



## **SIMBITHI ECO-ESTATE HOMEOWNERS' ASSOCIATION NPC**

### **BUILDING DESIGN CODE & TOWN PLANNING CONTROLS**

**Applicable to all sites on all phases within the Simbithi Estate**

**JULY 2021 EDITION (Rev 07) AS ADOPTED  
BY SIMBITHI ECO-ESTATE HOMEOWNERS ASSOCIATION**

**(This edition supersedes all previous editions)**

Simbithi Eco- Estate Homeowners' Association (SEEHOA)  
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# BUILDING DESIGN CODE & TOWN PLANNING PROTOCOLS

SEEHOA RESERVES THE RIGHT TO AMEND THIS DOCUMENT FROM TIME TO TIME.

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## DEFINITIONS

- “Acceptable”** means acceptable, satisfactory or suitable –
- a) in the opinion of the DRC, and or, SEEHOA, and;
  - b) in the opinion of the Local Authority.
- “Application”** means an application submitted for approval to SEEHOA and/or the Local Authority.
- “Applicant”** means any person who makes an application.
- “Approval”** means-
- a) approval in writing by the Local Authority, or;
  - b) approval in principle by the DRC; or;
  - c) Approval in writing by SEEHOA.
- “Architect”** means Architect as defined in section 1 of the Architects Act, 1970 (Act No. 35 of 1970 and as approved to do work by SEEHOA.
- “Basement”** in relation to a building, means the lowest part of any building, inhabitable story, which part is constructed with more than 50% of its volume below the mean natural ground level immediately surrounding the building.
- “Building”** includes –
- a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with –
    - (i) the accommodation or convenience of human beings or animals;
    - (ii) the manufacture, processing, storage, display or sale of any goods;
    - (iii) the rendering of any service;
    - (iv) the destruction or treatment of refuse or other waste materials;
    - (v) the cultivation or growing of any plant or crop;
  - b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
  - c) any fuel pump or any tank used in connection therewith;
  - d) any part of a building, including a building defined in paragraph (a), (b) or (c);
  - e) any facilities or system, or part or portion thereof, within or outside but identical to a building, for the provision of water supply, drainage, sewerage, storm water disposal, electrical supply or other similar service in respect of the building.
- “Building Line”** in relation to a site, means a line prescribed in the Ballito Town Planning Scheme or any law designating the boundaries of the area of the site outside of which the erection above ground of any building is prohibited.
- “Building Height”** means the dimensional height in metres measured from the lowest ground level abutting any part of the building to the level of –
- a) the underside of a flat roof; or

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

<b>“Carport”</b>	means a building intended to provide shelter for a motor vehicle, caravan or boat and having a roof but having walls on not more than two sides.
<b>“Coverage”</b>	in relation to building area, means the portion of a lot covered by buildings, and is expressed as percentage of the lot area defined.
<b>“Deemed-To-Satisfy”</b>	means a non-mandatory provision which describes a method of design or construction that is deemed to comply with a particular functional regulation or aesthetic requirement.
<b>“Garage”</b>	means an enclosed area which is used or intended to be used for the parking and storing of motor vehicles.
<b>“Grey water”</b>	In terms with the National Water Act, means waste water resulting from the use of water for domestic purposes, but does not include human excreta.
<b>“Gully”</b>	means a pipe fitting incorporating water sealing trap into which waste water is discharged.
<b>“Habitable Room”</b>	means any room used or designated, erected, adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes.
<b>“Domestic Effluent”</b>	means sewage consisting of soil water or waste water or a combination of both.
<b>“DRC”</b>	means the Simbithi Eco-Estate's Design Review Committee.
<b>“Dwelling House”</b>	means a single dwelling unit and any garage and other domestic outbuildings thereto, situated on its own site.
<b>“Dwelling Unit”</b>	in terms with the National Building Regulations, means a unit containing one or more habitable rooms and provided with adequate sanitary and cooking facilities within a cluster of units contained in one, or more buildings.
<b>“Dwelling Unit”</b>	in terms with the Ballito Town Planning Scheme, means a self-contained inter-leading group of rooms for a single family including not more than one kitchen, together with such outbuildings as are of a nature customarily incidental thereto, with a minimum floor area of 100 m <sup>2</sup> .
<b>“Effluent”</b>	in terms with the National Water Act, means human excreta, domestic sludge, domestic waste-water, grey water or waste water resulting from the commercial or industrial use of water.
<b>“Erection”</b>	in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building; and “erect” shall have a corresponding meaning.

<b>“Family”</b>	means a man or woman or both, with or without the parents of either of them and with or without the children of one or the other or both of them, living together as one household, subject to maximum of two persons per bedroom.
<b>“Floor Area”</b>	in relation to a building or storey thereof, means the total roofed area of the buildings at each floor level, measured over and including wall thicknesses, lift shafts, staircases, access corridors and covered veranda.
<b>“Floor Area Excl”</b>	The exclusions for the purpose of FAR calculations as allowed by the Ballito Town planning scheme.
<b>“Floor Area Ratio”</b>	also known as F.A.R. means the ratio of the total floor area of the buildings less exclusions on a lot to the lot area and is expressed as a decimal.
<b>“Foundation”</b>	means that part of a building which is in direct contact with and is intended to transmit loads to the ground.
<b>“Foundation Wall”</b>	means that portion of a wall between the foundations and the lowest floor above such foundation.
<b>“Free-standing Wall”</b>	means a wall, not being a retaining wall, without lateral support.
<b>“Frontage Level” and “Driveway Entrance Level”</b>	in relation to a site means the actual finished level of the driveway access at the site boundary facing the road, and measured at both sides of the driveway on the boundary line. The formula to calculate this level is the road level plus 0,150mm the verge width divided by 2.
<b>“Homeowners’ Association”</b>	means a company registered in terms of section 21 of the Companies Act, No. 61 of 1973. as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit cartilages in a medium density housing site.
<b>“Industrial Effluent”</b>	means any liquid whether or not containing matter in solution or suspension which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water or storm water.
<b>“Inspection Chamber”</b>	means a chamber not deeper than 750mm and of such dimensions that access may be obtained to a drain without requiring a person to enter into such chamber.
<b>“Inspection Eye”</b>	means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need not be provided.
<b>“Land Surveyor”</b>	means a land surveyor as defined in section 49 of the Land Survey Act, 1927 (Act No. 9 of 1927).

