

**WESTLAKE  
COUNTRY & SAFARI ESTATE**

**WESTLAKE**

**ARCHITECTURAL RULES AND  
STANDARDS,  
BUILDING RULES, BUILDING  
CONTRACTORS RULES AND  
CODE OF CONDUCT**

Updated May 2007

## **BOARD OF DIRECTORS FORWARD**

Welcome to Westlake Country and Safari Estates, we hope that your association with our Board, Management and Estate will be both beneficial and rewarding.

This document forms part of an introduction and induction into the way that you will design the home to be built on the Estate and in the case where an architect may also be the project manager, how you will conduct yourself, your builders and your sub-contractors on our Estate.

If you are a building contractor or sub contractor on our Estate, these rules will apply to you as well, so please ensure that you and your management staff are fully conversant with them.

Should you at any time have any queries with regard to the design or conduct of building operations, please do not hesitate to call on us.

Please note that the Architectural, Building and Builders Rules have been incorporated into this one document, and both Architects and the Building Contractor are bound by the Rules if building on the Estate.

We fully intend to police these rules with a zero tolerance attitude, and if the architect, builder or contractor is found to transgress them either wilfully or negligently on four occasions, you risk a heavy fine and/or your work and entry privileges will be revoked and you will be removed from the Estate.

**BOARD OF DIRECTORS  
APRIL 2007**

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## ARCHITECTURAL RULES

### 1 Introduction and Applicability

- 1.0 These Rules shall apply to any person designing, project managing, building, altering, or adding to any house or erf on the Estate. It shall further be applicable to any person, whether natural or juristic who intends to undertake any work on the estate, including but not limited to gardening, landscaping, paving, and painting.

In order to ensure that this development has the least possible impact on the natural beauty of the site, and that styles of Architecture do not conflict to the detriment of the estate as a whole and the investment value of the project, an architectural concept to establish and maintain character for the development has been adopted.

The implementation and maintenance of a unified character is a condition of purchase of the site. The design criteria set out herein are in addition to the building regulations imposed by the local and national authority.

- 1.1 The Westlake Home Owners Association (“WHOA”) has imposed certain rules relating to the aesthetics, designs and external appearance of all buildings, structures, features and landscaping in the Estate. All houses (including outbuildings) shall be designed to conform with this architectural style, and to the satisfaction of the delegated and authorised Aesthetics Committee of the WHOA. Any additions, alterations and extensions must be consistent with the style, finishes and appearance of existing buildings.
- 1.2 Plans with necessary details must be submitted and approved in writing by the WHOA before commencement. These plans will then also require approval by the Madibeng Local Council (“the Council”).
- 1.3 The restrictions set out in these Architectural Rules are in addition to any restrictions imposed in terms of conditions of title, town planning schemes or National or any other building regulations. Notwithstanding that any plans or improvements may comply with any such restrictions imposed by third parties, the approval of any plans or improvements with the Estate shall be at the sole discretion of the WHOA. Similarly, compliance with restrictions imposed by the WHOA shall under no circumstances absolve the owner from the need to comply with restrictions imposed by third parties, nor shall the WHOA’s approval be construed as permitting any contravention of restrictions imposed by any authority having legal jurisdiction.
- 1.4 The WHOA has the right in its discretion and from time to time, to depart from these rules, provided that such departure is intended to enhance the overall aesthetics of the Estate.

- 1.5 The decision on whether or not the plans for a house addition or alteration comply with the approved architectural style shall be at the sole discretion of the WHOA, but the following principal guidelines will apply. References must also be made to the following section :- Design and Specification Schedules.

## **2. Style**

The WHOA conceptualise adequate choice to satisfy your personal taste within the theme European-Rural: Tuscany, Provence -Mediterranean. This theme will enhance co-ordinate and complement. Choose between existing available plans, with small changes or design your own home according to your personal taste and needs within the architectural guidelines.

External Design Criteria shall be as detailed in Architectural Specifications – Annexure “D”

## **3. Procedure**

- 3.1 No building operation shall commence without completion and signoff of the Building and architectural checklist, as well as a signing off of the plans by the Estates nominated architect and the aesthetics committee.
- 3.2 No building may be erected or altered without prior approval by the WHOA of the aesthetic design of the proposed construction. This does not apply to internal amendments to existing buildings.
- 3.3 Plans for the construction of, or alterations to, buildings must be approved by the WHOA prior to commencement. Approval will only be considered if monthly levies are up to date.
- 3.4 Should any provision of this design manual be regarded as contrary to The National Building Regulations, then The National Building Regulations shall prevail.
- 3.5 The WHOA may approve waivers of any mandatory specifications under special circumstances where such waivers are recommended by a consultant architect for structural reasons.
- 3.6 Working drawings one colour and three copies must be submitted to the WHOA together with the prescribed fee of:
- a. R750.00 for alterations/additions;
  - b. R2 500.00 for new plans;
  - c. R 500.00 for revision after approval.
- All prices exclude VAT. The plans will be scrutinised and stamped prior to submission to the local authority. An extra copy is to be submitted for the WHOA records.
- 3.7 All buildings to be erected on this Erf will, on completion, be subject to an engineering certificate, issued by a professional engineer.

#### **4. Town planning**

- 4.1 Only one dwelling per erf is permitted.
- 4.2 No houses will be permitted which are less than 130m<sup>2</sup> in size, excluding garage and patio. Maximum coverage is 50% of erf area. Measurement includes areas which are both roofed and with a surface bed, including garage and patio.
- 4.3 No part of the concrete floor slab may exceed 300mm above natural ground level unless due to the slope of the land and then with WHOA approval.
- 4.4 No partially completed structures or surface beds structures may be left unfinished. Once building commences, the work must continue uninterrupted through to completion.
- 4.5 Plans for swimming pools, decks and jetties must be submitted and approved of by the WHOA, as per any other external building works, before work may commence. Pools and ancillary equipment may not extend over any property boundaries, Decks may extend over boundaries on waterfront stands.
- 4.6 It is an express condition of the Council that plans for swimming pools, and decks must also be submitted to them for approval, before work may commence, and engineer's certificates may be required.
- 4.7 External walls: Exterior paint colours to be approved by the WHOA prior to application.

