



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

X I, A.S Marimuthu

(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.

X Signature

Place DURBAN Date 23 March 2023

(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. T 28665 21
Name of property/Project title: 133 Helen Joseph Rd - Capello Restaurant	
Erf/Lot/Farm No: Erf 6563	GPS Co-ordinates -29.85953, 30.99893
Street Address, Suburb, Town: 133 Helen Joseph Road Bulwer Durban	
Local Municipality eThekweni Municipality	District Municipality N/A Traditional Authority Area

Current zoning General Residential 2	Present use Restaurant
---	---------------------------

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:

1. Building is older than 60 years old, it is not listed or in B. Kearney's revised listing. 2. The assumed owner in 1922 as per the approved plan Mrs. E. I Lyle, no notable historical significance related to the family name (1820 settlers passengers list). 3. No record of the Architect or Author of the plan was found at records at eThekweni Municipality or UKZN Architecture Library. 4. The residence is a mixture of Victorian and Edwardian influences. There is no notable historical significance of the building to report.

References

3. Architectural Significance: Mix of Victorian & Edwardian Architecture Original date of construction: 02-10-1922

Significance:

The original house underwent significant changes over-time. It served as a residence for a long while since 1922. (Annex 1). In the 1980's plans were submitted for a swimming pool which was later removed. (Annex 2) During the 90's plans were submitted for front boundary walls and a new feature pediment ~~pedestrian entrance gateway which was later constructed. This is the most recent official plans on record whereas photographic evidence shows adhoc alterations to the building for which no approved plans exist as follows: Google Str. View Annexure 4 Image 5 - 2009-2017, shows the typical firstfloor balcony and ground floor verandah being enclosed. In 2015 the house was converted to Orthopedic Surgeon offices for which no approved plans exist. 2017 a new roof over the front window. Between 2017 & 2021 internal and external window changes were made. Image 2, 2022 to present under the current owner, shows changes to some of the windows, doors, new roof and the addition of a canopy.~~

References

4. Archaeological Significance: No Archeological Significance to Note

References

5. Palaeontological Significance: No Palaeontological Significance to Note

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:

(Refer to the drawings Sh1 & Sh2)

(1) New covered seating area (Image 1).

~~(2) New metal roof sheeting & timber trusses wherever damaged and failed (Image).~~

(3) New aluminium windows in places as shown

(4) New internal concrete floor

(5) Interior & Exterior wall finishes redone and walls refurbished and made good.

3. Detail the work commenced/carried out

Exterior & Interior Changes

1. A new elevated timber deck consisting of steel posts and metal roofing overlooking the sidewalk has been constructed. This structure clips onto the existing facade of the building and is typical in character of surrounding similar type of restaurants adding to the animation of the streetscape. The covered space is intended for outdoor seating & dining.

2. The existing roof sheeting was leaking in several areas causing significant damage to the roof trusses and internal ceilings. Some of the timber trusses were also in poor condition showing signs of borris. A new metal roof and trusses where necessary were replaced.

3. The existing timber windows were in poor condition also showing signs of borris and significant water damage from over the years. Therefore windows were replaced with aluminium windows.

4. Most of the existing pine floors were very old, damaged and showed signs of borris and was replaced with concrete floors. The upstairs timber flooring was removed due to poor condition. The good sections at the front of the building was retained to create an upstairs sit-down eating space.

5. Both the internal and external walls were refurbished and re-plastered and painted. Where the walls showed signs of cracks and dampness these were remedied and made good to prevent any further damage to the structure of the building.

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

The current owner unknowingly purchased the property with extensive changes already made to the building for which no approved plans exist for the enclosure of the verandah and balcony, changes to windows and internal alterations which were undertaken prior to 2021 (Google street view images submitted from 2009, 2015 & 2017).

Moreover the building is located along a street identified by the City as part of the Urban Core policy as an entertainment and leisure corridor and an area in transition. Almost all of the buildings have been converted to commercial use, mostly restaurants characterised by covered canopy frontages overlooking the sidewalk (Image). Based on this precedent already set the owner undertook similar additions by clipping onto the facade a covered seating deck and refurbishing the structure where there was material failure. However the owner was ignorant to the need for AMAFA approval prior to making such changes to the building. The owner is therefore making this application to regularise the historical illegal changes made to the building as well as the oversight for AMAFA approval to changes effected by himself and for proposed work. The owner has also submitted a rezoning application (Annexure 5 - Rezoning Application) for a change from residential to limited commercial to operate a restaurant.

The owner intends correcting the oversight in not following due processes and appeals to AMAFA for approval and condonment for the work.

Status of work	Commenced		Stopped	x	Completed	Some completed
Date commenced			Date stopped	Sep 2022	Completion date	May 2022

E. CONTACT DETAILS

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

x	NAME	N/A
	POSTAL ADDRESS	

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

2. ARCHITECTURAL PROFESSIONAL/ HERITAGE PRACTITIONER

NAME Studio3b pty. ltd	
POSTAL ADDRESS 120 Cowey Road, Essenwood Durban	
	POST CODE 4092
TEL	FAX/EMAIL
CELL 0727864027	PROFESSIONAL REG. NO. PrArch 41513736
Author's Drawing Nos. A023-03-2023SH1 & B023-032023SH2	
SIGNATURE 	DATE 23-03-2023

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

NAME A.S Marimuthu	
POSTAL ADDRESS 133 Helen Joseph Rd	
Bulwer, Durban	POST CODE 4001
TEL 072 397 9997	FAX/EMAIL

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

NAME AS Marimuthu	
TEL 072 397 9997	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 N/A

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	✓

PLANS (X2 SETS FOR HARD COPY SUBMISSIONS) - NUMBERED AND COLOURED*			✓
1:50 000 MAP & SATELLITE AERIAL VIEW		KML FILE MAP	✓
PROOF OF PROFESSIONAL ACCREDITATION (e.g. copy of accreditation card)			✓
APPOINTMENT LETTERS		CONSENT LETTER	
PAYMENT/PROOF OF PAYMENT			✓

Exterior Changes

1. A new elevated timber deck consisting of steel posts and metal sheet roofing overlooking the sidewalk has been constructed. This structure clips onto the existing facade of the building and is typical in character of surrounding similar type of restaurants adding to the animation of the streetscape. The covered space is intended for outdoor dining.
2. The existing timber



Type text here

KWAZULU-NATAL
AMAFA
 & RESEARCH INSTITUTE

KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE

THE KZN PROVINCIAL HERITAGE RESOURCES AUTHORITY
(accredited in terms of the National Heritage Resources Act and established in terms of the
KZN AMAFA AND RESEARCH INSTITUTE ACT (5 OF 2018))

GUIDELINES FOR THE PREPARATION OF APPLICATIONS FOR PERMITS IN TERMS OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5/2018), CHAPTERS 8 & 9 (SECTIONS 37-50, including all generally and specially protected Heritage Resources) FOR THE CONDONATION/ APPROVAL/RECTIFICATION OF THE UNLAWFUL COMMENCEMENT OR CONTINUATION OF WORK ON PROTECTED HERITAGE RESOURCES. Please detach from the form before submission

NB: THE PROVISIONS OF SECTION 38 OF THE NATIONAL HERITAGE RESOURCES ACT (25/1999), COVERING DEVELOPMENTS, THAT WERE PREVIOUSLY EXCLUDED FROM THE KZN HERITAGE LEGISLATION HAVE BEEN INCLUDED IN THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (5/2018).

APPLICATION FORMS

All applications must be made on the relevant official application form and must be accompanied by the relevant supporting documentation.

- A. DECLARATION:** The owner must sign the form and any accompanying documentation and must consent to submissions by a third party/agent.
- B. PROPERTY:** Include the name of the property where applicable: e.g. Government House. The street address or farm name and number is the key information and is used as a tracking device in the filing system. Where several street numbers apply to the site, all the numbers must be included.
- C. 1. SIGNIFICANCE:** Sites are permanently protected as Heritage Landmarks (ex-national monument status) or listed on the Heritage Register. Details of the significance are given in the Gazette notice proclaiming the status. Provide the Gazette Notice number or the listing number.
2. HISTORICAL SIGNIFICANCE: a brief history of the occupation of the site and phases of construction, as well as an assessment of historical significance is necessary.
3. ARCHITECTURAL SIGNIFICANCE: An assessment of the condition of the buildings/structures on the site must be given. Provide an analysis of the styles and phases of construction of the building, including alterations and additions and a statement of its architectural significance. A full status quo architectural report must be provided, together with the plans.
4. ARCHAEOLOGICAL SIGNIFICANCE: An assessment of the condition and significance of the archaeological remains must be provided
5. PALAEOLOGICAL SIGNIFICANCE: An assessment of the condition and significance of the palaeontological remains must be provided
- D. WORK CARRIED OUT WITHOUT APPROVAL:** Motivate and give full details of the work carried out and give reasons why this was done without obtaining heritage authority approval prior to commencement. Detail the work to be carried out – do not merely refer to the plans/report submitted. As this is a serious offence punishable through hefty fines and/or a prison sentence if not approved by the heritage authority the applicant must treat this process as if it were a court proceeding and provide as much evidence in mitigation as possible.
- E. CONTACT DETAILS:** All fields must be completed. **THE OWNERS MUST SIGN THE APPLICATION FORMS!! PERMITS ARE NOT TRANSFERABLE**
- G. PUBLIC PARTICIPATION:** the applicant will be notified of the level of public participation required and will have to bear the costs thereof. Neighbours within 100m, Ward Councillors, and Heritage Societies should be consulted in the case of demolition applications. All documentation submitted is retained for record purposes and interested and affected parties may apply to view the documentation.
- F. A SUBMISSION FEE** – a service fee determined by the Council of the Institute is payable on submission of all applications. This is not an admission of guilt fine and the Institute reserves its rights

to prosecute offenders. The application will not be registered as submitted if the proof of payment is not attached to the application form. Ref the street address or farm name on the payment.

***SUPPORTING DOCUMENTATION: Only accredited professionals registered with their respective professional bodies may compile the supporting documentation. Permits may require their overseeing the work.**

FOR STRUCTURES: PLEASE REFER TO THE GUIDELINES CONTAINED IN FORM A which can be downloaded from the website www.heritagekzn.co.za under the tab “Permits”

FOR ARCHAEOLOGICAL SITES: PLEASE REFER FORM D which can be downloaded from the website www.heritagekzn.co.za under the tab “Permits”, AND TO THE SA HERITAGE RESOURCES AGENCY AND ASSOCIATION OF SOUTH AFRICAN PROFESSIONAL ARCHAEOLOGISTS GUIDELINES AND PRESCRIPTS FOR REPORTS AND WORK ON HERITAGE SITES, which can be downloaded from www.sahra.org.za.

FOR PALAEOONTOLOGICAL SITES: PLEASE REFER FORM D which can be downloaded from the website www.heritagekzn.co.za under the tab “Permits”, AND TO THE SA HERITAGE RESOURCES AGENCY AND ASSOCIATION OF SOUTH AFRICAN PROFESSIONAL ARCHAEOLOGISTS GUIDELINES AND PRESCRIPTS FOR REPORTS AND WORK ON HERITAGE SITES, which can be downloaded from www.sahra.org.za.

FOR DEVELOPMENT APPLICATIONS (NHRA Section 38 and KZN A & R I Section 41) REFER TO THE GUIDELINES ATTACHED TO FORM J which can be downloaded from the website www.heritagekzn.co.za under the tab “Permits” AND THE GUIDELINES FOR HERITAGE REPORTS, which can be downloaded from www.sahra.org.za.

SUBMISSION OF APPLICATIONS: Application forms can be downloaded from www.heritagekzn.co.za – look under the “Permits” tab - download forms – Form I.

APPLICATIONS FOR STRUCTURES: Hard copy applications must be addressed to: The Head – Built Environment Section (not to an official’s name), Kwazulu-Natal Amafa And Research Institute, either delivered to 195 Langalibalele Street, Pietermaritzburg, 3201 or posted to BOX 2685, Pietermaritzburg, 3200. Electronic submissions can be made via email to beadmin@amafapmb.co.za or uploaded to the Sahris system operated by the South African Heritage Resources Agency (confirm upload to beadmin@amafapmb.co.za). Minor work applications can be brought into the Institute’s offices on a Monday between 09:00-15:00 and, where possible, they will be handled within about an hour, provided that the bearer waits for the permit or collects it on the same day.

APPLICATIONS FOR MILITARY, ARCHAEOLOGICAL AND PALAEOONTOLOGICAL SITES: these applications must be uploaded to the Sahris system operated by the South African Heritage Resources Agency – go to www.sahra.org.za/sahris. Remember to tick “Amafa” under the KZN Province so that the application lands in the correct inbox on the system. The owner’s details must be entered into the “Applicant” field and the professional’s details must be entered into the “Consultant” field.

APPLICATIONS FOR DEVELOPMENTS RESTRICTED UNDER SECTION 41 (SECTION 38 OF THE NHRA): these applications must be uploaded to the Sahris system operated by the South African Heritage Resources Agency – go to www.sahra.org.za/sahris. Remember to tick “Amafa” under the KZN Province so that the application lands in the correct inbox on the system. The owner’s details must be entered into the “Applicant” field and the professional’s details must be entered into the “Consultant” field.

NB: there may be some overlap with regard to the historical and military sites, graves, memorials and sites containing ruins over 100 years of age or other structures. Applicants must use their discretion and follow the process that best suits the nature of the resources and the work carried out. If incorrect the receiving officer will direct the application to the most appropriate heritage officer.

PROCESSING OF APPLICATIONS: applications are processed in the order in which they are received, except during the December/January holiday break. Allow 90 days for processing of complex applications as these may be submitted to external reviewers before submission to the Council of the Institute. Lobbying of external reviewers will disqualify the application and the matter will be reported to the relevant professional bodies. Written

responses to applications will be forwarded to applicants by email. Telephonic or e-mails enquiries will not generally be responded to.

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. Allow 90 days from the receipt of all required documentation



KWAZULU-NATAL
AMAFA
& RESEARCH INSTITUTE

Domestic

Account Management Funds Transfer Cash Management Reports Help Administration Messages

Message Alerts Current Account - Balances Creditor/Debtor Details - Creditor Details Payments - All Payments

All Payments - Status

Action Date	Reference	Description	From Account	Status	Accept
-------------	-----------	-------------	--------------	--------	--------

Print Preview

Standard Bank of South Africa
The Standard Bank of South Africa Limited (Registered Bank Ref No: 18629007808)

CUSTOMER ALL PAYMENTS FINAL AUDIT REPORT

Customer No	300276523	User Name	ISIP/NGO HILLS SERVICE STATION
User ID	OAB79	Reference	2023082001
Sub Module	SSVS	Action date	20230323
Description	AMAFK KZN		N/A
Final releasing operators	HTF18 AS MARIMUTHU		

Sub-batch	001	From Account no	0000051107333	From Account Name	AHANABELLACO PROPERTY
Trans No	1	Account Name	AMAFK KZN	Amount	4,000.00
Acc No / CDN	4099356024	Statement Ref	133 HELEN JOSEPH ROA	Status Description	FINAL AUDIT TO BE DOWNLOADED
Branch No	630330	Creditor Code	AMAFK KZN	RTGS/RTG	0
ISN/Bus Ref				P	N

Hash Total 1623742409600000

Total Batch amount processed 4,000.00

Total Batch amount rejected 0.00

Total Batch amount 4,000.00

Total RTGS Processed	0	Amount:	0.00
Total RTC Processed	0	Amount:	0.00
Total RTGS Rejected	0	Amount:	0.00
Total RTC Rejected	0	Amount:	0.00

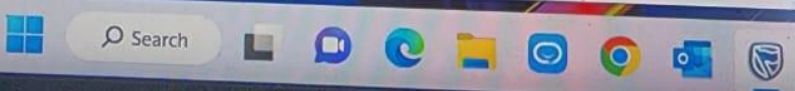
*** DISCLAIMER ***
Make sure that you have entered the correct account number as we will pay to, or collect from, the account number you entered. Banks do not check that the specified account number and account name match. Accordingly, Standard Bank cannot be held responsible for payments going to, or collections being taken from, an incorrect account number should incorrect or fraudulent account details be entered. If you would like more information, speak to your Standard Bank representative about our account verification services.
** END OF REPORT **

Print Page 1 of 1

Previous Next Print Cancel

Search Import Export Create Modify Delete Audit Report Verify Release Authorise Change EFT Report

OAB79 - IS



HUAWEI

DRIVING LICENCE

SADC

SOUTH AFRICA

ZA

CARTA DE CONDUCAO
AS MARIMUTHU

ID No.: 02/761185175087

MALE

Birth: 18/11/1976 ZA Restriction: 1

Licence Number: 20550003GWRH No.: 1

Valid: 13/10/2020 - 12/10/2025

Issued: ZA

Code:

Vehicle restriction:

First issue:

EB
0
18/03/2002



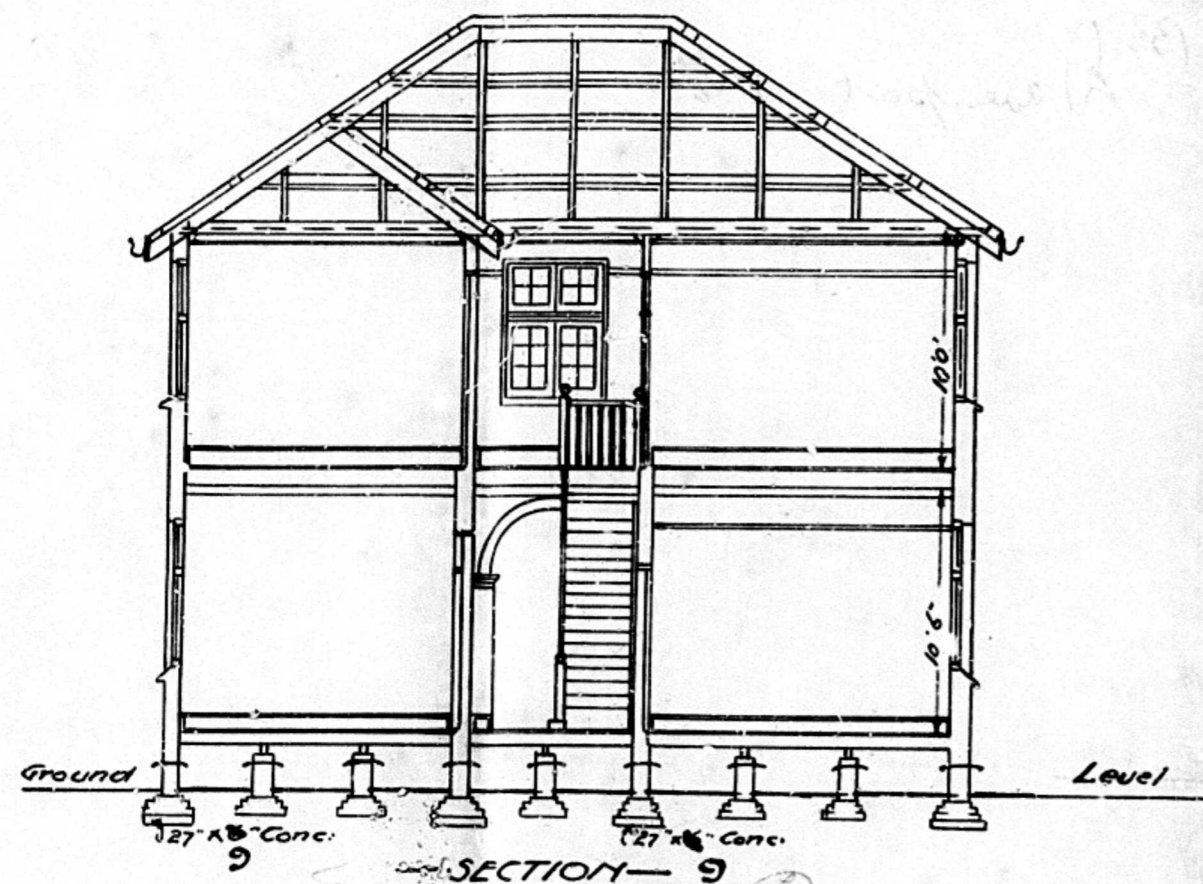
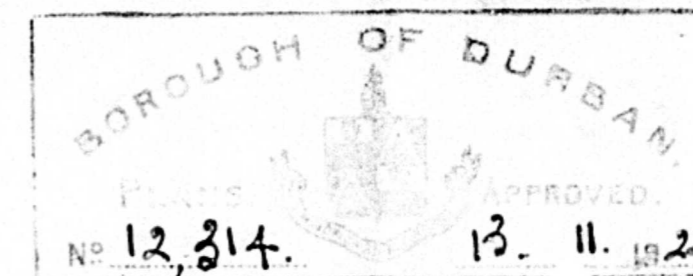
133 Devonport Rd.

PROPOSED RESIDENCE

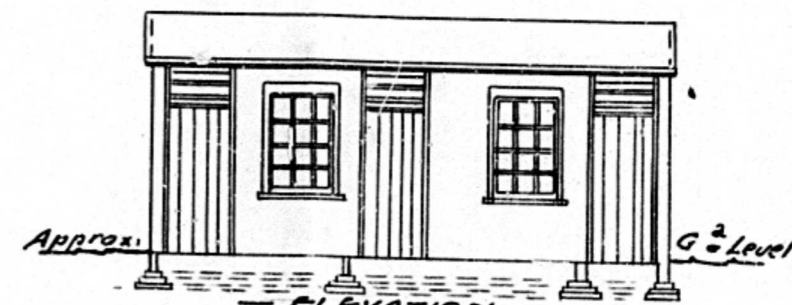
FOR

MRS E. I. LYLE.

