



File ref: 15/3/6-6/Erf_189

Enquiries:
Mr AJ Burger

25 November 2025

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MALMESBURY
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Sir/madam

APPLICATION FOR THE SUBDIVISION AND EXEMPTION OF ERF 189, KALBASKRAAL

Your application, with reference number KAL/14077/JL/GB, dated 8 October 2024, on behalf of SP Oosthuizen, refers.

Please note that due to the changes made to the subdivision plan a new road portion is created which will be rezoned as road. The new road replaces the proposed right of way servitude. The rezoning did not form part of the original application but is required in order to provide access to the newly created erven.

- A.** By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the rezoning of Erf 189, Kalbaskraal, is approved in terms of Section 70 of the By-Law.
- B.** By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for subdivision of Erf 189, Kalbaskraal, is approved in terms of Section 70 of the By-Law.

A & B are subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Erf 189, Kalbaskraal be rezoned from Residential zone 5 to Subdivisional area, in order to accommodate the following land uses, namely: Residential zone 5 (7638m² in extent) and Transport zone 2 (790m² in extent);
- b) Erf 189, Kalbaskraal (8428m² in extent), be subdivided as follows:

Remainder 1372m² in extent;
Portion A 1158m² in extent;
Portion B 1004m² in extent;
Portion C 1010m² in extent;
Portion D 1010m² in extent;
Portion E 1002m² in extent;
Portion F 1082m² in extent;
Portion G 790m² in extent;

as presented on the subdivision plan with reference KAL/14077/JL/GB, dated November 2025;

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

- c) Portion G be surveyed and transferred to the municipality for the cost of the owner/developer at the registration of the first residential property;
- d) New property diagrams be submitted to the Surveyor General, including proof to the satisfaction of the Surveyor General of:
 - i. The municipality's decision to approve the subdivision;
 - ii. The conditions of approval imposed in terms of section 76 of the By-Law; and
 - iii. The approved subdivision plans;

2. WATER

- a) Each subdivided portion be provided with a separate connection. The condition is applicable at the building plan stage;
- b) The existing water network be extended in order to provide the subdivided portions with service connections. For this, the owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000. The engineer designs the extensions and submit it to the Director Civil Engineering Services for approval after which the construction work be done under the supervision of the engineer;

3. SEWERAGE

- a) Each portion be provided with a separate conservancy tank with a minimum capacity of 8 000 litres and that is accessible from the street, to the municipal service truck. The condition is applicable at building plan stage;

4. STREETS AND STORMWATER

- a) The proposed road be provided with a permanent surface. For this purpose, the owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the road. The design be submitted to the Director Civil Engineering Services for approval after which the construction work be done under the supervision of the engineer;
- b) The proposed stormwater pipe be protected in a 3m wide servitude. The service servitude be registered simultaneously with the registration of the first residential property;

5. DEVELOPMENT CHARGES

- a) The owner/developer is responsible for a development charge of R229 942,50 towards the bulk supply of regional water, at clearance 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 R129 168,00 towards bulk water reticulation, at clearance 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 R55 220,70 towards sewerage, at clearance 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 R59 864,40 towards the waste water treatment works, at clearance 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 R155 112,00 towards roads, at clearance 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;

6. GENERAL

- a) A "Voluntary assumption of risk" be signed by the owner/developers of the remainder, portion A and portion F at building plan stage in order to indemnify the Municipality and agree to keep the Municipality indemnified against all actions, proceedings, claims and demands, costs, damages and expenses which may be levied, brought or made against the Municipality by a third party or which the Municipality may pay, sustain or incur as a result of damages suffered by any third party and arising from my construction

of the dwelling house as aforementioned. This is specifically applicable to any building work that is proposed inside the 1:100 year flood line area;

- b) Any existing services connecting the remainder and subdivided portions be relocated and/or disconnected so that each erf's pipework is located on the erf concerned;
- c) If the extension of any existing services should be necessary to provide the subdivided portions with service connections, this will be at the expense of the applicant. The approval does not exempt the owners/developers from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use;
- d) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- e) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable;
- f) All conditions of approval be implemented at subdivision stage, before clearance be issued and failing to do so will cause the approval to lapse.
- g) Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision on the appeal;
- h) Appeals against the decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R5 000,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

Yours sincerely



MUNICIPAL MANAGER

per Department Development Services

AJB:ds

Copies: *Land Surveyor General Private Bag X9028, Cape Town, 8000*
 Department: Financial Services
 Department: Civil Engineering Services
 Building Control Officer

KEY:

Erf 188 Kalbaskraal

Proposed Subdivision Lines

Proposed Building Lines

Zoning Classifications:

Proposed Portion A - F & Remainder:

- Residential Zone 5

Proposed Portion G:

- Transport Zone 2

SWARTLAND MUNICIPALITY
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Onderverdeling toegestaan ingevolge artikel 70 van die Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020), onderhiëwing aan voorwaardes.

Subdivision granted in terms of section 70 of the Municipal Land Use Planning By-Law (PN 8226 of 25 March 2020) subject to conditions.

2025/11/25

AmBayman

MUNICIPAL ENGINEER
MUNICIPAL ENGINEER

DATUM/DATE

TITLE	SUBDIVISION PLAN
PHYSICAL ADDRESS:	ERF 188, KALBASKRAAL
NOTE:	ERF 188, TORTELDUIF STREET, KALBASKRAAL
COMPILED BY:	ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING
	C. J. BURGESS & SONNETE TOWN PLANNERS PROFESSIONAL SURVEYORS 19 PARKER STREET, MALESBURY 74 022 482 1845 Fax: 022 487 1861 Email: planning@mbd.co.za
DATE:	NOVEMBER 2025
AUTHORITY:	SWARTLAND MUNICIPALITY
REF:	KAU/4077/JUG8
SCALE:	1:550

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