

# GREENWAYS

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## GREENWAYS COUNTRY ESTATE HOME OWNERS' ASSOCIATION

### ARCHITECTURAL RULES

#### FOR SINGLE RESIDENTIAL ERVEN

Amended and restated version - approved by SGM on 30 October 2019

Clause 7 amendment approved by Trustee Committee on 01 July 2022

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# 1 INTRODUCTION

- 1.1 The main business of the Association is the promotion, advancement and protection of the interests of the Members of the Greenways Country Estate Home Owners' Association.
- 1.2 To allow for diversity and interest, a variety of architectural designs are encouraged. In principle, no limitations are placed on materials other than reflective roofing, unpainted plaster or unplastered stock brick walls visible to neighbouring stands or from Common Areas. The Group Housing Development, Village Green, will be of the Cape Victorian Townhouse style as laid down by the developer.
- 1.3 Sectional Title owners are subject to the Building Regulations and fees pertaining to individual Sectional Title Schemes in Greenways Estate. They do, however, need Builder's Permits issued by the Estate Manager.
- 1.4 In these Rules, all references to "laws" and "regulations" are to such laws and regulations as updated or superseded from time to time.

# 2 INTERPRETATION

In these Rules –

- 2.1 the following words shall, unless the context otherwise requires, have the meanings hereinafter assigned to them –
- 2.1.1 "**Association**" or "**HOA**" means the Greenways Country Estate Home Owners' Association;
- 2.1.2 "**Business Day**" means any day other than Saturdays, Sundays and public holidays;
- 2.1.3 "**Common Area(s)**" means the land owned by the Association, namely all areas designated as private open space on General Plan No. 6036/1993 and General Plan No. 8438/1994, which area includes the golf course, the Greenways Estate Clubhouse and related facilities, pavements, parks and other areas that are designated for common use;

- 2.1.4 "Erf" means any erf resulting from the original sub-division or subsequent consolidation of the Township Area (apart from the Common Area and excluding the erven whereon the Sectional Title Schemes have been erected) and reference to "Erven" shall have the corresponding meaning;
- 2.1.5 "Estate Manager" means the estate manager appointed as such by the Association from time to time;
- 2.1.6 "Greenways Estate" or "the Estate" means –
- 2.1.6.1 the Township Area, comprising of the Erven and the Units; and
- 2.1.6.2 the Common Area;
- 2.1.7 "In Writing" means written, printed or lithographed or partly one and partly another, and other modes of representing or producing words in a visible form;
- 2.1.8 "Land Unit" means an Erf or Unit in the Greenways Estate;
- 2.1.9 "Managing Agent" means the managing agent appointed by the Association from time to time;
- 2.1.10 "Member" or "Owner" means the owner of a Land Unit, who in terms of the Greenways Estate Constitution is a member of the Association;
- 2.1.11 "Month" means calendar month;
- 2.1.12 "Municipality" means the City of Cape Town or its successor in title from time to time, succeeding to its present statutory responsibilities;
- 2.1.13 "Regulations" means any rules or regulations made in terms of the Greenways Estate Constitution and includes and Conduct Rules, Security Rules and these Rules;
- 2.1.14 "Sectional Title Schemes" means the following sectional title schemes developed as part of the Greenways Estate:

- 2.1.14.1 Laguna Beach Nos. SS568/1996, SS108/1997, SS106/1998 and SS271/1999;
- 2.1.14.2 Golf Beach No. SS321/1995;
- 2.1.14.3 Bermuda Beach Nos. SS178/1997 and SS70/1998; and
- 2.1.14.4 Emerald Bay Nos. SS11/1996, SS142/1996, SS575/1996 and SS263/1997;
- 2.1.15 "**Township Area**" means the areas depicted on General Plan No. 6036/1993 and General Plan No. 8438/1994, excluding the Common Area;
- 2.1.16 "**Trustee Committee**" means the Trustee Committee of the Association;
- 2.1.17 "**Trustee**" means one of the Trustees of the Trustee Committee;
- 2.1.18 "**Unit**" means any sectional title unit as defined in section 1 of the Sectional Titles Act No. 95 of 1986, in any of the Sectional Title Schemes;
- 2.1.19 "**Year**" means calendar year;
- 2.2 unless the context otherwise requires, any words importing the singular number only shall include the plural number, and vice versa and words importing any one gender only shall include the other two genders, and vice versa, and the words importing persons shall include natural and juristic persons such as partnerships, trusts and body corporates, and vice versa; and
- 2.3 the headnotes to the paragraphs to these Rules are inserted for reference purposes only and shall not affect the interpretation of any of the provisions to which the headnotes relate.