#### **5. Fencing and Security**

- 5.1 On wilderness area or Waterfront Boundaries, and parallel to this, fences/walling is discouraged for practical needs, a 1.0 m fence/wall is permitted, and, if by mutual neighbour agreement, can be returned along a portion of the side boundaries.
- 5.2 If for reasons of privacy ( for example to screen a swimming pool) it is desired to provide a visually impenetrable barrier between the house, and the street or wilderness area, such barrier shall be achieved by means of planting of trees and shrubs. On waterfront properties, the planting of trees and shrubs must not impede any view lines.
- 5.3 No security spikes or razor wire and electric shock wires or any similar devices shall be permitted on houses or house fences.
- 5.4 Plain horizontal burglar bars are permitted fitted in or onto the timber window frame on the inside only and to opening sections only in a dark brown colour.

- 5.5 External security grilles, shutters and roll-up/sliding security grilles are not permitted and if especially required, may only be fitted on the inside of sliding doors or windows in dark brown only. Grilles or gates used to un-enclosed patios are expressly not allowed.

## **6 External Fittings, Features and Fixtures**

- 6.1 Light pollution is a sensitive environmental issue, and must be reasonably controlled, particularly in this rural setting.
- 6.2 All external light fittings to be approved by the WHOA aesthetics committee so as to be uniform in appearance. Garden and feature lighting shall be at the discretion of the WHOA, and floodlighting only permitted in controlled circumstances, that will not effect neighbours, or the estate.
- 6.3 No Street or stand numbers or house names shall be displayed other than the approved or registered stand numbers. The design shall be determined by the WHOA. No letterboxes are permitted. Numbers or designs not complying with the above, to identify stands shall be submitted to the aesthetics committee prior to erection.
- 6.4 Fixtures and other items such as wash lines, air-conditioning ducts and units, swimming pool pumps, satellite dishes, solar heating panels, skylights, evaporative cooling radiators, kennels, etc, should be sited discreetly as possible out of view of roadways, wilderness areas, parks, common areas, neighbours and waterfront.
- 6.5 The paint colours of these fittings where possible should be so as to camouflage them, and to closely match any background colour. All exterior paint colours to be approved by the WHOA.
- 6.6 For unusual, pool or other feature items, ornamentation and embellishments, which may effect the visual appearance of a property, consent must be given by the WHOA before installation.
- 6.7 Canvas type blinds and window awnings are permitted, with the consent of the WHOA in various approved colours, designs and types. Approved colours, designs and types to be determined by the aesthetics committee prior to installation.

## **7. Patios and Garages**

- 7.1 In keeping with the local climatic conditions, the architectural style includes for covered patios integrated into the overall house and roof structure.
- 7.2 With consent of the WHOA, matching timber framed and glazed sliding or slide-folding doors may be fitted to enclose the patio.
- 7.3 Adjustable aluminium patio roof covers are not permitted.

- 7.4 Only bona-fide entertainment gazebos on the living/entertainment side of the house will be considered, and shall match the house design and appearance. To protect neighbour's views, gazebos or roof structures are not permitted which interfere with view lines, or on decks that overhang or go beyond the embankment of waterfront properties. Approval of such structures must be obtained from the WHOA in writing.

## **8. Landscaping**

- 8.1 The WHOA reserves the right to impose, at its sole discretion, any restraints or insist on changes being made to, incompatible designs or plantings of gardens. Indigenous trees and shrubs are recommended and promoted
- 8.2 The owner is to landscape his entire property, including panhandle if applicable, and may include landscaping onto the sidewalk if a natural extension of the design, but without obstructing pedestrians.

## **9. Swimming Pools, Decks and Jetties**

- 9.1 Swimming pools should be either safety-netted or the swimming pool must be fenced. Pool nets or covers are recommended.
- 9.2 Standard plans, suitable for Council submission, drawn by the specialist contractor, must first be approved of by the WHOA, with: -
- a) Dimensioned plan, section and elevation, to scale 1:100 or 1:50 and dimensioned site plan 1:200 if also necessary;
  - b) Position of buildings and boundaries and existing neighbours pools, buildings, the extent of paving, the high water line etc. to be indicated;
  - c) Stand no, street name, North point etc;
  - d) Details of materials, colours and finishes;
  - e) The position of the motor pump and housing, and backwash wastewater connection to the sewer, to be indicated on the plan;
- 9.3 The visual impact of pools, water falls and other features onto neighbours and the wilderness area must be considered, and may require shrub screening.

## **10. Site, trees, open space and wildlife**

- 10.1 The stands are larger than necessary to enable residents to leave a large part of the stand undeveloped and to blend into the natural areas adjacent to all stands

- 10.2 Each Owner shall be responsible for the landscaping and maintenance of the sidewalk adjacent to his property.
- 10.3 If an Owner neglects the provisions of par 10.2 the WHOA will execute the required work and charge the owners for such work.
- 10.4 Certain open spaces will be landscaped by the WHOA and maintained by the WHOA.
- 10.5 Water features: The use of water features is encouraged.
- 10.6 Storm water drainage: Storm water collected on the internal roads will be dispersed to a suitable drainage course downstream of the proposed development.
- 10.7 Water reticulation: Pipe network will be provided with individual stand connections and adequate provision for fire protection.
- 10.8 Sewerage: All stands will be connected to a piped sewerage reticulation system at the lowest end of each property to all drainage to the sewer works.
- 10.9 Waterfront property owners who alter their erosion protection measure and/or embankment wall must:-
  - a) Sign an indemnity
  - b) Provide drawings and engineers' certificate for WHOA approval

