

GREATER TABLE VIEW ACTION FORUM

(Non-Profit Organisation No. APP-16/244140)

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Friday, May 19, 2023

Objection Case ID 1500001931

Erf 3723 119 Arum Road

GTAF would like to object to application 1500001931. The applicant has in a premeditated act or series of acts repeatedly broken the law and constructed parts of this building without the legally required permissions.

A building of this kind cannot be constructed without plans. So we can only assume the developer had one set of plans for the site and building purposes and another set of plans for 'approval'. The people involved in the construction of this building are industry professionals and as such must have been fully aware of their actions at the time of construction. It is also fair to believe that they would have been aware of the laws and by-laws around the construction of this building. Therefore they would be fully aware of the legal requirement to have an APPROVED plan before construction starts.

The applicant has shown contempt for the law, rule of law, the rights of neighboring property owners and the community in knowingly building without the correct permissions. The applicant has in our opinion decided to break the law in order to enrich themselves at the detriment of the community.

It is clear in this case that the City's approach of legalizing illegally built structures has encouraged and emboldened unscrupulous developers to build illegally to increase their revenue in the knowledge that the penalty will be a small percentage of the income generated by their illegal acts and building. It must also be noted that by legalizing the illegal building the City itself benefits from the administrative penalty and increased units that will be subject to rates and taxes. In so doing the City is failing in its duty to adhere to and uphold the Law and rule of law. The City is failing to protect rates payers and residents in allowing acts of illegality.

Whilst this application is merely for the legalization of balconies. This applicant has already had additional units made legal by the City of Cape Town. This has allowed the applicant to benefit from flouting the law. The fact that this applicant is applying for a second time to legalize an illegal building would highlight the applicant's contempt for the law and the City of Cape Town's similar contempt for the law and its willingness to allow can condone illegal acts in order to increase its own revenue. In so doing act against the public interest.

Greater Table View Action Forum (Planning & Biodiversity)

Non-Profit Organization No. 16/244140-NPO

