



# **RULES & REGULATIONS**

## **OUDE WESTHOF MASTERS HOME OWNERS ASSOCIATION**

**AS RESOLVED AND ACCEPTED  
BY THE ASSOCIATION'S MEMBERS PRESENT  
AT AGM HELD 14 MAY 2018**

**THESE RULES ADOPTED IN ACCORDANCE WITH THE  
COMMUNITY PARTICIPATION MANUAL & DESIGN STANDARDS GUIDE  
AS ANNEXURE AND PART OF REGISTERED CONSTITUTION  
DATED 13 NOVEMBER 2003**

A handwritten signature in black ink, appearing to be 'Werner Greeff', is centered on the page. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

**Chairman: Werner Greeff  
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*it took me only a moment to draw this line with my brush. but it took  
me months, perhaps even years of reflection to form the idea of it.*  
- joan miró

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## **DEFINITIONS**

- (i) ARCHITECT/DESIGNER means the person appointed by the HOMEOWNER as his ARCHITECT/DESIGNER and includes his partners, directors or associates.
- (ii) ARCHITECTURAL PLANS mean a set of plans prepared by the ARCHITECT/DESIGNER for the construction of the HOMEOWNER'S IMPROVEMENTS on the ERF.
- (iii) BUILDING CONTRACTOR means such person or company as employed by the HOMEOWNER for the purpose of erecting IMPROVEMENTS on the HOMEOWNER'S ERF. Such employment must be done in writing and is subject to the rules, procedures and regulations of the ESTATE, particularly the Oude Westhof Building Procedures document as amended from time to time and published on the WEBSITE. Furthermore, reference to the BUILDING CONTRACTOR will include its employees and / or sub-contractors and for the purpose of any claim against the BUILDING CONTRACTOR in terms hereof, will be inclusive of persons effecting delivery of materials.
- (iv) BUILDING PERIOD means the period of time that the BUILDING CONTRACTOR will be busy with IMPROVEMENTS on the ERF. The BUILDING PERIOD will be calculated in whole calendar months by the HOA and the BUILDING CONTRACTOR. The HOA's REPRESENTATIVE will monitor progress and inform the HOA and HOMEOWNER if the BUILDING PERIOD needs to be formally amended. Such amendment shall be deemed binding on all parties after having been formally communicated to such parties. The BUILDING PERIOD ends when a COMPLETION CERTIFICATE has been issued.
- (v) BUILDING PROJECT means the entire process of making IMPROVEMENTS on an ERF as well as all related activities taking place on the ERF.
- (vi) CHAIRMAN means the CHAIRMAN of the TRUSTEES of the HOA appointed in terms of the CONSTITUTION from time to time.
- (vii) COMMON PROPERTY (COMMON AREAS) means land registered in the name of the City of Cape Town and which does not form part of any HOMEOWNER'S property. COMMON PROPERTY also includes all internal services and infrastructure, the roads, pavements, gardens and street lights, as well as water, sewerage and electricity systems.
- (viii) COMPLETION CERTIFICATE means the certificate issued by the HOA when all IMPROVEMENTS on the ERF have been completed, all fees due by the HOMEOWNER and / or BUILDING CONTRACTOR have been paid and the HOA is satisfied that the BUILDING PROJECT has been satisfactorily completed.
- (ix) CONSTITUTION shall mean the CONSTITUTION of the HOA with GUIDE as Annexure.
- (x) CONTROLLING ARCHITECT means an architect as nominated and appointed by the HOA from time to time for the purpose of ensuring that all IMPROVEMENTS are done according to the GUIDELINES.
- (xi) DEVELOPMENT means Oude Westhof.
- (xii) ELECTRONICS FUNDS TRANSFER (hereafter EFT) means direct electronic bank transfer into a designated account. Proof of such EFT must be e-mailed to the recipient as notification.
- (xiii) ERF means the immovable property on the Oude Westhof Estate, as per the Deed of Sale signed by the HOMEOWNER, upon which the HOMEOWNER and the BUILDING CONTRACTOR propose to construct IMPROVEMENTS.
- (xiv) ERF NUMBER means such number as used by the Surveyor General to indicate an ERF.
- (xv) ESTATE means the Oude Westhof Estate.
- (xvi) ESTATE RULES mean the set rules and regulations as set out by the TRUSTEES for the better management of the ESTATE.
- (xvii) FINES are issued in writing for transgression of ESTATE RULES at the discretion of the TRUSTEES.
- (xviii) GUIDELINES mean the Architectural Guidelines prepared for and applicable to the DEVELOPMENT, a copy whereof is available on the WEBSITE for scrutiny by the HOMEOWNER and BUILDING CONTRACTOR. The HOMEOWNER by their signature hereto, confirms their knowledge of the contents and compliance with all provisions thereof.

- (xix) HOA means the Oude Westhof Homeowners' Association or it's duly appointed employees, contractors or agents.
- (xx) HOMEOWNER means the registered OWNER of an ERF.
- (xxi) HOUSE means the dwelling constructed on the ERF as the IMPROVEMENTS.
- (xxii) IMPROVEMENTS mean any structure of whatever nature to be erected or constructed on the ERF.
- (xxiii) LANDSCAPING CONTRACTOR means a person or company doing landscaping for a HOMEOWNER and who has been duly appointed subject to the rules and regulations of the ESTATE.
- (xxiv) LANDSCAPING PLANS means plans for the gardens on ERVEN surrounding IMPROVEMENTS.
- (xxv) LOCAL AUTHORITY means City of Cape Town (Northern District).
- (xxvi) MEMBER means a member of the HOA.
- (xxvii) MANAGING AGENT means the company as nominated and appointed by the HOA from time to time for the purpose of managing the affairs of the HOA.
- (xxviii) OWNER means the registered OWNER of a particular ERF on the ESTATE. The OWNER may be a natural person or any other legal entity. The HOA is the OWNER of numerous ERVEN such as public open spaces, roads, etc.
- (xxix) PURCHASER means the person/s or entity entering into a Deed of Sale to purchase an ERF on the ESTATE.
- (xxx) RESIDENT means any person who is RESIDENT at the ESTATE and includes OWNERS, and members of their families, their guests and long and short- term tenants.
- (xxxi) SECONDARY IMPROVEMENTS mean all work done by Owner or a contractor on an existing HOUSE or structure. This includes, but is not limited to, landscaping work done around the HOUSE, additional work such as installation of air conditioning, built-in cupboards, DSTV and Wi-Fi Dishes, bathroom and kitchen make overs, water tanks, generators, solar panels, heat pumps and swimming pools etc.
- (xxxii) SECURITY means individuals employed by the HOA or a recognised Security Company duly appointed by the HOA to perform access control and other security functions on the ESTATE.
- (xxxiii) TRUSTEES mean the TRUSTEES, for the time being, of the HOA or their alternates, as the case may be.
- (xxxiv) VEHICLE means any form of conveyance, whether self-propelled or drawn by machine, animal or otherwise.
- (xxxv) WEBSITE means the Oude Westhof website at [www.oudewesthof.co.za](http://www.oudewesthof.co.za)
- (xxxvi) WORKERS mean domestic workers, labourers and sub-contractors employed or appointed by the HOMEOWNERS and / or RESIDENTS and / or persons operating a business within the ESTATE from time to time.