<b>“Local Authority”</b>	means KwaDukuza Local Authority, and also KwaDukuza Municipality.
<b>“Lot Area”</b>	also referred to as “site area”, means total area of a site, less the area of any public right of way, road servitude, and new road widening reservation to which the lot may be subject, but shall include any registered servitude for overhead or underground services.
<b>“Manhole”</b>	means a chamber of a depth greater than 750mm and of such dimensions that allows entry of a person into such chamber for the purpose of providing access to a drain.
<b>“Mezzanine Floor”</b>	means any mezzanine storey the floor area of which does not exceed 25% of that of the floor below it.
<b>“National Building Building Regulations”</b>	also referred to as “NBR”, or the Regulations”, or the “Act”, means the National Regulations and Building Standards Act 103 of 1977 SANS 10400.
<b>“Owner”</b>	<p>in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as in the case may be, is registered in the deeds office in question: Provided that if –</p> <ul style="list-style-type: none"> <li>a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No.18 of 1973), or his estate has been sequestrated, the executor or curator concerned, as the case may be;</li> <li>b) such person, in case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;</li> <li>c) such person is absent from the Republic of South Africa or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management of such building or land or who is responsible thereof;</li> <li>d) The Local Authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land.</li> </ul>
<b>“PUD”</b>	in relation to a site means Planned Unit Development site. Multi residential units are permitted on the site with one family per unit.
<b>“Registered Person”</b>	means a person defined in section 1 of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist, and registered with the South African Institute of Engineers; or a person defined in section 18 of Architectural Professions Act, 2000 (Act No. 44 of 2000), as a professional architect, or professional senior technologist, and registered with the South African Institute of Architects, and the South African Council for the Architectural Profession.
<b>“Rodding Eye”</b>	means an access opening in a drainage installation provided for the purpose of gaining full-bore access to the interior of a drain for internal cleaning, and which remains permanently accessible after completion of the installation, but does not include an inspection chamber or manhole.

<b>“SEEHOA”</b>	means Simbithi Eco-Estate Home Owner's Association.
<b>“Sewage”</b>	means waste water, soil water, industrial effluent, domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater.
<b>“Sewer”</b>	means a pipe or conduit which is the property of or is vested in the Local Authority and which is used or intended to be used for the conveyance of sewage.
<b>“Site”</b>	means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected.
<b>“Soil Water”</b>	means liquid containing excreta.
<b>“SR”</b>	in relation to a site means Single Residential site. Only one dwelling is permitted on the site with one family occupying the building.
<b>“Storage Tank”</b>	means any tank, other than any tank used for storage of hot water or cistern serving a WC pan or urinal, which forms part of a water installation and is used for storage of water.
<b>“Storey”</b>	<p>means that part of a building which is situated between the top of any floor and the top of the floor next above it, or if there is no floor above it that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery being taken to be part of the storey in which it is situated), and in relation to a building–</p> <ol style="list-style-type: none"> <li>a) the ground storey shall be taken as the storey in which there is situated an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest of these;</li> <li>b) a basement shall be taken to be any part of the building which is below the level of the ground storey;</li> <li>c) an upper storey shall be taken to be any storey of the building which is above the level of the ground storey; and</li> <li>d) The height expressed in storeys shall be taken to be that number of storeys which includes all storeys other than a basement.</li> </ol>
<b>“Storm water”</b>	means water resulting from natural precipitation or accumulation and includes rainwater, surface water, subsoil water or spring water.
<b>“Storm water Drain”</b>	means a pipe, conduit or surface channel situated on a site, which is used to convey storm water to a suitable point of discharge.
<b>“Storm water Sewer”</b>	means a pipe, conduit, or channel, owned by or vested in the Local Authority, which is used for the conveyance of storm water.
<b>“Street”</b>	<p>or road means any street, road, thoroughfare, lane footpath, golf cart path, sidewalk, subway, and underpass or bridge which –</p> <ol style="list-style-type: none"> <li>a) the public has the right to use; or</li> <li>b) is shown on a general plan of a township filed at the deeds registry or a Surveyor-</li> </ol> <p>General's office and has been provided or reserved for use by the public or owners of erven in such township.</p>



<b>“Street Boundary”</b>	or road boundary, in relation to a site, means the boundary of such site which abuts any street or road.
<b>“Structural System”</b>	in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests.
<b>“Veranda”</b>	A covered open sided structure integrated with to the main dwelling and not enclosed by any glass doors or solid walls.
<b>“Verge”</b>	also referred to as verge width, in relation to a site means the land between the road edge and the site boundary which one must cross over to access a site.
<b>“Waste Pipe”</b>	means a discharge pipe which conveys waste water only.
<b>“Waste Water”</b>	means used water not contaminated by soil water or industrial effluent and shall not include storm water.
<b>“Water efficient device”</b>	in terms with the National Water Act, means any product that reduces the excessive use of water.
<b>“Zone” “Zoning”</b>	in relation to Simbithi Eco-Estate, means the density zoning Special Zone Simbithi Eco-Estate, Table D of the Ballito Town Planning Scheme.

## INTRODUCTION

**PRECEDENT AND APPROVED BUILDINGS:** Where an approved application is built and its features or elements are re-considered by the Simbithi Homeowners' Association Design Review Committee (SEEHOA DRC) that such a building or any of its features are no longer valid or appropriate to the architectural idiom of the estate, the SEEHOA DRC shall have the right to refuse such design or feature without the applicant having the right to claim that precedent permits its application to be approved.

The following document is specific to all phases of the Simbithi Estate and outlines procedural, planning and aesthetic considerations. Each homeowner is strongly encouraged to peruse this document as it forms part of the agreement of sale and is contractually binding.

All development proposals submitted to SEEHOA will be considered on merit and approval will be at the absolute discretion of the Simbithi Eco-Estate Design Review Committee (SEEDRC) and the Simbithi Eco-Estate Homeowners Association (SEEHOA).

It is to be noted that whilst a proposal may comply with detail elements of the Architectural and Town Planning Controls as set out in this document, it must also capture the intended Architectural 'ethos' of the Estate. The Simbithi Eco-Estate Homeowners' Association reserves the right to refer submissions that it and the Simbithi Eco-Estate Design Review Committee deems to have failed in this respect. The SEEHOA Board reserves the right to amend the Design Code from time to time as required.

### A. Submission Procedure

This is essentially a two-stage process:

Stage One: SEEHOA Design Approval – Building and Landscape.

Stage Two: Submission drawings – KDM Local Authority.

#### Stage One

##### **SEEHOA Sketch Plan Design Approval**

Sketch plans to be presented to the Design Review Committee. Although design phase is a subjective process the committee reserves the right to impose design requirements to support the Simbithi Architectural ethos.

##### **Building and Landscape**

The Architect should familiarise himself/herself with the latest revision of the Building Design Code, Town Planning Controls, and Landscape Protocol prior to commencing. Copies of the latest editions are available from SEEHOA.

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

##### **Submission of Sketch Plan**

One coloured set of the Sketch Plan must be submitted to the SEEHOA/SEEDRC for scrutiny, together with the current prescribed fees and documentation. A copy of the prescribed fees structure can be obtained from the SEEHOA office. (Please note fees are revised annually).

The sketch plan must consist of the following:

- Fully completed SEEHOA Property Development and Improvement Application Form and Checklist with all points therein completed.
- All copies of the drawings must show plans at all levels, elevations, NGL, a typical section through the building and site – all at minimum of 1:100 scale.
- A site plan at minimum of 1:200 scale showing storm water management during and after construction, contours, NGL and recently surveyed contours levels.
- A site plan showing footprint, NGL, contours and levels with a Geo-Tech report.
- The proposal drawing must be on an A1 format sheet, or multiples of A1 sheets.
- If houses exist on either side of the intended building, the plan is to show the footprints of such houses, and a front elevation showing the comparative heights and finished floor levels.
- All external materials are to be identified on all elevations.
- SEEDRC may call for further detailed documentation from time to time if this is deemed necessary.
- Refer to Forestry License in Clause 10.

