



HEMEL & AARDE HOMEOWNERS ASSOCIATION

CLUBHOUSE PRECINCT RULES (Annexure “D2”)

Amended and approved by the Board of Trustees on 30 December 2022 and effective from 2 January 2023

1. Definitions
2. General
3. Bar
4. Lounge
5. Braai Area
6. Children’s Playgrounds
7. Gym
8. Swimming pools
9. Tennis Courts
10. Squash Courts
11. Sauna & Steam Rooms
12. Cloakrooms
13. Booking of the Association’s Facilities
14. Fee Structure

1. Definitions

In these Clubhouse Precinct Rules, unless it appears to the contrary, either expressly or by necessary implication, the words and expressions as defined in the Constitution of the Hemel & Aarde Homeowners Association shall bear the same meaning in these rules as in the Constitution.

Unless the context otherwise requires any words importing the singular number only shall include the plural number and vice versa, and words importing any one gender only shall include the other gender as well as juristic persons.

In particular, the following words and phrases shall, unless the context otherwise requires, have the meanings as given below:

“*The Association*” means the Hemel & Aarde Estate Homeowners Association, which is constituted in terms of the relevant provisions of its constitution, read together with relevant legislation.



- “**The Clubhouse**” means the lounge, bar, verandah, kitchen and offices on erf 8202;
- “**The Clubhouse Precinct**” means the whole of erf 8202, which includes inter alia, the tennis courts, children’s play area, squash courts, cloakrooms, gymnasium (gym), swimming pool, braai area, clubhouse with office, lounge, kitchen and bar;
- “**Estate Event**” means an event organised exclusively for members and open to all members;
- “**Closed Event**” means an event organised exclusively for a select group of members where participation is not open to all members (this excludes events which are open to all, but participation is limited due to age, gender or numbers);
- “**The facilities**” means those facilities available in the Clubhouse precinct (ERF 8202) and includes tennis, boule, squash, gym, lounge, swimming pool area, bar, kitchen, verandah and associated uses/activities such as but not limited to Pilates, Aquarobics, Yoga, Bingo;
- “**Function**” means an event or activity organised by a member where more than 50% of participants may be non-residents
- “**Guest**” means a non-resident visiting and staying with a Member or Resident overnight or for a period of short duration;
- “**Hemel & Aarde Estate**” means the Township Area;
- “**Member**” means a member of the Association. The term **member** generally has the same meaning as the “**Homeowner**”, but is more exact and ties in with the Constitution. For this reason, “**member**” is used in preference to “**homeowner**” or “**owner**”;
- “**Organised Activity**” means an event or activity which will include non residents, but where no more than 50% of participants may be non-residents;
- “**Person**” means, as the context requires, a natural or a juristic person except where it refers to Trustees of any trust in which case it refers to a natural person only;
- “**Resident**” means and refers to somebody who resides on the Estate on a permanent basis as part of the household/family of a Member or Tenant;
- “**Trustees**” means the Board of Trustees that acts on behalf of the Association;
- “**Visitor**” means somebody making a call on a Member or Tenant during the day;

2. General

- 2.1. The facilities refer to those available in the Clubhouse Precinct, *inter alia*, tennis, boule, squash, gym, swimming pool, lounge, library, children’s play area, braai area, kitchen, verandah, and associated uses/activities such as, but not limited to Pilates, Yoga, Bridge, Bingo, Aquarobics are for the use of all Members and Residents of the Association and their guests.



- 2.2. No Member/Resident who is of good standing, may be denied participation in any activity organized within the Association nor denied use of any facility (given appropriate time for inclusion in organized activities);
- 2.3. Residents only may book the facilities/activities for themselves, their guests and their immediate family's use;
- 2.4. The facilities may not be accessed for booking by non-residents of the Hemel & Aarde Estate;;
- 2.5. The Kitchen is for the use of the Functions Committee or catering agent for private Resident events;
- 2.6. **Smoking**
 - 2.6.1. No Smoking is permitted anywhere inside the Clubhouse;
 - 2.6.2. Smokers must adhere to National legislation and must be at least 10 meters away from all doors and windows;
 - 2.6.3. A designated smoking area has been created outside of the Bar for smokers.
- 2.7. **Guests**
 - 2.7.1. Each resident is permitted (six) 6 houseguests, at any one time into the Clubhouse precinct, for non-scheduled activities, unless pre-arranged with the Association;
 - 2.7.2. Guests using the facilities must be accompanied by a resident or member at all times;
 - 2.7.3. Guests must abide by the Clubhouse Precinct and Conduct rules at all times;
 - 2.7.4. Providing illegal access to the Clubhouse Precinct is a breach of security and the maximum fine will be applied, without a warning;
- 2.8. The use of the facilities is entirely at the risk of the users;
- 2.9. Any queries or concerns must be addressed to the Manager;
- 2.10. No pets, bicycles, roller skates, skateboards, scooters etc. are allowed within the Clubhouse and Pool areas;
- 2.11. **These rules are at the discretion of the Board of Trustees and subject to change by the Board of Trustees from time to time.**

