will allow visibility of the background, thus lowering the visual impact.
- ❖ The VIA also suggest a monopole mast as alternative but discounted a tree mast due to the fact that the natural vegetation does not consist of tall trees.
- ❖ The equipment containers and palisade fencing will be painted green in order to blend in with the surrounding vegetation.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	21 February 2020	27 March 2020
Gazette	Yes	21 February 2020	27 March 2020
Notices	Yes	23 September 2021	26 October 2020
Internal Departments	Yes	20 February 2020	27 March 2020
Ward councillor	Yes	20 February 2020	27 March 2020
Total letters of objection	Twenty-three (23) letters of objections and 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

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

Name	Date received	Summary of comments
Fire Services	24/02/2020	No objection. Advice on a portable dry chemical powder fire extinguisher for the installation.
Telkom	09/03/2020	Annexure G.
DEADP	25/03/2020	Annexure I.
Overberg District Health Department	27/03/2020	Activities should not have any negative impact on human health and surrounding areas.
Engineering Services	28/07/2020	Annexure J.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Twenty-three (23) objection letters were received from the following individuals:

1. D Mostert obo Dangerpoint Ecological Development Company (Pty) Ltd, owner of Erven 62, 63 and 397, Romansbaai Beach and Fynbos Estate;
2. D Mostert obo Stonehouse Pty Ltd, owner of Portion 40 of Farm 711;
3. G Mclver, owner Erven 330, 331 and 332, Romansbaai Beach and Fynbos Estate;
4. MJ Geysler, owner Erven 156, 349 and 378 Romansbaai Beach and Fynbos Estate;
5. S Corbett, obo Corbett Family Trust, ower Erf 358 Romansbaai Beach and Fynbos Estate;
6. P Pascoe, owner Erf 131 Romansbaai Beach and Fynbos Estate;
7. L Munro, owner Erf 388 Romansbaai Beach and Fynbos Estate;
8. E van Bekkum & M Visser, owners Erf 340 Romansbaai Beach and Fynbos Estate;
9. L Theunissen, owner Erf 173 Romansbaai Beach and Fynbos Estate;
10. A Peter, owner Erf 359 Romansbaai Beach and Fynbos Estate;
11. B & D Hockett, owners Erf 387 Romansbaai Beach and Fynbos Estate;
12. L Bartmann, owner of erven 157 and 333 Romansbaai Beach and Fynbos Estate;
13. Z Horden, owner Erf 67 Romansbaai Beach and Fynbos Estate;
14. P Slabbert, PHS Consulting (obo Vilet Overstrand (Pty) Ltd as Managing Agent of the Romansbaai Beach and Fynbos Estate HOA);
15. F de Jager, owner Erf 402 Romansbaai Beach and Fynbos Estate;
16. R Becker, obo Becker Family Trust, owner Erf 66 Romansbaai Beach and Fynbos Estate
17. W Vermeulen, owner Erf 385 Romansbaai Beach and Fynbos Estate;
18. A de Smedt, owner Erf 65 Romansbaai Beach and Fynbos Estate;

19. I Mans-Witberg, obo Vernon Mans Family Trust, owner Erf 357 Romansbaai Beach and Fynbos Estate;
20. J Botha, owner Erf 442 Romansbaai Beach and Fynbos Estate;
21. C van den Brand & J Verweij, owner Erf 94 Romansbaai Beach and Fynbos Estate;
22. W Jepe, owner Erf 22 Romansbaai Beach and Fynbos Estate, and
23. Birkenhead Conservancy

One (1) letter of support were received from Prof J de Villiers, owner of Erf 1, Birkenhead.

The objections received are identical, save for the objections from W Jeppe, PHS Consulting and the Birkenhead Conservancy. The objections and comments will be grouped together as per issue raised, save for the objections from the Birkenhead Conservancy, PHS Consulting and W Jeppe, which will be addressed separately. The letters of objection and comment is attached as Annexure E and the applicant's response to the objections is attached as Annexure F.

The main grounds of objection followed by the response from the applicant and town planners are summarised as follows:

Visual Impact

The main issue is the visual impact of the proposal on the neighbouring Romansbaai Beach and Fynbos Estate. The application refers to a Visual Impact Assessment (VIA) that has not been provided with the registered notice. A high visual impact is expected as evidenced by the existing TT situated 900m away.

Response from applicant

A VIA had been conducted, recommending that a lattice mast will have the least visual impact considering the rural context of the surrounding environment. The applicant is willing to revise the design to a tree mast, should the municipality require it. The applicant further advise that the lattice mast could be painted to blend in with the surroundings and that it could be reduced to a height of 20m in order to lower visual impact.

Response from town planner

The applicant's comment is noted. Registered notices were served clearly outlining the respective applications as well as the name of the official and place where further information could be obtained including the VIA. The visual impact of the proposal will be addressed in the evaluation, whilst mitigation measures will be incorporated in the conditions of approval.

Negative impact on adjacent property owners

The proposed TT will have a negative impact on adjoining property owners who bought their properties based on the rural, natural scenic beauty of the surrounding area. Not only will the proposal impact property values, but it will change the skyline forever.

Response from applicant

There is no evidence suggesting that base stations negatively impact upon property values. The applicant is of opinion that value will be added because of improved communication, virtual accessibility and safety in the area.

Response from town planner

It is agreed that the impact on property value is speculative and not been substantiated by substantive evidence and should therefore be dismissed. The impact of the proposal on the character of the area will further be addressed in the evaluation in paragraph 12. below.

Need and Desirability

The Romansbaai Beach and Fynbos Estate has fibre connectivity. There is also an existing TT situated within the development and therefore questions the need of the proposed TT in proximity of an existing TT. The objector is therefore of the view that the proposal is not within the public interest.

Response from applicant

Fibre is used to optimise connectivity and to link all telecommunication base stations to create a network. Fibre does not emit signals and cannot improve cellular coverage in any given area, only antennas attached to a mast.

Due to advancement in technology cell masts are required at much more frequent intervals as newer technologies (i.e. 3G & LTE) only provides coverage in a 500m to 800m radius and even less in more densely populated areas. The existing TT within the Romansbaai Beach and Fynbos Estate is situated 1km from the proposed transmission tower and too far away to provide quality service for newer technologies such as LTE. Also, the target area of the existing mast is different from the proposed installation that will provide coverage to the southern parts of Birkenhead.

Response from town planner

The applicant's comment is noted and agreed with.

Objection relating to height and scale

The proposed transmission tower is 25m lower than the existing transmission tower within the Romansbaai Beach and Fynbos Estate and will not be able to see west as the topography does not allow for it. The statement that the proposed installation will improve communications is factually incorrect.

Response from applicant

The applicant states that a 25m tower is required to provide coverage for the majority of Birkenhead and is of the view that one higher installation will have a far lesser visual impact opposed to a few smaller installations.

Response from town planner

The applicant's comment pertaining to the required height of the proposed TT is noted and agreed with. It is also unlikely that the applicant will invest a substantial amount of money as the proposed TT is not going to reach the intended area with reference to the objectors' comment that the proposed TT would not provide coverage to the west. The existing TT within the Romansbaai Beach and Fynbos Estate is situated too far (± 1 km) from the proposed installation and will not provide the required coverage to the area of Birkenhead.

Birkenhead Conservancy

The main concerns raised by the Birkenhead Conservancy (BC) relates to the need of the proposed installation and associated health risks/impacts, the latter mainly directed towards the use of 5G technology. The objection from the conservancy could be summarised as follows:

Need and Desirability

Birkenhead Conservancy members have been living in the area for years and have not experienced the need for better communication as current 3G/LTE or 4G appear to suffice for all business and social communication. BC questions the need as there is an existing 75m to 100m lattice tower less than 1km away.

Response from applicant

Due to advancement in technology cell masts are required at much more frequent intervals as newer technologies (i.e. 3G & LTE) only provides coverage in a 500m to 800m radius and even less in more densely populated areas. The existing mast within the Romansbaai Beach and Fynbos Estate is situated 1km from the proposed transmission tower and too far away to provide quality service for newer technologies such as LTE. Also, the target area of the existing mast is different from the proposed TT that will provide coverage to the southern parts of Birkenhead. According to the applicant Telkom mobile is already showing an interest to utilise the proposed installation.

Response from town planner

The applicant's comment is noted and agreed with.

Health Impact

BC states that the coverage diagrams provided by the applicant contains the names of Cell C and Rain. The latter advertising to increase their 5G footprint the requires more base stations and masts in the Overberg area and that it is only a matter of time before 5G equipment is placed on the mast. The BC further extensively elaborates upon the associated health risks relating to 5G towers that is considered more dangerous than 3G and 4G installations.

Response from applicant

Most households have several mobile devices, that is used regularly and demands excellent service. Current research reached a point where scientists are satisfied that base stations do not pose a health threat.

The ICNIRP Guidelines have become a world standard for human exposure to electro-magnetic fields and is also endorsed by the World Health Organization (WHO) and National Legislation. Cellular equipment needs to comply with all the regulations of ICNIRP as well as the WHO and national legislation governing the use of this equipment and emissions of radio waves.

The applicant further advises that health problems as per internet sources are pure speculation as these also occur in areas where telecommunications infrastructure is not present.

Tests could also be done by an independent service provider EMSS to monitor FR emissions.

The SA Department of Health states against the background of available data there is no scientific grounds to support any allegation of adverse health effects

Response from town planner

The applicant's comment is noted and agreed with.

PHS Consulting, on behalf of Villet Overstrand (Pty) Ltd

The main issue relates to the visual impact of the proposed transmission tower for neighbours, area inhabitants, local tourism operators and the Birkenhead Peninsula as a whole and as such the VIA was scrutinised. The main objections by PHS consulting are summarised below:

There is a discrepancy in terms of the number of antennae proposed between the planning motivation and the VIA (the VIA states 9 antennae opposed to 3 in the application). This immediately raise the issue that once a tower is erected it is difficult to control the number of attachments to such a tower and the lengthening of a tower in future or even the addition of extra towers on the specific erf. Especially if the restrictive title deed conditions have been removed.

Response from applicant

The applicant confirmed the number of antennas as 3 x 3 sector antennas, thus 9 in total. This had been correctly indicated in the VIA.

Response from town planner

The applicant's comment is noted and agreed with. The number of antennas was indicated as such in the applicant's motivation. The proposed TT provides for co-location of various network providers, whilst future lengthening of the TT would require an application and involves a public participation process.

The VIA's analysis starts by misinterpreting the Guidelines for Involving Visual and Aesthetic Specialists in the EIA processes. When determining the category of a development type it needs to be considered in the context of the site location and the proposal needs to be compared with the scale of other development in the area. The site is located on the Birkenhead Peninsula that

consist of small-scale low infrastructure due to various restrictions, previous assessments, and guidelines. As a result, the area has a distinct rural feel.

Response from applicant

This has been addressed in the report by the Visual Specialist.

Response from applicant

The applicant submitted an updated VIA, thereby addressing the comments of the objector.

With regard to Table 5 in the VIA, a twenty-five metre (25 m) TT can therefore not be regarded as Category 2 – small scale infrastructure. It should be regarded as a Category 3 – low to medium scale infrastructure. Furthermore, with regards to Table 6 in the VIA, the type of environment that the TT is proposed in, is regarded by myself and the objectors as an area of high scenic, cultural, historical significance opposed to the case the VIA makes that the area is of medium scenic, cultural and historical significance. Due to this misinterpretation by the VIA assessor, he came up with a minimal visual impact expected. This paved the way for the impact ratings and the statements made in the VIA. But as stated, this is incorrect. The Birkenhead Peninsula has been cited as a high scenic, cultural historical area in various previous studies in the area and considering the scale of the TT on the skyline (Category 3), we derived at a different conclusion. We are of the opinion that the proposal will have a high visual impact expected.

Response from applicant

The VIA specialist updated the applicable development category to Category 3, low to medium-scale infrastructure. The impact ratings originally illustrated the overall impact within a five-kilometre (5 km) radius, which had been amended to rate each of the distance zones separately. Please take note that the visual specialist stands with his initial conclusion (Please refer to P. 7 and P. 27-31).

Response from town planner

The specialist updated table 6 of the VIA report in accordance with the objector's comment. The amended VIA now differentiate the operational phase development impact in the 1km, 5km and 10km radius. Despite the above amendments, the VIA specialist advises that the impact of the proposed development in terms of his original conclusion remains the same.

The above misinterpretation of the VIA practitioner set-up the basis for a flawed VIA and a poor informant to the planning motivation creating the impression that the visual impact should be low. The VIA under point 4 describes the affected environment, but the one major component that is affected is the scenic, cultural, and historical landscape. This aspect is clearly not assessed even though it is regarded as a very important component in order to rate the impact as per above point. An attempt is made under point 7 in the VIA to describe the sense of place of the development area, but the writer failed to describe the context accurately. The first two paragraphs are a description of what sense of place means, thereafter Ganbaai's history is depicted in short and a description of where the name of the area comes from.

No attempt was made to describe the scenic, cultural and historical value of the site in the context of the Birkenhead Peninsula. The Birkenhead Peninsula is a unique landform, steeped with history and scenic beauty, without depicting this it is impossible to know how to gage the impact of the TT on the scenic, cultural and historical landscape. Again, it's a clear indication that the VIA is flawed.

Response from applicant

Additional information has been added under the heading Sense of Place, illustrating the high historic value of the study area (Please refer to P. 8-9).

Response from town planner

The applicant's comment is noted and agreed with.

Objection

The VIA accessor depicts in the impact rating table as expected that cumulative impact after mitigation is low, it is difficult to comprehend that a TT of twenty-five metre (25 m) in close proximity to an ECO Estate, tourism operations, within a significant cultural landscape, located on the skyline can have a low cumulative impact if the guidelines in the table clearly suggest a high impact to be expected.

Response from applicant

I concur that the visual impact will be high; however, the cumulative impact will be low as there are not a lot of infrastructure obstructing the skyline.

Response from town planner

The applicant's response is noted. The impact of the proposed TT is further discussed in the evaluation under paragraph 12 below.

The topography is fairly flat with a gradual slope (opposed the dramatic unrealistic graphs in Fig. 8, 9 & 10 of the VIA) and is mostly covered with low growing shrubs. There are no tall clumps of trees or even tall buildings and therefore the construction of a twenty-five metre (25m) along with its associated infrastructure will permanently alter the skyline. The current rural, natural undulating skyline will be altered and given a more urban/industrial feel opposed to the rural vision of the area.

Response from applicant

Figures 8, 9 and 10 were compiled using ArcMap's Elevation Profile tool and satellite imagery and as such is realistic. I concur with regards to the vegetation, and this is reflected within the report; however, the dense vegetation contributes to the VAC of the area as distance between the observer and the proposed development increases. As described within the report a Lattice Mast and Monopole Mast is considered as these will have the least amount of impact on the skyline (Please refer to P. 12 – 23).

Response from town planner

The applicant's comment is noted and agreed with.

According to the VIA, the highest visual impact will be experienced by the Fynbos Estate aka Romansbaai Beach and Fynbos Estate as well as the Danger Point Lighthouse. Once again, the ethos of the Romansbaai Beach and Fynbos Estate with regards to the selection of its location is the natural beauty of the surrounds. Furthermore, the Overberg's most enigmatic tourist attraction – the Danger Point Lighthouse is located in close vicinity to the Estate and according to the VIA, the TT will have a high visual impact on tourists who have climbed to the top of the lighthouse. It therefore can be argued that the tourist experience within the area (in close proximity to the site) and their perception of the area would therefore be permanently altered, both visiting the estate and the lighthouse

Response from applicant

The same argument can be made about the ECO estate and the abalone farm situated directly adjacent to the lighthouse. Furthermore, the proposed development will not be situated in direct line of sight of the bay; however, it will still have a high visual impact from the top of the lighthouse.

Response from town planner

The applicant's comment is noted and agreed with. In addition, the Romansbaai Beach and Fynbos Estate did not object against the consent use application for the retention of the existing 55m lattice mast on Portion 31 of Farm 711 directly adjoining the estate.

As per above point the VIA does acknowledge in the text the high visual impacts but in the ratings and conclusion it is not echoed. It is also not clear why the VIA does acknowledge in the text the high visual impacts but in the ratings and conclusions it's not echoed.

Response from applicant

The impact tables in the VIA have been updated (Please refer to P. 27 – 31) and now considers the impact in the short, medium and long-distance zones. The ratings in the old report were based within a five-kilometre radius and as such the moderate visual impact due to the fact that although it has a high visual impact within the short distance zone the visual impact is considered to be low at kilometre five.

Response from town planner

The impact tables have been updated by the applicant now assessing the impact of the proposal in the short, medium and long-distance zones.

It is also not clear why the VIA states “when the Fynbos Estate start to develop the visual impact will decrease to observers situated in the north-eastern portions of the estate. This statement is unfounded and the reason for the assumption is not clear.

Response from applicant

As houses are constructed around the erven situated within the north-western corner (although height restrictions of 5m to 6m are placed on all buildings within the estate) the visual impact will be lower, as these building will restrict the visual impact on the skyline to some degree at least.

Response from town planner

The applicant's comment is noted and agreed with. The height restriction within the Romansbaai Beach and Fynbos Estate varies between 5,5m (one storey), 6,0m and 7,5m (double storey permitted).

We are of the opinion that the VIA needs to be reviewed to consider the aspects raised in this objection in order to provide a better reflection of the situation on the ground.

Response from applicant

Please refer to the Revision Record for all revisions made within the report (Revision Record P. i).

Response from town planner

Following receipt of the objections, the VIA had been updated by the specialist and is attached as per Annexure H.

In accordance with the updated VIA the impact of the proposed TT in the short and medium distance zones are considered high, whilst beyond the medium distance zone the impact is considered low. The highest visual impact would be from the Romansbaai Beach and Fynbos Estate situated adjacent the proposed development. It is therefore recommended that a lattice mast be developed, allowing visibility of the background which serve to lower the visual impact as the distance between the application property and observer increases. Visual impact with application of mitigation measures proposed within the 5km radius is therefore considered moderate in accordance with the VIA.

Removal of the restrictive title conditions would negatively impact adjacent property owners who purchased their properties based on the natural scenic beauty of the surroundings. When purchasing their properties, it is common practice to do due diligence on neighbouring properties (including restrictive conditions) which is there for a reason. Removal thereof will set a precedent in a rural area.

Response from applicant

The direct negative impact on property value that a TT may have, are speculative and can only be determined by a professional property valuer. The applicant is of the view that efficient internet connectivity and mobile coverage will benefit surrounding properties, rather than negatively impacting thereon. The application property is not rural as per the objector's comment, but a Business Zone 3 property and states that business purposes might just as well be interpreted to include a transmission tower.

Response from town planner

The objection based on property value is not substantiated by a report from a professional property valuer and thus deemed speculative.

Each property owner is responsible to do their own due diligence. Whether it was done as per the objector's comment is considered speculative. Regardless of the aforesaid each application is to be considered on planning merit, in accordance with the relevant legislative provisions in accordance with the By-law, LUPA and SPLUMA.

Lastly, the application property is a commercial property within an existing town, proclaimed in the 1930's and situated within the urban edge and should not be confused with the interim urban edge definition as adopted in terms of NEMA. Thus, the application property is not situated with a rural area. At most the Birkenhead Township as well as surrounding developments such as the Romansbaai Beach and Fynbos Estate and Perlemoen Punt comprises low density development with a rural character. The same is true for Birkenhead which to date is mostly undeveloped. It should however be borne in mind that should the properties within Birkenhead develop in accordance with their primary rights, this character is deemed to change.

The objector is of opinion that the restrictive condition was always in place and therefore cannot be argued as to deprive the property owner from exercising their rights with reference to Section 47 of SPLUMA. The property owner when purchasing the property knowing what the title deed restrictions entail. The objector is further of the view that the removal of restrictions is solely for the benefit of Atlas Towers (i.e. extending their footprint and revenue stream).

Response from applicant

The main reason to remove the conditions is to accommodate the TT, which should be considered essential infrastructure in modern society. If we look at pandemics such as Covid-19, it is clear how important mobile phones are in our daily lives, whether work-related or for personal reasons. Even though the property owner would've known of the restrictive conditions, town planning is not just straight forward and according to what we see in black and white. It has to be taken into consideration what the need is for what is proposed in relation to the demand for the service being provided. It should also be noted that Atlas Tower already has interest from Telkom Mobile, so this is not purely a speculative location for a tower, a need already exists. Lastly, in terms of the Overstrand Integrated Zoning Scheme, a transmission tower is a consent use application on the property, so the condition is depriving the property owner from exercising some rights (primary and consent uses) in accordance with the Overstrand Integrated Zoning Scheme. Atlas Tower as well as the service providers (Telkom Mobile, MTN, Vodacom etc) will not waste time and money on applications if there is not a need for improved coverage in the area. This is a big investment for all of them.

Response from town planner

The title deed restriction does limit the development of the subject property in that it is more restrictive than the Overstrand Integrated Zoning Scheme. The applicable legislative framework in terms of SPLUMA, LUPA and the Overstrand Municipal Land Use Planning By-law contains procedures to apply for the removal or amendment of restrictive title conditions, which application upon receipt should be processed and

considered on its planning merit. Whether the benefit of the removal or amendment of the restrictive condition is for the sole benefit of the applicant is debatable, provided that the applicant could demonstrate the need and desirability of the proposed TT.

Erf 47, Birkenhead (Afrikanos) adjacent the application property is a popular tourism destination. According to the VIA the proposal will have a high impact within the 1km radius, thus a high impact upon the property value of Afrikanos and more importantly on the experience of their clients / guest. The opinion is held that the proposed TT will result in deteriorating the visitors experience of Afrikanos and that of Birkenhead Peninsula in general and with a direct influence on property values in the area.

Response from applicant

Afrikanos did not object to the proposal, thereby indicating they have no problem with the proposed transmission tower. The TT is situated more than 100m away from the restaurant, which is four time the height of the mast. If required, the mast can be lowered to 20m.

Response from town planner

The applicant's comment is noted and agreed with. Further, the impact upon property values and the tourism experience is considered speculative, not being substantiated by substantive evidence.

The objector states that the reference to Section 25 of the Constitution in the motivation is not relevant to the application. The objector states that the proposal is not sufficient reason for expropriation in terms of the two categories referred to in Section 25, namely 1) public purpose, or 2) public interest. With reference to public purpose the objector is of the view that the transmission tower is for the sole purpose and interest of the applicant and landowner to increase their revenue stream. Romansbaai Beach and Fynbos Estate are against the proposal; therefore, it cannot be considered to be in the public interest, especially since the estate has fibre connectivity, therefore the need for additional transmission towers is questioned. Also, the need for the proposed transmission tower in close proximity to the existing transmission tower within the Romansbaai Beach and Fynbos Estate is questioned.

Response from applicant

The purpose of the section in the motivation report being referred to is not to threaten expropriation and we agree that reference to Section 25 of the Constitution of South Africa does not really have relevance in this instance.

The TT is definitely not to be erected for the sole purpose and interest of Atlas Tower and the landowner to increase revenue stream. Atlas Tower already has interest from Telkom Mobile to utilize the tower and the service providers will not co-locate on the tower if there will be no benefit to the surrounding area (which in return will benefit them as well).

The use of fibre is to optimise connectivity and to link all of the telecommunication base stations in order to create a network. Fibre does not emit any signals and can therefore not improve cellular coverage in any given area. Only antennas that are

attached to masts (or rooftops where possible) can provide cellular coverage. Fibre is therefore not a viable solution to poor cellular coverage. If you walk out of your residence or business, you will lose your connection to fibre and connect to the nearest transmission tower.

Response from town planner

The applicant's comment is noted. Need and desirability of the proposal is further considered in the evaluation under paragraph 12 below.

In terms of Section 39(5) of LUPA the applicant motivates under social benefit of the condition to remain in place that restrictive conditions are inserted in title deeds to protect the amenity and unique character of an area and that the condition in its current form do not add value to the aforementioned. The objector does not agree with the aforesaid. The objector is of the opinion that it prevents eyesores from being erected such as the proposal and that it will negatively impact upon property values should it be permitted. Point (e) of the motivation refers to the social benefit of co-location. Objector questions what the guarantee of co-location is. The motivation acknowledges the existing transmission tower a 1000m away with the only reasons for lack of sufficiency "failure to provide for the necessary coverage due to distance away from the proposed mast.". This is not considered sufficient reasons as co-location should be priority to prevent visual clutter. Alternatives of raising the height of the existing installation should be considered, or alternative locations or the use of smaller towers at strategic locations. Given the scale of the proposal alternatives 1 and 2 is not considered sufficient alternatives being almost identical in terms of location.

Response from applicant

The main reason to remove the conditions is to accommodate the TT, which should be considered essential infrastructure in modern society.

The title deed conditions do not specifically relate to or state anything regarding TT, so we do not agree with the objector that the restrictive conditions were imposed to prevent structures such as transmission towers in the area, considering that cell phones and transmission towers didn't even exist when these conditions were imposed.

If we look at pandemics such as Covid-19, it is clear how important mobile phones are in our daily lives, whether work-related or for personal reasons. It has to be taken into consideration what the need is and what is proposed in relation to the demand for the service being provided. It should also be noted that Atlas Tower already has interest from Telkom Mobile, so this is not purely a speculative location for a tower, a need already exists. Lastly, in terms of the Overstrand Integrated Zoning Scheme, a transmission tower is a consent use application on the property, so the condition is depriving the property owner from exercising some rights (primary and consent uses) in accordance with the Overstrand Integrated Zoning Scheme.

It should be noted that the main business of Atlas Tower is to allow for co-location on their infrastructure. They are purely infrastructure providers that rents out space on the towers.

Response from town planner

The restrictive condition was imposed with the establishment of the Township in the 1930's, long before the existence of TT and cell phones. However, it is agreed that the restrictive condition serves to protect the amenity and character of the area. The title deed condition prevents the applicant from exercising the primary rights conferred onto the property in terms of the Land Use Scheme, hence the application for amendment of the restrictive title condition, which application should be considered on the basis of its individual merit.

The Overstrand Land Use Scheme provides for TT as a consent use under Business Zone 3 and is response to current development pressures and no objections were received from the public at large to the inclusion of TT under Business Zone 3 as a consent use.

The applicant motivates why co-location on the existing transmission tower 1km away is not feasible, since it would not provide the desired coverage to the target area. As such, co-location on the existing lattice mast 1000m away is not feasible.

With refence to paragraph C.1(7a) under spatial justice the objector questions whether excellent communication services are not provided by other service providers. With refence to paragraph 7(b) stating that more people will have access to emergency services it is implied that the area largely has not cell / internet reception. The objector states that no study has been provided to unpack the real need for this TT.

Response from applicant

The applicant states that they only referred to inhabitants, but tourists should also be included considering that many tourists visit these areas throughout the year and also expect excellent coverage for social media purposes. The TT will however provide excellent service to the inhabitants as well. Although there are currently not many developed properties, it is bound to happen soon. As mentioned previously Atlas Tower and the service providers would not invest time and money if there is no purpose or need for the tower.

Response from town planner

The applicant's comment above is noted. The applicant failed to demonstrate the need of the proposal with concrete evidence to substantiate its claim. The statement to say that developers will not invest money if there is no need for a TT in itself is not considered substantive evidence.

The proposed location of the transmission tower is not necessarily the sensible placement of a TT and co-location on the existing mast 1000m away significantly reduce visual impact, including impact upon sense of place and negative impact on property values.

Response from applicant

Co-location on the existing mast is not considered a feasible solution considering that it is located approximately 1km from the proposed location. Newer technologies such as LTE has a much smaller coverage radius than 2G and 3G for example. Distance plays a major role in cellular coverage and TT can be seen as close as

400m to 500m apart in denser areas, considering the large number of cellular users. The proposed TT will provide coverage towards the south of Birkenhead as well, which the existing mast in Romansbaai cannot reach.

Response from town planner

The applicant's comment is noted and agreed with.

The applicant's statement under Section D, Desirability that there is no negative impact on the surrounding land uses and environment is misleading and unfounded. Negative impacts such as visual impact, impact upon sense of place in the area are considered high as well as negative impacts upon property values which are considered an eyesore by most. There is little evidence / information provided regarding need and desirability of the mast as existing infrastructure already supports all services. Which service providers requires the TT, current signal strength for each service provider is not adequately demonstrated and illustrates the need for a detailed study as pointed out above.

Response from applicant

It should be noted that technology is moving forward and that cell masts are required at much more frequent intervals in order to provide a quality service to all mobile users. Newer technologies such as LTE for example only provide a fixed coverage for a radius of approximately 500m – 800m and even less in densely developed areas. It should be noted that the closest existing mast is located approximately 1km to the north. This should clearly indicate that this is too far away in order to provide quality service in terms of newer technologies such as LTE. The target coverage area of the existing mast is completely different to that of the proposed mast. The proposed mast will provide coverage to the southern parts of Birkenhead as well, of which the existing mast is too far away to reach. It should also be noted that Atlas Tower already has interest from Telkom Mobile to utilize the proposed mast. The other service providers will follow in due course.

Response from town planner

The applicant failed to demonstrate the need for the proposed TT by concrete facts. Also, the coverage maps were not certified by a network engineer and differs from coverage maps publicly available on the websites from the major network operators. The impact of the proposal will be evaluated in the evaluation under paragraph 12 below.

The objectors refer to Section B.3 of the motivation report referring to an application submitted to DEADP to determine whether the proposal triggers NEMA and requires a copy of the application submitted. The relevant Annexure F (not H as indicated in the motivation report) contains confirmation from the department that NEMA is not triggered, dated 08 October 2019. The applicant is of the view that it is due to the location of the property within the urban area, which in terms of NEMA is defined as the edge of the built-up area and still regarded as rural. Therefore, the objector requires a copy of the application provided to DEADP in order to determine whether the information in the submission to DEADP was correctly presented.

Response from applicant

PHS Consulting is correct in saying that we made reference to the incorrect Annexure – it should in fact be Annexure F. Secondly, we confirm that the letter from DEADP was included as part of the application stating that the proposal does not trigger any listed activities. DEADP does their homework prior to issuing any non-listing letters, therefore PHS Consulting is welcome to consult them directly regarding this matter.

Response from town planner

The planning application submitted to the municipality was circulated to DEADP, which department in a letter dated 25 March 2020 confirmed that NEMA is not triggered. Furthermore, it should be noted that Birkenhead is a township established within the 1930's and regarded an urban area, nor rural. Therefore, the definition of the interim urban edge as adopted in terms of NEMA is not applicable.

W Jeppe on behalf of the owners of Erf 22, Birkenhead

A letter of comment was received, stating that they do not object to the rezoning but object to the visual impact of the proposed transmission tower. It is further stated that a tree tower will be most acceptable solution but is still considered undesirable.

Response from applicant

According to the VIA a lattice mast will have the least visual impact, subject to implementation of mitigation measures. The applicant is however willing to revise the design to a tree mast should it be considered more appropriate by the municipality.

Response from town planner

The applicant's comment is noted and agreed with. The matter of the design will be further assessed in the evaluation under paragraph 12 below.

One letter of support was received from Professor de Villiers, the owner of Erf 1, Birkenhead as the construction of the proposed lattice mast will improve the electronic network.

8. SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

Not applicable

9. MUNICIPAL ASSESSMENT OF COMMENTS

Not applicable.

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 application will not further perpetuate spatial imbalances but will enhance access to telecommunications infrastructure that that is fair and equal.

Spatial sustainability

Enhanced coverage in the area will promote all three (3) dimensions of sustainability, namely:

- i) Economic, i.e. enhanced connectivity will benefit businesses;
- ii) Social, i.e. more people will have access to communication and access to emergency services, and
- iii) Environmental, i.e. 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 TT will be situated optimally in the area between existing and proposed installations having had regard to the number of users, quality of service as identified by network engineers, thus promoting effectiveness.

