



KANONBERG

LIFESTYLE ESTATE

KANONBERG HOMEOWNERS ASSOCIATION

MEMBERS' RULES

AMENDED | SEPTEMBER 2024



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2. DESIGN/CONSTRUCTION GUIDELINES

DEFINITIONS

The words and expressions used in this document shall have the meanings hereby assigned to them:

Alienate	alienate any erf or part thereof as defined in the HOA Constitution.
Architects	such architects and approved technical draftsmen as appointed by The Trustees from time to time.
Association	the Kanonberg Homeowners Association is bound by the Constitution.
Auditors	the auditors of the Association.
Chairman	the Chairman of the Trustees.
Common Area	shall mean the registered private open spaces and all facilities to be established thereon for the benefit, use, and enjoyment of all members of the Association.
Constitution	the Constitution of the Kanonberg Homeowners Association.
Definitions	to be read in conjunction with the definitions contained in the Constitution.
Estate	the Kanonberg Lifestyle Estate.
Estate Manager	any person appointed by the Association to manage the Estate.
Erf	every erf in the Estate, including immovable property thereon.



Improvements	any structure of whatever nature constructed or erected on any erf.
Levy	the levy referred to in clause 10 of the Constitution.
Local Authority	the local authority having jurisdiction over the Estate.
Managing Agent	any person or body appointed by the Association as an independent Contractor to undertake the functions of the Association.
Member	every registered owner of an erf and member of the Association.
Member Trustee	a Trustee appointed by the Members.
OEMP	Operational Environmental Management Plan
Persons	being owner, tenant, visitor, family, friends, or any person domiciled on an erf within the Estate.
Rules	such rules as the Association, represented by its committee, may make from time to time for the proper management, control, and maintenance of the common area and other relevant matters.
Tenant	A Tenant is referred to as someone or persons that lease a property from the owner with a written lease agreement.
Tenant Sublet	a "Tenant sublet" is referred to as someone or persons that lease a part of a property whilst the owner and or main Tenant also resides on the same property a written lease agreement.
Trustees	the member Trustees of the Association.



INTRODUCTION

1. The main objective of the Estate is to provide a high-quality lifestyle for residents, and the purpose of the Rules is to protect this lifestyle and subsequent future growth of investment.
2. The Rules have been established in accordance with the Constitution of the Kanonberg Homeowners' Association (Kanonberg HOA). They are binding on all occupants of and Persons within the Estate, as is any decision taken by the Trustees in interpreting them.
3. The registered owners of the properties are responsible for ensuring that members of their families, tenants, visitors, friends, and their employees abide by these rules.
4. Harmonious community living is achieved when residents use and enjoy their private property as well as the common areas and amenities of the Estate whilst being generally considerate to all occupants of the Estate.
5. In the event of annoyances or complaints, the parties involved should attempt to settle the matter between themselves, exercising tolerance and consideration. When problems cannot be resolved, the matter should be brought to the Trustees' attention for arbitration and settlement.
6. These Rules are subject to change from time to time.
7. The Estate Manager, as the appointed representative of the Trustees, has the authority of the Trustees to apply these Rules. Any instructions issued by the Estate Manager regarding the application of the Rules will carry the authority of the Trustees.
8. The Kanonberg Member's Rules consist of Conduct Rules (including Annexures A-D) and Design Guidelines. The aforementioned must be read in conjunction with the Kanonberg HOA Constitution. Both the abovementioned have been approved and registered with the City of Cape Town.
9. The estate's facilities are reserved for the exclusive use of residents and their families living with them. Guests may use the facilities from time to time only when accompanied by the resident or permission has been granted by the Excom.



10. For the purposes of receiving any notice or process to be delivered in terms of these Estate Rules, any person residing and/or working on the ESTATE chooses as his/her/its domicilium citandi et executandi the address of the ERF at which such person is residing. Documents delivered by hand to such ERF will be deemed to have been received on the date of delivery thereof, except if a different arrangement has been made in writing with the Estate Manager.

1. CONDUCT RULES

1.1. USE OF THE ROADS

- 1.1.1. The roads of Kanonberg are for the benefit of all residents, whether by foot, bicycle, motorcycle, truck, delivery vehicle or motor car.
- 1.1.2. The speed limit is 30km per hour. Drivers are requested to be mindful of the fact that children often use the roads.
- 1.1.3. In addition to the above, the Cape Road Traffic Ordinance is enforced.
- 1.1.4. National Traffic Road Act + “No person shall drive a vehicle within the boundaries of the estate without a valid driver’s license for that specific vehicle under their control.
- 1.1.5. Parents are responsible for ensuring the safety of their children when using the roads.
- 1.1.6. Engine-powered vehicles may not be driven anywhere except on the roads of the Estate. All private open spaces are off-limits.
- 1.1.7. Parking on sidewalks or in the street opposite garage driveways is prohibited.



