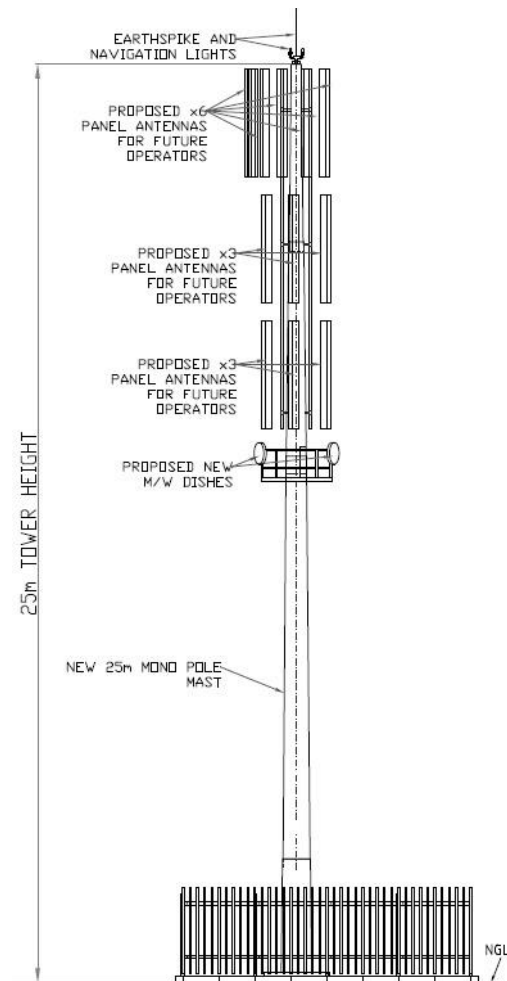


MOTIVATIONAL REPORT

PROPOSED SPOT REZONING, AND REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS OF ERF 3059,
BEAUFORT WEST



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1. INTRODUCTION

CK Rumboll and Partners were appointed by Mr Jerome Davidse on behalf of Eagle Towers, to handle all town planning actions regarding the spot zoning of a portion of Erf 3059, and removal of restrictive title deed condition application in order to permit the erection of a freestanding base telecommunication station on the subject property. The registered owner of the property is Christian Centre- Beaufort West, The subject property is zoned Community Zone II and is being utilized as a place of worship (Church).

2. PURPOSE

The purpose of this application is to apply¹ for a:

- A **Spot Rezoning** in terms of **Section 15(2)(a)** of the Beaufort West Municipal Land Use Planning By-Law of a portion ($\pm 64 \text{ m}^2$ in extent) from **Community Zone 2** to **Utility Service**.
- A **removal of restrictive title deed condition** in terms of **Section 15(2)(f) Beaufort West Municipal Land Use Planning By-Law** in order to remove a restrictive condition contained within the title deed.

3. LOCALITY

The subject property is located² South West of Beaufort West, South of the N1 highway in a residential area known as Rusdene. The Eagle towers free standing base - telecommunication station will be located on Erf 3059, Beaufort West, if approved by Beaufort West Municipality, the proposed location of the free standing base - telecommunication station will occur on the north-eastern corner of the property.



Figure 1: Beaufort West Locality

¹ **Municipal Application Form** attached as **Annexure B**

² **Locality Map** attached as **Annexure C**

4. PROPERTY DESCRIPTION

4.1 Property Summary

The following table provides the property information for the applicable site.

ERF 3059, BEAUFORT WEST	
Applicant	CK Rumboll and Partners on behalf of Eagle Towers SA
Extent	3250 m ²
Registered Owner	Christian Centre-Beaufort West
Local Authority	Beaufort West Municipality
Servitudes	None
Zoning	Community Zone II
Coordinates	Lat: -32.370843 Lon: 22.561143
Title Deed	T91562/1998
Title Deed Restrictions	See Section 5 (5.4) of this report

Table 1 *Property Description*

4.2 Zoning and Land Uses

Erf 3059 is zoned Community Zone II in terms of the Beaufort West Municipal Standard Zoning Scheme By-law and is currently being utilised as a place of worship (church).

4.3 Surrounding Land Uses

As previously mentioned the subject property is located in a predominantly residential area. Surrounding properties are therefore utilised for residential purposes. Properties in the immediate vicinity which borders the subject erf however, consists of properties zoned open space zone II to the east, community zone I to the south and residential properties to the west and north and remains vacant. Refer to Figure 2 and 3 below illustrates the zoning of the surrounding properties.



