



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: TP1308/2025

Our File Reference Number: 406RB

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL [REDACTED]

Sir

APPLICATION FOR AMENDMENT OF A CONDITION OF APPROVAL: ERF 406 AND 398, RAITBHY.

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw,
 - 3.1. Amendment of condition 3.9 in approval letter dated 11 March 2025, in terms of Section 15(2)(h) of the said bylaw, by excluding the reference to the registration of a right of way servitude in favour of Erf 167, Raithby over Erf 398, Raithby and to read as follows;

"3.9 The right of way servitude over Portion 1 to 3 in favour of the subdivided portions of Erf 406, Raithby; over Erf 398, Raithby in favour of Portions 1 to 4 of Erf 406, Raithby simultaneous registration of the subdivision in the deed's office, in all title deeds of the applicable property/ies and transfer to the new title deeds, will be the responsibility and for the cost of the owners."

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 4.1. The approval applies only to the amendment of the condition of approval and shall not be construed as authority to depart from any other legal prescriptions or requirements from all other internal and external departments.
 - 4.2. All other conditions listed in approval letter dated 11 March 2025, remain applicable unless replaced by this approval and must be complied with at all times.
 - 4.3. The validity period of the approval, notwithstanding the date of this amendment of condition, remains from the final letter of notification dated 02 April 2025.
 - 4.4. Facilitating the registration of a right of way servitude over Erf 398, Raithby in favour of Erf 167, Raithby remains the responsibility of the owner of Erf 398, Raithby at all times.

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

- 5.1. No surrounding property owners will be materially affected by this application for the amendment of the subject condition of approval to exclude the registration of a servitude in favour of the owners of Erf 167, Raithby as requested by themselves.
- 5.2. The responsibility to facilitate the registration of a right of way servitude over Erf 398, Raithby in favour of Erf 167, Raithby remains with owner of Erf 398, Raithby and amending the subject condition as proposed do not absolve them of this duty.

6. Matters to be noted:

- 6.1. The access to Erf 167, Raithby will not be altered and existing rights and arrangements will remain the same, ensuring that the property is not land locked, until such time a right of way servitude is registered to formalize the existing access arrangements.

7. 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.

8. 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.

9. **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**

10. 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 **TP** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

11. The appeal forms 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.

12. 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.

13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

14. 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



SENIOR MANAGER: DEVELOPMENT MANAGEMENT
DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT

Authorised decision-maker in accordance with Category H, read together with General Principle of Decision Making 2.6, in the Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

DATE: 24/10/2025

APPENDIX 1

5 August 2025

The Director: Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

(Att.: Mr. Pedro April)

Dear Pedro,

APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL: ERF 406 AND ERF 398, RAITHBY

The above-mentioned application on erven 406 and 398, Raithby refer.

Also of reference is the pre-application consultation held on 24 June 2025 at the office of Stellenbosch Municipality.

1 BACKGROUND AND CONTEXT

On 11 March 2025, the Director: Planning and Economic Development approved an application for the subdivision of erf 406, Raithby in order to make provision for 4 residential erven. At the same time, the approval provided for the establishment of servitude right of ways over the new residential portions and the adjacent erf 398, Raithby in favour of all subdivided portions of erf 406, Raithby. A right of way servitude was also approved over erf 398, Raithby in favour of the neighbouring erf 167, Raithby.

No appeals were received against the decision, and the final letter of approval was issued on 2 April 2025.

The decision letters are attached hereto under Annexure 1.

The municipal decision was granted with due regard to the comments of the Western Cape Government: Department of Infrastructure. As such, the conditions imposed by the Department in its letter dated 2 February 2024 were taken up as conditions imposed in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-Law, 2023.

The letter attached as Annexure D to the municipal decision, is also attached herewith under Annexure 1.

In terms of the same, a condition was set for a right of servitude in favour of erf 167 over erf 398.

The condition was subsequently brought forward into the municipal decision when the municipality included the following condition of approval in paragraph 3.9 of the decision letter:

- '3.9 The right of way servitudes over Portion 1 to 3 in favour of the subdivided portions of Erf 406, Raithby; over Erf 398, Raithby in favour of Portions 1 to 4 of erf 406, Raithby and Erf 176 Raithby, simultaneous registration of the subdivision in the deed's office, in all title deeds of the applicable property/ies and transfer to the new title deeds, will be the responsibility and for the cost of the owners.'*

2 MOTIVATION FOR AMENDMENT OF CONDITION OF APPROVAL

In order to adhere to the above condition, the Developer approached the owner of erf 167, the Methodist Church of South Africa, with a servitude agreement for signature to make the registration of the servitude, simultaneous with the registration of the development even possible.

The Developer offered to pay for the registration of the servitude as well as to procure the original title deed of erf 167, on behalf of the Methodist Church of South Africa, which had been lost.

The Methodist Church then responded in a letter dated 18 June 2025, that they decided 'not to approve the servitude requested ...'.

The correspondence between the developer and the Methodist Church of South Africa is attached hereto as Annexure 2.

The Developer subsequently discussed the matter with the Stellenbosch Municipality and the Provincial Department of Infrastructure in order to find a way forward. During the discussions with the Stellenbosch Municipality, it was agreed that:

- a) The applicant will formulate the proposed amendment of the condition of approval relating to the subject servitude to be registered in favour of erf 167, Raithby over erf 398, Raithby.
- b) The applicant will obtain the amendment comment from the Department of Infrastructure before submitting an amendment application to the municipality.

The minutes of the meeting is included herewith under Annexure 3.

A new comment from Department of Infrastructure has since been obtained. In the new letter, dated 23 July 2025, the Department amended Paragraphs 4.1 and 4.2 of the letter dated 2 February 2024, effectively doing away with the requirement for the servitude. The Department comment reads as follows:

2.3 Paragraph 4.1 should now read:

'The new access from OP 4243 to Erven 398 and 406 must be located at approximately km 0.11 RHS'.

2.4 Paragraph 4.2 is now obsolete and may be removed.

The new Departmental letter is included herewith under Annexure 4.

3 APPLICATION FOR AMENDMENT OF CONDITION OF APPROVAL

Consequently, application is herewith made, in terms of section 15((2)(h) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for the amendment of condition 3.9 imposed in respect of the decision dated 11 March 2025.

It is proposed that the condition be amended as follows:

- 3.9 The right of way servitudes over Portion 1 to 3 in favour of the subdivided portions of Erf 406, Raithby; over Erf 398, Raithby in favour of Portions 1 to 4 of erf 406, Raithby ~~and Erf 176 Raithby~~ simultaneous registration of the subdivision in the deed's office, in all title deeds of the applicable property/ies and transfer to the new title deeds, will be the responsibility and for the cost of the owners.'

{changes emphasized}

Please do not hesitate to contact me if any further information is required.

We trust you will find the above and the attached in order.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JL Volschenk', with a stylized flourish at the end.

JL VOLSCHENK
B Tech, Pr Pln (TRP SA)



Ref: DOI/CFS/RP/LUD/REZ/SUB-25/476 (Application No: 2025-07-0105)

Nautecon Trading and Investments (Pty) Ltd
21 Oaklands
Winelands Village
STELLENBOSCH
7600

Attention: Mr D Hattingh

Dear Sir

ERF 406 AND ERF 398 RAITHBY: MINOR ROAD 4234: APPLICATION FOR REZONING, SUBDIVISION AND REGISTRATION OF RIGHT OF WAY SERVITUDES: AMENDMENT OF APPROVED RIGHT OF WAY SERVITUDE

1. The following refer:
 - 1.1. Your unreferenced letter dated 23 June 2025 requesting an amendment of the approved right of way servitude;
 - 1.2. Our letter DOI/CFS/RP/LUD/REZ/SUB-25/476 (Job 30605) dated 2 February 2024 providing conditional approval to the original application; and
 - 1.3. The updated Rezoning and Subdivision Plan RTH-E-406 (Revision 4) prepared by BBS Town and Regional Planning Consultants dated 17 February 2025.
2. Hereby this Branch agrees to the following changes to our letter DOI/CFS/RP/LUD/REZ/SUB-25/476 (Job 30605) dated 2 February 2024:
 - 2.1. You have granted access to Erf 167 (the Graveyard) via ex necessitate rei over Erf 398, making the requirement in Paragraph 3.5 of our letter no longer applicable.
 - 2.2. The updated Rezoning and Subdivision Plan RTH-E-406 (Revision 4), prepared by BBS Town & Regional Planning Consultants and dated 17 February 2025, shows the new right-of-way servitude over Erf 398 in favour of Erf 406.
 - 2.3. Paragraph 4.1 should now read:

"The new access from OP 4243 to Erven 398 and 406 must be located at approximately km 0.11 RHS."

ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: landuse.enquiries@stellenbosch.gov.za)

2. Nautecon Trading and Investments

Attention: Mr D Hattingh (e-mail: dirk@dirkhattingh.com)

3. Mr E Smith (e-mail)

4. Ms R Beukes (e-mail)

5. Mr DD Fortuin (e-mail)

6. Mr B du Preez (e-mail)



THE METHODIST CHURCH OF SOUTHERN AFRICA

CAPE OF GOOD HOPE DISTRICT 0100

STELLENBOSCH CIRCUIT 127



Raithby Methodist Church

98 Carelse Street, Raithby, 7130

Email: raithbymethodistchurch@gmail.com

Tel: +27 79 0311 028

18 June 2025

To: Mr Dirk Hattingh

Subject: Non-Approval of Servitude

Greetings in the wonderful name of our Lord and Saviour, Jesus Christ.

Following careful and prayerful deliberation, the Leadership of Raithby Methodist Church has met and resolved **not to approve** the servitude requested by Mr Hattingh in relation to the planned development surrounding the church graveyard.

We trust that this decision will be received with understanding and respected accordingly.

