

## POLICY: ARCHITECTURAL AND BUILDING RULES AND REGULATIONS ANNEXURE B TO THE RULES OF CONDUCT

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### ATTACHMENTS

- A: DETAILED PLAN APPROVAL PROCESS – CATEGORY A, B & C
- B: CONTRACTORS AND OWNERS CODE OF CONDUCT – CATEGORY A
- C: CONTRACTORS AND OWNERS CODE OF CONDUCT – CATEGORY B & C
- D: SCRUTINY FEES, DEPOSITS AND PENALTIES

## INTRODUCTION

The object of the Homeowners Association (hereafter referred to as the HOA) is to promote, advance and protect the communal interest of its Members and in particular in so promoting such interests, to provide, promote and maintain essential and community services, amenities and activities within San Lameer.

The Memorandum of Incorporation of the HOA make provision for the establishment of a Town Planning and Amenities Committee, hereafter referred to as the TPAC, which shall consist of at least two independent specialists in the construction field and the managing director.

The requirements of these Rules and Regulations are in addition to:

- a. Criteria used for building plan approval by the Local Authority as well as the National Building Regulations;
- b. The San Lameer Master Homeowners Association Town Planning Scheme, hereafter referred to as the San Lameer Scheme, as amended from time to time.

TPAC of the HOA uses these Rules and Regulations when scrutinizing plans submitted by owners. The Rules and Regulations may be amended by the Board of Directors from time to time, on recommendation by the TPAC, as the Board of Directors may see fit.

## OBJECTIVES OF THE ARCHITECTURAL AND BUILDING RULES AND REGULATIONS

The size, appearance and nature of the buildings in San Lameer are essential ingredients of the overall environment and the unlimited extension of existing dwelling units can lead to distortion of this environment. While these distortions may not appear critical to individual owners seeking the approval of particular extensions, the effect will be a loss of overall environmental quality. The units are designed to blend with each other in a harmonious manner so as to generate a certain character and ambiance. It is therefore essential to retain the original form in order to maintain this harmony.

It is also important that there be a consistency of architectural style and building materials throughout San Lameer in order to create an unobtrusive environment integrated into the existing environment. It is for this reason that certain styles, materials, colours and various building elements have been excluded from the development of San Lameer.

It is the intention of this Policy to act as a set of Rules and Regulations for owners, purchasers and professionals in the planning, design and development of the following categories of building and construction activities:

- a. **Category A** – New dwellings or extensions, additions and alterations to existing dwelling including those related to the amendment to the San Lameer Scheme as approved by the Ray Nkonyeni Local Municipality (RNM) on 25 August 2020 and the building/addition of a swimming pool;
- b. **Category B** – Renovations and or maintenance to the exterior of existing dwellings;
- c. **Category C** – Renovations, maintenance and or upgrade to the interior of dwellings including structural renovations and maintenance.

In regards to the above, the following definitions shall apply:

- a. The term “**extension**” shall include any structural improvement falling within the definition of “building” in Clause 2 of Special Zone 80 generally referred to as the San Lameer Scheme, namely “**any permanent or temporary structure, alteration or addition to a structure, of an immovable nature, above, below or at ground level for whatever purpose used including, in particular, but without affecting the generality of**

**the foregoing, any void, tank, air conditioning unit, swimming pool, spa bath, radio mast or television aerial (other than a mast or aerial consisting of a single vertical pole), and any wall, retaining wall or fence higher than 1,8m but excluding any temporary structure erected in connection with building operations and, at the discretion of the HOA or the TPAC, structures such as cantilevered lean-to roofs and lightweight awnings, each 5m<sup>2</sup> or less in area, which are affixed to any residential structure, ramps, pergolas and posts as well as fountains and other landscaping ornamentation".**

