



MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON WEDNESDAY, 14 AUGUST 2024 AT 11:30

PRESENT

Internal members:

Director: Corporate Services, Ms M S Terblanche (acting chairperson)

External members:

Ms C Havenga

Mr C Rabie

Other officials:

Senior Town and Regional Planner, Mr A J Burger

Town and Regional Planner and GIS Administrator, Mr H Olivier

Manager: Secretariat and Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apologies received from the Municipal Manager, Mr J J Scholtz, the Director: Development Services, Ms J S Krieger, the Senior Manager: Development Management, Mr A M Zaayman and the Town and Regional Planner, Ms A de Jager be noted.

3. DECLARATION OF INTEREST

RESOLVED that cognisance be taken of the declaration in terms of Item 6.2 made by the Senior Town and Regional Planner that his daughter is attending the day care centre.

4. MINUTES

4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 12 JUNE 2024

RESOLUTION

(proposed by Mr C Rabie, seconded by Ms C Havenga)

That the minutes of a Municipal Planning Tribunal Meeting held on 12 June 2024 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 PROPOSED CONSENT USE ON ERF 1496, YZERFONTEIN (15/3/10-14) (WARD 5)

Mr H Olivier, as author of the item, confirmed that the application for consent use on Erf 1496, Yzerfontein is made to accommodate a double dwelling house on the property.

Resolution/...

RESOLUTION

- A. That the application for consent use on Erf 1496, Yzerfontein be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling house adheres to the applicable development parameters;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

A2 WATER

- (a) A single water connection be provided and no additional connections be provided;

A3 SEWERAGE

- (a) The property be provided with a conservancy tank of minimum 8 000 litre capacity and that the tank be accessible to the municipal service truck via the street;

A4 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for the development charge of R11 514,95 towards the supply of regional bulk water at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R1 045,35 towards bulk water reticulation at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R5 242,85 towards sewerage at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R12 722,45 towards waste water treatment at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R7 200,15 towards roads at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R11 762,00 towards electricity at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and can be revised thereafter;

B. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal;
- (d)/...

6.1/B...

- (d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable;
- (e) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The proposed double dwelling house is a residential use and is therefore consistent with the proposals of the SDF;
- (b) A double dwelling house is accommodated as a consent use under Residential Zone 1 of the By-Law;
- (c) The development proposal supports the optimal utilisation of the property;
- (d) The double dwelling house may support the tourism industry in Yzerfontein, as well as the local economy;
- (e) The double dwelling house provides in a need for a larger variety of housing opportunities to the wider population;
- (f) The double dwelling house will not have a negative impact on the privacy of neighbouring properties;
- (g) The development proposal will not negatively impact on the character of the surrounding neighbourhood or the larger Yzerfontein.

6.2 PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: CONSENT USE ON ERF 7278, MALMESBURY (15/3/10-8) (WARD 10)

Mr A J Burger discussed the report, in the absence of the author, Ms A de Jager and stated that the application entails the amendment of a condition of approval to increase the number of children enrolled at the Day Care Centre from six to fifteen at any time.

RESOLUTION

- A. That the application for the amendment of an approval condition, with respect to the consent use for a day care centre on Erf 7278, Malmesbury, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Condition A1(c) of approval letter 15/3/10-8/Erf 7278 of 17 May 2022 that reads as follows:

"...(c) A maximum of six (6) children be enrolled at the Day Care Centre at any time, as presented in the application..."

be amended to read as follows:

"...(c) A maximum of fifteen (15) children be enrolled at the Day Care Centre at any time, as presented in the application..."

- (b) The remaining conditions contained in approval letter 15/3/10-8/Erf 7278, dated 17 May 2022, remain applicable;
- (c) Building plans indicating the configuration and operation within the day care centre be submitted to the Senior Manager: Development Management, for consideration and approval;

B./...

B. GENERAL

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) Should it be determined necessary to extend or upgrade any engineering services in order to provide the development with services, it will be for the account of the owner/developer;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent and the approval period will no longer be applicable;
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The increased number of children at the day care centre (15) remains fewer than the maximum permissible number of 20 children at such a facility;
- (b) The application complies with the planning principles of LUPA and SPLUMA;
- (c) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
- (d) The proposed day care centre will complement and not have a negative impact on the residential character of the surrounding area;
- (e) The development proposal supports the optimal utilisation of the property;
- (f) A day care centre is an acceptable use in a residential area which implies that the possible impacts on affected parties, are similarly acceptable;
- (g) Sufficient services capacity exists to accommodate the day care centre;
- (h) Sufficient on-site parking bays are provided for safe drop-off and pick-up of children;
- (i) Health and safety concerns are addressed through the conditions of approval;
- (j) The noise impact of the facility on the tranquillity of the neighbourhood is deemed to be sufficiently mitigated by the applicant.

6.3 PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3632, MALMESBURY (15/4/2-8) (WARD 10)

Mr A J Burger explained that the application entails the enlargement of the existing second dwelling (60 m² in extent) with a covered stoep (22 m² in extent).

Building plan approval has been granted for the conversion of an existing garage into a second dwelling on 31 July 2023. The building work has since been completed.

The owner intends to provide covered parking for his vehicles and a covered stoep which will function as a covered entrance to the second dwelling as well as a covered outside living area.

RESOLUTION

- A. The application for a consent use on Erf 3632, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

A1/...

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use be restricted to a second dwelling, as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;

A2 WATER

- (a) The existing water connection be used and that no additional connection be provided;

A3 SEWERAGE

- (a) The existing sewerage connection be used and that no additional connection be provided;

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff be charged for each dwelling on the property;

- B. The application for the departure of development parameters on Erf 3632, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- (a) Departure of the 4 m street building line to 0 m;
- (b) Departure of the 1,5 m side building line to 0 m;
- (c) Departure of coverage from 40 % to 51,93 %.

C. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) It is noted that development charges for the second dwelling has already been paid at building plan stage for the second dwelling smaller than 60m²;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal;
- (d) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable;
- (e) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

- D. The application be supported for the following reasons:

- (a) The impact is minimal due to it being an existing second dwelling which is enlarged by covering an existing outside living area with a roof;
- (b) The proposed roof will provide protection to the outside living area against nature's elements;
- (c) The proposed roof is deemed to have a low to no impact on the adjoining Erf 2775;
- (d) Any negative impact created by the second dwelling or the outside living area to Erf 2775 is an existing issue and must be addressed and mitigated by the relevant parties as part of good neighbourliness;
- (e) The shadeport is proposed in an area which is already being used for the parking of motor vehicles which is logical and practical;

6.3/D...

- (f) The streetscape of this portion of Louw Street will not be affected negatively by the proposed shadeport as it complements the character of the street with similar shadeports in the surrounding area;
- (g) The increase in coverage is deemed minimal and will have a low to no impact on the surrounding properties.

6.4 PROPOSED TEMPORARY DEPARTURE AND PERMANENT DEPARTURE ON ERF 258, RIEBEEK WEST (15/3/4-14) (WARD 3)

Mr A J Burger stated that the purpose of the application is to apply for temporary departure to permit the establishment of a place of assembly on a portion (240 m²) on Erf 258, Riebeek West. The proposed development seeks to create a communal space for recreational activities, including swimming, social gatherings, and other leisure pursuits.

Mr Burger gave the reasons why the proposed development does not adhere to the spatial planning principles and applicable legislation.

RESOLUTION

- A. The application for the temporary departure on Erf 258, Riebeek West, in order to establish a Place of Assembly, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), due to the following:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue;
- (b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeek West;
- (c) The proposed land use is incompatible with the character of the surrounding residential area;

- B. The application for permanent building line departures on Erf 258, Riebeek West, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), due to the following:

B1 TOWN PLANNING AND BUILDING CONTROL

- (a) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1
*“(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or
(iii) if, in its opinion, there are other special circumstances such as the topography of the site...”*
The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
- (b) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- (c) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorised;

C. GENERAL

- (a) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

D./...

D. The application be refused for the following reasons:

- (a) The definition of a Place of Assembly is not compatible with the proposed land use for a venue and cannot be deviated from;
- (b) The proposal is inconsistent with the spatial proposals of the Spatial Development Framework for Riebeeck West;
- (c) The proposed land use is incompatible with the character of the surrounding residential area;
- (d) The By-Law restricts street building line departure to carports and garages or, in terms of section 12.2.1
“...(ii) the architectural effect of the building line relaxation will enhance the appearance of a public street, or
(iii) if, in its opinion, there are other special circumstances such as the topography of the site...”
 The proposed pergola/shade structure over the venue area does not address any of the abovementioned criteria.
- (e) A large portion of the property remains vacant and the structure that departs from the side building line could be accommodated elsewhere on the erf;
- (f) The only motivation for the departure is the fact that the structures already exist, which in itself is an offence, as the building work is unauthorized.

6.5 PROPOSED REZONING OF ERF 1260, RIEBEEK KASTEEL (15/3/3-11) (WARD 12)

Mr H Olivier gave the background to the application for rezoning of Erf 1260, Riebeeck Kasteel from Residential Zone 1 to Business Zone 1 in order to develop the property with a hardware shop for the supply of building material.

RESOLUTION

- A. The application for the rezoning of Erf 1260, Riebeeck Kasteel from Residential Zone 1 to Business Zone 1 be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The use of Erf 1260 be restricted to the operation of shops as presented in the application;
- (b) The storage of and trade in bulk construction materials on the subject property be prohibited;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) On-site parking be provided in accordance with the requirements of the development management scheme including at least one (1) loading bay. The parking area as well as the sidewalk giving access to the property, on both streets, be provide with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays and loading bay are clearly marked;
- (e) Application for the erection of advertising signs be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Boundary walls, at least 1,8m high be provided on both side boundaries in order to screen the proposed parking area from the neighbouring residential erven.
- (g) Where floodlights are installed in order to illuminate the parking area, it be confined to the boundaries of the property. Lighting should therefore not spill over to neighbouring properties to the effect that it is deemed unreasonable by the Municipality;
- (h) Deliveries may only be done on-site and may therefore not be made from the road reserve or from neighbouring properties. Delivery vehicles be restricted to vehicles where the gross vehicle mass does not exceed 16 000 kg;
- (i) With the access to the shop being proposed on the corner, a detailed Landscape Plan be submitted to the Senior Manager: Development Management, for consideration and approval;

A2 WATER

- (a) The property be provided with a single water connection and no additional connections be provided.

A3 SEWERAGE

- (a) The property be provided with a single sewer connection and no additional connections be provided.

A4 REFUSE REMOVAL

- (a) The basic refuse removal tariff be levied per business which be amended according to the amounts of refuse removed;
- (b) The refuse be placed in refuse bags on the nearest municipal sidewalk on the morning of refuse removal;

A5 DEVELOPMENT CHARGES

- (a) The applicable development charges be calculated on building plan stage;

B. GENERAL

- (a) Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (b) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (c) The comments received from ESKOM be noted (Letter Ref: 15045-24 dated 12 June 2024);
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision for or against the appeal;
- (e) All conditions of approval be implemented before clearance be issued and failing to do so, will cause the approval to lapse. Should all conditions of approval be met within the 5-year period the land use becomes permanent and the approval period will no longer be applicable;
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) The title deed of Erf 1260 does not contain any restrictions that prohibits the development proposal;
- (b) There is no physical restriction on the property that negatively impacts the proposal;
- (c) The proposed development will not have a negative impact on the Municipality's ability to provide services to the community of Riebeek Kasteel;
- (d) The proposed development is situated within the urban edge as well as demarcated Central Business District of Riebeek Kasteel. It will result in commercial use along an identified activity street which is supported by local, district as well as provincial planning principles and policy;
- (e) The proposed development will not have a negative impact on any heritage or environmental resources;
- (f) The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act) (Spatial Planning and Land Use Management Act);
- (g) The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023;
- (h) The proposal will result in job creation as well as local economic development which is in the interest of the community of Riebeek Kasteel.

6.6 PROPOSED REZONING AND SUBDIVISION OF ERF 72, RIEBEEK KASTEEL (15/3/3-11; 15/3/6-11) (WARD 12)

Mr H Olivier stated that the purpose of the application is to expand the existing business zoning of Erf 72, Riebeek Kasteel, subdivide the existing business premises as well as dwelling on the property and to create a large vacant Residential Zone 1 property. This will ensure that each of the uses have their own cadastral units.

Mr Olivier confirmed that any future development of the vacant portion of Erf 72, Riebeek Kasteel will be subject to a land use application and public participation process.

RESOLUTION

- A. The application for the rezoning of Erf 72, Riebeek Kasteel from Residential Zone 1 ($\pm 3113\text{m}^2$) and Business Zone 1 ($\pm 237\text{m}^2$) to Sub divisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to make provision for the following land uses:

Residential zone 1 ($\pm 2741\text{m}^2$) and Business zone 1 ($\pm 609\text{m}^2$)

- B. The application for the subdivision of Erf 72 (3350m^2 in extent), Riebeek Kasteel, be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to create a total of 3 portions:

- C. A and B above be subject to the following conditions

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 72, Riebeek Kasteel (3350m^2 in extent), be subdivided into a remainder ($\geq 500\text{m}^2$ in extent), Portion A ($\pm 2241\text{m}^2$ in extent) and Portion B ($\pm 609\text{m}^2$ in extent);
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval for any additions to the existing buildings or for any work done that does not have the required approval;
- (c) The parking area on Portion B be formalized and that the parking bays be clearly marked. This condition is applicable at clearance stage;
- (d) The existing outside toilet structure on Portion B be demolished at clearance stage;

C2 WATER

- (a) Each subdivided portion be provided with separate water connections. This condition is applicable on clearance stage with regards to the remainder as well as Portion B and at building plan stage with regards to Portion A;

C3 SEWERAGE

- (a) Each subdivided portions be provided with a separate sewerage connection at clearance stage;

C4 DEVELOPMENT CHARGES

- (a) The following development charges are applicable to proposed Portion A:
 - (i) The development charge towards the bulk water supply amounts to R35 984,65 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
 - (ii) The development charge towards water reticulation amounts to R 33 952,60 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
 - (iii) The development charge towards sewer reticulation amounts to R 19 444,20 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);

- (iv) The development charge towards wastewater treatment amounts to R 26 146,40 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to Swartland Municipality, is valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (v) The development charge towards roads amounts to R 18 853,10 and is payable by the owner/developer per newly created portion at clearance stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/247-188-9210);
- (b) The applicable development charges for Portion B, be calculated on building plan stage;
- (c) The Council resolution of May 2024 provides for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter;

D. GENERAL

- (a) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;
- (b) Any existing services connecting the remainder and/or new portion, be disconnected and relocated, in order for each erf to have a separate connection and pipe work;
- (c) Should it be determined necessary to expand or relocate any of the engineering services in order to provide any of the portions with separate connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (d) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision for or against the appeal;
- (e) All conditions of approval be implemented before clearance be issued and failing to do so, will cause the approval to lapse. Should all conditions of approval be met within the 5-year period the land use becomes permanent and the approval period will no longer be applicable;
- (f) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

E. The application be supported for the following reasons:

- (a) The title deed of Erf 72 does not contain any restrictions that prohibits the development proposal;
- (b) There is no physical restriction on the property that negatively impacts the proposal;
- (c) The proposed development will not have a negative impact on the municipality's ability to provide services to the community of Riebeeck Kasteel;
- (d) The proposed development is situated within the urban edge of Riebeeck Kasteel and is a form of densification which is supported by local, district as well as provincial planning principles and policy;
- (e) The proposed development will not have a negative impact on any heritage or environmental resources;
- (f) The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act) (Spatial Planning and Land Use Management Act);
- (g) The proposal is deemed consistent with the Municipal Spatial Development Framework (MSDF), 2023;
- (h) Any future development on the remainder will be subject to a land use application.

**(SIGNED) M S TERBLANCHE
ACTING CHAIRPERSON**



Verslag ♦ Ingxelo ♦ Report

Directorate: Development Services
Department: Development Management

28 August 2024

15/3/4-14/Er_2975
15/3/10-14/Er_2975

WYK: 5

ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL SCHEDULED FOR WEDNESDAY, 11 SEPTEMBER 2024

LAND USE PLANNING REPORT APPLICATION FOR CONSENT USE AND DEPARTURE ON ERF 2975, YZERFONTEIN					
Reference number	15/3/4-14/Er_2975 15/3/10-14/Er_2975	Application submission date	3 July 2024	Date report finalised	30 August 2024

PART A: APPLICATION DESCRIPTION

Application for departure on Erf 2975, Yzerfontein, in terms of Section 25(2)(b) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to increase the maximum permissible height of a transmission tower from 24m to 25m.

Application for a consent use on Erf 2975, Yzerfontein, in terms of Section 25(2)(o) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), is made in order to establish a transmission tower on the property.

The applicant is High Wave Consultants and the property owner of Erf 2975, Yzerfontein is T. Viviers Property Proprietary Limited.

