



Application Number: LU/16572 (TP591/2023)

Our File Reference Number: Erf 7001 Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Dear Sir / Madam

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, PERMANENT DEPARTURE AND CLOSURE OF A PART OF A PUBLIC SPACE ON ERF 7001, HENDRICKSE STREET, STELLENBOSCH

1. This Municipality's decision letter dated 2 December 2024, refers.
2. The Appeal Authority resolved on 29 April 2025 that the Appeal submitted against the decision of the Municipal Planning Tribunal dated 29 November 2024, in respect of the subject application **BE DISMISSED**, but that the subject decision **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, in so far as to refine the description of permanent departure granted, as follows:
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 7001, Stellenbosch for:
 - 3.1 In terms of Section 15(2)(n) of the said By-law, for the closure of a part of a public place.
 - 3.2 In terms of Section 15(2)(a) of the said By-law, for the rezoning from Public Open Space Zone to Subdivisional Area Overlay Zone in order to allow for the following uses:

- 3.2.1. Conventional Residential Zone Erven,
- 3.2.2. 5 Public Open Space Zone Erven,
- 3.2.3. 1 Utility Services Zone Erf, and
- 3.2.4. 1 Public Road and Parking Zone Erf

3.3 In terms of Section 15(2)(d) of the said By-law, for the subdivision into 208 erven, namely:

- 3.3.1. Erf 1 to Erf 201 (Conventional Residential Zone Erven) ranging from $\pm 115\text{m}^2$ to $\pm 312\text{m}^2$ (total of $\pm 3.32\text{ha}$).
- 3.3.2. Erf 202 ($\pm 945\text{m}^2$), Erf 203 ($\pm 548\text{m}^2$), Erf 204 ($\pm 261\text{m}^2$), Erf 205 ($\pm 5866\text{m}^2$) and Erf 206 ($\pm 8.4\text{m}^2$) zoned Public Open Space Zone.
- 3.3.3. Erf 207 ($\pm 6506\text{m}^2$) zoned Utility Services Zone.
- 3.3.4. Erf 208 ($\pm 17976\text{m}^2$) zoned Public Road and Parking Zone.
- 3.3.5. The registration of a 4m wide right of way servitude over Portion 128 in favour of Portion 129.
- 3.3.6. The registration of a 5.2m and 6.6m wide services servitude in favour of the municipality over Portion 124, 125 and 126.

3.4 In terms of Section 15(2)(b) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, for a permanent departure on all residential zoned properties, to relax;

- 3.4.1. the Street building line for erven up to 250m^2 from 2m to 1m,
- 3.4.2. the Street building line for erven between 251m^2 to 500m^2 from 3m to 1m, and
- 3.4.3. the side common building lines only from 1m to 0m.

3.5 In terms of Section 15(2)(o) of the said By-law, for consent use to erect a telecommunications mast on the portion to be zoned as Public Open Space Zone (Portion 205).

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
- 4.1 The approval only applies to the proposed applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 4.2 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.

Subdivision, rezoning, departure and closure of public place

- 4.3 The development be undertaken in accordance with the Subdivisional and Zoning Plan with reference; Drawing Project Number 1001918, dated 04/10/2024, drawn by Zutari Impact Engineered and attached as **APPENDIX B**.
- 4.4 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information:
- 4.4.1) Newly allocated erf numbers,
 - 4.4.2) Co-ordinates,
 - 4.4.3) Survey dimensions,
 - 4.4.4) Street names and numbering.
- 4.5 The servitude rights over any property be registered in the title deeds of the applicable property/ies on registration.
- 4.6 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant conditions of approval have been complied with.
- 4.7 Compliance with the conditions relating to infrastructure services contained in memorandum (Civil LU2644, dated 05 August 2024) and attached as **APPENDIX F**.

- 4.8 Compliance with the conditions relating to Electrical services Department contained in memorandum dated 26/02/2024 and attached as **APPENDIX G**.
- 4.9 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme By-law and to be illustrated on the building plans.
- 4.10 Activities on site, during construction and thereafter, comply with the Western Cape Noise Control regulations.
- 4.11 During constructions the relevant implementing agent/contractor must take all reasonable steps to prevent nuisance caused by dust in accordance with the national Dust Control Regulations.
- 4.12 Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.
- 4.13 The Surveyor General – Western Cape in terms of Section 26(7) of the By-law on Municipal Land Use Planning (2023) be informed of the approval of the closure of the public place to endorse their records.

