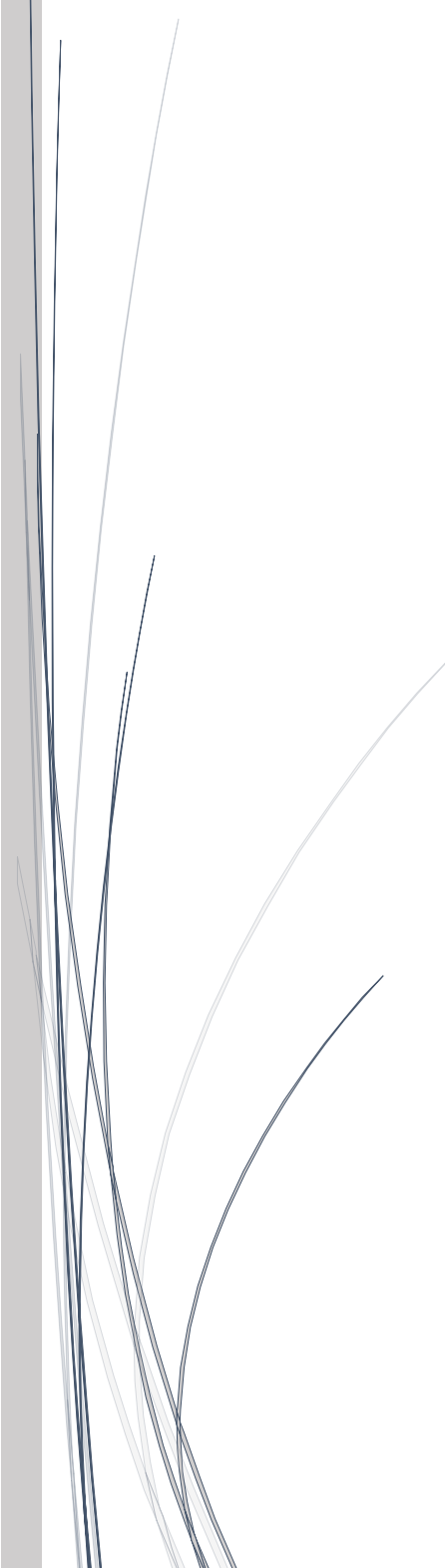


# ARCHITECTURAL GUIDELINES

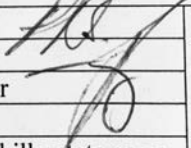
BEVERLEY HILLS ESTATE  
HOMEOWNERS ASSOCIATION

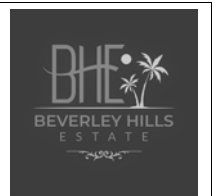


For printing purposes only.  
When printing back to back, the Contents page will be the second page.

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## 1. INTRODUCTION - Site Development & Architectural Guidelines

The above title is documented under heading 4.9 of 'Objects' of the Beverley Hills Estate Constitution, version 6 of 2015.

In some documents this is referred to as the Architectural Code.

The latest version is February 2020 (Version 2). This edition supersedes all previous editions.

The BHEHOA is manned by home-owner volunteers who give freely of their time and effort. The principle of 'Guidelines' is just that, and to assist all owners in living together harmoniously. Kindly keep this in mind when communicating, proposing and working with the BHEHOA.

Please note:

*Applications submitted from September 2019 must comply with this February 2020 version 2.*

## 2. DEFINITIONS

**"Acceptable"** means acceptable, satisfactory or suitable a) in the opinion of the BHEHOA (Beverley Hills Estate Home Owners Association) and; b) in the opinion of the Local Authority.

**"Application"** means an application submitted for approval to BHEHOA and/or the Local Authority.

**"Applicant"** means any person who makes an application.

**"Approval"** means approval in writing by the Local Authority, or; b) approval in principal by the BHEHOA; or; c) approval in writing by BHEHOA.

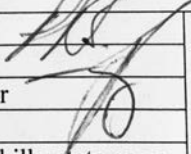

**"Architect"** means Architect as defined in section 1 of the Architects Act, 1970 (Act No.35 of 1970 and as approved to do work by BHEHOA.

**"Basement"** in relation to a building, means the lowest part of any building, inhabitable storey which part is constructed with more than 50% of its volume below the mean finished ground level immediately surrounding the building.

**"Building"** includes - a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof - b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith; - c) any fuel pump or any tank used in connection therewith; - d) any part of a building, including a building defined in paragraph (a) (b) or (c); - e) any facilities or system, or part or portion thereof, within or outside but identical to a building, for the provision of water supply, drainage, sewerage, storm water disposal, electrical supply or other similar service in respect of the building.

**"Building Line"** in relation to a site, means a line prescribed in the Ballito Town Planning Scheme or any law designating the boundaries of the area of the site outside of which the erection above ground of any building is prohibited.

**"Building Height"** means the dimensional height in meters measured from the lowest ground level abutting any part of the building to the level of – a) the underside of a flat roof; or - b) the

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underside of the roof of any plant room on such flat roof where the plan area of the plant room is more than 10% of the area of such flat roof; or - c) a horizontal ceiling which is immediately under any pitched roof; or - d) half-way between the eaves level and the ridge of any pitched roof where there is no ceiling below such roof or where the ceiling follows the pitch of such roof.

**“Carport”** means a building intended to provide shelter for a motor vehicle, caravan or boat and having a roof but having walls on not more than two sides.

**“Coverage”** in relation to building area, means the portion of a lot covered by buildings, and is expressed as percentage of the lot area defined.

**“Dwelling House”** means a single dwelling unit and any garage and other domestic outbuildings thereto, situated on its own site.

**“Dwelling Unit”** in terms with the National Building Regulations, means a unit containing one or more habitable rooms and provided with adequate sanitary and cooking facilities within a cluster of units contained in one, or more buildings.

**“Erf”** shall mean a subdivision of Estate or any Sectional Title Unit of a Scheme in the Estate

**“Erection”** in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building; and “erect” shall have a corresponding meaning.

