

LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

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No. 1914

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**Hu tshi katelwa na
Gazethe dza Nyingo**

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 110

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

It is hereby notified in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) that the Elias Motsoaledi Local Municipality has approved an Amendment Scheme with regard to the Land in the Township GROBLERSDAL EXTENSION 30, being an amendment of the Groblersdal Town Planning Scheme, 1981.

Map 3 A and the Scheme Clauses of this Amendment Scheme are filed with the Acting Head : Legal and Secretarial Services and are open during office hours.

The amendment is known as Groblersdal Amendment Scheme 3192/3/1

Acting Head : Legal and Secretarial Services, Groblersdal Extension 30 (IP06/99) 13/12/2007

LOCAL AUTHORITY NOTICE 111

ELIAS MOTSOLEDI LOCAL MUNICIPALITY

DECLARATION OF GROBLERSDAL EXTENSION 30 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the Elias Motsoaledi Local Municipality hereby declares the township of Groblersdal Extension 30 to be an approved township, subject to the conditions set out in the schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY MAGNIFICENT MILE TRADING 73 (PTY) LTD (HEREAFTER REFERRED TO AS THE APPLICANTS / TOWNSHIP OWNERS) UNDER THE PROVISIONS OF SECTION C OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986 (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP SITUATED ON PORTIONS 1181 AND 1132 OF THE FARM LOSKOP NOORD 12 JS, HAS BEEN GRANTED BY THE ELIAS MOTSOLEDI MUNICIPALITY

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP :-

1.1 GENERAL

The applicant shall satisfy the local authority that :-

- a) The provisions of section 72, 75 and 101 of the Town Planning and Townships Ordinance, 1986, have been complied with.
- b) The relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township.
- c) The Record of Decision (ROD) from LDACE has been submitted to this Department, and that all conditions shall be adhered to by the applicant.

2. CONDITIONS OF ESTABLISHMENT

2.1 NAME

The name of the township shall be Groblersdal Extension 30.

2.2 DESIGN

The township shall consist of erven and streets as indicated on the General Plan No 377/2008.

2.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

- A. All erven shall be made subject to existing conditions of title, if any.
- B. All erven are not subject to the following conditions and servitudes which do not affect the township :

- a) Condition A on page 2 of Certificate of Registered Title T.113375/2002 relating to Deed of Servitude K.183/1976-S, namely :

"Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 41786,0932 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogronds of ondergronds te lei, tesame met bykomende regte, soos meer ten volle sal blyk uit Notariële Akte K.183/1976-S."

- b) Condition B on page 2 of Certificate of Registered Title T.113375/2002 relating to Deed of Servitude K.2421/1979-S, namely :

"Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 38657,8518 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogronds of ondergronds te lei, tesame met bykomende regte, soos meer ten volle sal blyk uit Notariële Akte K.2421/1979-S."

- c) Condition C on page 3 of Certificate of Registered Title T.113375/2002 relating to Deed of Servitude K.1231/1981-S, namely :

"Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 38473,9464 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogronds of ondergronds te lei, tesame met bykomende regte, soos meer ten volle sal blyk uit Notariële Akte K.1231/1981-S."

- d) Condition D on page 3 of Certificate of Registered Title T.113375/2002 relating to Deed of Servitude K.635/1982-S, namely :

"Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 38292,7775 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogronds of ondergronds te lei, tesame met bykomende regte, soos meer volledig sal blyk uit Notariële Akte K.635/1982-S."

- e) Condition H on page 6 of Certificate of Registered Title T.113375/2002, namely :

"Verder onderhewig aan die volgende voorwaarde opgelé ingevolge Artikel 4(2) van die Wet op die Onderverdeling van Landbougrond, 1970, naamlik :

Dat hierdie eiendom en Gedeelte 881 van die plaas Loskop Noord 12, Registrasie Afdeling JS, Mpumalanga, groot 114,9999 hektaar, behalwe vir die uitbreiding van bestaande verbande om die inkomende gedeelte in te sluit, nie afsonderlik met 'n verband beswaar, afsonderlik oorgedra of op enige ander wyse afsonderlik mee gehandel mag word sonder die skriftelike toestemming van die Minister van Landbou nie."

