

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: 28 Cluver Road, Simonswyk, Stellenbosch

Application Property Number: 4165

Applicant: Arie Olivier (Power of Attorney)

Owner: Grada Neeltje Olivier C/O Arie Olivier, contact no. 082 925 3823, arie@aodesign.co.za

Application Reference: LU/ 14183

Application Type: Consent Use

Detailed description of land use or development proposal, including its intent and purpose:

Application is being made in accordance with Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) in terms of section 15(2)(o) of the said By-Law for consent use contemplated in the zoning scheme, in order to allow:

for the main dwelling to be leased to students. Each student will be allocated a private room and share a communal lounge, dining and recreational area. Apart from the allocation of parking bays to each student, no additional renovations to the property or the main dwelling will be required. A couple that is currently residing in an existing cottage on the property will oversee / manage the student accommodation on a day-to-day basis.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing:

- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Arie Olivier (arie@aodesign.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days (**60 days if it is an state entity**) from the date of this notice to be received on or before the closing date of (**1 December 2022** – 30/ 60 day notice period must exclude the first day on which the notice was served and include the last day, save for when the last day falls on a weekend day, in which case the closing date will be considered the following Monday, or if the closing day falls on a public holiday, in which case the closing date will fall on the next normal working day).

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and / or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (082 925 3823) during normal office hours.

Yours faithfully



ARIE OLIVIER

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTEGREERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Cluver Weg 28, Simonswyk, Stellenbosch

Aansoek eiendom beskrywing: 4165

Aansoeker: Arie Olivier (Algemene Prokurasie)

Eienaar: Grada Neeltje Olivier, in sorg van Arie Olivier, contact no. 082 925 3823, arie@aodesign.co.za

Aansoek Verwysing: LU/ 14183

Tipe Aansoek: Toestemmingsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen (in ooreenstemming met Artikel 15 van die Stellenbosch Munisipale Grondgebruik Beplanning Verordening (2015) in terme van artikel15(2)(o) van die genoemde Verordening vir:

die verhuur van die hoofhuis aan studente. Elke student sal 'n privaat kamer kry en 'n gemeenskaplike sitkamer, eetkamer en ontspanningsarea deel. Afgesien van die toekenning van parkeerplekke aan elke student, sal geen bykomende opknappings aan die eiendom of die hoofwoning vereis word nie. 'n Paartjie wat tans in 'n bestaande kothuis op die eiendom woon, sal op 'n dag-tot-dag basis toesig hou oor die studenteverblyf.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is

nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Arie Olivier, arie@aodesign.co.za). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae (**60 dae indien dit 'n staatsentiteit sal wees**) vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van (**1 Desember 2022** – die 30/ 60 dae kennisgewing periode moet die eerste dag van kennisgewing uitsluit en die laaste dag van die 30 dae periode insluit, tensy die laaste dag op enige naweeksdag val, in welke geval die sluitingsdatum die daaropvolgende Maandag sal wees, of indien die sluitingsdatum op enige publieke vakansiedag val, sal die sluitingsdatum die eerste daaropvolgende normale werkersdag wees.)

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (082 925 3823) gedurende normale kantoor ure.

Die uwe



ARIE OLIVIER

For Attention: Bulelwa Mdoda
To: Stellenbosch Municipality, Land Use Management Planning & Economic Development
From: A. Olivier (on behalf of GN Olivier - Property owner)

8 June 2022

Re.: Land use application ERF 4165 / Letter of motivation

Some years ago, our late father renovated the property in accordance with municipal by-laws to facilitate 6 students in the main dwelling and a family in the second dwelling/cottage. Approval was granted in 2007 and the rental income became their main income during retirement. After our father passed away the property was inherited by our elderly mother who relies on this income to cover her expenses in retirement.

Unbeknown to us the land use application had to be renewed every 5 years. This came to our attention after receiving a notification from Mr. E. Williams (Senior land use inspector). Since then we have made every effort to come up to speed with the municipal processes and to prepare and submit our land use application.

The main dwelling has six rooms as detailed on the floor plan. A parking bay is allocated for each room as shown on parking bay plan option 3 (parking bays 1 - 6). The cottage (detailed on the plan) is rented out to a family. Two parking bays is allocated on the parking bay plan option 3 (parking bays 7 - 8). The family residing on the cottage oversees the student accommodation.

We trust that this letter serves as adequate motivation towards approval of this application.

Please feel free to contact me should you require additional information.