### **3 MEMBERSHIP OF THE ASSOCIATION**

Membership of the HOA is compulsory for every Owner. Membership of the HOA and the transfer of Land Units is governed by the Greenways Estate Constitution.

## 4 BUILDING PLANS

### 4.1 General

- 4.1.1 The Greenways Building and Architectural Review Committee ("**BARC**"), as a standing sub-committee of the Trustee Committee will take a total view of what is most beneficial to the Greenways Estate as a whole, whilst giving a fair and balanced consideration to the practical and individual needs of the applicant.
- 4.1.2 The HOA only evaluates the aesthetics of any submission and cannot take any responsibility for technical, structural, health or safety standards or for non-compliance with municipal or any other statutory requirements.
- 4.1.3 Where any reference is made to approval being required anywhere in this document, such approval must be sought and provided In Writing and a copy thereof must be lodged with the Estate Manager.
- 4.1.4 All building projects shall comply with the requirements prescribed in the City of Cape Town Municipal Planning By-Law, 2015 and SANS 10400 National Building Regulations. The Municipality will be responsible for the verification and enforcement of all applicable boundaries and building lines. Spacing of common building lines between homes is also subject to the HOA's approval.
- 4.1.5 All builders must be registered with the NHBRC (National Home Builder Registration Council).

### 4.2 Legal Status

- 4.2.1 This document does not take preference over any statutory provisions. Should any provision of this document be regarded as contrary to the SANS 10400 National Building Regulations and/or the City of Cape Town Municipal Planning By-Law, 2015, then such Regulations shall prevail. Any applications for waivers or departures from such Regulations or any other statutory requirements should first meet with the approval of the HOA.
- 4.2.2 This document must be read in conjunction with the Greenways Estate Constitution and any other Regulations made there under.



- 4.2.3 All building regulations as contained in these Rules, must be observed and will be enforced in terms of the Greenways Estate Constitution. This includes the imposition of penalties contained in these Rules, and/or the retention of the builder's deposit where applicable.
- 4.2.4 The Trustee Committee has the mandate to make amendments to these Rules.
- 4.2.5 Nothing in this document shall be construed as permitting the contravention of the Condition of Title on any Land Unit or any by-laws or regulations of the Local Authority.
- 4.2.6 This revised edition does not affect building works that were approved and constructed in compliance with earlier versions of these Rules.
- 4.2.7 Notwithstanding the fact that the building plans may comply with all applicable rules and conditions, the approval or rejection of such plans shall be at the sole discretion of the HOA.

4.3 **Plans Required**

Owners of properties in Greenways Estate must submit building plans for approval by the HOA for –

- 4.3.1 new dwellings to be erected;
- 4.3.2 any external alterations or additions;
- 4.3.3 any internal alterations or additions that could be construed as altering the residential nature of the dwelling; and
- 4.3.4 any new boundary walls, retaining walls or fences to be erected.

## **5 DESIGN REVIEW AND APPROVAL PROCESS OF BUILDING PLANS**

### **5.1 Design Review**

5.1.1 It is strongly recommended that concept drawings and sketch plans be submitted for review before final drawings are prepared. This could obviate changes enforced by the HOA as well as unnecessary delays and the risk of rejection of working drawings.

5.1.2 Sketch plans to include floor plans, elevations, site layout and external materials to be used.

### **5.2 Approval**

All documentation and plans for the BARC/HOA must be routed *via* the Estate Manager. The HOA will enforce the contents of this document and any other requirements at its discretion. Each design will be treated on its own merit.

### **5.3 Timing**

Final working drawings should be submitted to the BARC/HOA for scrutiny and approval at least 3 weeks prior to the anticipated Local Authority submission date. The HOA does not take any responsibility for the time that the Local Authority requires for its own processing.

### **5.4 Documents Required**

5.4.1 Two full sets of printed plans must be submitted, as well as any additional requirements of the BARC/HOA. One printed plan set will be stamped, signed and returned to the applicant upon approval for submission to the local authority. The other printed plan set will be retained at the office of the Estate Manager for record purposes.

5.4.2 A printed copy of the Title Deed must accompany the printed plan sets.

5.4.3 A copy of the building plans must be presented to the Estate Manager on a memory stick. The electronic plans will be downloaded and the memory stick returned to the applicant.

5.4.4 Where departure applications are or will be required, the applicant must approach all affected neighbours (as identified by the HOA) and obtain their written consent or objections to all departures. Without the written consent or objections, the HOA will not consider the approval of any departure application.

#### 5.5 **Alterations**

No material alterations to approved plans, including (but not limited to) floor plan outlays, elevations and specifications shall be made without consent In Writing of the HOA. Should the building plans approved by the local authority differ from the plans approved by the HOA due to corrections, one set of printed final plans must be submitted to the Estate Manager for record purposes, together with an electronic version of the final plans.

