

APPEAL REPORT IN TERMS OF THE LANGEBERG LAND USE PLANNING BYLAW, 2015
FARM RIETVALLEI 323 ROBERTSON RD: APPEAL AGAINST THE TRIBUNAL DECISION TO REFUSE
AN APPLICATION FOR CONSENT FOR A FREESTANDING BASE TELECOMMUNICATION STATION

Appeal reference number	15/4/12/5 & 9 Rietvallei 323 Rob-Appeal		Appeal report date:	20 November 2024		
Application reference number	15/4/12/9	Application submission date	5 August 2024 & 4 November 2024	Tribunal Application decision date	5 July 2024	
Was the original application processed correctly (if no, elaborate below):					Y	N
PART A: AUTHOR DETAILS						
First name(s)	Tracy					
Surname	Brunings					
Job title	Manager: Town Planning					
SACPLAN registration number	Pr. Pln A/951/1997					
Directorate/Department	Engineering Services: Town Planning Department					
Contact details	023-6148000					
PART B: APPLICANT DETAILS						
Contact Person	Malene Campbell					
Company name	Highwave Consultants (Pty) Ltd					
SACPLAN registration number						
Registered owner(s)	Anton Conradie Family Trust					
Is the applicant the appellant	Y	N				
PART C: APPELLANT(S) DETAILS						
Name(s)	Representing	Property description	Contact details	Valid?		
Malene Campbell on behalf of Highwave Consultants	Anton Conradie Family Trust	Farm Rietvallei 323, Robertson	malene@highwave.co.za	Y		
PART D: APPLICATION PROPERTY DETAILS						
Property description (in accordance with Title Deed)	The Farm Rietvallei 323, Robertson RD					
Physical address	Klaasvoogds West Road (Divisional Road 1369)	Town/City	Rural – approximately midway between Ashton and Robertson.			
Current zoning	Agricultural Zone I	Extent (m² /ha)	15,877ha.	Are there existing buildings on the property	Y	N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018					
Current land use	Main dwelling, Anton Conradie Transport Business, 15m high cell phone mast vineyard, natural vegetation, dam		Title Deed number & date	T21491/2022		
Any unauthorised land use/building work	Y	N	If yes, explain	A 15m high freestanding base telecommunication station has been erected on the property near to the proposed application site		

PART E: SUMMARY OF PUBLIC PARTICIPATION									
Total valid comments	One				Total invalid comments and petitions	One			
Valid petition(s)	Y	N	If yes, number of signatures						
Community organisation(s) response	Y	N	N/A	Community Meeting held on 17 September 2024		Ward councillor response	Y	N	N/A
Was public participation undertaken in accordance with section 45- 49 of the Langeberg Land Use Planning Bylaw?								Y	N
Was the Provincial Minister afforded the opportunity to comment on the appeal?								Y	N
If the proposal triggered an application for land development in terms of section 10 of the Western Cape Land Use Planning Regulations, 2015, was the Provincial Minister afforded the opportunity to comment on the appeal?								N/A	N
PART F: APPLICATION									
The application site is located in Klaas Voogds West. A locality plan and Site Development Plan are attached at Annexure 1. An application was lodged in terms of the Langeberg Land Use Planning Bylaw, 2015, for a 35m high Freestanding Base Telecommunication Station 0,0m from the common boundary with Rietvallei 115/6/R. Refer to Part D of the 30 May 2024 Tribunal item, at Annexure 2, for the background to this application and a summary of the applicant's motivation.									

PART G: MUNICIPAL TOWN PLANNING DEPARTMENT'S EVALUATION OF APPLICATION	
Part H of the 30 May 2024 Tribunal Report (Annexure 2) provides a detailed evaluation of the application..	
PART H: DECISION ON APPLICATION	
The Tribunal's letter of decision is attached at Annexure 3. The application for consent for the FBTS, and departure from the building line to nil, was refused. Reasons for the refusal are summarized in the decision letter. The minutes of the Tribunal meeting are attached as Annexure 4. In particular, the following were noted during the site inspection: The 35m high mast is proposed immediately adjoining farm worker accommodation and the boundary with the neighbour to the SW. There are other areas of the site, further away from the boundary and worker accommodation, which could have been considered. The existing approved FBTS on a nearby farm should have been addressed in the application. The existing unauthorised 15m high mast on the application site should be removed. The applicant may choose to apply for consent for this 15m high mast, which has lesser visual impact on the surrounding area and is located further from the worker accommodation and the farm boundary, than the proposed 35m high mast. The applicant and objectors were informed of their right to appeal in terms of Section 79(2) of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, of 30 July 2015.	

PART I: TYPE OF APPEALS			
First name(s)	Type of appeal		
The Applicant is appealing the decision to refuse the application.	Appealing the decision	Y	N
	Appealing the failure of the decision maker to make a decision within the period permitted	Y	N
	Appealing a condition(s) of approval	Y	N
	Appealing the process followed	Y	N
	Appealing the conclusion of the decision maker regarding the merits of the land development application	Y	N

PART J: APPLICANT'S APPEAL AND / OR RESPONSES

One appeal was lodged by the applicant, a copy of which is at [Annexure 5](#).

One resident in the Klaas Voogds area, who had lodged an objection to the application, also lodged an objection to the appeal within the prescribed time period– see [Annexure 6](#).

The other two objectors to the application did not respond to the applicant's appeal.

One representation was also received from a resident in Klaas Voodgs. This representation was technically out of time but is noted for the Appeal Authority's information [Annexure 7](#).

The objector, together with members of the Klaas Voodgs Community and the landowner requested a meeting to discuss the issues. Notes from this meeting, held on 17 September 2024, together with the attendance register are attached at [Annexure 8](#).

PART L: MUNICIPAL PLANNING COMMENT AND EVALUATION OF THE APPEALS

The applicant's appeal argues that the Appeal Authority should revoke the Tribunal's decision and replace it with a decision to approve the FBTS. In support of the appeal, the appellant also outlines possible amendments to the height and location of the mast as mitigating measures to address the concerns raised. The appeal and an assessment thereof, is outlined below.

The Appeal:

The appeal is lodged against the whole decision and requests that the Appeal Authority revoke the Tribunal decision and replace it with a decision to approve the application.

The merits of the application, which the appellant considers supports their argument that the Tribunal erred in its decision, are outlined as follows:

Firstly, the applicant confirms that the Telkom lines in this area are no longer available due to theft. As a result, the existing non-confirming use of Anton Conradie Vervoer and other farms in the area, require improved telecommunication service to support the transport business.

Further, each of the reasons given by the Tribunal are responded to below:

- Reason 1: Inadequate information to prove need: Additional information is provided showing current gaps in coverage and areas of poor signal, and how the proposed mast will improve the Klaasvoogds coverage particularly in relation to the increased demand for LTE (Long-term Evolution) data used by businesses in particular. Tests were conducted by Vodacom and the 15m tower was used to assess coverage. The tests showed a significant improvement in coverage related to the location of a tower on the applicant's property.
- Reason 2: No substantiation for a nil building line: The appellant agrees that it is possible to locate the proposed mast further away from the boundary so as not to adversely impact the neighbour. The appellant therefore indicates that they have no objection to the Appeal Authority approving the proposed mast with a varied location, 15m from the boundary.
- Reason 3: Visual impact not adequately addressed: The appellant motivates that a mitigating measure is also possible in this regard: a reduction in height from 35m to 25m, and a location adjoining a clump of tall blue gum trees. Painting in a suitable green colour can be imposed as a condition of approval if required; and requiring the provision for co-location will reduce the need for additional masts in the future in this area.

- Reason 4: Objectors concerns not addressed and benefits of a FBTS have not been shown to outweigh these concerns: The ATC company provides infrastructure for service providers to use; local service providers, in particular, Vodacom are the main service providers. The improved coverage will benefit the surrounding Klaas Voogds area, not just the applicant.

Assessment of the appeal:

The Tribunal's decision and reasons therefore are fully supported. However, the additional information provided by the appellant, and their willingness for the Appeal Authority to approve the application with variations which address the Tribunal's concerns, is considered sufficient for the Appeal Authority to approve the application, with variations to the original proposal, and with related conditions of approval. In support of the above, the following are noted:

The community meeting held on 17 September 2024 confirmed the stated need for improved telecommunication services in the Klaas Voogds area, and that the Telkom lines in this area are no longer available due to theft.

Additional information is provided in relation to tests which were conducted by Vodacom which confirm the gaps in coverage and areas of poor signal, and the improved coverage which will result from a mast located on the farm in question. The improved coverage will benefit the surrounding Klaas Voogds area, not just the applicant.

The proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has been considered. Although located in relatively close proximity, its location and limited height result in a limited area of coverage. The proposed mast will supplement this coverage in areas which are currently not serviced.

There are alternative locations for the proposed mast on the appellant's property which do not necessitate a nil building line and will not adversely impact on the neighbour. A suitable site 15m from the boundary has been identified and demarcated by a Land Surveyor.

A reduction in height from 35m to 25m, and the above alternative site which adjoins a clump of approximately 20m high blue gum trees offers the opportunity to approve the mast with a lesser visual impact on the rural area. A condition of approval requiring co-location of service providers on this mast will reduce the need for additional masts in the future in this area.

In conclusion, the mitigating measures of reduced height, and increased distance from the boundary serve to address the objector's concerns and the concerns expressed by the Tribunal and provide sufficient grounds to consider the approval of the amended proposal subject to appropriate conditions.

Note: The data contained in pages 9 and 10 relating to the fresnaye effect is considered to be irrelevant to this rural context and is disregarded for the purposes of assessing this appeal submission.

Timeline for processing the Application:

The time taken to process the application is within the time frames as permitted within Langeberg Land Use Planning Bylaw, 2015, as is evident from the control sheets on the application and appeal files.

PART M: PROVINCIAL MINISTER'S COMMENT ON THE APPEAL

The application was circulated to the Provincial Minister in terms of Section 80(11) (b)(i) of the Langeberg Land Use Planning Bylaw, 2015, namely: "a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework".

Provincial comment is attached at [Annexure 9](#).

PART N: RECOMMENDATION

1. That the Appeal Authority note the following:
 - 1.1. There is 1 appeal by the applicant which requires a decision.
 - 1.2. The Appeal Authority's decision (minutes) must refer to the legislation (Section 81 of LLUP Bylaw, 2015) in terms of which they are taking a decision.
 - 1.3. The Appeal Authority must state whether they "confirm, vary or revoke" the Tribunal's decision, as referred to in the Bylaw.
 - 1.4. The minutes of the Appeal Authority hearing must record the reasons for its decision.
2. That, with reference to Section 81(9)(b) of the LLUP Bylaw, 2015 ([Annexure 10](#)), it is recommended that the Appeal Authority:
 - 2.1. Revokes the Tribunal's decision to refuse the application for consent for the FBTS, and departure from the building line to nil.
 - 2.2. Replaces the Tribunal decision with the decision outlined in 3. Below.

3. Recommended Appeal Authority Decision:

That the application for a consent for the purpose of erecting the following Freestanding Base Telecommunication Station 15m from the common boundary (shared with Rem/Portion 6 of the Farm Rietvallei No. 115, Robertson), be **approved** in terms of the Langeberg Land Use Planning By-law, PN 264/2015, of 30 July 2015:

- 25m high lattice mast.
- Installation of 9 triband antennae on the mast.
- Installation of 4 transmission dishes on the mast.
- Construction of 3 x 3.0m (L) x 3.0m (W) concrete plinths and installation of 2 x telecommunications equipment containers measuring 2.4m (L) x 2.8m (W) at ground level.
- 8m (L) x 8m (W) compound enclosed by a palisade or clear see-through fence with a maximum height of 2,4m.

Conditions of Approval:

1. The location of the Freestanding Base Telecommunications Station is approved at coordinates 33°48'30.29"S and 19°58'30.67"E, as shown on the plan marked RIETVALLEI 323 ROB-LBM-TP.
2. The zoning of the farm remains Agricultural Zone I and the exercise of the land use rights in terms of this zoning, is subject to all the relevant legislation, including the EIA regulations in terms of the National Environmental Management Act No. 107 of 1998. Particular attention is drawn to the following requirements:
 - 2.1. The owner is reminded of his/her general duty of care in terms of Section 28(1) of NEMA.
 - 2.2. Should any items or remains of archaeological heritage significance, be exposed or uncovered during excavations and earthworks these should be reported to Heritage Western Cape.
3. Authorisation from the Civil Aviation Authority must be submitted prior to the approval of any building plans and any conditions of approval (e.g. night markings, if required) must be complied with.
4. Building plans must be submitted to the Langeberg Municipality for approval. On completion of construction, the applicant is required to submit a "Structural Certificate of Conformance" by a registered Engineer, to the Building Inspectorate, Langeberg Municipality.
5. The following specific requirements apply:
 - 5.1. The footprint of the development must be demarcated during construction and no construction equipment or activities may occur outside the demarcated area.
 - 5.2. Only existing roads may be used to access the site.
 - 5.3. All structures must be wholly contained within the approved enclosure and must be of such colours and materials to blend in with the surrounding environment, to the satisfaction of the Municipality.
 - 5.4. Co-location of service providers must be promoted.

6. With regard to Municipal Electricity the owner is responsible for the costs associated with any relocation of existing services, new connections, upgrading or alterations to existing electrical connections or networks, and any applicable Bulk Services Levy, at the tariffs which are applicable at that time. Connections will be subject to any restrictive measures which the National Government may require for saving of electricity.
7. Should any of Eskom's services need to be relocated, written application must be submitted at least 6 months in advance, and the costs will be borne by the applicant. Eskom's existing rights on the property must not be affected.
8. Health standards of all structures associated with communication networks must be reviewed periodically based on on-going scientific research.
 - 8.1. The contents of the letter issued by the Department of National Health: Directorate Radiation Control, dated 23 June 2015, or any subsequent revision thereof, must be complied with.
 - 8.2. The operator will be required to decommission (including site rehabilitation) or upgrade any communication structure that does not meet the most recently published health standards of the World Health Organisation, and the International Committee on Non-Ionising Radiation Protection (as adopted by the SA National Department of Health).
9. Within six months of the facility ceasing to be functional for the purpose for which it is now authorised, the facility must be removed at the expense of the operator. The site, including all associated infrastructure and access roads, must be rehabilitated to the satisfaction of the relevant authorities and the landowner.
10. The "temporary" 15m mast must be removed.
11. The conditions of approval must be brought to the attention of all persons (employees, sub-consultants etc.) associated with this activity and the operator must take the necessary measures to bind such persons to these conditions.
12. This approval is only valid where all the above conditions have been complied with. The attached agreement must be signed and returned to the Town Planning Department within 30 days of the date of approval. Where there is any uncertainty regarding the conditions, please contact the Town Planning Department.

PART O: REASONS FOR RECOMMENDATION

The Appeal Authority has considered the applicability of the reasons given for the Tribunal's decision to refuse the application for a FBTS and determined that the appellant has satisfactorily addressed these reasons. More specifically:

1. The applicant has provided additional information which justifies the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage. The proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has been considered and its location and limited height do not provide sufficiently wide coverage.
2. The applicant has agreed to relocate the proposed site so that the FBTS will not be erected on a nil building line. The proposed FBTS at 15m from the neighbour's boundary minimizes the impact on the rights and safety of the immediate neighbour.
3. The visual impact has been considered and the proposed new location has less impact on the scenic resources of the Klaas Voogds valley given the reduced height from 35m to 25m and its location adjoining a clump of tall trees.
4. The objector's concerns relating to visual impact, impact on neighbours and benefit to the wider region have been adequately addressed. The proposed mast will facilitate economic development and is supported by many residents in the Klaas Voogds area.
5. There are no objections to the proposed cell mast from commenting authorities including CWDM, Department of Agriculture, and Cape Nature.

PART P: ANNEXURES

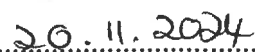
Annexure 1 Plans: Locality, Site
Annexure 2 Planning Assessment Report to Langeberg Municipal Planning Tribunal: 30 May 2024
Annexure 3 Tribunal Decision Letter: 15 July 2024
Annexure 4 Minutes of Tribunal meeting: 5 July 2024
Annexure 5 Appeal: Highwave Consulting
Annexure 6 Objection: M Kriel (neighbour)
Annexure 7 Late representation by Klaas Voogds resident
Annexure 8 Notes from a community meeting on 17 September 2024
Annexure 9 Provincial Comments
Annexure 10 Section 81 of the Langeberg Land Use Planning Bylaw 2015: Consideration by Appeal Authority

PART Q: SIGNATURES

Author name: T L Brunings

Date: 20 November 2024


.....
TL BRUNINGS
MANAGER: TOWN PLANNING


.....
DATE

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

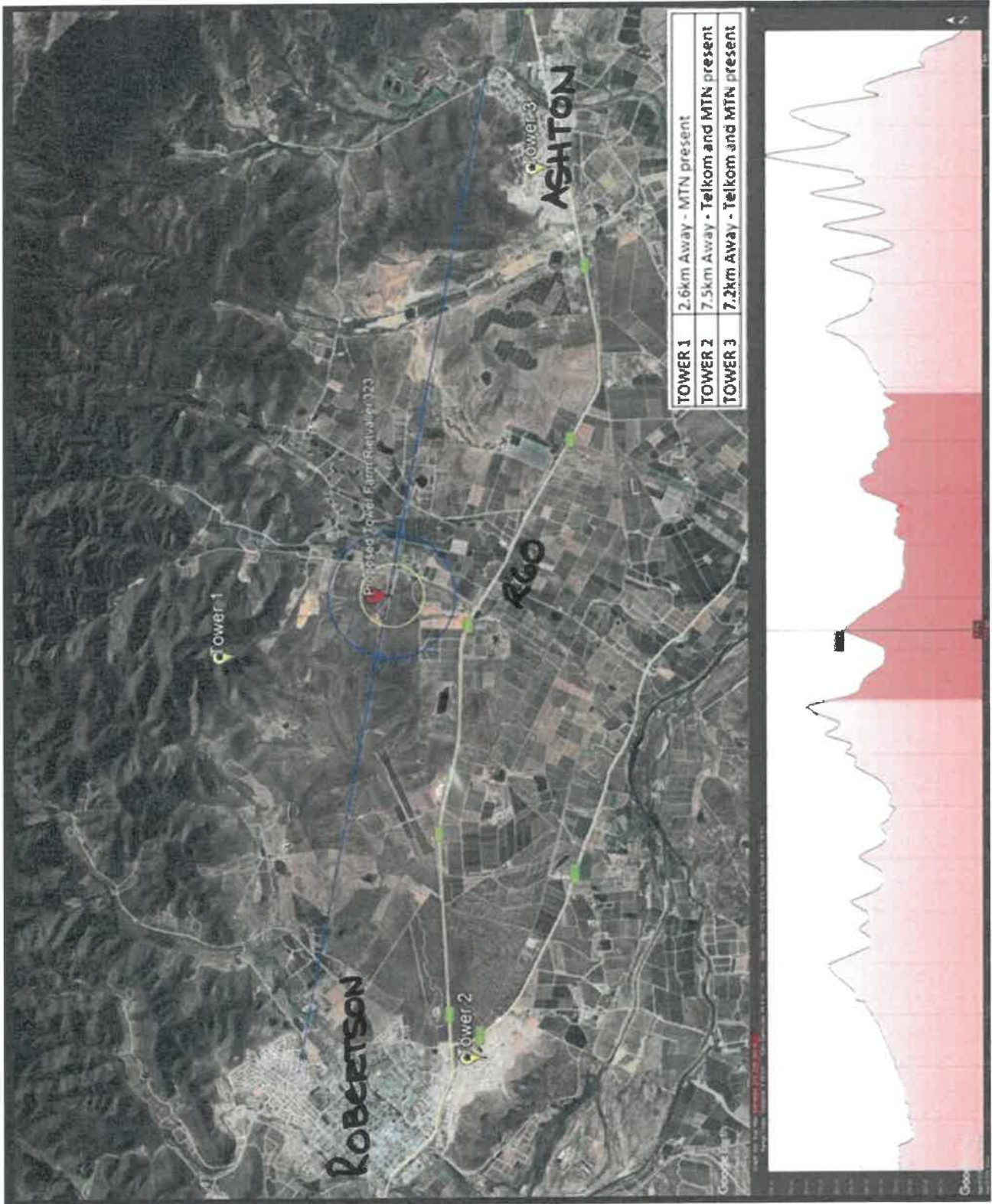
APPEAL AUTHORITY

Date

Annexure 1

Plans

LOCALITY PLAN



Any unusual, unclear or incorrect construction methodology indicated on this drawing, must be brought to the attention of the principal agent, before commencing with any construction.

This drawing must be read in conjunction with any other specification or consultant's drawings being referred to herein.

Where local authority or government regulations require more stringent specification than shown herein, they are to be followed with prior consent of the owner.

Demolitions

Owner of the site shall not demolish any building on site prior to written permission from the local authority.

Site Operations & Excavations
Contractor is to check all dimensions and levels before commencing work and report any discrepancies to drawing service.

Contractor is to confirm and ensure correctness of levels physically on site before commencing work.

Foundations

All foundations to engineers design and detail.

Fire Protection

to comply with SANS 10400-T: 2020 Regulation:

4.7 Fire stability of structural elements or

4.1 The ordering of experimental elements and components

4.8 Tenancy-separating elements

4.9 Partition walls and partitions

4.10 Protection of oneninas

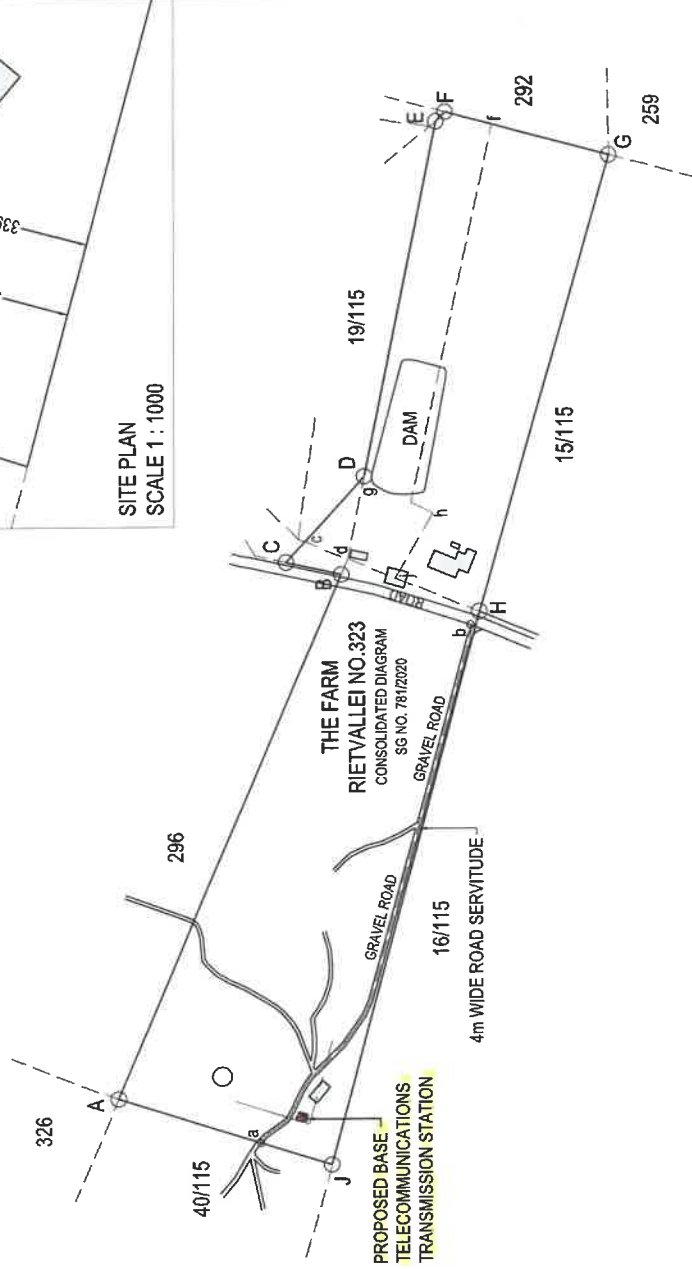
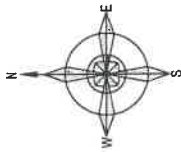
4.29 Marking and signposting

4.32 Provision and maintenance of fire-fighting

4.32 PROVISION AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT, INSTALLATIONS AND FIRE PROTECTION

equipment, installations and life protection systems

4.37 Portable fire extinguishers (CO² 4,5kg)



SITE DEVELOPMENT PLAN
SCALE 1 : 3000

RIETVALLEI 323,
ROB-LBM-TP

Project Description:	Proposed 8m x 8m Base Telecommunications Transmission Station with 25m High Lattice Mast
----------------------	--

Site Name & Site ID:	Klaasvoogds ATSA1534
----------------------	----------------------

Client:  Author:  CAD Drawing Services

Property Particulars
Property Description: The farm Rieksvallei No.323, Western Cape
Property Address: Klaarvoogds West, Robertson, 6705
Site Co-ordinates: Lat: 33°48'30.29"S Long: 19°56'30.67"E 252m HASL

Do not scale. Drawings are in mm.

Signatures		Drawing Ref.
Owner:		CRDS2769 Rev 04
SBA Rep:		A3 Sheet: 02 of 04

[illegible]



Annexure 2

Planning Assessment Report to Langeberg Municipal Planning Tribunal

LAND USE PLANNING ASSESSMENT REPORT FOR THE LANGEBERG MUNICIPAL PLANNING TRIBUNAL

(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

FARM RIETVALLEI NO. 323, ROBERTSON RD: APPLICATION FOR CONSENT FOR FREESTANDING BASE TELECOMMUNICATION BASE STATION AND DEPARTURE TO NIL BUILDING LINE

Reference number	15/4/12/5 & 9	Application submission date	23 February 2023 Last Comments: EA 9 May 2024	Date report finalised	30 May 2024
------------------	---------------	-----------------------------	--	-----------------------	-------------

PART A: AUTHOR DETAILS

First name(s) & Surname	Tracy Brunings.
Job title	Manager: Town Planning
SACPLAN registration number	Pr. Pln A/951/1997

PART B: PROPERTY DETAILS

Property description (Title Deed)	Farm Rietvallei No. 323, Robertson				
Physical address	Klaasvoogds West Road (Divisional Road 1369)	Town	Rural – ±9km east of Robertson.		
Current zoning	Agriculture Zone I	Extent (ha)	15,8770ha	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme By-law, 2018				
Current land use	Dwelling house, Transport business, 15m high freestanding base telecommunication station.		Title number & date	TT21491/2022	
Any restrictive title conditions applicable	Y	N	If yes, condition number(s)	Some of the Title Deed conditions are in Dutch. No Conveyancing Certificate was provided. Based on available information, there are no title deed conditions which restrict the proposed development.	
Any third-party conditions applicable?	Y	N	If yes, specify		
Any unauthorised land use/building work	Y	N	If yes, explain	The applicant operates a transport business (Anton Conradie Vervoer) which has non-conforming existing use rights. However, mention is also made in the EIA application of "ACV Shotblasting Services" operating from the premises, which will require further investigation in terms of compliance with the Zoning Scheme. Subsequent to the current application, a 15m high freestanding base telecommunication station has been erected on the property near to the proposed application site – there is no authorisation for this base station.	

PART C: APPLICATION DESCRIPTION

Application is made for consent for a Freestanding Base Telecommunication Station 0.0m from the common boundary (shared with Remainder Portion 6 of the Farm Rietvallei No. 115, Robertson), with a development footprint of 64m².

The application includes the following:

- o Erection of a 35m high lattice mast
- o Installation of 9 triband antennae on the mast
- o Installation of 4 transmission dishes on the mast
- o Construction of 3 x 3.0m (L) x 3.0m (W) concrete plinths and installation of 2 x telecommunications equipment containers measuring 2.4m (L) x 2.8m (W) at ground level
- o 8m (L) x 8m (W) compound enclosed by a 2.4m high palisade fence.

PART D: BACKGROUND & SUMMARY OF APPLICANT'S MOTIVATION

The applicant states that recent research has indicated that whilst there is not necessarily a lack of cellular infrastructure, the aim is to strengthen the coverage for these remote areas to provide optimal and efficient data and voice coverage to the Klaasvoogds community. The need for more optimal coverage is caused by the increase in farming activities in the area. To achieve the optimal data and voice coverage objectives, base stations in this area need to be approximately 500m apart on average, due to the density of the surrounding area as well as geographical and physical features.

The agricultural backdrop will assist in reducing the visual impact of the mast. The erection of a freestanding base telecommunication station will not have an impact on parking, coverage or floor factor as prescribed in the Langeberg Zoning Scheme.

The subject property was identified as a prime position on the following premise:

- o Property offers the optimal position between existing and planned base stations.
- o Surrounding geographical aspects are in line with the requirements.
- o Minimal physical, natural, and visual impact.
- o Ability to reduce the number of base stations in the surrounding area.
- o Ability to provide sufficient security to the equipment.
- o Property position will address the complaints received.
- o There is sufficient space to erect the base station.

The South African Department of Health is satisfied that the health of the public is not being compromised by their exposure to the emissions of cellular base stations. The health of the public will not be endangered by the proposal, as the placement of the antennas on the freestanding base telecommunication station are such that there will be no building within 50m. The proposal is, therefore, in line with both the 5m and 50m Public Exposure Zones.

The erection of the base station does not impact on the current or surrounding land uses and the construction and maintenance phase of the proposal will provide a positive economic and social benefit, through job creation, to the surrounding community.

The erection of a base station and mast will provide an additional passive income to the landowner who in turn can utilise the income to uplift the surrounding area.

PART E: SUMMARY OF PUBLIC PARTICIPATION

Public participation required in terms of Sections 45- 49 of the By-law?

Y

N

Where participation is required, state method of advertising.

Press

Notices

Ward Councillor

Other

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION AND APPLICANT'S RESPONSE

The application was advertised in the required manner on 27 June 2023 and letters were sent to the surrounding property owners and several organs of state. Three comments were submitted from members of the public and are summarised as follows:

Jan Koornneef:

- o No information has been provided with regards timescales; triband frequency, voice, fixed wireless, and data services; and potential/committed service providers.
- o There is no indication in the report that SBA Communications is motivated beyond their own interests, rather than by an intent to provide effective and competitive facilities to the Klaasvoogds population.

Susjan Wentzel (directly opposite the application site, to the East):

- o The application seems acceptable, and it is trusted that the installation will benefit residents of the immediate surroundings.
- o Concerned, however, about the visual impact of the mast.
- o Further measures to mitigate visual impacts should be considered.

Milne Kriel (response in terms of the NEMA application):

- o Will be directly affected by the proposal, as the mast is directly adjacent to our property and will negatively impact on self-catering accommodation on the property.
- o The mast will be an eyesore to the Klaasvoogds community.
- o The proposal will lower the value of our property.

ACE Environmental (the environmental consultant) responded as follows to the comments received:

- o Improved connection may be of benefit to the guesthouse.
- o Perhaps various design alternatives for the mast may be considered to suit the area better.

Highwave Consultants (the planning consultant) responded as follows to the comments received:

- o The applicant acknowledges the concerns over visual impact and suggested a slimline monopole design as a mitigation measure to address said concerns.
- o The mast location is determined not only by the impact it will have visually, but also by its functionality.
- o The base station containers will for the most part be out of sight and implying that it will negatively impact on the surrounding area is unsubstantiated.
- o The applicant aims to provide a collective service (MTN, Vodcom, Cell C and Telkom).
- o The application is by no means a careless act, as health and environmental aspects are taken into consideration.
- o With such a high demand for their products, it follows that service providers are responsible for supplying a high level of network coverage.
- o Visitors to the area, businesses and daily commuters will also benefit by having access to improved communication facilities.
- o Mobile communication has become an important safety and security element in modern society.

PART G: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS (if applicable)

NAME	DATE RECEIVED	SUMMARY OF COMMENTS	RECOMMENDATION
Cape Winelands District Municipality (Health)	29/06/2023	No objection to the proposal from a health perspective.	No objection
Municipal Electrical Engineering Services	05/04/2024	- o The clearance standards for electrical lines should be adhered to at all times. - o Electrical capacity cannot be guaranteed and will be evaluated when an application for connection is received. - o Bulk services contributions will be applicable. - o Alternative generation installations (backup batteries or generator) should be registered with the Municipality.	No objection
Department of Infrastructure (Transport Infrastructure Branch)		No response	No response
CapeNature	28/08/2023	No objection to the application, as the proposed mast is located on a transformed footprint adjacent to a homestead and will therefore not have any impact on biodiversity.	No objection
DEA&DP – Region 2 (Planning)	24/07/2023	No objection. The Municipality may impose development parameters.	No objection
Department of Agriculture, WC	17/07/2023	No objection.	No objection
ESKOM	03/10/2023	No objection subject to conditions.	No objection
Heritage Western Cape		No response	No response

PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

With reference to Section 65 of the Langeberg Land Use Planning Bylaw, PN 264/2015 of 30 July 2015, an application is required to be assessed, *inter alia*, in terms of the following:

- desirability of the proposed use (with reference to Province's "Relevant Considerations Guideline").
- compliance with relevant plans (IDP, SDF, and PSDF): The proposal must be consistent with the forward planning vision for the application area. Only in exceptional circumstances should deviation from these policies and/or plans be considered;
- compliance with relevant policies and principles;
- compliance with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014): In terms of section 49 of LUPA consideration must be given to applicable spatial development frameworks and structure plans, and the desirability of the proposal must be determined. In addition, the proposal must be consistent with the land use planning principles referred to in section 59 (spatial justice, spatial sustainability, efficiency, and good administration); and

- compliance with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013): The proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience, and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights, and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, *inter alia*, must be considered.

