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DEVELOPMENT TRIBUNAL FOR THE LIMPOPO PROVINCE

Ref: _____

**STATEMENT OF CONDITIONS UNDER WHICH
THE LAND DEVELOPMENT APPLICATION BY:****NORTHPLAN TOWN & REGIONAL PLANNERS CC****(duly authorised by THE AFRIKAANSE TAAL EN
KULTUUR VEREENIGING)****(Applicant)**

**HAS BEEN APPROVED BY THE LIMPOPO DEVELOPMENT TRIBUNAL IN TERMS OF
THE DEVELOPMENT FACILITATION ACT, 67 OF 1995, (HEREINAFTER REFERRED TO
AS "THE DFA"), FOR THE ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON
PORTIONS 1 TO 4 OF THE FARM VALENCIA 449 KR AND PORTION 87 OF THE FARM
BUIKOP 464 KR (TO BE KNOWN AS KLEIN KARIBA RESORT AND NEGESTER
KLEIN KARIBA RETIREMENT ESTATE)**

PART I**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF
REGISTRATION OF OWNERSHIP OF LAND IN THE LAND DEVELOPMENT AREA
BY THE REGISTRAR OF DEEDS:**

- 1.1 The consolidation of all components that form the subject matter of the application for the establishment of a land development area as per draft consolidation diagram, annexure A hereto.
- 1.2 The subdivision of the proposed portion from the consolidated portion (referred to at 1.1) as depicted on the draft small scale diagram, annexure B, duly approved by the Tribunal (Portion A).
- 1.3 The Applicant shall:

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- (a) comply with the provisions of Section 55(a) of the Development Facilitation Act, 67 of 1995 (hereinafter referred to as "the DFA") in respect of Portion A; and
 - (b) comply with the provisions of Section 55(b) of the DFA in respect of Portion A.
- 1.4 A copy of the approved Plans and Diagrams contemplated in Section 55(a) of the DFA shall be submitted to the Bela-Bela Local Municipality (hereinafter referred to as "The Municipality").
- 1.5 Publication of a notice in the Provincial Gazette as contemplated in Section 51(3)(b) of the DFA to give effect to the suspension of title conditions and servitude referred to under Part II of these Conditions of Establishment.
- 1.6 A copy of the approved Land Use Management Scheme Number shall be submitted to the Designated Officer for promulgation of the approval in the Provincial Gazette in terms of Section 51(3) of the DFA. Should the phasing procedure, contemplated in 1.7 hereunder, be implemented by the Applicant, the Designated Officer shall ensure that the Land Use Management Scheme also comes into operation on a phased basis, i.e. by publication of a multiplicity of notices to be commensurate with the phases contemplated in 1.7.
- 1.7 The development of the land development area may be phased. Farm-portions shall become registerable by choice of the Applicant in respect of individual or multiple portions (i.e. within a specific phase), upon the issuing of the following clearances by the Designated Officer:
- 1.7.1 that the Applicant has complied with the provisions of Part I of these Conditions of Establishment; and
 - 1.7.2 that the Applicant has complied with its duties pertaining to the servicing of one or more farm portion(s) of the development, *alternatively*, that the Applicant has secured its obligations pertaining to the servicing of the farm portion(s) to the satisfaction of the Municipality.
- 1.8 The Applicant shall establish a company in terms of Section 21 of the Companies Act, 1973 (hereinafter referred to as the "POA"), for the purposes referred to in Clause 1.5 of Part II of these Conditions of Establishment.

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- 1.9 The provisions pertaining to the limitation on commencement of registration of ownership (excluding 1.1 to 1.3 above) shall not apply to those portions that will be transferred to the POA.

PART II

1. CONDITIONS TO BE COMPLIED WITH IN THE ESTABLISHMENT OF THE LAND DEVELOPMENT AREA

1.1 NAME:

The name of the land development area shall be Klein Kariba Resort and Negester Klein Kariba Retirement Estate.

1.2 LAYOUT:

The land development area shall consist of farm portions as indicated on Settlement Plan Nr NP0274 in respect of which the Surveyor General shall allocate a number.

