

Chapter 9

of the Lifestyle Guide

RULES

The rules that govern estate living are often a clear indication of how seriously an estate takes its environmental, security and quality- of- life standpoints. Accordingly, a regulatory policy has been devised which encompasses all aspects of the upkeep and maintenance of the estate as well as a code of practice that encourages members to live together with regards “good neighbourliness and consideration for others”.

In terms of Clause 8.5 of the “Articles of Association”, the ZEMA Board was given the task of drawing up the regulations pertaining to the management, control, administration, maintenance and use of the estate. The “Articles of Association” also required the rules to be reasonable, to be binding, and to apply equally to all members. Based upon this rationale, the rules should be seen to be neither restrictive nor punitive, but rather as a judicious framework to safeguard and promote appropriate, sensible and fair interaction.

In the event of differences or annoyances, the parties involved should attempt, as far as possible, to settle the matter between them exercising respect, tolerance and consideration. If members, contractors or service providers fail to comply with the rules, the Board has the right to impose financial penalties. Fines, where imposed on owners, shall be deemed to be part of the levy due by the owner. Further, the Board may enforce the provisions of any rule by application to the courts.

The Rules as promulgated by ZEMA and the Board of ZEMA are outlined in this chapter. Additional rules apply to Contractors, Subcontractors and Service Providers. These are available from the General Manager.

1 PROMULGATION OF RULES

1.1 Definition

As from the date of promulgation of these rules, they shall apply forthwith and all owners/residents shall be required to abide thereby.

For the purposes of these rules, "Owner" means a Purchaser, Member, Co-owner, Corporate Owner, Trustee, Lessee, Family Member, Resident, or Invitee.

1.2 Conflict of Existing Practice with New Rules

Any existing practice in conflict with the New Rules shall forthwith cease unless otherwise resolved as follows:-

Where a specific conflict arises between a new rule and an existing practice of long standing, and an owner legitimately feels aggrieved thereby, the Board of ZEMA may be approached requesting (or the Board in its own right may decide) that consideration be given to allowing the partial or total relaxation of the new rule to permit the existing practice to remain or be suitably adjusted and reconciled. Any decision resulting from such consideration shall be entirely at the Board's discretion and shall be binding on all parties.

1.3 Contravention of Estate Rules by "Others"

Any contravention of the Estate Rules by any person who gains access to the Estate under the authorisation of a member shall be deemed to be a contravention by the member.

Contravention of the Estate Rules by Contractors, Sub-Contractors or any Service Provider will also make them liable to fines and may jeopardise that company's/individual's continuance of business activities on the Estate.

2 SECURITY

2.1 General Security Procedures

All security procedures in force from time to time shall be strictly adhered to at all times by all persons inside the Estate. (Copies of full security procedures are available at the ZEMA offices.)

2.2 Reporting to Security

Security is a shared responsibility. Members must report any suspicious or unlawful occurrence to the General Manager, the Security Office or Control Room immediately it is seen or perceived.

2.3 Access

Each owner shall be responsible for the safe keeping and proper use of his/her individual remote/access card/disc and shall not permit the use thereof by any other person. Access to the residential areas of the Estate is limited to residents, their invited guests, registered domestic workers and to other authorised persons who have been cleared through the security office and ZEMA. Zimbali Lodge Guests or non-resident Country Club members/golfers can only access the Estate through the main North Gate or South Gate entrances and they are not permitted to access the internal residential estate booms. (It should be noted that all exit/entry movements are recorded on the security computer system and are identifiable to each individual.)

The number of access cards permitted per Resident or Contractor is limited, Access Rules (which may change from time to time) can be obtained from the ZEMA office.

2.4 Visitors

Members shall be responsible for the actions and behaviour as well as the compliance with all rules and security procedures of all visitors who gain access to the Estate under their authorisation.

Only Members will be permitted to request authorisation for their guest's access to Zimbali Coastal Resort. Members are to complete a Member's Guest Notification Form in the event that a Guest is staying overnight -refer to the Access Rules for the Estate.

Rental guests are not permitted to invite or grant access to further guests on the estate except in exceptional circumstances where ZEMA has issued prior express authorisation. Occupants are limited to a maximum of 2 persons per bedroom per dwelling.

2.5 Registration of Domestic Workers

All permanent domestic workers, general assistants, cleaners, gardeners etc. must be registered with Security via the ZEMA office. Casual workers shall be treated in the same manner as building contractors' staff and must be escorted by the owner and recorded 'in and out' at the Contractors' Gate each day. Owners shall be responsible to ensure that their workers comply with all security requirements as well as the rules of the Estate.