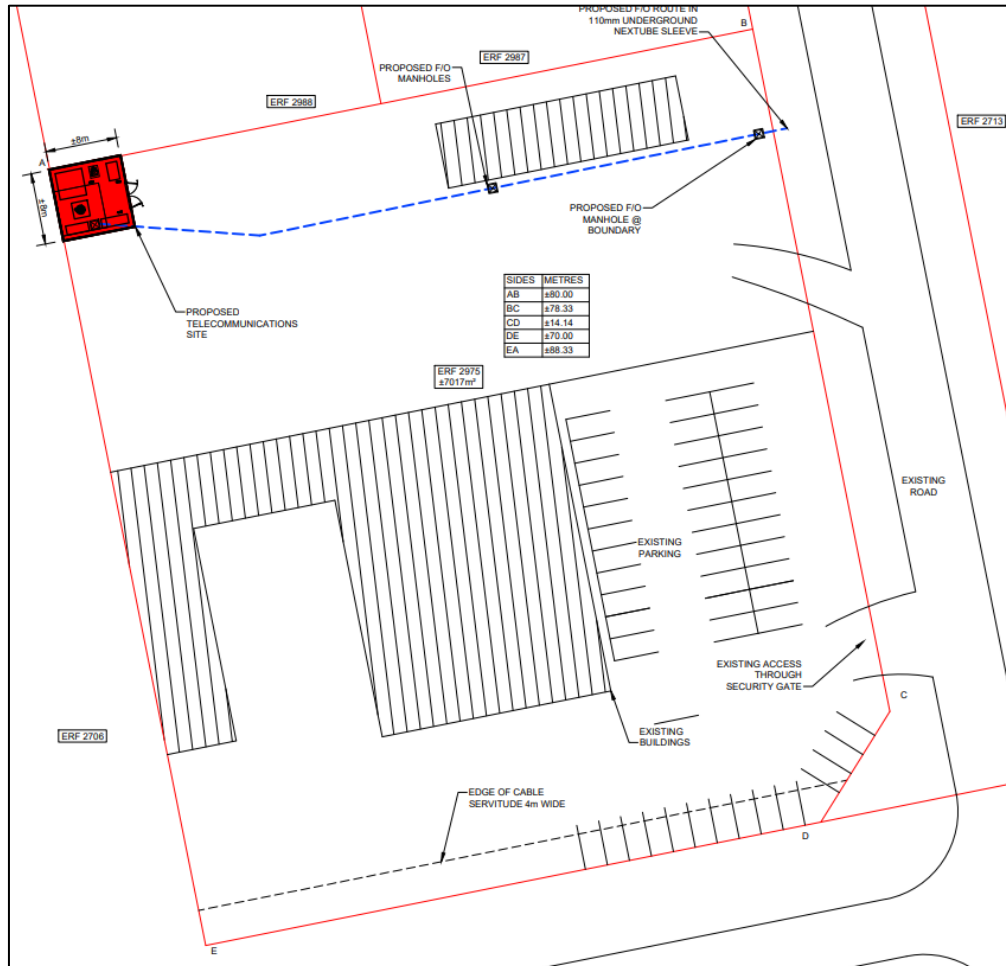
PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 2975 (Portion of Erf 2712) Yzerfontein, in the Swartland Municipality, Division Malmesbury, Province Western Cape						
Physical address	Build It north of the R315 road			Town	Yzerfontein		
Current zoning	Business Zone 1		Extent (m²/ha)	7 017m²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020)						
Current land use	Hardware store and parking			Title Deed number & date	T9393/2021		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)				
Any third party conditions applicable?	Y	N	If Yes, specify				
Any unauthorised land use/building work	Y	N	If Yes, explain				

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input type="checkbox"/> Permanent departure	<input checked="" type="checkbox"/> Temporary departure	<input type="checkbox"/> Subdivision
Extension of the validity period of an approval	<input type="checkbox"/> Approval of an overlay zone	<input type="checkbox"/> Consolidation	<input type="checkbox"/> Removal, suspension or amendment of restrictive conditions

- Installation of 12 triband antennae hidden behind the branches of the dummy tree proposed at a height between 12m and 25m of the transmission tower.
- Installation of 3 transmission dishes on the proposed 18m transmission tower camouflaged as a tree.
- 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 +/-25m² compound enclosed off by a 2.4m high palisade fence.



Local shops, art galleries, hotels/ guest houses and residences all depend on fast and reliable voice- and data coverage to manage bookings, process payments, update websites used for marketing and maintain connectivity with the world. Therefore, the entire surrounding town will benefit from sensibly positioned and designed telecommunication infrastructure.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?

Y

N

If yes, provide a brief summary of the outcomes below.

PART F: SUMMARY OF APPLICANTS MOTIVATION**1. Background**

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

The consent use and height relaxations will allow for the installation of a 25m transmission tower (mitigated as a tree) which is permitted by means of council's consent for 'Business Zone 1' zoned properties in terms of the Swartland Zoning Scheme Regulations (BZ1).

"Business Zone 1" (BZ1) has business premises as a primary use right. Consent uses for Business Zone 1 include Transmission Tower. The surrounding land uses in the area are predominantly utilised for residential purposes with business related land uses in proximity of the concerned property.

The proposed development comprises an 18m transmission tower camouflaged as a tree (north-western corner), triband antennae (12 antennae), Transmission Dishes, 3 x concrete plinths and 3 x equipment containers within an 25m² compound, surrounded by a 2.4m palisade fence.

2. Physical Characteristics

RF Engineers are subject matter experts and identify sites by utilizing a specific set of engineering rules and principles. Erf 2975 Yzerfontein was identified as a prime position on the following premise:

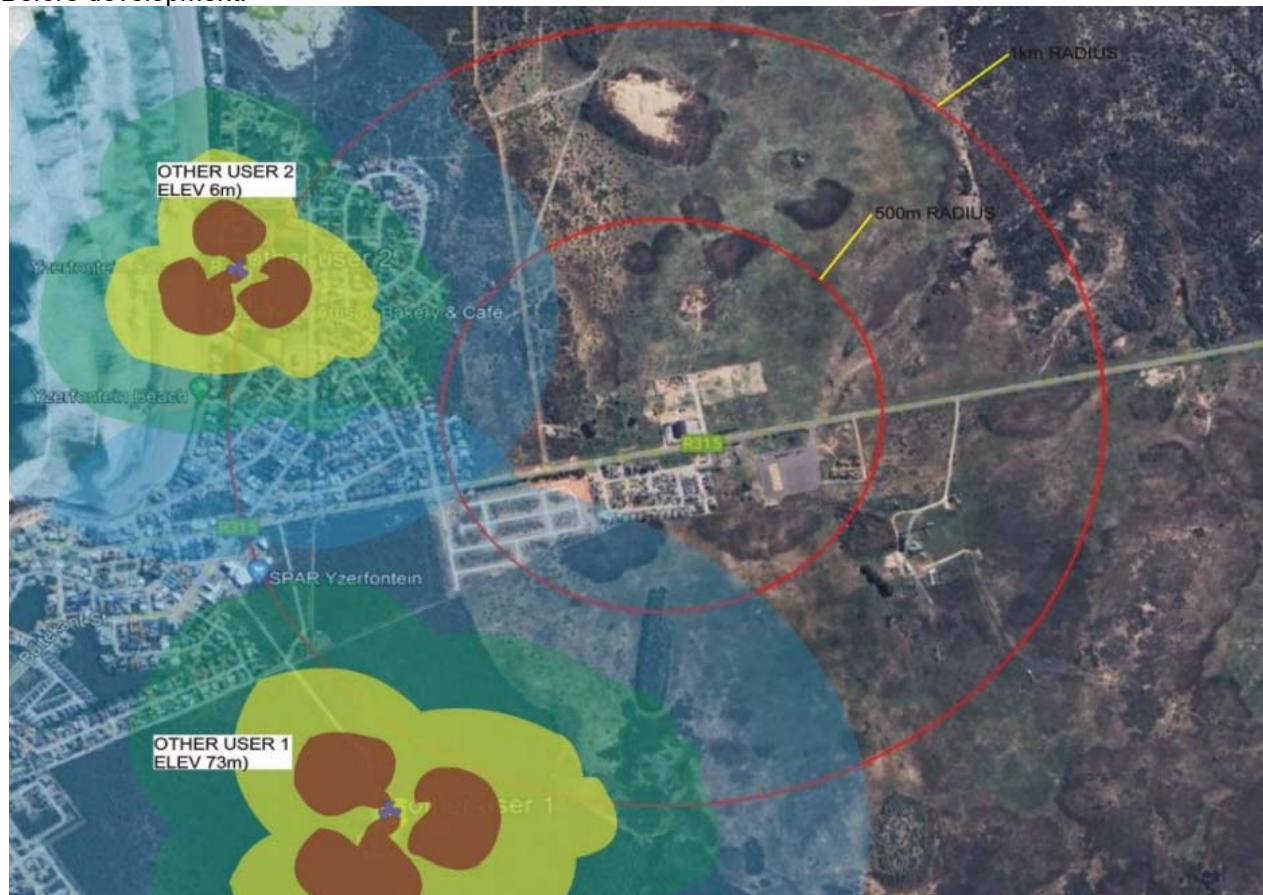
- a) Property offers the optimal position situated between existing and planned transmission towers to provide efficient data and voice coverage;
- b) Surrounding geographical aspects are in line with the requirements;
- c) Minimized physical, natural and visual impact;
- d) Ability to reduce the number of transmission towers in the surrounding areas by allowing co-location on this tower;
- e) Ability to provide sufficient security to the equipment;
- f) Capacity to share infrastructure with majority of the operators;
- g) Property position will address the complaints received in the area;
- h) Sufficient space to erect a freestanding base telecommunications station.

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

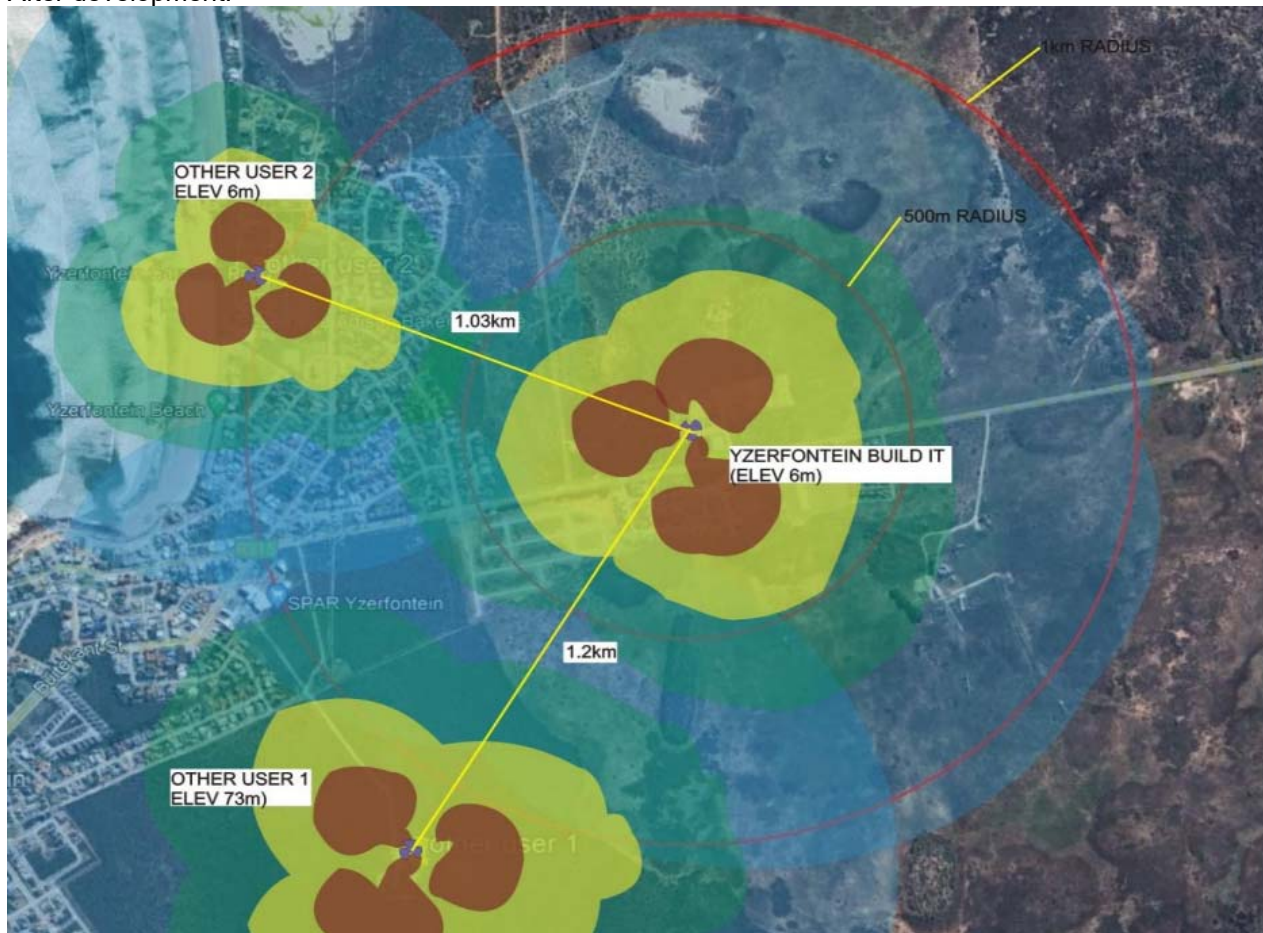
3. Surrounding Base Stations

Currently, there is no existing base station located in proximity of the proposed site. The figures below represent the position and effect of the proposed tower in relation to the existing telecommunication infrastructure in the area. The first circle on the map represents the 500m mark and the second circle represents the 1000m mark. It should be noted that a significant gap is evident. Therefore, a freestanding telecommunication base station as proposed, will increase the coverage in the area. Please note that our client TELCO TOWERS PTY (LTD) aims at providing telecommunication infrastructure.

Before development:



After development:



4. Health Concerns

Current research on freestanding transmission towers has reached a point whereby scientists are satisfied that transmission towers 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. 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. 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 transmission towers 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 transmission towers 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 transmission towers states the following (Annexure H): "Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from transmission towers and wireless networks cause adverse health effects".

a) Ionising Radiation

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

b) Non-Ionising Radiation

This type of radiation refers to types of radiation that do not have enough energy to cause ionisation of the atoms. These types of radiation are the "every day" radiation that everyone experience such as infrared, microwaves and do not have enough energy to cause harm. It is proven that the proposed cell tower development and every other freestanding transmission tower utilise non-ionising radiation.

5. Need and Desirability

The need for the freestanding base telecommunication station is not only centred on cell phone reception for the Business of Yzerfontein, but the focus is also on improving internet speeds in the area as the industry is moving towards a data centric industry. It is also aimed at users of new wireless technology. Due to the emergence of more apps than anyone can keep track of and advanced software the pressure on networks has intensified. This is likely to continue with more and more data centric services such as video streaming (Netflix, DSTV box-office, DSTV Now and DSTV Catch Up). The fibre rollout development is already a step in the right direction. However, there is still a lack of upstream bandwidth industry investment. Upstream bandwidth refers to data sent from the user devices such as desktop computers, smart phones, laptops, and tablets toward the Service Provider destination. The challenge is that wireless internet infrastructure is focused on downloading data and not the uploading of it. When selecting a site, special consideration is given to the geographical aspects so that the cellular infrastructure is positioned to ensure optimal functionality and availability to the customer. This reduces the number of base telecommunication stations necessary to provide the best possible experience for the end user.

The erection of a telecommunication transmission tower does not impact on the current or surrounding land uses of the property, nor does it encroach onto any street building lines or increase the need for parking or bulk of the said property. The construction and maintenance phase of the proposal will provide a positive economic and social impact by ensuring job creation. The commissioning of the proposed telecommunication transmission tower will alleviate the congestion experienced by cellular operators and customers and ensure that their needs are accommodated.

6. Policy Framework

a) Principles of SPLUMA (2013) and Chapter VI of LUPA (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 refers 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 transmission towers 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.
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.

- b) Western Cape Department of Infrastructure Annual Performance Plan 2024/2025
Western Cape government depicted that 2024 presented them with an increased demand for service delivery which they view as both a challenge and an opportunity. In focusing on the activities as captured in this Annual Performance Plan they seek to demonstrate to harness their energies for the achievement of the ideals as envisioned by the Western Cape Infrastructure Framework 2050 (WCIF 2050) vision of: "To enable infrastructure-led growth and investment for Western Cape that will benefit communities we serve". To construct transmission towers certainly contributes towards the above vision.
- c) Western Cape PSDF
According to the Western Cape Provincial Spatial Development Framework, telecommunication is regarded as important infrastructure (part of regional economic infrastructure). This provincial spatial development framework acknowledges that a danger exists in delaying important infrastructure projects, or of making inappropriately scaled investments, which is greater when there is a lack of an integrated vision for the province. We are of the opinion that this development is consistent with the Western Cape Provincial Spatial Development Framework.
- d) Swartland Municipality Spatial Development Framework (2023)
The development is aligned with the strategies described under Objective 2 (Proximate, convenient and equal access to the Economic Environment). The objective aims to support, strengthen and maintain spatial elements to proximate convenient and equal access to enhanced voice- and data coverage. Enhanced accessibility to voice- and data services will promote access to information and possible employment opportunities. Therefore, this application is in compliance with the SDF of Swartland Municipality.

