



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

DEVELOPMENT MANAGEMENT

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BLUM022

22 JUNE 2023

1500003998

CITY OF CAPE TOWN
 12 HERTZOG BOULEVARD
 CAPE TOWN
 8001

FINAL NOTIFICATION LETTER

Dear Sir / Madam

APPLICATION FOR MULTIPLE APPLICATIONS: ERF 32604, CAPE TOWN, 43 CORNFLOWER ROAD BRIDGETOWN

My previous correspondence dated 13 June 2023, refers.

I wish to advise that the appeal process has now been concluded and that the decision as per the City's previous letter of approval is therefore now considered final. Accordingly, the decision may now be acted upon, subject to compliance with the conditions detailed in the letter dated 13 June 2023.

Note that in the case of a rezoning, consent use or departure, the owner must notify the City in writing within the lapsing period or extended lapsing period that the land is being used in accordance with the approval, failing which the rezoning, consent use or departure is presumed to have lapsed.

Yours faithfully

Mark Collison
 for **DIRECTOR : DEVELOPMENT MANAGEMENT**

cc GIS officer
 Director: Valuations
 Surveyor General
 Relevant Engineering Department



CITY OF CAPE TOWN
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DEVELOPMENT MANAGEMENT

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BLUM017

13 JUNE 2023

1500003998

CITY OF CAPE TOWN
12 HERTZOG BOULEVARD
CAPE TOWN
8001

Dear Sir / Madam

APPLICATION FOR MULTIPLE APPLICATIONS : ERF 32604, CAPE TOWN, 43 CORNFLOWER ROAD BRIDGETOWN

This letter is addressed to the applicant or to an objector in the case where there has been an objection to the above application.

The application with reference 001500003998 in the above regard, accepted on 25 January 2022, refers.

The authorised official on 09 June 2023 **approved** in terms of section 98 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), the applications for:

- Subdivision of Erf 32604 Cape Town Portion 0 Split 15 from Erf 32604 Cape Town remainder in accordance with plan of subdivision titled LIS2612 V2 dated 25 February 2022 drawn by Mishkaah Jattiem.
- Rezoning of the abovementioned subdivided property from Open Space 2 to General Business Subzone 5.

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

Kindly note, this subdivision approval will lapse 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 55(1) [see footnote] of the MPBL.

and

Kindly note, this rezoning approval will lapse 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.

In the case of a rezoning, consent use or departure, the owner must notify the City in writing within the lapsing period or extended lapsing period that the land is being used in accordance with the approval, failing which the rezoning, consent use or departure is presumed to have lapsed.

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 as follows:

1. The proposal amounts to appropriate land use intensification and is in keeping with Municipal Spatial Development Framework.
2. The land use intensification being proposed respects the surrounding urban environment, and the proposed additional uses are compatible with the surrounding uses.
3. The site is well located within the existing urban area, and along an important Development Route and the proposed development represents an ideal opportunity for local economic growth.
4. The proposal has positive economic impacts by providing short and long term employment opportunities.
5. The site is located on the future IRT Phase 2 route, which is already well served by public transport making it accessible from a public transport perspective.
6. The proposal has been supported by the relevant City of Cape Town internal branches.
7. The requirement for a Site Development Plan will ensure that the intended development of the site is undertaken in a manner which least impacts on the character of the immediate and broader surrounding area.
8. The City's Transport: Traffic Impact Assessment and Development Control have supported the proposal and appropriate transport impact studies will be called for at SDP submission stage, should this be required.

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 the appeal and grounds of appeal and by completing and signing the prescribed form.

