

## REPORT TO MUNICIPAL PLANNING TRIBUNAL

CASE ID	70470303
CASE OFFICER	A Solombela
CASE OFFICER PHONE NO	021 400 3455
DISTRICT	Northern
REPORT DATE	October 2019

ITEM NO **MPTNE23/11/19**

**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**

### 1 EXECUTIVE SUMMARY

Property description	Erf 1898 Bellville
Property address	8 Rheazicht Road
Site extent	1522m <sup>2</sup>
Current zoning	Single Residential (SR1)
Current land use	Dwelling house and outbuilding (outbuilding is used for crèche).
Overlay zone applicable	No

Submission date	30-09-2019
Subject to PHRA / SAHRA	N/a
Any unauthorised land use / building work?	A Place of Instruction (crèche) with 33 children is currently operating from within a portion of the existing outbuilding of the property. The area of transgression is the 27 children and amounts to 117m <sup>2</sup> . It must be noted that the DMS permits 6 children as of right.
Has owner applied for the determination of an administrative penalty	Yes
Has the City Manager applied to the MPT for an order that a person who is contravening the MPBL must pay an administrative penalty in an amount determined by the MPT	No
Has the City issued a demolition directive i.t.o section 128 of the MPBL? If yes, an administrative penalty may not be applied for.	No
Has the City served a notice on the owner or other person in respect of the	Yes, a compliance notice has been served on 8 July 2019.

unlawful land use or building work which required the owner or other person to apply for the determination of an administrative penalty?	1480
--	------

## **2 DECISION AUTHORITY**

For decision by the Municipal Planning Tribunal

## **3 BACKGROUND / SITE HISTORY**

- 3.1 The subject property is zoned Single Residential (SR1). The property is developed with a dwelling house and an outbuilding (this outbuilding was originally a second dwelling).
- 3.2 The applicant has indicated that unlawful activity (crèche) on Erf 1898 commenced a year ago and is currently operating with 33 children. The DMS permits a maximum of 6 children as of right. Therefore, the contravention is for 27 children and amounts to 117m<sup>2</sup>. The size of the outbuilding is approximately 117m<sup>2</sup> as indicated on applicant's motivation.
- 3.2 A land use application under case 70465498 for consent use to operate the crèche from the existing outbuilding is currently under consideration.

## **4 SUMMARY OF APPLICANT'S MOTIVATION**

The applicant's motivation of the proposal is attached as Annexure C and may be summarised as follows:

- A crèche is currently operating with 33 children.
- The outbuilding is 117m<sup>2</sup> an area that is use for crèche.
- The operator resides on the property.
- No structural alterations are proposed to accommodate the crèche. The crèche operates within the existing outbuilding.
- The staff consists of 1 qualified teacher and five (5) assistants.

The crèche (outbuilding) comprises:

- Toddler class 1 (29m<sup>2</sup>)
- Toddler class 2(32m<sup>2</sup>)
- Baby class 1 (11m<sup>2</sup>)
- Baby class 2(12m<sup>2</sup>)
- Nappy room with toilet and
- Store room.

## **5 ASSESSMENT OF APPLICATION**

- 5.1 As indicated above, the land use contravenes with the rules of the Development Management Scheme.
- 5.2 In terms of section 129(7) (a) of the By-Law, an administrative penalty for the land use contravention may not be more than 100% of the municipal valuation of the area that is used unlawfully.

## 5.2.1 Unauthorized land use

Note this amount has solely been determined on the basis of the size of the land use contravention.

$$\frac{\text{Total Municipal Value of property}}{\text{Total area of property (m}^2\text{)}} \times \text{Total Unlawful Area (m}^2\text{)} = R$$

$$\frac{2745000}{1522 \text{ (m}^2\text{)}} \times \text{Total Unlawful Area (117m}^2\text{)} = R211\,015$$

1%	3%	5%	10%
R2 110	R 6 330	R10 550	R21 101

An amount which is not more than 100% may be imposed as an administrative penalty.

## 5.3 The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 129(8) of the By-Law:

a) **The nature, duration, gravity and extent of the contravention**Nature:

The land use contravention relates to the operation of a crèche facility within the existing outbuilding. The contravention is for 27 children and is considered not to have negative impact on the area due to its size and location on the corner of Rheazicht and Bill Bezuidenhout Road. The use is considered compatible with the surrounding residential area.

The crèche contravenes the land use in terms of the DMS as prior permission has not been obtained. The necessary application has been submitted under case 70465498. The owner was unaware that the operation of a crèche required an approval.

Duration:

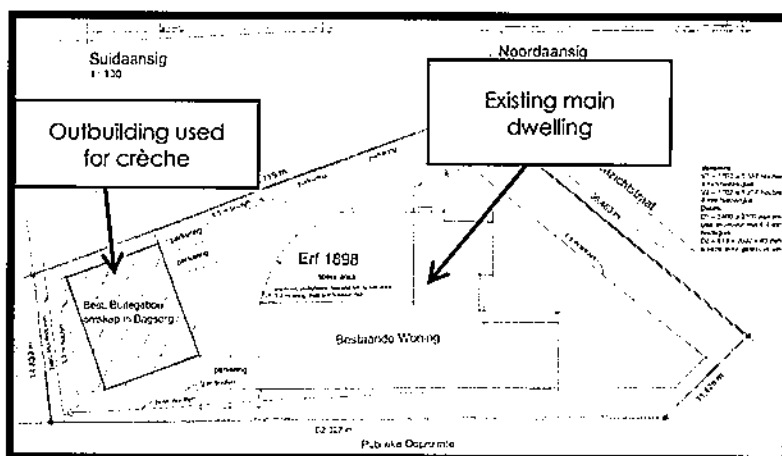
The applicant has indicated that the facility has been operational for almost a year now and is currently operating with a total of 33 children. Due to the short duration of the activity, the proposal is considered not to have a negative impact on the area, as the use of the property will remain for residential.

Extent:

The extent of the contravention (117m<sup>2</sup>) is considered relatively small in comparison with the size of the property (1522m<sup>2</sup>), the number of children being 27 is relatively a large number within the small scale classification of the Early Childhood Development Land Use Policy (ECD).

For the purposes of this policy, 35 children are considered to be an appropriate number to differentiate between small- and large scale centres. Thus, centres with between 1 and 34 children are considered small scale facilities and those with 35 children or more constitute large scale centres. The assessment criteria in Table 1 are set out according to these two broad categories.

The crèche currently utilizes an outbuilding as indicated on the plan below.



Existing structure on the property

Gravity:

The gravity of the proposal is relatively not serious taking into consideration that the main focus of the property still remains residential.

**b) The conduct of the person involved in the contravention**

The applicant has submitted this application for an administrative penalty to rectify the land use contravention. A land use application has been submitted to land use department.

**(c) Whether the unlawful conduct was stopped**

The conduct has not been stopped.

**(d) Whether a person involved in the contravention has previously contravened by this By-Law or any other planning law**

There is no concrete evidence confirming that the owner of the property has previously contravened this By-Law or any other planning law.

5.3 In view of the above consideration, this department recommends that a minimal administrative penalty, of **R2000** be imposed.