7. 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 Swartland 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.

8. Visual Impact

Special consideration has been given to the placement of the proposed transmission tower to minimize the visual impact as far as possible. However, this is challenging at times. The proposed erection of a 25m transmission tower mitigated as a tree will offer the opportunity for operators to collocate resulting in the reduction of future transmission towers. The visual impact of the transmission tower will be further reduced by the existing trees surrounding the area including infrastructure typically associated with a place of education – floodlights etc. Due to the available open space and potential for increased urban densification and growth in the area, the visual impact of the tower will be reduced by the anticipated future desensitization created by the surrounding urban landscape and environment. 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.

9. Access and Traffic

Erf 2975 Yzerfontein is easily accessible, and access will be obtained from the existing access that connects to an internal road and then with the R315 Road (Yzerfontein Road). The development will not affect traffic negatively and will not cause any additional traffic volume to the area.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-Law on Municipal Land Use Planning	Y	N
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With reference to Section 56(2) of the By-Law, notices were sent to affected parties by means of registered mail. The application was also referred to Eskom and the Department of Transport and Public Works for comments. A total of 18 notices were sent via registered mail to the owners of properties which are affected by the application. Notices were also sent electronically where e-mail addresses were available.

Total valid comments	5			Total comments and petitions refused	0			
Valid petition(s)	Y	N	If yes, number of signatures		0			
Community organisation(s) response	Y	N	N/A	Ward councillor response		Y	N	The application was referred to the Ward Councillor and no comments have been received

Total letters of support	None			
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS				
Name	Date received	Summary of comments	Recommendation	
			Positive	Negative
Electrical Engineering Services	20 June 2024	Neem kennis van die 11kV elektriese lyn. Die mas mag nie nader as die lengte van die mas vanaf die naaste geleier opgerig word nie.	X	
Civil Engineering Services	10 July 2024	Die bestaande aansluiting gebruik word en dat geen addisionele aansluitings voorsien sal word nie.	X	
Development Services	27 June 2024	Building plans be submitted to Building Control for consideration and approval.	X	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Please note that the applicant has identified the reasons for the objections. Some of the objectors have the same reasons for objecting. Comments will be made for each reason for the objection. Please see the letters of objections as well as the full comments from the applicant on the objections in the annexures.			
Fishermans Haven HOA Annexure E C. Brendel Annexure F E. van der Bank Annexure G J. van Wyk Annexure H P. de Wet Annexure I	1. A decrease in property value .	<p>1. Objecting parties voiced their concern regarding the “possible decrease in property value” due to this proposed installation. There is no factual evidence suggesting that base stations reduce the property values in any given area. If anything, value will be added by improved communication and subsequent virtual accessibility and safety in an area. Properties throughout the Western Cape have been enjoying above expected value increases. In areas of visual sensitivity such as the property in question, the adoption of a visually appealing solution is crucial. Therefore, the proposed mast design is suggested as an 18m high ‘tree type’ mast (instead of a typically 25m high Lattice or Monopole type – which would have had a greater visual impact) in order to better blend in with the surrounding environment. This subject has been debated for years and at present no confirmed evidence exists that properties situated in close proximity of a base station would result in the decrease of property value.</p> <p>We believe that this mast will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. Efficient internet connectivity and mobile coverage will therefore benefit surrounding properties rather than negatively impact.</p>	<p>1. The comments from the objectors and the opinions are noted.</p> <p>No proof has been provided that the future value of surrounding properties will be impacted on by the proposed transmission tower.</p> <p>The future impacts of the transmission tower on property values as well as the perceived health risks, visual impact, potential noise an loss of privacy of current and future property owners are speculative.</p>
	2. Health concerns	2. Current research on freestanding base telecommunication stations has reached a point whereby scientists are satisfied that freestanding base telecommunication stations do not pose a health threat. Research on handsets is however	2. The statement of the Department of Health : Directorate Radiation Control of January 2018 regarding the minimum health risk of transmission towers is supported.

		<p>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. 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.</p> <p>The increase in demand for telecommunication infrastructure raises anxiety amongst the general public regarding the adverse effect on human health. Telecommunication infrastructure is 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 transmission towers. This perception has often led to public opposition on the construction and existence of these transmission towers in many parts of the country. One misconception is that non-ionizing radiation (produced by the transmission towers) 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 has caused a lot of opposition by public on the development of telecommunication infrastructures.</p> <ul style="list-style-type: none"> • Ionising Radiation This type of radiation refers to the type that carries enough energy to cause ionisations in atoms. It is a much stronger type of radiation compared to non-ionising radiation, namely the dangerous kind, typically found in gamma rays, x-rays, etc. 	<p>The applicant succeeds in addressing the statements and claims made by the objectors and the arguments are based on science and logic.</p> <p>Should it be determined (scientifically proven), at a later stage, that health risks do in fact exists, the owner/developer may be held liable for the removal of the tower, through the formulation of applicable conditions of approval.</p>
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		<p>• Non-Ionising Radiation This type of radiation refers to types of radiation that do not have enough energy to cause ionisation of the atoms. These types of radiation are the “every day” radiation that everyone experience such as infrared and microwaves and do not have enough energy to cause harm. It is proven that the proposed cell mast development and every other freestanding base telecommunication station utilise non-ionising radiation.</p> <p>In a statement made by the World Health Organisation (WHO) it is stated that effects from transmission towers and wireless networks are so low that the temperature increases are insignificant and do not affect human or animal health.</p> <p>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/</p> <p>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.</p> <p>The following was a study that was conducted in South Africa and published on the 6th of September 2021 on My Broadband. (The link to the source is at the bottom of this section): “The electromagnetic radiation you are</p>	
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		<p>exposed to when standing close to an active microwave oven is much higher than a 5G cellular tower, a MyBroadband investigation has shown. Even though the radiation from the microwave was much higher, it remained within the safety thresholds of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).</p> <p>For example, microwave ovens use electromagnetic waves with frequencies around 2.45 gigahertz (GHz). This is in the same vicinity as technologies like Wi-Fi and Bluetooth. The difference is that microwave ovens emit these waves at a much higher power level, measured in Watt (W), compared to Wi-Fi and Bluetooth devices. Hertz is a measurement of how many times a wave oscillates every second, whereas Watt is a measure of the wave's power.</p> <p>ICNIRP (International Commission on Non-Ionizing Radiation Protection), an independent scientific organization, 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 the equipment and the emissions of radio waves.</p> <p>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.</p> <p>South Africa's Department of Health has also published EMF exposure limit guidelines. These are based on guidelines endorsed by the ICNIRP.</p>	
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		<p>Emissions from all existing and proposed transmission towers are following these guidelines and are far below international standards.</p> <p>A statement made by the Department of Health dated January 2018 on the Health Effects of cellular communications transmission towers states that:</p> <p>” Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from transmission towers and wireless networks cause adverse health effects”.</p> <p>The Department of Health goes on to say that:</p> <p>“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.”</p> <p>We are therefore of the opinion that all health aspects regarding the proposed transmission tower 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.</p>	
	3. Negative Visual Impact	<p>3. The position of the mast was determined based on the number of users in Yzerfontein and their right to enhanced coverage. Proposing the mast at a different location will not sufficiently provide this enhanced coverage to the people of Yzerfontein.</p> <p>The mast location is thus determined not only by the impact it will have visually, but also its functionality. The applicant acknowledges the visual impact and as a response thereto recommends a Tree Type mast design.</p>	<p>3. The visual impact of the tower is deemed to be partly mitigated by disguising the structure as a tree, which in turn will be similar to other trees in the immediate area. It is also foreseen that the surrounding area will develop over time and that the structure will gradually be absorbed in the urban landscape.</p> <p>The maximum height of any structure within the Business Zone 1 zoning category is six storeys, the height of a single storey being 4m and thus the overall height being 24m.</p>

		<p>Considering the submitted motivation on why a visual impact assessment is not required, cognisance needs to be taken of the fact that our client is willing to alter the design and height of the mast should it be deemed necessary. Therefore, if required, we request the relevant authority to communicate such a request with Highwave Consultants and make it part of the conditions of approval.</p> <p>As a mitigating measure the client is willing to apply for a 21m mast instead. The proposed height of the mast will thus be lowered to 21m.</p>	<p>The effect of the landscape around Yzerfontein is largely horizontally linear and expansive, rather than vertically defined. It is therefore argued that it is unlikely for the business zone properties, such as Erf 2975 and its surrounds, to be developed to the maximum height potential.</p> <p>The proposal to reduce the height of the mast to 21m, in order to lessen the visual impact of the transmission tower, is considered to be in keeping with the character of the surrounding area – even over the longer term – and is accepted as a mitigating measure.</p> <p>Note that the reduction in height of the transmission tower, will negate the necessity for a departure application, but the restriction will be included as a condition of approval.</p>
	4. Noise pollution by mast.	<p>4. It should be noted that transmission towers do not emit any notable noise. It uses normal air conditioning supply to actively run and maintain the site. In the case of a power outage, this mast relies on a battery back-up system which can last up to 18 hours. In accordance with SANS regulations, noise levels will not exceed the allowable decibels. Wind noise: As other infrastructure exists in the subject area which include streetlights, electricity poles, fences etc., we are of the opinion that the mast will not generate significant noise other than the noise that is already created by infrastructure and buildings in the area.</p>	<p>4. The tower will not generate any noise by itself and any noise created by environmental factors such as wind, are considered ambient and acceptable within the context, as also argued by the applicant.</p>
	5. Environmental considerations	<p>5. The proposed development is aligned with all the regulations in 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) and the proposed development falls inside the urban area (Figure 2 in the Motivation Report) in Yzerfontein. Highwave</p>	<p>5. The applicant is supported. Transmission towers within the urban edge are not considered listed activities.</p>

		<p>Consultants are of the opinion that this venture does not trigger any listed activities in terms of the NEMA Regulations. However, Highwave Consultants will submit a NEMA applicability checklist if the municipality requests it. We wish to draw objector's attention to the fact that the cell mast is proposed within an urban area. The mast is also not proposed in an area designated for conservation use in terms of the Swartland Municipal Spatial Development Framework, 2023. The proposed Tree Mast Type is a mitigating factor. The Tree Type Mast was designed to reduce the visual impact. The antennas will be concealed, and the mast will also be painted that will further reduce the visual impact. It will appear aesthetically pleasing and blend in with the surrounding built up, urban area. It will also blend in with the surrounding environment.</p>	
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PART J: MUNICIPAL PLANNING EVALUATION

1. Type of application and procedures followed in processing the application

Application for a consent use on Erf 2975, Yzerfontein, in terms of Section 25(2)(o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), was made in order to establish a transmission tower on the property.

Application for departure on Erf 2975, Yzerfontein, in terms of Section 25(2)(b) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), was made in order to increase the maximum permissible height of a transmission tower from 24m to 25m. In response to the objections against the development, the applicant agreed to lower the maximum height of the mast to 21m, as is permitted by the By-Law and thus the application for departure from the maximum height restriction is not necessary anymore.

The application was communicated in a total of 18 registered notices were issued to affected parties and where e-mail addresses were available, notices were also forwarded electronically. No notices were returned unclaimed. The commenting period for the application concluded on 8 August 2024, and a total of five (5) objections were received. Objections were referred to the applicant for comment on 14 August 2024, and the response to comments was received on 26 August 2024.

The applicant is High Wave Consultants and the property owner of Erf 2975, Yzerfontein is T. Viviers Property Proprietary Limited.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

2. Legislation and policy frameworks

2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

- a) Spatial Justice: According to the Spatial Development Framework (SDF) Erf 2975 is situated in Area F, north of the R315 identified as an activity axis and tourism development corridor.

The SDF does not specifically make provision for the transmission towers as a land use but does promote access to information and technology. It also states that new developments must sympathetic to heritage buildings and that the local character be protected.

The tower will not have a negative visual impact and complies with environmental and heritage legislation. The proposed tower has been sensitively located and will not have negative impact on tourism, scenic routes and the landscape of Yzerfontein.

The proposed tower will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. The application is in compliance with the SDF.

- b) Spatial Sustainability: The applicant proposes to mitigate the visual impact of the tower by rather using a tree mast type tower. In terms of section 13.3(v) of the relevant scheme regulations “...masts tend to have less impact in areas with high visual absorption potential, such as urban or industrial areas, than in areas with high visual sensitivity and low visual impact absorption potential such as residential, rural and wilderness areas...”. In section 13.3(iii), the scheme regulations proposed that, “...The municipality should seek to strike a balance between antenna infrastructure and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics on the other...”.

The visual impact of the tower is deemed to be mitigated by the tower being proposed in tree-form which is foreseen to be absorbed in the landscape and the future development of the surrounding area over time. All the aspects mentioned above (Section 13.3(iii) of the By-Law) have been evaluated and it is found that none will be affected negatively. It can rather be argued that all sectors in Yzerfontein will benefit from an improved telecommunication network.

- c) Efficiency: Sufficient services capacity exists to accommodate the proposed tower.

Several factors are considered when selecting a preferred site to accommodate a transmission tower, one of the most important factors is to place proposed towers in such locations that will minimise the number of towers that are needed in future. The proposed site was, according to the applicant, identified by network planners to be situated optimally between planned and existing base stations.

The application therefore complies with the principle of efficiency.

- d) Good Administration: The application was published in the local newspapers, the Provincial Gazette and notices were sent to affected property owners. The comments from the relevant municipal departments and Department of Transport and Public Works were also obtained. Consideration was given to all correspondence received and the application was dealt with in a timeously manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The proposed transmission tower will result in residents, businesses and commuters in Malmesbury to have a more secure connection, this will have a positive social impact. This increase in communication contributes to the principle of spatial resilience.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

According to the Spatial Development Framework (SDF) erf 2975 is situated in Area F. The area currently largely vacant, but the SDF earmarks the space for residential purposes, various secondary business nodes, health services and open spaces.

The application property is located directly north of the R315, identified as an activity axis and tourism development corridor.

The SDF does not specifically make provision for the transmission towers as a land use but does promote access to information and technology. It also states that new developments must sympathetic to heritage buildings and that the local character be protected.

The impact of the tower on the character of the area is mitigated by the camouflaging the mast as a tree and also by not departing from the maximum permissible height. The location of the tower behind the main building further minimises the scale of the mast, as it is further away from the R315. The position is considered to be sensitive located and the impact on tourism, scenic routes and the landscape of Yzerfontein was mitigated as far as possible.

The proposed tower will contribute to the socio-economic environment, as sufficient mobile coverage (voice- and data) will allow for businesses, residents and seasonal holidaymakers to have enhanced access to faster, efficient and reliable internet and communication connectivity. Thus the application is in compliance with the SDF.

The SDF forms an integral part of the IDP. Applications like these are measured according to the principles of the SDF to determine whether it is in compliance. Therefore it contributes to healthy management of the urban area. IDP outcome 5.2.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

The building lines on a Business Zone 1 property is 0m and a transmission tower is a land use that may be applied for within the zone. The developer has also agreed to lower the maximum height of the mast to 21m, which is permissible within the maximum height determined by the By-Law. All other zoning parameters are complied with.

3. The desirability of the proposed development

Erf 2975, Yzerfontein is zoned Business Zone 1 and developed with a hardware store, parking and a storage area. The transmission tower is proposed on the rear (north-western) portion of Erf 2975 and will not impact on the functionality of the property.

Erf 2975 is situated in an identified secondary business node, north of the R315 that is the access route into Yzerfontein. The route is a tourism and activity corridor and as such development should be approached with sensitivity. Positioning the mast at the rear of the property is foreseen to lessen the impact of the height, as viewed from the R315. The fact that the mast will also be disguised as a tree and that the surrounding area will develop over time and further absorb the visual impact, are also seen as sufficient mitigating measures. It is consequently not foreseen that the transmission tower will have any impact on either the activity status or tourism corridor formed by the R315, creating a balance between antenna infrastructure and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics on the other hand.

Other transmission towers in Yzerfontein are located more than 1km away, which has a marked impact on signal strength and connectivity. The proposed strategic positioning of the new transmission tower is foreseen to promote optimum coverage provision for the town of Yzerfontein.

The transmission tower and equipment will be enclosed by a 2,4m palisade compound on the property boundary, to enhance security.