An appeal, including the written notice and the grounds of appeal (and not only the intention to appeal), must be lodged on the prescribed form (the form can be downloaded here: <http://www.capetown.gov.za/LandUseAppeals>) with the City Manager, c/o the Cape Flats District Manager, at the following email address: appeals.capeflats@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 Cape Flats District Secretary at Ledger House, 19 Aden Avenue, Athlone **within 21 days of the date of notification of the decision**. Please arrange an appointment with the District Secretary prior to the closing date. See definition of notification date to be read together with the provisions of the Interpretation Act 1957 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



Mark Collison
for **DIRECTOR : DEVELOPMENT MANAGEMENT**

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

55 Confirmation of subdivision

- (1) Within a period of five years after the effective date of decision, the applicant must, in respect of the approved general plan or diagram –
 - (a) meet all of the requirements in section 54(1); and
 - (b) obtain the registration of transfer in terms of the Deeds Registries Act of at least one land unit.

54 Transfer of land unit arising out of approved subdivision

- (1) No person may obtain transfer of a land unit arising out of an approved subdivision or the relevant phase unless –
 - (a) the Surveyor-General has granted the approval contemplated in section 53;
 - (b) the engineering services required by the conditions of approval contemplated in section 52(4) and any other applicable legislation in respect of the area or the relevant phase on the approved general plan or diagram have been completely installed;
 - (c) all other conditions of subdivision or the conditions relating to the relevant phase on the approved general plan or diagram and all conditions precedent to the transfer of the land unit have been met; and
 - (d) where an owners' association is required,
 - (i) the City has certified the constitution of the association (as contemplated in section 62(2));
 - (ii) the association has been or will be established upon transfer of the first land unit (as contemplated in section 61(5)); and
 - (iii) all land designated in terms of the conditions of approval to be transferred to the owners' association including private roads and private open space, arising from the subdivision or relevant phase have been, or together with the transfer of the first land unit, will be transferred to the association, without compensation.

38 General lapsing provision

- (1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses two years after the effective date of 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.

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 is sent,

Interpretation Act No 33 of 1957 section 4

- (4) Reckoning of number of days. – When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusive of the first and inclusive of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusive of the first day and exclusive also of every such Sunday or public holiday.

As an example, if the date of notification is 1 October, then the first day of calculation of the 21 day appeal period will be 2 October and the 21st day would be 22 October. If 22 October is either a Sunday or a public holiday, then the closing date will be the next following day that is not either a Sunday or a public holiday.

ANNEXURE A

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The developer" means the same as the owner as described above

"The property" means Erf **32604 portion 0 split 15, Cape Town**

"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

'engineering service' means a system for the provision of water, electricity, roads or storm water drainage, or collection and removal of solid waste or sewerage, required for the purpose of land development

CASE ID: 70585156

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

- 1.1. **Subdivision** of Erf 32604 Cape Town Portion 0 Split 15 from Erf 32604 Cape Town remainder in accordance with plan of subdivision titled LIS2612 V2 dated 25 February 2022 drawn by Mishkaah Jattiem
- 1.2. **Rezoning** of the abovementioned subdivided property from Open Space 2 to General Business Subzone 5.

2. CONDITIONS IMPOSED ON THE NEWLY CREATED PORTION IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW, 2015: WHICH MUST BE COMPLIED WITH AT THE COST OF THE DEVELOPER AND TO THE SATISFACTION AND ACCEPTANCE OF COUNCIL PRIOR TO THE TRANSFER OR SEPARATE REGISTRATION IN THE DEEDS REGISTRY OF ANY LAND UNIT ARISING FROM THIS SUBDIVISION APPROVAL:

- 2.1. **CLEARANCE CERTIFICATE:** Once conditions of subdivision approval have been met the owner must apply for a clearance certificate and such application must be accompanied by the original survey diagram/s and/or general plan approved by the Office of the Surveyor General. Documents to be lodged with a covering letter to the Section Head: Customer Interface, Ground Floor, Ledger House, Athlone.
- 2.2. **RATES CLEARANCE:** Applications for rates clearance to the City Treasurer for the individual portions of the subdivision must be accompanied by the subdivision clearance certificates. In the case where servitudes are created the Powers of Attorney to pass transfer must be submitted to this office and the clearance certificates will be endorsed on the same clearance of any portion of this subdivision until such time as he is supplied with proof of compliance with the conditions of subdivision (i.e. the subdivision clearance certificate).
- 2.3. **WATER & SANITATION**
 - 2.3.1. Each sub-divided portion would have to be provided by a metered water connection. Application to be made by the end-user/developer.
 - 2.3.2. Alterations to the existing water network will be required and the costs thereof will be for the end-user/developer. Engineering drawings will be required for approval.

