



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

166 K E Masinga Road, Durban, 4001

P O Box 680, Durban, 4000

Tel: 031 311 1111

www.durban.gov.za

GCFP No : 21/711
Our Reference : LUMS202409110002/SR
Enquiries : Ms R Heeralall-Bhoora
Telephone : (031) 3115843
e-Mail : Rowena.bhoora@durban.gov.za

Architectural Concepts
office@archicon.co.za

ETHEKWINI MUNICIPALITY
DEVELOPMENT PLANNING, ENVIRONMENT
& MANAGEMENT UNIT

DATE: 2024-12-12

SPECIAL CONSENT DECISION NOTICE

APPLICATION NO. : LUMS202409110002/SR
PROPOSED DEVELOPMENT : PROPOSED INSTITUTION (REHABILITATION CENTRE FOR SUBSTANCE ABUSE VICTIMS)
CADASTRAL DESCRIPTION : ERF 305 KINGSBURGH
STREET ADDRESS : 5 BEACH ROAD
REGISTERED OWNER : MALCAP PROPERTIES PTY LTD

In terms of Clause 1.25 of the eThekweni Municipal Land Use Scheme: South Sub-Scheme and 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 Special Consent for an Institution (restricted to a Rehabilitation Centre for substance abuse victims) on Erf 305 Kingsburgh, situated at 5 Beach Road be **APPROVED** for the following reasons:

1. A rehabilitation centre is an essential social facility, which services the community and public at large.
2. The Application site appears to be appropriately located and compatible with the surrounding areas.
3. The proposed development aligns with the spatial intention of the Municipal Spatial Development Framework and lower-level 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. **PLANS**
The development shall be in accordance with the plan submitted with the application (Drawing 1 and 2 /2, dated October 2024).
2. **SUBMISSION OF PLANS**
Prior to the commencement of any development related to this approval, building plans of the proposed development shall be submitted to, and approved by the Head: Development Planning Environment & Management.
3. **AMENITY**
The amenities of the area shall not be disturbed. The Head: Development Planning Environment & Management shall be responsible for the interpretation of this condition.

4. SITE MAINTENANCE
The site shall be maintained in a neat and tidy condition at all times, to the satisfaction of the Head: Development Planning Environment & Management.
5. NOISE
All noise on-site shall not cause a disamenity or nuisance (as defined in the Environmental Conservation Act 1989 (No 73 of 1989)) to the surrounding area.
6. PARKING AND LOADING
Adequate on-site loading and parking spaces shall be provided at all times for the vehicles of all employees and visitors and, in addition, for all commercial vehicles used in connection with the approved use. In addition to the existing 10 garages, a minimum of 11 on-site loading and parking bays shall be provided and demarcated on-site to the satisfaction of the Head: eThekweni Transport Authority. No parking shall be permitted on the verge.
7. ACCESS
Ingress and egress shall only be from Beach Road to the satisfaction of the Head: eThekweni Transport Authority.
8. STORMWATER AND ROADS
All stormwater disposal system measures and roads shall be designed and thereafter supervised by a Professional Engineer to the satisfaction of the Head: Engineering.
9. SEWAGE DISPOSAL
This consent shall be of no force or effect unless and until the system for the disposal of sewage shall be certified by a Professional Engineer to the satisfaction of Head: Water and Sanitation.
10. ADVERTISING
No external advertising shall be permitted on the site without the approval of the Signage Department.
11. 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 Services.
12. RESERVATION OF RIGHTS
Council reserves the right to impose any other condition it deems necessary to preserve the residential amenity or withdraw any consent granted if the amenities of the neighbourhood are deemed, in its opinion, to be affected.

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

or

Ms Lungile Mbele

Email: anele.nkomonde@durban.gov.za

Email: lungile.mbele@durban.gov.za

Tel: (031) 322-8269

Tel: (031) 311-7862

In terms of Section 62(1) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) a Notice of Appeal must be fully completed and signed by the person lodging an appeal, and accompanied by any necessary information, documentation and payment of the prescribed administration fee.

Note: An appeal fee of R5 561.00 (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.

No refund of the Appeal fee will be issued if there has not been compliance with Section 60 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021).

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

RECOMMENDED BY:	
 Signature	11/12/2024 Date:
CB NORTON SENIOR MANAGER: LAND USE MANAGEMENT	

APPROVED BY:	
Signature: 	Date: 12/12/2024
MM PHEWA HEAD: DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT	