

**HOMEOWNER'S ASSOCIATION OF  
PINEHAVEN COUNTRY ESTATE**

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# ARCHITECTURAL GUIDELINES

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## 1. INTRODUCTION

- 1.1 The objective of the Architectural Guidelines, is to promote, advance and protect the communal interests of its residents and more specifically, to ensure a safe, high quality lifestyle to owners and occupants by managing appropriate development of residences and related facilities, as well as communal facilities.
- 1.2 The mission of the Association is to create an environment in which the natural beauty of surrounding is enhanced by the architecture and landscaping, allowing for the residents to feel secure, tranquil and a sense of openness.
- 1.3 The objective is to achieve an interesting range of mutually compatible house designs within the flexibility afforded by the approved architectural styles whilst avoiding the monotonous uniformity experienced in many housing schemes.
- 1.4 It is not the intention to unreasonably constrain building design, nor establish a “language” or architectural style, but rather a methodology for architects, which will be to the benefit of the residents, and ultimately the general ambience of the area.
- 1.5 In order to achieve a harmonious and aesthetically pleasing environment certain architectural guidelines have been defined.
- 1.6 All new buildings to be erected, alterations or additions to be made have to be approved by the Board of Directors of Association.

- 1.7 The directors shall be entitled not to approve any plans for any house, which in their sole opinion would detract from the aesthetic appearance of, or reduce the value of the other houses in the estate.
- 1.8 The directors may offer advice where possible on rejecting a plan, however the Association shall not incur any liability to any person in doing so.
- 1.9 An Aesthetic Committee will be appointed by the board of directors to oversee the rules and regulations of the architectural guidelines.

## 2. INTERPRETATION

- 2.1 Unless the context clearly indicates a contrary intention an expression which denotes a natural person includes an artificial person and vice versa;
  - 2.1.1 **Association:** The Association of Pinehaven Country Estate, Registration Number 2003/00534/08 (an association incorporated under Section 21 of the Companies Act,1973);
  - 2.1.2 **Board of Directors, Board or Directors:** The Board of Directors of the Home Owners Association as envisaged in the Memorandum of Incorporation;
  - 2.1.3 **Aesthetic Committee:** The committee appointed to oversee the Architectural Guidelines of the Estate.
  - 2.1.4 **Estate:** The township area called Pinehaven Country Estate and registered in the office of the Registrar of Deeds as such.
  - 2.1.5 **Resident:** The owner, tenant or any other occupier of the Unit.
  - 2.1.6 **Common Property:** The roads, parks, sidewalks, and main entrance and other areas as may be designated from time to time by the Board of Directors;
  - 2.1.7 **Unit, Property or Dwelling:** The house and/or outbuildings and building work on a stand including all fixtures and fittings of a permanent nature.
- 2.2 When any number of days is prescribed in these Rules, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday.

## 3. AESTHETIC COMMITTEE

- 3.1 An aesthetic committee shall be made up of;
  - 3.1.1 One or more members of the Board and as appointed by the Board,
  - 3.1.2 A qualified architect / consultant
  - 3.1.3 Any other interested party nominated by the members of the Association (hereinafter referred to as "The Committee")

- 3.2 The main objective of this Committee shall be to study the building plans and make a decision as to the acceptability of such building plans, with particular reference to the aesthetic qualities of the building to be erected.
- 3.3 The Aesthetic Committee reserve the right to request any such changes in design or site layout that, in their opinion, is required to preserve the architectural and environmental objectives of the Estate.
- 3.4 A plan scrutiny fee in accordance with current Architectural Institute time tariffs will be charged by the consultant/architect, as well as normal disbursement cost. The minimum fee will be determined by the Board from time to time and which fee is currently set at R750, will be applicable for the normal submission. Should the submission present any complications or contradictions in terms of the design manual which will necessitate additional debate or investigation, a time charge, which will be determined by the Board from time to time and which charge is currently set at R200 per hour will be levied. The application will be notified of any contentious elements, which could result in a debate or investigation.
- 3.5 The responsibility for the final approval of building plans rest with the relevant local authority, but such plans may only be submitted to the local authority after evaluation and approval by the Aesthetic Committee.

**4. DESIGN AND STYLE**

- 4.1 No limitations are placed on design and style. This is however, subject to "Good Architecture" and approval of all designs will remain the prerogative of the Aesthetic Committee.
- 4.2 The architectural design and style of buildings will be evaluated taking into account existing buildings in the immediate vicinity.
- 4.3 Any additions or alterations to existing Dwellings to be in the same or complementary style as the existing structure, unless additions and alterations for part of a total re-development of the premises, in which case point 4.1 would apply.
- 4.4 In order to achieve a harmonious and aesthetically pleasing environment, certain architectural guidelines have been defined. In instances, where historically a president may have been set within the Estate, but by the current Aesthetic Committee is regarded not to comply with the guidelines as set out below, it would then be at the discretion of the of the Director of the Aesthetics Committee to present such to the Board, and the final decision and approval will then be at the discretion of the Board.
- 4.5 To assist both the residents and the Aesthetic Committee in decision making and meeting the required objectives of the Estate as a whole, the following basic checklist may be utilised as a guideline. If the answer is no to one or more of these items, the Aesthetic Committee has the right not to approve the proposed buildings, additions, alterations and or structures:

Does the proposed building/additions/alterations and or structures:

Comply with the Estate Rules	YES	NO
Negatively affect any of the neighbours	YES	NO
Negatively affect the Estate as a whole	YES	NO

Negatively affect the neighbours privacy	YES	NO
Create an unwanted president within the Estate	YES	NO
Is it regarded as an unacceptable grade structure	YES	NO
If you were the neighbour, would you have a legitimate reason to object to the structure/addition?	YES	NO

## 5. BUILDING DEVELOPMENT DEPOSIT (FOOTWAY DEPOSIT)

5.1 A refundable deposit (as determined by the Board) shall be paid by the owner on submission of the building plans to Estate's Aesthetics Committee to cover the costs of rehabilitating public sidewalks, road, open spaces, parklands and adjoining erven.

5.2 The said deposit shall be applied as a contribution to recover the costs caused by non-compliance with the building plans and regulations where the building contractor fails to:

- 5.2.1 Replant of grass or trees damaged through building activities.
- 5.2.2 Removal of rubble or rubbish left on the sidewalks or adjoining erven.
- 5.2.3 Repairs to any damaged street fixture, streetlights, litter bins, benches, etc.
- 5.2.4 Repairs to any damaged electrical and telephone boxes or any manhole covers.
- 5.2.5 Repairs to any damaged kerbs or storm water drains on the street side.
- 5.2.6 Repairs to any damaged paving and concrete split on paved surfaces cleaned up properly.
- 5.2.7 Repairs to water irrigation pipes or sprinklers damaged.
- 5.2.8 Repairs to any cable or pipes damaged during any excavation activities.
- 5.2.9 Complete building in accordance with the approved building plans.
- 5.2.10 Plaster and paint boundary walls both sides.
- 5.2.11 Conceal all plumbing pipes exposed from the building.
- 5.2.12 Remove all signboards.

5.3 The amount of the footway deposit and the refundable portion thereof as determined by the Board from time to time and which is currently set at R2,500.00 with a refundable amount of R2,000.00, which amount will be refunded once the house construction has been completed. The balance will be used for the maintenance of the Estate in general.

5.4 The deposit will be refunded on the completion of the building works, subject to inspection of the property by the Committee and rectification of any damages by the owner.

- 5.5 If the homeowner fails to rectify any damage, the association shall use the deposit for that purpose.
- 5.6 The Committee will not approve plans until the appropriate deposit has been paid.
- 5.7 In the event of any owner being in arrears in respect of any levies as referred to in Paragraph 4 of the Homeowners Association Rules, at the completion of the building works, the footway deposit held by the Homeowner's Association will be set off against any such outstanding levies, without further notice to the owner concerned.

