



Application Number: LU/13783

Our File Reference Number: 169RB

Your Reference Number: Raithby 169

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PER E-MAIL: [REDACTED]

Sir

APPLICATION FOR SUBDIVISION AND CONSOLIDATION: ERF 169 & 270, RAITHBY.

1. The above application refers.
2. The duly authorised decision maker hereby decides 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 169 Raithby, namely:
 - 2.1.1 **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, of Erf 169, Raithby into two (2) portions, namely:
 - 2.1.1.1 Portion A ($\pm 0,95$ ha), and
 - 2.1.1.2 Remainder ($\pm 38,6$ ha)
 - 2.1.1.3 The registration of a 10m wide access servitude over the consolidated property in favour of Portion A.

- 2.1.2 **Consolidation** in terms of Section 15(2)(e) of the said by-law, of the Remainder of Erf 169, Raithby (±38,6ha) with Erf No. 270, Raithby (10ha) to create a ±48,6ha farming unit;

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

3. **Conditions of approval:**

- 3.1 The approval applies only to the subdivision and consolidation in question 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 The development be undertaken in accordance with the subdivision and consolidation plan dated 27/03/2020, drawing No SUB-REV2 and drawn by fbv Professional Land Surveyors attached as **APPENDIX B**.
- 3.3 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 must indicate the following information:
- (i) Newly allocated erf numbers
 - (ii) Co-ordinates
 - (iii) Survey dimensions
 - (iv) Street names and numbering
- 3.4 The consolidation of Remainder of Erf 169, Raithby (±38,6ha) with Erf No. 270, Raithby (10ha) to create a ±48,6ha farming unit, simultaneously be registered at the Registrar of Deeds, with the registration of the subdivision of Portion A.
- 3.5 The existing leasehold areas over Portion A be cancelled.
- 3.6 Where required, development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or as may be agreed on in writing with the relevant directorate.
- 3.7 Agriculture must remain the primary use on the properties.
- 3.8 All services at all times be provided to the satisfaction of the Directorate: Infrastructure Service.

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

- 4.1 The proposed subdivision, convert an already historically alienated and existing 99year lease hold area into a freehold property, while a servitude will be registered over existing access roads and access points of proclaimed roads.
- 4.2 The proposal was supported and approved by the competent agricultural authority (See **APPENDIX D**) and all other relevant departments (See **APPENDIX C**), including the municipal Spatial Planning Department.

5. **Matters to be noted:**

- 5.1 The subdivision and consolidation be implemented as approved by the Department of Agriculture, Forestry and Fisheries in their approval letter dated 15/12/2021, in terms of Act 70 of 1970 (See **APPENDIX D**).

- 6. 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.

- 7. 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:

- 7.1 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;

- 7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

- 7.3 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 concluding, it did.

- 7.4 whether the appeal is lodged against the whole decision or a part of the decision;
 - 7.5 if the appeal is lodged against a part of the decision, a description of the part;
 - 7.6 if the appeal is lodged against a condition of approval, a description of the condition;
 - 7.7 the factual or legal findings that the appellant relies on;
 - 7.8 the relief sought by the appellant; and
 - 7.9 any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - 7.10 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.
8. 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
 9. 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.
 10. 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>).
 11. 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:
 - 11.1 Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

- 11.2 The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- 11.3 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.
- 11.4 Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. 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



