

# SILVERHURST

SILVERHURST ESTATE HOME OWNERS ASSOCIATION NPC

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## REGULATION NO. 1

### NOTES FOR GUIDANCE OF HOME OWNERS

#### 1.1. MANAGEMENT OF THE ESTATE

The Estate is managed by the Silverhurst Estate Home Owners Association, of which the owner of each erf is a member and is assisted by a Management Team comprising a Senior Manager, Parks & Garden's Manager, Security Manager and Finance Administrator.

#### 1.2. SUGGESTIONS, QUERIES OR COMPLAINTS

Suggestions, queries or complaints will be considered by the Directors but must be submitted in writing to the Estate Office. Residents are requested not to circularise other Residents on matters pertinent to the Estate or its Management without the prior knowledge and approval of the Management Team.

#### 1.3. WEEKEND GARDENING

Consideration of neighbours regarding the use of noisy garden equipment such as leaf-blowers, brush-cutters, chainsaws, drills etc. on Saturday, Sunday or Public Holidays is requested. It is preferable that work of this nature be done Monday – Friday.

Garden service companies are not permitted entry on Saturday, Sunday or Public Holidays.

#### 1.4. ACCESS TO ESTATE

Please see Regulation No. 2 for Access Regulations

#### 1.5. DOMESTIC STAFF

Please notify the Estate Office of all new employees before the first day of employment. A criminal clearance check is required, please see Regulation No. 2 for details. Employees are required to abide by the attached Regulation 2.

## **1.6. LEVIES, WATER AND SEWERAGE CHARGES**

Based on an annual budget of expenditure, levies are payable by members monthly in advance by debit order and are calculated on the total square root of the sum of all erven. Levy charges are payable and collected on the first day of each month, after which there is an interest charge of 2% per month or part thereof. Water and sewerage consumption is measured for each erf and charged monthly in arrears payable by and collected on the 15th of each month. Debit orders are mandatory for all members.

The cost of replacement water meters is for the Home Owner's account.

## **1.7. ARMED RESPONSE**

Residents are encouraged to have an armed response service with either ADT or PPA.

## **1.8. TRAFFIC**

Residents are requested to obey the speed limit of 30km and to observe all stop signs. The roads are narrow and are frequently used for walking by residents with children and pets.

## **1.9. PARKING**

As roads in the Estate are narrow it is essential that all vehicles are parked off the roadway, either in residents' own driveways, making provision for a minimum of 2 cars, or in the areas designated for parking of visitor's cars. Permanent parking of vehicles on grassed areas is not permitted, as this could damage irrigation sprinklers and lawn. Temporary parking for visitors during the day on the verges is permitted. However, no overnight parking on roads, verges or any private open space is permitted. Overnight parking on driveway verges, which form part of the private open space, is also not permitted. The Estate reserves the right to have any incorrectly parked vehicles towed at the vehicle owner's expense. The parking of caravans, boats and road trailers in visible areas is not permitted.

## **1.10. PARKING FOR BUILDING SITES & LONG-TERM CONTRACTORS:**

All vehicles must be parked within the boundary of the erf. Any parking that is required outside of the erf boundary must be agreed upon with the Estate Management. If no parking is available outside of the erf boundary, then a drop and go system must be implemented.

For site meetings arrange to park off-site and share lifts so that as few vehicles as possible are brought on site. Fines will be issued for non-compliance.

### **1.11. DOMESTIC PETS**

While animals are permitted on the Estate, Residents are at all times responsible for their pets and their pet's behaviour. Residents must ensure that their pets are not a nuisance or cause a disturbance to neighbours.

A feature of the Estate is its wild life - geese, ducks, guineafowl, and squirrels which need protection from dogs and cats being allowed to roam freely. Dogs roaming free can also be a menace to residents, their guests, children, and other dogs on leashes. Dogs must not harass, intimidate or otherwise be a nuisance to other users of the Estate's Common Areas including the roads / pathways (Private Open Spaces).

All domestic animals shall at all times bear a tag, which shall reflect the name of the dog / cat together with at least the telephone number and , if possible the name and ERF number of the Resident. A digital photo must also be provided for each Domestic animal to be recorded on a Pet register by the Homeowner on My Estate Life that will be maintained by the HOA.

It is recommended that aggressive dog species, mixed breed or pedigree of such dogs are not kept on the ESTATE and if they are then might be requested to not be walked on the Private Open Spaces.

Dogs must be under strict control at all times, both whilst on and off a leash. Dogs must always be attached to a lead and under control except on the Nuweland greenbelt (area in front of playpark) and the Silver Stream greenbelt (area on other side of the dam) only where they may be off the lead (but still under the control of the walker). They must be walked to and from this area on a lead, including around the Pavilion and the dam and remain on the lead until the beginning of on the Silver Stream greenbelt. At no time are dogs allowed in the Playpark, on the Tennis courts, or in the Estate Dam. Owners/dog walkers with dogs that might attack other animals or that have behaviour issues should take extra responsibility around the Nuweland and Silver Stream area where other dogs may be off their leads.

In the event of a dog biting a person on a Private Open Space, the dog concerned must be removed from the Estate.

