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**- MINUTES -**

**OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING TRIBUNAL:  
NORTH WESTERN REGIONAL PANEL MEETING HELD ON 2 MARCH 2021  
AT 10:00 VIA SKYPE FOR BUSINESS**

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**MEMBERS PRESENT:**

Mr D Daniels	Chairperson
Mr G Brand	Excused himself from the meeting at 12:00 and returned at 13:15
Ms M Muller-Lovember	
Mr D Georgeades	
Mr G Underwood	

**COUNCILLORS:**

Ald Brian Watkyns	Ward 53
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**OFFICIALS:**

Mr J Van Der Westhuizen	Manager: Development Management
Mr M Mupariwa	Development Management
Mr G September	Development Management
Ms E Marais	Development Management
Ms A Visagie	Development Management
Mr A Mitev	Development Management
Ms Q Samaai	Development Management
Mr J Fullard	Development Management
Ms N Ntutha	Development Management
Mr S Shabalala	Development Management
Mr T Mphohoni	Development Management
Mr N Hlangweni	Development Management
Ms F Benting	Development Management
Ms U Nobakada	Development Management
Ms S Mayinjana	Development Management
Mr J McCormick	Development Management
Mr K Jacobie	Development Management
Ms A Odendaal	Development Management

**COMMITTEE SERVICES:**

Ms R Petersen	MPT Secretariat
Mr N Sikiti	MPT Secretariat

**PUBLIC AND GUESTS:**

Aiken, D  
Cronje, A  
Jerome  
Paul  
Roux, A

**MPTNW 01/03/21**

**OPENING AND MOMENT OF SILENCE**

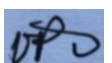
The Chairperson, Mr David Daniels welcomed all present to the meeting of the North Western Panel of the Municipal Planning Tribunal. He requested that a moment of silence be observed and then declared the meeting as officially opened.

**NOTED**

**MPTNW 02/03/21**

**APOLOGIES / LEAVE OF ABSENCE**

An apology was received from Cllr Barbara Rass



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- MPTNW 03/03/21      DECLARATION OF INTEREST AND READING OF AGENDA**  
That it **BE NOTED** that the agenda has been read and that no member of the Municipal Planning Tribunal, North Western Panel declared any interest.
- MPTNW 04/03/21      NOTING OF CONFIRMED MINUTES OF PREVIOUS MEETING**  
That the confirmed minutes of the previous meeting **BE NOTED**.
- MPTNW 05/03/21      MATTERS RECEIVING ATTENTION**  
**NONE**
- MPTNW 06/03/21      WARD 54: APPLICATION FOR PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 916 SEA POINT EAST, 63 ARTHURS ROAD, SEA POINT EAST**
- UNANIMOUSLY RESOLVED** that:  
The application for Permanent Departures as set out in Annexure A, on Erf 916 Sea Point East, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with plan in Annexure C1.
- REASONS FOR DECISION**  
The MPT APPROVED the application for the reasons set out in the Planner's Report
- FOR INFORMATION: MITEV / SEPTEMBER**
- MPTNW 07/03/21      WARD 77: APPLICATION FOR CITY APPROVAL AND PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 394 CAPE TOWN, 246 LONGMARKET STREET, BO-KAAP**
- Page 103 and 104 should be removed from the case officers' report
- Delete 2<sup>nd</sup> paragraph under subject heading Heritage Evaluation on page 85 of the case officers' report
- UNANIMOUSLY RESOLVED** that:
- a. The application for City Approval for Erf 394 Cape Town, (Bo-Kaap) as set out in Annexure A, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, in accordance with the plans attached as Annexure C1, subject to the conditions contained in Annexure A.
  - b. The application for Permanent Departures for Erf 394 Cape Town, (Bo-Kaap), as set out in Annexure A, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plans 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 08/03/21      WARD 54: APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 1141 FRESNAYE, 47 AVENUE FRESNAYE, FRESNAYE**

**UNANIMOUSLY RESOLVED that:**

The application for removal of title deed conditions, pertaining to Erf 1141 Fresnaye, as set out in Annexure A, **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: MITEV / SEPTEMBER**

