



BOKKEMANSKLOOF ESTATE

Home Owners Association

ESTATE GUIDELINES

A GUIDE TO LIVING ON BOKKEMANSKLOOF ESTATE

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BOKKEMANSKLOOF ESTATE HOMEOWNERS ASSOCIATION

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The Bokkemanskloof Home Owners Association Management Committee, who are elected by fellow members strive, as a priority, to offer the owners and residents of the Bokkemanskloof Estate an up-market, well run residential estate whilst protecting resident's interests and providing a high quality living experience.

To ensure that the estate develops and operates within the framework laid down at conception, various structures, operational procedures and agreements are in place.

To ensure that members are aware of the day to day operations as well as their rights and obligations, the Estate Guidelines represent a summary of the arrangements in place. We hope that this guide will assist you to better understand and appreciate the Homeowner Association documentation as well as the care taken to ensure a well-considered set of guidelines for the benefit of all residents.

1. INTRODUCTION

Residents of Bokkemanskloof Estate enjoy a unique lifestyle in an environmentally rich mountain estate adjacent to the Table Mountain National Park and with unrestricted access to the mountain and open spaces on the estate.

- 1.1 Estate living calls for certain restraints and owners and occupiers should at all times consider the rights and privileges of other owners and occupiers.
- 1.2 The Estate Guidelines are for the protection and reinforcement of this lifestyle and your capital investment.
- 1.3 City By-laws are applicable to the estate, and take precedence over any of these guidelines and are enforceable by the City. Where relevant the applicable By-laws are referred to in this document.

2. LEGAL STATUS

- 2.1 These guidelines have been established in terms of the Constitution of the Bokkemanskloof Homeowners Association. The following clauses from the Constitution apply:

6.11 The rights and obligations of a Member shall not be transferable and every Member shall:

- *6.11.2 observe all Estate Rules and regulations made by the Association and/or the Trustee Committee;*

6.12 Each Member undertakes to the Association that he will comply with:

- *6.12.3 any Estate Rules;*

13. ESTATE RULES

- *13.1 The Trustees may from time to time, make rules relating to the management of the Estate, which shall be binding on the Members.*
- *13.2 The Trustees are empowered to amend, amplify, substitute or repeal any such rule provided that in the event that the provisions of the rule is amended or added to in such a manner that it will affect any of the rights of Members, the Trustees shall by written notice inform all Members of the amendment or addition to the Design Guidelines and if more than 15 per cent of the Members object to an amendment, such amendment shall not be effective unless approved at a General Meeting.*

- 2.2 All owners are urged to comply with the guidelines and obliged to comply with Cape Town City By-laws.
- 2.3 The registered owner or occupier of every property within the estate ("the owner") is responsible for ensuring that all members of his/her family, tenants, visitors, employees, contractors, contractors' subcontractors, and delivery persons, also comply with the Estate Guidelines.

3. AMENDMENTS

- 3.1 Guidelines will need to be added to, amended or repealed in accordance with the changing external environment and evolving needs of owners and the Estate.

- 3.2 These guidelines are therefore subject to change from time to time, and the Trustees are entitled to add to, amend or repeal the guidelines as deemed necessary to protect the interests of the HOA, the common interests of owners and the integrity of the Estate as a whole.

4. GENERAL CONDUCT

- 4.1 In order to preserve and enhance the residential amenity and lifestyle within the Estate, all owners shall at all times behave and conduct themselves in a considerate, reasonable and civilised manner, and shall in particular avoid causing inconvenience or nuisance to other owners.
- 4.2 See: *By-Law Relating to Streets, Public Places and the Prevention of Noise Nuisances, 2007.*

5. SECURITY AND PROTECTION

- 5.1 Although Bokkemenskloof Estate due to its layout and position, was intended as an open and not a security Estate, increased criminal activity in Hout Bay and surrounding areas have necessitated the implementation of certain security measures to deter would-be criminals.
- 5.2 To this effect, the services of a security company who provides 24-hour guards on foot patrol have been procured. Movement sensors linked to a voice alert system have been put at strategic places. It is currently monitored by residents in close proximity to these areas. Remote controlled security lights have been installed at easy access areas. It is intended that both these deterring systems will be expanded and enhanced over time.
- 5.3 The perimeter security and patrols serve as deterrent and detection factors only and do not guarantee an intrusion-free Estate. Owners therefore have to assume responsibility for the protection of their own properties.