## 6 REASONS FOR DECISION

1483

Reasons for the recommended decision may be summarized as follows:

- The transgression is serious as vulnerable children are placed in a situation that is not managed and monitored.
- 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.
- 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 minimal.
- The extent of the unauthorized use is considered a small scale considering the size of the property.
- As far as it can be ascertained, the owner of the property has not previously contravened this By-Law or any other planning law.


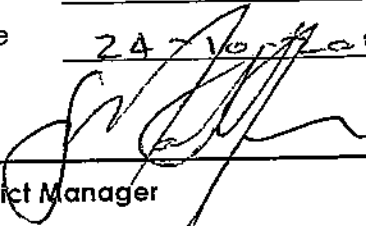
## 7 RECOMMENDATION

In view of the above, it is recommended that:

- a) 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.

## ANNEXURES

Annexure A      Locality Plan  
Annexure B      Site development plan  
Annexure C      Applicant's motivation

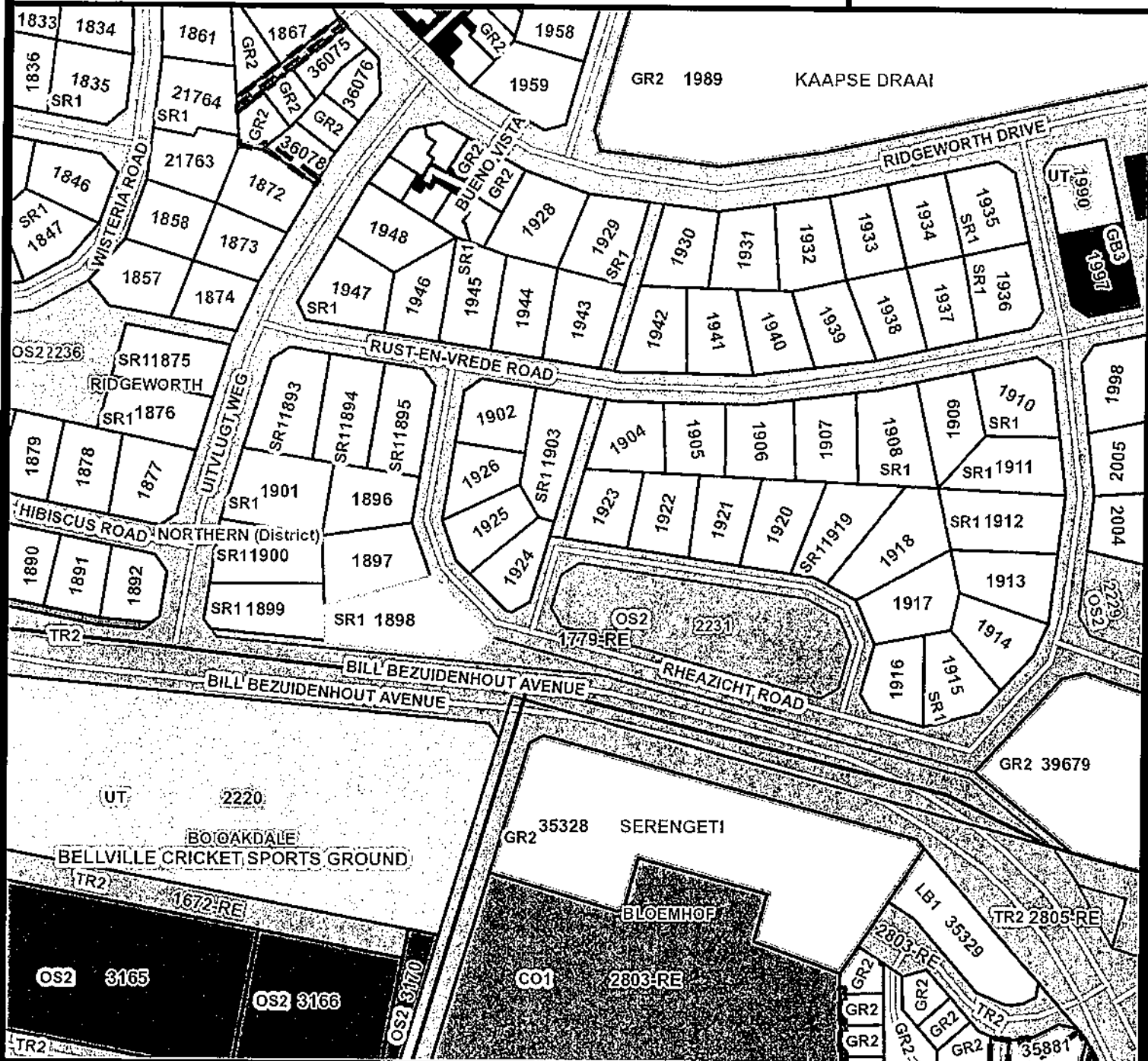
		
<b>Section Head : Land Use Management</b>		Comment
Name	Sean Van Rensburg	
Tel no	021 444 1044	
Date	24-10-2019	
		
<b>District Manager</b>		
Name	Susanna Matthysen	Comment
Tel no	021 444 1061	
Date	24-10-2019	



# PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

ANNEXURE :

1485



## Overview

Erf:

District:

Allotment:

Suburb:

Ward:

Sub Council:



1:2 462

Notices Served



Support  
Received



Petition  
Signatory



Objections  
Received



Generated by:

Date: 14 October 2019

File Reference:



CITY OF CAPE TOWN  
ISIIXEKO SASEKAPA  
STAD KAAPSTAD

Making progress possible. Together.

