

# **KOSMOS**

**TOWN PLANNING SCHEME, 1999**

# **KOSMOS TOWN PLANNING SCHEME, 1999**

PREPARED FOR

**THE HARTBEEAPOORT LOCAL COUNCIL**

BY

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# KOSMOS

## TOWN PLANNING SCHEME, 1999

### PART 1

#### GENERAL

##### 1. INTRODUCTION

- (1) This Town-Planning Scheme was promulgated in terms of the provisions of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) and is a statutory enactment, enforceable by law. The purpose of a town-planning scheme as defined in Section 19 of the Ordinance is:

*"The general purpose of a town-planning scheme shall be the co-ordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development."*

- (2) Any person who contravenes any provision of this scheme will be guilty of an offence as held in Sections 133 and 134 of the Ordinance.
- (3) This scheme should be read with and in the context of the Town-Planning and Townships Ordinance, 1986 and any amendment thereof. Compliance with the provisions of this scheme does not exempt any owner from complying with any other statutory provision or policy which governs the use of land and buildings within the scheme area.
- (4) Where applicable, the clauses and provisions of this scheme have been cross referenced by the inclusion of the appropriate clause number in brackets after the relevant sentence or paragraph.

##### 2. DEFINITIONS

In this Scheme the following words and expressions listed in alphabetical order, have the respective meanings hereby assigned to them, except where the context otherwise requires or it is otherwise expressly provided. Clause numbers indicated after each definition cross refer to the Afrikaans text.

- i) **"Additional structures to a Mobile dwelling unit"** - any structure attached or detached to a mobile dwelling unit but which is incidental thereto. (xiv)
- ii) **"Administrator"** - the officer as defined in the Ordinance. (i)
- iii) **"Advertisement"** - means any advertisement or advertising device of any kind which is visible from any street, but does not include an advertisement erected inside a building or any advertisement relating to the holding of an ecclesiastical, amateur sporting, educational, political or charitable meeting, event or function, or to the candidature of any person duly nominated for election as a member of Parliament, the local authority or any similar body, and **"advertising sign"** has the same meaning. (ii)

- iv) **"Agricultural building"** - a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the use of the land on which the building is situated as agricultural land, and may include a dwelling house. (xxxix)
- v) **"Agricultural holding"** - land laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919). (xli)
- vi) **"Agricultural land"** - arable land, meadow or pasture land, market gardens, poultry farms and pig farms, land used for bee-farming, nursery gardens, plantations and orchards. (xl)
- vii) **"Annexure to the Scheme"** - an annexure as contemplated in clause 5 hereof. (xv)
- viii) **"Area"** - the area described in Clause 3 hereof. (xxi)
- ix) **"Basement"** - any storey of a building which is below the level of the ground floor of the building. (xxxvi)
- x) **"Board"** - the Townships Board as established in terms of the provisions of the Ordinance. (Lxv)
- xi) **"Builders yard"** - land or buildings which are used for the storage of materials -
- (a) required for or normally used in building operations; or
  - (b) derived from demolition or excavation operations; or
  - (c) required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building work, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored but does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building work, in the vicinity of such builder's yard and does not include the storage of supplies for a "Shop" or a "Warehouse". (x)
- xii) **"Building"** - a construction or structure of any nature and includes a tennis court, swimming pool, patio, pergola, jetty and landing stage. (xxii)
- xiii) **"Building line"** - a line indicating the furthestmost boundary of a building restriction area from a street, proposed street, street widening, or any other boundary of a property other than a street boundary and which is at a stipulated distance from the boundary of a property. (xi)
- xiv) **"Building pit (shaft)"** - a part of a building containing lift shafts, conveniences or enclosed stairs. (xxiii)
- xv) **"Building restriction area"** - an area wherein no building, except that permitted in the Scheme, may be erected. (ix)
- xvi) **"By-laws"** - the municipal instructions or regulations which are in force within the Scheme area. (Lxxvii)
- xvii) **"Central area"** - is the area as indicated on a specific Annexure for the purpose of demarcating the central area of the area of the Scheme. (Lxviii)

- xviii) **"Commercial use"** - land used or a building designed or used for such purposes as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices which are directly related and subservient to the main use which is carried out on the land or in the building and, such industries as are supplementary and subservient to the main commercial use carried out on the property and which have been approved in writing by the local authority. (xxxviii)
- xix) **"Controlling Authority"** - the controlling authority as defined in Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in Section 1 of the National Roads Act, 1971 (Act 54 of 1971), as the case may be. (iii)
- xx) **"Coverage"** - the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property. (xvi)
- xxi) **"Domestic industry"** - a use as defined under "Industry" where not more than seven (7) persons are employed on the premises, whether as directors, partners or employees but which is not a "Noxious industry" (xxxi).
- xxii) **"Drive-in restaurant"** - land used or a building designed or used as a place of refreshment from where food and refreshments are served to clients who mainly remain seated in parked vehicles. (xxxiii)
- xxiii) **"Dwelling house"** - a single detached dwelling unit. (Lxxv)
- xxiv) **"Dwelling unit"** - means an interconnected suite of rooms which may not include more than one kitchen, designed for occupation and use by a single family and also includes such outbuildings and servant's quarters as are ordinarily incidental thereto. (Lxxxii)
- xxv) **"Erection of a building"** - includes the structural alteration of or the making of any addition to a building other than a structural alteration which, in the opinion of the local authority, is of a limited extent such as, inter alia the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building. (Liv)
- xxvi) **"Erf"** - means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion or the remainder of any erf, lot, plot or stand or land indicated as such on the general plan of an approved township, and includes any particular portion of land laid out as a township which is not intended for a public place, whether or not such township has been recognized, approved or established as such in terms of the Ordinance or any repealed law. (xx)
- xxvii) **"Existing building"** - a building erected in accordance with building plans approved by the local authority and which is otherwise lawful, the construction of which -
- (a) was completed on or before the "Fixed date"; or
  - (b) was, in the opinion of the local authority, commenced within a reasonable time before the "Fixed date", but was completed thereafter; or
  - (c) was completed in accordance with the conditions of any permission granted by the local authority pending the preparation and coming into force of the Scheme. (vii)

- xxviii) **"Existing erf"** - any "Erf" as defined in the Scheme and includes any portion of an erf the subdivision of which was approved prior to the **"Fixed date"** and is registered in a Deeds Registry. (vi)
- xxix) **"Existing use"** - the continued use of certain land or buildings as defined in Section 43 of the Ordinance. (viii)
- xxx) **"Family"** - a man or woman, or both, with or without their parents, and with or without the children of one or the other or both, who all live together as one household. (xxv)
- xxxi) **"Filling station"** - land used or a building designed or used for the purposes of fuelling, washing, polishing and lubricating of motor vehicles, including incidental and routine maintenance but excluding a **"Public Garage, Panelbeating, Spray-painting and any major repairs"**. (Lxxxi)
- xxxii) **"Fixed date"** - the date on which notice was given in the Provincial Gazette that this Scheme had been approved in terms of the provisions of the Ordinance. (iv)
- xxxiii) **"Floor area"** - means the total area of all floors of all buildings, covered by a roof, slab or projection from any such buildings and such area shall be measured from the external surfaces of the walls of any such buildings but shall not in any event exceed the permissible floor area as herein defined, provided that for the purpose of determining the floor area of any building-
- (a) any floor area, including basement area which is to be used solely by the occupiers of residential accommodation on the site for garages or parking purposes, and the area covered by the projection of eaves shall be excluded, but
  - (b) all balconies, terraces, verandas or stairs which are covered by any roof, slab or other covering, shall be included; and
  - (c) all open patios, terraces, verandas and balconies used for business purposes, shall be included. (Lxxix)
- xxxiv) **"Floor area ratio" or "F.A.R."** - the ratio obtained by dividing the floor area of a building or buildings by the total area of the property on which the building(s) is or are erected, thus -
- F.A.R. =  $\frac{\text{Floor area of a building or buildings}}{\text{Total area of property on which building(s) is or are erected.}}$  (Lxxx)
- xxxv) **"Gross leasable floor area"** - means the floor area designed for occupation and control by a lessee, or which is suitable for such purpose, measured from the centre line of joint partitions and/or the outer surface of external walls. (xii)
- xxxvi) **"Ground floor"** - a floor at ground level or a floor having its entrance directly accessible from the lowest natural ground level by means of a ramp, stairway or similar structure: Provided that where the natural slope of land causes the entrance to a building to be accessible only from the highest natural ground level on the erf, the ground floor will be deemed to be either the lowest floor level or floor level directly above the basement of the building. (xxvii)
- xxxvii) **"Hotel"** means land used or a building designed to be used for the purpose of accommodation from which the business of providing accommodation with or without meals is conducted for gain. (xxx)



- xxxviii) **"Industry"** - a factory as defined in the Factories, Machinery and Building Works Act, 1941 (Act 22 of 1941) and a works as defined in the Mines and Works Act, 1956 (Act 27 of 1956) and including offices which are directly related to and subservient to the main use conducted on the property. (xLix)
- xxxix) **"Institution"** - a building designed and used as a public institution or charitable institution, hospital, nursing home, sanatorium, clinic, whether public or private, but does not include institutions which primarily use offices or which primarily perform administrative work. (xxxii)
- xL) **"Land"** - also includes land covered by water. (xxvi)
- xLi) **"Light industry"** - an "industry" in which the power source is such that no single motor is rated at more than 3 Kw with a total maximum of 24 Kw for all motors: Provided that a total demand of 49 kVa on the site shall not be exceeded and the maximum number of workers actively engaged on the site shall be restricted to twenty (20). (xLii)
- xLii) **"Living room"** - a room designed or used for human occupation in accordance with the standards prescribed in the By-Laws, but does not include a storeroom, a kitchen, a scullery, a toilet, a bathroom or a passage. (Lxxxvi)
- xLiii) **"Local authority"** - Village Council of Kosmos and its successors in title. (Lviii)
- xLiv) **"Map"** - the Scheme map marked **"Map 3"** as defined in the Regulations and as amended from time to time by any approved amendment scheme. (xxxiv)
- xLv) **"Mobile dwelling unit"** - a prefabricated combined suite of rooms, which may not include more than one (1) kitchen, designed for occupation and use by a single family as a permanent residence, which is provided with the necessary service connecting points and so manufactured that it can be moved as a unit or units on wheels. (xLiv)
- xLvi) **"Mobile dwelling unit parking surface"** - an area reserved on each mobile dwelling unit stand for the siting of a mobile dwelling unit, with at least the dimensions to fit the mobile dwelling unit thereon and hardened with a suitable material to carry the expected maximum load at all times. (xLv)
- xLvii) **"Mobile dwelling unit stand"** - a part of an erf which is demarcated and intended for the siting of one mobile dwelling unit and the allowable additional structures for the exclusive use of the occupants of the mobile dwelling unit. (xLvi)
- xLviii) **"Motor sales market"** - land used, with or without buildings, for the sale or display of motor vehicles, but does not include any form of workshop. (xLvii)
- xLix) **"MPNE - boundary"** - the cadastral boundary demarcating the Magaliesberg Protected Natural Environment as promulgated in terms of the Environment Conservation Act 1989 (Act 73 of 1989) as amended. (xLiii)
- L) **"Municipal purposes"** - such purposes as the local authority may be authorised to carry out in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other law. (xLviii)
- Li) **"Noxious industry"** - panel-beating, spray-painting, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose

works, smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pigiron into wroughtiron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphide, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their products:

