



# **WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA)**

## **ESTATE RULES**

Made by the Welgevonden Home Owners' Association under clause 7.1.2, read with clauses 59 and 59A of the *WHOA Constitution Version 8 – 21 November 2024*.

### **Version 4 – 21 November 2024**

*To be read with the latest version of the:*

*WHOA Constitution Version 8 – 21 November 2024*

*WHOA Architectural Directives and Design Guidelines Version 9 – 21 November 2024*

*WHOA Control Measures to Regulate the Performance of Services and Building Work (WHOA Control Measures)*

*Version 3 – 21 November 2024*

Amendments are recorded in the Schedule of Amendments at the end of this document.

***This version of the WHOA Estate Rules replaces all previous versions.***

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## WELGEVONDEN ESTATE DISCLAIMER

### PERSONS ENTERING THE ESTATE ACCEPT THE RULES AND LEGAL TERMS EXCLUDING WHOA LIABILITY

- Whilst every effort is made to secure and monitor the Estate, entering the Estate and using any of the facilities is entirely at own risk to person or property; persons who enter the Estate accept this risk.
- Entry into the Estate and use of facilities are subject to the *WHOA Estate Rules*, which are available on the Welgevonden Estate Website ([www.welgevonden.co.za](http://www.welgevonden.co.za)).
- Persons, including parents or guardians on behalf of minors, agree that they/the minors will not claim from the Welgevonden Home Owners' Association (WHOA) and its workers, employees, agents or contractors for any harm. The exclusion of liability also applies to negligence by the WHOA.
- Parents or guardians of minors agree to indemnify the WHOA against any claim of a minor.

### WARNING: DANGEROUS ELECTRICAL FENCE

**Note:** The Estate is surrounded by an electrical fence, which is dangerous and could cause death, if touched.



### PLEASE ADHERE TO THE SPEED LIMIT – 30 KM/H

**Note:** Speed humps constructed on streets as a traffic calming measure must be negotiated with utmost care to prevent damage to vehicles.

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## PREAMBLE

The primary objective of the Welgevonden Home Owners' Association (the WHOA) are, firstly, the promotion and enforcing of standards for community-living so that residents may derive the maximum collective benefit therefrom, and, secondly, the maintenance of basic aesthetic standards to enhance property values in the Estate. It aims to provide residents with a superior quality lifestyle, offering safe and harmonious community-living.

To achieve its objectives, the WHOA has made certain conduct rules that are binding on all WHOA members and other persons who reside in, or who enter, the Estate.

### 1. Definitions

In the interpretation of these Rules, unless the context otherwise indicates –

- 1.1 "communal facility" means any street, sidewalk, private open space or communal building in the Estate that is the property of the WHOA and that may be used for the purposes, and on the conditions, from time to time determined by the WHOA or Excom;
- 1.1A "Excom" means the executive committee of the Association contemplated in terms of clause 8 of the Constitution;
- 1.2 "family" means a family as defined in the *Zoning Scheme Regulations* from time to time issued by the Stellenbosch Municipality;
- 1.3 "occupant" means any person who has the right to reside, or be present, in a dwelling in the Estate in terms of an arrangement granting rights of occupancy, whether for consideration or not;
- 1.4 "resident" means any person who resides in the Estate, irrespective of whether she/he is a member of the Association or a family member of such member, or an occupant or a family member of such occupant; and
- 1.5 "signage" means any sign, notice, billboard, placard, pamphlet or the like that is used to convey information.
- 1.6 "Welgevonden Park" means the private open space adjacent to the R304 gate.
- 1.7 "Welgevonden dam" (the dam) means the dam adjacent to the R44 entrance gate.

### 2. Words and Expressions

- 2.1 Words importing a reference to –
  - 2.1.1 the singular includes the plural, and the converse also applies;
  - 2.1.2 a gender includes the other genders; and
  - 2.1.3 natural persons include legal persons, and the converse also applies.
- 2.2 Words and expressions to which a meaning is assigned in the Constitution bear the meaning so assigned to them, and in the event of any conflict between the Constitution and these Rules, the Constitution will prevail, unless it is inconsistent with the context.

### **3. Calculation of Periods**

When any number of days is prescribed in these Rules, the same means calendar days which must be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday, in which event the last day will be the next succeeding day which is not a Saturday, Sunday or proclaimed public holiday.

### **4. Regulations and By-Laws**

All persons who reside in, or enter, the Estate are bound by any applicable regulation and by-law of the Stellenbosch Municipality and any other competent authority as if such regulation and by-law are incorporated in these Rules.

### **5. Binding Nature of Rules**

5.1 These Rules and any condition determined, or instruction given, hereunder are binding on all persons who reside in, or enter, the Estate.

5.2 Excom may at any time apply to a competent court for an order to compel a resident or any other person who enters the Estate to comply with these Rules and any condition determined or instruction given hereunder.

### **6. Security Measures**

A resident and any other person who enters the Estate must comply strictly with the systems and procedures relating to access control and other security measures from time to time issued or implemented by Excom and must comply with the instructions of Estate Security and of Excom.

### **7. Member's Duties and Obligations**

7.1 It is the duty of the member concerned to ensure compliance with these Rules and any condition determined or instruction given hereunder, by –

7.1.1 any of her/his family members who resides in her/his dwelling, and her/his visitor or guest; and

7.1.2 any occupant of her/his dwelling, and any of such occupant's family members who resides in such dwelling, and the visitor or guest of such occupant.

