



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7336

Our File Reference Number: Farm 543/1 Stellenbosch

Your Reference Number: None

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:** [ruan@highwave.co.za](mailto:ruan@highwave.co.za)

## **APPLICATION FOR A CONSENT USE: FARM NO. 543/1, STELLENBOSCH DIVISION**

1. The above application refers.

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

2. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, application for a **consent use** to allow for the accommodation of 15m high freestanding base telecommunication station and associated infrastructure, as indicated on drawing nr. ESTA 0129 Revision B, dated 03 March 2017 and 24 March 2018, drawn by Eagle Towers.

**2.2 That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said By-law;**

- (a) The approval applies only to the consent use and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (b) 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 used;
- (c) All electrical requirements must be referred to ESKOM, considering that the Stellenbosch Municipality do not supply electricity in the area;
- (d) On-going maintenance of the entire installation must take place by the applicant;
- (e) The land owner/operator shall grant the Municipality access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certificate;
- (f) The mast or equipment room should not be utilized for outdoor advertising purposes;
- (g) The operator must be willing to co-host with other service providers;

- (h) No unauthorised person should be able to come within 5m in front of the panel antennas. Clearly marked warning signs, must indicate this as dangerous zone;
- (i) Should any further research links electromagnetic radiation to health issues, the approval may be revised;
- (j) The finishing and colour of the structure and antennas should match the surrounding environment to the satisfaction of the Director: Planning and Economic Development;
- (k) The height of the freestanding base telecommunication mast must be restricted to 15m as applied for;
- (l) Building plans must be submitted to the Municipality for approval;
- (m) The approval for the consent use shall lapse if not exercise within **5 years** from date of final notification;

### 2.3 REASONS FOR THE ABOVE DECISION

- (a) The proposed use of portion of the farm for a free standing base telecommunication station and associated equipment will have no negative impact on its surroundings or the existing farming activities.
  - (b) The mast will provide essential service to the surrounding community and businesses.
  - (c) The proposal is in line with the amendment of the Scheme Regulation promulgated by notice number 362/2009, dated October 2009, which made provision for the definition of a "freestanding base telecommunication station" and the inclusion of a "freestanding base telecommunication station" as a consent use in Section 8 Zoning Scheme Regulations under Agriculture Zone I.
  - (d) The proposed base station will not interfere with the current use of the property.
  - (e) The base station will have a minimal negative visual impact from the R44 as it will be placed between the existing trees on the property.
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: Lenacia.Kamineth@stellenbosch.gov.za.
  6. 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.
  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**

23/6/20.  
DATE:

# APPENDIX 2

APPLICATION FOR A CONSENT USE: FARM  
NO. 543/1, STELLENBOSCH DIVISION

SITE DEVELOPMENT PLAN

# BUENA VISTA



Site Name & BS Number:  
BUENA VISTA

Revision:	Date:	Drawn By:	Reason for Revision:
A	03/03/17	T.E.	ISSUED FOR PROPOSAL
B	16/08/17	TE	MAST HEIGHT CHANGED

NOTES:

Lats: -34.006032° Longs: 18.821982°

Region:

WESTERN CAPE

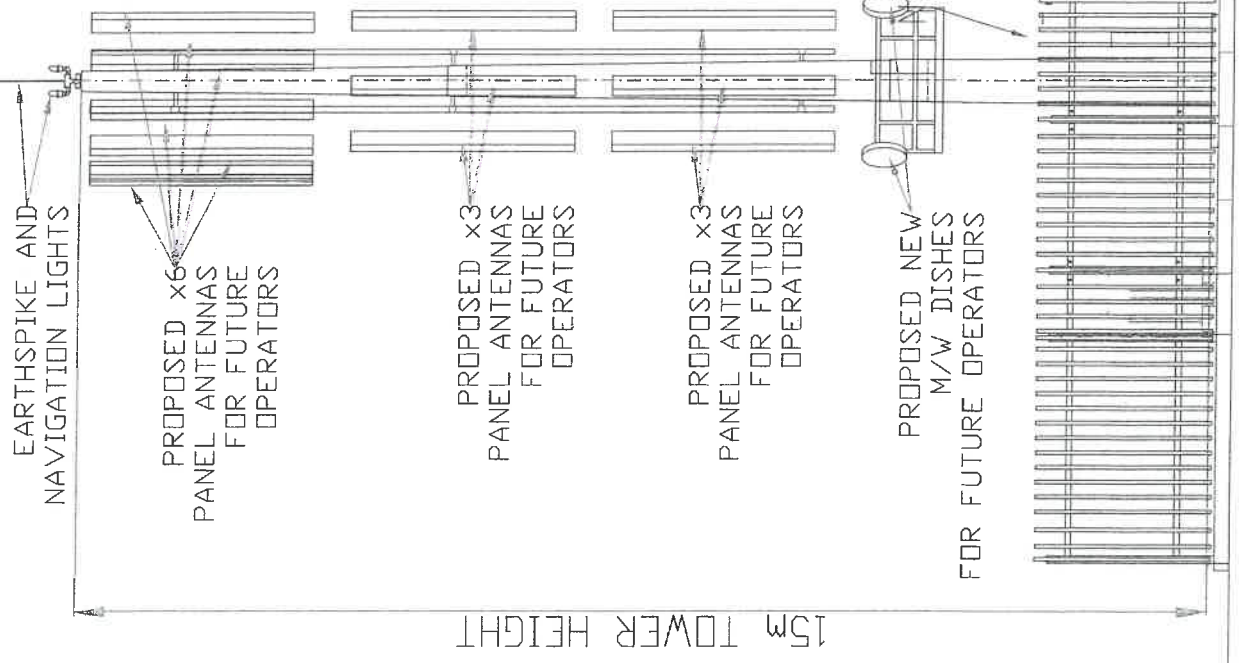
Property Description:  
BUENA VISTA COSIAL CAFE  
OFF R44  
SOMERSET WEST

Project:

GREENFIELD  
15m MONOPOLE  
HASL 118m

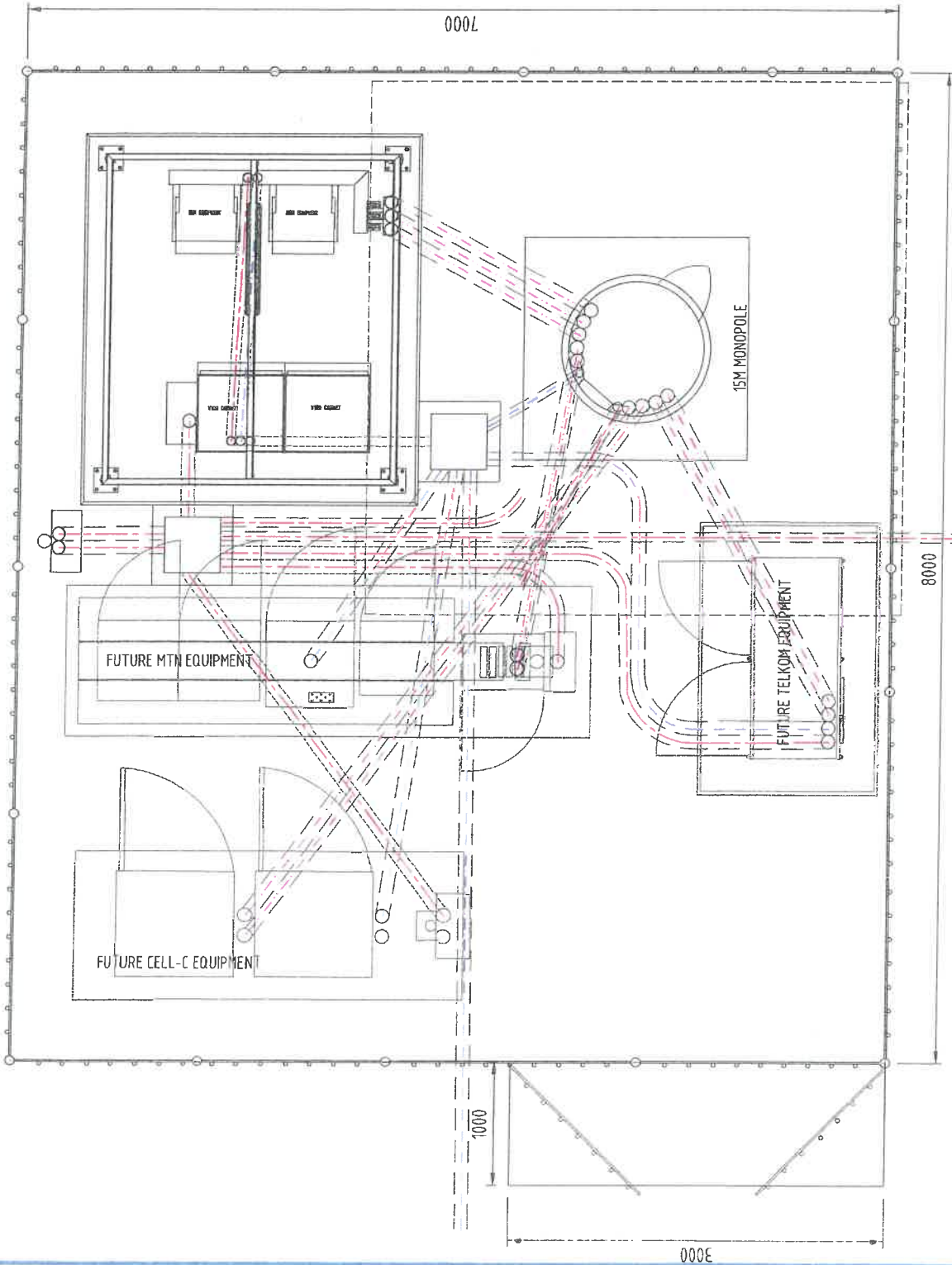
Task:	Initial:	Signature:	Date:
Draughtsperson:	T.E.		03/03/17
Designer:	T.E.		03/03/17
Technical Approval:			
Approved for Issue:			
Scale:	NTS		
Drawing Reference:	ETSA-0729 REVISION: B		

