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

1st Floor, 11 Gracedale Road, Winkelspruit, Tel: (031) 311- 5834

APPLICATION NO: LUMS202608120001/SR

SOUTH REGION: COMBINED APPLICATION: PART A: APPLICATION FOR THE AMENDMENT OF THE ETHEKWINI MUNICIPAL LAND USE SCHEME: SOUTH SUB-SCHEME BY THE REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2, PART B: REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025, AND PART C: CONSOLIDATION OF ERF 5779 ISIPINGO AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO

Date Application Advertised: 11 SEPTEMBER 2026

Date Application Closes for Objections: 12 OCTOBER 2026

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

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

- 1st Floor, 11 Gracedale Road, Winkelspruit, or by
- Registered post to P O Box 680, Durban, 4000, or by
- e-mail to Rowena.bhoora@durban.gov.za
- South Regional Office Telephone No. 031 311 5833

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: Talisen Naidoo, 15 Silverglen Crescent, Silverglen, Chatsworth, 4092

Applicant's Tel. No: 0785286838

Email address: talisen@tnaplanning.co.za

Municipal Planning Department
Spatial Planning and Land Use Management Directorate
Strategic Planning Branch

166 K E Masinga Road
Durban, 4001
P.O. Box 680, Durban, 4001
www.durban.gov.za

Enquiries: Marcus Govender
Telephone No: 031 3117053
Our Reference: South 1103
LUMS Ref: SAENQ202508120005/IW
Date: 15 September 2025

Talisen Naidoo
15 Silverglen Crescent
Silverglen
Chatsworth
4092

Email address: talisen@tnaplanning.co.za

Dear Sir/Madam

PROPOSED:

(1) REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
(2) THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND
(3) CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

Summary:

The abovementioned enquiry is threefold, namely:

(i) Rezoning of Portion 1 of Erf 673 Isipingo situated at 5 Dick King Avenue from Special Residential 700 to General Residential 2,
(ii) The removal of restrictive condition (d) from title deed T14537/2025 for Portion 1 of Erf 673 Isipingo, and,
(iii) Consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo.

The Madrasah Taleemuddeen Islamic Institute is the registered owner of the subject site known as Portion 1 of Erf 673 Isipingo (5 Dick King Avenue) as well as of Erf 5779 Isipingo (24-26 Inner Circuit Road). Erf 5779 Isipingo was rezoned to General Residential 2 in via an Appeal process in 2020. Now the owner is seeking to rezone Portion 1 of Erf 673 Isipingo (5 Dick King Avenue) to General Residential 2 prior to consolidating with Erf 5779 Isipingo (24-26 Inner Circuit Road) in order to form Erf 6762 Isipingo.

The enquiry also includes the Removal of Restrictive Condition (d) from Title Deed T000014537/2025. This restrictive condition of title reads as follows:

(*d) Subject to the following special condition created in the said Deed of Transfer No. T4898/1920, Deed of Transfer No. T230/1921 and Deed of Transfer No. T2336/1925, viz: -*
"That no building of any kind other than private dwelling houses with appropriate offices and outbuildings to be appurtenant thereto and occupies therewith, shall be erected on the Lot and no trade or business of any sort or description shall be carried on any part of the said Lot."

5 Dick King Avenue measures approximately 1027m^2 in extent and 24-26 Inner Circuit Road measures approximately 4088m^2 in extent. Upon consolidated, both subject sites will form proposed Erf 6762 Isipingo. The combined site area of the proposed consolidated site will be 5115m^2.

Comments:

The Strategic Planning Branch (SPB) has received the above-mentioned enquiry and has the following comments:

In terms of the Spatial Development Framework (SDF 2025/2026) and the South Spatial Development Plan (SSDP 2025/2026), the area in question has been broadly identified for residential purposes.

Additionally, the Isipingo Local Area Plan (ILAP 2016), and more specifically the Isipingo Beach Functional Area Plan, also identified the site in question for residential purposes.

The SPB further notes that the General Residential 2 zoning already exists within this block, having been approved through an Appeal process in 2020. Given that precedent exists for the General Residential 2 zone within this block, the SPB raises no objection to the rezoning of Portion 1 of Erf 673 Isipingo from Special Residential 700 zone to General Residential 2 zone.

The SPB also raises no objection to:

- The removal of restrictive condition (d) from Title Deed T14537/2025 applicable to Portion 1 of Erf 673 Isipingo; and
- The consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to create the proposed Erf 6762 Isipingo.

.

Spatial Development Framework / Council Approved Spatial Plans:

The Strategic Planning Branch supports the rezoning of Portion 1 of Erf 673 Isipingo from Special Residential 700 to General Residential 2, the removal of restrictive condition (d) from title deed T14537/2025, and, the consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form proposed Erf 6762 Isipingo, as it **aligns** with the Spatial Development Framework (2025/2026), the South Spatial Development Plan (2025/2026) and the Isipingo Local Area Plan (ILAP 2016).

The enquiry is however subject to the following conditions:

1) This branch's support is subject to the enquiry meeting all sector requirements.
2) This support should not be deemed to be an approval of the eThekwini Municipality.
3) This comment is based on the information made available to the Branch at the time of submission.
4) This branch reserves the right to comment further should the need arise.

Yours faithfully,

…….
Ms H. Epstein
SNR MANAGER: STRATEGIC PLANNING

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: Metro Waste Water

LUM ENQ REF NO: **SAENQ202508270004/SR**

COMMENTING DEPT. REF. NO:

ERF NO: PORTION 1 OF ERF 673 ISIPINGO

STREET ADDRESS : **5 DICK KING AVENUE**

ZONING OF SITE : SPECIAL RESIDENTIAL 700

APPLICATION : COMBINED APPLICATION FOR:

- REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
- THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND,
- CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

FREE ENTRY : NO

COMMENT	Date
No Objection THEMBEKA MVUBU (Service No. 29178-0) Inspector of Works Wastewater Department - Central Tel No: 031 322 9418 / Cell No: 074 229 2300 Email: Thembeka.Mvubu@durban.gov.za	02/12/25 **Name** **Signature** **Contact No**

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: eThekwini Water Planning Branch

LUM ENQ REF NO: **SAENQ202508270004/SR**

COMMENTING DEPT. REF. NO: **F251021/1085**

ERF NO: PORTION 1 OF ERF 673 ISIPINGO

STREET ADDRESS : **5 DICK KING AVENUE**

ZONING OF SITE : SPECIAL RESIDENTIAL 700

APPLICATION : COMBINED APPLICATION FOR:

- REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
- THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND,
- CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

FREE ENTRY : NO

COMMENT	Date
YOUR MOTIVATIONAL REPORT FOR THE ABOVE MENTIONED APPLICATION BY 5 DICK KING AVENUE DATED AUGUST 2025 HAS REFERENCE. The following has been noted from your report: • The proposed combined application aims to provide a residential use that primarily serves the needs of the community, ensuring compatibility with neighboring residential sites. Therefore, the proposal encompasses the Consolidation and Rezoning of the sites from Special Residential 700 to General Residential 2 to accommodate an addition to a residential development. • In light of the above, these surrounding residential entities have been in existence for several years without any negative impacts on the immediate surrounding context. COMMENTS FROM WATER PLANNING • No objection.	26-11-2025 **Name** P. Gumede **Signature**

Departmental Official: **P. Gumede**

E-mail/Phone: **pretty.gumede2@durban.gov.za**

This comment is valid for **3 YEARS (26/11/2028)** (comment expiry date)

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT:	*Biodiversity Management Department (Previously EPCPD)*
LUM ENQUIRY REF:	*SAENQ202508270004SR*
COMMENTING DEPT REF:	*S/1444*
ERF NO:	*Ptn 1 of Erf 673, Isipingo*
STREET ADDRESS:	*5 Dick King Ave, Isipingo*
NATURE OF ENQUIRY:	*Combined Application: Rezoning, Consolidation & Removal of Restrictive Conditions*

COMMENT		Date
The site is not located within the Durban Metropolitan Open Space System (D'MOSS) and does not contain any hydrological features. Therefore, the proposed rezoning, consolidation and removal of restrictive conditions are not expected to have any adverse impact on the surrounding environment. Furthermore, no additional environmental legislative requirements under the National Environmental Management Act (NEMA), 107 of 1998, or the National Water Act (NWA), 36 of 1998, are applicable to this application. The Department has **No Biodiversity Objection** to the proposed combined application.		*17 September 2025* **Name** *Michelle Lotz* **Signature** 25_470
Submitted Plan Ref No.:		
Submitted Report Ref No.:		

Please ensure that all plans included in the submission are stamped and referenced in your comment.

Departmental Official:	*Tshidiso Moya*		
E-mail/Phone:	*Tshidiso.Moya@durban.gov.za*		
This comment is valid for:	*17 August 2030 (5 years)*	(please include comment expiry date)	
LUM Official Name:		Email:	
Applicants Name:	*Talisen Naidoo*	Email:	*talisen@tnaplanning.co.za*
Applicants Phone no.:	*078 528 6838*		

ETHEKWINI TRANSPORT AUTHORITY

30 Archie Gumede Place | Durban | 4001
P O Box 680 | Durban | 4000
Tel: 031 311 7344 | Fax 031 305 5871
www.durban.gov.za

10 October 2025
LUMS ref: SAENQ202508270004/SR
ETA ref: TE 18823

Enquiries: Ntoh Hadebe
Email: Ntoh.Hadebe@durban.gov.za
Phone: 031 311 7489 / 072 588 3383

Talisen Naidoo
1 Sunbird Way
Hilltop Estate
Dolphin Coast
4420
talisen@tnaplanning.co.za

Attention: Talisen Naidoo

Dear Sir

5 DICK KING AVENUE - REZONING FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2, THE REMOVAL OF RESTRICTIVE CONDITION AND CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

With reference to the above application, please note as follows: –

1. Your application is **Supported,** with the following conditions: -

   1.1 The development is restricted to Rezoning of 5 Dick King Avenue from Special residential 700 to General Residential 2 only and consolidation thereof of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo.

2. **Documents considered in the approval**

   2.1 Town planning motivation prepared by T & A Town Planning Consultants, dated: August 2025.

   2.2 Copy of previously approved plans for 24/26 Inner Circuit circle, prepared by Signature Architectural Studio, ref: SR24100024, dated: 07 November 2024.

   2.3 ETA previous letter dated 12 September 2025.

3. **Key factors considered:**

   3.1 Development Proposal

   a. Zoning (5 Dick King road) = Special Residential 700

b. Site area – 5 Dick King Av = 1 027m^2

c. Site area – 24-26 Inner Circuit = 4 088m^2

d. Total Site area combined = 5 115m^2

e. The application is for the Consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo, the Rezoning of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue from Special Residential 700 to General Residential 2, and the Removal of Restrictive Condition (d) from Title Deed T000014537/2025 of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue.

f. 5 Dick King Avenue measures 1027min extent and 24-26 Inner Circuit Road measures 4088m^2. the total site area of the proposed consolidated site will be 5115m^2

g. Currently, the subject site, 5 Dick King Avenue, before consolidation has an existing dwelling on it. It is the intention of the Madrasah Taleemuddeen Islamic Institute to consolidate 5 Dick King Avenue to the existing and approved units on Inner Circuit Road.

h. This application is a combined application for a rezoning and consolidation. At this point the organization wishes to rezone and consolidate the subject sites only. They have not decided on the way forward for the land uses for the 'newly' consolidated site, namely 5 Dick King Avenue.

i. The parking requirement for the existing flats located at 24-26 Inner Circuit Road has been approved at the building plan stage in 2022. Added to this application, at this point there is no need for added parking bays, as stated earlier, the land use has not yet been determined.

3.2 **Site Access**

a. Dick Avenue is a Class 5 road in the City's Road Network which is approximately 5.0m wide with 9.0m Road reserve.
b. Inner Circuit Road is a Class 5 road in the City's Road Network which is approximately 5.0m wide with 12.0m Road reserve

3.3 Transport Infrastructure Requirements and Responsibility

a. Not Applicable / Municipal / Private developer

3.4 Other Factors

N/A

4. **General**

4.1 Parking requirements to be determined by LUMS and be provided within the site.

4.2 All vehicles to enter and exit site in a forward gear.

4.3 Parking and Loading must be dimensioned in accordance with the Town Planning Scheme requirements.

Yours faithfully

_____

For **Senior Manager: Traffic Engineering**

CC - Town Planning – Pravin Moonilal

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: Fire

LUM ENQ REF NO: SAENQ202508270004/SR

COMMENTING DEPT. REF. NO:

ERF NO: PORTION 1 OF ERF 673 ISIPINGO

STREET ADDRESS : 5 DICK KING AVENUE

ZONING OF SITE : SPECIAL RESIDENTIAL 700

APPLICATION : COMBINED APPLICATION FOR:

- REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
- THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND,
- CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

FREE ENTRY : NO

COMMENT	Date
No objection subject to full Council submission eThekwini Municipality Fire and Emergency Services Fire Safety Branch Date:	07/10/2025 **Name** Neel Sloane **Signature** **Contact No** 0614759066

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: Health Services

LUM ENQ REF NO: **SAENQ202508270004/SR**

COMMENTING DEPT. REF. NO:

ERF NO: PORTION 1 OF ERF 673 ISIPINGO

STREET ADDRESS : **5 DICK KING AVENUE**

ZONING OF SITE : SPECIAL RESIDENTIAL 700

APPLICATION : COMBINED APPLICATION FOR:

- REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
- THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND,
- CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

FREE ENTRY : NO

COMMENT	Date
This department raises no objection on approval of this application subject to submission of a building plan ETHEKWINI MUNICIPALITY HEALTH DEPARTMENT 81 FLOWER ROAD, CLAIRWOOD, 4052 TEL: 031 311 5150 DATE: 08/09/2025	08/09/2025 **Name** **Busisiwe Zungu** **Signature** **Contact No** **031 311 3666**

This comment is valid for _____ (please include comment expiry date).

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: Coastal Stormwater & Catchment Management

LUM ENQ REF NO: **SAENQ202508270004/SR**

COMMENTING DEPT. REF. NO:

ERF NO: PORTION 1 OF ERF 673 ISIPINGO

STREET ADDRESS : **5 DICK KING AVENUE**

ZONING OF SITE : SPECIAL RESIDENTIAL 700

APPLICATION : COMBINED APPLICATION FOR:

- REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
- THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND,
- CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

FREE ENTRY : NO

COMMENT	Date
Please be advised that CSCM Division has no objections to the proposed rezoning application.	**23/10/2025**
	Name **Patricia Nzama**
	Signature
	Contact No **031 322 7258**

This comment is valid for _____ (please include comment expiry date).

