



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

A G E N D A

DATE:	4 MAY 2023
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

26 April 2023

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 4 May 2023 at 10:00** in the **Town Planning Committee Room**, to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (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. Secretariat

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

4 May 2023

I N D E X

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI- PROPC07 PROPRIETARY LIMITED	1
4.2	ERF 1828, 21 BOUNDARY ROAD, PRINGLE BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: DIESEL & MUNNS INC. ON BEHALF OF BC & C ANDERSON	138

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 March 2023

4. ITEM FOR CONSIDERATION

4.1 ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI-PROPC07 PROPRIETARY LIMITED

Report attached

4.2 ERF 1828, 21 BOUNDARY ROAD, PRINGLE BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: DIESEL & MUNNS INC. ON BEHALF OF BC & C ANDERSON

Report attached.

4.1

ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI-PROPC07 PROPRIETARY LIMITED

2861 HSB (2930)

H van der Stoep

17 April 2023

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 7 February 2022 from Messrs Warren Petterson Planning Town and Regional Planning Consultants (WPP) on behalf of Whale Coast Village Mall Proprietary Limited, The Sandbaai Development Trust and HCI-PROPC07 Proprietary Limited applicable to Erf 2861, Sandbaai for the following:

- ❖ **consent use (transmission tower)** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to accommodate a cellular communication base station at the rear/southern side against the mall building that will consists of a 20m high monopole/tree type transmission tower, 12 antennas and microwave dishes attached to the tower, and an equipment container at ground floor level with space for four service providers;
- ❖ **departure** in terms of Section 16(2)(b) of the above By-Law to exceed the 14m height restriction applicable to the property with 6m to accommodate the 20m high mast of the cellular communication base station; and the
- ❖ **amendment of the existing Site Development Plan (SDP)** in terms of Section 16(2)(l) of the By-Law to accommodate the cellular communication base station on the property.

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 subject property is zoned Business Zone 1: General Business Bulk Zone 1, measures 10,4136ha and is located along Trunk Road 28 (R43). The Whale Coast Village Mall is developed on both the subject property and the adjacent property Erf 1450, Sandbaai.

The application entails the construction of a cellular communications base station against the existing Whale Coast Mall building at the rear (southern) side of the building. The base station will occupy an area of 14.4m².

On 27 February 2020 the Municipal Planning Tribunal (MPT) refused a similar application on the subject property for a 25m high transmission tower with associated equipment at the southwestern corner of the property.

The main reasons for refusal of the application were as follows (not quoted):

- The applicant did not provide evidence that demonstrated the need of the transmission tower.
- The position of the tower will be amidst one of the high-density residential hubs of Sandbaai making the tower extremely visually intrusive that will impact on the rights of surrounding property owners.
- The applicant did not demonstrate the possibility of higher towers beyond the urban edges that could effectively cover most of the Sandbaai area.
- The option of placing the tower directly against the rear of the mall or much closer was not addressed.

The applicant lodged an appeal against the decision of the MPT and the Appeal Authority 30 September 2020 to dismiss the appeal for various reasons (see letter attached as Annexure F).

4. SUMMARY OF APPLICANT'S MOTIVATION

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

- ❖ The Transmission Apparatus (TA) will connect to the existing surrounding networks, including Onrust, Zwelihle and Hermanus, which reduces poor signal areas when leaving the coverage radius of existing TA's.
- ❖ The total area of the TA will only be 14.4m² that will not interfere with the shopping centre since it will be located against the building.
- ❖ The property has a height restriction of 14m that requires a relaxation of the 14m height restriction to 20m to allow for the tower of the TA.
- ❖ In order to accommodate the TA, the existing approved Site Development Plan applicable to the property needs to be amended.
- ❖ Electricity for the TA will be obtained from the available on-site supply.
- ❖ The proposal will not impact on external services, transport, traffic, or the biophysical environment.
- ❖ The Department of Environmental Affairs and Development Planning confirmed that no environmental authorization is required.
- ❖ Two possible positions have been identified on the property with two different tower types, namely a monopole and tree type design – it is the opinion that a monopole design will have the least impact on the surrounding area.
- ❖ In terms of the Overstrand IDP 2017/18 – 2021/2022, one of the disaster management co-ordinator's main tasks are to establish and maintain required telecommunications link; establish and maintain a resources database; and co-ordinate all communication to and from incidents. Thus, telecommunications infrastructure forms a vital part of the Municipality's Disaster Management Plan.
- ❖ In terms of the 2020 SDF, it must be strived to improve urban efficiency and align growth with infrastructure. Page 21 of the SDF shows that the population number of Sandbaai almost doubled between 2001 and 2011 with a growth rate of 98%. In terms of the 2021/2022 IDP the projected population for Sandbaai would be approximately 5531 in 2020 which is almost 35% more than it was in 2011 at 4101.

With the increase there is a need to provide adequate coverage to consumers, especially when considering that each consumer has on average 3 – 5 devices which could benefit from increased coverage.

- ❖ Cellular infrastructure contributes to economic growth within the Municipal area.
- ❖ To emphasise the importance of the proposed TA, reference is made to the amount of people who worked from home during the Covid pandemic, and many people lost their jobs and will continue working from home. It is therefore very important to ensure that excellent coverage is enjoyed throughout the entire day.
- ❖ Due to factors including densification, urbanization and the influx of people over festive seasons and holidays, poor network coverage is experienced. Several positions were identified in the area that needs transmission apparatus to alleviate the pressure and to cater for the ever-increasing demand.
- ❖ Vodacom indicated their support and need for additional infrastructure in the area.
- ❖ From websites of the various service providers are somewhat exaggerated on the content thereof since it is largely used for marketing purposes.
- ❖ Vodacom indicated that they need improved coverage in areas in close proximity to Sandbaai since these areas have poor to very poor coverage which the proposed TA will address.
- ❖ Vodacom has a temporary movable site at Sandbaai Community Hall, but this site does not provide the required coverage to the whole area.
- ❖ The more advanced technology gets, the smaller the coverage area is.
- ❖ The proposed site is deemed an excellent location to improve coverage in the area and the location against the existing building, which will ensure that any perceived impacts on the surrounding area is minimal.
- ❖ One of the reasons for refusal of the previous application was why could the TA not be moved closer or against the mall. The new application identifies two positions against the mall, namely options A and B and on 16 July 2020 the Heritage and Aesthetics Committee indicated that they support option A.
- ❖ The need for coverage is not the only determining factor when identifying a possible position. Other factors include altitude, zoning, and visual impacts.
- ❖ Existing TAs in the area are not sufficient as there are no TAs within a 1km radius of the proposed site – the closest TA is approximately 1.045km away.
- ❖ Five alternative sites were considered in the surrounding area, but the current option is the most acceptable option in terms of visual impacts.
- ❖ An opportunity will be created for other service providers to co-locate since other structures of this height does not exist in the area.
- ❖ A Visual Impact Assessment was conducted in 2019 relating to the previous application, which assessment indicated that the impact will be moderate to low and the impact within the short distance zone will be moderate. The assessment further indicated that from the short to long distance zone the impact will be low due to factors including the Visual Absorption Capacity of the area, limited observers within these zones, the built-up environment, and the undulating topography of the area.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	03 June 2022	08 July 2022
Notices	Yes	02 June 2022	08 July 2022
Ward councillor	Yes	03 June 2022	08 July 2022
Internal Departments	Yes	03 June 2022	08 July 2022
Total objections	34 (THIRTY-FOUR)		
Total letters of support	NO RECORD IN THIS REGARD.		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Building Control	06/06/2022	No objection. The building plan application must comply with all applicable law including HEALTH Regulations by ODM Health Dept. Engineer's appointment required.
Overstrand Heritage & Aesthetics Committee	16/07/2020	Attached as Annexure G.
Fire Services	08/06/2022	The Fire Department has no objection.
Electrical Services	06/06/2022	There are no comments on the proposal.
Engineering Services	08/06/2022	Attached as Annexure H.
Waste Management	21/06/2023	No objection from Solid Waste Planning.
Eskom	06/06/2022	No objection.
Department of Environmental Affairs & Development Planning (Development Planning)	05/07/2022	Attached as Annexure I.

Department of Environmental Affairs & Development Planning (Environmental Impact Management Services)	28/06/2022	Attached as Annexure J.
Local Tourism	06/06/2022	It is noted that there are a number of technical issues dealt with in the application. One matter pertains to height restrictions of a mobile tower to improve connectivity and another with improving accessibility. Tourism has no objection but would request that developments need to have a low visual impact and be aesthetically pleasing as far as possible.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Thirty-four (34) letters of comment/objection were received, which letters are attached as Annexure D. The applicant's response is attached as Annexure E.

Comments/objections were received from the following persons

PERSONS WHO COMMENTED	
1. SJ Mercer Erf 2320, HSB (Mooizight Gardens)	2. DE Lamprecht Erf 2358, HSB (Mooizight Gardens)
3. CMJ Stromberg Erf 1887, HSB (Monte Mare)	4. KJ Niemantinga Erf 1888, HSB (Monte Mare)
5. B Malan (property details unknown)	6. IP & JJ van der Westhuizen & Esterhuys (property details unknown)
7. C & H Smith (property details unknown)	8. GS Linney Erf 8190, HMS (Hemel & Aarde Estate)
9. RRC Warneke Erf 8163, HMS (Hemel & Aarde Estate)	10. CJ Breytenbach Erf 2360, HSB (Mooizight Gardens)
11. F Kellerman (property details unknown)	12. NL Molyneux Erf 1670, HSB (Bergzicht)
13. HW Markham Erf 8304, HMS (Hemel & Aarde Estate)	14. JP Saayman Erf 1892, HSB (Monte Mare)
15. J Stocks (property details unknown)	16. MA Edwards Erf 2765, HSB (Ocean Breeze)
17. J Bett Erf 1661, HSB (Bergzicht)	18. CE Hayward Erf 2382, HSB (Tambali Village)

19. K Rudnick Erf 2403, HSB (Tambali Village)	20. I van Ginkel Erf 1653, HSB (Bergzicht)
21. AJ Ljubeko Erf 2387, HSB (Tambali Village)	22. LM Kruger Erf 2760, HSB (Ocean Breeze)
23. L Hartman Erf 2798, HSB (Ocean Breeze)	24. JA Swanepoel Erf 280, HSB
25. B Malan Erf 2772, HSB (Ocean Breeze)	26. AP Schnell Erf 2384, HSB (Tambali Village)
27. M Calitz & L Smalberger Erf 2386, HSB (Tambali Village)	28. LJ & S van Eeden Erf 2755, HSB (Ocean Breeze)
29. TJ Loader Erf 2395, HSB (Tambali Village)	30. OE & A Clow Erf 2780, HSB (Ocean Breeze)
31. L Loubser Erf 2799, HSB (Ocean Breeze)	32. Tambali Village Home Owner's Ass. c/o Watch Prop Managers
33. B Orford Erf 2383, HSB (Tambali Village)	34. PC & WJ Wiese Erf 2405, HSB (Tambali Village)

Most of the concerns raised are alike and due to the comprehensive nature only the main points of comments/objections are addressed and not each individual commenter's concerns in order to avoid unnecessary duplication. The main points of the comments are summarised and commented on as follows:

Point 1 of comments

Type of transmission tower, visual impacts, and position of tower.

Response from applicant

Two types of towers are proposed, namely a monopole and a camouflaged tree design. These designs are deemed more appropriate within urban and/or residential environments. In response to the 4 (four) commentators who indicate that they would prefer a tree type tower, applicant would like to confirm that this is the design that it would like to proceed with moving forward, if also deemed appropriate by Overstrand Municipality.

The height of the tower is furthermore kept to a height of 20m in order to reduce the visual impact, whilst still being tall enough to accommodate multiple service providers.

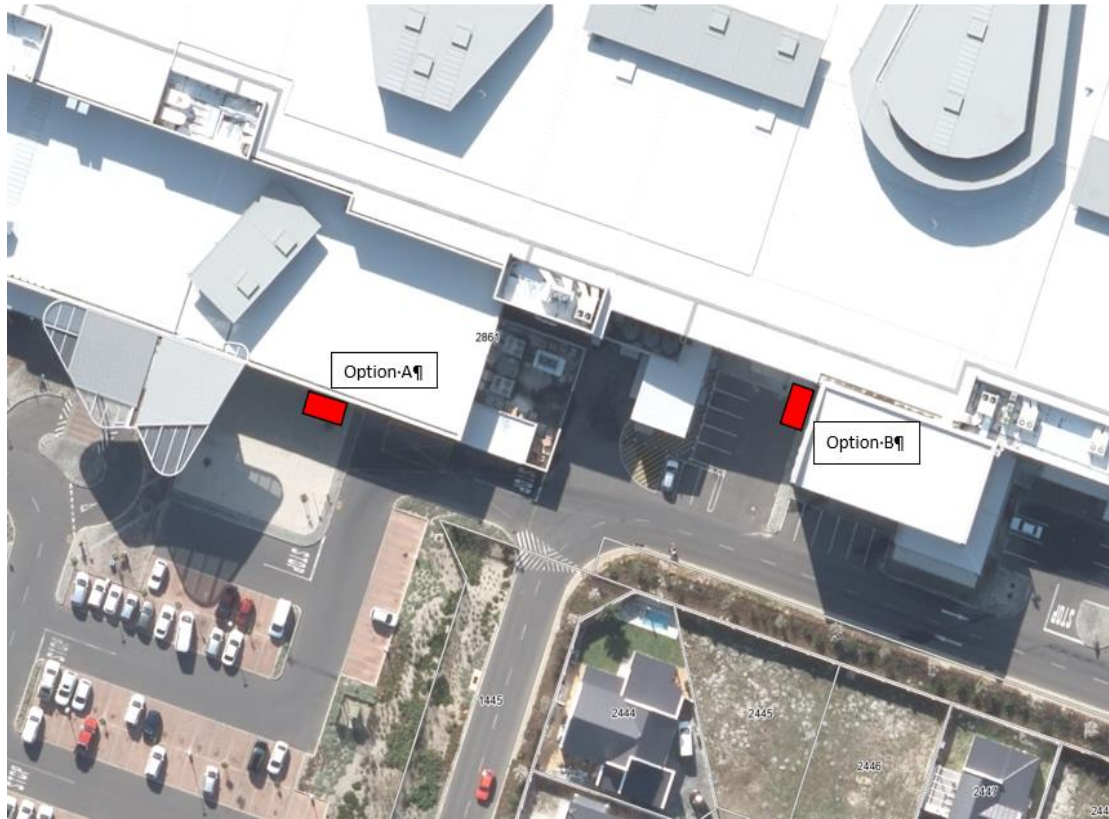
The position of the tower was moved against the existing building of the property, considering the comments that were received on the previous land use application that served before the Municipal Planning Tribunal on 27 February 2020, stating that *‘the option of placing the tower directly against the rear of the mall or much closer was also not addressed in the application’*. The position of the tower against the building will definitely reduce the visual impact of the structure in relation to one that is placed in isolation somewhere else on the property. Two different locations were proposed, both located against the mall building and marked as Option A and Option B on the drawings, Revision 01, dated 2 March 2020. Option A is however a bit more visual and will be in direct line of site from the southern parking area and residential properties in the nearby vicinity. It is therefore proposed to proceed with Option B as it is definitely more concealed and will be less visible from the surrounding area. The only visible portion will be the part of the tower that extends beyond the roof of the mall.

The location of towers is also chosen whilst considering the target and average coverage areas of the various services being provided by the tower. More advanced technologies have much smaller coverage areas and proposing the tower on a mountain nearby would definitely not address the needs of the service providers. The more advanced technologies get, the more focus is considered towards residential areas since it is where people make the most use thereof. Other deciding factors include shopping centres or busy places where there are a cluster of cellular devices that emphasizes the good placing of the tower next to the mall.

Response from town planner

Refer to the attached Annexure G. The Heritage and Aesthetics Committee during its meeting on 16 July 2020 decided on Option A to be the position of the tower against the mall building. The Committee unfortunately did not indicate what type of tower is preferred – tree type or monopole type, neither did it provide any reasons for its support of Option A. It further did not provide any reasons why Option B should not be the preferred position. The Heritage and Aesthetics Committee is an advisory committee and the applicant’s above response is therefore agreed with being that Option B is in fact a more preferred position since it will definitely have a lesser impact. See extract of GIS directly below. Option A is right next to the rear entrance of the mall which makes it undesirable for obvious reasons. The applicant now also addresses the concerns of the MPT of the previous application being why the tower was not proposed closer or against the mall building. The applicant now also demonstrates that the tower against the mall building is the most preferred position with marginal visual impacts.

The location of the TA at the mall rather than the outskirts of Sandbaai is also agreed with for the above reasons of the applicant.

Options of proposed locations for the TA

See extracts of plans below. It is important to note that the owners of the mall recently obtained town planning approval to extend the mall at the rear side, being phase 2 of the mall development with a footprint of approximately 5 243m². The extension against the existing mall Option A will become obsolete since a section of the extension will be constructed on the location of the tower. Thus, Option B will be the only available and desirable position on the property, and once the extension of the mall, although single storey, has been completed the position of the tower will significantly reduce intrusive visual impacts on the surrounding area and property owners.

See photo below of the tree type tower at the east side of Voëlklip. The applicant initially preferred a monopole type of tower, but now prefers the tree type tower. The latter is agreed with since it is the strong opinion that a tree type tower against the rear side of the mall building would blend in against the backdrop of the mountain and the antennas and dishes will hardly be visible rather than a monopole type tower together with highly visible antennas and dishes. One should also consider that the majority of comments are from property owners of the lower lying group house developments close to the mall. Visual impacts, if any, from the R43 should also be minimal since the location of the tower is situated approximately 200m from the R43. It should further be considered that the highest lying erven of the Hemel & Aarde Estate development directly to the north of the mall is situated at the 90m contour whilst the lower lying erven are on the 35m contour. The owners of these erven therefore mainly have a view higher than the mall towards the sea making only a small section of the 20m high tower visible that is not regarded as mentionable. Taking the afore mentioned into consideration, as well as the overall size of the mall building, the position of the TA against the mall building, and the mall extension, it would definitely reduce visual impacts on surrounding property owners.

See photo below of the tree type tower at the eastern side of Voëlklip. Although it is not situated in a built-up area one can see that the antennas and dishes are hardly visible on a tree type tower since these components are camouflaged by the tree rather than a monopole tower with all its components, which would be much more visually intrusive. Should the application be approved. a condition must be laid down that all equipment on the tower must be of the same colour as the tower.

Tree type tower at eastern side of Voëlklip



A new Visual Impact Assessment was not required from the applicant since the assessment that was submitted with the previous application is regarded as still being applicable to some extent since the new proposed position of the tower on the property is situated approximately 220m away from the previous proposed position that was close to various group house developments, as well as the fact that the current proposed tower is 5m lower than the previous proposal of 25m. It will thus have a mentionable lesser impact together with the proposed new position against the mall building.

One must also consider the fact that the total length of the mall building is approximately 400m and that the tower will take up a very small percentage of the overall horizontal view of the mall building. It is thus the opinion that comments regarding an intrusive visual impact, is exaggerated. The question arises how many property owners will actually be affected by the tower. It is inevitable that a telecommunications tower will eventually be approved in the area, whether now or in the near future since a precedent has already been created by the Municipal Planning Tribunal when it approved the application for a 30m high transmission tower on Erf 9720 in Zwelihle.

Point 2 of comments

Height

Response from applicant

The purpose of the TA is to accommodate antennas to provide coverage to the area. It should be noted that the signals emitted from the antennas are blocked by any solid structures and for this reason the antennas should be clear from any building or obstacles. This is to ensure broader coverage to reduce additional towers in future.

Response from town planner

The applicant's response is agreed with.

Point 3 of comments

Negative impact on property values

Response from applicant

The values of properties in the immediate vicinity will be negatively impacted upon. There is no evidence that transmission towers reduce property values in any given area since it is speculative and can only be determined by a professional valuator. The tower is proposed at the shopping centre where there is a cluster of shops and commercial activities and is therefore deemed the most appropriate for this kind of infrastructure.

Response from town planner

It can to some extent be agreed with the commenters that transmission towers may have an impact on property values, but whether it will be negative or positive impacts can only be confirmed by a professional property valuator after excessive studies have been conducted. There was no evidence submitted by the commenters that the transmission tower will reduce property values in the area, thus the comments are regarded as speculative in nature.

It should be noted that various commenters' comment are copies of templates that indicates that it was orchestrated attempts to submit as many comments/objections as possible against the application. One of the similar points of comment is where citation is made to a court case in which the finding/opinion of the judges were made that neighbours must be considered in terms of possible derogation of value, but also the disfigurement and unsightliness when buildings are considered by the decision maker when considering whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, that it would exceed the legitimate expectations of the owner of a neighbouring property.

In the above regard the decision maker of building plans is the Building Department of the Municipality, and although the above court case has no reference to the application under discussion, it is important to note that, in its comments on the full application, the Building Department indicated that it has no objection to the application.

Point 4 of comments***Health implications***Response from applicant

Most households have several mobile devices all of which are used regularly. Current research on telecommunications base stations have reached a point whereby scientists are satisfied that base stations does not pose a health threat.

The International Commission on Non-ionizing Protection (ICNIRP) published guidelines to provide means of limiting and guiding human exposure to electromagnetic fields (RF) which has become the world standard for human exposure to these fields. Cellular equipment needs to comply with all the regulations of the ICNIRP as well as the WHO and National Legislation governing the use of these equipment and the emission of radio waves.

Health issues such as headaches, memory loss, low sperm count, cancer, etc. identified by internet sources and stated by some objectors are pure speculation since these health problems are experienced in other areas where this infrastructure is not present.

The lowest antennas will be situated at a height of 14m that is higher than all the residential units in the. The tilt of the antennas varies between 0 and 3 degrees on average, which ensures that there will be no buildings at the same height or in line with the antennas. Studies were conducted during 2019 at an existing site to determine if RF emissions reach areas 2 or 3 meters lower than the antennas. A measurement with a RF monitor was taken right in front of the antenna and the monitor indicated 5 red dots. Another measurement was taken approximately 15m from the base station at a height of approximately 2m to 3m below the lowest antennas and no RF emissions were even picked up by the monitor. Tests can be conducted by an independent company called EMSS to monitor the RF emissions should this be required.

Response from town planner

The applicant's response is noted.

Point 5 of comments

Additional infrastructure, fibre, and power supply

Response from applicant

Any additional infrastructure not mentioned in the application will require a new application.

Fibre is to optimise connectivity and to link base stations to create a network. Fibre does not emit signals and can therefore not improve coverage in any area. Only antennas that are attached to masts etc., can provide cellular coverage, thus fibre is not a solution to poor coverage. Fibre has a very limited coverage and requires a router which only serves one household. Once you go outside and leaves the coverage range of the router, your cellular device will connect to the nearest transmission tower not to lose connectivity.

The TA will be connected to the mall's power supply and requires a 60 Amp 3-phase supply to operate effectively. Backup batteries will be located within the equipment unit.

Response from town planner

The applicant's response is noted. Electrical services of the municipality indicated that it has no comments to offer on the application. Should the application be approved, a condition should be laid down that any additional antennas or dishes shall require the prior approval of the municipality.

Point 6 of comments

Structural/mechanical failure of tower

Response from applicant

The tower is signed off by an engineer prior to the submission of the building plan application, and again at the start of construction based on the foundation specifications ensuring the stability of the installation. The owners have a maintenance team that inspects all towers a few times through the year to ensure the strength and stability of the tower. All bolts and nuts are also checked, as well as signs of rust.

Response from town planner

The applicant's response is noted.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

As set out in paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

As set out in paragraph 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 further perpetuate spatial injustices since communication services will be provided to the community of the area.

Spatial sustainability

Improved data signals will promote the three (3) aspects of sustainability (social, economic, and environmental aspects). Economically, businesses will benefit due to enhanced connectivity, socially via improved access to emergency services and environmentally since the tower will provide for co-location, limiting the number of base stations required.

Efficiency

The installation's location ensures optimal placement promoting efficiency.

Spatial resilience

The application will ensure that the existing resource, land is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration

The application followed 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

Consistent with the Zoning Scheme, as well as the IDP that promotes the provision of proper and effective telecommunication infrastructure in the Overstrand.

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 transmission tower will exceed the prescribed 14m height restriction with 6m.

