



Ntabamoya Private Reserve

1140 Mooihoek Road
Winterton
KwaZulu-Natal

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3340

Dated: 26 October 2007

NTABAMOYA PRIVATE RESERVE RULES

1 INTRODUCTION

The Rules set out herein may be varied, amplified, added to or substituted by the Reserve Owners in their sole and unfettered discretion and without reference to any person.

The rules set out herein may reflect conditions imposed by the Environmental Management and Conservation Management Plans which the Reserve is duty bound to impose and uphold.

If you wish to contact the Reserve directly please e-mail info@ntabamoya.co.za.

2 DEFINITIONS

1. "Approved" means having in ones possession written, signed and dated approval from the Body Corporate.
2. The "Body Corporate" refers to the legal entity acting for the Sectional Scheme as defined by the Sectional Titles Act 1986 and also means The Trustees of the Body Corporate.
3. The "Reserve Property" means all property within the Reserve and includes all flora and fauna, electrical boxes and equipment, switches, taps, fire hydrants, post boxes, name plates, adornments and other fittings including garden items, fences, buildings, equipment, verges, servitudes, roads and pathways.
4. "Conduct Rules" refers to the Conduct Rules as contained in this document whether draft or published or amended.
5. "Development Area" means an undeveloped site within the Sectional Scheme as depicted on diagram S.G. No. D 190/2005, of the scheme known as NTABAMOYA, SS 507/2005.
6. The "Ethos" or inherent spirit or character of the Sectional Scheme is that it is a secluded, peaceful, safe and exclusive development with an abundance of indigenous flora and fauna, set in a natural environment within a private game reserve and eco-estate.
7. The "Exclusive Use Area" means the 0.4 hectare area delineated and registered as part of the Section as contemplated in Section 27 of the Sectional Titles Act. This area is for the exclusive use of the Owner.
8. "Exotic" means an introduced species (also known as naturalized species or exotic species) is an organism that is not indigenous to a given place or area and instead has been accidentally or deliberately transported to this new location by human activity. (http://en.wikipedia.org/wiki/Exotic_plant)

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9. "Fauna" is a collective term for animal life of any particular region or time.
(<http://en.wikipedia.org/wiki/Fauna>)
10. "Fire" is a collective term for any action of combustion that causes a flame or heat to a temperature above the flash point of nearby materials and includes braais, smouldering, bonfires, red-hot parts of a vehicle or machine such as exhausts turbo-chargers.
11. "Flora" is a collective term for all plant life occurring in an area or time period, especially the naturally occurring or indigenous plant life.
(<http://en.wikipedia.org/wiki/Flora>)
12. "Pet" means an animal, bird, reptile or like kept for companionship and enjoyment as possessed by the Owner.
13. "Owner" means the owner in title of a Section or Real Right within the Sectional Scheme.
14. "Person" means any person and includes the Owner of a Section and all Persons of a Section including lessees, tenants, employees, contractors, invitees, visitors, children and generally any persons invited or allowed by the Owner to occupy the Section or Real Right or any part of the Sectional Scheme.
15. The "Real Right" means the "real right" purchased from the DEVELOPER as contemplated in Section 25(4)(b) of Sectional Titles Act 95 of 1986.
16. The "Reserve" refers to "PORTION 3 OF the FARM BRAND KRAAL NO. 1140, REGISTRATION DIVISION GS, PROVINCE OF KWAZULU-NATAL" and/or its Owner or their appointed representative or agent.
17. The "Reserve Management" refers to the appointed managers of the Reserve or their appointed representative or agent.
18. The "Reserve Owners" refers to the owners of the Reserve being at the time of this agreement Tortello Trading No. 85 Pty Ltd and represented by Kevin T Mcloughlin.
19. The "Section" means the house plan footprint registered as part of the Sectional Scheme at the deeds office.
20. The "Sectional Scheme" means the scheme known as NTABAMOYA, SS 507/2005 as registered with the Surveyor General also known as "PORTION 16 OF PORTION 3 OF the FARM BRAND KRAAL NO. 1140, REGISTRATION DIVISION GS, PROVINCE OF KWAZULU-NATAL". The Sectional Scheme as contemplated in the Sectional Titles Act includes all Sections, Development Areas, Exclusive Use Areas, the Common Property, paths, verges, servitudes and roads.
21. "Sectional Titles Act" means the Sectional Titles Act 95 OF 1986.
(http://www.acts.co.za/sec_titles/index.htm)
22. "Security Officers" means security guards or officers appointed by and working on behalf of the Reserve.
23. "Unit" means the Section plus Exclusive Use Area registered along with that section, in other words the house plus 0.4 hectare site.
24. "Wildlife" means all Fauna found within the Reserve or on or visiting the Sectional Scheme.