1.3 CONDITIONS OF TITLE:

1.3.1 SUSPENSION OF EXISTING CONDITIONS OF TITLE

- (a) The following servitudes and title conditions shall be suspended:

(i) **Servitudes and title conditions relating to Portion 1 of the Farm Valencia 449 KR as contained in Deed of Transfer T 44501/2006:**

A. "Die voormalige Gedeelte C van Gedeelte van die Plaas BUISKOP 464, Registrasie Afdeling K.R. (waarvan die elendom hiermee getranspoteer word 'n deel vorm) is:

1. Subject to the terms of certain Order of the Supreme Court of the Transvaal, dated the 14th of November, 1905, confirming certain Arbitrators Award dated the 2nd June, 1905, a certified copy of which Arbitrators Award and the General Plan therein referred to marked "A" and

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"B" respectively, are annexed to Deed of Transfer No. 8961/1916;"

B. "ONDERHEWIG aan die volgende spesiale voorwaardes en kondisies opgelê kragtens die bepalinge van Artikel 11(6) van Wet No. 21/1940:-

(i) Die grond mag nie onderverdeel word nie tensy die skriftelike goedkeuring van die Nasionale Vervoerkommissie as Beherende Gesag daartoe verkry is.

(ii) Nie meer as een woonhuis, tesame met sulke buitegeboue wat gewoonklik in verband daarmee nodig is, mag op die grond opgerig word nie tensy die skriftelike goedkeuring van die Nasionale Vervoerkommissie as Beherende Gesag daartoe verkry is.

(iii) Die grond moet slegs vir woon-en landboudoeleindes gebruik word en hoegenaamd geen winkel of besigheid of nywerheid mag sonder die skriftelike goedkeuring van die Nasionale Vervoerkommissie as Beherende Gesag op die grond geopen of gedryf word nie."

(ii) **Servitudes and title conditions relating to Portions 2, 3 and 4 of the Farm Valencia 449 KR as contained in Deed of Transfer T41107/1973**

A. "Gedeelte C van Gedeelte van die Plaas BUISKOP 464, Registrasie Afdeling K.R. (waarvan die eiendom hiermee getranspoteer word 'n deel vorm) is:

1. Subject to the terms of certain Order of the Supreme Court of the Transvaal, dated the 14th of November, 1905, confirming certain Arbitrators Award dated the 2nd June, 1905, a certified copy of which Arbitrators Award and the General Plan therein referred to marked "A" and "B" respectively, are annexed to Deed of Transfer No. 8961/1916;"

B. "DIE EIENDOM hieronder getranspoteer is kragtens Notariële Akte Nr 534/60S, gedateer 18 Januarie 1960 en geregistreer op 1 Junie 1960, onderhewig aan 'n Serwituut van Reg-van-Weg ten gunste van die Algemene Publiek, soos meer ten volle sal byk uit die gesegde Notariële Akte, en soos aangedui deur die figuur geletter AEFGHCD A op die gesegde hieraangehegte Kaart L.G. Nr. A 2580/59." (NB This servitude

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shall be suspended in respect of Portion 2 and 3 of the Farm Valencia 449 KR, but shall be retained in respect of Portion 4 of the Farm Valencia 449 KR)

C. "ONDERHEWIG aan die volgende spesiale voorwaardes en kondisies opgelê kragtens die bepaling van Artikel 11(6) van Wet No. 21/1940:-

(i) Die grond mag nie onderverdeel word nie tensy die skriftelike goedkeuring van die Nasionale Vervoerkommissie as Beherende Gesag daartoe verkry is.

(ii) Nie meer as een woonhuis, tesame met sulke buitegeboue wat gewoonlik in verband daarmee nodig is, mag op die grond opgerig word nie tensy die skriftelike goedkeuring van die Nasionale Vervoerkommissie as Beherende Gesag daartoe verkry is.