On approval, stamped and signed copy of the Building and Landscape drawings will be retained by SEEHOA for their records' minutes will be circulated to the Architects and Owners informing them of the status of the meeting.

***Please note: If plans are not passed by SEEDRC after two referrals, due to queries not being addressed by the Architect or Landscape designer, the full submission fees are payable for the third submission.***

## **Stage Two**

### **Submission of Final Building Drawings**

One set of the final building plans (working drawings), which must be coloured, must be submitted to the SEEDRC for scrutiny after approval of the SDP/Stage one.

- These drawings must comply in all aspects with the Local Authority requirements, National Building Regulations, and must contain adequate detail and information in order to ensure the proposed structure and finishes is clearly understood.
- A final, coloured Landscape Plan is to be submitted for approval before the house is at wall plate stage. Please refer to Clause 4.0 of the Landscape Design Protocol (The Design Procedure).
- These drawings must be on A1 format sheets, collated in sets and folded in terms with SABS 0143-1980 Fig. 7.
- A site specific Geotech report.
- Stormwater management plan (post and during construction to be submitted).
- Engineering plans.

On approval, five additional sets of which three sets are to be coloured must be submitted to the Building Control Manager, Four of these five stamped and signed copies will be returned to the Architect together with the SEEHOA approval letter and conditions, if any, which must then be submitted to the Local Authority by the Architect as part of their required submission documentation. One copy being retained by SEEHOA for their records.

SEEHOA will provide a response within 7-10 working days from date of submission.

**Please note: The Local Authority will not under any circumstances approve any submissions without the prior consent of SEEHOA and which do not carry the SEEHOA stamp of Approval.**

**FAILURE TO FULLY COMPLETE THE APPLICATION DOCUMENTS OR PROVIDE THE NECESSARY INFORMATION WILL RESULT IN A REJECTION OF THE APPLICATION.**

### **Deviations**

All deviations from the SEEHOA approved drawings are to be applied for prior to any deviation work being carried out on site, accompanied by a written motivation for the changes. Deviation work may only proceed on written approval from SEEHOA DRC.

Refer to prescribed fees for deviation plan applications.

Plans must be coloured in and numbered accordingly.

### **As built drawings**

On completion of the project, As-Built documentation is to be lodged with SEEHOA for their records. SEEHOA will carry out an onsite inspection to verify the following:

- The project is complete, safe, and habitable.
- The As-Built drawings are a true and accurate reflection of what is built on site. As built plans to be submitted at practical completion stage.
- No deviations from the approved building plans have been done without the Simbithi Eco-Estate Homeowners' Association's written approval.
- The following documentation needs to be submitted:
  - a) Practical completion certificate issued by the architect.
  - b) Electronic copy of approved As built plans. (Electronic copies of council approved plans on DWG format and occupational certificates to be submitted once the plans have been approved by Council.
  - c) All completion compliance certificates.
  - d) Only once these requirements have been satisfied will the As built completion Certificate be issued.
  - e) As built and relevant documentation a proof of submission to the Local Authority within 60 days of Practical Completion being achieved.

**Please Note: The As-Built documentation must be an accurate and true reflection of what is on site. Refer to the prescribed fees for the As-Built application fee.**

On approval of the As-Built documentation, the drawings and documents will be scanned by the Architect for SEEHOA and an electronic file saved to PDF for permanent SEEHOA record purpose.

### **Alterations and additions**

- a) All alterations and additions are to be applied for prior to any work being carried out on site, accompanied by a written motivation for the changes. Work may only proceed on written approval from SEEHOA DRC.
- b) Refer to prescribed submission fees.
- c) Plans must be coloured in and numbered accordingly.
- d) Must be clearly coloured in, annotated and numbered.

## **B. Methodology**

The following document and accompanying images present a working document and record the collective efforts of the architectural review panel in striving to find an appropriate 'Architectural Ethos' for the Simbithi Eco-Estate.

## **C. Language vs. Style**

It is SEEHOA's intention that an appropriate Architectural language is developed that is borne out of a response to regional conditions.

Although one might look to historically 'successful' architectural styles, it is our expressed intention to move away from an imposed architectural style that is foreign to our region, and look rather to the development of an appropriate regional architecture.

It is essentially an Eco-Architecture that is sustainable and enduring and able to be controlled in a manner ensuring a sense of harmonious continuity across the entire development. It is an architecture that promotes the idea of design rather than stifling the creative process with the imposition of inappropriate stylistics.

## **D. Objectives**

An appropriate architectural language is one that is accountable to the following:

### ❖ **Climate (Sub-Tropical)**

Cognisance is given to both the macro climate (KwaZulu Natal North Coast) and micro climate (Simbithi Eco-Estate). Being a region that experiences a hot balmy summer with a summer rainfall pattern implies Architecture of large roofs with wide eaves overhangs that provide protection and allow for the measured introduction of light.

An eco-estate of this nature calls for an eco-architectural response that works with and is informed by its climate – one that is energy efficient and ecologically appropriate. Natural ventilation achieved through appropriate design is preferred to the indiscriminate air-conditioning of buildings.

### ❖ **Geography (Coastal Farmland)**

The Simbithi Estate is situated on the KwaZulu Natal North Coast – a region with a rich farming tradition.

The inherent beauty in the simplicity of 'farm' architecture informs the proposed eco-architectural response.

❖ **Topography (Undulating)**

The site is typically hilly with development proposed in two areas predominantly – the hilltops, and the valleys. A sensitive/sensible eco-architectural language will accommodate the diversity implied in location of these areas.

Special emphasis is to be placed on an appropriate architectural response to sloped sites in order to minimise the gratuitous use of retaining structures. Dwelling to sit in the site and not on the site.

❖ **Context (Farmland)**

The architectural response should be site specific, whilst falling within the parameters as set out in the proposed language. In all instances the architecture is to be informed by the natural 'clues' that are present within each site/area. The success of the architectural response will be measured in part by the degree to which it is enveloped into the natural environment, and the manner in which built fabric and the natural surrounding co-exist.

❖ **Technology**

The proposed eco-architecture is one that acknowledges the technological components that are integral with contemporary domestic architecture, and accommodates these in an appropriate manner.

❖ **Contemporary South African Lifestyle**

The proposed eco-architecture should respond to the requirements of the contemporary South African lifestyle, with an emphasis on the indoor/outdoor relationship, and the symbiotic relationship of man and nature.

Furthermore, it should accommodate the requirements of the permanent resident, whilst offering the flexibility required by the transient occupation of holiday accommodation.

❖ **Sustainability**

An eco-architectural language founded in the response to relevant local conditions is by nature sustainable, as it does not take on the 'flavour of the month', but has inherent integrity. Care should be taken to ensure that this integrity is followed through to the materials employed. These should complement the unique environment of the Simbithi Estate, with an appropriate richness of texture and a carefully considered palette.

All materials should be carefully selected for their contextual appropriateness and long-term serviceability.

❖ **Cost efficiency**

An appropriate eco-architecture is one that provides for cost effective design and construction methods, drawing on locally available materials, whilst embracing the building technology of the day. The Simbithi "Farm" architectural language does not necessarily imply a 'vernacular' or traditional architecture, but rather a well-considered use of simple building forms that are effectively composed.