ELEVATION  
SHEET 4 OF 4



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# BUENA VISTA



Site Name & BS Number

**BUENA VISTA**

Revision	Date	Drawn By	Reason for Revision
A	13/03/17	T.E.	ISSUED FOR PROPOSAL
B	16/06/17	TE	MAST HEIGHT CHANGED

NOTES:

**LEGEND**

- POWER CABLE
- - - FEEDER CABLE
- · · EARTH CABLE
- TRANSMISSION

Latitude: -34.006032° Longitude: 18.821982°

Region:

**WESTERN CAPE**

Property Description:

BUENA VISTA COSIAL CAFE  
OFF R44  
SOMERSET WEST

Project:

GREENFIELD  
15m MONOPOLE  
HASL 118m

Task	Initial	Signature	Date
Draughtsperson:	T.E.		03/03/17
Design Approval:	T.E.		03/03/17
Technical Approval:			
Approved for Issue:			
Scale:	NTS		
Drawing Reference:			

**ACTUAL LAYOUT SHEET 3 OF 4**

ETSA-0729 REVISION: B

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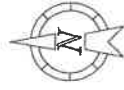
**SITE DEVELOPMENT PLAN:**



Site Name & BS Number:  
BUENA VISTA

Revisions	Date	Drawn By	Reason for Revision
A	25/01/18	B.F.H	ISSUED FOR PROPOSAL
B	24/09/18	B.F.H	SDP

NOTES:



Lat: -34.006032° Long: 18.821912°

Region: WESTERN CAPE

Property Description:  
BUENA VISTA COSIAL CAFE  
OFF R44

Project:  
SOMERSET WEST

GREENFIELD  
15m MONOPOLE  
HASL 118m

BOUNDARY LINES (METRES)	Length
AB	198.38m
BC	241.53m
CD	198.42m
DE	44.27m
EA	200.63m

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Scale: 1:100

Drawing Reference:

Signature: B.F.H Date: 14/03/18

Task: Design Approval

Design Approval: [Signature]

Technical Approval: [Signature]

Approved for Issues: [Signature]

Scale: 1:100

Drawing Reference:

ETSA-0129 REV:1506 B

SITE LAYOUT