10.9 Additional Planning Motivation For Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL

It is the considered opinion that the applicant's motivation for the application, as well as its responses to the comments received should be supported for the following reasons (also to be read in conjunction with author's above responses on the comments received):

- ❖ The previous land use application that served before the Municipal Planning Tribunal (MPT) on 27 February 2020, stating that *'the option of placing the tower directly against the rear of the mall or much closer was also not addressed in the application'*. The position of the tower against the building will now definitely reduce the visual impact of the structure in relation to the previous proposal to place it in isolation at the south-western corner of the property close to group house developments. With the application under discussion, the applicant now addresses the specific concern of the MPT and further demonstrates that the tower against the mall building is the most preferred position with minimal visual impacts.
- ❖ The owners of the mall recently obtained Town Planning approval to extend the mall at the rear side, being phase 2 of the mall development with a footprint of 5243m². The extension will be constructed against the existing mall at the rear southern side thereof and together with the preferred location of the tower close to the new extension at the rear of the building will significantly reduce any possible intrusive visual impacts on the surrounding area and property owners.
- ❖ The new proposed position of the tower on the property is situated approximately 220m away from the previous proposed position close to the various group house developments, which is much more desirable.
- ❖ Considering the fact that the total length of the mall building is approximately 400m and that the tower will only occupy a very small percentage of the overall horizontal length of the mall building, the comments that the tower will have an intrusive visual impact, is regarded as exaggerated.
- ❖ A tree type design tower will be constructed that will blend in against the backdrop of the mountain and the antennas and dishes will hardly be visible since the tree type tower will camouflage these components to a very high extent in relation to a monopole type tower with highly visible antennas and dishes resulting in it being much more visually intrusive. Conditions will be laid down that the colour of the tower and all of its components must blend in with the direct surroundings and that any additional antennas or dishes shall require the prior approval of the Municipality.
- ❖ The tower will be 5m lower than the 25m high tower that was proposed in the previous application that was refused by the MPT, which will result in a significant lesser overall impact on the surrounding area and property owners.
- ❖ Negative visual impacts, if any, from the R43 will also be minimal since the location of the tower is situated approximately 200m from the R43.
- ❖ No substantiated proof could be provided by the commenters/objectors that the electromagnetic emissions of the tower will be harmful to the health of the people in the area.
- ❖ No substantiated proof could be provided by the commenters that the tower will negatively impact on the values of on their properties.

- ❖ A precedent has already been created by the MPT when it approved the application for a 30m high transmission tower on Erf 9720 in Zwelihle.
- ❖ The tower will not result in the disfigurement and overall unsightliness of the surrounding area.
- ❖ The size of the area that the TA will occupy on the property is a mere 14.4m². Significant surplus GLA exists on the property, thus the amendment of the existing SDP is subsequently also supported.
- ❖ The growing number of permanent residents (as per the IDP) requires that more telecommunication infrastructure is required.

Refer to the GIS aerial photo above indicating the position (Option B) of the TA. It should be noted that the position of the tower may affect three parking bays regarding the minimum reverse distances for vehicles. However, with the previous application for the amendment of the SDP to allow for phase 2 of the mall development it was calculated that an additional 355 parking bays are required and only when the need arises, the additional parking bays must be constructed. The reason for the latter is that ample parking is available. The TA will therefore not impact on the current available parking bays.

In view of the above, and in view of the Municipal comments/responses on the comments/objections, it is the considered opinion that the tower at its proposed location will not have an intrusive visual impact on the character of the area or the vested rights of surrounding property owners. The application is therefore regarded as being desirable from a town planning perspective and should be supported in the manner as set out in the recommendation of this submission.

12. RECOMMENDATION

1. that the comments/objections be noted;
2. that the application for consent use (transmission tower) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2861, Sandbaai, to accommodate a cellular communication base station at the rear/southern side against the mall building (position being "Option B") consisting of a 20m high tree type transmission tower, 12 antennas and microwave dishes attached to the tower, and an equipment container at ground floor level with space for four service providers, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law to exceed the 14m height restriction applicable to the property with 6m to accommodate the 20m high mast of the cellular communication base station, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for the amendment of the existing Site Development Plan (SDP) in terms of Section 16(2)(l) of the By-Law to accommodate the cellular communication base station on Erf 2861, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the above approvals be subject to the following conditions:

- (a) that a tree type tower must be constructed;
 - (b) that the colour of the tower and all of its components must blend in with the direct surroundings, and any additional antennas or dishes shall require the prior written approval of the Municipality;
 - (c) that building plans must be submitted to the Building Department for approval;
 - (d) the transmission apparatus must comply with applicable health and safety standards;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme must be complied with; and
 - (f) that the above approvals do not absolve the owner/applicant from compliance with any other relevant legislation;
6. that the applicant and persons who commented be notified of their respective appeal rights with the above conditional approvals in terms of Section 78 of the By-Law, and the applicant with regard to the above conditions of approval.

13. REASONS FOR RECOMMENDATION

- ❖ The application is in line with policy and strategic documents.
- ❖ The position of the tower against the mall building will reduce the visual impact of the structure in relation to the previous proposal to place it in isolation at the south-western corner of the property close to group house developments. The applicant addressed the specific concern of the MPT with the previous application of why the tower was not proposed closer or against the mall building, and further demonstrates that the tower against the mall building is the most preferred position with minimal negative visual impacts.
- ❖ The owners of the mall recently obtained Town Planning approval to extend the mall at the rear side, being phase 2 of the mall development. The extension will be constructed against the existing mall at the rear southern side thereof and together with the preferred location of the tower close to the new extension at the rear of the building will significantly reduce any possible intrusive visual impacts on the surrounding area and property owners.
- ❖ The position of the tower is situated approximately 220m away from the previous proposed position that was close to the various group house developments, which is a much more desirable location.
- ❖ Considering the fact that the total length of the mall building is approximately 400m and that the tower will only occupy a very small percentage of the overall horizontal length of the mall building, the comments that the tower will have an intrusive visual impact, is regarded as exaggerated.

- ❖ A tree type design tower will be constructed that will blend in against the backdrop of the mountain and the antennas and dishes will hardly be visible since the tree type tower will camouflage these components to a very high extent in relation to a monopole type tower with highly visible antennas and dishes resulting in it being much more visually intrusive. The colour of the tower and all of its components must blend in with the direct surroundings and that any additional antennas or dishes shall require the prior approval of the Municipality (a condition of approval).
- ❖ The tower will be 5m lower than the 25m high tower that was proposed in the previous application that was refused by the MPT, which will result in a significant lesser overall impact on the surrounding area and property owners.
- ❖ Negative visual impacts, if any, from the R43 will be minimal since the location of the tower is situated approximately 200m from the R43.
- ❖ No substantiated proof could be provided by the commenters/objectors that the electromagnetic emissions of the tower will be harmful to the health of the people in the area.
- ❖ No substantiated proof could be provided by the commenters that the tower will negatively impact on the values of on their properties.
- ❖ The tower will not result in the disfigurement and overall unsightliness of the surrounding area.
- ❖ The growing number of permanent residents (as per the IDP) requires that more telecommunication infrastructure is required.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections received
Annexure E:	Applicant's response to objections received
Annexure F:	Appeal letter
Annexure G:	Comment: Overstrand Heritage and Aesthetic Committee
Annexure H:	Services Report
Annexure I:	Department of Environmental Affairs and Development Planning: Planning
Annexure J:	Department of Environmental Affairs and Development Planning: Environmental

SIGNATURES

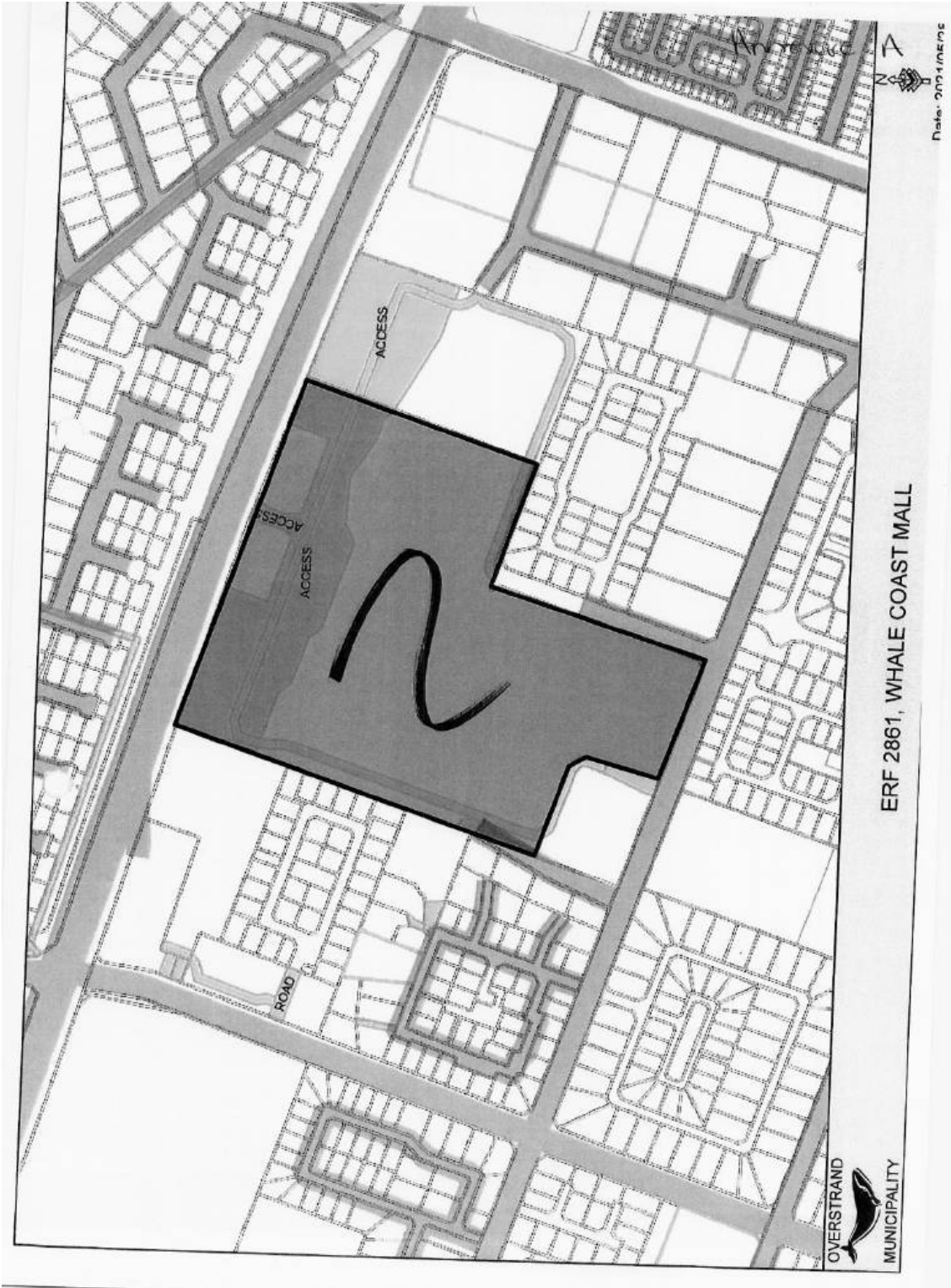
REGISTERED PLANNER:

Name: **H VAN DER STOEP**

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

Signature: _____

Date: _____



Date: 2011/05/15

OVERSTRAND
MUNICIPALITY



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PROPERTY DESCRIPTION:	ERF 2861, SANDBAAI
MUNICIPAL AREA:	OVERSTRAND MUNICIPALITY
APPLICATION:	<u>LOCAL AUTHORITY CONSENT USE, AMENDMENT OF SITE DEVELOPMENT PLAN & PERMANENT DEPARTURE APPLICATION TO PERMIT A TRANSMISSION APPARATUS</u>
SITE NAME:	WHALE COAST MALL



APPLICANT: ON BEHALF OF/ FOR	WARREN PETERSON PLANNING SBA TOWERS SOUTH AFRICA
OWNER:	WHALE COAST VILLAGE MALL (PTY) LTD, HCI-PROPC07 (PTY) LTD & SANDBAAI DEVELOPMENT TRUST
DATE:	JANUARY 2022



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Overstrand Local Municipality
Town Planning Department
Hermanus
Magnolia Street
7200

28 January 2022
(revised 5 May 2022)

Dear Sir/Madam

LOCAL AUTHORITY CONSENT USE, AMENDMENT OF SITE DEVELOPMENT PLAN & PERMANENT DEPARTURE APPLICATION IN ORDER TO PERMIT A TRANSMISSION APPARATUS ON ERF 2861, SANDBAAI.

Kindly find attached in this application, the motivation and relevant documentation regarding a land use application in terms of the zoning scheme to allow for the establishment of a transmission apparatus on Erf 2861, Sandbaai.

This proposal will be greatly beneficial for the inhabitants of Sandbaai – which includes local businesses, and residents – as well as surrounding communities and commuters. This benefit relates to the fact that an improvement will be experienced in terms of network provision and coverage. In its end, this will enhance the level of health and safety (accessibility to emergency services e.g. ambulances, police, fire department etc.), social interaction (accessibility to social media e.g. Facebook, Instagram, Snapchat etc.) and economic efficiency (accessibility of businesses and individuals to faster, efficient and reliable internet and communication connectivity).

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.

Should the need arise for additional information, please do not hesitate to contact our office. We furthermore wish to thank you in advance for the positive consideration of this application.

Yours faithfully

DIRKO LOOTS
C/9207/2020
WARREN PETERSON PLANNING

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3/25

LIST OF DEFINITIONS AND ABBREVIATIONS

This section represents the definitions and abbreviations that will be found in this application.

DEFINITIONS:

Please note: For the purpose of this application and its associated descriptions and motivation, and unless it appears otherwise in the text, the terms used herein are as follows:

Table 1 - Definitions

PROPERTY:	Erf 2861, Sandbaai (here after referred to as the application site)
CLIENT:	SBA Towers South Africa
APPLICANT:	Warren Petterson Planning
OWNER:	WHALE COAST VILLAGE MALL (PTY) LTD (Registration number: 2007/016680/07) HCI-PROPCO7 (PTY) LTD (Registration number: 2014/036206/07) SANDBAAI DEVELOPMENT TRUST (Registration number: IT1447/96)
CONSENT USE	means the secondary use right that is permitted in terms of the provisions pertaining to a particular zone, only with the consent of the Council
DEPARTURE	means a permanent departure or a temporary departure (has the meaning assigned to it by Planning Law)
RESTRICTIVE CONDITION	means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned, excluding servitudes creating real or personal rights
SURVEYOR-GENERAL	means the Surveyor-General as defined in the Land Survey Act

ABBREVIATIONS:

Please note: For the purpose of this application and its associated descriptions and motivation, and unless it appears otherwise in the text, the terms used herein are as follows:

Table 2 - Abbreviations

OZS	Overstrand Zoning Scheme
SPLUMA	Spatial Planning and Land Use Management Act, 2013
RBTS	Rooftop Base Telecommunication Station
TA	Transmission apparatus
TI	Telecommunication Infrastructure
TOA	Top of Antenna
SG-DIAGRAM	Surveyor-General Diagram
SDF	Spatial Development Framework
IDP	Integrated Development Plan

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SECTION A: BACKGROUND

A.1. THE APPLICATION

Application is hereby made for the following:

- ✓ **Consent Use provided for in the zoning scheme** in terms of Section 16(2)(o) of the Overstrand Municipal Planning By-Law, 2015 for the purpose of erecting an 20mm TA.
- ✓ **Permanent Departure** from the development parameters in terms of section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 for the purpose of the relaxation of the height restriction from 14m to 20m in order to allow for the proposed transmission apparatus.
- ✓ **Amendment of Site Development Plan** in terms of section 16(2)(l) of the Overstrand Municipal Planning By-Law, 2015 to include the proposed Transmission Apparatus as part of the plan.

A.2. DETAILS OF THE DEVELOPMENT AREA

Table 3 - Details of the Development Area

TITLE DEED DESCRIPTION	Erf 2861, Sandbaai, Overstrand Municipality, Division of Caledon, Province of the Western Cape
TITLE DEED NUMBER	T57474/2016
PROPERTY SIZE (m²)	10.4136 Ha
CURRENT ZONING	BUSINESS ZONE 1: GENERAL BUSINESS
OWNER OF PROPERTY	WHALE COAST VILLAGE MALL (PTY) LTD (Reg Nr: 2007/016680/07) HCI-PROPC07 (PTY) LTD (Reg Nr: 2014/036206/07) SANDBAAI DEVELOPMENT TRUST (Reg Nr: IT1447/96)

SECTION B: DEVELOPMENT PROPOSAL

B.1. APPLICATION SPECIFICATIONS

The client, SBA Towers South Africa, wishes to apply for consent use and permanent departure in terms of Section 16 (2)(o) & (b) of the Overstrand Municipal Planning By-Law, in order to erect a TA.

05 MAY 2022



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5/25

B.1.1 Development Concept

The application comprises the following proposed development parameters:

- ✓ A 20m Monopole or Tree Type Tower (Transmission apparatus),
- ✓ 12 x antennas attached to the Tower,
- ✓ Microwave dishes attached to the tower, and
- ✓ 1 x Equipment container with space for four service providers, which will be locked at all times.

The total area of the TA will be 14.4m². The main purpose of the proposed transmission apparatus is to improve the network coverage (LTE services) for the various service providers (MTN, Vodacom, Cell C and Telkom Mobile). The transmission apparatus furthermore connects to the surrounding existing network, including Onrus, Zwelihle and Hermanus, which reduces poor signal areas when leaving the coverage radius of an existing transmission apparatus.

B.1.2 Consent Use

A transmission apparatus is permitted as a consent use on a Business Zone 1 property. Accordingly, no rezoning is required in order to accommodate the proposed transmission apparatus. The use of the transmission apparatus will not interfere with the primary use of the property, being a shopping centre, as the area of the transmission apparatus only extends 14.4m² and will be located against the building.

B.1.3 Height Restrictions

According to the Overstrand Municipality's zoning scheme, properties zoned as 'Business Zone 1', have a height restriction of 14.0m (4 storeys). A 20m tower is proposed in this application, thus a permanent departure is applied for in terms of Section 16(2)(b) to allow for the erection of a 20m tower. The height restriction will subsequently be relaxed from 14m to 20m for the purpose of erecting a 20m tower on the subject property.

B.1.4 Amendment of Site Development Plan

A Site Development Plan was previously approved for the development of Erf 2861 Sandbaai. In order to accommodate the proposed transmission apparatus, we are required to amend the previously approved site development plan. The transmission apparatus extends 19.5m² in total and is proposed right next to the building.

B.2. UTILITY SERVICES

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

05 MAY 2022

Access to the proposed TA will be obtained from the existing entrance to the property found along the southern boundary of the property, situated adjacent to Bergsig Street. Bergsig Street connects to the Main Road to the west and Skilpad Road to the east. Both of these roads connects to the R43.

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

B.3. ENVIRONMENTAL REGULATIONS

An application was lodged with the Department of Environmental Affairs and Development Planning (refer to Annexure G) confirming that environmental authorization is not required.

SECTION C: POLICY AND LEGISLATION

C.2.1. Overstrand Municipality Land Use Scheme, 2020

In terms of Chapter 16.10.23, applications for the installation of Transmission Apparatus (TA) shall, to the satisfaction of the Municipality, incorporate the following:

(a). **Site Development Plan** which clearly illustrates the proposal in the context of the existing landscape and receiving environment, with reference to application guidelines as may be incorporated in the application form;

Please refer to sheet 2 of 6 of the drawings dated 2 March 2020, Revision 01.

(b). **Telecommunication Apparatus Infrastructure Plan** (indicating but not limited to the following, namely dimensioned plans showing detail of TA, graphic illustration of the proposed facility, elevation details, proposed materials and colours, screening or fencing)

Please refer to sheet 2 of 6 of the drawings dated 2 March 2020, Revision 01. Please also refer to Figures 14 to 25 indicating what the tower is expected to look like.

(c). **Site Development Plan & Telecommunication Apparatus Infrastructure Plan** to be accompanied by a report detailing the motivation for the selected site, how the siting and design of the facility responds to the SDP;

Please refer to Section D.2.2 of the motivation report.

(d). **Motivation report** to be accompanied by relevant proof pertaining to need and desirability (demand & technical requirements);

Please refer to Section D.2.1 of the motivation report, as well as Annexure J.

(e). **Application** to satisfactorily demonstrate to the AO / MPT that all alternatives to the site itself have been explored within a 1km radius of the subject property;

Please refer to Section D.2.3 of the motivation report.

05 MAY 2022



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7/25

(f). Minimum of two alternative sites and design options to be considered;

Please refer to the drawings dated 2 March 2020, Revision 01. Two possible positions have been identified on the property as well as two different tower types.

(g). Zoning and land use map to accompany application, that shall also indicate all areas of heritage or environmental significance, if applicable;

Please refer to Figures 6, 7, 9 and 10.

(h). Visual Impact Assessment prepared by a suitably qualified professional, if required by the municipality, that shall incorporate mitigation measures limiting visual impact;

A Visual Impact Assessment was conducted in January 2019 by Enviro Works relating to the tower position as per our previous application that was submitted in February 2019. The VIA stated that the visual impact will be moderate to low (The VIA can be provided upon request):

The visual impact within the short distance zone will be moderate. From the short to long distance zone the impact will be low due to factors including the Visual Absorption Capacity of the area, limited observers within these zones, the built-up environment and the undulating topography of the area.

(i). Landscaping plan to accompany application, if required by the municipality,

and

(j). Statement demonstrating that the installation complies with the applicable health and safety standards.

Please refer to Annexure K that forms part of the application.

C.2. OTHER POLICIES AND LEGISLATION

Other policies and legislative frameworks include: Integrated Development Plan (2017/18 - 2021/22), and the Spatial Development Framework (SDF), 2020.

C.2.2. Five-Year Integrated Development Plan (2017/18 - 2021/22)

Telecommunications form a critical part of our everyday lives, what most people don't realise, is that it also plays a vital role in times of crisis. As stipulated in the Overstrand Municipality's IDP (2017/18 & 2021/22), the disaster management coordinator forms part of the JOC (Joined Operations Centre) and one of his main tasks are to (page 262 of the Overstrand IDP 2017/18 – 2021/22):

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

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8/25

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

D.2.3. Municipal Spatial Development Framework, 2020

This application is in line with the spatial development principles as set out in the Overstrand SDF, 2020, as it strives to improve urban efficiency, and align planned growth with infrastructure. As a result, connectivity is enhanced on local, national and international level as stipulated in the SDF, 2020.

The MSDF 2020 of the Overstrand Municipality also emphasises that population growth is taking place within the Municipal Area. Figure 2.2 on page 21 of MSDF 2020 shows that the population number increased in Sandbaai between 2001 – 2011 (See Figure 1 below which shows figure 2.2 of MSDF). It in fact, from 2001 to 2011 the population in Sandbaai has almost doubled and experienced a growth rate of 98% (MSDF, 2020: 21)."

According to Table 6 on page 48 of the Overstrand Municipality Integrated Development Plan 2021/22, the projected population for Sandbaai would be approximately 5531 people in 2020, which is almost 35% more than it was in 2011 at 4101 people.

With an increase in population, there is a need to provide adequate coverage to consumers, especially taking into account that each consumer have on average 3-5 devices which could benefit from increased coverage.

05 MAY 2022

9/25

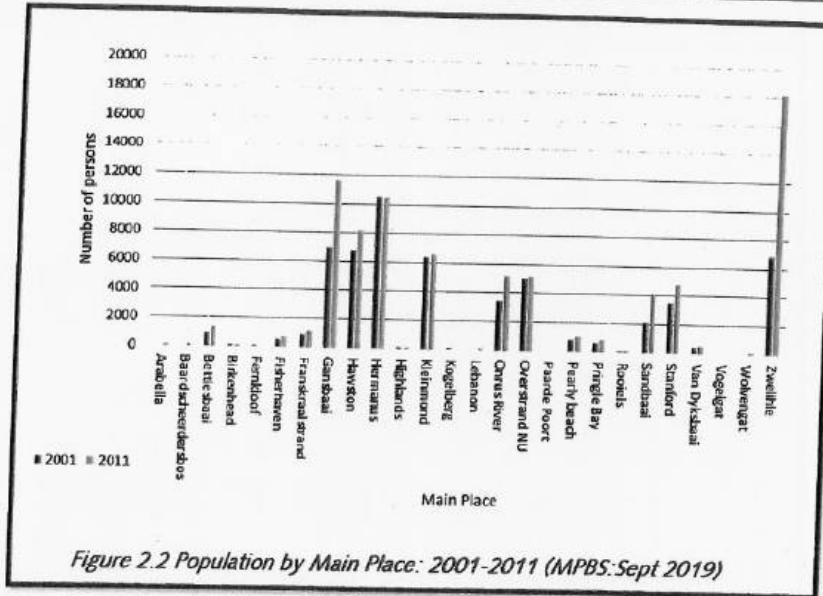


Figure 2.2 Population by Main Place: 2001-2011 (MPBS: Sept 2019)

Figure 1 - Figure 2.2 on Page 21 of the MSDF, 2020

Cellular infrastructure also contribute to the economic growth within municipal area. This is seen on page 35 of MSDF 2020 where the Communication sector has achieved strong annual growth and contributing to the GVA in Overstrand. The impact on economic growth can be emphasised that the proposed Transmission Apparatus which is situated within Sandbaai is surrounded by business, industrial and residential zones, therefore showing the importance that coverage must be provided to these zones. To emphasise the importance of the proposed Transmission Apparatus, one can refer to the amount of people that are working from home during the Covid-19 pandemic, therefore the network capacity is more under pressure than in the past and this proposal will help alleviate this going forward. It is important to note that many people also lost their day-to-day jobs and will continue working from home, therefore it is important to ensure that excellent coverage is enjoyed throughout the entire day.

