

## **BIRD VALLEY ESTATE (DISTRICT CRAMOND)**

### **SITE DEVELOPMENT CONTROLS**

#### **DEVELOPMENT OVERVIEW:**

The creation of a private rural township that caters specifically to persons involved in water sport; water skiing in this instance, as well as enjoying the great outdoors, with its related wild life activities is an added bonus. As such its planning, structuring and continued control is vital to its ongoing success.

The architectural prescriptions, which will set the aesthetic and building guide lines, are instituted to not only set the trend, but preserve the integrity of the development for decades to come. The Home Owners Association will ultimately serve the purpose, in terms of the founding principles and associated rules and regulations, to monitor such architectural aspects and considerations that might be forthcoming.

The Controls set out in this document come into effect upon the opening of the township register in respect of Bird Valley Estate in July 2009. Any buildings already in existence prior to that date are deemed to be fully compliant with these controls.

#### **Site description:**

The allocated development site area is part of a once much larger timber farming estate. The development site itself is situated in a low-lying wetland riverine area that extends some 15 to 20 kilometres up stream. The wetland area varies in width between about 200m and 500m or more in places. The surrounding topography is that of hilly terrain either side of the wetland area. As such it affords the development site with a natural protective enclave from most prevailing winds. The major valley area, including the development site lies in a north westerly to south easterly orientation. The development site is located on the southerly valley bank, with a northerly outlook across the natural water impoundments. This orientation aspect is most preferable in the southern hemisphere, as it is solar friendly during the winter solstice, and can be tempered during the summer solstice. This aspect of the sun's annual movement will have a definite bearing on the anticipated housing designs in this development. The European pioneers into Southern Africa and northwards, designed homes that would pander to the varying annual climatic changes.

#### **Housing Development Guidelines:**

##### **Style:**

The style theme for the Home Owners Association development will be one that is both complimentary to the natural environment and evolved lifestyle comforts of yesteryear. It is accepted by the developers that many more modern life style comforts and innovations have manifested themselves in modern abodes, and would therefore extend a leniency in respect of the incorporation of them. In this regard, the substitution of Victorian-sash type windows to large-pane 'picture' windows would be permitted.

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The exception to this concession would be that the window fenestration should compliment the perceived period-type house. In explanation, if the house is definitely Period-Victorian, then the fenestration of the day must compliment the house aesthetically. If however the house is modernistic with pseudo-period design inclusions, then a departure from the ridged 'period-home' would be entertained.

In all design presentations for new house developments, style must conform to Victorian, Queen Anne, Edwardian, South Africa Farm-style or pseudo modernistic renditions, and must be period specific, i.e if 75mm diameter steel pipes are substituted for the period decorative veranda wood posts, this would not be acceptable.

In all instances the Bird Valley Estate Home Owners Association (B.V.E.H.O.A.) Architectural committee (A.C.) will reserve right of refusal or acceptance of elevation/aesthetics proposals.

#### **The Building Sites & Building Positioning:**

All but 3 of the 25 freehold building sites are located along the high water level of the water impoundments. The site areas are all of approximately 3000m<sup>2</sup>, and where approximately 5% of the site is located within the high water mark.

This subdivision arrangement is to allow for easy small-craft access to the lake areas. As such the location of the proposed house on the site, will involve appropriate considerations, as well as founding conditions.

The specific sighting of any proposed building on each site, will take into cognisance the privacy of any adjoining homestead, (existing or proposed).

(a) No residential building may be built or erected within the 100 year flood line. This is a condition imposed on the development by the Development Tribunal and other authorities in approving the development. The 100 year flood line is 1,78 metres above the concrete on the dam spillway which is immediately below the sluice gates. (b) Non-residential buildings such as carports, garages and boat houses may be built within the 100 year flood line, provided that the directors have given their prior written consent. (c) Boat lifts that have been approved in the construction and aesthetics by the directors and which are constructed and located in such a way as to affect the privacy and the use of the adjoining properties in the least offensive way possible may be erected on the water's edge. (d) Wooden decks and lapas may be built within the 100 year flood line, provided that the deck is not more than 60 square metres in area and is also not more than 1,8 metres above the natural water level. Any decks which exceed the said area or the height, require the written consent of the directors.

