

11. ARCHITECTURAL, AESTHETIC & BUILDING REQUIREMENTS & REGULATIONS

11.1 Preamble and Definitions

11.1.1 Concept

The aim is to establish a development with a West Coast 'feel' and which consists of a variety of aesthetically pleasing homes well suited to modern living, that reflect the architectural style of the area by adapting the features such as dark pitched roofs with parapet gables, white painted plastered walls, and simple, if any, decorations.

11.1.2 Building Design Standards

These requirements are in addition to the Regulations and the By-Laws of the Local Authority and the National Building Regulations. The Association reserves the right to make any additions or alterations to these standards that, in their opinion, are necessary to preserve the architectural style and harmony of the Development, subject to the Local Authority's approval.

11.1.3 Definition

Local Authority:

The Saldanha Bay Municipality or any such authority that replaces it for any reason.

Client:

The purchaser of a Unit Erf within the Development.

Documentation:

Drawings, specifications, diagrams, reports etc submitted to the Local Authority and/or the Association for approval.

Approved Drawings:

Documents as above after their approval, as to aesthetic requirements by the Association, or their agents and the requirements of the Local Authority.

Agents:

Registered architect/s that shall be appointed by the Association to scrutinize and approve documentation.

Building:

Any development, including site works or alterations to external finishes or colour as proposed, being erected or completed within the area of the Golden Mile Development.

Home Owners Association:

Association formed by the home owners of the Golden Mile known as the Golden Mile Home Owners Association.

11.2 Submission for Approval

No building, walls, fences, or any other structure may be erected until the Association and the Local Authority have approved them in writing. Three sets of the documentation, signed by the owner, must be submitted.

The requirements of the documentation are:

All plans, elevations and sections are to be dimensioned and drawn to scale.

The following minimum requirements must be submitted to the Association in triplicate:

Site and all floor plans: Showing building lines, contours, datum level and floor levels, and proposed excavations, walls, swimming pool and driveway.

All elevations of all buildings, structures, walls, gates; the natural ground level; floor and building height levels; material and colour details for roofs, windows, doors, gutters, rainwater down pipes, columns, poles, awnings. Sections showing height of building and natural ground level. Proposed external finishes and colour scheme. Any other information required by the Association or its agents.

18.3 Scrutiny and other Fees

A fee is payable for each submission by the Owner to the Association which is defined as the plan scrutiny fee and the applicable builder's deposit, as elucidated below. The current value of the fee/deposit can be obtained from the Golden Mile Home Owners' Association's offices. The scrutiny fee as per item 18.3.1 will allow for 3 submissions to the Design Review Committee and a

additional scrutiny fee, to the value of one hour's professional rates is payable with each subsequent amended application after the 3rd submission. The fee will be utilized as follows:

- 18.3.1 To pay the Association's agent/s to scrutinise the documentation. The fee charged by the agent/s is based on the time charged for two hours of a principal of an architectural practice, as recommended by the Institute of South African Architects. Once written approval has been given by the agent and the Association in the form of an endorsement, the client may proceed for approval by the Local Authority.
- 18.3.2 To correct any shortcoming in Paragraph 18.6, i.e. if any of the conditions are not met to the satisfaction of the Association, then the Association will undertake whatever is necessary to rectify the shortcomings. All reasonable actions taken by the Association, in this regard, will be at the expense of the client and no Occupation Certificate will be issued by the Local Authority unless all Conditions are met and all expenses incurred by the Association are fully refunded. Any monies not used by the Association shall be refunded to the client within 3 (three) months of the issuing of an Occupation Certificate by the Local Authority.

18.4 Approval

The approval or rejection of any proposed building by the Association and/or Local Authority is final and binding by agreement.

18.5 Power of Veto

Notwithstanding all aesthetic requirements, the Association keeps the authority to approve or disapprove any architectural plans that they may consider appropriate or inappropriate for the Development.

18.6 Construction

All building work once commenced, shall be completed in a short a reasonable time as possible and shall be executed in a workman-like manner, within a maximum period of one year. All material used shall be of good quality. Walls to be constructed of clay brick or cement bricks only.

The site and the surrounding land must be kept clear of rubbish at all times, to the satisfaction of the Association and/or Local Authority. Rubbish which might be blown away by the wind must be contained and all rubbish must be taken to a recognised site on a regular basis or when instructed to do so by the Association.

The primary dune, including all vegetation on the dune and open space in front of the beachfront plots, may not be disturbed under any circumstances, either during or after building operations. It is recommended that natural vegetation should be stimulated by irrigation. Paths over these dunes may not exceed one meter in width; boardwalks to specifications herein are allowed.

The boundaries of each building site are to be clearly identified. The clearing of building sites must be restricted to the site alone.

