

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

14.

**ERF 3458, RHEEZICHT CLOSE, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE : MESSRS WARREN PETTERSON PLANNING ON
BEHALF OF JGJ DU TOIT**

3458 HON (2932)

H Olivier

5 February 2016

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 3 June 2015 from Warren Petterson Planning on behalf of the property owner, JGJ du Toit, on Erf 3458, Onrus River for a departure in order to erect and operate a rooftop base station (telecommunication) on the property concerned.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation

Background

Erf 3458 is zoned Residential Zone I and is developed with a dwelling. The erf measures 540m² in extend.

The owner applied for a departure to erect and operate a rooftop base station and associated infrastructure on the property.

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Registered notices were sent to all potentially affected property owners, and twenty seven (27) objections and a petition list were received.

The application was also circulated to all relevant municipal departments, and no objections were received.

Discussion

The objections and response thereon have been categorized for ease of reference and is as follows:

Health related

Objections

- An antenna of 9,5m in height is too low to ensure safe conditions.
- No clear technical information is provided regarding the health impact, the cumulative impact and supportive documents are out-dated and not specific to the application.
- Alternative options such as formacells or FTTH (fibre to home) could be considered.
- New reports by United Nations and World Health Organization in 2015 and the Electromagnetic Radiation Research Foundation of South Africa in 2014 made statements with regard to better protection against electromagnetic radiation.

Response to objections

- The better the transmission, the lower the power required by handsets, the less the health impact on the user.
- Radiation frequencies are part of everyday life (TV's, microwaves, etc.)
- Emissions are limited to International Commission Non-Ionizing Radiation Protection Standards, standards set by National Legislation and SA Departments of Health (EMF exposure limit guidelines) to ensure safety standards.
- Statements made by the Department of Health in October 2011 and tests done by the City of Cape Town's Department : City Health indicated that emissions from base stations are a mere fraction of a percentage point of guideline.
- Condition can be inserted that, should if the base station be proved to be a health hazard, it must be rectified or decommissioned.

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Base Station in Residential Area

Objections

- The Zoning Scheme does not make provision for transmission tower as consent uses under the Residential Zone I zoning.
- Transmission towers should be accommodated in business areas.
- The tower will be 1,5m higher than the 8m height restriction on residential erven, even if the tower looks like a chimney it is a separate structure that should abide by the height restriction.
- The approval of this commercial tendency could create a precedent and ultimately change the residential character.
- Maintenance would create commercial traffic and noise.

Response on Objections

- Temporary departure for five (5) years are applied for, and a further extension of time will require an additional departure application.
- It was considered to apply for a consent use on a Local Business Zone III site for a use for a rooftop base station transmission tower, but for reasons of poor coverage, the prerequisite for willing landlord and appropriateness of this type of installation in the environment (pristine sea and mountainous scenic area), this was not considered viable.
- Freestanding masts are usually not supported.
- Buildings in the Onrus CBD did not comply with requirements.
- Large need in residential areas and facility will provide high level network coverage.
- Mobile telecommunication plays a major role in safety and security, and poor coverage therefore impacts on emergency services.
- Antenna will be in a chimney structure and have no real aesthetic impact.

Property Values

Objections

In general people have a negative reaction to masts/antennae, which could lead to a negative impact on the resale value of properties in this area.

Response on Objections

There is no evidence that base stations reduce property value, if anything value will be added.

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Alternative Sites

Objections

- Not clearly motivated why transmission tower cannot be in Onrus River CBD.
- What other options were considered?

Response on Objections

- Criteria for positioning of base stations were considered and the construction of a mast on the open space site (Erf 3458) was not considered due to the greater impact. The business area was also considered, but due to its lower elevation would have meant a 5m higher mast would have had to be installed, also with a greater impact.

Evaluation

The application will be evaluated in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

Location and Accessibility

Erf 3458, Onrus River is situated in Rheezicht Crescent.

The application would not have a major increase in traffic, as it would still in essence be a residential property.

Existing Planning in the Area

The immediate erven south, west, north and north east is zoned Residential Zone I and developed as such. There is also a formal Public Open Space situated to the south east of the site.

Policy Planning

In terms of the Overstrand Municipal Wide Spatial Development Framework of 2006, the area is earmarked for residential purposes.

In terms of the Overstrand Municipal Growth Strategy, 2010 the area is identified for Economic Opportunity (Local).

