



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13664

Our File Reference Number: Erf 1833, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir / Madam

## **APPLICATION FOR A CONSENT USE AND A DEPARTURE ON ERF 1833, STELLENBOSCH**

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a Consent Use in order to accommodate an equipment container (fiber optic node) which falls within the definition of a Freestanding Base Telecommunication Station on Erf 1833, Stellenbosch.

2.2 The application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the common building line from 5m to 0m (adjacent to remainder Erf 1961) in order to accommodate the proposed equipment container on Erf 1833, Stellenbosch.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

2.3 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.3.1 The approval applies only to a Consent Use and Departure in question as indicated on drawing no. 6060, dated 17/09/2021 and drawn by WPP Town & Regional Planning

Consultants (See **Annexure C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

- 2.3.2 Access to the telecommunication infrastructure and associated equipment be strictly controlled at all times by means of a fence or wall with a locked door or gate to the satisfaction of the municipality
- 2.3.3 Adequate warning signs in the three official languages must be displayed on the access door or gate, defining it as a no-go zone.
- 2.3.4 The landowner / operator shall grant the Municipality access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.
- 2.3.5 The building plan must be generally in accordance with the Site Development Plan sheet 2-4, dated 17/09/2021 and attached as **Annexure C**.
- 2.3.6 The consent use / departure be restricted to the fenced compound of the equipment room as depicted on the approved site development plan (6060, dated 17/09/2021 and drawn by WPP Town & Regional Planning Consultants).
- 2.3.7 The equipment container or any boundary enclosure shall not be utilized for outdoor advertising purposes.
- 2.3.8 The applicant / operator is responsible for ongoing maintenance of the entire installation as well as all costs with respect to such maintenance or future decommissioning of the telecommunication infrastructure.
- 2.3.9 If the site is decommissioned the applicant / operator to remove all site infrastructure and the site to be rehabilitated to its former state or to a condition that is in line with the land use and character of the area at the time of decommissioning to the satisfaction of the Municipality.
- 2.3.10 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the activity.
- 2.3.11 The development shall be implemented substantially in accordance with the Site Development Plan sheet 2-4 and dated 17/09/2021 and attached as **Annexure C**.

## 2.4 The reasons for the above decision are as follows:

- 2.4.1 The proposed equipment container will increase the effectiveness and efficiency of the network in the area.
- 2.4.2 The proposed equipment building will be located behind an existing church building, thus will have no impact on the streetscape.
- 2.4.3 The proposal will have no impact on the utilization of the property and will not impact on the existing number of parking bays provided on this property.
- 2.4.4 The Heritage Planning Section is in support of the proposal.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
  - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
  - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website

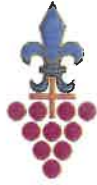
<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
  - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
  - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
  - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

  
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

  
DATE:



**STELLENBOSCH**

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# ANNEXURE C

**(CONSENT USE AND A DEPARTURE ON ERF 1833, STELLENBOSCH)**

**SITE PLAN**



**Frogfoot**  
JURIS CONSULTING

**FROGFOOT SITE ID:** 6060

**FROGFOOT SITE NAME:** STELLENBOSCH CENTRAL

**PROPERTY DESCRIPTION:** ERF 1833, STELLENBOSCH

**ADDRESS:** VICTORIA STREET, STELLENBOSCH

**CO-ORDINATES:**  
Lat: -33.934589°  
Long: 18.861865°

**ELEVATION:**  
115m



TOWN AND REGIONAL PLANNING CONSULTANTS

**PROJECT:**

PROPOSED NEW FROGFOOT EQUIPMENT CONTAINER (NODE)