25. The term “Development Area” also means “Exclusive Use Area” or “Section” or “Sectional area” or “Site” or “Plot”.

3 GENERAL

- 3.1 Entering the Reserve and the Sectional Scheme is done so entirely at own risk and the Reserve it’s agents and employees cannot be held responsible for any loss or damage to property or personal injury while on the Reserve or Sectional Scheme.
- 3.2 the Reserve Rules whether draft or published or amended apply within the 445 hectare reserve to all persons at all times.
- 3.3 Reserve Rules apply at all times to all persons within the Reserve. Where wildlife is concerned these rules also apply within the Sectional Scheme and supersede any conflicting Sectional Scheme Conduct rule.
- 3.4 All persons must sign in at the entrance gate before entering the Reserve.
- 3.5 Any person entering the Reserve is by so doing deemed to have read, understood and accepted these rules. Copies of these rules are available from the Reserve and Body Corporate.
- 3.6 All Criminal and Civil law of the land prevails in the Reserve.
- 3.7 No alcohol or drugs or any other intoxicating substances may be consumed by any employees on the Reserve save those taken for medical reasons and proof must be presented upon request.
- 3.8 Any consent or permission given by the Reserve may be revoked at any time and without notice.

4 ACTIVITIES

- 4.1 No repairs or overhaul of any machinery, motor vehicles, boats, caravans, motorcycles and the like shall be undertaken anywhere within the RESERVE.
- 4.2 No landscaping or earthworks or road works may be performed or constructed on any part of the Reserve.

5 BUSINESS, OCCUPATION AND HOBBIES

- 5.1 Apart from sub-letting (see section 28, SUB-LETTING) no business, occupation, vocation, industry, trade or calling may be conducted on the Reserve without the prior written consent from the Reserve Management.
- 5.2 No business may be conducted from within the Reserve.
- 5.3 Businesses, occupations and hobbies may not cause noise; make emissions; cause daily access; cause day visitor access; involve bulky goods; involve hazardous chemicals or equipment; involve wildlife, or use more than 10kVA of electricity or 1000l of water per day;
- 5.4 Businesses must be quiet and of an indoor nature such as clerical, internet based, administrative, telephonic, research, academic.
- 5.5 Hobbies causing a disturbance or nuisance are prohibited.

6 CAMPING

- 6.1 Personal tents may not be erected within the Reserve without prior written consent from the Reserve Management.
- 6.2 No caravans, camper vans, camping equipment, tents or camping trailers may be erected or used on any part of the Reserve.
- 6.3 No person may overnight anywhere within the Reserve other than at the farmhouse.

7 CHEMICALS AND MATERIALS

- 7.1 No hazardous chemicals, pesticides, herbicides may be used within the Reserve without the prior written consent from the Reserve Management Management.
- 7.2 No flammable, toxic, explosive substances or devices that may increase the rate of premium payable by the Reserve may be stored on any part of the Reserve without the prior written consent from the Reserve Management Management.

8 CHILDREN

- 8.1 Children under the age of 18 are the responsibility of their parents or adult chaperones whilst within the Reserve.
- 8.2 No ball games may be played anywhere on the Reserve except in the activity area at the farmhouse.

9 COMMON PROPERTY, EQUIPMENT AND INSTALLATIONS

- 9.1 No Person may tamper with any Reserve PROPERTY.
- 9.2 All fire-fighting equipment may not be used for any purpose other than that for which it is intended. Fire extinguishers and fire hoses are not to be used for any purpose other than that of fighting fires. Any Person found using the fire hoses or extinguishers for any other purpose will be liable for a fine and will also be liable for inspection, repair, resealing of the extinguisher or fire equipment.
- 9.3 Faulty equipment on the Reserve must be reported to the Reserve. Persons must not attempt to rectify, modify or remove any of said equipment. This includes pumps, electrical boxes, transformers, water stand pipes, lights, road signs and similar equipment.

10 CONSTRUCTION, EARTHWORKS AND UNDERGROUND ACTIVITIES

- 10.1 No Person may construct any earthworks or underground installation or mining installation within the Reserve.
- 10.2 No Person may construct any temporary or permanent structure within the Reserve.

11 DAMS AND FISHING

11.1 All dams are private to the Reserve and access to and use thereof is strictly by prior written consent of the Reserve Management.