- f) Condition A on page 2 of Deed of Transfer T.144583/2001 relating to Deed of Servitude K.183/1976-S, namely :
- "Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 41766,0932 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogrond of ondergronds te lei, tesame met bykomende regte, soos meer ten volle sal blyk uit Notariële Akte K.183/1976-S."
- g) Condition B on page 2 of Deed of Transfer T.144583/2001 relating to Deed of Servitude K.2421/1979-S, namely :
- "Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 38657,8518 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogrond of ondergronds te lei, tesame met bykomende regte, soos meer volledig sal blyk uit Notariële Akte K.2421/1979-S."
- h) Condition C on page 2 of Deed of Transfer T.144583/2001 relating to Deed of Servitude K.1231/1981-S, namely :
- "Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 38473,9484 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogrond of ondergronds te lei, tesame met bykomende regte, soos meer ten volle sal blyk uit Notariële Akte K.1231/1981-S."
- i) Condition D on page 3 of Deed of Transfer T.144583/2001 relating to Deed of Servitude K.635/1982-S, namely :
- "Die voormalige Resterende Gedeelte van die genoemde plaas LOSKOP NOORD, groot 38292,7775 hektaar, 'n gedeelte waarvan hiermee getranspoteer word, is onderhewig aan die reg ten gunste van ESKOM om elektrisiteit bogrond of ondergronds te lei, tesame met bykomende regte, soos meer ten volle sal blyk uit Notariële Akte K.635/1982-S."
- j) Condition A on page 7 of Deed of Transfer T.144583/2001 relating to servitudes mentioned above in paragraphs (f) en (i).
- k) Conditions F(b)(i) and F(b)(ii) on page 5 of Deed of Transfer T.144583/2001, namely :
- "F(b) Die volgende voorwaardes soos gestel deur die Departement van Waterwese sal van toepassing wees :
- (i) Geen gebou of enige bouwerk hoegenaamd mag binne 'n afstand van dertig (30) meter vanaf die buitenste serwituuadraad langs die Departementale kanale en/of dreins opgerig word nie, sonder die skriftelike goedkeuring van die Minister van Waterwese nie;
- (ii) Geen ontwikkeling van water aard ookal mag binne dertig (30) meter van die gemelde serwituuadraad of tussen die drein en linker-oewer van die Hoofkanaal geskied nie, sonder die skriftelike toestemming van die Minister van Waterwese.
- l) Conditions G(a), G(b)(i), G(b)(ii), G(c), G(d) and G(e) on page 6 to page 7 of Deed of Transfer T.144583/2001, namely :
- "G(a) Die grond is onderworpe aan ewigdurende servitude van waterleiding en/of dreinerig, soos omskryf in Artikel 139, met insluiting van die regte bepaal in Artikels 141(3) en 142(1)(a), (b) en (c) van die Waterwet, 1956, soos gewysig, ten aansien van enige

enige bestaande kanale en afvoerslote gebou onder hierdie Staatswaterskema, ten gunste van die Republiek van Suid-Afrika en is verder onderworpe aan die reg van die Minister of ander bevoegde gesag om enige verandering of vervanging te maak in die konstruksie of roete van die gesegde kanale en afvoerslote en om addisionele kanale en/of afvoerslote te bou. Die Staat sal onder geen omstandighede aanspreeklik wees vir enige skade of verlies wat deur die eienaars gely mag word oor of op die gedeeltes wat aan die gesegde serwitute onderworpe is nie.