Any animal that bites, savages, or viciously attacks any other animal on a Private Open Space, may no longer be walked on a Private Open Spaces and/or may be requested to be removed from the Estate, unless it can be proved that such bite or savaging was in reasonable defence of the owner or person responsible for the keeping of the dog, or their dependents or property, or that the animal bitten was in the wrong or threatened the other animal first. All costs associated with this are for the account of the faulty party. Residents are advised to muzzle a dog that may bite.

Persistent breaches of the above rules or a dog that is considered to be a persistent nuisance or a threat to other animals could be requested to remain on its lead at all times, being muzzled or not being permitted to walk on the Private Open Spaces at all.

Residents and dog handlers walking their dogs are expected to pick up their dog litter immediately. Bins, stocked with bags, are available at various points on the Estate.

In addition, the HOA will have the right to charge penalties to residents and their dog walkers (after one warning for any such breach) for breaches of the above rules including:

R300 per incident for not picking up their dog litter and

R300 per incident for not keeping their dogs on leads on the Private Open Spaces other than as allowed above.

#### **1.12. PRIVATE OPEN SPACE, PLAY PARK, TENNIS COURTS & PAVILION**

All areas, such as the above, that are managed by the Home Owner's Association, including the green belts, are for the exclusive use of its residents\*. Any person that is not a resident must be accompanied by a resident or have the permission of a resident to use private open space. The use of Estate facilities namely the play park, tennis courts and pavilion, by non-residents who are not accompanied by a resident requires the approval of the Board of Directors. Animals are not permitted inside the playpark, tennis courts or pavilion. \*A resident, as defined in Regulation No. 2, is a person who is a member of SEHOA or someone who has a lease with a member of SEHOA and is renting a home on the Estate.

#### **1.13. TENNIS COURTS AND PAVILION**

The use of the tennis courts and of the pavilion for small private functions is by reservation, which can be made via email [tennis@silverhurst.org](mailto:tennis@silverhurst.org) from Monday to 5pm on Friday. As this email address will not be manned over weekends a file will be available at the Pavilion for manual bookings.

It is expected that, after use, the above areas be left in the same condition in which they were found.

The use of Tennis Courts and Pavilion is at your own risk

The keys for the Pavilion kitchen can be collected at the Estate Office.

The cloakrooms have biometric access. Please contact the Main Security Office to capture your fingerprint for this facility.

Court No. 1 is reserved **strictly** for tennis.

Court No. 2 is reserved for tennis and other games.

Court bookings are restricted to 1.5 hours each, unless for a function or birthday party.

No consecutive bookings will be accepted.

Only 2 live bookings per resident will be accepted at any point in time.

Please specify if booking is for tennis or other games.

A resident must be part of the tennis game.

If for other games, please specify if you require the tennis nets to be removed.

Children 8 years old and under are to be accompanied by an adult whilst using the courts.

No food or drinks other than water allowed on the courts.

No bikes/skate boards or similar allowed on the courts.

No studded boots allowed to be worn on the courts.

No animals are allowed on the Tennis Courts.

#### **1.14. Tennis Coaching:**

Tennis coaching may take place from Monday to Friday.

Tennis coaching is for residents only. No third-party coaching will be permitted.

Tennis coaching is subject to the booking and general rules above.

#### **1.15. ELECTRIFIED WALLS AND FENCES**

Residents whose property bounds on the electrified wall or fence are expected to ensure that trees and bushes are trimmed back to allow a one metre space from the fence to prevent contact with the electric wires.

#### **1.16. MAIL**

All incoming mail is sorted daily at the main gate and can be collected there. Residents expecting mail addressed to companies, trusts, etc. should provide the Estate Office with a list thereof to assist the sorting.

#### **1.17. COLLECTION OF REFUSE**

Household refuse, in black bags, garden refuse in green bags and recycling in clear bags or a bag with a string or ribbon identifying it as recycling, is collected from 07:30 a.m. on a Monday and Thursday. Bags can be left in your driveway or refuse hatch. Refuse is not permitted to be put out (in view of neighbours/passers-by) the night before. There are also recycling bins in the yard next to the Estate Office.

#### **1.18. BUILDING ON THE ESTATE**

All building, alterations, improvements, major repairs, and installation of swimming pools can only be carried out in accordance with Regulations No.3 & 4.

#### **1.19. CHANGE OF OWNERSHIP**

In terms of the Association's Constitution owners which includes inter alia, Members, Registered Owners and Secondary Members who sell or transfer their properties or interest in such properties are required to pay to the Association 1% (Levy Support Plan) plus VAT of the fair market value of the Unit Erf. This applies not only to the sale by deed of transfer but also to any change in beneficial ownership such as a sale of shares or transfer or change in beneficiaries in or from a trust.

In the event of a transfer of ownership of or interest in a Unit Erf occurs as a consequence of:

- a sale by the beneficial owner, where de facto, beneficial ownership remains with the current owner or his/her immediate family (spouse, children, step children, or grandchildren); or
- any person inheriting a Unit Erf or an interest therein.

then the 1% levy on the gross proceeds of sale, will not apply.

No transfer can take place without the consent of the Association; this is to ensure that all levies are paid and that the new owner is fully informed of the rules

#### **1.20. TREES**

No trees which existed on erven at their date of acquisition can be removed by owners except with the prior approval of the Board of Directors. This approval will only be given if the Estate's arbor culturist advisor considers the trees to be dangerous.

