4.4
ERF 6180, 8 HARBOUR ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: HIGHWAVE CONSULTANTS (PTY) LTD ON BEHALF OF IMMENHOF HOMESTEAD APIARY CC

6180 KKM
H van der stoep **(028) 313 8900** **Hermanus Administration**
25 September 2021

1. EXECUTIVE SUMMARY

An application has been received on 25 October 2019 from Highwave Consultants on behalf of Blue Sky Towers on Erf 6180, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following departures to accommodate the proposed transmission tower:

- to exceed the applicable 12m height restriction in order to accommodate the proposed 15m high transmission tower on the above property;
- to relax the northern lateral building lines from 2m to 0m, and
- to relax the rear building line from 2m to 0m.

Application was complete for distribution on 3 March 2020.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 2080m² in extent and is located in the industrial area of Kleinmond. On the west side of the property there is a residential zoned area, on the north side is a business zoned area, the east side has industrial and special zoned areas and on the southern side of the property would be industrial and business zoned areas. There are structures on the erf and have approved building plans.

4. SUMMARY OF APPLICANT'S MOTIVATION

<u>The motivation for the application is as follows:</u>

- Erection of a 15m transmission tower disguised as a water tower situated in the north-eastern corner of the property.
- Installation of 12 triband antennae hidden within the dump water tank proposed at a height between 12m and 15m of the water tower type transmission tower.
- Installation of three (3) transmission dishes on the proposed 15m water tower type transmission tower.
- Construction of 3 x telecommunication equipment containers at ground level.
- Lightning spike and navigation lights.
- Portable fire extinguishers (3 x 9kg)**.**

- The mast and equipment containers will be placed inside a ±80m² compound enclosed partially by the existing 2,1m high vibracrete wall and a 2,1m high palisade fence.
- Optic Fibre route in 110m underground nextube sleeve (underground) to the curb of the road.
- Access will be from Harbour Road through the existing entrance.

- **Western Cape Integrated Development Plan:**

  The Western Cape Integrated Development Plan states that land use and form in Kleinmond should be easily accessible activity corridor with increased public movement and transportation that the District Municipality should support. The position of the base station will be close to the district restructuring routes that will lead to more tourism, commercial and business activities. This will need an erect base station which in turn will address the increased communication needs of the surrounding community.

- **The Western Cape Economic Development Strategy, 2009:**

  The Western Cape Economic Development Strategy, 2009 supports the need to provide fundamental telecommunication infrastructure and to provide best possible coverage and that this will lead to the growth of the commercial sector and retain and advance skilled people. The policy also supports basic access to voice and data coverage as a basic need toward the public and falls under the umbrella of electricity, water and sanitation access.
- During these modern days where the majority of people make use of cell phones, iPad and dongles for business and in their personal lives it will be in the Overstrand Municipality's and the citizens' best interest to address weak voice and data coverage.
- The site of the proposal was chosen with special consideration to geographical aspects so that the infrastructure can ensure optimal functionality. This will also reduce the amount of telecommunication need to provide services.
- There is a need for faster access to data, the LTE will address the high traffic requirement and the surrounding community will benefit from this.
- The telecommunication baes base will not impact the surrounding area. The proposed base will have a positive impact on the economic and social sectors and will create job opportunities.
- The users making use of the R44 road running through Kleinmond creates a high demand for voice and data requirements. The new proposal will relief the high demands and requirements needed.
- The location was chosen because of an increase of complaints within an area. When there is an increase of users the coverage provided by the current providers decreases leading to dropped calls and bad data services.
- With an increase of users in the Kleinmond area will weaken the signal in the area. The new telecommunication base will resolve this problem.
- There are only a few telecommunications base stations surrounding the area and that this area is needed of coverage.

PLANNING PRINCIPLES

- <u>Spatial Justice</u>
  This refers to the fair and equally distributed services and enhanced accessibility of these services. The aim of the proposal is to provide excellent communication service to the inhabitant of the area.

- Spatial Sustainability
  Enhanced signal in an area will promote all three (3) the dimensions of sustainability (economic, social and environmental facets). Economically business will benefit from enhanced connectivity. Socially is that more people will have access to emergency services and environmentally is the sensible placement of the telecommunication base and co-location and thus limit the number of base stations in the area.

- Efficiency
  The reason is to incorporate various factors (number of users and quality of services) when considering the placement in order to promote effectiveness. The proposal is not placed on a random location and is placed between other based stations

- Spatial resilience
  The communication on emergency is of great importance.

- Good Administration
  Due process was followed, and installation will be lawful and reasonable.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		**Date published**	**Closing date for comments**
Notices	Yes	20 August 2020	25 September 2020
Ward Committee	Yes	20 August 2020	25 September 2020
Total comments	**TWO (2)**		
Total letters of support	**NONE**		
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**
Engineering Services	15/10/2020	See Annexure F.
Fire Department	24/08/2020	No objection.
Building Control	03/09/2020	No objection. Building plan application has to comply with all applicable law.
Local Heritage	10/09/2020	No comment.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) letters of comment/objection were received, which letters are attached as Annexure D. The applicant's response is attached as Annexure E.

OBJECTION 1

That the application is proposed for LTE connection and that later on 5G will also be added to the tower.

Applicant's response

The technology that will be installed will be LTE/4G with the connection point for optic fibre internet connectivity and that the proposal complies with the Health and Safety Regulations as stipulated by ICNIRP.

Town Planner's response

The point raised by the commenter cannot be agreed with. The proposal shows no proof or intention of adding 5G connection to the tower in the near future. Taking the previous information in consideration the objection made is not valid because of lack of proof that 5G technology will be added.

OBJECTION 2

Lack of proof that the radiation is not harmful to surrounding people.

Applicant's response

- There is a misconception by the general public about radiation and that it will cause cancer and other health issues and that this misconception is created by the media.
- That scientists are satisfied that the base station does not pose a health threat.
- A statement made by the World Health Organisation (WHO) stated that base stations do not impact human or animal health.
- 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 in concern that the proposal will cause no health threats.
- That the South African Department of Health published EMF exposure limited guidelines and that these guidelines are endorsed by the ICNIRP. These guidelines states that there is no scientific evidence that base stations cause health effects.
- According to a letter from the Health Department with alignment with Annexure B, that the public will not be compromised.
- There will be no building within the 50m range that falls in the 50m safety zone.

Town Planner's response

The applicant's comment is noted. The Municipality has no experts in the field to assist in commenting on the above concerns and rely on the South African Department of Health EMF exposure limit guidelines.

OBJECTION 3

The unsightly new proposal will create wind damages to nearby buildings during building phase and thereafter, especially with the 15m height relaxation.

Applicant's response

- The new proposal will not look out of place in the industrial area.
- The proposal will be lower/smaller than other standard masts.
- The construction is designed by engineers in accordance with the National Building Regulations, therefore the design can withstand weather conditions. Skilled and experienced technicians and workers will be working on the proposal and therefore it will be unlikely for damage to take place.

Town Planner's response

The possible damages as per the objector's comment is speculation. Any construction project has various professionals on board to ensure no damage to surrounding buildings.

OBJECTION 4

That the transmission of the proposal will not cover a large area and that more telecommunication bases will be needed and will lead to more tower proposals. That the proposal does not fit in with the coastal town beautiful holiday destination image we have and will negatively impact image the town and the tourist industry.

Applicant's response

Tourists would like to share information on social media and that the proposal will speed up this proposal.

Town Planner's response

The applicant's comment is noted, however does not address the objector's comment. Erf 6174 has a 10,5m transmission tower and is located less than 70m from the application erf, away from the tourist route to the Habour Precinct. The existing towner reach area has not been addressed and thus impossible to gage whether the proposed tower is actually needed for the sharing of information by tourists.

OBJECTION 5

Harbour Road with its restaurants, shops, etc. would suffer aesthetically as most owners try to beautify their premises and visitors have to drive past it to the harbour.

Applicant's response to comments

- The proposal is smaller than the standard 25m mast.
- The proposal will assist surrounding business with improved coverage and faster access to data.
- The new proposed transmission tower will assist business with electronic payments.
- Tourist may share their experiences of the area on social media.

Town Planner's response

The proposed water tank will be out of place, since the application site is located on the entrance to the Harbour Precinct, which is predominantly a tourism area.

OBJECTION 6

The adjacent owners to the transmission proposal do not adhere to the erection of the tower and that changes were made after they had permission.

Applicant's response

No deviation from approved plans or conditions of approval will be tolerated.

Town Planner's response

This is a concern since many operators does make or add infrastructure within the approval but may have a visual impact not foreseen. However the operator will be restricted to an approved building plan and thus cannot make changes as they wish.

OBJECTION 7

An environmental impact study must be done before the application can be submitted.

Applicant's response

- Environmental and social sustainability are regulated by The National Environmental Management Act (Act 107 of 1998) (NEMA) published in the Government Notice R324.
- The Environmental Impact Assessment (EIA) or the Environmental Authorization (EA) is applicable in the following circumstances that the transmission tower may not be placed on a site previously used for this purpose and that it will not exceed 15 meters in height.
- The requirements in the Western Cape states that all areas outside the urban area or areas designated for conservation use in Spatial Development Frameworks.
- The site falls within the urban area and not in a designated for conservation use as prescribed in Spatial Development Framework or falls under a conservation purpose and the structure does not exceed the 15m height restriction and therefore do not trigger the NEMA Regulations, no EIA or Record of Decision is required.

Town Planner's response

The applicant's comment is noted. The proposed tower does not trigger any regulation and laws when it comes to the environment and the surrounding nature.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

See Paragraph 7 above.

Internal and External Departments

The application was supported by all internal municipal departments.

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
The principle specifically addresses the environmental and agricultural impact development may have on the aforementioned. It is clear that the erf is located within the urban edge and thus will not impact, however the environmental impact does also include the economic and social aspect of sustainability. The applicant did indicate the economic and social benefits that the applications will have. The latter was not proven and only a general assumption was made. Thus, the sustainability has not been properly considered.

Efficiency
The application does influence municipal services. The installation's location ensures optimal placement promoting efficiency.

Spatial Resilience
The application provides for a land use within an existing town, with full compliance of the National Building Regulations. The application will ensure the existing resource and that land is used to its optimum.

Good administration
The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

Same as Point 10.2 above.

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

The proposal is consistent with the Western Cape Integrated Development Plan and the Western Cape Economic Development Strategy (2009)

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 Services 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 primary right on the subject property. The proposed transmission will exceed the 12m height restriction according to the scheme and will infringe with the lateral and rear building lines.

The proposed transmission will exceed the 12m height restriction according to the scheme and will infringe with the lateral and rear building lines.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The erf is located in an industrial area in the town of Kleinmond. All the existing structures on the property have been approved building plans, which complies with the National Building Regulations. The well-established Pickle and Smoke Café is also located on the property.

The proposed application is for a departure of the relaxation of the height restriction from 12m to 15m, the relaxation of the northern side building line from 2m to 0m and for the relaxation of the eastern rear building line from 2m to 0m.

There are at present four (4) transmission towers on private property in Kleinmond. They are as follows:

PROPERTY	DISTANCE
Erf 5993	1900m
Erf 4210	1200m
Erf 4894	20m
Erf 6174	10,5m

Erf 6174 is located less than 70m from the application erf and zoned Business Zone 2 and obtained the consent use during 2015. The approval of a 20m tower was approved in May 2019 on erf 4894, which in its motivation clearly states that the tower of 20m is sufficient to deal with cellular coverage for Kleinmond Town. The application on the table has not addressed the 20m tower in any manner.

The information of existing towers and their main function were also not addressed, and information provided clearly indicated that no proper investigation was done to give through the information required to establish the need and desirability of the application. The analysis done by the consultant did not seem to take the 20m tower in consideration and therefore it is unclear whether a 15m tower impact will be, if any, that is not catered for by the 20m tower.

The motivation in its conclusion makes reference to the eradication of the poor network coverage of three of the four mobile networks, precisely the same as the application for the 20m tower. The latter has been approved and one can assume that the poor network coverage of the Mobile Networks Operations have been addressed.

The application deliberates widely on all the positive aspects the tower may have, but have not submitted any proof that there is a void in the existing availability of infrastructure. Nowhere has the co-location on other towers been addressed.

The requested site development plan with relevant development parameters were not provided. The applicant in his investigation of a viable site, have taken due cognisance of the fact that the erf is located adjacent to Harbour Road, which is the access road to the tourist harbour precinct and that any design proposal must take this aspect into consideration. The applicant did indicate that the water tank is not out of place in the area, however the proposed water tank is not visually pleasing and out of place along the road. The applicant did indicate that it will adhere to the Municipal requirements if an alternative design is proposed, but this should have been done by the applicant in studying the present built environment.

In conclusion, the application does not address the need or desirability of the application, since the information to enable an informed decision was not submitted with the application.