7.2 When concluding an agreement for the sale of her/his erf, or an agreement granting rights of occupancy to her/his dwelling, the member concerned must include a provision that the person concerned is obliged to comply with these Rules and any condition determined or instruction given hereunder and furnish her/him with a copy hereof.

7.3 A member may not use, or permit to be used, her/his erf or any structure erected or placed thereon, or a communal facility, in a manner or for a purpose that causes a nuisance or creates a disturbance, or that is injurious to the ambience of the Estate.

7.4 All members shall ensure that a digitised/electronic version of the Stellenbosch Municipality-approved building plan for their dwelling, showing all structures and improvements on the erf, is submitted to the Welgevonden Estate Office on or before 1 (one) December 2025 in accordance with clause 70 of the *WHOA Constitution*.

### **8. Member's Liability**

8.1 The member concerned may be held liable for damages, penalties, all legal costs (including costs between an attorney and client) and collection commission, expenses

and charges incurred by Excom in enforcing compliance by her or him, or any other person referred to in Rule 7.1, with these Rules and any condition determined or instruction given hereunder.

- 8.2 Damages, penalties, all legal costs (including costs between an attorney and client) and collection commission, expenses and charges contemplated in Rule 8.1 are deemed to be a levy contemplated in the Constitution, and may, if it is not paid within fourteen (14) days after the member has been notified thereof, be added to the member's levy statement and will bear interest as a levy debt.

## **9. Business Activities**

- 9.1 No person may conduct a business or practice a trade on or from a residential erf or residential sectional title property in the Township Area without the prior written permission of Excom on such conditions as it deems fit, and of the Stellenbosch Municipality.
- 9.2 If the applicant is not the owner of the residential erf or residential sectional title property concerned, the written consent of that owner for such an application must accompany the application to Excom and the Stellenbosch Municipality.

## **10. General Conduct**

A resident and any other person who enters the Estate must accord other residents and persons in the Estate respect and may not indulge in conduct that, in the discretion of Excom, is unbecoming, constitutes a nuisance or creates a disturbance.

## **11. Tasking of Persons Engaged by Excom**

A resident and any other person who enters the Estate may not request a worker, employee, agent or service provider or contractor engaged by Excom to perform tasks for her/him during such person's work hours, may not interfere with such person in the performance of her/his duties, and must at all times give such person her/his full co-operation.

## **12. Traffic Control**

- 12.1 A resident and any other person who enters the Estate must comply strictly with the control measures from time to time issued or implemented by Excom to regulate traffic in the Estate.
- 12.2 The speed limit throughout the Estate is as designated by the traffic signs. A maximum speed limit of 30 km/h (thirty kilometres per hour) shall apply, provided that lower speed limits may be imposed by the Association where this is deemed necessary.
- 12.3 The Association may by means of appropriate signage, give directions as to the use of roads or any portion of roads and common areas. Failure by any person to obey such signage shall constitute a contravention of these rules.
- 12.4 No person shall drive or ride any vehicle within the Estate in such a manner that would constitute an offence under any traffic ordinance or normal statutory traffic law. All vehicles shall be in a good and roadworthy condition. Without limiting the generality of the foregoing, vehicles emitting excessive noise, smoke and/or oil are prohibited.
- 12.5 The driving of vehicles is confined to roads and driveways, provided that non-motorised vehicles may be used on those areas (if any) specifically designated by the Association for that purpose.
- 12.6 Excom reserves the right to introduce any traffic calming measures, including but not limited to, speed humps / bumps and pedestrian crossings, that they in their sole

discretion deem necessary from time to time.

- 12.7 The operator of a vehicle may not take a short cut over a traffic circle, a communal facility or an undeveloped erf, and must ensure that they operate their vehicle with utmost care on communal areas.

### **13. Parking or Standing of Vehicles**

#### **13.1 Relocated to Rule 12.1**

- 13.2 A vehicle may not be left unattended, or abandoned, in such a manner that it may cause an obstruction to other street users or impede the flow of traffic, or occupies more than one demarcated parking bay in the Estate.
- 13.3 Parking or standing of a vehicle in or on a communal facility is subject to the express condition that such vehicle is parked or stood at its owner's risk and responsibility and that no liability will attach to the WHOA, its workers, employees, agents or contractors for any loss or damage of whatever nature which the vehicle's owner, or any person claiming through or under her/him, may suffer in consequence of the vehicle having been parked or stood in or on such facility.
- 13.4 Excom may cause to be removed for the account of the owner or the person in control thereof a vehicle that in her/his discretion has been abandoned in the Estate.
- 13.5 Owners and all third parties who are given access to the scheme are not permitted to dismantle or affect any major repairs to any vehicle on any part of the common property.

### **14. Maintenance of Properties and Streetscape**

- 14.1 The external appearance of any structure erected or placed on an erf and which forms part of the streetscape must at all times be maintained in a state of good repair to the satisfaction of Excom.
- 14.2 A garden and the area between the street boundary line of an erf and the kerb must at all times be kept in a neat and tidy state, free of rubble, refuse, litter, other material and unwanted articles to the satisfaction of Excom. Please note that should a resident fail to maintain the erf following being instructed to do so, the erf will be maintained by a contractor/employee instructed by Excom on behalf of the Association for the member's account.
- 14.3 Trees, shrubs, or plants in a garden or in the area between the street boundary line of an erf and the kerb must regularly, and when Excom in a particular instance so instructs, be pruned back so that they will not impede vehicular or pedestrian traffic or pose a safety hazard.
- 14.4 A washing line may not be erected, and washing may not be hung out, in such a way that it is visible from a communal facility or another erf.
- 14.5 No structure or item that in the discretion of Excom is unsightly, aesthetically displeasing or undesirable or detrimental to the general appearance of the Estate when viewed from a communal facility or another erf may be exposed, installed, placed or erected on an erf.
- 14.6 Proposals to convert streetscapes in front of dwellings by, amongst others, removal/replacement of soft landscaping, installation of hard landscaping (i.e. paving), removal of trees and creation of parking space shall be submitted to the Welgevonden Estate Office and considered and scrutinised under par. 5.12.1(f) of the *WHOA Architectural Directives and Design Guidelines*.

