

LAND USE MANAGEMENT: OUTER WEST REGIONAL OFFICE

Hillcrest Sizakala Center:22 Delamore, Hillcrest, Tel: (031) 311-2701

Application For:

AMENDMENT OF THE ETHEKWINI MUNICIPALITY OUTER WEST SCHEME BY REZONING PORTION 950 (OF 370) OF THE FARM ALBINIA NO.957 FROM EDUCATION TO TRANSITION ZONE 1 LOCATED AT 1 LEINSTER PLACE.

Date Application Advertised: 13 March 2026

Date Application Closes for objections: 13 April 2026

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

1. To the Regional Co-Ordinator: Outer West Region, Land Use Management

Branch:

Hillcrest (Sizakala) Centre, 22 Delamore Road, Hillcrest, (drop in Box) or by

e-mail to Khomotjo.Rakubu@durban.gov.za, Tel No. 031-311-2701

Outer West Regional Office Telephone No. 031 311 2701.



BREDA LOMBARD TOWN PLANNERS EST. 1993

REF : BL/4783/2025/APREZ

7 May 2025

The Regional Co-ordinator (Outer West)
Land-Use Management Services
eThekweni Municipality
22 Delamore Road
HILLCREST
3610

ON LINE SUBMISSION

REZONING APPLICATION

PRE-SCRUTINY
APPLICATION

ATTENTION: RAYVEN MOODLEY
ZANELLE LUTULI

Dear Sir / Madam

**PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957
(AMENDMENT SCHEME APPLICATION).**

Herewith enclosed please find the following documentation:

One copy of :	
1. Application form.	4. Motivating memorandum.
2. Title deed.	5. Aerial, zoning and locality maps.
3. Power of attorney and company resolution.	6. Zoning information (refer Annexure A).

Kindly acknowledge receipt and forward the reference number for the application.

Yours faithfully

BREDA LOMBARD TOWN PLANNERS



**S VAN B LOMBARD
PROF TOWN PLANNER (A/700/1992)**

APPLICATION FORM

**APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013
(ACT NO.16 OF 2013) AND THE SPATIAL PLANNING AND LAND USE MANAGEMENT
REGULATIONS, READ WITH THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, ACT
06 OF 2008 (ACT NO 06 OF 2008)**

OFFICIAL USE

APPLICATION NO.:	APPROVED <input type="checkbox"/>	CONDITIONS <input type="checkbox"/>
DATE RECEIVED:		NO CONDITIONS <input type="checkbox"/>
RECEIVED BY:	REFUSED <input type="checkbox"/>	
FEES PAID:	APPEAL <input type="checkbox"/>	DISMISSED <input type="checkbox"/>
RECEIPT NO.:		UPHELD (/ PARTLY) <input type="checkbox"/>
	LAPSED <input type="checkbox"/>	
NOTES:		

1. INSTRUCTIONS

See:

- Section 33 of the Spatial Planning and Land Use Management Act, Act No 16 of 2013
- Item 14 of the Spatial Planning and Land Use Management Regulations
- Schedule 1 of the KwaZulu-Natal Planning and Development Act, Act 06 of 2008

2. APPLICATION TYPE

- Amendment of a scheme
- Consent in terms of a scheme
- Cancellation of consent in terms of a scheme
- Subdivision of land
- Consolidation of land
- Development situated outside the area of a scheme
- Phasing of approved layout plan
- Cancellation of approved layout plan
- Alteration, suspension and deletion of condition of title relating to land
- Alteration, suspension and deletion of condition of approval relating to land
- Closure of municipal road
- Closure of public place

3. SHORT DESCRIPTION OF THE PURPOSE OF THIS APPLICATION

The proposed Amendment Scheme application is to permit offices in the existing structures as a primary land-use right.

4. APPLICANT DETAILS, DOCUMENTS, MAPS AND MOTIVATION

SECTION A: APPLICANT DETAILS (AUTHORISED AGENT)

APPLICANT:

- (1) Name: Breda Lombard Town Planners
Tel No.: 011 327 3310
Cell No: 083 601 2353
Fax No: N/A
Email.: breda@bredalombard.co.za
Postal Address: PO BOX 413710, Craighall 2024.

REGISTERED OWNER: (CONTACT DETAILS IF NOT THE APPLICANT)

- (2) Name: FLUXRAB INVESTMENTS NO. 167 (PTY) LTD
Tel No.: 011 327 3310
Cell No: 083 702 2597
Fax No: N/A
Email.: breda@bredalombard.co.za
Postal Address: 38 BOMPAS ROAD, DUNKELD 2196

SECTION B: PROPERTY

- (1) Deed number T 19291 / 2014
- (2) Registered property description (Farm name and number/ Erf number)
PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957
- (3) Physical address of the property
- (3) Municipality
eTHEKWINI MUNICIPALITY

SECTION C: GENERAL DOCUMENTATION

- ANNEX Certified copy of the deed
- ANNEX Certified copy of the resolution by the Board of Directors, if the applicant is a company
- ANNEX Registered owner's written consent, if the applicant is not the registered owner of the property
- ANNEX Consent, name and contact details of the bondholder, if any
- ANNEX Deed of servitude that maybe affected by the application

SECTION D: PLANS

ALL APPLICATIONS

- PLAN Locality plan showing the location of the property in relation to the surrounding properties and streets (existing property lot numbers and street names must be indicated). If in close proximity to a national or provincial road or intersection, indicate distance from road or intersection
- PLAN Copy of the Surveyor General diagram or relevant part of the general plan

ALL APPLICATIONS, EXCEPT ALTERATION, SUSPENSION , AND DELETION OF RESTRICTIVE CONDITIONS OR TITLE OR CONDITIONS OF APPROVAL RELATING TO LAND

- PLAN Site development plan (to scale) showing existing and proposed buildings, bulk factors, access to the site, parking, common areas, building lines, and other matters which the municipality must consider
- PLAN Landscape plan
- PLAN Copy of the floor plan

SCHEMES

- PLAN Copy of scheme map showing the existing zoning of the property and properties in close proximity
- PLAN To scale drawing showing the existing land use of the property and land use of properties in close proximity
- PLAN To scale drawing showing the proposed zoning of the property and properties in close proximity
- PLAN To scale drawing showing the proposed consent use of the property and land use of properties in close proximity
- PLAN Copy of the floor plan

SUBDIVISION OR CONSOLIDATION OF LAND

- PLAN To scale layout, showing:
 - Existing buildings
 - Erven or farms adjoining the proposed subdivision or consolidation
 - Proposed subdivision with subdivision numbers designated by the SG's Office, width and length of hatched shaped erven, erf frontages, minimum subdivision sizes for each erf
 - Contours
 - 1:100 year floodlines
 - Highwater mark of the sea and the admiralty reserve
 - Existing and proposed servitudes, servitudes which require deletion and unregistered service servitudes
 - Engineering services
- PLAN Slope analysis, if steeper than 1:3, demonstrating how access will be achieved and showing buildable area

DEVELOPMENT OF LAND SITUATED OUTSIDE AREA OF SCHEME

- PLAN To scale layout, showing:
 - Existing buildings
 - Location of new buildings
 - Erven adjoining the proposed development
 - Contours
 - 1:100 year floodlines
 - Highwater mark of the sea and the admiralty reserve
 - Existing and proposed servitudes, servitudes which require deletion and unregistered service servitudes
 - Engineering services
- PLAN Slope analysis, if steeper than 1:3, demonstrating how access will be achieved and showing buildable area

PHASING OF APPROVED LAYOUT

- PLAN To scale drawing showing the proposed phasing of the approved layout

CANCELLATION OF APPROVED LAYOUT

- PLAN To scale layout or part thereof to be cancelled

PERMANENT CLOSURE OF MUNICIPAL ROAD OR PUBLIC PLACE

- PLAN To scale drawing showing the municipal road or part thereof to be closed or public place to be closed

SECTION D: WRITTEN MOTIVATION

A memorandum in support of the application, as contemplated in sections 12, 25, 42, 64 and 73 of the Act, setting out all relevant facts, circumstances, and matters which a municipality must consider.

ALL APPLICATIONS

- ANNEX General motivation
- ANNEX Approval of the Department of Agriculture and Environmental Affairs in terms of the Environmental Impact Assessment Regulations, 2006 (Notice No.385 of 2006)
- ANNEX Approval of the Department of Environmental Affairs and Tourism in terms of section 65 of the National Environment Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
- ANNEX Socio-economic conditions
- ANNEX Approval of the Amafa aKwaZulu-Natali Heritage Council in terms of the KwaZulu-Natal Heritage Act, 2008 (Act No. 4 of 2008)
- ANNEX Existing and proposed developments in close proximity, including long term leases by the Ingonyama Trust

- ANNEX Approval of the Department of Minerals and Energy Affairs in terms of the Mineral and Petroleum Resources Development Act, (Act No. 28 of 2002)
- ANNEX Principles of the Development Facilitation Act, 1995 (Act No. 67 of 1995)
- ANNEX Provincial Planning and Development Norms and Standards
- ANNEX The Municipality's Integrated Development Plan
- ANNEX Where an application is situated on Tribal Land, consent from the Traditional Leader and the Ingonyama Trust Board is required

ALL APPLICATIONS WITHIN A SCHEME

- ANNEX The scheme

APPLICATION FOR THE AMENDMENT OF A SCHEME, SUBDIVISION OR CONSOLIDATION OF LAND AND DEVELOPMENT OF LAND SITUATED OUTSIDE THE AREA OF A SCHEME

- ANNEX Comment by the local municipality on the provision of engineering services
- ANNEX Comment by the district municipality on the provision of engineering services
- ANNEX Approval of the KwaZulu-Natal Department of Transport in terms of the Provincial Roads Act, 2001 (Act No. 4 of 2001)
- ANNEX Taxi routes from the KwaZulu-Natal Department of Transport
- ANNEX Approval of the South African National Roads Authority in terms of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998)
- ANNEX Eskom
- ANNEX Water Board
- ANNEX KwaZulu-Natal Department of Community Safety and Liaison
- ANNEX KwaZulu-Natal Department of Health for hospitals and clinics
- ANNEX KwaZulu-Natal Department of Education for schools and crèches
- ANNEX KwaZulu-Natal Department of Arts and Culture for libraries
- ANNEX KwaZulu-Natal Department of Public Works for government buildings and extension to government buildings, including hospitals, clinics and schools
- ANNEX Proof of informing the Land Claims Commissioner for KwaZulu-Natal in terms of section 11(aA) of the Restitution of Land Right Act, 1994 (Act No. 22 of 1994)
- ANNEX Approval of the National Department of Agriculture, Forestry and Fisheries for the extension of a scheme over agricultural land and the subdivision of agricultural land in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)

- ANNEX Approval of the MEC for Agriculture, Environmental Affairs and Rural Development in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
- ANNEX Geotechnical report
- ANNEX Approval of the National Department of Water Affairs where a river, water course or wetland traverses the property to be developed.

APPLICATION FOR AMENDMENT OF SCHEME

- ANNEX Possible compensation if amendment to scheme is approved If the rights of the property owner has been adversely affected
- ANNEX Approval from Transnet in terms of section 13 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989)

APPLICATION FOR THE PERMANENT CLOSURE OF A MUNICIPAL ROAD OR PUBLIC PLACE

- ANNEX Closure of a public place that is used as agricultural land
- ANNEX Approval of the MEC for Agriculture, Environmental Affairs and Rural Development in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)

SECTION I: DECLARATION

I hereby certify that the information supplied by me, including the documents attached to this application form is correct.



