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**- MINUTES -**

**OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING TRIBUNAL:  
NORTH WESTERN REGIONAL PANEL MEETING HELD ON 1 & 2 SEPTEMBER 2020  
AT 10:00 VIA SKYPE FOR BUSINESS**

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<b>DAY 1: on 1 September</b>
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**MEMBERS PRESENT:**

Mr D Daniels	Chairperson
Mr S Nicks	
Mr P Terblanche	
Ms M Muller-Lovember	
Mr D Smit	

**COUNCILLORS:**

Ald Brian Watkyns	Ward 53
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**OFFICIALS:**

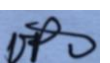
Mr J Van Der Westhuizen	Manager: Development Management
Mr M Mupariwa	District Manager
Mr G September	Development Management
Ms E Marais	Development Management
Ms J Leslie	Development Management
Mr P Heydenrych	Development Management
Mr A Mitev	Development Management
Mr T Mphohoni	Development Management
Mr W Naude	Development Management
Mr J Fullard	Development Management
Mr J McCormick	Development Management
Ms Q Samaai	Development Management
Ms F Benting	Development Management
Mr J Sadan	Development Management

**COMMITTEE SERVICES:**

Ms R Petersen	MPT Secretariat
Mr N Sikiti	MPT Secretariat

**PUBLIC AND GUESTS:**

Baguley, D	Pratt, A
Behnke, B	Rumbell, C
Ben	Smith, N
Bosch, D	Thom, Q
Burnett, S	Tucker, K
Dallas, J	Van Der Merwe, C
DB	Willemse, C
Durow, F	
e Camara, S	
G, Richard	
GC	
Heyns, L	
Kudo, R	
Marco	
McGregor, J	
Peter	



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- MPTNW 01/09/20      OPENING AND MOMENT OF SILENCE**  
The Chairperson, Mr David Daniels welcomed all present to the meeting of the North Western Panel of the Municipal Planning Tribunal. He requested that a moment of silence be observed and then declared the meeting as officially opened.
- NOTED**
- MPTNW 02/09/20      APOLOGIES / LEAVE OF ABSENCE**  
None
- MPTNW 03/09/20      DECLARATION OF INTEREST**  
That it **BE NOTED** that no member of the Municipal Planning Tribunal, North Western Panel declared any interest.
- MPTNW 04/09/20      DECLARATION THAT AGENDA HAS BEEN READ**  
**RESOLVED**  
  
That it **BE NOTED** that the declaration of the agenda being read was signed by all members.
- MPTNW 05/09/20      NOTING OF CONFIRMED MINUTES OF PREVIOUS MEETING**  
That the confirmed minutes of the previous meeting **BE NOTED**.
- MPTNW 06/09/20      MATTERS RECEIVING ATTENTION**  
**NONE**
- MPTNW 07/09/20      WARD 53: PROPOSED APPLICATION FOR PERMANENT DEPARTURES IN TERMS OF SECTIONS 42(b) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW: ERF 2805 PINELANDS, 8 PROTEA CLOSE**  
  
The chairperson of the MPT agreed that this application **BE WITHDRAWN** from the agenda and tabled on 22 September in order to give parties an opportunity to make application for an interview.
- FOR INFORMATION: NAUDE / SEPTEMBER**
- MPTNW 08/09/20      WARD 57: APPLICATION FOR DEPARTURES AND CITY APPROVAL IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW: ERF 2930 CAPE TOWN, 55 BLOEM STREET**  
  
**UNANIMOUSLY RESOLVED** that:  
The application for permanent departures from, and City's approval (HPOZ) in terms of, the Development Management Scheme on Erf 2930, Cape Town, **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law 2015, as set out in Annexure A, subject to the conditions in Annexure A.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: NAUDE / SEPTEMBER**

**MPTNW 09/09/20      APPLICATION FOR A REZONING IN TERMS OF SECTION 42(A), PERMANENT DEPARTURE IN TERMS OF SECTION 42(B) AND CONSENT USE IN TERMS SECTION 42(I) OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 27021, CAPE TOWN, 2 NUTTALL ROAD**

**UNANIMOUSLY RESOLVED that:**

- a. The application for Rezoning from GR2 to GB1, on erf 27021, Cape Town **BE APPROVED** in terms of Section 98(b)(iii) of the Municipal Planning By-Law, 2015, subject to the conditions contained in Annexure A.
- b. The application for Consent to work in an HPOZ, on erf 27021, Cape Town **BE APPROVED** in terms of Section 98(b)(iii) of the Municipal Planning By-Law, 2015 in accordance with Drawing Number dated 19/07/2018, revised 17/12/2019, subject to the conditions contained in Annexure A.
- c. The application for a Departure (parking), for Erf 27021, Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-law, 2015

