



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13955

Our File Reference Number: Erf 452 and 162, Raithby

Your Reference Number:

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** [REDACTED]

Sir

## **APPLICATION FOR SUBDIVISION AND CONSOLIDATION: UNREGISTERED ERF 452 AND 162, RAITHBY**

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 452 and 162, Raithby, namely:
    - 2.1.1 The subdivision of Unregistered Erf 452, Raithby, in terms of the Section 15(2)(d) into two portions of Portion A ( $\pm 3.19$ ha) and a Remainder ( $\pm 45.4$ ha);
    - 2.1.2 The consolidation, in terms of Section 15(2)(e) of the said bylaw of Portion A ( $\pm 3.19$ ha) with Erf 162, Raithby to form a new cadastral entity of  $\pm 24.92$ ha.

**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 General conditions of approval with no requirement for compliance prior to the registration of a subdivided portion, or before the sale, development or transfer of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 3.2 The approval only applies to the proposed subdivision and consolidation under consideration, as indicated on the referenced Dwg: SUB-REV7-MONO dated 14 December 2021, drawn by Friedlaender, Burger & Volkman, attached as **APPENDIX 2** 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.
- 3.3 The consolidation of Portion A ( $\pm 3.19$ ha) with Erf 162, Raithby to form a new cadastral entity of  $\pm 24.92$ ha simultaneously be registered in the deed's office, with the registration of the subdivision of Unregistered Erf 452, Raithby.
- 3.4 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.
- 3.5 An electronic copy (shp, dwg, dxf) of the approved erf diagrams be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
  - 2.7.1 Newly allocated erf/farm numbers
  - 2.7.2 Co-ordinates
  - 2.7.3 Survey dimensions
4. The reasons for the above decision are as follows:
  - 4.1 The application only entails the subdivision and consolidation to adjust the boundaries of two properties.
  - 4.2 No new subdivisional units are created outside an urban edge, which may compromise the principals of the Stellenbosch Municipal Spatial Development Framework.
  - 4.3 No municipal services are impacted by the application.
  - 4.4 The agricultural buildings on the subdivisional unit will only be used for bona-fide agricultural purposes on the newly consolidated property and no land use amendment applications are required.
5. **Matters to be noted:**
  - 5.1 The subdivision and consolidation only come into effect once all suspensive conditions or relevant legislative provisions have been complied with.
  - 5.2 All electrical requirements be directed to Eskom.
  - 5.3 The necessary approval be obtained from the National Department of Agriculture in terms of Act 70 of 1970 prior to the implementation of the approval.

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:
  - (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.
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](mailto: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:
- (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.

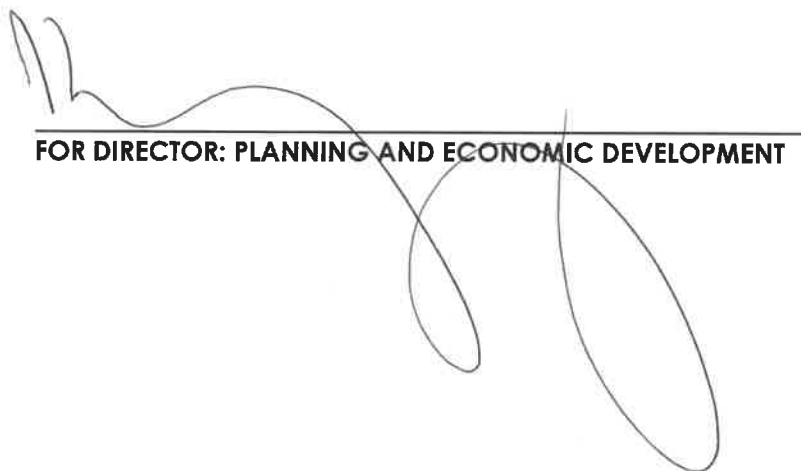
(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(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.

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.

