

LIMPOPO DEVELOPMENT TRIBUNAL

Reference number: LH 10/4/11/2/1/23(DO)

STATEMENT OF CONDITIONS UNDER WHICH
THE LAND DEVELOPMENT APPLICATION BY :

J Paul van Wyk Urban Economists & Planners CC
on behalf of
Goss Family Trust
(No IT 676/2000)

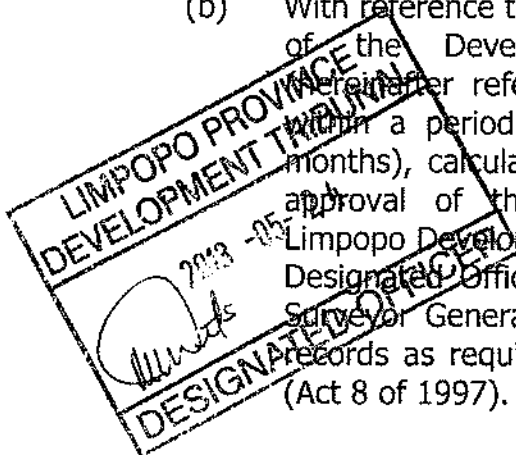
HAS BEEN APPROVED BY THE LIMPOPO DEVELOPMENT TRIBUNAL IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 FOR THE ESTABLISHMENT OF A LAND DEVELOPMENT AREA ON THE REMAINDER OF PORTION 6 OF THE FARM ZUURVLEI 403-KR IN THE MODIMOLLE LOCAL MUNICIPAL AREA, TO BE KNOWN AS KROONVLEI WILDERNESS ESTATE.

PART 1

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

1.1 (a) The Applicant shall comply with the provisions of Section 55(a) of the Development Facilitation Act, (Act 67 of 1995)(hereinafter referred to as the 'the DFA').


(b) With reference to Regulation 23(1) read with Regulation 9(3) of the Development Facilitation Regulations, 2000 (hereinafter referred to as 'the DFR'), the Applicant shall within a period of twelve (12) months (and not five (5) months), calculated from the date of official notification of approval of the land development application by the Limpopo Development Tribunal, or such longer period as the Designated Officer may allow, lodge for approval with the Surveyor General the General Plan and such diagrams and records as required in terms of the Land Survey Act, 1997 (Act 8 of 1997).



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- 1.2 (a) The Applicant shall comply with the provisions of Section 55(b) of the DFA.
- (b) With reference to Regulation 23(10) read with Regulation 9(3) of the DFR the Applicant shall within a period of six (6) months (and not two (2) months) of the date of approval by the Surveyor General of the General Plan for the land development area, or such longer period as the Designated Officer may allow, lodge the documents provided for in Regulation 23(10) with the Designated Officer, the Modimolle Local Municipality and the Registrar of Deeds respectively.

- 1.3 (a) The Applicant shall establish a Non-profit Company to function as a Home Owners' Association (HOA) in terms of the relevant provisions of the Companies Act, 2008 (Act 71 of 2008) for purposes of owning and maintaining communal land-portions, perimeter fencing, private roads, private open space and shared engineering services on Portions 26 and 27 of the land development area, and to comply with the further requirements set out in Clause 1.5 of Part II hereunder.

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The HOA shall include and apply to the separate land development area approved on the Remainder of Portion 1, Portion 2 and Portion 7 of the farm Zuurvlei 403-KR and shall acknowledge the functioning of the two (2) land development areas concerned as an integrated entity managed and operated as the Kroonvlei Wilderness Estate.

- 1.4 The Applicant shall in conjunction with the Designated Officer prepare and publish in the Provincial Gazette a notice as contemplated in Section 51(3) of the DFA to give effect to the tribunal decision taken in terms of Section 52 of the DFA to *inter alia* approve the land development area as a division of the former land development area promulgated under General Notice 344 of 2008 in the Provincial Gazette on 17 October 2008, and to reincorporate Portion 3 of the farm Zuurvlei 403-KR and Remainder of the farm Rhenosterpoort 402-KR under the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).

