



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

**A G E N D A**

<b>DATE:</b>	<b>25 JUNE 2020</b>
<b>VENUE:</b>	<b>VIRTUAL</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

**17 June 2020**

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will, due to the Covid-19 lockdown, go into session by means of a virtual platform on **Thursday, 25 June 2020 at 10:00** to consider the attached agenda.

**S MÜLLER**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr P Roux (Town Planner)
10. Secretariat

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

25 June 2020

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 26 March 2020**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 9720, SISULU STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS HIGHWAVE CONSULTANTS ON BEHALF OF THE PROVINCIAL GOVERNMENT WESTERN CAPE**

Report attached.

**4.2 ERF 10347, 17 LONG STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS PLAN ACTIVE ON BEHALF OF ER SCHIMMER AND BU RIEDELSHEIMER**

Report attached.

**4.3 ERF 376, 5 MAIN ROAD, GANSBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS CONRADIE, GOODWIN AND ASSOCIATES ON BEHALF OF EC O'CONNOR**

Report attached.

**4.4 ERF 120, 14 GEELBEK STREET, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING AND DEPARTURE: MESSRS WRAP CONSULTANCY ON BEHALF OF KS MACLEAN**

Report attached.

- 4.5 PORTION 1 (WIND HEUVEL) OF FARM WIND HEUVEL NO. 696, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF HOLISTIC 888 (PTY) LTD**

Report attached.

- 4.6 ERF 989, 31 MUSSON STREET, EASTCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF N SLEMENT**

Report attached.

**4.1****ERF 9720, SISULU STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS HIGHWAVE  
CONSULTANTS ON BEHALF OF THE PROVINCIAL GOVERNMENT WESTERN  
CAPE****9720 HZW (3126)****H van der Stoep****19 May 2020****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application was received on 10 May 2019 (revised 12 August 2019) from Messrs Highwave Consultants on behalf the Provincial Government Western Cape applicable on Erf 9720, Zwelihle for the following:

- ❖ Consent use (“transmission tower”) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to accommodate a free standing cellular communications base station and associated equipment together with a 30m high monopole transmission tower on the above property;
- ❖ Departure in terms of Section 16(2)(b) of the By-Law in order to:
  - exceed the applicable 10,5m height restriction in order to accommodate the 30m high monopole transmission tower; and
  - relax the northern street building line and eastern lateral building line from 5m to 0m respectively to accommodate the cellular communications base station and associated equipment.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The erf is zoned Community Zone 1: Community Facilities, measures 1,6970 ha and is located along Sisulu Street, Zwelihle. The property is registered in the name of the Provincial Government Western Cape.

The Zwelihle Primary School is developed on the property. The proposed telecommunications base station with transmission tower will be situated at the most north-eastern corner of an undeveloped portion of the property away from the school.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

The points of the Motivation Report are summarised as follows (the detailed report is attached as Annexure B):

- ❖ There are no restrictive title deed conditions contained in the Title Deed of the property.
- ❖ The predominant land uses in the surrounding area are residential.
- ❖ The development entails the construction of a 30m monopole mast, 3 triband antennae, three (3) transmission dishes on the mast, the construction of three (3) concrete plinths, the installation of equipment containers, and a 100m<sup>2</sup> compound enclosed with a 2,4m high palisade fence.
- ❖ Access to the base station will be gained from Sisulu Street.
- ❖ The radio and transmission equipment will be installed in monitored containers that are locked at all times. The antennae is to be located 20m above ground level, thus inaccessible to the public. A mast door with a high security lock will be installed to ensure increased security to the mast. Security signage will be attached to the access gate, containers and mast door to prevent access by the public and to reduce vandalism to the equipment.
- ❖ Electricity supply will be obtained on-site.
- ❖ The application does not trigger any listed activities in terms of NEMA.
- ❖ Recent research indicates a lack of cellular infrastructure to provide for optimal and sufficient data/voice coverage for the surrounding area in the Zwelihle area.
- ❖ The need for optimal coverage was mainly caused by the increase in subdivisions of surrounding large properties into industrial, commercial and business parks over the past few years as well as the introduction of Long Term Evolution (LTE).
- ❖ It was identified that the radius of cellular telecommunications technology has been reduced due to latest technology and additional need for increased data speed and voice quality. In addition a clear increase in complaints in the surrounding area regarding poor and no voice and data coverage is paramount to ensure the economic development of the surrounding area.
- ❖ The base station will not have an impact on parking, coverage or floor factor.
- ❖ Erf 9720 was identified as a prime position based on the following premise:
  - property offers optimal position between existing and planned base stations to provide efficient data and voice coverage;
  - minimize physical, natural and visual impact;
  - surrounding geographical aspects are in line with the requirements;
  - the reduction of the number of base stations in the surrounding areas by allowing co-location;

- ability to provide sufficient security to equipment;
  - capacity to share infrastructure with the majority of operators;
  - properly located to address the complaints received in the area and;
  - sufficient space to construct the base station.
- ❖ To achieve optimal coverage, base stations need to be approximately 300m apart on average depending on the density of the surrounding areas, as well as geographical and physical features. The volume of steel and concrete of the buildings in the area result in a reduced coverage area.
  - ❖ The World Health Organisation officially endorsed studies regarding electromagnetic fields and public health (EMF) and the International Commission on Non-Ionizing Radiation Protection (ICNIRP) categorically states that exposure to EMF at any level below that of the ICNIRP guidelines will protect people against the known health effects of EMF.
  - ❖ Assessments conducted in South Africa and around the world indicated that the actual levels of public exposure is only a fraction of the percentage as regulated by the ICNIRP.
  - ❖ At present no confirmed scientific evidence exists that would indicate any hazard to human health.
  - ❖ The need for the base station is not only for the community of Zwelihle, but also for improving internet speeds in the area as the industry is moving towards a data centric industry and users of new wireless technology. More applications and advanced software intensifies the pressure on networks. When selecting a site, special consideration is given to the geographical aspects so that cellular infrastructure is positioned to ensure optimal functionality and availability to the customer. This will reduce the number of base stations necessary to provide the best experience for the end user.
  - ❖ Since the introduction of LTE in South Africa there has been a greater need for access to faster data in commercial areas that led to lower subscription fees which provide economic sustainability and development and the surrounding community will be the main beneficiary.
  - ❖ The base station does not impact on the current and surrounding land uses of the property.
  - ❖ The current position for masts given to our client does not mean that the signal is weak in the area since the operators aim to strengthen the coverage and to future proof it for new technologies.
  - ❖ It is MTN's goal to strengthen fixed LTE coverage in the area, whilst the proposed mast will aid Vodacom in closing a gap in their current LTE network in the Zwelihle area.
  - ❖ In terms of the Western Cape IDP the Hermanus area has been identified as an easily accessible activity corridor where increased public movement and transportation is expected and supported by the District Municipality. The area is identified as a tourism node which will in fact lead to strain on the current network during peak times and the position of the base station will be in close proximity of the district restructuring routes and will increase tourism, commercial and business activities that would require the need to construct a base station.

- ❖ The 2009 Provincial draft Economic Development Strategy supports the need to provide fundamental telecommunications infrastructure to provide the best possible coverage that is a basic need for the public.
- ❖ All electrical installations will be to the Municipality's requirements and standards.
- ❖ Special consideration has been given to the placement of the bases station to minimize the visual impact as far as possible. A monopole design mast has been selected to reduce the visual impact and to fit in with the surrounding environment. The visual impact will further be reduced by the existing trees surrounding the area. Due to the available open space and potential for increased densification and growth in the area, the visual impact of the mast will be increasingly reduced.
- ❖ Access will be obtained from Sisulu Street that has a low traffic volume, thus no negative affect on traffic.
- ❖ Coordinates of possible mast locations have been received from MTN, Vodacom, Cell C, etc. The nominal point represents areas where a mast will benefit the coverage grid. Various property owners were approached within a radius of the coordinates to secure a position for the mast. It can be confirmed that a total of two (2) possible candidates were approached and only the owners of the subject property were interested in such a development.
- ❖ The development is consistent with the five (5) planning principles as set out in SPLUMA (the detailed motivation is set out in the motivation report of the applicant).

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	2 October 2019	8 November 2019
Notices	Yes	2 October 2019 27 November 2019	8 November 2019 24 January 2020
Ward councillor	Yes	2 October 2019	8 November 2019
Total comments	<b>TWO (2)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments
Overstrand Heritage & Aesthetics Committee	10/10/2019	No comment.
Building Department	8/10/2019	No objection – building plan application to comply with all applicable law.
Fire Department	8/10/2019	No objection subject to the provision of a dry powder fire extinguisher on the site.
Engineering Services	25/10/2019	Attached as Annexure F.
Eskom	3/10/2019	Eskom services not affected – no objection.
Telkom	19/11/2019	Attached as Annexure G.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

For information purposes it is important to note that the public participation process was problematic with regard to the distribution of the registered notices on interested and affected parties by the local post-office. During the first round of the serving of notices, 510 notices had to be distributed by the post-office and the closing date for comments was set for 8 November 2019. However, on 21 November 2019 the Town Planning Department became aware that 407 of the 510 notices were not distributed by the post-office since it was returned to the Municipality. The latter notices were largely notices that were addressed to residents of Zwelihle. A meeting was held with staff of the post-office who indicated that it had a shortage of staff, thus the notices to those residents of Zwelihle could not be distributed at the time. It was subsequently decided that these notices had to be distributed since it was never distributed at first and an extended date for the submission of comments were accordingly set for 24 January 2020.