The following points must be strictly adhered to:

- All buildings, structures and walls are to be completed to plan.
- All paving, boundary walling and landscaping must be completed within the maximum building period.
- All site huts/stores must be removed at the completion of the building period.
- Adjacent kerbs, pavements (and other Erven that may be affected) are to be re-instated to their original condition.
- In addition to the above, all thatched roof must have a fire reel with fire hose fitted, as well as an external sprinkler system running along the ridge of the roof, and connected to the main water supply. The location of taps must be recorded by security personnel.
- All rubble and litter must be removed regularly and at the end of the building period.

18.7 Building Restrictions

18.7.1 Building Lines

4,5 metres from all street boundaries; 2,0 metres from side boundaries and 3,0 metres from back/sea boundaries.

Swimming pools must be positioned within the building lines.

18.7.2 Building Height

The building Height limits for Sea Fronting Sites shall not exceed 6,5 metres, measured as a mean value in all cases, of the 2 rear pegs (away from the sea, on The Golden Mile facing side). In the case of a pan-handle site, the two rear pegs shall be deemed as the value of the pegs closest to the road, excluding the pan-handle, with a theoretical rear peg where the panhandle originates in line with the opposite defined rear peg facing The Golden Mile, determining the mean value. A maximum of two floors will be permitted for sea fronting sites. Where the boundaries of a site function from the sea facing boundary next to The Golden Mile, or if erven are Consolidated to achieve the above, the height restriction would be 7,5 metres, again measured from a datum level, being the value of the two street facing pegs.

The height restriction limit, will function onto the apex of the roof ridge. Parapets and chimneys may exceed this level.

Erven back from the seafront will be permitted to have a maximum height of 9 meters. In the case of these erven, a third floor may be considered by the Design Review Committee where semi loft spaces could be used within the proviso that the 9 meter height restriction limit may not be exceeded.

No piers or stilts will be allowed.

18.7.3 Siting of Building

Owners are requested to liaise with their neighbours when planning their homes. The positioning of a building/s should not unreasonably affect the amenities of nearby properties. For example, servant's quarters and entertainment areas should be sensitively positioned and neighbours' privacy respected. A new building shall take into consideration the existing adjacent buildings and shall be designed to complement them. The Association's decision in this regard will be binding on all parties concerned.

18.8 Accommodation Requirements

18.8.1 Size of House

There is a minimum requirement of 120 square metres of habitable floor area. This excludes garages, stores, etc.

18.8.2 Garages

Each property is to have a minimum of one garage and is to be provided with carriageway crossing and completed driveway. An additional on-site parking place is to be provided if only one garage is supplied. More than two garages will be permitted on the proviso that only two garage doors face The Golden Mile or street facades (two double garage doors will be permitted if, for example, four garages are required).

18.8.3 Outbuildings

Outbuildings must be in the same style and finish as the house.

18.8.4 Ancillary Buildings

No pre-fabricated stores, 'Wendy Houses' or other temporary structures shall be erected, except during construction when a single site hut/store may be permitted, but must be removed on completion of the contract.

18.8.5 Interiors

The interior design and decoration is unrestricted.

18.9 Aesthetic Requirements

18.9.1 Plan Forms

Plan forms must be rectangular or composite rectangular forms. No round or other shapes will be permitted.

18.9.2 Roofs

Roofs are to be pitched between a minimum of 30 degrees and a maximum of 45 degrees. Mansard roofs are not permitted. The Association may allow at its discretion, part of the roof to be flat for use as a terrace, or as a link between pitched roof elements. These roofs

shall be constructed of timber decking or re-enforced concrete, finished with a suitable waterproofing or timber slats.

Gable ends: These should be simple. No curved or decorative gables will be permitted. Gable ends must be provided on all roofs, except thatch and slate where hipped gables are acceptable.

Roof proportion: The roof height to wall height must be between 1:1 and 1:2.

18.9.2.1 Roof Materials:

Recommended are: Slate, thatch, fibre cement profile *BigSix*, cement tiles *LaFarge Elite* and 0.53mm ZincAlume/Colorbond quality sheet metal in profiles *Corrugated/Victorian/S-rib* or *Diamondek407/Snaplok300*. No other materials are permitted.

The selected roof material must be consistent on a particular property.

18.9.2.2 Thatched Roofs:

All thatched roofs must be fitted with a fireproof blanket, e.g. 'Glasstex' or alternatively treated with a fireproof coating, inside and outside, approved by the CSIR, e.g. 'Thatchsayf'.

18.9.2.3 Roof Colours:

Natural grey slate, natural thatch, dark grey or black cement tiles, dark grey or black fibre cement sheeting and charcoal metal roof sheeting.