## **INTRODUCTION**

The main objective of the development of Oude Westhof is the provision of a high-quality lifestyle for residents, and the purpose of these rules is to protect this lifestyle.

The rules have been established in terms of Sect 29 of the LUPO conditions applicable to the development and the Constitution of the Oude Westhof Master Home Owner's Association (OWMHOA) and are binding upon all occupants (owners, tenants and visitors) of the ESTATE.

Harmonious community living is achieved when residents use and enjoy their private property as well as the common areas, whilst giving general consideration to all residents of the ESTATE.

In the event of annoyances or complaints, the involved parties should attempt to settle the matter between themselves, exercising tolerance and consideration. In instances where problems cannot be resolved, the matter should be brought to the attention of the OWMHOA for complaints procedure to be followed if Constitution or Rules breach and/or referral to the relevant Local Authority if By-Laws are transgressed.

In respect of the interpretation of these rules, the decision of the Trustees of the Master Home Owners Association as to the interpretation is binding on the members.

The rules are subject to change from time to time by the Trustees by resolution.

Any required approval from the OWMHOA, must always be in writing. No verbal approval can be given.

The OWMHOA Rules & Regulations incorporating the Community Participation Manual and Design Standards Guide is managed within the terms and conditions of the Oude Westhof CONSTITUTION, and the onus lies with the owner member to acquaint themselves with the contents thereof.

The Rules and Regulations of the Oude Westhof Masters Home Owners Association incorporate and are in accordance the community participation manual & design standards guide that was an annexure and part of registered constitution, dated 13 November 2003.

## **CHAPTER 1: GENERAL CONDUCT RULES**

### **1.1 STREET USAGE**

- 1.1.1 The streets of Oude Westhof are for the movement of all RESIDENTS, whether by foot, (walking/running), bicycle, motorcycle, truck, delivery van or car.
- 1.1.2 Engine-powered VEHICLES may not be driven anywhere except in the streets of the ESTATE. All Private Open Spaces and sidewalks are off-limits for driving or parking of VEHICLES.
- 1.1.3 RESIDENTS must be aware of pedestrians and children walking or playing in the streets and should drive with extreme caution at all times.

### **1.2 GOOD NEIGHBOURLINESS**

- 1.2.1 No hobby which, in the considered opinion of the TRUSTEES, causing aggravation or nuisance to fellow RESIDENTS may be conducted. Jumble / garage sales are strictly prohibited.
- 1.2.2 The music volume or electronic instruments, partying and the activities of domestic help or employees, must be kept at a level which will not annoy adjoining OWNERS / neighbours.
- 1.2.3 The use of power tools and petrol driven lawn mowers should be confined to the same times as for building operations. Refer to Chapter 3: Building Contractor Activity.
- 1.2.4 Washing may only be hung on washing lines and if visible from the street view it must be screened adequately.
- 1.2.5 Consent from the OWMHOA must be sought, before exhibiting or distributing advertisements and publicity material.
- 1.2.6 No person shall discharge a firearm, air rifle, crossbow or any similar weapon anywhere inside the ESTATE, except in circumstances of self-defence. Any form of hunting, the trapping of birds and animals, and the setting of snares are strictly prohibited.
- 1.2.7 Igniting of fireworks is strictly prohibited within the ESTATE.

### **1.3 ENVIRONMENTAL MANAGEMENT**

- 1.3.1 The storing or the dumping of rubble, refuse or building material on any Private Open Space, parkland or street is strictly prohibited. A special appeal is made to RESIDENTS to respect these areas and to develop the habit of picking up and disposing of any litter found there.
- 1.3.2 Refuse and Recycling containers may only be placed on the sidewalk, for removal, for a maximum period of twenty-four (24) hours, on the day of collection.
- 1.3.3 OWNERS have the responsibility to maintain the area between the road kerb and the boundary of their property. This area must be trafficable at all time by pedestrians. Should a HOMEOWNER wish to landscape this area in a way other than grass or crushed stone, a written request should be submitted to the CONTROLLING ARCHITECTS for approval. The planting of trees is encouraged.
- 1.3.4 Open spaces visited by RESIDENTS should be kept in a clean condition.
- 1.3.5 Flora may not be damaged or removed from any public area.
- 1.3.6 Fauna may not be chased or trapped by people.
- 1.3.7 RESIDENTS are responsible for maintaining trees, plants and shrubs planted on their pavements. These plants may not be removed without permission from the LOCAL AUTHORITY and the OWMHOA.
- 1.3.8 The water from swimming pools may not be emptied onto parks or sidewalks and must be channelled into the storm water system.

- 1.3.9 OWNERS must clear vacant stands on a regular basis and if they don't, then on notice from the Managing agents to do so, clear vacant stands within 7 days after being requested to do so. There after the Trustees will appoint contractor to clear at cost of the member.
- 1.3.10 Caravans, trailers, boats, tools, vehicle parts and engines, as well as accommodation for pets must be sited out of view and screened from neighbouring properties and the street. Free standing Wendy houses, staff accommodation and tool sheds of any nature, will not be permitted.
- 1.3.11 The parking of VEHICLES, boats, trailers and caravans in the street or on sidewalk for periods longer than twenty-four (24) hours is strictly prohibited. The overnight parking of cars in the street reserve on a frequent repeating basis is prohibited.
- 1.3.12 Picnicking is encouraged on Public Open Spaces. However no loud music or littering will be tolerated and By-Laws regarding use of Public Parks and open spaces must be adhered to.
- 1.3.13 Estate agents will only be allowed to erect one "For Sale" sign on an ERF. Signs directing the public to ERVEN that are for sale must be erected per Municipal By-Law and removed accordingly.

## **1.4 SECURITY**

- 1.4.1 The ESTATE is manned and patrolled by security staff 24 hours a day.
- 1.4.2 All HOMEOWNERS, members of their families, their tenants, visitors, friends, employees and contractors must adhere strictly to the OWMHOA security procedures. Details of such procedures can be obtained from the HOA and may be changed from time to time.

## **1.5 TENANTS, VISITORS, CONTRACTORS, EMPLOYEES AND ESTATE AGENTS**

- 1.5.1 The Owners or their Tenants as occupants of any property within the ESTATE are liable for the conduct of their visitors, contractors and employees, and must ensure that such parties adhere to the rules.
- 1.5.2 When letting or reselling a property, it is the current OWNERS' responsibility to inform the estate agents, tenant and / or new OWNER about the Master Home Owners Participation Manual and Design Standards Guide and any other administrative rules applicable at the time. The deed of sale and/or lease agreement must include and inform parties of the OWMHOA existence and Constitution, rules & regulations incorporating the Community Participation Manual and Design Standards Guide.
- 1.5.3 New OWNERS / prospective buyers of property, estate agents and tenants are all equally liable and responsible, in acquainting themselves and informing all parties concerned, of the contents of this document and all applicable rules.

