



Estate Rules, Guidelines and Code of Conduct

Grotto Bay Homeowners Association NPC (RF)

Registration Number 1993/005714/08

Adopted by Ordinary Resolution as voted by the members at the SGM in October 2021 and the AGM in May 2022 in substitution for the existing Estate Rules, Guidelines and Code of Conduct of the Company, and will come into effect on the date on, and time at, which the Commission accepts the filing of the Notice of the Amendment.



Grotto Bay Home Owners Association

Estate Rules, Guidelines and Code of Conduct

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Rules, Code of Conduct and Guidelines

Grotto Bay Private Nature Reserve is owned by private residents who enjoy a relaxed and secure lifestyle. The estate rules, code of conduct and guidelines are for the protection and reinforcement of this lifestyle and the owners' capital investment.

The purpose of this set of rules is not intended to be unduly prescriptive or limiting, but rather to address the need for a clean, neat, safe and tranquil environment and it is hoped that residents will embrace them freely and voluntarily.

1. Introduction

- 1.1 In these Rules, unless the context otherwise indicates, all words and expressions shall bear the same meaning as defined in the Memorandum of Incorporation of the company.
- 1.2 Any words importing the singular shall include the plural and vice versa, words importing the masculine gender shall include the feminine gender, and words importing persons shall include partnerships, bodies corporate and trusts. The Grotto Bay Home Owners Association will hereafter be referred to as GBHOA and the Board of Directors of the Company as the Board.
- 1.3 The rules should be read in conjunction with the following documents:
 - a) GBHOA Memorandum of Incorporation;
 - b) GBHOA Architectural Design Manual;
 - c) GBHOA Builders' Agreement and Code of Conduct;
 - d) GBHOA Environmental Management Plan
 - e) GBHOA Approved Plant List;
 - f) GBHOA Conservancy Access Application
 - g) Any relevant National, Provincial or Local Authorities' Legislation, By-Laws and Regulations

2. Domestic Pets

- 2.1 No cats are allowed on the estate.
- 2.2 The maximum number of dogs allowed per property is 2.
- 2.3 Visitors to rented holiday accommodation are not allowed to bring any pets into the Estate.
- 2.4 Visitors are allowed to bring their dog into the Estate as long as the dog is confined to the property being visited or on a leash if walking outside the property.



- 2.5 Members or residents and their visitors may not allow dogs off their properties unless under strict control and on a leash.
- 2.6 Dogs must be on a leash at all times when taken for a walk in the estate. All excrement must be bagged and placed in the bins provided or disposed of when returning home.
- 2.7 No dogs are allowed in the nature reserve or on the hiking trails unless under strict control and on a leash. Any dogs seen or reported chasing our birds or other animals will be banned from entering the nature reserve.
- 2.8 Disturbance by pets is not allowed and must be controlled by the owner. Persistent barking which results or may result in a nuisance or disturbance to any other resident will not be permitted.
- 2.9 The natural fauna on the Estate and sea birds on the beach are to be protected and must not be chased or attacked by your dogs.
- 2.10 It is recommended that all dogs wear ID tags to ensure that lost pets are easily reunited with their owners.
- 2.11 Security will not dedicate its resources and/or personnel to locating or recovering any lost pets.

(See Annexure "A" for rules Prior 28 February 2019)

3. Vehicles and Roads Usage

- 3.1 The speed limit on the estate is strictly 40km/h.
- 3.2 All stop, yield and other road signs on the estate must be adhered to and traffic circles are not to be "short-cut" or entered into or out of from the wrong direction.
- 3.3 Pedestrians, animals, birds and wildlife shall have the right of way at all times within the estate and vehicles shall be brought to a stop whenever necessary to allow their safe passage.
- 3.4 Be aware when approaching children on our roads, they are vulnerable on their bicycles and skateboards. Children using the roads must be aware of the rules of the road and abide by them for their own safety.
- 3.5 No vehicular access is allowed, anywhere off the estate roads other than residents with reserve conservancy access permits.
- 3.6 No un-roadworthy vehicles, off road scramblers or quad bikes, (other than security), are allowed on any portion of the estate, dune or beach area.
- 3.7 A person shall not drive on the estate a vehicle:



- 3.7.1 that causes excessive noise or smoke;
- 3.7.2 that leaks oil, fuel or brake fluid;
- 3.7.3 that is not licensed as required by law;
 - a) No vehicle without a license disk may be driven on the estate under any circumstances. Transgression of this rule may result in a fine, as per the published Fine Guideline (Speeding or Traffic Offence).
 - b) No vehicle of a visitor/guest will be allowed access without a license disk. In the case of expired license disks, the vehicle will only be allowed entry into the estate upon telephonic acceptance, by the person being visited, of full liability for any accident caused indirectly or directly by said vehicle or driver of said vehicle.
- 3.7.4 without being licensed to do so as required by law.
 - a) Persons that cannot be licensed (children under the age of 18, blind persons etc). or who have never been licensed, or who has had their license revoked, may not drive on the estate under any circumstances. Transgression of this rule may result in a fine, as per the published Fine Guideline (Speeding or Traffic Offence).
 - b) No vehicle of a visitor/guest will be allowed entry into the estate without the driver presenting a driver's license card. In the case of expired driver's licenses, the vehicle will only be allowed entry into the estate upon telephonic acceptance, by the person being visited, of full liability for any accident caused indirectly or directly by the driver holding the expired driver's license.
- 3.8 Parking space is at a premium on the estate. Please do not leave your vehicle on the side of the street or on residents' properties without their consent when visiting the beach.
- 3.9 No person on the estate shall, without written consent dismantle or effect major repairs to a vehicle where it is visible.