Figure 2 Surrounding Zoning

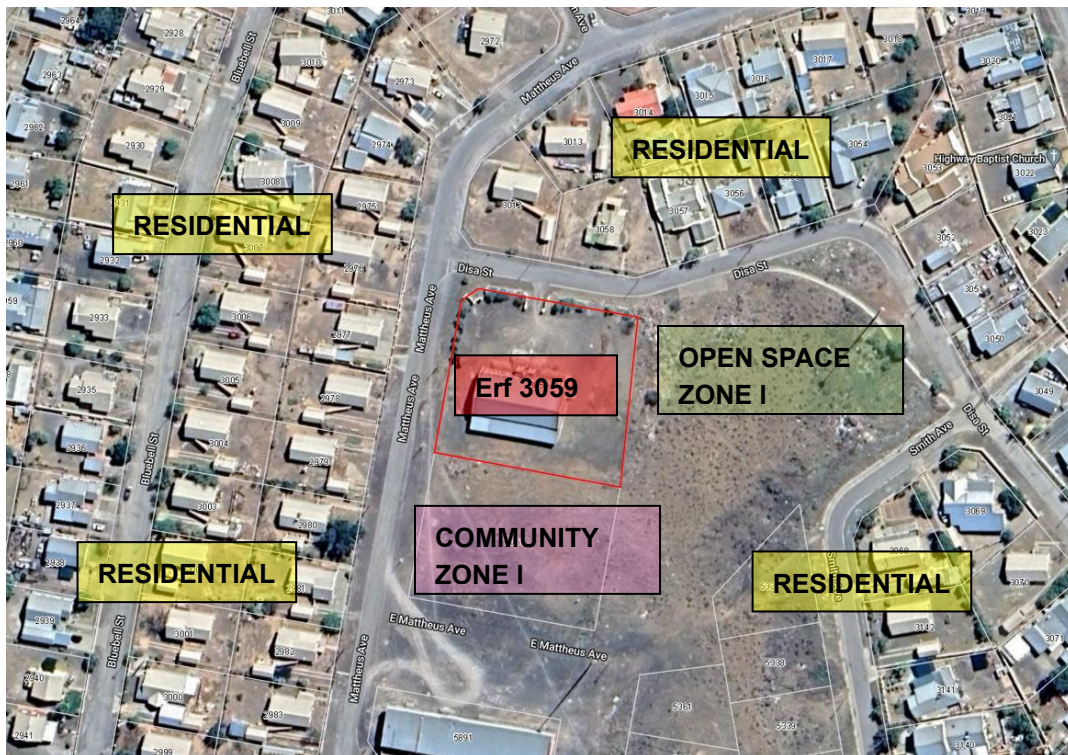


Figure 3 Surrounding Zoning (Locality)

4.4. Physical & Environmental Characteristics

➤ *Topography and Slopes*

The overall topography of Beaufort west could be described as relatively even with a slope percentage ranging from 0 to 5 (as illustrated in figure 4). The selected site however is located relatively higher than its surroundings this has been proven to be beneficial since telecommunication stations that are strategically placed at a higher elevation than surrounding structures enjoy several benefits in terms of signal strength and coverage. They can transmit signals without any hindrance and provide broader coverage for mobile and internet services. Moreover, higher placement ensures that the signals transmitted from the tower are not obstructed by any physical barriers, thus guaranteeing a clearer and stronger signal. In addition to better signal strength, telecommunication stations placed at a higher altitude help avoid signal interference, which is especially important in areas where there are physical obstacles such as buildings or hills. By covering a wider area, telecommunication stations located above surrounding structures make it easier for people in remote areas to access communication. This, in turn, leads to higher network quality and faster upload and download speeds, culminating in more efficient and effective communication.