**15. Refuse Containers and Disposal**

- 15.1 A refuse container must be kept on an erf in such a manner as to prevent foraging as far as possible, and so that it is not visible from a communal facility or another erf.
- 15.2 Refuse containers must on the morning of the day scheduled for refuse collection be placed on the sidewalk in front of the erf concerned.
- 15.3 If refuse is not collected on the scheduled day, the container must be returned to the erf concerned.
- 15.4 Members are personally responsible to dispose of any garden refuse. Should a resident fail to remove their garden refuse following being instructed to do so, the refuse will be removed by a contractor/employee instructed by Excom on behalf of the Association for the member's account.

**15A. Water Tanks**

- 15A.1 No water tank may be installed without the prior written permission of Excom on such conditions as it deems fit.
- 15A.2 A water tank may be installed, based on the following conditions:
  - 15A.2.1 The water tank must not be visible from the street front.
  - 15A.2.2 The colour of the water tank, including that of any gutters and/or downpipes must be an aesthetically pleasing colour, to the satisfaction of Excom.

**15B. Generators**

- 15B.1 No generator may be installed without the prior written permission of Excom, on such conditions as it deems fit.
- 15B.2 A generator may be installed, based on the following conditions:
  - 15B.2.1 Generators must be positioned in a way that they are not visible from the street.
  - 15B.2.2 Generators must have a manufacturer's low noise level function measuring 75 dB (seventy-five decibels).
  - 15B.2.3 If the generator is installed on the outside of the building, it must be screened off to the satisfaction of Excom.
  - 15B.2.4 All visible cabling must be placed in an approved duct as prescribed in the industry and to the satisfaction of Excom.
  - 15B.2.5 All generators must be equipped with a change-over switch.
- 15B.3 It is the Owner's responsibility to ensure that the installation is done according to the relevant laws, by-laws and regulations.

**16. Signage and Advertisements**

A person may not, without the prior written permission of Excom, and on such conditions as Excom determines, display, erect or place any signage on any part of an erf so that it is visible from a communal facility or another erf, or distribute any advertisement or information pamphlet, letter or note whatsoever in the Estate.

**17. Undeveloped Erf**

- 17.1 A member must at all times maintain their undeveloped erf in a neat and tidy state to the satisfaction of Excom.
- 17.2 Building rubble, refuse, litter, unwanted articles or other material may not be



deposited, thrown, placed, stored or dumped, or permitted, or allowed, to be deposited, thrown, placed, stored or dumped, on an undeveloped erf.

### **18. Keeping of Pets**

- 18.1 No more than two (2) dogs and two (2) cats may be kept on any one erf without the written permission of Excom and on such conditions as it determines.
- 18.2 A poisonous, exotic and/or other undomesticated pet, poultry, pigeons, aviaries, or livestock may not be kept on an erf or in any structure erected or placed thereon.
- 18.3 A pet must be neutered, spayed or similar and must be regularly inoculated.
- 18.4 A pet must wear a collar fitted with a tag indicating the contact details of its owner.
- 18.5 A dog may not roam the Estate, and must at all times be tended and kept on leash when it is not on the erf of its owner: Provided that dogs that are commonly regarded as ferocious must, in addition, be muzzled.
- 18.6 A pet may not be allowed to create a nuisance or cause a disturbance to residents in the Estate.
- 18.7 A pet may not be neglected by, for example, leaving it to fend for itself or failing to provide it with sufficient shelter, nutrition or veterinary attention.
- 18.8 No person may inflict physical cruelty on a pet or subject it to violence.
- 18.9 The excrement of a pet deposited inside the erf on which it is kept must be removed at least once a day, and must be removed immediately when it is deposited on a communal facility or another erf.

### **18A. Letting of Properties**

- 18A.1 As set out in the Constitution, the conditions pertaining to the municipal zoning scheme regulations applicable to a development phase of the Township Area must at all times be observed by the owner or owners of an erf in the phase concerned.
- 18A.2 No member within the Association may part with their erf by means of any rental agreement for a period of less than six (6) months.
- 18A.3 Any application to the Stellenbosch Municipality for permission to deviate from the zoning scheme regulations pertaining to an erf must be accompanied by the written consent of Excom, and the Stellenbosch Municipality may not approve such application if Excom opposes it.
- 18A.4 Any member who wants to let her/his property on Welgevonden Estate shall comply with the following: Any tenant shall only be registered on the Welgevonden Estate biometric system if a written rental agreement that complies with the *Rental Housing Act 50 of 1999 (as amended)*, signed by all parties, indicating all occupants, is submitted to the Welgevonden Estate Office. Valid FICA documents for all parties and occupants, and a WHOA biometric registration form for each occupant (available from the Welgevonden Estate Office) shall be submitted before registration can proceed.