From those notices that were initially distributed only two (2) comments were received from landowners outside of Zwelihle. No comments were received from any residents of Zwelihle.

**The comments are addressed as follows:****CJ Gordon (Erf 623, Sandbaai)**Point of comment

- *“Are the sick; the aged; the innocent children; the uninformed; the disadvantaged to bear the brunt of capitalism and commercialism yet again??”*

Applicant’s response

The application is by no means a careless act as health and environmental aspects are taken into consideration with associated proof that the developments hold no threat for inhabitants and/or commuters.

Town Planner’s response

The point of comment contains political undertones that does not have any specific bearing on the desirability of the proposal. It is mere statements with no further elaboration by the commenter, thus no further comment is offered.

(It should be noted that the applicant’s overall response to the comments received are technical in nature that reflects in its initial points of motivation for the application. The detailed comment of the applicant on the comments received is attached as Annexure E.)

Point of comment

- *“For the voiceless and uninformed (you did not state that this erf has a school – a junior school on it) so we stress an unequivocal No!! for them and ourselves.”*

Applicant’s response

Consideration has been given to the placement of the base station in order to accommodate various aspects such as accessibility and the choice of site by the owner of the property.

The coordinates given by the client comes straight from the cellular operators that did the groundwork with the Western Cape Educational Department. This location was decided upon as it is an optimal location not only to enhance the coverage, but also to prepare the area for future technology.

Town Planner’s response

Although the applicant did not specifically mention that a school is developed on the subject property, it did however mention in its motivation that it is used as a place of instruction and that the proposal will not impact on the current

utilisation thereof. From the points of comment it is in any event evident that the commenter is aware of the fact that the proposal is on an existing school site.

The applicant did not elaborate on the impact of the proposal on the daily school activities on the property. The applicant thus completely lacks motivation in this regard and should have elaborated thereon rather than focusing on the positive impacts and technical details regarding the proposal.

The commenter refers to the “voiceless and uninformed”, but does not clearly express its concerns in this regard except that they are not in favour of the proposal nor “them” (referring to the school). The application would not have been processed if the owner (Provincial Government Western Cape) did not consent thereto. The owner as well as the school’s governing body consented to the application (these consents are on record).

**A & E van der Merwe (Erf 159, Sandbaai)**

(Translated from Afrikaans to English)

Point of comment

- *The post office only provided us with the postal notice after the due date and we now forfeit our right to appeal and is therefore penalised as a result of the post office’s poor service.*

Applicant’s response

The applicant did not respond on this point of comment.

Town Planner’s response

Due to the extended due date for the submission of comments as mentioned above, the commenter’s comment is technically regarded as valid since it was received by the Municipality prior to the lapsing of the extended due date. The comments are thus entertained.

Point of comment

- *It is strange that the application was only published in the Village News and not the Hermanus Times since the majority of residents read the latter newspaper.*

Applicant’s response

The applicant did not respond on this point of comment.

Town Planner's response

- Legislation allows the Municipality to advertise in any local newspaper of its choice and due to costs most notices are published in a newspaper that saves the applicant unnecessary expenses. Notices were in any event widely served to ensure that the public is well informed of the proposal. The point that most readers choose to read the Hermanus Times is debatable, thus no further comment.

Point of comment

- *In the motivation it is mentioned that the visual impact of the mast will be reduced through the growth of trees although there are no trees in the area with a height of 30m. In reality Zwelihle is treeless and should trees be planted together with the construction of the mast it will take years to reach a height of 30m.*

Applicant's response

- Applicant is willing to change the design of the mast from a monopole to a tree type mast and reduce the height of the mast from 30m to 25m. Applicant is also willing to plant indigenous trees to soften the visual impact.

Planner's response

- No visual impact study was submitted by the applicant in order to make an informed assessment of the possible impacts of the mast, thus no further comment can be made on this point except that any 30m high mast will surely stand out in the area.

Point of comment

- *There is nowhere proof that radiation does not have a negative impact on health. The statement that the health of the public will not be in danger, cannot be guaranteed.*

Applicant's response

The application is by no means a careless act as health and environmental aspects are taken into consideration with associated proof that the developments hold no threat for inhabitants and/or commuters.

Planner's response

- The points of the commenter and the applicant on possible health impacts cannot be commented upon since the Municipality has no expertise in the field. It is however well known that there are a difference in opinion

between scientists and communities worldwide regarding safety factors surrounding dishes that emanate micro waves.

Overall it should be noticed that the applicant states that the focus of the application is to improve internet speeds in the area since the industry is moving towards a data concentrated industry and is also aimed at users of new wireless technology. It further mentions that these developments usually centres around the question why it cannot be developed on farms and outside populated areas, but that the project is driven to provide a solution to communities to promote growth; that the area is in need of upgrading to enhance intra communication between existing masts; that an increase in demand for voice and data services causes high levels of cellular congestion which ultimately results in more dropped calls and failure to access the internet intensive applications; and that sufficient coverage enhances the level of access to health and safety services.

## **8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

Same as set out in Point 7 above.

## **9. MUNICIPAL ASSESSMENT OF COMMENTS**

Same as set out in Point 7 above.

## **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.

The objectives relating to:

#### Spatial Justice

The application will not perpetuate spatial injustices.

#### Spatial sustainability

The subject property is located within the urban edge and within an existing predominant residential area, thus no urban sprawl will occur. No natural habitat is impacted upon and it will thus have no negative influence on the environment. However, from a visual point of view it will have a negative visual impact on the existing built environment of the area that has an average 8m height restriction.

Efficiency

Although the proposed telecommunication infrastructure will be situated optimally in the area in terms of the amount of users, it cannot contribute towards the value of the area due to its visual impact.

Spatial resilience

Although the application will ensure that the existing resource (land) is used to its maximum in an affordable manner it is situated at a location in close proximity of the developed residential neighbourhood.

Good administration

The application follows the required planning procedures and a good public participation 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 Point 10.2 above.

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

The proposal is in line with the strategic documents.

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

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available and have been viewed positively by the Engineering Department.

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

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

The Overstrand Zoning Scheme Regulations provide for telecommunication installations as a consent use on the subject property, subject to compliance with the applicable development parameters. The proposed cellular transmission base station will exceed the prescribed 10,5m height restriction with 19,5m and will also encroach the northern street building line and the eastern lateral building line from 5m to 0m respectively.

## 11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

## 12. THE DESIRABILITY OF THE PROPOSAL

It should be noted that the desirability of the proposal is evaluated on the merit of the application that was submitted.

### **The application cannot be supported due to the following:**

- The applicant indicates that after thorough investigation the alternative sites were found unsuitable. However, only one (1) alternative site was actually investigated by the applicant. No proof of any investigations regarding more suitable alternatives, other than one (1) alternative location, was submitted by the applicant. It is the opinion that more suitable properties in the broader area could have been investigated for consideration after pre-consultation with the Municipality. The applicant also does not demonstrate why existing towers in the broader area cannot be used to address coverage issues.
- A 30m high tower adjacent to predominantly residential erven with a maximum allowable height of 8m, will tower above the surrounding developed environment.
- No visual impact study of any kind, except the personal opinion of the applicant, was submitted in order to make an informed assessment of the possible impacts of the mast. Any type of mast with a height of 30m will indeed stand out in the area that cannot be mitigated.

Further to the above it is important to note that the applicant does not physically demonstrate the exact position of the existing two (2) base stations in Zwelihle in relation to the proposed position of the base station together with the radius of coverage of these base stations and the proposed base station in order to indicate the lack in coverage. On page 14 of its motivation report the applicant only provides maps copied from the internet that indicates existing LTE coverage by MTN and Vodacom. Further, no acknowledgement by the service providers itself was submitted that the above is in fact the current status quo.

- The applicant states that the proposed base station will lead to the reduction of the number of base stations (own underlining) in the surrounding areas by allowing co-location (own underlining). This is somewhat contradictory with certain points of motivation, namely that the property offers the optimal position between existing and planned base stations (own underlining) to provide efficient data and voice coverage (page 9 of Motivation Report, paragraph c., first bullet). It is also in contradiction with the statement (page 10, first paragraph),

namely that in order to achieve optimal data and voice coverage, base stations need to be 300m apart on average. Thus, the applicant first states that there will be a reduction in base stations and then states that the base stations need to be 300m apart, which indirectly indicates that more base stations need to be constructed in future.

- The applicant states that the need for optimal coverage was mainly caused by the increase in subdivisions of surrounding large properties into industrial, commercial and business parks over the past few years. This statement is unfounded since the Hermanus Business Park industrial development in Sandbaai and the Hermanus industrial area itself, has been developed over decades already and not in the past few years. The business park, being the Whale Coast Mall at Sandbaai, is the only mall in the broader area that has been developed in recent times. You do not need a large property to develop as standard size base station that covers a mere 100m<sup>2</sup>.
- The applicant further states that recent research indicates a lack of cellular infrastructure to provide for optimal and sufficient data/voice coverage for the surrounding area, but no substantial proof was provided.
- The applicant states that it was found that the radius of cellular telecommunications technology has been reduced due to latest technology and additional need for increased data speed and voice quality. In addition a clear increase in complaints in the surrounding area regarding poor and no voice and data coverage which is paramount to ensure the economic development of the surrounding area. The latter is not agreed with since the surrounding area has been developed to almost its full potential already of which the predominant uses are residential, thus very few spaces exists for additional economic uses to be developed. Further, no substantiated evidence has been put forward by the applicant that poor voice and data coverage exists in the area except for a map on page 14 of its motivation that indicates fixed LTE coverage by Vodacom for most of the area.
- The applicant states in its response to the comments that the proposed 30m high mast can be lowered to 25m and that a tree type mast has now been chosen as it is deemed more acceptable within an urban environment. The fact of the matter is that the application was advertised for a 30m high monopole type mast and not a 25m high mast.
- The applicant did not elaborate on the impact of the proposal on the daily activities of the school, but rather focuses on the positive impacts and especially technical details surrounding telecommunication base stations.

