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- MINUTES -

OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING TRIBUNAL: NORTH  
EASTERN REGIONAL PANEL MEETING HELD ON TUESDAY, 12 NOVEMBER  
2019, IN BELLVILLE COUNCIL CHAMBERS, VOORTREKKER ROAD, BELLVILLE  
AT 10:00.

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**PRESENT:**

**MEMBERS:**

Mr D Daniels (Chairperson)  
Mr. W Johnstone  
Dr. C Madell  
Mr. O Gonsalves  
Ms. A McCann

**COUNCILLORS:**

None

**OFFICIALS:**

Mr J van der Westhuizen	-	Development Management
Ms S Matthysen	-	Development Management
Ms. T Kotze	-	Development Management
Mr. L van Blerk	-	Development Management
Mr. J Loots	-	Development Management

**PUBLIC AND PRESS:**

Mr H Kriel  
Mr J Volsckenk  
Mr N Smith  
Ms T Venter  
Ms K van Zyl  
Mr G Manual

**COMMITTEE SERVICES:**

Mr Danfred Pheiffer - Benjamin  
Mr W Etzebeth

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**MPTNE 01/11/19 OPENING AND MOMENT OF SILENCE**

The Chairperson, Mr D Daniels, declared the meeting opened and welcomed all present to the meeting of the North Eastern panel of the MPT. He requested that a moment of silence be observed.

**NOTED.**

**MPTNE 02/11/19 APOLOGIES / LEAVE OF ABSENCE**

That it **BE NOTED** that apologies for not being able to attend this meeting, have been received from

Cllr C Visser

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

**MPTNE 03/11/19 DECLARATION OF INTEREST**

That it **BE NOTED** that no members, of the Municipal Planning Tribunal North Eastern region have declared any interest.

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

**MPTNE 04/11/19 DECLARATION THAT AGENDA HAS BEEN READ**

That it **BE NOTED** that the declaration that the agenda has been read, has been signed by all members.

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

**MPTNE 05/11/19 NOTING OF CONFIRMED MINUTES OF PREVIOUS MEETING:  
08 OCTOBER 2019**

That the confirmed minutes of the previous meeting held on 08 October 2019, **BE NOTED.**

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

**MPTNE 06/11/19 MATTERS RECEIVING ATTENTION**

None

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

MPTNE 07/11/19    **WARD 11: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION, IMPLEMENTATION OF SUBDIVISION IN PHASES, PERMANENT DEPARTURES AND APPROVAL OF SITE DEVELOPMENT PLAN IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERVEN 1375 AND 16642, 7 OCHNA STREET, VREDELUST, KUILSRIVIER**

Mr. J Loots introduced the item

The objector, Mr. N Smith made an oral submission. Submission attached to the official minute as **Addendum A**

The applicant, Mr. J Volschenk made an oral submission. Submission attached to the official minute as **Addendum B**.

The objector got an opportunity to respond.

After extensive discussion the MPTNE Panel approved the application by 4 votes to 1. All parties were informed of their right to appeal.

**RESOLVED that:**

- a.     The application for consolidation of erven 1375 and 16642, Kuilsrivier, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, in accordance with consolidation plan, drawing No. PL001, dated 25 April 30 July 2018, subject to the conditions attached as Annexure A.
- b.     The application for rezoning of the consolidated property (erven 1375 and 16642, Kuilsrivier), from Agricultural Zone to Subdivisional Area (General Residential 1, General Residential 2, General Business 2, Transport Zone 2 and Utility Zone), **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, subject to the conditions attached as Annexure A.
- c.     The application for subdivision of the consolidated property (erven 1375 and 16642, Kuilsrivier), **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, in accordance with the subdivision and phasing plan no. P001, dated 30 July 2018, subject to the conditions attached as Annexure A.

