

CLEARWATER FLYFISHING ESTATE

ESTATE CONDUCT RULES



Estate Conduct Rules of the

CLEARWATER ESTATE HOME OWNERS
ASSOCIATION NPC

Reg No.: 2002/029294/08

Clearwater Fly-fishing Estate has been established as a unique fly-fishing and ecological environment. Living in the Estate means being part of a community of people who share a secure and high-quality lifestyle inside this unique environment.

Creating a strong sense of community is vital for ensuring our lives in the Estate are not only happy but also fulfilling for everyone. Embracing good neighbourliness fosters an

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25 September 2025	The Board	Members	4.2
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1. Definitions and Interpretation

In these Rules, unless the context indicates otherwise –

- 1.1. Any reference to a specific gender shall be interpreted to include all genders;
- 1.2. the singular will include the plural and *vice versa*;
- 1.3. the section headings have been inserted for convenience only and will not be used for or assist with the interpretation of the rules in the sections;
- 1.4. each of the following words and expressions shall have the stated meaning in this document, namely –
 - 1.4.1. “**Authorised Person**” means a person registered as such on the Estate security system and authorised to allow access to the Estate at the Security Gates.
 - 1.4.2. “**Board**” means the Board of Directors of the HOA.
 - 1.4.3. “**Designated Parking Areas**” means the Parking Areas: 1) across Peacehaven Road at the Petrus Street entrance, 2) at the uppermost dam (*next to Peacehaven Road*), 3) in the Severn Place cul-de-sac and 4) in the Cherwell Place cul-de-sac.
 - 1.4.4. “**Company-Owned Areas**” means the following Erven within the Estate being ERVEN 519, 520, 521 AND 522 IN RIETVALLEIRAND EXTENSION 30, ERVEN 272 AND 273 IN RIETVALLEIRAND EXTENSION 31, ERVEN 354, 355, 356 AND 357 IN RIETVALLEIRAND EXTENSION 33 as well as ERVEN 423, 424 AND 425 IN RIETVALLEIRAND EXTENSION 34 which are not zoned for Residential use, as well as any such parts of the Estate that are indicated as such on a General Plan of the Estate or is being utilised by the Company and its Members or Residents, including but not limited to, an open space, recreational area or any servitudes in favour of all Erven on the Estate, the Security Gates, the boundary walls around the Estate and any erven in the Estate that may be acquired, rezoned and developed by the Company for use by the Company and all land other than privately owned Erven, the control and ownership of which is vested in the Company and to which owners of Erven have a common right. The internal road network is owned and maintained by the Council.
 - 1.4.5. “**Controlling Architects**” means the architect appointed by the Board occasionally to assist the Board in considering building plans submitted for the Board’s approval.
 - 1.4.6. “**Estate**” means Clearwater Fly Fishing Estate as defined in the MOI.
 - 1.4.7. “**Estate Manager**” means any individual, team of individuals, or company appointed by the Board, through an independent contract, to perform the day-to-day management and administrative functions of the Estate. The Estate Manager acts under the delegated authority and ongoing oversight of the Board and shall implement the policies, procedures, and decisions of the Board in accordance with the Memorandum of Incorporation (MOI) and these Rules. The terms “Managing Agent” and “Management Agent” shall have the same meaning as “Estate Manager” and may be used interchangeably.
 - 1.4.8. “**Fine**” means any additional levy or monetary control imposed upon a Member due to a breach of the Rules and that will be deemed to be a debt due by the Resident to the HOA (*as prescribed in ANNEXURE D*). A Notice for the purpose of Fines shall include a notice by letter, email, WhatsApp or similar short message



services.

- 1.4.9. **"HOA"** means CLEARWATER ESTATE HOME OWNERS ASSOCIATION NPC, registration number: 2002/029294/08.
- 1.4.10. **"Member"** means a Member of the HOA, being any person who is reflected in the membership register of the HOA as a Member.
- 1.4.11. **"MOI"** means the Memorandum of Incorporation of the HOA in terms of the Companies Act 71 of 2008.
- 1.4.12. **"Open Areas"** means Stands 273, 354, 355, 356, 357, 424, 425, 520, 521 and 522 in the Estate. These properties are zoned as "*private open areas*".
- 1.4.13. **"Resident"** means the occupant(s) of the residences in the Estate, being Members and their tenants, as well as the family members, guests and employees of the Members and tenants.
- 1.4.14. **"Rules"** means the Estate Conduct Rules, established and maintained in terms of the MOI.
- 1.4.15. **"Security Gates"** means Stands 272 and 519, all improvements thereon and the booms and gates that form part of the security control points at the two entrances to the Estate.
- 1.4.16. **"Convenience Security Services"** means any biometric recognition access system, identity card and driver's license recognition access system, Code Entry and phone call access system.
- 1.5. Annexures to the Rules form an integral part of the Rules.
- 1.6. Any breach of the Rules will be enforced against the Member; that is, should a tenant, guest or contractor breach the Rules, the Member will be liable for the Fine and payment of any additional costs that may arise because of a breach. Where a Member allows access to a person into the Estate, the Member takes responsibility for such a person and will be liable for any Fine imposed for such a person's transgression of the Rules.

2. Good neighbourliness and noise nuisance

Residents must avoid making noise or carrying out activities that constitute a nuisance to other Residents. In particular, the following –

- 2.1. Residents are not permitted to make noise after 22:00 daily from Sunday to Thursday and after 23h30 on Fridays and Saturdays.
- 2.2. Mowers, power tools, or any other mechanised equipment may not be operated before 07:00 or after 19:00 on any day. Use of such machinery is prohibited on Sundays, Good Friday, Easter Monday, and/or Christmas Day and Family Day.
- 2.3. Fireworks (*of any nature*) are strictly prohibited at all times.
- 2.4. No person shall discharge a firearm, air gun, bow, or any similar weapon anywhere on the Estate or publicly display any such weapons except in self-defence.
- 2.5. No washing of any nature may be hung out or placed anywhere except in a drying yard or other area designed for such a purpose. Washing lines (*of any nature*) must be below the level of the yard walls.
- 2.6. Refuse (*or any similar collection*) may only be placed in dustbins. Dustbins may not



be left on the sidewalk before 16:00 on the day before or after 09:00 on the day following the collection.

