

## 1. INTRODUCTION

Being desirous of establishing a clean, safe and modern World-class Precinct, Members of the DPWMA hereby adopt the following rules:-

## 2. REFUSE DISPOSAL

### 2.1 An owner shall:-

- a) Ensure that no waste is deposited in public areas.
- b) For the purpose of having refuse collected, such waste is kept in an approved waste area within the boundaries of the Lot and shall be screened from public view.
- c) Ensure that no waste or waste receptacles are placed in the common areas.

## 3. VEHICLES

- 3.1 No owner or occupier shall park or stand any vehicle upon the common property, or permit or allow any vehicle to be parked or stood upon the common property, without the consent of the Association in writing.
- 3.2 The Association may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property without the Association' consent.
- 3.3 Owners and occupiers of lots shall ensure that their vehicles, and the vehicles of their residents, tenants, visitors and guests, do not leak oil or brake fluid on to the common property or in any other way deface the common property.
- 3.4 No owner or occupier shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a lot.
- 3.5 No vehicles are allowed on pavements.

## 4. DAMAGE ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY

- 4.1 An owner or occupier of a lot shall not mark, paint, drive nails or screws, or the like into posts, pillars, or otherwise damage, or alter, any part of the common property without first obtaining the written consent of the Association.

## 5. APPEARANCE FROM OUTSIDE

The owner or occupier of a lot shall not place or do anything on any part of the common property, including balconies, patios, steps, and gardens which, in the discretion of the Association, is aesthetically displeasing or undesirable when viewed from the outside of the lot.

## 6. SIGNAGE POLICY GUIDELINES

Due to the increase in advertising activities within the Point Precinct, the Durban Point Waterfront Management Association (DPWMA) identified a need to create a Signage Policy with Guidelines applicable to the Precinct. Whilst the Policy is specifically developed with the unique qualities of the Precinct in mind, current Council Policies still had to be observed.

### 6.1 Purpose of the policy

The purpose of the Policy Guidelines is to ensure that all Signage (advertising and other) is done according to the same standard, taking into account health & safety considerations and aesthetics. Apart from aiming at maintaining a high level of professionalism, we also aim at creating an environment that is both pleasant for all, but also shows respect to residents, tenants, visitors and staff alike.

### 6.2 General

- All Signage is to be approved by (1) the Durban Point Waterfront Management Association for approval and (2) by the Council. Any application should include (1) Type of sign, (2) Layout of sign, (3) size, (4) design and colours to be used and (5) positioning of the sign. Applications to DPWMA and the Council should be submitted using the approved eThekweni Application form. Forms can be obtained from the DPWMA offices.
- Any request for the display of signage within the Precinct would be considered in terms of this policy.
- All poles and/or uprights used in construction of all free standing, supported signs, are to be painted white
- DPWMA and Council approvals are to be displayed on signage within the Precinct where applicable.
- Any signage other than posters may only be displayed on Private Property as opposed to Council/Precinct Property.
- Any illegal signs on private property can be removed by DPWMA.
- All signage needs to be displayed in such a way as to (1) not create a health & safety risk and (2) not to have a negative impact on the ambiance of the Point.
- Where applicable, all signage approved for a limited period only needs to be removed by the applicant once the approved period expired. The Municipality (DPWMA on private property only) reserves the right to remove signage (expired or illegal) and to recover costs from the advertiser as per legislated mandates for Municipalities.
- No signage is allowed on Council Property.
- DPWMA reserves the right to demand that the owners of any Sign or Signage that do not meet the requirements as contained within this document, rectify the same within a given period of time, once notice has been given. The period will be determined by the specific signage type.