Yours sincerely,

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

Arie Olivier
Phone: 082 925 3823
Email: arieolivier@gmail.com



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Arie				
Surname	Olivier				
Company name (if applicable)	n/a				
Postal Address	146 Irene Avenue				
	Somerset West			Postal Code	7130
Email	arie@aodesign.co.za				
Tel	021 – 855 4475	Fax	n/a	Cell	082 925 3823

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	Grada Neeltje Olivier				
Physical address	Unit H5, Helderberg Village				
	Somerset West			Postal code	7130
E-mail	n/a				
Tel	021 – 885 0350	Fax	n/a	Cell	076 481 1717

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf No.	4165	Portion(s) if Farm	n/a	Allotment area	n/a
Physical Address	28 Cluver Road				
	Simonswyk				
	Stellenbosch				
Current Zoning	Conventional Residential	Extent	1057 m ²	Are there existing buildings?	Y
Applicable Zoning Scheme	Conventional Residential				
Current Land Use	Residential				

Title Deed number and date	T	1492/2013								
Attached Conveyance's Certificate	Y	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	Y	N	If yes, is this application to legalize the building / land use? ²	Y	N			
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y	N			

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	N	Refer to attached email from Mr. Fooy

** The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.*

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	
15(2)(g) a permission required of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	<input checked="" type="checkbox"/>
15(2)(p) an occasional use of land	
15(2)(q) to disestablish a home owner's association	
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services	
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	
15(2)(t) when the Municipality on its own initiative intends to conduct land development or an activity	
15(2)(u) amendment of Site Development Plan	
15(2)(v) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines	

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
TOTAL A:	R

PRESCRIBED NOTICE AND FEES* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES** (TOTAL A + B)			R

****The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded in terms as duly submitted.**

*****All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579**

****** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.**

BANKING DETAILS

Account Holder Name: **Stellenbosch Municipality**
 Bank: **FIRST NATIONAL BANK (FNB)**
 Branch no.: **210554**
 Account no.: **62869253684**
 Payment reference: **LU/_____ and ERF/FARM 4165**
Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	GN Olivier
Postal Address	Unit H5, Helderberg Village, Somerset West, 7130
Vat Number (where applicable)	n/a

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit..... commune in terms of Section..... 49of the..... CRZoning Scheme Regulations						
Other (please specify)						

Brief description of proposed development / intent of application:

Use of the main dwelling as a commune and single working people.
Cottage at the back of the property leased to a couple who oversees / manages the commune.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y	⌘	Power of attorney / Owner's consent if applicant is not owner	Y	N	Bondholder's consent (if applicable)
Y	⌘	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N	Proof of any other relevant right held in the land concerned
Y	⌘	Written motivation pertaining to the need and desirability of the proposal	Y	N	S.G. diagram / General plan extract (A4 or A3 only)
Y	⌘	Locality plan (A4 or A3 only) to scale	Y	⌘	Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	⌘	Proposed subdivision plan (A4 or A3 only) to scale	Y	N	Proof of agreement or permission for required servitude
Y	⌘	Proof of payment of application fees	Y	⌘	Proof of registered ownership (Full copy of the title deed)
Y	⌘	Conveyancer's certificate	Y	⌘	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	⌘	N/A	Y	⌘	N/A
Y	⌘	Consolidation plan (A4 or A3 only) to scale	Y	⌘	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	⌘	Street name and numbering plan (A4 or A3 only) to scale	Y	⌘	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	⌘	Landscaping / Tree plan (A4 or A3 only) to scale	Y	⌘	N/A
Y	N	N/A	Y	⌘	N/A
Y	⌘	Abutting owner's consent	Y	⌘	Home Owners' Association consent
Y	⌘	N/A	Y	⌘	N/A
Y	⌘	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	⌘	N/A
Y	⌘	N/A	Y	⌘	Services Report or indication of all municipal services / registered servitudes
Y	⌘	Copy of original approval and conditions of approval	Y	⌘	N/A
Y	⌘	N/A	Y	⌘	Proof of failure of Home owner's association
Y	⌘	Proof of lawful use right	Y	⌘	N/A
			Y	⌘	Any additional documents or information required as listed in

							the pre-application consultation form / minutes
☒	☒	N/A	Required number of documentation copies	☒	☒	N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION


☒	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
			☒ N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
☒	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	☒ N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
☒	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	☒ N/A National Water Act, 1998 (Act 36 of 1998)
☒	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	☒ N/A Other (specify)
☒	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
☒	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.


10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:  Date: **26 May 2022**

Full name: **Arie Olivier on behalf of Grada Neeltje Olivier**

Professional capacity: **Business Owner**

FOR OFFICE USE ONLY

<p>Date received: _____</p> <p>Received By: _____</p>	
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