



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12724

Our File Reference Number: Farm 34/8, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE AND DEPARTURE: FARM 34/8, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 34/8, Stellenbosch Division, namely:
 - 2.1.1 A **Consent Use** in terms of Section 15(2)(o) of the said bylaw for the installation of a 15m high freestanding base telecommunication station with the following associated infrastructure:
 - A 15m high lattice type mast;
 - 3 x 3 sector antennas attached to the mast;
 - Microwave dishes attached to the mast;
 - 4 x equipment container units, and
 - a 2,4m high palisade fence
 - 2.1.2 **Departure** in terms of Section 15(2)(b) of the said bylaw to relax the northern common building line from **22,5m** to **0m** to accommodate the proposed telecommunication base station.

2.2 **BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.

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

2.2.2 The approval only applies to the proposed consent use and departure under consideration, as indicated on drawing nr 05176-P1 (sheets 2, 3 & 4), drawn by WPP Town and Regional Planning Consultants, dated 17 May 2021, attached as **ANNEXURE C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2.3 The development must be undertaken accordance with the site development plan as referenced (drawing nr 05176-P1 (sheets 2, 3 & 4), drawn by WPP Town and Regional Planning Consultants, dated 17 May 2021) and attached as **ANNEXURE C**.

2.2.4 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.2.5 The height of the freestanding base telecommunication mast must be restricted to 15m and the floor area to $\pm 100\text{m}^2$.

2.2.6 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.

2.2.7 No unauthorized person shall be able to come within 5m in front of the panel antennae.

2.2.8 Adequate warning signs in the three official languages must be displayed on the access door or gate, defining it as a no-go zone.

2.2.9 The landowner / operator shall grant the Municipality access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.

2.2.10 The finishing and colour of the panel antennae must be kept in keeping with the building to which it is attached.

2.2.11 The consent use / departure be restricted to the fenced compound of the mast and equipment room as depicted on the approved site development plan (drawing nr 05176-P1 (sheets 2, 3 & 4), drawn by WPP Town and Regional Planning Consultants, dated 17 May 2021).

2.2.12 The mast, equipment room or any boundary enclosure shall not be utilised for outdoor advertising purposes.

2.2.13 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.

2.2.14 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 The reasons for the above decision are as follows:

2.3.1 The proposed use of a portion of the property for a free-standing base telecommunication station and associated equipment will have no negative impact on its surroundings or the existing activities on the property.

2.3.2 The mast will provide essential service to the surrounding community.

2.3.3 The proposed lattice mast will be less visually intrusive (as opposed to a monopole mast design) and will blend into the surrounding landscape.

2.4 Matters to be noted:

2.4.1 Building plans be approved by the Municipality prior to any building work commencing.

2.4.2 All electrical requirements be directed to Eskom

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

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

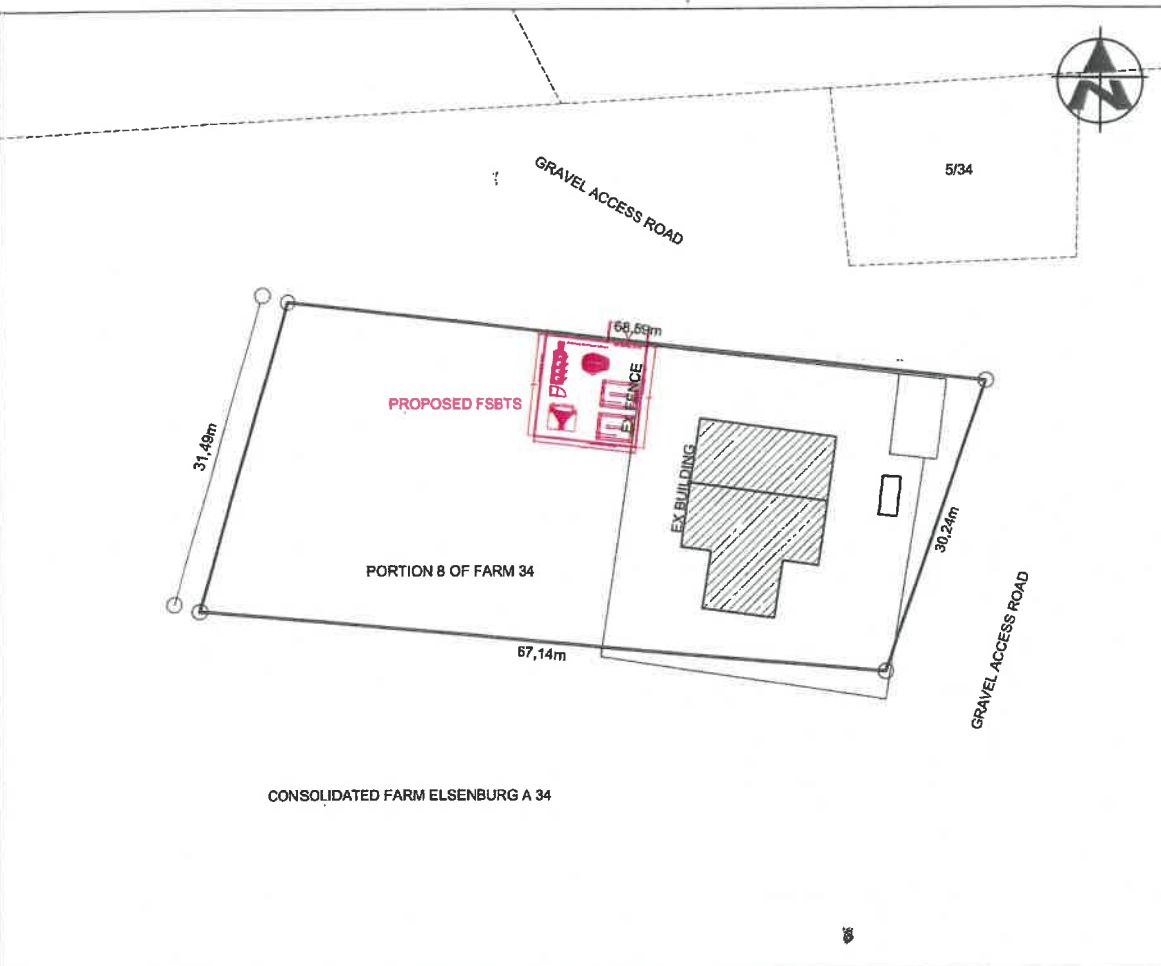
19/7/2022
DATE:

ANNEXURE C

**APPLICATION FOR CONSENT USE
AND A DEPARTURE: FARM NO. 34/8,
STELLENBOSCH DIVISION**

SITE DEVELOPMENT PLAN

Site Plan



GYRO SITE ID: 05176-P1
GYRO SITE NAME: MULDERSVLEI EXCHANGE
PROPERTY DESCRIPTION: PORTION 8 OF FARM 34, CONSOLIDATED FARM ELSENBURG A
ADDRESS: OFF MULDERSVLEI ROAD, MULDERSVLEI
CO-ORDINATES: Lat: -33.831892° Long: 18.828811°
ELEVATION: 176m



PROJECT: PROPOSED NEW GYRO 15m LATTICE MAST WITH 10m X 10m BASE STATION
APPROVED MAST: 15m LATTICE MAST

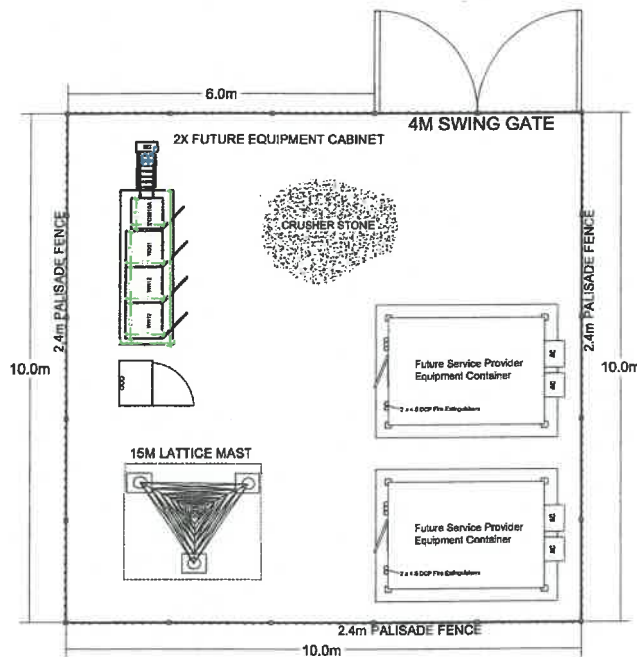
NOTES:
 A) NEW 15m LATTICE MAST
 B) CUSTOM BASE STATION
 C) 2.4m FALLSADE FENCE
 D) SITE SIZE: SITE SHAPED TO FENCE WITH FENCE
 E) BASE STATION: CHIP STONE SURFACE
 F) OWNER: TELKOM SA LTD