2.6 Security Gates and Booms

Every member shall stop at all security control gates/booms and then proceed by operating his/her remote/disc. Should a member not be in possession of his/her remote/disc or should the remote system not be operating, then the member may only proceed with the aid of the guard on duty. Abuse of security personnel (who have a very specific and responsible job to do) is strictly prohibited. Tailgating (i.e. proceeding through the gates or booms when operated by the car in front of you) is strictly prohibited as it negates the recording system and compromises security.

2.7 Control of Vehicles and Use of Roads

The roads within the perimeter fence of the Estate are deemed to be PRIVATE ROADS for all practical purposes, but are deemed PUBLIC ROADS in terms of the Natal Road Traffic Act No 29 of 1989 (or any later amendment). The roads are for the use of all, whether on foot, cycles, golf carts, cars or any other motorised vehicle. This places extra responsibility and awareness on all who use these roads. All adults and especially parents are requested to educate and control their younger family members regarding the importance of adhering to the Estate Rules.

2.8 Speed Limit

No person shall operate any vehicle on any road within the Estate at a speed in excess of 25 (Twenty-Five) kms/hr save as hereinafter provided. All vehicles are subject to periodic speed monitoring by the Estate's Security company.

The Association may, if it considers it necessary or desirable to do so, impose a speed limit different than that referred to above upon such roads or portions of roads as it may deem fit, either temporarily or permanently.

2.9 Operating Restrictions

2.9.1 No person shall operate any vehicle upon any place within the Estate unless he/she is the holder a valid driver's licence issued under the provisions of the Road Traffic Act.

2.9.2 No person shall operate any vehicle upon any place within the Estate other than a road or driveway.

2.9.3 No person shall operate any kind of vehicle on the Estate whilst under the influence of alcohol or drugs, which may impede their ability to control the vehicle.

2.9.4 Operating any vehicle in such a manner as to constitute a danger or nuisance to any other person or property within the Estate is prohibited. Sounding of hooters/horns is strictly prohibited.

2.9.5 All vehicles shall keep to the left-hand side of the road.

2.9.6 Pedestrians, animals and golf carts shall have the right of way at all places and at all times within the Estate.

2.9.7 ZEMA will, by means of appropriate signage, give such directions as to the use of the roads and the failure by any person to obey the same shall constitute a contravention of these rules.

2.9.8 Vehicles entering Zimbali Coastal Resort will be limited to a maximum weight of 3500kg on the East of the Estate and 10,000kg on the South and West of the Estate. Written permission is required from ZEMA, in the event that a vehicle, in excess of these parameters, is required on the Estate.

2.9.9 No person shall park or leave unattended any vehicle within the Estate other than at a place properly set aside for such purpose.

- 2.9.10 Only battery-operated numbered and registered golf carts are permitted on the Estate unless prior written permission for 'alternatively powered' carts has been obtained from the ZEMA. The use of motorcycles, dune buggies or similar vehicles with noisy exhausts, save for entering or exiting the Estate, is prohibited.
- 2.9.11 No caravans, boats, trailers or trucks shall be brought onto or stored on the Estate without the prior written permission of and subject to such conditions as may be laid down by ZEMA.
- 2.9.12 No helicopter or other means of aerial conveyance may be landed at any place within the Estate. In the event of an emergency requiring air transport, Netcare 911 will require permission from ZEMA to land their helicopter at a designated helipad site.

2.10 Fauna and Flora

- 2.10.1 No person shall anywhere in the Estate harm, destroy or permit to be disturbed any wild animal, insect, reptile, bird or fish/aquatic life.
- 2.10.2 No person shall anywhere in the Estate disturb, destroy, remove or collect any tree or plant material whether living or dead, save with the written consent of or on the instructions of ZEMA. This section shall not apply in respect to any area allotted to such person as an area of exclusive use and enjoyment for garden purposes, save for protected trees.

2.11 General Open Space Rules

- 2.11.1 No person shall light any fire upon the Estate other than at a place designated for such purpose and that where such fire is to be lit outdoors, due regard shall be had to prevailing weather conditions.
- 2.11.2 No person shall camp upon any place in the Estate without written permission.
- 2.11.3 No person shall discard any litter or any item of such nature whatsoever at any place upon the Estate except in such receptacles as may be provided.
- 2.11.4 No person shall use any open space within the Estate in any manner, which may unreasonably interfere with the use and enjoyment thereof by other persons, or in such a way as to create a nuisance to any other person or to the detriment of the environment and conservation principles within the Zimbali Conservation Management Plan.
- 2.11.5 No person shall use or conduct himself upon any open space within the Estate in such a manner as may in the opinion of ZEMA be detrimental to the amenity of such open space.
- 2.11.6 ZEMA shall be entitled to prohibit access to any open space within the Estate should it be deemed desirable to do so for the purposes of preserving the environment.
- 2.11.7 All trails and paths within the Estate are for the use of pedestrians only except where ZEMA has designated otherwise (e.g. horse trails).