To be Erected on Sub? G of Erf 36 B? C.



SECTION 9



ELEVATION

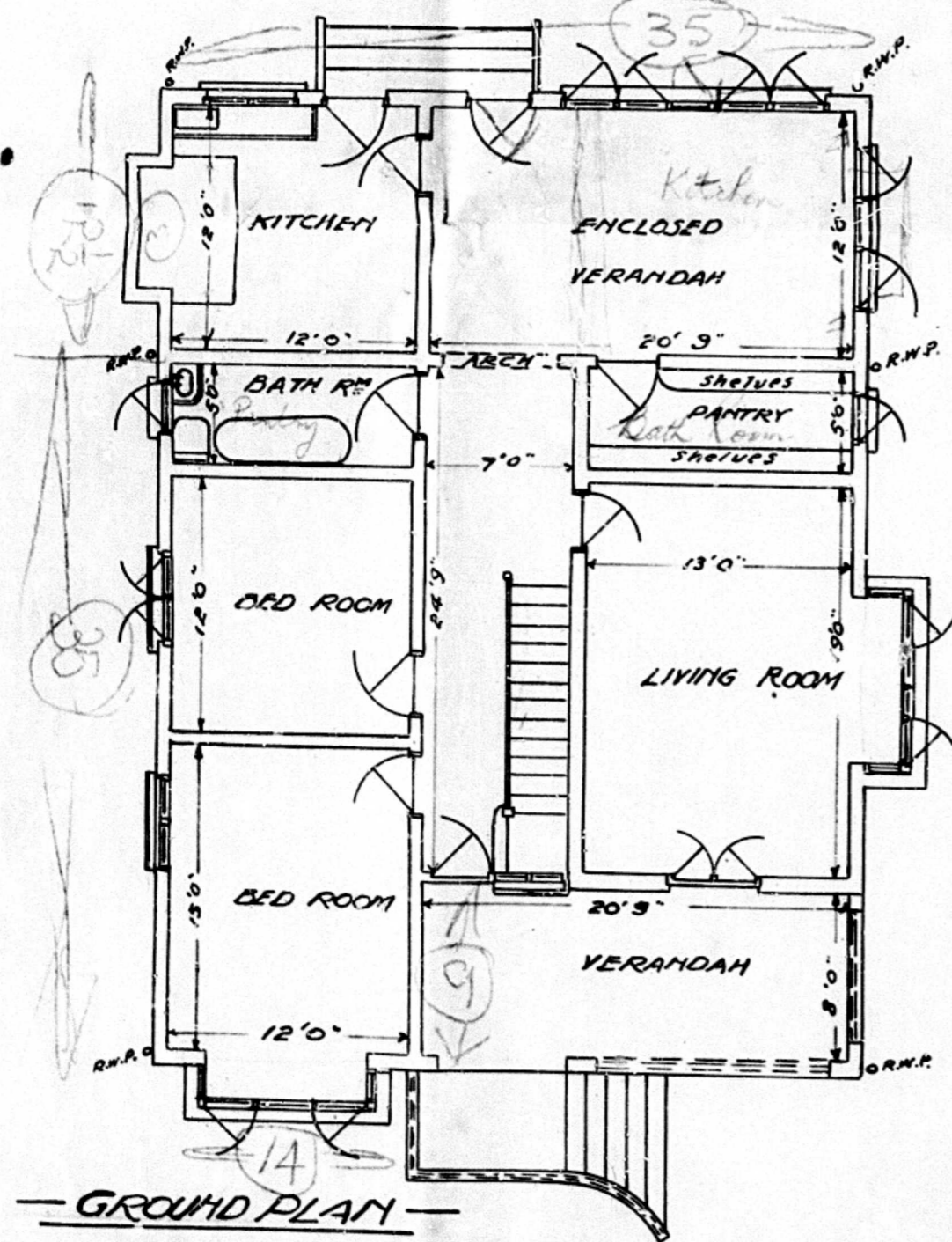
Scale 1/8" = 1ft.

2-10-1922

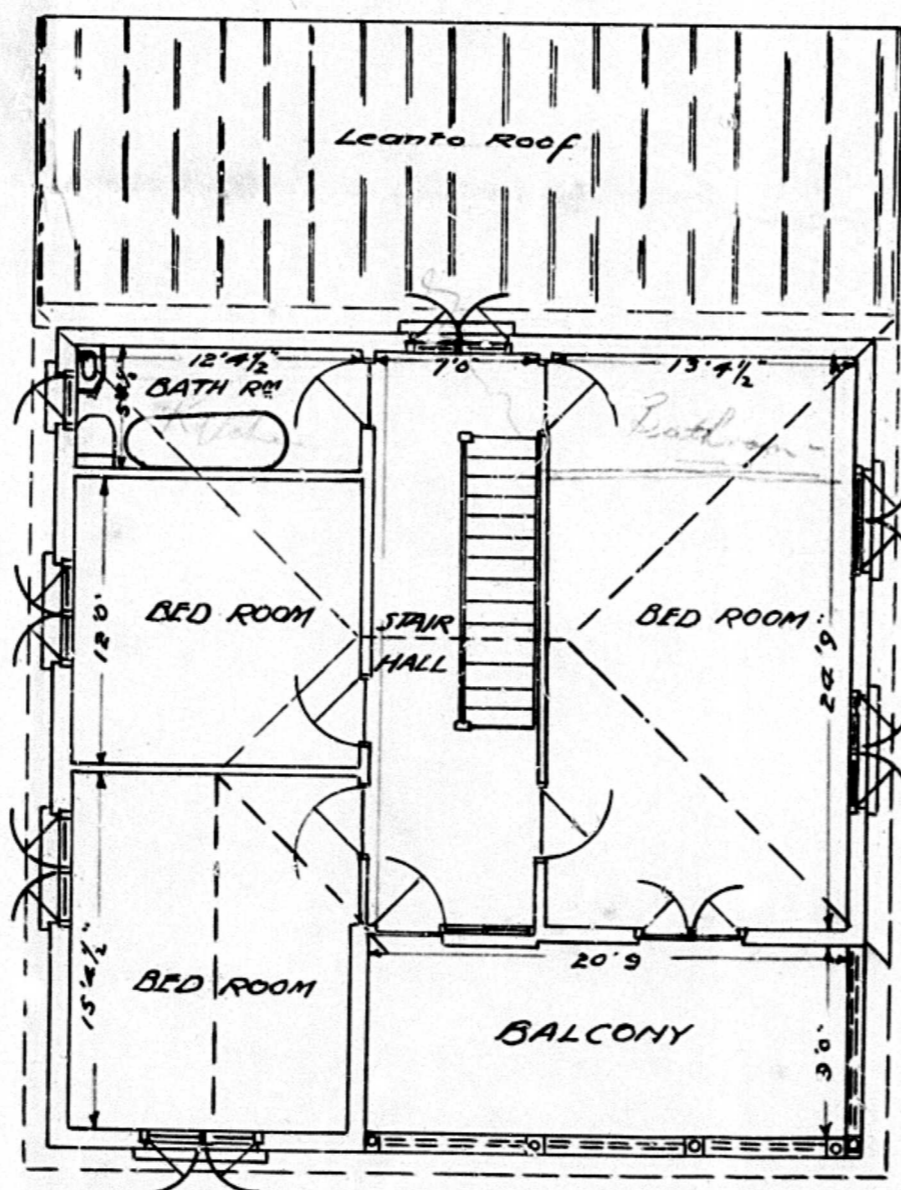
PL



PLAN



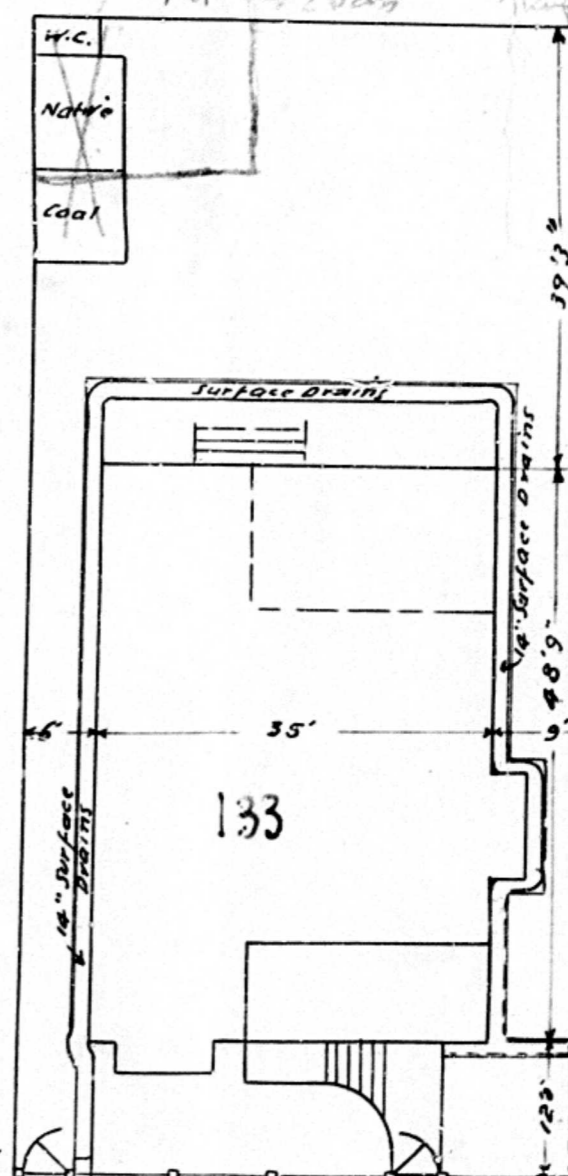
GROUND PLAN



FIRST FLOOR PLAN



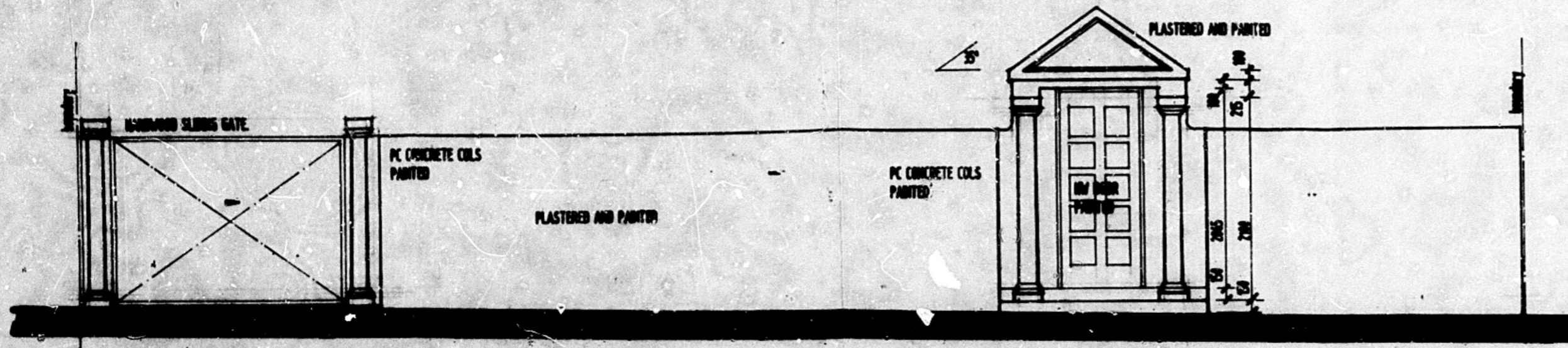
ELEVATION



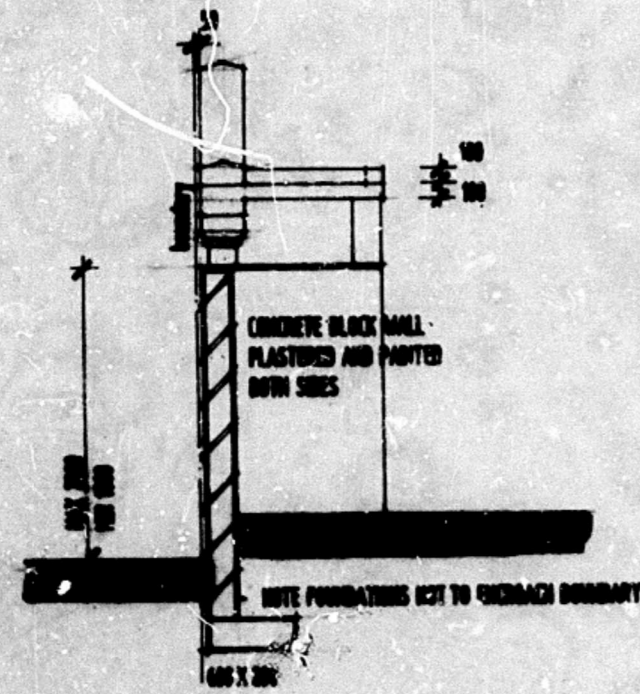
BLOCK PLAN 32'-1" LAVENPORT ROAD

"It should be noted that this plan has been approved on the basis of information thereon."

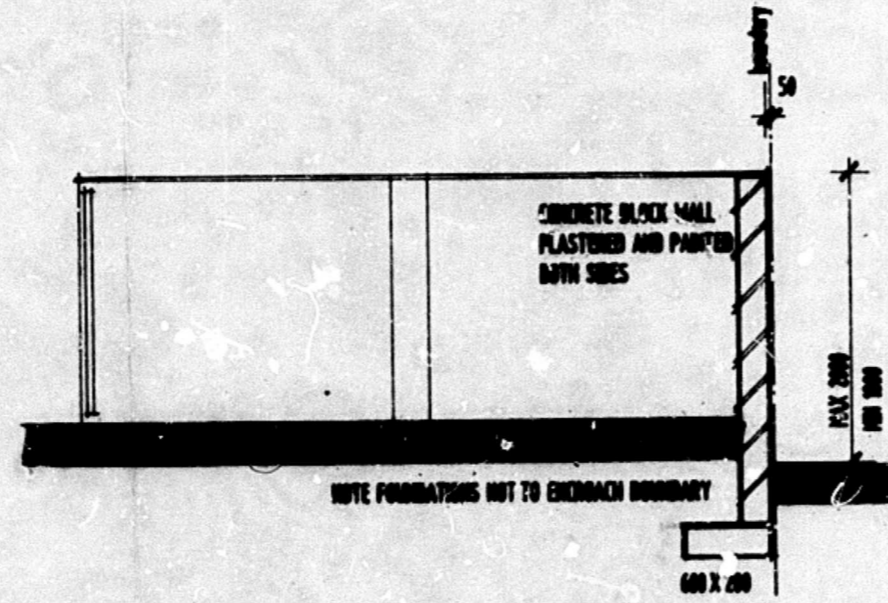
Any person undertaking building operations in accordance with this plan is required to ascertain from the City Electrical Engineer the location of underground cables in the vicinity of the proposed works prior to the commencement thereof.



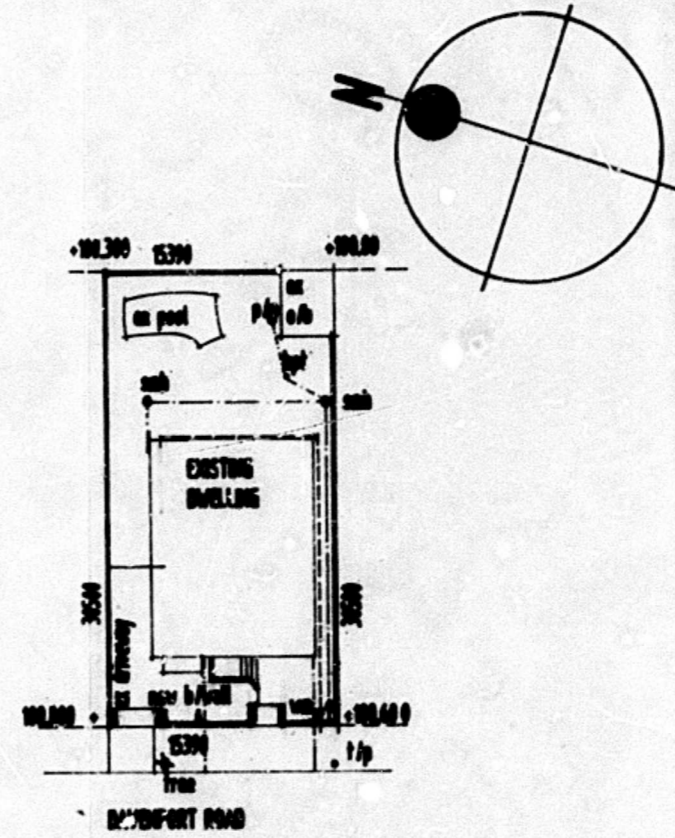
● WEST ELEVATION



● SECTION 1-1



● SECTION 2-2 / NORTH ELEVATION

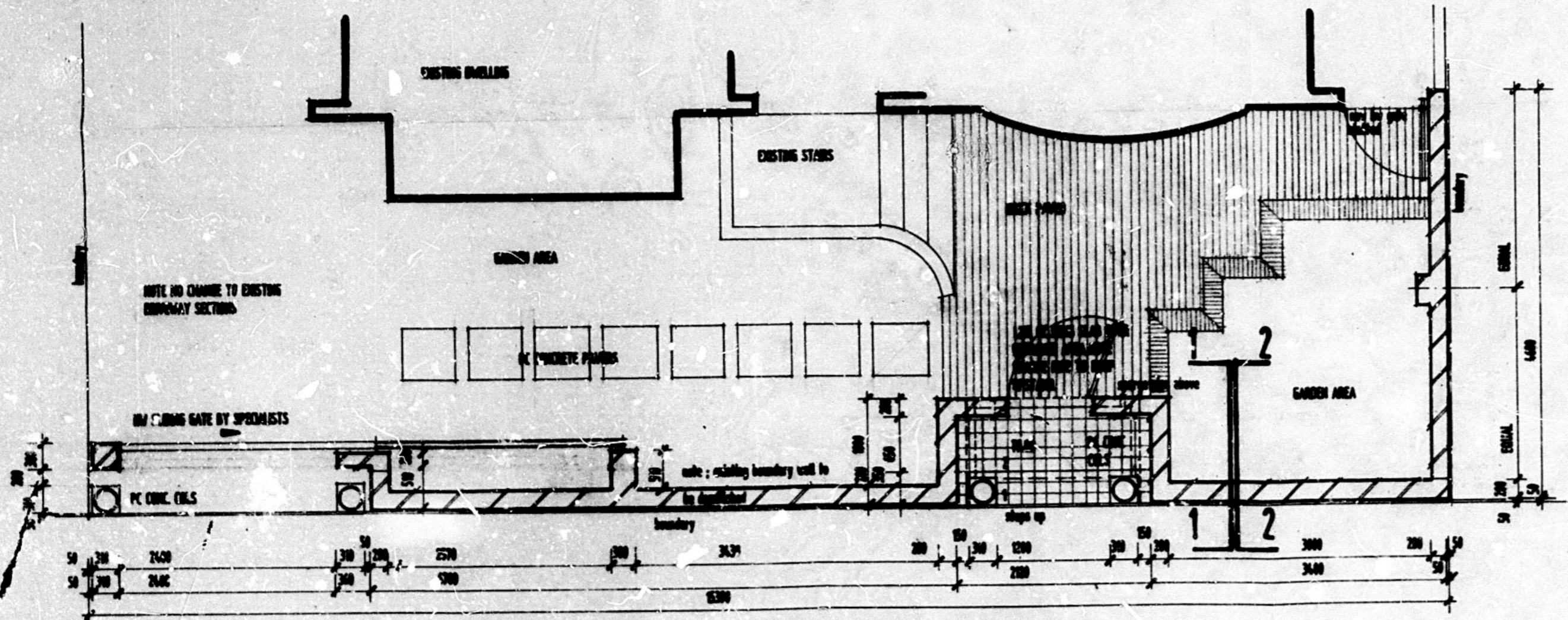


● SITE PLAN
SCALE 1:500

- As certified on the Application Form, the owner of the plan is responsible for:
- (1) showing on the application drawings:
 - (a) the correct level of entry into DC sewers, drains and/or channels at discharge points;
 - (b) the top of foundation of any drainage works at a minimum depth of 0,330 metres below drainage level;
 - (2) showing no encroachment over DC services or DC underground services.
 3. Franchise levels can:
 - (1) to conform to the back of the constructed sidewalk, or
 - (2) to be calculated by the use of the following formulae:

$$FL = S + 0,150 m + D$$
 (where FL = franchise level, S = level of edge of kerbside to sidewalk and D = distance in metres between edge of road kerbside and road reserve boundary.)
 4. A concrete beam at the outlet of drainage level is to be provided at each entrance/exit at the same grade as the kerb or road.
 5. No change in level over DC services or DC underground services is permitted without the prior written approval of the City Engineer.