Provided that:

(1) when a certificate, issued by the Medical Officer of Health of a local authority in consultation with the Inspector of Factories, is produced, declaring that the process intended to be used in connection with any of the foregoing activities or factories will eliminate all nuisances or threats to the health in the neighbourhood due to:

- (a) vapour or effluvia;
- (b) fluids or liquid wastes originating from the property and if it is the intention to purify the wastes according to the soil treatment method, the piece of land and its position in relation to streams or water courses must be mentioned; and
- (c) solid waste material,

the local authority may consent to the erection of such a building in Industrial Zones 1 and 3. (xxix)

- Lii) **"Occupant"** - in relation to any building, structure or land means and includes the following: Any person occupying such building, structure or land or legally entitled to occupy it, or anybody having the charge or management thereof; and includes the agent of such a person who is absent from the area or whose whereabouts are unknown. (L)
- Liii) **"Office"** - a building or part of a building which is used for or designed to be used for administrative, clerical or professional purposes and includes a bank, building society, insurance society, estate agency and post office. (xxxv)
- Liv) **"Ordinance"** - the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended. (Lv)
- Lv) **"Outbuilding"** - a building other than the main building which, in the opinion of the local authority, is ordinarily necessary in connection with the use of the main building on the same property. (xiii)
- Lvi) **"Owner"** - in relation to a building or land includes:
  - (a) the registered owner;
  - (b) the holder of a stand licence;
  - (c) a lessee by virtue of a lease which is registered by law;

- (d) the person who administers the estate of any person mentioned in (a), (b) or (c) above, whether as executor, administrator, guardian or in any other capacity;
- (e) any person who receives payment from any occupant or other person who would receive payment should such building or land be leased, whether for his own account or as agent for any person who is entitled thereto or who has an interest therein; and
- (f) a properly authorized agent of such owner as determined in (a) to (e) above. (xviii)
- Lvii) **"Panhandle erf"** - any portion of land created by subdivision where access to such portion is gained by a part of the portion not narrower than 3 m and not wider than 6 m. (Lxiv)
- Lviii) **"Parking garage"** - land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale. (Lvii)
- Lix) **"Place of amusement"** - land used or a building designed or used as a public hall, theatre, cinema, music-hall, concert hall, billiard saloon, sports stadium, skating rink, dance hall or for other recreational purposes, or for trade exhibitions or industrial exhibitions with a view to profit. (Lxxvi)
- Lx) **"Place of instruction"** - a building designed for use or used as a school, institute, technical college, lecture hall, or other educational centre and includes a crèche, a convent or monastery, a public library, art gallery, museum or gymnasium. (Li)
- Lxi) **"Place of public worship"** - a building designed for use, or used as a church, chapel, oratory, house of worship, synagogue or other place of public devotion, and includes a building designed and used as a place of religious instruction or an institution on the same property as and associated with any of the foregoing buildings which is intended to be used for social intercourse and recreation but shall not include a funeral chapel which shall be deemed to be a "Special Use". (Lx)
- Lxii) **"Place of refreshment"** - includes a restaurant, tearoom or coffee-shop and means a building which is not an hotel, residential club, drive-in restaurant or boarding house, but which is designed and used for the preparation and retail sale of meals, refreshments, as well as the retail sale of fresh produce, beverages, tobacco, reading material and confectionary. (Lxxviii)
- Lxiii) **"Podium"** - the lower section of a building immediately above ground level but not exceeding three (3) storeys, which serves as a platform for a superstructure and which is wider than such superstructure. (Lxi)
- Lxiv) **"Private club"** - land used or a building designed to be used as a private meeting-place for a group of people with a collective aim. (Lxiii)
- Lxv) **"Private open space"** - land used or buildings designed for use or used for private sport facilities, open air play area, open air rest and recreation areas or as ornamental gardens to which the general public will have no admission, except with consent: Provided that no dwelling units shall be erected on the land other than one dwelling unit for a caretaker. (Lxii)

- Lxvi) **"Property"** - any portion of land which is registered as a separate unit in a Deeds Registry. (xix)
- Lxvii) **"Protected natural area"** - any land proclaimed as a Protected Natural Environment or land protected in terms of the Environment Conservation Act 1989 (Act 73 of 1989). (v)
- Lxviii) **"Public garage"** - a building which, for the purpose of reward, is used for the maintenance, repair or fuelling of vehicles and associated purposes, excluding panel-beating and spray-painting, and may also include the following uses: parking, or storage of vehicles, the sale of spare parts, accessories, fuels and lubricants for vehicles as well as the sale of new or used vehicles. (Lii)
- Lxix) **"Public open space"** - land zoned for use by the public as an open space, and includes a park, garden, playground, recreation park or square. (Lii)
- Lxx) **"Regulations"** - the Town-Planning and Townships Regulations published in terms of the Ordinance. (Lvi)
- Lxxi) **"Residential building"** - a building, other than a **"dwelling house"** or **"hotel"**, designed for use, or used for human habitation, and includes a boarding house, a residential club, a hostel or tenement but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of **"Place of instruction"**, **"Institution"** and **"Dwelling unit"**. (Lxxxiv)
- Lxxii) **"Retail trade"** - any trade other than **"Wholesale trade"** as defined in this Scheme. (xxxvii)
- Lxxiii) **"Scrap-yard"** - land or a buildings used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, scrap machinery, or any other scrap materials, whether or not such dismantling or storage is done with a view to the disposal or re-use of such scrap. (Lxvii)
- Lxxiv) **"Service industry"** - a use which, in the opinion of the local authority, is a small scale industrial activity incidental to the needs of the local community and the retail trade and which, in the opinion of the local authority, will not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever, but excludes a **"Public garage"** and **"Filling station"**. (xvii)
- Lxxv) **"Shop"** - land used or a building designed or used for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site which is incidental and sub-ordinate to the conduct of the retail business: Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a Shop: - **"Noxious industry, Drive-in restaurant, Place of refreshment, Scrap-yard, Commercial use, Warehouse, Public garage, Filling station, Parking garage, Place of amusement, Motor sales market and a Fish fryer"**. (Lxxxii)
- Lxxvi) **"Site"** - an area of property in relation to a building including the area of any buildings, yard, court, or garden and in relation to either land or buildings and can include more than one property if such properties are notorially tied to the satisfaction of the local authority, or have been consolidated. (Lxxiii)

- Lxxvii) **"Site Development Plan"** - a plan which shows the proposed development of a property or group of properties and any salient natural features thereof in accordance with the guidelines contained in this scheme. (Lxxiv)
- Lxxviii) **"Slab block"** - a building or that part of a building erected upon a podium, which has its one axis longer than the other and may include a projecting service core sited approximately at the middle of the longer side, or, with the consent of the local authority, in any other position. (Lix)
- Lxxix) **"Social hall"** - a building designed for use as or used for social assemblies, gatherings, meetings and recreational purposes and includes a masonic temple and a non-residential club but does not include a **"place of amusement"**. (xxiv)
- Lxxx) **"Special consent"** - the written consent of the local authority granted in terms of the provisions of Clause 21 (**Advertisements and Objections**) of the Scheme and indicated on a permit for this purpose. (Lxxi)
- Lxxxi) **"Special use"** - land used or a building designed or used for any use other than one of the uses defined in this Scheme or mentioned in any definition. (Lxx)
- Lxxxii) **"Storey"** - the space in a building between one floor level and the following floor level or ceiling or roof above with a height of not more than 4 m on the ground floor and not more than 3,5 m on any other floor, provided that these restrictions may be relaxed with the written consent of the local authority: Provided that a basement with a floor level more than 1,8 metres below the mean natural ground level shall not count as a storey provided such basement is not used for residential purposes, offices, shops or industrial purposes. The provision relating to the basement shall not apply to Use Zones 1, 2 and 3 (**Residential 1, 2 and 3**). (Lxxv)
- Lxxxiii) **"Street or road"** - the area or portion of any street, road, bridge, subway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare or right of way, shown as such on the general plan of a township, agricultural holdings or other division of land, or in respect of which the public has acquired a right of way by prescription or any other means. (Lxxii)
- Lxxxiv) **"Warehouse"** - a building or use of land for the exclusive purpose of storage of goods, which in the opinion of the local authority are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary offices which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the special consent of the local authority has been obtained. (Lvi)
- Lxxxv) **"Wholesale trade"** - trade which is restricted to the sale of goods or products to licensed retailers. (xxviii)
- Lxxxvi) **"Zone"** - a part of the area of this Scheme, shown on the Map, by means of a distinctive notation or edging, or other distinctive manner for the purpose of indicating the restrictions imposed on the erection and use of buildings or the use of land, and the expressions **"Density Zone"**, **"Use Zone"** and **"Height Zone"** mean zones indicating restrictions as to density, use and height of buildings respectively. (Lix)

### 3. AREA OF SCHEME

The area to which this Scheme applies, shall be shown on the Map by the following notation:



The area which abuts the straight edge of the notation is the area within the Scheme whilst the area which abuts the semi-circular edge of the notation is not within the Scheme.

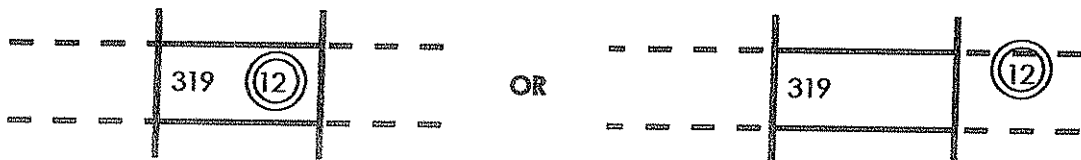
### 4. RESPONSIBLE AUTHORITY

The local authority shall be the authority responsible for enforcing and carrying into effect the provisions of this Scheme

### 5. USE OF ANNEXURES AND PERMITS OF SPECIAL CONSENT

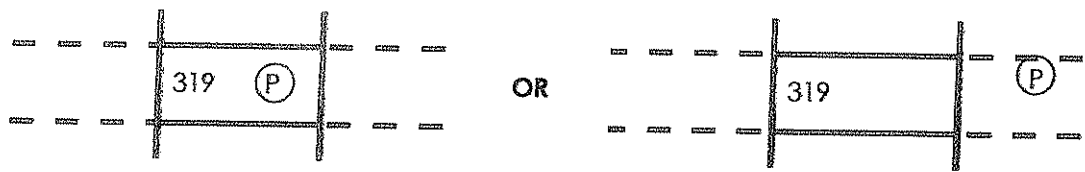
- (1) Special rights, conditions and restrictions which may apply to any property within any use zone, may be indicated in an annexure to the Scheme or on a permit of special consent issued by the local authority (2.Lxxx).
- (2) The special conditions and restrictions referred to in sub-clause (1) shall -
  - (a) be in addition to the general conditions, restrictions and other provisions of the Scheme; and
  - (b) prevail should they conflict with any such other condition, restriction or provision in the Scheme
- (3) An annexure contemplated in sub-clause (1) shall consist of -
  - (a) a sheet upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying to the property, and the number and name of the relevant Scheme in terms of which the annexure was prepared; and
  - (b) a diagram of the property concerned, which diagram shall accord with the layout shown on the Map.
- (4) The number of the relevant annexure shall be inscribed in a double circle within or next to the number of the relevant property on Map 3 and if it is inscribed next to such number, it shall be joined thereto by means of a line.