- 5.4 Owners should at all times assist and comply with the security systems and procedures implemented on the Estate.
- 5.5 Ongoing improved security systems and management will be put in place, and owners accordingly informed. Owners and their visitors and employees should adhere to security procedures and to respect the security personnel's job role. Security guards shall not be abused nor obstructed from performing their functions.
- 5.6 Owners should under no circumstances tamper with Estate owned security devices without prior written consent from the HOA.

6. VEHICLES, ROADS AND TRAFFIC

- 6.1 As the roads, traffic islands, and verges are used by everyone, extreme care should be taken by drivers to ensure the safety of all users.
- 6.2 The speed limit is 20 km /hour and all traffic signs should be obeyed at all times.
- 6.3 Owners' cars should generally be parked on their properties and should be accommodated according the Design Manual requirements (Section 2.3). Visitors' cars should be confined to an owner's property and/or the guest parking spaces provided, and should not obstruct road traffic. No parking is allowed on the road surface.
- 6.4 Guest parking spaces are meant for guests, and may only be used by home owners on a short term basis or when building work is taking place on the owner's property. Guest parking areas may not be used by homeowners as permanent garages or storage areas.
- 6.5 Revving of boat, bike, car or other engines should be restricted to the absolute minimum necessary and no repairs or reconditioning is permitted in the road or open spaces.

- 6.6 Excepting for regular arrival and departure, motorbikes are not permitted to drive around the Estate at any time.
- 6.7 Excepting for bona-fide construction and Estate maintenance requirements, no quad-bikes or similar vehicles are permitted in the Estate.
- 6.8 No noisy maintenance, repair or storage of any vehicles shall be permitted on any erf. This will exclude normal washing or cleaning of a vehicle.
- 6.9 Garage doors shall be kept closed at all times except during normal operating activities.

7. LANDSCAPING AND PROPERTY MAINTENANCE

- 7.1 All horticultural and landscape aspects of the Estate including sidewalks/verges and traffic islands will be managed by the Estate Manager on behalf of HOA. Home owners who wish to assist the Estate Manager in maintaining their own verges should do so in consultation with the Estate Manager.
- 7.2 Gardens of individual properties will be maintained by the residents. Residents are encouraged to develop indigenous and water wise gardens, in keeping with the Design Manual and the Environmental Plan.
- 7.3 The garden irrigation system as installed in the open areas will be maintained by the HOA. Anyone who damages Estate irrigation or any other Estate property will be held liable for repairs.
- 7.4 No resident may remove any tree or shrub from the open areas. Concerns regarding dangerous trees should be brought to the attention of the Estate Manager.
- 7.5 Owners should maintain all aspects of the exterior of his/her house, fencing, pools and paving etc., to a suitable level of upkeep, neatness and tidiness in keeping with the Design Manual.

- 7.6 Owners should ensure that adequate toilet and personal washing facilities are provided on their properties for any workers employed, contracted or sub-contracted to work on the property.

8. PROPERTY APPEARANCE

- 8.1 Bokkemanskloof Estate has an architectural and landscape Design Manual in place and the Board of Trustees are obliged to enforce these obligations on all members in order to protect everyone's investment and ideal of what they originally bought into.
- 8.2 The Design Manual sets out these architectural controls for the Estate as well as the type of landscaping that is required and permitted. All owners are obliged to conform to the Design Manual.

9. ESTATE APPEARANCE

- 9.1 Owners are requested to leave the open spaces in a clean condition, and to conscientiously dispose of any litter. Refuse bins have been placed at various points to facilitate the disposal of litter.
- 9.2 No trees or plants in open spaces may be damaged or removed. Owners are requested not to plant any noxious flora in their gardens.