13. RECOMMENDATION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 6180, Kleinmond for the following departures to accommodate the proposed transmission tower:

- ❖ to exceed the applicable 12m height restriction in order to accommodate the proposed 15m high transmission tower on the above property;
- ❖ to relax the northern lateral building lines from 2m to 0m, and
- ❖ to relax the rear building line from 2m to 0m.

not be approved, in terms of the provision of the section 61 of the Municipal Bylaw.

2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR NON-APPROVAL

- ❖ The need and desirability has not been proven by the applicant.
- ❖ The aspect of co-location has not been addressed.
- ❖ The impact of the 20m transmission has not been addressed.
- ❖ All the towers in Kleinmond have not been identified and discussed to be able a proper evaluate the application on the table.

15. 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
Annexure F:	Services Report

SIGNATURES

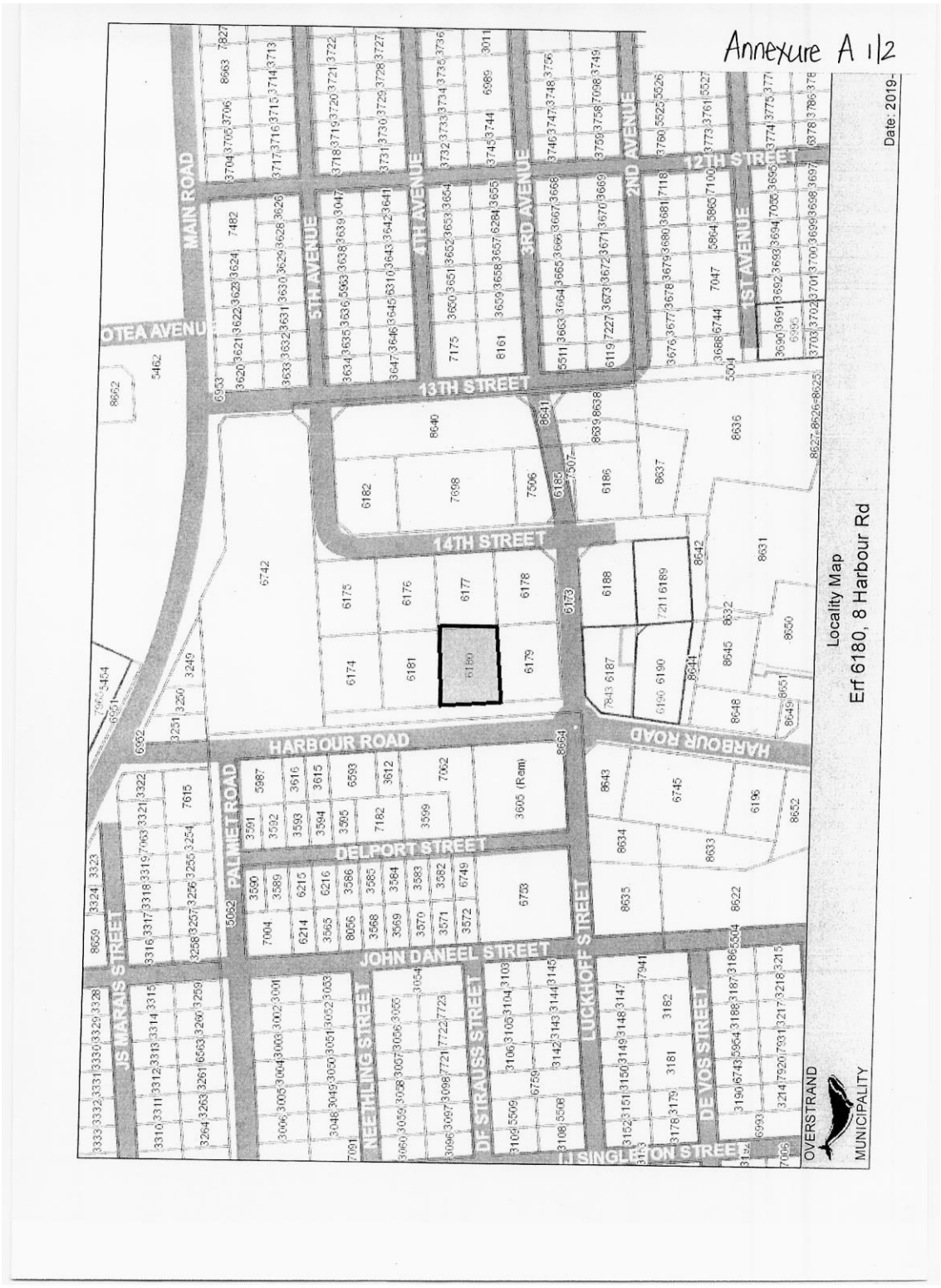
REGISTERED PLANNER

Name : **H VAN DER STOEP**

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

Signature : _____

Date: _____


Annexure A 1/2
Locality Map
Erf 6180, 8 Harbour Rd
Date: 2019-
OVERSTRAND
MUNICIPALITY
MAIN ROAD
OTEA AVENUE
13TH STREET
14TH STREET
HARBOUR ROAD
DELPORT STREET
JOHN DANEEL STREET
PALMIET ROAD
JS MARAIS STREET
NEETHLING STREET
DE STRAUSS STREET
LUCKHOFF STREET
DE VOS STREET
1ST AVENUE
2ND AVENUE
3RD AVENUE
4TH AVENUE
5TH AVENUE
12TH STREET

2/2

NOTES

1.

APPROVED PROPOSAL

PROPERTY OWNER SIGNATURE:

DATE:

REFERENCE DRAWINGS	
2961-D-001	LOCALITY PLAN MACRO
2961-D-003	SITE PLAN
2961-D-004	LAND USE PLAN
2961-D-005	TOP VIEW
2961-D-006	ELEVATIONS
2961-D-007	SITE DEVELOPMENT PLAN
2961-D-008	PUBLIC SAFETY LAYOUT
2961-D-009	PUBLIC SAFETY ELEVATIONS

APPROVAL BUILDING DEVELOPMENT SERVICES

REV	BY	DATE	DESCRIPTION	APPR'D
C	ACS	17/01/20	REVISED PER MUNICIPALITY	AJM

REVISIONS

DRAWN: ACS DATE: 17/01/20
CHK'D: AJM DATE: 17/01/20
APPR: AJM DATE: 17/01/20
MERLIN PROJECT No: 2961
CAD FILE No: 2961-D-002-C
SHT SIZE: A3 SCALE: NTS

Merlin
PROJECT SERVICES (PTY) LTD
ENGINEERS, PROJECT MANAGERS & CONTRACTORS:
P.O BOX 698
HOWARD PLACE – 7450
TEL: (021)905 7165

CLIENT: BLUE SKY COMMUNITY

SITE ADDRESS: 8 HARBOUR RD, KLEINMOND, WESTERN CAPE

LATITUDE: -34.342569°
LONGITUDE: 19.014296°

SITE NAME: KLEINMOND ASK SECURITY

LOCALITY PLAN MICRO

DRAWING No: 2961-D-002

REV: C

Annexure B 1/24

1. THE APPLICATION

Application is hereby made on behalf of our client Blue Sky Towers (Pty) Ltd to allow the following on Erf 6180 Kleinmond.

- **Permanent departure application** in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for the purpose of erecting a 15m transmission tower disguised as a water tower. The departures include the following:
  - Relaxation of the height restriction from 12m to 15m;
  - Relaxation of the northern side building line from 2m to 0m; and
  - Relaxation of the eastern rear building line from 2m to 0m.

These permanent departures application will allow for the installation of 15m transmission tower which is a permitted by means of a consent use for 'Industrial Zone 1' zoned properties in terms of the Overstrand Zoning Scheme Regulations.

2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

The subject property relating to the application is identified as Erf 6180 Kleinmond with an extent 2080m² (two thousand and eighty square metres). The property is situated in Kleinmond. The subject property is located at 8 Harbour Road, Kleinmond.

There are no title deed conditions contained in the title deed no. T40011/1996 that restrict or prevent the installation of a transmission tower on the subject property. A copy of the Title Deed for Erf 6180 Kleinmond containing the details outlined below is contained in Annexure A. ***(Please refer to Annexure A: Title Deed)***

TITLE DEED DESCRIPTION:	Erf 6180 Kleinmond in the Overstrand Municipality, Division Caledon, province of the Western Cape.
TITLE DEED NUMBER:	T40011/1996
TITLE DEED RESTRICTIONS:	None – No restrictive conditions are pertained in the title deed relating to the installation of a transmission tower on the subject property.
PROPERTY SIZE:	2080m² (two thousand and eighty square metres).

2|24

ZONING:	Industrial Zone 1: General Industry
PROPERTY OWNER:	Immenhof Homestead Apiary CC
SERVITUDES:	The proposed development does not encroach or have an impact on the Registered servitude.

3. CONTEXTUAL INFORMANTS

a. Locality

The concerned property is identified as the Erf 6180 Kleinmond located within the Overberg Region. The property is situated at 8 Harbour Road, Kleinmond.

b. Surrounding Area

Kleinmond is a small coastal town in the Overberg region of the Western Cape province, South Africa. It is situated inside a UNESCO-declared biosphere about 90km east of Cape Town between Betty's Bay and Hermanus. The town's name, meaning "small mouth" in Afrikaans, refers to its location at the mouth of the Bot River lagoon. Tourism plays a large role in the town's economy due to its popularity with holiday makers from across the Western Cape and Cape Town in particular.
Other uses in the direct vicinity of the subject property includes residential dwellings, small local businesses and community related activities.

c. Land Use

The proposal entails the erection of a transmission tower on Erf 6180 Kleinmond. The property is currently zoned "Industrial Zone 1" and is currently used for business-related activities coupled with relevant outbuildings. The well-established *Pickle and Smoke* cafe is located on the property. The surrounding land uses in the area are predominantly utilised for industrial-, residential- and business-related purposes (mixed use area).

3/24

***Fig. 1** – Aerial photo of development area with the green outlining of the proposed area of intervention*

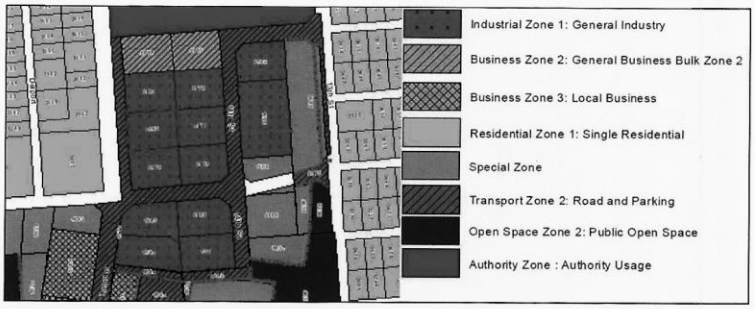


***Fig. 2** – Zoning of compliant area (adapted from the Overstrand Zoning Scheme Regulations, 2014 – Kleinmond Zoning)*

4/24

4. DEVELOP MENT PROPOSAL

a. Development

It is the intention of our client to apply for permanent departures (height restriction relaxation, side and rear building line relaxation) application to allow for the installation of a 15m transmission tower disguised as a water tower on the Erf 6180 Kleinmond. The application entails the following proposed development parameters:

- Erection of a 15m transmission tower disguised as a water tower situated in the north-eastern corner of the property.
- Installation of 12 triband antennae hidden within the dummy water tank proposed at a height between 12m and 15m of the water tower type transmission tower.
- Installation of 3 transmission dishes on the proposed 15m water tower type transmission tower.
- Construction of 3 x telecommunications equipment containers at ground level.
- Lightning spike and Navigation lights.
- Portable fire extinguishers (3 x 9kg portable fire extinguishers); and
- The mast & equipment containers will be placed inside a +/-80m² compound enclosed by partially by the existing 2.1m high vibracrete wall and a 2.1m high palisade fence.
- Optic Fibre route in 110mm underground nextube sleeve (underground) to the curb of the road.