4. Fire Safety and Risk

- 4.1 Fire is a constant threat because of our Strandveldt vegetation, strong winds and hot summers. All residents, guests or visitors are to acquaint themselves with the Fire Management Plan as posted at the Gate House.
- 4.2 No open fires are allowed. Fires are only allowed in designated fireplaces and braai areas of residences. Loose standing fireplaces and fire pits are often a risk and the use of these is strongly discouraged during high windy periods and/or when fire risk information posted at the gate house prohibits fires, i.e. when the fire danger index is yellow, amber or red.
- 4.3 No fireworks or incendiary devices are permitted on the entire Estate.



- 4.4 Do not flick cigarette butts away. No smoking is permitted on the back of an open vehicle or while walking in the estate or reserve area.
- 4.5 Any fire/bushfire emanating due to your actions, irrespective, will be deemed as negligence and state prosecution will be applied according to the Promulgated Legislation.

5. Security

- 5.1 The perimeter security of Grotto Bay consists of a day-vision, infra-red and thermal camera system that covers the complete perimeter and is being monitored 24 hours a day by our security personnel and an independent off-site contractor. Footage is stored for purposes of evidence in potential criminal or insurance investigations. Breaching this perimeter at night can put the security of the estate at risk and therefore the following rules are in place:
 - 5.1.1 During hours of dark any resident, guest or visitor who wants to visit the beach or go for a walk outside this secure perimeter must first inform the security control room of the following:
 - (a) Route out of and back into the estate.
 - (b) The time leaving and returning.
 - (c) The number of people.
 - (d) The number of the property where you are staying.
 - 5.1.2 The hours of dark when this arrangement is enforced are:
 - (a) Winter: Apr – Sept 19h00 – 06h00
 - (b) Summer: Oct – March 21h00 – 05h00
 - 5.1.3 If there is a change of plan whilst outside, you must call the security control room from a mobile phone before returning.
 - 5.1.4 By not adhering to these rules, you could be apprehended by the security personnel or arrested by the police.
- 5.2 Access for owners and tenants is via an access tag permanently fixed to your vehicles windscreen. Only two access tags are permitted per household. The first tag is free and a second tag per household can be purchased from our estate manager. Additional tags can be requested, on merit, by writing to the Board stating reasons for additional access tags. Owners and tenants without an access tag will be required to sign in at the gate.
- 5.3 The estate manager must be informed of any lost or unused access tags so they can be de-activated. Lost tags can be replaced by purchasing a new one from the estate manager.
- 5.4 It will be considered a serious breach of security should a resident give their access tags to any other person for use by that person for whatever reason.



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- 5.5 All guests, visitors, deliveries and contractors who are entering the estate are to register at the gate and they will be issued with a Permit to be clearly displayed on the vehicles windscreen at all times.
 - 5.6 The guardhouse should be advised, in advance via our access control app, of pending arrival of visitors, deliveries or contractors where possible.
 - 5.7 If a visitor, delivery or service provider arrives unexpectedly or unannounced, the resident will be called via our PBX system to confirm such a person. Unannounced persons will be denied access if a member cannot be contacted. It is the member's responsibility to ensure that the correct contact details for the owner or tenant or rental manager of the property are in fact listed with the guard house.
 - 5.8 Visitors of guests in short-term rental accommodation will not be allowed unless authorised by the rental manager or owner of the property, as per 5.7 above.
 - 5.9 Entry is entirely at your own risk, and any subsequent consequence to persons or property claims will not be entertained by GBHOA or its Agents and Office Bearers.
 - 5.10 The Grotto Bay Private Nature Reserve in its entirety is Private Property and right of admission is reserved. Access will not be permitted purely for visiting the beach or, fishing or similar, as access to the beach is available via Kabeljoubank. Visitors to the hiking trails need to report to security, before entering, and will be directed where to walk and park. Trespassers will be prosecuted.
 - 5.11 Please be cordial to our security staff. They are doing their jobs and are trying their utmost to serve you. Physical or verbal abuse of any security personnel will not be tolerated and in no way should they be prevented from doing their duty.
 - 5.12 Under no circumstances may Security personnel be asked or employed by residents on any basis to undertake work or perform errands of a temporary nature on behalf of owners, residents or visitors.
 - 5.13 Safety and security for property and persons is the sole responsibility of the home owner, tenant, guest or visitor. All logical precautions must be taken to ensure a secure and safe environment. All incidents are to be reported to the Gate House and SAP investigation requested.

6. Common Areas and Reserve

- 6.1 All are welcome to walk the trails in the reserve, please stick to the footpaths and don't walk through the fynbos or undesignated areas.
- 6.2 Picking or removal of any fynbos, plants or flowers from the estate or the reserve outside of a private property is strictly prohibited.



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- 6.3 Damage or removal of any artefact, geological or archaeological item is prohibited.
 - 6.4 Hunting, chasing, trapping or endangering any wild fauna or avifauna, anywhere in the Housing Estate or Reserve area is strictly prohibited and offenders will be criminally charged.
 - 6.5 The use of catapults, bow and arrows, air guns or anything of the like is strictly banned anywhere on the Estate or Nature Reserve Conservancy.
 - 6.6 Only home owners and long term tenants with permits are allowed to drive on the track to Long Beach. The loose sand on the track does not allow for much traffic. Permits can be requested from our estate manager.
 - 6.7 No visitor, guest or previously banned home owner/tenant may have vehicle access to the Reserve area – nor will application to do so, be granted.
 - 6.8 Fishing is allowed and fisherman may collect bait in the intertidal zone which belongs to the state, subject to being in possession of the required permits and staying within the set limits. It is illegal to remove any bait from the confines of the Estate.
 - 6.9 Please use our natural resources with utmost care and respect. Even if our visitors remove shell fish and bait from the beach strictly according to permit limits there would not be much left for us to enjoy.
 - 6.10 Do not leave fishing line on the beach, as it targets the feet of sea birds, with agonizing results
 - 6.11 Should undesirable wild life appear in your dwelling, such as a snake, please call the gate house immediately. The Estate Manager will arrange to remove the threat. Please do not kill our snakes, as they are important to control the numbers of rodents and moles on the Estate.
 - 6.12 Please don't use any poisons to get rid of rodents, this can be detrimental to our birdlife.