- d. The application for the implementation of the subdivision of the consolidated property (erven 1375 and 16642, Kuilsrivier) in phases, be **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, in accordance with the subdivision and phasing plan no. P001, dated 30 July 2018, subject to the conditions attached as Annexure A.
- e. The application for permanent departure from the City of Cape Town Development Management Scheme in respect of the consolidated property (erven 1375 and 16642, Kuilsrivier), **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, only in so far as to allow the building line encroachments as indicated on the Site Development Plan, no. FS 000 to FS 003, dated 30 July 2018 (as described in Annexure A).
- f. The application for permanent departure from the City of Cape Town Development Management Scheme in respect of the consolidated property (erven 1375 and 16642, Kuilsrivier), **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, to permit 1.25 bays per one-bedroom apartment and 1.75 bays per two-bedroom apartment in lieu of the required 2 bays per one or two bedroom apartments.
- g. The application for approval of the Site Development Plan in respect of the consolidated property (erven 1375 and 16642, Kuilsrivier), **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, in accordance with the Site Development Plan FS 000 to FS 003, dated 30 July 2018 (including landscaping plan no. LA001, dated 30 July 2018 and section drawings, plan no. 4214 /C/320, dated 2018/05/22), subject to the conditions attached as Annexure A.

#### AMENDED CONDITIONS

- 2.2 That the detailed landscape plan shall be drawn up by a landscape architect in consultation with the City's

Environmental Resource Management department and City Parks. The Landscape Plan should take in consideration measures to reduce the potential impact of any air pollution and noise on the development throughout the entire site e.g. the use of appropriate building and cladding materials, double glazing etc. that will reduce the impact of noise. The landscaping shall be implemented prior to occupation of the development, or as otherwise agreed with the City's Environmental Management department and City Parks.

- 2.18 That no direct access be taken from Saxdownes Road apart from Ochnar Street

**Additional condition**

- Careful attention in particular being paid to the design and building structures within the GB1 zoned portion of the property on Van Riebeeck Road to mitigate any negative impact on it do to its close proximity to CISCO.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons as set out in Planner's report except reason 7.1.8 which is amended and added an additional reason 7.1.12 that reads as follows:

- 7.1.8 The development will be subject to all applicable safety and health regulations, and will therefore not have a negative impact on the safety, health and wellbeing of the surrounding community.
- 7.1.12 The necessary inputs from the relevant specialist e.g. fresh water ecologist have been obtain and the recommendations with regard to effective stormwater management have been included and incorporated into the final urban design of the site.

**FOR INFORMATION:**

**ACTION: J LOOTS / T KOTZE**

**MPTNE 08/11/19**

**WARD 10: APPLICATION FOR A PERMANENT DEPARTURES AND THE DELETION OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015, ERF 5813, BELLVILLE, OAKDALE, 33 MÔRESON STREET**

After some discussion the MPTNE Panel approved the application

**RESOLVED UNANIMOUSLY**

That in respect of Erf 5813, Bellville, the deletion of restrictive title conditions Clauses A(D)(iii)(c) and (d) in title deed T12222/98, **BE APPROVED** in terms of Section 98(b)(i) of the Municipal Planning By-Law, 2015.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons as set out in Planner's report except reason 7.6 which is amended as follows:

- 7.6. The removal of these title conditions will not have any financial, social and personal benefits to the holder of the rights.

**FOR INFORMATION:**

**ACTION: E PIENAAR / T KOTZE**

**MPTNE 09/11/19 WARD 3: APPLICATION FOR REZONING, CONSENT AND REGULATION DEPARTURE IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 32775, OLD PAARL AND OLD OAK ROADS, BELLVILLE**

After some discussion the MPTNE Panel approved the application

**RESOLVED UNANIMOUSLY that:**

- a. The application for rezoning of Erf 32775, Bellville from Single Residential 1 to General Residential 2, **BE APPROVED** in terms of Section 98(b) of the Cape Town Municipal Planning By-law, 2015, subject to the conditions contained in attached Annexure A.
- b. The application for consent in respect of a portion of Erf 32775, Bellville to allow the construction of an electrical sub-station, **BE APPROVED** in terms of Section 98(b) of the Cape Town Municipal Planning By-law, 2015, subject to the conditions contained in attached Annexure A.
- c. The application for permanent departure from the City of Cape Town Development Management Scheme in order to allow the relaxation of the street boundary building line in respect of Erf 32775, Bellville from 5.0m to 1.3m for the electrical sub-station, **BE APPROVED** in terms of Section

98(b) of the Cape Town Municipal Planning By-law, 2015, subject to the conditions contained in attached Annexure A.

- d. The application for permanent departure from the City of Cape Town Development Management Scheme in order to allow the relaxation of the on-site parking requirement in respect of Erf 32775, Bellville from 2 bays per flat unit to 1.5 bays per flat unit, **BE APPROVED** in terms of Section 98(b) of the Cape Town Municipal Planning By-law, 2015, subject to the conditions contained in attached Annexure A.