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1.5 With reference to Section 38 of the DFA the registration of ownership of land-portions in the land development area shall proceed on a phased basis. In this regard the following shall apply:

- (a) The identification of each phase shall be the prerogative of the Applicant and can comprise any number of land-portions of one (1) or more.
- (b) The land-portions identified for registration shall be provided with proper access, an electricity connection and potable water and the Applicant shall ensure that the future owners of land-portions in the land development area install an acceptable sewerage purification package plant as part of the building plan approval and construction process.
- (c) The Designated Officer shall issue a certificate of compliance with the provisions of Section 38 of the DFA to the Registrar of Deeds once the provisions of Condition 1.5(b) above have been met.

1.6 (a) The Applicant shall submit the approved townplanning scheme to amend the Modimolle Land Use Scheme, 2004 to the Modimolle Local Municipality to scrutinize for technical correctness, within three (3) months from approval of the land development area by the tribunal.

(b) The townplanning amendment scheme shall be deemed technically correct and acceptable if not finalized within four (4) months of lodging with the Modimolle Local Municipality.

The Applicant, in conjunction with the Designated Officer, may then proceed in terms of Section 51(3) of the DFA to promulgate the amendment scheme in the Provincial Gazette.

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(c) Land-portions in the land development area shall not become registerable before publication of the notice for promulgation of the amendment scheme in the Provincial Gazette, as contemplated above.

1.7 Portions 26 and 27 shall be transferred at the expense of the Applicant to the HOA within five (5) years of registration of the first land-portion at the Deeds Office, or once 50 percent or more of individual land-portions in the land development area have been transferred to new owners at the Deeds Office, whichever event occurs first.

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 Kroonvlei Wilderness Estate.

The name is shared with the land development area on certain adjacent properties known as the Remainder of Portion 1, Portion 2 and Portion 7 of the farm Zuurvlei 403-KR.

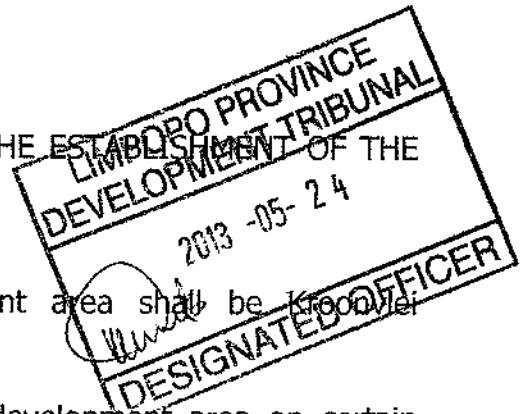
1.2 LAYOUT

The land development area shall consist of land-portions as indicated on Settlement Plan No: KROONVLEI/R6/LDA/PLAN(03), for which the Surveyor General has allocated portion numbers for the General Plan.

1.3 CONDITIONS OF TITLE

1.3.1 Incorporation of existing conditions and servitudes

All the conditions of title and servitudes contained in title deed T24521/2010 of the Remainder of Portion 6 of the farm Zuurvlei 403-KR shall be incorporated in the title deeds of the subdivided land-portions in the land development area, in as far as these affect such land-portions.



