

DRAKENSTEIN MUNICIPALITY

Approved in terms of Section 60(1) of the Drakenstein By-law on Municipal Land Use Planning, 2018. The approval may be subject to certain conditions as set out in the letter of approval.

Ref: 15/4/1 (39537) P

Date: 16/8/2023


MANAGER, LAND DEVELOPMENT MANAGEMENT

BERGVLIET MANOR

ESTATE RULES

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1. PRELIMINARY

- 1.1 The Estate Rules of the Association have been formulated and issued in terms of clause 39 of the Constitution and forms part of the Constitution as Annexure E thereto.
- 1.2 The Trustees shall do all things reasonably necessary for the enforcement of the Estate Rules.

2. BINDING NATURE

- 2.1 The Constitution and the duties of a Member in relation to the use and enjoyment of his Erf and the Common Areas, services and amenities of the Association shall be binding on all Members and Occupiers. A Member must take all reasonable steps to ensure compliance with the Estate Rules by the Occupiers of his Erf and by the Invitees to his Erf.

3. INTERPRETATION

In the interpretation of these rules, unless the context otherwise indicates:

- 3.1 'Association' shall mean Bergvliet Manor Homeowners' Association.
- 3.2 '**Erf**' shall mean an erf within the Estate, but excluding any erf comprising Common Areas and '**Erven**' shall have a corresponding meaning.
- 3.3 '**Estate**' shall mean the Estate known as Bergvliet Manor resulting from the subdivisions of the Management Area as reflected in the general plan and in accordance with the Conditions of Approval, including and all/any extension(s), amendments and/or subdivisions of the Management Area approved by the Developer and Drakenstein Municipality from time to time and "Estate" shall have a corresponding meaning.
- 3.4 'Invitees' shall mean the employees, servants, workers, contractors, agents, service providers, visitors, guests, or other invitees of Owners or Occupiers.
- 3.5 '**Occupier**' shall mean a person occupying a House, and irrespective whether the person is the Owner, or the Occupier, or a family member of the Owner or Occupier.
- 3.6 '**Owner**' shall mean the registered owner of an Erf in the Estate.
- 3.7 'these rules' shall mean these Estate Rules of the Association.
- 3.8 words and expressions to which a meaning has been assigned in the Constitution shall bear the meaning so assigned to them.
- 3.9 If any provision in the Estate Rules is in conflict with any provision of the Constitution, the relevant provision of the Constitution shall prevail.
- 3.10 the headings to the respective rules are provided for convenience of reference only and are not to be taken into account in the interpretation of these rules.

- 3.11 words importing:
- 3.11.1 the singular number only shall include the plural, and the converse shall also apply;
 - 3.11.2 the masculine gender shall include the feminine and neuter genders; and the neuter gender shall include the masculine and feminine genders;
 - 3.11.3 a reference to natural persons shall also include partnerships, trusts and juristic persons and the converse shall also apply.
- 3.12 when any number of days is prescribed in these rules, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day which is not a Saturday, Sunday or proclaimed public holiday.

4. WRITTEN CONSENT OF THE TRUSTEES

- 4.1 Whenever the written consent of the Trustees is required in terms of these rules, application for such consent must be made in writing and the applicant must furnish the Trustees with all the information, details and documentation, as required by them. The written consent of the Trustees in terms of these rules or the withdrawal thereof shall be in such format as the Trustees shall from time to time determine. Any written consent given on behalf of the Association may be signed by a Trustee or the Managing Agent.
- 4.2 The Trustees may attach reasonable conditions to their consent.
- 4.3 The Trustees may summarily withdraw their consent, in the event of non-compliance with any of their conditions. When withdrawing their consent, the Trustees must notify the Occupier in writing and provide him with reasons for their decision.

5. KEEPING OF ANIMALS AND BIRDS (PETS)

- 5.1 An Owner or Occupier shall not, without the consent in writing of the Trustees, which approval may not be unreasonably withheld, keep any animal or bird (pet) on Erf, provided that the number of dogs and cats shall be limited to two (2) dogs or two (2) cats per Erf or one (1) dog and one (1) cat per Erf.
- 5.2 To obtain the consent of the Trustees in terms of sub-rule 6.1, an Owner or Occupier must apply to the Trustees in writing and the application must be accompanied by such documentation and information as required by the Trustees. In the event of an application by an Occupier, the written consent of the Owner of the Erf shall accompany the application. The Trustees shall consider each application upon the merits thereof.
- 5.3 When granting their consent referred to in sub-rule 5.1 the Trustees may prescribe any reasonable conditions. The Trustees may from time to time prescribe reasonable conditions in respect of the keeping of pets and such conditions may be incorporated into the directives of the Trustees.

5.4 The following requirements shall be regarded as conditions imposed by the Trustees in terms of sub-rule 5.3, without detracting from the Trustees' discretion to impose further conditions:

- 5.4.1 A dog must be kept in an enclosed area or fenced area on an Erf and a dog is not permitted to roam outside the Erf unattended. A dog may only be allowed on the Common Areas if controlled on a leash or harness and provided that the person walking a dog must be carrying a poop scoop and plastic bag in full view. An Owner or Occupier must remove any excrement of his dog from the Common Areas and suitably dispose thereof in a sealed bag in a refuse bin.
- 5.4.2 All female pets must be spayed, and male pets must be neutered. An Owner or Occupier must not permit any bitch on heat owned or kept by him or her to be on any part of the Common Areas.
- 5.4.3 Dogs and cats must wear collars and tags to identify them as being registered with Association and in addition cats must also wear a bell.
- 5.4.4 Cats must be contained within Houses and the cat owner must provide a box with cat litter;
- 5.4.5 Owners and Occupiers must ensure that their pets do not cause a noise, nuisance, or disturbance to other Owners and Occupiers. No dog that acquired a habit of charging any vehicle, animals, poultry, pigeons or persons outside the Erf must be kept in the Estate. No dog which barks, yelps, howls or whines for more than ten accumulated minutes in an hour or more than five accumulated minutes in a half hour must be kept in the Estate.
- 5.4.6 An Owner or Occupier must not urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person. Owners and Occupiers must ensure that their animals do not cause any injury or harm to any person or animal in the Estate and, in the event of injury, the Owner or Occupier concerned, will be liable for the medical expenses and/or costs.
- 5.4.7 An Owner or Occupier must not keep any dog which is starved or under-fed or denied water or adequate shelter. An Owner or Occupier must not provoke, harass or tease any dog kept within the Estate.
- 5.4.8 An Owner or Occupier must not permit any dog owned or kept by him:
 - (a) to be on the Common Areas while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian and is no longer a public health hazard;
 - (b) which is in the opinion of the Trustees ferocious, vicious or dangerous to be on the Common Areas, unless it is humanely muzzled and held on a leash and under control;
 - (c) to trespass on private property;

- (d) to constitute a hazard to traffic on the roads of the Estate;
 - (e) to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the Erf on which such dog is kept.
- 5.5 The Trustees may withdraw their approval in the event of breach of any condition imposed in terms of sub-rule 6.3 or referred to in sub-rule 6.4, upon which the Owner or Occupier concerned must remove his pet from Erf and from the Estate.
- 5.6 Owners or Occupiers shall notify the Trustees or managing agent in writing of their complaint regarding any pet. Upon receipt of a complaint, the Trustees shall by written notice advise the applicable Owner or Occupier of the complaint and request the Owner or Occupier to remedy the complaint. Upon receipt, in writing, of a second complaint, the Trustees, in their absolute discretion, shall have the right to require the Owner or Occupier to remove the pet from their Erf and from the Estate.
- 5.7 Invitees of Owners or Occupiers are not allowed to bring any pets into the Estate.
- 5.8 No aviaries, kennels or other like accommodation for pets may be sited at any place where they may be in view from any portion of the Common Areas or the adjoining Erven.
- 5.9 No animal, poultry or any living thing may be slaughtered in any Erf or part of the Common Areas.
- 5.10 The feeding of wildlife or wild birds is prohibited in the Estate.

6. DISPOSAL OF REFUSE

- 6.1 An Owner or Occupier shall:
- 6.1.1 maintain in a hygienic and dry condition, a black refuse bin for household refuse and a green refuse bin for recyclable items, in the back yard of his or her Erf;
 - 6.1.2 ensure that before refuse is placed in a receptacle it is securely wrapped, or in the case of tins or other containers, that it is completely drained;
 - 6.1.3 for the purpose of having refuse collected, place the receptacle on his driveway after 18h00 on the evening prior to collection day or on collection day, as advised by the Trustees in their directives;
 - 6.1.4 when the refuse has been collected, promptly return such receptacle to his back yard on the collection day;
 - 6.1.5 not leave any refuse bag or refuse bin on a driveway or on any part of the Estate contrary to the foregoing sub-rules.

