

**MZINGAZI GOLF ESTATE  
CONSOLIDATED RULES AS ADOPTED BY  
THE HOMEOWNER'S ASSOCIATION**



**Revised June 2019**

**Policy No. 1**

**This manual is applicable to all Freehold Sites on the Estate.**

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**CONSOLIDATED RULES FOR MZINGAZI GOLF ESTATE AS ADOPTED BY THE DIRECTORS OF THE MZINGAZI GOLF ESTATE HOMEOWNERS ASSOCIATION**

The Homeowners Association would like to welcome you to the Mzingazi Golf Estate and trust that you will enjoy residing on the Estate.

We would like to draw your attention to the following rules which need to be adhered to at the Mzingazi Golf Estate:

**1. SECURITY**

Security on the Estate is an issue that is considered to be of utmost importance and the Estate has maintained a record of excellence which benefits all homeowners on the Estate. Should there be any problems related to security issues please contact the Estate Manager on the following numbers: office on 035 464 1004 or cell number 082 923 3332. The Main Gate telephone number is 035 464 1002 and Prodigal Son Gate number is 035 464 1003

**1.1 Access Control**

The following is a summary of the various categories and methods of access control that will be used to allow homeowners, guests, visitors, customers, domestics and contract workers to gain access into the Mzingazi Golf Estate. All users needing to gain access into the Estate by means of bio-metric scanning will be required to visit the Estate office to register their finger prints onto the security system data base.

**1.1.1 Categories of Users Requiring Access to the Golf Estate**

**1.1.1.1 Long Term User**

User Description	a. Biometric Access	b. License Scans	c. Estate ID Card
Homeowners/Tenants	a.	-	-
Club Members	a.	-	-
RBCC Staff	a.	-	c.
Office Building Staff	a.	-	-
Domestic Workers	a.	-	c.
Contractors (> 2 weeks)	a.	b.	c.

**1.1.1.2 Short Term User**

User Description	a. Temporary Permit	b. License Scans	c. QR Code
Guests and Visitors	-	b.	c.
Deliveries	-	b.	c.
Visitors to RBCC	-	b.	-
Visitors to Porky's	-	b.	-
Visitors to 'Office Park'	-	b.	-
Visitors to '17 on Club'	-	b.	-
Contractors (< 2 weeks)	a.	b.	c.

### 1.1.2 Procedure for Access onto the Estate

#### 1.1.2.1 Long Term User - Entry at **Main Gate** (Lane Demarcated "Home Owners and Club Members")

##### Homeowners, Tenants, Club Staff & Club Members and Office Building Staff:

- Vehicle to enter in the extreme left entrance lane
- Driver to place finger on the biometric scanner
- Vehicle boom will open and driver proceeds through access point
- Do not attempt to "tail gate" (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

##### Contractors and Domestics:

- Special arrangements are made with the Estate Management to have permanent access cards made for Contractors and Domestics as follows:
  - Contractors (long term building contractors: > 2 weeks)  
Contractors staff to have finger prints taken for audit purposes. This will be done at the Estate Office and an Estate ID card will be issued for the duration of the building contract.
  - Domestic Workers (long term appointments with Home Owners)  
Domestic staff to have finger prints taken for audit purposes. This will be done at the Estate Office and an Estate ID card will be issued for the duration of the job appointment.
- Contractor vehicles and staff are to enter through the "Contractors" entrance, steel swing gates and pedestrian turnstile and are to make use of the biometric scanner fixed to the screen wall.
- Domestic workers are to enter through the pedestrian turnstile and are to make use of the biometric scanner fixed to the screen wall. Domestic staff are to make use of and to display the Lanyard and ID permit while walking from the Gate house to the homeowner's property. The Domestic Worker is to display the Estate ID card at all times while walking on the Estate roads or common property for ease of identification. If they are stopped and questioned by the security patrolmen they are to display their Estate ID card.

#### 1.1.2.2 Short Term User - Entry at **Main Gate** (Lane Demarcated "Visitors")

##### Guests and Visitors on special invitation from Homeowner:

- Vehicles to enter at the entrance lane – "Visitors"
- Driver to have his/her driver's license available to hand to the Guard for scanning
- Guard will also scan Vehicle license disc on windscreen
- Driver to produce QR Code on his/her Smart Phone as sent from Homeowner
- Guard will scan QR code as displayed on Smart Phone
- Boom will open and driver proceeds through access point.
- Do not attempt to "tail gate" (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

### Contractors on special invitation from Homeowner / Tenants:

- Contractors stop at the "Contractors" entrance steel swing gate
- All vehicle occupants to report to the Estate Office with Identity Documents
- Temporary permits will be made for a maximum of 2 weeks on condition that the homeowner has sent the contractor a QR Code.
- Driver and workers return to vehicle and proceed to gate
- Security guard to scan the QR Code on the Driver / Foreman's smart phone as sent by the Homeowner, Driver's License and Vehicle Disc on Windscreen

#### Note:

Short term contractors will not gain access to the Estate if the Homeowner has not sent a QR code nor will Temporary Permits will be issued. Homeowner to arrange for Boom access at Muirfield Drive, Augusta, Village Way and Lakeside Retirement Village.

### Visitors to RBCC, Porky's and Office Buildings:

- Vehicles to enter the entrance marked "Visitors"
- Driver to have his/her driver's license available to hand to the Guard for scanning
- Guard will also scan Vehicle license disc on windscreen
- Driver to notify guard of place of intended visit e.g. Club, Restaurant or Office buildings
- Boom will open and driver proceeds through access point.
- Do not attempt to "tail gate" (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

#### 1.1.2.3 Long Term User - Entry at **Prodigal Son Gate**

### Homeowners/Tenants:

- Vehicle to enter through the left hand entrance lane
- Driver to place finger on the biometric scanner
- Vehicle boom will open and driver proceeds through access point.
- Do not attempt to "tail gate" (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

### Contractors and Domestic:

- Special arrangements are made with the Estate Management to have permanent access cards made for Contractors and Domestic as follows:
  - Contractors (long term building contractors: (> 2 weeks)  
Contractors staff to have finger prints taken for audit purposes. This will be done at the Estate Office and an Estate ID card will be issued for the duration of the building contract.
  - Domestic Workers (long term appointments with Home Owners)  
Domestic staff to have finger prints taken for audit purposes. This will be done at the Estate Office and an Estate ID card will be issued for the duration of the job appointment.

