



## **IRENE FARM VILLAGES HOME OWNERS ASSOCIATION**

(NPC incorporated in terms of the Companies Act 2008)

# **RULES AND REGULATIONS WITH REGARD TO ARCHITECTURAL GUIDELINES AT IRENE FARM VILLAGES**

According to Registered Rules

## **1. ARCHITECTURAL GUIDELINES**

### **5.1. INTRODUCTION**

5.1.1. The role of the guidelines is to establish the intent for design and development of the Estate and provide the framework within which development and building applications can be evaluated. The guidelines as set out below are in addition to any regulation or by-laws of the local authority. All structures must also comply with the National Building and National Home Builders Registration Council ("NHBRC") Regulations as prescribed.

### **5.2. GENERAL**

#### **5.2.1 PAYMENTS**

5.2.1.1. A member shall not be entitled to submit his building plans to the ASC, unless and until he has paid all levies and any other amounts due and payable to the HOA in full, from whatsoever cause arising.

5.2.1.2. With submission, a once off plan scrutiny and approval fee is charged.

#### **5.2.2 DEVELOPMENT DEPOSIT**

A refundable non-interest bearing "Development and Street Light deposit" shall be paid by a member, upon submission of his development plans to the ASC to cover the cost of the under mentioned. Such deposit shall be refunded to the member on request, upon completion of the building activities, and after the member has fully complied with the following requirements:

5.2.2.1. Planting of grass and where applicable trees on the sidewalk and the member's own stand and the repair of any damage to the sidewalk, caused as a result of building activities.

5.2.2.2. Removal of all rubble, rubbish and building materials left on the sidewalks, adjoining stand/s, open spaces and the member's own stand.

5.2.2.3. Repairs to any damaged street furniture, streetlights, litter bins, benches, etc.

5.2.2.4. Repairs to any damaged telecommunication, water or electricity boxes or any manhole covers.

- 5.2.2.5. Repairs to any damaged kerbs or storm water drains on the stand boundaries.
- 5.2.2.6. Repairs to any damaged paving and concrete spilt on paved surfaces and not cleaned up properly.
- 5.2.2.7. Repairs to damaged water irrigation pipes or sprinklers.
- 5.2.2.8. Repairs to any cable or pipes damaged during any excavation activities.
- 5.2.2.9. Submission of an Occupation Certificate issued by the Local Authority.
- 5.2.2.10. All boundary walls are plastered and painted (plastered on both sides if garden wall faces the outside of the Property).
- 5.2.2.11. All plumbing exposed from the first floor as well as any electrical and/or other piping or wiring are boxed in.
- 5.2.2.12. Removal of all sign boards.
- 5.2.2.13. Payment of any and all outstanding levies, fees and penalties.
- 5.2.2.14. Unclaimed Development Deposits:
  - 5.2.2.14.1. The Development Deposit held on behalf of the member must be refunded as soon as members are eligible to reclaim the said deposit according to Rule 5.2.2. above.
  - 5.2.2.14.2. Where development deposits for completed building projects are unclaimed for a period of three (3) months or longer after completion of the development, the Managing Agent must send a notification to the owner(s) using the last electronic or postal address on record, notifying the owner(s) that the deposit held will be capitalised by the HOA if no response is received within 30 (thirty) calendar day period after the date of notification.
  - 5.2.2.14.3. All deposits to be calculated must be approved by the Board and declared in the annual financial statements as an exceptional income item.
  - 5.2.2.14.4. Proof that notification has been sent to the owner(s) must be retained by the Managing Agent for a period of at least three (3) years after the notification date.

### 5.2.3 COPIES REQUIRED

- 5.2.3.1. Four (4) copies and an electronic version of the building plans (final drawings) and elevations to be submitted. One copy with the electronic version shall be retained by the ASC for its records, and the others returned with a stamped approval and/or comments to the member for submission to the Local Authority.
- 5.2.3.2. Building plans to include:
  - Dimensions, materials and finishes of all built structures, surfaces, walling and fences;
  - The position, design specification and size of all site details not forming part of the essential structure (e.g. satellite dishes, antennae, air conditioning units, solar heat systems and heat pumps);
  - Indicate the position and type of existing trees, differentiating those to be removed and those to be retained;
  - Proposed landscaping, with a list of plants for each landscaped area; and
  - A site development plan.
- 5.2.3.3. Site Development Plan to include details of:
  - Parking areas. Parking for a minimum of 2 (two) vehicles shall be provided, not intruding into the road reserve nor onto the pavement and excluding the double garage.
  - The open spaces (e.g. laundry yards, private gardens and landscaped areas).
  - Positioning of all buildings.
  - Sections from the North, East, South and West angles showing the envelope as described in Rule 5.2.8.
  - Building lines, servitudes and other restrictions.