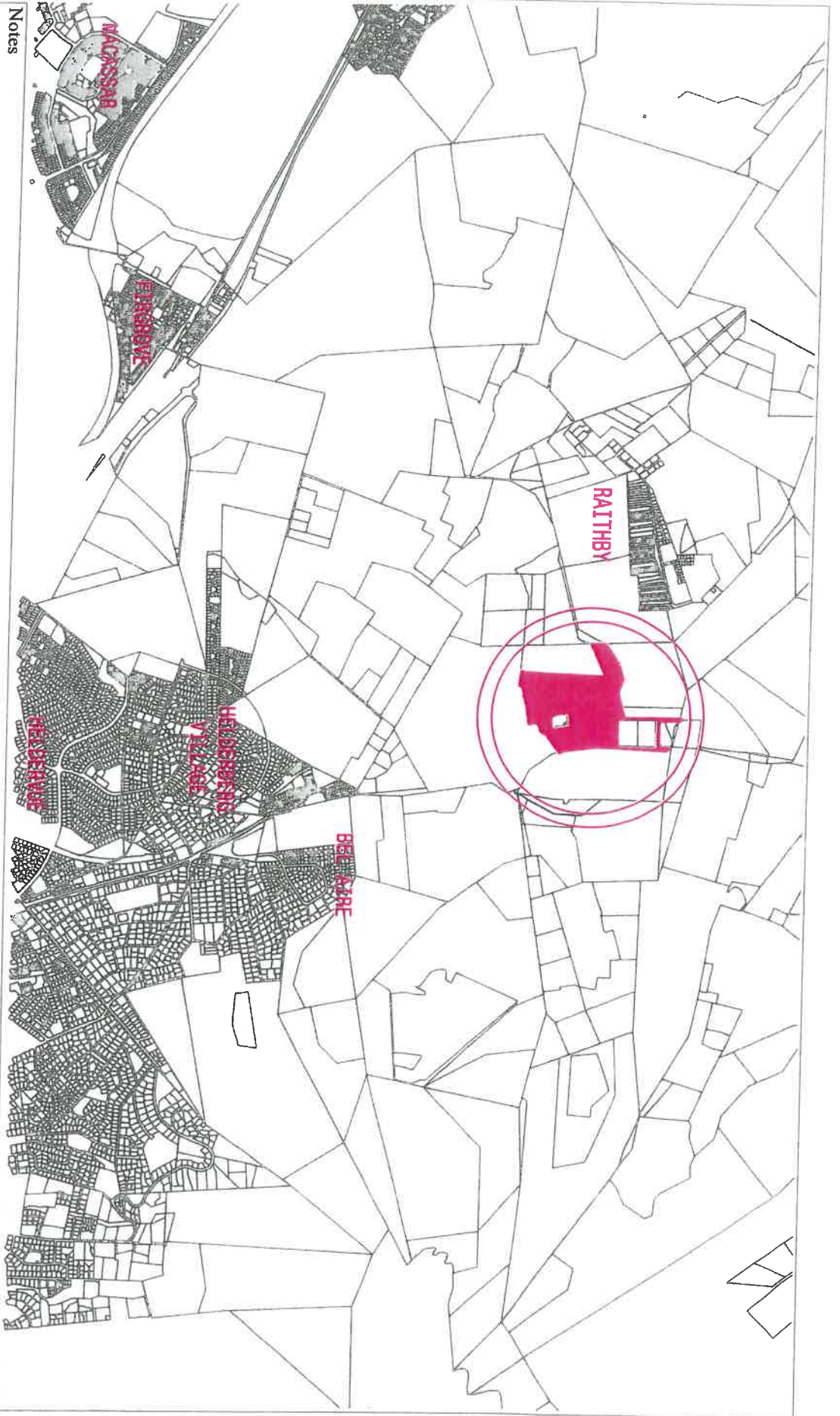
DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

10-1-2023

DATE:

APPENDIX A

ANNEXURE A



Notes

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:40 000

Date: 24/03/2020

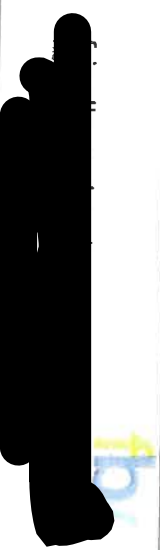
Contours: N/A

System: WG 19

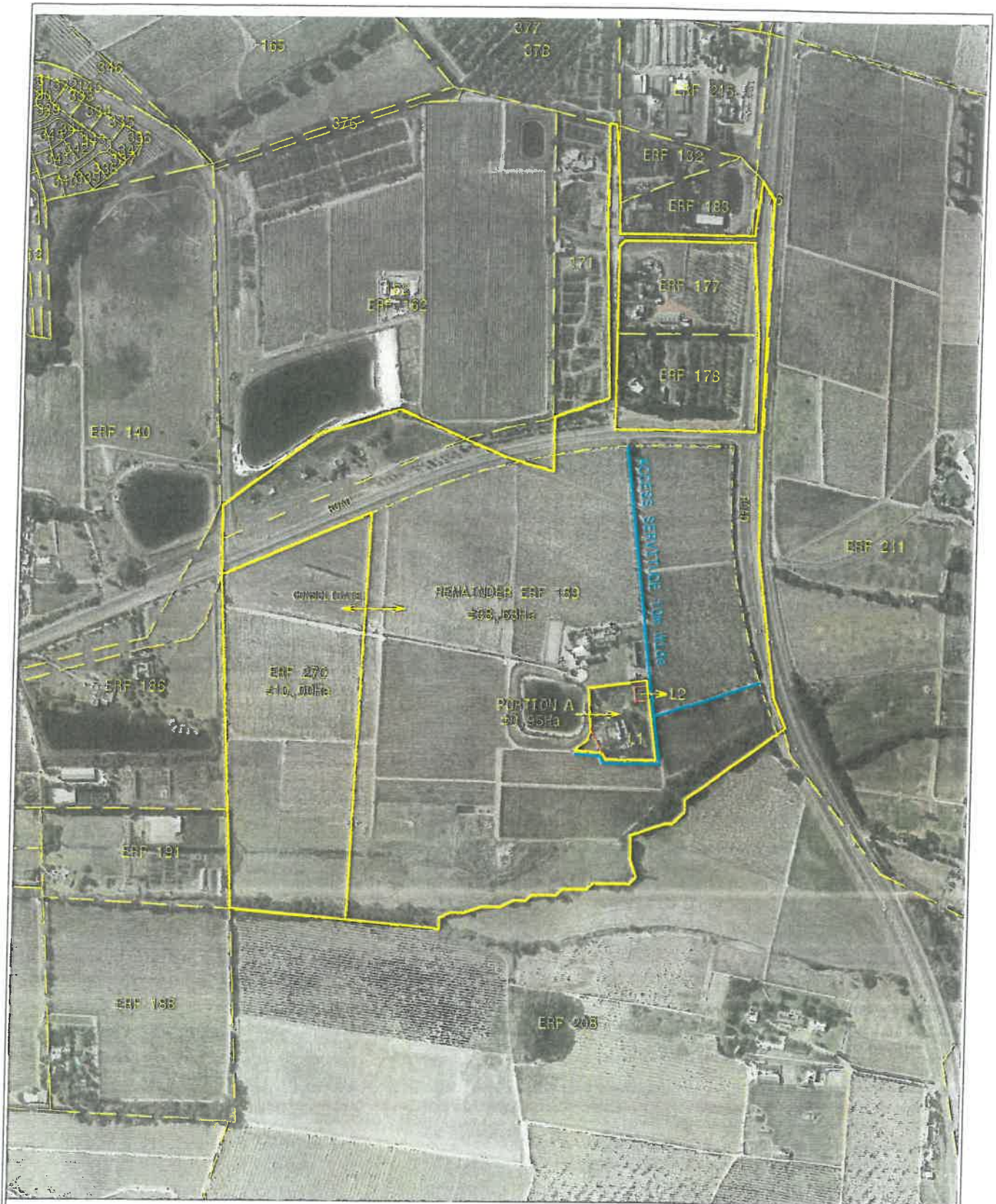
LOCALITY PLAN

Ref: RAITH169

Dwg: LOCALITY-NEW



APPENDIX B



Notes

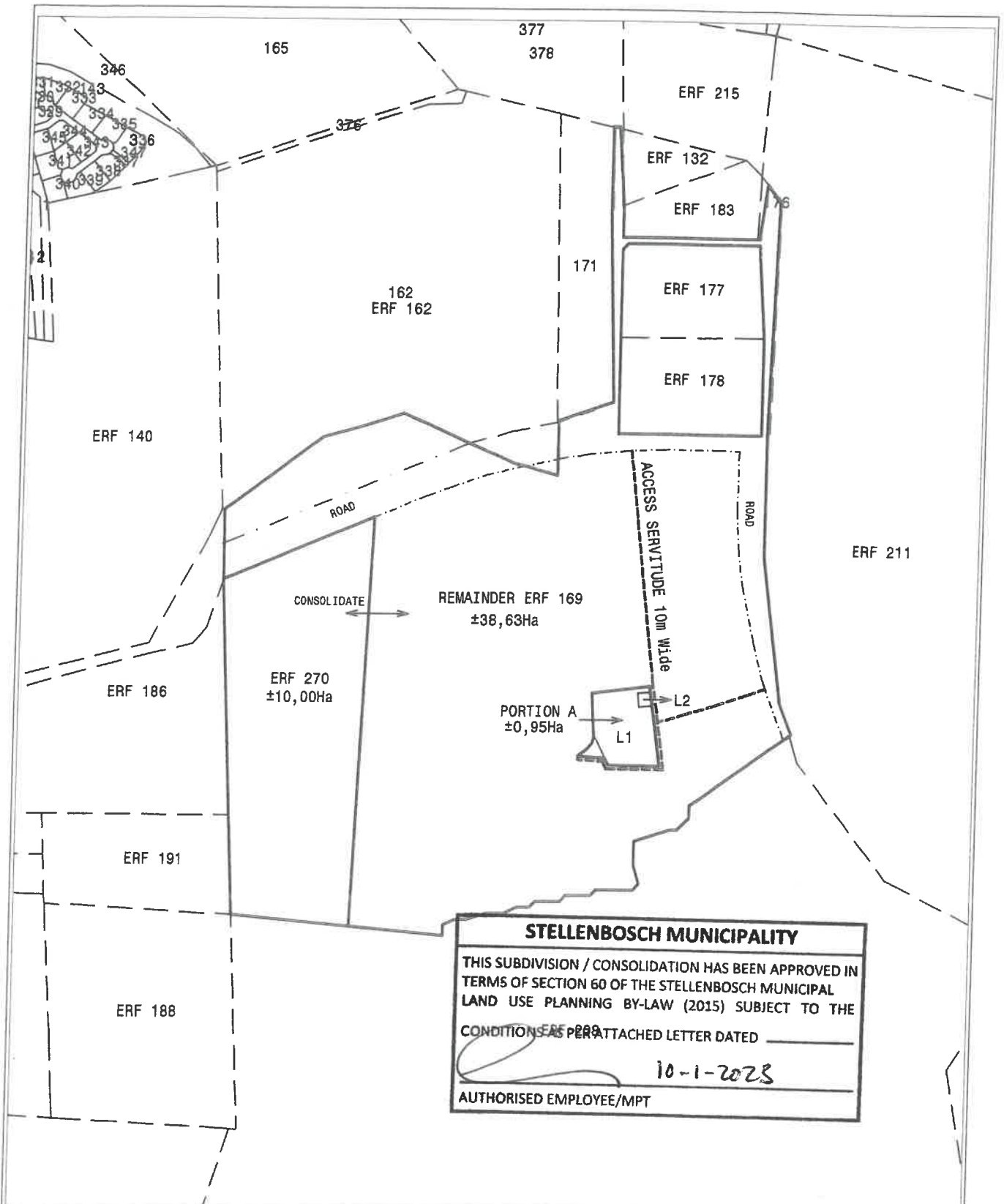
1. L1 and L2 represents existing Leasehold Areas to be cancelled.
2. Portion A in extent ±0,95Ha to be subdivided from Erf 169
3. Remainder Erf 169 to be consolidated with Erf 270.



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**PROPOSED SUBDIVISION OF ERF 169
AND CONSOLIDATION WITH
ERF 270, RAITHBY**

Ref:RAITH169	Dwg:SUB-REV2	
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Notes

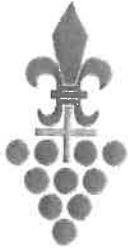
1. L1 and L2 represents existing Leasehold Areas to be cancelled.
2. Portion A in extent ±0,95Ha to be subdivided from Erf 169
3. Remainder Erf 169 to be consolidated with Erf 270.



Scale 1:7500 - A4	Date:27/03/2020	Contours: N/A	System: WG 19
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PROPOSED SUBDIVISION OF ERF 169 AND CONSOLIDATION WITH ERF 270, RAITHBY		
Ref:RAITH169	Dwg:SUB-REV2-MONO	

APPENDIX C



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference : **Erf 169 & 270, Raithby**
LU No : **LU/13783**
Date : **27 September 2022**
Re : **Application for subdivision and consolidation of Erf 169 and Erf 270, Raithby**

I refer to your request for comment on the above application.

Application is made for the following:

- **Subdivision** of Erf 168, Raithby into Portion A of ± 0.95 ha and a Remainder of ± 38.6 ha.
- **Consolidation** of Remainder of Erf 169 (± 38.6 ha) with the Erf 270 (± 10 ha) to form a combined extent of ± 48.6 ha.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for

all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of the Raithby node. The proposal is to consolidate the farming activities into one property and replace the existing 99-year leasehold area with a separate title. The existing two lease areas have already alienated the homestead from the rest of the farm.

The proposal replaces the lease areas with a subdivision and consolidated the remainder with the adjoining farm resulting in all the farming activities falling on one property. There is a significant improvement to local agriculture as the consolidated farms now meets the requirements stipulated in the DAFF guidelines for an economic unit.