Spatial resilience

TT provide a service that is always necessary and in a state of crisis. Therefore, 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.

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

Same as above

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

Telecommunications infrastructure forms a vital part of the municipality's Disaster Management Plan. The proposal is therefore considered consistent with the strategic documents.

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

Not applicable.

10.6 Impact on Municipal engineering services

No objections were raised by the Engineering Services Department from a municipal services point of view, subject to conditions.

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

The proposal TT does not trigger the provisions of NEMA or the National Heritage Resources Act.

10.8 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 encroaches the 10,5m height restriction to 25m, hence the application for departure from 8m to 25m. The application has been submitted prior to the promulgation of the Overlay Zones (hence EMOZ and HOPZ).

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Title Deed T19974/1997 applicable to Erf 47, Birkenhead contains the following restrictive conditions:

B(a) *"That this erf be used for business purposes only."*

B(b) *"That only one building together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."*

Application is made to amend the restrictive title conditions above to read as follows:

B(a) *"That this erf be used for business purposes only, including a transmission tower."*

B(b) *"That only one building together with such outbuildings as are ordinarily required to be used therewith, including a transmission tower, be erected on this erf."*

In view of the above being stated the following directly relates to Section 39(5) of LUPA, 2014 (Act 3 of 2014):

Restrictive title conditions contained in title deed T19974/1997 that read as follows:

The financial or other value of the rights

The title deed restriction limits development of the property to business purposes and therefore has a negative effect on the value and potential utilisation of the property since it is more restrictive than the Zoning Scheme.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

No personal benefit will accrue to the holder of the rights (the Municipality).

The person seeking the removal will benefit, as the amendment of the restrictive title conditions will enable utilisation of the property in accordance

with the provisions of the scheme regulations. Thus, the amendment will enable the development of a TT resulting in increased property value.

The social benefit of the restrictive condition remaining in place, and/or being removed / amended

Restrictive conditions were inserted to protect the amenity, unique character, and sense of place of an area. According to the applicant the restrictive condition in its current form does not add any value to the above.

The social benefit of the amendment is that it will permit development consent use and primary rights in accordance with the provisions of the scheme regulations, it will enable development of a TT that will permit co-location of other service providers, increased coverage and capacity for all consumers in the area, whilst benefit inhabitants of Birkenhead, visitors, tourists and daily commuters.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

The proposal is to amend the restrictive conditions B(a) and B(b) to enable the development of a TT on the property and will not result in removal or amendment of all of the rights enjoyed by the beneficiaries.

12. THE DESIRABILITY OF THE PROPOSAL

The application property is situated within the Birkenhead Township established in the 1930's on a Business Zone 3. The property is situated within the recently promulgated Environmental Management and Heritage Protection Overlay Zones (EMOZ and HPOZ).

The property measures 4402m² in extent and is developed with a dwelling house and associated outbuildings. The property is ±137m deep. The proposed 25m TT provides for co-location of up to three network providers and a secure equipment compound of 68m².

The main purpose of the proposed TT is the provision of improved network coverage (3G and LTE) to various network providers (MTN, Vodacom, Cell C, and Telkom Mobile) for the area of Birkenhead. The proposed TT will also connect existing TT in Gansbaai and Franskraal, including the recently approved TT on Erf 1201 van Dyksbaai.

The applicant indicates that the existing installation on Portion 32 of Farm 711 in the Romansbaai Beach and Fynbos Estate will not provide sufficient network coverage, being situated 1km away from the application property. The applicant however did not provide any evidence to demonstrate the locality of the nominal point where coverage required (i.e. Erf 47 Birkenhead).

Alternative locations being considered were Erf 19 and 20 Birkenhead. The owner of Erf 19 was a willing landlord and as such Erf 20 was not pursued any further. The Telkom nominal point was closer to Erf 47 Birkenhead more than 600m away and as such Atlas Tower requested that a site closer to the nominal point should be found. The applicant failed to furnish concrete evidence to this effect.

Both Erf 19 and 20 are zoned Residential Zone 1: Single Residential. The opinion is held that the location of TT on Residential Zone 1 properties is not desirable, which is evident in the fact that the Integrated Zoning Scheme, 2013 as well as the Overstrand Land Use Scheme, 2020 does not provide for TT as a primary right or consent use under Residential Zone 1.

The applicant's motivation report contains network coverage maps of various service providers to demonstrate that there is not sufficient coverage. The coverage maps are not agreed with, since perusal of coverage maps publicly available on the internet indicates that network coverage (3G & LTE) is available in Birkenhead for MTN, Vodacom and Cell C, whilst only Rain has no existing coverage.

Having had regard to the applicant's motivation as to the main purpose of the proposed TT, conflicting information with reference to the coverage maps provided by the applicant and those available on the internet, the fact that neither the coverage maps nor the nominal network points were supported by concrete evidence (i.e. certification by the network engineers) or need for improved service the opinion is held that the applicant failed to demonstrate the need for the proposed TT on the application property. As such, the proposed TT is not considered desirable.

Having had regard to the above, the opinion is held that the application for departure of the height restriction from 10,5m to 25m and amendment of the restrictive title conditions cannot be considered in isolation of a fully motivated application that address the need and desirability of the proposed consent use. Thus, the application for departure of the applicable height restriction and amendment of restrictive title conditions is not supported.

A Visual Impact Assessment (VIA) was submitted together with the application. Following receipt of the objections the VIA had been updated to consider the impact of the proposed TT in the short, medium and long-distance zones. The visual impact in the short and medium distance where most affected properties / persons are situated will be high. The highest impact would be experienced by the Romansbaai Beach and Fynbos Estate. The opinion is held that the visual impact would decrease as the estate develops, especially to the north-eastern portions. Visual impact beyond the medium distance zone is considered low due to the undulating topography and dense shrubland vegetation and limited observers. The VIA recommends that a lattice mast will be most appropriate in the location as it will permit distance views that will lower the visual impact as the distance between the TT and observer increases. Together with the implementation of the proposed mitigation measures visual impact within the 5km zone will be moderate and beyond that, low.

Having had regard to the content of the VIA, the proposed TT will impact upon the character of the area. The highest impact will be in the short distance zone, i.e. the immediate surrounding area including the Romansbaai Beach and Fynbos Estate. Mobile phones and as such telecommunication infrastructure such as TT are an essential part of modern society to socialise, to work and do business as well as in emergency situations. Accordingly, having had regard to the VIA the opinion is held that the proposal cannot be refused solely on the basis of visual impact and impact on the character of the area.

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. Accordingly, the health and safety aspects of TT is not a material planning consideration.

In conclusion, the applicant's motivation did not demonstrate the need and desirability for the proposed TT since the information to enable an informed decision (i.e. network coverage maps certified by a network engineer and need for improved coverage) was not forthcoming. Also, the coverage maps submitted as per figures 1 to 3 in the motivation report indicating there are no existing 3G / LTE coverage differs from the coverage maps from MTN, Vodacom and Cell C that is available on the website indicating the coverage is already available.

13. RECOMMENDATION

1. that the comment be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a consent use to 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 on Erf 47, Birkenhead, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(f) of the By-Law for amendment of restrictive title conditions B(a) and B(b) contained in Title Deed T19974/1997 applicable to Erf 47, Birkenhead, **not be approved** in terms of the provisions of Section 61 of the By-Law, and
4. that the applicant and persons who commented 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.

14. REASONS FOR RECOMMENDATION

- ❖ The applicant failed to proof the need and desirability of the proposed development.

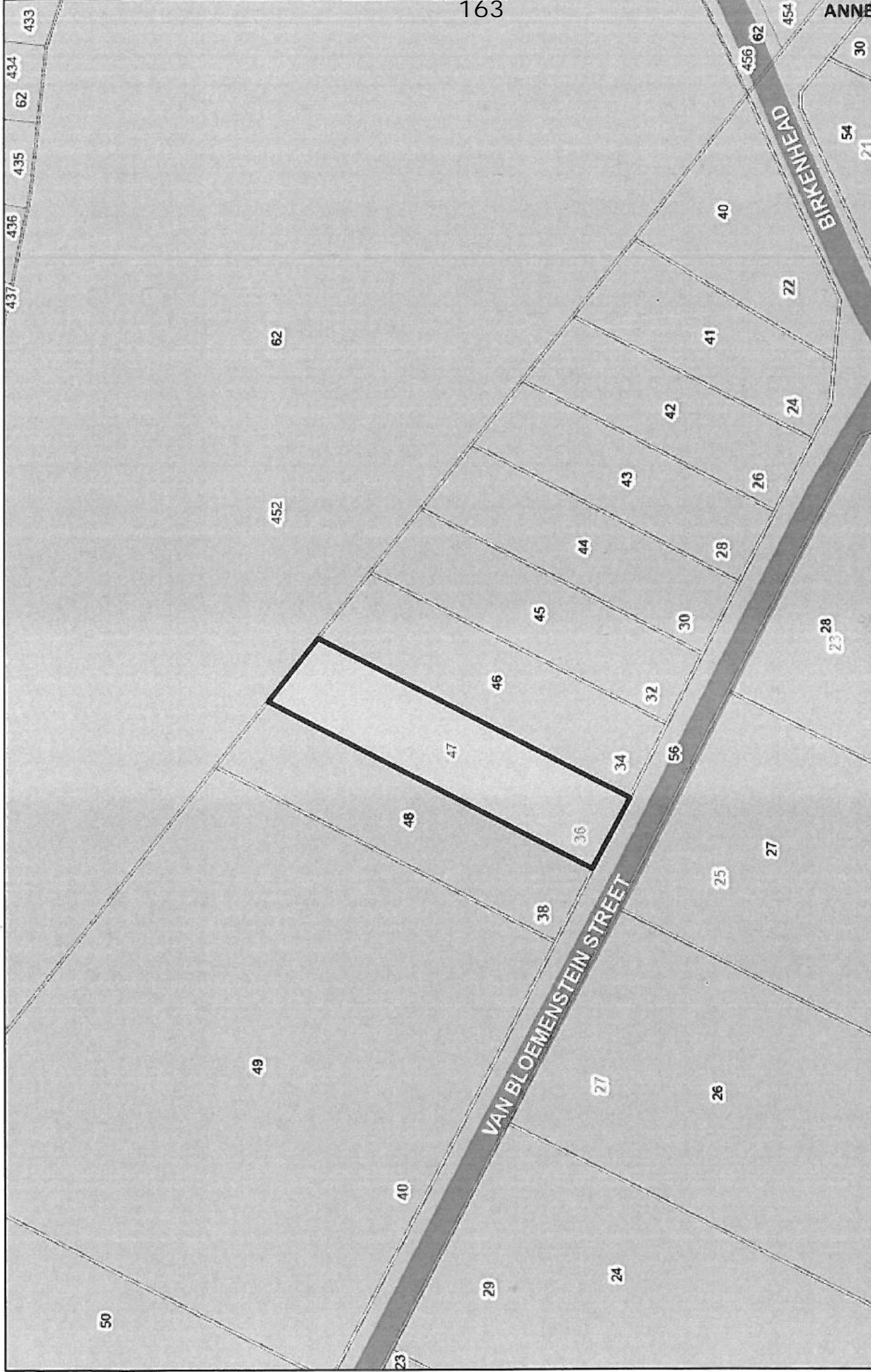
15. Annexures

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Title deed
- Annexure E: Objections and comment received
- Annexure F: Applicant's response to objections
- Annexure G: Comment: Telkom
- Annexure H: Visual Impact Assessment (updated VIA, dated March 2021)
- Annexure I: Department of Environmental Affairs and Development Planning:
Component: Environmental
- Annexure J: Services Report

SIGNATURE**REGISTERED PLANNER**Name : **SW VAN DER MERWE**SACPLAN Reg No: **A/1850/2014**

Signature : _____

Date: _____



Locality Map
Erf 47 Birkenhead



SECTION A: BACKGROUND

A.1. THE APPLICATION

Application is hereby made for the following:

- ✓ **Consent Use provided for in the zoning scheme** in terms of Section 16(2)(o) of the Overstrand Municipal Planning By-Law, 2015 for the purpose of erecting an 25m Transmission Tower.
- ✓ **Permanent Departure** from the development parameters 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 8.5m to 25.0m in order to allow for the proposed transmission tower.
- ✓ **Deletion of restrictive conditions in respect of a land unit** in terms of section 16(2)(f) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 in order to allow for the proposed transmission tower.

A.2. DETAILS OF THE DEVELOPMENT AREA

Table 3 - Details of the Development Area

TITLE DEED DESCRIPTION	Erf 47 Birkenhead, Overstrand Municipality, Division of Caledon, Province of the Western Cape
TITLE DEED NUMBER	T19974/1997
PROPERTY SIZE (m ²)	4403 m ²
CURRENT ZONING	BUSINESS ZONE 3: LOCAL BUSINESS
OWNER OF PROPERTY	WESSEL JOHANNES VERMEULEN

SECTION B: DEVELOPMENT PROPOSAL

B.1. APPLICATION SPECIFICATIONS

The client, Atlas Tower, wishes to apply for consent use, permanent departure and the deletion of restrictive conditions in terms of Section 16 (2)(o), (b) and (f) of the Overstrand Municipal Planning By-Law, in order to erect a TT.



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B.1.1 Development Concept

The application comprises the following proposed development parameters:

- ✓ A 25m Lattice Transmission tower,
- ✓ 3 x 3 - sector antennas attached to the mast,
- ✓ Microwave dishes attached to the mast, and
- ✓ 3 x Equipment container, which will be locked at all times.

The total area of the TT will be 64m², including the equipment containers. The main purpose of the proposed transmission tower is to improve the network coverage (3G and LTE services) for the various service providers (MTN, Vodacom, Cell C and Telkom Mobile). The transmission tower furthermore connects to the surrounding existing network, including Gansbaai, Van Dyksbaai (new transmission tower proposed on Erf 1201 Kleinbaai) and Franskraal, which reduces poor signal areas when leaving the coverage radius of an existing transmission tower.

B.1.2 Height Departure

According to the Overstrand Municipality's zoning scheme, properties zoned as 'Business Zone 3', have a height restriction of 8.5m (maximum of 2 storeys). A 25m lattice transmission tower is proposed in this application, thus permanent departure is applied for in terms of Section 16(2)(b) to allow for the erection of a 25m lattice transmission tower. The height restriction will subsequently be relaxed from 8.5m to 25m for the purpose of erecting a 25m lattice transmission tower on the subject property. The height is required in order to accommodate more service providers and to provide coverage to a larger area, thereby reducing the number of towers required in the larger area.

B.1.3 Deletion of Restrictive Title Deed Conditions

The use of the property is restricted in terms of sections B(a), (b) and (d) of the title deed T19974/1997. These title deed conditions read as follow:

- B(a) *"That this erf be used for business purposes only."*
- B(b) *"That only one building together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."*

An application is therefore required for the amendment of these restrictive title deed conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015, to permit a 15m Transmission tower.

These title deed conditions should read as follow:

- B(a) *"That this erf be used for business purposes only, including a transmission tower."*
- B(b) *"That only one building together with such outbuildings as are ordinarily required to be used therewith, including a transmission tower, be erected on this erf."*



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Section 25 of the Constitution of South Africa:

- No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
- (2) Property may be expropriated only in terms of law of general application— (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
- (3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—
- (a) the current use of the property;
 - (b) the history of the acquisition and use of the property;
 - (c) the market value of the property;
 - (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
 - (e) the purpose of the expropriation.
- (4) For the purposes of this section—
- (a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and
 - (b) property is not limited to land.
- (5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
- (6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.
- (7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.
- (8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).
- (9) Parliament must enact the legislation referred to in subsection (6).



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SPLUMA (Section 47):

A restrictive condition may, with the approval of a Municipal Planning Tribunal and in the prescribed manner, be removed, amended or suspended.

If the amendment, amendment or suspension will deprive any person of property as contemplated in section 25 of the Constitution then you have due regard for the respective rights of those affected, and to the public interest.

- The amendment of restrictive condition will not deprive any person in the area of any rights as contemplated in section 25 of the Constitution. It can however be argued that the restrictive conditions are currently depriving the property owner from exercising his/her/its rights and permitted/consent uses as prescribed in the Overstrand Municipality Integrated Zoning Scheme, 2013.

In terms of Section 39(5) of LUPA, 2014 (Act 3 of 2014), when a Municipality considers the amendment, suspension or amendment of a restrictive condition the Municipality must have regard to at least the following:

	Conditions B(a), B(b)	
a	The financial or other value of the rights	The restrictive condition prohibits certain consent and primary uses in terms of the application sites current zoning. The restrictions therefore has a negative effect on the value and potential utilization of the property.
b	Personal benefit which accrue to the holder of rights	It is not considered that the holder of the rights has any benefit deriving from the restrictive condition. It should be noted that the restrictions in its current form prohibits certain primary and consent uses in terms of the current zoning. The property owner and future owners still have to submit formal Consent Application for Certain uses that could have a negative impact on the surrounding area. Potential redevelopment or proposed future developments on the application site still require the approval of the Overstrand Municipality.
c	Personal benefit which accrue to the person seeking the amendment of the restrictive condition if it is removed	1) The amendment of the restrictive conditions will allow the property owner and future owners to utilize the property according to the current zoning and uses allowed in terms of the By-Law. 2) The restrictive conditions prohibit some consent and even Primary uses. For this specific application the amendment of



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		<p>restriction will allow the property owner to accommodate a FSBTS on the application site subject to Council Consent.</p> <p>3) The amendment of the restrictive conditions pave the way for the owner or future owners to redevelop the property as they see fit (subject to Council Consent).</p> <p>4) The amendment of the restrictive conditions will increase the value of the property as the restrictive condition in its current form limits the potential of the applicant site.</p>
d	Social benefit of the restrictive condition remaining in place in its existing form	Restrictive conditions were often inserted into title deeds in order to protect the amenity, unique character and sense of place experienced in an area. It is not considered that the restrictive in its current form adds any value to the above mentioned.
e	Social benefit of the amendment of the restrictive condition	<p>1) The amendment of the restrictive conditions open the door for some Consent and Primary uses which were previous unattainable due to the restrictive condition.</p> <p>2) This application relates to the Council's consent to a FSBTS on the application site.</p> <p>3) Atlas Tower envisaged constructing a FSBTS on the application site and allowing for colocation on this mast should all necessary approvals be granted.</p> <p>4) The proposed development will increase the level of coverage and capacity for all consumers in the catchment area.</p> <p>5) It should be noted that not only the residents of Birkenhead will benefit from this service being provided. Visitors to the area, tourists and daily commuters will benefit by having access to improved network coverage and data capabilities.</p>
f	Whether the amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights	The amendment of the restrictive conditions pave the way for Atlas Tower to construct a FSBTS on the application site (subject to Council approval). It should however be noted that the restriction in its current form prohibits certain primary and consent uses in terms of the current zoning. The property



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7446

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	owner and future owners still have to submit formal Consent Application for Certain uses that could have a negative impact on the surrounding area. Potential redevelopment or proposed future developments on the application site still require the approval of the Overstrand Municipality.
--	--

B.2. UTILITY SERVICES

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

Access to the proposed TT will be obtained from the existing entrance to the property found along the southern boundary of the property, situated adjacent to Van Bloemenstein Street. Van Bloemenstein Street connects to Birkenhead Road to the east, which connects to the R43 to the north.

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

B.3. ENVIRONMENTAL REGULATIONS

An application was lodged with the Department of Environmental Affairs and Development Planning (refer to Annexure H) to determine if environmental authorization will be required. We're still awaiting their response, which will be sent to the town planner dealing with this application upon receipt.

SECTION C: POLICY AND LEGISLATION

C.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 4 - Compliance of application with Principles 7a-7e of SPLUMA, 2013

	HOW DOES THIS APPLICATION COMPLY WITH THIS PRINCIPLE?
<i>Principle 7a: Spatial Justice</i>	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.



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<p><i>Principle 7b:</i> <i>Spatial Sustainability</i></p>	<p>Spatial sustainability is an explicit concept which describe the relations between environmental, economic and socio-cultural facets related to a societal environment.</p> <p>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.</p>
<p><i>Principle 7c:</i> <i>Spatial Efficiency</i></p>	<p>Spatial efficiency relates to the concept of minimum distance to be travelled between a specific location and intended destination. RBTS and TT is placed in an area (optimally situated between planned and existing stations) with a reason. This reason is to incorporate various factors (e.g. number of users, quality of service etc.) when considering the placement in order to promote effectiveness and is not merely placed by random.</p>
<p><i>Principle 7d:</i> <i>Spatial Resilience</i></p>	<p>Spatial resilience can be defined as the ability of a region to withstand possible arising shocks (e.g. economic crisis, social disruptions etc.). However, RBTS and TT will be a service that will always be necessary. In a state of crisis, communication plays an integral role in a societal environment.</p>
<p><i>Principle 7e:</i> <i>Good administration</i></p>	<p>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.</p>

C.2. OTHER POLICIES AND LEGISLATION

Other policies and legislative frameworks include: Integrated Development Plan (2014/2015), and the Spatial Development Framework (SDF), 2006.

C.2.1. Five-Year Integrated Development Plan (2017/18 - 2021/22)

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 (2017/18 & 2021/22), the disaster management coordinator forms part of the JOC (Joined Operations Centre) and one of his main tasks are to (page 262 of the Overstrand IDP 2017/18 – 2021/22):

- **Establish and maintain required telecommunications links**
- **Establish and maintain a resources database**
- **Coordinate all communication to and from incidents**

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

C.2.2. Municipal Spatial Development Framework, 2006

This application is in line with the spatial development principles as set out in the Overstrand SDF, 2006, as it strives to improve urban efficiency, and align planned growth with infrastructure. As a



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result, connectivity is enhanced on local, national and international level as stipulated in the SDF, 2006.

SECTION D: DEVELOPMENT MOTIVATION

Please read together with previous sections in this application. Consent use and permanent departure in terms of the zoning scheme is applied for in order to allow for the erection of a TT should be supported based on the following grounds:

D.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 tourist attractive places such as Birkenhead, Romans Bay, Van Dyksbaai and Franskraal, poor network coverage (related to both voice and data) is experienced. Atlas Tower 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.

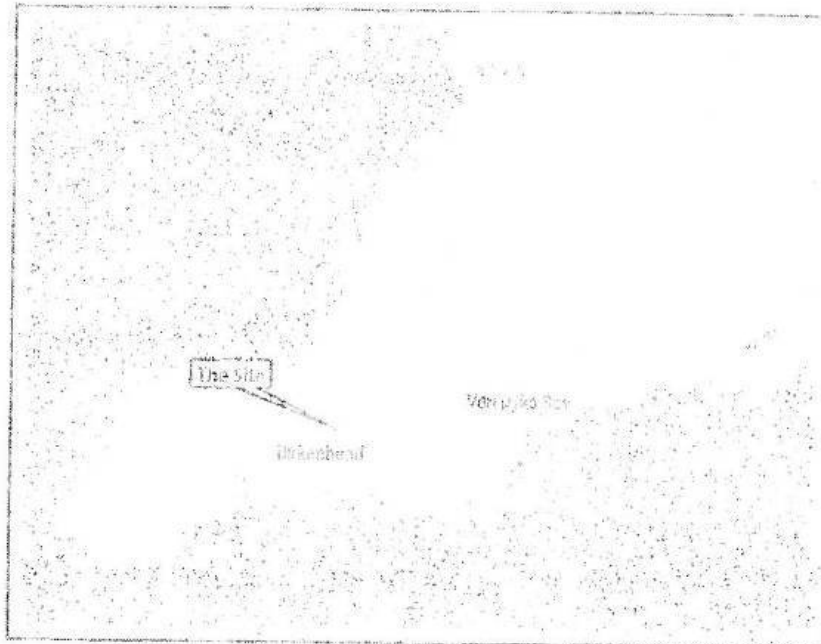


Figure 1 - Cell C network coverage map: Fixed LTE

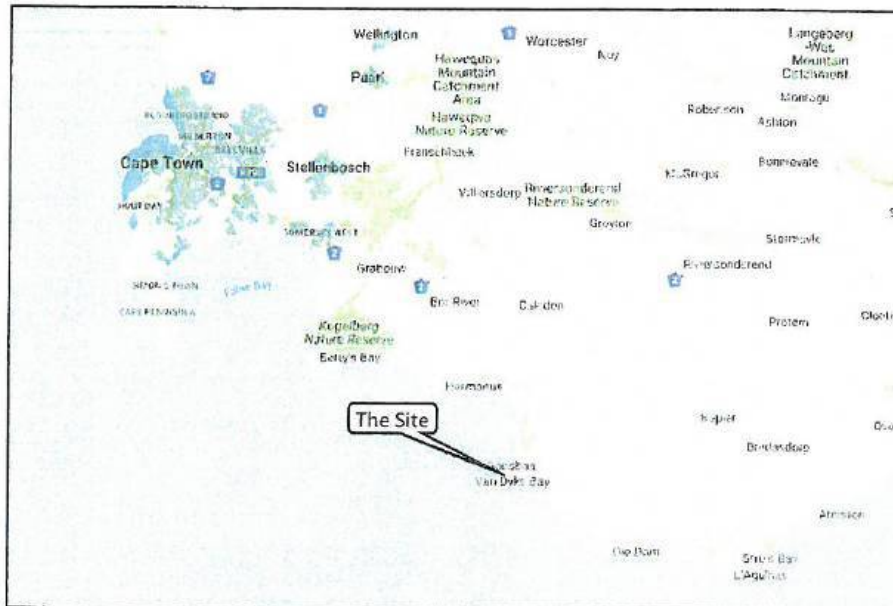


Figure 2 - Rain Coverage Map: LTE

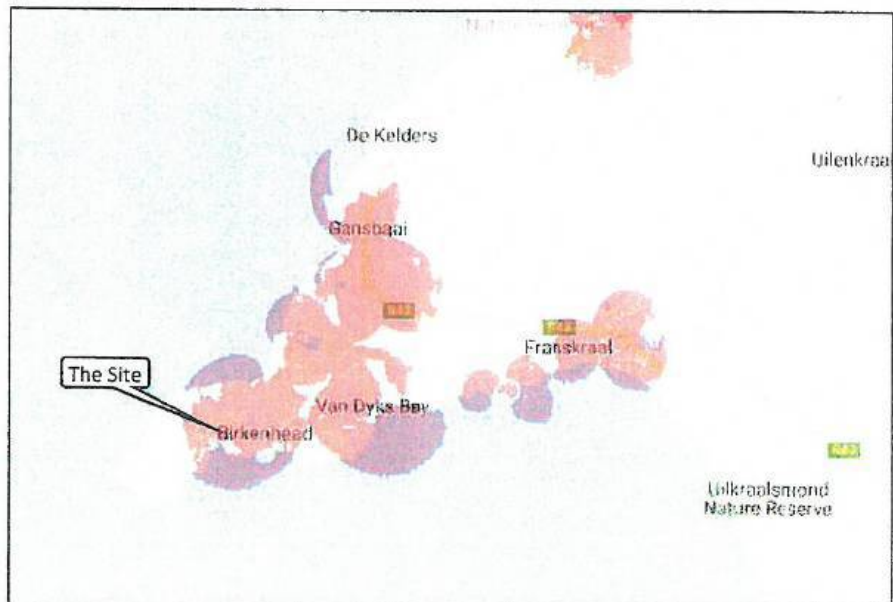


Figure 3 - MTN Coverage map: Fixed LTE

Figures 1 to 3 illustrate the current fixed LTE coverage in Birkenhead and the surrounding areas. It should be noted that these areas have very limited Fixed LTE coverage. Therefore, a TT as proposed in this application will increase the amount of coverage in this area.

The increase in network strength brought by the proposed TT 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 mix of land uses range from low density residential to business use. 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 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.

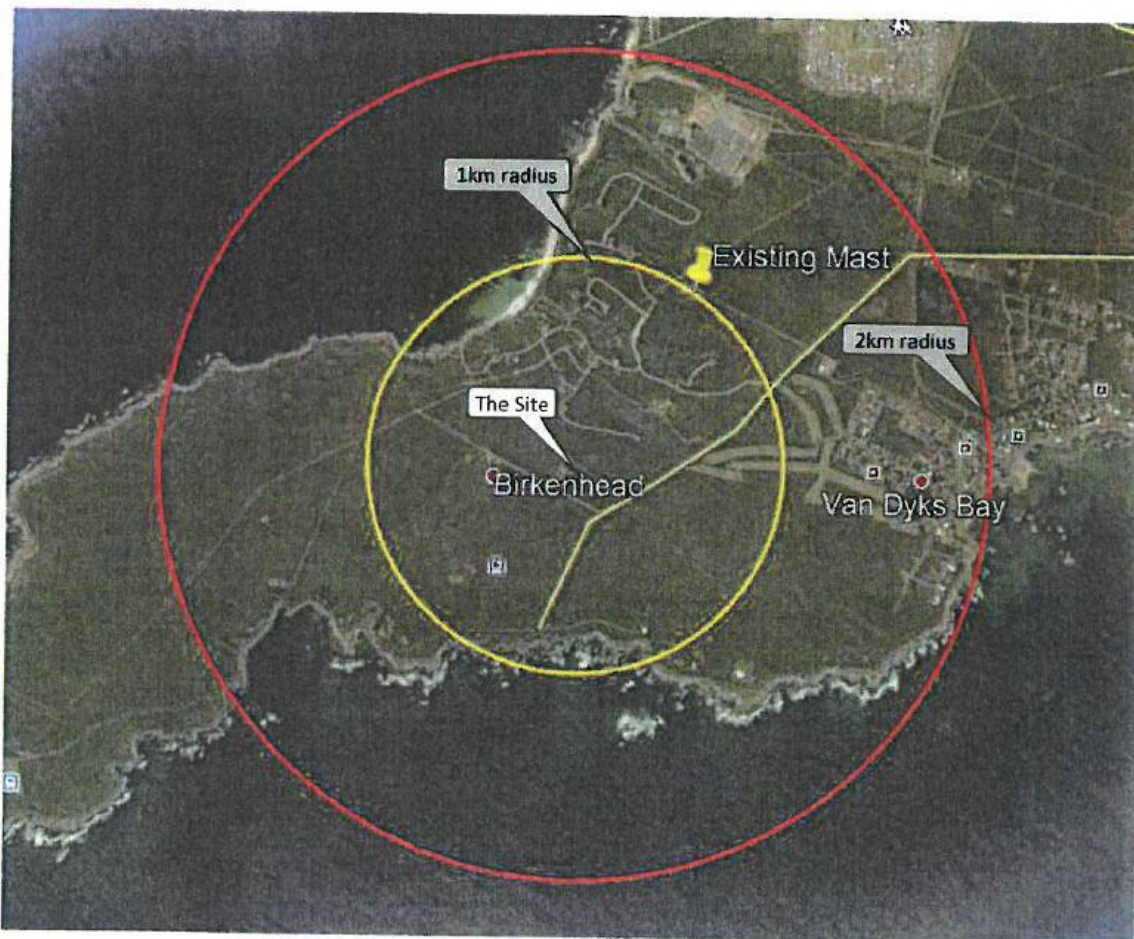


Figure 4 - 1 km & 2km radius of the proposed site and surrounding base stations

Table 5 - Surrounding Base Stations as alternatives

	Mast & Height	Site location	Distance	Lack of sufficiency
A	Lattice Mast, 30m	Rural Road	+/-1 000m	Failure to provide for the necessary coverage necessity due to distance away from proposed mast

Considering the information in Figure 4 and Table 5 the need for the proposed TT is clear. Existing TI are not sufficient to provide coverage as the closest TT is approximately 1km away from the proposed TT.

Alternative sites were considered during the initial stages of the proposal but this option is deemed the most acceptable option in terms of visual impact and based on the requirements of the network providers, contractors and land owner.