Yours in Christ,

Ms Antoinette Samuels

Society Secretary

Raithby Methodist Church



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15855 (TP410/2023)

Our File Reference Number: Erf 406 and 398, Raithby

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

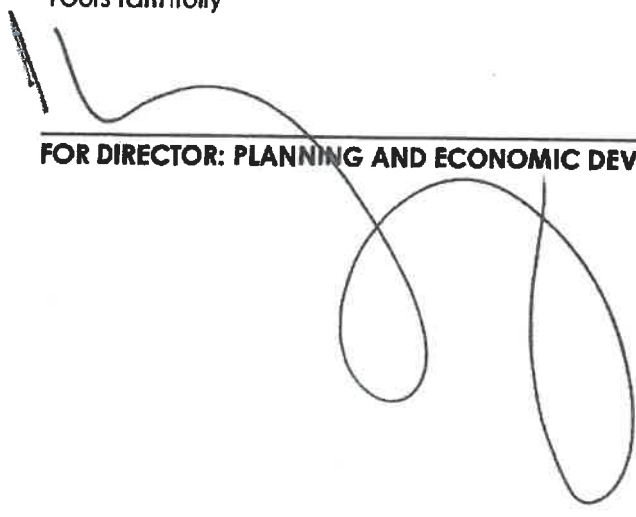
PER E-MAIL: dirk@dirkhattingh.com

Sir / Madam

APPLICATION FOR SUBDIVISION : ERF 406 AND 398, RATHBY

1. This Municipality's letter dated 11 March 2025, refers.
2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.
3. Accordingly, you may now act on the decision detailed in my letter dated 11 March 2025, subject to compliance with the conditions of approval.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

2/4/2025
DATE



STELLENBOSCH

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Application Number: LU/15855 (TP410/2023)

Our File Reference Number: Erf 406 and 398, Raithby

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: dirk@dirkhattin@h.com

Sir / Madam

APPLICATION FOR SUBDIVISION : ERF 406 AND 398, 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)(d) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 406 and 398, Raithby for the:
 - 2.1.1 Subdivision of Erf 406, Raithby into Portion 1 ($\pm 404.53\text{m}^2$), Portion 2 ($\pm 428.98\text{m}^2$), Portion 3 ($\pm 405.73\text{m}^2$) and Portion 4 ($\pm 401.28\text{m}^2$).
 - 2.1.2 Registration of a 6m right of way servitude over Portions 1 and 2 and a 6m and 8m right of way servitude over Portion 3 in favour of all subdivided portions of Erf 406, Raithby.
 - 2.1.3 Registration of a 6.5m right of way servitude over Erf 398, Raithby in favour of Portions 1, 2, 3 and 4 of Erf 406, Raithby.
 - 2.1.4 Registration of a 6.5m right of way servitude over Erf 398, Raithby in favour of Erf 167, Raithby.

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. 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 Bylaws or Regulations that may be applicable.
- 3.2. 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 application.
- 3.3. The subdivision must be undertaken generally in accordance with the subdivision plan, as indicated on the referenced, proposed subdivision plan; Project No. RTH-E-406, Drawn by BBS, dated 17-02-2015 Revision 4 attached as **ANNEXURE B**.
- 3.4. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 3.5. Conditions imposed by the Municipal Infrastructure Services Department as contained in the memorandums dated 23 December 2024 attached as **ANNEXURE C**, be complied with.
- 3.6. Conditions imposed by the Western Cape Government: Department of Infrastructure as contained in their letter dated 02 February 2024 (Ref: DOI/CFC/RP/LUD/REZ/SUB-25/476 Job 30605 attached as **ANNEXURE D**, be complied with.
- 3.7. 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:
 - 3.7.1 Newly allocated erf/farm numbers
 - 3.7.2 Co-ordinates
 - 3.7.3 Survey dimensions
- 3.8. The building height on the subdivided portions for both single and double storey structures be restricted to 6.5m from the natural ground level to the top of the roof, provided that chimneys, flues, masts and antennae shall not be included for the purpose of measuring a building height in meters.

- 3.9. The right of way servitudes over Portion 1 to 3 in favour of all subdivided portions of Erf 406, Raithby; over Erf 398, Raithby in favour of Portions 1 to 4 of erf 406, Raithby and Erf 167 Raithby, simultaneous registration with the subdivision in the deed's office, in all the title deeds of the applicable property/ies and transfer to new title deeds, will be the responsibility and for the cost of the owners.
 - 3.10. An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
 - 3.11. A constitution for the owner's association be submitted and approved by the Municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution makes provision for the relevant matters in Section 29 of the subject Bylaw and specifically the arrangements for the registration and maintenance of the private right of way servitudes to be registered.
 - 3.12. Architectural / Aesthetic Guidelines be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application and specifically compliance with the height restriction for both single and double storey structures, restricted to 6.5m from the natural ground level to the top of the roof, provided that chimneys, flues, masts and antennae shall not be included for the purpose of measuring a building height in meters.
4. The **reasons** for the above decision are as follows:
- 4.1. The proposed subdivision is a moderate form of densification inside an urban edge, which is promoted by the principals of the Stellenbosch Municipal Spatial Development Framework.
 - 4.2. Safe accesses off a public road are created and municipal service could be provided to the satisfaction of the Municipal Director: Infrastructure Services.
 - 4.3. All zoning scheme bylaw parameters for all portions will still be able to be complied with, for any new construction, with minimum effect on surrounding neighbouring properties.
 - 4.4. The proposals would not have a significant impact on traffic generation, which would be detrimental to the area.

5. **Matters to be noted:**

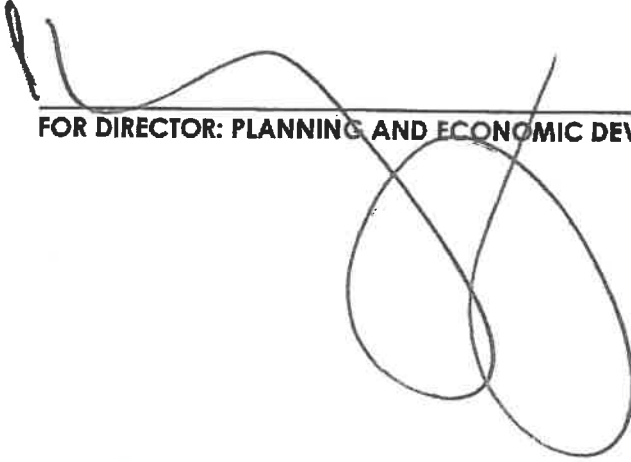
- 5.1. The subdivision and registration of servitudes only comes into effect once all conditions or relevant legislative provisions have been complied with.
- 5.2. The parameters in the Architectural / Aesthetic Guidelines must conform to the Stellenbosch Municipal Zoning Scheme Bylaw as no departures was submitted, considered and approved, except the more restrictive condition of approval which has been imposed for the height restrictions of the buildings.
6. 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.
7. 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.
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 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.
11. 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.

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 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

11/3/2025
DATE

COPIES TO:

Mrs Patricia Crowley
Email: pcrowley@iafrica.com

Dr Udo Sauer
Email: heinzheike@yahoo.de

Stellenbosch Interest Group
Email: interestgroupstellenbosch@gmail.com

Methodist Church Of Southern Africa
Email: sue.wagner140563@gmail.com
volminckdianne@gmail.com

/

Michael.Gaarekwe@gmail.com

/

Raithby Ratepayers Association
Email: sue.wagner140563@gmail.com

ANNEXURE B

Figure a,b,c,d,e,f,g,h,i represents a 6.0m wide ROW servitude registered over portions 1-3 in favour of all subdivided portions of Erf 106.



This drawing and all the information contained hereon is property of Dirk Hasting and may not be copied or disclosed to a third party without his written consent.

**PROPOSED REZONING AND
SUBDIVISION OF ERF 406
RAITHBY, STELLENBOSCH**

**SUBDIVISION AND
SERVITUDE PLAN**

RECEIVED NO.:	DATE:	SCALE:	1:250
RTN-E-806	BBS		

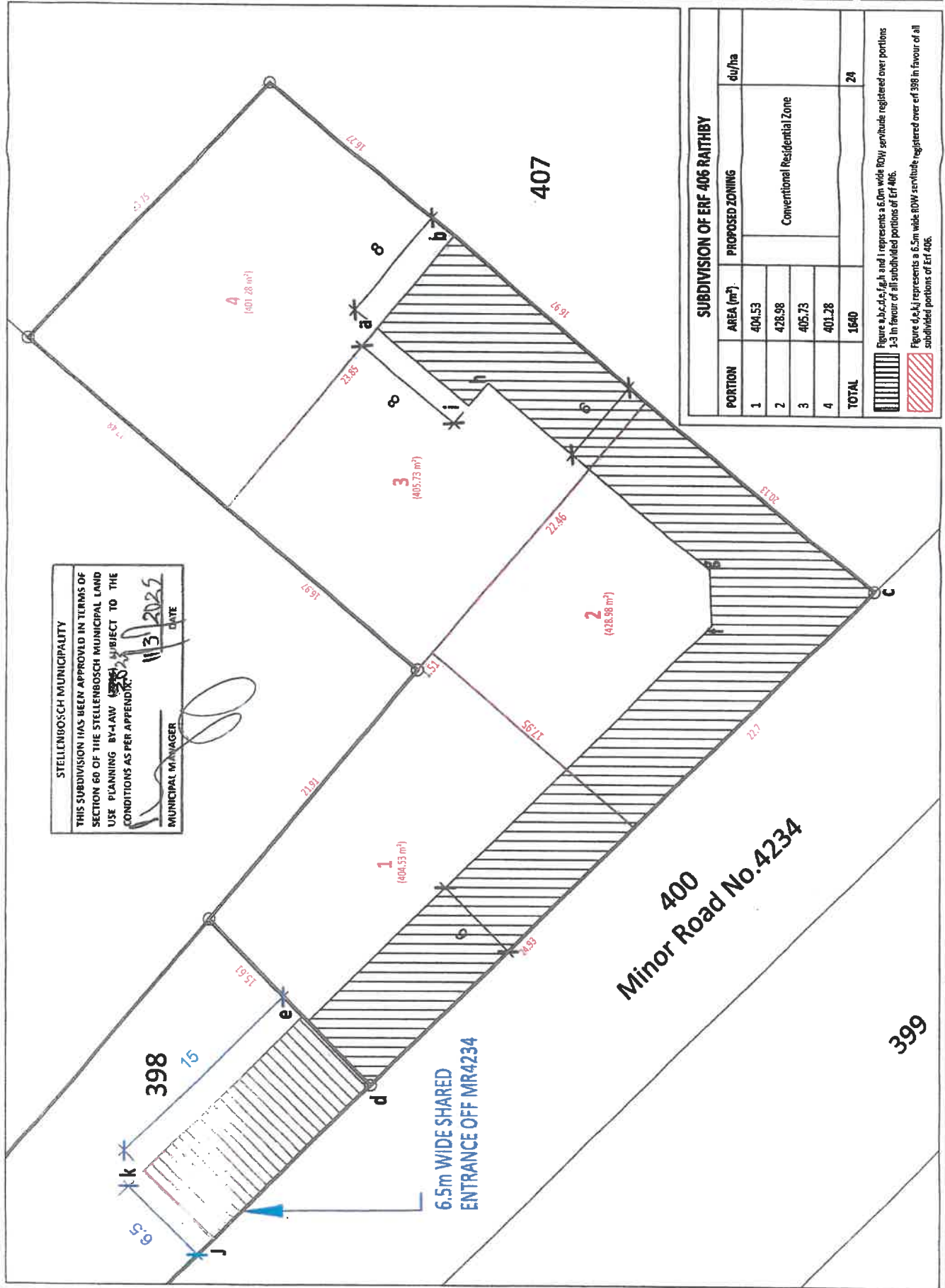
STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (1995) SUBJECT TO THE CONDITIONS AS PER APPENDIX A

MUNICIPAL MANAGER

11/3/2025

DATE



SUBDIVISION OF ERF 406 RAITBY

PORTION	AREA (m ²)	PROPOSED ZONING	du/ha
1	404.53	Conventional Residential Zone	
2	428.98		
3	405.73		
4	401.28		
TOTAL	1540		24

Figure a,b,c,d,e,f,g,h and i represents a 6.0m wide RDW servitude registered over portions 1-3 in favour of all subdivided portions of Erf 406.

