

BERGRIVIER MUNISIPALITEIT / MUNICIPALITY

VISIE:

Bergrivier: 'n vooruitstrewende gemeenskap waar almal wil leef, werk, leer en speel op 'n menswaardige manier.

VISION:

Bergrivier: a prosperous community where all want to live, work, learn and play in



KERN WAARDES / CORE VALUES

We are all part of Bergrivier Municipality.
We render good services to ensure dignified living to all.
We are unashamedly pro-poor.
We believe in close innovative partnerships.
We believe in social and economic development of our area.
We care about our work and our colleagues.
We are disciplined.
We believe in good relationships.
We serve with pride.

MINUTES OF THE MUNICIPAL PLANNING TRIBUNAL HELD ON THURSDAY 5 SEPTEMBER 2019 AT 11:15 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, PIKETBERG

PRESENT

MEMBERS

Municipal Manager (Adv. H Linde: Chairperson)
Director Corporate Services (Mr JWA Kotzee: Deputy Chairperson)
Manager Cical Engineering Services (Mr JJ Breunissen)
External Member (Ms. S van der Merwe)
External Member (Ms. D Kotze)

OFFICIALS

Manager: Planning and Environmental Management (W Wagener)
Compliance Officer (A van Rossum)

ACTION

PTN001/09/2019

OPENING AND WELCOME

The Municipal Manager allowed a few minutes silence and welcomed everyone to the meeting.

PTN002/09/2019

REQUEST FOR LEAVE OF ABSENCE

3/3/1/4

Director Financial Services (Vacant)

PTN003/09/2019

DECLARATION OF INTEREST IN ACCORDANCE WITH SCHEDULE 1: CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

3/3/1/6

All members of the Municipal Planning Tribunal present declared that they have no personal interest with regards to the item on the agenda in terms of Schedule 1 of LUPA By-Law.



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**PTN004/09/2019
COMMUNICATION BY THE CHAIRPERSON
3/3/1/6**

The position of Director: Financial Services is vacant.
The Chairperson apologises for the late start of the meeting due to a previous meeting that ran late.



**PTN005/09/2019
CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING: THURSDAY 15 AUGUST 2019
3/3/2/2**

That the minutes of the Municipal Planning Tribunal meeting held on Thursday 15 August 2019 be confirmed.

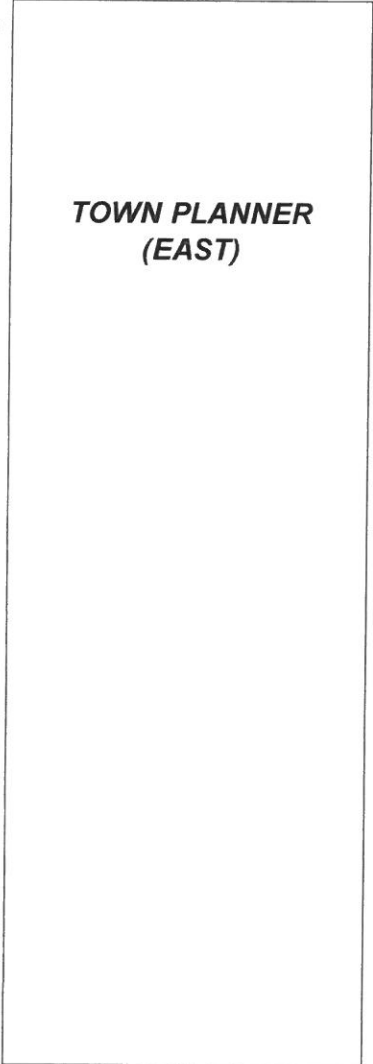
**COMPLIANCE
OFFICER**

**PTN006/09/2019
APPLICATION FOR REZONING AND CONSENT USE: ERF 138, PIKETBERG
PB. 138**

The Manager: Planning and Environmental Management gave a brief summary to the item under discussion.

RESOLUTION: REFUSED

1. That the application for rezoning of a portion (±80m²) of Erf 138 Piketberg from Community Zone 3 to Community Zone 1 and consent use in order to allow the erection of 25m freestanding telecommunication base and associated infrastructure on the rezoned portion, **be refused**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, because; for the reasons provided in the reasons for recommendation.



**TOWN PLANNER
(EAST)**

REASONS FOR RESOLUTION

Section 65 of Bergrivier Municipality By-Law on Municipal Land Use Planning requires consideration of the development principles provided in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

An increase in network coverage, if appropriately located, can benefit the whole community it serves in a 500m radius that strengthen communication networks, and as a result contribute to spatial justice in the form of integrated communication networks for all.

Additional telecommunication network operators will have a long term social and economic benefit by strengthening communication networks in the area, and is considered spatially sustainable, but this can be achieved through co-location on existing telecommunication structures to be more sensitive to the Piketberg skyline and character of the area. If the intent is to increase coverage, the location of new towers and base stations should take into



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account current approved towers and areas earmarked for future developments.