Alternative sites considered:

- Option 1- The property owners was approached more than a year ago. The owners were interested in accommodating the transmission tower. Atlas Tower furthermore requested that we must look for a site closer to Telkom nominal point (which was close to Erf 47 Birkenhead). This distance is more than 600m, so the coverage areas will be different.
- Option 2- This property owner was also approached, but a formal proposal was never sent as the interest was shown by the property owner of Erf 19 Birkenhead. The same comment as above will however apply regarding the distance away from the Telkom nominal point.



Figure 5 - Alternatives considered

D.2.3. Visual Impact

The proposed TT will create an opportunity for other service providers to co-locate, as other structures of this height do not exist in this area. The height is required in order to minimise the need for future TT's in the nearby area.

The mast is proposed as a lattice transmission tower in order to reduce the visual impact of the proposed tower – please see Figure 6 below.

In accordance with the VIA that was conducted the following points should be noted:

- A Lattice Mast is recommended for this development as it will allow visibility of the background which will lower the visual impact as distance between the development and the observer increases.
- Alternatively a monopole mast can be developed within the area rather than a tree mast, as a tree mast will stand out within the area as natural vegetation does not consist of any tall trees.
- The equipment containers and the palisade fence will be painted green in order to blend in with the surrounding vegetation.



Figure 6 - Superimposition of 25m Lattice Mast



Figure 7 - Superimposition of 25m Tree Mast

SECTION E: CONCLUSION

This consent use, deletion of restrictive conditions and permanent departure application in terms of the zoning scheme for a proposed TT on Erf 47 Birkenhead, will provide an essential and sought 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 Integrated Development Plan (2017/18 – 2021/22), and Spatial Development Framework (MSDF), 2006.

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



ATLAS TOWER SITE ID:
ATSA 1073

ATLAS TOWER SITE NAME:
BIRKENHEAD

PROPERTY DESCRIPTION:
ERF 47, BIRKENHEAD

ADDRESS:
VAN BLOEMENSTEIN STREET, BIRKENHEAD,
WESTERN CAPE

CO-ORDINATES:
Lat: -34.016170°
Long: 19.331847°

ELEVATION:
23m



TOWN AND REGIONAL PLANNING CONSULTANTS
Unit 11, 3rd Floor
Mabona Building, Burgomway,
Century City, Cape Town 7808
Tel: (021) 512 5155
Fax: (021) 537 9187

PROJECT:
PROPOSED NEW ATLAS TOWER 25m LATTICE MAST
WITH 8m X 8m BASE STATION

APPROVED MAST:
25m LATTICE MAST

NOTES:
A) NEW 25m LATTICE MAST
B) 8m X 8m BASE STATION
C) 10% CHIPSTONE PERFE
D) BASE STATION: CHIP STONE SURFACE

DATE	DESCRIPTION	REVISION
22-08-2019	1st Issue	0

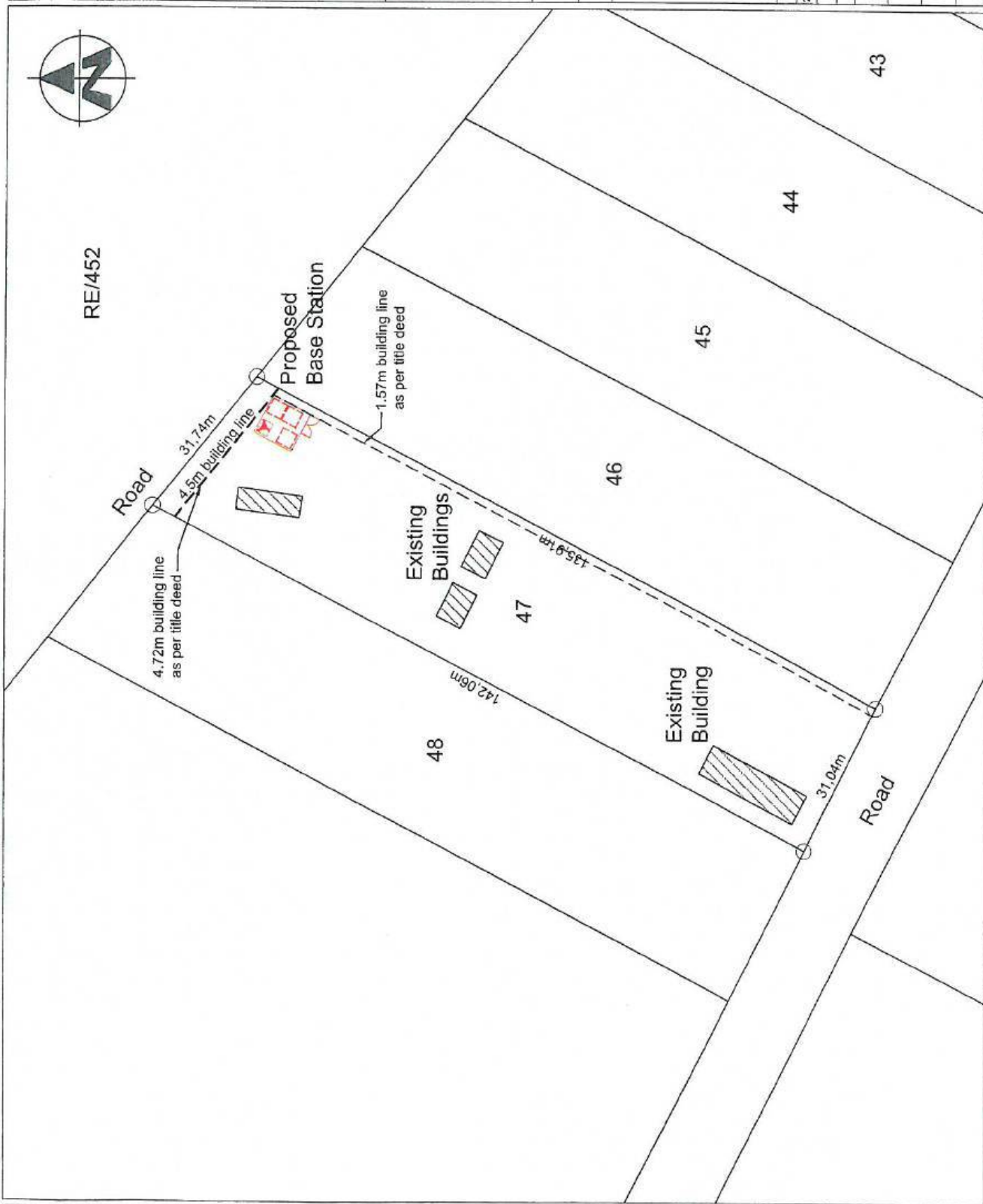
DRAWING NUMBER: ATSA1073
SHEET:
2 OF 4

DRAWING TITLE:
SITE PLAN

DRAWN: D. LOOTS
SCALE:
1:1000

DATE: 2019-08-21
REVISION:
0

Site Plan





ATLAS TOWER SITE ID:
ATSA 1073

ATLAS TOWER SITE NAME:
BIRKENHEAD

PROPERTY DESCRIPTION:
ERF 47, BIRKENHEAD

ADDRESS:
VAN BLOEMENSTEIN STREET, BIRKENHEAD,
WESTERN CAPE

CO-ORDINATES:
Lat: -34.616170°
Long: 19.331847°

ELEVATION:
23m



TOWN AND REGIONAL PLANNING CONSULTANTS
Unit 11, 3rd Floor
P.O. Box 152,
Merrivale, Midway, Midway,
Century City,
Cape Town 7946

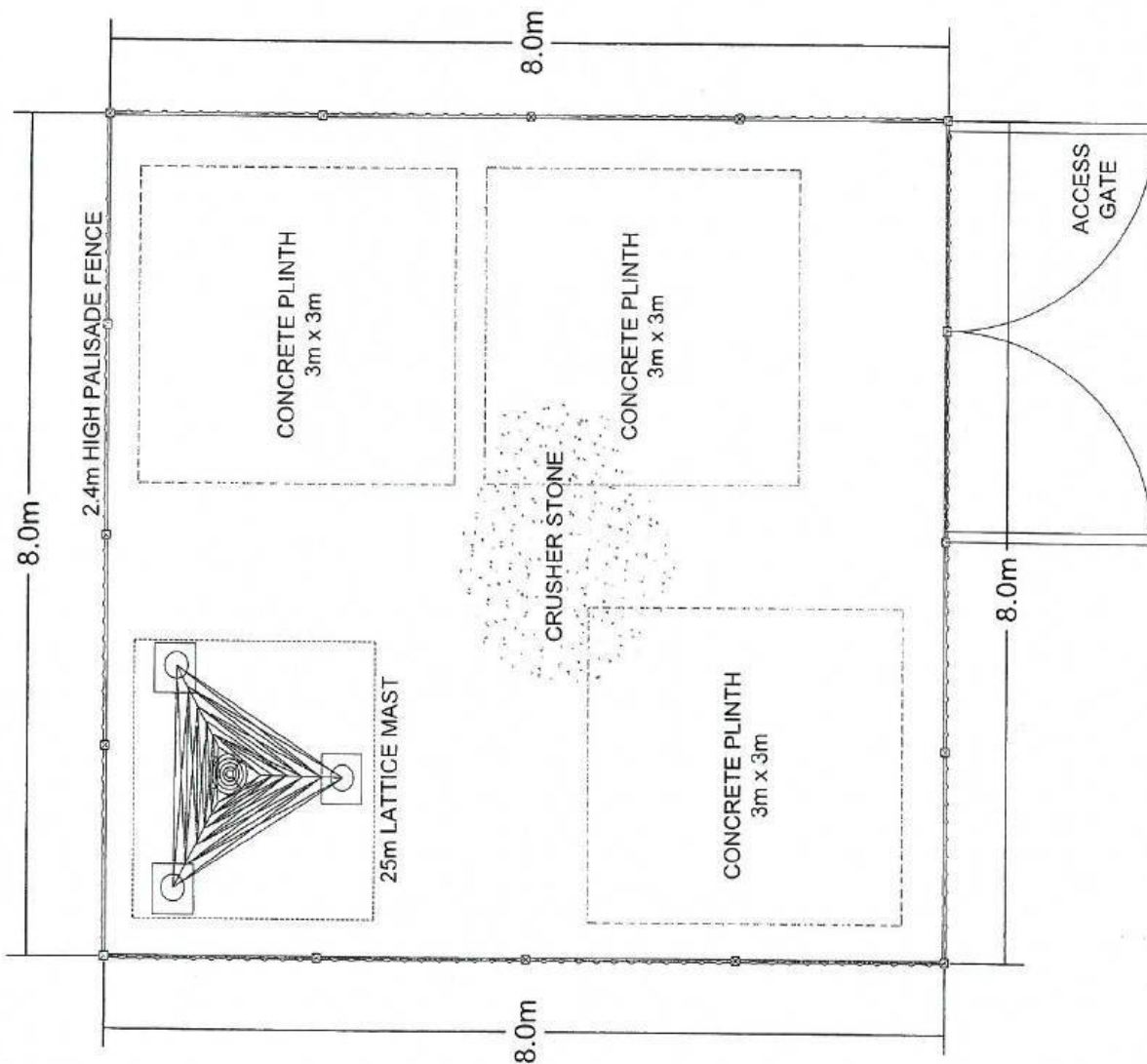
PROJECT:
PROPOSED NEW ATLAS TOWER 25m LATTICE MAST
WITH 8m X 8m BASE STATION

APPROVED MAST:
25m LATTICE MAST

- NOTES:
- A) NEW 25m LATTICE MAST
 - B) 8m x 8m BASE STATION
 - C) 2.4m PALISADE FENCE
 - D) BASE STATION: CHIP STONE SURFACE

DATE	DESCRIPTION	REVISION
22-08-2019	1st Issue	0
DRAWING NUMBER: ATSA1073		SHEET: 3 OF 4
DRAWING TITLE: TOP VIEW		SCALE: NTS
DRAWN: D. LOOTS		REVISION: 0
DATE: 2018-08-21		

Top View





ATLAS TOWER SITE ID:
ATSA1073

ATLAS TOWER SITE NAME:
BIRKENHEAD

PROPERTY DESCRIPTION:
ERF 47, BIRKENHEAD

ADDRESS:
VAN BLOEMENSTEIN STREET, BIRKENHEAD,
WESTERN CAPE

CO-ORDINATES:
Lat: -34.616170
Long: 19.331847
ELEVATION:
23m



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Unit 14, 3rd Floor
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Fax: 085 537 5187
Maire Building, Longwood,
Century City, Cape Town
7616

PROJECT:
PROPOSED NEW ATLAS TOWER 25m LATTICE MAST
WITH 8m X 8m BASE STATION

APPROVED MAST:
25m LATTICE MAST

NOTES:
A) NEW 25m LATTICE MAST
B) 8m X 8m BASE STATION
C) 2.4m PALISADE FENCE
D) BASE STATION: CHIP-STONE SURFACE

DATE	DESCRIPTION	REVISION
22-06-2019	1st Issue	0

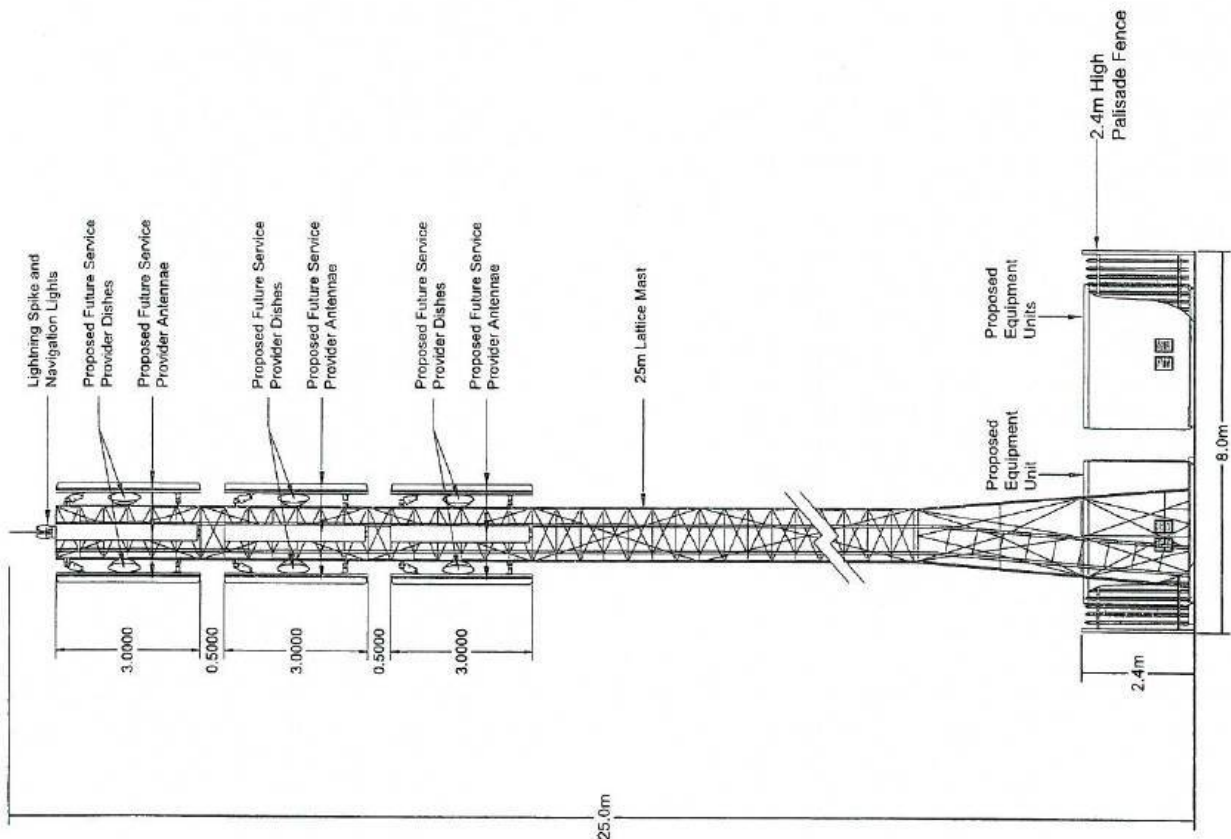
DRAWING NUMBER: ATSA1073
SHEET:
4 OF 4

DRAWING TITLE:
ELEVATION

DRAWN: D. LOOTS
SCALE:
NTS

DATE: 2019-08-21
REVISION:
0

Elevation



J A P GRESSE & KIE.
 POSBUS 567
 7220 GANSBAAI

OPGESTEL DEUR MY

TRANSPORTBESORGER
 GRESSE J A P

SEELREG DUTY	R
FOOI FEE	<i>Exempt Oct 1</i>

REGISTRAR, KAAPSTAD	NO. 1
APPLICANT'S NAME	<i>W. G. K.</i>
DATE OF ISSUE	<i>27/1/97</i>
ISSUED AT	<i>BLOEMFONTEIN</i>
ISSUED BY	<i>[Signature]</i>

T 1997/4 197

AKTE VAN TRANSPORT

HIERMEE WORD BEKEND GEMAAK:

DAT MARIÉ ANTOINETTE BOTHA .
 verskyn het voor my, REGISTRATEUR VAN AKTES te KAAPSTAD, waartoe hy,
 die genoemde Komparant, behoorlik gemagtig is kragtens 'n Volmag geteken te
 BLOEMFONTEIN op die 27ste dag van JANUARIE 1997 en aan hom verleen
 deur:

STANISLAW GABRYK

Identiteitsnommer: 260603 5006 00 8

en

ANNIE HENRIETTA GABRYK

Identiteitsnommer: 361124 0062 00 1

getroud in gemeenskap van goed met mekaar

EN/.....

P

- 2 -

EN die Komparant het verklaar dat sy gemelde Prinsipale waarlik en wettiglik verkoop het op die 19de dag van JANUARIE 1997 en dat hy, in sy voormelde hoedanigheid, hiermee in volle en vrye eiendom sedeer en transporteer in volle en vrye eiendom aan en ten behoewe van:

WESSEL JC. JANNES VERMEULEN
Identiteitsnommer: 400930 5070 00 2
ongetroud


sy erfgename, eksekuteurs, administrateurs of regverkrygendes

ERF 47 BIRKENHEAD DORP
 Afdeling Caledon Provinsie Wes-Kaap

GROOT 4402 (vier duisend vier honderd en twee) vierkante meter

OORSPRONKLIK GETRANSPORTEER kragtens Transportakte Nr. 2882/69 met Kaart Nr. 516/65 daarby aangeheg, en gehou kragtens Transportakte Nr. T34006/74.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte gedateer 11 Februarie 1969 No. 2882;
- B. ONDERHEWIG VERDER aan die volgende voorwaardes genoem in gesegde Transportakte Nr. 2882/69, opgelê deur die Administrateur ingevolge die bepalinge van Ordonnansie 33 van 1934 naamlik:-



As synde/.....

- 3 -

As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorpsgebied en onderhewig aan wysiging of aanpassing deur die Administrateur kragtens die bepalinge van Artikel 18(3) van Ordonnansie Nr. 33 van 1934;

- (a) That this erf be used for business purposes only.
- (b) That only one building, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
- (c) Not more than half the area of this erf be built upon.
- (d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.

As synde ten gunste van die administrateur:

- (e) That this erf shall not be subdivided except with the consent in writing of the Administrator.

As synde ten gunste van die Plaaslike Owerheid:

- (f) That the owner of this erf shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf if deemed necessary by the local authority and in such manner and in such position as may from time to time be reasonably required by the local authority.
- (g) That no building for human habitation shall be erected on this erf unless provision is made above ground for the storage of rain water, the said storage to have a capacity of not less than 8,900 litres.

D. ONDERHEWIG VERDER aan die voorwaardes genoem in gesegde Transportakte No. 2882/69, opgelê deur Walker Bay Investment Company (Proprietary) Limited as eienaar van die restant van Birkenhead Dorp, gehou kragtens Transportakte Nr. 19868 gedateer 31 Augustus 1948, naamlik:-

- (1) No building shall be erected on this erf unless the plans and specifications of such building have been lodged with and approved by the Township's owner.

4/.....

- 4 -

- (2) The Purchaser and his successors in title of the property hereby purchased shall have the right to divert any stream of water running on the said property so as to run alongside any of the Avenues or streets as laid down on the General Plan of the Township.
- (3) The seller reserves to itself and its successors in title the right at any time hereafter to the free and undisturbed passage of electric, telegraph or telephone wires over and upon any portion of the property hereby purchased, with further right of causing them to be affixed to any building or erection not less than 3,05 metres from the ground with access at any time to such wires for the purpose of removal or maintenance.
- (4) The seller further reserves to itself and its successors in title the right at any time hereafter to lay and maintain piping under any portion of the land hereby sold or elsewhere, and at all times to have access to such piping for removal maintenance, extension or any other purpose, and to do all such acts and things as shall be required for the convenience of the inhabitants of the Township in regard to supplying them with water.
- (5)

WESHALWE/.....

P

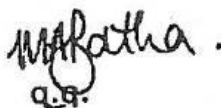
WESHALWE die Komparant afstand doen van al die reg en titel wat die genoemde Prinsipale voorheen op genoemde eiendom gehad het en gevolglik ook erken dat dit geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie en dat, kragtens hierdie Akte, die genoemde transportnemer hulle erfgename, eksekuteurs, administrateurs of regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Staat, en ten slotte erken hy dat voormelde eiendom verkoop is vir die som van R27 000,00 (SEWE EN TWINTIG DUISEND RAND).

TEN BEWYSE waarvan ek, die genoemde Registrateur, tesame met die Komparant q.q. hierdie akte onderteken en met die ampseël bekragtig.

ALDUS GEDOEN en GETEKEN in die kantoor van die Registrateur van Aktes te
KAAPST - op 5 Maart 1997

In my teenwoordigheid:


REGISTRATEUR VAN AKTES


q.q.

A Conradie

From: Johan Cecile <johanceciledev@gmail.com>
Sent: 13 October 2020 02:21 PM
To: A Conradie
Subject: ERF NO 47 , Birkenhead

As eienaars van Erf no 1 in Birkenhead, te Kruismansbaai, lewer ons kommentaar op die aansoek om opheffing van sekere beperkende voorwaardes op Erf no 47 in die landelike woongebied Birkenhead.

1. Ons ondersteun die voorgestelde oprigting van 'n traliewerk- transmissietoring op Erf no 47 ter wille van noodsaaklike verbetering en opgradering van die eletroniese netwerk.
2. Die behoorlike beveiliging van die voorgenome toring en bykomstighede is uiters noodsaaklik omdat dit blootgestel sal wees aan heersende stormwinde en enige vorm van sabotasie in 'n relatief afgesonderde omgewing.

NAAM: Prof J de Villiers

ADRES: Binnekring 17, Dalsig, Stellenbosch 7600.

pos: <johanceciledev@gmail.com>

BELANG: Buurskap

REDES: Eletroniese netwerkverbetering.



TP - A. Iheait
(S. Ud n New)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 62 and erf 63 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	Of 47
	Birkenhead
SCAN NO:	25
COLLABORATOR NO:	1471613

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



David Mostert

Danger Point Ecological Development Company Pty Ltd
david@romansbaai.co.za

ERF xxxx ~~397~~ 397→ Owner =
Department Ecological
Development

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf ~~xxxxx~~ ³⁹⁷ Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

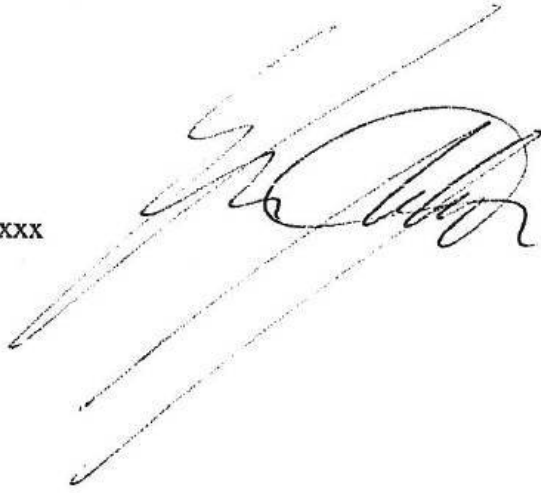
1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

- 6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Xxxxxx
 Name : xxxx
 On behalf of xxxx



E.J. van Bekkum

- N.M. Visser

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200



TP- A. Incent
(S. ud Mand).

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 330 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	OT 47
	Birkenhead
SCAN NO:	24
COLLABORATOR NO:	1471609

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Geoff McIver
Trustee - The McRix Trust (registered owner)
geoff@youngman.co.za



Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP- N. (head
(S. ud n name)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 331 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "*public interest*". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	21 47
	Birkenhead
SCAN NO:	26
COLLABORATOR NO:	1471615

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Geoff McIver
Trustee - The McRix Trust (registered owner)
geoff@youngman.co.za



Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP - n. / heart
(S. Jd Mame)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 332 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	ST 47
	Birkenhead
SCAN NO:	27
COLLABORATOR NO:	1471621

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Geoff McIver
(registered owner)
geoff@youngman.co.za

ERF 349



TP. A. Ahoort
(S. J. d. w. n. e.)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 349 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	51 47
	Birkenhead
SCAN NO:	28
COLLABORATOR NO:	1471622

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

MJ GEYSER Director OC Devco Pty
Registered owner 349



ERF 375



TP. N. Meert
(S. Jd W. No)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 375 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	21 47
	Birkenhead
SCAN NO:	29
COLLABORATOR NO:	1471626

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

MJ GEYSER Director OC Devco Pty
Registered owner 156

A handwritten signature in black ink, appearing to be 'MJ Geyser', written over the typed name and title.

ERF 156



TP - D. Theat
(S. ud w land)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 156 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	af 47
	Birkenhead
SCAN NO:	23
COLLABORATOR NO:	1471606

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

MJ GEYSER Director OC Devco Pty
Registered owner 156



ERF 358



TP. A. Ahearne
(S. Ud. M. Ahearne)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 358 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	AT 47
	Birkenhead
SCAN NO:	30
COLLABORATOR NO:	1471635

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Sharon Corbett
On behalf of Corbett Family Trust

22/10/2020

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

FILE NO: 2147
Birkenhead
SCAN NO: 31
COLLABORATOR NO: 1471640



TP. N. (heer)
(S. ud w. name)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 40 of 711 formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high positive visual impact is expected for this rural.
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
4. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area and the impact on property values and neighbouring tourism operations I the undersigned opposes the proposal and recommend that it should be rejected.

22 OCT 2020



Romansbaai Stonehouse Pty Ltd
David Mostert



ERF 131

Municipal Notice No. 22/2020

Overstrand Municipality
 P.O. Box 20
 HERMANUS
 7200

TP - N. (head
 (S. ud mewe).

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 131 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	AF 47
	Birkenhead
SCAN NO:	32
COLLABORATOR NO:	1471643

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Regards ,
Peter Pascoe

RMB Morgan Stanley
1 Merchant Place , cnr Fredman and Rivonia dr
Sandton 2196
Work + 2711 2699973
Mobile 0829263624

ERF 388



Municipal Notice No. 22/2020

Overstrand Municipality
 P.O. Box 20
 HERMANUS
 7200

IP - A. Sheart
 (S. J. de Vries)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 388 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

22 OCT 2020

FILE NO:	EF 47
	Birkenhead
SCAN NO:	33
COLLABORATOR NO:	1471647

6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations | the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Lizette Munro
22 October 2020
072 236 2764
4 Companion Lane
Klein Leeukop Estate
Hout Bay
7806



ERF xxxx 340

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP-A. /Heart
(S. Jd n'Nov)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf ³⁴⁰xxxxx Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

22 OCT 2020

FILE NO:	SP 47
	Birkenhead
SCAN NO:	22
COLLABORATOR NO:	1471603

6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Xxxxxx
Name : xxxx
On behalf of xxxx



Ernst van Bekkum
nyntje Visser



ERF 173

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP- n. / theart
(S. Jd n. bwe)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 173 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	EF 173
	Birkenhead
SCAN NO:	21
COLLABORATOR NO:	1471549

22 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations | the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Name : Loraine Theunissen

Theunisse
n, Loraine

Digitally signed by
Theunissen,
Loraine
Date: 2020.10.22
11:50:52 +02'00'



TP- A. Theart
(S. ud n'lane)

ERF 359

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 359 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

22 OCT 2020

FILE NO:	EF 47
	Birkenhead
SCAN NO:	20
COLLABORATOR NO:	1471548

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

A handwritten signature in black ink, appearing to be 'Alvin Peter', written in a cursive style.

Name : Alvin Peter
On behalf of Alvin and Donna Peter



ERF 387

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP- N. (Heart)
(S. Ud n'lawe)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 387 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

25 OCT 2020

FILE NO:	GB 47 ✓
	Romansbaai
SCAN NO:	GB 47
COLLABORATOR NO:	1471815

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Name : Dr Barbara Hockett
Owner erf 387

ERF 157



Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP. A. Ahoort
(S. Ud w. name)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 157 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	af 47 ✓
	Birkenhead
SCAN NO:	Leon
COLLABORATOR NO:	1471963

26 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Name: Leon Bartmann
On behalf of Bartmann Investments (Pty) Ltd

ERF 333



Municipal Notice No. 22/2020

Overstrand Municipality
 P.O. Box 20
 HERMANUS
 7200

TP. A. Aheat
 (S. J. W. W. W.)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 333 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

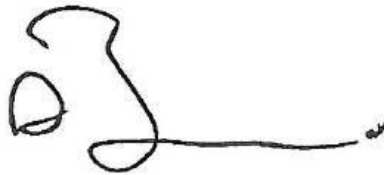
FILE NO:	Erf 47 ✓
	Birkenhead
SCAN NO:	Bartmann
COLLABORATOR NO:	1471917

26 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Name: Leon Bartmann
On behalf of Bartmann Investments (Pty) Ltd

ERF 67



Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 67 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the Information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values, but it will change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	OF 47 ✓
	Birkenhead
SCAN NO:	
	HORDEN
COLLABORATOR NO:	
	1471909

26 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "provide excellent communication service to the inhabitants of an area." It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Horden Family Trust
Name : Frank and Zelda Horden

GERECHTSTREKDE REKENMEESTERS & OUDITEURS
 POBOSU Z/S. GANBAAI STRAAT 38, GANBAAI 7201
 TEL. 020 904 1014, FAKS: 080 632 1790
 E-POB, naam: aconradie@villetgroup.co.za
 www.villetoverstrand.co.za



REGISTERED ACCOUNTANTS AND AUDITORS
 BOX 770, 38 BARNARD STREET, GANBAAI 7201
 TEL. 020 904 1014, FAX: 080 632 1790
 E-MAIL: aconradie@villetgroup.co.za
 www.villetoverstrand.co.za

TK
R04

DATE: 22 OCTOBER 2020

OVERSTRAND MUNICIPALITY
 Email: aconradie@overstrand.gov.za

YOUR REF: A CONRADIE
 OUR REF: 47 BIRKENHEAD, GANSBAAI

Dear Sir / Madam

47 BIRKENHEAD , GANBAAI – OBJECTION

In our capacity as managing agents of The Romansbaai Beach and Fynbos Estate Home Owners Association NPC we hereby formally submit the objection relating to erf 47 Birkenhead, Gansbaai on behalf of the HOA.

Please find the formal objection from PHS Consulting attached.

We look forward to hearing from you in this regard.

Yours truly,

.....
 T Kemp
 Director
 Villet Overstrand (Pty) Ltd

OVERSTRAND (Pty) Ltd
 111 BIRKENHEAD, GANBAAI, 7201
 T. 020 904 1014, F. 080 632 1790
 E. aconradie@overstrand.gov.za
 www.overstrand.gov.za



PHS
CONSULTING
environmental, land-use,
eco-tourism planning
and management.



