



ADMINISTRATION

📞 (016) 454-5015 ✉️ admin@eligwaestate.co.za

MANAGEMENT

📞 (063) 501 1848 ✉️ ronel@eligwaestate.co.za

ACCOUNTANT

📞 (016) 423-4064 ✉️ admin@ldpacc.co.za

📍 Cnr of Main Maribou Road R54 & Vischgat Road

Three Rivers East Ext. 2

CONDUCT RULES

Architectural Guidelines

Building Contractor Activity Guideline

1. INTRODUCTION

- 1.1. The Prime objective of the development of Eligwa Estate by the Developer is to provide an up-market quality lifestyle for residents, and the intention of these rules is the protection of this lifestyle.
- 1.2. The rules have been established in accordance with the Memorandum and Articles of Association of the Eligwa Estate Home Owners' Association (HOA). They are binding upon all occupants of the Estate, as is any decision taken by the Trustees in interpreting these rules.
- 1.3. The registered owners of the properties at Eligwa Estate are responsible for ensuring that members of their families, their tenants, visitors, friends and employees abide by these rules.
- 1.4. Harmonious community living is achieved when residents use and enjoy their private property as well as the public areas of the Estate. General consideration of all residents by and for each other will greatly assist in assuring harmonious relations on the Estate.
- 1.5. In the event of annoyances or complaints, the parties involved should attempt as far as possible to settle the matter between themselves, exercising tolerance and consideration. When a problem cannot be resolved, the matter should be brought to the attention of the Trustees for arbitration and settlement. Only written submissions will be entertained by the trustees who met monthly.
- 1.6. The decision of the Trustees is final and binding in respect of the interpretation of these rules.
- 1.7. These rules are subject to change from time to time.

CONDUCT RULES

USE OF THE STREETS

The streets of Eligwa Estate are for the use of all residents, whether it be on foot, roller skates, bicycle, motor cycle, trucks, delivery vans, busses or cars. Please note that cars are part of the street environment, but not necessarily the dominating factor:

1. The speed limit is restricted to 40 km per hour, throughout the Estate.
2. Save for the above, the Gauteng Road Traffic Ordinance, regarding road and street usage will apply.
3. Engine powered vehicles, e.g. cars and motor cycles are permitted to drive on the streets of the Estate only. Parks and pavements are off-limits.
4. Parking on sidewalks and in the streets opposite traffic islands, is prohibited.
5. The use of motor cycles or other vehicles with noisy exhaust systems, save for entering or exiting from the Estate, is prohibited.
6. Bicycles, motor cycles, quad bikes and / or skateboards are prohibited from using walkways and may only be used on the streets or sidewalks.
7. Un-roadworthy vehicles are not allowed on the Estate.
8. Unlicensed drivers will not be allowed on the roads under any circumstances.

GOOD NEIGHBOURLINESS

1. Any business activity or hobby, which could cause aggravation or nuisance to fellow residents, may not be conducted from any property. This includes auctions and jumble sales.
2. The volume of music or electronic instruments, partying and the activities of domestic help should be kept at a level so as not to create a nuisance to neighbours.
3. The mechanical maintenance, and the use of power saws, lawn mowers, and the like (electric mowers are preferred), should only be undertaken between the following hours:

May – August : 07h30 – 18h30

September – April : 07h00 – 19h00

Sundays only between the hours of 08:00 – 12:00 & 16:00 – 18:00 (not between 12:00 and 16:00)

4. Washing lines must be suitably screened from neighbouring properties
5. Refuse, refuse bins, garden refuse and refuse bags may not be placed on the pavement (only on Tuesdays when refuse is collected). Garden refuse must be removed on the same day.
6. Advertisements or Public Material may not be exhibited or distributed unless the consent of the HOA has been obtained.

STREET SCAPE APPEARANCE

The collective pride of the Estate is dependent upon the contribution of every owner to create a neat and pleasing street scape.

