



HOMEOWNERS' ASSOCIATION

HOLIDAY HOME ESTABLISHMENT ADMIN POLICY

PRE-AMBLE

Residents choose to reside in White River Country Estate due to its peaceful and secure surroundings. It is the duty of the Board of Directors to ensure that residents' privacy and security is protected.

It is, however, also the right of each owner/member to dispose of and/or to let his/her property in White River Country Estate and the Board of Directors must ensure that such right can be executed with as little as possible disturbance to other members.

Due to the locality of White River Country Estate in the popular sought-after Tourism Destination of Mpumalanga, the Board of Directors are aware that certain houses might be used as holiday homes and therefore this Policy and a compulsory admin process will provide for the short-term letting of said property, for holiday purposes.

HOLIDAY HOME ESTABLISHMENTS

The land usage in White River Country Estate is controlled in terms of the White River Town Planning Scheme (TPS), which is administered by the Mbombela Municipality. Although White River Country Estate was developed as a residential golf estate it has, over the past number of years grown as a primarily residential estate providing mainly residency for permanent residents. The bulk of the stands within the Estate is zoned Residential 1, with its' primary right for a dwelling house. The exceptions to this zoning are Stands 2478, 2239 and 2519, (Oliver's Lodge, White River Golf Lodge & Schneider's Guest House) where the owners obtained the right to operate accommodation establishments in terms of the TPS.

It is the duty of the Board of Directors to protect the primarily right (residential) of its members and to ensure an environment is created conducive to permanent family living. The Board of Directors is however aware that a number of houses are permanently and / or semi permanently used as accommodation establishments. An environment supporting a “**resort type**” of living style does not promote the quality of life of the permanent residents. The WRCE has over the past 10 years moved away from an environment dominated by corporate houses and holiday houses towards a neighbourhood providing for the specific needs of families permanently

living here. One can reasonably accept that this trend will prevail in future and that the existing social and economic infrastructure within direct proximity of the estate (such as the Uplands College and Preparatory School) and within Nelspruit and White River will enhance the function of the estate residential neighbourhood. The trend has therefore been set and all the owners have accepted the status of the area as a neighbourhood. The holiday houses are dispersed through the Estate, affecting the whole Estate. The temporary nature of occupation over especially weekends provide for the following occasional problems:

- Partying noise during nights
- Undisciplined motorists
- Lack of respect for neighbours
- Security breaches

The Board of Directors compiled a Policy Proposal on inter alia Holiday Homes as part of its Strategic Planning session in 2007. This Policy Proposal needs to be read in conjunction with this Policy and in particular, in respect of Holiday Homes.

The following **definition**, deriving from the said Policy Proposal and in line with the Town Planning Scheme Regulations and other legislation applicable to the Local Authority, shall be applicable to a **Holiday Home**:

“A building, together with rooms and outbuildings separate from such building but ancillary thereto, designed primarily as a dwelling house but does not include a bed and breakfast facility, which might also from time to time be used for short stay accommodation (maximum stay of 30 days) for no more than eight people at any time excluding people that are members of the owner’s family but including all people where the owner is a company”

Short stay means, “a maximum period of not more than a total of 30 (Thirty) days in thereafter, stay is treated as a rental, which transaction should be concluded by a registered property practitioner and/or homeowners by providing the estate office with a rental contract.

The above definition needs not to be confused with a rental house where the occupants reside for a continuous period of longer than 30 days in any one twelve-month period. The definition however includes Air-BnB operations. The number of people and the period they stay in a house shall be monitored and based on the Access Control statistics obtained from any of the three gates at White River Country Estate.

The following conditions shall be applicable on all Holiday Establishments and its’ owners and / or representatives of owners shall comply with the following conditions:

1. Application

A Homeowner who makes his/her house available for accommodation to another person(s) for financial gain or any kind of payment, shall register their house as Holiday Home Establishment with White River Country Estate Homeowners Association. Such an application shall include the signing of an agreement with the White River Country Estate Homeowners Association.

2. Application Duration

The application agreement with a Holiday Home Establishment will be valid for a period of 12 (twelve) months, expiring on 31st (thirty first) day of December each year and shall become renewable annually on the 1st (first) day of January, by written application in the prescribed manner. Any application

approved at any other time shall be for the remaining period of that year and shall expire on 31st (thirty first) day of December of that year.

3. Application admin Fee

A non-refundable admin fee of R2500.00 (Two Thousand, Five Hundred Rand) is payable annually, for the year or remaining part thereof and shall become payable on the date of signing the application agreement. No pro rata fee will be accepted and the full annual fee, irrespective of the date of the agreement, will become payable prior to such application.