No new access point are proposed and the parking and circulation on the property will not be impacted at all.

Transmission towers typically do not emit any notable noise. It uses normal air conditioning supply to actively run and maintain the site. In the case of a power outage, this mast relies on a battery back-up system which can last up to 18 hours. In accordance with SANS regulations, noise levels will not exceed the allowable decibels.

The proposed transmission tower transmits and receives voice- and data. No cameras will be installed which may jeopardise the privacy of surrounding properties. Access to the site will be restricted to technicians and representatives of major service providers – therefore, the general public will not have access to this base station. Maintenance occurs only by routine inspections and in the event of emergencies. Therefore, the number of visits to the antennae at the top of the mast will be minimal.

Telecommunication infrastructures do not pose a fire risk. Furthermore, any telecommunication infrastructure compound needs to comply with Health & Safety Regulations and must be equipped with fire extinguishers and the relevant Health & Safety signage.

No proof has been provided that the future value of surrounding properties will be impacted on by the proposed transmission tower. The future impacts of the transmission tower on property values as well as the perceived health risks (statement of Department of Health), visual impact (no approval from Heritage Western Cape and Department of Environment Affairs and Development Planning (NEMA Regulations), potential noise and loss of privacy of current and future property owners are speculative and unfounded.

The title deed of erf 2975 does not contain any restrictions with relevance to this application.

Taking the mitigation of the impact, as well as the improved service delivery to the wider community into account, the development proposal for a transmission tower, is considered desirable in the context.

The application for departure from the maximum permissible height is not needed anymore, as the developer agreed during the commenting period to lower the maximum height to 21m, which is permissible by the By-Law. No decision will be made regarding the departure, but the mast height will be restricted by means of the conditions of approval.

4. Impact on municipal engineering services

Sufficient engineering services capacity exists to accommodate the proposed transmission tower. Safety distances will be complied with in accordance with the comments from the Electrical Services Department.

5. Response by applicant

Refer to Annexure

6. Comments from other organs of state/departments

Comments were requested from Eskom, but no response was forthcoming.

7. Public interest

The proposed transmission tower has been evaluated according to all relevant legislation, spatial development frameworks and planning principles and is found to be in compliance.

Transmission towers pose a low risk regarding fire and noise. On the other hand, the proposed transmission tower will improve and optimise the existing telecommunication network in Yzerfontein which will benefit the community.

The visual impact of the transmission tower is deemed to be low as argued in the report.

The application was weighed against the objectors' comments and the evidence provided by the applicant and the development of a transmission is deemed to be in favour of the interest of the larger community.

The short term gains and long term benefits of the proposed transmission tower are not in conflict with each other. At both stages better telecommunication network coverage will be created for the community of Yzerfontein and visitors to the tourism destination.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights
N/A

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

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

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

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for a consent use on erf 2975, Yzerfontein be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL


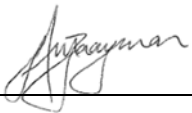
- a) The consent use authorises the establishment of a transmission tower and equipment containers inside a 64m² compound enclosed by a 2,4m high palisade fence, as presented in the application;
- b) The maximum height of the mast be restricted to 21m, measured from the natural ground level to the highest point;
- c) The tower be equipped with a lightning spike and navigation lights, in terms of the SANS 10400, to the satisfaction of the Senior Manager: Development Management;
- d) Fire safety equipment and extinguishers be provided on-site as presented in the application and to the satisfaction of the Swartland Chief Fire Safety Officer;
- e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- f) Application for the construction and affixing of advertising signs for the service providers be made to the Senior Manager: Development Management for consideration and approval;
- g) Should it be proven in future that transmission towers do in fact cause negative health effects, according to official, legal findings of peer reviewed, independent testing, and the transmission tower does not adhere to the health and safety requirements, the applicant/developer will be held accountable to ensure compliance and where not possible, the decommissioning and removal of the tower and related infrastructure;

2. ELECTRICITY

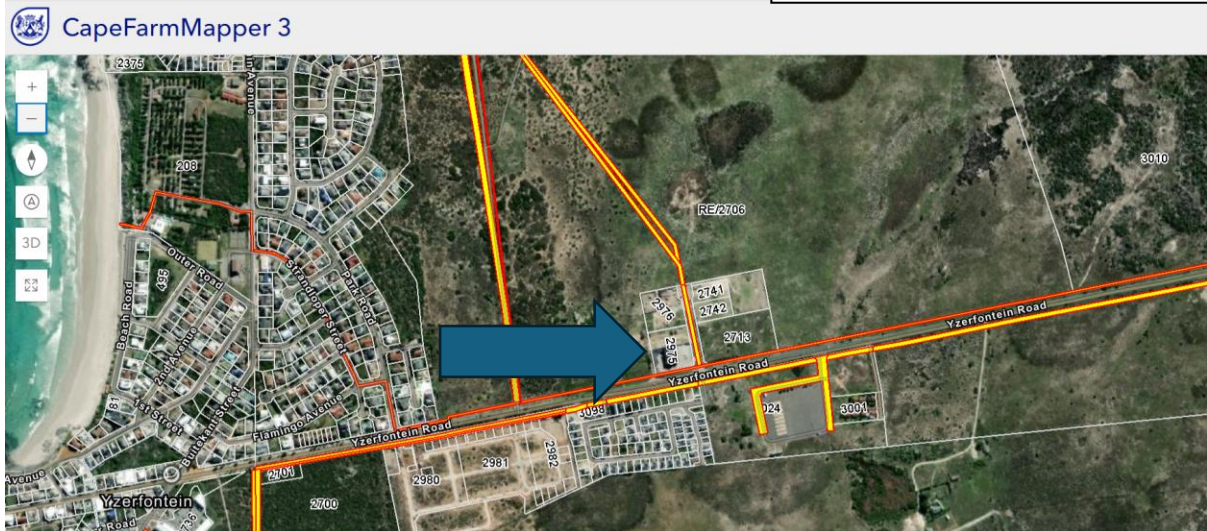
- a) Cognisance be taken of the location of the 11kV electrical line in close proximity of the property;
- b) The mast be removed from the nearest conductor for a distance equal to the height of the transmission tower;

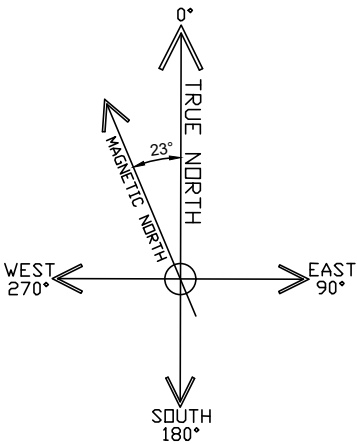
3. GENERAL

- a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.
- c) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Yzerfontein, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION																						
<ol style="list-style-type: none"> 1. The proposed transmission tower is an acceptable land use inside a secondary business node of Yzerfontein. 2. The transmission tower is strategically placed on the property. 3. The placement of the transmission tower in context to the broader telecommunication network for Yzerfontein will create optimum coverage for the town. 4. The visual impact of the transmission tower is deemed to be mitigated. 5. As the visual impact of the transmission tower is deemed to be low, it cancels out any possible concerns/impacts on tourism, the environment and character of Yzerfontein. 6. The transmission tower does not require approval from Heritage Western Cape and the Department of Environmental Affairs and Development Planning. 7. Potential noise created by the transmission tower will not exceed the permissible decibels. 8. The privacy of surrounding land owners will not be affected. 9. The proposed telecommunication infrastructure does not pose a fire risk. 10. Surrounding property values will not be affected negatively. 11. Sufficient services capacity exists to accommodate the proposed transmission tower. 12. Erf 2975 has no title deed restrictions which are restrictive to this application. 13. The transmission tower and equipment is placed strategically on Erf 2975 and has a low impact on surrounding properties. 14. The public interest of this application is deemed to be positive. 15. The application is in compliance with the SDF of Yzerfontein. 16. The application complies with the principles of LUPA and SPLUMA. 																						
PART N: ANNEXURES																						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; vertical-align: top;">Annexure A</td> <td>Locality plan</td> </tr> <tr> <td style="vertical-align: top;">Annexure B</td> <td>Site development plans</td> </tr> <tr> <td style="vertical-align: top;">Annexure C</td> <td>Public participations process</td> </tr> <tr> <td style="vertical-align: top;">Annexure D</td> <td>Objection from Fisherman's Haven HOA</td> </tr> <tr> <td style="vertical-align: top;">Annexure E</td> <td>Objection from C. Brendel</td> </tr> <tr> <td style="vertical-align: top;">Annexure F</td> <td>Objection from E. van der Bank</td> </tr> <tr> <td style="vertical-align: top;">Annexure G</td> <td>Objection from J. van Wyk</td> </tr> <tr> <td style="vertical-align: top;">Annexure H</td> <td>Objection from P. de Wet</td> </tr> <tr> <td style="vertical-align: top;">Annexure I</td> <td>Response to objections</td> </tr> </table>					Annexure A	Locality plan	Annexure B	Site development plans	Annexure C	Public participations process	Annexure D	Objection from Fisherman's Haven HOA	Annexure E	Objection from C. Brendel	Annexure F	Objection from E. van der Bank	Annexure G	Objection from J. van Wyk	Annexure H	Objection from P. de Wet	Annexure I	Response to objections
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Annexure I	Response to objections																					
PART O: APPLICANT DETAILS																						
Name	High Wave Consultants																					
Registered owner(s)	T. Viviers Property Proprietary Limited.	Is the applicant authorised to submit this application:	Yes	N																		
PART P: SIGNATURES																						
Author details: Annelie de Jager Town Planner SACPLAN registration number: A/2203/2015		Date: 30 Augustus 2024																				
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN registration number: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	<input type="checkbox"/>																		
		Date: 2 September 2024																				

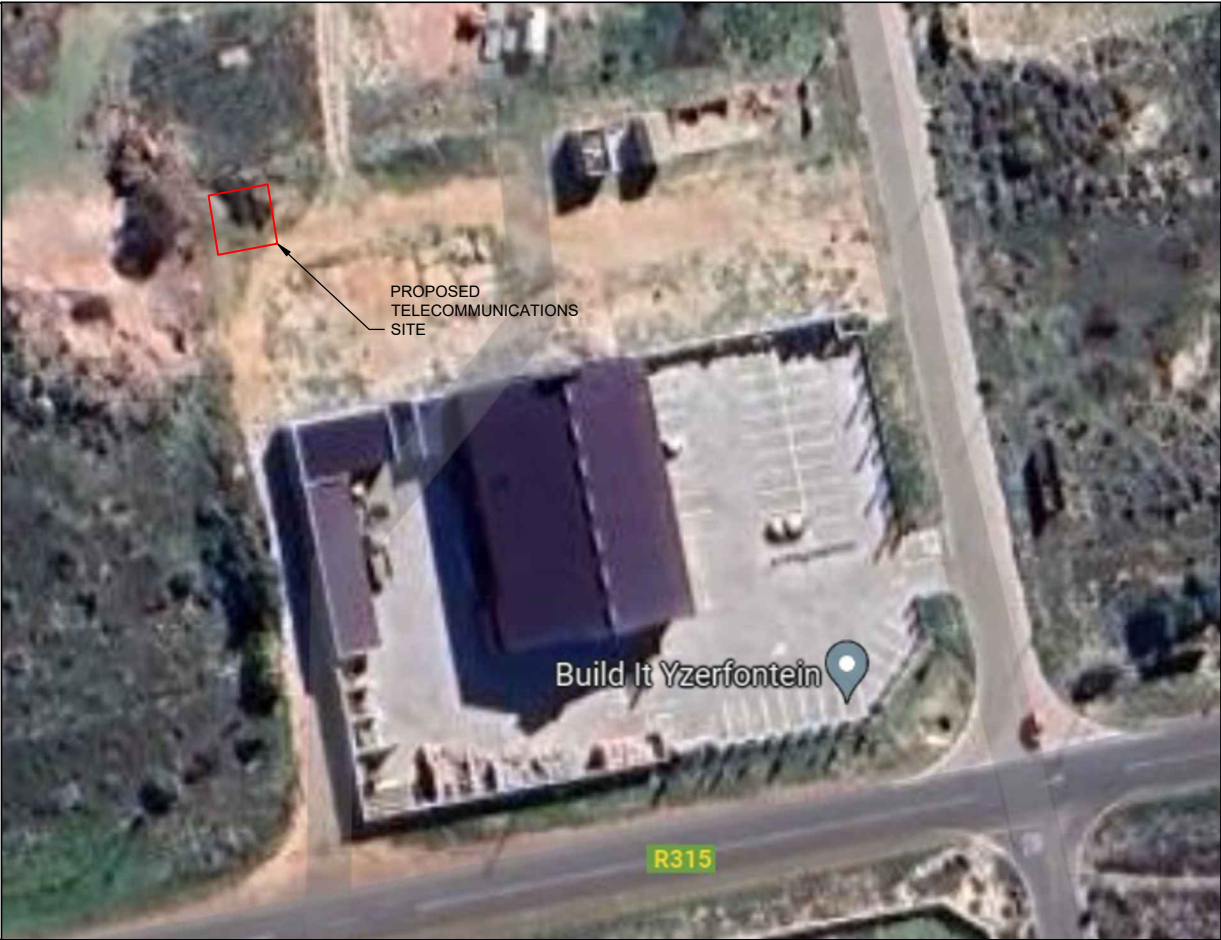
ANNEXURE A






NOTES

1.



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					CHEKD: BJ	DATE: 20/05/24
					APPR: BJ	DATE: 20/05/24
A	ACS	20/05/24	APPROVAL	BJ	MERLIN PROJECT No: 4105	
REV	BY	DATE	DESCRIPTION	APPR'D	CAD FILE No: 4105-D-001~A	
REVISIONS					SHT SIZE: A3	SCALE: NTS



TELCO TOWERS
Tower Solution Specialists
Reg.No. 2020 / 258911 / 07

SITE ADDRESS: R315,
YZERFONTEIN

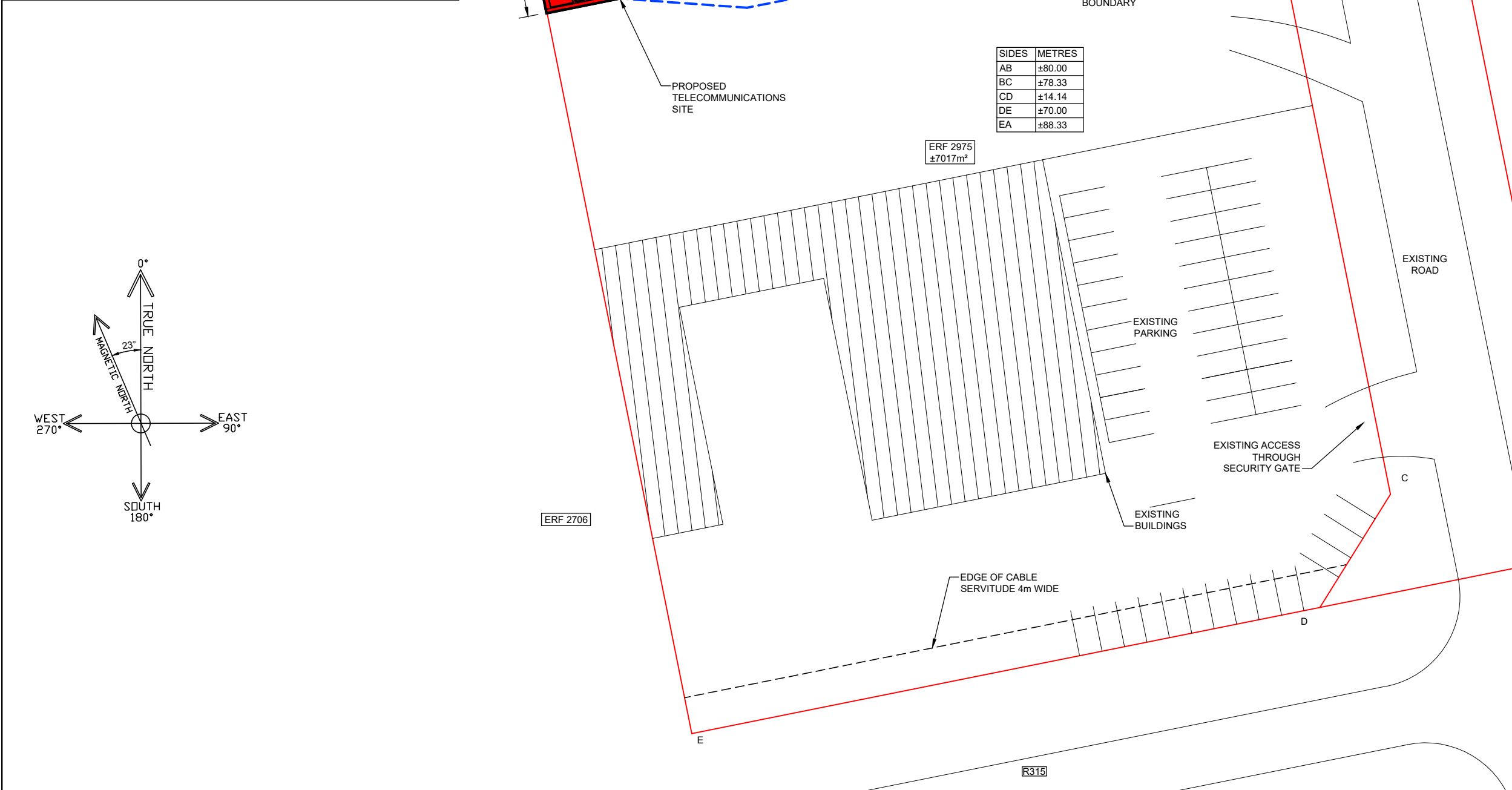
LATITUDE : -33.341937°
LONGITUDE : 18.172451°

SITE NAME:
**YZERFONTEIN
BUILD IT**

LOCALITY MAP

DRAWING No:
4105-D-001

ANNEXURE B



- ## NOTES
1. Proposed power connection to existing mains DB for 100 Amp T/P power with sub-meter installed.
 2. Underground power route for site power in 600mm deep trench to main DB. Power route TBC.


