
MATATIELE LOCAL MUNICIPALITY
TELECOMMUNICATION AND CELLULAR MAST POLICY



MATATIELE
LOCAL MUNICIPALITY

2022-23 financial year

PROBLEM STATEMENT

Rapid expansion of the telecommunications industry in recent years has resulted in an increasing demand for radio telecommunication services, and new technologies in the cellular phone industry. The location, siting and development of telecommunication mast continues to be an issue of particular interest to both local communities and local government alike, with debate focusing on adequate availability of connectivity, visual amenity and public health. With the nature of technology, it must be accepted that the future need for telecommunication mast sites will increase in the short to medium term.

Investment in telecommunications networks not only facilitates economic trade in goods, by bringing together buyers and sellers, but more importantly, also promotes trade in services upon which modern economies are built.

Many existing installations have been approved on a temporary basis. Their continued operation will at some point require re-consideration of approval. This Policy will provide updated guidelines to be utilised by decision makers within the Matatiele in assessing and responding to any application for the right to erect or modify telecommunication mast.

Landlords, topography and demand tend to dictate the location of masts. For example, mountainous areas often require high masts due to the topography.

Due to improvements in mobile devices (smart phones), the coverage that each mast is able to provide has shrunk. Thus there is continual need to provide more masts as coverage is lost - the distance between the masts is reducing. Cell phone providers are having difficulty accessing suitable land, and there have been problems accessing Matatiele owned land, even when it is the most suitable location for telecommunication mast.

Parastatals such as Telkom, ESKOM and the SABC, who also make use of masts, have traditionally not been subject to approval regulations, or the same stringent requirements as private industry.

The policy aims to:

- Promote economic business activity within Municipal Jurisdiction;
- Give clarity and certainty to the industry and to the general public with regards to acceptable locations and positioning of telecommunication mast;
 - Provide a comprehensive set of policy guidelines
 - Improve the quality and efficiency in decision making;
 - Improve consistency of decision making throughout all municipality and Departments and in the setting of conditions for planning applications; and
 - Improve awareness and a quicker response to changes in TELECOMMUNICATION MAST and its related industry.
- POLICY OBJECTIVES AND GUIDELINES
- The aim of the policy is to Give guidance on requirements for submission of an application and
- The objective Policy addresses 6 issues, namely,
 - • Economic considerations;
 - • Site selection and co-location;
 - • Visual impact, landscaping, public amenity;
 - • Impact on areas of environmental and heritage significance;
 - • Impact on existing services and utilities; and
 - • Public health and safety.
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- THE OBJECTIVES MUST BE READ HOLISTICALLY WITH EACH OTHER AND WILL BE ASSESSED AS A WHOLE.
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- To improve and maintain communication
- To insure that the Telecommunication Mast is placed in the best possible location

- To ensure the co-location or sharing of Telecommunication Mast wherever possible
- To retain the visual integrity, special character and amenity of the Matatiele Municipality
- To design with the landscape and use modern mitigation measures to reduce impact
- To retain and improve the environmental and heritage quality of the public arena
- To preserve areas of environmental
- Telecommunication Mast must be situated and operated in a manner so as not to interfere with any other utility functions
- Where possible Telecommunication Mast should be placed on other structures such as light posts, road signs etc.
- To protect the health, safety and wellbeing of the inhabitants of Matatiele
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STRATEGIC INTENT

Control over the installation of TELECOMMUNICATION MAST falls within the ambit of municipal planning, which, in terms of the Constitution is a municipal competency.

In terms of the Municipal Systems Act No 32 of 2000 and the Constitution, Council must satisfy itself that it is addressing its responsibly, inter alia, its duties towards its community placed upon it by such legislation- in this case its obligation to provide a safe and healthy environment and to promote the economic wellbeing of the municipal area. Seen in this context, Council has a responsibility to its community to develop and apply policy around telecommunication mast.

NATIONAL LEGISLATION

NATIONAL LEGISLATION



PROVINCIAL ORDINANCES AND POLICY



POLICY PARAMETERS

- The policy applies across the Matatiele Local Municipality's jurisdiction.
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The policy aims to give guidance on requirements for submitting a cell-mast application including for decision making by the Municipality.

