



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/18451 (TP954/2024)

Our File Reference Number: Farm 400, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-MAIL [REDACTED]

Sir /Madam

APPLICATION FOR CONSENT USE ON FARM 400, 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) the Stellenbosch Municipality Bylaw on Municipal Land Use Planning, 2023, for Consent Use for a Freestanding base telecommunication mast on Farm No. 400, Stellenbosch Division in order to regularise the following:
 - a. A 9m high Monopole mast
 - b. 2 omni antennae attached to the mast
 - c. Microwave dish attached to the mast
 - d. Equipment container unit
 - e. Mesh fence around the equipment with a 2m swing gate

BE REFUSED in terms of Section 60 of the said Bylaw.

2.2. The **reasons** for the above decision are as follows:

- i. The subject property already accommodates an approved 20m high cellular telecommunication mast, and the applicant has failed to demonstrate that co-location or upgrading of the existing mast is not feasible, as required by the Stellenbosch Municipality Telecommunication Mast Policy.

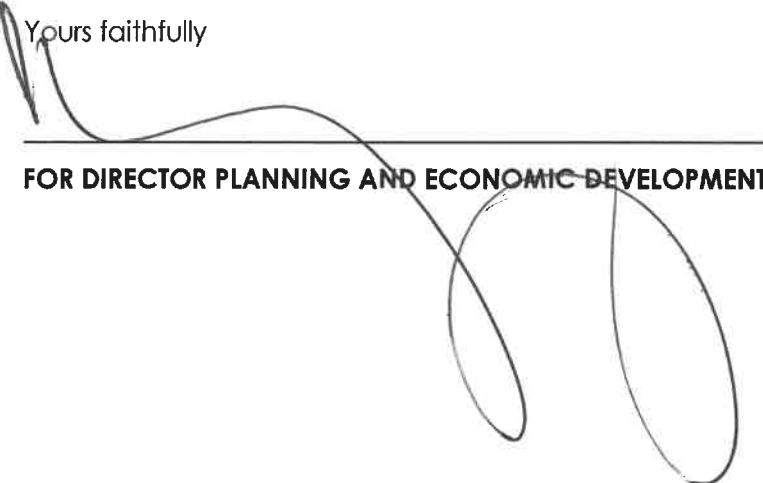
- ii. The proposal fails to adequately consider co-location or upgrading of existing infrastructure as a preferred planning alternative.
- iii. Approval of the application may create an undesirable precedent, leading to the proliferation of cellular masts on agricultural properties.
- iv. The erection of an additional freestanding mast is contrary to the intent and objectives of the Stellenbosch Municipality Zoning Scheme By-Law, which seeks to protect agricultural land and rural character.
- v. The development is contrary to sound town planning principles and relevant policy objectives aimed at limiting the proliferation of telecommunication infrastructure.

2.3. **Matters** to be Noted:

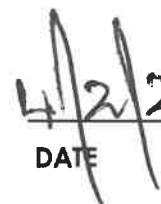
- The unauthorised mast must be removed, and the site be rehabilitated within 30 days of the notice of decision.
3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days 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 by completing the required form 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.
 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 appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021- 808 8684.
 8. An applicant who lodges 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 in the case of any approval, is suspended, and 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