



BRACKENRIDGE ESTATE HOMEOWNER'S ASSOCIATION RULES AND PROCEDURES

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The main objective of the development of Brackenridge Estate is to provide a high- quality lifestyle for residents, and the purpose of these Rules is to protect this lifestyle.

These Rules have been established in terms of the Constitution of the Brackenridge Estate Homeowners Association (Brackenridge Estate HOA) created under section 29 of the Land Use Ordinance, 15/1985. They are binding on all occupants of the estate, as is any decision taken by the Trustees in the interpretation thereof.

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.

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. In the event of annoyances or complaints, the parties involved should attempt to settle the matter between themselves, exercising tolerance and consideration. In instances where problems cannot be resolved, the matter should be brought to the attention of the Trustees for arbitration and settlement.

These Rules are subject to change from time to time.

The Managing Agent as the appointed representative of the Trustees has the authority of the Trustees in applying these, Rules. Any instructions issued by the Managing Agent regarding the application thereof will carry the authority of the Trustees.

1. CONDUCT RULES

Use of the Streets

- Motorists should drive with caution and around traffic circles keeping to the left and yielding to traffic entering the circle from the right. A speed limit of 30 kilometers per hour is to be maintained on the property at all times.

- Motor vehicles, including registered motorcycles, may not be driven anywhere except on the streets of the Estate. All private open space is off-limits.
- The use of scramblers and quad bikes are not permitted at all.
- Noisy exhaust systems are prohibited.
- Parking of visitor's vehicles should where possible be within the Homeowners property. Where this is not possible or practical it is encouraged, that vehicles be parked on the sidewalk and not on the road carriageway. In particular vehicles should not be parked on the road carriageway of the main thoroughfare (the road linking the front and back gates) or at circles and islands.
- All drivers within the estate must be alert at all times to the possible presence of young children suddenly running out onto the road or residents walking on the roads.
- Pedestrians and cyclists must show consideration for motorists and parents must act responsibly in ensuring the safety of their children, when playing on the streets
- These rules will be enforced by security and where necessary warnings followed by fines will be issued.

Consideration for Neighbors and Other Residents

- No business activity or hobby, which causes aggravation or nuisance to fellow residents, may be conducted. (See also Section 7 Operation of Business from Home)
- Auctions or jumble sales are prohibited except where the Trustees have approved of such in writing.
- The volume of music or electronic instruments, partying and the activities of employees, tenants and guests should be kept at a generally acceptable level.
- Excessive party and entertainment noise should not continue beyond 12 midnight.
- The lighting of fireworks and the slaughtering of animals as part of the celebration of cultural or religious events is prohibited.
- Noisy mechanical maintenance, and the use of power-saws, lawn mowers and the like, should only be undertaken between the following hours: Mondays-Saturdays: 08h00 – 18h00. Not at all on Sundays
- Approved Generators may only be operated between the hours of 7am and 10 pm and only during power outages.
- Drones are not permitted to be flown on the Estate.

Complaints Relating to Misconduct

Urgent Noise Complaints

- Urgent noise complaints must be addressed by contacting Security (044 533 0953).
- Security will investigate and request the offending occupants to stop the noise. This will constitute a first warning to the occupants.
- If the disturbance continues the Security Manager will be contacted, who will issue a final warning. If the occupant is not the Homeowner, the Homeowner will be contacted and jointly issued the final warning.
- In the case of continued disturbance, or a repeated post final warning disturbance event, the General Manager may, at his discretion, issue a penalty (disturbance levy) which will be payable by the Homeowner and debited to his monthly levy account.

