



**RULES OF CONDUCT ESTABLISHED BY THE  
WATERLAKE FARM HOME OWNERS'  
ASSOCIATION**

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## 1. INTRODUCTION

- 1.1 On behalf of the Trustees of the Waterlake Farm Home Owners Association (Registration number 2007/020202/08) (“the HOA”) we would like to welcome you to the Waterlake Farm Estate (“the Estate”).

We wish you a happy and carefree stay in the Estate. We expect all our residents to work towards thoughtfulness, tolerance and cooperation so that everyone’s stay here will be relaxed and peaceful.

- 1.2 The prime objective of these rules and regulations are to preserve and enhance the security, aesthetics and environment of the Estate.
- 1.3 The rules have been established by the HOA. They are binding upon all occupants of the Estate, as is any decision taken by the Trustees interpreting these rules.
- 1.4 The registered owners of the properties at the Estate are responsible to ensure that members of their families, their tenants, visitors, friends and employees abide by these rules.
- 1.5 Harmonious community living is achieved when residents use and enjoy their private property and the public areas of the Estate reasonably. General consideration of all residents by and for each other will greatly assist in assuring harmonious relations in the Estate.
- 1.6 In the event of annoyance 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 further recommendation in terms thereof. The Trustees, who meets on a regular basis, will entertain written submissions only.
- 1.7 The decision of the Trustees is final and binding in respect of the interpretation of these rules.
- 1.8 The Trustees will enforce these rules in accordance with the Articles of Association of the HOA by either taking steps to remedy the breach, legal action or imposing a system of fines or other penalties payable on demand.
- 1.9 These rules are equally applicable to all residents.
- 1.10 These rules may be supplemented/amended/repealed by a majority decision taken by the members of the HOA, in terms of Article 28.9 of the Articles of Association.

## 2. MANAGEMENT OF THE ESTATE

### 2.1 MANAGEMENT RULES

- 2.1.1 The Management rules pertaining to membership, resignation, levies, the appointment of Trustees and their functions, general meetings, quorums, voting and procedures and other related matters are contained in the Articles of Association of the HOA a copy of which will be kept at the offices of the HOA for perusal purposes.
- 2.1.2 The Trustees may also appoint personnel to the Estate such as an Estate Manager, Administration Officer and other personnel to fulfil the functions of the HOA. The Trustees will determine their duties and tasks.
- 2.1.3 The Administration Officer will oversee the general administration of the Estate with regard to mail, the collection of levies, other financial matters and notices to members.

## 3. RULES OF CONDUCT

### 3.1 USE OF THE STREETS

- 3.1.1 The streets of the Estate are for the use of all residents, whether by foot, bicycle, motorcycle, truck, delivery van or car.
- 3.1.2 All roads in the Estate are private roads and are subject to the relevant laws enforced by the Trustees as well as all laws and regulations of the RSA.
- 3.1.3 Apart from the above, the Gauteng Road Traffic Ordinance and bylaws regarding road and street usage will apply.
- 3.1.4 The speed limit is 30 km per hour throughout the Estate.
- 3.1.5 Homeowners are responsible to ensure that all visiting children/guests are made aware of the dangers relating to the use of streets and must take responsibility for their children's/visitors' safety.
- 3.1.6 Drivers of engine-powered vehicles are permitted to drive only on the streets of the Estate. Parks, pavements and green areas are off-limits. Only licensed drivers may operate and drive **licensed** engine-powered vehicles in the streets of the Estate.
- 3.1.7 Parking on sidewalks and in the streets opposite intersections is prohibited
- 3.1.8 Pedestrians will frequently cross streets in the Estate and motorists are urged to give them the right of way. Motorists are reminded to always approach crossings with caution.

- 3.1.9 The use of noisy exhaust systems are prohibited.
- 3.1.10 Hooters may only be used for emergencies.
- 3.1.11 Residents' vehicles should be parked in their garages or under shelters to provide space for other vehicles to move.
- 3.1.12 When vehicles are washed, care should be taken not to waste water.