The proposal can connect to existing municipal electrical services in the vicinity, subject thereto that additional electrical services required as a result of the proposed utilisation be for the account of the applicant/owner. The specific site characteristics, which is according the applicant research, suitable to obtain maximum coverage do not propose sufficient mitigation features to reduce the visual impact. The mobile network operators have alternative sites within the 500m search ring for co-location on the existing 30m high telecommunication infrastructure to carry transmitters in order to be visually sensitive to the town, without further detracting from the skyline of Piketberg. Co-location opportunities exists freestanding telecommunication base station (Erf 1327 Piketberg) an opportunity also exist for co-location on the other approved 25m telecommunication base station to be erected (Erf 1101 Piketberg) to optimise existing resources and infrastructure spatially efficiently.

Capacity needs can be addressed by means of co-location, by using existing resources more efficient. Co-location is already an established practice.

Section 65 (j) of Bergrivier Municipality By-Law on Bergrivier Municipal Land Use Planning requires the consideration of the Municipality MSDF 2019-2024

The applicant should use the MSDF to locate new infrastructure at locations that will provide coverage in areas where there are non, instead of duplicating coverage areas.

Desirability

The proposed telecommunication base station will have a negative impact on the character of the area as well as Piketberg town, taking into account the 25m height of the mast, the property itself has no natural screening features that can mitigate the visual impact of the telecommunication base station. It should be noted that an already established 30m high base station is located approximately 700m (Erf 1327) from the proposed one and an additional one of 25m was approved (21/05/2019) for Erf 1101 Piketberg (Watsonia Sports ground) approximately 680m away. An additional mast with the same height will dominate the skyline of Piketberg and will have a negative visual effect on the character of Piketberg. Network operators can explore the options of co-location on the existing telecommunication base station to carry transmitters rather than building additional high (intrusive) towers in order to be visually sensitive to the town of Piketberg. Additional structures of the proposed height can be detrimental to the visual character of the town. The surrounding environment is characterised by single storey buildings and low growth vegetation.

The application can't be supported from a land use planning perspective as the option of co-location have not been efficiently explored/utilised by the network operators to be more sensitive to the skyline and character of Piketberg. At a height of 25m, camouflaging of the telecommunication mast would still be ineffective, given the surroundings.



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Section 65(d & e) of Bergrivier Municipality By-Law on Municipal Land Use Planning required the consideration of the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;

The regulatory authority of Radio Frequency Emissions in South Africa is the National Department of Health. The following are extracts from the letter of the National Department of Health, dated 19 January 2018.

- *'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.'*
- *"A large number of studies have been performed over the last two decades to assess whether mobile phones pose potential health risk. To date, no adverse health effects have been established as being caused by mobile phones."*
- *"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, set any restrictions with respect to parameters such as distance to the mast, duration of exposure, height of the mast, etc."*

Taking the above mention into account, The National Department of Health is giving the municipality a clear view on the health aspects concerned.

The applicant provided meaningful input with regard to comment received from internal department and surrounding affected property owner.

Section 65(s) of Bergrivier Municipality By-Law on Municipal Land Use Planning required the consideration of the zoning scheme By-Law

Rezoning a portion of land to Community Zone 1 (place of instruction) with no intent of utilizing the property in any manner related to the primary use is considered inappropriate.

The development principle of spatial efficiency and sustainability in the form of co-location has not effectively been explored from a land use planning perspective by the applicant to be more sensitive to the skyline and character of Piketberg. At a height of 25m, camouflaging of the telecommunication mast would still be ineffective. The application is not regarded desirable from a planning perspective taking into account the relevant criteria of consideration and desirability factors in terms of section 65 of Bergrivier Municipal By-Law relating to Land Use Planning.



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PTN007/09/2019

**APPLICATION FOR CONSENT USE: ERF 85 , VELDDRIF
V. 85**

The Manager: Planning and Environmental Management gave a brief summary to the item under discussion.

RESOLUTION: APPROVED CONDITIONALLY

1. That the application for consent use in order to establish a freestanding base telecommunication station with related infrastructure on a portion (± 56m² in extent) of Erf 85, Velddrif in accordance with the site plan dated November 2018 with Reference No. *Vel/10779/JL/NG*, **be approved**; in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to;
 - a. The telecommunication mast must be limited to a maximum height not exceeding 18m;
 - b. The telecommunication mast must be camouflaged as a tree, to the satisfaction of the Municipality;
 - c. The telecommunication base station and mast must allow for co-location of other service providers;
 - d. The base station must be securely fenced off and access must be restricted to Erf 85 only;
 - e. Existing trees around the proposed base station must be preserved;
 - f. Should it be proven that there are negative health effects from the base stations (in accordance with acceptable standards), it must be rectified, or if it fails to comply, be decommissioned;
 - g. Upgrades to the electrical services to the site, at the cost of the developer, as agreed to and to the satisfaction of the Manager: Electrical Engineering Services;
 - h. No service provider without the proper licence from ICASA will be allowed to operate from the structure;
 - i. Mobile Network Operators are restricted to the radio frequency spectrum granted to them by ICASA; and
 - j. No other type of Wi-Fi services may be installed on the telecommunications base station without prior written permission from Bergrivier Municipality.