- (b) (i) Die Minister van Landbou of ander bevoegde gesag by wie die verpligting vir die onderhoud van die verdelingsvore en afleivore hierna mag berus het die reg om damme, reservoars, geleidings watervore, geute, pypleidings en afleivore op die grond aan te lê vir die toevoer van water na, of die afvoer van water van ander hoewes, of Staats- of privaatgrond, of vir publieke of ander doeleindes en om die nodige paaie langs sulke vore of afleivore te maak. Die behoorlik gemagtigde amptenare van die Staat of ander gemagtigde persone het te alle tye langs die genoemde paaie vrye deurgang oor die grond vir die doel om sluisse te reël en om, ingeval van belemmering van stroom die vore of afleivore te ondersoek, skoon te maak en te herstel.
- (ii) Die Minister van Landbou of ander bevoegde gesag het altyd die reg om afleivore en dreineringsvore oor die grond aan te lê en om materiaal daarvan te neem, benodig vir herstel of onderhoud van die leivore en dreineringsvore. Die skoonmaak, instandhou en herstel van die gesegde leivore en dreineringsvore moet deur die eienaar gesamentlik en afsonderlik met ander eienaars en/of huurders van hoewes binne die nedersetting onderneem word.
- (c) Die Staat, Waterraad of ander bevoegde liggaam aanvaar geen aanspreeklikheid vir enige verlies wat die eienaar van die grond mag ly as gevolg van waterskaarste of enige beperking van water of enige misoeste as gevolg daarvan, of enige skade wat deur oorstroming, deursypeling of enige oorloop van water veroorsaak is nie, en die eienaar het geen eis teen die Staat, Waterraad of ander bevoegde liggaam vir enige vergoeding ten aansien daarvan nie.
- (d) 'n Reg-van-Weg ten gunste van die huurders en/of eienaars van aangrensende of naburige hoewes op die nedersetting in 'n geskikte rigting na die naaste publieke pad moet te alle tye oor die grond toegestaan word, ten gunste van die eienaars, huurders of okkuperders van die ander gedeeltes op die nedersetting, mits sodanige reg-van-weg volgens die mening van bevoegde gesag nodig is.
- (e) Die eienaar moet, ingeval die hele of enige gedeelte van die grond gebruik word vir die weiding van vee van watter soort ookal, die grense daarvan asook die kante van alle besproeiingskanale, vore of afleivore wat daarvoor gaan, omhein ooreenkomstig spesifikasies deur die Minister van Landbou vasgestel."
- m) Condition D relating to conditions set out in paragraphs (k) and (l) above.
- n) The condition contained in paragraph 2 on page 10 of Deed of Transfer T.144583/2001, namely :

"Endorsement in terms of Section 6(2) of Act 70 of 1970 :

The within-mentioned property and portion 1132 (a portion of Portion 882) 882 of the farm Loskop Noord 12, Registration Division JS, Mpumalanga Province, may, in terms of Section 4(2) of Act 70 of 1970, not be separately mortgaged or transferred without the consent of the Minister of Agriculture. Vide consent no 35530 filed with Certificate of Registered Title T.113375/2002."

- C.
- a) The following erven are subject to the rights to minerals in condition E on page 3 to page 5 of Deed of Transfer T.144583/2001 relating to Notarial Deeds of Cession No 938/1937-S and 941/1937-S, namely :

ERVEN 1209 to 1215, ERVEN 1236 to 1252, ERF 1254 and ERF 1256.
 - b) The following erven are subject to the right to minerals in condition F(a) on page 5 of Deed of Transfer T.144583/2001, namely :

ERF 1216, ERVEN 1220 to 1236.
 - c) The following erven are subject to the right to minerals in paragraphs (a) and (b) above, namely :

ERF 1217, ERF 1218, ERF 1219, ERF 1237, ERF 1255, ERF 1257.
 - d) ERF 1253 is subject to Condition E on page 3 to page 5 of Certificate of Registered Title T.113375/2002 and condition F on page 5 of Certificate of Registered Title T.113375/2002 and condition G on page 6 of Certificate of Registered Title T.113375/2002, namely :
- E. "Daardie gedeelte van die eiendom hiërme toegeken voorgestel deur die figuur e f J K L M N O P Q R S T U V W X Y Z A' B' C' D' E' F' A B C e op Kaart LG No A.1986/83 geheg aan Grondbrief T.14152/87 en wat 'n gedeelte uitmaak van daardie gedeelte van die plaas LOSKOP NOORD 242, voorgestel deur die figuur Qg - Qf - Qe - Bg - Lr - Lq - Lp - Lo - Ke - Kv - Ku + Qg met uitsondering van figure Qh - Qi - Qj - Qk - Ql - Qm - Qh - Wi - Wj - Wk - Wl - Wm - Wn - Wo - Wp - Wl en Wq - Wr - Ws - Wt - Wu - Wv - Ww - Wx - Wy - Wx - Wz - Wg op Kaart LG Nr A.4008/50 geheg aan Sertifikaat van Verenigde Titel T.26941/1952 is spesiaal onderworpe aan die volgende voorwaarde naamlik :
1. "All rights to minerals;
 2. All rights which in terms of the Gold Laws, are or may be allotted to the freehold owners, arising from rights to minerals, claims and mynpachts;