Figure d,e,f,g,h,i represents a 6.5m wide RDW servitude registered over erf 398 in favour of all subdivided portions of Erf 406.



MR. DIRK HATTINGH

PROPOSED REZONING AND SUBDIVISION OF ERF 406 RAITBY, STELLENBOSCH

SUBDIVISION PLAN

PROJECT NO.: RTH-4-406	DATE: 17-02-2025
REVISION NO.: 005	
SCALE: 1:250	

DRAFT FOR DISCUSSION

This drawing and all the information contained thereon is property of Dirk Hattingsh and may not be copied or distributed in any form without his written consent.

ANNEXURE C



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To - Aan: Director: Planning + Economic Development
Att Aandag: Bulehwa Mdoda
From - Van: Principal Technician: Development (Infrastructure Services)
Author - Skrywer: Ilze Fillies
Date - Datum: 23 December 2024
Our Ref - Ons Verw: Civil LU 2572
Town Planning Ref: LU/15855 - TP410/2023
Re - Insake: Erf 406 & 398, Raithby: Application for subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw (2023) for the subdivision of Erf 406, Raithby into 4 portions, namely Portion 1 ($\pm 404\text{m}^2$), Portion 2 ($\pm 428\text{m}^2$), Portion 3 ($\pm 405\text{m}^2$), Portion 4 ($\pm 401\text{m}^2$), and the registration of a 6m right of way servitude over Portions 1 to 4 and Erf 398, Raithby and a 6m right of way servitude over Portion .

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

1. **Sewer**
 - 1.1 Each erf must have its own sewer connection.
 - 1.2 There is currently no sewer capacity in Raithby for the proposed development. The municipality is currently in the process of upgrading the WWTW in Raithby. If the upgrade is not completed before the clearance certificate is submitted, the developer must install conservancy tanks for each erf as an interim solution.
 - 1.3 The sewer layout and position of the conservancy tank for each erf must be designed so that in future the conservancy tank can be replaced with the municipal sewer connection point connecting to the municipal sewer line.
 - 1.4 No private sewer pipes may cross an internal erf boundary.

FILE NR:

EF 406 PB

SCAN NR:

COLLABORATOR NR:

778883

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

09 JAN 2025

RECEIVED

- 1.5 Please submit an engineering drawing by an ECSA professionally registered Engineer for approval prior to construction of the sewer connection.
- 1.6 All servitudes must be clearly indicated on the engineering services drawing.
- 1.7 Installation must be done by a suitable Contractor appointed by the Owner. The cost of the installation of the sewer connection is for the accounts of the applicant.
- 1.8 No Clearance will be issued unless the Water Services Department has confirmed in writing that the sewer connections have been installed to their satisfaction.

2. Water

- 2.1 Each erf must have its own water connection.
- 2.2 No private water pipes may cross an internal boundary.
- 2.3 Please submit an engineering drawing by an ECSA professionally registered Engineer for approval prior to construction of the water connection.
- 2.4 No Clearance will be issued unless the Water Services Department has confirmed in writing that the water connection has been installed, or proof of installation such as water meter registration (account) is provided.

3. Roads

- 3.1 Each erf must have its own access to a public/private street.
- 3.2 The cost of the installation of the access is for the account of the applicant.
- 3.3 All conditions set by the Western Cape Government approval letter Ref DOI/CFS/RP/LUD/REZ/SUB-25/476(Job 30605) dated 2 February 2024 must be complied with prior to clearance.
- 3.4 All servitudes must be registered before clearance is issued.

4. General

- 4.1 Any changes to any existing civil engineering services of Stellenbosch Municipality are for the account of the owner.

1. Development Charges (DCs)

- 1.1 The following DC's are payable: See Development Charge Calculation attached. Please note that this calculation is indicative at this stage. A final calculation will be provided prior to payment.

- 1.2 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 1.3 The appropriate DC's are payable before subdivision clearance.

5. Clearance Certificates

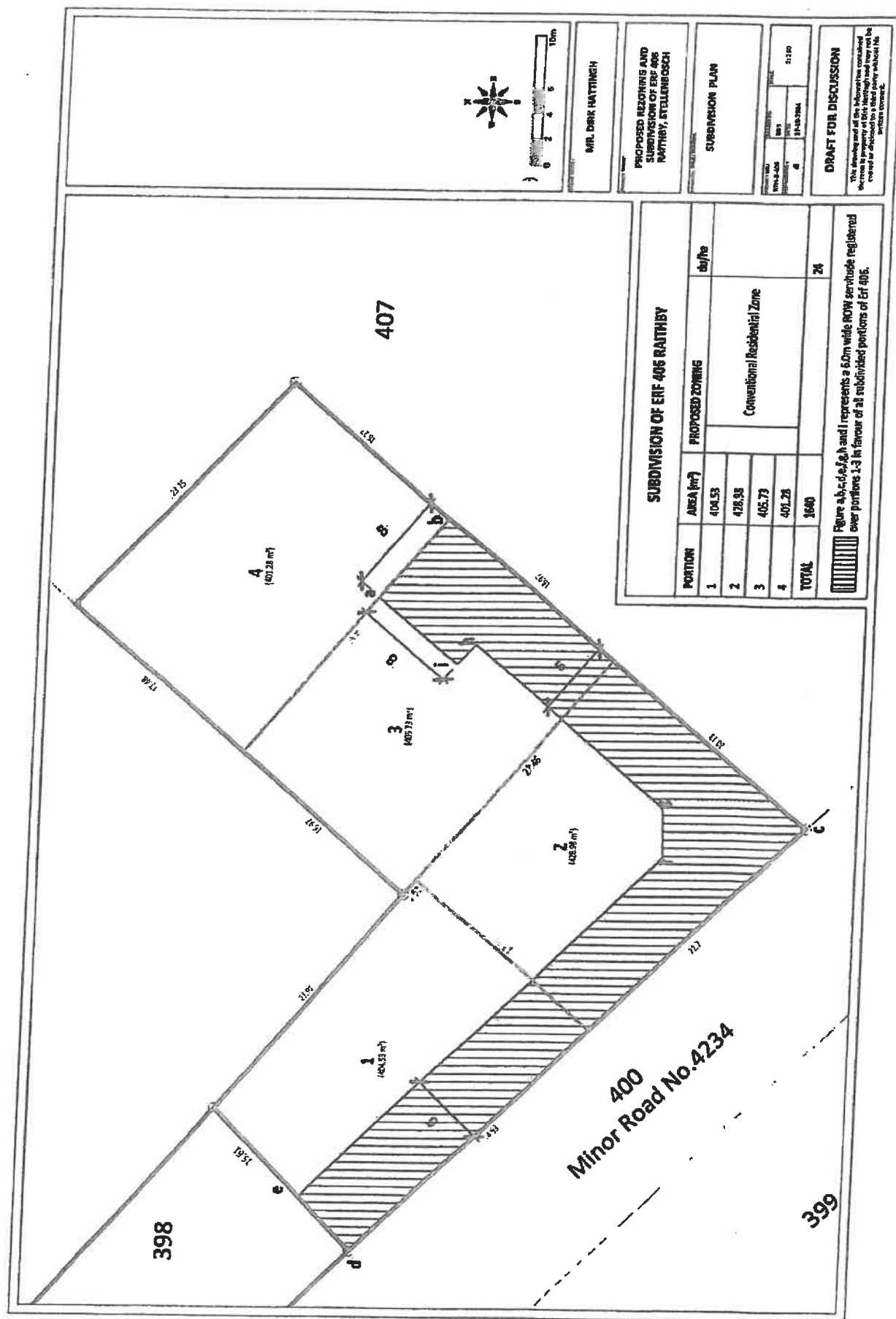
- 5.1 The Municipality reserves the right to withhold any clearance certificates until such time as the applicant has complied with the above-mentioned conditions.



Ilze Fillies
Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2572 (IF) Erf 406& 398 Raitby (LU-15855 TP410-2023)\2572 Erf 406& 398 Raitby (LU-15855 TP410-2023) - APP.doc







Stellenbosch Municipality

Development Charge Calculation



Application Number:	2572 (RF) Erf 408A, 388 Rethby (LU-15855 TP-410-2023)
Development Name:	
Date:	23 December 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Rethby
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Erf 408 & 398
DC Parameters Reference:	Proposed rezoning and subdivision of erf 408 Rethby Stellenbosch Proj No RTH-E-408 Rev No 4 dated 17 October 2024 Dirk Hiddingh

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (CmI Eng Services)	Community	Totals
Unit(s):	M/day	M/day	m ³ /d	Week	Weekday		persons	
Total Increased Services Usage:	1,8	1,7	0,044	0,12	12		12	
Total Service Usage Reduction:	0	0	0	0	0,0		0	
Total Service Usage after Reduction:	1,80	1,70	0,04400	0,120	12,0		12	
Charges before adjusting for positive only, before Deductions	R 17 577,48	R 24 307,22	R 7 051,85	R 12 336,00	R 149 391,31	R 210 653,85	R 48 651,76	R 259 305,91
Charges adjusted for positive only, before Deductions	R 17 577,48	R 24 307,22	R 7 051,85	R 12 336,00	R 149 391,31	R 210 653,85	R 48 651,76	R 259 305,91
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 17 577,48	R 24 307,22	R 7 051,85	R 12 336,00	R 149 391,31	R 210 653,85	R 48 651,76	R 259 305,91
VAT:	R 2 636,02	R 3 646,08	R 1 057,78	R 1 856,40	R 22 407,20	R 31 598,08	R 7 297,76	R 38 895,84
Total Development Charges Payable (including VAT):	R 20 214,10	R 27 953,30	R 8 109,62	R 14 192,40	R 171 798,51	R 242 251,93	R 55 949,52	R 298 201,46

APPLICANT INFORMATION

Application Processed by:	(Ink Filled)
Signature:	
Notes:	

[illegible]

ANNEXURE D



**Western Cape
Government**

Department of Infrastructure
Vanessa Stoffels
Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: DOI/CFS/RP/LUD/REZ/SUB-25/476 (Job 30605)

The Municipal Manager
Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

FILE NR:	OUTGOING POST
ERF NR:	398 RB
PLAN NR:	406 RB
COLLABORATOR NR:	763656

ERF 406 AND ERF 398 RAITHBY: MINOR ROAD 4234: APPLICATION FOR REZONING, SUBDIVISION AND REGISTRATION OF RIGHT OF WAY SERVITUDES