- Storm water management.
- Permitted coverage.
- Actual coverage.
- Permitted floor area ratio (“FAR”).
- Actual FAR.
- Cadastral information (i.e. boundary dimensions, north point, etc.).
- Proposed floor levels, ground contours and number of storeys.
- The stand numbers of the stands adjacent to the relevant stand, as well as adjacent street names.
- Any additional relevant information required by the ASC.

#### 5.2.4 APPLICATION OF GUIDELINES

5.2.4.1. All site development and building plans as well as any alteration or addition to buildings (external) received will be evaluated against the Architectural Guidelines. The intent of the guidelines to be defined in each case. Should a member wish to erect a residence or alter an existing building that is not fully in line with the guidelines, the specific application will be evaluated on merit and its potential impact will thus be determined. Should the result of the evaluation be favourable i.e. approved by the Board on recommendation(s) received from the ASC, the application could be approved and the Architectural Guidelines accordingly amended and members will be informed of such amendments.

5.2.4.2. The ASC will evaluate and permit only five (5) building styles within the Property. These styles contribute to the rural earthy feel of the Property. The five styles permitted are:

- Tuscan
- French Provencal
- Georgian
- English Country
- Irene Farm Village style

5.2.4.3 Details of the various styles can be obtained from the Estate Manager’s office.

#### 5.2.5 TOWN PLANNING

5.2.5.1. The guidelines set out below, are in addition to any restrictions/requirements imposed by the conditions of title, town planning schemes or national or any other building regulation, including requirements laid down by the NHBRC for this development. Notwithstanding that any plans or improvements shall comply with any such restrictions/requirements imposed by third parties, the approval of any plans or improvements within the Property, shall be at the sole discretion of the HOA. Similarly, compliance with the guidelines imposed by the HOA shall under no circumstances absolve the member from the need to comply with the restrictions/requirements imposed by third parties, nor shall HOA approval be construed as compliance with the requirements imposed by town planning schemes, building requirements or as permitting any contravention of restrictions of any authority having legal jurisdiction.

#### 5.2.6 DWELLINGS

5.2.6.1. Any dwelling erected on a stand shall have a minimum floor area of 160m<sup>2</sup> (one hundred and sixty square metres) on the ground floor.

5.2.6.2. Site coverage is the portion of the site which is built on and is a ratio determined by dividing the total site area by the ground floor area of the building. This means the percentage of total site area occupied by structures.

5.2.6.3. The ground floor coverage of a dwelling shall not exceed 50% (fifty percent) of the area of the stand. Single storey coverage 50% (fifty percent). Double storey coverage 50% (fifty percent).

- 5.2.6.4. The FAR is the ratio of the total floor area of buildings on a certain location to the size of the land of that location, or the limit imposed on such a ratio. The FAR of any double storey residence may not exceed a ratio of 0.8 of the stand size. Basements are exempt from FAR.
- 5.2.6.5. The ground floor first floor ratio represents the percentage of the first floor coverage divided by the ground floor coverage. (The ground floor coverage may not exceed 50% (fifty percent) of the stand area). The upper storey of any dwelling shall not exceed 60% (sixty percent) of the actual built area of the ground floor structures. This area may not be calculated on the stand area but the footprint of the building.

#### 5.2.7 HEIGHT RESTRICTION

- 5.2.7.1. Not more than two storeys shall be erected vertically above each other, nor shall the height of any part of the structure exceed 8.5m (eight point five) meters above the natural ground level vertically below that point. Architectural projections e.g. chimneys are excluded from this limitation.