Example:



- (5) A permit of consent contemplated in sub-clause (1) shall consist of a sheet or sheets upon which is inscribed the description of the property to which it applies and the special rights, conditions and restrictions applying to the property. Where a property is subject to a permit of consent the letter "P" will be inscribed next to the number of the relevant property on Map 3.

Example:



## 6. PROTECTION OF EXISTING BUILDINGS

Save that the rebuilding of or addition and alteration to existing buildings, with the exception of any structural alteration which, in the opinion of the local authority, is of a limited extent such as, the removal of non-weight bearing internal walls, the erection of removable partitioning, safes and toilets inside an existing building, or repair work inside or outside a building shall conform to the provisions of the Scheme, existing buildings, other than existing buildings in terms of Section 43 of the Ordinance, shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: Provided that in cases where alterations of or additions to existing buildings are, in the opinion of the local authority, not of a limited extent the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended. (2.xxvii and xxix)

## 7. BUILDING PLANS AND OTHER PARTICULARS

- (1) The erection of a building shall not be commenced until the local authority has approved of such building plans, specifications or other particulars as are required in terms of the scheme, by-laws or other legislation in respect of the erection of such building (2.xii).
- (2) In considering any plans, specifications or particulars as set out in Clause 7(1) above, the local authority shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether the building will be injurious to the amenities of the locality by reason of its external appearance or the materials it is proposed to use.
- (3) If the local authority deems it necessary, it may request any applicant who has submitted a building plan or site development plan for approval, to appoint a registered land surveyor to confirm the position of survey beacons and pegs on the subject property, prior to such building plans being approved. The local authority may also request such applicant to confirm the highest point of the proposed building on the subject property by any physical means such as the planting of a pole or an appropriate sketch plan compiled by a registered land surveyor, so as to assess the impact of the building on surrounding buildings.

## 8. SITE DEVELOPMENT PLANS

- (1) Notwithstanding any other provision of this scheme, the local authority may at its discretion require the submission of a site development plan in respect of any proposed development on any property or site prior to considering the building plans for such development. (2.Lxxvii)
- (2) Where a site development plan is required by the local authority as provided for in Clause 8(1), such development plan shall be drawn at a scale of 1:200, or such other scale as may be required by the local authority and shall be approved by the local authority before any building plan in connection with the proposed development may be considered by the local authority.

- (3) Unless the local authority requires additional information a site development plan must show at least the following:
- (a) the siting, height, floor area ratio and coverage of all buildings and where applicable the number of dwelling units per hectare compared to the permissible rights in terms of the scheme;
  - (b) landscaping, communal open spaces, children's play areas, private living areas, backyards, laundry areas, drying areas for washing, refuse-bin area, and swimming-pool, as well as the location, height, construction and finish of screen-walls or other acceptable forms of screening;
  - (c) entrances to and exists from the property to a public street;
  - (d) entrances to buildings, parking spaces and vehicular and pedestrian traffic systems;
  - (e) building restriction areas and the building lines on any boundary;
  - (f) the location of existing buildings on adjoining properties;
  - (g) contour lines with 0,5 m intervals or other intervals to the satisfaction of the local authority;
  - (h) the grouping of buildings and the phasing of the development if it is envisaged not to develop the whole property simultaneously;
  - (i) the design, height and finish of physical barriers on the street boundaries, if these are required by the local authority;
  - (j) if the property is to be subdivided, the proposed subdivision lines;
  - (k) elevational treatment of all buildings; and
  - (l) if the property is affected by a 1:50 year floodline, the position of such floodline must be indicated and certified by a registered civil engineer.



## PART 2

## STREETS, BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS

## 9. LINES OF NO ACCESS

Entrance to and exit from a property from or to a public street or road where it is prohibited across any boundary-line, shall be shown on the Map by the following symbol:



Provided that the local authority may, on receipt of a written application, give it's special consent to the relaxation of the access restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree: Provided further that no such relaxation shall be granted in respect of entrance to or exit from a property from or to a provincial or national road without the approval of the "Controlling authority". (2.xix)

## 10. BUILDING LINES

- (1) No building or structure other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations being executed on the property shall be erected within any building restriction area. (2.xv)
- (2) Any building line along a proposed new road or widening shall be measured from that boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies. (2.xiii)
- (3) Building lines applicable to any property shall be as shown on the map or annexure or in Tables "A", "B" or "C" hereunder as the case may be:

TABLE "A"

USE ZONE	Building line in metres				
	on street boundary	on rear boundary		on other boundaries	
	(2)	(3)	(4)	(5)	(6)
		1 storey building	multi storey building	1 storey building	multi storey building
Residential 1 and 2	3	2	3	2	3
Residential 3 and 4	5	2	3	2	3
Business 1,2,3 and 4	5			-	
Industrial 1, 2 and 3	6			-	
Commercial	6			-	
Public Garage	8	3	5	3	5
Agricultural	10	3	5	3	5
All other Use Zones	5	3	5	5	5

Provided that -

- (a) in respect of the streets and portions of streets or erven designated in column (2) of Table "B", the applicable building line shall be as shown in column (3) of the said table.

TABLE "B"

Township or agricultural holding (1)	Street, portion of street or erf number (2)	Building line in metres (3)
Kosmos Township	All Residential 1 erven	3,05 from street boundaries
Kosmos Extension 1	All Residential 1 erven	4,70 from street boundaries

- (b) the building lines indicated in Table "C" shall apply to properties designated therein and such building lines shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant "Controlling authority". (2.xix)

TABLE "C"

Description of property (1)	Applicable position (2)	Building line in metres (3)

## 11. RELAXATION AND OBSERVANCE OF BUILDING-LINE REQUIREMENTS

The local authority may on written application by the owner and in such a manner as may be prescribed by the local authority -

- (1) subject to the provisions of proviso (b) to clause 10(3) give it's special consent to -
- (a) the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or the adjoining land, or the proximity of buildings which have already been erected in front of the building-line or any other reason which the local authority may deem relevant, compliance with the building-line requirements will hamper the development of the property to an unreasonable extent;
  - (b) the relaxation of the building restriction area for any property on consideration of a site development plan, if such relaxation would, in the opinion of the local authority, result in an improvement in the development of the property;
  - (c) the construction of a swimming pool or a tennis court within the building restriction area; and
  - (d) the relaxation of the building line on any boundary other than a street boundary of any property upon consolidation of such property with an adjoining property. (2.xiii, xv)

## PART 3

## BUILDING RESTRICTIONS AND USE OF LAND







## 12. BUILDINGS USED FOR MORE THAN ONE PURPOSE






- (1) Where a building is used, or a proposed building is designed, for more than one use it shall for the purpose of clauses 13, 20, 21 and 26 (*erection and use of buildings or use of land, parking, advertisement and objections, height, coverage, floor area ratio and number of dwelling units per hectare*) hereof, be treated as being used or partly designed for each of those uses but for the purposes of the other provisions of this part of the Scheme, it shall be treated as though it were being used or designed for its predominant use and the local authority shall, when considering a building plan, or if the person having control of the erection of a building, or proposing to erect a building makes an application for that purpose, decide which is the predominant use.
- (2) The local authority shall give notice of any decision under this clause to the applicant.



## 13. ERECTION AND USE OF BUILDINGS OR USE OF LAND










- (1) This clause does not prohibit the erection of entrance structures such as a gatehouse (other than entrance halls and entrance passages), garden ornaments, garden walls and fences.
- (2) (a) The purpose for which buildings may in each of the use zones specified in Table "D":
- (i) be erected and used;
  - (ii) be erected and used only with the special consent of the local authority; or
  - (iii) not be erected and used;
- are shown in the third, fourth and fifth columns of the said Table "D".
- (b) For the purpose of this clause the expression "***the erection and use of a building***" includes the use of land. (2.xii, 2.xL)

TABLE "D"

(1) Use Zone	(2) Notation as shown on the A Series of the Map	(3) Building which may be erected and purposes for which they may be used	(4) Buildings which may be erected and purposes for which they may be used only with the special consent of the local authority	(5) Buildings which may not be used or erected
1. Residential 1		Dwelling house	Places of public worship, places of instruction, social halls, institutions, one dwelling unit and special uses	Buildings not in columns (3) and (4)
2. Residential 2		Dwelling units	Places of public worship, places of instruction, social halls, institutions, special uses	Buildings not in columns (3) and (4)
3. Residential 3		Dwelling units	Special uses, hotels, social halls, institutions, places of public worship	Buildings not in columns (3) and (4)
4. Residential 4		Dwelling units Residential buildings	Hotels excluding an off-sales, places of public worship, places of instruction, social halls, institutions, special uses, places of refreshment	Buildings not in columns (3) and (4)
5. Residential 5		Mobile dwelling units, not more than one dwelling unit (which need not be a mobile dwelling unit), for occupation by a caretaker, and such other buildings or structures that may in the opinion of the local authority, be necessary for the administration and proper function of the development of the property	Places of public worship, place of instruction, social halls, institutions, dwelling units and special uses	Buildings not in columns (3) and (4)
6. Business 1		Places of refreshment, shops, hotels, dwelling units, residential	Buildings not in columns (3) and (5)	Noxious industries

Use Zone  (1)	Notation as shown on the A Series of the Map  (2)	Building which may be erected and purposes for which they may be used  (3)	Buildings which may be erected and purposes for which they may be used only with the special consent of the local authority  (4)	Buildings which may not be used or erected  (5)
		buildings, places of public worship, places of instruction, social halls, public garages, dry cleaners and offices		
7. Business 2		Places of refreshment, shops, dwelling units, drycleaners and offices	Buildings not in columns (3) and (5)	Noxious industries (excluding dry-cleaners), warehouses and public garages
8. Business 3		Places of refreshment, shops, offices and drycleaners	Laundrerettes, places of instruction, social halls, places of amusement, places of public worship, special uses, confectioners and fish fryers	Buildings not in columns (3) and (4)
9. Business 4		Offices, place of refreshment	Shops and special uses	Building not in columns (3) and (4)
10. Special		As shown on relevant Annexure	As shown on relevant Annexure	Buildings not in columns (3) and (4)
11. Industrial 1		Industries, (excluding noxious industries) public garages, places of refreshment for own employees only, and warehouses	Buildings not in columns (3) and (5)	Noxious industries, dwelling units, residential buildings and hotels