1. The following refer:
 - 1.1. The letter 15/2/6/2 & 16/1/1/9/04234 from the Cape Winelands District Municipality to you dated 7 December 2012.
 - 1.2. The Notice of Land Development Application LU15855 (TP410/3023) received via email from Nautecon Trading and Investments dated 8 September 2023 containing.
 - 1.3. The undated Motivation report prepared by Nautecon Trading and Investments containing the following plans:
 - The Subdivision Plan No C5128D/Sub Plan 1 prepared by Diesel & Munns dated May 2023; and
 - Right of way Servitude Plan No. C5128/Ser Plan 2 prepared by Diesel & Munns dated May 2023,
 - 1.4. A site visit conducted on 17 September 2023.
 - 1.5. The updated Rezoning and Subdivision Plan RTH-E-406 prepared by BBS Town and Regional Planning Consultants dated 8 December 2023.
 - 1.6. The following updated plans prepared by BBS Town and Regional Planning Consultants dated 18 January 2024:
 - Combined right of way Servitude Plan;
 - Right of way Servitude Plan over Erf 398 in favour of Erf 167 (Cemetery);
 - Right of way Servitude Plan over Erf 398 in favour of all subdivided portions of Erf 406; and

- Right of Way Servitude Plan registered over Erf 406 in favour of all subdivided portions of Erf 406.
- 2. Minor Road 4234 (OP4234) is directly affected by this application for a proposed access at $\pm$ km 0.11 right hand side (RHS).
- 3. The application entails following:
 - 3.1. The subdivision of Erf 406, Raithby into 7 portions, namely Portion 1 ($\pm$ 244m²), Portion 2 ($\pm$ 232m²), Portion 3 ($\pm$ 358m²), Portion 4 ($\pm$ 197m²), Portion 5 ($\pm$ 196m²), Portion 6 ($\pm$ 217m²) and Portion 7 ($\pm$ 196m²);
 - 3.2. The phasing of the development on a per erf basis;
 - 3.3. The registration of a 6m right of way servitude over Portions 1 to 5 of Erf 406 and Erf 398 Raithby as well as an 8m right of way servitude over Portion 6.;
 - 3.4. The registration of a 6.5m wide right of way servitude over Erf 398 in favour of all subdivided portions of Erf 406; and
 - 3.5. The registration of a 6.5m wide right of way servitude over Erf 398 in favour of Erf 167 (Cemetery);
- 4. This Branch offers no objection to the above application for subdivision and registration of right of way servitudes subject to the following conditions:
 - 4.1. The new access off OP4243 to Erf 167, 398 and 406 must be at $\pm$ km 0.11RHS;
 - 4.2. The existing access at $\pm$ km 0.13RHS must be closed permanently and the road reserve, boundary fence and drainage reinstated;
 - 4.3. Stellenbosch municipality must ensure that all the right of way servitudes are registered to ensure legal and unfettered access to all affected properties;
 - 4.4. The new access must be 6.8m wide, have an edge-beam and the bell-mouth must have a radii of 6m;
 - 4.5. The surface of the access must be hardened to prevent gravel from being transported onto OP4243;
 - 4.6. The design and construction of the access must be approved and supervised by the District Engineer in Paarl;
- 5. This Branch, in terms of Act 21 of 1940, approves the subdivision of Erf 406 Raithby as presented in the Rezoning and Subdivision Plan No. RTH-E-406 prepared by BBS Town and Regional Planning Consultants dated 8 December 2023.

Yours Sincerely



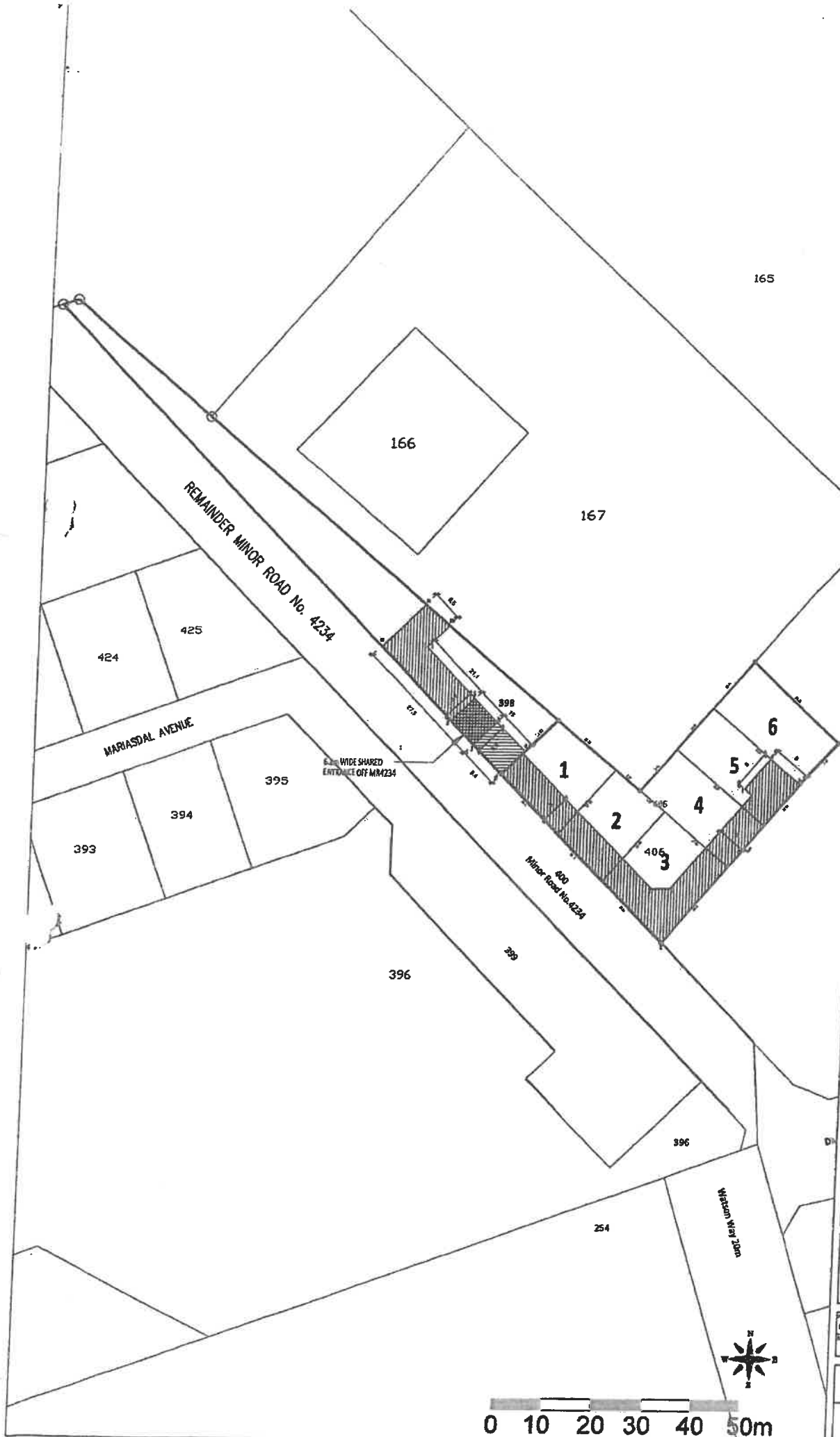
SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 2 FEBRUARY 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. Nautecon Trading and Investments
Attention: Mr D Hattingh (e-mail: dirk@dirkhattingh.com)
3. District Roads Engineer: Paarl
4. Mr E Smith (e-mail)
5. Mr SW Carstens (e-mail)
6. Me S du Preez (email)
7. Mr B du Preez (e-mail)



Notes:

Figure a,b,c,d,e,f,g,h,i represents a 6.0m wide ROW servitude registered over Erf 406 in fa all subdivided portions of Ei

Figure j,k,l,m,n,o represents 6.5m wide ROW servitude registered over Erf 398 in fa Erf 167.

Figure p,q,r,s,t represents a 21 x 6.5m wide ROW servitude registered over Erf 398 in fa all subdivided portions of Erf

NAUTECON TRADING AND INVESTMENTS

MR. DIRK HATTINGH

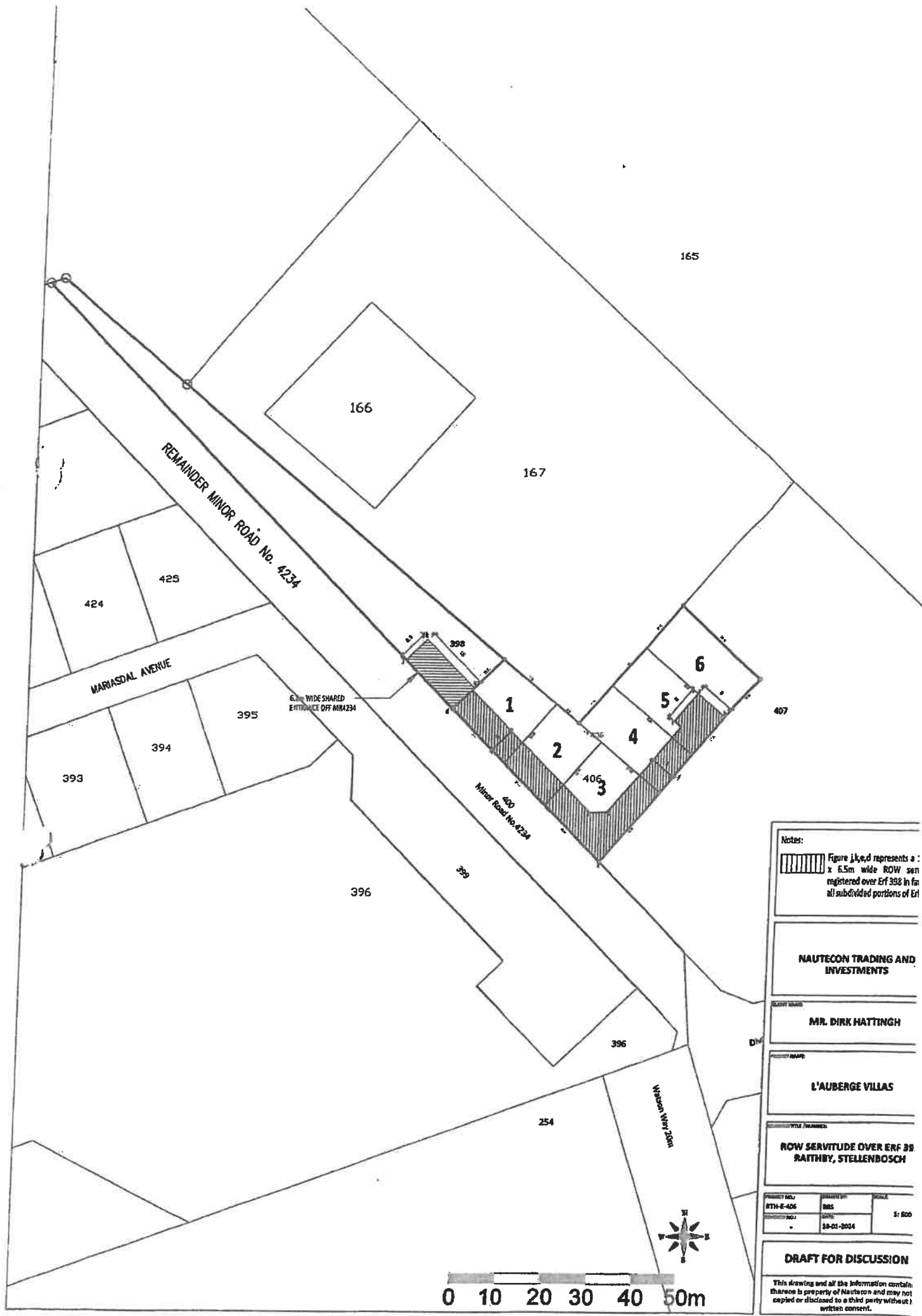
L'AUBERGE VILLAS

SERVITUDE PLAN

PROJECT NO.	DATE	SCALE
ETH-E-406	045	1:500
PROJECT NAME	DATE	
	14-01-2024	

DRAFT FOR DISCUSSION

This drawing and all the information contained thereon is property of Nautacon and may not be copied or disclosed to a third party without written consent.