**“Family”** means a man or woman or both, with or without the parents of either of them and with or without the children of one or the other or both of them, living together as one household, subject to maximum of two persons per bedroom.

**“Floor Area”** in relation to a building or storey thereof, means the total roofed area of the buildings at each floor level, measured over and including wall thicknesses, lift shafts, staircases, access corridors and covered veranda.

**“Floor Area Exclusion”** The exclusions for the purpose of FAR calculations as allowed by the Ballito Town planning scheme. I.e. voids from first floor to ground. Staircase voids in first floor, Lift shaft Voids in first floor.

**“Floor Area Ratio”** also known as F.A.R. means the ratio of the total floor area of the buildings less exclusions calculated on the site area of the mother property and is expressed as a decimal.

**“Foundation”** means that part of a building which is in direct contact with and is intended to transmit loads to the ground.

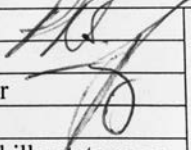

**“Foundation Wall”** means that portion of a wall between the foundations and the lowest floor above such foundation.

**“Free-standing Wall”** means a wall, not being a retaining wall, without lateral support.

**“Frontage Level”** and **“Driveway Entrance Level”** in relation to a site means the actual finished level of the driveway access at the site boundary facing the road, and measured at both sides of the driveway on the boundary line.

**“Garage”** means an enclosed area which is used or intended to be used for the parking and storing of motor vehicles.

**“Gully”** means a pipe fitting incorporating water sealing trap into which waste water is discharged.

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**“Home Owners Association”** in law means a company registered in terms of section 21 of the Companies Act, No.61 of 1973, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit cartilages in a medium density housing site. In the case of Beverley Hills Estate however we are a ‘common law’ association.

**“Inspection Chamber”** means a chamber not deeper than 750mm and of such dimensions that access may be obtained to a drain without requiring a person to enter into such chamber.

**“Inspection Eye”** means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need not be provided.

**“Land Surveyor”** means a land surveyor as defined in section 49 of the Land Survey Act, 1927 (Act No.9 of 1927).

**“Local Authority”** means Kwa-Dukuza Local Authority, and also Kwa-Dukuza Municipality.

**“Lot Area”** also referred to as “site area”, means total area of a site, less the area of any public right of way, road servitude, and new road widening reservation to which the lot may be subject, but shall include any registered servitude for overhead or underground services.

**“Manhole”** means a chamber of a depth greater than 750mm and of such dimensions that allows entry of a person into such chamber for the purpose of providing access to a drain.

**“Member”** a member of the Association being a person registered as the lawful owner of a special residential Erf or a sectional title unit within the estate

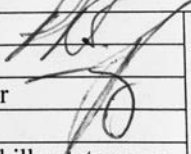

**“Mezzanine Floor”** means any mezzanine storey the floor area of which does not exceed 25% of that of the floor below it.

**“National Building Regulations”** also referred to as “NBR”, or the Regulations”, or the “Act”, means the National Building Regulations and Building Standards Act 103 of 1977.

**“Owner”** in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as in the case may be, is registered in the deeds office in question: Provided that if – a) such person, in the case of a natural person, is deceased or was declared by any

court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No.18 of 1973), or his estate has been sequestrated, the executor or curator concerned, as the case may be; - b) such person, in case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case maybe; - c) such person is absent from the Republic of South Africa or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management of such building or land or who is responsible thereof; - d) the Local Authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land.

**“Registered Person”** means a person defined in Section 1 of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist, and registered with the South African

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Institute of Engineers; or a person defined in section 18 of Architectural Professions Act, 2000 (Act No. 44 of 2000), as a professional architect, or professional senior technologist, and registered with the South African Institute of Architects, and the South African Council for the Architectural Profession.

**“Rodding Eye”** means an access opening in a drainage installation provided for the purpose of gaining full-bore access to the interior of a drain for internal cleaning, and which remains permanently accessible after completion of the installation, but does not include an inspection chamber or manhole.

**“Sewage”** means waste water, soil water, industrial effluent, domestic effluent and other liquid waste, either separately or in combination, but does not include storm water.

**“Sewer”** means a pipe or conduit which is the property of or is vested in the Local Authority and which is used or intended to be used for the conveyance of sewage.

**“Site”** means any Erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected.

**“Storage Tank”** means any tank, other than any tank used for storage of hot water or cistern serving a WC pan or urinal, which forms part of a water installation and is used for storage of water.

**“Storey”** means that part of a building which is situated between the top of any floor and the top of the floor next above it, or if there is no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated), and in relation to a building – a) the ground storey shall be taken as the storey in which there is situated an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest of these; - b) a basement shall be taken to be any part of the building which is below the level of the ground storey; - c) an upper storey shall be taken to be any storey of the building which is above the level of the ground storey; and  
d) the height expressed in storeys shall be taken to be that number of storeys which includes all storeys other than a basement.

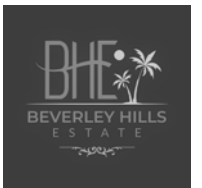
**“Storm water”** means water resulting from natural precipitation or accumulation and includes rainwater, surface water, subsoil water or spring water.

**“Storm water Drain”** means a pipe, conduit or surface channel situated on a site, which is used to convey storm water to a suitable point of discharge.

**“Storm Water Sewer”** means a pipe, conduit or channel, owned by or vested in the Local Authority, which is used for the conveyance of storm water.

**“Street”** or road means any street, road, thoroughfare, lane footpath, golf cart path, sidewalk, - a) the public has the right to use; or - b) is shown on a general plan of a township filed at the deeds registry or a Survey or-General's office and has been provided or reserved for use by the public or owners of erven in such township.

**“Street Boundary”** or road boundary, in relation to a site, means the boundary of such site which abuts any street or road.

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**“Structural System”** in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests.

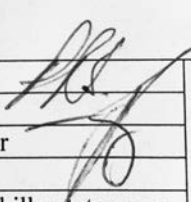

**“Veranda”** A covered open sided structure attached to the main dwelling and not enclosed by any glass doors or solid walls.

**“Verge”** also referred to as verge width, in relation to a site means the land between the road edge and the site boundary which one must cross over to access a site.