#### **1.21. SELLING PROPERTY**

Estate Agents are not permitted to enter the Estate unless authorised by a Home Owner. 'Show Houses' and the erection of signposts, in or outside the Estate, are not permitted. House viewing is by appointment only with the Estate Agent who must give the viewer's names to the Main Gate to allow entry.

#### **1.22. MAINTENANCE OF HOMES**

To preserve and enhance the lifestyle within the Estate, residents are expected to maintain all aspects relating to the exterior of their homes, including but not necessarily limited to house & boundary walls, roofs, fencing, pools and paving, at a level of upkeep, neatness and tidiness to a standard acceptable to/satisfaction of the SEHOA. This is particularly applicable to property features which are visible from the road, private open space, and neighbouring properties.

Paintwork on walls and woodwork are to be maintained to prevent unsightly flaking, staining or discolouration and roofs to be kept clean and in an appropriate state of repair. Driveways are to be kept clean and clear of weeds and water features and ponds to be maintained to prevent smelly odours.

Verges are maintained by the SEHOA unless alternative arrangements have been made with the SEHOA. Verges maintained by the home owner will require SEHOA approved landscaping plans and are expected to be maintained to a high standard and should accept the intervention of the SEHOA Management and Directors if they do not comply.

The above considerations apply equally to unoccupied properties which must not fall into disrepair or create eyesores.

### **1.23. HEIGHTS OF HEDGES**

It is recommended that hedging between erven are kept to a maximum allowable height of 4m to preserve views and allow sufficient natural light into neighbouring properties. Neighbours are encouraged to reach a compromise on this matter between themselves.

Approved: 18 May 2022



## **REGULATION NO. 2**

### **ACCESS REGULATIONS FOR RESIDENTS, THEIR VISITORS & EMPLOYEES**

A Resident is defined as a person who is a member of SEHOA or someone who has a lease with a member of SEHOA and is renting a property on the Estate.

#### **2.1. ACCESS AUTHORISATION**

Access of all visitors, contractors, service providers and employees onto Silverhurst Estate will only be permitted with a Resident's consent. Pre-authorisation can be given on the My Estate Life access control app or by informing the Estate or Main Security Office. The pre-authorisation list of Resident's regular service providers is updated monthly and distributed to the Security Officers at both entrances. The number of pre-authorised regular service providers should please be restricted to a maximum of five companies.

Employees may not authorise visitors to enter Silverhurst Estate but may authorise service providers or deliveries if authorised to do so by the Resident, in writing, to the Estate or Security Office.

All residents are encouraged to download the My Estate Life app onto their mobile phones.

#### **2.2. MAIN ENTRANCE**

All residents, their guests, domestic staff and Estate employees are required to use the Main Entrance only. To prevent Taxis from using the Main Entrance to drop off passengers, domestic employees travelling from the direction of Hout Bay are permitted to use the Tradesman's Entrance. With the prior approval of the Estate Management, contractors can be given permission to use the main gate to carry out indoor work on Saturdays until 2pm.

All residents who drive vehicles must be registered on the Impro Morphowave reader access control system to allow them access through the booms and sliding gate at the Main Entrance. Members of a resident's immediate family who drive vehicles may also be registered on the access control system.

At the request of the Home Owner, children (including those who do not drive vehicles) and frequent guests may also be registered on the Impro access control system.

Access cards will only be issued to residents whose hands are unable to be captured by the Impro Morphowave reader access control system. Access cards are not transferable to a third party.

### **2.3. TRADESMAN'S ENTRANCE**

The Tradesman's Entrance is open Monday to Friday from 07:30 to 17:30 and closed on Saturdays, Sundays and Public Holidays. This entrance is also closed for 3 weeks each December to accommodate the annual builder's holidays.

The Tradesman's Entrance may be used by:

- Residents who are on foot or bicycles
- Domestic Employees travelling from the Direction of Hout Bay
- All emergency vehicles
- Builders and Tradesmen working on registered building sites.
- Service Providers.
- Contractors who bring workers onto a site.
- All vehicles larger than 1.5 tons.
- Vehicles carrying equipment and workers.
- Vehicles returning to collect workers.
- Delivery Vehicles

### **2.4. VISITORS**

To expedite ease of access, Home Owners are encouraged to pre-authorise visitors on the My Estate Life app or advise the Estate or Main Security Office of any expected visitors. Visitors will not be granted access without the permission of a Resident. A list of expected visitors, in alphabetical order, for large functions/parties must be pre-authorised on My Estate Life or sent to the Estate or Main Security Office by 12h00 on the day of the function.

On arrival, the visitor's car license disk will be scanned, and his details taken. Residents will receive a notification via My Estate Life that the visitor has arrived and another notification when the visitor exits the Estate.

Long term overnight visitors will be required to register his/her handprint on the Morphowave reader, the duration of access is captured according to instructions received from the Resident and comply with all conditions stipulated in Regulation No. 6.