(1) Use Zone	(2) Notation as shown on the A Series of the Map	(3) Building which may be erected and purposes for which they may be used	(4) Buildings which may be erected and purposes for which they may be used only with the special consent of the local authority	(5) Buildings which may not be used or erected
12. Industrial 2		Industries, noxious industries and places of refreshment for own employees only, and warehouses	Buildings not in columns (3) and (5)	Dwelling units, hotels and residential buildings
13. Industrial 3		Such industrial or commercial purposes (excluding noxious industries) as the local authority may approve in writing, places of refreshment for own employees only, offices and other uses supplementary to and directly related to and subservient to the main use, retail trade in goods which are entirely or partially manufactured processed or assembled on the property or any other goods which, although not manufactured, processed or assembled on the property, form part of or are connected to the sale of or are used in or together with goods which are entirely or partially manufactured, processed or assembled on the property	Special uses	Buildings not in columns (3) and (4)

Use Zone (1)	Notation as shown on the A Series of the Map (2)	Building which may be erected and purposes for which they may be used (3)	Buildings which may be erected and purposes for which they may be used only with the special consent of the local authority (4)	Buildings which may not be used or erected (5)
14. Commercial		Commercial uses, places of refreshment	Retail trade which is directly related to and subordinate to the main commercial use, special uses	Buildings not in columns (3) and (4)
15. Institutional		Institutions, places of public worship and places of instruction	Social halls, special uses, dwelling units, residential buildings	
16. Educational		Places of instruction, social halls and places of public worship	Dwelling units, institutions and special uses	Buildings not in columns (3) and (4)
17. Amusement		Places of amusement, social halls and places of refreshment	Places of instruction and special uses	Buildings not in columns (3) and (4)
18. Municipal		Municipal purposes, agricultural buildings and agricultural land		Buildings not in column (3)
19. Undetermined		Protected natural area	Special uses	
20. Agricultural		Agricultural buildings and agricultural land	Places of instruction, places of public worship and special uses	Buildings not in column (3)
21. Public garage		Public garage	Places of refreshment, dwelling unit for caretaker, special uses, panel-beating and spray-painting, workshops (except in an area which, in the opinion of the local authority is a residential area)	Buildings not in columns (3) and (4)
22. Parking		Parking garage	Rest rooms and public conveniences, special uses	Buildings not in columns (3) and (4)

Use Zone	Notation as shown on the A Series of the Map	Building which may be erected and purposes for which they may be used	Buildings which may be erected and purposes for which they may be used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
23. Public open spaces		Parks, public sport-and recreation grounds, public open spaces, gardens, play parks and squares		Buildings not in column (3)
24. Private open space		Private open space and only one dwelling unit for a caretaker	Private clubs, agricultural buildings, agricultural land, nurseries, places of refreshment and special uses	Buildings not in columns (3) and (4)
25. Cemetery		Cemetery	Special uses	Buildings not in columns (3) and (4)
26. Sewage farm		Sewage farm	Agricultural buildings and agricultural land	Buildings not in columns (3) and (4)
27. Aerodrome		Aerodrome and buildings necessary for the use of the aerodrome	Dwelling units for key personnel, places of refreshment, shops, commercial and special uses which are subservient and related to the uses mentioned in column (3)	Buildings not in columns (3) and (4)
28. Government		State purposes		
29. Railway		Railway purposes	Offices, shops, places of refreshment and special uses	Buildings not in column (3)
30. Reservoir		Reservoir and buildings in connection therewith		Buildings not in column (3)
31. Existing public roads		Street or road		
32. Proposed road and widening		Proposed new roads and widenings		



Provided that -

- i. a dry-cleaner practising his trade in Use Zones 6, 7 or 8 shall be subject to the following conditions:
  - (aa) Only chemicals of a non-flammable or non-explosive character as approved by the local authority shall be used in the cleaning process.
  - (bb) Steam and hot water shall be provided by means of electric boilers only or, with the local authority's consent, by means of gas or automatic oil operated boilers.
  - (cc) The public shall not be allowed in the work section which shall be partitioned off from public view.
  - (dd) Provision for the disposal of fumes shall be made to the satisfaction of the local authority.
- ii. a fish monger or a fish fryer shall provide equipment and storage facilities to the satisfaction of the local authority and shall take measures to the satisfaction of the local authority to prevent or limit any smoke, fumes, smells or nuisance.
- iii. notwithstanding anything to the contrary contained in this scheme, it shall be competent for the local authority, on receipt of a written application which it may prescribe, to consent to the temporary use of any land or building within any use zone, for any of the following:
  - (aa) The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the local authority necessary during the construction of any permanent building or structure on the land: Provided that such consent shall *ipso facto* lapse upon completion of the permanent building or structure.
  - (bb) The *ad hoc* use of land or buildings for concerts, fairs, circuses, bazaars or public gatherings.
  - (cc) The use of the land or buildings thereon for any other purposes which the local authority may deem appropriate: Provided that any such consent shall be for a period not exceeding 12 months which period may be extended by the local authority for further periods not exceeding 12 months subject thereto that the total of such periods shall not exceed 5 years.
- (3) No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the local authority has been obtained therefor.
- (4) Subject to the provisions of Clause 21 (*Advertisement and objections*) hereof, the local authority may, where any application is made to it for its special consent to the erection and use of a building in a use zone in which a building of the type proposed may be erected and used only with the local authority's special consent, give or withhold its consent and shall in giving its special consent be entitled to impose such conditions governing the erection or use of such buildings as it may deem fit: Provided that consideration shall be given to the question whether the use for which the building is intended or designed might possibly cause injury to the amenity of the neighbourhood. The provisions of Clause 7(2) shall apply *mutatis mutandis*.

- (5) In this clause the expression "***The erection and use***" of a building for a particular use includes the conversion of the building for that use, whether or not involving the structural alteration thereof. (2.xii)
- (6) Nothing herein contained shall be deemed to grant exemption from any of the local authority's by-laws not consistent herewith.
- (7)
  - (a) No person shall spoil or waste land in Use Zones 22, 23, 24, 25, 29, 30 and 31 so as to destroy or impair its use for the purpose for which it is zoned.
  - (b) No "***proposed new road and widening***" shall be deemed to be a public street until it or any portion thereof falls within any township which may be established on the land traversed by such "***proposed road or widening***", or it is proclaimed as a *public road*, or until it vests in the local authority for that purpose under any law.

#### 14. CONDITIONS APPLICABLE TO ALL ERVEN

- (1) Except with the written consent of the local authority, and subject to such conditions as it may impose, neither the owner nor any other person shall -
  - (a) have the right, save and except to prepare the erf for building purposes, to excavate any material therefrom;
  - (b) sink any wells or boreholes thereon or abstract any subterranean water therefrom;
  - (c) make, or permit to be made, on the property for any purpose whatsoever, any tiles or earthenware pipes or other articles of a like nature. (This condition shall not apply to erven in Use Zones 11, 12 and 13 (Industrial 1, 2 and 3).); or
  - (d) remove any indigenous trees or vegetation.
- (2) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street the owner of the lower lying erf shall be obliged to accept and permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (3) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the local authority.
- (4) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (5) The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the local authority, unless the local authority has provided loading facilities in the street reserve. (This condition shall not apply to erven in Use Zones Residential 1, and Residential 2 if subdivision into separate dwelling units has taken place).
- (6) No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other

purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary this condition may be relaxed by the local authority and subject to such conditions as may be determined by it.

- (7) A screen wall or walls shall be erected and maintained to the satisfaction of the local authority as and when required by it.
- (8) If the property is fenced such fence, and the maintenance thereof shall be to the satisfaction of the local authority.
- (9) The registered owner is responsible for the maintenance of the whole development on the property. If the local authority is of the opinion that the property, or any portion of the development, is not being satisfactorily maintained the local authority shall be entitled to undertake such maintenance at the cost of the registered owner.

#### 15. CONDITIONS APPLICABLE TO RESIDENTIAL 2 ERVEN

- (1) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the local authority.
- (2) A site development plan, drawn to a scale of 1:200, or such other scale as may be approved by the local authority shall be submitted to the local authority for approval prior to the submission of any building plans. No building shall be erected on the erf before such site development plan has been approved by the local authority and the whole development on the erf shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the local authority: Provided further that amendments or additions to buildings which in the opinion of the local authority will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:
  - (a) the siting, height, floor area, coverage, number of dwelling units per hectare, and where applicable the floor area ratio of all buildings and structures;
  - (b) open spaces, children's playgrounds, screen walls or other acceptable methods of screening, and landscaping;
  - (c) vehicular entrances and exits to and from the erf (as well as any proposed subdivision of the erf) to any existing or proposed public street;
  - (d) the proposed subdivisional lines, if the erf is to be subdivided;
  - (e) entrances to buildings and parking areas;
  - (f) building restriction areas (if any);
  - (g) parking areas and, where required by the local authority, vehicular and pedestrian traffic systems;
  - (h) the elevational treatment of all buildings and structures; and
  - (i) the grouping of the dwelling units and the programming of the development of the property, if it is not proposed to develop the whole property simultaneously;

- (j) contours at 0,5 metre intervals.
- (3) Buildings may be sited contrary to any provision of the local authority's building by-laws, if such siting is in accordance with an approved site development plan.
- (4) Subject to the provisions of Section 92 of the Town Planning and Townships Ordinance 1986, (Ordinance 15 of 1986), but notwithstanding any other provision contained herein, the local authority may consent to the subdivision of the erf, where such subdivision corresponds with the subdivisional proposals indicated on the approved site development plan applicable to the erf.

#### 16. CONDITIONS APPLICABLE TO RESIDENTIAL 3 AND 4 ERVEN

- (1) In Use Zones 3 and 4 where development takes place at a density not greater than 20 dwelling units per hectare the provisions of Clause 15 shall apply.
- (2) Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply:
  - (a) The registered owner of the erf shall make available and accessible, to the satisfaction of the local authority, at least 250 m<sup>2</sup> of the erf as children's play area which area may include paved areas and lawns contiguous and integrated into the play area. Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the local authority.
  - (b) A site development plan, drawn to a scale of 1:200, or such other scale as may be approved by the local authority, shall be submitted to the local authority for approval prior to the submission of any building plans. No building shall be erected on the erf before such site development plan has been approved by the local authority and the whole development on the erf shall be in accordance with the approved site development plan: Provided that the plan may from time to time be amended with the written consent of the local authority. Provided further that amendments or additions to buildings which in the opinion of the local authority will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan. Such site development plan shall show at least the following:
    - i. The siting, height, floor areas, floor area ratio and coverage of buildings and structures and the number of dwelling units per hectare;
    - ii. open spaces, children's playgrounds, screen walls or other acceptable method of screening, and landscaping;
    - iii. vehicular entrances to and exits from the erf and internal roads;
    - iv. entrances to buildings and parking areas;
    - v. building restriction areas;
    - vi. parking areas and, where required by the local authority, the vehicular and pedestrian traffic systems;
    - vii. the elevational treatment of all buildings and structures;

- viii. the proposed subdivisional lines, if the erf is to be subdivided; and
- ix. contours at 0,5 metre intervals.

#### 17. CONDITIONS APPLICABLE TO RESIDENTIAL 5 ERVEN

- (1) No mobile dwelling unit shall be located elsewhere than on the parking slab provided for such purpose within the mobile dwelling unit's site.
- (2) The maximum density of mobile dwelling units shall not exceed 20 mobile dwelling units per hectare.
- (3) No building shall exceed two storeys in height.
- (4) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the local authority.
- (5) The siting of buildings, including outbuildings, hereafter erected on the erf, and mobile dwelling units sites as well as entrances to and exits from the erf shall be to the satisfaction of the local authority.
- (6) A site development plan, drawn to a scale of 1:200, or such other scale as may be approved by the local authority shall be submitted to the local authority for approval prior to the submission of any building plans or the siting of any mobile dwelling unit. No building or mobile dwelling unit shall be erected or sited on the erf before such site development plan has been approved by the local authority, and the whole development on the erf shall be in accordance with the approved site development plan: Provided that amendments or additions to buildings or mobile dwelling units which in the opinion of the local authority will have no influence on the total development of the erf, shall be deemed to be in accordance with the approved site development plan: Provided further that the plan may, from time to time, be amended with the written consent of the local authority. Such site development plan shall indicate at least the following:
  - (a) The siting, height, floor area and coverage of all buildings and structures and number of mobile dwelling units per hectare;
  - (b) open spaces, children's playgrounds, as well as landscaping;
  - (c) vehicular entrances to and exits from the erf;
  - (d) entrances to buildings and parking areas;
  - (e) building restriction areas (if any);
  - (f) parking areas in which parking spaces and manoeuvring areas and, if required by the local authority, the vehicular and pedestrian traffic systems, are shown;
  - (g) the elevational treatment of all buildings and structures except mobile dwelling units;
  - (h) the grouping of the mobile dwelling units and the programming of the development of the erf;
  - (i) the number and siting of all mobile dwelling unit sites, as well as the siting, height and material of screen walls or other fencing;

- (j) the siting and nature of all fire-fighting equipment and service connecting points; and
  - (k) contours at 0,5 metre intervals.
- (7) A mobile dwelling unit site shall be at least 400 m<sup>2</sup> in extent and the longest side of the mobile dwelling unit's parking slab must front within 30° of true north.
- (8) Where storage space is provided such space shall be at least 3 m<sup>2</sup> and at the most 6 m<sup>2</sup> in extent per mobile dwelling unit site and shall be located to the satisfaction of the local authority within 30 m of the site which it serves.
- (9) Before any mobile dwelling unit will be permitted on the erf the following conditions shall be complied with:
- (a) A private outdoor living space having a minimum area of 30 m<sup>2</sup> and a minimum dimension of 3 m shall be provided and screened on each mobile dwelling unit site to the satisfaction of the local authority.
  - (b) Communal laundry facilities shall be provided to the satisfaction of the local authority. These facilities shall include at least the following:
    - i. A building designed and equipped for the washing and ironing of clothes.
    - ii. A communal yard having an area which, in the opinion of the local authority, shall be sufficient to cater for the needs of the occupants of the mobile dwelling units which may be sited on the erf but which shall not be less than 1,5 m<sup>2</sup> for each mobile dwelling unit site, shall be provided on the erf for the drying of washing. Such communal yard shall be screened to the satisfaction of the local authority.
  - (c) Toilet facilities for the use of the occupants of the erf shall be provided for each sex in the ratio of one toilet to 25 or fewer mobile dwelling unit sites on the erf at each service building. For each toilet one wash basin shall be provided.
  - (d) Fire-fighting equipment shall be provided to the satisfaction of the local authority.
  - (e) The following facilities for servants shall be provided to the satisfaction of the local authority:
    - i. A cloakroom with toilets for females in the ratio of one toilet to 25 or fewer mobile dwelling unit sites and a cloakroom with toilets for males in the ratio of two toilets to 50 or fewer mobile dwelling unit sites: Provided that in the case of the cloakroom for males a urinal unit instead of one of the two toilets may be provided. One washbasin shall be provided for each toilet.
    - ii. Shower and bath facilities for each sex.
    - iii. A dining hall.

- (f) A mobile dwelling unit parking slab and permanent service connecting points for electricity, water and sewage shall be provided on each mobile dwelling unit site to the satisfaction of the local authority.
- (g) The erf shall be landscaped to the satisfaction of the local authority.
- (10) The space underneath any mobile dwelling unit shall be screened and maintained to the satisfaction of the local authority and under no circumstances shall any material or goods of whatsoever nature be stored or placed in such space.
- (11) No fencing shall be erected around a mobile dwelling unit site without the written consent of the local authority.
- (12) Additional structures, except the storage space, referred to in subclause (8), shall at most overlap the sides of a mobile dwelling unit by 4 metres.
- (13) Except with the written consent of the local authority and subject to such conditions as it may determine, no outdoor-apparatus for the drying of washing shall be installed on the mobile dwelling unit site.
- (14) The provision, siting and screening of rubbish removal containers shall be to the satisfaction of the local authority.
- (15) The total coverage of all structures and buildings including the mobile dwelling unit on a mobile dwelling unit site shall not exceed 30 percent of the area of such site.
- (16) Service points which are not connected shall be sealed and screened to the satisfaction of the local authority.

#### **18. CONDITIONS APPLICABLE TO PUBLIC GARAGE ERVEN**

- (1) No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the local authority may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- (2) No repairs of any nature to vehicles or equipment shall be effected outside the garage building, except in an area which is screened to the satisfaction of the local authority for that purpose: Provided that the local authority may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- (3) No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the local authority for that purpose: Provided that fuel pumps or oil and fuel installations shall be sited outside the building to the satisfaction of the local authority: Provided further that the local authority may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

#### **19. CONDITIONS APPLICABLE TO TOWNSHIPS OR ERVEN IN DOLOMITE AREAS OR ON LAND WITH DETRIMENTAL SOIL CONDITIONS**

- (1) In addition to any condition specified in column (3) of Table "E" in respect of any specified erf or township, such erf or, if no erf in a township is specified, all erven in such township shall be subject to the following conditions:
  - (a) No french drain shall be permitted on the erf.

- (b) Trenches and excavations for foundations, pipes, cables or for any other purpose, shall be properly refilled with damp soil in layers not thicker than 150 mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the local authority.
- (c) All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.
- (d) The entire surface of the erf shall be drained to the satisfaction of the local authority in order to prevent surface water from damming up, and water from roof-gutters shall be discharged away from the foundations.
- (e) Proposals to overcome detrimental soil conditions to the satisfaction of the local authority shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the local authority.
- (f) If required, a soil report drawn up by a qualified person acceptable to the local authority indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the local authority simultaneously with the submission of building plans prior to the commencement of any building operations on the erf.

TABLE "E"

Township (1)	Erf description (2)	Conditions (3)



**20. PARKING**

- (1) Effective and paved parking as set out in Table 'F' together with the necessary manoeuvring area, shall be provided on the property to the satisfaction of the local authority.

TABLE 'F'

Use zone / Use (1)	Minimum parking requirement (2)
Residential 1 and Residential 2 and in other use zones where dwelling units at a density of 20 dwelling units per hectare, or less are erected	(i) 1 Covered parking space per dwelling  (ii) 1 Uncovered parking space per
Residential 3 and 4 and in other use zones except in Residential 1 where dwelling units at a density greater than 20 dwelling units per hectare, are erected	(i) 1 Covered and 1 uncovered parking  (ii) 1 Uncovered parking space per 3
Residential 5	1 Parking space per mobile dwelling unit site; and 1 Parking space per mobile dwelling unit site if required by the local authority. (The parking spaces shall be provided on a site or sites to the satisfaction of the local authority.)
Shops, excluding shops in Use Zone 6	6 Parking spaces per 100 m <sup>2</sup> shop floor area
Shops in Use Zone 6	2 Parking spaces per 100 m <sup>2</sup> shop floor area
Use Zones Industrial 1, 2 and 3	(i) 1 Parking space per 100 m <sup>2</sup> industrial  (ii) 2 Parking spaces per 100 m <sup>2</sup> office and
Offices	4 Parking spaces per 100 m <sup>2</sup> office floor area

Use zone / Use (1)	Minimum parking requirement (2)
Industries in any other use zone than Industrial 1, 2 and 3	2 Parking spaces per 100 m <sup>2</sup> office industrial floor area
Use Zone Commercial	2 Parking spaces per 100 m <sup>2</sup> floor area
Places of Public Worship	1 parking space per 6 seats
Places of Amusement	1 Parking space per 4 seats
Hotels	1 Parking space per bedroom or suite plus 6 parking spaces per 100 m <sup>2</sup> public room floor area
Hospitals and Nursing Homes	0,7 Parking spaces per bed
Restaurant	10 Parking spaces per 100 m <sup>2</sup> floor area
Public Garages	40% of the area of the site including the area around fuel pump islands, but excluding workshops, show rooms, work areas, lubricating and washing areas
Any other uses or use zones	As required by the local authority

Provided that the local authority may, on receipt of a written application, give its special consent to the relaxation of the provisions of Table "F" if:

- (a) the local authority is of the opinion that adequate parking already exists in the vicinity of the site;
  - (b) a cash contribution for parking is paid to the local authority in accordance with the provisions of the Ordinance in lieu of the provision of parking spaces. Such contribution for parking shall be used solely for the provision of parking in the vicinity of the site: Provided further that any owner may provide the parking area required in terms of this clause on any alternative site approved by the local authority.
- (2) The owner of a building in respect of which parking spaces are required in terms of this clause shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the local authority.
  - (3) The levying of a parking fee for the hire of parking spaces provided in terms of this clause, shall not be regarded as a business.

## 21. ADVERTISEMENTS AND OBJECTIONS

- (1) This clause shall not apply to garden ornaments, entrance structures (other than entrance passages, and entrance halls), boundary fences, garden walls, fences and any other structure which is not covered by a roof.
- (2) (a) Any person (hereinafter called "**the applicant**") intending to apply to the local authority for special consent to the relaxation of any provision of this scheme or the erection and use of a building or to the use of land in any use zone whether wholly or partially for any purpose requiring the local authority's special consent shall submit such application to the local authority in writing and in a form acceptable to the local authority. (2.Lxxx)
- (b) If required by the local authority the applicant shall -

- (i) publish at his own expense, a notice containing full particulars of the consent for which he is applying, and the land to which it relates once per week for two consecutive weeks in an English and Afrikaans newspaper circulating in the area in which the relevant property to which the application applies, is located;
  - (ii) post and maintain a similar notice in a conspicuous place on each separate portion of the land or building to which such consent applies for a period of not less than 14 consecutive days calculated from the date of the first notice in the newspaper mentioned in subclause (i) above; and
  - (iii) inform, by registered mail, all adjacent landowners by copying the notice contemplated in subclause (i) and making same available to such landowners before or on the date of first publication of said notice.
- (c) The notices mentioned -
- (i) in subclauses (b)(i), (ii) and (iii) shall contain the name and address of the applicant and shall state that any objection or representation in connection with such application shall be submitted in writing simultaneously to the local authority and the applicant within 28 days calculated from the date of the first notice in the newspaper; and
  - (ii) in subclause (b)(ii) shall not be smaller than 594 mm by 420 mm and any letter thereon shall be at least 6 mm in height.
- (d) The applicant shall, simultaneously with the submission of the application, submit an affidavit that the notice referred to in subclause (b)(ii) was properly posted and maintained and the notice to adjacent landowners referred to in subclause b(iii) was posted by registered mail as prescribed.
- (3) The local authority shall take into consideration any objection or representation received within the said period of twenty-eight (28) days and shall notify the applicant and any person from whom any objection or representation was received of its decision.
- (4) The decision of the local authority shall not take effect until the expiration of twenty eight (28) days from the date on which the applicant is notified thereof, or if an appeal has been noted in terms of the provisions of the Ordinance, until such appeal has been disposed of.
- (5) The provision of subclause (4) shall not apply if no objection to the application was received as contemplated in subclause (3).