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1.3.2 Registration of new title conditions

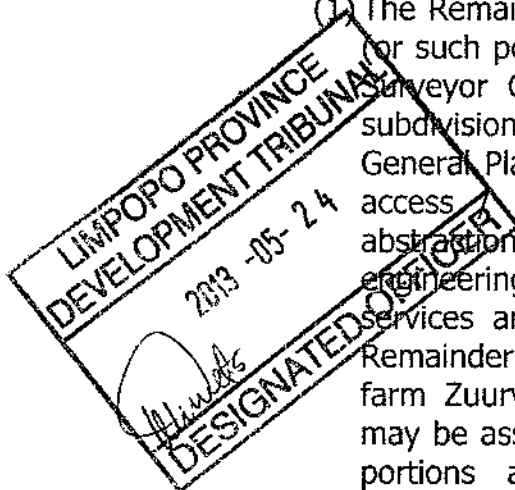
All land-portions:

- (a) The owner of the land-portion or any subdivision thereof shall automatically be and shall remain a member of the Non-profit Company referred to in Condition 1.3 of Part 1 and shall not be entitled to transfer the land-portion except with a clearance certificate from the Company to the effect that the Memorandum of Incorporation of the Company has been complied with.
- (b) The land-portion shall not be transferred to any person who has not bound himself / herself to be a Member of the Non-profit Company, to the satisfaction of the Company.
- (c) All the members of the Home Owners' Association being the Non-profit Company to be registered shall be bound to any and all of the provisions contained in the Memorandum of Incorporation.

1.3.3 Registration of new servitudes

(1) The Remainder of Portion 6 of the farm Zuurvlei 403-KR (or such portion numbers which may be assigned by the Surveyor General to this land-portion and subsequent subdivisions of same in accordance with an approved General Plan), shall be subject to a general servitude of access, right-of-way, traversing rights, groundwater abstraction, bulk engineering services and conveyance of engineering services, the maintenance of engineering services and refuse removal services in favour of the Remainder of Portion 1, Portion 2 and Portion 7 of the farm Zuurvlei 403-KR (or such portion numbers which may be assigned by the Surveyor General to these land-portions and subsequent subdivisions of same in accordance with an approved General Plan).

(2) The Remainder of Portion 6 of the farm Zuurvlei 403-KR (or such portion numbers which may be assigned by the Surveyor General to this land-portion and subsequent



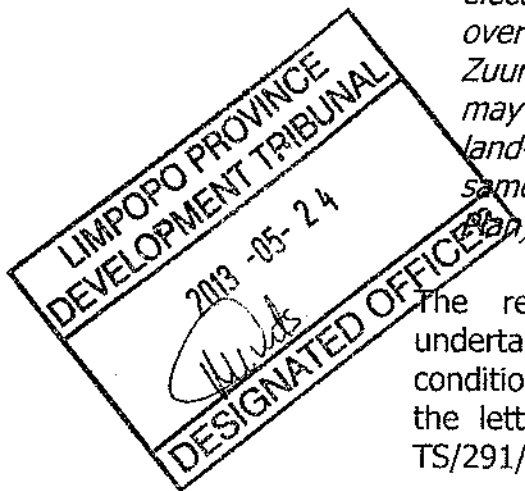
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subdivisions of same in accordance with an approved General Plan) shall be subject to a general servitude of access / right-of-way for emergency vehicles, in favour of the municipal and provincial authorities.

(3) The Remainder of Portion 6 of the farm Zuurvlei 403-KR (or such portion numbers which may be assigned by the Surveyor General to this land portion and subsequent subdivisions of same in accordance with an approved General Plan) shall be subject to a servitude of access for families of the deceased buried on the property.

(4) The Kareefontein-Middelfontein and / or Warmbron-Nyl 22kV overhead transmission lines of ESKOM, if affecting the land development area, shall be protected by the registration of a servitude in favour of ESKOM, 18-metres wide, by preparation by the Applicant of (a) Servitude Diagram(s) with the description to read as follows:

"The line ABC... represents the centre-line of an electrical power-line servitude, 18 metres wide over the Remainder of Portion 6 of the farm Zuurvlei 403-KR (or such portion numbers which may be assigned by the Surveyor General to this land-portion and subsequent subdivisions of same in accordance with an approved General Plan)."