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Character of the Area

Considering the existing planning in the area, the immediate surrounding area does have a residential character.

Then, considering the fact that the Overstrand Municipal Growth Strategy has identified this area for economic opportunity, it does give this area some scope to be developed for business purposes.

A fair number of objections were received relating to the impact of an transmission tower on the character of the area. It relates to the fact that the structure will be 1,5m above the height restriction, there are concerns about traffic and noise for maintenance and also that the Zoning Scheme does not make provision for such use in the Residential Zone I zone, and that by approving the departure it would create an unwanted precedent.

The applicant is of the opinion that the proposal will have minimal visual impact, that there is a great need for network coverage in residential areas and it also promotes better safety and security in residential areas.

Considering the facts, it can be said that the proposed structure will have a limited visual impact, but the objectors' opinion that the structure is not a functional chimney and therefore over the 8m height restriction is supported.

The area that the property is situated in has been identified for economic opportunity, but at this stage no rezoning to business purposes have been applied for, and the area still does have a strong single residential character.

It is not clear what noise levels will be created by the base station, and what will be the frequency of visits for maintenance, which could impact on the surrounding neighbours and also their privacy.

The objectors' viewpoint that no provision is made in the Zoning Scheme for rooftop base stations as a primary right or consent use, and therefore should not be allowed in residential areas is a fair comment. It is due to the concerns of visual impact, noise impact and even possible health concerns that no provision was made for such uses under the Residential Zone I.

This office must therefore be totally satisfied that there will be no impact on the surrounding residential area, or otherwise the departure should not be positively considered.

Ultimately, considering the limited visual impact and forward planning for this area, the proposal will not necessarily be out of character with future development in the area, but the abovementioned aspects about the direct impact on the surrounding residential even does raise some concerns and was not sufficiently addressed.

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Property Value

It is to an extent speculative to consider the impact the proposal will have on property value. The infrastructure will hardly be visible, and it is therefore not clear if potential buyers in an area will even be aware of the tower and infrastructure. However, should the base station create noise levels directly adjacent properties, property prices can be impacted on.

Health Concerns

A lot of comments were provided by the objectors and applicant on this matter. This office is however can only accept the existing standard practises as supported by the relevant Health Institutions in South Africa.

At this stage such practises are supported by the National Department of Health. This application was also forwarded to the Overberg District Municipality's Health Section, who provided their support for the application.

Alternative Sites

The objectors are of the opinion that an alternative site could have been considered, whilst the applicant indicated that a public open space and business building in the area was considered, but did not comply with "criteria".

The applicant did not provide any detail regarding alternative sites in his original motivation, and only provided some detail is responding to the objections.

It is not clear what effort the applicant did go through to look at other possible alternative sites, but proposals to put a mast in the middle of a public open space with no trees to even hide the structure is not even remotely considered an alternative. Placing a 5m high structure on top of a business building is also a very extreme alternative. The two (2) mentioned alternatives should not even have been considered as alternatives, and proposals considered was in such a small area of Onrus River, the area to consider alternatives could have included a wider area.

The applicant indicates that the following five (5) criteria were considered:

- Required coverage to be achieved in the area;
- Least aesthetical impact;
- Taking the locality of existing base stations into consideration;
- Landlord agreement, and
- Optimal placement of base stations will limit the number of base stations.

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Considering the above and the two (2) other alternatives, the applicant "considered", it is clear that both these alternatives should not even have been considered.

Previous approvals for base stations in this area were in highly vegetated areas with high trees, or behind the high walls of a reservoir lessening the visual impact of the tower. These structures were also approved a fair distance from single residential properties.

Approximately 100m north-west of the site is open spaces with large trees, which is probably a better option for a base station, but this was not even considered.

It is the opinion that other options could have been considered for alternative sites, and the placement of a base station on Erf 3458, Onrus River is not considered as the best alternative.

It is to be noted that the municipal Environmental Department also indicated that there must be adherence to the Western Cape Noise Control Regulations.

The opinion that all alternative options were considered is not supported.

Conclusion

Twenty seven (27) objections were received against the application. The applicant was provided with an opportunity to respond to the objections.

The application was circulated to all relevant municipal departments, and no objections were received.

The application will not necessarily have a visual impact or major impact on the character of the area, but there is concerns regarding the noise levels to be created by the infrastructure, maintenance of infrastructure and also if this was the best alternative for the base station.

