



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13067

Our File Reference Number: Erf 1875, Franschhoek

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 A CONSENT USE AND A DEPARTURE FROM THE ZONING SCHEME BY-LAW BUILDING LINES ON ERF 1875, FRANSCHHOEK

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 Erf 1875, Franschhoek, namely:
 - 2.1.1 The consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for the construction of a 25m high freestanding telecommunication mast and base station on Erf 1875, Franschhoek.
 - 2.1.2 The permanent departure in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law (2015) to relax the common building line from 5m to 1.1m, along Erf 3018 Franschhoek to accommodate the 25m high freestanding telecommunication base station on Erf 1875, Franschhoek.
- BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.
3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 3.1 The approval only applies to the proposed consent use and departure under consideration, as indicated on the referenced Drawing No. ATSA1135, dated 05/06/2023 (Sheets 1 to 4) and drawn by WPP Town and Regional Planning Consultants, attached as **APPENDIX B** 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.
- 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.
- 3.3 No unauthorised person be able to come within 5m in front of the panel antennae.
- 3.4 The consent use / departure be restricted to the fenced compound of the mast and equipment room as depicted on the approved site plan, Drawing No. ATSA1135, dated 05/06/2023 (Sheets 1 to 4) and drawn by WPP Town and Regional Planning Consultants, attached as **APPENDIX B**.
- 3.5 The mast, equipment rooms or any boundary enclosure is not utilized for outdoor advertising purposes.
- 3.6 Adequate warning signs in the three official languages be displayed on the access door or gate, defining it as a no-go zone.
- 3.7 The applicant/operator be 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.
- 3.8 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.
- 3.9 The landowner/operator grants the Municipality access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.
- 3.10 The approval will lapse if not implemented within five years from the date of final notification of approval of the application.
- 3.11 Building plans be submitted to this Municipality for consideration and approval for all extensions and alterations prior to construction commencing on site.
- 3.12 That the conditions listed in **APPENDIX E** from the Directorate: Infrastructure Services in their memorandum dated 08 October 2021 at all times be adhered to.

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

4.1 The Freestanding Telecommunication Base Station (FSTBS) is needed to fill in the connectivity radius gap in the area to improve the signal for the benefit of the residential and business community.

4.2 It is not envisaging that the health, safety and welfare of the community will be affected negatively by the proposed 25m high freestanding telecommunication mast.

4.3 The proposal complies with all relevant legislation and policies and no departmental objections was received.

5. 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.

6. 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:

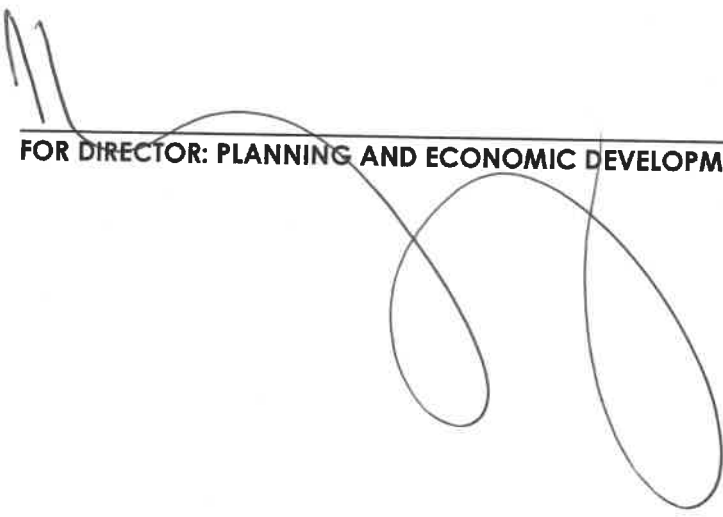
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

- (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.

7. 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
8. 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.
9. 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>).

10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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

2/8/2023

DATE:

APPENDIX B

Site and building plans



SBA TOWERS SITE ID:

ATSA1135

SBA TOWERS SITE NAME:

LOGOS ASSEMBLY OF GOD - LE ROUX

PROPERTY DESCRIPTION:

ERF 1875, FRANSCHHOEK

ADDRESS:

ANGELIER STREET, FRANSCHHOEK,
WESTERN CAPE

CO-ORDINATES:

Lat: -33.887345°

Long: 19.107990°

ELEVATION:

325m



TOWN AND REGIONAL PLANNING CONSULTANTS

PROJECT:

PROPOSED NEW SBA TOWERS 25m TREE MAST
WITH 20.8m² BASE STATION

APPROVED MAST:

25m TREE MAST

NOTES:

A) NEW 25m TREE MAST

B) 20.8m² BASE STATION

C) 1.5m PALISADE FENCE

D) BASE STATION: CHIP STONE SURFACE

DATE	DESCRIPTION	REVISION
10-03-2021	1st Issue	0
15-06-2022	Reduce site size	1
05-06-2023	Indicate building lines	2
DRAWING NUMBER: ATSA1135		SHEET: 1 OF 4
DRAWING TITLE: LOCALITY MAP		SCALE: NTS
DRAWN: D. LOOTS		REVISION: 2
DATE: 2023-06-05		



Site Plan



SBA TOWERS SITE ID:

ATSA1135

SBA TOWERS SITE NAME:

LOGOS ASSEMBLY OF GOD - LE ROUX

PROPERTY DESCRIPTION:

ERF 1875, FRANSCHHOEK

ADDRESS:

ANGELIER STREET, FRANSCHHOEK,
WESTERN CAPE

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D) BASE STATION: CHIP STONE SURFACE

DATE	DESCRIPTION	REVISION
10-03-2021	1st Issue	0
15-08-2022	Reduce site size	1
06-08-2023	Indicate building lines	2
DRAWING NUMBER: ATSA1135		SHEET: 2 OF 4
DRAWING TITLE: SITE PLAN		

DRAWN: D. LOOTS

SCALE:
1:250

DATE: 2023-06-06

REVISION:
2



3671

3015

1874

EXISTING
SUBSTATION

5m BUILDING LINES

ACCESS TO
BASE STATION

1875

3017

5.0m
1.3m
1.1m

PROPOSED
BASE STATION

UNDERGROUND
WATER PIPE

3018

1876

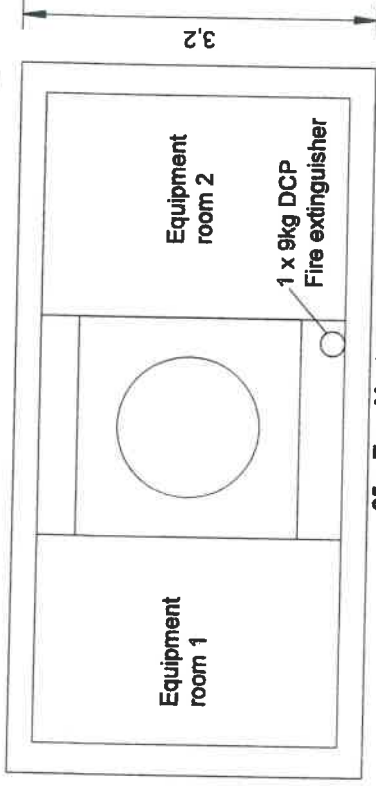
1877

Top View



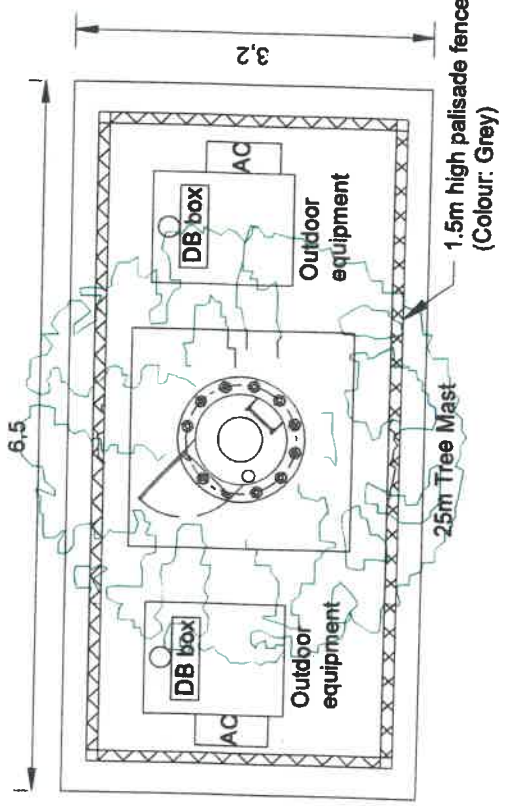
Lower level

6,5



Upper level

6,5



SBA TOWERS SITE ID:
ATSA1135

SBA TOWERS SITE NAME:
LOGOS ASSEMBLY OF GOD - LE ROUX

PROPERTY DESCRIPTION:

ERF 1875, FRANSCHHOEK

ADDRESS:
ANGELIER STREET, FRANSCHHOEK,
WESTERN CAPE

CO-ORDINATES:
Lat: -33.887345°
Long: 19.107990°

ELEVATION:
325m



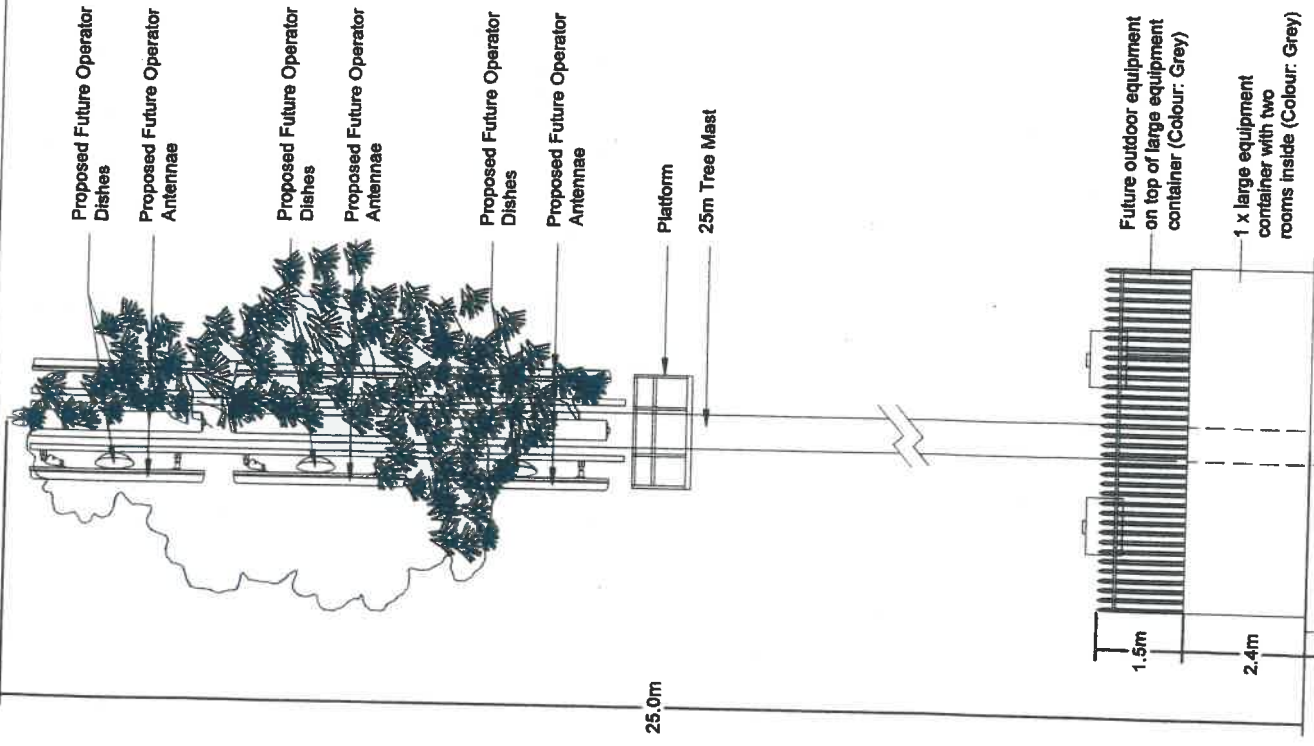
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WITH 20.8m² BASE STATION

APPROVED MAST:
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NOTES:
A) NEW 25m TREE MAST
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DATE	DESCRIPTION	REVISION
10-03-2021	1st Issue	0
15-08-2022	Reduce site size	1
05-08-2023	Indicate building lines	2
<u>DRAWING NUMBER:</u> ATSA1135		<u>SHEET:</u> 3 OF 4
<u>DRAWING TITLE:</u> TOP VIEW		
<u>DRAWN:</u> D. LOOTS		<u>SCALE:</u> NTS
<u>DATE:</u> 2023-08-05		<u>REVISION:</u> 2

Elevation



SBA TOWERS SITE ID: ATSA1135

SBA TOWERS SITE NAME: LOGOS ASSEMBLY OF GOD - LE ROUX

PROPERTY DESCRIPTION:

ERF 1875, FRANSCHHOEK

ADDRESS:

ANGELIER STREET, FRANSCHHOEK, WESTERN CAPE

CO-ORDINATES:

Lat: -33.887345°
Long: 19.107990°

ELEVATION:

325m



TOWN AND REGIONAL PLANNING CONSULTANTS

PROJECT:

