

# SUSTAINABLE DEVELOPMENT & CITY ENTERPRISES

## Development Planning, Environment & Management Unit

166 K E Masinga Road, Durban, 4001  
 P O Box 680, Durban, 4000  
 Tel: 031 311 1111, Fax: 031 311 7776  
 www.durban.gov.za

### REGISTERED MAIL

Our Reference : ROR13/7/2  
 Enquiries : Ms B Kerr  
 Telephone : (031) 311 7049

11 NOVEMBER 2014

Victoria Hospital (Pty) Ltd  
 (represented by Elliott Duckworth Associates)  
 Post Net Suite 163  
 Private Bag X504  
 NORTHWAY  
 4065

### REMOVAL OF RESTRICTIONS DECISION NOTICE

**APPLICATION NO.** : ROR 13/7/2

**CONDITIONS TO BE REMOVED** : Clauses B.5 and B.6 from C.C.T. No. T 32028/1997, pertaining to Erf 6249 Tongaat, (b) 3 and (b) 4 from Title Deed No. T 35343/2012, pertaining to Portion 1 of Erf 126 Tongaat, and B.4 and B. 5 from Title Deed No. T 49599/2004, pertaining to Rem of Erf 125 Tongaat.

**CADASTRAL DESCRIPTION** : Various Erven of Tongaat

**POSTAL ADDRESS** : 37 High Street, Tongaat

**APPLICANT** : Elliott Duckworth Associates

**DATE OF DECISION** : 11 November 2014

In terms of Section 65(1) of the KwaZulu Natal Planning & Development Act, 2008 (Act No. 6 of 2008), the removal of restrictive conditions:

The application is for the removal of clauses B.5 and B.6 from C.C.T. No. T 32028/1997, pertaining to Erf 6249 Tongaat, (b) 3 and (b) 4 from Title Deed No. T 35343/2012, pertaining to Portion 1 of Erf 126 Tongaat, and B.4 and B. 5 from Title Deed No. T 49599/2004, pertaining to Rem of Erf 125 Tongaat, which reads as follows:

**“Restriction on buildings within 15,24 metres from the north-western boundary; restriction on buildings within 7,62 metres from any street boundary, and within 1,83 metres from any other boundary other than the north-western boundary;”**

for various Erven of Tongaat, situate at 37 High Street, Tongaat, is **APPROVED** for the following reasons:

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- That in terms of the KwaZulu-Natal Planning and Development Act, 2008, (Act No. 6 of 2008), clauses B.5 and B.6 from C.C.T. No. T 32028/1997, pertaining to Erf 6249 Tongaat, (b) 3 and (b) 4 from Title Deed No. T 35343/2012, pertaining to Portion 1 of Erf 126 Tongaat, and B.4 and B. 5 from Title Deed No. T 49599/2004, pertaining to Rem of Erf 125 Tongaat, pertaining to various Erven of Tongaat, situate at 37 High Street, Tongaat, be removed.
- The removal of the restrictive conditions will pose no threat to the environment.
- Notice to all interested and affected parties was given, and no written comments were received in response to the notifications. The registered planner considered the application and found that it was desirable in the public interest for the conditions to be removed.

You are hereby advised that the granting of this application:

- does not absolve the applicant from any duties or responsibilities which may be imposed on the applicant by virtue of the title deeds of the property;
- does not bind the Council to issue or to authorise the issue of any licence, permit or further consent.
- does not constitute an approval in terms of the National Building Regulations or any other law.

**Your attention is drawn to the following:**

**Effective Date of this authority:**

This authority shall become effective upon –

- the expiry of the 28 day period if no appeal was lodged against the decision of the municipality and no application was made for the late lodging of an appeal; or
  - the finalisation of the appeal, if an appeal was lodged against the decision of the municipality.
- (c) **Rights of Appeal:**

Your attention is drawn to the provisions of Section 62(1) of the Local Government: Municipal Systems Act No. 32 of 2000 in terms of which any **applicant** whose rights are affected by this decision, may appeal against such decision. In terms of this section, any applicant desiring to appeal must give notice of their intention to appeal and reasons therefore by hand to the Head: Development Planning, Environment and Management, 166 K E Masinga Road (formerly Old Fort Road), Durban, within 21 days of the date of posting of this letter (not the date of receipt of this letter).

**Note:** An appeal fee (non-refundable) shall be payable on lodging of the memorandum with the Head: Development Planning, Environment and Management. In the event of the fee not being paid, the appeal shall be deemed as not being lodged.

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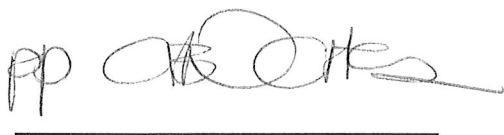
If subsequent to the outcome of the appeal, you the applicant are still aggrieved by this decision of Council you are hereby advised of your right of appeal in terms of Section 67 of the Planning and Development Act No. 6 of 2008.

