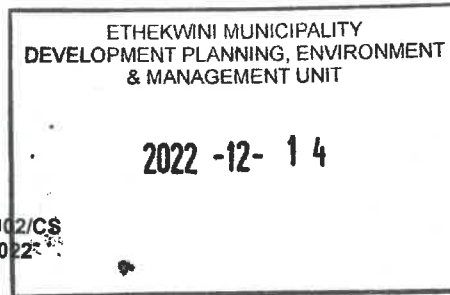


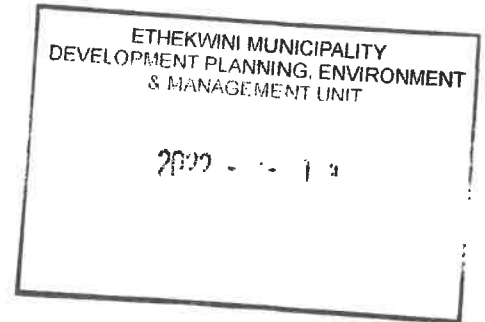


DEVELOPMENT PLANNING ENVIRONMENT & MANAGEMENT UNIT
Development Planning Department
Land Use Management Branch



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 : 21/7/3
Our Reference : LUMS202207270002/CS
CAT-REZ-01-06-2022
Enquiries : Mr B. Tigere..
Telephone : (031) 3117572
e-Mail : Basil.Tigere@durban.gov.za



Mr. Kavi Soni
SiVEST
P O Box 1899
Umhlanga Rocks
4320

DATE:

REZONING DECISION NOTICE

- APPLICATION NO.** : LUMS202207270002/CS
CAT-REZ-01-06-2022
- PROPOSED DEVELOPMENT** : APPLICATION IN TERMS OF THE ETHEKWINI MUNICIPALITY:
PLANNING AND LAND USE MANAGEMENT SECOND
AMENDMENT BY-LAW, 2021 (NOTICE 95 OF 2021) FOR THE
AMENDMENT OF THE ETHEKWINI MUNICIPAL LAND USE
SCHEME: CENTRAL SUB-SCHEME BY REZONING OF THE
REMAINDER OF ERF 3023 DURBAN, 652 MUSGRAVE ROAD,
DURBAN FROM SPECIAL RESIDENTIAL 900 TO
INTERMEDIATE RESIDENTIAL ZONE
- CADASTRAL DESCRIPTION** : REMAINDER OF ERF 3023 DURBAN
- STREET ADDRESS** : 652 MUSGRAVE ROAD, DURBAN
- REGISTERED OWNER** : SALLY JENNIFER O'FLAHERTY
- DATE OF MUNICIPAL PLANNING TRIBUNAL DECISION** : 04 NOVEMBER 2022

That in terms of Section 46(1)(b) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) the application for the amendment to the eThekweni Municipal Land Use Scheme: Central Sub-Scheme by the Rezoning of the Remainder of Erf 3023 Durban, situated at 652 Musgrave Road from Special Residential 900 to Intermediate Residential, is **APPROVED** for the following reasons:

- 1 The rezoning is in keeping with the surrounding land uses of residential and overall amenity of the area.
- 2 Service departments have confirmed the availability of services: The Transport Authority has confirmed that the traffic study submitted as part of the application does not need a TIA and that there is capacity to support the development

- 3 The objections/comments received have been carefully considered and addressed, however the merits of the application, as evaluated from a town planning perspective, are such that it is supported.
- 4 The proposed rezoning aligns with the SPLUMA Principles, strategic intentions of the area outlined in the SDF as well as the Berea Urban core extension plan.

Subject to the following conditions imposed in terms of Section 47(1) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021):

- 1 The residential development proposed, as a result of the rezoning to Intermediate Residential, is to be restricted to a maximum of 36 residential units only.
- 2 Parking is to be provided as per the requirements of the Central Sub-Scheme, Section 8. This will be assessed in detail at the Pre-Scrutiny Application stage.
- 3 Stormwater Management Plan will be required when building plans are submitted.
- 4 The developer to liaise with Water Planning Branch for Bulk Water approval and intended development timeframes, including final densities. This should be done well in advance to allow for proper planning.
- 5 All upgrade/extension of the water infrastructure will be for the Developer's cost.
- 6 Water comments as per plan number F220704/43 dated 20 July 2022 valid for 03 YEARS and will expire (20/07/2025).

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

You are hereby advised that the approval of this application:

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

Your attention is drawn to the following:

Effective Date of this authority:

This authority shall become effective upon –

- a) the expiry of the 21 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 Second Amendment By-Law, 2021 (Notice 95 of 2021), 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 Second Amendment By-Law, 2021 (Notice 95 of 2021), 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 days of the date of notification (registered postdate/email/collection or other reasonable legal method of notification) of the Decision Notice, as set out in the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021).

An appeal may be lodged as follows:

The Municipal Manager

c/o

eThekweni Municipality SPLUMA Office

First Floor Room 117

166 K E Masinga Road

Durban

4001

or

PO Box 680

Durban

4000

Attention: Ms A Nkomonde

Email: anele.nkomonde@durban.gov.za

Tel: 031 322 8269

or

Ms Lungile Silangwe

Email: lungile.silangwe@durban.gov.za

Tel: 031 311 7862

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

Section 63(2)(1) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) requires that a 'Complete' appeal be submitted. Any additional information required to form part of the submission must be requested within the 21 days of the appeal period. The Municipality reserves its rights to use its discretion in granting extensions and the supplementing of information where the information requested is not made available within the 21-day appeal period.

Should the Municipality not be notified within 21 days of an Appeal lodged in terms Section 60 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) then this approval shall be deemed to have come into force and effect.

Yours faithfully



**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL
MR M PHEWA**

COPIES TO:

- Valuations
- Senior Manager: Information Systems
- Senior Manager: Strategic Spatial Planning
- Chris Glendining christ.glendining@gmail.com



- Cheryl Johnson iti05248@mweb.co.za
- Bob Cheves bob@nbalaw.co.za
- Wayne Webb wwebb@global.co.za