- b. The term **"renovations and maintenance"** to the exterior of existing dwellings shall include any work done to an existing dwelling where the same nature and appearance of the exterior are maintained, namely, but not limited to, **"the replacement of timber decks and staircases with similar or concrete structures, replacement of exterior air conditioner units, replacement of paving, replacement of timber with similar or Aluminium regarding windows, doors and balustrade, replacement of patio tiles and the maintenance of swimming pools"**;
- c. The term **"renovations, maintenance and upgrade"** to the interior of an existing dwelling shall include any remodeling work done of improving and or restoring a broken, damaged, or outdated interior of a dwelling, namely, but not limited to, **"painting, installing new flooring, replacement of items like cabinet knobs and faucets, improving performance by either altering the scope of a structure, providing additional facilities or improving existing facilities including kitchens and bathrooms"**. In this regard the principle is followed that a kitchen remains a kitchen and a bedroom remains a bedroom, but repairs and updates are made. Reconfiguration of the lay-out and design of the interior plan may be done, but the number of bedrooms shall remain the same.
- d. The term **"existing dwelling"** shall mean any dwelling unit that has been completed and has been the subject of a change in ownership from the original developer of the unit in question to a purchaser, has been completed and an occupancy certificate issued by the local authority.

## **REGISTRATION OF PROFESSIONALS (ARCHITECTS / SENIOR TECHNOLOGISTS / DRAUGHTSMAN / STRUCTURAL ENGINEERS) AND CONTRACTORS**

In order to ensure quality, design integrity and professional involvement, owners are encouraged to make use of the services of professionals. A list of HOA approved and registered professionals is available at the offices of the HOA.

Should the owner elects to use his own professional team, the minimum requirement would be to use the services of a professional registered architect and a professional registered structural engineer. Prior to the submission of plans, the owner shall ensure that his architect and structural engineer are registered with the HOA. Registration with the HOA will be subject to being in good standing with the HOA and TPAC including the following:

- a. The architect must be registered as a professional architect as stipulated in the Architectural Profession Act No 44 of 2000; (Recent SACAP certificate to be handed in to TPAC);
- b. The architect will undertake in writing to act in accordance to the Code of Professional Conduct as prescribed by The South African Council for the Architectural Profession (hereafter referred to as SACAP);
- c. All dwellings constructed or extended in accordance with Category A of these Rules and Regulations shall be designed by registered, professional architects;
- d. The Structural Engineer must be a professional registered engineer with The Engineering Council of South Africa. (ECSA);

Should an owner insist on the services of an architect who is not approved by and registered with the HOA, or a senior architectural technologist or draughtsman, the owner should, prior to any work being done, consult with the MHOA. Registration with the HOA will be subject to being in good standing with the HOA and TPAC including the following:

- a. The architect must be registered as a professional architect as stipulated in the Architectural Profession Act No 44 of 2000; (Recent SACAP certificate to be handed in to TPAC);
- b. The architect will undertake in writing to act in accordance to the Code of Professional Conduct as prescribed by The South African Council for the Architectural Profession (hereafter referred to as SACAP);
- c. Appropriate house design experience by means of a portfolio of evidence including proof of technical and design capabilities to the HOA satisfaction;
- d. The architectural technologist must be registered as a senior architectural technologist as stipulated in the Architectural Profession Act No 44 of 2000;
- e. The technologist/draughtsman will undertake to act in accordance to the Code of Professional Conduct as prescribed by the SACAP and TPA;
- f. Proof of appropriate Indemnity Insurance shall be submitted;
- g. Senior technologists and or a qualified draughtsman may be used to design external and internal renovations/remodelling in accordance with Category B and Category C of these Rules and Regulations. Computer generated sketch plans with sections and dimensions may be considered when considering Category B and C applications depending on the scope of works.

The registration with the HOA will be considered on the quality of submission of a first concept in San Lameer. Architectural technologist's and draughtsman registration expire on 31 December every year. The HOA shall be entitled to remove any architect/technologist/draughtsman from their registration, or refuse to re-register such a person, should the standard of work or adherence to the Architectural and Building Rules and Regulations not be to the satisfaction of the HOA.

All architects, who are not on the approved and registered list of the HOA, senior architectural technologists, draughtsman and structural engineers are conditionally registered with the HOA subject to the successful first submission of plans at stage 1 for one stand only. The HOA will under no circumstances be liable to an owner in the instance of an architect, technologist, draughtsman or structural engineer not being approved for registration.