2.4 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owners shall at their own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, within a period of six (6) months from the date of publication of this notice.

2.5 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by any reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owners.

2.6 OBLIGATIONS IN REGARDS TO ENGINEERING SERVICES

- (a) The township owners shall within such period as the local authority may determine, fulfill their obligations in respect of the provision and installation of engineering services as previously agreed upon between the township owner and the local authority. This can be provided by the bore holes and a septic tank and reed bed type sewer system will be allowed.
- (b) Once water, sewer and electrical networks have been installed, the same will be transferred to the Home Owners Association, free of cost, which shall maintain these networks (except internal streetlights) subject to (a) above.
- (c) The township owner is liable for the erection and maintenance of street name signs on the private road.

2.7 ACCESS

Ingress and egress to and from the township shall be from Road P95-1 and to the satisfaction of the Local Authority and Provincial Roads Department.

2.8 ENVIRONMENTAL REQUIREMENTS

The townships owner shall comply with all conditions as set out in the Record of Decision of the Limpopo Department of Economic Development, Environment and Tourism, dated 19 July 2007.

3. CONDITIONS OF TITLE

The erven shall be subject to the following conditions imposed by the local authority in terms of the provisions of the Town Planning and Townships Ordinance, 1988:-

3.1 ALL ERVEN (EXCEPT ERVEN 1256 & 1257)

- (a) 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, provided that the local authority may dispense with any such servitude.
- (b) 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.
- (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage main and other works on it, in its discretion, may deem necessary, and shall further be entitled to reasonable access to the said land for aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- (d) All conditions as set out in the Record of Decision of the Limpopo Department of Economic Development, Environment and Tourism, dated 19 July 2007 shall be complied with.

3.2 ERVEN 1253, 1255, 1256 & 1257

The erven are subject to a Right of Way and Services Servitude in favour of the local authority and the owners of the erven in the development.

3.3 ERF 1253

The erf is subject to a 10m Right of Way Servitude indicated by line AB and BC on General Plan SG No 377/2008 in favour of the local authority and the owners of the erven in the development.

4. 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

4.1 GENERAL CONDITIONS (APPLICABLE TO ALL ERVEN)

The following conditions shall be applicable to all erven:

- 1) Except with the written consent of the local authority, and subject to such conditions as it may determine -
 - (a) Neither the owner nor any other person shall have the right, save and except to prepare the erf for building purposes, to excavate there from any material.
 - (b) Neither the owner nor any other person shall sink any wells or boreholes thereon or abstract any subterranean water there from.
 - (c) Neither the owner nor any other person shall have the right to make, or permit to be made, on the erf for any purpose whatsoever, any tiles or earthenware pipes or other articles of the like nature.
- 2) Where, in the opinion of the local authority, it is impracticable for storm water 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 / or permit the passage over the erf of such storm water: Provided that the owners of any higher lying erven, the storm water 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 erected in the property, and entrance to and exits from the property shall be to the satisfaction of the local authority.
- 4) 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 adequately maintained the local authority shall be entitled to undertake such maintenance at the cost of the registered owner.
- 5) 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.
No material or goods of any nature may be deposited or stored within the building restriction area along the boundary or any existing street, proposed street or widening and such portion shall not be used for any purpose other than for laying out and maintaining lawns, gardens, parking or access: Provided that if a screen wall is required to be erected on such a boundary this requirement may be relaxed with the written consent of the local authority and subject to such conditions as the local authority requires.