7. Water

- 7.1 Water usage allocated to each Unit Erf in respect of each calendar month is limited ("Water Limit"). Based on the 220,000l daily limit set out on the registered servitude, the limit is 1,000l/day per Unit Erf, measured on a monthly basis, on a business day. The Board may from time to time adjust the Water Limit, provided that such adjustment is approved by the Members.
- 7.2 In the event that any Member use in excess of the Water Limit, the Board may raise a reasonable charge on the additional liters used and restrict the water flow to such Unit Erf.



- 7.3 This charge or fee payable in respect of water usage in excess of the Water Limit will be determined by the board from time to time, and will be communicated to Members as per clause 2.4(5)(a) of our MOI.
- 7.4 The use of potable water for the filling of swimming pools and piped irrigation is prohibited.
- 7.5 Excess usage due to an unforeseen situation must be reported to the Board with proof of repair for a consideration of waiving above mentioned charges.
- 7.6 Owners are encouraged to fit locks to external taps, switch off water mains when away from your property and to take water readings through the month in order to help prevent over usage caused by taps left open, burst geysers or leaks appearing in piping.

8. Refuse and Laundry

- 8.1 Domestic refuse and grass clippings are collected on Mondays between the hours of 08h00 and 12h00, or as will be communicated by the Estate Manager from time to time. Refuse and grass clippings must be placed in strong (40micron), tightly closed and undamaged refuse bags and should only be left outside properties on the morning of collection.
- 8.2 Weekly mulching of certain indigenous garden refuse takes place on a Thursday from 08h00 to 12h00, at your home, or as will be communicated by the Estate Manager from time to time. Please have your vegetation ready at the side of the road by 08h00, as we only enter each close once. You may keep the mulching, otherwise it will be removed and placed in circles or elsewhere where needed.
- 8.3 Plants like vygies and palm leaves clog up the mulcher and therefore must be removed by residents themselves, to a relevant municipal site.
- 8.4 Building rubble should be removed regularly during building, and especially shortly after completion of building work, and be disposed of at one of the many municipal dumping sites for building rubble. Our closest site is the Atlantis Solid Waste site, on Dassenberg Road.
- 8.5 No unsightly objects like dustbins, refuse bags, garden rubble, building rubble or derelict vehicles etc. may be visible from the road or any communal area.
- 8.6 Washing lines should be obscured from view of other residents and washed items may only be hung in a screened drying yard.

9. General Conduct

- 9.1 Littering is an offence. Please keep our Estate and the beach area clean and tidy.



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- 9.2 Residents deeply appreciate the silence and tranquillity that Grotto Bay has on offer. You are required to keep noise levels and the volume of your music down to such levels that it does not offend your neighbours or other residents.
- 9.3 Respect the rights of others who live here for the peace, quiet and tranquillity. If you are going to have an odd party or make a noise, be courteous enough to inform all your neighbours.
- 9.4 Only approved plant species may be planted, every attempt is to be made to eradicate alien invasion plants or grasses. See the GBHOA Approved Plant List.
- 9.5 Stay on the tar roads and designated footpaths while walking in the estate, no access is allowed through the fynbos or undesignated areas.
- 9.6 **Lighting**
- 9.6.1 Exterior lighting is to be discouraged or down lighted preferably on a sensor, (the sensor should be set so that they cannot be activated outside the particular property), timer and only switched on where necessary as our wildlife appreciates darkness at night.
- 9.6.2 Exterior light bulbs should not exceed 60W incandescent, 800 lumens, Or 10W LED.
- 9.6.3 The pool of your light, internal or external must not illuminate beyond your own property's boundary lines, and when external lights are used, these must be switched off after 10pm, or as soon as external activities such as braais come to an end. All effort should be made to ensure neither internal nor external lights present a nuisance to any of your neighbours – i.e. your lights should not illuminate the inside of the house of your neighbour. We do not have street lights for this reason.
- 9.6.4 Please do not drive around the Estate at night with your vehicles lights on bright, as it aggravates home residents and wild-life alike.
- 9.7 Children using the roads unsupervised must be of an age to be aware of, understand and abide by the rules of the road and estate. Intrusion into private property is an offence (access, swimming pools etc.).
- 9.8 No unauthorized persons or children are allowed onto building sites under construction.
- 9.9 Residents, guests and visitors are prohibited from using Grotto Bay Private Nature Reserve or access through GBPNR as a thoroughfare (per foot, motorised or unmotorised vehicle) for commercial purposes.
- 9.10 In order to preserve and enhance the residential ambience and lifestyle within the Estate, all residents shall at all times behave in a considerate, reasonable and civilized manner, and shall in particular avoid causing inconvenience or nuisance to other residents.



10. Construction and Property Maintenance

- 10.1 Structures or building-on, and changes of any form (internal or external), unless approved by GBHOA and Swartland Municipality, are strictly prohibited.
- 10.2 Building contractors working on the Estate will be required to sign a Code of Conduct, ensuring adherence to the rules and regulations of the GBHOA as may be amended from time to time.
- 10.3 Should any work referred to above cause any damage to any property on the estate, the member concerned shall be liable to make good or to pay for the cost incurred to repair such damage.
- 10.4 Only building materials may be stored on vacant erven during construction. No boats, caravans, vehicles or other items may be stored on a vacant erf at any time.
- 10.5 All residents shall maintain their properties (buildings, outbuildings, walls, fences and gardens) in a good condition and in a neat and tidy state at all times.
- 10.6 Please also be aware that only fixed axle trucks may enter the estate, reticulated trucks, links and trailers are not permitted.