Notes:
 Figure 1:k,e,d represents a 6.5m wide ROW servitude over Erf 398 in all subdivided portions of Erf

NAUTECON TRADING AND INVESTMENTS

CLIENT NAME
MR. DIRK HATTINGH

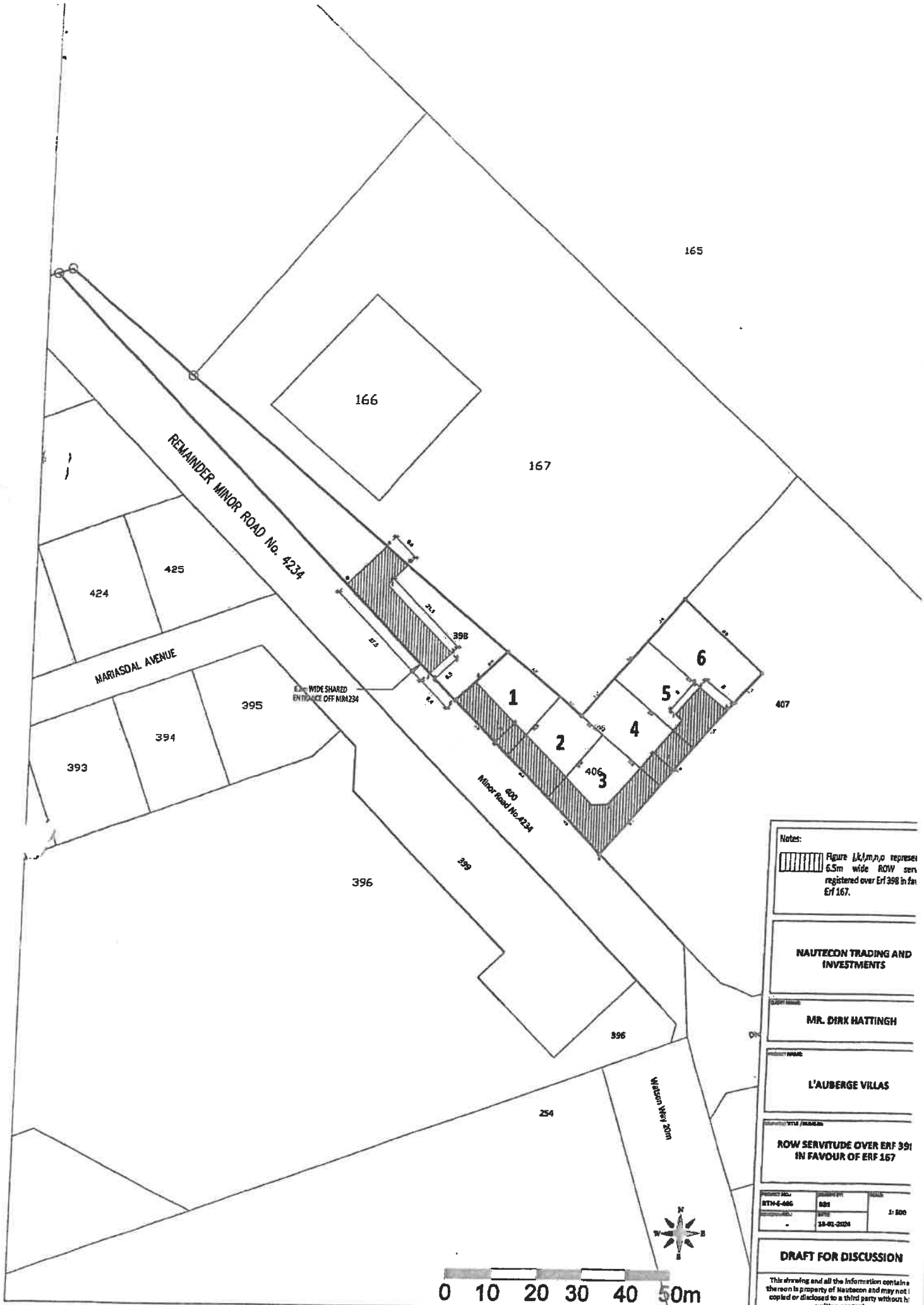
PROJECT NAME
L'AUBERGE VILLAS

TITLE / DRAWING
ROW SERVITUDE OVER ERF 38 RATHBY, STELLENBOSCH

PROJECT NO. ETH-E-406	DRAWN BY BMS	SCALE 1:500
REVISION NO. *	DATE 18-01-2004	

DRAFT FOR DISCUSSION

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Notes:
 Figure 167/m,n,p represents 6.5m wide ROW serv registered over Erf 398 in fav Erf 167.

NAUTECON TRADING AND INVESTMENTS

CLIENT NAME
MR. DIRK HATTINGH

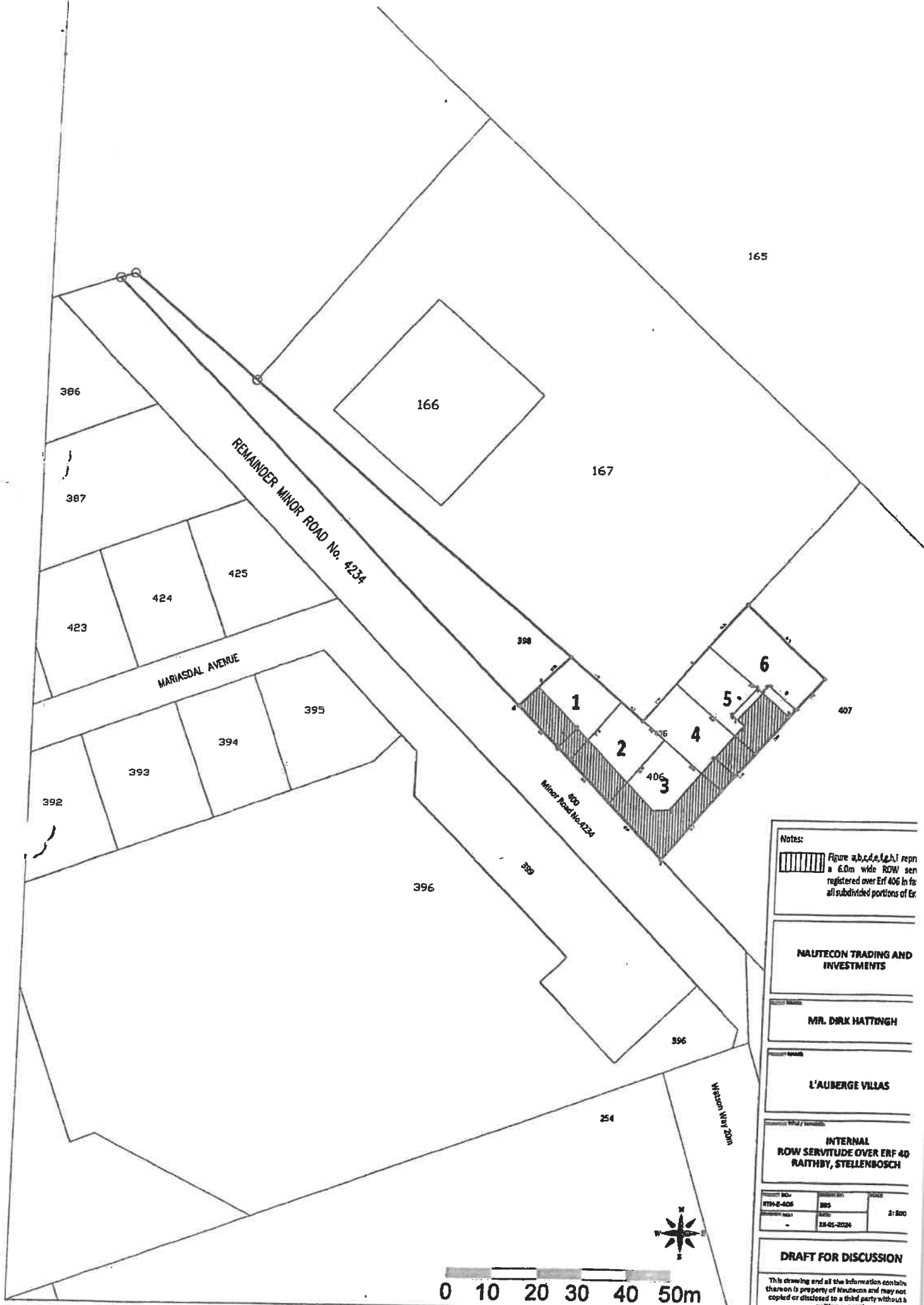
PROJECT NAME
L'AUBERGE VILLAS

DESCRIPTION
ROW SERVITUDE OVER ERF 391 IN FAVOUR OF ERF 167

PROJECT NO. NTN-6-686	PROJECT ERF 681	SCALE 1:500
DATE 15-01-2024		

DRAFT FOR DISCUSSION

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Notes:
 Figure a,b,c,d,e,f,g,h,i repr
 a 6.0m wide ROW sen
 registered over Erf 406 in its
 all subdivided portions of Er