- The applicant states that the complainant area is characterised by low rising buildings and that there are no tall structures that can support the proposed infrastructure in order to serve the complainant area effectively. The latter may be correct to some extent, but the visual impact of the proposed base station cannot be argued to be acceptable and that every possible measure have been implemented to mitigate the visual impact without any evidence by an expert in the field to justify its statements.
- Under point j., second paragraph, page 16 of the Motivation Report, the applicant states that the visual impact will be reduced by the existing trees in the area. It is not sure to which trees the applicant refers to, since no tall trees exist in the surrounding area at all, in order to justify its statement that the visual impact would be reduced.
- The applicant did not motivate the desirability aspects for the relaxation of the height restriction or the encroachment of the building lines at all, resulting that the application lacks proper motivation to make an informed decision.

In view of the above the applicant's motivation for the proposal can unfortunately not be supported and should be refused in totality as it is regarded as being undesirable from a Town Planning point of view.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 9720, Zwelihle for a consent use (transmission tower) in order to accommodate a free standing cellular communications base station with a 30m high monopole type transmission tower, **not be approved** in terms of the provisions of Section 61 of the By-Law.
2. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erf 9720, Zwelihle in order to:
  - exceed the applicable 10,5m height restriction to accommodate the 30m high monopole transmission tower; and
  - to relax the northern street building line and the eastern lateral building line from 5m to 0m respectively to accommodate the cellular communications base station,**not be approved** in terms of the provisions of Section 61 of the By-Law.
3. that the applicant be notified of its appeal right in terms of Section 78 of the By-Law with regard to the above decisions.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The transmission tower will impact negatively on the predominant residential character of the area due to the height thereof, especially from a visual point of view since it will tower above the surrounding developed environment.
- ❖ No visual impact assessment by an expert in the field was submitted with evidence to justify the applicant's motivation.
- ❖ Suitable locations outside the urban areas should rather be investigated by the applicant.
- ❖ The applicant does not demonstrate why existing towers in the broader area cannot be used to address coverage issues and no substantiated evidence has been put forward to prove the insufficient capacity of the existing mobile infrastructure for the area.
- ❖ The applicant did not elaborate on the impacts that the proposal may have on the daily activities of the school.
- ❖ The applicant did not motivate the desirability of the relaxation of the height restriction or the encroachment of the building lines, at all.
- ❖ In view of the above it is evident that the application contains insufficient merit and lacks substantiated motivation to make an informed decision, thus from a Town Planning perspective the application is regarded as being undesirable.

#### 15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Comments/objections received
- Annexure E: Applicant's response to comments/objections
- Annexure F: Services Report
- Annexure G: Telkom

#### SIGNATURE

##### REGISTERED PLANNER:

Name: **H VAN DER STOEP**

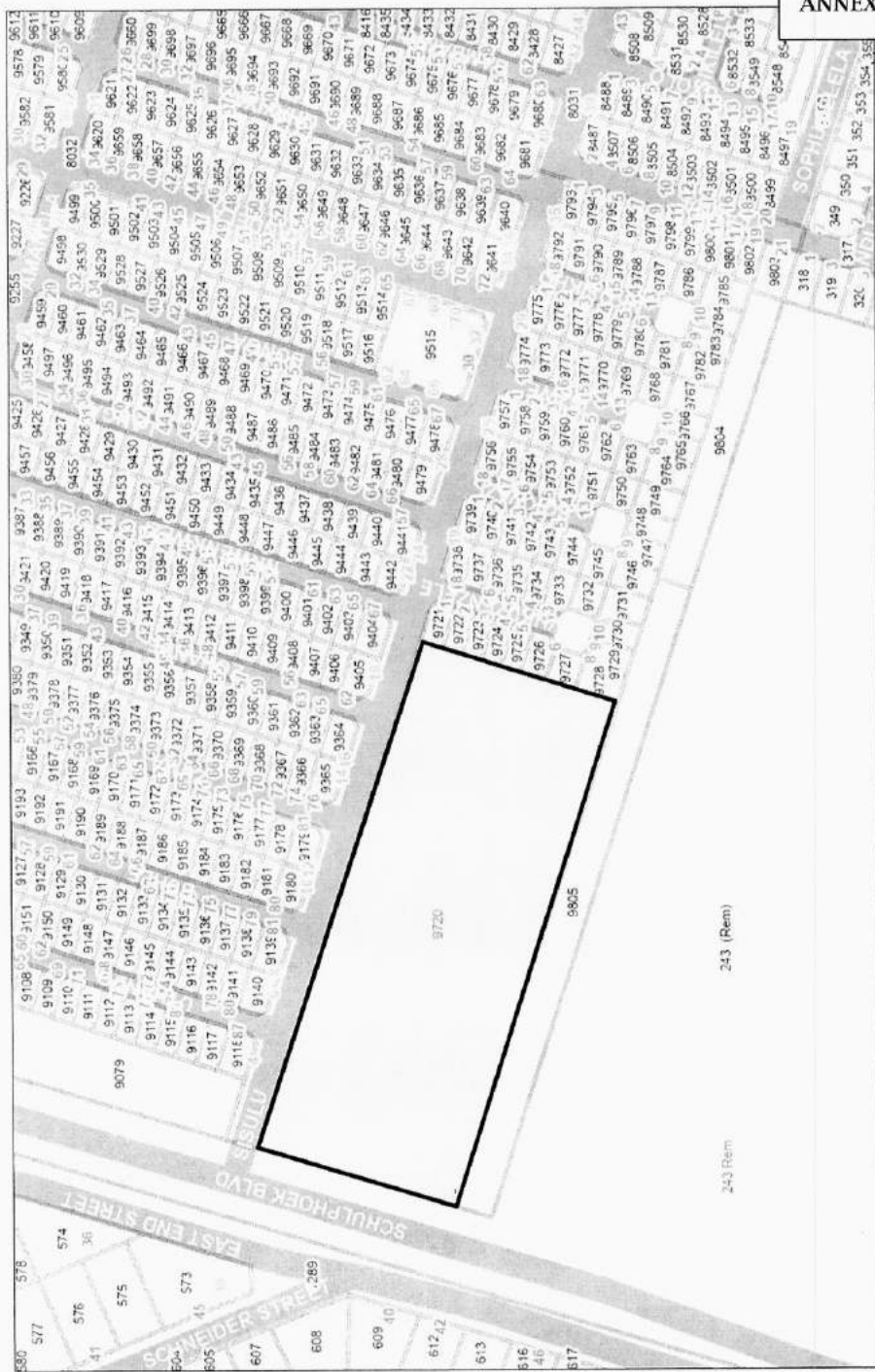
SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

ANNEXURE A

Date: 2015/0



Locality Map  
Erf 9720 Zwelihle



243 (Rem)

243 Rem

**1. THE APPLICATION**

Application is hereby made on behalf of our client Eaton Towers (Pty) Ltd to allow the following on Erf 9720, Zwelihle.

1. **Consent use application** in terms of Section 16(2)(o) of the Overstrand Municipal Land Use Planning By-law in order to allow erection of a Telecommunication base station with a 30m Monopole Mast.
2. **Departure application** in terms of Section 16(2)(b) of the Overstrand Municipal Land Use Planning By-law in order to allow the following:
  - Relaxation of the northern street building line (Shared with Sisulu Street) from 5.0m to 0.0m, and
  - The relaxation of the eastern common boundary building line (shared with Erf 9721, Zwelihle) from 5.0m to 0.0m
  - The height relaxation from 15.0m to 30.0m in order to allow the newly proposed 30m monopole mast on the said property.

For the purpose of erecting a Freestanding Base Telecommunication station with a 30m Monopole Mast.

**2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP**

The subject property relating to the application is identified as Erf 9720, Zwelihle with an extent of 1.6970Ha (One comma Six Nine Seven Zero Hectares). The property is situated in the Zwelihle area on Sisulu Road and is currently owned by the Provincial Government of the Western Cape.

The Provincial Government of the Western Cape is the registered owner and there are no restrictive title deed conditions as pertained in the Title Deed T96727/2005 (Please refer to **Annexure A: Title Deed**)

**ERF 9720, ZWELIHLE: CONSENT USE AND PERMANENT DEPARTURE APPLICATION**

**HIGHWAVE**  
CONSULTANTS

**TITLE DEED DESCRIPTION:** *Erf 9720, Zwelihle in the Overstrand Municipality, Western Cape Province.*

**TITLE DEED NUMBER:** T96727/2005.

**TITLE DEED RESTRICTIONS:** *None*

**PROPERTY SIZE:** *1.6970Ha (One comma Six Nine Seven Zero Hectares).*

**ZONING:** *Community Zone 1*

**PROPERTY OWNER:** *Government of the Western Cape.*

**SERVITUDES:** *Registered right of way servitude but will not encroach on proposed development.*

### 3. CONTEXTUAL INFORMANTS

#### a. Locality

The concerned property is identified as Erf 9720, Zwelihle (hereafter referred to as the "Property"). As previously mentioned, the property is situated on Sisulu Street.