.....
Signature of Applicant

Date: 7 MAY 2025
.....

INSTRUCTIONS

1. GENERAL

- (1) The form must be completed in block capitals or typewritten
- (2) Plans may be combined
- (3) Matters that the municipality must consider that **does not** involve an approval by another organ of State may be combined in the same Annexure
- (4) Matters that the municipality must consider that **involves** an approval by another organ of State must be in separate Annexures

2. MAPS

- (1) If possible, all plans should also be provided in an electronic format (*shapefiles / .drg / .dwg / .dxf / .pdf / .jpg*).
- (2) Plans must show the full extent of the development bordered green (including the remainder in exemption cases, which may be shown as an inset to a smaller scale)
- (5) Plans must be A4 i.e 297 x 210mm or multiples thereof folded concertina fashion to A4 size so that the top right hand corner of the plan is exposed when folded).
- (6) The following information must be included in the title block:
 - Proposed use of each lot
 - Land owner's full name
 - Title deed number and year
 - Surveyor General Office reference diagram
 - Additional information regarding consolidation, adjoining applications, road status etc
 - Signature and date of Land Surveyor's (or owner's)
 - Date and any amending dates
 - Registered designation of property under subdivision
- (7) North point in same orientation as locality plan or inset and preferably facing up the paper.
- (8) A Locality plan as an inset on the township plan, drawn to a scale of not less than 1:18 000 showing:
 - The location of the development, with the principal topographical features in the vicinity of the development
 - Road access from the nearest main road to the development to enable the location of the development to be readily ascertainable.
- (9) The scale may not be less than 1:1 000 or more a scale of 1 in 2 500.
- (8) The scale of the plan, locality plan, and inset must be shown close to each drawing.
- (9) The anticipated Surveyor-General's designation for each lot numbering consecutively must be shown within each erf.
- (10) Dimensions in metres and area of each lot (exclusive of public road servitudes) and widths of streets must be shown.
- (11) Contours at 3m vertical intervals (or at such lesser intervals as the topography of the land dictates) for all lots less than 4 Ha in extent must be shown.

- (12) All existing buildings and permanent structures must be shown, including type of construction e.g. "wattle and daub", "brick" or "wood and iron"
- (13) Existing roads must be shown in burnt sienna.
- (14) Proposed roads must be shown in pink.
- (15) Road widths, centre lines, existing carriage ways, nearby roads suitable to link to in the future, state and type of road construction and status of road registered e.g. shown on diagram or General Plan registered in Title, etc must be shown.
- (16) Surrounding properties (include properties across a road) and their designation must be shown.
- (17) Areas or zones allocated for residential, commercial, industrial or other purposes suitably coloured and tabulated as areas and % of the development.
- (18) Land unsuitable for development must be shown, including water courses, streams, swampy land , pipe lines (blue) rail or tramways (black), power lines, telephone and telegraph lines (red), existing roads, servitudes, etc
- (19) Sites proposed to be reserved for education, health and other government purposes must be shown.
- (20) All existing and proposed drainage must be shown.
- (21) Where that land comprises two or more properties which are consolidated, the boundaries of the properties must be indicated on the plan by dotted lettering and lines.

DEED OF TRANSFER

ORIGINAL

T 19291/2014

**FLUXRAB INVESTMENTS NO.16
PROPRIETARY LIMITED**

**PORTION 950 (OF 370) OF THE FARM
ALBINA NO.957**



Geyser, Du Toit, Louw & Kitching Pinetown Inc

7 Greathead Lane/Greatheadlaan 7
PINETOWN
Kwa-Zulu Natal, 3610
DOCEX 23
TEL : (031) 7020331/2
FAX : (031) 7020010

GEYSER DU TOIT LOUW & KITCHING
7 Greathead Lane
PINETOWN

Prepared by me

FEES	
Stamp duty	R1100,00
Reg	
Serv	
G/M Bond	


CONVEYANCER
KERRY JEAN POSTHUMUS

2014 -06- 13

T 019291/14

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

WUSIPO NOMANLUBI MGOJO

appeared before me, REGISTRAR OF DEEDS at Pietermaritzburg, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Hillcrest on 3 April 2014 granted to him by

THE CRYSTAL PALACE TRUST
Registration Number IT1312/2007



And the appearer declared that his said principal had, on 24 December 2013, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

FLUXRAB INVESTMENTS NO 167 PROPRIETARY LIMITED
Registration Number 2007/019996/07

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

PORTION 950 (of 370) OF THE FARM ALBINIA NO 957
REGISTRATION DIVISION FT,
IN THE PROVINCE OF KWAZULU-NATAL

IN EXTENT 3694 (THREE THOUSAND SIX HUNDRED AND NINETY FOUR)
Square Metres

First transferred by Deed of Transfer T10971/1988 with Diagram S.G.
3513/1986 annexed thereto and held by Deed of Transfer T28999/2009

THIS PROPERTY IS TRANSFERRED:

- A. SUBJECT to the terms and conditions of the original Government Grant No 957 insofar as now applicable.
- B. WITH the benefit of servitude in perpetuity of the Right of Way against Subdivision B of Lot 2 over half width of the Road 12,19 metres wide as laid off and shown on the diagram of the said Subdivision B, as created in Deed of Transfer No 2095/1933.
- C. WITH the benefit of servitude in perpetuity of the right to draw water from that portion of the Water Reserve situate upon the Remainder of the said Lot 2 and to erect, lay down and maintain a pump, pipes and other necessary appliances therein including housing therefor, as created in Deed of Transfer No 2096/1933.

It is a special condition of this Grant of Servitude referred to in paragraph C, that the water contained in the Water Reserve shall be for the sole use of the said Subdivision B, C and the Remainder of Lot 2 and the owners from time to time of the said subdivision C and the Remainder respectively shall not be at liberty to grant any rights to use the said water to any property other than portions of such last mentioned two properties. If any dispute or difference arises then the quantity of water to be drawn by each party from the Water Reserve shall be in the ratio or proportion of the acreage owned by each particular party to the total acreage of the Remainder of Lot 2 of C of the Farm Albinia No 975 prior to the laying off of Subdivisions B and C thereof.

- D. SUBJECT to a pipeline servitude 1,83 metres wide the middle line whereof is lettered a b d e on Diagram SG No 3513/1986 and to the right to enter upon the land for maintenance and repair purposes, in favour of the Remainder of 2 of C of the Farm Albinia for the purpose of leading water in pipes laid underground from the Water Reserves marked

RTGPO and GOP on Servitude Diagram annexed to Deed of Servitude No 16/1938, wherein the said Servitude was created .

- E. SUBJECT to a right of way 1,83 metres wide along the route marked a b d e on said Diagram SG No 3513/1986 in favour of the Remainder of 2 of C of the Farm Albinia, for the purpose of access to and from certain pipeline valves on such route, as created in said Deed of Servitude No 16/1938.
- F. WITH the benefit of pipeline servitude 1,83 metres wide over the Remainder of 2 of C of the Farm Albinia for the purpose of leading water from Water Reserves marked RTGPO and GOP on the said Diagram in a pipe not exceeding 3,21 cm as created in Deed of Servitude No 17/1938.
- G. WITH the benefit of the use of additional Water Reserve 3,66 metres over Remainder of 2 of C of the Farm Albinia the centre line of which is lettered VW on Servitude Diagram SG No 2121/1938, as created in said Deed of Servitude No 17/1938.
- H. WITH the benefit of two 1,83 metre pipeline servitudes over the Remainder of Sub C of 2 of C of the Farm Albinia, with the right to enter upon the said servitude for maintenance purposes, as created in Deed of Transfer No 6116/1955.
- I. WITH the benefit of Servitude of Right to draw water from that portion of the Water Reserve, situate on the said Remainder of Sub C of the Farm Albinia, as created in the said Deed of Transfer No 6116/1955.
- J. SUBJECT to the following special conditions imposed by the Administrator of the Province of Natal under the provisions of Ordinance No 27 of 1949 (as amended), as created in Deed of transfer No T10971/88, namely

- 1 The local authority shall, without compensation, have the right to erect, lay and maintain 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 2 metres from such boundary and shall have 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 servicing of any other land or street to be conveyed along such service; provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights he shall have the right to appeal to the Administrator, whose decision shall be final.

Maintenance shall include trimming, cutting or otherwise dealing with trees so as to prevent interference with any service.

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 inhabitants of the township.

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

THE CRYSTAL PALACE TRUST
Registration Number IT312/2007

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

FLUXRAB INVESTMENTS NO 167 PROPRIETARY LIMITED
Registration Number 2007/019996/07

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 R3 400 000,00 (THREE MILLION FOUR 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 at Pietermaritzburg on

2014 -06- 13

In my presence

REGISTRAR OF DEEDS

q.q.

LIMITED SPECIAL POWER OF ATTORNEY

KNOW ALL PERSONS WHOM IT MAY CONCERN

THAT I / WE the undersigned,

Jose Manuel De Abreu Correia

Gerardo Manuel Silva Pereira

(ON BEHALF OF FLUXRAB INVESTMENTS NO. 167 (PTY) LTD)

do hereby nominate, constitute, and appoint:

**SERVAAS VAN BREDA LOMBARD / ROMEL BECHOO / RORY
MURTAGH**

of

BREDA LOMBARD TOWN PLANNERS ("Agents")

to be our true and lawful agent in our name, place and stead, to represent us
in respect of all matters relating to our immovable property known as

PORTION 950 (OF 370) OF FARM ALBINIA NO. 957 ("the Property")

and to exercise all our powers as aforesaid as fully and effectually as we
might or could do if personally present and acting in person. And without
derogating from the foregoing generality or in any way limiting or restricting
the foregoing power and authority, we hereby specifically authorise our said
agent to do in particular all or any of the following acts and deeds:

1. Act as our town planner and/or represent us in proceedings and generally in any matters relating to the property and to do whatever may be necessary to rezone the property from Educational to Offices in terms of the eThekweni Town Planning Scheme.
2. Institute proceedings to make an application to rezone the property from Educational to Offices in terms of the eThekweni Town Planning Scheme.

*P & R
sc. - ngn*

AND GENERALLY, to do, execute and suffer any such act, deed, matter or thing whatsoever, as the said Agent may deem necessary or expedient in regard to aforesaid and to the extent that the Agent has already taken any actions and steps thereunder, his actions be and are hereby ratified.

SIGNED AT Orlando

ON THIS 6th DAY OF March **2025.**

SIGNED:  _____

SIGNED:  _____

SIGNED: _____

In the presence of the undersigned witnesses:

AS WITNESSES 1. ngnavee

2. Cater

**RESOLUTION PASSED BY THE DIRECTOR (S) OF FLUXRAB INVESTMENTS
NO. 167 PROPRIETARY LIMITED (the "Company") ON THE 6 DAY OF
March 2025.**

PRESENT:

Gerardo Pereira + Jose Correia

WHEREAS:

The Company intends to apply to the municipality having jurisdiction for the rezoning of the company property known as:-

PORTION 950 (OF 370) FARM ALBINIA NO. 957

The Company further intends appointing **SERVAAS VAN BREDA LOMBARD / ROMEL BECHOO / RORY MURTAGH** to do all things necessary in regard to the aforesaid, including but not limited to sign and depose to any and all documentation and/or affidavits required for the purpose aforesaid, for the rezoning from Educational to Offices in terms of the eThekweni Town Planning Scheme.