**NOTES:**

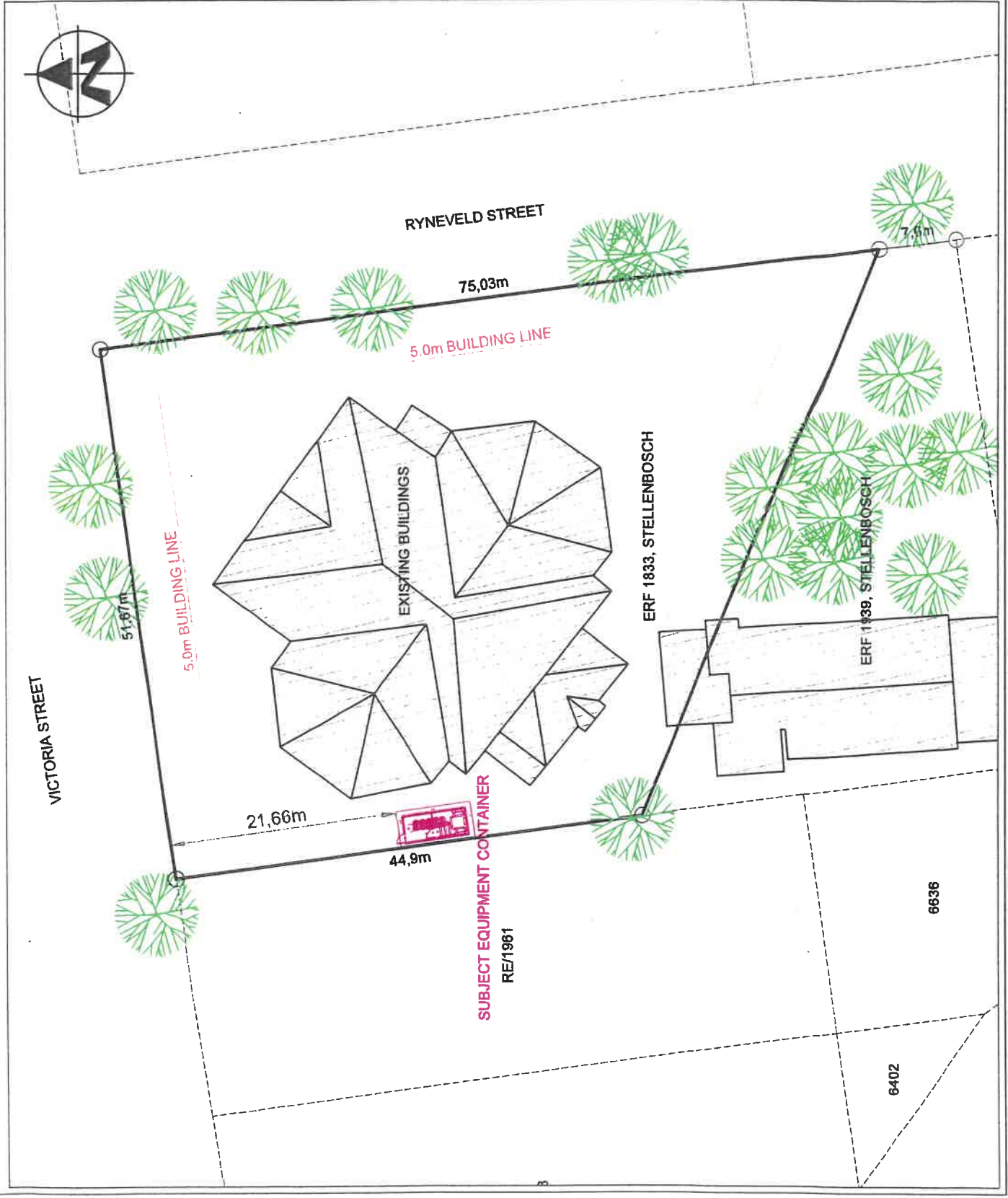
- A) NEW FROGFOOT EQUIPMENT CONTAINER NODE
- B) 2.4m PALISADE FENCE
- C) ZONING: COMMUNITY ZONE