(iii) Die grond moet slegs vir woon-en landboudoeleindes gebruik word en hoegenaamd geen winkel of besigheid of nywerheid mag sonder die skriftelike goedkeuring van die Nasionale Vervoerkommissie as Beherende Gesag op die grond geopen of gedryf word nie."

(v) Servitudes and title conditions relating to Portion 87 of the Farm Buiskop 464 KR as contained in Deed of Transfer Deed of transfer T 48301/1980

A.1. "Die Resterende Gedeelte van Gedeelte 1 van Gedeelte van die Plaas BUISKOP 464, Registrasie Afdeling K.R. Transvaal, groot as sulks 170,0059 hektaar, onderhewig aan die volgende voorwaardes:

1. Subject to the terms of certain Order of the Supreme Court of the Transvaal, dated the 14th November, 1905, confirming certain Award of Arbitrators dated the 2nd June, 1905, a copy of which Award of Arbitrators and the General Plan to which is therein referred to, are filed with Deed of Transfer No. 8964/1916;"

A.2. "Shall be entitled to a share in the water allotted to the portion of the said farm, measuring 1182,4553 Hectares (of which the property hereby transferred from a portion) by virtue of the aforementioned Award of Arbitrators, in the proportion of the area of the said portion 1,

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measuring 452,6643 hectares, to the area of the said portion, measuring 1182,4553 hectares, the turns of water and right of aqueduct in favour of lower portions over higher portions, to be mutually agreed upon and between the parties interest in such water;"

A.3. *"The property hereby transferred is subject to a right of way in favour of Portion "B" of portion 1 of Portion of the said farm BUIKOP 464 measuring 0,4283 Hectares as held under Certificate of Registered Title No. 685/1928 dated the 27th day of January 1928."* B.

"DIE VOORMALIGE GEDEELTE "C" van die plaas BUIKOP 464, Registrasie Afdeling K.R., Transvaal, waarvan daardie Gedeelte aangedui deur die figuur ABCDEFefgm' middel spruit L'MNPQRA op die aangehegte Kaart L.G. Nr. A 7333/79 'n gedeelte vorm is:

"Subject to the terms of certain Order of the Supreme Court of the Transvaal, dated the 14th November, 1905, confirming certain Arbitrators Award dated the 2nd June, 1905, a certified copy of which Arbitrators Award and the General Plan therein referred to marked 'A' and 'B' respectively are annexed to Deed of transfer Nr. 8961/1961."

C. *"DIE VOORMALIGE GEDEELTE 66 ('n Gedeelte 1 van Gedeelte) van die Plaas BUIKOP, groot 6,7696 hektaar, waarvan daardie Gedeelte aangedui deur die figuur ABCDEF efgm' middel spruit L'MNPQRA op die aangehegte Kaart L.G. Nr. A 7333/79 'n gedeelte vorm, is onderhewig aan die volgende voorwaardes:*

Behalwe met die skriftelike toestemming van die Administrateur mag geen geboue of bouwerke van watter aard ookal binne 45,02 meter van die middellyn van enige publieke pad opgerig word nie, welke voorwaarde neergelê is in terms van die Ordonnansie op Onderverdeling van Grond, 1957."

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1.3.2 REGISTRATION OF NEW SERVITUDES AND TITLE CONDITIONS:**1.3.2.1 ALL FARM PORTIONS 3 - 206, 209 – 358, 360 – 410 AND 437:**

- (a) The owner of the farm portion or any subdivision thereof shall automatically be and shall remain a Member of the Section 21 Company referred to in Condition 1.8 of Part I and shall not be entitled to transfer the farm portion except with a clearance certificate from the Company to the effect that the Articles of Association of the Company have been complied with.
- (b) The farm portion shall not be transferred to any person who has not bound himself/herself to be a Member of the Section 21 Company, to the Satisfaction of the Company.
- (c) All the members of the Property Owners' Association incorporated under the Section 21 Company to be registered shall be bound to any and all of the provisions contained in the Articles of the said Association.

1.3.2.2 PORTION 437:

- (a) This portion shall be subject to a general right-of-way servitude, access control, conveyance of engineering services, the maintenance of services and refuse removal in favour of all other farm portions comprising the land development area, for access to emergency vehicles in favour of the Municipality and a right of way servitude in favour of Portion 30 of the Farm Buiskop 464 KR.