**Landscaping Guidelines:**

No ground floor slab level of any proposed residential building will be permitted to be lower than 1.78m above the natural high water level of the adjacent dam i.e. within the 100 year flood line.

All natural ground levels, on and between properties are to be maintained. Wooden decks and stilted, wooden lapas and braais can be located within the 100 year flood line, provided that they do not exceed 60 square metres in area or 1,8 metres above the natural water level.

**Garden Landscaping and planting:**

Excess soils from any swimming pool or canal excavations may be utilised to create a levelled off area within the site, that may serve as an outside entertainment area. Such built up areas may not exceed 20% of the total area, or be closer than 3m to any adjacent property boundary.

**Fencing:**

Each freehold site is permitted to be entirely fenced in. No walling along any boundaries will be permitted. 'Bonnox' type fencing on creosote pole is the recommended fencing method; this to contain any dogs within the property, and where the fencing is carried into the water area along the sides, for the same reason of containing the dogs. All boundary fences are to be planted with indigenous shrubbery and or creepers to obscure the wire fencing.

The maximum height of the fencing will be 1.8m.

**Plantings:**

It is highly recommended and encouraged that indigenous plants form the bulk of any garden plantings. The occasional exotic plant which does not disperse seeds by wind or bird life will be allowed.

This being a pristine bird sanctuary, the planting of indigenous flowers, shrubs and trees, will add to the ambiance and encouragement of all associated animal life and particularly the bird life.

While the planting of indigenous plants and trees is encouraged; such plantings must take into due consideration that they will not with maturity obstruct any of the neighbour's peripheral views unduly. In this respect the B.V.E.H.O.A. reserves the right to remove any such plantings which are deemed to obscure other homeowner's views.

## **ARCHITECTURAL GUIDELINES:**

These architectural guidelines have been established to create a harmonious living and aesthetic theme for the estate. The directors of the Home Owners' Association, together with the appointed Estate Architects, will administer these guidelines, as well as approve and monitor the contractors' compliance with the development procedures and security protocols.

This document is specific to the B.V.E. and outlines planning and procedural considerations. Each homeowner is strongly encouraged to peruse this document, as it forms part of the Sales Agreement and is contractually binding.

### **Objectives of the Guidelines:**

the objective of the Architectural and Landscaping guidelines is as follows:

1. To create a harmonious environment on B.V.E. that will be sensitive to the natural beauty of the surrounds and add to the creation of and indigenous landscaped eco-estate.
2. To ensure that all owners co-operate on the estate to enhance the living experience of the residents.
3. The Architectural Guidelines and prescriptive procedures with regard to planning approach and building operations on the estate, are prescribed to prevent deviations from the theme that the owner has bought into.
4. Contractors' regulations are necessary to ensure that the tranquility of the estate is preserved for all, during its time of establishment as well as thereafter.
5. The guidelines and regulations with regard to the buildings themselves are to ensure that buildings of quality are erected by professional contractors in an effective and controlled manner.

Any proposed improvements on the estate planned by the owner will require the submission of building plans to the B.V.E.H.O.A. for approval, according to the procedures and guidelines of aesthetics and codes outlined herein.

It is noted that, whilst a proposal may comply with the Architectural and town planning controls as set out in this document, it must also capture the intended architectural ethos of the estate. B.V.E.H.O.A. reserves the right to reject submissions that it deems to be failing in that respect.

**Architects:**

The B.V.E. has appointed an approved architect to design, document and supervise all improvements on the Estate to Homeowners requirements and subject to the Architectural and Landscaping Guidelines outlined below. Should the member elect not to use the services of an approved architect, procedures for the approval of building plans are to be adhered to as detailed below.

In case of owners electing to use their own architects, the following minimum requirements and prerequisites will apply.

1. Where homes are designed, it shall be by an Architect registered with the South African Institute of Architects and South African Council of Architects.
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 must building operations proceed without professional supervision.
3. The architect is to register with the B.V.E.H.O.A. and agree in his appointment to attending all meetings called by the controlling architects from time to time as detailed below.
4. Site handover procedures at commencement of construction and site hand-back procedures to the owner on completion as detailed below, as well as issues on registration with the appointed architects are to be adhered to.