T & A

TOWN PLANNING CONSULTANTS

APPLICANT: Madrasah Taleemuddeen Islamic Institute

T AND A TOWN PLANNING CONSULTANTS (PTY) LTD

Talisen Naidoo
Director
SACPLAN Registration: Pr. Pln A3160/2022

078 528 6838
talisen@tnaplanning.co.za

Date : August 2025

CIPC REGISTRATION : 2020/726014/07
SARS VAT No. : 4440300236
CSD No. : MAAA0998886
B-BBEE : Level 1 – 135%

Address : 15 Silverglen Crescent, Chatsworth, 4092

STATUTORY APPLICATION IN TERMS OF THE ETHEKWINI MUNICIPALITY PLANNING AND LAND USE MANAGEMENT SECOND AMENDMENT BY-LAW 2021 (NOTICE 95 OF 2021) AND THE SOUTH SUB SCHEME

COMBINED APPLICATION FOR:

- REZONING OF PORTION 1 OF ERF 673 ISIPINGO SITUATED AT 5 DICK KING AVENUE FROM SPECIAL RESIDENTIAL 700 TO GENERAL RESIDENTIAL 2,
- THE REMOVAL OF RESTRICTIVE CONDITION (d) FROM TITLE DEED T14537/2025 OF PORTION 1 OF ERF 673 ISIPINGO KNOWN AS 5 DICK KING AVENUE, AND,
- CONSOLIDATION OF ERF 5779 AND PORTION 1 OF ERF 673 ISIPINGO TO FORM ERF 6762 ISIPINGO.

TABLE OF CONTENT

1. Introduction
2. The Applicant
3. Site Details
4. Location and Description
5. Characteristics of the subject site
6. Restrictive Title Deed Conditions
7. Developmental Controls as per the South Sub Scheme
8. Motivation for: Consolidation, Rezoning and the Removal of Restrictive Condition
   - 8.1. Proposal for the Consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo
   - 8.2. Rezoning of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue from Special Residential 700 to General Residential 2
   - 8.3. Removal of Restrictive Condition (d) from Title Deed T000014537/2025 of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue
   - 8.4. Need and Desirability
9. Alignment with Municipal Plans
10. Spatial Planning and Land Use Management Act
11. Conclusion

LIST OF ANNEXURES

Annexure 1: Application Form

Annexure 2: Power of Attorney/Resolution

Annexure 3: Title Deed – Erf 5779 Isipingo

Annexure 4: Title Deed – Portion 1 of Erf 673 Isipingo

Annexure 4: SG Diagram

Annexure 5: Proposed Consolidated Diagram – Proposed Erf 6762 Isipingo

Annexure 6: Developmental Controls – South Sub Scheme

Annexure 7: Locality, Zoning and Land Use Plans

1. INTRODUCTION

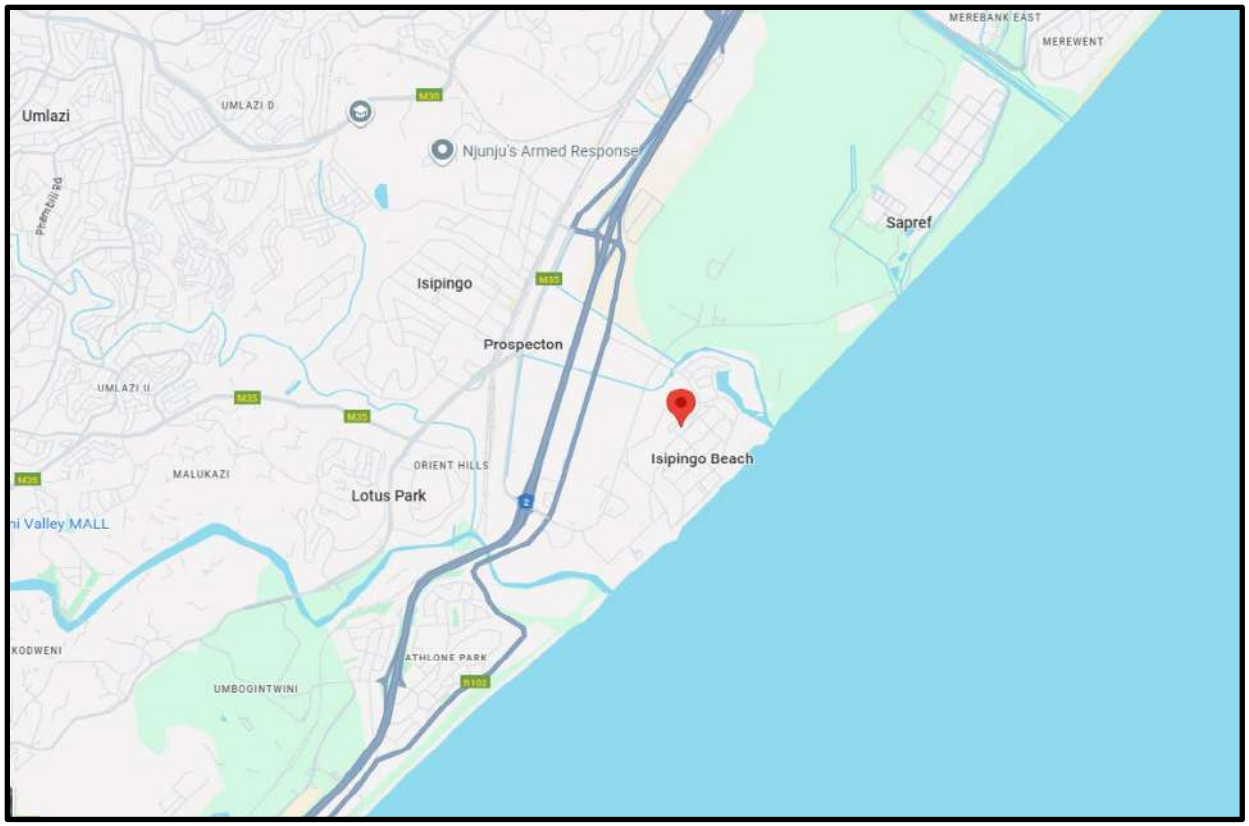
The following memorandum is submitted to the South Entity of the eThekwini Municipality to provide context for the motivation of the proposed combined application for:

- Rezoning of Portion 1 of Erf 673 Isipingo situated at 5 Dick King Avenue from Special Residential 700 to General Residential 2,
- The removal of restrictive condition (d) from title deed T14537/2025 for Portion 1 of Erf 673 Isipingo, and,
- Consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo.

The purpose of this report is to motivate the proposal of the Statutory Application and to ensure that the proposal is desirable and complies with all the assessment areas of the South Sub Scheme.

The application is made to the South Sub Entity of eThekwini Municipality in terms of Category 3 (currently no objections) – Section 28 of the Planning and Land Use Management By – Law. The application form has been completed and attached under Annexure 1: Application Form.

Isipingo is a coastal town along the South Coast of KwaZulu-Natal, South Africa, approximately 20 kilometers south-west of Durban. The subject site, known as Portion 1 of Erf 673 Isipingo, is located within an established and well developed residential area. The intention is to consolidate Portion 1 of Erf 673 Isipingo and Erf 5779 Isipingo to form one site.



Locality Plan showing an overview of Isipingo

This area is characterized by a fully developed urban context and is located in very close proximity to the ocean.

2. THE APPLICANT

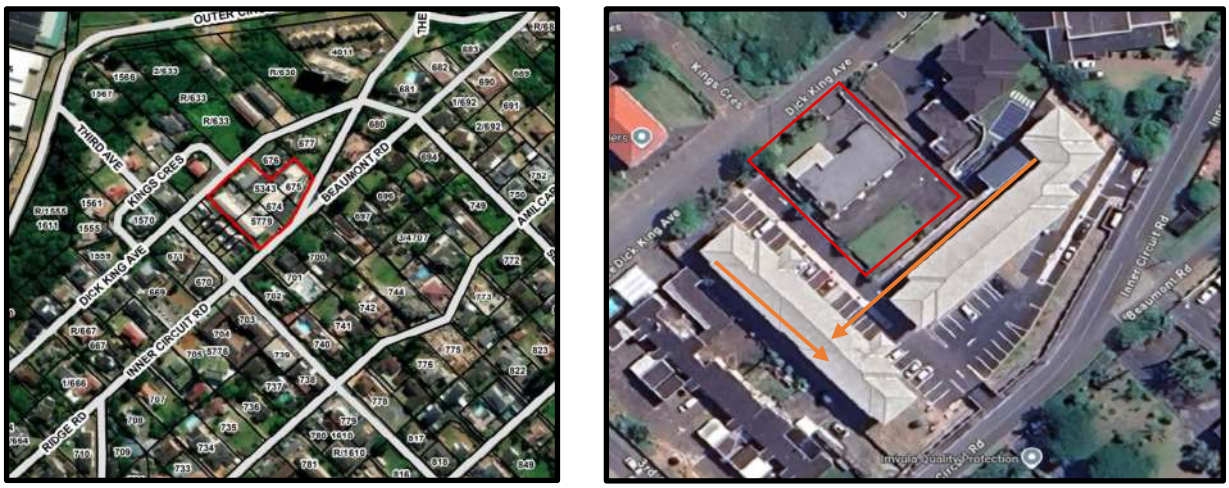
The Madrasah Taleemuddeen Islamic Institute is the registered owner of the subject site known as Portion 1 of Erf 673 Isipingo (known as 5 Dick King Avenue) and Erf 5779 Isipingo (known as 24-26 Inner Circuit Road).

The registered organization The Madrasah Taleemuddeen Islamic Institute has given Talisen Naidoo authority to submit the combined application and represent them as the applicant. **Annexure 2: Power of Attorney/Resolution.**

Proof of ownership is provided in the Title Deeds attached. **Annexure 3 and 4: Title Deeds.**

3. SITE DETAILS

The subject sites are described as Portion 1 of Erf 673 Isipingo (known as 5 Dick King Avenue) and Erf 5779 Isipingo (known as 24-26 Inner Circuit Road) respectively.



The subject sites

The registered Deed of Transfer number for Portion 1 of Erf 673 Isipingo (known as 5 Dick King Avenue) is T14537/2025 and the Deed of Transfer number for and Erf 5779 Isipingo (known as 24-26 Inner Circuit Road) is T9955/21. **Annexure 3 and 4: Title Deeds.**

Under the registered Deed of Transfer number for Portion 1 of Erf 673 Isipingo (known as 5 Dick King Avenue) is T14537/2025, there is a condition that is to be removed;

d) Subject to the following special condition created in the said Deed of Transfer No. T4898/1920, Deed of Transfer No. T230/1921 and Deed of Transfer No. T2336/1925, viz: -

"That no building of any kind other than private dwelling houses with appropriate offices and outbuildings to be appurtenant thereto and occupies therewith, shall be erected on the Lot and no trade or business of any sort or description shall be carried on any part of the said Lot."

5 Dick King Avenue measures 1027m^2 in extent and 24-26 Inner Circuit Road measures 4088m^2. A part of this application is the consolidation of these 2 subject sites to form Erf 6762 Isipingo. The total site area of the proposed consolidated site will be 5115m^2. Annexure 5: Proposed Consolidated Diagram – Proposed Erf 6762 Isipingo

5 Dick King Road – image as of 2025

5 Dick King Road – November 2009

24-26 Inner Circuit Road – image as of 2025

24-26 Inner Circuit Road – November 2009

The above images show the area in transition over a period of time.

The subject site is located within the jurisdiction of the South Sub Scheme of eThekwini Municipality. The property was acquired as an investment opportunity, with the intent of adding on to the existing development at 24 – 26 Inner Circuit Road in the future.

The purpose of this application is to motivate for an amendment of the South Sub Scheme for the: Consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo, the Rezoning of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue from Special Residential 700 to General Residential 2, and, the Removal of Restrictive Condition (d) from Title Deed T000014537/2025 of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue.

The application site is situated within a precinct that accommodates medium to high residential densities. This includes existing zones such as General Residential 1, General Residential 2, Special Residential 200, Special Residential 700, Limited Commercial, Institutional, Worship, Educational, and Public Open Spaces Reservation.

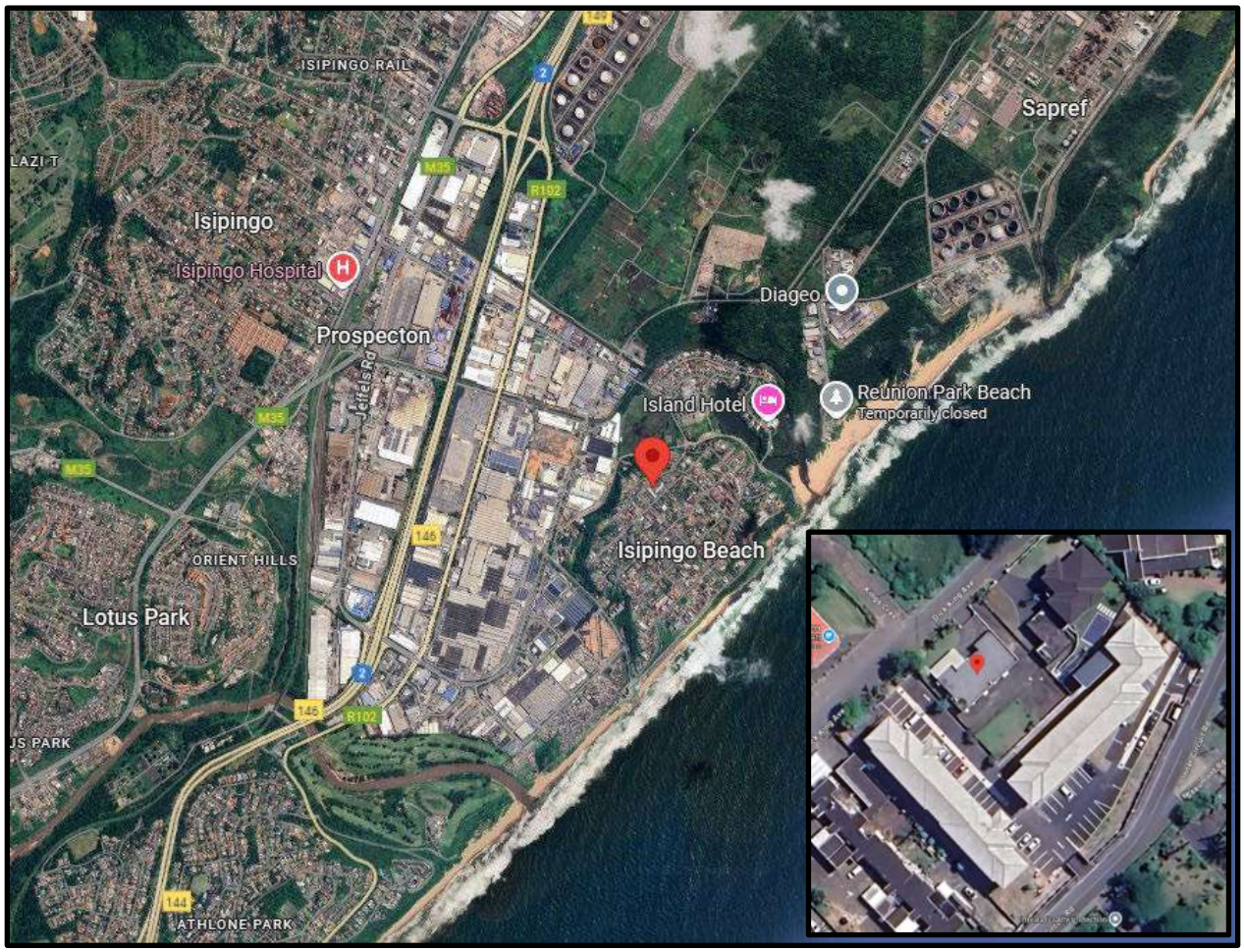
4. LOCATION AND DESCRIPTION

The subject sites, Erf 5779 and Portion 1 of Erf 673 Isipingo, also known as 24 – 26 Inner Circuit Road and 5 Dick King Avenue falls within the South Sub Region of the eThekwini Municipality located to the South of Durban.