- 6.2 Receptacles may not be used for any other purpose than storage of refuse.
- 6.3 An Owner or Occupier shall not deposit, throw, or permit or allow to be deposited or thrown, on any part of the Common Areas any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

7. VEHICLES

- 7.1 No Owner or Occupier or his invitee shall park or stand his vehicle on any part of the Common Areas, except on a demarcated parking bay, if available on the Common Areas and subject to compliance with the reasonable conditions imposed from time to time by the Trustees.
- 7.2 No vehicle may be parked in the roads or on any pavement, especially at night.
- 7.3 No trucks, caravans, trailers, or boats may be parked in driveways or on Common Areas except for the purpose of loading or off-loading.
- 7.4 The Trustees may cause any vehicle, which is parked, stood or abandoned on the Common Areas contrary to these rules, to be removed or towed away, or the wheels of the vehicle to be clamped. The Trustees may determine the release fee, which is to be paid for the release of the vehicle, and any other charge which is to be paid to recover the costs of the process.
- 7.5 Owners and Occupiers shall ensure that their vehicles, and the vehicles of their invitees, do not drip oil or brake fluid onto the Common Areas, or in any other way deface the Common Areas.
- 7.6 No Owner or Occupier shall be permitted to dismantle or effect repairs to any vehicle within the Estate.
- 7.7 Owners and Occupiers shall keep proper lookout for other vehicles and pedestrians when driving their vehicles on the Common Areas. Vehicles may not travel at speeds in excess of 20 kilometres per hour on any part of the Common Areas.
- 7.8 No person may drive a vehicle on any part of the Common Areas, in a manner which is considered as dangerous, reckless or negligent. No vehicle may be driven on the Common Areas by any person who does not possess a valid driver's license.
- 7.9 Owners and Occupiers shall not use their vehicles in such a manner which causes a nuisance to other owners or Occupiers. In particular motor radios may not be heard outside vehicles and the hooters of vehicles may not be sounded on the Common Areas, except in the event of an immediate imminent danger or in an emergency. Vehicles may not be driven on the Common Areas with the head lights on bright.

8. IMPROVEMENTS TO ERVEN

- 8.1 An Owner may not proceed with any external improvements or additions to Erf, including changes of the external colour scheme, without the prior written

consent of the Trustees and the approval of building plans by the municipality where applicable.

- 8.2 To obtain the consent of the Trustees in terms of sub-rule 9.1 above, the Owner shall apply to the Trustees in writing and his application shall be accompanied by:
- 8.2.1 such plans and documents as required by the Trustees;
 - 8.2.2 a deposit in the amount required by the Trustees (if required);
 - 8.2.3 a scrutiny fee (if required.)
- 8.3 Once the Trustees have conveyed their approval to the Owner and the building plans have been approved by the Local Authority (where applicable), the Owner shall arrange a date for commencement of the work with the Trustees or managing agent.
- 8.5 An Owner shall comply with the following provisions regarding construction of Improvements:
- 8.5.1 The Owner must engage suitably qualified or experienced contractors, especially in respect of plumbing-, electrical and waterproofing work, and suitably qualified or experienced architects, builders and/or structural engineers.
 - 8.5.2 The Owner or his contractors must take out appropriate insurance for the duration of construction, if required by the Trustees.
 - 8.5.3 The Owner and his contractors must adhere to the provisions of the Occupational Health and Safety Act, No. 85 of 1993, where applicable.
 - 8.5.4 The Owner and his contractors must make provision for fire prevention and shall ensure that the safety of Owners and Occupiers are not compromised.
 - 8.5.5 The Owner and his contractors must comply with the requirements of the Local Authority and the regulations to the National Building Regulations and Building Standards Act, No. 93 of 1977, as amended, where applicable and any other relevant legislation and regulations.
 - 8.5.6 An Owner shall comply with the relevant provisions of these rules and the Design Guidelines and the conditions prescribed by the Trustees.
 - 8.5.7 An Owner shall ensure that the harmonious appearance of the buildings is not compromised. All doors, windows and other external fittings being installed must conform in outward appearance to, or be of a similar standard and appearance as, such items generally installed elsewhere in the buildings.
 - 8.5.8 An Owner shall perform the work between 08h00 to 17h00 on Mondays to Fridays and during specific hours that may be authorised by the Trustees, but not on Saturdays, Sundays or on public holidays. No work is allowed outside these hours, except emergency repairs.
 - 8.5.9 The Common Areas must be kept clean, tidy and free of building rubble, which must be removed as work proceeds.