Should the owner be a building contractor himself, he can elect to construct or extend his own dwelling or where an owner has reasonable arguments to propose that he may want to appoint his own building contractor of choice, the following conditions have to be met prior to any approval being granted by the HOA:

- a. Documentary proof shall be submitted that the contractor is a registered building contractor. A complete company profile, list of references on previous contracts and proof of registration with the MBSA/MBA and NHBRC shall be submitted to the TPAC;
- b. The signing of the Building Contractor's Code of Conduct;
- c. Proof of appropriate Indemnity Insurance shall be submitted and Code of Conduct signed;
- d. The contractor, being an owner or not, who was approved by the HOA to construct a dwelling, may be removed from the building site by the HOA for any good reason regarding the non-conformation to the Architectural and Building Rules and Regulations. In such a case the owner shall appoint a HOA approved contractor to complete the dwelling.

## **SCRUTINY FEES AND DEPOSITS PAYABLE**

The HOA charges a fixed sum as plan fees for scrutiny and building control during the construction process. This fee (Attachment D) shall be paid before or at the time of STAGE 1 of submitting the plans.

A building performance deposit (returnable “Deposit”) as determined by the HOA is also payable on submission of plans. This amount will be used in event of a breach of non- performance to remove rubble or make good any damage caused by the contractor or his sub-contractors or suppliers, including but not limited to kerbing, landscaping, community services, roads, irrigation and or any outstanding construction works. Any costs in excess of the Deposit will be billed directly to the owner.

Plans that that have not been approved must be corrected and resubmitted for approval. These amendments will not attract a fee, but any amendment, after approval, will attract a fee per submission as stipulated in Attachment D, scrutiny fees, deposits and penalties.

## **PLAN APPROVAL AND PROCESS**

The plan approval process is set out in detail in appendix A to this document, being Annexure B to the San Lameer Rules of Conduct.

Submission of proper scaled building plans for approval will be evaluated by the TPAC and a recommendation for final approval by the Board of Directors will be granted if, in the opinion of the TPAC, the design successfully communicates the desired architectural language and character of San Lameer. The TPAC normally meets on a quarterly basis in March, May, August and November to approve plans. The dates of such meetings are available from the HOA Office. Plans must be submitted at least one week before the date of the next meeting, suitably endorsed and signed by the owner of his authorising representative, to ensure the necessary checks and scrutiny can be performed before the meeting.

Any deviations from detailed working drawings have to be approved by the TPAC prior to construction. The TPAC may at its discretion stop construction and insist that the unapproved building be demolished or rectified at the owner’s cost.

In approving any applications in terms of the San Lameer Scheme, the Local Authority may impose any conditions it deems fit and shall take any representations received from the applicant, adjacent owners and the San Lameer Master Homeowners Association into account.

## **ARCHITECTURAL AND AESTHETICAL REQUIREMENTS**

The architectural harmony of the group of dwellings in which the dwelling unit to be built, extended and or added to and or renovated, is situated, is of utmost importance. This principle shall apply when applications are considered by the TPAC taking into account such factors as external materials and the sense of balance and proportion within which it fits into the elevation facades.

### ROOFS

Only double and mono pitch roofs will be allowed with a minimum/maximum slope 18 to 25°. The prescribed roof tiles are Terracotta Riviera (Coverland) or Terracotta Monarch (Marley) or a similar pattern and colour concrete roof tiles.

### WALLS (EXTERIOR)

The specifications for the external wall finish, which may be changed by the HOA as they deem fit, are:

- a. Marmaran Earthcote (Resin based) – Trowelled only (preferred for new units as well as upgrade and extension projects);
- b. Inkwazi (Resin based) – Painted, brushed, trowelled and brushed or scratch/strata plaster (preferred for new units as well as upgrade and extension projects);

- c. Gamma Zenith (Resin based) – Brushed, trowelled and brushed or scratch/strata plaster (preferred for new units as well as upgrade and extension projects) ;
- d. Decade water sealer clear coat – Sprayed or brushed preferred for (existing wall coat finish);
- e. Decade Dekalite Masonary Paint San Lameer Beige 2 – Brushed (preferred for smaller existing wall coat finish and maintenance);
- f. No cladding on the exterior of villas permitted;
- g. Retaining walls: Brick or concrete, plaster with pigmented texture plaster as approved by the TPAC;
- h. All exteriors to match the existing San Lameer exterior wall colours.