DATE	DESCRIPTION	REVISION
17-09-2021	1st ISSUE	0

<b>DRAWING NUMBER:</b> 6060	<b>SHEET:</b> 2 OF 4
<b>DRAWING TITLE:</b> SITE PLAN	
<b>DRAWN:</b> C. BRIEDENHANN	<b>SCALE:</b> 1:500
<b>DATE:</b> 2021-09-17	<b>REVISION:</b> 0

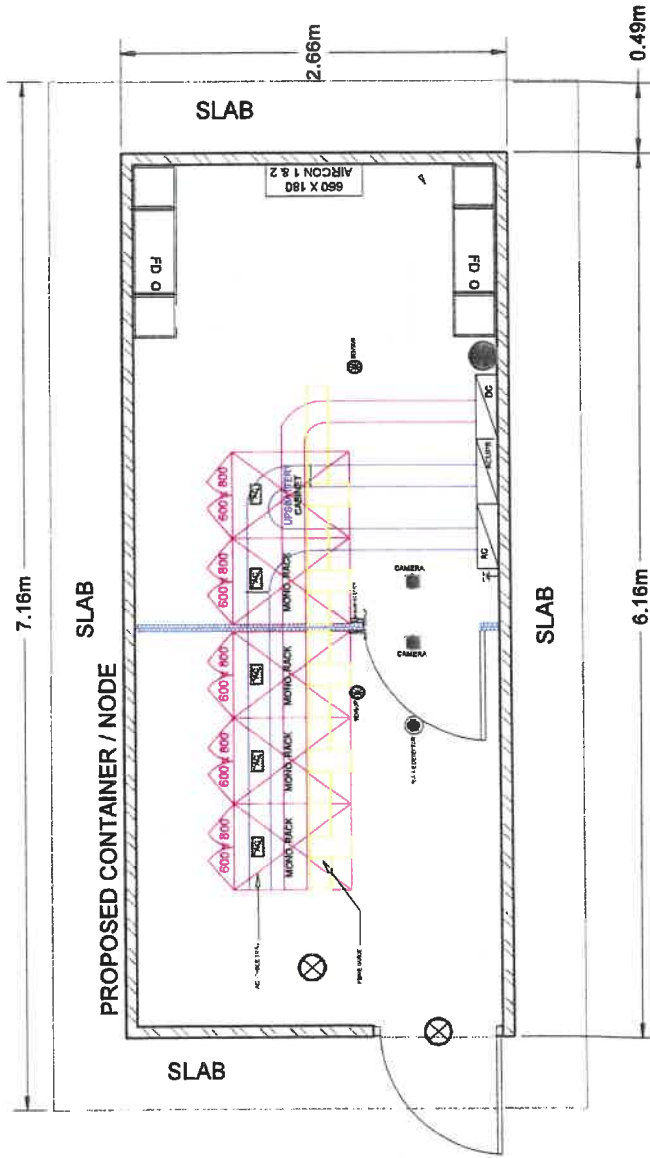
Site Plan



6402

6636

Top View



**FROGFOOT SITE ID:** 6060

**FROGFOOT SITE NAME:**  
STELLENBOSCH CENTRAL

**PROPERTY DESCRIPTION:**  
ERF 1833, STELLENBOSCH

**ADDRESS:**  
VICTORIA STREET,  
STELLENBOSCH

**CO-ORDINATES:**  
Lat: -33.934589°  
Long: 18.861865°

**ELEVATION:**  
115m



**PROJECT:**  
PROPOSED NEW FROGFOOT EQUIPMENT  
CONTAINER (NODE)

**NOTES:**  
A) NEW FROGFOOT EQUIPMENT CONTAINER NODE  
B) 2.4m PALISADE FENCE  
C) ZONING: COMMUNITY ZONE

DATE	DESCRIPTION	REVISION
17-09-2021	1st Issue	0

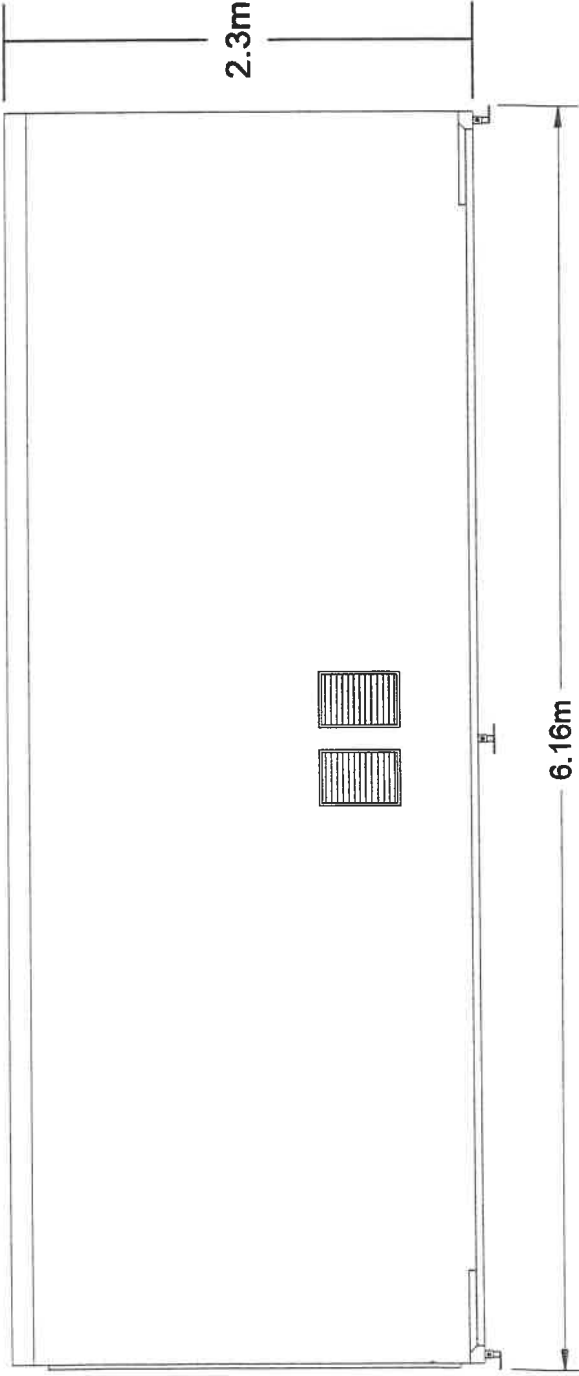
  

<b>DRAWING NUMBER:</b> 6060	<b>SHEET:</b> 3 OF 4