- 1.1.8. Residents must remember that pedestrians cross the estate's road, and motorists are urged to always drive with caution.
- 1.1.9. The use of motorcycles, quad bikes, or other vehicles with modified noisy exhaust systems is prohibited. Security personnel will report such incidents to Management.
- 1.1.10. Residents and their guests may not park their vehicles in the street and/or leave their cars in the street overnight.
- 1.1.11. No loud music may emanate from any vehicle on the Estate, and the excessive hooting and revving of vehicles and / or driving a vehicle in an off-limit area is prohibited.
- 1.1.12. Residents shall ensure that their vehicles do not drip diesel, oil, or brake fluid onto the common areas or, in any other way, deface the common area.
- 1.1.13. Skateboards, roller Blades, or related equipment may be used on all roads within KB; however, they may not be used in any Common Area within the Estate.
- 1.1.14. All vehicles entering the estate will be inspected by security from time to time for any reason, including using a vehicle search mirror to check for oil leaks. A vehicle showing oil leaks will not be allowed to enter the estate.

1.2. GOOD NEIGHBOURLINESS

- 1.2.1. No activity or hobby that causes aggravation or nuisance to fellow residents may be conducted. Auctions, jumble, or yard sales are prohibited except with the written approval of the HOA.



- 1.2.2. The volume of music or electronic instruments, partying, and employee activities should be kept at an acceptable level.
- 1.2.3. Any activity or hobby that causes unreasonable aggravation or nuisance to the residents may be prohibited by the HOA;
- 1.2.4. No person may discharge a firearm or similar weapon in the estate except for self-defence.
- 1.2.5. Gardeners, Garden Services and Mechanical maintenance, the use of lawnmowers or other power tools should only be undertaken between the following hours:
 - Mon – Fri in May to August: 07h30 – 18h00
 - Mon – Fri in Sept to April: 07h00 – 19h00
 - Saturdays: 08h30 – 18h00
 - Sundays and public holidays: Not permitted
- 1.2.6. Only ultra-silent generators may be used (max 1500 revolutions per min & max 51 dB). Generators may only be operated between 06h00 and 22h00 and tested between 08h00 and 17h00, Monday through Friday.
- 1.2.7. Laundry may only be hung on washing lines, out of direct sight from the street, and preferably out of sight of neighbours.



- 1.2.8. Refuse, garden refuse, and refuse bags may not be placed on the sidewalk unless they are to be removed within 24 hours. All bins must be removed from the sidewalks within 24 hours after the scheduled collection day.
- 1.2.9. A resident shall maintain refuse in a hygienic and dry condition.
- 1.2.10. All common areas, pathways and driveways must be kept clear of litter.
- 1.2.11. Burning of rubble anywhere in the Estate is not permitted.
- 1.2.12. All refuse shall be kept in suitable containers that shall not be visible from any road except when placed in containers for the purpose of collection by the Local Authority or Waste Collection Contractors.
- 1.2.13. Where, in the opinion of the manager, any refuse is of such size and nature that it cannot be expediently removed by the local authority or by waste collection contractors, the manager shall give the resident wishing to dispose of such refuse such directions for its disposal as he may deem fit.
- 1.2.14. No advertisements or publicity material may be exhibited or distributed without the consent of ExCom.



1.2.15. For security reasons and the protection of the privacy of residents, no aircraft (including drones) are permitted to be operated over or land on private or estate property.

1.3. BUSINESSES IN KANONBERG

1.3.1. Permission to conduct business from Kanonberg Estate must be obtained from ExCom.

1.3.2. Business application process:

Residents who are currently, or wish to in the future, conduct a business or trade from home, who are employing personnel and/or receiving clients and visitors, must formally apply for approval from ExCom.

1.3.3. Factors that will be taken into consideration:

- 1.3.3.1. Type of business.
- 1.3.3.2. Number of personnel employed.
- 1.3.3.3. Number of visitors/clients who visit the business daily.
- 1.3.3.4. Number of vehicles parked in the Estate.
- 1.3.3.5. Consent of neighbours.
- 1.3.3.6. Noise factors.
- 1.3.3.7. Possible security risks.

1.3.4. ExCom reserves the right to revoke the approval, should the operations of the business become a disturbance in any way, pose a security risk, and/or complaints are received.



1.3.5. ExCom reserves the right to amend the criteria for approval of a business at any time.

1.3.6. The approval of the application to conduct business from home is at the discretion of ExCom.

1.3.7. ExCom may involve the City Council regarding a business conducted within Kanonberg when deemed necessary.

1.3.8. Rules on conducting a business from home:

1.3.8.1. No vehicles will be allowed to park on the sidewalk or road permanently.

1.3.8.2. No more vehicles than the space provided on the driveway, will be allowed.

1.3.8.3. No branding or advertising will be allowed in Kanonberg.

1.3.8.4. No advertising or marketing material may be distributed in Kanonberg.

1.3.8.5. Any business or trade from home may only operate during the following hours:

Monday – Friday: 08H00 – 17H00*

Saturdays: 08H00 – 14H00*

Sundays and Public Holidays: Not permitted*.



Upon application to the HOA, permission may be obtained to trade from home during hours that are not permitted.

1.4. ENSURING A PLEASING STREETScape

The collective pride of our Estate depends largely on all owners contributing towards the creation and maintenance of a neat and pleasing streetscape.

