



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE

LAND USE ADVISORY 2 OF 2026 - STANDARD ADMINISTRATIVE PENALTY

1. BACKGROUND AND CONTEXT

- 1.1. Section 129(1B) of the City of Cape Town Municipal Planning By-law, 2015 (as amended) (the 'by-law') authorises Council to prescribe standard administrative penalties for contraventions.

"(1B) The Municipal Council may prescribe standard administrative penalties for contraventions."

- 1.2. After Council has prescribed the standard administrative penalties, the City Manager is then authorised in terms of section 129(1C) of the MPBL to propose to a person in contravention of the MPBL to pay such standard penalty without the need to prepare and submit a report to the Municipal Planning Tribunal for a determination of an administrative penalty.

"(1C) The City Manager may propose to a person contemplated in subsection (1) payment of a standard administrative penalty if the City Manager considers that penalty appropriate."

2. PRESCRIPTION OF CATEGORIES OF CONTRAVENTIONS IN TERMS OF SECTION 129(1B) OF THE MPBL

Council (see Annexure B) prescribed the categories of contraventions indicated in Annexure A as contraventions to which the provisions of section 129(1B) of the by-law will apply.

3. IMPLEMENTATION

- 3.1. A person who wishes to rectify any contravention which falls within the prescribed categories (as shown in Annexure A), may now submit the necessary administrative penalty application (as per normal), and should the specific case comply with the requirements listed in Annexure A as well as case officer discretion (and summarized in 3.2 below), pay the standard fee. In such case it won't be necessary for a case officer to compile an administrative penalty report for recommendation to the Municipal Planning Tribunal (MPT) for the determination of an administrative penalty.

- 3.2. The scenarios where the standard administrative penalties might be proposed and processed include:

- the owner accepting the standard penalty;
- the current owner has not previously contravened the by-law; and
- the nature of the contravention will not have an impact on surrounding property owners or the environment, if so determined.

DEMONSTRATING COMPLIANCE WITH THE DEVELOPMENT MANAGEMENT SCHEME

In cases which do not comply with the above, any person in contravention of the *by-law* for the prescribed categories will need to undergo the full administrative penalty process, with the determination of such penalty made by the MPT.

- 3.3. Important to note is that notwithstanding the prescription, the authorised official, in his/her sole discretion, may elect not to propose a standard administrative penalty fee and may require any person in contravention of the *by-law* to undergo the full administrative penalty process, with the determination of such penalty made by the MPT.
- 3.4. Any administrative penalty application currently in the system and which not had a report written to the MPT, where the contravention falls within the prescribed categories, may be subject to the imposition of a standard administrative penalty. The applicant must be consulted to confirm whether they wish to accept the standard administrative penalty or proceed to the full administrative penalty process, where such penalty will be determined by the MPT.
- 3.5. Applicants must be advised that a standard administrative penalty is not subject to appeal. If they choose not to accept the standard penalty, the administrative penalty will need to be determined to the MPT.
- 3.6. The prescription for a standard administrative penalty is limited to unauthorised building work and not applicable to unauthorised land uses. Should an administrative penalty application include both unauthorised building work and unauthorised land use, the full administrative penalty process will apply, with the determination of the penalty made by the MPT.
- 3.7. Similarly, if the application comprises only unauthorised building work where some structures fall within the prescribed categories and others do not, the full administrative penalty process will also apply.
- 3.8. It should be noted that [Advisory 1 of 2025](#), relating to categories of contraventions to which sections 130(2) and (3) of the MPBL do not apply, remains applicable.

4. PROCESS ON PORTAL

- 4.1. Applicants must submit an administrative penalty application in terms of section 42(r) of the *by-law* and submit all the necessary supporting documentation.
- 4.2. Applicants must indicate in their motivation whether they wish to opt for the standard penalty, where applicable and subject to the agreement of the authorised official, or proceed with the full administrative penalty application. Where no such indication is provided, the applicant must be consulted.



PLEASE NOTE

It is important to acknowledge that certain aspects of the MPBL are complex, and the details thereof extend beyond the scope of this advisory. To gain a comprehensive understanding, you are strongly encouraged to consult the MPBL directly, alongside referring to previous [advisories](#) where some of these complexities have been explained in more detail.