Telecommunication base stations:

- 4.14 The development be undertaken in accordance with the building plan Rev No BP-7001-REV1, Sheet 3, 4, 5, 6, dated 10/11/2023 and drawn by Urban Solutions for ATC South Africa, attached as **APPENDIX B**.
- 4.15 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.
- 4.16 No unauthorised person be able to come within 5m in front of the panel antennae for the telecommunication infrastructure.

- 4.17 Adequate warning signs in the three official languages be displayed on the access door or gate, defining it as a no-go zone.
- 4.18 The relevant municipal department be grant access at all reasonable times to the installation, for the purpose of monitoring inspection and compliance certification.
- 4.19 The consent use be restricted to the fenced compound of the mast and equipment room as depicted on the approved building plan.
- 4.20 The mast, equipment room or any boundary enclosure is not utilised for outdoor advertising purposes.
- 4.21 The 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.
- 4.22 If the site is decommissioned the 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.

5 The **reasons** for the above decision are as follows:

- 5.1 The amendment of the decision pertaining to the permanent departure granted, in so far as it refines the description reflects the intent of the application. Moreso, the upholding of the rear common building line which partially addresses the Appellant's concern of overdevelopment of the residential properties
- 5.2 The property is needed by the Municipality for an integrated urban settlement development to address the municipal housing backlog and Erf 7001, Stellenbosch (Cloetesville area) was identified as a suitable site for such a development with a particular goal to deliver on their mandate to provide medium to upper market (GAP) housing opportunities.
- 5.3 The closure of the public place will be in the interest of the broader community and a portion will be retained for public open space purposes. The closure will

regularize some of the current uses (Utility Services) and will enable the various other statutory processes to realize the sites long-term potential, earmarked for infill development.

- 5.4 The mast will be beneficial to the broader community and customer base, with the increase in coverage and capacity.

6 Matters to be noted:

6.1 Upholding the rear common building line partially addresses the Appellant's concern of overdevelopment of the residential properties.

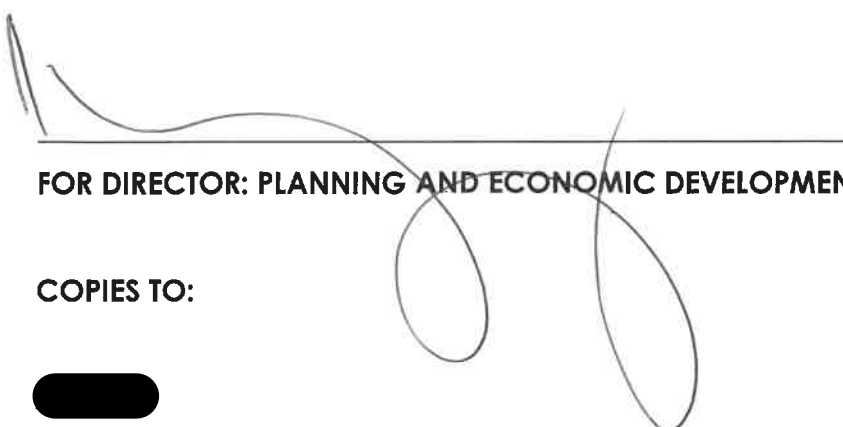
6.2 Street naming and numbering must be submitted, process, approved and implemented as per the approved policy and delegations.

6.3 Architectural and landscaping design proposals must form part of the scope of works for the call for proposal and be implemented accordingly.

- 7 Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

- 8 The appeal process has now been concluded.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

16/5/2025
DATE

COPIES TO:

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APPENDIX B:
Zoning & Subdivision Plan and
Telecommunication Base Station Plans

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONVERSION PLAN HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2011) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 2/12/2024

AUTHORISED EMPLOYEE/MPT

9/100

NOTATION	LAND USE DESCRIPTION	ZONING (STB. SCHEME)	PORTION NUMBER	AREA sqm	% of AREA
	Utility (elec & water)	UTILITY SERVICES ZONE	207	0.65ha	10.8 %
	Freestanding/Semi Detached	CONVENTIONAL RES. ZONE	001 - 201	3.32ha	50.8 %
	Public Open Space Zone	PUBLIC OPEN SPACE ZONE	202 - 206	0.76ha	12.8 %
	Public Street	PUBLIC ROADS/PARKING ZONE	208	1.8ha	25.6 %
	Total Area			6.53ha	

THE FIGURE ABCDEFGHIA REPRESENTS THE CADASTRAL BOUNDARY OF PORTION 7001, STELLENBOSCH MEASURING 6.53HA IN SIZE REPRESENTING THE SITE FOR DEVELOPMENT

THE FIGURE ABCDEFGHIA REPRESENTS A RIGHT OF WAY SERVITUDE (4m wide) TO BE REGISTERED OVER PORTION 128 TO PROVIDE ACCESS TO PORTION 129

THE FIGURE GHIM REPRESENTS A WATER PIPELINE SERVITUDE (5.2m - 6.8m wide) TO BE REGISTERED IN FAVOUR OF THE MUNICIPALITY OVER PORTION 124, PORTION 125 & PORTION 126

0 25 50 75 100

N

ZUTARI
IMPACT ENGINEERED.