## **11. Building Lines**

- 11.1 The local authority set the building lines, except in so far as they may be modified by this document and annexures.
- 11.2 The siting of buildings and their height must not unreasonably affect the amenities and site lines of adjacent properties. The WHOA's decision in this regard will be binding on all concerned.
- 11.3 The position of the 50-year flood line is to be noted. No buildings are to be erected beyond this line.
- 11.4 The location of the garage and outbuildings to be approved by the WHOA, having regard to buildings either proposed or erected on adjacent erven.
- 11.5 Buildings shall be a minimum of two metres from side boundaries except where designed in co-ordination with the adjacent building and approved by the WHOA.
- 11.6 Site paving from the road to the front of the house to be cobbles or clay brick in a colour to match the building. No other colours or materials will be accepted. Paving samples must be approved by the WHOA

## **12. Heights**

- 12.1 Height of building: To permit the use of classical rules of proportions and scale the proposed architecture, maximum height, including roof structure but excluding chimneys, shall be 8.5 meters above natural ground level.
- 12.2 No part of the concrete floor slab may exceed 300mm above natural ground level unless due to the slope of the land and then with WHOA approval.

## **13. Levels**

- 13.1 No elevation of the ground floor of any building (above the ground) on columns, piers, walls or such like where there is a void below the building will be permitted except on waterfront stands and in these sites only elevation of the ground floor deck to extend over the water will be permitted. The finished ground floor level shall not be more than 300mm, above the main ground level. On waterfront plots this shall be interpreted to be the main level of that area of the site above the 50-year flood line.

## **14. Plan Forms and General Appearance**

- 14.1 Plan forms must be rectangular, or composed of rectangular or square forms.
- 14.2 External walls shall be “bagged” or smooth plastered with larger clear areas. “Spanish” plaster will not be permitted.
- 14.3 Face brick of any colour and painted fair-face brickwork is not permitted.
- 14.4 Recessed semi-arched panels can be used in external walls
- 14.5 Quoins, square columns and plastered window surrounds are desirable and walls may then be of different approved pastel shades.
- 14.6 All external walls shall be painted an approved pastel shade as per the WHOA charts. Samples of colour references must be submitted for approval. The WHOA’s decision with respect to colours will be final.
- 14.7 Chimneys may only be of plastered masonry.
- 14.8 The edge treatment of waterfront erven to be strictly in accordance with the prescribed retaining structure, however timber decks, plastered retaining walls and supported structures may be approved at the discretion of the WHOA.

## **15. Windows and Doors**

- 15.1 Windows are to be of natural timber, brown epoxy coated aluminium or dark bronze anodized aluminium. Steel frames and natural aluminium are not permitted. Samples of colour references must be submitted to the WHOA for approval.
- 15.2 Semi-arched windows are encouraged.
- 15.3 Large horizontal glazed doors and windows may be used where they occur beneath verandas, pergolas and overhangs in excess of 900mm.
- 15.4 External burglar bars of traditional wrought iron will not be permitted.
- 15.5 Boarded or louvered shutters are recommended.
- 15.6 Doors shall be of traditional proportions and must be varnished, oiled or painted timber. Paint colour to be brown. Aluminium garage doors with timber colouring or wood like appearance are permitted.

## **16. Roofs**

- 16.1 At least 75% of roofs must be pitched. The pitch shall be within the range 26-35 degrees, except for verandas, which may be less.
- 16.2 Flat roofs, defined as 25% or less must be concealed behind parapets on all sides, and must be concrete. Where visible from the upper floor of adjoining stands such roofs must be covered with Britt Cover tiles.
- 16.3 Gables where used must be simple. No curved or decorative gables will be accepted.
- 16.4 Overhangs should be restricted to 300mm maximum if not behind hidden gutters.
- 16.5 Roofs shall be terra cotta, "antique" or "farmhouse" in colour, references must be submitted to the WHOA for approval.
- 16.6 The following roofing materials are allowed: Cordova Clay roof tiles, Cement tiles Marley Monarch in: "Tuscany", "Sierra", "Florence", "Verezia" or "Pescara". Cement tiles Coverland Riviera in the abovementioned colours.
- 16.7 Flat built up roofing behind parapets shall be less than 25% of total area and shall be covered with roof tiles. Roof tiles shall be approved by the WHOA.
- 16.8 The following materials are not permitted: Clay or cement tiles of any other colour or pattern. IBR sheeting or any corrugated material, thatch, and asbestos slates of any colour.

16.9 All roofing on any one property shall be of the same type, except that sections of flat concrete roof (less than 25% of the roof area) shall be permitted in conjunction with tiled roofs.

16.10 Roof forms shall be traditional as seen in the Tuscany, Provence and Mediterranean areas, no fascia boards are permitted.

**17. Pergolas, covered terraces, awnings, decks and jetties**

17.1 Pergolas and external timberwork to be carbolinium or tanalith treated poles or dark stained timber.

17.2 Pergolas may not be constructed with steel pole supports or other steel sections, only brick columns.

17.3 Pergolas may not be covered with opaque or translucent, plastic sheeting. Timber lathes and bamboo are acceptable, else tiled roofs.

17.4 No fixed or movable, aluminium, plastic or metallic awnings, screens or coverings of any sort will be permitted. Canvas awnings may be erected subject to approval by the WHOA.

17.5 In keeping with the local climate conditions, the architectural style includes for covered patios integrated into the overall house and roof structure.

17.6 With consent of the WHOA, matching timber framed and glazed sliding or slide-folding doors may be fitted to enclose the patio.

17.7 Adjustable aluminium patio roof covers are not permitted.

17.8 Only bona-fide entertainment gazebos on the living/entertainment side of the house will be considered, and shall match the house design and appearance. To protect neighbour's views, gazebos or roof structures are not permitted on decks that overhang or go beyond the embankment of waterfront properties. Approval of such structures must be obtained from the WHOA.

17.9 Decks may be framed of timber or steel, with timber decking (saligna, pine or teak), with simple timber cross-pattern balustrading in natural finish, or steel balustrading to match the steel fence.

17.10 Natural timber trellises are encouraged to part screen the underside and framework of decks.

17.11 No solid screens or vertical panels, or roofs or structures may be erected on top of the deck.

17.12 Deck floor levels may not be higher than the patio floor level of that house, and may not extend beyond the property boundary.