11. Commercial Activity and Land Use

11.1 Applicable Zoning

- 11.1.1 The applicable zoning scheme for Grotto Bay is the Swartland Municipality Zoning Scheme (2020).
- 11.1.2 According to this scheme, all residential erven in Grotto Bay are zoned Residential Zone 3: Mixed density Estate housing, and all the surrounding areas are zoned as **Open Space Zone 3**.
- 11.1.3 Under this scheme the primary uses for the residential area is Dwelling and Private Open Space, with Filming as an Additional Use Right. Filming will still be subject to a permit issued by the Municipality. Such a permit is still subject to the approval of the GBHOA, which will be subject to a members' vote.
- 11.1.4 The consent uses include Group Housing, Town Housing, Flats, Hotel, Restaurant, Place of Assembly, and Home Occupation.
- 11.1.5 Any application for consent use will only be considered by the Municipality
 - a) Subject to approval by the GBHOA, which will be subject to a members' vote.



- b) After due consideration of the impact on the original approval for rezoning, which defines the purpose of the development, and restricts the development to 220 dwellings and;
- c) Subject to a public participation process.

As of publication of these rules, the Swartland Municipality Zoning Scheme (2020) by-law can be found on the Swartland Municipality website, at - <http://www.swartland.org.za/pages/english/town-planning/planning-by-lawinclzoning-scheme.php>

11.2 Key Definitions

11.2.1 **Dwelling Units** means **a self-contained inter-leading group of rooms** with not more than **one kitchen**, used for the living accommodation and housing of a **single family**, together with such outbuildings as are ordinarily used therewith.

11.2.2 **Family** means a single person maintaining an independent household, or two or more persons directly related by blood or marriage maintaining a common household, or no more than five unrelated persons maintaining a common household.

11.3 Implications

11.3.1 Long term and holiday rentals of the entire property to **a single family** are permitted providing the estate rules are strictly adhered too; guest houses, bed and breakfasts, lodges or similar (i.e. letting out of individual rooms (with or without meals) for residential accommodation and/or accommodation for transient guests, for compensation) are against the zoning conditions of Grotto Bay and therefore are not allowed.

11.3.2 No application for a trading license, zoning relaxation, additional use or consent use shall be made to the relevant authority unless the prior written approval by the GBHOA has been obtained which approval shall not be unreasonably withheld.

Such approval shall be subject to approval by the members.

If the type of trading license, zoning relaxation, additional use, or consent use is part of an approved list, as voted for by the members, and included in the Estate Rules, Guidelines and Code of Conduct, the board must support the application on behalf of the Grotto Bay Homeowners' Association, and no further voting from members will be required.

11.4 No advertising boards may be displayed anywhere on the Estate, except for private selling of a property, in which case the sign must not be larger than 600mm x 400mm and black writing on a white background.



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- 11.4 No advertising boards may be displayed anywhere on the Estate, except for private selling of a property, in which case the sign must not be larger than 600mm x 400mm and black writing on a white background.
- 11.5 Estate Agents may place advertising boards, with a maximum size of 600mm x 400mm on the dedicated board at the entrance to the estate, at an annual fee as will be determined by the board from time to time.
- 11.6 No door to door canvassing or selling is permitted on the Estate.
- 11.7 Use of the HOA mailing list for commercial purposes is prohibited and Members are prohibited from providing non-members with the HOA mailing list.
- 11.8 Still Shoots (Photography Only) are allowed in Grotto Bay, and are to be conducted under the following rules and regulations:
- 11.8.1 All existing Grotto Bay rules will apply including the following proposed rules applicable for Still Shoots:
- a) Still Shoots Only (photography).
 - b) Still Shoots will be confined to residential property only.
 - c) No more vehicles than what can fit on the property where the shoot is taking place and a maximum of 25 people on site.
 - d) Only low impact vehicles are allowed in the estate. Therefore, only cars, minibuses and panel vans will be allowed.
 - e) No vehicles are allowed to park in the street and all equipment & product must be kept on site.
 - f) The property will be rented out for the day. Operating Hours from 7am – 8pm. Mondays – Saturdays.
 - g) No drones and generators are allowed.
- 11.8.2 In the event of breaching the rules during shoots the Board will have the right to take action against the defaulting Homeowner. Fines as per existing GBHOA fine criteria.
- 11.9 The following list of enterprises, small businesses, commercial activities, land use additional use rights and land use consent use rights are allowed within Grotto Bay:
- 11.9.1 Professional Services such as Accountants, Bookkeepers, Auditors, Lawyers, Architects, Management Consultants, Software Developers and Consulting Engineers and similar.
- 11.9.2 Personal Services such as beauticians, hairdressers, physiotherapists, psychologists, life coaches, personal trainers, yoga/pilates instructors and similar.
- 11.9.3 Food production related services such as small bakeries and catering services, but not restaurants and coffee shops. Such food related enterprises will be subject to the relevant municipal regulations pertaining to such industries, and it will be the operator of the Home Occupation's responsibility to obtain such approval.