- 2.7. No hobby or activity that could cause a nuisance to fellow Residents may be conducted in the Estate.
- 2.8. No property in the Estate may be used as a commune or any short-term rental (*for example, Airbnb and like*).
- 2.9. No pamphlets, personal notices or advertisements may be distributed at the entrance gates or anywhere else on the Estate without the prior written permission of the Estate Manager.
- 2.10. No door-to-door sales, canvassing or fundraising may be conducted within the Estate without prior permission from the Estate Manager.

3. Pets

All national, regional and municipal legislation, regulations and bylaws applicable to pets will be strictly applied to pets kept within the Estate. Additionally, the following –

- 3.1. Poultry, wild animals or livestock may not be brought onto or kept in the Estate.
- 3.2. Outside aviaries and alike are not permitted within the Estate.
- 3.3. Residents may keep no more than three dogs and three cats on their property without requiring prior written consent. Any request to exceed this limit must be submitted in writing to the Estate Manager for consideration. All other pet-related conditions in these rules must still be adhered to. All dogs or cats must wear a collar with a tag indicating the owner's contact details.
- 3.4. Dogs are not permitted to roam alone or to wade or swim in the dams.
- 3.5. Dogs walked in the Estate must always be on a controlled leash and under control.
- 3.6. The person walking their dog shall be responsible for immediately removing and properly disposing of the dog's excrement.
- 3.7. Residents shall ensure that their animals do not disturb the wildlife or cause damage to the environment.
- 3.8. Residents shall ensure that their pets do not create a disturbance or nuisance.
- 3.9. If any pet becomes a persistent nuisance to other Residents, the Estate Manager may request the owner to take appropriate actions to resolve the issue. If the owner fails or refuses to do so, a fine will be imposed on the member.

4. Use of the streets, parking and Air space of the Estate

All national, regional and municipal legislation, regulations and bylaws applicable to road traffic apply to using all the roads in the Estate. Additionally, the following –

- 4.1. Operating any vehicle in such a manner as to constitute a danger or a nuisance to any other person or property within the Estate is prohibited.
- 4.2. Motor vehicles may only be driven on the Estate's roads by individuals who possess a valid driver's licence allowing for that type of vehicle on public roads in South Africa.
- 4.3. A maximum speed of 40 (*forty*) km/h shall apply on all roads within the Estate, except where a lesser speed is indicated.

- 4.4. No reckless or negligent driving will be tolerated. Residents shall always obey all traffic signs.
- 4.5. Vehicles are not allowed to be parked in the Open Areas, except in the Designated Parking Areas.
- 4.6. Parking of vehicles on sidewalks for an extended duration is prohibited.
- 4.7. Where a parked vehicle must encroach onto the road, it should be done so as not to obstruct or annoy neighbours or other road users.
- 4.8. In the Estate are Designated Parking Areas intended for casual and official parking (*as allocated by the Estate Manager*). These Designated Parking Areas shall not be used for extended parking (*whether on one or multiple regular occasions*) of Residents' vehicles. Vehicles parked in contravention of the rules may be subject to fines as outlined in Annexure D.
- 4.9. Residents and their guests may not park or store inoperative old vehicles or wrecks on their property except in a closed garage.
- 4.10. Unlicensed or unroadworthy vehicles, golf carts (*except those used by security guards*), or quad motorcycles may not be operated within the Estate.
- 4.11. No driving of any kind is allowed in the Open Areas except for the security guards or with the Estate Manager's permission.
- 4.12. The revving of bikes, cars or other engines should be restricted to the absolute minimum necessary (*which is furthermore subject to noise nuisance rule*). No commercial repairs or reconditioning is permitted in the Estate. Residents may only attend to minor maintenance and reconditioning of vehicles in enclosed garages.
- 4.13. Vehicles entering the Estate must have a load restriction of 6 (*six*) tons per axle. No articulated vehicles are permitted in the Estate unless with prior authorisation of the Estate Manager. Residents are responsible for notifying their contractors or suppliers of this rule, and the HOA shall not be held liable for any claims for losses or damages where access is refused to vehicles.

All national, regional and municipal legislation, regulations and bylaws applicable to air traffic apply to using the air space of the Estate. Additionally, the following –

- 4.14. No helicopters or any other means of aerial conveyance may be landed anywhere on the Estate unless prior written permission has been obtained from the Estate Board.
- 4.15. Professional or recreational drones or model aircraft may not be operated from any property or within the Estate's boundaries.

5. Open Areas and environmental controls

Read with Borehole Procedure

Read with Open Area Function Form

- 5.1. Subject to these Rules, Residents and their guests may use the Open Areas and all amenities (*excluding the Estate offices and guard houses*).
- 5.2. Residents must obtain prior written approval from the Estate Manager if they want to host a function on the mowed lawn sections of the Open Areas. These functions must take place in accordance with the prescribed policy. A Resident hosting a function in

the Open Areas may not cause a nuisance to other Residents in the Estate.