SIDES	METRES
AB	±80.00
BC	±78.33
CD	±14.14
DE	±70.00
EA	±88.33

LEGEND

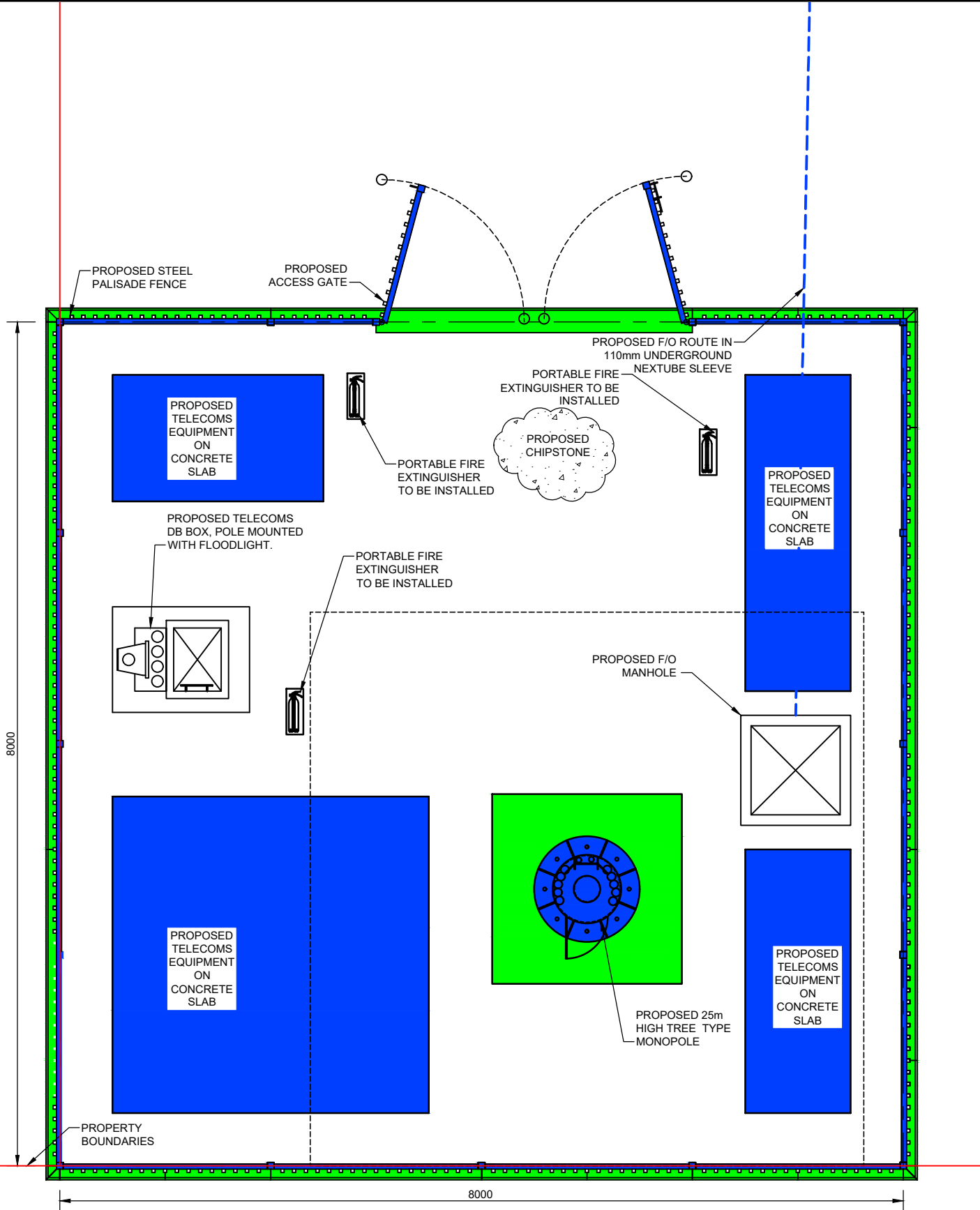
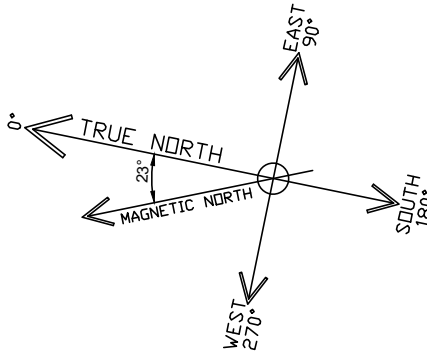
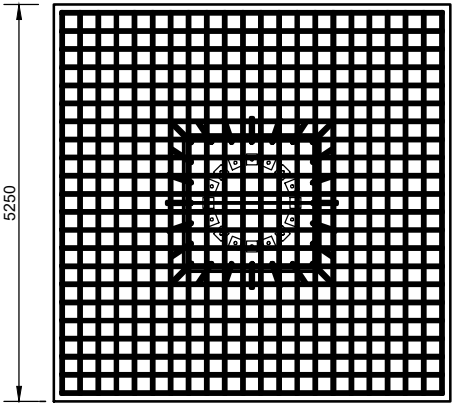
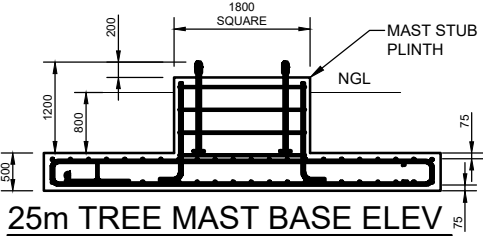
- EARTH
- POWER
- RF TRANSMISSION
- MICROWAVE TRANSMISSION
- FIBRE OPTIC

<u>APPROVED PROPOSAL</u>	
<u>PROPERTY OWNER SIGNATURE:</u>	
DATE:.....	
REFERENCE DRAWINGS	
4105-D-001	LOCALITY MAPS
4105-D-003	TOP VIEW
4105-D-004	ELEVATIONS
4105-D-005	SITE DEVELOPMENT PLAN

					DRAWN: ACS	DATE: 20/05/24
					CHEKD: BJ	DATE: 20/05/24
					APPR: BJ	DATE: 20/05/24
A	ACS	20/05/24	APPROVAL	BJ	MERLIN PROJECT No: 4105	
REV	BY	DATE	DESCRIPTION	APPR'D	CAD FILE No: 4105-D-002~A	
REVISIONS					SHT SIZE: A3	SCALE: 1:500

 <p>TELCO TOWERS Tower Solution Specialists Reg No. 2020 / 258911 / 07</p>	<p>SITE NAME:</p> <p>YZERFONTEIN BUILD IT</p>	
	<p>SITE ADDRESS: R315, YZERFONTEIN</p>	<p>ERF PLAN</p>
<p>LATITUDE : -33.341937° LONGITUDE : 18.172451°</p>	<p>DRAWING No: 4105-D-002</p>	<p>REV A</p>

TYPICAL 25m TREE MAST CAT2; 0m,25m ²	
BENDING MOMENT	1389.2kNm
SHEAR FORCE (ULS)	77.1 kN
STRUCTURE MASS	7335.9 kg
APPLIED VERTICAL FORCE (ULS)	0.0 kN
REQUIRED SOIL PRESSURE	131.6 kPa
CONCRETE VOLUME	17.0 m ³
CONCRETE STRENGTH	25 MPa
REINFORCEMENT MASS	2123.5 kg
REINFORCEMENT STRENGTH	450 MPa
EXCAVATION VOLUME	35.8 m ³
BACKFILL VOLUME	19.5 m ³



NOTES

1. Site compound 8m x 8m surrounded by security fence \pm 2.4m tall with swing gate.
2. 25m Tree Type Monopole mast to Engineer's design.
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. Fire Protection:
 - 6.1 Site to comply with T4.37, 4.29 & SANS 1186.5.
 - 6.2 Installation of 3 x 9kg DCP portable fire extinguishers.
 - 6.3 Fire extinguishers to be installed.
7. Elevation 6m.

LEGEND

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

APPROVED PROPOSAL

PROPERTY OWNER SIGNATURE:

DATE:.....

REFERENCE DRAWINGS

4105-D-001	LOCALITY MAPS
4105-D-002	ERF PLAN
4105-D-004	ELEVATIONS
4105-D-005	SITE DEVELOPMENT PLAN

SITE NAME:

YZERFONTEIN
BUILD IT

TOP VIEW

DRAWING No:

4105-D-003

REV

A

					DRAWN: ACS	DATE: 20/05/24
					CHEKD: BJ	DATE: 20/05/24
					APPR: BJ	DATE: 20/05/24
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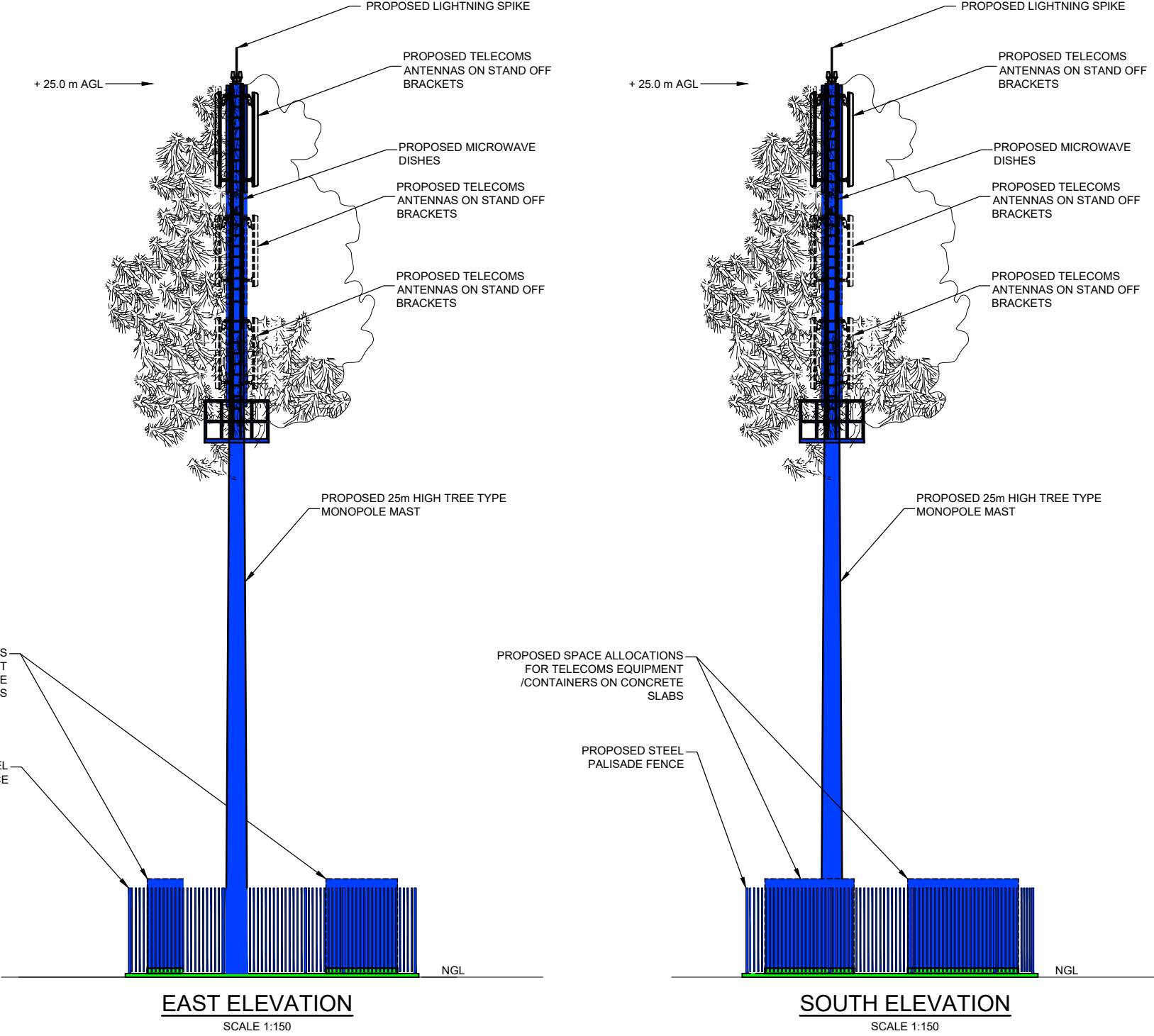


TELCO TOWERS

Tower Solution Specialists
Reg.No. 2020 / 258911 / 07

SITE ADDRESS: R315,
YZERFONTEIN

LATITUDE : -33.341937°
LONGITUDE : 18.172451°



NOTES

LEGEND

..... EARTH

..... POWER

..... RF TRANSMISSION

..... MICROWAVE TRANSMISSION

..... FIBRE OPTIC

APPROVED PROPOSAL

PROPERTY OWNER SIGNATURE:

DATE:.....

REFERENCE DRAWINGS

4105-D-001

LOCALITY MAPS

4105-D-002

TOP VIEW

4105-D-003

ERF PLAN

4105-D-005

SITE DEVELOPMENT PLAN

SITE NAME:

YZERFONTEIN BUILD IT

ELEVATIONS

DRAWING No:

4105-D-004

REV

A

					DRAWN: ACS	DATE: 20/05/24
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					APPR: BJ	DATE: 20/05/24
A	ACS	20/05/24	APPROVAL	BJ	MERLIN PROJECT No: 4105	
REV	BY	DATE	DESCRIPTION	APPR'D	CAD FILE No: 4105-D-004~A	
REVISIONS					SHT SIZE: A3	SCALE: 1:150

TELCO TOWERS

Tower Solution Specialists

Reg.No. 2020 / 258911 / 07

SITE ADDRESS: R315, YZERFONTEIN

LATITUDE : -33.341937°

LONGITUDE : 18.172451°




NOTES

1.

APPROVED PROPOSAL	
PROPERTY OWNER SIGNATURE:	
DATE:.....	
REFERENCE DRAWINGS	
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4105-D-003	TOP VIEW
4105-D-004	ELEVATIONS

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A	ACS	20/05/24	APPROVAL	BJ	MERLIN PROJECT No: 4105	
REV	BY	DATE	DESCRIPTION	APPR'D	CAD FILE No: 4105-D-005~A	
REVISIONS					SHT SIZE: A3	SCALE: 1:500



TELCO TOWERS
Tower Solution Specialists
Reg.No. 2020 / 258911 / 07

SITE ADDRESS: R315,
YZERFONTEIN

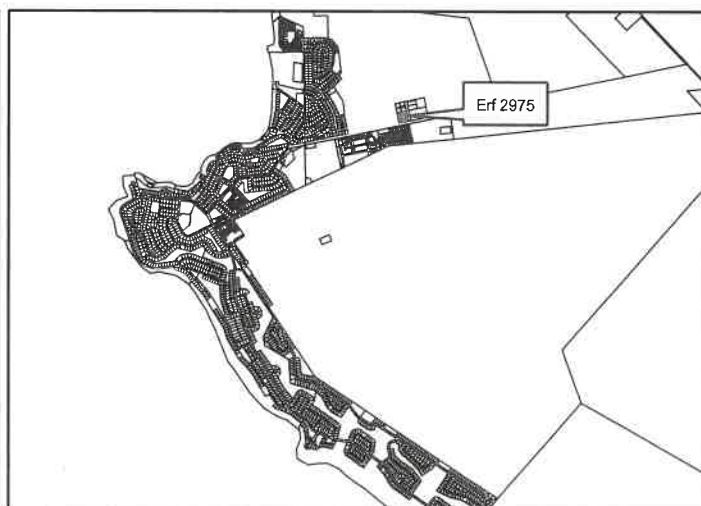
LATITUDE : -33.341937°
LONGITUDE : 18.172451°

SITE NAME:	
YZERFONTEIN BUILD IT	
SITE DEVELOPMENT PLAN	
DRAWING No: 4105-D-005	REV A

ANNEXURE C



Skaal: NVT



POSBUS 1229
LANGEBAAN
7357

TEL 022 772 1113 / 072 687 6483
FAKS 086 522 9082
E-POS: admin3@propexinfo.co.za

25 July 2024

The Municipal Manager
Private BagX52
Malmesbury
7299

Dear sir,

PROPOSED CONSENT USE AND DEPARTURES OF DEVELOPMENT PARAMETERS ON ERF 2975,
YZERFONTEIN

We, the residents and owners of Fishermans Haven Estate, Yzerfontein, object in the strongest terms to the above-mentioned application for the departure from the height restriction of 6 storeys (24m) to 25m and the erection of a transmission tower on erf 2975, for the following reasons

1. **Noise pollution**

Yzerfontein is known as an area of high and constant winds. These masts are known to emit a whistling sound as the wind blows through it. This will have an adverse effect on the enjoyment and peacefulness of our houses.