The tower structure is not a chimney and therefore it is considered to be a structure 1,5m above the 8m height restriction.

Considering the above-mentioned, the application is not desirable, and not supported.

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Manager: Building Control Department

Limited impact

Engineering Department

See Annexure F.

Environmental Department

Propose approval of application, but site must adhere to the Western Cape Noise Control Regulations.

District Health

Application approved.

10. Annexures

Annexure A: Locality Plan

Annexure B: Proposed Site Development Plan

Annexure C: Motivation Report

Annexure D: Objections received

Annexure E: Applicant's comment on the objections received

RECOMMENDATION:

1. that, in terms of Section 15 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure on Erf 3458, Onrus River in order to install a rooftop base station on the property concerned, **not be approved**, due to the following reasons :
 - (a) there is concern with regard to the possible noise impact and impact of maintenance of the infrastructure on the neighbouring residential properties;
 - (b) sufficient information was not provided proving that suitable alternative sites were considered;

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- (c) the aerial structure is not considered a chimney, but infrastructure, and it is above the 8m height restriction applicable to the area; and
 - (d) the Zoning Scheme does not make provision for communication base stations as a primary right or consent use on Residential Zone I erven, and this could impact on the character of Residential Zone I areas.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTORS :	13 APRIL 2016

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PROPOSED DEPARTURE : MESSRS WARREN PETTERSON PLANNING ON
BEHALF OF JGJ DU TOIT**

3458 HON (2932)

H Olivier

5 February 2016

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT :

13 APRIL 2016

TARGET DATE TO INFORM OBJECTORS :

13 APRIL 2016



LIGGINGSPLAN / LOCALITY PLAN
 ERF 3458
 ONRUS RIVER





SITE DETAIL

SITE NAME - NO.

NO1907
Ohris River

ADDRESS

Rheezicht Crescent, Erf 3458 Ohris River, Western Province

LATITUDE | LONGITUDE | ASL

-34.410064° | 19.174500° | 20m

APPROVAL

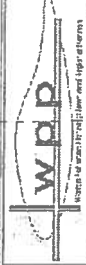
RADIO ENGINEER

NAME | SIGN

PLANNER

ENGINEER

NAME | ECSA NO.



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Claremont | Cape Town
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Email: rlobets@wpplanning.co.za