- 5.3. Residents' use of the Open Areas and amenities is always entirely at their own risk, and they indemnify the HOA against any claim for damages.
- 5.4. Children must be supervised when using the equipment in the children's play area.
- 5.5. Overnight camping in the Open Areas is strictly prohibited, except with written permission from the Estate Manager.
- 5.6. Fires for braai purposes may be made in a container specifically designed for this purpose to ensure that the surface below is not damaged. The fire must be doused before the area is vacated, and no charcoal or remains of the fire may be discarded in the Open Areas, on streets, sidewalks, green areas, or public dustbins.
- 5.7. No person shall do or cause anything that detrimentally affects the Estate's amenities, flora or fauna or unreasonably interfere with the use and enjoyment of the Open Areas.
- 5.8. No building material or refuse of any nature may be dumped or discarded in any Open Area, including the parks, streets, sidewalks, dams, vacant stands, in front of the Estate's storage sheds or Estate's facilities, under any circumstances.
- 5.9. No playground or play equipment, other than that constructed by the Estate, is allowed in the Open Areas, except for equipment specifically approved according to the Open Area Function Application authorised by the Estate Manager beforehand.
- 5.10. Sports played in the Open Areas should be conducted in a manner that does not harm the flora or fauna, nor should it unreasonably interfere with others' enjoyment of these spaces. Additionally, activities should avoid causing disturbances to fellow Residents. Hard balls like golf, cricket, or hockey balls may not be used.
- 5.11. Any person not abiding by the above Rules will be subject to a Fine and will vacate the Open Areas immediately.
- 5.12. A Borehole will be allowed on a Member's property subject to the approval from Tshwane municipality. An application for drilling a borehole must be submitted to the Estate Manager and the process shall take place in accordance with the Estate borehole policy.

6. Dams and Fishing

Dams and Fishing Policy

- 6.1. Boating, swimming, or other water sports or water-based activities are not allowed in the dams.
- 6.2. Wading or fishing with a net is also not allowed at any time in any of the dams.
- 6.3. Children who cannot swim are not allowed to visit the dams unattended.
- 6.4. The dams are for the exclusive use of Residents and their guests. A maximum of four guests per Resident may fish simultaneously unless prior written permission has been obtained from the Estate Manager.
- 6.5. Only barbless hooks are allowed. No jigging is allowed.
- 6.6. No fish, at any time, are to be held in any form of holding net, even if they are going to be released later.
- 6.7. Catch and release fishing only, except under the control of the Board.
- 6.8. Residents and their guests must always comply with the Dams and Fishing Policy.



7. Estate Security

Read with Access Control Procedure

Read with Security Incident Reporting Policy

Read with Internal Security Camera Policy

Read with Traffic Infringement Policy

- 7.1. The HOA does not guarantee the security of Residents, their properties, or assets. While perimeter security and access control systems are designed to act as deterrents, they cannot ensure prevention of intrusions Estate.
- 7.2. Physical security and access control measures are imposed to conform to the legal requirements for registered security estates, *inter alia*, by restricting the public's right to free access into or through the Estate.
- 7.3. The security booms, turnstiles, and electric fence function as an integrated security system. The Board may occasionally – *in the best interest of the community* – decide on such processes and procedures to control access to safeguard Residents. Any such processes and procedures will be enforceable against any Resident, Member, or non-resident.
- 7.4. No entrance to the Estate will be allowed for non-resident(s) unless:
 - 7.4.1. The person has complied with all requirements imposed by the Board to obtain valid access;
 - 7.4.2. An Authorised Person has given permission; and
 - 7.4.3. Residents shall always assist and comply with the security systems and procedures as approved by the Board and provided in the procedure guidelines approved by the Board from time to time.
- 7.5. Persons entering the Estate do so entirely at their own risk. The HOA nor its appointed security contractor or any of their agents or employees shall be liable for any loss of life, injury, damage or loss of property suffered by any person from a breach in, or failure of, the security systems of the Estate.
- 7.6. The security contractor appointed by the Board acts solely as the agent of the HOA and not of individual Residents. Accordingly, no Resident may issue instructions directly to security personnel. All communications, requests or concerns relating to security operations must be channelled through the Estate Manager or as otherwise directed by the Board.
- 7.7. There will be no tolerance for abuse (*verbal or physical*) of security employees or for Residents' or Members' lack of cooperation or non-compliance with any instruction issued by them.
- 7.8. Should a Member wish to procure the services of a private security company for their property, such service providers may only operate within the Estate if such operators comply with the Estate's Conduct Rules and all security protocols as prescribed by the Board. The HOA's appointed security contractor remains the only security service authorised to manage Estate-wide functions. Private security personnel may not interfere with or override the Estate's security operations and may not be given instructions that conflict with those of the HOA's appointed contractor or Estate Manager.
- 7.9. Any identification system or access control system implemented from time to time by

the Board for Residents must be enforced and complied with by the Residents, Members and non-residents.

- 7.10. Any and all attempts or occurrences of criminal activity, such as burglary, theft, trespassing, malicious damage, loitering, assault, intimidation, damage to fences, etc., must immediately be reported to a member of the security staff and/or the Estate Manager.
- 7.11. Residents living directly next to the Estate's boundary are responsible at their own cost for ensuring that all plants and other materials are regularly removed to ensure at all times a clearance of at least one meter between trees/shrubs and the electrical fence. Should a Member fail to maintain their property in accordance with the requirements of these Rules, the Board may, after giving written notice and a reasonable time to remedy the situation, attend to the maintenance and recover the associated costs from the Member.
- 7.12. Where maintenance or inspection of the perimeter fence or security infrastructure is required, the Estate Manager may request reasonable access to the property from the Member. Such access shall be arranged at a mutually convenient and reasonable time, except in the case of an emergency or critical security threat, in which event access may be granted without prior consent. The Estate Manager shall inform the Member in writing of any such emergency access as soon as reasonably possible thereafter.
- 7.13. Residents must inform their employees and invitees of the possible dangers of the perimeter fence. The Residents hereby indemnify and hold the HOA harmless against any claims arising from injury or damage due to contact with the electric fence, irrespective of whether the injury or damage was sustained on private property, communal property, or the Open Areas.
- 7.14. The Estate Manager is entitled to deny access to visitors, agents, or contractors at their discretion, which should be exercised reasonably at all times and in the best interest of the community.