#### 5.2.8 BUILDING LINES

- 5.2.8.1. No structures shall be erected outside the building lines imposed by the town planning scheme provided that the HOA shall in its sole and absolute discretion be entitled but not obliged, to support an application to the Local Authority for the relaxation of those building lines. Details of the building lines imposed by the Local Authority are obtainable from the Estate Manager or from the Local Authority building control department.
- 5.2.8.2. Building lines prescribed by the HOA forms an envelope on the member's stand. The purpose of the use of the envelope is to ensure that stands can be developed optimally, i.e. built volume on each stand is maximised in a way that does not adversely affect neighbouring stands. Note that chimneys are allowed to protrude out of this envelope.
- 5.2.8.3. Example drawings of the envelope is attached in Appendix B, while the basics are:
- 5.2.8.3.1. For the first 3 (three) meters of each site on the street side boundary of the stand (of the stand, NOT THE STREET) no building is allowed whatsoever. This is to ensure an open, spacious and interconnected ambience to the development.
- 5.2.8.3.2. The front/street angle of the envelope is 45° (forty-five degrees) in the case of a totally 'flat' stand. On angled stands, add or subtract the gradient of the stand to the 45° (forty-five degrees), depending whether the angle is positive or negative.
- 5.2.8.3.3. The back angle is 1 (one) meter from the boundary, and for double stories, 70° (seventy degrees) to the horizontal, starting from 3 (three) meters high.
- 5.2.8.3.4. The side angle is 1 (one) meter from the boundary, and for double stories, 60° (sixty degrees) to the horizontal, starting from 3 (three) meters high.
- 5.2.8.3.5. Although the envelope is 3 (three) meter high on its sides, the stand boundary walls/art is limited to 1.8 (one point eight) meters. The height of the boundary wall may be increased, subject to the approval thereof by the adjacent neighbour, the recommendation by the Aesthetic Sub-Committee ("ASC") and the approval by the HOA.

#### 5.2.9 TIME LIMITS FOR CONSTRUCTION AND OCCUPATION

- 5.2.9.1. No building operations shall be executed on Saturdays, Sundays or public holidays under any circumstances.
- 5.2.9.2. Building operations on respective stands shall commence within the period as contracted initially with the Developer by the first owner and be completed within 12 (twelve) months thereafter. If not, a penalty shall be applied, without prejudice of any of the HOA's rights to take whatever steps are necessary in terms of the Articles or in law.
- 5.2.9.3. The penalties mentioned in Rule 5.2.9.2. are:
- 5.2.9.3.1. Two (2) times the normal monthly levy for the first six (6) months after date of expiry.
- 5.2.9.3.2. Three (3) times the normal monthly levy for the next three (3) months.
- 5.2.9.3.3. Four (4) times the normal monthly levy, until 31 August 2007.