#### b. Land Use

The property is currently zoned Community Zone 1 and the current land use is utilized for place of instruction purposes. The surrounding land uses in the area are predominantly utilized for residential. The land use bordering the property directly south is open space and east is utilised for residential purposes, the subsequent properties abutting the property to the north is utilised for residential purposes.



*Fig. 1 – AERIAL PHOTOGRAPHY*

#### 4. DEVELOPMENT PROPOSAL

##### a. Development

It is the intention of our client to apply for a consent use and relaxation of the common boundary and street building line for the purpose of erecting a freestanding base telecommunication station. The application entails the following proposed development parameters:

- Erection of a 30m Monopole Mast situated in the north eastern portion of the property.
- Installation of 3 triband antennae on the proposed 30m mast.
- Installation of 3 transmission dishes on the proposed 30m mast.
- Construction of 3 x 2.8m (L) x 3m (W) concrete plinths and installation of 1 x telecommunications equipment containers measuring 1.2m (L) x 2m (W) at ground level.
- The mast & equipment containers will be placed inside an 10m (L) x 10m (W) compound enclosed off by a 2.4m palisade fence.

##### b. Access

Access to the proposed freestanding base station will be obtained from the entrance to the property located on the northern side of the property, situated on Sisulu Street.

##### c. Security

The proposed freestanding base telecommunications station will be constructed on Erf 9720, Zwelihle, surrounded by palisade fences. Extra security to the actual telecommunications base station will be added by a 2,4m high palisade fence. The telecommunications radio and transmission equipment will be installed inside alarm monitored containers; these containers are secure as they are locked at all times. The antennae will be located 20m above ground level and are inaccessible to the public. A mast door with a high security lock will be installed ensuring increased security to mast. Access to the equipment and antennae will be limited to registered and qualified personnel only. Health and safety legislation also require restrictive security signage (0,4 x 0,5m) to be attached to access gate, containers and mast door.

The above safety and security measures have been put in place by telecommunication operators and legal entities to prevent access to the public and greatly reduce vandalism of the equipment.

**d. Electricity Requirements**

Electricity supply will be obtained from the available on-site supply, technological advances have also seen current telecommunications equipment reduce their electricity usage.

**e. Environmental**

The National Environmental Management Act (Act 107 of 1998) regulates environmental and social sustainability. According to the National Environmental Management Act Regulations Listing Notice 3 of 2014, which came into effect on 08 December 2014, an Environmental Impact Assessment (EIA) or Record of Decision (ROD) is a ONLY an requirement for:

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

- a) is to be placed on a site not previously used for this purpose; and
- b) will exceed 15 meters in height

But excluding attachments to existing buildings and masts on rooftops".

Listing Notice 3 of 2014 clearly defines the requirements in the **Western Cape**:

"(f) In Western Cape:

- I. All areas outside urban areas; or
- II. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas.

As this site falls within an urban edge inside the Overstrand Municipal area and not in an area designated for conservation use as prescribed in the Spatial Development

Framework adopted by the competent authority, or zoned for conservation purposes, it does not trigger a listed activity in terms of the 2014 NEMA regulations and therefore no environmental impact assessment or ROD (Record of Decision) is required.

## 5. MOTIVATION

### a. Background

Recent research conducted has indicated that there is a current lack of cellular infrastructure to provide optimal and efficient data/ voice coverage to the surrounding community situated in the Zwelihle area.

The need for optimal coverage was mainly caused by the increase in subdivisions of the surrounding large properties into industrial, commercial and business parks over the past few years as well as the introduction of LTE (*latest cellular technology*). As identified by the TMIP the coverage radius/ footprint for cellular telecommunications technology has been reduced due to the latest technology and additional need for increased data speed and voice quality. In addition to the research there has been a clear increase in customer complaints in the surrounding area regarding poor or no voice & data coverage which is paramount to ensuring economic development of the surrounding area.

**b. Proposed Development Parameters**

The current and proposed allowable development parameters as per the Community Zone 1 are indicated in the tables below:

Development Parameters	Zoning Scheme Regulations (CO1)	Proposed Development on Erf 9720, Zwelihle
Floor Factor	N/A	<i>COMPLY: N/A</i>
Coverage	N/A	<i>COMPLY: N/A</i>
Building Lines	Street Building Lines: 10m	<i>DEPARTURE: 0m</i>
	Common Building Lines: 10m	<i>DEPARTURE: 0m</i>
Parking	N/A	<i>COMPLY: No parking encroachment</i>
Height	Height restriction: 15.0m	<i>DEPARTURE: 0m</i>

The proposed erection of a freestanding base telecommunication station will **NOT** have an impact on parking, and coverage or floor factor as described in the Zwelihle Zoning Scheme.

**c. Physical Characteristics**

RF Engineers are subject matter experts and identify sites by utilizing a specific set of engineering rules and principles, Erf 9720, Zwelihle was identified as a prime position on the following premise:

- Property offers the optimal position situated between existing and planned base stations to provide efficient data and voice coverage.
- Surrounding geographical aspects are in line with the requirements.
- Minimized physical, natural and visual impact.

- Ability to reduce the number of base stations in the surrounding areas by allowing co-location on this mast.
- Ability to provide sufficient security to the equipment.
- Capacity to share infrastructure with majority of the operators.
- Property position will address the complaints received in the area.
- Sufficient space to erect a freestanding base telecommunications station.

In order to achieve the optimal data and voice coverage objectives base stations needs to be approximately 300m apart on average, this depends on the density of the surrounding areas as well as geographical and physical features. The fresnaye effect also influences the quality of the voice and data coverage caused by the amount of steel and concrete of the buildings in the surrounding area, this results in a reduced coverage area

**d. Title Deed Restrictions**

In respect of Erf 9720, Zwelihle it was found that there are none restrictive title deed conditions contained in title deed no. T96727/2005 that needs to be removed. ***(Please refer to the attached Annexure A: Title Deed)***

**e. Health**

The Directorate: Radio Control, within the South African Department of Health is the responsible authority regulating cellular base-station effects on health. The department of health regulates non-ionizing radiation, and this includes electromagnetic fields (EMF) at frequencies less than 300 GHz.

The Directorate makes use of the World Health Organization's (WHO) International EMF Project ([www.who.int/emf](http://www.who.int/emf)) as its primary source of information and guidance with respect to the health effects of EMF and cellular infrastructure.

With reference to EMF there are two recent publications by the World Health Organization that are of direct relevance.

- (i) International EMF Project Fact Sheet "*Electromagnetic fields and public health: mobile phones*" (<http://www.who.int/mediacentre/factsheets/fs193/en/index.html>) and;
- (ii) The results of the multi-national 10-year long INTERPHONE study on mobile phone use and brain cancer risk (press release – [www.iarc.fr/en/mediacentre/pr/pdfs/pr200\\_E.pdf](http://www.iarc.fr/en/mediacentre/pr/pdfs/pr200_E.pdf)). The Directorate endorses the exposure guidelines published in 1998 by the International Commission on Non-ionizing Radiation Protection (ICNIRP).

The World Health Organization has officially endorsed these studies with regards to EMF exposure. ICNIRP states categorically that exposure to EMF at any level below that of the ICNIRP exposure guidelines will protect people against the known adverse health effects of EMF.

In addition, measurement assessments conducted in South Africa and around the world have indicated that the actual levels of public exposure of base station emissions are only a fraction of the percentage as regulated by the ICNIRP guidelines, even in cases where the public have been concerned regarding their exposure to emissions from base stations.

The South African Department of Health is therefore satisfied that the health of the general public is not being compromised by their exposure to the emissions of cellular base stations, at present no confirmed scientific evidence exists that would indicate any hazard to human health in situations that members of the public would typically find themselves in.

The following is an extract from [www.arpansa.gov.au](http://www.arpansa.gov.au) and clearly differentiate between two types of radiation, one can cause harm to the human body and the other one pose no threat to the human health. The name of the two are:

- **Ionising Radiation**

This type of radiation refers to the type that carries enough energy to cause ionisations in atoms. This is a much stronger type of radiation compared to non-ionising radiation. This is the dangerous type that you typically will find in gamma rays, x-rays, etc.

- **Non-Ionising Radiation**

This type of radiation refers to types of radiation that do not have enough energy to cause ionisation of the atoms. These types of radiation are the "every day" radiation that everyone experience such as infrared, microwaves and do not have enough energy to cause harm.

It is proven that the proposed cell mast development and every other freestanding base telecommunication station utilise **non-ionising** radiation. The health of the public will not be in danger as there are no one in direct line with the antennas of the mast.

**f. Need & Desirability**

In modern times it is become a rear instance where a member of the public only utilises one cellular phone, majority utilize a cellular phone for personal and an additional phone, iPad or dongle for business purposes, it's on this premise that we believe it to be in both the Overstrand Municipality & the operators interests to address the problem of weak voice and data coverage and to provide the surrounding high traffic commercial & business community with the basic need of effective voice and data coverage, as it has become an integral part of our daily lives.