- 1.4.1. Every owner must maintain his/her property, including land and buildings, in an attractive and well-maintained condition. No houses, other buildings, pools, or gardens on the property may be neglected, including paintwork, wood varnish, roofs, and so forth. The visual appearance of a property must not negatively impact neighbouring properties.
- 1.4.2. Every owner has a responsibility to the Estate community and must, therefore, maintain the area between the street curb and the boundary of his/her property.
- 1.4.3. Garden fences, walls, and outbuildings that form part of the streetscape or public open spaces should be properly finished and maintained. Failure to comply may result in repairs or maintenance work being done at the owner's expense.
- 1.4.4. Caravans, trailers, boats, equipment, tools, engine and vehicle parts, as well as accommodation for pets, must be sited out of view of the street and screened from neighbouring properties.
- 1.4.5. Jungle Gyms, swings, trampolines, doll houses, bird cages, garden sheds, portable or temporary swimming pools, garden accents and decorations, sculptures, name signs/boards, and similar equipment or structures must be placed below the level of



- 1.4.6. the garden/yard walls in order that they are not readily visible from any road and/or other ERF or public open space. No temporary wire fencing or similar fencing may be erected, and all boundary screen elements must comply with the Aesthetic guidelines.
- 1.4.7. No trees may be removed from sidewalks or communal areas without permission from the Kanonberg HOA. Trees on sidewalks may only be pruned by the City of Cape Town, to be arranged by the Estate Manager at the request of the owner. Planting should not interfere with pedestrian traffic or obscure motorists' vision.
- 1.4.8. Gardens situated next to open spaces must always be kept neat, failing which the Kanonberg HOA may have to perform the necessary maintenance at the owner's expense. This may also result in a fine being levied.
- 1.4.9. Building material or rubble/refuse of any nature may not be discarded on open spaces, including parks, streets, sidewalks, dams, or vacant stands. Building material or rubble/refuse may not be stored on private property where visible to other residents. The ExCom may, upon the owner or tenant's failure to remove same after receiving written notice to do so, cause to have same removed at the owner's expense.

1.5. VEHICLES

- 1.5.1. No unroadworthy vehicle may be driven within the boundaries of the Estate.



- 1.5.2. No vehicles may be parked in streets, on sidewalks, open spaces, or in front of any street-facing wall of any house/building.
- 1.5.3. No trailers, trucks, caravans, and/or boats may be parked in streets, on sidewalks, or on any portion of the open spaces or parked in front of any street-facing wall, any house/building where they may be visible from the streetscape or neighbouring properties.
- 1.5.4. All vehicles driven on the internal roads must comply with the National Road Safety Act, including road signs and speed limits displayed. Owners and tenants must ensure that visitors or guests honour these Rules accordingly.
- 1.5.5. Vehicles and motorcycles may only be parked in areas indicated, specifically on the parking bay allocation or approved by the ExCom for that purpose.
- 1.5.6. No Vehicle may be parked in HOA parking bays for extended periods without express permission from management. Persons not adhering to this rule will have their vehicles clamped, and a daily fine of R200.00 will be imposed.
- 1.5.7. The Estate has limitations with respect to the maximum length, weight/mass, width, height, gross vehicle mass (GVM), and Payload (Tare) of vehicles. Any exception mentioned below will require approval from the Estate Management in advance of the vehicle arriving at the entrance gate. This is driven by the design limitations of the estate's streets and roads.
- 1.5.8. Maximum height is 4.1 meters.
- 1.5.9. Maximum width is 2.4 meters.



- 1.5.10. Maximum length is 10 meters. Trucks delivering timber roof trusses only are exempt from this.
- 1.5.11. No articulated or Interlink/ Super-link long-haul vehicles are allowed.
- 1.5.12. Removal vehicles (single-axle, 10 meters max.) are allowed.
- 1.5.13. Smaller shuttle vehicles must be used when removal trucks exceed 10 meters.
- 1.5.14. The maximum GVM of any vehicle that is not carrying a load is limited to 20,000 kg, i.e., earth-moving equipment, concrete pumps and mobile cranes.
- 1.5.15. Passenger cars, bakkies, and light delivery vehicles with a GVM of less than 4,000 kg are allowed. Caravans and trailers towed by these vehicles are also allowed.
- 1.5.16. Minibus taxis are not allowed to enter the Estate, given that not all passengers may be residents or pedestrians.
- 1.5.17. Access times are from 07h00 to 16h00, Monday to Thursday and Fridays from 07h00 – 15h30, excluding public holidays, weekends and during the annual builder's holiday period from approximately middle December until early January. The Estate Management will announce the actual dates applicable to the annual builder's holiday in November every year.

1.6. ADHERING TO ARCHITECTURAL STANDARDS

New builds, alterations, and improvements must be done according to approved standards. In this way, unnecessary and costly changes at a later stage will be avoided.



REFER TO ESTATE MANAGER FOR BUILDING GUIDELINES

- 1.6.1. Any architect of choice may be used, but the design must be in accordance with the building guidelines of Kanonberg and will be subject to the approval of the aesthetic committee of Kanonberg HOA.
- 1.6.2. Building plans may not be changed without the consent of the aesthetic Committee/ExCom and municipality.
- 1.6.3. Members who persist with unauthorized building activities may incur penalties as decided by ExCom and may furthermore be requested to demolish such structure(s) at their own cost.
- 1.6.4. ExCom will not provide a clearance certificate on the completion or sale of a house until all deviations from the original approved plans and clearing of the building site have been completed.
- 1.6.5. Architectural guidelines may be more stringent than the City of Cape Town rules and regulations for consistency and uniformity within the Estate.

