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## LOCAL AUTHORITY NOTICE

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LOCAL AUTHORITY NOTICE 446

NOTICE 78 OF 2006

### LOCAL MUNICIPALITY OF MADIBENG

TOWNSHIP: KOSMOS EXTENSION 7

#### DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103(1) of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986), the Local Municipality of Madibeng hereby declares **Kosmos Extension 7** to be an approved township subject to the conditions set out in the Schedule hereto.



## SCHEDULE

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY PROJECT PROP (PTY) LTD (HEREINAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER 3 (PART C) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 192 OF THE FARM DE RUST NO. 478 REGISTRATION DIVISION J.Q. NORTH WEST PROVINCE HAS BEEN GRANTED**

### 1. CONDITIONS OF ESTABLISHMENT

(a) **NAME**

The name of the township shall be Kosmos Extension 7.

(b) **DESIGN**

The township shall consist of erven as indicated on approved layout Plan Number LDP/KOSMOSX7/3\_Phases dated JUNE 2005 and General Plan Number 7089/2005.

(c) **CONSTRUCTION OF SERVICES AND/OR BUILDING WORK**

Before any construction of services and/or building work is undertaken, complete detail plans and specifications of all services must be submitted to the local authority for approval.

(d) **CONTRIBUTIONS AND ENDOWMENTS**

A bulk services contribution, calculated in terms of the local authority's revised policy in respect of bulk service contributions, shall be payable in accordance with Section 81 of the Town Planning and Townships Ordinance, 1986.

(e) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals.

(f) **OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES**

The applicant shall, within such period as the local authority may determine, fulfill his obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefor, as previously agreed upon between the applicant and the local authority, and on completion of construction work, "as built" plans certified by a professional engineer must be submitted to the local authority.

(g) **OBLIGATIONS IN REGARD TO BUILDINGS**

Should the local authority so request, all buildings will, on completion, be subject to the issuing of an engineering certificate by a professional engineer at the expense of the owner.

(h) **CONSTITUTION OF A HOMEOWNERS' ASSOCIATION**

(i) The applicant shall provide written proof to the local authority that Leloko Hartbeespoortdam Association (Registration Number 2005/021735/08) has been properly and legally constituted as Home Owners Association in terms of Section 21 of the Companies Act before the transfer of the first erf.

- (ii) The access Erf 999 shall be registered in the name of the Homeowners' Association. Such Homeowners' Association shall have full responsibility for these erven and the essential services serving the township contained therein.
- (iii) Each and every owner of Erven 682 up to and including 998 and 1000 up to and including 1009 shall become members of the Homeowners' Association and be subjected to the Memorandum of Articles of Association upon transfer of the erf until such owner ceases to be owner of the erf.
- (iv) The Homeowners' Association shall have full legal power to levy, from each and every member, the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (v) The Local Authority shall not be liable for the malfunction of the surfacing of the access way and/or the stormwater drainage system, and/or any essential services in the township.
- (vi) Access from all the other erven in the township to a public road shall be across erf 999.
- (vii) The Local Authority shall have unrestricted access to Erf 999 at all times.

## 2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions as imposed by the Madibeng Local Council in terms of the provisions of the Town-Planning and Townships Ordinance, 1986 and the Town-Planning Scheme in operation (Peri-Urban Areas Town-Planning Scheme, 1975).

### (a) ALL ERVEN

- (i) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: provided that the local authority may dispense with any such servitude.
- (ii) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.
- (iii) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area such material as may be excavated by them during the course of the construction, maintenance or removal of such works as it in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such works being made good by the local authority.

### (b) ERF 998

The erf is subject to a servitude of right of way in favour of the Remainder of Portion 1 of the farm De Rust No.478-JQ.

### (c) ERVEN 999

The erf is subject to a servitude of right of way for access over its entire area in favour of the local authority and all the erven in the township of Kosmos Extension 7.

(d) **ERVEN 1009**

The erf is subject to a servitude of right of way for access in favour of Erf 995.