Other Complaints

Other complaints should be addressed in writing by email to the Managing Agents, to yolanda@seavalley.co.za

2. ERF AND SIDEWALK DEVELOPMENT AND MAINTENANCE RESPONSIBILITIES

Ensuring a Pleasant Streetscape

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

Sidewalks

- Every owner has a responsibility to the Estate community and should maintain the area between the road kerb and the boundary of his/her property.
- Landscaping of sidewalks including the installation of sprinkler systems will be allowed subject to the permission of the HOA, but will be at the homeowners' s risk, with his due cognizance of the sidewalk parking requirements.
- The sidewalks remain the property of the H.O.A and as such any demarcation by way of rocks, concrete balls, plastic pipes and the like are not allowed. Permission needs to be obtained from the H.O.A. for any deviation in this regard.
- Retaining features necessary to facilitate steep driveways, and planting/landscaping of sidewalks will be allowed subject to the approval of the HOA.
- Sidewalk features should not however interfere with pedestrian traffic or obscure the vision of motorists.
- Swimming-pool water may not be emptied onto sidewalks or common property but must be channeled into the stormwater system.
- No trees, plants or sidewalk lawn may be removed without permission.
- No advertisements or publicity material may be exhibited or distributed without the consent of the Trustees.

Home Maintenance and Screening

- Garden fences and walls should be properly finished and maintained.
- Home repair and re-painting should be undertaken as and when necessary.
- Caravans, trailers, and boats may not be parked on the sidewalks or common property.
- Wendy houses, tool sheds, equipment, tools, engine and vehicle parts as well as accommodation for pets should be sited out of view of the street and where necessary screened from neighboring properties.
- Laundry and washing must be concealed from view in screened areas as designated on the approved plan.
- In cases where Homeowners persist in ignoring requests to fulfill maintenance responsibilities, Management reserves its right to remedy same at the homeowners' cost.

Adherence to Architectural Guidelines

All construction must be in accordance with the approved standards as set out in the Architectural Design Guidelines. No such construction may commence without plans approved by the Brackenridge Architectural Committee and the Bitou Municipality where appropriate.

This requirement applies to all new buildings, future additions and alterations, swimming pools, garden walls, fences and screens, aerals, solar installations, etc.

Generators and use on the Estate

The Association discourages the use of generators for environmental reasons. The use of battery backup power inverters, UPS, etc or solar systems to provide additional Electricity Supply is encouraged. All existing generators prior to 2022 must be registered with the HOA by the homeowner.

No new generators will be allowed after 2022. Strict measures and standards will be applied to existing approved installations to ensure noise and air pollution is controlled and measured.

Where solar panel installations are considered and, or other power related equipment, which may have visual impact on the Estate, plans are to be submitted to BARC for consideration and approval.

Where permission has been granted for a generator installation a valid Certificate of Compliance (COC) is to be lodged with the HOA. No loose standing units will be allowed on the Estate without prior written permission from the HOA.

No generators may be switched on automatically and running after 22:00 at night and before 07:00 in the morning except in the case of an emergency. No Generator may be brought onto the Estate and used without the express permission from the HOA. In the event of a dispute being raised regarding a generator the HOA will revert to the HOA Generator Register and if a Generator is not on the register, it will be seen as an illegal Generator and the Homeowner will be asked to remove the Generator from the Estate immediately.

Street Number

For emergency and convenience reasons, residents are requested to place their street number, not erf number, on their garage or other easily identifiable place such as the driveway entrance. Your street number is available from the Brackenridge Management office.

3. REFUSE PROCEDURES

- Refuse may only be disposed of in Refuse Bags, placed in-Wheelie bins and placed on the sidewalk on a Monday Morning before 08h00 and/or other designated times to be advised during high seasons. No refuse bags may be left on the sidewalk other than green bags containing garden refuse only.
- Recycle refuse should be separated into yellow municipal plastic bags, obtainable from the security office.
- Building material may not be dumped on the sidewalks or vacant stands under any circumstances, without written permission of the Brackenridge Estate HOA-

4. PETS

"Let your pet not be a bone of contention between you and your neighbors".

- The local authority by-laws relating to pets will be strictly enforced.
- No person may keep more than two dogs and two cats on their property without the written approval of the Brackenridge Estate HOA.
- No poultry, pigeons, aviaries, wild animals or livestock may be kept on the estate.
- Dogs are not permitted to roam the streets. Dogs must be walked on a leash at all times.
- 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. To assist with this matter "poo bags" and disposal containers have been placed at strategic positions in the common areas.
- Every pet should wear a collar with a tag indicating the name, telephone number and address of its owner.
- The Brackenridge Estate HOA reserves the right to request an owner to remove his/her pet should it become a nuisance within the Estate.