R/C DETAILS REQUIRED

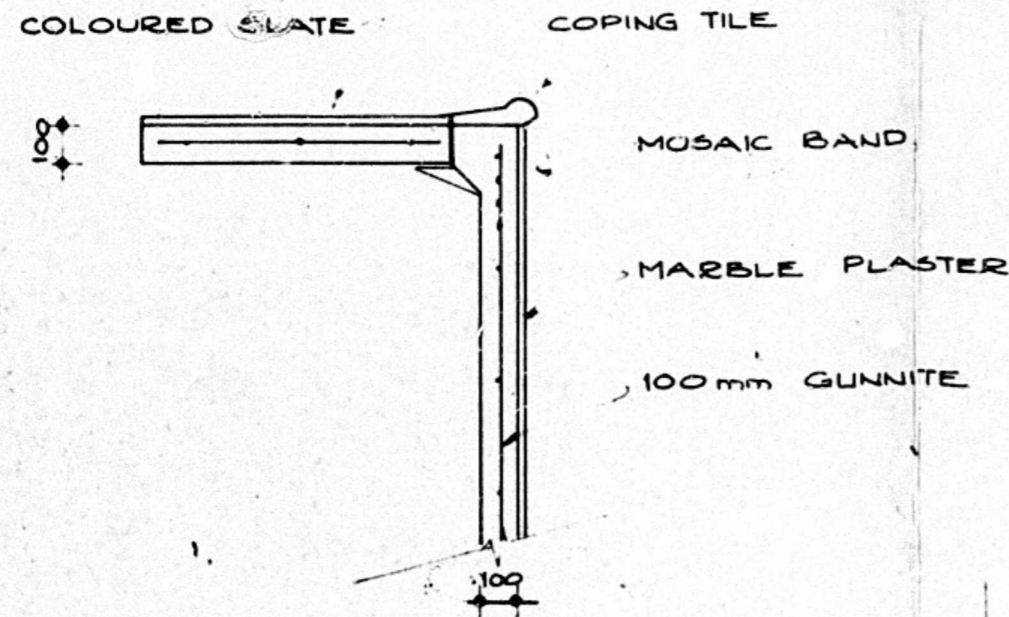


● PLAN

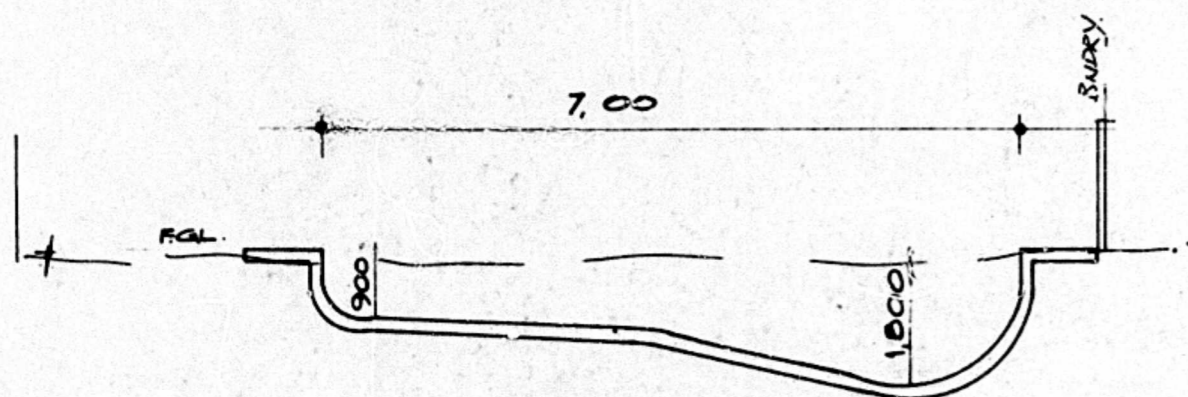
note: all levels and dimensions to be checked on site before any work is put to hand
NOTE: THERE IS NO ADDITIONAL AREA

CITY OF DURBAN
 DRAWING NUMBER
0514-05-91-1
 APPROVED: **D. C. MACLEOD**
 173006991 CITY ENGINEER
 DATE: 14 AUG 1991

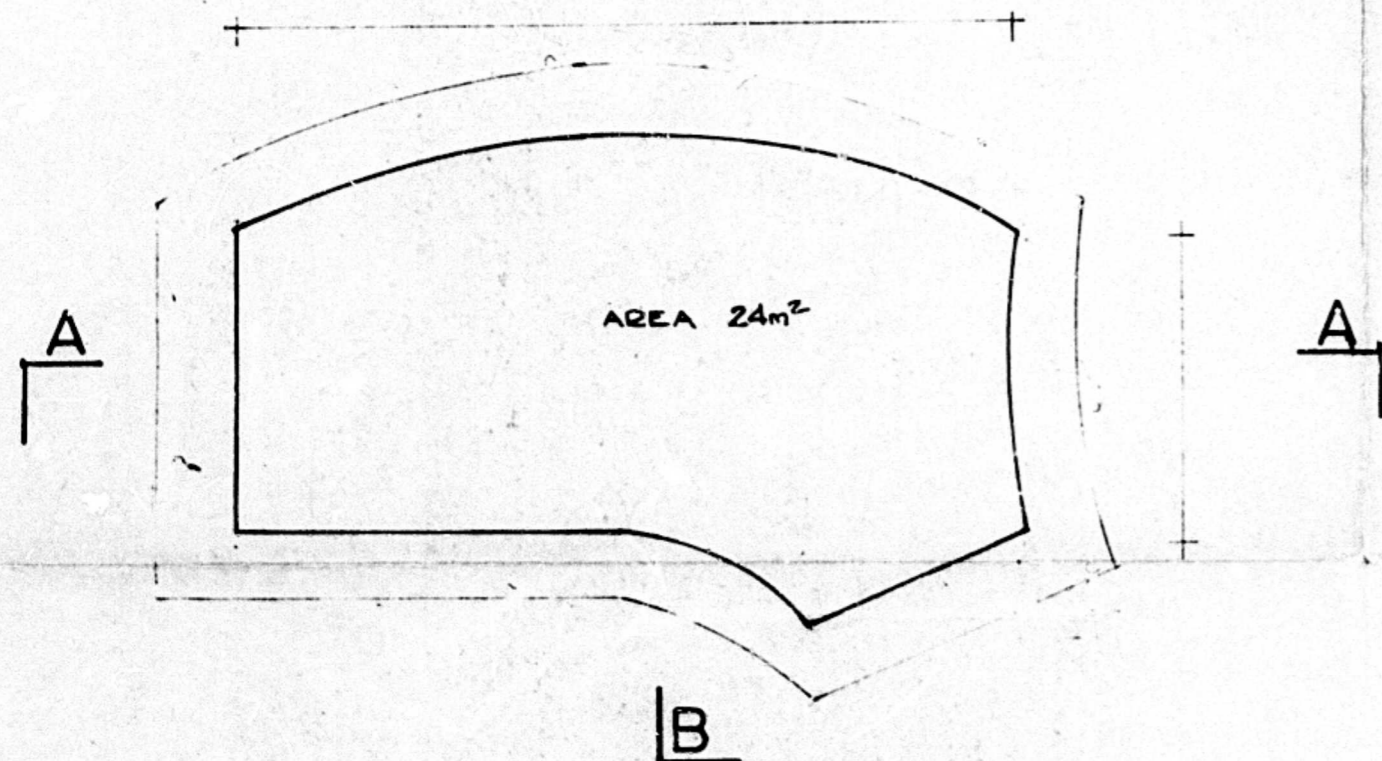
OWNER: *Albani* DATE NO: 02260295
PROJECT DRAFT A
 P. BARKER 299 DURBAN TELEPHONE (031) 023094
 proposed new front boundary wall for
MR. M. BRISCOE at 133 DAVENPORT ROAD
 9 of 36 of BLOCK C OF T/L OF DURBAN 1737
 drawing
WORKING DRAWING
PLAN, SECTION AND ELEVATIONS
 drawing number
D1 • 23
 drawn
D.W. DANIELL scale
 1:50 1:500 date
 MAY 91



RING BEAM DETAIL 1:20



SECTION A-A
B

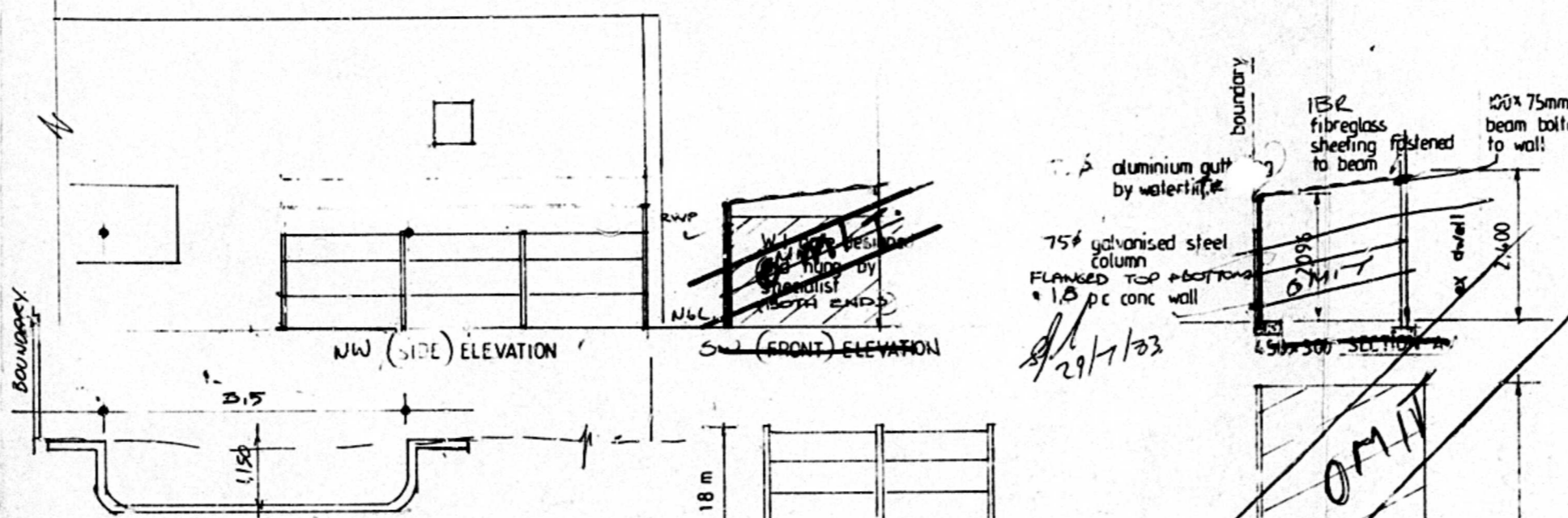


PLAN 1:100

OWNERS SIGNATURE:

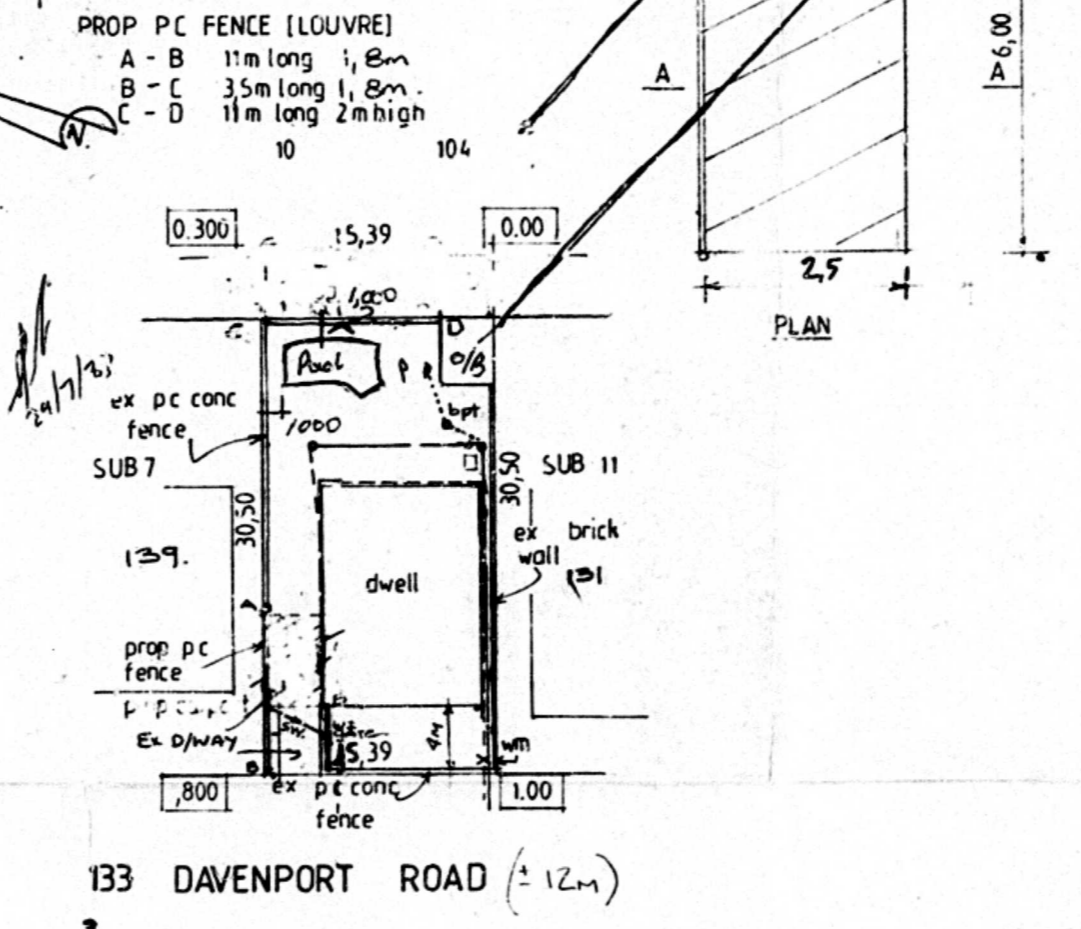
NOTES

- BEAM WALL + FLOOR REINFORCED WITH 8mm BARS AT 300mm C/C BOTH WAYS MIN LAP 300mm
- POOL IN GUNNITE MONOLITHICALLY & PNEUMATICALLY PLACED
- MIX 1 PART CEMENT TO 4 PARTS RIVER SAND
- EARTH LEAKAGE TO BE FITTED TO ELECTRICAL SUPPLY
- PRECAUTIONS TO BE TAKEN REGARDING CONDENSATE STATE.
- SUNKEN PUMP CHAMBER TO HAVE ADEQUATE DRAINAGE
- ELECTRICAL APPARATUS TO BE HOUSED
- PRECAUTIONS TAKEN AGAINST FLOODING, SEEPAGE ETC.
- BEAM IS NOT INTEGRAL WITH POOL.
- WASTE WATER TO SEWER VIA BREAK PRESSURE TANK
- EXCAVATED SOIL TO BE REMOVED



SECTION B-B

- NOTES
- pc walls not to retain more than 300mm of earth.
 - foundations not to encroach.



SITE PLAN 1:500

CARPET TO BE OMITTED
B. Hey 27-6-83

SHEET 111 | CCP. 3

CITY OF DURBAN
 316/4/83
 PLAN NUMBER

APPROVED
 DATE 1983. 8. 19.
 B. G. MACLEOD
 CITY ENGINEER

Any person undertaking building operations in accordance with this plan is required to ascertain from the City Electrical Engineer the location of underground cables in the vicinity of the proposed works prior to the commencement thereof.

TOWN PLANNING BRANCH

APPROVED
 DATE 10 AUG 1983
 Signature *J. S. ...*

IMPORTANT
 APPLICATION FOR REFUND OF PORTION OF BUILDING FEES ON ABANDONED PLANS MUST BE RECEIVED BY THE CITY ENGINEER'S DEPARTMENT NOT LATER THAN THIRTY (30) DAYS AFTER THE EXPIRY DATE OF APPROVAL OF THIS PLAN

AS BUILT

NOTE
 NO TAP WATER MAY BE USED IN THE FILLING OR TOPPING UP OF SWIMMING POOLS

PROPOSED SWIMMING POOL FOR MR A BRADLEY

9 OF 36 OF BLOCK 2 OF TOWNLANDS OF DURBAN NO 1737.

PERRY POOLS (PTY) LTD
 P O BOX 25015, SEAVIEW 4073
 TELEPHONE 456511
 27 TITREN ROAD ROSSBURGH 4090

DRAWN: *S. Johnson*
 DATE: 29/3/83
 DRG No: 161/83

133 HELEN JOSEPH ROAD INCEPTION REPORT

MOTIVATION FOR CONDONATION FOR ADDITIONS AND ALTERATIONS TO 133 HELEN JOSEPH ROAD

1.0 Purpose

The purpose of this report is to motivate to AMAFA for the additions and alterations made to 133 Helen Joseph Road (Capello Restaurant / Davenport Road), and to request condonation approval and rectification for the commencement of remedial and construction work undertaken without AMAFA consent.

2.0 Background

The applicant purchased and took transfer of the building in 2021 (Annexure 1 - Deed of transfer) with the intent of opening a new restaurant. Based on the precedent set in the area where buildings were being converted into restaurants having covered verandas, the owners made the similar changes to the Capello Restaurant. However they were unaware that AMAFA approval was needed beforehand due to the age of the building. The owner also realised that the property was still zoned for residential use and simultaneously initiated a rezoning application for business rights (Rezoning application attached). It is important to mention that it was discovered later on that extensive changes were made to the building prior to 2021 when the applicant took ownership for which there are no approved plans. The owner now intends rectifying the oversight in following the correct processes especially the AMAFA approvals and submits this application for condonation.

3.0 Location of the site

The site is located along Helen Joseph Road (Davenport Road) which falls within the city's Urban Core precinct that is changing the residential character of Helen Joseph and Brand Road to a vibrant mixed-use activity corridor, similar to Florida Road. The nature of change is in response to high demands for variety in the food and beverage sectors making the area ripe for business activities. Whilst the area is zoned residential, buildings are continuously been converted to restaurants and to service industries as demands increases.

4.0 Motivation for Proposed Work

4.1 Status quo

- Firstly, as mentioned before the building was changed significantly without approved plans which the current owners were not aware off. Those changes includes: changes to the

windows, enclosure of the balcony and veranda, internal and external additions and alterations not shown on any plans.

- Secondly, the building due to its age showed signs of significant structural failure. The timber members like the trusses and the wooden floor system showed signs of wet rot and borris. Leaks from damages in the roof overtime affected the trusses and ponding in some of the rooms damaged the wooden floors in many places. Generally the wooden floors were in poor condition and unsafe for the dead-weight loading of furniture. Windows too were old and were repaired poorly and showed signs of rot and moisture damage and many were not openable.
- Thirdly, there were adhoc alterations externally and internally that was poorly executed. Brickwork was not keyed into the existing walls resulting in cracks and peeling plaster and paint from water damage.
- Lastly, the metal roof sheeting had general wear and tear failures and needed to be replaced.

4.2 Changes made to the building

- The building was to serve as a restaurant, similar to most of the buildings found along Helen Joseph Road. The building needed to have seating for patrons and to also have a street presence like the others along the strip where covered verandas make-up the character of the streetscape.
- The wooden flooring due to its bad condition was replaced with concrete floors on the ground floor and removed on the upper floor to create a volumetric space. A quaint internal 25sqm eating space accessed via a new staircase fronts the building.
- The plans show an amendment to the covered seating area creating a plus-minus 1m setback to introduce two planters flanking a main entranceway to the restaurant in order to soften the edges and to act as a windbreak to regulate any heat island effects common in urban areas.
- The enclosed veranda and kitchen at ground floor with its lean-to roof located at the rear is removed to make way for on-site parking for 10 cars as per town planning requirements.
- The covered seating is also reduced in size on the left-side at the front of the building to accommodate a 3.5m wide driveway to access the rear parking area.
- The internal arrangement of the building has changed from offices to accommodate a restaurant. Existing walls were retained as much as possible where shown.

- The external aesthetic of the gable and hipped roof is retained whilst the interface of the building with its streetscape is animated by the covered seating adding surveillance of the street.

In essence the motivation for the proposed work are due to two important facts: a) Changes that happened prior 2021 before the current owner took ownership and for which there are no approved plans and where there was failure of structural elements due to the age of the building prompting immediate refurbishment and replacement.

b) The need to make additions and alterations to the building in order to be a functional sit-down restaurant that responds to the existing precedent and streetscape and which complies with all built environment and heritage regulatory frameworks.

5.0 Urban Setting & Adjoining Properties

As already alluded to, the Helen Joseph – Brand Road Precinct is identified by the eThekweni Municipalities Spatial Development Framework plan as the urban core of the city that plays a vital role in economic development. The City considers the area ripe for rezoning from residential to mixed use activities. As such it is evident along the corridor a significant number of 60 year and older buildings have been converted into restaurants and places of leisure (Image XX). Many of which are characterised by covered verandas that provide protection from the elements whilst allowing customers to sit outdoors whilst enjoying meals (Image XX). At the same time even though off-street parking is being allowed, businesses are still expected in terms of the town planning regulations to meet their individual parking needs. Hence, the rear of parcels along this corridor becomes an important space from a parking point of view.

The proposed changes and additions to 133 Helen Joseph road as per the plans attached (SH1 & 2) is sensitive to the urban context and the general Architectural aesthetic of buildings found in the neighbourhood. The scale of the additions and alterations are minimal and the envelope of the building remains unchanged. The frontage and edges of the building harmoniously responds to the street edge and the existing context and corresponds with the streetscape in a manner that adds value to the safety of the neighbourhood. As much as possible the changes effected are in keeping with the existing character of buildings in the area.

