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Enquiries:  
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13 July 2021

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COPY

**By registered mail**

Sir/ Madam

## **PROPOSED REZONING AND DEPARTURE ON ERF 1831, CHATSWORTH**

The application with reference cha/11774/ZN/MV, dated 21 April 2021, on behalf of Penias Gumbo and Anastacia Shumba, refers.

- A.** By virtue of the authority that is delegated to the Senior Manager: Built Environment in terms of Council Decision No. 4.1 dated 28 March 2019 as determined in Section 79(1) of the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for the rezoning of erf 1831, Chatsworth from Residential Zone 1 to Business Zone 2 is hereby approved in terms of Section 70 of the By-Law, subject to the conditions that:

### **1. TOWN PLANNING & BUILDING CONTROL**

- (a) The use of the property be restricted to a shop (hardware shop) and 4 flats as presented in the application;
- (b) Building plans be submitted to the Senior Manager: Built Environment for consideration and approval;
- (c) A minimum of 13 on-site parking bays be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by Swartland Municipality and that the parking bays are clearly marked to the satisfaction of the municipality;
- (d) The sale of bricks, cement blocks, gravel and sand in bulk quantities is prohibited;
- (e) Application for advertising signs be made to the Senior Manager: Built Environment for consideration and approval;
- (f) A loading zone be provided on-site in order to ensure that the proposed shop does not negatively impact the existing municipal street;

### **2. WATER**

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

### **3. SEWERAGE**

- (a) The property be provided with a conservancy tank of sufficient capacity to the satisfaction of the Director Civil Engineering services, which is accessible for a Municipal service truck from the street;

### **4. STREETS AND STORMWATER**

- (a) Deliveries to the property may only be made by delivery vehicles not exceeding 16 000kg gross vehicle mass.

## **5. ESKOM**

- (a) A 9 (nine) meter building and tree restriction on either side of the centre line of the 11kV & 22kV overhead power line on the property must be observed;
- (b) Where applicable an 11m and 15,5m building and tree restriction of the centre line of the 66kV & 132kV overhead powerlines, respectively, need to be observed;
- (c) No construction work may be executed closer than 6 (six) metres from any Eskom structure or structure-supporting mechanism;
- (d) No work or machinery may be operated nearer than 3 (three) meters from the conductors of the 11kV & 22kV powerline;
- (e) Where applicable, no work or machinery may be operated nearer than 3,2m and 3,8m respectively, from the conductors of the 66kV & 138kV powerline;
- (f) The natural ground level must be maintained within Eskom reserve areas and servitudes.
- (g) A minimum ground safety clearance height of 6,3m be maintained from the 11kV & 22kV overhead powerline, above the road;
- (h) Where applicable, a minimum ground safety clearance height of 6,9m & 7,5m respectively from the 66kV and 138kV powerline;
- (i) Existing Eskom power lines and infrastructure be acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer;
- (j) Eskom's rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which includes, but are not limited to:
  - (i) Having 24-hour access to its infrastructure according to the rights mentioned in (g) above;
  - (ii) To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules;
  - (iii) To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom;
  - (iv) To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure;
- (k) Eskom must have at least a 10m obstruction-free zone around all pylons (not just a 10m radius from the centre);
- (l) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee;
- (m) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise;
- (n) Eskom shall at all times have unobstructed access to and egress from its services;
- (o) Any development which necessitates the relocation of Eskom's services will be to the account of the developer;

## **6. DEVELOPMENT CHARGES**

- (a) The owner/developer is responsible for a development charge of R19 602,90 (R10 890,50 x 0.6 for High density x 3) 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 2021/2022 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R22 022,49 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R6 657,87 towards roads and storm water, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2021/2022 and may be revised thereafter (mSCOA: 9/247-144-9210).
- (d) The owner/developer is responsible for the development charge of R10 894,71 towards sewerage, at building plan stage. The amount is payable to this Municipality, valid for the financial year of 2021/2022 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (e) The Council resolution of May 2021 makes provision for a 40% discount on capital contributions to Swartland Municipality, except for condition 6.(a), which is payable in full. The discount is valid for the financial year 2021/2022 and can be revised thereafter;

## **7. GENERAL**

- (a) If the extension of existing services are deemed necessary in order to provide the development with services, the cost thereof will be for the owner/developer.

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