## **22 SAVING FOR SPECIAL PURPOSES**

- (1) Without prejudice to any power of the local authority derived from any law, or to the remainder of this scheme, nothing in the foregoing provisions of this part of the Scheme shall be construed as prohibiting or restricting or enabling the local authority to prohibit or restrict the following:
- (a) The exploitation of minerals on any land not included in an approved township by underground or surface working.

- (b) The use of land or the erection of buildings required for the purposes of a recreation or sportsground not being a recreation or sports ground ordinarily open to the public on payment of a fee.
- (c) The letting of a dwelling house or dwelling unit in such a manner that a maximum of one family with four other persons are accommodated therein.
- (d) The occasional use of a place of public worship, place of instruction, or institution, as a place of amusement or social hall.
- (e) The practise, subject to the provisions of any applicable by-law, in or from any dwelling unit, dwelling house or residential building of a profession or occupation by a person who, with his family permanently occupies such dwelling unit, dwelling house or residential building for residential purposes: Provided that such practise shall not involve the following:
  - (i) The use of the building as an "Industry" or "Noxious activity".
  - (ii) The public display of goods whether in a window or otherwise.
  - (iii) The use of the building as a Veterinary practice.
  - (iv) The exhibition of any notice or sign board, other than a notice or sign board ordinarily exhibited on a dwelling house or dwelling unit to indicate the name and profession or occupation of the occupant.
  - (v) Any activity which will constitute an interference with the amenities of the neighbourhood, of which the local authority will be the sole judge.
  - (vi) The employment of any employee: Provided that the local authority may consent to the employment or taking into partnership of a maximum of two persons.
- (2) Where an owner or occupant wishes to practise a profession from a dwelling unit or dwelling house and cannot comply with the provisions of Clause 22(1)(e), he may apply to the local authority for special consent to relax any or all of such restrictive provisions and where the local authority consents to such relaxation it may impose any conditions it may deem appropriate.

### 23. TEMPORARY SIGNS FOR THE SALE OR LEASE OF SITES OR BUILDINGS

No person shall without the written consent of the local authority display a temporary sign for the sale or lease of sites or buildings or permit such display. For the purposes of this clause a "temporary sign" shall -
















- (a) not be larger than 600 mm by 460 mm and at its highest point shall not be higher than 2,5 m above ground level;
- (b) not have letters, figures or symbols larger than 150 mm; and
- (c) be removed within seven days after the end of the sale or the conclusion of the contract of lease.

## 24. NUMBER OF DWELLING HOUSES WHICH MAY BE ERECTED AND SUBDIVISIONS

- (1) No dwelling house shall be erected in such a manner that the number of dwelling houses on an existing erf exceeds the number specified in Table "G" for the density zone in which the existing erf is situated.

## DENSITY ZONES

TABLE "G"

Notation as shown on the "B": - series of the Map	Number of dwelling houses per existing erf	Minimum area of erf required per dwelling house in square metres
(1)	(2)	(3)
	1	No minimum prescribed
	1	100
	1	200
	1	300
	1	400
	1	500
	1	700
	1	800
	1	1000
	1	1250
	1	1500
	1	2000
	1	2500
	1	3000
	1	4000

Provided that -

- (a) in those areas in which in terms of Table "G" only one dwelling house per existing erf is permitted, the local authority may consent to the subdivision of only the following existing erven, if such subdivision will not cause the coverage permitted under Table "H" to be exceeded:
- (i) An existing erf, subject thereto that any portion so created (including the remainder) which is smaller in extent than 90% of the area of the existing erf shall not be used as the site of a dwelling house.
  - (ii) If an erf created by the consolidation of two or more erven is subdivided, the number of new erven created shall not exceed the number of erven which were so consolidated and the extent of any new erf created shall not be less than 90% of the area obtained by

dividing the area of the consolidated erf by the number of erven created by the subdivision.

- (2) The local authority shall not, in those areas in which in terms of Table "G" a minimum area of a site is required for a dwelling house, approve of any subdivision of land whereby any portion (including the remainder) of such land shall have an area of less than such minimum. The local authority may, however, consent to the subdivision of land into portions smaller than such minima, provided that no such smaller portion shall be used as a site for a dwelling house.
- (3) In Use Zones where dwelling houses may be erected and where no density zone is applicable, only one dwelling house may be erected per existing erf.
- (4) Notwithstanding any other provisions of this scheme, the local authority may, on receipt of an application as it may prescribe, give its special consent to the erection of a second dwelling unit on any erf in Use Zone 1 (Residential 1) subject to such conditions as the local authority may deem appropriate. Where a second dwelling unit is permitted the coverage and height of all buildings on the erf, including the second dwelling unit, may not exceed the restrictions applicable to the erf as provided for in Table "H".


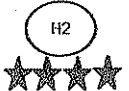
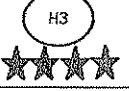



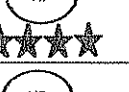
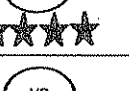

#### **25. ALLOWANCE FOR SPLAYING OF CORNERS**

- (1) In calculating the area of a corner erf the portion thereof cut off by the splay shall be included in the area of the erf for the purpose of Table "G".
- (2) Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75 percent of the minimum area as laid down in column (3) of Table "G" for the said land, the portion so separated may be regarded as an existing erf.

#### **26. HEIGHT, COVERAGE, FLOOR AREA RATIO AND NUMBER OF DWELLING UNITS PER HECTARE**

- (1) Table "H" sets out the height in storeys, the coverage, the floor area ratio (F.A.R) and the number of dwelling units per hectare permitted, in the corresponding height zones.
- (2) The appropriate height zone is indicated by means of the notation as set out in column (2) of Table "H" on the B-series of the Map.
- (3) Notwithstanding any provisions to the contrary in this scheme, no dwelling house or dwelling unit may exceed a total floor area of 600 m<sup>2</sup> (including outbuildings) unless the special consent of the local authority is first obtained. On receipt of such application, in such form as the local authority may require, the local authority may direct the applicant to advertise the matter by placing an appropriate notice on the subject property for a specified period, calling for objections and/or representations from interested or affected parties.



HEIGHT ZONE	NOTATION as shown on the B-Series of the Map	HEIGHT (storeys) Height in different height zones and where the uses or use zones are not specifically mentioned, the height is applicable to all uses	COVERAGE (%) Coverage in different height zones and where the uses or use zones are not specifically mentioned, the coverage is applicable to all uses, except Residential 2	F.A.R. Floor ratio in different height zones and where the uses or use zones are not specifically mentioned, the floor area ratio is applicable to all uses, except Residential 2	Number of dwelling units per hectare for Residential 2 only
(1)	(2)	(3)	(4)	(5)	(6)
1		2	-	-	10
2		2	30	0,4	15
3		2	30	0,5	20
4		2	40	0,6	-
5		3	30	0,8	25
6		3	40	1,0	30
7		2	60	1,0	-
8		2	60	1,2	-
9		5	70	1,8	-

## 27. RESTRICTION ON HEIGHT OF BUILDINGS

No building shall be higher than the number of storeys set out in column (3) of Table "H" or on the applicable Annexure:

Provided that -

- (1) on receipt of a written application, in such form and subject to such conditions it may deem expedient, the local authority may give it's special consent that the number of storeys prescribed in any height zone may be increased by 1 (one) storey if it is satisfied that a greater height is necessary or desirable as a result of the topography and location of the site;



- (2) any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be taken into account (this provision shall not apply to Use Zone 1, 2 and 3);
- (3) where 75 percent or more of a floor is used for the parking of vehicles, it shall not be counted as a storey (this provision shall not apply to Use Zone 1, 2 and 3);
- (4) in Use Zone 22 (**Public open space**), 23 (**Private open space**) and 24 (**Cemetery**) a buildings may not exceed one (1) storey in height unless otherwise permitted in the Scheme;
- (5) for the purposes of this clause basements shall not be included in height, provided further that the floor area ratio as determined in the Scheme is not exceeded (this provision shall not apply to Use Zones 1, 2 and 3);
- (6) for the purposes of this clause the maximum height of a storey shall not exceed 4m in respect of the ground storey and 3,5 metres in respect of any other storey; and
- (7) for the purposes of this clause, dwelling houses, dwelling units and outbuildings in the townships of Kosmos and Kosmos Extension 1 may not be erected in a manner which will result in more than one storey of such building protruding above the finished level of the higher lying public road which abutts the erf on which such building is situated.

## 28. RESTRICTION ON COVERAGE OF BUILDINGS

- (1) No building shall be erected with a greater coverage than that set out in column (4) of the Table "H" or on the applicable Annexure:

Provided that -

- (a) where a proposed building is designed for more than one use, the maximum portion of the site which may be covered by buildings at the floor level of each storey shall be in accordance with the coverage shown in Table "H" for the predominant use of the particular storey; and
  - (b) in Use Zones 6 and 7, the local authority may if a mechanical or electrical air conditioning system is installed, consent to a maximum coverage of 97½ per cent on ground floor of buildings or corner erven and 95 per cent on ground floor of buildings of other erven: Provided that in the case of a building erected or used for banking purposes, such consent may be given in respect of ground and first floors.
- (2) For the purposes of this clause -
    - (a) a building includes fire escapes and all outbuildings on the same site;
    - (b) the space occupied by sky-lights, parapets, pitched-roofing or similar projections and chimneys shall count as unoccupied space; and
    - (c) all structures which are not covered by a roof shall not be taken into account in the calculation of coverage.

## 29. FLOOR AREA RATIO OR NUMBER OF DWELLING UNITS PER HECTARE

- (1) No building shall be erected in such a way that it has a greater floor area ratio than that indicated in Table "H" column 5 or on the applicable Annexure.
- (2) The number of dwelling units set out in Table "H", column (6) may not be exceeded.

**PART 4****GENERAL AMENITY AND CONVENIENCE****30. REMOVAL OF INJURIOUS CONDITIONS IN PRIVATE GARDENS**

Where the amenity of any use zone is in the opinion of the local authority injured by the condition of any garden, curtilage, building or any development on any erf in the area the local authority may serve a notice on the owner or occupant of the premises on which the injurious condition exists, requiring him, within such period not being less than twenty-eight (28) days from the date of the service upon him of the notice, to take such action as may be necessary to abate the injurious condition and the said notice may specify the measures to be taken to abate the injurious condition.