3. Bar

- 3.1. No person under the age of 18 years may purchase or consume alcohol in the Clubhouse Precinct;



- 3.2. Residents/ Guests will be charged corkage at R40 per bottle for any wine or sparkling wine brought into the Clubhouse Precinct. No other alcohol may be brought into the Clubhouse Precinct;
- 3.3. Drinks bought from the bar may not be removed beyond the lawn area of the Clubhouse;
- 3.4. No person is allowed into the bar in wet clothes or bathing costumes;
- 3.5. Bar Hours:
 - Monday to Thursday: 17H00 to 19H00
 - Friday: 15H00 to 20H00
 - Saturday: 12H00 to 20H00
 - Sunday and Public Holidays: 12H00 to 18H00
- 3.6. Depending on the season and demand, these hours are subject to change by the Board of Trustees;
- 3.7. When the need arises for the bar to close later than the advertised hours, the barman may do so at his discretion;
- 3.8. In the event of a function, the bar hours may be extended to end not later than 22H00 on weekdays and Sundays and 23H00 on Fridays and Saturdays.

4. Lounge

- 4.1. No person is allowed in the lounge in wet clothing or bathing costumes;
- 4.2. The books in the library are for use for Residents of Hemel & Aarde Homeowners Association and may be signed out in the Library Register.

5. Braai Area

- 5.1. Only two Braais may be booked for exclusive use; (function)
- 5.2. Mobile braais may be booked if needed and placed in the booked area;
- 5.3. Residents must supply their own wood / charcoal.

6. Children's playground

- 6.1. Playground equipment is for the use of children under the age of 14 years;
- 6.2. All children using the playground must, where appropriate, be supervised by a responsible adult;
- 6.3. The Boule court is for the use of Boule players only.

7. Gym



RESIDENTS ONLY - NO CASUAL VISITORS MAY USE THE GYM

- 7.1. The Gym is only for use by Residents and their immediate family living with them;
- 7.2. Family coming for a holiday and residing with Residents on the Hemel & Aarde Estate may not use the gym;
- 7.3. Dependents over 14 years of age, who reside with their parents either on the Estate or elsewhere may use the Gym;
- 7.4. In respect of property in the Estate registered in a Trust, the Trustees must nominate two members who will then be deemed to be members of Hemel & Aarde Estate Homeowners Association and will have access to the gym together with their immediate family residing with them;
- 7.5. Users of Gym equipment must be conversant with the correct use of the equipment;
- 7.6. Children under the age of 14 years are not permitted to use the gym;
- 7.7. No food or alcoholic drinks are allowed in the Gym;
- 7.8. During busy periods any one item of gym equipment may only be used for a maximum of 20 minutes;
- 7.9. Weights, mats and accessories must, after use, be replaced to their storage points;
- 7.10. Appropriate gym wear must be worn at all at time, including shoes and sweat towels;
- 7.11. Equipment must be wiped down after use;
- 7.12. Weights may not be dropped onto the floor during or after use;
- 7.13. Weights of cable machines must be released slowly and not dropped.

8. Swimming Pools

- 8.1. The playing of games in the swimming pools must not interfere with the use of the swimming pool by others;
- 8.2. Children under the age of 14 must be accompanied by a responsible adult;
- 8.3. Pool fixtures may not be removed or tampered with;
- 8.4. Glasses and/or other dangerous objects are not allowed in the pools or on the paved surrounds of the pools;
- 8.5. The paddling pool is for children under the age of 6 years. A responsible adult must be present at all times when used.

9. Tennis Courts

- 9.1. Booking can be done online or at Reception;
- 9.2. The correct attire and non-marking footwear must be worn on tennis courts;
- 9.3. No ball games, other than tennis may to be played on tennis courts;



- 9.4. The tennis courts may not be used for skateboarding, scooters, cycling, rollerblades and any non-tennis activities;
- 9.5. Tennis players may only occupy the tennis court during their booked time period;
- 9.6. Residents may not book the courts on behalf of visitors. Residents must participate in the activity.

10. Squash Courts

- 10.1. Users must comply with the rules for use displayed on the doors;
- 10.2. Only non-marking footwear must be worn in the squash courts;
- 10.3. Children under the age of 14 may only play squash with responsible adult supervision;
- 10.4. Squash players may only occupy the squash courts during their allotted time period;
- 10.5. Only (1) One squash court at a time may be used for other activities such as Pilates /Yoga;
- 10.6. Residents may not book the courts on behalf of visitors. Residents must participate in the activity;
- 10.7. Bookings can be done online or at Reception.

11. Sauna and Steam Rooms

- 11.1. Swimwear must be worn in the Sauna and Steam room;
- 11.2. Users of the Saunas and Steam room must comply with instructions on the doors;
- 11.3. Children under the age of 14 must be accompanied by a responsible adult when using the Sauna or Steam room;
- 11.4. Steam room may be used by houseguests only after participation in an activity with the Member/Resident;
- 11.5. No visitor may be brought into the Hemel & Aarde Estate primarily to use the Sauna/Steam room;
- 11.6. Keys to the Sauna/Steam room may only be given to a Member/Resident.