RESOLVED BY THE COMPANY THAT:

1. That Jose Correia in his capacity as director(s) of the company and are hereby authorised on behalf of the company to appoint the aforesaid Servaas Van Breda Lombard / Romel Bechoo / Rory Murtagh (of Breda Lombard Town Planners) in terms of a limited special power of attorney as the agent of the company (with power of substitution) to be the true and lawful agent of the company and in the name, place, and stead of the company for purposes of the agent of the company submitting to the municipality having jurisdiction the rezoning application of the property from Educational to Offices in terms of the eThekweni Town Planning Scheme.
1. The aforesaid limited special power of attorney shall include but not be limited to the power to prepare all necessary documents on behalf of the company, advertise, submit the application, correspond with all relevant municipal officials, and meet with all relevant municipal officials for purposes of rezoning the property from Educational to Offices in terms of the eThekweni Town Planning Scheme.

DATE: 6 March 2025.


**CERTIFIED A TRUE EXTRACT OF THE MINUTES OF THE MEETING OF
THE COMPANY.**

MOTIVATING MEMORANDUM

PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957

REFERENCE NUMBER: SAENQ2025 080002/OW

BREDA LOMBARD TOWN PLANNERS

**P O BOX 413710
CRAIGHALL 2024
TEL : (011) 327-3310
E-mail: breda@bredalombard.co.za**

**9 JULY 2025
BL4783/REZ**

38 Bompas Road Dunkeld • P O Box 413710 Craighall 2024 • Tel 011 327 3310 •
E-mail breda@bredalombard.co.za • S VAN B LOMBARD PROF PLANNER (REG. NO. A/700/1992 • assisted by
R BECHOO TECH PLANNER (REG. NO. B/8391/2018), R. MURTAGH CONSULTANT PLANNER (REG NO. C/8322/2018) .

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1. APPLICATION

- 1.1 An application is herewith submitted to obtain the in-principle support for the rezoning from Education to Transition Zone 1 in terms of the eThekweni Land-use Scheme : Outer West Sub-scheme.
- 1.2 The application is submitted in respect of Portion 950 (a Portion of Portion 370) of the Farm Albinia No. 957 ("**the site**").

2. SITE INFORMATION

2.1 OWNERSHIP

- The site is registered in the name of **Fluxrab Investments 167 (Pty) Ltd.**

2.2 LOCALITY

- The site is situated at 1 Leinster Place.

2.3 TOTAL AREA

- 3694 m².

2.4 PHYSICAL FEATURES

- 2.4.1 The site has been developed with non-residential structures.
(refer Annexure A).

2.4.2 The site configuration and boundary dimensions are shown in the SG diagram attached (**refer Annexure B**).

2.4.3 The site is irregular in shape due to an historic subdivision of the adjacent property.

2.4.4 The site's topography is relatively flat however, the topographical form demonstrates a very gentle slope from the rear boundary towards the Leinster Place frontage.

2.4.5 The site is improved with a "U" shaped single storey structure that was previously utilized as an approved educational building. It is now being utilized for offices within the existing structures (**refer to Annexure A**).

2.4.6 There are no environmental issues associated with the site. The site does not fall within any flood lines or DMOSS areas, nor is it deemed to be environmentally sensitive in any manner.

2.5 EXISTING ZONING

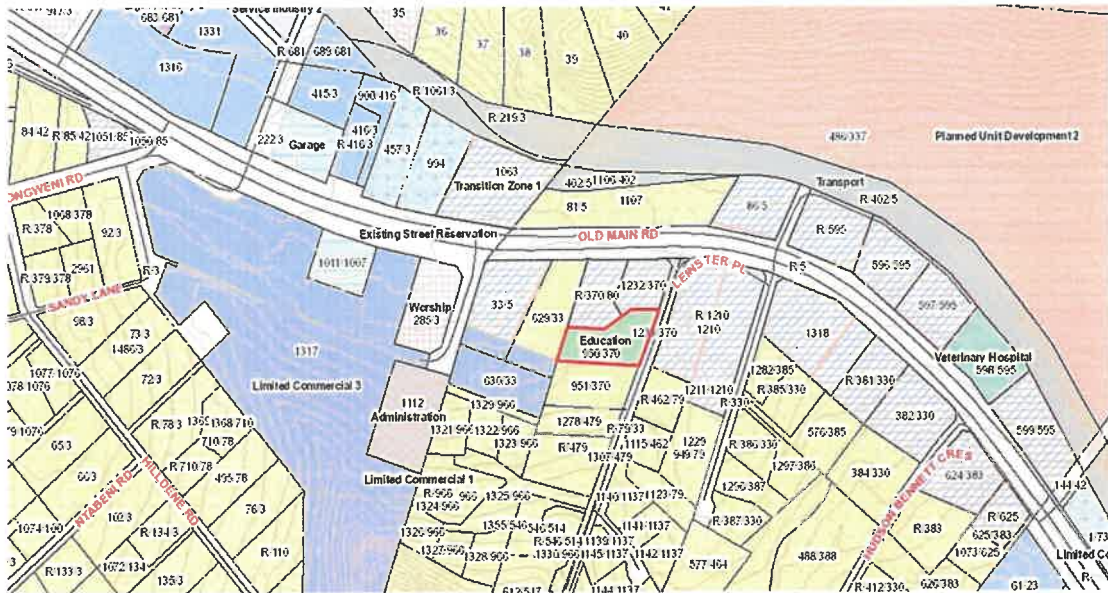
2.5.1 The site is zoned Education (**refer Annexure C**).

2.6 SURROUNDING ZONINGS

2.6.1 The majority of the surrounding properties are zoned for non residential purposes.

2.6.2 The site is zoned Educational, a zoning that was adopted in 2011.

2.6.3 The zoning plan demonstrates that the area surrounding the site comprises a wide mixture of zones. See extract below:



2.6.4 The special residential 1800 zoning is noticeable in the broader context of the area, together with other residential zones namely; the intermediate residential 2 zone and planned unit development zone.

2.6.5 However, upon scrutiny of the Old Main Road Corridor, there are various other non-residential zones that exist. Those zones include Transition zones; Limited Commercial 1, 2 and 3 zones; General Commercial zones; institutional 2, worship, light industry and service industry. See illustration below, showing all of the commercial/business activities that surround the site.



- 2.6.6 Immediately north of the site are 2 properties that share a common boundary with the site, both of which are zoned transition zone 1 and developed with offices and a vehicle dealership.
- 2.6.7 Adjacent to the sites east boundary is a large property that is also zoned transition zone 1 and houses an office park development known as Meyrickton Park which accommodates an array of offices, including medical offices.
- 2.6.8 The properties that are south of the site are generally zoned special residential 1800 but many of which are established as offices.
- 2.6.9 Abutting the site's west boundary is a B&B on a property zoned Special Residential 1800. Immediately adjacent to the aforementioned property is another Transition Zone and a limited commercial 3 zone which accommodate more offices, a salon, and a coffee shop. Further west is the Oxford Village Market, zoned Limited Commercial 3.
- 2.6.10 Based on the above, the immediate proximity of the site is rich in non-residential land uses due to its location along the Old Main Road Corridor.
- 2.6.11 Over the years, this corridor, has seen almost all previous special residential zones being rezoned to alternative zones that accommodate uses such as offices, commercial, service industries and so on.
- 2.6.12 The area has evolved over the course of time and the implementation of the Hillcrest / Gillitts / Kloof Precinct Plan and Land Use Management Plan aims to guide that development, as evidenced from this submission. The applicant's intention to rezone the site from Educational to Transition Zone 1 is not going to impact negatively on the land uses which surround the site.

2.7 POWER OF ATTORNEY AND COMPANY RESOLUTION

3 Attached.

2.8 BONDHOLDERS CONSENT

4 Not bonded.

3. MOTIVATION

3.1 EXISTING ZONING

3.1.1 The site is currently zoned Educational in terms of the eThekwin Municipality Land Use Scheme; Outer West Sub-scheme. Refer **Annexure B** which details the zoning controls as prescribed by the Scheme.

3.1.2 Included as **Annexure B** is the municipality's decision notice approving the rezoning of the site from Special Residential 1800 to Education on 02 November 2011 (Reference No. REZ15/11/2010/950 ALB).

3.1.3 The site was previously rezoned in order to permit an Educational Remedial Support and Assessment centre and was improved for such use. The educational facility has since ceased to exist.

3.1.4 The existing offices are not permitted in the Educational zone as primary land use, but the zoning does make provision for the use of the site as offices as a special consent land use.

3.2 PROPOSED REZONING

- 3.2.1 Although the Educational zone could permit offices as a special consent land use, it is noted that the applicant's future intention for the site will be offices within the existing structures. It will never revert to educational purposes; therefore, a rezoning is the preferred alternative.
- 3.2.2 In keeping with the zoning and land uses that are within proximity of the site, it is proposed that the site be rezoned to a Transition Zone 1.
- 3.2.3 In fact, three of the site's four boundaries are currently operate non-residential uses. The two properties north of the site are zoned Transition Zone 1 and are with offices and a car dealership. The property immediately east is zoned Transition Zone 1 and improved with an office park and the property adjacent to the sites west boundary is zoned Limited Commercial and improved with offices and other commercial uses.
- 3.2.4 In addition to the adjacent properties being non-residential, the rezoning of the site to Educational and the establishment of the educational facility has resulted in the site losing all of its residential amenity.
- 3.2.5 Now that the educational establishment no longer exists, the site has limited development options. However, the existing structures are designed advantageously and can be easily converted to offices. The office land uses and proposed Transition Zone 1 zoning are considered to blend in with the land uses that surround the site, therefore being the most appropriate alternative land use and zone.

- 3.2.6 The development controls in the Transition Zone 1 (**Annexure D**) makes adequate provision for the existing structures on the site in terms of land use, floor area and coverage, as listed in the zoning controls. The Transition Zone 1 could permit a 2 storey development with a maximum footprint of 1 108,2m² and a 1 292.9m² of floor area. The existing structures are well within those development controls as per the building plan at **Annexure A**.
- 3.2.7 The scheme's intention for the Transition Zone 1 suggests that the zoning provides for office developments as the primary development focus in suburban and peripheral locations, adjacent to shopping centres or a mixed use core or as independent zones.
- 3.2.8 The site's location being adjacent to existing Transition Zones, limited commercial zones and an array of mixed uses within proximity, speaks to the schemes intention.
- 3.2.9 Another strong advantage is that the site was developed for an educational facility, therefore given the position of the building and the landscaping, the property provided for 30 parking bays. The parking requirement for offices in terms of Section 8 of the Outer West Scheme is 5 bays per 100m². The existing floor area for the existing structures is just under 500m², therefore only requiring 25 parking bays.
- 3.2.10 The previous Educational zone was granted on the basis that it would act as a buffer to between the non-residential land uses and the residential properties further south on Leinster Place; the same reasoning shall be applicable for the proposed Transitional Zone 1, being a far better suited land use activity for the site.
- 3.2.11 It is also unlikely that the site will ever revert to a residential use due to its location, already being surrounded by non-residential uses.