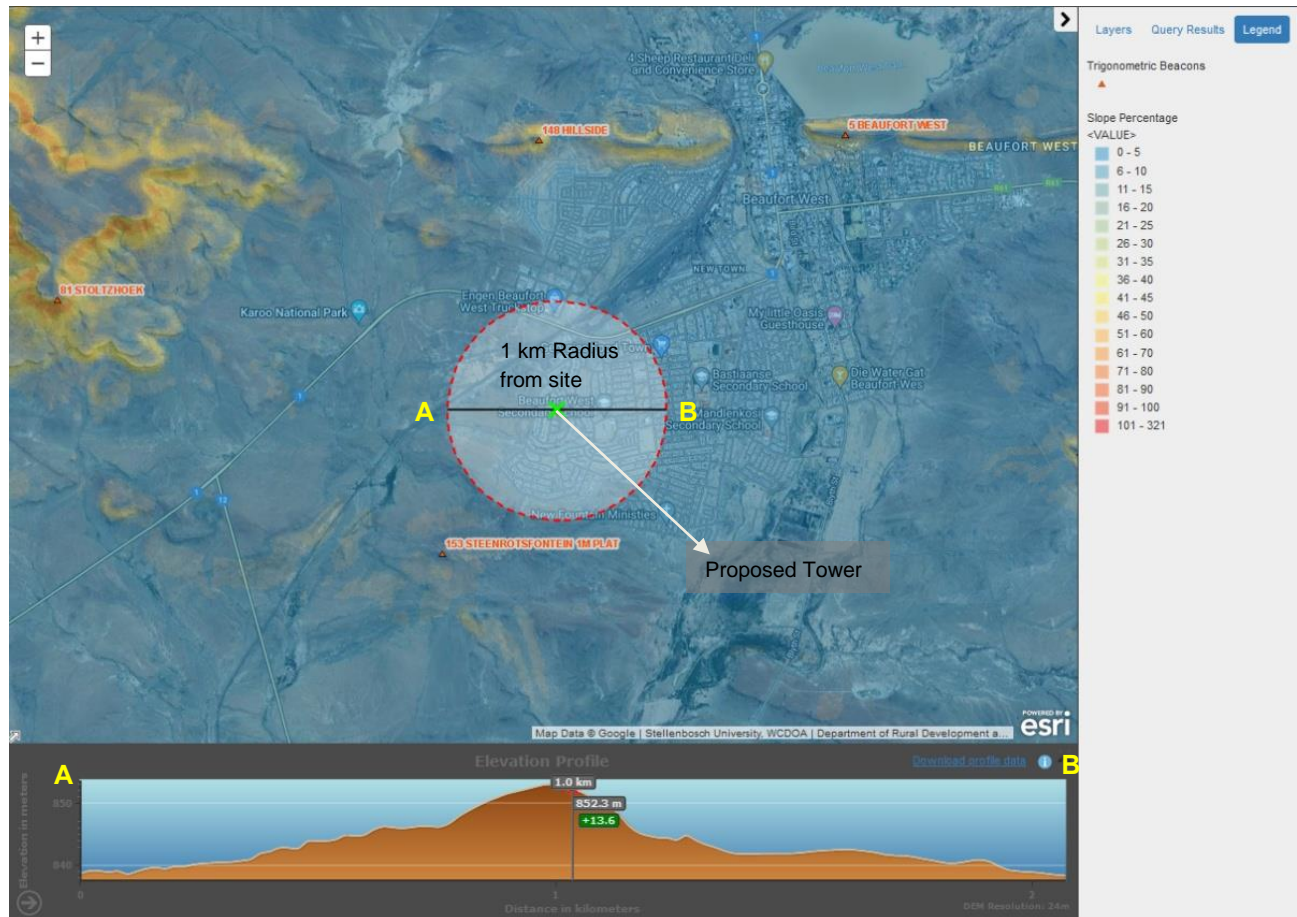


Figure 4 Elevation Profile

5. DEVELOPMENT PROPOSAL

This application proposes the spot rezoning of Erf 3059 from Community Zone 2 to Utility Service, and the removal of restrictive title deed condition C(6)(b) in order to accommodate the development proposal.

5.1. Proposed Spot Rezoning

- **A Spot Rezoning in terms of Section 15(2)(a) of the Beaufort West Municipal Land Use Planning By-Law of a portion ($\pm 64 \text{ m}^2$ in extent) from Community Zone 2 to Utility Service.**

“utility service”

Land use description: “utility service” means a use or infrastructure that is required to

provide engineering and associated services for the proper functioning of urban development and—

(a) includes a water reservoir and purification works, electricity substation, storm water retention facilities, and a waste-water pump station and treatment works, rooftop base telecommunication station and freestanding base telecommunication station; and (b) does not include renewable energy structures or transport use; and

(c) provided that a road is not regarded as a utility service.