In terms of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), administrative processes and decisions taken must be fair, sound, and consistent and in accordance with Section 33 of the Constitution, namely:

- Everyone has the right to administrative action that is lawful, reasonable, and fair.
- Everyone whose rights have been affected by administrative action has the right to be given written reasons for decisions.

Assessment of Land Use application:

1. Socio-economic impact

The community and commuters will potentially enjoy improved network coverage, which will improve electronic communication and access to enhanced safety, emergency, and other public services. However, no evidence is submitted to substantiate the apparent need for improved coverage or the stated increase in demand (agricultural activity) in the area.

The development will create temporary employment opportunities during the construction phases for semi-skilled and unskilled workers. Whilst local contractors and businesses are proposed to be utilised for the necessary resources required for the proposed development, there is no guarantee that this will be the case.

The applicant further provides that the erection of the freestanding telecommunication state will provide the landowner with an additional passive income that he can utilise to uplift the surrounding area. No further details of proposed upliftment projects were, however, provided and the authenticity of this statement is questioned.

2. Compatibility with surrounding land uses

The proposed site is located within the rural area of Klaasvoogds, approximately 400m from the Klaasvoogds West Road and approximately 1,2km from the R60 (as the crow flies).

The proposal is to place the mast and base station on the 0,0m common boundary shared with Remainder Portion 6 of the Farm Rietvallei No. 115, Robertson, directly abutting agricultural buildings and what would appear to be worker's accommodation (i.e. within 50m of the proposed FBTS) and approximately 180m from guest accommodation on the neighbouring farm.

The proposed mast will be located near to a clump of trees, which would appear to be some 10-12m tall, and within proximity of a municipal power line, which runs alongside the access road / farm boundary.

The implication of a nil building line is that development on the adjoining property will be restricted such that no future building may occur within the 5m and 50m Public Exposure Zones, as referred to in the application. This is not deemed to be an acceptable impact / restriction on the neighbouring property. No alternatives were proposed which would be a more acceptable distance from the boundary and the municipal electrical line and preferably in compliance with the 30m building line which applies to the Agricultural Zone I.

3. Impact on External Engineering Services

The proposed use will have no negative impact on municipal civil engineering services. However, electrical capacity is currently in short supply in this area and cannot be guaranteed. Availability of municipal electrical supply can only be evaluated when an application for connection is received. In the context of the current demand for electricity exceeding supply, the additional demand for electrical capacity, although relatively small, can only be justified where a need for the proposed use is established. It is not considered that such need has been convincingly proven.

4. Impact on Safety, Health, and Well-being of the Surrounding Community

According to the applicant, the placement of the antennae on the mast is such that there are currently no habitable structures within the 50m radius public safety zone. However, the proposed FBTS immediately adjoins existing agricultural buildings and worker accommodation. Despite the official WHO position, there is currently conflicting evidence regarding adverse health effects associated with living close to, or working with, cellular technology. Further, the introduction of telecommunication infrastructure increases the need for security to protect such infrastructure, with associated safety implications for the surrounding area. This is particularly of concern given the proposed departure to permit a nil building line, and therefore potential adverse security impacts on the adjoining neighbour.

5. Impact on Heritage

The subject property does not fall within any heritage overlay zone and there will be no impact on any specific heritage resource. However, the Klaas Voogds meander is currently a well-established tourist route, and the draft SDF 2024 proposes to formalize this scenic route. Two of the objectors raise concerns about possible negative impacts in this regard. Refer to the comments below on visual impact.

6. Impact on Biophysical Environment

Cape Nature notes that the proposed freestanding base telecommunication station is located on a transformed footprint and will therefore not have any impact on biodiversity.

7. Traffic, Transport, Parking and Access

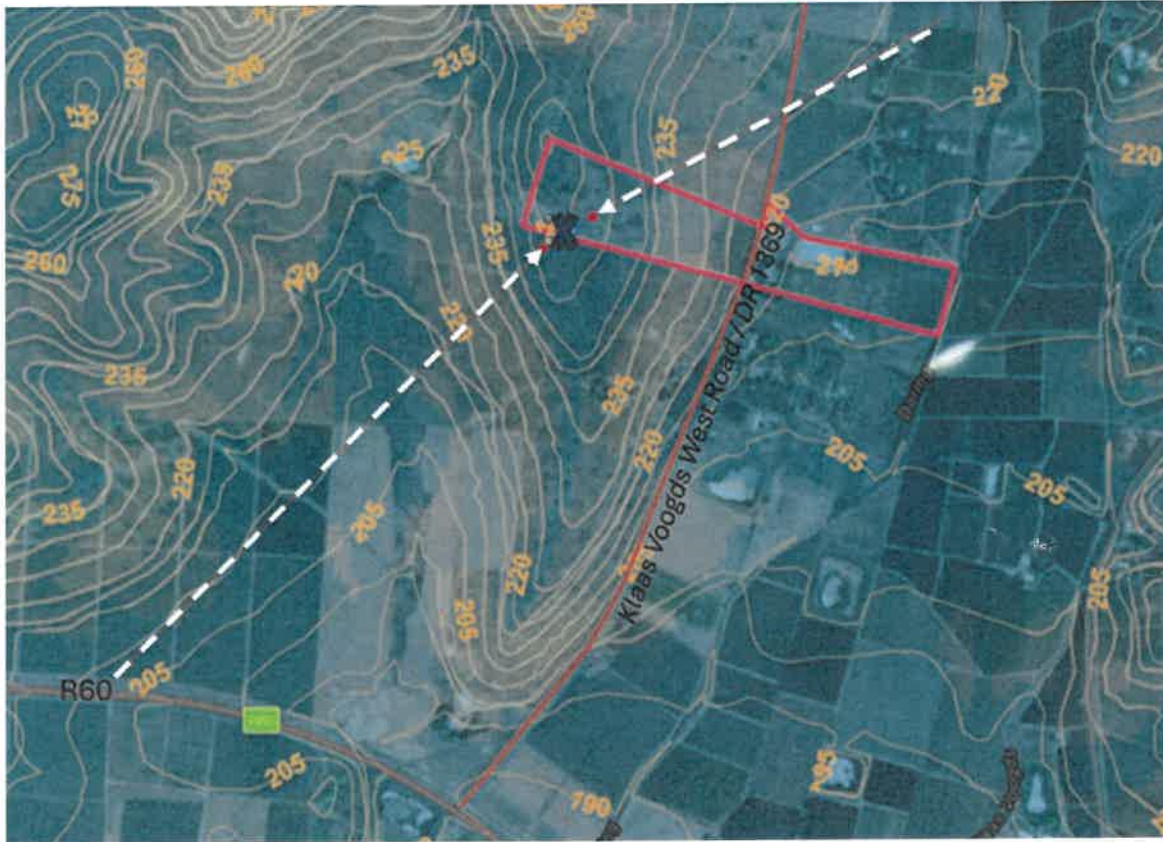
The proposed telecommunication station will have no adverse impact on transport or traffic related considerations. Access to the proposed use will be taken from Klaasvoogds West Road via an existing farm road. No new roads or paths will, therefore, have to be constructed to access the site. No response was received from the Department of Infrastructure.

8. Visual Impact

According to the applicant, the potential visual impact associated with the proposed development will predominantly affect motorists driving on Klaasvoogds Road, as the neighbouring landowners are at least 450m from the proposed site location.

Agricultural buildings and worker accommodation appears to be located immediately adjacent to the proposed development footprint on the subject property and a dwelling on the neighbouring farm is located approximately 180m from the proposed mast site.

Given the topography of the area as shown on the map below, the mast at a height of 35m will be highly visible from the R60 and the Klaasvoogds Road and Klaasvoogds valley, which is a scenic tourist route and areas within the Langeberg Municipal area. This impact will be further exacerbated by the South African Civil Aviation Authority specifications, which require night markers to be placed on top of the mast and that the mast must be painted red and white for visibility.



No additional information was provided by the applicant to indicate why the subject property was chosen and why the specific site was identified bearing in mind the visual impact. Although the applicant's response to one of the objections was that a monopole would be considered, no such amendment was proposed, and the EA approves a lattice mast based on the motivation that a lattice mast would have less visual impact than a monopole design..

9. Environmental Authorisation:

The applicant submitted a Basic Assessment as the site falls outside the urban area and the height of the mast exceeds 15m. The Final Basic Assessment Report was submitted to DEA&DP for consideration on 25 January 2024 and Environmental Authorisation was issued on 9 May 2024. In summary, the following reasons were given for the decision to approve the application:

- The Department is satisfied that the PPP that was followed met the minimum legal requirements.
- Specific alternatives, management and mitigation measures have been considered in this EA and EMP to adequately address the concerns raised.
- The proposed site was identified as the best position to reach optimum network transmission coverage.
- A lattice mast design was considered the preferred alternative since it will have a lower visual impact.
- The development will not have any significant biophysical impacts.

- The development will have positive and negative impacts:
 - Negative visual impact on certain individuals residing around the proposed property, mitigated by the distance from the road and the lattice design.
 - Positive – will improve overall telecommunication service and create temporary employment during construction.

Notwithstanding the above, it is noted that the DEADP did not conduct a site visit and appears to have accepted statements made by the applicant without requesting that those statements be substantiated e.g. improved coverage, optimal site, low visual impact. Of more concern with regard to the public participation process, it is noted that from the beginning of the EIA process, the applicant used the incorrect property description (Ptn 6 Rietvallei 115, as opposed to Rietvallei No 323, Robertson). Despite the Langeberg Town Planning Department pointing out this error to the applicant and DEADP on numerous occasions, this appears to only have been corrected during January 2024. It is therefore unclear whether the public was adequately notified of the specific proposal on the specific site.

10. Spatial Development Framework, 2015

The Langeberg Spatial Development Framework supports the establishment and sensitive location of communication network facilities/ data centres/ telecommunication towers in rural area and on farms in an effort to protect, manage and enhance the cultural landscape and sense of place. The proposed mast is not considered to meet these locational criteria given: objections from surrounding residents, the existence of nearby masts and the location of the site visible from two scenic routes.

11. Western Cape Land Use Planning Guidelines for Rural Areas, 2019

The Guidelines recommend that buildings accommodating land uses ancillary to agriculture, including a freestanding base telecommunication station, should not detract from the functionality and integrity of farming practices and landscapes and should be of an appropriate scale and form. The proposed 35m mast is not considered to be in keeping with the nature of the surrounding area.

12. Report Shortcomings and Inconsistencies

Despite several requests for information on why this particular site was selected, the location of nearby masts and information regarding the alleged coverage problems and congestion experienced by cellular operator customers, the information was not provided by the applicant in respect of either the LLUP By-law or NEMA applications. This information was requested in December 2022, 23 February 2023, 13 March 2023, 7 and 9 June 2023, and 11 October 2023.

The motivation report is also littered with irrelevant considerations, as the applicant further ascribes the lack of coverage to the increase of farming activities in the area on the one hand, and to the density of the surrounding area, as well as the amount of steel and concrete of the buildings in the surrounding area (the 'Fresnaye Effect') on the other, despite the property being located within a sparsely populated rural setting.

According to the applicant, when selecting a site, special consideration is given to geographical aspects to ensure that the cellular infrastructure has been positioned to guarantee optimal functionality and availability and to reduce the number of base telecommunication stations necessary to provide the best possible experience to the end user. No mention was, however, made in the application of the existing (unauthorised) 15m freestanding telecommunication base station located within 100m of the site for the proposed mast or the approval given by Langeberg Municipality on 8 July 2014 for the freestanding base telecommunication stations on Remainder of Farm Klaas Voogds Rivier No. 44, located approximately 2,5km NW of the subject property. Despite the Municipality drawing the existence of these approved masts to the applicant, existing masts are not addressed or even mentioned in the application.

The applicant has failed to provide concrete data and area-specific statistics to explain the lack of coverage and justify the optimal placement of the mast. The failure to consider alternatives was ascribed to the fact that "the first property owner agreed to accommodate such a structure".

The BAR considers the visual impact to be low and quantifies this assessment based on the distance between the mast and the two neighbouring property owners and the distance from the site to Klaasvoogds Road. The mitigation proposed in the report is deemed to be the selection of the site *per se*. No regard has been given to the topography of the site relative to the surrounding area; the fact that the applicant proposes to place the mast on the highest point of the property, and on a nil building line; or existing infrastructure on the neighboring property.

Due to the specific topography of the site, the visual impact of the mast will be the highest on the immediate property owners and the adverse impact of a nil building line is noted in paragraph 2 above "Compatibility with surrounding land uses". It is held that the applicant has failed to provide substantive evidence (possibly by way of a visual impact study and the consideration of alternative sites) to prove that the proposed site is optimal and that impacts can effectively be mitigated.

On the balance of all considerations as contemplated in terms of section 65 of the Langeberg Land Use Planning By-Law, 2015, the proposed development is not regarded as desirable and is, therefore, not supported.

PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (N/A)

Not applicable.

PART J: RECOMMENDATION

That the application for a consent use and building line departure for the purpose of erecting a Freestanding Base Telecommunication Station 0.0m from the common boundary (shared with Rem/Portion 6 of the Farm Rietvallei No. 115, Robertson), be **refused** in terms of Section 60 of the Langeberg Land Use Planning By-law, PN 264/2015, of 30 July 2015.

Reasons for decision:

1. Notwithstanding requests for additional information, inadequate information has been provided to justify the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage. In particular, the proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has not been considered.
2. No motivation has been provided to substantiate the nil building line. The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.
3. The visual impact was understated and not adequately addressed by the applicant. The proposed FBTS is not considered to be desirable in terms of the visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.
4. The objector's concerns have not been adequately addressed, and the benefits of a proposed FBTS have not been shown to outweigh these concerns.

Note: The owner of Rietvallei No. 323 has demonstrated a record of non-compliance with the provisions of the Land Use Planning By-law, 2015 and the National Building Regulations, by the erection of a 15m high FBTS without any prior authorisation. The relevant notices in terms of this legislation must be served on the owner in terms of this non-compliance, and the unauthorized 15m mast must be removed.

PART K: ANNEXURES

Annexure A: Motivation Report
Annexure B: Departmental Comments
Annexure C: Objections
Annexure D: Response to Objections
Annexure E: Environmental Authorisation

PART L: SIGNATURES FOR RECOMMENDATION AND RECORD OF DECISION BY TRIBUNAL

Author name: T Brunings

Date: 30 May 2024

Authorised for submission to Tribunal:


.....

TL BRUNINGS
MANAGER: TOWN PLANNING

07.06.2024
.....
DATE

RECORD OF DECISION BY LANGEBERG MUNICIPAL PLANNING TRIBUNAL – Refer to minutes for Final Decision

Date of Tribunal Meeting:

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

FARM RIETVALLEI NO 323, ROBERTSON
CONSENT USE & PERMANENT DEPARTURE
APPLICATION

**TO ALLOW A FREESTANDING
BASE TELECOMMUNICATION STATION ON
THE FARM RIETVALLEI NO 323, ROBERTSON**



HIGHWAVE
CONSULTANTS

NOVEMBER 2022

CONTENTS

1. THE APPLICATION.....	3
2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP	3
3. CONTEXTUAL INFORMANTS.....	4
a. Locality	4
b. Surrounding Area.....	4
c. Land Use	5
4. DEVELOPMENT PROPOSAL	5
a. Development	5
b. Ownership and Power of Attorney	6
c. Access	6
d. Security	6
e. Electricity Requirements	7
f. Environmental.....	7
5. MOTIVATION.....	8
a. Background.....	8
b. Proposed Development Parameters	9
c. Physical Characteristics	10
d. Title Deed Restrictions.....	11
e. Health.....	11
f. Need & Desirability	15
g. Electricity	16
h. Visual Impact.....	16
i. Access & Traffic considerations.....	17
j. Alternative candidates.....	17
k. Spatial Planning and Land Use Management Act Principles	17
6. CONCLUSION	19
7. ANEXURES	20

DEFINITIONS:

FOR THE PURPOSE OF THIS APPLICATION, AND UNLESS IT APPEARS OTHERWISE IN THE TEXT, THE TERMS USED HEREIN ARE AS FOLLOWS:

PROPERTY:

FARM RIETVALLEI NO. 323, ROBERTSON, LANGEBERG MUNICIPALITY, WESTERN CAPE PROVINCE.

CLIENT:

SBA South Africa (Pty) LTD.

APPLICANT:

Highwave Consultants (Pty) Ltd

OWNER:

Anton Conradie Familie Trust

ABBREVIATIONS:

FOR THE PURPOSE OF THIS APPLICATION, AND UNLESS IT APPEARS OTHERWISE IN THE TEXT, THE TERMS USED HEREIN ARE AS FOLLOWS:

ABOVE GROUND LEVEL:

Referred to as (AGL)

LUPA:

Land Use Planning Act (Act 3 of 2014)

Rooftop base telecommunication station:

Rooftop Base Telecommunications Station as defined in the Langeberg Integrated Zoning Scheme (LIZS).

Freestanding base telecommunication station:

Freestanding Base Telecommunications Station as defined in the LIZS.

Telecommunication Infrastructure:

Telecommunication Infrastructure as defined in the LIZS.

1. THE APPLICATION

Application is hereby made on behalf of our client SBA South Africa (Pty) LTD to allow the following on Farm Rietvallei No. 323, Robertson.

- **Consent use application** in terms of Section 15 (2)(o) of the Langeberg Municipal Land Use Planning By-Law for the purpose of erecting a Freestanding Base Telecommunication station with a 35m lattice mast on the above-mentioned erf. And,
- **Permanent Departure application** in terms of Section 15 (2)(b) of the Langeberg Municipal Land Use Planning By-Law for the common boundary line (shared with the Remainder of Portion 6 of the Farm Rietvallei No. 115, Robertson) relaxation from 30m to 0.0m to allow the position of the proposed development.

2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

The subject property relating to the application is identified as Farm Rietvallei No. 323, Robertson with an extent of 15,8770 Ha (*Fifteen comma Eight Seven Seven Zero hectares*). The property is situated in the Klaasvoogds area and is situated between Robertson and Ashton. The property is situated at Klaasvoogds West, Robertson and is currently owned by the **Anton Conradie Familie Trust**.

A copy of the Title Deed for Farm Rietvallei No. 323, Robertson containing the details outlined below is contained in Annexure A. *(Please refer to Annexure A: Title Deed)*

TITLE DEED DESCRIPTION:	FARM RIETVALLEI NO. 323, ROBERTSON, WESTERN CAPE PROVINCE.
TITLE DEED NUMBER:	T21491/2022
TITLE DEED RESTRICTIONS:	None
PROPERTY SIZE:	15,8770Ha (Fifteen comma Eight Seven Seven Zero hectares)
ZONING:	AGRICULTURAL ZONE 1
PROPERTY OWNER:	Anton Conradie Familie Trust
SERVITUDES:	None - The proposed developments does not encroach or have an impact on the Registered servitude.

3. CONTEXTUAL INFORMANTS

a. Locality

The concerned property is identified as Farm Rietvallei No. 323, Robertson situated in the Robertson District, forming part of the Langeberg Municipality. The proposed mast is to be located on the southwestern boundary of the said Property.

b. Surrounding Area

The proposal entails the erection of a Freestanding Base Telecommunication station on Farm Rietvallei No. 323, Robertson. The property is currently zoned Agricultural Zone 1 and is being utilised in accordance with the zoning scheme. The surrounding land uses in the area are all zoned agricultural zone 1.

c. Land Use

As mentioned, the property is currently zoned Agricultural Zone 1 and the land is predominantly used for agricultural purposes. There are other uses on the farm as specified below:



As seen above, the area earmarked in blue is currently being used as a residence and the area earmarked green is used as a business (transport business).

4. DEVELOPMENT PROPOSAL

a. Development

It is the intention of our client to apply for the consent use and permanent departure to allow a freestanding base telecommunication station on the above-mentioned farm. The application entails the following proposed development parameters:

- Erection of a 35m lattice mast situated in the southwestern portion of the farm.
- Installation of 9 triband antennae on the proposed 35m mast.
- Installation of 4 transmission dishes on the proposed 35m mast.
- Construction of 3 x 3.0m (L) x 3.0m (W) concrete plinths and installation of 2 x telecommunications equipment containers measuring 2.4m (L) x 2.8m (W) at ground level.

- The mast & equipment containers will be placed inside an 8m (L) x 8m (W) compound enclosed off by a 2.4m palisade fence.

(Please refer to attached Annexure H – Plans)

b. Ownership and Power of Attorney

The property is currently owned by the Anton Conradie Familie Trust. A power of attorney and approval letter was granted by the Trustees and the construction of a telecommunication base station has been approved pre-luminary..

c. Access

Access to the proposed freestanding base station will be obtained from the existing road on the farm.

d. Security

The proposed freestanding base telecommunications station will be constructed on Farm Rietvallei No. 323, Robertson, partially surrounded by wire fences. Extra security to the actual telecommunications base station will be added by a 2,4m high palisade fence. The telecommunications radio and transmission equipment will be installed inside alarm monitored containers, these containers are secure as they are locked at all times. The antennae will be located 20-25m above ground level and are inaccessible to the public. A mast door with a high security lock will be installed ensuring increased security to mast. Access to the equipment and antennae will be limited to registered and qualified personnel only. Health and safety legislation also require restrictive security signage (0, 4 x 0,5m) to be attached to access gate, containers and mast door.

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

e. Electricity Requirements

Electricity supply will be obtained from the available on-site supply, technological advances have also seen current telecommunications equipment reduce their electricity usage. We can confirm that our client will ensure all ESKOM permits are in place.

f. Environmental

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

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

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

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

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

"(f) In Western Cape:

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

Our client is currently busy with a Basic Assessment Report as this site falls **outside the urban area** on a farm and the height of the lattice exceed 15m.

The Environmental Authorisation will be sent through as soon as it is received.

5. MOTIVATION

a. Background

Recent research conducted has indicated that there is not necessary a lack of cellular infrastructure, but the aim is to strengthen the coverage for these remote areas to provide optimal and efficient data/ voice coverage to the surrounding community situated in the Klaasvoogds area.

The need for optimal coverage was mainly caused by the increase in farming activities in the area. The Klaasvoogds area have a big farming community which is reliant on communication and also on their own business which is in effect reliant on a reliable internet connection. The coverage radius/ footprint for cellular telecommunications technology are reducing due to the latest technology and additional need for increased data speed and voice quality.

In order to provide clarity and for ease of reference, below please find an extract from the Langeberg Zoning Scheme defining a Freestanding Telecommunications base station in the context of the LIZS and telecommunications infrastructure.

“Rooftop base telecommunication station:”

Rooftop Base Telecommunications Station as defined in the Langeberg Integrated Zoning Scheme (LIZS).

“Freestanding base telecommunication station:”

Freestanding Base Telecommunications Station as defined in the LIZS.

“Telecommunication Infrastructure:”

Telecommunication Infrastructure as defined in the LIZS.

b. Proposed Development Parameters

The current and proposed allowable development parameters as per the Langeberg Scheme Regulations are indicated in the tables below:

Development Parameters	Langeberg Scheme Regulations (SR1)	Proposed Development on Farm Rietvallei No. 323, Robertson
Floor Factor	N/A	COMPLY: N/A
Coverage	N/A	COMPLY: N/A
Building Lines	Street Building Lines:	COMPLY: N/A
	Common Building Lines: 30.0m	Departure being applied for.
	Street Setback Line: N/A	COMPLY: N/A
Parking	Development does not encroach onto parking area	COMPLY: N/A

Height	15m	<i>Departure being applied for.</i>
--------	-----	-------------------------------------

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

c. Physical Characteristics

RF Engineers are subject matter experts and identify sites by utilizing a specific set of engineering rules and principles, Farm Rietvallei No. 323, Robertson was identified as a prime position on the following premise:

- Property offers the optimal position situated between existing and planned base stations to provide efficient data and voice coverage.
- Surrounding geographical aspects are in line with the requirements.
- Minimized physical, natural and visual impact.
- Ability to reduce the number of base stations in the surrounding areas.
- Ability to provide sufficient security to the equipment.
- Capacity to share infrastructure with majority of the operators.
- Property position will address the complaints received in the area.
- Sufficient space to erect a freestanding base telecommunications station.

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

d. Title Deed Restrictions

In respect of Farm Rietvallei No. 323, Robertson it was found that there are NO restrictive title deed conditions contained in title deed no. T21491/2022 that needs to be removed.

(Please refer to the attached Annexure A: Title Deed)

e. Health

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

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

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

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

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

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

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

The following is an extract from www.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. The health of the public will not be in danger as the 50m Safety Zone is in effect to make sure that there are no one in direct line with the antennas of the mast.

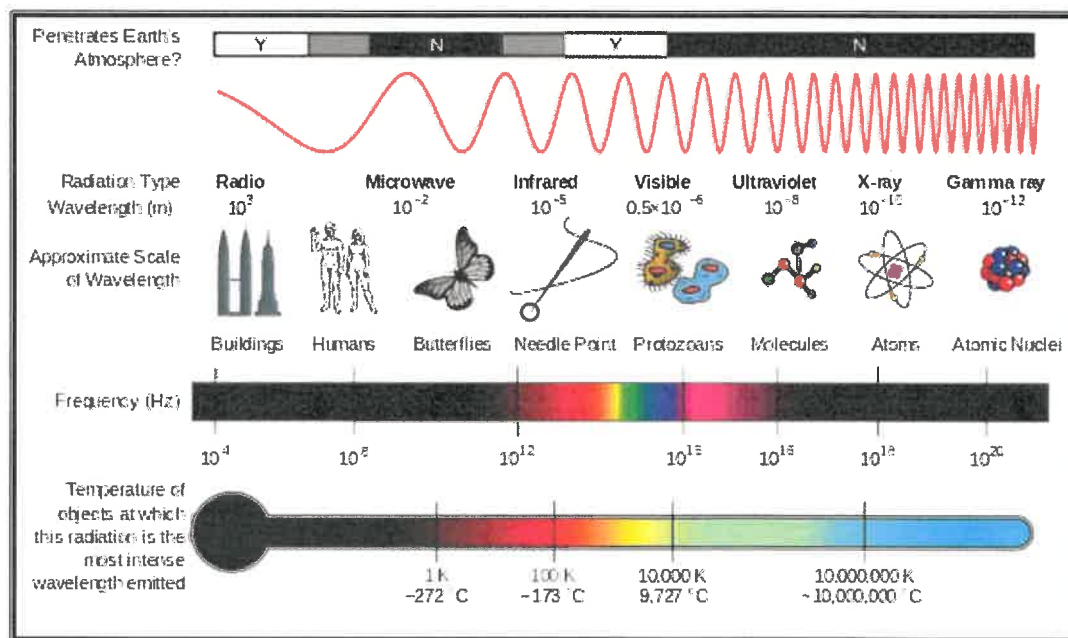
5G and the concerns related to it:

The following was a study that was conducted in South Africa and published on the 6th of September 2021 on My Broadband. (The source is below)

“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 ([Wikipedia](#))

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 general 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 cellphone 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

The placement of the antennas on the freestanding base telecommunication station will be of sort that there will be no building in line within a 50m range thus falling in line with the 50m safety zone. As seen above, the proposal is in line with both the 5m and 50m public exposure zones as indicated in the above-mentioned policy and we therefore do not anticipate any health risks. The applicable legislation clearly stipulates and defines the 50m Safety Zone and the effect on all buildings outside this buffer is considered as very low as it falls outside this area

f. Need & Desirability

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

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

Our client SBA South Africa (Pty) LTD is an established corporation that pride themselves in ensuring that a positive impact is created in terms of the social, environmental and economic wellbeing of the area. Since the introduction of LTE in South Africa in 2012 there has been greater need for access to faster data, due to the higher penetration of LTE data in commercial and business areas, this has led to lower subscription fees which in itself provide

economic sustainability and development. LTE will ultimately address high data traffic requirements and the surrounding community will be the main beneficiary.

The erection of a telecommunication base station does not impact on the current or surrounding land uses of the property. The construction and maintenance phase of the proposal will provide a positive economic & social impact by ensuring job creation effecting the surrounding community in a positive way.

The commissioning of the proposed telecommunication base station will alleviate the congestion experienced by cellular operator customers and ensure that their needs are accommodated.

g. 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 Langeberg Municipality Electrical Department requirements and standards. Our client will ensure that the proposal will be in line with the above mentioned electrical supply requirements.

h. Visual Impact

Special consideration has been given to the placement of the proposed freestanding base station in order to minimize the visual impact as far as possible however this is challenging at times. The position of the proposed erection of a 35m lattice was decided on as the area is being used predominantly for agricultural reasons.

Highwave Consultants can confirm that we considered a monopole mast but we decided against it as it is our opinion that a lattice mast has a "see-through" design which mitigate the visual impact of the proposed mast. The agricultural backdrop will also assist in this venture and we therefore request the Planning Authority to include restrictions should they deem it necessary.

Cognizance 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. We therefore request the relevant Authority to communicate such request with Highwave Consultants.

i. Access & Traffic considerations

Farm Rietvallei No. 323, Robertson is easily accessible and access will be obtained from within the farm portion. The main access point from the Klaasvoogds West road will be utilised during construction.

j. Alternative candidates

Cognizance needs to be taken of the fact that the coordinates were given to Highwave and also the first property owner agreed to accommodate such a structure. Thus, no other alternatives were looked for.

k. Spatial Planning and Land Use Management Act Principles

The following section outlines how this proposed development complies with the principles in SPLUMA:

HOW DOES THIS APPLICATION COMPLY WITH THIS PRINCIPLE?

Principle 7a: 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 the area of Klaasvoogds.

Principle 7b: Spatial Sustainability

Spatial sustainability is an explicit concept which describe the relations between environmental and socio-economical 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 telecommunication base stations and the possibility of co-location will limit the number of base stations should there be sufficient signal in an area.

Principle 7c: 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.

Principle 7d: 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.

Principle 7e: Good administration

This installation will be lawful and reasonable, following an equal and fair public participation process in order to incorporate the views and opinions of all relevant parties.

Cognizance needs to be taken that our client places these masts strategically not to only increase the coverage of the area, but also to increase internet speeds together with line of sight masts which carries communications over long distances.

6. CONCLUSION

As per the planning By-Law, the application for the consent use and permanent departure to allow a freestanding base telecommunications station on the concerned property will not impact negatively on surrounding uses, heritage or health and safety. As supported by various policies and legislation it is clear that the proposal will have a positive economic and social impact ensuring that the surrounding community benefits from optimal and effective voice and data coverage. The development will not have an impact on parking, coverage or the floor factor. It should also be noted that the application will aid the Property Owners to regularize the current land use.

Notwithstanding the above, the erection of a Freestanding Telecommunication station will provide an additional passive income to the landowner which in turn can utilize the additional income to uplift the surrounding area.

In light of the above the application has been proven to be desirable and it is hereby kindly requested that the Langeberg Municipality provide their support for the following:

- (i) Consent Use Application in terms of Section 15(2)(o) to allow the additional use of a freestanding base telecommunication station on the above mentioned erf. And, the,***
- (ii) Permanent Departure application in terms of Section 15(2)(b) to allow the common boundary line (shared with The Remainder of Portion 6 of the Farm Rietvallei No. 115, Robertson) relaxation from 30.0m to 0.0m to allow the placement of the proposed development on the Farm.***

7. ANNEXURES

- **ANNEXURE A – TITLE DEED**
- **ANNEXURE B – LUM APPLICATION FORM**
- **ANNEXURE C – POWER OF ATTORNEY**
- **ANNEXURE D - RESOLUTION**
- **ANNEXURE E – S.G. DIAGRAMS**
- **ANNEXURE F – SITE DEVELOPMENT PLAN**
- **ANNEXURE G – DESIGN DRAWINGS**

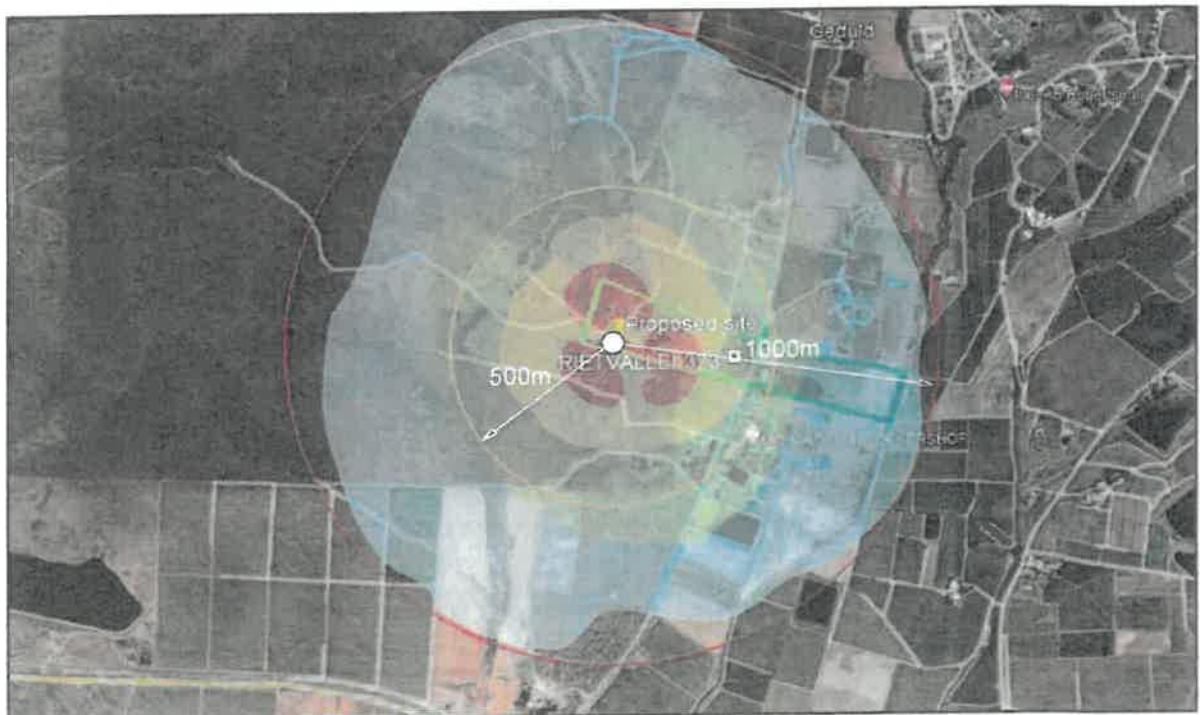
ERF NUMBER: FARM RIETVALLEI NO. 323
ALLOTMENT: ROBERTSON
SITE REFERENCE NAME: KLAASVOOGDS

HIGHWAVE
CONSULTANTS

RF COVERAGE PLOT & ANALYSES (BEFORE)
May 2023



RF COVERAGE PLOT & ANALYSES (AFTER)
May 2024



ERF NUMBER: FARM RIETVALLEI NO. 323
ALLOTMENT: ROBERTSON
SITE REFERENCE NAME: KLAASVOOGDS

HIGHWAVE
CONSULTANTS

The above plots show empirical predictions of the various radio frequencies that are currently experienced in the area given existing infrastructure, versus what the anticipated additional coverage will become with the new site.