- Contractor vehicles and staff are to enter through the "Contractors" entrance, steel swing gates and pedestrian turnstile and are to make use of the biometric scanner fixed to the screen wall. Contractor staff to return to vehicle and be driven to the building site. No contracting staff are permitted to walk from the Gate house to their place of employment.
- Domestic workers are to enter through the pedestrian turnstile and are to make use of the biometric scanner fixed to the screen wall. Domestic staff are to make use of and to display the Lanyard and ID permit while walking from the Gate house to the homeowner's property. The Domestic Worker is to display the Estate ID card at all times while walking on the Estate roads or common property for ease of identification. If they are stopped and questioned by the security patrolmen they are to display their Estate ID card.

#### 1.1.2.4 Short Term User - Entry at **Prodigal Son Gate**

##### Guests and Visitors on special invitation from Homeowner/Tenants:

- Vehicles to enter at the entrance lane – "Visitors"
- Driver to have his/her driver's license available to hand to the Guard for scanning
- Guard will also scan Vehicle license disc on windscreen
- Driver to produce QR Code on his/her Smart Phone as sent from Homeowner
- Guard will scan QR code as displayed on Smart Phone
- Boom will open and driver proceeds through access point.
- Do not attempt to "tail gate" (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

##### Contractors on special invitation from Homeowner/Tenants:

- All Contractors to report to the "Estate Office" at the Main Gate on first arrival to the Estate.
- Contractors stop at the "Contractors" entrance steel swing gate – Main Gate.
- All vehicle occupants to report to the Estate Office with Identity Documents.
- Temporary permits will be made for a maximum of 2 weeks on condition that the homeowner has sent the Contractor a QR Code.
- The Contractor will then proceed to the Prodigal Son Entrance.
- Security guard to scan the QR Code on the Driver / Foreman's smart phone as sent by the Homeowner, Driver's License and Vehicle Disc on Windscreen.

##### Note:

Short term contractors will not gain access to the Estate if the Homeowner has not sent a QR code nor will Temporary Permits will be issued.

#### 1.1.3 Procedure for Exit from Estate

##### 1.1.3.1 Long Term User - Exit from **Main Gate**

##### Homeowners, Club Staff & Members and Office Staff:

- Vehicle to exit through the exit lane
- Driver to place finger on the biometric scanner
- Vehicle boom will open and driver proceeds through exit point.

- Do not attempt to “tail gate” (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

Contractors and Domestics:

- All Contractor Staff and vehicles are to exit through the swing steel gates and pedestrian turnstile by using the biometric scanner fixed to the screen wall.
- All Domestic workers are to exit through the pedestrian turnstile by using the biometric scanner fixed to the screen wall.

Note:

Contractors and Domestic Workers may be requested to allow a visual search of the vehicle and through their personal belongings

1.1.3.2 Short Term User Exit from **Main Gate**

Guests and Visitors on special invitation from Homeowner/Tenants:

- Vehicle to exit through the exit lane boom
- Guard will scan Vehicle license disc on windscreen
- Boom will open and driver proceeds through exit boom.
- Do not attempt to “tail gate” (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

Visitors to RBCC, Porky’s and Office Buildings:

- Vehicle to exit in the left hand exit lane
- Guard will scan Vehicle license disc on windscreen
- Boom will open and driver proceeds through exit boom
- Do not attempt to “tail gate” (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

Contractors on special invitation from Homeowner/Tenants:

- Vehicle to exit through the contractor’s exit lane swing gate
- Guard will scan Vehicle license disc on windscreen
- Workers to produce temporary permit to exit
- Guard will open gate driver proceeds through exit gate

1.1.3.3 Long Term User – Exit from **Prodigal Son Gate**

Homeowners/Tenants:

- Vehicle to exit through the exit lane
- Driver to place finger on the biometric scanner
- Vehicle boom will open and driver proceeds through exit point.
- Do not attempt to “tail gate” (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.



Contractors and Domestics:

- All Contractor Staff and vehicles are to exit through the swing steel gates and pedestrian turnstile by using the biometric scanner fixed to the screen wall
- All Domestic workers are to exit through the pedestrian turnstile by using the biometric scanner fixed to the screen wall

1.1.3.4 Short Term User – Exit from **Prodigal Son Gate**

Guests and Visitors on special invitation from Homeowner/Tenants:

- Vehicle to exit through the exit lane boom
- Guard will scan Vehicle license disc on windscreen
- Boom will open and driver proceeds through the exit point.
- Do not attempt to “tail gate” (slip in behind previous car). The Estate shall not be responsible for any damages to your vehicle and all damages caused to Estate property will be charged to the offending driver.

Contractors and Domestics:

- All Contractor Staff and vehicles are to exit through the swing steel gates and pedestrian turnstile by using the biometric scanner fixed to the screen wall.
- All Domestic workers are to exit through the pedestrian turnstile by using the biometric scanner fixed to the screen wall

Note:

Contractors and Domestic Workers may be requested to allow a visual search of the vehicle and through their personal belongings.

1.2 Burglar Alarms

Residential units may be fitted with burglar alarm systems installed by an approved security contractor who complies with both SAIDSA and SAIA. The alarms are to be non-audible (silent) and are to be connected directly into your Service Provider’s central monitoring system. DIY installations will not be allowed. If a Homeowner installs a panic button or remote then the alarm may have an audible siren. This will prevent an alarm sounding (audible) while no one is at home and the surrounding neighbours being affected by the continuous noise.

The connection of the alarm system to the Control Room may be arranged at a nominal service fee if you are employing the Estate’s selected service provider, namely Alpha Security. The Control Room in turn will receive and direct all response activities to the homes as arranged by the Homeowner.