1.7. ENVIRONMENTAL MANAGEMENT

- 1.7.1. Residents are responsible for maintaining trees, plants, and shrubs planted on their sidewalks, whether planted themselves, by the Local Authority or Kanonberg HOA. Pruning trees on sidewalks may only be done by the City of Cape Town.



- 1.7.2. Swimming pool water may not be emptied onto any property of any nature but must be channelled into the stormwater system.
- 1.7.3. Water catchment tanks manufactured from any material other than asbestos cement may be installed, provided such tanks are installed underground or as part of the structure of the dwelling and they are not visible from the street.
- 1.7.4. Vacant erven must be cleared regularly to the satisfaction of the Kanonberg HOA. If not maintained, the Kanonberg HOA reserves the right to clear the erf at the Owner's expense within 14 days after a written warning has been met with no response.
- 1.7.5. Wheeled toys or apparatus, including, but not limited to, bicycles, skateboards, scooters, or hoverboards, are not allowed on the walkways, ETZ, or public open areas.
- 1.7.6. Trees:
 - 1.7.6.1. The existing trees in Kanonberg must be preserved at all times. If a tree is to be removed/moved for a specific reason, prior permission must be obtained from the Estate Management.
 - 1.7.6.2. As Excom decides, a felled tree may need to be replaced with two Indigenous trees at least two meters high or one bigger tree. A penalty may also be levied if a tree is felled without permission.
- 1.7.7. ETZ (Environmental Transition Zones) i.e., servitudes on private erven where they exist:
 - 1.7.7.1. Alien vegetation will be removed from all ETZ.



- 1.7.7.2. Removal or pruning of trees in an ETZ area is strictly forbidden.
- 1.7.7.3. Indigenous and preferably locally indigenous plants and trees will be introduced to the ETZ areas.
- 1.7.7.4. No domestic or manicured gardens will be allowed in the ETZ.
- 1.7.7.5. No brick structures or features may be constructed in the ETZ.
- 1.7.7.6. Wooden decks must comply with the following:
 - 1.7.7.6.1. The total area of the deck will not exceed 25% of the ETZ.
 - 1.7.7.6.2. The deck may have 2 sides in cases where the ETZ borders the erf on 2 sides.
 - 1.7.7.6.3. The deck will not exceed 3 meters.
 - 1.7.7.6.4. The height will be a maximum of 1 meter above ground level.
 - 1.7.7.6.5. The deck should be without balustrades, but if used, a single wooden handrail of 0.5 meters is permissible.
 - 1.7.7.6.6. No solid structure (cement/stone) will be used in the ETZ. Only wooden poles (embedded in cement) will be used to carry the deck.
 - 1.7.7.6.7. Belau wood should preferably be used. No paint on wood is allowed.



- 1.7.7.6.8. Vegetation around and under the deck should be from the prescribed list of plants (refer to 1.7.7.9) already used in the ETZ.
 - 1.7.7.6.9. No pergolas, roofs or canvas covers may be installed over decks.
 - 1.7.7.6.10. A double-story house will only allow one deck on the ground floor.
 - 1.7.7.6.11. A proper plan of the deck must be submitted to ExCom accompanied by an application letter stating the relevant details according to the 10-point guideline. The plan will only be approved once all the conditions are met. Thereafter the plan will be submitted by the member to the municipality for formal approval.
 - 1.7.7.6.12. The borders of the ERF and ETZ must be demarcated with builders' tape before inspection by ExCom
- 1.7.7.7. The ETZ will be marked off and protected during the construction phase of a house.
- 1.7.7.8. The approved plant list for Kanonberg consists of the following (For open spaces/ETZ):

Trees:

- Celtis africana (White Stinkwood / Witstinkhout)
- Combretum erythrophyllum (River Bush Willow / Vaderlandswilg)
- Cunonia capensis (Red Alder / Rooiels)
- Erythrina lysistemon (Coral Tree / Koraalboom)



Ekebergia capensis (Cape ash / Essenhout)
Harpephyllum caffrum (Wild plum / Wilde pruim)
Nuxia floribunda (Wild Elder / Vlierboom)
Olea europaea subspecies africana (Wild olive / Olienhout)
Plantanus acerifolia (London plane / Plataan)
Podocarpus henkelii (Henkel's Yellowwood / Henkel-se-geelhout)
Populus simonii (Chinese poplar / Chinese Populier)
Syzygium cordatum (Water Berry / Waterbessie)
Syzygium paniculatum (Water pear / Waterpeer), subject to inclusion in the OEMP

Shrubs, creepers and groundcovers:

Agapanthus (Bloulelie)
Anisodonteia scabrosa (Pink Mallow / Harige malva)
Aristea major (Tall Aristea / Blousuurknol)
Athanasia crithmifolia (Klaas-Louw Bush / Klaaslouwbossie)
Barleria obtusa (Bush violet / Bosviooltjie)
Carissa macrocarpa "green carpet" (Natal Plum / Noem-noem)
Chasmanthe floribunda (Flames / Suurknol)
Chondropetalum tectorum (Cape Thatching Reed / Kaapse Dekriet)
Coleonema album (Confetti Bush)
Dierama pendulum (Harebell / Grasklokkie)
Dietes bicolor (Yellow Wild Iris / Poublom) + grandiflora (Large white iris)
Elegia capensis (Broom Reed)
Eriocephalus africanus (Wild Rosemary / Kapokbossie)
Euryops pectinatus (Grey-Leaved Euryops / Golden Daisy / Goue Margrietjie)
Euryops virgineus (Honey Euryops / Heuning Magriet)
Felicia amelloides (Blue Daisy / Bloumagriet)