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- (b) A right of way and access servitude in favour of the owners of portions of land in the retirement village (Portions 3 - 206, 209 – 358, 360 – 410.) for game viewing, nature trails and general enjoyment, to be exercised subject to the rules and conditions of the POA.

1.3.2.3 PORTIONS 1, 436, AND 437:

- (a) A right of way servitude in favour of Portions 5, 6 and 7 of the Farm Valencia 449 KR.

1.4 ENGINEERING SERVICES:

The Municipality shall not permit occupation of any buildings or improvements to be constructed on the land development area as contemplated in Section 14 of the National Building Regulations and Building Standards Act (Act 103 of 1977), before the Applicant has complied with the following to the satisfaction of the said Municipality:

Due compliance with all provisions of the National Water Act of 1998, with specific reference to the obtaining of all water use licences and permits required to provide the farm portions with water for human consumption, including other purposes.

1.5 OWNERSHIP:

- 1.5.1 The Applicant shall properly and legally constitute one or more property owners association/s as provided for in clause 1.3 of Part I above.
- 1.5.2 The owners of farm portions 3 - 206, 209 – 358, 360 – 410 in the development shall become a member of the property owners association upon transfer of the farm portion.
- 1.5.3 The property owners association shall have full responsibility for the functioning and proper maintenance of services to be installed as depicted on the approved Settlement Plan.

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- 1.5.4 The property owners association shall have the legal power to levy from each and every member the costs incurred in the fulfillment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.
- 1.5.5 The property owners association shall have the right to construct and maintain over the servitude area, any construction equipment, security system, electric fence, lighting systems, electronic surveillance systems, and/or communication system or anything related or ancillary thereto. In this regard it is recorded that the said company shall at all times be entitled to bring upon the servitude area by means of its officials, agents, contractors, workmen and servants all such machinery, equipment and materials as, in the opinion of the company or its authorised representatives may be necessary or desirable for the construction or maintenance of systems installed or to be installed or for inspecting, maintaining or replacing the same from time to time, and the company shall be entitled to permit the use of the areas as a right-of-way for access purposes, by such persons as in its direction may be considered necessary.
- 1.5.6 The Property Owners Association shall become the owner of Portions 1, 359, 411, 412 – 435, 436, within the land development area and shall assume the responsibility for the maintenance of the aforementioned portion.
- 1.5.7 All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association.
- 1.5.8 Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the Association as specifically provided for in the Articles of Association.

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1.5.9 Suitable provision to ensure that the family members who enjoy a legitimate right of access to the graves on the property shall be incorporated into the rules of the Property Owners Association.

1.6 BUILDING PLANS:

1.6.1 The provisions of the National Building Regulations, as per the National Building Regulations and Building Standards Act (Act 103 of 1977), shall apply, with specific reference to the approval of building plans and the issuing of occupancy certificates by the Municipality.

1.6.2 Building plans shall not be submitted to or considered by the Municipality before compliance with 1.5.7 by the relevant property owner.

1.7 GEO-TECHNICAL:

The Applicant shall comply with the recommendations contained in the Geo-technical Report.

1.8 ENVIRONMENTAL:

The Applicant shall comply with the mitigating measures as contemplated in the Environmental Management Report.

