



SPEKBOOM RIVER ESTATE

BUILDING PROCEDURES AND ARCHITECTURAL GUIDELINES

SPEKBOOM RIVER ESTATE

ARCHITECTURAL GUIDELINES

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Regulations

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Building Procedures

1 INTRODUCTION

- 1.1 All new home owners would be obliged to form part of the SPEKBOOM RIVER ESTATE RESIDENTS' ASSOCIATION. As member of the Association, each owner will have an active role in regulating the built environment to ensure that the value of all properties remain market related. The members will duly elect a Board of Trustees for the management functions.
- 1.2 A holistic approach was adopted in the placement, selection and composition of each stand relative to all the other stands in order to meet the requirements of land usage, environment and privacy. Effective planning on each stand thus necessitates architectural and planning guidelines for all Members to abide by in order to protect and enhance the joint investment by all the Members.
- 1.3 Each Member is obliged to submit Site Development Plans and Building Plans to the SPEKBOOM RIVER ESTATE RESIDENTS' ASSOCIATION (The Association) for their approval according to the procedures outlined herein prior to the commencement of any building operations on a site.
- 1.4 Notwithstanding the appointment of Architects, Building Contractors or other Agents, each Member accepts full responsibility for the actions of his agents and contractors during construction.
- 1.5 These Regulations are to ensure that all construction activity in the Estate proceeds in an orderly manner, with the least possible disruption to other property Owners and must be adhered to unless a specific exemption is agreed to in writing by the Board of Trustees in each specific requested case.
- 1.6 The development of the estate and of individual properties and the implementation of the landscape development plan must be carried out in accordance with the Master Plan and as speedily as possible in order to sustain the rural bush veldt character of the estate.
- 1.7 It is imperative that the impingement of building operations on the existing physical and ecological systems be limited to an absolute minimum and that steps be taken to rehabilitate all possible damage to the environment.
- 1.8 The movement patterns of wildlife through the estate at their will are recognised and the design and placement of all man-made objects must consider these patterns.
- 1.9 The height or mass of buildings should not have an overpowering effect on the environment and the height of buildings must not exceed two storeys as provided for under General Guidelines.

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- 1.10 All buildings must fit their site and must blend naturally into the environment. Cut-and-fill necessary on sloping sites must not impact beyond a reasonable distance beyond the perimeter of the buildings. Positioning of buildings must recognise the privacy, private space and view of already developed adjacent properties.
- 1.11 A particular architectural style or mode of construction is prescribed and the design of buildings must be in sympathy with the physical surroundings. Special attention is expected with regards to the retention and creation of the functional habitat and the consideration of the natural topography, indigenous vegetation and climate.
- 1.12 All buildings must be designed and building plans be prepared by the Estate Architect. The architect's name, signature, registration number and business address must appear on all plans. Landscape development plans must be prepared by a qualified landscape architect or horticulturist.
- 1.13 The plant species required for the implementation of the landscape development plan on an individual site must be selected from the approved plant list. This list contains a variety of indigenous and selected horticultural species.

2 ARCHITECTS

- 2.1 The Developer has appointed MELLET & HUMAN ARCHITECTS (referred to as the "Estate Architect" in this document) of P O Box 95765, Waterkloof, 0145, telephone number 012 460 9011, fax number 012 460 9011 as approved architect to Design, Document and fulfil a Supervisory role in respect of all top structures and improvements in the Estate subject to compliance with the Regulations outlined below (referred to as the "Estate Architect" in this document). Should the member elect not to use the approved architect or purchase the Site without improvements or wish to later improve the Site within the prescribed two year period, procedures for the approval of building plans are to be adhered to which are detailed herein.
- 2.2 In the case of Owners not using the Estate Architect, the following minimum requirements shall apply to the architects appointed:
 - 2.2.1 Such architects shall be registered with the South African Council for Architects.
 - 2.2.2 Such architects shall be appointed to perform full services which shall include supervision of the building project for which they shall be professionally liable. Under no circumstances will building operations proceed without professional supervision.
 - 2.2.3 The architect is to register with the **ASSOCIATION** and allow in his appointment to attend Ad Hoc Estate meetings called by the Estate architects.
 - 2.2.4 Should Owners elect to make use of their own architect, an Aesthetics Fee of R100.00/m² (one hundred Rand per square meter covered, excluding VAT) will be payable to the Association for the design review and architectural approval by the Estate Architect.

3 WORK REQUIRING BUILDING PERMISSION

Owners intending to carry out any of the following activities must obtain prior written approval from the

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Developer/Estate Architect:

- 3.1 The construction of new buildings and all structural, aesthetic and external alterations to existing structures.
- 3.2 Underground construction (i.e. drains, water pipes, electricity, telephone conduits or any other underground work.)
- 3.3 Painting and repair of any existing external facades.
- 3.4 The construction of awnings, projecting roofs and trellises.
- 3.5 The construction of Garages and carports
- 3.6 The construction of swimming pools and any external paving, decks and walkways.
- 3.7 Walls, fencing, gates or any landscape construction.
- 3.8 Cutting down of any trees or removal of any natural rock outcrop or other natural feature.

4 APPROVAL OF BUILDING PLANS

- 4.1 Building plans have to be approved by the Developer and Estate Architect before any construction work commences.

4.1.1 The Approval Process

The approval process consists of three stages:

4.1.1.1 Stage 1: Submission to the Developer/Estate Architect

Before submitting detailed working drawings it is advised that Owners submit a coloured Sketch Plan proposal for approval in principle to the Estate Architect.

Drawings must be on A3 size paper and 1:100 scale indicating floor plans, elevations and selected materials and colours.

After receiving approval in principle on Sketch Plans, detailed working drawings on the new construction must be submitted and approved by the Developer/Estate Architect prior to submission to the Local Authority. See 4.9 below for details required on drawings.

4.1.1.2 Stage 2: Submission to the Local Authority

Once the Developer/Estate Architect has approved the detailed working drawings, it may be submitted to the Local Authority.

