



Lêer verw/ 15/3/4-14/Erf_2975
15/3/10-14/Erf_2975

Navrae/Enquiries:
Ms D N Stallenberg

25 September 2024

Highwave Consultants Pty. Ltd.
Suite 23
Private Bag X3
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE AND DEPARTURE ON ERF 2975, YZERFONTEIN

Your application dated June 2024 and received in this office on 3 July 2024 on behalf of T Viviers Property Pty. Ltd. has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 11 September 2024 to refuse the application for the departure on Erf 2975, Yzerfontein, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), for the following reason:
- (a) The total height of the proposed transmission tower was lowered to 21m which complies with the height restriction of 6 storeys (24m) as permitted by the Business zone 1 zoning;
- B. The application for a consent use on erf 2975, Yzerfontein is approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:
- B1 TOWN PLANNING AND BUILDING CONTROL**
- (a) The consent use authorises the establishment of a transmission tower and equipment containers inside a 64 m² compound enclosed by a 2,4 m high palisade fence, as presented in the application;
- (b) The maximum height of the mast be restricted to 21 m, measured from the natural ground level to the highest point;
- (c) The tower be equipped with a lightning spike and navigation lights, in terms of the SANS 10400, to the satisfaction of the Senior Manager: Development Management;
- (d) Fire safety equipment and extinguishers be provided on-site as presented in the application and to the satisfaction of the Swartland Chief Fire Safety Officer;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application for the construction and affixing of advertising signs for the service providers be made to the Senior Manager: Development Management for consideration and approval;
- (g) Should it be proven in future that transmission towers do in fact cause negative health effects, according to official, legal findings of peer reviewed, independent testing, and the transmission tower does not adhere to the health and safety requirements, the applicant/developer will be held accountable to ensure compliance and where not possible, the decommissioning and removal of the tower and related infrastructure;
- B2 ELECTRICITY**
- (a) Cognisance be taken of the location of the 11kV electrical line in close proximity of the property;

- (b) The mast be removed from the nearest conductor for a distance equal to the height of the transmission tower;

C. GENERAL

- (a) If the transmission tower is decommissioned the operator/owner must remove all site infrastructure and the site must be rehabilitated, within one month, to its former state or to a condition that is in line with the land use and character of the area at the time, as required by Council;
- (b) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- (d) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;

D. The application be supported for the following reasons:

- (a) The proposed transmission tower is an acceptable land use inside a secondary business node of Yzerfontein;
- (b) The transmission tower is strategically placed on the property;
- (c) The placement of the transmission tower in context to the broader telecommunication network for Yzerfontein will create optimum coverage for the town;
- (d) The visual impact of the transmission tower is deemed to be mitigated;
- (e) As the visual impact of the transmission tower is deemed to be low, it cancels out any possible concerns/impacts on tourism, the environment and character of Yzerfontein;
- (f) The transmission tower does not require approval from Heritage Western Cape and the Department of Environmental Affairs and Development Planning;
- (g) Potential noise created by the transmission tower will not exceed the permissible decibels;
- (h) The privacy of surrounding land owners will not be affected;
- (i) The proposed telecommunication infrastructure does not pose a fire risk;
- (j) Surrounding property values will not be affected negatively;
- (k) Sufficient services capacity exists to accommodate the proposed transmission tower;
- (l) Erf 2975 has no title deed restrictions which are restrictive to this application;
- (m) The transmission tower and equipment is placed strategically on Erf 2975 and has a low impact on surrounding properties;
- (n) The public interest of this application is deemed to be positive;
- (o) The application is in compliance with the SDF of Yzerfontein;
- (p) The application complies with the principles of LUPA and SPLUMA;
- (q) There is a lack of evidence to suggest that there is a health risk associated with telecommunication base stations. International, national, provincial, and local health authorities are of this opinion.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : *Building Control*
 Department Financial Services
 T Viviers Property Proprietary Limited, R315 Built It, Yzerfontein, 7351, e-mail:
 admin@highwave.co.za