



# **FERNKLOOF ESTATE MASTER PROPERTY OWNERS'** **ASSOCIATION**

## **RULES, GUIDELINES & INFORMATION**

**UPDATED April 2025**

### **1. INTRODUCTION**

- 1.1. This document itemises rules, guidelines and information applicable to the residents of and visitors to Fernkloof Estate. The intention is to achieve, enhance and protect the objective of the estate. Such objective is the creation and maintenance of an environment which promotes a lifestyle conducive to the expectations of residents who have bought into the estate.
- 1.2. Estate living necessitates a higher level of control than would be the case of a residential property not located within an estate. This document has been designed to allow for the orderly management of the estate to the benefit of all owners.
- 1.3. In terms of the Constitution of the Fernkloof Estate Master Property Owners Association, the trustees are authorised to amend, substitute or repeal the rules from time to time. Such rules are binding upon all owners, residents, visitors and contractors.
- 1.4. The registered owners of properties are responsible for ensuring that members of their families, tenants, visitors, friends, employees and service providers are aware of, and abide by, these rules and guidelines.
- 1.5. This document should be read in conjunction with the other documentation that is available on our website [www.fernkloofestate.co.za](http://www.fernkloofestate.co.za), which documentation includes:
  - the ***Fernkloof Estate Master Property Owners' Association (MPOA Constitution)***;
  - the ***Fernkloof Estate Architectural Design Guidelines***;
  - the ***Various Precinct Developments Property Owners Associations (POA's) Constitutions***;
  - the ***Fernkloof Estate Contractor's Agreement*** which stipulates the conditions under which construction may take place on the estate; and
  - the ***Hermanus Golf Club Rules*** relevant to Fernkloof Estate.
- 1.6. Any uncertainty as to the interpretation of the rules and guidelines, or concerns around alleged transgression of the rules, should, as a first step, be referred to the Estate Manager.

## 2. **ACCESS CONTROL**

- 2.1. Important elements of a secure lifestyle are that of prevention and deterrence. The goal is to have minimum disruption at the entrances of the various precinct developments, whilst at the same time protecting the residents.
- 2.2. Residents are requested to familiarise themselves with the procedures which have been developed by the various precinct developments to manage the entrance and exit of people and vehicles. From time-to-time certain changes may be made to some of these procedures. Residents will be advised accordingly.
- 2.3. Residents have the responsibility for the conduct of their visitors and for ensuring that they adhere to the access control procedures.
- 2.4. The estate management shall be entitled to require that details of domestic/contractor staff be supplied and to implement such procedures as may be applicable for the control of access to the estate.

## 3. **USE OF THE STREETS**

To ensure the safety of both vehicles and pedestrians, please note the following:

### 3.1. **Motor Vehicles and Golf Carts**

- 3.1.1 The speed limit is subject to the Rules of the various precinct developments. Owners must bring this ruling to the attention of their families, friends, as well as their contractors and service providers.
- 3.1.2 Special care is to be taken at the intersections of the various precinct developments. At the main T-junction the principle of 'First-Arrive-First Drive' applies.
- 3.1.3 Hand-held cell phone usage whilst driving within the estate is prohibited.
- 3.1.4 Golf carts, or any other battery-operated vehicles, may only be driven by a person with a valid driver's licence.
- 3.1.5 Vehicles with very noisy exhaust systems are prohibited anywhere on the estate.
- 3.1.6 Hooting at the entrance of a precinct development or anywhere within the estate is prohibited.
- 3.1.7 Owners, as well as their visitors, contractors and service providers, must first make use of the off-street parking bays available on their property before parking in the street.
- 3.1.8 No boats, motorised homes, caravans or trailers may be parked in the street, or any other place where it may be visible, for longer than 3 (three) days.
- 3.1.9 No vehicle which exhibits commercial branding, has external attachments or equipment, or has modifications for use in a commercial application may be parked overnight or over weekends on any verge or visually within an owner's property without the consent of the Estate Manager.

### 3.2 **Pedestrians**

- 3.2.1 Pedestrians are to note that the roads' primary use is for vehicular traffic.
- 3.2.2 Special care is to be taken whilst walking in the road, taking into consideration the number of construction and service provider vehicles.
- 3.2.3 It is suggested that young children use the roads under adult supervision only.
- 3.2.4 Children should be encouraged to play in the park, not the road.

## 4. **SECURITY/SAFETY**

- 4.1. A central feature to the quality of life in Fernkloof Estate is security. To minimise unauthorised access to the estate, each precinct development is protected by a combination of Closed-Circuit Television (CCTV) infra-red cameras, beams, and electrified fencing. The fence is also intended to

deter baboons from entering the estate. The cameras, beams and electrified fence are monitored by a combination of off-site service providers and/or on-site security office.