10. ANIMALS AND PETS

- 10.1 The *City of Cape Town Animal By-law, 2010* (approved but not promulgated) serves as the basis for this section.
- 10.2 Pets are the responsibility of their owners and need to be controlled by owners, both on and off their property.
- 10.3 Every cat and dog should wear a tag with owner's name and contact number. When in estate open areas, pets should be under control of

owners, and should not harass or be allowed to injure or harass other persons, children, cyclists, joggers, or other pets.

- 10.4 Removal of dog excrement - **Section 11** of the By-law applies and states as follows:

“11. (1) If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse, excluding a person who is assisted by a guide dog.”

- 10.5 Owners should at all times ensure that pets do not create a disturbance. The following section of the by-law is of particular importance in this regard:

Section 6 – Prohibitions relating to the keeping of dogs

- 10.6 The natural fauna on the Estate is to be encouraged and should not be harassed, injured or killed by pets; and no catapults, pellet guns, firearms or traps shall be used by any persons on the Estate.

- 10.7 See: *City of Cape Town Animal By-law, 2010*.

11. NEIGHBOUR RELATIONS

- 11.1 The reduction of noise, especially in this country environment, is important for all residents.
- 11.2 Noise generated by TV, music, radios, partying, toys and children should be moderated in consideration of other owners. In the event of a party please ensure that loud music is turned down by midnight.
- 11.3 Noisy machinery and equipment may not be used before 08H00 and after 18H00 Monday to Fridays and before 09H00 and after 14H00 on Saturdays. Use of noisy machinery and equipment is not allowed on Sundays or public holidays.

- 11.4 Construction activity (including sawing, grinding and hammering) is only allowed from 08h00-17h00 Monday to Fridays and not during weekends or public holidays. No construction will be allowed outside of these times, unless by prior written arrangement with the HOA and permission of affected neighbours. Application for after hours construction must be made at least (one) 1 week prior to the applicable date. (See Design Manual – Section C 1.1)
- 11.4 No fires, braai or barbecuing is permitted in open areas or anywhere except on an owner's property, unless prior written permission has been obtained by the HOA for such an event.
- 11.5 No fireworks of any kind are permitted on the Estate:
“21(2)No persons shall, except with the written permission of the Assistant Chief protection Services, discharge any fireworks within the municipal boundaries of the council or allow such fireworks to be discharged.” (See: *City of Cape Town - Fire By-law*)
- 11.6 No owner shall commit or allow any person(s) to commit any illegal activity(s) on his/her erf, or anything that may be of a disturbing, noxious or offensive nature to the neighbourhood.
- 11.7 The occupiers of any property within the estate are liable for the conduct of their guests, or and other person (s) working for occupiers from time to time.

12. REFUSE

- 12.1 A refuse removal service is provided by City of Cape Town on a weekly basis.
- 12.2 Each owner shall ensure that no rubbish or other waste material is accumulated, dumped or permitted to accumulate anywhere upon the erf, except in containers located in designated areas.
- 12.3 Such containers shall be kept in enclosed areas and placed in the designated areas for collection at the appropriate times as stipulated. Rubbish containers shall not be placed on any common or public areas or

thoroughfares for a period exceeding 24 hours before and after scheduled trash collection times.

- 12.4 No refuse, garden spoil, or rubble may be dumped on vacant stands.
- 12.5 Refuse bins should be stored out of site and should be put out for collection on the day of the refuse removal service.
- 12.6 No owner shall burn or permit anyone to burn any materials or rubbish on the stand.

13. OPERATING A BUSINESS

- 13.1 The erven shall be used exclusively for single-family residential purposes and for no other purposes, other than those specified and allowed for the Town Planning Scheme without prior written permission from the relevant authority. No business or commercial building may be erected on any erf and no business and/or commercial activity of any kind may be conducted on any erf, without written approval from the Homeowners Association.
- 13.2 In terms of the greater Hout Bay Divisional Zoning arrangements, any resident who wishes to use any part of their property for business purposes have to submit an application for conditional use to the City of Cape Town: Planning and Building Development Management Department (Southern District) to obtain the necessary approval.