The two overriding concerns of the broader public, namely, potential visual impact and possible impact on human health and wellbeing from mast emissions are addressed. The approach taken is to protect the visual character and amenity of the Matatiele as far as possible, and to minimise the health risks (known / potential and perceived) associated with Cell Masts.

This policy will not affect Telecommunication Masts that have been lawfully approved, unless the approval lapses and a new application is to be made.

Visual Impact

Council encourages clear siting, design and co- location or sharing of telecommunication mast so as to minimize impact on its surroundings.

Health Impact

The cellular network provider or network provider shall at all times be required to comply with the requirements of the National Department Of Health on non- ionizing radiation protection with respect to safety standards.

Services Impact

Most underground infrastructural services are located within Councils road reserves. Historically some service providers, and particularly network users, installed services in an ad hoc manner.

Any proposals to consider additional infrastructure (including the base plinth) for telecommunication mast need to take cognisance of the logistical difficulties that may arise as a result of this uncertainty of services location.

ROLEPLAYERS AND STAKEHOLDERS

All applicable internal and external Departments, authorities and Traditional Authorities will use the policy to comment on applications in support of the functions of the regulatory departments.

REGULATORY CONTEXT

Statutory Framework

Compliance with the Electronic Communications Act (36 of 2005). The Independent Communications Authority of South Africa (ICASA) regulates all forms of telecommunication mast and the issue of approvals and licenses.

4.1.2. National Environmental Management Act (Act 107 of 1998 as amended) and the Amended Environmental Impact Assessment Regulations, 18 June 2010 (GN543), (Listing Notice 3,

GN546): Department of Economic Development, Environmental Affairs and Tourism (DEDEAT is the competent authority to authorize the construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes in:

(a) estuaries

(b) rural areas and

(c) urban areas that are outside commercial and industrial areas, where the telecommunication mast is to be placed on a site not previously used for this purpose, and where the telecommunication mast will exceed 15 metres in height, excluding attachments to existing buildings and masts on rooftops.

Construction activities that may be required for telecommunication mast installation, may also trigger other listed activities in terms of this Act.

The National Building Regulations(NBR) and the regulations thereunder, particularly Section 7 of the Act, requires Council to be satisfied that buildings or structures are not dangerous to life or property.

Table 1: Zones that allow telecommunication mast as of right or with the consent of Council

Zone	As of Right	Councils consent required
Single Residential Zone1 and Zone 2 (SR1 & SR2)		Rooftop
General Residential (all sub Zones) GR		Rooftop
Community Zone 1: Local (CO1)		Rooftop
Community Zone 2: Regional (CO2)	Rooftop	Freestanding
Local Business Zone 1: Intermediate Business (LB1)		Rooftop
Local Business Zone 2: Local Business (LB2)	Rooftop	Freestanding
General Business (all sub Zones) (GB)	Rooftop	Freestanding
Mixed Use (all sub Zones) (MU)	Rooftop	Freestanding
General Industrial (all sub Zones) (GI) & Risk Industry Zone (RI)	Freestanding & Rooftop	
Utility Zone (UT)		
Transport Zone 1: Transport Use (TR1)	Rooftop	Freestanding
Transport Zone 2: Public Road and Public Parking (TR2)		
Open Space (all sub Zones) OS1 & OS2 & OS3		Freestanding & Rooftop
Agricultural Zone (AG)	Rooftop	Freestanding
Rural Zone (RU)		Freestanding & Rooftop

Note that the content of this table is subject to change should the regulations be amended therefore require approval in terms of such Act by Council.

Section 34 of the National Heritage Resources Act (Act 25 of 1999) requires a permit for any alteration or new addition to a building older than 60 years, S27 requires a permit for provincial heritage sites, including former national monuments and S38 requires a permit for development which would change the character of certain classes of sites.

Therefore, Council approvals required in this case.

Land use management within the jurisdiction of the Matatiele is governed by its Zoning Scheme approved in terms of the LUPO.

Where the permitted use is silent in the scheme, a temporary land use departure can be applied for, for a limited period of time.