ANNEXURE A

STANDARD ADMINISTRATIVE PENALTIES PRESCRIBED IN TERMS OF SECTION 129(1B) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015

7 April 2026

(Note: In this prescription, the same definitions apply as contained in the City of Cape Town Municipal Planning By-law, 2015 [as amended]. If no definition is provided for or if it is not specifically defined in this prescription, the ordinary meaning as confirmed by an authorised official will apply)

A: 1 and B: 1 below are prescribed as categories of contraventions to which section 129(1B) of the City of Cape Town Municipal Planning By-law, 2015 (as amended) will apply, subject to C, D, and E.

A: Categories of contraventions to which standard administrative penalties apply:

1. The following building work contravention categories are prescribed to receive standard administrative penalties, only when contravening a Development Management Scheme (DMS) building line requirement:
 - a. Carport(s)
 - b. Garage(s)
 - c. Veranda(s)
 - d. Dwelling extension (s) (on the ground floor and not exceeding 4m in height measured from existing ground level to top of building).
 - e. Other outbuilding(s) (on the ground floor and not exceeding 4m in height measured from existing ground level to top of building).

B: Standard administrative penalty fee category:

1. The following standard administrative penalty fee may be proposed in relation to the above contravention categories:

Extent of contravention (m ²)	Standard administrative penalty fee	Notes
	R0	Where the current owner was not responsible for the contravention (notwithstanding the extent), subject to a., b. and c. in C:3.
0 – <10	R1 500	
10 – <20	R2 500	
20 – <30	R5 000	
30 – <40	R6 000	
40 – 50	R8 000	

C: A: and B: will apply where:

1. The contravention is in a Heritage Protection Overlay Zoning, subject to the penalty fee in B:1 be doubled.

2. The contravention relates to a restrictive building line condition in the respective title deed, subject to the penalty fee in B:1 be doubled.
3. The contravention relates to the erection of a structure/building contravening categories C:1 and/or C:2 above, where the current owner was not responsible for the contravention, subject to:
 - a. the owner submitting an affidavit or proof to the satisfaction of the City, that he/she did not own the property at the time the contravention commenced;
 - b. the case officer verifying this information on City Maps where possible; and
 - c. the owner was not informed by the City, prior to taking transfer, that such contravention existed.

D: A: and B: will not apply where:

1. The current owner has previously contravened the Municipal Planning By-law.
2. The nature of the contravention may have an impact on surrounding property owners or environment, in which case an assessment and report to the Municipal Planning Tribunal may be required, as determined by an authorised official.
3. Where the City, within the last six months, made a determination on a materially similar contravention and imposed a fee exceeding that contemplated in B:1.

E: Conditions, limitations and further provisions:

1. This prescription applies only to unauthorised building work and does not apply to land use contraventions.
2. Where multiple contraventions arise in respect of a Development Management Scheme building line requirement and restrictive building line condition in the respective title deed, the fee contemplated in B:1 shall be based on the contravention of greatest extent.
3. If the contravention is in a Heritage Protection Overlay Zoning, the fee contemplated in B:1 will be based on the full area of the structure/building in contravention.
4. **Notwithstanding this prescription, the City may, in its sole discretion, elect not to propose a standard penalty fee and may require any person in contravention of the Municipal Planning By-law to undergo the full administrative penalty process, with the determination of such penalty made by the Municipal Planning Tribunal.**

ANNEXURE B

COUNCIL MINUTES: 30 APRIL 2026

MINUTES

**OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN
HELD ON THURSDAY 30 APRIL 2026 VIA THE CITY'S DIGITAL PLATFORM AT
10h00.**

C 20/04/26 PRESCRIPTION OF STANDARD ADMINISTRATIVE PENALTIES FOR CONTRAVENTIONS AS PROVIDED FOR IN SECTION 129(1B) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

RESOLVED that the standard administrative penalties for contraventions contained in Annexure A to the report on the agenda, be prescribed as standard administrative penalties in terms of section 129(1B) of the City of Cape Town Municipal Planning By-law, 2015.

[The CCC, EFF and GOOD recorded their votes against the above decision. The AJ, PA and UIM abstained from voting. The ANC noted the above resolution with concern.]

ACTION: S DE JAGER, C WALTERS, R McGAFFIN