**3. CONDITIONS TO BE INCORPORATED IN THE TOWN-PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE TOWN-PLANNING SCHEME IN OPERATION (PERI-URBAN AREAS TOWN-PLANNING SCHEME, 1975)**

(a) **ERVEN 696 UP TO AND INCLUDING 995**

**RESIDENTIAL 1**

1. The erf shall be used solely for the purposes of erecting thereon one dwelling house and associated outbuildings, and with the special consent of the local authority for such uses as defined in Column (4) of Table "D" of the Peri-Urban Areas Town Planning Scheme.
2. Height: 2 storeys
3. Coverage: 40%
4. Floor Areas Ratio: 0,8
5. No building or other structure or an improvement of any nature may be erected on the erf without the prior written approval of the Home Owners Association and the local authority and any building plans in respect of any building or improvements to be erected on the erf shall be subject to the prior written approval of the Homeowners' Association and the local authority.

(b) **ERVEN 682 UP TO AND INCLUDING 691, 693 UP TO AND INCLUDING 695, 996 AND 997**

**RESIDENTIAL 2**

1. The erf shall be used solely for the purposes of erecting attached or detached dwelling units and associated outbuildings and with the special consent of the local authority for such uses as defined in Column (4) of Table "D" of the Peri-Urban Areas Town Planning Scheme.
2. The height shall not exceed 3 storeys.
3. The coverage of all buildings and structures shall not exceed 40% of the area of the erf.
4. Floor area ratio :0,6.
5. No building or other structure or an improvement of any nature may be erected on the erf without the prior written approval of the Home Owners Association and the local authority and any building plans in respect of any building or improvements to be erected on the erf shall be subject to the prior written approval of the Home Owners Association and the local authority.
6. A site development plan shall be submitted to and approved by the local authority prior to the submission of any building plans.

(c) **ERVEN 1000 UP TO AND INCLUDING 1009**

**PRIVATE OPEN SPACE**

1. The erf shall be used solely for the purposes of private open space.
2. In the event of any buildings or structures relating to the main use being erected on the erf, a site development plan shall be submitted to and approved by the Homeowners' Association and the Local Authority prior to the submission of any building plans.

(d) **ERF 999**

**SPECIAL FOR PRIVATE ROAD**

1. The erf shall be used solely for the purposes of a private access way and the conveyance of electricity, water, sewage and related services, as well as access control, guard houses, ablution facilities, post boxes and similar necessities.
2. In the event of any buildings or structures relating to the main use being erected on the erf, a site development plan shall be submitted to and approved by the Homeowners' Association and the Local Authority prior to the submission of any building plans

(e) **ERF 692**

**SPECIAL FOR STORAGE (BOAT HOUSES)**

1. The erf shall be used solely for the purposes of storage.
2. Height: 1 storey
3. Coverage: 45%
4. Floor area ration: 0,45
5. No building or other structure or an improvement of any nature may be erected on the erf without the prior written approval of the Home Owners Association and the local authority and any building plans in respect of any building or improvements to be erected on the erf shall be subject to the prior written approval of the Home Owners Association and the local authority.

(f) **ERF 998**

**BUSINESS 1**

1. The erf shall be used solely for the purposes of shops, offices, professional suites and related business activities.
2. Height: 2 storeys
3. Coverage: 40%
4. Floor area ration: 0,4
5. No building or other structure or an improvement of any nature may be erected on the erf without the prior written approval of the Home Owners Association and the local authority and any building plans in respect of any building or improvements to be erected on the erf shall be subject to the prior written approval of the Home Owners Association and the local authority.

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(g) **ALL ERVEN**

If required, a soil report, drawn up by a registered civil engineer 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.

(h) **ERVEN SUBJECT TO SPECIAL CONDITIONS**

In addition to the relevant conditions set out above, the under-mentioned erven shall be subject to the following further conditions.

(i) **ERVEN 683 UP TO AND INCLUDING 692**

Ingress to and egress from the erf shall not be permitted along the boundary thereof abutting on either provincial road P123-1 or National Road PWV3.

S T M Ntlatleng, Municipal Manager

Municipal Office, Van Velden Street, Brits P O Box 106, Brits, 0250

(Notice No. 78/2006)

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