LAND USE MANAGEMENT: ETHEKWINI MUNICIPAL LAND USE SCHEME: CENTRAL SUB-SCHEME

Ground Floor, 166 KE Masinga Road, Durban, Tel: (031) 311 7607

APPLICATION NO: LUMS202607230004/CN

CENTRAL REGION: NOTICE IS HEREBY GIVEN IN TERMS OF CHAPTER 9 OF THE ETHEKWINI MUNICIPALITY PLANNING AND LAND USE MANAGEMENT SECOND AMENDMENT BY-LAW, 2021 (NOTICE 95 OF 2021) FOR AN APPLICATION THAT HAS BEEN MADE TO THE ETHEKWINI MUNICIPALITY FOR:

THE AMENDMENT OF THE ETHEKWINI MUNICIPALITY CENTRAL SUB-SCHEME BY: THE REZONING OF ERF 893 WESTHAM, SITUATED AT 102 STRENSHAM ROAD, PHOENIX, FROM CRECHE TO WORSHIP.

Date Application Advertised: 25 September 2026

Date Application Closes for Objections: 25 October 2026

Members of the public are invited to lodge written objections as follows:

To the Manager Land Use Management Branch Central Sub-Scheme Region, Land Use Management Branch,

- Ground Floor, 166 KE Masinga Road, Durban, or by
- Registered post to P O Box 680, Durban, 4000, or by
- e-mail to nomfundo.mkhize@durban.gov.za Tel No. 031-322 4318
- Central Office Telephone No. 031 311 7607.

NB: An objection MUST comply with the provisions of Section 36(3) & (4) of the eThekwini Municipality Planning and Land Use Management Second Amendment By-Law, 2021 which states that: An objection must contain the following information—

(3)(a) The name and physical address of the person making the objection;
(b) The address at which the person shall receive service of any notice, which may include a facsimile or e-mail address;
(c) The interest of the person in the application;
(d) The reason for the objection; and
(e) The reason for any request made for an extension of the period for the submission of objections.

(4) An objection that fails to meet the above requirements will be deemed invalid.

APPLICANTS DETAILS:

Applicant (Name & address) Mr. P Naicker, 163 Nature View Street, Croftdene, Chatsworth,4092

Applicant's Tel. No: Cell 0724265597

Email address: prabennaicker@gmail.com

THE LAND DEVELOPMENT APPLICATION IS SUBMITTED IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO. 16 OF 2013) AND ETHEKWINI MUNICIPALITY: PLANNING AND LAND USE MANAGEMENT BY-LAW 2021 (MUNICIPAL NOTICE 95 OF 2021); UNDER APPLICABLE PROVISIONS OF THE CENTRAL SUB SCHEME:

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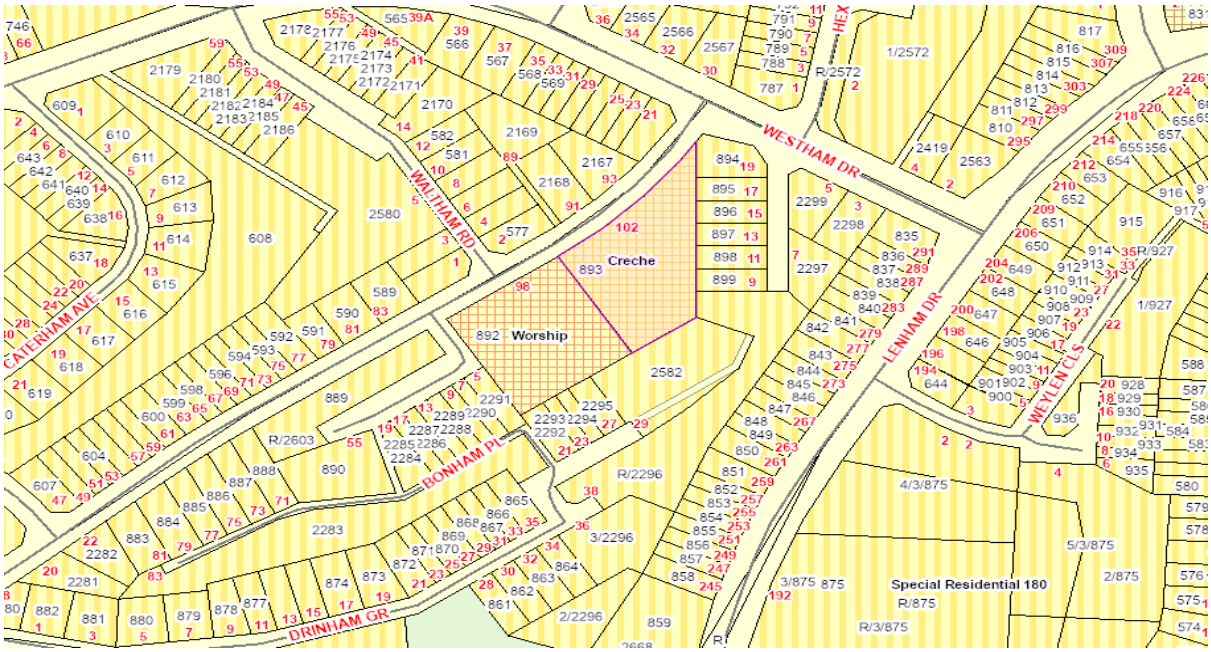
APPLICATION IN SUPPORT OF AN APPLICATION FOR REZONING, ON ERF 893 WESTHAM, AT 102 STRENSHAM ROAD, PHOENIX, FROM CRECHE TO WORSHIP.

1. Introduction

ERF 893 WESTHAM is a site with and existing established building (use for worship) at 102 Strensham Road, Phoenix. Refer to Figure 1, herein. The site has an area of 2825m² and is currently registered to Kevin & Dianne Pillay. This detailed report will show that planning merits exists herein of the proposed rezoning of the site. The report will also prove that the existing site conditions is ideally suited for redevelopment, religious purposes.

Figure 1: Site Location

Consequently, the property owner wishes to make this rezoning application to the eThekwini Municipality in terms of eThekwini Municipality; Planning and Land Use Management By-Law 2021(Municipal Notice 95 of 2021), to rezone the site from Creche to Worship. Included with the package of documents is a copy of the title deeds being deed of transfer No. T 000038715/2019, and which confirms the existing ownership of the property.



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ZONE: CRÈCHE

SCHEME INTENTION: To provide and use land or buildings for:

- Early learning requirements of children and day time care of children.
- Recreational facilities ancillary to an Educational Establishment

MAP COLOUR REFERENCE: Orange Cross-hatch with the symbol "C" **MAP REFERENCE:**

PRIMARY	SPECIAL CONSENT	PRECLUDED
• Crèche • *Dwelling House • (Place of Worship when ancillary to a Crèche)	• Education Establishment • Place of Public Worship • Special Building • Telecommunication Infrastructure • Any other use authorised in terms of Section 9.4 (Important Buildings and Objects)	• All other uses not indicated in the Primary and Special Consent columns

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION (m^2)	HEIGHT	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE	REAR					
7.5m	N/A	N/A	N/A	400	2 storeys	40%	N/A

ADDITIONAL CONTROLS

- *A Dwelling House may be permitted when ancillary to a Crèche
- Parking shall be in accordance with Section 8 of this scheme.

2. Nature of the Application

This is an application in terms of the eThekwini Municipality; Planning and Land Use Management By-Law 2021(Municipal Notice 95 of 2021). KEVIN AND DIANNE PILLAY are currently the registered owner of ERF 893 Westham, which is zoned Creche. P Naicker has been appointed by the Kevin and Dianne Pillay to prepare this report and as signatory thereto. Thus, understanding the provision of the Central Sub-Scheme and the need to regulate the worship use thereon, make application to comply with these provisions is herein made.

3. Purpose of this Application Memorandum

The purpose of this application memorandum is therefore to provide a motivation that is supportive of the proposed amendment and thus will:

i. Describe the nature of the property.
ii. Describe the existing development controls applicable to the site.