- 17.13 For waterfront owners, a lower-level deck may be constructed beyond the property boundary, no higher than 750mm above the Hartbeespoort Dam high-level mark, and shall be reviewed for individual stand shapes and sizes. Such Decks may not extend more than 1 meter onto common property, and may not impede access to the common property.
- 17.14 Lighting on decks to be low-keyed area lighting, per main house external fittings and strictly no floodlights permitted.
- 17.15 Jetties shall not intrude onto the waterway or obstruct water usage. Engineering drawings and certificates may be required.
- 17.16 Jetties may be constructed of timber, steel or plastic, neat and tidy, with uniform fenders if fitted.
- 17.17 Jetties are for watercraft parking or mooring only, and shall be accordingly sized; - no large entertainment type jetties will be permitted to be moored to private jetties.

## **18. Sewerage, waste and down pipes**

- 18.1 Sewerage and waste pipes as well as down pipes must all be concealed, unless located in closed courtyards not visible from beyond the site, or within 300mm of ground level.

## **19. Outbuildings and kitchen yards**

- 19.1 All dwellings shall have an enclosed drying yard. The drying yard and refuse area must be completely enclosed within walls high enough to provide adequate screening. Walls to be of plastered masonry.

## **20. Television aerials, solar panels, satellite dishes and pool pumps**

- 20.1 All television aerials shall, where possible, be erected within the roof space.
- 20.2 Solar panels must be flush with the roof and preferably mounted so as to be as inconspicuous as possible.
- 20.3 Satellite dishes to be erected in an inconspicuous spot.
- 20.4 The paint colours of fittings such as pool pump motors, antennae etc, where possible should be so as to camouflage them, and to closely match any background colour. All such paint colours to be approved by the WHOA.

## **21. Fencing and walls**

- 21.1 The treatment of sidewalks is considered of paramount importance as they have a direct influence on the aesthetic quality of the neighbourhood. The diverse nature of the residential neighbourhood

should give rise to a varied treatment of street boundaries. To create a degree of visual integrity street boundary walling design will be strictly controlled:

- 21.2 Site walls be painted an approved colour plastered brick or blockwork with a plastered column, or plastered piers with wrought iron in-fill panels.
- 21.3 No pre-fabricated walling systems, vibracrete, unplastered blocks, face brick, wire or corrugated sheet fences will be permitted.
- 21.4 Green plastic coated diamond mesh may be used provided a hedge is planted against it. No barbed wire is acceptable.
- 21.5 The street boundary may not be walled for more than one half-length on the boundary. Any additional walling to be set back a minimum of two metres.
- 21.6 The street elevation should as far as possible not be walled, except on north entry sites where for privacy reasons a wall is required around the pool. Street boundary walls to be staggered to obviate lengths of straight walls longer than 12 metres.
- 21.7 A 2.3m high fence will be erected around the property by the WHOA to provide security and prevent poaching of the game.
- 21.8 No security spikes or razor wire and electric shock wires or any similar devices shall be permitted on fences.

## **22. Identification and marking of properties**

- 22.1 Identification numbers should be clearly displayed.
- 22.2 Property numbers to be a minimum of 200 mm and maximum of 400mm high, black or polished brass, fixed to wall facing the street.
- 22.3 Composite plaques matching the design of the house in a pastel colour may be acceptable, subject to the approval of the aesthetics committee

## **23. Entrances and guest parking**

- 23.1 Entrances to be sited to maximize safety and convenience to road users.
- 23.2 Entrances shall not be sited so as to cause a nuisance to neighbours or cause a danger to road users.
- 23.3 Entrances shall not be sited so as to encourage visitors to park on sidewalks and common property.

## **END SECTION A**

## **SECTION B      BUILDING RULES**

### **BOARD OF DIRECTORS FORWARD**

The Board of Directors of the Westlake Home Owners Association support builders and building contractors who take cognisance of the requirements of the Labour Act, who operate their businesses in a legal and orderly manner, and who plan for the training and advancement of their staff, taking into account the advancement of previously disadvantaged persons.

The WHOA discourages the use by Homeowners of builders and building contractors who do not build homes in a legal and safe manner.

Any contractor or builder who does not comply with the law of the land with regard to taxes, employee training, labour law and occupational safety requirements shall be liable to be denied access to the Estate and who wilfully and repeatedly ignores and transgresses the rules of the Estate shall have building privileges withdrawn at the discretion of the Board Of Directors.

**BOARD OF DIRECTORS  
APRIL 2007**

### **SECTION B1      Building Contract Rules**

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## **SECTION B2        Procedures for Building/ Code of Conduct**

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10. Annexure A – Builders audit – example
11. Annexure B – Building procedure checklist.

### **B1    Building Contract Rules**

1. **Introduction**

- 1.1 The erf owner and erf owner's project manager shall sign for a copy of these Rules.
- 1.2 On appointing a builder or building contractor, such builder or building contractor shall sign for a copy of these Rules, and shall complete a Builders Audit form as appears in Annexure A in the rear of these Rules to allow for the accreditation of the builder or contractor.
- 1.3 No owner builder, builder or building contractor may begin building operations on the Estate without prior accreditation in writing by the WHOA. Such accreditation letter shall be valid for one year and shall be valid only if signed by the estate manager and two estate directors
- 1.4 In the case of an owner builder, the owner builder shall sign for, and agrees to be bound by these rules. Such owner builder shall be held liable for the conduct of his/her sub-contractors.
- 1.5 An owner builder shall be defined as being an erf owner who is building a house on the Estate for his own use. An owner builder who builds more than one house every two years shall be construed to be a builder, and shall then be treated as a builder for the purposes of this document.
- 1.6 An owner builder shall only be permitted to build on the Estate if the floor slab, brickwork, plumbing, electrical, glazing and sewerage work is completed by licenced registered sub-contractors who are registered with the relevant controlling authority or the NHBRC. No owner builder shall build on the Estate without a NHBRC certificate for such construction.
- 1.7 The erf owner shall apply to the WHOA and the Town Council for approval of plans, and no building may be erected or altered without prior approval by the WHOA and the Madibeng Council.
- 1.8 Plans shall be submitted for approval for: - Swimming pools, water features, landscape features, enclosed patios, timber decks and jetties. Although formal plans are not required for satellite dish, air-conditioning or Breeze-air installations, awnings, blinds, or other external works, a simple copy of the existing plan, or some form of notice, should be submitted indicating proposed installations, for approval by the WHOA. These installations to be as discreet as possible.
- 1.9 The building checklist which appears as Annexure B in the document shall be followed and signed off where required at each stage, prior to the commencement of the next stage.
- 1.10 Should an owner builder, builder, or contractor commence construction prior to receiving plan approval from the Town Council, the WHOA and before receiving approval from the WHOA to commence by means of completing the accreditation audit and receiving a letter stating that the entity may commence operations. Such entity, its assigns sub