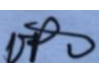
**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**Annexure A:**

Amend 2.1 as follows:

Building plans to be submitted to reflect the approved restaurant and gaming area, as per Drawing Number dated 19/07/2018, revised 17/12/2019, within 60 days from the date of final notification of the rezoning. The proposed restaurant and gaming area shall be restricted to the areas shown on the plans attached as Annexure C and the gaming area shall be restricted to electronic and mechanical playing devices as defined in the DMS

**FOR INFORMATION: NAUDE / SEPTEMBER**

## INTERVIEW

**MPTNW 10/09/20 WARD 77: APPLICATION FOR REZONING, DELETION OF TITLE DEED AND LAND USE RESTRICTIONS, AND DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 1288 VREDEHOEK, 32 CLIFFORD AVENUE**

Mr Heydenrych introduced the application.

Messrs Quintus Thom and Dawie Bosch addressed the panel in support of the application

The MPT secretariat did not receive any indication from the objectors with respect to addressing the panel

Recommendations 'a' and 'b' were approved by 4 votes to 1  
Recommendation 'c' - was approved unanimously

### **RESOLVED** that:

- a. The application for rezoning from Single Residential Zoning 1 (SR1) to General Residential Subzone 2 (GR2), on Erf 1288 Vredehoek, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015.
- b. The application for departures, as set out in Annexure A, on Erf 1288 Vredehoek, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015.
- c. The application for removal / amendment of title deed and land use conditions, as set out in Annexure A, on Erf 1288 Vredehoek, **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law 2015.

### **REASONS FOR DECISION**

The MPT partially APPROVED and partially REFUSED the application for the reasons set out in the Planner's Report and agreed to amend

- 7.1.8 The deletion and amendment of the tile deed condition does not adversely impact on the area as the MPBL will be the control to guide any future development of the site.
- 7.2.3 The densification policy, together with amendment with MPBL, permits sufficient densification without the need to rezone

Delete reason 7.2.4

**FOR INFORMATION: HEYDENRYCH / SEPTEMBER**

## INTERVIEW

MPTNW 11/09/20

**WARD 115: APPLICATION CONSOLIDATION, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW: REMAINDER ERF 332, ERVEN 335 AND 336 GREEN POINT, 4, 6 AND 8 BRAEMAR ROAD**

Mr Heydenrych introduced the application

Kevin Tucker spoke against this application

Tommy Brummer spoke in support of the application

The application was put on hold to allow Brummer to consult with his client.

**UNANIMOUSLY RESOLVED** that:

- a. The application for removal of restrictions and departures as set out in Annexure A, on Remainder Erf 332, Erf 335 and Erf 336 Green Point, **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law 2015, in accordance with the plan indicated in Annexure D, subject to the conditions contained in the attached Annexure A.
- b. The application for consolidation, as set out in Annexure A, on Remainder Erf 332, Erf 335 and Erf 336 Green Point, **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law 2015, in accordance with the plan indicated in Annexure C, subject to the conditions contained in the attached Annexure A.

### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report.

Amend Annexure A:

NOTE with respect to 2.6:

The DC amount is to be determined by the case officer and circulated to the panel for approval before the notice of decision

Add 2.7 as follows:

That the developer provides four rental units, starting at R 6 800.00 per month, subject to annual CPIZ increases.

That the developer submits a suitable ownership management mechanism to the City to demonstrate how these rental housing units will remain affordable in perpetuity.

Units to be rented as affordable units must be indicated on the revised SDP.

NOTE:

The adoption of condition 2.7 results in an increase of the number of dwelling units from 51 to 60, including the 4 inclusionary housing units. This amendment does not materially change the nature of the application

**FOR INFORMATION: HEYDENRYCH / SEPTEMBER**

## INTERVIEW

MPTNW 12/09/20

**WARD 77: APPLICATION FOR PROPOSED CITY APPROVAL IN TERMS OF THE DEVELOPMENT MANAGEMENT SCHEME, REZONING, SUBDIVISION, CONSOLIDATION AND DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW: REMAINDER ERF 2592 AND ERF 2759 VREDEHOEK, 1 CHELSEA AVENUE AND 25 AANDBLOM STREET**

Mr Heydenrych introduced the application

Andrew Pratt spoke in support of the application

Larissa Heyns spoke against the application

Mr Pratt was given an opportunity to rebut

**UNANIMOUSLY RESOLVED** that:

- a. The application for consolidation, as set out in Annexure A, on Remainder Erf 2592 and Erf 2759 Vredehoek, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015.
- b. The application for subdivision, as set out in Annexure A, on Remainder Erf 2592 and Erf 2759 Vredehoek, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015.
- c. The application for rezoning from Single Residential Zoning 1 to General Residential Subzoning 4, as set out in Annexure A, on Remainder Erf 2592 and Erf 2759 Vredehoek, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015.
- d. The application for City approval in terms of the Development Management Scheme and departures, as set out in Annexure A, on Remainder Erf 2592 and Erf 2759 Vredehoek, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015.