OFFICE

DRAWN BY | CHECKED BY

NAME | NAME

D. LOOTS | W. PETTERSON

DATE | DATE

04 - 05 - 2015 | 04 - 05 - 2015

REVISIONS

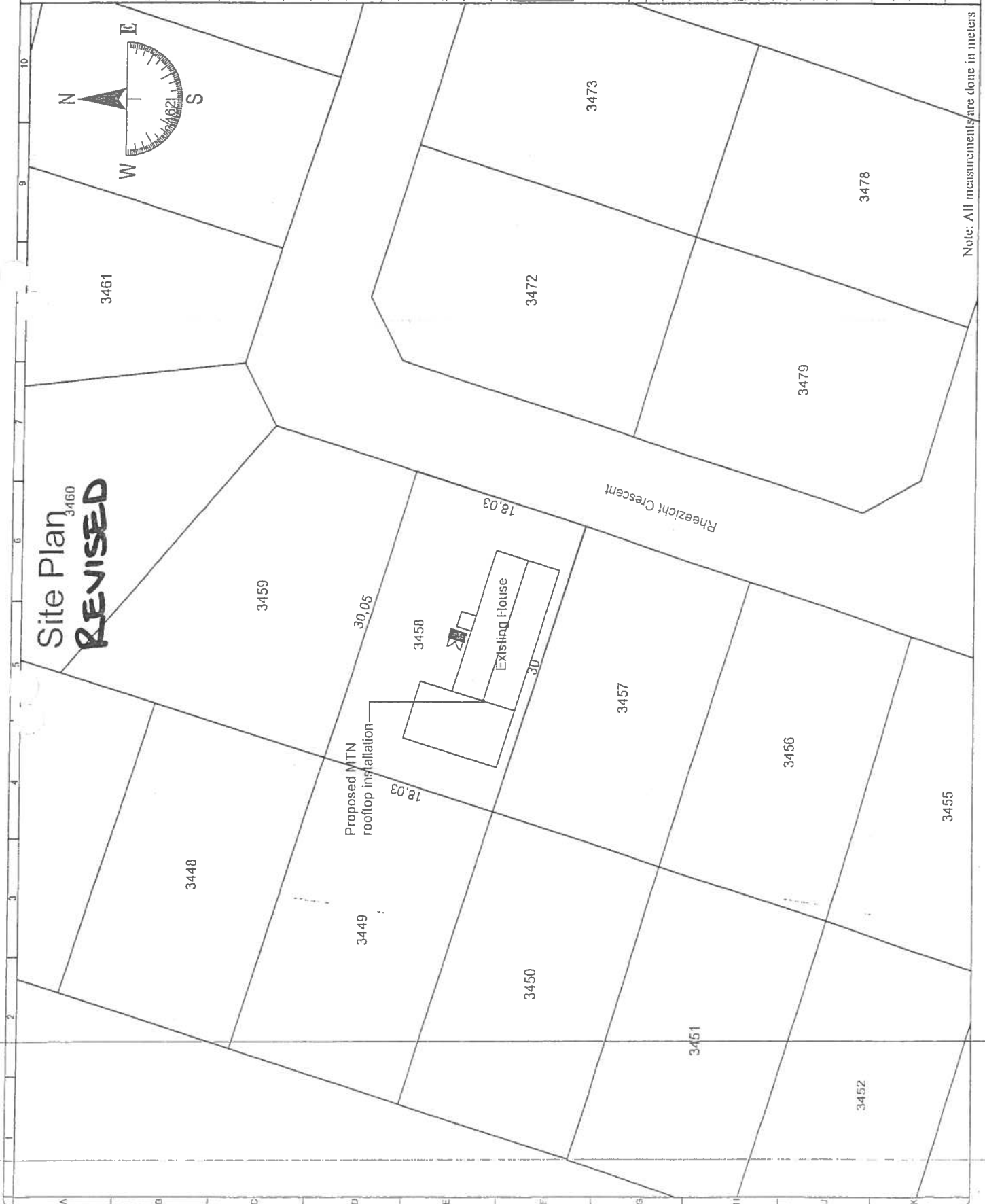
NO	REVISION	BY	DATE
A	Proposed Drawing	DL	04/05/2015

SITE PLAN

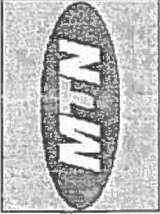

SCALE: 1:500

DRAWING NUMBER

SHEET NO.	TITLE	REVISION
0001	A01/03	PRO A



Note: All measurements are done in meters

			
SITE DETAIL			
SITE NAME - NO. NC1907 Onrus River			
ADDRESS Rheericht Crescent, Erf 3458 Onrus River, Western Province			
LATITUDE -34.410064°	LONGITUDE 19.174508°		
ASL 26m			
APPROVAL			
RADIO ENGINEER NAME	SIGN		
PLANNER			
ENGINEER			
NAME	EGSA NO.		
			
Warren Pieterse Planning P.O. Box 46512 Claremont, Cape Town Tel: (+27 021) 552 5255 Email: dloob@wpplanning.co.za			
OFFICE			
DRAWN BY NAME P. LOOTS	CHECKED BY NAME W. PIETERSE		
DATE 04-05-2015	DATE 04-05-2015		
REVISIONS			
NO.	REVISION	SCALE	DATE
1	Proposed Drawing	1:1	04/05/2015