Kniphofia praecox (Red-Hot Poker / Vuurpyl)
Gazania krebsiana (Gazania / Botterblom)
Helichrysum cymosum (Gold Carpet / Goue Tapyt)
Leonotis leonurus (Wild Dagga / Wilde Dagga)
Salvia africana (Beach Salvia / Strand Salie)
Scabiosa africana (Pincushion / Koringblom)
Watsonia pillansii (Watsonia)
Zantedeschia aethiopica (Arum Lily / Varklelie)

1.7.8. Dam

- 1.7.8.1.1. Swimming or any water sports is not allowed in the dam.
- 1.7.8.1.2. Fishing is only allowed on a catch-and-release basis.
- 1.7.8.1.3. Children playing at the dam must be supervised by parents/adults.
- 1.7.8.1.4. The responsibility for children's safety rests solely on the accompanying parent or adults.

1.7.9. Storm water

- 1.7.9.1. Private landowners must ensure that storm water can exit their properties without causing damage and erosion. Therefore, it should link up with the greater municipal service.

1.7.10. Fauna and wild animals



1.7.10.1. No fauna (wild animals) may be released or introduced into the Tygerberg Nature Reserve without permission from the Reserve Management.

1.7.10.2. The trapping, shooting, harassing, disturbing, destroying or in any way harming of the waterfowl, birds or animals (domestic and wild) in the Estate is prohibited.

1.7.11. Access to Tygerberg Nature Reserve

1.7.11.1. No direct access from private erven to the Tygerberg Nature Reserve is allowed.

1.7.12. Eradication of pests and health regulations

1.7.12.1. A resident shall keep his house free of rats, mice, cockroaches, white ants, borers, and other wood-destroying insects and shall ensure that the activities inside his house, on his erf, and in the common areas comply with the municipal regulations.

1.7.12.2. No animal, bird, or any living thing may be slaughtered in a house on an erf or on any part of the common property. No meat or fish may be hung out to dry on an erf or any part of the common areas.

1.8. FIRE MANAGEMENT

1.8.1. Fire prevention:



- 1.8.1.1. No materials may be burned anywhere in Kanonberg Estate.
- 1.8.1.2. Dead and/or waste plant material must be removed from the site to reduce fuel load.
- 1.8.1.3. Erven should be kept clean from dry, overgrown grass and weeds.
- 1.8.1.4. No fireworks will be allowed on Kanonberg Estate.
- 1.8.1.5. Structured fireplaces must be separated from ETZ areas by lawn or open ground of at least 5 metres.
- 1.8.1.6. An owner or resident may not store any flammable, hazardous, dangerous or harmful substance in his house or on his property with the exception of certain products or substances, such as lawnmower fuel, paint cleaning solvents and fertilisers as may be reasonably required for domestic use in quantities not exceeding 10 litres.