## **1.6 PETS**

- 1.6.1 LOCAL AUTHORITY by-laws relating to pets will be strictly enforced.
- 1.6.2 No person may keep more than two (2) dogs and two (2) cats on the property without written consent from the OWMHOA. Such consent will not be unreasonably withheld, however, subject to the approval of the City of Cape Town (Northern District).
- 1.6.3 Poultry, pigeons, aviaries, apiaries, wild animals or livestock may not be kept without written consent from the OWMHOA, however, subject to the approval of the City of Cape Town (Northern District).
- 1.6.4 Pets are not allowed to roam the streets or any public area. Pets must be walked on a leash in all public areas.
- 1.6.5 OWNERS must remove pet deposits from all public areas.
- 1.6.6 Stray pets without identification tags will be handed to the Municipal Pound.
- 1.6.7 Nuisance pets will be removed by the City of Cape Town (Northern District) at the request of the OWMHOA.



## **CHAPTER 2: ARCHITECTURAL RULES, PLAN SUBMISSION & APPROVAL**

The decision of the OWMHOA in respect of interpretation of these rules and guide will be binding. No waiver of any of these controls will create a precedent for future applications.

The Rules encourage sustainable design. Environmental factors (sun, wind, rain, views, etc.) should be considered in the design and placement of the building. For example, proper roof overhangs can offer protection against the high summer sun and allow the low winter sun to filter through, reducing the need for artificial cooling and heating. The OWMHOA supports rain water harvesting (rain water tanks) and the use of renewable energy resources (solar panels).

### **2.1 ARCHITECTURAL DESIGN AND STYLE**

- 2.1.1 Design principles have been established with the intention to create compatibility of Architectural styles rather than repetition. To encourage a variety within the constraints of these GUIDELINES; interpretation and flexibility is vitally important to achieve a harmonious aesthetically pleasing development character without being excessively prescriptive and without eliminating freedom of choice.
- 2.1.2 The intended styles for this DEVELOPMENT could be defined as that of Ancient English Country Villages and / or Regional Cape Architecture as well as Contemporary Cape Architecture.
- 2.1.3 Face brick architecture is the exception and special permission must be obtained from the OWMHOA to erect such a dwelling.
- 2.1.4 The GUIDELINES will permit architects/designers maximum freedom with regard to design expression whilst retaining the benefits of overall harmony for the entire DEVELOPMENT through restrictions on basic materials, fenestration and finishes.
- 2.1.5 The requirements of the LOCAL AUTHORITY Town Planning scheme and the National Building Regulations shall apply to all developments.
- 2.1.6 Please note that restrictions pertaining to building lines, heights, building platforms as well as HOUSE positions for single and double storey dwellings, apply to all large single residential erven on the boundary of the nature reserve.
- 2.1.7 These restrictions have been documented in the Oude Westhof Constitution and Design Guidelines' Site Analysis and must be read with the Community Participation Manual and Design Standards Guide incorporated in the Rules & Regulations (this document).
- 2.1.8 Specifically excluded elements are listed to encourage flexibility, but prevent drastic style clashes.
- 2.1.9 Exclusions
  - a) Flat roofs without parapets
  - b) Deconstructive Architecture
  - c) All face bricks which do not conform to the required architectural design style. Samples must be submitted for approval.
  - d) Full wooden construction

### **2.2 GENERAL REQUIREMENTS**

- 2.2.1 Exposed plumbing must be screened from the street.
- 2.2.2 Building plans must indicate external finishes and basic colour choice.
- 2.2.3 Cottages, granny flats, outbuildings, greenhouses and additions must match the character of the original main building.
- 2.2.4 Washing yards must be screened from the street and neighbouring properties by means of an approved screening device (screen/wall/etc.) which must compliment the architecture of the HOUSE, 1.8 meter in height.
- 2.2.5 Staff accommodation should be integrated into the overall design and should be further from the street than the main dwelling, unless it forms part of the outbuildings and is adequately screened.

2.2.6 TV aerials, satellite dish, mechanical equipment and other exterior items' positions must be indicated on the plans for approval, and where practically possible, should be positioned out of sight. Eagle Eye Optical bird deterrents are under no circumstance allowed to be installed.

2.2.7 Radio ham antennae and all other types of antennae will not be permitted without the written consent from the OWMHOA.

## 2.3 BUILDING LINES

2.3.1 Building lines vary from property to property depending on the DEVELOPMENT rights of a particular property and must be ascertained from the Zoning Requirements of the LOCAL AUTHORITY.

## 2.4 BURGLAR BARS: DOORS AND WINDOWS

2.4.1 Only internally mounted burglar bars will be considered. For windows - a simple grid pattern, purpose-made to suit the dimensions of the window or *Clearview* (or similar) is preferred. Trellidor Clear Guard (or similar) Security Screens for Doors &/or Windows is preferred. Security Shutters (internally or externally) are also acceptable. (*Intruderprufe* glazing could be considered for additional security.)

2.4.2 The material, finish and colour of the security device are to be clearly specified on the drawings.

2.4.3 Exclusions:

- a) External burglar bars
- b) Externally installed *Trellidor / Expanda* retractable security gates, roller shutters or similar security system.

## 2.5 GATES

2.5.1 Vehicular and pedestrian gates must be designed in combination with the perimeter fencing to compliment the architecture of the HOUSE.

2.5.2 Sheeting in any form (metal, fibre-cement, etc.) should be limited in gates. Sheeting will only be permitted in the bottom third of the gate design.

2.5.3 All gates including pedestrian gates must be submitted for approval to the OWMHOA.

2.5.4 The material, finish and colour of the gates are to be clearly specified on the drawings and to compliment the architecture of the HOUSE.

2.5.5 Exclusions:

- a) Plastic

## 2.6 BOUNDARY WALLS & ELECTRIFICATION

2.6.1 Solid street boundary walls are not encouraged. Walls that are more visually permeable enable better security, as neighbours/ SECURITY can be more vigilant and alert the relevant persons if necessary.

2.6.2 No pre-cast concrete (*Vibracrete* or similar) walls of any structure will be allowed at any boundary whatsoever. Wood panelling, steel palisade and rigid metal fencing (*Betafence fencing* or similar) is acceptable.