(Please refer to attached Annexure H – Plans)

b. Access

Access to the proposed freestanding base station will be obtained from the existing entrance of the property located at 8 Harbour Road.

c. Building line relaxations

This application aims at relaxing the northern side building line from 2m to 0m and eastern rear building line from 2m to 0m. The reason for the placement of the proposed development in the north-eastern corner of the property is twofold. Firstly, this position will not impact on any land uses practiced on the property. Secondly, the building line relaxations will allow for the mast

5/24

to be located behind the existing buildings found on the property – this will limit its visibility from a street point-of-view (Harbour Road).

d. Security

The proposed water tower type transmission tower will be constructed on Erf 6180 Kleinmond. Extra security will be added to the actual transmission tower through a 2.1m high palisade fence (one section will be enclosed by the existing 2.1m high vibracrete wall and the remaining section, by a 2.1m high palisade fence). The telecommunications radio and transmission equipment will be installed inside alarm monitored containers; these containers are secure as they are locked at all times. The antennae will be located 12-15m above ground level, inside a dummy water tank and are inaccessible to the public. Only authorised personnel will have access to the antennae by using a cage ladder. A mast gate with a high security lock will be installed ensuring increased security to mast. Access to the equipment and antennae will be limited to registered and qualified personnel only. Health and safety legislation also require restrictive security signage (0, 4 x 0,5m) to be attached to access gate, containers and mast door. The above safety and security measures have been put in place by telecommunication operators and legal entities to prevent access to the public and greatly reduce vandalism of the equipment.

e. Electricity Requirements

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

f. Environmental

Environmental and social sustainability are regulated by *The National Environmental Management Act (Act 107 OF 1998) (NEMA) - published in Government Notice No. R324.* When read together with the National Environmental Management Act Regulations Listing Notice 3 of 2017 (promulgated April 2017), an Environmental Impact Assessment (EIA) or Environmental Authorization (EA) is only applicable in the following circumstances:

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

6/24

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

ii) will exceed 15 metres in height

But excluding attachments to existing buildings and masts on rooftops.

The requirements in the Western Cape are defined in NEMA Listing Notice 3 of 2017:

(f) In Western Cape:

i) All areas outside urban areas; or

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

As this site falls within an **urban area** inside the town of Kleinmond and **not** in an area designated for conservation use as prescribed in the Spatial Development Framework adopted by the competent authority, or zoned for conservation purposes and the height of the structure does not exceed 15m in height. Therefore, the intended development does not trigger a listed activity in terms of the 2017 NEMA regulations and therefore no environmental impact assessment or ROD (Record of Decision) is required. ***(Please refer to Annexure G: A Copy of the Listing Notice 3 of 2017)***

5. MOTIVATION

a. Background

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

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

7/24

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

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

Newer technology such as LTE provides faster internet to more users which alleviates the pressure on the base station, however its range is very limited. A single old generation GSM voice based base station could cover dozens of kilometres. The new LTE base stations have a maximum coverage range of 500m depending on the number of users.
The congestion of existing sites together with the decrease in its coverage range necessitates that the distance between base stations decreases, resulting in the need for construction of new freestanding and rooftop cellular base stations.

It is estimated that cellular network operators in South Africa will build more than 4000 new base stations over the next 5 years. The proposed site is located at a nominal point as identified by Blue Sky Towers (Pty) Ltd network planners. By utilizing sites located at the networks' nominal points the number of future base stations is limited and an effective service network can be developed.

The following information is provided to provide clarity on some of the telecommunication terminology. For ease of reference, kindly refer below to an extract from the Overstrand Zoning Scheme Regulations (2014):

*"**rooftop base station**" means a cell phone base station where antennae are attached to the roof or side of an existing building; provided that any antennae support structure or equipment room that is not part of the building does not extend more than 2,5 m in height above the top of the building;*

***"transmission tower"** - means any support structure and associated infrastructure more than 3m in height, that is used for the transmission and/ or reception of electromagnetic waves; and includes telecommunication, cellular telecommunication, radio, television and satellite transmission;*

8/24

"utility service" *- means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substations and transmission lines, waste water pump stations and treatment works, renewable energy infrastructure such as wind turbines and solar panels, whether above or below ground or water, and may include such sustainable service delivery technology as the Council may approve, but does not include road, or transport use;*

b. Proposed Development Parameters

The current and proposed allowable development parameters as per the Overstrand Zoning Scheme Regulations (2014) are indicated in the tables below:

Development Parameters	Overstrand Zoning Scheme Regulations (2014) (Industrial Zone 1 – pp. 72-73)	Proposed Development on Erf 6180 Kleinmond
Floor Factor	2	***COMPLY:***
Coverage	75%	***COMPLY***
Setback	8m	***COMPLY***
Building Lines	Street Building Lines: 5m	***COMPLY***
	Side building line: 2m	***DEPART: 2M – 0M (northern boundary)***
	Rear building line: 2m	***DEPART: 2M – 0M (eastern boundary)***
Parking	6 bays per 100m² GLA	***COMPLY:*** No parking spaces will be affected by this development
Height	12	***DEPART: RELAX FROM 12M TO 15M to allow for a transmission tower***

The proposed erection of a transmission tower will **NOT** have an impact on parking, building lines, coverage or floor factor as described in the Overstrand Zoning Scheme Regulations.

9/24

INDUSTRIAL ZONES INDUSTRIAL ZONE 1: GENERAL INDUSTRY (IND 1)	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT MEASURED FROM THE BASE LEVEL	BUILDING LINES			STREET CENTRE-LINE SETBACK	OTHER PROVISIONS
			To Top of Roof	Street building line	Side building line	Rear building line		
PRIMARY USES industry, agricultural industry, builder's yard, care taker's accommodation, factory shop, funeral parlour, heavy vehicle service station, industrial café, motor repair garage, rooftop base station, service trade, service station, transmission tower, transport use, utility services, warehouse, wholesale business, workshop **CONSENT USES** abattoir, aquaculture, adult entertainment business, business premises, container site, crematorium, dwelling unit, informal trading, mining, noxious trade, place of assembly, place of entertainment, place of instruction, restaurant, sale of alcoholic beverages, scrap yard, scrap yard	2	75%	12,0m Other: With consent from Council Earth banks and retaining structures shall comply with 16.6	5,0m Refer to 8.1.2(d)	2,0m Or abutting zone Refer to 8.1.2(d)	2,0m Or abutting zone Refer to 8.1.2(d)	8,0m Refer to 16.2	Boundary walls, parking and access, loading bays, screening, factory shop, service station, environmental considerations, site development plans

Fig. 3 *– Development parameters for Industrial Zone 1*

c. Physical Characteristics

RF Engineers are subject matter experts and identify sites by utilizing a specific set of engineering rules and principles, Erf 6180 Kleinmond was identified as a prime position on the following premise:

- Property offers the optimal position situated between existing and planned base stations to provide efficient data and voice coverage.
- Proximity to the R44 road and surrounding schools, business and residential units which will benefit from more effective voice- and data coverage (e.g. access to WIFI).
- Surrounding geographical aspects are in line with the requirements.
- Minimized physical, natural and visual impact due to vegetation in compliant area.
- Ability to reduce the number of base stations in the surrounding areas.
- Ability to provide sufficient security to the equipment.
- Capacity to share infrastructure with majority of the operators.
- Property position will address the complaints received in the area.
- Sufficient space to erect a freestanding base telecommunications station.

In order to achieve the optimal data and voice coverage objectives base stations in this specific area needs to be approximately 500m apart on average, this is due to the density of the surrounding areas as well as geographical and physical features. The fresnaye effect also influences the quality of the voice and data coverage caused by the amount of steel and concrete of the buildings in the surrounding area, this results in a reduced coverage area.

d. Title Deed Restrictions

In respect of Erf 6180 Kleinmond it was found that there are no restrictive conditions contained in title deed no. T40011/1996. ***(Please refer to the attached Annexure A: Title Deed)***

e. Health

Current research on telecommunications base stations has reached a point whereby scientists are satisfied that base stations do not pose a health threat. Research on handsets is however ongoing, as it is deemed that placing the handset against your head could pose a greater threat to health. Mobile phones are low powered radiofrequency transmitters. They operate at frequencies between 450 and 2700 MHz. The handset only transmits power when turned on. Using the phone in areas of good reception decreases exposure as it allows the phone to transmit at reduced power.

In a statement made by the World Health Organisation (WHO) it is stated that effects from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human or animal health.
The WHO in 2004 said:
"In the area of biological effects and medical applications of non-ionizing radiation approximately 25,000 articles have been published over the past 30 years. Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals. Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields." – World Health Organization (WHO) – website: *http://www.who.int/peh-emf/research/database/en/*
Radio waves are emitted by numerous instruments including microwave ovens and television screens inside our households. Walking along any street exposes us to RF emissions. RF emissions are part of modern-day society and scientists continuously monitor the impacts of these.

11/24

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. ICNIRP allows for an exposure measurement level of 41.000 (v/m) within a distance of 15m from the antennae. Cellular operator antennae operate at a level of not more than 0.04 (v/m) within a distance of 15m, in laymen's terms the levels are approximately 1/1000th of the prescribed exposure levels. It is therefore clear that the installation of these antennae does not pose a health risk. Cellular companies monitor the health impact of their base stations carefully, and spend large sums of money researching this topic annually.

South Africa's Department of Health has also published EMF exposure limit guidelines. These are based on guidelines endorsed by the ICNIRP. Emissions from all existing and proposed base stations are following these guidelines and are far below international standards.

A statement made by the Department of Health dated 19 January 2018 on the Health Effects of cellular communications base stations states the following (see letter attached in application):

" *Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects".*

Also mentioned in the statement of the Department of Health another WHO fact sheet was published in June 2011 and reviewed in October 2014 (i.e. *Electromagnetic fields and public health: mobile phones* viewable online at http://www.who.int/mediacentre/factsheets/fs193/en/) and subsequently concluded the following:

"A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use."

12/24

Further on in the document (attached in application), the Department of Health goes on to say that:

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

f. Need & Desirability

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

When selecting a site, special consideration is given to the geographical aspects so that the cellular infrastructure is positioned to ensure optimal functionality and availability to the customer. This reduces the number of base telecommunication stations necessary to provide the best possible experience for the end user.

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

The erection of a telecommunication base station does not impact on the current or surrounding land uses of the property. The construction and maintenance phase of the

13/24

proposal will provide a positive economic & social impact by ensuring job creation effecting the surrounding community in a positive way.

The increase of individuals and commuters utilising the R44 Road running through the town of Kleinmond and surrounding area created a high demand for effective voice and data requirements. The commissioning of the proposed telecommunication base station will alleviate the congestion experienced by cellular operator customers and ensure that their needs are accommodated.

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

f.1 *Choice of site*

These nominal points are selected because of an increase of customer complaints, within an area. When there is an increase in the number of users in an area. The coverage provided by the existing network decreases, leading to dropped calls and lack of data services. Figures 4 - 10 strive to explain how the need for an increase in cellular infrastructure evolves in a typical urban area.

f.2 *Cellular infrastructure explained:*

Figure 4 is an illustration of optimum network and data coverage. This is explained by envisioning the octagonal shape of a honeycomb (cells). As network users increase, the cells shrink which leads to gaps within this network of cells. This leads to dropped calls, weak/ limited signal and the failure to access the latest technologies in communication innovations (Figure 5). Gaps between cells require new/additional telecommunication base stations to be placed in these gaps to retain good network coverage. Locations for telecommunication infrastructure are primarily chosen within areas where a need exists for coverage (refer to Figure 5). If a need for coverage does not exist in a specific area, no company would invest capital to build a telecommunication base station in the said area. The fact that there are only a few telecommunication base stations in the surrounding area supports the statement that there is a clear need for coverage in the area.

14/24

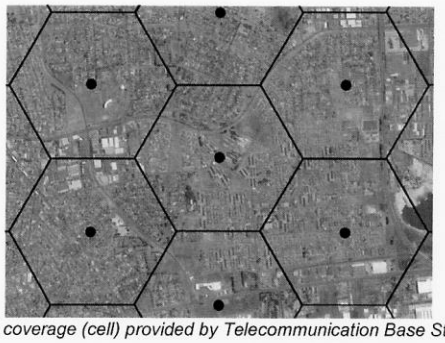


Fig 4 *- Initial coverage (cell) provided by Telecommunication Base Stations*

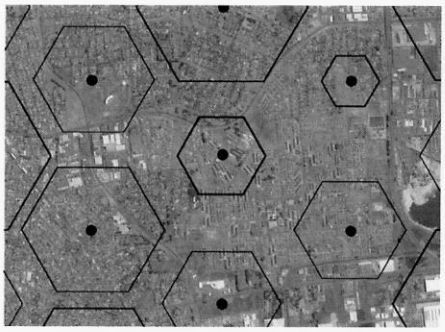


Fig 5 *- Coverage decreases due to increase in network users – cell size decreases*

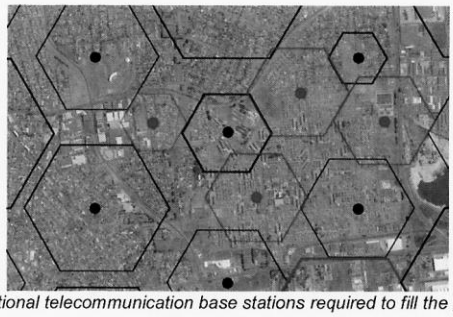


Fig 6 *- Additional telecommunication base stations required to fill the gaps*

15/24

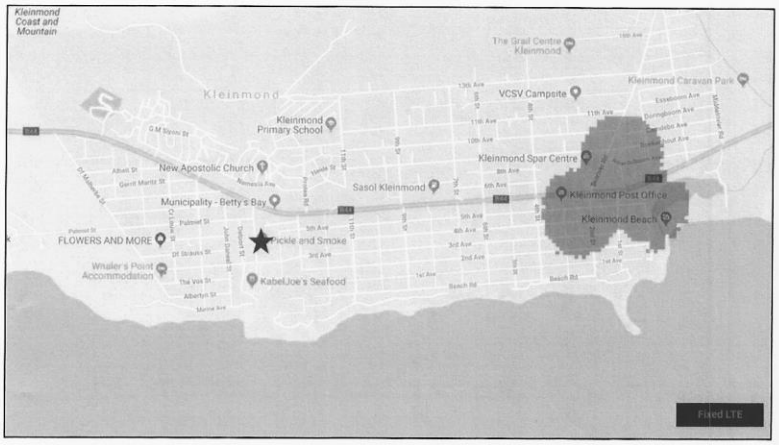


Fig 7 *– MTN Fixed LTE connectivity in the area of Kleinmond – Red star indicates the location of the site (Source: https://www.mtn.co.za/Pages/Coverage_Map.aspx)*