- 8.5.10 The work must be performed with the minimum of discomfort, disturbance, obstruction or nuisance to other owners or Occupiers and shall complete the work as soon as possible within the timeframe specified by the Trustees, if any.
- 8.5.11 The Owner shall ensure that his contractors and/or other workers comply with the provisions of these rules.
- 8.6 Should any work commence before the Trustees have granted their consent, or should the scope of work be materially changed, the Trustees may instruct the Owner or his contractors to stop the work, until permission to continue with the work has been granted by the Trustees.
- 8.7 No structure or item that in the discretion of the Trustees is unsightly, aesthetically displeasing, undesirable, or detrimental to the general appearance of The Estate may be exposed, installed, placed, or erected on an Erf.
- 8.8 The Owner accepts responsibility and shall be liable to the Association for any damage caused by him or by his contractors or other workers to the Common Areas and indemnifies the Association against such damage or any claims arising therefrom. If an owner or his contractors or workers damage/s the Common Areas during construction, the Trustees may appoint an independent contractor to repair the damage and recover the costs of repairs from the deposit paid by the Owner.

9. MAINTENANCE OF PROPERTIES AND STREETScape

- 9.1 An Owner must repair and maintain Erf and Improvements in a state of good repair and in a clean and neat condition. An Owner must ensure that his Property is free of rats, mice, lice, cockroaches, and any other pests.
- 9.2 An Owner must ensure that landscaping in respect of Erf is undertaken in compliance with the Design Guidelines and a landscaping plan, approved by the Trustees.
- 9.3 An Owner must at all times keep the garden and the area between the street boundary line of his Erf and the kerb in a neat and tidy condition, free of rubble, refuse, litter, other material and unwanted articles to the satisfaction of the Trustees. Trees, shrubs or plants in a garden or in the area between the street boundary line of an Erf and the kerb must be pruned back regularly so that it shall not impede vehicular or pedestrian traffic on the road or pose a safety hazard. Upon instructions issued by or on behalf of the Trustees, the Owner of the Erf concerned must prune any such trees, shrubs or plants.
- 9.4 An Owner must maintain his undeveloped Erf in a neat and tidy state to the satisfaction of the Trustees. Building rubble, refuse, litter, unwanted articles or other material may not be deposited, thrown, placed, stored or dumped, or permitted, or allowed, to be deposited, thrown, placed, stored or dumped, on an undeveloped Erf.

10. APPEARANCE OF PROPERTIES

- 10.1 An Owner or Occupier shall not place or do anything on any part of Erf or the Common Areas which, in the discretion of the Trustees, is aesthetically displeasing or undesirable when viewed from the Common Areas, or which is in contravention of the Design Guidelines.
- 10.2 Owners and Occupiers will not be allowed to attach film to the windows of their Erven. Only curtains, shutters or blinds may be used as window coverings and no tinted film coatings, tinting foil sheets, towels or the like will be permitted.
- 10.3 An Owner or Occupier shall not hang any washing or laundry or any other items on any part of Erf so as to be visible from the Common Areas.
- 10.4 Subject to the provisions of the Constitution, no Owner or Occupier shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of Erf or the Common Areas, without the written consent of the Trustees first having being obtained, which consent may be given subject to conditions.
- 10.5 No person may distribute any advertisement or information pamphlet, letter or note whatsoever within the Estate without the prior written consent of the Trustees.

11. LETTING OF PROPERTIES

- 11.1 All Occupiers of properties and other persons granted rights of occupancy by any owner of the relevant property are obliged to comply with these rules, notwithstanding any provision to the contrary contained in, or the absence of provisions, in any lease or any grant of rights of occupancy.
- 11.2 An Owner or Occupier, who lets, sub-lets or otherwise grants occupation of a property, whether gratuitously or not and irrespective of the lease period, shall comply with the following provisions and shall ensure compliance thereto by his letting agent:
 - 11.2.1 A written lease agreement must be concluded with the Occupier;
 - 11.2.2 The Estate Rules must be attached to and be incorporated into the lease agreement as a provision of the lease agreement.

12. USE OF ERVEN AND COMMON AREAS

- 12.1 No person may conduct a business or practice a trade from an Erf without the prior written consent of the Trustees on such conditions as it deems fit, and subject to the consent of the Municipality.
- 12.2 An Owner or Occupier or his Invitees shall use and enjoy the Common Areas in such a manner so as not unreasonably to interfere with the use and enjoyment thereof by other Owners or Occupiers.