A 5% none interest-bearing deposit of R10 000 (Ten Thousand Rand) HOA becomes due, with application, to the HOA, which deposit will be refunded upon seizure to operate as accommodation establishment and which deposit shall be used to off-set all fines or penalties, if any, against such establishment. Should a fine be issued, the said deposit must be topped up by the end of the month in which the fine was issued.

4. Application Provision

The Board of Directors reserves the right to approve and/or not to approve an application for application. The non-approval of an application could inter alia be a result of non-compliance with the application criteria, previous continuous breach of the agreement and/or any other related matter.

5. Advertisements / Signboards

The following Rules shall be applicable on all entities listed in this Policy.

Homeowners and Holiday Home Establishment Owners will be required to adhere to all conditions relating to the erection of advertisements/sign boards, which are embodied in detail in the agreement and will *inter alia* include the following:

- 5.1 No electronic and/or written and/or other advertisement/signboard may claim to represent the White River Country Estate Homeowners Association and/or ignore and/or attach their own interpretation of the White River Country Estate Homeowners Association's Conduct or House Rules.
- 5.2 Ignorance of the by-laws/rules of the Mbombela Municipality in respect of signboards on public roads, be it within the Estate or outside, will jeopardise the existence of the agreement. Copies of such by-laws/rules can be obtained from the Mbombela Municipality.
- 5.3 No advertisement boards and/or directional sign boards may be erected inside White River Country Estate.
- 5.4 One signboard, only allowing for the name or number of the house may be displayed at a house, provided such sign do not exceed 60cm x 20cm and further provided permission is obtained in writing from the Board of Directors for the display, material, type, and wording of such sign board.
- 5.5 No door- to door canvassing, advertisements, flyers, or similar material for property transactions and/or for the availability of Holiday Home Establishments may be delivered to properties and/or made available at the gates within and/or immediate outside the Estate.

6. Access control procedures

The registered and approved accommodation establishment on WRCE will not be allowed to generate or forward pre-clearance (**ClickOn** App – will be deactivated) codes for visitors and will follow the access control procedures.

6.1 Holiday Home Visitor (Access Control Policy)

A Holiday Home visitor is a visitor who normally overnights on the estate for a number of days, up to 30 days.

NB: All Holiday Home Visitors MUST on first arrival enter the WRCE at Main Gate, off Pine lake Drive.

The procedures for the first entry are as follows:

- An access application form for a Holiday Home Visitor needs to be completed. (*Preferably beforehand and / or a notification form has to be forwarded to the Estate or Security Office in advance.*)
- The Holiday Home visitor will enter the estate in the **Visitor Lane** and will inform the guard on duty that he / she is in possession of some form of notification or proof of booking for a stay at a specific address on the estate for a specific period of time.
- The Guard will scan the driver's license of the Holiday Visitor and enter the Estate Office / HOA Visitors QR-code for quick entry to the Security Office, which needs to be visited on arrival.
- The Holiday Home Visitor's details will be captured / confirmed at the office and bio-metric application will take place at the office for the duration of his / her stay.
- The Homeowner or a representative of the Homeowner or Agent must meet the Holiday Homes Visitor at the Security office to escort the visitor to their accommodation.

7. BREACH OF CONDITIONS

Provision is made in the agreement that White River Country Estate Homeowners Association will reserve its rights to take steps against any registered Holiday Home Establishment that breaches any condition of the contract, this policy, the House Rules or any other direction, rule or law applicable in this regard. It is therefore accepted that should any registered Holiday Home Establishment Owner breach a condition of the contract, such owner may:

- 7.1 Be penalised by the Board of Directors according to the penalties determined from time to time.
- 7.2 Have their application summarily cancelled and/or not renewed.

8. SERVICES

Holiday homeowners will ensure that the house offered for rental / accommodation is homely and that the following minimum services are available:

- 8.1 Running water
- 8.2 Electricity
- 8.3 Sewerage

The Board of Directors discourage owners of Holiday Homes to equip such house with a sound or music system.

9. AMENDMENT

The Directors of the White River Country Estate Homeowners Association shall be entitled, at any time, and on written notice, to all registered holiday home establishment owners, to vary this policy and/or any agreement concluded hereunder at any time.

10. ADOPTION

It is hereby confirmed that the abovementioned policy was adopted in terms of Resolution 5.5.2 dated 28th September 2019 by the Board of Directors of White River Country Estate Homeowners Association.

Amended: 8 November 2024

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