



# **FERNKLOOF ESTATE MASTER PROPERTY OWNERS ASSOCIATION**

## **INFORMATION and RULES**

**UPDATED AUGUST 2021**

### **1. INTRODUCTION**

- 1.1. This document itemises the rules applicable to the residents of and visitors to Fernkloof Estate. The intention of these rules 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. These rules have been designed to allow for the orderly management of the estate for 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, and 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 and all their employees are aware of, and abide by, these rules.
- 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 Architectural Design Guidelines***;
  - the ***Fernkloof Estate Master Property Owners Association (MPOA) Constitution***;
  - the ***Various Precinct Developments Property Owners Associations (POA's) Constitutions***;
  - the ***Fernkloof Estate Contractors Agreement*** which stipulates the conditions under which construction may take place on the estate; and
  - the ***Hermanus Golf Club Rules*** relevant to Fernkloof Estate.

### **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 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**

- 3.1. The speed limit is subject to the Rules of the various precinct developments.
- 3.2. It is the responsibility of the owners or residents to inform their family, visitors and service providers of the speed limit.
- 3.3. Hooting at the entrance of a precinct development or anywhere within the estate is prohibited.
- 3.4. No motorised or battery-operated vehicles (includes golf carts) are allowed to be driven without the driver having a valid driver's licence.
- 3.5. Vehicles with very noisy exhaust systems are prohibited anywhere on the estate.
- 3.6. Owners, as well as their visitors and service providers, must first make use of the off-street parking bays available on their property before parking in the street.
- 3.7. 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.
- 3.8. 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.

### **4. SECURITY/SAFETY**

- 4.1. A central feature to the quality of life in Fernkloof Estate is security. In order 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 permissible.
- 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. 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.
- 4.5. All house alarms must be internally mounted and must preferably be 'silent' alarms.
- 4.6. When not in use garage doors are to remain closed.
- 4.7. 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.
- 4.8. 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.

**6. PETS**

- 6.1. Residents must ensure that their dogs are contained within the boundaries of their properties, unless in accordance with 6.3.
- 6.2. Pets must not be a nuisance to other residents, either within their own property or in the common areas.
- 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 two 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 have a bell fitted to the collar of those cats that are inclined to hunt.

**7. LANDSCAPING/MAINTENANCE**

- 7.1. It is a requirement that homeowners landscape and maintain their gardens. This includes the street verge adjacent to their properties. Planting must be done in accordance with the landscaping guidelines.
- 7.2. Gardening with motorised equipment i.e. lawnmower/weed-eater/blower/chainsaw etc., either by owner or contractor, shall be permitted only on weekdays between 08h00 and 17h00 and on Saturdays between 08h00 and 13h00 (not on Saturday afternoons, Sundays and Public Holidays).
- 7.3. No gardening on common estate property is allowed by owners or residents, i.e. planting, pruning or removal of trees or shrubs, etc.
- 7.4. No interference or vandalism of golf course property or gardens will be tolerated.
- 7.5. 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.
- 7.6. The street adjacent to the verge of an owner's property must be kept free from sand, stone or any other foreign material emanating from an owner's property.
- 7.7. Owners are required to maintain all structures on their premises i.e. buildings, boundary walls, pools, etc. in an acceptable condition.
- 7.8. External paint colours must conform to the guidelines. The guidelines are obtainable from the estate office.
- 7.9. Washing lines should not be visible to other owners.
- 7.10. The positioning of movable 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 as well as garden refuse (limited to one bag per week) must be placed inside the bins.
- 8.4. Refuse removal is undertaken by the local authority every Friday.
- 8.5. Bins must be put outside on Friday mornings only and be back in yard by night fall on the same day.
- 8.6. In exceptional circumstances i.e. age/health, on written request, bins may be placed outside at dusk on Thursday evening.
- 8.7. Recyclable refuse must be placed outside in clear bags on the morning of the specified day for recycling collection in the various precinct developments.

## 9. BUILDING

The Estate Manager is available to advise, assist and guide owners as to the procedure/ process to be followed.

### 9. 1. Major building work

All new buildings, or major additions/alterations, should 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 architects *'Munnik Visser'*.  
Contact person: Alan McIntyre (021 423 8020 / 083 216 2756 / [fernkloof@munnikvisser.co.za](mailto:fernkloof@munnikvisser.co.za)).
- 9.1.3 Munnik Visser architects will assess the plans and liaise with the Fernkloof Estate Manager as well as the relevant trustees before approval.
- 9.1.4 Once approved and stamped by the scrutinising architect the plans to be submitted to the *Overstrand Municipality* for final approval.
- 9.1.5 The Owner to submit a completed and duly signed *'Contractors Agreement'*. This is available on the website or from the Estate Manager.
- 9.1.6 Owner and Contractor's deposits to be paid, as per clause 3.11 of the Contractors Agreement.
- 9.1.7 The building contractor will be allowed to commence work on site once the following documents are handed in at the office:
  - 9.1.7.1 A physical copy of the approved plans i.e. stamped and signed by both Munnik Visser Architects and Overstrand Municipality;
  - 9.1.7.2 The completed and signed Contractor's Agreement; and
  - 9.1.7.3 Proof of payment of the Owner and Building Contractor's deposits.

## 9.2. Minor building work

Minor additions/alterations should be built according to the framework of '*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:

- 9.2.1 Changes envisaged to be indicated on an existing plan of the property.
- 9.2.2 Plans to be submitted to our scrutinising architects '*Munnik Visser*'.  
Contact person: Alan McIntyre (021 423 8020 / 083 216 2756 / fernkloof@munnikvisser.co.za).
- 9.2.3 Munnik Visser architects will assess the plans and liaise with the Fernkloof Estate Manager as well as the relevant trustees before approval.
- 9.2.4 Once approved and stamped by the scrutinising architect the plans will be returned to the owner. The plans, accompanied by a completed form "Application for Minor Building Work Authorisation" to be submitted by the owner to the Overstrand Municipality.
- 9.2.5 The Owner to submit a completed and duly signed '*Contractors Agreement*'. This is available on the website or from the Estate Manager.
- 9.2.6 Owner deposit to be paid, as per clause 3.11 of the Contractors Agreement.
- 9.2.7 The building contractor will be allowed to commence work on site once the following documents are handed in at the office:
  - 9.2.7.1 A physical copy of the approved plans i.e. stamped and signed by Munnik Visser Architects and the Overstrand Municipality approved "Application for Minor Building Work Authorisation";
  - 9.2.7.2 The completed and signed Contractor's Agreement; and
  - 9.2.7.3 Proof of payment of the Owner deposit.

## 10. CONTRACTORS HOURS

- 10.1. Contractor hours are restricted to the following times:

Monday – Friday 07h00 to 17h00 (estate to be vacated by 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**

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

Some highlights to note:

13.2. 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.

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

13.4. 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.

13.5. 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.

13.6. 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.

13.7. No pets are allowed anywhere on the Golf Club property.

**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.

The office of the Fernkloof Estate Management is situated at Lakewood Village in Theron Street.