The need for the freestanding base telecommunication station is not only centered on cell phone reception for the community of Zwelihle, but the focus is also on improving internet speeds in the area as the industry is moving towards a data centric industry. It is also aimed at users of new wireless technology. According to Tumotech, due to the emergence of more apps than anyone can keep track of and advanced software the pressure on networks has intensified. This is likely to continue with more and more data centric services coming out such as video streaming (Netflix, DSTV box-office, DSTV Now and DSTV Catch Up). The fiber rollout development is already a step in the right direction. However, there is still a lack of upstream bandwidth industry investment. Upstream bandwidth refers to data sent from the user devices such as desktop computers, smart phones, laptops and tablets toward the Service Provider destination. The challenge is that wireless internet infrastructure is focused on downloading data and not the uploading of it.

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. This reduces the number of base telecommunication stations necessary to provide the best possible experience for the end user.

Our client Eaton Towers (Pty) Ltd pride themselves in ensuring that a positive impact is created in terms of the social, environmental and economic wellbeing of the area. Since the introduction of LTE in South Africa in 2012 there has been greater need for access to faster data, due to the higher penetration of LTE data in commercial and business areas, this has led to lower subscription fees which provide economic sustainability and development. LTE will ultimately address high data traffic requirements and the surrounding community will be the main beneficiary.

The erection of a telecommunication base station does not impact on the current or surrounding land uses of the property nor does it encroach onto any street building lines or increase the need for parking or bulk of the said property. The construction and maintenance phase of the proposal will provide a positive economic & social impact by ensuring job creation.

The increase in tourist activities in the Zwelihle area over the holiday seasons created a high demand for effective voice and data requirements. The commissioning of the proposed telecommunication base station will alleviate the congestion experienced by cellular operator customers and ensure that their needs are accommodated.

**g. Current Cellular Coverage**

It is of utmost importance to understand that the current positions for cell masts given to our client does not necessarily mean that the signal is weak in the said area. The operators aim to strengthen the coverage and to future proof it for new technologies.

It is for instance MTN's goal to strengthen the Fixed LTE coverage in this area which will see substantial increases in internet speed and consistency. The following image was taken from MTN's website illustrating the current Fixed LTE coverage for the Zwelihle area:

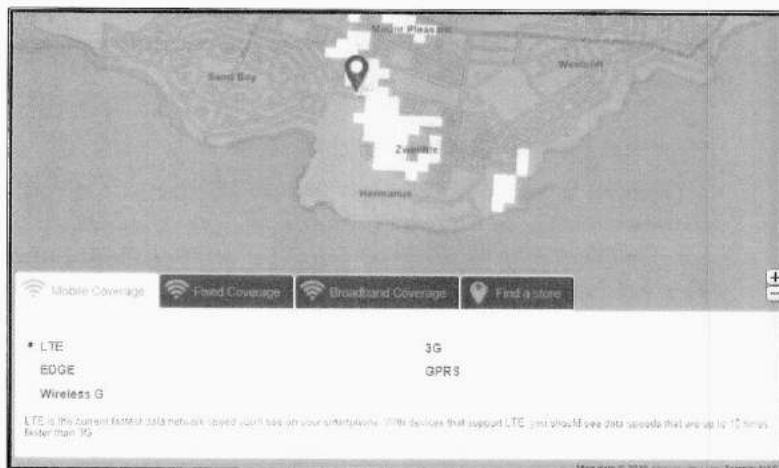
12/18

ERF 9720, ZWELIHLE: CONSENT USE AND PERMANENT DEPARTURE APPLICATION

HIGHWAVE  
CONSULTANTS

As seen above, the current proposed site (blue dot) will help increase the fixed LTE to the west of Zwelihle.

In the case with Vodacom, this proposed cell mast development will aid Vodacom in closing a gap in their current LTE network in the Zwelihle area. The following insert was taken from Vodacom's network map:



As seen above, the proposed location of the new cell mast (indicated with the red marker) will not only increase the LTE signal in the area, but will also aid Vodacom in closing a gap in their network.

The above two inserts was taken directly from their respective coverage websites and it is clear that there is a need for the proposed development of the freestanding base telecommunication station on the Property.

#### **h. Existing Policy Frameworks**

##### **Western Cape Integrated Development Plan**

As depicted in the Western Cape IDP, a change in intensified land use and form is anticipated. The Hermanus area has been identified as an easily accessible activity corridor where increased public movement and transportation is both being expected and supported by the district municipality. The area is also identified as a Tourism node which will in fact lead to strain on the current network during peak seasons. The positioning of the base station will be in close proximity of the district restructuring routes. This will lead to an increase in tourism, commercial and business activities and would require the need to erect a base station which in turn will address the increased communication needs of the surrounding community.

##### **Western Cape Economic Development Strategy (2009)**

The Directorate for Economic and Human Development published a draft Economic Development Strategy in 2009 which supports the need to provide fundamental telecommunications infrastructure and to provide the best possible available coverage. This will lead to the attraction and growth of the commercial sector and at the same time retain and advance skilled persons

Please find below an extract from the above mentioned policy supporting telecommunications infrastructure:

*"High data access and low telecommunications costs are a key input factor for local community, business and industry to achieve sustainable growth" &*

*"Taking into account the high accessibility of mobile telephones and the growth in the mobile telecommunications market, the provincial government will actively seek to create technology parks in nodal areas in order to increase the digital literacy of citizens".*

As confirmed by the policy, basic access to voice and data coverage is defined as a basic need for the public and falls under the umbrella of electricity, water, sanitation and access.

**i. Electricity**

The electricity supply to TI (Telecommunications Infrastructure) must, where practically possible, make use of underground cables. All electrical installations must be as per ESKOM or Overstrand Municipality's Electrical Department requirements and standards. Our client will ensure that the proposal will be in line with the above-mentioned electrical supply requirements.

**j. Visual Impact**

Special consideration has been given to the placement of the proposed freestanding base station in order to minimize the visual impact as far as possible however this is challenging at times. The proposed erection of a 30m freestanding base station will offer the opportunity for operators to collocate resulting in the reduction of future telecommunication towers. Our client Eaton Towers (Pty) Ltd has selected to erect a Monopole design mast in order to reduce the visual impact and be in fitting with the surrounding environment.

The visual impact of the freestanding base telecommunications station will be further reduced by the existing trees surrounding the area. Due to the available open space and potential for increased urban densification and growth in the area, the visual impact of the mast is will be increasingly reduced by the anticipated future desensitisation created by the surrounding urban landscape and environment.

**k. Access & Traffic considerations**

Erf 9720, Zwelihle is easily accessible and access will be obtained from Sisulu Street. This road has low traffic volume thus this development will not affect traffic negatively and will not cause any additional traffic volume to the area.

### I. Alternative Candidates/ Solutions

Cognizance needs to be taken of the fact that our client received coordinates of possible mast locations from the registered service providers (MTN, Vodacom, Cell C, etc). The nominal point usually represents areas where a mast will benefit the coverage grid of the said operator and will also benefit the local residents in turn as well. Our client takes these coordinates and circulates it to their consultants (High Wave Consultants) and in turn the consultants' approach various property owners in a given radius from these coordinates in order to secure a position on which the mast will be developed on.

Highwave Consultants can confirm that a total of 2 possible candidates were approached for the possibility of erecting a cell mast on their property and the owners of Erf 9720, Zwelihle were the only candidates interested in such a development.

The other alternative candidates are as follows:

#### 1. Greenfield site named Qhayiya:

This site was identified, and the owner was approached with an offer to rent the space in the back of the property. It was deemed with the initial TSS (Technical Site Survey) that there were no direct access and that an additional gate would be needed.

- This site was also deemed the first choice but it failed due to contract negotiations and the fact that power would not be available during construction

We can confirm that a thorough analysis was done, and the 2 best suited locations were identified. The owners of Erf 9720, Zwelihle indicated that they are willing to house such a structure on their Property.

### 6. CONSISTENCY WITH SPLUMA PRINCIPLES

The spatial planning and land use management act (SPLUMA) came into effect on 1 September 2014. One of the main objectives of this act is to prove a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

SPLUMA sets out the following 5 main principles applicable to spatial planning, land use management and land development.

The table below indicates how to propose development will be consistent with the SPLUMA principles.

Principle	Motivation
Spatial justice:	<ul style="list-style-type: none"> <li>• The development aims to promote community development within the urban fabric of Zwelihle.</li> <li>• The proposed application will contribute to the functional and integrated land use pattern in the surrounding area.</li> </ul>
Spatial sustainability:	<ul style="list-style-type: none"> <li>• Development complies with western cape provincial spatial development framework (2014) as a spatial tool to guide future development on a provincial level;</li> <li>• The proposed development does not trigger any environmental listed activities according to the national environmental management act (1998)</li> <li>• Intensification inside the urban edge results in more effective provision of services that will result in more feasible provision of infrastructure and social services.</li> <li>• The proposed development will have no impact on the character of the surrounding area.</li> </ul>
Spatial efficiency:	<ul style="list-style-type: none"> <li>• Development will make use of existing local resources and contribute to specialized skills development within the local municipality.</li> </ul>

	<ul style="list-style-type: none"><li>• Intensification inside the urban edge results in optimal use of existing resources and infrastructure.</li></ul>
Spatial resilience:	<ul style="list-style-type: none"><li>• The development complies with the following spatial development frameworks:<ul style="list-style-type: none"><li>▪ Western Cape provincial development Framework 2014.</li></ul></li></ul>
Good administration:	<ul style="list-style-type: none"><li>• The principle has no direct bearing on the application. The Overstrand Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning by-law.</li></ul>

## 6. CONCLUSION

The application for the consent use and departure application to allow the freestanding base telecommunications station on Erf 9720, Zwelihle will have a reduced impact on the surrounding build environment due to its positioning. As supported by various policies and legislation it is clear that the proposal will have a positive economic and social impact ensuring that the surrounding community benefits from optimal and effective voice and data coverage. The development will not have an impact on parking, coverage or the floor factor.