2.11.8 Where ZEMA has entered into an agreement with any member granting him the exclusive use and occupation of that area, no person shall in any manner whatsoever disturb or interfere with such member in the enjoyment of such rights of exclusive use and occupation.

2.11.9 No person shall discharge any firearm, air-gun or other lethal weapon anywhere on the Estate save in self-defence.

2.12 Lakes, Dams, Ponds, Wetlands and Streams

2.12.1 No person shall launch upon any lake, dam, pond, wetland or stream in the Estate any craft of any description (powered or otherwise) save where such craft may be required in connection with any work to be carried out on the instructions or in connection with the affairs of ZEMA provided that the craft has been approved by ZEMA.

2.12.2 No person shall enter or swim in any lake, dam, pond or stream in the Estate.

2.12.3 No person shall take any fish, live bait or crustaceans from any dam, pond or stream in the Estate. Fishing within the Estate is prohibited.

2.12.4 No person shall litter, pollute or permit the pollution of any lake, dam, pond, stream or wetland in the Estate.

2.13 Domestic Refuse

2.13.1 The removal of domestic and other refuse shall be under the control of ZEMA which may, in exercising their functions in this regard from time to time, notify in writing to all persons concerned:

2.13.1.a The colour, type and size of refuse containers to be obtained. Such containers are mandatory.

2.13.1.b Require the payment of a reasonable charge for the provision of such containers.

2.13.1.c Give directions in regard to the placing of such refuse for collection.

2.13.2 It shall be the duty of every owner or occupier of a unit to ensure that such directions given by ZEMA are fully observed and implemented.

2.13.3 No person shall keep any refuse within or outside his unit except in the mandatory containers aforesaid.

2.13.4 Containers shall not be kept in any place outside any unit except such places as may be specifically set aside therefore or as may be approved by ZEMA from time to time.

2.13.5 Where, in the opinion of ZEMA, any item of refuse is of such a size or nature that it cannot be conveniently removed by the refuse removal services provided or arranged by ZEMA, ZEMA may give the person wishing to dispose of such refuse such directions for its disposal as it may deem fit.

2.13.6 Domestic refuse is collected twice weekly by the approved Waste Management company.

2.14 Animals, Birds and Reptiles

- 2.14.1 ZEMA does not permit the presence on the Estate of any dog, cat or other pet/animal/bird/reptile whatsoever, other than laid down in these rules. This includes inter alia pigeons, ducks, poultry, rabbits, peacocks, wild animals, livestock, snakes, reptiles or any similar animal/bird/reptile. This rule applies to residents and visitors.
- 2.14.2 Caged birds will be allowed subject to no more than two birds per cage, to a maximum of two portable cages. Aviaries are not permitted. Prior permission for the keeping of caged birds must be obtained by the member/owner in writing from ZEMA's offices. Owners should ensure that caged bird noise should be contained within reasonable levels so as not to create a nuisance to fellow residents. Any animal, bird or reptile being on the Estate in contravention of these rules shall be removed forthwith on notice from ZEMA.
- 2.14.3 No person shall slaughter any animal, bird or reptile or cure or hang up to dry any meat, fish or carcass or any part thereof within the Estate.

2.15 General Estate Rules

- 2.15.1 Respect and general consideration by all members for all other members and users of the Estate shall be exercised at all times.
- 2.15.2 No garments, household linen or washing of any nature may be hung out or placed anywhere to dry except in a drying yard or such other amenity area designated for such purpose.
- 2.15.3 No person shall keep anywhere in the Estate any inflammable substances, provided however that this rule shall not apply to the keeping of such substances and in such quantities as may reasonably be required for normal domestic use.
- 2.15.4 No private, religious or commercial advertising notices/signs may be displayed/distributed on the Estate other than the 'House Signs' approved by the Association. (This rule does not apply to the regulation notice board required by the Project Guidelines for the erection of new buildings.)
- 2.15.5 Music and noise must at all times be un-obtrusive and contained within reasonable levels so as not to create a disturbance or nuisance to fellow residents. These rules are supplementary and are to be read in conjunction with the Noise Policy.
- 2.15.6 The use of car hooters within the Estate to beckon or attract residents or staff is prohibited.
- 2.15.7 The lighting or letting off of fireworks within the Estate is strictly prohibited at all times irrespective of any religious or other celebration.
- 2.15.8 No flags, flag poles or radio aerials on poles may be erected on private residential units on the Estate, save for the exception below and only then with the written permission of the General Manager. Exception: In the case of specific religious requirements, appropriate flags may be erected in a discreet and unobtrusive location on the owner's footprint. These should not be visible to the general public and limited to no more than two meters in height.