**“Waste Pipe”** means a discharge pipe which conveys waste water only.

**“Waste Water”** means used water not contaminated by soil water or industrial effluent and shall not include storm water.

**“Water efficient device”** In terms with the National Water Act, means any product that reduces the excessive use of water.

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### 3. PURPOSE

The following document, The Site Development and Architectural Guidelines, applies in respect of Beverley Hills Estate Home Owners Association (BHEHOA.) It is specific to all areas of Beverley Hills Estate (Free Standing, Duets and Sectional Title as applicable) and outlines procedural, planning and aesthetic considerations. Each homeowner is strongly encouraged to familiarise themselves with this document, and in the case of the Sectional Title units the relative Rules and Regulations governing those Body Corporates, as it forms part of the Agreement of Sale and is contractually binding.

As all the erven within Beverley Hills Estate have been developed, owners of existing houses may wish to make alterations to their properties. Any alteration to existing houses constitutes an improvement, and requires the consent of the Architectural Review Committee (ARC) and BHEHOA and where applicable the relevant Sectional Title Body Corporate.

The purpose of this revised Site Development and Architectural Guidelines is to equip the Owner with the essential rules and standards applicable to any alterations of any existing houses.

Homeowners considering major repairs, alterations or additions are advised to personally contact the Architectural Review Committee or the Estate Manager or request their designated Architect / Project Manager to arrange a meeting to clarify the Rules and procedures before unnecessary costs are incurred.

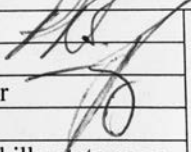

All development proposals submitted to the Architectural Review Committee) of the BHEHOA; will be considered on merit and approval will be at the absolute discretion of the Architectural Review Committee and BHEHOA.

Please note that whilst a proposal may comply with detail elements of the Architectural and Town Planning Controls as set out in this document, it must also capture the intended Architectural "ethos/look/feel" of the Estate. BHEHOA therefore reserves the right not to approve every submission, however such approval shall not be unreasonably withheld.

The Architectural Review Committee shall have the responsibility of enforcing the restrictions set forth in this document for the development or redevelopment of each Lot.

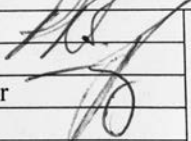

Approval of Development:-

- Before commencing the construction, reconstruction, remodeling, alteration or addition of any building or structure, fence, wall, driveway, or other improvement of any nature, the Owner shall first submit its building plans, specifications, site layout plans, utility plans, grading and drainage plans, and landscape plans (collectively the "Plans") of all improvements to the Architectural Review Committee for its written approval. The building plans shall include floor plans, design sections, elevations,

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material selections and colour schemes. The Plans shall include all materials for driveways, walls, fences and swimming pools. (Refer to Guidelines on Page 6.)

- The Plans shall be delivered to the Architectural Review Committee in person or to the Estate Manager or by certified mail at the address to be designated from time to time by the Association.
- Plans for any improvements must conform to the restrictions as set forth in this document.
- The Architectural Review Committee shall be the sole judge or arbiter of such conformance or non-conformance. Further, the ARC and BHEHOA may approve or disapprove Plans when the Architectural Review Committee, in its sole discretion, determines that the proposed improvements or any feature of the Plans are not architecturally or aesthetically compatible with the development of the Property and with the BHE Site Development and Architectural guidelines contained herein.
- If the Architectural Review Committee approves the Plans, the actual construction in accordance with the Plans shall be the responsibility of the Owner; provided, however, upon the completion of the improvements, and prior to occupancy, the Owner shall notify BHEHOA, who shall have ten (10) days thereafter in which to have the improvements inspected by the Architectural Review Committee to ensure that the construction was completed in accordance with the Plans approved by the Architectural Review Committee prior to construction.
- In the event an Owner has made changes from the original Plans approved by the Architectural Review Committee and such changes were not previously approved by the Architectural Review Committee, occupancy of the subject improvements shall be delayed until the necessary corrections have been made.
- In the event any Owner shall fail to complete the construction in accordance with the approved Plans or to maintain the improvements situated upon his Erf in a manner satisfactory to the Architectural Review Committee, the Architectural Review Committee may, upon the vote of two-thirds (2/3) of the Committee's members, and after ten (10) days' notice in writing to the Owner, and in the event of his continued failure to commence the correction of the matter in issue, enter upon said Erf and complete, repair, maintain, or restore the exterior of the improvements erected thereon. The cost of such exterior maintenance shall be added to and become a part of the assessment to which such Erf is subject and the Owner shall be personally liable for the cost of such maintenance so incurred.

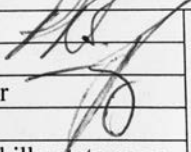

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- In addition to the approval of Plans and other matters herein set forth, the Architectural Review Committee shall have the right to waive minor variances and allow minor variances where the same resulted unintentionally or without gross carelessness on the part of any Owner and are not materially harmful to the Property. If such waiver is granted in writing, then, thereafter such matters so waived shall no longer be deemed a violation of these restrictions. The approval of the Architectural Review Committee of the Plans and completed improvements as required above is not intended to be an approval of the structural stability, integrity or design or a completed improvement or of the safety of any component therein, but is required solely for the purpose of ensuring compliance with the covenants contained in this document, and further, to ensure the harmonious and orderly architectural development and improvement of the Property.
- Notice is hereby given to any future occupant of any such completed improvement and all invitees, business guests and other persons who may from time to time enter or go on or about such completed improvements that no permission or approval granted by BHEHOA or the Architectural Review Committee with respect to construction pursuant to this Document shall constitute or be construed as an approval by them of the structural stability, design or any building, structure or other improvement and no liability shall accrue to BHEHOA or the Architectural Review Committee in the event that any such construction shall subsequently prove to be defective.
- The Architectural Review Committee shall be BHEHOA and its members who shall consist of three (3) appointed trustee members and any such additional member appointed by BHEHOA.

#### 4. OBJECTIVE

It is our objective to protect the rights of the home owners at Beverley Hills and as such to do all possible to accommodate all members with reasonable consideration.