## **6. PROCESS OF APPROVAL OF BUILDING PLANS AND LANDSCAPE PROPOSALS**

- 6.1 Building plans submitted to Aesthetic Committee at the Pinehaven Estate Manager's office.
- 6.2 Payment of footway deposit and plan inspection fee.
- 6.3 Inspection and approval of plans by Committee (not longer than 10 days).
- 6.4 Issue of building authorization certificate by Committee (subject to local authority approval).
- 6.5 Submission to local authority once approved by Committee.
- 6.6 As soon as owner obtains approval (temporary or final) from the local authority they may start to build.
- 6.7 On completion to the satisfaction of the Committee application to refund deposit can be lodged at the Committee.

## **7. BUILDING REGULATIONS**

Subject to the applicable provisions elsewhere contained in these Rules.

- 7.1 Construction shall commence no later than 18 months after date of registration of transfer of an Erf from the developer (or liquidator of the developer) to any member and shall be completed within a further consecutive period of 8 months from date of commencement.
- 7.2 Any member who fails to comply with the time periods referred to above shall, with effect from 1 August 2007, and for the duration of such breach, become liable to pay such penalties as may be imposed by the Board from time to time, and which penalty is currently determined at R5,000.00 per month.
- 7.3 Any member who, with effect from 1 August 2007 becomes a new registered owner of a vacant Erf or an Erf on which as Dwelling has been partly constructed (other than through acquisition from the developer or its liquidator) and which Dwelling has not been fully completed to the satisfaction of the Board:
  - 7.3.1 Shall be bound by the elapsed time period after 1 August 2007 as well as any penalties then imposed, which apply to the seller of such Erf; and
  - 7.3.2 Shall for the duration of such breach become liable to pay such penalties imposed by the Board from time to time, and which penalty is currently determined at R5,000.00 per month.

- 7.4 A Dwelling shall be deemed to have been completed for purposes of this rule once the occupational certificate has been obtained from Mogale City and Aesthetics Committee appointed by the Board has notified the owner of such Dwelling in writing that the Dwelling has been completed to the satisfaction of the Board.
- 7.5 Any penalty levy may, at the sole discretion of the Board of Directors, be suspended on commencement of construction, which suspension shall not extend beyond 8 months from date thereof. Such suspension may be withdrawn at the discretion of the Board of Directors, if building operations should cease for 28 consecutive days and/or the member/building contractor contravene any provision of the Rules of the Association.
- 7.6 Any future improvements to the exterior of the property shall conform to the design manual guidelines. The improvements must be effected within a period as prescribed by the Association.
- 7.7 The following access and working time table will be applicable to all construction sites:
 

Monday to Friday:	06h00 to 17h00
Saturday and Sunday:	No work
Public Holiday:	No work
- 7.8 Strict control and adherence to the “rules of conduct for contractors” are the responsibility of the owner.
- 7.9 On site toilets must be provided.

**8. DEVELOPMENT CONTROLS**

- 8.1 Landscaping - No obnoxious plants will be permitted, only indigenous trees and plants.
  - 8.1.1 Building Lines
    - 8.1.1.1 Erven will be subject to a frontal building line of a minimum of 5 meters.
    - 8.1.1.2 Side spaces are subject to a minimum of 2 meters building line.
    - 8.1.1.3 No blank walls permitted on the outside wall other than those of garages.
    - 8.1.1.4 Sitting of building must not unreasonable effect the view of neighbours from adjacent properties. Due consideration should be given to the location and elevation of structures, thus affording the adjacent site optimum outlook, view and privacy.
  - 8.1.2 Relaxation of Building Lines
    - 8.1.2.1 Application for relaxation must be made to the Aesthetic Committee.
    - 8.1.2.2 Condoning letters from adjacent properties must be obtained.
    - 8.1.2.3 Subject to final approval by the local authority.
- 8.2 Vehicle Access/Garages

