



STELLENBOSCH

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Application Number: LU/10205

Our File Reference Number: Farm 32/28, Stellenbosch

Your Reference Number: Cons/Plaas32/28

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Sir / Madam

APPLICATION FOR CONSENT USE FOR A TELECOMMUNICATIONS BASE STATION AND A DEPARTURE FOR BUILDING LINE RELAXATION: FARM 32/28, STELLENBOSCH DIVISION

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

2.1 The application for Consent use in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 on Farm 32/28, Stellenbosch Division to allow for the 30m high freestanding base telecommunication station;

2.2 The application for a Departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, October 2015 to relax the common building line from 30m to 15m in order to accommodate the existing Freestanding base station on Farm 32/28, Stellenbosch Division as indicated on drawing number ZSD/CFF/CFF, dated 7 April 2012;

BE APPROVED in terms of Section 60 of the said By-Law and **BE SUBJECT** to the following conditions in terms of Section 66 of the said By-Law:

- (a) That the approval applies only to the Consent Use and Departure in question, as indicated on **ANNEXURE B** and shall not be construed as authority to depart from any other legal prescriptions or requirements.

- (b) Ongoing maintenance of the entire installation is the responsibility of the operator.
- (c) The land owner/operator shall grant Council access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.
- (d) The service provider be willing to co-host with other service providers.
- (e) No unauthorised person shall be able to come within 5m in front of the panel antennae. Clearly marked warning signs, must define this no go zone.

3. The reasons for the above decision are as follows:

- a) The telecommunication base mast will greatly benefit the users of cellular telephones as well as the internet as it will continue increased effectiveness and efficiency of the network in the area;
- b) The proposed use is in line with the objectives of the Stellenbosch Municipality Telecommunication mast policy;
- c) Existing established trees on the property mitigate visual appearance of the mast on the property.

4. 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.

5. 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.

6. 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.

7. An applicant 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.

8. 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>).
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

1/3/2021
DATE:



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ANNEXURE B

**(CONSENT USE FOR TELECOMMUNICATIONS BASE STATION AND A DEPARTURE FOR
BUILDING LINE RELAXATION: FARM 32/28, STELLENBOSCH DIVISION)**

SITE DEVELOPMENT PLAN