2.4. GIS / DATA CAPTURE

- 2.4.1. An electronic copy (in either dxf, shp or dwg format) of the Surveyor General's Diagram must be submitted to Council's GIS Section after the Surveyor General approves the survey records. The approved diagram to be sent to PVCCadastralqueries@capetown.gov.za in order to update the cadastre.

2.5. ELECTRICITY

- 2.5.1. Any alterations or deviations to electricity services necessary as a consequence of this approval, or requested by the owner, will be carried out at the owner's cost.
- 2.5.2. A separate service connection cable, rated to supply the authorised capacity of the erf, must be installed to the point of supply on the boundary of each erf of the subdivision. The cable shall be routed clear of all other private property, typically within the public road reserve.
- 2.5.3. In accordance with policy and tariffs approved by Council, a shared-network charge and a connection fee to provide a separate connection to the property boundary, as published in the standard tariffs, shall be paid before clearance of the subdivision will be granted. The individual connections to each erf of the subdivision will be provided by the Directorate on formal application by the relevant property owner.
- 2.5.4. Metering requirements must be resolved in consultation with the Electricity Generation and Distribution Department, prior to commencing construction.
- 2.5.5. Electrical infrastructure may exist on the property or in its vicinity. A wayleave shall be obtained from the Electricity Generation and Distribution Department before any excavation work may commence. In this regard, please contact the Drawing and Record Centre Office North: Daniel.DeVilliers@capetown.gov.za
- 2.5.6. A minimum clearance of 3 metres between any structure and the overhead mains conductors must be maintained.
- 2.5.7. The owner will be responsible for the costs to increase supply to the erf as well as any changes to the existing network as a result of this application, should it be required.
- 2.5.8. If the supply to the erf is increased timeous application is required. The connection fee, SNC and conditions will be determined upon receipt of the formal application.

2.6. ROADS INFRASTRUCTURE AND MANAGEMENT

- 2.6.1. The developer/owner shall be responsible for the payment of development contributions towards the provision of bulk civil engineering services should any further development of the site be proposed. Anything already on an approved building plan will not be charged for. Should an amendment to any approved building plans be proposed, an SDP shall be submitted for comment and DC calculation.

Note: The development contributions will be subject to an annual escalation equal to the construction price adjustment (CPA) from civil engineering services and the amount payable will be the amount calculated at the time of payment.

- 2.6.2. The development contributions will be payable prior to transfer of individual erven/units or prior to building plan approval, whichever is requested first.
- 2.6.3. The owner shall at his cost provide all the required internal and link engineering services to the satisfaction of Council.
- 2.6.4. The owner shall be responsible for all costs incurred in respect of the upgrading, extension, deviation, connection or removal of any engineering services arising from this approval.
- 2.6.5. All engineering services shall comply with the standards and policies of Council and services shall be in accordance with approved plans. Where applicable, the owner shall be responsible for the maintenance of internal private services.
- 2.6.6. Where existing municipal services traverse private properties or fall outside a public road reserve, a 3m wide servitude must be registered in favour of Council for the owner's account. Alternatively, these existing services must be rerouted clear of private properties at the owner's cost.

- 2.6.7. All relevant services shall be handed over to/inspected by the City of Cape Town on completion of the works and a completion certificate shall be issued by the Engineer.
- 2.6.8. All bulk connection points for services (water, sewer, stormwater and access) shall be provided in the public road reserve.
- 2.6.9. The owner shall be responsible for the reinstatement of all damaged municipal infrastructure after completion of the construction work to full municipal standards.

3. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF SECTION 100 OF THE BYLAW RELATING TO THE REZONING APPROVAL

3.1. DEVELOPMENT MANAGEMENT

- 3.1.1. The zoning of the newly created erf resulting from the subdivision will be General Business Subzone 5.
- 3.1.2. Notwithstanding the uses permitted in the General Business Zone of the Development Management Scheme, this approval shall limit the uses permitted through the rezoning approval to the following:
- Business Premises - Offices
 - Flats
 - Place of Assembly
 - Place of entertainment – excluding a night club
 - Conference facility
 - Filming
 - Open Space
- 3.1.3. Subdivision of the property shall be in accordance with plan of subdivision referenced LIS2612 V2 dated 25 February 2022 drawn by Mishkaah Jattiem and attached hereto as **Annexure C**.
- 3.1.4. Future development of the site will be subject to a 0m street building line up to 10m in height, and a 4.5m building line for structures above 10m and up to 25m in height.
- 3.1.5. The owner shall submit a Site Development Plan (SDP) to and for the approval of the Authorised official, prior to the submission of building plans for the property.
- 3.1.6. The Site Development Plan shall comprise the following:
A layout plan showing the position of all abutting roads, sidewalks, on-site parking bays, access points, refuse storage, the position, extent and orientation of the building(s), the allocation of uses, location and extent of open spaces and landscaping, the building development parameters, including heights, coverage, bulk, setbacks, elevations of building including external finishes and materials, and boundary walling/fencing.

Note: The SDP shall consider development that will positively interface with adjoining residential properties and the general character of the broader local area.

3.2. SOLID WASTE MANAGEMENT

- 3.2.1. The removal of solid waste will only be effected from the kerbside of a public street.

Note: Council's departmental or contracted waste collection teams will not enter private property.

3.3. GIS / DATA CAPTURE

- 3.3.1. The situation address for the Remainder is to be 6C Springbok Street Kewtown.
- 3.3.2. The situation address for Portion 1 is to be 85 Hickory Street Kewtown.

3.4. **WATER AND SANITATION DEPARTMENT**

- 3.4.1. Before any development occurs, it will be required for Water Demand Management to make comment based on the capacity of the existing infrastructure (email: water.info@capetown.gov.za)
- 3.4.2. Where the watermain resides within the property boundary, no services and/or structures can be built 1.0m either side of the watermain.