contractors and associates may be removed from the Estate permanently at the discretion of the Directors of the WHOA, with the right of appeal to the full Board of Directors.

## **2. General**

- 2.1 There is a plan scrutiny fee of R2500.00 payable to the WHOA and a hard copy and electronic file record of the plan shall be retained by the WHOA. A fee of R750.00 is payable for additions and alterations, all prices exclude VAT.
- 2.2 Before drawings may be submitted to the Town Council for approval, they shall carry the stamp of the approval from the WHOA and signed by a representative of the Board of Directors, Aesthetics Committee and resident architect.
- 2.3 Should any provision of these rules be regarded as contrary to the National Building Act and Regulations (NBR), the NBR shall take precedence.
- 2.4 It is intended that plans which contain adequate and correct information including window frame, paint colour and roof specifications, and which conform to the Estate Rules will be approved within 15 working days from date of submission. The WHOA will, however, not be responsible for any delays or damage should this process take longer than this anticipated period.

## **B2 PROCEDURES FOR BUILDING CONTRACTORS/ CODE OF CONDUCT**

### **1 Introduction**

The primary intention of the provisions hereunder is to ensure that all building activity occurs with the least possible disruption to residents, and to reduce the unsightliness of building operations. The Westlake Country and Safari Estate Home Owners Association (WHOA), has imposed certain rules relating to Building Contractor activity in the Estate.

- 1.1 Notwithstanding the Estate Rules and Association Agreement to which each of the owners must adhere, the following items must specifically be adhered to by the owners of the individual stands when employing their own subcontractor or on an owner builder contractor basis:
- 1.2 The rules governing building activity are rules imposed by the WHOA and are binding to all stand owners and their Building Contractors, suppliers and sub-contractors. It is the responsibility of the stand owner to ensure that the Estate rules in their entirety, including, but not limited to the Conduct Rules attached, are understood and observed by the contractor and included in any building contract concluded in respect of building or property improvements on the Estate.
- 1.3 A copy of the entire Building rules/ contractor rules/Code of Conduct/Building Contract duly signed, must be submitted to the WHOA for their records, prior to commencement. The WHOA has the right to suspend any building activity in contravention of any rules, and accepts no liability for any losses sustained by a stand owner as a result thereof.
- 1.4 The WHOA, through its representatives will monitor Contractor, supplier and sub-contractor activity on the Estate and ensure that the rules set out below are strictly adhered to. Spot fines, payable immediately, and if necessary, removal from the Estate, and claims for damages will be implemented.

### **2. Qualifications of Contractors**

- 2.1 Only Contractors registered with the Master Builders Association, NHBRA/BIFSA, or equivalent, and with an acceptable construction record will be considered after completion of the audit document appearing as Annexure B to this document, and acceptance of the audit by the WHOA in writing is issued.
- 2.2 Casual workers, and specialist, and other contractors may be required to provide proof of a membership of a recognised body or association that governs that discipline e.g. the "National Spa & Pool Institute of SA".

- 2.3 Contractors are at all times responsible for their sub-contractors and their employees while on the Estate, and will be responsible for ensuring that all rules and regulations set out in this document will be adhered to.
- 2.4 A building performance deposit must be paid over to the WHOA before construction commences. This deposit will be held in an account of the WHOA (free of interest) by the WHOA and will be used in the eventuality of the construction work and improvements to the property, not being satisfactorily completed. This deposit will also be used to remove any rubble or make any damage caused by the Contractor or his sub-contractors, or suppliers, including kerbing, landscaping, community services, roads, irrigation, etc, and for any outstanding spot fines and or architect fees.
- 2.5 The amount of this building performance deposit is to be determined by the WHOA, and may change from time to time.
- 2.6 This deposit amount is payable per building project and will not “roll over” to other house projects.
- 2.7 Although the WHOA may monitor construction and site cleanliness to ensure satisfactory Estate standards and compliance with the approved plan, external finishes etc., they are not responsible for quality control of individual houses, and excepting for the final external appearance and completion as effects the Estate, this deposit is not for the use of any settlement or arbitration between the owner and Contractor.
- 2.8 The WHOA reserves the right to inspect all sites at any time and a right of access may not be denied to any authorised representative of the WHOA.

### **3. Description and definition of Contractor**

The term” Contractor “, shall apply to all Building Contractors, sub-contractors, and any “supply and fit” operation that occurs in Westlake Country and Safari Estate, whether under the appointment by a main Contractor, sub-contractor or owner, and whether causal or formal, and includes, but is not limited to, any property or building improvement, fencing and walling, satellite dishes, solar heating, additions, extension, alterations, building structure, swimming pools, timber decks, paving, landscaping and features and walling, satellite dishes, solar heating, additions, extensions, building structure, swimming pools, external awnings and blinds.