## 3.2 **GOOD NEIGHBOURLINESS**

- 3.2.1 Any business activity or hobby that is a nuisance or could cause aggravation to fellow residents may not be conducted from any property. This includes auctions and jumble sales.
- 3.2.2 No business may be conducted from home without the prior written consent of the Trustees. All owners/tenants who wish to conduct businesses from home should apply to the Trustees in writing. Such business operations must adhere to the criteria and conditions specified by the Trustees and to local municipal bylaws and regulations.
- 3.2.3 Silence should be maintained after 21:00.
- 3.2.4 The volume of music or electronic instruments, partying and the activities of domestic helpers should be kept at a level that does not create a nuisance to neighbours.
- 3.2.5 The mechanical maintenance and use of power saws, lawnmowers (electric lawnmowers are preferred), etc should only be undertaken between 08:00 and 16:00 from Mondays to Fridays and Saturdays **08h00 -12h00**.
- 3.2.6 Washing lines must be suitably screened from neighbouring properties, communal greens, walkways and public roads. Washing may only be hung on washing lines created for this purpose. Washing is hung there at the sole risk of the owners.
- 3.2.7 Advertisements or publicity material by post, or leaflets or by e-mail may not be exhibited or distributed within the estate unless the prior written consent of the Trustees have been obtained. This includes "For Sale" boards on houses or any portion of the owner's stand or house, or common property.
- 3.2.8 Owners must ensure that domestic workers and other employees do not loiter in the Estate and specifically not at any prominent places such as at the gates, road circles, streets, and communal greens and walkways.
- 3.2.9 Except in the event of an obligatory stipulation, or the contrary, compelling the Trustees to resolve annoyances or complaints, the parties involved should attempt as far as possible to settle the matter between themselves, exercising due tolerance, reasonableness and consideration. Where a

dispute cannot be resolved, in particular a dispute between neighbours, the following procedure should be followed:

- The parties involved in the dispute to the Trustees should make written submissions.
- The Trustees may, at their sole discretion, decide whether or not they will arbitrate on the matter.
- In the event that the Trustees are of the opinion that they are entitled to arbitrate on the matter, the decision of the Trustees shall be final and binding in respect of the resolution of the dispute.
- In the event that the Trustees are of the opinion that they are not prepared to arbitrate in the matter, the Trustees may either:
  - Inform the parties involved that the Trustees are not prepared to arbitrate in the matter and that the parties should resolve the dispute themselves and/or by legal action and/or arbitration.
  - The Trustees may refer the matter to an independent arbitrator, at the Trustees' discretion, in which case the parties to the dispute shall pay the arbitrator's fees in advance in equal shares.
  - In this regard the arbitrator's decision shall be final and binding, and the arbitrator shall be entitled to make an award with regard to the legal costs.
- No party and/or resident shall have any claim of whatsoever nature for damages against the Trustees of the Body Corporate as a result of a decision taken by the Trustees regarding the interpretation of these rules.
- In the event of a violation of any law, the matter should be reported to the local authority or the SAPS.

### 3.3 **REFUSE REMOVAL**

#### 3.3.1 The owner/tenant of a house should

- have a hygienic and dry refuse container in his/her house
- ensure that the rubbish has been wrapped up or, in the case of tins and other containers, that it has been emptied of liquid prior to placing it in the rubbish container
- place the container, for the purpose of refuse removal, on the place and at the times specified for this purpose by the Trustees

- 3.3.2 A resident may not dump or throw rubbish (including garbage, cigarette stubs, leftover food or other dirt) on the common property, nor allow it to happen.
- 3.3.3 Rubbish and rubbish bins or containers may not be visible to the public on any part of the common property and, when it is placed in front of the doors of houses for removal by the cleaners, it should be hygienically covered so that the sight or smell thereof may not offend other residents. Refuse bags should be used for this purpose.
- 3.3.4 Rubbish and waste may not be handled in contravention of the regulations of the city council, for example pieces of glass should be wrapped in a double layer of newspaper print.
- 3.3.5 Cardboard boxes and packaging should be flattened and broken into pieces so that it can be removed in plastic bags or in the containers that are supplied for paper/cardboard by companies.