Matters Relevant in Determining the Merits of this Application.

1. Impact on Environment, Socio-Economic and Cultural Heritage

The site will be redeveloped and therefore all necessary percussions to protect the natural environment will be factored thereto. The site is not affected by D 'Moss and the proposed development in terms of the scheme requires no environmental authorizations is necessary.

From a socio-economic aspect the proposal has positive implications in that it enables the site to realize its maximum potential and a place of worship is a social facility, thereby adding much need spiritual needs thereto.

2. Impact on Surrounding Developments and Land Uses

The existing development controls of 40% coverage and not applicable floor area ratios are onerous than the adjoining properties. There will be an increase in coverage and floor area ratio, as the proposed Worship zone has no maximin coverage of floor area ratio controls. However other developments of the Worship zone will mitigate this, and the proposed development will be accommodated within the prescribed envelope of the site.

The existing structures thereon, have no heritage significands and is not older than sixty years. The architectural style of this suburb is off gentle sloping roofs and is synonymise with this residential neighbourhood. The current architectural style of the existing building will be retained with modern finishes, thus retaining the existing residential character of the area and the streetscape of the surrounding area. The site is within a residential area, which renders the site desirable and appropriate within its location and activity thereto.

The predominant zoning within the area is Special Residential 180, Limited Commercial and a single Worship zone, at 98 Strensham Road. Although being zoned Worship, it is of a different denomination.

3. Impact on the Road Network

The proposed Place of Worship will have no adverse implications for the surrounding road network. The application will seek approval from eThekwini Traffic Authority. The existing access and proposed egress to the site, will comply with ETA requirements. The proposed land uses will trigger further traffic implication and based on the parking provision of Section 8 of the Central Scheme, parking provision of 20 bays are required, and a total of 20 bays will be provided. A detailed traffic impact assessment reported, submitted with this application, is prepared by Surocon Engineers this traffic report will address all related concern thereto.

4. Availability of Services

All utility services are available to service the property with the worship land use, resulting from the proposed rezoning application. The worship land use has fixed operational usage

and as such existing service infrastructure will adequately cater for the inconsequently increase thereto. The level of service infrastructure installed to service the area will be commensurate with the planned utilization of the area. In fact, the current outages experienced within this community will be more onerous herein then the intended worship land use.

5. Compliance with Integrated Development Plan

It is submitted here that the rezoning of the site from Creche to Worship is in no way in conflict with the IDP of the area. The development of this facility supports the IDP and is an initiative by the private sector in keeping with the objectives as stipulated by the eThekwini Municipality.

PLANNING CONSIDERATIONS

In terms of Section 2 of the Central Sub- Scheme, the definition of "Worship ", *means premises used for public devotion and may include uses ancillary thereto.*

SCHEME INTENTION: T*o provide, preserve, use land or buildings for:*
• Single residential use in a form of a dwelling house and ancillary uses and caters for multiple unit development and various building typologies.
• Protection of the quality and character of residential neighbourhood and the well-being of its residents.
• Limiting multiple uses of buildings to minimize adverse impact on the residential environment.
• Business that comply with residential amenity such as a Bed and Breakfast Establishment and Home Business at the discretion of the eThekwini Municipality (see Section 1.14 - Exemptions).

SECTION 7, represents the Development Facilitation Table, shows a Place of Worship within Special Consent column of the table. This suggests that it is intended to coexist within a residential area. Hence the intension to rezone the site from Special Residential 900 to Worship, therein benefiting from the rate exemption enjoyed by a Worship zone.