CONSTRUCTION
REV 1 2024/11/28
DRAWINGS ARE ISSUED
UNLESS THE MASTER
WITH THE ORIGINAL
APPROVAL WILL BE
HELD AT THE ZUTARI
OFFICE OF THE
APPROVER

REVISION DETAILS

APPROVAL

DATE

TITLE

PROJECT

ERE 7001

STELLENBOSCH

CLOETESVILLE DEVELOPMENT FRAMEWORK

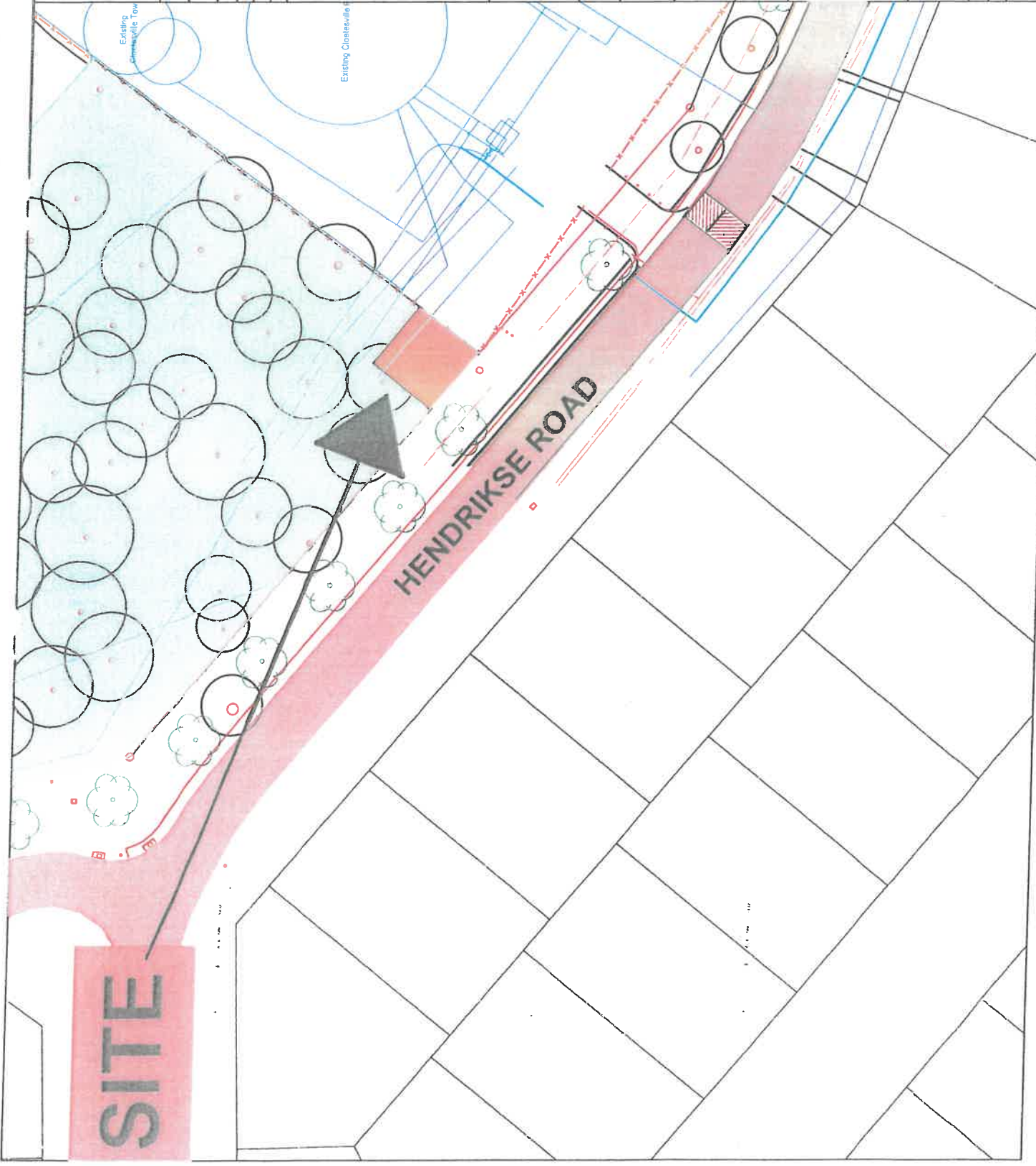
SUB DIVISION ZONING

1001918

240528

Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm	Portion #	Area sqm
1	312	35	160	69	162	103	178	137	130	171	157	205	5866				
2	291	36	160	70	134	104	223	138	131	172	144	206	8,4				
3	291	37	119	71	129	105	201	139	140	173	160	207	6506				
4	282	38	122	72	128	106	191	140	129	174	160	208	17976				
5	281	39	128	73	126	107	224	141	128	175	160						
6	282	40	117	74	128	108	253	142	128	176	160						
7	282	41	131	75	126	109	159	143	128	177	185						
8	286	42	137	76	128	110	147	144	128	178	165						
9	286	43	145	77	126	111	198	145	128	179	142						
10	286	44	152	78	128	112	198	146	128	180	173						
11	286	45	126	79	125	113	197	147	128	181	138						
12	267	46	128	80	207	114	207	148	160	182	155						
13	269	47	128	81	185	115	401	149	243	183	158						
14	148	48	127	82	158	116	351	150	176	184	158						
15	143	49	126	83	128	117	157	151	127	185	156						
16	142	50	115	84	128	118	146	152	126	186	192						
17	167	51	128	85	128	119	146	153	125	187	183						
18	131	52	128	86	128	120	147	154	125	188	144						
19	156	53	115	87	130	121	137	155	148	189	160						
20	155	54	128	88	185	122	154	156	167	190	160						
21	155	55	128	89	157	123	151	157	128	191	160						
22	155	56	128	90	159	124	178	158	128	192	160						
23	155	57	128	91	154	125	278	159	128	193	151						
24	155	58	128	92	156	126	282	160	128	194	145						
25	155	59	128	93	150	127	149	161	128	195	128						
26	155	60	128	94	154	128	241	162	128	196	128						
27	154	61	128	95	145	129	273	163	200	197	128						
28	148	62	127	96	152	130	128	164	158	198	222						
29	160	63	127	97	141	131	131	165	158	199	263						
30	135	64	163	98	151	132	174	166	160	200	175						
31	160	65	160	99	162	133	177	167	246	201	220						