### **19. Use of Communal Facilities**

- 19.1 A person who makes use of a communal facility in the Estate must at all times be considerate and exercise proper care.
- 19.2 Picnics are permitted in designated areas only.
- 19.3 Open fires or braais are not permitted on a street or communal facility.
- 19.4 Only residents may enter and use the dam, Welgevonden Park and the areas

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surrounding the dam and Welgevonden Park, as well as the playgrounds.

- 19.5 When at the dam, Welgevonden Park and the areas surrounding the dam and Welgevonden Park, or on the playgrounds, minors must at all times be under adult supervision.
- 19.6 The dam, Welgevonden Park and the areas surrounding the dam and Welgevonden Park, may not be entered before sunrise or after sunset.
- 19.7 A person who is under the influence of an intoxicating substance may not enter the dam, Welgevonden Park and the areas surrounding the dam and Welgevonden Park.
- 19.8 A person may not bring any intoxicating substance into the dam, Welgevonden Park and the areas surrounding the dam and Welgevonden Park.
- 19.9 Swimming in the dam is not advised. Using the dam for swimming, rowing, and any other recreational activities will be at own risk.
- 19.10 Should owners at own risk use the dam for rowing purpose, only kayaks, canoes and similar paddling watercraft may be used on the dam, and no homemade floatation devices or sailing or motorised watercraft are allowed. Users of kayaks, canoes and similar paddling watercraft must at all times wear a personal floatation device when using the dam.
- 19.11 **Omitted, contents included in rule 19.10.**
- 19.12 Fishing in the dam is allowed, but on a catch and release basis.
- 19.13 Trapping, shooting, harassing or in any way harming the fauna in the Estate is prohibited.
- 19.14 Only pets under the control of their owners and on leash are allowed to enter the dam and Welgevonden Park areas. No pets are allowed to enter the dam, watercourse at the Welgevonden Park or any other water feature on the estate. All rules regarding the keeping of pets as formulated the *WHOA Estate Rules, rule 18*, must be observed.
- 19.15 No remotely piloted aircraft systems (or drones), as regulated by Part 101 of the South African Civil Aviation Regulations, are allowed to be operated within and surrounding the Estate.
- 19.16 Mobility devices – amongst others, bicycles (any size), skateboards, kick scooters, toddler scooters, rollerblades / inline skates, and Segways – are not permitted at the Welgevonden dam area, with the following exceptions:
  - 19.16.1 Wheelchairs and other mobility aids for elderly or disabled individuals are allowed.
  - 19.16.2 Baby prams, strollers, and similar child transport items are not restricted under these rules.

## 20. Damage to WHOA Property

- 20.1 A person may not in any way damage or deface a communal facility or any item placed or installed, or structure erected, by the WHOA in or on a communal facility.
- 20.2 Building rubble, refuse, litter or unwanted articles or material may not be deposited, thrown, placed, stored or dumped, or permitted or allowed to be deposited, thrown, placed, stored or dumped, in or on a communal facility.
- 20.3 Trees, shrubs or plants may not be removed from or planted in or on a communal facility without the prior written permission of Excom.
- 20.4 An item, fluid or material that may cause a blockage may not be disposed into the

sewerage system. In the event of a blockage that is shown to be the result of such disposal, the resident concerned must clear the sewerage system within twenty-four (24) hours after the occurrence of the blockage, failing which Excom may have the system cleared at the risk and for the account of the member who is the owner of the erf concerned.

- 20.5 If a vehicle has dripped or spilled lubricant or other fluid onto a communal facility or in any other way has damaged or defaced WHOA property, the person responsible for it must forthwith clean or repair the area concerned, failing which Excom may clean or repair the area for the account of the person concerned.

## **21. Maintenance of Communal Services and Facilities**

- 21.1 An owner or occupant of an erf on which there are any pipes, wires, cables and ducts used, or capable of being used, in connection with any communal service or facility, must at all reasonable times allow Excom or a person authorised thereto by her/him, to enter the erf to carry out inspections, repairs or maintenance of same.
- 21.2 If a person is obstructed from, or hindered in, the performance of her/his duties contemplated in this Rule, the owner of the erf concerned may be liable for any additional costs incurred by Excom in the performance of such duties.

## **22. Security Fence and Structures**

- 22.1 A person may not damage, remove or make any attachments to any part of the security fence and structures, tamper with the security system or any of its components, or in any way obstruct it so as to prevent the proper functioning of the Estate security system.
- 22.2 A person may not without the prior written permission of Excom, and on such conditions as Excom determines, display, erect or place any signage on, against or on top of the security fence and structures.
- 22.3 Trees, shrubs or plants that in the discretion of Excom are likely to interfere with the proper functioning of the Estate security system may not be planted in the close proximity of the security fence or structures.
- 22.4 The owner or occupant of an erf that borders on the security fence and structures must at all reasonable times allow Excom or a person authorised thereto by her/him, to enter the erf to carry out inspections, repairs or maintenance of same and to prune trees, shrubs and plants that may prevent the proper functioning of the Estate security system.
- 22.5 If a person is obstructed from, or hindered in, the performance of her/his duties contemplated in this Rule, the owner of the erf concerned may be liable for any additional costs incurred by Excom in the performance of such duties.