- 5.2.9.3.4. Penalties regarding empty stands after 31 August 2007:
- 5.2.9.3.4.1. R250.00 (two hundred and fifty rand) per day with effect from 1 September 2007, if the approved house plans by the City of Tshwane building department is not submitted on or before 31 August 2007.
  - 5.2.9.3.4.2. R250.00 (two hundred and fifty rand) per day if building activities has not commenced within a period of 12 months calculated from 15 February 2007.
  - 5.2.9.3.4.3. Prior to 31 August 2007 and during the building period the penalties referred to in Rule **Error! Reference source not found.** will be in force.
  - 5.2.9.3.5. The penalties mentioned in Rule 5.2.9.2. are only to be lifted on presentation of an Occupancy Certificate issued by the Local Authority to the Estate Manager.
  - 5.2.9.3.6. Stands purchased, subsequent to the initial purchase, for the purposes of building would receive a fifteen (15) month exemption on the following conditions:
    - 5.2.9.3.6.1. Building plans submitted to the HOA for approval within three (3) months from date of registration; and
    - 5.2.9.3.6.2. Building activities to be completed within fifteen (15) months from date of registration.
  - 5.2.9.3.7. Should any one of the conditions in Rule 5.2.9.3.4.2 not be adhered to, the penalties as per **Error! Reference source not found.** will be back dated to the date of registration.
  - 5.2.9.3.8. Penalties regarding stands, where building activities have been commenced before 31 May 2008 and no Occupancy Certificate has been issued by the Local Authority on or before 31 August 2009:
    - 5.2.9.3.8.1. R250.00 (two hundred and fifty rand) per day with effect from 1 September 2009 where no current building activities are underway.
    - 5.2.9.3.8.2. Where building activities are currently underway and during the building period the penalties referred to in Rule 5.2.9.2. will be in force.
    - 5.2.9.3.8.3. The penalties mentioned in Rule 5.2.9.3.8.2 are only to be lifted on presentation of an Occupancy Certificate issued by the Local Authority to the Estate Manager.
    - 5.2.9.3.8.4. "Half built" property purchased, for the purposes of completion of the building activities would receive a fifteen (15) month exemption to complete the building activities and obtain the required Occupancy Certificate from the Local Authority.
    - 5.2.9.3.8.5. Should Rule **Error! Reference source not found.** not be adhered to, the penalties as per Rule 5.2.9.3.8.1 will be back dated to the date of registration.
  - 5.2.9.4. The provisions of Rule 5.2.9.2 and the provisions of Rule 5.2.9.3 shall not be applicable to the properties, which are intended to be sold by Irene Land Corporation in accordance with the Application for the establishment of a land development area known as Irene Extension 176 and 177. The following time limits shall be applicable for the properties sold under Extension 176 and 177:
    - 5.2.9.4.1. The building plans must be submitted to the HOA ASC within 3 (three) months from the date of transfer from the Irene Land Corporation to and the registration of the property into the name of the first new owner.
    - 5.2.9.4.2. The building activities (building works) must be completed within 15 (fifteen) months from the date of the registration as referred to in Sub-Clause 5.2.9.4.1 above and the Certificate of Occupation issued by the Tshwane City Council.
    - 5.2.9.4.3. The above time limits shall be binding *mutatis mutandis* on any second or follow up owners to the extent that these time limits shall not be extended, regardless of the number of new owners. Therefore, at all times the building activities (building works) must be completed within 15 (fifteen) months from the date of first registration into the name of the first owner.
    - 5.2.9.4.4. If the building activities (works) are not completed on the due date in accordance with this rule, a penalty of R250.00 (two hundred and fifty rand) per day shall apply until the Certificate of Occupation is issued. The HOA reserves its rights to take whatever steps are necessary in terms of the Memorandum of Incorporation or in law.

## 5.2.10 WATER

5.2.10.1. Water for household use on the Property is supplied by the Local Authority. All stands on the Property are serviced for water supply. Application has to be made for a water connection on each individual stand at the water department at the Local Authority. The Local Authority shall after application and payment of the prescribed fee, do the installation of a water meter, for each stand.

## 5.2.11 SEWERAGE

5.2.11.1. The sewerage connections for the Property are all supplied by the Local Authority. All proclaimed stands are already serviced.

## 5.2.12 ELECTRICITY

5.2.12.1. All proclaimed stands are already reticulated by the Local Authority for electrical supply. The Local Authority shall after application and payment of the prescribed fee, install an electricity meter, for each stand.

## 5.2.13 OTHER

### 5.2.13.1. Exterior Treatment

5.2.13.1.1. All finishing materials, colour combinations and combinations of finishing materials must be submitted to the ASC for its recommendation and approval by the HOA before submission of building plans to the local authority if applicable. The above mentioned must form a harmonious whole with the surrounding residences and general area. The various styles permitted in the Estate, will all contribute to the rural earthy feel of the Estate. All building plans and designs will therefore be evaluated within the said framework. Details of the various styles can be obtained from the Estate Manager's office.

5.2.13.1.2. Only window frame materials and designs forming part of the particular architectural design will be allowed.

5.2.13.1.3. All exterior walls that require painting must be painted in an earth-like colour, which must be approved by the Estate Manager prior to the painting work being carried out. In the instance that the member disputes the decision of the Estate Manager, the matter shall be referred to the HOA Board, whose decision shall be final.

5.2.13.1.4. Any paint work carried out that does not comply with this rule, shall carry a penalty of R5,000 (five thousand rand). Alternatively, the member will be afforded the opportunity to repaint the affected exterior walls within a prescribed period and in accordance with this rule.

### 5.2.13.2. Walls

5.2.13.2.1. Wall finishes may be plastered and painted, face brick or stonework. No raw or unfinished plaster will be permitted. In cases where rough or textured plaster work, or a paint-technique finish is proposed, the HOA may request a sample before granting approval. External woodwork - for instance exposed beams, pergolas, shutters, etc. must be regularly maintained to the satisfaction of the HOA. All painted surfaces must be regularly maintained to the satisfaction of the HOA. All exterior walls without a roof must have a coping that meets with the approval of the HOA.