Location: Erf 1898,  
Bellville

- Legend
- Public Place
  - Erf

1486

Scale: 1:5 651  
Date created: August 9, 2019  
Compiled with CapeFarmMapper

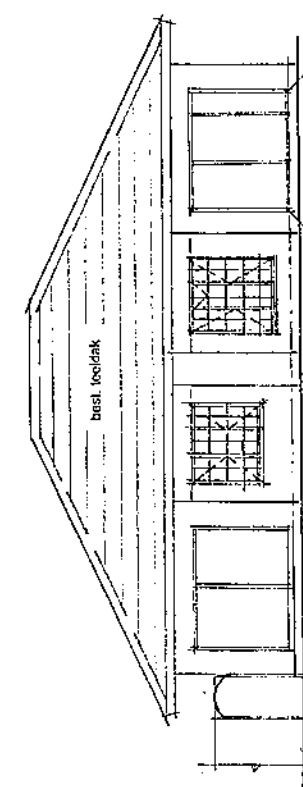




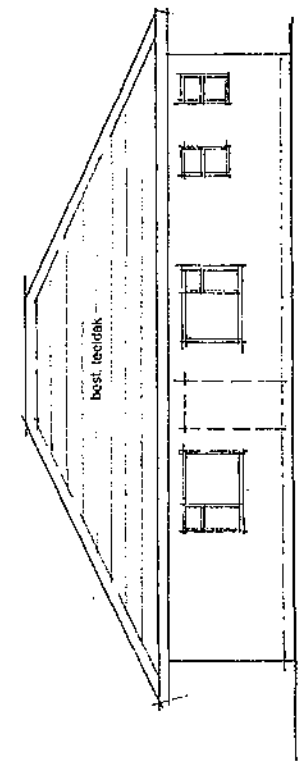
## **Annexure B**

1487





**Oosaansig**  
1 : 100

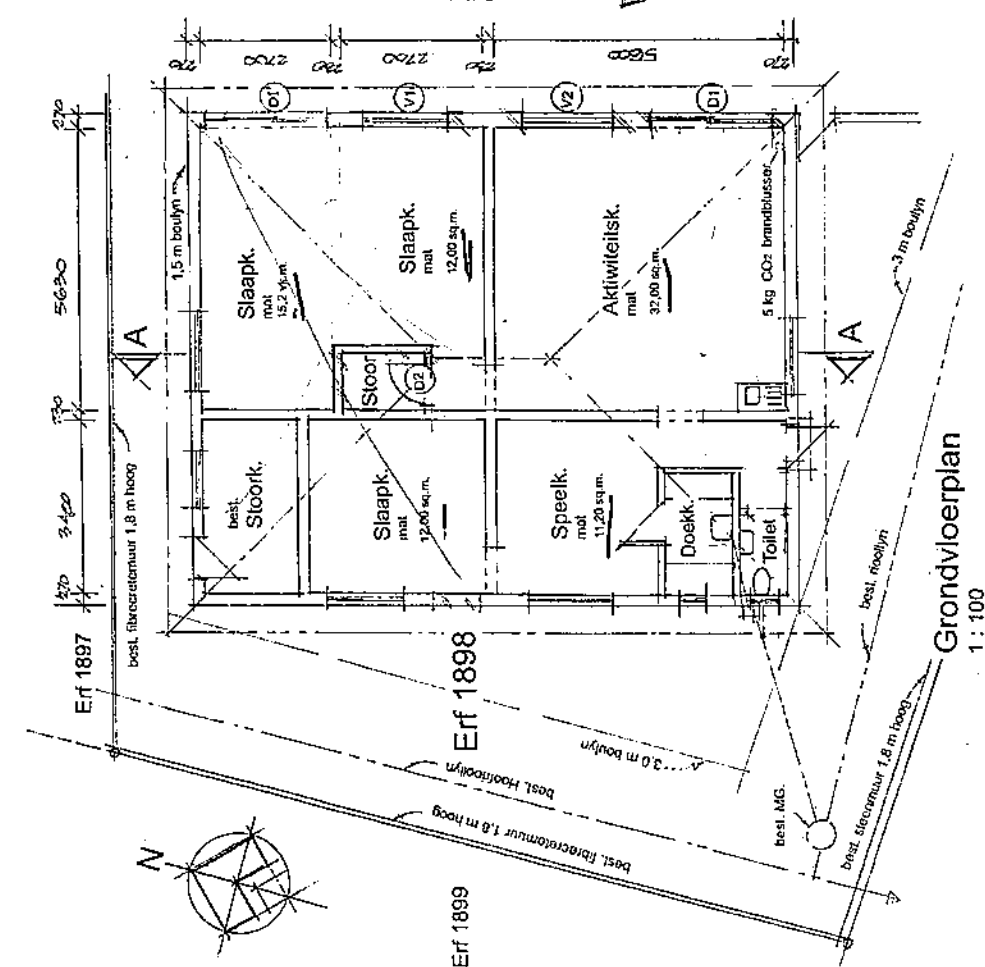


**Wesaansig**  
1 : 100

**Notas :**  
Dakkonstruksie. Bestaande leëidak. Geen wysings aan best. dak na Papefies.  
Best. fasias. Geen wysings aan bestaande goue.  
Plafonne. Voorsien 6,4 mm Rhinobord plafon op 38 x 38 plafonlatta teen 400mm senters en wit geverf.  
Mure. 230 mm muur gebou met goeie kwaliteit kleiens in strykverband met 1 : 5 sement mortel met muur binto elke 3 lae gipspleister en geverf.  
Vloere. Bestaande vloere. Voorsien mat op bestaande vloer volgens eienaar se keuse.  
Fondamente. Bestaande fondamente, 700 x 230 fondamente vir 230 mm brandmuur.  
Vensters V1 - 1702 x 1,557 houtvenster met 4 mm helder glas  
V2 - 1702 x 1,274 houtvenster met 4 mm helder glas  
Deure. D1 - 2400 x 2100 aluminium en glas skufdeur met 6,4 mm veiligheids glas  
D2 - 813 x 2032 x 40 mm semi-selonds deur gaslek vir ver

**EnergieDoelreffendheid Detail en Berekeninge**

GrupasieKlassifikasie	H4
Klimaat Zone	4
GebouOriëntasie	Suid
Vloerkonstruksie	Betoonbald
Buitemuurkonstruksie	270 mm kleinste gipspleister
Deure en Vensters	Hout en aluminium
Netto area	41,204 m <sup>2</sup>
SanBerekeningNidas	mag nie oëlaagbare 15% opsakry nie
Berekeninggevoelstas E	veronderstelling van 2,0 of beter
Dakkonstruksie	Best.Dak moet min insulasie van R waarde van 3,7 volgens SANS 10400-XA ( Mousule 4,4,5 ) behaal.
Berekening Berekeninge	Area 117,60 vk.m. Net Area 105,80 vk.m.
V1	2,604 m.
V2	2,154 m.
Ander Bestaande	8,104 m.
Total	12,854 m. 12,85 x 105,80 v.m. = 12,15%



**Grondvloerplan**  
1 : 100

**pretplan**  
BOUPLANNE  
BUILDING PLANS  
**Botha Pretorius**

Probus 3140, Malibon, Stellenbosch, 7602  
SACAP Reg. No. ST 1990, 072 452 9965.  
Project

**Liefeland**  
Voorgestelde Wysings  
aan Bestaande Buitegebou  
op Erf 1898, Rheazichtstr. 8, O  
Ridgeworth, Bellville.

Sheet Description

**Grondvloerplan**  
**Aansigte en Snit**

Project number	PP1005/17
Scale	1 : 100
Date	Jan. 2018
Drawn by	botha

**Snit A - A**  
1 : 100

Fondamente.  
Bestaande fondamente, 700 x 230  
fondamente vir 230 mm brandmuur

Vloere.  
Bestaande vloere. Voorsien mat op  
bestaande vloer volgens eienaar  
se keuse.