## **23. Breach of Rules**

- 23.1 If in the discretion of Excom the operator of a vehicle contravenes, or a vehicle does not comply with, the provisions of Rule 12 and/or Rule 13, Excom may by way of written notice –
- 23.1.1 instruct such person to comply with such provision; or
- 23.1.2 refuse such vehicle entry into the Estate; or
- 23.1.3 instruct the owner or the person in control thereof to remove the vehicle from the Estate; or

- 23.1.4 impose the prescribed penalty; or
- 23.1.5 apply more than one of the options mentioned.
- 23.2 If a person is in breach of any of these Rules, other than Rule 12 or Rule 13, or any condition determined or instruction given hereunder, the Excom may by way of written notice –
  - 23.2.1 instruct such person to remedy such breach within the indicated period; or
  - 23.2.2 instruct such person forthwith to desist from such conduct; or
  - 23.2.3 impose the prescribed penalty; or
  - 23.2.4 apply more than one of the options mentioned.
- 23.3 In the written notice the particular conduct which constitutes a breach must be described or the provision that has allegedly been contravened must be clearly indicated, and the recipient must be warned that if he or she persists in such conduct or contravention, a penalty will be imposed on such person.

**24. Failure to Comply with Instruction and/or to Pay Penalty**

- 24.1 If an instruction is not complied with, and/or a penalty is not paid, within the indicated period, the member concerned will be issued with a written notice giving an adequate description of the instruction and intimating that:
  - 24.1.1 the instruction must be complied with within the indicated period, and that if it is not so complied with, Excom may remedy the breach in question for her/his account;
  - 24.1.2 the penalty imposed, if not paid within the indicated period, may be added to the member's levy statement.
- 24.2 A competent court may be approached for an order to compel them to comply with the instruction and/or pay the penalty.

**25. Interest on Cost of Remedying Breach/Penalty**

The cost of the remedying a breach and/or a penalty that is not paid by the due date, will bear interest from the date of delinquency at a rate per annum equivalent to the prime overdraft rate charged from time to time by the WHOA's Bankers plus two percent (2%).

**26. Appeal Lodged with Excom**

- 26.1 A member who is aggrieved by any condition, instruction, or action by Excom under these Rules, may in writing lodge an appeal with Excom within 14 (fourteen) days of the date of sending of such a condition, instruction, or action to the member electronically via e-mail by the WHOA. Provided that if the grievance concerns an instruction to desist from certain conduct, such referral shall not absolve the person concerned from complying with the instruction.
  - 26.1A **Omitted**, contents included in clause 26.1.
- 26.2 The appeal must give a full explanation of the circumstances of the matter and clearly indicate the relief sought.
- 26.3 Excom, or a Subcommittee of its members designated by it and consisting of at least two (2) members, must without undue delay convene a meeting to consider the appeal.
- 26.4 A written notice must be sent to the member and, where applicable, the other person concerned, at least seven (7) days before the meeting is held informing her/him or

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them of the meeting and inviting her/him or them to attend: Provided that if the member and, where applicable, the other person concerned, fails to attend the meeting, Excom or the Subcommittee, as the case may be, may proceed with the meeting and dispose of the appeal.

- 26.5 At the meeting the member and, where applicable, the other person concerned, may present her/his or their case, but except in so far as may be permitted by the chairperson, she/he or they may not participate in the affairs of, or voting at, the meeting.
- 26.6 After the member and, where applicable, the other person concerned, presented her/his or their case, Excom or the Subcommittee, as the case may be, may with a minimum of two (2) Excom or Subcommittee members, as the case may be, present and voting, resolve to:
  - 26.6.1 confirm, vary or revoke the condition or instruction; and/or
  - 26.6.2 confirm, reduce or revoke the penalty.

### **26A. Written consent of Excom**

- 26A.1 Where written consent is required from Excom, application for such consent must be made in writing, and the applicant shall furnish Excom with all the information, details and documentation, as required by them.
- 26A.2 Written consent of Excom in terms of the Estate Rules, or the withdrawal thereof, shall be in such format as Excom shall from time to time determine.
- 26A.3 Excom may attach reasonable conditions to their consent, and that the trustees may summarily withdraw their consent, in the event of non-compliance with any of their conditions, and that when withdrawing their consent, Excom shall notify the owner in writing and furnish them with the reasons for their decision.

### **27. Complaints**

- 27.1 Excom must investigate in such manner as it deems fit a written complaint received from a member relating to the behaviour and/or conduct of a resident and/or other person in the Estate, and may take such steps with regard thereto as it deems fit.
- 27.2 Excom may on its own initiative, and irrespective of whether a complaint has been received, investigate in such manner as it deems fit the behaviour and or conduct of a resident and/or other person in the Estate, and may take such steps with regard thereto as it deems fit.

*/Schedule of Penalties*

## WHOA ESTATE RULES SCHEDULE OF PENALTIES

Effective Date: 21 November 2024

No	Rule	Breach	Penalty
1	6	Refusal to comply with – procedures relating to access control / security measures instruction of Estate Security / Excom	R500
2	7.4	Member not ensuring that an electronic version of the Stellenbosch Municipality-approved building plans for their dwelling, showing all structures and improvements on the erf, is submitted to the Welgevonden Estate Office on or before 1 (one) December 2025.	R1 500
3	7.3	Using erf, structure thereon, or communal facility in manner / for a purpose that causes nuisance or creates disturbance, or that is injurious to ambience of Estate	R500
4	9.1	Conducting business or practicing trade on or from property without permission or contrary to conditions set	R500
5	10	Indulging in conduct that is unbecoming, constitutes nuisance or creates disturbance	R500
6	11	Tasking or interfering with worker / employee / agent / service provider/ contractor engaged by Excom	R500
7	12.2	Exceeding speed limit	R1 000
8	12.3	Disobeying traffic signage	R500
9	12.4	Operating, parking or standing vehicle that is not licensed, not roadworthy, produces excessive noise or smoke, or drips or spills lubricant or other fluid, or that in any other way may damage or deface WHOA property	R500
10	12.5	Driving vehicle in area other than roads or driveways	R500
11	12.7	Operating vehicle – without utmost care on communal area	R500
12	12.7	Taking short cut over traffic circle / communal facility / undeveloped erf	R500
13	13.2	Leaving vehicle unattended so that it – may cause obstruction / occupies more than one demarcated parking bay	R500