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- 11.9.4 Enterprises relating to the sale of goods such as Tuck Shops, the sale of fresh produce and the sale of Arts & Crafts.
- 11.9.5 Estate Agent or Property/Rental Management Offices
- 11.9.6 Enterprises relating to the sale, maintenance and repairs of computer hardware or similar.
- 11.10 Unless otherwise restricted in these rules, any regulations as gazetted in the Swartland Municipal Bylaws (Land use and Filming) will be applicable to commercial activity, small business and other land use. These regulations can be found on both the Grotto Bay website (www.grottobay.org) and the Swartland Municipality Website (www.swartland.org.za)
- 11.11 Owners and duly registered long-term tenants may list any businesses or other enterprises owned by them on our website under business listings. Only the business name, a 1-sentence summary of the services/goods offered, and contact details (telephone number, email address, website) will be displayed.
- 11.12 On-site parking must be provided on the residential erf. No parking of customers, clients, paying guests or employees in the street, on close circles, at the guardhouse, at the conservation centre or at the parking lot at the T-junction will be allowed.
- 11.13 No more than one light commercial vehicle may be utilised for the home enterprise. The gross weight of the light commercial vehicle may not exceed 6000 kg. A vehicle used by an occupant exclusively for personal purposes shall not be regarded as a commercial vehicle.
- 11.14 Other than for short-term rentals of the entire property, the hours of operation shall not extend beyond
- 07h30 to 17h30 on weekdays,
 - 07h30 to 13h00 on Saturdays
 - no trade will take place on Sundays and Public Holidays.
- These hours of operation only apply to activities that occur outside of the dwelling and/or may cause a noise or other disturbance to neighbours, such as the receiving of clients/customers or goods, the arrival and departure of employees, making deliveries to residents of the estate and operating machinery.
- 11.15 Applications for occasional trading outside of the approved trading hours may be made to the board, subject to proof that neighbours/residents that may be impacted due to visual, noise or other disturbances have been consulted. Any objections to the activity should be raised to the board at time of application.
- 11.16 Although owners of properties renting out their entire properties to single groups on a short term basis for holiday purposes need not apply for permission from the Municipality, such properties need to be registered with the GBHOA as properties utilised for this purpose.



12. Levy Payments

- 12.1 Levies are payable in advance, on the 1st day of the month and interest is payable on arrears. Levies will be regarded as being in arrears if not paid on or before the seventh day of each month for the purposes of taking debt collection steps. Notwithstanding the 7 day grace period, members rights are immediately suspended should payment not reflect in the GBHOA account of the 1st of the month, as per the MOI, and will only be reinstated on the day after the payment has reflected.
- 12.2 All levies (including additional levies), penalties, damages and legal costs shall be debited to the member's levy statement and shall bear compound interest as a levy debt, and shall be recovered as a levy. Levies may not be withheld for any reason whatsoever.
- 12.3 Any account in arrears by 60 days will be handed over for legal action, which cost will be for the member's account. The GBHOA has the right to suspend all services and member privileges as per clause 3.4(3) of the company's Memorandum of Incorporation.
- 12.4 Any property owner whose levies are under legal matters will have their access tags suspended and residents of the property will have to sign in at the gate house.
- 12.5 All payments received from a member in arrears with any payments due to the Association shall be allocated in the following order, before they are allocated to the current levies due:
- 12.5.1 Arrear Levies
 - 12.5.2 Arrear Interest
 - 12.5.3 Arrear Fines and Penalties
 - 12.5.4 Damages for which the member is liable
 - 12.5.5 Legal Costs
 - 12.5.6 Current Fines and Penalties
 - 12.5.7 Current Levies Due

13. Complaints

- 13.1 No resident may interfere with the work or duties of an employee of the HOA. Formal advices or complaints must be lodged with the Estate Manager or the Board and must be put in writing.
- 13.2 Communication between Members, The Board, Estate Manager, Managing Agent or other employees of the GBHOA need to be civil and respectful. The Board can refuse to communicate with members who do not treat the mentioned parties with civility and respect.
- 13.3 In the event of annoyances or complaints between residents, the parties involved should attempt to settle the issues between themselves, exercising



tolerance and consideration. Where matters cannot be resolved it should be brought to the attention of the Estate Manager or the Board in writing, insofar as the dispute is a direct consequence of perceived non-compliance to any estate rules or regulations.

- 13.4 Owners or residents should report contraventions of these rules in writing to the Estate Manager or the Board. This will be dealt with confidentially to ensure anonymity of the complainant.
- 13.5 Contraventions of these rules seen by patrolling Security officers will be brought to the attention of the owner or resident concerned and reported to the Estate Manager or the Board. Vehicles seen speeding or driving recklessly on the Estate by Security patrols will have their registration numbers recorded and appropriate action will be taken by the Estate Manager or the Board.

14. Penalties and Relaxation of Rules

- 14.1 All published rules and guidelines whether distributed by the Board, managing agents or electronic whale talk are to be adhered to.
- 14.2 It is the responsibility of all property owners to ensure that they as members and all members of their household, employees, contractors, tenants, visitors or guests, paying or otherwise, are aware of the contents of these documents and abide by these rules.
- 14.3 In the event of any breach of these rules by a member, members of their household, employees, contractors, tenants, visitors or guests, such breach shall be deemed to have been committed by that Member and the Board shall have the right to take such action against the defaulting member as they deem fit on behalf of GBHOA, including but not limited to:
 - 14.3.1 Giving notice to the member concerned requiring them to remedy such breach within such period as the Board may determine; and/or
 - 14.3.2 Taking such steps as the Board may consider necessary to remedy the breach at the cost of the defaulting member; and/or
 - 14.3.3 Taking such other action as the Board deem necessary and which action may include the imposition of a penalty, or proceedings in court.
- 14.4 The owner or resident may appeal against penalties imposed, provided that they shall lodge a written appeal with the Board within 14 (fourteen) days of the date of the written notice of the penalty.
- 14.5 All new owners will be required to sign acknowledgement of receipt and acceptance of the regulations of GBHOA, prior to concluding a sale agreement. Consent to transfer will be withheld until such documentation has been received.



