

CORMORANT BAY

HOUSE RULES

CONTENTS

	PAGE
1. General	3
2. Alterations or Additions to the Common Property or Section	3
3. Animals, Reptiles and Birds	4
4. Appearance from Outside	4
5. Boats and Boat Trailers	4
6. Braaivleis / Barbeque Fires	5
7. Business Activities	5
8. Camping	5
9. Caravans and Mobile Campers	5
10. Children	5
11. Eradication of Pests	5
12. Flora and Fauna	6
13. Inland Lakes	6
14. Laundry	6
15. Letting of Units	6
16. Littering	6
17. Loss or Damage	7
18. Motor Vehicles	7
19. Motorcycles, ATV's etc.	7
20. Noise Pollution	8
21. Occupancy	8
22. Owner's Responsibility	8
23. Refuse Disposal	9
24. Domestic helpers and contractors	9
25. Security	9
26. Signs and Notices	10
27. Sports and Hobbies	10
28. Swimming Pool and Pool Area	10
29. Visitors	11

**HOUSE RULES ESTABLISHED BY
THE BODY CORPORATE OF CORMORANT BAY and CORMORANT BAY 2**

Section 35(2)b Annexure 9 Sectional Titles Act 1986

1. GENERAL

- 1.1 These rules have been designed for the comfort, convenience and safety of all homeowners and it is incumbent on them to ensure strict compliance by themselves, their families, guests and domestic help.
- 1.2 The function of the Trustees is overall control of finances, budgeting and attention to aspects of the smooth running of the complex. Complaints and suggestions for improvement can be made in writing to the Trustees.
- 1.3 Occupants shall be liable for all or any damage caused to common property, both moveable and immoveable, and to the improvements thereon by occupants, their children, their guests or their servants.
- 1.4 Neither the Trustees nor the Homeowners will be held responsible for loss or damage whatsoever caused to any person or property or sustained by any person or property, through any cause including negligence.

2. ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY OR SECTION

- 2.1 A document detailing all the acceptable and approved changes that any unit owner may make to their section at Cormorant Bay has been supplied to each unit owner, and additional copies may be obtained through the Trustees at cost-recovery.
- 2.2 This document details any change which may affect the outside appearance of the unit. Notwithstanding this pre-approved standards guide, it is still incumbent on any unit owner to seek written permission from the Trustees before embarking on any project which would alter any aspect of the section. Reference pictures in this document illustrate the acceptable changes and if any uncertainty exists please seek clarification before construction proceeds.
- 2.3 An owner or occupant of a section shall not mark, paint, drive nails or screws or the like into, or otherwise damage or alter, any part of the common property without first obtaining the written consent of the Trustees.
- 2.4 Notwithstanding sub-rule [3], an owner, or person authorised by him, may install any locking device, safety gate, burglar bars or other safety device for the protection of his section provided that the Trustees have first approved in writing, the nature and design of the device and the manner of its installation.
- 2.5 Air conditioning units may be installed either at the side of the raised roof wall, or in the alcove between two units (only with neighbours permission) The external unit may not protrude above the roofline, and a maximum of two outside compressors is allowed. All piping and wiring is to remain neat and inconspicuous.
- 2.6 No decorations may be attached to a section and the exterior of a section may not be painted or otherwise treated, unless specifically authorised by the Trustees.
- 2.7 No retractable awnings, television or radio antennae or other fittings shall be installed, save with the prior written approval of the Trustees. Retractable

awnings, carport covers and other fittings which are visible to the public view shall at all times be maintained in a state of good repair and clean condition, failing which the Trustees have the right to require their removal or, alternatively, to attend to the repair thereof at the cost and expense of the owner. Colours and types of any awnings or of exterior paint-work on doors, windows and window frames, shall not be changed without the prior written approval of the Trustees.

3. ANIMALS, REPTILES AND BIRDS

- 3.1 An owner or occupant of a section shall not bring to or keep any dog or cat on either the section or the common property.
- 3.2 An owner or occupant of a section shall not, without the consent in writing of the Trustees who shall have absolute discretion in this regard, keep any other type of animal, reptile or bird in a section or on the common property.
- 3.3 When granting such approval, the Trustees may prescribe any condition in connection therewith.
- 3.4 The Trustees may at any time withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule, or in the event of any complaint from the owner or occupant of any section. [2].