❖ **Available Construction Skills.**

Any responsible eco-architectural approach must acknowledge local available construction expertise, whilst simultaneously 'pushing the envelope'. It should imply architecture based on sound construction methods and practice and should celebrate local 'craftsmanship'.

## E. Architectural Language

The Simbithi Eco-Architectural Language is the general architectural language drawn from the **'farm architecture'** of the area with an emphasis on pared down simple forms that are combined in an appropriate and poetic manner. Gratuitous decoration is discouraged in favour of an uncluttered architecture that is true to form, function, sustainability and energy efficiency.

The roof is the primary building component and the one that is most directly informed by the regional climate. The continuity of form and material of the roofs is paramount in the proposed architecture for the Estate as a whole.

The enclosure of the internal spaces is by means of light, transparent "walls" and the limited use of solid planes. This transparent envelope is augmented by a series of shutters and screens that give depth to the elevation whilst providing the requisite shade/privacy. Coordination of window composition to be carefully considered.

The diversity of site conditions dictates a variety of responses in respect of the manner in which the building should meet with the ground, ranging from a securely anchored structure to one that floats over the site, lightly touching down.

## F. Sustainable Building Design

The Simbithi Eco-Architectural Language is ideally suited for architects to respond positively to limit energy wastage and to reduce a generally negative impact on the environment.

Notwithstanding the relevant legislative restrictions contained in the Building Control Act and in particular **SANS 10400 XA "Environmental Sustainability and Energy Usage in Buildings"** and **"SANS 204 Energy Efficiency in Buildings"** to which architects are required to respond, SEEHOA requires that all designs offer a comprehensive design solution that embraces all the elements of sustainable design as much as possible.

The onus will be placed on the applicant to submit how it will deal positively with the following in each design:

- a) Impact on the existing natural terrain, features and plants including trees.
- b) The integration of the building design with the landscaped environment in a manner that addresses issues such as environmental controls and storm water management.
- c) The offering of shelter and insulation from the sun to avoid excessive glare and heat gain.
- d) The alternate exposure to sun to include heat gain in colder months.
- e) Design to avoid air-conditioning and provide cool spaces.
- f) Mitigate storm water run-off and promote water harvesting and drainage into the underground water systems.
- g) Display energy efficiency in the design.

# SIMBITHI ARCHITECTURAL DESIGN CODE

The following is intended as a deem-to-satisfy rule in achieving the intended eco-architectural language. All submissions will be considered on their site-specific merit, and approval will be at the absolute discretion of the Simbithi Eco-Estate Design Review Committee (SEEDRC) and the Simbithi Eco-Estate Homeowners' Association (SEEHOA).

## **Building Components**

<b>1. Roof</b>	i. Primary	Clause 1
	ii. Secondary	Clause 2
<b>2. Walls</b>	i. Solid	Clause 3
	ii. Transparent / Lightweight	Clause 4
<b>3. Windows and Doors</b>		Clause 5
<b>4. Shutters and Screens</b>		Clause 6
<b>5. Building Base</b> (connection with the site)		Clause 7
<b>6. Verandas, Decks, Patios and Pergolas</b>		Clause 8
<b>7. Garages, Outbuildings and Driveways</b>		Clause 9
<b>8. Landscape Elements</b>		Clause 10
	i. Footpaths	
	ii. Swimming Pools	
	iii. Water Features	
	iv. Outdoor Showers	
	v. Water Storage Tanks	
<b>9. Swimming pools, Water features and Fencing</b>		Clause 11
<b>10. Colour Palette</b>		Clause 12
<b>11. Erf Identification</b>		Clause 13
<b>12. Communications</b>		Clause 14
<b>13. Laundry lines; Drying yards; Refuse bin areas</b>		Clause 15
<b>14. External lighting</b>		Clause 16
<b>15. Air conditioning and Back-up Generators</b>		Clause 17
<b>16. Burglar guards</b>		Clause 18
<b>17. Earthworks</b>		Clause 19
<b>18. Storm water Control</b>		Clause 20
<b>19. Dry stack retaining walls</b>		Clause 21
<b>20. Water meters</b>		Clause 22
<b>21. Electrical Connections</b>		Clause 23
<b>22. Fire protection</b>		Clause 24
<b>23. Town Planning</b>		Clause 25

**PRECEDENT AND APPROVED BUILDINGS:** Where an approved application is built and its features or elements are re-considered by the Simbithi Homeowners' Association Design Review Committee (SEEHOA DRC), that such a building or any of its features are no longer valid or appropriate to the architectural idiom of the estate, the SEEHOA DRC shall have the right to refuse such design without the applicant having the right to claim that precedent permits its application to be approved.



## **CLAUSE 1: ROOF (Primary)**

**Intention:** *The primary roof, in conjunction with the secondary roofs, as a component is fundamental to the proposed architecture. It is invariably the most dominant component, providing covering, shelter and shade.*

*It is primarily in the uniformity of the form and colour of the roofs that the intended sense of harmony will ultimately be realized.*

### **Forms and Elements**

#### **Specific Inclusions**

- 1.1. Double pitched, single mono-pitched at a pitch of between 1° and 45°.
- 1.2. Flat planted roof slabs in isolation, provided such does not exceed 50% of the total roofing area. Large, Flat roofs that are visible to be planted with natural indigenous vegetation.
- 1.3. Proprietary roof lights and roof windows that fall within the plane of the roof.
- 1.4. Dormer windows.
- 1.5. Solar heating and energy panels that are discreetly positioned in the plane of the roof will be considered on application. Solar heating is strongly encouraged.
- 1.6. Chimneys, flues, ridge/roof ventilators on application only.
- 1.7. Eaves overhang of minimum of 600mm.
- 1.8. Exposed or closed eaves.
- 1.9. Rainwater goods – fascias, bargeboards, gutters and rainwater down pipes are not mandatory. If excluded a specific application is required with a Storm water Management Plan.
- 1.10. Lightning conductors on application and SEEHOA approval.
- 1.11. Clipped eaves in isolation on application only.
- 1.12. Rainwater harvesting to be considered has a part of architecture.

#### **Specific Exclusions**

- 1.13. Any roof form other than those listed under specific inclusions.
- 1.14. Parapet gables.
- 1.15. Pyramid, vault, or “bubble” type roof lights that fall within the plane of the roof.
- 1.16. T.V. antennae, satellite dishes, or any other reception devices on any roof, or on any elevation which is visible from the roads and any other site or detracts from the aesthetics of the specific structure.

- 1.17. Excessive features such as angle brackets and roof sprockets to support eaves. Such elements may only be considered by architectural merit and specific application.
- 1.18. No decorative pediments or applied feature trusses will be permitted.

## **Materials**

### ***Specific Inclusions***

- 1.19. Roof structure to be timber (natural or painted), or steel (galvanised and/or painted).
- 1.20. Roof covering to be 'S' profile metal sheets (galvanised aluminium or factory colour coated). Other profiles may be considered under specific application.
- 1.21. Roof covering to dormer windows to be consistent with covering of main roof.
- 1.22. Chimneys to be masonry or tubular steel.
- 1.23. Closed eaves to be fibre cement panelling, or T&G timber panelling.
- 1.24. Fascias and bargeboards to be GRP, timber, or (Fibre cement). Colour to match roof.
- 1.25. Gutters to be seamless aluminium, or GRP. Colour to match roof.
- 1.26. Rainwater down pipes to be UPVC, or aluminium, or galvanised chains. To match external wall colour.

