

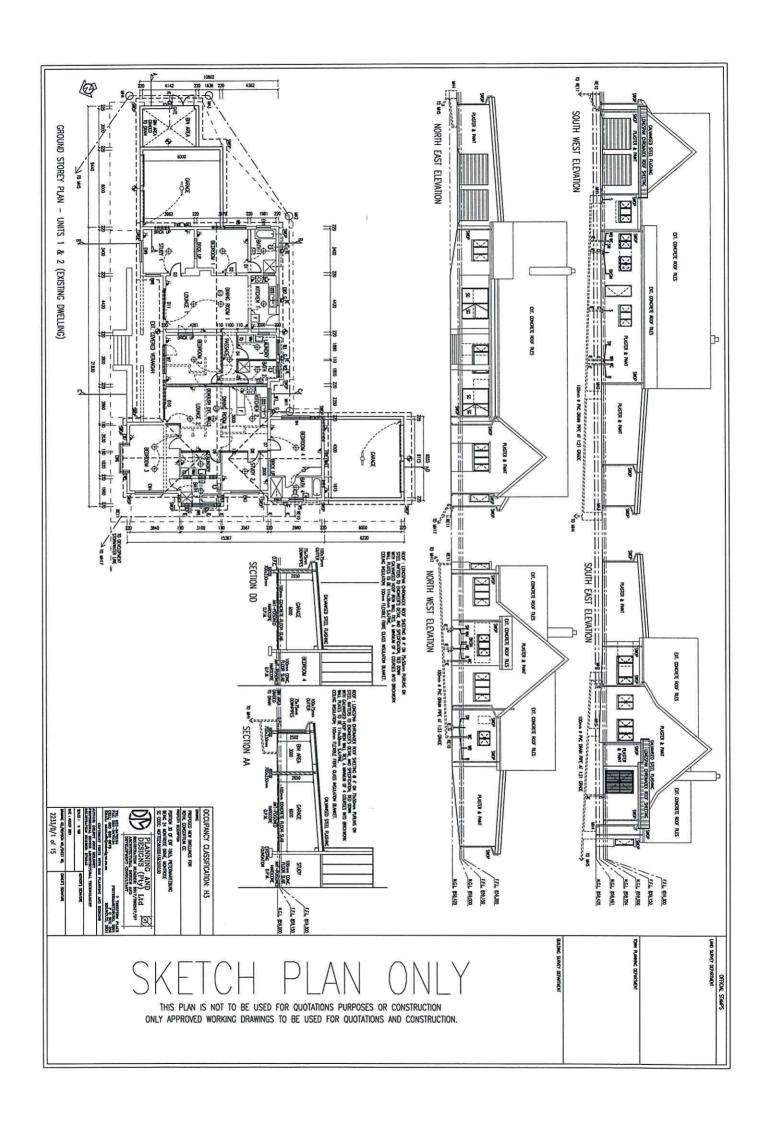
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SKETCH PLAN ONLY

THIS PLAN IS NOT TO BE USED FOR QUOTATIONS PURPOSES OR CONSTRUCTION ONLY APPROVED WORKING DRAWINGS TO BE USED FOR QUOTATIONS AND CONSTRUCTION.

TOWN PLANNEDS ECHTRACKS





THE MSUNDUZI MUNICIPALITY

SUSTAINABLE DEVELOPMENT AND CITY ENTERPRISES

341 Church Street, Pietermaritzburg, 3201 9 P O Box 1393, Pietermaritzburg, 3200

ENQ: Mrs. Z.I. Shinga

TEL: 033 392 2180 FAX: 033 392 2576

REF: 1/6/194

REGISTERED

July 1, 2021

Mr D Maloney DJM Designs and Planning Consultants P o Box 13591 Cascades 3202

Dear Sir.

RECORD OF DECISION

APPLICATION MADE IN TERMS OF MSUNDUZI MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2016 READ WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT NO.16 OF 2013) TO REZONE FROM SPECIAL RESIDENTIAL 5 TO INTERMEDIATE RESIDENTIAL, AND TO REMOVE CONDITIONS A, B (1-4) AND C (1&2) FROM THE DEED OF TRANSFER T003165/2017 IN RESPECT OF PORTION 30 (OF 6) OF ERF 1865 PIETERMARITZBURG, LOCATED AT 24 MONTROSE DRIVE, MONTROSE.