Isipingo is a mixed use area incorporating residential, commercial and social uses in close proximity to each other. The property under consideration is located on Inner Circuit and Dick King Avenue, Isipingo, approximately 16 kilometers South of Durban's CBD.

From a wider, contextual position, the site is situated in the Isipingo Beach area and falls under the jurisdiction of the eThekwini Municipality South Entity. The site enjoys close proximity to key locations such as Prospecton, Bluff, Amanzimtoti, and Jacobs.

The site offers excellent accessibility via both public and private transportation, with pedestrian-friendly surrounding roads. Additionally, there is a high demand for affordable housing in the area, making it a highly sought-after location.



The neighbourhood is an established and well-developed residential area with a mix of densities varying from medium to high, with all the required social amenities. As indicated in the zoning plan below, the application site is designated as Special Residential 700 and General residential 2.

The surrounding area comprises a diverse mix of zoning categories, including:

- General Residential 1
- General Residential 2
- Special Residential 200
- Special Residential 700
- Limited Commercial
- Institutional
- Worship
- Educational
- Public Open Space Reservation

5. CHARACTERISTICS OF THE SUBJECT SITE

5.1. Configuration and Topography

The cadastral configuration of the subject sites has a generally rectangular shape. The consolidated site forms an irregular configuration as depicted in the accompanying illustration and the locality plan. **Annexure 5: Proposed Consolidated Diagram – Proposed Erf 6762 Isipingo.**

The land is flat on all the sites consolidated. The topography presents no impediment to the development of the land in terms of the proposed General Residential 2 Zone.

5.2. The Existing Land Cover

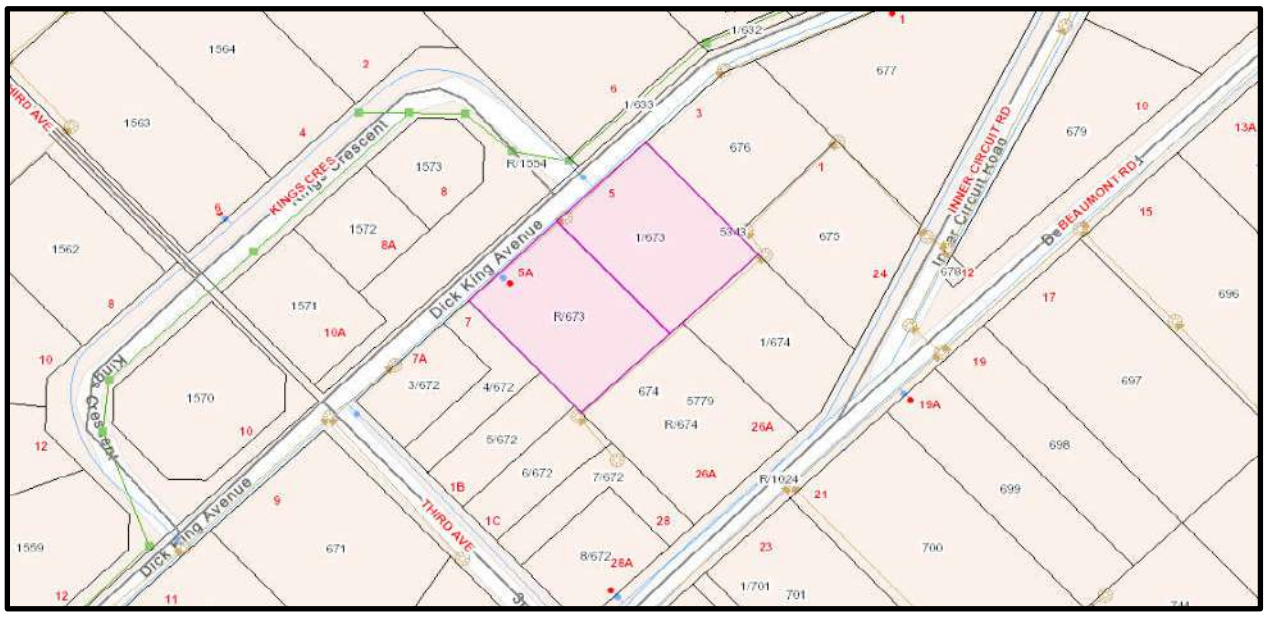
Currently, the subject site, 5 Dick King Avenue, before consolidation has an existing dwelling on it. It is the intention of the Madrasah Taleemuddeen Islamic Institute to consolidate 5 Dick King Avenue to the existing and approved units on Inner Circuit Road.

5.3. Environmental Considerations

The proposal will not have a negative impact on the site and surrounding areas. The application site does not fall within the Durban Metropolitan Open Space System (D'MOSS) or any other environmentally sensitive area and will therefore will not trigger an Environmental Impact Assessment in terms of the NEMA Regulations, 2014.

5.4. Infrastructure Considerations

The subject site is located in a substantially developed area. The area is extremely well serviced from the municipality with the required infrastructure i.e. road access, water, electricity and sewer services.



Aerial view of the subject site

5.5. Parking, Transportation and Access

The parking and traffic requirements for the site are determined in accordance with Section 8 of the eThekwini Municipality South Sub Scheme. This application is a combined application for a rezoning and consolidation. At this point the organization wishes to rezone and consolidate the subject sites only. They have not decided on the way forward for the land uses for the 'newly' consolidated site, namely 5 Dick King Avenue.

The parking requirement for the existing flats located at 24-26 Inner Circuit Road has been approved at the building plan stage in 2022.

Added to this application, at this point there is no need for added parking bays, as stated earlier, the land use has not yet been determined.

It is anticipated that the proposed development will not have a negative impact on the traffic once the land use has been determined.

5.6. Surrounding Zoning and Surrounding Land Uses

The surrounding area comprises a diverse mix of zoning categories, including General Residential 1, General Residential 2, Special Residential 200, Special Residential 700, Limited Commercial, Institutional, Worship, Educational, and Public Open Spaces Reservation.

These zones reflect a well-integrated land use pattern that supports residential, commercial, institutional, and public amenities within the area.

As per the land use plan, Isipingo is blended with a variety of subtle mixed uses that are in keeping with the area. The General residential 2 zone blends with the current uses that surround the application site. It is not a zone that is out of context or that will infringe on the area.

5.6. Surrounding Land Uses

Erf 5779 and Portion 1 of Erf 673 Isipingo, are currently zoned as Genera Residential 2 and Special Residential 700 respectively.

It is strategically located within the wider Isipingo precinct, an area characterized by a mix of residential and high economic activity and in close proximity to industrial zones. Within the Isipingo Beach Precinct, the surrounding land uses include:

- Petrol service stations
- Flats
- Holiday Flats
- Student Accommodation
- Multi-storey residential developments
- Places of worship
- Educational institutions
- Commercial businesses
- Industrial facilities
- Offices
- Shops

This diverse land-use mix enhances the area's socio-economic viability and accessibility, making it a prime location for development and investment opportunities.

6. RESTRICTIVE TITLE DEED CONDITIONS

Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue, has a condition in the Deed of Transfer that impact on the applied for development of the subject site.

Under the registered Deed of Transfer number for Portion 1 of Erf 673 Isipingo (known as 5 Dick King Avenue) is T14537/2025, there is a condition that is to be removed;

d) Subject to the following special condition created in the said Deed of Transfer No. T4898/1920, Deed of Transfer No. T230/1921 and Deed of Transfer No. T2336/1925, viz:-

"That no building of any kind other than private dwelling houses with appropriate offices and outbuildings to be appurtenant thereto and occupies therewith, shall be erected on the Lot and no trade or business of any sort or description shall be carried on any part of the said Lot." Annexure 4: Title Deed – Portion 1 of Erf 673 Isipingo

7. DEVELOPMENTAL CONTROLS AS PER THE SOUTH SUB SCHEME

The following land use parameters are stipulated in the eThekwini Municipally South Sub Land Use Scheme for the existing and proposed zone. A part of this application is a rezoning from Special Residential 700 to General Residential 2.

The existing Special Residential 700 zone:

ZONE: SPECIAL RESIDENTIAL 700

SCHEME INTENTION: To provide, preserve, use land or buildings for single residential use in a form of a dwelling house and ancillary uses. 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 Short Term Accommodation Establishment, and Home Business at the discretion of the eThekwini Municipality.

MAP COLOUR REFERENCE: RED HATCH YELLOW BACKGROUND WITH BROWN BORDER **MAP REFERENCE:** SS/05/2012

PRIMARY

- Conservation Area
- Dwelling House
- Multiple Unit Development

SPECIAL CONSENT

- Telecommunications Infrastructure
- ***Boarding House**
- Crèche
- Educational Establishment
- Health & Beauty Clinic
- Institution
- Pet Grooming Parlour
- Place of Public of Worship
- Private Open Space
- Special Building
- Veterinary Clinic

PRECLUDED

- Action Sports Bar
- Adult Premises
- Agricultural Activity
- Agricultural Land
- Airport
- Arts and Crafts Workshop
- Beach Amenity Facility
- Betting Depot
- Builder's Yard
- Bus and Taxi Depot
- Car Wash
- Cemetery/ Crematorium
- Chalet Development
- Container Depot
- Convention Centre
- Correctional Facility
- Direct Access Service Centre
- Display Area
- Dive Charter
- Escort Agency
- Flat
- Flea Market
- Fuelling and Service Station
- Funeral Parlour
- Garden Nursery
- Golf Driving Range
- Government / Municipal
- Health Studio
- Hotel
- Industry - Extractive
- Industry – General
- Industry – Light
- Industry – Noxious
- Landfill
- Laundry
- Mobile Home Park & Camping Ground
- Mortuary
- Motor Garage
- Motor Display Area
- Motor Vehicle Test Centre
- Motor Workshop
- Museum
- Nature Reserve
- Night Club
- Office
- Office – Medical
- Parkade
- Place of Public Entertainment
- Recycling Centre
- Reform School
- Refuse Disposal
- Restaurant / Fast Food Outlet
- Retirement Centre
- Riding Stables
- Scrap Yard
- Shop
- Student Residence
- Transport Depot
- Transport Use
- Truck Stop
- Warehouse
- Zoological Garden

ADDITIONAL CONTROLS

1. Multiple Unit Development – refer to clause 4.1.4.
2. **Boarding House: The building shall conform to the appearance and definition of a Dwelling House and is limited to a maximum of 10 boarders.**

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR					
7.5 m	2.0 m	Not Applicable	700 m²	3	40 %	0.4

The proposed General Residential 2 Zone

ZONE: GENERAL RESIDENTIAL 2

SCHEME INTENTION: To provide, preserve, use land or buildings for higher density on all types of residential accommodation. A wide range of ancillary uses which service the day to day needs of a community.

MAP COLOUR REFERENCE: BROWN VERTICAL HATCH **MAP REFERENCE:** SS/05/2012

PRIMARY

- Boarding House
- Chalet Development
- Conservation Area
- ***Dwelling House**
- Flat
- Hotel
- ***Multiple Unit Development**
- Retirement Centre

SPECIAL CONSENT

- Telecommunications Infrastructure
- Crèche
- Educational Establishment
- ***Health Studio**
- Institution
- Laundry
- Mobile Home Park & Camping Ground
- ***Office**
- Private Open Space
- ***Restaurant / Fast Food Outlet**
- ***Shop**
- Special Building
- Student Residence

PRECLUDED

- Action Sports Bar
- Adult Premises
- Agricultural Activity
- Agricultural Land
- Airport
- Arts and Crafts Workshop
- Beach Amenity Facility
- Betting Depot
- Builder's Yard
- Bus and Taxi Depot
- Car Wash
- Cemetery/ Crematorium
- Container Depot
- Convention Centre
- Correctional Facility
- Direct Access Service Centre
- Display Area
- Dive Charter
- Escort Agency
- Flea Market
- Fuelling and Service Station
- Funeral Parlour
- Garden Nursery
- Golf Driving Range
- Government / Municipal
- Health & Beauty Clinic
- Industry - Extractive
- Industry – General
- Industry – Light
- Industry – Noxious
- Landfill
- Mortuary
- Motor Garage
- Motor Display Area
- Motor Vehicle Test Centre
- Motor Workshop
- Museum
- Nature Reserve
- Night Club
- Office – Medical
- Parkade
- Pet Grooming Parlour
- Place of Public Entertainment
- Place of Public of Worship
- Recycling Centre
- Reform School
- Refuse Disposal
- Riding Stables
- Scrap Yard
- Transport Depot
- Transport Use
- Truck Stop
- Veterinary Clinic
- Warehouse
- Zoological Garden

ADDITIONAL CONTROLS

1. All landscaping at the discretion of the eThekwini Municipality.
2. ***A Dwelling House shall have a Floor Area Ratio of 0.4, Coverage of 40 % and a Height of 3 storeys.**
3. **Amanzimtoti:** Uses other than a Flat: a Floor Area Ratio of 0.5 and Coverage 50 shall apply. In this zone a 4.5 metre side space requirement applies except for the south-eastern boundaries of the Erven, where there shall be a 6 metre side space.
4. Shop/Restaurant/Fast Food Outlet restricted to the ground floor in a Flat only.
5. *Offices shall be permitted if incorporated in a block of Flats with a maximum Floor Area Ratio 0.4 Such usage to be restricted to the ground and first floor and on Erven on the east side of Beach Road between Shad Place and the Amanzimtoti River Lagoon (Erven 1661-668).
6. Where an Erf is used exclusively for a Dwelling House the sides and rear spaces shall 2.0 metres.
7. ***A Health Studio may be permitted for the exclusive use of the residents only.**
8. The maximum coverage maybe increased by not more than 10% of the area of the site solely for the purpose of providing covered parking.
9. ***Multi-Unit Development shall have a Floor Area Ratio of 0.5, Coverage of 40% and Height of 2 storeys.**

DEVELOPMENT PARAMETERS

DISTRICT	SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
	BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR					
Amanzimtoti	7.5 m	4.5 m	N/A	2000 m²	N/A	40%	2.45
Isipingo/Kingsburgh	7.5 m	4.5 m	N/A	1 800 m²	6	40 %	0.75
Other Areas	7.5m	4.5m	N/A	1800 m²	3	40%	0.40

As seen from the Development Facilitation Table, the transition from Special Residential 700 to General Residential 2 will work with the subject's sites.