**15**

<b>No</b>	<b>Rule</b>	<b>Breach</b>	<b>Penalty</b>
14	13.2	Abandoning vehicle in the Estate	R500
15	13.5	Dismantling or repairing vehicle on any part of common property	R500
16	14.1	Not maintaining external appearance of structure erected or placed on erf in state of good repair	R500
17	14.2	Not keeping garden / area between street boundary line of erf / kerb in neat and tidy state	R500
18	14.3	Trees/shrubs/plants in area between street boundary line / kerb impeding traffic or posing safety hazard	R500
19	14.4	Washing line / washing visible from communal facility / another erf	R500
20	14.5	Structure/item that is unsightly, aesthetically displeasing or undesirable or detrimental to general appearance of Estate exposed, installed, placed or erected on erf	R500
21	14.6	Members not submitting proposals to convert streetscapes in front of dwellings by, amongst others, removal/replacement soft landscaping, installation of hard landscaping (i.e. paving), removal of trees, creation of parking space, etc. to the Welgevonden Estate Office to be considered and scrutinised under par. 5.12.1.(f) of the <i>WHOA Architectural Directives and Design Guidelines</i> .	R500
22	15.1	Refuse container – not kept in manner so as to prevent foraging visible from communal facility / another erf	R500
23	15.3	Refuse container not returned to erf concerned	R500
24	15.4	Garden refuse not disposed of	R500
25	15A	Transgression of any of the provisions regarding water tanks	R500
26	15B	Transgression of any of the provisions regarding generators	R500
27	16	Without permission displaying, erecting or placing signage on erf so that it is visible from communal facility / another erf	R500
28	16	Without permission distributing advertisement / information pamphlet / letter / note	R500
29	16	Displaying "For Sale" sign	R500
30	16	Displaying "To Let" sign	R500

**16**

<b>No</b>	<b>Rule</b>	<b>Breach</b>	<b>Penalty</b>
31	17.1	Not maintaining undeveloped erf in neat and tidy state	R500
32	17.2	Depositing, throwing, placing, storing or dumping building rubble / refuse / litter / unwanted articles / other material on undeveloped erf	R1000
33	18.1	Keeping of Pets Keeping more than two (2) dogs / two (2) cats without permission Contravening conditions set for keeping more than two (2) dogs / two (2) cats	R750
34	18.2	Keeping poisonous, exotic or other undomesticated pets/poultry/pigeons/aviaries/livestock	R750
35	18.3	Pet not – neutered, spayed or similar / regularly inoculated	R750
36	18.4	Pet not wearing collar fitted with tag indicating contact details of owner	R750
37	18.5	Dogs: <ul style="list-style-type: none"> <li>• Allowing dog to roam</li> <li>• Not keeping dog on leash</li> <li>• Not muzzling ferocious dog</li> </ul>	R750
38	18.6	Allowing pet to create nuisance or causing disturbance	R750
39	18.7	Neglecting pet	R750
40	18.8	Inflicting physical cruelty on pet or subjecting it to violence	R750
41	18.9	Not removing pet excrement	R750
42	18A.2	Letting property for a period less than 6 months	R1000
43	19.2	Picnicking in non-designated area	R500
44	19.3	Open fire / braai on street / communal facility	R500
45	19.4	Non-resident entering and using dam / Welgevonden Park / surrounding areas / playground	R500
46	19.5	Minors not under adult supervision when in the dam / Welgevonden Park / surrounding areas / playgrounds	R500
47	19.6	Entering the dam area / Welgevonden Park before sunrise / after sunset	R500
48	19.7	Entering the dam / Welgevonden Park / surrounding areas while under influence of intoxicating substance	R500
49	19.8	Bringing intoxicating substance into the dam / Welgevonden Park /	R500



No	Rule	Breach	Penalty
		surrounding areas	
50	19.10	Using unauthorised watercraft / homemade floatation device on dam	R500
51	19.10	Not wearing floatation device when using watercraft on dam	R500
52	19.12	Not releasing fish caught in dam	R500
53	19.13	Trapping, shooting, harassing or in any way harming fauna	R500
54	19.14	Pets entering dam / watercourse at Welgevonden Park / water features. Pets entering the dam and Welgevonden Park areas off leash and/or not under control of its owner.	R750
55	19.15	Operating of drones within and surrounding the Estate	R500
56	19:16	Using any mobility device as indicated in Rule 19:16, or similar devices, at the Welgevonden dam area.	R500
57	20.1	Damaging or defacing communal facility / item placed or installed, or structure erected, by WHOA in or on communal facility	R500
58	20.2	Depositing, throwing, placing, storing or dumping building rubble / refuse / litter / unwanted articles / other material on undeveloped erf / communal facility	R500
59	20.3	Removing or planting trees/shrubs/ plants from, in or on communal facility without permission	R1000
60	20.4	Causing blockage of sewerage system	R500
61	20.5	Not cleaning lubricant / other fluid dripped or spilled onto communal facility or that in any other way has damaged or defaced WHOA property	R500
62	21.1	Refusing access to erf to allow maintenance or repair of pipes/wires/cables/ducts used in connection with any communal service or facility	R500
63	22.1	Damaging, removing or making attachments to security fence / structures, tampering with security system or any of its components, or obstructing it so as to prevent proper functioning of security system	R500
64	22.2	Displaying, erecting or placing signage on, against or on top of security fence / structures without written permission	R500
65	22.3	Planting trees/shrubs/plants likely to interfere with functioning of security system in close proximity of security fence / structures	R500