18.9.2.4 Selected roof material must be consistent on a particular property.

18.9.3 External Walls

Walls must have clear, plain, smooth, plastered surfaces and painted or finished white with e.g. 'Marmoran' or similar approved pure white finishes with no fleck texture.

18.9.3.1 The careful and judicious use, within an aesthetically well motivated application, the use of arches may be submitted to the full and final discretion of the Design Review Committee. Due to the poor quality of plastering at the West Coast, further consideration could be given to "scratch plaster" or a light stipple plaster, to hide poor and undulating plaster work.

18.9.4 Plumbing Pipes

Prominent plumbing pipes (particularly from upper stories) must be concealed within the walls. Vent stacks should be avoided. It is suggested to use the new vent breather valve (VBV) or stub stack one metre high. Visible branches to a VBV may not exceed 300mm.

18.9.5 External Doors and Gates

Recommended shapes and proportion:

They must be of rectangular and simple design without curved or triangular fanlights or decoration surrounds such as rusticated quoins or mouldings.

18.9.5.1 Door Materials:

Doors must be timber with glass, fielded or flush panels, or vertical or diagonal planking. Steel doors are not permitted. Dark bronzed or black anodised or epoxy-coated aluminium, natural or painted hardwood or white PVC, sliding doors will be permitted. See Colour Guidelines.

18.9.5.2 Garage Doors:

Must not be wider than 4880mm and in timber, aluminium or glass fibre. The style should be of horizontal, vertical, diagonal or chevron planking pattern or panelled.

18.9.5.3 Gates:

Gates shall either be of solid timber properly framed and braced with horizontal, vertical or diagonal planking, or galvanised painted steel of simple design. See Colour guidelines.

18.9.6 Windows

Window proportions should be either square or a vertical rectangle and be of moderate size. In certain cases they may be joined together, provided the vertical emphasis is maintained. Arched or raking heads are not permitted.

18.9.6.1 Window Frame Materials:

Timber is recommended. Black or dark bronze anodised or epoxy-coated aluminium or PVC may be used. Steel frames are not permitted. See Colour Guidelines.

18.9.6.2 Glass:

The use of reflective glass or reflective film is prohibited.

18.9.6.3 Shutters:

External shutters must be able to cover the entire window when closed. Shutters smaller than the size of the windows will not be accepted.

18.9.6.4 Burglar Bars:

Bars should be of simple rectangular form. If possible they should line up with the window mullions.

18.9.7 Colour Guidelines

For doors, gates, windows, fascia, barge boards, balustrades, stoep poles, exposed timber etc., the recommended finishes are sealed natural or dark stained timber or painted white, black, dark green or dark blue. Garish colours will not be permitted. The colour must be approved

18.9.8 Chimneys

Chimneys are important traditional elements and must be plastered masonry. If possible they should form part of a gable end. All chimneys of open fires and braais are to be fitted with stainless steel gauze spark retarders to the approval of the Association. Chimneys of thatched houses must be higher than the ridge of the roof.

18.9.9 Yards and Screening Walls

All yard walls (kitchen, drying, and courtyard) should be plain plastered brick with a simple coping painted white. They must be high enough, to a maximum of 1,8 metres, to provide the necessary screening. All yards must be indicated on the building plan.

All toilet or bathroom doors in an external wall must have a screening wall and all dustbins, washing lines, gas bottles, and caravan and storage areas must not be visible from the roads, the beach or other stands.

Chimneys of outdoor braais, combined or incorporated with screening walls (to a maximum of 1,8 metres) must be within the building lines. Should a relaxation of a building line be considered, only one building line can be relaxed with the necessary consent of the Home Owners Association and adjacent owner's consent. For example, in the case of a relaxation of the rear building line, to allow for a screening wall with an outdoor braai chimney, the 2,0 metre lateral building line must be adhered to.

18.9.10 Fencing and Flower Boxes

Only plain smooth plastered walls are acceptable, preferably with traditional coping. Timber, pole or ranch type fencing, asbestos cement, facebrick, pre-cast concrete and fancy designed fences are not permitted. In order to enhance the feeling of space, all walls and gates within 4,5 metres of the street, within 3,0 metres of the sea and parkland, boundaries (but not boundaries adjacent to access paths to the beach) must not exceed 1,2 metres in height. Elsewhere the maximum height is 1,8 metres. All heights of walls are measured above natural ground level at regular intervals (i.e. every 2,5 metres) along the wall. All walls and gates must be shown on the building plans.

Notwithstanding the above requirements of all the fences having to be plastered and painted, application can be made for vacant sites to be **temporarily** fenced in, using paddock type, pole fencing as per the one existing example below. This will only apply with vacant land; when a building is erected the smooth white plastered walls must be erected in place of the wooden fencing. This temporary waiver is to assist owners of vacant sites to demarcate their property in order to prevent the misuse of properties by third parties and the public in general. The construction of the fence is to be to the following specification:

POSTS: ex 150mm ø Tanalith treated poles, height 1,2m (2 rails), with 90mm ø Tanalith treated rails 1,8m long. Poles should be to the standards as by Messrs Thesens or equally approved. All fences must be painted white and must be properly maintained.