No boundary walls may be constructed or erected.

### WINDOWS AND DOORS

The front door shall be in natural timber stained brown colour Mahogany (WST5) or Imbuia. Alternatively a Mahogany or Imbuia framed door with glass panel and/or sidelight may be installed.

All garage doors and window frames shall be in natural solid timber, for example Meranti, stained brown colour Mahogany or Imbuia, but a Bronze or a Walnut finish solid Aluminium may also be used.

### GLASS

Except for the bathrooms, where obscured glass would normally be installed, all windows and glass-doors should receive clear glass. All glass should be non-reflective and no tinted layers may be applied.

E-glass, or energy efficient glass, may be used, but subject to the owner and architect ensuring that the type of glass is non-reflective and is subject to a special application to the TPAC for approval before installation

### BURGLAR BARS

No burglar bars and or external burglar doors are permitted.

### WINDOW SHUTTERS

Window shutters shall be in natural timber stained brown colour Mahogany or Imbuia, but a Bronze or a Walnut finish Aluminium may also be used.

### EXTERNAL WINDOW SILLS

Only plastered sills will be allowed.

### GUTTERS AND DOWN PIPES

Dark brown anodised aluminium gutters and PVC downpipes, painted Mocha, shall be used. Preferably only non-corrosive fixing material shall be used.

### BALUSTRADES

The balustrade at dwellings shall be natural timber stained brown colour Mahogany (WST5) or Imbuia, sections size 65 x 42.5mm/4.5mm; top rail to match and curved. Alternatively, Bronze or Walnut finished Aluminium may be used, sections size 65 x 42.5mm/4.5mm with the top rail to match and curved.

Aluminium framed supported glass balustrade, preferably amour-plated, but also laminated if supported on all corners with minimum 6mm in 850mm frames and 8mm above 850mm. Frameless glass balustrade may also be installed, minimum 15mm amour-plated glass, or if a top handrail is fitted, 10 to 12mm amour-plated glass, subsequent to a balustrade schedule submitted to and approved by TPAC. All glass shall show the stamp of the supplier.

### FASCIAS

All fascia boards shall be in fibre cement and painted in a Mocca brown PVA paint.

### VERGE TILES

The verge tiles shall be the standard verge tiles colour terracotta fixed with non-corrosive nails.

### SIGNAGE

Clay unit numbers, to be displayed on the front road-side exterior wall of the dwelling, may be purchased from the HOA Maintenance Department. No other signs (such as names, company names) are permitted.

### EXTERIOR LIGHTING

San Lameer is a registered conservancy and the lighting should be as dim as possible without causing a safety hazard. Therefore down and up lighters are mainly used, but the TPAC may decide on devices from time to time. Owners or their representatives and architects should submit a sample for approval to management if there is a departure from the devices already installed at dwellings.

### LANDSCAPING

Owners shall only make use of indigenous trees and shrubs normally found on the KwaZulu-Natal South Coast for landscaping and gardens.

Existing indigenous trees must be preserved as far as possible and may not be removed without the consent of the TPAC. Building designs shall, where possible, take existing trees into consideration. Where existing trees are damaged or removed without prior consent from the TPAC, the owner will be obliged to replace the tree at his own cost.

All areas of the garden that are visible from the street (including sidewalks), must be landscaped before occupancy. A minimum requirement is that these areas be planted with instant lawn. A landscape development plan shall be submitted for approval regarding all Category A construction activities (new dwellings and extensions/alterations)

Maintenance of landscaping on stands and common property will be conducted in accordance with the agreement signed between the HOA and the service provider and is therefore the responsibility of the HOA.

### PAVING

Paving shall conform to the high standards prevailing within the San Lameer Estate to ensure the harmonious development of the San Lameer Estate. For paving on any private stand or common property surrounding a dwelling, the standard San Lameer tan bevel edged, flat 15 mpa pavers should be used according to NHBRC requirements (NHBRC Compliance 2.8.3.29).

Owners may request to use another type of paver, cobble stone or stepping stone, but an official request together with the sample shall be submitted to management prior to the installation.