The role of the guidelines is to establish the intent for design and development of the estate and provide the framework within which development and building applications can be evaluated. The guidelines should respond to the requirements of the contemporary South African lifestyle, with an emphasis on the indoor/outdoor relationship, and the symbiotic relationship of man and nature. The guidelines as set out below are in addition to any regulation or by-laws of the local authority.

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## 5. GUIDELINES

### 5.1 SUBMISSION PROCEDURE

This is essentially a two-stage process:-

Stage One: Architectural Review Committee Design Approval Building and Landscaping

Stage Two: Submission of Building Plans to Kwa-Dukuza Local Authority.

#### Stage One:-

Sketch Plans to be presented to the Architectural Review Committee. Please refer to Condition 2.1 (ARC), although design phase is a subjective process the committee reserves the right to impose design requirements to support the Beverley Hills Architectural ethos.

The Architect should familiarise himself/herself with the latest revisions of the Architectural Guidelines, Town Planning Controls and Landscape Protocol prior to commencing. Copies of the latest editions are available from the BHE website or the Estate Manager's Office.

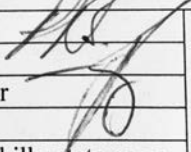

Submission of Sketch Plan.

One coloured set of the Sketch Plan must be submitted to the BHEHOA/ARC for scrutiny, together with the current prescribed fees and documentation.

The sketch plan must consist of the following:

- Fully completed BHEHOA Application Form (obtained from the Estate Manager)
- Letters of Consent from surrounding neighbours must also be provided. Any valid objections to be submitted in writing to BHEHOA/ARC within 2 weeks of Sketch Plan submissions. Failure to do so, will constitute automatic acceptance of the proposal by the neighbour.
- All copies of the drawings must show plans at all levels, elevations, a typical sections through the building and site –all at minimum of 1:100 scale.
- A site plan showing footprint, FAR and Coverage
- The proposal drawing must be on an A1 format sheet, or multiples of A1 sheets
- All external materials are to be identified on all elevations.
- BHEHOA / ARC may call for further detailed documentation from time to time, if this is deemed necessary.

**Please note:** *The Architectural Guidelines is an active document and is subject to revision from time to time. The BHEHOA and ARC reserve the right to amend the Design Guidelines, and absolves itself from any liability in the event of ignorance of these revisions by the Owner or the appointed Architect.*

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### Stage Two:-

#### Submission of Final Building Drawings.

Four copies of the Building Plans (Final Drawings) and elevations to be submitted. One set of the final building plans (working drawings), which must be coloured, must be submitted to the ARC for scrutiny after approval of the Stage one. One copy shall be retained by the BHEHOA for its' records, and the others returned with a stamped approval and/or comments to the member for submission to the Local Authority.

- These drawings must comply in all aspects with the Local Authority requirements, National Building Regulations, and must contain adequate detail and information in order to ensure the proposed structure and finishes is clearly understood.

**Please Note:** *BHEHOA does not submit any plans to the Local Authority on behalf of Developers or Owners. The submission of plans to the Local Authority for approval is entirely the responsibility of the appointed Architect and/or Principal Agent and/or Owner*

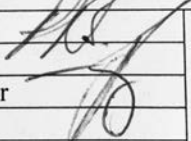

## 5.2 PAYMENTS

- 5.2.1 A member shall not be entitled to submit his building plans to the BHEHOA, unless and until he has paid all levies and any other amounts due and payable to the HOA in full, from whatsoever cause arising:
- 5.2.2 Upon submission, a once-off, non-refundable plan scrutiny and approval fee of R300 is charged by the BHEHOA.  
Prescribed fees for plans that require municipal approval, excluding municipal fees, is R950.

## 5.3 DEVELOPMENT DEPOSIT

A refundable non-interest bearing "Development and Street Light Deposit" of R3 000, shall be paid by a member upon submission of his development plans to the HOA as per the Building and Alteration Guidelines. Such deposit shall be refunded to the member on request, upon completion of the building activities, and after the member has fully complied with the following requirements:

- 5.3.1 Planting of grass and where applicable trees on the sidewalk and the member's own stand and the repair of any damage to the sidewalk, caused as a result of building activities;
- 5.3.2 Removal of all rubble, rubbish and building materials left on the sidewalks, adjoining stand/s, open spaces and the member's own stand;
- 5.3.3 Repairs to any damaged street furniture, streetlights, litter bins, benches, common property, etc.
- 5.3.4 Repairs to any damaged telecommunication, water or electricity boxes or any manhole covers;
- 5.3.5 Repairs to any damaged kerbs or storm water drains on the stand boundaries;

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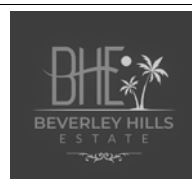
- 5.3.6 Repairs to any damaged paving and concrete spilt on paved surfaces and not cleaned up properly;
- 3.7 Repairs to damaged water irrigation pipes or sprinklers;

**5.4 BUILDING PLANS TO INCLUDE:-**

- 5.4.1 Dimensions, materials and finishes of all built structures, surfaces, walling and fences;
- 5.4.2 The position, design specification and size of all site details not forming part of the essential structure (e.g. satellite dishes, antennae, air conditioning units);
- 5.4.3 Indicate the position and type of existing trees, differentiating those to be removed and those to be retained;
- 5.4.4 Proposed landscaping, with a list of plants for each landscaped area
- 5.4.5 Site Development Plan to include details of:-
  - 5.4.5.1. Parking areas. Parking for a minimum of 2 vehicles shall be provided, not intruding into the road reserve nor onto the pavement and excluding the double garage.
  - 5.4.5.2. The open spaces (eg laundry yards, private gardens and landscaped areas)
  - 5.4.5.3. Positioning of all buildings
  - 5.4.5.4. Sections/Elevations from the North, East, South and West angles showing the envelope
  - 5.4.5.5. Building Lines, servitudes and other restrictions.
  - 5.4.5.6. Storm water Management
  - 5.4.5.7. Actual Coverage and Permitted Coverage
  - 5.4.5.8. Actual FAR and Permitted FAR
  - 5.4.5.9. Cadastral information (i.e. boundary dimensions, north point, etc)
  - 5.4.5.10. Proposed floor levels, ground contours and number of storeys
  - 5.4.5.11 Erf numbers of the stands adjacent to the relevant stand, as well as adjacent street names
  - 5.4.5.12 Any additional relevant information required by the Architectural Review Committee and the BHEHOA.