Whilst residents may engage the services of an outside alarm company to supply the alarm systems, it makes sense to use the services of the HOA security service provider as they will provide a monitoring service and our onsite guards may form part of the response team.

### 1.3 Visitors Protocol

**The Gatehouse can be contacted on Main gate – 035 464 1002 and Prodigal Son Road gate – 035 464 1003.**

In order to ensure that the Estate Security is maintained at the highest level you are requested to make use of the "atTheGate" app on your smart phone in order to send an invitation to your visitor. Once you have sent the code to your invited guest he will receive it on his cell phone and when he arrives at the gate house he is to display the code to the security guard who will scan it with his hand held scanner. If the homeowner is linked to the "atTheGate" App a message will be relayed back to your mobile device thereby notifying you of the visitor's entry onto the Estate. In other words the visitor would have been given access onto the Estate directly by you, the Homeowner. If the visitor system is not used, access will be denied and the visitor will need to make an arrangement with the Homeowner to gain entry while waiting outside the Estate or having to return at another time.

If any homeowner intends to have a party or function at their home and is expecting in excess of 20 guests (vehicles) then it is incumbent of the Homeowner to provide the Estate Management with a schedule of visitors, inclusive of their names and vehicle registration numbers. All of these guests attending your function are to be sent their respective QR Codes well ahead of the scheduled function. All general logistics are also to be communicated with the Estate to ensure smooth entry and exit of your guests. Drivers of vehicles are required to have their "valid" Driver License cards available for the Security Guard when entering the Estate. If for some reason the visitor does not have a valid driver's license, the driver may not enter the Estate property, you are however welcome to meet your guest at the Gate house and take him in and to your house yourself thereby avoiding an "unlicensed" driver using the Estate road way. For the purpose of avoiding insurance claims being levied against the Estate all visitor vehicles are to be properly licensed with current and valid licensed disks displayed on their windscreens. All visitors enter at their own risk.

### 1.4 Security Access – Requiring Remotes, Cards and Finger Print Scanning

Should you have domestics, au pairs, gardeners or caregivers working for you, please notify the Mzingazi Golf Estate management offices of the names and contact numbers of these persons. A copy of their identity document is to be provided to the Estate office and a Criminal Clearance Check form completed. We will issue your domestic/au pair/caregiver/gardener with an access card that will allow them access onto the Estate and they will also be allowed to walk through the Estate whilst walking to and from their place of employment. Criminal Clearance Checks of the staff are to be undertaken prior to them commencing work on the Estate. For users requiring biometric access you are to visit the Estate Office to register your prints onto the security data base.

When an employee is discharged, the owner/tenant must immediately inform the Estate management to allow cancellation of the access card / biometric access. It is important to note that when an access card/remote is lost or stolen that this information is passed onto the Mzingazi Golf Estate Office as soon as possible in order

that the card may be suspended and gate tags and remotes are cancelled. This is for the safety of all Homeowners living on the Mzingazi Golf Estate.

#### 1.5 Messenger of Court, Sheriff of the court and Police Officers

Due to the nature of this category of persons, access cannot be denied and confirmation with the person/s to be served, etc. will not be obtained. However, Security will ensure valid court orders, warrants, etc. are produced before they are allowed in.

#### 1.6 Gate Houses

Gatehouses are strictly out of bounds except to security personnel and other authorized persons.

Abuse of guards (who have a very specific job to do), is strictly prohibited (N.B. it should be noted that, under normal circumstances, guards are not permitted to operate the gates/booms for any individual without such persons using an access remote, card or biometric scan, as this defeats the whole basis of the recording system of entries and exits).

Tailgating (i.e. proceeding through the gates or booms when operated by vehicle in front of you) is prohibited. This also defeats the recording system, and compromises the security of the Estate. If a vehicle attempts to tail gate the vehicle in front there is a strong possibility that the boom will descend onto the trailing vehicle and hence severe damage could result to both the car and the boom pole and mechanism. Please remember that all costs shall be paid for by the trailing vehicle owner. All such incidents are recorded and a future block will be placed on the guilty party's vehicle from further entries into the Estate.

#### 1.7 Burglar Bars and Gates

Burglar bars and security gates – Please refer to the Golf Estate's Architectural Guidelines in order to ensure that the policy rules are adhered to.

## 2. **DESIGN GUIDELINES**

### 2.1 Construction/deviation of dwellings

All houses/dwellings in the Estate are to be designed and built by Architects accredited to the Mzingazi Design Review Committee.

## 2.2 Designs to comply with guidelines

The design and construction of all proposed new buildings, extensions, alterations to buildings, pools, fences, gardens, storage water tanks, standby generating plant and any material change, must be approved by the Association prior to any work being commenced. In addition, the required approvals from the Local Authority must be obtained for all new buildings, alterations, extensions etc. buildings, fences and gardens shall strictly adhere to the comprehensive "Design Guidelines, "Town Planning Controls" and "Landscaping Guidelines" for the Estate.

## 2.3 Plan Approvals

The procedure is to be followed in respect of the submission and approval of plans under the Design Guidelines and Town Planning Controls of this handbook. No Construction or installation may commence prior to full Association and Local Authority approvals.

## 2.4 Certificates of Completion

No dwelling may be occupied without first having been cleared by:

- The Local Authority's Occupation or Beneficial Occupation Certificate.
- The Association's certificate that the buildings have been erected in accordance with the approved plans and that the requirements of the specific guidelines have been met.

Note: To be read in conjunction with Clause 9 of Mzingazi Golf Estate – Contractors and Homeowners Manual.

# 3. **USE AND OCCUPATION OF A UNIT**

## 3.1 Use of Dwelling

The use of a dwelling shall be governed by the uMhlathuze Municipal Town Planning Scheme in force at the time or any other approved scheme applicable to the Estate from time to time. A unit may be used for residential purposes only and shall not be used for trading nor will any business operations which necessitate staff/clients visiting the dwelling/accessing the Estate, nor registration of the premises as a business premise in terms of the Town Planning Scheme. In order to prevent holiday rentals a house or apartment may be rented out for a minimum period of 90 days.