Elemtar Erf 1898  
SACAP INSACHT

## Annexure C

1490

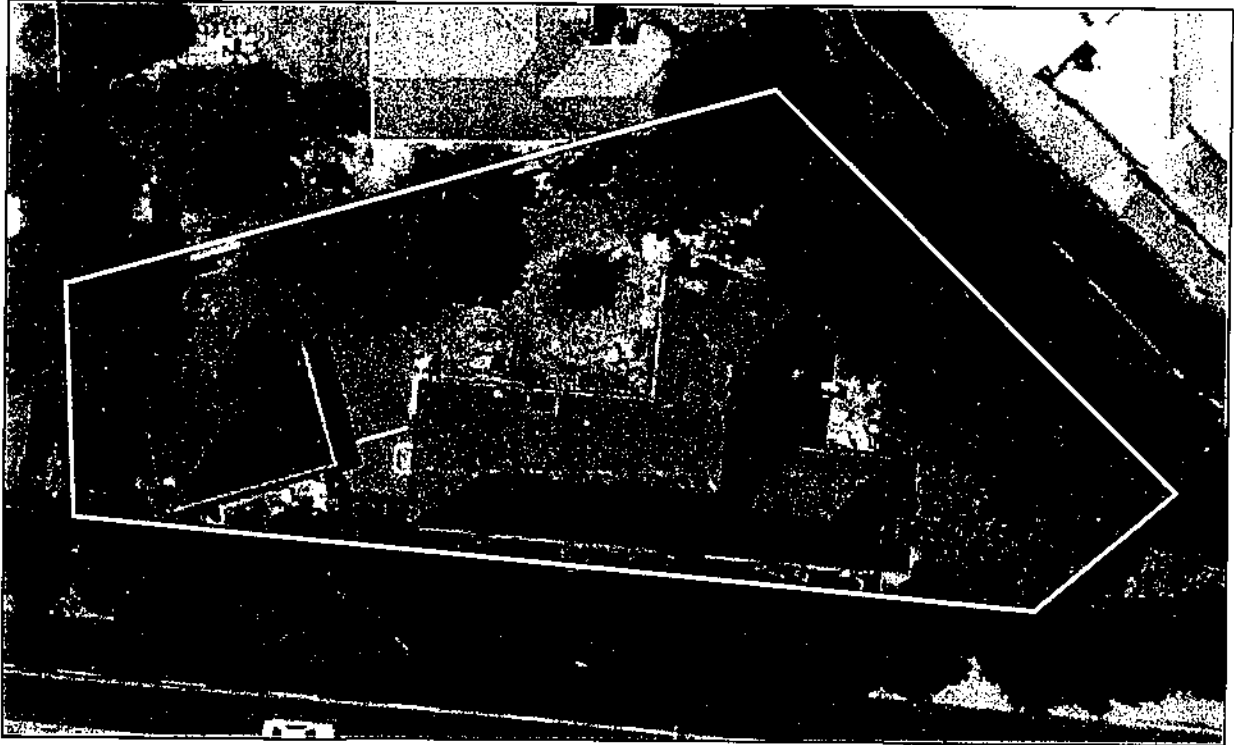
*Active Planning Solutions*

1491

***LIEFIELAND DAYCARE***

***MOTIVATIONAL MEMORANDUM***

***The application for the Determination of an  
Administrative Penalty, Erf 1898, Bellville***



***Date: August 2019***

***Ref: Erf 1898/Admin\_Pen/APSv1***

*Cell: 079 528 9179*

*Registration no. B/8358/2016*

*Email: pierre@activeplanning.co.za*

# ***Active Planning Solutions***

## **TABLE OF CONTENTS**

1492

1. INTRODUCTION
2. PURPOSE
3. BACKGROUND
4. PROPERTY & TITEL DEED DETAILS
5. LOCATION
6. SURROUNDING LAND USE
7. APPLICATION DETAILS
8. LEGISLATIVE REQUIREMENTS
  - Section 129 Administrative
    - a. Planning Policy
    - b. The conversion and development of a second dwelling on the Single Residential zoned property for Crèche purposes
9. SUMMARY

# ***Active Planning Solutions***

## **ADDENDA**

493

1. POWER OF ATTORNEY
2. TITLE DEED
3. GENERAL PLAN
4. COMPLIANCE NOTICE
5. MUNICIPAL VALUATION (ACCOUNTS STATEMENT)
6. APPLICATION FORM

## **PLANS**

1. LOCAL CONTEXT
2. SITE LAYOUT PLAN
3. FLOOR PLAN

# Active Planning Solutions

1494

## 1. INTRODUCTION

This firm was instructed by Mrs Zelda Smith, the owner of erf 1898, Bellville to handle the application for the Determination of an Administrative Penalty. The Power of Attorney is attached as **Addendum 1**.

## 2. BACKGROUND

There is currently an application for a Consent Use that was submitted with case number 70465498. This application seeks to rectify the land use in terms of the allowable consent use on the single residentially zoned erf 1898. A land use inspector did however conduct a site visit while this application was in the process of being submitted and it was found that the current use of the outbuilding (originally a second dwelling) was in contravention of the City's Municipal Planning by-law of 2015 (see notice attached as **Addendum 4**). Subsequently this firm was instructed by the owner to submit an application for the Determination of an Administrative Penalty.

## 3. PURPOSE

It is the purpose of this memorandum to apply for the following:

- a Determination of Administrative Penalty as contemplated in Section 129(1), in terms of Section 42(r) of the City of Cape Town Municipal Planning By-law of 2015

## 4. PROPERTY & TITLE DEED DETAILS

Registered erf 1898, Bellville

SIZE:	1522m <sup>2</sup>
OWNER:	Zelda Smith
TITLE DEED NO:	T63144/1998
BORDERS:	
NORTH	Erf 1897
SOUTH	Erf 2230 (Open Space)
EAST	Rheazicht road and erf 2231 (Open space)



# Active Planning Solutions 495

WEST	Erf 1899
T-DEED RESTRICTIONS:	None
DIAGRAM NO:	General Plan no. 6202/61
ZONING:	Single Residential Zone 1: Conventional Housing

Title deed and diagram attached as **Addendum 2** and **3** respectively.

## 5. LOCATION

Erf 1898, Bellville is situated along the Bill Bezuidenhout Avenue structuring corridor on the fringe of the urban inner core designation as per the Metropolitan Spatial Development Framework. It is situated in the Ridgeworth residential neighbourhood at no. 8 Rheazicht street (See aerial image location below). Locality Plan attached as Plan 1.