With regards to FAR and Coverage, the development will be in line with the proposed zone controls.

8. MOTIVATION FOR: CONSOLIDATION, REZONING AND THE REMOVAL OF RESTRICTIVE CONDITION

8.1. Proposal for the Consolidation of Erf 5779 and Portion 1 of Erf 673 Isipingo to form Erf 6762 Isipingo

The proposed combined application aims to provide a residential use that primarily serves the needs of the community, ensuring compatibility with neighboring residential sites. Therefore, the proposal encompasses the Consolidation and Rezoning of the sites from Special Residential 700 to General Residential 2 to accommodate an addition to a residential development.

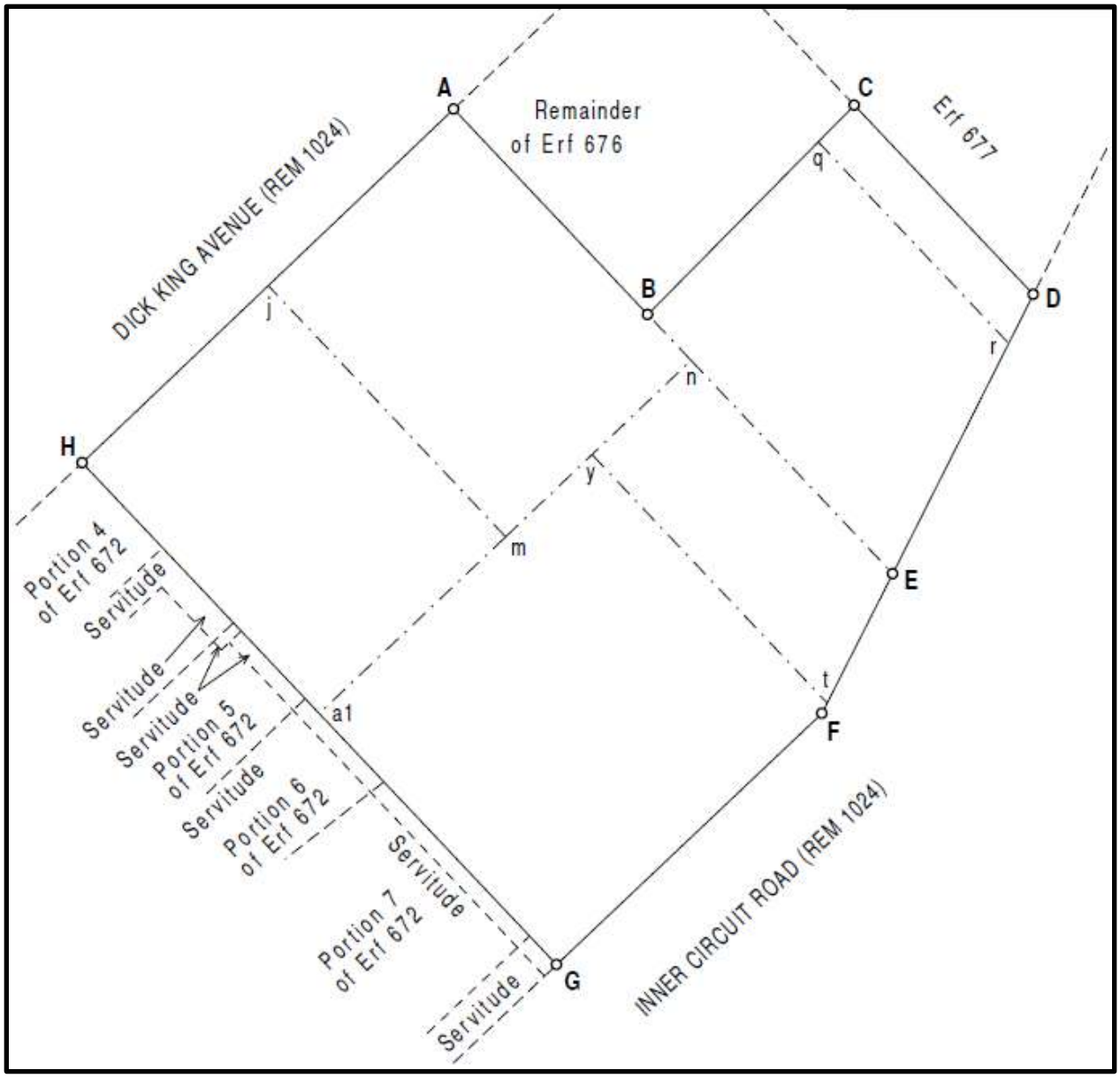
It should be noted that within a 100 – 200m radius, as well directly adjacent to the subject site, there exist General Residential zones that create a precedent for the proposal. In light of the above, these surrounding residential entities have been in existence for several years without any negative impacts on the immediate surrounding context. This is a result of the surrounding residential context feeding into the worship activity by satisfying the community's religious needs.

Isipingo is a mixed use area incorporating residential, commercial and social uses in close proximity to each other. This area is made up of a variation in land uses, from low density, single unit developments to high density, flats and multiple unit developments.

The Madrasah Taleemuddeen Islamic Institute was established in 1982. It started off on a small scale and now houses approximate 300 students, both local and international. This Institute is a nonprofit organization and helps a large number of under privileged children.

The proposal encompasses the consolidation of the aforementioned properties to form one site. The added subject site of 5 Dick King Avenue will definitely be an added benefit to the existing Erf 5779 Isipingo.

The consolidated site forms a square shaped configuration as depicted in the accompanying illustration and the locality plan provided by the land surveyor.



Proposed Consolidated Diagram for 5 Dick King Avenue

The accompanying site development plan, Annexure 5: Proposed Consolidated Diagram – Proposed Erf 6762 Isipingo, depicts the terrain of the sites. The land is flat on all the sites consolidated. The topography presents no impediment to the development of the land in terms of the proposed General Residential 2 Zone.

By consolidating the properties, it gives the staff at the Madrasah an opportunity to expand the housing facilities to the teachers. The Madrasah is approximately 250m from the proposed units, which is in walking distance.

The total site area of the proposed consolidated site will be 5115m2.

The proposal is deemed feasible from a Town Planning Land Use perspective; hence an application is made.

It is anticipated that a greater degree of compatibility and market relevance can be obtained through the above Consolidation and Rezoning.

8.2. Rezoning of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue from Special Residential 700 to General Residential 2

The applicant site falls within the jurisdiction of the South Sub Entity of the eThekwini Municipality and is regularized by its Town Planning Scheme.

The Madrasah Taleemuddeen Islamic Institute was established in 1982.

The application site is zoned Special Residential 700 – Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue hosts a dwelling house. The applicant being, The Madrasah Taleemuddeen Islamic Institute, intends to rezone the sites to General Residential 2 to enjoy the same benefits of the sister site – being Erf 5779 Isipingo.

The Rezoning application approved in 2018 was for 24 units for Erf 5779 Isipingo. To date the units have been built and the completion certificates issued accordingly.

The intention is to rezone this site, to accommodate the expansion of the residential concept. The proposal forms part of an already predominately mixed use context and it blends into the surrounding land use context. The proposed Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue, will not negatively impact on the visual quality of the surrounding developments in that its surrounding interfaces are predominantly residential. This proposal fits in perfectly within the current context.

Since the land use exists, the proposal will definitely not be disruptive to the area and community when developed or considered by the municipality as the zoning exists.

Since the General Residential 2 zone exists, the proposal will definitely not be disruptive to the area and community when developed. Developing the site will add value to the neighbourhood, in terms of security and increased property values.

After assessing the application site, it must be noted that the proposal is required to comply with the provisions of Section 28 of the eThekwini Planning and Land Use Management By Law (Notice 114 of 2017).

The proposal intends to use the existing infrastructure and resources located on the property.

The proposed development has a positive economic benefit in that a number of people are employed on a daily basis. With respect to the surrounding land uses, there is no impact on the residential amenity.

The SDF is a component of the IDP and may be considered to be an extension of the eThekwini Municipality IDP's vision.

The Spatial Development Framework (2017/2018) identifies smaller urban investment nodes which provide convenient and efficient access to commercial, community and social facilities.

High rise developments along Dick King Avenue

Overview of the subject sites

Approved 24 units

Special residential 700 zones

Entrance to the existing units on Inner Circuit Road

8.3. Removal of Restrictive Condition (d) from Title Deed T000014537/2025 of Portion 1 of Erf 673 Isipingo known as 5 Dick King Avenue

The current title deed comprises certain conditions of title that conflict with the provisions of the municipality's planning and land use by-law, the scheme, the provisions of SPLUMA, and the Constitution.

As part of this land development application, the condition that is sought to be removed is Condition (d) Under the registered Deed of Transfer number T14537/2025 for Portion 1 of Erf 673 Isipingo (known as 5 Dick King Avenue):

d) Subject to the following special condition created in the said Deed of Transfer No. T4898/1920, Deed of Transfer No. T230/1921 and Deed of Transfer No. T2336/1925, viz:-

"That no building of any kind other than private dwelling houses with appropriate offices and outbuildings to be appurtenant thereto and occupies therewith, shall be erected on the Lot and no trade or business of any sort or description shall be carried on any part of the said Lot. Annexure 4: Title Deed – Portion 1 of Erf 673 Isipingo."

The above condition does restrict the owner from using the property for "residential" purposes.

As time evolves the dynamics of the area changes and more and more property owners have started a trend to convert their properties or complete residence for some sort of activity that suits their needs. In this case the Madrasah has purchased the above property to complement their existing use located at Erf 5779 Isipingo.

This condition is not only superfluous, redundant, and irrelevant but also in direct contravention of the municipality's land use scheme, its planning and land use by-laws, and ultimately SPLUMA.

It is therefore submitted that this condition be removed.

8.4. Need and Desirability

The suburb of Isipingo Beach contains a mix of densities ranging from medium to high density zones, including General Residential 1, General Residential 2, Special Residential 200 and Special Residential 700. This zoning framework reflects a well-integrated land use pattern that supports a variety of residential typologies, including Flat Development, Multiple Unit Development and Single Residential Development within the area.

The demand for additional housing in Isipingo Beach is substantiated by South Africa's National and Local housing shortage and is further emphasized by the strategic objectives outlined in eThekwini Municipality's planning documents.

National Housing Shortage: South Africa faces a significant housing backlog, with a substantial portion of the population lacking access to adequate housing. This national challenge is mirrored

in urban areas like Isipingo Beach, where the demand for affordable and well-located housing continues to grow.

eThekwini Municipality's Integrated Development Plan (IDP): The IDP underscores the municipality's commitment to creating quality living environments through the provision of adequate housing. It emphasizes the need for spatial transformation by promoting a variety of residential typologies (Flat Development, Multiple Unit Development and Single Residential Development) in well-located areas to address housing shortages and improve residents' access to shelter and economic opportunities. The creation of flats allows more accessibility to a wider variety of citizens to afford the housing opportunity within this area.

Spatial Development Framework (SDF): The SDF advocates for the development of sustainable, compact, and efficient urban forms. It identifies Isipingo Beach as a strategic location for residential densification due to its proximity to economic hubs, employment opportunities and existing infrastructure. The framework supports infill development and the optimization of land use to accommodate the growing population while minimizing urban sprawl and promoting a compact city model.

South Spatial Development Plan (SSDP): The SSDP focuses on the southern region of eThekwini, including Isipingo Beach, highlighting the area's potential for residential growth. It emphasizes the integration of housing developments with transportation networks and economic centers to create sustainable communities. The plan encourages the utilization of underutilized land for housing to meet the increasing demand.

Isipingo Local Area Plan (LAP): The Isipingo LAP provides detailed guidance for land use and development within Isipingo Beach. It identifies specific areas suitable for residential development and supports initiatives aimed at increasing housing stock to accommodate population growth. The plan also emphasizes the importance of providing a variety of residential typologies, including Flat Development, Multiple Unit Development and Single Residential Development within the area.

eThekwini Housing Sector Plan: The Housing Sector Plan emphasizes the need for housing projects in areas like Isipingo Beach, which offer residents access to employment opportunities and essential services, thereby enhancing their quality of life. The municipality’s Human Settlement Unit has demonstrated its commitment to addressing housing needs through projects like the Pilgrim X Housing Project in Isipingo, which aims to upgrade informal settlements and provide formal housing units equipped with essential services. Such initiatives reflect the ongoing efforts to improve living conditions and reduce the housing backlog within the municipality.

Surrounding the Isipingo Beach residential area are industrial, commercial, business-related land uses. The location of the application site is ideal to allow for a variety of residential typologies in close proximity to a number of public transport routes as well as the existing facilities which serve the surrounding community. The proposed residential flat development is a natural extension of

the existing residential neighbourhood and will fit into the mixed residential density character of the area.

The proposed combined application, contributes to lifting the economy within the area, by bringing people closer to areas within which there are more employment opportunities and services which they are able to make use of creating sustainable livelihoods. The proposal encourages spatial efficiency which allows for the maximization of existing resources and infrastructure. Creating a mix of land uses results in the creation of more sustainable and resilient areas and areas which are able to grow and support the growing population. The proposal will be beneficial to the area and is important as it will be able to contribute to economic upliftment within the area.

The proposed rezoning is in line with the strategic plans and intended densities (SDF, SSDP, Isipingo Local Area Plan, eThekwini Density Strategy) for the area and is unlikely

to have a negative impact on the surrounding area. The proposal will blend into the surrounding building typologies and will not negatively affect the character of the area.

This demonstrates that the application site is well-integrated within an area that already accommodates General Residential 1 zoning, reinforcing its suitability for similar land use considerations.

Given this context, the proposed rezoning is not expected to have a negative impact on surrounding properties, as several nearby sites are already zoned as General Residential 2. Therefore, the proposed rezoning is consistent with the character of the area and will contribute to a well-balanced urban environment.