14. RE-SALES AND LETTING

- 14.1 In order to ensure that prospective purchasers are correctly informed about the Estate -
 - 14.1.1 Any sales agreement should include an obligation for the purchaser to become a member of the HOA upon transfer of the property in his name and to remain as a member for so long as he is the registered owner of the property.

- 14.1.2 Any lease agreement in respect of an owner's property should include an obligation for the tenant to observe the Constitution and Estate Guidelines.

15. FINES AND PENALTIES

The trustees, on behalf of the HOA, will have the right to consider the imposition of fines and penalties for residents that are found to be acting in a manner inconsistent with these guidelines or council by-laws. The estate will work on the “3 strikes” principle, i.e. actions by residents that are inconsistent with these guidelines or council by-laws will be met with formal written warnings for the first two offences, followed by the imposition of an appropriate fine or penalty for the third and subsequent offences.

Any fines or penalties imposed by the HOA will be at the full discretion of the trustees but will be appropriate and reasonable and consistent with the fines likely to be imposed by the state or municipal authorities for similar offences.

Where residents are making complaints to the HOA based upon alleged breaches of estate guidelines or council by-laws, these complaints need to be made in writing with supporting evidence where feasible. Trustees will need to apply their minds to the evidence presented and their decisions need to be fair and reasonable.

16. Solar Panel Installations

All new solar panel installations shall, as much as reasonably possible, comply with the following guidelines:

- a. Solar panels shall lie flat on the roof allowing for mounting brackets, cables and pipes;
- b. No part of the panel or the mountings shall protrude past the edge of the roof;
- c. No part of the panel or the mountings shall break the sky line of the existing roof as shown on the last approved building plans;
- d. Comply with City of Cape Town regulations and by-laws if required;
- e. Submit building plans to the City of Cape Town should it be required.

Any deviation from these guidelines shall follow the following route:

- a. Proposed deviations to be motivated in writing to the HOA;
- b. Draw up construction plans showing positioning and relevant elevations of the installation;
- c. Obtain written sign-off from affected and abutting neighbours;
- d. Submit drawings to aesthetics committee – Architect Michael Kornmuller, the estate manager and the member of the trustees who will approve the plans/drawings and request a signed copy for retention by the BHOA.

17. Wind Turbines

The BHOA supports the use of renewable energy. Construction and installation of any form of wind harvesting for electricity generation is permitted as contemplated in 3.18 (2) Design Manual, but only after obtaining prior approval from the BHOA.

18. Water Tanks and Reservoirs

All new water tank and reservoirs installations shall, as much as reasonably possible, comply with the following guidelines:

- a. Water reservoirs constructed from any other material but plastic, vinyl, corrugated metal, any grade of polymer or stainless steel could be classified as a building structure and should follow the normal guideline applicable to all buildings;
- b. Water tanks and reservoirs to be installed completely underground is deemed exempt from these guidelines as long as the installation remain completely underground;
- c. Water tanks and reservoirs shall be positioned as far as practically possible hard up against the erf boundary wall/fence/hedge etc;
- d. Water tanks and reservoirs shall not exceed two meter in height (approved height of boundary walls) including the plinth or platform;
- e. Allowed colour options: Black, Grey (charcoal), Green & Brown (including light brown)

Any deviation from these guidelines shall follow the following route:

- a. Proposed deviations to be motivated in writing to the HOA;

- b. Submit installation plans or drawings showing positioning and relevant elevations of the installation;
- Obtain written sign-off from affected and abutting neighbours;

19. DISCLAIMER

Neither the HOA, its trustees, officers, employees or contractors nor their respective agents shall be liable for any loss of life, personal injury or damage to property suffered by any person whilst in or on the Estate or any part thereof and from whatsoever cause arising.