**Submission and approval of plans:**

All building works shall be designed to conform to these guidelines and to the satisfaction of the B.V.E.H.O.A's Estate Architect. The decision on whether or not the plans are acceptable should be the sole discretion of the B.V.E.H.O.A. Architectural Committee, which shall be taken within the framework of the guidelines contained herein.

- The B.V.E shall be entitled not to approve the plans for any house, which is in the B.V.E.H.O.A's opinion would detract from the appearance of, or reduce the value of other houses in the Estate. The decision in this regard shall be full and final.
- Where required, B.V.E.H.O.A's shall give reasons for rejecting such a plan, but B.V.E.H.O.A shall not incur any liability to any person in provisions of these reasons. The proper delivery of residences shall remain the responsibility of the B.V.E.H.O.A. Architectural Committee.
- Approvals by the Estate Architect and B.V.E.H.O.A shall be for conformity to the architectural guidelines only and shall not be for scrutiny of the submitted

design in terms of functionality and technical correctness. The Estate Architects of B.V.E.H.O.A shall not carry any responsibility in this regard.

The following plan approvals are required:

1. All new building will require written approval of the B.V.E.H.O.A. Architectural Committee prior to and in addition to written approval by the Umshwathi Municipality. However, if the Umshwathi Municipality grants written permission to commence building prior to final approval, it is acceptable for the owner to commence building provided that the written approval of the B.V.E.H.O.A. Architectural Committee has already been given.
2. Minor alterations require the written approval of the B.V.E.H.O.A. Architectural Committee. It is recommended that the owner should also obtain the written approval of the Umshwathi Municipality, but it is up to the owner to decide whether or not to obtain its approval.
3. The approval of the B.V.E.H.O.A. Architectural Committee is not required for internal alterations.

#### **SITE DEVELOPMENT CONTROLS:**

##### **Zoning:**

The land development area of B.V.E. falls under the municipal authority of Umshwathi municipality, and the residential area (25 housing sites) has been zoned as special residential. The specific zoning allows for a single unit development and placement. In tandem with this zoning the B.V.E.H.O.A has placed further development controls on all sites within the complex, as well as on individual erfs. In this instance the B.V.E.H.O.A limitations and permissible building controls, will take precedence over any local authority controls, but without over-riding statutory town and regional 'town planning' bye-laws. The following building restrictions will therefore reflect only those of B.V.E.

##### **Density:**

The number of dwelling units per stand will be a single unit. No ancillary dwelling units will be allowed (granny flats, labourers quarters or nurse maid's quarters etc). Garaging with a toilet and basin will be the only ancillary building permitted per stand. Any laundries must be accommodated within the main dwelling structure or an extended garage area.

**F.A.R. & Coverage:**

The coverage and F.A.R of any building unit will conform to the Umshawthi local authorities limit of 20% of site area; the buildings being single or double storied.

**Building Height Restrictions:**

No single building unit within the 25 unit development area will exceed a height of 10M of the natural ground levels of the site, and on the immediate placement area.

All proposed buildings will be limited to a footprint area (coverage) of 20% of the site area, save for any roof attic areas that may be developed within the 10m height restriction. Only appropriate windows and or small balconies of window size will be permitted in dormer room developments. Windows (small) will also be permitted in roof gables where appropriate. In all instances of attic room developments, placement of windows and or balconies will be at the sole discretion of the B.V.E.H.O.A and delegated architect.

**Building lines:**

Side building lines of 5m will be applicable to all sites with an average width of 25m or more. This restriction may be relaxed by the B.V.E.H.O. Architectural Committee, subject to the consent of the neighbour concerned and the Umshwathi Municipality. The back building line is 5m and the front building line is the 100 year flood line. These conditions were imposed on the Development by the DFA Development Tribunal and the Umshwathi Municipality. The non-waterfront sites will have a front boundary of 10m.

**Boundary pegs:**

The pegs driven into the ground on the property represents the contractual property boundaries and shall under no circumstances be moved.