5. UNDEVELOPED ERVEN

Vacant erven must be maintained and if necessary, cleared to the satisfaction of the Brackenridge Estate HOA.

If such maintenance or clearance is not undertaken by the owner within 30 days of the request the Brackenridge Estate HOA reserves the right to do it at the owner's expense.

With effect from January 1st, 2022, a penalty levy will be applied on vacant stands, subject to the following conditions:

- A penalty levy will apply to all stands on which construction has not commenced by January 2022
- Once construction commences, the penalty levy will be suspended.
- Owners of stands on which construction has commenced will have 12 months to complete construction, failing which the penalty levy will be re-applied.
- Likewise, stands on which construction has commenced in 2021 and where the 12 months construction period overruns into 2022, will not attract a penalty unless the 12-month period is overrun.
- If a property affected by a penalty levy is sold, the buyer will have a 12-month moratorium from date of transfer, whereby penalties will not be applied in order for building to commence.
- For the first 12 months from the date that the penalty levy becomes payable, double the monthly levy current at the time of billing. (Additional to the normal levy); and Thereafter, four times the monthly levy current at the time of billing. (Additional to the normal levy) from the date of expiry of the first 12 months from the date that the penalty levy becomes payable until such time as construction is completed."
- In certain cases, where the same owner owns two adjacent stands one of which is undeveloped but has been improved for specific purpose (garden etc.) the following shall apply. On a written application from the owner the penalty levy may be relaxed at the discretion of the Trustees. If, however at a future date the owner decides to sell the erf, the penalty levy will be applied

retrospectively from January 1st 2022. Owners of these properties will be asked to sign an agreement to such conditions.

6. SECURITY

SECURITY IS AN ATTITUDE –ALL HOMEOWNERS MUST COOPERATE TO ASSIST TO ENFORCE SECURITY TO RENDER IT WORKABLE

Every time you break security protocol and regulations, you are making it easier for criminals to do the same.

Residents Responsibilities

- All Residents are required to adhere to all security procedures.
- All breaches or suspected breaches of security must be reported immediately to Security Manager or Security Staff.
- Homeowners are responsible to ensure that all their visitors, contractors or tenants adhere to all security procedures.
- Residents are requested to co-operate with security personnel and treat them with courtesy.
- Estate agents showhouses are not permitted.

Access Procedure:

- Residents will automatically be granted access and egress by the vehicle number plate recognition system, registration to be completed at the HOA Office. Should a resident arrive in a non-registered vehicle, Security will have to allow access, and the owner will have to request the HOA to add the vehicle to the system for automatic access. Please report to the HOA office to register a vehicle.
- Visitors will be granted access, following invitation from the security visitor management system in place, screened on arrival, or by signing in on arrival, subject to telephonic approval by the Homeowner.
- Domestic workers, authorized by the Homeowner, will be granted access by a signing in/access card process administered by security.
- Building Contractors are granted access by a scanning/ number of personnel control process administered by security.
- HOA (Homeowners Association) reserves the right to prevent residents or tenants from entering the Estate on foot after dark. (To protect the Estate against unruly behavior and avoid potential traffic dangers)
- Fast Food deliveries will not be allowed into the Estate. Please arrange pick up at the main gate.

Visitors, Contractors and Domestic Workers

- 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, the HOA (Homeowners Association) reserve the right to refuse access to such person.

- Every owner must ensure that contractors, in their employ, adhere in all respects to the security stipulations of the Brackenridge Rules for Contractors.
- Homeowners are responsible for the transport of Domestic workers within the Estate, either by making use of the approved taxis, or by self-collection from the main gate and drop off again at main gate.

7. OPERATING A BUSINESS FROM HOME

“The operation of businesses from home will be acceptable, provided it is compliant with the by-laws of the Bitou Municipality and the rules of the estate.