- 3.2.12 The current educational zone was not considered to disrupt the amenity to the area, it is therefore unlikely that the proposed Transitional Zone 1 would either because it would be more aligned to the land uses and zoned which already exist in proximity.
- 3.2.13 The proposed rezoning is also broadly in accordance with the Hillcrest / Gillitts / Kloof Precinct Plan and Land Use Management Plan which suggests Precinct 8 (within which the site falls) for office conversions as the preferred land use. Although the site is not particularly identified for office conversion, it does abut even that are.
- 3.2.14 Although the site may not be delineated for office conversion, the municipality did approve the site for an educational zone and whilst the Hillcrest / Gillitts / Kloof Precinct Plan and Land Use Management Plan has seen many departures from the suggested land uses, they should be considered on individual merits.
- 3.2.15 For the reasons mentioned this memorandum, the existing educational zone for the site is no longer appropriate. The proposed rezoning to a Transition Zone 1 is considered to be more aligned to the Hillcrest / Gillitts / Kloof Precinct Plan and Land Use Management Plan, than the existing zone.
- 3.2.16 Since the surrounding properties including those properties that abut the site have already been rezoned and developed in terms of the abovementioned plan, the proposed rezoning is considered to align to the land use proposals of the municipality and mimic that precedent.
- 3.2.17 The proposed rezoning of the site to Transition Zone 1 will therefore integrate and appropriately blend in with the nature of the surrounding properties.

3.3 PROVISION OF SERVICES AND INFRASTRUCTURE

- 3.3.1 The site is situated within a urbanised area that is adequately serviced with municipal infrastructure namely; water and electricity. The site currently has existing electrical and water connections that service the existing structures.
- 3.3.2 The site currently contains wastewater and stormwater on-site. The on-site solutions where appropriately designed and installed for the educational establishment. Sewage is disposed of through septic tanks with evapo-transpiration areas and French drains. The management of stormwater run off is directed into a series of soak aways as shown in Annexure A.
- 3.3.3 The existing infrastructure servicing the site has functioned adequately for the educational establishment. The offices are proposed to operate from existing structures therefore the proposal will not create any additional stormwater run-off or effluent. The existing solutions are therefore adequate for the proposed offices.
- 3.3.4 From a traffic and transportation perspective, the site will retain its current approved access points off Leinster Place which will aid circulation and movement within the site.
- 3.3.5 The site has undergone traffic assessments and implications on the road network prior to the establishment of the school. It is noted that the use of the site for offices within the existing structures being under 500m² will result in less than 11 peak hour vehicle trips. The number of trips that will be generated from the proposal is therefore insignificant to cause any hindrances of the existing road network.

3.4 INTEGRATED DEVELOPMENT PLAN AND SPATIAL DEVELOPMENT FRAMEWORK.

- 3.4.1 The Integrated Development Plan (IDP) and Spatial Development Framework (SDF) promote local economic development and the creation of job opportunities through spatial restructuring. Office use supports these objectives by localising economic activity and reducing travel distances to work.
- 3.4.2 Old Main Road is designated in the SDP as a local development spine and part of an Urban Services Corridor, as mentioned earlier, the site is part of this corridor. These corridors are intended to accommodate mixed-use development, including offices, and to support public transport and economic activity along well-established movement routes.
- 3.4.3 Certain segments of the corridor have already lost their residential character due to increased commercial activity. The Hillcrest-Gillitts-Kloof precinct plan (2010) acknowledges this and supports office conversions in areas that no longer offer residential amenity
- 3.4.4 The Western Suburbs, especially the Hillcrest-Kloof corridor, have seen significant population and economic growth, resulting in demand for decentralised, accessible office locations to serve both local businesses and professionals
- 3.4.5 Encouraging office development promotes mixed-use activity, walkability, and the development of sustainable live-work environments. This aligns with eThekwini's vision for creating compact and integrated urban forms. Refer to extract of the Outer West SDP.

4. APPLICABLE LOCAL AUTHORITY AND SPATIAL PLANNING POLICIES.

4.1 The following town planning legislation/policies are applicable:

4.1.1 Spatial Planning and Land-use Management Act (Act 16 of 2013).

4.1.2 eThekweni Planning By-law (2021).

4.1.3 Precinct Plan: The 2010 Hillcrest / Gillitts / Kloof Precinct Precinct Plan (Annexure C) and Outer West Spatial Development Plan (Annexure D).

4.2 The application complies with the following sections of the By-law:

Section 21(4)a: the applicant provided a power of attorney and company resolution.

Section 22(1): the planning enquiry has been submitted.

Section 25(1): the proposed rezoning from Education to Transitional Zone 1 is a Category 3 application in terms of Section 28(2)(f). **(refer Annexure E).**

4.3 Precinct Plan: The 2010 Hillcrest / Gillitts / Kloof Precinct Plan and Land-use Management Plan.

4.3.1 The proposed land-use change aligns with the contents of the above Precinct Plan. (refer Annexure D).

- 4.3.2 The site is located in Precinct 8 but is directly adjacent to Precinct 2 and abuts erven that are earmarked for office conversions.
- 4.3.3 The development corridor has clearly undergone a radical transformation with specific reference to residential zones changing into offices and/or commercial land-use.
- 4.3.4 The site is also surrounded by non-residential land-uses with non-residential land-uses abutting its north, east, west and south-west boundaries.

5.	COMPLIANCE WITH SPLUMA (ACT 16 OF 2013)
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- **The proposed application essentially embraces the following principles:**
 - a) The principle of spatial justice, whereby –**
 - i. Past spatial and other development imbalances must be redressed through improved access to and use of land;
 - ii. Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;
 - iii. Spatial planning mechanisms, including land-use schemes, must incorporate provisions that enable redress access to land by disadvantaged communities and persons;

- iv. Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;
- v. Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and
- vi. A Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the grounds that the value of land or property is affected by the outcome of the application;

b) The principle of spatial sustainability, whereby spatial planning and land use management systems must-

- i. Promote land development that is within the fiscal, institutional and administrative means of the Republic;
- ii. Ensure that special consideration is given to the protection of prime and unique agricultural land;
- iii. Uphold consistency of land use measures in accordance with environmental management instruments;
- iv. Promote and stimulate the effective and equitable functioning of land markets;
- v. Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;

- vi. Promote land development in locations that are sustainable and limit urban sprawl; and
- vii. Result in communities that are viable;

c) The principle of efficiency, whereby-

- i. Land development optimises the use of existing resources and infrastructure;
- ii. Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and
- iii. Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;

d) The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and

e) The principle of good administration, whereby-

- i. All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;
- ii. All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;
- iii. The requirements of any law relating to land development and land use are met timeously;

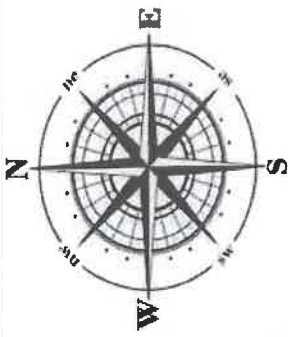
- iv The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that allow all parties to provide inputs on matters affecting them; and
- v. Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

6. CONCLUSION

- 6.1 The sole purpose of this submission is to obtain the in-principle support of the Local Authority in respect of the application to permit offices in the existing structures as a primary land-use right.

BREDA LOMBARD TOWN PLANNERS

AERIAL PLAN

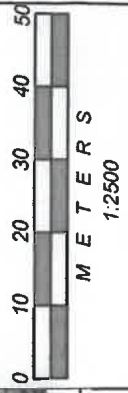


PROPERTY DESCRIPTION:

PORTION 950 (OF
370) OF FARM
ALBINIA NO 957
HILLCREST

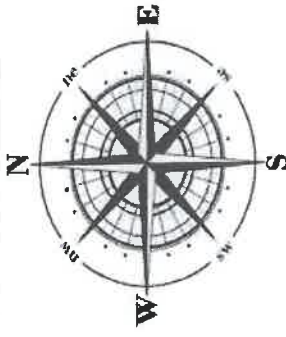
LEGEND:

 THE SITE



BREDA LOMBARD TOWN PLANNERS P.L.
breda@bredalombard.co.za - (011) 327 3310 - 38 Bompas Road, Dunkeld

LOCALITY PLAN



PROPERTY DESCRIPTION:

**PORTION 950 (OF
370) OF FARM
ALBINIA NO 957
HILLCREST**

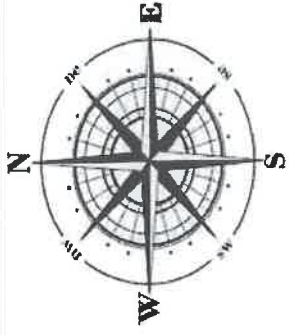
LEGEND:



BREDA LOMBARD TOWN PLANNERS P.C.

breda@bredalombard.co.za - (011) 327 3310 - 38 Bompas Road, Dunkeld






ZONING PLAN

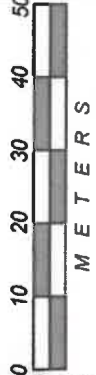


PROPERTY DESCRIPTION:

**PORTION 950 (OF
370) OF FARM
ALBINIA NO 957
HILLCREST**

LEGEND:

-  THE SITE
-  WORSHIP
-  LIMITED COMMERCIAL 3
-  SPECIAL RESIDENTIAL 1800
-  EDUCATION
-  TRANSITION ZONE 1
-  ADMINISTRATION



BREDA LOMBARD TOWN PLANNERS P.L.C.

breda@bredalombard.co.za - (011) 327 3310 - 38 Bompas Road, Dunkeid

GENERAL NOTES

1. ALL DIMENSIONS ARE TO BE SHOWN IN THE ARCHITECTURAL DRAWINGS AND SHALL BE THE RESPONSIBILITY OF THE ARCHITECT.
2. ALL DIMENSIONS ARE TO BE GIVEN IN FEET AND INCHES TO THE NEAREST 1/8" UNLESS OTHERWISE NOTED.
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FOUNDATIONS

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FLOOR SLABS AND SURFACE STOPS

1. ALL CONCRETE FLOOR SLABS AND SURFACE STOPS ARE TO BE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DESIGN AND SHALL BE TO STRUCTURAL ENGINEER'S APPROVAL.
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LIMITS / BEARS

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AREA SCHEDULE

DESCRIPTION	AREA (SQ FT)
EXISTING	308,530
DEMOLITION	6,700
NEW CONSTRUCTION	31,270
TOTAL	343,000
PERCENTAGE	100.00%
ALLOWABLE (10%)	34,300
EXISTING	308,530
DEMOLITION	6,700
NEW CONSTRUCTION	31,270
TOTAL	343,000
PERCENTAGE	100.00%

CONCRETE CURING

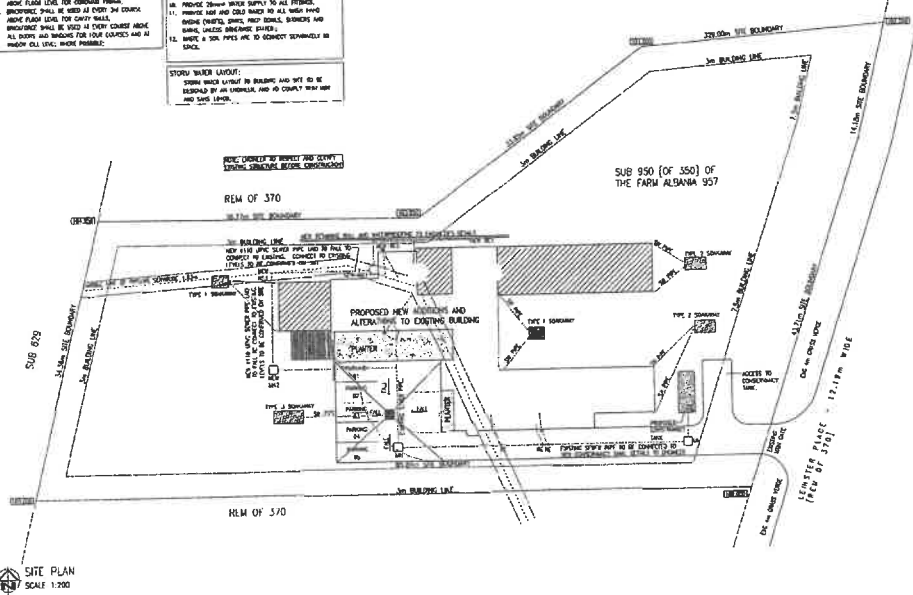
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ROOF