### ***Specific Exclusions***

- 1.27. Any roof covering other than the approved metal sheets (galvanised or factory colour coated). Tiled roofs are no longer permitted for new dwellings.
- 1.28. Thatch roofs; Nutec cement roofs; or any other roof covering materials not listed under specific inclusions.
- 1.29. Gypsum eaves closure.
- 1.30. PVC fascias and bargeboards.
- 1.31. Any other materials not listed under specific inclusions.
- 1.32. Roof tiles of any type except for additions to existing tiled roofs. By application only.
- 1.33. A generic height restriction of 2 storeys is effective, as prescribed in the Town Planning Scheme Table D Density Zone – Special Zone Simbithi Eco-Estate Phases 1 to 4. Units stepping down slope may exceed 2 levels in total number, but at no point may the wall plate exceed 7,6m above the natural ground level.

## **CLAUSE 2: ROOF (Secondary)**

*Intention: the secondary roofs, are intended to compliment the primary roof structure, and are associated with intermediate type spaces, verandas, patios, and decks etc.*

### **Form and Elements**

#### **Specific Inclusions**

- 2.1. Typical mono-pitched at a pitch of between 5° and 10°.
- 2.2. Lean-to type construction.
- 2.3. Proprietary roof lights and roof windows.
- 2.4. Flat, planted roof slabs provided such does not exceed 50% of the total roofing.

#### **Specific Exclusions**

- 2.5. Any roof forms other than those listed under specific inclusions.
- 2.6. Parapet gables.
- 2.7. Pyramid, vault, or 'bubble' type roof lights or roof windows that fall within the plane of the roof.

## **CLAUSE 3: WALLS (Solid)**

*Intention: Solid walls are intended as secondary to the lightweight, transparent, layered walls that would predominate, but are a useful 'anchoring' device and an opportunity to introduce a variety of textures. The puncturing of solid walls should be done in a measured fashion and should reinforce their 'solidity'.*

### **Forms and Elements**

#### **Specific Inclusions**

- 3.1. Window composition to be carefully considered in solid walls.
- 3.2. Combination of masonry work and lightweight 'screen' elements.

#### **Specific Exclusions**

- 3.3. Boundary walls.

### **Materials**

#### **Specific Inclusions**

- 3.4. Clay brick plastered and painted.
- 3.5. Concrete brick plastered and painted.
- 3.6. Smooth plaster; Tyrolean plaster; or Bag washes.

- 3.7. Any other finishes on application and approval by the SEEDRC and SEEHOA.
- 3.8. Off shutter concrete.
- 3.9. Dressed 'dry packed' stonework.
- 3.10. Gabion and battered stone walls.
- 3.11. Timber cladding.
- 3.12. Clay face brick (as per the approved colour palette). Charcoal and Grey smooth face brick as feature walls will be considered on application only.

(Maximum of approximately 10% of external walls, more usage of face brick on application).  
Samples to be provided.

#### **Specific exclusions**

- 3.13. Concrete blocks or ash blocks.
- 3.14. Tiling on external walls.
- 3.15. Imitation stonework.

### **CLAUSE 4: WALLS (Lightweight)**

***Intention:** Lightweight, transparent walls are intended to reinforce the indoor / outdoor relationship and enhance the contextual experience of being in an eco-estate environment. There are inherent opportunities in the layering of these transparent walls with a variety of screens, shutters, etc.*

#### **Form and Elements**

##### **Specific Inclusions**

- 4.1. Walls or panels of lightweight construction or appearance – sliding or fixed.
- 4.2. Framed or frameless glazed walls – sliding or fixed (excluding veranda enclosures).
- 4.3. Stud wall construction with lightweight cladding.
- 4.4. Louvered screen walls (excluding veranda enclosures)

##### **Specific Exclusions**

- 4.5. Log cabin construction.

#### **Materials**

##### **Specific Inclusions**

- 4.6. Aluminium / Timber frames with clear or sandblasted glass panels.
- 4.7. Nutec cement (décor planks).

- 4.8. Profile metal sheets to compliment roof structure.
- 4.9. Louvres – timber (natural or painted), or aluminium.
- 4.10. Treated natural timber external walls.

#### **Specific Exclusions**

- 4.11. Fibre glass sheeting.

## **CLAUSE 5: WINDOWS & DOORS**

**Intention:** *It is intended that the theme of 'lightness of enclosure' be carried through into the treatment of the windows and doors. The use of large, glazed apertures (windows and doors) is preferred to repetitive smaller apertures. With full compliance to SANS 10400. PART XA.*

### **Form and Elements**

#### **Specific Inclusions**

- 5.1. Sliding doors; sliding folding doors; side hung doors, and pivot doors.
- 5.2. Framed or frameless glazed doors/windows – sliding or fixed.
- 5.3. Vertical or horizontal sliding sash windows.
- 5.4. Side hung or top hung casement type windows.
- 5.5. Timber framed and ledged doors.
- 5.6. Burglar proofing as an integral design element which is not visible from external.
- 5.7. Patent burglar proofing internally only. Must not be seen from external.
- 5.8. Garage doors to be roll-up doors, sectional slide over type doors. Nonstandard garage doors to be submitted for approval.

#### **Specific Exclusions**

- 5.9. Small cottage pane configuration.

### **Materials**

#### **Specific Inclusions**

- 5.10. Vertical or horizontal sliding sash windows in aluminium and natural timber only.
- 5.11. Large pane steel frames – galvanised and /or painted.
- 5.12. Glazing – clear float, or laminated, or toughened glass.
- 5.13. Non-reflective "Energy Saving" neutral glazing on application. (Samples must be submitted for approval).

- 5.14. Sandblasted or acid etched glass.
- 5.15. Non-decorative vinyl applications.
- 5.16. Grey tint non-reflective factor 35 SR W/R film applied to glazing on application.
- 5.17. Clear glass. Any other glass to be compliant with SANS XA to be submitted to DRC for approval.
- 5.18. UPVC windows and doors under special applications.

#### ***Specific Exclusions***

- 5.19. Reflective mirror glass.
- 5.20. Stained glass or lead light glazing.

### **CLAUSE 6: SHUTTERS & SCREENS**

***Intentions:*** The use of semi-transparent shutters and screens is encouraged as means of creating layering and depth to the elevations. They are effective in the handling of climatic and privacy issues, and complimentary to the lightweight language anticipated for the walls.

#### **Form and Elements**

##### ***Specific Inclusions***

- 6.1. Working shutters – sliding; sliding folding; side hung, and top hung.
- 6.2. Louvered or slatted shutters/screens to be natural, match aluminium or wall colour.
- 6.3. Internal 'Plantation Shutters'.
- 6.4. Top hung awning type shutters/screens.
- 6.5. Shutters and screens as security gates and burglar proofing.
- 6.6. Maintenance behind screens to be considered.
- 6.7. Any new material to be submitted to DRC for approval.