No	Rule	Breach	Penalty
66	22.4	Refusing access to erf to allow – inspections, maintenance or repair of security fence / structures and pruning of trees/shrubs/plants that may prevent functioning of security system	R500

**Stipulations:**

*(1) Excom may in its discretion increase the prescribed penalty by 50% for repeated breaches and ongoing non-compliance by the person in breach.*

*(2) The person in breach will also be held responsible for the full cost to Excom of remedying a breach plus a 50% administration fee in the event of such person's ongoing failure to respond to a formal notice to attend to same.*

*(3) If the person in breach is not an owner, the owner concerned will be required to pay the penalty imposed / cost incurred.*

**WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) ESTATE RULES**

**SCHEDULE OF AMENDMENTS**

**Special resolutions passed at Annual General Meetings as indicated.**

<b>DATE OF AGM and RULE</b>	<b>DESCRIPTION OF AMENDMENTS</b>
<b>27 November 2014</b>	<b>Amendments approved</b>
General	<b>General:</b> In view of the provision that words and expressions to which a meaning is assigned in the Constitution will in the Rules bear that meaning, a few definitions have been omitted.
Signage and Advertisements	<b>Rule 16:</b> Mundane tasks allocated to the WHOA, for example the requirement that the WHOA as such must determine standards and specifications for, and give written permission the erection of, Estate Agent's signage, are re-allocated to Excom.
Definitions	A new <b>definition 1.2</b> is introduced to emphasize the fact that Welgevonden Estate is zoned family accommodation as defined in the <i>Zoning Scheme Regulations</i> issued by the Stellenbosch Municipality.
Definitions	A new <b>definition 1.3</b> of "occupant" rather "tenant" is introduced to cover those instances where a member allows occupancy of her or his dwelling by persons who do not necessarily pay rent.  This has also resulted in greater drafting consistency as in some instances the expression "tenant" and in some instances the expression "lessees" is currently used.
Member's Duties and Obligations	<b>Rule 7:</b> Members' obligations, duties and liabilities are now more clearly defined without affecting the essence of the respective current provisions.
Damage to WHOA Property	<b>Rule 20.4:</b> Dumping into sewerage systems by people other than building contractors is now also specifically prohibited and made punishable.
Use of Communal Facilities	<b>Rule 19:</b> Certain provisions are included to allow greater use of communal facilities by residents, for example: <ul style="list-style-type: none"> <li>• Rowing on, and swimming in, the dam for training and exercise purposes.</li> <li>• Fishing on a catch and release basis in the dam.</li> <li>• The provision regarding the use of cycles, skateboards etc. is omitted.</li> </ul> Certain provisions are included to improve the management of communal facilities, for example: <ul style="list-style-type: none"> <li>• Only residents may enter and use the dam and surrounding area.</li> <li>• Minors must at all times be under adult supervision while in the dam and surrounding area and on the playground.</li> <li>• No person may enter and use the dam before sunrise and after sunset.</li> <li>• Intoxicated persons may not enter the dam and surrounding area.</li> <li>• No intoxicating substance may be consumed in the dam and surrounding area</li> </ul>

DATE OF AGM and RULE	DESCRIPTION OF AMENDMENTS
	<ul style="list-style-type: none"> <li>• No homemade floatation devices or sailing or motorised watercraft are allowed on the dam.</li> <li>• Users of kayaks, canoes and similar paddling watercraft must at all times wear a personal floatation device when using the dam.</li> <li>• Only residents may use the playground area.</li> </ul>
Use of Communal Facilities	A provision is included to emphasise that a person who makes use of any communal facility on the Estate must apart from the <b>Estate Rules</b> also observe strictly any applicable <b>control measures</b> .
Damage to WHOA Property	<b>Rule 20.3:</b> Two slightly differing provisions regarding the planting or removal of trees, shrubs or plants have been reconciled and combined into one provision.
Signage and Advertisements	<b>Rule 16:</b> Erecting of signage and distribution of advertisements are more strictly managed.
Undeveloped Erf	<b>Rule 17:</b> The maintenance of undeveloped erven is defined in more detail.
Keeping of Pets	<b>Rule 18.5:</b> Ferocious pets must be muzzled when walked.
Appeal Lodged with Excom	<b>Rule 26.6:</b> Excom or its subcommittee may after due deliberation confirm, reduce or revoke a penalty by resolution with an ordinary majority instead of the current two-thirds majority.
<b>24 October 2019</b>	<b>Amendments approved</b>
Definitions	<b>Rule 1.1A:</b> A new definition 1.1A is inserted ("Excom").
Definitions	<b>Rule 1.6:</b> A new definition 1.6, "vleiland", is inserted to facilitate reference to the private open space located in the corner of the estate next to the R304 entrance gate.
Traffic Control	<b>Rule 12</b> is amended to more comprehensively address matters related to traffic control.
Parking or Standing of Vehicles	<b>Rule 13.1</b> was relocated to rule 12.1.
Parking or Standing of Vehicles	<b>Rule 13.5:</b> A new rule 13.5 is inserted to improve the management of vehicles on private open spaces.
Maintenance of Properties and ...	<b>Rule 14.2</b> is extended by including the second sentence to make provision for a control measure that is already in place.
Refuse Containers ...	<b>Rule 15</b> is extended by rule 15.4 that speaks to the disposal of garden refuse.
Water Tanks	<b>Rule 15A:</b> A new rule 15A is inserted to govern the installation of water tanks.
Generators	<b>Rule 15B:</b> A new rule 15B is inserted to govern the installation of generators.
Letting of Properties	<b>Rule 18A:</b> A new rule 18A is inserted that speaks to the letting of properties.