1. Each stand owner is responsible for maintaining the area between the kerb and the boundary of his property in a clean and pleasing condition.
2. Garden fences and/or walls and outbuildings forming part of the street scape should be regularly maintained and painted where necessary. Remember the HOA has the right to effect repairs at the cost of the owner should it be considered necessary.
3. Caravans, trailers, boats, equipment, tools, engine and vehicle parts as well as accommodation for pets, should be located out of view and screened from neighbouring properties and the street.
4. Building material may not under any circumstances be dumped on the sidewalks.
5. No trees, plants or sidewalk lawn may be removed without the permission of the HOA.
6. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.

7. Wendy houses and tool sheds may be erected only after the Estate Manager has been advised, and approval has been obtained from him in writing. No Wendy house or tool shed may be used as living quarters.
8. Solid walls (brick or other constructed walls) may not cover more than 50 % of the street frontage (access frontage) of a property.

ARCHITECTURAL STANDARDS

Building according to approved standards obviates the necessity of making costly changes at a later stage.

1. All building plans should be in accordance with the Architectural Guidelines applicable to the Estate and must be approved by the Architectural sub-committee. This requirement is also applicable to any additions and alternations to existing structures and dwellings.
2. All garden walls and fencing must be approved by the Architectural sub-committee, about both material and dimensions. Attention will be paid to high walls screening property frontage.
3. The position, size and siting of TV antennae and satellite dishes must be approved by the HOA prior to the erection thereof.
4. Lean-to's and temporary carports are not permitted.
5. Roofing materials for patio's carports and outbuildings must be approved by the HOA.
6. All construction which includes the use of shade cloth must be approved by the HOA. The use of this material will however be discouraged.

ENVIRONMENTAL MANAGEMENT

1. No rubble or refuse should be dumped or discarded in any public area, including the parks, streets or sidewalks.
2. Residents and their guests are urged to leave any open spaces they visit in a cleaner condition than that in which it was found. Residents should also develop the habit of picking up and disposing of any litter encountered in the open spaces.

3. Flora may not be damaged or removed from any public area.
4. Fauna of any nature may not be chased, trapped or harmed in any way, in any area of the Estate.
5. Residents are encouraged to maintain trees, plants and shrubs that have been planted by the HOA.
6. Residents are encouraged to maintain a high standard of garden and pavement maintenance.
7. Residents should ensure that declared noxious flora are not planted or allowed to grow in their gardens.
8. Swimming pool water must be channeled into the storm water drainage system.
9. Vacant stands must be kept clean on a regular basis to the satisfaction of the HOA, and if not maintained, the HOA reserves the right to clean the stand at the owner's expense.
10. The resident's use of any open space areas is done entirely at their own risk always.

No claims for damages of whatsoever nature or from whatsoever cause arising will be entertained by the Home Owners' Association.

SECURITY

1. The security guards are doing a difficult job. They may not under any circumstances be abused!
2. Security protocol at the gate must be adhered to at all times. Under no circumstances may residents or any person other than the Security personnel or members of the Trustee committee be allowed into the Gate House.
3. All owners must request visitors to adhere to security protocol and residents are requested to always treat the security personnel in a co-operative and courteous manner.
4. All owners must ensure that contractors in their employ adhere specifically to the security stipulations of the Contractors Code of Conduct.

5. ID documents for permanent workers, temporary workers, etc. must be conscientiously enforced by every owner with respect to people in his/her employ.
6. All attempts at burglary or instances of fence jumping must be reported to a member of the security staff, and/or Security sub-committee.
7. Security is an attitude: Be aware that you need to enforce and apply security to make it work. Do not hesitate to question suspicious persons.

Note: We advise all residents to install a home security system as soon as possible after taking occupation of their homes, and to link the system to the response company.

8. Should residents purchase burglar alarm systems for their residences, they are required to be compatible with the electronics of the Estate security system.
9. The Estate will be manned by security 24 hours a day and patrolled on a random basis.
10. The security center at the gatehouse should be advised in advance of pending arrival of visitors where possible, details of vehicle registration numbers and property to be visited should be provided.
11. New occupants (owners/residents) must advise the Security Supervisor on duty of their home telephone / cellular phone numbers and address to enable Security to make telephone contact for permission to allow visitors to residence.

TENANTS, VISITORS, CONTRACTOR AND EMPLOYEES

In the final analyses, the responsibility of enforcing the House Rules, rests with the Owner.