#### AMENDED CONDITION

- 2.9. That 107 clearly demarcated on-site parking bays be provided in accordance with the SDP attached as Annexure C.

#### REASONS FOR DECISION:

The MPT **APPROVED** the application for the reasons in the Planner's report

#### FOR INFORMATION:

ACTION: J JACOBS / T KOTZE

**MPTNE 10/11/19 WARD 26: APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 10584, PAROW, 43 PIET RETIEF STREET, PAROW VALLEY**

After some discussion the MPTNE Panel approved the application

#### RESOLVED UNANIMOUSLY that:

- a. The application for consent use in respect of Erf 10584, Parow, to allow for a place of instruction **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, in accordance with the site layout plan attached as Annexure B, subject to conditions as stipulated in Annexure A.
- b. The application for permanent departure in respect of Erf 10584, Parow, involving departure from the western and northern common boundary building lines from 5.0m to 0m, to allow for a place of instruction **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015, in

accordance with the site layout plan attached as Annexure B, subject to conditions as stipulated in Annexure A.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons in the Planner's report

**FOR INFORMATION:**

**ACTION: E YAPI / T KOTZE**

**MPTNE 11/11/19 WARD 11: APPLICATION FOR A SITE DEVELOPMENT PLAN AND PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 6309, KUILSRIVER, 25 NOOIENSFONTEIN ROAD, OAKDENE.**

After some discussions the MPTNE Panel approved the application

**RESOLVED UNANIMOUSLY that:**

- a. The application for permanent departure in respect of Erf 6309, Kuilsriver to permit the relaxation of the required number of on-site parking bays to 12 parking bays in lieu of 24 parking bays to accommodate 12 flat units on the premises **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law, subject to the conditions contained in Annexure A.
- b. The application for permanent departure in respect of Erf 6309, Kuilsriver to permit the widening of the carriage way crossing from 8.0m to 27.5m **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law, subject to the conditions contained in Annexure A.
- c. Departure to permit vehicular access within 10m from an intersection **BE APPROVED** in terms of 98(b) of the City of Cape Town Municipal Planning By-Law, subject to the conditions contained in Annexure A.
- d. Departure to permit the reversing of vehicles across the sidewalk **BE APPROVED** in terms of 98(b) of the City of Cape Town Municipal Planning By-Law, subject to the conditions contained in Annexure A.
- e. The application for site development plan approval in respect of Erf 6309, Kuilsriver in order to permit the



construction of 12 flats units on the premises, **BE APPROVED** in terms of 98(b) of the City of Cape Town Municipal Planning By-Law, subject to the conditions contained in Annexure A.

**ADDITIONAL CONDITION**

That a Landscaping Plan be submitted for approval and implementation prior to occupation.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the Planner's report and added an additional reason

- 7.5 In this context the loss of an opportunity for business development appropriate, given the shift of traffic to New Nooiensfontein Road as the through road.

**FOR INFORMATION:**

**ACTION: Z MFEYA / T KOTZE**

**MPTNE 12/11/19 WARD 54: APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF SECTION 42(r) OF THE CAPE TOWN MUNICIPAL PLANNING BY LAW, 2015: ERF 4544, GOODWOOD, 122 CAMBRIDGE STREET, RICHMOND ESTATE**

Approved as recommended

**RESOLVED UNANIMOUSLY:**

That an administrative penalty of **R0.00** be determined in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 4544, Goodwood.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the Planner's report

**FOR INFORMATION:**

**ACTION: S NDABA / T KOTZE**

**MPTNE 13/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 8958, PAROW 9 ROY DE VRIES CLOSE, PLATTEKLOOF.**

After discussion the MPTNE Panel reduced the penalty

**RESOLVED UNANIMOUSLY**

That an administrative penalty in the amount of **R 5 000,00 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 8958, Parow in accordance with Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons in the Planner's report

**FOR INFORMATION:**

**ACTION: J JACOBS / T KOTZE**

**MPTNE 14/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 3467, GOODWOOD, 173 RIEBEEK STREET, GOODWOOD ESTATE.**

After discussion the MPTNE Panel increased the penalty

**RESOLVED UNANIMOUSLY**

That an administrative penalty in the amount of **R4 000,00 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 3467, Goodwood in accordance with Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons in the Planner's report