##### ***Specific Exclusions***

- 6.8. False shutters of any description.

#### **Materials**

##### ***Specific Inclusions***

- 6.9. Powder coated aluminium.
- 6.10. Timber (natural or painted).

### **Specific Exclusions**

- 6.11. UPVC or any other material not specified under specific inclusions.
- 6.12. External shutters and screens finished in colour outside the code.

## **CLAUSE 7: BUILDING BASE**

**Intention:** *The manner in which the building connects with the site is carefully considered in an estate of this nature. There are a number of site conditions, which in turn dictate a fairly diverse approach – from solidly anchoring the building to the site, to lightly making contact.*

### **Form and Elements**

#### **Specific Inclusions**

- 7.1. Battered stonework set to a datum above the NGL – Columnar structure with suspended floors and decks.

#### **Specific Exclusions**

- 7.2. **Under no circumstances** will space below the suspended deck be used for storage. The future enclosure of the space below the suspended deck **will not be allowed**.
- 7.3. All under floor void areas at ground level to be filled and compacted.
- 7.4. Use of under floor void areas as non-habitable spaces as application only e.g. Plant service room.

### **Materials**

#### **Specific Inclusions**

- 7.5. Masonry construction with dry pack stone cladding.
- 7.6. Treated timber posts – natural or painted.
- 7.7. Galvanised steel posts – painted or natural galvanised finish.

#### **Specific Exclusions**

- 7.8. Applied imitation stone dressing.

## **CLAUSE 8: VERANDAS, DECKS, PATIOS, & PERGOLAS**

**Intention:** *Verandas, decks, and patios provide the opportunity to further blur the internal/external boundaries and reinforce the strong inter relationship between a controlled environment and the natural surrounds. These elements are the 'outdoor rooms' that offer a rich spatial experience, whilst simultaneously creating wonderful depth in elevation. A retrospective 'tack on' approach will miss the inherent opportunities to be found in these elements.*

## **Form and Elements**

**APPLICATIONS WHICH LACK A DISTINCTIVE VERANDA AND WHICH DO NOT COMPLIMENT THE ARCHITECTURAL CONCEPT AND HAVE A SYMBIOSIS WITH THE ROOF CONCEPT WILL BE REFUSED.**

### ***Specific Inclusions***

- 8.1. In all instances, veranda construction to compliment the main structure.
- 8.2. Recessed verandas.
- 8.3. Typical deep 'wrap around' verandas. Minimum depth of 3m.
- 8.4. A covered veranda of a minimum 10% of the total area of a dwelling is required- Enclosure of verandas are allowed on application and approval of DRC.
- 8.5. Internal covered and uncovered courts.
- 8.6. Lightweight timber decks and timber pergolas.
- 8.7. Balustrades to detail on application to SEEDRC. Must be lightweight with horizontal and/or vertical elements.
- 8.8. Natural timber pergolas attached to the buildings.

### ***Specific Exclusions***

- 8.9. Proprietary awning structures, retractable or fixed.
- 8.10. 'Attached' framed verandas or balconies.
- 8.11. 'Broekie Lace' or any excessive adornment.
- 8.12. Precast concrete or any decorative, stylistic columns.
- 8.13. Decorative cast/wrought iron balustrades.
- 8.14. Solid enclosure (including glass) of any veranda or patio.
- 8.15. Natural timber pergolas attached to the buildings.

## **Materials**

### ***Specific Inclusions***

- 8.16. Concrete surface bed, or suspended slab construction with tiled or screeded finish.
- 8.17. Timber decking – sealed, or naturally weathered.
- 8.18. Expressed steel structure – galvanised and/or painted.
- 8.19. Timber (PAR) structure – natural or painted. (Pergolas only natural)
- 8.20. Intengu timber screens (aka "sticks" or "lats") – both vertically and horizontally.



- 8.21. Roof covering – refer to roofs specific inclusions.
- 8.22. Blinds and shutters on application only. One side to remain open.
- 8.23. Vertical or horizontal elements in balustrades.
- 8.24. Aluminium.
- 8.25. Reconstituted plastic on application only.
- 8.26. Frameless glass balustrades. No visible fixing details.

#### **Specific Exclusions**

- 8.27. Veranda edges with lapped edging.
- 8.28. Rustic log or gum pole construction.
- 8.29. Any Shade cloth application, other than specifically used during construction.
- 8.30. Any type of retractable canvas awnings.
- 8.31. Fancy and ornate balustrading not specifically listed under inclusions. Diagonal bars not permitted.
- 8.32. Diagonal elements or patterns.
- 8.33. Balustrades not in compliance with the SANS10400 and have openings greater than 100mm.

### **CLAUSE 9: GARAGES, OUTBUILDINGS & DRIVEWAYS**

***Intention:** Any garage, ancillary unit or outbuilding of any description is to compliment the main structure with a common architectural treatment. The relationship between the main structure and any outbuildings is to be reinforced by way of structured covered walkways and other visual links.*

**Please note: Boats, caravans, camper vans, motor cycle and quad bikes, or any trailer must be screened from view.**

#### **Form and Elements**

##### **Specific Inclusions**

- 9.1. Garages and Outbuilding construction to be in proportion with and match that of the main structure.
- 9.2. Carport and golf cart port construction to match that of the main structure.
- 9.3. Garage doors facing the road must be placed at a minimum of 7.5 metres from the building line into the property. Garage doors positioned perpendicular to the site road boundary is preferred.
- 9.4. Refer to Clause 10 for driveway specifications.
- 9.5. Each dwelling unit shall have a minimum of one garage and at least one dedicated visitors parking bay.

- 9.6. Minimum 7.5m turning circle within the building lines required.
- 9.7. Structured driveways and footpaths.
- 9.8. Driveway entrance scoop as per SEEHOA specifications. Refer to Example 10.13
- 9.9. Driveway gradient not to exceed 1:6 for the first 10 metres inside the property.
- 9.10. Driveway entrance gradient from edge of road up to the site boundary must be 1:25 gradient. (see diagram labelled 10.14)
- 9.11. Driveway entrance to be 90° with the road frontage. The driveway width over the verge and services servitude must not exceed 3.0m and bellmouth width to be a maximum of 4.5m on a SR site, and 5.0M on a PUD site. The finish and material from edge of road up to the site boundary must be the same colour as the road finish and material.
- 9.12. Only one driveway access per site. Consolidated sites will be deemed as one site.
- 9.13. 2 off 110mmØ PVC sleeves under driveway entrance in verge area. (One sleeve positioned 1.0 metre from the kerb or edge of the road, and the other sleeve positioned 1.0 metre from the site boundary).

#### **Specific Exclusions**

- 9.14. Temporary structures of any description (i.e. Gemini Hut or Wendy House).
- 9.15. Any free-standing carport, golf cart port, and gazebo, lapa, and/or shade awnings.

