

MUNISIPALITEIT BERGRIVIER MUNICIPALITY

Rig alle korrespondensie aan:
Die Munisipale Bestuurder

Address all correspondence to:
The Municipal Manager



P O Box 60
PIKETBERG
7320

Phone/Tel.: (022) 91 36000
Fax/Faks: (022) 91 31406
E-pos / E-mail:
bergmun@telkomsa.net

Verwysing/Reference Farm no. 71/28

Navrae/Enquiries K. Abrahams

27 July 2018

REGISTERED MAIL

Ms A Botha/Mr G Goosen
Aurecon SA PTY LTD
P.O.Box 494
CAPE TOWN
8000

DECISION LETTER TO APPLICANT

APPLICATION FOR CONSENT USE: PORTION 28 OF THE FARM EENDEKUIL NO.71, DIVISION PIKETBERG

Your application in abovementioned regard received 13 February 2018, refers.

Bergrivier Municipality's Authorised Official, on 26 July 2018, considered your application for consent use in terms of section 60 of Bergrivier Municipal By-law relating to Municipal Land Use Planning via decision number AON002/07/2018. The decision reads as follow:

"AON002/07/2018

APPLICATION FOR CONSENT USE: PORTION 28 OF FARM EENDEKUIL NO. 71, DIVISION PIKETBERG

15/3/5; FARM NO. 71/28

The Authorised Official evaluated the abovementioned application.

RESOLUTIONS: APPROVED IN PART CONDITIONALLY

1. That the application for consent use in order to allow the erection of a 55 meter freestanding telecommunication base station and associated infrastructure on a portion ($\pm 100\text{m}^2$ in extent) along the southern boundary of Portion 28 of the Farm Eendekuil No. 71, division Piketberg **be refused**, in terms of section 60 of Bergrivier Municipal By-law relating to Municipal Land Use Planning for the reasons provided in the reasons for recommendation.
2. That consent use in order to allow the erection of a 30 meter freestanding telecommunication base station and associated infrastructure on a portion ($\pm 100\text{m}^2$ in extent) along the southern boundary of Portion 28 of the Farm Eendekuil No. 71, division Piketberg **be approved** in accordance with the site plan with project no 500202, Drawing no. 003 OF 006 in terms of section 60 of Bergrivier Municipal By-Law relating to Land Use Planning, subject to:
 - a) The telecommunication mast must be limited to a maximum height not exceeding 30m;
 - b) The telecommunication base station and mast must allow for co-location of other service providers;
 - c) The base station must be securely fenced off and access must be restricted;
 - d) Should it be proven that there are negative health effects from the base station (in accordance with acceptable standards), it must be rectified, or if it fails to comply, be decommissioned.
 - e) Compliance with the conditions provided in ESKOM's letter of comment on the application dated 24 April 2018;
 - f) Building plan must be submitted at this municipality for consideration in terms of the National Building Regulations and Building Standards Act, 1977 as amended; and
 - g) The structure and associated infrastructure be removed on developer's cost if it falls into disuse.

REASONS FOR RESOLUTIONS

Section 59 (3) (a) requires that land development should optimise the use of existing resources, infrastructure, land and facilities. The development would allow for co-location of other network operators using the same telecommunication base station site and mast, thus reducing the need for additional base stations and masts in the area. The proposal is located in ESKOM's electricity supply area, and has no impact on municipal services.

The erection of a freestanding telecommunication base station and mast with a height of 55m, will have a negative impact on the character of Eendekuil and surrounding rural landscape by dominating the skyline of this rural area. Existing mature trees as mitigation feature to reduce the visual impact is not regarded sufficient to mitigate the potential impact of a 55meter high mast in the area concerned. Lower mast options to carry transmitters should have been considered rather than a 55meter high obtrusive tower that are not sensitive to the rural character of Eendekuil area. The proposed height is therefore reduced to maximum 30meters, to be more sensitive to the surrounding rural area.

One of the strategies as provided in Bergrivier Municipality Spatial Development Framework 2012-2017, is to strengthen mobility and economic links, to promote communication corridors and zones as well as strengthen communication networks. The proposal of the Bergrivier Municipal Spatial Development Framework is to create access to information for farm and rural dwellers..., i.e. telephone and internet services. The consent use is considered consistent and in line with directives of BMSDF 2012-2017."

You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.

The attached appeal form must be completed and should be directed to the Appeal Authority and received by the Municipal Manager, Bergrivier Municipality, 13 Church Street or P.O.Box 60, Piketberg, 7320; Fax no. 022 913 1406 or email: bergmun@telkomsa.net, within 21 days of notification of this decision.

No activities, including the preparation of ground, may take place within the 21 day appeal period. The decision will be suspended, if an appeal is received within the 21 day period, until the outcome of the appeal is known.

Regards


PP MR. J.W.A. KOTZEE (VIVIAN)
DIRECTOR: CORPORATE SERVICES

Cc: Angela.Botha@aurecongroup.com

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APPEAL FORM

(Section 79 of the 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 By-law on Municipal Land Use Planning](#).

PART A: APPEAL

Are you appealing against the decision made by the authorised employee or Tribunal?	Y	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	Date receiving notice of decision		
Who took the original decision?	✓	Authorised employee	✓ Tribunal

PART B: APPELLANT'S DETAILS

First name(s)	
Surname	

Company or legal person's name (if applicable)			
Postal address			
		Postal Code	
Email			
Tel		Fax	
		Cell	

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.			
Physical Address			
GPS Coordinates		Town/City	

PART D: PROPERTY DESCRIPTION OF PROPOSED LAND DEVELOPMENT

Number(s) of Erf/Erven/Portion(s) or Farm(s), allotment area.			
Physical Address			
GPS Coordinates		Town/City	

PART E: APPEAL MOTIVATION AND REASONS*

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* Appeal motivation, information and reasons may be attached.

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

Appeal	R
TOTAL APPEAL FEES*	R

* 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:

Bank:

Branch no.:

Account no.:

Payment reference:

(If applicable)

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION

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

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

SECTION H: DECLARATION

I hereby wish to confirm the following :

- That the information contained in this appeal form and accompanying documentation is complete and correct.
- 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: _____

Full name: _____

FOR OFFICE USE ONLY

Date received:

Received by:

Municipal Stamp