#### 5.6 **Local Authority**

5.6.1 The Estate Manager will supply the applicant with an approval letter for submission to the local authority. The applicant will be responsible for the collection of the building plans from the Estate Manager once approved, as well as for the submission to and collecting plans from the local authority.

5.6.2 No building activity shall commence until the building plans have been approved by the local authority. A copy of the approved building plans must be available on site and presented to the Estate Manager upon request.

#### 5.7 **Builder's Permits**

These permits will be issued by the Estate Manager only after receiving signed copies of all documents which may be required by the Estate Manager and proof that all relevant fees have been paid.

## 5.8 **Inspections**

It is the Owner's responsibility to have the foundations inspected by the Municipality Building Inspectors to *inter alia* verify positions in relation to boundaries and building lines, before concrete is poured as well as all subsequent prescribed inspections. The Estate Manager will do *ad hoc*, or on request, site inspections. The Estate Manager may not be refused reasonable access to the building site.

## 5.9 **Deviations**

5.9.1 If any material deviations from the approved plans are found, building activities will be stopped until approval has been obtained from the Estate Manager.

5.9.2 If any rules and regulations as laid down in the '*Code of Conduct for building contractors*' are contravened the Builder's Permit will be terminated and building activities may be stopped until the problem has been resolved.

## 5.10 **Completion Certificate**

On completion of all building and related activities a Completion Certificate will be issued by the Estate Manager. After reconciliation of any relevant damages, fees and fines the (balance of the) Builder's Deposit with accrued interest will be refunded.

## 5.11 **Fees**

5.11.1 The following fees are to be paid on submission of plans –

5.11.1.1 R300,00 non-refundable fee to the HOA for the review of preliminary plans; (*Optional*)

5.11.1.2 R1'000,00 non-refundable fee to the HOA for the scrutiny of the final working drawings of a new dwelling;

5.11.1.3 R500,00 non-refundable fee to the HOA for the scrutiny of the final working drawing for additions, alterations or boundary walls;

- 5.11.1.4 R30'000,00 as a 'Builder's Deposit' to the Managing Agent for a new dwelling; and
- 5.11.1.5 R7'000,00 as a 'Builder's Deposit' to the Managing Agent for additions, alterations and boundary walls at existing dwellings.
- 5.11.1.6 Builder's deposits will be invested in an interest bearing trust account for the benefit of the depositor. This deposit will be used to defray any expenses incurred in repairing damage to the adjacent off-site properties caused in the building process and any other damage to the property of the HOA or the Municipality. On completion of building and related activities, the deposit plus accumulated interest minus damages will be refunded to the depositor.
- 5.11.2 The HOA reserves the right to request a 'Builder's Deposit' of R5 000,00 in the case of internal rejuvenation at existing dwellings, particularly where heavy freight is to be delivered to the dwelling and/or where skips and/or building material will be on site for prolonged periods.
- 5.11.3 The HOA reserves the right to retain the Builder's Deposit or part thereof should the Member or builder breach any rules and/or Regulations as stated in these Rules or in the '*Code of Conduct for Building Contractors*'.

## 5.12 **Penalties**

- 5.12.1 Subject to clause 5.12.2, the Building Period will commence from the date on which a Member first takes transfer of an Erf (for new builds) or the date of issuance of a Builder's Permit (for alterations or additions). Members will be fined as follows should their building activities (a) not commence within 12 Months of taking transfer, or be completed within 18 Months of first commencement (in the case of new builds) or (b) exceed 12 Months for a new dwelling and 4 Months for alterations and additions –
- 5.12.1.1 New Dwelling: For every additional Month after 18 Months used for completion, a penalty of up to R7 000,00 will be levied by the HOA; and

5.12.1.2 Alterations and Additions. For every additional Month after 4 Months used for completion, a penalty of up to R3 000,00 will be levied by the HOA.

5.12.2 The 12 Month and 18 Month periods referred to in 5.12.1 (for new builds) only apply to Erven that are first transferred into the name of a Member after the date on which these updated Rules are approved at a special general meeting of the members of the HOA. The earlier version of these Rules continues to apply to new builds on all other Erven.