8. Ensuring a pleasing streetscape

Read with ANNEXURE A and B

Each Member must maintain the exterior of their house, garden, boundary walling or fencing and sidewalk to the satisfaction of the Estate Manager. In the instance of a vacant property, such vacant property must be kept clean and tidy. Moreover, the following –

- 8.1. The Board may, after giving written notice to the Member concerned, remove any offending plants, installations or obstructions or clean a Member's property and debit the cost thereof to the Member's account.
- 8.2. The Estate Manager may occasionally request a Member to undertake maintenance or necessary actions to comply with 8.1 within an agreed-upon time.
- 8.3. If this maintenance or such necessary actions are not carried out within the agreed period, the Board shall be entitled to carry out such maintenance or such necessary actions, including removing any offending plants, installations, or obstructions or cleaning the property and debit the cost thereof to the Member's account.
- 8.4. Any alterations or painting to the exterior of a Member's house, garden, boundary wall/fencing or sidewalk must be in accordance with **ANNEXURE B**.

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8.5. Landscaping –

- 8.5.1. The character of the Estate landscape, including all sidewalks and Open Areas landscapes, is primarily indigenous. All visible landscapes should integrate with the aesthetics of the Estate. Members are encouraged to use indigenous trees.
 - 8.5.2. If Members wish to donate plants or garden on land owned by the H.O.A., they must obtain prior approval from the Estate Manager and use the plants prescribed by the Board and that Member takes responsibility for the maintenance of the garden planted by them.
 - 8.5.3. Planting on sidewalks should not disrupt pedestrian traffic or block motorists' views.
 - 8.5.4. Trees or shrubs must not be planted, landscaped, or removed from the sidewalks or open areas without the Estate Manager's permission.
-
- 8.6. No bollards, fencing or other obstructions may be erected on a sidewalk within the municipal street reserve.
 - 8.7. No seepage, leakage or discharge of any nature other than rainwater may be discharged onto the sidewalk or adjoining stand.
 - 8.8. Residents may not display any signage on or outside their property except for the street name and number of the property.
 - 8.9. Residents shall always ensure that any object which is unsightly or to the detriment of the appearance of the Estate is not visible from the road, the Open Areas, or other properties.
 - 8.10. To maintain an aesthetically pleasing environment, caravans, boats, trailers, playground equipment, and similar items should be concealed from view from the road and Open Areas. Whenever possible, these items should be entirely concealed; however, if visibility is unavoidable, no more than 30% of any such item should be visible from the road or Open Areas.

9. Home Enterprises

The Estate's residential stands are all zoned as “Residential 1” (formerly “Special Residential”), as defined in the Tshwane Town Planning Scheme 2008 (Revised 2014) and as amended from time to time by the Municipality.

Read with Home Enterprise Application Form

Read with Home Enterprise Renewal Form

An owner of a Residential 1 stand in the City of Tshwane is allowed to conduct a Home Enterprise, provided that it operates within the restrictions of Schedule 9 of the Town Planning Scheme – as amended from time to time by the Municipality (“**the Tshwane TPS**”). In particular, the following –

- 9.1. A Home Enterprise means any income-generating activity, business, hobby or occupation on any property/Erf, intending to derive an income there-from, subject to the restrictions of the Tshwane TPS.
- 9.2. A Resident who wants to start a Home Enterprise in the Estate must apply to the

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Board on the prescribed application form for permission to do so.

- 9.3. The Board will not grant permission for a Resident to conduct a Home Enterprise on a property in the Estate if the Home Enterprise –
 - 9.3.1. It is prohibited under the provisions of the Tshwane TPS.
 - 9.3.2. It is of such a nature that it will have an unacceptable impact on the residential character of the Estate.
- 9.4. If the Board grants permission for a Home Enterprise, this permission may be subject to specific terms and conditions imposed by the Board for that enterprise.
- 9.5. If the Board declines an application to operate a Home Enterprise, the applicant shall be provided with written reasons for the refusal. The Board's decision shall be final; however, the Member may reapply if new or material information becomes available that may affect the outcome of the application.
- 9.6. The Board will withdraw its permission to conduct a Home Enterprise on a property in the Estate if –
 - 9.6.1. The Resident is found to be in contravention of any of the Board's terms or conditions that apply to that enterprise.
 - 9.6.2. It becomes apparent that the enterprise no longer operates within the restrictions of the Tshwane TPS.
- 9.7. Permission to conduct a Home Enterprise will be granted for one year only, after which the Resident shall submit a request for renewal to the Board.

10. Letting and selling of property

Read with Property Practitioner, Selling and Letting Policy

- 10.1. The Estate Manager must approve any property practitioner appointed to sell or lease a property in the Estate. The Estate Manager has a list of approved property practitioners.
- 10.2. Letting and selling a property within the Estate are covered by the Property Practitioner, Letting and Selling Policy.

11. Power Generators

- 11.1. Generators may be installed without prior consent, provided that the installation complies with all requirements of these Rules, including noise limitations, concealment, safety, and placement as specified in this section.
- 11.2. When installing a generator, Residents must ensure that their neighbours' enjoyment of their living space(s) is accommodated. The maximum noise level of the installed unit at a distance of seven meters shall not be greater than 55 dB (*fifty-five decibels*), irrespective of load output.
- 11.3. The generator must be installed within the boundaries of the particular property, not visible from the road and adjoining properties, and suitably roofed/screened.
- 11.4. The generator's placement must allow the exhaust gases to disperse into the atmosphere and prevent them from remaining in an enclosed area.
- 11.5. A qualified electrician must connect the generator directly to the house's main electrical distribution board and issue a COC (*certificate of compliance*) accordingly.

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11.6. All generators must be switched off between the hours of 22:00 and 06:00.