2. **Health impact**

Radiation will be emitted from the proposed mast continually.

Numerous studies have indicated the potential health risks associated with exposure to 5g radiation.

450 to 6000 MHz pose a health risk to humans and causes sleep issues, fatigue and headaches with grownups.

It is essential that the Municipality undertake a comprehensive evaluation of the impact on residents' health before granting approval for the application.

3. **Visual impact**

The applicants are asking for an increase in the allowable height as a consent use in terms of the zoning for this particular site. Although the mast will be disguised as a tree, the mast equal in height to six storeys will tower over that area and will be seen from every property in the area and it will impact on the visual harmony of the neighbourhood.

4. **Potential loss of property value**

There is also the very definite reality of potential loss of property value in the area as a result of communication towers.

The area where the applicant wishes to erect this 25m mast is adjacent to the urban edge of Yzerfontein and there are various new residential and commercial developments existing or proposed for this area. It is therefore questionable whether this site is the most appropriate for the erection of such a high mast.

No conclusive proof is available to confirm that the applicant's proposed location is the most desirable location.

5. **Environmental considerations**


Because of the excessive height of this mast and because there are a lot of unanswered questions regarding pollution in all its forms, an EIA must be mandatory.

In conclusion, we reiterate our total opposition to this application due to the various concerns related to potential health and safety risks and the general welfare of the surrounding community and feel that it is not needed in the proposed location.


The Municipality should prioritise the wellbeing of its residents and should aim for no exposure to 5G radiation.

Further studies should be conducted and all affected owners must be informed and be involved in the decision making process.

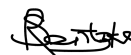
Yours faithfully.


.....

Chair person


.....

Trustee



.....
Trustee


.....
Trustee

ANNEXURE E

Atlantic Seaside Properties (Pty) Ltd

Reg No: 1966/004850/07

06 August 2024

The Municipal Manager, Swartland Municipality

Private Bag x52

Malmesbury, 7299

Email: swartlandmun@swartland.org.za

Re: PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT PARAMETRES OF ERF 2975, YZERFONTEIN

Dear Sir/Madam

Objection from ERF 2328, 12 Seemeeuslot, Fisherman's Haven, Yzerfontein

We, the owners of the above property hereby wish to advise that we would like to place our objection on record to the proposed erection of a communication tower. These towers tend to be unsightly and bad for overall health of people and can devalue property values immensely.

Yours faithfully



Christian Brendel

Director.

29 Ave Alexandra, Fresnaye, 8005

P O Box 344, Sea Point, 8060

Tel: 021 434 6517

Email: property@brendel.co.za

ANNEXURE F

From: Emmerentia Van Der Bank <vdbankem@gmail.com>
Sent: Wednesday, 07 August 2024 17:02
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Transmissietoring Erf 2975

Verwys na epos gestuur aan al die eienaars van Fisherman's Haven en omgewing.

Ek Emmerentia van Der Bank, Galjoen singel 62, is nie te vinde daarvoor weens gesondheids redes en someer.

Dokument is voorgele op 2020 toe daar nie eers soveel inwoners of verdere beplanning vir ekstra behuising was nie.

Jammer maar ek is nie te vinde daarvoor.

Dankie

Emmerentia vd Bank
Sel no 061 468 5332

ANNEXURE G

From: Jackie Van Wyk <jackievw11@gmail.com>
Sent: Sunday, 21 July 2024 11:13
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: ERF 2975: Cellphone Tower

Good day

To whom it may concern. We received notification regarding the proposed erection of a cellphone tower across the road from our residence.

We from 2 Tobie Slot, Fishermans Haven would like to strongly contest this proposal due to the following reasons:

1. Aesthetic Impact: This will detract from the visual appeal of our neighbourhood and thus definitely affect our property value.
2. Property Value: It can negatively impact property values as potential buyers may be deterred by health concerns. Even if it is proved to not have any negative impacts, this does not take away from the views of potential buyers.
3. Health Impact: There are studies of various health concerns from long term exposure to RF radiation, such as cardiovascular disease, hormonal changes, cognitive effects, sleep disturbances etc.

If this proposal goes through I will definitely be putting my house up for sale as I know it will have a huge impact on it's value and I do not want to take any chances with my health.

I implore you to reconsider this proposal.

Can I please request a notice of receipt of my contest so that I know it has been received by the correct parties.

Regards

Jacqueline van Wyk.
Erf 2332, Fishermans Haven.

ANNEXURE H

From: Pierre Dewet <pf.dewet@gmail.com>

Sent: Tuesday, 16 July 2024 12:58

To: Registrasie Email <RegistrasieEmail@swartland.org.za>

Cc: Kyal van Niekerk <kyalvn@gmail.com>

Subject: OBJECTION-plot 2975, Yzerfontein-CELLPHONE TOWER

Attention SWARTLAND MUNICIPALITY

I, Pierre De Wet, as home owner in Fishermans Haven hereby reject the plans to construct a cellphone tower at the entrance of our complex. erf 2975, yzerfontein.

My concerns as below:

1) Unfair exploitation of land use for profit

<https://mybroadband.co.za/news/telecoms/370877-you-can-make-r7000-a-month-for-having-a-mobile-tower-on-your-property.html>

2) Environmental impact on wildlife and ecological footprint

<https://www.derebus.org.za/the-signal-saga-decoding-south-africas-cellphone-towers-maze-for-administrative-approval/>

Environmental exemption

If the proposed cell phone tower does not fall within any of the areas that require environmental authorisation, **an environmental exemption in the form of an exemption letter from the relevant environmental authority must be obtained. Please supply this evidence**

We as a small community cannot just bow down to every single new development where the "Wealthy Landowner" benefits for his children's trust fund account.

Regards,
Pierre De Wet
076-469-9016

Suite 23
Private Bag X3
Malmesbury
7299

APPLICATION NUMBER: 15/3/10-14/Erf_2975

26 August 2024

Attention: Ms D N Stallenberg
The Municipal Manager
Department Development Services
Private Bag X52
Malmesbury
7299

Dear Ms Stallenberg

**OBJECTIONS TO PROPOSED CONSENT USE AND DEPARTURE OF DEVELOPMENT
PARAMETERS ON ERF 2975, YZERFONTEIN**

This letter serves as a response to the comments/ objections received during the public participation phase. Notice was given to the adjacent property owners to send their comments and objections with regards to application on the above-mentioned property.

Highwave Consultants (as the Applicant) is given the opportunity to provide the above-mentioned office with our written response to the comments received on the above-mentioned application. During this public participation phase, comments and objections were received from five surrounding owners:

Comments received were as follows:

1. Fisherman's Haven Homeowners Association,
2. Christian Brendel,
3. Emmerentia van der Bank,
4. Jaqueline van Wyk, and
5. Pierre de Wet

Our response are as follows:

OBJECTOR 1. FISHERMAN'S HAVEN HOMEOWNERS' ASSOCIATION,

1.1 "Noise pollution

Yzerfontein is known as an area of high and constant winds. These masts are known to emit a whistling sound as the wind blows through it. This will have an adverse effect on the enjoyment and peacefulness of our houses."

RESPONSE: The objecting party raised a concern regarding the possibility of noise that may be generated by this tower development. It should be noted that transmission towers do not emit any notable noise. It uses normal air conditioning supply to actively run and maintain the site. In the case of a power outage, this mast relies on a battery back-up system which can last up to 18 hours. In accordance with SANS regulations, noise levels will not exceed the allowable decibels.

Wind noise: As other infrastructure exists in the subject area which include streetlights, electricity poles, fences etc., we are of the opinion that the mast will not generate significant noise other than the noise that is already created by infrastructure and buildings in the area.

1.2 "Health impact

Radiation will be emitted from the proposed mast continually. Numerous studies have indicated the potential health risks associated with exposure to 5g radiation. 450 to 6000 MHz pose a health risk to humans and causes sleep issues, fatigue and headaches with grownups. It is essential that the Municipality undertake a comprehensive evaluation of the impact on residents' health before granting approval for the application."

RESPONSE: The Directorate: Radio Control, within the South African Health Products Regulatory Authority (SAHPRA) is the responsible authority regulating cellular base-station effects on health and they confirmed that there is no health dangers related to freestanding base telecommunication station / cell masts. Please refer to letter "SAHPRA Letter on Health Effect_2022" which was submitted with the application. This point was also discussed in depth in the motivation at section 5(e).

Current research on freestanding base telecommunication stations has reached a point whereby scientists are satisfied that freestanding base telecommunication 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. 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.

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 freestanding base telecommunication 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):

" 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."

Further on in the document (also 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.”

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

- **Ionising Radiation**

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

- **Non-Ionising Radiation**

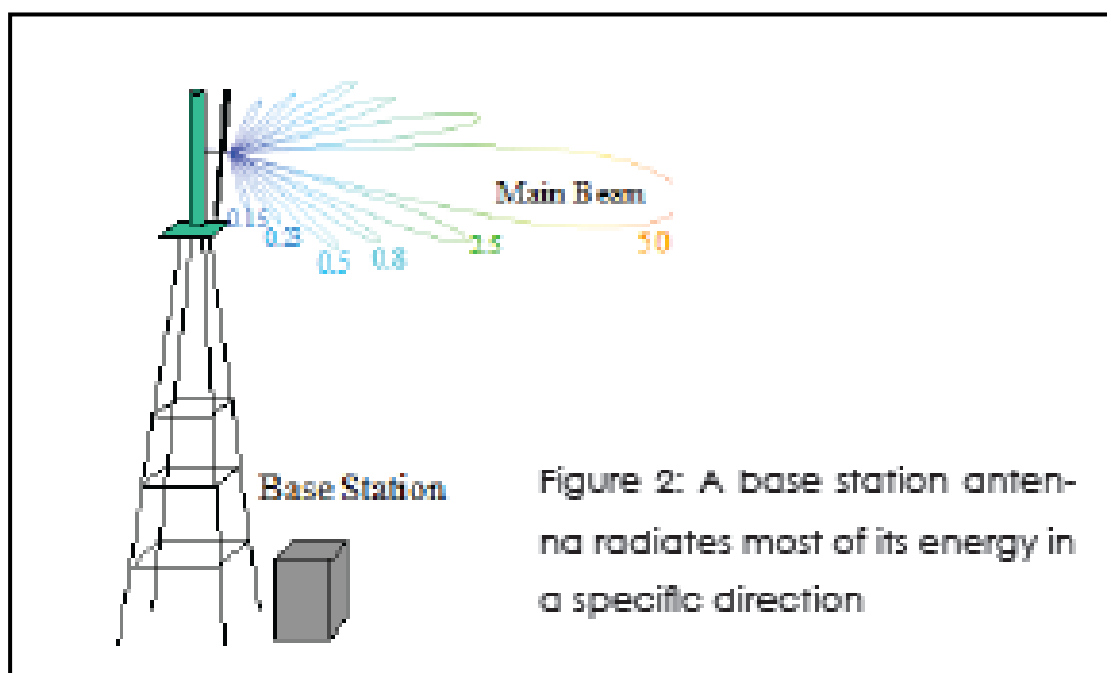
This type of radiation refers to types of radiation that do not have enough energy to cause ionisation of the atoms. These types of radiation are the “every day” radiation that everyone experience such as infrared, microwaves and do not have enough energy to cause harm.

It is proven that the proposed cell mast development and every other freestanding base telecommunication station utilise **non-ionising** radiation.

5G and the concerns related to it:

Some of the objections received raised their concern with regards to health and the impact of 5G on the community.

A telecommunication tower antenna radiates most of its energy in a specific direction which is called the main beam. This main beam typically points in the direction of the horizon. The result is that only a very small percentage of the radiated energy will be present in the regions outside the main beam in areas accessible to the public. (BSID, 2009)

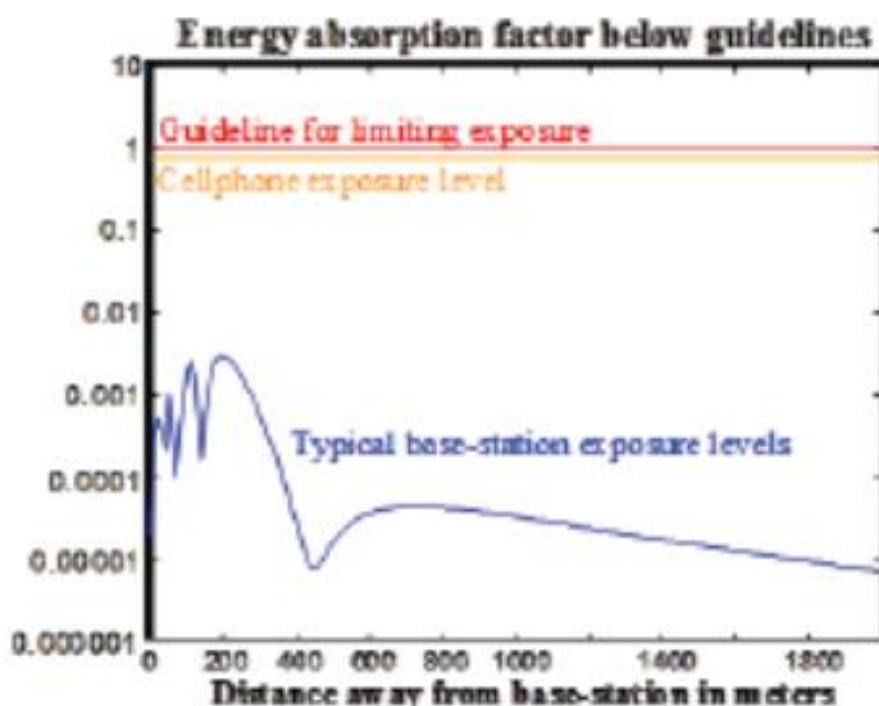


Research regarding prolonged exposure has to date concluded that what matters the most is the intensity of exposure and not the duration of exposure. These reports have been established on lifelong exposure of military personnel who have worked close to communication antennas and radars for years. The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

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

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

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

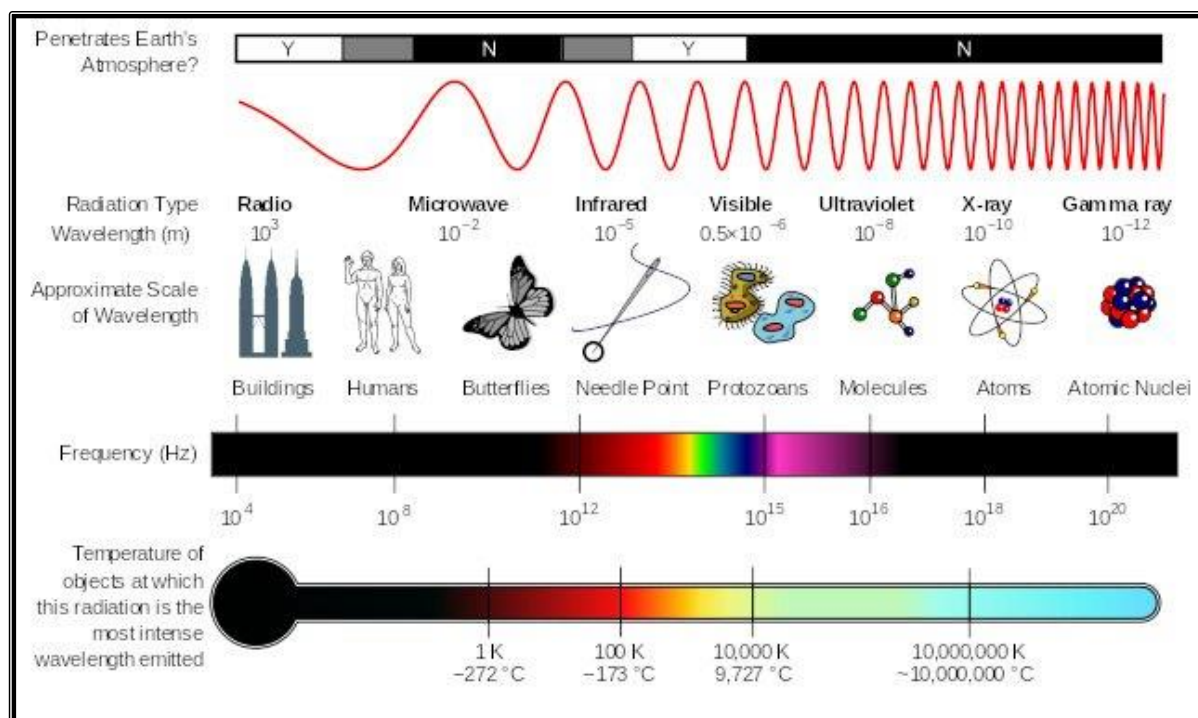


This also include being on the ground close to the base station or in a proximity of the base station. Energy levels in front of the antennas will usually approach the energy absorption guidelines levels. The exposure in the immediate vicinity of these equipment boxes are thousands of times below the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

The following was a study that was conducted in South Africa and published on the 6th of September 2021 on My Broadband. (The link to the source is at the bottom of this section): “The electromagnetic radiation you are exposed to when standing close to an active microwave oven is much higher than a 5G cellular tower, a MyBroadband investigation has shown.