#### **4. Requirements for building Commencement**

- 4.1 The following pre-conditions, in addition to the completion of Annexure A and B, shall be complied with before building activity may commence.
- 4.2 The owner shall give the WHOA at least 14 days written notice of his intent to start building and provide the following information:
  - 4.2.1 A copy of the Architectural Design and Building Rules, signed by the owner and Contractor.
  - 4.2.2 A copy of the Estate Rules, signed by the owner and the Contractor.
  - 4.2.3 Payment of the building performance deposit of a minimum of R25,000.00 per erf for new dwellings and R5000.00 for alterations to existing homes. The deposit shall be placed into a trust account and shall earn interest for the benefit of the WHOA.
  - 4.2.4 Payment of the water and electrical connection fee.
    - Water and Single phase electricity R2250.00
    - Water and 3phase electricity R3700.00.
  - 4.2.5 The working drawings, specifications and schedule of finishes approved by the WHOA.
  - 4.2.6 A copy of the working drawing as approved by the Madibeng Local Council (Local Authority).
  - 4.2.7 Confirmation of land ownership and transfer.
  - 4.2.8 Payment of Plan Scrutiny fee.
- 4.3 A list of all sub-contractors and suppliers expected for this contract, to be provided to the WHOA. 24 Hour contact details for emergency purposes, of the Contractor, plumber and electrician to also be provided.
- 4.4 Within 14 days of commencement date, a copy of the Contractors, or owner builders All Risks and Public Liability Insurance to be submitted to the WHOA. The amount of such policy shall in no cases be less than R5,000,000 (five million Rand)

#### **5. Site commencement procedure**

- 5.1 Prior to site commencement, the Contractor shall conclude with the WHOA the detailed and current arrangements regarding:
- 5.2 A formal hand over of the house site with the WHOA, inspecting and confirming the:
  - 5.2.1 Correct site location, and boundaries by means of an owner supplied land surveyors report.

- 5.2.2 Installation of the water & electrical connection and meters.
- 5.2.3 Position of sewer and electrical connection points.
- 5.2.4 Slope of ground and storm-water drainage solution
- 5.2.5 Location of other existing services and servitudes,
- 5.2.6 Recording the condition of surrounding property, fences, manholes, I.E.'s, road, kerb, pavement etc with photographs if necessary,
- 5.2.7 Installation of chemical toilet on site.
- 5.2.8 Provision of a site waste skip, which shall be emptied when filled.
- 5.2.9 ID Cards documents to be provided for each worker at a cost of R25.00 per card – ID Cards remain the responsibility of the Builder after issue
- 5.2.10 Proof of builder's deposit.
- 5.3 It is noted that the owner will be invoiced for water consumption during building operations.
- 5.4 All required payments and documentation, as per the requirements of the Rules shall be in place with written permission obtained from the WHOA prior to building work commencing.

## **6. Procedures during construction**

- 6.1 From commencement of construction, the exterior of the building shall be completed within 12 months, to WHOA standards, including painting, paving, fencing, and landscaping. This time period may be extended at the written discretion of the WHOA upon application.
- 6.2 The Contractor shall attend site meetings as and when called for by the WHOA.
- 6.3 Updated information to be provided as necessary of suppliers and sub-contractors, as well as emergency contact details.
- 6.4 The Contractor has the responsibility to check all construction materials on delivery, as well as colour schemes, against the architectural guidelines for correctness and suitability.
- 6.5 Any variations or changes to the exterior or external appearance of the building shall be notified and approved by the WHOA prior to incorporation in the building. Any new materials or products not yet approved shall be accordingly submitted for consideration and written approval.
- 6.6 Any work near the boundary which impacts onto spills over, affects or alters the existing ground shaping of the wilderness area, or the erosion

protection measures of the embankment of waterfront properties, shall be resolved at the owner's cost, in conjunction with, and to the satisfaction of the WHOA.

- 6.7 The Contractor is to comply with all Conduct Rules and Procedures as set out, and as updated or further instructed in writing from time to time, and generally co-operate with the WHOA in all aspects of the Estate security, safety, tidiness and good behaviour.

## **7. Connection information, pipes and sleeves**

- 7.1 Reticulation of services and connection information is available from the WHOA.
- 7.2 The water reticulation is privately owned by the WHOA, and connection fees shall be paid to the WHOA. Consumption deposits shall be paid to the WHOA.
- 7.3 The sewer reticulation is privately owned by the WHOA, but no connection fees are required.
- 7.4 The electrical reticulation is owned and managed by the WHOA and connection fees are payable to the WHOA, deposits are paid to the WHOA.

## **8. Completion Procedure**

- 8.1 The owner/Contractor shall give the WHOA at least 14 days notice of his intent to complete the building and call for final inspection.
- 8.2 The final inspection requirements shall include:
- 8.2.1 Compliance with the approved plan and exterior finishes,
- 8.2.2 Completion of all external works including paving, fencing, irrigation, landscaping,
- 8.2.3 The site entirely clean and tidy,
- 8.2.4 Any damages to Estate or adjacent property and services recorded,
- 8.2.5 Electrical power switched on.
- 8.2.6 The owner or contractor has supplied to the WHOA, copies of the engineers floor slab certificate, plumbing, electrical, glazing, gas installation and roofing certificates, and any other certification for items on the building that the WHOA may at its discretion, require. The owner or contractor may under no circumstances refuse the WHOA sight of, or copies of such certificates.

- 8.3 Unless the certificates as in 8.2.6 above are received, the owner may not occupy the house or outbuildings, and the WHOA reserves its rights to take measures against such occupancy.
- 8.4 In the event of a dispute arising between the owner and contractor, the WHOA, in their sole discretion, may allow the owner beneficial occupation of the building in terms of a temporary occupation certificate in conjunction with, and with the approval of the Town Council, until such time as the dispute is resolved.