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In terms of an agreement with the Local Authority, plans will not be accepted or processed unless approved by the Developer/Estate Architect and properly certified on the plans as such.

4.1.1.3 Stage 3: Final inspections and issue of occupation certificate

Prior to occupation of a dwelling, an inspection has to be carried out by the Developer/Estate Architect to ensure that the construction, boundary walls, garden walls, garden gates, landscaping, etc has been completed in accordance with the approved plans. This will also be relevant for any additions and renovations.

This inspection must be applied for by the owner or building contractor.

A completion certificate must be issued by the Developer/Estate Architect and submitted to the Building Office of the Local Authority before the Local Authority will carry out their final inspection and issue and occupation certificate. Occupation will not be allowed prior to this.

No deviations from the approved plans will be allowed unless approved by the Developer/Estate Architect.

4.1.1.4 The approval process mentioned above shall apply *mutatis mutandis* to building plans submitted for reparations, alterations and renovations where the Association will approve the building plans.

- 4.2 All work requiring permission shall conform to these Regulations to the satisfaction of the Developer/Estate Architect. The decision on whether or not any plans are acceptable shall be at the sole discretion of the Developer/Estate Architect, which decision shall be taken within the framework of the Regulations contained herein and in consultation with the private appointed Architect as provided for in Clause 2.2.
- 4.3 The Developer/Estate Architect shall be entitled to reject the plans for any House or building, which in their sole discretion would detract from the appearance, or reduce the value of other properties in the Estate. The Developer/Estate Architect shall not be required to give reasons for rejecting such a plan, nor shall the Developer incur any liability to any person in doing so.
- 4.4 The Developer has appointed the Estate Architect to assist them in evaluating and approving building plans for new Houses or alterations to existing Houses within the Estate.
- 4.5 Plans submitted to the Estate Architect shall be in accordance with the requirements of the local authority as well as the requirements of this document.
- 4.6 Plans submitted to the Estate Architect shall be accompanied by the Plan Scrutiny Fee for the approval of the building plans, payable directly to the Estate Architect. The Developer can at its sole discretion fix the amount of the said fee.
- 4.7 In order to avoid unnecessary costs, it is recommended that Owners arrange a consultation with the Estate Architect before proceeding with the design of any buildings. The cost of the consultation is included in the plan scrutiny fee.

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- 4.8 Three copies of all documents shall be submitted for approval. One copy to be retained by the Association for its records and the other returned with stamped approval together with any comments to the Member. The third copy will be kept on record by the Estate Architect.
- 4.9 All plans consisting of scaled and dimensioned site plans, plan layouts, elevations, sections and details shall be prepared and submitted together with the Application in the following format and details shown:
- 4.9.1 Each drawing on at least size A2 paper and drawn to the following scales:
- 4.9.1.1 Site Development Plans - 1:100 or 1:200
 - 4.9.1.2 Layout Plans and Elevations – 1:100 or 1:50
 - 4.9.1.3 Details and Sections – 1:50
- 4.9.2 The site development plan must show:
- 4.9.2.1 The Stand number.
 - 4.9.2.2 A scaled position of a fixed reference point that is physically located and marked on the stand.
 - 4.9.2.3 The scale of the drawing and a North point arrow.
 - 4.9.2.4 The plotted and to scale position of all external drainage and municipal connection points.
 - 4.9.2.5 The plotted and to scale position of the main water supply gate valve and Eskom electrical supply point.
 - 4.9.2.6 The plotted and to scale position of all proposed construction work and natural features.
 - 4.9.2.7 access route to the proposed house from the road and the treatment of the surface of the access route
 - 4.9.2.8 the location of the house and out buildings within the stand.
 - 4.9.2.9 The surveyed beacons and boundaries as contained on the title deed of each site are to be clearly indicated as well as all buildings relative to these.
 - 4.9.2.10 The area of the house including patios and outbuildings.
 - 4.9.2.11 External finishes, including colour specifications.
 - 4.9.2.12 Driveways and widths.
 - 4.9.2.13 External lighting.
 - 4.9.2.14 The name and contact number of the Architect.

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- 4.9.2.15 Parking areas (visitor's open and covered parking). Parking for a minimum of 2 vehicles to be provided on the stand (covered parking to be included in calculation of the covered area).
 - 4.9.2.16 The open spaces, i.e. kitchen yard, private gardens and landscaped areas.
 - 4.9.2.17 Position of all buildings for distinct identification of different buildings.
 - 4.9.2.18 Contours to show natural ground levels at 1 metre intervals prior to any excavations and site levelling on the stand.
 - 4.9.2.19 Building lines, servitudes and other restrictions.
 - 4.9.2.20 Storm water management.
 - 4.9.2.21 Permissible coverage and actual coverage, including all patios, outbuildings and other covered areas.
 - 4.9.2.22 Permissible Floor Area Ratio (FAR) and actual FAR.
 - 4.9.2.23 Site information i.e. boundary dimensions, stand number, number of all adjoining stands, street name and number of the stand.
 - 4.9.2.24 Position and distance of the nearest buildings on the adjacent stands, if required.
 - 4.9.2.25 Floor levels relative to the ground contours shown on the site plan and number of storeys.
 - 4.9.2.26 This site plan must indicate surveyed positions of all trees with trunks larger than 100mm diameter and natural protected areas such as rocky outcrops and the like that fall within the development area. Site plans are also to indicate the trees by name with diameters in excess of 100mm that are proposed to be removed in the building process. Indicate trees to be removed and to remain. Approval shall be obtained from the Developer or Estate Architect prior the removal of any trees.
- 4.9.3 The layout plan drawings must show:
- 4.9.3.1 Plans, Sections and Elevations of all buildings on the Site, including outbuildings.
 - 4.9.3.2 The intended use of each room or area is to be indicated on each layout plan drawing (e.g. bedroom, bathroom).
 - 4.9.3.3 The layout and detail of the proposed structures.
 - 4.9.3.4 Positions of all sections are to be clearly shown on the floor plans.
 - 4.9.3.5 The scale of each floor plan, section and detail is to be shown on each drawing.
 - 4.9.3.6 An electrical layout is to be included showing the proposed positions of all external lights for the main building and its surrounds.

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4.9.3.7 Specification on all external finishes and colours (i.e. paint, roofs, paving, windows and doors).

- 4.10 The positioning of the buildings and services thereto shall be so positioned to protect the amenities of any other site and all natural protected areas.
- 4.11 All building design and construction work shall be designed and constructed in accordance with the National Building Regulations SABS 0400.
- 4.12 All main water lines are to be of class 10 pipes and fittings.
- 4.13 A signed copy of the approved plans shall be filed in the Stand file kept in the admin office of the Association.
- 4.14 Any revisions or changes to the plans must be submitted to the Developer/Estate Architect for approval before commencement on site. A further fee is payable in respect of such submission. If an owner ignores or refuses this the owner takes the full risk that his alterations may not be accepted and to be ordered to tear down the offensive part.
- 4.15 The Developer/Estate Architect is obliged to provide the applicant with its decision within ten working days from submission, where after (and provided the Developer/Estate Architect approved the plans), the applicant may submit the plans to the local authority for its approval.
- 4.16 If plans are rejected by the Developer/Estate Architect, the owner/architect is obliged to re-submit new/altered plans and the ten working day period will commence again.
- 4.17 The Developer/Estate Architect is allowed to reject plans due to the placement of the buildings on the site.
- 4.18 All complaints and/or appeals regarding the rejection of the plan must be in writing which letter must clearly specify the complaint as well as furnishing reasons, which reasons must address the principles set out below, why the plan should be accepted.
- 4.19 Upon receiving such a complaint and/or appeal the Developer/Estate Architect will consider it and make a final decision within ten days. A decision of the Developer/Estate Architect will then be seen as final.
- 4.20 The owner must inform the Developer/Estate Architect of the date of commencement of building operations and the expected date for occupation/completion.
- 4.21 All members shall ensure that their contractors, project managers, sub-contractors or suppliers of services are registered with the Association. Application for registration is done by filling out an application form.
- 4.22 Building shall commence no later than 24 months after date of registration or transfer of the Erf and be completed within 12 months thereafter. If not, a penalty of R500.00 per day shall be applied, without prejudice of any of the Association's rights to take whatever steps are necessary in terms of the Articles or in law.
- 4.23 Building may only commence after:
 - 4.23.1 The plans had been approved by the Developer/Estate Architect.

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- 4.23.2 The plans had been approved by the Local Authority.
- 4.23.3 The builders deposit had been paid.
- 4.23.4 A chemical toilet had been erected on site.
- 4.23.5 Connection of water and electricity had been made.
- 4.24 The Developer/Estate Architect will inspect the buildings on completion in order to verify adherence to the plans as well as to ascertain whether the building had been completed. The owner is not entitled to refuse the Developer/Estate Architect or its officials entry to the premises.
- 4.25 Occupation of the property will only be allowed once the owner had received an occupation certificate from the Estate Architect as well as the Developer. Such occupation certificate from the Developer/Estate Architect will only be obtained if:
 - 4.25.1 The building had been erected according to the plans.
 - 4.25.2 The site and plot had been cleared of all building rubble.
 - 4.25.3 The project is finished.
 - 4.25.4 The entry road to the house must be completed.
 - 4.25.5 The surrounding site had been rehabilitated.
- 4.26 If the owner intends developing the property in phases, full details and time frames must be provided to the Developer/Estate Architect.
- 4.27 Owners are required to obtain permission from the Developer/Estate Architect of all external finishes and colours. Owners that proceed without obtaining such authority does so on his/her own risk and will have no claim against the Developer/Estate Architect or the Association for damages suffered.

5 PLAN APPROVAL BY LOCAL AUTHORITY

After approval of plans by the Developer and Estate Architect, the building plans are to be submitted to the Local Authority in accordance with statutory requirements. On receipt of the Local Authority's approval, the construction in accordance with the building by-laws, standard building regulations and the approved building plans, and these regulations may proceed.

6 COMMENCEMENT AND COMPLETION OF BUILDING WORK

- 6.1 The owner must inform the Developer/Estate Architect of the date of commencement of building operations and the expected date for occupation/completion.

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- 6.2 Construction shall commence no later than 24 months after date of transfer and be completed within 1 (one) year from the date of signature to the Builders Code of Conduct and Site Handover Certificate. If not, a penalty of R500.00 per day shall be applied, without prejudice of any of the Association's rights to take the necessary steps in terms of this document or in Law.
- 6.3 The erection of the main/primary buildings and out/secondary buildings are to take place simultaneously.
- 6.4 The Developer has the right to instruct the Owners or appointed contractors to complete any building project shelved for a period longer than 6 months in an incomplete state. In extreme cases where such buildings are left incomplete, the Developer shall have the right to take such steps as may be necessary to protect the Developer and Owners including re-habilitating the stand to its original condition.
- 6.5 No building operations shall be executed on Sundays and public holidays and the annual builders December/January recess (dates will be advised annually) under any circumstances.
- 6.6 No building equipment, materials, building rubble or refuse may be dumped or stored on any adjoining land, any road, open spaces, on the sidewalks or anywhere else on the Property, under any circumstances.
- 6.7 Access to and egress from the site for all construction management, site staff, sub-contractors and suppliers will be through the temporary construction access located near the main entrance.
- 6.8 All labourers shall be in possession of a valid identity document, valid passport or immigration permit and an Association's access card.
- 6.9 Contractors, their staff, sub-contractors and labourers, shall only enter the Property after 06:00 and leave the Property prior to 18:00 from Monday to Friday (***times to be the same as in the Management Rules and Regulations.***)
- 6.10 Site security guards are allowed until the first house has been occupied, after this no labourers shall be permitted to act as night watchmen to guard their respective sites or to overnight within the Property at all. Contractors or members may negotiate with the Association's appointed security company for security services if required. The cost thereof shall be for the account of the contractor or member. No security company other than the appointed Association security contractor may be used inside the Property.
- 6.11 Delivery of building materials and suppliers shall be scheduled between 07:00 and 17:00 on weekdays only. No deliveries on weekends or outside these hours shall be permitted. Suppliers arriving outside these allowed times shall not be granted access.
- 6.12 Members, project managers and contractors need to inform suppliers of building materials and suppliers that the roads on the Property are proclaimed municipal roads and are subject to the relevant legislation. Delivery vehicles suspected of being overloaded, shall be subjected to a heavy duty axle weigher (weigh bridge) and if found containing a mass exceeding 8 tons per axle, shall be denied access to the Property.
- 6.13 All vehicles entering or leaving the Property may be subject to a search by the Manager, Security Manager or appointed security personnel.
- 6.14 The only point of access and egress for all contractors and their labourers shall be via the temporary construction gate.

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7 APPOINTMENT OF A BUILDING CONTRACTOR

Only approved building contractors will be permitted to construct units within the Mooifontein development. Owners will have the choice to negotiate contracts and appoint contractors from a panel of approved contractors for the development. Should owners elect to make use of their own builders or owner build, then a development architectural engineering fee will be applicable, and paid to the developer before construction commences. This fee will be levied at R180.00/m² (one hundred and eighty rand only per square metre excluding VAT) calculated on the total area covered by the proposed structure, and paid in advance prior to approval of the building plans to the Developer/Estate Architect. This fee will cover the following:

- Architectural supervision of construction
- Engineering supervision and approvals
- NHBRC inspection costs
- Municipal inspections

Owners and contractors shall be required to sign an agreement with the Developer to regulate the building activities on the Stand. This contract will include, but will not be limited to the following:

- 7.1 The requirement that the building contractor pay a refundable deposit to the Developer in terms of Clause 10.3.
- 7.2 The obligation to ensure that any material suppliers and delivery trucks, or vehicles for that contractor, do not damage the Estate roads or any parts thereof. Any damage so caused will be the responsibility of the contractor.
- 7.3 The obligation to erect a screen to minimise the visual impact during the building period.
- 7.4 Conditions relative to the delivery and storage of materials.
- 7.5 Noise.
- 7.6 Working hours.
- 7.7 Transportation routes to and from the Site.
- 7.8 Security procedures within the Estate and jurisdiction of the Manager over all contractors and employees.
- 7.9 Removal of rubble from the stand and the Estate and environmental regulations.
- 7.10 The erection of boards and signs.
- 7.11 Maximum loads of delivery and construction vehicles.
- 7.12 Builders Code of Conduct.

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7.13 Penalties and fines.

8 SITE HANDOVER TO CONTRACTOR

- 8.1 The first step for commencement of construction is to arrange a formal site handover meeting at which the Developer/Estate Architects shall be present, together with the Owner and building contractor. A Site Handover Certificate must be signed by all three the above parties prior to construction commencing. A copy of a Site Handover Certificate listing the information to be issued at site handover as well as showing the pro-forma of the certificate to be signed by the parties at the site handover meeting is available from the Estate Architect.
- 8.2 The following must be in place prior to the handing over of the site to a contractor for commencement of construction:
- 8.2.1 The plans duly approved by the Developer/Estate Architect.
 - 8.2.2 The plans approved by the Local Authority
 - 8.2.3 Transfer of Ownership of the stand in the name of the Owner with a letter of confirmation from the Developer's Conveyancer in this regard.
 - 8.2.4 The proposed house set out on site with danger tape showing the full extent of all structures to be erected.
 - 8.2.5 A temporary toilet for all workers on Site but out of sight from surrounding areas.
 - 8.2.6 All statutory requirements.
- 8.3 On completion of any building contract or improvements to the site the contractor and Estate Architect must arrange another meeting at which a completion inspection will be held and a Project Completion Certificate signed by the, contractor, Estate Architect and Owner. Copy of the Project Completion Certificate is available from the Estate Architect.

9 NON-COMPLIANCE

- 9.1 Should any construction work not comply with the terms and conditions of the approved project, or application for approval not be done as set out herein, the Developer/Estate Architect will formally notify the Owner to cease all activities and modify the work and/or drawings in order to comply with the terms and conditions herein.
- 9.2 If the Owner fails to comply with this notice then the Developer/Estate Architect will apply to the judicial authorities in order to obtain a formal order. The legal costs will be for the account of the Owner and the Owner will also be responsible to restore the stand to its former state.
- 9.3 The Developer/Estate Architect shall have no liability for any losses sustained by the Owner or his contractor or agents as a result of this action and each Owner hereby indemnifies the Developer/Estate Architect against any claims thus arising.

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10 GENERAL DEVELOPMENT CONTROLS: RESIDENTIAL 1 AND 2

10.1 Estate Management

The Estate will be managed by the Association subsequent to the completion inspection and issued Completion Certificate.

10.2 Stands

10.2.1 No stand shall be subdivided or rezoned for any other use than a SINGLE HOUSE (outbuildings excluded).

10.2.2 Stands may be consolidated with prior written permission of the Association in which case the owner shall be liable for any combined levies related to each particular stand and any other cost.

10.2.3 No boreholes may be drilled on any stand without the necessary "DEPARTMENT OF WATER AFFAIRS AND FORESTRY" approval and prior written consent from the Developer.

10.3 Development Deposit

10.3.1 A refundable non-interest bearing "Development Deposit" shall be paid by the building contractor, before commencement of any work, which is calculated in relation to the amount of houses he is contracted to build.

10.3.2 The amount payable is calculated as follows:

- Five houses and more R5 000.00 per house
- Three to four houses R10 000.00 per house
- Less than three houses R15 000.00 per house

10.3.3 The deposit will be refunded to the contractor on request, on completion of the building and after the contractor has fully complied with the following requirements:

- Repair any damage to the sidewalk and roads caused by building activities
- Remove rubble and/or rubbish on sidewalks and/or adjoining stands
- Repair any damage to street furniture, streetlights, litter bins, benches, etc
- Repair any damage to Eskom and/or Telkom and/or any manhole covers
- Repair any damaged kerbs and/or storm water drains on the stand boundaries

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- Repair any damaged paving and concrete spilled on paved surfaces not cleaned properly
- Repair damaged irrigation pipes and/or sprinklers
- Repair any cables and/or pipes damaged during excavation activities
- Submission of Occupation Certificates issued by the Local Authority
- Box in all plumbing pipe exposed from the second floor of double storey buildings
- Remove all signboards erected by the contractor during construction period
- Rehabilitation if any on adjoining open spaces and conservation areas

10.4 Town Planning

The area is zoned for residential purposes in accordance with the requirements of the Burgersfort Municipality's Land Use Conditions and shall apply to all residential developments.

The guidelines set out below, are in addition to any restrictions/requirements imposed by the conditions of the title, town planning schemes and/or national and/or any other building regulations.

Notwithstanding that plans shall comply with such restrictions, requirements and regulations imposed by Authorities, the approval of any plans or improvements on the Property, shall be at the sole discretion of the Developer. Likewise, compliance with the guidelines imposed by the Developer shall by no means absolve an applicant from the obligation to comply with the regulations, restrictions and recommendations imposed by Authorities, nor shall the Developer's approval be construed as compliance with the requirements imposed by town planning schemes, building regulations or permitting any contravention of regulations of any Authority having legal jurisdiction.

10.4.1 Coverage and FAR

- All roofed areas of the ground floor of any house (single or double storey) shall not exceed 50% (fifty percent) of the area of the stand.
- The first floor roofed area may not exceed 60% (sixty percent) of the total area of the ground floor, in order to create a stepped effect.
- The maximum Floor Area Ratio (FAR) is 0.8. Basements are excluded from FAR, but double volumes and staircases are included in the calculated area of both floors.
- The minimum size of a dwelling shall be 100 *HUNDRED) square meters, excluding verandas, patios, out buildings and garages and the maximum size in terms of the prescribed coverage and bulk (FSR). One garage shall be allowed for each 100 (HUNDRED) square meters of dwelling as constructed.

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10.4.2 Building Height

- Double storey houses may be erected on all stands.
- No part of a double storey house shall exceed 8.0 (eight) meters above the natural ground level measured at the lowest point of the stand where the house is situated. Architectural projections, i.e chimneys are excluded from this limitation.

10.4.3 Density

- Residential 1 and 2 stands
 - a. Only one house plus outbuildings shall be allowed on a stand. Outbuildings may include: Garages, Storeroom and Staff toilet. (No staff quarters will be allowed.)
- Corporate and Residential 4 stands
 - a. No more than 15 units per hectare for each cluster development
 - b. The minimum size of a stand shall not be less than 450 m², unless prior written approval, for a smaller area, is obtained from the Developer.
 - c. At each unit a double garage plus parking for 2 vehicles shall be provided on the stand.

10.4.4 Building lines

Certain sites have special building lines related to their shape or size. The roof overhang may project over the prescribed lines by 800 mm.

- *Street boundary*

3.50 m single and double storey. No structures apart from paved areas and steps may be built on the street building line. In cases of corner stands, one of the boundaries can be relaxed to 2 m.

- *Side boundaries*

2.00 m single storey
3.50/2.0 m double storey

- *Back boundary*

3.00m single storey
5.00 m double storey

No structure shall be erected outside the building lines imposed by the town planning scheme provided that the Developer, shall in its sole and absolute discretion be entitled

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but not obliged, to support an application to the Local Authority for the relaxation of such building lines. Details of the building lines are obtainable from the Developer or Estate Architect.

10.4.5 Services

- *Water*

All stands are serviced for water supply by the Local Authority. Application for a water connection on each stand is to be made to the Local Authority. The Local Authority shall on application and payment of the prescribed fee, do the installation of a pre-paid water meter, to the stand.

Apart from a potable municipal water connection, all houses will be fitted with an "eSPRING" under counter water treatment system or similar approved. The following minimum Standards will be required:

- Certification by NSF/ANSI
- Water Quality Standard 42 (Aesthetic Effects)
- Water Quality Standard 53 (Health Effects)
- Water Quality Standard 55 (Ultraviolet Microbiological Water Treatment)

- *Sewerage*

Sewerage connections are supplied by the Local Authority. All proclaimed stands are already serviced.

- *Electricity*

An Electrical connection for a stand on the Property shall be provided by the Local Authority. All proclaimed stands are already serviced.

- *Telephone*

All applications for household telephones are to be made directly to Telkom.

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1.1 AESTHETIC CONCEPT

- 1.1.1 The purpose of this document is to serve as a mechanism to ensure a cohesive identity to the architecture of Mooifontein Eco-Estate and to enhance the aesthetic appearance of the development and natural surroundings of the Sekhukhune Bushveld. Freedom of design within the guidelines provided is encouraged.
- 1.1.2 The built environment in Mooifontein Eco-estate is to project a visual effect with strict control in terms of the architectural impact on the environment. The aim is to create low scale buildings incorporating a variety of materials. Designs should take into consideration context, climate, topography, visual form and environmental consciousness.
- 1.1.3 Any external element not described below will be assessed and approved by the **Developer/Estate Architect** against the intention of the concept. Further adjustments to the specification below can be made by the developer on site to ensure basic compliance with the concept. Design examples are available from the Estate architect.

1.2 ARCHITECTURAL THEMES

- 1.2.1 Freedom of design within the Mooifontein Eco-estate guidelines are encouraged in order to create a vernacular of building types, and a variety of individual architectural designs.
- 1.2.2 Architecturally the houses designed for Mooifontein Eco-estate should be sensitive to, and take inspiration from the natural bushveld surroundings. The inspiration taken from nature will be the binding element to create an identifiable architectural language for the Estate. A contemporary style is envisaged rather than the duplication of classical styles.
- 1.2.3 Externally the scale of the buildings should reflect the sensitive design approach, in order to minimise impact on the environment. This is achieved by incorporating simple roof forms broken into smaller fragments, a mix of exterior finishes and the use of natural colours.
- 1.2.4 The architectural language used in the individual designs must place emphasis on the following aspects, in order to blend with the natural surroundings:
 - 1.2.4.1 Horizontal accents rather than vertical.
 - 1.2.4.2 Simplistic forms and shapes.
 - 1.2.4.3 Attention to projections and recesses in the facades in order to break up the building mass into smaller units.
 - 1.2.4.4 A compatible range of building materials.
 - 1.2.4.5 A natural range of colours.
 - 1.2.4.6 The transition between the building and landscape.
 - 1.2.4.7 Orientation and use of natural sunlight and ventilation.
 - 1.2.4.8 Existing natural vegetation.
 - 1.2.4.9 Incorporation of the natural contours and fall of the land.

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1.2.4.10 Objects that can in the opinion of the Developer/Estate Architect, be considered unsightly or to the detriment of the appearance of the Estate, should not be visible from common areas or other properties.

1.2.5 Designs should internally have a spacious, air quality, linking the interior to the exterior, through large windows and doors.

Written approval must be obtained from the Developer for the use of any building materials or building methods, other than conventional bricks and mortar.

1.3 ARCHITECTURAL DESIGN CONTROLS

1.3.1 Building Height

1.3.1.1 All sites have a two storey (i.e. ground floor plus one storey) height restriction. The maximum height of any residential building may not exceed 8.0 m above ground level. Chimneys may extend 1.2 m above the ridge of the roof.

1.3.1.2 Buildings should take the natural contours into account in order to minimize impact on the environment. Buildings should rather fit comfortably into the natural contours, than to excessively cut away or fill up the natural ground level. Natural ground levels are considered as those existing contours at time of sale of the site or before any human intervention.

1.3.2 Plan Forms

1.3.2.1 Rectangular plan forms are encouraged where the building mass is broken into smaller units sympathetic to the landscape.

1.3.2.2 The internal width of buildings should range between 4.5 m and 7.0 m to achieve the desired scale of the buildings.

1.3.3 Privacy

1.3.3.1 Windows and outdoor living areas such as patios and pools should be positioned in such way to create privacy between one house and the next.

1.3.3.2 Double storey windows and balconies should not overlook the living areas of the neighbouring property.

1.3.4 Orientation

1.3.4.1 Buildings should be orientated to benefit from natural elements such as the sun, vegetations, view and protection from climatic extremes.

1.3.4.2 Orientation should also help to create privacy from neighbouring properties.

1.3.5 Stand Boundary and Beacons

It is the express responsibility of the Owner to verify the position and accuracy of all boundaries and beacons and to ensure that the building area is entirely within such boundaries prior to commencement of building works. The survey diagram of the Stand as registered with the Surveyor General is available from the Developer/Estate Architect.

1.3.6 Building Area and Building Size

1.3.6.1 All buildings and structures comprising a single house must be situated within the building lines on the site. This excludes uncovered timber decks and swimming pools.

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1.3.6.2 Stands are generally to be developed to create a seamless street environment without boundary walls. It is encouraged that the house forms part of the street boundary. When required, the boundary wall must only be along 25% of the front boundary. The pavement will be considered an integral part of the individual property and will be maintained together with the remainder of the erf.

1.3.6.3 Houses must be a minimum size of 100 square meters, excluding covered areas such as garages, patios, servant's rooms and outbuildings.

Specific requirements and conditions relating to all houses built are as follows:

- Kitchens:

- A maximum of one kitchen per stand

- Bedrooms:

- Sleeping accommodation for a maximum of eight persons on Res 1 stands
- Sleeping accommodation for a maximum of fourteen persons on Corporate stands

1.3.7 Security

1.3.7.1 No visible security spikes, razor wire, electric shock wires or any similar devices shall be permitted. All burglar guards, "Trellidoors" or other security elements should be internal.

1.3.7.2 Security to the Estate will be created by the Developer including the perimeter fence and gatehouse.

1.3.7.3 The monthly running costs for the effective and sustainable security are included in the monthly levy. Razor wire, security spikes, electrical fencing or any similar features except with permission of the Developer on the perimeter of the Property.

1.3.7.4 Sharp edged palisades on heights presenting a hazard to animals shall not be permitted.

1.3.7.5 Alarm systems and related issues: The standard burglar alarm systems which are to be installed are to be compatible with the electric monitoring system installed at the main gate of the Estate in order to offer a comprehensive alarm monitoring system and armed response facility.

1.3.7.6 Any materials, device or design which can be hazardous to animals shall not be permitted.

1.3.8 Treatment of stand boundaries and walling

No solid wall or structure of any kind shall be allowed on 75% of the street boundary of a stand. This portion will be considered a seamless zone landscaped with indigenous planting. The house shall form an integral part of the street boundary. Members are encouraged to rather apply landscaping and plants to provide the required privacy (i.e. to screen swimming pools, etc.)

1.3.8.1 The remainder of the stand boundaries can be walled. Walls may not exceed a height of 2.1 m. and the design and finish must be complimentary to the overall design of the house.

1.3.8.2 Walls are to follow the natural ground level with a stepped effect.

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1.3.8.3 The following type of walls are allowed:

- Plastered and painted brick walls with 345 mm x 345 mm brick columns at distances of 3 m centres, painted to match the natural colours used in the house.
- Plastered and face brick walls with 345 mm x 345 mm face brick columns at distances of 3 m. Plastered surfaces must be painted to match the colour of the house.
- Palisade fence with painted 345 mm x 345 mm brick columns and a face brick plinth of 510 mm from natural ground level.

1.3.8.4 Walls must be detailed on the house plans submitted for approval.

1.3.8.5 Solid or palisade boundary walls may not exceed 25% of the street boundary.

1.3.8.6 The following types of boundary walls are not permitted:

- Concrete panel walls
- Barbed wire fencing
- Diamond mesh fencing
- Concrete palisade fencing
- Unpainted plastered walls

1.3.8.7 Stands fronting onto green areas:

- It is encouraged that no boundary walling be constructed on the green area boundary of such stands. Palisade fencing to a height of 1.8 m must rather be used in order to retain a feeling of openness between such stands and the natural vegetation. Owners are encouraged to use landscaping and plants to create privacy.