6.0 AMAFA Application Request

Based on the information presented in this report, the applicant makes an appeal to AMAFA for condonation for the alterations to the building that took place prior 2021 and for structural additions and alterations made post 2021 for safety reasons, create parking and for the purposes of conversion to a restaurant.

ANNEXUE 4 – IMAGES & AERIAL PHOTOS



Image 1 – New covered seating area clipped onto the façade of the building facing Helen Joseph Road.



Image 2 – Shows the new metal roof sheeting.

ANNEXUE 4 – IMAGES & AERIAL PHOTOS



Image 3 - New aluminium windows & stack doors & new decking for outdoor dining



Image 4 – Damaged unstable wooden floors removed at first floor to make double volume and ground floor is replaced with concrete floors.

ANNEXUE 4 – IMAGES & AERIAL PHOTOS

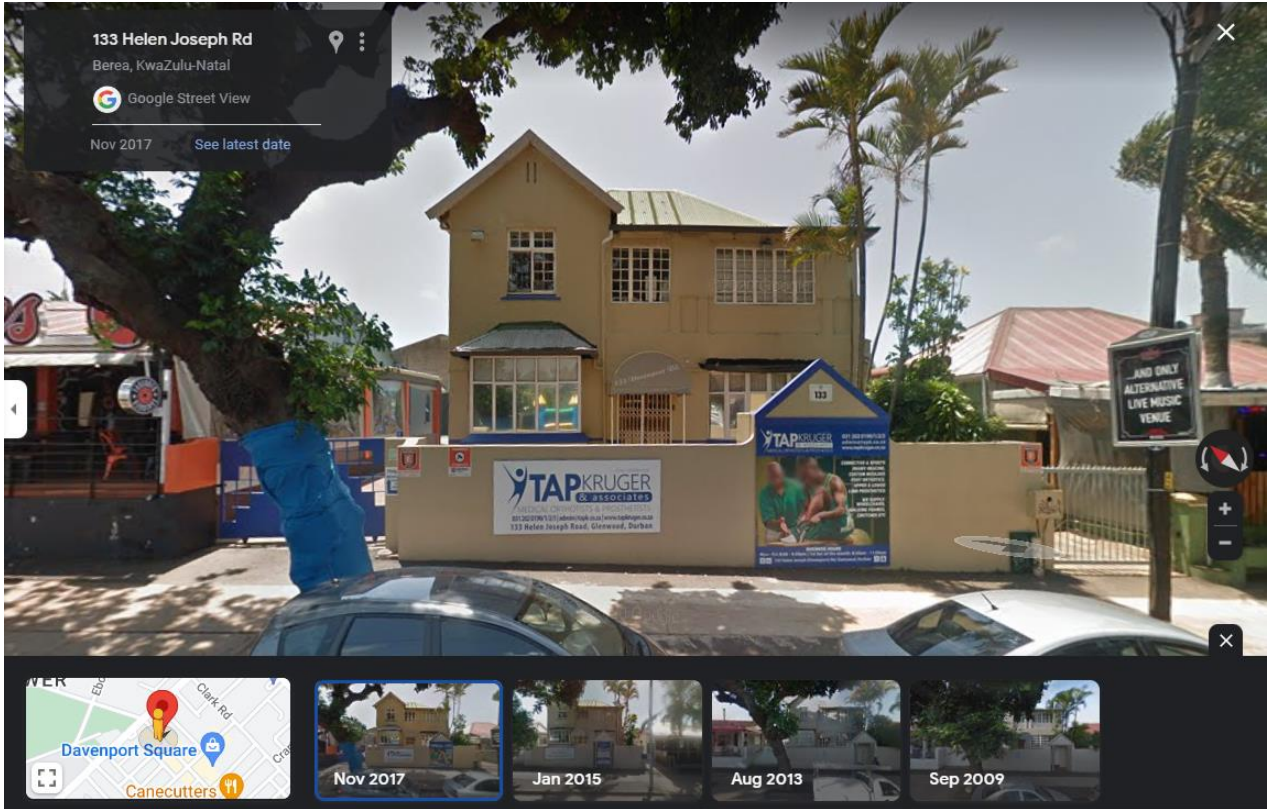
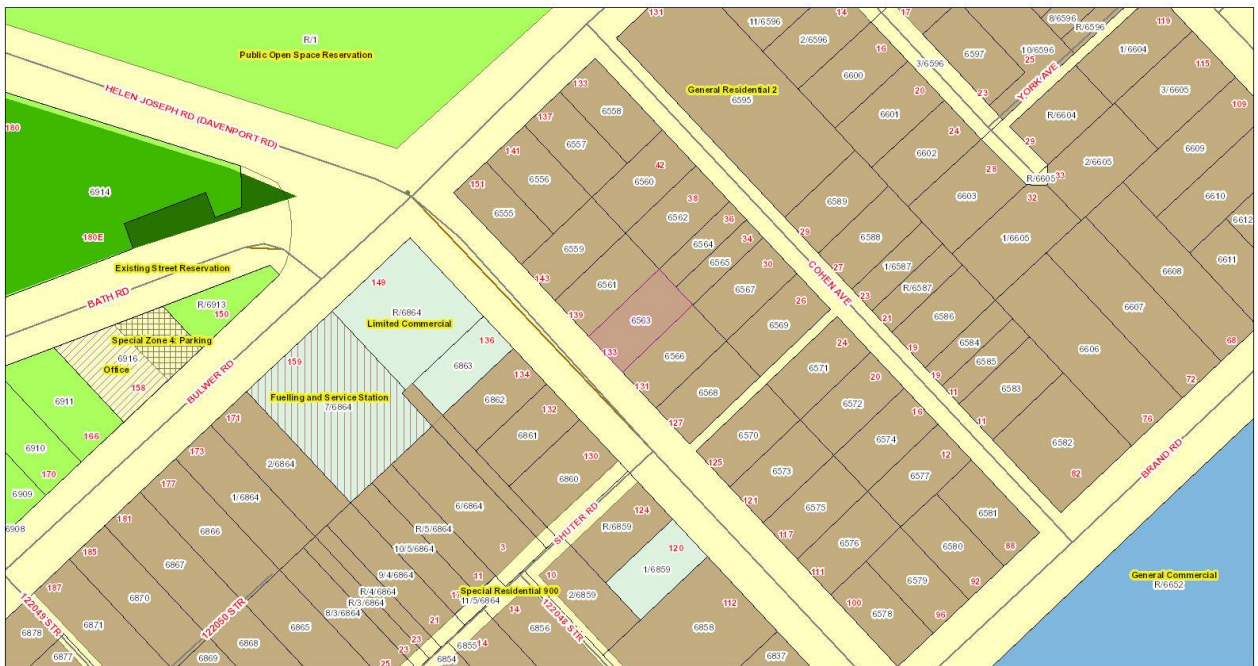


Image 5 – 2009-2017 Prior to current owner, building has been altered, Verandah on ground floor and balcony at first floor level has been enclosed roof over window altered and canvas canopy over entrance introduced for which there are no approved plans or AMAFA approval.

eThekweni Municipality 2023

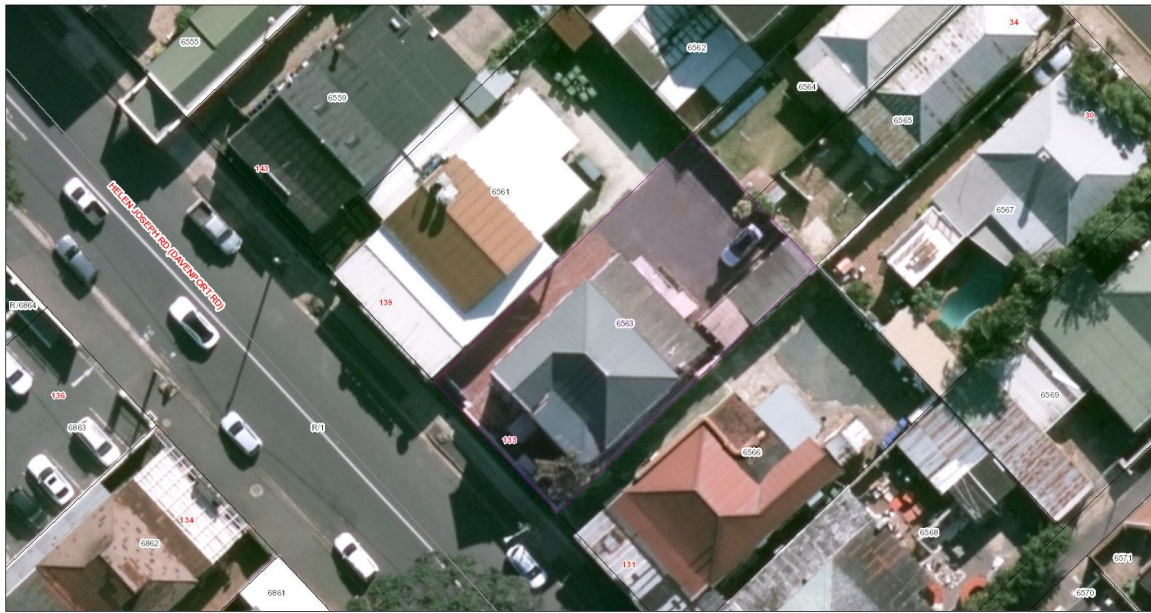


March 25, 2023

Image 6 – Shows the general zoning of the area to be General Residential 2. Owner has submitted a rezoning application for a land use change from residential to commercial. Project site highlighted in light purple.

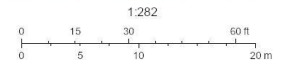
ANNEXUE 4 – IMAGES & AERIAL PHOTOS

eThekweni Municipality 2023



March 25, 2023

- Override 1
- Parcels
- TSM
- TRIG
- RM
- MINOR
- GPS
- Benchmarks
- Roads
- Addresspoint
- Imagery2020
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Esri Community Maps Contributors, Esri South Africa, Esri, HERE, Garmin, FourSquare, METI/NASA, USGS

eThekweni Municipality
Copyright 2023

Image 7 – Aerial Photo showing the project site along Helen Joseph Road.



Image 8 – Contextual building to the right of the project building showing covered dining area and interface with street.

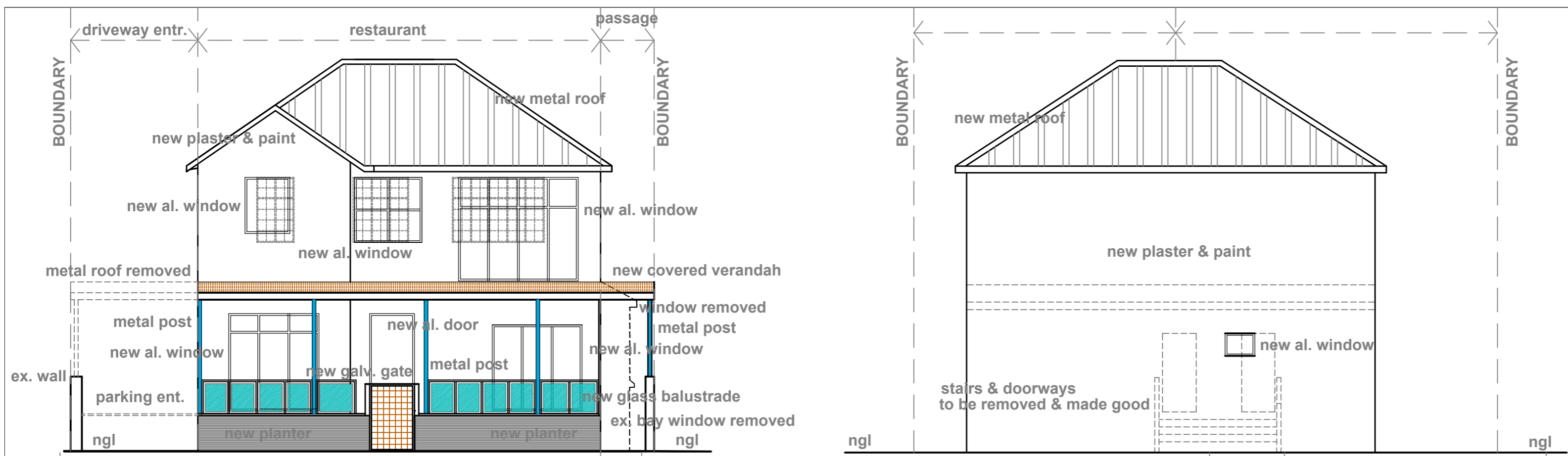
ANNEXUE 4 – IMAGES & AERIAL PHOTOS



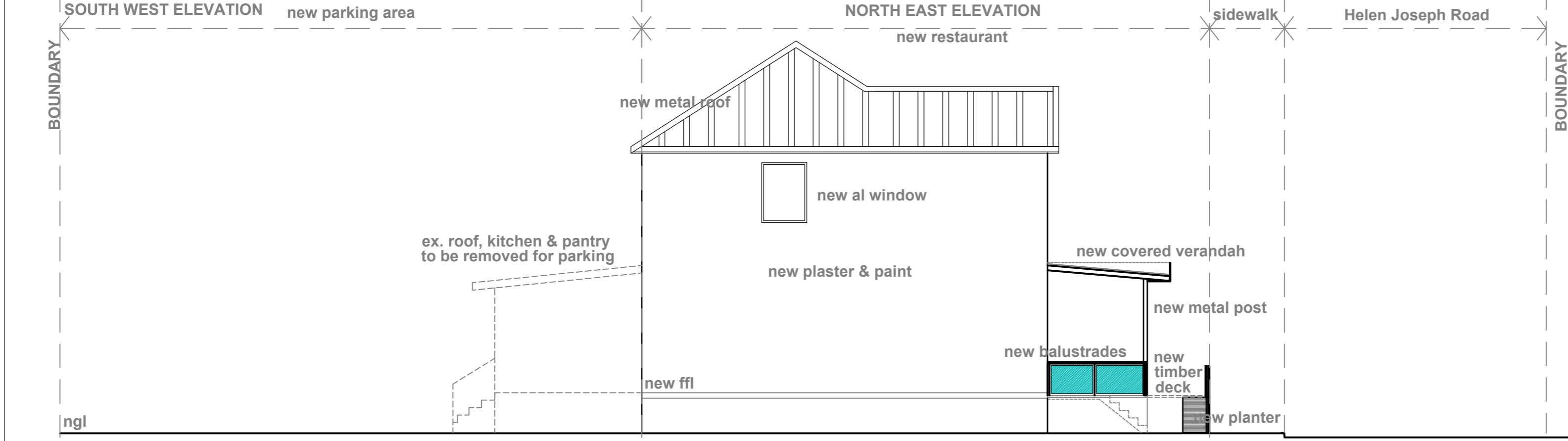
Image 9 – Contextual building on the left of the project building showing the covered dining area and its interface with the street.



Image 10 – Street View showing context of existing buildings converted to Restaurants and commercial activities. Note the covered verandahs added onto existing buildings characterising the streetscape.

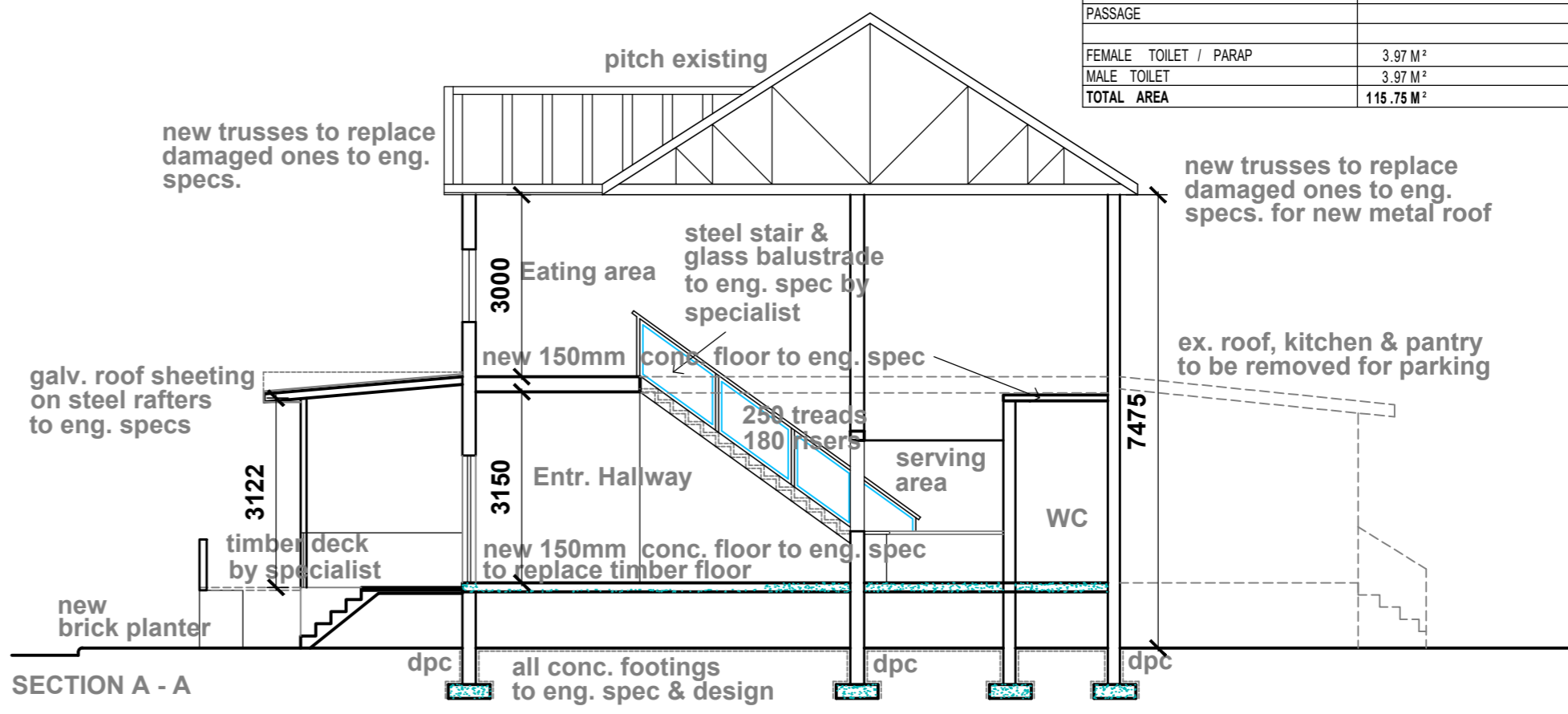
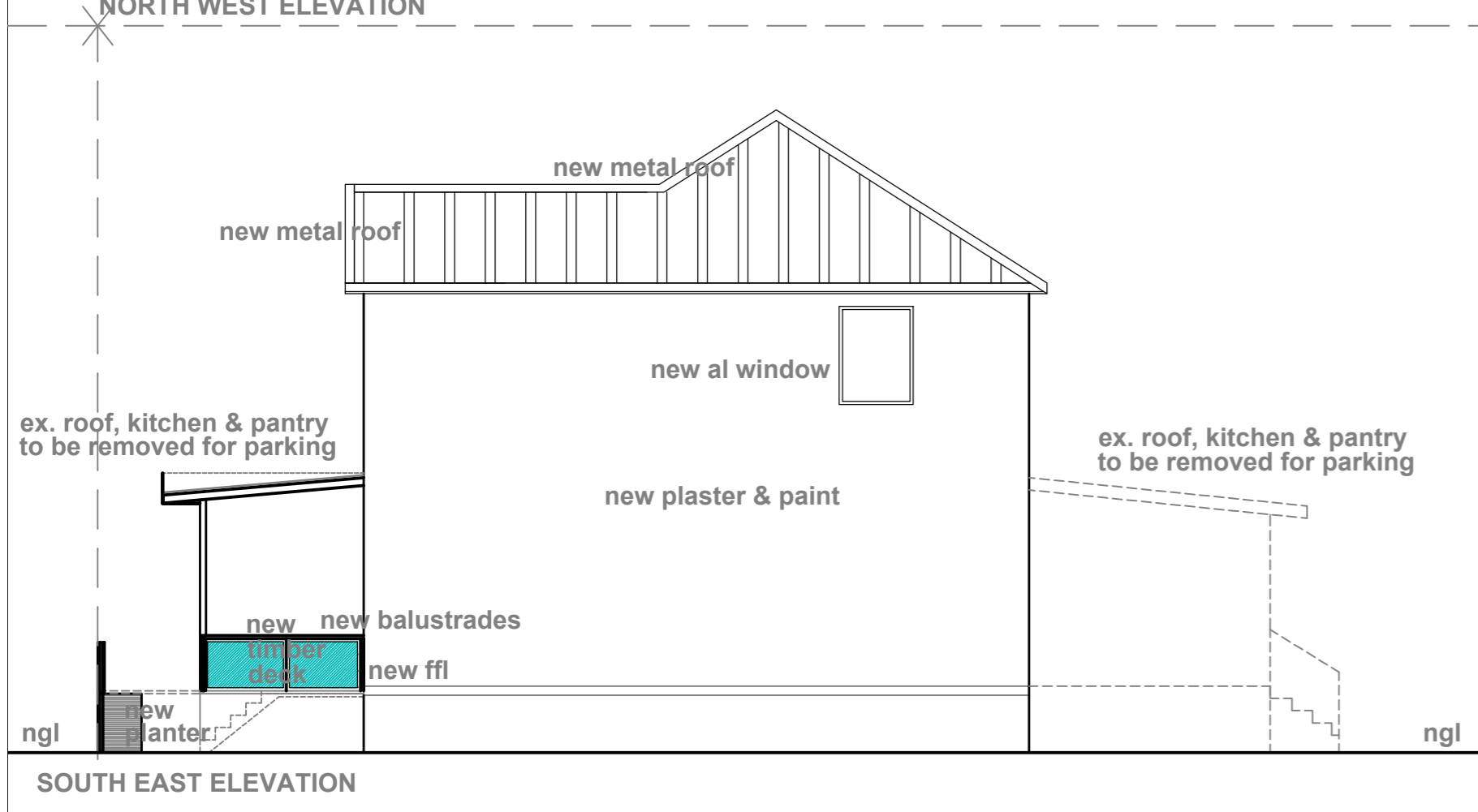