TOP VIEW

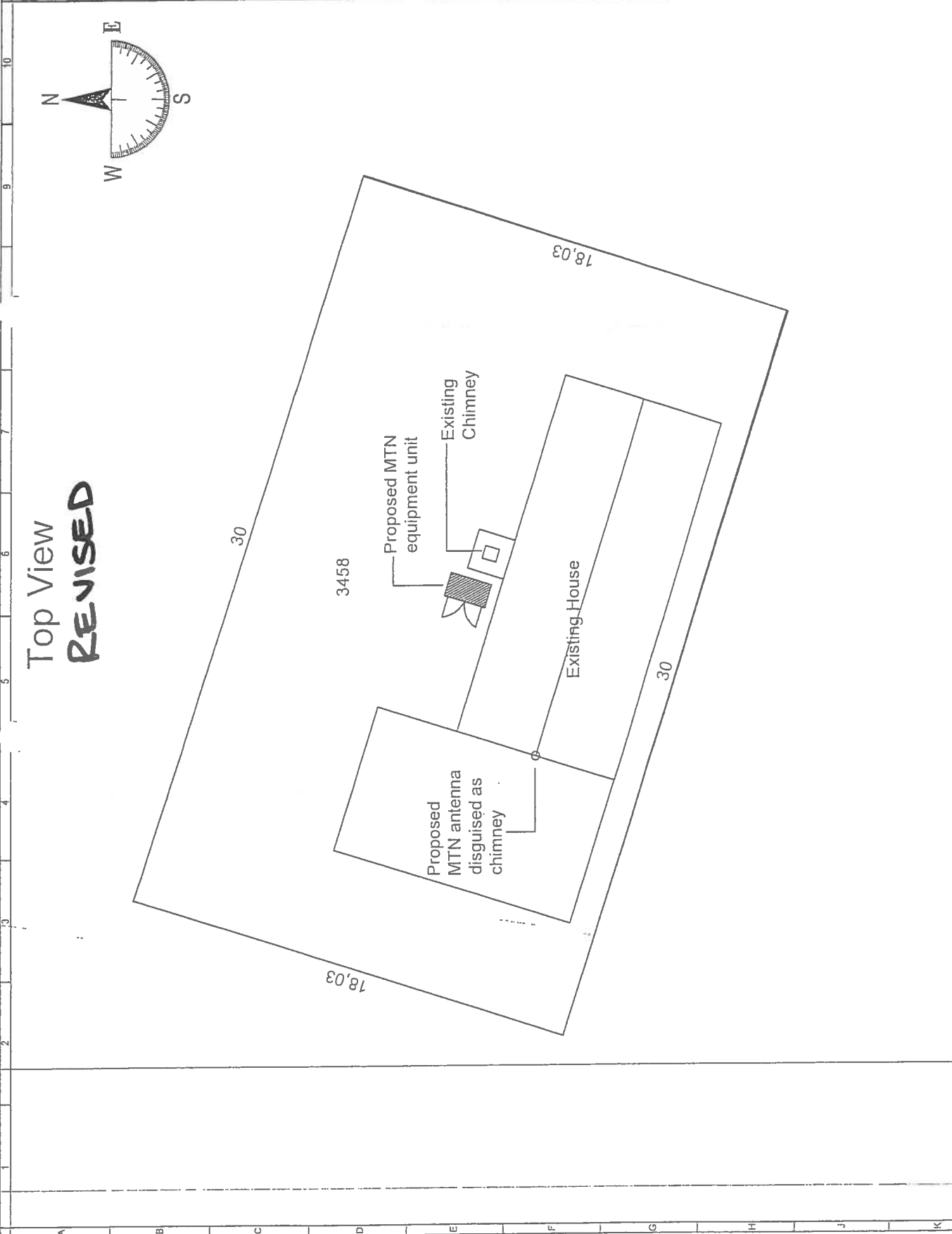
SCALE: NTS

DRAWING NUMBER

SHEET NO. 0001

TYPE A01/04

PRO A



Note: All measurements are done in meters



SITE DETAIL

SITE NAME - NO.

NO1507
Oricus River

ADDRESS

Rheericht Crescent, Erf 3458 Oricus River, Western Province

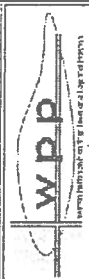
LATITUDE -34.410084°
LONGITUDE 18.174508°
ASL 26m