LEGEND:	
-50 to -65 dbm (Fair – Good Coverage & Availability)	
-65 to -85 dbm (Good – Medium Availability)	
-85 to -95 dbm (Weak coverage & availability)	
-95 to 105 dbm (Very weak Coverage, Dropped Calls)	

DATE: 17 MAY 2023



GOOGLE EARTH

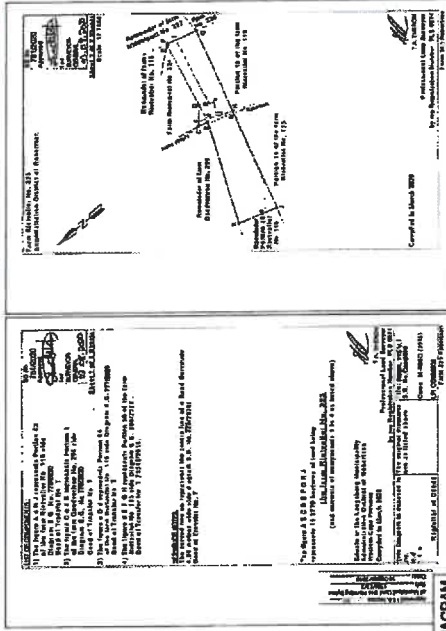


CADASTRAL



AERIAL CADASTRAL

SITE LOCALITY
N.T.S.



SG DIAGRAM

Project Description:

Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast

Site Name & Site ID:

Klaasvoogds ATSA1534

Client:



Author:



CAD Drawing Services

Property Particulars

Property Description: The farm Klaasvoogds No. 323, Klaasvoogds
Property Address: Klaasvoogds West, Robertson, 6705
Site Co-ordinates: Lat: 33° 46' 31.72" S Long: 19° 48' 32.72" E 252m HASL
Do not scale. Drawings are in mm.

Owner Name:
SBA Rep:
Author Name:
Date:

Charlote Reinhardt
03 November 2022

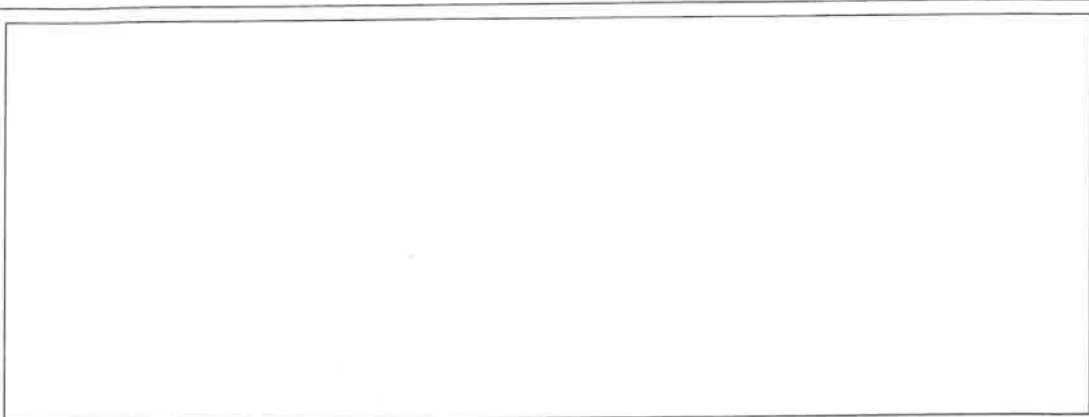
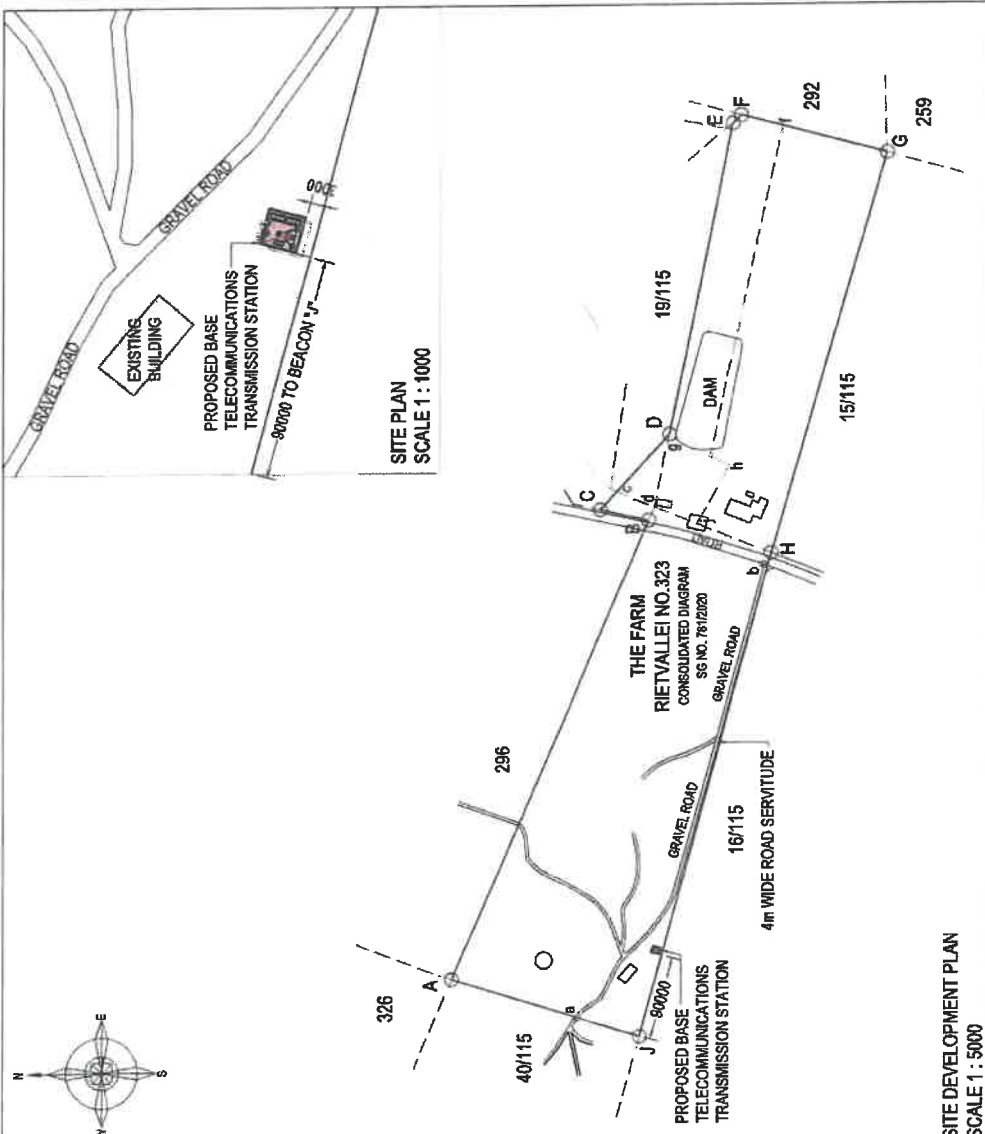
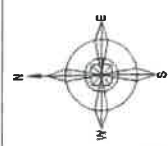
Signatures

Owner:
SBA Rep:

Drawing Ref:
CRDS2769
Rev 02
A3 Sheet:
01 of 04

CR Studio (Pty) Ltd has prepared these CAD drawings from information provided by CR Studio (Pty) Ltd for SBA. SBA is not responsible for the accuracy of the information provided. The drawings are for information only and should not be used for any other purpose. The drawings are the property of CR Studio (Pty) Ltd and should not be reproduced without written permission.

Notes:
Any unusual, unclear or incorrect construction methodology indicated on this drawing, must be brought to the attention of the principal agent, before commencing with any construction.
This drawing must be read in conjunction with any other specification or consultant's drawings being referred to herein.
Where local authority or government regulations require more stringent specification than shown herein, they are to be followed with prior consent of the owner.
Demolitions
Owner of the site shall not demolish any building on site prior to written permission from the local authority.
Site Operations & Excavations
Contractor is to check all dimensions and levels before commencing work and report any discrepancies to drawing service.
Contractor is to confirm and ensure correctness of levels physically on site before commencing work.
Foundations
All foundations to engineers design and detail.
Fire Protection
to comply with SANS 10400-T: 2020 Regulation:
4.7 Fire stability of structural elements or components
4.8 Tenancy-separating elements
4.9 Partition walls and partitions
4.10 Protection of openings
4.28 Marking and signposting
4.32 Provision and maintenance of fire-fighting equipment, installations and fire protection systems
4.37 Portable fire extinguishers (CO₂ 4,5kg)



Project Description: Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast

Site Name & Site ID: Klaasvoogds ATSA1534



Author: The firm Riechlel No.323, Western Cape

Property Address: Klaasvoogds West, Robertson, 6705

Site Co-ordinates: Lat: 33° 46' 31.72" S Long: 19° 58' 32.72" E 252m HASL

Do not scale. Drawings are in mm.

Signatures

Owner:

SBA Rep:

Drawing Ref.

CRDS2769

Rev 02

A3 Sheet

102 of 04

Owner Name:

SBA Rep:

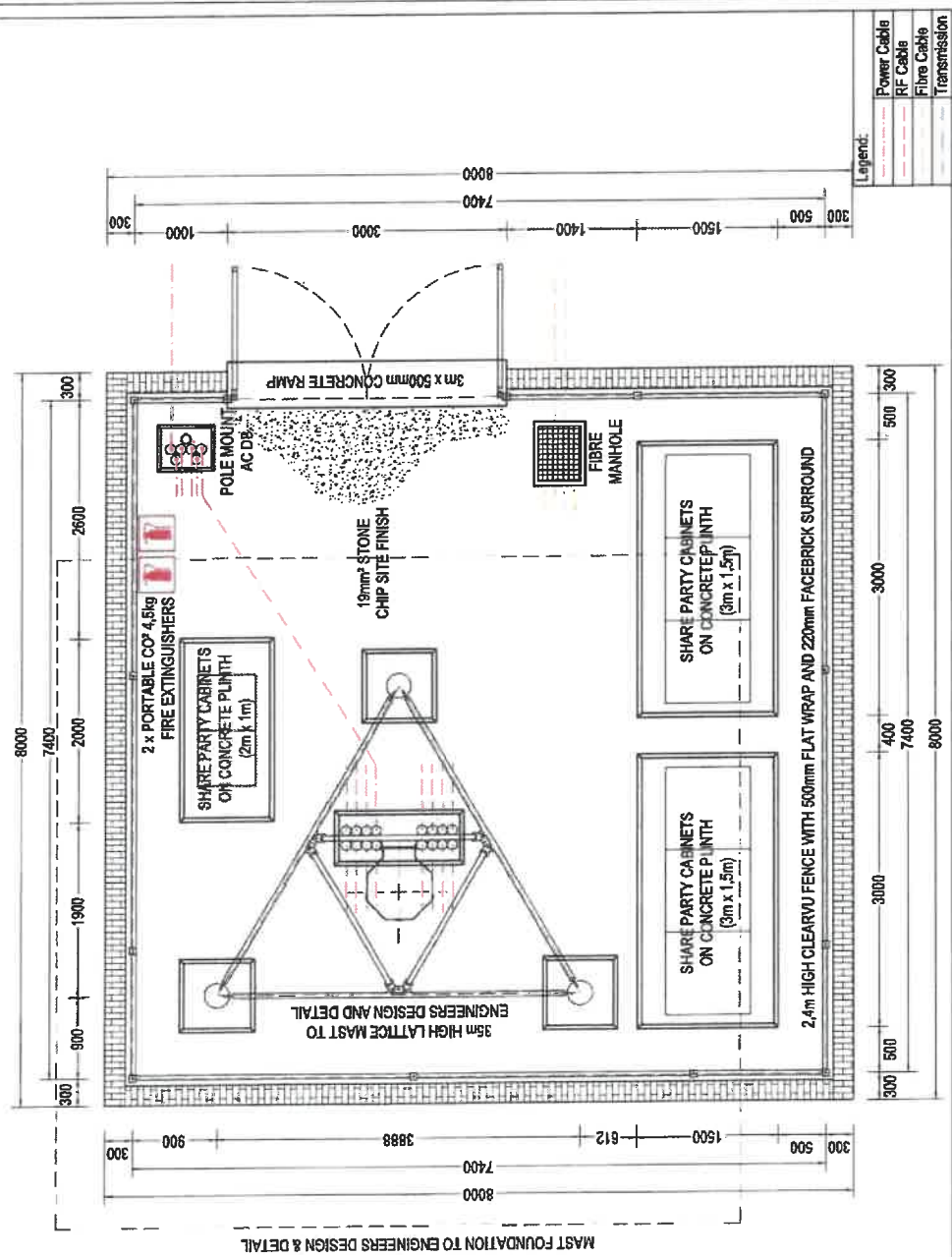
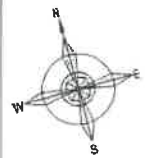
Author Name:

Date:

Charlotte Reinhardt

03 November 2022

CR Design: This drawing is the property of CR Design. It is to be used for the project for which it was prepared and is not to be used for any other project without the written consent of CR Design. The user of this drawing is to ensure that it is used in accordance with the conditions of use. The user of this drawing is to ensure that it is used in accordance with the conditions of use. The user of this drawing is to ensure that it is used in accordance with the conditions of use.



SITE LAYOUT
SCALE 1 : 50

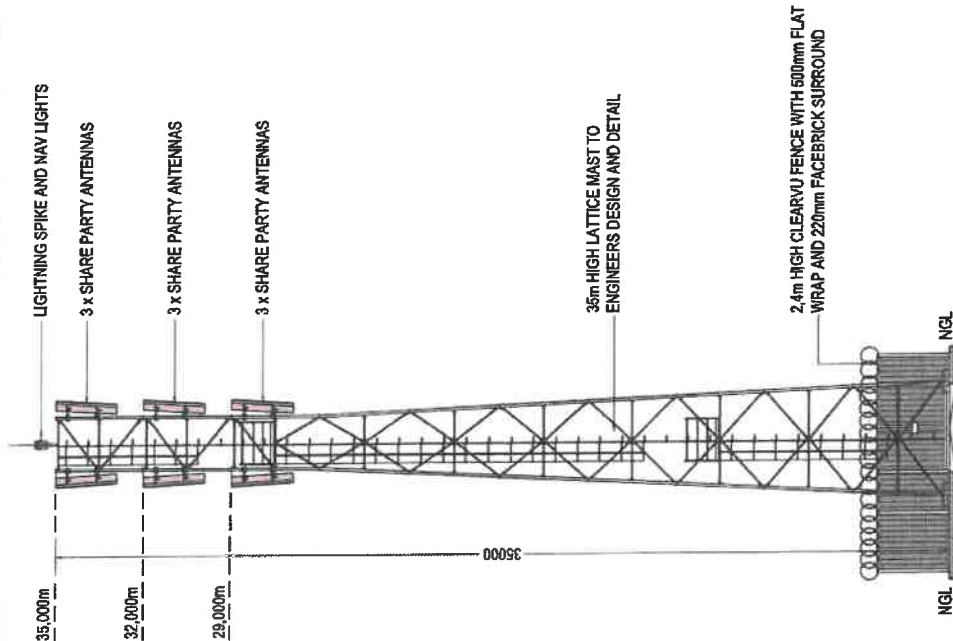
Project Description: Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast
Site Name & Site ID: Klaasvoogds ATSA1534



Author: CR Design
Property Particulars
Property Description: The farm Reteklaai No 323, Westlun Cape
Property Address: Klaasvoogds West, Robertson, 6705
Site Co-ordinates: Lat: 33°48'31.72"S Long: 19°58'32.72"E 252m HASL
Do not scale. Drawings are in mm.

Signatures		Drawing Ref.
Owner:		CRD52769
SBA Rep:	Charlotte Reinhardt	Rev 02
	03 November 2022	A3 Sheet:
		03 of 04

CR Design (Pty) Ltd is a registered provider of information services. All drawings are based on information provided by the client. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided.



NORTH EAST ELEVATION
SCALE 1 : 150

Project Description: Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast

Site Name & Site ID: Klaasvoogds ATSA1534




Author: CAD Drawing Services

Property Description: The farm Sighele No. 523, Western Cape
 Property Address: Klaasvoogds West, Robertson, 6705
 Site Co-ordinates: Lat: 33° 28' 31.72" S Long: 19° 58' 32.72" E 125m HASL
 Do not scale. Drawings are in mm.

Owner Name: SBA Rep: Charlotte Reinhardt
 Author Name: 03 November 2022
 Date:

Signatures	Drawing Ref.
Owner:	CRDS2789
SBA Rep:	Rev 02
	A3 Sheet:
	04 of 04

CRS Design Studio (Pty) Ltd is a registered base CAD drawing service based on the information provided in the drawing. The drawing is provided as a guide only and is not a final design. The drawing is not to be used for construction. The drawing is not to be used for any other purpose. The drawing is not to be used for any other purpose. The drawing is not to be used for any other purpose.

Tracy Brunings

From: Jacques van Zyl <jacques@capewineland.gov.za>
Sent: Thursday, June 29, 2023 10:30 AM
To: Tracy Brunings
Cc: Surene Grootboom
Subject: RE: REQUEST FOR COMMENT ON APPLICATION ITO LLUPB, 2015: RIETVALLEI 323 ROBERTSON RD - CELL MAST

Tracy.

From a Health perspective we do not have any objection for this proposal.

Regards

Jacques van Zyl
Senior Omgewingsgesondheids Praktisyn / Senior Environmental Health Practitioner.
Tel 023 626 8313
Fax 023 626 5059
Cel 082 920 9858
E-mail jacques@capewineland.gov.za

From: Tracy Brunings <tbrunings@langeberg.gov.za>
Sent: Thursday, June 29, 2023 9:34 AM
To: George Lotter <glotter@langeberg.gov.za>; Surene Grootboom <surene@capewineland.gov.za>; Jacques van Zyl <jacques@capewineland.gov.za>; Vanessa Stoffels <Vanessa.Stoffels@westerncape.gov.za>; Rhett Smart <rsmart@capenature.co.za>; DEADP EIA Admin <DEADPEIAadmin@westerncape.gov.za>; Helene Janser (Helene.Janser@westerncape.gov.za) <Helene.Janser@westerncape.gov.za>; Cor Van der Walt <Cor.VanderWalt@westerncape.gov.za>
Cc: Langeberg Municipality <admin@langeberg.gov.za>
Subject: REQUEST FOR COMMENT ON APPLICATION ITO LLUPB, 2015: RIETVALLEI 323 ROBERTSON RD - CELL MAST

Good day,

Notice is hereby given that the above application has been received, in terms of section 15 of the Langeberg Land Use Planning Bylaw PN 264/2015.

Attached please find a copy of the motivation report and plans. A hard copy has also been posted to CWDM and Elsenburg.

Kindly provide your written comments on the application within 60 days of receipt of this email. Should no comments be received, it will be deemed that you have no comment.

Any written comment may be addressed in terms of Section 51 of the said Bylaw, to The Manager: Town Planning and emailed to tbrunings@langeberg.gov.za and admin@langeberg.gov.za

Regards,
Tracy Brunings Pr.Pl n A/951/1997

Amber Willemse

From: Tracy Brunings
Sent: Friday, 05 April 2024 15:04
To: Amber Willemse
Subject: FW: REQUEST FOR COMMENT ON APPLICATION ITO LLUPB, 2015: RIETVALLEI 323 ROBERTSON RD - CELL MAST
Attachments: FW: [External] FW: ATSA 1534 - FARM RIETVALLEI NO 323 ROBERTSON-KLAASVOOGDS (SBA)

From: George Lotter <glotter@langeberg.gov.za>
Sent: Friday, April 5, 2024 10:30 AM
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Subject: RE: REQUEST FOR COMMENT ON APPLICATION ITO LLUPB, 2015: RIETVALLEI 323 ROBERTSON RD - CELL MAST

Good day Tracy

We have no objection to the proposed Cell Tower.
The Clearance standards to electrical lines should be adhered to at all times.
The customer indicated that they would require a 80A 3-phase connection (as per the attached message.)
Electrical capacity cannot be guaranteed and will be evaluated when an application for connection is received.
Bulk Services contributions will be applicable.
If any alternative generation (even backup batteries or a generator) are installed, it should be registered with the Municipality; more information is available on our website.

Trusting this will be in order.

Kind regards

George Lotter
Manager / Bestuurder
Electrical Engineering Services / Elektriese Ingenieursdienste
023 626 8266 (Ext 541)
glotter@langeberg.gov.za



"People at the centre of Development"

Disclaimer: This message contains information which is confidential, legally privileged, and protected by law. It is intended only for the use of the intended recipient. Interception thereof is therefore illegal. If you are not the intended recipient, you may not peruse, use, disseminate, distribute or copy this message or any file attached to this message. Should you have received this message in error, please notify us immediately by return e-mail. Views and opinions expressed in this e-mail are those of the sender, unless clearly stated as being that of the Langeberg Municipality.

From: George Lotter
Sent: Friday, July 28, 2023 10:46 AM
To: Tracy Brunings <tbrunings@langeberg.gov.za>
Cc: Langeberg Municipality <admin@langeberg.gov.za>

Subject: RE: REQUEST FOR COMMENT ON APPLICATION ITO LLUPB, 2015: RIETVALLEI 323 ROBERTSON RD - CELL MAST

Good day Tracy

Feedback from the Electrical Department:

The paragraph on "Electricity requirements" seems to be a generic description that does not provide any information on the electricity requirements.

It also refers to Eskom; the Municipality has the distribution license for this area.

The report should clearly state the kVA requirements of the base station. We do not have spare capacity available on this network, so the applicant should clearly indicate how they intend to power the base station (and possibly engage with us for further discussion.)

Thank you

Kind regards

George Lotter
Manager / Bestuurder
Electrical Engineering Services / Elektriese Ingenieursdienste
023 626 8266 (Ext 541)
glotter@langeberg.gov.za



"People at the centre of Development"

Disclaimer: This message contains information which is confidential, legally privileged, and protected by law. It is intended only for the use of the intended recipient. Interception thereof is therefore illegal. If you are not the intended recipient, you may not peruse, use, disseminate, distribute or copy this message or any file attached to this message. Should you have received this message in error, please notify us immediately by return e-mail. Views and opinions expressed in this e-mail are those of the sender, unless clearly stated as being that of the Langeberg Municipality.

From: Tracy Brunings <tbrunings@langeberg.gov.za>

Sent: Thursday, June 29, 2023 9:34 AM

To: George Lotter <glotter@langeberg.gov.za>; Surene Grootboom <surene@capewinelandsgov.za>; Jacques van Zyl <jacques@capewinelandsgov.za>; Vanessa Stoffels <Vanessa.Stoffels@westerncape.gov.za>; Rhett Smart <rsmart@capenature.co.za>; DEADP EIA Admin <DEADPEIAAdmin@westerncape.gov.za>; Helene Janser <Helene.Janser@westerncape.gov.za> <Helene.Janser@westerncape.gov.za>; Cor Van der Walt <Cor.VanderWalt@westerncape.gov.za>

Cc: Langeberg Municipality <admin@langeberg.gov.za>

Subject: REQUEST FOR COMMENT ON APPLICATION ITO LLUPB, 2015: RIETVALLEI 323 ROBERTSON RD - CELL MAST

Good day,

Notice is hereby given that the above application has been received, in terms of section 15 of the Langeberg Land Use Planning Bylaw PN 264/2015.

Attached please find a copy of the motivation report and plans. A hard copy has also been posted to CWDM and Elsenburg.

CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlkop, Hermanus, 7200
physical 16 17th Avenue, Voëlkop, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/9/1/323_consent&dep_Robertson
date 28 August 2023

Langeberg Municipality
Private Bag X2
Ashton
6715

Attention: Tracy Brunings
By email: admin@langeberg.gov.za

Dear Tracy

**Application for Consent Use and Departure for a Freestanding Base
Telecommunication Station on Farm Rietvallei 323, Robertson**

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature provided comment on the Draft Basic Assessment Report for this development proposal. In summary, we did not object to the application as the proposed mast is located on a transformed footprint adjacent to a homestead and will therefore not have any impact on biodiversity. The same comments apply to the application for consent use and departure.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Rhett Smart
For: Manager (Landscape Conservation Intelligence)



Reference: 15/3/2/12/BL2

The Manager: Town Planning
Langeberg Municipality
3 Piet Retief Street
MONTAGU
6720

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR CONSENT USE: FARM RIETVALLEI NO. 323, ROBERTSON

1. Your request for comment, dated 29 June 2023, has reference.
2. The application property is approximately 15,8770 ha in extent and is zoned as "Agricultural Zone I".
3. The development as proposed is for the following:
 - 3.1 **Consent use** a Freestanding Base Telecommunication Station (35m high lattice mast); and
 - 3.2 **Permanent Departure** from the southern lateral building line from 30m to 0,0m.
4. An application for the building line departure from the 30-meter building line (applicable to Agricultural Zone I) might not be required, as the Langeberg Integrated Zoning Scheme Bylaw, 2018 attach development parameters to the individual land use rights and not the zoning of the property. The development parameters can therefore be determined by the Municipality, depending on the individual circumstances.
5. From a provincial land use planning perspective there is no objection to the proposed development.

Kobus Munro Digitally signed by Kobus Munro
Date: 2023.07.24 10:36:25 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



Western Cape
Government

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/5/350
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Langeberg Municipality
03 Piet Retief Street
MONTAGU
6720

Att: Tracy Brunings

**PROPOSED CONSENT USE AND PERMANENT DEPARTURE: DIVISION ROBERTSON
FARM RIETVALLEI NO 323**

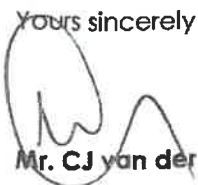
Your email of 29 June 2023 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely


Mr. CJ van der Walt

<u>Copies:</u>	
Department of Environmental Affairs & Development Planning 1 Dorp Street Cape Town 8000	SBA Towers South Africa (Pty) Ltd 100 Cecilia Street CECILIA SQUARE BUILDING PAARL 7646

LANDUSE MANAGER: LANDUSE MANAGEMENT

2023-09-19

Langeberg Municipality* (LLUPB, 2015)

Date: 2023/10/03

tbrunings@langeberg.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: *Land Use Application by private land owner - Eskom comment required by Langeberg Municipality.

· 9km F of Robertson on Klaas Vonds W rd · Between

YOUR REF: 15/4/12/5 & 9

ESKOM REF: 11272-23

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. Eskom services are affected by your proposed works and the following must be noted:

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom Overhead and underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Airport

Cebisile Funda

021 360 5529 / 078 377 2269

FundaC@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Nancy Piliso from the Land Development Office to be contacted at PilisoN@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Nancy Piliso at PilisoN@eskom.co.za to arrange a site visit.

3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

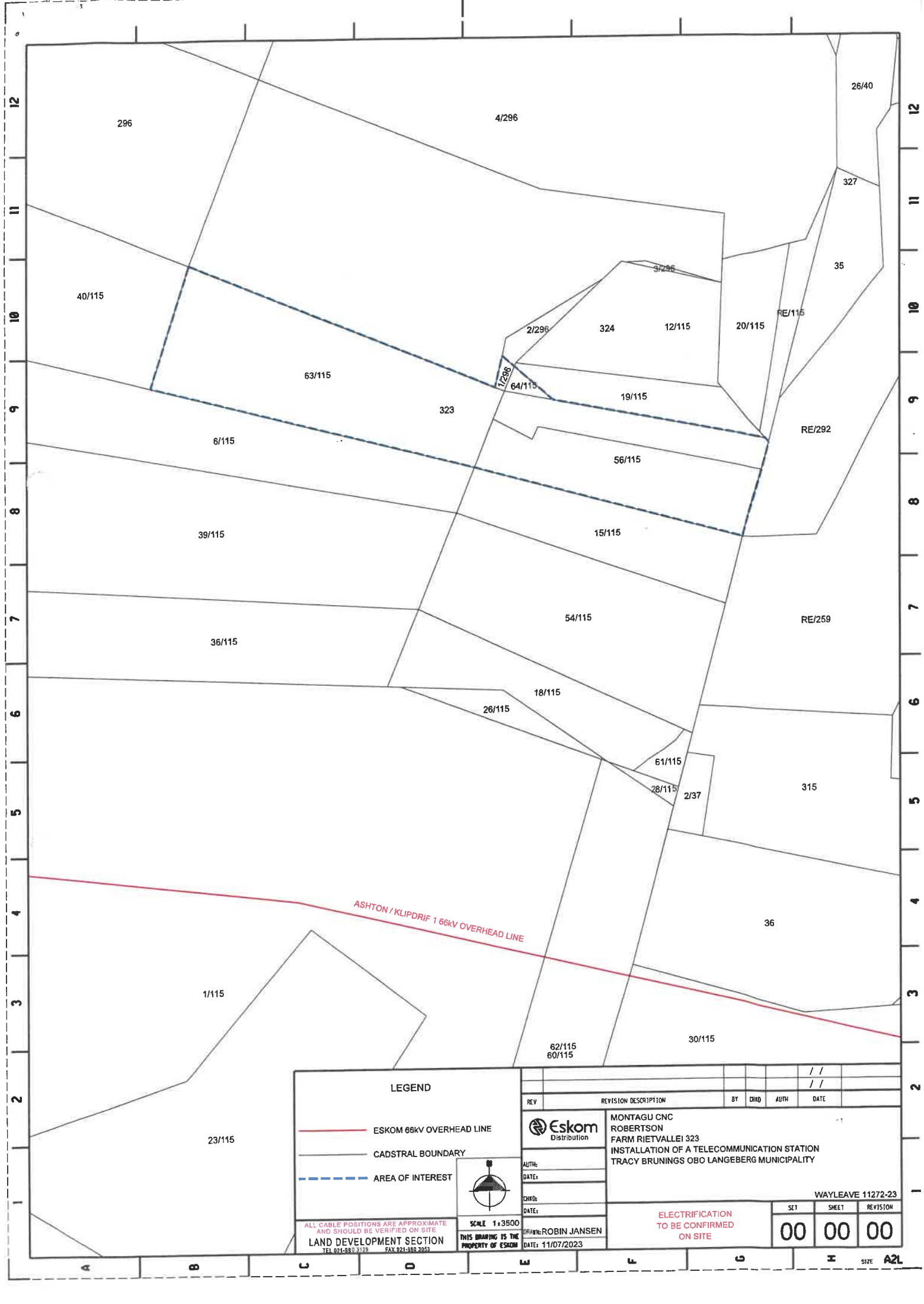
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisiL@eskom.co.za. Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

ESKOM 66kV OVERHEAD LINE

CADSTRAL BOUNDARY

AREA OF INTEREST

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE

LAND DEVELOPMENT SECTION

TEL 021-987 1129 FAX 021-980 2053

SCALE 1:3500

THIS DRAWING IS THE PROPERTY OF ESKOM

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

MONTAGU CNC
ROBERTSON
FARM RIETVALLEI 323
INSTALLATION OF A TELECOMMUNICATION STATION
TRACY BRUNINGS OBO LANGEBOG MUNICIPALITY

DATE: 11/07/2023

DATE: 11/07/2023

WAYLEAVE 11272-23

SET	SHEET	REVISION
00	00	00

ELECTRIFICATION TO BE CONFIRMED ON SITE

Myrna Staal

From: Jan Koornneef <jan@kunsenvliegwerk.co.za>
Sent: Wednesday, 28 June 2023 15:19
To: Myrna Staal
Cc: 'Anton Conradie'
Subject: Communications Tower in Klaasvoogds

Dear Municipality,

Thank you for your invitation to respond to the report by Highwave Consultants in relation to the potential erection of a communications tower in Klaasvoogds.