**END SECTION B2**

## **B3 CONDUCT RULES FOR BUILDING CONTRACTORS, SUB-CONTRACTORS AND SUPPLIERS, OPERATING WITHIN WESTLAKE COUNTRY AND SAFARI ESTATE**

### **1 Site access and exit**

- 1.1 The Contractor acknowledges he is aware that the Estate is a security Estate and will at all times adhere to security regulations and controls, and agrees to co-operate with Estate authorities in the interests of maintaining security on the estate.
- 1.2 Detailed procedures are available from the Estate Manager for the benefit of Contractors, which will include security measures for authorized access and identification of vehicles and all personnel.
- 1.3 As improvements to security and access controls are ongoing, these procedures will be reviewed from time to time.
- 1.4 As all sites are to be completely screened on all sides, one area may be removable to allow for vehicle access, and no vehicle shall access such sites by utilising adjoining erven or common property. Screening shall be done with dark green 80% shade cloth mounted on a frame, 1.8 metres high and 3 meters wide. Samples of screening frames can be viewed at the Management office.

### **2. Hours of work, Vehicles and Security**

- 2.1 Contractors may only enter the Estate after 7:00am in the morning and must vacate the Estate by 18:00pm. No labourers will be allowed to sleep overnight on site. No employee may remain on the house site to “guard” the building. Contractors may negotiate with the WHOA’s appointed security company for this service if required.
- 2.2 Weekend work and work on Public Holidays will only be allowed in exceptional cases, and if arrangements have been made and approved of in writing by the Estate Manager. Applications in this regard should be lodged with the Estate Manager the Wednesday prior to the required date of weekend work. No work on Sundays is permitted unless in the case of an emergency.
- 2.3 Only authorized vehicles will be allowed onto the Estate. Construction vehicles with a gross mass in excess of 8 tons may only make use of designated construction roads only.
- 2.4 Excepting for roof truss deliveries, no articulated vehicles are permitted in the Estate, unless by special prior authorisation of the WHOA. It is the obligation of the Contractor to notify his suppliers of this, and the WHOA shall not entertain any claims for losses or damages in this regard.

- 2.5 Deliveries shall be scheduled for between 07:00am and 17:00pm **on weekdays only**.
- 2.6 Vehicles entering and exiting the Estate may be subject to a search by the Estate Security Personnel.
- 2.7 Tools, equipment, machinery can only be taken out of the Estate if accompanied by a transfer note, signed and stamped by an authorized officer of the Contractor.
- 2.8 Materials can only be removed from site if accompanied by a transfer note signed and stamped by an authorized officer of the Contractor and the WHOA.
- 2.9 Points of access: Contractors shall only access and exit through the Contractors Entrance Gate.
- 2.10 Any contravention of security and access rules will be severely dealt with by the WHOA, and depending on the nature and circumstances, could lead to suspension of building work, and barring of the contractors access to the Estate.
- 2.11 No vehicles will be allowed to cross any part of the wilderness area or to deviate from roads or recognised road routes. No parking on common property will be allowed. Any vehicle contravening this rule will attract a spot fine, be liable for instant removal from the site, and liable for damages sustained.
- 2.12 Vehicles with mechanical legs on trailers must use protection for possible road surface damage.

### **3. Contractors Labour**

- 3.1 All contractors shall employ their labour in a manner so as to comply with the requirements of the Labour Act, and shall pay all the required taxes for such labour. It is the intention of the WHOA to discourage contractors who use temporary labour to work on the Estate, as this forms a security concern.
- 3.2 Contractors and their staff/labourers are advised to wear clothing, which identifies the company of their employment.
- 3.3 Labourers found without Security Identification, access cards or registration sticker in their ID books, will be removed from the Estate/site by the Estate Security Personnel.
- 3.4 Only under limited circumstances will casual labour be allowed on site. This shall be at the sole discretion of the WHOA.
- 3.5 All workers shall carry their ID Books with registration sticker in it or their access card obtainable from the Management Office at a cost of R25.00 each. Access cards remain the responsibility of the Builder/Contractor

after issue. Access cards lost will be re-issued at a cost of R50.00 per card.

#### **4. Discipline**

- 4.1 The Contractor is responsible for the discipline of his labour, sub-contract labour and delivery personnel on site.
- 4.2 Labourers and contractor's employees are not permitted to walk between the main gate and the house site. Labourers and employees are restricted to the site number shown on their ID Card only.
- 4.3 The employee of any contractor found walking across the wilderness area or moving from stand to stand unsupervised shall be spot fined, and the employee and the contractor liable to instant removal from the Estate if such movement results in any theft, misappropriation of any goods, object, or fauna and flora.
- 4.4 If any contractor or employee is found disturbing or endangering the animal, fish or bird-life, or is found pilfering, stealing or removing material or goods off site without permission or is involved with any form of violence, the employee and the contractor shall be removed from the Estate
- 4.5 The Contractor is responsible for all his sub-contractors as well as their deliveries to site, and any damages caused by his own employees sub-contractors employed by him or delivery vehicles delivering materials to his site is, and he is liable to pay for any damages that may occur on the site. These damages also include damage to kerbs, roads, plant irrigation, and or damage to private or Estate property.
- 4.6 The WHOA will have the sole discretion as to the nature, extent and value of these damages, and the identification of respective vehicles and persons. The responsible person or contractor has the right of appeal to the board of Directors at the next board meeting.

#### **5. Fines and Disciplinary hearings**

- 5.1 It is expected that owner builders, builders and contractors should be fully aware of the rules of the estate, and therefore a verbal warning only will be sufficient to such person to rectify a breach of estate rules. Should such verbal warning not be complied with, a fine may be issued without further notice.
- 5.2 Where the estate manager or the directors determine that a rule has been breached, and a fine is issued, such fine may be appealed to the board, which shall require a majority vote to ratify or overturn such fine. Such majority vote shall be final and no further appeal is allowed.
- 5.3 The fine for a first offence shall be R1,500 for a first offence and R3,000 for a second offence. The fine for a third offence shall be R5,000. Such fines shall be related to a building site, thus a builder may transgress

three times on any particular site prior to being removed from the estate permanently. The offence or rules transgression shall be deemed to be repeated every 24hours that the offence or transgression remains unresolved over the time limit set by the manager or the board, and further fines may then be levied as if the offence or transgression had been repeated.