## 3.2 Occupation

The maximum number of persons allowed to reside at any one time in one dwelling shall not exceed the number of legitimate bedrooms in the dwelling multiplied by two.

### 3.3 Drying of washing

No garments, household linen or general washing of any nature may be hung out or placed anywhere to dry except in a screened drying yard or other designated area. Items of washing must not be visible from the roads and must be reasonably screened from the direct view of neighbors. All washing lines, windy driers and laundry lines are to be positioned so that they are not visible from any boundary. Sites which are "below" road level are to receive special care. Screen walls of 2.1 meters are recommended in order to screen laundry yards and lines.

### 3.4 Storage of harmful substances

No harmful or inflammable substances, or substances which contravene the EIA, may be kept in the Estate. This rule does not apply to the keeping of such substances and in such quantities as may reasonably be required for domestic purposes.

### 3.5 Attachments to Units

Nothing may be placed on or attached to a dwelling or any other structure, other than in accordance with prior written approval from the Association. The request for such approval shall require a full description and drawing produced by the house architect for approval by the MDRC. All air-conditioning plant and equipment is to be positioned out of sight from any boundary or screened appropriately.

### 3.6 Fences and Boundary Walls

Where additional fencing or walling is required (other than that approved on the original plan submissions), the style and position must be strictly in accordance with the guidelines and no fencing may be installed until written approval of the Association has been obtained. The request for such approval shall require a full description and drawing produced by the house architect for approval by the MDRC.

### 3.7 Gazebo's

Plans for gazebos must be approved prior to installation. The request for such approval shall require a full description and drawing produced by the house architect for approval by the MDRC.

### 3.8 Garden / Tool sheds

Free standing sheds for tools or gardening equipment are prohibited.

### 3.9 Play Houses

Free standing doll's houses, children's play houses or jungle gyms (play centers) in gardens require written permission from the MDRC prior to installation, and such items shall only be allowed provided they are in line with the style and amenity of the Estate, and have no possible detrimental effects on neighbors. It is recommended liaison be made with neighbor's and written approval be obtained before any of the above are applied for. The request for such approval shall require a full description and drawing produced by the house architect for approval by the MDRC.

## 4 **UPKEEP AND MAINTENANCE OF DWELLINGS**

### 4.1 General House Maintenance

The exterior of every "freehold" dwelling together with fence, driveways etc must be continuously maintained by the Homeowner in a clean, tidy, neat and befittingly repaired, painted and properly kept condition. The Homeowner is responsible for the maintenance of the property garden which shall extend to the roadside curb stone. Where a boundary wall abuts a common area or unoccupied erf the homeowner shall be responsible for the plastering and painting of both sides of the wall and ensure that it remains in a clean, neat and tidy condition. The maintenance of the exterior of Sectional Title units is the responsibility of the relevant Body Corporate.

### 4.2 Standards of House Maintenance

Where in the opinion of the Home Owners Association committee the condition of a dwelling is not up to the required standards of the Estate, the HOA shall give written notice to the Owner, or Body Corporate, to carry out the necessary improvements within a specified time (60 days).

### 4.3 Failure to Comply

Should the Owner or Body Corporate fail to carry out such work as requested within that 60 day period, the HOA shall be entitled to carry out that work and to recover the reasonable cost thereof from the Owner or Body Corporate, which amount shall be added to the levy due by the Owner or Body Corporate.

## 5. **UPKEEP AND MAINTENANCE OF GARDENS**

### 5.1 General

The general landscaping philosophy is one of controlled landscaped areas within the site, which are integral with the design and immediately adjacent to the built structure.

It encourages the infusion of natural vegetation (plant and grassland) into the site and in certain instances up to the structure for "blurring" of property boundaries.

Once the established garden has been accepted by the Environmental Control Officer, the ongoing maintenance will be the responsibility of the owner. The removal of any trees and indigenous vegetation is strictly by application to Mzingazi Golf Estate Homeowners Association. Failure to comply in this regard will incur severe penalties and the garden service contractor shall be banned from working on the Estate.

## 5.2 Pruning

5.2.1 The objective of this policy is for the HOA to prevent inappropriate removal of woody vegetation by advising the Homeowner with regard to pruning and ensuring that it is controlled and carried out appropriately and in accordance with the Act.

5.2.2 Initial clearing of a site must be done by an approved landscape contractor under the supervision of the HOA to ensure conformity with the Estate's Architectural Guideline. The cost of this pruning exercise will be for the property owner's account. A pruning request must be made with the HOA Estate Management once building plans have been approved. No pruning will be allowed until the building plans have been approved by the HOA MDRC.

5.2.3 Pruning for routine maintenance of the building is encouraged and should be done regularly to prevent damage to infrastructure. Pruning for maintenance requires pruning approval and will be at the sole discretion of HOA and the Estate's appointed Landscape Consultant.

5.2.4 Requests for pruning approval for the sole purpose of a view is not guaranteed, however, the HOA acknowledges the need for members to be able to enjoy the beautiful vistas of the Mzingazi Lake and Golf Course. Pruning to regain a view that originally existed but was lost due to a failure to prune, will be considered. Pruning for views will be assessed on an individual basis and will be dependent on the site-specific conditions. The following criteria will be used to determine whether approval can be issued, as well as the extent of pruning that can be done:

5.2.4.1 Plant species that are conducive to pruning, such as Coast Silver Oak (*SilBrachylaena Discolor*), Duiker Berry (*Sapium Integerrimum*), Cross Berry (*Grewia Occidentalis*), Charcoal Tree or Pigeonwood Tree (*Trema Orientalis*) and the wild silver leaf invasive plant found on the lake shore embankment etc. will be considered for pruning.

5.2.4.2 Mature forest trees, where it is requested to have the crown severely pruned or "topped", will not be considered.