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STORY WORK LAYOUT

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NOTES:
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NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/11/2011
2	ISSUED FOR PERMIT	01/11/2011
3	ISSUED FOR PERMIT	01/11/2011
4	ISSUED FOR PERMIT	01/11/2011
5	ISSUED FOR PERMIT	01/11/2011

WYATT BAKER ARCHITECTS

1000 11th Ave, Suite 100
Tomball, TX 77375
Tel: 281-358-1111
Fax: 281-358-1112
www.wyattbaker.com

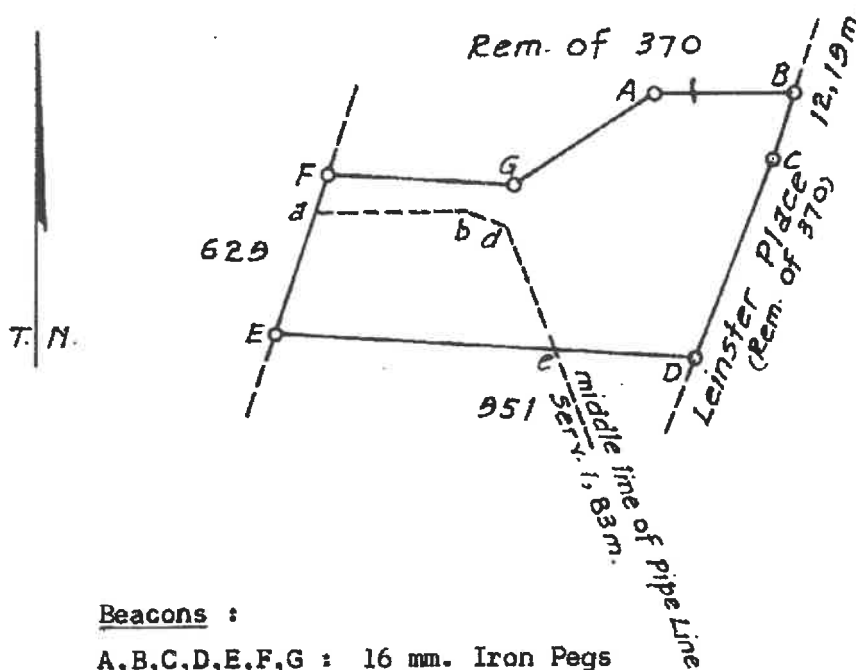
ADDITIVES & ALTERATIONS TO EXISTING OFFICES ON SUB 950 (OF 350) OF THE FARM ALABAMA 957 AT 11th AVE PLAZA, QUETTA FARMLIFE MANAGEMENT SERVICES, PHYLIC, PEARLAND, TX 77581

DATE: 01/11/2011
SCALE: 1:200
PROJECT NO.: 0101-11-001 S 00

SIDES METRES	DIRECTIONS	CO-ORDINATES SYSTEM Approx. Lo. 31°x		S. G. No. 3513/1986
		Y	X	
	<i>Constants</i>	+ 20 000,00	+ 3 290 000,00	Approved <i>10/11/1986</i> For Surveyor-General 1986-12-04
AB	29,00 269 21 10	A +1 564,86	+6 456,28	
BC	14,18 18 18 20	B +1 535,86	+6 455,95	
CD	43,71 21 40 30	C +1 540,31	+6 469,41	
DE	85,84 93 04 10	D +1 556,45	+6 510,03	
EF	34,36 198 20 40	E +1 642,17	+6 505,44	
FG	38,27 273 04 10	F +1 631,36	+6 472,83	
GA	33,85 236 40 30	G +1 593,14	+6 474,88	

PTB
PDR 23745 A

The line a b d e represents the middle line of a Pipeline Servitude 1,83 metres wide, vide Diagram S. G. No. 2121/1937 and Deed of Servitude No. 16/1938.



Beacons :

A, B, C, D, E, F, G : 16 mm. Iron Pegs

SCALE 1 : 1500

The figure

A B C D E F G

represents

3694 Square Metres

of land, being

SUB 950 (OF 370) OF THE FARM ALBINIA No. 957

situate in the

Township of Gillitts

Province of Natal.

Administrative District and Province of Natal

Surveyed in June and July 1986

by me,

D. Cook

Land Surveyor

This diagram relates to

No. *D/T 10971/1986*
Registrar of Deeds

The Original Diagram is

S.G. No. 5773/1954

~~Transfer Grant~~ C.R.I.

No. 6115/1955

File No. /11

S.R. No. 1354 / 1986

Comp. FT-8B-6D

Degree Sheet 59

ANNEXURE B



SUSTAINABLE DEVELOPMENT & CITY ENTERPRISES Development Planning, Environment & Management Unit

22 Delamare Road
Hillcrest, 3610
PO Box 36, Kloof, 3660
Tel: 031 311 1111
www.durban.gov.za

GCFF: 217/13
Our Ref: REZ 15/11/2010/950 ALB:
Enquiries: Ms C Norton
(031) 311 2701

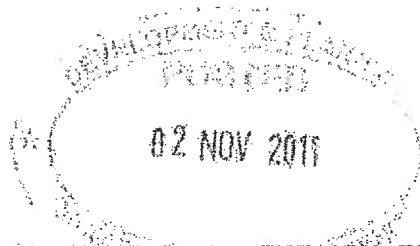
20 October 2011

Elliot Duckworth Associates cc
Private Bag X504
NORTHWAY
4065

REGISTERED POST

Attention: Mr Ian Duckworth

Dear Sir



APPLICATION IN TERMS OF CHAPTER 2 OF THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT NO. 6 OF 2008 TO AMEND THE CONSOLIDATED OUTER WEST SCHEME BY REZONING PORTION 950 (OF 370) OF THE FARM ALBINIA NO. 957, 1 LEINSTER PLACE, GILLITTS FROM SPECIAL RESIDENTIAL 1800 TO EDUCATIONAL

You are hereby advised that the eThekweni Municipality, at its meeting held on the 13 September 2011:

RESOLVED:

1. That in terms of Chapter 2 Section 13 (1) of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 the amendment of the Consolidated Outer West Scheme by the rezoning Portion 950 (of 370) of the farm Albinia No. 957, 1 Leinster Place, Gillitts, from Special Residential to Educational be approved subject to the following conditions:
 - 1.1 The facility on Portion 950 (of 370) of the farm Albinia No. 957, 1 Leinster Place, Gillitts, be restricted to an Educational Remedial Support and Assessment Centre.
 - 1.2 The Educational Remedial Support and Assessment Centre will see children by appointment in groups no larger than 10 at a time.
 - 1.3 The Educational Remedial Support and Assessment Centre will operate Monday to Friday 07h00 to 18h00 and on Saturdays 07h00 to 12h00 only.
 - 1.4 Consulting Engineers are to ensure that sewerage alterations are carried out exactly to Waste Water Managements' recommendations and TGC designs.
 - 1.5 "Drop off" zone and parking is to be constructed at the developers cost as per the submitted traffic report.

2. That the application in terms of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 to amend the Consolidated Outer West Scheme by the rezoning Portion 950 (of 370) of the farm Albinia No. 957, 1 Leinster Place, Gillitts, from Special Residential to Educational be approved in terms of Chapter 2 Section 13 (1) of said Act for the following reasons:
- 2.1 The proposed rezoning of the subject property to Educational is considered an appropriate alternative land use zone as the property is unlikely to be redeveloped residentially as intended in terms of the scheme, due to its physical position, being already surrounding by non-residential uses.
 - 2.2 The proposed use of the property for educational purposes will act as a transitional buffer zone between the existing non-residential land uses and residential properties further down Leinster Place.
 - 2.3 The proposed rezoning is in line with the Outer West Spatial Development Plan and the eThekweni Municipal Integrated Development Plan and promotes the vision of the policy towards more sustainable social development throughout the city.
 - 2.4 In considering the merits of the proposed scheme amendment with due cognisance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

Your attention is drawn to Section 15 (2) of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 which states that any applicant or valid objector who feels aggrieved by the decision of the Municipality may appeal to the Appeal Tribunal.

The appellant must lodge a memorandum of appeal as contemplated in Section 113(1) of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, within 28 days of the date of posting of this Decision Notice. Such appeal shall be in writing, including the grounds thereof and the arguments and representations in support thereof.

The appellant must lodge six (6) copies of the Memorandum of Appeal with the Registrar of the Appeal Tribunal, c/o The Secretary: Provincial Planning and Development Commission, 1st Floor, Southern Life Plaza Building, 271 Church Street, Pietermaritzburg, Private Bag X 9123, Pietermaritzburg, 3200. Attention: Mr Davesh Jugmohan. Telephone (033) 355 6503.

Furthermore a copy of the appeal shall also be lodged with the Head: Development Planning, Management and Environment, City Engineers, 166 K E Masinga Road, Durban, PO Box 680 Durban, 4000 and on every other part who has an interest in the appeal.

Should the Municipality not be notified within 28 days of the date of posting of this Decision Notice of any action in terms of Section 15(2) of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 then this amendment shall be deemed to have come into force and effect.

Yours faithfully


SENIOR MANAGER: LAND USE MANAGEMENT
M. ALLOPI (MRS.)


DEPUTY HEAD: DEVELOPMENT PLANNING, ENVIRONMENT AND MANAGEMENT
L. RHEWA (MR.)