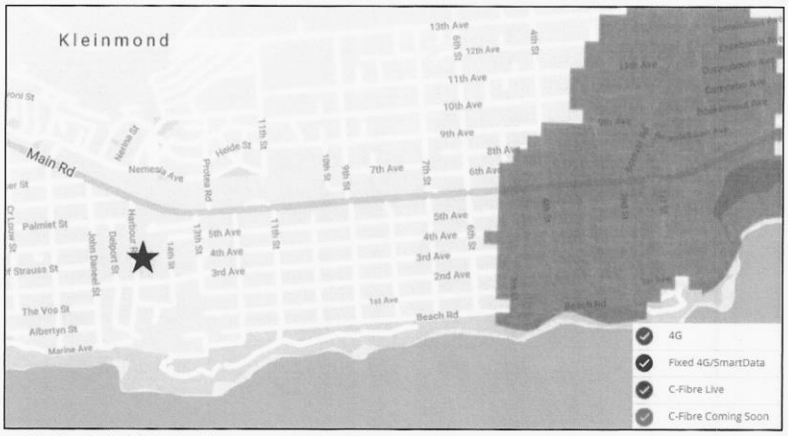


Fig 8 *– Cell C Fixed-LTE connectivity in the area of Kleinmond – Red star indicates the location of the site (Source: https://www.cellc.co.za/cellc/coverage-map)*

16|24

Figure 7 and 8 illustrates the current MTN Fixed LTE and Cell C Fixed LTE coverage in Kleinmond. It should be noted that some areas have very limited LTE and 4G technology (especially Vodacom Advanced LTE and Fibre connectivity). Therefore, a transmission tower as proposed in this application will increase the amount of coverage in this area.

g. Existing Infrastructure

Figures 9 and 10 aim at illustrating the manner in which the level of voice- and data coverage potentially may be increased. Please note that this plot illustrates the application on Erf 7842 Kleinmond (+/-950m north-east of the proposed site) in order to show an integrated view of our client's intended coverage vision for the area. These RF plots are provided by our client and indicate the coverage provided by existing telecommunication infrastructure within a 500m and 1000m radius, vs the expected increase in coverage provided by the proposed development.

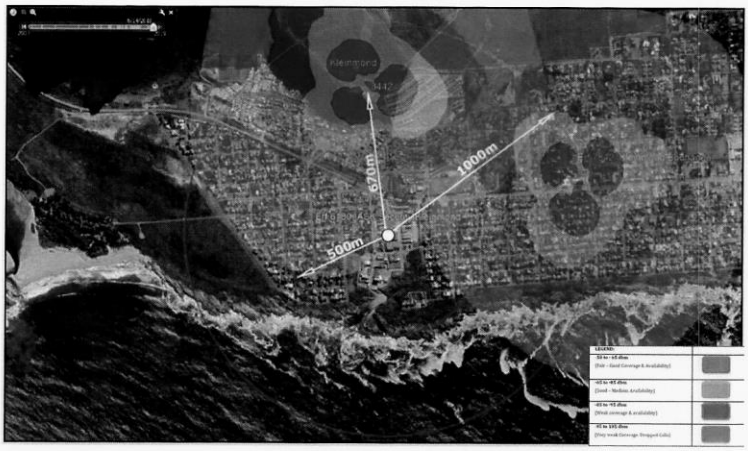


***Fig. 9** – RF plot indicating coverage provided by existing telecommunication infrastructure within a 500m and 1000m radius (Source: As composed by the client's RF Planners)*

17/24

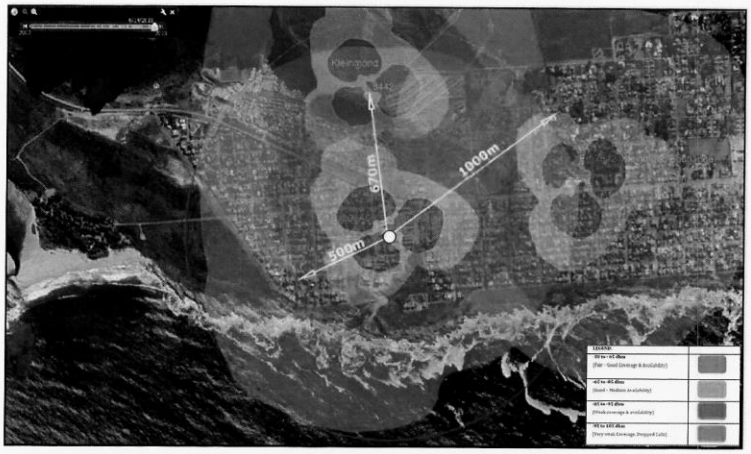


Fig. 10 *– RF plot indicating the expected increase in coverage provided by the proposed installation (Source: As composed by the client's RF Planners)*

h. Existing Policy Frameworks
Western Cape Integrated Development Plan

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

Western Cape Economic Development Strategy (2009)

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

18/24

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

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

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

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

i. Electricity

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

j. Visual Impact

Special consideration has been given to the placement of the proposed transmission tower in order to minimize the visual impact as far as possible however this is challenging at times. The proposed erection of a 15m water tower type transmission tower will offer the opportunity for operators to collocate resulting in the reduction of future transmission towers (refer to Figure 11). The mast compound is also smaller (+/-80m²) than the typical mast compounds (standard 100m²). Our client Blue Sky Towers (Pty) has selected to erect a water tower type transmission tower design in order to be sympathetic to the character of the area and blend with the activities found on the property (hardware store with buildings and backyard space utilized for storage). This type of development can accommodate multiple network operators at the same height. Antennae on this structure is proposed inside the dummy water tank. Due to recent droughts experienced in the Western Cape, water tanks and other water storage facilities became an everyday sight. Camouflaging a mast as a water tower will not seem out of place. Especially if it is significantly lower than the standard mast types (25m). The footprint required for a water tower type mast is also significantly smaller. Furthermore, the development may be painted in any colour as requested by council.

19|24

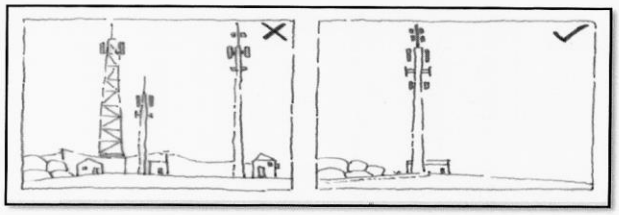


***Fig.11**- Sharing of Infrastructure*

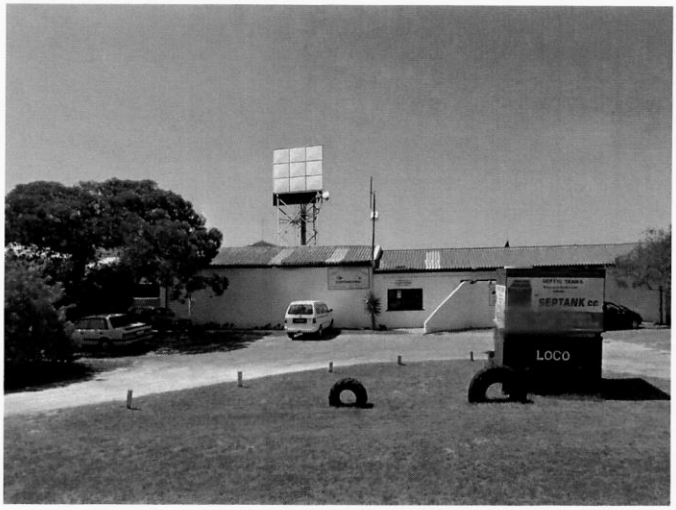


***Fig. 12 –** Artist impression of proposed development as observed from Harbour Road*

The visual impact of the transmission tower will be further reduced by the existing vegetation found in surrounding the area. The position of the development behind an existing building will further lessen its visibility from a street-point-of-view. Council are welcome to suggest any other tower design should it be required, however the practicality and height thereof need to be considered – please refer to the client's website for examples of other tower solutions *https://blueskytowers.com/* Should the relevant departments within the city council require an altered design the client would be willing and forthcoming to the proposal. The proposal will not impact on the current land use. As illustrated in Figure 7 and 8, this transmission tower will create collocation options for two/ three of the four Mobile Network Operators e.g. Vodacom, MTN, Cell C and/ or Telkom Mobile.

20/24

k. Access & Traffic considerations

Erf 6180 Kleinmond is easily accessible, and access will be obtained from Harbour Road, Kleinmond. This road has low traffic volume thus this development will not affect traffic negatively and will not cause any additional traffic volume to the area.

l. Alternative candidates

***Fig. 13** – Alternative sites*

- **Rooftop option** was considered but would be impractical due to the average building height on the area being less than 15m in height.

21/24

Erf 6180 Kleinmond: Preferred site, zoned "Industrial Zone 1". This property is ideally positioned between planned and existing sites. Due to the small industrial zone found in the subject area, this property was deemed most appropriate. This property is cocooned by industrial-related uses and offers an opportunity to install the base station at the back of the property. Further away from the public eye or residential dwellings. We believe that the proposed design (15m Water Tower type) will blend with the industrial-related uses practiced on the subject and surrounding properties.

Erven 6179, 6178, 6177, 6181 and 6176: These five properties are ideally zoned to allow the proposed development as a primary right - "Industrial Zone 1". However, space limitations are evident which will not allow for a sensible installation. A footprint of at least 60m² is required to accommodate the said development. These properties do not allow for such an additional developmental footprint due to space limitations.

Erven 6174 and 6175: Zoned "Business Zone 2". A transmission tower is permitted by means of a consent use application. However, similar to the reasoning above, these properties fail to have sufficient available unused space to accommodate the development in question. The buildings on the properties are not high enough to accommodate a rooftop installation.

Erf 7698: Zoned "Industrial Zone 1". This property has sufficient unused space. However, as the surrounding properties are vacant and less build-up, the visual impact of a base station on this property would have been far greater.

Erven 7506 and 8640: Zoned "Special Zone". As these properties hold far greater potential for alternative zonings/ uses, they were not considered as viable options. The visual impact on vacant properties are considers as greater as there are no structures or trees which may act as barriers or visual absorption.

Erf 6742: Zoned "Authority Zone". A transmission tower is permitted by means of a consent use. However, the industrial-zoned properties in close proximity allows for the said development as a primary right. Therefore, the options permitting a transmission tower as primary right, were deemed more appropriate.

ALTERNATIVE DESIGNS: should council require mast amendments with regards to the water tower type transmission tower design, our client would be satisfied to provide alternatives. We wish to reiterate that we attempted to consider the context and attempted to provide the tower solution which will cause the least visual clutter – all antennae will be hidden within the dummy water tank.

6. CONSISTENCY WITH SPLUMA AND LUPA PRINCIPLES

This application complies with the land development principles (Chapter 2, SPLUMA, 2013) as referred to in section 42 of the *Spatial Planning Land Use Management Act, 2013* (Act 16 of 2013) (SPLUMA) and (Chapter VI, LUPA, 2014) as referred to in section 59 of the *Western Cape Land Use Planning Act, 2014*:

	HOW DOES THIS APPLICATION COMPLY WITH THIS PRINCIPLE?
Spatial Justice	In a broader sense, spatial justice refers to an intentional incorporation of spatial (geographical) aspects. This refer to the fair and equally distributed services and enhanced accessibility of these services. The aim of this proposal is to provide excellent communication service to the inhabitants of an area.
Spatial Sustainability	Spatial sustainability is an explicit concept which describe the relations between environmental, economic and socio-cultural facets related to a societal environment. Enhanced signal in an area will promote all three the dimensions of sustainability (economic, social and environmental facets). Economically, businesses in the area will benefit from enhanced connectivity. The social facet is addressed as more people will have access to emergency services (e.g. Healthcare, Police, Fire response etc.). The third dimension (Environmental facets) will be promoted as the sensible placement of transmission towers and the possibility of co-location will limit the amount of base stations should there be sufficient signal in an area. This development will create a co-location opportunity for two/ three of the four Mobile Network Operators.
Spatial Efficiency	Spatial efficiency relates to the concept of minimum distance to be travelled between a specific location and intended destination. Telecommunication Infrastructure is placed in an area (optimally situated between planned and existing stations) with a reason. This reason is to incorporate various factors (e.g. number of users, quality of service etc.) when considering the placement in order to promote effectiveness and is not merely placed by random. This development will make use of existing local resources and contribute to specialised skill development within the local municipality.