3.5. **TRANSPORT DEPARTMENT**

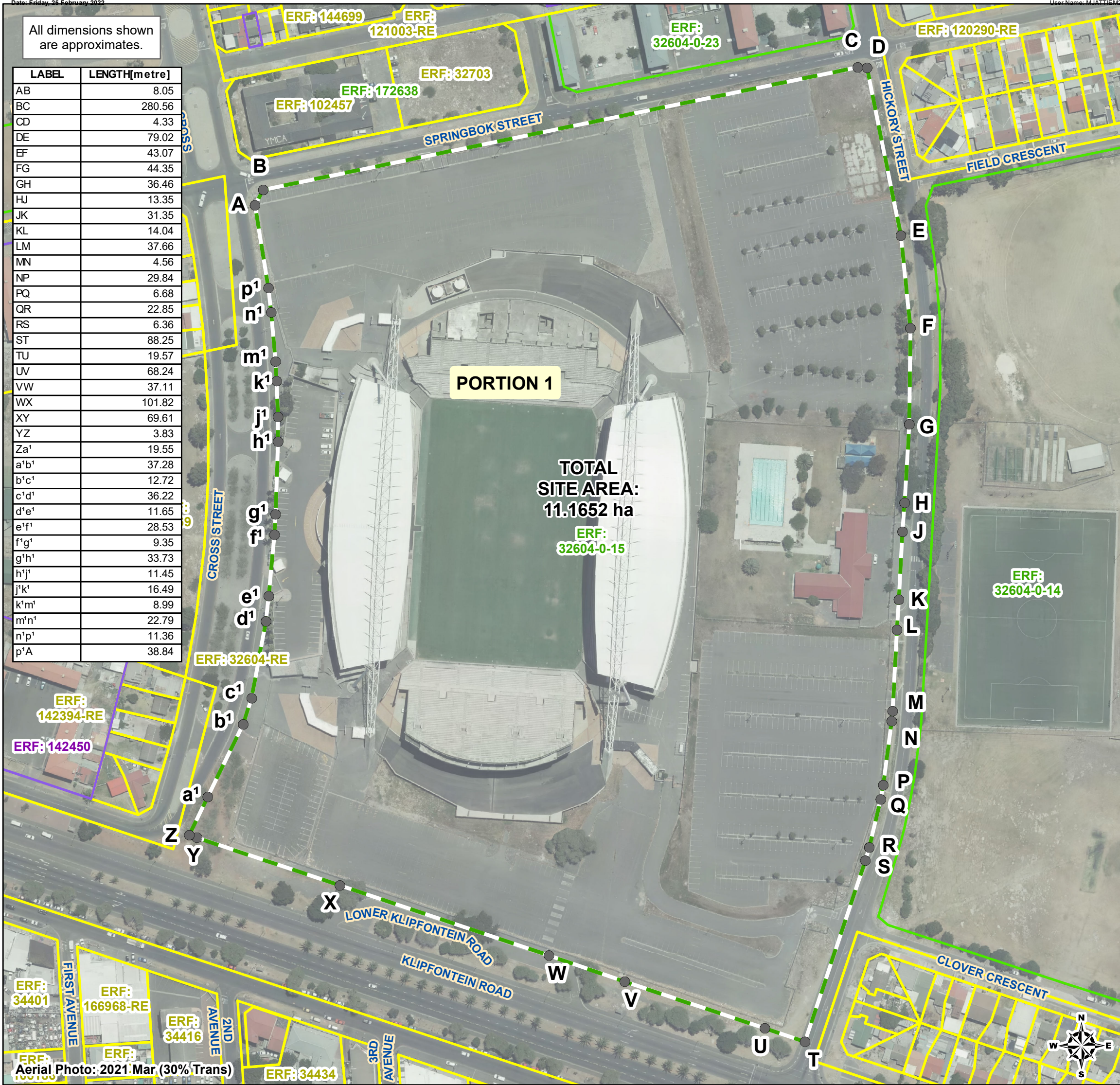
- 3.5.1. An appropriate transport study (based on the scale of any future development proposed) shall be submitted together with the Site Development Plan should it be deemed necessary. The aim of the study will be to determine the expected transport related impacts of the proposed development and to propose mitigation measures (if and where required).

ANNEXURE B

LOCALITY MAP DEVELOPMENT MANAGEMENT		ANNEXURE : B	
Overview 		Erf: 32604-15 Allotment: CAPE TOWN Ward: 49 District: CAPE FLATS Suburb: SILVERTOWN Sub Council: 14	
		Notices Served ☒	Support Received ☒
		Petition Signatory ☐	Objections Received ☒
Generated by: Yunus Hugo			
Date: 2022-08-15			
File Reference: Case No. 70585156			

All dimensions shown are approximates.