Visitors who will remain on the Estate longer than 48 hours are required to complete a Visitor's Information Sheet available at the Estate Office and comply with all conditions stipulated in Regulation No. 6

If you will not be at home when your visitor arrives, their access may be pre-authorised via My Estate Life or at the Estate or Main Security Office

## **2.5. CONTRACTORS**

Building contractors will not be granted access to the Estate until all the necessary procedures in Regulation No. 4 have been complied with.

## **2.6. SERVICE PROVIDERS**

On first visit to the Estate the driver and passengers will be required to supply a copy of their identity document and be registered onto the biometric access control system by capturing their fingerprint and having their photograph taken. The driver's details will be recorded onto the My Estate Life app and will gain access to the Estate via the biometric access control system.

Every passenger is requested to alight from the vehicle and proceed through the gate on foot. The Access Control Officer will provide each passenger with an access control card, after which the passengers will proceed through the turnstile and may then embark their vehicles and proceed to their respective building site. On leaving the Estate the abovementioned procedure must be reversed i.e. passenger's alight from their vehicle, hand in their access control card and embark outside the gate. Please be advised that the Access Control Officer has the right to search vehicles and belongings at any time.

Lost/damaged cards are charged for at R50 per card and is payable at the Estate Office.

## **2.7. EMPLOYEES**

2.7.1. All rules above governing visitors to the Estate, apply equally to employees.

2.7.2. Please notify the Estate Office of all new employees before their first day of employment. Criminal clearance checks are required within one day of employment and will be carried out, by the Security Manager, at the Estate Office. An identity document is required for this. During this time, a photograph will be taken of the employee. The domestic employee will be loaded onto the access control system once the results of the criminal clearance check has been received. The cost of the criminal clearance check is for the Home Owner's account.

Whilst awaiting the criminal clearance check results, all employees will be required to sign in as a visitor and the Resident will be telephoned requesting permission for their staff to access Silverhurst Estate. (The employees name may be added to the Resident's Pre-Authorisation list should the Resident not wish to be telephoned each morning).

Employees found to have a criminal record, will not be allowed access to Silverhurst Estate until such time that the details of their crime have been obtained. Approval to work on Silverhurst Estate from the Board of Directors, who may impose terms and conditions in their discretion, will be required.

- 2.7.3 Visitors may not sleep in overnight and must exit the Estate by 22h00.
- 2.7.4 Employees who reside on Silverhurst Estate may not have any family member or friend living with them on a permanent basis. With the permission of the Resident a child not older than 15 years of age may reside with them on a temporary basis i.e., long weekends or school holiday.
- 2.7.5 Employees who request access outside of their agreed upon access permission times, will require the permission of their employer to access the Estate.
- 2.7.6 Employees are not allowed to solicit for any cause on Silverhurst Estate.
- 2.7.7 The conduct of employees or visitors to employees, whilst on Silverhurst Estate, is the responsibility of the employer.

These regulations are intended to increase the security for all Residents and reduce potential problems. The Directors expect all Residents to enforce them.

## **2.8. GENERAL**

- The speed limit is 30 kmph.
- All vehicles entering the Estate are expected to comply with the 30kmph speed limit and stop at all STOP signs.
- Visitor/service provider vehicles failing to do so will be fined and access denied until the fine is paid.
- Subsequent offences will result in access being denied permanently.
- Vehicles are required to enter and exit the Estate via the same entrance.
- Drivers without a valid driver's license will not be permitted entry.
- Vehicles longer than 9 metres are not permitted entry.
- No articulated vehicles (horse & trailers) are permitted entry.
- Any vehicle greater than 5 tons, that is not part of a building contract, must pay a fee of R650. This can be done at the Estate Office.
- Persons found to be under the influence of alcohol or drugs or carrying a firearm or weapon will not be granted access to the Estate.
- Vehicles entering the Estate for whatsoever reason are subject to random searches, with the voluntary consent of the driver.
- Right of admission is reserved.

Approved: 09 April 2019

**REGULATION NO.3:**  
**REGULATIONS GOVERNING THE DESIGN AND PLAN APPROVAL OF NEW BUILDINGS, ALTERATIONS, ADDITIONS, MAJOR LANDSCAPING, AND POOLS**

**3.1. NOTIFICATION**

Home Owners are required to notify the Building and Development Committee (BADC) of all intended major landscaping, pools, and building works of whatever nature. The notification is to be made in writing to the BADC, care of the Silverhurst Estate Office, via email: [info@silverhurst.org](mailto:info@silverhurst.org).

**3.2. PLAN SUBMISSION AND APPROVAL**

Home Owners and Architects are requested to engage with the design principles as set out in the Silverhurst Development & Design Manual.

The BADC, assisted by an Estate Architect, is responsible for the approval of all building and major landscaping work of whatever nature carried out on the Estate. BADC approval is a prerequisite to submission to the Local Authority.

The Homeowner is to appoint a Professional (in the relevant category) currently registered with the South African Council for the Architectural Profession (SACAP) for any new buildings, structural changes, alterations and additions, major landscaping, and pools. This appointment is to be a full professional service for the work including site inspections.

All structural, civil, electrical and mechanical documentation submitted to the BADC must be authored by an Engineer or an Engineering Technician registered with the South African Association of Consulting Engineers.

A proposed garden plan to be included.

It is recommended that Home Owners and/or their Architects meet with the Estate Architect ahead of submitting a proposal to the BADC.