In terms of Schedule 9 of the Msunduzi Municipality's Spatial Planning and Land Use Management Bylaw, 2016 (Gazette Notice No.1729) you are hereby notified that: -

 That the application in terms of Msunduzi Municipality's Spatial Planning and Land Use Management By-Law 2016 read in conjunction with Spatial Planning and Land Use Management Act No. 16 of 2013 for the Rezoning of Portion 30 (of 6) of Erf 1865 Pietermaritzburg from Special Residential 5 to Intermediate Residential be APPROVED.

A. Reasons for approval:

- The application is aligned with the Msunduzi Spatial Development Framework objectives for the area.
- b) The application complies with the Msunduzi Land Use Scheme.
- c) The proposed development is proposed in an area that already consists of similar residential activities therefore will not impose any land use or spatial conflict.
- d) The development provides a social service which is in the best interest of the public by addressing the shortage of rental stock in the city.

B. Conditions of approval

SUBJECT TO THE FOLLOWING CONDITIONS:

- Existing access to be retained.
- II) The gate must be set back to about 12m from the edge of the road.
- IV) Ensure that Section 28 of the Environmental Management Act (NEMA Act No. 107, 1998) Duty of care and remediation of environmental damage regulation is enforced and complied with.
- V) Application must be made to the Process Manager: Electricity for a separate service connection for each subdivision at the developer's expense.
- VI) Any existing cables, which may cross any proposed internal sub divisional boundary shall be severed and made safe or removed prior to the transfer of the first subdivision. The owner shall notify the Manager: Electricity, in writing, that this has been done.
- VII) The owner shall be responsible for the cost of re-routing of electrical services affected by the proposed sub division/consolidation. The owner is advised to contact the Process Manager: Electricity in the regard.
- VIII) Compliance with the Msunduzi Land Use Scheme.
- IX) Withdrawal of Sectional plans D319 and D320 OF 2016 by the Surveyor General and that proof for such withdrawal be submitted to Land Survey Department
- 2. That the application in terms of Msunduzi Municipality's Spatial Planning and Land Use Management By-Law read in conjunction with Spatial Planning and Land Use Management Act No. 16 of 2013 in respect of Portion 30 (of 6) of Erf 1865 Pietermaritzburg for the removal of the following restrictive title conditions be **REFUSED**:

Removal of Conditions A, B (1-4) and C (1 & 2) from Deed of Transfer T003165/2017.

Reasons for refusal:

- 1. The applicant did not obtain authorization from SANRAL to remove the Act 21/1940 building line condition as per the Roads and Storm Water Unit's stipulation.
- 2. The application was to a great extent in conflict with the provisions of SPLUMA By-Law 49.

Application Advertised on the local newspaper on the 12 March 2021 and closed on the 20 April 2021. The application received no objections.

Closing date for lodging an Appeal: 30 days of the notification of the decision.

Where to lodge the appeal and to whom:

- (1) If the appellant is an applicant, the appellant must serve the memorandum of appeal on-
 - (a) the Municipal Planning Appeal Authority Registrar :- Ms. K Khumalo e-mail: kwethemba.khumalo@msunduzi.gov.za, telephone 033 392096
 - (b) the Municipal Manager :- Mr. M. Khathide e-mail

Madoda.khathide@msunduzi.gov.za, telephone 033 932 2002.

- (c) all the persons who responded in writing to an invitation to comment on the application for municipal planning approval who-
 - (i) responded before the closing date for comments; and
 - (ii) have provided their contact details.
- (2) If the appellant is a person who lodged a written comment in terms of the application, the appellant must serve the memorandum of appeal on
 - a) the Municipal Planning Appeal' Authority Registrar :- Ms. K Khumalo é-mail: kwethemba.khumalo@msunduzi.gov.za, telephone 033 392096
 - (b) the Municipal Manager; Mr M. Khathide e-mail Madoda.khathide@msunduzi.gov.za, telephone 033 932 2002.
 - (c) the applicant.
- 1. **Effective date of the decision**. Upon the expiry of 30 days period contemplated in Section 57 (2) of the Msunduzi Municipality By-Laws.

Municipal Planning Tribunal Resolution dated: 09 June 2021

Please Note: the approval will be effective if no appeal was lodged after 30 days upon the receipt of the MPT resolution.

Yours faithfully,

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL.

cc (Valuations and Real Estate)

(Building Survey)