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...a great place to be

POLICY

AND

GUIDELINES

FOR THE INSTALLATION OF

TELECOMMUNICATION

INFRASTRUCTURE

DRAFT APPROVED BY COUNCIL: 30.06.2021

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1. INTRODUCTION

a) “Freestanding Base Telecommunication Station”

Means a freestanding support structure on land or anchored to land and used for telecommunication infrastructure to transmit or receive electronic communication signals, and may include an access road to such facility (Makana Integrated Land Use Scheme, 2016).

This Policy will provide updated guidelines to be utilized by decision makers within the Makana Municipality (Council) in assessing and responding to any application for the right to erect or modify Freestanding Base Telecommunication Station (FBTS) and Fibre Optic Cables.

Environmental Impact Assessment (EIA): means an assessment of the possible impact of base stations/masts on the visual, physical, bio-physical and health and safety of the environment, as prescribed in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

Camouflage: means action taken to disguise masts in order to minimize the visual impact of masts on the community. May take the form of tree, lighthouse, windmill, or forest outlook.

b) “Fibre-optic Cables”

Internet, commonly called fibre internet or simply “fibre,” is a broadband connection that can reach speeds of up to 940 Megabits per second (Mbps), with low lag time. The technology uses fibre-optic cable, which amazingly can send data as fast as about 70% the speed of light.

2. ACRYNOMS

FBTS: Freestanding Base Telecommunication Station

ECPHRA: Eastern Cape Provincial Heritage Resource Agency

NEMA: National Environmental Management Act

EC DEDEAT: Eastern Cape Department of Economic Development, Environmental Affairs and Tourism

EIA: Environmental Impact Assessment

3. RATIONALE

The implementation of this Policy will support the development of the Municipality for network opportunities in future through guidance from the Spatial Development Framework (2019) and the Makana Integrated Land Use Scheme (2016).

In terms of the Municipal Systems Act and the Constitution of South Africa, 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 jurisdiction.

4. POLICY LIMITATIONS

This Policy is only for the erection of Freestanding Base Telecommunication Station (FBTS) and installation of Optic Fibre Cables within the Municipality and parameters applicable to that, meaning:

- a) Within the Urban Edge of the Municipal Urban areas, an acceptable height of a FBTS is 18m, with an option of a permanent departure for a mast of up to 25m in height (with a coverage radius of 0 - 1000m).
- b) In areas outside of the Urban Edge FBTS will have an acceptable height of 25m up to 50m (with a coverage radius of >1000m).

5. LEGISLATIVE FRAMEWORK

- a) ***Constitution of the Republic of South Africa as amended:***

The rights enshrined within the Bill of Rights are applicable to all laws, and binds the legislature, executive, the judiciary and all organs of state. It therefore follows that all Council policies and bylaws should be compliant with the Bill of Rights.

- Section 24 of the Bill of Rights, states that everyone has the right to an environment which is not harmful to their health and wellbeing.

- b) ***National Environmental Management Act 107 of 1998 (NEMA) as amended: Environmental Impact Assessment Regulations, 2014***

In terms of government gazette 38282, issued on 4 December 2014, Section 24(2) and 24D of NEMA, the installation of cellular networks is a listed activity.

It is recommended that the authorisation in terms of NEMA should be obtained, which enables that the erection of a freestanding base telecommunication station will not require an Environmental Impact Assessment (EIA) on a particular property.

c) Civil Aviation Act 1962 (Act 74 of 1962)

The Civil Aviation Act requires that Civil Aviation Authority approval is obtained prior to the erection of any mast. In addition, any mast exceeding 45m has to be marked red and white. It must also have intermediate lights and a top light.

The applicant shall provide proof that the Civil Aviation Authority's approval has been obtained for the mast to be erected.

6. APPLICATION REQUIREMENT

Optic Fibre Cables:

The Municipality will only accept applications for the installations of Optic Fibre Cables through Way-Leaves within the Infrastructure Department. The inclusion of the Optic Fibre Infrastructure in this policy is due to its linkage to FTBS in providing data and/or network connectivity.

Freestanding Telecommunication Base Station:

The application for a freestanding telecommunication base station has to be in line with the existing Municipal by-laws and policies. All base stations to comply with the building parameters of a specific zone in which the property / site is zoned.

No building plans will be approved before a Site Development Plan has been approved.