- 14.6 Owners of properties being let to long-term tenants must inform the GBHOA of the commencement of such a lease, as well as furnish the Estate Manager and Managing Agent with the personal and contact details of the tenants. All new tenants will be required to sign acknowledgement of receipt and acceptance of the regulations before access tags will be issued to tenants. GBHOA will also require 30 days written notice of termination/expiry of lease and intention to vacate the premises.
- 14.7 All Estate rules and regulations are binding and are not open to interpretation or debate.
- 14.8 No indulgence or relaxation in respect of these rules shall constitute a waiver or consent, or prevent the future enforcement of that rule by the Board at any time.
- 14.9 In the event of a breach by a guest, tenant, a member of the tenant's household or employees, invitees or guests of the tenant, the GBHOA may, in addition to the imposition of a penalty, bar such person access into the Estate.
- 14.10 Any correspondence or query for GBHOA is to be addressed to the Board. Account queries are to be addressed to the Managing Agents.
- 14.11 Where, in the opinion of the board, an insignificant contravention of these rules has occurred or one that has caused little or no prejudice, they may decline to charge the offender.

15. Dispute Resolution

- 15.1 Once a complaint, appeal against a penalty or other dispute has been lodged with the board in writing, the HOA's first approach will be to engage, in writing, directly, or indirectly via the managing agent, with the member.
- 15.2 Depending on the circumstances, an interim approach may be to invite the member to a board meeting to air their grievance, but this may not be deemed appropriate in all cases.
- 15.3 Should written communication and/or a meeting fail to result in a resolution, mediation will be recommended through a recognised body such as CSOS or the Companies Tribunal.
- 15.4 If a member with a dispute decides to involve lawyers and/or approach the courts at any stage during this process, the HOA will have no choice but to retain the services of legal council also. If mediation has not yet been offered, the HOA will offer same through the appointed lawyers.
- 15.5 At no point will the HOA's board members disclose or discuss the specifics of the complaint, or of communication between the parties, to other members of the public, unless allowed by the member, but never on social media nor in any other public forum.



- 15.6 It becomes apparent from this process that clarification to the broader community around a rule or procedure is required, the board will send out a general communication around the topic, without making reference to any specific dispute.
- 15.7 The HOA must at all times have both Public Liability and Directors & Officers Liability Insurance in place to limit the impact on levies.

16. Fine Guideline

The following table of fines is a guideline and may be reviewed and updated by the board of directors from time to time. Repeat offences are for the same offence in a 12 month period.

Owners are responsible for the behaviour of their Tenants or Guests and all fines will be issued to the owner of the offending property.

Table of Fines and Penalties			
DESCRIPTION	First Offence	Second Offence	Further Repeat Offences
Domestic Animals causing a disturbance	Written Warning	R500.00	R1000.00
Failure to pick up excrement when walking your dogs on the Estate	Written warning	R250.00	R500.00
Domestic Animals outside confines of property - not on a leash	Written warning	R500.00	R500.00 Animal could be transferred to SPCA
Cat brought into Estate	R1000.00 and 30 Days to re-home the cat after which SPCA will become involved.		
Cats prior to 28 February 2019	See Annexure A		
Speeding or Traffic Offense	R500.00	R500.00	R1000.00
Fireworks or Open Fire	R1000.00	R1500.00	R2500.00
Physical or Verbal Abuse of our Security Personnel or Staff	R1000.00	R1500.00	SAPS Case opened.
Preventing Security Personnel or Staff from performing their Duties	R500.00	R1000.00	R2000.00
Access Violation	R500.00	R500.00	R1000.00



General Rule Violation and Violation of Code of Conduct	Written Warning	R500.00	R1000.00
Noise Pollution or unreasonable nuisance to other owners Including excessive Noise from Generator, or Generator being operated outside of allowable hours as per policy	Written Warning	R500.00	R1000.00 and/or Report to relevant Authorities
Unauthorised Construction Work after hours	R500.00	R500.00	R1000.00
Building Violation - all ie: no plans, building deposit, builders agreement or deviating from plans	Written Warning and a chance to rectify. Thereafter R500.00 per Month until Rectified and plan related matters will be reported to Swartland Municipality. Transfer of property will be Denied if not Rectified.		
Building operation exceeding 18 Months in Duration	R1000.00 per Month over.		
Landuse Violation – all ie: unauthorized commercial use of property	Written Warning and a chance to rectify, failing which R1000.00 per Month until Rectified. Violation will also be reported to Swartland Municipality.		
Violation of 4x4 Access Rules	R2000.00	A second contravention, irrespective of what the first offence was, will result in immediate withdrawal of the permit, and denial of any future permits.	
Unauthorised Generator Installation	1 st written warning	R1000	
Generator Installation, Operation and/or Maintenance non-compliant to GBHOA Generator Policy or Legislation	1 st written warning	R1000 and/or report to the relevant authorities	R1,500 and/or Report to relevant authorities



Domestic pets prior 28 February 2019

Anexure "A"

1. Residents must register all dogs and cats on their property by sending a mail to manager@grottobay.org by 28 February 2019 with the name, breed and age of each pet. This is extremely important because after this date any unregistered dogs or cats on your property will be classified as new and will have to be rehomed.
2. Send a picture of your pet/pets to the same mail address for identification purposes. This will aid in the safe return of your pet should they escape from your property.
3. All cats must be spayed or neutered and have a collar with identification (Erf Number), a bell and be kept in your property. Roaming cats have the risk of being trapped if the cat trap is set for feral or unidentified cats. These cats will be returned to the owner if wearing a collar with identification and a record of trapped cats will be kept. Proof of spaying or neutering could be requested if not obviously visible. Owners of nuisance cats, the same cat trapped three times or three written complaints about the same cat (photo if possible) from residents, will be requested to address the matter and a R500 fine will be issued to the property owner. The fourth offence of the same animal would force us to involve the SPCA and the R500 fine will be levied monthly until resolved. Please note we cannot react on hearsay, we require positive identification to take further steps.
4. Dogs must be confined to your property and all dogs must be on a leash when leaving your property. Barking dogs is a huge disturbance to many residents so please address this if your dog barks incessantly. As with cats, owners of nuisance dogs will be warned and repeat offenders fined. Please refer to the Grotto Bay Estate Rules page 2 for the full rules regarding domestic pets.