**MPTNW 09/03/21      WARD 53: APPLICATION FOR THE RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION AND PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 746 THORNTON, 21 POPLAR AVENUE, THORNTON**

**UNANIMOUSLY RESOLVED that:**

- a. The application for Permanent Departures as set out in Annexure A on Erf 746 Thornton, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with plan no.: 12-01-2020WD (pages 1), Revision 2, dated: 12 January 2020, drawn by: Thaabet Abrahams.
- b. The application for the Relaxation of a restrictive title deed condition as set out in Annexure A on Erf 746 Thornton, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with plan no.: 12-01-2020WD (pages 1), Revision 2, dated: 12 January 2020, drawn by: Thaabet Abrahams.

**REASONS FOR DECISION**

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

**FOR INFORMATION: MITEV / SEPTEMBER**

**MPTNW 10/03/21      WARD 53: APPLICATION FOR THE AMENDMENT OF A RESTRICTIVE TITLE DEED CONDITION IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 1202 PINELANDS, 6 SPRING GARDENS ROAD, PINELANDS**

**UNANIMOUSLY RESOLVED that:**

The application for amendment of a title deed condition pertaining to Erf 1202 Pinelands, as set out in Annexure A, **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law.

### REASONS FOR DECISION

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

### FOR INFORMATION: MITEV / SEPTEMBER

**MPTNW 11/03/21      WARD 54: APPLICATION FOR REGULATION DEPARTURES AND CITY'S APPROVAL IN TERMS SECTION 42(B) AND 42(I) OF THE MUNICIPAL PLANNING BY-LAW, 2015: REMAINDER ERF 28, BANTRY BAY, 115 KLOOF ROAD**

#### UNANIMOUSLY RESOLVED that:

- a. The application for City's approval as required in terms item 121(2) of the DMS to permit the swimming pool to be 4.314m in lieu of 5m from the metropolitan route (Kloof Street) as set out in Annexure A on Remainder Erf 28, Bantry 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 Remainder Erf 28, Bantry 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 Annexure A.

### REASONS FOR DECISION

The MPT APPROVED the application for the reasons set out in the Planner's Report and agreed to amend reason 6.4.6 as follows:

- 6.4.6 The proposal will not negatively impact existing infrastructure. Access off Kloof Street and egress onto Nettleton Road is conducive to public safety
- Amend Annexure A:  
Add new condition 2.2 as follows:
- 2.2 The land which contains the existing access road on erf 28 Bantry Bay that will be decommissioned shall be rehabilitated to the satisfaction of the delegated official

### FOR INFORMATION: SAMAAI / SEPTEMBER

**MPTNW 12/03/21      WARD 115: PROPOSED APPLICATION FOR SUBDIVISION, CONSOLIDATION, PERMANENT DEPARTURES, CONSENT IN TERMS OF THE TITLE DEED AND CITY APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW: ERF 96229, ERF 178595, CAPE TOWN**

#### UNANIMOUSLY RESOLVED that:

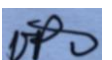
- a. The application in terms of Section 42(b) of the City of Cape Town Municipal Planning By-Law 2015 for the building line departures as set out in Annexure A on Erf 178595 and 96229 Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plan indicated in Annexure C, subject to the conditions contained in the attached Annexure A.

- b. The application for the subdivision in terms of Section 42(d) of the MPBL of Erf 178595 Cape Town into two portions: Erf 179162 Cape Town and Remainder Erf 178595 Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plan indicated in Annexure D, subject to the conditions contained in the attached Annexure A.
- c. The application in terms of Section 42(f) of the MPBL for the consolidation of Erf 179162 Cape Town with Erf 96229 Cape Town to form Erf 179163 Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plan indicated in Annexure E, subject to the conditions contained in the attached Annexure A.
- d. The application in terms of Section 42(i) of the MPBL for the approval of Council to permit a balcony projection of up to 1,36m over the south-eastern street boundary (Kloof Street), as provided for in Item 64(d) of the DMS on Erf 96229 Cape Town **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.
- e. The application in terms of Section 42(i) of the City of Cape Town Municipal Planning By-Law 2015, for the approval of Council in terms of item 162 of the DMS to permit subdivision, consolidation and construction in a Heritage Protection Overlay Zone (HPOZ) on Erf 178595 and 96229 Cape Town **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.
- f. The application in terms of Section 42(h) of the City of Cape Town Municipal Planning By-Law 2015, for consent in terms of a restrictive condition in the title deed of Erf 178595 to permit subdivision and development **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.