Development parameters:

As determined by the Municipality

Extract from Zoning Scheme

The rezoning will be as follows:

Erf 3059, Beaufort West	
Current Zoning	Proposed Zoning
Community Zone II (3626 m ²)	Utility Service ($\pm 64 \text{ m}^2$)

In order to accommodate the development proposal (a 25m high freestanding base telecommunication station) a rezoning of a portion of the subject property (64 m² in extent) is required as the current zoning does not accommodate a freestanding base telecommunication station as a consent use (only a rooftop base communication station) under its current zoning. The current Municipal Zoning Scheme, illustrates that a freestanding base telecommunications station can be accommodated under the proposed zoning as it is seen as a utility service. The development proposal as well as the impact thereof is discussed in more detail below.

Telecommunication infrastructure

The construction of the proposed freestanding base telecommunication station will comprise of the following:

- Earth spike and Navigation lights
- 3x Panel Antennas for future operators
- 6x Panel Antennas for future operators
- M/W dishes for future operators
- 25m Mono Pole Mast

Site Development Plan (SDP) is attached as **Annexure E**

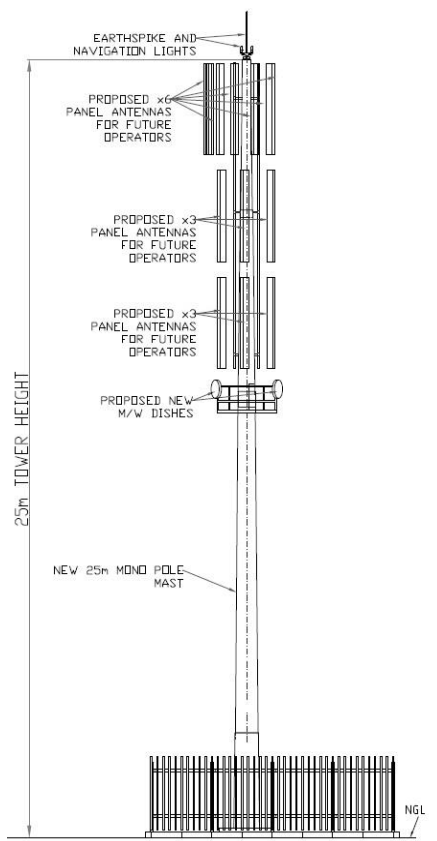


Figure 6: 25m Freestanding Base Telecommunications Station Elevation

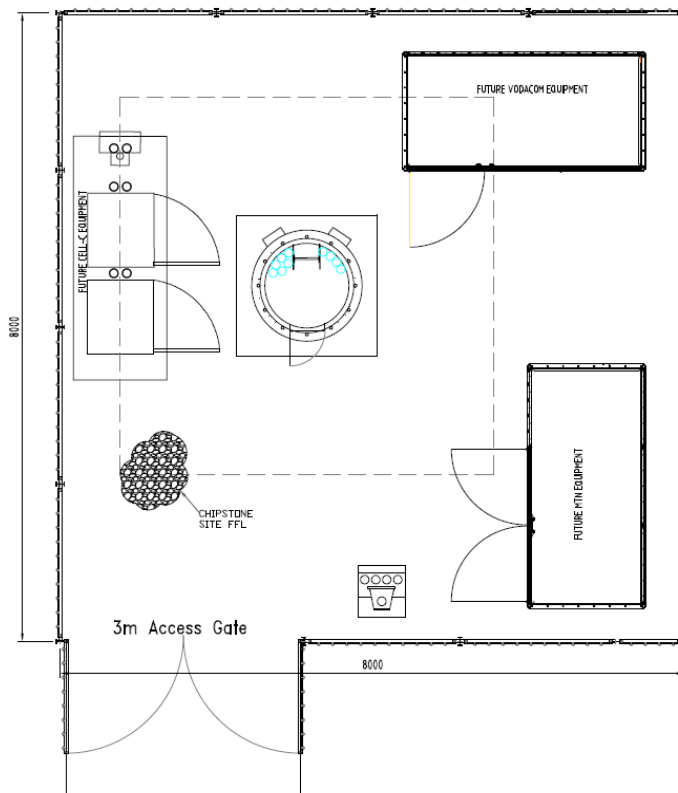


Figure 5: Placement of infrastructure



Figure 7 Proposed Site Development Plan

5.2 Proposed removal of title deed restriction.

As previously mentioned application is made for the erection of a 25m high Telecommunications station. The applicable title deed however contains building line which restricts the development proposal. A removal of the subject conditions is therefore required in order to permit the erection of the subject telecommunications station.