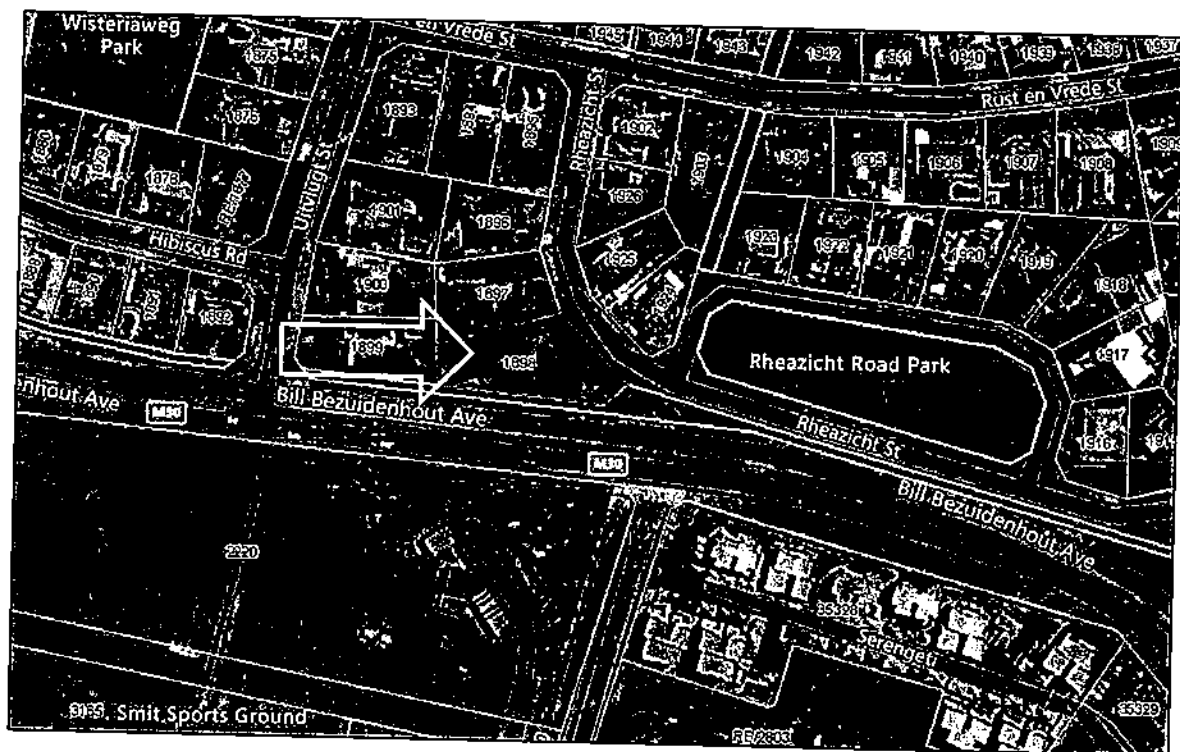


Figure 1: Location

## 6. SURROUNDING LAND USE

Land use in the area is of a mixed use nature especially to the south due to its location along Bill Bezuidenhout Avenue. There are a number of on- residential uses in the neighbourhood in the form of a guest house and a Beauty Salon. The property is situated in a fairly established neighbourhood as can be seen by the amount and

age of trees in the area. The erven in the area are on average  $\pm 1000\text{m}^2$  in size. A park on erf 2231 with an area of approximately  $4242\text{m}^2$  is situated just to the east of the subject property.

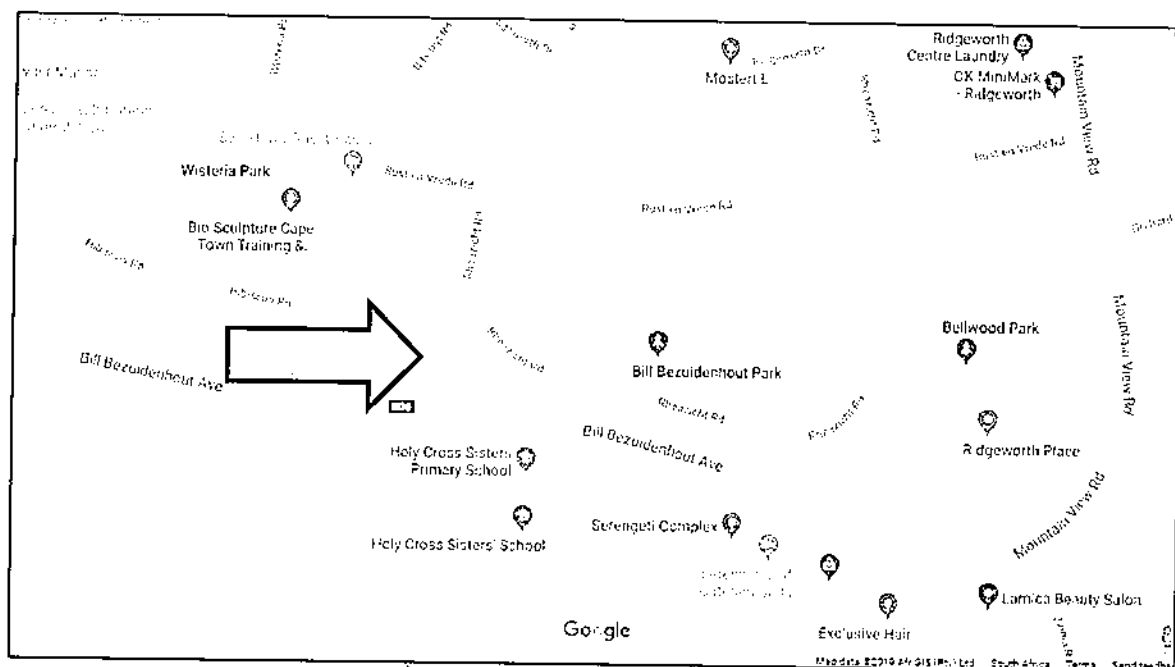


Figure 2: Surrounding land use

Above is an indication of the number of non- residential related use that exist in the Ridgeworth neighbourhood with self catering accomodation, a guesthouse, Beauty salon being the most note worthy in terms of consent use activities

## 7. APPLICATION DETAILS

The purpose of this application is to:

- a **Determination of Administrative Penalty** as contemplated in Section 129(1), in terms of Section 42(r) of the City of Cape Town Municipal Planning By-law of 2015

## 8. LEGISLATIVE REQUIREMENTS

Due to the unlawful use of the Single Residential Zone 1 property for crèche purposes the following is required in terms of the By- law in order to rectify the contravention;

### **Section 129 Administrative penalty**

(1) A person who is in contravention of this By-Law, and who wishes to rectify the contravention in terms of section 130, may apply to the City for the determination of

an administrative penalty if the City has not issued a demolition directive (in terms of subsection 128) in respect of the land or building or part thereof concerned.

The following planning assessment principles related to current Policies to support the sustainability and viability of the use of the property for crèche purposes are presented as motivation and mitigation of the desirability of the use.

## a. Planning Policy

### ➤ The Northern District Plan

The above policy has the following guidelines with regards to the neighbourhood of Ridgeworth where the Liefieland crèche is situated:

Ridgeworth and Kenridge are good quality neighbourhoods, which are accessible via a number of abutting major roads and are well located in proximity to the Tyger Valley Node. It is not the vision for these areas that the commercial precinct should expand into these neighbourhoods (not now and not subsequent to the timeframe of this District Plan). The quality of these neighbourhoods, the close proximity thereof to employment and accessibility to social amenities necessitates the protection thereof.

Business creep can easily threaten the integrity of these neighbourhoods and must consequently be protected against such onslaughts. The provision of community orientated business uses must be focused in existing nodal development and/or in close proximity thereto.

The potential of specific intersections (for minor developments) and/or link roads must, however, be acknowledged, but also managed through the preparation of development plans to provide proper guidance in the consideration of development applications within these areas.

Only uses complementary to the residential environment (e.g. Doctor's practices, **crèches**, Pilates Studio, professional offices such as attorneys or accountants) can be considered. Any changes to the buildings must be per guidelines developed to ensure that the **residential character of the structures generally be maintained**. Only **off-street parking** (to be screened by proper landscaping) should be considered, and the **extent and nature of any advertising be limited**. It is recommended that the **residential component be maintained** on the site in order to address the lack of security during the evenings. It must be ensured that such **residential component be**

sensible and not merely a pretence to obtain approval for non-residential uses within residential areas.

- **Municipal Spatial Development Framework 2018 (MSDF)**

Fundamental to the MSDF is ensuring spatial transformation via dense and transit-orientated growth and development supported by an efficient and available transport system. This policy motivates land use intensification based on transit-orientated development (TOD). This implies a greater mix of residential and non-residential land use (integration and diversification) by means of the increased use of space both vertically and horizontally meaning densification.