32	140	66	163	100	184	134	128	168	218	202	945						
33	160	67	163	101	178	135	129	169	169	203	548						
34	160	68	160	102	165	136	129	170	163	204	261						







ATC SOUTH AFRICA

SITE NAME: Cloetessville

BASE STATION NUMBER: 351316

REV	DATE	BY	DESCRIPTION
REV 1	10/11/2023	DL	First Issue

NOTES:

- DRAWINGS ARE FOR INFORMATION AND PERMITTING PURPOSES ONLY. CONSTRUCTION SHALL BE DONE BY APPOINTED CONTRACTOR.
- ALL UNDERGROUND SERVICES ARE INDICATED ON THIS DRAWING OR NOTED BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.
- BET-OUT POINTS AS INDICATED MUST BE CONFIRMED ON SITE AND PROPERTY BOUNDARY MUST BE CONFIRMED BY A PROFESSIONAL LAND SURVEYOR.
- DRAWING MAY NOT BE SCALED. ALL DIMENSIONS TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.

ENGINEER

NAME: _____

SIGNATURE: _____

PROPERTY DESCRIPTION: EH 7001, STELLENBOSCH

COORDINATES: AMSEL: LAT: 33°54'18.4"S LON: 18°51'14.2"E 15m

PROJECT: NEW 10m x 10m TELECOMMUNICATION BASE STATION WITH 20m TOWER FOR ATC TOWERS (PTY) LTD

ADDRESS: HENDRIKSE ROAD, CLOETESSVILLE, STELLENBOSCH, 7800 Western Cape

COUNCIL: Simon's Town Municipality

PROPERTY OWNER: PRIVATE



100 De Vries Road,
Simon's Town,
7800,
Western Cape
Tel: 021 798 1548
Email: info@urban-solution.co.za
Web: www.urban-solution.co.za

DRAWN: D Lee

SCALE: 1:500

DATE: 10/11/2023

REF. NO: BP-7001-REV1

SITE LAYOUT 2

SHEET 4 OF 7



Cloetesville

351316

REV	DATE	BY	DESCRIPTION
REV 1	10/11/2023	DL	Final Issue

1. DRAWINGS ARE FOR INFORMATION AND PERMITTING PURPOSES ONLY. CONSTRUCTION DRAWING TO BE DONE BY APPOINTED CONTRACTOR.
2. ALL UNDERGROUND SERVICES (WHETHER INDICATED ON THIS DRAWING OR NOT) TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.
3. SET-OUT POINTS AS INDICATED MUST BE CONFIRMED ON SITE AND PROPERTY BOUNDARIES, LINES AND TELECOMMUNICATION BASESTATION POSITION TO BE SET-OUT BY A PROFESSIONAL LAND SURVEYOR.
4. DRAWINGS MAY NOT BE SCALED. ALL DIMENSIONS TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.