DATE OF AGM and RULE	DESCRIPTION OF AMENDMENTS
Use of Communal Facilities	<b>Rule 19</b> is extended to include the management of the use of the vleiland area in line with the rules already in place for the dam area.
Use of Communal ...	<b>Rule 19.9</b> is amended to accommodate a control measure that is already in place.
Use of Communal ...	<b>Rule 19.10</b> is a combination of Rule 19.10 and Rule 9.11 without any amendments.
Use of Communal ...	<b>Rule 19.11</b> is omitted, with its contents included in Rule 19.10.
Use of Communal ...	<b>Rule 19.15:</b> A new rule 19.15 is inserted regarding the use of drones.
Breach of Rules	<b>Rules 23.1 and 23.2</b> are amended, and a new rule 23.3 inserted to formalise the administrative process in case of the breach of rules.
Interest on Cost ...	<b>Rule 25</b> is amended to increase the interest on the cost of the remedying a breach and/or a fine that is not paid by due date to two percent (2%).
Appeal lodged with Excom	<b>Rule 26A</b> is inserted to more clearly define the application for written consent from Excom.
Schedule ...	Schedule of Fines updated and adjusted in accordance with rules.
<b>26 November 2020</b>	<b>Amendments approved</b>
Signage and Advertisements	<b>Rule 16</b> was amended, omitting Rules 16.2, 16.3 and 16.4, pursuant to a special resolution passed at the AGM on 26 November 2020.
<b>24 November 2022</b>	<b>Amendments approved</b>
General	<p><b>General:</b> The word “fine” has been replaced by “penalty” as “fine” is widely regarded as a “sum of money ordered by the court to pay for an offence, after the complete persecution in the matter”. On the other hand, “penalties” do not “involve court proceedings and are imposed when a person does not comply with the provision of a specific act.”</p> <p>A number of style and grammatical inconsistencies have been corrected, for example the word “object” is replaced with “objective” where the use of the latter is more appropriate.</p>
Definitions	<b>Definition 1.6:</b> The name of the area adjacent to the R304 entrance gate, currently referred to as “vleiland” is amended to “Welgevonden Park”. This area was previously erroneously referred to as, “vleiland”, while it is in fact not a “vleiland”.
Use of Communal Facilities	<b>Rule 19</b> is amended to omit reference to “vleiland” and include the name “Welgevonden Park” instead. See also explanation in “Definition 1.6” above.
Appeal lodged with Excom	A new <b>rule 26.1A</b> is inserted, stipulating the time period allowed for lodging an appeal, thereby rectifying an aspect that the rules have been silent about.

DATE OF AGM and RULE	DESCRIPTION OF AMENDMENTS
<b>29 November 2023</b>	<b>Amendments approved</b>
Traffic Control	<b>Rule 12</b> is amended pursuant to a decision taken at an Excom meeting held on 26 January 2023, with the speed limit (Rule 12.2) lowered from 40 km/h to 30 km/h with effect 1 March 2023. Reported at the AGM on 29 November 2023 to clause 59A of the <i>WHOA Constitution</i> .
Member's Duties and Responsibilities	A new <b>rule 7.4</b> is inserted which includes the responsibility of all members to ensure that a digitised/electronic version of the Stellenbosch Municipality-approved building plans for their dwelling is submitted to the Welgevonden Estate Office on or before <b>1 (one) December 2025</b> in accordance with clause 70.1 of the <i>WHOA Constitution</i> .  Non-compliance penalty: R1 500, imposed with the standard penalty rules of the WHOA applicable.
Maintenance of Properties and Streetscape	A new <b>rule 14.6</b> is inserted to regulate the submission of proposals to convert streetscapes in front of dwellings by, amongst others, removal/replacement of soft landscaping, installation of hard landscaping (i.e. paving), removal of trees and creation of parking space to the Welgevonden Estate Office in terms of par. 5.12.1.(f) of the <i>WHOA AD&amp;DG, Version 8 – 29 November 2023</i> .  Non-compliance penalty: R500, imposed under the standard penalty rules of the WHOA.
Letting of Properties	A new <b>rule 18A.4</b> is inserted to regulate the rental agreements of all properties. Tenants/occupants shall only be registered on the Welgevonden Estate biometric system if all requirements listed in this rule are complied with.
Use of Communal Facilities	<b>Rule 19.14</b> is amended to replace "... river/stream area ..." with "...watercourse..." and to include content to regulate the actions of owners regarding their pets entering the dam and Welgevonden Park areas with them.
Appeal Lodged with Excom	<b>Rules 26.1 and 26.1A</b> are combined to exclude duplicated content.
<b>21 November 2024</b>	
Definitions	<b>A new definition 1.7 included:</b> "Welgevonden dam" (the dam) means the dam adjacent to the R44 entrance gate."
Use of Communal Facilities	<b>Rule 19</b>  A new <b>Rule 19.16</b> is inserted to regulate the use of mobility devices as defined in the rule at the Welgevonden dam area.  Exceptions as defined in <b>Rule 19.16.1</b> and <b>Rule 19.16.2</b> .