Notwithstanding the above, the erection of a freestanding base telecommunication station will provide an additional passive income to the landowner which can in turn utilize the additional income to uplift the surrounding area. The application has been proven to be desirable and it is hereby kindly requested that the Overstrand Municipality provide their full support for the following:

- i. **Consent use** in terms of Section 16(2)(o) of the Overstrand Municipal land use planning By-law in order to allow development of a telecommunication base station with a 30m Monopole Mast on Erf 9720, Zwelihle, following a
- ii. **Departure application** in terms of Section 16(2)(b) of the Overstrand Municipal land use planning By-law in order to allow the:
  - Relaxation of the northern street building line (Shared with Sisulu Street) from 5.0m to 0.0m, and
  - The relaxation of the eastern common boundary building line (shared with Erf 9721, Zwelihle) from 5.0m to 0.0m.
  - The height relaxation from 15.0m to 30.0m in order to allow the proposed development of a 30m monopole mast on the Property.

ANNEXURE C 1/3

 <p><b>ATC SOUTH AFRICA</b>                  P.O. BOX 218                  1000 VREDEBURGH                  REPUBLIC OF SOUTH AFRICA                  Telephone Number: 011 235 2400                  Fax: 011 235 2402                  Email: info@atcsouthafrica.co.za                  Website: www.atcsouthafrica.co.za</p>	<p>These drawings are to be interpreted in accordance with the provisions of the Engineering Council of South Africa (ECSA) and the provisions of the relevant Act of Parliament.</p> <p>Consent to these drawings does not constitute an endorsement of the quality of the work or the reliability of the information provided by the client. The client is responsible for the accuracy of the information provided and for the consequences of any errors or omissions.</p> <p>ATC South Africa does not accept any liability for any loss or damage, whether direct or indirect, arising from the use of these drawings, even if such loss or damage could have been reasonably foreseen.</p> <p>These drawings are the property of ATC South Africa and shall remain the property of ATC South Africa. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of ATC South Africa.</p>
	<p>ALTERNATIVE NAME</p>



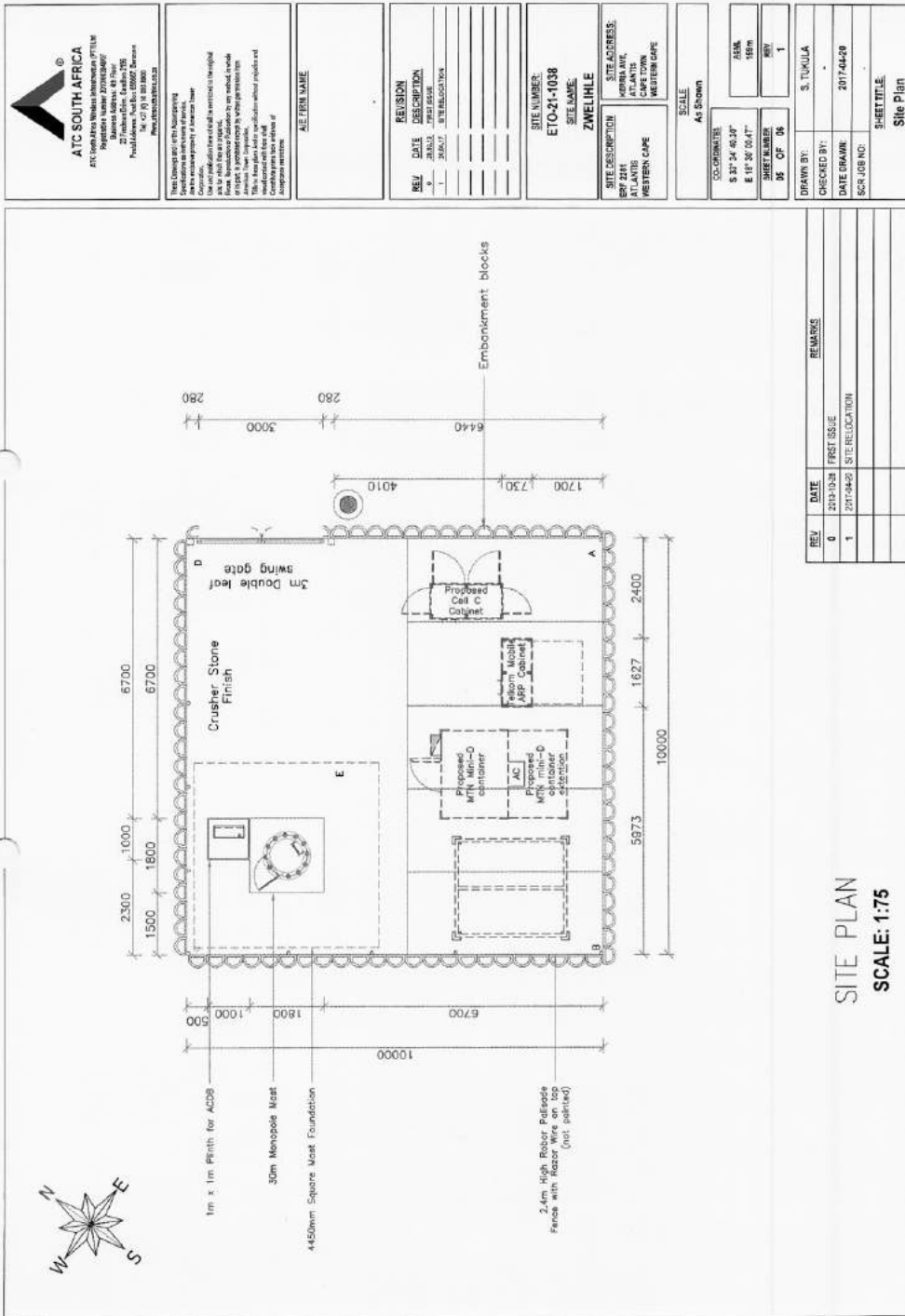
SCALE: 1:1000

SITE DEVELOPMENT PLAN

SCALE: 1:250

REV	DATE	DESCRIPTION	REMARKS
0	2017-04-20	FIRST ISSUE	
1	2017-04-20	SITE RELOCATION	

<p>PROJECT: ETO-ZI-1038                  SITE NAME: ZWELINLE                  SITE DESCRIPTION: HERMANUS, ATLANTIS, CAPETOWN, WESTERN CAPE                  REP. DATE: 2017-04-20</p>	<p>SCALE: As Shown</p>
<p>CO-ORDINATE: S 27° 34' 46.24" E 18° 30' 40.47"</p>	<p>ASIN: 15898</p>
<p>SHEET NUMBER: 01 OF 06</p>	<p>REV: 1</p>
<p>DRAWN BY: S. TUKULA</p>	<p>CHECKED BY:</p>
<p>DATE DRAWN: 2017-04-20</p>	<p>SHEET TITLE: Site Development Plan</p>



**ATC SOUTH AFRICA**  
 2770033028  
 Registration Number 2017/04228  
 Business Address: 48 Thees  
 1500100000  
 Postal Address: P.O. Box 100000  
 Johannesburg, South Africa  
 Phone: +27 (0) 11 800 3800  
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 Email: info@atcsa.co.za

**Notes/Designs:** Refer to the drawings for details of the design and construction of the structure.  
 The drawings are prepared in accordance with the relevant standards and codes of practice.  
 The drawings are prepared in accordance with the relevant standards and codes of practice.  
 The drawings are prepared in accordance with the relevant standards and codes of practice.  
 The drawings are prepared in accordance with the relevant standards and codes of practice.