2.6.3 If a street boundary wall is required, it should be designed within the following parameters:

- a) All walls are to be plastered and painted (colour/s to be indicated in relation with HOME colour palette).
- b) Maximum height of walls to be 1800mm from the natural ground level, taking into consideration practicality, natural elevation and the architectural design.
- c) The boundary wall may only comprise 40% of the street boundary length.
- d) Columns / pillars at approximately 3-5m centres should subdivide the balance of the boundary with open palisade type fencing between.
- e) Maximum height of columns / pillars allowed 2100mm.
- f) Maximum height of palisade/rigid fencing allowed 1800mm above the natural ground level.
- g) Palisade fencing to be galvanised or painted (colour/s to be indicated in relation with HOME colour palette).
- h) Rigid fencing to be factory finished (colour/s to be indicated in relation with HOME colour palette).

- i) The street boundary wall has to be returned on the side boundary until it aligns with either the outbuildings or main dwelling. A solid wall may be built from the return of the street boundary wall to enclose the property. The solid wall has a height restriction of 2100mm.
- j) At corner stands with more than 30m total street frontage, entrances have to be defined by means of gate posts / pillars. The remaining boundary should be subdivided with columns at regular intervals as described under point (d) above.
- k) Flora, i.e. visually solid Hedges, Plants, Shrubs and any other vegetation which may be used to create any boundary but may not exceed a height of 2100 mm. This type of hedging should be limited for reasons as explained in item 2.6.1.
- l) Gabion wall fencing is the exception and special permission must be obtained from the OWMHOA to erect such a wall. This type of wall/fence should be limited in height and extents for reasons as explained in item 2.6.1. The type, size and colour of the stones, as well as a representative image of the wall should be supplied for approval.

#### 2.6.4 Exclusions:

- a) Pre-cast concrete walling of any description (*Vibracrete* or similar).
- b) Diamond Mesh Wire fencing, on a boundary. This will only be allowed on a temporary basis, until such time as your immediate neighbour has completed the construction of his dwelling. Upon completion thereof, such wire fencing must be removed immediately.

#### 2.6.5 Electrification must be indicated on building plans and submitted for approval and be erected in compliance with Municipal By-Law prescriptions. The specification must include the orientation and height/width of the fencing. Electrification may only be erected within the following height parameters:

- a) Maximum height on all boundaries: 2,4m

## 2.7 EXTERNAL BALUSTRADING

#### 2.7.1 Exclusions

- a) Steel or aluminium panelling

## 2.8 EXTERNAL WALL FINISHES

#### 2.8.1 The following finishes are acceptable:

- a) Smooth plastered and painted masonry.
- b) Bagged, with smooth plaster surrounds at all openings and painted masonry, and painted brick work.
- c) Timber/Fibre-cement/Stone cladding as feature elements. (A representative image of the cladding should be supplied for approval.) (Note: Stone cladding is to be returned at corners resulting in the appearance of a thicker stone, and not only the cladding depth.)

#### 2.8.2 Preferred colours (colour palette to be indicated):

- a) White or pastel earth tone colours.
- b) Accent colours (could be darker earth tone colours) as integrated part of the design philosophy.
- c) Primary colours should be avoided.

#### 2.8.3 Exclusions:

- a) Exposed block work
- b) Construction with timber logs
- c) Clay face brick – except where the style of the building/s conforms to the required architecture. Also refer to 2.1.

## **2.9 PAVING AND DRIVEWAYS**

2.9.1 Paved walkways and driveways should be limited in extents. Where these are required for vehicular or pedestrian access paving should be combined with permeable elements (ground cover, stone chips, bark, etc.) to enable the rainwater to recharge the groundwater and aquifers, instead of being disposed as storm water.

2.9.2 Preferred finishes:

- a) Brick paving
- b) Cobbles
- c) Concrete paving with exposed natural pebbles
- d) Concrete pavers (*Cemstone* or similar)
- e) Concrete pavers with exposed aggregate
- f) Stone chip with brick edging
- g) Natural pebble paving
- h) Railway sleepers

2.9.3 Exclusions:

- a) Slasto
- b) In-situ concrete crazy paving
- c) Chip and spray
- d) Premix

## **2.10 POST BOXES**

2.10.1 Integrated in wall-type preferred.

2.10.2 Exclusions:

- a) Free standing boxes or boxes perched on top of walls or pillars.

## **2.11 ROOF FINISHES**

2.11.1 Pitched roofs are preferred, with the following materials:

- a) Natural slate
- b) Fibre cement slate
- c) Clay and cement tiles
- d) Natural thatch
- e) Metal roof sheeting with Chromodek finish (or similar), concealed fix sheeting profiles and pierced fix sheeting profiles.
- f) Pitch roofs may not be less than 25 degrees or more than 45 degrees, excepting at verandas.

2.11.2 Flat roofs to be concealed behind fascia, beam or parapet walls and may not be visible from the street. Metal roof sheeting with Chromodek finish (or similar), (black, grey and beige range) or concrete with natural stone chips may be utilized to construct flat roofs.

2.11.3 Exclusions:

- a) Unfinished or unpainted galvanised metal roof sheeting
- b) The use of large profile metal sheeting is discouraged.

## **2.12 SOLAR HEATING**

2.12.1 Solar heating panels, if used, should be incorporated into the building and form part of the basic structure. No panels maybe mounted on a sub-structure or framework.

2.12.2 Solar heating systems with a geyser mounted on the roof will not be allowed (geyser/hot water cylinder to be concealed within the roof space or located below the eaves and screened).

2.12.3 Solar heating panels should be clearly indicated on approved plans.

2.12.4 No solar heating panels may be erected without written approval from the controlling architects.

## 2.13 WATER TANKS

- 2.13.1 In general rainwater harvesting is encouraged. All rainwater tanks are to be clearly indicated on the drawings and the specifications should include the make, size, capacity and colour. (Colours should be chosen to compliment the adjacent wall colours. Green, Red and Blue should be avoided, more earthen tone colours are preferred, such as olive green/khaki, stone/sand or grey colours.)
- 2.13.2 All water tanks to be installed as part of a new build project should be incorporated into the overall design, covered and form part of the basic architecture and structure of the building project.
- 2.13.3 Water tanks to be installed at existing houses are also encouraged to comply with 2.13.1 above, however if not possible to incorporate into current building structure it may be freestanding, located separate from the main building structure, but need to comply with 2.13.4 to 2.13.8 below.
- 2.13.4 Underground water tanks may not be installed between the erf boundary and building line of any property. Whether it is part of a new build or an addition to an existing house, the extents and specifications of all underground tanks must be indicated on a plan and be lodged for consent with Trustees before installation.
- 2.13.5 Under no circumstance may any tanks be mounted or elevated on a sub-structure or framework.
- 2.13.6 All water tanks visible from the street level or a neighbour's ground floor level is to be screened. All tanks of 5000 litres capacity (or more) are to be screened regardless of position and visibility.
- 2.13.7 Above ground water tanks may be located next to boundary walls provided that the tank height does not exceed the boundary wall height. A departure for this height restriction may be applied for from the OWMHOA with written consent from the relevant neighbour/s. The consent may be given by the OWMHOA with the required screening as agreed by the relevant neighbour/s and OWMHOA. After the full installation and screening a site inspection will be conducted by the HOA's representative to sign off the screening.
- 2.13.8 Water tanks of 5000L and above in capacity as improvement may NOT be erected and installed without first indicating the position and the required details in 2.13.1 to 2.13.7 above on a rider plan. The rider plan must then be lodged with OWMHOA **before** installation for written approval by the Trustees of the tank positions and screening as indicated per rider plans.

## 2.14 MECHANICAL EQUIPMENT

- 2.14.1 Mechanical equipment and plant such as air-conditioners, grills, ducts, pool pumps, heat pumps etc. must be designed into the buildings and/or adequately enclosed and screened off from the street view and adjoining properties.
- 2.14.2 All standby generators must comply with the minimum requirements of the GUIDELINES FOR STANDBY POWER GENERATOR INSTALLATION (Chapter 6). Generators must be installed in such a way that it does not create a nuisance to neighbours. In addition to the requirements above, generators that are permanently or semi-permanently installed (semi-permanent shall be a unit being in the same position for more than 30 days), must be visibly screened, soundproofed and indicated on plans approved by the OWMHOA.

## 2.15 STREET NUMBERS / HOUSE NAMES

- 2.15.1 To be submitted for approval and indicated on building plans

## 2.16 GARAGES

- 2.16.1 Garages should form part of the overall architectural design.
- 2.16.2 Exclusions:  
a) Pre-fabricated garages

## **2.17 SWIMMING POOLS**

- 2.17.1 To be submitted for approval and indicated on building plans.
- 2.17.2 All swimming pool must be set back a minimum of 2m from any erf boundary.
- 2.17.3 All swimming pools and Jacuzzis must be built into the ground and may be elevation no more than 500mm above the adjacent finished ground level (allowing for decking, etc.).
- 2.17.4 Pool or Jacuzzi decks may not be higher than 1m above the finished ground level.
- 2.17.5 Exclusions:
  - a) Above ground level type swimming pools, Porta Pools and Jacuzzis.

## **2.18 VERANDAS, BALCONIES, PERGOLAS AND PERMANENT CARPORTS**

- 2.18.1 These structures must be designed to be sympathetic to the overall architectural theme.
- 2.18.2 Pergolas and carport roofing to be recessed behind a fascia or beam.
- 2.18.3 Exclusions:
  - a) Free standing carports
  - b) Polycarbonate sheeting, Perspex and fibreglass visible from the street
  - c) Shade cloth of any nature

## **2.19 AWNINGS, CANOPIES AND OUTDOOR BLINDS**

- 2.19.1 Awnings are not encouraged but may be submitted for approval.

Outdoor blinds may be utilized at balconies. Shade cloth blinds will be considered for approval if the colour matches the adjacent walling, as shade cloth allows some light/views and ventilation, whereas canvas does not allow any. Canvas blinds (with or without clear see thru window panels) will be considered for approval if the blind matches the overall colour theme of the dwelling and see thru panels are required for lighting.

- 2.19.3 External canopied over doorways/entrances will be considered if the element compliments the overall design of the dwelling. We would encourage metal, glass and metal or timber canopies.
- 2.19.4 Exclusions:
  - a) Any awnings which do not match the overall colour scheme of the main buildings / dwellings.
  - b) Aluminium and steel awnings.

## **2.20 WINDOWS AND DOORS**

- 2.20.1 The use of *Winblocks* is not encouraged.
- 2.20.2 The use of glass blocks is not encouraged.
- 2.20.3 Preferred materials (colour/s to be indicated in relation with HOME colour palette):
  - a) Natural and painted timber
  - b) Anodised aluminium
  - c) Epoxy coated aluminium
  - d) Glazing: energy efficient /low E
- 2.20.4 Proportions:
  - a) Windows to have a vertical rather than horizontal proportion.
  - b) Vertical dimensions must be equal to, or greater than horizontal dimensions.
  - c) However horizontal high level strip windows/clerestory windows may be allowed at the discretion of the CONTROLLING ARCHITECT.

- 2.20.5 Exclusions:
- a) Steel window frames
  - b) External steel door frames
  - c) Natural anodised aluminium (silver)
  - d) Glazing: reflective or mirror finish.

## **2.21 REZONING**

- 2.21.1 Rezoning is not allowed in any circumstances as per clause 12.1 of the Constitution and cannot be applied for approval to the Trustees even if the local authority has granted municipal consent as the Constitution is a binding contract between the members and the terms thereof are enforceable by the OWMHOA Trustees from time to time.

## **2.22 BULK AND COVERAGE**

- 2.22.1 Bulk and coverage vary from property to property depending on the DEVELOPMENT rights of a particular property and must be ascertained from the Zoning Requirements of the LOCAL AUTHORITY.
- 2.22.2 A minimum floor area of 200 square meters per dwelling is required, excluding outbuildings and garages. Also refer to 2.8.
- 2.22.3 Granny flats and cottages may be a maximum of 30% of the main building in floor area.
- 2.22.4 If OWNERS want to apply for departures with regards to encroaching on building lines, the OWMHOA will review such an application where the consent has been obtained from all the relevant neighbours (as identified by the LOCAL AUTHORITY (City of Cape Town)). However, the OWMHOA will not support building structures that are located within 1m of the erf boundary. The structure should either be located on the erf boundary or a minimum of 1m away from the erf boundary to allow access for maintenance and circulation.

## **2.23 DENSITY**

- 2.23.1 The density allowable on the various Group Housing properties is as follows:
- a) Erven 216 – 220: 25 units per hectare
  - b) Erven 221 – 226: 35 units per hectare
  - c) Erven 227: 22 units per hectare

## **2.24 HEIGHT RESTRICTIONS**

- 2.24.1 Two storeys maximum (ground plus first floor)
- 2.24.2 Only with the LOCAL AUTHORITY, City of Cape Town (Northern District), the approval of the OWNERS of the neighbouring properties and the OWMHOA may the buildings exceed two storeys. Double storey plus attic or basement.

## **2.25 HOME OWNERS ASSOCIATION**

- 2.25.1 Each Group Housing development must have a Home Owners Association which is a member of the Masters Home Owners Association.

## **2.26 LARGE SINGLE RESIDENTIAL ERVEN**

- 2.26.1 Please note that restrictions pertaining to building lines, heights, building platforms as well as HOUSE positions for single and double storey dwellings apply to all large single residential ERVEN on the boundary of the nature reserve.
- 2.26.2 These restrictions have been documented in the Oude Westhof Design Guidelines' Site Analysis and must be read with this Rules & Regulations incorporating OWMHOA Community Participation Manual and Design Standards Guide(this document) A site development plan submission on these ERVEN (with building plans submission) is required.