The basis for growth management in the city is through four primary Spatial transformation Areas namely:

- an Urban inner core
- Incremental Growth and Consolidation areas
- Discouraged Growth areas
- Critical Natural Asset areas

Erf 1898 falls within the **Incremental Growth and Consolidation** area according to the MSDF Spatial Plan. These are areas where the City is committed to servicing existing communities and where new development will be subject to infrastructure capacity. A further emphasis is also placed on the incremental intensification (density and diversity) via subdivisions / second and third dwellings / consent uses and rezoning within these areas. Connected, inward growth is also the most cost effective way of reducing the social and economic costs of the current inefficient urban form. This proposal for a crèche to be conducted from a second dwelling conversion will there for support this incremental intensification initiative.

**b. The conversion and development of a second dwelling on the Single Residential zoned property for Crèche purposes**

See the Site Layout (**Plan 2**) and crèche floor plan (**Plan 3**) layout below illustrating the utilization of the outbuilding formerly used as a second dwelling (approved building plan) as well as the use of the building's interior for the purpose of a crèche in the form of the Liefieland day care facility.

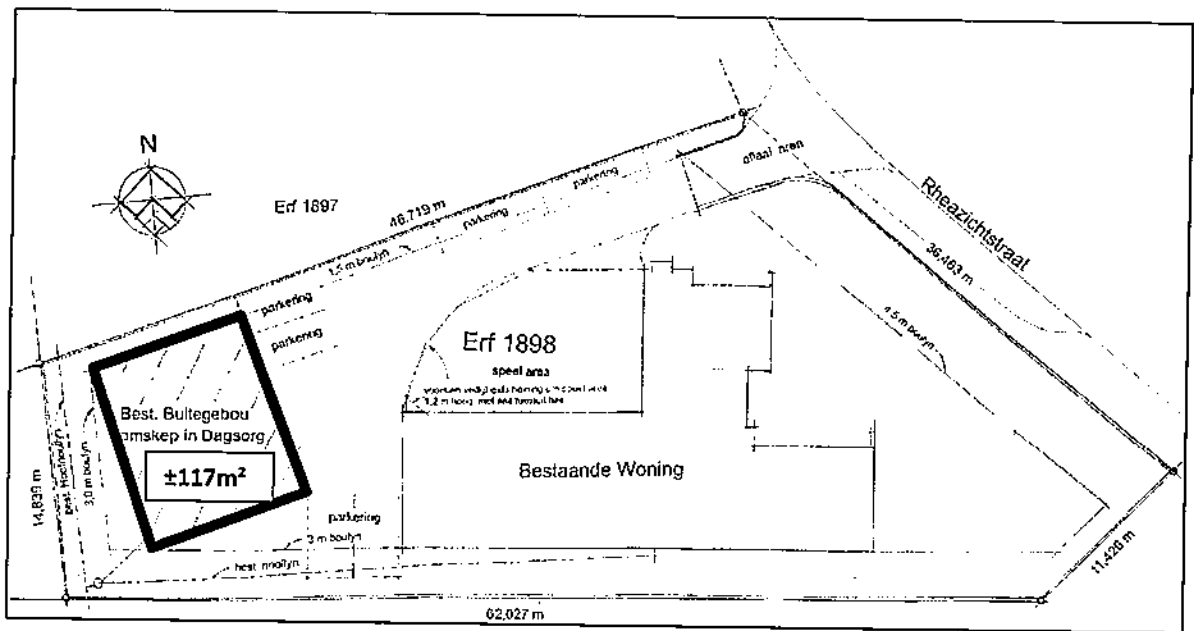


Figure 3: Site layout

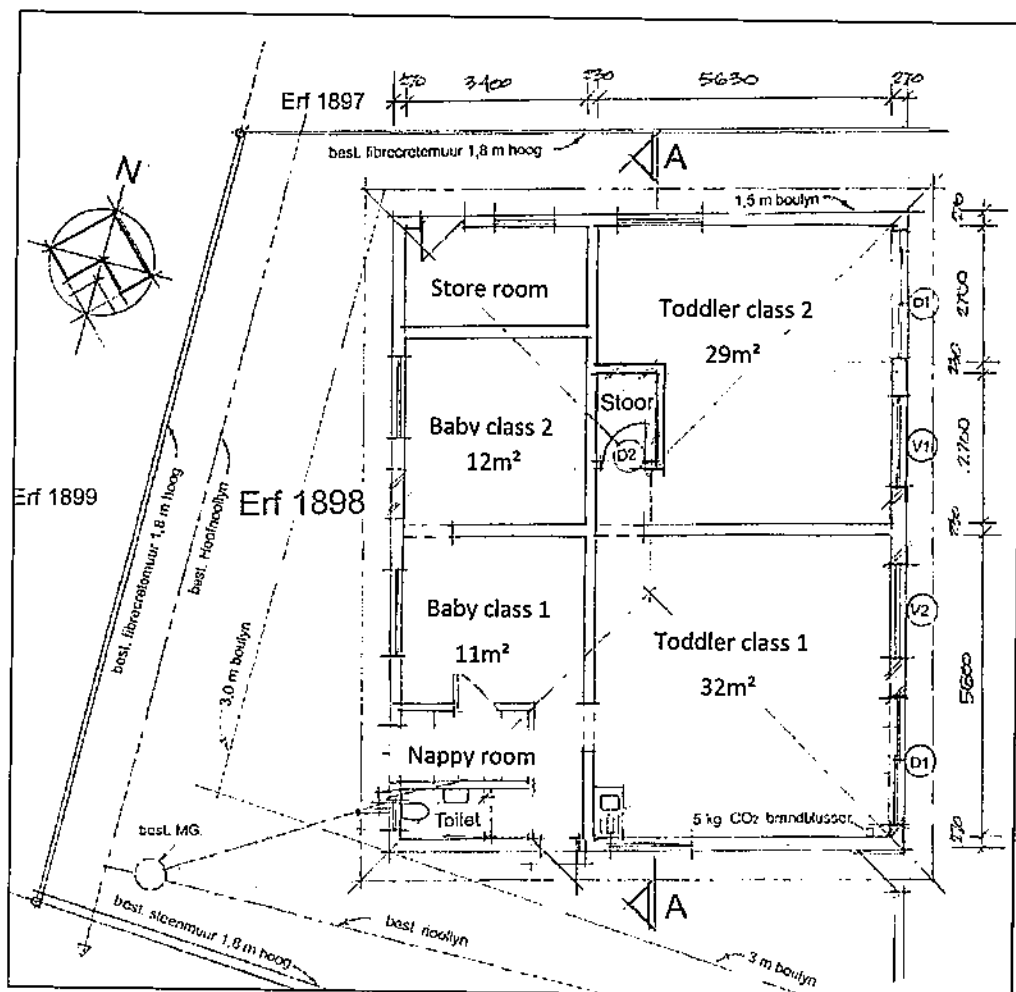


Figure 4: Crèche Floor Plan

# Active Planning Solutions

1 500

The total floor area (117m<sup>2</sup>) of the building will be utilized for educational and care purposes. The staff consists of 1 (one) qualified teachers and 5 (five) assistants. The crèche currently accommodates 33 children, 20 babies and 13 toddlers, but it is expected to grow due to a huge demand in the area due to the housing growth (new high density apartment developments on even 2002 and 2003 in Mountain View drive) and the development and expansion of the schools (Eversdal Primary and Holy Cross Primary) in the area. The manager / owner of Liefieland Crèche resides on the property in the main house.