**Storm-water control:**

Storm-water from any impervious surfaces, should be directed towards the lake or external to the site, or to adjacent open land. Sites not fronting the lake are to direct rain water to soak pits within the site.

**Swimming pool water effluent:**

All swimming pool backwash water must not be directed into the lake or to access roads. This to obviate any chlorinated water entering any natural water courses.

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**Minimum dwelling unit size:**

The B.V.E.H.O.A shall be entitled not to approve any proposed dwelling unit plans, entirely at their discretion, that in their opinion would detract from the appearance of, or reduce the value of other houses in the Estate.

**Restrictions:**

The restrictions set out below are in addition to any restriction imposed in terms of conditions of title, Provincial planning controls, or any other building regulations. Any plans or improvements on new or existing structures by third parties within the Estate, shall be at the sole discretion of the B.V.E.H.O.A. Similarly, compliance with restrictions imposed by the B.V.E.H.O.A shall under no circumstances absolve the owners from the need to comply with them. Nor shall the B.V.E.H.O.A approval be construed as permitting any contravention of restrictions by any authority having legal jurisdiction.

**Maintenance:**

The owner shall at all times maintain the exterior of the house, the swimming pool, garden screen walling or fencing and decks, to the satisfaction of the B.V.E.H.O.A.

**Appearance:**

Owners shall at all times ensure that any object which could, in the opinion of the association, be considered unsightly or to the detriment of the appearance of the Estate, should not be visible from common areas or other properties. Objects which should be screened from view include among others, washing lines, exposed plumbing and swimming pool pumps. Yard walls to conceal washing lines and lockable refuse bin housings in yards are mandatory.

This site development requirement is necessary to retain the natural topographical surrounds to the site. To ensure that this requirement is complied with, the architectural working drawings will reflect specific contour levels. The B.V.E.H.O.A. Architectural Committee will physically establish prior on site positioning of the proposed house, in compliance with non obstruction of adjoining properties and their peripheral views.

**Roofs:**

- Roofs shall be either:-
  - Imitation thatch
  - Everite thatch tile
  - Pre-painted ('cromadek' or equivalent brand), corrugated iron.

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The configuration of the roofs will compliment the specific variables of the projected farm-style homes. Roof pitches may vary between 25 degrees and 45 degrees over the central superstructure, with veranda roof pitched at a minimum of 5 degrees.

- Veranda roofs, where practical shall not be a continuation in plane of the main roof 'cranked' but be distinctly separate from the main roof.
- Flat concrete view decks at attic floor level will be carefully considered, where these are aesthetically compatible with the specific styling.
- Rainwater gutters may be of any acceptable material (pvc fibre cement, sheet metal or aluminium), but painted to the prescribed colourations.
- All roofs must conform to the prescribed uniform colour, being sombre shades of green or grey.

#### **Chimneys:**

Chimneys can conform to the many traditional designs that were applicable to the period styling.

- No steel or fibre-cement pipes will be accepted as chimney stacks.

#### **Carports:**

- The built form of any carports should reflect the structure of the house and where lean-to roofing will conform to that of the veranda slope and configuration.
- Stand-alone carports must conform to the main house roof slopes.
- No shade-cloth, perspex, pvc or any other materials will be permitted as roof coverings.

#### **Walls:**

- Walls may be constructed of any masonry materials that are of a minimum 4 mpa strength.
- Finishes to the walls must reflect the variables of the specific period styling. The aesthetic reflection of this is to obviate the visual perception that each house came out of the same jelly-mould.
- Plaster finished walls must be colour rendered to the prescribed colours as listed.

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- Imitation stonework will be by prior sample consent.

**Doors & windows:**

- Windows can be of any materials and styling offered in the market place, except cement or masonry configurations.
- The B.V.E plan assessment committee will assess and ensure that any windows and doors are not in conflict with perceived period styling.
- Painting and or varnishing will be in accordance with the prescribed colour code.
- Burglar proofing and or security gates should be internally fixed.

**Driveways:**

Any driveways within the site/lot area, should be laid in an autumn colour blend of brick or pre-cast cement elements. Macadam or un-tinted cement will not be permitted.