### 5.13 **Minimum Building Plan Details**

The final working drawings submitted to the BARC/HOA must contain the following minimum details –

5.13.1 all floor layout plans with proper dimensions and clear indications of the floor-factor calculation, footprint percentage calculation and total square meters per floor storey;

5.13.2 all elevations with a clear indication of exterior treatment of all buildings, the materials to be used and the colours of all roofs and walls, including perimeter walling and fencing (scale 1:100 or 1:50);

5.13.3 at least one section clearly indicating natural ground level and finished floor levels of each floor storey, together with the maximum height of the building (scale 1:100 or 1:50), calculated over the natural ground level;

5.13.4 all pergolas to be indicated on the floor plan outlays and elevations;

5.13.5 a sewer and electrical layout plan;

5.13.6 a window and door schedule with description of materials to be used;

5.13.7 energy efficiency calculation indicating at least water heating methods and fenestration calculation;

5.13.8 a site plan indicating –

- 5.13.8.1 open spaces, e.g. laundry yards, private gardens, landscape areas, driveways, retention walls and existing trees;
- 5.13.8.2 swimming pool with dimensions, sections and distance from main building and boundary. Pool pump shall be placed discreetly and enclosed;
- 5.13.8.3 building lines and other restrictions;
- 5.13.8.4 storm water management;
- 5.13.8.5 cadastral information (i.e. boundary dimensions) north point, street number, Erf and adjoining Erf numbers, positions of adjacent buildings;
- 5.13.8.6 dimensions of all structures to boundaries;
- 5.13.8.7 ground contours, street and corner peg levels;
- 5.13.8.8 proposed finished ground levels and natural ground levels; and
- 5.13.8.9 boundary yards and yard walls with dimensions (height).

## **6 GENERAL ARCHITECTURAL REQUIREMENTS AND RULES**

### **6.1 Floor Area**

- 6.1.1 The floor area of the main dwelling on each Erf, excluding garages, store rooms and Domestic Staff Worker accommodation shall not be less than 150m<sup>2</sup> in extent. Floor area for the Group Housing Development shall not be less than 80m<sup>2</sup>.

### **6.2 Height**

The maximum height of dwellings may not exceed two stories or 11m. Roof gardens, patios, mezzanines and attics on a third floor storey are prohibited.

### 6.3 **Cellars**

Owners who intend building a cellar beneath their houses must submit an engineer's certificate detailing how ground water will be pumped out and where it will be pumped to.

### 6.4 **Outbuildings and Additions**

6.4.1 All outbuildings and additions shall match the original design, finish and style, both in elevation and in material usage, in particular the roof.

6.4.2 Staff accommodation and kitchens shall open on to a screened yard or patio.

### 6.5 **Exclusions**

The following structures are not allowed –

6.5.1 pre-cast concrete garages;

6.5.2 lean-to's, other than car ports;

6.5.3 temporary carports;

6.5.4 shade netting;

6.5.5 'Wendy'-houses or similar structures as outbuildings other than clause 6.6 below; and

6.5.6 'Port-a-pools' bigger than 2m in diameter when the safety measures do not subscribe to the SANS 10400 regulations regarding fencing or to clauses 6.8 and 6.9 below regarding preferred fences on Greenways Estate.

### 6.6 **Doll's Houses**

"Wendy" or similar designed and built doll's houses are allowed subject to the following –



- 6.6.1 the size of the structure may not exceed 1,5m (high) x 1,8m x 1.8m with a veranda extension not exceeding 1,0m;
- 6.6.2 the structure and roof must be painted in the same colour scheme as the main house;
- 6.6.3 the structure must be positioned so that it does not unreasonably interfere with the rights of others and it must be placed as unobtrusively as possible;
- 6.6.4 the structure may be used as a doll's house only and will have to be removed if the Owner uses it for any other purpose, including Domestic Staff Workers accommodation, garden tool shed or other storage facility;
- 6.6.5 all neighbours must give permission In Writing before approval by the HOA; and
- 6.6.6 the structure must be maintained and kept in a neat condition. The structure must be removed when the house is sold or the new Owner must reapply to keep the doll's house under the prescribed conditions.

6.7 **Portable Trampolines**

Portable trampolines are allowed subject to the following –

- 6.7.1 the size of the trampoline may not exceed 4,5m in circumference (outside measurement);
- 6.7.2 the total height of the portable trampoline (measured from ground level) may not exceed 1,5m. If safety nets are used, such nets must be removed at all times when the trampoline is not in use. If the trampoline is sunk into the ground, permanent safety nets may be used on condition that the total height does not exceed 1,5m; and
- 6.7.3 portable trampolines must be positioned so that they do not unreasonably interfere with the rights of others and they must be placed as unobtrusively as possible, maintained and kept in a neat condition at all times. Portable

trampolines must be removed when the house is sold, or the new Owner must reapply to keep the trampoline under the prescribed conditions.