- 2.26.3 This site development plan must indicate contours, building platform heights, building heights as well as proposed landscaping. The proposed structures must be fully illustrated as well.
- 2.26.4 After approval of the site development plan the working drawings may be commenced with for submission to the CONTROLLING ARCHITECT (through the MANAGING AGENT) and the LOCAL AUTHORITY. This submission must include a land surveyor's certificate to certify the platform level (height) and position of the building footprint. It also has to indicate contours and proposed landscaping.
- 2.26.5 FENCE:  
The boundary between the large residential ERVEN on the upper slopes of the DEVELOPMENT and the adjoining nature reserve must be fenced, by the Developer, with a transparent fence to the satisfaction of the Head of the Parks Department of the City of Cape Town (Northern District). The fence is owned and maintained by the Parks Department of the City of Cape Town (Northern District) and the owners of these erven have to make a pro-rata financial contribution towards the cost of such a fence and the maintenance there off.

## **2.27 ERF 229**

The existing farmstead on this property may have heritage significance and any potential development/alterations/repairs/works on this ERF should take cognisance of this fact. A permit from Heritage Western Cape (HWC) is mandatory when adding or altering any structure older than 60 years. This permit will be required prior to applying for a building permit from the Local Authority. <https://www.hwc.org.za/making-an-application>

## **2.28 NATIONAL BUILDING AND LOCAL AUTHORITY REGULATIONS**

- 2.23.1 These regulations, conditions and constrictions must be adhered to.

## **2.29 AESTHETIC STANDARDS**

- 2.29.1 Every effort will be made to ensure that these standards are observed by all RESIDENTS.

## **2.30 STREET NAMES**

- 2.30.1 The street names of Group Housing Developments should be sympathetic to the theme of street names of the Oude Westhof Estate, which are wine cultivars and specific wine brands. Each Group Housing Development will be presented, by the Town Planners (First Plan) or the original Developer, with a choice of ten (10) street names for selection.

## **2.31 PREPARATION AND SUBMISSION OF BUILDING PLANS**

- 2.31.1 HOMEOWNERS who are in good standing with the HOA in all respects and who intend to erect new dwellings or effect renovations and / or alterations to existing dwellings, must arrange for detailed building plans to be prepared in this regard. THIS APPLIES TO ALL BUILDING ACTIVITIES, INCLUDING MINOR ALTERATIONS, IRRESPECTIVE OF DEGREE. One (1) set of drawings in colour and to scale, drawn up in accordance with LOCAL AUTHORITY by-laws and the Architectural Rules of the HOA, must be submitted to the CONTROLLING ARCHITECT through the MANAGING AGENT by the HOMEOWNER, or his appointed agent, together with the building deposit, scrutiny fee and completed Building Submission forms for perusal by the CONTROLLING ARCHITECT and TRUSTEES before being submitted to the LOCAL AUTHORITY for approval.
- 2.31.2 Neighbours consent for departures:
- a) Building plans for new dwellings, alterations or extensions to existing dwellings which require building departures must be accompanied by the relevant letter of consent as issued and required by the LOCAL AUTHORITY. Neighbours submitting comments are further required to sign and date one (1) complete coloured set of the building plans to be submitted, to ensure that there is no misunderstanding of the building work proposed. This Rule is also applicable for the construction of doll's houses. In the case of the so-called townhouse / cluster home complexes a letter of consent from the chairman of the complex HOA is required in addition to neighbours' consent stipulated above.



- 2.31.3 One coloured copy of the building plans together with relevant documents will be kept by the MANAGING AGENT for record purposes.
- 2.31.4 The design and layout of the entire ERF will be considered from the outset. Accurate citing of all corner pegs, the main dwelling, patios and outbuildings must be shown. Special consideration should be given to existing natural features on the site, specifically any existing trees. Contour lines should be shown on the plans.
- 2.31.5 Building plans submitted are to include the following:
- a) Site plan, specifying the height of all corners of the ERF, plus the area of the ERF.
  - b) All floor plans clearly specifying the total ground floor area and the area of each floor level.
  - c) All elevations including the height of the dwelling at the highest point.
  - d) A schedule of specifications indicating the roof construction, materials and colour to be used in the roof and the finishes and colours of the external walls.
- 2.31.6 Double storey structures:
- a) Building plans must clearly specify the floor areas of both the ground floor and the first floor.
  - b) The approval of plans will be conditional upon the HOMEOWNER undertaking to submit a surveyor's certificate regarding the datum line of the lowest finished floor level (FFL), from which measurements can be determined.
- 2.31.7 Approved building plans, including copies for the LOCAL AUTHORITY, will be stamped "APPROVED", subject to any conditions imposed, dated and signed by the CONTROLLING ARCHITECT or an employee of the OWMHOA duly authorized thereto, prior to the HOMEOWNER or his ARCHITECT/DESIGNER submitting them to the LOCAL AUTHORITY for their approval.
- 2.31.8 Only building plans approved in accordance with the above procedures will be scrutinized by the LOCAL AUTHORITY for compliance with Building Regulations and by-laws. Only building plans carrying the stamps of approval of both the OWMHOA and the LOCAL AUTHORITY shall be in use on the specific ERF for the construction of the dwelling. These building plans must at all times be available on site to facilitate inspection by the TRUSTEES.
- 2.31.9 Any TRUSTEE of the OWMHOA or appointed agent has the right of access during working hours to any ERF or property on which building work is taking place to ensure that:
- a) The dwelling, or any extension thereto, is being built in accordance with the approved plans,
  - b) The Architectural Rules are being complied with, and
  - c) The building deposit can be refunded.
- 2.31.10 The OWMHOA reserves the right to –
- a) Refuse to peruse any drawings of an OWNER who is in breach of any ESTATE RULE, or
  - b) Interdict any OWNER (at such OWNER'S cost), or to take any action deemed fit, to prevent such OWNER or any person from commencing or continuing any construction work without plans having been approved in accordance with the above procedures

## **2.32 APPROVAL OF BUILDING PLANS AND DEVIATION THEREFROM**

- 2.32.1 The CONTROLLING ARCHITECT and HOA will not fulfil the function of approving plans insofar as compliance with the LOCAL AUTHORITY by-laws etc. is concerned but will merely ensure that they comply with the GUIDELINES and where possible identify matters of possible conflict.
- 2.32.2 One set of building plans (hard copy, colour and to scale) must be submitted to the office of the CONTROLLING ARCHITECT. A digital set of building plans (colour and to scale) must be issued to the CONTROLLING ARCHITECT and the MANAGING AGENT (Refer to chapter 4 for details).
- 2.32.3 The CONTROLLING ARCHITECT will meet as determined from time to time together with the TRUSTEES to evaluate the plan submissions. Written responses will be made on all submissions to the CONTROLLING ARCHITECT after these meetings.
- 2.32.4 Approved building plans will be stamped digitally by the CONTROLLING ARCHITECT and thereafter by the Managing Agents and emailed to the ARCHITECT/DESIGNER or HOMEOWNER for submission to the LOCAL AUTHORITY.
- 2.32.5 All council fees are for the HOMEOWNER'S account.