2) Supported / not supported:

This department therefore supports the proposal as it does not lead to the further fragmentation of agricultural land as no additional land unit is created and the existing leasehold areas is effectively replaced by the new subdivision.

There is no proposed change in land use and the consolidation will result in a larger land unit in line with the economic unit land size required by Dept. of Agriculture.



BJG de la Bat
MANAGER: SPATIAL PLANNING



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: 7 September 2022
Our Ref ▫ Ons Verw: Civil LU 2373
Your Ref: LU/13783
Re ▫ Insake: Erf 169 & 270, Raithby: Application in terms of Section 15(2)(d) of the Stellenbosch Municipal land Use Planning Bylaw, for the subdivision of Erf 168, Raithby into Portion A of ±0.95ha and a Remainder of ±38.6ha. Application in terms of Section 15(2)(e) of the Stellenbosch Municipal land Use Planning Bylaw for the consolidation of Remainder of Erf 169 (±38.6ha) with the Erf 270 (±10ha) to form a combined extent of ±48.6ha.

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

- 1. Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.

- 2. Electrical Engineering**
 - 2.1 Refer to Annexure: Electrical

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

APPENDIX D



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 Email: KhuthalaD@dalrrd.gov.za
Enquiries: Helpdesk Ref: 2021_10_0050

Friedlaender, Burger & Volkmann
P.O.Box 154
STELLENBOSCH
7599

Attention: D.P.Burger

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF
1970: ERF 169 RAITHBY; WESTERN CAPE PROVINCE**

Your letter of reference RAIT169 dated 20 September 2021 refers.

With reference to the above-mentioned subject, the department wishes to inform you that the application has been granted.

Consent No. ... **55231** ... issued in terms of section 4 of the Act is enclosed.

To facilitate registration, the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

Kindly note that the properties concerned are subject to the provisions of the Conservation of Agricultural Resources Act 1983 (Act 43 of 1983).

Yours faithfully

MS T.S. CHIPETA

**CHIEF DIRECTOR: NATURAL RESOURCES AND DISASTER MANAGEMENT
DELEGATE OF THE MINISTER**

DATE: **15/12/2021**

CC: The Surveyor-General Private Bag X 2 CAPE TOWN 8000
CC: Land Use and Soil Management Private Bag X 2 SANLAMHOF 7592
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607



agriculture, land reform
& rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2021_10_0050

TOESTEMMING

KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGROND, 1970

CONSENT

IN TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970

56281

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform & Rural Development consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

ERF 169 RAITHBY, IN EXTENT 39,7089 HECTARES; WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED

The subdivision of the above-mentioned agricultural land in paragraph 1 into two portions measuring approximately 0,95 hectares and 38,63 hectares respectively represented by the figures marked Ptn A and Rem as shown on the sketch plan attached.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

- 3.1 Simultaneously with registration of transfer, a portion measuring approximately 38,63 hectares (Portion A) must be consolidated with Erf 270 Rithby, in extent 10,00 hectares.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent is valid for 5 years from date of this grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

15/12/2021
DATE


MS T.S. CHIPETA
CHIEF DIRECTOR: NATURAL RESOURCES AND
DISASTER MANAGEMENT
DELEGATE OF THE MINISTER

ANNEXURE B



Notes
 1. Portion A in extent $\pm 0,95$ Ha to be subdivided from Erf 169
 2. Erf 270 is to be consolidated with Remainder of Erf 169

SIENSAAT WAARNA VER-
 TOEGANG IN TOESTEMMING
 VERREK IN CONSENT

[Signature]
 15/2/2020

Caveat
 1. Any areas and dimensions are provisional and will be finalised at the subdivision survey.
 2. All levels are to be confirmed prior to construction.



Scale 1:7500 - A4	Date: 27/03/2020	Contours: N/A	System: WG 19
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PROPOSED SUBDIVISION OF ERF 169 AND CONSOLIDATION WITH ERF 270, RAITHY	friedlaender, burger & volkmann <small>PROFESSIONAL LAND SURVEYORS, ENGINEERS, ARCHITECTS, MECHANICAL CONSULTANTS</small> <small>57 Kops Street, Johannesburg, 2001 • PO Box 111, 21 • SA, CA 110</small> <small>Tel: +27 11 481-9254 • Email: info@fbc.com</small>
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