## 6.8 **Boundary Walls and Fences**

Yard, screen and boundary walls should complement the basic materials of the buildings and will be subject to approval by the HOA. The following limitations may not be exceeded –

6.8.1 boundary walls may not exceed 1,8m in height. The HOA may reconsider this limitation on a written request from the Owner and written permission from the adjacent neighbour(s);

6.8.2 Boundary walls facing the golf course or rivers shall not exceed 1,8m in height;

6.8.3 no solid boundary walls shall be erected on the sea front. Solid masonry boundary walls between sea front houses may only extend to the building line on the sea front. Members with sea front dwellings may erect prefabricated metal or composite woodplastic fences facing the sea, the design of which must be complimentary to the house's architectural design and colour and shall specifically be approved by the HOA. Allowing for the contours of the plot, the height of sea facing fences may not exceed 1,5m in height;

6.8.4 retaining walls need special application subject to engineering specifications and may vary in height; and

6.8.5 all permitted boundary walls and fences must be maintained and kept in a neat condition at all times.

## 6.9 **Fencing and Screening**

Wire fencing, precast walls, 'latte' (reed fencing and/or screening) and wood panel fencing and/or screening shall not be permitted under any circumstances. Razor wire or similar tops are not permitted except on the outer perimeter wall of the Estate and at identified security areas and shall be for the account of the HOA.

6.10 **Attachments**

- 6.10.1 The following rules regarding attachments will be closely monitored –
- 6.10.1.1 awnings, TV aerials, satellite dishes, external blinds and other items that do not form part of the basic structure should be clearly shown and annotated on the building plans;
- 6.10.1.2 solar panels (for the heating of water and the generation of electricity) must be incorporated into buildings to form part of the basic structure. All such panels must follow the profile of the roof and no such panels may extend above the pitch of the roof;
- 6.10.1.3 solar heating grids for swimming pools should be positioned as unobtrusively as possible;
- 6.10.1.4 plumbing, if exposed, must be ducted; and
- 6.10.1.5 washing lines must be screened from the street elevation or other visible elevation.
- 6.10.1.6 wind turbines must be incorporated into buildings to form part of the basic structure and no part of a wind turbine may extend above any pitch of the roof; and
- 6.10.1.7 generators must be screened from the street elevation or other visible elevation.
- 6.10.2 Service related items such as those mentioned in 6.10.1.1 to 6.10.1.7 above may not unreasonably interfere with the rights of others, from an aesthetic, functional or noise perspective, and they must be placed as unobtrusively as possible. They must also be maintained and kept in a neat and serviceable condition at all times.
- 6.10.3 New solar and wind installations must be approved in writing by City of Cape Town before they are installed.

6.10.4 A formal application must be submitted to the Trustees via the Estate Manager before any wind turbine may be installed. The application must include the exact specifications (including size) of the wind turbine in question. The application must also include a clear written and diagrammatic presentation of the intended placement, visual effect and noise impact. That diagrammatic presentation must be signed by the Member and it must evidence written approval from all affected neighbours (direct neighbours, neighbours across the road and other residents who will prominently see the installation from their homes).

#### 6.11 **External Finishes**

All external finishes and colours must be shown on the building plans. Before any change to the exterior colour of any dwelling, the Owner must consult with and provide a colour sample to the Estate Manager in order to obtain the views of the Estate Manager.

The following roof cover materials are not allowed –

- 6.11.1 reflective roofing material;
- 6.11.2 Canadian pattern roof sheeting;
- 6.11.3 big six corrugated roof sheeting;
- 6.11.4 asbestos sheeting of any kind; and
- 6.11.5 translucent sheeting if visible from any elevation.

## **7 VILLAGE GREEN CLOSE**

### 7.1 **Architectural Style**

The architectural style in Village Green Close is based on the Cape Victorian Townhouse style, reflecting high pitched corrugated metal sheet roofs. This is contrasted and complimented by chimneys and other vertical accents and the use of rendered (plastered) brick walls.

All alterations and additions to existing dwellings will be dealt with and assessed on an individual basis, based on the design of that particular dwelling. It must fit in with, enhance, match and complement the existing dwelling style.

## 7.2 **Roof Design**

7.2.1 All pitched roofs to be hip roofs with a pitch of 45° and 25° over dormitories and 15° over ground storey verandas. All decorative features such as trellises and finials to be white painted timber, composite woodplastic, white painted metal (aluminium / galvanized steel) or PVC.

7.2.2 Uncovered timber pergolas may be allowed. All such pergolas must be maintained and kept in a neat condition at all times.

## 7.3 **Services and Utilities**

7.3.1 Service-related items such as air conditioning units, satellite dishes, water storage tanks, gas bottles, heat pumps and aerials must be positioned so that they do not unreasonably interfere with the rights of others and they must be placed as unobtrusively as possible. They must also be maintained and kept in a neat condition at all times.

7.3.2 Laundry drying areas and refuse bins must be fully screened.

7.3.3 All soil pipes and waste pipes must be enclosed in ducts or concealed.

## 7.4 **Landscaping**

7.4.1 Boundary walls to be maximum 1.8m high and must be plastered and painted to match the main residence. Wall recesses may be filled with white painted timber, PVC or composite woodplastic.

