



Application Number: TP1590/2026

Our File Reference Number: Erf 407, Raithby

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-M

Sir / Madam

APPLICATION FOR THE IMPOSITION OF A CONDITION OF APPROVAL: ERF 407, 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 in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Erf 407 Raithby for:
 - 2.1.1 The **imposition** of a condition of approval in terms of Section 15 (2) (h) of the said bylaw to make the development subject to a Phasing Plan in order for Remainder of Erf 407 to be Phase 1 and Portion 1 of Erf 407 (to be registered as Erf 539) to be Phase 2.
3. **BE APPROVED** in terms of Section 60 of the said Bylaw.
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 application 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 use.

- 3.3 Access to the restaurant parking area on Remainder Erf 407 be formalised not to impede the flow of traffic along the internal road prior to the transfer of the first property in Phase 2.
- 3.4 On-site parking for the restaurant on Remainder of Erf 407 be properly demarcated on site prior to the transfer of the first property in Phase 2.
- 3.5 All other conditions of approval as approved by the Municipality in the decision letter of 11 May 2022 (LU/11961) be complied with.
- 3.6 Phase 2 of the development be subject to a general plan to be submitted for Section 28 Transfer Certificate purposes.

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

- 4.1 The phasing of the development will allow the owner to transfer off the subdivided portion (to be registered as Erf 539) to the developer for installing civil services and to have the Remainder of Erf 407 to be dealt with separately.
- 4.2 All other land use parameters will still be complied with as initially approved.

5. Matters to be noted:

- 5.1 All engineering services and infrastructure required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality and / or the relevant authority prior to the issuing of a Section 28 Transfer Certificate.

- 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

22/5/2026
DATE:

**PROPOSED REZONING AND
SUBDIVISION OF
ERF 407 RAITHBY**

Stellenbosch Municipality
Administrative District Stellenbosch
Province Western Cape.

Phasing Plan

LEGEND:

- LOCAL BUSINESS ZONE
- SUBDIVISIONAL AREA

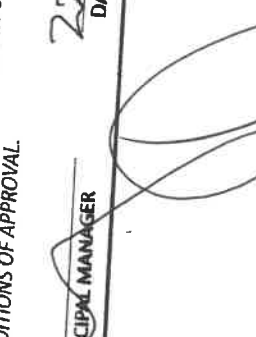
SCALE 1/1 500

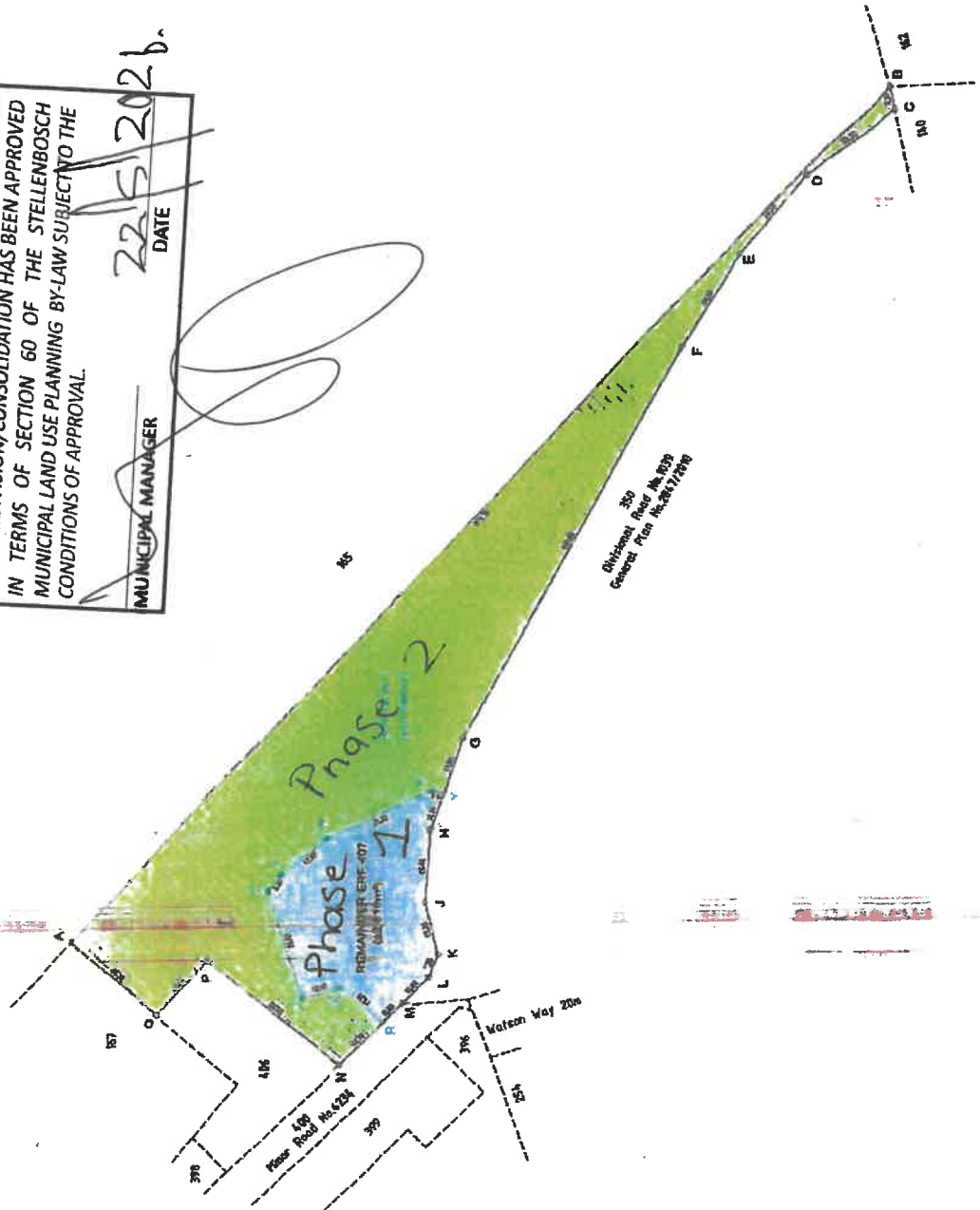
DATE : MAR. 2022

PLAN NO: C8035/SubA2

NOTES:

- 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
- 2) COMPILATION SHEET: AH - 28AA (3382)
- 3) ZONING: AGRICULTURAL AND RURAL ZONE

STELLENBOSCH MUNICIPALITY	
THIS SUBDIVISION/CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW SUBJECT TO THE CONDITIONS OF APPROVAL.	
 MUNICIPAL MANAGER	DATE 22/5/2022



Divisadero River
General Plan No. 28172816