23/24

Spatial Resilience	Spatial resilience can be defined as the ability of a region to withstand possible arising shocks (e.g. economic crisis, social disruptions etc.). However, Telecommunication Infrastructure will be a service that will always be necessary. In a state of crisis, communication plays an integral role in a societal environment.
Good administratio	This installation will be lawful and reasonable, following an equal and fair public participation process in order to incorporate the views and opinions of all relevant parties. The Overstrand Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the Municipal Planning By-Law.

7. CONCLUSION

This application for permanent departures (height restriction relaxation, northern side and eastern rear building line relaxations) application aims to obtain council's permission to install a proposed 15m water tower type transmission tower on Erf 6180 Kleinmond. We would like to emphasise the positive contribution this transmission tower will have on the immediate area, as well as the surrounding community and passing commuters:

- This proposed development comprises a 15m water tower type transmission tower (north-eastern corner), triband antennae (12 antennae hidden inside a dummy water tower), Transmission Dishes, 3 x concrete plinths and 3 x equipment containers within an 80m² compound, surrounded partially by the existing 2.1m high vibracrete wall and the remaining sections, by a 2.1m high palisade fence; and underground optic fibre route.
- Access to the compound will be obtained through the existing point-of-entry of the property;
- The base station will be partially surrounded by the existing 2.1m high vibracrete boundary wall and an additional 2.1m palisade fence and antennae will be securely positioned at the top of the mast (hidden within a dummy water tank).
- This installation will not constitute a listed activity according to NEMA listing Notice 3 of 2017.
- This application is also supported by a Health Statement made by the Department of Health on 19 January 2018 which reads as follow: "*The Department is therefore satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations.*"

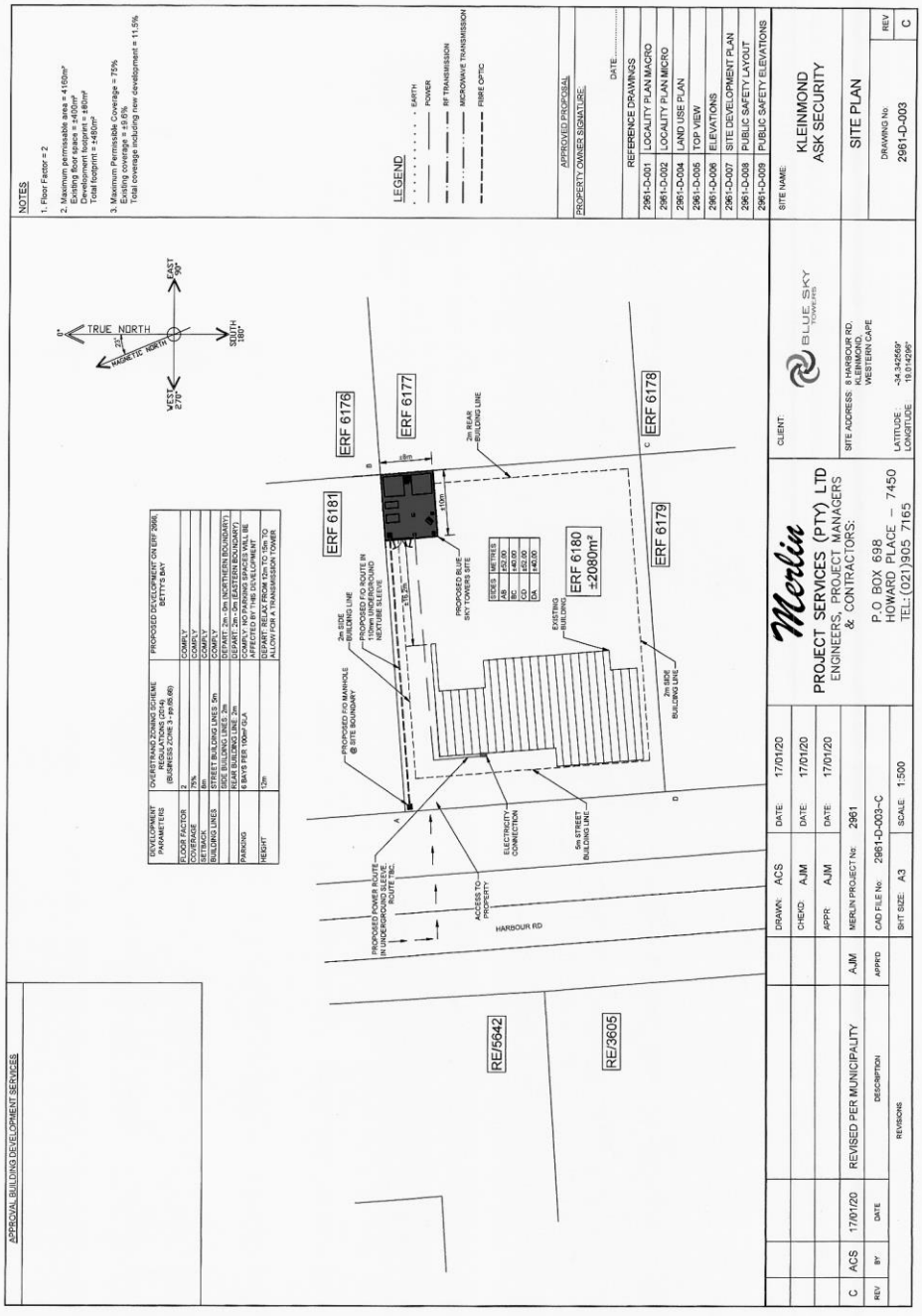
24/24

- This proposed installation complies with the Spatial Planning and Land Use Management Act (SPLUMA), 2013 and Western Cape Land Use Planning Act (LUPA). 2014.
- Eradication of poor network coverage three of the four major Mobile Network Operators (MTN, Vodacom, Cell C and/ or Telkom Mobile). Due to the height of the proposed mast, various Mobile Network Operators may co-locate and share infrastructure. Figures 4 – 10 strive to illustrate the need and desirability for enhanced voice- and data coverage in the subject area.
- Alternative sites (rooftop options) where considered, however this site posed as the best option in terms of mobile coverage.
- Enhanced voice and data coverage will assist to combat crime and life-threatening emergencies. This installation will promote accessibility to emergency services (e.g. Ambulances, Police- and Fire departments etc.). Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help.
- Social integration will be promoted by this installation. Most households in the surrounding area depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.

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

The application has been proven to be desirable and it is hereby kindly requested that the Overstrand Local Municipality provide their full support with regards to this application.

Annexure C 1/6



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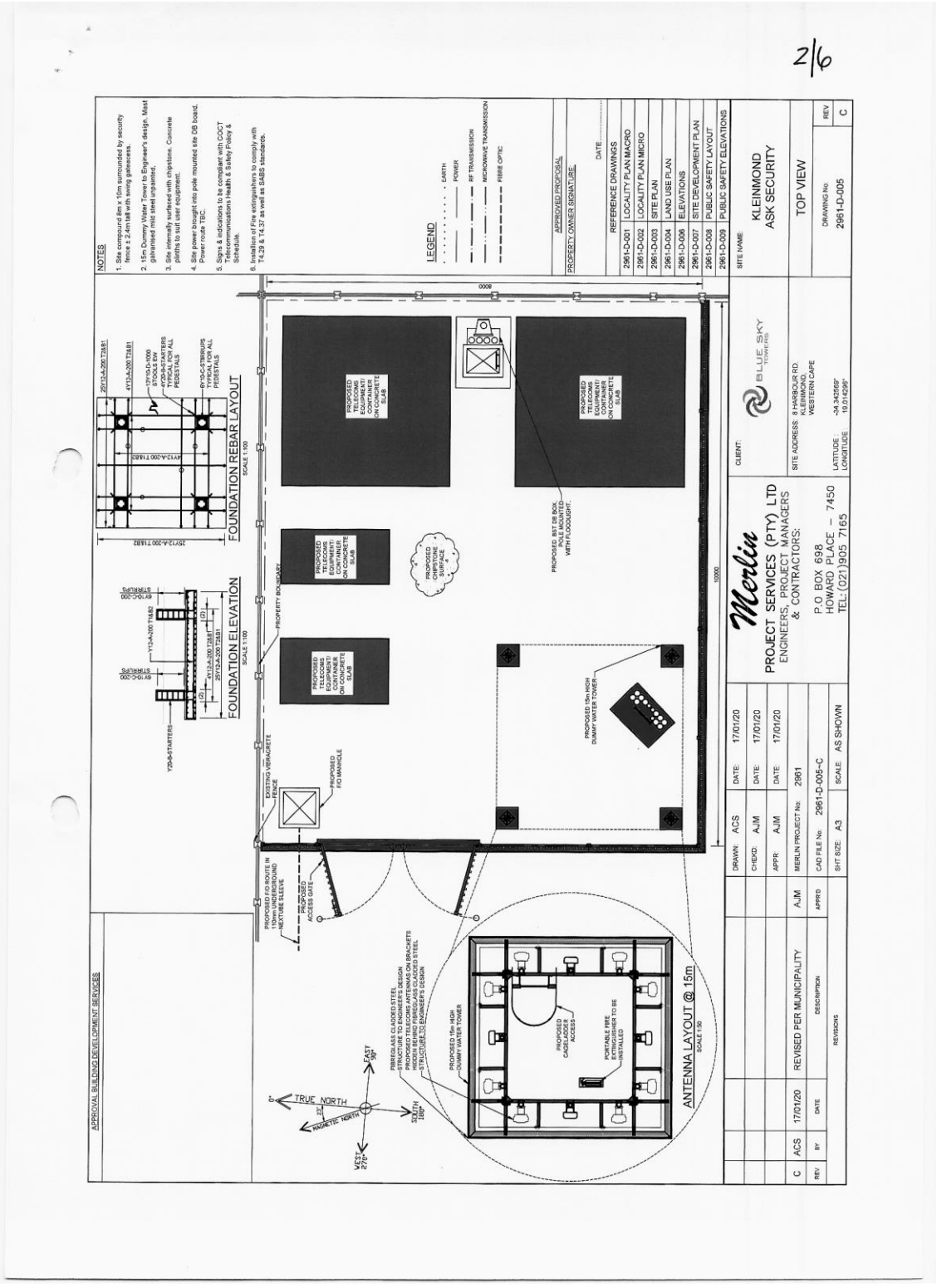
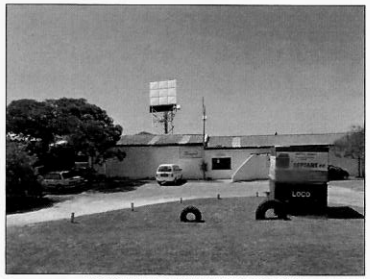
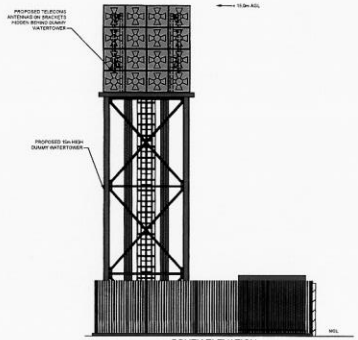