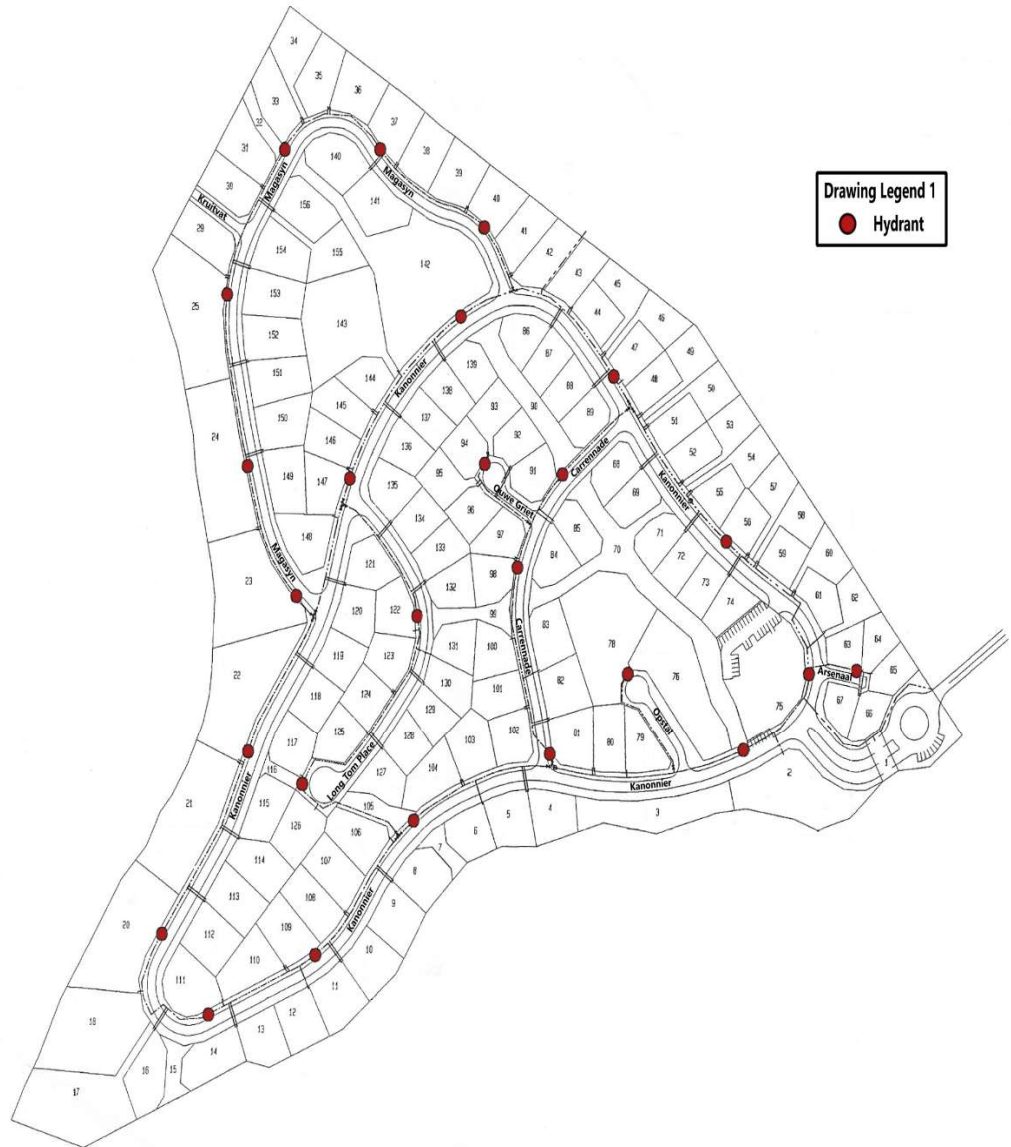
1.8.2. Fire response

- 1.8.2.1. Each owner must familiarise himself / herself with the position of the fire hydrants/extinguishers in the Estate as well as in the Lifestyle Centre. A list indicating the position of this equipment is available on the notice board in the Lifestyle Centre and Security Welcome Office. A map indicating the location of fire hydrants in the Estate is included in this document.
- 1.8.2.2. In the case of a fire occurring on-site or in the Nature Reserve, the following actions are to be taken immediately:



- 1.8.2.2.1.1. Contact the Estate Manager at 021 913 7438 / 076 984 3844 or the Security Welcome Office at 021 913 0160.
- 1.8.2.2.1.2. Contact the Bellville Fire Department at 021 444 8279.
- 1.8.2.2.1.3. Warn neighbours of potential danger.

Location of Fire Fighting Equipment





1.9. SECURITY

The Estate is manned 24 hours a day. All residents, visitors, and contractors are required to adhere to the access control procedures. The security guards have a difficult job to perform. Residents are requested to treat security personnel with cooperation and courtesy.

1.9.1. The Estate is guarded by security personnel 24 hours a day. They are responsible for ensuring that only authorised individuals enter the Estate, which includes visitors, couriers, taxi services, contractors, etc., who:

1.9.1.1. have been pre-authorised by a resident using the access control system to generate a one-time PIN.

1.9.1.2. have been set as "Regulars" by a resident.

1.9.1.3. have been authorised telephonically from the gate by the resident.

1.9.2. No "tailgating" is allowed i.e. gaining unauthorised access into the Estate by slipping under the boom or through an open security gate which was raised or opened to allow a previous person or vehicle.

1.9.3. All visitors and contractors must adhere to the access control requirements, including scanning the driver's license and the vehicle's license disc.

1.9.4. Permanent workers must be registered on the biometric system at the office of the Estate Manager. A valid identification document is required. Should a resident prefer



not to register employees on the biometric system, they should be set as regular visitors on the electronic access control system.

- 1.9.5. The property owner remains responsible for the conduct of visitors to his/her property. An express condition of admittance to the Estate is that should a visitor / employee be found to be in contravention of the Rules of the Estate, ExCom reserve the right to refuse access to such a person.
- 1.9.6. Every resident must ensure that contractors and service providers in their employ adhere in all respects to the security stipulations of the Contractors Code of Conduct, available at the Estate Manager's office and Glovent portal.
- 1.9.7. All attempts at burglary or security breaches must be reported to a member of the security staff and/or Estate Manager.
- 1.9.8. Personal burglar alarms linked to an armed response should be registered (address within the Estate and the name of the relevant security company) with the security office to ensure access is granted when required.
- 1.9.9. It is not the responsibility of security personnel to resolve problems between neighbours unless assistance is required in the event of an emergency. They have not been contracted nor trained to perform these duties. Moreover, it interferes and limits their capacity to perform their contractual duties, namely access control at the gate, patrolling the Estate and guarding the perimeter with the assistance of the security system in place.
- 1.9.10. Tampering with any of the Estate's security equipment is strictly forbidden.



1.9.11. The use of the facilities of the Estate is reserved for the exclusive use of residents and their families living with them, except in circumstances where the Excom or Estate Manager have given specific permission to tenant(s). Guests may make use of the facilities from time to time only when accompanied by the resident at all times.

1.10. TENANTS, VISITORS, CONTRACTORS, AND EMPLOYEES

In the final analysis, the responsibility for enforcing the responsibility for enforcing the rules rests with the Owner.