**FOR INFORMATION:**

**ACTION: J JACOBS / T KOTZE**

**MPTNE 15/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 14860, RAVENSMEAD, PAROW, 121 LINDEN – EAST STREET**

After some discussion the MPTNE Panel reduced the administrative penalty

**RESOLVED UNANIMOUSLY**

That an administrative penalty in the amount of R 500 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 14860, Parow in accordance with plan no 14860, dated 04/06/2019.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons in the Planner's report

**FOR INFORMATION:**

**ACTION: T MAZANA / T KOTZE**

**MPTNE 16/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 1021, MATROOSFONTEIN.**

After some discussion the MPTNE panel reduced the administrative penalty

**RESOLVED UNANIMOUSLY that:**

That an administrative penalty in the amount of R 500,00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 1021, Matroosfontein in accordance with Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the Planner's report

**FOR INFORMATION:**

**ACTION: J JACOBS / T KOTZE**

**MPTNE 17/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 2406, PAROW, 18 AP BURGER AVENUE, PLATTEKLOOF.**

After discussion the MPTNE Panel approved the administrative penalty

**UNANIMOUSLY RESOLVED**

That an administrative penalty in the amount of **R2 000,00 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of **Erf 2406, Parow** in accordance with Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the Planner's report

**FOR INFORMATION:**

**ACTION: J JACOBS / T KOTZE**

**MPTNE 18/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 12172, GOODWOOD.**

After extensive discussion the MPTNE Panel approved the administrative penalty

**RESOLVED UNANIMOUSLY:**

That an administrative penalty in the amount of **R 800,00 BE DETERMINED** in terms of Item 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of **Erf 12172, Goodwood** in accordance with Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out as set out in the planner's report

**FOR INFORMATION:**

**ACTION: J JACOBS / T KOTZE**

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**MPTNE 19/11/19 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 27155, BELLVILLE**

After some discussion the MPTNE Panel approved the administrative penalty

**RESOLVED UNANIMOUSLY**

That an administrative penalty in the amount of R 800,00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 27155, Bellville in accordance with Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons as set out in the planner's report

**FOR INFORMATION:**

**ACTION: J JACOBS / T KOTZE**

**MPTNE 20/11/19 APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 19806, PAROW, 28 HENNIE WINTERBACH STREET**

After some discussion the MPTNE Panel reduced the administrative penalty

**RESOLVED UNANIMOUSLY:**

That an administrative penalty in the amount of R10 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 19806, Parow in accordance with site plan attached as Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the Planner's report

**FOR INFORMATION:**

**ACTION: B ABAY / T KOTZE**

**MPTNE 21/11/19 WARD 102: APPLICATION FOR TEMPORARY DEPARTURE IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 10499, 8 MONTAGNE AVENUE, VREDEKLOOF, BRACKENFELL**

After some discussion the MPTNE Panel approved the application

**RESOLVED UNANIMOUSLY that:**

The application for a consent use to permit a doggy day care on Erf 10499 Brackenfell, **BE APPROVED** in terms of Section 98 (b) of the City of Cape Town Municipal Planning By-law, 2015, subject to the conditions stipulated in **Annexure A**.

**AMENDED CONDITION**

- 2.6 That a total of eight (8) dogs are allowed on the premises at any time as applied for.

**ADDITIONAL CONDITION**

That the dog day care be monitored by the City Health Department to ensure compliance with the City of Cape Town Animal By-Law, 2010.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the Planner's report

**FOR INFORMATION:**

**ACTION: T MANOKO / S VAN RENSBURG**

**MPTNE 22/11/19 WARD 7: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND APPROVAL OF THE SITE DEVELOPMENT AND LANDSCAPING PLAN IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: REMAINDER ERF 2585, 77 BOOG STREET, MORGENSTER HEIGHTS, BRACKENFELL,**

After some discussion the MPTNE Panel approved the recommendations a and b unanimously and recommendation c, d and e were approved by 4 votes to 1

**RESOLVED UNANIMOUSLY that:**

- a. The application for the Rezoning of remainder Erf 2585, Brackenfell, from Single Residential 1 to General Residential 2 to permit proposed apartment complex **BE**

**APPROVED** in terms of Section 98 of the Municipal Planning By-law, 2015 subject to the conditions contained in **Annexure A**.