**5.5 APPLICATION OF GUIDELINES**

- 5.5.1 All site development and building plans received will be evaluated against the architectural guidelines. The intent of the guidelines to be defined in each case. Should a member wish to erect/alter or change a residence that is not fully in line with the guidelines, the specific application will be evaluated on merit and its potential impact will thus be determined. Should the result of the evaluation be favourable, the application will be approved. On approval, stamped and signed copy of the Building Plans will be retained by the BHEHOA for their records.
- 5.5.2 The HOA will evaluate and permit Contemporary Styles within the Property.

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## 5.6 TOWN PLANNING

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

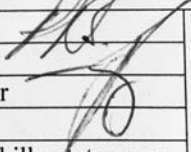

The owner of the property is to comply with the Kwa Dukuza Local Authority's regulations regarding occupational requirements and certificates.

No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plan of such building or for a purpose which causes a change in the class of occupancy as contemplated in the National Building Regulations and Building Standards Act.

## 5.7 TIME LIMITS FOR CONSTRUCTION AND OCCUPATION.

- 5.7.1 The owner of the property may only commence with construction once approval from both BHEHOA / ARC and the Local Authority has been obtained.
- 5.7.2 No building construction work will be permitted on site prior to the Owner's transfer being registered.
- 5.7.3 Local Authority building plan approvals are only valid for 12 months from the date of the approval. Construction work must commence within this period
- 5.7.4 BHEHOA building plan approvals are only valid for 12 months from the date of approval. Building plans must be submitted to the Local Authority within 14 days from date of the BHEHOA approval.
- 5.7.5 No building operations shall be executed on Saturdays, Sundays or public holidays under any circumstances (as per Conduct Rules) Weekday Operating hours between 07h30 – 16h00.
- 5.7.6 Building operations on respective stands must be completed within 8 months. If not, a penalty shall be applied, without prejudice of any of the HOA's rights to take whatever steps are necessary in terms of the Articles or in law.
- 5.7.7 Penalties regarding constructed alterations – R250 per day if the approved house plans by the Kwa-Dukuza Building department is not submitted or agreed upon by the HOA on or before the start of such construction, subject to all other rules and conditions as may be effective.

**PRECEDENT AND APPROVED BUILDINGS:** *Where an approved application is built and its features or elements are re-considered by the Beverley Hills Home Owners Association and the Architectural Review Committee, that such a building or any of its features are no longer valid or appropriate to the architectural idiom of the estate, the BHEHOA and ARC shall have the right*

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to refuse such design or feature without the applicant having the right to claim that precedent permits its application to be approved.

## 6. BUILDING COMPONENTS

The following is intended as a deem-to-satisfy rule in achieving the intended architectural language. All submissions will be considered on their site specific merit and approval will be at the absolute discretion of the Beverley Hills Architectural Review Committee and the BHEHOA.

### 6.1 DWELLING

Any dwelling erected on a stand shall have a minimum floor area of 160 square meters on the ground floor.

Granny flat additions are permitted provided the Architectural Guidelines are adhered to and approved by the Local Authority.

The F.A.R. and Coverage factor apply to the bulk area of each individual Erf and is set as 0,45 and 30% respectively for each individual Erf, with a minimum building area of 160m<sup>2</sup>. In calculating the permissible floor area from the floor area ratio (F.A.R.) the following areas are excluded:

- Garages
- Verandas and Patios.
- Decks.
- Private swimming pools.

All roofed or covered areas are included in the coverage.

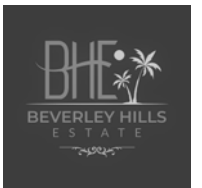
**Please note:** If a veranda is built and enclosed later to form a room, it is no longer classed as a veranda, and would therefore become part of the coverage and F.A.R. Written approval for the enclosure of a veranda must be obtained from the Architectural Review Committee and the BHEHOA. In the case of Malibu and Belair written approval to be obtained from the Architectural Review Committee and the respective Body Corporates. The BHEHOA and the ARC do not encourage the enclosure of verandas. Approval will only be considered on merit and the absolute necessity for the enclosure.

### 6.2 HEIGHT RESTRICTIONS

Not more than two storeys shall be erected vertically above each other. The current height of all free standing homes and duets must remain the same. The current height of the Sectional Titles (Bel-Air and Malibu) and Sectional Title garages must also remain the same.

### 6.3. BUILDING LINES

6.3.1 No structures shall be erected outside the building lines imposed by the town planning scheme. Details of the building lines imposed by the Local Authority are

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obtainable from the Estate Manager or from the Local authority building control department.

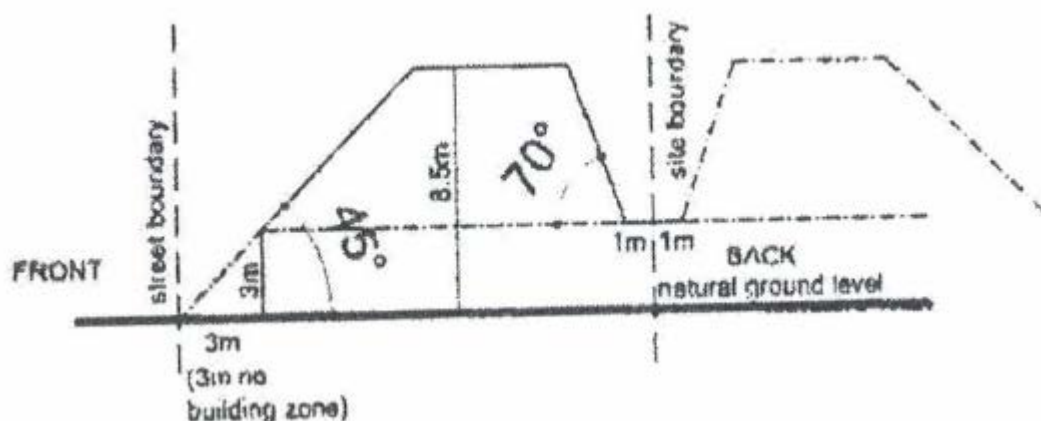
There is a 3 meter security servitude on the perimeter fence. No structures may be erected and no gardening, other than the planting of grass is permitted within the servitude.