### 5.2.13.3. Roofs

5.2.13.3.1. Roofs may be gabled or hipped as is appropriate to the architectural design of the home. Roofs will be evenly double-pitched and such double-pitched roof will constitute no less than 80% (eighty percent) of the roofed area of the dwelling, including outbuildings and patios. The remaining roofed area may be flat-roofed. Flat roofs must be constructed as a concrete slab surrounded by parapet walls and a non-reflective finish. No mono pitches will be allowed. Calculations for the pitched and flat roof ratios must be included with the building plans for approval.

5.2.13.3.2. Concrete tiles and slate roofs are permitted. Colours are to be approved by the HOA who may request a sample of the intended tile if necessary. No thatch or metal sheeting will be permitted.

#### **5.2.13.4. Garages**

5.2.13.4.1. Colours and/or design of the doors are to be approved by the HOA who may request a sample of the intended garage doors. No sink/metal sheeting will be permitted. The following garage doors will be allowed:

- Wood,
- Powder coated metal imprints, and
- Wood/steel combinations;

5.2.13.4.2. No garage, tool shed or storage room placed separately from the residence will be allowed without the approval of the HOA. Each dwelling shall have a private lock-up garage for a minimum of two and a maximum of four vehicles. Any carports must be approved by the HOA within the framework of the total design of the residence and aesthetical quality of the area. No shade netting will be permitted.

5.2.13.4.3. Any garage door that does not comply with Rule 5.2.13.4.1. shall carry a penalty of R500.00 (five hundred rand) as per Rule **Error! Reference source not found.** The member will be afforded the opportunity to install a garage door provided for in Rule 5.2.13.4.1 or to obtain approval from the Board on recommendation by the ASC as provided for in Rule 5.2.4.1.

#### **5.2.13.5. Driveways**

5.2.13.5.1. All driveways shall have a paved, stable, permanent surface. No painted or asphalt driveways will be allowed. The following driveway materials will be allowed:

- Brickwork
- Pavers (excluding interlocking pavers)
- Cement cobbles or simulated stone cobbles.

5.2.13.5.2. In the instance where the condition of an existing driveway has deteriorated to such an extent that maintenance is required, the painting of the driveway as a last resort will be allowed by the Board with the following conditions:

5.2.13.5.2.1. Pre-approval for the painting of driveways must be obtained from the Board in writing;

5.2.13.5.2.2. Only earth like matt colours shall be approved by the Board;

5.2.13.5.2.3. Only commercial recognised paving paint shall be allowed;

5.2.13.5.2.4. The painting of kerb-stones is strictly prohibited; and

5.2.13.5.2.5. Any driveway that does not comply with this rule, shall carry a penalty of R5,000.00 (five thousand rand). The member will be afforded the opportunity to redo the driveway to comply with Rule 5.2.13.5.1. within a prescribed period or to obtain approval from the Board to paint the driveway in terms of Rules 5.2.13.5.2.1.- 5.2.13.5.2.5.

#### **5.2.13.6. Swimming Pools and Tennis Courts**

5.2.13.6.1. Any swimming pool or tennis court to be constructed to the specifications of the ASC, which include, but are not limited to the following:

- Composition of the construction material thoroughly tested and accepted by the industry for such construction.
- Fencing of a pool area on the street frontage must be in harmony with the architectural design of the dwelling. No sparred steel fencing will be allowed.

5.2.13.6.2. Any pool area otherwise accessible from public areas must be provided with a childproof gate.

#### **5.2.13.7. Sight distance at intersections**

5.2.13.7.1. No walls, hedges, shrubs and/or foliage higher than 1 (one) metre will be allowed on corner stands within the street splays as created by a street intersection. Any trees within these areas shall be maintained in such a way as not to interfere with sight distances.

#### **5.2.13.8. Air-conditioning units**

5.2.13.8.1. Any such units on the outside of walls shall be effectively screened and camouflaged to the satisfaction of the HOA.

5.2.13.8.2. Units not to be fitted higher than 1.5m (one point five metres) from the natural ground level on the outside of walls.

#### **5.2.13.9. Awnings**

5.2.13.9.1. Only awnings, canopies or shutters as approved by the HOA will be allowed.

#### **5.2.13.10. Antennae & Aerials**

5.2.13.10.1. No antennae or aerials (including satellite dishes) affixed to a building shall protrude above the highest point of any building without the approval of the HOA.