ANNEXURE A

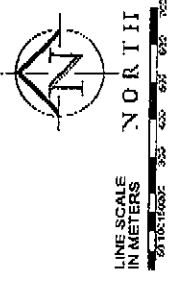
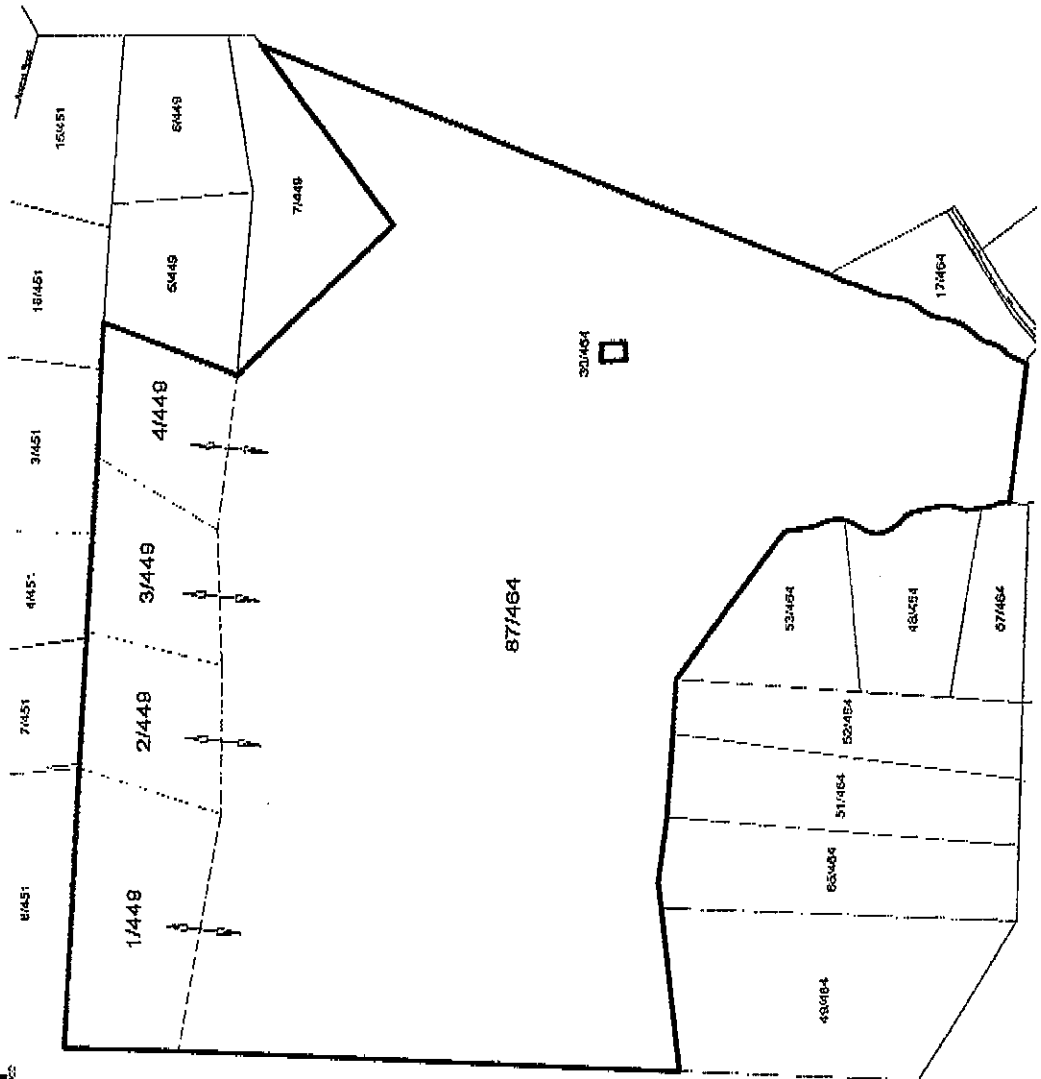
NOORDPLAN
 21A BUCHANAN STREET
 POLOKWANE
 Tel: 016 281 4288
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 nplan@absmail.co.za

CONSOLIDATION PLAN
 for Portion 1, 2, 3 and 4
 of the farm Valencia 449 KR
 and Portion 87 of the farm
 Buiskop 464 KR to be
 subdivided thereafter.

