

**APPLICATION FORM I (for Official Use)**

Ref:
Date Received:
Application no:
Approved: Not Approved:
Date of Permit:
Permit No:

APPLICATION IN TERMS OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5/2018) FOR THE CONDONATION/APPROVAL/RECTIFICATION OF THE UNLAWFUL COMMENCEMENT OR CONTINUATION OF WORK ON, OR DAMAGE TO, HERITAGE RESOURCES PROTECTED IN TERMS OF CHAPTERS 8 & 9 (sections 37 to 50, including both generally and specially protected heritage resources).

This form is to be used for applications where work was commenced, alternatively completed without the prior written approval of the Institute in its capacity as the Provincial Heritage Resources Authority. If no work has been undertaken select the appropriate form from the website www.heritagekzn.co.za.

NB: IT IS AN OFFENCE IN TERMS OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5/2018) TO MAKE ANY FALSE STATEMENT OR FAIL TO PROVIDE REQUIRED INFORMATION IN THIS APPLICATION (Consult the attached guidelines before completing this form)
THE ONUS IS ON THE APPLICANT TO ENSURE THAT THE CURRENT APPLICATION FORM IS USED. APPLICATIONS ON NON-COMPLIANT FORMS WILL NOT BE PROCESSED

ALL APPLICATION FORMS, REQUIRED SUPPORTING DOCUMENTATION AND PROOF OF PAYMENT MUST BE SUBMITTED TO THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE AS PER THE GUIDELINES ATTACHED, THE TYPE OF CONTRAVENTION WILL DETERMINE THE METHOD OF SUBMISSION.

A. DECLARATION BY OWNER

I,

(full names of owner/person authorized to sign) undertake strictly to observe the terms, conditions, restrictions, by-laws and directions under which the KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE may issue the written approval of the work to me.

Signature

Place

Date

(The owner of the property must fill in these details and those in Section E: 3 and sign this document and any plans or other documents submitted in support of this application)

B. PROPERTY DESCRIPTION:		Title Deed No.
Name of property/Project title: _____		
Off/Lot/Section No:	GPS Co-ordinates Rm of Erf 1220, Durban - 29° 33' 47.07" S 31° 01' 15.07" E	
Street Address, Suburb, Town: 225 Problem Mkhize (Covey) Road		
Local Municipality eThekweni	District Municipality Traditional Authority Area	—

Current zoning <i>Medium Density Housing</i>	Present use <i>Vacant House.</i>
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C. HERITAGE SIGNIFICANCE: (complete sections appropriate to site)

1. Status of Heritage Resources on the Site:

Permanent Protection:	Heritage Landmark/ Provincial HL	Listed on the Heritage Register	Provisionally Protected (notice issued)	Site in a Protected Area
Generally Protected site containing:	Structures 60 years +	✓ Graves	Archaeological site Battlefield or rock art	Palaeontological material Meteor impact site

2. Historical/Military Significance:

See Report

References

3. Architectural Significance:

Original date of construction:

Significance:

See Report

References

4. Archaeological Significance:

See Report

References

KWAZULU-NATAL

5. Palaeontological Significance:

See Report

References

D. WORK CARRIED OUT WITHOUT PRIOR APPROVAL

1. Purpose of Application:	Damage/destruction/demolition	✓ Alterations/Additions	
Redecoration	Disfigured Written/drawn on	Excavation	

Exhumation	Inundation	Development
Collection/Removal from original site	Trade/export (heritage objects)	Restricted use of equipment s40(5)
Consolidation/Subdivision	Amendment of Plan	Other

2. Existing improvements made on site:

See Report

3. Detail the work commenced/carried out

See Report

4. Motivation for work (Please motivate fully why work was commenced without approval)

See Report

Status of work	Commenced	Stopped	Completed
Date commenced		Date stopped	Completion date

E. CONTACT DETAILS

1. CONTRACTOR (the person who has done or who will complete the work)

NAME	<i>Not Appointed As Yet</i>
POSTAL ADDRESS	

	POST CODE
TEL	FAX/EMAIL
CELL	QUALIFICATIONS
REGISTRATION OF INDUSTRY REGULATORY BODY:	