REV	DATE	DESCRIPTION
1	2017/03/28	ISSUE FOR TENDER

REVISION	DATE	DESCRIPTION
1	2017/03/28	ISSUE FOR TENDER

**SITE NUMBER:** ETO-ZI-1038  
**SITE NAME:** ZWELIHLE

**SITE ADDRESS:** AKHILALE, ATLANTIC, WESTERN CAPE

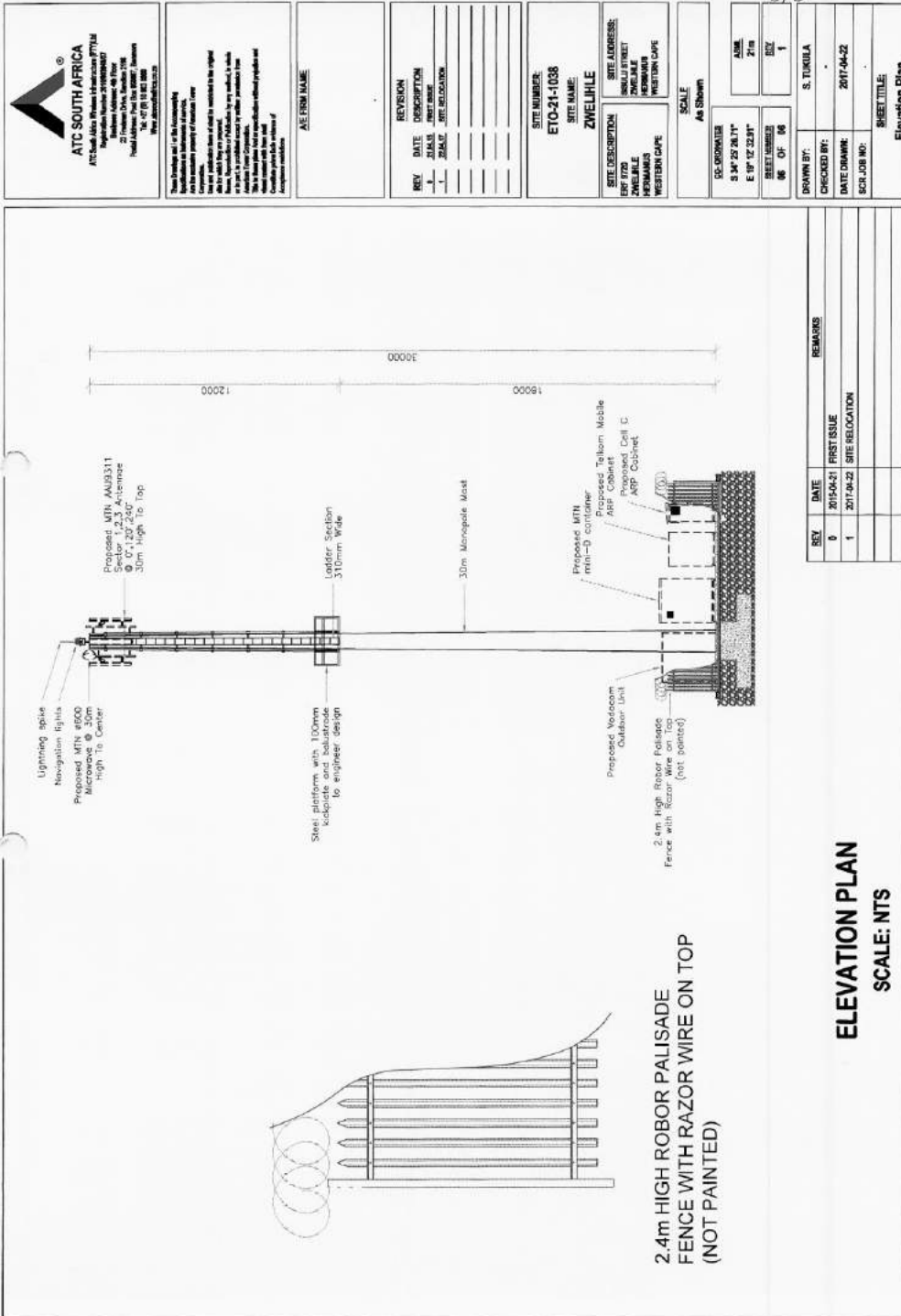
**SCALE:** AS SHOWN

<b>CORORDINATE:</b> S 32° 54' 46.23" E 19° 58' 00.41"	<b>AREA:</b> 1550m
<b>SHEET NUMBER:</b> 05 OF 06	<b>REV:</b> 1

<b>DRAWN BY:</b> S. TUKUJA
<b>CHECKED BY:</b>
<b>DATE DRAWN:</b> 2017/04/20
<b>REG. JOB NO.:</b>
<b>SHEET TITLE:</b> Site Plan

REV	DATE	REVISION
0	2017/03/28	FIRST ISSUE
1	2017/04/22	SITE RELOCATION

**SITE PLAN**  
**SCALE: 1:75**



**ELEVATION PLAN**  
SCALE: NTS

REV	DATE	REMARKS
0	2015-04-21	FIRST ISSUE
1	2017-04-22	SITE RELOCATION

**ATC SOUTH AFRICA**  
Telecommunications Infrastructure Pty Ltd  
21 Fynbos Drive, Tuckersville  
Western Cape, South Africa 7201

**THE CLIENT:** MTN South Africa  
The Client hereby grants permission to the Contractor to use the name of the Client in connection with the project. The Client shall be responsible for any and all claims, damages, losses and expenses that may be incurred by the Contractor as a result of the use of the Client's name. The Client shall also be responsible for any and all claims, damages, losses and expenses that may be incurred by the Contractor as a result of the use of the Client's name.

**AS PER NAME**

REV	DATE	DESCRIPTION
1	2017-04-22	SITE RELOCATION

**SITE NUMBER:** ETO-21-1038  
**SITE NAME:** ZWELIHLI  
**SITE ADDRESS:** ZWELIHLI STREET, ZWELIHLI, NORDKAP, WESTERN CAPE

**SCALE:** As Shown

**GRID COORDINATES:**  
S: 34° 25' 26.71"  
E: 18° 12' 22.81"

**DRAWN BY:** S. TUKULA  
**CHECKED BY:**  
**DATE DRAWN:** 2017-04-22  
**SCR JOB NO.:**  
**SHEET TITLE:** Elevation Plan



TP. A. Ahoof  
(H. Olivier)

ANNEXURE D 1/2

6 Myrtle Road  
Sandbaai  
Hermanus 7200  
4th November 2019

S. Müller  
Infrastructure & Planning  
Hermanus 7200.

For Attn: Hent Olivier  
REF: ERF 9720 Sisulu Str, Zwelithe

Dear Sir

An unapologetic resounding NO!!  
Once again the question must be  
asked -

Are the sick; the aged; the innocent  
children; the uninformed; the  
disadvantaged to bear the brunt  
of capitalism and commercialism  
yet again??

For the voiceless and uninformed  
(you did not state that this erf  
has a school - a junior school or  
it) so we stress a unequivocal  
NO!! for them and ourselves.

Yours faithfully

*[Signature]*

C.J. Gordon

ID: 531030010080.

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FILE NO:	ERF 9720
	Zwelithe
SCAN NO:	HZW 9720
COLLABORATOR NO:	1349602

OVERSTRAND MUNISIPALITEITOPRIG VAN TRANSMISSIETORING

ERF 9720, Sisulu straat, Zwelihle.

Aandag: H Olivier/Loretta

Ons wil dit graag onder u aandag bring dat die inligting wat deur u kantoor deur geregistreeerde pos aan ons gestuur was, ons laat bereik het aangesien die poskantoor se strokie na u sperdatum aan ons afgelewer was.

Volgens u kantoor verloor ons dus 'n stem tot appel omdat ons na die sperdatum van 8 November die dokument ontvang het. Ons word dus gepenaliseer as gevolg van swak diens deur die Poswese wat buite ons beheer is!

Loretta het ook genoem dat die applikasie in die Village News koerant verskyn het. Dit is eienaardig dat so 'n belangrike aansoek nie in die Hermanus Times verskyn het nie aangesien die meerderheid van inwoners laasgenoemde koerant lees.

Die inhoud van die dokument noem dat "visual impact of the mast" gereduseer sal word deur die groei van bome in die toekoms. Daar is egter geen bome of 30 meter hoë bome in die omgewing nie. In werklikheid is Zwelihle boomloos en indien bome saam met die oprig van die toring aangeplant word sal dit jare neem om 30 meter hoë bome te groei!

Wat die bestraling betref is nog nêrens bewys dat dit nie 'n slegte impak op gesondheid het nie. Die stelling wat gemaak is "health of the public will not be in danger" kan nie gewaarborg word nie.

Ons is geheel en al gekant teen die oprig van die toring in ons omgewing.

Ons wil graag erkenning van ontvangs van die e-pos hê.

Byvoorbaat dank,

A & E van der Merwe

9 Myrtle straat

Sandbaai

Tel : 083 415 7240 / 073 510 1122



TP- A./hoof  
(H Olivier)

FILE NO:	9720
	Zwelihle
SCAN NO:	17
COLLABORATOR NO:	1357374

TP 15 NOV 2019



# HIGHWAVE

CONSULTANTS

TP. N. Aheer  
(H. Oshier)

11 Gladstone Street  
Durbanville  
7550

APPLICATION ID: 3126/2019

12 February 2020

ATTENTION: S MULLER  
DIRECTOR: INFRASTRUCTURE & PLANNING  
PO BOX 20  
HERMANUS  
7200

FILE NO:	OK 9720 ✓
	Zwelihle
SCAN NO:	
	HZW 9720
COLLABORATOR NO:	
	1384956

**RE: FOF 9720, SISULU STREET, ZWELIHLE, HERMANUS: APPLICATION FOR CONSENT USE AND DEPARTURE: HIGHWAVE CONSULTANTS ON BEHALF OF PROVINCIAL GOVERNMENT WESTERN CAPE**

This letter serves as a response to the objections received on the 20<sup>th</sup> of November 2019.

The Overstrand Municipality invited members of the general public and various departments were invited to share any comments/ objections regarding this application. During this public participation phase, 2 comments/ objections were received that stated they do not support the application based on the following aspects:

1) Health concerns

Both the comments/ objections received raised their concern with regards to health. A telecommunication tower antenna radiates most of its energy in a specific direction which is called the main beam. This main beam typically points in the direction of the horizon. The result is that only a very small percentage of the radiated energy will be present in the regions outside the main beam in areas accessible to the general public. (BSID, 2009)

20 FEB 2020

## HIGH WAVE CONSULTANTS

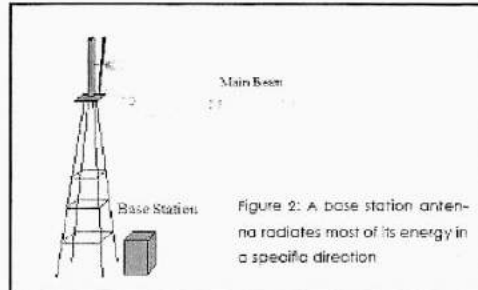


Figure 2: A base station antenna radiates most of its energy in a specific direction.