### CARPORTS

Carport structures shall be constructed consisting of concrete columns and beams, painted dark brown (Mocca).

The roof shall consist of Big 6 Everite Fibre Cement roof sheeting or IBR sheets, covered with Coverland Riviera or similar pattern and colour concrete roof tiles. Terracotta verge tiles shall be installed on all sides except over gutter. The gutters shall be dark brown Aluminium gutters and Aluminium or PVC dark brown downpipes shall be used.

### PATIOS

Patios may be constructed using timber or concrete. If tiled, a darker shade of beige, grey, brown or terracotta tiles shall be used. No white, pastel or multi coloured tiles will be allowed. Owners may submit a tile sample to management if there is uncertainty about the colour and style of the tile.

### EXTERNAL AERIALS DEVICES

All types of external aerial devices except for one satellite dish per stand/dwelling, are prohibited. Satellite dishes may not be attached to the exterior wall of a neighbouring villa and may not interfere with the aesthetics of the dwelling. Satellite dishes and the supports shall be painted Mocca excluding the LNB.

### AWNINGS

Awnings installed on patios shall be dark brown or green in colour. Sandstone and Charcoal Tan coloured roller blinds in a material made by Ventolite Awnings or number A4714 made by Shade Weave, may also be used. The awning shall be installed behind a supporting beam so that it shall not be seen when facing the dwelling. Furthermore, the awning shall be folded away or rolled up if the dwelling is not occupied.

### PERGOLAS

A pergola shall be a freestanding structure or a structure with open sides attached to the building and consisting of parallel colonnades, columns or posts, that support an open roof of cross-beams, girders or cross-rafter that are at least 45mm apart from each other. The material to be used for pergolas is timber or Aluminium on brick support columns. A retractable device made of canvass or similar may be installed on top of the pergola and temporarily deployed to provide shelter from inclement weather. The pergola should blend in with the aesthetics and ambiance of the buildings in San Lameer.

### AIR CONDITIONING UNITS

Air-conditioning units shall be designed in new buildings to be screened from direct view and all pipes and fittings placed in in-wall trunking. Exterior air conditioning units shall be painted Mocca.

All future installations shall conform to the following:

- a. As near as possible to ground level inside a walled area or screened by vegetation if positioned outside of any walled area;
- b. In multiple ownership developments, not attached to any wall or screen wall shared with a neighbour;
- c. All exterior air conditioning units painted Mocca;
- d. All pipes and fitting inserted into trunking, properly attached to the exterior wall of the Unit and painted Mocca.

### COMPLIANCE WITH THE NHBRC

Along with the promulgation of the Housing Consumer Protection Measures Act (Act 95 of '98 as amended from time to time) a regulatory body known as the National Home Builders Registration Council (NHBRC) was established. From the end of 1999 it became compulsory for all homebuilders to register and for new dwellings homes to be enrolled with



the NHBRC. An owner of a new home will have a 5-year Standard Home Builders' "warranty", provided the correct procedures are followed.

The NHBRC issued a "Home Building Manual" in February 1999 which sets out the requirements to be met during the planning stage (Part 1 of the NHBRC manual), the design stage (Part 2) and the building stage (Part 3). Items addressed in the NHBRC Manual ranges from foundations to walls, trusses and roofs. (Note: A copy of the NHBRC Manual may be obtained from the NHBRC).

Owners and appointed architects shall ensure that all NHBRC requirements are met during the planning and design stage of building as constructed under Category A of this policy (new dwellings and extensions/alterations) and that plans submitted to the TPAC reflect such requirements. The owner is also advised that enrolment with the NHBRC is a pre-requisite for the registration of a bond against a title deed. In order to enrol a dwelling to be constructed a specified procedure must be followed which requires amongst others, that an engineer be appointed and an NHBRC registered contractor be used (a separate procedure describes the owner-builder option).