Applications will be advertised in accordance with legislative requirements together with Council's Notification Policy for Land Use Development Applications.

The erection of Cell Masts is also controlled by the NBR. In this Act, a building includes "any other structure erected or used for or in connection with the rendering of a service". Plans for TELECOMMUNICATION MAST must therefore be submitted to Council for approval.

Other approvals or checks may be required in terms of any other relevant Municipal Bylaws.

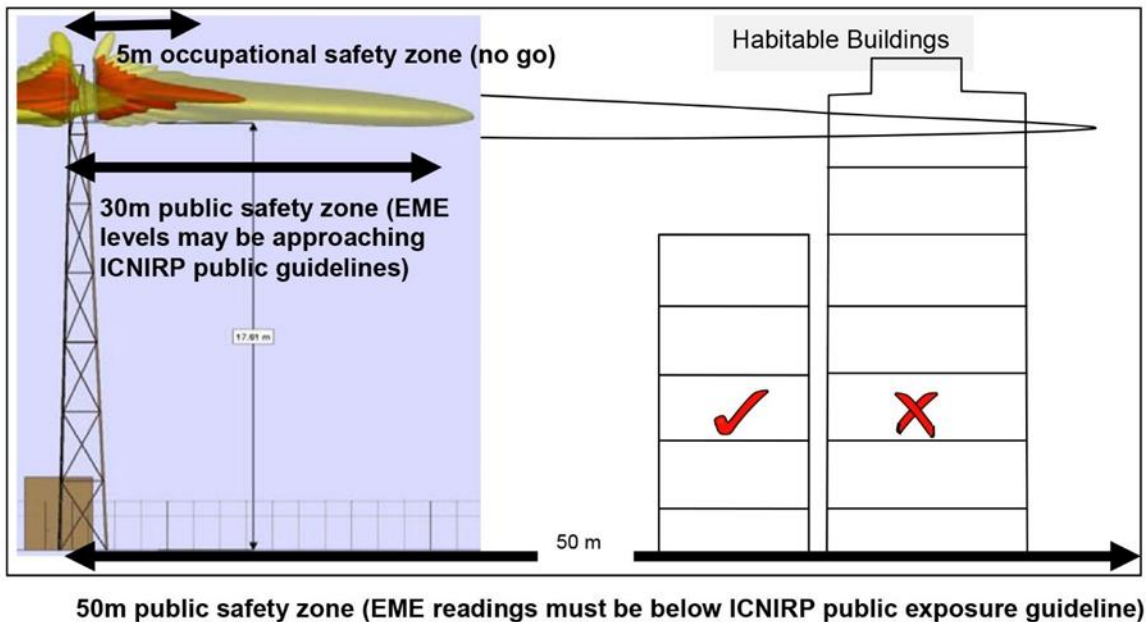
SUBMISSION OF AN APPLICATION FOR CELL MAST INSTALLATION

A special consent application(as per Spatial Planning and Land Use Management Act-SPLUMA,2013 Municipal SPLUMA Bylaw)must be submitted to the Municipality for decision making before a cell mast can be installed

The following information must be attached to the application:

- Letter of authorization from a relevant Traditional Authority
- Signed Corporate social responsibility agreements with community
- proof of public consultations including attendance register,
- Letter of authorization from Department of Education if the proposed site is within the school premises,
- Letter of authorization from Aviation Authority

Required Distance from Buildings



IMPLEMENTATION

The Telecommunication Mast Infrastructure Policy will be effective from the date it is approved by Council and will not be retrospectively applied to applications that are already in the system. The Policy will be applied within the Municipal existing development application process and will need to be considered by officials in the assessment of development applications.

It is the applicant's responsibility to ensure that where parallel processes are required, in terms of other legislation, that these are integrated as far as possible and to ensure that design considerations are considered in order to streamline all levels of approvals and minimize risk.

MONITORING, EVALUATION AND REVIEW

Monitoring

Council can request a Network Plan from each respective network provider. This would enable one to see all existing and planned sites for the Matatiele Municipality and how the different networks' sites relate to each other.