The registration of the(se) servitude(s) shall be undertaken by the Applicant in compliance with the conditions of support of the land development area in the letter by ESKOM dated 18 September 2006 (ref: TS/291/06)

(5) A servitude shall be registered over the portion of Portion R/6 of the farm Zuurvlei 403-KR situated to the east of Provincial District Road D908 for purposes of a cultural village and staff accommodation, in favour of Portions R/1, 2 and 7 of the farm Zuurvlei 403-KR. The purpose being to ensure availability of the affected land for the

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mentioned purposes in the event of the land development area on Portion R/6 being developed at a slower pace as the land development area on Portions R/1, 2 and 7.

1.4 ENGINEERING SERVICES

1.4.1 Civil services

As confirmed in its letter dd 17 November 2006 the Modimolle Local Municipality cannot supply any services to the land development area and the Applicant will be responsible to provide these services at own cost, to the satisfaction of the Municipality. The Applicant shall prepare a Services Plan to be submitted to the Municipality addressing *inter alia* roads and stormwater, water, sewerage disposal and refuse removal.

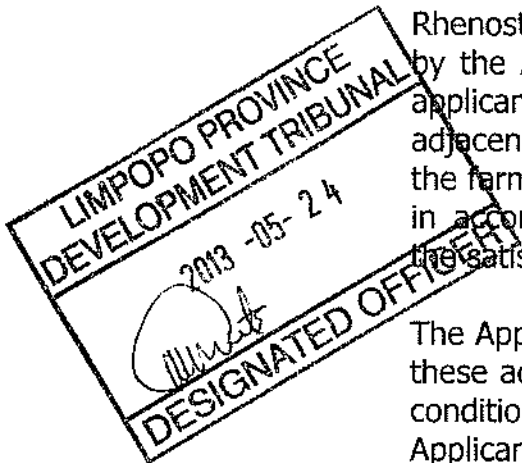
1.4.2 Accesses

The accesses to the land development areas approved on Provincial Road D908 by the Roads Authority Limpopo (RAL) in its letter dated 06/09/2011 (ref: RAL/7/5/2/7 Rhenosterpoort 402-KR) shall be designed and constructed by the Applicant, in conjunction with the land development applicant of the approved land development area on the adjacent Remainder of Portion 1, Portion 2 and Portion 7 of the farm Zuurvlei 403-KR. The accesses shall be constructed in accordance with official requirements and standards, to the satisfaction of the RAL.

The Applicant shall comply with the conditions of approval of these accesses imposed by the RAL. Compliance with these conditions shall be a collaborative endeavour between the Applicant and the land development owner of the mentioned adjacent land development area.

1.4.3 Electricity

The Applicant shall be responsible to negotiate the necessary electricity supply from ESKOM and / or shall investigate and install alternative power supply sources; and shall comply with all the conditions of approval of the supply of electricity to the land development area (if applicable).



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1.5 OWNERSHIP

1.5.1 The Applicant shall, in conjunction with the land development area on the adjacent Remainder of Portion 1, Portion 2 and Portion 7 of the farm Zuurvlei 403-KR legally constitute a Home Owners Association (HOA) as provided for in Condition 1.3 of Part 1. Such association shall be responsible for the management of all operations on the two (2) land development areas together styled as the Kroonvlei Wilderness Estate.

1.5.2 All owners of land-portions in the land development area shall become a member of the HOA upon transfer of ownership at the Deeds Office.

1.5.3 The HOA shall have full responsibility for the functioning and proper maintenance of engineering services installed on Portions 26 and 27 as shown on the approved Settlement Plan.

1.5.4 The HOA shall have the legal power to impose levies on all members for expenses incurred in fulfillment of its functions and shall have legal recourse to recover such levy amounts in the event of default in payment by any member.

1.5.5 The HOA shall have the right to construct and maintain on / 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 authorized representatives may be necessary or desirable for the construction or maintenance of systems installed or to be installed or for inspecting,

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maintaining or replacing 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 discretion may be considered necessary.