TP. A. Theart
(S. Ud w Name)

FILE NO: 47
Birkenhead
SCAN NO:
05
COLLABORATOR NO: 1472006

21 October 2020

Our Ref: 47 Birkenhead, Gansbaai (Objection)
Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

PHS Consulting was appointed to scrutinize the application and to object against the application on behalf of the Romansbaai Beach & Fynbos Estate Home Owners Association. Please note that Paul Slabbert the author of this objection is a Registered Environmental Impact Assessor with EAPASA and a Registered Heritage Assessment Partitioner with APHP with extensive experience in Visual Impact Assessments.

The proposed activity involves the construction of a 25m Transmission Tower/ Mast; 3x Antennae's and 3x microwave dishes attached to the mast; and a navigation light at the top of the mast. In addition, 3 equipment containers will be installed (each on a concrete plinth) at ground level. The total development footprint for the proposed project is 64 m² surrounded by a 2.4 m palisade fence. We hereby formally provide the following objections to the aforementioned application and activity:

1. Due to the nature of the proposal the main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbours, area inhabitants, the local tourism operators and the Birkenhead Peninsula as a whole. As such the Visual Impact Assessment (VIA) was scrutinised as follow:
 - First of all, there is a discrepancy to the number of antennae proposed between the planning motivation and the VIA. The VIA states 9 antennae opposed to 3 in the application. This immediately raise the issue that once a tower is erected it is difficult to control the number of attachments to such a tower and the lengthening of a tower in future or even the addition of

cell: 082 7408046 | tel: (028) 312 1734 | fax: 086 508 3249 | jt@phsconsulting.co.za | Po box 1752 | Hermanus 7200
PAUL SLABBERT | Managing Member | B Art Et Sci; (EAPASA & APHP)
Fynbosland 323 CC t/a PHS Consulting Reg 2005/081216/23

26 OCT 2020

- extra towers on the specific erf. Especially if the restrictive Title Deed conditions have been removed.
- Secondly the VIA's analysis starts by misinterpreting the Guidelines for Involving Visual and Aesthetic Specialists in the EIA Processes. When determining the Category of a development type it needs to be considered in the context of the site location and context and the proposal needs to be compared with the scale of other developments in the area. The site is located on the Birkenhead Peninsula that consist of small-scale low infrastructure due to various restrictions, previous assessments and guidelines. As a result, the area has a distinct rural feel.
- Wrt Table 5 in the VIA, a 25 m TT can therefore not be regarded as Category 2 - small scale infrastructure. It should be regarded as a Category 3 - low to medium scale infrastructure. Furthermore, wrt Table 6 in the VIA, the type of environment that the TT is proposed in is regarded by myself and the objectors as an area of high scenic, cultural, historical significance opposed to the case the VIA makes that the area is of medium scenic, cultural, historical significance. Due to this misinterpretation by the VIA assessor he came up with a "Minimal visual impact expected" as per insert below (black block). This paved the way for the impact ratings and the statements made in the VIA. But as stated this is incorrect the Birkenhead Peninsula has been sited as a high scenic, cultural historical area in previous various studies in the area and considering the scale of the TT on the skyline (Category 3), we derived at a different conclusion. We are of the opinion that the proposal will have a "High visual impact expected" as per the purple block inserted on the table below.

Table 6: Expected Visual Impact of the Proposed Development.

Type of Environment	Type of Development				
	Category 1	Category 2	Category 3	Category 4	Category 5
Protected/wild areas of international or regional significance.	Moderate visual impact expected	High visual impact expected	High visual impact expected	Very high visual impact expected	Very high visual impact expected
Areas or routes of high scenic, cultural, historical significance.	Minimal visual impact expected.	Moderate visual impact expected	High visual impact expected	High visual impact expected	Very high visual impact expected
Areas or routes of	Little or no	Minimal visual	Moderate	High visual	High visual

7



Visual Impact Assessment: Birkenhead

November 2019

medium scenic, cultural or historical significance.	visual impact expected	Impact expected.	visual impact expected	Impact expected	Impact expected
Areas or routes of low scenic, cultural or historical significance/disturbed.	Little or no visual impact expected	Little or no visual impact expected	Minimal visual impact expected.	Moderate visual impact expected	High visual impact expected
Disturbed or degraded sites/run-down urban areas/wasteland.	Little or no visual impact expected	Little or no visual impact expected	Little or no visual impact expected	Minimal visual impact expected.	Moderate visual impact expected

- The above misinterpretation of the VIA practitioner set-up the basis for a flawed VIA and a poor informant to the planning motivation creating the impression that the visual impact should be low. The VIA under point 4 describes the affected environment, but the one major component that is affected is the scenic, cultural and historical landscape. This aspect is clearly not assessed even though it is regarded as a very important component in order to rate the impacts as per above point. An attempt is made under point 7 in the VIA to describe the sense of place of the development area but the writer failed to describe the context accurately.

The first two paragraphs are a description of what sense of place means, thereafter Gansbaai's history is depicted in short and a description of where the name for the area comes from. No attempt was made to describe the scenic, cultural and historical values of the site in the context of the Birkenhead Peninsula. The Birkenhead Peninsula is a unique landform, steeped with history and scenic beauty, without depicting this it is impossible to know how to gage the impact of the TT on the scenic, cultural and historical landscape. Again, it's a clear indication that the VIA is flawed.

- The VIA accessor depicts in the impact rating table as expected that the cumulative impact after mitigation is low, it is difficult to comprehend that a TT of 25m in close proximity to an ECO Estate, tourism operations, within a significant cultural landscape, located on the skyline can have a low cumulative impact if the guidelines in the table above clearly suggest a high impact to be expected.
 - The topography is fairly flat with a gradual slope (opposed the dramatic unrealistic graphs in fig. 8,9&10 of the VIA) and is mostly covered with low growing shrubs. There are no tall clumps of trees or even tall buildings and therefore the construction of a 25m TT along with its associated infrastructure will permanently alter the skyline. The current rural, natural undulating skyline will be altered and given a more urban/industrial feel opposed to the rural vision for the area.
 - According to the VIA, the highest visual impact will be experienced by the *Fynbos Estate* aka *Romansbaai Beach & Fynbos Estate* as well as the Danger Point Lighthouse. Once again, the ethos of the Romansbaai Beach & Fynbos Estate with regards to the selection of its location is the natural beauty of the surrounds. Furthermore, the "*Overberg's most enigmatic tourist attraction - the Danger Point Lighthouse*" is located in close vicinity to the Estate and according to the VIA, the TT will have a High Visual Impact on tourists who have climbed to the top of the lighthouse. It therefore can be argued that the tourist experience within the area (in close proximity to the site) and their perception of the area would therefore be permanently altered, both visiting the Estate and the Lighthouse.
 - As per above point the VIA does acknowledge in the text the high visual impacts but in the ratings and conclusions its not echoed.
 - It is also not clear why the VIA states the when the Fynbos Estate start to develop the visual impact will decrease to observers situated in the north eastern portions of the estate. This statement is unfounded and the reason for the assumption is not clear.
 - We are of the opinion that the VIA needs to be reviewed to consider the aspects raised in this objection in order to provide a better reflection of the situation on the ground.
2. The proposed Transmission Tower (TT) would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. When property is purchased it is common practice to do due diligence on your neighbouring properties and the restrictive conditions to Erf 47 along with any other properties within the area could have been considered when making those decisions. Restrictive conditions are there for a reason and changing will set a precedent in a rural area.
 3. Regarding Section 47 of SPLUMA: It cannot be argued that the restrictive condition being proposed for removal on the property deprives "*the property owner from exercising his/her/its rights*" as the restrictive condition has always been in place. The property owner would have purchase the land knowing full well what the Title Deed restrictions entail. Furthermore, if it was not for *Atlas Towers* approaching the landowner regarding the purchasing/ renting of a portion of their property they would not have initiated a planning application etc. The application is solely for the purposes of *Atlas Towers* and extending their coverage and revenue stream within the area with the minor potential benefit of making life slightly more convenient for some home owners within the area.

4. The property adjacent to Erf 47 is widely known as a popular tourism destination (*Afrikanos*) with regards to its restaurant, curio shop and crocodile park tourist facilities. On *Afrikanos's* website it states that "*Afrikanos is situated within the beautiful lush Birkenhead area just outside the world famous Gansbaai, enriched with natural greenery, fynbos, ocean and history!*" The VIA states that properties within a 1km radius will have a High Visibility rating. The impact of the mast therefore solely for *Afrikanos* would be high in terms of their property value but more importantly the experience of their clients/ guests as they would now have a 25m TT in their backyard. Deteriorating the visitors experience and that of the Birkenhead Peninsula in general will have a direct influence on property values in the area.
5. The relevance of Section 25 of the Constitution of South Africa quoted in the motivation is unclear and considered irrelevant in this instance. Are the Applicants threatening expropriation? Erecting a mast is not considered sufficient justification for expropriation in terms of the two categories given, namely: 1) public purpose or 2) public interest. *Public Interest* here is defined as: "*the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources*". Furthermore, in terms of public purpose, the mast is to be erected for the sole purpose and interest of the Applicant and landowner to further increase their revenue stream. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "*public interest*". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
6. In terms of Section 39 (5) of LUPA, 2015: Point d refers to the social benefit of the restrictive condition remaining in place. The Applicants response is that: "*Restrictive conditions were often inserted into title deeds in order to protect the amenity, unique character and sense of place experienced in an area.*" Agreed. However, the Applicant continues to state that "*It is not considered that the restrictive in its current form adds any value to the above mentioned*". We disagree. The restrictive condition prevents eyesores like TT being erected within a rural setting of natural beauty, particularly without due diligence. Once again, it has to be argued that property values within the high visual impact zone of the TT could deteriorate as the tower brings an industrial/urban element into the landscape. Furthermore, point e refers to the social benefit of co-location. What are the guarantees of co-location if approval is granted? In fact, as noted in the application, a mast exists approximately 1000m away from the proposed site and the only reason for its "*lack of sufficiency*" is the "*failure to provide for the necessary coverage necessity due to distance away from proposed mast*". This is not sufficient reasoning, co-location on existing masts should be considered a priority to prevent visual clutter. Alternatives such as raising the height of the existing TT to gain more coverage should be considered or alternative locations all together or the use of smaller towers at strategic locations. Property Alternatives 1 & 2 cannot be considered sufficient alternatives as, considering the scale and impact zone of the activity, these properties are basically identical in terms of location.
7. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "*excellent communication services*" are not being provided by other service providers? 7b goes on to state that "*more people will have access to emergency services*" however this implies that the area largely has no cell/ internet reception. Is this the case as it seems unlikely? What percentage of the coverage area currently has no form of access to cell/internet reception, if any? No study has been provided to unpack the real need for this TT.
8. Furthermore, with regard to the *Environmental Facet* (Section C1) referred to in the application, the proposed location of the mast is not necessarily the "*sensible placement*" of a TT and co-location at the existing mast 1000m away could significantly reduce the negative impact from a visual, sense of place perspective as well as limiting impacts on property values.
9. Section D: Need & Desirability states that "*there are no negative impacts on the surrounding land uses and environment*" which is misleading and unfounded. Negative impacts such as the visual impact and the impact on the sense of place within the area are considered High. Furthermore, impacts on

property values can be considered a viable consequence of erecting a TT which is considered an eyesore by most. There is therefore very little real evidence/ information regarding the need and desirability for the mast. It appears that existing infrastructure already supports all services. Which service provider (s) requires the TT? The current signal strength for each service provider is not adequately demonstrated. This illustrates the need for a detailed study as pointed out above.

10. According to Section B.3 "*an application was lodged with DEA&DP (refer to Annexure H) to determine if environmental authorisation will be required*". According to the aforementioned the Applicant is still awaiting a response from the Department. Firstly, it must be noted that the correct Annexure is Annexure F not H. Secondly, the Annexure actually includes a letter from DEA&DP, dated 8.10.2019, stating that the proposed mast DOES NOT trigger the NEMA. It seems that this is based on the fact that the proposed site is based inside an Urban Area. 'Urban Area' in terms of the NEMA EIA Regulations definition applies if the site is situated within "the edge of a built-up area". The area is not built up and still regarded as rural, as such we need to be provided with the "Listed Not Listed Application" that was lodged by the applicant to DEA&DP in order to gage if the information presented in the submission was indeed presented accurately for DEA&DP to have reached the conclusion.

Based on the above we hereby formally object to the proposed location of the Transmission Tower on Erf 47, Birkenhead, Gansbaai. We reserve our rights to provide further comment on the application after receipt of a reviewed VIA, a Technical Need & Desirability Study and the "Listed Not Listed Application" that was lodged by the applicant to DEA&DP.

Should you have any queries, please do not hesitate to contact us.

Kind Regards,



PAUL SLABBERT



ERF 402

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP. A. Theart
(S. J. d. W. N. e.)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 402 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

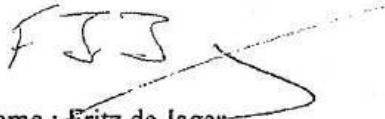
FILE NO:	Of 47
	Birkenhead
SCAN NO:	04
COLLABORATOR NO:	1472004

25 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Name : Fritz de Jager



ERF 66

Municipal Notice No. 22/2020

Overstrand Municipality
 P.O. Box 20
 HERMANUS
 7200

TP- D. Aheat
 (S. ud Mene)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 66 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

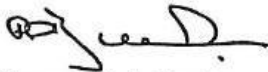
FILE NO:	af 47
	Birkenhead
SCAN NO:	02
COLLABORATOR NO:	1471999

26 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Name : Rob Becker
On behalf of Becker Family Trust

ERF 382

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200



TP. A. Heath
(S. J. D. N. B. N. C.)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 382 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	AF 47
	Birkenhead
SCAN NO:	03
COLLABORATOR NO:	1472001

26 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Name : Wim Vermeulen

On behalf of Advocatenkantoor Wim Vermeulen BV



ERF 65



TP- D. Aheart
(S. Ud w Bone)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 65 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	AT 47
	Birkenhead
SCAN NO:	01
COLLABORATOR NO:	1471988

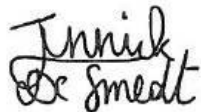
26 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Name : Annick De Smedt
On behalf of ERF65

A handwritten signature in black ink that reads "Annick De Smedt". The signature is written in a cursive style with a horizontal line underlining the first name.

TP. N. /heard
(S. J. N. /heard)



A Conradie

From: Werner Jeppe (Cape Town) <werner.j@ixengineers.co.za>
Sent: 23 October 2020 11:53 AM
To: A Conradie
Cc: Abrie Beeslaar; Shaun Vorster; Johan Kruger (MEA); Nadia Jeppe
Subject: ERF 47,36 VAN BLOEMENSTEIN STR, BIRKENHEAD:APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE:WARREN PETTERSON PLANNING-COMMENTS

Good day,

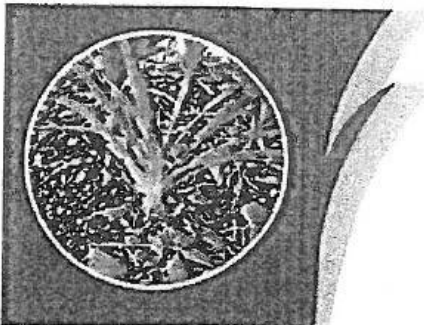
As owners of erf 22, Birkenhead, we submit our comments below:

1. We do not object to the rezoning.
2. We do object to the visual impact the tower will cause.
3. The "Tree tower" will be most acceptable solution, but is still undesirable

FILE NO:	DF 47
	Birkenhead
SCAN NO:	06
COLLABORATOR NO:	1472007

Regards,

Werner Jeppe
 Mobile: +27 (0)82 578 0057



Market Sectors



Digital



Water & sanitation



Transport



Smart cities



Energy



Mining

Creating the future of the

Water, Energy, Transport, Digital and Planning

Instagram | Twitter | Facebook | LinkedIn

ERF 357



TP - N. Shcaal
(S. ud n. Meinc)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 357 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

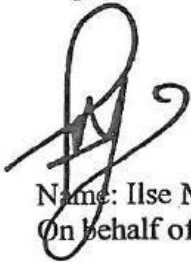
FILE NO:	51 47 ✓
	Romansbaai
SCAN NO:	ILSE
COLLABORATOR NO:	1471826

25 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Name: Ilse Mans-Witberg
On behalf of VERNON MANS FAMILY TRUST



ERF KF442

TP. N. hood
(S. ud Nend)

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf KF442 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	EF 47 ✓
	Birkenhead
SCAN NO:	Betha
COLLABORATOR NO:	1472467

022 700 27

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards



Name : Jacobus Botha



ERF 94

Municipal Notice No. 22/2020

Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP. N. Aheart
(S. Ud w Name)

ATT: Municipal Manager per e-mail aconradie@overstrand.gov.za

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER.

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (*Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower*) refers.

Hereby the undersigned owner of erf 94 Birkenhead in the Romansbaai Beach & Fynbos Estate formally object to the aforementioned application and activity:

1. The main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbouring Romansbaai Beach & Fynbos Estate. The Visual Impact Assessment (VIA) was referred to but not provided as part of the information package. A high visual impact is expected for this rural area because as this proposed tower will be a blight on the landscape as is evident by the existing tower which is some 900 meters away
2. The proposed Transmission Tower would have a negative impact on neighbouring property owners who purchased their properties based on the rural, natural scenic beauty of the surrounding area. It will not only influence the sense of place and the property values but it will be change the skyline forever.
3. The Romansbaai Beach and Fynbos Estate HOA, amongst others, are against the proposed activity and therefore it cannot be considered in the "public interest". Furthermore, the Romansbaai Beach and Fynbos Estate has fast fibre connectivity which questions the need for additional TTs in the area.
4. An existing TT is located in close proximity to this Estate and the feasibility of a new tower in close location of the existing TT is questioned.
5. The proposed tower is approximately 25 m lower in altitude than the existing tower. The proposed tower will not be able to see West as the topography doesn't allow for it. The statement that the tower will improve communications is therefore factually incorrect.

FILE NO:	CF 47 ✓
	Birkenhead
SCAN NO:	Joanne
COLLABORATOR NO:	1472482

28 OCT 2020

6. Section C1 (7a) refers to the aim of the proposal being to "*provide excellent communication service to the inhabitants of an area.*" It is questioned whether "excellent communication services" are not being provided by other service providers? 7b goes on to state that "more people will have access to emergency services" however this implies that the area largely has no cell/ internet reception. No study has been provided to unpack the real need for this TT.

Based on the that there is an existing tower in a better area under 1000m away, a High Visual Impact expected, the lack of a Technical Need & Disability report for this tower in a rural area, the negative impact on property values and neighbouring tourism operations I the undersigned oppose the proposal and recommend that it should be rejected.

Regards

Crispijn van den Brand and Joanne Verweij

TP2#5.1head
(S. van Noy)



FILE NO:	ST 47
	Birkenhead ✓
SCAN NO:	GBH 47
COLLABORATOR NO:	1473998

BIRKENHEAD

Conservancy
Bewarea

BIRKENHEAD CONSERVANCY COMMENTS ON THE PROPOSED

Erf 47,36 Van Bloemenstein Street, Birkenhead Application for the Removal of Restrictive Conditions, Consent Use and Departure.

25 October 2020

Version 1.0

The Birkenhead Conservancy (BC) has taken note of the below mentioned application and would like the following to be considered.

Many of the BC Members have been living in the Birkenhead area for many years and have not experienced the need for better communication as the current 3G / LTE or 4G appear to be suffice for all business and or social communication.

It is a well known fact that masts are often shared between Network providers and as there is already a 75-100m Lattice Tower less than 1km away from the newly proposed 25m Lattice Tower site, one wonders why this new tower is required.

We also know that in Figure 1 & 2 on the proposal provided by WPP, dated the 25th September 2020, displays the names of two Cell Network providers namely Cell-C and Rain. The latter entity, is advertising to increase their fifth generation (5G) cell phone footprint in the Overberg. With this technology comes the requirement to have far more base stations and masts due to the shorter distances this medium can support.

In terms of this, we are also acutely aware that this 25m Lattice Mast will soon have 5G Microwave Cell Phone Sender and Receiver Antenna's placed on it.



TP

2 MAY 2020

BIRKENHEAD CONSERVANCY (BC)

Many scientists understand that the electromagnetic radiation leaking through the doors of our microwave ovens are carcinogenic, and therefore, can cause cancer. Most of these scientists also believe that these waves are mutagenic, meaning they change the DNA structure of living beings.

For the past ten years, 5G technology has been in development. Originally planned as a layer atop 3G and 4G, 5G is fast becoming a world of its own.

Every cell tower in our neighbourhood emits radio frequency (RF) radiation and studies have proven that radiation causes cancer. By 2021, every city will have 5G towers and cell stations.

The wireless industry is not just building an infrastructure that provides faster downloads; it's building a global microwave oven.

5G towers and mini-stations are extremely dangerous. Not only are the shorter millimetre waves more hazardous to human beings, because of the intensity of the technology, but it will also require millions of more mini cell towers than before, potentially one tower per 2 to 8 houses.

This means a human being's RF radiation exposure will not only increase, but it will also exponentially increase within months. These towers are a health hazard and thousands of studies have indicated an increase in the prevalence of people living nearby getting cancer.

While there is a lot of chatter against the anti-5G community, there are also a lot of compelling discussions between scientists who are waging war against the untested technology.

In general, radiation does one major thing to human beings and animals – it destroys our DNA, either by forcing the DNA to mutate or by killing specific groups of cells, all of which lead to cancer.

5G is a new technology that offers an infinite data broadcast capability and has an unrestricted calling. The technology uses an untapped bandwidth and is known as MMW. It is between 30 GHz and 300 GHz.

5G, like its predecessors 3G and 4G, allow us to stay connected virtually anywhere. That connectivity between us and our online ventures is constantly challenged by more and more people coming online as well as more modern, capable devices.

Human health concerns will be amplified by the 5G cellular towers. There are several studies that show EMFs (electromagnetic fields) may increase cancer risks in both animals and humans.

BIRKENHEAD CONSERVANCY (BC)

This is extremely frightening and should be of high concern to the public. The laundry list of medical issues in every single category is simply, unbelievable.

Some professionals of said it's still too early to figure out if 5G will affect or complicate things. Professor at the University of Colorado, Dr. Jerry Phillips believes they need a closer look and there is not enough studies for 5G technology to determine any health issues. Well, there have been some studies and we already know how radiation can severely impact immune system function.

Experts & Agencies input

Health officials in England say that instances of brain cancer are on the rise and potentially linked to cell phone usage.

As well, other mainstream websites aren't exactly siding with government entities or wireless companies that stand to pocket billions in revenue. Here's an excerpt from a recent Vice article over the 5G debate.

"You will not be able to walk down a sidewalk without being continuously exposed to elevated levels of EMFs," Dr. David Carpenter, Director of the University of Albany's Institute for Health and the Environment, said in an email to Vice's Motherboard. "EMFs cause cancer in both humans and animals, interfere with human reproduction and triggers a syndrome of electro hypersensitivity in some individuals, characterized by headache, fatigue and cognitive dysfunction."

5G health risks are now in this sort of state of cognitive dissonance of sorts.

Some Communities Have Banned 5G

One community near San Francisco banned the installation of new 5G cell towers citing health concerns. The unanimous vote to ban the towers came only months ago in September. The "urgent ordinance" bans 5G telecommunications equipment throughout the small city of Mill Valley, California.

The vote is a 100% result over fears of the potential health effects of 5G wireless antennas.

The city of San Rafael, California is also taking measures to similarly regulate the use of 5G cell towers in their community.

"We've experienced 2G, 3G, 4G and now, on the horizon, is a fifth generation called millimetre wave technology," Vicki Sievers, of the EMF Safety Network, said following her presentation of 5G health risks to the community. "Around the world, doctors and scientists are gravely alarmed about the biological and physiological effects of that technology."

BIRKENHEAD CONSERVANCY (BC)

Potential Health Risks associated with Cell Phone Masts:

- Different Cancers
- Reproductive Problems; Infertility
- Suppressed Immune System Function
- Neurological Problems
- Headaches/Migraines
- Effects on Eyes, Heart, Lungs, Head – Essentially your entire body is affected
- Single & Double DNA Strand Breaks
- Oxidative Damage
- Stress of Proteins
- Disruption to Brain for Glucose Metabolism
- Reduces Melatonin in the Brain
- Brain Barrier Permeability (Could result in brain bleeds; Stroke)
- Cell Metabolism Disruption

Our Environment In Crisis while associated with Cell Phone Masts:

- Affected Cell Growth Rates
- Makes Things Bacteria Resistant
- Plant Health Decline
- Effects on Atmospheric
- Depletion of Fossil Fuels
- Ozone Layer Effects
- Disruption of Ecosystem

Bacterial Resistance If Exposed To 5G

The same study 5G E. Coli study was also done on antibiotics. The study showed that antibiotics were also affected.

If we believe the results of the study, then we have to accept the potential for antibiotic resistance to be worsened by 5G transmissions.

Plant Health Declines

Plants and even rain can absorb radiation. Animals and humans consume both plants and animals

Our food supply could become similar to GMO food but also peppered with steroids, not a healthy thing by any means.

In 2010 study seedlings of plants were exposed to radio frequencies. Due to this exposure, they had necrosis symptoms (a cellular death; loss of blood supply feeding bones and organs).

**BIRKENHEAD CONSERVANCY
(BC)**

5G Ecosystem Damage

Damage to our ecosystem has been happening for quite some time. 5G towers could make more problems for our ecosystem. In 2000, it became more apparent to researchers. The birds began showing more illnesses and leaving their nests. Birds are already affected by low level radiation waves.

Also, bees have been vanishing as a result of these rays. The radiation causes reproduction problems in the bee egg laying process, which results in colony strength to diminish. Birds and bees are critical to survival of plant life and our existence.

Why 5G Cell Towers Are More Dangerous

These 5G cell towers are even more dangerous than 3G and 4G because of the shorter length of the MMV waves. They do not travel through buildings and they will be virtually everywhere to make sure the bandwidth is reliable for everyone.

They will be next to your home, local coffee shop, light poles, and in front every business. When there are more 5G towers, there is more radiation when wattage is increased. There will be more devastation on our livelihood.

Based on the above points we the Birkenhead Conservancy would be against the approval of this proposal to remove restrictive conditions, consent use and departure.



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The Municipal Manager
Overstrand Municipality
Town planning Department
16 Patterson Street
Hermanus
7200



TP. N. Theard
(S. up N. lane)

11 December 2020

APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND PERMANENT DEPARTURE TO PERMIT A TRANSMISSION TOWER: ERF 47, BIRKENHEAD

The letter received dated 11 November 2020 refers.

There were 32 unclaimed letters that was returned back to the sender (WPP). 24 comments were received regarding the above application. Two of these comments are in support of the proposed transmission tower, one on the condition that a tree mast be used. Please also note that this application was advertised previously to fewer people and only 2 comments were received, of which both were in support of this application. One of these 2 comments did however support the proposal on the condition that the design must be amended to a tree mast.

This application is for the installation of a transmission tower that will provide coverage to Birkenhead.

Antennas:

In the application it is stated that there will be 3 times 3 sector antennas, which means that there will be 9 antennas. There is one antenna per sector.

Height and scale:

Considering that Birkenhead covers a large area, a higher tower (preferably 25m) is required in order to provide coverage to the majority of Birkenhead. If the tower is lowered to 15m for example, then more towers will be required to provide the same level of coverage in Birkenhead. Please refer to the visual impact section below as well regarding the height. It should also be noted that there is an existing lattice mast in Romansbaai Beach and Fynbos Estate that is at least 30m in height, if not higher. Although this is more than 1km away, we are of the opinion that one or two towers of at least a 25m height will have less of a visual impact than 4, 5 or even more 15m towers scattered throughout this area in order to create the same level of coverage.

Visual Impact:

In accordance with the visual impact assessment that was conducted a lattice mast will have the least visual impact considering the rural context of the surrounding environment. The lattice design is see-through and therefore does not create a visual barrier. One of the previous comments, as well as one of the new comments

Warren Petterson Trading CC, Registration Number 2010/010982/23, Member W L Petterson Pr.Pln A/189/2010
Unit H, 3rd floor, The Matrix Building, Bridge Way, Century City, 7441

09 APR 2021

13 APR 2021

FILE NO:	OF 17
	Birkenhead ✓
SCAN NO:	GBH 47
COLLABORATOR NO:	1526792



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received from the public did however indicate that they will support a tree mast at this location. Atlas Tower is therefore willing to revise the design to a tree mast should this be deemed a better design in the context of the current environment by the Overstrand Municipality. Should a lattice structure still be deemed more suitable, the mast can be painted light grey, light blue or even green in order to blend in better with the surrounding environment and backdrop. In addition the mast can also be lowered to 20m in order to further reduce the visual impact of the proposed mast. Reducing the mast height to lower than 20m would result in the mast not reaching all the areas further south, considering the downwards slope.

Property Values:

The concern was raised that the proposed cellular base station will negatively affect the values of the properties in the immediate vicinity as a result of public opinions on the effect of cellular base stations on health and visual aesthetics. 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. The direct negative affect that a cellular base station may have on the values of properties in the immediate vicinity is speculative and can only be determined by a professional property valuator.

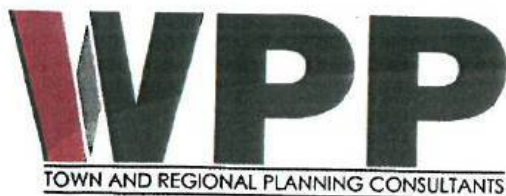
We believe that this mast will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. Efficient internet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

Removal of title deed conditions:

The main reason to remove the conditions is to accommodate the transmission tower, which should be considered essential infrastructure in modern society. If we look at pandemics such as Covid-19, it is clear how important mobile phones are in our daily lives in order to stay connected and up to date with what is going on in the world. Even though the property owner would've known of the restrictive conditions, town planning is not just straight forward and according to what we see in black and white. It has to be taken into consideration what the need is for what is proposed in relation to the demand for the service being provided. It should also be noted that Atlas Tower already has interest from Telkom Mobile, so this is not purely a speculative location for a tower, a need already exists. Lastly, in terms of the Overstrand Integrated Zoning Scheme, a transmission tower is a consent use application on the property, so the condition is depriving the property owner from exercising some rights (primary and consent uses) in accordance with the Overstrand Integrated Zoning Scheme.

Co-location:

Co-location on the existing mast is not considered a feasible solution considering that it is located approximately 1km from the proposed location. Newer technologies such as LTE has a much smaller coverage radius than 2G and 3G for example. Distance plays a major role in cellular coverage and transmission towers can be seen as close as 400m to 500m apart in denser areas, considering the large number of cellular users. The proposed



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transmission tower will provide coverage towards the south of Birkenhead as well, which the existing mast in Romansbaai cannot reach.

Fibre:

The use of fibre is to optimise connectivity and to link all of the telecommunication base stations in order to create a network. Fibre does not emit any signals and can therefore not improve cellular coverage in any given area. Only antennas that are attached to masts (or rooftops where possible) can provide cellular coverage. Fibre is therefore not a viable solution to poor cellular coverage. If you walk out of your residence or business you will lose your connection to fibre and connect to the nearest transmission tower.

Need and desirability:

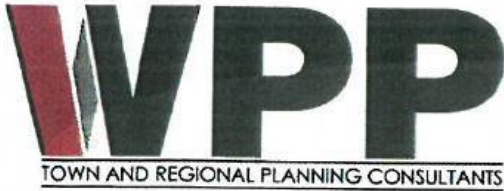
It should be noted that technology is moving forward and that cell masts are required at much more frequent intervals in order to provide a quality service to all mobile users. Newer technologies such as LTE for example only provide a fixed coverage for a radius of approximately 500m – 800m and even less in densely developed areas. It should be noted that the closest existing mast is located approximately 1km to the north. This should clearly indicate that this is too far away in order to provide quality service in terms of newer technologies such as LTE. The target coverage area of the existing mast is completely different to that of the proposed mast. The proposed mast will provide coverage to the southern parts of Birkenhead as well, of which the existing mast is too far away to reach.