**The above building lines and servitudes to be strictly observed. No encroachments will be permitted.**

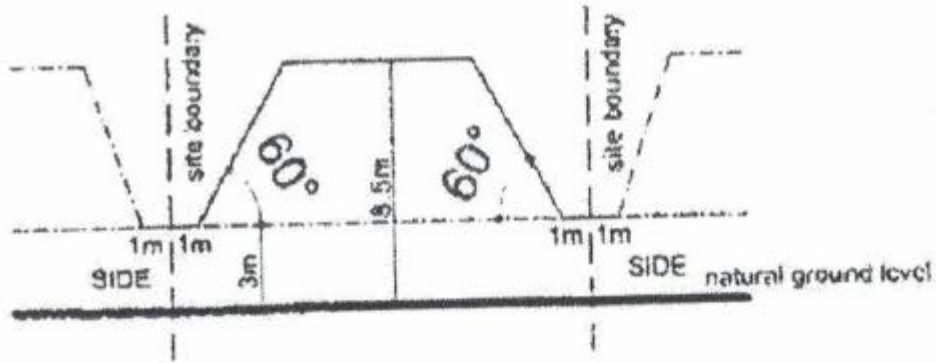
6.3.2 Building Lines prescribed by the HOA forms an envelope on the member's stand. The purpose of the use of the envelope is to ensure that stands can be developed optimally, i.e. built volume on each stand is maximized in a way that does not adversely affect neighbouring stands.

6.3.3 The basics of the envelope (as per diagram) areas are as follows:-

- 6.3.3.1. For the first 3 meters of each site on the street side boundary of the stand (of the stand, not the street) no building is allowed whatsoever. This is to ensure an open, spacious and interconnected ambience to the development.
- 6.3.3.2. The front/street angle of the envelope is 45° in the cast of a totally flat stand. On angled stands, add or subtract the gradient of the stand to the 45°, depending whether the angle is positive or negative
- 6.3.3.3. The back angle is 1 meter from the boundary, and for double storeys, 70° to the horizontal, starting from 3 meters high
- 6.3.3.4. The side angle is 1 meter from the boundary and for double storeys, 60° to the horizontal, starting from 3 meters high.
- 6.3.3.5. Although the envelope is 3 meter high on its sides, the stand boundary walls is limited to 1.8 meters.

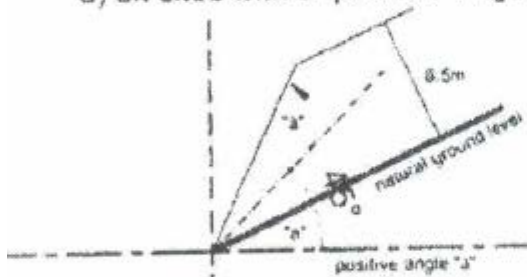


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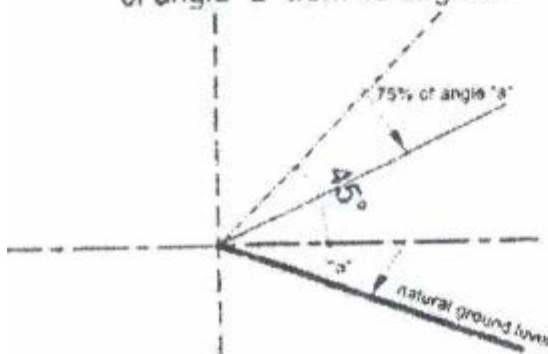


The "front" angle is at 45 degree in the case of a totally "flat" site  
 On "angled" sites, determine one "average" angle:

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



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



## 6.4 WATER

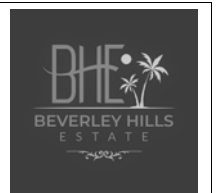
Water for household use on the Property is supplied by the Local Authority. All stands on the Property are serviced for water supply. Application has to be made for a water connection on each individual stand at the water department at the Local Authority. The Local Authority shall after application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

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## 6.5 SEWERAGE

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

## 6.6 ELECTRICITY

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

## 7. EXTERIOR AND PAINT COLOURS

### 7.1 EXTERIOR TREATMENT

All finishing materials, colour combinations and combinations of finishing materials must be submitted to the BHEHOA for approval before submission of building plans to the local authority. The above mentioned must form a harmonious whole with the surrounding residences and general area. All building plans and designs will therefore be evaluated.

### 7.2 COLOUR PALETTE

External walls – any of the following choices:-

#### Dulux New Range Wall colour

Song Porcelain 00NN83/000  
Snow Field 00NN72/000  
Summer Showers 4125665  
Shaded Ice 30GG72/008  
Night Jewels 5 00NN62/000  
White

**Outside Picket Fencing** – Leaf Green


#### Roof Colour New Range

“Nuroof” Cool Low Sheen – ATMOSPHERE GREY TRP 200

Above colours are from the Plascon Range – owners are to match these colours if preferring brands other than Plascon. This will need to be approved by the Architectural Committee prior to commencing.

### 7.3 WINDOWS AND DOORS

Only window frame materials and designs forming part of the particular architectural design will be allowed. Windows, doors, shutters and screens must be white powder coated aluminum unless frameless. No sash windows are permitted. Sliding doors, sliding folding doors, side hung doors and pivot doors permitted. Framed or frameless glazed doors/windows – sliding or fixed, horizontal in white powder aluminum. Side hung casement type windows.