According to the Makana Integrated Zoning Scheme (2016) a Cell Mast is only allowed as a primary right within **Agricultural Zone IV, Industrial Zone II** and **Utility Zone I**, other zones it is permitted through a **Consent Use (Agricultural Zone I - III, Business Zone I – III and Community Zone I)**

- a) All **Consent Use/ Rezoning** applications should be considered **desirable** and consist of the following:
- i. Compulsory Pre-consultation
 - ii. Land Use Application
 - iii. Locality & Land Use Map
 - iv. Payment (according to the approved Makana LM determination fees)

- v. Power of Attorney
- vi. Title Deed
- vii. Detailed Motivation Report
- viii. Site Development Plan, with specifications of the mast (size, height, type of pole etc.) in relation to the subject property - SDP to include Artist Impression- a superimposed visual representation of how the proposed tower will look at a distance would be informative for assessment.
 - A Plan Indicating existing telecommunication base infrastructure within a 1000m radius within the Urban Edge should be provided for the assessment of co-location/sharing
- ix. Zoning Certificate must be acquired and submitted with the application.
- x. Radiation Frequency (report by qualified person) – the Radiation Frequency plan must include the cumulative radiation of the existing or proposed mast.
- xi. SA Aviation authorisation
- xii. Owner’s Consent will be required from both the SGB and the Department of Public Works (if on government owned school) or from the Trustees.
- xiii. ECPHRA (if located on the or next to Heritage sites)
- xiv. Environmental authorisation from EC DEDEAT (in environmental sensitive areas/if NEMA listed)
- xv. Authorisation in terms of NEMA (if no EIA is required)
- xvi. Eskom authorisation letter (if services by Eskom)
- xvii. Lease agreement (if the property is leased)
- xviii. Proof of consultation with the Ward Councillor of the subject property
- xix. Within the Makhanda Conservation area, consent should be acquired from the municipal Aesthetics Committee.
- xx. In Conservation Areas an Environmental Management Plan for decommissioning and rehabilitation must be provided.
- xxi. Proof of commitment from at least 1 Mobile Network Operator be provided.

b) Additional requirements:

- i. For any alterations or amendments on an existing telecommunications infrastructure, a consent from the Municipality must be acquired in a form of a Building Plan approval.
- ii. In the event of the mast being erected on Council land i.e. road reserves, parks, municipal depots, written permission from the Municipality will be required.

7. GENERAL PROVISIONS

1. Base telecommunication stations erected in Council approved areas within the urban edges of the Municipality must be suitably designed to blend in with the surrounding environment, i.e. the equipment could be walled or be camouflaged.
2. The policy seeks to strike a balance between cellular telecommunication infrastructure and economic development as well as the conservation of visual, tourism, environmental and heritage characteristics. Henceforth, applications with any visual impact are not encouraged near or within cultural & heritage sites, buildings older than 60 years and specific scenic areas unless authorisation has been received from ECPHRA for heritage sites.
3. No advertising signage will be permitted on cellular telecommunications infrastructure unless agreed by both Municipality and the Applicant and are in line with the Outdoor Advertising Policy.
4. Co-location on existing mast must be encouraged. If co-location is not possible, evidence must be provided noting:
 - a) Motivation as to why the existing mast cannot accommodate the interested Mobile Network Provider.
 - b) Proof of load bearing capacity being reached and antenna tiers being filled.
 - c) Capacity of the existing tower antennae in relation to population density.
5. Building lines as defined in the relevant town-planning schemes and title deeds must be applicable to all base telecommunication structures. The normal process of building line relaxation and the removal of restrictive title deed conditions will be applicable.
6. Visual impact on the erection of base telecommunication infrastructure should be suitable to surroundings
 - i. The applicant must present efforts available to assimilate the structure with its surrounding environment.
 - ii. If required, the applicant must supply at least one alternative design option e.g. height, type (monopole, lattice) and colour that has a lower visual impact.

7. Advisory or warning signage, including a pictogram must be placed on the boundary of the telecommunication infrastructure. Such signage shall identify the property, the telecommunication infrastructure and shall warn the public as required. Such signage shall be to the Municipality's satisfaction and comply with the Outdoor Advertising Policy.
8. If the Municipality requires, the applicant must supply at least one alternative type of or site for the telecommunication structure that has a lower visual impact.
9. Sites with high erosion position due to e.g. steep slopes, sandy or gravely soil, poor vegetation cover must have specific erosion control measures put in place, e.g. erosion control gabions, contouring.
10. Environmentally sensitive construction methods must be employed in the construction of base station sites so that the surrounding vegetation is not disturbed.

8. PUBLIC PARTICIPATION

Public participation shall be carried out by the applicant in accordance with the municipal land use application process. All procedures of the Makana By-Law on Spatial Planning and Land Use Management (2016) are to be adhered to.

9. MONITORING AND COMPLIANCE

1. All cellular telecommunication infrastructures in the jurisdiction of Council shall be compliant with the by-laws of the Council.
2. The right of Council to enter the property and the installation at reasonable times and to carry out such measurements and testing as may be necessary shall be embodied in the conditions of approval.

ANNEXURE 1: VISUAL PRESENTATION OF MASTS