ZONE: EDUCATIONAL

SCHEME INTENTION: To provide, preserve, use land or buildings for a full range of educational facilities either public or private. Institutional facilities that to the discretion of eThekweni municipality does not affect the amenity of the area, recreational facilities ancillary to the educational establishment and accommodation of students, educators and other staff of the educational establishment.
MAP COLOUR REFERENCE: Pink

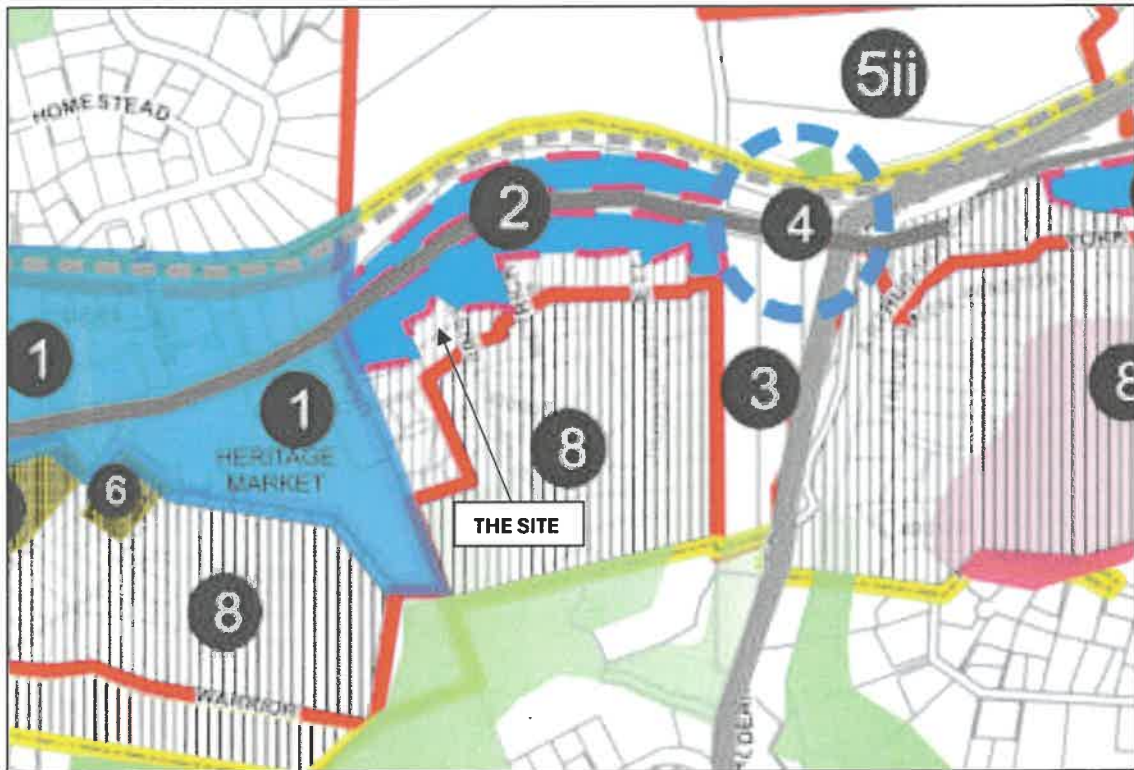
PRIMARY	CONSENT	PRECLUDED	
<ul style="list-style-type: none"> • Conservation area • Dwelling House • Educational Establishment • Health & Beauty Clinic/Health Studio • Place of Public Assembly • Private Recreation Area 	<ul style="list-style-type: none"> • Agricultural Land • Boarding House • BTTS • Convention Centre • Crèche • Extended Residential Building • Flat • Garden Nursery • Government/Municipal • Institution • Laundry • Multiple Unit Development • Museum • Office • Place of Public Worship • Reform School • Residential Building • Restaurant / Fast Food Outlet • Riding Stables • Special Building • Zoological Garden 	<ul style="list-style-type: none"> • Action Sports Bar • Adult Premises • Agricultural Activity • Airport • Animal facility • Arts and Crafts Workshop • Bar • Betting Depot • Builder's Yard • Car Wash • Caravan Park • Cemetery • Chalet Development • Commercial Workshop • Container Depot • Convention Centre • Correctional Facility • Crematorium • Direct Access Service Centre • Display Area • Drive-in cinema • Escort Agency • Flea Market • Fuelling and Service Station' • Funeral Parlour • Hotel • Industry – Extractive • Industry – General • Industry – Light • Industry – Noxious • Landfill 	<ul style="list-style-type: none"> • Mobile Home • Mobile Home Park & Camping Ground • Mortuary • Motor Display Area • Motor Garage • Motor Vehicle Test Centre • Motor Workshop • Nature Reserve • Night Club • Office – Medical • Parkade • Pet Grooming Parlour • Place of Public Entertainment • Recycling Centre • Refuse Disposal • Restricted Building • Retirement Centre • Sand-winning • Scrap Yard • Shop • Special Industrial Building • Tavern • Transport Depot • Truck Stop • Utilities Facility • Veterinary Clinic • Veterinary hospital • Warehouse

ADDITIONAL CONTROLS

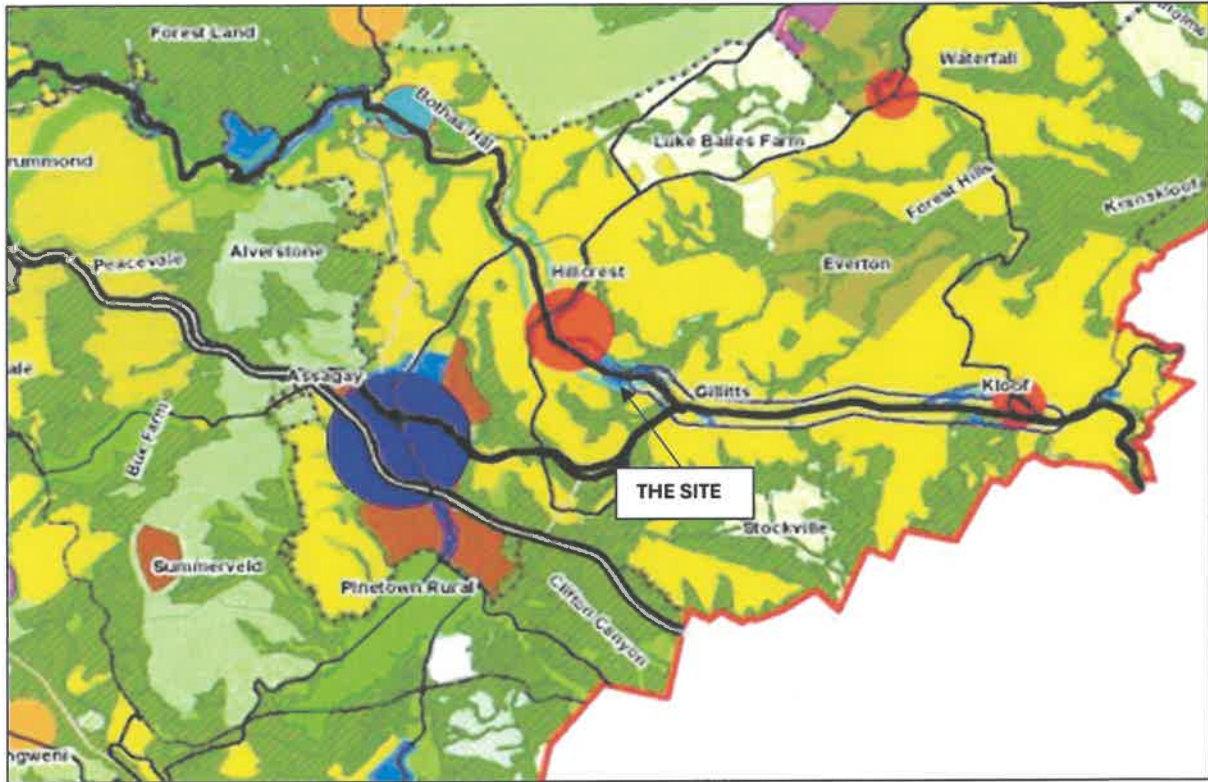
1. BTTS shall mean Base Telecommunications Transmission Station.
2. Accommodation for motor vehicles to be provided on the erf as per Section 8
3. Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality
4. The provisions of Clause 9.5 shall apply for Multiple Unit Development
5. Access onto and building line fronting onto Old Main Road to be in accordance with the Provincial Road legislation provisions.

DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR					
7.5 m	3 m	N/A	1800 m ²	3	40%	0.40



**SPATIAL DEVELOPMENT FRAMEWORK: HILLCREST GILLITTS KLOOF
PRECINCT PLAN 2010**



OUTER WEST SPATIAL DEVELOPMENT PLAN

ZONE: TRANSITION ZONE 1						
<p>SCHEME INTENTION: A zone which provides for office development as the primary development focus in suburban and peripheral locations adjacent to shopping centers' or a mixed use core or as independent zones MAP COLOUR REFERENCE: Yellow and light blue bands</p>						
PRIMARY		SPECIAL CONSENT	PRECLUDED			
<ul style="list-style-type: none"> • Dwelling House • Convention Centre • Crèche * • Health & Beauty Clinic • Multiple Unit Development • Office • Office – Medical * • Private Open Space • Retirement Centre 		<ul style="list-style-type: none"> • Conservation area • Educational Establishment • Garden Nursery • Health Studio • Parkade • Place of Public Worship • Restaurant / Fast Food Outlet • Special Building • telecommunications infrastructure • Veterinary Clinic 	<ul style="list-style-type: none"> • Action Sports bar • Adult Premises • Agricultural Activity • Agricultural Land • Airport • Animal facility • Arts and Crafts Workshop • Betting Depot • Boarding House • Builder's Yard • Car Wash • Chalet Development • Container Depot • Correctional Facility • Cemetery/crematorium • Direct Access Service Centre • Display Area • Escort Agency 	<ul style="list-style-type: none"> • Flat • Flea Market • Fuelling and Service Station • Funeral Parlour • Government/Municipal • Hotel • Industry – Extractive • Industry – General • Industry – Light • Industry – Noxious • Institution • Landfill • Laundry • Mobile Home Park and Camping Ground • Mortuary • Motor Display Area • Motor Garage • Motor Vehicle Test Centre • Motor Workshop 	<ul style="list-style-type: none"> • Museum • Nature Reserve • Night Club • Pet Grooming Parlour • Place of Public Entertainment • Recycling Centre • Reform School • Refuse Disposal • Riding Stables • Scrap Yard • Shop • Student Residence • Transport Depot • Truck Stop • Utilities Facility • Warehouse • Zoological Garden 	
ADDITIONAL CONTROLS						
<ol style="list-style-type: none"> 1. Accommodation for motor vehicles to be provided on the erf as per Section 8 2. *Office-Medical and Crèche by Special Consent only in respect of Erf 472, Portion 1 of Erf 476, Remainder of Erf 476, Portion 1 of Erf 477, Remainder of Erf 477, Erf 479 and Erf 459, all of Gillits. 3. Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality 4. Landscaping of any site zoned for office purposes shall be to the satisfaction of the Municipality, taking into account the Location of the office zone. 5. The building shall, in the opinion of the Council always conform in its external appearance to the definition of a dwelling house as contained in the scheme. 6. Any alterations or additions affecting the exterior of the existing building or demolition of the existing building shall be by Special Consent, provided that the Council may waive compliance with the Special Consent procedure with the written consent of the registered owners of each adjoining property first being obtained. 7. A Motor Display area is permitted by Special Consent on Portion 1232 (of 370) of the farm Albinia no 957. A Special Consent for the Motor Display area is not transferable to a new owner of the property. This additional control shall lapse should the Motor Display Area land use be discontinued. 						
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	3 m	N/A	1800 m ²	2	30%	0.35

SPATIAL PLANNING
COMMENT



**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**

**Enquiries: Francis Ngcobo
Telephone No: 031 3117045
Your Ref.: SAENQ2025 080002/OW
Our Reference: OW 1046
Date: 17 October 2025**

**Breda Lombard Town Planners
P.O Box 413710
Craighall
2024**

E-mail: breda@bredalombard.co.za

Dear Sir

RE: APPLICATION ENQUIRY FOR THE REZONING OF PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957 FROM EDUCATION TO TRANSITION ZONE 1 IN TERMS OF ETHEKWINI LAND USE SCHEME: OUTER WEST SUB-SCHEME.

The afore-mentioned Rezoning application received by the Branch on 28 August 2025 has reference:

Application summary

This application is for the proposed rezoning of Portion 950 (of Portion 370) of the Farm Albinia No. 957 (Street Address: 1 Leinster Place) from Education to Transition Zone 1. In terms of the report accompanying the application, the subject site is some 3 694 m² in extent and currently has non-residential structures. The application motivation report further mentions that the subject site has a "U" shaped single storey structure that was previously utilised as an approved educational building, which is now being utilised for offices within the existing structures. According to the report, the subject site has no environmental issues nor areas that are deemed environmentally sensitive in any manner. The subject site was previously rezoned from Special Residential 1800 to Education to permit an Educational Remedial Support and Assessment centre. However as mentioned in the report, the educational facility has ceased to exist. It is understood from the motivation report that the existing offices are not permitted

Outer West 1046

in the educational zone as primary land use, but the zone does make provision for the use of the site as offices by special consent.