#### **5.2.13.11. Signs**

5.2.13.11.1. With the exception of professional signs not exceeding dimensions of 300mm (three hundred millimetre) by 600mm (six hundred millimetre), no other signage will be allowed. Property Agents marketing boards will only be allowed directly in front of the relevant property. A standard size for these boards will be determined by the HOA. Only agents approved by the HOA may operate within the Property.

#### **5.2.13.12. Boundary Fencing/ Walling**

5.2.13.12.1. All boundary fencing will consist of brickwork, or any other material approved by the HOA. No pre-cast walling of any nature will be allowed. No street frontage boundary fencing of any kind will be allowed. Side boundary fencing between the relevant envelope for the dwelling and the street boundary is restricted to a natural hedge not higher than 0.5m (point five metres).

#### **5.2.13.13. Miscellaneous**

5.2.13.13.1. Solar water heating systems are defined, for purposes of this rule, as a system which consists of one, or more solar panels, which are installed on the exterior sloping area of the roof and the solar geyser which should be installed in the roof voids. Alternative to the solar geyser being installed in the roof voids, the geyser may be installed on the exterior sloping area of the roof. However, the geyser may not be installed on any form of rack, or structure that causes the rack and/or geyser to exceed above the ridge of the roof. The colour of the geyser must match the colour of the roof. No exposed pipes are permitted above the first-floor level. Any existing solar panels, or geysers that have been installed on the roof, and any solar panels and/or geysers which will be replaced, must conform to these rules. Prior to the installation of a solar water heating system, approval must be obtained by the member from the HOA.

5.2.13.13.2. Outbuildings and additions shall match the original design and style, both in elevation and in material usage.

5.2.13.13.3. Staff accommodation and kitchens shall open onto a screened courtyard or patio.

5.2.13.13.4. Yard walls and screen walls shall complement the basic materials of the buildings.

5.2.13.13.5. All washing lines and kitchen courtyards or entrance to staff quarters shall be fully screened from the street elevation or other visible elevations, i.e. from the open spaces or neighbouring stands.

5.2.13.13.6. All geysers and pipes fitted outside on flat roofs are to be enclosed in an aesthetical pleasing enclosure.

5.2.13.13.7. All plumbing drain pipes from the first-floor level shall be enclosed or screened from public view from the street or the open spaces and from neighbouring properties. (Cavity wall or duct designs are encouraged). To screen ground floor ventilation, OVPs and drainpipes, landscaping is encouraged.

5.2.13.13.8. No porta-pools above natural ground level shall be permitted.

5.2.13.13.9. Water tanks may be installed. The water tanks must not be visible from the street front. The colour of the water tank, including that of any gutters and or downpipes must be an



aesthetically pleasing earth like colour, which must satisfy the HOA. Members must inform the Estate Manager of the installation of the water tank(s).

5.2.13.13.10. Chimneys: Steel Free Flow: The **new** installation of any kind of steel free-flow chimney must be pre-approved by the HOA.

#### **5.2.13.14. Use of Generators**

5.2.13.14.1. Generators must be positioned out of sight from the street front.

5.2.13.14.2. Generators must have a manufacturer's low noise level function measuring 75 d/m (seventy-five).

5.2.13.14.3. If the generator is installed on the outside of the building, it must be screened off to the satisfaction of the HOA Board.

5.2.13.14.4. All visible cabling must be placed in an approved duct as prescribed in the industry and to the satisfaction of the HOA.

5.2.13.14.5. All generators must be equipped with a change-over switch.

5.2.13.14.6. It is the Owner's responsibility to ensure that the installation is done according to the relevant laws, by-laws and regulations.

5.2.13.14.7. Members must comply with these guidelines.

#### **5.2.13.15. Solar Power Systems**

5.2.13.15.1. A solar power system is defined, for purposes of this rule, as a system, which consists of one or more solar photovoltaic panels, which panels are installed on the exterior sloping area of the roof of a dwelling for purposes of generating solar power.

5.2.13.15.2. Prior to the installation of a solar power system, approval for the installation of such system must be obtained from the HOA. The HOA has the right to request a design sketch and/or photo of the intended solar power system.