5.2.4.3 Shaping of mature trees, such as controlled crown lifting and removal of a minimal number of branches to encourage the growth in such a way that views can be achieved by looking "through" the tree/s will be considered as far as is reasonably practical.

5.2.4.4 Pruning for views may have an impact on the privacy requirements of other members. The privacy of other members is a factor which will be taken into account by the HOA and the Landscape Consultant.

5.2.4.5 Pruning that impacts negatively on the forest ecosystem integrity will not be permitted.

5.2.4.6 All residents of Mzingazi Estate must be conscious of the impact on their neighbours and Golf Course play zones when planting trees or other vegetation that may or will have an adverse effect on the Golf Estate's surrounding property and landscape.

### 5.3 Pruning Requests

5.3.1 The Homeowner may call or write an E-mail to the Estate Manager to arrange for a pruning inspection.

5.3.2 The Estate Manager will attend to the request on site to inspect the property and determine the extent to which the requested pruning is permissible.

5.3.3 All details regarding the request will be recorded and if necessary the Estate's appointed Landscaper will be consulted and a mail will be sent to the Homeowner advising of the decision. If the Landscaping Consultant is appointed it will be to the account of the Homeowner.

5.3.4 The Homeowner is entitled to use an accredited landscaper of their choice to undertake the pruning. However, the landscaper concerned must be present at a subsequent inspection so that he is fully aware of the scope and specific requirements.

5.3.5 All requests for pruning shall be made by an official Homeowner only, no permission shall be granted to house tenants.

5.3.6 Any unauthorized pruning undertaken by the Homeowner or tenant will be considered as a breach of the HOA Rules and a penalty will be levied against the property owner concerned.

5.3.7 Pruning of bush and shrubs within the Homeowner's property boundaries will be permitted, however the cutting of any indigenous tree shall first be discussed with the Estate Manager and the Landscape consultant.

5.3.8 The extent of individual pruning exercises will be at the sole discretion of the HOA, Estate Manager and Landscape Consultant.

### 5.4 Removal of Trees

5.4.1 If a property owner/body corporate makes a request to the HOA for the removal of a tree, approval for such removal is at the discretion of HOA and Landscape Consultant.



5.4.2 Once approval has been given to remove a tree then the Homeowner shall be responsible for the planting of a replacement tree in order to maintain a balance on the Estate's ecosystem and the following conditions shall apply:

5.4.2.1 If the property owner/body corporate does not wish to have the replacement trees planted on their own property, the location of where replacement trees are planted will be at the HOA 's discretion;

5.4.2.2 The property owner/body corporate will purchase the replacement trees at their cost prior to the removal of any tree;

5.4.2.3 The species of replacement trees to be planted will be determined in consultation with the Estate's Landscape Consultant who will provide the property owner/body corporate with a Priority Tree Species list to select from.

5.4.3 It is also noted that the HOA may at any time, after careful assessment and in accordance with environmental regulations, request a Homeowner to prune or remove any tree on his property which poses a threat to infrastructure, buildings or services.

## 5.5 Pruning Non Compliance

5.5.1 Should the Homeowner conduct target pruning without adhering to the conditions set out in this policy, he/she will be issued with a penalty fine in accordance with the HOA fines schedule.

## 6. GENERAL HOUSEKEEPING RULES

### 6.1 Rubbish & Garden Refuse

It is the responsibility of the Homeowner/tenant to purchase a green wheelie bin for storing their refuse. The bin shall comply with the standard as required by the uMhlathuze Municipality. When a bin is damaged or mislaid the homeowner shall replace the green bin.

The refuse bin can then be wheeled out to the verge on the collection days. Your co-operation in this regard will be appreciated.

Refuse is collected on Phase 1 (Prodigal Son entrance) on Tuesday at 13:00 and Phase 2 (Main entrance) on a Wednesday at 07:00. Please ensure that your rubbish is placed timeously on the verge in the green wheelie bin. Note that if refuse is not contained inside the bin or is left in black plastic garbage bags or boxes next to the green bin it will not be removed.

If for some reason your wheelie bin has not been collected on the respective day please move it back into your premises and report this to the Estate management office.

## 6.2 Recycling

All Home Owners who wish to use yellow refuse bags for recycling purposes shall deliver the full bags to the external bin collection point at the times scheduled for the normal waste collection on the Tuesday or Wednesday. The recycle waste bags shall be placed into the blue wheelie bins at the collection points.

## 6.3 Neighbours

Consideration for neighbours is to be shown at all times in terms of noise levels with regard to maintenance, loud music / TVs and parties. Please note that Domestic Garden Workers may not make use of Electric or Petrol powered garden tools before 09H00 on a Saturday morning and on a Sunday, only hand garden tools may be used.

**Municipal By-laws state that party noises and loud music are to cease by 22H00 Sunday through to Thursday, and by 12 midnight on Friday and Saturday nights.**

Should your neighbour continue making a noise, kindly report this to the guards on telephone numbers 035 464 1002 (Main gate) or 035 464 1003 (Prodigal Son gate) so that the situation can be dealt with accordingly.

## 6.4 Dumping of Waste

Dumping of refuse or garden waste is strictly prohibited and any person who is found to be dumping waste material will be required to pay for the removal as well as be charged for the relevant penalty fine.

## 6.5 Street Address Numbers

The Estate will provide the standard pole with the street name and number on the verge adjacent to the drive way. All other street numbers and address signs to are to be submitted for review by the Mzingazi Golf Estate Real Estate offices.

## 6.6 Reception Devices

Any reception devices including TV antennae and satellite dishes are to be positioned in an inconspicuous manner. The position of any reception device is to be clearly indicated on drawings for approval by the Mzingazi Design Review Committee (MDRC).

## 6.7 Outside Lighting

Landscape lighting is recommended and is to be indicated on a landscape proposal for scrutiny by the MDRC. Floodlights and up-lights should be avoided. Plans must indicate extent of surface / areas to be lit. Down lighting is encouraged. Light pollution is prohibited.