## PART 5

## MISCELLANEOUS

## 31. BINDING FORCE OF CONDITIONS

Where permission to erect any building or execute any works or to use any building or land for a particular purpose granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

## 32. ENTRY AND INSPECTION OF PROPERTIES

- (1) The local authority shall have the power, through its duly authorised officers and after giving not less than twenty four (24) hours notice to the owner or occupant of any property within the area of the scheme, to enter into and upon such property at any time between the hours of 09h00 and 16h00 for the purposes of any inspection which the local authority may deem necessary or desirable for the purpose of the Scheme.
- (2) No person shall in any way hinder, obstruct, or interfere with any authorised officer of the local authority, or in so far as he has any authority, permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby conferred upon him.

## 33. SERVICE OF NOTICES

- (1) Any order, notice or other document, required or authorised to be served under the Scheme shall be signed by the Town Clerk or other official duly authorised thereto by the local authority and shall be served by delivering it in one or other of the following manners:
  - (a) to the said person personally, or to his duly authorised agent;
  - (b) if service cannot be effected in terms of sub-clauses (a), at his residence or place of business or employment to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there;
  - (c) if there is no such person as mentioned in subclause (b) on the premises, by fixing such order, notice or other document to some conspicuous part of the premises and by despatching a copy of such order, notice, or other document by prepaid registered post in an envelope on which is written his last known address which may be his last known abode, place of business or employment, or post office box number; and
  - (d) if such person to be served has chosen a *domicilium citandi*, at the domicile so chosen.
- (2) Where any service is effected in accordance with the provisions of the preceding subclause (1)(c), such service shall be deemed to have been effected at the time when the letter containing such order, notice, or other document would have been delivered in the ordinary course of post and, in proving such service, it shall be sufficient to prove that the order, notice or other document, was properly addressed and registered.
- (3) Any order, notice or other document, which in terms of the provisions of this Scheme, is required to be given to the owner or occupant of any particular premises, may be

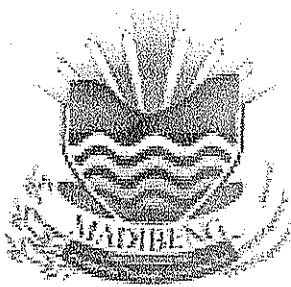
addressed to the "owner" or "occupant" of such premises, in respect of which the order, notice or other document, is given, without any further name or description.

**34. CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP CONDITIONS**

No consent of the local authority given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

**35. TITLE**

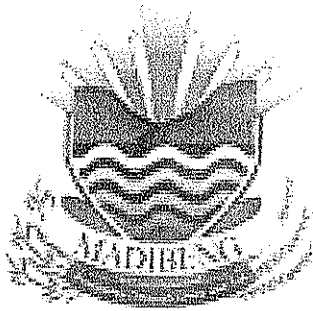
This Scheme shall be known as the KOSMOS TOWN PLANNING SCHEME, 1999.



**PERMIT NO. 1  
REMAINDER OF PORTION  
146 AND PORTION 153 OF  
THE FARM  
DE RUST 478 JQ**

**Kosmos Town Planning Scheme, 1999**

1. Portion 152 (Portion of Portion 146) De Rust 478 JQ, shall be used for services.
2. The Remainder of Portion 146 of the farm De Rust 478 JQ, may be used for the erection of 234 dwelling units, subject to the following conditions:
  - i) The height shall be restricted to 2 storeys.
  - ii) The floor area ratio (FAR) shall not exceed 0,2.
  - iii) The coverage shall not exceed 10%.
  - iv) Parking shall be provided at a ratio of 1 covered and 1 uncovered parking space per unit.
  - v) A refuse area shall be provided at the entrance gate to the satisfaction of the local authority.
  - vi) A swimming pool of sufficient surface area may be provided on the site.
  - vii) No access shall be allowed along the line e-f-g-E on sketch plan 500/210/01. Access to the site shall be provided via Portion 143 of the farm De Rust 478 JQ and Kosmos Extension 2.
  - viii) A site development plan must be submitted to the local authority for approval prior to construction.
  - ix) A bulk services contribution of R533 826,54 (234 x R2281,31) for water is payable before connection to the main supply.
  - x) Essential internal services such as water, sewerage, refuse removal as well as roads and parking shall be provided to the satisfaction of the local authority and specifically its Chief Infrastructure Services as duly authorized agent. All aspects regarding services including guarantees must be included in a services agreement between the developer and the local authority, before the rights may be exercised.
  - xi) Prior to the execution of any construction of services and/or building work, complete detail plans and specifications of all services must be submitted to the Chief Infrastructure Services for approval.
  - xii) The Chief Infrastructure Services must be informed timeously of all site meetings and copies of minutes of the site meetings must be submitted to the Chief Infrastructure Services.
  - xiii) On completion of the construction work, "as built" plans in respect of civil services on sepias certified by a consulting engineer, must be submitted to the Chief Infrastructure Services.
3. The consent of the bondholder is to be obtained and submitted to the Council.

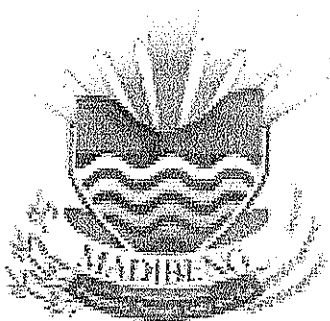


**PERMIT NO. 2  
PORTION 62 OF THE  
FARM DE RUST 478 JQ**

## **Kosmos Town Planning Scheme, 1999**

The resort to be established on Portion 62 of the farm De Rust 478 JQ will comprise a maximum of 45 dwelling units and associated outbuildings including a swimming pool of appropriate size, tennis court and a clubhouse, subject to the following conditions:

1. The floor area ratio (F.A.R) applicable to the resort (in respect of the total floor area) will not exceed 0,2 and will only apply to the area of the property below the boundary of the Magaliesberg Protected Natural Environment (1250m MPNE line).
2. The total coverage of all structures will not exceed 10% of the area of the property located below the boundary of the proclaimed MPNE 1250m line.
3. Parking will be provided at a ratio of 1 covered and 1 uncovered parking bay per dwelling unit.
4. The height of buildings may not exceed 2 storeys.
5. The development on the property will be subject to a Site Development Plan to be approved by the local authority prior to the construction of any buildings or consideration of any building plans for this purpose. The Site Development Plan will be submitted in terms of the general provisions of the Kosmos Town Planning Scheme.
6. Upon submission of the Site Development Plan, the applicant shall simultaneously submit a report prepared by a registered civil and electrical engineer in respect of the provision of essential services such as water, sewerage and electricity to the subject property. If the report is found to be acceptable by the local authority, the applicant will be required to enter into a services agreement with regard to the provision of the services and the payment of the required contributions in this regard.
7. Access to the subject property will be limited to one entrance located at the south-eastern corner of the site. The applicant will register a servitude in favour of the local authority for road purposes at the entrance point. Such servitude shall conform to design guidelines for a partial cul de sac for which a separate diagram must be drawn up to the satisfaction of and endorsed by the local authority prior to registration.
8. The applicant shall, at his own cost, register a servitude over the entire portion of the subject property which falls within the MPNE (above the 1250m line) in favour of the local authority, as a nature area.
9. The consent granted in terms of this permit does not, by implication, afford the land owner the right to access to the Hartbeespoort Dam, and for this purpose the applicant will have to obtain written consent from such authorities as may be required.
10. This permit does not exempt any person from the requirements of any controlling authority or from any provision of any other law or ordinance and does not intend to interfere with the rights of any persons who may have an interest in the property.
11. Should any graves or burial ground be in existence on the property, the applicant shall either protect such graves or burial ground by means of a servitude for this purpose or arrange to have such graves or burial ground exhumed and relocated to the recognised cemetery in accordance with the controlling legislation.
12. The entrance servitude shall be registered within four months from the date of the permit for consent use.



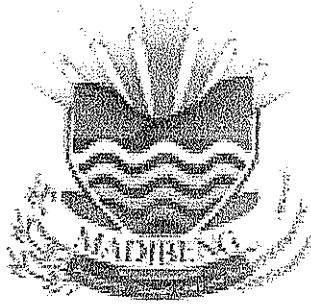
**PERMIT NO. 3  
PORTION 132 OF THE  
FARM  
DE RUST 478 JQ**

**Kosmos Town Planning Scheme, 1999**

1. The resort may include of a sewerage plant, dwelling units and associated outbuildings, including a swimming pool of appropriate size and a tennis court and, if permitted by the Department of Water Affairs and Forestry, a boat yard.
2. The floor area ratio applicable to the resort (in respect of all floor area) will not exceed 0,2.
3. The total coverage of all structures will not exceed 15% of the total area of the property.
4. Parking will be provided at a ratio of 1 covered and 1 uncovered parking bay per dwelling unit.
5. The development on the property will be subject to a site development plan to be approved by the local authority prior to construction of any buildings or consideration of any building plans for the purpose.

Such site development plan will be submitted in terms of the general provisions of the Kosmos Town Planning Scheme, 1993. In preparing the site development plan, the following provisions shall be adhered to:

- i) Access to the subject property will be limited to one entrance
  - ii) No trees may be removed without the prior consent of the local authority
  - iii) The site development plan will also incorporate a landscape plan
  - iv) A pole shall be erected on the subject property prior to construction of buildings in order to indicate the height of the highest building or structure in the proposed development
6. Upon the submission of a site development plan for consideration by the local authority, the applicant shall simultaneously submit a services report prepared by a registered Civil Engineer in respect of the provision of essential services such as water (domestic and fire), sewerage, stormwater and electricity to the subject property. If the report is found acceptable by the local authority, the applicant will be required to enter into a services agreement with regard to the provision of services.
  7. The height of residential dwelling units may not exceed 3 storeys subject to a provision that vehicular and pedestrian access from natural ground level to the first storey above ground floor shall be provided from a ramp or similar structure and the highest point of any residential building will not cause the building to protrude above the finished level of the main Kosmos public road by more than 1 storey.
  8. The consent granted in terms of this permit does not, by implication, afford the landowner the right to access to the Hartbeespoort Dam and for this purpose the applicant will have to obtain written consent from the Department of Water Affairs and Forestry and any other relevant authority.
  9. This permit does not exempt any person from the requirements of any other controlling authority or from any provision of any other law or Ordinance and does not intend to interfere with the rights of any person who may have an interest in the property

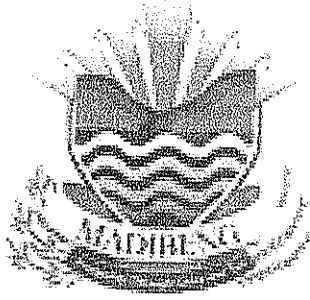


**PERMIT NO. 4  
PORTION 143 THE FARM  
DE RUST 478 JQ**

**Kosmos Town Planning Scheme, 1999**

1. The subject property shall be used for the erection of not more than 51 dwelling units and associated outbuildings, including a club house and swimming pool of appropriate size.
2. The height of buildings or any other structures shall not exceed two storeys.
3. The coverage of all buildings and structures shall not exceed 15% of the area of the subject property.
4. The floor area ratio shall not exceed 0,2.
5. Parking shall be provided on the subject property in the following ratio to the satisfaction of the local authority:
  - i) One covered parking bay per dwelling unit.
  - ii) One uncovered parking per dwelling unit.
6. The entire development of the subject property shall be subject to the approval of a site development plan submitted at a scale acceptable to the local authority. Such site development plan shall also contain details regarding landscaping, access arrangements, refuse removal arrangements and other issues which may be determined by the local authority.
7. Together with the submission of the site development plan, the applicant shall submit to the local authority a report prepared by a registered civil engineer regarding the design and installation of essential municipal services and a cost estimate pertaining thereto. The applicant shall enter into a written agreement with the local authority concerning the provision of services and the submission of financial guarantees in respect thereof.
8. This permit does not exempt any person from the requirements of any other controlling authority or from any provision of any other law or ordinance and does not intend to interfere with the rights of any person who may have an interest in the property.