1. Should any owner let his property, he shall notify the HOA in writing in advance of occupation, the name of the Lessee and the period of such lease. The owner shall inform the Lessee of all House and other Rules and bind the Lessee to adhere to such rules.
2. The occupants of any property within the Estate are liable for the conduct of their visitors, contractors and employees, and must ensure that such parties adhere to the House Rules.

3. All owners must ensure that contractors in their employ have signed the Contractor's code of Conduct prior to commencement of work, and that they adhere to the stipulations of the contract at all times.

LETTING AND RESELLING PROPERTY

The concept of this Estate imposes certain restriction on the way Estate Agents may operate therein. To ensure that the rules applicable to Eligwa Estate, which regulate property ownership and occupation of the premises on the Estate are made known to new residents, the following rules relating to the re-sale or letting of property shall apply:

-

1. Should an owner want to sell or lease his property, only an accredited Estate Agent may be selected to manage the sale or lease.
2. The accredited agent must ensure that the buyer and/or tenant is informed of and receives a copy of the House rules, Architectural Guidelines, Contractors code of Conduct and any other administrative regulations and documentation applicable at the time.
3. A clearance certificate must be obtained from the Home Owners' Association at a cost of R1000.00 + VAT prior to any transfer of the property.
4. Any approval granted to the seller (in the case of a re-sale) or lessor, prior to the time of the sale or lease must be communicated to the buyer or lessee at the time of purchase or lease, failing which the buyer or lessee will have recourse against the seller or lessor.
5. The seller or lessor of a property on the Estate shall ensure that the agreement contains the following clauses: -

- a. SALE

- i. Home Owners' Association

The Purchased acknowledges that he is obliged upon registration of the property into his name, to become a Member of the Eligwa Estate Home Owners' Association and agrees to do so subject to the rules of this body.

ii. Conditions of Title

The Seller shall be entitled to procure that, in addition to all other conditions of the title and/or subdivision referred to, the following conditions of title be inserted in the Deed of which the Purchased takes title to the property: -

“Every owner of the erf, or any subdivision thereof, or any interest therein, or any unit thereon, as defined in the Sectional Titles Act, shall become and shall remain a Member of the Home Owners’ Association and be subject to its constitution, until he ceases to be an owner as aforesaid.

Neither the erf, nor any subdivision thereof, or any interest therein, nor any unit thereon, shall be transferred to any person who has not bound himself to the satisfaction of such Association to become a Member of the Home Owners’ Association.”

“The owner of the erf, or any subdivision thereof, or any interest therein, or any unit thereon as defined in the Sectional Title Act, shall not be entitled to transfer the erf or any subdivision thereof, or any interest therein, or any unit thereon, without a clearance certificate from the Home Owners’ Association which certifies that the provisions of the Articles of Association of the Home Owners’ Association have been complied with.”

The terms “Home Owners’ Association” in the aforesaid conditions of title shall mean the Eligwa Estate Home Owners’ Association (incorporated Association not for gain). In the event of the Registrar of Deeds requiring the amendment of such conditions, in any manner in order to effect registration of an erf, the Purchaser hereby agrees to such an amendment.

b. **LEASE**

- i. The lessee acknowledges that upon occupation of the leased premises, he and his family, his visitors and servants shall adhere to all rules and regulations as contained in this document.
- ii. Agents may only operate on a “by appointment” basis and must personally accompany a prospective purchaser or lessee. Agents

are not permitted to erect any “For Sale” or “Show House” or “To Let” signage boards without the permission of the HOA.

- iii. Estate Agents will accompany prospective buyers or tenants to the show houses on show days.

Note: Accreditation of Estate Agents

1. An Estate Agent is accredited after signing an agreement with the HOA to the effect that such agent will abide by the stipulated procedures applicable to the sale and/or a lease of the property on the Estate, and after having been inducted in respect of the concepts, rules and conditions under which a purchase and/or lessee acquires and/or leases the property in Eligwa Estate.
2. Accreditation of Estate Agents may be reviewed by the HOA from time to time, and an updated list of accredited agents will be published in the Eligwa Estate Newsletter.
3. The accreditation policy for Estate Agents may be reviewed by the HOA from time to time.