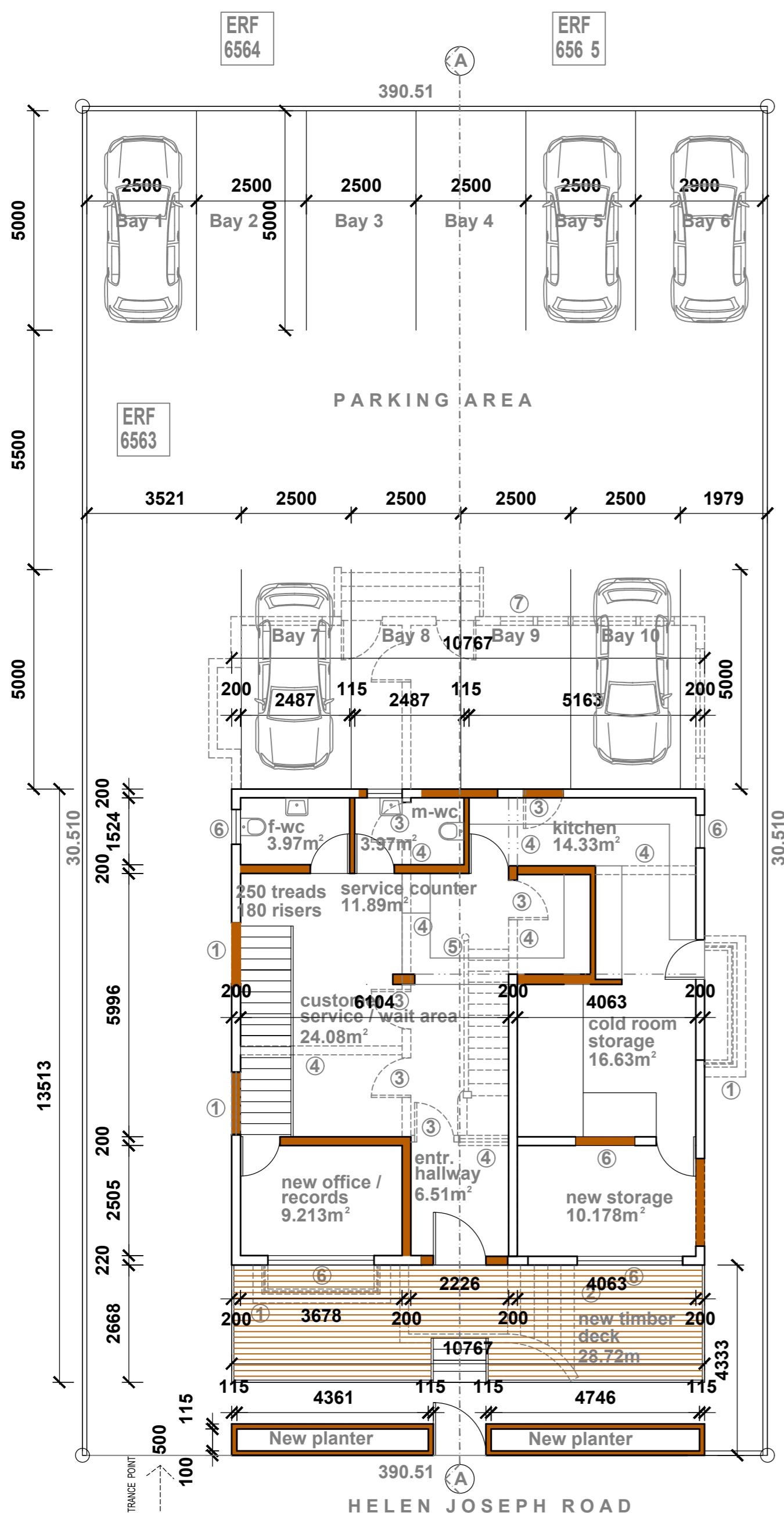
- GENERAL NOTES :**
1. ALL STRUCTURAL WORK RE : COLUMNS, BEAMS AND FOUNDATIONS ARE TO ENGINEERS DETAIL.
 2. PROPOSED DRYWALLS TO CEILING HEIGHT LEVEL, PAINT COLOUR TO THE SATISFACTION OF THE TENANT. DRYWALL THICKNESS @ 90 MM.
 3. SEATS, COUCHES, TABLES ARE MOVABLE. POSITIONING OF MOVABLE FURNITURE MUST BE EVENLY SPACED.
 4. FRONT ELEVATION OF STRUCTURE NOT ALTERED.
 5. STACK DOORS DOORS TO HAVE ALUMINIUM FINISH WITH 8.38MM TOUGHENED SAFETY GLASS TO COMPLY WITH SANS 10400 TABLES 1-4.
- FIRE PROTECTION NOTES :**
- OCCUPANCY CLASSIFICATION : A1**
- ALL WORK TO COMPLY WITH SANS 10400 T -2020 CODES**
1. FIRE PERFORMANCE TO COMPLY WITH PART T 4.5
 2. FIRE RESISTANCE TO COMPLY WITH PART T 4.6
 3. FIRE STABILITY TO COMPLY WITH PART T 4.7
 4. ACCESS FOR FIRE FIGHTING AND RESCUE PURPOSES TO COMPLY WITH PART T 4.54
 5. PARTITION WALLS AND PARTITIONS TO COMPLY WITH PART T 4.9
 6. PROTECTION OF OPENINGS TO COMPLY WITH PART T 4.10
 7. CEILINGS TO COMPLY WITH PART T 4.13
 8. FLOOR COVERINGS TO COMPLY WITH PART T 4.14 - CLASS 3
 9. INTERNAL FLOOR FINISHES TO COMPLY WITH PART T 4.15
 10. PROVISION OF ESCAPE ROUTES TO COMPLY WITH PART T 4.16
 11. EXIT DOORS TO COMPLY WITH PART T 4.17
 12. EMERGENCY ROUTES TO COMPLY WITH PART T 4.19
 13. WIDTH OF ESCAPE ROUTES TO COMPLY WITH PART T 4.21
 14. CHANGES OF LEVELS ALONG ESCAPE ROUTES TO COMPLY WITH PART T 4.23
 15. VENTILATION OF STAIRWAYS IN AN EMERGENCY ROUTE TO COMPLY WITH PART T 4.24
 16. LUMINOUS MARKING AND SIGN POSTING TO COMPLY WITH PART T 4.29
 17. PROVISION OF EMERGENCY LIGHTING TO COMPLY WITH PART T 4.30
 18. FIRE DETECTION AND ALARM SYSTEMS TO COMPLY WITH PART T 4.31
 19. PROVISION AND MAINTENANCE OF FIRE FIGHTING EQUIPMENT, INSTALLATIONS AND FIRE PROTECTION SYSTEMS TO COMPLY WITH PART T 4.32
 20. WATER RETICULATION FOR FIRE FIGHTING PURPOSES TO COMPLY WITH PART T 4.33
 21. HOSE REELS TO COMPLY WITH PART T 4.34
 22. HYDRANTS TO COMPLY WITH PART T 4.35
 23. PORTABLE FIRE EXTINGUISHERS TO COMPLY WITH PART T 4.37
 24. FIRE STOPPING OF INACCESSIBLE PLACES TO COMPLY WITH PART T 4.39
 25. SMOKE CONTROL TO COMPLY WITH PART T 4.42
 26. AIR CONDITIONING AND ARTIFICIAL VENTILATION TO COMPLY WITH PART T 4.43
- HEALTH NOTES :**
- FRESH AIR TO BE SUPPLIED AT A RATE OF 7.5L/S/PERSON. AIR TO BE EVENLY DISTRIBUTED THROUGHOUT ALL HABITABLE AREAS AND THE VELOCITY NOT EXCEED 0.5M/S
 - TOILETS AND SINKS ARE PROVIDED
 - ALL CEILINGS TO COMPLY WITH SANS 10400 PART L
 - ALL LIGHTING AND VENTILATION TO COMPLY WITH SANS 10400 PART O. ARTIFICIAL LIGHTING WHERE NECESSARY AT 160 LUX.
 - ALL ELECTRICAL CABLES AND PLUMBING PIPES TO BE CONCEALED
 - CEILINGS TO COMPLY WITH SANS 10400 T 4.13
 - NO SMOKING SIGNS



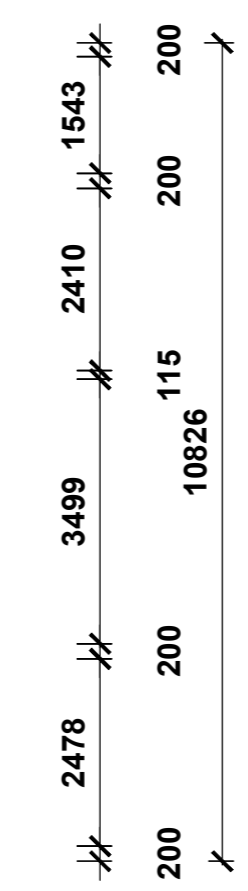
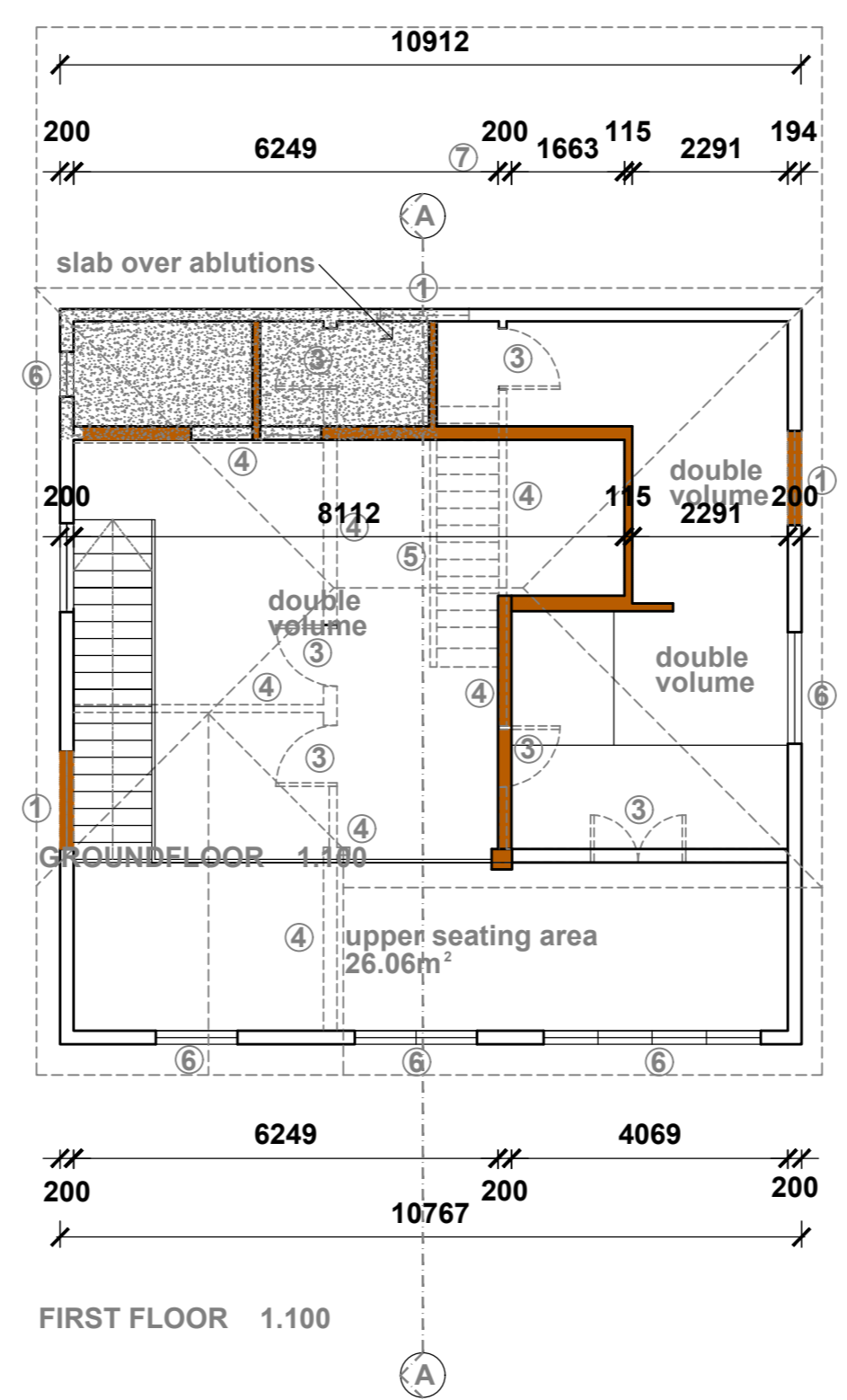
SCHEDULE OF AREAS (FLOOR AREA RATIO)

SEATING AREA DINING PURPOSES)	54.78 M ²
SERVING AREA	11.89 M ²
KITCHEN	14.33 M ²
STORAGE ROOM	10.18 M ²
COLD STORAGE ROOM	16.63 M ²
PASSAGE	
FEMALE TOILET / PARAP	3.97 M ²
MALE TOILET	3.97 M ²
TOTAL AREA	115.75 M²





- LEGEND**
1. Window removed & bricked where shown
 2. Stairs removed
 3. Ex. doors removed and bricked up where shown
 4. Ex. walls removed
 5. Ex. stairs removed
 6. Ex. windows replaced where shown
 7. Ex. kitchen & verandah & roof removed



- GENERAL NOTES :**
1. ALL STRUCTURAL WORK RE: COLUMNS, BEAMS AND FOUNDATIONS ARE TO ENGINEERS DETAIL.
 2. PROPOSED DRYWALLS TO CEILING HEIGHT. LEVEL, PAINT COLOUR TO THE SATISFACTION OF THE TENANT. DRYWALL THICKNESS @ 90 MM.
 3. SEATS, COUCHES, TABLES ARE MOVABLE. POSITIONING OF MOVABLE FURNITURE MUST BE EVENLY SPACED.
 4. FRONT ELEVATION OF STRUCTURE NOT ALTERED.
 5. STACK DOORS DOORS TO HAVE ALUMINIUM FINISH WITH 8.38MM TOUGHENED SAFETY GLASS TO COMPLY WITH SANS 10400 TABLES 1-4.

- FIRE PROTECTION NOTES :**
- OCCUPANCY CLASSIFICATION A1
- ALL WORK TO COMPLY WITH SANS 10400 T-2020 CODES
1. FIRE PERFORMANCE TO COMPLY WITH PART T 4.5
 2. FIRE RESISTANCE TO COMPLY WITH PART T 4.6
 3. FIRE STABILITY TO COMPLY WITH PART T 4.7
 4. ACCESS FOR FIRE FIGHTING AND RESCUE PURPOSES TO COMPLY WITH PART T 4.8
 5. PARTITION WALLS AND PARTITIONS TO COMPLY WITH PART T 4.9
 6. PROTECTION OF OPENINGS TO COMPLY WITH PART T 4.10
 7. CEILINGS TO COMPLY WITH PART T 4.13
 8. FLOOR COVERINGS TO COMPLY WITH PART T 4.14 - CLASS 3
 9. INTERNAL FLOOR FINISHES TO COMPLY WITH PART T 4.15
 10. PROVISION OF ESCAPE ROUTES TO COMPLY WITH PART T 4.16
 11. EXIT DOORS TO COMPLY WITH PART T 4.17
 12. EMERGENCY ROUTES TO COMPLY WITH PART T 4.19
 13. WIDTH OF ESCAPE ROUTES TO COMPLY WITH PART T 4.21
 14. CHANGES OF LEVELS ALONG ESCAPE ROUTES TO COMPLY WITH PART T 4.23
 15. VENTILATION OF STAIRWAYS IN AN EMERGENCY ROUTE TO COMPLY WITH PART T 4.24
 16. LUMINOUS MARKING AND SIGN POSTING TO COMPLY WITH PART T 4.29
 17. PROVISION OF EMERGENCY LIGHTING TO COMPLY WITH PART T 4.33
 18. FIRE DETECTION AND ALARM SYSTEMS TO COMPLY WITH PART T 4.31
 19. PROVISION AND MAINTENANCE OF FIRE FIGHTING EQUIPMENT, INSTALLATIONS AND FIRE PROTECTION SYSTEMS TO COMPLY WITH PART T 4.32
 20. WATER RETICULATION FOR FIRE FIGHTING PURPOSES TO COMPLY WITH PART T 4.33
 21. HOSE REELS TO COMPLY WITH PART T 4.34
 22. HYDRANTS TO COMPLY WITH PART T 4.35
 23. PORTABLE FIRE EXTINGUISHERS TO COMPLY WITH PART T 4.37
 24. FIRE STOPPING OF INACCESSIBLE PLACES TO COMPLY WITH PART T 4.39
 25. SMOKE CONTROL TO COMPLY WITH PART T 4.42
 26. AIR CONDITIONING AND ARTIFICIAL VENTILATION TO COMPLY WITH PART T 4.43

- HEALTH NOTES :**
- FRESH AIR TO BE SUPPLIED AT A RATE OF 7.5L/S/PERSON. AIR TO BE EVENLY DISTRIBUTED THROUGHOUT ALL HABITABLE AREAS AND THE VELOCITY NOT EXCEED 0.5M/S
 - TOILETS AND SINKS ARE PROVIDED
 - ALL CEILINGS TO COMPLY WITH SANS 10400 PART L
 - ALL LIGHTING AND VENTILATION TO COMPLY WITH SANS 10400 PART O. ARTIFICIAL LIGHTING WHERE NECESSARY AT 160 LUX.
 - ALL ELECTRICAL CABLES AND PLUMBING PIPES TO BE CONCEALED
 - CEILINGS TO COMPLY WITH SANS 10400 T 4.13
 - NO SMOKING SIGNS

SCHEDULE OF AREAS (FLOOR AREA RATIO)	
SEATING AREA (DINING PURPOSES)	54.78 M ²
SERVING AREA	11.89 M ²
KITCHEN	14.33 M ²
STORAGE ROOM	10.18 M ²
COLD STORAGE ROOM	16.63 M ²
PASSAGE	
FEMALE TOILET / PARAP	3.97 M ²
MALE TOILET	3.97 M ²
TOTAL AREA	115.75 M²

FIRE LEGEND	
SYMBOL	DESCRIPTION
	Illuminated Fire Exit Sign code: KN 5005 - Waco Supplied & installed by electrician
	Fire Extinguisher 4.5kg DCP Extinguisher refer to plan for mounting position
	Fire Hose Reel 30m PVC Fire Hose Reel refer to plan for installation position
	Fire escape directional signage *method of mounting varies* *direction varies* REFER TO PLAN
	Fire escape route direction
	Fire equipment directional signage *direction varies* REFER TO PLAN
	Fire blanket signage refer to plan for mounting position

GROUND FLOOR 1.100

FIRST FLOOR 1.100

Property description
133 HELEN JOSEPH RD
 ERF 6563

Project
Proposed Additions & Alterations to Existing Offices & Conversion to Restaurant

Drawing Description
SITEPLAN, STORMWATER & WATER RETICUL.

Drawn: [Signature] Date: 14-08-2022
 Scale: 1:100
 Drawing number: A023-03-2023SH1
 Copyright Reserved Page 1 of 2

For Information Only

1. Reconsider preparation clause of the P.A

→ done



S. NGONGOMA

~~02/02/21~~

For Information Only

A. FOR CONVEYANCER'S USE:

(a) Simuls with other registries/sectional titles:

Code	Firm	Property	Office
1			
2			
3			
4			

(b) Client copies of deeds filed permanently in Deeds Registry:

Nature and number of deed	Code	Initials of examiners and date
	JKT.	

(c) Notes:
Type in Case Plot

B. FOR DEEDS OFFICE USE:

	Remarks	Initials and date
Interdicts checked by	(1) Township (proclaimed)	
Signature:	Proclamation No:	
Date:	Date:	
Main File checked	(2) Endowment Erven:	
Section 25 right	(3) Endowment:	
Restrictive Conditions	(4) Restrictive Conditions:	
Signature:	(5) Microfilm reference:	
Date:	(6) General Plan:	
GPA:	(7) Title deed:	
Signature:	(8) Bonds against township title:	
Date:	(9) Date checked:	

Office instructions: *h*

Section:

STOWELL'S
39
TEL: 033 845 0500
PMBURG

A. FOR DEEDS OFFICE USE:

(a) Date of lodgement

LODGED
2021-08-25
Office of the Registrar of Deeds:
Pictermanitzburg

Linking
31

Rec 8/9/21

(b)

EXECUTE
2021-09-10
By: _____

Examiners	Room	Reject	Pass
1 A.S MANANA	<i>305</i>		
2 M. CHIYA	528	<i>3, 1</i>	<i>[Signature]</i>
3			

1FR: VET Developments Pty Ltd / Marjode bellaco Trading Pty Ltd

2021-09-06
T 28665 #2
NSA Attorneys.
NS / Charles

Reference No:
NSA 1 27667

SIMULS					
Code	Names of Parties	Firm No.	No. in batch	Titles etc. within	
<i>7</i>	<i>Stowell</i>	<i>39</i>	<i>1</i>		
<i>2</i>	<i>Austens Caro</i>	<i>51</i>	<i>2</i>		
<i>3</i>	<i>J. Leslie</i>	<i>27</i>	<i>2</i>		
4					
5					
6					
7					
8					
9					
10					
11					
12					

BLACKBOOKING: V. De BEER
11/10 No 2 d/set

2021-09-03
NPIIT
ZNCOKAZI
T MTHEMBU
CHECK

By 6563 Dulceam
Brief description of property (only para. 1 in Deed)

R/C *8/9/21*

Lawdeed Fee R

AG R
P & PR
42-53
4800
70

Registration requested by: _____

do NOT LODGE
012



STAMP

NATISHA SEETAL ATTORNEYS
197. UMHLANGA ROCKS DRIVE
DURBAN NORTH

Prepared by me

CONVEYANCER
SUDESH RAMBARAN
LPCM NUMBER 67038

FEES	
Stamp duty
Reg	R 1778,00
Serv
G/M Bond

VERBIND		MORTGAGED	
VIR FOR R 2 240 000,00			
B	15571 2		
2021-09-06		REGISTRATEUR/REGISTRAR	

2021-09-06

T 28665	21 18
---------	----------

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

NEERMALA RAMCHANDRA
LPCM NUMBER 68095

appeared before me, REGISTRAR OF DEEDS at PIETERMARITZBURG, the said
appearer being duly authorised thereto by a Power of Attorney granted to him/her by

VCT DEVELOPMENT PROPRIETARY LIMITED
Registration number 2007/012329/07

which said Power of Attorney was signed at *Durban* on *2 July 2021*

And the appearer declared that his/her said principal had, on 24 February 2021, truly
and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her
capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf
of:

MARIJOEBELLACO TRADING (PTY) LTD
Registration Number 2020/927428/07

or its Successors in Title or assigns, in full and free property

ERF 6563 DURBAN, REGISTRATION DIVISION FU, PROVINCE OF
KWAZULU NATAL

IN EXTENT 469 (FOUR HUNDRED AND SIXTY NINE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 1262/1932 with
Diagram Sub. Vol.851 Fol.97 relating thereto and held by Deed of Transfer
Number T6848/2013

THIS PROPERTY IS TRANSFERRED :

Subject to the conditions of the Original Government Grant No. 1737, in so far as
applicable.

WHEREFORE the said Appearer, renouncing all rights and title which the said

VCT DEVELOPMENT PROPRIETARY LIMITED
Registration number 2007/012329/07

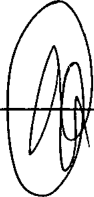
heretofore had to the premises, did in consequence also acknowledge it to be entirely
dispossessed of, and disentitled to the same, and that by virtue of these presents, the
said

MARIJOBELLACO TRADING (PTY) LTD
Registration Number 2020/927428/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto,
conformably to local custom, the State, however reserving its rights, and finally
acknowledging the purchase price to be the sum of R2 800 000,00 (TWO MILLION
EIGHT HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have
subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at
PIETERMARITZBURG on 2021-09-06



q.q.

In my presence



REGISTRAR OF DEEDS

NATISHA SEETAL
ATTORNEYS
197 UMHLANGA ROCKS
DRIVE
DURBAN NORTH

156
Prepared
Signed by me


CONVEYANCER
SUDESH RAMBARAN
LPCM NUMBER 67038

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

LILIAN NANCY CHARLES
duly authorised hereto by a resolution of the Directors of
VCT DEVELOPMENT PROPRIETARY LIMITED
Registration number 2007/012329/07

do hereby nominate and appoint

ADRIAN WALTER STOWELL LPCM 66170 and/or
NEERMALA RAMCHANDRA LPCM 68095 and/or
ZAHRA PARIUK LPCM 76395

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at PIETERMARITZBURG or any other competent official in the Republic of South Africa and then and there to act as my Attorney and Agent and to pass transfer to:

MARIJOEBELLACO TRADING (PTY) LTD
Registration Number 2020/927428/07

the property described as:

ERF 6563 DURBAN, REGISTRATION DIVISION FU, PROVINCE OF
KWAZULU NATAL

IN EXTENT 469 (FOUR HUNDRED AND SIXTY NINE) Square metres

HELD BY Deed of Transfer Number T6848/2013


the said property having been sold by me on 24 February 2021, to the said transferee/s for the sum of R2 800 000,00 (Two Million Eight Hundred Thousand Rand);


and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore

had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at DURBAN on 2 July 2021
in the presence of the undersigned witnesses.

AS WITNESSES :

1. 

2. 



On behalf of VCT DEVELOPMENT
PROPRIETARY LIMITED

For Information Only

A



Transfer Duty

TDREP

Declaration

Reference Details

Transfer Duty Reference Number: TDE045574B

Details

Details of Seller / Transferor / Time Share Company

Surname / Registered Name VCT DEVELOPMENT PROPRIETARY LIMITED
Company / CC / Trust Reg No. 200701232907

Full Name VCT DEVELOPMENT PROPRIETARY LIMITED
Marital Status

Details of Purchaser / Transferee

Full Name MARIJOEBELLACO TRADING (PTY) LTD
Company / CC / Trust Reg No. 202062742807

Surname / Registered Name MARIJOEBELLACO TRADING (PTY) LTD
Marital Notes if applicable

Details of the Property

Date of Transaction/Acquisition (CCYYMMDD) 2021-02-24
Total Fair Value R 2800000.00

Total Consideration R 2800000.00

Calculation of Duty and Penalty / Interest

Transfer Duty Payable on Natural Person R 2800000.00

Property Description

1 ERF 6563 DURBAN, REGISTRATION DIVISION FU, PROVINCE OF KWAZULU NATAL IN EXTENT 469 (FOUR HUNDRED AND SIXTY NINE) Square metres

Receipt

Receipt Details

Transfer Duty Reference Number TDE045574B
Receipt Amount R 124000.00

Receipt No. 1200644285

Declaration by Conveyancer / Attorney

I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.

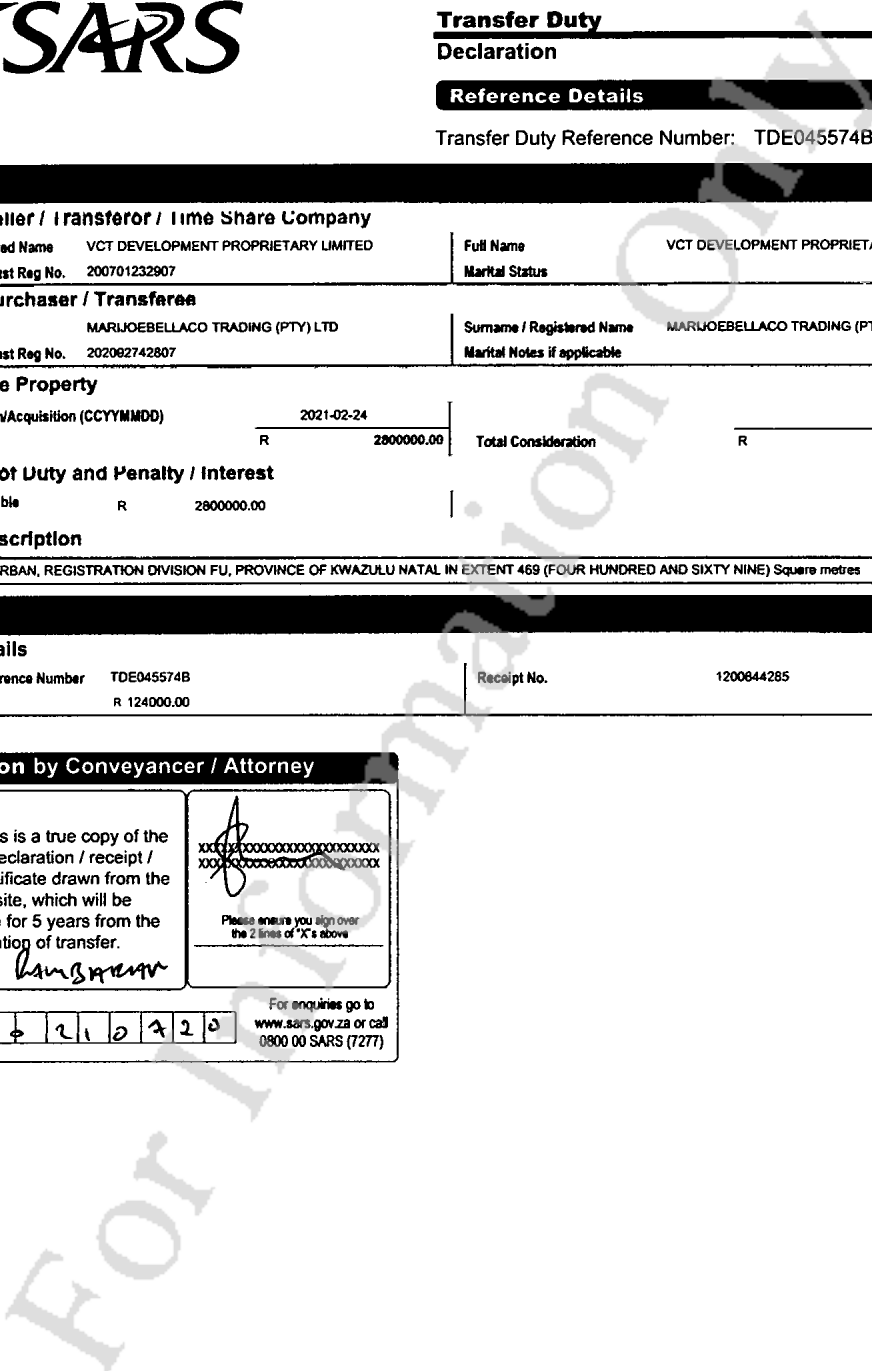
XX
XX

Please ensure you sign over the 2 lines of "X"s above

Sosha Kambamu

Date (CCYYMMDD) 20 21 02 20

For enquiries go to
www.sars.gov.za or call
0800 00 SARS (7277)



A



**CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000
(ACT No. 32 OF 2000) (AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)**

ISSUED BY eTHEKWINI MUNICIPALITY

In terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to eTHEKWINI MUNICIPALITY in connection with the undermentioned property situated within that municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

The following sums remain charges upon the property by virtue of section 118(3) of the local government: Municipal Systems Act, 2000 (Act 32 of 2000): Not applicable

DESCRIPTION OF PROPERTY

21 Digit Code : NOFU00850000656300000
 Erven : 6563
 Portion : 0
 Extension : DURBAN
 Zoning : Not available
 Registration division / Administrative District : FU
 Suburb : BULWER
 Town : DURBAN
 Sectional Title unit number : Not applicable
 Exclusive use area and number as referred to on the registered plan : Not applicable
 Real right : Not applicable
 Scheme registration number : Not applicable
 Sectional Title Scheme Name : Not applicable
 Registered owner : VCT DEVELOPMENT PROPRIETARY LIMITED 200701232907
 Name and Identity/ Registration Number of all purchaser/s: MARIJOEBELLACO TRADING (PTY) LTD 2020/927428/07

This Certificate is valid until : 08/09/2021
 Given under my hand at DURBAN on 10/07/2021

MUNICIPAL MANAGER
 eTHEKWINI MUNICIPALITY

Date issued: 10/07/2021

Authorised Officer: Kusakusa Magwaza

Certificate By Conveyancer:

I Suvela Mungwana (full name and surname) hereby certify that this is a print-out of a data message in respect of the original clearance certificate electronically issued by the Ethekwini Municipality.

Conveyancer

Date

TRACK NUMBER : 48004287038

PROPERTY DETAILS: PRINT FOR PORTION 0
ERE NO 6563
TOWNSHIP DURBAN
REG DIV FU

PROVINCE KWAZULU NATAL
PREV DESCRIPTION
DIAGRAM DEED NO T1262/932
EXTENT 469 SQM
CLEARANCE ETHENWINI

NO INTERDICTS

DOCUMENTS
E3830/2013
DURBAN, 6563

HOLDER & SHARE
NEDBANK LIMITED

AMOUNT
R5000000.00

O/P/A

SCAN/MICRO REF
20130488130536
1993 0039 1258

MMD
0312

OWNER DETAILS

FULL NAME & SHARE
VCT DEVELOPMENT PROPRIETARY LIMITED

PURCH DATE

AMOUNT/REASON

O/P/A IDENTITY

TITLE DEED

MMD

MICROFILM REF

20121106 R2750000.00

200701232907

T6848/2013

0312

20130488130226

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***

IKHE: /XARRA /IKE

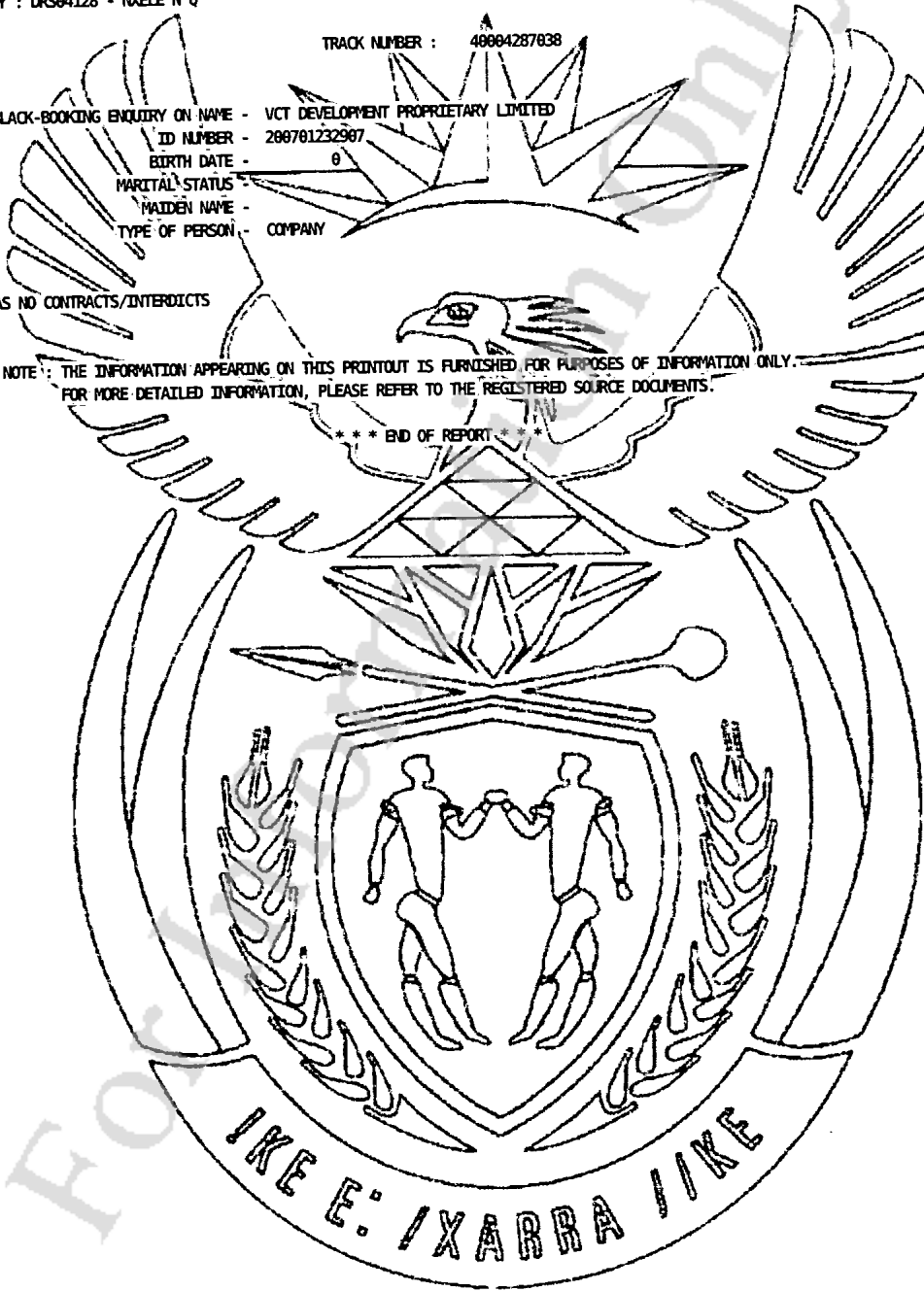
TRACK NUMBER : 40004287038

BLACK-BOOKING ENQUIRY ON NAME - VCT DEVELOPMENT PROPRIETARY LIMITED
ID NUMBER - 200781232907
BIRTH DATE - 0
MARITAL STATUS -
MAIDEN NAME -
TYPE OF PERSON - COMPANY

PERSON HAS NO CONTRACTS/INTERDICTIONS

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***



69

A

**APPLICATION IN TERMS ETHEKWINI MUNICIPALITY:
PLANNING AND LAND USE MANAGEMENT BY-LAW 2016
(MUNICIPAL NOTICE 114 OF 2017) AND THE APPLICABLE
SCHEME FOR THE REZONING OF ERF 6563 DURBAN
SITUATED AT 133 HELEN JOSEPH ROAD FROM GENERAL
RESIDENTIAL 2 TO LIMITED COMMERCIAL**

FAZAL EBRAHIM

141 CEDARA ROAD

HILTON

3245

CELL: 0618566460

EMAIL: fazalebrahim5@gmail.com

APPLICATION IN TERMS ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 (MUNICIPAL NOTICE 114 OF 2017) AND THE APPLICABLE SCHEME FOR THE REZONING OF ERF 6563 DURBAN SITUATED AT 133 HELEN JOSEPH ROAD FROM GENERAL RESIDENTIAL 2 TO LIMITED COMMERCIAL

REZONING APPLICATION MOTIVATION REPORT – 28 FEBRUARY 2022

1.0 INTRODUCTION

- 1.1 This application is lodged in terms of the Ethekewini Municipality: Planning and land Use management By-Law 2016 (Municipal Notice 114 of 2017 and the Applicable Scheme for the rezoning of Erf 6563 Durban situated at 133 Helen Joseph Road from General Residential 2 to Limited Commercial for a restaurant on the first floor limited to 240.00m² with parking on the basement level and on the ground floor.
- 1.2 The site is owned by MARIJOEBELLACO TRADIING TRADING (PTY) LTD Registration Number 2020 / 927428 /07, Mr. Andrey Sashendren Marimuthu, I.D. Number 761118 5175 087 the sole member/director authorizes Fazal Ebrahim to prepare and submit this rezoning application (Annexure A).
- 1.3 The site is currently zoned General Residential 2 in terms of the EThekwini Municipality's Central Town Planning Scheme.
- 1.4 A copy of the Title Deed and SG Diagram relating to the sites are in enclosed Annexure B. The application site is not affected by any restrictive conditions of title deed (Annexure B).

2.0 THE SITE

- 2.1 The application site is located within a mixed-use area which has transformed Helen Joseph Road and Brand Road into a mixed-use activity corridor (Site Plan).
- 2.2 The application site is 469.00m² in extent, rectangular in shape and topographically flat. The existing house will be altered for a new restaurant.
- The application site is accessed from Helen Joseph Road (Davenport Road) that connects east onto Magwaza Maphalala Street (Gale Street), west from Bulwer Road and north from King Dinizulu (Berea Road) and the N3 to the north.
- 2.3 As mentioned the application site is located on Helen Joseph Road which has transformed into a local mixed use activity corridor and in this case the residential land uses fronting Helen Joseph Road between Brand Road and Bulwer Road have transformed into a variety of restaurants and businesses.