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## 7.4 WALLS

7.4.1 Wall finishes may be plastered and painted, face brick band around bottom of house (6 courses high), clay brick plastered and painted. Concrete brick smooth plastered or stonework. No raw or unfinished plaster will be permitted. In cases where rough or textured plaster work or a paint technique finish is proposed, the HOA may request a sample before granting approval.

7.4.2 Grey stonework cladding or variations thereof subject to approval. Cladding must be a design feature only and not dominate the building.

7.5 **Highlights on external building** (columns, beams, plaster bands) with any of the following colour choices will be permitted:-

Bovine - DC 16 – 47 (Plascon)  
Pebble Stretch - 4164639 (Dulux)  
Cape Fog - 4125670 (Dulux)  
Sophisticated Grey - 31BG26/004 (Dulux)  
Thames Dusk - DC 14 – 41 (Plascon)  
Night Jewels 4 - 00NN37/000 (Dulux)  
White

Owners are to match these colours if preferring brands other than Plascon/Dulux. This will need to be approved by the Architectural Committee prior to commencing.

7.6 **Facebrick band** around the base of the house/building to be prepared with plaster primer and painted with “Atmosphere Grey” as per roof code or cladded with brick tiles painted as per roof code.

## 7.7 WOODWORK

External woodwork – for instance exposed beams, pergolas, shutters etc must be regularly maintained or painted to the satisfaction of the HOA.

## 7.8 EXTERIOR WALLS

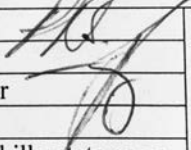

All exterior walls, without a roof, do not require coping.

## 7.9 WATER HARVESTING TANKS

Water harvesting is encouraged but in keeping with the aesthetics of the estate. Rainwater Goods to match or compliment the overall colour. Refer to the Installation of “JOJO Tanks” – Annexure to HOA Conduct Rules (Available at Manager’s Office.) Attention is brought to the fact that no other substance other than rainwater to be discharged into storm water drains.

## 8. ROOFS

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

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Maintenance of Roof tiles: Roofs need to be cleaned regularly; in keeping with aesthetics of the estate and maintaining property values.

Roof Colour New Range

“Nuroof” Cool Low Sheen – ATMOSPHERE GREY TRP 200

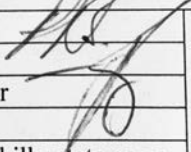

- 8.2 Concrete Roof Tiles are permitted. Colours are to be approved by the HOA/ARC who may request a sample of the intended tile if necessary. No thatch or metal sheeting will be permitted.
- 8.3 Eaves overhang of a minimum 0.5 meters.
- 8.4 Rainwater Goods
  - 8.4.1 Fascia, bargeboards, gutters and rainwater downpipes are mandatory. These are to be white in colour.
  - 8.4.2 Gutters and rainwater goods to match existing structure and not to be imposing from the road and neighbours. Rainwater down pipes to be PVC or aluminum.

## 9. VERANDAS & BALUSTRADES

- 9.1 In all instances, veranda construction to compliment the main structure, that is concrete slab.  
No timber structures will be permitted.  
Sectional Title Units (Malibu and Belair) – Enclosure of verandas on application only.
- 9.2 Balustrades on balconies, to be white and in moulded concrete aggregate or PVC or aluminum. Timber for internal.
- 9.3 Awnings of any nature (retractable, canvas, drop arm) will not be permitted.
- 9.4 Any temporary Structures of any description (e.g. Gemini Hut/Garden Sheds or Wendy House) will not be permitted.

## 10. PATIOS, DECKS AND PERGOLAS

- 10.1 All Decks and Pergolas to be in harmony with the house and restricted to the entertainment areas only. Wooden or composite decks in timber shades will be permitted, along with matching balustrades, provided that the deck does not face the road frontage.
- 10.2 Pergolas need to be designed as an integral part of the house
- 10.3 Should a pergola be covered with a solid roof coverage then such pergola will be counted in the bulk calculations i.e. coverage.
- 10.4 Durable/Treated timbers suitable for external use will be permitted.
- 10.5 PVC Pergolas will be permitted provided it is not road frontage. The posts need to be a minimum of 200cm x 200 cm in diameter.
- 10.5 All timber to be maintained and in keeping with the aesthetics of the estate and maintain property values.
- 10.6 The following will not be permitted:-

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Rustic log or gum pole construction, “Intengu” (Lats) Timber Screen, either vertically or horizontally. Shade cloth/netting application, other than specifically used during construction, will also not be permitted.

**11. DRIVEWAYS AND FOOTPATHS**

- 11.1 All structured driveways and footpaths shall have a stable and permanent surface. All driveways are to be tarred and no painted/paved/cobbled driveways will be permitted.
- 11.2 The following footpath materials (surrounds around house) will be allowed:-
  - Brickwork
  - Pavers (excluding interlocking pavers)
  - Cement Cobbles or Simulated Stone Cobbles
  - Smartstone – in harmony with the new colour scheme.

**12. GARAGES**

- 12.1 Current Garage door design to remain. All garage doors to be painted white. The following garage doors will be allowed:-
  - Wood Painted White
  - Powder Coated White Metal imprints
  - Chromadek Roll-up
  - Alumina Frames with painted fiberglass panels
- 12.2 No garage, tool shed or storage room placed separately from the residence will be allowed without the approval of the HOA/ARC. Each dwelling shall have a private lock-up garage for a minimum of two and a maximum of four vehicles.
- 12.3 No carports will be permitted.

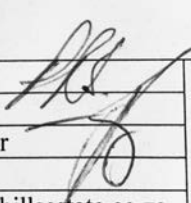

**13. AIR-CONDITIONING UNITS AND GENERATORS**

*BHEHOA strongly recommends that back-up generators should be your last resort and the more environmentally sensitive options should be considered first. Solar energy harnessing for external lighting and water heating is encouraged. Determine your needs, make a decision, and get a suitable inverter/UPS back up system*

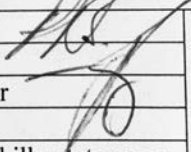

All back-up power generator installations are to be submitted to the ARC (Architectural Review Committee) for scrutiny prior to installation.