Summarized Technical details:

Total floor area utilized for

Crèche purposes:  $\pm 117\text{m}^2$

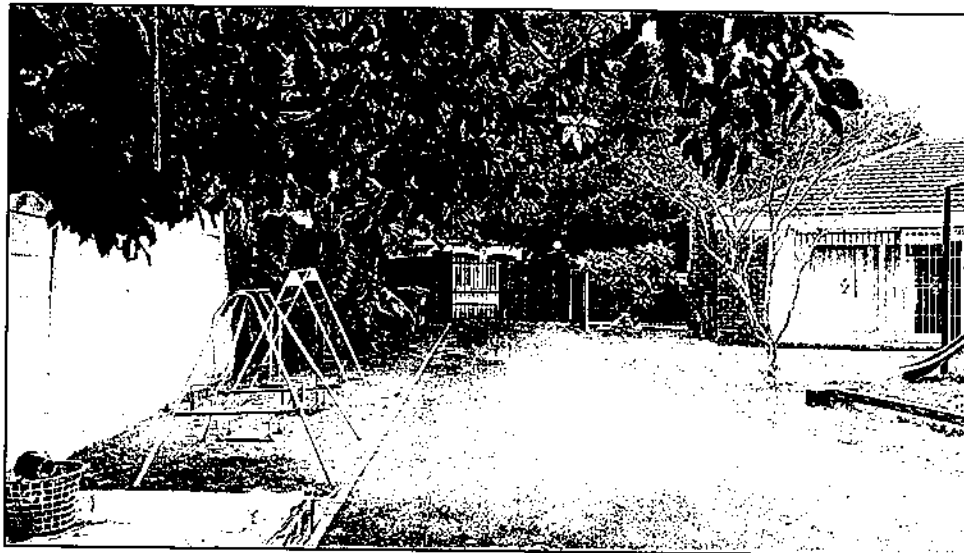
Total floor area of classrooms  $\pm 84\text{m}^2$

Remainder consists of:

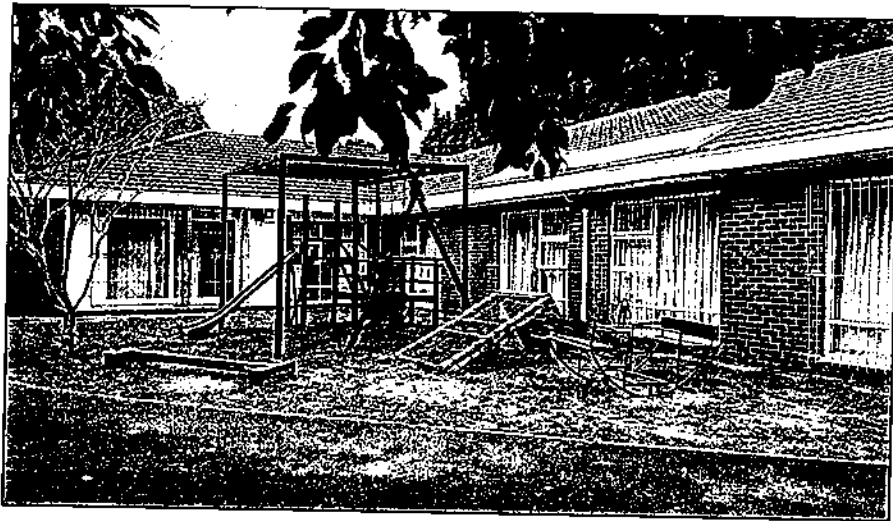
- Two store rooms
- A Nappy room
- A bathroom / toilet

Please note that the total class room area allows for a total of 42 children according to the Early Childhood Development guidelines.

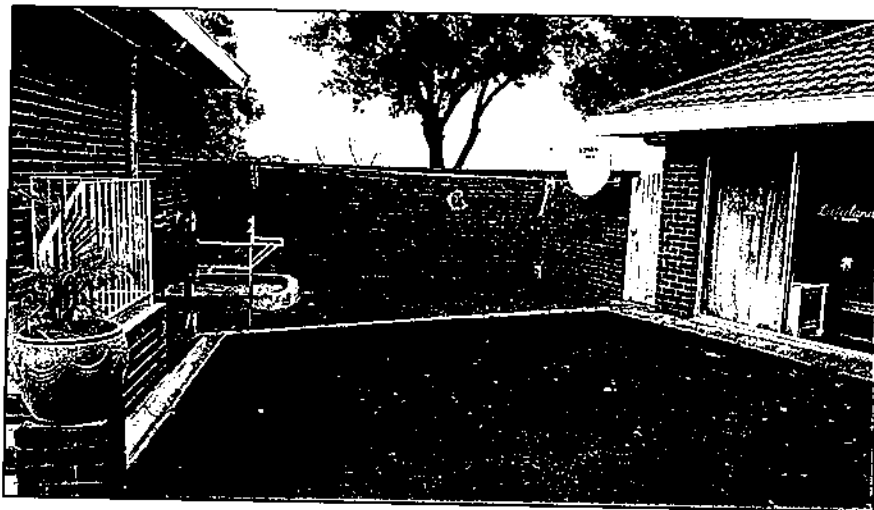
See photos illustrating the elements supporting the unlawful use of the property for crèche purposes as an intensified land use initiative.