**3.2.1. DRAFT SKETCH PROPOSALS**

- 3.2.1.1. Two printed copies of the Draft sketch proposal, are to be submitted to the BADC care of the Silverhurst Estate Office, together with a .pdf and an electronic copy in Dxf/dwg format.

- 3.2.2.2 Proposals must include a comprehensive specification, all signed by the Home Owner and SACAP registered Professional (in the relevant category), together with vector drawings, standard SANS compliant format and all annotations are to be clear and succinct, with full clarification as to detailing in window surrounds, coping, moldings, etc. should it be applicable. The "Silverhurst Building Proposal Checklist" is to be included and the information clearly shown on the drawing submission.
- 3.2.2.3 Draft sketch proposals should also include the building lines, Silverhurst building zone lines, total coverage area, square meter calculations for all floors, hatched areas for alterations & additions, together with relevant floor plans, elevations, and any further external concept visuals. Materials, colours and finishes are to be clearly labelled on elevations to allow for efficient scrutiny.
- 3.2.2.4 A landscape plan should also be included, indicating all trees on site and on the verge. No trees may be removed without the permission of the Estate Management.
- 3.2.2.5 Plans will be date stamped upon receipt. The Committee will consider the draft sketch proposal and notify the home owner's architect of its approval, or of any required amendments, within ten working days of submission of the plans.
- 3.2.2.6 Should the BADC require any amendments to the drawings, then the home owner's Architect must submit amended drawings to the BADC who shall confirm, within ten working days of submission, whether the amendments are accepted.
- 3.2.2.7 This process will repeat until the draft sketch proposal submission complies with the Development and Design Manual. The BADC will then advise the Architect to proceed with the Final (Council Submission) Plan Proposal.

### **3.2.2. FINAL (COUNCIL SUBMISSION) PLAN PROPOSAL**

Two copies of the Final Plan Proposal are to be submitted to the BADC, together with the electronic copies stated above, in strict keeping with the previously approved Draft Sketch Proposal and will be assessed within ten working days of receipt. Only once plans have been signed by the BADC, can submission be made to the Local Authority.

A letter will be sent to the Homeowner advising him/her that the plans have been approved, the building levy due and requesting a meeting between the Contractor and Estate Management.

The Homeowner is responsible to submit these BADC approved plans to the Local Authority for approval and provide the BADC with a printed and .pdf copy of the Local Authority approved plans.

Formal approval will be recorded in the minutes of the relevant Board Meeting.

### **3.3. DEVIATIONS FROM APPROVED PLANS**

Any building work whatsoever that deviates from the approved drawings shall not commence on site without first consulting the BADC. The BADC may either reject the proposal (on the basis that the deviations are too extensive) or offer approval in principle subject to a motivation in writing and a revised drawing plan submission to both the BADC and Local Authority.

If any deviations from the originally approved submission were undertaken, a Local Authority approved “as built” plan must be submitted upon completion of the project.

### **3.4. COMMENCEMENT OF BUILDING PROJECTS**

Home Owners are required to notify the BADC of the intent to commence on site prior to the actual commencement of the works. This notice must indicate the commencement date.

Building projects may not commence until:

- The Estate Office has been furnished with a set of Local Authority approved plans.
- The building levy has been paid.
- The contractor has met with, been briefed by Estate Management and the Induction Pack has been completed and returned.

### **3.5. COSTS ASSOCIATED WITH THE SCRUTINY PROCESS**

All costs incurred by the BADC including, but not limited to, Architect’s fees, Quantity Surveyor’s fees and legal fees will be recovered from the relevant Home Owner.

Professional time required for the scrutiny and approval process by the BADC/Consulting Architect will be charged to the Home Owner at R2 300 per hour or part thereof.

As a guide (only) the professional time required for the scrutiny and approval (including meetings with the Home Owner/his architect) should not exceed 2,5 hours for swimming pools, minor works, and the like. The time required for the larger alterations/additions, and/or new builds, should not exceed 5 hours. These timeframes, however, do presuppose that the submissions are complete, comprehensive, and accompanied by all necessary documentation.

Home Owners are advised that all communication with the Estate Architect must be done via the BADC. Telephone calls by members or their Architects to the Estate Architect are discouraged and will be charged for at the rate above.

### 3.6. BUILDING LEVIES

To subsidise the maintenance of the Estate's roads, verges, gates and security during construction activities building levies, as determined annually by the Board, will be imposed on all building works requiring plan approval by the South Peninsula Municipality (SPM).

The BADC, is responsible for the calculation of the building levy which will be calculated at the rate applicable as at the time of final plan submission. The building levy amount will be communicated to home owners via their Plan Approval letter and is payable into the Silverhurst Estate Bank account ahead of the commencement of the project.

Please see Paragraph 8. Additional Levies & Completion Periods below

### 3.7. DEFINITIONS & LEVIES

Definitions of the various categories of building works and the levies attributable to each, are given as follows:

#### 3.7.1. MAJOR BUILDING WORKS

**Alterations** shall mean change/modification/adjustment/variation to an existing structure where the overall area of the existing building is not increased.