#### **Materials**

##### **Specific Inclusions**

- 9.16. Materials to match / compliment those on the main structure.
- 9.17. Garage doors – **GRP** or aluminium sectional slide over.
- 9.18. Garage doors – natural **Timber** horizontally slatted sectional slide over.
- 9.19. Painted **galvanised steel** or '**Chromadek**' roll up garage doors on application and approval by SEEHOA approval.
- 9.20. Driveways – stone chip, bark chip, clay paving, or concrete cobblestone paving and exposed aggregate. Colours natural stone, light grey to Charcoal.
- 9.21. Driveway entrance access over verge and scoop as per SEEHOA details. See examples below; also refer to Example 10.4 for entrance level requirements.
- 9.22. Finishing materials to driveway access over verge between the edge of the road and the site boundary, must match existing road colour.

##### **Specific Exclusions**

- 9.23. Raised and fielded panelled garage doors.
- 9.24. Any other garage door not specified under Specific Inclusions.
- 9.25. Tarmac (asphalt).

## CLAUSE 10: LANDSCAPING ELEMENTS

**Intention:** *The introduction of a landscaped garden and associated landscape elements (both soft and hard) is to blend in with the natural indigenous environment, rather than 'compete' with its context. The use of natural materials is encouraged, as is the eradication of foreign plant material in favour of that endemic to the region.*

Please note: A landscape proposal will be required to be submitted for scrutiny and approval together with each proposed building design. Please refer to Landscaping Contractor's Protocol for landscape plan requirements and procedures.

**The removal of any trees and indigenous vegetation is strictly by application to the SEEDRC and SEEHOA. Failure to comply in this respect will incur severe penalties.**

All architectural plan submissions must be accompanied by a landscape proposal. All landscape proposals must comply with the Simbithi Eco-Estate's **Environmental Management Plan** and **Landscaping Protocol**, as prepared by Guy Nicolson Consulting cc and Indiflora cc. **No landscaping may proceed without the written approval and consent from the Simbithi Eco-Estate Homeowners' Association.** All Landscaping must be installed by a SEEHOA accredited Landscaping Contractor.

The general landscaping philosophy is one of controlled landscaped areas within the site, which are integral with the design and immediately adjacent to the built structure. It proposes the 'blurring' of property boundaries and encourages the infusion of the natural vegetation (plant or grassland) into the site and in certain instances up to the structure. Site demarcation or definition promotes a sense of territorial encampment, and is strongly discouraged.

Landscaping of gardens is to be completed on occupation of the relevant property and is to be strictly in accordance with the approved Landscape Plan. An audit of the Landscape installation will be conducted as part of the as-built inspection and a 6 month 'growing in' period will be allowed, during which time the Landscape Contractor will be responsible for the maintenance of the garden.

On acceptance of the 'established' garden, the ongoing maintenance will be the responsibility of the owner through one of the Simbithi Eco-Estate Homeowners' Association's approved Garden Maintenance Service Contractors.

The removal of any trees and indigenous vegetation is strictly by application to the Simbithi Eco-Estate Homeowners' Association. **No trees may be removed without the written permission from the Simbithi Eco-Estate Homeowners' Association.** Failure to comply in this respect will incur severe penalties.

### **Forestry License**

Please note that the Department Agriculture Forestry & Fisheries require a Tree Cutting License in terms of the National Forestry Act (NFA) if there are three or more tree canopies that touch on an ERF, as this is then deemed to be a forest in terms of the Act. A Tree Cutting Licence is required if the trees are in a forest or if there are a protected species listed in terms of the NFA. This applies to trimming, cutting and transplanting of such a tree. A permit would be also required from Ezemvelo KZN Wildlife if a TOPS species (threatened or protected species) (in terms of the NEMA Biodiversity Act) needs to be removed. Please advise the Simbithi Environmental Office when you commence with concept/ planning of your house. SEEHOA will advise you whether you are required to apply for a license and or permit. SEEHOA will recommend an environmental consultant that needs to be appointed to facilitate this process.

All P.U.D. sites must have an automated irrigation system installed prior to occupation of any units.  
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## **Forms and Elements**

### **Specific Inclusions**

- 10.1. Jungle gym and trampolines on application and approval by the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association.
- 10.2. All cut banks must be 26°.
- 10.3. Automated irrigation system.
- 10.4. Rain water storage tanks on application. These must be contained and screened in courtyards if not an integral part of the structure's aesthetic appearance. Exposed corrugated sheet metal tanks are encouraged.
- 10.5. Ambient type down lighting; Bollard type not higher than 500mm; and undergrowth tree lighting on application only.
- 10.6. Only endemic plants as per the Landscaping protocols are allowed.

### **Specific Exclusions**

- 10.7. Garden statues, garden pots and garden gnomes and any other ornaments or statues not specified under specific inclusions.
- 10.8. Lollipop or Victorian type lamps and high lights. Or any lights considered offensive or a danger to road traffic and pedestrians.
- 10.9. Any type of flag, banner or flyer on any residential site (SR and PUD). The South African and Simbithi flags are the only flags permitted, and then only at the Estate's entrance gates.
- 10.10. Any other landscaping not included in the Landscape Protocol.
- 10.11. Earthwork and landscaping encroachment over the site boundary without SEEHOA and/or neighbour's

**Please refer to the Simbithi Landscape Protocol for full landscaping specifications and requirements.**

## **CLAUSE 11: SWIMMING POOLS, WATER FEATURES & FENCING**

**Intention:** *The Estate's perimeter will be fenced with concrete palisade and electrified fencing and patrolled to ensure a secure environment. 11.1 Intention-Fencing Visible boundary walling or fencing will not be allowed around individual sites so as not to encourage a culture of territorial encampment, but rather to ensure the openness of secure community living.*

*The above is to be designed in such a way that they blend and merge with the natural environment harmonious and minimally intrusive manner. These elements must be integrated holistically with the design of the structure. Swimming pools under special application and to be compliant with SANS 10400. Fencing only allowed for pool safety, pets and to contain small children. The smaller the fencing footprint the better.*

### **Specific Inclusions**

- 11.1. Subsurface "Pet Safe" control fencing on application and approval by the SEEDRC and SEEHOA is strongly encouraged.

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- 11.2. Swimming pools on application.
- 11.3. Koi ponds and water features on application.
- 11.4. 1,2m High swimming pool fencing on application and approval by the SEEHOA as required by the SANS10400 Part DD4. The fencing material and style must compliment the design of the proposed structure, and be must an integral part of the main structure.
- 11.5. The swimming pool gate must be hinged on rise and drop type hinges (self-closing), and a self-latching/locking device conforming to SABS and the SANS10400 must be fitted.
- 11.6. The position and extent of the fenced area around a swimming pool on a Single Residential site is to be Installed within the building lines. Please note no encroachments over any building lines will be permitted.
- 11.7. Swimming pool fencing to be shown on the Building Plan for approval and on the Landscape Plan as part of the landscaping features.
- 11.8. Softening planting is required on both sides of the fence.
- 11.9. Pet and Swimming pool fences material to confirm to the Simbithi's approved colour palette.
- 11.10. Intengu fences to remain natural in appearance, flat top Ferro art fencing and Clearvu fencing to remain to SEEHOA'S and supplier specification. Please note in terms of the Clearvu fencing, supplier to ensure a gap of 100mm between the bottom of the fence and the ground is made available to allow for movement of small mammals and reptiles.