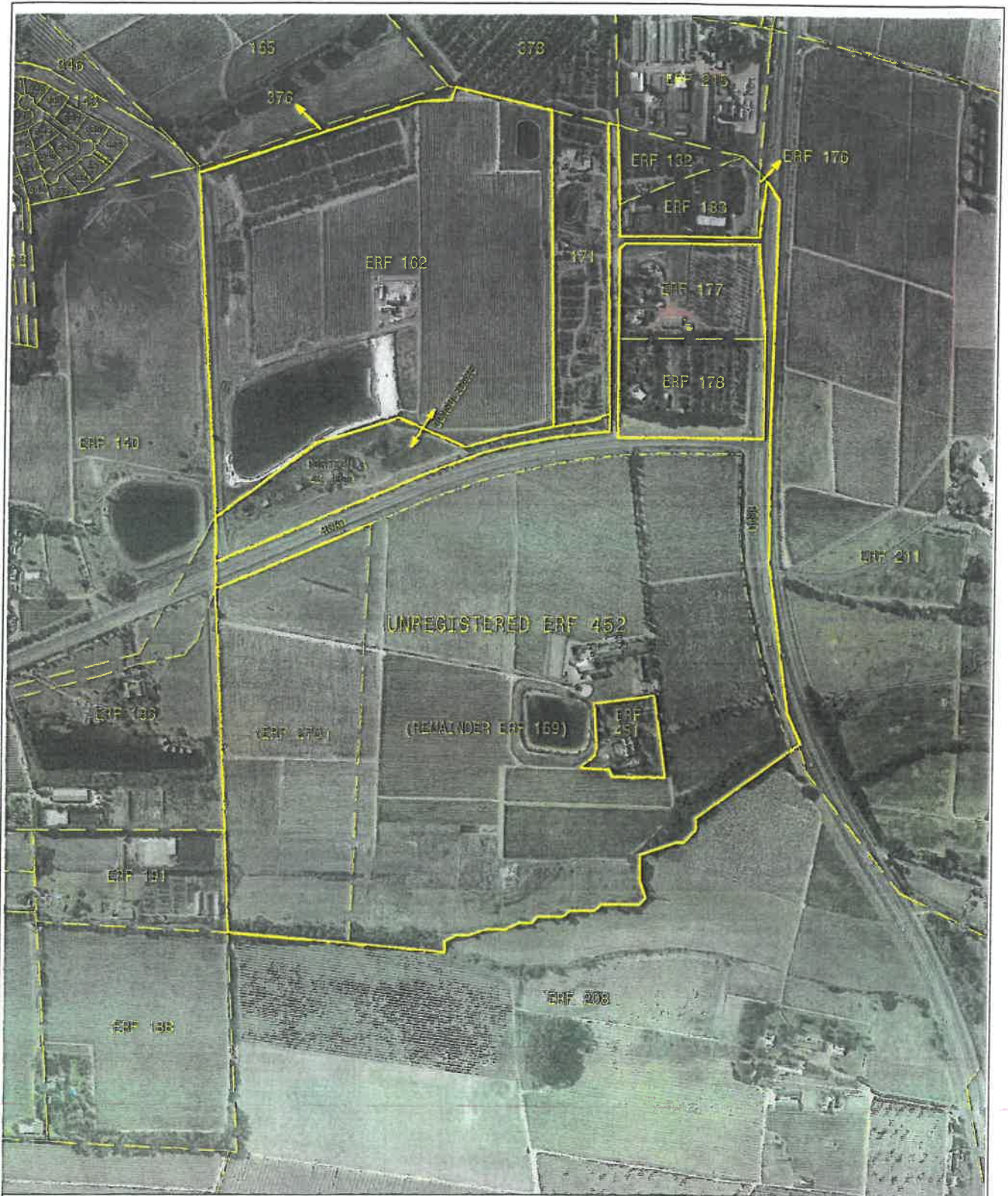
Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

29/4/2022  
DATE:

**APPENDIX 2**  
Subdivision Plan



**Note:**

Portion A in extent ±3.19Ha to be subdivided from unregistered Erf 452 and consolidated with Erf 162.