APPLICATION IN TERMS ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 (MUNICIPAL NOTICE 114 OF 2017) AND THE APPLICABLE SCHEME FOR THE REZONING OF ERF 6563 DURBAN SITUATED AT 133 HELEN JOSEPH ROAD FROM GENERAL RESIDENTIAL 2 TO LIMITED COMMERCIAL

REZONING APPLICATION MOTIVATION REPORT – 28 FEBRUARY 2022

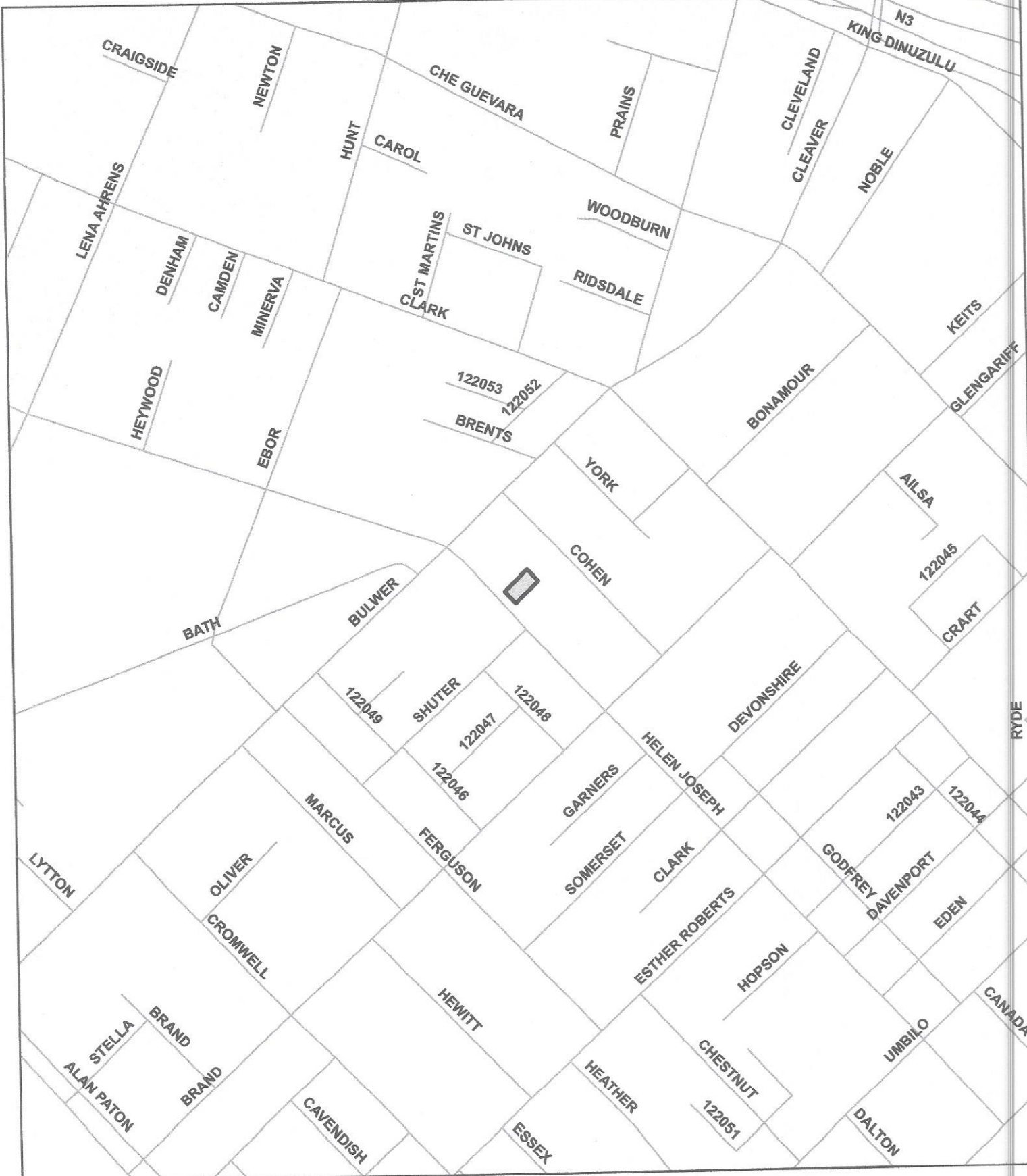
1.0 INTRODUCTION

- 1.1 This application is lodged in terms of the Ethekewini Municipality: Planning and land Use management By-Law 2016 (Municipal Notice 114 of 2017 and the Applicable Scheme for the rezoning of Erf 6563 Durban situated at 133 Helen Joseph Road from General Residential 2 to Limited Commercial for a restaurant on the first floor limited to 240.00m² with parking on the basement level and on the ground floor.
- 1.2 The site is owned by MARIJOEBELLACO TRADIING TRADING (PTY) LTD Registration Number 2020 / 927428 /07, Mr. Andrey Sashendren Marimuthu, I.D. Number 761118 5175 087 the sole member/director authorizes Dhanesh Dhukan to prepare and submit this rezoning application (Annexure A).
- 1.3 The site is currently zoned General Residential 2 in terms of the EThekwini Municipality's Central Town Planning Scheme.
- 1.4 A copy of the Title Deed and SG Diagram relating to the sites are in enclosed Annexure B. The application site is not affected by any restrictive conditions of title deed (Annexure B).

2.0 THE SITE

- 2.1 The application site is located within a mixed-use area which has transformed Helen Joseph Road and Brand Road into a mixed-use activity corridor (Site Plan).
- 2.2 The application site is 469.00m² in extent, rectangular in shape and topographically flat. The existing house will be altered for a new restaurant.

The application site is accessed from Helen Joseph Road (Davenport Road) that connects east onto Magwaza Maphalala Street (Gale Street), west from Bulwer Road and north from King Dinizulu (Berea Road) and the N3 to the north.
- 2.3 As mentioned the application site is located on Helen Joseph Road which has transformed into a local mixed use activity corridor and in this case the residential land uses fronting Helen Joseph Road between Brand Road and Bulwer Road have transformed into a variety of restaurants and businesses.



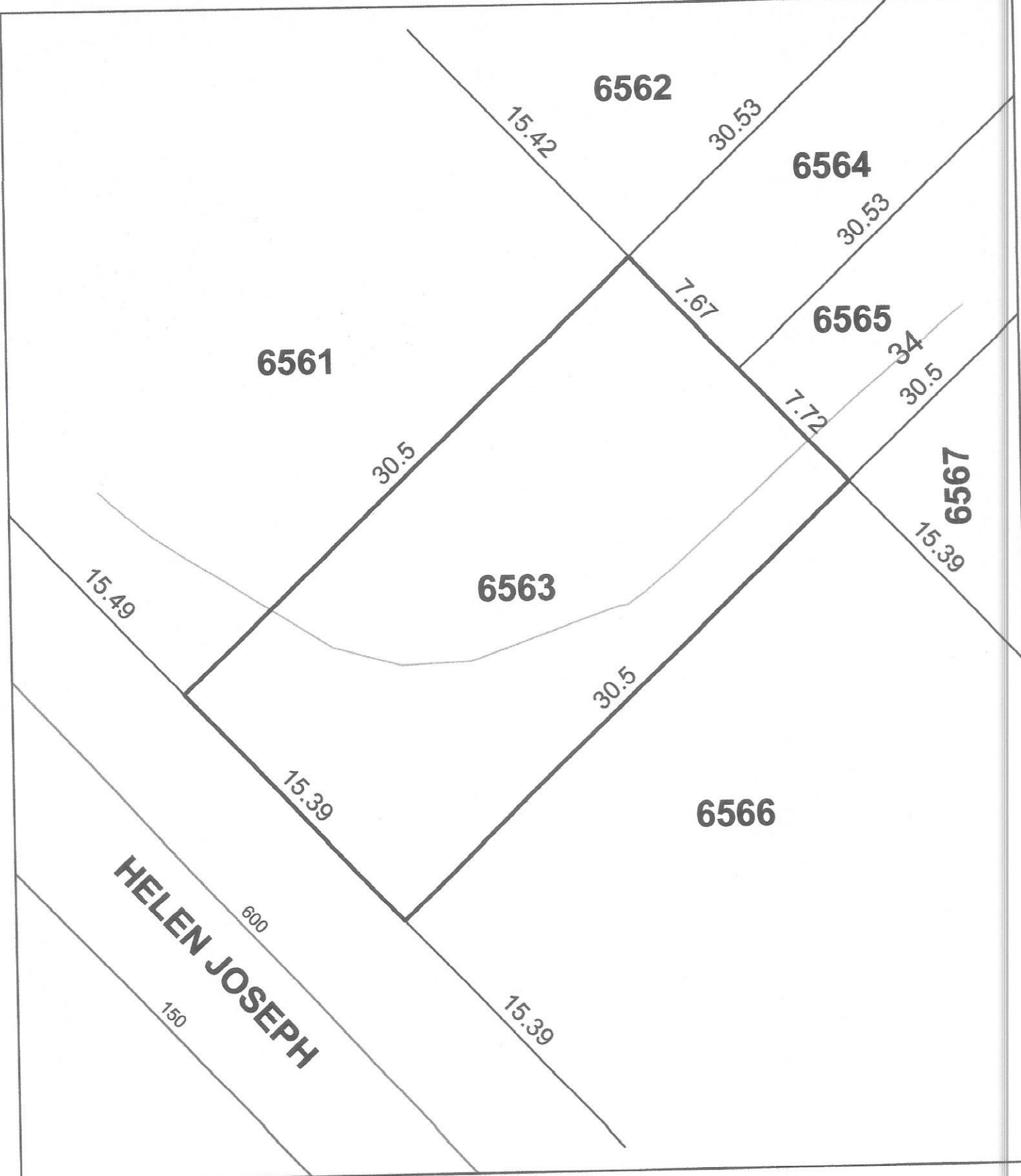
LOCALITY PLAN

**133 HELEN JOSEPH ROAD
DURBAN**

Legend

APPLICATION SITE



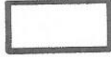




LOCALITY PLAN

**133 HELEN JOSEPH ROAD
DURBAN**



Legend

-  APPLICATION SITE
-  SEWER
-  STORMWATER

The application site is currently zoned General Residential 2 in terms of the Central Scheme (Zoning Plan).

- 2.4 The application site is in the commercial/residential area of Glenwood and the surrounding is predominantly mixed use in nature. The surrounding land uses comprises of Davenport Shopping Centre, Standard Bank, Nedbank and ABSA banks on Brand Road between Helen Joseph Road and Che Guevara Roads.

A variety of businesses are operating between Magwaza Maphalala Street and Brand Road. Currently there are a number of residential houses that have been converted to restaurants, fast food outlets, offices and businesses west of Helen Joseph Road between Magwaza Maphalala Street and Bulwer Road. This creep of businesses as also happening on Brand Road with accountants and offices south of Helen Joseph Road on Brand Road.

- 2.5 The existing house is a listed building in terms of Amafa Heritage Council and applicant is in the process of obtaining their comments.
- 2.5 The application site has access to the necessary sewer storm water and road infrastructure.

3.0 DEVELOPMENT CONTROLS

The Town Planning Controls for the Limited Commercial zone are listed below:

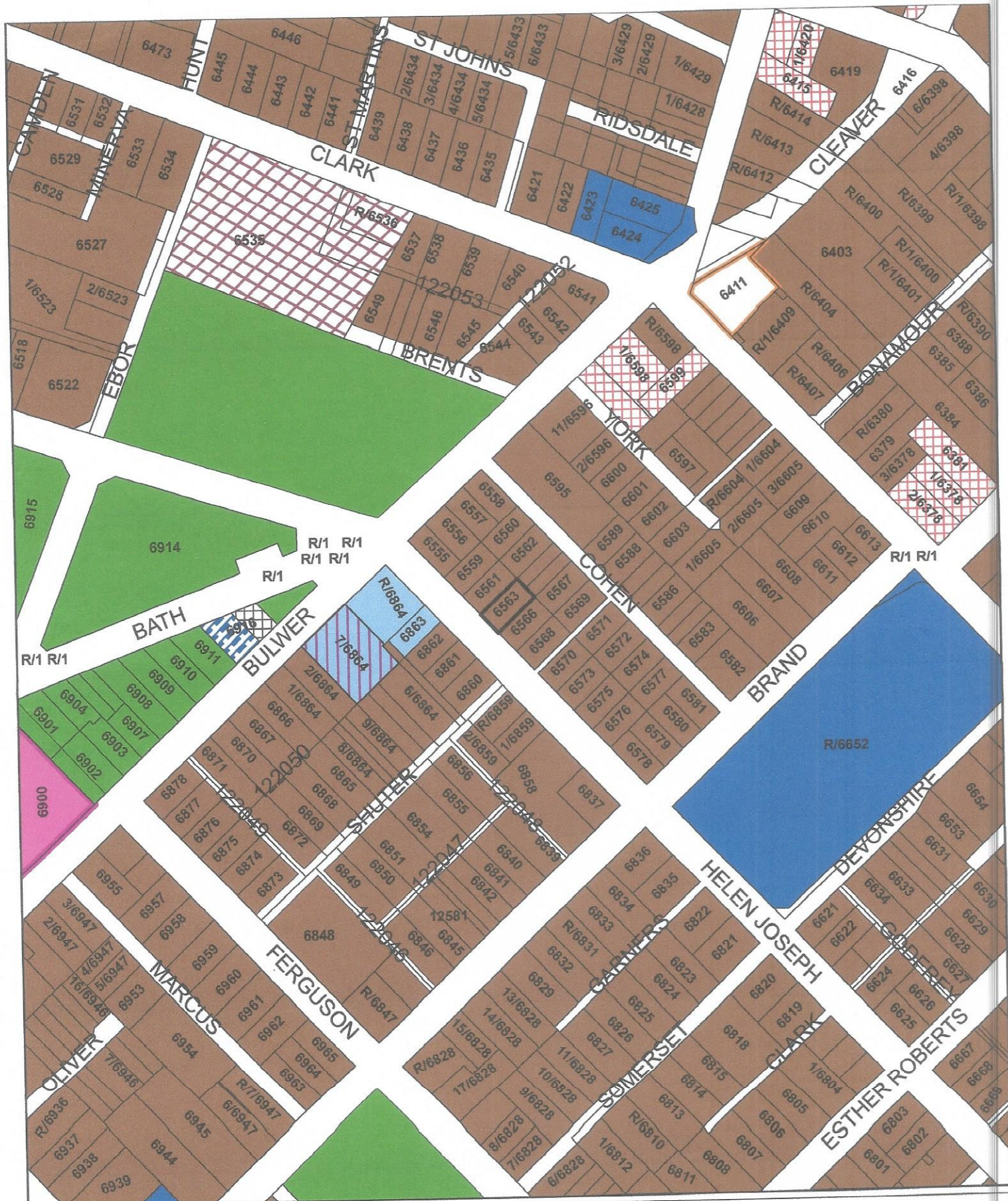
Limited Commercial

Coverage	:	50%
FAR	:	N/A
Height	:	2 Storeys
Front building line	:	3.0m
Side space	:	Nil
Rear space	:	Nil
Minimum Lot Size	:	450.00m ²
Units per Hectare	:	N/A

Parking requirements: 10 bays / 100m² PFA

4.0 PROPOSED DEVELOPMENT

- 4.1 As mentioned earlier, the applicant intends to rezone the site from General Residential 2 to Limited to Commercial for the development of a restaurant as shown on the application site as shown on the Architect's plans in Annexure C.
- 4.2 The existing house will be converted to a restaurant with parking at the basement level and on the ground floor used for a reception are with a



ZONING PLAN

**133 HELEN JOSEPH ROAD
DURBAN**



1:3000

Legend

- | | | | |
|--|-----------------------|--|--------------------------------------|
| | APPLICATION SITE | | Limited Commercial |
| | General Residential 2 | | General Commercial |
| | Educational 2 | | Fuelling and Service Station |
| | Institutional 1 | | Mixed Use 1 |
| | Institutional 2 | | Special Zone 4: Parking |
| | Worship | | Public Open Space Reservation |
| | | | Government and Municipal Reservation |

ZONE: LIMITED COMMERCIAL

SCHEME INTENTION: To provide, preserve, use land or buildings for: -

- Low impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.

MAP COLOUR REFERENCE: Light Blue

MAP REFERENCE:

PRIMARY	SPECIAL CONSENT	PRECLUDED
<ul style="list-style-type: none"> • Boarding House • Car Wash • *Flat • Flea Market • Garden Nursery • Health & Beauty Clinic • Health Studio • Hotel • Market • Office • Office - Medical • Pet Grooming Parlour • Restaurant / Fast Food Outlet • Shop 	<ul style="list-style-type: none"> • Action Sports Bar • Crèche • Fuelling and Service Station • Betting Depot • Place of Public Entertainment • Place of Public Worship • Private Open Space • Education Establishment • Veterinary Clinic • Special Building • Telecommunication Infrastructure • Any other use authorised in terms of Section 9.4 	<ul style="list-style-type: none"> • All other uses not indicated in the Primary and Special Consent columns

ADDITIONAL CONTROLS – LAND USE

*A Flat shall not be permitted on the ground floor; provided that where, owing to the levels of the site, the ground floor is below the street level, the Municipality may permit any floors below street level to be used for the provision of residential accommodation.

1. In respect of Portions 4 and 5 of 3172 Durban, the maximum Coverage requirement shall not exceed 70%
2. In respect of Rem of Portion 1 of 3065 Durban, the maximum Coverage requirement shall not exceed 80%

On Portion 1 of Erf 3065 Durban the following shall apply:

- a. The sites comprising these sites shall be consolidated or tied by notarial deed in restraint of free alienation.
 - b. No buildings other than shops, which shall be restricted to a gross floor area of 530m² and/or offices, which shall be restricted to a gross floor area of 424m² shall be erected within this site.
 - c. The maximum coverage of all buildings on the site shall not exceed 80% of the site.
 - d. There shall be a space free of all building of not less than 3,0 metres or a width calculated on the basis of 1,2 metres per storey, whichever is the greater, from all boundaries of the site other than a street boundary. The Executive Director (Physical Environment) may, by special consent, relax the requirements of this condition.
 - e. No building line requirement shall apply.
 - f. On-site parking shall be provided at the ratio of not less than one bay per 25m² of gross floor area.
 - g. Loading and off-loading facilities shall be provided to the satisfaction of the Executive Director (Physical Environment).
 - h. Vehicular ingress and egress shall be provided to the satisfaction of the Executive Director (Physical Environment).
 - i. The development is to occur substantially in accordance with the concept contained in the sketches 95080 REV. B which were submitted by the appellant on 2 September 1997, to the Department of Local Government and Housing
3. The following shall apply to Portions 4 and 5 of Erf 3172 Durban and the following conditions shall apply to any development of these sites-
 - a. The uses permitted within this site shall be restricted to that of shops/Medical office/Offices and restaurants.
 - b. The total floor area of all buildings shall not be greater than that calculated in accordance with a plot area ratio of 0, 8 to 1.
 - c. The maximum coverage of all buildings within the land comprising this site shall not exceed 70%.
 - d. No portion of any building erected in this site shall exceed a height of 45 metres above mean sea level.
 - e. No building line requirement shall apply.
 - f. On-site parking shall be provided at the ratio of not less than one bay per 25m² of gross floor area.
 - g. Loading and off-loading facilities shall be provided to the satisfaction of the Municipality.
 - h. Vehicular ingress and egress shall be to the satisfaction of the Municipality.
 - i. The eastern boundary of the land comprising this site shall be landscaped to the satisfaction of the Municipality and a boundary wall shall be erected along the eastern boundary to the satisfaction of the Municipality in consultation with the owners of Portions 4, 5 and 22 of Erf 3172 Durban.
 - j. The height requirements of this zone shall not apply to the properties described as Portions 2 and 3 of Erf 4261 Reservoir Hills.
 4. Notwithstanding any other provisions of this scheme, the development of the Special Shopping (Limited Commercial) Zone situated at Wood Road, Henley Road and Roland Chapman Drive shall adhere to the following :-
 - The properties described as Rem. of Portion of Erf 844, Rem. of Portion 3 of Erf 844, Portion 4 (of 2) of Erf 844 and Portion 1 of Erf 844 all of Sea View, be consolidated.
 - Loading and unloading of delivery vehicles shall take place within a demarcated area and there shall be no stacking, parking or loading/unloading of delivery vehicles on Henley Road.
 - The signalisation of the intersection of Wood and Henley Roads, if required at some future date, shall be to the developers cost.



133 HELEN JOSEPH ROAD

LAND USE PLAN



Legend

APPLICATION SITE	MEDICAL	KZN GOLF UNION
DWELLING	BANK	OFFICE
FLATS	KZN SOCIETY OF THE ARTS	CHURCH
SHOP AND RESTAURANT	PARKING	UNDER CONSTRUCTION
WOOLWORTHS	SHOPPING CENTRE	PARK
RESTAURANT	SHOP	VACANT
SALON		

the first floor. The first floor will have an 70.22m² seated dining area, a bar area of 15.15m², a 64.01m² kitchen, 12.62m passage, 4.30m² paraplegic toilet, female toilets 11.59m², male toilets 9.18m², a 15.18m² cold room and 12.30m² storeroom as shown Architect's drawings in Annexure C.

Eleven parking bays have been provided on the basement level and 11 parking bays and one 6x4m loading bay have been provided on the ground floor level. The on the application site is accessed from a single entrance/exit from Helen Joseph Road. A 28.52m² generator rood is on the ground floor.

Site Area	:	469.00m ²
Permitted Coverage	:	234.50m ²
Permitted FAR	:	
Existing Coverage	:	102.00m ²
Proposed Ground Floor Coverage	:	12.67m ²
Proposed First Floor Coverage	:	110.45m ²
Total Coverage	:	225.12m ² (48%).

- 4.4 In terms of the applicable parking requirements for a restaurant 10 bays / 100m² PFA. A total of 22 parking bays have been provided on site with 11 parking bays on the basement level and 11 parking bays and a 6m x 4m loading bay on the ground floor.
- 4.5 As indicated in the Traffic Impact Statement by SuRoCon Engineers, the proposed sit down restaurant limited to 240.0m GLA is expected to have a negligible impact on the road the Glenwood area and particularly on Helen Joseph Road. It is further noted that proposed rezoning will not impact on the existing traffic in the area and will not present any challenging traffic issues.
- 4.5 The existing development is a modern architectural design that blends in with the existing residential character and aesthetics.