APPROVED BY:

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 FLOOR OFFICE BLOCK
 PRETORIA 0001
 011 312 1119
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SCALE 1:20 000
 PLAN
 CONSOLIDATION
 BELA BELA
 MUNICIPALITY
 MAY 2011



ANNEXURE B



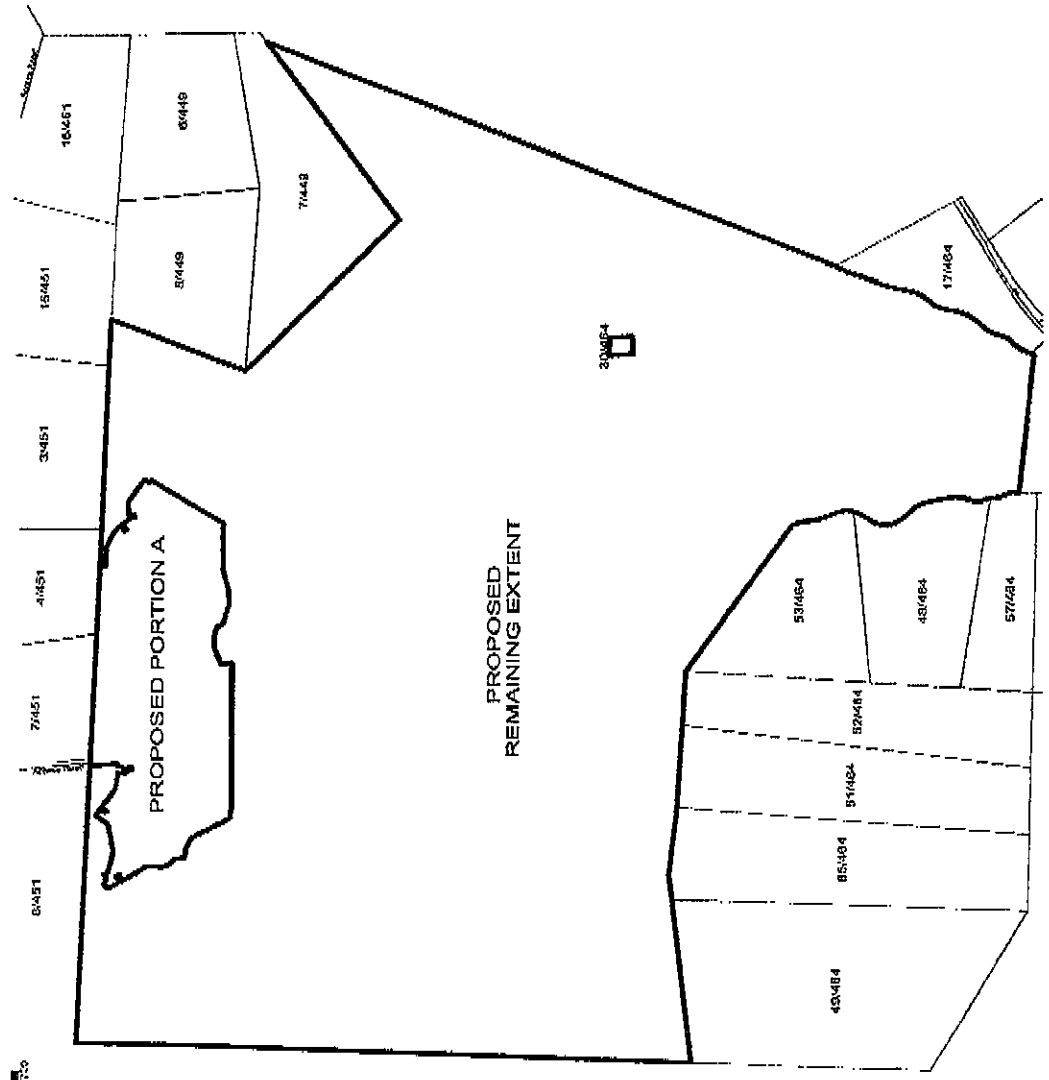
19 B HANS VAN RENSBURG STREET
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DRAFT SMALL SCALE DIAGRAM

MAP PREPARED BY:

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 19 B HANS VAN RENSBURG STREET
 POLOKwane
 TSWANE

SCALE 1 : 20 000
 DRAFT SMALL SCALE DIAGRAM
 BELLA BELLA MUNICIPALITY
 MAY 2011



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