## 6.8 Swimming pools

Swimming pools are to be positioned so as not to be a nuisance to neighbors and are to be fully enclosed in accordance with the statutory requirements. Pool services are to be concealed in a chamber, and located at a place where it will be of no nuisance to neighbours or golfers. Statutory and Municipal by-laws shall be applied to regulation safety standards.

## 6.9 Services

All waste and soil pipes are to be concealed within walls or ducts, and may not be exposed to the exterior. Outdoor air-conditioning units shall be concealed with wooden screening or similar. Solar panels must be fitted flush with roofs. Storage water tanks and connecting pipework are to be screened and not visible from the roadway.

## 6.10 General:

- Free standing carports will not be allowed.
- Boats, caravans, jet-skis, trailers etc. may not be visible and are to be stored in appropriate off site facilities.
- Garden sheds; staff accommodation and refuse bin areas must be linked to the body of the main building through walls.

## 7. THE PET POLICY

### 7.1 Municipal By-Laws

The uMhlathuze Municipal bye-laws relating to pets must be complied with (i.e. Estate application and register, licensing/numbers/rabies inoculations etc.).

### 7.2 Permission to Own Pet

Prior to bringing a pet onto the Estate and when a pet is replaced, written permission must first be obtained from the Home Owners Association and a formal Registration Certificate / Application shall be submitted. If a pet has not been registered with the Estate Office the owner shall be fined an amount of R 500.00 per pet. Permission will not be unreasonably withheld provided compliance with the following rules are observed.

7.2.1 No more than 2 dogs **or** 2 cats will be permitted per household.

7.2.2 Each dog and cat must at all times wear a collar. All collars are to have a name tag indicating the owners name and contact details. It is recommended that an identification chip be injected into the pet to prevent unnecessary loss.

7.2.3 Caged birds will be allowed subject to not more than 2 birds per cage and a maximum of 2 cages per household. Aviaries are not permitted.

7.2.4 Pigeons, poultry, peacock, wild animals, livestock, snakes, reptiles and the like are not allowed to be kept on the Estate.

7.2.5 Dogs must be kept in an adequately enclosed area within the resident's property and, when outside the resident's property, must at all times be on a leash under the control of a responsible and capable person. Dogs may only be walked on the Estate roads and may not be walked on the golf course.

7.2.6 Fouling by dogs on common areas, verges, green belt areas or other properties must be removed immediately by the responsible dog owner, for this purpose dog owners are required to carry a scooper or plastic bag whenever walking dogs outside of their property.

7.2.7 All pets are to be inoculated timeously and a copy of the inoculation certificate is to be handed to the Estate Office for record purposes. If your pets file is not kept up to date a fine of R 200.00 shall be imposed and if not updated within 7 days an additional fine of R 500.00 will be charged.

### 7.3 Nuisance Caused

Pets may not be allowed to be a nuisance or cause a disturbance or annoyance to other homeowners due to barking, howling, squawking etc.

### 7.4 Pets Left Unattended

Pets may not be left unattended overnight in a residence and suitable arrangements of engaging a friend or house sitter must be made, or the pets must be taken to an off-site kennel. A fine of R 500.00 will be levied against the owner for each pet that is left at the house without overnight attendance.

### 7.5 Animals Causing a Threat

The owner of a pet found to have been responsible for injuring or threatening any humans, other pets or wildlife on the Estate shall be held accountable for any costs or claims arising there from, and shall be obliged to remove such pet from the Estate immediately. If a dog is of a concern to other homeowners the HOA will investigate and if there is reason to believe that a dog has an aggressive nature and could pose a threat to children, adults or other animals, the owner shall remove the dog from the Estate with immediate effect. If this instruction is ignored a fine of R 5 000.00 shall be imposed for blatant disregard of instruction.

### 7.6 Banning of Pets

The Homeowners Association reserves the right to ban any breed of dog.

### 7.7 Removal of Pet from the Estate

Once a resident has been notified that their pet/s are a source of nuisance / disturbance / annoyance, the situation must be corrected immediately. Any further incidents

related to this will result in a fine of R500.00 per reported incident for up to two incidents, thereafter the offending pet has to be removed from the Estate.

#### 7.8 Cats Marking Territory

Cat owners will have to ensure that their cats do not enter neighboring homes and mark their territory by urinating on furniture and curtains. If this occurs, Clause 7.7 will be instituted against the offending cat's owner.

#### 7.9 Dogs Not Kept on Lead

Any dog found outside of its' owner's property and not on a leash and without a collar and name tag, will be taken to security and may be taken to the SPCA if the owner is not identified. A fine of R500 will be payable by the owner including any SPCA costs. Any subsequent offences will attract fines in R500.00 increments. If any dog with a collar and name tag is found out of its' owner's property and not on a leash, a fine of R500.00 will be levied against the owner. Any subsequent offences of the same nature will attract fines in R500.00 increments.

#### 7.10 Body Corporates

Sectional Title Developments (Bodies Corporates) may, in their own rules, ban the keeping of any pets within their Body Corporate area. They may not allow more than the number permitted by the Homeowners Association.

### 8. **USE OF ROADS (All Roadways on the Estate are Registered as "Private")**

#### 8.1 Speed Limit

The speed limit throughout the Estate is 25kph. Any person found driving in excess of 25kph, or in a manner deemed dangerous, will be subject to a warning for the first offence, a R200 fine for the second offence, R500 fine for the third offence. All subsequent offences will be referred to the Homeowners Association Committee.

#### 8.2 Operating Restrictions for vehicles

No unlicensed vehicle may operate on Mzingazi Golf Estate except for golf carts that have both front and rear lights fitted. No person shall operate any vehicle including golf carts any place within the Estate unless he is the holder of a valid driver's license. Engine powered vehicles, cars and motorcycles may be operated only on roads. Sidewalks, open lawn areas and paths are "out of bounds" to all vehicles. Any person found driving a motor vehicle on any road on the Estate, for which they do not hold a valid driving license will be subject to a fine of R500.00 for the first offence. Any subsequent offence of the same nature will attract a fine of R2 000.00

### 8.3 Motorcycles, quad bikes and scooter bikes (Electric or fuel propelled)

Where applicable the parent/guardian of a rider of a motorcycle/scooter rider assumes full responsibility for all claims, penalties or actions arising from the use of such motorcycle/scooter on the estate. The appropriate protective safety helmet must be worn at all times.