4. APPEARANCE FROM OUTSIDE

- 4.1 No owner or occupant of a section shall place or do anything on any part of the common property, including patios and gardens which, at the discretion of the Trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

5. MOTOR VEHICLES, BOATS AND BOAT TRAILERS

- 5.1 No owner or occupant of a section, nor their guests, may at any time park a vehicle, boat and/or boat trailer on any part of the common property which is not specifically demarcated for such purposes.
- 5.2 When a boat is in use, its trailer may be left upon that part of the common property near the launching ramp specifically set aside for such purposes only.

6. BRAAI / BARBEQUE FIRES

- 6.1 Owners or occupants of sections and their friends or guests may light and use braai/barbeque fires on the patio of their sections or within a reasonable distance thereof, provided that such fires are made in a unit/receptacle designed and intended for use as such, and provided that such a fire is not left unattended. Fires must be doused once they are no longer required and any ash and/or other mess caused by such a fire must be removed forthwith from the common property if the fire was not on the patio of the section.

7. BUSINESS ACTIVITIES

- 7.1 No business, or trade may be conducted on the common property or in a section.
- 7.2 No auctions, sales, jumble sales or promotions may be held on the common property or in a section without the written consent of the Trustees.
- 7.3. No advertisements or publicity materials may be exhibited or distributed in the sections or common property without the written consent of the Trustees.

8. CAMPING

- 8.1 No owner or occupant of a section nor their guests may at any time erect or use a tent on the common property, nor may any informal camp of any sort be set up or used thereon, except with the express permission in writing of the Trustees who shall have absolute discretion in this regard.

9. CARAVANS AND MOBILE CAMPERS

- 9.1 No owner or occupant of a section nor their guests may at any time, without the prior written consent of the Trustees who shall have absolute discretion in this regard, bring any caravan or motorised camper vehicle onto the common property.

10. CHILDREN

- 10.1 Residents must supervise their children and the children of their visitors so that no damage or nuisance is caused to the common property or the property of other occupants. In particular, children may not interfere with the plants, decorations, name plates, exterior lights, resort gates, etc.

11. ERADICATION OF PESTS

- 11.1 An owner shall keep his section free of white ants, borer and other wood destroying insects and termites and to this end shall permit the Trustees, the Managing Agent and their duly authorised agents or employees, to enter his section from time to time for the purpose of inspecting the section and taking such action as may be reasonably necessary to eradicate such pests. The costs of the inspection, and the eradication of any such pests as may be found within the section, replacement of any woodwork or other material forming part of such section which may be damaged by any such pests, shall be borne by the owner of the section concerned.

12. FLORA AND FAUNA

- 12.1 No owner or occupant of a section nor their guests may at any time interfere with or disturb any of the flora or fauna upon the common property.
- 12.2 No plants may be planted by occupants on the common property without the written consent of the Trustees.
- 12.3 All gardening shall be done by the persons authorised by the Trustees, unless specifically otherwise agreed.

13. INLAND LAKES

- 13.1 No owner or occupant of a section nor their guests may at any time swim in or use any boat (whether motor driven or otherwise) or sailboard on or in the inland lakes on the common property. No fishing by any means is permitted in these lakes.

14. LAUNDRY

- 14.1 An owner or occupant of a section shall not erect his own washing lines, nor hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other sections.

15. LETTING OF UNITS

- 15.1 An owner of a section shall not, without the consent in writing of the Trustees, let his section. All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obliged to comply with these house and

conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

16. LITTERING

- 16.1 An owner or occupant of a section shall not deposit, throw, or permit or allow to be deposited or thrown on the common property, any rubbish including cigarette butts, food scraps or any other litter whatsoever. This provision is also applicable to rubble and material associated with any building alterations.

17. LOSS OR DAMAGE

- 17.1 The Body Corporate shall not be responsible for any loss or damage suffered by an owner caused by the Body Corporate or by any servant or agent of the Body Corporate from any cause whatsoever, and it shall be the responsibility of an owner to effect his own insurances in respect of the contents contained in his section, or in any part of the common property.

18. MOTOR VEHICLES

- 18.1 Residents and visitors must exercise due consideration for other occupants when parking their vehicles on the common property.
- 18.2 Where congestion may occur, motor vehicles of owners and/or their visitors, must be parked on such areas as are specifically demarcated for that purpose.
- 18.3 Vehicles may not travel at speeds in excess of 15 kilometres per hour on any portion of the common property.
- 18.4 The vehicle shall be under the control of a licensed driver at all times.
- 18.5 No owner or occupant shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.