As from the 1st March 2019 no new cats will be allowed into Grotto Bay and residents with more than two dogs will not be allowed a new dog until they are compliant with the two dog rule. Should our estate manager or a resident report a new cat or dog that was brought into Grotto Bay illegally, the owner will have 30 days to re-home them.

To enforce the above we would rely on residents reporting any new illegal pets they observe so we can check this against the register. Our estate manager will be keeping a strict check as well.



Annexure B: Generators

Generators

1. Purpose

Grotto Bay Homeowners Association (GBHOA) requires a policy document to ensure that the installation of Portable Standby Generators is conducted in a safe and responsible manner which is safe to both the occupants of the affected property, the property of other members of the GBHOA, the residents of the estate, as well as the common property and the nature reserve.

2. Introduction

Due to the on-going load shedding by South Africa's electrical utility, Eskom, it has become necessary for the residents of private dwellings to embark on the implementation of providing an alternate source of electrical power for their homes during these power outage periods which have become more intense over the past two years.

3. Background

The use of petrol and diesel powered standby generators is now seen to be a necessity rather than a luxury and in order to accommodate this kind of equipment it will be in the interest of the Estate to establish a set of rules and prerequisites in order to ensure that this equipment is beneficial rather than a nuisance, especially to the neighbouring residents.

This policy has been compiled through a number of extracts from various sources such as policies set up by other Homeowners Associations and based on literature from experts in the safe use and operation of generation equipment, as well as relevant legislation.

Standby generators are often seen by the general public as a simple "plug and play" device but if not installed by a qualified official it could be lethal to the occupant of the property as well as the neighbouring properties.

The areas of most notable concern are the following:

1.) Electrical Safety

2.) Fuel Storage

3.) Environmental Control

Noise Pollution

Air Pollution

In order to ensure that the GBHOA is compliant with the current legislation, regulations and standards it is deemed necessary to publish a policy with associated guidelines, prerequisites and rules. This guideline is for the benefit of all residents on the Estate.



4. Factors to consider when installing and operating a generator:

The use of power generators the following principles should be considered:

4.1. The placement and position of the equipment is critical and is probably the most important factor when considering the acquisition of a generator.

4.1.1. The unit must be placed to ensure that the sound factor is compliant with the **Western Cape Noise Control Regulations (P.N.200/2013 section 7: Noise from machinery in residential areas:**

(a) A person may not use a pool pump, irrigation pump, refrigeration unit, or any heating, ventilation or air-conditioning equipment, or any similar device, in a residential area if the noise on the **property projection plane** exceeds 50 dBA or exceeds the **residual noise** level by more than 5 dBA, except if authorised by the local authority or in an emergency.

(b) **Property Projection Plane** means a vertical or horizontal plane, whichever is applicable, on a boundary line of premises defining a boundary of the premises in space

(c) **Residual Noise** means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise.

4.1.2 Furthermore, one is to ensure that your neighbour's living spaces are also accommodated for.

4.2 The placement of the unit must also provide for the discharging of the gases into the atmosphere and not to be allowed to remain in an enclosed area such as a courtyard that will cause the build-up of the carbon monoxide and flow into the house through open doors and windows. The minimum safe distance from a living unit is considered to be 4,5 meters which is based on numerous tests and as recommended by manufacturers for domestic use.

4.3 The unit must be rated as an ultra/super silent generator to ensure that the sound pollution is kept to a minimum.

4.4 Storage of fuel must be placed and locked in an area where the risk of potential fire is eliminated as well as safe from access by children.

4.5 The size and capacity of the generator should be based on the estimated load for the property

4.6 The range of units for freehold housing would be in the 16 to 25kW capacity.



4.7 The maximum noise level shall not be greater than 55dBA. This would mean that all installed units irrespective of load output **may not be louder than 55 dBA beyond your own Erf boundary line.**

5. Pre-requisites and application for installation of generator units in private dwellings in the GBHOA

5.1. The unit chosen by the member should meet all the factors listed in section 4 above.

5.2. Members are required to submit a written application for permission to install a standby generator to the board at theboard@grottobay.org. The following information should be included in the application:

5.2.1. Machine Supplier Specifications of the generator to be installed.

5.2.2. Proposed location plan of the generator and fuel storage.

5.2.3. Envisaged level output measured by decibel.

5.2.4. Proof that the installer is a fully competent and certified person who will provide a certificate of compliance on completion of the work.

5.2.5 A letter of consent signed by all affected parties (direct neighbours) must be submitted with the application. Your neighbours may not unreasonably withhold consent, however. If the member is unsuccessful in obtaining a neighbour's signature and feels aggrieved, the attempts to obtain such signature should be included in the application to the Board.

5.2.6. Where in the opinion of the Board the neighbour's approval is being unreasonably withheld, the Board may overrule the refusal based on insufficient motivation.

5.2.7. If used for medical purposes, include proof of medical condition and equipment needed to be driven by the generator.