After a rather careful reading of the report, in summary it appears to me that:
SBA Communications will lease an area from Anton Conradie to erect a (35m) tower with "9 triband antennae" and "4 transmission dishes" which will be made available to (further unspecified) wireless operators. With respect to specific services that will be provided to the (Klaasvoogds) area, the report is silent except that "... there are no reasons to be concerned with regards to 5G cellular infrastructure" [sic].

In order to appease the area's inhabitants that this tower will be really helpful (rather than just an eyesore), more detail would be in order. For example, no information is provided with respect to timescales, triband frequencies (3.5GHz, ...?), voice-, fixed wireless- & data- (4G, LTE, 5G, ..) services, or potential/committed providers (Rain, Vodacom, MTN, Hero, IP Wireless, ...). As such there is no indication in the report that SBA Communications is motivated beyond their own interests, rather than by an intent to enable effective and competitive facilities to the Klaasvoogds population.

It is perfectly clear to me that the wireless communications landscape evolves, and that precise predictions (let alone pricing!) are challenging. Nevertheless, the prospect of an (American) company building communication towers in South Africa for ("if you build it they will come") profit appears rather daunting. Alternatives?

Kindly yours ... Jan Koornneef ...
Kuns & Vliegwerk, Klaasvoogds

Myrna Staal

From: Susjan Wentzel <susjan@parkdev.co.za>
Sent: Friday, 14 July 2023 12:56
To: Myrna Staal
Cc: Admin - JHR Consultants; 'Jana'; KOOS Wentzel
Subject: Re: VOORGESTELDE VERGUNNINGSGEBRUIK EN AFWYKING - RIETVALLEI 323 ROBERTSON RD

Goeiedag,

Ek het die voorgestelde vergunningsgebruik en afwyking aansoek bestudeer en alles klink aanvaarbaar. Dit is ook so dat hierdie installasie hopelik 'n voordeel sal inhou vir die inwoners in die onmiddellike omgewing.

Die enigste onsekerheid is wat die visuele impak van so 'n struktuur sal wees. Ek lees in die verslag dat konstruksie alternatiewe oorweeg word om die impak te minimaliseer, maar ek vermoed dat enige 35m hoog struktuur 'n impak gaan he, veral ook omdat dit op die hoogste punt in die omgewing opgerig word.

Dit is nie die eerste keer dat so 'n toring opgerig word nie. Is daar nie enige voorstelle hoe hierdie stuktuur hanteer kan word om meer in die omgewing in te smelt nie? 'n Alleenstaande bloekomboom wat baie hoog is, is nie 'n ongewone gesig in die omgewing nie. Is dit 'n moontlikheid om die toring so te laat lyk? Indien wel, moet die nou adresseer word as deel van die vergunningsgebruik aansoek?

Ek ontvang graag terugvoer op hierdie skrywe.

Groete,

Susjan Wentzel
PERENO INVESTMENTS (PTY) LTD
C 27 (0) 82 453 7253 ::
Mallowdeen Gardens :: Klaarvoogds West :: Robertson :: Western Cape
P O Box 1053 :: Robertson :: 6705 :: South Africa

From: Myrna Staal <mstaal@langeberg.gov.za>
Date: Wednesday, 28 June 2023 at 12:33
To: Susjan Wentzel <susjan@parkdev.co.za>, roodtjana@gmail.com <roodtjana@gmail.com>
Cc: Langeberg Municipality <admin@langeberg.gov.za>
Subject: VOORGESTELDE VERGUNNINGSGEBRUIK EN AFWYKING - RIETVALLEI 323 ROBERTSON RD

Goeie dag

Vind asb aangehegte aansoek vir u aandag en kommentaar.

Vriendelike groete / Kind regards

Myrna Staal
Stadsbeplanning / Town Planning
Tel: 023 614 8000

Tracy Brunings

From: Milne Kriel <info@mpkv.co.za>
Sent: Monday, 07 August 2023 11:48
To: Boitumelo Ashley Tlhapi; Tracy Brunings
Subject: Re: OPPOSING THE 35mlattice comm mast THE FARM RIETVALLEI No 323

Dear Boitumelo,

Thank you for your below comments I do however strongly emphasise that it would be an eyesore for the community and area.

I further suggest that you come and stay here for a weekend that you can get a feeling for the surroundings so that you can have a different perspective hereto.

Please consider that such a mast could be erected as per my previous correspondence closer to the road leading to Ashton.

The whole idea of guesthouses and the benefit of tourism in this area is to get a way from the city and taking in the beautiful surrounds and nature.

Please consider the above.

Kind regards,

Milne Kriel

From: Boitumelo Ashley Tlhapi <eap@ace-env.co.za>
Date: Friday, 04 August 2023 at 13:06
To: Milne Kriel <info@mpkv.co.za>
Subject: RE: OPPOSING THE 35mlattice comm mast THE FARM RIETVALLEI No 323

Good day Milne Kriel,

Thank you for responding to the site notice. I do comprehend the concerns provided by yourself and they are well received.

Perhaps an improved network connection may be of a benefit to the guesthouse that you will be building. The countryside would also require some sort of connectivity to remain connected. I have attached a coverage plot of the extent of the coverage to be received by Klaasvoogds.

Perhaps various design alternatives of the mast may be considered to suit the area better. Please see attached two different types of mast designs that are common in areas where people reside.

Please do know that I am acting independently on the project and I am not for nor against the proposed development. I am solely presenting the project to the surrounding neighbours and open to engage on all matters in this regard, and I will then present these to the client as they are.

Thank you.

Kind Regards,



Suite 2
Benchmark Office Park
1 Larch Nook
Centurion, 0157
012 663 5200

Boitumelo Tlhapi

Environmental Project Coordinator (BSc. Hons)

060 312 8951

eap@ace-env.co.za

www.ace-env.co.za

We, Ace Environmental Solutions (Pty) Ltd are in compliance with the provisions of the POPI Act (Protection of Personal Information Act 4 of 2013) and we are committed to protecting your Personal Information. Personal Information provided by you shall not be used other than for the purposes for which it was obtained nor shall it be shared with any Third Parties without your consent.

From: Milne Kriel <info@mpkv.co.za>

Sent: 04 August 2023 10:07

To: Pieter Kriel <Pieter@mpkv.co.za>; Eap@ace-env.co.za; tbrunings@langeberg.go.za

Subject: OPPOSING THE 35mlattice comm mast THE FARM RIETVALLEI No 323

Dear Ace,

Please consider the following in regards to the 35 m lattice Telecommunications Mast at the Farm Rietvallei No 323.

We will be directly effected by the Mast since it is directly next to our property. We are opening selfcatering units by the end of August 2023, as guesthouse purposes as well as for tourism for the Klaasvoogds community.

The Mast will be in direct contrast for the purpose of people travelling to the countryside in order to get away from the city by having a Mast in their direct view even looking at it, at night instead of the stars.

It is placed exactly in the view of the one house as well as the cabins which whole idea is to be secluded.

Further to this it will be a big I sore for the Klaasvoogds community and all people living around this area.

It will also lower the value of our property which has been increasing ,because of the location and nature surroundings.It will be detrimental for all future purposes and the only person benefitting is the owner of the property who will probably get paid a sum of money each month.

We urge you to try for another location please , maybe closer to the main road going towards Ashton.

Kind regards,

Milne Kriel

Myrna Staal

ANNEXURE D
RESPONSE TO OBJECTIONS

From: Maléne Campbell <malene@highwave.co.za>
Sent: Saturday, 03 February 2024 09:57
To: Tracy Brunings
Cc: Myrna Staal; Lourens Booysen; Martin Cronje
Subject: Farm 323 Rietvallei, Robertson
Attachments: Response to Objections_ Farm 323 Rietvallei Robertson KlaasVoogds.pdf

Dear Ms Brunings
Kindly refer to my email below and attached to Ms Staal.
Kind regards

From: Maléne Campbell <malene@highwave.co.za>
Date: Saturday, 03 February 2024 at 09:49
To: "mstaal@langeberg.gov.za" <mstaal@langeberg.gov.za>
Cc: Martin Cronje <martin@highwave.co.za>, Lourens Booysen <lourens@highwave.co.za>
Subject: Farm 323 Rietvallei, Robertson

Dear Ms Staal
I trust to find you well. Kindly find attached a response to the objections to the above-mentioned application.
Kind regards

Maléne Campbell
Town and Regional Planner A/592/1988
PhD & Master's Urban and Regional Planning UFS

082 316 5879 | lourens@highwave.co.za | www.highwave.co.za | PO Box 2773, Durbanville,

HIGH WAVE
CONSULTANTS

Town & Regional Planners
Project Managers
Telecommunications
Specialists

HIGH WAVE

CONSULTANTS

8 Duthie Street
Malmesbury
7300

5 February 2024

DIRECTOR: INFRASTRUCTURE AND PLANNING
LANGEBERG MUNICIPALITY
03 PIET RETIEF STREET,
MONTAGU,
6720

Dear Sir/ Madam

RE: RESPONSE TO OBJECTIONS RECEIVED ON THE APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE TO PERMIT A FREESTANDING COMMUNICATION BASE STATION ON FARM NO 323 RIETVALLEI, ROBERTSON IN THE LANGEBERG MUNICIPALITY

This letter serves as a response to communication dated 19 July 2023.

In terms of sections 44-48 of the Langeberg Municipality Amended By-Law on Municipal Land Use Planning, 2018 members of the general public and various departments were invited to share any comments/ objections regarding this application.

HIGH WAVE CONSULTANTS

During this public participation phase, three (3) letters/ emails of objection was received from the general public as well as from the Electrical Engineer at Langeberg Municipality

The objections from the general public mainly refer to (i) *Environmental impacts (Visual.)*, (ii) *Service Provision*, (iii) *Transmission infrastructure queries*, and (iv) *other related objections*. This document aims to address these concerns accordingly.

LIST OF OBJECTERS:

1. S. Wentzel
2. J. Koorneef
3. Electrical Engineer at Langeberg Municipality

Objectors	Objection	Response / Resolution
		Environmental (Visual)
1	<i>"Die enigste onsekerheid is wat die visuele impak van so 'n struktuur sal wees." The report mentioned construction alternatives. The objector proposed a mast which looks like a free standing Eucalyptus tree is proposed.</i>	The applicant acknowledges this concern and proposes a slimline monopole design (kindly see below) as a mitigative measure to address said concerns. 

HIGH WAVE CONSULTANTS

3, 1	The following issue has been raised in terms of the EIA process: Klaas Voogds is a scenic route – the need for the mast should outweigh the visual impact on this scenic route. The response to visual impact from the EIA process is awaited.	The proposed mast can be mitigated to address this concern. A Slimline monopole can be erected. It should further be noted that development of any nature will have a visual impact on the surrounding area. Infrastructure is required to provide users in the area with sufficient network coverage. Albeit for work or personal use.
2	<i>"In order to appease the area's inhabitants that this tower will be really helpful (rather than just an eyesore), more detail would be in order."</i>	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 Slimline monopole design. The base station containers will for the most part be out of sight, and therefore implying that it will negatively impact the surrounding area is unsubstantiated.
2	<i>"It is perfectly clear to me that the wireless communications landscape evolves, and that precise predictions (let alone pricing!) are challenging. Nevertheless, the prospect of an (American) company building communication towers in South Africa for ("if you build it they will come") profit appears rather daunting. Alternatives?"</i>	The applicant provides infrastructure that service providers such as MTN, Vodacom, Cell C and Telkom. These four providers can utilise the infrastructure collectively, reducing the amount of infrastructure required. In the case of Farm 323 Robertson the applicant aims to provide a collective service.
2	<i>"As such there is no indication in the report that SBA Communications is motivated beyond their own interests, rather than by an intent to enable effective and competitive facilities to the Klaasvoogds population."</i>	The comment made by the objector is noted. Infrastructure is required to provide users in the area with sufficient network coverage. Albeit for work or personal use.
Services Provision		
2	<i>"No information is provided in respect to ... potential/committed providers (Rain, Vodacom, MTN, Hero, IP Wireless,...)."</i>	In this regard the applicant submits that all network providers will be able to make use of the proposed infrastructure. As mitigation to other objections, a slimline monopole is suggested, which can accommodate 6 antennae.
Transmission infrastructure and coverage		
2	<i>"No information is provided in respect to time scales, tri-band frequencies, (3.5GHz,...?), voice, fixed wireless-& data- (4G,LTE,5G,...) services,"</i>	For more information refer to the Motivation sections 4a and 5e. The applicant acknowledges the request:

HIGHWAVE

CONSULTANTS

		LEGEND: -50 to -65 dbm (Fair - Good Coverage & Availability)  -65 to -85 dbm (Good - Medium Availability)  -85 to -95 dbm (Weak coverage & availability)  -95 to 105 dbm (Very weak Coverage, Dropped Calls) 
		Other
2	"No information is provided in respect to time scales,..."	Please be advised that due course was followed in notifying the public as per the requirements of the Langeberg Land Use Planning By Law of 2015.

CONCLUSION:

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

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

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

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



Western Cape
Government

Department of Environmental Affairs and Development Planning

Ntanganedzeni Mabasa

Directorate: Development Management, Region 1

Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/1/B1/14/1080/23
NEAS REFERENCE: WCP/EIA/0001343/2023
DATE OF ISSUE: 09 MAY 2024

The Board of Directors
SBA Towers South Africa (Pty) Ltd
100 Cecilia Street
PAARL
7646

Attention: Mr Pierre du Plessis

Tel: (021) 870 1368
Email: PDuPlessis@sbasite.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF A 35M HIGH LATTICE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM RIETVALLEI NO. 323, ROBERTSON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the environmental authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached environmental authorisation.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir
Toefy
Date: 2024.05.09 09:17:35
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Gemo Liabara (Ace Environmental Solutions)
(2) Monique Uys (Ace Environmental Solutions)
(3) Tracy Brunings (Langeberg Municipality)

Email: goitseonetshosa@gmail.com
Email: Eap@ace-env.co.za
Email: tbrunings@langeberg.gov.za



REFERENCE: 16/3/3/1/B1/14/1080/23
NEAS REFERENCE: WCP/EIA/0001343/2023
DATE OF ISSUE: 09 MAY 2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF A 35M HIGH LATTICE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM RIETVALLEI NO. 323, ROBERTSON.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 25 January 2024.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

SBA Towers South Africa (Pty) Ltd
c/o Mr. Pierre du Plessis
100 Cecilia Street
PAARL
7646

Tel: (021) 870 1368
Email: PDuPlessis@sbsite.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Project Description
Listing Notice 3 – Activity Number: 3 The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower- (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height- but excluding attachments to existing buildings and masts on rooftops. i. Western Cape: i. All areas outside urban areas; ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or iii. Areas zoned for use as public open space or equivalent zoning within urban areas.	The proposed development of a 35m high telecommunication mast, located outside the urban area of Robertson.

The abovementioned list is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

The proposed development of a 35m high lattice mast and associated infrastructure on Farm Rietvallei No. 323, Robertson. Three equipment shelters will be located next to the mast and development footprint will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is on Farm Rietvallei No. 323, Robertson, with the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates:	33° 48' 31.72" South	19° 58' 32.72" East

The SG digit code is: C06500000000032300000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ace Environmental Solutions
c/o Monique Uys / Gemo Liabara
Private Bag X32
HIGHVELD PARK
0169

Tel: (012) 663 5200

Email: Eap@ace-env.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 25 January 2024 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activity.
 - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section G below;
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any, of the holder,
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
7. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

8. The Environmental Management Programme ("EMPr") submitted with the final Basic Assessment Report is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

11. The ECO must conduct a bi-weekly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports, and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority Report within two months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the

appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2024.05.09 09:18:17
+02'00'

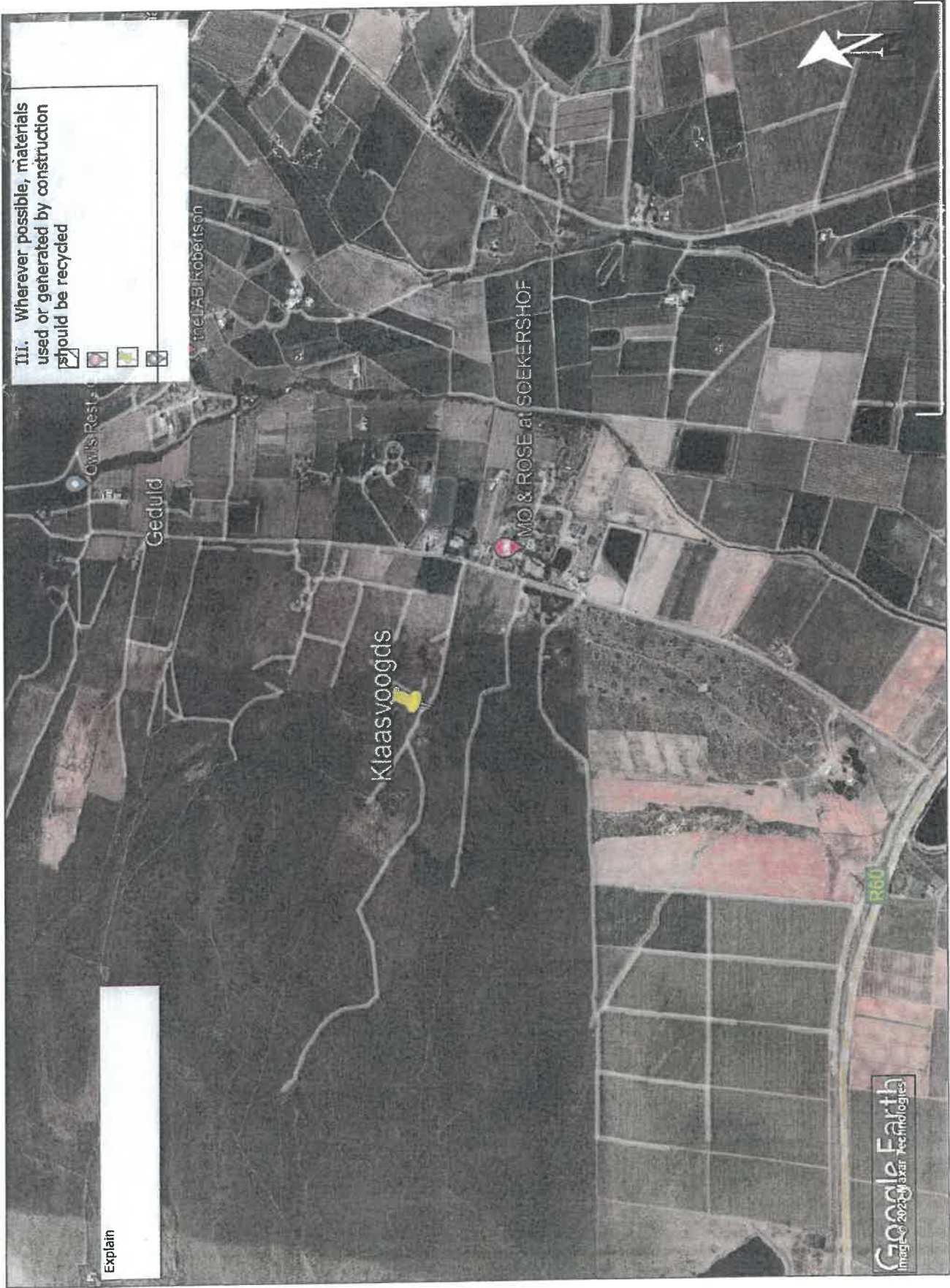
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

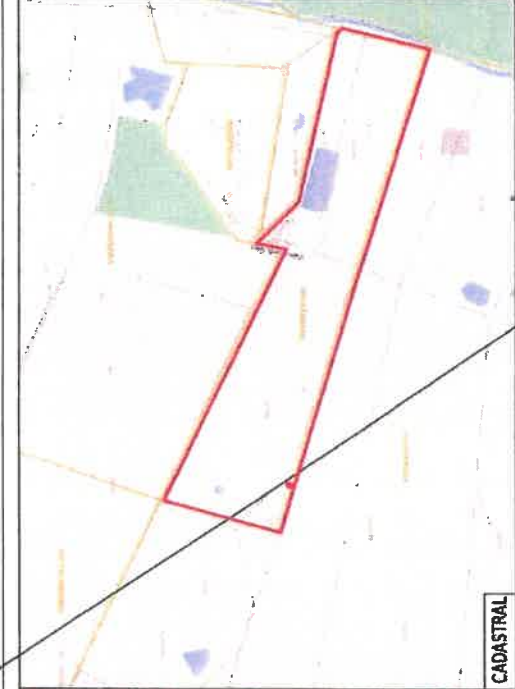
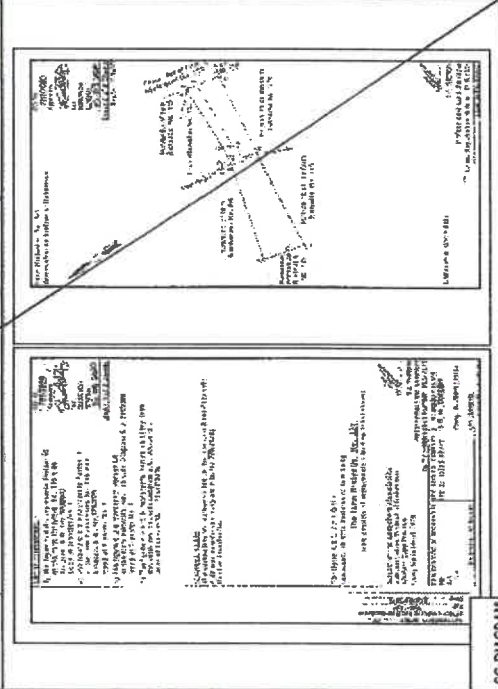
DATE OF DECISION: 09 MAY 2024

Cc: (1) Gemo Liabara (Ace Environmental Solutions)
(2) Monique Uys (Ace Environmental Solutions)
(3) Tracy Brunings (Langeberg Municipality)

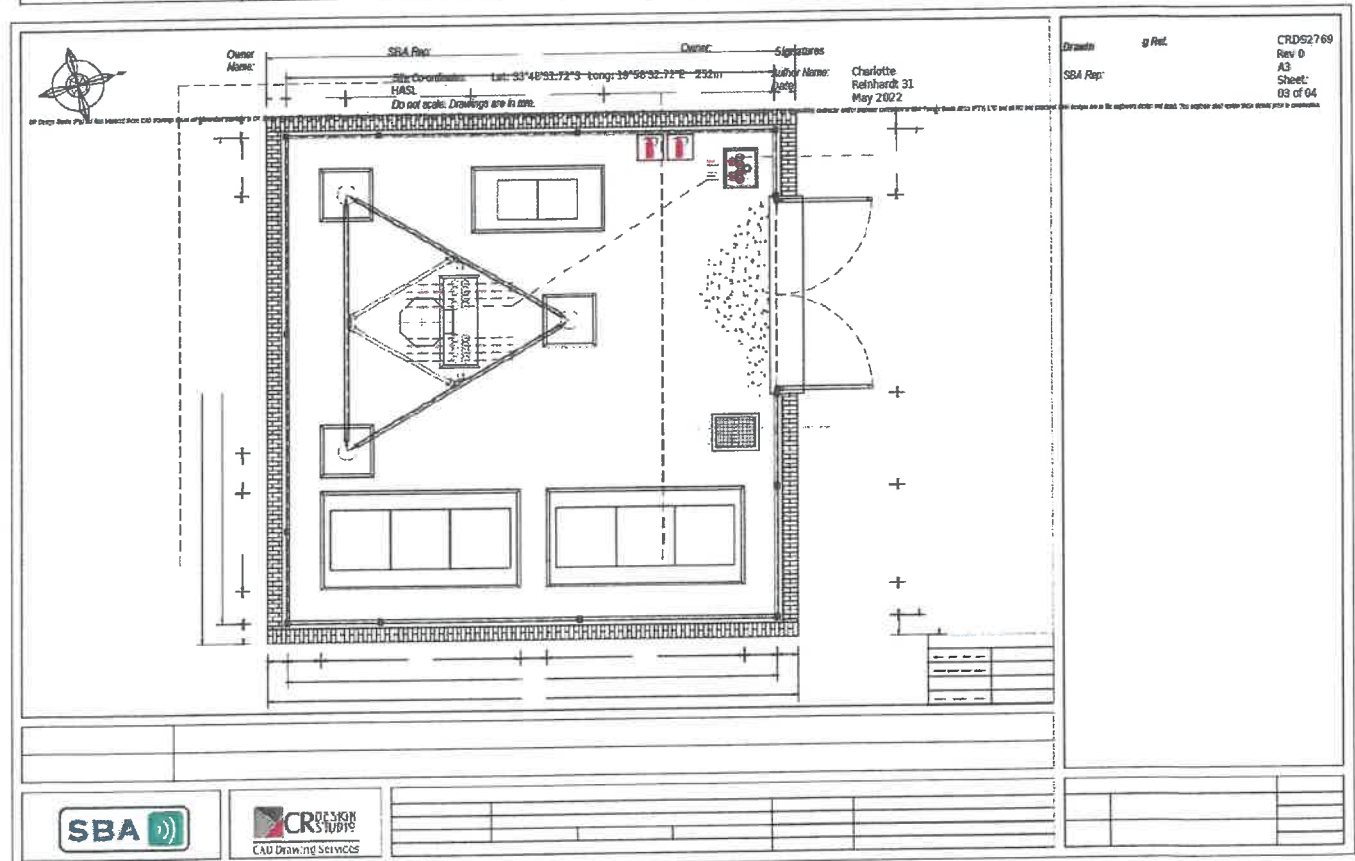
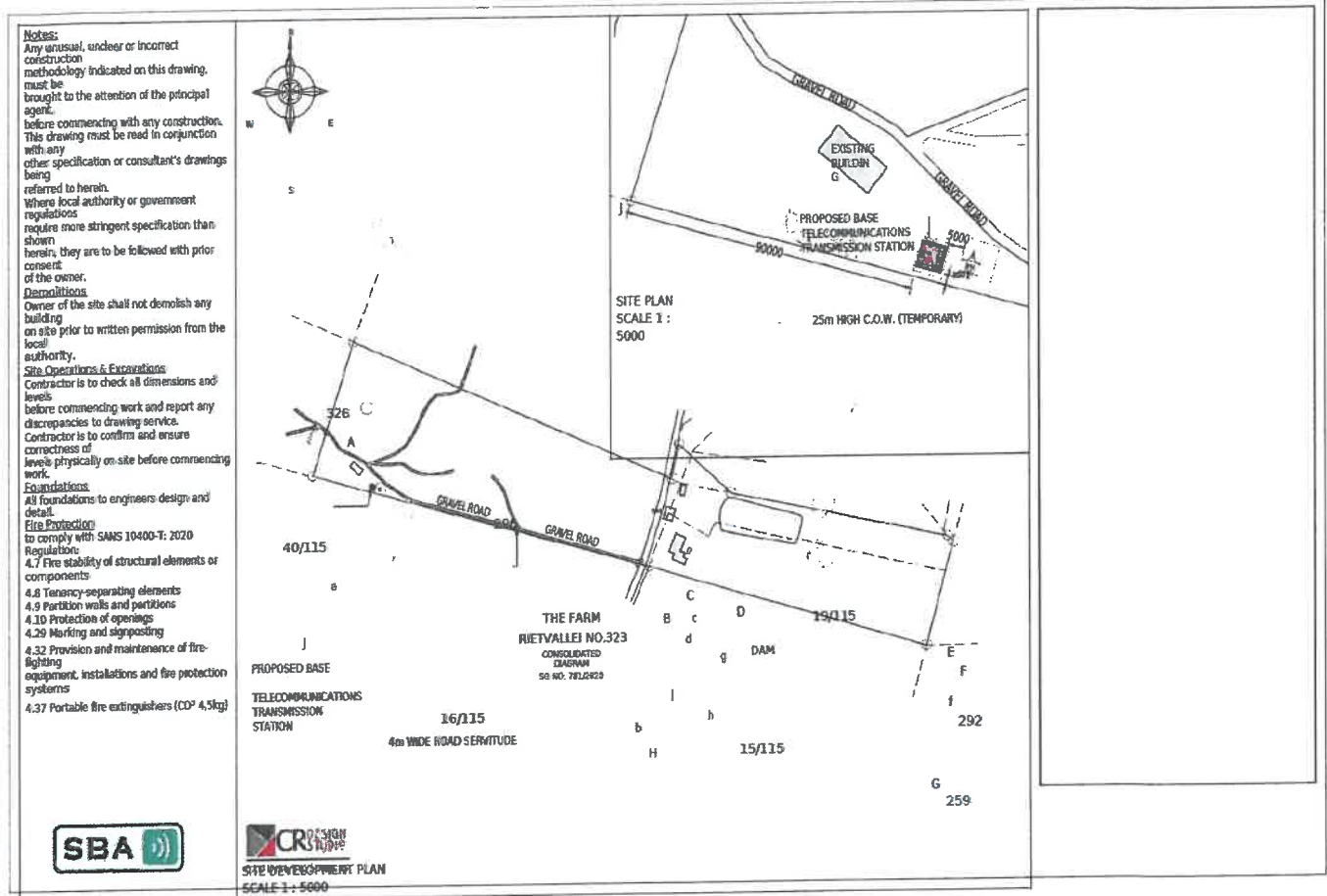
Email: goitseonetshosa@gmail.com
Email: Eap@ace-env.co.za
Email: tbrunings@langeberg.gov.za

ANNEXURE 1: LOCALITY MAP



 GOOGLE EARTH	 AERIAL CADASTRAL	 CADASTRAL	 SG DIAGRAM	SITE LOCALITY N.T.S.	Project Description: Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast Site Name & Site ID: Klaasvoogds ATSA1534	Other Aspects: Other impacts should be taken into account. Since the Western Cape is a water scarce area explain what measures will be taken: The proposed development will not produce any waste during its operational phase. Moreover, during the construction phase the following
--	---	--	--	--	---	--

ANNEXURE 2: SITE PLAN



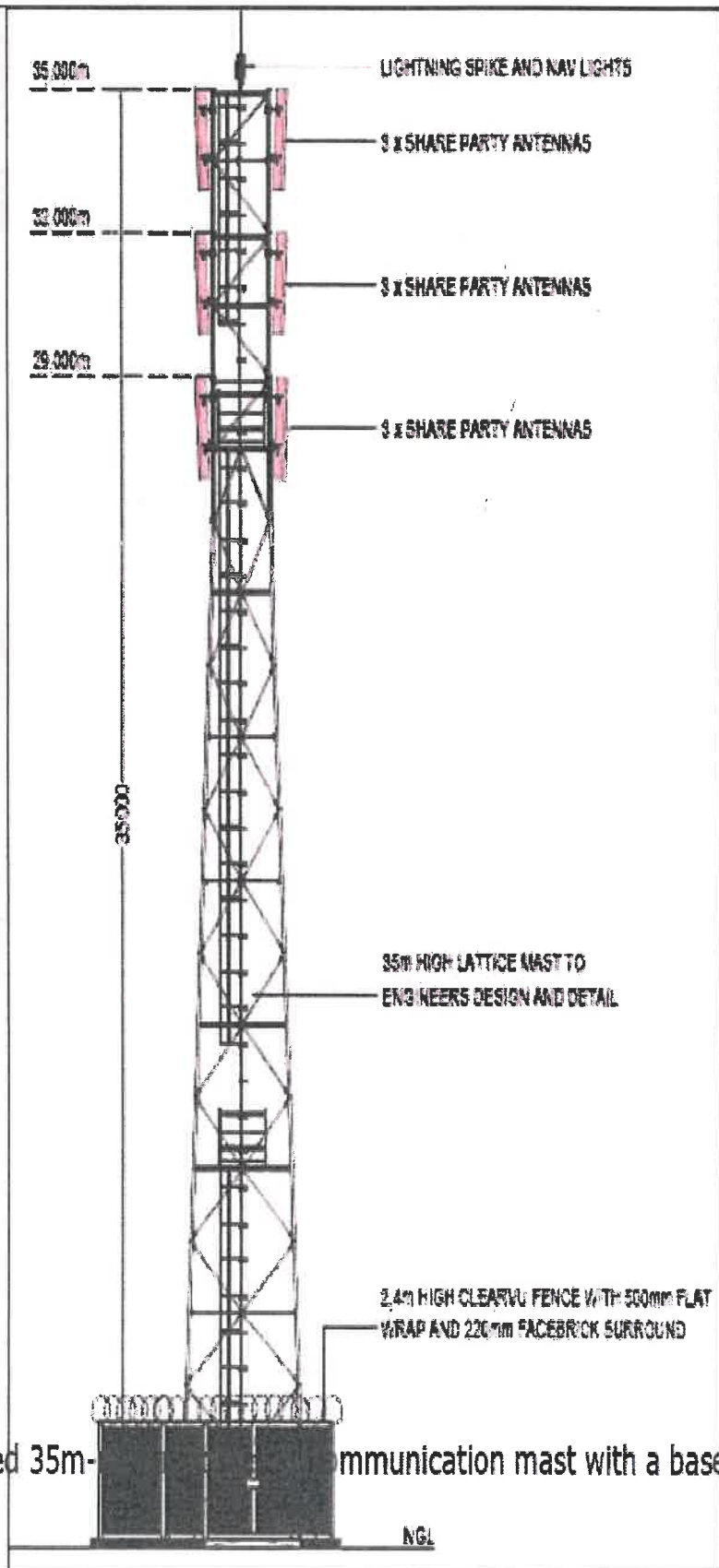


Figure 1-1: Proposed 35m-communication mast with a base station.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received on 11 October 2023, the EMPr submitted together with the Final Basic Assessment Report, received on 25 January 2024.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the revised Final Basic Assessment Report received on 25 January 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activity is to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity between 4 October 2023 and 15 November 2023;
- placing an advertisement in the Standard newspaper on 2 November 2023;
- circulating the in-process draft Basic Assessment Report from 4 October 2023 and 15 November 2023.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management, and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Preferred Design Alternative: Lattice Mast (Preferred alternative herewith authorised):

The proposal entails the development of a 35m high lattice mast and associated infrastructure on Farm Rietvallei No. 323, Robertson. Three equipment shelters will be located next to the mast and the

development footprint will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

The proposed site was identified as the best position to place the mast to reach the optimal network transmission coverage within the Robertson area based on the demand in the area. There is an existing access road that leads to the site entrance and power supply is readily available, therefore, no additional supporting infrastructure will be required. A lattice mast design was considered the preferred alternative since it will have a lower visual impact due to the design of the mast and the distance between the mast and the main road (approximately 400m into the property from the access road) will further limit the potential visual impact.