19. CODE OF CONDUCT FOR MOTORCYCLES/QUAD BIKES/ATV'S (MQA'S) USED ON CORMORANT BAY COMMON PROPERTY

- 19.1 Based on the decision mandated by the Body Corporate, the rules governing the use of Motorcycles/Quad Bikes/ATV's (MQA's) on Cormorant Bay common property are incorporated and registered into our Code of Conduct.
- 19.2 These rules are not just a set of "good neighbourly" suggestions, but are legally enforceable. A fine of R500 will be levied against the owner of the section to which an offending MQA is registered for the first transgression, R2500 for the second, and a complete ban of the MQA for a third transgression.
- 19.3 Such fines will be recovered by way of the monthly levy debit, and by signature of the waiver (point 4) any section owner specifically acknowledges and accepts the fines system. All section owners have an obligation to ensure that MQA usage on the property is both safe and considerate.
- 19.4 No MQA may be used on Cormorant Bay common property unless The Unit owner has signed a waiver form and lodged this with the resort manager. This waiver acknowledges that neither Cormorant Bay nor its insurers accept any

liability or carry any cover for accidents or damage caused by the users of such vehicles, or to the users of such vehicles. All MQA owners are to ensure that they personally have the necessary public liability cover.

- 19.5 The vehicle must be registered with the resort manager and must display the registration number prominently at all times on a flag or sticker while on common property.
- 19.6 Children under the age of 7 may not be in control of an MQA unless accompanied by an adult.
- 19.7 Vehicles may only be ridden inside the complex when Launching or Retrieving a watercraft.
- 19.8 Riding to the exit gate, or returning from outside the complex to your unit is permitted.
- 19.9 No vehicles are allowed onto the waterfront/beach area or at the pool or playground. A signboard at the front row of units delimits the end of the area in which an MQA can be ridden, unless 19.7 is applicable.
- 19.10 No vehicles are to be ridden on the grassed areas. Parking on the grass at your unit is allowed.
- 19.11 No MQA may be used before 07h00, or after 19h00.
- 19.12 Any complaint about any MQA user must be directed in the first instance to The Resort Manager.

20. NOISE POLLUTION

- 20.1 Silence should be maintained between 24h00 and 07h00.
- 20.2 No vehicles may be driven on the common property after 24h00 unless in an emergency.
- 20.3 Hooters may not be used on the common property.
- 20.4 Audio and Visual entertainment systems must be used in such a manner as not to be heard in adjoining sections or from anywhere on the common property.

21. OCCUPANCY

- 21.1 The maximum number of persons who may reside in or occupy any section is eight.

22. OWNER'S RESPONSIBILITY

- 22.1 If an owner (whether by himself or by his lessee, guest, agent, or employee) commits a breach of any of these rules and fails to remedy such breach within a period of seven days after the giving of written notice to remedy such breach by the Trustees, the Body Corporate shall be entitled to take such action as may be available to it in terms of the Act or by law.
- 22.2 If an owner fails to maintain his section in a state of good repair as required by Section 44[1] [b] or [c] of the Act or fails to maintain adequately, any of the common property allocated for his exclusive use and enjoyment and such failure

persists for fourteen days after the giving of written notice to repair or maintain, given by the Trustees, the Body Corporate shall be entitled to remedy the owner's failure and to recover the cost of so doing from such owner.

22.3 Homeowners must install and retain in a convenient position within his section, a fire extinguisher.

22.4 All electric geysers are to be switched off on vacating the section.

23. REFUSE DISPOSAL

An owner or occupant of a section shall:-

23.1 Maintain in a hygienic and dry condition, a receptacle for refuse within his section.

23.2 Ensure that before refuse is placed in such receptacle, it is securely wrapped or in the case of tins or other containers, completely drained.

24. CONTRACTORS AND DOMESTIC HELPERS

24.1 No contractor may be housed on the property save by arrangement with the Resort manager if accommodation is available in the area where the Cormorant Bay employees are usually housed.

24.2 No contractors may engage in any construction activity over weekends, save for a maximum of 2 (Two) workers who may work inside a section or unit while the owner is present.

24.3 No noisy power tools or intrusive hammering or banging may occur when point (2) above is being observed.

24.4 Owners and occupants are responsible for the behaviour of their domestic helpers in the same fashion as any other visitor, and must at all times ensure that they adhere strictly to the Management and Conduct Rules of the Body Corporate.

25. SECURITY

25.1 No owner or occupant shall do, or cause to be done, anything which is intended to, or which may have the effect of diminishing the effectiveness of the security or the integrity of the common property.

25.2 Owners or occupants shall not provide keys or remote control units to the main gate to persons who are not resident. Each unit owner is responsible for admission and exit of any of their visitors. Prior arrangements must be made with the supervisor to admit any non-resident to the property.

