

01 March 2018

Simone Le Fevre
Cooke Le Fevre Architects and Urban Designers cc.
Owner of Erf 25575-Re
27 Arnold Street
Observatory
7925
Email: simone@claarchitects.co.za

Dear Sir / Madam

**APPLICATION FOR CITY'S APPROVAL: CAPE TOWN MUNICIPAL PLANNING BY LAW: SECTION 42(I) -
DECISION ITO THE DEVELOPMENT MANAGEMENT SCHEME: ERF 27883, CAPE TOWN, 289 LOWER MAIN
ROAD OBSERVATORY**

The application with reference 70327203 in the above regard refers.

The Municipal Planning Tribunal (MPT) on 06 February 2018 **approved** in terms of section 98 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), the application for:

City's Approval in accordance with the **attached** site layout plan to permit development within a Heritage Protection Overlay Zone.

This approval is subject to the conditions set out in **attached** Annexure A.

Kindly note, this consent use approval will lapse if not exercised within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 47(1) [see footnote] of the MPBL.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Reasons for the above decision are set out in the **attached** extract of the authorised official report & minutes of the meeting concerned, dated 06-02-2018.

Should the reasons for the above decision not be contained in this notification you are advised in terms of section 104(2)(c) of the MPBL and section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of section 108(1) of the City of Cape Town Municipal Planning By-Law, 2015, you may appeal to the Appeal Authority against the above decision by giving written notice of such appeal and the grounds of appeal.

An appeal, including the written notice and the grounds of appeal (and not only the intention to appeal), must be lodged with the City Manager, c/o the Table Bay District Manager, at the following email address: appeals.tablebay@capetown.gov.za within **21 days of the date of notification of the**

decision. If the appeal cannot be lodged by email it may be hand delivered to the Table Bay District Secretary Roslind Butterson, 2nd Floor, Media City, Corner Hertzog Boulevard & Heerengratch, Cape Town, or fax to 021 419 4694 **within 21 days of the date of notification of the decision.** See definition of notification date in footnote below to determine the closing date for submission. If this letter has been sent to you by registered mail, then it is your responsibility to establish the date stamped upon the receipt for registration issued by the post office when accepting this notice from the City of Cape Town. You will need to contact the post office and use the tracker number on the envelope for this purpose.

Failure to comply with the above requirements and provisions within section 108 of the MPBL will result in the appeal being ruled invalid.

Kindly note that the operation of the approval of this application is suspended and may therefore not be acted on until such time as the City gives notice that no appeal has been lodged and the decision is effective or the date that the appeal is decided by the appeal authority. If an appeal is lodged against a condition of approval the City may determine that the operation of the approval of the application is not suspended.

Yours faithfully



for **DIRECTOR : DEVELOPMENT MANAGEMENT**

Notes and extracts from sections of the City of Cape Town Municipal Planning By-Law, 2015

47 Lapsing of rezoning, consent use or departure

- (1) A rezoning, other than a rezoning to a subdivisional area zoning, consent use or permanent departure approved or deemed to have been approved in terms of this By-Law lapses five years after the effective date of the decision –
- (a) where the land is not used in accordance with the approval; or
 - (b) where an improvement of land is required in order to use the land in accordance with the approval, lawful commencement of construction has not occurred.

105 Effective date of decision

- (2) The effective date of a decision in terms of this By-Law is –
- (a) the date that the City gives notice that no appeal has been timeously lodged and that the decision is accordingly effective; or
 - (b) subject to subsection (3), if an appeal is timeously lodged, the date that the appeal is decided by the appeal authority.
- (3) If an appeal is lodged only against a condition imposed in terms of section 100, the City may determine that the operation of the approval of the application is not suspended

Method and date of notification

The date of notification is determined as follows:

if the notification is provided –

- (a) orally, it is the date of oral communication;
- (b) by hand, it is the date of delivery or collection;
- (c) by registered post, it is regarded as the fourth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice; or
- (d) by email or fax, it is the date that the email or fax

From: Nceba Sikiti
Sent: 12 February 2018 12:28 PM
To: Tinus Nyelele
Subject: MPT resolved - MPTNW 35/2/2018

Good day,
The MPT at its meeting of 06/02/2018 resolved as follows:

Report Subject	APPLICATION FOR CITY'S APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 27883, 289 LOWER MAIN ROAD, OBSERVATORY. ID:70327203 T NYELELE/G SEPTEMBER
Meeting Date	06/02/2018
Date Sent	12/02/2018
Directorates	TRANSPORT & URBAN DEVELOPMENT AUTHORITY
Author	Tinus Nyelele
Author Contact No	
Delegation Information	0(0)
Agenda Item No	MPTNW 35/2/2018
Preamble	The Chairperson Mr. D Daniels explained the interview procedure to the meeting. Mr. G September introduced the item. Ms. S Le Fevre and Ms. T Hyde, the objectors made oral submissions. Mr. F Durow, the applicant made an oral submission. The objector was given an opportunity to respond to the applicant's submission. After extensive discussion the MPTNW Panel approved the application subject to a condition as set out below.
Resolution	Approved
Resolution Details	UNANIMOUSLY RESOLVED that: The application for Council's Approval stipulated in Annexure A I (below) on Erf 27883 Observatory, be granted in terms of Section 98(b) of the MPBL 2015, in accordance with the plans in Annexure IV(a). CONDITION TO BE ADDED 1. The use of the bedrooms is limited to the backpackers lodge only. REASONS FOR DECISION The MPT APPROVED the application for the reasons set out in the Planner's Report except for reason 8.1.2 which is deleted and reason 8.1.4 which is amended as follows 8.1.4 The application meets the desirability criteria Section 99(3) in the Bylaw . ACTION BY: NYELELE / SEPTEMBER
How Resolved	Consensus

Regards,

MPT North Western

ANNEXURE I (Amended annexure A, 01-03-2018)

CASE ID: 70327203

Approvals granted

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 27883 situated at 289 Lower Main Road, Observatory**

"Bylaw" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

"Commissioner: TDA" means Commissioner: Transport and Urban Development Authority or his/her delegatee.

"Director: DM" means Director: Development Management of his/her delegatee.

1. **APPLICATIONS GRANTED IN TERMS OF SECTION 98 (b) OF THE BYLAW**

1.1. In terms of Item 162(1): To permit development within a Heritage Protection Overlay Zone.

2. **CONDITION IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:**

2.1 The use of the bedrooms is limited to the backpackers lodge only.