SECTION D: DEVELOPMENT MOTIVATION

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

05 MAY 2022

D.2.1. Need and Desirability

In a modern-day society, the dependency on communicative technology becomes increasingly higher. This is due to the society's utilisation of more mobile devices and more than one device per household which mainly relies on internet connectivity (e.g. smartphones, portable computers, tablets/iPads etc.). These devices are used for multiple purposes including socialisation, business related uses and accessibility to important emergency services. Due to factors including densification, urbanisation and influx of seasonal guests especially over festive seasons and holidays, in a tourist attractive place like the Sandbaai, poor network coverage (related to both voice and data) is experienced. SBA Towers South Africa identified several positions in the area that need to be equipped with transmission apparatus to alleviate the pressure and to cater for the ever-increasing demand.

Please refer to Annexure J, which is a motivation letter from Vodacom indicating their support and need for additional infrastructure in the area. They specifically refer to the proposed transmission apparatus on Erf 2861 Sandbaai in this letter.

Figures 2-5 illustrate the current fixed LTE coverage in Sandbaai and the surrounding areas. It should be noted that these areas have very limited Fixed LTE coverage. Therefore, a TA as proposed in this application will increase the amount of coverage in this area.

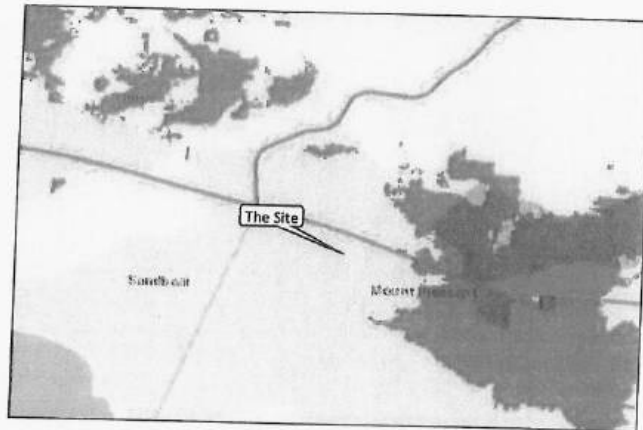


Figure 2 - Telkom Mobile network coverage map: LTE

05 MAY 2022

11/25



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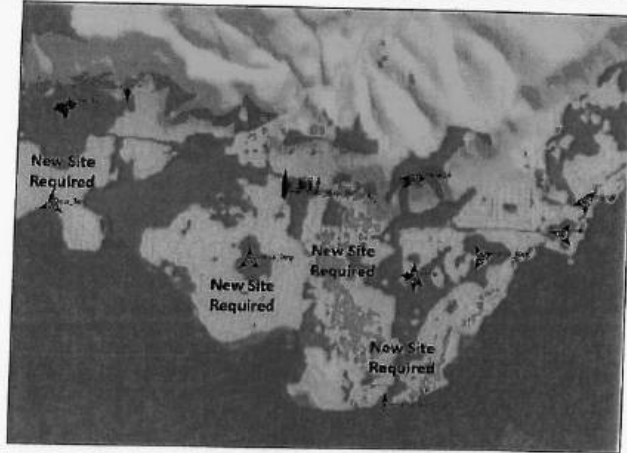


Figure 3 - Vodacom network coverage map (Green: Good; Yellow: Poor; Red: Very Poor)

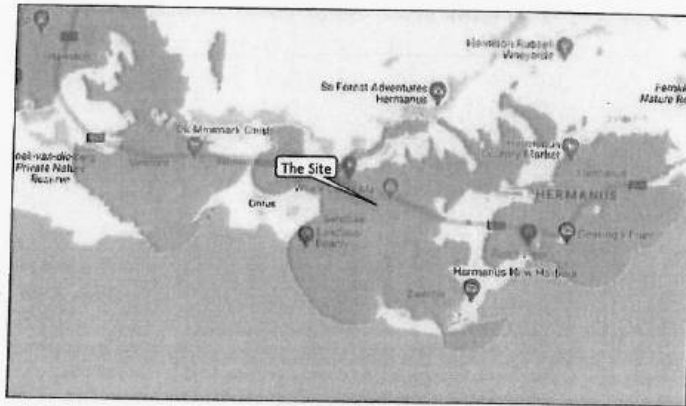


Figure 4 - MTN Coverage Map: Fixed LTE

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12/25



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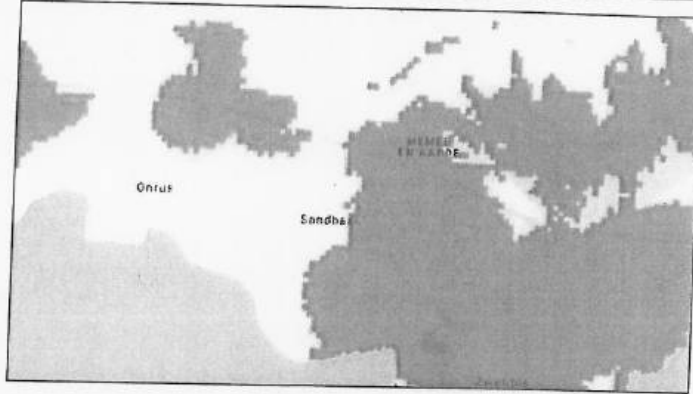


Figure 5 - Cell C Coverage Map: Fixed LTE

Figure 2, 4 and 5 are coverage maps that were extracted from the websites of the various service providers. It should be noted that the service providers somewhat exaggerates on content of these coverage maps as it is largely used for marketing purposes. From some of these maps it is however clear that there are large portions of the surrounding area that is not enjoying the benefits of LTE coverage.

Figure 3 was provided by Vodacom indicating where they are in need of improved coverage in the areas in close proximity to Sandbaai. It should be noted that most of these areas have poor to very poor coverage, which the proposed transmission apparatus on Erf 2861 Sandbaai will address. As per Table 5, Vodacom is already on the majority of the towers that exist in the surrounding area. Vodacom also has a temporary (movable) site at the Community Hall in Sandbaai, but this site does not provide the required coverage to the whole area. Vodacom's interest in collocating on the proposed tower on Erf 2861 Sandbaai clearly indicates that the coverage areas of the existing towers are not enough to address the ever increasing demand of cellular users.

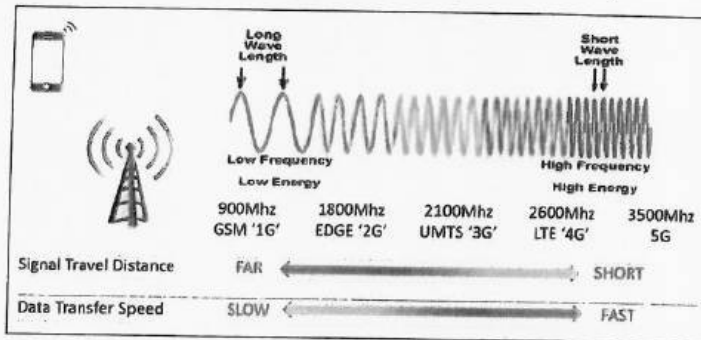


Figure 6 - Frequency and wave length

05 MAY 2022

Figure 6 illustrates how the coverage for different technologies work. Simply put, the more advanced technology that is made available, the smaller the coverage area will be. It is important to note that all service providers are moving towards providing the best technologies to everyone.

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

The proposed transmission apparatus will not interfere with the current use of the property and there are no negative impacts on the surrounding land uses and environment. No trees need to be removed to build the transmission apparatus and no buildings with heritage value will be affected.

D.2.2. Choice of site

The site was chosen as it is deemed an excellent location to improve the coverage in Overstrand Municipality. To the west and south of the site is Sandbaai, which comprises of mainly residential units, to the north is Hemel en Aarde which is also mainly residential units, as well as the R43, which is used by a large number of commuters and tourists on a daily basis. To the east is Hermanus and to the southeast is Zwelihle, which is a densely developed residential area. Please refer to Figure 8, which is a land use plan of the surrounding area.

Figure 7 below indicates the zoning of the subject property, as well as the zonings of the surrounding properties. There are few businesses that are more focussed along the R43. There is an industrial area located to the east of the subject property, of which the majority have limited space available. A large number of these property owners were however approached in the past, but no lease agreement were ever concluded, mainly due to space constraints.

05 MAY 2022

15/25



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The location of site is furthermore located against the existing building, which will ensure that any perceived impacts on the surrounding area are minimal. Please refer to Figure 8, which indicates two possible positions for the proposed transmission apparatus, labelled Option A and Option B.

A land use application that was submitted in February 2019. The land use application was however still refused on 27 February 2020 by the Municipal Planning Tribunal. One of the reasons for refusal queried why the transmission apparatus cannot be positioned against or closer to the mall. Accordingly, two positions were identified against the mall, namely options A and B (please refer to the Revision 01 of the drawings, dated 2 March 2020 – sheet 2 of 6). The proposal along with these options were then presented at the Heritage and Aesthetics Committee on 16 July 2020. The Committee indicated that they are in support of Option A – please refer to Annexure H.

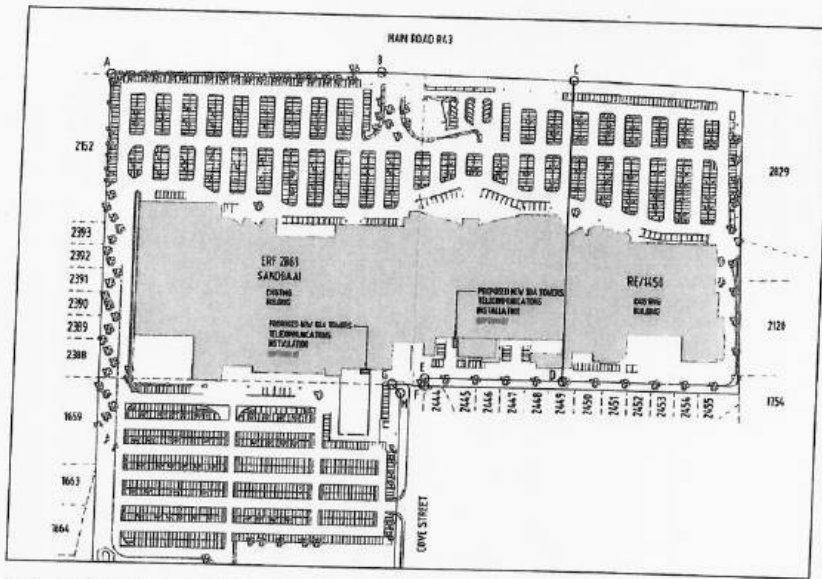


Figure 9 - Proposed location for the transmission apparatus

From Figures 9 and 10 it is clear that the subject area is not of heritage or environmental significance.

05 MAY 2022

16/05



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E: dloots@wpplanning.co.za

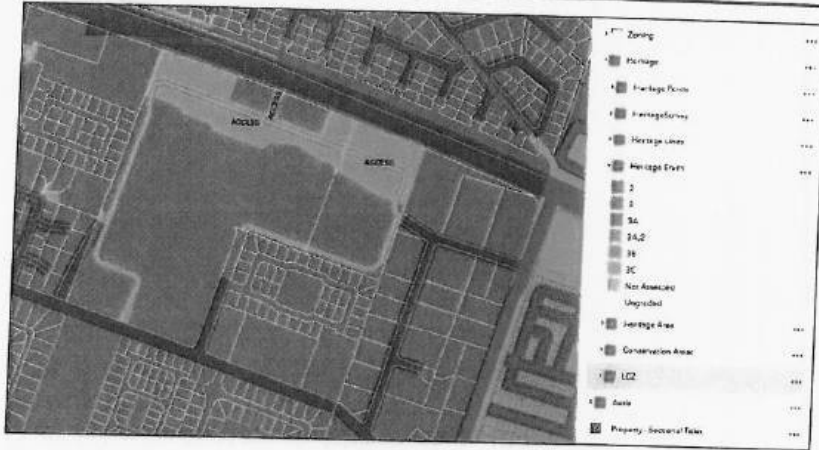


Figure 10 - Heritage Map

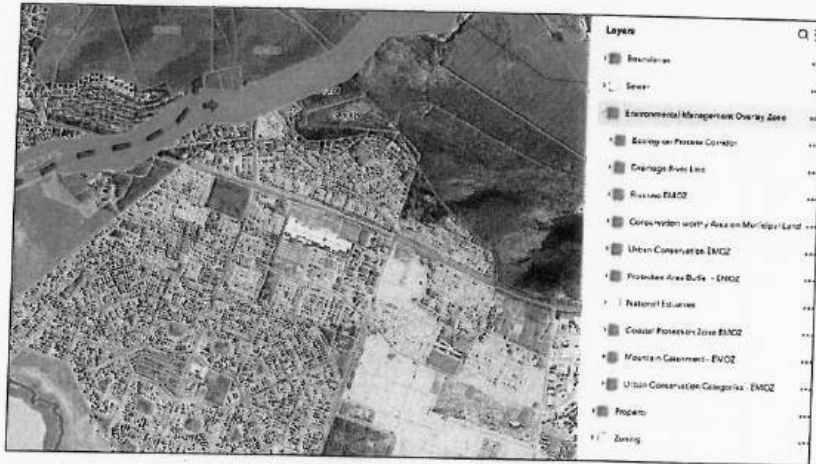


Figure 11 - Environmental Map

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

05 MAY 2022

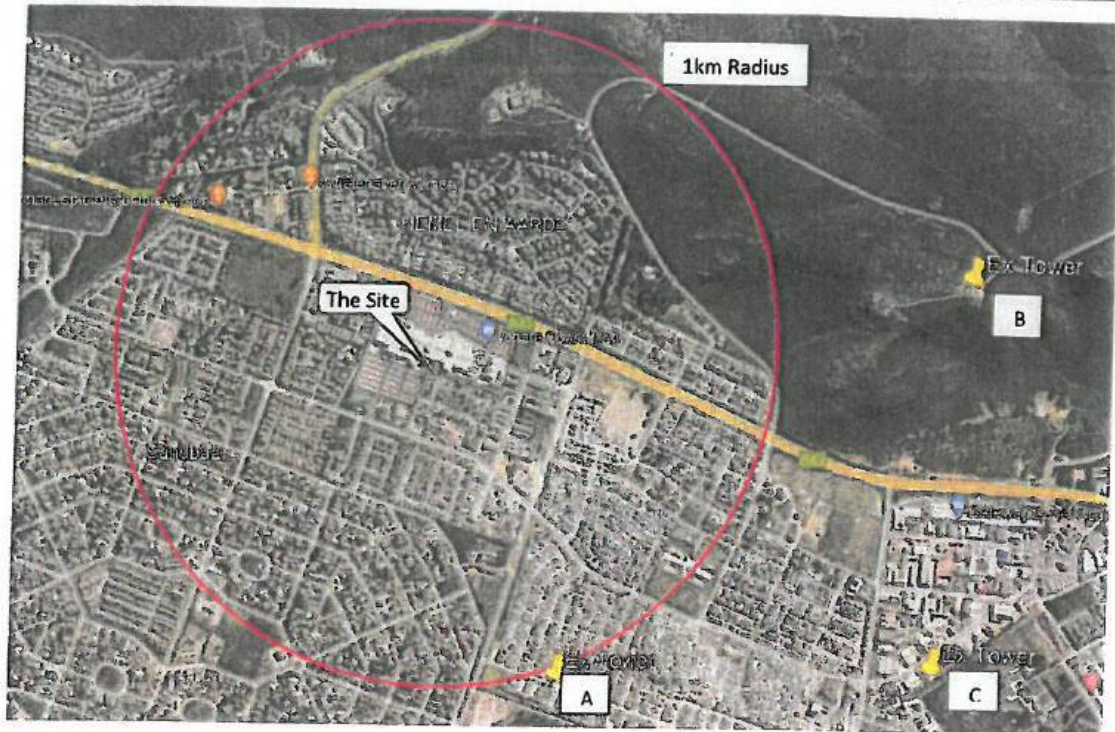


Figure 12 – 1km radius of the proposed site and surrounding transmission apparatus

Table 4 - Surrounding Transmission apparatus as alternatives

	Tower & Height	Site location	Distance	Lack of sufficiency
A	Monopole Tower, 25m	Sisulu Street	+/-1 045m	Failure to provide for the necessary coverage necessity due to distance away from proposed tower.
B	Lattice Tower, 25m	Steenbras Road	+/-1 765m	Failure to provide for the necessary coverage necessity due to distance away from proposed tower. Vodacom is already on this tower and confirmed interest in the proposed tower on Erf 2861 as well.
C	Lattice Tower, 25m & Monopole Tower, 25m	Rotary Way	+/-1 565m	Failure to provide for the necessary coverage necessity due to distance away from proposed tower. Vodacom is already on this tower and

				confirmed interest in the proposed tower on Erf 2861 as well.
--	--	--	--	---

Considering the information in Figure 11 and Table 5 the need for the proposed TA is clear. Existing TA's are not sufficient to provide coverage as there are no TA's within a 1km radius - the closest TA is approximately 1 045m away from the proposed TA.

D.2.3. 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 visual impact and based on the requirements of the network providers, contractors and land owner.

Alternative sites considered in surrounding area (Please see Figure 13 on next page):

- Option 1- Multiple applications were refused on this property, which is centrally located in Sandbaai. This does however support the need for a transmission apparatus in the subject area.
- Option 2- Many owners in the industrial area were approached initially, but the majority of these properties have limited space, which was also the reason most property owners were not interested.
- Option 3- An application was submitted on behalf of Vodacom for a transmission apparatus on this property a few years ago. They did however confirm their interest in utilising the proposed tower on Erf 2861, Sandbaai.
- Option 4- The school has sufficient space to accommodate a tower, but the property is located too close to the existing towers on Erven 9720 & 5636 Hermanus.
- Option 5- This location can also work, but will have a much worse visual impact on the R43 than the proposed position on Erf 2861, Sandbaai, which is behind the shopping centre that hides a large portion of the tower.

19/05



Figure 13 - Alternatives considered

Alternative positions were explored on Erf 2861, Sandbaai. Please refer to Figure 13.

- Option A- This position was presented at the Heritage and Aesthetics Committee on 16 July 2020 and was supported.
- Option B- This position was presented at the Heritage and Aesthetics Committee on 16 July 2020, but Option A was supported. This Option is however still viable if deemed more appropriate by Overstrand Municipality.
- Option C- This was the original position, which was not supported by Overstrand Municipality.

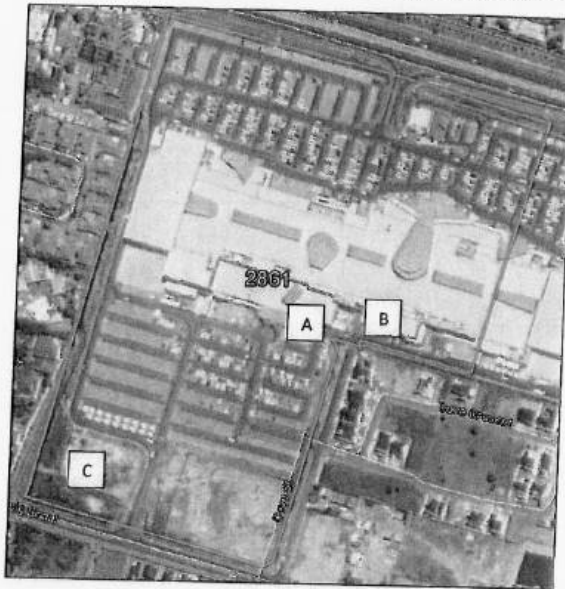


Figure 14 - Alternative positions explored on-site

D.2.3. Visual Impact

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

A Visual Impact Assessment was conducted in January 2019 by Enviro Works relating to the tower position as per our previous application that was submitted in February 2019. The VIA stated that the visual impact will be moderate to low (The VIA can be provided upon request):

The visual impact within the short distance zone will be moderate. From the short to long distance zone the impact will be low due to factors including the Visual Absorption Capacity of the area, limited observers within these zones, the built-up environment and the undulating topography of the area.

The drawings includes two types of tower designs, namely a monopole and a tree tower. We are of the opinion that these two tower designs will have the least visual impact on the surrounding area. Please refer to Figures below. We are of the opinion that the monopole design will have the least impact on the surrounding area.



Figure 15 - Monopole tower viewed from the R43 (Option A)



Figure 16 - Tree tower viewed from the R43 (Option A)

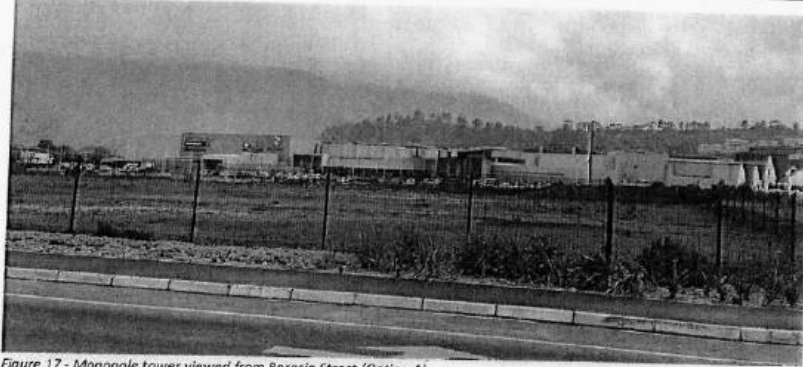


Figure 17 - Monopole tower viewed from Bergsig Street (Option A)

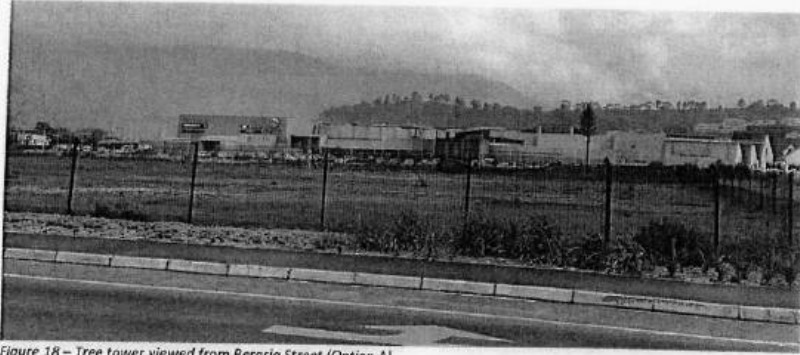


Figure 18 - Tree tower viewed from Bergsig Street (Option A)



Figure 19 - Monopole tower viewed from Aloe Lane (Option A)

23/25



Figure 20 - Tree tower viewed from Aloe Lane (Option A)

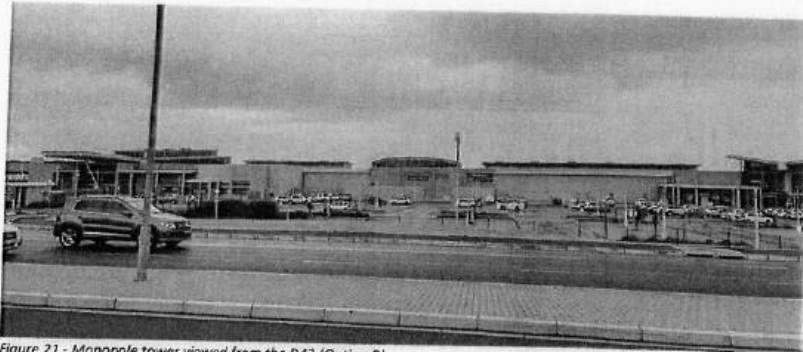


Figure 21 - Monopole tower viewed from the R43 (Option B)



Figure 22 - Tree tower viewed from the R43 (Option B)

24/25



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

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

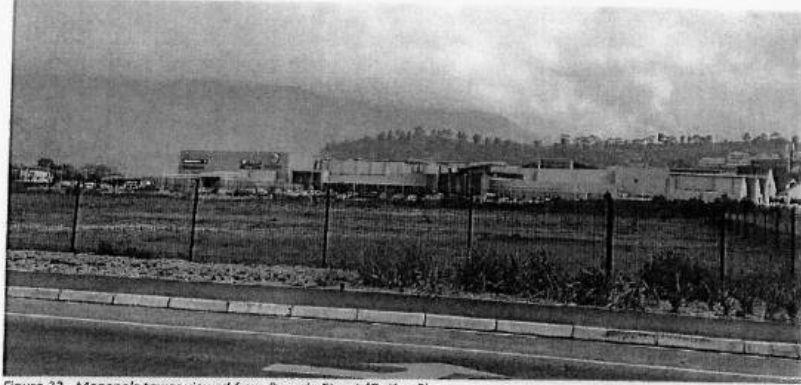


Figure 23 - Monopole tower viewed from Bergsig Street (Option B)



Figure 24 - Tree tower viewed from Bergsig Street (Option B)



Figure 25 - Monopole tower viewed from Aloe Lane (Option B)



Figure 26 - Tree tower viewed from Aloe Lane (Option B)


SECTION E: CONCLUSION

This consent use and permanent departure application in terms of the zoning scheme for a proposed TA on Erf 2861, Sandbaai, will provide an essential and sort after service to the surrounding community, businesses and commuters. This application is in line with the current policy and legislation on a local level. Policy and legislation are mainly focused on the Spatial Planning and Land Use Management Act, 2013. Furthermore, this application is in compliance with the Integrated Development Plan (2017/18 – 2021/22), and Spatial Development Framework (MSDF), 2006.