#### 3.4 **COMMON PROPERTY**

- 3.4.1 Certain of the erven in the Estate will be transferred to the HOA and will be known as the Common Property to which the members will have access to.
- 3.4.2 The rules for the usage thereof are detailed under the environmental management paragraph thereof.

#### 3.5 **OUTSIDE APPEARANCE AND ARCHITECTURAL AND LANDSCAPING MATTERS**

- 3.5.1 The resident of a house may not place anything or do anything on any part of the common property which, in the Trustees' judgment, is aesthetically unpleasant or undesirable when viewed from outside the house.
- 3.5.2 No decorations, awnings or shelters may be erected on the outside of a house on the common property without the written permission of the Trustees.
- 3.5.3 All owners have to abide to the prescribed architectural design, construction, quality and building materials of any proposed building to be erected on any stand on the estate.
- 3.5.4 All owners have to abide to the prescribed security, vegetation, landscaping, parking, signage and exterior finishes and maintenance of any stand or building on the property.

### **3.6 ENSURING A PLEASING STREETScape**

The collective pride of the Estate depends on the contribution of every owner to create a neat and pleasing streetscape.

- 3.6.1 Each homeowner is encouraged to maintain the area between the kerb and the boundary of his/her property in a clean and pleasing condition.
- 3.6.2 No rubble or garden refuse may under any circumstances be dumped or discarded in any public area, including green areas, parks, streets, sidewalks, dams, fountains or streams. The owner will be liable for all damages in this regard or for the costs of removal.
- 3.6.3 A resident may not park or leave a vehicle, caravan or trailer on the parking area of the common property.
- 3.6.4 Residents of houses should ensure that their vehicles and that of their visitors and guests do not soil the common property or demarcated parking areas with dripping oil or brake fluid, nor mark these areas in any other way.
- 3.6.5 A resident may not take any vehicle apart or undertake extensive repairs on it on any part of the common property or an area designated for exclusive use.
- 3.6.6 Servicing, except in emergency cases, or rebuilding vehicles on the grounds is not allowed.
- 3.6.7 The vehicles of visitors may only be parked on areas that have specifically been reserved and demarcated for this purpose by the Trustees for the duration of their visit.

### **3.7 ENVIRONMENTAL MANAGEMENT**

- 3.7.1 Residents and their guests are urged to leave any open space they visit in a cleaner condition than they found it in. Residents should also develop the habit of picking up and disposing of any litter found in open spaces.
- 3.7.2 Picnicking will only be permitted on areas designated by the Trustees.
- 3.7.3 Flora may not be damaged or removed from any common property.
- 3.7.4 Fauna of any kind may not be chased, trapped or harmed in any way, in any area of the Estate.
- 3.7.5 Stray animals and game will not be fed in the Estate.
- 3.7.6 Residents should maintain a high standard of garden, green area and pavement maintenance.

- 3.7.7 Residents should ensure that declared noxious or invader flora are not planted or allowed to grow in their gardens. Only indigenous flora may be planted on the properties.
- 3.7.8 The residents' use of any open spaces, including the common property and communal areas are entirely at their own risk at all times. The Trustees will entertain no claims for damages of whatsoever nature or from whatsoever cause.
- 3.7.9 The dams on the property are for the enjoyment of all the residents and guests and they should use the dams in accordance with the rules made from time to time by the Trustees in particular will no motorised boat, wet bike or jet ski be allowed on the dam or on the river. Canoes and rowing boats and swimming will however be allowed in the dam, but entirely at own risk. The main purpose is however to reserve the privacy and peace of the environment.
- 3.7.10 Water features erected in individual front gardens have to be approved of by the Trustees, after submitting a plan thereof.
- 3.7.11 Private gardens must contain indigenous plants as far as possible.
- 3.7.12 Residents may develop the gardens at their own cost and responsibility, taking into account the following limitations:
- No plants that may cause damage to the drainage system, the paving of the grounds and/or the foundations of the outer walls and/or gutters and drains are permitted.
  - No plants should block the view of drivers or grow on walkways.
  - No plants should obscure the lights on the grounds.
- 3.7.13 Residents may place potplants on the porches of their houses, subject to:
- It not being a nuisance to the neighbours.
  - It receives continuous care.
- 3.7.14 All garden tools should be stored out of sight of fellow residents.
- 3.7.15 Sprinkler systems require the approval of the Trustees. If the sprinklers are left open continuously, residents will immediately be asked to remove it. (No sprinklers may wet electrical or telephone boxes, the footlights of the neighbours or any security/electric fence.)
- 3.7.16 Rod fishing allowed in the dams.