#### REASONS FOR DECISION

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

**FOR INFORMATION: SAMAAI / SEPTEMBER**



**MPTNW 13/03/21 APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 570 AT 38 NETTLETON ROAD, CLIFTON**

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

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R 10 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 570, Clifton, 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 and agreed to amend reason 6.4 as follows:

- 6.4 The extent of the contravention is large being 92m<sup>2</sup> and this warrants an increase in the penalty amount.

**FOR INFORMATION: FULLARD / SEPTEMBER**

**MPTNW 14/03/21 WARD 56: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF RE-ERF 24165, CAPE TOWN, 158 MCGREGOR STREET**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R 15 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 24165, Cape Town.

**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:

4. The applicant should have exercised due diligence to ensure that the cell mast was properly authorized

**FOR INFORMATION: MCCORMICK / SEPTEMBER**

**MPTNW 15/03/21 WARD 115: APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF SECTION 42(r) OF THE CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERF 160877 CAPE TOWN, 1 ADELAIDE ROAD, WOODSTOCK**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R 2 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 160877 Cape Town at Woodstock.

**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 property is located in an HPOZ

**FOR INFORMATION: SADAN / SEPTEMBER**

**MPTNW 16/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 1389 FRESNAYE, 28 AVENUE ST BARTHOLOMEW, FRESNAYE**

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

**UNANIMOUSLY RESOLVED** that:

An administrative penalty 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 Erf 1389 Fresnaye.

**REASONS FOR DECISION**

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

- 6.6. The contravention is considered to be minor and not visible at street level which warrants a decrease in the penalty amount.

**FOR INFORMATION: MITEV / SEPTEMBER**

**MPTNW 17/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 888 THORNTON, 45 HELDERSIG ROAD, THORNTON**

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

**UNANIMOUSLY RESOLVED** that:

An administrative penalty 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 Erf 888 Thornton.

**REASONS FOR DECISION**

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

- 6.6 The panel of the MPT was of the view that the owner provided misleading information regarding the duration of the contravention and this warrants an increase in the penalty amount

**FOR INFORMATION: MITEV / SEPTEMBER**



**MPTNW 18/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 26069, CAPE TOWN, 55 LYTTON STREET, OBSERVATORY**

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

**UNANIMOUSLY RESOLVED** that:

An administrative penalty of R 3 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 for Erf 26069 Cape Town

**REASONS FOR DECISION**

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

- 8 The nature of the contravention is considered to be relatively minor and therefore its impact is considered to be minimal, which warrants a reduction in the penalty amount

**FOR INFORMATION: MPHOHONI / SEPTEMBER**

**MPTNW 19/03/21 APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 1011 AT 1 ST JOHNS ROAD SEA POINT, SEA POINT WEST**

**UNANIMOUSLY RESOLVED** that:

- a. An administrative penalty of R 13 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 1011, Sea Point West, for the unlawful extension to the penthouse.
- b. An administrative penalty of R 7 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 1011, Sea Point West, for the unlawful swimming pool.

**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

- 6.5 The penalty amount for the unlawful swimming pool is increased because of the increased potential risk of structural failure if the structure is not designed and assessed prior to construction

**FOR INFORMATION: NOBAKADA / SEPTEMBER**



**MPTNW 20/03/21 APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 1221 AT 4 AVENUE DEAUVILLE AVENUE, FRESNAYE**

**UNANIMOUSLY RESOLVED that:**

- a. An administrative penalty 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 1221, Fresnaye, for the unlawful guardhouse.
- b. An administrative penalty of R 200.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 1221, Fresnaye, for the unlawful deck extension.