- 12.3 An Owner or Occupier shall not use Erf or the Common Areas or permit it to be used in such a manner or for such purpose as shall cause a nuisance to any other Owner or Occupier or an invasion of his or their privacy.
- 12.4 Owners and Occupiers shall particularly on Sundays and between 22h00 and 07h00 on weekdays and between 23h00 and 08h00 on Fridays and Saturdays maintain quietness within their Erven and on the Common Areas and at all other times limit noise to a minimum.
- 12.5 A person who is under the influence of an intoxicating substance may not enter the Common Areas.
- 12.6 Trapping, shooting, harassing or in any way harming the fauna in the Estate is prohibited. Pets may not be allowed to enter the dams and water features.
- 12.7 No Owner or Occupier may remove, damage, trim, destroy or cut down any plants, trees, flowers or shrubs on the Common Areas.
- 12.8 No auctions or jumble sales may be held on the Common Areas without the approval of the Trustees.
- 12.9 No explosives, crackers, fireworks or items of similar nature may at any time be exploded, lit or operated in the Estate.
- 12.10 No firearms or pellet guns may be discharged in the Estate, except in self-defence and related purposes.
- 12.11 No stones or other solid objects may be thrown in the Estate. Skateboards, roller skates, roller blades, scooters and the like must be used with caution on the Common Areas. No remotely controlled drones, with or without photographic equipment, may be operated in the Estate without the approval of the Trustees.
- 12.12 Minors must at all times be under adult supervision when present on the Common Areas.

13. SECURITY

- 13.1 Owners and Occupiers must register with the Trustees or the Managing Agent to obtain access clearance to the Estate. Only silent alarm systems may be installed in Houses in the Estate.
- 13.2 Owners and Occupiers must ensure that their domestic workers or other employees apply for access clearance to the Estate and provide such documentation as may be required.
- 13.3 Owners and Occupiers must ensure that their Invitees comply with the requirements of Trustees or security service provider to gain entry to and egress from the Estate.
- 13.4 No door to door canvassing and/or selling are permitted, unless authorised by the Trustees.

13.4 No hawkers, beggars or people looking for work may be allowed within the Estate.

14. COMPLAINTS

Any complaints by Owners or Occupiers pertaining to contraventions of these rules, or any other cause for concern must be addressed to the Trustees or the managing agent in writing.

15. IMPOSITION OF PENALTIES

The Trustees may impose penalties on owners in terms of clause 44 of the Constitution in respect of contraventions of these rules by the Owners or Occupiers of their Erven or by their invitees, or in the event of a nuisance being caused by them.

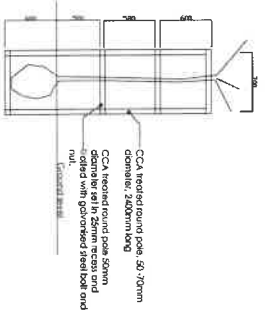
16. RELAXATION OF RULES

No indulgence or relaxation in the application of these rules shall constitute a precedent, waiver or consent, or prevent the enforcement thereof by the Trustees.



- Planting palette:**
 Trees:
 Celtis africana
 Platanus acerifolia
- Fruit trees:**
 Almond
 Avocado
 Lemon
 Lime
 Maccadania
 Mulberry
 Olive
 Pomegranate
- Shubs and ground covers:**
 Agave sp.
 Agrostis sp.
 Buddlejia sp.
 Coleonema sp.
 Delis grandiflora
 Doryalis callia
 Ficus emiliodora
 Hemerocallis sp.
 Lantana venic
 Parnassia caerulea
 Pterocarya sp.
 Rorippa sp.
 Scabiosa sp.
 Thymus vulgaris
 Tulipophia sp.
 Vitis sp.

- Notes:**
- All trees to be minimum 50litre size container at the time of planting. Fruit trees 20litre size container minimum at the time of planting.
 - Potential of rainwater harvesting to be investigated as first irrigation alternative, with borehole as a possible second alternative.
 - Full irrigation coverage of all planted areas to SABVIA specifications
 - No potable water to be used for landscaping during time of implementation.
 - A 12 month maintenance contract included in implementation contract.
 - Road verges during the development will be maintained by the HOA.



Tree Stake: Typical Detail

Legend

- Proposed lawn
- Proposed planting
- Proposed hedge
- New proposed trees
- Lemon and lime
- Olive trees
- Pomegranates
- Gym equipment
- Jungle gym/Play area
- Benches - Old World Concrete Erica Bench or similar
- Paddler/basketball court
- Proposed parking
- Pleached hedge - Clear stems, allows for underplanting
- Almond trees
- Kitchen garden

Project:
 ADÈLE TURNER
 Landscape Technologist

Client:
 BERGVLIET
 TRADOT

Project:
 Landscape Plan

Scale:
 1:400 on A1

Date:
 8 October 2019