



CIFA A REGION OF SAIA

9th April 2020

Ms. Cheryl Walters
Director: Planning & Building Development Management
City of Cape Town
16th Floor, Cape Town Civic Centre
12 Hertzog Boulevard
Cape Town, 8001

Transmitted by email to: cheryl.walters@capetown.gov.za

Dear Cheryl

APPROVAL OF BUILDING PLANS SINCE COMMENCEMENT OF 2019 AMENDMENTS TO CITY OF CAPE TOWN'S MUNICIPAL PLANNING BY-LAW, 2015

As stated by ourselves on numerous occasions before, we strongly object to the COCT strategy for the implementation of the new Municipal Planning By-Law (MPBL). We also want to advise you that our representatives on the Practice Notes Forum, contrary to previous claims did not agree with this strategy. We have been trying to gain clarity on the implementation of the by-laws since last year without success.

After several failed attempts to make contact with your department during January of this year, I called both the offices of the Mayor and Alderman Marian Nieuwoudt and followed these up with emails pleading for an opportunity to discuss the strategy before implementation. All of these remain unanswered. Although we appreciate you eventually responding to our request for a discussion, meetings which have been arranged with your office have been postponed endlessly.

We are in the process of conducting a survey which illustrates that there are numerous Cifa (Cape Institute for Architecture) members adversely affected. At present the risk to work in the built environment profession and construction industry could amount to R 400 Million.

As a result, Cifa commissioned legal opinion which is attached. We are also informed of individual specific project based legal processes which are underway. As an Institute we find it sad that our profession and the entire building and development industry of our city has to go to these lengths to have some sense prevail.



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We stress that we find the implementation is (as referred to in the legal opinion Item 4.6.3) impractical, unbusinesslike and oppressive... *"An interpretation will not be given that leads to impractical, unbusinesslike or oppressive consequences or that will stultify the broader operation of the legislation or contract under consideration"*

We request that the City review and revise the implementation plan to enable BDM plans that have been accepted by the system and for which case numbers are issued by 3 February 2020 to be assessed under the previous By-law. It is common practice and can only be seen as administratively just to assess all SUBMITTED applications under the previous By-law.

Notwithstanding the constraints of lockdown we request a response within the reasonable period of time of 14 calendar days.

We and our members are very serious about this issue and will continue to engage and take whatever courses of action are available to us. It must be clearly understood that this issue will not just go away.

Yours sincerely

HENK LOURENS

President

Cape Institute for Architecture

Copied to:

- Mr Osman Asmal [Executive Director: Spatial Planning and Environment] - osman.asmal@capetown.gov.za
- Alderman Marian Nieuwoudt [Mayoral Committee Member for Spatial Planning & Environment] - marian.nieuwoudt@capetown.gov.za