12. Levies

The following rules apply regarding outstanding levies –

- 12.1. Members shall not be permitted to undertake any construction activities.
- 12.2. Members shall not be entitled to a clearance certificate for the sale of their property.
- 12.3. As stipulated in the MOI, levies are approved annually by the Members at the AGM. The Board allows Members to pay the annual levy monthly. However, if a Member defaults on two monthly levy payments within an annual financial term, the outstanding balance of the total annual levy becomes due and payable.
- 12.4. Members in arrears for more than 3 (three) months may be denied use of Convenience Security Services (*Facial recognition access, call and SMS/WhatsApp access for visitors*).
- 12.5. The submission of architectural plans, as stipulated in **ANNEXURE A** and **B**, will be disregarded if submitted by a Member in arrears.

13. Construction activities

Read with ANNEXURE A and B

- 13.1. The building plans for new residences and alterations to existing residences shall comply at all times with the requirements of **ANNEXURE A** (*Preparation and Approval of Building Plans*) and **ANNEXURE B** (*Architectural Standards for the Design and Construction of New Residences and Alterations to Existing Residences*).
- 13.2. All construction activities related to new residences and modifications to existing residences in the Estate must comply at all times during construction with **ANNEXURE C** (*Building Conduct Rules*).
- 13.3. Construction shall proceed without lengthy interruptions and be completed within the specified periods to reduce inconvenience to neighbours.
- 13.4. An occupation certificate issued by the relevant authority will be proof of the completion of building activities.
- 13.5. Building alterations to existing residences must be completed within nine months from the date of commencement, and such building activities may not commence without approved building plans. Provided that the Member may apply for an extension on good cause shown.
- 13.6. Where a property is purchased with an incomplete structure or vacant land, the new owner must complete construction within twenty-four (24) months from the date of registration of transfer into their name.
- 13.7. Any Member who fails to comply with the time limits for completing construction as set out in these Rules shall become liable to pay a Fine to the HOA for the duration of such breach (*such a transgression shall be calculated per week*).
- 13.8. A clearance certificate will only be provided if a Member's property complies with the Construction Rules.

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ANNEXURE A: PREPARATION AND APPROVAL OF BUILDING PLANS

1. Preparation of sketch plans

A Sketch plan will be required for the following –

- 1.1. To erect a garden shed, Wendy-house, pond, playground, pergola, solar heating system, air conditioner, or other structure that does not require an approved municipal building plan.
- 1.2. Test an idea before drawing up building plans, and based on this, a concept will be approved in principle.

In the instance where a sketch plan is required to be submitted to the Estate Manager, sketch plans shall comply with the following –

- 1.3. A3 paper size indicating the location of intended addition(s) on the erf. The sketch should include the outlines of the buildings and the erf.
- 1.4. Further details regarding the intended addition include photo examples/drawings, dimensions, measurements, etc.
- 1.5. A photograph of the proposed area or location of the development.
- 1.6. A brief description of the development, e.g., a new tool shed.

2. Preparation of building plans

All building plans shall comply with the following –

- 2.1. National, provincial and local authority legislation and regulations governing construction design;
- 2.2. The Statement of Conditions of Establishment for Rietvalleirand Extensions 30, 32, 33 and 34;
- 2.3. The Architectural Standards for the Design and Construction of New Residences and Alterations to Existing Residences are in **ANNEXURE B** of these Rules.
- 2.4. Local government requires a Registered Architect or a Registered Technologist to prepare all building plans.

Building plans shall be prepared and submitted for approval by the Board for –

- 2.5. New dwellings and outbuildings that are to be erected on a vacant erf in the Estate;
- 2.6. Alterations, extensions, or amendments to an existing residence, outbuildings, boundary walls height or position, or gates.
- 2.7. Addition or alteration of pergolas, carports, ponds, storage tanks, trellises, awnings, and extending roofs.
- 2.8. Demolition of buildings or external structures;



- 2.9. Addition or alteration of swimming pools;
- 2.10. Changes to the use of buildings;
- 2.11. Changes to the external appearance of an existing residence, or outbuilding.
- 2.12. The placement of a Wendy-house, similar garden sheds, or playground equipment is permitted only after a sketch plan has been submitted to and approved by the Estate Manager.
- 2.13. Addition or alteration of solar heating systems is permitted after a sketch plan has been provided to and approved by the Estate Manager.

3. Approval of building plans

- 3.1. Prepared building plans, together with a non-refundable scrutiny fee, must first be submitted to the architects, specifically appointed by the Board to assist the Board with scrutinizing the plans ("*the Controlling Architects*"), for their review and approval before submission to the local authority.
- 3.2. One additional coloured copy of the final building plan submission must be submitted to the Controlling Architects.
- 3.3. Following the Controlling Architect's approval of the plans, the Board will review them. Once the Board approves the plans, both the Controlling Architects and the Board stamp them "**Approved**," which allows the Member to submit them to the local authority for their approval.
- 3.4. Alterations and additions that will visually impact a neighbour must be approved by the affected neighbour, who must sign the plans to be submitted to the Controlling Architects. The affected neighbour cannot unreasonably withhold approval, and the owner may appeal to the Board to make a final decision in this regard.
- 3.5. Although the building plans may comply with the standards in **ANNEXURE B**, the approval or rejection of such plans shall be at the Board's sole discretion, whose approval shall not be unreasonably withheld.
- 3.6. Should the plans not be approved by the Controlling Architect or the Board, the reasons for such refusal will be provided. Amended plans will then again be submitted to the Controlling Architects, with an additional scrutiny fee, and to the Board for approval.
- 3.7. Deviations from the approved drawings will not be permitted unless re-submitted and approved in writing before construction.
- 3.8. The Board reserves the right to assess whether a proposed building plan aligns with the architectural standards and overall aesthetic of the Estate. This includes consideration of whether the proposed design detracts from the visual coherence of the Estate or may negatively impact the value of surrounding properties. Where the Board, in its reasonable discretion, determines that a building plan does not comply with the Estate's acceptable architectural style, it may refuse approval. In such cases, written reasons for the refusal shall be provided to the applicant.
- 3.9. Compliance with the HOA's requirements in **ANNEXURE B** shall not absolve a Member from the need to comply with all other legal requirements.