Strategic Assessment of the application based on the eThekweni Municipality's Spatial Plans

The subject site is located within an area that is identified as Densification Corridor in terms of the SDF 2025 -2026. Furthermore, at a lower level of planning, the subject site falls within the Hillcrest Gillitts Kloof Land Use Management Plan (HGK LUMP) 2010 which is part of the Western Suburb Local Area, and is a greater detail level plan of the Outer West Spatial Development Plan 2014/15 and the eThekweni Municipality's Spatial Development Framework 2025/2026.

The subject site was originally part of the erstwhile Hillcrest Gillitts Activity Corridor Local Development Plan 2000, which was reviewed to form HGK LUMP 2010. The subject site is identified as part of area 8 of the HGK LUMP 2010. Area 8 as identified in the HGK LUMP 2010 is the delineation of the area for which land uses that were recommended in terms of the erstwhile Hillcrest Gillitts Activity Corridor (HGAC) Local Development Plan 2000 was suspended for the area to retain Residential 1800 zone that was existing in terms of the erstwhile Consolidated Outer West Scheme, which is now eThekweni Land Use Scheme.

The decision for the suspension of the HGAC Local Development Plan in the hatched area 8 of the HGK LUMP 2010 was based on the following amongst other things:

- The infrastructure capacity limitations, including Wastewater and Traffic infrastructure to support commercial and/or non-residential development that will add pressure beyond the capacity of infrastructure to support development in the area of the HGK LUMP
- The protection of the residential amenity in that area which at the time was threatened by leap frogging of commercial and other non-residential developments

Whilst the subject site was identified as part of the hatched area 8 to retain original zoning (Special Residential 1800) in terms of the applicable Town Planning Scheme, it appears that the subject site was subsequently rezoned to Education and there are currently other non-residential land uses which have crept into the area over time.

Spatial Development Framework / Council Approved Spatial Plans:

Based on the above assessment and information provided in terms of this application inquiry, the Strategic Planning Branch raises **no objection** to the rezoning as contemplated in terms of this application based on the following reasons:

1. The subject site is already zoned for Education which allows for offices to be operated as a complementary land use by special consent.
2. The subject site is already used for offices and is adjoined on its 3 sides by properties identified for office development in terms of the HGK LUMP 2010, and therefore, will have minimal impact (if any) on the amenity of the area.

3. The proposed zone is in alignment with changes in land uses currently experienced in the vicinity of the subject site.
4. The Transition Zone 1 is a low impact land use which is accepted as an appropriate buffer between the higher impact land use activity of Old Main Corridor and the residential amenity of the area just outside the boundary of the HGK LUMP 2010. Therefore, the proposed Transition Zone 1 in terms of this application aligns with the development intention of the HGK LUMS 2010 in the vicinity of the subject site.

Furthermore, and notwithstanding the above, this Branch's support of the application inquiry is subject to the following:

- a) The applicant meeting all sector requirements
- b) This support should not be deemed to be an approval of eThekweni Municipality
- c) This comment is based on the information made available to the Branch at the time of submission
- d) This branch reserves the right to comment further should the need arise.

Yours faithfully,



.....
H.E. EPSTEIN (Ms)
SNR MANAGER: STRATEGIC PLANNING BRANCH

WATER AND
SANITATION
COMMENT

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: ETHEKWINI WATER PLANNING BRANCH

LUMS ENQUIRY NO: SAENQ20250580002/OW

COMMENTING DEPARTMENT REF: F251009/1659

ERF NO: PORTION 950 (A PORTION OF 370 OF THE FARM ALBINIA NO. 957)

STREET ADDRESS: 1 LEINSTER PLACE, ALBINIA

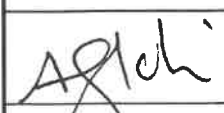
ZONING OF SITE: EDUCATIONAL

APPLICATION: REZONING APPLICATION (FROM EDUCATIONAL TO TRANSITION ZONE

1)

FREE ENTRY: YES NO

PARKING PROVISIONS <small>(To be completed)</small>	REQUIRED	PROVIDED
	25	30

COMMENT	Date
<p>YOUR MOTIVATIONAL REPORT FOR PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957 DATED 09 JULY 2025 HAS REFERENCE. THE FOLLOWING HAS BEEN NOTED:</p> <ul style="list-style-type: none"> The Site is registered in the name of Fluxrab Investments 167 (Pty) Ltd. The site is situated at 1 Leinster Place, total area 3694m² Now the educational establishment no longer exists, the site has limited development options. However, the existing structures are designed advantageously and can be easily converted to offices. The office land uses and proposed Transition Zone 1 zoning are considered to blend in with the land uses that surround the site, therefore being the most appropriate alternative land use and zone. The site is already serviced in terms of water. <p><u>Comments from EThekwini Water and Sanitation (EWS) Water Planning Branch are as follows:</u> As per our GIS data there are no existing water infrastructure that will be adversely affected by the above proposal.</p> <p>Therefore, this department supports the proposed rezoning from Educational to Transition Zone 1, situated at 1 Leinster Place, Albinia.</p>	01/11/2025
	Name
	Akhona
	Signature
	
Contact No.	
	0313118559

The developer is required to comply with all the Municipal Bylaws. Particular attention should be given to the Water and Firefighting Bylaws and the requirements thereof.

Please note that the city is at the limit of supply from its Bulk Water supplier (Umgeni uThukela Water), with further restrictions by the national Department of Water and Sanitation (DWS) and does experience challenges with providing continuous water supply. Due to this, consumers may experience intermittent / interrupted water supply, and the developer is to ensure sufficient mitigation is in place.

**List any conditions
that must be included
in the decision**

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

Departmental Official: _____

E-mail/Phone: akhona.sloti@durban.gov.za _____

This comment is valid for: 3 years (01/11/2028) (please include comment expiry date)

COASTAL
STORMWATER
COMMENT

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: COASTAL STORMWATER

LUMS ENQUIRY NO: SAENQ20250580002/OW

COMMENTING DEPARTMENT REF: P950 / FARM ALBINIA

ERF NO: PORTION 950 (A PORTION OF PORTION 370 OF THE FARM ALBINIA NO. 957

STREET ADDRESS: 1 LEINSTER PLACE, ALBINIA



ZONING OF SITE: EDUCATIONAL

APPLICATION:

REZONING APPLICATION (FROM EDUCATIONAL TO TRANSITION ZONE 1)

FREE ENTRY: YES NO

PARKING PROVISIONS (To be completed)	REQUIRED	PROVIDED
	25	30

COMMENT	Date
<p style="font-size: 2em;">No objections.</p> 	04/09/2015
	Name
	SIMPHIWE SIBUYA
	Signature
	
	Contact No.
	031 311 6362
<p>List any conditions that must be included in the decision</p>	

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

TRANSPORT
AUTHORITY
COMMENT



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

05th September 2025

LUMS ref: **SAENQ20250580002OW**

ETA ref: TE18815

Enquiries: Veliswa Dlangamandla

Email: Veliswa.dlangamandla@durban.gov.za

Phone: 031 322 8307

Breda Lombard Town Planners
Email: breda@bredalombard.co.za
Cell: 083 601 2353/0828246351

Attention: Breda Lombard

Dear Sir

TE 18815 – 1 Leinster Place Albina – Portion 950 (of 370) of the Farm Albina No.957

Rezoning from Educational zone to Transition Zone 1 (Offices)

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

1. Your application is **supported subject to the following: -**

- a. The application is for rezoning from Educational to Transition Zone 1 for Offices with a maximum FAR of 500m².
- b. The access details, parking circulation, and the like, will be assessed in detail at the building plan application stage, this must conform to the eThekweni's standards.
- c. Parking is to be provided as per the requirements of the Town Planning Department's Land Use Management Branch. All access, parking bay, aisle width details etc. are to be in accordance with section 8 of the relevant Town Planning scheme and the eThekweni Transport Authority (ETA) requirements. These will be assessed in detail at the Pre-Scrutiny Application stage.

2. Documents considered in the approval

- a. Town Planning Motivation report prepared by Breda Lombard Town Planners dated 07 May 2025.

3. Key factors considered:

3.1 Development Proposal

- a. The site measures 3694 m² in extent.
- b. The site is currently zoned Educational in terms of the Outer- West Sub-scheme.
- c. The site is used for Educational Remedial Support and Assessment Centre.
- d. The proposal is to rezone from Educational to Transition Zone 1 for offices.

- e. The proposed Offices with a maximum FAR of 500m² will generate 11 vehicular trips for both AM/PM Peak. These trips are below the 50 trips threshold.
- f. The vehicular access to the site is taken off Leinster Place.
- g. Leinster Place is a Class 5 with a road width of 5m and a road reserve approximately 12m.
- h. There was no conceptual plan submitted

3.2 Site Access

- a. Access to the site is taken via Leinster Place

3.3 Transport Infrastructure Requirements and Responsibility

- a. Not Applicable

3.4 Other Factors

4. General

- a. It must be noted there is no layout plan submitted with the application.
- b. The access details, parking circulation, and the like, will be assessed in detail at the building plan application stage, this must conform to the eThekweni's standards.
- c. Parking is to be provided as per the requirements of the Town Planning Department's Land Use Management Branch. All access, parking bay, aisle width details etc. are to be in accordance with section 8 of the relevant Town Planning scheme and the eThekweni Transport Authority (ETA) requirements. These will be assessed in detail at the Pre-Scrutiny Application stage.

This letter of support is valid for 5 years from date of this letter.

Yours faithfully



For Senior Manager: Traffic Engineering

cc. Lums Official- Khomotso Rakubu

ELECTRICAL
COMMENT

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: LAND USE MANAGEMENT

LUMS ENQUIRY NO: SAENQ20250580002/OW

COMMENTING DEPARTMENT REF: 27/2/1/3/3-230

ERF NO: PORTION 950 (A PORTION OF PORTION 370 OF THE FARM ALBINIA NO. 957

STREET ADDRESS: 1 LEINSTER PLACE, ALBINIA

ZONING OF SITE: EDUCATIONAL

APPLICATION: _____

REZONING APPLICATION (FROM EDUCATIONAL TO TRANSITION ZONE 1)

FREE ENTRY: YES NO

PARKING PROVISIONS (To be completed)	REQUIRED	PROVIDED
	25	30

COMMENT	Date
EThekwini Electricity MV/LV Construction Planning has no objection to the proposal, however should there be any electrical infrastructure on the property that requires relocating then an application needs to be made at any of our Customer Services Branch and the cost for which needs to be borne by the applicant.	30/09/2025
	Name
	Khanyi Simelane
	Signature
	<i>PK Simelane</i>
	Contact No.
	0313119812
List any conditions that must be included in the decision	

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

SPATIAL PLANNING
COMMENT



**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**

**Enquiries: Francis Ngcobo
Telephone No: 031 3117045
Your Ref.: SAENQ2025 080002/OW
Our Reference: OW 1046
Date: 17 October 2025**

**Breda Lombard Town Planners
P.O Box 413710
Craighall
2024**

E-mail: breda@bredalombard.co.za

Dear Sir

RE: APPLICATION ENQUIRY FOR THE REZONING OF PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957 FROM EDUCATION TO TRANSITION ZONE 1 IN TERMS OF ETHEKWINI LAND USE SCHEME: OUTER WEST SUB-SCHEME.