2. ARCHITECTURAL PROFESSIONAL/ HERITAGE PRACTITIONER

NAME	Frank Kaviz	
POSTAL ADDRESS	146 Curries Road	
	POST CODE	4001
TEL	FAX/EMAIL	
CELL	071 8426757	
PROFESSIONAL REG. NO. PrArch 2020 S.		
Author's Drawing Nos.		
SIGNATURE	20.5	
	DATE 12 April 2023	

3. OWNER OF PROPERTY (Owner or delegated person to sign on the front of this form)

NAME	Mahomed Azz Khan	
POSTAL ADDRESS	671 Stephan Dlamini Road, Essenveld, Durban	
	POST CODE	4001
TEL	FAX/EMAIL	

4. DELEGATED AUTHORITY (The name of the person authorized to act on behalf of a company or institution – Power of Attorney/proof of authorization to be attached)

NAME	N/A	
TEL	FAX/EMAIL	

F. SUBMISSION FEE: R4000.00 (subject to annual increment on the 1 April)

The submission fee is payable to the Kwazulu-Natal Amafa And Research Institute by bank deposit/internet banking (EFT) and proof of payment must be submitted with the application.

USE STREET ADDRESS/FARM NAME OR DEVELOPMENT/PROJECT TITLE OR SAHRIS ID NUMBER AS REFERENCE

ACCOUNT DETAILS:

ABSA BANK: Branch: ULUNDI Bank Code: 630330

Account in the name of the KZN Amafa and Research Institute

Account No. 40-5935-6024

G. PUBLIC PARTICIPATION: (Contact details of Interested and Affected Parties Consulted – written opinion to be attached to form and drawings to be signed by I & A.P. See Guidelines)

Name _____
Telephone _____ Fax/Email _____

H. CHECKLIST OF SUPPORTING DOCUMENTATION (*see guidelines)

APPLICATION FORM (COMPLETED & SIGNED BY OWNER & CONSULTANT)	
MOTIVATION/INCEPTION REPORT	
PHOTOGRAPHS*	
ORIGINAL/PREVIOUS DRAWINGS/REPORTS	

KWAZULU-NATAL
AMAFYA AND RESEARCH INSTITUTE

ISIKHUNGO SAMAFYA NOGWANINGO
SAKWAZULU-NATALI

KWAZULU-NATAL
AMAFYA-EN NAVORSINGSINSTITUUT



195 Langalibalele Street
PO Box 2685
Pietermaritzburg 3200

Tel: 033 394 6543
Fax: 033 394 6552

Email: badmin@amafapmb.co.za
www.heritagekzn.co.za

Ref: 19/188L

21 November 2019

M.A. KHAN
671 STEPHEN DLAMINI ROAD,
ESSENWOOD,
DURBAN, 4001

Dear M.A. KHAN,

DEMOLITION: 225 PROBLEM MKHIZE ROAD, MORNINGSIDE, DURBAN:

The permit application in respect of the above, received on the 21 August 2019, reviewed by the KwaZulu-Natal Amafa and Research Institute (Institute) on the 27 September 2019 refers. The properties were inspected from the street on the 29 October 2019. Please be advised as follows:

1. The building forms part of a group of similar buildings many of which are protected as Grade III heritage resources through Appendix 7 to the Town Planning Scheme that was adopted into the Provincial Heritage Register in 1997. As a generally protected heritage resource it should have been maintained to minimum standard. This has not been done, particularly over the last 5 years when it together with 217 and 221 Problem Mkhize Road had been left to be vandalised on a daily basis. This amounts to demolition by neglect and a Rectification of Unlawful Work application (Form I) must be submitted together with the balance of the fee applicable to that application (R3200.00). An affidavit from the owner stating why the buildings have been allowed to be damaged must accompany the application.
2. The building, together with the buildings on 217 & 221 Problem Mkhize Road must be repaired to the state they were when they were listed or to the last approved plans.
3. Whilst a demolition permit is refused, a proposal for the development across the rear of the three properties 217, 221, & 225 will be considered. The proposal needs to be illustrated in a form of Floor plan, site plan, and elevation as required in the guidelines.
4. Public participation is also required - consult all neighbours within 100m of the boundaries of the site.
5. As conveyed to your appointed agent, Mags Moodley, via telephone on the 01 October 2019 the application involves the consolidation of three or more sites so a Heritage Impact assessment is required. This Impact Assessment must include a condition assessment with recommendations for the rehabilitation of the buildings on the three sites.