### REASONS FOR DECISION

The MPT REFUSED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: HEYDENRYCH / SEPTEMBER**

MPTNW 13/09/20

**WARD 54: APPLICATION FOR REZONING AND DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 206 FRESNAYE, 2A AVENUE DES HUGUENOTS**

This application is **WITHDRAWN** from the agenda at the request of the case officer for further investigation.

**FOR INFORMATION: MITEV / SEPTEMBER**

**MPTNW 14/09/20      WARD 54: APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE, DELETION OF CONDITIONS IN TERMS OF AN EXISTING APPROVAL GRANTED OR DEEMED TO HAVE BEEN GRANTED IN TERMS OF THE MUNICIPAL PLANNING BY-LAW & PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 562 CAMPS BAY, 17 THE DRIVE, CAMPS BAY**

Mr Mitev introduced the application

It was found that no objection was received from the objector, Chris Willemse, as he did not receive proxy to represent any objector. This interview request was therefore disregarded with apologies and the application proceeded as a land use item, not an interview.

**UNANIMOUSLY RESOLVED that:**

- a. The application for deletion of restrictive title deed conditions as set out in Annexure A, for Erf 562 Camps Bay, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015.
- b. The application for departures, as set out in Annexure A, for Erf 562 Camps Bay **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, in accordance with the layout plan in Annexure C, subject to the conditions contained in Annexure A.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to add the following reasons:

- 7.1.4 That the proposal has been evaluated in terms of Section 39(5) of LUPA and Section 47 of SPLUMA and complies with the criteria
- 7.2.9 The departures for the outbuilding, garage, façade and carriageway crossing are considered to be of a minor nature

**FOR INFORMATION: MITEV / SEPTEMBER**

**MPTNW 15/09/20      WARD 57: APPLICATION FOR DEPARTURES AND CITY APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 14126 CAPE TOWN, 27 CHAMBERLAIN STREET, WOODSTOCK**

Mr Mitev introduced the application

The chairperson of the MPT noted an error on page 1959 and 2001 with respect to indicating objectors'/supporters' properties

**UNANIMOUSLY RESOLVED that:**

- a. The application for Departures as set out in Annexure A on Erf 14126 Cape Town, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plan attached as Annexure C1, dated 05/12/2019, subject to the conditions contained in Annexure A.

- b. The application for City Approval as set out in Annexure A on Erf 14126 Cape Town, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plan attached as Annexure C1, subject to the conditions contained in Annexure A.

#### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report.

#### FOR INFORMATION: MITEV / SEPTEMBER

#### MPTNW 16/09/20 WARD 57: APPLICATION FOR REZONING, DEPARTURES AND APPROVAL OF COUNCIL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 25793 CAPE TOWN, 55 SCOTT ROAD AND 8 LYTTON ROAD, OBSERVATORY

The chairperson of the MPT noted that no request for an interview was received from Ms Trumpelmann as she did not follow the process to apply for an oral hearing

#### UNANIMOUSLY RESOLVED that:

- a. The application for Rezoning of Erf 25793 Cape Town, from General Residential 2 (GR2) to General Business 1 (GB1) as set out in Annexure A **BE REFUSED** in terms of Section 98(c) of the Municipal Planning By-Law, 2015.
- b. The application for Permanent Departure for Erf 25793 Cape Town, as set out in Annexure A, **BE REFUSED** in terms of Section 98(c) of the Municipal Planning By-Law, 2015.
- c. The application for City Approval for Erf 25793 Cape Town, as set out in Annexure A **BE REFUSED** in terms of Section 98(c) of the Municipal Planning By-Law, 2015.

#### REASONS FOR DECISION

The MPT REFUSED the application for the reasons set out in the Planner's Report.

