



File ref: 15/3/4-6/Erf_262

Enquiries:
Mr AJ Burger

23 June 2026

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MALMESBURY
7299

By registered mail

Email: Etienne Malan planning4@rumboll.co.za

Dear Sir/Madam

PROPOSED TEMPORARY DEPARTURE AND DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 262, KALBASKRAAL

Your application with reference 15016/KAL/EM, dated 19 February 2026, on behalf of GI Solomons, regarding the subject refers.

- 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 temporary departure on erf 262, Kalbaskraal, is refused 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 the departure of development parameters on erf 262, Kalbaskraal, are refused in terms of Section 70 of the By-Law.

The applications are refused for the following reasons:

1. Erf 262 is situated in a zone where business and secondary business uses can only be accommodated on activity corridors/streets. Kraansvoël Street is not an activity corridor/activity street. Therefore, the proposed land use is in contradiction with the spatial development framework of Kalbaskraal.
2. No site specific circumstances exists to justify a departure from the spatial development framework, even if the proposed land use is temporary of nature.
3. In terms of Chapter 5, Part F, Section 22(1) of SPLUMA, the Municipal Planning Tribunal or Authorized Official "...may not make a decision which is inconsistent with a municipal spatial development framework...".
4. The proposed business use is not complimentary to the residential uses of the surrounding residential neighbourhood.
5. The business use impacts negatively on the residential character of the surrounding neighbourhood, even if it is temporary of nature.
6. A midblock sewerage network serves erf 262 as well as other erven in the block. The Department: Civil Engineering Services requires that building work complies with at least a 1m rear building line to ensure the safeguarding of the midblock sewerage line as well as that sufficient space be allowed for if construction/maintenance works need to be undertaken.

B GENERAL

1. The illegal land use seize to operate within 90 days of the date of the decision by 25 September 2026. Failure to do so will compel the Swartland Municipality to proceed with an application for the relevant court order and also with a prosecution in terms of Section 96 of the By-law.
2. Section 96(3) of the By-law determines that a fine for every day be levied for a continued offence. The Municipal tariffs for the financial year 2025/2026 makes provision for an amount of R340-00 per day be levied from the date of the lapsing of this notice period if the illegal land use has not been stopped.
3. The fine will accumulate per day until the day you obtain approval for the change in land use or until that day you notify this Municipality in writing that the illegal land use has been stopped.
4. The building work that encroaches the 1m rear and 1m side building lines be removed within 90 days of the date of this decision by 25 September 2026. Failure to do so will compel the Swartland Municipality to proceed with an application for the relevant court order to demolish the building work.
5. 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: GI Solomons glens@afreshbrands.co.za