Written responses/requests for reviews must be received via email to badmin@amafapmb.co.za within 30 days of the date of this letter or any decisions contained herein will be considered final. Six months from this letter is allowed for the submission of any required revised drawings/required documentation before the application lapses and a new application will be required.

THIS LETTER DOES NOT CONSTITUTE FORMAL APPROVAL OF THE PROPOSAL SUBMITTED TO THE INSTITUTE. UNAUTHORISED WORK CARRIED OUT ON THE ABOVE SITE WILL BE IN CONTRAVENTION OF THE KWAZULU-NATAL AMAFYA AND RESEARCH INSTITUTE ACT (5 of 2018).

Yours faithfully,

ROS DEVEREUX
Head: Built Environment Section



R4 000.00 paid to kzn Amafa and research institute's bank account

Payment date

26 March 2023

Bank name

ABSA BANK

Account number

4059356024

Your reference

amafa 225 problem mkhize

Recipient's reference

225 Problem Mkhize Rd (32 11TH

Email notification

beadmin@amafapmb.co.za

 Share proof of payment

Finish

New payment

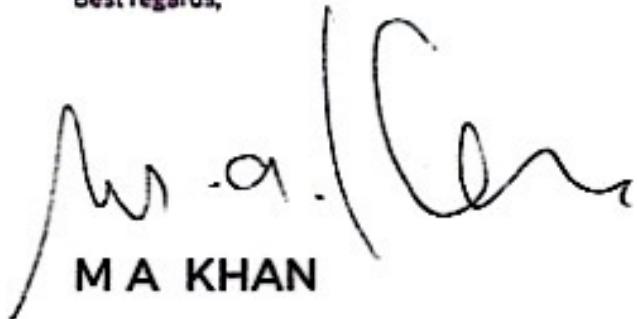
Letter of Representative

25 March 2023

To whom it may concern:

I Mahomed Aziz Khan, have appointed FRANK REITZ to handle the demolition process with KwaZulu-Natal Amafa And Research Institute of 217, Problem Mkhize Road (24 11th Avenue), 221 Problem Mkhize Road (28 11th Avenue), 225 Problem Mkhize Road (32 11th Avenue) Durban. I grant him permission to request information/drawings from Town Planning to assist us in this process.

Best regards,



A handwritten signature in black ink, appearing to read "M A Khan". The signature is fluid and cursive, with the initials "M A" on the left and "Khan" on the right.

M A KHAN



BEREA SAPS

AFFIDAVIT

FULL NAMES: Nadim Mahomed Khan

IDENTITY NO: 97 08 11 5134 081

RESIDENTIAL ADDRESS: 671 Stephan Dlamini Road

CELL NR: 065 963 1479;