No-go Option

This alternative entails not constructing the mast and associated infrastructure. It was not preferred since it will not address the need for a more efficient telecommunication service to the greater community.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The mast is considered as part of the essential services for the greater community. It will provide an improved, more reliable network coverage and communication service infrastructure to the community in the surrounding area, which is currently lacking. The preferred site and mast design is the best practicable environmental option and were selected based on the limited associated biophysical and visual impacts.

3.2 Biophysical Impacts

No sensitive environmental features were identified on the site. It is not located within a Critical Biodiversity Area and no watercourses are present on or within 32m of the site. The development is therefore not expected to have any significant biophysical impacts. The development footprint will be limited to the disturbed areas and the surrounding intact indigenous vegetation will not be impacted by the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative visual impact on certain individuals residing around the proposed property. The impacts will however be mitigated to a satisfactory level with the implementation of the preferred design and adherence to the EMP. The potential construction and operational phase impacts will therefore be mitigated to an acceptable level.

Positive impacts:

- The proposed development will improve the overall telecommunication service infrastructure and network connectivity for the community and the surrounding area.
- The proposal will have socio-economic benefits and will create temporary employment opportunities during the construction phase.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must

exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-----END-----

Annexure 3

Tribunal Decision letter

Verw/ Ref: 15/4/13/7

Private Bag X2, ASHTON 6715
28 Main Road, ASHTON 6715
T +27 23 615 8000 F +27 23 615 1563
E admin@langeberg.co.za www.langeberg.co.za

Navrae/Enquiries: Ms T Brunings

Trustees of the Anton Conradie Family Trust
c/o Highwave Consultants (Pty)Ltd
P O Box 2773
DURBANVILLE 7550

15 July 2024

Per email: malene@highwave.co.za

Dear Sir / Madam

**NOTIFICATION OF DECISION: FARM RIETVALLEI NO. 323, ROBERTSON RD: APPLICATION FOR
CONSENT FOR FREESTANDING BASE TELECOMMUNICATION BASE STATION AND DEPARTURE TO NIL
BUILDING LINE**

Your application in the above regard refers.

On 5 July 2024, the Langeberg Municipal Planning Tribunal resolved that the application for a consent use and building line departure for the purpose of erecting a 35m high Freestanding Base Telecommunication Station 0.0m from the common boundary (shared with Rem/Portion 6 of the Farm Rietvallei No. 115, Robertson), be **refused** in terms of Section 60 of the Langeberg Land Use Planning By-law, PN 264/2015, of 30 July 2015.

Reasons for decision:

1. Notwithstanding requests for additional information, inadequate information has been provided to justify the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage. In particular, the proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has not been considered.
2. No motivation has been provided to substantiate the nil building line. The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.
3. The visual impact was understated and not adequately addressed by the applicant. The proposed FBTS is not considered to be desirable in terms of the visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.
4. The objector's concerns have not been adequately addressed, and the benefits of a proposed FBTS have not been shown to outweigh these concerns.

Note: The unauthorized 15m mast must be removed.

In terms of Section 79 of the Langeberg Municipal Land Use Planning Bylaw, 2015, a person whose rights are affected by a decision of the Municipal Planning Tribunal, may appeal in writing to the Appeal Authority (the executive mayor in this case) within 21 days of notification of the decision.

In terms of Section 61(4) of the said bylaw, an approval comes into operation only after the expiry of the 21 days appeal period. In terms of Section 61(5) where an appeal is lodged the approval is suspended pending the decision of the Appeal Authority on the appeal.

Yours faithfully



D P LUBBE
MUNICIPAL MANAGER



Rig alle korrespondensie aan die Munisipale Bestuurder
Address all correspondence to the Municipal Manager
Thumelayonke Imbalelwano kumphati Kamasipala

Copies for Information:

WC Dept of Agriculture Your Ref: 20/9/2/5/5/350, 19/09/2023 Corvdw@elsenburg.com	DEA&DP Your Ref: 15/3/2/12/BL2 24/07/2023 dcarstens@westerncape.gov.za
Cape Nature Your Ref: LS14/2/6/1/9/1/323, 28/08/2023 rsmart@capenature.co.za	jacques@capewinelands.gov.za glotter@langeberg.gov.za

Annexure 4

Minutes of the Tribunal meeting

MINUTES OF THE LANGEBERG MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON 05 JULY 2024 AT 10H00 IN KLAAS VOOGDS (KLEIN PARYS)

Site inspections were conducted at the following sites prior to the Tribunal meeting:

- 🚧 Item 4/2024: Rietvallei 323 Robertson (proposed 35m high cell mast); and
- 🚧 Item 1/2024: Joubertsdal 189/4 Swellendam (proposed electric vehicle charging station and solar farm).

1. Opening

The Chairperson, Mr Hennie Taljaard, welcomed all present.

2. Attendance

Hennie Taljaard	-	Chairperson (External member) - Witzenberg Municipality
Carisa Pieters	-	External member - Breede Valley Municipality
Quinton Balie	-	External member - Cape Winelands District Municipality
Dalene Carstens	-	External member - DEA&DP
Andrew Martinus	-	Town Planner, Langeberg
Amber De Wet	-	Town Planner, Langeberg
Tracy Brunings	-	Manager: Town Planning. Langeberg

The Municipal Manager, Mr. DP Lubbe attended the site inspections.

3. Applications for Leave of Absence

Apologies were received from Mrs. Helene Janser who is on leave.

4. Confirmation of previous Minutes

Unanimously Resolved: that the minutes of a meeting of the Langeberg Municipal Planning Tribunal, held on 03 May 2024 at Montagu (old Council Chambers) be approved and confirmed. Proposed by Mrs. Dalene Carstens, seconded by Mr. Andrew Marthinus

5. Matters arising from the previous minutes

An appeal has been lodged against the Tribunal's decision to refuse the proposed amended site development plan for additional camping sites at de Bos in Montagu (Application was for consent use for tourist facility and functions venue and amended site development plan, on erf 5227, Montagu). Four objectors have responded against the appeal. The appeal report must be submitted to the Municipal Manager by 26 July 2024, for forwarding to the Executive Mayor within 14 days thereof. No appeals were lodged against the consent uses which were approved by the Tribunal.

6. Urgent Matters, Statements & Announcements submitted by the Chairperson

None.

7. Consideration of Reports

The following was noted during the site inspection, and discussed further at the meeting: The 35m high mast is proposed immediately adjoining existing farm worker accommodation and immediately adjoining the boundary with the neighbour to the SW. There are other areas of the site, further away from the boundary and worker accommodation, which could have been considered. The existing approved FBTS should have been addressed in the application. The existing unauthorised 15m high mast on the application site should be removed. The applicant may choose to apply for consent for this 15m high mast, which has lesser visual impact on the surrounding area and is located further from the worker accommodation and the farm boundary, than the proposed 35m high mast.

It was unanimously resolved to support the recommendation, proposed by Mrs. D Carstens and seconded by Mr. Q Balie, that:

The application for a consent use and building line departure for the purpose of erecting a Freestanding Base Telecommunication Station 0.0m from the common boundary (shared with Rem/Portion 6 of the Farm Rietvallei No. 115, Robertson), be **refused** in terms of Section 60 of the Langeberg Land Use Planning By-law, PN 264/2015, of 30 July 2015.

Reasons for decision:

1. Notwithstanding requests for additional information, inadequate information has been provided to justify the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage. In particular, the proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has not been considered.
2. No motivation has been provided to substantiate the nil building line. The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.
3. The visual impact was understated and not adequately addressed by the applicant. The proposed FBTS is not considered to be desirable in terms of the visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.
4. The objector's concerns have not been adequately addressed, and the benefits of a proposed FBTS have not been shown to outweigh these concerns.

Note: The owner of Rietvallei No. 323 has demonstrated a record of non-compliance with the provisions of the Land Use Planning By-law, 2015 and the National Building Regulations, by the erection of a 15m high FBTS without prior authorisation. The unauthorized 15m mast must be removed.

Annexure 5

Applicant's Appeal

HIGH WAVE

CONSULTANTS

8 Duthie Street
Malmesbury
7300

4 November 2024

THE EXECUTIVE MAYOR
LANGEBERG MUNICIPALITY
03 PIET RETIEF STREET,
MONTAGU,
6720

Dear Sir/ Madam

**RE: APPEAL IN ACCORDANCE WITH SECTION 79 OF THE LANGEBERG LAND USE PLANNING BY-LAW, 2015;
ON THE APPLICATION FOR CONSENT USE TO PERMIT A FREESTANDING COMMUNICATION BASE STATION
ON FARM NO 323 RIETVALLEI, ROBERTSON IN THE LANGEBERG MUNICIPALITY**

Your letter under reference 15/4/13/7, dated 5 July 2024, communicating your Municipal Planning Tribunal's decision refers.

SBA Towers South Africa (Pty) Ltd and Highwave Consultant, being duly authorised, ("the Appellant") hereby appeal the decision of your Municipal Planning Tribunal on the application for the proposed consent use for a freestanding communication base station.

The following Annexures are attached to this appeal:

Annexure A: Proof of payment of the Appeal Fee

Annexure B: Completed Appeal form (LT18 Application form)

Annexure C: Motivation Letter form Vodacom

Annexure D: Land Surveyor Diagram



Annexure E: Site Development Plan

Annexure F: EA Approval letter



Annexure G: Artist impression

Annexure H: Supporting Evidence



Annexure-I: RF Plots



Introduction

1. Application was lodged for a consent use to allow the construction of a cell phone mast on a “Agricultural Zone 1” zoned property, namely Farm Rietvallei No 323 - Robertson RD (previously known as Rem/Portion 6 of the Farm Rietvallei No 115 - Robertson RD)
2. The application was duly processed, some objections was received. The applicant provided a response to comments, with supporting documents and specialist studies to address the issues.
3. It should be noted that this appeal is lodged against the whole decision of the MPT.

Langeberg Municipal Planning Tribunal reason for refusal (15 July 2024):

1. Notwithstanding requests for additional information, inadequate information has been provided to justify the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage. In particular, the proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has not been considered.
2. No motivation has been provided to substantiate the nil building line. The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.
3. The visual impact was understated and not adequately addressed by the applicant. The proposed FBTS is not considered to be desirable in terms of the visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.
4. The objector's concerns have not been adequately addressed, and the benefits of a proposed FBTS have not been shown to outweigh these concerns.

Additional information requested from Officer Brunings via email (23 September 2024)

1. A surveyed plan by a registered Land Surveyor showing the proposed new position of the mast, clearly demarcating the distances to the farm boundaries (neighbours and property in same ownership) and adjoining worker houses. Written verification of the height of the adjoining blue gum trees should also be provided by the Land Surveyor.

1

The need for the EFTS and the choice of the subject property in relation to areas requiring

Referring to **Annexure C**, Vodacom have provided information to justify the need for the FBTS and the

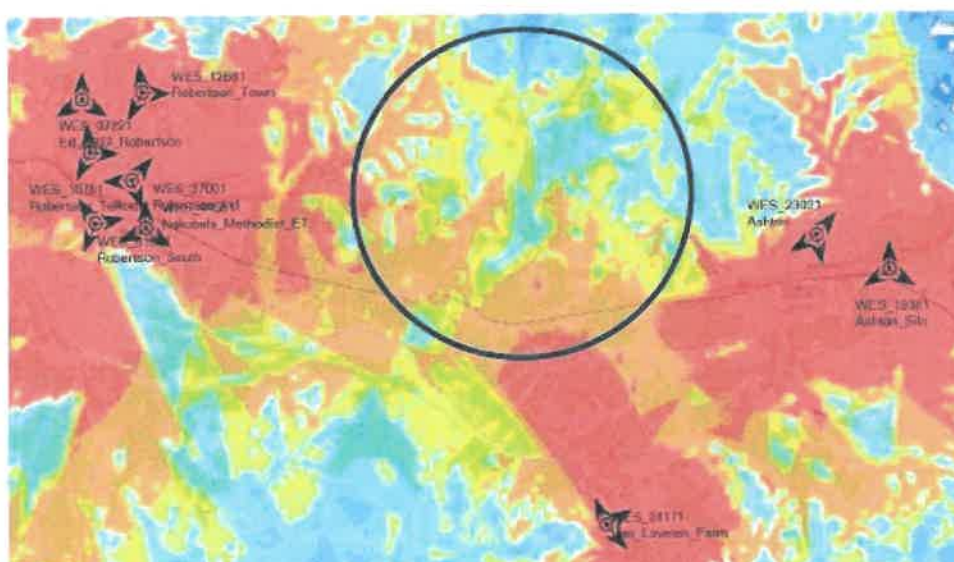


Fig 1: Vodacom Coverage plot - Without a site in Klaasvoogds

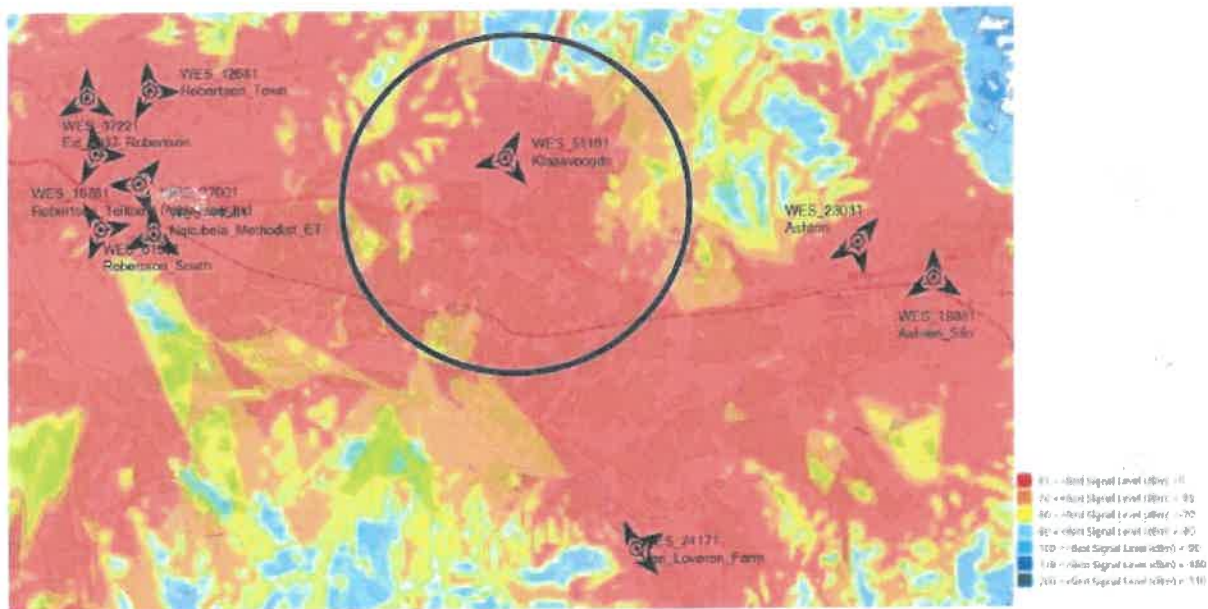


Fig 2: Vodacom Coverage plot - Witha site in Klaasvoogds

Once Vodacom identified a lack of coverage in the Klaasvoogds area they approached the property owner, Mr Anton Conradie of Anton Conradie Vervoer as well as SBA Towers SA with a proposal for a cell phone mast. Vodacom identified the highest point on the property for a mast. The proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson of about 2,5km from the proposed site, has not been considered as recent research conducted has indicated that ideally masts should be 500m apart in urban areas and not more than 1km apart in rural areas for optimal coverage.

As per the Planning Considerations for Free-Standing Base Telecommunication Stations which states as Planning Practice Note 13 June 2018: the cumulative impact of the total number of sites must be assessed, as well as the specific sites. Nominal points (optimal locations) to be identified by radio planners. The position and height of new towers must be based on coverage plots relative to the surrounding network of towers.

Refer to the coverage plot below (Rf plot). These Radio Frequency plots aim to illustrate the positioning of existing infrastructure within a 500m and 1000m radius (the closest tower is +/- 2,5km of the proposed site). These RF plots indicate the current coverage and propose future coverage for Klaasvoogds.

ERF NUMBER: FARM RIETVALLEI NO. 323
ALLOTMENT: ROBERTSON
SITE REFERENCE NAME: KLAASVOOGDS

HIGHWAVE
CONSULTANTS

RF COVERAGE PLOT & ANALYSES (BEFORE)
May 2023



Fig 3: RF Coverage plot - Without a site in Klaasvoogds

RF COVERAGE PLOT & ANALYSES (AFTER)
May 2024

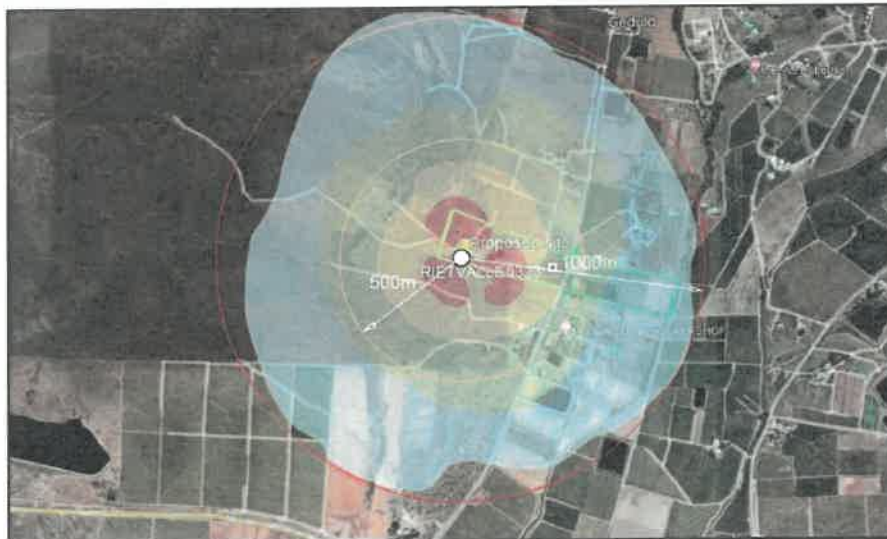


Fig 4: RF Coverage plot - With a site in Klaasvoogds

ERF NUMBER: FARM RIETVALLEI NO. 323
ALLOTMENT: ROBERTSON
SITE REFERENCE NAME: KLAASVOOGDS

HIGHWAVE
CONSULTANTS

The above plots show empirical predictions of the various radio frequencies that are currently experienced in the area given existing infrastructure, versus what the anticipated additional coverage will become with the new site.

LEGEND:	
-50 to -65 dbm (Fair - Good Coverage & Availability)	
-65 to -85 dbm (Good - Medium Availability)	
-85 to -95 dbm (Weak coverage & availability)	
-95 to -105 dbm (Very weak Coverage, Dropped Calls)	

DATE: 17 MAY 2023

Fig 5: RF Coverage plot - legend

In addition to a lack of coverage in an area, the Operators are planning upgrades to prepare the area for future technology. The need for optimal coverage was mainly caused by the introduction of LTE (latest cellular technology) and in addition to the research, there has been an increase in customer complaints in the surrounding area regarding poor or no voice and data coverage which is paramount to ensuring economic development of the surrounding area.

Referring to **Figure 9**, it clearly shows that despite an existing MTN mast in the area vast abutting areas (refer to the white areas on the figure) are not serviced. This is proved that the coverage in the area is still insufficient and in need of upgrading. The anchor network tenant for the proposed mast will be Vodacom and where Vodacom is MTN will soon follow. The coverage plots show that there are no other Vodacom masts between Robertson and Ashton. **Figure 6** shows 5G coverage in the urban area in Ashton. The coverage plots were also attached to substantiate need.

Figures 6 and 10 illustrates the current lack of Vodacom, Telkom and Rain and MTN coverage in the Klaasvoogds area. It should be noted that some areas may have very limited MTN coverage (**Figure 9**) and not Vodacom 5G coverage at all. Therefore, a freestanding telecommunication base station as proposed in this application will increase the amount of coverage in this area. The aim is also not to just increase coverage, but also to strengthen it. For example, MTN has mostly sufficient 4G but will likely look to increase their coverage by covering the voids as seen above.

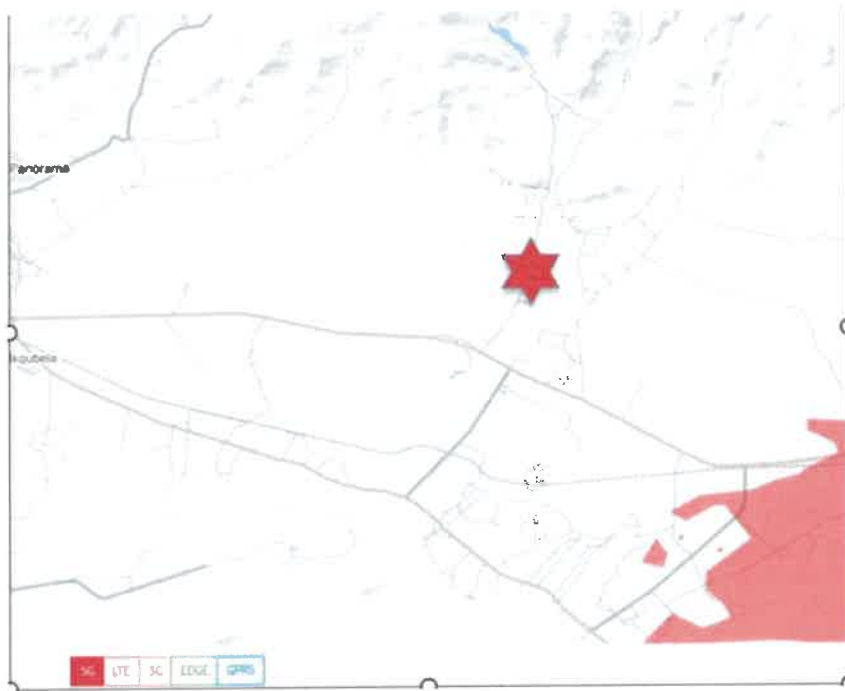


Fig 6: Lack of Vodacom 5G connectivity along the R60 between Robertson and Ashton Red star indicates the location of the site (Source: <https://vccoverage.afrigis.co.za/#/>)

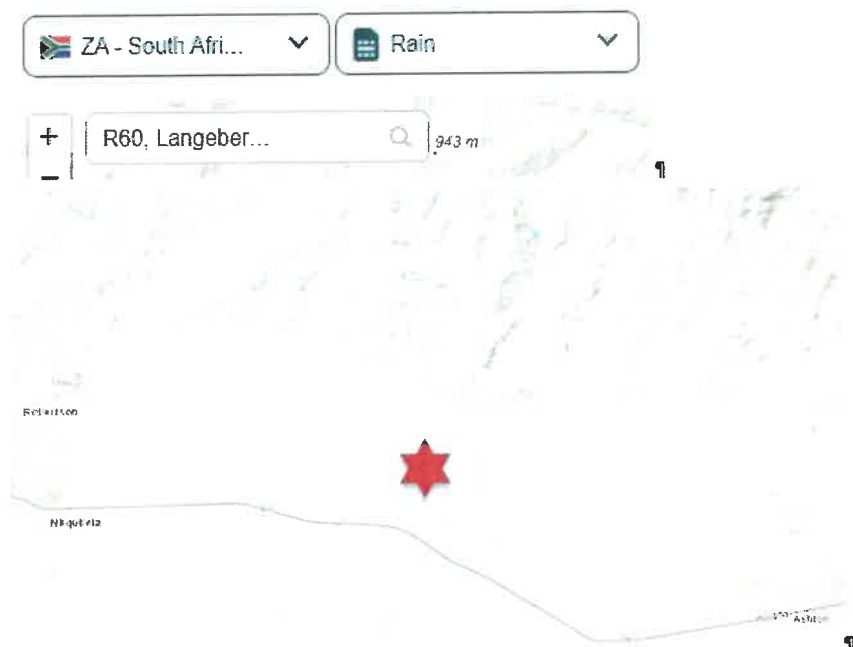


Fig 7: Rain Coverage <https://www.nperf.com/en/map/ZA/-/156578.Rain/signal?ll=-33.80996124558632&lg=19.945077896118164&zoom=13>

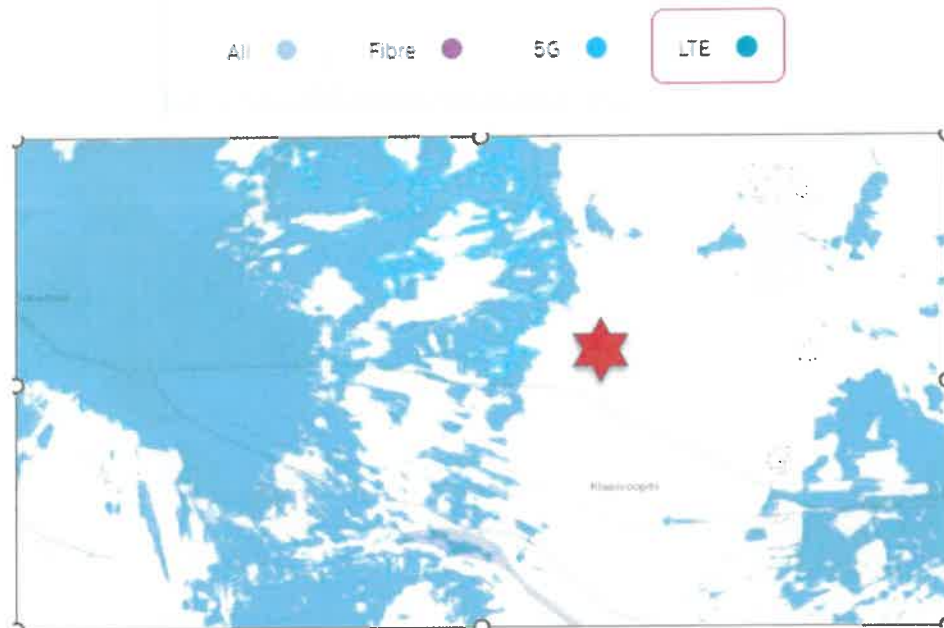


Fig 8: Telkom Coverage <https://www.telkom.co.za/check-coverage#>



Fig 9: – MTN connectivity in the area of Klaarvoogds – MTN logo indicates the location of the site
(Source: <https://www.mtn.co.za/home/coverage/>)

To achieve the optimal data and voice coverage objectives base stations in this specific area needs to be approximately 500m apart on average. The fresnaye effect also influences the quality of the voice and data coverage.

The following illustrations describe the “Fresnaye Effect” in which the desirability for this site is supported.

1. Site selection – 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 10 - 12 strive to explain how the need for an increase in cellular infrastructure evolves in a typical urban area.

2. Cellular infrastructure explained:

Figure 6 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 11). 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 12). If a need for coverage does not exist in a specific area, no company would invest capital to build a telecommunication base station in the said area. The fact that there are only a few telecommunications base stations in the surrounding area supports the statement that there is a clear need for coverage in the area.

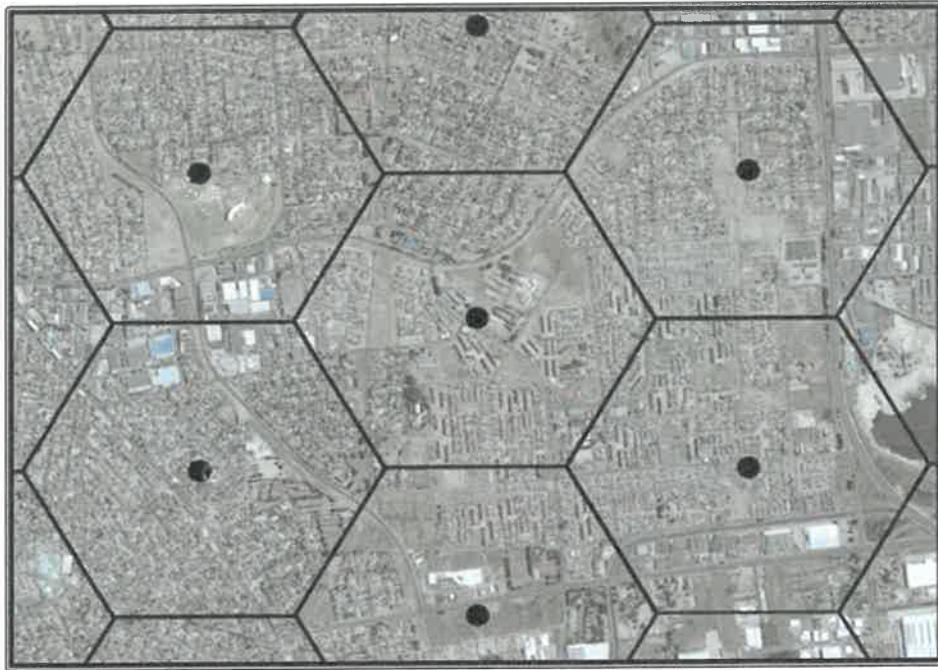


Fig 10: Initial coverage (cell) provided by Telecommunication Base Stations

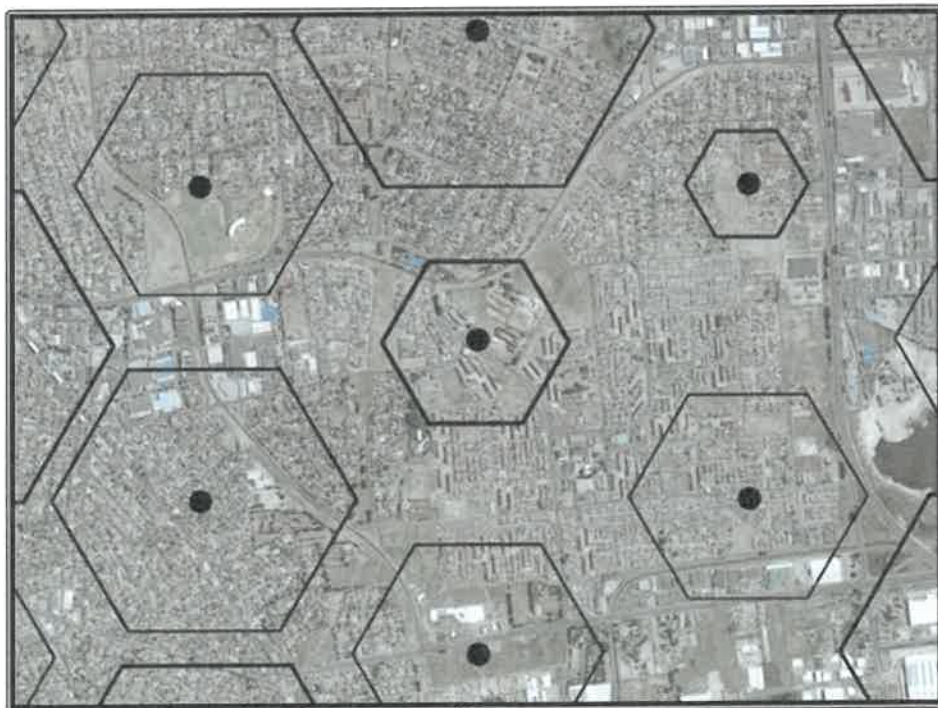


Fig 11: Coverage decreases due to increase in network users – cell size decreases.