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

05 MAY 2022

27



SBA

WHALE COAST MALL AT SABAIBS

Client: **Western Cape Government**

Project: **Proposed New SBA Towers**

Location: **Western Cape - 30m HASL**

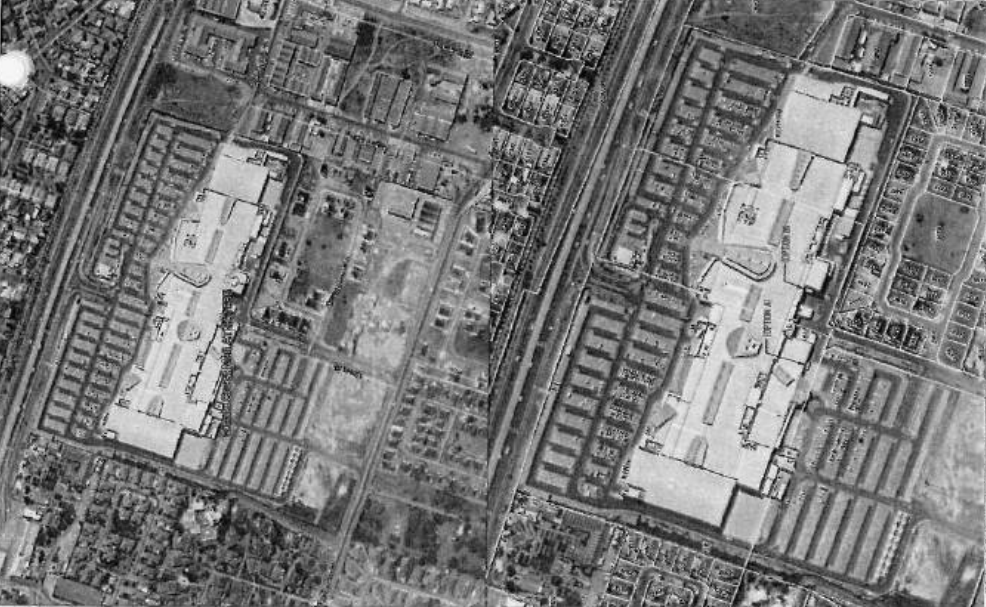
Site: **ERF 2861, SANDBAAI COVE STREET, HERMANUS, SANDBAAI WESTERN CAPE**

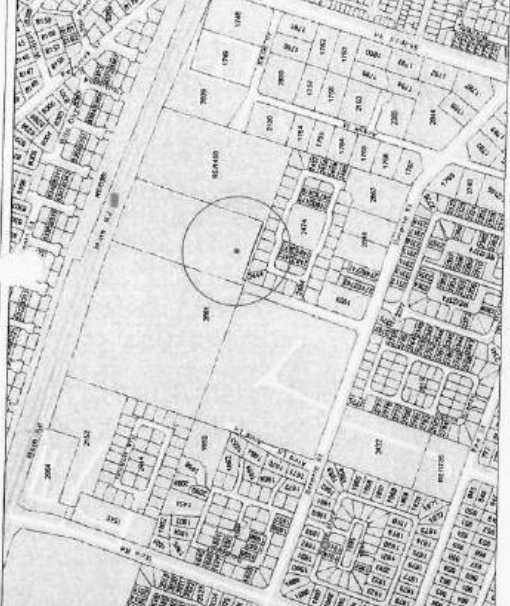
Project: **PROPOSED NEW SBA TOWERS TELECOMMUNICATIONS CONTAINER INSTALLATION**

Annex C1/G

Author	Checked By	Approved For Release
02/05/2018	C.R.	ESL/02/05/2018
02/05/2018	C.R.	COMPLAINT SOLUTION

Title	Name	Signature	Date
Drawn by	Charles Redford	[Signature]	02/05/2018
File No			
Appr			



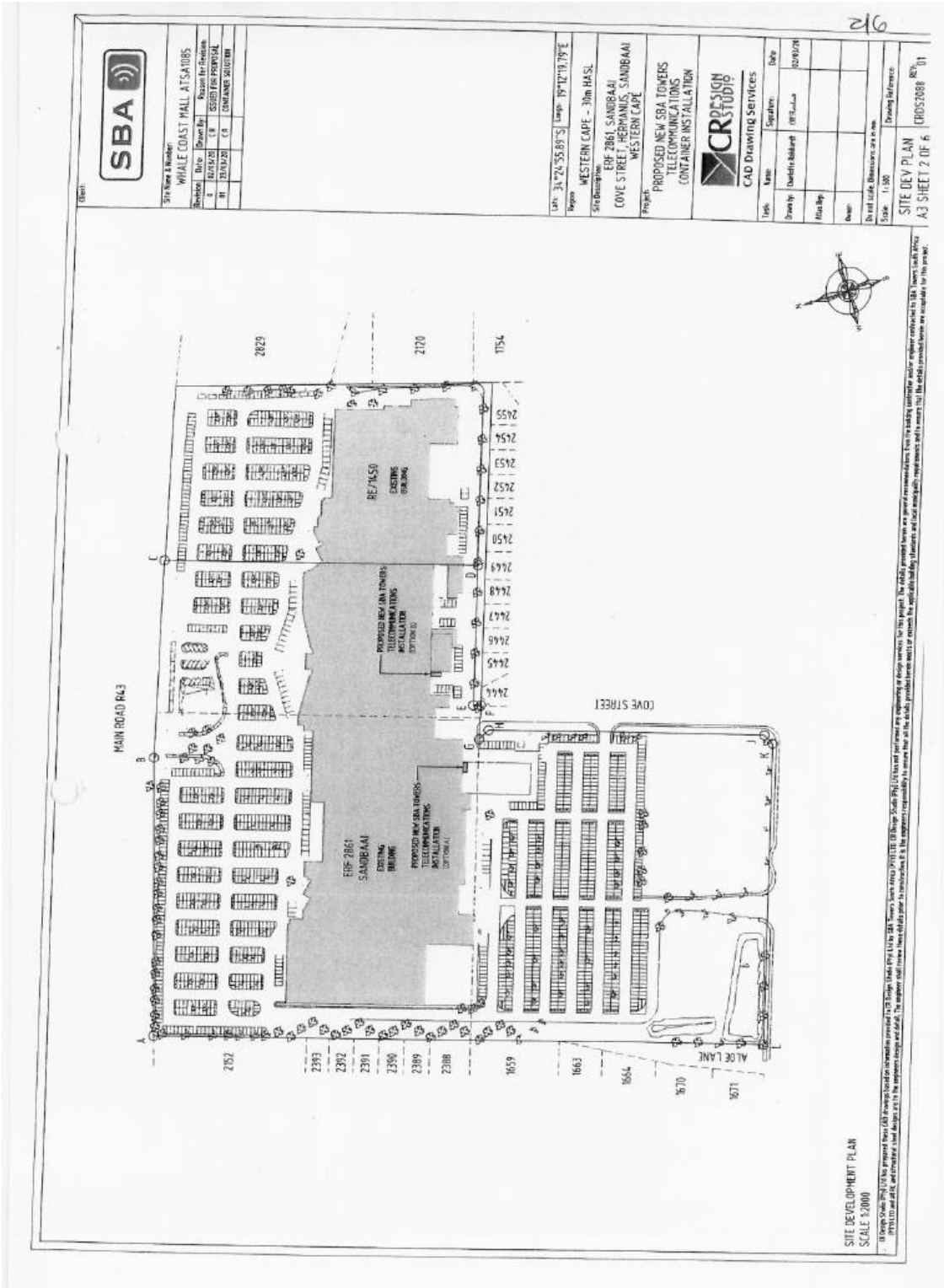


CRISTION CAD Drawing Services

Scale: A3 SHEET 1 OF 6

Site Reference: CR052088_01

CRISTION CAD Drawing Services (Pty) Ltd has prepared these CAD drawings based on information provided by the client. The client is responsible for the accuracy of the information provided. CRISTION CAD Drawing Services (Pty) Ltd is not liable for any errors or omissions in these drawings. The client is responsible for the accuracy of the information provided. CRISTION CAD Drawing Services (Pty) Ltd is not liable for any errors or omissions in these drawings. The client is responsible for the accuracy of the information provided.



SITE DEVELOPMENT PLAN
SCALE 1:2000

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Site Name & Number:
WHALE COAST MALL ATSA 0085

Revision	Date	Drawn by	Checked by
1	20/12/20	ES	ES
2	23/12/20	ES	ES
3	23/12/20	ES	ES

Lot: 31, 24, 25, 81, 75 | Length: 19*12*19, 79'E
 Region: WESTERN CAPE - 30km HASL
 Site Description: ERF 2861, SANDBAAI
 COVE STREET, HERMANUS, SANDBAAI
 WESTERN CAPE
 Project: PROPOSED NEW SBA TOWERS
 TELECOMMUNICATIONS
 CONTAINER INSTALLATION



CAD Drawing Services

Task Name	Separator	Date
Drawn by: Diederik de Waard	10/11/2020	20/08/20
Checked by:		
Drawn:		

Scale: 1:2000
 Drawing Reference: SITE DEV PLAN A3 SHEET 2 OF 6 CROSS088 01

216

Ameyue D.1/72

1.
A Conradie

From: Susan Mercer
Sent: Monday, 06 June 2022 10:19
To: A Conradie
Cc: Susan Mercer
Subject: Objection to cell tower - ERF 2861 Sandbaai Tower
Attachments: Objection to Cell phone tower.docx



TP. N. Aheark
(M. Olivier)

To whom it may concern

Reference : ERF 2861 Sandbaai Tower – Application to construct a 20m high mono-type transmission tower with 12 antenna and microwave dishes

From: Susan Mercer – resident of Mooizicht Gardens

I am writing to object to the proposed cell tower which is very near my property ERF 2320 in Mooizicht Gardens
In the attached document I have noted my concerns. I could go on for days about how bad these towers are to peoples health but have limited it for now.

Thank you

Regards

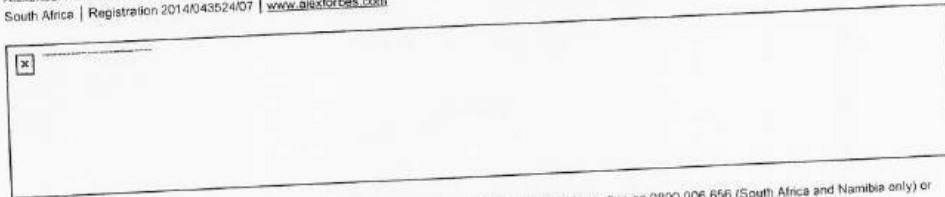
Susan Mercer
MBCI, CBCI, ISO 22301
Group BCM Manager | Corporate Services and EMPO



FILE NO.	CF 2861
	Sandbaai
SCAN NO.	Susan
COLLABORATOR NO.	1694329

Tel 011 269 0531 | merciers@alexforbes.com

Alexander Forbes Group Services (Pty) Ltd | PO Box 787240, Sandton, 2146, South Africa | Tel +27-11 269 0000 | 115 West Street, Sandown, Sandton, 2196, South Africa | Registration 2014/043524/07 | www.alexforbes.com



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06 JUN 2022

Objection to Cell phone tower

There is no way that they can state there is "No Threat" for inhabitants. Inhabitants refer to all the people that work daily in the mall as well as the highly populated area in this cell tower radius.

There are many many studies and facts documented that clearly indicate there are significant risks of living longterm close to cell towers especially within a min of 400 meters – this affects the 4 complexes immediatley surrounding the mall and the staff working in the mall daily (these staff probably don't even have a say in the matter)

Children and the elderly are most at risk. People may have EMF hypersensitivity without even currently knowing it and this could have an impact on their health. Many studies world wide have shown the increase in varous diffent types of cancer, and EMF can damage cell tissues which has many different effects on the body.

There are also many studies done that clearly show that prolonged exposure to EMF from cell phone towers can be dangerous to you overall health. Also to bear in mind that the average age in Sandbaai is around 60. Older people already tend to have lower immune systems so are there for more susceprtable. In my complex alone 3 of my immediate neighbours already have cancer and anything that further comprises their health is not an acceptable risk.

It was also noted there is no effect on nature. If you go to where there are cell towers such as this which are already near trees you will see the trees go brown near the top. It also affects birds and bees and we already know that there is a problem with the number of bees in general and without bees we don't have polination for plants and for crops and vines etc

Never mind that it will be a complete eye sort with goodness knows how many microwave dishes attached and the proposed 12 antennas, and who is to say more are not added at a later stage. It notes it is directly against the building and will be 14.4m still above the building affecting the sight line of the beautiful mountains which was one of the reason we purchased here. I would like to see the VIA report. A "moderate" visual impact is not acceptable to me as a resident in this area living very close to were this tower is proposed.

I also wonder on everything that happens here why all the rules get relaxed to accommodate these businesses wanting to do whatever they want to do. What is the point of putting these rules in place to just constantly relax them. This is the third objection I have had to put since moving in in a year and each of them had "rules relaxed" to accommodate these business requests.

I see no reason why this tower can not be put up the mountain away from direct contact with people. Why can the existing towers in the area not be upgraded to provide necessary coverage, especially the ones at Steenbras at Rotary way which are not in suburban areas?

I personally work from home (vodacom and fibre) as do many people I know and none of us has any problem with connectivity either for work or personal use.

I understand the need for towers I just strongly object to them being in high density populated areas.

Z.
A Conradie



From: Danie Lamprecht
Sent: Monday, 06 June 2022 12:57
To: A Conradie
Subject: Fwd: Delivery Status Notification (Failure)

TP. N. Ahearne
(H. Olivia)

----- Forwarded message -----

From: Danie Lamprecht <danielamprecht52@gmail.com>
To: alida@overstrand.gov.za
Cc:
Bcc:

FILE NO.	EF 2861 ✓
	Sandbaai
SCAN NO.	
	Danie
COLLABORATOR NO.	
	1694333

Date: Mon, 6 Jun 2022 12:08:43 +0200

Subject: Erf 2861 .Oprigting van 20m mono tipe toring met 12 antenas en skottels.

Goeimore Alida.

My naam is Danie Lamprecht woonagtig te 35 Mooizicht Gardens.Bergsig str.My rel no is

My belang in die aangeleentheid is is dat ek die eienaar van n eiendom hier is en ook trustee van die kompleks.

Ek het die eiendom uitsluitlik gekoop oor die Bergsig aan die oorkant van die Mall.

Indien dit met die sig gaan inmeng gaan ek /ons beswaar aanteken wat ek ook hiermee doen.

Vraag:

Gaan dit n monopole wees of Tree type.Ek het die naweek fotos geneem in Kaapstad van iets soortgelyks en dit is uiters onooglik.As dit tussen ons en die Berg gaan wees dan absluut nee.

Ek soek asseblief n VIA verslag met fotos van hoe presies dit gaan lyk met al die torings en skottels.

Verder n bewys dat dit GEEN (nul) bestraling Radiation afgee nie.

Navorsing wat ons gedoen het se dat daar nie 100%bewys kan word dat dit bestraling veroorsaak of kan veroorsaak nie MAAR ook nie dat dit wel nie kan gebeur nie.

Komplekse teenaan die mall het meesal mense oor die ouderdom van 60.In Mooizicht meer as 85 %

ns waardes hier is reeds hard getref deur onwettige besetting van Sculphoek.Ons soek nie goed wat dit verder kan benadeel nie.Sit die ding nie by n resiesieele area nie.

Die aangeleentheid is dringend en ernstig.

Danie Lamprecht.

Spoedige reaksie sal waardeer word sodat vergaderings van inwoners kan plaasvind.Miskien kan julle dit met die oprigters reel.

05 JUN 2022

3.

A Conradie

From: Cathy Stromberg <
Sent: Tuesday, 07 June 2022 17:20
To: A Conradie
Subject: Objection of Erection of pole Erf 2861
Attachments: TowerDismissal_220607_170724.pdf



TP. n. /heark
(H. Olivier)

Good morning Alida

Reference: Objection to the erection of application on Erf 2861

My name is Catherine Stromberg
 ID number

Residential address:

1887 Monte Mare,
 Bergsig Street
 Sandbaai
 Hermanus 7200

I wish to state on very strong terms that I totally object to this plan in a very residential area.

This plan has been rejected previously and I have no idea why it has been raised again

Please see attached is document and I look forward to your response.

Your sincerely
 Catherine Stromberg

FILE NO.	07 2861
	Sandbaai
SCAN NO.	Cath
COLLABORATOR NO.	1695092

08 JUN 2022

sh2

Navrae:
Enquiries: H Boshoff (Town Planner)

Lêerverwysing:
File Reference: 2861 HSB

Aansoek ID
Application ID: 2930/2019

Datum:
Date: 5 October 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Dear Interested & Affected Party

REGISTERED MAIL

APPEAL DECISION LETTER TO OBJECTOR

**APPEAL : ERF 2861, WHALE COAST VILLAGE MALL, BERGSIG STREET, OVERSTRAND
MUNICIPAL AREA : APPLICATION FOR CONSENT USE : WARREN PETTERSON PLANNING
(WHALE COAST VILLAGE MALL PTY LTD)**

1. The appeal received on 30 March 2020 from Messrs. Warren Petterson Planning refers.
2. The Appeal Authority on 30 September 2020 **dismissed** the appeal and confirmed the decision of the Municipal Planning Tribunal dated 27 February 2020.
3. Reasons for the above decision are as follows:
 - ❖ *In their application the applicant states that the fixed LTE coverage in Sandbaai, Onrus and Hermanus is very limited and therefor proposes the construction of a 25m high transmission tower on the Whale Coast Mall site to increase coverage in the area.*
 - ❖ *However, in their appeal the appellant states that the application is not for a specific technology, but for any technology relating to transmission towers from 2G to 5G. The inclusion of 5G in the appeal is clearly not what was raised in the original application. The appellant raises the fact that 5G coverage requires transmission towers to be erected approximately 500m apart. While this is not contested, 5G is not available in the Overstrand from any of the service providers. In any event when 5G becomes available, a tower erected on erf 2861, at the Whale Coast Mall, on the fringe of Sandbaai, by the appellant's own admission would not meet the 5G distribution requirements.*
 - ❖ *The appellant states that the coverage in Sandbaai is limited; however, they do not substantiate this claim by providing any factual proof.*

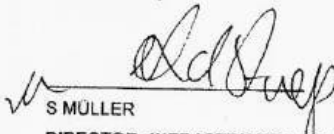
Tel: 028 313 8900
Fax: 028 313 2083
E-mail : foretsa@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

672

- ❖ *The appellant contends that a 25m high tower on erf 2861 is not in a high density residential hub of Sandbaai, however, there are at least six high density complexes within 250m of the proposed transmission tower site, which makes this one of the high density hubs in Sandbaai. A 25m high tower will therefore have a negative visual impact of the character of the area.*
 - ❖ *The reference by the appellant to the proposed new policy regarding the rapid deployment of electronic communication networks in terms of which a licensed service provider will be able to enter any property without the consent of the owner to erect its network infrastructure, has no bearing on this appeal as it is still to be approved.*
 - ❖ *The appellant does not provide any reasons why they believe that the Municipal Planning Tribunal erred in their decision to reject their application, nor do they demonstrate that the 3G and 4G / LTE coverage in the area is limited and thus that a need exists in Sandbaai for a 25m high transmission tower to improve the coverage.*
 - ❖ *The appeal is dismissed and the decision of the Municipal Planning Tribunal is upheld.*
4. The appeal deposit in this case is thus forfeited.
 5. The matter is now regarded as finalized.

Yours faithfully


S MÜLLER
DIRECTOR: INFRASTRUCTURE & PLANNING

7/72

4.
A Conradie

From: Kate N <[redacted]>
Sent: Tuesday, 07 June 2022 17:07
To: A Conradie
Subject: Erf 2861 Whale Coast Mall
Attachments: TowerDismissal.pdf



TR. N. /hoorl
(M. Olivia)

Good day Alida

My name is Katherine Niemantinga, homeowner at 1888 Monte Mare, Bergsig.
 Contact number:

My previous correspondence from 2020 in this matter refers and as attached you see that the proposed tower was previously dismissed due to the many various objections.

I hereby formally tender my objection again to the changing of the bylaw in order to construct a transmission tower on Erf 2861.

The proposed Erf is between 6 high density residential complexes, there is absolutely no reason that this eyesore needs to be placed here on this Erf. It will most certainly have a negative impact on our property values and to date there are still concerns around ones health in proximity to these towers.

The Annexure that I received from the Monte Mare homeowners states that the first proposed position was not approved due to its visual impact on the face of the shopping mall, so even the mall thinks this tower would be aesthetically terrible! How does it become pleasing to those that live around and behind the mall?

There is a law in place already to restrict the building of anything taller than 14 meters for a reason and that should not be changed.

I would also like to know how this does not impact the biophysical environment, as the proposed site is actually where the malls water sump is currently situated.

You say "limited observers" and in the next "built-up environment". This built-up environment (Timbali, Bergzicht, Monte Mare, Ocean Breeze, Sandy Cove, Mooizight Gardens) are all observers!

Kind regards
 Katherine Niemantinga

FILE NO.	GF 2861 ✓
	Sandbaai
SCAN NO.	
	Kath
COLLABORATOR NO.	
	1695095

Navrae:
Enquiries: H Boshoff (Town Planner)

Lêerversyng:
File Reference: 2861 HSB

Aansoek ID
Application ID: 2930/2019

Datum:
Date: 5 October 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Dear Interested & Affected Party

REGISTERED MAIL

APPEAL DECISION LETTER TO OBJECTOR

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 - ❖ *However, in their appeal the appellant states that the application is not for a specific technology, but for any technology relating to transmission towers from 2G to 5G. The inclusion of 5G in the appeal is clearly not what was raised in the original application. The appellant raises the fact that 5G coverage requires transmission towers to be erected approximately 500m apart. While this is not contested, 5G is not available in the Overstrand from any of the service providers. In any event when 5G becomes available, a tower erected on erf 2861, at the Whale Coast Mall, on the fringe of Sandbaai, by the appellant's own admission would not meet the 5G distribution requirements.*
 - ❖ *The appellant states that the coverage in Sandbaai is limited; however, they do not substantiate this claim by providing any factual proof.*

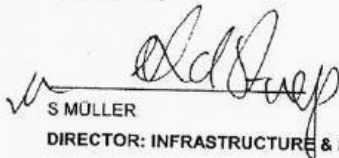
Tel: 028 313 8900
Fax: 028 313 2093
E-mail : info@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

9/72

- ❖ *The appellant contends that a 25m high tower on erf 2861 is not in a high density residential hub of Sandbaai, however, there are at least six high density complexes within 250m of the proposed transmission tower site, which makes this one of the high density hubs in Sandbaai. A 25m high tower will therefore have a negative visual impact of the character of the area.*
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 - ❖ *The appeal is dismissed and the decision of the Municipal Planning Tribunal is upheld.*
4. The appeal deposit in this case is thus forfeited.
 5. The matter is now regarded as finalized.