**Additions** shall mean new work which increases overall area (either horizontal or vertical) to an existing building.

**Demolitions (and Rebuild):** shall mean a building is considered demolished, where the breaking down of built form, measured horizontally over walls and floors in plan, exceeds sixty percent of the total horizontal wall and floor plan area of the existing building.

**Minor Demolitions:** shall mean that portion of the building that is demolished is thirty percent or less of the total horizontal wall and floor plan area of the existing building.

**New Builds** are defined as new works on a vacant erf.

**Floor Area (B)** shall mean the overall area of the works measured from the approved plans over the external walls and including all decks, patios, stoeps, etc, where these are under roof/cover.

The Estate Architect will apply the above definitions in determining the building levy calculation.



### 3.7.1.1. CALCULATION OF LEVIES ON MAJOR BUILDING WORKS

The rates and percentages below are determined annually by the Board and currently set for the various categories of work as follows:

The quantum of the levies on Major Works will be calculated using the following formula:

$$\text{Levy Payable} = B \times C \times D$$

Where:

B = The Floor Area

C = The Rate per m<sup>2</sup>

Alterations	:	R 13,200 /m <sup>2</sup>
Additions	:	R 20,300 /m <sup>2</sup>
Minor Demolition	:	R 11 075/m <sup>2</sup>
Demolition (& Rebuild)	:	R 22,150 /m <sup>2</sup>
New Structure on vacant erf	:	R 21,500 /m <sup>2</sup>

(B x C = Building Cost)

D = Multiple

2%

### 3.7.2 MINOR WORKS

Minor Works shall mean extensive internal and/or external renovations that do not form part of a major works project. Minor Works may or may not require Municipal plan approval and in the instance that the project takes longer than 2 months to complete will be levied at R6 100 per month or part thereof, from the commencement of the project.

### 3.7.3 SWIMMING POOLS AND HARD LANDSCAPING

Fixed Lump Sum levies of R6,100 will be imposed on swimming pools and/or hard landscaping contracts

### 3.7.4 VEHICLE LEVIES

A vehicle levy of R650 will be imposed on any truck/vehicle with a Tare weight of greater than 5 tons entering the Estate, and which is not part of any of the works listed below (i.e., works where no building levy has otherwise been paid).

### **3.8. ADDITIONAL LEVIES AND PROJECT COMPLETION PERIODS**

#### **3.8.1 ALTERATIONS & ADDITIONS**

No contract may take longer than 12 months from the date of commencement of the works. In the event of the contract extending beyond 12 months, a non-completion levy of R10,000 for the first month, or part thereof, and R20,000 per month, or part thereof, for every month thereafter, will be imposed until completion of the works.

#### **3.8.2 DEMOLISH & REBUILD and NEW BUILDING CONTRACTS**

No contract may take longer than 18 months from the date of commencement of the works. In the event of the contract extending beyond 18 months, a non-completion levy of R10,000 for the first month, or part thereof, and R20,000 per month, or part thereof, for every month thereafter, will be imposed until completion of the works.

#### **3.8.3 MINOR WORKS**

No contract may take longer than 4 months from the date of commencement to complete. In the event of the contract extending beyond 4 months an additional non-completion levy of R5 000 per month, or part thereof, will be imposed as from month 5 until completion of the works.

### **3.9. CONTRACTORS**

All Contractors are to be informed by the Home Owner of his obligations under Regulation 3 and 4.

It is an absolute pre-requisite that the Contractor meets with, and is briefed by, the Estate Management before commencing on site. At this meeting, the Contractor will receive an Induction Pack which is required to be completed and returned before construction may commence.

### **3.10. COMPLETION OF PROJECT**

A building project is deemed complete when the Estate Office has been furnished with an Occupancy Certificate from the City of Cape Town

A Silverhurst Completion Certificate will be issued by the BADC on completion of the building project if the building complies with the original approved BADC & Council approved plan. This certificate forms part of the required documentation for Consent to Transfer. The lack thereof will impact negatively on the Home Owners ability to transfer the property at a later date.

The BADC reserves the right to employ the services of an independent surveyor to verify compliance with the approved plans.

Approved: June 2020

## **REGULATION NO. 4**

### **REGULATIONS REGARDING BUILDING OPERATIONS**

#### **4.1. COMMENCEMENT OF BUILDING PROJECTS**

- No building or site work may commence unless the Home Owner is in possession of Home Owner Association and Council approved plans, has paid the required building levy and together with the Building Contractor has met with the Estate Management to complete the relevant indemnity, information forms, and Contractors Agreement during the induction session.
- The Estate Management will notify Security in writing when an erf becomes a building site.