- b. The application for Subdivision of remainder Erf 2585 into two (2) portions, **BE APPROVED** in terms of section 42 (d) of the Municipal Planning By-Law, 2015, in accordance with drawing no: 3.393- S1-03 drawn by A Viljoen dated 2 July 2019, attached as **Annexure C**, subject to the conditions contained in **Annexure A**.
- c. The application for a Departure, as set out on **Annexure A**, for remainder Erf 2585, Brackenfell **BE APPROVED** in terms of 98 of the Municipal Planning Bylaw.
- d. That the application for approval of the proposed Landscaping Plan, on the remainder of Erf 2585 **BE APPROVED** in terms of Section 98 (b) of the Municipal Planning By-law, 2015, in accordance with drawing no: LSP1; Rev C; dated 25 June 2019 drawn by attached as **Annexure E**.
- e. That the application for approval of the proposed Site Development Plan (SDP), **BE APPROVED** in terms of Section 98 (b) of the Municipal Planning By-law, 2015, in accordance with drawing no: SK-01.8 drawn by Graham Hollard Architectural Design dated 03/10/2019, attached as **Annexure D**.

**ANNEXURE A**

*That the word remainder be inserted before Erf on top of Annexure A*

**"remainder Erf 2585, Brackenfell"**

**AMENDED CONDITIONS**

- 2.1. Development of the property shall be substantially in accordance with the approved SDP shown in drawing no: SK-01.8 drawn by Graham Hollard Architectural Design dated 03/10/2019 attached as Annexures D & E and that in the Landscaping Plan special attention be given to reducing the visual impact from the N1 Freeway through substantive vegetation screening.

- 2.22. All private internal water and sewer services shall be maintained by the proposed development's Body Corporate of the Sectional Title Scheme.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the planner's report and added an additional reason that reads as follows;

- 7.1.9 The development will provide affordable accommodation/ housing in close proximity to economic opportunities in the Cape Gate precinct

**FOR INFORMATION:**

**ACTION: L VAN BLERK / S VAN RENSBURG**

**MPTNE 23/11/19 WARD 21: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 1898 BELLVILLE, 8 RHEAZICHT ROAD**

After some discussion the MPTNE Panel approved the administrative penalty

**RESOLVED UNANIMOUSLY:**

That an administrative penalty in the amount of **R2000 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 1898 for the land use contravention and such penalty be approved in terms of Section 98 (b) of the said By-Law.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out below

1. The transgression is serious as vulnerable children are placed in a facility where health and safety checks have not been done.
2. The nature of the contravention is compatible with the area, Development Management Scheme Permits Place of instruction (crèche) as a consent use. The use of the property will remain for residential use.
3. Although a land use application has been submitted to rectify the unlawful use, the owner has been operating



without the relevant approval for almost a year. This duration is considered short.

4. The extent of the unauthorized use is considered a small scale considering the size of the property.
5. As far as it can be ascertained, the owner of the property has not previously contravened this By-Law or any other planning law.
6. The gravity is serious.

**FOR INFORMATION:**

**ACTION: A SOLOMBELA / S VAN RENSBURG**

**MPTNE 24/11/19    WARD 103: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 10642, 11 JACANA CRESCENT, LANGEBERG RIDGE, KRAAIFONTEIN.**

After some discussion the MPTNE Panel reduced the administrative penalty

**RESOLVED UNANIMOUSLY:**

That an administrative penalty in the amount of R 5000.00 for the unauthorized building work, **BE DETERMINED** in terms of Section 98 (b) of the City of Cape Town Municipal Planning By-Law, 2015 in respect of ERF 10642, 11 Jacana Crescent, Langeberg Ridge, Kraaifontein.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in below

1. The current owner is responsible for the unauthorized building work.
2. The actual extent of the contravention which is 59.56m<sup>2</sup> is relatively small when considering the size of the property (386m<sup>2</sup>), however
3. The gravity of the contravention is significant due to the safety risk the entertainment room poses onto the street and municipal services.
4. Duration is long: 3 years.