DATE	DESCRIPTION	REVISION
18-03-2021	1st Issue	0
17-05-2021	2nd Issue	1

DRAWING NUMBER: 05176-P1 **SHEET:** 2 OF 8

DRAWING TITLE: SITE PLAN
DRAWN: C. BRUEDENHANN **SCALE:** 1:500
DATE: 17-05-2021 **REVISION:** 1

Top View



Gyro

GYRO SITE ID: 05176-P1
GYRO SITE NAME: MULDERSVLEI EXCHANGE
PROPERTY DESCRIPTION: PORTION 8 OF FARM 34, CONSOLIDATED FARM ELSENBURG A

ADDRESS: OFF MULDERSVLEI ROAD, MULDERSVLEI

CO-ORDINATES: **ELEVATION:**
 Lat: -33.831892° **176m**
 Long: 18.828811°



PROJECT: PROPOSED NEW GYRO 15m LATTICE MAST WITH 10m X 10m BASE STATION

APPROVED MAST: 15m LATTICE MAST

- NOTES:**
- A) NEW 15m LATTICE MAST
 - B) CUSTOM BASE STATION
 - C) 2.4m PALISADE FENCE
 - D) SITE SIZE: SITE SHAPED TO FENCE WITH FENCE
 - E) BASE STATION: CRIP STONE SURFACE
 - F) OWNER: TELKOM SA LTD

DATE	DESCRIPTION	REVISION
18-03-2021	1st Issue	0
17-05-2021	2nd Issue	1

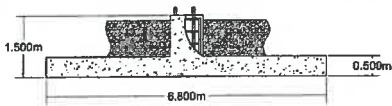
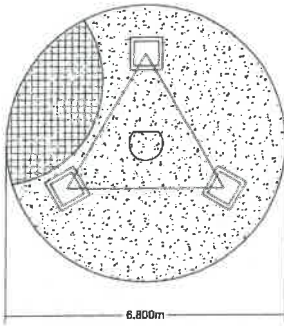
DRAWING NUMBER: 05176-P1 **SHEET:** 3 OF 8

DRAWING TITLE: TOP VIEW

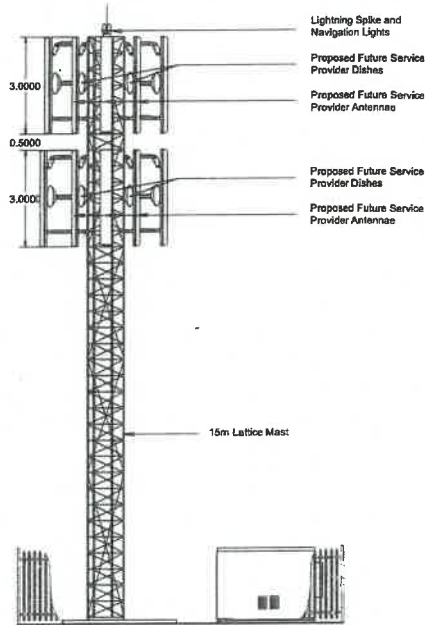
DRAWN: C. BRIEDENHANN **SCALE:** 1:100

DATE: 17-05-2021 **REVISION:** 1

Elevation



15m LATTICE
MAST FOUNDATION
SCALE 1:125



15m Lattice Mast

Gyro

GYRO SITE ID: 05176-P1

GYRO SITE NAME: MULDERSVLEI EXCHANGE

PROPERTY DESCRIPTION:

PORTION 8 OF FARM 34,
CONSOLIDATED FARM ELSENBURG A

ADDRESS: OFF MULDERSVLEI ROAD,
MULDERSVLEI

CO-ORDINATES:

Lat: -33.831897"
Long: 18.828831"

ELEVATION:

176m



PROJECT:
PROPOSED NEW GYRO 15m LATTICE MAST WITH 10m X 10m BASE STATION

APPROVED MAST:
15m LATTICE MAST

- NOTES:**
- A) NEW 15m LATTICE MAST
 - B) CUSTOM BASE STATION
 - C) 2.4m PALISADE FENCE
 - D) SITE SIZE: SITE SHAPED TO FENCE WITH FENCE
 - E) BASE STATION: CRIP STONE SURFACE
 - F) OWNER: TELKOM SA LTD

DATE	DESCRIPTION	REVISION
18-03-2021	1st Issue	0
17-05-2021	2nd Issue	1

DRAWING NUMBER: 05176-P1 **SHEET:** 4 OF 8

DRAWING TITLE: ELEVATION

DRAWN: C. BRIEDENHANN **SCALE:** NTS

DATE: 17-05-2021 **REVISION:** 1

NOTE:
Advisory or warning signage including a pictogram may be a requirement for TMI. Such signage shall identify the property and the TMI and shall warn the general public as required. Such signage shall be to the City's satisfaction and may not be larger than 400mm x 500mm.

This application will comply with the COCT, Telecommunication Mast Infrastructure Policy, as approved in April 2015.