### 6.3 Signage : Types & Sizes

Signage refers, but is not limited, to the following outdoor advertising notices:

- **Billboards** - would not be allowed within the Precinct

- **Development Boards (Free Standing Signs)** – would normally be used for either advertising (selling of vacant land or developed properties - maximum 18m<sup>2</sup> in size) or information (planned developments or developments in progress – maximum 18m<sup>2</sup> in size ) purposes. This type of signage is not permanent, but longer term than posters. A 'For Sale' sign may be used in conjunction with Development Boards, but not more than two (2) signs in total per street frontage would be allowed. Any Development Board would be allowed for 12 months unless otherwise indicated, with the option of applying for a further six (6) months' extension. These are to be displayed, where possible and practical more or less in the center of the street front. No permanent free standing signs will be allowed.
- **Posters** – would include advertising such as events or auctions and needs to be displayed in Clip Frames provided by the Council. These are normally temporary signage.
- **Election Posters** – applicable Council Regulations would apply. The Council would be responsible for monitoring and controlling of Election Posters.
- **On Site Signs (Building or Business names)** – these would normally serve to identify business premises but would often also serve to market the business. The rule of thumb is that the advertising portion of the sign may not exceed 50% of the total size of the sign and that the size of the sign would not exceed 20% of the building front. These are permanent signs and are often illuminated (internal or external) at night. The owner/tenant/body corporate is to submit a comprehensive design to the DPWMA for approval prior to submitting to the Council. On Site Signs are to be kept clean and well maintained at all times. Where approval for existing signage has not been applied for and has to date, not been obtained, approval for such signage needs to be requested and submitted within 30 days of being notified in writing, to do so by the DPWMA. DPWMA will determine whether any sign would be acceptable within the Precinct, prior to granting its approvals. Once their approvals have been granted, then an application must be submitted to the municipality for their approvals.
- **Banners or Flags** – These are normally very short term (often for a day only, but normally not more than a week) to indicate for example show houses, development sales launches, start or finishing points for races, flee/night markets, etc. To be used within the boundaries of private property.
- **A-Frames** – would normally be a moveable (free standing) sign with displays on two sides, where the two 'signs' are hinged at the top with the bottom parts forming the two legs of the sign. These are not permitted within the Precinct.
- **Flyers** – Printed media often dropped in post boxes or (irritatingly!) pushed under window wipers on car wind-screens or forced onto the unsuspected pedestrian or motorist at traffic lights or pedestrian walkways. This type of signage is often (illegally) glued to walls or any other surface that is available. This type of advertising sign is not be permitted in the Precinct
- **Graffiti** – Mostly illegal painted wording on walls, but sometimes sponsored for charitable organizations. This type of advertising sign will not be permitted in the Precinct under any circumstances. Where graffiti-like designs are incorporated into paint techniques on exterior building walls, these need to be approved by the Design Review Committee.
- **Rubbish Bin Ads** – Not allowed within the Precinct. The Council is to investigate existing Rubbish Bin Ads in order to determine whether these have been authorized. Whilst existing approvals will be allowed to run for the contract period, no new approvals will be given.
- **Other** – Any other Signage or Advertising methods (Visible or Audible) are to be approved by DPWMA.

Sizes can be decided upon by Precinct Management (DPWMA) except for event posters.

Whilst any and all signage needs to be approved by DPWMA, it is recommended that the following guidelines are followed:

- **Development Boards (Free Standing signs):** maximum of 18m<sup>2</sup>. These are to be manufactured using durable materials suitable to remain in good order for one year or longer. These Boards need to be well designed and secured to white stands/poles within the property that it applies to. The DPWMA Logo must be displayed on all boards.
- **Posters:** A1. These will only be allowed within the purpose-made Clip Frames as provided by the Council.

- **Buildings/Business names:** All to be manufactured, using durable materials (perspex/glass/metal/vinyl) and approval, including positioning needs to be obtained from DPWMA. Precinct management has to make a determination on what types of signs will be acceptable for the amenity and the neighbourhood.
- All other signage is to be approved by the DPWMA.