**SERVICES:**

**Aerials:**

Careful consideration is to be given to the positioning of satellite dishes and TV aerials. Generally their highest point should be below the nearest roof ridgeline.

**Pool Pumps and Filters:**

These should be screened off or hidden.

**Air conditioning condensers:**

External condensers should be installed at ground level and screened off.

**Clothes lines:**

Clothes lines will only be permitted behind a 1.8m maximum high walled yard.

Drainage pipes sewer, waste and vent pipes to be screened where possible and painted to match the building's colour scheme.

**DSTV & Radio:**

Positioning of TV antenna and satellite dishes and other unsightly objects are by approval by the B.V.E.H.O.A prior to installation.

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Satellite dishes are to be positioned below the ridgeline of the house where they do not cause a nuisance to other owners, nor are visually obtrusive. These are to be painted the same colour as the back ground against which they stand.

Work requiring B.V.E.H.O.A permission prior to commencement:

- The construction of new buildings and all structural, aesthetic and external alterations to existing structures.
- Underground construction (i.e) drains, water pipes, electricity, telephone conduits or any other underground work.
- Re-painting and repair of any existing external facades will require written permission only if the new colour is different to the original external colour of the house.
- The construction of awnings, projecting roofs and trellises.
- The construction of garages and carports.
- The construction of swimming pools and any external paving.
- Walls, gate or any landscaping construction.
- Cutting down of any indigenous trees or removal of any natural rock outcrop.

Procedures to obtain approval will include meetings with the estate architect and the submission of plans as described below and as required by the B.V.E.H.O.A.

#### **PROCEDURE FOR THE APPROVAL OF BUILDING PLANS BY B.V.E.H.O.A.**

1. The directors of B.V.E.H.O.A have appointed an Estate Architect and an Architectural Committee to whom they have delegated the authority to approve building plans for new houses or alterations to existing houses within the Estate.
2. Prior to commencing the owner and Architectural Committee shall register the stand with the B.V.E.H.O.A:
  - Registration of the site with the B.V.E.H.O.A estate architect and payment of R750 registration fee for receipt of the detailed site layout, site-specific zoning, landscaping and other guidelines. Checklists for plans will be submitted on registration. Registration pack is available from the Estate Architects. Registration shall be subject to the submission of professional details of responsible architects, including the S.A. Council of Architects registration details.

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- Payment of R2000 plan scrutiny fee directly to the estate architect on submission of building plans to the estate architectural committee. Where the services of the estate architect is utilised the R2000, the plan checking fee shall be waived. The registration package fee will remain applicable.
  - An initial meeting with the estate architect to determine if the intended concept for the residence conforms to the architectural and landscaping guidelines. A compulsory site inspection will be made prior to the initiation of designs.
  - Submission of sketch designs to the estate architect for provisional comment on the design and landscaping intent.
  - Final submission of technical working drawings. These shall include site plan, floor plans, sections and elevations.
  - Landscaping layouts with tree species named on plan.
3. An owner will be required to have final building plans approved by B.V.E.H.O.A prior to the construction of any building on the Estate. The plans shall be in accordance with the requirements of the local authority, National Building Regulations, as well as the requirements of this document.
  4. Six copies of all documents shall be submitted for approval: four to the local authority and two to be retained by B.V.E.H.O.A. Local authority scrutiny fees or any other specialist report fees are for the allotment owner's account.
  5. If building plans contain adequate information and conform to the Estate rules and the approved architectural style, they will be approved within two weeks of submission by the B.V.E.H.O.A a checklist of items to be shown on plans will be issued on registration of the site with the Estate Architect. The following information is required in broad terms.
  6. A site plan showing the following:
    - Boundaries, building lines and servitudes.
    - All intended buildings and structures to be erected on the stand.
    - Adjacent stands and existing/proposed buildings thereon.
    - The proposed access driveway to the residence from the road.
    - Contours with intervals of not more than 1m are required to be shown on site plans. Detailed contour plans will be available at the offices of the Estate Architect and be inclusive of the registration package.