18.9.11 Post Boxes

No freestanding post boxes are permitted.

18.9.12 Balconies and Terraces

Balconies and terraces should have clean lines with plain railings, simple decorative balustrades or the traditional pattern pillars and coping wall. Heavy brick or concrete support columns should be avoided.

18.9.13 Shade Provision

Traditional style verandahs or pergolas will only be allowed within building lines. Canopies and awnings are acceptable if in fabric with a maximum of two colours approved by the Association. Aluminium awnings will not be permitted. Shade netting where visible will not be allowed. Pergolas should be planed timber, natural or painted or treated round poles. Columns/piers may also be plastered masonry, painted white. For all the above, the colour must be approved.

18.9.14 Aerials and Solar Panels

Television and radio aerials must be unobtrusive, preferably in the roof space. No masts, antennae, overhead wires or similar appendages may be visible from the neighbouring Erven or public spaces, except one TV antenna per Unit Erf.

Solar heating panels should be flush with the roof and inconspicuous. Pipes must be concealed.

18.9.15 Signs

Street numbers should be of a simple design, preferably black on white or white on black, or brass on white or black or natural timber. Minimum height of numbers should be 100 mm. The display of house names will not be permitted.

Architects and contractors boards may only be displayed during the construction period.

18.9.16 Sculptures

All sculptures visible from public areas or neighbouring properties are subject to the same approval as the building.

18.9.17 Unacceptable Designs

The following designs are not acceptable: Mediterranean, Swiss log cabins, 'A' frame, modern spec and timber planked or framed.

18.10 Boardwalks

All boardwalks are to be approved by the Association and the Local Authority. The necessary documentation must be submitted. Boardwalks must comply with the following specifications:

Material: Good quality treated timber poles, beams and planks.

Width : 1200mm planks, 155mm wide x 55mm thick.

Height: The boardwalk must be between 300mm and 400mm above natural ground level.

Poles: These should be 100mm to 125mm thick and placed 1000mm apart across the width and 200mm apart along the length. The poles must be planted with minimum disturbance to the dune vegetation.

Beams: 2200mm support beams, 155mm wide x 55mm thick.

Screws: Bolts and nails, must be either galvanised or stainless steel.

18.11 All buildings, walls or structures erected on any Unit Erf shall conform strictly with the Rules, Regulations and By-Laws as laid down by the Local Authority in respect of this development and nothing contained herein shall derogate from the liability of the owner of any Unit Erf to pay the Municipal rates in respect of the property as well as all service charges, to the Local Authority.

All Members of the Association shall conform to all Municipal Statutes and By-Laws, irrespective of the contents of this Constitution.

12. ENVIRONMENTAL ASPECTS

12.1 Preamble

The Development falls within the sensitive West Coast eco-system. The Members of the Association set out the following vision for their part of the Coast:

- 12.1.1 To celebrate the diversity, beauty and richness of Britannia Bay.
- 12.1.2 To strive for sustainable coastal development, involving a balance between development and ecological integrity.
- 12.1.3 To assume shared responsibility for maintaining the health, diversity and productivity of their own coastal eco-system.
- 12.1.4 To realise that the coast must be treated as an individual system and recognise the relationship between the user and the eco-system.

12.2 Legal Aspects

The legal aspect/s for coastal management is provided by the Constitution Act (108 of 1996), the National Environmental Act (107 of 1998), the Seashore Act (21 of 1935), the Environment Conservation Act (73 of 1989), as well as other National and Provincial Legislation and Regulations relevant to the coast. The Constitution Act takes precedence and states that a clean and healthy environment is a basic human right and must be protected for the benefit of present and future generations.

12.3 Admiralty Reserve

- 12.3.1 The reserve is a national asset and it is the responsibility of the state to retain and effectively manage, re-instate and endeavour to extend the Admiralty Reserve. This Reserve is a public heritage and is inalienable.
- 12.3.2 It is clear from current legislation that coastal management is a shared responsibility, also of the Association. All Members of the Association are thus held responsible for the consequences of their actions, including financial responsibility for negative impacts.
- 12.3.3 All Members of the Association shall thus act with due care to avoid impacts on the coastal environment of Britannia Bay and all Members must therefore accept co-responsibility for this part of the coast.
No motor vehicle is allowed in the area between the low and high water levels of Britannia Bay. This provision does not include permit holders.

The applicant be shown on his/her right to appeal in terms of Article 44(1) of the Land Use Planning Ordinance, No. 15 of 1985.