PROPOSED NEW SBA TOWERS 25m TREE MAST WITH 20.8m² BASE STATION

APPROVED MAST:

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NOTES:

- A) NEW 25m TREE MAST
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- D) BASE STATION: CHP STONE SURFACE

DATE	DESCRIPTION	REVISION
10-03-2021	1st Issue	0
16-08-2022	Reduce site size	1
06-06-2023	Indicate building lines	2
DRAWING NUMBER: ATSA1135		SHEET: 4 OF 4
DRAWING TITLE: ELEVATION		
DRAWN: D. LOOTS	SCALE: NTS	
DATE: 2023-06-05	REVISION: 2	

APPENDIX E

Comments from Directorate:
Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

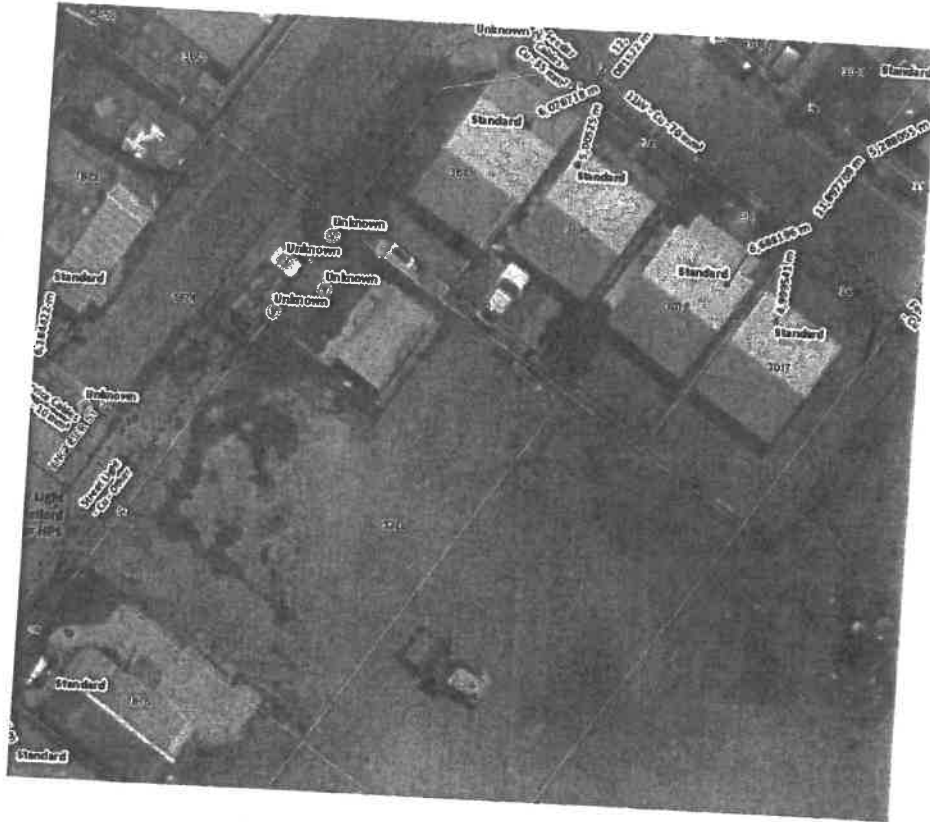
MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Salome Newman
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	8 Oct 2021
Our Ref ▫ Ons Verw:	Civil LU 2219
Your Ref:	LU/13067
Re ▫ Insake:	Erf 1875, FH: relax the northern and eastern common building lines from 5m to 0m to accommodate the 25m high freestanding telecommunication base station

The application is recommended for approval, subject to the following:

- 1. Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.
 - 1.2 There is a municipal sewer along the Erf 1875 erf boundary. The sewer lines position is diagrammatically indicated below, and must be verified on site. The contractor must take special caution when excavating and any damage to the sewer line will be for the Applicants account.



2. Electrical Engineering (Mr Martin Slabbert)

- 2.1 GENERAL: None
- 2.2 CONDITIONS: If any electrical services have to move-, remove-, change or upgrade - apply via recoverable cost application, for applicants cost.
- 2.3 Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws - Only existing electrical connection is available.
- 2.4 1.Installation of 10A electrical control units 2.Solar water heating/heat pump installation 3.Energy efficient lighting 4.Roof insulation 5.Cooking with gas fired appliances 6.Control air condition equipment with energy saving devices 7.Preat at least 50% of hot water with alternative energy savings devices

Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)