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ANNEXURE B: ARCHITECTURAL STANDARDS FOR THE DESIGN AND CONSTRUCTION OF NEW RESIDENCES AND ALTERATIONS TO EXISTING RESIDENCES

Read with Aircon Installation Application Form

Read with Application to Repaint House Form

Read with Solar Installation Application Form

1. Overall aesthetics and Estate ambience

- 1.1. Clearwater Fly Fishing Estate values the ambience of the Estate and the aesthetic appearance of the buildings. Great emphasis is placed on openness to Open Areas and/or public areas and neighbours' privacy.
- 1.2. No further plans for buildings in the Tuscan style will be approved except for residences already erected.

2. Density and town planning

- 2.1. Only one dwelling may be erected on each stand or a consolidated stand.
- 2.2. To provide parking space for cars, garages fronting directly onto the street should be set back at least 3m from the stand boundary, allowing for some encroachment of the sidewalk by a parked car.
- 2.3. No staff accommodation may be closer to the street than the main building unless it is contained under the same roof or integrated into the overall design.

3. Minimum house size

- 3.1. No dwelling may be smaller than 160m², excluding garages and outbuildings.
- 3.2. All properties shall have an enclosed garage to accommodate at least two vehicles.
- 3.3. Existing garages may not be converted into living space if it means that the property no longer has garage space for two vehicles.

4. Painting and Finishes

- 4.1. Only colours that comply with the colour chart approved by the Board are to be used.
- 4.2. All external finishes and colours used for alterations and new buildings shall be specified on the drawings.
- 4.3. Colour samples of external finishes used to repaint existing buildings must be submitted for approval by the Estate Manager before painting commences.
- 4.4. Garages, staff quarters, outbuildings, screen walls and boundary walls shall be constructed and finished to match and blend with the main dwelling.
- 4.5. Side gates and security gates may be black, brown or a colour that compliments the

house, and balustrades and railings may be black, brown, copper, silver or a colour that compliments the house. No primary colours are allowed.

5. **Walls**

- 5.1. If walls are constructed from materials other than conventional bricks and mortar, the Board's approval should be obtained.

The following materials will be allowed –

- 5.2. Plaster and paint;
- 5.3. Face brick;
- 5.4. Natural stone;
- 5.5. Other or patented concrete stone finish must be pre-approved at the design stage;
- 5.6. Plinths of natural stone, other stone or face brick with plaster and paint above;
- 5.7. Any other building materials must be approved at the design stage.
- 5.8. The painting and finishes of timber lattices/timber screens must be approved by the Estate Manager.

6. **Roofing**

The following materials will be allowed –

- 6.1. Profiled metal sheeting, pre-painted with non-reflective coating;
- 6.2. Concrete roof tiles;
- 6.3. Slate roof tiles;
- 6.4. Thatch roofing – only allowed with plastered or stonewalls and not with face brick and must be specifically approved;
- 6.5. Flat concrete roofs, waterproofed with non-reflective material;
- 6.6. Gutters and rainwater pipes with pre-painted/coated non-reflective coating – which colours must compliment the colour of the house;
- 6.7. Fibre cement flat tiles.
- 6.8. Stretch shade canopies are permitted to provide shade for entertainment areas only, not for carports.

The following materials are not allowed –

- 6.9. Corrugated fibre cement or corrugated fibre cement tiles;
- 6.10. Canvas, shade netting (*for any reason other than that in 6.8 above*) or non-permanent roofing material;
- 6.11. Galvanised gutters and rainwater pipes;
- 6.12. No flat-roofed carport, lean-to, or shelter will be permitted unless it matches and blends with the design of the main dwelling, is aesthetically pleasing, and is

specifically approved.

- 6.13. Any other building material must be approved at the design stage.

7. Windows

- 7.1. External burglar bars will not be permitted.
- 7.2. Window frames to be in approved colours or natural timber.
- 7.3. Traditional shutters or louvres are encouraged.
- 7.4. Reflective mirror-type glass will not be allowed except in specific circumstances where no alternative is possible, and its use is specifically approved by the Board.

8. Doors

- 8.1. No external and visible “*Trellidoor*” type expanding security doors will be permitted.
- 8.2. Garage doors shall be painted in an approved colour or natural timber finish.

9. Balconies and building lines

- 9.1. Windows or balconies on the upper story may not overlook the living space of adjacent dwellings. In terms of local authority by-laws and these guidelines, neighbours' approval regarding the erection of balconies and instances where the building lines are exceeded should be obtained in writing, specified as such on the forms, and signed off on submission plans. Such approval may not be unreasonably withheld.
- 9.2. Windows must be tinted or opaque so that you can't see through the glass if they overlook the northern living areas of any neighbours.

10. Screened areas and privacy

- 10.1. Wendy houses, dog kennels, playground equipment and garden sheds should not be visible from the street, Open Areas, or neighbours' gardens, however, if visibility is unavoidable, no more than 30% of any such item should be visible from the road or Open Areas. and approval must be obtained from the Estate Manager before erection commences.
- 10.2. Washing lines, refuse areas and gas bottle areas shall be screened off and should not be visible from the street, Open Areas or neighbours' ground level.
- 10.3. Staff accommodation and service areas should open onto screened yards or patios.
- 10.4. External lighting should not interfere with or create a nuisance for neighbours.

11. Boundary walls and fences

- 11.1. Ideally, the boundary walls between the stands and the Open Area should be totally unfenced and open. If required, a palisade-type fence with a maximum height of 1,2m

high will be preferred in an approved colour.