7.4.2 Wire fencing, pre-cast cement walling systems, 'latte' (reed fencing and/or screening) and wood panel fencing and/or screening shall not be permitted under any circumstances.

- 7.4.3 Colour scheme: All painting colours to be approved by the Estate Manager within the Architectural Rules and to enhance the Cape Victorian Townhouse style. Samples to be submitted to the Estate Manager prior to commencement.

## **8 BUILDING LINES, STREET EDGES AND BOUNDARY PLANTING**

### **8.1 Sidewalks**

The maintenance of sidewalks is the responsibility of the relevant Member and has a direct impact on the aesthetic quality of the neighbourhood. The diverse nature of residential neighbourhoods should give rise to a varied treatment of street boundaries. To create a degree of visual integrity, street boundary wall designs will be strictly controlled. At least 1m of walking space must be allowed between the street's edge and any planting, and the walking space must be grassed, paved, filled with gravel or any other material in consultation with the Estate Manager. Should the walking space be grassed, pop-up sprinklers approved by the Estate Manager may be installed on the side of the walking space.

### **8.2 Building Lines**

- 8.2.1 Setbacks from the boundaries (street and common building lines) must be in accordance with the City of Cape Town Municipal By-Law, 2015, with due recognition of possible Title Deed restrictions or court orders where it deviates from the City of Cape Town Municipal By-Law, 2015.
- 8.2.2 Thatched roof houses must be built no closer than 4,5m to any boundary, including boundaries to Private Open Spaces (POS). *This will be enforced without any exception.*

### **8.3 Hedging**

- 8.3.1 The height of boundary planting, including hedges and shrubs, may not exceed 1,5m. Neighbours must give written permission for their view to be obscured by hedges, shrubs or trees before the HOA will consider it. It will be the responsibility of the Owner wishing to obscure the view of his/her neighbours to obtain the written permission from such neighbours.

8.3.2 Where trees, particularly on the beachfront, obscure or interfere with the security monitoring systems, the HOA reserves the right to demand from the relevant Member/s to cut or trim such trees to an acceptable height as determined by the Estate Manager.

8.4 **Extended Gardens**

Owners of beachfront erven may apply for extended gardens onto POS maintained by the HOA stretching to the dune area owned by the Municipality. Plants must be indigenous; no new lawn may be planted on the dunes and sufficient open space must be left for Members to walk and maintenance vehicles to drive on. No extended gardens will be allowed onto the golf course. All such extended gardens are to be maintained by the relevant Owner to the satisfaction of the HOA.

8.5 **Protected Trees / Plants**

Members are not allowed to remove any protected trees or plants to erect a dwelling. The HOA is not, under any circumstances, allowed to approve any building plans that would cause to endanger or necessitate the removal of any protected tree(s) plant(s) or shrub(s).

## **9 GENERAL BUILDING WORKS REQUIREMENTS**

9.1 **Working Hours**

Building contractors are permitted on the Estate only from 07h00 to 18h00 on Business Days. Given the mature nature of the Estate and protecting resident's rights to peace and quiet, no building activity will be permitted on Saturdays, Sundays and Public Holidays. However, in the event of extraordinary circumstances, special permission must be obtained from the Estate Manager at least 24 hours prior to a requirement to work on a Saturday between 07h00 and 13h00. This permission must be obtained for every event and must not be regarded as a blanket approval. Should the Owner or contractor dispute that decision, the matter will be referred to the Trustee Committee for a final decision. In the event of an extension of not more than 3 hours being required for the completion of a critical aspect during normal Business Days (e.g. pouring of *in situ* slabs), advance permission must be requested from the Estate Manager.

## 9.2 **Entry and Exit**

- 9.2.1 All contractors must comply with the Security Rules that are provided to them and must obtain an access permit from the HOA, which will be issued by the Estate Manager.
- 9.2.2 Builders and their workers may enter or leave the Greenways Estate only through the Contractor's Gate (situated in Gordon's Bay Road) and by vehicle only – workers on foot will not be permitted entry to or exit from the Estate.
- 9.2.3 No workers will be permitted on any part of the golf course, walking over the dunes to the beach or on property other than that on which they are authorized to work.
- 9.2.4 Drivers of vehicles are responsible and accountable for the activities and behaviour of all occupants of the vehicle. Any worker ignoring these Rules will immediately be denied access to Greenways Estate.
- 9.2.5 It is the responsibility of the builder to ensure the good behaviour of his personnel during their presence on the Estate, including that of sub-contractors.
- 9.2.6 All personnel must be driven in by the builder/sub-contractor to the work site. At the Contractor's Gate security will issue a tag to each worker. The builder/sub-contractor is responsible to take all personnel out again in the afternoon and to return all tags issued in the morning to security. For every tag short, the builder/sub-contractor has to pay a fine of R250,00 to the HOA before entering the Estate again.
- 9.2.7 It is the responsibility of the builder/Owner to ensure that no unauthorized person is present on his construction site.
- 9.2.8 The HOA reserves the right to rectify any contravention of these Rules summarily at the builders/Owner's cost.