### MISCELLANEOUS RULES AND RECOMMENDATIONS

As follows:

- a. No spa-bath of any type or swimming pool, be it of permanent or semi-permanent nature, shall be installed outside of any unit in Coppers Creek (Lot 19 to 35 and Lot 103) or any other sectional title units (Lot 37, Lot 124, Units 10401 to 10426).
- b. No owner/member may change the land use right for which his/her stand or dwelling unit has been zoned.
- c. No shade net structures shall be erected, be it permanent or temporary, for any use.
- d. Mechanical equipment and plants such as air-conditioners (and grills), pool and heat pumps, etc. shall be designed into the buildings and/or adequately enclosed or screened off from view
- e. Washing lines shall be concealed from the street and neighbours natural ground level;
- f. The erection of Thatch or any other lapa at residential dwellings shall not be allowed.
- g. Unapproved retrofitted awnings shall not be allowed.

### **TOWN PLANNING: GENERAL SCHEME CONTROLS**

In terms of the San Lameer General Scheme the TPAC may approve the following extensions to existing dwellings:

- a. Decks and terraces at ground level which extend 3,5m or less from the major wall, save that such decks may not extend more than 2,5m over a lake or waterway on Lots created in terms of Clause 13 of the San Lameer Scheme;
- b. Decks at first floor level in buildings which are not in sectional title ownership, which extend 2,5m or less from the major wall on Lots created in terms of Clause 13 of the San Lameer Scheme;
- c. Pergolas and screen walls;
- d. Internal conversions or re-arrangement of rooms that have no effect on the external appearance or configuration of the unit concerned;

- e. Swimming pools with a maximum area of 25m<sup>2</sup> on all mini-sub Lots created in terms of Clause 20A (b) of the San Lameer Scheme excluding existing swimming pools at existing dwelling units that exceed 25m<sup>2</sup>;
- f. Lean-to roofs on all buildings which are not owned under sectional title, but also on the sectional title dwelling units within Lots 37 and 124;
- g. Lean-to roofs over external doors and windows not extending more than 1,20m from the outer surface of the wall;
- h. Garage doors on garages on mini-sub erven created in terms of Clause 20A (b) of the San Lameer Scheme;
- i. Patio enclosures or partial patio enclosures in existing dwelling units on Lots 37, 124, Portion 13 (of 12) of Erf 104 (Units 10427 to 10433), Lot 109 and Lot 141 and partial patio enclosures in buildings on subdivisions of Lots 22, 23, 29, 32, 33 and 34;
- j. External conversions of windows to doors and vice-versa;
- k. Extensions to the ground floor units within Lots 25, 26 and 27 to occupy the floor-space where air-conditioning units have been removed;
- l. Extensions to existing above-ground-floor concrete balconies within Lot 25 providing that the existing Sectional Plan is updated;
- m. Roofs for existing concrete balconies above ground floor level within Lots 19, 20, 25 and 28;
- n. Conversions of carports to lock-up garages on subdivisions of Portion 13 of Erf 104 Units 10427 to 10433) and Lots 109, 139 and 141;
- o. Spa baths on subdivisions of Portion 13 of Erf 104 (Units 10427 to 10433) where a swimming pool would be impractical;
- p. Open patios on Lots 109, 141 and Portion 13 (of 12) of 104 (Units 10427 to 10433), created in terms of Clause 20A (b) of the San Lameer Scheme, may only be extended to a maximum of 120m<sup>2</sup> inclusive of a swimming pool.

## **TOWN PLANNING: SPECIFIC SCHEME CONTROLS**

Buildings on Lot 139, Lot 140, Portions 18, 19 and 20 on Lot 141, Lot 142, Lot 117, Portion 21 on Lot 104 (Units 10434 to 10441), Portion 2 of Lot 75 (Units 7508 to 7513), Lots 4, 5 and 16, Portion 8 on Lot 59, Lot 143 and Lot 144 with floor area of 325m<sup>2</sup> or less, may be extended to the maximum permissible floor area of 400m<sup>2</sup> subject to:

- a. A maximum building footprint of 465m<sup>2</sup> applicable to single-storey and 385m<sup>2</sup> applicable to multi-storey buildings. In the case of multi-storey buildings where the existing footprint already exceeds 385m<sup>2</sup> it may not be increased;
- b. The permissible height of any dwelling unit in a Lot not exceeding that specified in “**Table C**” of the San Lameer Scheme;
- c. Dwelling units with 3 bedrooms may increase the number of bedrooms to 4 or 5 bedrooms and dwelling units of 4 bedrooms to 5 bedrooms without exceeding the maximum permissible number of 5 (five) bedrooms per dwelling. The configuration of five-bedroom units shall remain the same;