The following criteria are used by BHEHOA when reviewing Power Back-up Generator applications:

- Power back-up generators, and equipment must be positioned out of sight from any boundary or road, or alternatively screened in an appropriate manner approved by the BHEHOA

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- Consideration is to be given to the adjacent property owners when positioning all plant & equipment on site. i.e. Noise & air pollution, aesthetical appearance, Offensiveness to your neighbours.
- Owners need to consult with generator suppliers / specialists and resolve all issues pertaining to excessive noise & air pollution as part of the installation.
- Only silent type generators are permitted.
- Specifications of the generator to be installed.
- Location plan of the generator.
- Electricity lay-out showing detail of the connections to and from the generator.
- A Fire Protection plan.
- Envisaged noise level output measured by decibel.
- The noise level of the generator should not exceed 60 to 80 db at 5m.
- The generator should be of the household, "silent" sound proof type with an automatic switch on/off capability.
- The generator should be seen as an emergency back-up and should only operate during power failures.
- The generator should be installed within the boundaries of that particular stand
- The generator should be installed by a qualified, competent electrician.
- All generators on the Estate should be switched off between 22h00 at night and 06h00 the next morning.
- All air conditioning plant, inverters and equipment must be positioned out of sight from of any boundary or road, or alternatively screened in an appropriate manner approved by the BHEHOA and the Architectural Review Committee.
- Consideration is to be given to existing properties when positioning any such plant. I.e. Noise pollution, aesthetical appearance, Offensive to neighbours.
- Equipment to be positioned to ensure natural ventilation achieved through appropriate design.

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- Solar energy harnessing is encouraged.

**14. TV ANTENNAE, SATELLITE DISHES AND RECEPTION DEVICES**

These are to be hidden wherever possible. The position of any of these devices must be clearly indicated on application drawings and approved by ARC and cannot be positioned anywhere except where specifically agreed with ARC.  
Advertising signage is not permitted on any of these devices.

**15. SWIMMING POOLS AND JACUZZI'S**

Construction of swimming pools on application only, together with an Engineer's report. A copy of the Servitude Plan is available at the Estate Manager's Office.

It is strongly recommended to use contractors that are members of the NSPI (The National Spa and Pool Institute of South Africa)

All Swimming pools must be fenced with a maximum 1,2 high approved fence. The swimming pool gate must be hinged on rise and drop type hinges (self-closing) and a self-latching/locking device conforming to SABS and the National Building Regulations must be fitted.

Swimming pool fencing to be shown on the Building Plan for approval.

Koi ponds and water features on application. Outdoor showers which are suitably screened and not visible from the road or any adjacent property and dwelling unit are acceptable.

Jungle Gym and trampolines on application and approval by the BHEHOA.

All Swimming pools, Jacuzzi's, fish ponds and any other water feature with a water volume greater than 1000 liters and a depth exceeding 450mm at any point, must be fenced and secured with a maximum 1,2 high approved fence.

Portable or Temporary Swimming pools are not permitted. Jacuzzis and Spa Baths visible from the road are not permitted, nor are any visible pumps and filtration systems permitted to be visible from the road.


**16. GARDEN FENCING**

The estate was designed with no fencing or dividing walls in mind. However, pets and very young children for example need to be protected, therefore fencing has been approved and continues to be the exception rather than the rule. "Pet Safe" green wooden picket fence or PVC fence in "Leaf Green" to a height of 1 meter road frontage will be considered.

White fencing will not be permitted. All fencing to be painted "Leaf Green"

Softening planting is strongly recommended on both sides of the fence.

Boundary/Dividing walls between properties are discouraged, as they are out of character with the look and feel of Beverley Hills Estate, however on written application, a boundary wall may be considered by BHEHOA on the merits of the said application. In all cases, a boundary wall may not exceed 1.8 meters in height between adjacent properties and reducing to 1.2 meters towards the front of the property and 1 meter at the

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	Signature:	Estate Manager	
	Signature:		
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back of the property. No hard divide, such as a wall is permitted on the front or road side of a property.

No pre-cast walling will be permitted.

**17. SOLAR ENERGY**

Solar Energy harnessing for lighting and water heating is encouraged. No visible tanks to be permitted. Photovoltaic panels must be flush with the slope of the roof and discreetly positioned. Application of any solar energy system to be submitted to the BHEHOA.

**18. LAUNDRY LINES, DRYING YARDS AND REFUSE BIN AREAS.**

Every dwelling shall have a suitable laundry drying yard and refuse bin area to a height of 1.9 meters. All washing lines, windy driers and laundry lines are to be positioned on each site in such a manner that it is not visible from any of the Estate’s roads and from any boundary on that site.

Courtyard walls to be of brick and mortar and plastered. Special care is to be taken on sites which are “below” the road. In this instance, walls of maximum 2.0 meters height to screen laundry yards and lines will be considered on application and motivation. The position of yards and washing lines is to be clearly indicated on the drawings for approval by BHEHOA.

**19. LANDSCAPING AND GARDENS**

19.1 Changes to the Landscaping to be approved by the ARC. All private gardens to be maintained and kept in an aesthetically pleasing condition. Sidewalks and verges up to 2m from road is the responsibility of the garden team of Beverley Hills, everything else is the owner’s responsibility.

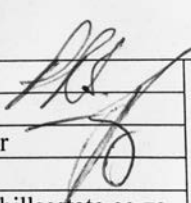

19.2 The height of boundary planting including shrubs and trees may not exceed 2.0 meters. Permission from neighbours is a pre-requisite.

19.3 Pruning of indigenous trees (regardless if they are in a private garden) needs to be approved by the Environmental Committee and the Estate Manager. Removal of trees can only be done with written permission from the Estate Manager and Environmental Committee. (On application)

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

19.5 Garden Lights  
Please ensure that your garden lights are of the waist height pillar type or lower and that it reflects the light outwards and downwards.

All Homeowners are to refer to the “Environmental Management & Planting Plan for Home Owners and Sectional Title Units” and adhere to the recommendations made in the Geo-technical soil report which is available at the office of the Estate Manager.

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