- 4.2. Interference or tampering with any security or access control installations i.e. cameras, fencing, lighting, gates, booms, signage, etc. is not allowed.
- 4.3. Whilst walking after daylight hours, residents are requested to remain within the confines of the precinct development perimeter to avoid activating the CCTV cameras. This could result in Armed Response activation which carries an associated call-out cost. Residents can familiarise themselves with the camera zones by contacting the Estate Manager.
- 4.4. Whilst there is no specific law strictly regulating home security cameras, the South African Constitution and the Protection of Personal Information Act (POPIA) protects privacy, so responsible use is key. The following guidelines are to be adhered to:
  - Cameras installed on private property may not capture footage from neighbouring properties and must restrict the coverage of public space to the road immediately in front of their property.
  - Cameras may not have pan tilt and zooming functions or sound recording capabilities.
  - The Estate Manager and the Security Trustee will be allowed to inspect the camera specifications and the actual coverage should there be a possible invasion of privacy.
- 4.5. The installation of homeowner's external and/or security lights should not have an adverse effect on any properties within the precinct development or neighbouring precinct developments. See 7.5 re lights.
- 4.6. All house alarms must be internally mounted and must preferably be 'silent' alarms.
- 4.7. When not in use garage doors are to remain closed.
- 4.8. No person shall discharge any firearm, air-rifle, crossbow, bow and arrow, or similar weapon or device within Fernkloof Estate, other than in self-defence.
- 4.9. Drones may not be operated within the boundaries of the entire Fernkloof Estate without the prior written approval of the Estate Manager.

## 5. **NOISE/PARTYING**

- 5.1. Persistent and excessive noise such as loud music and partying must be restricted as not to offend neighbours within the precinct development or neighbouring precinct developments.
- 5.2. It would be common courtesy to advise neighbours if a party is to be held.
- 5.3. No partying with loud music may continue beyond 23h00.
- 5.4. See 7.14 re the use of motorised equipment.

## 6. **PETS**

- 6.1. Pets must not be a nuisance to other residents, either within their own property or in the common areas.
- 6.2. Residents must ensure that their dogs are contained within the boundaries of their properties, unless in accordance with 6.3.
- 6.3. When on common property dogs must be kept on a leash and at all times be under the control of the person walking them.
- 6.4. The person walking dogs must have plastic bags at hand to collect any defecation. No defecation may be left on the verges or within the common areas.
- 6.5. Walking of dogs on golf course property is not permitted at any time.
- 6.6. In accordance with municipal regulations the number of animals allowed is limited to two dogs and three cats per household.

- 6.7. For identification purposes it is preferable that pets have an identification collar with the telephone number of the owner.
- 6.8. In the best interest of saving our bird life it is advisable to fit your cat with a collar that has a bell.
- 6.9. Feeding of wild birds is not encouraged as they become easy prey for cats to hunt.

## 7. **BUILDING AND LANDSCAPING MAINTENANCE**

- 7.1. Owners are required to maintain all structures on their premises, i.e. buildings, boundary walls, pergolas, pools, paving etc in an acceptable condition. This is to be done in accordance with the high standard of an upmarket estate and to the satisfaction of the trustee committee.
- 7.2. External paint colours must conform to the guidelines. A colour chart is displayed in the estate office.
- 7.3. Swimming pools are to be kept in a visually attractive state and must comply with municipal safety guidelines.
- 7.4. In an effort to eliminate the visual impact of solar panels, the following is required:
  - Solar panel may only be fitted on roof surfaces.
  - Panels fitted to a primary pitched roof to be mounted flush with the roof and should not extend beyond the roof ridge or edge.
  - Solar panels fitted to secondary roofs (as defined in section 3.3.3 in the Architectural Guidelines): If the solar panels do not follow the angle of the roof, the panels, as well as their mounting structures, must be screened from all affected boundaries and neighbours when viewed at eye level from the ground.
  - Panels, including their mounting structures, fitted to flat roofs must be screened from all affected boundaries and neighbours.
- 7.5. Lighting is to comply with the *Architecture Guidelines*. In an effort to maintain the rural character of the estate and to eliminate light pollution, 'soft' external lighting is required. The idea is to see the pool of light, but not the source of light.
  - External light fittings affixed to outside walls must shield the direct light source i.e. lights may not shine towards a neighbour, the street, upwards against the house, or have an impact on a neighbouring village. The use of low output globes is required, i.e. 'Warm White globes to a maximum of 6W' and for solar external lights 'Warm White globes to a maximum of 10W'.
  - Internal lighting is to be suitably neutralised by either blinds or curtains so as to not be a disturbance to neighbours.
  - All security spotlights to be fitted with motion detectors and have a timer to ensure the light is switched off after a short period. Motion detectors must not be triggered by passing pedestrians.
  - Subtle Christmas lights may be installed over the festive period (1 December to 5 January).
- 7.6. Gardens, including the street verge gardens adjacent to the property, are to be planted and maintained to a standard in accordance with the landscaping guidelines and to the satisfaction of the trustee committee.
- 7.7. No structures, garden furniture or statues will be permitted outside of the erf boundary lines, i.e. on the street verge.
- 7.8. The street and gutter adjacent to the verge of an owner's property must be kept free from weeds, sand, driveway stone chips, or any other foreign material.
- 7.9. No gardening on common estate property is allowed by owners or residents, i.e. planting, pruning or removal of trees or shrubs, etc. No cuttings are to be taken from the gardens.