The Title deed includes various restrictive conditions although none of these conditions, apart from condition C(6)(b) are relevant to this application. The mentioned applicable restrictive conditions are provided in the figure 9.

Condition C(6)(b) within the title deed (**Annexure D**) defines the building lines for the property. This is the condition which is to be removed and read as follows:

6 (b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid-

- (i) 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot b die muurplaat daarvan binne sodanige sy of agteruimte opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agteruimte en syruimte opgerig mag word vir n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;
- (ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afgestande hierbo voorgeskryf, opgerig mag word indien geen vensters of deure in enige muur wat op sodanige grens front, aangebring word nie.

Figure 8 Title Deed Extract

Taking the existing use of the property into consideration, surrounding uses, east and south, the footprint of the proposed development the development proposal's overall impact can be seen as relatively small. Furthermore the building parameters as set out in the municipal planning by-law van be considered as sufficient to ensure the sustainable development of Erf 3059.

5.3 Compliance with Section 33(4) of the By-Law

Table 3: Compliance with Section 33(4) of the By-Law.

When the municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard to the following:	
a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.	The conditions were imposed by the Administrator for the benefit of the town and had no financial or other value for the beneficiary. The value of the conditions relates to land use restrictions that preserve and protect the character of the built environment. The Beaufort West Zoning Scheme consist over similar land use provisions that have the same effect in preserving and protecting the character of areas, thus keeping the restrictive conditions have no value to the township anymore.
b) the personal benefits which accrue to the holder of the rights in terms of the restrictive	There are no personal benefits to the holder of rights seeing as the rights are in favour of the town

condition.	as explained in the previous point.
c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed.	The inclusion of the said restrictive condition in the title deed of Erf 3059, results in restrictions being placed on development possibilities for the property of which the restrictions is not always in line with the new planning philosophies such as densification, effectiveness and resilience. The removal of said restrictive conditions will enable the property to be developed to its full potential as determined and guided by spatial policies.
d) the social benefit of the restrictive condition remaining in place in its existing form.	There is no social benefit if the restrictive condition remains in place in its existing form as it will not allow the property owner to their land use rights to extend their dwelling unit.
e) the social benefit of the removal, suspension or amendment of the restrictive condition.	This will result in more compact, diverse and resilient development on the property in the future and enable the property to be developed to its full potential.
f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.	Not all rights in favour of the Administrator is proposed for removal, only the right relating to development parameters, seeing as the need and desirability of development opportunities for Erf 3059, Beaufort West, have changed over time.

With the implementation of new Spatial Policies, sufficient guidelines, directives and provisions for land use development is available, therefore the removal of restrictive condition can be considered favourably.

5.4 The site

Erf 3059, Beaufort West can be deemed as the most suitable site for the development proposal due to its locality and elevation. Section 4.4 of this report illustrates the site to be located at a relatively higher elevation than its surrounding areas. Telecommunication stations that are strategically placed at a higher elevation than surrounding structures have several benefits in terms of signal strength and coverage. They can transmit signals without any hindrance and provide broader coverage for mobile and internet services. Moreover, higher placement ensures that the signals transmitted from the tower are not obstructed by any physical barriers, thus guaranteeing a clearer and stronger signal. In addition to better

signal strength, telecommunication stations placed at a higher altitude help avoid signal interference, which is especially important in areas where there are physical obstacles such as buildings or hills. By covering a wider area, telecommunication stations located above surrounding structures make it easier for people in remote areas to access communication. This, in turn, leads to higher network quality and faster upload and download speeds, culminating in more efficient and effective communication.

5.4 Visual Impact

A monopole design was chosen for the proposed 25m freestanding base telecommunication station. The monopole will be painted an appropriate colour in order to seamlessly blend with the surrounding environment.

The height of the mast is kept to a minimum height of 25m, the lowest possible height at the point that the antennae can still provide sufficient coverage to the complaint area as there are no physical or geographical features between the catchment area and the proposed site of the mast that will hinder the coverage. The height of the mast will ensure that, at least, a 1km radius is provided with optimum coverage and result in a lower net visual impact as less freestanding cellular masts will be required to ensure the whole a larger portion of the area has sufficient coverage. Although three other known approved cell mast exists in the area it is important to note that the proposed cell mast will provide network coverage to an area.

