



Lêer verw/ 15/3/3-6/Erf_322
15/3/4-6/Erf_322

Navrae/Enquiries:
Ms D N Stallenberg

18 February 2026

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 322, KALBASKRAAL

Your application dated 30 July 2025 with reference KAL/13306/NJdK on behalf of T H Anamo & B E Wachomo has reference.

A. The Municipal Planning Tribunal has resolved at a meeting held on 11 February 2026 to approve application for rezoning of Erf 322, Kalbaskraal in terms of Section 70 of the By-law, subject to the following conditions:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 322 be rezoned from Residential Zone 2 to Business Zone 2 in order to legalise the existing shop on the property;
- (b) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (c) At least 2 parking bays be provided on site as presented in the application. The parking bays be provided with a permanent dust free surface being concrete, paving or tar or a material pre-approved by the municipality and that the parking bays are clearly marked;
- (d) Vehicle access to Erf 322 be restricted from Rivier Street;
- (e) Application for an advertising sign to the building be submitted to the Senior Manager: Development Management, for consideration and approval;
- (f) The operating hours of the house shop be restricted to between 6:00 and 21:00 daily;
- (g) Application for a trade licence be submitted to the Director: Development Services for consideration and approval;
- (h) Application for a Certificate of Compliance be submitted to the West Coast District Municipality for consideration and approval;
- (i) The Western Cape Noise Control Regulations (PG 7141 dated 20 June 2013) be applied;
- (j) Any music played on the property only be audible inside the shop and dwelling and no appliances used for the broadcasting or amplification of sound may be positioned or affixed outside the house shop, including to any awning, stoep or shade structure;
- (k) The operation of the shop may not result in congestion/obstruction along Rivier Street;
- (l) No loitering be permitted anywhere on the subject property, whether it be inside or outside the buildings on the erf or around the entrance to the erf;

A2 WATER

- (a) The existing water connection be used and that no additional connections will be provided;

A3 SEWERAGE

- (a) The existing sewerage connection be used and that no additional connections will be provided;

A4 STREETS AND STORMWATER

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

- (a) Deliveries may only be made by delivery vehicles with a gross vehicle mass of 16000 kg;

A5 DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R2 704,13 towards the bulk supply of regional water, at building plan stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R1 519,01 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R826,54 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R896,03 towards the waste water treatment works, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R8 663,22 towards roads, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2025/2026 and may be revised thereafter (mSCOA: 9/247-188-9210);
- (f) Council resolution of May 2025 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2025/2026 and may be revised thereafter.

- B. The application for the departure of development parameters on Erf 322, Kalbaskraal be approved in terms of Section 70 of the By-law, as follows:

- (i) Departure of the 3 m side building line (eastern boundary) to 0 m;
- (ii) Departure of the 3 m side building line (northern boundary) to 2 m;
- (iii) Departure to allow access to the erf within 5m of the splay;
- (iv) Departure of the required 5 on-site parking bays to 2;

- C. The departure is subject to the following condition:

- (a) A financial contribution for the non-provision of on-site parking be made equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided;
- (b) The market value of the land is R130 x 72,5m² (3 parking bays) =R9 425,00;
- (c) The contribution be paid at building plan stage;

D. GENERAL

- (a) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) The rates and taxes of the property be changed from residential to business as well as services;
- (c) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

- E. The application be supported for the following reasons:

- (a) The property does not consist of any physical restrictions which may impact negative on the application;
- (b) The impact of the proposed business on Rivier Street is deemed low;
- (c) There are not restrictions in the title deed which prevents the property to be used for business purposes;

- (d) Existing services are deemed sufficient to accommodate the proposed offices;
- (e) Erf 339 is situated on Rivier Street (activity corridor) which makes the proposed business use in compliance with the spatial planning of Kalbaskraal;
- (f) The application complies with the principles of SPLUMA and LUPA;
- (g) The impact of the building line departures on the adjoining erven are deemed low;
- (h) Most of the clients of the shop will be pedestrians which makes the departure from the required on-site parking acceptable;
- (i) Access to Erf 322 from Rivier Street is closer than 5m of the splay which cannot be avoided due to the size, shape and street front (Rivier Street) of the erf;
- (j) No objections were made against the departure of development parameters of the proposed new shop building.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services
/ds

Copies : *Director: Civil Engineering Services*

Director: Financial Services

Building Control Officer

The Manager, Eskom, P O Box 222, Brackenfell, 7560

T H Anamo & B E Wachamo, 33 Rivier Street, Kalbaskraal, 7302