1.3.9 Sun Control Awnings

Sun control shall be by means of roof overhangs or planting. No translucent, aluminium or canvas systems may be used.

1.3.10 Sewer, waste pipe services and plumbing

1.3.10.1 Sewer, waste pipes or any other pipe or ducting must be concealed in vertical ducts within the plane of the building. Only stub stacks below 500 mm may be exposed.

1.3.11 Garden sheds, wendy houses, caravans and trailers

1.3.11.1 No garden sheds or wendy houses are allowed.

1.3.11.2 Parking of caravans, boats and trailers may not be visible from the street or neighbouring properties.

1.3.12 Swimming pools

Swimming pools are to be constructed in accordance with the following stipulations:

1.3.12.1 Swimming pools must be integrated and complimentary to the overall design of the house and be approved by the Developer/Estate Architect as part of the building plans to be submitted.

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1.3.12.2 Swimming pools may not be freely accessible and conform to the National Building Regulations safety measures.

1.3.12.3 Pool size to be limited to a maximum of 25 000 liters and shall be leak free. Pumps and filtration units are to be hidden from view.

1.3.12.4 Water used shall only be obtained from the municipal water supply and not from natural resources.

1.3.12.5 Electricity used shall be part of the electricity supply to the stand.

1.3.12.6 Swimming pools must be constructed by a NSPIA registered contractor.

1.3.12.7 Discharge pipes may not discharge onto streets, pavement, adjacent stands or natural areas.

1.3.12.8 Dark coloured pools are discouraged.

1.3.13 Miscellaneous

1.3.13.1 TV antennas and satellite dish positions must be indicated on the house plans for approval. Satellite dishes are to be positioned below the ridgeline of the house so as not to be visually obtrusive.

1.3.13.2 External lighting must be wall mounted on a maximum height of 1.2 m.

1.3.13.3 No air conditioner units may be visible from the street.

1.3.13.4 Solar heating panels must be screened from the street.

1.3.13.5 No bore holes will be permitted.

1.3.13.6 House numbers may be no larger than 120 mm high and 100 mm wide.

1.3.13.7 Geo-technical standards: All members shall adhere to all the recommendations made in the Geo-technical soil report.

1.3.14 Treatment of storm water

Owners must take considerable care to landscape their properties in such a way that storm water flow be directed in such a manner as not to disrupt the natural flow of water on the stand and to limit erosion both on and off the stand. It will be expected from all Owners of lower lying properties to accommodate the flow of excess water from higher lying areas. All artificial embankments must be stabilized and landscaped.

1.3.15 Patios, Pergolas and Outbuildings

1.3.15.1 All external features and outbuildings must be incorporated into the design. Pergolas must be supported on 345 mm x 345 mm brick columns.

1.3.15.2 The following are not allowed:

- Thatched lapas
- Pre-cast classical columns

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1.4 ARCHITECTURAL MATERIALS AND SPECIFICATIONS

1.4.1 Roofs and Roofing Materials

1.4.1.1 Roofs must mainly consist of pitched and lean-to roofs. Pitched roofs may be linked with flat concrete roofs. Roof pitches must be between 25 degrees and 40 degrees.

1.4.1.2 Concrete roof area, used to link pitched roofs, are to be restricted to 24% of the total roof area of the house.

1.4.1.3 The following roofing materials may be used for pitched roofs:

- Marley Modern concrete tiles (Colours: Rustic Brown, Rustic Terracotta)
- Marley modern concrete tiles (Colours: Antique Terracotta, Antique Amber)
- Lafarge Elite concrete tiles (Colours: Victorian Farmhouse Black)
- Kliplok or S-rib Chromadek roof sheets (Colours: Dark Dolphin, Dove Grey)
- Natural slate roof tiles

1.4.1.4 Roof overhangs must be a minimum of 600 mm.

1.4.2 Fascias and Gutters

1.4.2.1 The use of gutters is optional.

1.4.2.2 Gutters shall be pre-painted pre-formed gutters with matching round down pipes. Gutter colours shall match earthy wall colours. No white gutters are allowed.

1.4.2.3 Where no gutters are used a 1 m wide paved apron must be provided around the house for surface drainage of rain water.

1.4.2.4 When fascias and bargeboards are used they may not exceed 150 mm in height. These are to be painted in earthy colours as for external walls.

1.4.3 External wall treatment

1.4.3.1 External wall treatment includes plastered and painted walls, face brick and natural stone.

1.4.3.2 Plastered and painted walls:

- Plastered and painted walls shall form the majority of external wall finishes.
- Plastered finishes allowed are:
 - Vertically brushed plaster
 - Bagged clay bricks
 - Smooth wood floated plaster
- Plastered walls must be painted in warm, earthy colours to be approved by the Estate Architect/Developer. Accent colours in rich blues, reds, greens and yellows may be incorporated.

1.4.3.3 Face brick walls

Face bricks are allowed when used as focus elements on external walls to a maximum of 20% of the external wall area.

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Face bricks must be middelwit fynbos yellow or red. Face bricks from other manufacturers will be allowed provided it follows the same colour and quality hues, and a sample be approved by the Estate Architect/Developer.

1.4.3.4 Natural Stone

Natural stone may be used as focus elements on external walls to a maximum of 20% of the external wall area.

1.4.3.5 External wall treatments not allowed

- Decorative concrete mouldings and ornaments such as replicas of classical styles.
- Imitation rock cladding or plaster work.

1.4.3.6 Wall-like structures to provide privacy to outside spaces should be integrated in the general design. It is advisable that indigenous trees and shrubs as well as the natural slope of the ground also be used to create privacy.

1.4.4 **Windows, glazing, doors and burglar bars**

1.4.4.1 The placement of windows must be critically looked at for overall architectural effect, privacy and aesthetics. Openings should be large to create spacious, airy qualities and to enhance views.

1.4.4.2 Window frames must be either aluminium or wood, with large panes.

1.4.4.3 Aluminium frames must be in the following colours:

- Bronze anodized aluminium
- Silver anodized aluminium
- Powder coated in approved earthy colours

1.4.4.4 Garage doors must be horizontally slatted wooden doors or pre-painted steel/aluminium doors with horizontal sections.

1.4.4.5 External burglar bars are not allowed. Burglar bars must be internal mounted and of simple design to complement the windows. No Spanish burglar proofing shall be fitted.

1.4.4.6 The following types of window frames and glazing are not allowed:

- Steel frames
- Tinted reflective glass
- Highly decorative doors
- No Winblocks or similar pre-cast concrete frames
- No garage doors with block design

1.4.4.7 Front doors must be of simple design in either solid wood or aluminium frame with glass panel. No decorative or ornamental wooden doors are allowed with heavy patterns or engravings.

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1.4.5 Parking garages and carports

- 1.4.5.1 Parking of at least two cars must be allowed in the driveway excluding parking in garages and carports.
- 1.4.5.2 Garages should form part of the overall design and be covered in the same roof materials as the house.
- 1.4.5.3 Carport design should form an integral part of the design of the house. Covering must be supported on 345 mm and 345 mm brick columns. No patented pre-fabricated carport systems and temporary makeshift structures may be used.
- 1.4.5.4 Carports will not be used for any storage other than its intended use. A suitable storage facility for garden equipment etc. should be provided for in the design.

1.4.6 Kitchen Yards

An enclosed area must be provided for refuse bins, gas bottles and washing lines. Enclosure walls must be 2.1 m high on all sides, and the wall finish must match that of the house.

1.4.7 Driveways and paving

- 1.4.7.1 Access to the property from the street must be at one point only with a maximum width of 5 m.
- 1.4.7.2 A maximum of 20% of the property may be paved.
- 1.4.7.3 Permitted paving materials are brick pavers and concrete cobbles in colour sympathetic to the natural landscape.
- 1.4.7.4 Driveways and walkways must not be perpendicular to contours but should follow or be inclined towards the contours. Care must be taken that storm water running down driveways and walkways, does not cause erosion.
- 1.4.7.5 No imprint concrete paving is allowed.

1.4.8 Balustrades

- 1.4.8.1 Balustrades may be manufactured of painted steel with horizontal or vertical rails. The design is to be included in the house plans for approval.
- 1.4.8.2 No diagonal or free forms will be allowed.

1.5 LANDSCAPING

The landscaping guides aim to preserve and integrate the existing natural open spaces with the new nature based landscaping on the private stands. Plant species are to enhance the Sekhukhune Bushveld landscape and the architectural style envisaged for Mooifontein Eco-estate. The following guidelines apply to every stand:

- 1.5.1 As many as possible of the existing trees must be preserved. Generally only trees within the building footprint may be removed. (See point 4.9.2.26 regarding removal of trees.)
- 1.5.2 No red data species and/or threatened and/or unique plant species to be removed without the permission of MHB Enviro Developments and the Association.

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- 1.5.3 New trees planted must be indigenous and endemic as far as possible. A list of trees, shrubs and ground covers is provided below.
- 1.5.4 No exotic or invader species are allowed.
- 1.5.5 The integration of the landscape design of open space, road reserves and private property is encouraged. Landscaping on the street front of the private stands must be treated as a transition zone between communal space and the private gardens with the introduction of indigenous flora.
- 1.5.6 Residents shall maintain trees, shrubs and ground covers planted by the Developer on their pavements.
- 1.5.7 Vacant stands must be kept free of alien weeds on a regular basis by the Owner to the satisfaction of the Association, failing which the Association reserves the rights to clean the stand at the expense of the Owner.
- 1.5.8 The following trees, shrubs and ground covers are preferred:

1.5.8.1 Trees

-
-
-

1.5.8.2 Shrubs

-
-
-

1.5.8.3 Ground Covers

-
-
-

1.6 MAINTENANCE

The individual owner shall at all times maintain the exterior of the house, the swimming pool, garden, screen walling and decks, to the satisfaction of the Association.

1.7 RESTRICTIONS

- 1.7.1 The restrictions set out herein are in addition to any restriction imposed in terms of the conditions of establishment and conditions of title, town planning schemes, national or any other building regulations, municipal by-laws and the conditions of establishment.

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- 1.7.2 Notwithstanding that, any plans or improvements may comply with any such restrictions imposed by third parties, the approval of any plans or improvements within the Estate shall be at the sole discretion of the Developer.
- 1.7.3 Similarly, compliance with restrictions imposed by the Developer shall under no circumstances absolve Owners from the need to comply with restrictions imposed by third parties, nor shall the Developer approval be construed as permitting any contravention of restrictions imposed by any authority having legal jurisdiction.

1.8 FINES AND PENALTIES

The following fines and or penalties will be applicable:

Transgressions/Offences	Penalty/Fine
Contractors display and notice board non-compliance	R150.00
Illegal Eskom/Water connection	R2 000.00
No toilet/non-functional/no screen around toilet/change area	Zero tolerance plus R250.00
The open spaces not barricaded with shade cloth/dumping on the open spaces	R2 000.00
No bin/skip on site – cleanliness on site lacking	R250.00
Water-mud-cement spilling on road/pathway/pollution	R500.00
Damage to plants, Telkom, Eskom electric box, road and furniture	Cost of repairs plus 50% admin fee
Dumping on sidewalk/adjacent stands/roads	R250.00
The condition of the building site may cause damage or injury to a person or property of a person	Zero tolerance plus R250.00
Failure to control labour force, causing pollution, unnecessary noise or other nuisance	R200.00
Labourer loitering on the Estate	R100.00 per labourer
Speeding, ignoring stop signs, reckless driving, unlicensed vehicle drivers and all traffic violations	R250.00 per offence
Non-compliance with Property access and egress	R250.00
Contractors egress in respect of time restrictions	R250.00
Failure to comply with building procedures and architectural guidelines	R500.00 per calendar day
Damage to the environment in the Conservation area	Cost of repairs plus 50% admin fee