STATES UNDER OATH IN ENGLISH: The year 2011, upon the begining of theft at 217-225 Problem Mkhize Road. Occupied at 221 Problem Mkhize RD when the deed of transfer had went through. We as the Khan family had lived in 217 Problem Mkhize RD (cowey RD) was out of town. On arrival of our home (217 Problem Mkhize RD) we have found that the previous owners of 221 Problem Mkhize RD (cowey RD) had dumped the keys of the property (221 Problem Mkhize RD) into our mailbox (217 Problem Mkhize RD) upon entry of (221 Problem Mkhize RD) we had noticed it was flooded and all the taps and copper had been stolen. The following year we had owned properties 217,221,225 Problem Mkhize Road (cowey RD). In 2016 we had moved from 217 Problem Mkhize RD. Theft of our properties valuables had increased despite having two dogs, armed response and our own security checks. From the wiring to the aluminium doors, basically anything of value had been stolen. We replaced many items until it happened so often that our pockets could not keep up. Many criminals have been arrested, many have gotten away. Cases have been opened but on our side we did not record the case numbers. SAPS have it manually recorded with our ID numbers. Only the structure remains of the houses. In 2019 we had issues with a group of people who tried to claim all properties (217-225) as their own, with the help of Berea SAPS and Covid-19 it quieted down. The last incident occurred in 2020.

I know and under the contents of this statement, I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my conscience:

Signature of Deponent: N.X.

2023-03-30

I certify that the Deponent has acknowledged that he/she knows and understands the contents of this statement which was sworn to before me and the deponent's Signature/mark/thumb print was placed thereon in my presence at BEREASAPS on: 23/03/29 COMMISSIONER OF OATH'S SIGNATURE *Scrt 71822267
OD 2E, WBC*

NAMES AND SURNAME: Nadeem Khan

FORCE NO: 71822267 RANK: Scrt

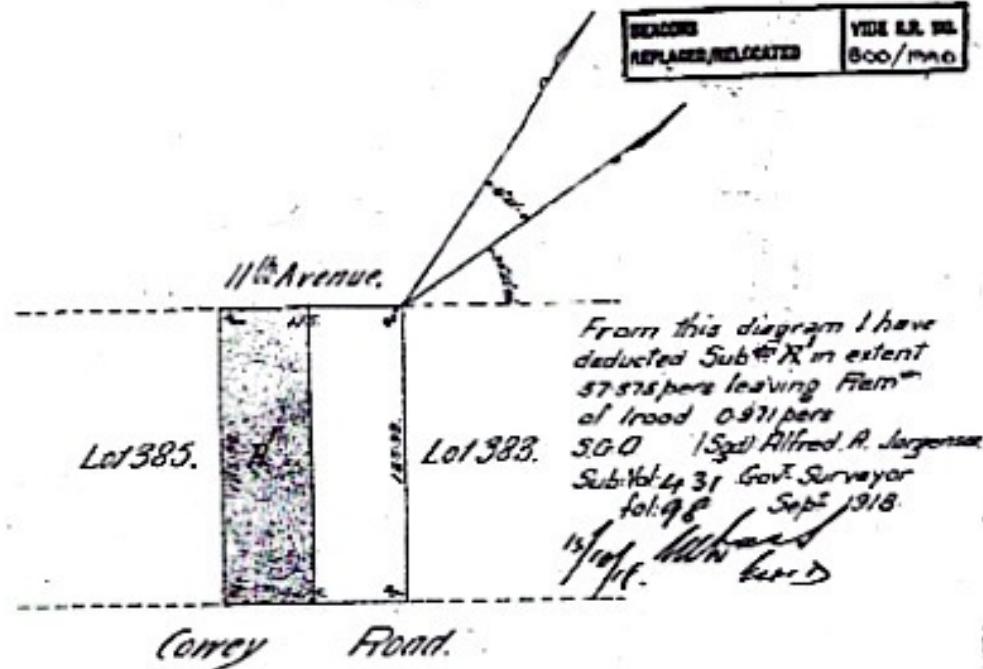
182 BOTANIC GARDENS ROAD, BEREAS, DURBAN 4001.

Original Instrument
Stamped L.G.S. & d.
Off.
Examiner of Diagrams

S.G.O.
Sub. Vol. 362 fol. 44

44 per Off.
Ex. of D.