- d. Voids may be opened for recreational use provided that such space complies with the SABS 0400-1990 Lighting, Ventilation and Fire Protection regulations, storey levels as set out in the Development Plan and that this change of use has been included in an approved building plan;
- e. Existing roof and storey levels as well as lines of sight as set out in the Development Plan not being exceeded, changed or altered;
- f. Existing scheme ambiance and aesthetics remaining and the submission of a Landscaping Plan in harmony with the San Lameer Policy regarding Landscaping and Environmental Management (Annexure B of the San Lameer Scheme);
- g. Obtaining the written consent Departure Forms of the registered owner of each adjoining property provided that such consent shall not unreasonably be withheld;
- h. The owner applying successfully for the alteration or removal of any restrictive condition of title at his or her cost;
- i. The owner submitting with the plans of the proposed extension an Energy Usage Plan in accordance with SANS 10400-XA: the application of the National Building Regulations Part X: Environmental sustainability Part XA.

Buildings within consolidated mini-sub on Lots 22, 23, 29, 32, 33 and 34 may be built or extended to a maximum permissible floor area of 275m<sup>2</sup> subject to:

- a. A maximum building footprint of 225m<sup>2</sup>;
- b. The dwelling unit not exceeding two storeys and no basements being allowed; a splash pool not exceeding 10m<sup>2</sup> being allowed. The number of bedrooms of the new dwelling unit not exceeding the sum of the bedrooms of the developed component even prior to consolidation;
- c. Existing Scheme ambiance and aesthetics remaining and the submission of a Landscaping Plan in harmony with the San Lameer Environmental Plan;
- d. Obtaining the written consent Departure Forms of the registered owner of each adjoining property provided that such consent shall not unreasonably be withheld;
- e. The owner applying successfully for the alteration or removal of any restrictive condition of title at his or her cost;
- f. The owner submitting with the plans of the proposed extension an Energy Usage Plan in accordance with SANS 10400-XA: the application of the National Building Regulations Part X: Environmental sustainability Part XA.

Buildings on unconsolidated mini-sub within Lots 22, 23, 29, 32, 33, 34, Portion 13 on Lot 104 (Units 10427 to 10433), Lot 109 and Portions 1 – 17 and 21 – 24 on Lot 141 may be extended by a maximum floor area of 30m<sup>2</sup> subject to:

- a. the extension being solely to create a new en-suite bedroom at first floor level or to extend an existing bedroom on first floor level;
- b. the existing building footprint of the dwelling not being exceeded;
- c. The existing roof and storey levels and also the lines of sight as set out in the Development Plan being not exceeded, changed or altered;

- d. The existing Scheme ambiance and aesthetics remaining and the submission and approval of a Landscaping Plan in harmony with the San Lameer Environmental Plan;
- e. Obtaining the written consent Departure Forms of the registered owner of each adjoining property provided that such consent may not unreasonably be withheld;
- f. The owner applying successfully for the alteration or removal of any restrictive condition of title at his or her cost;
- g. Once this provision has been taken up the owner may not apply for consolidation thereafter;
- h. The owner submitting with the plans of the proposed extension an Energy Usage Plan in accordance with SANS 10400-XA: the application of the National Building Regulations Part X: Environmental sustainability Part XA.

### **CONSTRUCTION ACTIVITIES AND CONTRACTORS**

It is the owners' responsibility to see that contractors abide by the Rules and Regulations as laid down by the HOA.

The responsibility lies with the owner and his/her architect to ensure that they are acquainted with the requirements of the Local Authority with regard to standard building regulations, drafting of building plans and the submission thereof.

### **DISCRETION OF THE HOA AND TPAC**

The Architectural and Building Rules and Regulations, including Aesthetical conditions, as set out in the document above will form the basis for the evaluation of plans. The evaluation process followed and resulting in approval/rejection of plans shall be at the sole discretion of the TPAC and HOA.

Issued in terms of the Memorandum of Incorporation and Rules of Conduct of San Lameer Master Homeowners Association

Date: \_\_\_\_\_