1.5.6 All buildings and structures to be erected shall be made subject to the provisions of the Architectural Guidelines and any and all amendments to the said document as may be effected and approved by the Home Owners' Association.

1.5.7 Building plans shall only be submitted to the local authority for final approval once the plans have been evaluated and approved by the Home Owner's Association, or a designated committee of same.

1.6 BUILDING PLANS

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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 by the Municipality.

Building plans shall not be submitted to or considered by the Municipality before compliance with Condition 1.5.7 by the relevant land-portion owner.

1.7 GEOTECHNICAL

The Applicant, in conjunction with the Municipality, shall ensure due compliance with Paragraphs 7 and 8 of the Geotechnical Assessment by messrs Louis Kruger Geotechnics CC dated 24 July 2006.

1.8 ENVIRONMENTAL

(a) The Applicant shall comply with the mitigating measures as contemplated in the Environmental Report for the land development area as well as the conditions of approval of the official environmental authorization in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998)(as amended).

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(b) The Environmental Management Plan (EMP) for the land development areas shall be adopted by the HOA for future management of the environment in the resort / estate.

1.9 DENSITY RESTRICTION

Only a single dwelling-house shall be permitted on private lodge stands and under no circumstances may a second dwelling-house be erected on these land-portions.

This restriction shall be incorporated in the townplanning amendment scheme for the land development area.

1.10 WATER-USE AUTHORIZATION

The Municipality shall not permit occupation of any new buildings in 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 to the satisfaction of the said Municipality with the relevant provisions of the National Water Act, 1998 (Act 36 of 1998), with specific reference to water use requirements to provide households on land portions with potable water for human consumption.

1.11 MUNICIPAL REQUIREMENTS

The Applicant shall comply with all the requirements and conditions by the Modimille Local Municipality in its letter dated 17 November 2006 (or subsequent variations), save to obtain the consent of the National Department of Agriculture, Forestry & Fisheries (NDAFF) for the project.

1.12 OTHER AUTHORITIES

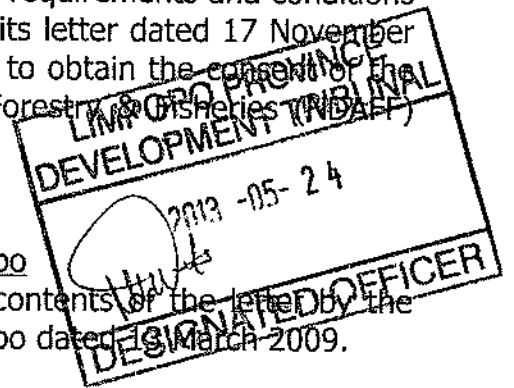
1.12.1 Land Claims Commissioner: Limpopo

Cognisance shall be taken of the contents of the letter by the Land Claims Commissioner: Limpopo dated 16 March 2009.

1.12.2 ESKOM

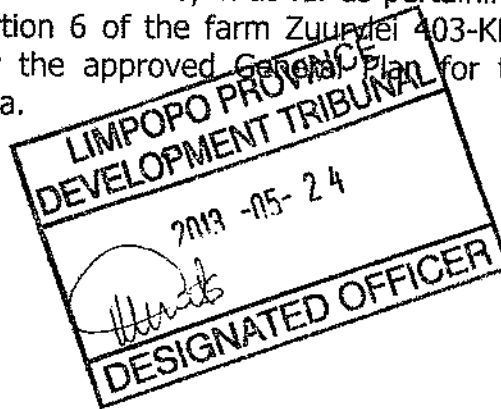
(1) Cognisance shall be taken of the requirements by ESKOM in its letter dated 09 July 2009.

(2) The Applicant shall comply with all the conditions / requirements of ESKOM set out in its letter dated 18



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September 2006, in as far as pertaining to the Remainder of Portion 6 of the farm Zuurder 403-KR, and subdivisions as per the approved General Plan for the land development area.



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