PETS

1. The local authority bylaws relating to pets will be strictly enforced.
2. Residents may not keep more than two dogs or two cats on their property, without the written permission of the Eligwa Estate.
3. Poultry, pigeons, aviaries, wild animals or livestock may not be kept on the Estate.
4. Pets are not permitted to roam the streets and dogs must be kept on a leash in all areas at all times.
5. Should animal excrement be deposited in a public area, the pet owner shall be responsible for the immediate removal thereof.
6. Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags will be apprehended and handed to the Municipal Pound and/or SPCA.

7. The HOA reserves the right to request the owner to remove his pet should it become a nuisance on the Estate.

NEWSLETTER

A community newsletter is published on a regular basis to advise owners and residents of events and happenings within the Estate and surrounding areas. Owners, Residents and advertisers are invited to participate by contributing any newsworthy items by way of editorials. Such should be submitted to the Editor for incorporation subject to content and space availability.

No advertisements by way of leaflets, pamphlets, etc. may be exhibited or distributed at the Gatehouse or within the Estate, but such can form part of or be included in the Newsletter.

Advertisements ranging from classified, to a full A4 page can be included at reasonable rates, depending on publication costs which vary from time to time. The rates are published in each Newsletter.

Contact:

ADMINISTRATION

1. All levies are due and payable in advance on the first day of each and every month.
2. Interest will be raised on all arrear accounts, at the maximum rate allowed by the usury act.
3. Further penalties or legal action to be determined from time to time, will be imposed on owners with accounts in arrears for 60 days or longer. The Home Owners' Association shall be entitled to recover all legal costs incurred on the attorney and own client scale.
4. The Trustees may amend or add to the House Rules from time to time, as may be deemed necessary to ensure harmonious co-existence of residents.
5. The Trustees have the right to fine transgressors where any of the rules as stipulated by the HOA from time to time have been broken or infringed upon.

Such fines will form part of the levy and shall become due and payable on the due date of payment of the levy.

ARCHITECTURAL GUIDELINES

1. PLANS

- 1.1. Detailed working drawings incorporating a site development plan, together with a site development plan, together with a building deposit and security clearance form, are to be submitted to the architect appointed by the Home Owners' Association for approval, prior to being submitted to the local authority for approval. The Home Owners' Association hereby reserves the right to prevent owners and/or their contractors commencing construction without prior approval by both this body and the local authority.
- 1.2. Designs should show sensitivity to environmental designs.
- 1.3. One copy of the approved plan will be held for record purposes.
- 1.4. Construction shall be completed within 9 months of the commencement date.
- 1.5. Where houses and/or alterations have not commenced within one year of date of approval of the plans by the Home Owners' Association, such initial approval will lapse, and plans will have to be resubmitted for re-approval to the Home Owner's Association.

2. PREPARATION OF PLANS

- 2.1. Aesthetic approval will be given on the normal municipal submission plans prior to them being lodged with the local authority for building regulations approval.
- 2.2. Accurate siting of all buildings and adjacent stands must be given on the site plan.
- 2.3. Design and layout of the entire stand will be considered from the outset. Special consideration should be given to existing natural features on site, i.e. existing flora and topography, the latter to include contour lines on the site plans if possible.

3. ARCHITECTURAL REQUIREMENTS

- 3.1. The main dwelling, excluding garage and outbuildings, may not be less than 200m².
- 3.2. Elevational treatment of all buildings must conform to acceptable architectural standards, so as not to interfere with or detract from the general aesthetic appearance of the neighbourhood.
- 3.3. No reflective roofing material or “Chromadek” may be used.
- 3.4. Special aesthetic consideration should be given to the design of parapets, fascias, capping eaves, roof trim, guttering and roofing materials in general. Cloak verge tiles should be used instead of rolled tiles.
- 3.5. Pseudo roofing materials will be discouraged.
- 3.6. External finishes and colours must be shown – colour samples may be requested, which same procedure will apply on repainting houses.
- 3.7. Solar heating panels, if used, should at the outset be incorporated into the buildings to form an integral part of the design.
- 3.8. Outbuildings and additions should match original design and style, both in elevation consideration, as well as materials and finish.
- 3.9. Staff accommodation and kitchens are to open onto a screened yard or patio as required by the Council.
- 3.10. Yard walls and screen walls should match the basic materials of the building.
- 3.11. The height of dwelling units may not exceed two storey's. The impact of a second story on: -
 - (a) The right to privacy of adjacent property owners; and
 - (b) The views from adjacent residences will be considered when plan approvals are requested.
- 3.12. The treatment of sidewalks is of paramount importance as they have a direct influence on the aesthetic quality of the neighbourhood. The diverse nature of neighbourhoods should give rise to a varied treatment of street boundaries. To create a degree of visual integrity, street boundary walling designs will be strictly controlled: -