#### **4.2. ACCESS TO THE ESTATE FOR BUILDING CONTRACTORS**

- Architects, project managers and other related services providers, who are not carrying passengers or equipment to a building site, must please use the Main Entrance.
- Builders and tradesmen working on a registered building site must please use the Tradesman's Gate.
- On first visit to the Estate the contractor and passengers will be required to supply a copy of their identity document. Drivers will be registered onto the biometric access control system by capturing their fingerprint and having their photograph taken. Drivers who are not in possession of a driver's license will not be granted access.
- Upon arrival at the Estate every passenger must alight from the vehicle and proceed to security on foot. The Access Control Officer will provide each passenger with an access control card and their photograph will be taken. Having received an access control card, the passengers may proceed through the turn stile and re-embark on the vehicle and proceed to their respective building site.
- On leaving the Estate the abovementioned procedure must be reversed i.e. passenger's alight from their vehicle, hand in their access control card and re-embark outside the gate. Please be advised that the Access Control Officer has the right to search vehicles and belongings at any time.
- Lost or damaged access control cards are charged for at R50 per card.
- The Tradesman's Gate is open from 07h30 to 17h30 Mondays to Fridays, and closed on Saturdays, Sundays and Public Holidays.
- Vehicles leaking oil will NOT be allowed onto the Estate.
- The speed limit is 30 kmph. Compliance will be strictly enforced.
- Contractors must stop at all STOP signs. Vehicles failing to do so will be fined.
- No articulated vehicles (horse & trailers) will be permitted access.
- Vehicles longer than 9 metres will not be permitted onto the Estate

- No vehicle that did not come in the Tradesman's Gate will be allowed out of that gate.
- Vehicles which have not vacated the Estate by the 17h30 Tradesman's Gate closure time and which are too large to exit at the main entrance gate will be charged to have the Tradesman's Gate opened. The security officer is required to make out an Operations Book Extract (OBE). Once two OBE's are on record, the concerned parties will be denied further access.
- After due warning for any breach of the regulations, Estate Management may levy fines of up to R2 000 per offence. Fines will need to be paid in full by the contractor before further access will be granted.
- Repeated or material breaches could also result in a contractor being barred from the Estate.

#### 4.3. TIME CONSTRAINTS

- Building works are only permitted between the hours of 08h00 and 17h00. At 17h00 sharp all building work must cease, allowing time to ensure that the building site and surrounding area is cleaned and tidied before the site is vacated. These start and end times will be strictly enforced to ensure the privacy of residents. All persons must vacate the Estate by 17h30 when the Tradesman's Gate closes.
- Permission to work outside normal times must be applied for in advance and will only be granted under very special circumstances. No blanket concessions will be considered.
- **No work will be allowed on weekends, public holidays or during the annual builders' holidays.** Estate Management, upon request, may make exceptions but only in cases where quiet, inside work will be performed and only on Saturdays until 2pm.
- People found working late without permission will be escorted off the site and fined.

#### 4.4. BUILDING SITE REQUIREMENTS

- It is a requirement on building sites that the foreman must be the first to arrive and the last to leave – **no workers** are permitted on building sites without the presence of the foreman.
- Each site is permitted one standard size Main Contractor's board and a poster size board for each of the sub-contractors, located within the confines of the relevant erf. These must be removed when the work has been completed.
- A building site on which a house has been substantially demolished and will be rebuilt will require a shade-clothed fence to be erected on all four sides of the erf. Screening requirements for any alterations or additions will be determined by consultation between a Home Owner and the Estate Management
- Main contractors, sub-contractors and their personnel are granted access to their work areas only. The above persons must stay on their respective building sites at all times.

- No worker may utilize the verges for tea or lunch breaks.
- Workers are not permitted to walk between building sites. Any worker wishing to go anywhere off the Estate must do so in a vehicle. All areas, other than the building site, are strictly out of bounds.
- All personnel must remain within the confines of the building site until collected. No personnel may wait on verges or roads outside of the building site.
- Tradesmen are not permitted to walk from the building site to the Tradesman's or Main Entrance.
- All materials, including sand and topsoil, are to be kept within the confines of the building site.
- Building sites are to be kept tidy and material flow must be planned. Sand or soil stockpiles are to be stabilized with sheet covering when the site is left unattended.
- Temporary toilets are to be sited after consultation with the Estate Management and are to be in place within the building site, not within view from the road and before operations commence.

#### 4.5. ROADWAYS & VERGES

- Roadways should not be restricted at any time
- All materials carried onto the surrounding roads and verges by vehicles entering and leaving the building site must be cleaned on a daily basis.
- Verges should be kept neat and tidy at all times

#### 4.6. PARKING

- Parking is **not** permitted on lawns or grass verges.
- **Parking for Building Sites & Long-Term Contractors:**
- All vehicles must be parked within the boundary of the erf. Any parking that is required outside of the erf boundary must be agreed upon with the Estate Management. If no parking is available outside of the erf boundary, then a drop and go system must be implemented.
- For site meetings, arrange to park off-site and share lifts so that as few vehicles as possible are brought on site. Fines will be issued for non-compliance.

**4.7. PLEASE NOTE:**

Estate Management will make regular site inspections to ensure the above regulations and approved plans are being adhered to. A Completion Certificate will be issued at the end of each project providing the completed building complies with all BADC & Council Approved plans.

**4.8. FURTHER REFERENCES**

The Home Owner and Contractor is further referred to the Builder's Induction Pack and Contractor's Agreement contained therein.

Approved: 23 January 2018

## **REGULATION NO. 5**

### **USE OF THE PAVILION FOR PARTIES AND FUNCTIONS**

Should you want to use the pavilion for a party or function, it is necessary to book. This can be done via the email address [tennis@silverhurst.org](mailto:tennis@silverhurst.org), giving at least three weeks' notice for evening parties/functions. Keys for the kitchen can be obtained from the Estate Office. Please return these as soon possible after your function. The bathrooms are controlled by biometric access control please contact the Security Manager if you wish your fingerprint loaded onto this system.