### 8.4 Bicycles, standup scooters (push or electric), skateboards, Roller Blades

These are a matter of concern to drivers when encountered on roads. While no one wishes to turn the Estate into a "non-playing area", in the interest of safety, parents are obliged to instruct their children to stop and get off the road as soon as any vehicle approaches.

### 8.5 Condition of Drivers

The operating or driver of any type of vehicle in the Estate whilst under the influence of alcohol or drugs, which may impede the ability to control such vehicle, is prohibited. The Association reserves the right to stop any person suspected of being under the influence of alcohol or drugs whilst driving a vehicle, and preventing such person from driving whilst in that condition. Should the driver question such decision, they will be invited to undergo a breathalyzer or blood test to clarify the situation, which may involve calling upon the traffic authorities. Operating any vehicle in such a manner as to constitute a danger or nuisance to any other person or property within the Estate is prohibited.

### 8.6 Removal vehicles

Please note double articulated trucks and trucks longer than 10m in length are not permitted to enter the estate. Persons moving household furniture should be aware of this when arranging their removals and should liaise with Security when a problem is foreseen.

### 8.7 Use of Golf Carts

No person shall operate any vehicle including golf carts in any area within the Estate unless he/she is the holder of a valid driver's license for such vehicle and all rules and regulations shall apply as stipulated in the National Road Traffic Act.

## 9. **FIREARMS**

### 9.1 The Use of Firearms on the Estate

Discharging of any firearm, air-gun or other lethal weapon is strictly prohibited, save in self-defense, or where authorized in special circumstances by the Estate Manager. The gun owner is to be fully compliant with the requirements of the National and Statutory rules and regulations of the Firearms Act. In the case of the appointment of

an armed security service provider, the staff member (guards) on site are to provide the Estate with firearm compliance certificates, firearm licenses, and have their finger prints taken at the Estate Office. If the armed response contractor provides the guard with a company owned firearm then the necessary authorization certificate is to be completed and signed by both parties.

If the Homeowner has appointed an armed response service provider he/she shall take full accountability of the contractor and ensure that the above-mentioned requirements are submitted to the Estate Management office.

## 9.2 Wildlife and Pets

Any attempt to chase or discourage both wild life and pets from entering your property by means of discharging a firearm, inclusive of any type of firearm eg. Centre fire, Rim fire, Black Powder, Air guns and paintball guns, as well as crossbow or long bow will not be accepted.

## 10. **Flying of Drones**

Drone: Officially termed Remotely Piloted Aircraft System or abbreviated as RPAS, but for the purpose of this Policy the term Drone shall be used.

### 10.1 General:

- 10.1.1 The Estate Policy limits the use and operation of Drones within the Estate boundaries to those persons who are qualified as Drone Operators/Pilots and who are registered with the Civil Aviation Authority (CAA) to fly a registered Drone. All other persons who own or wish to fly / operate a Drone are strictly prohibited from doing so on the Estate property.
- 10.1.2 If a Home Owner wishes to appoint a certified Drone Operator/Pilot to perform private operations on the Estate such as survey, photography or commercial related work it is incumbent of the Home Owner to ensure that the Drone Operator/Pilot is suitably qualified and has the relevant Pilot's License, CAA authorization as well as the relevant insurance cover and public liability cover.
- 10.1.3 It will be incumbent of the Home Owner to notify the surrounding neighbours of his intention to fly in that specific area and to obtain a signed declaration and indemnity indemnifying the Estate of any unforeseen accidents.
- 10.1.4 The Home Owner is to ensure that the Estate Manager has copies of the necessary documentation and is made aware of the time and date that the Drone operations will take place.
- 10.1.5 In the case of a function at which there are a number of guests, the responsible Home Owner will be held fully accountable for the safety of all such guests and ensure that the documentation provided to the Estate Manager includes a full guest list.

## 10.2 Civil Aviation Authority:

Background on the Rules Regarding the Civil Aviation Authority on Drone Requirements Pertaining to the Section Part 101 of CAA Regulations:

- 10.2.1 A qualified Drone pilot will need to have a Civil Aviation Authority approved and valid remote pilot license as well as a letter of approval to operate the drone.
- 10.2.2 The letter of approval will be valid for 12 months. When a person obtains a Drone from a seller he does not need to have the documents when buying a Drone, the seller will have to make the buyer aware of the requirements as stipulated in the South African Civil Aviation Authority regulations.
- 10.2.3 Drone pilots will be required to tune into the air traffic services for the controlled airspace they will be flying the Drone, reporting co-ordinates to the air traffic controllers – all flight activities also need to be recorded in a logbook.
- 10.2.4 All incidents involving a Drone must be reported, especially where there is any injury to a person; damage to property; or destruction of the Drone beyond economical repair.
- 10.2.5 The Drone Pilot shall observe all statutory requirements relating to liability, privacy and any other laws enforceable by any other authorities.

## 10.3 Consequence of operating without a legal license:

- 10.3.1 Receive a 10 year prison sentence or a fine of R50 000, or both.
- 10.3.2 Individuals that use Drones in an irresponsible manner may also face legal liability for breaking laws enforceable by other Government agencies.
- 10.3.3 Should an accident occur the Home Owner shall be held responsible for employing an unlicensed operator and or incur public liability claims as a result of damage caused. "I did not know he was not legal" is not a defense that will work well in a court of law.