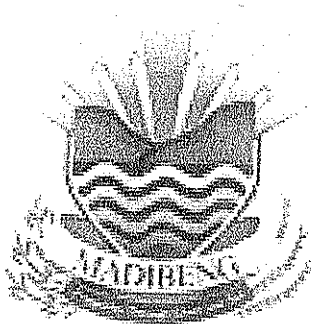




PERMIT NO. 5  
ERF 96 KOSMOS

## Kosmos Town Planning Scheme, 1999

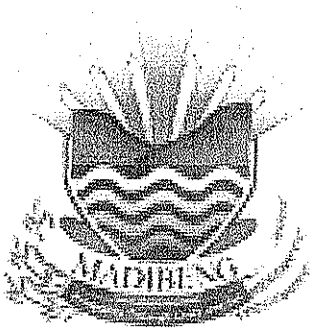
1. The applicant is to have condition (g) in the Title Deed removed within a period of 12 months from the date of approval - failing which the approval shall lapse and the applicant will be obliged to re-apply for the subdivision.
2. A residential component, as described in the Peri Urban Areas Town Planning Scheme, 1975, shall be provided on the erf and shall be permanently occupied by the owner/host/manager.
3. The eating facility shall be for resident guests only
4. No place of refreshment (restaurant/tea garden/coffee bar) or public bar is allowed on the erf.
5. No conference facilities or tour busses are allowed on the erf.
6. Subject to the letting of part of a dwelling house or dwelling unit and or rooms thereof as a guest houses.
7. On site paved/dust free parking shall be provided at the ratio of one parking space per guest room to the satisfaction of the local authority.
8. It shall also be restricted to a dwelling house and not as part of a duplex or group housing development.
9. Self-catering units with a kitchen is subject to the definition of a dwelling-unit as described in the Kosmos Town Planning Scheme.
10. Self-catering units and any deviation of the above conditions shall be subject to a rezoning application.
11. The establishment may in no way interfere with the amenity of the neighbourhood, failing which the consent shall be suspended by the Council with immediate effect.
12. The applicant should affiliate with SATOUR or a registered guest house association approved by the local tourism body.
13. The property will have to be revaluated for assessment rates at the expense of the applicant.
14. No tax reduction shall apply during the consent use.
15. The consent use shall lapse, if exercising of the use is discontinued for an uninterrupted period of six months.



**PERMIT NO. 6  
ERF 207 KOSMOS  
EXTENSION 1**

**Kosmos Town Planning Scheme, 1999**

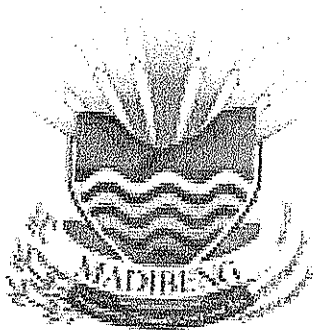
1. The residential character of the building is to be maintained (owner has to reside at the premises) and no interference with the amenity of the neighbourhood is to be permitted.
2. No notice or signboard except for a notice or signboard usually displayed at a dwelling house or dwelling unit to indicate the name and profession or occupation will be permitted, which board shall not exceed 900mm x 600mm in size.
3. Effective paved parking of at least 3 (three) parking spaces is to be provided on the property to the satisfaction of the Council.
4. Entrance to and exit from the property shall be to the satisfaction of the Council and specifically its Chief Protection Services.
5. Office activities may take place from 07:00 - 20:00 on Mondays to Saturdays, whilst no business activities are permitted on Sundays.
6. No tax reduction or discount in respect of property rates shall apply in the duration of the consent of use.
7. The consent of use shall lapse if the use of the property concerned is discontinued for an uninterrupted period of six months.
8. No more than two persons may permanently be employed at the premises.
9. The consent of use is initially granted for a period of one (01) year, upon which the matter may be re-submitted for consideration and, should the application not be re-approved by Council, the Council shall not be kept liable for any losses which may be suffered.
10. The Council reserves the right to suspend the consent of use at any time, should the applicant not comply with all the said conditions.
11. The rights are not transferable to the successor-in-title, in the event of the property being sold.
12. That, should a condition exist in the title deed, restricting the owner from operating a business from the premises, the applicant has, if necessary, to see to the lifting of such condition- in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) - prior to the commencing with business activities.



**PERMIT NO. 7  
ERVEN 39 AND 322  
KOSMOS**

**Kosmos Town Planning Scheme, 1999**

1. The application for the increase of coverage of Erf 39 from 26% to 40% for the proposed consolidation of Erf 39 Kosmos with proposed Erf 322 (Agnes Street encroachment portion) Kosmos, **BE APPROVED** subject to the following:
  - i) No additional units may be established
  - ii) All the building works must be in accordance with the encroachment policy to the satisfaction of the Chief: Infrastructure Services
  - iii) A bulk services contribution will be payable as determined by the Chief: Infrastructure Services
  - iv) Building work may only continue after the building plans have been approved.
  - v) No further encroachment and/or building line relaxation will be considered.
2. No sight obstructions may occur.



**PERMIT NO. 8  
ERF 1/184, KOSMOS**

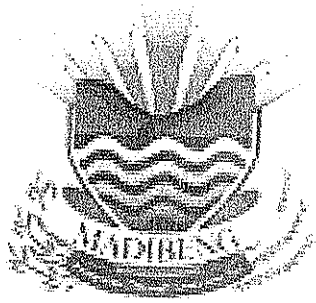
**Kosmos Town Planning Scheme, 1999**

10.1.23 APPLICATION FOR A PROPOSED BED AND BREAKFAST FACILITY ON ERF  
1/184 KOSMOS : I J LAARMAN (15/2/2/225) (TS/dj)

**A404/10/99 RESOLUTION**

1. That, in terms of clause 7 of the Peri Urban Areas Town Planning Scheme, 1975, consent for the establishment of a guesthouse on portion 1 of erf 184, Kosmos, **BE GRANTED**, subject to the following conditions:-
  - 1.1 The following definition in respect of a guesthouse shall apply:  
"A guest house is an owner managed commercial establishment of not less than 2 and not more than 6 bedrooms, and which has as its primary source of business, the supply of non-permanent tourist accommodation and breakfast for resident guests, and the provision of dinner where such facility is not readily available in the vicinity."
  - 1.2 The poolroom, which has been converted into a chalet, to be re-converted to its original use in terms of the approved building plans.
  - 1.3 The eating facility shall be for resident guests only.
  - 1.4 No place of refreshment (restaurant / tea garden / coffee bar) or public bar is allowed on the erf.
  - 1.5 No conference facilities or tour busses are allowed on the erf.
  - 1.6 The consent of use is subject to the letting of part of a dwelling house or dwelling unit and or rooms thereof as a guesthouse.
  - 1.7 On site paved parking (06 spaces) shall be provided at the ratio of one parking space per guestroom, to the satisfaction of the Council, and shall not hinder access to other owners along the right of way servitude.
  - 1.8 The consent of use is restricted to a dwelling-house and not as part of a duplex or group housing development.
  - 1.9 Self-catering units with a kitchen is subject to the definition of a dwelling unit, viz a "dwelling-unit" means "an interconnected suite of rooms which may not include more than 1 kitchen, designed for occupation and use by a single family; it may also include such outbuildings and servants' quarters as are ordinarily incidental thereto."

- 1.10 Self-catering units and any deviation of the above conditions shall be subject to a rezoning application.
- 1.11 The establishment will in no way interfere with the quality of life of the neighbourhood, and the Council reserves the right to suspend the consent of use, should the applicant fail to comply with the applicable conditions.
- 1.12 Affiliation with SATOUR or a registered guest house association approved by the local tourism body.
- 1.13 All conditions relating to the provision of sewerage facilities must be complied with to the satisfaction of the Chief: Infrastructure Services and a suction tank – contents not exceeding 4 kl - must be installed at the premises and emptied at least once per week (waste to be removed to the Rietfontein sewerage plant).
- 1.14 The neighbours to be informed by the applicant that the night soil wagon will empty the waste tank at least once per week and their reactions regarding this matter to be monitored.
- 1.15 The applicant shall not be entitled to a tax rebate from the date of the approval and a monthly levy in respect of sewerage will be payable by the applicant as from date of commencement with business operations at the premises.
- 1.16 The consent of use is granted subject thereto that, should complaints to the operation of the consent of use rights be received, the Council reserves the right to annually insist on a re-application for consent of use.
- 1.17 No notice or signboard, except for a single notice or signboard usually displayed at a dwelling or dwelling unit to indicate the name and profession or occupation of the occupant, shall be permitted, which board shall not exceed 900mm x 600mm in size.
- 1.18 The residential character of the building must be maintained (owner has to reside at the premises).



**PERMIT NO. 9**  
**ERF 5/130, KOSMOS**

## **Kosmos Town Planning Scheme, 1999**

10.1.22 PROPOSED ADDITIONAL DWELLING ON ERF 5/130, KOSMOS: I G FERRIS  
(15/2/2/240) (TS/dj63)

**A262/08/2000 RESOLUTION – 24 AUGUST 2000**

1. That cognisance was **DULY TAKEN** of the objections and the circumstances relating thereto.
2. That in terms of clause 24(4) of the Kosmos Town Planning Scheme, 1999, consent **BE GRANTED** that an additional dwelling unit may be established on portion 5 of erf 130, Kosmos, subject to the following conditions, additional to the normal requirements of the town planning scheme:
  - 2.1 The additional dwelling unit may not be used as a guest house establishment (bed-and-breakfast, etc).
  - 2.2 A building line of 3-meters, as determined in table "A" of the Kosmos Town Planning Scheme, 1999, shall be applicable on the side boundary of the erf.
  - 2.3 Only garages may be built on the street boundary of the erf, but the dwelling unit shall be located at least 3,05-meters from the street boundary.
  - 2.4 The fencing along the street must be repositioned to the boundary of the property to the satisfaction of the Council prior to the commencing of the building activities.
  - 2.5 The height of the building may not exceed 4 meters as per section B-B of the design submitted to Council.
  - 2.6 The area of the dwelling unit shall not exceed 100m<sup>2</sup> in extent.
  - 2.7 In terms of the density policy of the Kosmos Guideline Plan, as well as condition 1(d) of the title deed, the erf may not be sub-divided.
  - 2.8 Adequate paved parking is to be provided on the property to the satisfaction of the Council – no parking in the street shall be allowed.
  - 2.9 The roof of the dwelling unit may not be of a concrete slab construction, but shall be constructed at an approximate 3° - 5° angle and of an aesthetically acceptable material.