- 2.32.6 No building activity will be allowed without proof of the approved building plans from the CONTROLLING ARCHITECT as well as the City of Cape Town (Northern District) or a letter from the City of Cape Town (Northern District) authorising the HOMEOWNER to start.
- 2.32.7 A scrutiny fee for new buildings and for additions and / or alterations is payable to the CONTROLLING ARCHITECT with the plan submission for reviewing the building plans.
- 2.32.8 If any changes are made to the exterior of the HOUSE after the plans have been approved, then new plans must be drawn up indicating the intended changes and must be submitted to the CONTROLLING ARCHITECT for approval subject to all the stipulations above including the additional plan scrutiny fee. Such plans must be approved by the CONTROLLING ARCHITECT before the changes are affected on the IMPROVEMENTS.
- 2.32.9 Where alterations are made without such approved plans the HOA reserves the right to insist they must be reversed and may levy a monthly penalty, decided by Trustees from time to time, for every month during which such reversal has not been completed.

### **2.33 COMPLETION CERTIFICATE and COUNCIL OCCUPATION CERTIFICATE**

- 2.33.1 For the purpose of these rules, final completion of the IMPROVEMENTS shall mean that all items and snagging for both exterior and interior shall be fully completed and that all contractors and sub-contractors will have moved off site.
- 2.33.2 Once the HOMEOWNER is satisfied that the IMPROVEMENTS have been completed, in accordance with the approved plan, the HOMEOWNER will request an inspection by the CONTROLLING ARCHITECT.
- 2.33.3 The CONTROLLING ARCHITECT will inspect the IMPROVEMENTS and, provided that this is in accordance with the approved plans, will inform the HOA that improvements are as built according to plans approved. The CONTROLLING ARCHITECT will not fulfil the function of approving the works insofar as compliance with the LOCAL AUTHORITY by-laws etc. is concerned, but will merely inspect the works' compliance with regards to the GUIDELINES incorporated in the Rules & Regulations (this document)  
If there are deviations or outstanding work, the CONTROLLING ARCHITECT will notify the ARCHITECT/DESIGNER or HOMEOWNER and the HOA in writing of these shortcomings. Once the shortcomings have been rectified a re-inspection will need to be arranged by the HOMEOWNER. An inspection fee (minimum of R750.00 and adapted upwards from time to time by Trustees) is payable to the CONTROLLING ARCHITECT for such additional site inspections.
- 2.33.4 Once the HOA has received written confirmation of compliance from the CONTROLLING ARCHITECT and is satisfied that there are no outstanding charges or FINES due by the BUILDING CONTRACTOR, and that an occupation certificate has been obtained from City of Cape Town (Northern District), the OWMHOA will issue a COMPLETION CERTIFICATE for the IMPROVEMENTS.
- 2.33.5 If there are no claims or outstanding fees of any nature against the BUILDING CONTRACTOR, the HOA will refund the building deposit for new buildings and for additions and / or alterations as soon as is reasonably possible after the issuing of the COMPLETION CERTIFICATE. In the event of any fees still outstanding the HOA will offset such outstanding fees against the deposit and refund the balance.

### **2.34 HOUSE KEEPING**

- 2.34.1 The HOA will regularly carry out inspections to building sites to ensure that the ERVEN where IMPROVEMENTS are being made comply with the approved building plans.
- 2.34.2 The HOA will monitor the BUILDING CONTRACTOR concerning and issue spot FINES and / or written instructions where applicable.
- 2.34.3 Fines may also be given by persons specifically authorised by the HOA to do so.
- 2.34.4 No structures or IMPROVEMENTS may be erected without prior approved plans and any IMPROVEMENTS or structures or landscaping features not according to approved plans will have to be removed within 14 days or such reasonable time as stipulated in writing by the HOA.

## **2.35 BUILDING COMPLETION**

- 2.35.1 It is required that the complete / initial building be completed within nine (9) months after commencement of construction.
- 2.35.2 Should a BUILDING PROJECT be phased, written permission from the OWMHOA must be obtained, and the first phase must be equal to the minimum requirements of 200 square meters, excluding outbuilding and garages.

## **CHAPTER 3: BUILDING CONTRACTOR ACTIVITY**

### **3.1 GENERAL**

- 3.1.1 The HOA TRUSTEES have adopted certain Rules relating to BUILDING CONTRACTOR activity within the ESTATE. The primary aim of these Rules is to ensure that all building activity within the ESTATE occurs with the least possible disruption to RESIDENTS. All HOMEOWNERS are obliged to ensure that their BUILDING CONTRACTORS are informed of the ESTATE RULES and that they comply strictly with them.
- 3.1.2 The OWMHOA reserves the right, at any time and with no notice given, to suspend building activity for contravention of any ESTATE RULES, or in instances where undesirable conduct is established.

### **3.2 TIMES**

- 3.2.1 Building operations is only allowed during the following times:
- a) 06h00 – 20h00: Normal weekdays
  - b) 07h00 – 17h00: Saturdays
- 3.2.2 Special prior permission must be obtained from all adjacent neighbours concerned, and the OWMHOA, if building activities of any nature is anticipated after hours or on Public Holidays.

### **3.3 SUB-CONTRACTORS**

- 3.3.1 All restrictions applying to Main Contractors also apply to Sub-Contractors.

### **3.4 REFUSE REMOVAL**

- 3.4.1 Facilities for refuse storage and removal are to be provided by the BUILDING CONTRACTOR and responsibility for the utilisation of these facilities by the labourer's rests with the BUILDING CONTRACTOR.
- 3.4.2 Refuse is to be removed weekly.
- 3.4.3 Refuse may not be burnt on site.

### **3.5 BUILDING RUBBLE**

- 3.5.1 Regular cleaning of the site is imperative during building operations and the site must be kept as clean and neat as possible. A removable container (skip) is required for quick and frequent removal.
- 3.5.2 Vacant stands (even with consent of the owner) and/or open public spaces may not be utilized for refuse storage.
- 3.5.3 The building site must be positively screened/fenced from the street with suitable and acceptable material for health, safety and housekeeping purposes.
- 3.5.4 The roadway and pavement must strictly be kept clean of all material, rubble and sand at all times.

### **3.6 DELIVERIES**

- 3.6.1 Suppliers providing building material may only deliver such during normal weekdays. The contractor is responsible to move building materials onto the site when a supplier off-loaded such on the pavement or roadway.
- 3.6.2 Vacant stands (even with consent of the owner) and/or open public spaces may not be utilized for refuse storage.

The Contractor is responsible, together with the Supplier to immediately clean the street in the event of any spillage, even if the spillage occurred elsewhere on route to the building site

### **3.7 TOILET FACILITIES**

3.7.1 It is the responsibility of the contractor to provide toilet facilities for the labourers, which must adhere and conform to all LOCAL AUTHORITY regulations.