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- Electrical and Sewer connections to be shown.
- 7. The building plans must be submitted to B.V.E.H.O.A or to P.O. Box 255 Estcourt 3310. (Check if current address, by phoning 082 4124459).
- 8. Plans, sections and elevations of all buildings - including outbuildings are to be shown, showing all finishes and describing materials and colours.
- 9. Approval of building plans by Local authority: Once plans have been approved and stamped and signed by the Architectural Committee, the building plans are to be submitted to the Local authority for its approval. On receipt of the Local Authority's approval, the owner may proceed with the construction of the building in accordance with the building by-laws, standard building regulations and the approved building plans. Note that all Local Authority service connection fees and engineering fees are for the site owner's account, as well as plan approval fees by local authority.

B.V.E estate construction procedures received upon registration of the site with the Estate Architect are to be followed.

The first step for commencement of construction is to arrange a formal site handover meeting at which the B.V.E Estate Architect shall be present, together with the client and building contractor. A site handover certificate must be signed by all three of the above parties prior to construction commencing.

The procedures of commencement of construction and handing over of the site to a building contractor and conditions for execution of the works is provided in further detail below and contained in the registration pack.

The majority view of the Architectural Committee on the approval of plans will prevail.

**TIME WITHIN WHICH BUILDING IS TO BE COMMENCED AND COMPLETED:**

1. Development of any property must be commenced within 5 (five) years from the date of the registration of the property and completed within 6 months of official commencement.
2. The B.V.E.H.O.A would have full right to instruct the owner or appointed contractor to complete any building project where it has been shelved for a period longer than 6 months in an incomplete state. In extreme cases where these buildings are left incomplete, the B.V.E.H.O.A shall have the right to rehabilitate the stand to its original condition.

### **SELECTION AND CONDITIONS OF APPOINTMENT OF A BUILDING CONTRACTOR:**

Although a list of approved contractors for the Estate shall be updated from time to time by the Estate Architect, the owner of the site shall be solely responsible for the choice of building contractor for the construction of the proposed residence.

The appointed Estate Architect will only be responsible for the correctness of the positioning of the proposed buildings on any site. This will further include monitoring that the correct aesthetics and setting out of the approved buildings is in compliance with the approved plan.

The owner and contractor shall be required to sign an agreement with the B.V.E.H.O.A to regulate the building activities on the stand. This contract will include, but will not be limited to the following:

- The requirement that the owner pay a refundable deposit to the B.V.E.O.H.A of R5 000 per stand as security against default of any of the conditions of such a contract.
- 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 owner.
- Conditions relative to the delivery and storage of material.
- Noise.
- Transportation routes to the Estate and to the stand.
- Security procedures within the Estate.
- Removal of rubble from the stand and the Estate.
- The erection of boards and signs.
- Maximum loads of delivery and construction vehicles.

### **PROCEDURES FOR HANDING OVER OF SITE TO A CONTRACTOR:**

The following must be in place prior to the handing over of the site to a contractor for commencement of construction: The plans duly stamped and approved by the B.V.E.H.O.A.

- The plans approved by the Local Authority Umshwathi District Municipality.

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- Transfer of ownership of the stand in the name of the owner with a letter of confirmation from the owner in this regard.
- The proposed house set out on site with danger tape showing the full extent of all structures to be erected.
- NHBRC Unit Enrolment and registration certificates (statutory requirement)
- A temporary toilet for all workers on site. A formal meeting should be arranged by the professional responsible for the building with the Estate Architects and should be arranged given one week's notice. A SITE HANDOVER CERTIFICATE will be issued with the registration pack listing the information to be issued at site handover. On COMPLETION of any building contract or improvements to the stand the contractor and registered architect must arrange another meeting at which a completion inspection will be held and a PROJECT COMPLETION CERTIFICATE to be signed by the contractor, architect and registered owner. The PROJECT COMPLETION CERTIFICATE will be issued with the registration pack listing the information to be issued at site handover.

#### **CONDITIONS RELATING TO THE EXECUTION OF THE WORKS**

Construction procedures have been compiled to ensure that all construction activity at B.V.E. Estate proceeds in an orderly manner, with the least possible disruption to other property owners. These conditions relate specifically to building contractors activities and are binding on all owners. It is the responsibility of the owners to ensure that their building contractor is made aware of the conditions and comply strictly with them.