It should also be noted that Atlas Tower already has interest from Telkom Mobile to utilize the proposed mast. The other service providers will follow in due course.

Health:

Most households have several mobile devices, all of which are used regularly and all of whom demand excellent services. Current research on telecommunications base stations has reached a point whereby scientists are satisfied that the base stations do not pose a health threat.

ICNIRP (International Commission on Non-Ionizing Radiation Protection), an independent scientific organization established in 1992 published guidelines providing a means of limiting and guiding human exposure to electromagnetic fields. These guidelines have become the world standard for human exposure to electromagnetic fields. ICNIRP considers both the thermal and non-thermal effects of RF exposures as well as all other identified hazards of RF exposure. Cellular equipment needs to comply with all the regulations of ICNIRP as well as the WHO and also National Legislation governing the use of this equipment and the emissions of radio waves.



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The health problems such as headaches, memory loss, low sperm count, cancer etc. identified by internet sources and stated by some of the objectors are pure speculation, as these same health problems are experienced in any other areas as well where such infrastructure is not present.

It should be noted that the lowest antennas are situated at a height of 9m, which is higher than all of the existing buildings in the surrounding area. The tilt of the antennas vary between 0 and 3 degrees on average, which will ensure that there will be no buildings at the same height or in line with the antennas.

We did a study at an existing site on 19 August 2019 to determine if RF emissions reach the areas 2 or 3 meters lower than the antennas. Please refer to Figure 1 showing that the results of this survey. The photo on the left was taken right in front of the antenna. At this point the RF Field Sense measure/monitor shows 5 red dots (please see Figure 2). The photo on the right was taken approximately 15m from the base station, at a height of approximately 2 to 3 meters below the lowest antennas. At this point no RF emissions are even picked up on the monitor.

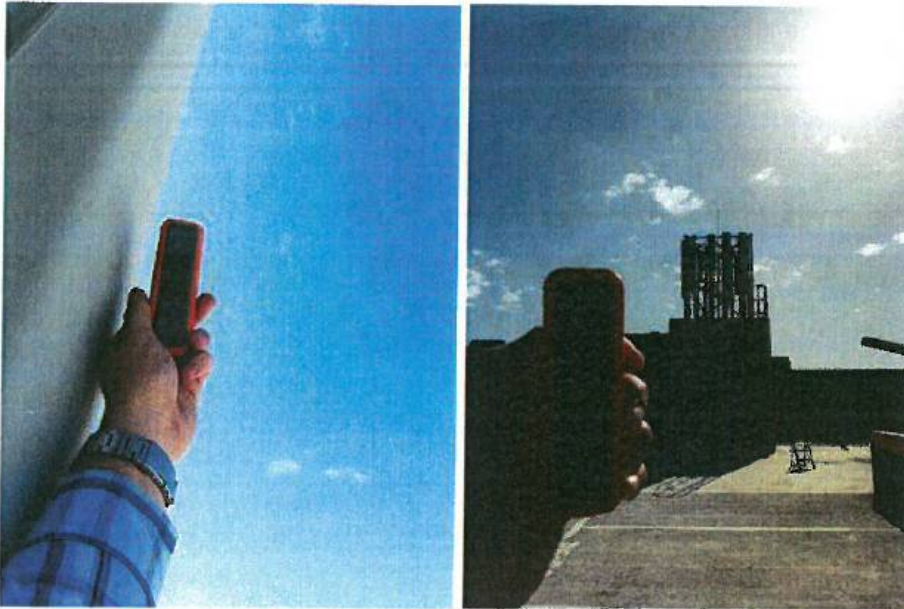


Figure 1 - Survey of RF emission strength

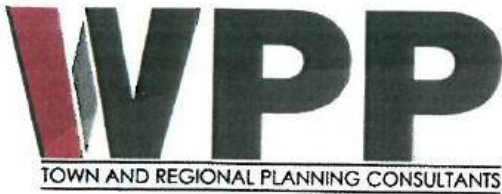
LED	Percentage of ICNIRP Occupational Exposure Limit ²	Audio Alarm Rate (MONITOR mode)
7	260%	4 Hz
6	160%	2 Hz
5	100%	1 Hz
4	63%	1 Hz
3	40%	-
2	16%	-
1	5%	-

Figure 2 - RF Field Sense Measure/Monitor Indicator levels

Tests can be done by an independent company, called EMSS, in order to monitor the RF emissions.

In a statement made by the Department of Health dated 8 September 2020 on the Health Effects of base stations states the following:

“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.”



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Conclusion:

In conclusion, we would like to emphasise the positive contribution this base station have on the surrounding community:

- In today's fast moving society, mobile communication has become essential for the successful operation of numerous businesses and something people cannot live without.
- A vast majority of the households depend on the services of the cellular telecommunications providers, including internet and social networking media (Google Maps, Email, 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.
- Mobile communication has become an important safety and security element in modern society. In an emergency, such as a 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 provides is inadequate, will result in difficulty to contact emergency services.

Finally, I 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.

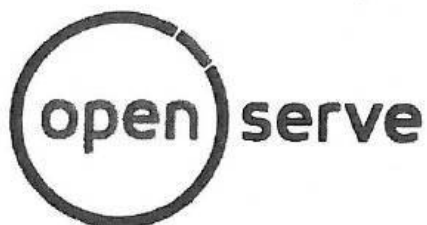
Please continue to consider this application in a favourable manner.

Yours faithfully

A handwritten signature in black ink, appearing to be 'D. Loots', written over a white background.

D. Loots

Warren Petterson Planning



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Wayleave Office Western Region

Tel: 021 414 5707

Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP_WGNB0882_20

Your Ref.: 3504/2019 (47 GBH)

09 March 2020

Attention: Loriaan Isaacs

Overstrand Municipality
Hermanus

**APPLICATION FOR OPENSERVE WAYLEAVE: ERF 47, 36 VAN BLOEMENSTEIN STREET, BIRKENHEAD:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE: WARREN
PETTERSON PLANNING (obo WJ VERMEULEN).**

With reference to your application received 20 February 2020.

Please notify this office immediately if you locate any Openserve plant that was not indicated.
Please contact our representative **Frederik Swart** on telephone number **028 514 1199/ 081 363 7815/**
FrederikS@openserve.co.za

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for **12 MONTHS ONLY**, after which reapplication must be made if the work has not been completed.

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.

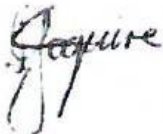
As per the drawing supplied, Openserve infrastructure **will not be affected**. However, care should still be taken should it be evident that there is in fact Openserve network present on the actual sites.

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.

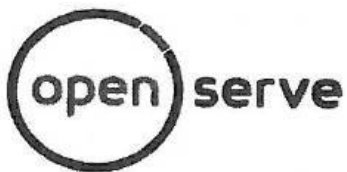
Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Openserve rights remain reserved.

Yours faithfully

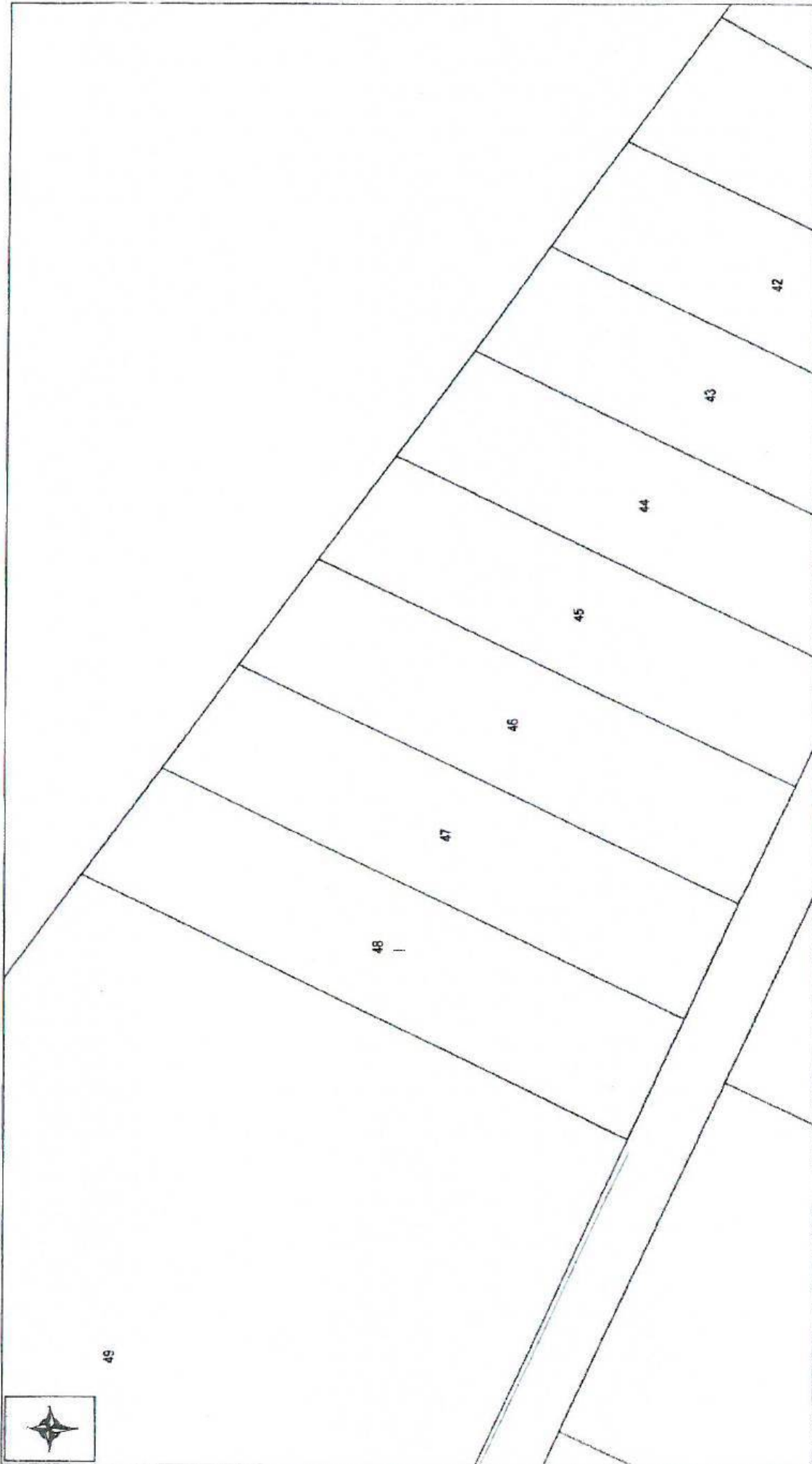


For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

**PLANT NOT AFFECTED**

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Frederik Swart <u>FrederikS@openserve.co.za</u>	081 363 7815	
<u>Reference number</u> WWIP_WGNB0882_20	<u>Marked Up</u> Wayleave Management	<u>Date</u> 10-Mar-20



TELKOM REGIONAL EXECUTIVE	
(open serve)	
Compiled by	D. Jaquire
Client	Overstrand Municipality
Client ref	3504/2019 (47 GBH)
Details	No infrastructure affected
Date	10/03/2020
OpenServe ref	WWIP_WGNB0662_20
Page Size	A4

Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Jointing Pit
	Planned Jointing Pit
	To Be Abandoned Jointing Pit
	Existing PJB
	Planned PJB
	To Be Abandoned PJB
	Existing SDC
	Planned SDC
	To Be Recovered SDC
	Existing DLC
	Planned DLC
	To Be Recovered DLC
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Min OMDP
	Planned Min OMDP
	Existing Strut and Stay
	Planned Strut and Stay
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Indoor DP
	Planned Indoor DP
	To Be Recovered Indoor DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Min OMDP
	Planned Min OMDP
	Existing Strut and Stay
	Planned Strut and Stay



**PROPOSED DEVELOPMENT OF A TELECOMMUNICATION BASE
STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 47,
BIRKENHEAD, WESTERN CAPE PROVINCE**

Visual Impact Assessment – Version 2

March 2021

Prepared for:





Prepared by:

Mr Christoff du Plessis
christoff@enviroworks.co.za

Today's Impact | Tomorrow's Legacy

QUALITY AND REVISION RECORD

1.1 QUALITY APPROVAL

	Capacity	Name	Signature	Date
Author	Visual Specialist	Christoff du Plessis		25/03/2021
Reviewer	Quality Check Officer	Elbi Bredenkamp		25/03/2021

This report has been prepared in accordance with Enviroworks Quality Management System.

1.2 REVISION RECORD

Revision Number	Objective	Change	Date
Version 1	-	-	20/11/2019
Version 2	Address comments received during the Stakeholder Engagement	The following changes have occurred: 1. Update the sense of place; 2. Stakeholder Engagement Comments Incorporation; 3. Response to Comments Received; 4. Change of Expected Impact; 5. Change in Impact Rating and the Methodology Thereof.	25/03/2021

1.3 DISCLAIMER

Even though every care is taken to ensure the accuracy of this report, environmental assessment studies are limited in scope, time and budget. Discussions are to some extent made on reasonable and informed assumptions built on bona fide information sources, as well as deductive reasoning. Since environmental impact studies deal with dynamic natural systems additional information may come to light at a later stage during the impact assessment phase. The author does not accept responsibility for conclusions made in good faith based on own databases or on the information provided. Although the author exercised due care and

diligence in rendering services and preparing documents, he accepts no liability, and the client, by receiving this document, indemnifies the author against all actions, claims, demands, losses, liabilities, costs, damages and expenses arising from or in connection with services rendered, directly or indirectly by the authors and by the use of this document. This report should therefore be viewed and acted upon with these limitations in mind."

EXECUTIVE SUMMARY

Enviroworks was appointed by Atlas Towers to compile the Visual Impact Assessment (VIA) for the proposed Birkenhead Tree Mast in order to determine the Visual Impact of the proposed telecommunication base station. This VIA Report was compiled in accordance with the Guidelines for involving a Visual and Aesthetic Specialist in the EIA process (DEA&DP, 2005). This Guideline was developed by the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) to be implemented as best practise.

PROJECT DESCRIPTION

The proposed project entails the development of a twenty five metre (25 m) Tree Mast on Erf 47, Birkenhead, Western Cape Province. Attached to the mast will be nine (9) triband antennae with three (3) transmission dishes and a Navigation Light attached to the top of the mast. At ground level three (3) concrete plinths will be constructed measuring in at three metres (3 m) wide by three meters (3 m) in length to which three (3) telecommunication equipment containers will be installed. The total development footprint for the proposed project is sixty four square metres (64 m²) surrounded by a two point four meter (2.4 m) palisade fence. Power will be obtained from Eskom.

Since the introduction of LTE in South Africa in 2012 there has been greater need for access to faster data. Higher penetration of LTE data in educational, residential, commercial and business areas has led to lower subscription fees which in itself provide economic sustainability and development. When selecting a site, special consideration is given to the geographical aspects so that the cellular infrastructure is positioned to ensure optimal functionality and availability to the customer.

Atlas Towers pride themselves in ensuring that a positive impact is created in terms of the social and economic wellbeing in the area and will endeavour to erect a base station in such a manner so that it does not detract from the aesthetics in the surrounding area.

Table 1: Building plans for the proposed Birkenhead Mast.

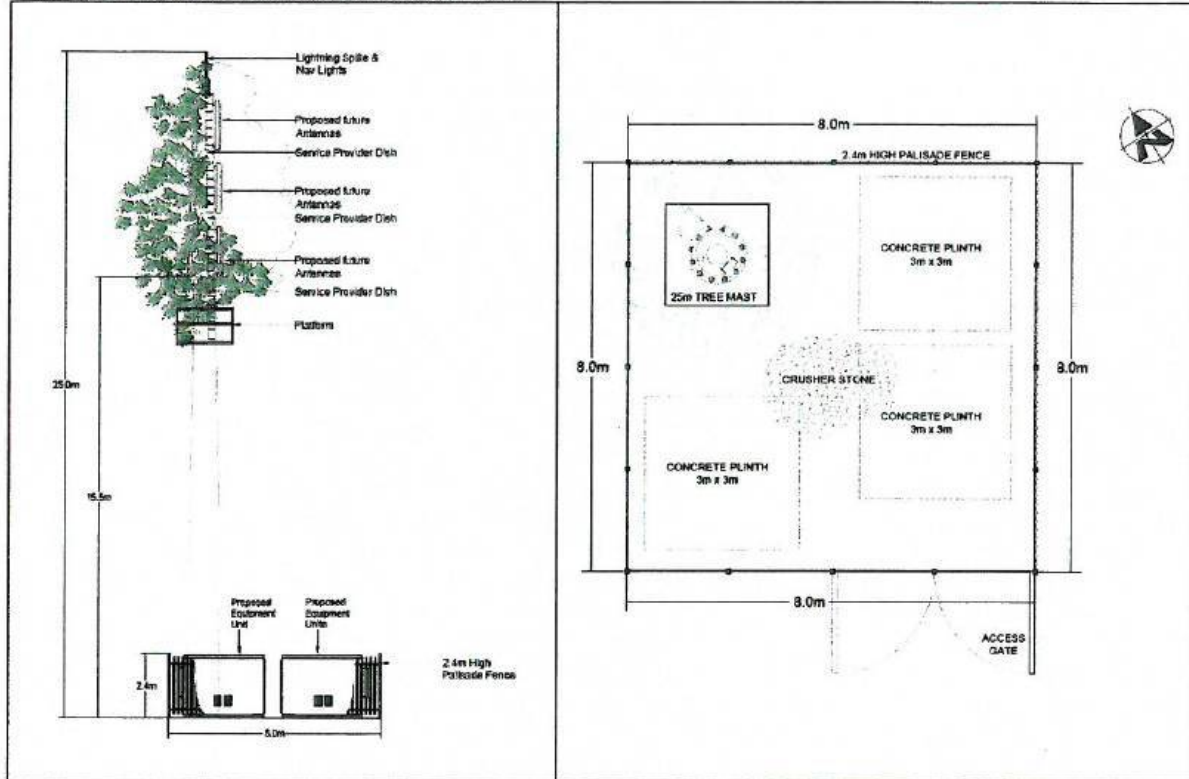
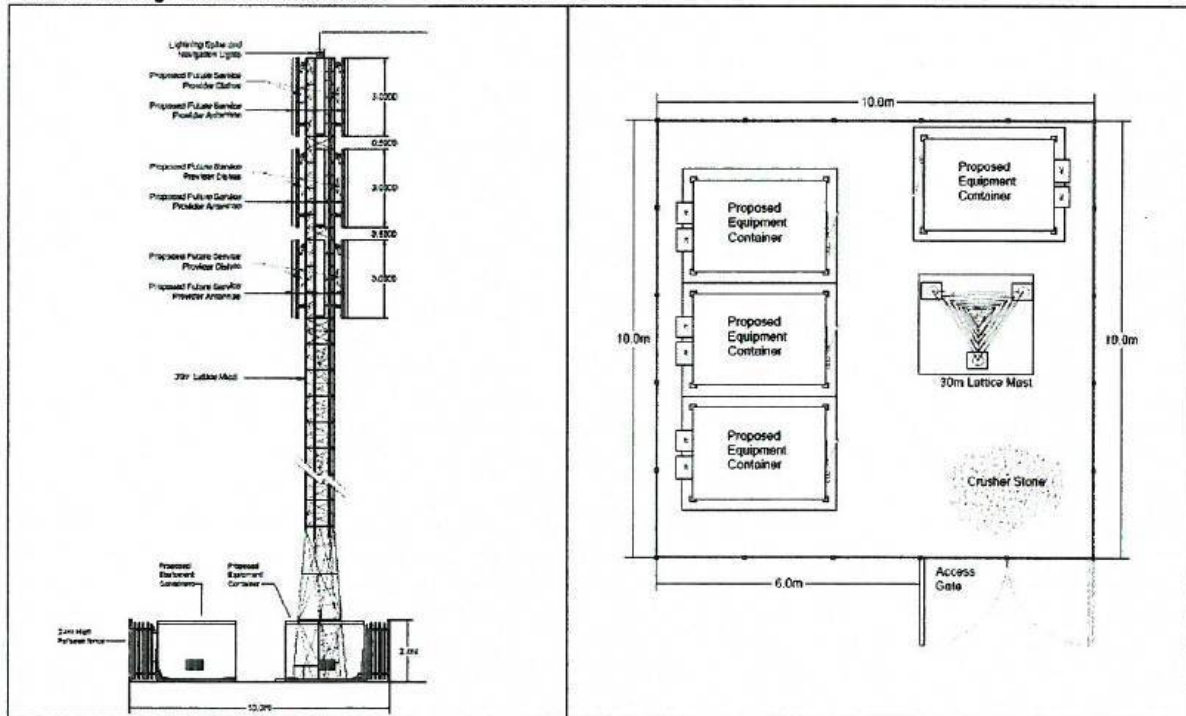


Table 2: Building Plans of the Alternative.



DESIGN ALTERNATIVES

Two design alternatives are proposed, as detailed below.

Alternative 1: Construction of a twenty five meter (25 m) Tree Mast - Preferred option

The Tree Mast is a singular tube measuring in at twenty five meters (25 m) in height, with the antennas mounted on the upper end of the tower. A Tree Mast has a slim line design like a Monopole Mast; however, the antennae will be covered with tree branches and the pole will be camouflaged to resemble a tree trunk. Due to its design it blends into the surrounding environment more effectively within the short distance zone. The mast will provide for the co-location, allowing multiple operators to use the same mast as a base station. This will reduce the demand for base stations in the same location.

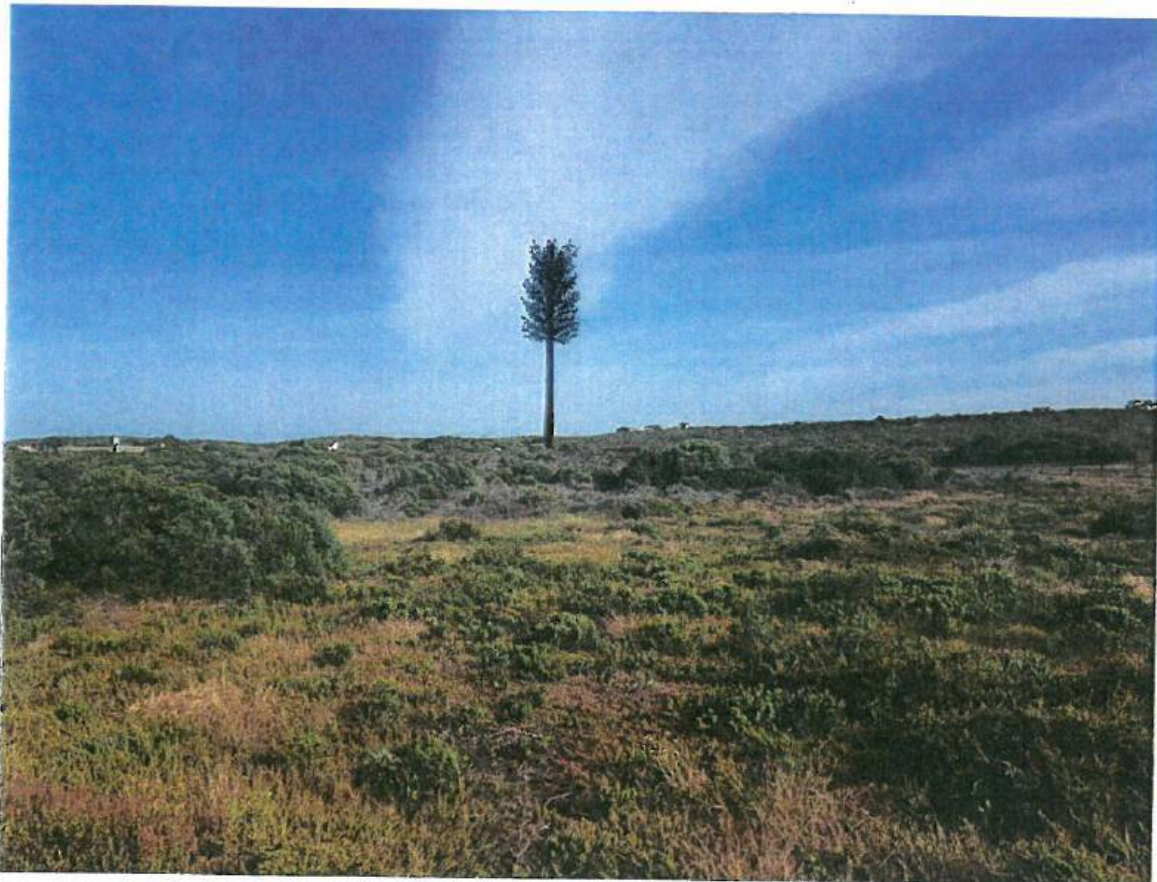


Figure 1: Visual Impression of a Tree Mast.

Alternative 2: Construction of a twenty five meter (25 m) Lattice Mast

The Lattice Mast is a free-standing twenty five meter (25 m) high triangular base station with three sides (3). Lattice Masts can be considered to resemble industrial clutter, whereas a Monopole Mast is more discreet. The principles as set out in the City of Cape Town's Draft Telecommunication Infrastructure Policy: April 2015, will be implemented. The Policy states that a general rule for new freestanding telecommunication masts, a slim line monopole should be used in an urban context, while a lattice mast should be used in a rural context. Due to the aforementioned a lattice mast will be a more suitable alternative than that of a monopole mast.



Figure 2: Visual Impression of a Lattice Mast.

CONCLUSION AND RECOMMENDATIONS

The visual impact within the short- and medium- zones will be high as there are numerous observers situated within this zone. After careful consideration it is recommended that a Lattice Mast be developed as it will allow visibility of the background which will lower the visual impact as distance between the development and the observer increases. Alternatively a monopole mast (as there is an existing monopole mast within the area contributing to the cumulative impact) can be developed within the area rather than a tree mast, as the tree mast will stand out within the area as the natural vegetation does not consist of any tall trees. The highest visual impact will occur from the Fynbos Estate situated adjacent to the proposed development; however, as the estate start to develop the visual impact will decrease to observers situated in the north eastern portions of the estate. Beyond the medium distance zone the proposed development will have a low visual impact due to the undulating topography of the study area, the dense shrubland vegetation and the limited observers within these areas.

If all mitigation measures are implemented by the Developer the visual impact will be moderate on residence residing within a five kilometer (5 km) radius as well as to commuters making use of the R43, Lord Roberts Street and Dyer Street as well as tourists visiting the surrounding tourist attractions. Taking into account the visual exposure beyond the five kilometer (5 km) radius, the visual impact will be low.

Construction Phase:

- Access roads are to be kept clean;
- Site offices and structures should be limited to one location and carefully situated to reduce visual intrusions. Roofs should be grey and non-reflective;
- Construction camps as well as development areas should be screened with netting;
- Lights within the construction camp should face directly down (angle of 90°);
- Vegetation clearance should be limited to the development footprint only;
- Litter should be strictly controlled, as the spread thereof through wind could have a very negative visual impact;
- Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare; and,
- Mitigation of visual impacts associated with the construction phase would entail proper planning, management and rehabilitation of the construction site. Mitigation measures include the following:
 - Reduce the time of construction through careful planning of logistics and ensure the productive implementation of resources;
 - Limit disturbance of the environment to the development footprint; and,
 - Limit construction activities to business hours (07:00 – 17:00).

Operation Phase:

- Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare;
- Mitigation to minimise lighting impacts include the following:
 - Shielding the sources of light by physical barriers (walls, vegetation or structures itself);
 - Limit mounting heights of lighting fixtures, or alternatively using foot-lights or bollard level lights);
 - Make use of downward directional lighting fixtures;
 - Make use of minimum lumen or wattage in lights;
 - The navigation light at the top of the mast must be shielded to prevent disturbance to adjacent landowners; and,
 - Only switch lights on when necessary for example when repairs are taking place at night;
- It is recommended that a Lattice Mast or Monopole Mast be developed, as a Tree Mast will draw too much attention due to the low height of the surrounding vegetation;
- Equipment containers and the surrounding fence must be painted green in order to blend in with the surrounding vegetation;
- Rehabilitation and Post-closure measures:
 - All above-ground structures should be removed, safely disposed of or possibly recycled for use elsewhere; and,
- The affected area should be regarded to pre-development topographic conditions, unless the area is required for new specific uses.

DECLARATION OF THE SPECIALIST

I, Christoff du Plessis, ID 911126 5012 084, declare that I:

- am an Environmental Specialist at Enviroworks;
- act as an independent Specialist Consultant in the field of Visual Impacts;
- am assigned as Specialist Consultant by Atlas Towers for this proposed project;
- I do not have or will not have any financial interest in the undertaking of the activity other than remuneration for work as stipulated in the terms of reference;
- remuneration for services by the proponent in relation to this proposal is not linked to approval by decision-making Authorities responsible for permitting this proposal;
- the consultancy has no interest in secondary or downstream developments as a result of the Authorisation of this project;
- have not and will not engage in conflicting interests in the undertaking of the Activity;
- undertake to disclose to the Client and the Competent Authority any material, information that have or may have the potential to influence the decision of the Competent Authority required in terms of the Environmental Impact Assessment Regulations 2017; and,
- will provide the Client and Competent Authority with access to all information at my disposal, regarding this project, whether favourable or not.

Christoff du Plessis

051 436 0793



SPECIALIST CV AND DETAILS

Business name of Specialist:	Enviroworks
Specialist Name:	Christoff du Plessis
Physical address:	5 Walter Sisulu Road, Bloemfontein, Free State Province
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Christoff du Plessis**Relevant Qualifications**

Baccalaureus Scientiae (B.Sc) in Environmental Geography: University of the Free State (2014)

Work Experience

January 2015 – Present: Environmental Specialist at Enviroworks

Key Specialist Experience**Visual Impact Assessment (VIA):**

- Visual Impact Assessment for the proposed 132kV approximately 32 kilometre Havard Powerline from the Cecila- to Noorstad- Distribution Centre, Bloemfontein, Free State Province (Centlec).
- Visual Impact Assessment for the proposed Phalaborwa Wildlife Activity Hub, Kruger National Park, Limpopo Province (SANParks).
- Visual Impact Assessment for a 4.9ha Sand Mine on Portion 5 of the Farm Doornekraal No. 830, Western Cape Province (Greenmined Environmental).
- Visual Impact Assessment for the proposed development of the Klein Mooimaak Rest Camp, West Coast National Park, Western Cape Province (SANParks).
- Visual Impact Assessment for the proposed development of the R27 gate within the West Coast National Park, Western Cape Province (SANParks).
- Visual Impact Statement for the proposed development of the Buffeljagsrivier Monopole Mast, Western Cape Province (Highwave Consultants).
- Visual Impact Statement for the proposed development of the Robertson Monopole Mast, Western Cape Province (Coast to Coast Towers).
- Visual Impact Assessment for the proposed development of a 178 ha sand mine on the Farm Doornekraal No. 832, Western Cape Province (Greenmined Environmental).