The number of people connecting to a cell mast has a profound impact on the network coverage it can provide. Although three approved cell masts existing in the subject area; with the significant growth in population since their approval, these masts cannot sustainably provide network coverage to the increased demand. Therefore, approving the subject development proposal becomes imperative as it would enable the residents to benefit from a significantly stronger and more reliable network connection. This development would ensure that the cell mast can adequately handle the growing number of users, ultimately improving the overall network coverage and ensuring uninterrupted communication for the community.

Telecommunication towers are furthermore, essential infrastructure for the communication industry. These towers are designed to facilitate easy transmission of signals and data over long distances. The height of a telecommunication tower is a crucial factor in determining the quality and coverage of signals transmitted. Higher towers are able to receive and transmit signals over longer distances, without the risk of interference or attenuation. This translates to fewer towers required in the same vicinity, reducing clutter and enhancing the aesthetic appeal of the area. Additionally, the construction and maintenance costs of a higher telecommunications tower are often more cost-effective in the long run. Therefore, investing in taller towers provides a more sustainable and efficient option for the telecommunication industry.



Figure 9 Sight lines from N1

Visual Absorption Capacity

There are existing vertical features within the vicinity of the proposed telecommunication station that is already breaking the skyline and also already impacting on these viewpoints. Examples of these include lamp posts, powerlines and another telecommunication stations where the height of these features ranges from 10m to approximately 23m as illustrated in the figure 12 above. It can therefore be argued that the proposed development will relate to existing vertical features and therefore not be perceived as a single freestanding entity in the landscape. In addition, the suggested height of the cell mast allows for its utilization by multiple service providers, thereby significantly reducing the number of cell towers required in the surrounding area.

a) Need and desirability

Over the years, cellular communication has changed from merely being a convenience to being essential for business and communication purposes, including for emergency and safety purposes. The demand for access to network coverage and data has increased vastly over the last decade and is anticipated to continue growing. The high surge in data traffic is already a strain on the existing cellular network infrastructure. It is therefore undebatable that there is a high and increasing need for more cellular towers. Cellular communication and connectivity is seen as a basic and necessary infrastructural need.

The proposed development will increase the level of coverage and capacity to all consumers in the catchment area which will benefit the community by having access to improved internet connection and communication facilities and services. It is important to note that as the proposed cellular tower is built specifically to accommodate more than one operator through co-location/sharing, all cellular users will benefit from the proposed development and not only those using a specific cellular operator. Furthermore 4 different service providers will make use of the proposed telecommunications station as can be seen illustrated on the proposed building plan (Attached as annexure E)

In addition the development proposal will generate passive income which provides significant benefits for the land owner which is in this case church. By generating steady revenue streams through sources such as rental income, dividends, and interest, passive income can help the church to sustain its operations, fund community programs, and contribute to charitable causes. Through passive income, churches can reduce their dependence on donations and grants, which may fluctuate based on economic and social factors. This can provide long-term financial stability for the church and enable it to plan for growth and expansion of its services. Moreover, passive income can help the church to diversify its revenue streams and reduce its exposure to the risks associated with a single source of funding. In summary, passive income can serve as a key tool for churches and other non-profit organizations to build sustainable and self-reliant models of operation that benefit their communities.

Socio-economic impact

The socio-economic impacts of the erection of a telecommunications station includes:

- **Job creation:** The telecommunication station industry can create a range of jobs including engineers, maintenance workers, administrators, and support staff.
- **Increased connectivity:** Improved connectivity can stimulate local business activities, promote telecommuting, and boost productivity through reliable connectivity.
- **Revenue Generation:** Mobile network operators can rent the towers from the landowners or local government, creating a sustainable source of income for the landowners and the government.
- **Improvements in Communication and Security:** A telecommunications station can strengthen communication channels for emergency services such as hospitals, police, military, disaster management agencies, etc., leading to a safer and more secure community environment.

Furthermore the application has identified the need for a freestanding base telecommunication station within this area. The proposal will therefore definitely increase the level of coverage and capacity to all consumers in the catchment area which will benefit the residents in the surrounding environment by having access to improved internet connection and communication facilities and services.

5.5 Security

The proposed freestanding base telecommunication station will be enclosed by a galvanised mild steel palisade fence. The antennae will be located 20-25m above ground level and cannot be accessed by the public. Access to the equipment will be limited to registered and qualified personnel only. 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 the vandalism of the equipment.