#### 6.4 Signage for Estate Agents

- Estate agents dealing in property (Commercial and Residential) will have to be registered with the Municipality and must submit copies of their registration, Estate Agents Board Fidelity Fund Certificate and DPDC sales mandate to the DPWMA before they would be allowed to trade within the Precinct or to display or erect signed within the Precinct.
- Only two (2) Municipal regulation signs are allowed per street-front for any property. Where more than two agencies wishing to advertise a property, signs are to be rotated as arranged by the owners or body corporate of the building/property in question.
- All applications for development boards are to be submitted together with accurate drawings, indicating measurements and a locality map, indicating proposed positioning.
- Only one Development Board per street frontage will be permitted for each property. DPWMA will determine the maximum size (not exceeding 18m<sup>2</sup>) of any Development Board, taking into account the size of the property. New Corner Signs would not be permitted.
- Fees, as determined by the Council, will be applicable.
- The advertiser remains responsible for any and all advertising materials, including signage. The advertiser is to inspect and replace/repair any damaged/faded signage immediately or on receiving notice to do so by the Council or DPWMA.
- DPWMA/Council may, at their own discretion, remove any signage at any time if not approved, incorrectly displayed, displayed in incorrect position, damaged, faded or if not in line with the Guidelines. The DPWMA reserves the right to charge a reasonable levy in order to recover any costs incurred in order to remove signage. Any signage removed will be kept at the DPWMA for a period of four (4) weeks, during which the owner can collect these. After four weeks, DPWMA will dispose of the signage and any cost incurred would be recovered from the owners/advertisers.
- No 'Sold' signs are allowed within the Precinct. Only For Sale, To Rent and On Show signs are allowed.

#### 7. LITTERING

An owner or occupier of a lot shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

#### 8. LAUNDRY

An owner or occupier of a lot shall not, without the consent in writing of the Association, 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 lots.

#### 9. STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

An owner or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act in the building or on the common property.

## 10. LETTING OF UNITS

All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

## 11. ERADICATION OF PESTS

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

## 12. ANIMALS, REPTILES AND BIRDS

No animals or reptiles are allowed in the public areas.

## 13. WATERWAYS AND CANALS

- ⇒ Canals/Waterways are a central feature of the Point Precinct requiring specific protection and preservation;
- ⇒ No vehicles are allowed within 3 meters from the canal edge
- ⇒ Boats are not allowed on the canal water without prior written permission by the Facilities Manager.
- ⇒ The Owner/Skipper of a vessel must ensure at all times that the vessels are operated in a responsible and careful manner by a person who holds a valid certificate of competence.
- ⇒ The Owner/Skipper of a vessel must ensure that the vessel is not overloaded and that the maximum number of persons including crew members is within the permissible legal limit.
- ⇒ The Owner/Skipper of a vessel must ensure that safety appliances and equipment are provided and maintained on board the vessel.
- ⇒ Noise pollution must be kept to a minimum on board the vessel. Only vessels operating on “Sneaker motors” are allowed between 8.00pm and 5.00am.
- ⇒ It is the responsibility of the Owner/Skipper to ensure compliance with the provisions of the relevant legislation and regulations.

#### 14. APPEALS

Lot Owners dissatisfaction with the imposition of fines may note on appeal in writing before a Committee appointed by the DPWMA board for Dispute Resolution. The reasons for appeal must be spelled out and are relevant to issues at hand.

#### 15. ILLEGAL ACTIVITIES AND NUISANCE

The owner or occupier of a lot or of a sectional title unit within a lot (each referred to as “the Property”) shall –

- ⇒ ensure that no illegal activity occurs on the Property;
- ⇒ ensure that no person is allowed to be or become intoxicated, or under the influence of illegal drugs, whilst on the Property;
- ⇒ not create, or permit the creation of, a nuisance on or about the Property.