- 11.2. If a plastered wall borders an Open Area, it must be plastered and painted on both sides.
- 11.3. If a face brick wall borders an Open Area, it must be properly finished and well-jointed on both sides.
- 11.4. Finishes of boundary walls that face the street should be similar to those used on the dwelling.
- 11.5. The maximum height for boundary walls and fencing facing onto the Open Areas to the dam area are to be 1,2m. The maximum height for boundary walls and fencing on streets and Open Areas is 1,8 m measured from inside the Erf.
- 11.6. The side walls between properties may be a maximum of 1,8m high over the extent of the boundary.
- 11.7. The Board may relax the specified boundary wall and fence heights in exceptional and specific circumstances. A written motivation must be submitted for approval.
- 11.8. The neighbour's side of the walls must be properly finished.

The following walling and fencing materials are allowed –

- 11.9. Plastered and painted walls;
- 11.10. Face brick walls;
- 11.11. Painted metal palisade in a pattern and colour approved by the Board.

The following walling and fencing materials are not allowed –

- 11.12. Concrete or pre-cast concrete walls or fences;
- 11.13. Split pole fencing;
- 11.14. Security spikes, razor wire or electric fencing or similar devices, except on boundary walls on the perimeter of the Estate.

12. Drainage pipes

- 12.1. All exposed plumbing should be fully screened and not be visible from the street or adjoining properties.
- 12.2. Ground floor pipes can be surface mounted as long as they are not visible from the street and neighbouring stands.
- 12.3. A property owner must allow for natural water flow from a higher situated erf to pass through the lower erf of the neighbour, as per municipal rules.

13. Air conditioning

- 13.1. External air-conditioning units or equipment must be concealed from view – as far as possible – and noise levels must not be a disturbance to neighbouring stands.
- 13.2. If it is not possible to conceal the unit, the unit must be boxed and painted to match the building.

- 13.3. The placement or positioning of an external air conditioner must be cleared prior to installation with the Estate Manager

14. Solar panels and solar heating systems

- 14.1. Solar panels need to be placed in the most unobtrusive functional position.
- 14.2. Solar panels on a flat may not be installed at an angle exceeding 35 degrees.
- 14.3. Solar water tanks and or geysers are not permitted on sloped roofs.
- 14.4. A residence with a flat roof with a parapet is not restricted regarding the type of installation. However, the tank/geyser must be positioned or concealed so as not to be visible.
- 14.5. Solar thermal collectors need to be placed in the most unobtrusive functional position.
- 14.6. Solar thermal collectors must be installed parallel to the roof on a sloped roof.
- 14.7. Solar thermal collectors on a flat may not be installed at an angle not exceeding 35 degrees.

15. Alterations and additions

- 15.1. Additions should match the original building design in style, elevation and material usage.
- 15.2. No flat-roofed carports will be permitted unless they match and blend with the design of the main dwelling.

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ANNEXURE C: BUILDING CONDUCT RULES**1. General**

- 1.1. For the purpose of these Building Conduct Rules, a “**Contractor**” means any natural person or legal entity appointed by a Member to construct a building or part thereof on a property and includes the Members, directors, family, agents, tenant and employees of such person or entity. Owner builders will be regarded as Contractors until all building activities have been completed.
- 1.2. No construction may commence unless the Estate Manager’s consent to commence building operations has been obtained. This consent will only be granted once –
 - 1.2.1. The applicable Member has obtained the written agreement of his Contractor to comply with the Building Conduct Rules.
- 1.3. Where a Resident or Contractor contravenes any of the Rules, the Board may, if the contravention is regarded as serious, issue a written notice requiring immediate rectification. The Board may, after such notice, demand the temporary suspension of building activity until the contravention has been rectified. This provision must be applied in conjunction with subrule 1.4 (due process).
- 1.4. Before commencing or continuing with any construction activity, the Member or Resident must ensure full compliance with these Building Conduct Rules and any related instructions issued by the Estate Manager. Where a contravention occurs, the Member will receive a written notice detailing the breach and a reasonable timeframe to remedy it. If the contravention is not rectified within the stated period, the HOA may impose a fine and/or recover the costs incurred in rectifying the issue, including an administrative fee where applicable.
- 1.5. The Member will be accountable for all actions of his main Contractor and he will be liable for the costs of repair of any damage to kerbs, roads, street lights, distribution boxes, plants, irrigation and/or damage to any property on the Estate caused by the Contractor, his sub-contractors or delivery vehicles delivering materials to the Member’s property.
- 1.6. The Contractor will be liable for all contraventions of these Rules by his sub-contractors and suppliers, and it is, therefore, in the interest of the Contractor to advise all sub-contractors and suppliers of the contents of these Rules and to make the performance of their contracts with the Contractor subject to compliance with these Rules.

2. Construction deposit

- 2.1. No construction deposit shall be required for the construction of new residences or for alterations and additions. However, should any damage occur to common property, sidewalks, roads, or landscaping as a result of the construction activities, the Estate Manager may instruct the Member to carry out the necessary repairs within a reasonable timeframe. If the Member fails or refuses to comply with such instruction, the Board may proceed with the repairs and recover the reasonable costs from the Member concerned. This recovery may include an administrative fee and/or a fine, provided that any such fine imposed shall not exceed the monthly levy

applicable to the Member concerned. This is without prejudice to the HOA's right to pursue any other remedies available in terms of the Rules or applicable law.

- 2.2. On completion of the building construction, the Estate Manager will inspect that damage caused during construction has been fully restored or repaired, including but not limited to –

- 2.2.1. Replanting of grass and/or trees damaged or destroyed during building operations.
- 2.2.2. Removing rubble or rubbish left on the sidewalk or adjoining vacant stands.
- 2.2.3. Repairing streetlights, fire hydrants, kerbs, road surfaces, etc.