Yours faithfully


S MÜLLER
DIRECTOR: INFRASTRUCTURE & PLANNING



S.
A Conradie

From: GarthnBee
Sent: Tuesday, 07 June 2022 20:10
To: A Conradie
Cc: t; Loriaan Isaacs
Subject: Notice Ocean Breeze: Erf 2861 Whale Coast Mall, Sandbaai (Consent Use, Departure, Amendment of SDP)

TR n. / theal
(H. Olivier)

To whom it may concern,

This email is in response to this very short notice I have only received on 7 June 2022.

As an home owner of a unit in Ocean Breeze complex, I hereby do NOT give my approval or consent to the planned tower being erected in such close proximity.

Please let me know if there is any additional forms to fill on or sign with regards the matter.

Kind regards,
Belinda Malan

FILE NO.	EF 2861
	Sandbaai ✓
SCAN NO.	
	Malan
COLLABORATOR NO.	
	1695082

G.
A Conradie

TP- n/hoort
(1) Olivia



From: Kobus Esterhuysen
Sent: Friday, 10 June 2022 19:09
To: A Conradie
Subject: OBJECTION TO CELL PHONE TOWER AT WHALE COAST MALL, SANDBAAI

I am a concerned and affected resident residing at 8 Mooizicht Gardens (Erf 2319), Bergsig Street, Sandbaai

Whilst understanding the need for such towers, I object against it being in the proximity of a high density residential area. At least 5 residential complexes are within 400 metres of the proposed site(s) of the tower.

To state that the proposed tower poses no threat to inhabitants, is just not true. Inhabitants must surely refer to all the people that work and shop in the mall as well as the residents of the highly populated area in this cell tower's 400m radius.

A good number of studies indicate that there are significant risks of living longterm close to cell towers - especially within a 400 metre radius.

Children and the elderly are especially at risk. People may have EMF hypersensitivity without even currently knowing it and this could have an impact on their health. Many studies world wide have shown the increase in various types of cancer, and EMF can damage cell tissues which has many different effects on the body.

Many studies also clearly show how prolonged exposure to EMF from cell phone towers can be dangerous to your overall health.

It also has an effect on nature. Trees near cell towers show signs of stress: the trees go brown near the top. Birds and bees are also affected adversely. Has anyone given any thought to the effect of such a tower on our existing birdlife and insect life?

For those of us with a mountain view, the tower will just be another eye sore with its multitude of microwave dishes and antennae against the skyline - 14.4m higher than the existing Mall building. Does this really amount to only a moderate visual impact as stated in the application for the erection of the tower?

Has anyone considered the impact this tower may have on property values in its vicinity?

Existing rules have to be bypassed to allow for the erection of this tower. Will the relaxing of these rules - which were made to protect our citizens and the environment in the first place - benefit our community or just a specific company? What is the point of putting these rules in place to just relax them when companies want to make more money?

I see no reason why this tower can not be put up on the mountain away from direct contact with people.

Why can the existing towers in the area not be upgraded to provide necessary coverage?

None of us in the complex where I reside, have any problems with cell phone connectivity.

Do we really need this unsightly, unhealthy tower?

JJ Esterhuysen

FILE NO.	GF 2861
	Sandbaai ✓
SCAN NO.	HSB 2861
COLLABORATOR NO.	1696483

10 JUN 2022

TP

12/72

7.
A Conradie

From: Carol & Hannes Smith
Sent: Monday, 13 June 2022 13:01
To: A Conradie
Subject: Tower to be erected by Mall Sandbaai



TP-n/thead
(H. Olivia)

Good day
I am a resident of Sandbaai and reside near the Mall in Bergzicht complex.
I am not in favour of this tower being near our complex.
Erect it on other side of Mall towards industrial area. That makes sense.
Not here by our complex.
No. No
No.

Thank you
Carol Smith

FILE NO.	St 2861 ✓
	Sandbaai
SCAN NO.	
	Smith
COLLABORATOR NO.	
	1699166

20 JUN 2022

TP

8.
A Conradie

TP n. Aard 13/72
(H. Olivier).

From: Gen Linney
Sent: Monday, 13 June 2022 12:33
To: A Conradie
Subject: Fw: 25m High Transmission Tower



Dear Alida

My previous correspondence from 2019 as seen below, I objected to the 25m transmission tower, which was dismissed due to the many various objections.

I hereby formally tender my objection again to the changing of the bylaw in order to construct a transmission tower on Erf 2861.

The proposed Erf is amongst high density residential complexes, It will most certainly have a negative impact on property values and to date there are still concerns around ones health in proximity to these towers.

There is already a law in place restricting the building of anything taller than 14 meters for a reason and that should not be changed.

I would also like to know how this does not impact the biophysical environment, as the proposed site is actually where the malls water sump is currently situated.

I still object to this proposal and hope it is dismissed once again.

Thank You
Genevieve Linney

16 Sandpiper Street
Hemel and Aarde Estate

FILE NO.	GF 2861
	Sandbaai
SCAN NO.	Linney
COLLABORATOR NO.	1699151

----- Forwarded Message -----

From: Gen Linney
To: loretta@overstrand.gov.za <loretta@overstrand.gov.za>
Sent: Monday, August 5, 2019 at 11:32:03 AM GMT+2
Subject: 25m High Transmission Tower

Dear Loretta

I am writing to express my worry about the application for the proposed 25 high transmission tower in Sandbaai.

The area proposed is densely populated and will not only be aesthetically unpleasant, but would probably have health implications too.

I live in Hemel en Aarde Estate and I would look straight onto this tall ugly tower. It would most definitely bring a depreciation to my property, as well as all the residents living in and around that area.

If people are complaining about their reception, they should think about fibre optic. This tower should really be on top of the mountain like the others.

Fernkloof area also has terrible reception, but I doubt a 25m high transmission tower would ever be considered in the middle of the residential area.

I do hope that this application is denied and other solutions are found.

Thank you.

Regards,
Genevieve Linney

20 JUN 2022

GP

1472

9.
A Conradie



From: Rod Warneke <
Sent: Tuesday, 14 June 2022 12:45
To: A Conradie
Subject: Erf 2861, Whale Coast Mall, Bersig Street, Sandbaai: Application for consent use; Departure and Amendment of the SDP.

TP. n. heard
(H. Olivia)

Dear Madam,

In response to the ad in the local newspaper I wish to register a continued objection:

1. As far as I can determine the amended application decreases the proposal height from 25m to 20m for a 'Mono mast' as opposed to a lattice mast as originally proposed and rejected.
2. The SDP sets the height restriction at 14m in this zone for good reason.
3. My objections as outlined in my letters responding to the original application as well as the appeal still stand and will be on file in your offices as well as those of the Applicant / Consultant. The previous correspondence culminating in the Overstrand Municipalities rejection of the scheme and the appeal, date from 2019.09.24 to 2020.10.05 and have been noted.

Yours faithfully,

Rod Warneke,
2 Sandpiper,
Hemel-en-Aarde Estate,
Hermanus.

Sent from Mail for Windows

FILE NO.	Er 2861
	Sandbaai ✓
SCAN NO.	
	Warneke
COLLABORATOR NO.	
	1698831

20 JUN 2022

TP

10.
A Conradie

15/72

From: Chris Breytenbach
Sent: Wednesday, 15 June 2022 20:12
To: A Conradie
Subject: Tree Tower Whale Coast Mall



Hi Alida.
I am Chris Breytenbach from Sandbaai, Mooizicht Gardens 33.

I have no objection to the proposed tower at the Whale coast Mall. I do have a prerequisite though.

- 1) It must be a TREE tower, decorated with tree branches.
- 2) I would prefer Position B at the Mall.

*TP. N. Incoort
(H. Olivier)*

Thank you.

FILE NO. <i>EF 2861</i>
<i>Sandbaai</i> ✓
SCAN NO.
<i>Chris</i>
COLLABORATOR NO.
<i>1699167</i>

20 JUN 2022

TP: A Theart
(H. Olivier) 16/72

11.
A Conradie

From: Kellermans
Sent: Thursday, 16 June 2022 16:12
To: A Conradie
Cc: Elsabe Kellerman
Subject: Sandbaai Transmission Tower



Good day

Please find my input in connection with the proposed installation of the Transmission Apparatus on Erf 2861. After careful consideration, I agree there is a need for Sandbaai residents for improved mobile phone reception. However, I have an objection regarding the location of the proposed tower.

1. I bought my current stand 8086 in Hemel en Aarde Estate with the specific objective to have an unlimited ocean view from my house. The proposal that is put forward now in your documentation will have a detrimental impact on my ocean view which is unacceptable and not negotiable. It will be an eye-sore for high elevated properties in the area. Potential future property buyers may not like the aesthetics of the Tower which will have a negative impact on resale values.
2. I assume that the Tower will also be used for 5G purposes in the future. Since 5G is a new technology, its long-term effects on the environment are unknown. An undertaking that the tower will not be used for 5G purposes is required wherever it is erected.

Based on the above reasons, I suggest that the consultants identify a more appropriate site to erect the proposed tower.

Kind regards

Frederik Kellerman

Address
Erf 8086
7 Fish Eagle Street
Hemel en Aarde Estate
7200

Postal address
Collection 236
Private Bag 7
Hermanus
7200

FILE NO. ERF 2861 -HSB ✓
SCAN NO. Kellerman
COLLABORATOR NO. 1699101

12.
A Conradie



17/72

From: normamx
Sent: Sunday, 19 June 2022 12:39
To: A Conradie
Subject: RE SITE DEVELOPMENT PLAN

TP- n. (heath
(H. Olivier)

Hi Alida

I would like to add my name to the objections to the above site development plan

Norma Molyneux
49 Bergzicht
Bergsig St
Sandbaai
7200

My reasons the dangers of wifi towers to humans has not been proven as yet - until such time I would be happy to vote yes. But for now a def NO.

The Mall has not considered their neighbours in the past - it was only on the intervention of their Agents Broll that they cut down/ but not removed the WATERPLANTS growing in the wetlands in the Mall's grounds. These plant's POLLEN was like a continuous snowfall over our area for weeks- This pollen caused so much illness - skin and respiratory ALLERGIES our home's were covered in pollen - furniture and locked cars - even months later the stuff is still in my home - I just pray that we dont have a repeat this coming summer - and not forgetting the plague of MOSQUITOS - they must SPRAY that area - its really bad!!!! What Im trying to say the Mall people have shown they not interested in the health of their neighbours so why now !!!

N Molyneux

nt from my Galaxy

FILE NO.	af 2861 ✓
	Sandbaai
SCAN NO.	Norma HSB 2861
COLLABORATOR NO.	1699148

20 JUN 2022

13.
A Conradie

TP. O. Hood
(H. Olivia)

18/72



From: Howard <
Sent: Tuesday, 21 June 2022 15:50
To: A Conradie
Cc: 'Alison Markham'
Subject: FW: Comment re Erf 2861, Proposal for departure on height restriction for Monopole Type Transmission Tower
Attachments: Annexures Erf 2861 Sandbaai (Tower) (002) (004).pdf

Dear Alida

My wife and I live at 8 Wild Olive, Hemel en Aarde Estate, Hermanus and the view from our property overlooks the Whale Coast Mall on to the beautiful sea views beyond. The sea view was the primary reason for us purchasing this property.

We **object** to the ugly industrial looking visual impact caused by building the proposed **Monopole Tower** in its **raw metallic form**, but **do not object** if it is **built as a Tree Tower** as contained in Fig 16, pp23 of the attached document. There are a lot of Norfolk Pines around Hermanus and the proposed tree tower could easily be seen as yet another. To have an ugly metallic monopole tower, interfering with our sea views would be unpleasant and one we resist and so we appeal to the Council to insist on only a Tree Tower being permitted. We are not so concerned about the position A or B, shown in the annexure, as much as we are about the design; Monopole versus Tree Tower. **Tree Tower is acceptable to us but the Monopole Tower is not.**

We look forward to your acknowledgement of this communication and trust that it will be communicated to the decision makers timeously.

Kind regards

Howard Markham
MBA (UCT) | PPRE

VE ♥ HERMANUS



FILE NO.	Erf 2861
	Sandbaai
SCAN NO.	
	01
COLLABORATOR NO.	
	1700026

Social Media: [Facebook](#) | [Subscribe: Newsletter](#)
153 Main Road, Hermanus, 7200

22 JUN 2022

TP

19/72

14.
A Conradie

From: joe saayman
Sent: Wednesday, 22 June 2022 16:04
To: A Conradie
Subject: MUNISIPALE KENNISGEWING Nr 58/2022



Munisipale Bestuurder
Overstrand Munisipaliteit
Hermanus

TP n./heat
(11.01111)

MUNISIPALE KENNISGEWING Nr 58/2022

VOORGESTELDE TRANSMISSIE TORING OP ERF 2861

Hiermee dien ek my keuse en kommentaar in as een van die 60 eienaars in Monte Mare woonkompleks in Bergsigstraat, direk agter die Whale Coast Mall.

Die voorgestelde opsie B met die 'Tree Tower' toring is meer aanvaarbaar siende dat dit die minste blootstelling vanaf Bergsigstraat en omgewing sal he.
Dus opsie A is nie aanvaarbaar nie.

Dankie

JP Saayman
1892 Monte Mare
Bergsigstraat
Sandbaai

FILE NO.	Erf 2861
	Sandbaai
SCAN NO.	
	11
COLLABORATOR NO.	
	1701247

23 JUN 2022

20170

TR n./theorie
(11.Oliver)

15.
A Conradie

From: Jenny Stocks
Sent: Wednesday, 22 June 2022 13:53
To: A Conradie
Subject: Vodacom tower



Morning Alida

In response to the proposed tower to be erected, my option would certainly be B. I am a retired resident in the Bergzicht complex and feel that it is certainly unattractive & would devalue the worth of our properties. The rear of Checkers is already utilized & not the most attractive area. We as residents in Bergzicht already have a major problem trying to turn into or out of our complex with the very heavy traffic that certainly show no consideration. I do understand the necessity for the tower & truly hope that serious consideration is taken with it's placement.

Yours sincerely
Jenny Stocks

FILE NO.	CF 2861
	Sandbaai
SCAN NO.	12
COLLABORATOR NO.	1701252

23 JUN 2022



FILE NO.	EF 7261
	Sandbaai
SCAN NO.	14
COLLABORATOR NO.	1701253

TP. N. / heart 21/72
(17. Olivia)

12 Ocean Breeze
79 End Street
Sandbaai 7200
June 23, 2022

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As owners of erf 2765 Sandbaai our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated in close proximity to the proposed site for the communications tower referred to in the document. In fact the tower should be approved the tower would be in direct view from our property.

Opposition To Cellphone Tower Installation

Visual Impact

The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few.

House Prices.

The installation of the tower would have a serious impact on the value of houses nearby. No matter how many assurances one may be given by the tower owners as to a nil health risk from radiation, the perception remains regarding health risks of cellphone towers, which also has an impact on house prices. The market is by all accounts already seriously depressed.

A News 24 Article, source: <https://www.news24.com/SouthAfrica/News/municipalities-should-not-approve-building-plans-which-may-devalue-surrounding-properties-concourt-rules-20190219>

The Constitutional Court has ruled that municipalities are obliged to consider the possibilities that a new development could devalue nearby properties before approving building plans.

The court said that when a proposed building is being considered, the decision-maker should check against whether the proposed property could disfigure the area, or reduce the value of the adjacent properties.

The ruling comes as the apex court heard whether the legitimate expectations test, which is used to assess building plans that might affect the value of neighbouring properties, should also apply to approving building plans that might disfigure a neighbouring area or be unappealing.

The court considered the application brought forth by the Simcha Trust, and cited the City of Cape Town as one of the respondents.

In 2005, the City approved a development application by the Four Seasons sectional title scheme. The building plan entailed building balconies up to the boundary of the Four Season's property.

Four Seasons in 2007 erected a 17-storey building with balconies leaning into the Simcha Trust's property, which prevented Simcha from constructing an additional four storeys to its building.

23 JUN 2022

The Western Cape High Court set aside the approval of Simcha's development, in which they wanted to add the four storeys. The court ruled that the City official in approving the plans, was materially influenced by an error of law and that the official failed to take into account a relevant consideration on whether the proposed development gave rise to any disqualifying factors. Simcha Trust then approached the Constitutional Court.

The Constitutional Court held that the municipal decision-makers had applied the incorrect test when deciding if the building application should be disqualified.

Post Judgment Media Summary Trustees of the Simcha Trust v Da Cruz and Others (2)

This Court also confirmed the Full Court's finding that the legitimate expectations of an objective, hypothetical neighbour must be considered when assessing all disqualifying factors. This includes the possibility of derogation of value, but also the possibility of disfigurement and unsightliness. In other words, when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property.

Health

Citation: J Sci Discov(2019); 3(1):jsd18020; DOI:10.24262/jsd.3.1.18020

Trent School of the Environment, Trent University, 1600 West Bank Drive, Peterborough, Ontario, K9J 7B8, CANADA

A growing number of countries are beginning to acknowledge that electrohypersensitivity (EHS) exists and a few countries have classified it as a disability or a functional impairment attributable to the environment. Epidemiological studies and in vivo experiments show that exposure to non-ionizing radiation (NIR) from extremely low to microwave frequency electromagnetic fields (EMF) at exposure intensities far below the maximum limits in international guidelines increases anxiety, depression, and physiological stress and impairs cognitive functions that include concentration, memory and learning. Furthermore, exposure to NIR contributes to neurodegenerative diseases including dementia, Alzheimer's disease, amyotrophic lateral sclerosis, multiple sclerosis, Parkinson's disease, attention deficit hyperactivity disorder and autism spectrum disorder. Exposure of the fetus to NIR (mobile phone) affects the neonatal heart and can lead to emotional and behavioral problems in human offspring. Similar exposures in laboratory studies report impaired cognitive performance, neuronal losses and pathological changes in the brain of rat offspring. The scientific and medical communities have repeatedly sent out urgent warnings, in the form of appeals, declarations and testimonies, that exposure to NIR needs to be reduced from a public health perspective. These warnings have been largely ignored. With continued development of wireless technology and the imminent roll out of new and densified technologies (e.g., 5G technology, satellite constellations, repeaters, wearables, Internet of Things), society will pay an enormous price for disregarding these warnings. It is long overdue for those responsible for public health, the health of children and health policy to take these warnings seriously and to provide a refuge for those afflicted by EHS. EHS is real, it is exacerbated by exposure to NIR, it is increasing among the population and when severe it becomes a disability. Action is long overdue to minimize exposure to NIR and to provide a safe environment that all can enjoy.

JSD18020-final

03/72

Lack Of Information.

There is no information regarding:

- 1) The various operator frequencies, the type of frequencies and modulation types that will be used on the tower initially and those that are planned for the future.
What the radiation output of the tower will be initially and in the future.
How the radiation output will be monitored - by an industry company or independent company?
- 2) The exact transformer or transformer site to which the proposed tower would be connected.
- 3) The type of power supply.
- 4) The types of emergency/standby power supplies.
The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may be caused by natural or unnatural action.

(Mr)

(Mrs)

M. A. Leonard.M. H. Leonard.

17.

Jenny Bett

TP. N. /Heart
(id. Olivier) 20/70

Erf 1661, 42 Bergzicht, Bergsig Road, Sandbaai, Hermanus 7200.

30 June 2022

Overstrand Spatial Planning Department
16 Paterson Street
Hermanus 7200

Email: alida@overstrand.gov.za

Dear Madam



FILE NO.	OF 2861
	Sandbaai ✓
SCAN NO.	HSB 2861
COLLABORATOR NO.	1705311

**Re: OBJECTION TO PLANNED ERECTION OF A 20m TRANSMISSION TOWER ON ERF 2861
SANDBAAI, HERMANUS.**

We refer you to our email dated 28 August 2019. The matter refers to the previous application for the erection of a 25m transmission tower on erf 2861. This application was subsequently dismissed for all the right reasons. The same applicants have now applied to erect a 20m mast with 12 antennas & microwave dishes next to the Whale Coast Mall on Erf 2861

As part of the requirement to furnish our full names and residential address we submit the following: Jenny Bett, 42 Bergzicht, Bergsig Road, Sandbaai, Hermanus 7200. The contact details are on the letterhead above.

As property owners in the Bergzicht complex, we strongly object to the plans to erect a 20m high transmission tower right next to our complex.

The reasons for the objection as the same as previously stated, namely:

- The scope and height of a 20m high transmission mast, with its twelve prominent antennas & satellite dishes, is unacceptable in a residential area such as ours. The granting of a departure from the restrictive conditions for structures higher than 14 metres is totally undesirable, as the planned mast is several metres above the height allowed in an urban area.
- The location of the mast is literally right next door to our complex Bergzicht, where it will be seen day and night, no doubt with hazard lights flashing after dark.
- We are also totally opposed to the removal of the restrictive title deed condition as contained in the title deed for erf 2861, because in our opinion there is no requirement for a powerful transmission mast in this area at this time.
- We believe that the company tasked with the motivation has not done a thorough environmental assessment of the downside of having a transmission mast in this so-called preferred location. It is also noted that the same company tried to get planning permission in 2019 and failed.
- It is widely accepted that there are attendant health issues in the immediate vicinity of where any microwave or other transmission towers are erected. Details can be supplied if required.
- It is well known that anyone living in an area adjacent to or close to a large transmission tower (such as Bergzicht) may have a compromised mobile signal, due to the fact that the satellite dishes are beamed into the distance, creating a shadow effect.
- The proposed equipment containers could also attract the wrong types of people to the area to purloin the batteries and other equipment stored there. With growing unemployment in the Hermanus district this will be a strong temptation.
- Finally, there is no doubt that having such an unsightly structure on our doorstep will devalue our properties.

!- 1 JUL 2022

Objection to 20m transmission mast page 2

25/73

As ratepayers and owners of a property likely to be most affected by the transmission mast, we believe that we need to be taken seriously. So often plans are passed with absolutely no proper consultation with the affected parties. We have now been advised and voice our complete opposition to the plans.

We hope that our objections will be tabled, along with any others from our Bergzight complex and any other residential complexes affected, at your next meeting to discuss halting planning permission for the development.

Yours faithfully



Jenny Bett

18:

TP. N. /head
(M. Olivier)

26/72

A Conradie

From: Charles Hayward <...@regman.com>
Sent: Sunday, 03 July 2022 13:25
To: A Conradie
Subject: Erf 2861 Whale Coast Mall-Objection to erection of transmission Tower
Attachments: APPEAL in regard to Towermast Sanbaai Mall 5th Oct 2020.docx; Tower Appeal Dismissal Overstrand Oct 2020.pdf

Dear Alida,

My name is Charles Eric Hayward ,Owner of Unit 4 Tambali Village, Erf 2382,Sandbaai.

FILE NO.	21 281
	Sandbaai ✓
SCAN NO.	
	Hayward
COLLABORATOR NO.	
	1707361

In regard to the above matter I must say that I am surprised and disappointed that this matter has again surfaced after a two year interval where the Appeal was turned down with costs,after serious objections from residents which were upheld by the Municipality- I refer to my original objection sent to Loretta Gillion on 15th June 2020 and the Tower Appeal Dismissal by Overstrand d.d. 5th October 2020 (both attached).

My objections in my original objection are still very valid as are the reasons for the Municipal Dismissal of the Appeal.

I must however,in response to your communication received through the Tambali HOA Managing agents, again **Formally Object** on behalf of my wife Marion Ann Hayward and myself to the erection of the proposed tower on erf 2861.

- This site is between 6 high density residential complexes.The Municipality in its dismissal notice, affirmed that this is a high density residential area and a 25m tower would negatively impact on the character of the area,(let alone impact on property values),There is no need to change the by-law to accommodate the erection of an eye-sore to serve selected interests, at the exclusion of the broader residential community.We are not transient shoppers at the Mall,nor mere observers,but neighbours,who reside permanently in the area and are potentially impacted in various different negative ways by the impact of this proposed erection.
- In regard to 5G, the Municipality in its Dismissal letter states : "In any event when 5G becomes available a tower erected on erf 2861 at the Whale Coast Mall on the fringe of Sandbaai by the appellants own admission would not meet the 5G distribution requirements".How the has this changed?We as residents in the area are not experiencing any issues in regard to connectivity to the major networks and have to a large extent migrated to fibre connections which have enhanced connectivity.
- As the proposed site is where the water sump for the mall is situated, how does this then not impact the biophysical environment?
- In my original objection I highlighted the potential negative health impacts as alluded to by the EMFSA (Electromagnetic Fields of SA) and the World Health Organization (WHO) who lists RF-EMF emissions as possibly carcinogenic, and hence the recommendation that these towers should not be erected in residential areas(refer my original letter of Objection for the detail -attached).It appears however,that the the proposers of the tower just gloss over this very important aspect,as a minor issue, saying it is safe without providing an iota of evidence to substantiate their assertion.We find this to be extremely irresponsible given the fact that the proposed tower is planned amongst a high density residential area.This risk to health is significantly increased by close proximity to a transmission tower according to EMFSA and

05 JUL 2022

1

07/10

accordingly the Overstrand Municipality, who have as a Strategic Objective "**The creation and maintenance of a safe environment for its residents**", should pay close attention to minimizing potentially harmful risks to its residents/ratepayers.