**FOR INFORMATION:**

**ACTION: A LEWACK / S VAN RENSBURG**

**MPTNE 25/11/19    WARD 21: APPLICATION FOR ADMINISTRATIVE PENALTY IN  
TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING  
BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 25679  
BELLVILLE, 11 SANDFORD STREET, BO OAKDALE**

After some discussion the MPTNE Panel reduced the administrative penalty

**RESOLVED UNANIMOUSLY:**

That an administrative penalty in the amount of **R3000.00 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 25679, Bellville for the land use contravention and such penalty be approved in terms of section 98 (b) of the said By-Law.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the planner's report

**FOR INFORMATION:**

**ACTION: A LEWACK / S VAN RENSBURG**

**MPTNE 26/11/19    APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF  
THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW,  
2015 (MPBL) IN RESPECT OF ERF 25790, BRACKENFELL**

After some discussion the MPTNE Panel approved the administrative penalty by 4 votes to 1

**RESOLVED:**

That an administrative penalty in the amount of **R33500 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 25790, Brackenfell

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the planner's report except reason 6.3 which is amended as follows:

- 6.3    The gravity of the contravention is considered very serious when considering that the unauthorised building work was previously refused as part of the consolidation application.

**FOR INFORMATION:**

**ACTION: L VAN BLERK / S VAN RENSBURG**

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**MPTNE 27/11/19    WARD 105: APPLICATION FOR ADMINISTRATIVE PENALTY  
IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL  
PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 39040,  
BELLVILLE**

After some discussion the MPTNE Panel approved the administrative penalty by 4 votes to 1

**RESOLVED:**

That an administrative penalty in the amount of **R 15 000 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 39040, Bellville in accordance with the plan attached as Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the planner's report

**FOR INFORMATION:**

**ACTION: G LIEBENBERG / S VAN RENSBURG**

**MPTNE 28/11/19    WARD 102: APPLICATION FOR ADMINISTRATIVE PENALTY IN  
TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING  
BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 6202,  
BRACKENFELL, 23 KINE CRESCENT**

After some discussion the MPTNE Panel approved the administrative penalty

**RESOLVED UNANIMOUSLY:**

That an administrative penalty in the amount of **R1000.00 BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 6202, 23 Kine Crescent, Brackenfell in accordance with the plan herby attached as Annexure B.

**REASONS FOR DECISION:**

The MPT **APPROVED** the application for the reasons set out in the planner's report

**FOR INFORMATION:**

**ACTION: T MANOKO / S VAN RENSBURG**

**MPTNE 29/11/19 WARD 105: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF PORTION 157 OF FARM 728 KRAAIFONTEIN, 20 KIEWIET STREET, JOOSTENBERGVLAKE SMALL HOLDINGS**

After some discussion the MPTNE Panel

**RESOLVED UNANIMOUSLY:**

That the administrative penalty application **BE REFERRED BACK** in order for the officials to reassess the administrative penalty

**FOR INFORMATION:**

**ACTION: T MANOKO / S VAN RENSBURG**

**MPTNE 30/11/19 DATE OF NEXT MEETING**

That it **BE NOTED** that the next meeting will be held on 10 December 2019 at 10:00 in Council Chamber, Bellville Civic Center.

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

**MPTNE 31/11/19 CLOSING OF MEETING**

That it **BE NOTED** that the meeting closed at 13:45

**FOR INFORMATION:**

**ACTION: DANFRED PHEIFFER-BENJAMIN**

Items were discussed in the following order:

MPTNE01/11/19	MPTNE02/11/19	MPTNE03/11/19
MPTNE04/11/19	MPTNE05/11/19	MPTNE06/11/19
MPTNE07/11/19	MPTNE08/11/19	MPTNE09/11/19
MPTNE10/11/19	MPTNE11/11/19	MPTNE12/11/19
MPTNE13/11/19	MPTNE14/11/19	MPTNE15/11/19
MPTNE16/11/19	MPTNE17/11/19	MPTNE18/11/19
MPTNE19/11/19	MPTNE20/11/19	MPTNE21/11/19
MPTNE22/11/19	MPTNE29/11/19	MPTNE23/11/19
MPTNE24/11/19	MPTNE25/11/19	MPTNE26/11/19
MPTNE27/11/19	MPTNE28/11/19	MPTNE30/11/19
MPTNE31/11/19		

MINUTES: CITY OF CAPE TOWN  
PLANNING TRIBUNAL: NORTH EASTERN  
REGIONAL PANEL

24

12 NOVEMBER 2019



MR DAVID DANIELS  
CHAIRPERSON

14 November 2019

DATE