



Dear Mzingazi Golf Estate Homeowner

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

Welcome to the Mzingazi Golf Estate. We 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 Mzingazi Golf Estate:

1. SECURITY

Security on our Estate is an issue we pride ourselves in and would therefore like to maintain for your benefit. Please note the following details as well as the visitors protocol:

1.1 SERVEST SECURITY – Mzingazi Golf Estate security company.

Please contact John MacFarlane of our offices on 035 464 1001 or 082 923 3332 if you have any problems or concerns with the Security Guards or security system on the Estate. The main date telephone number is 035 464 1002 and Prodigal Son Road gate number is 035 464 1003

1.2 Burglar Alarms

Each residential unit 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 and are to be connected into the Estates Central Monitoring System (currently the Servest Control Room located at Richards Bay). DIY installations will not be accepted.

The connection of the alarm system to the Control Room will be done at a small fee. The Control Room in turn will receive and direct all response activities to the homes as is required. This “response” service is provided to the Mzingazi Golf Estate Homeowners Association at no extra charge.

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 free monitoring service and our onsite guards the response service.

1.3 *Visitors Protocols*

Prior to your visitors arriving at the Estate entrance, **please notify the Gatehouse guards of their pending visit.**

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

Should an unexpected visitor arrive, our guard will contact you directly to verify that the visitor may enter. However, this is a timeous procedure, and as such we would prefer it if you could notify the gatehouse ahead of time, especially if you are expecting a number of visitors.

All visitors enter at their own risk.

1.4 *Security Access Remotes and cards*

Should you have maids, 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 our offices and a Criminal Clearance Check form completed. We will issue your maid/au pair/caregiver/gardener with an access card that will allow them access on to the Estate and they will also be issued with a bib at the gate to be worn 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.

When an employee is discharged, the owner/tenant must immediately inform the Estate management to allow cancellation of the access card.

It is important to note the minute an access card/remote is lost or stolen that this information is passed onto the Mzingazi Golf Estate Offices as soon as possible, so these access cards or remotes are cancelled. This is for the safety of all living in 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 or card, 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.

1.7 *Burglar Bars and Gates*

Burglar bars – as per the Architectural Guidelines only are allowed.

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 Golf Estate Architectural Review Committee.

2.2 *Designs to comply with guidelines*

The design and construction of all proposed new buildings, extensions, alterations to buildings, fences, gardens 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 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.
- And the Local Authority's Occupation or Beneficial Occupation Certificate.

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 (i.e. to trading whatsoever will be allowed, nor will any business operations which necessitate staff/clients visiting the dwelling/accessing the Estate, or registration of the premises as a business premise in terms of the Town Planning Scheme.

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 neighbours.

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 may require a description and/or drawing and/or plan as may be necessary to fully define the request. All air-conditioning plants and equipment is to be positioned out of sight from any boundary or screened appropriately.

3.6 Fences

Where additional fencing 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.

3.7 Gazebo's

Plans for gazebos must be approved prior to installation.

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 centres) in gardens require written permission from the Association 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 neighbours. It is recommended liaison be made with neighbours before any of the above are applied for.

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 and at all times maintained by the Owner in a clean, tidy, neat and befittingly repaired, painted and properly kept 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 Association the condition of a dwelling is not up to the required standards of the Estate, the Association shall give written notice to the Owner, or Body Corporate, to carry out the necessary improvements within a specified time.

4.3 *Failure to Comply*

Should the Owner or Body Corporate fail to carry out such work as requested, the Association 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

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.

6. GENERAL HOUSEKEEPING RULES

6.1 *Rubbish & Garden Refuse*

Refuse is collected on a phase 1 on Tuesday at 13:00 and Phase 2 on a Wednesday at 07:00. Please ensure that your rubbish is placed timeously on the verge in a wheelie bin.

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.

We would ask that each Resident purchase a green wheelie bin for keeping their refuse in. The refuse can then be wheeled out to the verge on the collection days. Your co-operation in this regard will be appreciated.

6.2 *Recycling*

Mzingazi Golf Estate is investigating the re-cycling of household waste and will inform residents and homeowners of the outcome.

6.3 *Neighbours*

Consideration for neighbours is to be shown at all times in terms of noise levels, maintenance and repair work and parties.

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 032-525 4453 so that the situation can be dealt with accordingly.

6.4 Street Address Numbers

All street numbers and address signs to are to be submitted for review by the Mzingazi Golf Estate Real Estate offices.

6.5 Reception Devices

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

6.6 Outside Lighting

Landscape lighting is recommended and is to be indicated on a landscape proposal for scrutiny by the Mzingazi Golf Estate Architectural Review Committee. 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.