NAME _____

STRICTLY COMPANY CONFIDENTIAL
PROPERTY DESCRIPTION:
EM 7001, STELLENBOSCH

LAT: 33°54'16.4"S
 LONG: 118°51'14.8"E

**NEW 10m x 10m TELECOMMUNICATION BASE STATION WITH
25m TREE TOWER
FOR ATC TOWERS (PTY) LTD**

MEMORIKOE ROAD, CLOETESVILLE
STELLENBOSCH,
7800
Western Cape



58 De Wael Road,
Southville,
Davao,
Cape Town,
South Africa

DRAWING MUST NOT BE SCALED. ONLY FIGURED DIMENSIONS TO BE USED. DIMENSIONS TO BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK

ALL WORK TO BE PERFORMED ACCORDING TO BTS SITE INFRASTRUCTURE SPECIFICATION

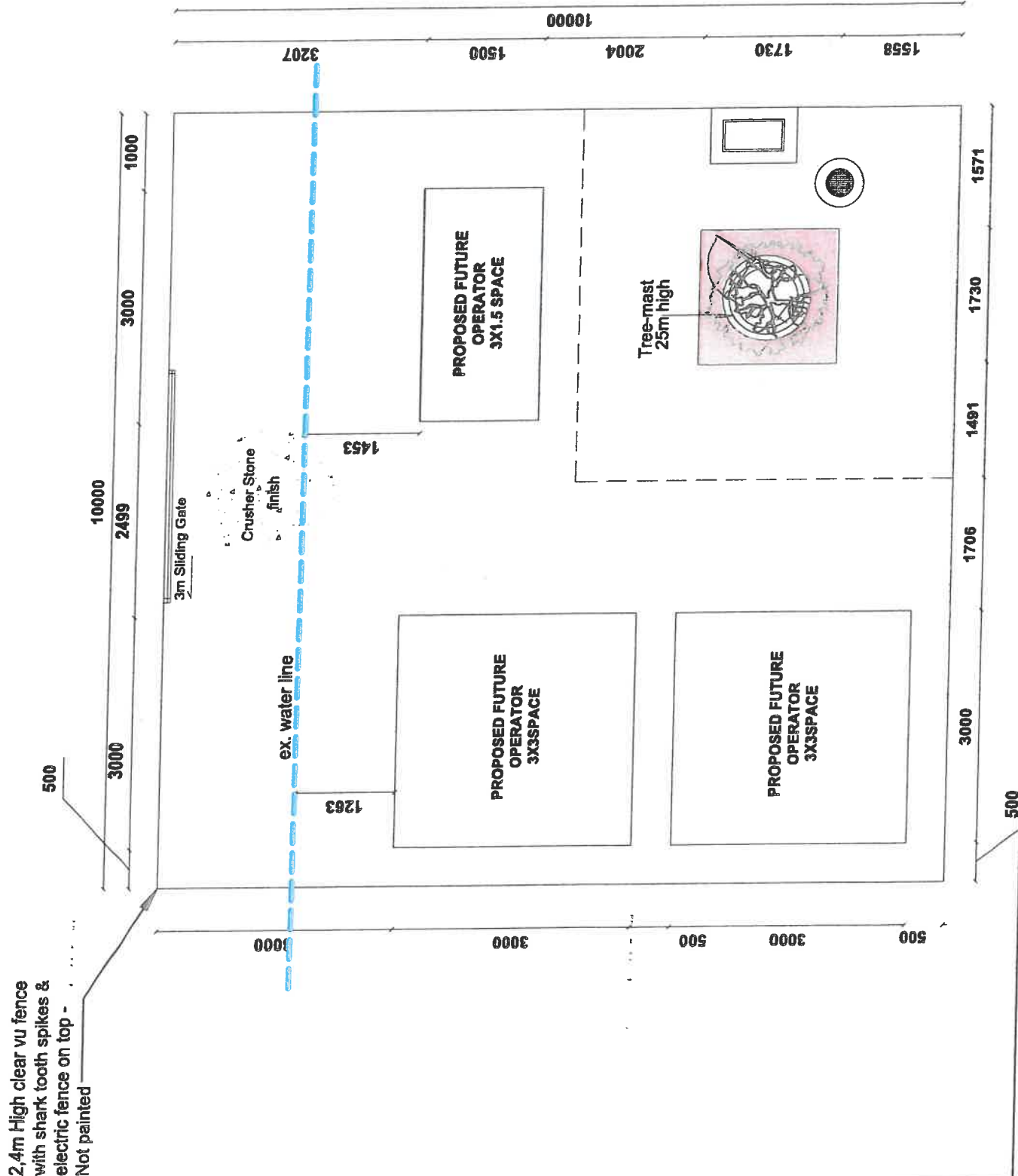
DATE: 10/11/2023

REF. NO: BP-7001-REV1

⬅Z

ACTUAL SITE LAYOUT

SHEET 5 OF 7





SITE NAME:		Cloetesville	
BASE STATION NUMBER:		351316	
REV	DATE	BY	DESCRIPTION
REV 1	10/11/2023	DL	Final Issue

- NOTES:
- DRAWINGS ARE FOR INFORMATION AND PERMITTING PURPOSES ONLY. CONSTRUCTION DRAWING TO BE DONE BY APPOINTED CONTRACTOR.