The cellular network provider or network provider should at all times comply with the requirements of the NDOH and the ICNIRP on non-ionizing radiation protection with respect to safety standards.

Evaluation

Any TELECOMMUNICATION MAST which is erected in contravention of an approval given by council may be required to be rectified in terms of a notice served on the land owner or network provider, as deemed necessary.

Review

The TELECOMMUNICATION MAST policy will be reviewed annually.

ANNEXURE: REQUIREMENTS FOR SUBMISSION

site selection and co-location

Visual impact, landscaping and public amenity

Utilities

Public health and safety

INFORMATION TO BE SUBMITTED WITH APPLICATIONS

The following plans or documents are required

- Site Analysis Plan (Scale 1:2000) with accompanying Report
- Location map and diagram indicating height of the telecommunication mast
- natural landforms and water flow through the site
- surrounding land uses to a radius of 200m
- surrounding areas of environmental & heritage significance
- existing vegetation
- details of any significant environmental constraints and, where relevant, commitments stating how these constraints will be managed to prevent a negative impact on the environment
- views and vistas to and from the site
- proximity to adjacent or nearby buildings or other tall structures
- proximity of telecommunication mast to other existing telecommunication mast sites.
(Show km radius around application site for urban areas)

dimensioned plans showing detail of the telecommunication mast;

graphic illustrations including photographs of similar facilities or computer generated simulations showing the type of facility and its relation- ship with adjacent development;

elevations showing the extent, height and appearance of the proposed facility as viewed from any adjacent street, public place and adjacent property;

any screening or fencing proposed in conjunction with the facility, including arrangements for maintenance;

Environmental Management Plan (EMP)

An EMP must be included in the submission if the site is within an area of environmental & heritage significance and proof that no EIA is triggered in terms of NEMA. a letter of authorization from DEDEAT- (even if the area is not on sensitive area)

Separate guidelines on a Generic full EMP and a Site EMP are available from DEDEAT, where an EMP is required. This must be submitted to Council's satisfaction prior to final building plan approval.

Lease

This departure shall become effective upon the approval of the lease application for a part of the property for the erection of cell phone communication infrastructure.

If for any reason any condition of the lease agreement is breached or the lease ceases to exist, the temporary departure shall expire.

Special conditions

Any special conditions relevant to a particular site (e.g. mitigating factors such as landscaping required), should be added under this section.

Council may require a master plan to be approved that indicates the grid network of existing and proposed telecommunication mast for each service provider to manage the integration of cell masts into existing services within Councils road reserves.

NOTICE TO COMPLY

The Municipality shall serve a written notice (First and Final) on the responsible person that the property has been declared a problem property, it is not at the correct zoning or it is operating without permission (special consent), requiring such responsible person within a specified period to comply with the provisions of these policy and any other relevant legislation or By-laws and the responsible person shall forthwith comply with the notice.

Legal action will be undertaken upon serving Final Notice on non-compliance. A letter of demand will be served instructing the perpetrator to comply within 7-14 days, if not complying, then a matter will be taken to court as per legal processes.

REFERENCES

EMSS, Technopark, Stellenbosch

Liverpool City Council, development Control Plan No. 38: Telecommunication Towers, 23 August 2000.

Western Australian Planning Commission, Statement of Planning Policy No. 52: Telecommunications Infrastructure, and Guidelines for the Location, Siting and Design of telecommunication Infrastructure (March 2004).

South African Bureau of Standards (SABS): Draft Code of Practice: Environmental Considerations for the Planning and Management of Telecommunications Structures (prepared by Environomics for the SABS) 19 May 2000.

City of Cape Town Municipality.

Department of Environmental Affairs and Tourism (Directorate Environmental Impact Management: Provisional Background document on standards for cellular phone base station antennas).

ICNIRP, International Commission on Non-Ionizing Radiation Protection.

Policy number _____

Council Resolution (CR) Number CR



MR. L. MATIWANE
MUNICIPAL MANAGER

28/07/2022

DATE



CLLR. S. MNGENELA
MAYOR

28/07/2022

DATE



CLLR. N. NGWANYA
SPEAKER OF COUNCIL

28/07/2022

DATE