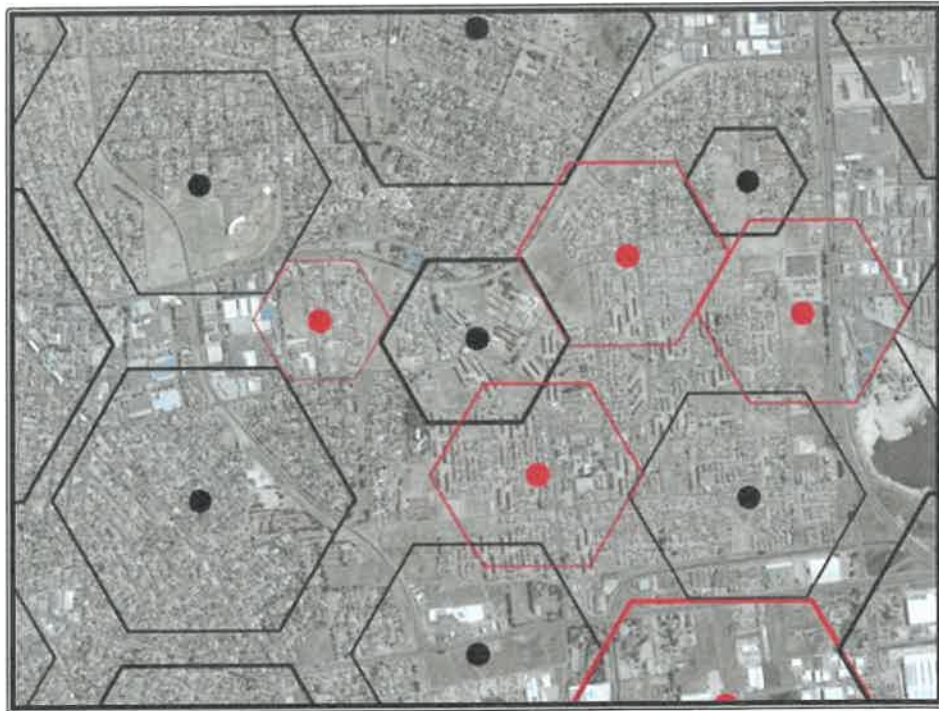


Fig 12: Additional telecommunication base stations required to fill the voids.

In line with the Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013 the principle of sustainable and efficient development our client encourages co-location. Highwave Consultants can confirm that the proposed development not only supports co-location but also encourages it. The list of operators that will be able to install their antennas on the mast are:

- Rain,
- Vodacom,
- MTN,
- Cell C,
- Telkom.

As seen above, SBA Towers SA caters for all the operators and encourage co-location. The proposed construction of a 25m mast will offer the opportunity for operators to collocate resulting in the reduction of future telecommunication towers. The proposed lattice mast is more functional in rural areas. This is due to its functionality allowing one to place the antennas at any height. A lattice is also aesthetically more pleasing visually than a monopole.

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.

Our client SBA Towers SA pride themselves in ensuring that a positive impact is created in terms of the social, environmental, and economic wellbeing of the area. Since the introduction of LTE in South Africa in 2012 there has been greater need for access to faster data, due to the higher penetration of LTE data in commercial and business areas, this has led to lower subscription fees which provide economic sustainability and development. LTE will ultimately address high data traffic requirements and the surrounding community will be the main beneficiary. The construction and maintenance phase of the proposal will provide a positive economic and social impact by ensuring job creation effecting the surrounding community in a positive way. When choosing a site for a telecommunication base station, service providers are guided by nominal points indicating the areas where poor signal is being experienced.

The following image shows the location of the new proposed mast in relations to the existing infrastructure in the area. It also indicates the elevation typology in the area.

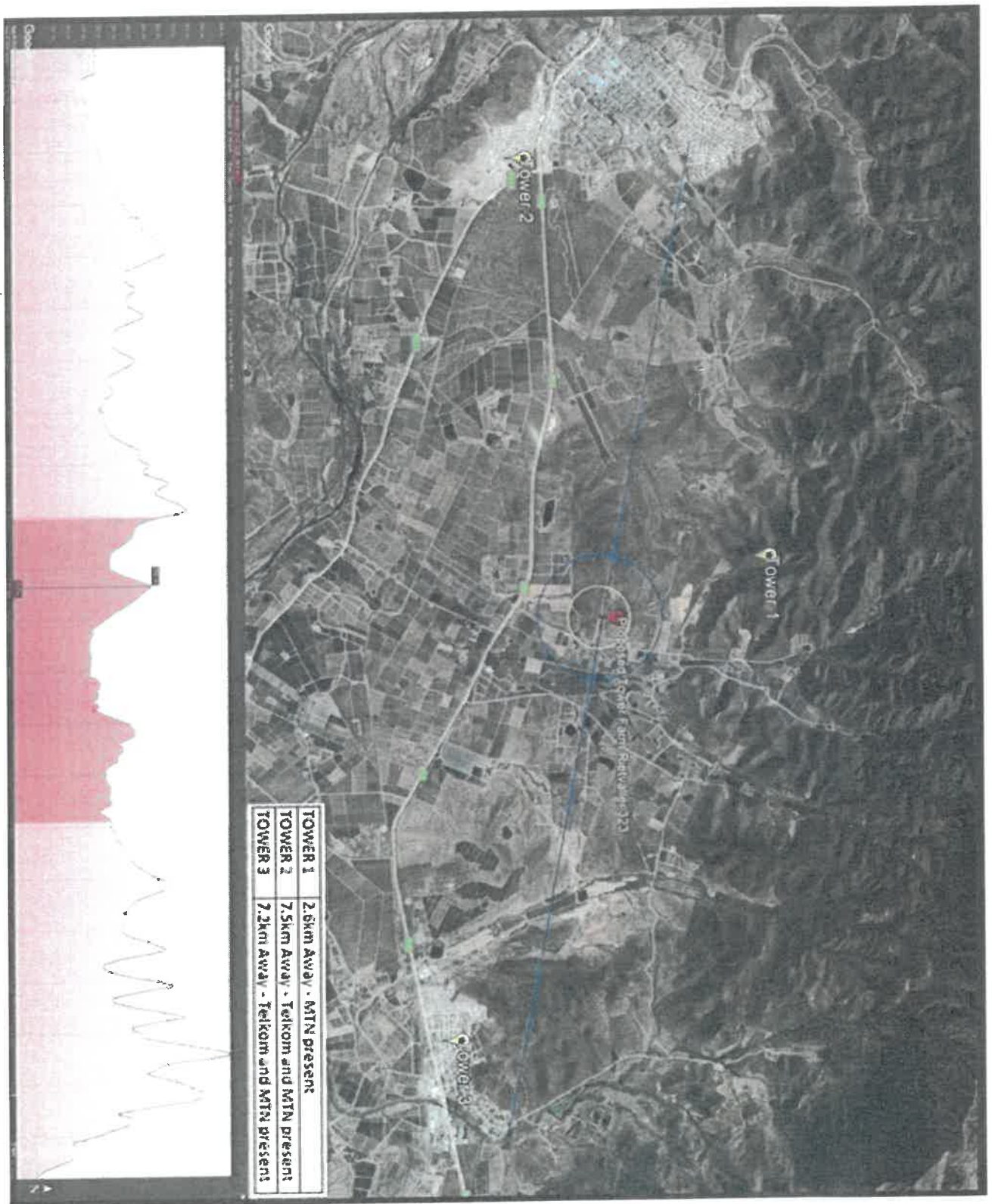


Fig 13: New proposed FBTS in relations to the existing infrastructure.

The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.

The proposed location has been altered. The proposed FBTS has be placed outside both the side and rear 30m building lines (refer **Annexure D & E**) which requires no departure. Refer to below image for a detailed Site plan.

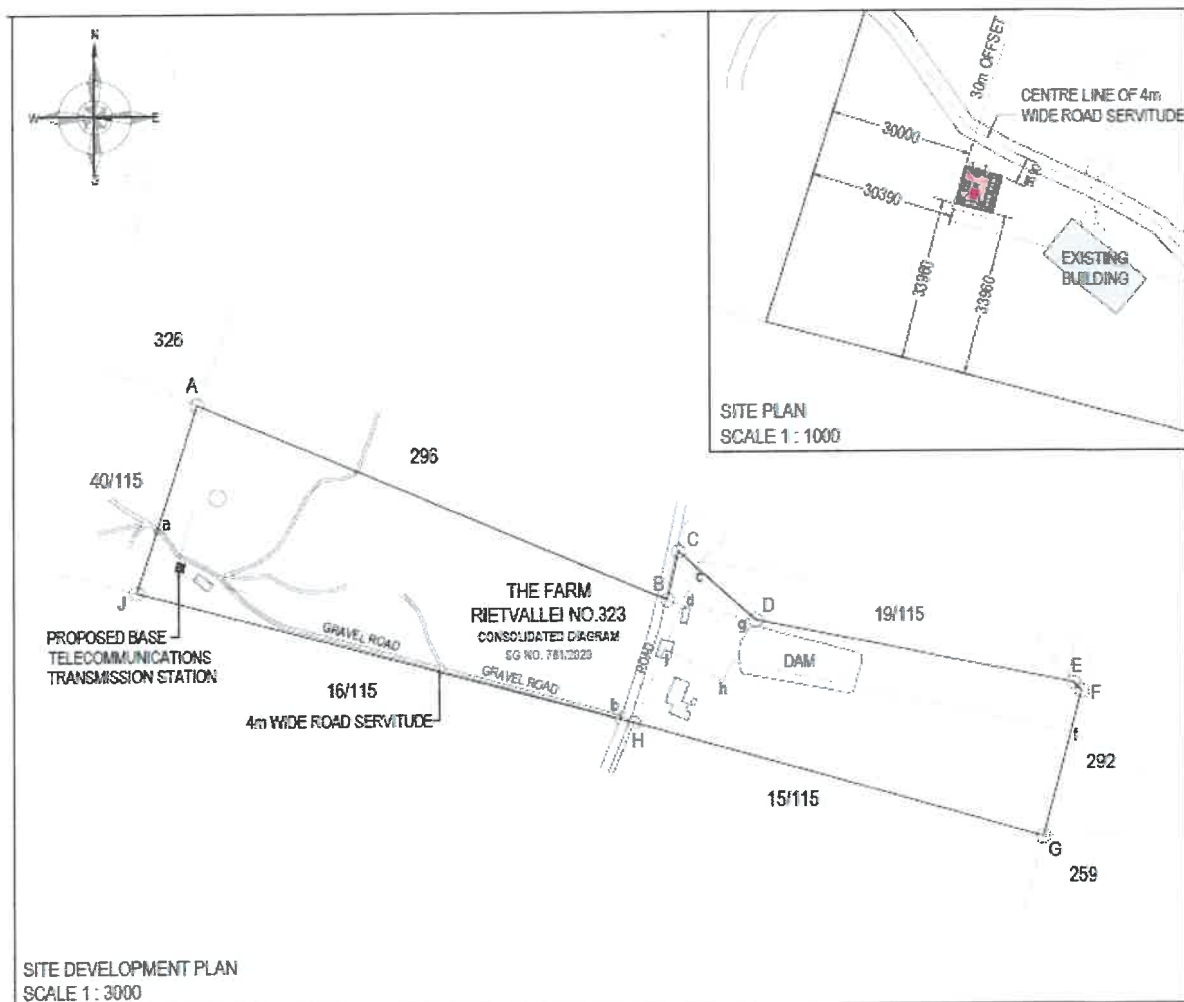


Fig 14: Site Development Plan for proposed new FBTS

It is important to note that this adjustment of the proposed new FBTS was agreed on by community members, the property owner, objectors, and Officer Brunings at a meeting held 17 September 2024. This meeting was requested by the objector.

This move has implication on the Basic Assessment Report (BAR) approval received. A Basic Assessment Report (BAR) was done to determine if any activities from the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended in 2017) in terms of Listing Notice 1 (GN: 327) and Listing Notice 3 (GN:324) of the National Environmental Act, 1998 (Act No 107 of 1998) will be triggered. Therefore, our client was reluctant to move the proposed site. However, as a mitigating measure the client moved the proposed FBTS.

Kindly note that should the appeal be successful the client will apply to the Department of Environmental Affairs and Development Planning for an amendment of the granted Environmental Authorisation of 9 May 2024 Reference Number 16/3/3/1/B1/14/1080/23. The application for the EA amendment will be for the reduced height from 35m to 25m and the location which changed from 33.483172 South and 19.583272 East (**Annexure F**) to 33.808442 South and 19.975155 East (**Annexure E**) to accommodate the proposed FBTS outside of the 30m building lines which requires no departure.

The proposed FBTS visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.

If the height is reduced lower than 25m, a need for more towers will arise. It has been agreed to lower the height of the new FBTS from 35m to 25m. this height will still allow for colocation of other Mobile Network operators. This will not only improve coverage but reduce the amount of telecommunication applications in the area.

If commuters are driving on the R60 Road or the Klaasvoogds West Road, they will see the mast as the superimposition shows (**Figure 15**). However, the visual impact of the tower will be softened by the landscape surrounding the tower. The proposed mitigation of a 25m mast outside the 30m building line would seamlessly blend in with the surrounding foliage, particularly the taller trees visible in the superimposition.



Fig 15: Artist impression / superimposition of 25m Lattice (green)

The view of the immediate neighbour is in an easterly direction, which is away from the mast, while the trees between the proposed new position of the mast, will mitigate the visual impact of the mast. The proposed height of the mast will be lowered to 25m. The mast will thus be in line with the trees and can be painted. Refer to above visual aid of a galvanised and dark green painted mast (**Figure 15**). Red and white paint will not be required in this case, as it is not a requirement for CAA.

The objector's concerns.

Objectors comments/Response		Applicant response
Mr J Koorneef	"In order to appease the area's inhabitants that this tower will be really helpful (rather than just an eyesore), more detail would be in order."	It was originally recommended to change the tower to monopole. It is important to note the base station containers will for the most part be out of sight, and therefore implying that it will negatively impact the surrounding area is unsubstantiated.

	"No information is provided in respect to ... potential/committed providers (Rain, Vodacom, MTN, Hero, IP Wireless,)."	SBA Towers is a supplier of co-location infrastructure. all network providers will be able to make use of the proposed infrastructure. In this case Vodacom is already interested.
	"No information is provided in respect to time scales, triband frequencies, (3.5GHz), voice, fixed wireless-& data-(4G,LTE,5G,...) services, ...,...."	Timeframes will vary depending on which MNO shows interest to rent space on the tower. SBA can't at this stage confirm the information requested, as the MNO will need to provide this information.
Ms S Wentzel	The visual impact the tower will have. Can we change to a tree mast	The new proposed position of 25m mast is between/behind the trees and outside the 30m building lines, thus mitigate the visual impact. A free-standing Eucalyptus tree mast will stand out more than the proposed lattice.
Ms M Kriel	Visual impact on the guesthouse	The view of the immediate neighbour is in an easternly direction, which is away from the mast. The trees between the proposed new position of the mast, and it being $\pm 280\text{m}$ away from the guesthouse will mitigate the visual impact. Refer to below image (Figure 16) of guesthouse in relations to the new proposed FBTS.



Fig 16: Guesthouse in relations to proposed FBTS.

Conclusion

The positive contribution this base station will have on the immediate area of Klaasvoogd's, commuters, visitors as well as the surrounding community are as follow:

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

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

We conclude that:

1. The proposed new position for the mast to be closer the trees as shown above in the visual aid images to mitigate the visual impact.
2. Application height will be lowered from 35m to 25m.
3. The proposed the mast will be outside the 30m building lines.
4. This will be a co-location FBTS for all mobile network providers.

We trust that the Appeal Authority will review the Planning Tribunal's decision and uphold the appeal.

Please do not hesitate to contact the writer, if you require any additional information in this regard.

Kind Regards



Lourens Booysen

Town Planner (C/7733/2016)

ANNEXURE A

20668

31/07 2024



LANGEBERG
MUNISIPALITEIT MUNICIPALITY MASIPALA

Kwitantie geldig alleenlik indien deur amptelike
kontantmasjien gedruk / Receipt valid only if
printed by official / receipt machine

3316	00
------	----

ABSA BANK
TAK/BRANCH: MONTAGUE
REK/ACC NO: 1050000008
TAK/BRANCH K/CODE: 632005

20668

Rekeningnr. / Account No.

R c

Proof of **payment**

PAYMENT DETAILS

From	Pierre du Plessis
Amount	R3,316.00
Reference	Farm Rietvallei 323 - Appeal
Date and time	1 August 2024 @ 17:05
To	Langeberg Municipality
Account number	1050000008
Bank name	ABSA
Branch code	632005
Trace ID	DSCBNK20240801000206059130

This payment can take up to three working days to show in the receiving account.



discovery.co.za



APPEAL FORM

(Section 79 of the Proposed Standard By-law on Municipal Land Use Planning)

KINDLY NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes. Append this form to your letter of appeal which must comply with section 80 of the Proposed Standard By-law on Municipal Land Use Planning.

PART A: APPEAL

Are you appealing against the decision made by the authorised employee or Tribunal?	XY	N	If Yes, indicate in Part E if the appeal is lodged against the whole decision or part thereof. If the latter applies provide a description of the part.
Are you appealing in respect of the failure of the authorised employee or Tribunal to make a decision within the period contemplated in section 57(1) or (2)?	Y	N	If Yes, provide facts that prove the failure in Part E.
Are you appealing against the condition(s) of approval imposed by the authorised employee or Tribunal?	Y	N	If Yes, list relevant condition(s) and provide a description in Part E.
Is your appeal based on and primarily concerned with the process followed prior to the authorised employee or Tribunal decision?	Y	N	If Yes, specify in Part E.
Is your appeal based on and primarily concerned with the merits of the land development or land use application on which it is believed that the authorised employee or Tribunal erred in coming to the conclusion?	Y	N	If Yes, specify in Part E.
Date of decision	05/07/2024	Date receiving notice of decision	15/07/2024
Who took the original decision?	Authorised employee	√	Tribunal

PART B: APPELLANT'S DETAILS

First name(s)	Lourens Streicher Steyn		
Surname	Booyesen		
Company or legal person's name (if applicable)	Highwave Consultants Pty Ltd		
Postal address	Suite 23 Private Bay X3		
	Malmesbury	Postal Code	7299
Email	Admin@highwave.co.za		
Tel	022 100 1202	Fax	
		Cell	082 316 5879

PART C: APPELLANT'S PROPERTY DESCRIPTION (Property that is affected by proposed development)

Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.	Farm Rietvallei No. 323, Robertson		
Physical Address	Klaasvoogds West Road (Divisional Road 1369)		
GPS Coordinates	Lat:33.808442"S Long:19.975155 E	Town/City	Rural ±9km east of Robertson

PART D: PROPERTY DESCRIPTION OF PROPOSED LAND DEVELOPMENT

Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.	Farm Rietvallei No. 323, Robertson		
Physical Address	Klaasvoogds West Road (Divisional Road 1369)		
GPS Coordinates	Lat:33.808442 S Long:19.975155 E	Town/City	Rural ±9km east of Robertson

PART E: APPEAL MOTIVATION AND REASONS***Motivation attached**

* Appeal motivation, information and reasons may be attached.

PART F: APPEAL FEE (APPLICANT) (for completion and use by official)

Appeal	R 3316
TOTAL APPEAL FEES*	R3316,00

* Appeal fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.

BANKING DETAILS

Name:	Langeberg Municipality
Bank:	ABSA
Branch no.:	33-45-13
Account no.:	105 000 000 8 (Tjek)
Payment reference: (If applicable)	A10 Rietvallei 323 Robertson RD [e.g. "A10 (Erf 2345, Robertson)" of/or "A10 (Farm123/4, Montagu)"]

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION

Complete the following checklist and attach all the information and documentation relevant to the appeal.

YX		Proof of payment of appeal fees (applicant)		YX		Proof of serving notice of appeal (applicant)
YX		Copy of decision and proof of notification		Y	N	Copy of conditions of approval
YX		Motivation and reasons for appeal		Y	N	Other (specify)

SECTION H: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this appeal form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 85(1)(e) of the said legislation to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.

Appellant's signature:



Date: **28/10/2024**

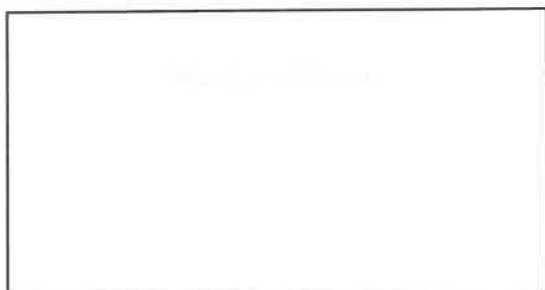
Full name:

Lourens Streicher Steyn Booysen

FOR OFFICE USE ONLY

Date received:

Received by:



01 August 2024

Vodacom Century City
082 Century City Blvd
Century City
Milnerton

**MOTIVATION FOR APPROVAL OF A FREESTANDING BASE TELECOMMUNICATION STATION ON REM
OF PORTION 6 OF RIETVALLEI NO 115, ROBERTSON RD**

TO WHOM IT MAY CONCERN

This communication serves as a written confirmation that Vodacom (Pty) Ltd and specifically the Western Region intend to utilize the proposed SBA South Africa freestanding base telecommunication station located on Rem of Portion 6 of Rietvallei No 115, Robertson Rd.

Introduction: The increasing demand for reliable and high-speed mobile connectivity necessitates the strategic placement of cellular base stations. Klaasvoogds, a community primarily composed of farmers and business owners, has approached Vodacom with an urgent request to improve cellular coverage in the area. The lack of adequate cellular reception is significantly impacting their businesses and livelihoods.

Community Need: The local community, which relies heavily on mobile connectivity for both personal and professional purposes, is experiencing considerable challenges due to poor cellular reception. This issue affects not only daily communications but also critical business operations, leading to potential economic losses. The community's dependence on mobile technology for agricultural management, business transactions, and emergency communications underscores the necessity for improved coverage.

Terrain Challenges: The terrain in Klaasvoogds presents significant challenges for cellular signal propagation. Without a base station in the Klaasvoogds area the signal would be coming from sites far away, making it difficult for the signal to reach a large part of the farming community. This geographical barrier further exacerbates the connectivity issues faced by the residents.

Vodacom (Pty) Ltd
Vodacom Century City
082 Century City Boulevard, Century City, Milnerton, Cape Town, 7441
Private Bag 7243, Roggebaai, Cape Town, 8012
Phone: +27 (0)21 440 8211

vodacom.com

Directors: MS Aziz Joosub (Group CEO and Chairman), S Mdlalose (CEO)*, R Nkabinde (Financial Director), NM Mashigo, RK Morathi,
TE Netshitenzhe, B Ngwenya, TD-M Nel, V Proothveerajh, RAS Tayob. Company Secretary: NR Imasiku
*British
Reg. No. 1993/003367/07

Proposed Solution: A community member has generously offered a location on their land for the installation of a mobile base station. This site is strategically positioned to provide adequate cellular coverage to the larger community and enhance connectivity along the busy R60 interconnection road between the towns of Ashton and Robertson. This road is a vital link for local commerce and transportation, and improved cellular coverage will benefit both residents and travelers.

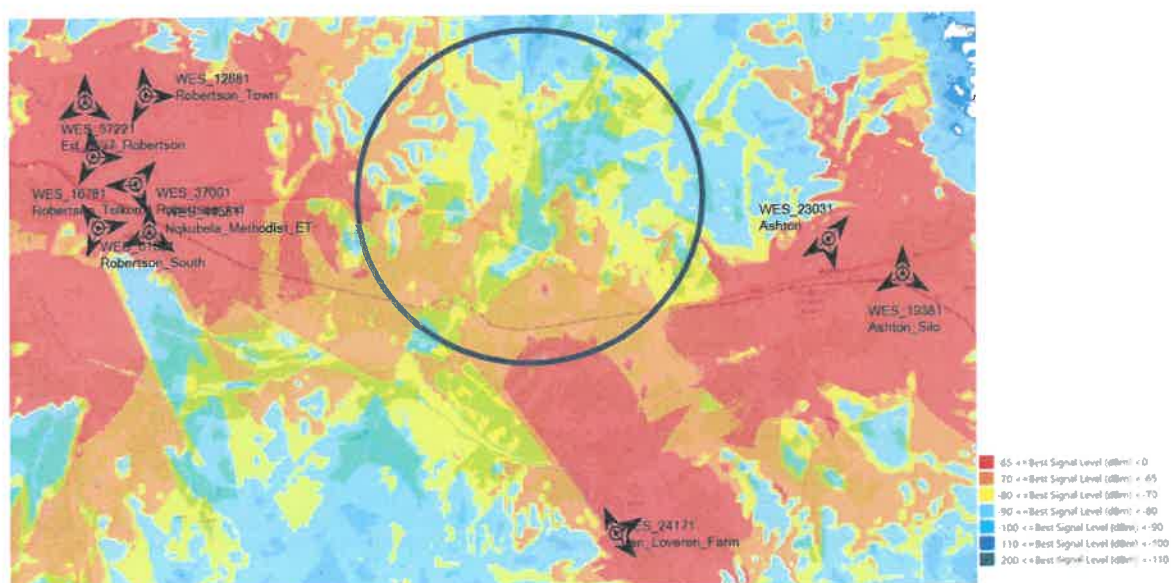
Benefits:

1. **Enhanced Business Operations:** Improved cellular coverage will enable local businesses to operate more efficiently, facilitating better communication with clients, suppliers, and partners.
2. **Agricultural Management:** Farmers will benefit from reliable connectivity for monitoring and managing their operations, accessing real-time data, and utilizing modern agricultural technologies.
3. **Safety and Emergency Services:** Enhanced coverage will ensure that residents can quickly and reliably contact emergency services, improving overall safety in the community.
4. **Economic Growth:** Reliable mobile connectivity will attract new businesses and investments to the area, fostering economic development and job creation.
5. **Improved Quality of Life:** Residents will enjoy better access to digital services, including education, healthcare, and entertainment, contributing to an improved quality of life.

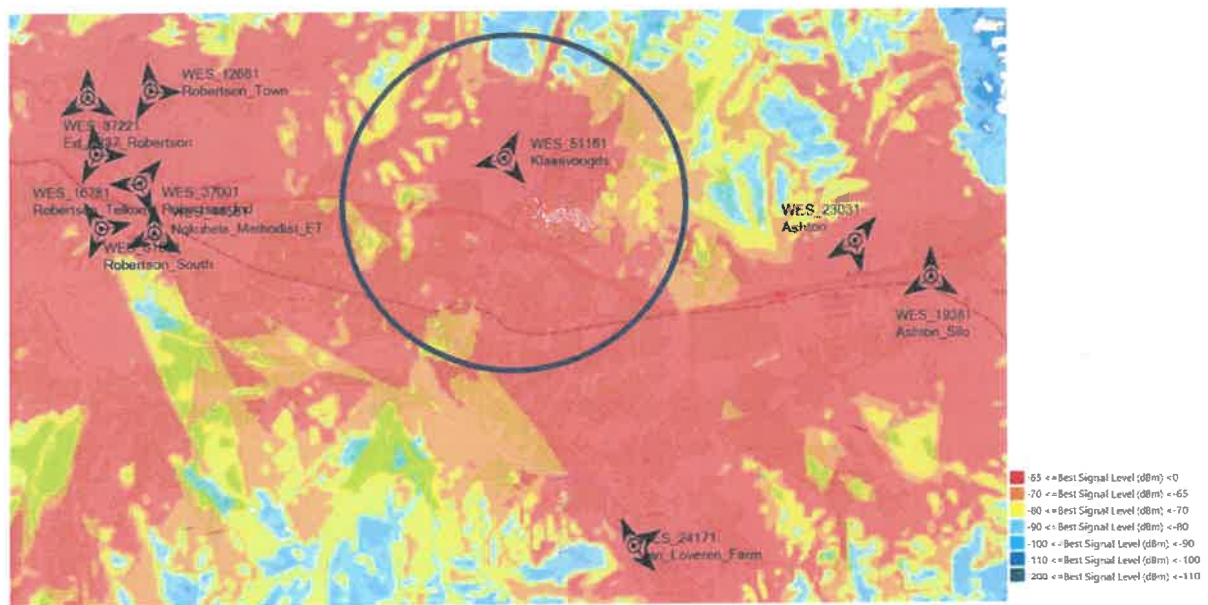
Conclusion: The installation of a cellular base station at Klaasvoogds is a critical step towards addressing the community's urgent need for improved mobile connectivity. This initiative will not only support the local economy and enhance safety but also contribute to the overall well-being of the residents. We strongly recommend proceeding with the installation to ensure that Klaasvoogds can thrive in today's connected world. We therefore support the land use application for the establishment of a freestanding base telecommunication station on the subject property.

Coverage Plots

Without a site in Klaasvoogds



With the new site at a height of 30 meters



Yours sincerely

Fazloen Armadien

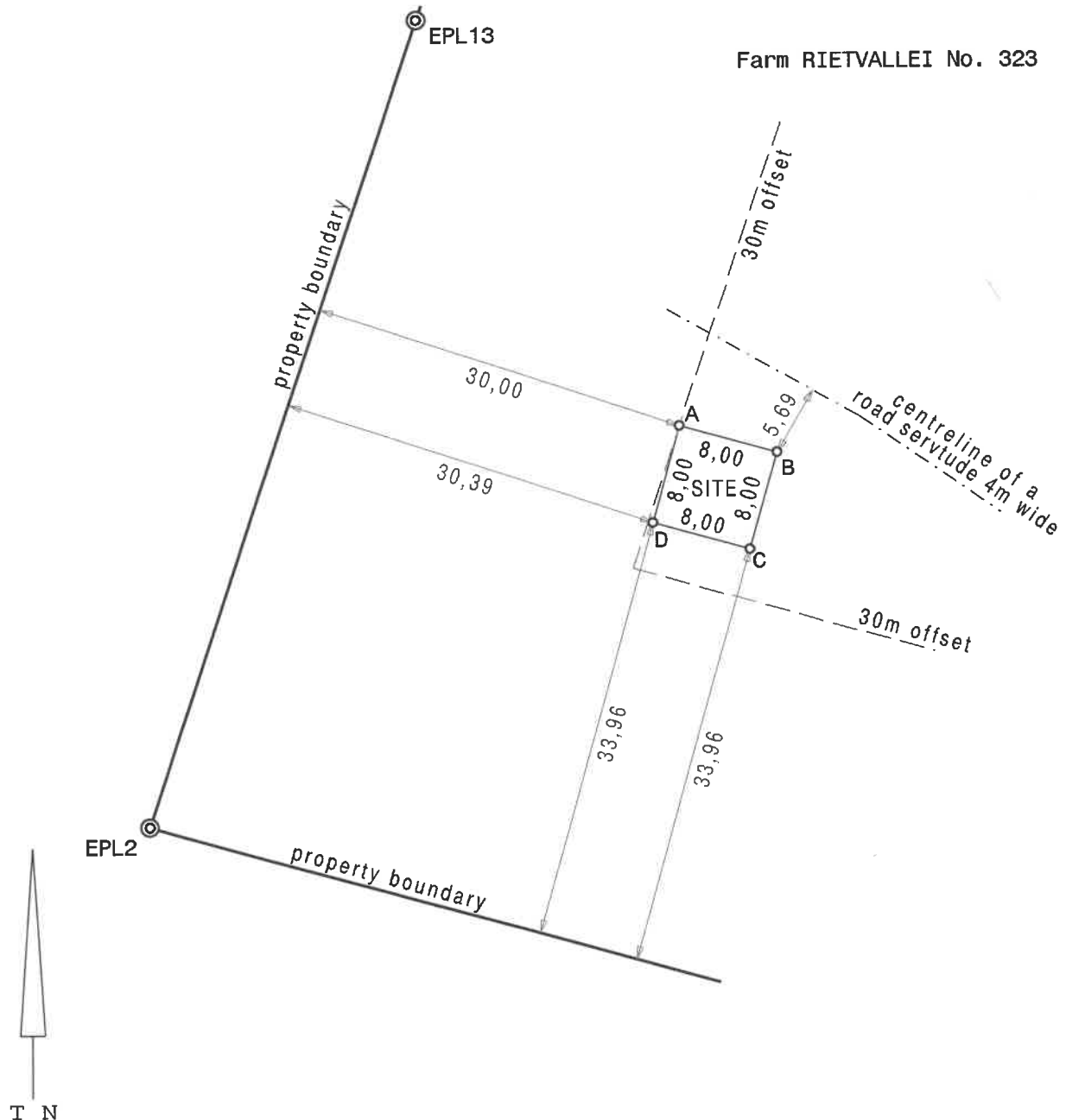
Manager: Radio Planning & Optimisation
Operations: Western Region
Technology

SKETCH PLAN

SETTING OUT LEASE AREA FARM RIETVALLEI NO 323 ROBERTSON

Scale: 1/ 500

Date: 17 October 2024

**COORDINATES - WGS84****Geographical**

	Latitude D.ddd	Longitude D.ddd
D	33.808442 S	19.975155 E



GOOGLE EARTH



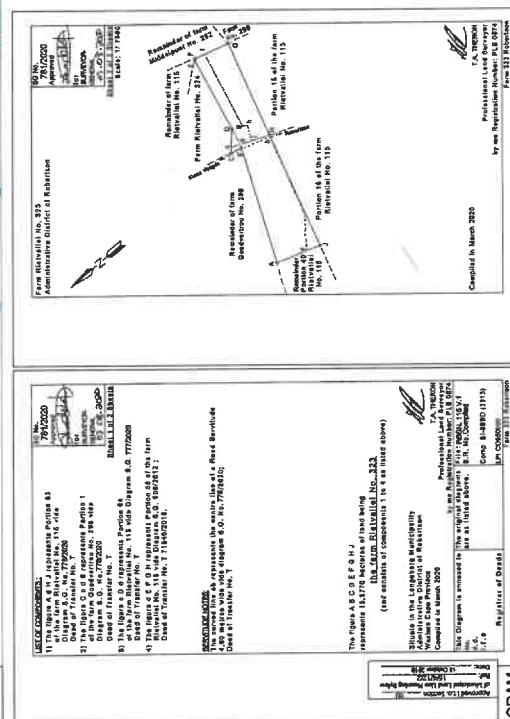
CADASTRAL



AERIAL CADASTRAL

SITE LOCALITY

N.T.S.