 - ALL UNDERGROUND SERVICES (WHETHER INDICATED ON THIS DRAWING OR NOT) TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.
 - SET-OUT POINTS AS INDICATED MUST BE CONFIRMED ON SITE AND PROPERTY BOUNDARY LINES AND TELECOMMUNICATION BASE STATION POSITION TO BE SET-OUT BY A PROFESSIONAL LAND SURVEYOR.
 - DRAWINGS MUST NOT BE SCALED. ALL DIMENSIONS TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.

ENGINEER
NAME:
SIGNATURE:

STRICTLY COMPANY CONFIDENTIAL
PROPERTY DESCRIPTION:
E177001, STELLENBOSCH

COORDINATES:
LAT: 33°54'18.4"S
LON: 18°51'14.8"E
AMSL:
185m
/

PROJECT:
NEW 10m x 10m TELECOMMUNICATION BASE STATION WITH 25m TREE TOWER FOR ATC TOWERS (PTY) LTD

ADDRESS:
MILNERS ROAD, CLOETESVILLE
STELLENBOSCH,
7800
Western Cape

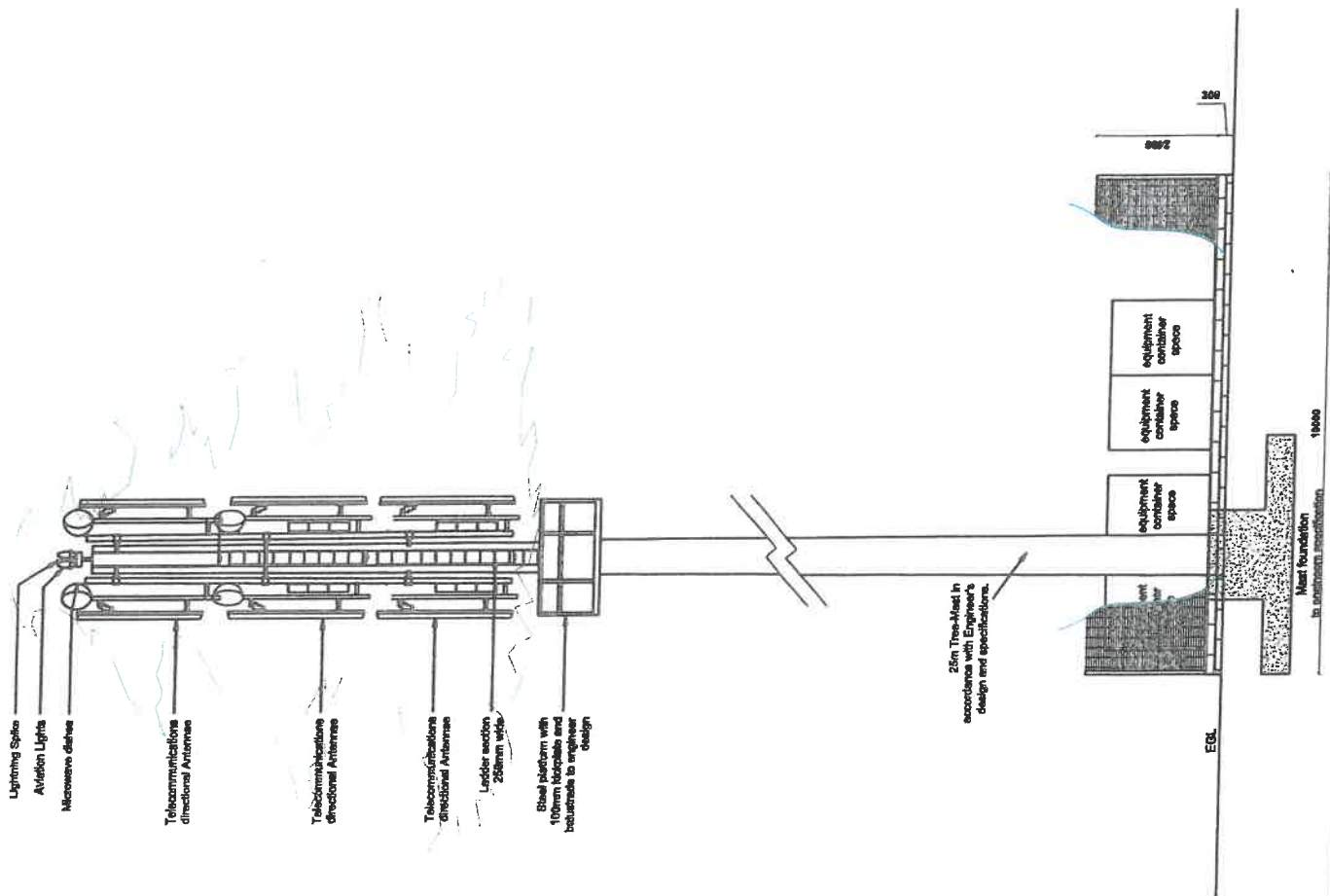
COUNCIL:
Stellenbosch Municipality
PROPERTY OWNER:
PRIVATE