In conclusion, the pressing need for additional housing in Isipingo Beach is well-documented in national and municipal planning frameworks. Strategic policies advocate for residential development in this area to address housing shortages, promote spatial equity, and enhance access to economic opportunities, thereby fostering the creation of sustainable and integrated communities.

The character of the area is already one compromising of a residential use and this proposal does not contradict the immediate surrounding land uses.

Thus it can be determined that the need and desirability aligns itself to the proposal.

The proposed development is not anticipated to generate any negative infrastructural impacts and the proposed development may not be considered to be visually intrusive to the overall character of the area in which it lies.

A development of this scale does not have the potential to affect the surrounding uses to any considerable degree, therefore no major impacts are envisaged.

The proposal will not change the overall character of the area, but improve the nature of the surrounding existing residential areas by providing by providing the community with a facility that is needed.

9. ALIGNMENT WITH MUNICIPAL PLANS

Integrated Development Plan

The IDP is the strategic planning instrument which guides and informs all planning, budgeting, management and decision-making processes within the eThekwini Municipality. It focusses on challenges, priorities and related budgets and provides for the strategic implementation direction in the short to medium term.

Vision: "By 2030, eThekwini will enjoy the reputation of being Africa's most caring and liveable City, where all citizens live in harmony."

The IDP also identifies the following Development Challenges:

- High rates of unemployment and low economic growth.
- High levels of poverty.
- Low levels of skills development and literacy.
- Limited access to basic household and community services.
- Increased incidents of HIV/AIDS and communicable diseases.
- Loss of Natural Capital.
- Unsustainable developmental practises.
- High levels of crime and risk.
- Ensuring adequate energy and water supply.
- Ensuring food security.
- Infrastructure degradation.
- Climate change.
- Ensuring financial sustainability.
- Ineffectiveness and inefficiency of inward-looking local government still prevalent in the Municipality.

The proposal does not conflict with any of the main principles and is aligned with the eThekwini Municipality's Integrated Development Plan. The proposed development aims to contribute to the spatial transformation of the of the Municipality. It also seeks to support the IDP's eight-point plan by providing a quality living environment and by ensuring access to equitable and appropriate levels of household and community facilities and services and facilitating access to home ownership.

The development will contribute to addressing the challenges through the:

a) development of a vibrant, creative and sustainable city by promoting appropriate densification and intensification along an acknowledged activity and transport corridor.

b) creation of housing opportunities and facilitating home ownership.

c) development proposal that is owner driven and not speculative;

d) compact city development and use of existing infrastructure; and

e) contributing to the Municipal rates base

Spatial Development Framework

The Municipal IDP and Spatial Development Framework Plan (SDF) provide the guidelines for decision making on land development applications. Consequently, the Municipality's adopted SDF must inform any decision taken by the Municipality in terms of SPLUMA and the By-law.

It is submitted that this rezoning application is aligned to the broader policies and intentions of the SDF. The Municipality's IDP introduces the management of planning and land use in the metro area through a hierarchical package of plans system. The hierarchy comprises: The IDP and its Spatial Development Framework Plan; Spatial Development Plans on a sub-regional basis; Town Planning Schemes; Local Area Action Plans.

As reflected above, in terms of the SDF, the application site is strategically located within the designated Prime Investment Corridor and in close proximity to the Integrated Public Transportation Network (IPTN). This positioning makes the site particularly suitable for a variety of residential typologies.

The proposed development is aligned with creating a conducive environment to ensure residential sustainability. The development also contributes to a compact city model. The proposal is in line with Spatial Planning policies and will not have any detrimental impact on the study area or surrounding properties. The proposal will also not negatively change the character and the land use of the area. The proposal will also not have a negative impact on the existing available infrastructure.

10. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT

Compliance with the development principles in terms of the Spatial Planning and Land Use Management Act of 2013:

Inherent in the legislation are principles namely: Spatial Justice, Spatial Sustainability, Spatial Resilience and Good Administration. All principles contained in the act apply to all aspects of spatial planning, land development and land use management.

The principle of Spatial Justice:

Addressing issues of spatial development imbalances that historically exist, by improving access to land and the use of land. The development will allow for densification in the area. The proposed development is located in an area which has access to public transport routes in the residential area. The proposed development intends to promote the housing opportunities and thus through construction, economic investment in the area.

This facility will make optimum use of the site and provide a service to the South Region of eThekwini. The proposed rezoning will improve the socio-economic conditions as it will sustain the current employment and uplift a prime parcel of land.

The principle of Spatial Sustainability:

The proposal will have a social impact by affording citizens the opportunity to access adequate housing. The proposed rezoning will allow for a better use of the space as well as promote activity. The proposed development will provide temporary and permanent jobs to the residents of the area as well as surrounding areas.

Consider all current and future costs to all parties for the provision of Infrastructure and social services in land developments; the proposed rezoning is in line with the existing use and is considered a lesser impacting zone.

The principle of Efficiency:

The proposal will use existing infrastructure in a sustainable manner to promote a safe and secure space for people to live.

The proposal will use existing infrastructure that is available. Efficiency regarding the proposal in terms of the approval of the application.

The principle of Spatial Resilience:

The above application speaks of spatial resilience, whereby there should be flexibility in spatial plans.

To provide residential development in appropriately located areas so that they are in close proximity to economic and employment opportunities.

The principle of Good Administration:

The development application will be subject to the public participation process that is required by SPLUMA. All interested and affected parties identified by the municipality will be notified. In addition, the rezoning will be advertised in the respective paper, Mercury and one other local newspaper, affording the public 30 days and objections.

Thus, it can be determined that the need and desirability aligns itself to the proposal.

The proposed development is not anticipated to generate any negative infrastructural impacts and the proposed development may not be considered to be visually intrusive to the overall character of the area in which it lies.

The proposed rezoning will add economic value to the area as the investment by the applicant will enhance the area. The proposed zone is unlikely to cause an unwarranted interference within the area or nor undermine the South Town Planning Scheme.

The proposed rezoning application aligns itself to the objectives of the South Sub Town Planning Scheme.

11. CONCLUSION

Based on the information provided, one can see the development is in line with the municipality's planning objectives of the area and it also aligns with the existing policies which guide development.

The location of this application site is particularly suitable for the provision of a variety of residential typologies. This strategic positioning of the combined application allows for the creation of additional housing opportunities, effectively responding to the demand for residential development in the area. The application site is conveniently located near well-established transportation routes, job opportunities and economic activities. It is situated in an area that offers existing infrastructure, social amenities, and complementary land uses, making it an ideal candidate for development.

The proposed development is in line with SPLUMA, the intention of which is to promote transformation, efficient land use and development, and with the SPLUMA principles. The proposal for rezoning is aligned to the concept of concentrating development within an identified area of opportunity, as it intends to make use of the existing infrastructure in a meaningful way. The proposed development promotes the Compact City model whereby medium to high residential density is in close proximity/ access to development spines.

The report has demonstrated sustainability and motivated the merits for the rezoning and its alignment to the IDP, SDF, SSDP, Isipingo LAP and the City Density Strategy. The proposal would not generate any negative impacts on the surrounding land uses and would not negatively impact

on the environment as the proposed zone is designed to fit within the fabric of the existing area without adverse effects.

Furthermore, infrastructure within the area is well developed and has the capacity to support the proposed development. The proposal will provide much needed housing opportunities and fits into the character of the area and the precinct. The proposed rezoning allows for the opportunity to direct this development in a manner that makes good planning sense as this development is ideally located and does not detrimentally impact the amenity of the area.

Based on the motivation detailed in the report it is requested that the proposed combined application in terms of the South Sub-scheme BE SUPPORTED.

ANNEXURE 1

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

ENQUIRY REFERENCE NO. SAENQ202508270004/SR **DATE:** 27/08/2025

REGION: South

LUMA/PLANNER details: (Name) Sodashni Moodaly **e-mail** sodashni.moodaly@durban.gov.za

STATUTORY APPLICATION FORM FOR CONSIDERATION BY THE ETHEKWINI MUNICIPALITY PLANNING AND LAND USE MANAGEMENT SECOND AMENDMENT BY-LAW, 2021 (NOTICE 95 OF 2021) AND THE SCHEME

Please note that **ALL** sections of this form **MUST** be completed by Applicant.

PLEASE TICK APPROPRIATE APPLICATION TYPE

TYPE OF APPLICATION	
CATEGORY 1 – in terms of Section 26 of the Planning and Land Use Management By-law	
Amendment to the Schemes	☐
CATEGORY 2 - in terms of Section 27 of the Planning and Land Use Management By-law	☐
Rezoning of Land with Objections	☐
Introduction of a New Area (Extension of the Scheme)	☐
Land Development Applications Deviating from the Provisions of the Municipal Spatial Development Framework (MSDF)	☐
Zonings of Land	☐
CATEGORY 3 - in terms of Section 28 of the Planning and Land Use Management By-law	
Rezoning of Land With no Objections and in line with the MSDF	☑
Consolidation	☑
Removal of Restrictive Conditions	☑
Special Consent	☐
Subdivision	☐
CATEGORY 4 - in terms of Section 29 of the Planning and Land Use Management By-law	
Relaxation (Space About Buildings, Height, FAR & Coverage)	☐
Exemptions (Clause 1.13 of the Scheme)	☐

IS THIS A COMBINED APPLICATION? (Tick the appropriate box)	YES ☑	NO ☐

APPLICATION IS MADE IN TERMS OF ETHEKWINI MUNICIPAL LAND USE SCHEME:
South ..... **SUB-SCHEME**

DETAILS OF APPLICATION: (detail what the application is for. Any exclusion renders the application null and void)

Combined Application for Rezoning of Portion 1 of Erf 673 Isipingo from Special Residential 700 to General Residential 2, Consolidation of Portion 1 of Erf 673 and Erf 5779 Isipingo to form

PARTICULARS OF SITE

Cadastral Description: Portion 1 of Erf 673 Isipingo and Erf 5779 Isipingo

Street Address: 5 Dick King Avenue and 26 Inner Circuit Road

Area of Land: 1027sqm and 4088sqm ..... Title Deed No: .....

Rate number (for payment purposes): .....

PARTICULARS OF APPLICANT *(applicant as defined in section 21(5) of the eThekwini Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021)*

NAME: Talisen Naidoo

PHYSICAL ADDRESS: 15 Silverglen Crescent, Silverglen, Chatsworth

..... CODE 4092

POSTAL ADDRESS: As Above

(If different to above) ..... CODE .....

Tel. No. (W) (.....) ..... (H) (.....)

Cell No. 078 528 6838 E-mail. talisen@tnaplanning.co.za

SIGNATURE OF APPLICANT ..... I.D. No 9010305196081

PROFESSIONAL REGISTRATION NUMBER: A3160/2022

PARTICULARS OF REGISTERED OWNER ***(to be signed by all registered owners)***

NAME: MAHOMED ILYAS PATEL

PHYSICAL ADDRESS: 31 INNER CIRCUIT ROAD,
ISIPINGO BEACH, DURBAN CODE 4133

POSTAL ADDRESS: P.O. BOX 26393
(If different to above) ISIPINGO BEACH CODE 4115

Tel. No. (W) (031) 9029818 ..... (H) (.....)

Cell No. 0837863420 E-mail. admin@alhaadi.org.za

I hereby declare that I am: ◯ Tenant (P.O.A.) ◯ Other (P.O.A.)

◯ Registered Owner ◯ Sectional Title Holder ☒ Legal Representative (P.O.A

Note 1: **Where the owner is a Body Corporate, a member of the Body Corporate, Director of a Member of a Company, a Trust or a Close Corporation, a certified letter of Authority is required.**

Note 2: **Sectional Title applications require minutes of Body Corporate meeting at which consent was granted.**

SIGNATURE OF REGISTERED OWNER/S ..... I.D. No 670405 5162 086

SIGNATURE OF REGISTERED OWNER/S ..... I.D. No. .....

The application (as referred in the eThekwini Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) should consist of the following:

1.	Owners Consent (Certified copy)	☑
2.	Copy of Title Deeds & S-G Diagram/ General Plan	☑
3.	Bond holders Consent (Certified copy)	☐
4.	Planning Motivation, Site/Layout Plans and Locality Plans.	☑
5.	Zoning and Land Use Plans	☑
6.	On-site Parking Provision and schedule	☐
7.	Approved Traffic Impact Assessment/Statement (where applicable)	☐
8.	Copy of Environmental authorisation from Department of Agriculture & Environmental Affairs (where applicable)	☐
9.	Geotechnical report (where applicable)	☐
10.	Body Corporate Consent/ Home/Property Owners Consent etc. (where applicable) (Certified copy)	☐
11.	In the case of a Trust- a resolution authorising such application be made (where applicable) (certified copy)	☐
12.	Power of Attorney / Authorization (if not signed by the Registered Owner) (Certified copy)	☐
13.	In the case of an application for the Alteration, Suspension or Deletion of Restrictions relating to Land, which creates a servitude in favour of another property, the names & contact details of all servitude holders	☐
14.	Any other information that may be considered by either yourself or the Municipality as being in support of your application	☐
15.	Water Use License Development of a site maybe subject to a water use license application (in terms of Section 21 of The National Water Act 36 of 2008) in the event of water course on site or within 500m of the property/ties/ the applicant must either obtain the necessarily approval or written confirmation that a license is not required from eThekwini Department of Water and Sanitation.	☐

I Talisen Naidoo ..... (Applicant) affirm that the information and documentation submitted in this application is as per the information and documentation assessed and commented on by the relevant internal and external departments and has not been altered in any form or manner.

Signature of Applicant .....

ATTACHED COMMENT SHEET FOR DEPARTMENTAL CIRCULATION

ANNEXURE 2

POWER OF ATTORNEY

I, Mahomed Iqbal Patel with identity Number 670405 5162 086 confirm to the be authorized signatory for Portion 1 of Erf 673 Isipingo and Erf 5779 Isipingo, situated at 5 Dick King Avenue and 26 Inner Circuit Road, Isipingo, in terms of title deed number _____. I hereby appoint:

Talisen Naidoo (Identity Number 901030 519 6081) (SACPLAN Registration: Pr. Pln A3160/2022) being the sole Director of T and A Town Planning Consultants (Pty) Ltd with Registration Number 2020/726014/07.

To apply for the following combined application:

1. Rezoning of Portion 1 of Erf 673 Isipingo from Special Residential 700 to General Residential 2
2. Removal of Restrictive title deed condition on T14537/2025, condition d.
3. Consolidation of Portion 1 of Erf 673 Isipingo and Erf 5779 Isipingo to form proposed Erf [A]

This authorization gives effect to the applicant to attend to all necessary documentation for the submission of the rezoning, removal of restrictive condition and consolidation application.