SG DIAGRAM

Project Description: Proposed 8m x 8m Base Telecommunications Transmission Station with 25m High Lattice Mast

Site Name & Site ID: Klaasvoogds ATSA1534



Author: CAD Drawing Services

Property Description: The farm Rietvallei No. 323, Western Cape
Property Address: Klaasvoogds West, Robertson, 6705
Site Co-ordinates: Lat: 33°48'30.29"S Long: 19°58'30.67"E 1252m HASL
Do not scale. Drawings are in mm.

Owner Name: Charlotte Reinhardt
SBA Rep: 18 October 2024

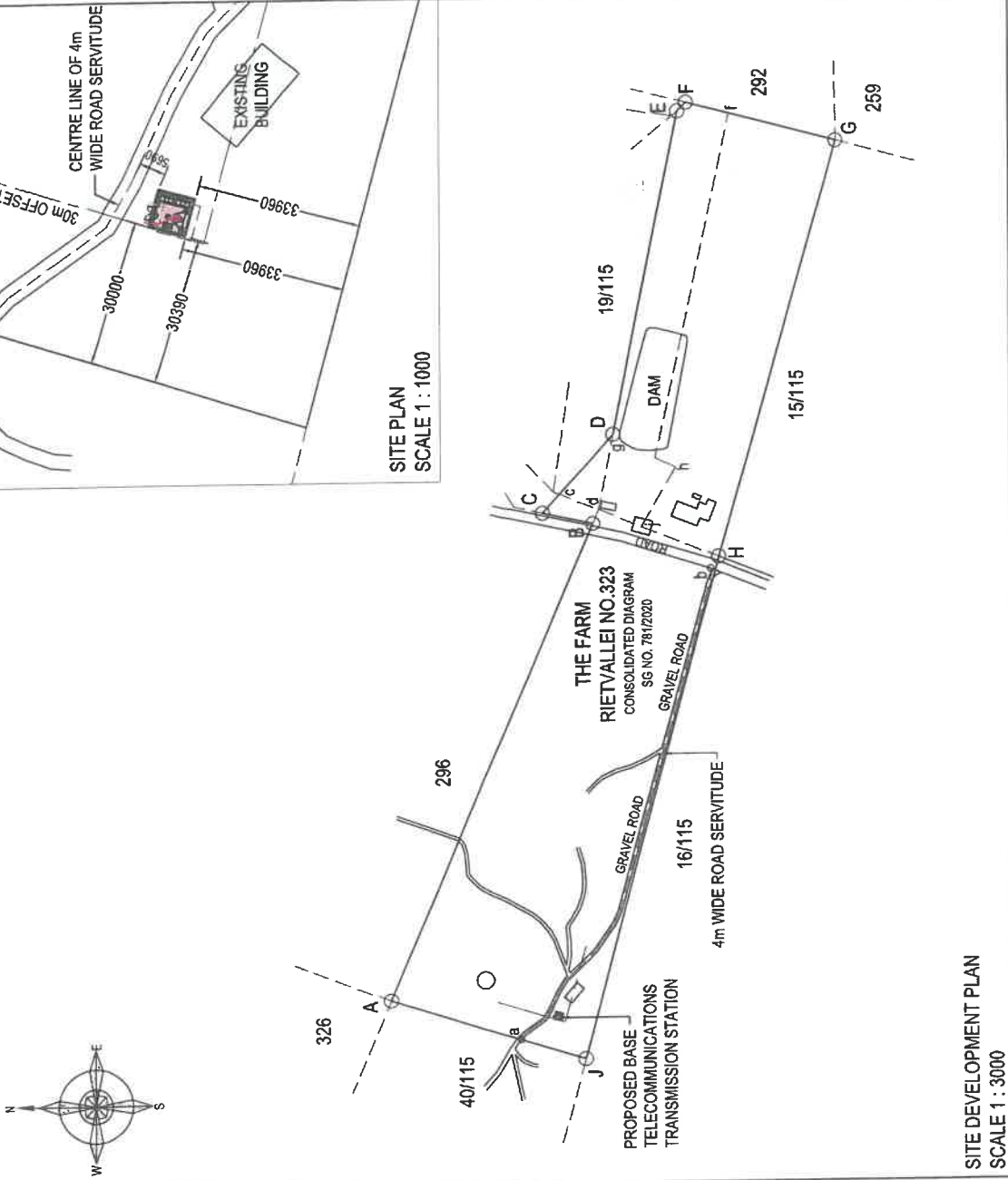
Author Name: Charlotte Reinhardt
Date: 18 October 2024

Signatures

Drawing Ref. CRDS2769
Rev 04
A3 Sheet: 01 of 04

CR Design Studio (Pty) Ltd has prepared these CAD drawings based on information provided to CR Design Studio (Pty) Ltd by SBA Towers South Africa (PTY) LTD. CR Design Studio (Pty) Ltd has not performed any engineering or design services for this project. The details provided herein are general recommendations from the building contractor and/or engineer contractor to SBA Towers South Africa (PTY) LTD and all RC and structural steel designs are to be engineered design and detail. The engineer shall review these details prior to construction.

Notes:
Any unusual, unclear or incorrect construction methodology indicated on this drawing, must be brought to the attention of the principal agent, before commencing with any construction.
This drawing must be read in conjunction with any other specification or consultant's drawings being referred to herein.
Where local authority or government regulations require more stringent specification than shown herein, they are to be followed with prior consent of the owner.
Demolitions
Owner of the site shall not demolish any building on site prior to written permission from the local authority.
Site Operations & Excavations
Contractor is to check all dimensions and levels before commencing work and report any discrepancies to drawing service.
Contractor is to confirm and ensure correctness of levels physically on site before commencing work.
Foundations
All foundations to engineers design and detail.
Fire Protection
to comply with SANS 10400-T: 2020 Regulation:
4.7 Fire stability of structural elements or components
4.8 Tenancy-separating elements
4.9 Partition walls and partitions
4.10 Protection of openings
4.29 Marking and signposting
4.32 Provision and maintenance of fire-fighting equipment, installations and fire protection systems
4.37 Portable fire extinguishers (CO² 4.5kg)



Proposed 8m x 8m Base Telecommunications Transmission Station with 25m High Lattice Mast

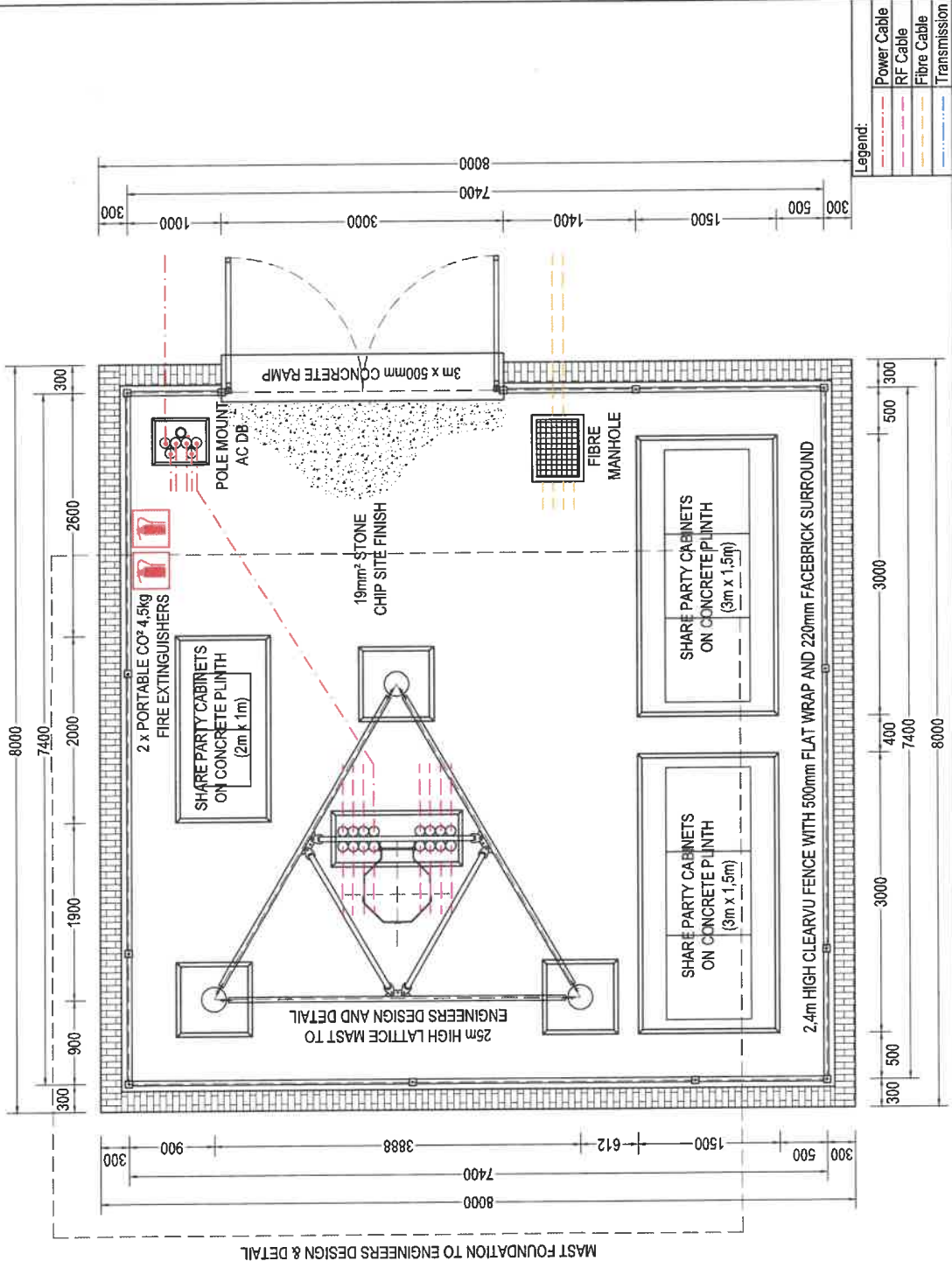
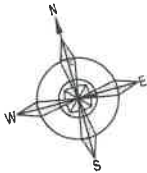
Project Description: Klaasvoogds ATSA1534

Client: SBA

Author: CR DESIGN studio
CAD Drawing Services

Property Particulars			
Property Description:	The farm Rietvallei No.323, Western Cape		
Property Address:	Klaasvoogds West, Robertson, 6705		
Site Co-ordinates:	Lat: 33°48'30.29"S	Long: 19°58'30.67"E	252m HASL
Do not scale. Drawings are in mm.			
	Owner Name:		
	SBA Rep:		
	Author Name:	Charlotte Reinhardt	
	Date:	18 October 2024	

Signatures		Drawing Ref.
Owner:		CRDS2769
SBA Rep:		Rev 04
		A3 Sheet:
		02 of 04



SITE LAYOUT
SCALE 1 : 50

Project Description: Proposed 8m x 8m Base Telecommunications Transmission Station with 25m High Lattice Mast

Site Name & Site ID: Klaasvoogds ATSA1534



Property Particulars	
Property Description:	The farm Rietvallei No.323, Western Cape
Property Address:	Klaasvoogds West, Robertson, 6705
Site Co-ordinates:	Lat: 33°48'30.29"S Long: 19°58'30.67"E 252m HASL
Do not scale. Drawings are in mm.	

Signatures	
Owner:	CRDS2769
SBA Rep:	Rev 04
	A3 Sheet:
	03 of 04

CR Design Studio (Pty) Ltd has prepared these CAD drawings based on information provided in CR Design Studio (Pty) Ltd by SBA Towers South Africa (Pty) Ltd and all RF and structural steel designs are to the engineers design and detail. The engineer shall review these details prior to construction.



3 x SHARE PARTY ANTENNAS

—00057

2.4m HIGH CLEARVU FENCE WITH
500mm FLAT WRAP AND 220mm
FACEBRICK SURROUND -

NORTH EAST ELEVATION
SCALE 1 : 150

Project Description:	Proposed 8m x 8m Base Telecommunications Transmission Station with 25m High Lattice Mast
----------------------	--

Site Name & Site ID:	Klaasvoogds ATSA1534
----------------------	----------------------



Author:



CAD Drawing Services

Property Particulars

Property Description:	The farm Rietvallei No.323, Western Cape
------------------------------	--

Property Description: The farm includes NO. 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115,

Property Address:	Klausvogelus West, Robertson, UT 8403
Site Coordinates:	Lat: 39°48'N 20°S Long: 109°58'30" W

Site Coordinates.	Lat. 33 48
Do not scale. Drawings are in mm.	

Owner Name:

SBA Ref:

Author Name:	Charlotte Reinhardt
--------------	---------------------

Author Name:	Chaitanya Kollur
Date:	18 October 2024

Signatures

Quero

Drawing Ref.

Rev 04

A3 Sheet.

04 of 04

The authors confirm that they have no other relevant or competing financial interests related to their work.

© 2016 The Authors
Journal compilation © 2016 Blackwell Publishing Ltd



REFERENCE: 16/3/3/1/B1/14/1080/23
NEAS REFERENCE: WCP/EIA/0001343/2023
DATE OF ISSUE: 09 MAY 2024

The Board of Directors
SBA Towers South Africa (Pty) Ltd
100 Cecilia Street
PAARL
7646

Attention: Mr Pierre du Plessis

Tel: (021) 870 1368
Email: PDUplexis@sbsite.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF A 35M HIGH LATTICE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM RIETVALLEI NO. 323, ROBERTSON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the environmental authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached environmental authorisation.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir
Toefy
Date: 2024.05.09 09:17:35
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Gemo Liabara (Ace Environmental Solutions)
(2) Monique Uys (Ace Environmental Solutions)
(3) Tracy Brunings (Langeberg Municipality)

Email: goitseonetshosa@gmail.com
Email: Eap@ace-env.co.za
Email: tbrunings@langeberg.gov.za



REFERENCE: 16/3/3/1/B1/14/1080/23
NEAS REFERENCE: WCP/EIA/0001343/2023
DATE OF ISSUE: 09 MAY 2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF A 35M HIGH LATTICE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM RIETVALLEI NO. 323, ROBERTSON.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 25 January 2024.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

SBA Towers South Africa (Pty) Ltd
c/o Mr. Pierre du Plessis
100 Cecilia Street

PAARL

7646

Tel: (021) 870 1368

Email: PDuPlessis@sbsite.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as **"the holder"**.

B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Project Description
Listing Notice 3 – Activity Number: 3 The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower- (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height- but excluding attachments to existing buildings and masts on rooftops. i. Western Cape: i. All areas outside urban areas; ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or iii. Areas zoned for use as public open space or equivalent zoning within urban areas.	The proposed development of a 35m high telecommunication mast, located outside the urban area of Robertson.

The abovementioned list is hereinafter referred to as **"the listed activity"**.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

The proposed development of a 35m high lattice mast and associated infrastructure on Farm Rietvallei No. 323, Robertson. Three equipment shelters will be located next to the mast and development footprint will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is on Farm Rietvallei No. 323, Robertson, with the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates:	33° 48' 31.72" South	19° 58' 32.72" East

The SG digit code is: C06500000000032300000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as **"the site"**.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ace Environmental Solutions
c/o Monique Uys / Gemo Liabara
Private Bag X32
HIGHVELD PARK
0169

Tel: (012) 663 5200
Email: Eap@ace-env.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the Basic Assessment Report ("BAR"), received on 25 January 2024 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activity.
 - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section G below;
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any, of the holder,
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
7. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

8. The Environmental Management Programme ("EMPr") submitted with the final Basic Assessment Report is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

11. The ECO must conduct a bi-weekly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports, and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority Report within two months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the

appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:
- By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000
- By facsimile: (021) 483 4174; or
- By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

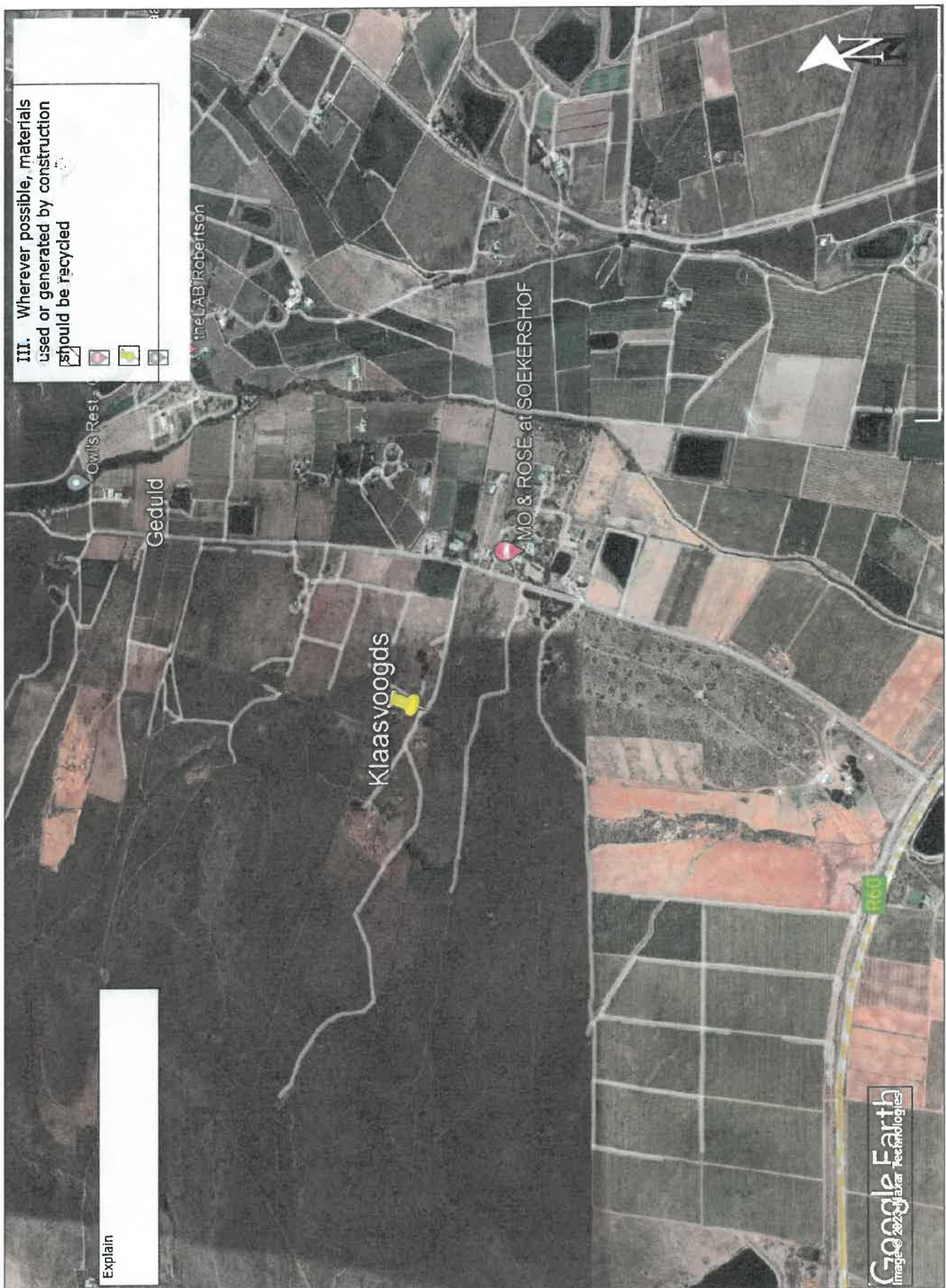
Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2024.05.09 09:18:17
+02'00'

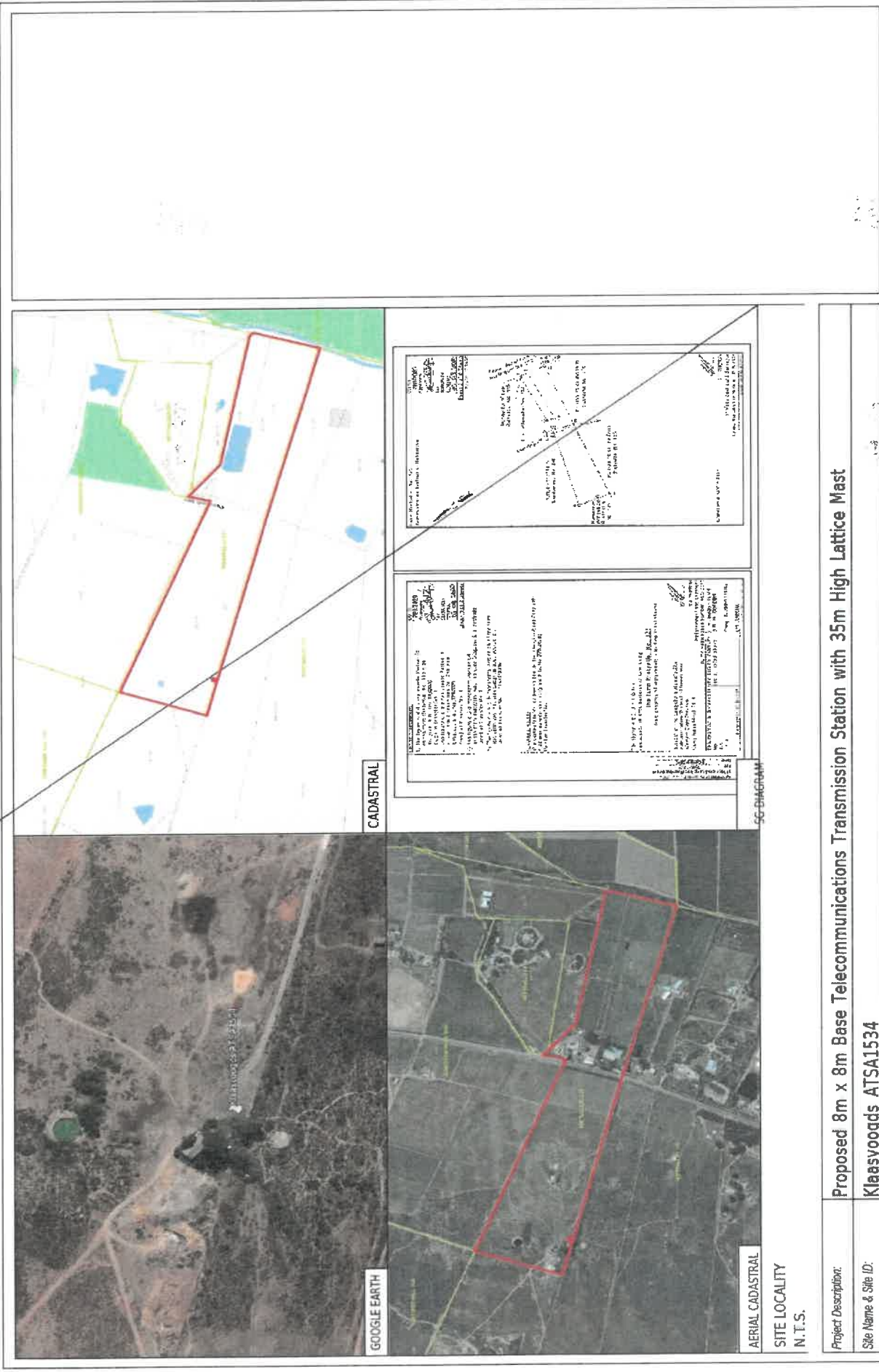
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 09 MAY 2024

Cc: (1) Gemo Liabara (Ace Environmental Solutions)
(2) Monique Uys (Ace Environmental Solutions)
(3) Tracy Brunings (Langeberg Municipality)

Email: goitseonetshosa@gmail.com
Email: Eap@ace-env.co.za
Email: tbrunings@langeberg.gov.za

ANNEXURE 1: LOCALITY MAP





The proposed development will not produce any waste during its operational phase. Moreover, during the construction phase the following

Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast

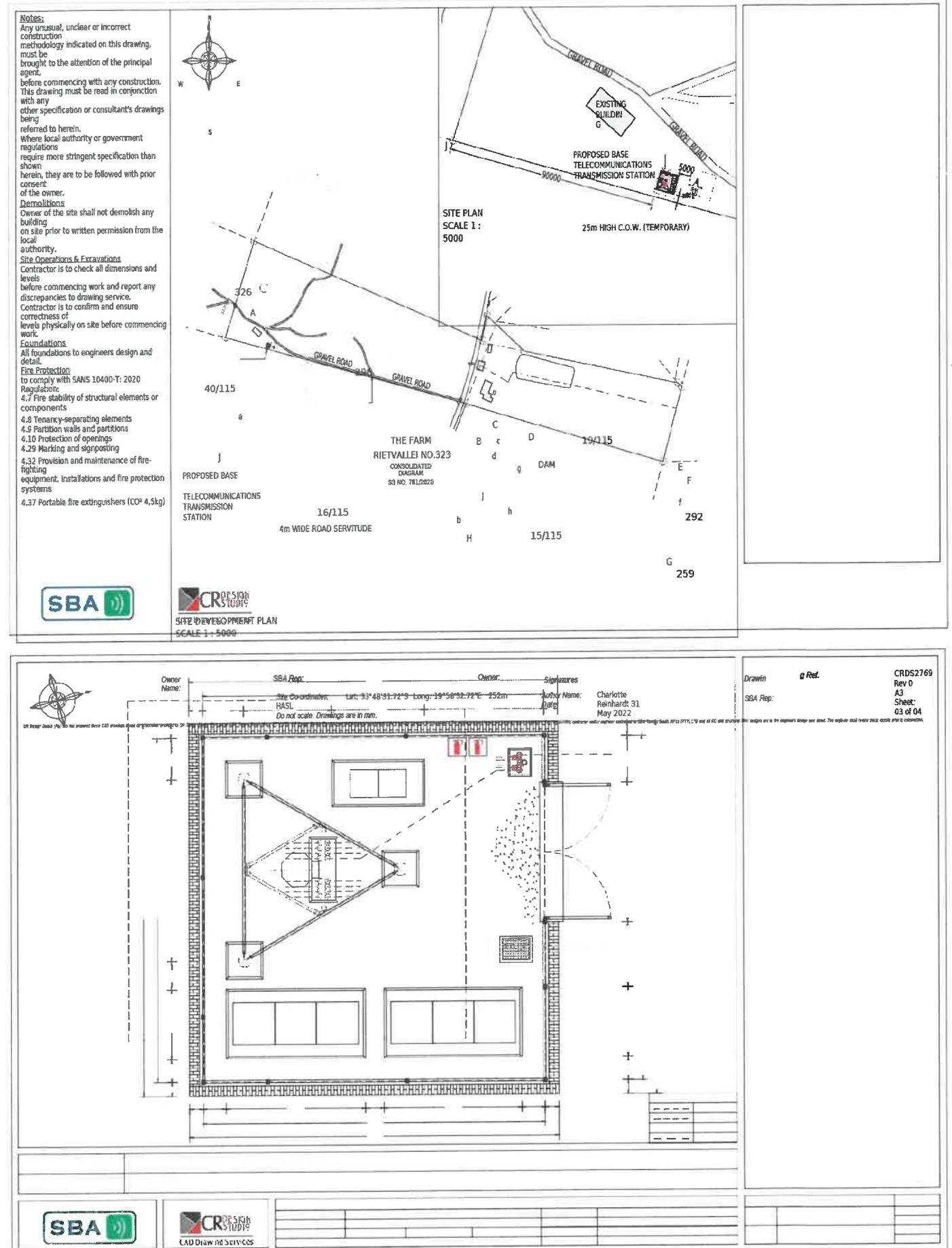
Klaarvoogds ATSA1534

Since the Western Cape is a water scarce area explain what measures will be



THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.

ANNEXURE 2: SITE PLAN



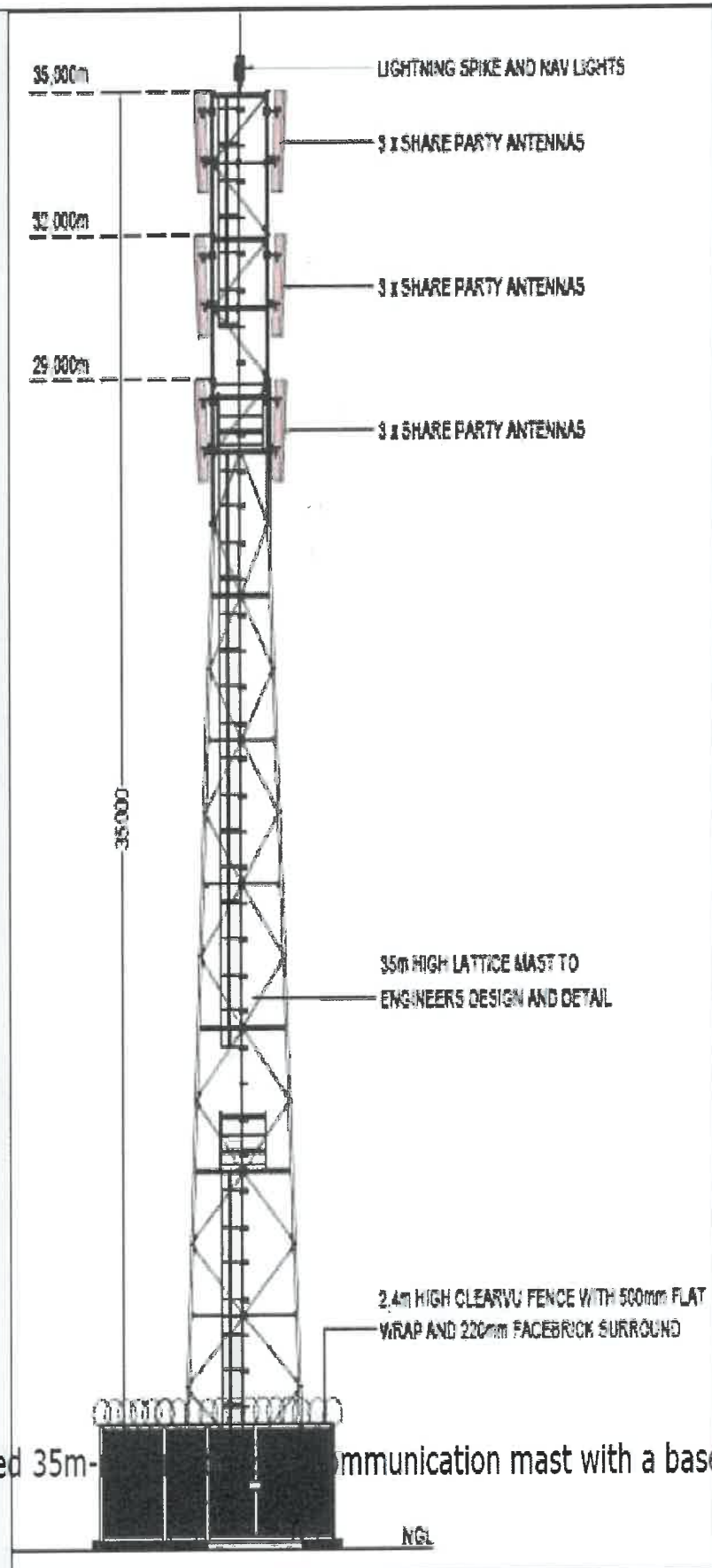


Figure 1-1: Proposed 35m-communication mast with a base station.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received on 11 October 2023, the EMPr submitted together with the Final Basic Assessment Report, received on 25 January 2024.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013); ...
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the revised Final Basic Assessment Report received on 25 January 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activity is to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity between 4 October 2023 and 15 November 2023;
- placing an advertisement in the Standard newspaper on 2 November 2023;
- circulating the in-process draft Basic Assessment Report from 4 October 2023 and 15 November 2023.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management, and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Preferred Design Alternative: Lattice Mast (Preferred alternative herewith authorised):

The proposal entails the development of a 35m high lattice mast and associated infrastructure on Farm Rietvallei No. 323, Robertson. Three equipment shelters will be located next to the mast and the

development footprint will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

The proposed site was identified as the best position to place the mast to reach the optimal network transmission coverage within the Robertson area based on the demand in the area. There is an existing access road that leads to the site entrance and power supply is readily available, therefore, no additional supporting infrastructure will be required. A lattice mast design was considered the preferred alternative since it will have a lower visual impact due to the design of the mast and the distance between the mast and the main road (approximately 400m into the property from the access road) will further limit the potential visual impact.

No-go Option

This alternative entails not constructing the mast and associated infrastructure. It was not preferred since it will not address the need for a more efficient telecommunication service to the greater community.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The mast is considered as part of the essential services for the greater community. It will provide an improved, more reliable network coverage and communication service infrastructure to the community in the surrounding area, which is currently lacking. The preferred site and mast design is the best practicable environmental option and were selected based on the limited associated biophysical and visual impacts.

3.2 Biophysical Impacts

No sensitive environmental features were identified on the site. It is not located within a Critical Biodiversity Area and no watercourses are present on or within 32m of the site. The development is therefore not expected to have any significant biophysical impacts. The development footprint will be limited to the disturbed areas and the surrounding intact indigenous vegetation will not be impacted by the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative visual impact on certain individuals residing around the proposed property. The impacts will however be mitigated to a satisfactory level with the implementation of the preferred design and adherence to the EMPr. The potential construction and operational phase impacts will therefore be mitigated to an acceptable level.