## 10.4 How to determine if a pilot has a legal license:

Request the following documents:

- 10.4.1 CAA issued **ROC** (Remote Operating Certificate).
- 10.4.2 Dept. of Transport issued **ASL** (Air Services License).
- 10.4.3 CAA Issued **RLA** (Remote Letter of Approval) for the Drone.
- 10.4.4 CAA approved **OP Spec (Operations Specification)**.
- 10.4.5 Copy of Legal Operators **Operations Manual** on site.
- 10.4.6 Proof of insurance of the Drone and public liability cover.
- 10.4.7 Registered aircraft (ZT-xxx) displayed on Drone.
- 10.4.8 CASA issued Radio station license for the Drone being used.



All of these are legal requirements to be with any legal Drone operation. A Pilot stating that he has applied for his ROC is still an illegal operator until the day he has been approved by CAA and can supply all the above documents.

The full details of the CAA Aviation regulations related to RPAS (Drones) Part 101 can be found on [www.caa.co.za](http://www.caa.co.za).

#### 11. **LETTING OF HOMES**

Should you be letting or renting your home, kindly notify the Mzingazi Golf Estate management offices of the names and contact numbers of your letting agent and tenants, as well as the length of their stay. This information will be passed onto our Security Guards and will assist in monitoring movement on the Estate.

The letting or renting of your home will be based on a minimum period of 90 days. Letting agents will also be responsible for assisting tenants with any problems they may have in their units. Please ensure your agent is aware of and knowledgeable on all of the Estate Policies and Rules in order that they may advise the new tenants and avoid unnecessary fines which shall be imposed on you as the Homeowner.

All agents appointed for the letting and selling of property on the estate need to be registered with the Home Owners Association Committee and Estate Management.

#### 12. **SALE OF HOUSES**

- Agent to be approved by the Homeowners Association.
- House may be viewed by prospective buyers by appointment only.
- Agents who do not comply may be banned from the Estate.
- The Homeowner shall notify the Estate Management office on the progress of sale including all details of new owner as well as the removal dates of both parties.
- No **'For Sale'** signage will be allowed to be erected on the Estate.

#### 13 **FAILURE TO COMPLY WITH THE RULES**

Failure by a Homeowner to comply with any provisions of any Estate Rules may result in the following:

- A call for an explanation and/or apology
- A reprimand and request to comply
- The issue of a verbal or written warning
- The imposition of a fine (which shall be deemed to be a part of the levy due by the Homeowner)
- The withdrawal of any previously given consent applicable to the particular matter
- An order to pay for damages resulting from non-compliance with any rule.
- Application to the Courts for the enforcement of the rule(s).

The actions to be taken and the penalties to be imposed for breaches or contraventions of the rules shall be entirely at the discretion of the Homeowners Association Committee, in consultation with the Executive Committee (appointed at the AGM) who shall take due regard of the nature, circumstances and severity of each misdemeanor, breach or non-compliance.

Should any Homeowner be aggrieved by any decision made by this committee, they may within 7 days of the finding, lodge an appeal in writing to the Chairman of the Board of Directors, via the Estate Manager, giving their reasons for such an appeal.

As a guide only, the amount of the fines which might be imposed will, at the Homeowners Association Committee's discretion, vary broadly between the general scales which are listed below:

<b>Offence</b>	<b>First Offence</b>	<b>Second or subsequent disregard offence or disregard of imposition</b>
	Minimum	Up to
<ul style="list-style-type: none"> <li>• Technical breach of conduct rule without malice or afterthought or premeditated intent or due consideration.</li> </ul>	<ul style="list-style-type: none"> <li>• R500.00</li> </ul>	<ul style="list-style-type: none"> <li>• R2 000.00</li> </ul>
<ul style="list-style-type: none"> <li>• Non Compliance</li> </ul>	<ul style="list-style-type: none"> <li>• R2 000.00</li> </ul>	<ul style="list-style-type: none"> <li>• R5 000.00</li> </ul>
<ul style="list-style-type: none"> <li>• Blatant disregard for rules/policies/procedures</li> </ul>	<ul style="list-style-type: none"> <li>• R5 000.00</li> </ul>	<ul style="list-style-type: none"> <li>• R10 000.00</li> </ul>

Fines imposed for the "breach of" or "non-compliance" or "disregard" with the rules shall be deemed to be part of the levy due by the Owner.

In respect of breaches of Clause 7 and 8 of the Resident Conduct Rules, which are those most common, those clauses have been amended to incorporate specific sanctions.

#### 14. Contact Details

Once again, we trust that you will enjoy The Mzingazi Golf Estate. Should you have any further queries, do not hesitate to contact the Mzingazi Golf Estate Management office directly.

Derick Moor can be contacted regarding general administrative and accounts queries and sale of property, whilst Mike Smythe can be contacted regarding maintenance, security and general estate queries.

**Contact details are as follows:**

Estate Management

General Office:	035 464 1004
Estate Manager:	082 923 3332
Manager Administration:	083 680 2826
Accounts:	035 789 1424

Richards Bay Country Club

Club Manager:	035 753 2441
Administration:	035 753 4063
Accounts:	035 753 2441
Functions & Bookings:	035 753 4063
Pro Shop:	035 753 2441

Restaurant – PORKY’S @ THE LAKE	035 492 0220
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**EMERGENCY NUMBERS**

Electrical Emergencies: 082 961 9875; 082 455 0446

East Coast Plumbing: 083 227 2888

Estate Manager: 082 923 3332

SAP: 10111; 035 901 2475

Ambulance: 082 911

Fire Brigade: 035 797 3911

Alpha Security:

Main Gate: 035 464 1002

Prodigal Son Gate: 035 464 1003

Manager: 082 607 2220

Senior Supervisor: 066 372 6203

Senior Supervisor: 082 945 7188

## INDEMNITY

ANYONE ENTERING THESE PREMISES, INCLUDING THE GROUNDS DO SO ENTIRELY AT THEIR OWN RISK. EVERYONE ELSE CONNECTED THEREWITH SHALL HAVE NO LIABILITY WHATSOEVER FOR ANY INJURY TO OR DEATH OF ANY PERSON, OR LOSS OF OR DAMAGE TO ANY PROPERTY, HOWSOEVER CAUSED EVEN ARISING FROM NEGLIGENCE OF ANY DEGREE.