SEARCHED	VIDE S.R. VOL
REPLACED/RELOCATED	600/1900



Lot 1220

0 100 200 300 400 500 600 700 800 900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2900 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000 10100 10200 10300 10400 10500 10600 10700 10800 10900 11000 11100 11200 11300 11400 11500 11600 11700 11800 11900 12000 12100 12200 12300 12400 12500 12600 12700 12800 12900 13000 13100 13200 13300 13400 13500 13600 13700 13800 13900 14000 14100 14200 14300 14400 14500 14600 14700 14800 14900 15000 15100 15200 15300 15400 15500 15600 15700 15800 15900 16000 16100 16200 16300 16400 16500 16600 16700 16800 16900 17000 17100 17200 17300 17400 17500 17600 17700 17800 17900 18000 18100 18200 18300 18400 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98700 98800 98800 98900 99000 99100 99200 99300 99400 99500 99600 99700 99800 99900 100000

NO. ON
FU

Q 45

Surveyed by me:

O. S. Jenkins,
Government Surveyor.

Oct. 1912.
1053/1021A

S

SR 20487

BAD BUILDINGS (MAHATMA GANDHI PRECINCT) - AMAFA DISCUSSIONS

No.	Street Address and Name of Building	Type of Challenge	Type of Ownership and Owner of Building	Zoning	Categorization / Process	Profiling of buildings	Planned Usage	Short Term (0-6 months) Medium Term (6-12 months) Long Term (>12 months)
OUTER CITY								
1	221 and 225 Problem Mhlope Road and 24 Eleventh Avenue, Berea, DURBAN	1. Dilapidated 2. Uninhabited 3. Community and amenities affected	Private	TBC	1. Dilapidated Buildings And Council's Right To Repair Buildings And Recover Costs		Residential	



Whose heritage is it, anyway?

Holding an organ of state determine which privately owned properties can or cannot be altered, and to what extent, surely has no place in our constitutional democracy.



**Michael
Pamphilis**
CONTRIBUTOR

THE HERITAGE ACT HAS BEEN THE subject of much debate in recent months. The proposed legislation, which would give the Minister of Heritage the power to designate buildings and landscapes of national historic significance, has been roundly criticized by historians, heritage organizations, and others who believe that it would infringe on the rights of private property owners. The act has also been defended by those who argue that it is necessary to protect Canada's cultural heritage from being destroyed or altered without proper consideration.

The opposition to the act has been strong, with many groups and individuals expressing concern about its potential impact on private property rights. Some have argued that the act could lead to the designation of too many buildings and landscapes, which would result in unnecessary regulation and restrictions on property owners. Others have expressed concern about the lack of consultation and input from the public in the development of the act.



Many other buildings in Canada, such as this before its designation as a national historic site, are at risk of being destroyed or converted to other uses without permission from the government. (Photo: Michael Pamphilis)

Having an organ of state determine which privately owned properties can or cannot be altered, and to what extent, surely has no place in our constitutional democracy.

Heritage is a valuable part of Canada's history and culture, and it is important to protect it. However, the proposed act has raised concerns about its potential impact on private property rights. It is essential that the government carefully consider these concerns and work to develop a balanced approach that protects both heritage and private property rights.

In addition, the government should ensure that the act is well-defined and clearly outlined, so that property owners know exactly what they can and cannot do with their property.

It is also important to remember that heritage is not just about buildings and landscapes; it is also about the stories and traditions that are associated with them. By protecting heritage, we are protecting a piece of our collective history and ensuring that it is passed down to future generations.

Overall, the proposed act has the potential to be a positive step towards protecting Canada's cultural heritage. However, it is crucial that the government carefully consider the concerns of property owners and work to develop a balanced approach that protects both heritage and private property rights.

It is also important to remember that heritage is not just about buildings and landscapes; it is also about the stories and traditions that are associated with them. By protecting heritage, we are protecting a piece of our collective history and ensuring that it is passed down to future generations.

Overall, the proposed act has the potential to be a positive step towards protecting Canada's cultural heritage.

Michael Pamphilis

is a historian and author based in Toronto, Ontario. He holds a PhD in history from the University of Waterloo and has written several books on Canadian history, including "The War of 1812" and "The History of Canada." He is currently working on a new book about the history of Canada's cultural heritage.