#### FOR INFORMATION: MITEV / SEPTEMBER

#### MPTNW 17/09/20 WARD 54: APPLICATION FOR DELETION OF TITLE DEED CONDITIONS, REZONING & DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 124, NO 115 VICTORIA ROAD, CAMPS BAY

#### UNANIMOUSLY RESOLVED that:

The application for rezoning, deletion of title deed conditions and departures as set out in Annexure A for Erf 124, Camps Bay, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, subject to conditions set out in Annexure A.



**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: LESLIE / SEPTEMBER**

**MPTNW 18/09/20      WARD 54: APPLICATION FOR SUBDIVISION, PERMANENT DEPARTURES, DELETION AND AMENDMENT OF TITLE DEED CONDITIONS IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 1016, CAMPS BAY, 9 RONALD AVENUE**

**UNANIMOUSLY RESOLVED that:**

The application for deletion and amendment of title deed restrictions Erf 1016 Camps Bay, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 as set out in attached Annexure A.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: LESLIE / SEPTEMBER**

**MPTNW 19/09/20      WARD 54: APPLICATION FOR AMENDMENT OF TITLE DEED CONDITIONS, AMENDMENT AND DELETION OF CONDITIONS OF APPROVAL AND PERMANENT DEPARTURES IN TERMS OF THE CAPE TOWN MUNICIPAL PLANNING BY-LAW: ERF 2571 CAMPS BAY, AT 27 GENEVA DRIVE**

After discussion, it was agreed that this application be **REFERRED BACK** for the City official to have further discussion with the applicant.

**FOR INFORMATION: LESLIE / SEPTEMBER**

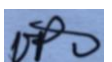
<b>INTERVIEW</b>
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**MPTNW 20/09/20      WARD 54: APPLICATION FOR AMENDMENT AND DELETION OF RESTRICTIVE TITLE DEED CONDITIONS, AMENDMENT OF CONDITIONS, DEPARTURES AND COUNCIL APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 3297, 20 FULHAM ROAD, CAMPS BAY**

Ms Leslie introduced the application

Advocate Baguley and Mr Van Der Merwe addressed the panel of the MPT

After discussion, it was agreed that this application be **REFERRED BACK** to address concerns raised by Adv Baguley.

**FOR INFORMATION: LESLIE / SEPTEMBER**

## INTERVIEW

MPTNW 21/09/20

**WARD 115: APPLICATION FOR PROPOSED CONSOLIDATION AND APPROVAL OF COUNCIL IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: COMPRISING REM ERF 5044, REM ERF 5046, REM ERF 5050, REM ERF 5051 AND ERVEN 5047, 5048, 5052 AND 5053 (BEING UNREGISTERED ERF 177651) 42 – 48 COMMERCIAL STREET CAPE TOWN**

Mr September introduced the application.

Cllr Bryant was given an opportunity to address the panel

Dr Townsend and Advocate e Camara spoke against the application

Ben Schoeman, Richard Summers and Piet Louw spoke in support of the application

Dr Townsend was given an opportunity to rebut

Mr Nicks left the meeting at 12:00 on day 2

**UNANIMOUSLY RESOLVED** that:

- a. The application for the approval of Council in respect of the erection of a building in a Heritage Protection Overlay zone as contained in Annexure A attached in respect of comprising rem Erf 5044, rem Erf 5046, rem-Erf 5050, rem-Erf 5051, and erven 5047, 5048, 5052 and 5053 (being unregistered erf 177651), 42 - 48 Commercial Street Cape Town, **BE APPROVED**, in terms of Section 98 of the Municipal Planning By-Law subject to conditions contained in Annexure A attached.
- b. The application for consolidation, as set out in Annexure A, of comprising rem Erf 5044, rem Erf 5046, rem-Erf 5050, rem-Erf 5051, and erven 5047, 5048, 5052 and 5053 (being unregistered erf 177651), 42 - 48 Commercial Street Cape Town, **BE APPROVED** in terms of Section 98 of the City of Cape Town Municipal Planning By-Law, subject to the conditions contained in the attached Annexure A.

### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to add a reason as follows:

The application has been evaluated against the criteria in Section 99(i)(ii)(iii) of the MPBL and is fully compliant

Add to Annexure A:

Any removal of services from the site in order to re-service the consolidated site shall be borne by the developer at his/her cost

**FOR INFORMATION: SAN GIORGIO / SEPTEMBER**

**MPTNW 22/09/20 WARD 54: APPLICATION FOR DELETION AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, AMENDMENT OF TOWNSHIP ESTABLISHMENT CONDITIONS AND REGULATION DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 572, 29 CENTRAL DRIVE, CAMPS BAY**