9.2.9 It is the responsibility of the builder/Owner to ensure that all public open space (including, but not limited to sidewalks) is kept free from building material and/or rubble.

9.3 **Main Architect/Contractor Board**

9.3.1 Where so required by the Estate Manager, before any building activities commence, one main architect/designer/contractor board must be erected on site in accordance with the attached specifications.

	
NEW HOUSE / ALTERATIONS FOR MR & MRS OWNER ERF 10876	
ARCHITECTS / DESIGNERS <i>ABC Architects</i>	Tel: 021-123-4567 Cell: 082-123-4567
PROJECT MANAGERS <i>DEF Projects</i>	Tel: 021-123-4567 Cell: 082-123-4567
STRUCTURAL ENGINEERS <i>GHI Engineers</i>	Tel: 021-123-4567 Cell: 082-123-4567
QUANTITY SURVEYOR <i>JKL Surveyors</i>	Tel: 021-123-4567 Cell: 082-123-4567
CONTRACTOR <i>MNO Construction</i>	Tel: 021-123-4567 Cell: 082-123-4567

- Colours : Board is beige with green borders and interior divisions.
- New House : 50mm in black
- Detail and numbers : 30mm in maroon.

9.4 The maximum size is 1220x1020mm and the minimum information required is the site number and the name of the building contractor and a contact telephone number. In the case of an Owner/builder, or where the Owner acts as the main contractor, the Owner’s name must be provided. This information is needed so as to enable the Estate Manager to make contact with the appropriate party when necessary. No sub-contractor boards of any kind, including painting, landscaping,

interior decoration etc. are permitted in Greenways Estate. The boards are not to be erected on the verge landscaping.

## 9.5 **Encroachment**

9.5.1 Written permission to encroach onto adjacent site(s) must be obtained from the adjacent site Owner(s) and lodged with the HOA.

9.5.2 Where so required by the Estate Manager, before any building activities commence, a well anchored fence with netting must be erected on all the site boundaries other than the road boundary to minimize splattering on neighbouring properties.

9.5.3 Building activities, builders' and sub-contractors' employees, delivery personnel and as far as practically possible, their vehicles and building material, must not encroach onto adjacent sites or sidewalks causing interference with pedestrians and/or traffic safety.

9.5.4 Permission to encroach onto Common Areas or the golf course must be obtained from the HOA. In the absence of such permission, the relevant site boundaries must be fenced. Permission will be granted in exceptional circumstances only.

9.5.5 Owners and contractors should note that where verge landscaping has already been completed, only limited off-street storage and site access will be available. Arrangements must be made *via* the HOA to remove plant material where possible or to protect it during construction.

9.5.6 The HOA reserves the right to replace plant material at the Owner's expense should material be irrevocably damaged.

## 9.6 **Toilet Facilities**

Before ANY activities commence, an adequate toilet, properly tied down, must be erected within the site boundaries in a position which will be screened from view from the golf course and street. If this is not possible a suitable screen must be erected. The colour of the toilet must be acceptable. Corrugated iron structures must

be painted dark green. The toilet must be fitted with a waterborne flush system and connected directly into the foul sewer system.

The builder must ensure that adequate supplies of toilet paper are on hand to prevent the use of cement bags, newspaper or similar materials which may lead to blockage of the system. When blockages do occur, they must be cleared by the contractor at his/her own cost. Anyone found not using the toilet will be ushered off the Estate.

## 9.7 **Storage Facilities**

9.7.1 **Equipment Store.** If a store is placed on site it must be acceptable, adequate, secure, properly tied down and placed within the site boundaries. If a corrugated steel or similar structure is used it must be painted dark green.

9.7.2 **Building Sand Storage.** Sand must be covered prior to vacating the premises every day. In addition, the heaps must be covered during working hours, if wind is causing it to be blown away. Loose sand must not be left to spread over the building site and must be regularly heaped. All heaps to be covered with a suitable tarpaulin or shade cloth, which must be adequately secured. Note that builders and/or Owners will be held responsible should neighbours be affected by windblown sand.

## 9.8 **Disposal of Rubbish**

Before any building operations commence, suitable containers for the ongoing accumulation of litter, plastic bags, cement bags, etc., must be placed on the site. These must be emptied and the contents removed from the Estate at appropriate intervals, but in any event, not less frequently than once a week. Burning of rubbish and fires is not permitted under any circumstances.