25.3 Each homeowner will be entitled to two main gate keys and a remote control for each family member. Keys and remotes are available from the resort manager at own cost.

26. SIGNS AND NOTICES

26.1 No owner or occupant of a section, shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a section, so as to be visible from outside the section, without the written consent of the Trustees first having been obtained.

- 26.2 All signs and notices posted by the Trustees or the Body Corporate are to be regarded as if the instruction had been issued in person to the individual concerned.

27. SPORTS AND HOBBIES

- 27.1 Owners or occupants of sections, and their guests, may only use the sports facilities upon the common property on condition that they adhere to appropriate standards of dress and conduct. In particular, the facilities must be used with the minimum possible noise so as not to interfere with the peaceful enjoyment by other owners and occupants of their sections and/or the common property. The Body Corporate and Trustees assume no liability for the safety of any user of the facilities and no admission is made that the facilities are safe or fit for purpose
- 27.2 No hobbies or other activities may be conducted on the common property if it would cause a nuisance to other occupants.
- 27.3 Hobbies and other activities which cause undue noise are not permitted at all.

28. SWIMMING POOL AND POOL AREA

- 28.1 Common courtesy and regard for the rights of others are essential for the full enjoyment of these facilities by all. Occupants are responsible for the behaviour of their guests. It is expected that everyone will use common sense regarding water safety and cleanliness. The Body Corporate and Trustees assume no liability for the safety of any user of the facilities and no admission is made that the facilities are safe or fit for purpose
- 28.2 Children under 10 years of age must be actively supervised by a person over 16 years of age.
- 28.3 No glass objects or bottles are permitted in and around the pool area.
- 28.4 Undue loud noise, portable audio or visual devices, and profanity are not permitted.

29. VISITORS

- 29.1 The occupants of a section are liable for the conduct of their visitors and they must ensure that all house rules in terms of the Act are adhered to.
- 29.2 All visitors are to sign the visitors book, located at the gate, which is to be counter-signed by the homeowner.
- 29.3 Visitors are not permitted to park on the common property other than in the indicated visitors parking area.



CONCLUSION

Although the trustees are all for controlled change and improvement, changes without proper approval have the following negative effect on all owners:

- Devaluing of property prices
- Untidy appearance aesthetically
- Causing unpleasantness when a decision is made that the change must be corrected
- Extra maintenance expenses on the body corporate

I hope that this document will clear out some of the problems encountered in the past regarding changes.

It is always safer to ask for permission to do alterations than to undo these changes later.

CORMORANT BAY ARCHITECTURAL GUIDELINES

January 2006

Introduction

Section 1

Air conditioners

Section 2

Awnings

Section 3

Carports

Section 4

Braais and chimneys

Section 5

DSTV Dishes

Section 6

Entrance

Section 7

Gutters

Section 8

Patios and Paving

Section 9

Showers outside

Section 10

Trellidoors

Section 11

Windows and sliding doors

INTRODUCTION

The aim of this document is to establish a clear set of **guidelines** to control changes and improvements to units at Cormorant Bay.

Cormorant Bay was developed in the early 90's, and many improvements have been made to units in the past. Most of these changes have enhanced the value and aesthetics of the units.

The trustees welcome any suggestions and will consider all requests made regarding changes and improvements. It is, however, also our responsibility to ensure that improvements are done within the confines of the Sectional Title Act and that improvements do not have a negative effect on the complex in general.

The creation of this document will assist existing and new owners as to what has been allowed in the past, but does **not** automatically give permission to effect these changes. Permission must still be requested in writing and, after consideration by the trustees, will be replied to in writing.

Owners must please take note that if changes are made prior to, and without the necessary permission from the trustees, the owner is at risk of undoing such changes or alterations at his/her cost.

Section 1

Air conditioners.

The installation of air-conditioning units is allowed within the following specifications:

- Only split type units are allowed
- Only two outside compressor units can be installed.
- Installation of the compressor is only allowed on the triangular wall above the roof
- All pipes and ducting must go straight into the wall from the compressor and must be painted PWD brown.



Not allowed



Section 2

Awnings.

Only one standard type awning is allowed:

- Colour: turquoise and white
- Retractable type
- Awning maintenance remains the responsibility of the owner although it is outside.



Section 3

Carports.

Originally, carports were covered with shade-cloth, and the structure was designed around this.

Various changes have been made to carports, many without taking the original design strength into account. The result of this is evident and many carports have sagged and extra supports had to be installed. Owners are encouraged to rectify these problems, as carports can collapse with heavy hail. The following changes are allowed:

- Replacing the shade-cloth with roof sheeting
- The original wooden structure must be replaced with a steel structure.
- Removing the front pillars to ease access to the carports.
- Closing the open area between the carports.