- (a) Approval quality steel palisade or trellis fencing may be erected on the stand boundary
 - (b) All boundary walls and fences will be subject to the approval of the Home Owners' Association
 - (c) Precast walls are not permitted
- 3.13. Lean-to's and temporary carports are not allowed.
- 3.14. No staff accommodation should be nearer the street than the main dwelling, unless contained under the same roof or integrated into the total design.
- 3.15. All exposed plumbing should be screened from the street elevation.
- 3.16. Granny cottages will be considered in special instances as will duet or similar sectional title type structure's subject to approval by the local authority being given.
- 3.17. No galvanized finish re: doors, garage doors, lean 700's, patio roofs, etc. will be allowed.

4. APPROVAL

- 4.1. Perspective view and photographs may be requested.
- 4.2. Notwithstanding the fact that the building plans may comply with all the above, the approval or rejection of such plans shall be at the sole discretion of the Home Owners' Association, which approval shall not be unreasonably withheld.
- 4.3. The architectural style of the house will be considered in relation to that of other houses in the area, as well as aesthetic appearance and the proposed siting of the building, and such other factors as the Home Owners' Association in its discretion may seem suitable.
- 4.4. Nothing in the above will be construed as permitting the contravention of the Conditions of Title to any erf or any by-laws or regulations of the Local Authority.
- 4.5. Every effort is made to ensure that these standards are observed by all stand owners. However, final approval of building plans ultimately rest with the Local authority and no assurance can be given to individual owners that the above standards will be adopted throughout the township.

4.6. There will be no charge for the above scrutiny and approval.

5. BUILDING DEPOSIT

An amount as determined by the Home Owners' Association from time to time shall be paid to the Eligwa Estate to be handed to the Estate Manager appointed by the Home Owners' Association when submitting plans for approval. This amount will be refundable, free of interest, less the cost of making good any damage to sidewalks and/or adjacent properties, etc if found necessary on completion of construction and after deduction of the Scrutiny and Road Maintenance Fee.

6. CONSTRUCTION OF GRANNY FLATS AS PART OF THE MAIN DWELLING

6.1. The following will apply to all requests to the Architectural Aesthetics Committee in connection with Granny Flats to be built on stands where no duet rights exist.

6.2. The Granny Flat must be linked structurally and visually to the main dwellings and must seem to be one unit.

6.3. The unit may in no way be distinguishable as a separate unit or entity.

6.4. The area of the Granny Flat may not be more than 25 % of the total development and may not be larger than 100m² including the outbuildings.

6.5. The accommodation allowed in this unit would ideally consist of a bedroom, bathroom en-suite, living area (lounge/dining room/TV).

6.6. No subdivisions of the property will be allowed. This must be entrenched in the title deed and is applicable to the title holder and any successor in title.

6.7. It must be entrenched in the title deed that, at no stage, will sub-division be applied for or be allowed on this property (the additional legal costs will be for the stand owners).

6.8. The owner must, in writing, undertake to the Home Owners' Association that this unit will never be sub-let to anybody for income purposes and in the event of being sold, the new owner must carry this undertaking.

6.9. All houses with a Granny Flat will pay a double levy.

7. PRIVATE BOREHOLES

- 7.1. Under no circumstances will individual owners be permitted to have boreholes on their erven.