- 8.2.1 Vehicular access may be taken to each site at only one point.
- 8.2.2 It is required that at least two visitors parking bays should be provided on site in addition to the main garage.
- 8.2.3 No temporary or prefabricated carports permitted.
- 8.2.4 No parking on the roads will be permitted.
- 8.3 Coverage
  - 8.3.1 A maximum coverage of 50% of the site is allowed, including outbuildings.
  - 8.3.2 The first floor area (double volume areas to be included) shall not exceed 50% of the ground floor area if the total area of the residence is more than 380m<sup>2</sup>, and 60% would be allowed in Dwellings smaller than 380 m<sup>2</sup>.
  - 8.3.3 The minimum of 200m<sup>2</sup> total residence area (F.A.R.) is required per Dwelling.
  - 8.3.4 Also subject to local authority building regulations.
- 8.4 Double Storey Dwelling
  - 8.4.1 The right to privacy of the surrounding neighbours to be respected.
  - 8.4.2 As a general rule, no windows or balconies on the upper storey may overlook the living space of the adjacent property.
  - 8.4.3 The view of the surrounding neighbours to be respected.
- 8.5 Outbuildings
  - 8.5.1 No second Dwelling detached from the main house will be permitted.
  - 8.5.2 No outbuilding shall be detached from the main house will be permitted.
  - 8.5.3 Outbuildings may only be single story.
  - 8.5.4 Chimney, fireplaces and braai's should be constructed to match the character of the house.
- 8.6 Site Clearing/Preparation
  - 8.6.1 No excessive cut and fill will be permitted unless the natural state of the terrain is such that it is preventative of a reasonable construction.
- 8.7 Waste Pipes/Down Pipes
  - 8.7.1 Gutters, down pipes and waste pipes should be un-obstructive and concealed as far as possible.

## 8.8 Lighting

8.8.1 Outside lights of the site of building must be low key and un-obstructive.

## 8.9 Signage/Post Boxes

8.9.1 No illuminated signage is permitted.

8.9.2 No lettering or numbering larger than 200mm height is permitted

## 8.10 Refuse

8.10.1 Refuse areas must be screened within enclosing walls.

## 8.11 External Aerials & Wires

8.11.1 Television aerials and satellite dishes must be located to be as un-obstructive as possible.

8.11.2 No overhead external wiring permitted.

## 8.12 Fencing

8.12.1 Fencing of Erf boundary will be subject to the elements in terms of material and finishing.

## 8.13 Sewerage

8.13.1 All sewer pipes are to be constructed in accordance with local authority requirements, and the connections to the mains to be in accordance with the local authority specifications.

## 8.14 Water

8.14.1 Water connections shall be carried out by an approved plumber to the full specifications of the local authority, this will be for the owner's account.

8.14.2 Swimming pool water back wash is to be taken into the sewer system.

## 8.15 Rainwater Runoff

8.15.1 Rainwater runoff should be collected as per the local authority requirements.

8.15.2 No concentration of runoff onto roads will be permitted.

## 8.16 Electricity

8.16.1 An approved electrician must carry out electricity connections. Electrical connection is to be arranged with the local authority.

## 8.17 Verges

8.17.1 The road verges immediately outside the boundaries will be the responsibility of the Erf owner as far as maintenance is concerned, including grass cutting.



## 9. ARCHITECTURAL STYLES

The Aesthetic Committee does not wish to impose any specific architectural style but rather guidelines. These will assist in establishing a flexible design framework. The table below indicates in general terms the elements and colours considered acceptable at the Estate and those that will not be allowed.