I trust this Objection will be noted and look forward to confirmation of your receipt hereof.

Kind Regards,
Charles Hayward

08/70

Navrae:
Enquiries: H Boshoff (Town Planner)

Lêervervysing:
File Reference: 2861 HSB

Aansoek ID:
Application ID: 2930/2019

Datum:
Date: 5 October 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Dear Interested & Affected Party

REGISTERED MAIL

APPEAL DECISION LETTER TO OBJECTOR

APPEAL : ERF 2861, WHALE COAST VILLAGE MALL, BERGSIG STREET, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR CONSENT USE : WARREN PETTERSON PLANNING (WHALE COAST VILLAGE MALL PTY LTD)

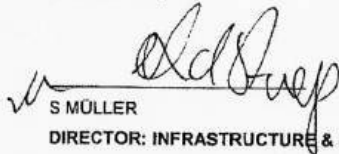
1. The appeal received on 30 March 2020 from Messrs. Warren Petterson Planning refers.
2. The Appeal Authority on 30 September 2020 **dismissed** the appeal and confirmed the decision of the Municipal Planning Tribunal dated 27 February 2020.
3. Reasons for the above decision are as follows:
 - ❖ *In their application the applicant states that the fixed LTE coverage in Sandbaai, Onrus and Hermanus is very limited and therefor proposes the construction of a 25m high transmission tower on the Whale Coast Mall site to increase coverage in the area.*
 - ❖ *However, in their appeal the appellant states that the application is not for a specific technology, but for any technology relating to transmission towers from 2G to 5G. The inclusion of 5G in the appeal is clearly not what was raised in the original application. The appellant raises the fact that 5G coverage requires transmission towers to be erected approximately 500m apart. While this is not contested, 5G is not available in the Overstrand from any of the service providers. In any event when 5G becomes available, a tower erected on erf 2861, at the Whale Coast Mall, on the fringe of Sandbaai, by the appellant's own admission would not meet the 5G distribution requirements.*
 - ❖ *The appellant states that the coverage in Sandbaai is limited; however, they do not substantiate this claim by providing any factual proof.*

Tel: 028 313 8900
Fax: 028 313 2063
E-mail: townpl@overstrand.gov.za

PO Box 20 / Postbus 20
HERMANUS
7200

- ❖ *The appellant contends that a 25m high tower on erf 2861 is not in a high density residential hub of Sandbaai, however, there are at least six high density complexes within 250m of the proposed transmission tower site, which makes this one of the high density hubs in Sandbaai. A 25m high tower will therefore have a negative visual impact of the character of the area.*
 - ❖ *The reference by the appellant to the proposed new policy regarding the rapid deployment of electronic communication networks in terms of which a licensed service provider will be able to enter any property without the consent of the owner to erect its network infrastructure, has no bearing on this appeal as it is still to be approved.*
 - ❖ *The appellant does not provide any reasons why they believe that the Municipal Planning Tribunal erred in their decision to reject their application, nor do they demonstrate that the 3G and 4G / LTE coverage in the area is limited and thus that a need exists in Sandbaai for a 25m high transmission tower to improve the coverage.*
 - ❖ *The appeal is dismissed and the decision of the Municipal Planning Tribunal is upheld.*
4. The appeal deposit in this case is thus forfeited.
 5. The matter is now regarded as finalized.

Yours faithfully


 S MÜLLER
 DIRECTOR: INFRASTRUCTURE & PLANNING

APPEAL : ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI : APPLICATION FOR CONSENT USE AND DEPARTURE : MESSRS WARREN PETERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI-PROPC07 PROPRIETARY LIMITED

My comment on the Appeal is as follows:

I would like to say that I remain vehemently opposed to the erection of the tower on ERF:2861 for the reasons I presented previously, as well as additional comments I now submit ,in regard to the Appeal, and I fully support the Municipalities original decision on this matter.

This appeal to me is playing with semantics and now trying to put a new slant on the matter.

I comment as follows:

i).The applicant failed to provide substantive evidence for the need of the proposed tower.

They say: "Thus the large portion of the network upgrade is aimed at residential areas"-It is my personal view that we residents currently appear to have more than adequate network coverage in Sandbaai/Zwelihle area as previously stated by the Municipality in their rejection.

The applicants are now pushing issue that they will be installing latest technologies (4G and 5G) and that "none of the existing services to Sandbaai provides this facility and this demonstrates the need for the proposed tower". Why is this suddenly new to their submission and why have they said nothing about the actual optimal distance compared to existing facilities. What is the critical distance and what about existing operators /towers being in a position to install new technologies as they arise and without the need to erect a new tower!

They now submit a letter from Vodacom and say further that " the websites used by the Municipality to show coverage maps of the area "are used as marketing tools, and are likely to provide a prettier picture than what one actually experiences". I find this rather a presumptuous statement !

ii) The tower will be erected amidst one of the high-density residential suburbs of Sandbaai that is not an ideal location making the tower extremely visually intrusive, thus impacting on the vested rights of surrounding property owners.

It is my view that nothing has changed on this point as made by the Municipality in rejecting the application for erection of the tower.

The appellants seem to be playing with semantics by saying they tower will be erected on the border of the commercial precinct but not in the residential area to justify their site.

This is nothing but detracting from the fact, that it is planned to be situated just across, the road ,so to speak, of high-density residential suburbs of Sandbaai & , Zwelihle ,Mt.Pleasant and will be **visually intrusive and very definitely impact on the vested rights of property owners which includes an negative impact on the residential property values.**

31/72

Their assertion that the vested rights of residents will not be impacted because of the nature of the zoning and existing activities in the area is nonsense in my view.

The existing activities they refer to in the industrial area, are not visually intrusive to the extent that a tower would be, and nor are they emitting short wave frequencies which are potentially harmful to residents physical and mental health!

Furthermore their comment that the Mall is already visually intrusive on the residential area is also nonsense as it fits neatly into its designated site, in architecturally well-designed manner.

Contrary to their assertions, the tower would be a visual intrusion and this is shown in the photographs they provide.

iii). A characteristic of the broader Sandbaai is the established +/-8.5m height of structures whilst no structures with a height of greater than 25m occurs in Sandbaai. The height of the structure will therefore visually impact on the broader character of Sandbaai.

The Municipality is quite correct in this view and should stick to it. Any tower whether it be 25m or 20m will have a negative visual impact and this can be seen from all photos provided by the Applicant and more so when they use imitation trees.

iv) The alternative locations provided by the applicant are basically all on the same site and the option of placing the tower beyond the urban edge.

This has not changed and the applicant refers to new technologies, and that a tower outside the urban edge will not provide the needed coverage to Sandbaai .

I don't believe that a tower located outside the urban has been sufficiently well researched for them to make the assertion that an alternative cannot be found outside the urban edge.

Conclusion by Appellant:

The applicant states that Mobile communication has become an important safety and security element in modern society. This is so, but contrary to what they say, we as residents of Sandbaai are not experiencing the poor network coverage that they speak of, in fact we find the network fine and are also aware of the imminent roll out of fibre in the area to upgrade performance.

They also emphasize the point that visitors, tourists and daily commuters will have access to improved communication facilities .Whereas these facilities are currently adequate and can be upgraded in my view, by towers outside the residential hubs e.g. on the mountain, it is important to remember that tourists, visitors to the mall are transient visitors and do not have to live with any negative impacts , that residents would have to on a daily basis.

While the applicant, speaks about communication, and importance of safety and security in society, there is absolutely no mention of potential negative health impacts on the residents/visitors/tourists etc. in Sandbaai/Zwelihle or Mt.Pleasant ,of installing this Transmission Tower.

I have additional **objections mentioned in my original submission** which are based on the following grounds:

- **Potential Harmful Effect on Persons Health-** especially in close proximity to the Tower. The harmful effects of Cell Phone Tower radiation on human health are extremely detrimental and well documented. For instance research has shown that RF-EMF radiation (electromagnetic field radiation) causes neurological and gene damage, is a risk factor for Alzheimer's Disease, Parkinson's disease, can damage sperm & impair fetal development and can cause cancer in addition to other health problems.

The World Health Organization has listed RF –EMF radiation as a possible carcinogen. **The closer you are physically located to a tower, the more harmful it is and therefore to have them in close proximity to residential areas, is placing the residents in danger of the harmful health impacts.**

In South Africa the Electromagnetic Fields South Africa(EMFSA), a proudly South African Company ,has as its aim, to inform individuals, health professional and communities about the dangers of exposure to unsafe levels of radiation. It also highlights world-wide research from numerous studies on the harmful effects of RF-EMF radiation. They are also focusing on Community Involvement and Education in respect of Electro Magnetic Radiation and its harmful effects.

In Cape Town they have the **Cape Tower Health Alert** which emphasizes that there is no need for the erection of towers within residential areas and the placement of same should limited to commercial/industrial areas away from people. (Refer to their site:<https://emfsa.co.za>)

Overstrand Municipality Strategic Objective: Creation and maintenance of a safe and healthy environment for its residents:

This is listed as a Strategic Objective for the Overstrand Municipality and in regard to this application and subsequent appeal for the erection of this RF-Tower, I feel that it is appropriate that the Municipality take this noble objective seriously and ensure that the health of its residents is not compromised by commercial interests.

I do believe that the residents of Sandbaai are not being adequately informed of the risks associated with Radio-EMFSA and feel that the both the Sandbaai Ratepayers Association and Overstrand Municipality, would do well to contact Cape Tower Health Alert, to get some more information and training in these aspects to enhance their mandate of ensuring the health of the Overstrand residents.

Thank You for your kind consideration.

Yours sincerely,

Charles Hayward

Sandbaai.

**Capetonians - Do you live near a cellphone tower?
or is one planned for near your home?**



While cellphones are a necessary part of modern life, there is no need for the erection of towers within residential areas and the placement of same must be limited to commercial/industrial areas or open spaces. Not only are many of these structures illegal, far too often local communities are even unaware that such a structure is going to be built in their area until it is too late. Nothing is done to protect those who can be harmed by them, despite such technology being available. **Some of the possible harm:**

- problematic development of the unborn baby
- various health impacts to growing children, the elderly and the ill
- possible cancer
- heart disease, Alzheimer's and Parkinson's disease

General Health Impacts:

Tiredness, sleep disturbances, headaches, feelings of discomfort, difficulty concentrating, depression, memory loss, visual disruptions, irritability, hearing disruptions, skin problems, dizziness, loss of appetite, movement difficulties and nausea.

ALL of the above are confirmed by solid science!

It is time that the City of Cape Town changed its policy, using the latest science and not just that of industry "experts" – additionally, that in future, people will be properly involved in the decisionmaking process, as required by our Constitution.

Let us unite all organisations and individuals keen to make this change happen!
Please email capetowerhealthalert@netactive.co.za

34/72

19.

A Conradie

2861 HSB

From: Karen Rudnick
 Sent: Tuesday, 05 July 2022 10:55
 To: A Conradie
 Subject: Objection

TP-12/Heart
(H. Olivia)



Dear Alida

My name is Karen Rudnick, registered owner of Erf 2403, No 24 Tambali Village, Main road, Sandbaai.

I hereby wish to strongly object to the erection of a 5 G tower at the Whale Coast Mall. The tower will be built between six high-density housing complexes. There is definitely a health risk involved according to the World Health Organisation. I also feel that it would be an eyesore, but most importantly I believe it is a serious health risk.

With thanks
Karen Rudnick



Virus-free. www.avast.com

FILE NO.	2861
	Sandbaai ✓
SCAN NO.	
	Karen
COLLABORATOR NO.	
	1708066

05 JUL 2022

TP

35/2

20.
A Conradie

2861 HGB

From: Ingrid van Ginkel
Sent: Tuesday, 05 July 2022 15:25
To: A Conradie
Subject: Objection

TP n. Aheart
(M. Olivier)



Dear Alida

My name is Ingrid van Ginkel, registered owner of Erf 1653, No 9 Bergzicht, Sandbaai. Hermanus

I hereby wish to strongly object to the erection of a 5 G tower at the Whale Coast Mall. The tower will be built between six high-density housing complexes. There is definitely a health risk involved according to the World Health Organisation. I also feel that it would be an eyesore, but most importantly I believe it is a serious health risk.

With thanks
Ingrid van Ginkel

FILE NO.	Et 2861
	Sandbaai ✓
SCAN NO.	Ingrid
COLLABORATOR NO.	1708071

- 5 JUL 2022

TP

36/72

21.
A Conradie



From: Fred Ljubeko
Sent: Wednesday, 06 July 2022 16:55
To: A Conradie
Subject: Objection to proposed transmission tower at the Whale Coast Mall on erf 2861

*TP N. (Heart)
(I. Olivier)*

Dear Alida

I herewith formally object to the erection of this transmission tower

As this site is near high density residential complexes, it is not advisable to have a tower situated on this erf

The reasons are:

- 1. Unsightly within such close proximity to the surrounding residential areas
- 2. Possible health risks as commented on by scientific bodies i.e. EMFSA et al, even if there is a slight risk our Municipality should also be concerned
- 3. More users are migrating to fibre optics connections

I trust that these reasons are sufficient not to grant permission for this tower

Kind Regards,
Fred Ljubeko,
Tambali Village, Sandbaai, erf 2387

FILE NO.	EF 2861
	Sandbaai ✓
SCAN NO.	
	Fred
COLLABORATOR NO.	
	1710617

07 JUL 2022

TP

22.

TP A/thead
88
(H.Olivier)



37/72

FILE NO.	Erf 2861
	Sandbaai ✓
SCAN NO.	
	Kruger
COLLABORATOR NO.	
	1710596

Ocean Breeze Estate 7
End Street
Sandbaai, 7200
July 6, 2022

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As the owner of **Erf 2760, Sandbaai** our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated in close proximity to the proposed site for the communications tower referred to in the document. In fact, should the project be approved, the tower would be in direct view from our property.

Opposition To Cellphone Tower Installation

Visual Impact

The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few.

House Prices.

The installation of the tower would have a serious impact on the value of houses nearby. No matter how many assurances one may be given by the tower owners as to a nil health risk from radiation, the perception remains regarding the health risks of cellphone towers, which also has an impact on house prices. The market is by all accounts already seriously depressed.

A News 24 Article, source: <https://www.news24.com/SouthAfrica/News/municipalities-should-not-approve-building-plans-which-may-devalue-surrounding-properties-concourt-rules-20190219>

"The Constitutional Court has ruled that municipalities are obliged to consider the possibilities that a new development could devalue nearby properties before approving building plans.

The court said that when a proposed building is being considered, the decision-maker should check against whether the proposed property could disfigure the area or reduce the value of the adjacent properties.

The ruling comes as the apex court heard whether the legitimate expectations test, which is used to assess building plans that might affect the value of neighbouring properties, should also apply to approving building plans that might disfigure a neighbouring area or be unappealing.

The court considered the application brought forth by the Simcha Trust and cited the City of Cape Town as one of the respondents.

In 2005, the City approved a development application by the Four Seasons sectional title scheme. The building plan entailed building balconies up to the boundary of the Four Season's property.

07 JUL 2022

TP

Four Seasons in 2007 erected a 17-storey building with balconies leaning into the Simcha Trust's property, which prevented Simcha from constructing an additional four storeys to its building.

The Western Cape High Court set aside the approval of Simcha's development, in which they wanted to add the four storeys. The court ruled that the City official in approving the plans, was materially influenced by an error of law and that the official failed to take into account a relevant consideration on whether the proposed development gave rise to any disqualifying factors. Simcha Trust then approached the Constitutional Court.

The Constitutional Court held that the municipal decision-makers had applied the incorrect test when deciding if the building application should be disqualified."

Post Judgment Media Summary Trustees of the Simcha Trust v Da Cruz and Others (2)

"This Court also confirmed the Full Court's finding that the legitimate expectations of an objective, hypothetical neighbour must be considered when assessing all disqualifying factors. This includes the possibility of derogation of value, but also the possibility of disfigurement and unsightliness. In other words, when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property."

Health

Citation: J Sci Discov(2019); 3(1):jsd18020; DOI:10.24262/jsd.3.1.18020

Trent School of the Environment, Trent University, 1600 West Bank Drive, Peterborough, Ontario, K9J 7B8, CANADA

"A growing number of countries are beginning to acknowledge that electrohypersensitivity (EHS) exists and a few countries have classified it as a disability or a functional impairment attributable to the environment. Epidemiological studies and in vivo experiments show that exposure to non-ionizing radiation (NIR) from extremely low to microwave frequency electromagnetic fields (EMF) at exposure intensities far below the maximum limits in international guidelines increases anxiety, depression, and physiological stress and impairs cognitive functions that include concentration, memory and learning. Furthermore, exposure to NIR contributes to neurodegenerative diseases including dementia, Alzheimer's disease, amyotrophic lateral sclerosis, multiple sclerosis, Parkinson's disease, attention deficit hyperactivity disorder and autism spectrum disorder. Exposure of the fetus to NIR (mobile phone) affects the neonatal heart and can lead to emotional and behavioral problems in human offspring. Similar exposures in laboratory studies report impaired cognitive performance, neuronal losses and pathological changes in the brain of rat offspring. The scientific and medical communities have repeatedly sent out urgent warnings, in the form of appeals, declarations and testimonies, that exposure to NIR needs to be reduced from a public health perspective. These warnings have been largely ignored. With continued development of wireless technology and the imminent roll out of new and densified technologies (e.g., 5G technology, satellite constellations, repeaters, wearables, Internet of Things), society will pay an enormous price for disregarding these warnings. It is long overdue for those responsible for public health, the health of children and health policy to take these warnings seriously and to provide a refuge for those afflicted by EHS. EHS is real, it is exacerbated by exposure to NIR, it is increasing among the population and when severe it becomes a disability. Action is long overdue to minimize exposure to NIR and to provide a safe environment that all can enjoy."

JSD18020-final

Lack Of Information.

There is no information regarding:

- 1) The various operator frequencies, the type of frequencies and modulation types that will be used on the tower initially and those that are planned for the future.
What the radiation output of the tower will be initially and in the future.
How the radiation output will be monitored - by an industry company or independent company.
- 2) The exact transformer or transformer site to which the proposed tower would be connected.
- 3) The type of power supply.
- 4) The types of emergency/standby power supplies.
The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may be caused by natural or unnatural action.



Dr LM Krüger

23.

417a

43 Ocean Breeze Estate
Sandbaai
7200



5 July 2022

TP. n. (Heart
(H. Olivier)

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As owner/s of erf 2798 Sandbaai our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated is near the proposed site for the communications tower referred to in the document. In fact, should the project be approved the tower would be in direct view from our property

Opposition To Cellphone Tower Installation

Visual Impact

The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few

House Prices.

The installation of the tower would have a serious impact on the value of houses nearby. No matter how many assurances one may be given by the tower owners as to a nil health risk from radiation, the perception remains regarding health risks of cellphone towers, which also has an impact on house prices.

The market is by all accounts already seriously depressed.

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The Constitutional Court has ruled that municipalities are obliged to consider the possibilities that a new development could devalue nearby properties before approving building plans.

The court said that when a proposed building is being considered, the decision-maker should check against whether the proposed property could disfigure the area or reduce the value of the adjacent properties.

The ruling comes as the apex court heard whether the legitimate expectations test, which is used to assess building plans that might affect the value of neighbouring properties, should also apply to approving building plans that might disfigure a neighbouring area or be unappealing.

The court considered the application brought forth by the Simcha Trust and cited the City of Cape Town as one of the respondents.

In 2005, the City approved a development application by the Four Seasons sectional title scheme. The building plan entailed building balconies up to the boundary of the Four Season's property.

07 JUL 2022

TP

FILE NO.	Erf 2861 ✓
	Sandbaai
SCAN NO.	
	Hartman
COLLABORATOR NO.	
	1710622

Four Seasons in 2007 erected a 17-storey building with balconies leaning into the Simcha Trust's property, which prevented Simcha from constructing an additional four storeys to its building.

The Western Cape High Court set aside the approval of Simcha's development, in which they wanted to add the four storeys. The court ruled that the City official in approving the plans, was materially influenced by an error of law and that the official failed to consider a relevant consideration on whether the proposed development gave rise to any disqualifying factors. Simcha Trust then approached the Constitutional Court.

The Constitutional Court held that the municipal decision-makers had applied the incorrect test when deciding if the building application should be disqualified.

Post Judgment Media Summary Trustees of the Simcha Trust v Da Cruz and Others (2)

This Court also confirmed the Full Court's finding that the legitimate expectations of an objective, hypothetical neighbour must be considered when assessing all disqualifying factors. This includes the possibility of derogation of value, but also the possibility of disfigurement and unsightliness. In other words, when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property.

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437a

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JSD18020-final

Lack Of Information.

There is no information regarding:

- 1) The various operator frequencies, the type of frequencies and modulation types that will be used on the tower initially and those that are planned.
What the radiation output of the tower will be initially and in the future.
How the radiation output will be monitored - by an industry company or independent company?
- 2) The exact transformer or transformer site to which the proposed tower would be connected.
- 3) The type of power supply.
- 4) The types of emergency/standby power supplies.
The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may cause by natural or unnatural action.

(Mr)

(Mrs)

Lee Hartman

LH-

24.

TP: N. /hoort
(H. Olivier)

44/72

Jimmy Smith Straat 10
Sandbaai
6 Julie 2022

Vir Aandag Mnr. Boshoff

I/S Erf 2861, Whale Coast Mall, Bergsig straat, Sandbaai.

Aansoek om vergunningsgebruik, afwyking en wysing van die terreinontwikkelingsplan:
Warren Petterson Planners (Munisipale Kennisgewing NR 58/2022)

Geagte Meneer

Ek teken beswaar aan teen bogemelde afwyking ten einde 'n 20 M hoë Mono tipe transmissie toring met antennes en mikrogolf skottels daaraan geheg, asook 1 toerusting houer op grondvloer, teenaan die winkelsentrum op die eiendom op te rig.

Ingeslote is 'n afskrif van my skrywe van 28 Augustus 2019 ook in die verband self verduidelikend en ek gaan nie verder uitbrei nie.

Destyds is die aansoek vir goedkeuring vir die transmissie toring deur u afgekeur.

Ingeslote vind skrywe van u besluit ged 9 Maart 2020

Die Uwe

A handwritten signature in black ink, appearing to read "JA Swanepoel".

JA Swanepoel
Eienaar erf 280

FILE NO.	SI 2861
	Sandbaai ✓
SCAN NO.	
	HSB 2861
COLLABORATOR NO.	
	1710483

07 JUL 2022

TP

25.

FILE NO. Erf 2861 ✓
Sandbaai
SCAN NO.
Malan
COLLABORATOR NO.
1710500

TP N. Theart
(H. Olivier)



Address

Sandbaai 7200
June 23, 2022

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As owner/s of erf 2861 #19 Ocean Breeze Sandbaai our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated in close proximity to the proposed site for the communications tower referred to in the document. In fact should the project be approved the tower would be in direct view from our property.

Opposition To Cellphone Tower Installation

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The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few.

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07 JUL 2022

TP

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4772

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The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may cause by natural or unnatural action.

(Mr)

(Mrs) B Malan



26.

TP n. Ahearne
(I. Olivia)

49172



APPEAL: ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI-PROPC07 PROPRIETARY LIMITED

My comment on the Appeal is as follows:

I am now, as I was when I first objected completely opposed to the erection of the tower on ERF:2861. I am not aware of any material changes that would make me change my mind with regard to the Appeal, and I thus support the Municipality prior decision on this matter.

I comment on the following points in bold:

i). The applicant failed to provide substantive evidence for the need of the proposed tower.

Network upgrade is not the critical need in the area where there is adequate network coverage in Sandbaai/Zwellhle area as previously stated by the Municipality in their rejection.