**REASONS FOR DECISION**

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

**FOR INFORMATION: NOBAKADA / SEPTEMBER**

**MPTNW 21/03/21 APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 23194 AT 7 HEERLIK ROAD, KENSINGTON, CAPE TOWN**

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

**UNANIMOUSLY RESOLVED that:**

An administrative penalty 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 23194, Cape Town, for the unauthorised 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 and agreed to add a new reason as follows:

- 6.5 The nature of the contravention is not permanent and has minimal impact on the surrounding property and street facade

**FOR INFORMATION: NOBAKADA / SEPTEMBER**

## INTERVIEW

MPTNW 22/03/21

**WARD 57: APPLICATION FOR CONSOLIDATION, PERMANENT DEPARTURE AND CITY APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: REMAINDER ERVEN 26737 & 26738, SITUATED AT 98 & 98A STRUBENS ROAD, OBSERVATORY, CAPE TOWN**

Ms Benting introduced the application

Ms Cronje and Ms Aiken addressed the panel and spoke against the application

Mr Roux spoke in support of the application

Ms Cronje was given an opportunity for rebuttal

Mr Roux was given an opportunity to answer questions of clarity

**UNANIMOUSLY RESOLVED** that:

- a. The application for consolidation as set out in Annexure A on Remainder Erven 26737 and 26738, Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plans attached as Annexure C, subject to conditions of approval incorporated into Annexure A.
- b. The application for permanent departures as set out in Annexure A on Remainder Erven 26737 and 26738, Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plans attached as Annexure C, subject to conditions of approval incorporated into Annexure A.
- c. The application for City approval as set out in Annexure A on Remainder Erven 26737 and 26738, Cape Town **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015 in accordance with the plans attached as Annexure C, subject to conditions of approval incorporated into Annexure A

### REASONS FOR DECISION

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

Amend Annexure A:

Amend condition 2.2 as follows:

- 2.2 That the consolidation shall be substantially in accordance with plan ref no 18094-001 rev A dated 23-11-2018 and preliminary diagram dated 26 October 2016 drawn by Ralph O Middleton Professional Land Surveyor, and shall indicate the window replacement on the boundary of the abutting property to the south to be of opaque glass, which must be fixed, and that an alternative ventilation must be provided

**FOR INFORMATION: BENTING / SEPTEMBER**

**MPTNW 23/03/21      WARD 32: APPLICATION FOR CONSENT USE AND CITY APPROVAL SUBMITTED IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: PORTION 6 OF CAPE FARM NO. 32, BRAKKEFONTEIN**

**UNANIMOUSLY RESOLVED that:**

- a. The consent use to permit sand mining on a portion of Portion 6 of the Farm No. 32, Brakkefontein **BE REFUSED** in terms of Section 98(c) of the Municipal Planning By-Law, 2015 (as amended);
- b. City approval to permit sand mining within the Koeberg Restriction Area Overlay Zoning **BE REFUSED** in terms of Section 98(c) of the Municipal Planning By-Law, 2015 (as amended).

**REASONS FOR DECISION**

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

**FOR INFORMATION: VISAGIE / MARAIS**

**MPTNW 24/03/21      WARD 55: APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITION IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: REMAINDER ERF 17303 AT 28 AUCKLAND STREET, PAARDEN EILAND, MILNERTON**

**UNANIMOUSLY RESOLVED that:**

The removal of the restrictive title deed condition as set out in Annexure A in respect of erf 17303 at 28 Auckland Street, Paarden Eiland, **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 reason set out in the Planner's Report and agreed to add a new reason as follows:

- 7.1.5 The proposed use of the site is complementary and appropriate in this context

**FOR INFORMATION: VISAGIE / MARAIS**

**MPTNW 25/03/21      WARD 55: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION; AMENDMENT OF TOWNSHIP ESTABLISHMENT CONDITION AND REZONING IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 17720 AT 87 AUCKLAND STREET, PAARDEN EILAND**

After discussion, the panel of the MPT agreed that this application be **WITHDRAWN** on the advice of the Technical Advisor and in order to give parties the opportunity to make application for an interview at the next Tribunal.