- 3.7.17 No resident is allowed to approach any employee with any request or suggestion. All requests, problems and suggestions should be directed to the Trustees, in writing.
- 3.7.18 Employees of the HOA should not, during their working hours, be utilised or hired by residents for private work unless the Trustees has approved it.
- 3.7.19 Homeowners' private gardens must be fully developed and maintained at all times. This includes pest and weed control.
- 3.7.20 Under no circumstances will individual owners be permitted to have boreholes.
- 3.7.21 Municipal water should be used sparingly at all times.
- 3.7.22 Vehicles of visitors may not be washed on the premises of the Estate.
- 3.7.23 Flammable or any other dangerous material that is a fire hazard may not be kept or used in the houses.
- 3.7.24 Fire-hoses/fire extinguishers/fire hydrants may only be used to extinguish fires and may not be used for any other purpose of whatsoever nature.
- 3.7.25 A resident may not store in the house, in a building or on the common property any dangerous substance or perform any dangerous action, or allow it to happen, which will result in the increase of the premium that the legal entity pays for any insurance policy.
- 3.7.26 No firearms, airguns, **catapults, bows and arrows or any other hunting instrument** may be used within the borders of the Estate, except in the case of an emergency.
- 3.7.27 The common property may only be used for the purpose for which it was developed, or as adapted by the Trustees.

### 3.8 **SECURITY**

- 3.8.1 The security guards are performing difficult and important functions. They should not be abused under any circumstances! Rather assist them.
- 3.8.2 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 be allowed into the gatehouse.
- 3.8.3 The identity system for permanent workers and temporary workers must be enforced conscientiously by every owner with respect to people in his/her employ.

- 3.8.4 All owners must request visitors to adhere to security protocol and residents are requested to always treat the security personnel in a cooperative manner.
- 3.8.5 All owners must ensure that contractors in their employ adhere specifically to the security stipulations.
- 3.8.6 All burglary attempts or instances of fence jumping must immediately be reported to a member of the security staff and/or the security guard.
- 3.8.7 Security is an attitude: be aware that you have to enforce and apply security to make it work.
- 3.8.8 Residents are responsible for the security in their houses.
- 3.8.9 Should residents purchase alarm systems for their houses, these should be compatible with the electronics of the Estate's security system.
- 3.8.10 The Estate will be manned by security personnel 24 hours a day and will be patrolled at random.
- 3.8.11 New occupants (owners/residents) must inform the Trustees of their home telephone numbers and addresses to enable security personnel to contact them telephonically for permission to allow visitors to the houses.
- 3.8.12 No property may be secured with razor wire or similar fencing.
- 3.8.13 No residents may issue instructions to security personnel.
- 3.8.14 Access cards may not be utilised by anyone other than the homeowner and registered user, nor may they be loaned to other persons.
- 3.8.15 No parcels may be left at the gatehouse.
- 3.8.16 All new domestic workers should be registered at the main gate.
- 3.8.17 Any deviations on the part of security personnel must be reported to the Trustee.
- 3.8.18 Residents who enter the Estate by the main gate with domestic or garden workers in their vehicle must adhere to security rules.
- 3.8.19 No residents may request any of the security personnel to protect or watch their property, or to interfere in a domestic dispute.
- 3.8.20 Disputes with neighbours, enforcing noise levels, etc are standard police matters and are not the responsibility of security staff. These issues should be reported to the police or Trustees – not to security.

- 3.8.21 No guest will be allowed into the Estate, unless the person who will be visited is in the Estate and has verified that the guest has an appointment.
- 3.8.22 Prospective buyers of property will under no circumstances be allowed in the Estate unless accompanied by an accredited Estate agent or an owner.
- 3.8.23 No hawkers are allowed in the Estate.
- 3.8.24 The ultimate responsibility of security lies with the residents themselves. The cooperation and support of all residents are needed to enhance security in the Estate.

### 3.8.25 **VISITORS**

Residents are requested to inform their visitors of the rules, with special mention that positive identification is required for all access to the Estate.

#### *VISITORS WITH APPOINTMENTS*

The onus is on the resident to inform the security officer that he/she is expecting a visitor, either by telephone or at the gate personally. Residents can do this on a daily or weekly basis.

The residents will be expected to provide the security officer with following information:

- a) name
- b) resident's house number
- c) resident's telephone number
- d) visitor's name
- e) date of intended visit

The information will be recorded on the control list of the security officer.

The visitor has to produce positive identification on arrival at the gate.

#### *VISITORS WITHOUT APPOINTMENTS*

The visitor has to produce positive identification on arrival at the gate.

The security officer then phones the resident to obtain permission for the visitor to enter and to visit the house concerned.

**The visitor's information will be recorded on the control list of the Security Officer.**

If the resident does not answer the phone, the visitor will be denied access to the Estate.

The cost of telephone calls to the house will be for the account of the resident.

### 3.8.26 **DELIVERY AND COLLECTION OF ARTICLES**

It is required of residents to inform the security guard of any delivery or collection of articles.

The drivers of delivery vehicles should provide positive identification, and the full procedure regarding the completion of the control list and granting of access.

Workers who are given donations (including food) to take out of the complex must produce a note of explanation/letter describing the item(s) so that the security guard can allow them to exit with it. Items will be retained if this requirement is not met.

### 3.9 **LETTING AND RESELLING PROPERTY**

3.9.1 The nature of this Estate requires certain restrictions on the manner in which Estate agents may operate. Therefore:

- Should an owner want to sell or lease his property through an agent, only an accredited Estate agent may be selected to manage the sale or lease.
- The accredited agent and the owner must ensure that the buyer and/or tenant is informed of and receives a copy of these rules and the Management Rules, so that these rules are attached as an annexure to any deed of sale or lease agreement.
- A clearance certificate must be obtained from the HOA at a cost to the seller prior to any transfer of the property.
- No property may be let or utilised for the purpose of a commune, or solely for offices or businesses.
- Agents may only operate on a "by appointment" basis, and must personally accompany a prospective purchaser or lessee. Agents and private sellers are not permitted to erect any "For sale" or "Show house" or "To let" signage boards.

### 3.10 ACCREDITATION OF ESTATE AGENTS

- 3.10.1 An Estate agent is accredited after signing an agreement to the effect that such agent will abide by the stipulated procedures applicable to the sale and/or lease of the property in the Estate, and after having been inducted in respect of the concepts, rules and conditions under which a purchaser and/or lessee acquires and/or leases property in the Estate.
- 3.10.2 Accreditation of Estate agents may be reviewed by the Trustees from time to time and an updated list of accredited agents is available from the Estate management.
- 3.10.3 The accreditation policy for Estate agents may be reviewed by the Trustees from time to time.

### 3.11 PETS

As the Estate has been developed to protect the wildlife and special bird breeding areas on the Estate, and as pets usually become a bone of contention between owners no pets will be allowed on the Estate.

### 3.12 EXCLUSIVE USE AREAS

**Certain Exclusive use areas or usage servitudes are excluded from the common property and is reserved for the exclusive use of the owner of the specific stand being stand 422-437; 498-509; 602-623. These areas are the open areas between the dams and the boundary nearest to the dam in the case of stand 422-437; 498-509 and between the start of the steep incline of the ridge towards the nearest boundary of stand 602-623. The owners of these stands may not erect any structure on the said exclusive use areas except when approved by the Home Owners Association in advance in its sole discretion.**

**Furthermore no grass, trees or shrubs may be removed or planted or garden made without written consent having been obtained from the Home Owners' Association in advance which consent will be in the absolute discretion of the Home Owners Association.**

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