	Existing	**Proposed**
Zoning	Creche	Worship
F.A.R.	N/A	N/A
Coverage (%)	40%	N/A
Height (Storeys)	2 Storeys	N/A
Building Line	7.5 m	7.5 m
Side & Rear Spaces	NA	Nil
Primary Uses	Crèche, *Dwelling House, (Place of Worship when ancillary to a Crèche)	Crèche, Dwelling House*, Place of Public Worship
Special Consent Uses	Education Establishment, Place of Public Worship, Special Building, Telecommunication Infrastructure, Any other use authorised in terms of Section 9.4 (Important Buildings and Objects)	Flat*, Funeral Parlour, Garden Nursery, Special Building, any other use authorized in terms of Section 9.4 (Important Buildings and Objects)
Precluded uses	• All other uses not included in the primary and special consent columns	• All other uses not included in the primary and special consent columns
Parking	Parking to be provided as per the requirements of Section 8.	Parking to be provided as per the requirements of Section 8.

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The merit of the proposed Rezoning application is assessed and evaluated in terms of eThekwini Municipality Planning and Land Use Management Second Amendment Bylaw 2021 (Municipal Notice No. 95 of 2021), and in particular the following can be noted:

In terms of the impact of the proposal on the natural environment, the subject site is not affected by the Durban Metropolitan Open Space System (DMOSS), neither is any wetland or watercourse near the property. Therefore, the proposal is not anticipated to have an adverse impact on the natural environment.

With regards to the proposal's impact on the surrounding developments and land uses, the proposal is not anticipated to be adverse as the surrounding properties accommodate land uses that include, residential and worship. As is clearly seen, the envisaged development of the sit for the accommodation a worship facility fits into the existing land use to coexists therein. There is an existing positive precedent for worship facilities in the area and therefore the facility in question is appropriate. Worship facilities are social facilities and therefore are part-and-parcel of the residential community. Considering this, the proposal is not anticipated to have an adverse impact on the surrounding developments and land uses but is anticipated to be complementary.

With regards to infrastructure and resources available for implementation, the subject site is in an area with reliable water and electricity supplies rendered by the eThekwini Municipality. The property is in an area that has access to the Municipality's waterborne sewerage system, which means there is infrastructure to facilitate the accommodation of a host of people onsite. The subject site is also serviced by roads that are of Municipal standards (namely, Lenham Drive, Westham Drive and host of other roads therein). As is evident, there is sufficient infrastructure and resources readily available for the implementation of the proposal.

The commenting departments, which will include: the eThekwini Transport Authority, Metro Wastewater, Metro Water, Coastal Stormwater & Catchment Management and the Strategic Spatial Planning Branch (SSPB), will interrogate the proposal, including its intension thereto and will unanimously concur to support the approval of the proposed rezoning application.

In terms of the proposal's alignment with the strategic intentions of the City, one has to refer to the Spatial Development Framework (2024/2025), where the subject property falls within an area broadly identified as "Existing Residential". As can be seen, the rezoning to worship is in line with the strategic intentions of the City, with bearing in mind that worship facilities are part-and-parcel of the residential suburb.

In respect of the eThekwini Municipality Land Use Scheme (Central Sub-scheme), the proposal is in alignment therewith. The surrounding zonings in the vicinity of the application site Special Residential 180 and Limited Commercial as can be seen, there is already a positive precedent for the zone in the area. Yes, the surrounding properties are predominantly zoned for residential purposes however, the worship zone is tailored to coexists with the residential zones as it is for the accommodation of social facilities that service residential communities. Considering this, the rezoning to Worship to accommodate a worship facility is in line with the eThekwini Municipal Land Use Scheme (Central Sub-scheme).

The proposed rezoning to Worship must be supported to reconcile the existing land use with an appropriate zone. Further, the zone will also allow for concomitant facilities such as a creche, community outreach and counselling services, which will benefit the suburb.

Compliance with the provisions of the Spatial Development Framework

The Spatial Development Framework (2024/2025) and the South Spatial Development Plan (SSDP 2014/2015) confirms that the site property falls within an area broadly identified as residential purposes. This recommender's medium to high densities density residential at a density between 40-80 dwelling units per hectare. Hence, further recognises the need for community facilities (including places of worship, libraries, educational establishments, community halls and medical clinics), and administration offices. As can be seen, the rezoning to worship is in line with the strategic intentions of the City. Therefore, one must bear in mind that worship facilities are part-and-parcel of the residential community.