APPROVAL

RADIO ENGINEER
NAME: _____
SIGN: _____

PLANNER

ENGINEER
NAME: _____
ECSA NO. _____



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OFFICE

DRAWN BY: _____
CHECKED BY: _____
NAME: _____
DATE: _____

D. LOOTS
DATE: 04 - 05 - 2015

REVISIONS

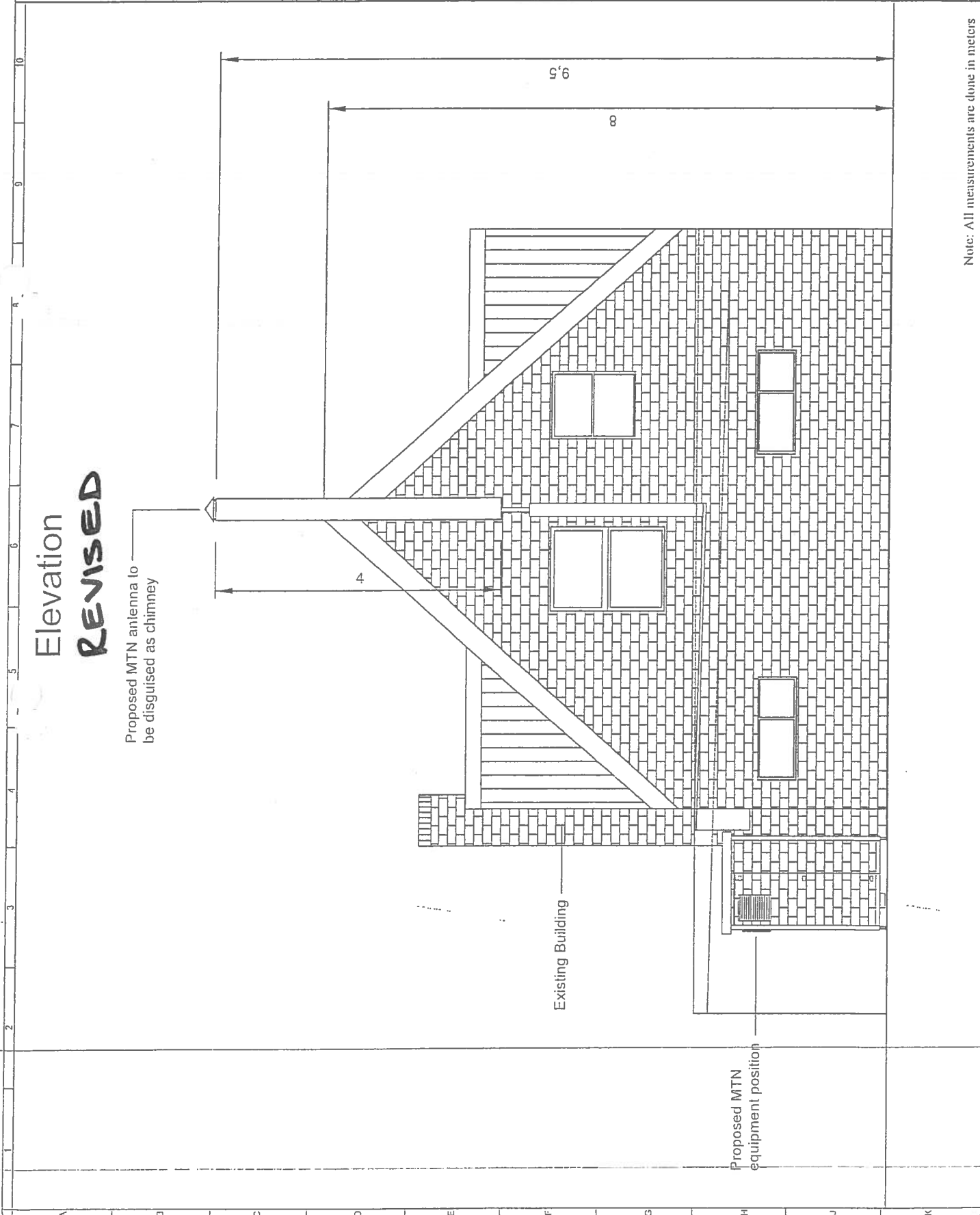
NO.	REVISION	DATE
A	Proposed Drawing	04 - 05 - 2015

ELEVATION

SCALE: NTS

DRAWING NUMBER

STEP NO.	TYPE
0001	PRO



Elevation
REVISED

Proposed MTN antenna to be disguised as chimney

Existing Building

Proposed MTN equipment position

Note: All measurements are done in meters



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The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

14 May 2015

Dear Sir/Madam

**TEMPORARY LAND USE DEPARTURE APPLICATION FOR A PROPOSED
ROOFTOP CELLULAR COMMUNICATIONS BASE STATION ON ERF 3458
ONRUSTRIVIER.**

Please find attached our motivation and all the relevant documentation for a temporary land use departure application on Erf 3458 Onrustrivier to accommodate the proposed rooftop cellular communications base station.

The proposed base station will be greatly beneficial to residents of Onrustrivier, the surrounding communities, businesses and commuters in the area by providing improved network coverage for MTN. Telecommunications service coverage in the area is poor, and this proposal aims to improve it.

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

Yours faithfully

Etienne Terblanche
Pr.Pl'n A/1898/2014

1 APPLICATION

This motivation serves as a Temporary land use departure application in terms of section 15(1)(a)(ii) of the Land Use Planning Ordinance (Ordinance 15 of 1985), for the installation of a cellular communication base station on Erf 3458 Onrustrivier to accommodate the proposed cellular communications base station.