12 EQUIPMENT

- 12.1 No private electricity generators, water pumps, petrol or diesel powered equipment or any other similar machinery may be used on any part of the Reserve without the prior written consent from the Reserve Management.
- 12.2 No large equipment or machinery [that cannot fit in a normal passenger car boot] may be brought to or stored within the Reserve.
- 12.3 No caravans, camping trailers, trailers, boats, jet skis shall be permitted on any part of the Reserve .

13 EROSION

13.1 No action may be taken by any Person that may cause or initiate any form of erosion within the Reserve.

14 ETHOS

- 14.1 All Persons shall be obliged to ensure the preservation of the Ethos of the Reserve and in particular the preservation of the natural environment, vegetation and flora and fauna on the scheme and no Person may unreasonably interfere with, hinder or obstruct any game or other animals from traversing the Reserve or the Sectional Scheme.
- 14.2 No Person may engage in any activities within the Reserve which would be unduly prejudicial to the harmonious peaceful existence, Ethos and maintenance of the Reserve and/or the Sectional Scheme.
- 14.3 No Person may conduct activities, or permit any activities or actions to be conducted within the Reserve which would have the effect of causing any damage or nuisance of any nature to any other person or Wildlife within the Reserve and/or the Sectional Scheme.

15 FENCES, WALLS, BARRICADES, HEDGES

- 15.1 No Person may construct any wall, fence or barricade on the boundary of or within the Reserve or any Unit or Real Right or the Sectional Scheme nor plant any hedge or permit any shrubs, bushes or trees to be planted which would have the effect of obstructing the natural passage of Wildlife over any portions of the Reserve whether subject to an Exclusive Use Area or not without the prior written consent from the Reserve Management.
- 15.2 The perimeter fence may not be climbed except in an emergency.

16 FIREARMS AND WEAPONS

16.1 Persons may when within the Reserve have in their possession a licensed firearm.

- 16.2 No firearms may be discharged on any part of the Reserve except in self defence.
- 16.3 No weapons of any sort including knives, daggers, swords, BB guns, catapults (kettie), slingshots or pellet guns may be used in the Reserve.
- 16.4 No traps of any kind may be brought into the Reserve.

17 FIRES and BRAAIS

- 17.1 Uncontrolled fires pose a significant risk to the safety of all persons and wildlife within the Reserve.
- 17.2 There is a risk of fire throughout the year and this is extremely high during the fire season so fire precautions must be always implemented but especially during the fire season.
- 17.3 Fire season normally starts 1st July and continues through until the first 20mm of rain has fallen, usually somewhere between October and December. The Reserve Management has authority to extend the fire season as necessary.
- 17.4 The Reserve publishes a list of contact numbers that includes a fire contact person.
- 17.5 Remember that vehicles can cause fires as hot turbochargers, exhaust catalytic converters can set fire to grass, so don't park your vehicle on long grass.
- 17.6 The Reserve Management has authority to ban all fires for a period of time that is reasonable from a safety perspective, or when water stocks are low.
- 17.7 The Reserve Management has authority to request, at any time, that any fire be put out immediately.
- 17.8 A fire may be made during fire season in the dwelling's indoor fireplace.
- 17.9 The chimney the dwelling's indoor fireplace must be swept and maintained in good condition so that sparks or embers are not emitted.
- 17.10 No fires may be made under any trees or flora or other flammable structures.
- 17.11 No burning of refuse or garden refuse or bonfires or any other kind of fire that may cause smoke or pose a health hazard may be made by any Person anywhere within the Reserve.
- 17.12 No fires may be made by any Person outside the approved fire areas at the farmhouse .
- 17.13 A braai made within the Reserve must be made only in Approved fire places and/or permanently constructed braai areas. .
- 17.14 A braai may be made outside of the fire season but only if:
 - i) a hose pipe connected to a water supply is available close by;
 - ii) there is no strong wind;
- 17.15 A fire must never be left unattended.
- 17.16 A fire must not be left to smoulder.
- 17.17 Fires must be thoroughly and completely doused with water, extinguished and covered after use or when unattended to prevent any spark or fire or hot coal from exiting the fireplace.



17.18 Where precautions listed in section 13 have not been adhered and a Person starts an uncontrolled fire that person will attract a fine plus the costs of fire-fighting and reparation of the environment and any wildlife killed, injured or damaged.

18 FLORA and FAUNA

18.1 No exotic plants may be planted or grown or permitted to be planted or grown on any part of the Reserve save with the prior written consent of the Reserve which consent may be withheld without advancing any reasons.

18.2 Indigenous plants may be planted and grown in the Reserve provided that the prior written consent of the Reserve has been obtained, save which consent may be withheld without advancing any reasons.