BUILDING CONTRACTOR ACTIVITY

1. INTRODUCTION

Certain rules relating to building contractor activity on the Estate have been adopted by the Eligwa Estate Home Owners' Association (HOA), the legal representative of residents and property owners at Eligwa Estate. The primary intention of these rules is to ensure that all building activity at Eligwa Estate is conducted with the minimum of inconvenience and disruption to residents. In the event of any queries in this respect, residents and/or their contractors are most welcome to contact the HOA's appointed Security Contractor.

2. LEGAL STATUS

The rules and regulations governing building activity as set out in this document are binding on all residents, their contractors and sub-contractors. Furthermore, all residents are obliged to ensure that their building contractors and sub-contractors are made aware of these rules and that they are strictly complied with. Residents are accordingly required to include these rules in their entirety in any building contracts concluded in respect of any property on the Estate. Such contracts may be required to be submitted to the HOA for prior approval. The HOA has the right to suspend any building activity in contravention of any of the conditions and does not accept any losses sustained by a resident or contractor or sub-contractor as a result thereof, or any claims for damages of whatsoever nature.

3. BUILDING CONTRACTOR ACTIVITY

- 3.1. Unless otherwise agreed by the HOA or its appointed representative.

Contractor activity is limited to the following public time hours: -

Monday – Friday	07h00 – 17h00
Saturday	07h00 – 13h00
Sunday	not permitted
Public holidays	not permitted

Note: Contractor activity is not permitted on Sundays and public holidays without special permission, as these days are viewed as private time. Special applications for contractor activity during private time must be lodged with the HOA, together with the approval of all adjacent neighbours, with a reasonable time of the required private time activity.

- 3.2. Contractor personnel are not permitted to remain on site between the hours of 18h00 and 06h00.
- 3.3. All the Contractor's workers and/or the contractor's sub-contractor workers must enter the Estate in an approved vehicle with a temporary access token, or alternatively obtain a casual employee. I.D. card at the security gate by lodging a valid I.D. document, which will be handed back on the return of the I.D. card.
- 3.4. The contractor shall provide facilities for rubbish disposal and ensure that the workers use the facility provided. Rubbish and/or rubble shall be removed weekly and not burnt or disposed of on the Estate.
- 3.5. The contract site is to be kept clean.
- 3.6. Materials off-loaded by a supplier which encroach onto the sidewalk or roadway, must be moved onto the site by the Contractor material and/or rubble must not be allowed to remain on the roadway or sidewalk and it is the Contractor's and Owners responsibility to clear these areas of all such materials and/or rubble. The same applies to sand or rubble washed or moved onto the road during building operations.
- 3.7. Deliveries from suppliers must be scheduled in public times only.
- 3.8. It is incumbent on the Contractors to provide toilet facilities for the workers in terms of Local Council regulations. A 3m x 3m screened area must be available for use as a changing area for contractors.

- 3.9.** Building boards may only be erected if they comply with the HOA's specifications, details of which are available from the HOA. Such boards are to be erected on the site not on sidewalks. Sub-Contractors boards must be removed after completion of construction.
- 3.10.** The Owner and the Contractor shall be responsible for damage to kerbs and/or plants on the sidewalks and/or damage to private or Estate property.
- 3.11.** Should the HOA have any reservations about the conduct of the contractor and/or sub-contractor, the HOA reserves the right to suspend all building activity until such conduct is rectified, which it may do at any time and without notice, and free of recourse from the owners and/or contractor and/or sub-contractor.
- 3.12.** This document is fully understood and accepted by the Contractor, Owner and/or any sub-contractor and hereby undertake to comply with these rules, in addition to any further rules and regulations which may be introduced by the HOA from time to time.
- 3.13.** Only approved contractors and/or contractor's employees who are in possession of legitimate South African Identity Documents will be allowed access to the Estate, unless otherwise arranged with the Home Owners' Association in writing. In the even that illegal workers are apprehended on the Estate, the contractor's employees in totality will be denied access to the Estate.
- 3.14.** The Home Owners' Association shall be entitled to levy fines against the Home Owners or their contractors and/or sub-contractors with respect to any contravention of the above and in particular with respect to any excessive driving of contractors and/or sub-contractors over and above the existing speed limit of 40 km per hour within the Estate.

SIGNED AT _____ ON THE _____ DAY OF _____ 20____

WITNESS 1

PURCHASER

WITNESS 2