**FOR INFORMATION: VISAGIE / MARAIS**

**MPTNW 26/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 5261, MILNERTON, 12 VAN DE GRAAF ROAD, TABLE VIEW**

The applicant's request to **WITHDRAW** this application from the agenda was approved by the chairperson of the MPT

**FOR INFORMATION: NTUTHA / MARIAS**

**MPTNW 27/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 5308 AT 5 SLADE STREET, PARKLANDS**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty in the amount of R 3 700.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 5308, Parklands, for the unauthorised building work and as such be approved in terms of Section 98(b) of the said By-Law.

**REASONS FOR DECISION**

The MPT **APPROVED** the application for the reason set out in the Planner's Report and agreed to amend reason 6.1 as follows:

- 6.1      The contravention has a lengthy history of almost 6 years.

**FOR INFORMATION: VISAGIE / MARAIS**

**MPTNW 28/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 5417 AT 19 FAIRBRIDGE ROAD, MILNERTON**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty in the amount of R 2 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law (2015) in respect of Erf 5417 at 19 Fairbridge Road, Milnerton for the unauthorised work and that such penalty be approved in terms of Section 98 of the said By-Law.

**REASONS FOR DECISION**

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

**FOR INFORMATION: VISAGIE / MARAIS**

**MPTNW 29/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 6181 AT 48 MILNER STREET, PAARDEN EILAND, MILNERTON**

**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 6181 at 48 Milner Street, Milnerton and such penalty be approved in terms 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: VISAGIE / MARAIS**

**MPTNW 30/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 6700 AT 45 KENNINGTON CLOSE, PARKLANDS**

**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 6700, Parklands, for the building of a veranda and that 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: ODENDAAL / MARAIS**

**MPTNW 31/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 9502 AT 11 CANARY CRESCENT, SUNRIDGE, MILNERTON**

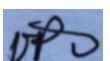
**UNANIMOUSLY RESOLVED that:**

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 9502, Sunridge, for the unauthorised garage 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: ODENDAAL / MARAIS**



**MPTNW 32/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 15444 AT 11 WESTMEAD, TABLE VIEW, MILNERTON**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty in the amount of R 2 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 15444, Milnerton, for the unauthorised patio 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: ODENDAAL / MARAIS**

**MPTNW 33/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 30455 MILNERTON, 17 OWERBOSCH CLOSE, BLOUBERG SANDS**

**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 30455 Milnerton, in accordance with Drawing No. CD160/ERF: 30455/01/A1; dated 19 January 2021 and such penalty be approved in terms of said By-Law.

**REASONS FOR DECISION**

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

**FOR INFORMATION: SOARES / MARAIS**

**MPTNW 34/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 138408 CAPE TOWN, 11 RIVER STREET, BROOKLYN**

**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 138408 Cape town, in accordance with Drawing No. HL.C0.20; dated October 2020 and such penalty be approved in terms of Section 98 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: SOARES / MARAIS**

**MPTNW 35/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 5220 AT 103 OAKLAND HILLS, PARKLANDS**

**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 103 Oakland Hills, Parklands for the unlawful main dwelling (lounge), 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: JACOBIE / MARAIS**

**MPTNW 36/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 13, PARKLANDS, 13 ASHFORD CLOSE, 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 13 Parklands, for the shade port and that 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: XULU / MARAIS**

**MPTNW 37/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 731 WESFLEUR, 2 EDWARD ROAD, AVONDALE**

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

**UNANIMOUSLY RESOLVED that:**

An administrative penalty in the amount of R 100.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 731 Wesfleur for the unauthorised signage, and such penalty be approved in terms of Section 98 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 reason 6.5 as follows:

- 6.5 However, the gravity of the contravention is considered minor given that the contravention only relates to the extent of the advertising sign – this warrants a reduction in the penalty amount

**FOR INFORMATION: HLANGWENI / MARAIS****MPTNW 38/03/21****APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 2036 WESFLEUR, 29 ATHENS AVENUE SAXONSEA, ATLANTIS**

After discussion, the panel agreed to increase the penalty amount by 3 votes to 2