5.3. In cases where a standby plant has already been installed the member has to register the unit with the Board within 30 days of the acceptance of this policy at a relevant members meeting. In the case that the existing unit does not meet any of the requirements as per Section 4 above, the onus is on the member to ensure reasonable measures are taken to ensure the unit complies, such as having a sound insulation casing manufactured and fitted to the plant and ensure that the above-mentioned maximum noise rating is met.

5.4. Discuss your proposed acquisition of a standby generator with all your immediate neighbours and ensure that they are willing to accommodate your intention of installing the standby plant. Their approvals/acceptance should be included in your application to the Board.



5.5. The onus remains on the member to ensure that they are kept abreast of all relevant legislation and regulations with regards to the installation, maintenance and operation of generators and the storage of fuel in residential areas, and that the equipment is installed, maintained and operated accordingly. The GBHOA, despite granting permission for the installation of the generator, takes no responsibility for any consequences resulting from a member or residents' failure to adhere to relevant legislation and regulations.

6. Conduct rules

Members who choose to install household generators should take the following Conduct Rules into consideration:

1.1. The generator should be an emergency back-up and should only operate during power failures.

1.2. All generators on the Estate should be switched off between 21h30 at night and 05h30 the next morning, irrespective of any Eskom outage, except where a generator is used for medical purposes, in which case application for relaxation of the time should be made to the Board. Such permission shall not be unreasonably withheld.

1.3. Members must take responsibility for advising their insurance company about the installation

7. Fines

7.1. In the case that a generator unit does not comply with any of the provisions of Sections 4 and/or has not been registered with the GBHOA as per Section 5, or any of the conduct rules have been transgressed, the member on who's property the unit is installed will be notified in writing, and given 15 working days in which to ensure the relevant sections are complied with,

7.2. Failure to rectify the situation as per 7.1 above, the member will be fined according to the fine guideline published in the Estate Rules, Guidelines and Code of conduct, to which this generator policy has been Annexed.

8. Further Resources and Information

8.1. SABS - Guidelines: "Using a portable power generator safely"

It has become popular practice to use standby power generators in the case of power failures, even in household applications. Although such generators can be used safely to operate one or more pieces of electrical equipment on separate circuits, there are several important precautions necessary when such a generator is connected to a fixed electrical installation. Andre du Plessis, chairman of the working group for the wiring code (SANS 10142-1) at the SABS, comments as follows:

Portable generators can pose serious health hazards if used improperly as they produce carbon monoxide (CO) and cause other risks. Portable generators are useful tools during power interruptions, but their CO risks are more potent than many



people realise. A typical 5,5 kW home generator can produce the same amount of CO as six idling cars, according to a study by the US Centre for Disease Control and Prevention (CDC). Petrol-engine generators are not designed for indoor use.

Please note: Your home's wiring is likely not matched for standby generator use. Connecting your portable generator to your home's electrical power system or wiring can be lethal. It is recommended that a qualified electrical engineer or contractor install a manual transfer switch, which is used to connect and disconnect power and is also able to cut off the electrical power being produced by the generator, once the mains supply is restored. This changeover switch shall be of a three-position type, break before make, and have an appropriate rating for the size of the generating set. Such work may only be done by a qualified electrician and the work must be certified safe by a person registered by the Department of Labour in terms of the Occupational Health and Safety Act as an accredited person. Important issues concerns earthing and switchover facilities between the electrical power supply from the supply authority and the standby power generator. The size and complexity of the installation will determine the cost of such an installation. Where a single generator is used to supply only one or two appliances during a power failure and it is plugged in directly at the generator via extension cords, the costs will be relatively low. In this case there is no installation costs involved and a basic generator can be purchased as a ready to use unit for between R2000 and R8000.

A standby generator installation suitable to run a normal house will depend on the size of the house and the number of appliances that will be connected simultaneously. The installation costs will also vary depending on the complexity and will be more costly, at between R25 000 to well over R100 000. A reputable supplier of such equipment should be consulted in this regard. Where standby power generation is installed, precautions should be taken that the generator cannot operate in parallel with the main supply unless the installation is approved by the supply authority. It must not be possible for the generated power to be fed back into the public network since it can have lethal consequences in other installations. Recently, when a power source fed back into the public network, technicians working on the power supply were electrocuted during the power failure. Never try to power the house wiring by plugging the generator into a wall outlet, a practice known as "back-feeding." This is an extremely dangerous practice that presents an electrocution risk to utility workers and neighbours served by the same utility transformer.

8.2. Other practical hints to note

When buying a generator, the purchaser should ask for proof that it complies with the ISO SANS 8528 series of standards. This series is fully aligned with the international ISO 8528 series of standards. The last of this series has recently been published as the SANS 8528 series I.

Have the generator run at full speed before placing load on it; this prevents damage as the generator starts and reaches full speed



Ensure that all appliances/equipment connected to the generator have overcurrent protection or preferably the supply from the generator should be equipped with over-current protection.

Consider using surge protection - it is common for generators to damage more sensitive electronic equipment.

Where more than one generator is installed, the installation must be designed by a professional person to ensure proper synchronisation between the generators and isolation and protection of each generator. A standby generator is normally installed to provide power only where there is a mains-power failure or when the supplier switches off the power to do maintenance work. If there is not a proper changeover switch installed to ensure that the main supply is completely disconnected before the generator is switched in, the generator will feed power back into the supply system causing a hazardous condition to anyone connected to the system. The generator will not be able to carry any such load and will fail

8.3. Guidelines for the safe use of standby/portable generators on utilities' networks

More information on the installation of standby generators can be found here <https://www.ee.co.za/wp-content/uploads/2015/05/Genset-Handbook-portablegenerators-2015LR-6mb.pdf>