Even though the radiation from the microwave was much higher, it remained within the safety thresholds of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). MyBroadband sent a researcher to several cellular masts around the Gauteng area to see if the electromagnetic radiation they emit present any danger to the people living around them. For points of comparison, he also measured the radiation emitted from a microwave oven and Wi-Fi router.

All testing was performed using an [RS Pro IM-195 RF Field Strength Meter](#).



A diagram of the electromagnetic spectrum, showing various properties across the range of frequencies and wavelengths. The current scientific understanding is that electromagnetic waves up to the visible light spectrum are unlikely to be harmful to human health below certain power thresholds.

Electromagnetic fields that run at frequencies higher than that of ultraviolet light are known as ionising. Ionising electromagnetic radiation, such as that caused by x-rays and gamma rays, can damage DNA and are known to cause cancers. Non-ionising radiation does not cause DNA damage as ionising radiation does, but it may be harmful to human health at high enough power levels.

For example, microwave ovens use electromagnetic waves with frequencies around 2.45 gigahertz (GHz). This is in the same vicinity as technologies like Wi-Fi and Bluetooth.

The difference is that microwave ovens emit these waves at a much higher power level, measured in Watt (W), compared to Wi-Fi and Bluetooth devices. Hertz is a measurement of how many times a wave oscillates every second, whereas Watt is a measure of the wave's power.

The ICNIRP defines safe reference levels for the public at the following power densities. As the frequency of the electromagnetic wave increases, the safe power density increases:

- 900MHz — 4.5 W/m²
- 1.8GHz — 9 W/m²
- 1.9GHz — 9.5 W/m²
- 2.0GHz+ — 10 W/m²

To get a sense of the ambient electromagnetic radiation we are exposed to, we took a baseline reading outside, in a suburban neighbourhood. The measurement varied from about 0.002W/m² to 0.004W/m². We then took measurements at varying distances from a cell phone tower, and the highest reading we got was 0.004W/m² — entirely within what is considered normal.

Our researcher said it wasn't possible to get a proper reading from the tower due to the inverse-square law. As seen above and recently proven, there are no reasons to be concerned with regards to 5G cellular infrastructure.

Source:

https://mybroadband.co.za/news/science/412846-we-measured-the-radiation-from-a-microwave-and-compared-it-to-a-5g-tower.html?utm_source=newsletter

1.3 “Visual impact

The applicants are asking for an increase in the allowable height as a consent use in terms of the zoning for this site. Although the mast will be disguised as a tree, the mast equal in height to six storeys will tower over that area and will be seen from every property in the area and it will impact on the visual harmony of the neighbourhood.”

RESPONSE: The mast location is determined not only by the impact it will have visually, but also its functionality. The applicant acknowledges the visual impact and as a response thereto recommends a Tree Type mast design.

Our client Telco Towers (Pty) LTD has selected to erect a Tree Type Mast design to reduce the visual impact as this is referred to the most neutral accommodative design opposed to a lattice type mast. The proposed design of a Tree Type Mast is in our opinion the best suited design for the area. Additional landscaping could also be implemented. Kindly refer to the attached superimposition image which shows the little visual impact of the proposed mast. The build it building height is about 13-14 m high. Also note on right hand side of image at the houses in Fisherhaven there are trees growing in a line which will make the proposed tree mast even less visible as they grow in height as they will start to block views from windows. To the left of the superimposition image are industrial type warehouses and no houses.

Considering the submitted motivation on why a visual impact assessment is not required cognisance needs to be taken of the fact that our client is willing to alter the design **and height** of the mast should it be deemed necessary. Therefore, if required, we request the relevant authority to communicate such a request with Highwave Consultants and make it part of the **conditions of approval**.

The location for the proposed mast has been chosen for the following reasons:

- a. The owner has agreed to the location as it fits in with existing and future activities on the application property.
- b. The position of the mast was chosen as it is centrally located, and it is the most optimal position for the providing voice and data coverage for Yzerfontein.
- c. The placement of the mast is strategic in the sense that it serves as a connection waypoint and to advance the current network in Yzerfontein. The mast has a line of sight with existing masts in Yzerfontein and surrounding areas. The reason for this is to communicate effectively with existing masts in Yzerfontein and surrounding areas.
- d. The property was also chosen for its conducive zoning and alignment with the Land Use Scheme and SDF (section 5.3 below) through means of a consent use application. The proposed mast would not be out of place based on the SDF for future development in the area. If not in the areas defined by the municipal SDF, where else will be an acceptable position for the proposed development?
- e. Land uses near the development site along and across the R315, which is also known as Yzerfontein Road, include business, light industrial (Fish market across the road) and residential erven within the Urban Edge. The light industrial erven across the road could not be considered as the erven have not been serviced yet by the municipality and is still owned by the municipality.



In addition, the Built It property was identified by Radio Planners and engineers who convey a great deal of time in considering the best locations for telecommunication infrastructure to alleviate the current and future need for enhanced voice- and data coverage. A site is selected based on physical characteristics. Erf 2975, Yzerfontein was selected due to the following characteristics:

- In recent events e.g. COVID-19 outbreak, the need for voice- and data coverage in residential areas such as the neighbourhood in question, spiked;

- This property offers the optimal position situated between existing and planned base stations to provide efficient data and voice coverage.
- Minimized physical, natural, and visual impact.
- Ability to reduce the number of future base stations in the surrounding area.
- Ability to provide sufficient security to the equipment as it will be accommodated off-street, behind palisade fencing and blades of wire (should it be required)
- Capacity to share infrastructure with majority of the operators (Telco Towers Pty Ltd provides sharable infrastructure for at least three of the four mobile network operators e.g. Vodacom, Cell C, MTN and/ or Telkom Mobile)
- Property position will address the complaints of poor voice- and data coverage received in the area.
- Sufficient unused space is found on Erf 2975, Yzerfontein to sufficiently accommodate this installation, while reserving other open spaces in the surrounding area for *in situ* upgrading or recreational activities. Using an open space will have a far greater visual impact.

1.4 “Potential loss of property value


There is also the very definite reality of potential loss of property value in the area because of communication towers. The area where the applicant wishes to erect this 25m mast is adjacent to the urban edge of Yzerfontein and there are various new residential and commercial developments existing or proposed for this area. It is therefore questionable whether this site is the most appropriate for the erection of such a high mast.

No conclusive proof is available to confirm that the applicant's proposed location is the most desirable location.”

RESPONSE: Some concerns from communities are that the property values will fall with the proposed development of a freestanding base telecommunication station in the area. A property evaluation report was drafted based on properties in Durbanville, Cape Town which where the increase in value are substantially more than the smaller areas and the following was derived:

Property evaluation report (1) information relating to residential property sales situated in proximity of freestanding base telecommunication station:

<u>PROPERTY LOCATION/ ADDRESS</u>	<u>VALUATION YEAR</u>	<u>VALUATION PRICE (BEFORE FSBTS CONSTRUCTION)</u>	<u>VALUATION YEAR AFTER FSBTS CONSTRUCTION)</u>	<u>DISTANCE TO EXISTING MAST</u>

16 VERONA STREET, DURBANVILLE	1999	R 190 380.00	N/A	150 M
PROPERTY EVALUATION SIMILAR IN CHARACTERISTICS AS THE ABOVE PROPERTY				
10 HAMPTON CRESCENT, DURBANVILLE	2015	R 350 000.00	R 4 100 000.00	150 M
17 VERONA STREET, DURBANVILLE	2001	R 167 000.00	N/A	150 M
12 HAMPTON CRESCENT, DURBANVILLE	2007	R 350 000.00	R 4 000 000.00	150 M
<div style="display: flex; align-items: center;">  <div style="margin-left: 20px;"> <p><u>DETAILS OF MAST IN CLOSE PROXIMITY OF ABOVE VALUATIONS:</u></p> <ol style="list-style-type: none"> 1) ADDRESS – LA VERONA CLOSE 2) DATE OF CONSTRUCTION – 2002 3) HEIGHT – 25M 4) TYPE – LATTICE DESIGN </div> </div>				
<p><u>CONCLUSION REGARDING RESIDENTIAL PROPERTY VALUES IN CLOSE PROXIMITY OF MASTS PRIOR/ AFTER CONSTRUCTION:</u></p> <ul style="list-style-type: none"> BOTH EVALUATED PROPERTIES ARE SITUATED WITHIN 150M FROM THE EXISTING MAST WITH ANTICIPATED PROPERTY VALUE GROWTH OF MORE THAN A 100% OVER A PERIOD OF 7 TO 13 YEARS. THE FACTUAL INFORMATION OBTAINED FROM PROPERTY 24 CONFIRMS THAT FSBTS SITUATED IN CLOSE PROXIMITY OF RESIDENTIAL AREAS ACTUALLY INCREASES THE VALUES OF PROPERTIES RATHER THAT DETERING GROWTH. 				

Property evaluation report (1) information relating to residential property sales that are not situated in proximity of a freestanding base telecommunication station:

<u>PROPERTY LOCATION/ ADDRESS</u>	<u>VALUATION YEAR/ VALUE</u>	<u>PROPERTY LOCATION/ ADDRESS</u>	<u>VALUATION YEAR/ VALUE</u>	<u>DISTANCE TO EXISTING MAST</u>
4 KORING STREET, DURBANVILLE	2001/ R 379 000.00	2 KORING STREET, DURBANVILLE	2016/ R 2 100 000.00	600 M

11 KORING STREET, DURBANVILLE	2001/ R 145 000.00	16 KORING STREET, DURBANVILLE	2011/ R 1 450 000.00	700 M
ALL EVALUATED PROPERTIES ARE SITUATED WITHIN 700M FROM THE EXISTING MAST WITH ANTICIPATED PROPERTY VALUE GROWTH OF MORE THAN A 60 % OVER A PERIOD OF 7 TO 13 YEARS. THE FACTUAL INFORMATION OBTAINED FROM PROPERTY 24 CONFIRMS THAT FSBTS SITUATED IN CLOSE PROXIMITY OF RESIDENTIAL AREAS ACTUALLY INCREASES THE VALUES OF PROPERTIES RATHER THAT DETERING GROWTH.				

This subject has been debated for years and at present no confirmed evidence exists that properties situated in proximity of a base station would result in the decrease of property value. There are various residential properties situated in proximity of affluent areas such as Durbanville (case study) where property value has not decreased as stated by the researchers.

Considering the above factual evidence provided vs not factual perceived statements of the objectors, clear evidence exist that properties situated in proximity of a telecommunication base station vs properties situated further away has no impact on property values.

However, a mitigating measure the client is willing to take is to apply for a 21m mast instead. The proposed height of the mast will thus be lowered to 21m.

1.5 “Environmental considerations

Because of the excessive height of this mast and because there are a lot of unanswered questions regarding pollution in all its forms, an EIA must be mandatory.

In conclusion, we reiterate our total opposition to this application due to the various concerns related to potential health and safety risks and the general welfare of the surrounding community and feel that it is not needed in the proposed location.

The Municipality should prioritise the wellbeing of its residents and should aim for no exposure to SG radiation.

Further studies should be conducted, and all affected owners must be informed and be involved in the decision-making process.

RESPONSE: The proposal entails the following:

1 The construction of a 25m high mast and associated infrastructure on Erf No. 2975, Yzerfontein.

However, a mitigating measure the client is willing to take is to apply for a 21m mast instead. The proposed height of the mast will thus be lowered to 21m. This can also be seen as mitigating the visual impact.

2 The mast will have a development of approximately 64m² and will be surrounded by a 2.4m palisade fence.

3 Power is available on site.

4 The proposed site is not located within 32 of a watercourse and the proposed development falls within a built-up environment.

5 The site is zoned Business Zone 1 and is located inside the urban area of Yzerfontein.

Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) as described above will not trigger any listed activity(ies) as defined in terms of the EIA Regulations, 2014 (as amended).

The above is based on the following:

1 The proposed development will be located within the urban area of Yzerfontein on an erf with a business zoning.

2 The proposed mast will not be located within 32m of a watercourse.

3 The proposed development will not result in the clearance of indigenous vegetation as the site is completely transformed.

We are willing to obtain direct input from the Department of Environmental Affairs and Development Planning by means of an Applicability Checklist if requested by the municipality.

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

Cognizance needs to be taken of the fact that the coverage grid is ever evolving, for instance more and more devices connect daily to the internet. New devices launching yearly also increases their

internet speeds thus putting a bigger load on the current system. The area is far from sufficiently covered and future technology will put a bigger strain on the system and the newly proposed cell mast development will provide additional capacity.

Amenities in this sense refer to public schools, employment opportunities and transport options and Tourism attractions. An increase in popularity has a knock-on effect on the population size and the subsequent larger demand for effective voice- and data coverage. An increase in demand for voice- and data services causes high levels of cellular congestion.

Masts need to be placed as close as possible to populated areas to ensure that the coverage of the said mast is consistent even though the population is growing at a rate that we cannot control. The importance of sufficient coverage relates to the enhanced level of health and safety (access to emergency services i.e. ambulances, police, fire departments etc.), social amenities (access to social media i.e. WhatsApp, Facebook, Instagram, YouTube etc.) and economic opportunities (accessibility to faster, efficient, and reliable internet and communication options to local businesses and individuals).

The current roll out of telecommunication infrastructure by cellular network providers is undertaken to upgrade and improve network coverage and quality to all customers. Telecommunication networks experience peak demand in the evenings between 18:00 and 23:00. During these times people are at their homes and use internet-intensive devices. Thus, a large portion of the network upgrade is aimed at residential areas. Business and other activity areas have been prioritised over the past 20 years, for commercial reasons and given the fact that legislation and policies steered proposals of this nature, towards non-residential areas.

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

Please note the importance of this proposed mast (telecommunication infrastructure) to improve network coverage in this area where the mast is proposed, and it is also where our client received complaints of poor network coverage. Considering the current population growth in Yzerfontein and Yzerfontein being a semigration hotspot as many people purchasing their second residence in Yzerfontein improved network coverage. This can only be obtained by means of well positioned and high enough masts that masts in the area have a visible line of sight with each other and can communicate effectively with each other. The position of the mast was tactically placed to supply effective network coverage. Yzerfontein is also a very popular holiday destination especially during the festive season. All the additional users in the area put additional strain on the current limited network coverage. The proposed mast can improve network coverage in Yzerfontein.

Please note the importance and need for this proposed mast (telecommunication infrastructure) to improve network coverage in this area where the mast is. To achieve the optimal data and voice

coverage objectives base stations in this specific area needs to be approximately 500m apart on average in an urban setting, 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.

When choosing a site for a freestanding 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 1 – 3 strive to explain how the need for an increase in cellular infrastructure evolves in a typical urban area.

f.2 Cellular infrastructure explained:

Figure 1 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 voids 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 2). Voids between cells require new/additional telecommunication base stations to be placed in these voids to retain good network coverage. Locations for telecommunication infrastructure are primarily chosen within areas where a need exists for coverage (refer to Figure 3). If a need for coverage does not exist in a specific area, no company would invest capital to build a freestanding base telecommunication station in the said area. The fact that there are only a few a freestanding base telecommunication stations in the surrounding area supports the statement that there is a clear need for coverage in the area. Cognizance needs to be taken that the images below is just for illustration purposes and does not reflect the area of Yzerfontein even though the same principles apply. The eastern areas of the town are in dire need of an upgrade in terms of coverage and faster internet speeds.