Authorized signatory signature:

Date: 31/07/2025

The Deponent acknowledges that he/she knows and understands the contents of this Affidavit.

Signature:.....

Declared before me.....

at Isipingo Beach

this 31 day of July 2024

Commissioner of Oath's Stamp

Ismail Bayat
Commissioner of Oaths (BD 39990)
Isipingo District
4 Third Avenue, Isipingo Beach, 4115
Tel: 031 912 2172 Fax: 031 902 926[illegible]

MADRASAH TALEEMUDDEEN

4 Third Avenue, Isipingo Beach

P. O. Box 26393

Isipingo Beach

4115

RESOLUTION OF A MEETING OF THE DIRECTORS OF:

MADRASAH TALEEMUDDEEN ISLAMIC INSTITUTE

(Registration Number : 950 79 03 / 08)

At a meeting HELD AT ISIPINGO BEACH ON 31 July 2025 it was RESOLVED AND CONFIRMED THAT :

Dear Sir / Madam

Mr. Mahomed Ilyas Patel (I.D No. 670405 5162 08 6), is hereby nominated by the above organization as the responsible person representing the said organization and accepts responsibility for all aspects of this rezoning and consolidation application for the properties that are situated at: **5 Dick King Avenue & 24/26 Inner Circuit Road, Isipingo Beach, Durban.**

Should you have any queries, please contact Mr. M.I.Patel at cell no.083 786 3420.

Ebrahim Mahomed Salajee	
Mahomed Ilyas Patel	
Goolam Mahomed Osman Khan	
Cassim Rashid Moosa	
Goolam Hoosen Moosa	

MADRASAH TALEEMUDDEEN
4 THIRD AVENUE, ISIPINGO BEACH, 4138
P.O. BOX 26393, ISIPINGO BEACH, 4115
TEL: +27 31 902 9818 FAX: +27 31 902 5681
EMAIL: admin@alhaadi.org.za
WEBSITE: www.alhaadi.org.za

ANNEXURE 3

N.2

48

Shafee Khan & Company
Attorneys, Notaries & Conveyancers
385 Jabu Ndlovu (loop) Street
Pietermaritzburg
3201

Prepared by me

CONVEYANCER
MAHOMED SHAFEE KHAN (LPCM 64634)

FEES		
	AMOUNT	OFFICE FEE
ANY OTHER REGISTRATION		
PURCHASE PRICE VALUE	R 1 800 000,00	R 1646,00
MORTGAGE CAPITAL AMOUNT	R	R
REASON FOR EXEMPTION	CATEGORY	EXEMPT IN TERMS OF SECTION.....ACT.....

2025 -06- 10

T0000145 37 / 2025

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

MAHOMED SHAFEE KHAN (LPCM 64634)

appeared before me, REGISTRAR OF DEEDS: KWAZULU NATAL at PIETERMARITZBURG, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

The Executrix in the Estate Late
SAMESHEN VURDARAJU
Number 14260/2023(D)

which said Power of Attorney was signed at Durban on 31st March 2025

N.2

And the appearer declared that his/her said principal had, on 28 February 2025, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

MADRASAH TALEEMUDDEEN ISLAMIC INSTITUTE NPC
Registration Number 1995/007903/08

or its Successors in Title or assigns, in full and free property

PORTION 1 OF ERF 673 ISIPINGO REGISTRATION DIVISION FT, PROVINCE OF KWAZULU-NATAL

IN EXTENT 1027 (ONE THOUSAND AND TWENTY SEVEN) Square metres

First transferred by Deed of Transfer Number T 7777/1979 with Diagram annexed thereto and held by Deed of Transfer Number T 10517/2005

THIS PROPERTY IS TRANSFERRED:-

a) Subject to such of the terms and conditions of the original Government Grant No. 870/1849 as are now in force and applicable.

b) With the use of the road laid off from the Railway Line at Isipingo to the River Isipingo as shown on the diagram of Subdivision Z of Portion H of Dubdivision 3 of the said Farm Isipingo annexed to the Deed of Transfer No. T 2446/1902 as created in Deed of Transfer No. T 4898/1920, Deed of Transfer No. T 230/1921 and Deed of Transfer No. T 2336/1925.

c) With the use of all roads laid off on the diagram and General Plan of the Subdivision C of Lot N aforesaid filed in the Surveyor-General's Office, as created in Deed of Transfer No. T 4898/1920, Deed of Transfer No. T 230/1921 and Deed of Transfer No. T 2336/1925.

d) Subject to the following special condition created in said Deed of Transfer No. T 4898/1920, Deed of Transfer No. T 230/1921 and Deed of Transfer No. T 2336/1925. Viz :-

That no building of any kind other than private dwelling houses with appropriate offices and outbuildings to be appurtenant thereto and occupies therewith, shall be erected on the Lot and no trade or business of any sort or description shall be carried on any part of the said Lot.

e) Subject to the following conditions imposed by the Administrator under Ordinance No. 27/1949, as created in said Deed of Transfer No. T 160027/1965, namely:-

N.2

1) The owner of the land shall, without compensation, be obliged to permit the erection, laying and maintenance of electric wires and/or water supply piping over or under the land along any boundary thereof other than a road frontage and within a distance of 1,83 metres from such boundary as well as reasonable access thereto for the purpose of maintenance, removal or extension.

   This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

   The rights conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to supply electric current or water for the benefit of the inhabitants of the township.

   If the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator, whose decision shall be final.

2) The owner of the land shall, without compensation, be obliged to permit the construction and maintenance of sewers and drains over or under the land along any boundary thereof other than a road frontage and within a distance of 1,83 metres from such boundary, as well as reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the land shall, without compensation, be obliged to allow the sewerage and drainage of any other land or street to be conveyed along such sewers and drains; provided that that if the owner if the land be aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal to the Administrator whose decision shall be final.

   This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

3) Where two or more pieces of land subject to similar conditions, imposed at the instance of the Administrator are consolidated, such conditions shall apply to the consolidated area as a whole.

4) The owner of the land shall, without compensation, be obliged to permit such deposit of material or excavation on the land as may, in connection with the formation of any street and owing to differences in level between the land and the street, be deemed necessary in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the land, unless he shall elect at his own cost to build a retaining wall.

   This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

N.2

WHEREFORE the said Appearer, renouncing all rights and title which the said

Estate Late SAMESHEN VURDARAJU

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

MADRASAH TALEEMUDDEEN ISLAMIC INSTITUTE NPC
Registration Number 1995/007903/08

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 800 000,00 (ONE MILLION EIGHT HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS: KWAZULU NATAL at PIETERMARITZBURG on

2025 -06- 10

q.q.

In my presence

REGISTRAR OF DEEDS

Prepared by me:

CONVEYANCER
MAHOMED SHAFEE KHAN
LPCM 64634

FEES		
	AMOUNT	OFFICE FEE
ANY OTHER REGISTRATION		
PURCHASE PRICE / VALUE	R.....	R~~1355300~~ R371.00Y
MORGAGE CAPITAL AMOUNT	R.....	R.....
REASON FOR EXEMPTION	CATEGORY	EXEMPT IN TERMS OF SECTION ..... ACT ...

2021 -04- 07

T 09955 21

CERTIFICATE OF CONSOLIDATED TITLE

Issued under the Provisions of Section 40 of the Deeds Registry Act No. 47 of 1937.

Whereas

MADRASAH TALEEMUDDEEN ISLAMIC INSTITUTE
Registration Number: 1995/007903/08 (Association Incorporated Under Section 21 of the Companies Act No.61 of 1973)

has applied for the issue to him for a Certificate of Consolidated Title under the Provisions of Section 40 of the Deeds Registries Act 1937.

And whereas they are the registered owners of :-

1. **ERF 674 ISIPINGO**
   REGISTRATION DIVISION FT,
   PROVINCE OF KWAZULU-NATAL

   HELD BY Deed of Transfer Number T47465/1999

2. **ERF 675 ISIPINGO**
   REGISTRATION DIVISION FT,
   PROVINCE OF KWAZULU-NATAL

   HELD BY Deed of Transfer Number T13651/2000

3. **REMAINDER OF ERF 673 ISIPINGO**
   REGISTRATION DIVISION FT,
   PROVINCE OF KWAZULU-NATAL

   HELD BY Deed of Transfer Number T50790/2006

which have been consolidated into the land hereinafter described

Now therefore in pursuance to the provisions of the said Act, I, the Registrar of Deeds at PIETERMARITZBURG do hereby certify that the said:-

MADRASAH TALEEMUDDEEN ISLAMIC INSTITUTE
Registration Number: 1995/007903/08 (Association Incorporated Under Section 21 of the Companies Act No.61 of 1973)

or its Successors in Title or assigns, a certain piece of land being:-

ERF 5779 ISIPINGO
REGISTRATION DIVISION FT
PROVINCE OF KWAZULU-NATAL
IN EXTENT 4088 (FOUR THOUSAND AND EIGHTY EIGHT) SQUARE METRES

As will appear from the annexed Consolidation Diagram S.G. Number 597/2020

THIS PROPERTY IS TRANSFERRED:-

A. As to the whole:-

1. Subject to all terms and conditions of the original Government Grant No. 870, dated 1st February 1849, as are now in force and appicable.

2. With the use of the Road laid off from the Railway line at Isipingo to the River Isipingo as shown on the diagram of Subdivision Z of Portion H of Subdivision 3 of the said farm Isipingo No. 870 annexed to Deed of Transfer No. T 2446/1902 dated 14th October 1902 as created in Deed of Transfer No. T 4898/1920 dated 23rd October 1920, Deed of Transfer No. T230/1921 dated 22nd January 1921 and Deed of Transfer No. T 2336/1925 dated 20th June 1925.

3. With the use of all Roads laid off on the diagram and General Plan of Subdivision C of Lot N of the Farm Isipingo No. 870 filed in the Surveyor General's Office, as created in said Deed of Transfer No. T4898/1920 dated 23rd October 1920, Deed of Transfer No. T 230/1921 dated 22nd January 1921 and Deed of Transfer No. T 2336/1925 dated 20th June 1925.

4. Subject to the following special conditions created in Deed of Transfer No. T4898/1920 dated 23rd October 1920, Deed of Transfer No. T 230/1921 dated 22nd January 1921 and Deed of Transfer No. T 2336/1925 dated 20th June 1925, namely:-

   That no buildings of any kind other than private dwelling houses with appropriate offices and outbuildings to be appurtenant thereto and occupied therewith, shall be erected on the Lot and no trade or business of any sort or description shall be carried on any part of the said Lot.

B. As to the portions lettered E F G H D on diagram S.G. No. 597/2020:-

1. Subject to the following special condition imposed at the instance of the Administrator of the Province of Natal in terms of Ordinance 10 of 194 as created in Certificate of Registered Title No. 4344/1955, namely:-

   i. No trade, business or industry shall be conducted on this subdivision wiithout the consent of the Administrator.

   ii. No new building whatsoever unless permitted under exceptional circumstances and in writing by the Local Authority shall be erected on the said land within a distnace of 7.62 metres from any boumdary abutting on a street.

C. As to the portions lettered x C D H J K and E F G H D on diagram S.G. No. 597/2020:-

1. Subject to the following condition as created in Notarial Deed in Restraint of Free Alienation No. K1163/2000S in favour South Local Council, namely:-

   That Erf 674 and Erf 675 Isipingo; shall not be alienated, transferred, mortgaged, leased or otherwise dealt with, the one separate from the others

D. As to the portion lettered A B C x on diagram S.G. No. 597/2020 :-

1. Subject to the following further conditions imposed by the Administrator in terms of Ordinance No. 27 of 1949 and as created by endorsement in terms of Section 3, Act No. 10/1944 on said Deed of Transfer No. T 906/1964 namely:-.

   i. The owner shall, without compensation, be obliged to permit the erection, laying and maintenance of electric wires and /or water supply piping over or under the land along any boundary thereof other than a road frontage and within a distance of one comma eight three metres from such boundary, as well as reasonable access thereto for the purpose of maintenance, removal or extension.

   This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

   The rights conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to supply electric current or water for the benefit of the inhabitants of the township.

   If the owner of the land be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator whose decision shall be final.

ii. The owner of the land shall, without compensation be obliged to permit the construction and maintenance of sewers and drains over or under the land along any boundary thereof other than a road frontage and within a distance of one comma eight three metres from such boundary as well as reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the land shall , without compensation , be obliged to allow the sewerage and drainage of any other land or street to be conveyed along such sewers and drains; provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator whose decision shall be final.

This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

iii. Where two or more pieces subject to similar conditions imposed at the instance of the Administrator are consolidated, such conditions shall apply to the consolidated area as a whole.

iv. The owner of the land shall, without compensation, be obliged to permit such deposit of material or excavation on the land as may, in connection with the formation of any street, be deemed necessary, in order ro provide a safe and proper slope to the cut and fill commencing from the boundary of the land, unless he shall elect, at his own cost, to build a retaining wall.

This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

And that by virtue of these presents the said

MADRASAH TALEEMUDDEEN ISLAMIC INSTITUTE
Registration Number: 1995/007903/08 (Association Incorporated Under Section 21 of the Companies Act No.61 of 1973)

or its Successors in Title or assigns now are and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the Registrar of Deeds at Pietermaritzburg on

2021 -04- 07

.....

REGISTRAR OF DEEDS

CONSOLIDATION DIAGRAM

	SIDES Metres	ANGLES OF DIRECTION		CO-ORDINATES Y System WG 31° X	
		Constants		± 0,00	± 0,00
AB	27,65	226 27 00	A	+5 555,33	+3 319 563,22
BC	37,19	316 34 10	B	+5 535,29	+3 319 544,17
CD	27,54	226 27 20	C	+5 509,72	+3 319 571,18
DE	6,80	136 36 30	D	+5 489,76	+3 319 552,21
EF	31,66	224 40 50	E	+5 494,43	+3 319 547,27
FG	28,03	316 33 40	F	+5 472,17	+3 319 524,76
GH	33,64	26 45 50	G	+5 452,90	+3 319 545,11
HJ	16,84	26 49 30	H	+5 468,05	+3 319 575,15
JK	39,34	46 37 00	J	+5 475,65	+3 319 590,18
KA	74,32	136 34 30	K	+5 504,24	+3 319 617,20
	Township 298/2930		△	+4 995,18	+3 319 766,40
	Athlone park 343/2930		△	+7 396,34	+3 321 665,46

S.G. No.
597/2020
Approved

for Surveyor-General
2020-10-07

SPLUMA ACT (BYLAWS)
Section 46 (1)(b)
Ref : COM29/11/2019/S

Sheet 1 of 2 sheets

Description of Beacons
A,B,C,D,F,G,H,J,K : 12mm Iron Peg
E : Drill Hole in Tar

Components:
1. The Figure ABCx represents the Remainder Erf 673 Isipingo, vide Diagram S.G. No. 3790/1939, Title Deed No. T8716/1944
2. The Figure xCDHJK represents Erf 674 Isipingo, vide Diagram S.G. No. 3791/1939, Title Deed No. T8716/1944
3. The Figure EFGHD represents Erf 675 Isipingo, vide Diagram S.G. No. 2152/1954, Title Deed No. T4344/1955

The figure A B C D E F G H J K represents 4088 square metres of land being
ERF 5779 ISIPINGO

Situate in eThekwini Metropolitan Municipality
Registration Division - FT
Province of KwaZulu-Natal

Surveyed in July 2020 by me

Y. Kajee (GPrLS 1464)
Professional Land Surveyor

This diagram relates to
No. T 09955 21
2021-04-07
Registrar of Deeds

The original diagram is

Transfer No.

