



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

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

GCFP No : 21/7/11
Our Reference : CU 014/09/2019/C
Enquiries : Mr S NAICKER
Telephone : (031) 311 7260

DATE:

The Planning Initiative
P.O. Box 50660
Musgrave
4062

SPECIAL CONSENT DECISION NOTICE

APPLICATION NO. : CU 014/09/2019/C

PROPOSED DEVELOPMENT : PROPOSED 3 STOREY MEDICAL OFFICE, EXCLUDING THE BASEMENT LEVEL, ON RELAXED SIDE SPACES (NORTH BOUNDARY) FROM 2.0M TO 0.27M AND (SOUTH BOUNDARY) FROM 3.0M TO 1.0M; AN INCREASE IN THE ALLOWABLE COVERAGE FROM 40% TO 43%; A REDUCTION IN THE REQUIRED PARKING BY 22% AND AN INCREASE IN THE NUMBER OF EMPLOYEES, INCLUDING MEDICAL PRACTITIONERS TO 15 ON A SITE ZONED MAISONETTE 650

CADASTRAL DESCRIPTION : REMAINDER OF ERF 1200 DURBAN

STREET ADDRESS : 261 PROBLEM MKHIZE ROAD, ESSENWOOD – DURBAN

OWNER : IZANDLA ENGINEERING AND CONSULTING SERVICES CC.

In terms of Clauses 7(6)bis, 12, 19, 21 and 22 of the Durban Scheme and Section 46 of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) the application for Special Consent for a proposed 3 storey medical office, excluding the basement level, on relaxed side spaces (North boundary) from 2.0m to 0.27m and (South boundary) from 3.0m to 1.0m; an increase in the allowable coverage from 40% to 43%; a reduction in the required parking by 22% and an increase in the number of employees, including medical practitioners to 15 on a site zoned Maisonette 650 on Remainder of Erf 1200 Durban, situated at 261 Problem Mkhize Road be **APPROVED** for the following reasons:

1. Medical offices are considered desirable and compatible when located within residential areas as it allows quick access to much needed medical facilities. The proposal is located in an area that is in transition. It is highly accessible on a public transport route, frequent by buses and taxis.
2. The redevelopment of the land as proposed by the applicant will ensure that the land is used more efficiently. There is no need for additional infrastructure and any upgrades that may be required will be for the account of the developer.

3. The development is compatible with the overall footprint and facade of adjoining sites and the mixed-use character of the area,

Subject to the following conditions imposed in terms of Section 46(1)(b) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017):

1. PLANS
The development shall be in accordance with the plan (CU 014/09/2019/C) submitted with the application.
2. EXTENT OF SIDE AND HEIGHT RELAXATION
The authorised relaxations shall apply only to those portions of the side space and height which is affected by the development; as indicated on the plan.
3. PARKING AND LOADING
Adequate on-site parking spaces and turning areas shall be provided at all times for the vehicles of patients, employees and all visitors. A minimum of 28 parking bays for the Medical Offices shall be provided, to the satisfaction of the Head: Development Planning, Environment & Management and the Head: eThekweni Transport Authority. No parking shall be permitted on the verge.
4. ETHEKWINI TRANSPORT AUTHORITY
 - a. The medical offices are to open from 9.00am in order not to coincide with the morning peak traffic, as per Traffic Impact Assessment prepared by NSA Consulting Engineers report number NSA1140-2019 Revision 01 dated 19 August 2019.
 - b. Parking is to be provided as per the requirements of the Town Planning Department. All parking bay, aisle width details etc. are to be in accordance with the guideline for off street parking. These will be assessed in detail at the Pre-scrutiny application stage.
5. ETHEKWINI WATER & SANITATION
 - a. No encroachment over any municipal sewer servitude pipeline will be permitted.
6. COASTAL, STORMWATER & CATCHMENT MANAGEMENT
All storm water disposal system measures and roads shall be designed and thereafter supervised by a Professional Engineer to the satisfaction of the Head: Development Planning, Environment & Management.
7. HEALTH REQUIREMENTS
All requirements of the Council's Environmental Health Services shall be complied with prior to occupation and to the satisfaction of the Head: Health.
8. FIRE REQUIREMENTS
All requirements of Chief Fire Officer shall be complied with prior to occupation and to the satisfaction of Metro Fire: Durban.
9. HOURS OF OPERATION
The hours of operation shall be restricted to 09h00 until 19h00 on weekdays and 09h00 until 13h00 on Saturdays. No work shall be carried out on Sundays or public holidays.
10. ADVERTISING
No external advertising other than the name of the building and the practitioners name plates shall be permitted.

11. SITE MAINTENANCE AND LANDSCAPING
The property including the parking area shall be landscaped and maintained to the satisfaction of the Executive Director (Physical Environment).
12. NUMBER OF PERSONS
Not more than 15 persons including practitioners and staff shall practice or be employed in that portion of the premises to which the Municipality's Special Consent relates.
13. COUNCIL INDEMNIFICATION
eThekweni Municipality shall be indemnified by the landowner against any claim for damages or compensation in respect of the authorised development in the case of the omnibus servitude being required for any purpose whatsoever.
14. LIABILITY
eThekweni Municipality accepts no liability or responsibility whatsoever for any damage to any encroaching structure that may occur, due to maintenance to or extension of the sewer reticulation system carried out by itself or appointed agents. Possible removal of structure to be at owner's expense.

You are hereby advised that the approval of this application:

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

Your attention is drawn to the following:

Effective Date of this authority:

This authority shall become effective upon –

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

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

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

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

Rights of Appeal:

A person whose rights are affected, as set out in Section 60 of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), by this decision may appeal against such decision by giving written notice of the appeal and reasons to the **Municipal Manager, the**

Applicant, any person granted intervener status and any other person who has noted an appeal within 21 business days of the date of notification (registry postdate/email/collection) of the Decision Notice, as set out in the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017).

An appeal may be lodged as follows:

The Municipal Manager

c/o

eThekweni Municipality SPLUMA Office

First Floor Room 117

166 K E Masinga Road

or

PO Box 680

Durban

Durban

4001

4000

Attention: Ms A Nkomonde

or

Ms Lungile Silangwe

Email: anele.nkomonde@durban.gov.za

Email: lungile.silangwe@durban.gov.za

Tel: 031 322 8269

Tel: 031 311 7862

Note: An appeal fee of R5044.00 (incl. VAT) shall be payable on lodging of the memorandum with the eThekweni Municipality SPLUMA Office for the attention of the Municipal Manager. In the event of the fee not being paid, the appeal shall be deemed as not being lodged. Please request banking details for payment of the appeal fee from the SPLUMA Office.

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

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

Yours faithfully

RECOMMENDED BY:



Signature

Date: 25 MAY 2020

CB NORTON
SENIOR MANAGER: LAND USE MANAGEMENT

APPROVED BY:



Signature:

Date: 27 May 2020

M PHEWA
HEAD: DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT

COPIES TO:

- Valuations
- Senior Manager: Information Systems
- Senior Manager: Strategic Spatial Planning
- Objector: Mr and Mrs G. Naidoo – Flat 71, 280 Problem Mkhize Road