**UNANIMOUSLY RESOLVED that:**

- a. The application for removal of title deed conditions as set out in Annexure A, on erf 572 Camps Bay **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plan indicated in Annexure C, subject to the conditions contained in the attached Annexure A.
- b. The application for the permanent departures (as set out in Annexure A) on Erf 572, Camps Bay **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with plan no 200sp, 201sp, 202sp, 203sp, 204sp, 205sp, 206sp, 207sp, 208sp and 210sp, Rev 1 dated: 11-12-2019, drawn by: Thomas Geh Architects subject to the conditions contained in Annexure A.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: SAN GIORGIO / SEPTEMBER**

## INTERVIEW

**MPTNW 23/09/20 WARD 77: APPLICATION FOR PERMANENT DEPARTURES AND CITY'S APPROVAL IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERF 537-RE TAMBOERSKLOOF, 41 GILMOUR HILL ROAD**

Mr Mphohoni introduced the application and corrected an error in Annexure A

It was noted that the applicant, Ms Shirley Wayne, was not present during the MPT Skype meeting and was unresponsive to email notifications

Mr Smith represented the objector and addressed the panel of the MPT

**UNANIMOUSLY RESOLVED that:**

The application for permanent departures and City's approval (HPOZ) from the Development Management Scheme on Remainder Erf 537 Tamboerskloof, **BE REFUSED** in terms of Section 98(c) of the City of Cape Town Municipal Planning By-Law 2015, as set out in Annexure A.

**REASONS FOR DECISION**

The MPT REFUSED the application for the reasons set out in the Planner's Report and agreed to add the following reasons:

- 7.1.7 The proposed elevated deck abutting the common boundary will enable an unreasonable level of disturbance to the neighbouring property and will undermine the purpose of the common boundary setback line

- 7.1.8 The proposed screen wall on the neighbours' property boundary, with a height of 6.18m is considered to have an unacceptably overbearing negative impact on the neighbours' property
  - 7.1.9 The proposal is deemed to have a negative impact on the neighbours' privacy
  - 7.1.10 Alternatives have not been considered by the applicant.
- Amend Annexure A:
- 2.1 Visually non-permeable 2.4m high screens shall be erected along the south and east portions of the terrace.

**FOR INFORMATION: MPHOHONI / SEPTEMBER**

**MPT meeting Day 1 on 1<sup>st</sup> September 2020 ended at 16:20**

**MPT day 2 continued on Wednesday 2<sup>nd</sup> September 2020 via Skype for Business**

## DAY 2: on 2<sup>nd</sup> September 2020

### MEMBERS PRESENT:

Mr D Daniels	Chairperson
Mr S Nicks	
Mr P Terblanche	
Ms M Muller-Lovember	
Mr D Smit	

### COUNCILLORS:

Ald Brian Watkyns	Ward 53
Cllr D Bryant	Ward 115

### OFFICIALS:

Mr J Van Der Westhuizen	Manager: Development Management
Mr G September	Development Management
Ms E Marais	Development Management
Ms N Dube	Development Management
Mr A Mitev	Development Management
Mr J McCormick	Development Management
Ms N Ntutha	Development Management
Mr T Mphohoni	Development Management
Mr J Fullard	Development Management
Ms F Benting	Development Management
Mr J Sadan	Development Management
Mr J Fullard	Development Management

### COMMITTEE SERVICES:

Ms R Petersen	MPT Secretariat
Mr N Sikiti	MPT Secretariat

### PUBLIC AND PRESS:

Brummer, T  
Burls, N  
Burnett, S  
Carciotto, S  
DB  
Durow, F  
E Camara, S  
Latta, S  
Renzo  
Schoeman, B  
Summers, R  
Van Der Merwe, C  
Weideman, R

### OPENING AND MOMENT OF SILENCE

The Chairperson, Mr David Daniels welcomed all present to the meeting of the North Western Panel of the Municipal Planning Tribunal day 2, and requested that a moment of silence be observed. He then declared the Skype meeting as officially opened.

### NOTED

**APOLOGIES / LEAVE OF ABSENCE**

An apology was received from Mr Nicks who will leave the meeting at 12:00

**DECLARATION OF INTEREST**

That it **BE NOTED** that no member of the Municipal Planning Tribunal, North Western Panel declared any interest.

**DECLARATION THAT AGENDA HAS BEEN READ**

RESOLVED

That it **BE NOTED** that the declaration of the agenda being read was signed by all members.