The afore-mentioned Rezoning application received by the Branch on 28 August 2025 has reference:

Application summary

This application is for the proposed rezoning of Portion 950 (of Portion 370) of the Farm Albinia No. 957 (Street Address: 1 Leinster Place) from Education to Transition Zone 1. In terms of the report accompanying the application, the subject site is some 3 694 m² in extent and currently has non-residential structures. The application motivation report further mentions that the subject site has a "U" shaped single storey structure that was previously utilised as an approved educational building, which is now being utilised for offices within the existing structures. According to the report, the subject site has no environmental issues nor areas that are deemed environmentally sensitive in any manner. The subject site was previously rezoned from Special Residential 1800 to Education to permit an Educational Remedial Support and Assessment centre. However as mentioned in the report, the educational facility has ceased to exist. It is understood from the motivation report that the existing offices are not permitted

Outer West 1046

in the educational zone as primary land use, but the zone does make provision for the use of the site as offices by special consent.

Strategic Assessment of the application based on the eThekweni Municipality's Spatial Plans

The subject site is located within an area that is identified as Densification Corridor in terms of the SDF 2025 -2026. Furthermore, at a lower level of planning, the subject site falls within the Hillcrest Gillitts Kloof Land Use Management Plan (HGK LUMP) 2010 which is part of the Western Suburb Local Area, and is a greater detail level plan of the Outer West Spatial Development Plan 2014/15 and the eThekweni Municipality's Spatial Development Framework 2025/2026.

The subject site was originally part of the erstwhile Hillcrest Gillitts Activity Corridor Local Development Plan 2000, which was reviewed to form HGK LUMP 2010. The subject site is identified as part of area 8 of the HGK LUMP 2010. Area 8 as identified in the HGK LUMP 2010 is the delineation of the area for which land uses that were recommended in terms of the erstwhile Hillcrest Gillitts Activity Corridor (HGAC) Local Development Plan 2000 was suspended for the area to retain Residential 1800 zone that was existing in terms of the erstwhile Consolidated Outer West Scheme, which is now eThekweni Land Use Scheme.

The decision for the suspension of the HGAC Local Development Plan in the hatched area 8 of the HGK LUMP 2010 was based on the following amongst other things:

- The infrastructure capacity limitations, including Wastewater and Traffic infrastructure to support commercial and/or non-residential development that will add pressure beyond the capacity of infrastructure to support development in the area of the HGK LUMP
- The protection of the residential amenity in that area which at the time was threatened by leap frogging of commercial and other non-residential developments

Whilst the subject site was identified as part of the hatched area 8 to retain original zoning (Special Residential 1800) in terms of the applicable Town Planning Scheme, it appears that the subject site was subsequently rezoned to Education and there are currently other non-residential land uses which have crept into the area over time.

Spatial Development Framework / Council Approved Spatial Plans:

Based on the above assessment and information provided in terms of this application inquiry, the Strategic Planning Branch raises **no objection** to the rezoning as contemplated in terms of this application based on the following reasons:

1. The subject site is already zoned for Education which allows for offices to be operated as a complementary land use by special consent.
2. The subject site is already used for offices and is adjoined on its 3 sides by properties identified for office development in terms of the HGK LUMP 2010, and therefore, will have minimal impact (if any) on the amenity of the area.

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Furthermore, and notwithstanding the above, this Branch's support of the application inquiry is subject to the following:

- a) The applicant meeting all sector requirements
- b) This support should not be deemed to be an approval of eThekweni Municipality
- c) This comment is based on the information made available to the Branch at the time of submission
- d) This branch reserves the right to comment further should the need arise.

Yours faithfully,



.....
H.E. EPSTEIN (Ms)
SNR MANAGER: STRATEGIC PLANNING BRANCH

WATER AND
SANITATION
COMMENT

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: ETHEKWINI WATER PLANNING BRANCH

LUMS ENQUIRY NO: SAENQ20250580002/OW

COMMENTING DEPARTMENT REF: F251009/1659

ERF NO: PORTION 950 (A PORTION OF 370 OF THE FARM ALBINIA NO. 957)

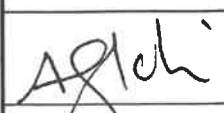
STREET ADDRESS: 1 LEINSTER PLACE, ALBINIA

ZONING OF SITE: EDUCATIONAL

APPLICATION: REZONING APPLICATION (FROM EDUCATIONAL TO TRANSITION ZONE 1)

FREE ENTRY: YES NO

PARKING PROVISIONS <small>(To be completed)</small>	REQUIRED	PROVIDED
	25	30

COMMENT	Date
<p>YOUR MOTIVATIONAL REPORT FOR PORTION 950 (A PORTION OF PORTION 370) OF THE FARM ALBINIA NO. 957 DATED 09 JULY 2025 HAS REFERENCE. THE FOLLOWING HAS BEEN NOTED:</p> <ul style="list-style-type: none"> The Site is registered in the name of Fluxrab Investments 167 (Pty) Ltd. The site is situated at 1 Leinster Place, total area 3694m² Now the educational establishment no longer exists, the site has limited development options. However, the existing structures are designed advantageously and can be easily converted to offices. The office land uses and proposed Transition Zone 1 zoning are considered to blend in with the land uses that surround the site, therefore being the most appropriate alternative land use and zone. The site is already serviced in terms of water. <p><u>Comments from EThekwini Water and Sanitation (EWS) Water Planning Branch are as follows:</u> As per our GIS data there are no existing water infrastructure that will be adversely affected by the above proposal.</p> <p>Therefore, this department supports the proposed rezoning from Educational to Transition Zone 1, situated at 1 Leinster Place, Albinia.</p>	01/11/2025
	Name
	Akhona
	Signature
	
Contact No.	
	0313118559

The developer is required to comply with all the Municipal Bylaws. Particular attention should be given to the Water and Firefighting Bylaws and the requirements thereof.

Please note that the city is at the limit of supply from its Bulk Water supplier (Umgenti uThukela Water), with further restrictions by the national Department of Water and Sanitation (DWS) and does experience challenges with providing continuous water supply. Due to this, consumers may experience intermittent / interrupted water supply, and the developer is to ensure sufficient mitigation is in place.

**List any conditions
that must be included
in the decision**

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

Departmental Official: _____

E-mail/Phone: akhona.sloti@durban.gov.za _____

This comment is valid for: 3 years (01/11/2028) _____ (please include comment expiry date)

COASTAL
STORMWATER
COMMENT

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: COASTAL STORMWATER

LUMS ENQUIRY NO: SAENQ20250580002/OW

COMMENTING DEPARTMENT REF: P950 / FARM ALBINIA

ERF NO: PORTION 950 (A PORTION OF PORTION 370 OF THE FARM ALBINIA NO. 957

STREET ADDRESS: 1 LEINSTER PLACE, ALBINIA



ZONING OF SITE: EDUCATIONAL

APPLICATION:

REZONING APPLICATION (FROM EDUCATIONAL TO TRANSITION ZONE 1)

FREE ENTRY: YES NO

PARKING PROVISIONS (To be completed)	REQUIRED	PROVIDED
	25	30

COMMENT	Date
<p style="font-size: 1.2em; margin: 0;">No suggestions.</p> 	04/09/2015
	Name
	SIMPHWE SIBIYA
	Signature
	
	Contact No.
031 311 6362	
<p>List any conditions that must be included in the decision</p>	

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

TRANSPORT
AUTHORITY
COMMENT



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

05th September 2025

LUMS ref: **SAENQ20250580002OW**

ETA ref: TE18815

Enquiries: Veliswa Dlangamandla

Email: Veliswa.dlangamandla@durban.gov.za

Phone: 031 322 8307

Breda Lombard Town Planners
Email: breda@bredalombard.co.za
Cell: 083 601 2353/0828246351

Attention: Breda Lombard

Dear Sir

TE 18815 – 1 Leinster Place Albina – Portion 950 (of 370) of the Farm Albina No.957

Rezoning from Educational zone to Transition Zone 1 (Offices)

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

1. Your application is **supported** subject to the following: -
 - a. The application is for rezoning from Educational to Transition Zone 1 for Offices with a maximum FAR of 500m².
 - b. The access details, parking circulation, and the like, will be assessed in detail at the building plan application stage, this must conform to the eThekweni's standards.
 - c. Parking is to be provided as per the requirements of the Town Planning Department's Land Use Management Branch. All access, parking bay, aisle width details etc. are to be in accordance with section 8 of the relevant Town Planning scheme and the eThekweni Transport Authority (ETA) requirements. These will be assessed in detail at the Pre-Scrutiny Application stage.
2. **Documents considered in the approval**
 - a. Town Planning Motivation report prepared by Breda Lombard Town Planners dated 07 May 2025.
3. **Key factors considered:**
 - 3.1 **Development Proposal**
 - a. The site measures 3694 m² in extent.
 - b. The site is currently zoned Educational in terms of the Outer- West Sub-scheme.
 - c. The site is used for Educational Remedial Support and Assessment Centre.
 - d. The proposal is to rezone from Educational to Transition Zone 1 for offices.

- e. The proposed Offices with a maximum FAR of 500m² will generate 11 vehicular trips for both AM/PM Peak. These trips are below the 50 trips threshold.
- f. The vehicular access to the site is taken off Leinster Place.
- g. Leinster Place is a Class 5 with a road width of 5m and a road reserve approximately 12m.
- h. There was no conceptual plan submitted

3.2 Site Access

- a. Access to the site is taken via Leinster Place

3.3 Transport Infrastructure Requirements and Responsibility

- a. Not Applicable

3.4 Other Factors

4. General

- a. It must be noted there is no layout plan submitted with the application.
- b. The access details, parking circulation, and the like, will be assessed in detail at the building plan application stage, this must conform to the eThekweni's standards.
- c. Parking is to be provided as per the requirements of the Town Planning Department's Land Use Management Branch. All access, parking bay, aisle width details etc. are to be in accordance with section 8 of the relevant Town Planning scheme and the eThekweni Transport Authority (ETA) requirements. These will be assessed in detail at the Pre-Scrutiny Application stage.

This letter of support is valid for 5 years from date of this letter.

Yours faithfully



For Senior Manager: Traffic Engineering

cc. Lums Official- Khomotso Rakubu

ELECTRICAL
COMMENT

ETHEKWINI MUNICIPALITY LAND DEVELOPMENT APPLICATION COMMENT SHEET

DEPARTMENT: LAND USE MANAGEMENT

LUMS ENQUIRY NO: SAENQ20250580002/OW

COMMENTING DEPARTMENT REF: 27/2/1/3/3-230

ERF NO: PORTION 950 (A PORTION OF PORTION 370 OF THE FARM ALBINIA NO. 957

STREET ADDRESS: 1 LEINSTER PLACE, ALBINIA

ZONING OF SITE: EDUCATIONAL

APPLICATION: _____

REZONING APPLICATION (FROM EDUCATIONAL TO TRANSITION ZONE 1)

FREE ENTRY: YES NO

PARKING PROVISIONS (To be completed)	REQUIRED	PROVIDED
	25	30

COMMENT	Date
EThekwini Electricity MV/LV Construction Planning has no objection to the proposal, however should there be any electrical infrastructure on the property that requires relocating then an application needs to be made at any of our Customer Services Branch and the cost for which needs to be borne by the applicant.	30/09/2025
	Name
	Khanyi Simelane
	Signature
	<i>PK Simelane</i>
	Contact No.
	0313119812
List any conditions that must be included in the decision	

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