### **3.8 SECURITY**

3.8.1 The contractor is only allowed one representative on site, in the capacity of watchman, after hours.

### **3.9 NOTICE BOARDS**

3.9.1 All architects, engineers, builders, sub-contractors and suppliers involved with a specific BUILDING PROJECT, must consolidate all their boards onto a single board which may be erected on site. Such board must be removed immediately upon the completion of the project.

## **CHAPTER 4: PLAN SUBMISSION ADDRESS**

**All plans of proposed projects within the Oude Westhof Estate must be submitted to the Managing Agent appointed from time to time and currently:**

### **Nolands Incorporated**

Third Floor  
GIHON Building  
Cnr Bill Bezuidenhout Ave and Sportica Road  
Tygervalley

Nolands will log your application and submit to the Controlling Architect being:

Janine de Waal Architects  
10 Wellington Road  
Rust-en-Vrede  
Durbanville  
7550

TEL: 076 154 8915  
FAX: 086 260 2428  
E-MAIL: [studio@jdwarchitects.co.za](mailto:studio@jdwarchitects.co.za)  
WEBSITE: [www.jdwarchitects.co.za](http://www.jdwarchitects.co.za)

## **CHAPTER FIVE: PENALTIES, FINES AND STOP WORK ORDERS**

- 5.1 The TRUSTEES have the right, in terms of Clause 16 of the Constitution, to impose FINES as a penalty levy for the transgression of ESTATE RULES and FINES as penalty levy for breach of any terms of the Constitution and Guide as Annexure as well as these Rules & Regulations can and will be levied by the Trustees as per the formal FINE levying procedure adopted by resolution by the Trustees of the HOA in accordance with CSOS Ombudsman prescriptions and which procedure is available upon request from the Managing Agents.
- 5.2 HOMEOWNERS are responsible for ensuring that members of their families, their tenants, visitors, friends, employees and contractors abide by these rules. In the event of a family member, tenant, visitor, friend, employee or contractor of a HOMEOWNER being found to be in breach of any ESTATE RULE, which results in the imposition of a levy FINE, the HOMEOWNER will be held responsible.
- 5.3 The entry level of FINES as penalty levy for the transgression of ESTATE RULES is R500.00. FINES may be re-imposed every fourteen (14) days, until the transgression ceases or is rectified.
- 5.4 FINES of up to a maximum of R5 000.00 will be imposed on transgressors of ESTATE RULES, and such FINES will be debited to the HOMEOWNER'S levy account and be payable immediately.
- 5.5 The amount of the FINE penalty levy will be determined by the Trustees from time to time per the OWMHOA FINES schedule and which is available upon request from the Managing Agents.
- 5.6 The FINE penalty levy will be levied on the monthly levy account of the transgressing member and indicated separately from the normal monthly levy as "**Fine penalty levy**" and be immediately payable by the member against whom it is levied. The amounts of Fines as penalty levies are collectable by the Managing Agents for the HOA in the same way as arrear levies are collected and handed over for collection if not paid.
- 5.7 Unpaid FINES: In instances where a HOMEOWNER has failed to pay a FINE:
- a) Such HOMEOWNER will be liable to pay interest, at a rate determined from time to time by the TRUSTEES, on all outstanding monies,
  - b) Such a HOMEOWNER will be regarded as not being in good standing with the OWMHOA and will consequently not have a vote at any meeting of the OWMHOA,
  - c) The building plans of HOMEOWNER'S not in good standing with OWMHOA, will not be considered for approval, and
  - d) No Clearance Certificate for the transfer of the property or consent to a bond registration will be issued
- 5.8 Stop Work Orders for Suspension of Building Activities:
- 5.8.1 A Stop Work Order will be issued by the OWMHOA should any contractor be found to be in contravention of the ESTATE RULES, or to be deviating from the approved plans.
- 5.8.1.1 (a) A Stop Work order will be issued by the OWMHOA should any contractor, without having obtained prior written permission, be found to be using any part of a Private Open Space, or crossing it with a VEHICLE.
- (b) In the event that a Stop Work Order is issued, the Building / Work Deposit being held by the OWMHOA will be forfeited to the extent of the cost of reinstatement of the damaged area.
- (c) Work will be permitted to resume only after receipt by the OWMHOA of an additional deposit, as stipulated by the TRUSTEES, and / or the reinstatement of the damaged area to the satisfaction of the TRUSTEES.
- (d) A HOMEOWNER will be FINED minimum R2000.00(amended from time to time by Trustees) for each subsequent breach of the Rules regarding the use of Private Open Spaces.

## **CHAPTER SIX: GUIDELINES FOR STANDBY POWER GENERATOR INSTALLATION**

In order to comply with good practice and with the provisions of the COMMUNITY PARTICIPATION MANUAL & DESIGN STANDARDS GUIDE of the OWMHOA the following Rules and procedures must be adhered to by the home owner with regards standby power generators.

- 6.1. Application must be made to the OWMHOA should any Member wish to use a standby generator set of a permanent or temporary nature at his place of residence. Written application, together with the dwelling site plans, must be made to the OWMHOA through the normal channels prior to the commencement of the installation.
- 6.2. The immediate residents to give written permission of no objection to the installation of the power generator.
- 6.3. A sketch plan indicating the proposed position of the generator on the concrete slab (if applicable) must accompany the application.
- 6.4. The installation of the power generator should be incorporated into the main building to form part of the basic structure and should be as inconspicuous as possible. Not to be visible from street elevations.
- 6.5. The mechanically welded chassis with anti-vibration suspension of the unit is to be placed and correctly fixed onto a concrete slab located in the enclosed courtyard.
- 6.6. A suppliers' recommendation for the specific type of power generator to be installed must accompany the application.
- 6.7. All penetrations through walls are to be performed in a manner to prevent subsequent leaking. Accurate size holes in brickwork to be neatly drilled by percussion drills and to be sealed with an appropriate sealing fabric and painted afterwards with matching coloured paints.
- 6.8. All electrical work to system controllers/timers and wiring of elements to be certified by an authorized electrical contractor and the compliance certificate must be submitted immediately after installation as suitable and acceptable guarantee of compliance
- 6.9. A residential silencer must be fitted to all generators. The generator must be housed in an aesthetic acoustic enclosure to reduce noise levels to below 65db at 5 meters.
- 6.10. Fuel storage must be done in a safe manner. (Note: Safety – 5 litres of Petrol have the same explosive effect as a moderate sized TNT stick, and burn/explode with the presence of any open flame. Diesel is relatively a very safe fuel and is of low risk)
- 6.11. On completion of the installation the premises must be left in an acceptable manner, ready for inspection by the representative of the OWMHOA.
- 6.12. This Rule shall apply retrospectively to all existing installations and pre-installed generators must be made compliant by the member as per the aforementioned rules.

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