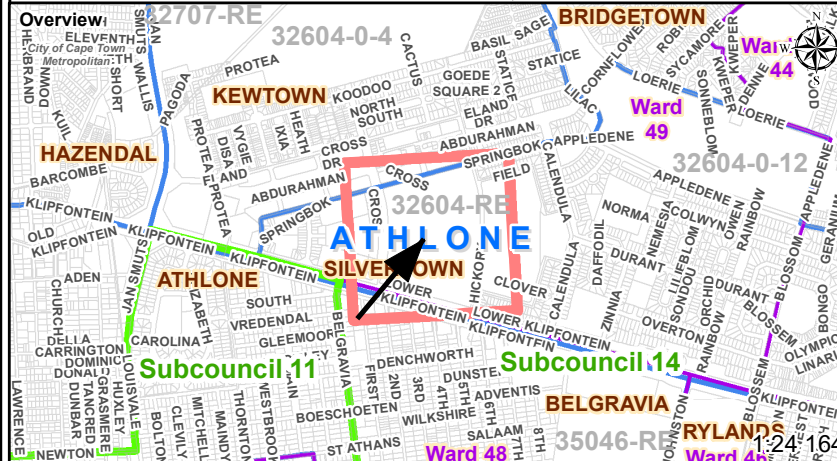
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BC	280.56
CD	4.33
DE	79.02
EF	43.07
FG	44.35
GH	36.46
HJ	13.35
JK	31.35
KL	14.04
LM	37.66
MN	4.56
NP	29.84
PQ	6.68
QR	22.85
RS	6.36
ST	88.25
TU	19.57
UV	68.24
VW	37.11
WX	101.82
XY	69.61
YZ	3.83
Za ¹	19.55
a ¹ b ¹	37.28
b ¹ c ¹	12.72
c ¹ d ¹	36.22
d ¹ e ¹	11.65
e ¹ f ¹	28.53
f ¹ g ¹	9.35
g ¹ h ¹	33.73
h ¹ i ¹	11.45
i ¹ j ¹	16.49
j ¹ k ¹	8.99
k ¹ m ¹	22.79
m ¹ n ¹	11.36
n ¹ p ¹	38.84
p ¹ A	



Subdivision and Rezoning Plan

PORTION CAPE TOWN - ERF 32604-RE

41 SPRINGBOK STREET, SILVERTOWN



Legend:

Survey Title Points

- Non-Surveyed
- Subdivided Portion

Property

- Confirmed
- SG Approved
- Registered

Case ID: 1500003998 / 70585156

This SUBDIVISION plan has been APPROVED in terms of section 98 of the City of Cape Town Municipal Planning By-Law, 2015 subject to the conditions as per decision letter dated: 13 June 2023

Authorised Official: 
Mark Collison

Notes:

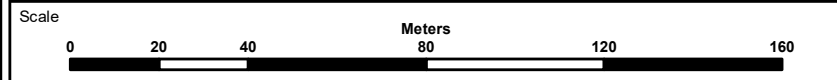
1) The figure ABCDEFGHJKLMNPQRSTUVWXYZa¹b¹c¹d¹e¹f¹g¹h¹i¹j¹k¹m¹n¹p¹ represents Portion 1 a portion of a registered remainder ERF 32604 CAPE TOWN, in extent of approximately 11.1652 ha, owned by City Of Cape Town.

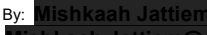
2) Zoning information is as follows :

2. a.) Proposed Zoning Scheme for Portion 1 is General Business 7.

2. b.) Registered remainder ERF 32604 CAPE TOWN SG Approved Zoning Scheme is Open Space 2 : Public Open Space and Registered Zoning Scheme is Transport 2 : Public Road and Public Parking .

Ward Number: 49, Subcouncil: 17



Drawn By:  Telephone: 027 (0) 21 400 2948
Email: Mishkaah.Jattiem@capetown.gov.za Date: Friday, 25 February 2022



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

City Of Cape Town Metropolitan Municipality
Property Management: GIS and Surveys
Civic Center
Cape Town
8001

Private Bag X298
Cape Town
8300
Tel: 027 (0) 21 400 2222
Email: mashudu.mudau@capetown.gov.za

Project Manager & Checked By:  Project Number:
Case Nr: LIS2612 V2
File Reference: HO14/3/131/100/A00

Disclaimer
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