

**Economic Development and Planning Cluster**  
**Development Planning, Environment and Management Unit**  
**Land Use Management Branch**

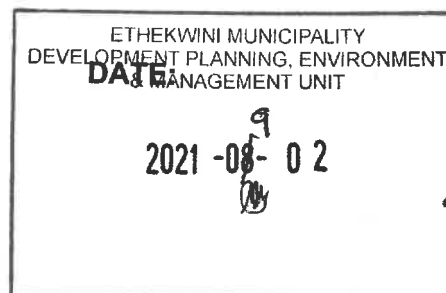
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GCFP No : 21/7/2  
Our Reference : REZ 033092020  
Enquiries : Ms. N Ally  
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**REZONING APPLICATION DECISION NOTICE**

**APPLICATION NO.** : REZ 033092020  
**PROPOSED DEVELOPMENT** : REZONING FROM SPECIAL RESIDENTIAL 400 TO WORSHIP  
**CADASTRAL DESCRIPTION** : ERF 564 UMHLATHUZANA  
**STREET ADDRESS** : 15 CHATSWORTH MAIN ROAD  
**OWNER** : SANDY GOVENDER

**DATE OF MUNICIPAL PLANNING TRIBUNAL DECISION:** 30 April 2021

In terms of Section 46(1)(a) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) the application for the amendment to the eThekweni Municipal Land Use Scheme: Central Sub-Scheme by the rezoning of Erf 564 Umhlathuzana situated at 15 Chatsworth Main Road from Special Residential 400 to Worship is APPROVED for the following reasons:

1. The application is consistent with the development principles especially efficiency and sustainability as set out in SPLUMA; the proposal seeks to maximise the use of existing resources and infrastructure within a well-established neighbourhood.
2. All crucial service departments involved in assessing the application supported the proposal.
3. The rezoning is necessary to bring the existing land use and its future amendments into a zone that can address its requirements appropriately without the burden and need for further planning authorizations.
4. The objections raised were considered and evaluated but there is sufficient planning merit to support the approval of the application.

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):

Application number: REZ 033092020

1. Parking is to be provided as per the requirements of the Town Planning Scheme. All parking bay, aisle width details etc. are to be in accordance with the guideline for off-street parking.
2. The rezoning is subject to the recommendations contained in the Traffic Impact Assessment prepared by Surocon Engineers for 15 Chatsworth Main Road dated 9 January 2020. Should the development be altered a new Traffic Impact Assessment would be required.

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.
- c)

#### **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**

**Durban**

**4001**

**or PO Box 680  
Durban  
4000**

Attention: Ms A Nkomonde  
Email: anele.nkomonde@durban.gov.za

or Ms Lungile Silangwe  
Email: lungile.silangwe@durban.gov.za

Tel: 031 322 8269

Tel: 031 311 7862

**Note:** An appeal fee of R5296.00 (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.

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



**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

**MR M PHEWA**

**COPIES TO:**

- Valuations
- Senior Manager: Information Systems
- Senior Manager: Strategic Spatial Planning
- Objectors:
  - K. Govender
  - T. Govender
  - R. Govender
  - S. Govender
  - Y. Govender
  - K. Padayachee
  - L. Padapachee
  - T. Padayachee
  - K. Ramchurren
  - S. Chetty
  - M. Chetty
  - P. Chetty
  - P. Hansraj
  - T. K. Moodley
  - T. Iyer
  - V. Iyer
  - K. Iyer
  - M. Reddy
  - A. Khan
  - R. Rally
  - R. Rambaran
  - V. Gangoo
  - P. L. Gangoo
  - B. Baldeo
  - K. D. Baldeo
  - G. Ramlukan
  - R. Gopi

