

THORNY HILL ESTATE

CONSTRUCTION RULES AND GUIDELINES

THORNY HILL ESTATE

BARTLET ROAD, MOGALE CITY

These rules and guidelines, accepted by the Trustees at AGM on 28th of August 2017 and implemented with immediate effect, replace the section headed “*Building rules and stipulations*” in the Association’s existing Rules prior to date hereof. In the event of any contradiction between the existing rules and these current Construction Rules and Guidelines, the latter shall prevail.

Building rules and stipulations: General

- a) The rules and restrictions set out below are in addition to any rules and restrictions imposed in terms of conditions of title, town-planning schemes, national or any other building regulations.
- b) Compliance with restrictions imposed by the HOA shall under no circumstances absolve the owner of a property from the need to comply with restrictions imposed by third parties nor shall it be construed as permitting any contravention of sections imposed by any authority having legal jurisdiction.
- c) The number of improvements that may be erected on a property shall not exceed the maximum density permitted in terms of a town-planning scheme or sub-divisional conditions.
- d) In the event of the scheme, conditions and/or building regulations permitting more than one structure to be erected on any stand, these HOA rules nevertheless limit each stand to a maximum of two dwellings which are both to comply with the basic structural guidelines set out herein below.

Construction: basic structural guidelines

- a) No thatch, uncoated zinc or unpainted metal roofs.
- b) No face brick houses. Face brick sections subject to approval.
- c) No wooden structures of any size or kind and no temporary structure without Trustees' approval.
- d) No outbuilding shall be smaller than 250 square metres. Construction work on outbuilding will not be allowed to start until main dwelling is completed.
- e) All structures 10 (ten) metres or more from neighbouring property fence or adjoining road.
- f) All domestic staff accommodation and garages must be attached to the main house under the same roof. Kitchen yards, drying yards and kitchen facilities are to be screened.
- g) Main dwelling to be no smaller than 450 square meters.

Requirements before construction commences

- a) Draft plans are to be submitted to the Trustees of the Homeowners Association ("the Trustees") for initial approval of concepts, i.e. size, positioning, design and external finishes. See "*Basic Structural Guidelines*" herein above for guidelines to be considered.
- b) Plans are to be signed off by adjoining neighbours (including neighbours across the road) and approved by the Trustees before submission to the city council..
 - a. In the event of a dispute arising regarding the reasonability of the refusal of any neighbour or the developer, the Trustees shall have the right to override such neighbour / developer's dissent and grant approval nevertheless.
- c) The same approval as stated in (b) above shall be required for the erection of a fence or wall around a stand or between two properties.

- d) Copies of the builder's NHBRC Registration and NHBRC Enrolment certificate are to be submitted to the Trustees together with details of the builders before building may commence.
 - a. Should the owner decide to appoint new builders after building has commenced, he/she is required to advise the Trustees of the change. The same requirement as stated herein above shall then apply to the new and/or any subsequent builders.
 - b. No approval shall be granted for works by a builder not registered with the NHBRC.
- e) A copy of the stamped and approved city council drawings is to be submitted to the Trustees. No approval shall be granted without such approved drawings and any attempt to commence with works without approved plans shall strictly be met with legal action.
- f) A basic construction schedule showing proposed start and finish dates is to be submitted to the Trustees before construction commences. Should the proposed dates change for whatsoever reason, the new dates are to be submitted for Trustees' approval.
- g) The building process is to commence within no longer than 30 (thirty) months of the date of registration of the change in ownership of the stand and to be completed within 48 (forty eight) months from date of registration. Construction work to be completed within 18 months of commencement.
 - a. For purposes of this requirement, a certificate of practical completion shall not be sufficient. All building works as per the approved drawings must be completed including finishes and external look and feel.
 - b. A penalty of 300% (three hundred percent) of monthly levy will be levied (per month) for late commencement and/or completion. A pro rata penalty shall apply for part of a month.

Rules and guidelines during construction

- a) Ablutions to be established on site before any work commences. The location of portable toilets need to be noted in the building schedule to be approved by the Trustees. Ablutions to be screened off from public areas with shade netting. Ablutions to be placed away from boundary lines so as not to affect other residents.

- b) Building site to be fenced and/or closed off from the public and rest of the estate to ensure safety.
- c) All engineers sign-offs on structural element at the various stages of construction to be copied to the Trustees – this includes foundation inspections, slab inspections and roof inspections as a minimum.
- d) No fires on site during construction. This includes the burning of waste paper and the like, cooking, heating, clearing of site, etc. No fires means NO FIRES.
- e) An area for the storage of rubble to be demarcated and kept in control during construction. Dustbins to be provided for waste such as food and paper waste. Rubble and rubbish to be cleared regularly from site. Building rubble and rubbish to be out of neighbours' sight insofar as possible.
- f) No building workers or security to sleep on site.
- g) No Wendy huts, storage facility, shack or other temporary structure to be permitted without approval by Trustees.
- h) Working hours permitted on site for all construction related works are from 07H00 to 17H00 Monday to Friday. No work on weekends or public holidays is permitted unless arranged with the Trustees.
- i) Deliveries to building sites from suppliers must be scheduled during normal working hours.
- j) Subject to the Trustees' discretion, the estate will be closed to construction during the December builders' holiday. These dates to be communicated yearly in advance to all owners.
- k) No workers to wander around the estate. Builders and workers access to be limited to the site they are working on. All workers to be transported to and from the site in vehicles from outside the main gate.
- l) The owner to appoint his representative as the responsible person on site. It is the responsibility of this representative to ensure that the rules regarding the site are adhered to

on a daily basis. This does not take away any responsibility of the Owner in ensuring that all rules or guidelines are adhered to.

- m) No workers to be allowed on site unless the owner or his appointed representative is on site.
- n) The main gate to be closed at all times. This gate to be used for access to vehicles only – no foot traffic allowed. Gate to be closed immediately after entering.
- o) No alteration or damage to estate property to occur. This includes the roads, electric fencing, guardhouse, etc. Any damages caused will be charged directly to the owner.
- p) No dumping of materials, storage of materials to encroach on roadways, shoulder of road or other owners properties.
- q) Access control tags to be issued to all workers on site. ID documents of all workers to be provided to the Trustees for all personnel on site.
- r) Speed limit within the estate is 30 km/hour. This to be adhered to by all entering the estate.
- e) The owner / responsible person appointed to ensure delivery vehicles entering the site are suitable in size, height, weight – so as not to damage estate property. (Please note height restrictions at the entrances). The owner and/or contractor shall be responsible for damage to roads or other property.