3. Access control and security

- 3.1. The Contractor, as well as his sub-contractors and suppliers, and their employees, shall comply with the Estate's security and access policy.
- 3.2. Any attempt by a person to enter or exit the Estate through forceful or unauthorised means shall be considered a serious security breach. Such incidents will be reported to the South African Police Service for investigation and possible criminal prosecution. In addition, the HOA may impose a fine on the responsible Member, not exceeding the monthly levy, after due process has been followed and a written warning has been issued in the event of a first offence.
- 3.3. No firearms, weapons, alcohol, drugs or any other intoxicating substances will be allowed on site or within the boundaries of the Estate at any time during building construction. Contravention of this requirement will result in the immediate suspension of activities, as well as the permanent barring of the transgressor.

4. Building Control

Discipline and Control of Labour

- 4.1. A Member or Resident and his Contractor will always be responsible for the discipline and control of any sub-contractor, supplier and labourer on the building site. The Member and his Contractor shall undertake to ensure that any such supplier, sub-contractor or labourer fully appreciates and understands the provisions of these Rules and any further rules and regulations that may apply.
- 4.2. If any person associated with the Contractor, including sub-contractors or suppliers, is found to be engaging in misconduct — including but not limited to disturbing or endangering wildlife, theft, unauthorised removal of materials, or acts of violence — the matter shall be reported to the South African Police Service where appropriate. The HOA may also impose a fine on the responsible Member, not exceeding the monthly levy. Repeated or serious breaches may result in the removal of the offending contractor or worker from the specific construction site, after written notice and an opportunity to respond have been provided. This shall not constitute a general restriction from the Estate.

Building Site Requirements

Before and during the construction work, a Contractor shall abide by the following –

- 4.3. The contractor must have a copy of the working drawings and building plans stamped



with the approval of the Board and the local authority. The approved plans must be available at the building site for inspection by an authorised representative of the HOA during normal working hours.

- 4.4. Ensure that a responsible person is appointed on all construction sites.
- 4.5. Ensure that the site is always neat and free of any litter or other unsightly waste or rubble material and that only rubble is placed in a skip on site.
- 4.6. Empty or swap skips at least every fortnight or within 24 hours from a request by the Estate Manager.
- 4.7. Provide a suitable and fully operational water-borne toilet on site prior to the commencement of (new houses) construction work or that toilet facilities are available during alterations and ensure that the toilet is maintained in neat, hygienic, and working condition at all times.
- 4.8. Ensure that the delivery of any material from any supplier takes place during the times prescribed by the Board from time to time.
- 4.9. Refrain from placing building material, rubble or soil on any adjacent property unless the Contractor has obtained the prior written consent of the Member of such adjacent property and a copy of such consent has been delivered to the Board.
- 4.10. Keep the site and streets as clean as possible at all times. Should the street and sidewalk not be clean and to the Estate Manager's satisfaction, the Contractor will be required to comply with the Estate Manager's instructions regarding clean-up, before being allowed to continue with any further building activities.
- 4.11. Where materials offloaded encroach onto the pavement or roadway, remove these materials immediately after delivery to the site. No materials may remain on the roadway or pavement, and it is the Contractor's responsibility to clean the roadway of such materials. The same applies to sand or rubble washed or moved onto the road during building operations.
- 4.12. If construction takes place adjacent to existing dwellings, respect the privacy of the neighbour(s) and generally reduce inconvenience as far as possible.
- 4.13. Not allow fires to be lit on or near any construction site in order to provide heat, cook food or burn rubbish.
- 4.14. The Member or Contractor shall erect a contractor's professional notice board, with prior approval by the Estate Manager, at the Member's cost on the site, which notice board shall display the Contractor's name and telephone number. The notice board may not exceed 900mm x 1200mm in size.
- 4.15. No deliveries of building materials are permitted after the stipulated hours on weekdays, or at any time on Saturdays, Sundays, or public holidays without the express written permission (obtained in advance from the Estate Manager). Such permission will not be unreasonably withheld provided it is obtained at least 24 hours in advance and provided that the deliveries will not cause any disturbance to neighbouring properties.
- 4.16. The Member acknowledges that he shall be liable for the correction of any building work which does not comply with approved drawings. Such correction is to be done within the time period stipulated in the main Rules.
- 4.17. Construction activities may be conducted during the week and on Saturdays on non-public holiday days only.
- 4.18. Construction activities may not be conducted during the annual builders' holiday – as determined and published by the Building Industry Bargaining Council (BIBC).

- 4.19. Construction hours will be determined by the Estate Manager and adjusted from time to time.
- 4.20. No workmen will be permitted on the construction site outside the construction hours.

Inspections

- 4.21. The Estate Manager or his appointees are entitled to make such further inspections of the erf and the construction work as he may in his sole discretion elect to do and shall be permitted at all times to have access to any erf and the construction work thereon.



ANNEXURE D: FINES*Read with Transgression and Fine Policy***NOTICE OF TRANSGRESSION AND FINE IMPOSED**

A transgression notice is given in terms of the main Rules (including the referenced Policy, Procedure) as provided in the Estate Rules.

No fine imposed under these Rules shall be equal to or greater than the monthly levy applicable to the Member concerned.

As an example Rule 2 transgression – a first transgression of loud music after hours and then a transgression for use of power equipment on a Sunday shall be recorded as the second transgression.

First transgression	Notice of first transgression
Second transgression	Notice of second transgression & fine imposed of 25 % of the monthly levy
Third transgression	Notice of third transgression & fine imposed of 50 % of the monthly levy
Fourth transgression and every subsequent transgression	Notice of fourth transgression & fine imposed of 90% of the monthly levy

The Board, having delegated this function to the Estate Manager, shall impose the aforementioned fines on Members for breaching these Rules.