- 5.4 A fourth offence shall result in no fine, but the immediate suspension of building activities, by the contractor or owner builder, until such time as the owner builder or contractor appears before a disciplinary board consisting of the estate manager or his designate, as well as at least three directors, to state reasons why such entity should not be removed from the estate.  
Such disciplinary board hearing to be scheduled within 15 days of the notice of the fourth offence being issued.
- 5.5 If the decision of the disciplinary board is to remove the contractor from the estate, such decision shall be ratified by a unanimous vote of all the directors prior to such decision being implemented. The contractor shall have the right to be heard by the full board prior to the vote being taken.
- 5.6 The timing of such removal then is at the discretion of the directors, and may be reached in consultation with the erf owner.
- 5.7 The contractor, sub contractors, home and or erf owner shall have no recourse to the WHOA, the directors, or estate management for damages or losses of any nature whatsoever in the event of a builder, contractor or sub contractor being removed from the estate.
- 5.8 There is no appeal to a ratified decision of the full board of directors to remove a contractor or owner builder from the estate.
- 5.9 In the event of an owner builder appearing before the board on disciplinary grounds, and found to be in breach of the rules, such owner builder shall have the right to build in his/ her capacity as owner suspended, and shall enter into a contract with an accredited Westlake builder to complete the house.

## **6. Housekeeping and Tidiness**

- 6.1 The site is to be kept as clean as possible of building rubble and general cleaning and good housekeeping practice must take place during building operations.

- 6.2 No concrete, cement or such may be temporally stored, or mixed or prepared on any of the roadways, kerbs, pavements and adjacent stands.
- 6.3 Materials, which are off loaded by a supplier or Contractor, may not encroach over the sites surveyed pegs, the pavement or roadway. Where suppliers fail to adhere to this, the responsible Contractor shall move the materials immediately. The contractor is also responsible for removal of any sand or rubble that may have washed or moved into the road.
- 6.4 The Contractor is to ensure that the roads and vicinity of his house site is always kept neat and tidy, including if materials or mud or spoil is being driven or dropped onto the road or sidewalk.
- 6.5 The Contractor shall provide a skip on site for rubbish disposal and ensure that the workers use the provided facility and that the rubbish is removed weekly. No rubbish may be burnt or buried on site. No form of paper, cement bags, tile off cuts, ceiling boards, roof tiles, rubble or the like is to be not left lying around, nor be allowed to blow off the site.
- 6.6 Accumulation of hardcore for fill shall be neatly piled.
- 6.7 Being adjacent to the Hartbeespoort Dam and with the wilderness area and dams, pollution and contamination of ground water and run-off water is particularly sensitive. Contractors shall ensure special care in their handling, disposal and cleaning up operations, with particular note to paint, tile grout, tile adhesive, cement and rhinolite, chemicals, oil and fuel etc., special preventative controls must be taken on waterfront sites to avoid spillage.
- 6.8 As the sewer treatment plant for the Estate is privately owned and operated by the WHOA, and can not process unreasonable waste, Contractors shall treat the drains as though a septic tank system, and shall not allow foreign objects, items and construction materials as noted in 4.7 above, to enter the system.
- 6.9 Fires for cooking or other purposes will not be permitted, and Contractors shall ensure approved alternative meal arrangements are made. No firewood may be collected on the Estate.
- 6.10 The Contractor shall provide approved portable chemical toilet facilities for the workers at each site. Toilet and changing facilities shall be suitably positioned screened, and kept hygienic.
- 6.11 Construction materials may only be delivered to the house site on an as-needs daily basis for installation by latest the Friday of that week, and surplus materials must not be allowed to visibility accumulate on the house site.

- 6.12 The completion approval by the WHOA includes for the site to be entirely cleared of all rubble, surplus materials, and be impeccably clean, and the verge re-instated, all to the satisfaction of the WHOA.
- 6.13 Contractor's vehicles shall not be parked or left in the road and shall be removed from the estate at night.
- 6.14 The use of adjoining stands common areas or sidewalks for the purpose of building or storage is expressly prohibited, and the contractor shall be removed from the estate permanently after one warning if found to be in breach of this rule.

## **7. General**

- 7.1 The speed limit is 30km/h and speeding and reckless driving will not be tolerated. Due care must also be taken by all vehicles not to block the thoroughfare of roads.
- 7.2 No pets, birds, or domestic animals of the contractors' will be permitted onto the Estate.
- 7.3 Noise reduction is essential, and Contractors shall endeavour whenever possible to limit unnecessary noise, especially employee loud talking, shouting or whistling, radios, sirens or hooters, motor revving etc.
- 7.4 Contractors are expected to conduct their operation in a legal and co-operative manner. Should the WHOA have a concern with the conduct of the Contractor, his sub-contractors or his suppliers and any of their employees, the WHOA may rectify as deemed necessary an/or reserve the right to suspend building activity either indefinitely or until such undesirable conduct is rectified, which it may do so at any time and without notice, and without recourse from the owner and/or Contractor and/or sub-contractor, and/or supplier.
- 7.5 Dishonesty, misrepresentation to estate management or theft of any nature by a contractor shall result in immediate removal from the estate.
- 7.6 All sites shall be screened on all sides by a 1.8 meter x 3 meter high dark green 80% shade cloth panels, which shall be supported by Y-posts.
- 7.7 Shade cloth shall follow the exact boundary of the erf and no material shall protrude beneath it onto adjacent erven, common property or sidewalks.

## **8. Acknowledgement**

The contents of this document is fully understood by the signatories as appear in (9) below and the signatories undertake to comply with the above rules, in addition to any further controls which may be instituted by the WHOA from time to time in the form of a written notification and to ensure compliance by and sub-contractors employed by the

Contractor, and any suppliers to either Contractor, sub-contractor, or owner.

**9. Signatures**

The above rules      duly agreed to :-

For the Home Owner/Erf Owner .....

Name .....

Erf Number .....

For the Contractor – duly authorised to sign .....

Name .....

For Westlake Home Owners Association.....

Name .....

Witness .....

Name .....

Date .....