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- Visual Impact Statement for the proposed development of the Roodekrans Monopole Mast, Gauteng Province (Coast to Coast Towers).
- Visual Impact Statement for the proposed development of the Bottelary Windmill Mast on Portion 25 of the Farm Klein Bottelary No. 17, Brackenfell South, Western Cape Province (Coast to Coast Towers).
- Visual Impact Assessment for the proposed development of the Metsimaholo Landfill Site on Portion 3 of the Farm Katbosch No. 93, Free State Province (Metsimaholo Local Municipality).
- Visual Impact Assessment for the proposed development of the Grabouw Monopole Mast on Portion 13 of the Farm Van Aries Kraal No. 455, Western Cape Province (Coast to Coast Towers).
- Visual Impact Assessment for the proposed development of the Muizenberg Monopole Mast on Erf 87093, Western Cape Province (Warren Petterson Planning).
- Visual Impact Assessment for the proposed development of the Simon's Town, Monopole Mast on Erf 560, Western Cape Province (Warren Petterson Planning).
- Visual Impact Assessment for the proposed development of the Maxwell Mast on Portion 7 of the Farm Jagersvlakte No. 292, Grabouw, Western Cape Province (Warren Petterson Planning).
- Visual Impact Assessment for the proposed development of the Gansbaai Mast on Erf 532, Western Cape Province (Coast to Coast Towers).
- Visual Impact Assessment for the proposed development of the Standford Mast on Erf 523, Western Cape Province (Warren Petterson Planning).
- Visual Impact Assessment for the proposed development of the Sandbaai Mast on Erf 2861 Hermanus, Western Cape Province.
- Visual Impact Assessment for the proposed development of the Genadendal Mast on Portion 4 of the Farm No. 53, Western Cape Province (Warren Petterson Planning).
- Visual Impact Assessment for the proposed development of the Groot Drakenstein Mast on Portion 8 of the Farm Delta No. 1003, Groot Drakenstein, Western Cape Province (Coast to Coast Towers).
- Visual Impact Assessment for the proposed development of the Kuils Rivier Mast on Portion 87 of the Farm Langverwacht No. 241, Kuils Rivier, Western Cape Province (Atlas Towers).
- Proposed development of a 20 m Tree Mast on Erf 679, Gouda, Western Cape Province (Atlas Towers).
- Proposed development of an IPP 400kV Power Line from Grommis to Aggeneys, Northern Cape Province (Eskom).
- Proposed development of a 30 m Lattice Mast on Erf 2819, Caledon, Western Cape Province (Atlas Towers).
- Proposed development of a 54 m Lattice Mast on Portion 7 of the Farm Haane Kuil No. 335, Beaufort West, Western Cape Province (Star Towers).

Wetland Delineation Studies:

- Wetlands Delineation study for the development of 13 borrow pits along National Road 8, Ladybrand, Free State Province (SANRAL).

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- Wetland Delineation study for the development of a 12.5ha cemetery on Erf 4233, Western Cape Province (Theewaterskloof Local Municipality).
- Wetland Delineation study for the proposed development of an Agri-Hub near Cederville, Eastern Cape Province (Femplan).
- Wetland Delineation study for the proposed development of an Agri-Hub near Lambasi, Eastern Cape Province (Femplan).
- Wetland Delineation study for the proposed development of the Blue Hills Curro Castle, Midrand, Gauteng Province (Curro Holdings).

Stormwater Management Plans:

- Stormwater Management Plan for the Agri-World Recycling Plant, Swellendam, Western Cape Province (Agri-World Recycling Plant).
- Stormwater Management Plan for the Klaasvoogds Granite Mine, Springbok, Northern Cape Province (Greenmined Environmental).
- Stormwater Management Plan for the Moreson Poultry Project, Brandfort, Free State Province (Moreson Poultry).
- Stormwater Management Plan for the Sintier Poultry Project, Bronkhorstspuit, Gauteng Province (Sintier Poultry).
- Stormwater Management Plan for the maintenance and extending of a canal near Karatera, Western Cape Province (Eden Municipality).

ABBREVIATIONS

CBA	-	Critical Biodiversity Area
DEA	-	Department of Environmental Affairs
DEA&DP	-	Department of Environmental Affairs & Development Planning
DEM	-	Digital Elevation Model
DTM	-	Digital Terrain Model
EIA	-	Environmental Impact Assessment
ESA	-	Ecological Support Area
GIS	-	Geographical Information System
Km	-	Kilometre
M	-	Metre
MAP	-	Mean Annual Precipitation
MAT	-	Mean Annual Temperature
USGS	-	United States Geological Survey
UTM	-	Universal Transverse Mercator
VAC	-	Visual Absorption Capacity
VIA	-	Visual Impact Assessment

REQUIREMENTS OF A SPECIALIST REPORT

Appendix 6 of Government Notice Regulation 326 of 7 April 2017 outlines the basic requirements of a Specialist Report. Please refer to Table 1 below of all requirements.

Table 3: Requirements of a Specialist Report as set out in GN R. 326 of 07 April 2017.

REQUIREMENTS	YES/NO
A Specialist report prepared in terms of these Regulations must contain –	
a. Details of –	
i. The Specialist who prepared the report; and,	Yes
ii. The expertise of that Specialist to compile a specialist report including a curriculum vitae;	
b. A declaration that the Specialist is independent in a form as may be specified by the Competent Authority;	Yes
c. An indication of the scope of, and the purpose for which, the report was prepared;	
i. An indication of the quality and age of base data used for the Specialist Report;	Yes
ii. A description of existing impacts on site, cumulative impacts of the proposed development and levels of acceptable change;	
d. The duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment;	Yes
e. A description of the methodology adopted in preparing the report or carrying out the specialised process inclusive of equipment and modelling used;	Yes
f. Details of an assessment of the specific identified sensitivity of the site related to the proposed activity or activities and its associated structures and infrastructure, inclusive of a site plan identifying site alternatives;	Yes
g. An identification of any areas to be avoided, including buffers;	Yes
h. A map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers;	Yes
i. A description of any assumptions made and any uncertainties or gaps in knowledge;	Yes
j. A description of the findings and potential implications of such findings on the impact of the proposed activity or activities;	Yes
k. Any mitigation measures for inclusion in the EMP'r	Yes
l. Any conditions for inclusion in the Environmental Authorisation;	Yes
m. Any monitoring requirements for inclusion in the EMP'r or Environmental Authorisation;	Yes
n. A reasoned opinion –	Yes

i. Whether the proposed activity, activities or portions thereof should be authorised;	
ii. If the opinion is that the proposed activity, activities or portions thereof should be authorised, any avoidance, management and mitigation measures that should be included in the EMP'r, and where applicable, the closure plan;	
o. A description of any consultation process that was undertaken during the course of preparing the specialist report;	N/A
p. A summary and copies of any comments received during any consultation process and where applicable all responses thereto; and,	N/A
q. Any other information requested by the Competent Authority.	Yes

VISUAL IMPACT EVALUATION CRITERIA CHECKLIST

As per the Provincial Government of the Western Cape Guideline for involving Visual and Aesthetic Specialists in the EIA Process (DEA&DP, 2005), a high quality visual assessment should include the following criteria:

Table 4: Requirements of a Visual Impact Assessment.

REQUIREMENTS	YES/NO
Meet the minimum requirements for a visual assessment;	Yes
Is appropriate to the nature and scale of the proposed development;	Yes
Provides a full description of the environment and the project;	Yes
Considers the project within its wider context;	Yes
Provides a clear methodology using accepted conventions for visual assessment;	Yes
All sources of information and references are given;	Yes
Graphics, including maps and visual simulations, are clear;	Yes
Include both quantitative and qualitative criteria;	Yes
Cumulative visual impacts have been considered;	Yes
An evaluation of alternatives has been made;	Yes
An explanation of significance ratings, related to bench-marks, is given;	Yes
Recommendations for visual mitigation are sensible and practical;	Yes
Recommendations for monitoring programmes have been outlined;	Yes
The best practical environmental option has been considered;	Yes
All the visual issues raised in the scoping have been addressed;	Yes
A clear summary of mitigation measures, including essential and optional measures, is given.	Yes

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1 STUDY APPROACH

1.1 Methodology

The study was undertaken using Geographical Information System (GIS) software as a tool to generate a viewshed analyses and to apply relevant spatial criteria to the proposed development. A detailed Digital Elevation Model (DEM) for the study area (S35E19) was obtained from the National Aeronautics and Space Administration (NASA). The methodology utilised to identify issues to the visual impact include the following activities:

- The creation of a detailed digital terrain model of the potentially affected environment;
- The identification of sensitive environments upon which the proposed telecommunication Base Station could have a potential impact on; and,
- The creation of viewshed analyses from the proposed Birkenhead Tree Mast in order to determine the visual exposure and the topography's potential to absorb the potential visual impact. The viewshed analysis takes into account the dimension of the proposed Birkenhead Mast and was calculated at a height of twenty five meters (25 m).

This Report (Visual Impact Assessment) sets out to identify and quantify the possible visual impacts related to the proposed Birkenhead Mast, as well as offer potential mitigation measures where required. The following methodology has been adopted for the assessment of the Visual Impact Assessment:

- **Determine the Potential Visual Exposure**
The visibility or visual exposure of any structure or activity is the point of departure for the VIA. It stands to reason that if the proposed infrastructure was not visible, no impact will occur. Viewshed analyses of the proposed structures indicate the potential visibility.
- **Determine Visual Distance/Observer Proximity to the facility**
In order to refine the visual exposure of the proposed Tree Mast on surrounding areas/receptors, the principle of reduced impact over distance is applied in order to determine the core area of visual influence for the structures.
Proximity radii for the proposed facility are created in order to indicate the scale and viewing distance of the structures and to determine the prominence of the structures in relation to their environment. The visual distance theory and the observer's proximity to the Birkenhead Mast are closely related, and especially relevant, when considered from areas with a high viewer incidence and a predominantly negative visual perception of the proposed infrastructure.
- **Determine Viewer Incidence/Viewer Perception**
The number of observers and their perception of a structure determine the concept of visual impact. If there are no observers, then there would be no visual impact. If the visual perception of the structure is favourable to all observers, the visual impact would be positive.
It is therefore necessary to identify areas of high viewer incidence and to classify certain areas according to the observer's visual sensitivity towards the proposed infrastructure. It would be impossible not to generalise the viewer incidence and sensitivity to some degree, as there are many

variables when trying to determine the perception of the observer; regularity of sighting, cultural background, state of mind, and purpose of sighting which would create a myriad of options.

➤ **Determine the Visual Absorption Capacity of the Natural Vegetation**

This is defined as the capacity of the receiving environment to absorb the potential visual impact of the proposed development. The VAC is primarily a function of the vegetation, and will be high if the vegetation is tall, dense and continuous. Conversely, low growing sparse and patchy vegetation will have a low VAC.

The VAC will also be high where the Environment can readily absorb the structure in terms of texture, colour, form and light/shade characteristics of the structure. On the other hand, the VAC for a structure contrasting markedly with one or more of the characteristics of the environment will be low. The VAC also generally increases with distance, where discernible detail in visual characteristics of both environment and structure decreases.

The Digital Terrain Model utilised in the calculation of the visual exposure of the proposed Lattice Mast does not incorporate the potential VAC of the natural vegetation of the region. It is therefore necessary to determine the VAC by means of the interpretation of the vegetation cover, supplemented with field observation.

➤ **Determine the Visual Impact Index**

The results of the above analyses are merged in order to determine where the areas of likely visual impact would occur. These areas are further analysed in terms of the previously mentioned issues (related to the visual impact) and in order to judge the magnitude of each impact.

➤ **Determine the Impact Significance**

The potential visual impacts identified and described are quantified in their respective geographical locations in order to determine the significance of the anticipated impact. Significance is determined as a function of the extent, duration, magnitude and probability.

1.2 Projections

Projected coordinate systems are defined by ArcGIS Resource Centre (The developers) as *"a flat, two dimensional surface. Unlike a geographical coordinate system, a projected coordinate system has constant lengths, angles, and areas across the two dimensions. A projected coordinate system is always based on a geographic coordinate system that is based on a sphere or spheroid"*. Projected Coordinates systems are world based and thus the larger the area the larger the distortion. To minimise the distortion the Universal Transverse Mercator (UTM) coordinate reference system divides the Earth into 60 equal zones that are all 6 degrees wide in longitude from East to West. Birkenhead is situated within the thirty four degree (34°) UTM Zone, thus the WGS84/UTM S34 (32734) was used as projection.

2 ASSUMPTIONS AND LIMITATIONS

- Information is assumed to be the latest available information.
- Visual impact studies and assessments depend, to some extent, on subjective judgements. The subjectivity, of the analysis relates to the value driven nature of VIA. However, to deal with subjectivity, the methodology of this VIA is explained and rating categories clearly defined.

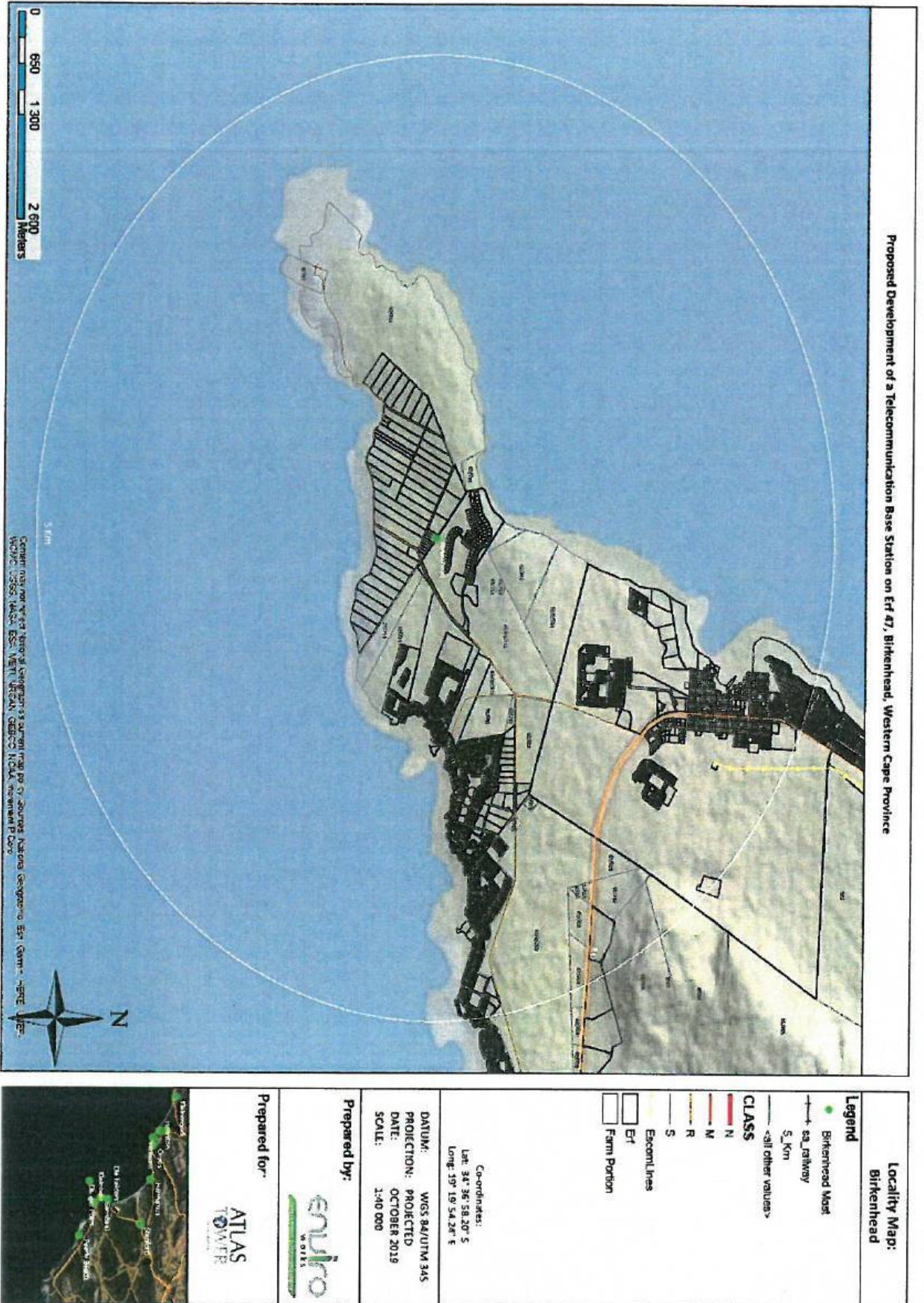


Figure 3: Locality Map of the Proposed Birkenhead Mast, Western Cape Province.

3 SCOPE OF WORK

The determination of the potential visual impacts is undertaken in terms of nature, extent, duration, magnitude, probability and significance of the construction and operation phases of the proposed project. The study area for the visual assessment encompasses a geographical area of 130 km² (extent of the maps) and includes a ten kilometre (10 km) buffer zone from the proposed Birkenhead Mast. The study area constitutes of local tourist attractions, residential areas and agricultural activities. The proposed development will be situated near the town of Kleinbaai.

Anticipated issues related to the potential visual impact of the proposed Birkenhead Mast include the following:

- The visibility of the Mast to, and potential visual impact on, observers travelling along the R43, Van Dyks Weg, Lord Roberts Street and Rossouw Street;
- The visibility of the facility to, and potential visual impacts on tourists visiting tourist attraction near Van Dyks Bay (Danger Point, Danger Point Lighthouse, Gans Baai Golf Club, International Marine Volunteer Centre, Lighthouse Tavern and Afrikanos);
- The visibility of the facility to, and potential visual impact on observers residing within the Van Dyks Baai, Franskraal and Klein Baai;
- The visual absorption capacity of natural or planted vegetation as well as man-made topographical features;
- Potential visual impacts associated with the construction- and operational phase; and,
- The potential to mitigate visual impacts.

It is anticipated that the issues listed above may constitute a visual impact at a local scale.

4 THE AFFECTED ENVIRONMENT

The proposed Birkenhead Mast will be situated on Erf 47, Birkenhead, Western Cape Province. The study area constitutes of residential areas, natural areas (thicket/dense bush and shrubland fynbos), and numerous watercourses.

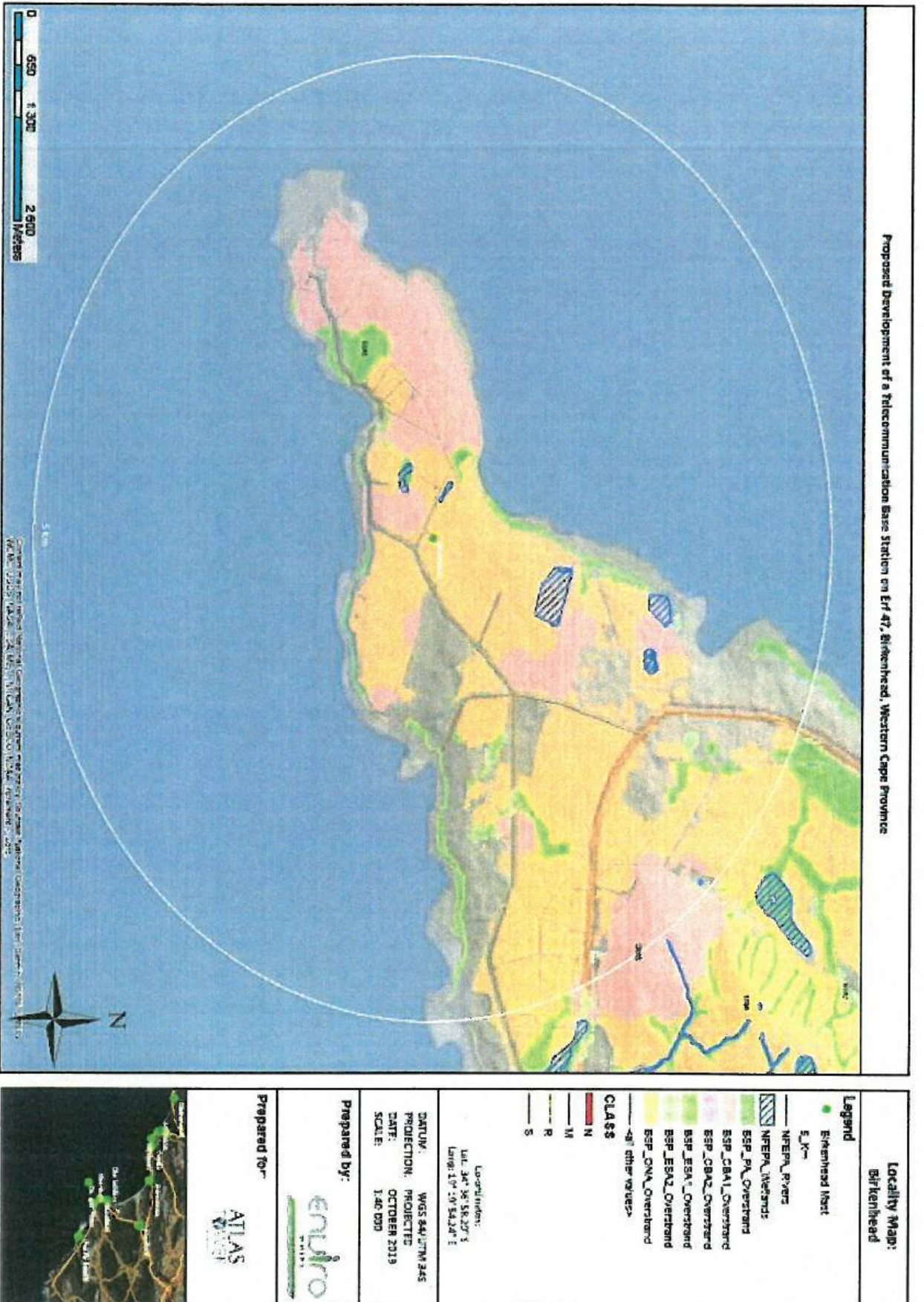
4.1 Topography, vegetation and hydrology

4.1.1 Vegetation

The study area is described by Mucina & Rutherford, 2006, as flat or slightly undulating dune fields of Die Plaat near Stanford and those of De Hoop, supporting up to four meter (4 m) tall, closed, evergreen, hard-leaved shrublands in moist dune slacks and wind-protected valleys and up to one meter (1 m) tall, coastal thicket in many places wind-shorn along exposed littoral situations. The vegetation type has a conservation target of thirty six percent (36%) with some thirty percent (30%) being conserved and as such is considered to be least Threatened.

4.1.2 Geology

The geology varies between deep, recent marine-derived calcareous sands forming dunes that line the coast (Quaternary Strandveld Formation of the Bredasdorp Group), to shelly, shallow-marine sandstones and limestones of the Bredasdorp Group deposited on underlying Table Mountain Group sandstone.



4.1.3 Climate

The proposed project will be situated within the Overberg Dune Strandveld bio-region. The Mean Annual Precipitation (MAP) of the study area is four hundred and seventy six millimeters (476 mm) mostly occurring in the winter months with the highest rainfall measured between the months of June and August (Mucina & Rutherford, 2006). The Mean Annual Temperature (MAT) recorded for the study area is sixteen degrees Celsius (16° C) with summer temperatures averaging at twenty seven point one degrees Celsius (27.1° C).

FS 7 Overberg Dune Strandveld

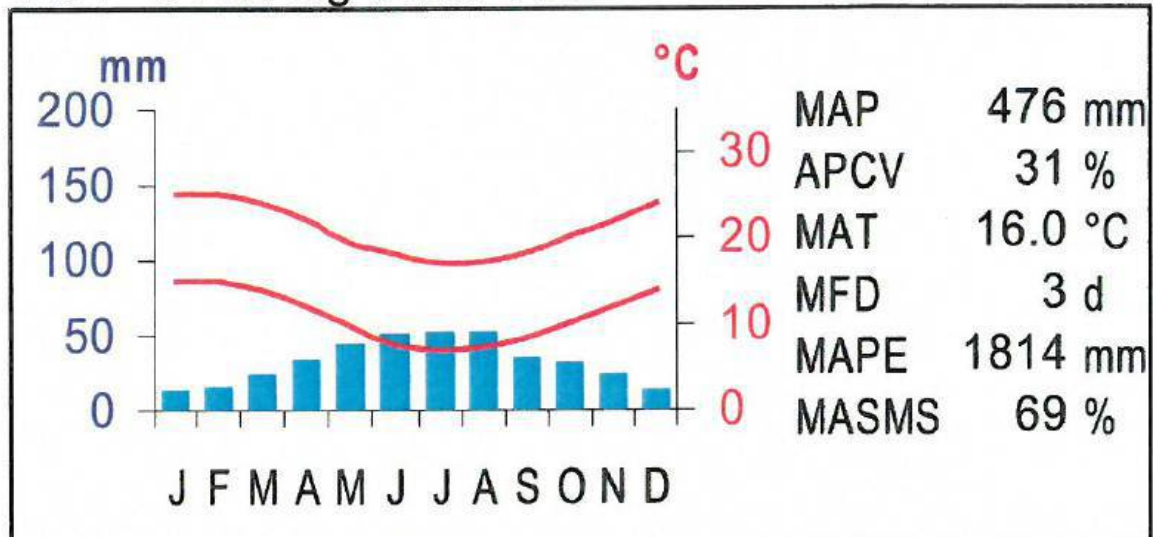


Figure 5: Climate Diagram for the Overberg Dune Strandveld.

5 RELEVANT LEGISLATION AND GUIDELINES

The following legislation and guidelines have been considered in the preparation of this report:

- This Visual Impact Assessment was undertaken in accordance with the Guidelines for Involving Visual and Aesthetic Specialists in EIA Processes, as issued by the Department of Environmental Affairs and Development Planning (DEA&DP).
- The Environmental Impact Assessment Regulation as outlined in Government Notice Regulation 326 of 7 April 2017.

6 DEVELOPMENT CATEGORY

As per the Guidelines for Involving Visual and Aesthetic Specialists in EIA Processes, the development categories are as follow:

Table 5: Development Categories.

Category 1	<p>Items listed in this category include:</p> <ul style="list-style-type: none"> ➤ Nature reserves; ➤ Nature related recreation; ➤ Camping; ➤ Picnicking; and, ➤ Trails and minimal visitor facilities.
Category 2	<p>Items listed in this category include:</p> <ul style="list-style-type: none"> ➤ Low-key recreation/resort/residential type developments;

	<ul style="list-style-type: none"> ➤ Small scale agriculture/nurseries/narrow roads; and, ➤ Small scale infrastructure
Category 3	<p>Items listed in this category include:</p> <ul style="list-style-type: none"> ➤ Low density residential/resort type development; ➤ Golf or polo estates; and, ➤ Low to medium-scale infrastructure.
Category 4	<p>These include:</p> <ul style="list-style-type: none"> ➤ Medium density residential development; ➤ Sport facilities; ➤ Small-scale commercial facilities/office parks; ➤ One-stop petrol stations; ➤ Light industry; ➤ Medium scale infrastructure.
Category 5	<p>These include:</p> <ul style="list-style-type: none"> ➤ High density township/residential developments; ➤ Retail and office complexes; ➤ Industrial facilities; ➤ Refineries; ➤ Treatment plants; ➤ Power stations; ➤ Wind energy farms; ➤ Powerlines; ➤ Freeways; ➤ Toll roads; ➤ Large scale infrastructure generally; ➤ Large scale development of agriculture land and commercial tree plantations; ➤ Quarrying and mining activities with related processing plants.

Derived from Table 5, the proposed project falls within Category 3 (Low to Medium Scale Infrastructure). From the aforementioned Table 6 was compiled in order to determine the Visual Impact of any proposed development.

Table 6: Expected Visual Impact of the Proposed Development.

Type of Environment	Type of Development				
	Category 1	Category 2	Category 3	Category 4	Category 5
Protected/wild areas of international or regional significance.	Moderate visual impact expected	High visual impact expected	High visual impact expected	Very high visual impact expected	Very high visual impact expected
Areas or routes of high scenic, cultural, historical significance.	Minimal visual impact expected.	Moderate visual impact expected	High visual impact expected	High visual impact expected	Very high visual impact expected

Areas or routes of medium scenic, cultural or historical significance.	Little or no visual impact expected	Minimal visual impact expected.	Moderate visual impact expected	High visual impact expected	High visual impact expected
Areas or routes of low scenic, cultural or historical significance/disturbed.	Little or no visual impact expected	Little or no visual impact expected	Minimal visual impact expected.	Moderate visual impact expected	High visual impact expected
Disturbed or degraded sites/run-down urban areas/wasteland.	Little or no visual impact expected	Little or no visual impact expected	Little or no visual impact expected	Minimal visual impact expected.	Moderate visual impact expected

From the table above, it is anticipated that the proposed Birkenhead Mast will have a high visual impact on the surrounding areas.

7 DESCRIPTION OF THE RECEIVING ENVIRONMENT

Landscape character is defined by the U.K Institute of Environmental Management and Assessment (IEMA) as the “*distinct and recognizable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, land form, soil, vegetation, land use and human settlement*” (GLVIA, 2002). According to DEA&DP Guideline Section 9.2, information describing the current state of the affected environment, as well as trends in the area, is required for visual input into the EIA process. The receiving environment was determined using the 2013-2014 South African National Land-Cover data as provided by the National Department of Environmental Affairs (DEA) and field observation conducted on 31 October 2019.

7.1 Sense of Place

The term sense of place captures the identity of places we recognize. It embraces natural and cultural features, the distinctive sights, sounds and experiences to the people residing in or nearby that place. Places with a strong sense of place have a clear identity and character that is recognisable by inhabitants and visitors alike.

Sense of place differs from place attachment by considering the social geographical context of place bonds and the sensing of place, such as aesthetic and a feeling of dwelling. An impact on the sense of place is one that alters the visual landscape to such an extent that the user experiences the environment differently, and more specifically, in a less appealing or less positive light.

Gansbaai is situated five kilometers (5 km) towards the north of the proposed Birkenhead Mast. Gansbaai originally formed part of the farm Strandfontein, which was granted in quitrent in 1831. The bay was used as landing place in the 1850's and the foreshore reserve (Erf 207 – which later became the village of Gansbaai) was surveyed and lots laid out (Lavin, 2018). The town of Gansbaai originated from 1881 when adventurer Johannes Cornelis Wessels walked from Stanford and discovered the fishing possibilities and freshwater fountain near the old harbour (Xplorio Beta). The oldest cottages, dating to 1880, were situated along the edge of the bay (at the present camping site as well as at the end of Groenewald Street). The aerial photograph of 1938 shows the earlier cottages aligned with the bay's edge, rather than along the present grid (Lavin 2018).

In 1939 a factory was established for the processing of Shark livers for Vitamin A and lubricant for the use in World War Two (WWII) which brought temporary relief to the region. However, the big economic break came in 1952 when the Gansbaai Fishing Co-op was established within the area. The Fishing Co-op exist to this day although in a transformed state. The fish meal factory, Gansbaai Marine, followed and finally got Gansbaai's economy in the green and is still regarded as the primary industry and employment generator in Gansbaai. The canning division is the largest of its kind in the southern hemisphere. Gansbaai today is known as a bustling village and holiday resort with a thriving infrastructure and tourism industry (Xplorio).

Birkenhead was named after South Africa's most famous shipwreck. On the night of 26 February 1852 the HMS Birkenhead was on route from Simons Town to Algoa Bay when it struck a reef near Danger Point. The sunken ship resulted in the development of the Birkenhead Drill a maritime term used to this day where women and children disembark a ship first when the abandon ship command is given. The ship wreck is classified as a marine protected area (Jaydee Media, 2013).

The density of archaeological shell middens with Middle and Later Stone Age material within the ten kilometre (10 km) inclusion zone attests to the long occupation of this coast. In fact, according to Kaplan, by the mid-90's there were more than 140 known archaeological sites (mainly shell middens) in the Gansbaai/De Kelders area. The most famous of these sites is the De Kelders Cave (recently proposed as a provincial Heritage Site) located on the coast in Walker Bay Nature Reserve. The site has not only produced Middle Stone Age remains older than 40 000 years, but also has the earliest dated evidence in the country for domesticated sheep about 1600 years ago. With its rocky shoreline, the region acted as foci that attracted both Later (LSA) and Middle Stone Age (MSA) people as it offered opportunities for the exploitation of marine foods, particularly shellfish. Since the later 1990's numerous Archaeological Impact Assessments, as part of the EIA process, have been carried out in the region, between De Kelders and Pearly Beach, which have documented many more sites, confirming the archaeological sensitivity of the coastal zone in this region (Lavin, 2018).