5.2.13.15.3. The solar panels or any other equipment, which are part of such system, are not permitted to exceed above the ridge of the roof of the dwelling. If the panels are installed on any form of rack, or structure, such rack or structure is not permitted to exceed above the ridge of the roof of the property.

5.2.13.15.4. All exposed cabling must be installed in a duct. The duct must match the colour of the roof or the exterior walls of the property.

#### **5.2.14 SERVITUDE**

5.2.14.1. There is a 4 (four) metre security servitude on the perimeter fence. No structures may be erected and no gardening, other than the planting of grass is permitted within the servitude.

#### **5.2.15 GEO-TECHNICAL STANDARDS**

5.2.15.1. The members of the HOA, their tenants and contractors shall at all times adhere to the Dolomite Risk Management requirements according to the By-laws of the City of Tshwane Metropolitan Municipality, which shall include all Geo-Technical Standards set by the Municipality and/or in accordance with the National Building Regulations or any Dolomite Risk Management Plan adopted from time to time by the Board for execution thereof by the members. Any non-compliance by a member with this rule shall carry a penalty of at least R150.00 (one hundred and fifty rand) per day or per incident.

5.2.15.2. Water leaks: The Estate Management shall from time to time carry out water leak inspections, which shall include the inspection of household water meters. In the instance where the Estate Management notifies a member in writing that his water meter appears to be leaking, then in such instance the member of the property shall at his own costs ensure that the leak is inspected by a qualified plumber or a leak detection expert without delay and submit a progress report or a fault finding report to the Estate Management within 7 (seven) days after such notice. If a water or sewer leak is detected on the property of a member, then the member will be responsible to have such leak repaired at his own costs without any delay. The non-compliance by a member of this rule shall carry a penalty of R500.00 (five hundred rand)

together with a compliance date. The failure or refusal by the member to comply with duly given notice could result in further penalties until fully complied with.

#### 5.2.16 LANDSCAPING

5.2.16.1. All members are encouraged to plant exclusively indigenous trees and shrubs in their private gardens to assist in collectively attracting bird and insect life to the Property.

5.2.16.2. The landscaping of the open spaces and pedestrian pathways shall be approved by the HOA.

#### 5.2.17 SECOND DWELLINGS

##### **5.2.17.1. General:**

5.2.17.1.1. These second dwelling rules must be read in conjunction with the current HOA Rules;

5.2.17.1.2. The HOA may, on application by the owner of an erf give consent to or refuse a dwelling being sub-divided in such a way as to accommodate more than one family.

5.2.17.1.3. No owner may erect and use more than 1 (one) dwelling unit on an erf, which zoned residential 1 (one).

5.2.17.1.4. Any staff quarters having any similarity to the conditions below will be regarded as a second dwelling.

5.2.17.1.5. The floor area of staff quarters shall not exceed 40m<sup>2</sup> (forty square metres) including ablutions.

5.2.17.1.6. The staff quarters may not be detached from the main dwelling.

5.2.17.1.7. No additional garage shall be provided on site for the staff quarters.

5.2.17.1.8. All the rooms in the main dwelling and outbuildings to be clearly designated and in accordance with the Local Municipal requirements.

5.2.17.1.9. Staff quarters may only be constructed concurrently or after the successful construction the approved dwelling.

##### **5.2.17.2. Special and over-riding conditions:**

5.2.17.2.1. It is a specific condition that two kitchens or kitchenettes will not be allowed and any plumbing suspect of such an intension will be rejected.

5.2.17.2.2. A staff quarter may not be multi-storey. Motivation must be given if sited on the first floor of a dwelling. The HOA may request the written consent of the directly affected adjoining owners which shall include the endorsement, of signatures, full names and addresses on the relevant plans, save that in the event of one or more adjoining owners refusing endorsement the consent of the HOA shall be final and binding.

##### **5.2.17.3. Building lines:**

5.2.17.3.1. For the approval of staff quarters, encroachment over the stipulated building lines will not be allowed without the neighbours' consent with due regard to the Architectural Guidelines pertaining to the FAR and envelope.

##### **5.2.17.4. Privacy:**

5.2.17.4.1. For the approval of staff quarters, the owner will have to comply with maximum privacy requirements deemed necessary by the HOA.

##### **5.2.17.5. Artist impression:**

5.2.17.5.1. Should the HOA view any submission as a second dwelling, the HOA will request the applicant to submit a 3D Artist Impression by an Architect.