Research regarding prolonged exposure has to date come to the conclusion that what matters the most is the intensity of exposure and **not the duration of exposure**. These reports have been established on lifelong exposure of military personnel who have worked close to communication antennas and radars for years. The guidelines have thus been set accordingly.

The American Cancer Association asks the question "Do cellular phone towers cause cancer?" and answers the question with the following points:

- The energy level of the radiofrequency waves is relatively low especially compared to radiation that are known to increase cancer risk like gamma rays, x-rays etc.
- The second part of the answer is wavelengths. Radiofrequency waves are known to have long wavelengths, which can only be concentrated to about 2.5cm or 5cm in size. This makes it impossible to be concentrated enough to affect body tissue.
- Thirdly, even if the radiofrequency waves were able to affect human cells in the body at higher doses, the levels of radiofrequency waves present on ground level is very low and well below the recommended levels.

In short, the answer is **NO** and inconclusive to whether cellphone towers cause cancer. Energy absorption in a human exposed to RF radiation from base stations is typically **hundreds to thousands of times below** the international safety guidelines (ICNIRP). The figure below illustrates the energy absorption rates.

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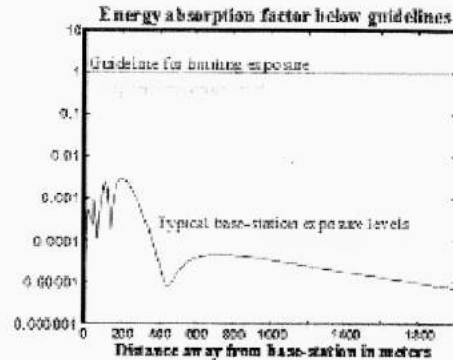


Figure 3: Typical base station exposure levels

This also include being on the ground close to the base station or in a close proximity of the base station. Energy levels in front of the antennas will usually approach the energy absorption guidelines levels. The exposure in the immediate vicinity of these equipment boxes **are thousands of times below** the international safety guidelines as seen in the figure above. Access to the areas in front of the antennas are closed off because these are the areas that approach the safety guidelines.

The Deputy Director of Radiation Control from the Department of Health posted an article in 2015 stating that a large number of studies have been performed over the last two decades to assess whether mobile phones pose any form of threat and to date; no adverse health effects have been established.

There has been more in vitro research (including studies in tissues, living cells and cell-free systems) in the area of RF EME and health than any other type of study. Cellular studies of the effects of RF fields have looked at both genotoxic effects (DNA damage) and non-genotoxic effects (changes in cellular function) and have included studies on combined exposures to RF and other agents. To date the in vitro results are weak and inconsistent and have not provided substantiated evidence that RF EME affects human health at a cellular level (SCENIHR 2015).

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The 2010 WHO Research Agenda identified that many cellular studies are technically incomplete as they lack sufficient experimental repetition, replication and confirmation through the use of more precise quantitative measures.

WHO added that the magnitude of any changes in cellular studies is usually small and difficult to interpret (WHO 2010); i.e. it is difficult to determine the significance of small in vitro changes to human health. Based on these issues the WHO Research Agenda did not identify any in vitro gaps as a high-priority research need. Nevertheless, numerous cellular studies have been carried out since then on both genotoxic and non-genotoxic end-points the majority of which have not shown an effect at non-thermal levels (SCENIHR 2015). (<https://arpansa.gov.au>)

Arpansa.gov.au also continues and clearly differentiate between two types of radiation, one can cause harm to the human body (Ionising radiation) and the other pose little to no threat to human health (Non-Ionising radiation):

- **Ionising Radiation:**

This type of radiation refers to the type that carries enough energy to cause ionisations in atoms. This is a much stronger type of radiation compared to non-ionising radiation. This is the dangerous type of radiation that you typically will find in gamma rays, x-rays, etc.

- **Non-Ionising Radiation:**

This type of radiation refers to types of radiation that do not have enough energy to cause ionising of the atoms. These types of radiation are the "every day" radiation that everyone experience such as infrared, microwaves and radio waves and do not have enough energy to cause harm.

It is proven that the proposed mast and every other freestanding telecommunication base station utilise **non-ionising** radiation. The health of the public will not be in danger as no one will have access to the actual antennas thus minimising the exposure.

### 2) Visual Impact

Concerns were raised with regards to the Visual impact of the proposed development on the above-mentioned property.

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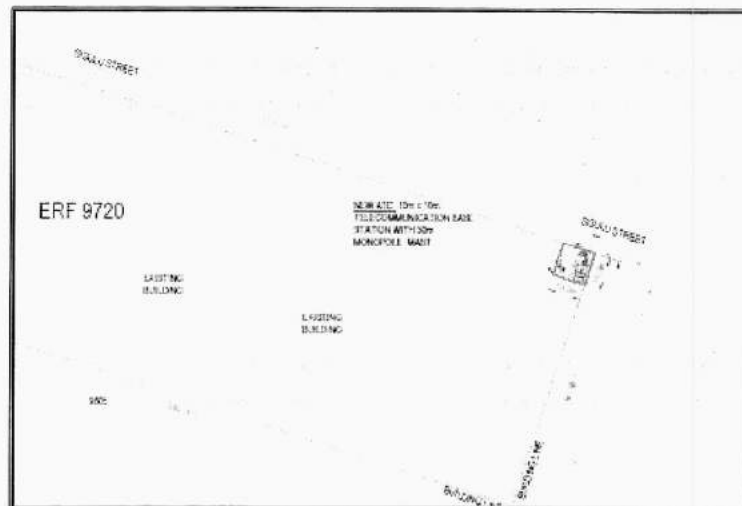
Special consideration has been given to the placement of the proposed freestanding base station in order to accommodate various aspects such as accessibility and the choice of site from the owner of the property.

The placement was made due to my client seeking access from the road and the property owner was asked where he wanted the placement of the said mast.

As seen below under the Mast design and position, our client is willing to change the design of the mast and plant additional indigenous trees in order to mitigate the visual impact of the said development.

### 3) Mast design and position

The current proposal is that of a freestanding base telecommunication station with a 30m monopole mast on the northern eastern portion of the said property as illustrated below from the design drawings:



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Some concerns were raised with regards to the placement of the mast and it standing out in the area of Zwelihle. It should be noted the coordinates given to us by the client comes straight from the cellular operators that did the groundwork with the Western Cape Educational Department (WCED). This location was decided on as it is an optimal location not only to enhance the coverage but also to prepare the area for future technology.

Therefore, High Wave Consultants can confirm that the mast design (from a monopole to a tree) and height (from 30m to 25m) can be adjusted should the Municipality request it. Our client is also willing to plant additional indigenous trees to help soften the visual impact. It is therefore requested that the Municipality include the said conditions in the approval letter.

#### 4) Needs & desirability

The need for the freestanding base telecommunication station is not only centered on cell phone reception for the community of Zwelihle, but the focus is also on improving internet speeds in the area as the industry is moving towards a data centric industry. It is also aimed at users of new wireless technology. According to Tumotech, due to the emergence of more apps than anyone can keep track of and advanced software the pressure on networks has intensified. This is likely to continue with more and more data centric services coming out such as video streaming (Netflix, DSTV box-office, DSTV Now and DSTV Catch Up). There is also a lack of upstream bandwidth in industry investment. Upstream bandwidth refers to data sent from the user devices such as desktop computers, smart phones, laptops and tablets toward the Service Provider destination. The challenge is that wireless internet infrastructure is focused on downloading data and not the uploading of it.

General comments on this development usually centres around the question as why develop on farms and outside of populated areas. It is important to note that this project is driven by both our client to provide a solution to the communities in order to promote growth. Furthermore, we wish to agree that this area is in need of upgrading not necessary to better the cellular coverage, but also to enhance intra communication between existing masts.

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An increase in demand for voice- and data services causes high levels of cellular congestion which ultimately result in more dropped calls and failure to access internet-intensive applications on personal computers and handheld devices. The importance of sufficient coverage relates to the enhanced level of health and safety (access to emergency services i.e. ambulances, police, fire departments etc.), social amenities (access to social media i.e. WhatsApp, Facebook, Instagram, YouTube etc.).

The current roll out of telecommunication infrastructure by cellular network providers is undertaken to upgrade and improve network coverage and quality to all customers. Telecommunication networks experience peak demand in the evenings between 18:00 and 23:00.

### **CONCLUSION:**

*We would like to emphasise the positive contribution this base station will have on the immediate area of the Zwelihle area, commuters as well as the surrounding community:*

- *This application is by no means a careless act as health and environmental aspects are taken into consideration with associated proof that this development holds no threat for inhabitants and/or commuters.*
- *Most households in the surrounding area depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage especially in areas remote that is not suited for fibre.*
- *Please note that the residents in the area are not the only ones being provided with these services. Visitors to the area and daily commuters will benefit by having access to improved communication/ internet facilities.*

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- *Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers' is poor, then contacting emergency services becomes a difficult task.*

***Finally, we would like to reiterate that we can confirm that the Mast design and height can be adjusted should the Municipality request it. Our client is also willing to plant additional indigenous trees to help soften the visual impact. It is therefore requested that the Municipality include the said conditions in the approval letter.***

*It is clear that the proposed application meets the applicable desirability criteria and precedents set and it is therefore we request the Municipality to view this Application favourably and include conditions (as set above) in the approval should it be deemed necessary.*

*We trust the above response addresses your concerns. Please do not hesitate to contact me should you have any additional queries.*

*Kind Regards*

Rikus Roos

Town Planner

Pr.Pl n A/2085/2015