6.7 Swimming pools

Swimming pools are to be positioned so as not to be a nuisance to neighbours. Pool services are to be concealed in a chamber, and located at a place where it will be of no nuisance to neighbours.

6.8 Services

All waste and soil pipes are to be concealed within walls or ducts, and may not be exposed to the exterior.

Solar panels must be fitted flush with roofs.

6.9 General:

Carports will not be allowed. Boats, caravans, etc. may not be visible. 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 uMhlathuze Municipal bye-laws relating to pets must be complied with (i.e. licensing/numbers/rabies inoculations etc).

7.2 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. This 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 dog collars are to have a name tag indicating the owners name and contact details.
 - 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 adequate contained 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.
 - 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.
- 7.3 Pets may not be allowed to be a nuisance or cause a disturbance or annoyance to others through barking, howling, squawking etc and no pet may be left alone in a unit or home for an extended period of more than a few hours.
 - 7.4 Pets may not be left overnight unattended 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.
 - 7.5 The Owner of a dog found to have been responsible for injuring or threatening any humans, other pets or wildlife on the Estate will be held accountable for any costs or claims arising there from, and will be obliged to remove such dog from the Estate immediately.
 - 7.6 The HOA reserves the right to ban any breed of dog.
 - 7.7 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 R200.00 with an escalation of R200.00 per reported incident for up to two incidents, thereafter the offending pet has to be removed from the Estate.
 - 7.8 Cat owners will have to ensure that their cats do not enter other resident's homes and mark their territory by spraying on furniture and curtains. If this occurs, Clause 6.7 will be instituted against the offending owners cat.
 - 7.9 Any dog found out 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 R200 will be payable by the owner including any SPCA costs. Any subsequent offences will attract fines in R200.00 increments.
 - 7.10 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 R200.00 will be levied against the owner. Any subsequent offences of the same nature will attract fines in R200.00 increments.
 - 7.11 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 Association.

8. USE OF ROADS

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, R400 fine for the third offence. All subsequent offences will be referred to the Home Owners Executive 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 licence for such vehicle. Engine powered vehicles, cars, golf carts and motorcycles may be operated only on roads (sidewalks, open lawn areas and paths are "out of bounds" to vehicles). Any person found driving a motor vehicle on any road on the Estate, for which they do not hold a valid driving licence will be subject to a fine of R200 for the first offence. Any subsequent offence of the same nature will attract a fine of R2000.

8.3 Motorcycles, quad bikes, golf carts and scooter bikes (Electric or fuel)

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.

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.

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.

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 arrange their removals, and should liaise with Security when a problem is foreseen.

9. FIREARMS

9.1 *Firearms*

Discharging of any firearm, air-gun or other lethal weapon is strictly prohibited, save in self-defence, or where authorized in special circumstances by the Estate Manager.

10. 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 us in monitoring movement on the Estate.

Letting agents will also be responsible for assisting tenants with any problems they may have in their flats.

Should you require Mzingazi Golf Estate Real Estate (Pty) Ltd to lease your home, kindly contact Robin Streit on 032-525 4404.

12. 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
And / or
- A reprimand and request to comply
And / or
- The issue of a verbal or written warning
And / or
- The imposition of a fine (which shall be deemed to be a part of the levy due by the Homeowner)
And / or
- The withdrawal of any previously given consent applicable to the particular matter
And / or
- An order to pay for damages resulting from non-compliance with any rule.
And / or
- 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 Association Management, in consultation with the Executive Committee (appointed at the AGM) who shall take due regard of the nature, circumstances and severity of each misdemeanour, breach or non-compliance.

Should any Owner 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 Board's discretion, vary broadly between the general scales listed below:

<i>Offence</i>	<i>First Offence</i>	<i>Second or subsequent disregard offence or disregard of imposition</i>
<ul style="list-style-type: none"> • Technical breach of conduct rule without malice or afterthought or premeditated intend or due consideration. • Non Compliance • Blatant disregard of rules or of legitimate instructions 	Minimum <ul style="list-style-type: none"> • R50.00 • R250.00 • R500.00 	Up to <ul style="list-style-type: none"> • R2 000.00 • R5 000.00 • R10 000.00

Fines imposed for the breach of or no-compliance 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.

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.

Robin Streit can be contacted regarding general administrative and accounts queries, whilst John MacFarlane can be contacted regarding verge maintenance, security and general estate queries.

Contact details are as follows:

Office telephone number: 035- 464 1001
 John MacFarlane – cell number: 082 923 3332
 Robin Streit – cell number: 072 279 7535

Yours sincerely

CAROLYN TEN-BOKUM
For Mzingazi Golf Estate Real Estate (Pty) Ltd