#### 16. NIGHTCLUBS, BARS AND OTHER ENTERTAINMENT FACILITIES

- ⇒ The owner of a nightclub, bar or other entertainment facility (hereinafter referred to as “the Entertainment Facility”) located within the Point Waterfront Precinct must take reasonable measures, in consultation with DPWMA, to provide a safe environment for its customers, employees and members of the public whilst on the Property or in its immediate vicinity. As such, the owner shall be responsible for ensuring that such safe environment extends to the sidewalks and other areas immediately adjacent to the Entertainment Facility where such are routinely used by its customers / patrons.
- ⇒ The owner shall cause to be displayed prominently outside the Entertainment Facility such rules regarding the conduct of patrons in or about the Entertainment Facility as may be reasonably required by the Board of the DPWMA.
- ⇒ Owners shall procure that at least 1 (one) security person per 50 (fifty) patrons (determined by reference to the maximum capacity of the Entertainment Facility) is employed and is on duty at the Entertainment Facility during business hours. The Board of the DPWMA shall be entitled, following consultation with the owner or manager / occupier of the Entertainment Facility, to stipulate a higher ratio of security personnel to be engaged at a particular Entertainment Facility if the Board determines that such higher ratio is required given the poor security / conduct record pertaining to the Entertainment Facility. In addition, 1 (one) “floor man” or “floor roamer” must be appointed by the owner / occupier / manager of the Entertainment Facility, with the function of monitoring patrons and acting as an advisor to barmen as to the intoxication of any patrons (so as to ensure that barmen do not supply alcohol to persons who already appear to be intoxicated) and who shall also be responsible for attempting to diffuse disputes and, where necessary, assist in alerting security personnel to incidents of violence / illegal activity in, or within the immediate vicinity of, the Entertainment Facility.
- ⇒ The owner / occupier / manager of the Entertainment Facility shall ensure that the security personnel provide a proper, professional and diligent security service in respect of the Entertainment Facility.
- ⇒ The owner and the management of the Entertainment Facility must establish rules of procedure aimed at optimising security at the Entertainment Facility and shall be responsible for the training of the security personnel. All security personnel must be registered with the Private Security Industry Regulatory Authority (“PSIRA”) as contemplated in the Private Security Industry Regulation Act 56 of 2001, as amended, and possesses proof of their PSIRA accredited training.
- ⇒ The owner / occupier / manager of the Entertainment Facility must adhere to a rolling closure policy which includes reducing the volume, tempo and/or energy of music along with gradually raising the lighting level as closing time nears. No alcohol may be served after the hours permitted by the relevant liquor licence pertaining to the Entertainment

Facility. A copy of the Entertainment Facility's liquor licence must be given to DPWMA and replaced annually as and when the liquor licence is renewed. In any event, under no circumstances may any bar or club facility remains open for business during the hours 3am to 8am, irrespective of anything to the contrary in the relevant liquor licence.

- ⇒ Patrons of any Entertainment Facility must not be allowed to leave the facility carrying a glass and/or a bottle and/or any alcohol.
- ⇒ The owner of the Property on which the Entertainment Facility is located shall be responsible, together with the owner of the Entertainment Facility business (if such is owned by a person other than the Property owner) for compliance with the rules set out above. In addition the owner of the Entertainment Facility business will be responsible for the conduct of its patrons whilst in or upon any parking area serving the Entertainment Facility and shall ensure that such parking areas are patrolled by their security during the hours when the Entertainment Facility is open for business.
- ⇒ The Association shall have the right to impose fines for any failure to comply with any of the Rules of Conduct. Written notice of any such fine shall be given to the person responsible for the payment thereof and such person shall be given the opportunity of making representations to the Association in defence or mitigation of the fine. Once the matter has been finalised by the Association, it shall be entitled to treat such fine on a basis similar to the levy which is payable by members of the Association and any amounts outstanding in respect of fines imposed on any such member shall be treated in the same way as outstanding amounts in respect of levies.

### 17. RESALE COMMISSION

- ⇒ The Association is authorised on behalf of the Durban Point Development Company (Pty) Ltd, developer of the Durban Point Waterfront, to act as its agent in collecting a 1% resale commission payable by the seller of a unit, such seller being a member of the Association. The 1% resale commission, inclusive of Value Added Tax, is calculated based on the gross selling price, excluding Value Added Tax, of a property or beneficial interest in a property. The Association shall be entitled to withhold consent to transfer in the event that such resale commission has not been paid or secured to the satisfaction of the Association. It is recorded that the aforesaid resale commission shall be binding on all successive owners of property and / or beneficial interest in a property in the Durban Point Waterfront.