NAUTECON TRADING AND INVESTMENTS

MR. DIRK HATTINGH

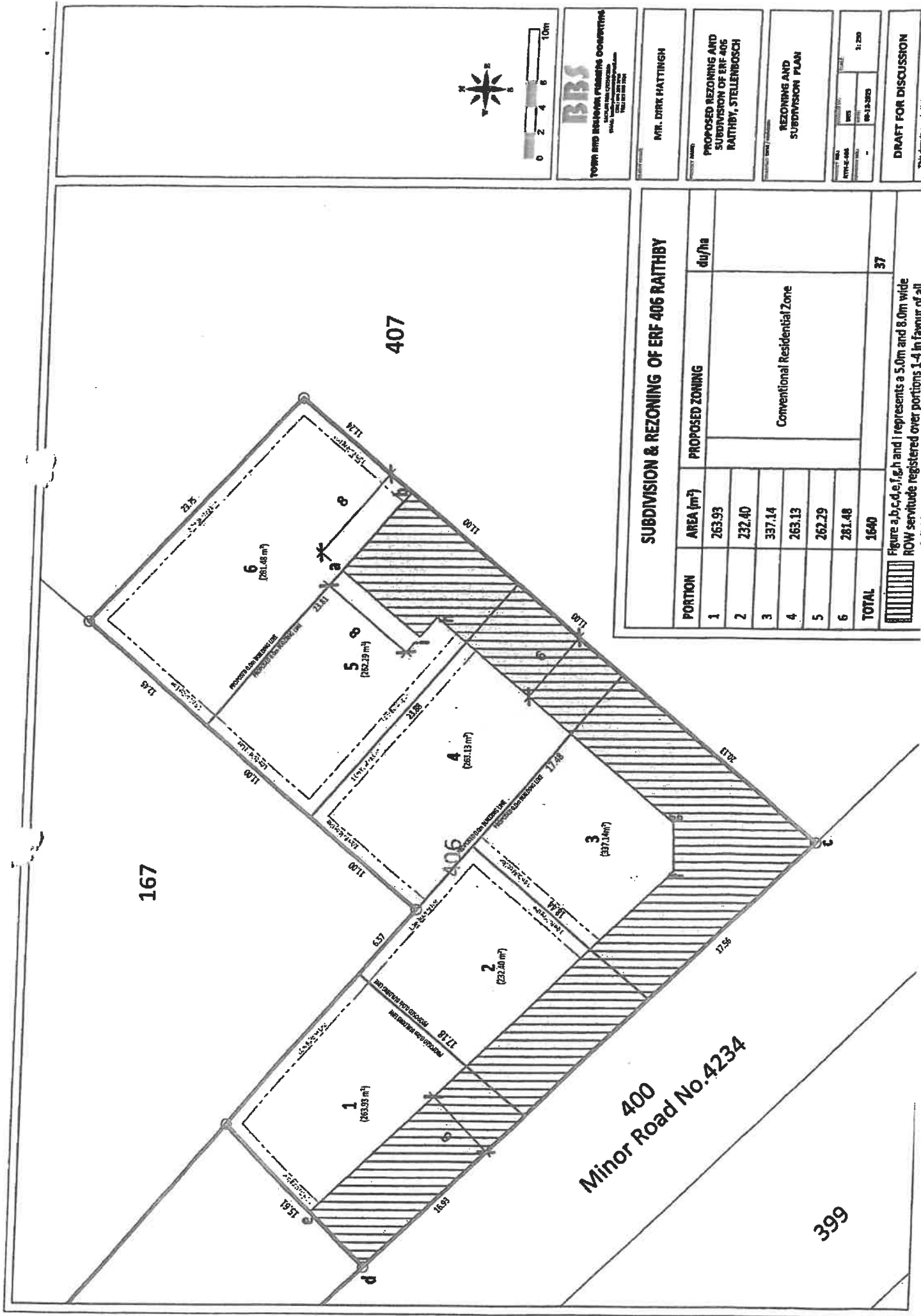
L'AUBERGE VILLAS

INTERNAL ROW SERVITUDE OVER ERF 40 RAITHBY, STELLENBOSCH

PROJECT NO.	DATE	SCALE
WTA-E-426	2005	2:500
REVISION NO.	DATE	
-	28-01-2006	

DRAFT FOR DISCUSSION

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BBS
TOWN AND REGIONAL PLANNING CONSULTING
100-102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

SUBDIVISION & REZONING OF ERF 406 RAITHBY

PORTION	AREA (m²)	PROPOSED ZONING	du/ha
1	263.93	Conventional Residential Zone	
2	232.40		
3	337.14		
4	263.13		
5	262.29		
6	281.48		
TOTAL	1640		37

Figure a,b,c,d,e,f,g,h and i represents a 5.0m and 8.0m wide ROW servitude registered over portions 1-4 in favour of all

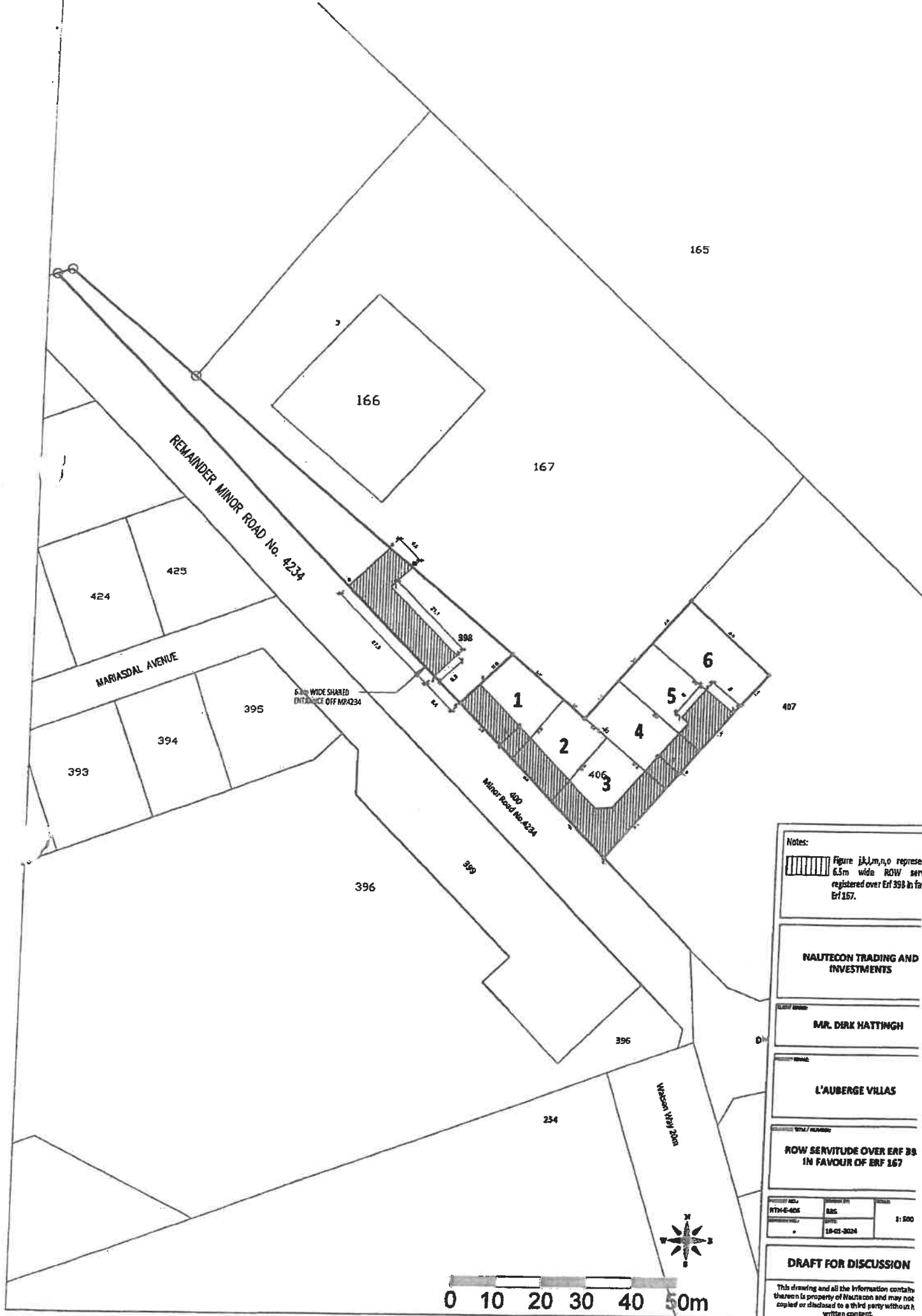
DRAFT FOR DISCUSSION
This document is not for construction

REZONING AND SUBDIVISION PLAN

PROPOSED REZONING AND SUBDIVISION OF ERF 406 RAITHBY, STELLENBOSCH

MR. DIRK HATTINGH

TOWN AND REGIONAL PLANNING CONSULTING



Notes:
 Figure j,k,l,m,n,o represent 6.5m wide ROW serv registered over Erf 398 in fa Erf 167.

NAUTECON TRADING AND INVESTMENTS

MR. DIRK HATTINGH

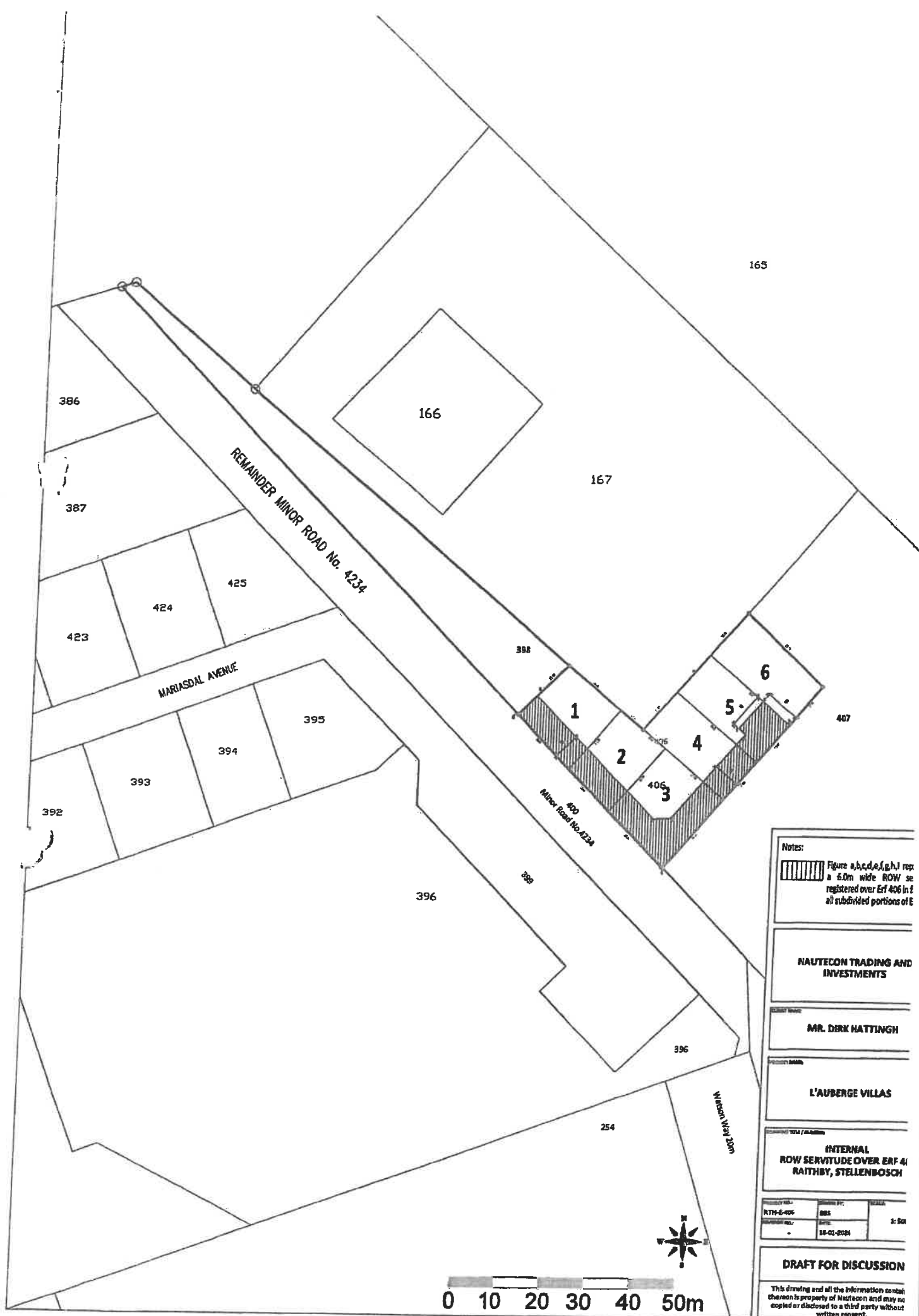
L'AUBERGE VILLAS

ROW SERVITUDE OVER ERF 39 IN FAVOUR OF ERF 167

PROJECT NO:	DATE:	SCALE:
RTM-6-405	185	1:500
DATE:	18-07-2024	

DRAFT FOR DISCUSSION

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Notes:

Figure a,b,c,d,e,f,g,h,i rep
a 5.0m wide ROW se
registered over Erf 406 in t
all subdivided portions of E

**NAUTECON TRADING AND
INVESTMENTS**

MR. DIRK HATTINGH

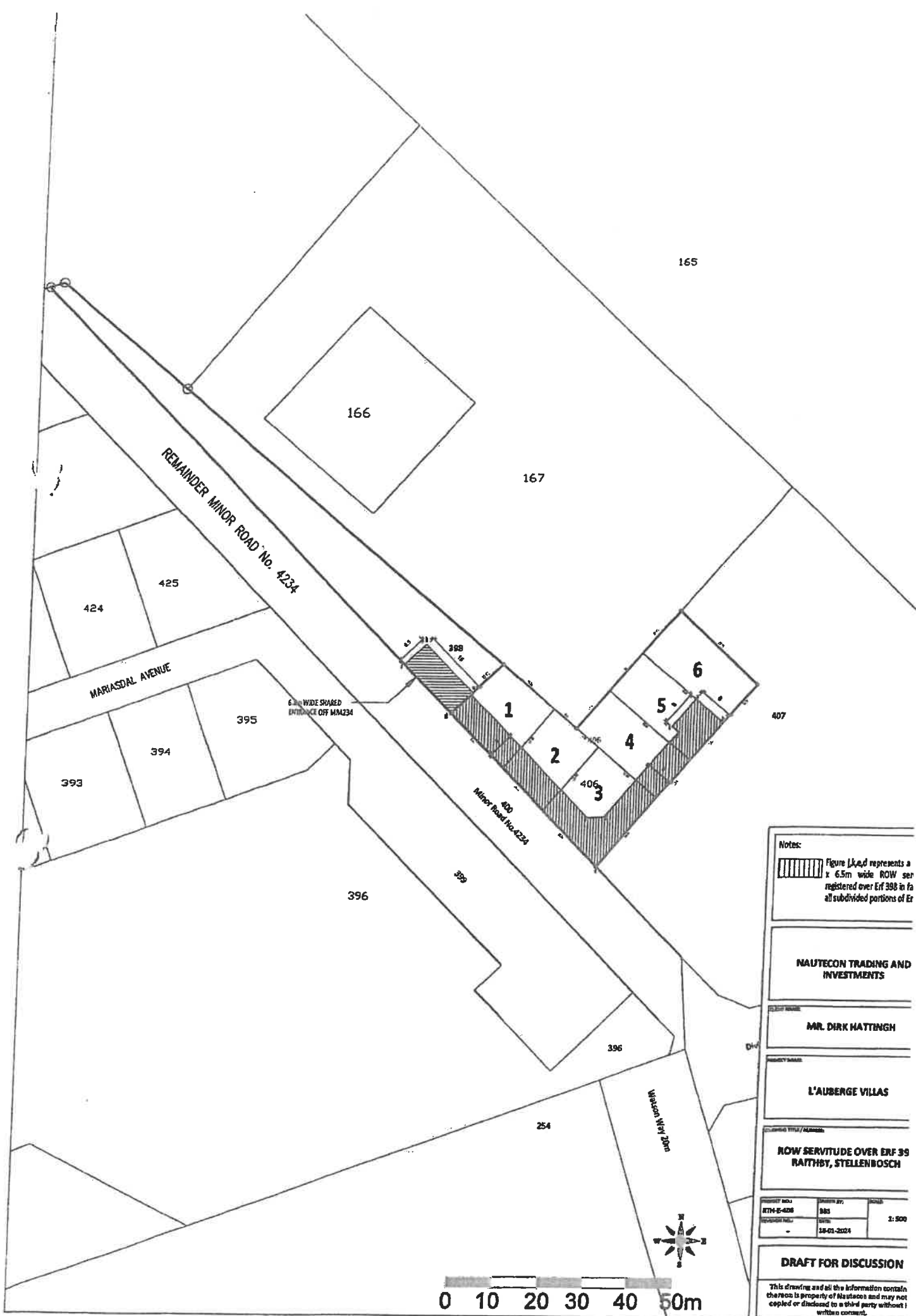
L'AUBERGE VILLAS

**INTERNAL
ROW SERVITUDE OVER ERF 4/
RAITHBY, STELLENBOSCH**

PROJECT NO. RTT-6-406	ISSUED BY BBS	SCALE 1:500
APPROVED BY -	DATE 18-01-2024	

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be copied or disclosed to a third party without
written consent.



Notes:

Figure 1.1 represents a 6.5m wide ROW servitude over Erf 398 in favour of all subdivided portions of Erf 398.

NAUTECON TRADING AND INVESTMENTS

MR. DIRK HATTEINGH

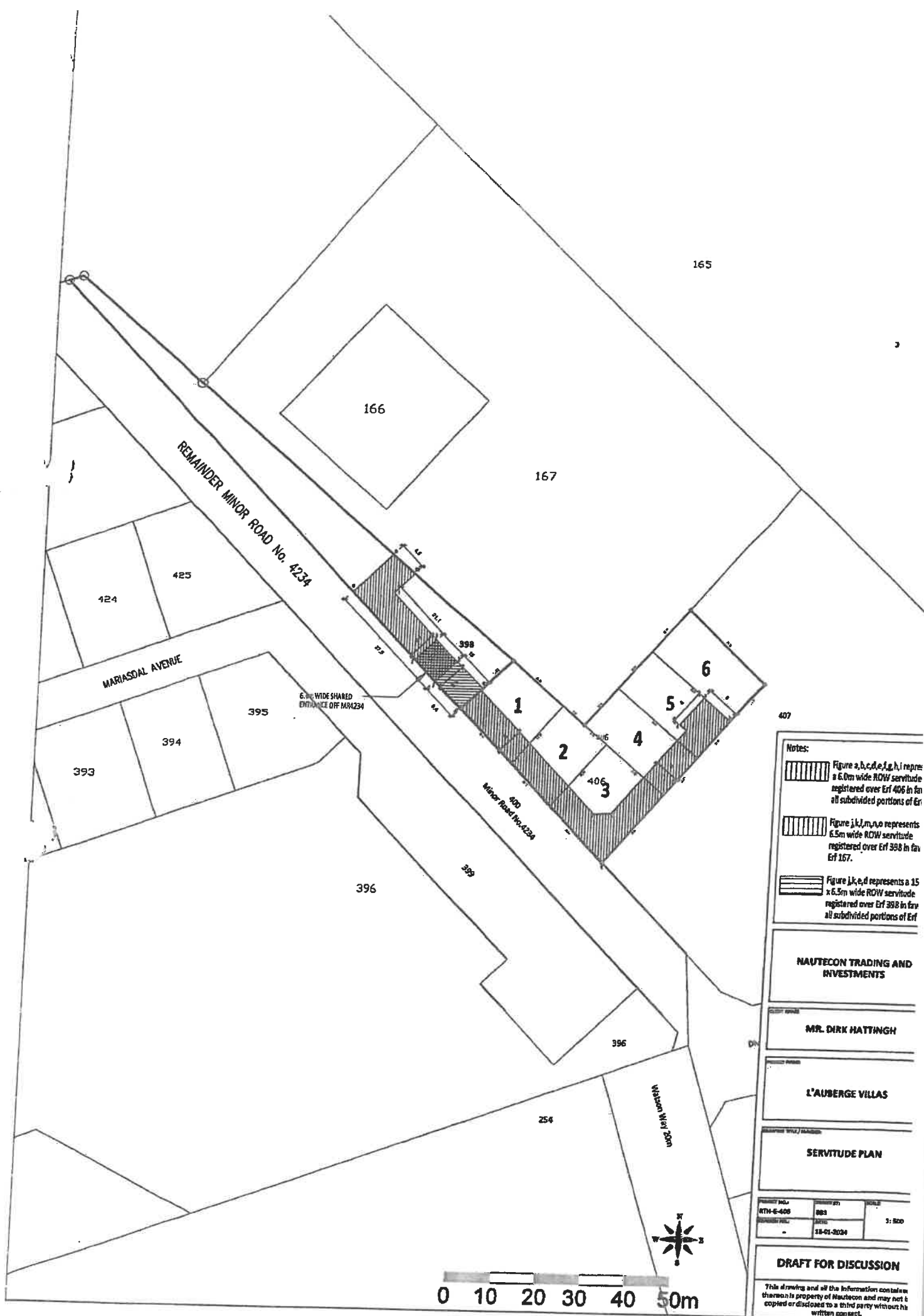
L'AUBERGE VILLAS

ROW SERVITUDE OVER ERF 39 RAITHSY, STELLENBOSCH

PROJECT NO.	DATE	SCALE
RTM-E-4234	18-01-2024	1:500

DRAFT FOR DISCUSSION

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Notes:

Figure a,b,c,d,e,f,g,h,i represents a 6.0m wide ROW servitude registered over Erf 406 in favour of all subdivided portions of Erf

Figure j,k,l,m,n,o represents a 6.5m wide ROW servitude registered over Erf 398 in favour of Erf 167.