The appellants' issue of installing latest technologies (4G and 5G) is not a demonstrated need, nor is evidence supplied to support this "demonstrated need" other than the opinion of the applicant. I see little / nothing about the actual optimal distance compared to existing facilities. I do not have the need for a new tower to be erected!

The "websites used by the Municipality to show coverage maps of the area... used as marketing tools, ... are likely to provide a prettier picture than what one actually experiences" is vague and undefined in terms of "pretty" and "experiences", as well as any supporting evidence for this statement.

ii) The tower will be erected amidst one of the high-density residential suburbs of Sandbaai that is not an ideal location making the tower extremely visually intrusive, thus impacting on the vested rights of surrounding property owners.

There have been no substantive changes here. It is in close proximity to residential and even child play centres, is visually intrusive and it cannot be ruled out that it will not negatively affect residential property values. Emitting short wave frequencies are potentially harmful to residents physical and mental health!

Furthermore, their comment that the Mall is already visually intrusive should not make allowance to have other intrusive structures and this also suggests that their plans for the tower are intrusive.

iii). A characteristic of the broader Sandbaai is the established +/-8.5m height of structures whilst no structures with a height of greater than 25m occurs in Sandbaai. The height of the structure will therefore visually impact on the broader character of Sandbaai.

The Municipality is correct.

FILE NO.	Erf 2861 ✓
	Sandbaai
SCAN NO.	
	Schnell
COLLABORATOR NO.	
	1710544

07 JUL 2022

TP

50172

iv) **The alternative locations provided by the applicant are basically all on the same site and the option of placing the tower beyond the urban edge.**

This has not changed, and I do not see any evidence of studies taken about alternatives found outside the urban edge.

Conclusion by Appellant:

The applicant states that Mobile communication has become an important safety and security element in modern society. This is so, but this does not support the erection of a tower or more pertinently, the need to do so.

They also emphasize the point that visitors, tourists and daily commuters will have access to improved communication facilities. These are undefined assertions without any supporting studies beyond the assumption that the tower would be better. Nor does this statement get placed in the context of residents and their needs.

While the applicant, speaks about communication, and importance of safety and security in society, it does not mention potential negative health impacts on the residents/visitors/tourists etc. in Sandbaai/Zwelihle or Mt.Pleasant, should this Transmission Tower be installed.

There has been local and international research which indicate potential health hazards of being in close proximity to such a tower

Refer to the site: <https://emfsa.co.za> as an example. This suggests strongly that the erection of the tower would not be congruent with the Overstrand Municipality Strategic Objective: Creation and maintenance of a safe and healthy environment for its residents.

Thank You.

Yours sincerely,

A. P. Schnell, 6 Tambali Village, Sandbaai.

**Capetonians - Do you live near a cellphone tower?
or is one planned for near your home?**



While cellphones are a necessary part of modern life, there is no need for the erection of towers within residential areas and the placement of same must be limited to commercial/industrial areas or open spaces. Not only are many of these structures illegal, far too often local communities are even unaware that such a structure is going to be built in their area until it is too late. Nothing is done to protect those who can be harmed by them, despite such technology being available. **Some of the possible harm:**

- problematic development of the unborn baby
- various health impacts to growing children, the elderly and the ill
- possible cancer
- heart disease, Alzheimer's and Parkinson's disease

General Health Impacts:

Tiredness, sleep disturbances, headaches, feelings of discomfort, difficulty concentrating, depression, memory loss, visual disruptions, irritability, hearing disruptions, skin problems, dizziness, loss of appetite, movement difficulties and nausea.

ALL of the above are confirmed by solid science!

It is time that the City of Cape Town changed its policy, using the latest science and not just that of industry "experts" – additionally, that in future, people will be properly involved in the decisionmaking process, as required by our Constitution.

Let us unite all organisations and individuals keen to make this change happen!
Please email capetowerhealthalert@netactive.co.za

27.



52/72

A Conradie

From: liezel smalberger
Sent: Thursday, 07 July 2022 10:23
To: A Conradie
Subject: Objection to proposed tower on erf 2861

TP. N. Shabalala
 (H. Olivier)

Dear Alida,

My name is Liezel Smalberger. I owe the property of No 8 Tambali Village Sandbaai, 7200 with my life partner, Marco Calitz.

Both of us strongly object to your communication received through the Tambali HOA Managing agents, to the erection of the proposed tower on erf 2861.

We trust this Objection will be noted and look forward to confirmation of your receipt hereof.

Kind Regards

Marco Calitz
 Liezel Smalberger

FILE NO.	Er 2861 ✓
	Sandbaai
SCAN NO.	Calitz
COLLABORATOR NO.	1710555

07 JUL 2022

TP

28.

104
TP- N. Theard
(H. Olivier)

53173



FILE NO. Erf 2861
Sandbaai ✓
SCAN NO.
Van Eeden
COLLABORATOR NO.
1710572

Address

Sandbaai 7200
June 23, 2022

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As owner/s of erf 2155 Sandbaai our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated in close proximity to the proposed site for the communications tower referred to in the document. In fact the should the project be approved the tower would be in direct view from our property.

Opposition To Cellphone Tower Installation

Visual Impact

The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few.

House Prices.

The installation of the tower would have a serious impact on the value of houses nearby. No matter how many assurances one may be given by the tower owners as to a nil health risk from radiation, the perception remains regarding health risks of cellphone towers, which also has an impact on house prices. The market is by all accounts already seriously depressed.

A News 24 Article, source: <https://www.news24.com/SouthAfrica/News/municipalities-should-not-approve-building-plans-which-may-devalue-surrounding-properties-concourt-rules-20190219>

The Constitutional Court has ruled that municipalities are obliged to consider the possibilities that a new development could devalue nearby properties before approving building plans.

The court said that when a proposed building is being considered, the decision-maker should check against whether the proposed property could disfigure the area, or reduce the value of the adjacent properties.

The ruling comes as the apex court heard whether the legitimate expectations test, which is used to assess building plans that might affect the value of neighbouring properties, should also apply to approving building plans that might disfigure a neighbouring area or be unappealing.

The court considered the application brought forth by the Simcha Trust, and cited the City of Cape Town as one of the respondents.

In 2005, the City approved a development application by the Four Seasons sectional title scheme. The building plan entailed building balconies up to the boundary of the Four Season's property.

07 JUL 2022

TP

Four Seasons in 2007 erected a 17-storey building with balconies leaning into the Simcha Trust's property, which prevented Simcha from constructing an additional four storeys to its building.

The Western Cape High Court set aside the approval of Simcha's development, in which they wanted to add the four storeys. The court ruled that the City official in approving the plans, was materially influenced by an error of law and that the official failed to take into account a relevant consideration on whether the proposed development gave rise to any disqualifying factors. Simcha Trust then approached the Constitutional Court.

The Constitutional Court held that the municipal decision-makers had applied the incorrect test when deciding if the building application should be disqualified.

Post Judgment Media Summary Trustees of the Simcha Trust v Da Cruz and Others (2)

This Court also confirmed the Full Court's finding that the legitimate expectations of an objective, hypothetical neighbour must be considered when assessing all disqualifying factors. This includes the possibility of derogation of value, but also the possibility of disfigurement and unsightliness. In other words, when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property.

Health

Citation: J Sci Discov(2019); 3(1):jsd18020; DOI:10.24262/jsd.3.1.18020

Trent School of the Environment, Trent University, 1600 West Bank Drive, Peterborough, Ontario, K9J 7B8, CANADA

A growing number of countries are beginning to acknowledge that electrohypersensitivity (EHS) exists and a few countries have classified it as a disability or a functional impairment attributable to the environment. Epidemiological studies and in vivo experiments show that exposure to non-ionizing radiation (NIR) from extremely low to microwave frequency electromagnetic fields (EMF) at exposure intensities far below the maximum limits in international guidelines increases anxiety, depression, and physiological stress and impairs cognitive functions that include concentration, memory and learning. Furthermore, exposure to NIR contributes to neurodegenerative diseases including dementia, Alzheimer's disease, amyotrophic lateral sclerosis, multiple sclerosis, Parkinson's disease, attention deficit hyperactivity disorder and autism spectrum disorder. Exposure of the fetus to NIR (mobile phone) affects the neonatal heart and can lead to emotional and behavioral problems in human offspring. Similar exposures in laboratory studies report impaired cognitive performance, neuronal losses and pathological changes in the brain of rat offspring. The scientific and medical communities have repeatedly sent out urgent warnings, in the form of appeals, declarations and testimonies, that exposure to NIR needs to be reduced from a public health perspective. These warnings have been largely ignored. With continued development of wireless technology and the imminent roll out of new and densified technologies (e.g., 5G technology, satellite constellations, repeaters, wearables, Internet of Things), society will pay an enormous price for disregarding these warnings. It is long overdue

5/15

for those responsible for public health, the health of children and health policy to take these warnings seriously and to provide a refuge for those afflicted by EHS. EHS is real, it is exacerbated by exposure to NIR, it is increasing among the population and when severe it becomes a disability. Action is long overdue to minimize exposure to NIR and to provide a safe environment that all can enjoy .

JSD18020-final

Lack Of Information.


There is no information regarding:

- 1) The various operator frequencies, the type of frequencies and modulation types that will be used on the tower initially and those that are planned for the future.
What the radiation output of the tower will be initially and in the future.
How the radiation output will be monitored - by an industry company or independent company?
- 2) The exact transformer or transformer site to which the proposed tower would be connected.
- 3) The type of power supply.
- 4) The types of emergency/standby power supplies.
The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may be caused by natural or unnatural action.

(Mr)


L.J. Van Eeden

(Mrs)


S. Van Eeden

Cellphone

29.

57/72

APPEAL: ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND HCI-PROPC07 PROPRIETARY LIMITED

I am completely opposed to the erection of the tower on ERF:2861 and I thus support the Municipality prior decision on this matter.

I comment on the following points in bold:

i). The applicant failed to provide substantive evidence for the need of the proposed tower.

There is adequate network coverage as also stated by the Municipality in their rejection so it is not a critical need at this point in time

ii) The tower will be erected amidst one of the high-density residential suburbs of Sandbaai that is not an ideal location making the tower extremely visually intrusive, thus impacting on the vested rights of surrounding property owners.

It is so close to residential areas as well as where centres that have been created for children, it is going to be an eye sore where it the position is just as what the mall is currently in and around residential property which will have a knock on effect of our property values. The short wave frequencies must surely be potentially harmful our mental health too.

iii). A characteristic of the broader Sandbaai is the established +/-8.5m height of structures whilst no structures with a height of greater than 25m occurs in Sandbaai. The height of the structure will therefore visually impact on the broader character of Sandbaai.

I agree with the Municipality.

iv)The alternative locations provided by the applicant are basically all on the same site and the option of placing the tower beyond the urban edge.

Makes no geographical sense of the alternative option given

Conclusion

To me it makes absolutely NO sense to have this health hazard, eyesore tower be erected in the middle of, as mentioned, residential area, affecting not only our health but our property value as well.

Thank You.

Yours sincerely,

T Loader, 17 Tambali Village, Sandbaai.

5872

Navrae:
Enquiries: H Boshoff (Town Planner)

Lêerverwysing:
File Reference: 2861 HSB

Aansoek ID
Application ID: 2930/2019

Datum:
Date: 5 October 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Dear Interested & Affected Party

REGISTERED MAIL

APPEAL DECISION LETTER TO OBJECTOR

APPEAL : ERF 2861, WHALE COAST VILLAGE MALL, BERGSIG STREET, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR CONSENT USE : WARREN PETTERSON PLANNING (WHALE COAST VILLAGE MALL PTY LTD)

1. The appeal received on 30 March 2020 from Messrs. Warren Petterson Planning refers.
2. The Appeal Authority on 30 September 2020 **dismissed** the appeal and confirmed the decision of the Municipal Planning Tribunal dated 27 February 2020.
3. Reasons for the above decision are as follows:
 - ❖ *In their application the applicant states that the fixed LTE coverage in Sandbaai, Onrus and Hermanus is very limited and therefor proposes the construction of a 25m high transmission tower on the Whale Coast Mall site to increase coverage in the area.*
 - ❖ *However, in their appeal the appellant states that the application is not for a specific technology, but for any technology relating to transmission towers from 2G to 5G. The inclusion of 5G in the appeal is clearly not what was raised in the original application. The appellant raises the fact that 5G coverage requires transmission towers to be erected approximately 500m apart. While this is not contested, 5G is not available in the Overstrand from any of the service providers. In any event when 5G becomes available, a tower erected on erf 2861, at the Whale Coast Mall, on the fringe of Sandbaai, by the appellant's own admission would not meet the 5G distribution requirements.*
 - ❖ *The appellant states that the coverage in Sandbaai is limited; however, they do not substantiate this claim by providing any factual proof.*

Tel: 028 313 8900
Fax: 028 313 2093
E-mail: lpette@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

59170

- ❖ *The appellant contends that a 25m high tower on erf 2861 is not in a high density residential hub of Sandbaai, however, there are at least six high density complexes within 250m of the proposed transmission tower site, which makes this one of the high density hubs in Sandbaai. A 25m high tower will therefore have a negative visual impact of the character of the area.*
- ❖ *The reference by the appellant to the proposed new policy regarding the rapid deployment of electronic communication networks in terms of which a licensed service provider will be able to enter any property without the consent of the owner to erect its network infrastructure, has no bearing on this appeal as it is still to be approved.*
- ❖ *The appellant does not provide any reasons why they believe that the Municipal Planning Tribunal erred in their decision to reject their application, nor do they demonstrate that the 3G and 4G / LTE coverage in the area is limited and thus that a need exists in Sandbaai for a 25m high transmission tower to improve the coverage.*
- ❖ *The appeal is dismissed and the decision of the Municipal Planning Tribunal is upheld.*

4. The appeal deposit in this case is thus forfeited.

5. The matter is now regarded as finalized.

Yours faithfully



S MÜLLER

DIRECTOR: INFRASTRUCTURE & PLANNING

30.

60/72

FILE NO. <u>Ef 284</u> <u>Sandbaai</u>
SCAN NO. <u>CLOW</u>
COLLABORATOR NO. <u>1712048</u>

TP-N/Heart
(M. Olivia)



Address

Ocean Breeze Estate
Sandbaai 7200
June 23, 2022

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As owner/s of erf 2780 Sandbaai our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated in close proximity to the proposed site for the communications tower referred to in the document. In fact the should the project be approved the tower would be in direct view from our property.

Opposition To Cellphone Tower Installation

Visual Impact

The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few.

House Prices.

The installation of the tower would have a serious impact on the value of houses nearby. No matter how many assurances one may be given by the tower owners as to a nil health risk from radiation, the perception remains regarding health risks of cellphone towers, which also has an impact on house prices. The market is by all accounts already seriously depressed.

A News 24 Article, source: [http://www.news24.com/Overstrand/News/2019/07/11/overstrand-municipality-consider-possibilities-when-approving-building-plans-011119/](#)

The Constitutional Court has ruled that municipalities are obliged to consider the possibilities that a new development could devalue nearby properties before approving building plans.

The court said that when a proposed building is being considered, the decision-maker should check against whether the proposed property could disfigure the area, or reduce the value of the adjacent properties.

The ruling comes as the apex court heard whether the legitimate expectations test, which is used to assess building plans that might affect the value of neighbouring properties, should also apply to approving building plans that might disfigure a neighbouring area or be unappealing.

The court considered the application brought forth by the Simcha Trust, and cited the City of Cape Town as one of the respondents.

In 2005, the City approved a development application by the Four Seasons sectional title scheme. The building plan entailed building balconies up to the boundary of the Four Season's property.

08 JUL 2022

TP

Four Seasons in 2007 erected a 17-storey building with balconies leaning into the Simcha Trust's property, which prevented Simcha from constructing an additional four storeys to its building.

The Western Cape High Court set aside the approval of Simcha's development, in which they wanted to add the four storeys. The court ruled that the City official in approving the plans, was materially influenced by an error of law and that the official failed to take into account a relevant consideration on whether the proposed development gave rise to any disqualifying factors. Simcha Trust then approached the Constitutional Court.

The Constitutional Court held that the municipal decision-makers had applied the incorrect test when deciding if the building application should be disqualified.

Post Judgment Media Summary

This Court also confirmed the Full Court's finding that the legitimate expectations of an objective, hypothetical neighbour must be considered when assessing all disqualifying factors. This includes the possibility of derogation of value, but also the possibility of disfigurement and unsightliness. In other words, when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property.

Health

Citation: J Sci Discov(2019); 3(1):jsd18020; DOI:10.24262/jsd.3.1.18020

Trent School of the Environment, Trent University, 1600 West Bank Drive, Peterborough, Ontario, K9J 7B8, CANADA

A growing number of countries are beginning to acknowledge that electrohypersensitivity (EHS) exists and a few countries have classified it as a disability or a functional impairment attributable to the environment. Epidemiological studies and in vivo experiments show that exposure to non-ionizing radiation (NIR) from extremely low to microwave frequency electromagnetic fields (EMF) at exposure intensities far below the maximum limits in international guidelines increases anxiety, depression, and physiological stress and impairs cognitive functions that include concentration, memory and learning. Furthermore, exposure to NIR contributes to neurodegenerative diseases including dementia, Alzheimer's disease, amyotrophic lateral sclerosis, multiple sclerosis, Parkinson's disease, attention deficit hyperactivity disorder and autism spectrum disorder. Exposure of the fetus to NIR (mobile phone) affects the neonatal heart and can lead to emotional and behavioral problems in human offspring. Similar exposures in laboratory studies report impaired cognitive performance, neuronal losses and pathological changes in the brain of rat offspring. The scientific and medical communities have repeatedly sent out urgent warnings, in the form of appeals, declarations and testimonies, that exposure to NIR needs to be reduced from a public health perspective. These warnings have been largely ignored. With continued development of wireless technology and the imminent roll out of new and densified technologies (e.g., 5G technology, satellite constellations, repeaters, wearables, Internet of Things), society will pay an enormous price for disregarding these warnings. It is long overdue

for those responsible for public health, the health of children and health policy to take these warnings seriously and to provide a refuge for those afflicted by EHS. EHS is real, it is exacerbated by exposure to NIR, it is increasing among the population and when severe it becomes a disability. Action is long overdue to minimize exposure to NIR and to provide a safe environment that all can enjoy.

63/72

Lack Of Information.

There is no information regarding:

- 1) The various operator frequencies, the type of frequencies and modulation types that will be used on the tower initially and those that are planned for the future.
What the radiation output of the tower will be initially and in the future.
How the radiation output will be monitored - by an industry company or independent company?
- 2) The exact transformer or transformer site to which the proposed tower would be connected.
- 3) The type of power supply.
- 4) The types of emergency/standby power supplies.
The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may be caused by natural or unnatural action.

(Mr)

(Mrs)

OE CLOWA CLOW

Cellphone

31.

FILE NO. <u>Erf 2861</u>
<u>Sandbaai</u> ✓
SCAN NO. <u>Loubser</u>
COLLABORATOR NO. <u>1711962</u>

TR n./i/heard
(i.d. Olivier)



Address

OCEAN BREEZ ESTATE

Sandbaai 7200
June 23, 2022

Subject: Municipal Notice re Erection Communications Tower Erf 2861 Sandbaai

As owner/s of erf ²⁷⁹⁹ Sandbaai our interest in the subject mentioned in the Municipal Notice is due the fact that my residence is situated in close proximity to the proposed site for the communications tower referred to in the document. In fact the should the project be approved the tower would be in direct view from our property.

Opposition To Cellphone Tower Installation

Visual Impact

The proposed tower will not only have a tremendous visual impact on the view we have of the mountain but will also have an impact on the following housing estates; Ocean Breeze, Monte Mare, Bergzicht to name a few.

House Prices.

The installation of the tower would have a serious impact on the value of houses nearby. No matter how many assurances one may be given by the tower owners as to a nil health risk from radiation, the perception remains regarding health risks of cellphone towers, which also has an impact on house prices. The market is by all accounts already seriously depressed.

A News 24 Article, source:

The Constitutional Court has ruled that municipalities are obliged to consider the possibilities that a new development could devalue nearby properties before approving building plans.

The court said that when a proposed building is being considered, the decision-maker should check against whether the proposed property could disfigure the area, or reduce the value of the adjacent properties.

The ruling comes as the apex court heard whether the legitimate expectations test, which is used to assess building plans that might affect the value of neighbouring properties, should also apply to approving building plans that might disfigure a neighbouring area or be unappealing.

The court considered the application brought forth by the Simcha Trust, and cited the City of Cape Town as one of the respondents.

In 2005, the City approved a development application by the Four Seasons sectional title scheme. The building plan entailed building balconies up to the boundary of the Four Season's property.

08 JUL 2022

70

Four Seasons in 2007 erected a 17-storey building with balconies leaning into the Simcha Trust's property, which prevented Simcha from constructing an additional four storeys to its building.

The Western Cape High Court set aside the approval of Simcha's development, in which they wanted to add the four storeys. The court ruled that the City official in approving the plans, was materially influenced by an error of law and that the official failed to take into account a relevant consideration on whether the proposed development gave rise to any disqualifying factors. Simcha Trust then approached the Constitutional Court.

The Constitutional Court held that the municipal decision-makers had applied the incorrect test when deciding if the building application should be disqualified.

Post Judgment Media Summary

This Court also confirmed the Full Court's finding that the legitimate expectations of an objective, hypothetical neighbour must be considered when assessing all disqualifying factors. This includes the possibility of derogation of value, but also the possibility of disfigurement and unsightliness. In other words, when considering a proposed building, the decision-maker should consider whether the proposed building would probably, or will in fact, be so disfiguring of the area, objectionable or unsightly, or derogate from the value of adjacent properties, that it would exceed the legitimate expectations of a hypothetical owner of a neighbouring property.

Health

Citation: J Sci Discov(2019); 3(1):jsd18020; DOI:10.24262/jsd.3.1.18020

Trent School of the Environment, Trent University, 1600 West Bank Drive, Peterborough, Ontario, K9J 7B8, CANADA

A growing number of countries are beginning to acknowledge that electrohypersensitivity (EHS) exists and a few countries have classified it as a disability or a functional impairment attributable to the environment. Epidemiological studies and in vivo experiments show that exposure to non-ionizing radiation (NIR) from extremely low to microwave frequency electromagnetic fields (EMF) at exposure intensities far below the maximum limits in international guidelines increases anxiety, depression, and physiological stress and impairs cognitive functions that include concentration, memory and learning. Furthermore, exposure to NIR contributes to neurodegenerative diseases including dementia, Alzheimer's disease, amyotrophic lateral sclerosis, multiple sclerosis, Parkinson's disease, attention deficit hyperactivity disorder and autism spectrum disorder. Exposure of the fetus to NIR (mobile phone) affects the neonatal heart and can lead to emotional and behavioral problems in human offspring. Similar exposures in laboratory studies report impaired cognitive performance, neuronal losses and pathological changes in the brain of rat offspring. The scientific and medical communities have repeatedly sent out urgent warnings, in the form of appeals, declarations and testimonies, that exposure to NIR needs to be reduced from a public health perspective. These warnings have been largely ignored. With continued development of wireless technology and the imminent roll out of new and densified technologies (e.g., 5G technology, satellite constellations, repeaters, wearables, Internet of Things), society will pay an enormous price for disregarding these warnings. It is long overdue

66/70

for those responsible for public health, the health of children and health policy to take these warnings seriously and to provide a refuge for those afflicted by EHS. EHS is real, it is exacerbated by exposure to NIR, it is increasing among the population and when severe it becomes a disability. Action is long overdue to minimize exposure to NIR and to provide a safe environment that all can enjoy .

6/72

Lack Of Information.

There is no information regarding:

- 1) The various operator frequencies, the type of frequencies and modulation types that will be used on the tower initially and those that are planned for the future.
What the radiation output of the tower will be initially and in the future.
How the radiation output will be monitored - by an industry company or independent company?
- 2) The exact transformer or transformer site to which the proposed tower would be connected.
- 3) The type of power supply.
- 4) The types of emergency/standby power supplies.
The possible visual and environmental impact of the emergency/standby power supplies
- 6) Any safety measures to protect the tower and public from any sort of mechanical or structural failure which may be caused by natural or unnatural action.

(Mr)

(Mrs)

L LOUBSER

Cellphone

32.