The purpose of this application is to apply for temporary land use departure on the above mentioned property to accommodate the proposed cellular communication base station. The erf is currently zoned 'Single Residential Zone 1'. The current zoning will accommodate the proposed cellular communication base station with council's approval of the temporary land use departure application.

2 DESCRIPTION OF PROPERTY

The property is 540m² in extent and is zoned as 'Single Residential Zone 1'. The property is a residential unit and belongs to J. Du Toit, held under deed of transfer number T23627/2004. The title deed contains no restriction that prevents the installation of cellular communications base station at this location.

3 SURROUNDING AREA

The property is located in Onrustrivier, under the registered division of Caledon RD. Surrounding uses comprises of Residential properties along with a few open spaces. The surrounding suburbs are Vermont, located to the west and Sandbaai, located to the East of the property. The main distributor road in the immediate surrounding area to the proposed property is the R 43 Main Road which connects Onrustrivier with Hemanus to the East and Cape Town to the West.

4 PROPOSAL

4.1 Development

This temporary land use departure application for the construction of a base station comprising of the following:

- A 1.5 meter high Chimney structure which houses the cellular antennae, positioned on the apex of the roof of the single residential unit;
- X1 MTN equipment unit placed next to and on the northern side of the residential unit.

4.2 Access

The property can be accessed from Rheezicht Crescent, situated on the western side of the property (see annexure A).

4.3 Security

The proposed equipment will be secure inside the equipment unit that will be kept locked at all times. The antennae will be secure given their position on top of the Roof (see annexure A).

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

4.4 Power

The base station will be connected to the existing power supply on the property.

4.5 EIA Regulations

In terms of the amended NEMA Regulations, promulgated on 6 December 2014, activity 3 of Listing Notice 3 published in Government Notice No. R546, the proposed development does not constitute a listed activity and as such does not require an Environmental Authorisation (EA) (see Annexure D).

5. MOTIVATION

5.1 Historical Background

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

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

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

5.2 Planning Motivation

This temporary land use departure application for the construction of a cellular communications base should be supported on the following grounds:

5.2.1 Need and Desirability

Service provider's motivation for this application is to increase capacity and improve voice and data network coverage in response to an increase in cellular users in the surrounding area and greater demand on the existing network due to increased use of various hand held devices that are dependent on this technology. The existing base stations in the area, of which there very limited, are unable to meet the current demand. The current network coverage is extremely poor in the area and numerous complaints have been received from the surrounding community and commuters in the area. The community, businesses and commuters in the area will enjoy access to improved communication facilities that in turn means improved access to safety, emergency and other public services which is currently lacking.

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. It does however provide an essential service to the surrounding community.

5.2.2 Health Issues

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

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

In a statement made by the Department of Health dated 14 October 2011 on the Health Effects of base stations states the following (see attached Annexure E):

"The Department is therefore satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations. This also means that local and other authorities, in considering the environmental impact of any particular base station, do not need to and should not attempt, from a public health point of view, to set any restrictions with respect to

~~parameters such as height of the mast, distance to the mast, and duration of exposure."~~

There are no conclusive studies linking emissions at these levels to any health effects and scientific research that may reveal such a link is ongoing. The steps taken by the cellular communication companies to ensure the safety of the public against any possible harmful emissions, along with the above facts, concerns about health issues can be allayed.

5.2.3 The Site

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

This site was selected for a number of reasons, namely:

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

5.2.4 Visual Impact

The visual impact of the proposed base station is argued to be acceptable and every possible measure has been implemented to mitigate the visual impact of the proposed base station.

A rooftop design was chosen for the proposed base station as it is deemed more acceptable within an urban environment. The complaint area is characterized by low residential buildings. There are no tall structures that could support the proposed infrastructure in order to serve the complaint area effectively. We are of the opinion that erecting a 1.5m mast disguised as a chimney at the proposed location is the most desirable option (See Annexure A).

5.2.5 Alternative Sites

Alternative sites were considered during the initial stages of the proposal but this option is deemed the most acceptable option in terms of access, existing land

uses in the area and based on the coverage requirements of the network providers.

6 CONCLUSION

This temporary land use departure application for a proposed rooftop telecommunications base station on Erf 3458 Onrustrivier will provide an essential and sort after service to the surrounding community, businesses and commuters in the area. We therefore feel that this application should receive your full support.