- 1.10.1. Should any owner let his property, he must advise the Estate Manager of the occupation, the name of the Lessee and the period of such lease. The owner must inform the Lessee of all Rules and bind the Lessee to adhere to such Rules.
- 1.10.2. The occupiers of any property within the Estate are liable for the conduct of their visitors, contractors and employees and must ensure that such parties abide by all Rules.
- 1.10.3. Tenants who sublet a portion of a house will be allowed to use the gymnasium on the following conditions as contained in paragraph 1.14.4 hereunder.
- 1.10.4. Every Owner must ensure that contractors in their employ have signed the Construction Contract and adhere to the stipulations of the contract, which is available at the Estate Manager's office and Glovent portal.
- 1.10.5. Contractors working hours: Monday-Friday 07H30-17H00, Saturdays 08H00-14H00 and no work on Sundays or public holidays.



1.10.6. Builder's holidays of approximately three weeks will apply during the December/January festive season. To be announced annually in November.

1.11. LETTING AND RESELLING PROPERTY

The Kanonberg HOA imposes certain rules to be followed by Estate agents in order to ensure that the Rules of Kanonberg are made known to new residents; the following rules relating to the reselling or letting of properties apply:

1.11.1. Short-term rentals are prohibited.

1.11.1.1. No short-term rentals will be allowed within the Estate.

1.11.1.2. A lease/rental of the whole of the property will be regarded as a short-term rental for a period of less than 6 months. The same rules will apply to any person that sublets part of his or her property.

1.11.1.3. Any contravention herein will result in the appropriate penalty being imposed.

1.11.2. Should an Owner want to sell or lease his property, only an accredited Estate Agent may be appointed.

1.11.3. In the event of an owner selling/leasing his property without an Estate agent. The same rules and obligations apply.

1.11.4. The accredited agent/owner must ensure that the buyer/tenant/tenant sublet is:



- 1.11.4.1. informed about and receive a copy of the Members Rules and any other Administrative regulations applicable at the time; and
- 1.11.4.2. is bound by the Rules in a contract.
- 1.11.5. A clearance certificate must be obtained from the Kanonberg HOA prior to any transfer. The cost of this certificate will be charged to the purchaser's account. The clearance certificate will only be issued to a member whose levies are up to date and who is not in breach of any Rules of the Kanonberg HOA. These rules include:
 - 1.11.5.1 Up-to-date levies and;
 - 1.11.5.2 No building deviations from the approved drawings;
 - 1.11.5.3 Non-compliance is subject to a retention fee.
- 1.11.6. Any concession granted to a seller (in case of a resale) or lessor prior to the time of sale or lease must be communicated to the buyer or lessee at the time of sale or lease.
- 1.11.7. The seller or lessor of a property in the Estate must ensure that the sale/lease Agreement contains the following clause:

“As required by clause 7.5.22 of the Constitution of the Kanonberg Homeowners Association, the purchaser irrevocably binds himself/herself/itself, on registration of transfer of the Property into his/her/its name, ipso facto to become a member of the Association and to observe the Constitution for the duration of his/her/its ownership of the Property. The Purchaser further acknowledges that he/she/it has been provided with a copy of the Constitution (together with all its annexures, Members



Rules, Development Guidelines) and that he/she/it has perused same and familiarized himself/herself/itself with all the aspects of the Constitution.

1.12. ACCREDITATION OF ESTATE AGENTS

1.12.1. An Estate Agent is accredited after:

- 1.12.1.1. signing an agreement with the Kanonberg HOA, which binds such agent to comply with the stipulated procedures applicable to the sale and/or lease of a property in the Estate, and
- 1.12.1.2. after having been instructed with respect to the concepts, rules and conditions under which a buyer and/or lessee purchases and/or leases a property in Kanonberg Estate.
- 1.12.1.3. An Estate agent wishing to be accredited may be required to provide written proof of their registration and good standing with the relevant authority.
- 1.12.1.4. Agents may operate on a “by appointment” basis only and must personally accompany a prospective buyer. Owners may allow one “For Sale” sign to be erected per property within the Estate. No “Sold” or directional boards are permitted within the Estate.
- 1.12.1.5. The Kanonberg HOA may review the accreditation of Estate agents from time to time.



- 1.12.1.6. Should an Estate Agent transgress Kanonberg rules, it may result in the applicable owner being fined, and the Agent will be prohibited from conducting business in the Estate.

1.13. PETS

- 1.13.1. Animals (dogs and cats) must be kept under strict control at all times.
- 1.13.2. The local authority by-laws relating to pets will be strictly enforced.
- 1.13.3. No person may keep more than two pets (dog or cats) on their property/erf.
- 1.13.4. No poultry, pigeons, aviaries, wild animals, or livestock may be kept on the Estate.
- 1.13.5. No pets (cats or dogs) are permitted to roam the streets.
- 1.13.6. Pets are only allowed outside the ERF perimeter under direct supervision and must always be walked on a leash.
- 1.13.7. Should any excrement be deposited on any private open space area, the immediate removal thereof is the sole responsibility of the owner of the pet.
- 1.13.8. Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags will be caught and handed to the authorities or SPCA.
- 1.13.9. The Kanonberg HOA reserves the right to request an owner to remove his/her pet should it become a nuisance within the Estate or to impose a fine on the owner in terms of its powers as laid down in the Constitution.