##### **5.2.17.6. General HOA conditions:**

5.2.17.6.1. A dwelling may not be sub-divided and sold off at any stage under any circumstances.

5.2.17.6.2. The HOA reserves the exclusive right to include any further condition to the above at any stage, or to overrule any ambiguous situation at any time.

5.2.17.6.3. The decision of the HOA at concept and/or working drawing stage will be final and binding.

5.2.17.6.4. Any addition or alteration deemed to be a second dwelling by the HOA will be considered in terms of these rules. This Rule applies retrospect and/or for future submissions being made.

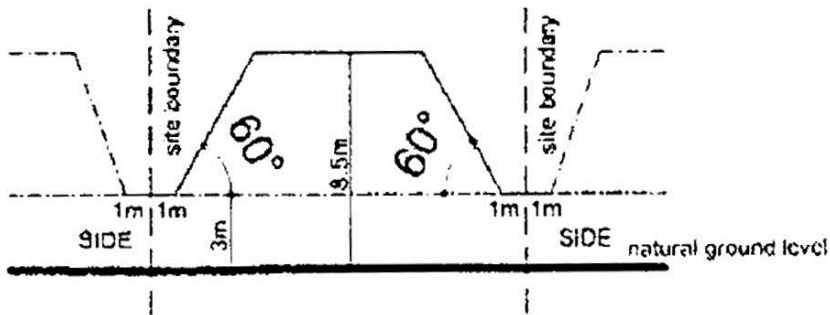
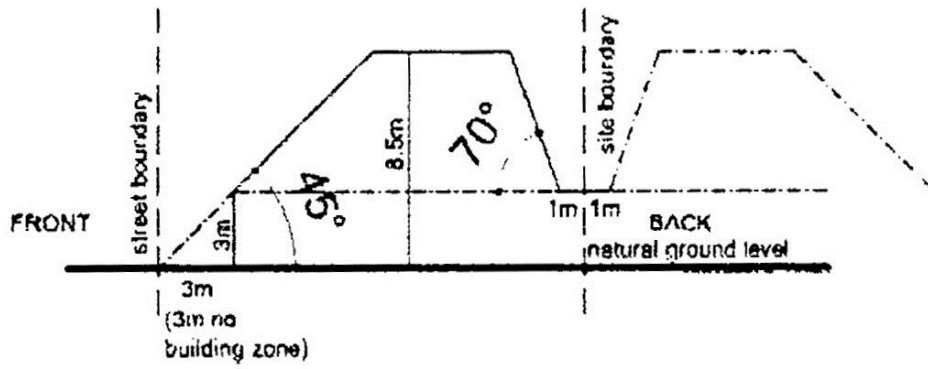
#### 5.2.18 DAMAGE TO HOA PROPERTY

5.2.18.1. The damage to any HOA property is prohibited. The transgression of this rule shall carry a minimum penalty of R500.00 (five hundred rand). The responsible member in terms of the HOA Rule **Error! Reference source not found.** shall be liable for any costs incurred by the HOA, or on behalf of the HOA to repair or replace the damaged property to the original or natural condition that it was in before the damage thereof.

#### 5.2.19 VERBAL ABUSE

5.2.19.1. Any form of abuse of any HOA member, Director, office bearer, staff member of the HOA or any person acting on behalf of the HOA is prohibited. The transgression of this rule shall carry a minimum penalty of R1,000.00 (one thousand Rand).

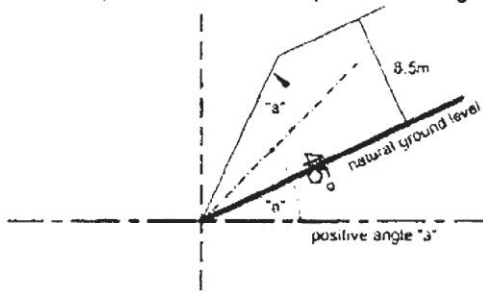
### APPENDIX B – BUILDING ENVELOPE:



The "front" angle is at 45 degree in the case of a totally "flat" site.

On "angled" sites, determine one "average" angle:

- on sites with a "positive" angle, add that average angle to 45 degree.



- on sites with a "negative" angle, deduct 75% of angle "a" from 45 degree.