View of the entrance to the property from inside the property



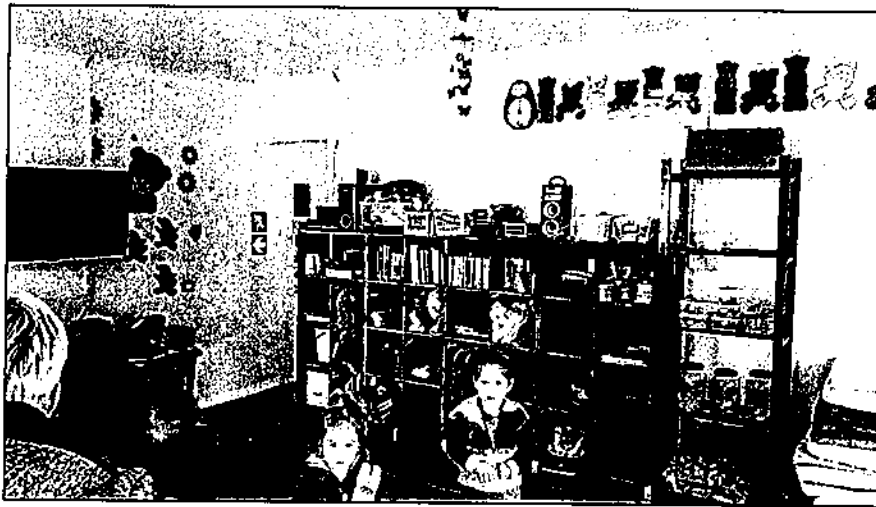
View of the play area



Parking in front of the creche



Toddler class 1



Toddler class 1



Baby class no. 1



# Active *Planning* Solutions

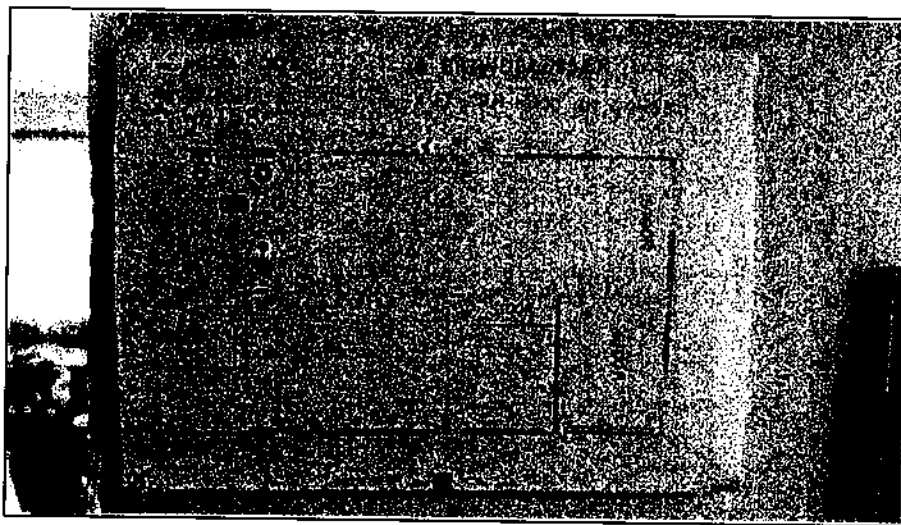
1503



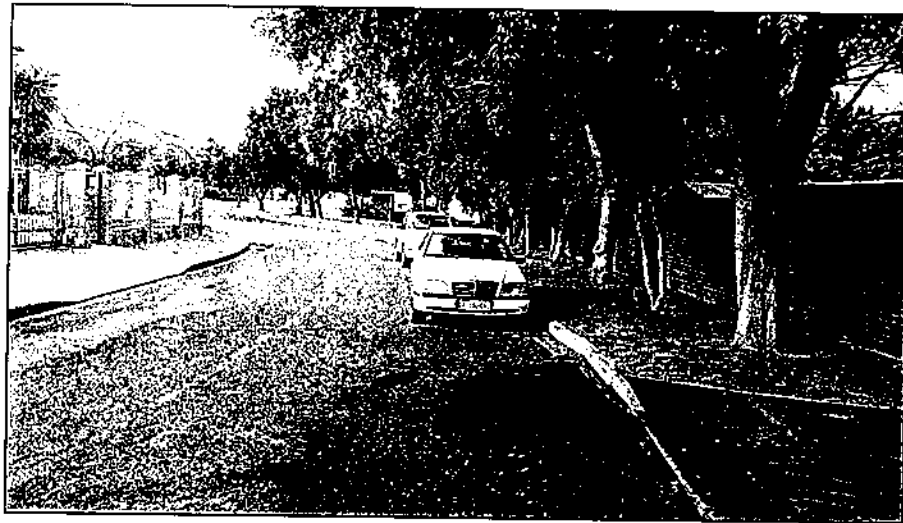
Bathroom / wc



Baby class no 2



Fire evacuation plan



Access via Rheazicht street

It is evident from the above that the conversion of the second dwelling on erf 1898 in its entirety suited the utilization of this building for crèche purposes due to fact that no exterior or interior alterations were necessary to create the opportunity for this area to be used for this purpose. Despite this it is also clear that the building can easily be converted back to a residential dwelling as allowed by the current zoning. This supports the current Consent Use application with case number 70465498 due to the fact that no structural alterations were necessary to convert the building for Crèche purposes.

The latest Municipal account statement attached as **Addendum 5** rates the value at R2745000.00.

In adherence to **Section 129(7)** of the By law the following Administrative Penalty is presented for consideration:

A 0% Administrative Penalty for illegal land use is requested due to the following determination factors as per **Section 129(8)**:

**(a) the nature, duration, gravity and extent of the contravention;**

**The nature:**

As mentioned in this report the nature of the unlawful land use is limited to the use of the outbuilding (second dwelling) for a day care accommodating 33 children. Adequate space exists on the premises for the parents to park in the form of 6 allocated parking bays as per the Site Layout attached as **Addendum 2**. Please note that my client was in the process of submitting the application for Consent use to have this crèche operating as a legal land use

# Active Planning Solutions

1505

when the Land Use inspector served her with the compliance notice. This Consent Use application is currently on the City's system. The following mitigation factors are offered for consideration of a 0% Administrative Penalty:

- The daycare is a small scale center and it is well run and maintained
- The facility offers no negative impact on the surrounding built area from a planning perspective due to its scale
- The use of the facility is in line with the development Policies for the area.
- The fact that the crèche can be conducted in the outbuilding without structural conversion means that the illegality is limited to the use.
- The Liefieland crèche provides in a need for Pre- School education in the area due to the rapidly growing nature of the Ridgeworth area.

## The duration:

The Liefieland crèche has been in business since December 2018.

## Gravity:

The gravity is deemed low due to the professional manner the crèche is being managed and run. Its clients are more than satisfied with the way their children are treated as is clear from the social media (facebook) posts.



Evette Ludick Tannie Lomie is die beste!!! Baie dankbaar vir al jou moeite en liefde 🍷👶

Like Reply 25w



Etzaan Clarke Hulle is net te pragtig. Dankie tannie Lomie vir als wat jy vir ons kindertjies doen

Like Reply 25w



The owner of the crèche also has no plans to expand the crèche to more than 35 children as allowed by the floor space of the current building. This means that the current low impact use will prevail without adding more gravity in terms of additional children and parking requirements. The crèche will there for remain a small scale ECD centre.

The Liefieland crèche is deemed to be in compliance with the following criteria supporting the ECD policy:

- Promotion and safeguarding of the amenity and environmental quality of local areas where ECD centres are located; and
- Promoting a responsible and sustainable approach to facilitating ECD centre establishment and integration of these land uses into neighbourhoods, without detracting from these areas.

due to its scale and location on the outskirts of the Ridgeworth neighbourhood.

**(b) the conduct of the person involved in the contravention;**

The Liefieland Daycare centre is deemed to be a respected small scale business with well trained staff and personnel aiming to serve the parents of children in the immediate vicinity. The owner also confirmed that she is not in the business to make money but to give decent care to the children. There is also proof that some of the children in this daycare is being cared for without compensation.

**(c) whether the unlawful conduct was stopped;**

Due to the Liefieland Daycare being a running business concern and catering in the needs of approximately 33 children of which the parents rely heavily on the existence of this facility it would be a social injustice and economic suicide to stop the use of the crèche. Duly note that my client was in the process of submitting a LUMS application to rectify the situation.

**(d) whether a person involved in the contravention has previously contravened this By-Law or a previous planning law.**

The owner / operator of the Liefieland Daycare centre is currently applying for a Consent Use to adhere to the planning requirements as per the by law Regulation. See corresponding application Case 70465498 to be presented to the Planning Tribunal for consideration in conjunction with this application.

# ***Active Planning Solutions***

1507

## **9. SUMMARY**

This application for the Determination of an Administrative Penalty and the penalty calculations presented for consideration will contribute to a mutual sense of cooperation between the City of Cape Town Municipality and small business enterprises in areas where it should be encouraged due to the Policy support. In the case of the Liefieland Daycare centre it has a social upliftment and educational purpose which is direly needed by the community and needs to be supported by the Local Authority through the offering of a mutual and equal opportunity to rectify contraventions by cooperating rather than taking the social and economic opportunity away through harsh penalties. It is therefore encouraged and recommended for approval.

Pierre Jordaan