**RESOLVED that:**

An administrative penalty in the amount of R 2 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 2036 Wesfleur for the unauthorised use, and such penalty be approved in terms of Section 98 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 reason 6.4 as follows:

- 6.4 The gravity of the contravention is considered to be serious insofar the safety of the structure and its operation within the Koeberg Density Overlay Zone has not been verified. In addition, health and safety checks have not been done which warrants an increase in the penalty amount

**FOR INFORMATION: HLANGWENI / MARAIS****MPTNW 39/03/21****APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 3932, PARKLANDS, 8 STONE STREET, PARKLANDS****UNANIMOUSLY RESOLVED that:**

An administrative penalty in the amount of R1 200.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 3932 Parklands, for the unauthorised covered patio and such penalty be approved in terms of Section 98 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: HLANGWENI / MARAIS**

**MPTNW 40/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 23135, MILNERTON, 11 CORAL ROAD**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty in the amount of R 12 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 23135, Milnerton for the unlawful land use 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: NTUTHA / MARAIS**

**MPTNW 41/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 105114, SANDDRIFT, 94 DANIELL ROAD, SANDDRIFT**

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

**UNANIMOUSLY RESOLVED** 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 105114 Sanddrift, in accordance with Drawing Number K7291-M19/290; and that such penalty be approved in terms 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 replace reason 6.3 with the following:

- New 6.3 Notwithstanding the poor conduct of the applicant/owner, the scale of contravention is considered to be small, is of short duration and the gravity is considered to not be of a serious nature

**FOR INFORMATION: SHABALALA / MARAIS**

**MPTNW 42/03/21 APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 28432, SUNNINGDALE, 13 WALTON CRESCENT, SUNNINGDALE**

**UNANIMOUSLY RESOLVED** that:

An administrative penalty in the amount of R 3 500.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of erf 28432 Sunningdale, for the carport and covered patios and that 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: XULU / MARAIS**

**MPTNW 43/03/21      APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 28521 AT 36 WINGATE SQUARE, SUNNINGDALE**

**UNANIMOUSLY RESOLVED that:**

An administrative penalty in the amount of R 2 000.00 **BE DETERMINED** in terms of Section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 28521, Sunningdale, for the building of a covered Patio 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 reason 6.2 as follows:

- 6.2      The duration was not correctly reflected in the motivation i.e. the owner bought the property with the existing unlawful braai but built the covered patio in 2013 (8 years ago), despite the applicants' motivation to the contrary

**FOR INFORMATION: ODENDAAL / MARAIS**

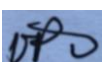
**MPTNW 44/03/21      MEETING CLOSING**

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

**MPTNW 45/03/21      NEXT MEETING DATE**

Date of next meeting: 6 April 2021

**The meeting ended at 13:55**



Items were discussed in the following sequence:

MPTNW01/03/21	MPTNW02/03/21	MPTNW03/03/21
MPTNW04/03/21	MPTNW05/03/21	MPTNW06/03/21
MPTNW07/03/21	MPTNW08/03/21	MPTNW09/03/21
MPTNW10/03/21	MPTNW11/03/21	MPTNW12/03/21
MPTNW22/03/21	MPTNW12/03/21	MPTNW14/03/21
MPTNW15/03/21	MPTNW16/03/21	MPTNW17/03/21
MPTNW18/03/21	MPTNW19/03/21	MPTNW20/03/21
MPTNW21/03/21	MPTNW23/03/21	MPTNW24/03/21
MPTNW25/03/21	MPTNW26/03/21	MPTNW27/03/21
MPTNW28/03/21	MPTNW29/03/21	MPTNW30/03/21
MPTNW31/03/21	MPTNW32/03/21	MPTNW33/03/21
MPTNW34/03/21	MPTNW35/03/21	MPTNW36/03/21
MPTNW37/03/21	MPTNW38/03/21	MPTNW39/03/21
MPTNW40/03/21	MPTNW41/03/21	MPTNW42/03/21
MPTNW43/03/21	MPTNW44/03/21	MPTNW45/03/21




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MR DAVID DANIELS  
CHAIRPERSON

4 March 2021

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DATE