File No. : /109
S.R. No. : 268/2020
Comp. : FT-8D-24D

CERTIFIED A TRUE COPY
OF THE ORIGINAL

2020 -10- 08

for SURVEYOR GENERAL KZN

ETHEKWINI MUNICIPALITY
COMPLIANCE

I hereby certify that the conditions of approval for the Subdivision / Consolidation of land as contemplated in Section 47 of the eThekwini Municipality Planning and Land Use Management By-law 2016 (Municipal Notice 114 of 2017) have been complied with

HEAD: Development Planning,
Environment and Management

Date 8/12/2020

CONSOLIDATION DIAGRAM

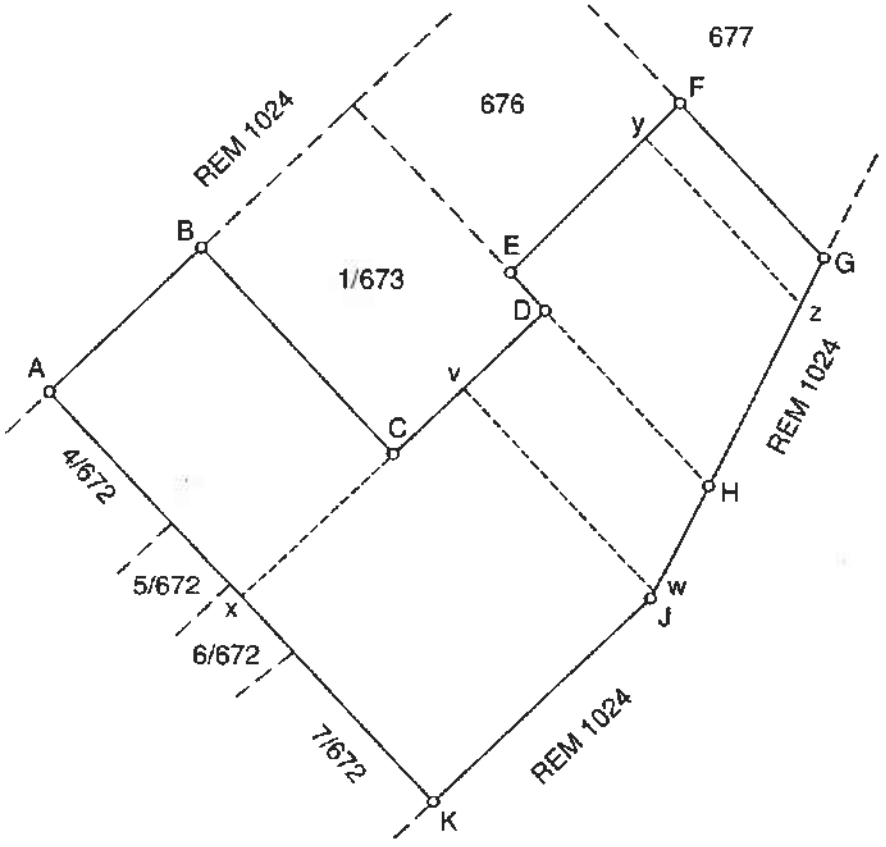
ERF 5779 ISIPINGO

S.G. No.
597/2020
Approved

for Surveyor-General

2020-10-07

Sheet 2 of 2 sheets



N

Scale 1:1000

Surveyed in July 2020 by me

Y. Kajee (GPrLS 1464)
Professional Land Surveyor

CERTIFIED A TRUE COPY
OF THE ORIGINAL

2020 -10- 08

for SURVEYOR GENERAL KZN

ETHEKWINI MUNICIPALITY
COMPLIANCE

I hereby certify that the conditions of approval for the Subdivision / Consolidation of land as contemplated in Section 47 of the eThekwini Municipality Planning and Land Use Management By-law 2016 (Municipal Notice 114 of 2017) have been complied with

HEAD: Development Planning,
Environment and Management

Date 8/12/2020

ANNEXURE 4

S.G. COPY.

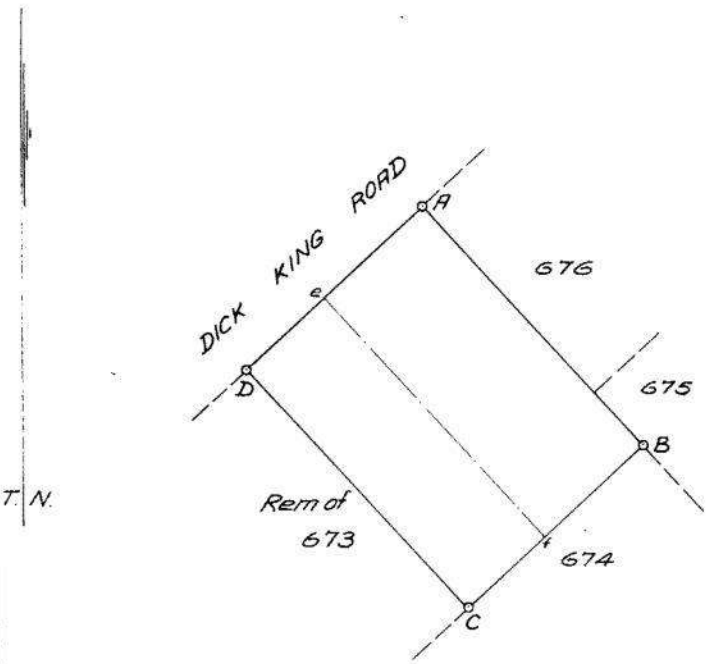
S.G. No. 5844/1964

SIDES ENGLISH FEET		DIRECTIONS	CO-ORDINATES Y SYSTEM Lo 31° X			OFF. DESIG.
		Constants		+ 10.000.00	+ 10,880,000.00	
AB	122.06	316.35.10	A	+ 8009.57	+ 9957.48	
BC	90.57	46.30.30	B	+ 7925.68	+ 10046.15	
CD	122.04	136.34.10	C	+ 7991.38	+ 10108.49	
DA	90.60	226.29.20	D	+ 8075.28	+ 10019.86	
Δ	Township	298/171		+ 6303.13	+ 10748.96	
Δ	Isipingo New	547/171		+ 541.11	+ 4950.71	

Approved

D.J. Grandidge
Surveyor-General.

6254.



Reg. Div. FT

5/8" iron pegs at A.B.C.D.

SCALE 1 : 750

The figure A. B. C. D.

represents 11,056 Sq Ft. of land being

Sub 1 of Lot 673, Isipingo Township,

situate in the Borough of Amanzimtoti, County of Durban, Province of Natal.

Surveyed in November, 1964 by me

Land Surveyor.

This diagram relates to DFT No. 16027/1965	The original diagram is S.G. No. 3790/1939	File No. /35
	Transfer/~~Grant~~	Survey Records 939/64
		Compilation FT-8D-24D
Registrar of Deeds.	No. 8716/1944	Degree Sheet 59
		Tracing
		General Plan

TARBOTON & MITCHELL, P.O. BOX 501, PIETERMARITZBURG 7930-2-64

CONSOLIDATION DIAGRAM

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System WG 31° X		
		Constants		± 0,00	± 0,00
AB	27,65	226 27 00	A	+5 555,33	+3 319 563,22
BC	37,19	316 34 10	B	+5 535,29	+3 319 544,17
CD	27,54	226 27 20	C	+5 509,72	+3 319 571,18
DE	6,80	136 36 30	D	+5 489,76	+3 319 552,21
EF	31,66	224 40 50	E	+5 494,43	+3 319 547,27
FG	28,03	316 33 40	F	+5 472,17	+3 319 524,76
GH	33,64	26 45 50	G	+5 452,90	+3 319 545,11
HJ	16,84	26 49 30	H	+5 468,05	+3 319 575,15
JK	39,34	46 37 00	J	+5 475,65	+3 319 590,18
KA	74,32	136 34 30	K	+5 504,24	+3 319 617,20
		Township 298/2930	△	+4 995,18	+3 319 766,40
		Athlone park 343/2930	△	+7 396,34	+3 321 665,46

S.G. No.
597/2020
Approved

for Surveyor-General
2020-10-07

SPLUMA ACT (BYLAWS)
Section 46 (1)(b)
Ref : COM29/11/2019/S

Sheet 1 of 2 sheets

Description of Beacons
A,B,C,D,F,G,H,J,K : 12mm Iron Peg
E : Drill Hole in Tar

Components:
1. The Figure ABCx represents the Remainder Erf 673 Isipingo, vide Diagram S.G. No. 3790/1939, Title Deed No. T8716/1944
2. The Figure xCDHJK represents Erf 674 Isipingo, vide Diagram S.G. No. 3791/1939, Title Deed No. T8716/1944
3. The Figure EFGHD represents Erf 675 Isipingo, vide Diagram S.G. No. 2152/1954, Title Deed No. T4344/1955

The figure A B C D E F G H J K
represents 4088 square metres of land being
ERF 5779 ISIPINGO

Situate in eThekwini Metropolitan Municipality
Registration Division - FT
Province of KwaZulu-Natal

Surveyed in July 2020 by me

Y. Kajee (GPrLS 1464)
Professional Land Surveyor

This diagram relates to No. Registrar of Deeds	The original diagram is Transfer No.	File No. : /109 S.R. No. : 268/2020 Comp. : FT-8D-24D

CONSOLIDATION DIAGRAM

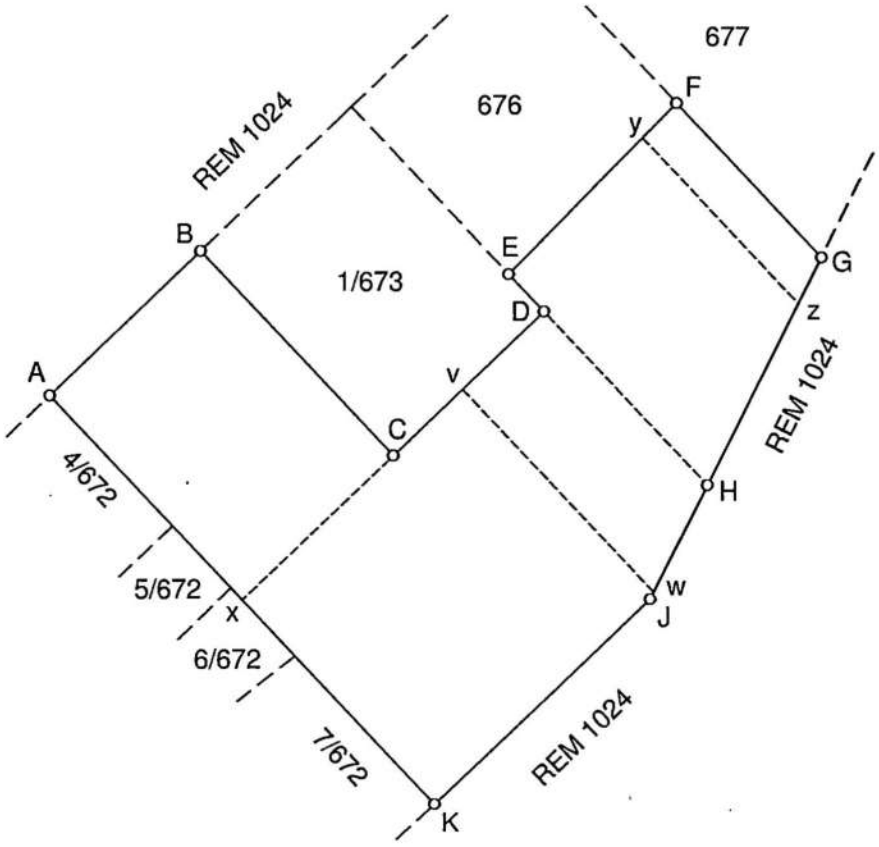
ERF 5779 ISIPINGO

S.G. No.
597/2020
Approved

for Surveyor-General

2020-10-07

Sheet 2 of 2 sheets



N

Scale 1:1000

Surveyed in July 2020 by me

Y. Kajee (GPrLS 1464)
Professional Land Surveyor

ANNEXURE 5

SG No.