18.3 No Flora may be picked, harvested or damaged by the Person.

18.4 No Person shall interfere with, harm, destroy, capture or hunt any Wildlife (Fauna) except where an accepted pest such as flies or mosquitoes.

19 HABITATION and OCCUPATION

19.1 The maximum number of residents permitted at the farmhouse is ten. Exceeding the maximum causes additional expense in the supply of water and removal of refuse as well as possible overuse of the RESERVE. In cases of contravention the Reserve will be entitled to impose a fine.

20 INSTALLATIONS

20.1 No installations may be constructed or made at the Reserve.

21 LAUNDRY

21.1 Laundry may only be done by the approved staff and may be hung outdoors within the close proximity of the farmhouse.

21.2 Additional washing lines are not permitted as they cause a hazard to Wildlife.

22 NOISE AND LIGHT POLLUTION

22.1 Noise is one of the more difficult subjects to monitor and manage and it is hoped that all Persons will respect the Ethos of the Reserve insofar as sound noise and light pollution are concerned.

22.2 Noise should be kept to a minimum by:

- i) No noise after 20h00 Sundays and weekdays and 23h00 Fridays and Saturdays. This includes the use of power tools, motors, engines, equipment and other noise emitting devices;
- ii) No fireworks, outside hi-fi systems, loud doorbells;
- iii) Keep radios, televisions, car radios and cell phone volumes to a reasonable level;
- iv) Keep festivities to a reasonable noise level;

22.3 Vehicles must not cause noise pollution.

- i) No hooting, revving of engines, noisy exhausts, faulty alarm or security devices;
- ii) Vehicles are not to be left running or idling;
- iii) No driving in a manner so as to create unnecessary noise.

22.4 Light pollution should be kept to a minimum through reasonable use of outside lighting and:

- i) Exterior lights must be extinguished by 0h00 to reduce light pollution and preserve the natural night environment;
- ii) Refrain from shining torches into other properties or the Reserve in general.

23 PENALTIES

23.1 Should Persons or Persons persistently disregard the Reserve Rules, they may be fined.

23.2 Should the offender, whether the Person or Person or other person, continue to disregard the rules the Reserve Management reserves the right to evict said offender.

23.3 Should Reserve need to act against any Person the Person shall be liable for all legal costs plus collection commission and administration costs.

24 PETS

24.1 No Person may keep any animal, reptile or bird as a pet on any part of the Reserve without the prior written consent of the Reserve which consent may not be unreasonably withheld.

25 REFUSE AND DISPOSAL

25.1 Refuse may not be discarded, buried or burnt on any part of the Reserve.

25.2 A Person shall not deposit or throw any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever on any part of the Reserve.

26 SECURITY

26.1 Security Officers act on behalf of the Reserve and the Body Corporate and their requests and commands must be adhered to even in the absence of any other reserve management.

26.2 All vehicle details must be logged at the Reserve office or with Security Officers by providing the driver and owners name, company, address and vehicle make, model and registration number.

26.3 Security Officers shall have the right to stop and search vehicles that are not registered as having access to the Reserve or Sectional Scheme.

26.4 Security Officers shall have the right to stop and search any persons within the Reserve.



- 26.5 A gate entry remote control is loaned by the Reserve to each Person for a deposit and remains the property of the Reserve. Additional gate entry remote controls are available upon request.
- 26.6 Each gate remote must be retained by the Person to whom they are given and may not be given to any person, other than family or invited friends or guests, without the prior written consent from the Reserve Management which consent shall not be unreasonably withheld.
- 26.7 Lost or missing gate entry remote controls must be reported immediately to the Reserve for security reasons.
- 26.8 Security Officers will access the Reserve and Sectional Scheme as part of their normal duties. They will not normally access any Unit or Real Right although they shall have authority from the Reserve Management to access any part of the Reserve including all Units and Real Rights and Development Areas in the interests of security.
- 26.9 Security officers may be armed.

27 STAFF

- 27.1 In order to maintain security in the Reserve staff are not allowed to reside within the Reserve.
- 27.2 Staff must be obtained through a reputable staffing agent appointed by the Reserve.
- 27.3 Should an Person need to bring staff from elsewhere (“3rd party staff”) this can be arranged with prior written consent from Reserve Management. Details such as staff name, ID, DA number and period of stay must be provided.
- 27.4 Staff must remain at the UNIT where they are employed and may not enter other parts of the Reserve or the Reserve without the prior written consent from the Reserve Management which consent shall not be unreasonably withheld.
- 27.5 Staff must be paid the local daily rate as specified by the local staffing agent. Overpaying local staff will cause future labour issues.
- 27.6 Staff must enter through the security gates and must register with the security officer at the entrance gate upon entry and exit.