**TOWN PLANNER
(WEST)**

REASONS FOR RESOLUTION

Notices were served in accordance with the provisions contained in Section 35, 46 and 47 of the Bergrivier Municipality By-Law relating to Municipal Land Use Planning.

The Department of Health, in a letter dated 19 January 2018, stated that there is no convincing scientific evidence finding that the Radio Frequency signals from base stations and wireless networks cause adverse health effects. In the absence of studies or statements from Department of Health indicating otherwise, the health of the general public is not considered to be compromised by exposure to microwave emissions from telecommunication base stations.



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Section 59 (1) (g) of the Land Use Planning Act, Act 3 of 2014 (LUPA), states that the right of owners to develop land in accordance with current use rights should be recognized. The zoning of Erf 85, Velddrif will remain Business Zone 1. A freestanding base telecommunication station is listed as a consent use under Business Zone 1, while a rooftop base telecommunication station is included in the definition of a business premises (primary right in Business Zone 1).

Section 59(3)(a) of the Land Use Planning Act, 2014 (Act 3 of 2014) requires consideration of Spatial Efficiency principle, whereby land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities. The proposed site is centrally located in Velddrif, along the main road where mixed land uses are found. The site and position of the proposed development is situated within the central business district of Velddrif. The proposed site is also centrally located in the complaint area, where improved network coverage is required and due to the central location thereof would serve a wider area and reduce the need for more telecommunication base stations and towers. The development would allow for co-location of other network operators using the same telecommunication base station site and mast, thus reducing the need for additional base stations and masts in the area.

Section 59(3)(b) of the Land Use Planning Act requires the promotion of a diverse combination of land uses and that social, economic, institutional and physical aspects of land development be integrated. The subject property is located among business properties and community facilities (library, municipal offices, tourism bureau), next to the main road of Velddrif where improved telecommunication coverage would be particularly convenient and beneficial.

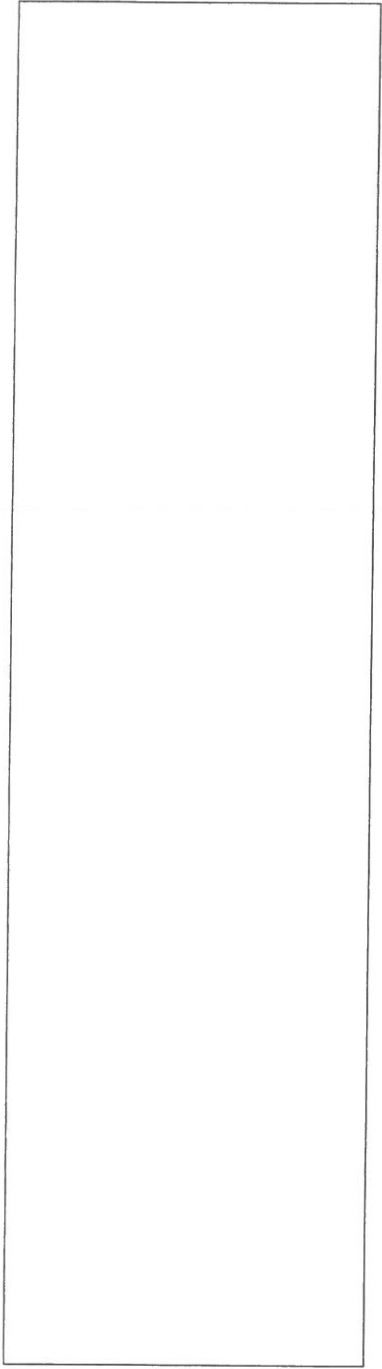
The Bergrivier Municipal Spatial Development Framework (BMSDF) proposes that mobility and economic links be strengthened, to promote communication corridors and zones as well as to strengthen communication networks. The subject property is located next to the main road, Voortrekker Street, and is in close proximity to business properties and community facilities. Improved telecommunication coverage in this area would therefore contribute to realising the proposals of the BMSDF.

PTN008/09/2019

DATE OF NEXT MEETING

The next Municipal Planning Tribunal meeting will be held on **Thursday 3 October 2019** at **11:00** in the Council Chambers, Municipal Offices, Church Street, Piketberg.

NOTED



COMPLIANCE OFFICER



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**THE MEETING ADJOURNED AT 11:45
CONFIRMED AS A TRUE VERSION OF THE PROCEEDINGS**

Handwritten signature

CHAIRPERSON

11/9/19

DATE