APPROVAL BUILDING DEVELOPMENT SERVICES
NOTES
1. Site compound 8m x 10m surrounded by security fence 2.4m tall with swing gates/exits.
2. 15m Dummy Water Tower to Engineer's design. Mast galvanised (mid steel unpainted).
3. Site internally surfaced with chipstone. Concrete plinths to suit user equipment.
4. Site power brought into pole mounted site DB board. Power route TBC.
5. Signs & indications to be compliant with COCT Telecommunications Health & Safety Policy & Schedule.
6. Installion of Fire extinguishers to comply with T4.29 & T4.37 as well as SABS standards.
LEGEND
EARTH
POWER
RF TRANSMISSION
MICROWAVE TRANSMISSION
RIBBE OPTIC
APPROVED PROPOSAL
PROPERTY OWNER REPRATURE
DATE
REFERENCE DRAWINGS
2961-D-001 LOCALITY PLAN MACRO
2961-D-002 LOCALITY PLAN MICRO
2961-D-003 SITE PLAN
2961-D-004 LAND USE PLAN
2961-D-006 ELEVATIONS
2961-D-007 SITE DEVELOPMENT PLAN
2961-D-008 PUBLIC SAFETY LAYOUT
2961-D-009 PUBLIC SAFETY ELEVATIONS
FOUNDATION REBAR LAYOUT
SCALE 1:100
FOUNDATION ELEVATION
SCALE 1:100
PROPERTY BOUNDARY
PROPOSED TELECOMS EQUIPMENT CONTAINER ON CONCRETE SLAB
PROPOSED CHIPSTONE SURFACE
PROPOSED BST DB BOX. POLE MOUNTED WITH ACCESS.
PROPOSED 15m HIGH DUMMY WATER TOWER
EXISTING VIBRACRETE FENCE
PROPOSED FO MANHOLE
PROPOSED FO ROUTE IN 110mm UNDERGROUND HEXTUBE SLEEVE
PROPOSED ACCESS GATE
6000
10000
ANTENNA LAYOUT @ 15m
SCALE 1:50
PROPOSED 15m HIGH DUMMY WATER TOWER
FIBREGLASS CLADDED STEEL STRUCTURE TO ENGINEER'S DESIGN
PROPOSED 3 SECTORS ANTENNAS MOUNTED BEHIND FIBREGLASS CLADDED STEEL STRUCTURE TO ENGINEER'S DESIGN
PROPOSED CAGE LADDER ACCESS
PORTABLE FIRE EXTINGUISHER TO BE INSTALLED
TRUE NORTH
MAGNETIC NORTH
EAST 90°
SOUTH 180°
WEST 270°
Merlin
PROJECT SERVICES (PTY) LTD
ENGINEERS, PROJECT MANAGERS & CONTRACTORS
P.O BOX 698
HOWARD PLACE – 7450
TEL: (021)905 7165
CLIENT:
BLUE SKY TOWERS
SITE ADDRESS: 8 HARBOUR RD KLEINMOND WESTERN CAPE
LATITUDE: -34.342569°
LONGITUDE: 19.014296°
SITE NAME:
KLEINMOND ASK SECURITY
TOP VIEW
DRAWING No: 2961-D-005
REV: C
DRAWN: ACS DATE: 17/01/20
CHKD: AJM DATE: 17/01/20
APPR: AJM DATE: 17/01/20
MERLIN PROJECT No: 2961
CAD FILE No: 2961-D-005-C
SHT SIZE: A3 SCALE: AS SHOWN
C ACS 17/01/20 REVISED PER MUNICIPALITY AJM
REV: BY: DATE: DESCRIPTION APPRD
REVISIONS

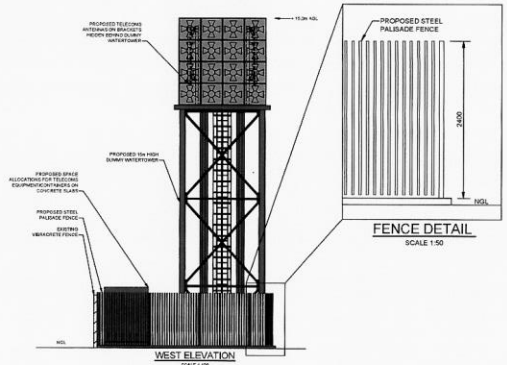
APPROVAL BUILDING DEVELOPMENT SERVICES



ARTIST IMPRESSION OF BST SITE
NTS



SOUTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

FENCE DETAIL
SCALE 1:50

NOTES

LEGEND

- EARTH
- POWER
- RF TRANSMISSION
- MICROWAVE TRANSMISSION
- FIBRE OPTIC

APPROVED PROPOSAL

PROPERTY OWNER SIGNATURE:

DATE:.....

REFERENCE DRAWINGS	
2961-D-001	LOCALITY PLAN MACRO
2961-D-002	LOCALITY PLAN MICRO
2961-D-003	SITE PLAN
2961-D-004	LAND USE PLAN
2961-D-005	TOP VIEW
2961-D-007	SITE DEVELOPMENT PLAN
2961-D-008	PUBLIC SAFETY LAYOUT
2961-D-009	PUBLIC SAFETY ELEVATIONS

REV	BY	DATE	DESCRIPTION	APPR'D
C	ACS	17/01/20	REVISED PER MUNICIPALITY	AJM

REVISIONS

DRAWN: ACS DATE: 17/01/20
CHEKD: AJM DATE: 17/01/20
APPR: AJM DATE: 17/01/20
MERLIN PROJECT No: 2961
CAD FILE No: 2961-D-006-C
SHT SIZE: A3 SCALE: AS SHOWN

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ENGINEERS, PROJECT MANAGERS & CONTRACTORS:

P.O BOX 698
HOWARD PLACE – 7450
TEL: (021)905 7165

CLIENT: BLUE SKY TOWERS

SITE ADDRESS: 8 HARBOUR RD, KLEINMOND, WESTERN CAPE

LATITUDE: -34.342569°
LONGITUDE: 19.014296°

SITE NAME: KLEINMOND ASK SECURITY

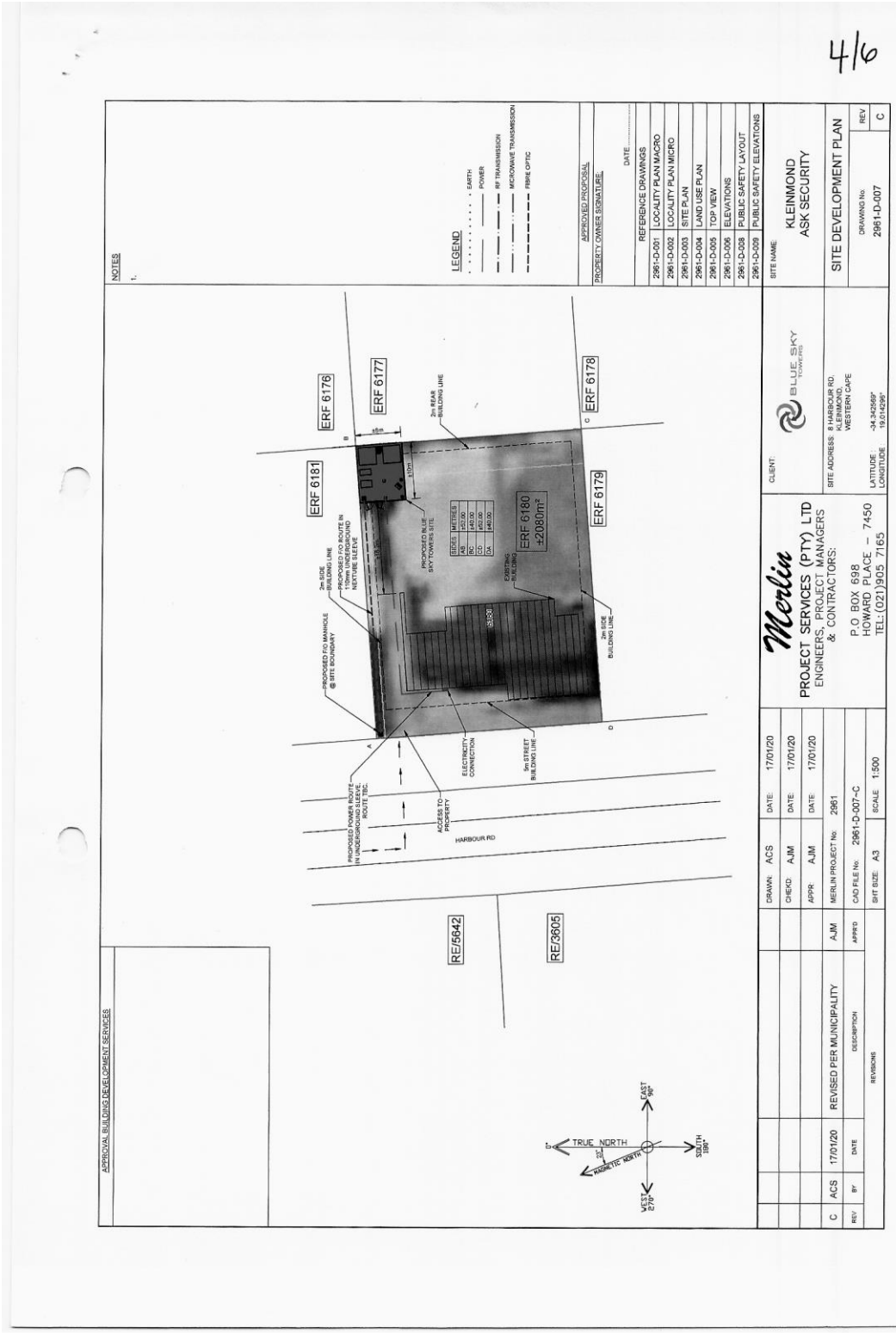
ELEVATIONS

DRAWING No: 2961-D-006

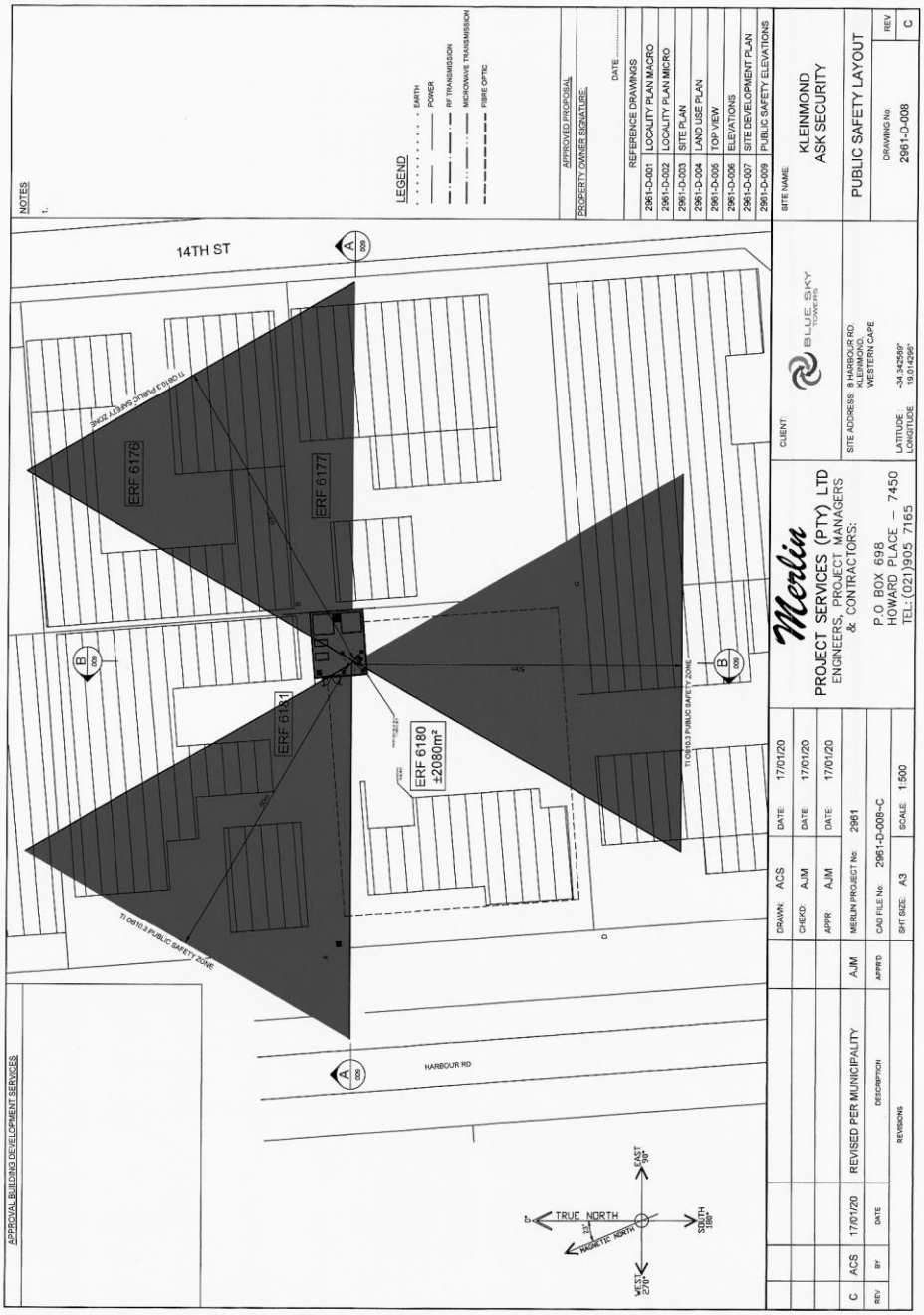
REV: C

3/6

4/6


APPROVAL BUILDING DEVELOPMENT SERVICES
NOTES
1.
LEGEND
EARTH
POWER
RF TRANSMISSION
MICROWAVE TRANSMISSION
FIBRE OPTIC
APPROVED PROPOSAL
PROPERTY OWNER SIGNATURE:
DATE
REFERENCE DRAWINGS
2961-D-001 LOCALITY PLAN MACRO
2961-D-002 LOCALITY PLAN MICRO
2961-D-003 SITE PLAN
2961-D-004 LAND USE PLAN
2961-D-005 TOP VIEW
2961-D-006 ELEVATIONS
2961-D-008 PUBLIC SAFETY LAYOUT
2961-D-009 PUBLIC SAFETY ELEVATIONS
SITE NAME:
KLEINMOND
ASK SECURITY
SITE DEVELOPMENT PLAN
DRAWING No:
2961-D-007
REV
C
CLIENT:
BLUE SKY TOWERS
SITE ADDRESS: 8 HARBOUR RD, KLEINMOND, WESTERN CAPE
LATITUDE -34.342569°
LONGITUDE 19.014299°
Merlin
PROJECT SERVICES (PTY) LTD
ENGINEERS, PROJECT MANAGERS & CONTRACTORS:
P.O BOX 698
HOWARD PLACE – 7450
TEL: (021)905 7165
DRAWN: ACS DATE: 17/01/20
CHKD: AJM DATE: 17/01/20
APPR: AJM DATE: 17/01/20
MERLIN PROJECT No: 2961
CAD FILE No: 2961-D-007-C
SHT SIZE: A3 SCALE: 1:500
C ACS 17/01/20 REVISED PER MUNICIPALITY AJM
REV BY DATE DESCRIPTION APPR'D
REVISIONS
ERF 6176
ERF 6177
ERF 6178
ERF 6179
ERF 6180 ±2080m²
ERF 6181
RE/5642
RE/3605
HARBOUR RD
2m REAR BUILDING LINE
2m SIDE BUILDING LINE
3m STREET BUILDING LINE
PROPOSED BLUE SKY TOWERS SITE
EXISTING BUILDING
PROPOSED F/O MANHOLE @ SITE BOUNDARY
PROPOSED F/O ROUTE IN 110mm UNDERGROUND NEOTUBE SLEEVE
PROPOSED POWER ROUTE IN UNDERGROUND SLEEVE, ±50.0 TYP.
ELECTRICITY CONNECTION
ACCESS TO PROPERTY
SIDES METRES
AB ±20.00
BC ±400.00
CD ±52.00
DA ±400.00
TRUE NORTH
MAGNETIC NORTH
EAST 90°
SOUTH 180°
WEST 270°

5/6


NOTES
1.
LEGEND
EARTH
POWER
RF TRANSMISSION
MICROWAVE TRANSMISSION
FIBRE OPTIC
APPROVED PROPOSAL
PROPERTY OWNER SIGNATURE:
DATE:
REFERENCE DRAWINGS
2961-D-001 LOCALITY PLAN MACRO
2961-D-002 LOCALITY PLAN MICRO
2961-D-003 SITE PLAN
2961-D-004 LAND USE PLAN
2961-D-005 TOP VIEW
2961-D-006 ELEVATIONS
2961-D-007 SITE DEVELOPMENT PLAN
2961-D-009 PUBLIC SAFETY ELEVATIONS
14TH ST
ERF 6176
ERF 6177
ERF 6181
ERF 6180
±2080m²
TI 08163 PUBLIC SAFETY ZONE
HARBOUR RD
TRUE NORTH
MAGNETIC NORTH
EAST 90°
SOUTH 180°
WEST 270°
APPROVAL BUILDING DEVELOPMENT SERVICES
C ACS 17/01/20 REVISED PER MUNICIPALITY AJM
REV. BY DATE DESCRIPTION APPRD
REVISIONS
DRAWN: ACS DATE: 17/01/20
CHECD: AJM DATE: 17/01/20
APPR: AJM DATE: 17/01/20
MERLIN PROJECT No: 2961
CAD FILE No: 2961-D-008-C
SHT SIZE: A3 SCALE: 1:500
Merlin
PROJECT SERVICES (PTY) LTD
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P.O BOX 698
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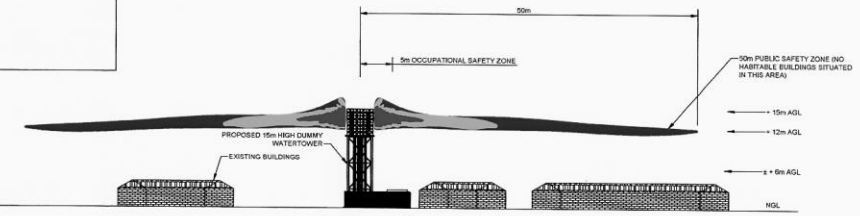
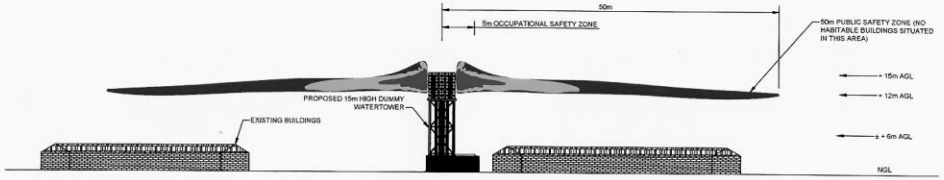
LONGITUDE: 19.014296°
SITE NAME:
KLEINMOND
ASK SECURITY
PUBLIC SAFETY LAYOUT
DRAWING No
2961-D-008
REV
C

APPROVAL BUILDING DEVELOPMENT SERVICES



SECTION A (008)
SCALE 1:500



SECTION B (008)
SCALE 1:500

NOTES

APPROVED PROPOSAL

PROPERTY OWNER SIGNATURE:

DATE:.....

REFERENCE DRAWINGS	
2961-D-001	LOCALITY PLAN MACRO
2961-D-002	LOCALITY PLAN MICRO
2961-D-003	SITE PLAN
2961-D-004	LAND USE PLAN
2961-D-005	TOP VIEW
2961-D-006	ELEVATIONS
2961-D-007	SITE DEVELOPMENT PLAN
2961-D-008	PUBLIC SAFETY LAYOUT

REV	BY	DATE	DESCRIPTION	APPR'D
C	ACS	17/01/20	REVISED PER MUNICIPALITY	AJM

REVISIONS

DRAWN: ACS DATE: 17/01/20
CHEKD: AJM DATE: 17/01/20
APPR: AJM DATE: 17/01/20
MERLIN PROJECT No: 2961
CAD FILE No: 2961-D-009~C
SHT SIZE: A3 SCALE: 1:500

Merlin
PROJECT SERVICES (PTY) LTD
ENGINEERS, PROJECT MANAGERS & CONTRACTORS:
P.O BOX 698
HOWARD PLACE – 7450
TEL: (021)905 7165

CLIENT: BLUE SKY TOWERS

SITE ADDRESS: 8 HARBOUR RD. KLEINMOND, WESTERN CAPE

LATITUDE : -34.342569°
LONGITUDE : 19.014296°

SITE NAME:
KLEINMOND
ASK SECURITY

PUBLIC SAFETY ELEVATIONS

DRAWING No. 2961-D-009
REV C

6/9

Annexure D 1/4

ST FAMILIE TRUST
POSBUS 59
KLEINMOND
7195

028-271 3215

OVERSTRAND MUNISIPALITEIT / OVERSTRAND MUNICIPALITY
21 SEP 2020

TP. N. Theart
(I.v. vd Staap)

22 September 2020

ERF 6180,HAWEWEG 8, KLEINMOND, OVERSTRAND MUNISIPALE AREA: VOORGESTELDE AFWYKING: HIGHWAVE CONSULTANTS(PTY) LTD NAMENS IMMENHOF HOMESTEAD APIARY CC

Na deeglike konsultasie met kundige persone in die veld rakende bogenoemde aansoek, wil ek my teenkanting hierteen sterk uitspreek aangesien die kundiges waarmee ek gepraat het, oortuig is daarvan dat die aansoek gedoen word vir LTE maar dat daar binnekort 5G ook op die toring aangebring sal word en daarteen wil ek ten sterkste beswaar maak.

Hiermee maak ek as eienaar van ERF 6188 ten sterkste kapsie teen die oprigting van die voorgestelde transmissietoring.

Groete

Schalk Boonzaaier
082 55 66 292

FILE NO: Erf 6180 ✓
Kleinmond
SCAN NO:
KKM 6180
COLLABORATOR NO:
1459489

TP 21 SEP 2020

2|4

ST FAMILIE TRUST
POSBUS 59
KLEINMOND
7195

028-271 3215

22 September 2020

ERF 6180,HAWEWEG 8, KLEINMOND, OVERSTRAND MUNISIPALE AREA: VOORGESTELDE AFWYKING: HIGHWAVE CONSULTANTS(PTY) LTD NAMENS IMMENHOF HOMESTEAD APIARY CC

Na deeglike konsultasie met kundige persone in die veld rakende bogenoemde aansoek, wil ek my teenkanting hierteen sterk uitspreek aangesien die kundiges waarmee ek gepraat het, oortuig is daarvan dat die aansoek gedoen word vir LTE maar dat daar binnekort 5G ook op die toring aangebring sal word en daarteen wil ek ten sterkste beswaar maak.

Hiermee maak ek as eienaar van ERF 6178 ten sterkste kapsie teen die oprigting van die voorgestelde transmissietoring.

Groete

Schalk Boonzaaier
082 55 66 292

TP - A Theart
(H v.d. Stoep) 3/4

Ingrid Hanekom - APPLICATION FOR PERMANENT DEPARTURE TO ACCOMMODATE A TRANSMISSION TOWER

OVERSTRAND MUNISIPALITEIT
23 SEP 2020
OVERSTRAND MUNICIPALITY

From: "Blake Zwick" <blake@sonicmail.co.za>
To: <loretta@overstrand.gov.za>
Date: 2020/09/23 02:12 PM
Subject: APPLICATION FOR PERMANENT DEPARTURE TO ACCOMMODATE A TRANSMISSION TOWER

Dear Madam/Sir

RE: APPLICATION FOR PERMANENT DEPARTURE TO ACCOMMODATE A TRANSMISSION TOWER, ERF 6180, Harbour Rd, KLEINMOND

I, G P B Zwick, owner of Erf 6176, 14th Street, Kleinmond, herewith strongly object to the departure in terms of the Municipal
Bylaws Section 48, on land use planning, to erect a transmission tower and to the relaxation of height restrictions and building lines.

My reasons are as follows:

1. My buildings are in direct line of radiation, specifically the gym, and there is no proof that the radiation is not harmful and
   there is a risk to all customers and all employees.

2. This massive unsightly "water tower"could cause wind damage to our and nearby buildings, during the building phase and
   thereafter, especially with the 15 M height relaxation.

3. On studying the application I found that the transmission does not go very far, thus permission to erect this tower, would
   cause a precedent for others to be erected. Even though it is in our small industrial area, this would not fit in with the
   "coastal small town beautiful holiday destination" image that we have, thus causing more damage to the tourist industry.

4. The whole of Harbour Road, with its restaurants, shops etc. would suffer aesthetically, as most owners try to beautify their
   premises and visitors would have to drive past it to get to the harbour.

5. In consultation with Cape Town property owners who are adjacent to transmission towers, it was found that the companies
   do not adhere to the initial purpose for the erection of the tower. Once they had permission they simply added on or changed
   transmission as they pleased.

FILE NO: ERF 6180 KKMV
SCAN NO:
COLLABORATOR NO: 1146020

414

6. I also feel that an environmental impact study must be done before an application can be submitted.

I am of the opinion that until there is proof that there is no health risk to anyone close by or in line of radiation, the risk
is too high to take.

Regards

G P B ZWICK
106 11TH Avenue
Kleinmond
7195
Cell: 082-9020850

Annexure E 1/11

OVERSTRAND MUNISIPALITEIT
01 DEC 2020
OVERSTRAND MUNICIPALITY

HIGHWAVE CONSULTANTS

11A Gladstone Street
Durbanville
7550

APPLICATION ID: 3462/2019

29 October 2020

DIRECTOR: INFRASTRUCTURE AND PLANNING
OVERSTRAND MUNICIPALITY
PO BOX 20,
HERMANUS,
7200

Dear Sir/ Madam

RE: RESPONSE TO OBJECTIONS RECEIVED ON THE APPLICATION FOR PERMANENT DEPARTURES TO PERMIT A FREESTANDING COMMUNICATION BASE STATION ON ERF 6180 KLEINMOND (8 HARBOUR ROAD, KLEINMOND)

This letter serves as a response to letter dated 30 September 2020.

In terms of sections 47, 48 or 50 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020, members of the general public and various departments were invited to share any comments/ objections regarding this application. During this public participation phase, two (2) letters/ emails of objection were received from the general public (ST Family Trust (S Boonzaaier) and GPB Zwick).

The objections from the general public mainly refer to (i) *health concerns*, (ii) *visual impact*, (iii) *possible future damage*, (iv) *similar applications in future*, (v) *5G Concerns*, and (vi) *EIA requirements*. This document aims to address each of these concerns separately.