5.6 Access

No new access points are proposed in conjunction with this development proposal. Access to the proposed freestanding base telecommunication station will be obtained via the existing access point off of Disa Street thus ensuring minimum to no impact on the existing vehicular flow resulting in no disruption to the existing status quo.

5.7 Services

The proposed development will not require any additional service connections and instead will make use of existing services on Erf 3059, Beaufort West.

6. ASSESSMENT CRITERIA

6.2 Spatial Planning Land Use Management Act

The criteria for the assessment of an application as per Chapter 2, Section 7 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) are addressed as follows:

- Spatial Justice

The erection of a freestanding base telecommunication station in this location will contribute to an improved network connection for all the residents of Calvinia and surrounding rural areas including businesses and institutional functions in the surrounding environment.

- Spatial Sustainability

The development does not affect any potential agricultural land, ecological sensitive corridors or areas with high biodiversity importance.

- Efficiency

The proposed development will support the surrounding rural and urban environment and will optimise the use of existing land on the property, infrastructure and services and maximise the potential of the property. The placement of the mast on an already developed site within the rural/urban landscape will

also ensure limited impact on the surrounding landscape, since development already exist and services are available.

- **Good Administration**

The application will be taken through the public participation process by the Hantam Local Municipality and all relevant departments will be informed and their comments taken into consideration during the decision process.

- **Spatial Resilience**

The proposed development will not limit any future benefits or uses on the property. The development of the free standing base communication station under the Utility Zone II zoning utilise the resilience in the scheme regulation that support these types of uses.

6.3. Beaufort West Municipal Spatial Development Framework

Although the current MSDF do not make any mention with regards to telecommunication stations it is essential for the municipal area to have access to reliable and fast internet services, especially considering how technology plays a vital role in our daily lives. Telecommunications stations not only provide access to the internet but also enable communication via phone calls, which is equally important. Moreover, these stations are often used for emergency services such as calling for medical attention or reporting crimes. It is therefore imperative that once the current framework is amended, provisions for the development and maintenance of telecommunications stations and connectivity be considered.

7. NATIONAL LEGISLATION

8.1 National Heritage Resources Act

According to Section 38 (1)(c)(i) of the NHRA the following is stated; 38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) The construction of a bridge or similar structure exceeding 50 m in length;
- (c) Any development or other activity which will change the character of a site—
- (d) Exceeding 5 000m² in extent.

The proposed development will be 25m in height and ±56m² in extent thus exempting this application in terms of the NHRA.

8.2 Health Act

The National Department of Health (NDoH) is the legally mandated national authority for the regulation of public exposure to radiation and related matters. The NDoH has been utilizing the World Health Organization's (WHO) International Electromagnetic Fields (EMF) Project as its primary source of information and guidance with respect to the health effects of cellular towers (also referred to as cellular base stations) and electromagnetic fields.

The Directorate: Radiation Control is the section within the NDoH responsible for regulating non-ionizing radiation. In a letter dated 14 June 2010, this Directorate endorsed the exposure guidelines published in 1998 by the International Commission on Nonionizing Radiation Protection (ICNIRP), based on the official endorsement of the WHO in this regard. The Directorate found that measurement surveys conducted in South Africa and around the world have shown that the actual levels of public exposure, as a result of base station emissions, are invariably only fractions of a percentage of the ICNIRP guidelines, even in instances where members of the public have been really concerned about their exposure to these emissions.

In the above mentioned letter, the Directorate confirmed that they are satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations, because 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 increase in network strength brought by the proposed freestanding base telecommunication station will aid the local businesses and thus unlock growth potential which will have a positive economic impact. Residents, businesses and commuters will have more secure connection to emergency services and armed response which will have a huge social impact.

9. CONCLUSION

The proposed **spot rezoning of a portion of Erf 3059, Beaufort West** and the proposed removal of restrictive title deed condition for the purpose of establishing a **25m high freestanding base telecommunication station** on a portion of the subject property is considered desirable on the basis of the following:

- The proposal will promote efficient use of land, infrastructure and services within the area.
- The establishment of the proposed freestanding base telecommunication station is beneficial to the surrounding land uses in the area as it provides better access to telecommunication networks.
- The proposed development is compliant with land use planning principles of the LUPA and the SPLUMA.

- This site is the most desirable alternative based on the requirements of the network operators, land availability, property rights and visual impacts.



Nical Grobblaar / Edwiné Booysen

For CK Rumboll and Partners