1.13.10. To prevent cats from depleting the bird population, all cats must be tiffed with a collar that contains a bell.

1.13.11. Complaints regarding pets may be reported to the Estate Manager and Law Enforcement Department of the City Council at 021 480 7700 or lawenforcement@capetown.gov.za.

1.14. CLUBHOUSE AND GYMNASIUM FACILITIES

1.14.1. The facilities of Kanonberg are open to all members and their direct family members who reside in Kanonberg. Access to the gym and other amenities will only be granted to members, Tenants, and other residents who sublet (Tenant sublet see par: 1.14..1.1 hereunder), provided the member is in good standing regarding levy payments and all HOA requirements. Access to any and / or all amenities may be denied if levies and or penalties are in arrears.

Tenant-Sublet Members:

- 1.14.1.1. Must be a permanent resident in Kanonberg with a minimum rental agreement period of 6 months with the owner;
- 1.14.1.2. Only two (2) tenants-sublet are allowed for each property;
- 1.14.1.3. The Tenant -sublet may apply in writing to the Gymnasium Manager as a Tenant Sublet member at the gymnasium. The written application must also be signed by the relevant owner.
- 1.14.1.4. Excom will determine membership fees.



- 1.14.1.5. The same rules that apply to owners, tenants apply to Tenant Sublet Members, except Tenant Sublet members are not allowed to take guests with them to the gymnasium.
- 1.14.1.6. A maximum number of 10 Tenant Sublet Members will be allowed. This number may be varied from time to time by Excom.
- 1.14.1.7. The Excom can at any time revise or revoke the rule.
- 1.14.2. Children under 14 years of age must be accompanied by a parent (mother or father) when using the gym facilities.
- 1.14.3. Visitors may occasionally use the gym facilities during non-peak hours and only when accompanied by a member. Regular usage of the gym by visitors is not allowed, whatever the circumstances.
- 1.14.4. Tenants of properties gain the right of using the gym unless otherwise stipulated in writing by the homeowner. Tenant and owner may not both use the gym free of charge. In such cases one or the other must pay a subscription fee. Tenants renting smaller units/garden flats on properties (Tenant sublet) , can apply to use the gym by payment of membership fees as per paragraph 1.14.1.1 above.
- 1.14.5. Children are not allowed to have gatherings on their own in the lifestyle Centre. Parents must ensure that children do not gain unlawful access, especially at nighttime. The biometric system and cameras will keep record of entrance/departure and parents will be held responsible in the event of damage. Fines may also be imposed.
- 1.14.6. The lifestyle Centre may be used by members or tenants of houses for functions at a fee, which will be determined by ExCom, from time to time. Booking with the Estate



- 1.14.7. Manager is essential. Damages incurred will be for the account of the member(s) who made the booking. Members may still use the gymnasium and swimming pool during such functions but are urged to do so considerately by not causing a noise disturbance to the function, for example, by playing squash. Refer to function venue rules, available from the Estate Manager.
- 1.14.8. No parking of vehicles is allowed at the Lifestyle Centre by any person not utilising the facilities. The parking area is a wheel-clamping zone, and a release fee is payable.
- 1.14.9. Children under the age of 14 using the pool must always be accompanied by a parent or adult. The safety of children remains the responsibility of parents.
- 1.14.10. Members may under no circumstances enter the Lifestyle Centre and/or use the lounge facilities with wet clothes or bathing suits.
- 1.14.11. The Gymnasium Manager will enforce the House Rules pertaining to the gym facilities, whereby he is directly responsible to ExCom. As such, he has the authority to ask anyone using the gym to adhere to these rules. In cases of non-compliance, he may ask the person(s) to leave the facility and report the incident to ExCom, who may impose a penalty on such a person.
- 1.14.12. Detailed Gymnasium and Function Facility Rules are available on the Glovent portal, and the Estate- and Gymnasium Managers are attached hereto marked "Annexure A & B".

1.15. ADMINISTRATION:



- 1.15.1. All levies are due and payable in advance on the first day of each month. Levies are only considered paid on the date that such amounts are reflected in the bank account of the Kanonberg HOA.
- 1.15.2. Interest, as stipulated by the Constitution, will be raised on all levies not paid by the 10th of the month due, calculated from the 1st of the month due up to the date when payment has been received.
- 1.15.3. The Trustees may amend or add to the Conduct Rules from time to time, as may be deemed necessary to ensure the happy and orderly co-existence of residents.
- 1.15.4. Homeowners may under no circumstances withhold payment of levies due to a dispute or issue with the Kanonberg HOA.
- 1.15.5. The Trustees have the right to fine transgressors where any of the Rules as stipulated by the Kanonberg HOA from time to time have been broken. Such fines will be debited to the levy account and be payable immediately.

1.16. FIBRE NETWORK

A Telkom “fiber to home” network is available in Kanonberg. Any Internet Service Provider of choice may be used. The following designated number can be used for all Telkom enquiries: 0800 111 250. You will be requested to provide a PIN number: 76130.



2. DESIGN GUIDELINES AND CONDUCT RULES FOR CONSTRUCTION ACTIVITIES

2.1. Details of the above are available at the Estate Manager