12. Cloakrooms

Cloakrooms must be left in the condition that they were found.



13. Booking of the Association's Facilities

This policy was determined by keeping the Trustees responsibility to Members uppermost in the decision-making process. No resident, in good standing, should be at any time be denied access to the use of the Association's facilities, nor should the Members be seen as sponsoring functions using the Association's facilities that may be viewed as a 'cheap venue'.

13.1. General

- 13.1.1. The 6+1 rule in the Hemel & Aarde Constitution, applies to non-scheduled activities.
- 13.1.2. Each resident may bring up to 6 (six) guests into the Clubhouse precinct. This does not apply to organized activities/functions. The member must be present or participate in the activity. If this 'gathering' becomes a regular occurrence then this will be deemed to be an organized activity and will fall under the rules pertaining to the fees charged for organized activities.
- 13.1.3. No more than 50% of participants for any organized activity may be non-residents.
- 13.1.4. Formally organized Tennis/Squash tournaments, not open to all residents, will be deemed to be a Function and treated as such. Fees charged must be market related;
- 13.1.5. Residents only may book the facilities/activities for themselves, their houseguests and their immediate family's use. The facilities may not be accessed for booking by non-residents of Hemel & Aarde Estate;
- 13.1.6. Residents may not bring in visitors or guests other than provided in these rules, for the express use of certain facilities/activities;
- 13.1.7. The kitchen may not be hired out. Use of the kitchen is for the Function Committee or catering agent for private Member/Resident events;
- 13.1.8. Neither the Bar nor the Swimmingpool may be hired out, other than for Estate Events;
- 13.1.9. The Clubhouse Precinct as a whole may not be hired out.

13.2. Coaching

For a Fee paying activity:

- 13.2.1. Coaches must register with the Association, dates and times must be approved;
- 13.2.2. Coaches must pay a monthly fee to the Association, as determined by the Board of Trustees from time to time, for the use of the facility. Requests for extra sessions must be approved by Trustees. (See Fee structure, Clause 13.5)



- 13.2.3. Coaches may not bring in / invite non residents to use this service;
 - 13.2.3.1. coaches may not use the facilities for their personal use;
 - 13.2.3.2. coaches/instructors may not bring in 'clients' from outside of the Estate;
- 13.2.4. The Instructor/Coach must have been approached by a Resident who, must check with Management with respect to dates and times, (subject to approval by the Board of Trustees);
- 13.2.5. Residents
 - 13.2.5.1. Only Residents may invite guests;
 - 13.2.5.2. Residents may use the facility of a coach for themselves, their houseguests and immediate family;

13.3. **Swimming Pool**

For any organized activity using the Swimming pool e.g. Aquarobics:

- 13.3.1. no more than 50% of participants may be non-residents;
- 13.3.2. space must be left for residents to swim.

13.4. **Functions**

- 13.4.1. Functions must be booked and paid for. This gives exclusive use to the area booked.
- 13.4.2. Functions open to all members/residents must be advertised by Reception and will not attract a Function Fee e.g. Bingo, Quiz nights, Function Committee events

13.5. **Fee Structure**

- 13.5.1. Fees payable - General principle:
 - 13.5.1.1. fees are payable for a private function;
 - 13.5.1.2. for an Organised activity - 50% of normal function fee;
 - 13.5.1.3. for a Closed event - 25% of normal function fee;
 - 13.5.1.4. no Fee is payable for an Estate event;
- 13.5.2. **Specific fees**
 - 13.5.2.1. Personal trainers and coaches making use of the facilities for reward - R50 per session or R300 per month (limited to a maximum of 2 sessions per week); Although members may invite a guest to partake, no more than 50% of participants in any session may be non-residents.



Non-residents will pay a usage fee to be determined and/or adjusted by the Board of Trustees.

13.5.2.2. Instructors making use of facilities for reward = R50 per session or R300 per month (limited to a maximum of 2 sessions per week)

13.5.3. Venue Hire Fees:

| | Function | Organised Activity | Closed Event | Estate Event |
|---|-----------------|---------------------------|---------------------|---------------------|
| Section of outside area | 500 | 250 | 125 | - |
| Section of outside area + use of kitchen | 700 | 350 | 175 | - |
| Indoor clubhouse | 700 | 350 | 175 | - |
| Indoor clubhouse + patio | 900 | 450 | 225 | - |
| Indoor clubhouse + patio + kitchen | 1 100 | 550 | 275 | - |
| Use of tables, crockery, glasses etc ¹ | 500 | 250 | 125 | - |
| Use of bar outside normal hours (per hour) ² | 120 | 120 | 120 | - |
| | | | | |
| <i>1. Additional deposit of R500 is required for the use of moveable/breakable assets</i> | | | | |
| <i>2. This charge is to cover the cost of the barman's wages at an overtime rate</i> | | | | |