Section 4

Braais and chimneys.

All units were supplied with a free-standing brick braai by the developer. Many owners have installed gas braais on their patios, which are generally no problem. The resulting chimneys or extractor fan outlets are cause for concern, and permission must be obtained in writing from the trustees before any installation can commence.



Section 5

DSTV Dishes.

Installation of DSTV Dishes are allowed, but the dish must be painted PWD brown.

Owners are requested to stick to one dish installation per two units where possible, and make use of the dual decoder option from Multichoice.



Section 6

Rear Entrance.

The following changes are allowed:

- Obviously both owners must agree to the changes.
- Phase 1 units are allowed to close the area between the two back doors.
- The same colour and make of tile as the current roofs must be used.
- All trusses must be painted PWD brown.
- Flushing must be installed at the top and the sides must be sealed with flash harry and painted PWD brown.
- The floor area may also be tiled with slate tiles 400x400.
- These tiles can only be shades of autumn colours – no single colour, EG dove grey or black, is allowed.

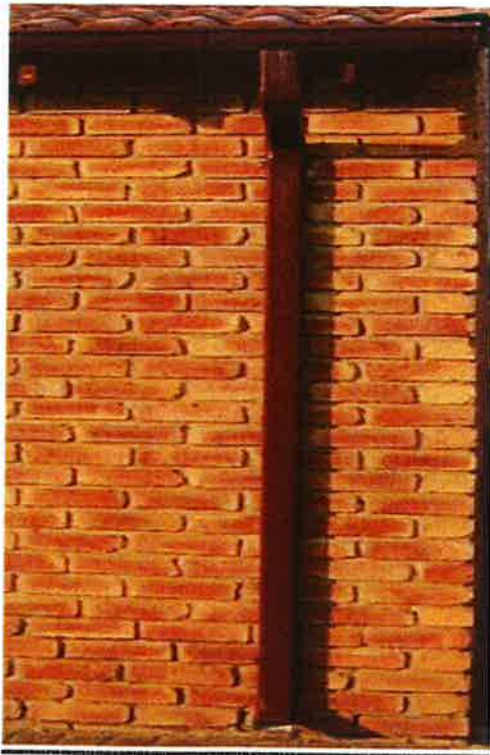


Section 7

Gutters.

Gutters can only be installed if both unit owners agree.

- Only the seamless aluminum gutter is allowed and must be PWD brown.
- Gutters must have down pipes at the corners or end of the units.



Section 8

Patios and Paving.

Paving is allowed outside the front of the units.

- The paving must be done with the autumn gold beveled cement paving brick.
- Paving must be done professionally and preparation has to be done properly to prevent sagging in the future.
- The allowed size is the width of the unit and 3m from the sliding doors or end of the patio.
- Paving is also allowed round the side of the units with a width of 1m.(same brick and colour as above)



Section 9

Outside showers.

The installation of outside showers will not be allowed in the future.



Section 10

Security doors.

Only the Trelli-type security door is allowed and must be PWD brown.

No other security door installation will be allowed.



Section 11

Windows and sliding doors.

- Sliding doors can only be natural aluminum with two or three panes.
- Side vents may be installed up to 900mm wide.
- The triangular opening on the outside of units may be closed either by building it up with brick or installing a custom made aluminum window.
- This window may not be lower than the existing windows on the side of the unit.
- The window may have opening vents.
- One opening bathroom type window 500wx600h may be installed centrally at the apex of the roof.(Four rows of bricks from the top)
- In phase 1 units, the single bathroom window may be replaced with two windows 400wx600h in size.
- These windows must be close together with a single layer or row of brick dividing them.
- In phase 1 units, a single long window,1200wx600h, can be installed in the main bedroom.
- Approval was also granted for the new type "Stacking" or "leaf" doors. These doors must be the normal natural aluminum frame with five panels. The panels must fold to the inside of the unit and no folding leaves to the outside are allowed. It is strongly suggested to obtain written approval before installation, as non-compliance will result in the costly removal of these doors.(no photo's available at this stage)









CONCLUSION

Although the trustees are all for controlled change and improvement, changes without proper approval have the following negative effect on all owners:

- Devaluing of property prices
- Untidy appearance aesthetically
- Causing unpleasantness when a decision is made that the change must be corrected
- Extra maintenance expenses on the body corporate

I hope that this document will clear out some of the problems encountered in the past regarding changes.

It is always safer to ask for permission to do alterations than to undo these changes later.