5.0 MOTIVATION

- 5.1 We firstly that the site is unique, secondly the proposed rezoning is a need to acknowledge the transformation of local activity corridors from residential to mixed and thirdly that it aligns with the SPLUMA principles.

The transformation of residential units to the informal mixed-uses over the years on activity corridors was the result of a local need for the provision of essential and social services such as attorneys, auto services, tax consultants and restaurants, which were not provided in the apartheid-planned suburbs.

5.1.1 Uniqueness of the Site

As mentioned in Section 1 above, the application site is on a local activity corridor which has transformed from a residential land use on Helen Joseph Road from to a variety of mixed use land uses by private initiative to bring goods and services within easy reach of the residents within and outside the broader Glenwood area. This transformation to a mixed use local activity also aligns with the promotion and adaptation of the municipality's compact city.

5.1.2 Need for Transformation to Mixed Use Local Activity Corridors.

5.2.1 There is a demand to create economic development and to encourage small businesses, mixed use development and local economic development by private individuals and in particular within emerging and organically transformed local activity corridors is established residential areas and suburbs which lost their residential character and form which also has necessary bulk infrastructure in the municipal area.

While it is acknowledged that the businesses and local economic development cannot solve the high unemployment rate in KZN and in South Africa these types of businesses by private individuals with small business and their own capital investments does contribute in small but significant way to create and sustain jobs which contributes to the local economy.

6.1 SPLUMA DEVELOPMENT PRINCIPLES

The following for SPLUMA principles renders the application site suitable for the existing mixed use development to be regularized by rezoning the application site from General Residential 2 to Limited Commercial.

6.1.1 Compliance with the Municipal SDF

The application site on a mixed use local activity corridor which has transformed organically due to the changing economic demands for residents to access services and goods within easy reach and at reduced travel costs.

The existing mixed use corridor development as mentioned in Section 1 and in the land use in Section 2 aligns with the municipality's approved 2021/2022 Spatial Development Framework to encourage and promote the existing mixed use development in strategically located local economic neighbourhood nodes which provides goods and services to residents.

The growing trend of local activity corridors transforming into local mixed use corridors by private initiatives in the Ethekwini municipal areas and in other towns in the country clearly demonstrates that municipalities have to respond positively to this transformation as this creates employment opportunities and provides residents with easily accessible goods and services.

Given the fact that there is little economic growth in the country and in particular in KZN and the in the Ethekewini municipal area it is necessary to support and retain existing small economically viable developments such as this proposed rezoning application and other existing small economically viable developments in the municipal area and in the country.

Therefore, this rezoning application aligns with SPLUMA's development principles for town planning applications to comply with the principle "Compliance with the Municipal SDF.

6.1.2 Spatial Justice

It is noted that the existing commercial development has and will continue to make a small but significant contribution to the economic development and growth by private individuals. This will also create and sustain employment opportunities.

6.1.3 Spatial Sustainability

The existing development is within a developed commercial and residential that has access to the necessary bulk infrastructure and is also connected to an existing road network on an existing public transport route.

The principles of economic growth and development facilitates the optimal use of existing commercial developments in the suburbs by private entrepreneurs.

6.1.4 Spatial Resilience

The provision and sustainability of existing employment contributes to Ethekewini municipality, the KZN province and the country and also in a small but significant way addresses the high employment shortage currently facing South Africa.

The existing compliant and non-compliant mixed uses have not affected the amenity and character of the area. The exiting commercial development complies with the Scheme controls with regards to coverage, FAR, height, density and parking for the Limited Commercial zone.

As indicated in the Traffic Impact Assessment, the existing development will not impact on the existing traffic in the area and will not present any challenging traffic issues.

The existing development will not way affect the amenity or residential character of the area.

7.0 CONCLUSION

It is submitted that the existing rezoning is not detrimental to the existing residential amenity and character of the area or neighbourhood and that the

approval of this application would be in accordance with sound town planning principles. It is therefore requested that the existing rezoning application sought be granted based on the application submitted.

ANNEXURE A : OWNER'S CONSENT

MARIJOBELLACO TRADING (PTY) LTD
62 JADWAT STREET
ISIPINGO RAIL
ISIPINGO
4133

ETHEKWINI MUNICIPALITY
LAND USE MANAGEMENT
166 K.E. MASINGA ROAD
DURBAN
4001

Attention: Edwin Sibiya

DATE: 21 June 2022

OWNER/S CONSENT DOCUMENT: REZONING APPLICATION
CADASTRAL DESCRIPTION: ERF 6563 DURBAN
133 HELEN JOSEPH ROAD DURBAN

This letter serves to confirm that I, Mr. Andrey Sashendren Marimuthu, I.D. Number 761118 5175 087 the sole member/director of MARIJOBELLACO TRADING (PTY) LTD Registration Number 2020 / 927428 /07, 088 renounces the appointment of Mr. Dhanesh Dhukan, and appoints Fazal Ebrahim to continue with the rezoning application in terms of the Ethekwini Municipality: Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017 and the Applicable Scheme to rezone Erf 6563 Durban, situated at 133 Helen Joseph Road from General Residential 2 to Limited Commercial.

The reason for the new appointment is that Mr Dhukan has relocated to Johannesburg.

Kindly acknowledge receipt hereof and confirm the content hereof is in order.

Yours sincerely



ANDREY SASHENDREN MARIMUTHU

ANNEXURE B : TITLE DEED & SG DIAGRAM

STAMP

NATISHA SEETAL ATTORNEYS
197. UMHLANGA ROCKS DRIVE
DURBAN NORTH

Prepared by me

CONVEYANCER
SUDESH RAMBARAN
LPCM NUMBER 67038

FEES	
Stamp duty	R 1728,00
Reg	
Serv	
G/M Bond	

VERBIND MORTGAGED	
VIR FOR R 2 240 000,00	
3) B	15571 2
2021-09-06	 REGISTRATEUR/REGISTRAR

2021-09-06

T 28665 ²¹ #8

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

NEERMALA RAMCHANDRA
LPCM NUMBER 68095

appeared before me, REGISTRAR OF DEEDS at PIETERMARITZBURG, the said
appearer being duly authorised thereto by a Power of Attorney granted to him/her by

VCT DEVELOPMENT PROPRIETARY LIMITED
Registration number 2007/012329/07

which said Power of Attorney was signed at *Durban* on *2 July 2021*

And the appearer declared that his/her said principal had, on 24 February 2021, truly
and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her
capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf
of:

MARIJOEBELLACO TRADING (PTY) LTD
Registration Number 2020/927428/07

or its Successors in Title or assigns, in full and free property

ERF 6563 DURBAN, REGISTRATION DIVISION FU, PROVINCE OF
KWAZULU NATAL

IN EXTENT 469 (FOUR HUNDRED AND SIXTY NINE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 1262/1932 with
Diagram Sub. Vol.851 Fol.97 relating thereto and held by Deed of Transfer
Number T6848/2013

THIS PROPERTY IS TRANSFERRED :

Subject to the conditions of the Original Government Grant No. 1737, in so far as
applicable.

WHEREFORE the said Appearer, renouncing all rights and title which the said

VCT DEVELOPMENT PROPRIETARY LIMITED
Registration number 2007/012329/07

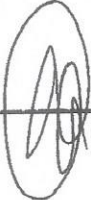
heretofore had to the premises, did in consequence also acknowledge it to be entirely
dispossessed of, and disentitled to the same, and that by virtue of these presents, the
said

MARIJOBELLACO TRADING (PTY) LTD
Registration Number 2020/927428/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto,
conformably to local custom, the State, however reserving its rights, and finally
acknowledging the purchase price to be the sum of R2 800 000,00 (TWO MILLION
EIGHT HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have
subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at
PIETERMARITZBURG on 2021-09-06



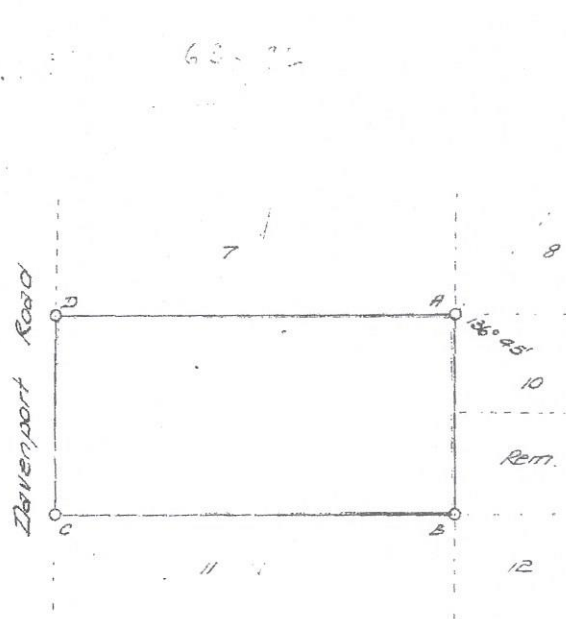
q.q.

In my presence



REGISTRAR OF DEEDS

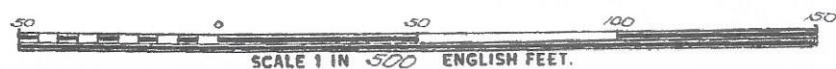
Approved
J. G. ...
 Surveyor General.



SIDES		ANGLES	
AB	50.50	A	89 49 0
BC	100.07	B	90 12 0
CD	50.50	C	89 78 0
DA	100.07	D	90 12 0

Now LOT 6563.....DURBAN

Reg. Div.
FU



The figure *A. B. C. D.* Represents $\frac{1}{4}$ Acres 18.56 ^{Perches.} Square Feet
 of land called *Lot 9 of 36 Block C*

situate in the Town Lands of Durban, Province of Natal.

Surveyed in November 1926 by me
Paul T. Schelin
 Land Surveyor.

This diagram is annexed to deed of Transfer No. 1262/1932 Dated 30th May 1932 (Sgd) <i>L. V. R. Luyt</i> Registrar Deeds	Original diagram is annexed to Deed of Grant No. 1737. Dated 27th July 1855. N39 Sub. Vol. Fol. Plan A. 13. SR 30720
--	---



REZONING APPLICATION TO
LIMITED COMMERCIAL


**133 HELEN JOSEPH ROAD
GLENWOOD**

TRAFFIC IMPACT STUDY
January 2022



Assessing Authority


VERIFICATION LETTER


Project Description	Rezoning to Limited Commercial for the proposed Restaurant (Sit-down) at 133 Helen Joseph Road, Glenwood
Municipal Area	eThekweni Metro Municipality
Application type	Rezoning
Type of Report	Traffic Impact Study
Declaration	<p><i>The undersigned has been appointed as the registered professional for this Traffic Impact Study and has applied due diligence to the content of this report and endeavoured to ensure that the TIS is free of technical errors and takes full responsibility for its contents.</i></p> <p><i>I also undertake to attend any forum where the TIS is in dispute to report on matters that relate to the TIS. I understand and agree that the municipality shall not be liable to compensate me in this regard.</i></p>
Signed	
Full name	Suresh Robert
Relevant academic qualification	BSc - Civil Engineering
ECSA Professional registration	20160797
Date	04 January 2022

Prepared By:



SuRoCon Engineers (Pty) Ltd
22 Hillbrow Road
Kloof
Durban
3610

 +27(0) 81 248 0895

 traffic@surocon.co.za
chettyg70@gmail.com

CONTENTS

Page No.

1.	DEVELOPMENT PARTICULARS.....	1
1.1	PROPOSED DEVELOPMENT.....	1
1.2	SITE LOCATION.....	1
1.3	LAND USE.....	2
1.4	EXISTING LAND USE RIGHTS.....	2
1.5	ACCESS.....	2
2.	OTHER PLANNING AUTHORITIES.....	2
3.	TRAFFIC DEMAND ESTIMATION.....	2
3.1	SITE SPECIFIC LAND USE TRIP DEMAND.....	2
3.2	ASSESSMENT HOURS.....	2
3.3	TRIP GENERATION.....	3
3.3.1	REDUCTION FACTORS.....	3
3.3.2	DEVELOPMENT TRIP GENERATION.....	3
4.	ACCESS.....	3
5.	PARKING.....	4
6.	FINDINGS.....	4
6.1	PROPOSED DEVELOPMENT.....	4
6.2	ACCESS.....	4
6.3	PARKING.....	5
7.	RECOMMENDATIONS.....	5

LIST OF TABLES

TABLE 1: TRIP GENERATION FOR THE LIMITED COMMERCIAL DEVELOPMENT.....	3
--	---

1. DEVELOPMENT PARTICULARS

1.1 PROPOSED DEVELOPMENT

This Traffic Study was prepared in support of a Rezoning application lodged in terms of the eThekweni Municipality: Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) and the applicable Scheme to change the existing General Residential 2 zone to Limited Commercial to establish a Restaurant (Sit-down) at street address, 133 Helen Joseph Road, Glenwood.

The extent of the development is dependent upon the development parameters and the limitations set by the proposed Limited Commercial zone, which consists of an array of land uses under the eThekweni Central Town Planning Scheme zoning controls, with these controls given in the Town Planning Motivation Report. Hence, any proposed development is governed by the permitted

height and provision of parking on the application site.

Consequently, the proposed Restaurant (Sit-down) would be limited to 240m² with the proposed development housed in the existing building structure.

Hence, **SuRoCon Engineers** were appointed to assess the traffic impact to support this Rezoning Application.

Objectives

The objectives were to assess the impact of the proposed development on the existing transport system and if necessary to evolve appropriate mitigating measures that would be required to meet the anticipated traffic demand, under various scenarios.

1.2 SITE LOCATION

The development site is described as **ERF 6563 Durban** situated at street address 133 Helen Joseph Road, within the residential / commercial suburb of Glenwood, having a total site area of 469m².

The application site is situated approximately 2.5 kilometres as the “crow flies” east of the Durban Central Business District, within the eThekweni Municipal area.

The development site is bordered by Helen Joseph Road to the south with local connectivity provided by the same road. Regional connectivity is provided by Umbilo Road to the east and Bulwer to the west of the application site.

The adjacent **Figure** shows the location of the development site in its regional context.

According to the RIFSA classification of the adjacent road network, Umbilo Road and Bulwer Road are Class 3 roads, whilst

Helen Joseph Road is a Class 4 road, with all these roads under the jurisdiction of the eThekweni Municipality.

Helen Joseph Road is a two-lane, two way road which is approximately 11.5m wide with on-street parking and 2.0m wide sidewalks on both its edges, in the immediate vicinity of the application site.

The intersections of Helen Joseph Road with Umbilo Road and Bulwer Road are signalised, with the roads being in a satisfactory condition.



1.3 LAND USE

Current Zoning and Land Use

The application site is zoned General Residential 2 with the zoning certificate contained in the Town Planning Motivation Report.

Currently the site is developed with a double storey building used as Medical Offices under Special Consent.

Proposed Zoning and Land Use

The Applicant is requesting to rezone the site to Limited Commercial to establish a Sit-down Restaurant that would comply with the Municipality's Town Planning controls and National Building Regulations.

1.4 EXISTING LAND USE RIGHTS

Based on the town planning information provided, the development site is currently zoned General Residential 2.

Consequently, the potential developable yield would result in the establishment of ten residential dwelling units on the application site.
(469m² / 45m² – minimum ERF size).

1.5 ACCESS

Access to the application site is proposed off separated ingress / egress points off Helen Joseph Road.

2. OTHER PLANNING AUTHORITIES

The traffic impact of the development is limited only to the eThekweni Municipal area and therefore, no other planning authorities are affected as a result of the development.

3. TRAFFIC DEMAND ESTIMATION

The document "Manual for Traffic Impact Assessments and Site Traffic Assessment, Version 0.1, October 2015" (herein referred to as "The Manual") published by the eThekweni Transport Authority was used to determine the Traffic Demand Estimation.

3.1 SITE SPECIFIC LAND USE TRIP DEMAND

This traffic impact study assessed a site specific land use trip demand in support of the proposed Restaurant (Sit-down) limited

to 240m² GLA that would operate from the existing double storey building.

3.2 ASSESSMENT HOURS

According to the Manual, the proposed development is anticipated to generate trips principally in the Weekday afternoon and Saturday peak hours.

3.3 TRIP GENERATION

3.3.1 Reduction Factors

No Reduction Factors were applied to the development generated trips.

3.3.2 Development Trip Generation

Table 1 shows the anticipated trips that are to be generated by the development.

TABLE 1: TRIP GENERATION FOR THE RESTAURANT (SIT-DOWN) DEVELOPMENT

Land Use Type	Size	Unit	Trip Gen Rate		Total Trips Generated					
			PM Peak	Satur	PM Peak Hour			Satur Peak Hour		
Proposed development					IN	OUT	TOTAL	IN	OUT	TOTAL
			(40:60)	(60:40)	40%	60%	100%	60%	40%	100%
Restaurant (Sit-down)	240	m ²	11.80	11.00	11	17	28	16	11	26
Existing Zoning Controls										
			(70:30)	(50:50)	70%	30%	100%	50%	50%	100%
General Residential 2	10	unit	1.3	0.65	9	4	13	3	4	7
RESULTANT TRIPS					2	13	15	13	6	19
					15%	85%	100%	67%	33%	100%

Appraisal

It is anticipated that in total, the Restaurant (Sit-down) would generate a maximum of 15 trips during the Weekday afternoon and 19 additional trips during the Saturday peak hours on the adjacent road network.

The ETA released a Publication Notice 0.7 on the 08th May 2020 that revised the threshold for traffic impact and site traffic assessments which stated the following:

“A TIA shall be undertaken and submitted when an application is made for a change in land use when the highest total additional hourly vehicular trip generation (including pass-by and diverted trips) exceeds 50 vehicle trips.”

Consequently, a TIA has not been prepared for this Rezoning application.

4. ACCESS

Ingress and egress to the development site will be taken from separated points off Helen Joseph Road.

The following conditions are to be adhered to on submission of the Building Plan application:

- A free-entry access is proposed to the application site during the operational hours of the proposed development.
- The Access Point to the application site would be a priority controlled intersection, with priority given to Helen Joseph Road.

- The minimum shoulder sight distance for a Stop Condition access point on a road with a design speed of 60 km/h is approximately 90.0 metres. Since the line of sight is in excess of 90.0 metres at the Access point of the development site, the sight distance at the Access point is adequate along Helen Joseph Road in both directions.
- The Ingress and Egress Points will have a minimum width of 3.0 metres wide into and out of the application site.

- The Access will be designed in accordance with the eThekweni Transport Authority's standards and specifications.

5. PARKING

The parking requirements as per the Central Scheme of the eThekweni Municipality for a Restaurant (Sit-down) land use are as follows:

- 10 bays per 100m² PFA
Loading: 1x bakkie bay (6m x 4m)

Accordingly, 24 parking bays and a single bakkie loading bay would need to be provided within the curtilage of the site.

In addition to the above, the following must be adhered to:

- No parking on the verges
- All vehicles to enter / exit the application site in a forward gear

All parking facilities, accesses and driveways are to be designed and dimensioned in accordance with the schedule of guidelines for off-street parking as per the eThekweni Transport Authority's standards and specifications for off-street parking.

6. FINDINGS

Based on the traffic study, the following are concluded:

6.1 Proposed development

- This traffic study was undertaken in support of a Rezoning Application from General Residential 2 to Limited Commercial.
- The application site is located on **ERF 6563 Durban** which is located at street address 133 Helen Joseph Road, Glenwood.
- The proposed development seeks to utilise the existing double storey building for the purposes of a Sit-down Restaurant.
- The proposed Sit-down Restaurant would be limited to 240m² GLA.
- It is anticipated that in total, the Restaurant (Sit-down) would generate a maximum of 15 additional trips during the Weekday afternoon and 19 additional trips during the Saturday peak hours on the adjacent road network.

6.2 Access

- Ingress and egress to the development site will be taken from separated points off Helen Joseph Road.
- A free-entry access is proposed to the application site during the operational hours of the proposed development.
- The Access Point to the application site would be a priority controlled intersection, with priority given to Helen Joseph Road.
- The minimum shoulder sight distance for a Stop Condition access point on a road with a design speed of 60 km/h is approximately 90.0 metres. Since the line of sight is in excess of 90.0 metres at the Access point of the development site, the sight distance at the Access point is adequate along Helen Joseph Road in both directions.
- The Ingress and Egress Points will have a minimum width of 3.0 metres wide into and out of the application site.

- The Access will be designed in accordance with the eThekweni Transport Authority's standards and specifications.

6.3 PARKING

- The parking requirement for a Sit-down Restaurant are 10 bays per 100m² PFA as per the Scheme.
- Accordingly, 24 parking bays and a single bakkie loading bay would need to be provided within the curtilage of the site. However, the approval of the parking to be provided for this application under Rezoning is at the discretion and approval of the Land Use Management Department.
- No parking on the verges.
- All vehicles to enter / exit the application site in a forward gear.
- All parking facilities, accesses and driveways are to be designed and dimensioned in accordance with the schedule of guidelines for off-street parking as per the eThekweni Transport Authority's standards and specifications for off-street parking.

7. RECOMMENDATIONS

Since the Rezoning Application from General Residential 2 to Limited Commercial to establish a Sit-down Restaurant limited to 240.0m² GLA at 133 Helen Joseph Road, Glenwood, east of Durban Central, is expected to have a negligible impact on the road network within the Glenwood area and particularly on Helen Joseph Road, consequently, it is therefore, recommended that the Rezoning application be approved from a traffic and transportation engineering point of view.