8 RESULTS

8.1 Potential Visual Exposure (Preferred Mast Position)

The combined result of the viewshed analysis for the proposed Birkenhead Tree Mast is displayed on the map below (Figure 11). The visibility analysis was undertaken at the height of the Mast measuring in at twenty five metres (25 m), in order to simulate the view from the mast and to indicate prominence of the structures within the landscape. Furthermore; Figure 11 indicates proximity radii from the proposed Birkenhead Mast as a reference to determine the Visual Absorption Capacity. It must be noted that the Digital Terrain Model (DTM) utilised from the viewshed analysis does not include the effect of vegetation cover and built structures. These features may influence the visual exposure to some degree.

8.2 Birkenhead Preferred Mast Position

8.2.1 0-1km (short distance)

As per Figure 11 (Viewshed Analysis) the proposed Birkenhead Mast will have a High visibility within the one kilometre (1km) radii. The proposed development will be highly visible from the Fynbos Estate situated directly adjacent to it as well as from Africanos Restaurant. The study area is considered to have a low VAC due to the occurrence of short dense shrubland and the relative flatness thereof within the short distance zone. Due to the aforementioned the Birkenhead mast will be visible from the Gansbaai Golf Course and Lord Roberts Street. It must be noted that this road is not travelled frequently lowering the visual impact to some degree. The residential dwellings within the short distance zone predominantly face the ocean and as such the mast will not impact on their view; however, it may change the scenery to some degree when travelling to and from home. It must be noted that the Fynbos Estate has not been completely developed to date which will result in a visual change from natural to built-up environment, lowering the impact of the mast to some degree. Given the aforementioned paragraph the visual impact will be moderate within the short distance zone.

8.2.2 1-2km (short to medium distance)

The visual impact within the short to medium zone is considered to remain moderate towards the north and east; however, it will be low towards the west and south. Towards the east it will be visible for residents residing on the outskirts of Van Dyks Bay especially those in Snoek Street, Steenbras Way and Harder Street; however, it will only be the top of the mast as the bottom together with the equipment containers will be absorbed by the dense shrubland surrounding it. Towards the north the proposed development will be visible from the Fynbos Estate; however, as the estate start to develop the visual impact will be lower due to the visual obstructions. Towards the south west the visual impact will be low as the area predominantly consists of natural undeveloped land with scattered observers. The Birkenhead Mast will not be visible from the Van Dyks Bay harbour nor the central parts of town due to the built-up environment creating a high VAC.

8.2.3 2-5km (medium to long distance)

Visibility within the medium to long distance zone is considered to be low as it primarily consists of ocean except towards the south west. The visual impact is still considered to be low as Van Dyks Bay is known as a fishing village and as such the proposed development will be visible to fishermen trawling through the area. The highest visual impact will occur from the Danger Point Lighthouse; however, it must be noted that the proposed development will only be visible when standing at the top of the lighthouse and not next to it.

Adjacent to the lighthouse precinct is an I&J Fish Farm which results in visual disturbance within the area. The proposed development will be visible from the Gansbaai mountain; however, the visual impact will still be low due to the distance between the observer and the development and the limited observers that will ascend the mountain. The proposed Birkenhead Mast will not be visible from the outskirts of Gansbaai nor the R43 due to the undulating topography of the area and the dense shrublands.

8.2.4 Greater than 5km (long distance)

Visibility beyond five kilometres (5km) from the proposed Birkenhead Mast is expected to be negligible and low due to the distance between the object (proposed Birkenhead Mast) and the observer. As per the viewshed analysis the proposed development will be visible within the long distance zone from certain elevated vantage points situated towards the north east. The highest visual impact will occur from the ocean surrounding Danger Point; however, the observers are limited. The visual impact is considered to be low.

8.2.5 Conclusion

The visual impact within the short- and medium- zones will be high as there are numerous observers situated within this zone. After careful consideration it is recommended that a Lattice Mast be developed as it will allow visibility of the background which will lower the visual impact as distance between the development and the observer increases. Alternatively a monopole mast (as there is an existing monopole mast within the area contributing to the cumulative impact) can be developed within the area rather than a tree mast, as the tree mast will stand out within the area as the natural vegetation does not consist of any tall trees. The highest visual impact will occur from the Fynbos Estate situated adjacent to the proposed development; however, as the estate start to develop the visual impact will decrease to observers situated in the north eastern portions of the estate. Beyond the medium distance zone the proposed development will have a low visual impact due to the undulating topography of the study area, the dense shrubland vegetation and the limited observers within these areas.

8.3 Elevation Profile of the Area

Section 8.3 and Section 9 must be read in conjunction with Section 8.2. The graphs illustrated below provide a visual reference of the capability of the landscape to absorb the visual impact associated with the proposed Birkenhead Mast. The graphs have been compiled within a five kilometer (5 km) radius in the four major wind directions from the proposed development.

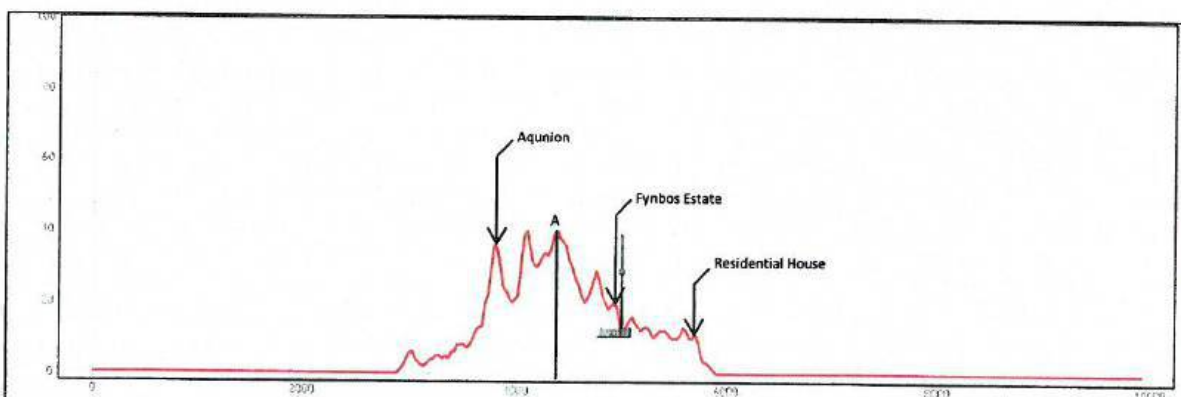


Figure 7: Elevation Profile from North to South of the study area.

Figure 7 illustrates the elevation profile of the area from the north to the south. Towards the north the visual

exposure will be restricted to eight hundred and seventy six meters (876 m) as illustrated by Point A. The exclusive Fynbos Estate is situated adjacent to the proposed Birkenhead Mast resulting in a high visual impact. Beyond point A no visual impact will occur within the ten kilometer (10 km) radius towards the north. The visual absorption capacity of the landscape will be low towards the south, due to the relative flatness of the area. The highest visual impact will occur from Lord Roberts Street situated four hundred and fifty meters (450 m) from the proposed development and a residential dwelling situated seven hundred and sixty five meters (765 m) towards the south. The proposed development will be visible from the ocean between kilometer one (km 1) and kilometer five (km 5).

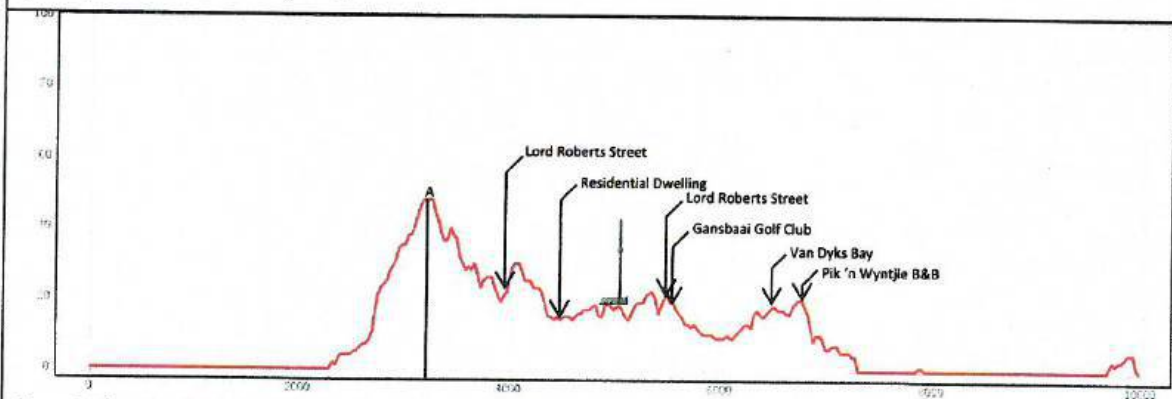


Figure 8: Elevation Profile from West to East of the study area.

The elevation of the landscape from west to east can be described as undulating topography varying between two meters (2 m) and fifty meters (50 m) above sea level. The visual exposure towards the west will be restricted to one point eight kilometers (1.8 km) as illustrated by point A. Towards the east no visual restriction will occur as evident in Figure 8 and 11. The proposed development will be visible from Lord Roberts Street and the Gansbaai Golf Club situated eight hundred and ninety six meters (896 m) from the proposed development. Furthermore, the top of the mast will be visible from the town of Van Dyks Bay a small fishing village situated one and a half kilometers (1.5 km) from the proposed development. The visual exposure will be restricted beyond the shoreline in the east.

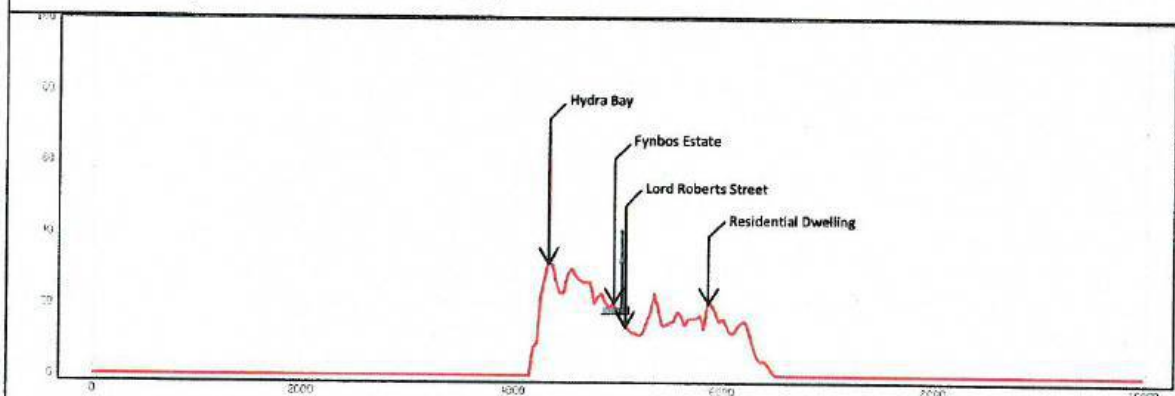


Figure 9: Elevation Profile from North West to South East of the study area.

Figure 9 illustrates the elevation profile of the study area from north west to south east. The proposed Birkenhead Mast will be highly visible from the Fynbos Estate which is situated adjacent the site and at a higher elevation. Hydra Bay is situated eight hundred and six meters (806 m) towards the north west along the coast line. Due to Hydra Bay being situated at a higher elevation (34 m) than that of the proposed development (24 m) it will be visible from this vantage point. Towards the south east the visual exposure will not be restricted at all due to the relative flatness of the study area. It must be noted that the area towards the south east consist predominantly of natural vegetation with one (1) residential dwelling situated at meter eight hundred and forty three (m 843).

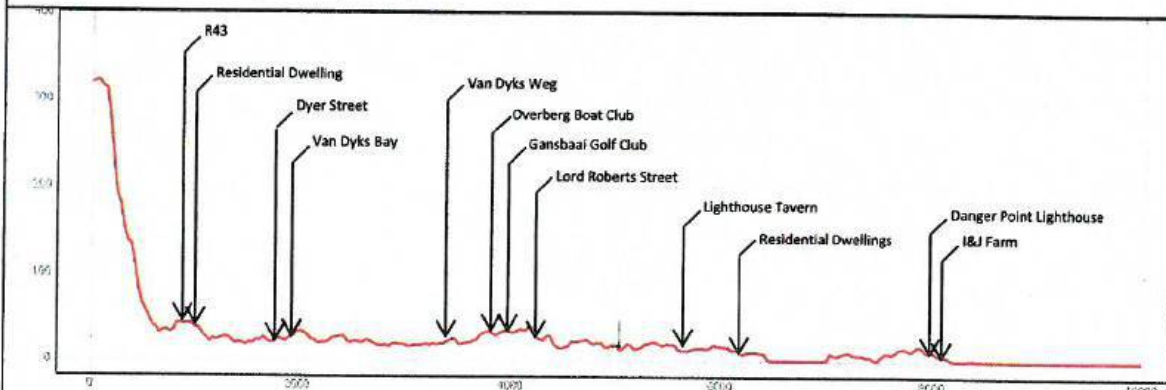


Figure 10: Elevation Profile from North East to South West of the study area.

Figure 10 illustrates the elevation of the landscape from north east to south west over a distance of ten kilometers (10 km). The visual exposure towards the north east will be restricted to kilometer one (km 1) where the mast will only be visible from certain vantage points beyond this point. The proposed development will be visible from the Fynbos Estate situated adjacent to the proposed development and the Lord Roberts Street nine hundred meters (900 m) away. The proposed development will not be visible from Van Dyks Bay; however, it will be visible from the R43 and numerous residential dwellings situated at an elevation of thirty eight meters (38 m). Towards the south west the mast will be visible from the Lighthouse Tavern a tourist attraction situated six hundred meters (600 m) from the proposed development. Numerous residential dwellings situated along the coast together with the Danger Point lighthouse will be impacted on by the proposed development.

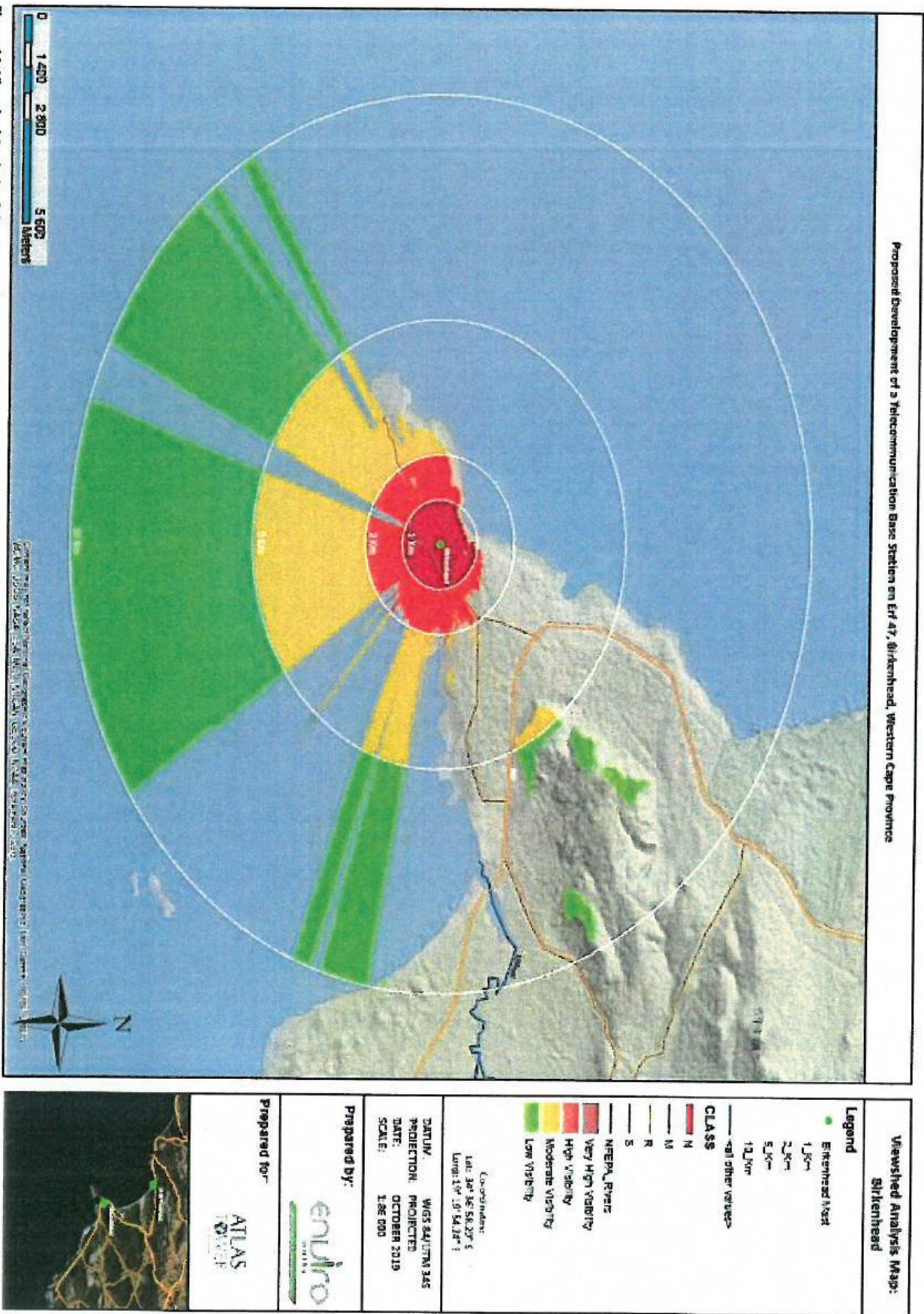


Figure 11: Viewshed Analysis of the proposed Birkenhead Mast.

9 VISUAL ABSORPTION CAPACITY

The following section provides a description of the viewshed analysis via photographic evidence taken at a height of one point eight metres (1.8m). This will enable the reader to understand the Visual Absorption Capacity (VAC) of the area and provide a visual reference. The Visual Absorption Capacity of the surrounding area is considered to be low within one kilometer (1 km) of the Birkenhead Mast due to the low dense shrubland and the relative flatness of the study area.

A photo could not be taken from Photo Position 1 due to restricted access.

Figure 12: Photo Position 1 towards the north of the Proposed Development.



Figure 13: Photo Position 2 taken towards the south west of the Proposed Development.

Figure 13 was taken at the entrance of the Danger Point Lighthouse situated three point one kilometers (3.1 km) towards the south west of the proposed development. Due to the undulating topography situated within the background the proposed development will not be visible from this vantage point; however, as visible within the foreground the vegetation cover does not assist in the restriction of the visual impact.



Figure 14: Photo Position 3 taken towards the south west of the Proposed Development.

Figure 14 was taken one point seven kilometers (1.7 km) towards the south west of the proposed development. As evident within the foreground the proposed development will not be visible from the Lord Roberts Street due to the small hill. The proposed development will; however, be visible from the residential

dwelling situated in the background. It must be noted that the dwelling faces the ocean and not the mast directly. The VAC is considered to be low as vegetation cover consists of low dense shrublands.

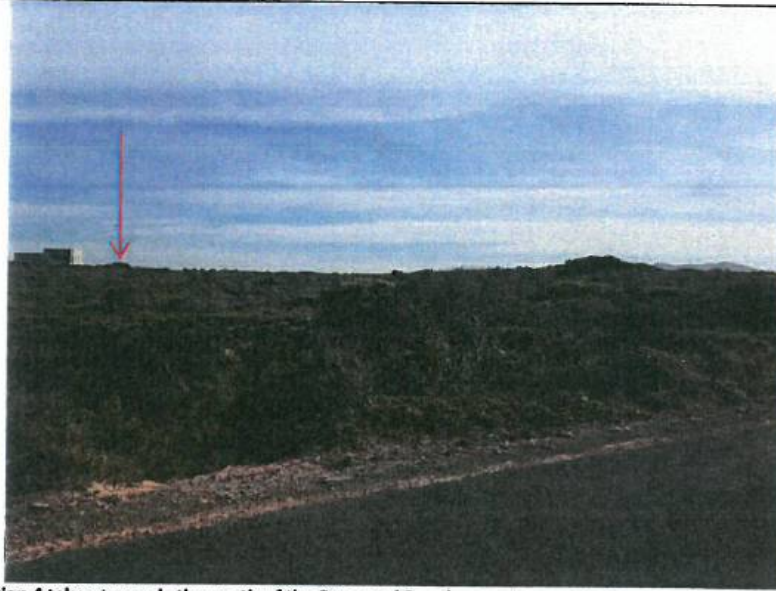


Figure 15: Photo Position 4 taken towards the south of the Proposed Development.

Photo Position 4 is situated nine hundred and twenty meters (920 m) towards the south of the proposed development. As per Figure 11 the proposed development will not be visible from this vantage point due to the undulating topography in the background coupled with the distance between the proposed development and the observer.



Figure 16: Photo Position 5 taken towards the south of the Proposed Development.

Photo 5 was taken eight hundred and forty two meters (842 m) towards the south east of the proposed development. The VAC is considered to be low due to the relative flatness of the study area in the background and the dense shrubland in the foreground. Three quarters of the mast will be visible from this vantage point.

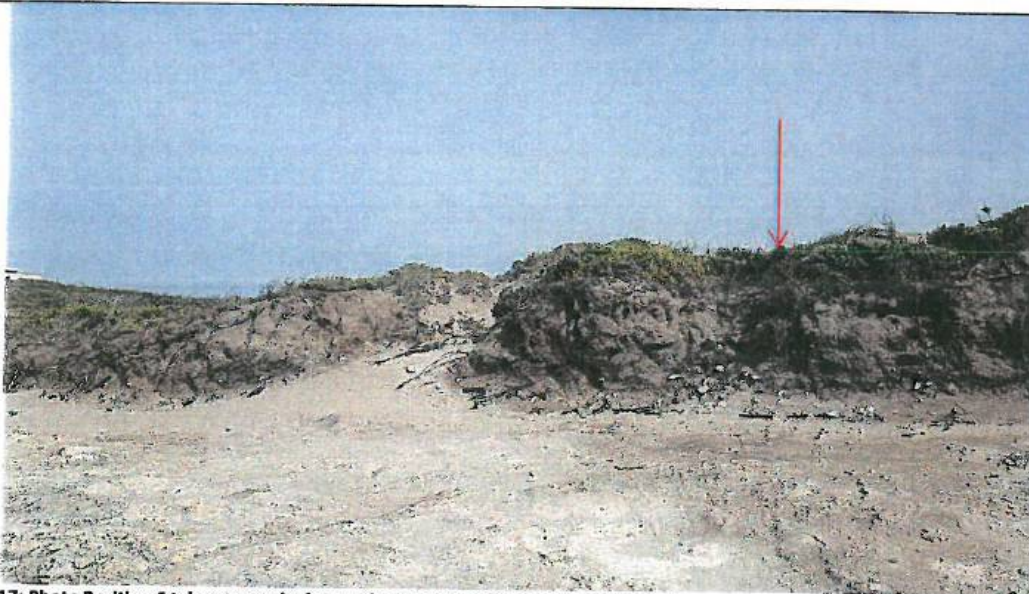


Figure 17: Photo Position 6 taken towards the south east of the Proposed Development.

Photo 6 was taken one point seven kilometers (1.7 km) towards the south east of the proposed development. The photo was taken from the 4x4 trail along the coast line. From this vantage point the proposed development will not be visible due to the sudden drop in elevation as evident within the foreground. The proposed development will not be visible from this vantage point up to Van Dyks Bay along the 4x4 trail.

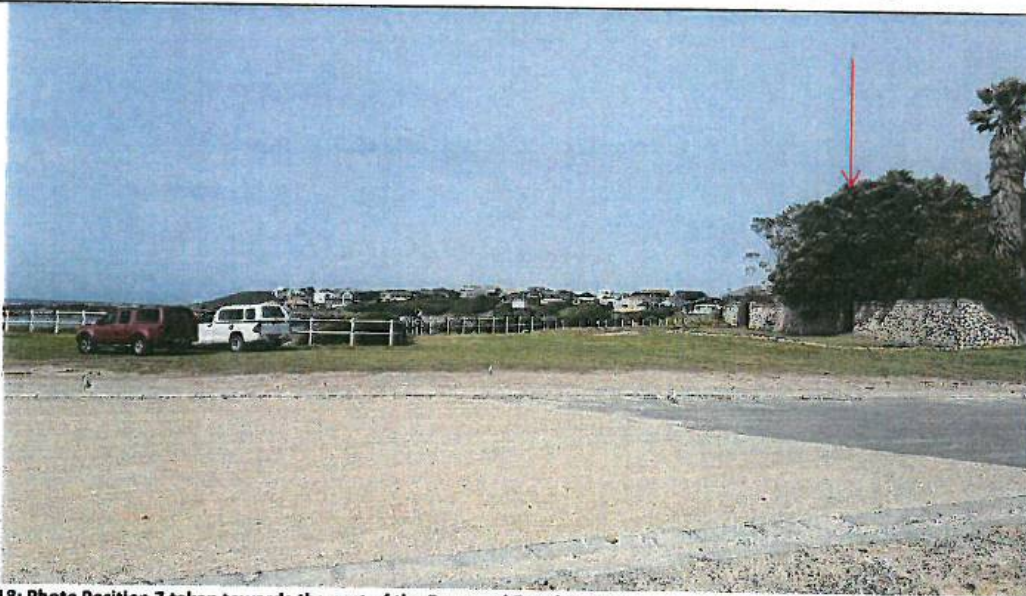


Figure 18: Photo Position 7 taken towards the east of the Proposed Development.

Figure 18 was taken two point one kilometers (2.1 km) towards the east from the proposed development. As per Figure 8 the proposed development will not be visible from this vantage point. The photo was taken from the Van Dyks Bay harbour and it is evident that this vantage point has a high VAC within the fore- and back-ground.



Figure 19: Photo Position 8 taken towards the north east of the Proposed Development.

Figure 19 was taken three point two kilometers (3.2 km) towards the north east of the proposed Birkenhead Mast along Rossouw Street. Due to the dense shrubland situated within the foreground, the undulating topography of the study area in the background and the distance between the development and the observer the VAC is considered to be high and as such no visual impact will occur from this vantage point.

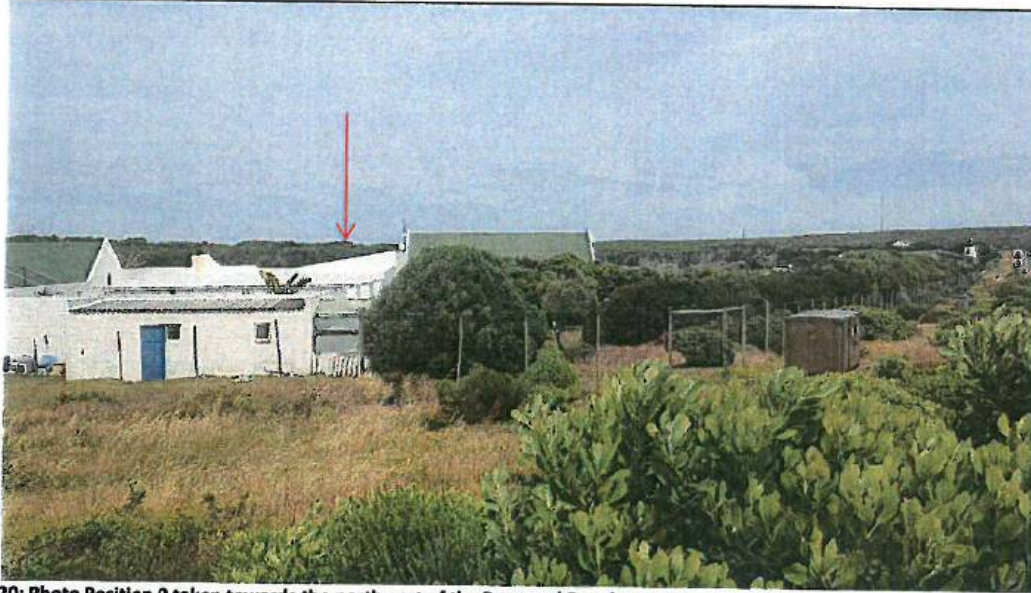


Figure 20: Photo Position 9 taken towards the north east of the Proposed Development.

Figure 20 was taken two point three kilometers (2.3 km) towards the north east along Dyer Street. Photo 9 was taken from the African Penguin and Seabird Sanctuary and Birken Ead Lodge. The top of the mast will be visible from this vantage point due to the low VAC and relative flatness of the Study area as evident within the background. The visual impact can be described as low.



Figure 21: Photo Position 10 taken towards the north east of the Proposed Development.

Photo 10 was taken one and a half kilometers (1.5 km) towards the north east of the proposed development along Lord Roberts Street. As per the viewshed analysis of the proposed study area the development will not be visible from this vantage point due to the undulating topography in the background. Due to the aforementioned there will be no visual impact from this position.



Figure 22: Photo Position 11 taken towards the north of the Proposed Development.

Figure 22 was taken one kilometer (1 km) towards the north of the proposed development. Although Figure 11 (Viewshed Analysis) illustrates that the proposed development will be visible from this vantage point, this will not be the case due to the dense shrubs within the foreground. The shrubs along the road are taller than the surrounding vegetation and as such due to the high VAC there will be no visual impact from this vantage point.



Figure 23: Photo Position 12 taken towards the east of the Proposed Development.

Photo 12 was taken five hundred meters (500 m) towards the east of the proposed development along the Gansbaai Gold Course. The proposed development will be highly visible from vantage point due to the low VAC of the study area. The shrubland within the background will disguise the bottom of the mast to some degree; however, the top will be highly visible against the backdrop consisting of sky.

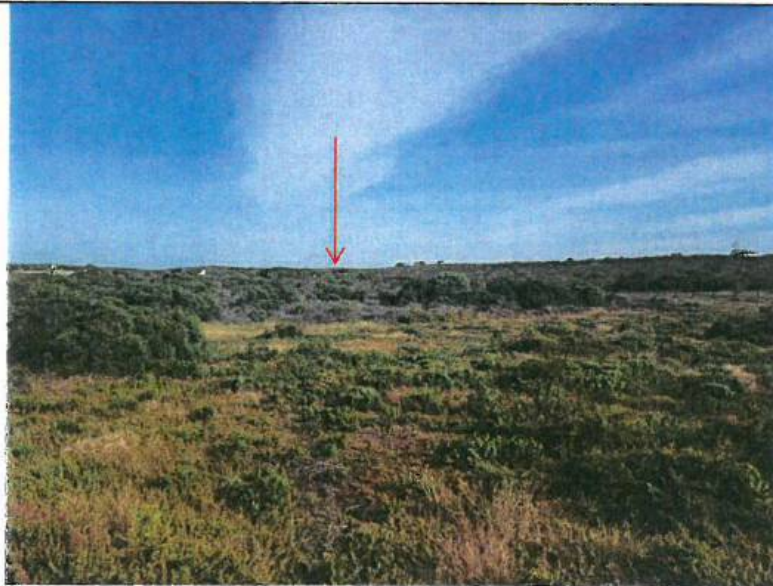


Figure 24: Photo Position 13 taken towards the south east of the Proposed Development.

Figure 24 was taken three hundred meters (300 m) towards the east of the proposed development along Lord Roberts Street. The proposed development will be highly visible from this vantage point due to the close proximity between the mast and the observer. The dense shrubland within the fore- and back-ground will disguise the equipment containers together with the fence; however, the top of the mast will be visible.



Figure 25: Photo Position 14 taken towards the west of the Proposed Development.