<b>DRAWING TITLE:</b> TOP VIEW	
<b>DRAWN:</b> C. BRIEDENHANN	<b>SCALE:</b> 1:50
<b>DATE:</b> 2021-09-17	<b>REVISION:</b> 0



# Elevation

## PROPOSED CONTAINER / NODE



**Frogfoot**  
JUST COMPACT

**FROGFOOT SITE ID:** 6060

**FROGFOOT SITE NAME:**  
STELLENBOSCH CENTRAL

**PROPERTY DESCRIPTION:**

ERF 1833, STELLENBOSCH

**ADDRESS:**

VICTORIA STREET,  
STELLENBOSCH

**CO-ORDINATES:**

Lat: -33.934589°  
Long: 18.861865°

**ELEVATION:**

115m



**PROJECT:**

PROPOSED NEW FROGFOOT EQUIPMENT  
CONTAINER (NODE)

**NOTES:**

- A) NEW FROGFOOT EQUIPMENT CONTAINER/NODE
- B) 2.4m PALISADE FENCE
- C) ZONING: COMMUNITY ZONE

DATE	DESCRIPTION	REVISION
17-09-2021	1st Issue	0

<b>DRAWING NUMBER:</b> 6060	<b>SHEET:</b> 4 OF 4
<b>DRAWING TITLE:</b> ELEVATION	
<b>DRAWN:</b> C. BRIEDENHANN	<b>SCALE:</b> 1:35
<b>DATE:</b> 2021-08-17	<b>REVISION:</b> 0