DRAWING MUST NOT BE SCALED. ONLY FIGURED DIMENSIONS TO BE USED. DIMENSIONS TO BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK.
ALL WORK TO BE PERFORMED ACCORDING TO BTS SITE INFRASTRUCTURE SPECIFICATION

DRAWN: D Leo
SCALE: 1:100
DATE: 10/11/2023
REF. NO: BP-7001-REV1

ELEVATION PLAN
SHEET 6 OF 7



25000

APPENDIX F:
Comments from Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To » Aan:	Director: Planning + Economic Development
Att Aandag:	Bulelwa Mdoda
From » Van:	Manager: Development (Infrastructure Services)
Author » Skrywer:	Tyrone King
Date » Datum:	5 August 2024
Our Ref » Ons Verw:	Civil LU 2644
Town Planning Ref:	LU/16572 – TP 591/2023
Re » Insake:	Erf 7001, Stellenbosch: Rezoning and subdivision for 204 residential erven; relaxation of parking departure from 2 parking bays to 1 parking bay per dwelling house

The following engineering documents were evaluated as part of this application:

- Civil engineering services report by Zutari dated 2023/11/30 Rev 0
- TIA by Zutari dated 2024/06/11
- Subdivision layout Drawing No 1001918-240528 Rev 2 by Zutari dated 2024/05/28

Parking Departure: The parking departure is not supported. The Zutari motivation letter (undated) in response to our Memo dated 4 April 2024 states that the parking departure will only be required for the row housing erven, but not for semi-detached and free-standing erven. Row housing is not supported by the Infrastructure Directorate, specifically for stormwater drainage reasons, therefore the parking departure is also not supported.

In consideration of provisions related to Civil Engineering Services the application (excluding the parking departure) is supported subject to the following conditions:

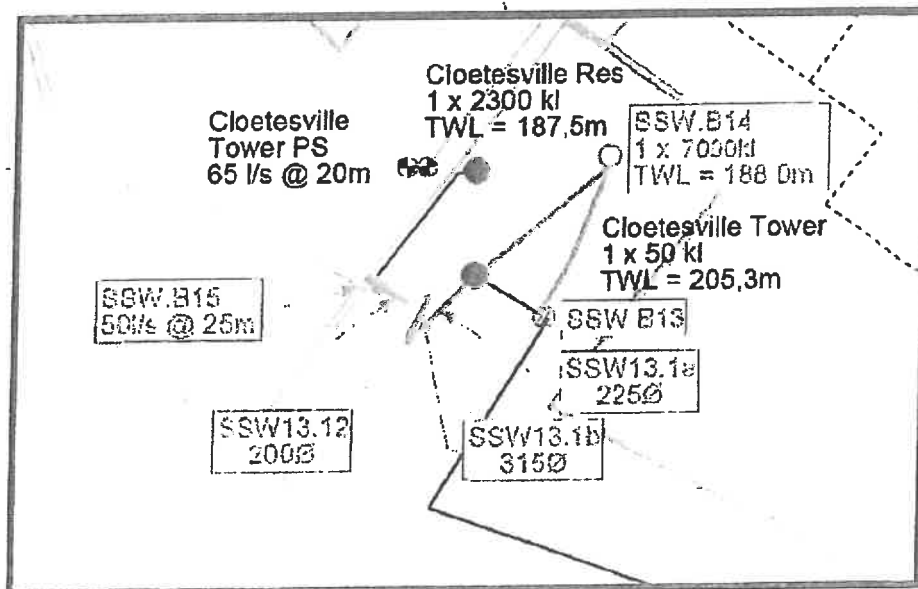
Specific Conditions: These conditions must be complied with prior to transfer of the first property or approval of any building plans, whichever occurs first.