**NOTING OF CONFIRMED MINUTES OF PREVIOUS MEETING**

None

**MATTERS RECEIVING ATTENTION**

NONE

**MPTNW 24/09/20      WARD 57: APPLICATION FOR PERMANENT DEPARTURE AND CITY APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 14137, CAPE TOWN, 1 CHAMBERLAIN STREET, SALT RIVER**

**UNANIMOUSLY RESOLVED** that:

- a. The application Permanent Departures as set out in Annexure A on Erf 14137 Cape Town, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015.
- b. The application for City Approval as set out in Annexure A on Erf 14137 Cape Town, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: BENTING / SEPTEMBER**

**MPTNW 25/09/20      WARD 54: APPLICATION FOR CITY APPROVAL AND PERMANENT DEPARTURE IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 429, 45 FOURTH BEACH WAY, CLIFTON**

**UNANIMOUSLY RESOLVED** that:

- a. The application for City approval as set out in Annexure A, in respect of erf 429, Clifton, **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law, 2015, subject to conditions contained in attached Annexure A and in accordance with the plans in Annexure C2.
- b. The application for the departures from the Overlay Zoning as contained in Annexure A, in respect of erf 429, Clifton, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, subject to conditions contained in attached Annexure A and in accordance with the plans in Annexure C2.

### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report.

### FOR INFORMATION: FULLARD / SEPTEMBER

**MPTNW 26/09/20      WARD 54: APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 1615, 20 THERESA AVENUE, CAMPS BAY / BAKOVEN**

It was noted that no request for an interview was received from Camps Bay Ratepayers Association

### UNANIMOUSLY RESOLVED that:

- a. The application for Consent Use, in respect of erf 1615, Camps Bay to permit a guest house, as set out in Annexure A, **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law, 2015, subject to the conditions contained in the attached Annexure A.
- b. The application for permanent departures, in respect of Erf 1615, Camps Bay **BE APPROVED** in terms of Section 98(b) of the City of Cape Town Municipal Planning By-Law, 2015, subject to conditions contained in Annexure A attached.

### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report.

Amend Annexure A:

- 2.2 The guest house shall be limited to a maximum scale of ten (10) guest rooms

### FOR INFORMATION: FULLARD / SEPTEMBER

**MPTNW 27/09/20      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 175487 RE PAARDEN EILAND, 5 AMPHION STREET**

After discussion, the panel agreed to increase the penalty amount.

### UNANIMOUSLY RESOLVED that:

An administrative penalty of R 1 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 17587 RE Paarden Eiland for the unauthorised building work.

### REASONS FOR DECISION

The MPT APPROVED the application for the reason set out in the Planner's Report and agreed to add the following reason:

While the owner of the infrastructure claims not to have been aware of the contravention, no explanation has been received from the land owner – this cannot be condoned.

### FOR INFORMATION: NAUDE / SEPTEMBER

**MPTNW 28/09/20 APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 301, 6 PROTEA ROAD, THORNTON, CAPE TOWN**

An error on page 3686 (paragraph D) in the report should be corrected to refer to the amount of R1 500.00

**UNANIMOUSLY RESOLVED that:**

An administrative penalty of R 1 500.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 301, Thornton, for the unlawful building work, 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: NOBAKADA / SEPTEMBER**

**MPTNW 29/09/20 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 22639 CAPE TOWN, 106 ELEVENTH AVENUE, KENSINGTON**

**UNANIMOUSLY RESOLVED that:**

An administrative penalty of R0 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015, for the unauthorised building work (carport, wendy house storeroom and covered braai area) on Erf 22639 Cape Town which contravenes the DMS.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: MPHOHONI / SEPTEMBER**

**MPTNW 30/09/20 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 173848 THORNTON, 7 THOR CIRCLE**

**UNANIMOUSLY RESOLVED that:**

An administrative penalty of R 15 000.00 **BE DETERMINED** for the unauthorised base station on Erf 173848, Thornton, in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: LESLIE / SEPTEMBER**



**MPTNW 31/09/20 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 173147, CAPE TOWN, 23 LEEUWEN STREET**

After discussion, the panel agreed to reduce the penalty amount.

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R 25 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 173147, 23 Leeuwen Street, Cape Town 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 and agreed to amend the following reasons:

- 6.2 The extent of the contravention is not significantly large, however, the gravity is serious since no evidence exists to suggest that the unauthorised building work has been evaluated against fire and safety requirements.
- 6.3 Despite numerous requests, the applicant did not co-operate despite being notified of the unauthorised building work. Also, despite numerous requests, the applicant did not submit the administrative penalty application.