- 7.10. No interference or vandalism of golf course property or gardens will be tolerated.
- 7.11. No trees may be removed on the golf course property. Under special circumstances application can be made in writing to the Estate Manager to request removal of trees, taking into consideration the effect of neighbouring properties.
- 7.12. For those properties that border onto the golf course permission may be requested to expand your garden onto their property. A contract is required and an annual fee payable. The Estate Manager is to be contacted if such a contract is required.
- 7.13. Service providers e.g. garden contractors, pool and cleaning services, etc. will not be permitted to work at several sites at the same time, i.e. one property is to be completed before moving on to the next. During tea and lunch breaks the staff must remain within the confines of the property where they are working.
- 7.14. The use of any petrol or battery-operated motorised equipment, i.e. lawnmower, weed-eater, pruner, hedge trimmer, blower, chainsaw, power tool, etc., is not permitted on Saturday afternoons, Sundays or Public Holidays. Permitted operating hours: Weekdays 08h00-17h00, Saturdays 08h00-13h00.
- 7.15. No generators allowed, except during total grid failure (an unplanned, widespread, and potentially prolonged loss of power due to a major system-wide issue). Operating hours will be limited from 08h00 to 17h00. To ensure that our systems remain online at all times, the Precincts' guardhouses are excluded from this rule.
- 7.16. Washing lines should not be visible to other owners.
- 7.17. The positioning of movable laundry drying racks should be done with due consideration to neighbours.

## 8. REFUSE REMOVAL

- 8.1. Refuse must be placed in a municipal approved bin that has been fitted with a baboon proof lock. These bins are available from the municipality.
- 8.2. Refuse bins must be stored where they are not visible from the street.
- 8.3. Household refuse must be in black bags and placed inside the bins. Garden refuse must be placed in a green bag (limited to one bag per week).
- 8.4. Refuse removal, including recycling, is undertaken by the local authority every Friday. Recyclable refuse must be placed in clear bags next to the refuse bin.
- 8.5. Bins must be put outside on Friday mornings only and be returned soonest back in the yard after collection, but no later than night fall on the same day.
- 8.6. In exceptional circumstances, i.e. age/health, on written request to the Estate Manager, bins may be placed outside at dusk on Thursday evening.

## 9. BUILDING PROJECTS

It is requested that the Estate Manager be contacted prior to any planned construction or maintenance so that he can advise, assist and guide owners as to the steps to be followed. Besides the security risk, any building project causes disruption, frustration and inconvenience to fellow residents. All projects will therefore be strictly monitored and controlled by the Estate Manager. The goal will be to complete the project within the shortest possible time.

**There are 3 categories of building work.**

A '*Contractor's Agreement*' needs to be signed for each.

The agreements can be downloaded off the website or hard copies are available from the office.

### **9.1. New buildings**

These must be built according to the framework of the '*Fernkloof Estate Architectural Design Guidelines*'. The guideline is available on the Fernkloof Estate website: [www.fernkloofestate.co.za](http://www.fernkloofestate.co.za) Procedure to be followed:

- 9.1.1 Plans to be drawn up by a registered draftsman or architect.
- 9.1.2 Plans to be submitted to our scrutinising architect:  
Contact person: Alan McIntyre 083 216 2756 / [fernkloof@munnikvisser.co.za](mailto:fernkloof@munnikvisser.co.za).
- 9.1.3 He will assess the plans and liaise with the Fernkloof Estate Manager as well as the Infrastructure Trustee.
- 9.1.4 Once approved, the stamped plans will be returned to the architect/owner.
- 9.1.5 The architect/owner must submit the plans to the *Overstrand Municipality* for final approval.
- 9.1.6 The building contractor will only be permitted to commence work on site once the following documents are handed in at the office:
  - A physical copy of the approved plans, i.e. stamped and signed by both Alan McIntyre Architect and the Overstrand Municipality.
  - The completed and signed '*Contractor's Agreement*'.
  - 'Proof of payment' of the Owner and Contractor deposits.