Positive impacts:

- The proposed development will improve the overall telecommunication service infrastructure and network connectivity for the community and the surrounding area.
- The proposal will have socio-economic benefits and will create temporary employment opportunities during the construction phase.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must

exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

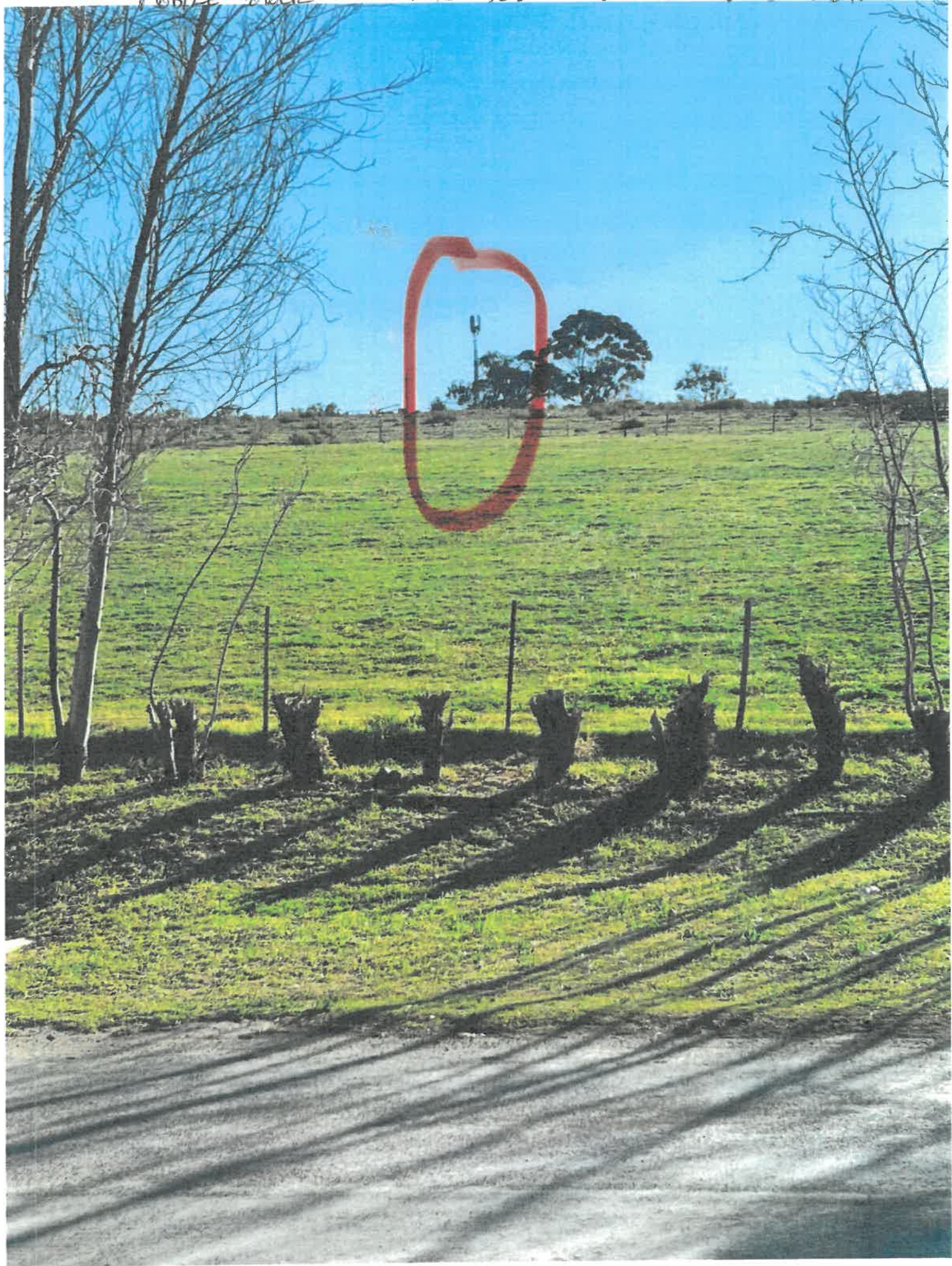
5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-----END-----



A MOBILE TOWER HAS BEEN SEEN FROM KU WEST ROAD ANNEXURE 11



PROPOSED TOWER WILL BE BEHIND THESE TREES.

15



07:41



C₁
EXPOSED TOWER



C₂
MOBILE TOWER



C₃
NEW GUEST
COTTAGE OF
ONE OF THE NA
OBSERVERS
ONE YEAR OLD
(IN USE)



Google ...3"S 19°58'35"E) 1 km

16

07:27



PROPOSED TOWN

KIAS VOEGES
WEST ROAD

R60



Google ...7"S 19°58'27"E) 6 km

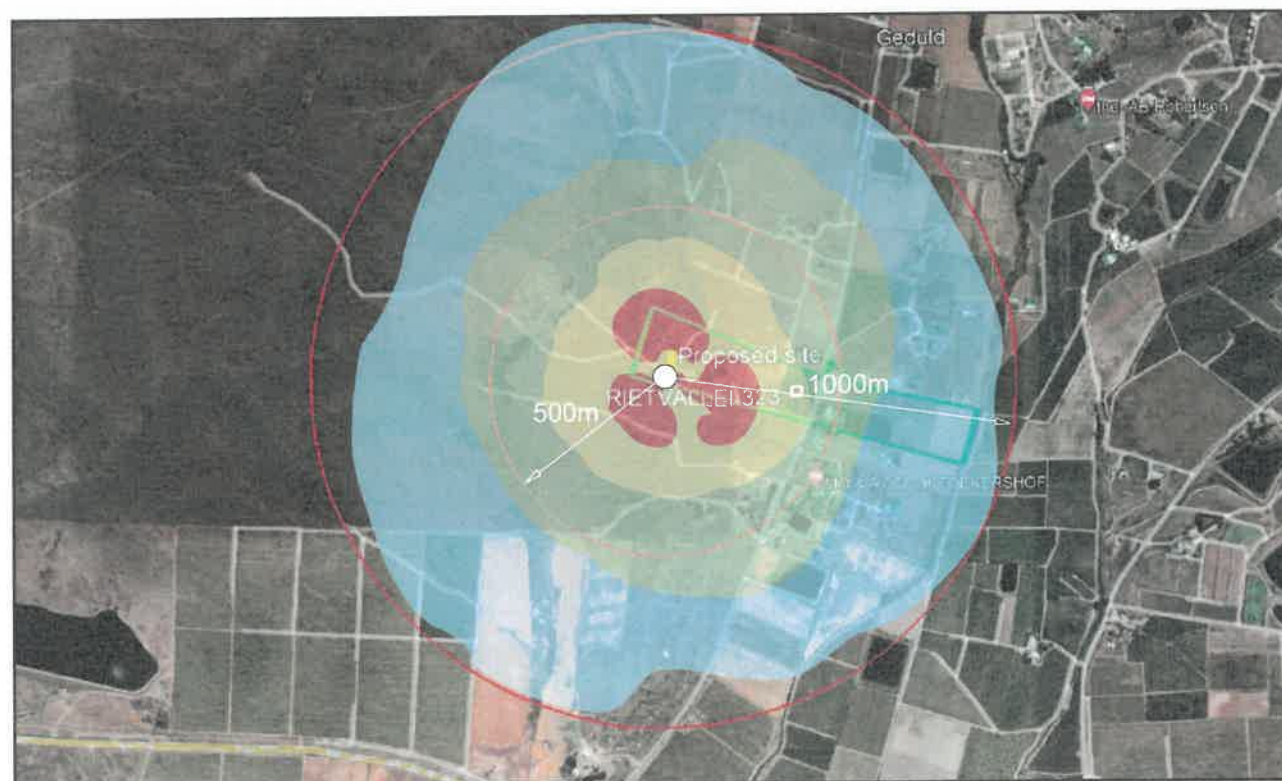


ERF NUMBER: FARM RIETVALLEI NO. 323
ALLOTMENT: ROBERTSON
SITE REFERENCE NAME: KLAASVOOGDS

RF COVERAGE PLOT & ANALYSES (BEFORE)
May 2023



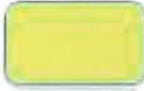
RF COVERAGE PLOT & ANALYSES (AFTER)
May 2024



ERF NUMBER: FARM RIETVALLEI NO. 323
ALLOTMENT: ROBERTSON
SITE REFERENCE NAME: KLAASVOOGDS

HIGHWAVE
CONSULTANTS

The above plots show empirical predictions of the various radio frequencies that are currently experienced in the area given existing infrastructure, versus what the anticipated additional coverage will become with the new site.

LEGEND:	
-50 to -65 dbm (Fair – Good Coverage & Availability)	
-65 to -85 dbm (Good – Medium Availability)	
-85 to -95 dbm (Weak coverage & availability)	
-95 to 105 dbm (Very weak Coverage, Dropped Calls)	

DATE: 17 MAY 2023

APPEAL RIETVALLEI 323 ROBERTSON RD - CELL MAST



Malene Campbell

To: jan@kunsensvleegwerk.co.za

Bcc: susjan@parkdev.co.za; info@mpier.co.za



Rietvallei 323 Rob FRTS Dep bildg line Dec Letter Applicant.pdf

100 KB



Notice of Decision from Langeberg.pdf

1 MB



Supporting evidence.pdf

6 MB



RF plot - Farm Rietvallei No. 323, Robertson_compressed.pdf

184 KB



LT18 APPEAL FORM.pdf

Motivation Letter_VC - Klaarvoogds - U4.pdf

Good day

As a person who objected to the above-mentioned application, you are herewith notified of an appeal on a decision of the Municipal Planning Tribunal. Kindly find attached supporting documents regarding the appeal on the decision for the following application: APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE TO PERMIT A FREESTANDING COMMUNICATION BASE STATION ON FARM NO 323 RIETVALLEI, ROBERTSON IN THE LANGEBERG MUNICIPALITY. This appeal is lodged in terms of section 79 of the Langeberg Land Use Planning By-Law, 2015.

You have 21 days after notification to respond to the Appeal Authority (the executive mayor in this case) at mm@langeberg.gov.za

Kind regards

Malene Campbell

Town Planner

A/522/1266

Ph.D & Master's Urban and Regional Planning UFS

Forward



Fri 2024/08/02 17:44

Annexure 6

Objection to Appeal:
M Kriel (Objector to Application)

Tracy Brunings

From: Milne Kriel <info@mpkv.co.za>
Sent: Friday, 16 August 2024 12:07
To: Maléne Campbell; MM; Tracy Brunings
Subject: Re: APPEAL RIETVALLEI 323 ROBERTSON RD - CELL MAST

Dear Madam/Sir,

We are again objecting to the erecting of the below mentioned Freestanding Communication Base Station.

Our objection is based on that our "Self catering" unit Middelpunt Branch (SALT COTTAGE) will be directly affected in regards to the location of where this will be erected. It borders directly next to this property.

The guesthouse/cottage will have a direct view of the tower and, since our market is directed to people who wants to escape the city and have a stay in the countryside it will be a huge eyesore for our clients. It will directly influence our business and income.

I yet again emphasise that having a cellphone tower up the road towards the main road heading to Robertson /Ashton or out of sight will not be a problem, but having it straight in the middle of Klaasvoogds as well as next to our business will have a huge effect on this area.

Klaasvoogds is one of the most beautiful areas in Robertson, there is a lot of guesthouses and business' in regard to tourism and the main aim is a countryside/ nature get away.

Some of the guests will definitely have issues in regard to a 5G tower as well as it being unsightly.

Please consider our objection herein.

Kind regards,

Milne Kriel

From: Maléne Campbell <malene@highwave.co.za>
Date: Friday, 02 August 2024 at 17:46
To: jan@kunsenvliegwerk.co.za <jan@kunsenvliegwerk.co.za>
Subject: APPEAL RIETVALLEI 323 ROBERTSON RD - CELL MAST

Good day

As a person who objected to the above-mentioned application, you are herewith notified of an appeal on a decision of the Municipal Planning Tribunal. Kindly find attached supporting documents regarding the appeal on the decision for the following application: APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE TO PERMIT A FREESTANDING COMMUNICATION BASE STATION ON FARM NO 323 RIETVALLEI, ROBERTSON IN THE LANGEBOEG MUNICIPALITY. This appeal is lodged in terms of section 79 of the Langeberg Land Use Planning By-Law, 2015.

You have 21 days after notification to respond to the Appeal Authority (the executive mayor in this case) at mm@langeberg.gov.za

Kind regards

Maléne Campbell

Town Planner

A/592/1988

PhD & Master's Urban and Regional Planning UFS

076 273 9065 | malene@highwave.co.za | Suite 23, Private Bag X3, Malmesbury, 7299

HIGH WAVE
CONSULTANTS

Town & Regional Planners

Project Managers

Telecommunications
Specialists

Annexure 7

Late Representation
By Klaas Voogds resident

Tracy Brunings

From: Cllr.Schalk Van Eeden
Sent: Thursday, 05 September 2024 08:24
To: Tracy Brunings
Subject: FW: Formal Appeal Against Decision on Application for Telecommunication Tower in Klaasvoogds Valley
Attachments: APPEAL ON THE APPLICATION FOR CONSENT.pdf

From: Dave Jacobs [mailto:dave@typedev.co.za]
Sent: Wednesday, 04 September 2024 20:05
To: Cllr.Schalk Van Eeden <Schalk@langeberg.gov.za>
Cc: MM <mm@langeberg.gov.za>; admin@langeberg.co.za; malene@highway.co.za; Anton Conradie <anton@acvgroup.co.za>; Cllr.Yvonne Siegel <YSiegel@langeberg.gov.za>
Subject: Formal Appeal Against Decision on Application for Telecommunication Tower in Klaasvoogds Valley

Dear Executive Mayor Van Eeden,

Please find attached a formal appeal letter regarding the decision made by the Municipal Planning Tribunal concerning the application for the Freestanding Base Telecommunication Station on Farm No. 323, Rietvallei, Robertson.

As a local business owner in the Klaasvoogds Valley, I am directly affected by the decision, and I wish to express my concerns, particularly with regard to the economic impact on businesses and the lack of consultation with affected parties. I respectfully request that my arguments, as outlined in the attached document, be considered during the appeal process.

Thank you for your time and attention to this matter. I look forward to your response.

Kind regards,

DAVE JACOBS

CHIEF EXECUTIVE OFFICER

dave@typedev.co.za
+27 82 805 4530

JOURNEY WITH US



PREPARE TO EXPERIENCE
SOMETHING BREATHTAKING...

<https://typedev.io/>

{type}DEV
MASTER SOFTWARE CRAFTERS

Dr. Dave Jacobs

Klawerjas, Portion 12 of Klaasvoogds River No. 40 Robertson
dave@typedev.co.za
082805453

04 September 2024

To:

The Executive Mayor
Langeberg Municipality
3 Piet Retief Street
Montagu, 6720

Dear Sir,

**RE: Appeal Against the Decision of the Municipal Planning Tribunal
Regarding Farm No. 323 Rietvallei, Robertson in the Langeberg
Municipality**

I am writing to formally lodge an appeal under Section 79 of the Langeberg Municipal Land Use Planning By-law, 2025, in connection with the decision of the Municipal Planning Tribunal (MPT) to deny the application for consent use and permanent departure to permit the Freestanding Base Telecommunication Station (FBTS) on Farm No. 323, Rietvallei, Robertson.

As a landowner and member of the Klaasvoogds Valley community, my rights are directly affected by the decision, and I believe there are substantial grounds for reconsideration of this ruling, particularly in terms of how this affects digital businesses such as mine. Although the notification of the decision was issued to the Trustees of the Anton Conradie Family Trust on 15 July 2024, I am not associated with the Trust neither was I a party in the initial application process and I only received this feedback recently when I enquired about the progress of the matter.

1. The Impact on Digital Businesses and Lack of Alternatives

My appeal is based on the severe consequences this decision could have on digital businesses like mine, which are fully dependent on stable and high-speed mobile connectivity to function. Without the approval of this tower, the Klaasvoogds Valley will be left without a viable solution for high-speed connectivity, as there are no alternative infrastructure options currently available. Low-orbit satellite services like Starlink are not yet an option in South Africa, which means the instructed removal of the temporary mast would significantly hinder business operations, potentially forcing businesses like mine to relocate. This scenario would have an undeniable economic impact on the broader community.

2. Economic Considerations Were Not Fully Addressed

I strongly believe that the economic considerations, which form a key part of the Langeberg Municipality's planning goals, were not fully taken into account during the decision-making process. According to the Planning Practice Note for Freestanding Base Telecommunication Stations, one of the primary objectives is to "strengthen the

economy and ensure an effective service network,” while balancing these goals against visual and environmental concerns.

However, it appears that the economic impact of this decision, particularly on businesses and landowners in the valley, was not adequately evaluated. None of the local business owners, including myself, were notified or consulted during this process, despite the fact that we are directly affected by the outcome. Connectivity is essential to the growth and sustainability of our businesses, and by failing to consider our input, the Municipality has disregarded the full extent of the potential economic harm.

3. The Need for Proper Consultation with Affected Parties

The lack of consultation with other members of the community and business owners in the valley represents a significant shortcoming in this process. The decision to remove the mast and not approve the site should have involved a broader consultation with all parties whose rights and livelihoods are at stake. This is especially pertinent given the central role that mobile connectivity plays in today’s economic landscape.

Furthermore, as a member of this community, I have the right to be informed and consulted on decisions that affect not only the landscape but also the economic viability of the valley. The planning goals also highlight the importance of finding a balance between preserving scenic resources and supporting necessary infrastructure that promotes economic development.

4. The Importance of Economic Growth for Klaasvoogds Valley

The Klaasvoogds Valley is one of the most densely populated rural areas in this region, and yet it remains without effective mobile network coverage. This directly impacts not just the businesses but also residents, tourists, and emergency services. The importance of reliable mobile connectivity for local economic growth and community safety cannot be overstated. The tower's approval is critical to ensuring that our valley can continue to thrive in the digital age.

Conclusion

In conclusion, I respectfully request that the appeal authority reconsider the decision of the MPT in light of the significant economic implications of not approving and removing this vital infrastructure. The Municipality's decision should have placed more emphasis on the needs of the digital economy and businesses operating in the valley, and I strongly urge that these considerations be given due weight in the appeal process.

Thank you for your attention to this matter. I look forward to your response and remain available to provide any further information required to support my appeal.

Yours sincerely,

(Dr. Dave Jacobs)

Tracy Brunings

From: Tracy Brunings
Sent: Monday, 09 September 2024 09:30
To: 'dave@typedev.co.za'
Cc: Cllr.Schalk Van Eeden; MM; Langeberg Municipality; 'Maléne Campbell'; 'anton@acvgroup.co.za'; Cllr.Yvonne Siegel; Riaan de Jong
Subject: FW: Formal Appeal Against Decision on Application for Telecommunication Tower in Klaasvoogds Valley: RIETVALLEI 323 ROBERTSON RD
Attachments: APPEAL ON THE APPLICATION FOR CONSENT.pdf; Rietvallei 323 Rob_FBTS & Dep bldg line_Dec Letter_Applicant.pdf

Good day Mr Jacobs,

I refer to your email below and the attached letter.

Your comments are noted and will be included as relevant considerations when assessing the appeal which the Langeberg Municipal Appeal Authority received on 5 August 2024 from Highwave Consultants, on behalf of the landowner.

Please take note of the following information for record purposes:

1. The application was subject to the full public participation process as required in terms of the Langeberg Land Use Planning Bylaw, 2015 (LLUPB) and the EIA regulations in terms of NEMA. This included notices in the local newspaper and on the municipal website, as well as letters to immediately adjoining neighbours. The Tribunal Assessment report was also made available on the municipal website.
2. The application was refused by the Tribunal on 5 July 2024. The reasons for the decision are outlined in the decision letter which is attached hereto for your convenience.
3. Appeals against this decision were required to be lodged by 5 August 2024.
4. One appeal was lodged, by the applicant, within the prescribed time period.
5. In terms of the requirements in the LLUP Bylaw, the appeal was circulated to those individuals who had commented during the public participation process and further comment was received from the public within the prescribed time period.
6. Your letter dated 4 September 2024 is technically out of time. However, your concerns relating to economic impact of not having a cell mast in the Klaas Voogds area are noted.
7. It is important to be aware that even where there is a proven need for a cell mast, the onus is on the applicant to prove that the selected site is desirable in terms of the requirements set out in SPLUMA, LUPA and the LLUPB.
8. The appeal has also been forwarded to Province (DEADP) for their comment as required in terms of the LLUPB.

Please do not hesitate to contact me should you have any further queries in this regard or require further information.

Kind regards,

Tracy Brunings Pr.Plñ A/951/1997

MANAGER: TOWN PLANNING

TOWN PLANNING DEPARTMENT

Annexure 8

Notes from Community Meeting On 17 September 2024

**NOTES FROM A MEETING HELD ON 17 SEPTEMBER 2024 AT 10H30 IN KLAAS VOOGDS
AT ANTON CONRADIE VERVOER PREMISES ON RIETVALLEI 323, ROBERTSON**

1. Opening

The meeting was held at the request of M Kriel, who had objected to the appeal. Ms Kriel clarified their support for improved telecommunication in the Klaas Voogds valley, but they are concerned about the impact of the proposed location immediately adjoining their boundary. She requested a meeting with the Town Planning Department to clarify information, and notified the property owner and other Klaas Voogds residents, by means of WhatsApp communications, of the proposed meeting.

2. Attendance

A copy of the attendance register is attached.

3. Clarification of Information

Ms Brunings provided information relating to the following matters and general discussion was held regarding each item:

3.1. The application and the appeal:

The application is for a consent use and building line departure to erect a cell mast, defined as a Freestanding Base Telecommunication Station (FBTS), 0.0m from the common boundary (shared with Rem/Portion 6 of the Farm Rietvallei No. 115, Robertson), in terms of the Langeberg Land Use Planning By-law, 2015 (LUPB).

The appeal is to revoke the Tribunal's decision to refuse the application. Various mitigating measures are proposed as part of the appeal, to address the reasons for the refusal, including moving the position further from the boundary and reducing the proposed height. The appeal requests the Appeal Authority to authorise the erection of a cell mast on Rietvallei 323 Robertson RD.

3.2. The Tribunal's decision and reasons therefore:

The **Tribunal refused the application** for the FBTS on 5 July 2024. The minutes of the Tribunal meeting record *inter alia*, that: "The 35m high mast is proposed immediately adjoining existing farm worker accommodation and immediately adjoining the boundary with the neighbour to the SW. There are other areas of the site, further away from the boundary and worker accommodation, which could have been considered. The existing approved FBTS should have been addressed in the application. The existing unauthorised 15m high mast on the application site should be removed.....".

The following **reasons** were provided for the **Tribunal's decision**:

Reasons for decision:

1. Notwithstanding requests for additional information, inadequate information has been provided to justify the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage. In particular, the proximity of the existing approved mast on Rem / Klaas Voogds 44 Robertson, some 2,5km from the proposed site, has not been considered.
2. No motivation has been provided to substantiate the nil building line. The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.
3. The visual impact was understated and not adequately addressed by the applicant. The proposed FBTS is not considered to be desirable in terms of the visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.
4. The objector's concerns have not been adequately addressed, and the benefits of a proposed FBTS have not been shown to outweigh these concerns.

3.3. The Municipal Appeal Authority, and the appeal procedures:

The Executive Mayor of the Langeberg Municipality is the Appeal Authority. The mayor is advised by the Municipal Manager and any other Technical Advisors he may deem necessary, usually including an Advocate experienced in municipal appeals.

The appeal has been circulated to the Provincial Department of Environmental Affairs and Development Planning for their comment.

An appeal assessment report will be prepared by the Town Planning Department for submission to the Municipal Manager and Executive Mayor. All documents, maps and files are available for the applicant and members of the public. The Appeal Authority meets to discuss the appeal, whereafter a decision is issued to the applicant and objector.

4. General Notes

- 4.1. All residents present confirmed that there are limitations in the existing cell phone coverage, and this impacts negatively on tourism and other home businesses in the Klaas Voogds East and West area. The 15m "temporary" mast on the appeal site, had improved existing coverage.
- 4.2. It was noted that there will always be some form of visual impact as masts need to be located where they can "see and be seen" in order to provide the communication required.
- 4.3. No one present was able to provide more information about the existing masts on Rem/Klaas Voogds 44, but it was suggested that because of the limited height of these masts and their location against the Langeberg foothills, the resultant coverage had "shadow" areas where there is no coverage.
- 4.4. It was noted that those present at the meeting represented their own interests, but there are many other stakeholders, including farm labourers, school children and residents in the surrounding area - Klaas Voogds East and West.
- 4.5. The property owner advised that the cell mast company had done on-site investigations including sending up balloons from the site and surrounding area to determine existing coverage and potential coverage from the proposed site. The owner had requested that the existing Aasvoelnest site also be investigated. He is not aware of the outcome of this investigation.
- 4.6. The owner provided information relating to potential mitigating measures relating to the initial proposal: reduced height from 35m, relocation further from the property boundary and adjoining the clump of blue gum trees which already present as a high element in the landscape.
- 4.7. It was noted that the following information would contribute meaningful information to facilitate an informed decision:
 - 4.7.1. A surveyed plan confirming the proposed new position of the mast, and distances to the farm boundaries and adjoining worker houses.
 - 4.7.2. Verification of the height of the blue gum trees, in terms of the heights of features in the existing landscape relating to potential visual impact.
 - 4.7.3. Confirmation as to the status of the existing approved masts located on Rem / Klaas Voogds 44, Robertson (Aasvoelnest), and why the proposed services cannot be provided from these existing approved mast/s.

5. Site Inspection

The meeting adjourned at 12h00.

A site inspection was conducted at the alternative proposed site (slightly behind the blue gum clump of trees) attended by A Conradie, M Schwegmann, J Roodt, P Kriel and T Brunings.



LANGEBERG MUNISIPALITEIT MUNICIPALITY MASIPALA

Attendance Register

Date: 17/09/2024

Venue: A. Conradie Vervoer Kloos Vagde West

Nr	Name	Organization	Email Address	Telephone/Cell Number	Signature
1	TRACY BRUNINGS	LANGEBERG MUNICIPALITY	tbrunings@langeberg.gov.za		
2	Hinette Schweemann	Sheilam Ministry	sheilam@lando.co.za	072 450 1446	
3	De Wet Lubb	Galloway Guest House	DDLU@TIG@gmail.com	063 682 1157	
4	DAVE JAGGERS	KNAUER JTS	DAVE@TYPEOEO.CO.ZA	082 805 4530	
5	Christo P. Conradie	ACU	chr.p.conradie@acup.co.za	072 503 3330	
6	U. Dols	Sebatoga	maec@sebatoga.co.za	082 964 4761	
7	Ph. Conradie	ACU	APPEX@KILIMBARI.CO.ZA	052 594 1349	
8	Ph. Conradie + P. Buel	Middelburg	info@mpkv.co.za	0823 144997	
9	"	"	"	072 528 5110	
10	JH. Roodt	Galloway Guest House	admin@hrcconsultants.co.za	082 377 5921	
11	Ph. Conradie	Liesje's Picas	LIESJE@LIESJES.PICAS	076 532 5307	
12					
13					
14					
15					
16					
17					
18					
19					
20					

Annexure 9

Provincial comments

Reference: 15/3/2/12/BL2

Municipal Manager
Langberg Municipality
PO Box
MONTAGU
XXX

FOR ATTENTION: TRACY BRUNINGS

**REQUEST FOR PROVINCIAL PLANNING COMMENT ON APPEAL: APPLICATION FOR CONSENT USE
AND PERMANENT DEPARTURE ON FARM NO. 323, ROBERTSON**

1. Your request for comment, dated 19 August 2024, has reference.
2. The appeal, lodged by Highwave Consultants representing the registered owner, is lodged against the decision by the Municipal Planning Tribunal to refuse the consent use and building line departure to permit a freestanding base telecommunication station (FBTS) and tower on Farm 323, Robertson.
3. The Municipal Planning Tribunal on 5 July 2024 resolved to refuse the application for the following reasons:
 - o Inadequate information was provided to justify the need for the FBTS and the choice of the subject property in relation to areas requiring improved coverage.
 - o No motivation has been provided to substantiate the nil building line.
 - o The proposed FBTS is not considered to be desirable in terms of the visual impact on the scenic resources of the surrounding area, as viewed from the R60 and the Klaas Voogds West Road.
 - o The objector's concerns have not been adequately addressed, and the benefits of a proposed FBTS have not been shown to outweigh these concerns.
 - o The proposed FBTS on a nil building line is not considered to be desirable in terms of the impact on the rights and safety of the immediate neighbour.
4. Although the appellant provides ample evidence on a lack of coverage in the Klaasvoogds area and the need for a FBTS and tower, alternatives for the choice of location were not investigated and the location that was selected was "generously offered by a community member" on whose site the "temporary" tower was unlawfully constructed three years ago.

5. This Directorate concurs with the MPT that the proposed tower on the nil meter building line will have a negative visual impact given the topography of the valley and is not considered to be desirable.
6. Notwithstanding, the applicant has proposed to relocate the tower further 15m further north-west of the current location, to lower the height of the mast from 35m to 30m and to possibly change the mast design and colour, which may go some ways to mitigate the impact to a more acceptable level, should the appeal be considered favourably.
7. It should, however, be noted that the 4m wide servitude road is at least 40m from the property boundary (as shown on CapeFarmMapper below) and the appellant's assertion that the client cannot move the site more than 15m from the boundary, as the site will then be inside the servitude line, is flawed. Obviously, the further the FBTS is placed from the lateral boundary behind the Eucalyptus trees, the less visible the FBTS will be.



8. It is held that should the appeal be upheld, strict conditions be imposed given the property owner's history of noncompliance.

Kobus Munro Digitally signed by Kobus Munro
Date: 2024.09.19 11:37:51 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT REGION 2



Annexure 10

Section 81 of the Langeberg Land Use Planning Bylaw 2015: Consideration by Appeal Authority

Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

7461

Thursday, 30 July 2015

Buitengewone Provinsiale Koerant

7461

Donderdag, 30 Julie 2015

Registered at the Post Office as a Newspaper

CONTENTS

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

No.

Page

PROVINCIAL NOTICE

264 Langeburg Municipality: Land Use Planning ByLaw 2

Extract : Section 81
Consideration by Appeal Authority

- (iv) proceedings of the Appeal Authority; and
 - (v) keep records by any means as the Appeal Authority may deem expedient.
- (15) An appellant may, at any time before the Appeal Authority makes a decision on an appeal submitted by the appellant, withdraw the appeal by giving written notice of the withdrawal to the Municipal Manager.
- (16) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the appeal.

Consideration by Appeal Authority

- 81.** (1) An appeal may be considered by the Appeal Authority by means of—
- (c) the consideration of the written appeal and comments; or
 - (d) an oral hearing.
- (2) The appeal may be considered in terms of subsection (1)(a) if it appears to the Appeal Authority that the issues for determination of the appeal can be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it.
- (3) An oral hearing may be held—
- (c) if it appears to the Appeal Authority that the issues for determination of the appeal cannot be adequately determined in the absence of the parties by considering the documents or other material lodged with or provided to it; or
 - (d) if such hearing would assist in the expeditious and fair disposal of the appeal.
- (4) If appropriate in the circumstances, the oral hearing may be held by electronic means.
- (5) If the Appeal Authority decides to hold an oral hearing, any party to the appeal proceedings may appear in person or may be represented by another person.
- (6) The Appeal Authority must ensure that every party to a proceeding before the Appeal Authority is given an opportunity to present his or her case, whether in writing or orally as contemplated in subsections (2) and (3) and, in particular, to inspect any documents to which the

appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

- (7) The Appeal Authority must—
 - (a) consider and determine all appeals lawfully submitted to it;
 - (b) confirm, vary or revoke the decision of the Tribunal or authorised employee;
 - (c) provide reasons for any decision made by it;
 - (d) give directions relevant to its functions to the Municipality;
 - (e) keep a record of all its proceedings; and
 - (f) determine whether the appeal falls within its jurisdiction.
- (8) Subject to subsection (12), the Appeal Authority must decide on an appeal within 60 days of receipt of the assessment report contemplated in section 80(13)
- (9) If the Appeal Authority revokes a decision of the Tribunal or authorised employee it may—
 - (a) remit the matter to the Tribunal or authorised employee—
 - (i) if there was an error in the process which is unfair and which cannot be corrected by the Appeal Authority; and
 - (ii) with instructions regarding the correction of the error; or
 - (b) replace the decision with any decision it regards necessary.
- (10) The Appeal Authority may appoint a technical adviser to advise or assist it with regard to a matter forming part of the appeal.
- (11) The Appeal Authority must within 21 days from the date of its decision notify the parties to an appeal in writing of—
 - (a) the decision and the reasons therefor; and
 - (b) if the decision on an appeal upholds an approval, notify the applicant in writing that he or she may act on the approval.

(12) The Appeal Authority may extend the period contemplated in subsection (8) in exceptional circumstances including the following:

- (a) if an interested person has submitted a petition for intervener status;
- (b) if an oral hearing is to be held.

CHAPTER VIII

PROVISION OF ENGINEERING SERVICES

Responsibility for provision of engineering services

82. (1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development once an application is approved.
- (2) The Municipality is responsible for the provision and installation of external engineering services.
- (3) If the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service.
- (4) The Municipality may enter into a written agreement with an applicant to provide that—
- (a) the applicant is responsible for the provision, installation and costs of external engineering service instead of paying the applicable development charges; or
 - (b) the applicant is responsible for the provision, installation and costs of external engineering service and that the fair and reasonable costs of the external engineering service may be set off against the development charges payable by the applicant.

Development charges

83. (1) The applicant must pay development charges to the Municipality in respect of the provision and installation of external engineering services.
- (2) These external engineering services for which development charges are payable must be set out in a policy adopted and annually reviewed by the Municipality.