FILE NO: EL 6180 - Km
SCAN NO: KM 6180
COLLABORATOR NO: 1485023

TP - 1 DEC 2020

2/11

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OBJECTOR 1: ST FAMILY TRUST (S. BOONZAAIER)

"Na deeglike konsultasie met kundige persone in die veld rakende bogenoemde aansoek, wil ek my teenkanting hierteen sterk uitspreek aangesien die kundiges waarmee ek gepraat het, oortuig is daarvan dat die aansoek gedoen word vir LTE maar dat daar binnekort 5G ook op die toring aangebring sal word en daarteen wil ek sterkste beswaar maak."

We wish to confirm that our client's intention is to provide sharable infrastructure for at least three of the four Mobile Network Operators (MNO) e.g. Vodacom, Cell C, MTN and Telkom Mobile. These MNOs are well established in South Africa and intend providing fast and reliable voice and data connectivity.
We can confirm that the technology intended to be installed in this development will be LTE/4G with the connection point for optic fibre internet connectivity. This development complies with the required Health and Safety regulations as stipulated by ICNIRP.

OBJECTOR 2: GPB ZWICK

"My buildings are in direct line of radiation, specifically the gym, and there is no proof that the radiation is not harmful and there is a risk to all customers and all employees."

The use of mobile telephones, personal computers, tablets/ iPads and other devices has significantly increased in recent history. In order to provide sufficient voice- and data coverage for the continues use of these devices, more telecommunication infrastructure is required. This increase in demand for telecommunication infrastructure raises anxiety amongst the general public regarding the adverse effect on human health. Telecommunication infrastructure are generally perceived as hazardous because of the radiation they produce. Misconceptions are held by the general public in South Africa about the radiation (non-ionising radiation) of the electromagnetic waves used for telecommunications especially from telecommunication base stations. This perception has often led to public opposition on the construction and existence of these base stations in many parts of the country. One misconception is that non-ionizing radiation (produced by the telecommunication base stations) causes cancer and other health related issues. It should be noted that both forms of energy are correctly called radiation,

however their biological effects are vastly different. Half-true or inaccurate information found on web sites, newspaper and circulated materials by some groups of people with vested interest, has caused a lot of opposition by public on the development of telecommunication infrastructures.

Current research on telecommunications base stations has reached a point whereby scientists are satisfied that base stations do not pose a health threat. Research on handsets is however ongoing, as it is deemed that placing the handset against your head could pose a greater threat to health. Mobile phones are low powered radiofrequency transmitters. They operate at frequencies between 450 and 2700 MHz. The handset only transmits power when turned on. Using the phone in areas of good reception decreases exposure as it allows the phone to transmit at reduced power.

In a statement made by the World Health Organisation (WHO) it is stated that effects from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human or animal health.

The WHO in 2004 said:

"In the area of biological effects and medical applications of non-ionizing radiation approximately 25,000 articles have been published over the past 30 years. Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals. Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields." – World Health Organization (WHO) – website: http://www.who.int/peh-emf/research/database/en/

Radio waves are emitted by numerous instruments including microwave ovens and television screens inside our households. Walking along any street exposes us to RF emissions. RF emissions are part of modern-day society and scientists continuously monitor the impacts of these.

4/11

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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. ICNIRP allows for an exposure measurement level of 41.000 (v/m) within a distance of 15m from the antennae. Cellular operator antennae operate at a level of not more than 0.04 (v/m) within a distance of 15m, in laymen's terms the levels are approximately 1/1000th of the prescribed exposure levels. It is therefore clear that the installation of these antennae does not pose a health risk. Cellular companies monitor the health impact of their base stations carefully, and spend large sums of money researching this topic annually.

South Africa's Department of Health has also published EMF exposure limit guidelines. These are based on guidelines endorsed by the ICNIRP. Emissions from all existing and proposed base stations are following these guidelines and are far below international standards.
A statement made by the Department of Health dated 19 January 2018 on the Health Effects of cellular communications base stations states the following (see letter attached in application):

" Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects".

Also mentioned in the statement of the Department of Health another WHO fact sheet was published in June 2011 and reviewed in October 2014 (i.e. Electromagnetic fields and public health: mobile phones viewable online at http://www.who.int/mediacentre/factsheets/fs193/en/) and subsequently concluded the following:

5/11

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"A large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established as being caused by mobile phone use."

Further on in the document (attached to this response – *Annexure B: Letter from Health Department*), the Department of Health goes on to say that:

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

We are therefore of the opinion that all health aspects regarding the proposed base station were taken into consideration and that this proposal will not be in violation of any individual's constitutional right to an environment that is not harmful to their health or general wellbeing.

A condition may be included in the approval stating that should it be proven that there are negative health effects from base stations (in accordance with specific guidelines), and this base station falls within those guidelines, it will be rectified or if not possible, be decommissioned. We are therefore of the opinion that all health aspects regarding the proposed base station were taken into consideration and that this proposal will not be in violation of any individual's constitutional right to an environment that is not harmful to their health or general wellbeing.

<u>50m PUBLIC SAFETY ZONE EXPLAINED:</u>

The placement of the antennas on the freestanding base telecommunication station will be of sort that there will be no building in line within a 50m range thus falling in line with the 50m safety zone. As seen in Figures 1 and 2, the proposal is in line with both the 5m and 50m public exposure zones as indicated in the above-mentioned policy and we therefore do not anticipate

6/11

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any health risks. The applicable legislation clearly stipulates and defines the 50m Safety Zone and the effect on all buildings outside this buffer is considered as very low as it falls outside this area.

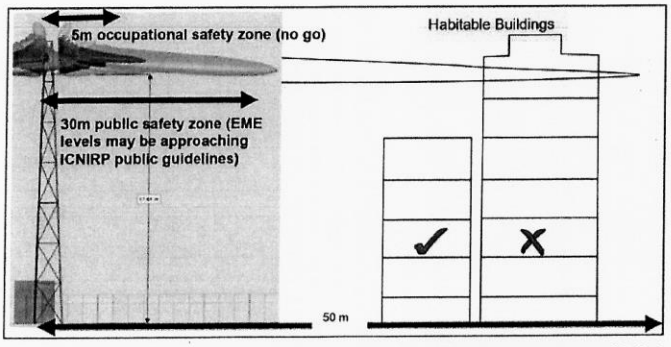

Figure 1: 50m public safety zone explained

Please note that no habitable structures in close proximity to the mast reaches a height of more than 12m. Therefore, no human (except authorised personnel following Health & Safety Guidelines) will be in direct line with the antennae for the 50m public safety zone.

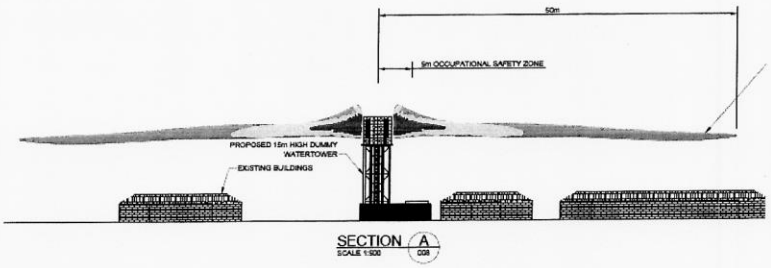

Figure 2: Extract from Drawing no. 2961-D-009 (Revision C)

7/11

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"This massive unsightly "water tower" could cause wind damage to our and nearby buildings, during the building phase and thereafter, especially with the 15m height relaxation."

Please note that the design was carefully selected by our client as it will not seem out of place in a predominantly industrial area. This design is more visually pleasing than a standard lattice or monopole mast. A tree type mast will seem out of character in the context.

A standard mast height is 25m to allow for antennae to be located in three tiers (between 13-16m (tier 1), 17-20 (tier 2) and 21-24m (tier 3)). The water tower mast option is preferred as it provides a mitigated mast option and can be built substantially lower than a standard mast, as it can accommodate at least three of the four mobile network operators on the same level. In this instance, between 12m and 15m.

As an alternative, our client may propose a slimline monopole with covered antennae at a height of either 15m or 18m. This mast option may be painted in a schematic grey colour range. However, less operators can be accommodated on the tower, which may result in the need for a similar development in close proximity in future.

The construction is designed by engineers in accordance with the National Building Regulations. Therefore, the design will likely withstand any weather conditions. Skilled technicians and construction workers with years of experience in the field will be responsible for the building work. Therefore, it is unlikely that any damage may result from the construction of this development.

"On studying the application, I found that the transmission does not go very far, thus permission to erect this tower, would cause a precedent for others to be erected. Even though it is in our small industrial area, this would not fit in with the "coastal small town beautiful holiday destination" image that we have, thus causing more damage to the tourist industry."

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We wish to reiterate that the tower will be proved sharable infrastructure for at least three of the four MNOs operating within the borders of South Africa. This development will cause operators to collocate and ultimately lessen the need for similar future developments.

During the COVID-19 pandemic and the subsequent lockdown, telecommunication services were coined as essential services by the National Government. Reason being that it allowed people to work-from-home, attend virtual meetings, stay connected with friends and families, educate children and stayed entertained. We therefore wish to point out that this development intends to fill any gaps in current network by providing full-time residents as well as visitors to the area with optimum voice- and data coverage.

A vast array of services depends on mobile coverage. For instance, shops in the nearby area require coverage to process electronic payments using card machines. Card machines can not function without mobile coverage – especially in festive seasons when coastal and tourist attractive settings such as Kleinmond experience a sudden influx in network users.

Furthermore, voice- and data coverage contribute to the imageability of a setting. Tourists tend to share their visual experience of a setting on social media. Services provided by the proposal in question allows for easier upload and download of images. Without these services, tourists will not be able to share their experiences. Ultimately, telecommunication infrastructure should rather be seen as tools that enable economic development as the strategic placement of such services will be beneficial for the long-term development and resilience of a setting.

"The whole of Harbour Road, with its restaurants, shops etc. would suffer aesthetically, as most owners try to beautify their premises and visitors would have to drive past it to get to the harbour."

As mentioned previously, our client already proposed a mast that has a smaller visual impact than a standard 25m Monopole or Lattice type mast. We wish to reiterate that the property is zoned for industrial purposes and used accordingly, coupled with the fact that a transmission tower is a primary right on such properties. As mentioned previously, the development would rather assist surrounding businesses, as fast and effective voice- and data coverage

(especially over the festive season period) will assist shops and restaurants to process payments. Tourism may be promoted as people will be able to share experiences of the area on social media – service that is not possible without proper voice- and data coverage provided by telecommunication infrastructure.

"In consultation with Cape Town property owners who are adjacent to transmission towers, it was found that the companies do note adhere to the initial purpose for the erection of the tower. Once they had permission they simply added on or changed transmission as they pleased."

Our client, Blue Sky Towers, pride themselves in operating transparently and above board. As a reputable company, no deviation from approved plans or conditions of approval will be tolerated. This application intends to provide sharable space for three of the four MNOs operating in South Africa.

"I also feel that an environmental impact study must be done before an application can be submitted"

Environmental and social sustainability are regulated by *The National Environmental Management Act (Act 107 OF 1998) (NEMA) - published in Government Notice No. R324.* When read together with the National Environmental Management Act Regulations Listing Notice 3 of 2017 (promulgated April 2017), an Environmental Impact Assessment (EIA) or Environmental Authorization (EA) is only applicable in the following circumstances:

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

i) is to be placed on a site not previously used for this purpose; and
ii) will exceed 15 metres in height

But excluding attachments to existing buildings and masts on rooftops.

The requirements in the Western Cape are defined in NEMA Listing Notice 3 of 2017:

10|11

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(f) In Western Cape:

i) All areas outside urban areas; or

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

As this site falls within an **urban area** inside the town of Kleinmond and **not** in an area designated for conservation use as prescribed in the Spatial Development Framework adopted by the competent authority, or zoned for conservation purposes and the height of the structure does not exceed 15m in height. Therefore, the intended development does not trigger a listed activity in terms of the 2017 NEMA regulations and therefore no environmental impact assessment or ROD (Record of Decision) is required.

CONCLUSION:

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

- *This application is by no means a careless act as health and environmental aspects are taken into consideration with associated proof that this development holds no threat for inhabitants and/or commuters.*
- *Most households in the surrounding area depend on the services of the cellular telecommunications providers, including internet and social networking media (Facebook, Twitter etc.). With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.*
- *Please note that the residents in the area are not the only ones being provided with these services. Visitors to the area, businesses and daily commuters will benefit by having access to improved communication facilities.*
- *Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if*

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the coverage of mobile service providers' is poor, then contacting emergency services becomes a difficult task.

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

It is clear that the proposed application meets the applicable desirability criteria and precedents set and it is therefore recommended that the application be supported by the relevant authorities.

Annexure F

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6180, KLEINMOND

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 developer's cost;

2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;

3. that stormwater be allowed to discharge through Erf 6180, Kleinmond, unobstructed;

4. that no on-street parking be allowed.

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

15/10/2020
DATE