3 PHOTOGRAPHIC SHOTS ON THE ESTATE

- 3.1 All photographic shoots on common property must be approved on merit. All such shoots are to be referred and motivated to the ZEMA General Manager for consideration and approval.
- 3.2 The general rule is that no photographic shoots for gain may be approved and all applications for shoots of the common property must be submitted in writing – no shoots may take place without prior authorization. This does not affect any photo shoot on a member's own private property where ZEMA only needs to be informed to organize access.
- 3.3 No photographic shoots are permitted unless in the interests of Zimbali and written permission and authorization must first be given by the General Manager.

4 PRIVATE FUNCTIONS AT THE VALLEY OF THE POOLS

- 4.1 No private functions may be held at the Valley of the Pools.

5 ZIMBALI DOMESTIC WORKER RULES AND REGULATIONS

- 5.1 All domestic workers whether „live in“ or „daily“ are to be registered with ZEMA.
- 5.2 Domestic workers will be registered into two categories: “permanent” and “contracted”.
- 5.3 Permanent domestic workers are to be restricted to access through the Contractors Entrance only.
- 5.4 Permanent domestic workers are to comply with the same rules and regulations as residents
- 5.5 Contracted domestic workers are to comply with the same rules and regulations as contractors.
- 5.6 Employers/residents are to manage the conduct of their domestic workers and be accountable for any contravention of the rules by their domestic worker.
- 5.7 Security is to apply the standard rules and regulations on the estate to all domestic workers.
- 5.8 In the event of unruly or inappropriate behaviour, or any contravention of the estate rules and regulations by a domestic worker, it will be reported to the employer who will be held accountable for any fines or action arising from such incidents.

6 ZIMBALI STAFF SHUTTLE BUS SERVICE

- 6.1** The use of shuttle bus service is limited to permanent registered domestics (i.e. domestic workers registered by an owner through ZEMA, not a contract employee) and Lodge personnel.
- 6.2** Permanent Domestics and Lodge Personnel will only be collected at designated areas.

7 FINES PROCEDURE

- 7.1** The security company may not exercise any level of discretion and must issue fines strictly according to the rules and regulations of the Estate.
- 7.2** Disputed or appealed fines must be referred to the rules committee with a written motivation from the recipient requesting a review of the fine.
- 7.3** The secretary of the rules committee or the General Manager will use their discretion, taking the merits of the case and all extenuating circumstances into consideration before making a decision.
- 7.4** A summarised scheduled record is to be kept of all disputed fines and the rules committee decision thereof, which is to be tabled at the following Board meeting.
- 7.5** In the event of further appeal or dispute of a fine, it will be referred to the rules committee for deliberation and a decision.
- 7.6** The General Manager and/or a ZEMA representative is to reinforce the Estate Rules and fines procedure with contractors at monthly meetings.

8 HELICOPTERS

- 8.1** Helicopters, light aircraft and microlights may not fly lower than 300m above the Estate, and may not come closer than 300m from the boundaries of the Estate.
- 8.2** Any helicopter seeking to land at Zimbali must receive written prior authorization from the General Manager.

9 LANDSCAPE RULES

- 9.1** A landscaping policy has been formulated both for coherence and ecological purposes. All planting needs to be in accordance with a pre-determined indigenous planting palette. This planting list is available from the ZEMA offices. If members/residents do not comply with the landscape rules, they will be given 30 days' notice within which to comply and rectify their transgression, failing which, ZEMA will landscape the property at the owners cost.

10 PRUNING

10.1 Some pruning may be done (with written permission from the ZEMA office) for specific, ecological reasons, as per the rules, but strictly not for the purpose of having a view.

10.2 If vegetation is destroyed without permission, the fine process is to be enforced.

10.3 The General Manager and/or ZEMA representative and one member of the conservation committee are to meet with the owner and their landscaper to instruct and supervise pruning.

11 SERVICE PROVIDERS LEVY

11.1 The monthly Service Provider's levy, as approved by the Board from time to time, is applied to regular service providers to the Estate such as gardening, cleaning and other services.

AMENDMENTS - These rules may be amended, altered or additions made by the ZEMA Board of Directors as and when the need arises in terms of the Articles of Association.