- Homeowners wishing to operate new or existing businesses from home, where daily staff are required to be in attendance, or where business related visits will occur, must firstly apply to the HOA for permission to operate the intended style of business, and if approved, agree to comply by the Regulations/Conditions below:
- Security: Under no circumstances may visitors gain access to the estate via the Number Plate Recognition system or any similar access system which may be introduced for residents from time to time. They will be required to sign in as a visitor or via the visitor’s management system sent from the HOA Visitors app.
- Parking of staff vehicles
- Parking of staff and business-related visitor’s vehicles on the verges will not be permissible.
- Parking must either be in the driveway or staff must be collected at either entrance by the business operator.
- No business will be allowed which causes noise or inconvenience to neighbors.
- The requirement to apply for permission to operate a business is not applicable to “working from home” circumstances which do not generate noise or attract staff or regular visitors, i.e., “one man and a computer”.

8. TENANTS, LETTING, VISITORS, CONTRACTORS AND EMPLOYEES

RESPONSIBILITY FOR ENFORCING THE RULES, RESTS WITH THE OWNER

Homeowner’s Responsibility

- The Homeowner must always ensure that the highest practical security standards are given due diligence.
- The Homeowner remains responsible as provided in our Constitution for the behavior of guests, whether they are family or friends and for tenants, whether they rent long-term or short term. Use full description (Tenants, Visitors, Contractors, Employees and Staff)
- The Homeowner/Letting Agent /Estate agent must ensure that each guest is provided with the “Brackenridge House Rules for Short- and Long-Term Tenants”. In the case of homes being rented, a copy of the Estate Rules must be placed in a prominent place in the house.
- The Homeowner must ensure that contractors in their employment abide by the Brackenridge Rules for Contractors.

Rental Procedures

In the case of both short- and long-term rentals, **PRIOR TO THEIR ARRIVAL**, the Homeowner or Agent must submit the rental document to the Brackenridge HOA on info@brackenridge.co.za. A penalty levy will apply if any contravention to this rule is identified by the HOA.

THE FOLLOWING INFORMATION IS REQUIRED BEFORE YOUR GUESTS ARRIVAL:

- ID numbers and contact numbers of the arriving tenants and the duration of their stay.
- The name and contact number of the Homeowner/Agent for purpose of contact, if necessary, in connection with any matter relating to the rental.
- For short-term and long- term rentals, the Homeowner/ Agent must submit to the Front Office the Brackenridge Homeowners Rules and Procedures Compliance Declaration, signed by both the Tenant and The Homeowner/Agent prior to occupation - as available on the website.
- **Note:** short term rental shall not be allowed for less than 2 (two) nights and a R50 per day review cost, admin fee will apply per transaction. If any contravention to this rule is identified the HOA (Homeowners Association) will apply a Penalty Levy as per the Rule Compliance Clause.

Penalties for Non- Compliance

In unfortunate cases of non-compliance with the rules by tenants, in accordance with the procedures for all Homeowners, penalties, following 1st warning will be issued and payable by the Homeowner and debited to the monthly levy account. In such cases the Homeowner/Agent will be notified immediately of a warning or fine is issued.

9. RESALE OF PROPERTY

- Homeowners intending to sell their property, and their Agents must comply with the Brackenridge Property Sale Procedures.
- A Purchaser of property in Brackenridge is required to acknowledge that he or she, upon registration of transfer of ownership, becomes a Member of the Brackenridge Estate Homeowners' Association and is subject to the Rules of the Association and will be required to sign an acknowledgement declaration.
- Appointed Estate Agents will be required to submit accreditation credentials and confirm that buyers have been advised of their obligations with respect to the Rules.

9.1. CONTRIBUTIONS TO THE LEVY STABILIZATION FUND

9.1.1. In terms of the Constitution of the Association a clearance certificate must be obtained from the Brackenridge Estate HOA prior to any transfer of ownership of an Erf in the Brackenridge Estate. The clearance certificate will only be issued for the transfer of ownership if all monies, levies and the contribution to the levy stabilization fund has been paid, or that arrangements has been made to the satisfaction of the Association for the payment thereof on registration of the transfer of the Erf.