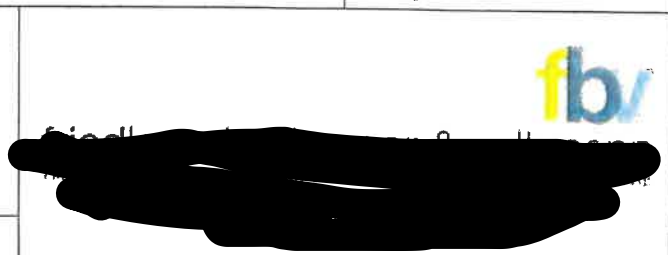


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Date: 14 December 2021

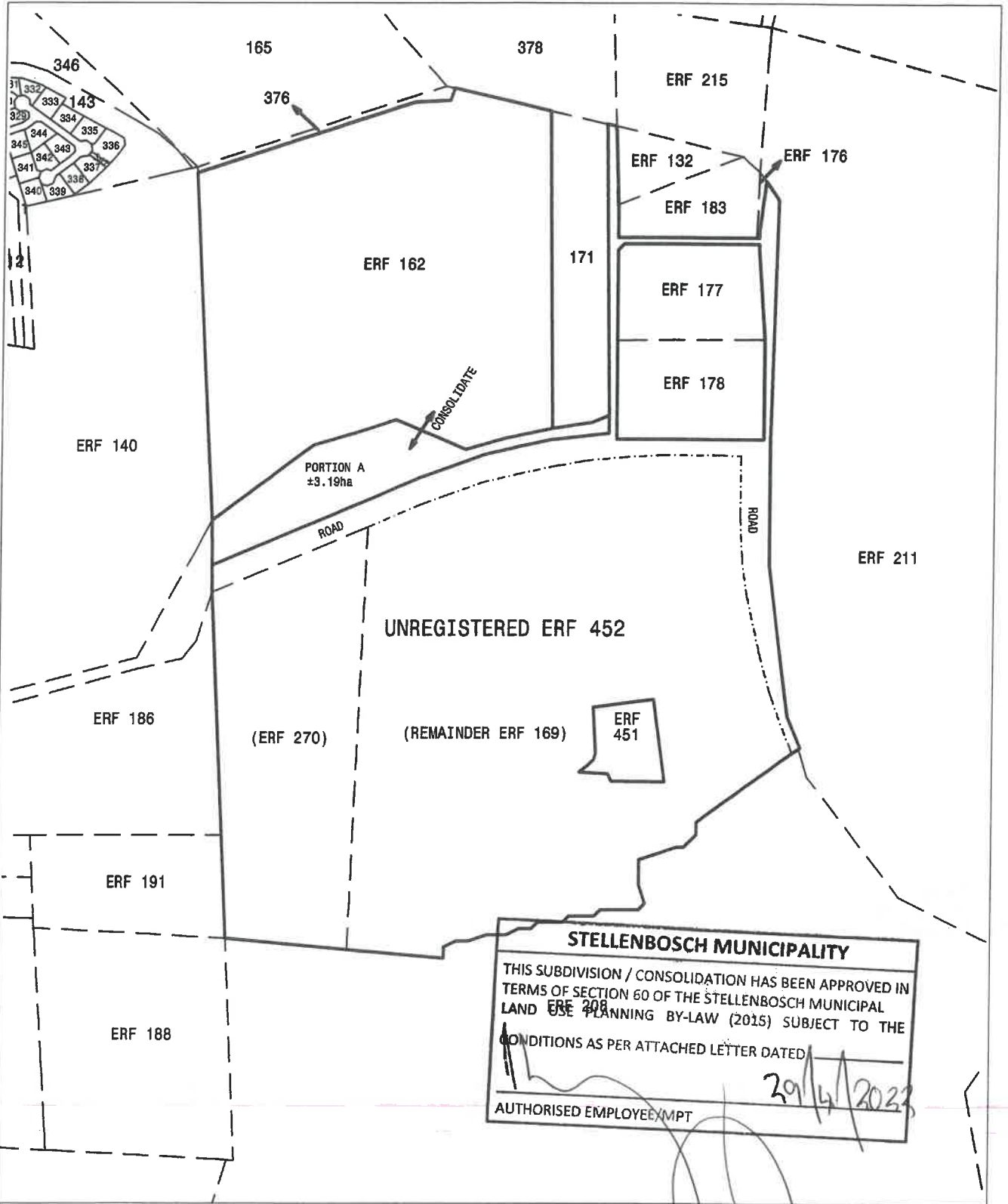
System: WG 19

**PROPOSED SUBDIVISION OF  
UNREGISTERED ERF 452  
(PENDING CONSOLIDATION OF REMAINDER  
ERF 169 AND ERF 270) AND FURTHER  
CONSOLIDATION WITH ERF 162  
RAITHBY**



Ref:RAITH169

Dwg:SUB-REV7

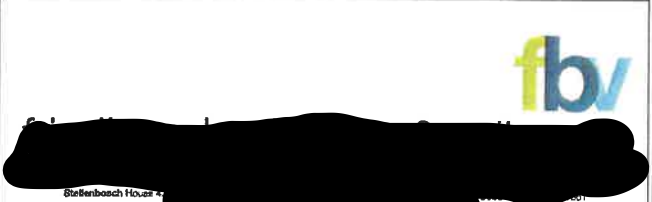


**Note:**  
 Portion A in extent ±3.19Ha to be subdivided from unregistered Erf 452 and consolidated with Erf 162.



Scale 1:7500 @ A4      Date: 14 December 2021      System: WG 19

**PROPOSED SUBDIVISION OF UNREGISTERED ERF 452 (PENDING CONSOLIDATION OF REMAINDER ERF 169 AND ERF 270) AND FURTHER CONSOLIDATION WITH ERF 162 RAITHBY**



Ref: RAITH169      Dwg: SUB-REV7-MONO