Add new reasons as follows:

- 6.4 The unauthorized building work is within a heritage protected overlay zone
- 6.5 The gravity of the contravention warrants a reduction in the recommended penalty amount

**FOR INFORMATION: SADAN / SEPTEMBER**

**MPTNW 32/09/20 APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 155331, 35 ST JAMES STREET, WOODSTOCK, CAPE TOWN**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R 1 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 155331, Cape Town, for the unlawful building work, 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: FULLARD / SEPTEMBER**

**MPTNW 33/09/20 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF REMAINDER ERF 926 VREDEHOEK, 11 CLIVE ROAD**

After discussion, the panel agreed to reduce the penalty amount.

**UNANIMOUSLY RESOLVED** that:

An administrative penalty in the amount of R 2 000.00 **BE DETERMINED** for the unauthorised building work in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Remainder Erf 926 Vredehoek.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to add the following reason:

- 6.5 The gravity is not considered to be serious and warrants a reduction in the penalty amount

**FOR INFORMATION: MITEV / SEPTEMBER**

**MPTNW 34/09/20 WARD 115: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 11245, CAPE TOWN, 22 CAVENDISH SQUARE, WOODSTOCK**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R0 **BE DETERMINED** in terms of Section 129(1) of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 11245, Cape Town.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: BENTING / SEPTEMBER**

**MPTNW 35/09/20 WARD 56: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 169890, CAPE TOWN, 418 C/O VOORTREKKER ROAD AND RUSPERS STREET, MAITLAND**

After discussion, the MPT panel agreed that this application be **REFERRED BACK** to the meeting of 25 September in order to correct errors in the officials' report

**FOR INFORMATION: BENTING / SEPTEMBER**

**MPTNW 36/09/20      WARD 53: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 704, PINELANDS, 78 FOREST DRIVE SERVICE ROAD**

Alderman Watkyns was given an opportunity to address the panel of the MPT

After discussion, the panel agreed to support the recommendation.

**UNANIMOUSLY RESOLVED that:**

- a. An administrative penalty 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 the Erf 704, Pinelands for the unauthorised building work additions.
- b. An administrative penalty in the amount of R 600.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 704, Pinelands for the unauthorised boundary wall additions.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report agreed to add the following reasons:

The contravention is considered to be of a large extent  
The conduct of owner cannot be condoned

**FOR INFORMATION: MCCORMICK / SEPTEMBER**

**MPTNW 37/09/20      WARD 56: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 129180, CAPE TOWN, 189 SUNDERLAND STREET, WINDERMERE**

After discussion, the panel agreed to reduce the admin penalty.

**UNANIMOUSLY RESOLVED 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 129180, Cape Town.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to add the following reason:

The gravity of the contravention is considered to be low and warrants a reduction in the penalty amount

**FOR INFORMATION: MCCORMICK / SEPTEMBER**

**MPTNW 38/09/20**      **WARD 55: APPLICATION SUBMITTED IN TERMS OF THE MUNICIPAL PLANNING BY-LAW (2015) FOR THE REMOVAL OF A RESTRICTIVE TITLE CONDITION AND REZONING: ERF 125828, 32 KOEBERG ROAD, BROOKLYN, CAPE TOWN**

**UNANIMOUSLY RESOLVED** that:

The removal of the restrictive title deed condition as set out in Annexure A in respect of erf 125828, Milnerton, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

Amend Annexure A as follows:

- 1.1. Deletion of restrictive title deed condition B(d) in respect of erf 125828, Milnerton:

B(d): That the Transferee its Successors in Title or Assigns shall not carry on upon the said two pieces of land or any portion thereof any hotel, canteen, bar restaurant or shop of any description whatsoever, provided that the said Council may in its absolute discretion and on conditions to be determined by it either waive or modify any of the restrictions imposed by the conditions.

**FOR INFORMATION: VISAGIE / MARAIS**

## INTERVIEW

**MPTNW 39/09/20**      **WARD 104: APPLICATION FOR REZONING AND CONSOLIDATION IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERVEN 35148 & 35163 TO 35170, MILNERTON, WINNING WAY (RACING PARK)**

Ms Ntutha introduced the application

Mr Brummer addressed the panel and spoke against the application

Mr Burls spoke in support of the application

The objector was given an opportunity to rebut.

After discussion, the panel approved the application by 3 votes to 2

**RESOLVED** that:

- a. The application for rezoning from General Industrial Zoning 1 to Mixed Use Zoning 1 as set out in Annexure A of Erven 35148, and 35163 to 35170, Milnerton **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, subject to the conditions contained in Annexure A.
- b. The application for consolidation of Erven 35163 to 35170, Milnerton **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, subject to the conditions contained in Annexure A.

### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to add a reason as follows:

- 7.1.9 The proposal supports the principle of spatial justice in Section 7 of SPLUMA

Add to Annexure A as follows:

That an Urban Management and Operational Plan be prepared, in consultation with the Racing Park Development Owner's Association, whereby such plan shall address the interface with the external uses and the functional operations internal to the TRA and submitted to Director Development Management for approval.

### FOR INFORMATION: NTUTHA / MARAIS

MPTNW 40/09/20

#### APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 1388, 53 ISLAND VIEW 2, 17 LA PALOMA BOULEVARD, BLAAUWBERGSTRAND

When referring to the verandah in the executive summary, the words 'habitable purposes' is to be replaced with 'outdoor living area'

After discussion, the panel agreed to reduce the penalty amount.

#### UNANIMOUSLY RESOLVED that:

An administrative penalty in the amount of R 1 500.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 1388, Blaauwbergstrand for the unlawful veranda, 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 and agreed to add new reason:

The unauthorized work is considered to be of a minor nature and has minimal impact

### FOR INFORMATION: PRINS / MARAIS

MPTNW 41/09/20

#### APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 12544 MILNERTON, 2 NOOITGEDACHT ROAD, WEST RIDING

#### UNANIMOUSLY RESOLVED that:

An administrative penalty in the amount of R0 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 12544, Milnerton, for the unlawful building work, 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: NYELELE / MARAIS**

**MPTNW 42/09/20**

**APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 2886 PARKLANDS, 7 WORTHING WAY, PARKLANDS**

**UNANIMOUSLY RESOLVED that:**

An administrative penalty in the amount of R0 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 2886, Parklands in accordance with Drawing No. SR 202-02-27-1; dated 27 February 2020.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: NYELELE / MARAIS**

<b>LATE ITEM</b>
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**MPTNW 43/09/20**

**APPLICATION FOR CITY APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 692-RE TAMBOERSKLOOF, 27 BELLE OMBRE ROAD**

**UNANIMOUSLY RESOLVED that:**

The application for City Approval in respect of Erf 692-RE Tamboerskloof, as set out in Annexure A and as shown on the plans attached as Annexure C, be approved in terms of Section 98(b) of the Cape Town Municipal Planning By-Law.

**REASONS FOR DECISION**

The MPT APPROVED the application for the reasons set out in the Planner's Report.

**FOR INFORMATION: SADAN / SEPTEMBER**

**MPTNW 44/09/20**

**MEETING CLOSING**

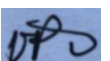
The Chairperson thanked the Councillors, MPTNW Panel members and Officials for their input and for logistical arrangements of the meeting.

**MPTNW 45/09/20**

**NEXT MEETING DATE**

Date of next meeting: 6 October 2020

**The meeting ended at 14:00**



Items were discussed in the following sequence:

**Day 1 on September 1<sup>st</sup>:**

MPTNW01/09/20	MPTNW02/09/20	MPTNW03/09/20
MPTNW04/09/20	MPTNW05/09/20	MPTNW06/09/20
MPTNW38/09/20	MPTNW40/09/20	MPTNW41/09/20
MPTNW42/09/20	MPTNW43/09/20	MPTNW10/09/20
MPTNW08/09/20	MPTNW11A/09/20	MPTNW09/09/20
MPTNW12/09/20	MPTNW14/09/20	MPTNW15/09/20
MPTNW16/09/20	MPTNW17/09/20	MPTNW18/09/20
MPTNW19/09/20	MPTNW20/09/20	MPTNW11B/09/20
MPTNW23/09/20		

**Day 2 on September 2<sup>nd</sup>:**

MPTNW01/09/20	MPTNW02/09/20	MPTNW03/09/20
MPTNW04/09/20	MPTNW05/09/20	MPTNW06/09/20
MPTNW39/09/20	MPTNW21/09/20	MPTNW22/09/20
MPTNW24/09/20	MPTNW25/09/20	MPTNW26/09/20
MPTNW27/09/20	MPTNW28/09/20	MPTNW29/09/20
MPTNW30/09/20	MPTNW31/09/20	MPTNW32/09/20
MPTNW33/09/20	MPTNW34/09/20	MPTNW35/09/20
MPTNW36/09/20	MPTNW37/09/20	MPTNW38/09/20
MPTNW44/09/20	MPTNW45/09/20	

Agenda item 07: withdrawn  
Agenda item 13: withdrawn  
Agenda item 19: referred back  
Agenda item 20: referred back  
Agenda item 35: referred back

14 September 2020

MR DAVID DANIELS  
CHAIRPERSON

DATE