**Tambali Village Homeowners Association
Main Road Sandbaai, Hermanus, 7200**

8 July 2022
The Town Planner
Overstrand Municipality
PO Box 20
Hermanus
7200

TP. N. Alcaide
(1/1 Boshoff)

FILE NO.	01 281 ✓
	Sandbaai
SCAN NO.	Wiese
COLLABORATOR NO.	1711269

Attention: Mr H Boshoff per e mail address: alida@overstrand.co.za

Dear Sir

Municipal Notice 58/2022 - APPEAL: ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE

With Regards to the above, the Homeowners Association of Tambali Village hereby wishes to formally lodge a strong objection to the above, based on the following factors: -

1. The proposed site is between 6 high density residential complexes. The Municipality in its previous dismissal notice, affirmed that this is a high density residential area and a 25m tower would negatively impact on the character of the area, (let alone impact on property values.
2. In regard to 5G, the Municipality in its previous Dismissal letter states : "in any event when 5G becomes available a tower erected on erf 2861 at the Whale Coast Mall on the fringe of Sandbaai by the appellants own admission would not meet the 5G distribution requirements". How has this changed? Residents in the area are not experiencing any major issues in regard to connectivity to most of the networks and have to a large extent migrated to fibre connections which have enhanced Web connectivity.
3. As the proposed site is where the water sump for the mall is situated, how does this then not impact the biophysical environment?
4. There is a potential for negative health impacts as alluded to by the EMFSA (Electromagnetic Fields of SA) and the World Health Organization (WHO) who lists RF-EMF emissions as possibly carcinogenic, and hence the recommendation that these towers should not be erected in residential areas

08 JUL 2022

TP

69/72

It appears however, that the proposers of the tower regard this very important aspect as a minor issue, saying it is safe without providing any of evidence to substantiate their assumption.

The Tambali HOA find the above to be extremely irresponsible given the fact that the proposed tower is planned amongst a high density residential area.

This risk to personal health is significantly increased by close proximity to a transmission tower according to EMFSA.

Overstrand Municipality, who purport to have amongst others, as a Strategic Objective "The creation and maintenance of a safe environment for its residents", should pay close attention to minimizing potentially harmful risks to its residents/ratepayers.

The Tambali HOA trust this Objection will be noted and look forward to confirmation of your receipt of this communication.

Kind Regards

Peter Wiese

Chairman – Tambali Homeowners Association

23.

70/72

A Conradie



From: Tom van Dyk <
Sent: Friday, 08 July 2022 10:57
To: A Conradie
Cc: trixorford@whalemail.co
Subject: Objection to erection of a tower on erf 2861 at Whalecoast Mall.

*TP n. thea
 (M. Boshoff)*

Good day Alida,

My name is Beatrice Orford, owner of erf 2383, Tambali Village, Sandbaai.
 Contact number is
 Email address: i

I wish to formally lodge my objection to the erection of the above tower, as previously done.

In this regard I would also refer you to the email sent by our chairman, Mr. Charles Hayward.

My reasons are, inter alia:

Proximity to densely populated residential areas would impact on the general ambience of the area and also property values.

Possible health issues resulting from the tower. This concern was previously raised.

It is my opinion that this tower would be superfluous to the needs of the local community.

Kindly record this objection and confirm your receipt of this email.

Kind regards

FILE NO.	EF 2861 ✓
	Sandbaai
SCAN NO.	
	Orford
COLLABORATOR NO.	
	1711256

08 JUL 2022

TP

34.



PC and WJ Wiese – 25 Tambali Village

8 July 2022
 The Town Planner
 Overstrand Municipality
 PO Box 20
 Hermanus
 7200

TP. N. Theart
 (M. Boshoff)

FILE NO.	Er 2861 ✓
	Sandbaai
SCAN NO.	
	Wiese
COLLABORATOR NO.	
	1710840

Attention: Mr H Boshoff per e mail address: alida@overstrand.co.za

Dear Sir

Municipal Notice 58/2022 - APPEAL: ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI: APPLICATION FOR CONSENT USE AND DEPARTURE

With Regards to the above, my wife and I, in our capacity as homeowners in Tambali Village, hereby wish to formally lodge a strong objection to the above, based on the following factors:

1. The proposed site is between 6 high density residential complexes. The Municipality in its previous dismissal notice, affirmed that this is a high density residential area and a 25m tower would negatively impact on the character of the area, (let alone impact on property values).
2. In regard to 5G, the Municipality in its previous Dismissal letter states : "in any event when 5G becomes available a tower erected on erf 2861 at the Whale Coast Mall on the fringe of Sandbaai by the appellants own admission would not meet the 5G distribution requirements". How has this changed? Residents in the area are not experiencing any major issues in regard to connectivity to most of the networks and have to a large extent migrated to fibre connections which have enhanced Web connectivity.
3. As the proposed site is where the water sump for the mall is situated, how does this then not impact the biophysical environment?
4. There is a potential for negative health impacts as alluded to by the EMFSA (Electromagnetic Fields of SA) and the World Health Organization (WHO) who lists RF-EMF emissions as possibly carcinogenic, and hence the recommendation that these towers should not be erected in residential areas

08 JUL 2022

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It appears however, that the the proposers of the tower regard this very important aspect, as a minor issue, saying it is safe without providing any of evidence to substantiate their assumption.

We find the above to be extremely irresponsible given the fact that the proposed tower is planned amongst a high density residential area.

This risk to personal health is significantly increased by close proximity to a transmission tower according to EMFSA.

Overstrand Municipality, who purport to have amongst others, as a Strategic Objective "The creation and maintenance of a safe environment for its residents", should pay close attention to minimizing potentially harmful risks to its residents/ratepayers.

We trust this Objection will be noted and look forward to confirmation of your receipt of this communication.

Kind Regards

PC and WJ Wiese



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

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

Amos Eit

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

1 September 2022

PROPOSED APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE TO PERMIT THE PROPOSED TRANSMISSION TOWER: ERF 2861, SANDBAAI

The e-mail received dated 1 August 2022 refers.

34 objections/comments were received regarding the above application. 4 (four) of these comments indicated that they would support a camouflaged tree tower, as well as position B. I have addressed the issues of concern below.

This application is for the installation of a transmission tower that will provide coverage to Sandbaai, the surrounding community and Whale Coast Mall.

Visual Impact:

As part of our motivation report that was submitted to Overstrand Municipality two types of towers were proposed, namely a monopole and a camouflaged tree design. These designs are deemed more appropriate within urban and/or residential environments. The height of the tower is furthermore kept to a height of 20m in order to reduce the visual impact, whilst still being tall enough to accommodate multiple service providers. In response to the 4 (four) comments that indicated they would prefer a tree tower, we would like to confirm that this is the design that we would like to proceed with moving forward, if also deemed appropriate by Overstrand Municipality.

In addition, two different position were also proposed, both located against the building and marked as Option A and Option B on the drawings, Revision 01, dated 2 March 2020. The position of the tower was moved against the existing building of the property, considering the comments that were received on the previous land use application that served before the Municipal Planning Tribunal on 27 February 2020, stating that 'the option of placing the tower directly against the rear of the mall or much closer was also not addressed in the application.' Position the tower against the building will definitely reduce the visual impact of the structure in relation to one that is placed somewhere on the property in isolation. Option A is however a bit more visual and will be in direct line of site from the southern parking area and residential properties in the nearby vicinity. It is therefore agreed to proceed with Option B as it is definitely more hidden away and will be less visible from the surrounding area. The only visible portion will be the part of the tower that protrudes the roof of the mall. Please refer to Figures below indicating the position of the tower.

217



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Figure 1 - Option B (Preferred option)

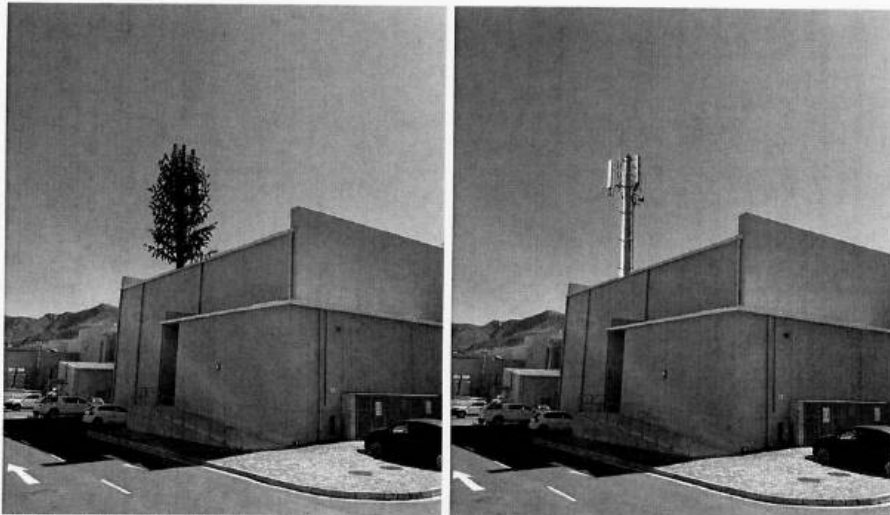


Figure 2 - Artist impression of 20m tree vs monopole tower

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



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Height:

Many the objectors raised the issue of the proposed 20m height of the tower, while there a height restriction of 14m in this zone. The purpose of the transmission tower is to accommodate antennas in order to provide coverage to the surrounding area. It should be noted that the signals that are emitted from the antennas are blocked by any solid structure. For this reason, the antennas need to be clear of any buildings or obstacles (current and future) that can possibly block the signals, in order to provide coverage to a broader area and reducing the need for additional towers in the future.

Property Values:

The concern was raised that the proposed transmission tower will negatively impact the value of the properties in the immediate vicinity as a result of public opinions on the effect of transmission towers on health and visual aesthetics. There is no evidence suggesting that transmission towers reduce the property values in any given area. If anything, value will be added by improved communication and subsequent virtual accessibility and safety in an area. The direct negative impact that a cellular transmission tower may have on the values of properties in the immediate vicinity is speculative and can only be determined by a professional property valuator.

We believe that this transmission tower will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. Efficient internet connectivity and mobile coverage will therefore benefit surrounding properties rather than negatively impact. The transmission tower is furthermore proposed at a shopping centre where there is a cluster of shops and commercial activities and is therefore deemed the most appropriate location for this kind of infrastructure.

Health:

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

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

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

It should be noted that the lowest antennas are situated at a height of 14m, which is higher than all of the residential units in the surrounding area. The tilt of the antennas vary between 0 and 3 degrees on average, which will ensure that there will be no buildings at the same height or in line with the antennas.

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We did a study at an existing site on 19 August 2019 to determine if RF emissions reach the areas 2 or 3 meters lower than the antennas. Please refer to Figure 3 showing that the results of this survey. The photo on the left was taken right in front of the antenna. At this point the RF Field Sense measure/monitor shows 5 red dots (please see Figure 4). The photo on the right was taken approximately 15m from the base station, at a height of approximately 2 to 3 meters below the lowest antennas. At this point no RF emissions are even picked up on the monitor.

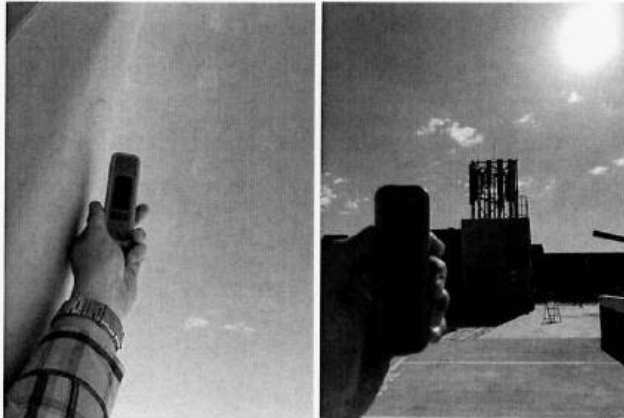


Figure 3 - Survey of RF emission strength

Indicator Levels		
LED	Percentage of ICNIRP Occupational Exposure Limit ²	Audio Alarm Rate (MONITOR mode)
7	250%	4 Hz
6	160%	2 Hz
5	100%	1 Hz
4	63%	1 Hz
3	40%	-
2	15%	-
1	5%	-

Figure 4 - RF Field Sense Measure/Monitor Indicator levels

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



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Location of transmission tower:

It is important to note that the location of towers is chosen whilst considering the target coverage areas and the average coverage areas of the various services being provided by the transmission tower. The more advanced technologies have a much smaller coverage area and proposing the tower on a mountain nearby would definitely not address the needs of the various service providers. The more advanced technologies are specialised and focussed towards residential areas considering that this is where people make the most use of these technologies.

Other deciding factors include shopping centres or busy places where there is a cluster of cellular devices. The proposed location of the tower is right next to a shopping mall, as well as a main route (R43), emphasizing the good placement of this tower.

Upgrading the existing transmission towers in the surrounding area is not a solution considering the point mentioned above that the coverage range of the advanced technologies are specialised, much smaller and focussed on certain areas. Proving this point is the fact that Vodacom already has equipment installed on at least 2 (two) of the 3 (three) towers that are located within a 2km radius. Vodacom already confirmed that they would like to utilise the proposed tower on Erf 2861 Sandbaai, indicating that this is not a speculative site. Figure 5 below is a coverage map that Vodacom provided indicating the areas where they require new sites in order to optimise their coverage in Overstrand.

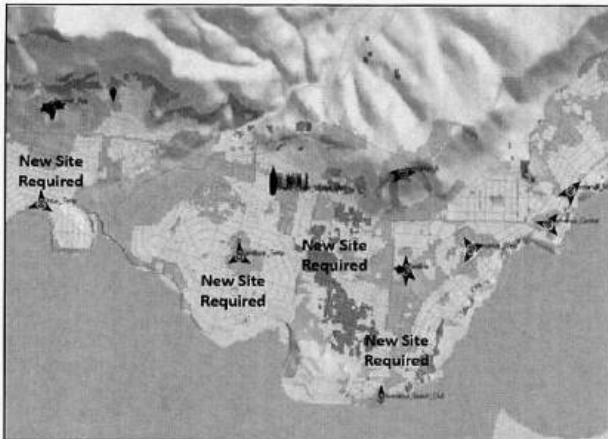


Figure 5 - Vodacom coverage map

Additional infrastructure:

The application that we submitted on behalf of SBA Towers is for 4 (four) service providers, which includes 12 antennas (3 for each provider). Any additional infrastructure not specified in the motivation report will require a new land use application.

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Fibre:

The use of fibre is to optimise connectivity and to link all of the telecommunication base stations in order to create a network. Fibre does not emit any signals and can therefore not improve cellular coverage in any given area. Only antennas that are attached to masts (or rooftops where possible) can provide cellular coverage. Fibre is therefore not a viable solution to poor cellular coverage.

Fibre furthermore has a very limited coverage and requires a router, which only serves one household. The moment you go outside and leave the coverage range of the fibre router your cellular device will connect to the nearest transmission tower, ensuring that you don't lose connectivity and that you can still use data services as well.

Power supply:

The transmission tower will be connected to the mall's power supply. The tower requires approximately 60 Amps 3-phase power supply to operate efficiently. Backup batteries that will be located within the equipment unit serve as backup power for short periods of time.

Structural/mechanical failure of tower:

The tower is signed off by an engineer prior to submission of the building plan application, and again at the start of construction, based on the foundation specifications ensuring the stability of the installation. SBA Towers has a maintenance team that inspects all the towers a few times throughout the year in order to ensure the strength and stability of the tower. During these inspections all bolts and nuts are checked, as well as any possible signs of rust.

Conclusion:

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

- In today's fast-moving society, mobile communication has become essential for the successful operation of numerous businesses and something people cannot live without.
- A vast majority of the households depend on the services of the cellular telecommunications providers, including internet and social networking media (Google Maps, Email, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.
- Mobile communication has become an important safety and security element in modern society. In an emergency, such as a housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers is inadequate, will result in difficulty to contact emergency services.

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7/7

Finally, I would like to emphasize that communications companies deliver an important service to the wider public, and in terms of their license with ICASA they must meet certain standards in order to retain their licenses. One of these standards is to supply adequate network coverage to their demanding customers.

Please continue to consider this application in a favourable manner.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Loots', is written over a thin horizontal line.

D. Loots
Warren Petterson Planning

Annexure F1/2

Navrae:
Enquiries: H Boshoff (Town Planner)

Lêenverwysing:
File Reference: 2861 HSB

Aansoek ID
Application ID: 2930/2019

Datum:
Date: 5 October 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Dear Interested & Affected Party

REGISTERED MAIL

APPEAL DECISION LETTER TO OBJECTOR

**APPEAL : ERF 2861, WHALE COAST VILLAGE MALL, BERGSIG STREET, OVERSTRAND
MUNICIPAL AREA : APPLICATION FOR CONSENT USE : WARREN PETTERSON PLANNING
(WHALE COAST VILLAGE MALL PTY LTD)**

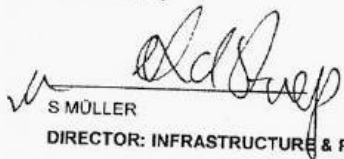
1. The appeal received on 30 March 2020 from Messrs. Warren Petterson Planning refers.
2. The Appeal Authority on 30 September 2020 **dismissed** the appeal and confirmed the decision of the Municipal Planning Tribunal dated 27 February 2020.
3. Reasons for the above decision are as follows:
 - ❖ *In their application the applicant states that the fixed LTE coverage in Sandbaai, Onrus and Hermanus is very limited and therefor proposes the construction of a 25m high transmission tower on the Whale Coast Mall site to increase coverage in the area.*
 - ❖ *However, in their appeal the appellant states that the application is not for a specific technology, but for any technology relating to transmission towers from 2G to 5G. The inclusion of 5G in the appeal is clearly not what was raised in the original application. The appellant raises the fact that 5G coverage requires transmission towers to be erected approximately 500m apart. While this is not contested, 5G is not available in the Overstrand from any of the service providers. In any event when 5G becomes available, a tower erected on erf 2861, at the Whale Coast Mall, on the fringe of Sandbaai, by the appellant's own admission would not meet the 5G distribution requirements.*
 - ❖ *The appellant states that the coverage in Sandbaai is limited; however, they do not substantiate this claim by providing any factual proof.*

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Fax: 028 313 2093
E-mail: forestry@overstrand.gov.za

PO Box 20 / Posbus 20
HERMANUS
7200

- ❖ *The appellant contends that a 25m high tower on erf 2861 is not in a high density residential hub of Sandbaai, however, there are at least six high density complexes within 250m of the proposed transmission tower site, which makes this one of the high density hubs in Sandbaai. A 25m high tower will therefore have a negative visual impact of the character of the area.*
 - ❖ *The reference by the appellant to the proposed new policy regarding the rapid deployment of electronic communication networks in terms of which a licensed service provider will be able to enter any property without the consent of the owner to erect its network infrastructure, has no bearing on this appeal as it is still to be approved.*
 - ❖ *The appellant does not provide any reasons why they believe that the Municipal Planning Tribunal erred in their decision to reject their application, nor do they demonstrate that the 3G and 4G / LTE coverage in the area is limited and thus that a need exists in Sandbaai for a 25m high transmission tower to improve the coverage.*
 - ❖ *The appeal is dismissed and the decision of the Municipal Planning Tribunal is upheld.*
4. The appeal deposit in this case is thus forfeited.
5. The matter is now regarded as finalized.

Yours faithfully


S MÜLLER
DIRECTOR: INFRASTRUCTURE & PLANNING



HERITAGE AND AESTHETICS COMMITTEE

Annexure G

MINUTES OF MEETING

Date: Thursday - 16 JULY 2020**Time:** 14h00 – 15h30**Members present : Due to Covid 19 only 7 members allowed per meeting**

Ms K. Smuts (Chairman)

Mr N. Clark (Vice-chair)

Mr A. Greeff

Mr J Simson

Mrs L. Fick

Mr A. Finlayson,

Mr B. Jones

In Attendance: (via e-mail due to COVID 19)

Gerrit Coetzee (Principal Technician) & Elizabeth Lowings (Principal Clerk)

NEW MATTERS:

6.1 **HERMANUS : SANDBAAI : WHALE COAST MALL : ERF 2861 : COVE STREET : PROPOSED CELLPHONE TOWER MAST : (T/P APPLICATION).**

DISCUSSED.

Comment:

Application/drawing No CRDS 2088 Rev 01 dated 02/03/2020. Option A and B scrutinized, Option A supported.

Action

None.

NEXT MEETINGS:13TH AUGUST 2020 & 17TH SEPTEMBER 2020.

Confirmation on how the meetings will be dealt with for the next few months will be addressed and we will inform you. (only 7 members will be able to attend at a time)

Annexure H

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURE & AMENDMENT OF SITE
DEVELOPMENT PLAN: ERF 2861, WHALE COAST VILLAGE MALL, SANDBAAI**

Stormwater (SW) : In Order
Electricity : In Order
Water : In Order
Sewer : In Order
Roads and traffic : In Order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that any proposed building or alterations / additions to the existing structure, requires a Building Plan Application compliant with all applicable law;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 2861, Sandbaai, unobstructed;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that no on-street parking be allowed.

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

08/05/2022
DATE

Omsour I



Western Cape
Government

Department of Environmental Affairs and Development Planning
Dalene Carstens
Directorate: Development Management (Region 2)
dalene.carstens@westerncape.gov.za | Tel: 061 404 8133

Reference: 15/3/2/12/BO3



TR n. Theart
(H. Ollie)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

REQUEST FOR COMMENT: APPLICATION FOR CONSENT USE, DEPARTURE AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: ERF 2861, SANDBAAI

1. Your request for comment, dated 03 June 2022, has reference.
2. The application is for the following land use applications:
 - **Consent use** to allow a 20m high mono-type transmission tower with 12 antennas and micro dishes attached to the tower, as well as one equipment container at ground level, adjacent to the existing mall, on the application property.
 - **Permanent departure** to exceed the height restriction from 14m to 20m to accommodate the 20m transmission tower.
 - **Amendment of the existing site development plan** to accommodate the proposed transmission tower and equipment container.
3. The application property is zoned "Business Zone I: General Business" and is 10,4136 ha in extent.
4. From a provincial land use planning perspective, there is no objection to the proposed development.

Kobus Munro Digitally signed by Kobus Munro
Date: 2022.07.05 12:46:15 +02'00'
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

PO 5 JUL 2022

FILE NO.	2861 ✓
	Sandbaai
SCAN NO.	
	WCG
COLLABORATOR NO.	
	1708669

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Department of Environmental Affairs and Development Planning



Western Cape
Government

Department of Environmental Affairs and Development Planning
Bernadette Osborne
Directorate: Development Management, Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

Oorspronklike
Annexure J1/2

REFERENCE: 16/3/3/6/6/E2/35/1197/22
DATE OF ISSUE: 28 June 2022

Ms Alida Conradie
Overstrand Municipality
PO Box 20
HERMANUS
7200



Tel: (028) 313 8900
E-mail: alida@overstrand.gov.za

Dear Madam

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED APPLICATION FOR CONSENT USE, DEPARTURE, AND AMENDMENT OF SITE DEVELOPMENT PLAN TO PERMIT A TRANSMISSION APPARATUS ON ERF NO. 2861, SANDBAAI.

1. The electronic copy of the abovementioned document received by the Department on 3 June 2022, refers.
2. Based on the information provided by you, this Directorate notes the following:
 - The proposed application is for a consent use, a departure, and an amendment of site development plan to permit a transmission apparatus on Erf No. 2861, Sandbaai.
 - The transmission apparatus will consist of a 20m high monotype or tree mast with microwave dishes and 12 antennas attached to the mast and 1 equipment container with space for four service providers at the foot of the mast.
 - A shopping centre, namely the Whale Coast Village Mall is currently located on the site.
 - The proposed transmission apparatus will have a development footprint of 14.4m² and will be located against the shopping centre building.
 - No indigenous vegetation will be cleared, and no watercourses are present on the site or within 32m of the site.
 - The site is zoned Business Zone 1: General Business and is located inside the urban area of Sandbaai.
3. Your attention is therefore drawn to the listed activities in terms of the EIA Regulations, 2014 (as amended) as defined in Listing Notices 1, 2 and 3. Please be advised that the proposed development **does not** constitute any listed activities as defined in the EIA Regulations, 2014 (as amended).
4. This determination is based in the fact that although the cellular communication mast will exceed 15m in height, the mast will be located inside an urban area on a property located outside areas designated for conservation use or zoned for a conservation purpose or public open space.

29 JUN 2022

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Department of Environmental Affairs and Development Planning

212

5. Environmental Authorisation is therefore not required from this Department prior to the undertaking of the proposed development.
6. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
7. The applicant must comply with any other statutory requirements that may be applicable to the development.
8. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*
9. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Melanese
Schippers

Digitally signed by
Melanese Schippers
Date: 2022.06.28
08:33:47 +02'00'

pp HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Loriaan Isaacs (Overstrand Municipality)

E-mail: loriaanisaacs@overstrand.gov.za