28 SUB-LETTING

- 28.1 The farmhouse may not be sub-let or leased or rented out or loaned without the prior written consent of the Reserve Management.

29 SWIMMING POOL

- 29.1 The swimming pool and pool area is used at own risk and the Reserve absolves itself of responsibility concerning use of said swimming pool and pool area.
- 29.2 Children under 12 years old must be accompanied by an adult at all times when within the pool area.
- 29.3 No hard items such as surf boards, glass items, knives, crockery, pots, pans, poitjies, are allowed in the pool area.

- 29.4 All persons using the pool area are responsible for keeping it clean and tidy.
- 29.5 Reserve Management has the right in their own discretion to request that anyone using the pool area in a manner not conducive to the Ethos, leave and said persons shall comply immediately.
- 29.6 Braais are permitted in designated braai areas only.

30 VEHICLES

- 30.1 No vehicles other than light passenger vehicles may be used over the RESERVE without prior written consent from the Reserve Management.
- 30.2 No quad bikes, motorcycles, motorised tricycles, powered toys or any other form of motor vehicles are permitted be driven within the Reserve or Sectional Scheme.
- 30.3 No motor powered craft or wind powered craft shall be allowed on any of the three dams adjacent the development area.
- 30.4 Roads are used by pedestrians and wildlife that have right of way. Vehicles should only be driven for access to and from the main road and the farmhouse or Sectional Scheme only. No vehicular access is permitted over other parts of the Reserve without the prior written consent of the Reserve Management.
- 30.5 All motorised vehicles entering the Reserve under their own power (being driven) at the Person's or Person's behest must be registered, roadworthy, licensed and insured.
- 30.6 All vehicle details must be logged at the Reserve office or with Security Officers by providing the drivers name and vehicle make, model and registration number.
- 30.7 Non-roadworthy vehicles may not be used within the Reserve.
- 30.8 All vehicles within the Reserve must adhere to the speed limits. The speed limit within the Reserve is 30km/h
- 30.9 All vehicles within the Reserve must be driven in a manner that does not damage the roadways, driveways, verges, pathways, Sections, Development Areas or Common Areas.
- 30.10 No vehicle may be driven within the Reserve by any unlicensed driver.
- 30.11 No Person shall park or stand any vehicle upon the Common Property or permit or allow any vehicle to be parked or stood upon the same without the prior written consent from the Reserve Management which consent shall not be unreasonably withheld.
- 30.12 Any vehicle parked or standing or abandoned on the Common Property may be wheel-clamped or removed at the risk and expense of the Person or driver of the vehicle. The Reserve will first reasonably attempt to contact the vehicle Person or driver before taking any action.
- 30.13 Persons shall ensure that their vehicles and the vehicles of their visitors and guests are kept on driveways and hard standing so as not to detract from the general tidiness and appearance of the Reserve.



30.14 Bicycles, tricycles, roller skates, skate boards, canoes and boats may not be left anywhere on the Reserve and must be kept at the farmhouse or within the Sectional Scheme.

31 WATER

- 31.1 Ground water use is by permission of the Department of Agriculture and Environmental Affairs and water usage within the Reserve and Sectional Scheme must adhere to the original Environmental Approval.
- 31.2 Water supplies are for normal household use and may not be abused or wasted.
- 31.3 Sewage is by way of septic tank and no foreign objects or chemicals may be placed in toilets, baths or showers that may cause the septic tank to fail.

32 SECTIONAL SCHEME

- 32.1 Any person entering the Reserve does NOT automatically gain the right of access to the Sectional Scheme. Access to the Sectional Scheme is by prior written consent of the Reserve AND the Body Corporate which consent may be withheld without advancing any reasons.
- 32.2 Where Reserve Rules conflict with Sectional Scheme Conduct Rules, Reserve Rules are deemed to override any similar or conflicting Sectional Scheme Conduct Rule.



SCHEDULE A - FINES

- a. Runaway bush fires originating within an Exclusive Use Area or the Development Area will attract a fine of R25000.00 plus liability for all damage caused directly and indirectly by the fire. Runaway bush fires proven to have been originated by persons outside the Development Area but within The Reserve will attract a fine of R25000.00 plus liability for all damage caused directly and indirectly by the fire.
- b. Where no specific fine is prescribed a fine of up to R10,000.00 may be levied upon any transgression of any aforementioned rules.

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