## 9.9 **Disposal of Rubble**

During any building operations, rubble must be accumulated and covered in a suitable pre-designated area within the boundaries of the site and must be removed from the Estate on Fridays.

9.10 **Disposal of Fill**

During building operations, fill arising from building activities must be accumulated and covered within the boundaries of the site and, if not required for landscaping purposes, must be removed on Fridays.

9.11 **Deliveries**

9.11.1 Deliveries from suppliers must be scheduled during working hours only. Delivery vehicles will not be allowed entry after 17h00 on weekdays and not at all on Saturdays, Sundays and Public Holidays.

9.11.2 Vehicles carrying abnormally large or heavy loads may be denied access to certain parts of the Estate. Similarly, abnormally long or articulated vehicles will not be permitted entry for practical reasons. Contractors must make suitable advance arrangements with suppliers and the Estate Manager in this regard.

9.11.3 Owners and contractors will be liable for damage caused by any vehicle associated with activity on their site and recovery of any related costs from the owners or drivers of those vehicles will be the responsibility of Owners and contractors.

9.11.4 Where materials encroach onto road verges, these materials must be moved immediately onto the site by the contractor. No material must be allowed to remain on the road verges. It is the contractor's and Owner's responsibility to clean the verges and road of all such materials. The same applies to sand or rubble washed or moved onto the road verges during building operations.

9.12 **Speed Limits**

Only licensed drivers are permitted to drive vehicles on the Estate. The driver of any vehicle considered by an appointed official of the HOA to be exceeding the speed limit of 30 km/h will be stopped and warned. The HOA reserves the right to levy fines per the Conduct Rules.

9.13 **Noise**

All noise on site must be kept to a minimum. Where objections to excessive noise are lodged by nearby residents the HOA will take appropriate action.

9.14 **Sleeping on Site**

Under no circumstances may any employee of a builder, sub-contractor or security firm reside or sleep on a building site during the period of construction. Anyone found doing so will be ushered off the Estate.

9.15 **Damages**

Owners shall be responsible for any damage caused by contractors or their agents or appointees on the Estate including, without affecting the generality hereof, damage to the entrance gate to the Estate, roads, kerbs, verges, plants on the sidewalks, Common Areas, golf course and private property.

9.16 **Protection of Wildlife**

Any person found disturbing, harming or destroying any animal, reptile or bird, or setting any traps or snares will be summarily evicted from the Estate and may be prosecuted in terms of the Wildlife Protection Legislation.

9.17 **Site Safety**

Owners and contractors are responsible for ensuring that all legislative requirements are complied with. The HOA will not be held responsible for any injuries of any kind or deaths of any persons or damages to any property that may occur on any building site.

9.18 **Specifications for Temporary Structures**

9.18.1 Temporary structures will only be permitted at Greenways Estate for use on building sites as storage sheds or to house temporary toilet facilities.

9.18.2 Each structure must be fitted with a solid door which is fitted with a minimum of two hinges. The door must be lockable from the outside by means of a sliding bolt or hasp and staple in the case of a storage shed and both internally

and externally in the case of a temporary toilet. The door to the toilet shall be closed at all times.

9.18.3 The above structures must be adequately anchored to the ground to withstand storm conditions.

9.18.4 All temporary structures must be painted dark green.

9.18.5 No advertising or other notices will be permitted on these structures.

#### 9.19 **Undesirable Conduct**

Should the HOA be dissatisfied with the conduct of any contractor, sub-contractor or supplier, the HOA may rectify as deemed necessary, including but limited to the following steps –

9.19.1 suspend building activity until such undesirable conduct is rectified;

9.19.2 the HOA reserve the right to levy a fine of up to R1 000,00 for each contravention of any of the rules contained herein, per day that the contravention continues without being rectified; and

9.19.3 should a builder, his/her sub-contractor or any of the personnel persistently ignore any of the above rules, the HOA may deny the builder and/or sub-contractor continued or any future access to the Greenways Estate.

## **10 FINAL INSPECTION**

It is the responsibility of the Member to obtain an 'Occupation Certificate' from the Municipality. The Estate Manager will carry out the final inspection after completion of the building activity in Greenways Estate. In the case of the Sectional Titles, the Caretaker will carry out the inspection. The following aspects will be monitored –

10.1 completion and finish according to approved specifications. Certificates of Compliance may be requested from the Member in respect of engineering works, electrical works, fenestration, gas installation and plumbing;

- 10.2 no exposed plumbing;
- 10.3 removal of all building rubble;
- 10.4 no damage to neighbouring properties;
- 10.5 no damage to public open spaces; and
- 10.6 no damage to Municipal areas and properties.