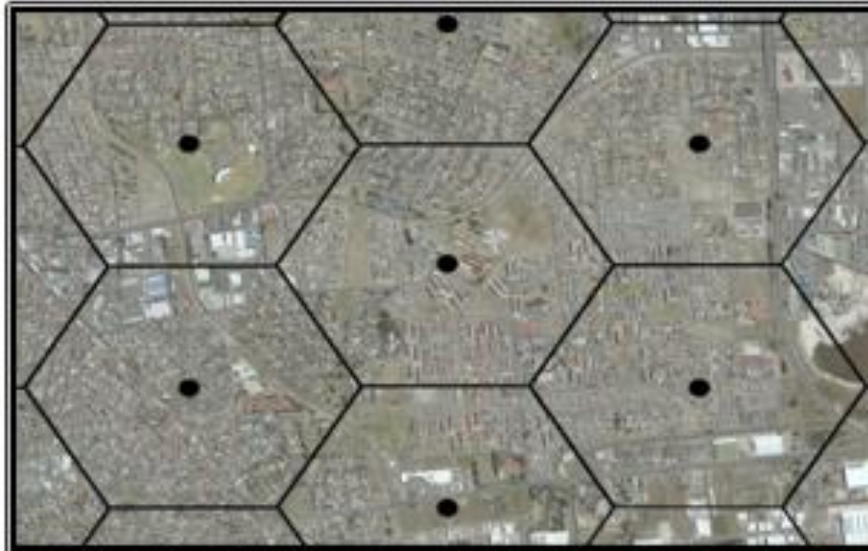


Figure 1 - Initial coverage (cell) provided by a freestanding base telecommunication station.

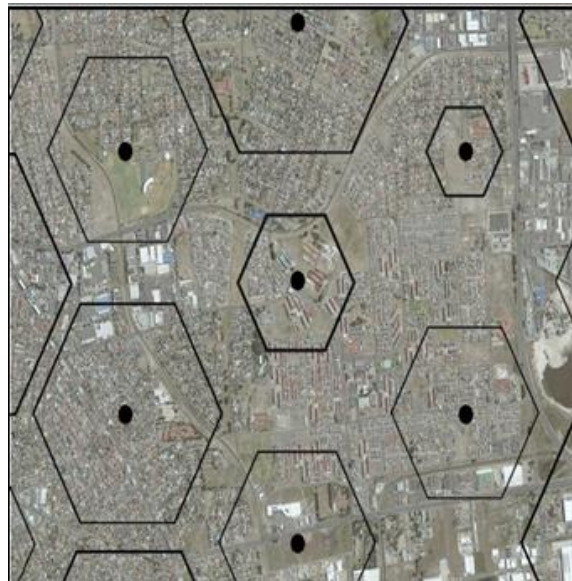


Figure 2 - Coverage decreases due to increase in network users – cell size decreases

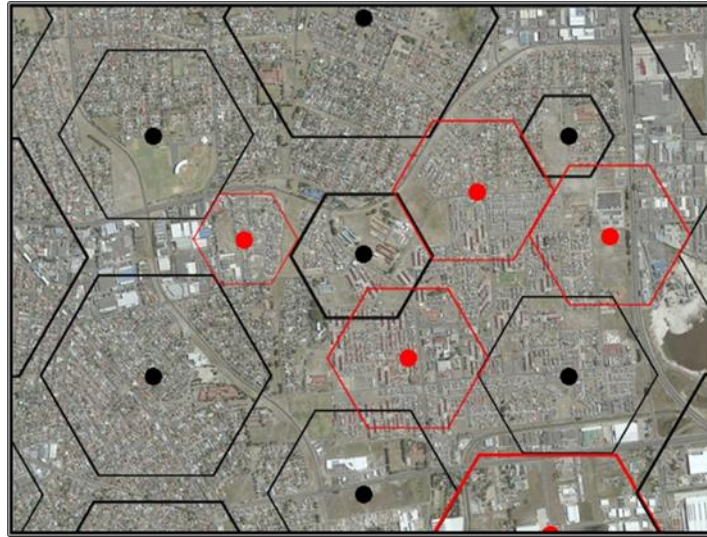


Figure 3 - Additional freestanding base telecommunication stations are required to fill these voids

The placement of the mast is strategic in the sense that it serves as a connection waypoint and to advance the current network in the Yzerfontein. The position of the mast was tactically placed to supply effective network coverage for the existing developed area and for future developments for Yzerfontein as indicated in the Saldanha Bay Municipal Spatial Development Framework, 2019. Yzerfontein is a very popular holiday destination especially during the festive season. All the additional users in the area put additional strain on the current limited network coverage. The proposed mast can improve network coverage in Yzerfontein.

The provided RF plots (**Annexure J** of the Application) aim to illustrate the positioning of existing infrastructure within a 500m and 1000m radius (closest tower is +/- 1,03km northwest of the proposed site). These RF plots indicate the current coverage and propose future coverage for Yzerfontein. Currently, the second closest existing base station is located +/- 1,2 km south-east of the subject site. Other telecommunication infrastructures are thus more than 1 km away. Figure 4 represents current coverage provided by existing infrastructure. It should be noted that there are some gaps evident in the coverage. Therefore, a freestanding telecommunication base station as proposed in this application will serve as an infill site to increase the coverage in this area (Fig. 5).



Figure 4 Current coverage provided by existing infrastructure.

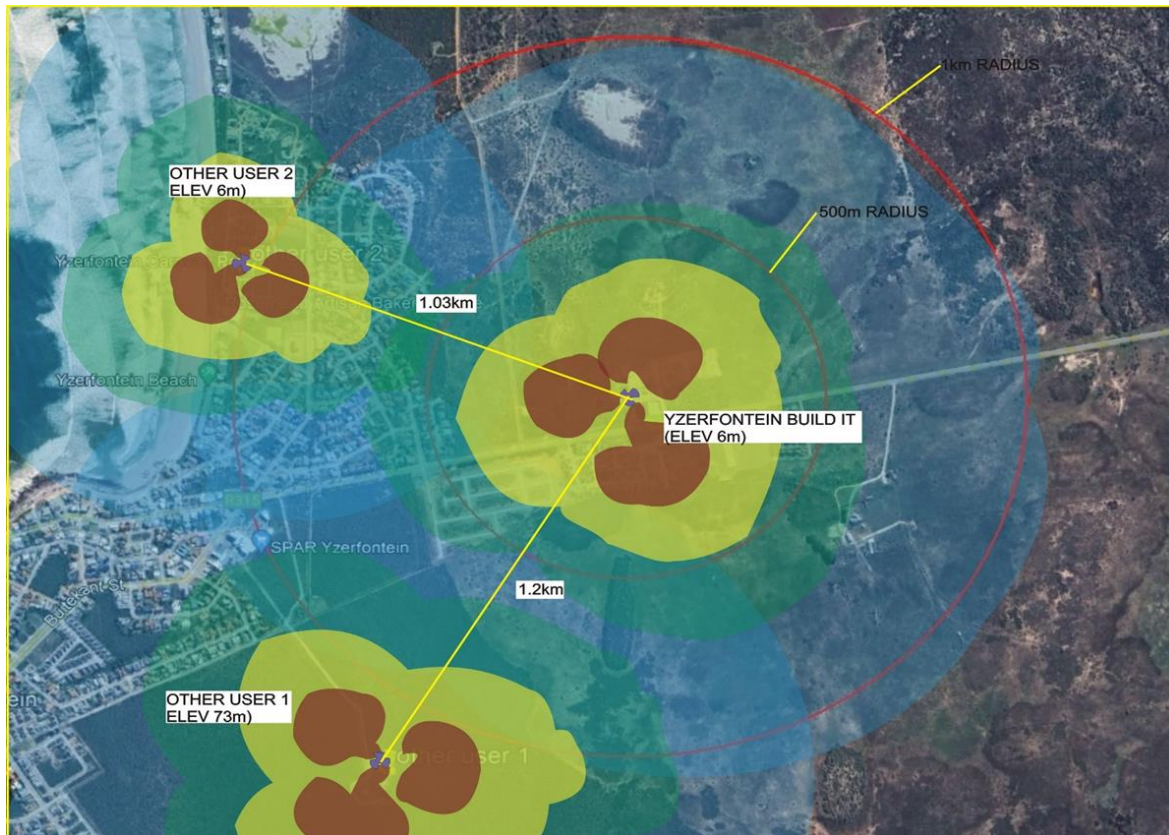
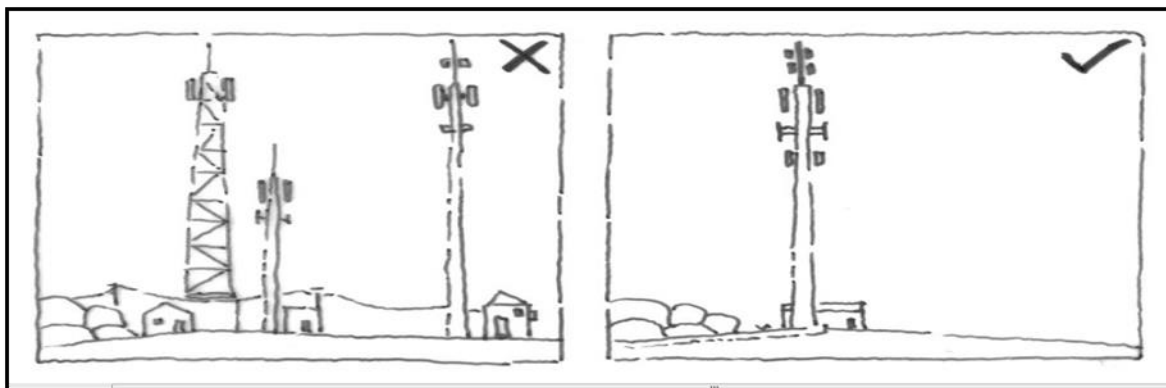


Figure 5: Frequency Plot after proposed site construction

Co-location:

Our client (Eagle Towers (Pty) (Ltd)) pride themselves in providing equal opportunities for mobile operators to be able to install their antennas on the cellular infrastructure. This means that any operator from MTN, Vodacom, Cell C or Rain can and will install their antennas on this mast. These four providers can utilise the infrastructure collectively, reducing the amount of infrastructure required. In the case of Erf 2975 Yzerfontein the applicant aims to provide a collective service.



As seen above, the sharing of infrastructure is encouraged to ensure that there will not be another mast within 500m from this mast which also fit in with the 500m radius mentioned above. The proposed mast will do co-location, and this will reduce the number of masts in the area as less has to be built and each operator do not need their own mast and the overall visual impact that masts might have in Yzerfontein.

Kindly note, a mitigating measure the client is willing to take is to apply for a 21m mast instead. The proposed height of the mast will thus be lowered to 21m. This can also be seen as a mitigating the visual impact.

OBJECTOR 2. CHRISTIAN BRENDEL

“We, the owners of the above property hereby wish to advise that we would like to place our objection on record to the proposed erection of a communication tower. These towers tend to be unsightly and bad for overall health of people and can devalue property values immensely.”

Response: Kindly refer to the response to section 1.2 and 1.3 above.

OBJECTOR 3. EMMERENTIA VAN DER BANK

“, is nie te vinde daarvoor weens gesondheids redes en someer. Dokument is voorgele op 2020 toe daar nie eers soveel inwoners of verdere beplanning vir ekstra behuising was nie.”

Response: Kindly refer to the response to section 1.2 above.

OBJECTOR 4. JAQUELINE VAN WYK

4.1 “. Aesthetic Impact: This will detract from the visual appeal of our neighbourhood and thus definitely affect our property value.”

RESPONSE: The proposed Tree Mast Type is a mitigating factor. The Tree Type Mast was designed to reduce the visual impact. The antennas will be concealed, and the mast will also be painted that will further reduce the visual impact. It will appear aesthetically pleasing and blend in with the surrounding built up, urban area. It will also blend in with the surrounding environment.

A mitigating measure the client is willing to take is to apply for a 21m mast instead. The proposed height of the mast will thus be lowered to 21m. This can also be seen as mitigating the visual impact.

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 must meet certain standards 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.

4.2 “Property Value: It can negatively impact property values as potential buyers may be deterred by health concerns. Even if it is proved to not have any negative impacts, this does not take away from the views of potential buyers.”

RESPONSE: Kindly refer to the response to section 1.4 above.

4.3 “Health Impact: There are studies of various health concerns from long term exposure to RF radiation, such as cardiovascular disease, hormonal changes, cognitive effects, sleep disturbances etc.”

RESPONSE: Kindly refer to the response to section 1.2 above.

OBJECTOR 5. PIERRE DE WET

5.1 “Unfair exploitation of land use for profit “

RESPONSE: With reference to the recent outbreak of the COVID-19 outbreak, the dependence on fast and reliable voice- and data coverage spiked. With more people working from home, the cell size provided by existing telecommunication infrastructure fails to optimally address this increased need. Telecommunications and the accessibility provided to its users, should be regarded as an essential service. Without these services no internet-accessible services i.e. *Zoom, Skype, Microsoft Teams, WhatsApp, Facebook, Instagram etc.* can be used.

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 Yzerfontein the operators interests to address the problem of weak voice and data coverage and to provide the surrounding high traffic commercial and business community with the basic need of effective voice and data coverage, as it has become an integral part of our daily lives.

5.2 “Environmental impact on wildlife and ecological footprint”

RESPONSE: A study completed in 2019 for a proposed mast on Portion 25 of the Farm Westford 191, Knysna showed that the mast does not chase bees out of the areas but attracts bees. This resulted in bees making their hives in the masts. Between 2017 and 2019 our client found six swarms and four healthy beehives with a queen in existing transmission masts.

5.3 “Environmental exemption

If the proposed cell phone tower does not fall within any of the areas that require environmental authorisation, an environmental exemption in the form of an exemption letter from the relevant environmental authority must be obtained. Please supply this evidence.”

RESPONSE: The proposed development is aligned with all the regulations in 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) and the proposed development falls inside the urban area (Figure 2 in the Motivation Report) in Yzerfontein. Highwave Consultants are of the opinion that this venture does not trigger any listed activities in terms of the NEMA Regulations. However, Highwave Consultants will submit a NEMA applicability checklist if the municipality requests it.

We wish to draw objector’s attention to the fact that the cell mast is proposed within an urban area. The mast is also not proposed in an area designated for conservation use in terms of the Swartland Municipal Spatial Development Framework, 2023. The proposed Tree Mast Type is a mitigating factor. The Tree Type Mast was designed to reduce the visual impact. The antennas will be concealed, and the mast will also be painted that will further reduce the visual impact. It will appear aesthetically pleasing and blend in with the surrounding built up, urban area. It will also blend in with the surrounding environment.

The Swartland Municipality SDF aims to support, strengthen, and maintain communication corridors and zones through the promotion of access to information and technology. This is only possible through development of communication network facilities, data centres and telecommunication towers. This will allow people living and working in rural areas and small towns to have access to internet services (enhanced access to information and job opportunities).

5.4 “We as a small community cannot just bow down to every single new development....”

RESPONSE: The Western Cape Department of Infrastructure Annual Performance Plan 2024/2025 depicted that 2024 presented them with an increased demand for service delivery which they view as both a challenge and an opportunity. In focusing on the activities as captured in this Annual Performance Plan they seek to demonstrate to harness their energies for the achievement of the ideals as envisioned by the Western Cape Infrastructure Framework 2050 (WCIF 2050) vision of: “To enable infrastructure-led growth and investment for Western Cape that will benefit communities we serve”. To construct transmission towers certainly contributes towards the above vision.

CONCLUSION:

Other positive contributions this freestanding base telecommunication station will have on the immediate area of the Yzerfontein, commuters as well as tourists visiting the town are listed below:

- The residents in the area are not the only ones being provided with these services. Visitors to the area and daily commuters will benefit by having access to improved communication/ internet facilities.
- Mobile communication has become an important safety and security element in modern society. In an emergency, such as housebreaking, medical alert or fire, a member of a household can quickly and easily contact the emergency services for help. However, if the coverage of mobile service providers’ is poor, then contacting emergency services becomes a difficult task.
- Yzerfontein will have high quality data and network coverage. Residents of Yzerfontein it means that they have more opportunities as they are more connected online, and they have more access to online resources.
- The proposed freestanding telecommunication base station will have a positive impact on Yzerfontein. Yzerfontein is in dire need of improved telecommunication infrastructure as the existing telecommunication infrastructure in Yzerfontein is insufficient to address the current and future voice and data coverage needs. The need and desire for the proposed freestanding telecommunication base station was discussed in this document.

As seen above, the proposed application meets the applicable desirability criteria and precedents set and it is therefore we request the Municipality to view this application favourably and include conditions in the approval should it be deemed necessary. We trust the above response addresses your concerns. Please do not hesitate to contact me should you have any additional queries.

Kind Regards



Lourens Booysen

Candidate Town Planner (C/7733/2016)