### **9.2. Alterations/Renovations**

The same procedure as in 9.1 to be followed.

### **9.3 Maintenance**

A '*Contractors Agreement – Maintenance*' needs to be completed for all maintenance work that will last more than a day.

The contractor will only be allowed to commence work once the completed and duly signed form is handed in at the office by the owner.

Examples of maintenance work:

- Painting, internal or external;
- Upgrading or relining of swimming pool;
- Driveway or paving upgrade or repair;
- Installation of decking;
- Pergola/canopy/eyelid replacement or repair;
- Refurbishing flooring; etc.

### **9.4 Building Penalties**

The following building penalties are applicable:

- New buildings: R10 000 for the first month and will escalate with a further R5 000 each month thereafter that the project exceeds **12** months.
- Alterations/Renovations: R10 000 for the first month and will escalate with a further R5 000 each month thereafter that the project exceeds **6** months.
- Maintenance: No monetary penalties are applicable for maintenance work but the owner will be held to the duration dates listed on the contract.

**10. CONTRACTORS HOURS**

10.1. Contractor hours are restricted to the following times:

Monday – Friday 07h00 to 17h00 (to be off the estate 17h30)

Saturday                      No work permitted

Sunday                         No work permitted

Public Holidays              No work permitted

10.2. Emergency repairs will be allowed after hours. As far as is practically possible prior approval is to be gained from the Estate Manager.

**11. PROPERTY SALES**

11.1. Property sales are permitted through any registered estate agent.

11.2. Owners are to ensure that agents are aware of and inform potential buyers of all the rules and regulations.

11.3. No signage is permitted on any property within the precinct developments or on any part of the common property.

11.4. As per municipal regulations one sign per agency will be allowed to be placed on the verge outside the precinct developments between 12h00 on a Friday to 12h00 on a Monday.

**12. SHORT-TERM LETTING OF PROPERTY**

Short-term letting is subject to the Rules of the various precinct developments.

**13. HERMANUS GOLF CLUB RULES RELEVANT TO FERNKLOOF ESTATE**

A full copy of the *Hermanus Golf Club Rules* is available on the website.

Some highlights to note:

13.1. No random playing of golf is allowed. No chipping, putting or practicing anywhere on the golf club property will be permitted, other than at the designated practice areas.

13.2. The use of bicycles, skateboards, roller skates or any other similar items are forbidden on golf club property.

13.3. Access to golf club property from the estate is via the link cart paths only. Estate owners are prohibited from taking short cuts across the golf course.

- 13.4. Outside of normal golfing hours (early morning and late afternoon) when no play is taking place or any golf players are visible, the golf course may be used for recreational walking or jogging. Tees, bunkers and greens are to be avoided.
- 13.5. The wetland areas are no go areas and may not be entered under any circumstances. The wetlands may only be viewed from the demarcated boundaries thereof.
- 13.6. No pets are allowed anywhere on the Golf Club property.
- 13.7 See points 7.10, 7.11 and 7.12 re landscaping/gardening.

#### 14. **PENALTIES**

- 14.1. For purposes of the enforcement of the estate rules as set out above the trustee committee may, as provided for in clause 40 of the constitution, impose penalties in the event of an owner contravening, breaching or disregarding any provision of the constitution or rule, hereinafter referred to as the 'offence'.
- 14.2. Clause 40 of the constitution sets out the process whereby the owner is informed of the alleged offence and is given the opportunity to make representations to mitigate why a penalty should not be imposed.
- 14.3. The trustee committee will, in terms of clause 40.5 of the Constitution, have the authority to impose an "initial penalty" for the first offence and "subsequent penalties" for every identical offence thereafter.
- 14.4. The penalty amount will be considered and ratified or amended annually at the Annual General Meeting and the latest penalty amounts approved are as follows:
  - 14.4.1 a maximum of R500 (five hundred rand) for the first offence;
  - 14.4.2 a maximum of R1 000 (one thousand rand) for the second identical offence; and
  - 14.4.3 a maximum of R5 000 (five thousand rand) for any identical offence thereafter;which amounts shall then be deemed to be a debt owing by the owner concerned to the association.
- 14.5. The decision of the trustee committee to impose an 'initial penalty' and/or 'subsequent penalty' in terms of clause 40.5 shall be final and binding, but shall not restrict the rights of the offender who is dissatisfied by the decision to invoke the provisions of clause 35 and 36.