



Lêer verw/ 15/3/10-15/Farm\_1277

Navrae/Enquiries:  
Ms D N Stallenberg

20 March 2025

Warren Petterson Planning  
P.O Box 152  
Century City  
7446

[adriano@wpplanning.co.za](mailto:adriano@wpplanning.co.za)

**By Registered Mail**

Sir/Madam

### **PROPOSED CONSENT USE ON FARM 1277, DIVISION MALMESBURY**

Your application received in this office on November 2024 has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 12 March 2025 to approve the application for a consent use on Farm no. 1277, Division Malmesbury 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:

#### **A1 TOWN PLANNING AND BUILDING CONTROL**

- (a) The consent use authorises the establishment of a transmission tower and equipment containers inside an 80 m<sup>2</sup> 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 25 m, measured from the natural ground level to the highest point, as presented in the application;
- (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) A copy of the applicable Environmental Approval be submitted at building plan stage, before the mast is constructed;
- (g) The position of the mast and compound is restricted to a 30 m radius of the position illustrated in the proposal. Should building line departure be necessary, the matter may be addressed as building plan stage;
- (h) 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;
- (i) 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;

#### **A2 ELECTRICITY**

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

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- !Swartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

**B. GENERAL**

- (a) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (b) 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;
- (c) 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.

**C. The application be supported for the following reasons:**

- (a) The proposed transmission tower is an acceptable land use inside a secondary business node of Division Malmesbury.;
- (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 Division Malmesbury 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 Malmesbury;
- (f) The transmission tower requires NEMA approval and building plans will not be considered prior to proof of approval being provided;
- (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) Farm 1277 has no title deed restrictions which are restrictive to this application;
- (m) The transmission tower and equipment is placed strategically on Farm 1277 in order to have the lowest possible 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 for Malmesbury;
- (p) The application complies with the principles of LUPA and SPLUMA;
- (q) There is a lack of evidence to prove the perceived health risk associated with telecommunications base stations, as often claimed by objectors. Various studies and the opinions of international, national, provincial and local health authorities have been taken into account and are available for scrutiny by the public.

Yours faithfully

  
^ **MUNICIPAL MANAGER**  
via Department Development Services

/ds

Copies : Department: Building Control

Department: Electrical Engineering Services

The Manager, Eskom, P O Box 222, BRACKENFELL, 7560. E-mail –  
[FortuiRo@eskom.co.za](mailto:FortuiRo@eskom.co.za)

Truter de Kock on behalf of De Grendel Landgoed 9Pty Ltd , P.O Box 28, Malmesbury,  
7299. E-mail - [truter@cornergate.com](mailto:truter@cornergate.com)