The proposed Rezoning application has also in terms of the provisions of Chapter 2: Development Principles and Norms and Standards as contained in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) in the following ways:

Spatial Sustainability:
The proposal is consistent with the principle of Spatial Sustainability as it is in an established urban area with reliable services and infrastructure which means the development will be sustainable. (This will also be confirmed when support is obtained from the relevant commenting departments)

Efficiency:
The proposal is in line with the development principle of Efficiency as the rezoning of the site in order to accommodate a worship facility will optimise the use of a resource (land) and as well as services/infrastructure.

Good Administration:
The application is consistent with the principle of Good Administration as it will adder to transparent public participation process wherein the effect and interested community will have an opportunity to voice their views on the proposal. The commenting departments will provide their inputs, via a commenting process which will contribute to an integrated approach guided by spatial planning and the land use management system thereby granting their support thereto.

In the light of the planning evaluation presented above it is considered that the proposed application for Rezoning meets the development principles as set out in the current planning legislation and guidelines and accordingly approval thereof is recommended.

Land use compatibility
A Place of Worship is a resourceful land use in a residential neighbourhood. It provides the community with a support centre, a place of solace, enrichment, and social integration.
The proposed Place of Worship within the residential township is characterised by a variety of church congregations.

Need for the proposal.
The land development application is aimed to formalise Church Building and to facilitate and ensure future church building expansions under the provisions of the scheme. It should be noted that the land is large enough to accommodate the proposed church and all other departmental requirements.

Physical quality of the site
The site is ideally located within the neighbourhood walking distance, connected and accessible from a municipal road network which is used by taxi public transport system. The land and existing buildings are situated within eThekwini Municipality service concession area, readily serviced with all municipal services.

Impact on road network
By virtue of the site's locality, accessibility, and levels of connectivity within the Phoenix area, the proposed land development will not generate or add massively additional traffic volumes to the existing. Adequate on-site parking spaces will be readily available to maintain free traffic flow on municipal roads; it should be noted that a Place of Worship mainly operates on Sundays when traffic volumes are at minimal levels.

Spatial benefit of the proposal
The proposed land development will be in conformity to the scheme provisions and will coexist in harmony within the scheme area.

Social benefit of the proposal
The church will become a permanent land use feature in this township, enriching the community, not just through religious teachings but they also provide emotional and social benefits. The church provides much needed feeding schemes to needy families and provides qualifies marriage and AIDS counselling. It further assists communities in dire social and economic need with food parcels. The land development will enable the church to expand its social contributions.

eThekwini Municipality land use management
The proposed rezoning application conforms to the municipal scheme provisions, which guide and manage development in the municipal area according to the vision, strategies and policies of eThekwini Municipality Integrated Development Plan and its Spatial Development Framework.
As highlighted above, the proposed land development application is to peruse a rezoning application to Worship. The proposal is in line with the Municipal policy of maximising; re-use underutilised land in established developed urban areas with municipal service infrastructure.

THE EXTENT TO WHICH LAND DEVELOPEMT PROPOSAL COMPLIES WITH SPATIAL PLANNING & LAND USE MANAGEMENT ACT:
Development Norms and Standards

(a) The land development application is consistent to the priorities and programs as aligned to the municipal IDP and SDF which seeks to promote:
(i) Desirable settlement patterns
(ii) Sustainable development
(b) The proposed land development application adheres to the prescribed SPLUMA processes which includes:
(i) A report and an analysis of the existing land use patterns
(ii) Identifying strategically located vacant or underutilised land and providing access to the use of such land.

CLOSING CONSIDERATIONS

Factors in support of the application
The main aspect in support of this land development application is that;

- The rezoning of the site from Creche to Worship will optimise the use of existing resources including land, bulk infrastructure and roads

- It will prevent social decay.

CONCLUSION

It is submitted that this proposal has demonstrated the proposed rezoning of the site from Creche to Worship will not detract from the purpose of the scheme. It should be noted that this proposal complies with Central Sub Scheme and therefore the eThekwini municipality is thus requested to consider the merits of this application and support this proposal.

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