Figure p,q,r,s,t represents a 15 x 6.5m wide ROW servitude registered over Erf 398 in favour of all subdivided portions of Erf

NAUTECON TRADING AND INVESTMENTS

MR. DIRK HATTINGH

L'AUBERGE VILLAS

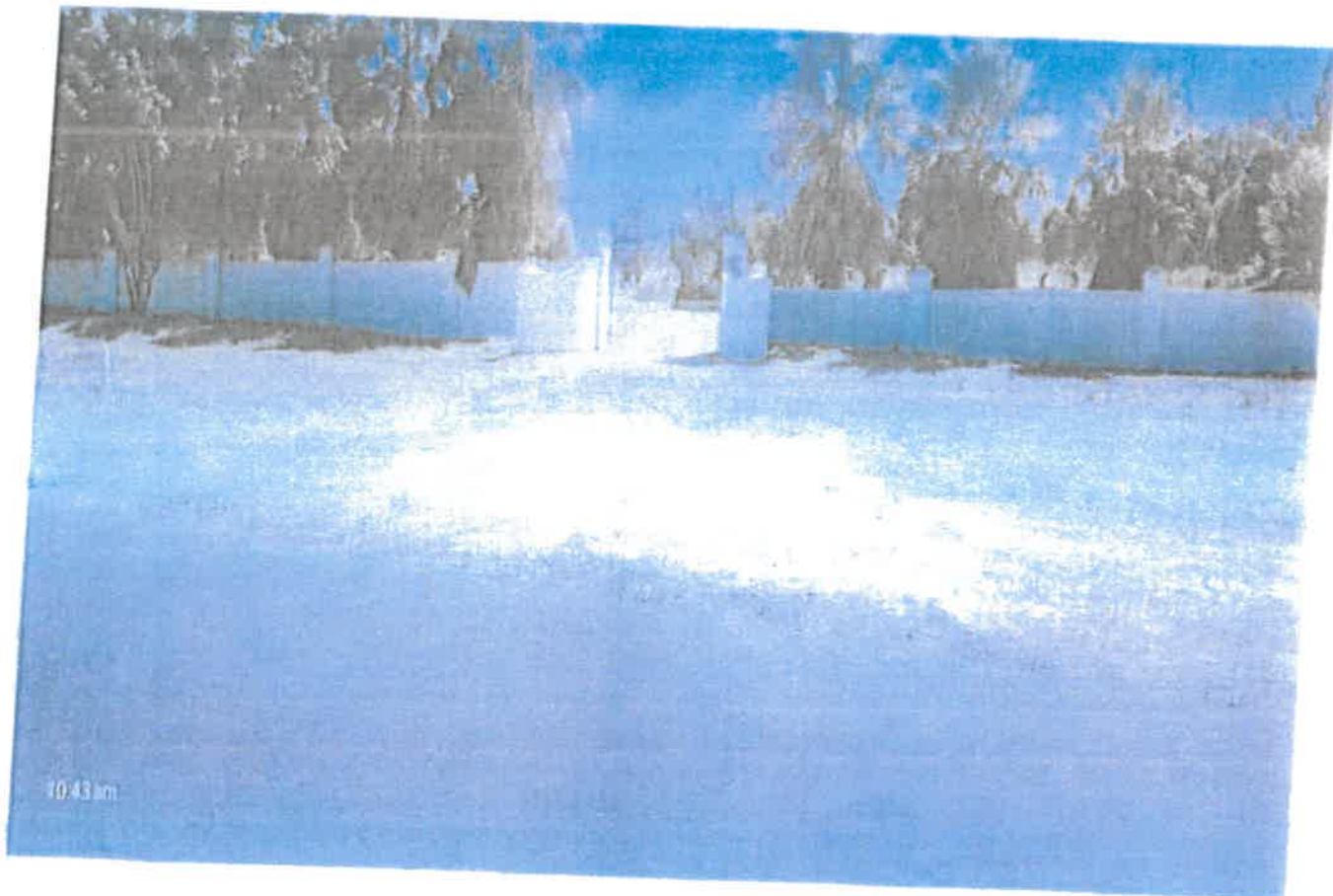
SERVITUDE PLAN

PROJECT NO.	083	SCALE
REF: 001	18-01-2024	1: 500

DRAFT FOR DISCUSSION

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ANNEXURE E



Access to cemetery and Erf 406RB over Erf 389RB



Property adjacent to Erf 406RB



View of Erf 406RB from Minor Road



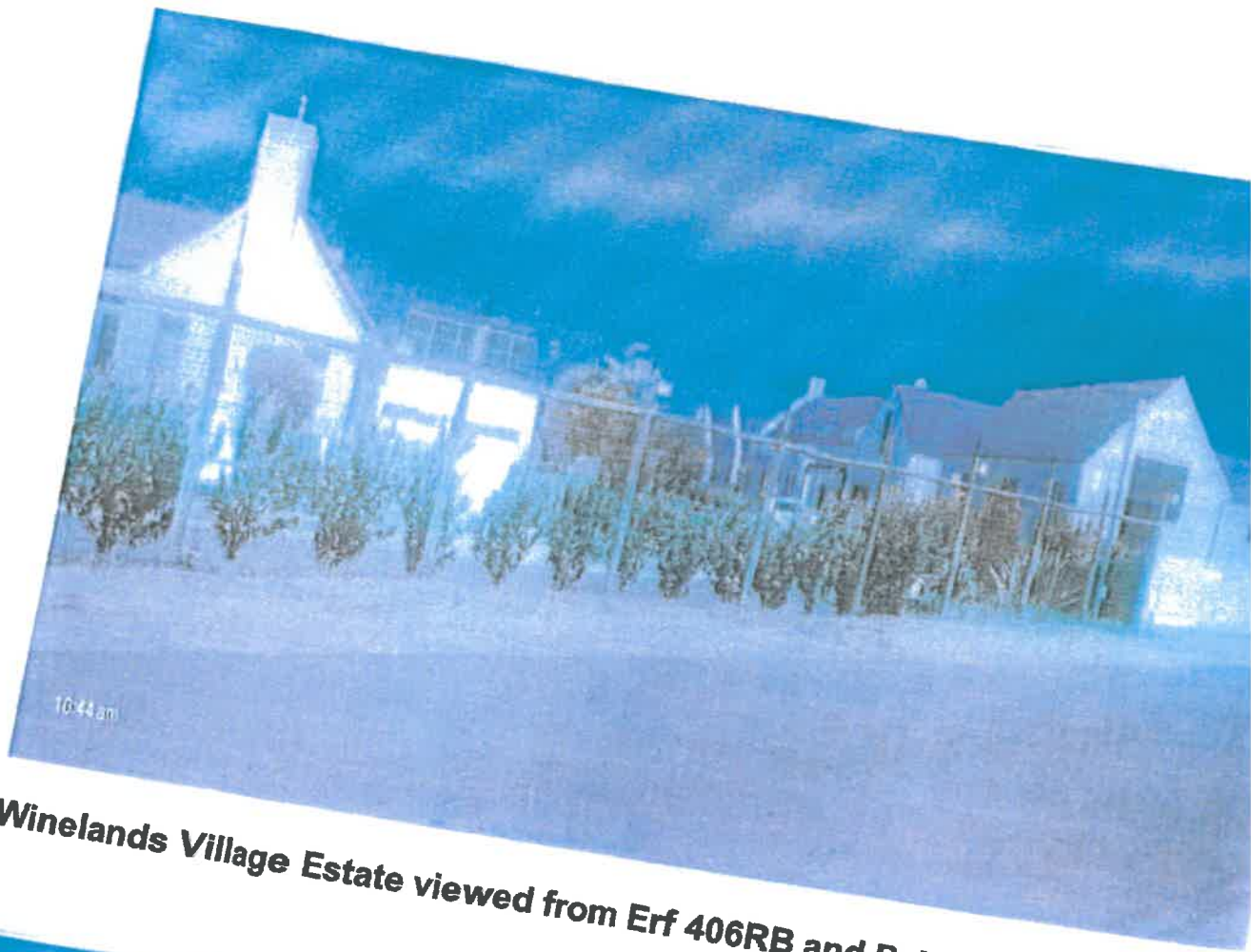
View from Minor Road access and proposed access onto Erf 406RB



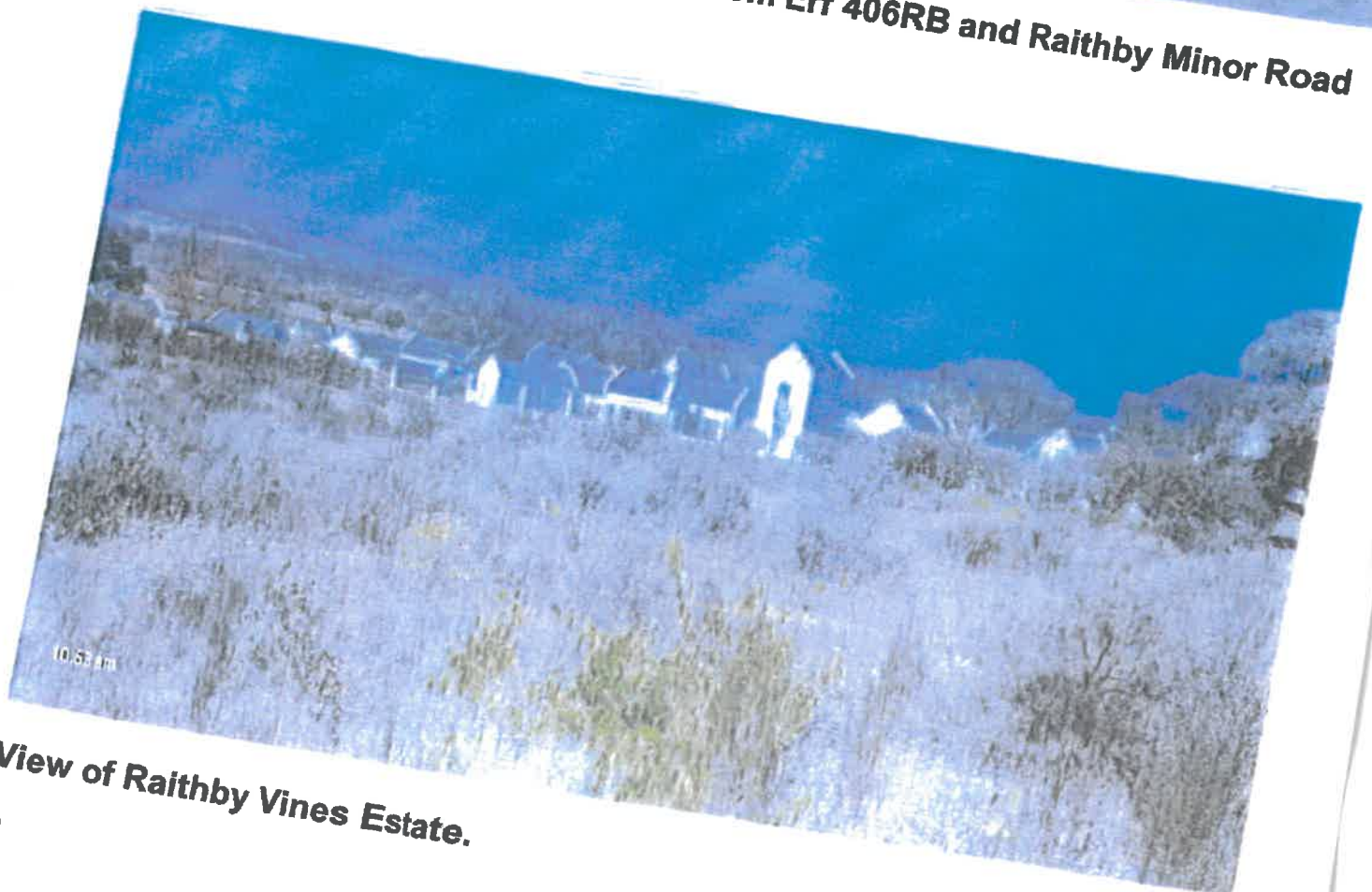
Raithby Minor Road intersecting with Watson Way in Raithby



Access to Winelands Village. The estate Erf 406RB was part off.



Winelands Village Estate viewed from Erf 406RB and Raithby Minor Road



View of Raithby Vines Estate.