



DEVELOPMENT PLANNING ENVIRONMENT & MANAGEMENT UNIT
Development Planning Department
Land Use Management Branch

166 K E Masinga Road, Durban, 4001

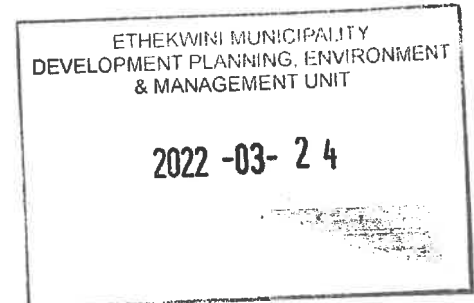
P O Box 680, Durban, 4000

Tel: 031 311 1111

www.durban.gov.za

GCFP No : 21/7/3
Our Reference : LUM20210840002/CS
Enquiries : Mr N Mzimela
Telephone : (031) 3117077
e-Mail : nkanyiso.mzimela@durban.gov.za

DATE:



Elliott Duckworth Associates
P.O. Box 20431
Durban North
4016

COMBINED APPLICATION DECISION NOTICE

APPLICATION NO. : LUM20210840002/CS

PROPOSED DEVELOPMENT : **COMBINED FOR:**
PART A
THE AMENDMENT OF THE ETHEKWINI MUNICIPAL LAND USE SCHEME: CENTRAL SUB-SCHEME BY TO REZONING OF ERF 7292 DURBAN FROM GENERAL RESIDENTIAL 2 TO GENERAL BUSINESS 2, SITUATED AT 332 UMBILO ROAD, GLENWOOD, DURBAN AND;

PART B
TO REMOVE RESTRICTIVE CONDITIONS OF TITLE LETTERED B (3) & B (5) FROM DEED OF TRANSFER NO. T25731 / 2019.

CADASTRAL DESCRIPTION : **ERF 7292 DURBAN**

STREET ADDRESS : **332 UMBILO ROAD**

REGISTERED OWNER : **THE TRUSTEES OF COVENANT FAMILY TRUST**

PART A

In terms of Section 46(1)(a) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) application for the amendment to the eThekweni Municipal Land Use Scheme: Central Sub-Scheme by the Rezoning of Erf 7292 Durban situated at 332 Umbilo Road from General Residential 2 to General Business 2 is **Approved** for the following reasons:

1. The General Business 2 zone will provide additional and complementary services to that provided by the Shops along the Umbilo Road and will form a buffer between the Industrial zones and Special Residential 900 zones.

PART B

In terms of Section 46(1)(a) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) the application for the amendment to the eThekweni Municipal Land Use Scheme: Central Sub-Scheme by the remove restrictive conditions of title lettered b (3) & b (3) from deed of transfer no. T25731 / 2019 is Approved.

Which read

1. The removal of these restrictions will align the subject property with existing development controls as per the Central Sub-scheme of the eThekweni Municipality as well as to meet the applicants intended use of the subject site.

This Decision Notice must be submitted with any Building Plan submission.

You are hereby advised that the approval of this application:

- a) 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;
- b) does not bind the Council to issue or to authorise the issue of any licence, permit or further consent.
- c) 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 –

- a) the expiry of the 21 business day period if no appeal was lodged against the decision of the municipality; or
- b) the finalisation of the appeal, if an appeal was lodged against the decision of the municipality.

It should be noted that in terms of Section 47 of the eThekweni Municipality: Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), this application will have no force or effect until such time as the above conditions have been complied with and the Compliance Certificate has been issued. The responsibility remains with the applicant/owner to provide proof of compliance and initiate the Compliance Certificate process.

The conditional approval of this application lapses if a condition is not complied with, within–

- a) a period of two years from date of this decision, if no period for compliance is specified in the conditions; or
- b) the period for compliance if specified in this approval, which, together with any extension which may be granted, may not exceed five years.

Rights of Appeal:

A person whose rights are affected, as set out in Section 60 of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), by this decision may appeal against such decision by giving written notice of the appeal and reasons to the **Municipal Manager, the Applicant, any person granted intervener status and any other person who has noted an appeal** within 21 business days of the date of notification (registered postdate/email/collection or other reasonable legal method of notification) of the Decision Notice, as set out in the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017).

An appeal may be lodged as follows:

The Municipal Manager
c/o
eThekweni Municipality SPLUMA Office
First Floor Room 117
166 K E Masinga Road
Durban
4001

or

PO Box 680
Durban
4000

Attention: Ms A Nkomonde
Email: anele.nkomonde@durban.gov.za
Tel: 031 322 8269

or



Ms Lungile Silangwe
Email: lungile.silangwe@durban.gov.za
Tel: 031 311 7862

Note: An appeal fee of R5 296.00 (incl. VAT) shall be payable on lodging of the memorandum with the eThekweni Municipality SPLUMA Office for the attention of the Municipal Manager. In the event of the fee not being paid, the appeal shall be deemed as not being lodged. Please request banking details for payment of the appeal fee from the SPLUMA Office.

Section 63(2)(1) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) requires that a 'Complete' appeal be submitted. Any additional information required to form part of the submission must be requested within the 21 business days of the appeal period. The Municipality reserves its rights to use its discretion in granting extensions and the supplementing of information where the information requested is not made available within the 21-day appeal period.

Should the Municipality not be notified within 21 business days of an Appeal lodged in terms Section 60 of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) then this approval shall be deemed to have come into force and effect.

Yours faithfully

RECOMMENDED BY:	
 Signature	Date: 23/03/2022
CB NORTON SENIOR MANAGER: LAND USE MANAGEMENT	
APPROVED BY:	
Signature: 	Date: 22/03/2022
M PHEWA HEAD: DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT	

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