9.1.2. For the purposes of payment of a contribution towards the levy stabilization fund the following transactions in respect of the ownership of an Erf in Brackenridge or a share or

any other legally recognised right in an Erf or the use of an Erf shall for all intents and purposes be deemed to be a transaction in respect of which a contribution of 1% (one present) must be paid to the Association on the following values:

- 9.1.2.1. Any transaction in which any share, members interest or use right of an Erf in Brackenridge Estate is transferred from one person or entity of whatsoever nature to another in respect of which Transfer Duty in terms of the Transfer Duty Act 1949 is payable or deemed to be payable. The amount on which the contribution of 1% (one present) shall be calculated on the fair market value of such share, members interest or use right transferred.
- 9.1.2.2. Any transaction in Rule 9.1.2.1 in respect of which VAT in terms of the Value – Added Tax Act, 1991 is payable instead of transfer duty. In such event the contribution of 1% (one present) shall be calculated on the fair market value a share, members interest or use right transferred.
- 9.1.2.3. The date on which the 1% (one present) of the fair market value in this Rule 9.1.2 must be paid to the Association by the person acquiring the right in the Erf is the effective date of the transaction.
- 9.1.3. Whenever a transaction in respect of which a contribution towards the levy stabilization fund is provided for in this Rule 9.1 is exempt from transfer duty in terms of Section 9 of the Transfer Duty Act, 1949 then the transaction will also be exempt from the payment of a contribution towards the levy stabilization fund. Where a transaction is exempt from the payment of a contribution the person who would have been liable for the payment must provide written proof of the exemption from transfer duty to the Association whenever so requested.
- 9.1.4. Whenever a declaration of fair market value in terms of Rule 9.1.2 is made to the Association and the Association is not satisfied that the amount declared is the fair market value, the Association may call upon the person making the declaration to have a valuation done of the fair market value of the right transferred or endowed by a sworn valuer. The amount so determined by the sworn valuer shall be the amount in respect of which the 1% (one present) levy stabilization fund contribution must be paid to the Association.
- 9.1.5. A contribution in terms of Rule 9.1.2 not paid on the date due will bear interest at the compound interest rate as determined by the Trustees of the Association from time to time.

10. ADMINISTRATION

- All levies are due and payable in advance by the 7th day of each month. Interest as determined by the Trustees will be raised on all overdue accounts. Any account 60 days overdue will be handed over for legal process without any further correspondence.

- The trustees may amend or add to the Conduct Rules from time to time, as deemed necessary to ensure the happy and orderly co-existence of residents.
- The Trustees reserve the right to impose penalties/fines for those continuing to transgress the conduct rules. Such fines will be debited to the levy account and be payable immediately.
- **LEGAL STATUS AND LIMITED LIABILITY** The Association is a common law corporate body and as such: Its assets, liabilities, rights and obligations vest in it independently of its members; It may not distribute any of its profits and gains to any person and it will use its funds solely for the objects for which it has been established and for investment; It will have perpetual succession; It may sue or be sued in its own name. The members and Trustees will not by reason of their membership be liable for the liabilities and obligations of the Association.

11. ESTATE RULE CONTRAVENTION AND PENALTIES

The Brackenridge Homeowners Association reserves the right to issue any homeowner with a penalty for contravention of any rules associated with the HOA Constitution, Estate Rules, Building Compliance and Architectural Guideline Contraventions. If a member feels the penalty is not justified, they have the right to dispute the penalty by following the required procedure as laid down in the Constitution and submitting a written motivation to the HOA either through the Managing Agent or the Brackenridge Office.

Level 1	Minor Offences, after 1st warning (1 x Levy Penalty)
Level 2	More Serious Issues, First Speeding Contravention, Building Penalties and Contraventions by example (2 x Levy Penalties)
Level 3	Serious Offences, 3rd Penalties after level 1 and level 2 contravention, Stubborn Homeowners not complying with requests and penalties, Repeat Speeding and Traffic Transgressions, Security Transgressions by example (3 x Levy Penalties)

12. REFERENCE DOCUMENTS

For reference documents, refer to Website at <https://brackenridge.co.za>