<b>Classification</b>	<b>Acceptable</b>	<b>Not Acceptable</b>
External Walls	<ul style="list-style-type: none"> <li>➤ Plaster and Paint</li> <li>➤ Selected Face Brick</li> <li>➤ Natural Stone</li> <li>➤ Float Plaster</li> <li>➤ Stripped Plaster</li> <li>➤ Designer Steel</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unpainted Block or Brick Work</li> <li>➤ Scalloped Plaster</li> <li>➤ Multi Use Material</li> <li>➤ Precast or Pre-Fabricated</li> <li>➤ Timber</li> </ul>
Wall Colours	<ul style="list-style-type: none"> <li>➤ The natural colours of indigenous South Africa, appropriate to our area (Earthy Tones, Savannah, Stone colours) from the basis of our Estate.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Bold Bright Colours</li> </ul>
Roofs	<ul style="list-style-type: none"> <li>➤ Natural Thatch and Cemthatch</li> <li>➤ Shingles</li> <li>➤ Natural Slate</li> <li>➤ Fibre Cement Slate</li> <li>➤ Corrugated Type Roof (Chromodeck or similar)</li> <li>➤ Profiles</li> <li>➤ Concrete Roof Tiles</li> <li>➤ Clay Tiles</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unpainted Steel</li> <li>➤ White, Metallic, Reflective and Primary Colours</li> </ul>
Boundary Walls and Enclosures	<ul style="list-style-type: none"> <li>➤ Plastered and Painted</li> <li>➤ Face Brick</li> <li>➤ Stone</li> <li>➤ Steel Palisades</li> <li>➤ Designer Steel</li> <li>➤ Boundary Wall of Estate to be electrified.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Vibracrete, Pre-Cast Walling</li> <li>➤ Wire Mesh</li> <li>➤ Unpainted Blocks</li> <li>➤ Corrugated Sheet Metal</li> <li>➤ Razor Wire</li> <li>➤ Swimming Pool Type Fence</li> <li>➤ Split Pole Type Fence</li> <li>➤ Electric Fence on the walls of Dwellings inside the Estate</li> </ul>
Levels	<ul style="list-style-type: none"> <li>➤ Floors shall be as close as possible to natural ground level, sections through the site are to be shown on plan.</li> </ul>	<ul style="list-style-type: none"> <li>➤ No major cut and fill allowed</li> <li>➤ No concrete piers or stilts permitted</li> </ul>

<b>Classification</b>	<b>Acceptable</b>	<b>Not Acceptable</b>
Height	<ul style="list-style-type: none"> <li>➤ Double storey maximum of 6m to u/s wall plate.</li> <li>➤ Loft rooms (room in roof) permitted within permitted height.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Multi storey</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>➤ Only indigenous species according to suggested list provided.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Exotic Invasive Species</li> <li>➤ Obnoxious Weeds/Plants</li> <li>➤ Trees Obstructing Views</li> </ul>
Internal Designs	<ul style="list-style-type: none"> <li>➤ No Restrictions</li> </ul>	

## **10. MISCELLANIOUS RULES AND RECOMMENDATIONS**

10.1 Wendy Houses or similar type structures are not permitted.

10.2 Solar panels, if used, may not be visible from any street and should be incorporated into the building to form part of the basic structure and should be clearly shown and annotated. Only panel solar heating is permitted (no coils or exposed piping). No external storage tanks will be allowed, the storage tanks must be confined within the roof structure.

10.3 The design and material of carports and patios must compliment the style and design of the main building and must be approved by the Aesthetic Committee.

10.4 All garage motor units / opening units must be concealed within the structure and may not be visible from the street or adjacent stands.

10.5 Washing lines must be concealed from the street and or other elevations.

10.6 No radio masts may be erected.

10.7 Mechanical equipment, such as air-conditioning pumps, pool pumps etc., must be incorporated into the building and or adequately enclosed or screened off from view.

10.8 All geysers fitted outside on flat roofs are to be enclosed in an aesthetically pleasing enclosure.

10.9 No temporary or prefabricated canopies and gazebos permitted on a permanent basis.

## **11. NON-COMPLIANCE PENALTY**

In the event of an owner being notified in writing by the Board of Directors or the Aesthetics Committee of a contravention of any of the provisions contained in this section of the Homeowners Association Conduct Rules, and such owner fails to rectify such contravention within 30 (thirty) days of date of delivery of the notice, the Board of Directors reserves the right, within their sole discretion, to institute a non-compliance levy of R5,000.00 per month or such amount as the Board may determine from time to time, against any owner who so contravenes the rules, until the cause of complaint has been removed.