Figure 25 was taken seven hundred and eighty meters (780 m) towards the west of the proposed development. The visual impact from this vantage point will be moderate due to the fact that it is situated at a higher elevation than that of the mast. The aforementioned will allow the mast to blend in with the vegetation cover within the background. Photo 14 was taken on the boundary of the Fynbos Estate along the shoreline.



Figure 26: Photo Position 15 taken towards the north east of the Proposed Development.

Photo 15 was taken four and a half kilometers (4.5 km) towards the north east from the proposed development near Gansbaai. Due to the dense tall vegetation cover within the foreground and the undulating topography of the study within the background the VAC is considered to be high. The aforementioned will result that the proposed development will not be visible from this vantage point.

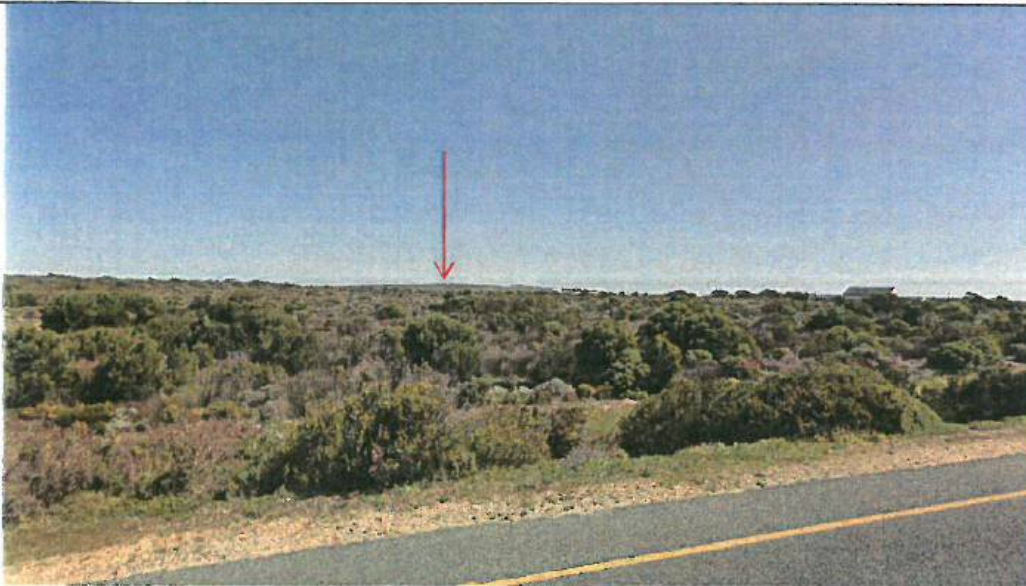


Figure 27: Photo Position 16 taken towards the north east of the Proposed Development.

Figure 27 was taken three point two kilometers (3.2 km) towards the north east of the proposed Birkenhead Mast along the R43. Due to the distance between the observer and the proposed development coupled with the undulating topography in the background, the proposed development will not be visible from this vantage point.



Figure 28: Photo Position 17 taken towards the north east of the Proposed Development.

Photo 17 was taken four point two kilometers (4.2 km) towards the north east of the proposed Birkenhead Mast along the R43. The proposed development will not be visible from this vantage point due to the dense vegetation cover within the foreground and undulating topography in the background, resulting in a high VAC.

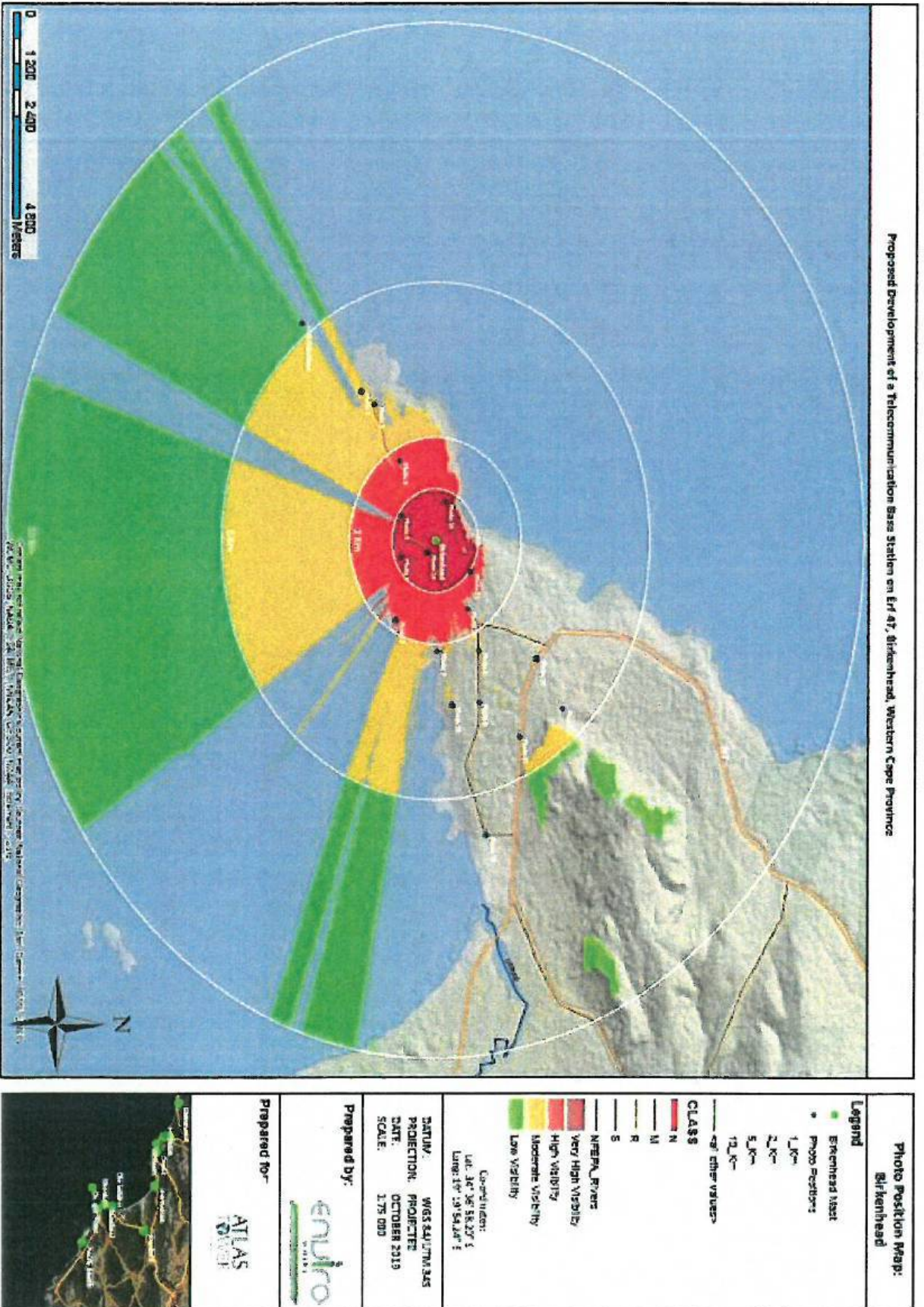


Figure 29: Locations from where the photos have been taken.

10 VISUAL IMPACT ASSESSMENT: IMPACT RATING METHODOLOGY

The previous section outlines all areas visible from the Birkenhead Tree Mast (viewshed analysis). This section will attempt to quantify these potential visual impacts in their respective geographical locations and in terms of the identified issues related to the visual impact. The methodology for the assessment of potential visual impacts states the nature of the potential visual impact (e.g. the visual impact on individuals who travel along the R43, Van Dyks Weg, Lord Roberts Street and Rossouw Street as well as those residing within and visiting the project extent) and includes a table quantifying the potential significance of visual impact according to the following criteria:

- Duration of the impact (time scale);
- Extent of the impact (spatial scale);
- Intensity (Magnitude of the impact);
- Probability of the impact occurring;
- Cumulative Impacts; and the,
- Degree to which the impact can be mitigated.

The scales to be used to assess these variables and to define the rating categories are tabulated in the tables below.

Table 7: Evaluation components, ranking scales and descriptions (criteria).

Evaluation component	Ranking scale and description (criteria)
DURATION	<p>5 – Permanent: Where time will not mitigate the visual impact.</p> <p>4 - Long term: Impact might occur for the lifespan of the project.</p> <p>3 - Medium term: Impact might occur for the duration for screening vegetation to mature.</p> <p>2 - Short term: Impact might occur for the duration of the construction phase.</p> <p>1 - Immediate</p>
EXTENT (or spatial scale / influence of impact)	<p>5 - International: Affecting areas across International Boundaries.</p> <p>4 - National: Affecting large parts of the country.</p> <p>3 - Regional: Affecting a larger metropolitan or regional area.</p> <p>2 - Local: Limited to the immediate surroundings.</p> <p>1 - Site-specific: Extending only as far as the activity.</p> <p>0 - None</p>
INTENSITY Magnitude of the impact on views, scenic or cultural resources	<p>5 - Definite where scenic and cultural resources are definitely affected.</p> <p>4 - High where scenic and cultural resources are significantly affected.</p> <p>3 - Moderate where visual and scenic resources are affected to a limited extent.</p> <p>2 - Low where visual and scenic resources are not affected.</p> <p>1 - Very low the proposed development will not be visible.</p>
PROBABILITY (of occurrence)	<p>5 - Definite: Where time will not mitigate the visual impact.</p> <p>4 – Long Term Probability: Lifespan of the project.</p> <p>3 - Medium probability: Duration for screening vegetation to mature.</p> <p>2 - Low probability: Screening vegetation matured and development has a high Landscape Compatibility.</p> <p>1 – Short Term: Duration of the construction phase.</p>

Evaluation component	Ranking scale and description (criteria)
CUMULATIVE impacts	<p>High: The activity is one of several similar past, present or future activities in the same geographical area, and might contribute to a very significant combined impact on the natural, cultural, and/or socio-economic resources of local, regional or national concern.</p> <p>Medium: The activity is one of a few similar past, present or future activities in the same geographical area, and might have a combined impact of moderate significance on the natural, cultural, and/or socio-economic resources of local, regional or national concern.</p> <p>Low: The activity is localised and might have a negligible cumulative impact.</p> <p>None: No cumulative impact on the environment.</p>

Once the evaluation components have been ranked for each potential impact, the significance of each potential impact will be assessed (or calculated) using the following formula:

$$SP \text{ (Significance Points)} = (\text{Duration} + \text{Extent} + \text{Intensity}) \times \text{Probability}$$

The maximum value is 150 significance points (SP). The unmitigated and mitigated scenarios for each potential environmental impact should be rated as per the table below.

Table 8: Definition of significance ratings (positive and negative).

Significance Points	Environmental Significance	Description
60 – 75	Very High (VH)	An impact of very high significance will mean that the project cannot proceed, and that impacts are irreversible, regardless of available mitigation options.
45 – 59	High (H)	An impact of high significance which could influence a decision about whether or not to proceed with the proposed project, regardless of available mitigation options.
30 – 44	Medium-high (MH)	If left unmanaged, an impact of medium-high significance could influence a decision about whether or not to proceed with a proposed project. Mitigation options should be relooked.
15 – 29	Medium (M)	If left unmanaged, an impact of moderate significance could influence a decision about whether or not to proceed with a proposed project.
0 – 14	Low (L)	An impact of low is likely to contribute to positive decisions about whether or not to proceed with the project. It will have little real effect and is unlikely to have an influence on project design or alternative motivation.
+	Positive impact (+)	A positive impact is likely to result in a positive consequence/effect and is likely to contribute to positive decisions about whether or not to proceed with the project.

11 VISUAL IMPACT ASSESSMENT

The primary visual impacts of the proposed Birkenhead Mast are further assessed as follow:

11.1 Potential visual impact on sensitive visual receptors, located within a 10 km radii of the Birkenhead Mast.
 The Operational Phase of the Birkenhead Lattice Mast will have a high visual impact (significance rating= 48) on observers within a one kilometer (1 km) radius.

Table 9: Impact Ratings of the Construction Phase within a 5 km radius.

Planning, design and construction phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
POTENTIAL VISUAL IMPACTS:					
Nature of impact: Impact on the sense of place for surrounding users.	Activity: The movement of construction vehicles, machinery and personnel on site shall result in a visual impact on surrounding users. Furthermore to this, the storage of materials and excavation shall result in disturbance and an unsightly character.				No construction phase impacts are associated with the no-go alternative thus no assessment has been undertaken.
Duration:	2	2	2	2	-
Extent:	2	1	2	1	-
Intensity:	4	3	4	3	-
Probability:	1	1	1	1	-
Total SP:	8	6	8	6	-
Significance rating:	L	L	L	L	-
Cumulative impact:	-	-	-	-	-
Proposed Mitigation:	<ul style="list-style-type: none"> Access roads are to be kept clean; Site offices and structures should be limited to one location and carefully situated to reduce visual intrusions. Roofs should be grey and non-reflective; Construction camps as well as development areas should be screened with netting; Lights within the construction camp should face directly down (angle of 90°); Vegetation clearance should be limited to the development footprint only; Litter should be strictly controlled, as the spread thereof through wind could have a very negative visual impact; All areas disturbed by construction activities must be subject to landscaping and rehabilitation; All spoil and waste will be disposed to a registered waste site and certificates of disposal provided; The project must be timed so that rehabilitation can take place at the optimal time for vegetation establishment; Litter should be strictly controlled, as the spread thereof through wind could have a very negative visual impact; 				N/A

Planning, design and construction phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
	<ul style="list-style-type: none"> • Signage, if essential, should be discrete and confined to entrance gates. No corporate or advertising signage should be permitted. • Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare; and, • Mitigation of visual impacts associated with the construction phase would entail proper planning, management and rehabilitation of the construction site. Mitigation measures include the following: <ul style="list-style-type: none"> • Reduce the time of construction through careful planning of logistics and ensure the productive implementation of resources; • Limit disturbance of the environment to the development footprint; and, • Limit construction activities to business hours (07:00 – 17:00). 				

Table 10: Impact Ratings of the Operational Phase within a 1 km radius.

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
POTENTIAL VISUAL IMPACTS:					
Nature of impact: Impact on the sense of place for surrounding users.	Activity: The development of the Birkenhead Mast can cause a visual intrusion to observers within a one kilometre (1 km) radius from the proposed development.				No construction phase impacts are associated with the no-go alternative thus no assessment has been undertaken.
Duration:	5	5	5	5	5
Extent:	3	3	3	3	0
Intensity:	4	3	4	3	0
Probability:	4	4	4	4	5
Total Sp.:	48	44	48	44	25
Significance rating:	High (H)	Moderate High (MH)	High (H)	Moderate High (MH)	P (+)
Cumulative impact:	L	L	L	L	-
Proposed Mitigation:	<ul style="list-style-type: none"> • Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare; 				N/A

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
	<ul style="list-style-type: none"> Mitigation to minimise lighting impacts include the following: <ul style="list-style-type: none"> Shielding the sources of light by physical barriers (walls, vegetation or structures itself); Limit mounting heights of lighting fixtures, or alternatively using foot-lights or bollard level lights); Make use of downward directional lighting fixtures; Make use of minimum lumen or wattage in lights; The navigation light at the top of the mast must be shielded to prevent disturbance to adjacent landowners; and, Only switch lights on when necessary when repairs are taking place at night; It is recommended that a Lattice Mast or Monopole Mast be developed, as a Tree Mast will draw too much attention due to the low height of the surrounding vegetation; Equipment containers and the surrounding fence must be painted green in order to blend in with the surrounding vegetation; Rehabilitation and Post-closure measures: <ul style="list-style-type: none"> All above-ground structures should be removed, safely disposed of or possibly recycled for use elsewhere; and, The affected area should be regarded to pre-development topographic conditions, unless the area is required for new specific uses. 				

Table 11: Impact Ratings of the Operational Phase within a 2 km radius.

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
POTENTIAL VISUAL IMPACTS:					
Nature of impact: Impact on the sense of place for surrounding users.	Activity: The development of the Birkenhead Mast can cause a visual intrusion to observers within a two kilometre (2 km) radius from the proposed development.				No construction phase impacts are associated with the no-go alternative thus no assessment has been undertaken.

Table 12: Impact Ratings of the Operational Phase within a 5 km radius.

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
Duration:	4	4	4	4	5
Extent:	3	3	3	3	0
Intensity:	3	3	3	3	0
Probability:	4	4	4	4	5
Total SP:	40	40	40	40	25
Significance rating:	Moderate High (MH)	Moderate High (MH)	Moderate-High (MH)	Moderate-High (MH)	P (+)
Cumulative Impact:	L	L	L	L	-
Proposed Mitigation:	<ul style="list-style-type: none"> Please refer to Mitigation Measures listed above. 				N/A

Table 13: Impact Ratings of the Operational Phase within a 10 km radius.

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
Duration:	4	4	4	4	5
Extent:	3	3	3	3	0
Intensity:	2	2	2	2	0
Probability:	3	2	3	2	5
Total SP:	27	18	27	18	25
Significance rating:	Moderate (M)	Moderate (M)	Moderate (M)	Moderate (M)	P (+)
Cumulative Impact:	L	L	L	L	-
Proposed Mitigation:	<ul style="list-style-type: none"> Please refer to Mitigation Measures listed above. 				N/A

Table 13: Impact Ratings of the Operational Phase within a 10 km radius.

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
POTENTIAL VISUAL IMPACTS:					

Operational Phase	Design Alternative 1		Design Alternative 2		No-Go Alternative
	Before Mitigation	After Mitigation	Before Mitigation	After Mitigation	
Nature of impact: Impact on the sense of place for surrounding users.	Activity: The development of the Birkenhead Mast can cause a visual intrusion to observers within a ten kilometre (10 km) radius from the proposed development.				
Duration:	4	4	4	4	No construction phase impacts are associated with the no-go alternative thus no assessment has been undertaken.
Extent:	0	0	0	0	5
Intensity:	2	2	2	2	0
Probability:	2	2	2	2	0
Total SP:	12	12	12	12	5
Significance rating:	Low (L)	Low (L)	Low (L)	Low (L)	25
Cumulative impact:	L	L	L	L	P (+)
Proposed Mitigation:	Please refer to Mitigation Measures listed above.				-
					N/A

12 STAKEHOLDER ENGAGEMENT

The following comments were received from PHS Consulting during the initial Stakeholder Engagement:

RE: LOCAL AUTHORITY CONSENT USE APPLICATION, PERMANENT DEPARTURE AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO PERMIT A TRANSMISSION TOWER

The notification letter, dated 25 September 2020, in terms of sections 48 and 50 of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) and the associated Application (Local Authority Consent Use Application, Permanent Departure and Deletion of Restrictive Title Deed Conditions in order to permit a Transmission Tower) refers.

PHS Consulting was appointed to scrutinize the application and to object against the application on behalf of the Romansbaai Beach & Fynbos Estate Home Owners Association. Please note that Paul Slabbert the author of this objection is a Registered Environmental Impact Assessor with EAPASA and a Registered Heritage Assessment Practitioner with APHP with extensive experience in Visual Impact Assessments.

The proposed activity involves the construction of a 25 metre Transmission Tower/Mast; 3 Antennae's and 3 microwave dishes attached to the mast with a navigation light at the top of the mast. In addition, three (3) equipment containers will be installed (each on a concrete plinth) at ground level. The total development footprint for the proposed project is sixty four square metres (64 m²) surrounded by two point four metre (2.4 m) palisade fence. We hereby formally provide the following objections to the aforementioned application and activity:

1. Due to the nature of the proposal the main issue relates to the visual impact that the Transmission Tower (TT) will have for the neighbours, area inhabitants, the local tourism operators and the Birkenhead Peninsula as a whole. As such the Visual Impact Assessment (VIA) was scrutinised as follow:
 - a. First of all, there is a discrepancy in terms of the number of antennae proposed between the planning motivation and the VIA. The VIA states 9 antennae opposed to 3 in the application. This immediately raises the issue that once a tower is erected it is difficult to control the number of attachments to such a tower and the lengthening of a tower in future or even the addition of extra towers on the specific erf. Especially if the restrictive Title Deed conditions have been removed.
This discrepancy has been resolved, the project description listed within the Visual Impact Assessment was correct (P. ii).
 - b. Secondly the VIA's analysis starts by misinterpreting the Guidelines for Involving Visual and Aesthetic Specialists in the EIA processes. When determining the Category of a development type it needs to be considered in the context of the site location and context and the proposal needs to be compared with the scale of other development in the area. The site is located on the Birkenhead Peninsula that consists of small-scale low infrastructure due to various restrictions, previous assessments and guidelines. As a result, the area has a distinct rural feel.

This has been addressed in the report by the Visual Specialist.

- c. With regard to Table 5 in the VIA, a twenty five metre (25 m) TT can therefore not be regarded as Category 2 – small scale infrastructure. It should be regarded as a Category 3 – low to medium scale infrastructure. Furthermore, with regards to Table 6 in the VIA, the type of environment that the TT is proposed in is regarded by myself and the objectors as an area of high scenic, cultural, historical significance opposed to the case the VIA makes that the area is of medium scenic, cultural, historical significance. Due to this misinterpretation by the VIA assessor he came up with a Minimal visual impact expected. This paved the way for the impact ratings and the statements made in the VIA. But as stated this is incorrect the Birkenhead Peninsula has been sited as a high scenic, cultural historical area in previous various studies in the area and considering the scale of the TT on the skyline (Category 3), we derived at a different conclusion. We are of the opinion that the proposal will have a high visual impact expected.

This has been addressed by the Visual Specialist within the report, the Impact Ratings originally illustrated the overall impact within a five kilometre (5 km) radius; however, this has been amended to rate each of the distance zones separately. Please take note that the Visual Specialist stands with his initial conclusion (Please refer to P. 7 and P. 27-31).

- d. The above misinterpretation of the VIA practitioner set-up the basis for a flawed VIA and a poor informant to the planning motivation creating the impression that the visual impact should be low. The VIA under point 4 describes the affected environment, but the one major component that is affected is the scenic, cultural and historical landscape. This aspect is clearly not assessed even though it is regarded as a very important component in order to rate the impact as per above point. An attempt is made under point 7 in the VIA to describe the sense of place of the development area but the writer failed to describe the context accurately. The first two paragraphs are a description of what sense of place means, thereafter Ganbaai's history is depicted in short and a description of where the name of the area comes from. No attempt was made to describe the scenic, cultural and historical value of the site in the context of the Birkenhead Peninsula. The Birkenhead Peninsula is a unique landform, steeped with history and scenic beauty, without depicting this it is impossible to know how to gage the impact of the TT on the scenic, cultural and historical landscape. Again it's a clear indication that the VIA is flawed.

Additional information has been added under the heading Sense of Place, illustrating the high historic value of the study area (Please refer to P. 8-9).

- e. The VIA accessor depicts in the impact rating table as expected that cumulative impact after mitigation is low, it is difficult to comprehend that a TT of twenty five metre (25 m) in close proximity to an ECO Estate, tourism operations, within a significant cultural landscape, located on the skyline can have a low cumulative impact if the guidelines in the table clearly suggest a high impact to be expected.

I concur that the visual impact will be high; however, the cumulative impact will be low as there are not a lot of infrastructure obstructing the skyline.

- f. The topography is fairly flat with a gradual slope (opposed the dramatic unrealistic graphs in Fig. 8, 9 & 10 of the VIA) and is mostly covered with low growing shrubs. There are no tall clumps of trees or even tall buildings and therefore the construction of a twenty five metre (25 m) along with its associated infrastructure will permanently alter the skyline. The current rural, natural undulating skyline will be altered and given a more urban/industrial feel opposed to the rural vision of the area.
- Figures 8, 9 and 10 were compiled through the use of ArcMap's Elevation Profile tool and satellite imagery and as such is realistic. I concur with regards to the vegetation and this is reflected within the report; however, the dense vegetation contributes to the VAC of the area as distance between the Observer and the Proposed Development increases. As described within the report a Lattice Mast and Monopole Mast is considered as these will have the least amount of impact on the skyline (Please refer to P. 12 – 23).*
- g. According to the VIA, the highest visual impact will be experienced by the Fynbos Estate aka Romansbaai Beach and Fynbos Estate as well as the Danger Point Lighthouse. Once again the ethos of the Romansbaai Beach and Fynbos Estate with regards to the selection of its location is the natural beauty of the surrounds. Furthermore, the Overberg's most enigmatic tourist attraction – the Danger Point Lighthouse is located in close vicinity to the Estate and according to the VIA, the TT will have a High Visual Impact on Tourists who have climbed to the top of the Lighthouse. It therefore can be argued that the tourist experience within the area (in close proximity to the site) and their perception of the area would therefore be permanently altered, both visiting the Estate and the Lighthouse.
- The same argument can be made about the ECO estate and the abalone farm situated directly adjacent to the Lighthouse. Furthermore, the proposed development will not be situated in direct line of sight of the bay; however, it will still have a high visual impact from the top of the lighthouse.*
- h. As per above point the VIA does acknowledge in the text the high visual impacts but in the ratings and conclusion its not echoed.
- As mentioned the impact tables have been updated (Please refer to P. 27 – 31).*
- i. It is also not clear why the VIA does acknowledge in the text the high visual impacts but in the ratings and conclusions its not echoed.
- Please note that the ratings in the old report was based within a five kilometre radius and as such the moderate visual impact due to the fact that although it has a high visual impact within the short distance zone the visual impact is considered to be low at kilometre five. However, as mentioned this has been addressed in the new report (Please refer to P. vi & P. 27 – 31).*
- j. It is also not clear why the VIA states "when the Fynbos Estate start to develop the visual impact will decrease to observers situated in the north eastern portions of the estate. This statement is unfounded and the reason for the assumption is not clear.
- As houses are constructed around the erven situated within the north western corner (although height restrictions of 5 m to 6 m are placed on all buildings within the estate) the*

visual impact will be lower, as these building will restrict the visual impact on the skyline to some degree at least.

- k. We are of the opinion that the VIA needs to be reviewed to consider the aspects raised in this objection in order to provide a better reflection of the situation on the ground.

Please refer to the Revision Record for all revisions made within the report (Revision Record P. i).

13 CONCLUSION AND RECOMMENDATIONS

The visual impact within the short- and medium- zones will be high as there are numerous observers situated within this zone. After careful consideration it is recommended that a Lattice Mast be developed as it will allow visibility of the background which will lower the visual impact as distance between the development and the observer increases. Alternatively a monopole mast (as there is an existing monopole mast within the area contributing to the cumulative impact) can be developed within the area rather than a tree mast, as the tree mast will stand out within the area as the natural vegetation does not consist of any tall trees. The highest visual impact will occur from the Fynbos Estate situated adjacent to the proposed development; however, as the estate start to develop the visual impact will decrease to observers situated in the north eastern portions of the estate. Beyond the medium distance zone the proposed development will have a low visual impact due to the undulating topography of the study area, the dense shrubland vegetation and the limited observers within these areas.

If all mitigation measures are implemented by the Developer the visual impact will be moderate on residence residing within a five kilometer (5 km) radius as well as to commuters making use of the R43, Lord Roberts Street and Dyer Street as well as tourists visiting the surrounding tourist attractions. Taking into account the visual exposure beyond the five kilometer (5 km) radius, the visual impact will be low.

Construction Phase:

- Access roads are to be kept clean;
- Site offices and structures should be limited to one location and carefully situated to reduce visual intrusions. Roofs should be grey and non-reflective;
- Construction camps as well as development areas should be screened with netting;
- Lights within the construction camp should face directly down (angle of 90°);
- Vegetation clearance should be limited to the development footprint only;
- Litter should be strictly controlled, as the spread thereof through wind could have a very negative visual impact;
- Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare; and,

- Mitigation of visual impacts associated with the construction phase would entail proper planning, management and rehabilitation of the construction site. Mitigation measures include the following:
 - Reduce the time of construction through careful planning of logistics and ensure the productive implementation of resources;
 - Limit disturbance of the environment to the development footprint; and,
 - Limit construction activities to business hours (07:00 – 17:00).

Operation Phase:

- Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare;
- Mitigation to minimise lighting impacts include the following:
 - Shielding the sources of light by physical barriers (walls, vegetation or structures itself);
 - Limit mounting heights of lighting fixtures, or alternatively using foot-lights or bollard level lights);
 - Make use of downward directional lighting fixtures;
 - Make use of minimum lumen or wattage in lights;
 - The navigation light at the top of the mast must be shielded to prevent disturbance to adjacent landowners; and,
 - Only switch lights on when necessary for example when repairs are taking place at night;
- It is recommended that a Lattice Mast or Monopole Mast be developed, as a Tree Mast will draw too much attention due to the low height of the surrounding vegetation;
- Equipment containers and the surrounding fence must be painted green in order to blend in with the surrounding vegetation;
- Rehabilitation and Post-closure measures:
 - All above-ground structures should be removed, safely disposed of or possibly recycled for use elsewhere; and,
- The affected area should be regarded to pre-development topographic conditions, unless the area is required for new specific uses.

14 REFERENCES

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Western Cape
Government



Department of Environmental Affairs and Development Planning

Ntanganedzeni Mabasa

Development Management: Region I

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TP. A. Sheart
(S. Ud n'land)

REFERENCE: 16/3/3/6/E2/2/1056/20
ENQUIRIES: Ntanganedzeni Mabasa
DATE: 2020 -03- 25

The Municipal Manager
Overstrand Municipality
P.O Box 20
HERMANUS
7200

FILE NO:	8747
	Birkenhead
SCAN NO:	29
COLLABORATOR NO:	1400675

Attention: S van der Merwe

Tel: (028) 313 8900
Fax: (028) 313 2093

Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS, A CONSENT USE AND A DEPARTURE ON ERF NO. 47, BIRKENHEAD.

1. The abovementioned document dated 20 February 2020, as received by this Department on 27 February 2020, refers.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. Following review of the information submitted to this Department, it is noted that the proposal entails the following:
 - 3.1 An application made on Erf No. 47, Birkenhead in terms of the Overstrand By-Law on Municipal Land Use Planning for the following:
 - 3.1.1 A consent use for the purpose of erecting a 25m high transmission tower and its associated infrastructure.
 - 3.1.2 A permanent departure to allow the relaxation of the height restriction from 8.5m to 25.0m in order to allow for the proposed transmission tower.
 - 3.1.3 Deletion of restrictive conditions to accommodate the proposed transmission tower

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- 3.2 The development footprint is approximately 64m².
 - 3.3 The site is zoned Business Zone 3 (Local business), and is located inside the urban area of Birkenhead.
 - 3.4 The proposed site is currently used as mix of land uses ranging from low density residential to business uses.
4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1 and 3 of 7 April 2017. Be advised that, the application for removal of restrictive conditions, consent use and departure on Erf No. 47, Birkenhead located in a business zoning inside the urban area will not trigger any activity(ies) as defined in terms of the EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the construction of proposed application for removal of restrictive conditions, consent use and departure on Erf No. 47, Birkenhead.
 5. However, should any revision of the proposed development trigger any listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
 6. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
 7. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
 8. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
 9. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully


HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS,
CONSENT USE & DEPARTURE: ERF 47, BIRKENHEAD (3504/2019)**

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

Conditions:

1. that, should the applicant require water, Erf 47 be provided with a municipal water meter as per detail and requirements stipulated;
2. that the existing sewer conservancy tank to Erf 47 shall be used to service Erf 47;
3. that no electricity is currently available for the development and that should an electrical connection be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost. Bulk levies will be applicable.
4. that the transformer that supplies the property will need to be upgraded, the applicant will also need to install the cable from the transformer to the point of supply;
5. 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;
6. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater be allowed to discharge through Erf 47, Birkenhead, unobstructed.

p.p. R. Hendriks
 DENNIS HENDRIKS
 SENIOR MANAGER: ENGINEERING SERVICES

29/07/2020
 DATE