1. Water

1.1 The following upgrades must be installed:

- 1.1.1**
- a) New 7.0ML Cloetesville Reservoir (SSW.B14);
 - b) Upgrading of existing pumps from the reservoir to the Cloetesville water tower (SSW.B15);
 - c) Upgrading of the existing pumps from the Idas Valley reservoir to Uniepark Reservoir which feeds the existing Cloetesville reservoir;

Funding: There is R22m ex VAT on the current budget (2024/25 – 2026/27) for "Bulk water supply pipe: Cloetesville / Idas Valley" that can be utilised to fund these items.

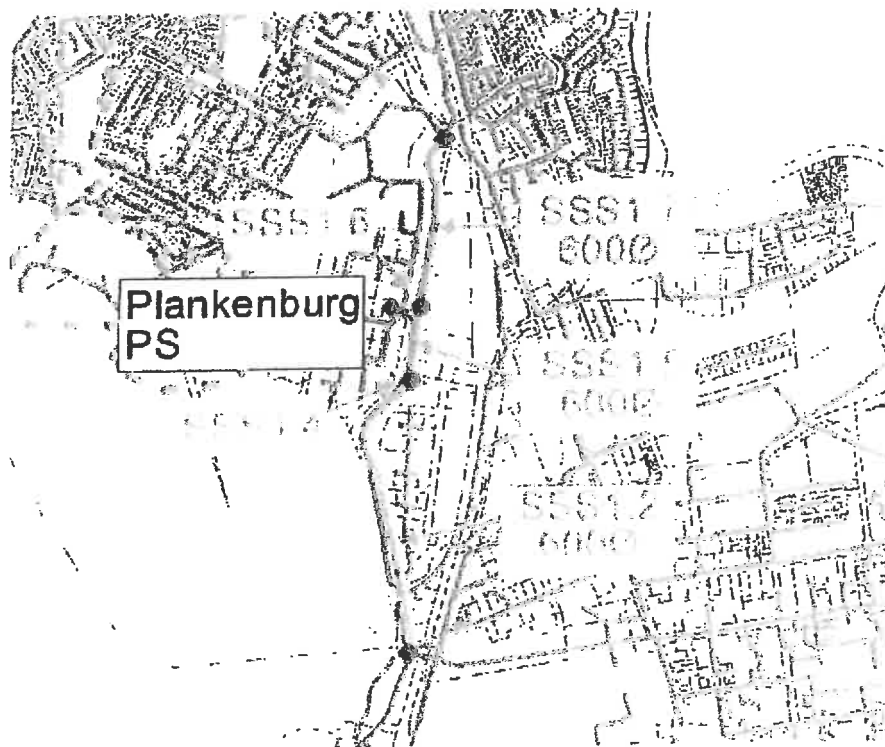


2. Sewer

2.1 The following upgrades must be installed:

2.1.1 Bulk sewer line form Kayamandi to Merriman Street (green line below).

Funding: Currently this project is not on the municipal budget. Budget should therefore be allocated to unlock this housing project.



3. Roads and NMT

3.1 The following upgrades are must be installed as part of the housing project's implementation:

3.1.1 R44/Hendrickse intersection – provide an extended turning lane on Hendrickse Street (see image below).



- [illegible]

Roads locality and Traffic Calming plan

APPENDIX G:
Comments from Electrical Engineering

**ELECTRICITY SERVICES: CONDITIONS OF APPROVAL
ERF 7001 CLOETESVILLE**

GENERAL COMMENT:

1. Recommended for approval

CONDITIONS

2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Infrastructure Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
3. The development's specifications must be submitted to Stellenbosch Municipality (Infrastructure Services) for approval. i.e.
 - a) The design of the electrical distribution system
 - b) The location of substations(s) and related equipment.
4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable).
5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Electrical Services.
6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
7. On completion of the development, Stellenbosch Municipality (Electrical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
- 8.
9. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in building
 - Energy efficient lighting systems
 - Roof insulation with right R-value.
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hot water with alternative energy saving sources
 - All new hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
10. If connecting a generator or solar panels for backup, the generator or solar panels needs to comply to SANS10142



Signature

26/02/2024

Date