Approved

for
SURVEYOR-
GENERAL

Act 16 of 2013
AND BY-LAWS
Ref:
Date:

COMPONENTS

1. The figure A n m j represents Portion 1 of Erf 673 ISIPINGO
   Vide Diagram S.G. No. 5844/1964,
   Deed of Transfer No. T16027/1965
2. The figure j m n B C D E F G H represents Erf 5779 ISIPINGO
   Vide Diagram S.G. No. 597/2020
   Deed of Transfer No. T9955/2021

The Figure A B C D E F G H
represents 5115 square metres of land being

ERF 6762 ISIPINGO

COMPRISES OF 2 COMPONENTS AS STATED ABOVE
situate in eThekwini Metropolitan Municipality
Registration Division - FT
Province of KwaZulu-Natal
Compiled In August 2025 by me

Y. Kajee (PLS 1464)
Professional Land Surveyor

This Diagram is annexed to No. Registrar of Deeds	The original diagram are as stated above	File: S.R. Comp. FT-8D-24D

ERF 6762 ISIPINGO

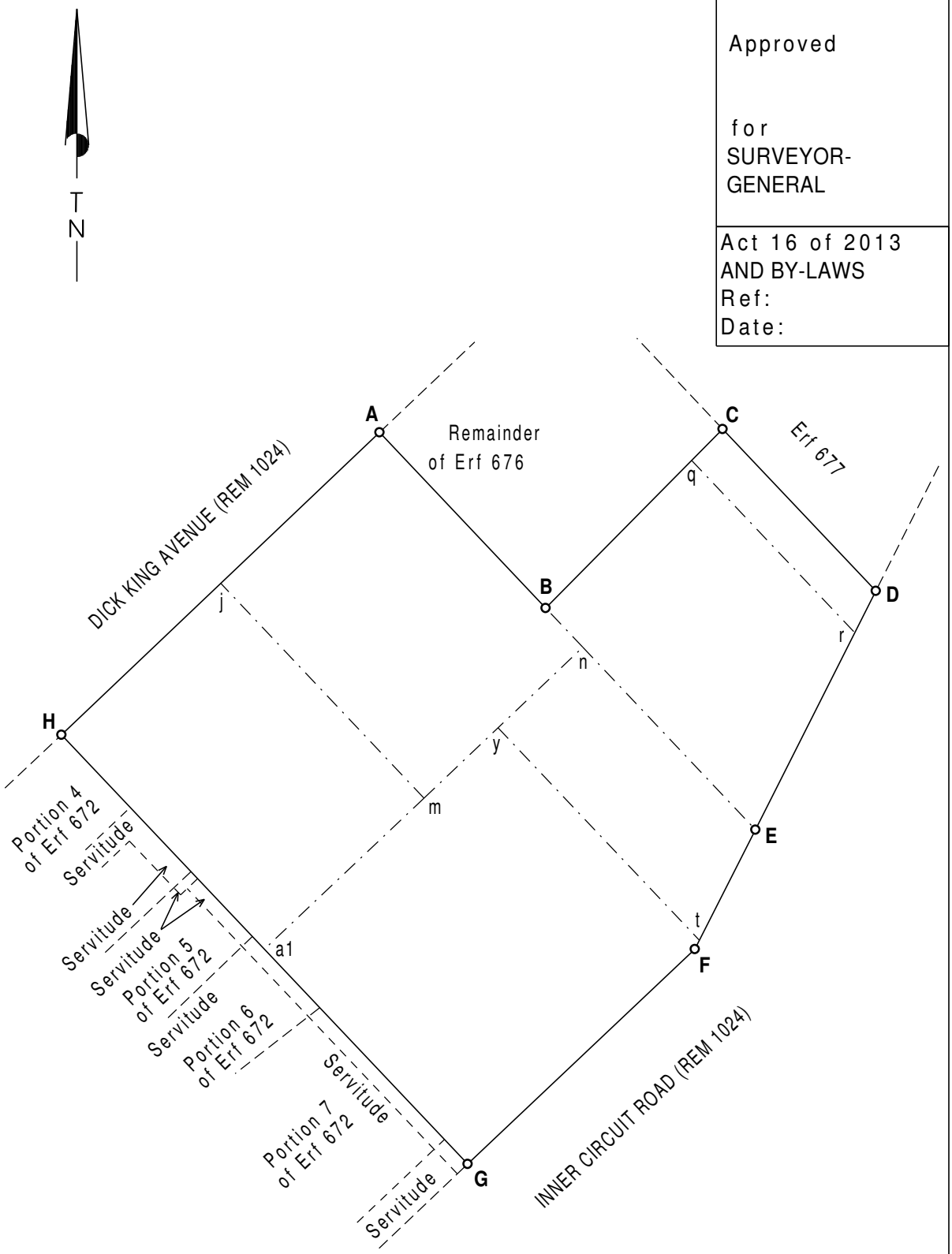
Scale: 1/ 750

SG No.

Approved

for
SURVEYOR-
GENERAL

Act 16 of 2013
AND BY-LAWS
Ref:
Date:



Compiled In August 2025 by me

Y. Kajee (PLS 1464)
Professional Land Surveyor

ANNEXURE 6

ZONE: SPECIAL RESIDENTIAL 700

SCHEME INTENTION: To provide, preserve, use land or buildings for single residential use in a form of a dwelling house and ancillary uses. 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 Short Term Accommodation Establishment, and Home Business at the discretion of the eThekwini Municipality.

MAP COLOUR REFERENCE:RED HATCH YELLOW BACKGROUND WITH BROWN BORDER **MAP REFERENCE:** SS/05/2012

PRIMARY

- Conservation Area
- Dwelling House
- Multiple Unit Development

SPECIAL CONSENT

- Telecommunications Infrastructure
- ***Boarding House**
- Crèche
- Educational Establishment
- Health & Beauty Clinic
- Institution
- Pet Grooming Parlour
- Place of Public of Worship
- Private Open Space
- Special Building
- Veterinary Clinic

PRECLUDED

- Action Sports Bar
- Adult Premises
- Agricultural Activity
- Agricultural Land
- Airport
- Arts and Crafts Workshop
- Beach Amenity Facility
- Betting Depot
- Builder's Yard
- Bus and Taxi Depot
- Car Wash
- Cemetery/ Crematorium
- Chalet Development
- Container Depot
- Convention Centre
- Correctional Facility
- Direct Access Service Centre
- Display Area
- Dive Charter
- Escort Agency
- Flat
- Flea Market
- Fuelling and Service Station
- Funeral Parlour
- Garden Nursery
- Golf Driving Range
- Government / Municipal
- Health Studio
- Hotel
- Industry - Extractive
- Industry – General
- Industry – Light
- Industry – Noxious
- Landfill
- Laundry
- Mobile Home Park & Camping Ground
- Mortuary
- Motor Garage
- Motor Display Area
- Motor Vehicle Test Centre
- Motor Workshop
- Museum
- Nature Reserve
- Night Club
- Office
- Office – Medical
- Parkade
- Place of Public Entertainment
- Recycling Centre
- Reform School
- Refuse Disposal
- Restaurant / Fast Food Outlet
- Retirement Centre
- Riding Stables
- Scrap Yard
- Shop
- Student Residence
- Transport Depot
- Transport Use
- Truck Stop
- Warehouse
- Zoological Garden

ADDITIONAL CONTROLS

1. Multiple Unit Development – refer to clause 4.1.4.
2. Boarding House: The building shall conform to the appearance and definition of a Dwelling House and is limited to a maximum of 10 boarders.

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR					
7.5 m	2.0 m	Not Applicable	700 m²	3	40 %	0.4

ZONE: GENERAL RESIDENTIAL 2

SCHEME INTENTION: To provide, preserve, use land or buildings for higher density on all types of residential accommodation.
A wide range of ancillary uses which service the day to day needs of a community.

MAP COLOUR REFERENCE: BROWN VERTICAL HATCH **MAP REFERENCE:** SS/05/2012

PRIMARY

- Boarding House
- Chalet Development
- Conservation Area
- ***Dwelling House**
- Flat
- Hotel
- ***Multiple Unit Development**
- Retirement Centre

SPECIAL CONSENT

- Telecommunications Infrastructure
- Crèche
- Educational Establishment
- ***Health Studio**
- Institution
- Laundry
- Mobile Home Park & Camping Ground
- ***Office**
- Private Open Space
- ***Restaurant / Fast Food Outlet**
- ***Shop**
- Special Building
- Student Residence

PRECLUDED

- Action Sports Bar
- Adult Premises
- Agricultural Activity
- Agricultural Land
- Airport
- Arts and Crafts Workshop
- Beach Amenity Facility
- Betting Depot
- Builder's Yard
- Bus and Taxi Depot
- Car Wash
- Cemetery/ Crematorium
- Container Depot
- Convention Centre
- Correctional Facility
- Direct Access Service Centre
- Display Area
- Dive Charter
- Escort Agency
- Flea Market
- Fuelling and Service Station
- Funeral Parlour
- Garden Nursery
- Golf Driving Range
- Government / Municipal
- Health & Beauty Clinic
- Industry - Extractive
- Industry – General
- Industry – Light
- Industry – Noxious
- Landfill
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- Motor Garage
- Motor Display Area
- Motor Vehicle Test Centre
- Motor Workshop
- Museum
- Nature Reserve
- Night Club
- Office – Medical
- Parkade
- Pet Grooming Parlour
- Place of Public Entertainment
- Place of Public of Worship
- Recycling Centre
- Reform School
- Refuse Disposal
- Riding Stables
- Scrap Yard
- Transport Depot
- Transport Use
- Truck Stop
- Veterinary Clinic
- Warehouse
- Zoological Garden

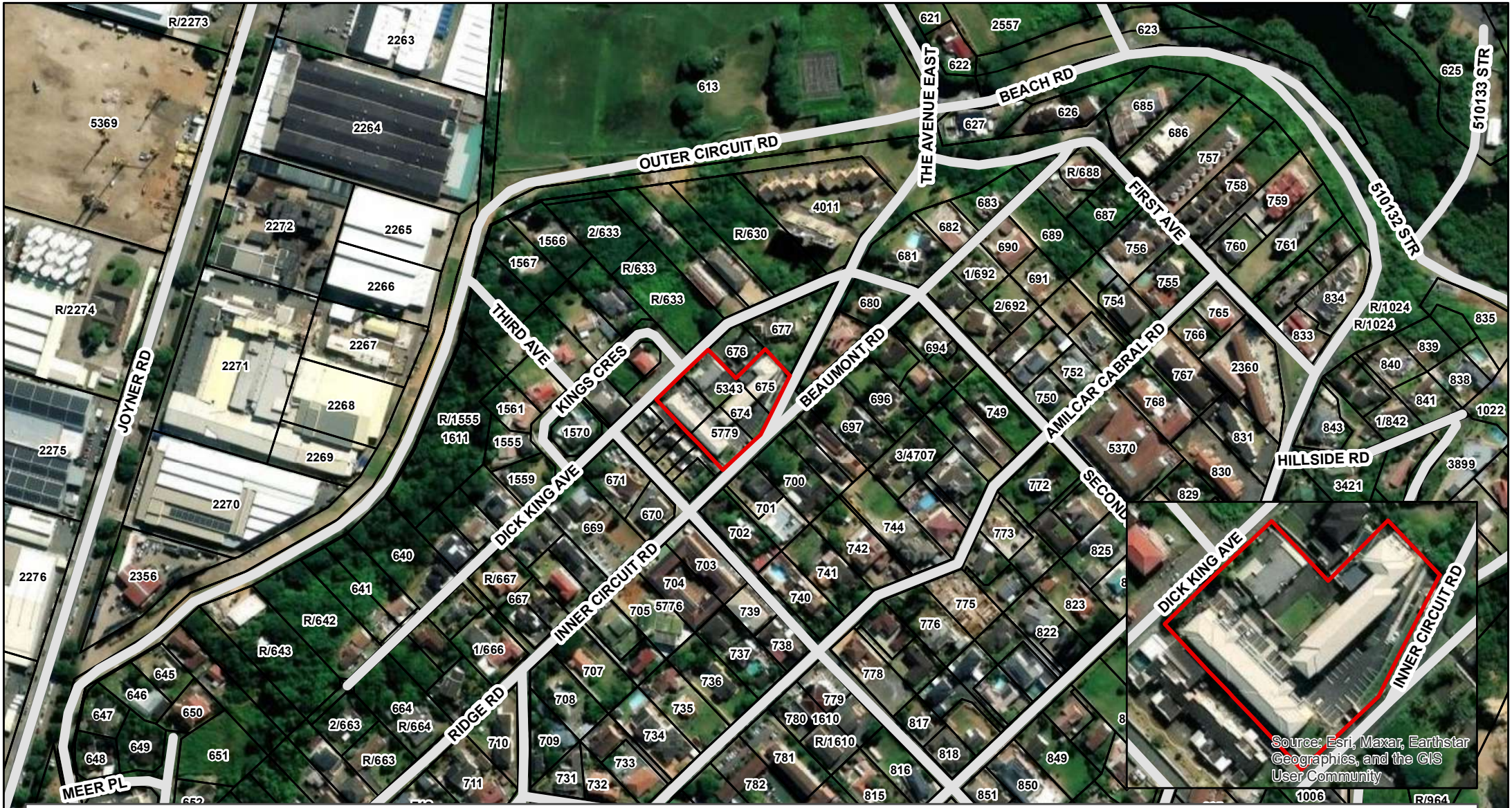
ADDITIONAL CONTROLS

1. All landscaping at the discretion of the eThekwini Municipality.
2. *A Dwelling House shall have a Floor Area Ratio of 0.4, Coverage of 40 % and a Height of 3 storeys.
3. **Amanzimtoti:** Uses other than a Flat: a Floor Area Ratio of 0.5 and Coverage 50 shall apply. In this zone a 4.5 metre side space requirement applies except for the south-eastern boundaries of the Erven, where there shall be a 6 metre side space.
4. Shop/Restaurant/Fast Food Outlet restricted to the ground floor in a Flat only.
5.*Offices shall be permitted if incorporated in a block of Flats with a maximum Floor Area Ratio 0.4 Such usage to be restricted to the ground and first floor and on Erven on the east side of Beach Road between Shad Place and the Amanzimtoti River Lagoon (Erven 1661-668).
6. Where an Erf is used exclusively for a Dwelling House the sides and rear spaces shall 2.0 metres.
7. *A Health Studio may be permitted for the exclusive use of the residents only.
8. The maximum coverage maybe increased by not more than 10% of the area of the site solely for the purpose of providing covered parking.
9. *Multi-Unit Development shall have a Floor Area Ratio of 0.5, Coverage of 40% and Height of 2 storeys.

DEVELOPMENT PARAMETERS

DISTRICT	SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
	BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR					
Amanzimtoti	7.5 m	4.5 m	N/A	2000 m²	N/A	40%	2.45
Isipingo/Kingsburgh	7.5 m	4.5 m	N/A	1 800 m²	6	40 %	0.75
Other Areas	7.5m	4.5m	N/A	1800 m²	3	40%	0.40

ANNEXURE 7



LOCALITY PLAN: PROPOSED ERF 6762 ISIPINGO

LEGEND:

- The Site
- Cadastral Boundaries
- Roads

T & A TOWN PLANNING CONSULTANTS

DRAWN BY:

T & A Town Planning Consultants (Pty) Ltd
Director: Talisen Naidoo
talisen@tnaplanning.co.za
078 528 6838

N W E S

Scale 1 : 4000

ZONING PLAN (500M RADIUS): PROPOSED ERF 6762 ISIPINGO

LEGEND:

- The Site
- Cadastral
- Roads
- Special Residential 200
- Special Residential 700
- Education
- General Residential 1
- General Residential 2
- Light Industry
- Limited Commercial
- Administration
- General Industry
- Public Open Space
- River Reserve
- Water Works

T & A TOWN PLANNING CONSULTANTS

DRAWN BY:

T & A Town Planning Consultants (Pty) Ltd
Director: Talisen Naidoo
talisen@tnaplanning.co.za
078 528 6838

N W E S

Scale 1 : 4000

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

LAND USE PLAN (250M RADIUS): PROPOSED ERF 6762 ISIPINGO

LEGEND:

- The Site
- Cadastral
- Roads
- Residential
- Pre-school
- Business
- Manufacturing and Industrial
- Vacant

T & A TOWN PLANNING CONSULTANTS

DRAWN BY:

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W E
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Scale 1 : 2500