- Evening parties/functions will be limited to one party or function in any calendar month and never on two consecutive weekends. There is no restriction on day time functions.
- Bookings for evening parties or functions can only be made for a Friday or Saturday night or the night before a public holiday.
- Number of guests should be limited to 50.
- Music must be turned off and the pavilion cleared of people by midnight.
- A party can only be booked for a person who is resident on the Estate.
- The person making the booking must be a Silverhurst Home Owner.

**The Home Owner who books the pavilion must please take responsibility for the following:**

- Informing other Home Owners adjacent to the pavilion of the date and time of the evening party or function.
- A parent being in attendance at all under-age parties (under 21), for the entire duration of the party who will be responsible for the behavior of the young guests.
- Providing the Main Gate security or Estate Office with a list of guests, in alphabetical order, prior to the commencement of the party/function.
- Providing any additional security required. This should include hiring additional guard/guards and assisting at the gate as guests arrive.
- Giving the Estate Office a telephone number where the responsible person can be reached throughout the duration of the party.
- Accepting liability for any damage done to the pavilion or other property on the Estate by the guests attending the party or function.
- Ensuring that cars belonging to people at the party, park in the areas provided and not along the verges in front of other resident's houses.
- Clearing up after the party or function. This should be done no later than the next day.



For security reasons, entry will be given only to persons on the guest list. The driver of a vehicle and all passengers' names must be on the guest list. Guests being dropped off should be dropped off at the entrance and walk down to the pavilion to avoid uninvited gatecrashers coming in. Party guests should not wander around the Estate. These requirements are to ensure security on the Estate and prevent gatecrashers.

Please remember that NOISE is the main problem for those living near to the pavilion.

Approved: 23 January 2018

## **REGULATION NUMBER 6**

### **RULES & CHARGES RELATING TO THE RENTING OF HOMES**

It is important that in order to protect our security and single residential status of homes on the Estate, that all persons staying in homes when the Home Owner is both in and not in residence (i.e. tenants, house sitters or guests) are strictly controlled. Therefore, the following has been put into place:

#### **6.1. WHEN A HOME OWNER IS NOT IN RESIDENCE**

6.1.1. Renting and house sitting can only take place when the Home Owner is **not** in residence.

6.1.2. All persons renting or house sitting will be required to:

- Complete a personal details form which is available at the Estate Office.
- Provide certified copies of identity documents. If the people are personal friends of the Home Owner, ID documents certified by the Home Owner will be accepted.

6.1.3. The Home Owner must provide the Estate Office with a letter vouching for and accepting full responsibility for their tenant/house sitter, confirming that they have issued them with a copy of the Silverhurst Rules & Regulations and, in the event of a lease, confirm that the lease is of a duration not less than 3 months. Access to the Estate for tenants/house sitters will not be granted until the Estate Office is in receipt of the documentation referred to in a. and b. above.

6.1.4. In accordance with the single residential status of the Estate tenants/house sitters will be restricted to members of a single family.

6.1.5. For the duration of the lease, tenants shall be subject to the same rules as Home Owners in relation to allowing their own guests onto the Estate.

6.1.6. The home owner is required to pre-authorise any guests of house sitters.

6.1.7. An immediate family member who is living in the home when the Home Owner is not present will have the same rights to authorise visitors as the Home Owner. Immediate family members are defined as "children, sibling and parents of the Home Owner". As with house sitters and tenants, the family member must also comply with all SEHOA rules and regulations.

#### **6.2. WHEN A HOME OWNER IS IN RESIDENCE:**

The permission of the Board of Directors is required should a Home Owner wish to have a guest reside with them for longer than four weeks. Such permission shall not be unreasonably withheld and, where the guest is a member of immediate family of the Home Owner, shall be automatically granted.

#### **6.3.**

#### **6.4. GENERAL**

- 6.4.1. The Estate reserves the right to carry out criminal background checks on all tenants/house sitters, the cost of which will be for the Home Owner.
- 6.4.2. In the context of this Regulation, anyone staying in a house while the Home Owner is not in residence and who is not a tenant, shall be considered a house sitter. Accordingly, a “guest” is a short-term visitor of a Home Owner, tenant or house sitter whose access to the Estate shall be authorised as indicated above.
- 6.4.3. The payment of levies and recoverable expenses to SEHOA via the debit order collection system remains the responsibility of the Home Owner. Any monies payable by a tenant to a Home Owner must be via a private arrangement between the two parties.
- 6.4.4. The operation of any business on the Estate, including an hotel, guesthouse or bed & breakfast is not permitted. Clause VII-2 of the Silverhurst Title Deed states: “the said land shall not be used for any purposes other than residential. No shop nor hotel nor commercial business, nor advertising nor trade nor profession shall be carried on thereon”.
- 6.4.5. A hotel, guesthouse or bed & breakfast is defined as a commercial establishment providing lodging and/or meals and other guest services. Such establishments, typically, are evidenced by short term occupations by people not related or connected to the Home Owner, for commercial gain, not formalised by way of a written lease agreement, and advertised to the general public on the internet, or in other media.

Approved: 23 January 2018