Your attention is further drawn to the provisions of Section 113 of the KwaZulu Natal Planning and Development Act No .6 in terms of which any **applicant or any person who submitted written comments** and who feels aggrieved by a decision of the Council may lodge an appeal. Six (6) copies of your appeal must be lodged with the Office of the Registrar of the Planning and Development Appeal Tribunal. A copy of your appeal must also be served on the Head: Development Planning, Environment and Management, the Applicant and every other person who submitted written comments to this matter. Your appeal must be served on all parties and lodged with the Registrar of the KwaZulu Natal Planning and Development Appeal Tribunal **within twenty eight (28) days** of receipt of this notification.

You are also advised that should you be unable to comply with the peremptory **twenty eight (28) days** period for lodging your appeal, you may, in terms of Section 125 of the KwaZulu Natal Planning and Development Act No 6 of 2008, apply for condonation of the late lodging of your appeal to the KwaZulu Natal Planning and Development Appeal Tribunal. Such application for condonation must be lodged with the Office of the Registrar as well as served on Head: Development Planning, Environment and Management, the Applicant and every other person who submitted written comments to this matter within twenty eight (28) days of receipt of this notification.

Kindly also note that should you require a site inspection be held, please include a brief motivation for such in your appeal documentation. Please also ensure that your appeal documentation is paginated and indexed accordingly and includes proof of receipt of this decision notification as well as proof of circulation of copies of your appeal to Council, the Applicant and any other person who submitted written comments.

Yours faithfully



**HEAD: DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT**

SK (2014-11-11)

2014-11-17

**ETHEKWINI MUNICIPALITY**

**DEVELOPMENT PLANNING AND MANAGEMENT UNIT**

MINUTES OF JOINT ADVISORY COMMITTEE

(Meeting held on Tuesday, 2014-11-11 T08:30)

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PRESENT : Norton Manager Lum (Chairperson), Pillay (Regional Co-ordinator: South-), Moodley (Regional Co-ordinator: Outer West-), Taljaard (Regional Co-ordinator: North), Chetty (Regional Co-ordinator: Inner West), and Parker (Regional Co-ordinator: Central).

PRESENT : Colborne (Acting Regional Co-ordinator: Information Centre)

OFFICIALS

PRESENT : Central:  
Ally (Senior Professional Planner), Ngcobo (Senior Technical Planner), Kerr (Senior Technical Planner) and Mchunu (Senior Technical Planner)

South :

Machi (Senior Technical Planner)

North:

Dawe (Senior Technical Planner) and Hlatshwayo (Senior Technical Planner)

Secretariat:

S Khumalo

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MINUTES OF JOINT ADVISORY COMMITTEE

18. APPLICATION IN TERMS OF THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, ACT NO. 6 OF 2008 VARIOUS ERVEN OF TONGAAT, REGISTRATION DIVISION FT : 37 HIGH STREET, TONGAAT

The purpose of this memorandum is to remove Clauses B.5 and B.6 from C.C.T. No. T 32028/1997, pertaining to Erf 6249 Tongaat, (b) 3 and (b) 4 from Title Deed No. T 35343/2012, pertaining to Portion 1 of Erf 126 Tongaat, and B.4 and B. 5 from Title Deed No. T 49599/2004, pertaining to Rem of Erf 125 Tongaat, being 37 High Street, Tongaat. Registration Division FU eThekwini Municipality, Province of KwaZulu-Natal. The application has been duly advertised in the press and notices have been served on interested and affected parties in accordance with KwaZulu-Natal Planning and Development Act, (Act No. 6 of 2008) ("The Act"). No written comments were received in response to the notifications. It is recommended that Council removes Clauses B.5 and B.6 from C.C.T. No. T 32028/1997, pertaining to Erf 6249 Tongaat, (b) 3 and (b) 4 from Title Deed No. T 35343/2012, pertaining to Portion 1 of Erf 126 Tongaat, and B.4 and B. 5 from Title Deed No. T 49599/2004, pertaining to Rem of Erf 125 Tongaat, being 37 High Street, Tongaat. Registration Division FT, to all the conditions mentioned in the title deed.

Following the discussion of the application , it was

RESOLVED TO RECOMMEND

That in terms of the KwaZulu Natal Planning and Development Act, (Act No. 6 of 2008), Clauses B.5 and B.6 from C.C.T. No. T 32028/1997, pertaining to Erf 6249 Tongaat, (b) 3 and (b) 4 from Title Deed No. T 35343/2012, pertaining to Portion 1 of Erf 126 Tongaat, and B.4 and B. 5 from Title Deed No. T 49599/2004, pertaining to Rem of Erf 125 Tongaat, being 37 High Street, Tongaat, is Removed for the following reasons :

18.1 The rezoning and consolidation portion of the application was approved at a recent Joint Advisory Committee meeting.

18.2 The removal of the restrictive conditions will pose no threat to the environment.

18.3 Notice to all interested and affected parties was given, and no written comments were received in response. The registered planner considered the application and found that it was desirable in the public interest for the conditions to be removed.

The meeting terminated at T12:30

CHAIRPERSON

Date: .....