- 6) If the property is fenced or enclosed in any other manner, the extent, material, design, height and position and maintenance shall be to the satisfaction of the local authority.
- 7) Proposals to overcome possible detrimental soil conditions to the satisfaction of the local authority must be contained in the building plans which are submitted to the local authority for approval and all buildings must be erected in accordance with the preventative measures accepted by the local authority.

4.2 ERVEN 1209 TO 1250 ARE SUBJECT TO THE FOLLOWING CONDITIONS

The erven shall be zoned "Special" for Rural Residential purposes

- (a) The property may be developed with a dwelling house and related and subservient buildings
- (b) The height of buildings shall not exceed 2 storeys, where a storey shall be a maximum of 4 meters high);
- (c) The coverage of buildings shall not exceed 5% of the area of the erf or 800square meters;
- (d) The allowable Floor Area Ratio shall not exceed 0,2;
- (e) The number of dwelling units per erf will be limited to a main dwelling house only;
- (f) The minimum floor area of the dwelling unit on the erf shall be 120m²;
- (g) The building line on the street may not be less than 10m on street boundaries and 15m on the side boundaries;
- (h) A maximum area of 1 000square meters of the property may be used to the development of a dwelling house and related uses. The balance of the property may not be cleared and must remain in its natural state and may not be fenced in any manner whatsoever;
- (i) A Section 21 Company (Home Owners Association) or a similar company shall be established which shall regulate at least the following:
- The architectural style of the dwelling units;
 - The type of gardens (fauna & flora) to be allowed, if any;
 - The rules on keeping pets, the type of pets and the number allowed;
 - The type of fencing allowed, if any;
 - The maintenance of the private open space area and the game contained therein;
 - The maintenance of the private road and the access control facility;
 - The types of trees and shrubs that may be planted and removed;
 - The type of sewer treatment to be used and the position of a septic tank on the property;
 - Building rules & regulations for building regulations;
 - Rules of conduct;
 - Access control arrangement;
 - Rubbish Removal;
 - Provision of services;
 - Provision of water to the development
 - Land uses allowed.
- (j) No mature trees may be removed, except for construction purposes;
- (k) Applications for change in land use, including densification, must be approved by the Section 21Company (Home Owners Association)
- (l) The properties may be utilized for residential purposes only and no other uses would be allowed, i.e. no business and or agricultural purposes allowed.

4.3 ERF 1252 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS

The erf shall be zoned "Special" for rural residential purposes including a guesthouse.

- (a) The erf is subject to the same conditions as set out under paragraph 4.2, except paragraph (f).
- (b) The erf may be used for a ten bedroom guesthouse with a related conference facility and restaurant;
- (c) The conference facility may accommodate a maximum of thirty people;
- (d) The restaurant shall be for the use of the patrons of the guesthouse. In addition to this it may accommodate up to a maximum of 40 other guests.

4.4 ERVEN 1253 TO 1255 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS

The erven shall be zoned "Agricultural".

- (a) The erven are for the use of the residents of the township;
- (b) The erven must be utilized for game farming;
- (c) The erven shall be maintained by the Section 21 Company (Home Owners Association)
- (d) Any buildings to be erected must be approved by the Section 21 Company (Home Owners Association)
- (e) A separate company will be established, of whom all the owners will be shareholders, which shares may be sold, that would manage the game to be kept on the erf or erven.

4.5 ERVEN 1251 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS

The erf shall be zoned "Special" for Recreational Area.

- (a) The erf is for recreational purposes only;
- (b) The erf is for the use of the residents of the township;
- (c) The erf shall be maintained by the Section 21 Company;
- (d) The buildings on the erf may only be used for recreational uses and may not exceed 400m² in extent and may not exceed one storey in height.
- (e) The property may be developed with a shop/kiosk which may not exceed 100 m² in extent and may not exceed one storey in height.

4.6 ERVEN 1256 & 1257 SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS

The erven shall be zoned "Special" for access control and an access road.

- (a) The erven are for access purposes and for access control purposes;
- (b) The erven are for the use of the residents of the township;
- (c) The erven shall be maintained by the Section 21 Company;
- (d) The property may be developed with a gate house which may not exceed 100m² in extent and may not exceed one storey in height.

1(j)