### **Specific Exclusions**

- 11.11. All forms of fencing not listed under specific inclusions.
- 11.12. Fencing encroachments over any building line.
- 11.13. Fencing on any site boundary.
- 11.14. Fencing in excess of 1,2m in height, other than screening considered under Clause 15.3.
- 11.15. Fencing that detracts from the aesthetics of the Estate.
- 11.16. Portable or temporary swimming pools, visible Jacuzzis, and spa baths.
- 11.17. Visible pumps and filtration systems.

## **CLAUSE 12: COLOUR PALETTE**

**Intention:** *The integration of the built fabric with the natural environment is fundamental to the success of the Estate. The palette, which is one of muted shades and understated colours is of particular significance in realizing this objective and has been carefully selected.*

### **Specific Inclusions**

- 12.1. Roof covering to be medium grey to charcoal grey. Fascias and Bargeboards to match or compliment the main roof colour or house aesthetics.

- 12.2. Rainwater goods, excluding downpipes to match or compliment the main roof colour.
- 12.3. Roof structure (exposed) to be: '**Natural Timber**'. Or, any of the specified roof covering colours to match, or compliment the colour of the roof.
- 12.4. Veranda structure to be '**Natural Timber**'; Stainless steel; or galvanised steel. Painted veranda supports to be considered on application and to conform with the colour palette.
- 12.5. External walls to be any of the SEEHOA approved colours as per colour palette on display at the SEEHOA Management Office.
- 12.6. All colours to be 'Brand' specified on all drawings submitted for approval to the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association. All colours must be specified on all drawings.
- 12.7. Windows, doors, shutters and screens to be '**Natural Timber**', '**Natural Anodised Aluminium**', or any of the specified approved colours to match or compliment the wall and roof colours. Special design consideration to be given to timber, and aluminium screening, shutters and design elements as to ensure a uniformed look and feel.
- 12.8. The following colours will be considered for shutters, doors and window frames: Bronze, Light grey, dove grey, charcoal, white **and black**.
- 12.9. Ferro Art fencing approved colours: green and brown, grey.
- 12.10. Clearvu fencing approved colours: green, Anthracite grey.
- 12.11. Face brick: Smooth firebrick. Permitted colours: Charcoal and Grey smooth

**Paint colours: (Only Midas is final – other brands still to match)**

**Plascon new range wall colour**

Veldrift	Y2-D2-3
Brocade Silk	Y1-D2-1
Bushbuck	Y1-D1-4
Ivory Parchment	Y3-D2-3
Stone Wash	Y2-D2-2
Maison Blanche	Y1-E2-1

**Plascon old range wall colour**

Chaps	D13-3
Safari Tan	D13-4
Trade Winds	D13-5
Camel Hair	D14-4
Pinto	E13-3
Trenton	E13-4
Haworth	E13-5
Mayan Stone	E14-4

**Plascon Marroca textured coating**

Odessey	PTX 1214
Baileys Brig	PTX 1212
Sundowner	PTX 1211

- Southern Right
- Arniston White
- Monkey Ropes
- Nguni
- Phalaborwa Dust
- Cederberg Green

- Schoenies
- Big Tree
- The Baxter
- Shakas Shield
- Dolomite
- Blanc Trash
- Bleached Washed Table
- Boere Baroque
- Boet Se Moet
- Burnt Lawn
- Candle Light
- Crushed Quarry Stone
- Dandelion
- Fresh Roots
- Front End Loader
- Geelb
- Gravel
- Grinder
- Hazy Mornings
- Lions Head
- Malva Pud
- Magic Mushroom
- Milky Way
- Monkey Grey
- Moses Rock
- Paternoster Sand
- Pearly Moon
- Scaffold
- Sepia
- Shabby
- Shooting Star
- String
- Sunday Lunch
- Swivel Head
- Turned Soil
- Fence wire
- Filament
- Foil
- Hammer
- Heavy Load
- Hello Grey
- Millstone
- Nail Head
- Old tar
- Solder
- Staple
- Zippo
- Blast

**Midas Earthcote 'Reveals & Accent Colours': (On application only)**

- Concrete Highway
- Dikbek Dirk
- Dung beetle Brown
- Karoo Brown

- Kettle Spout
- Mulva Pud
- Oil pit
- Top Soil
- Wet Cement

**Note – Midas Colours are also available in these Textures:**

- Armadillo
- Sand Paint
- Peinture

## **Roof colour range**

### **Roof: (S-Profile sheeting)**

**Zincalume (Colourbond) Approved Colours:**

- Cape Charcoal
- Armour Grey
- Volcanic Grey

**Hulamin Approved Colours:**

- Dove Grey
- Charcoal Grey
- Dolphin Grey
- Hazy Grey
- Corporate Grey

**Chromadek Approved Colours:**

- Dove Grey
- Dark Dolphin
- Charcoal

**Note: 'Ziptech / raised seam' style sheeting will be considered on application for Mono / butterfly-pitched roof designs only.**

Please note samples of metal roof sheets must be submitted to SEEHOA for colour approval prior to placing an order and installation. Metal roof colour varies from manufacturer to manufacturer.

### ***Specific Exclusions***

12.12. Any colour not specified under specific inclusions.

## **CLAUSE 13: ERF NUMBER, STREET NUMBER & SIGNAGE**

### ***Specific Inclusions***

13.1. All sites must have a street address number displayed which must be clearly visible and readable from the road.



- 13.2. The street address number must be installed on completion of the project and prior to occupation of the building.

#### **Specific Exclusions**

- 13.3. Any signage not included in the Specific Inclusion and/or not approved on application.

**Please contact SEEHOA Building Control for Street address signage form.**

### **CLAUSE 14: ANTENNAE, SATELLITE DISHES & RECEPTION DEVICES**

#### **Specific Inclusions**

- 14.1. All TV antennae, satellite dishes and any other Simbithi Eco-Estate Homeowners' Association approved reception devices must be positioned on the building in as inconspicuous a manner as possible so that it is not visible from any road or other property, preferably in the laundry drying yard, not more than 1.8 metres above the ground level (measured from finished ground level to top of the dish). The colour of the dish, brackets, cables, and antennae must blend in with the colour and finish of the building structure.
- 14.2. Any TV antenna, satellite dish, and/or reception device per site/development will be considered on application. In the case of planned unit developments, one device per block would be allowed.
- 14.3. The position of any of these devices must be clearly indicated on the drawings for scrutiny by the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association.
- 14.4. All proposed installation positions must be inspected on site by Building Control with the installer prior to the physical installation. No installation may commence without the written permission from the Simbithi Eco-Estate Homeowners' Association.

#### **Specific Exclusions**

- 14.5. Advertising signage is not permitted on any of these devices.
- 14.6. Any receiving devices positioned in gardens, on fences, or anywhere other than as specified in specific inclusions.
- 14.7. Any receiving devices installed on any roof, or not in compliance with Clause 14.2.

### **CLAUSE 15: LAUNDRY LINES, DRYING YARDS & REFUSE BIN AREAS**

#### **Specific Inclusions**

- 15.1. Every dwelling shall have a suitable laundry drying yard and refuse bin area not exceeding 12m<sup>2</sup> in floor area, with minimum 1,8m high screen wall. In the case of multi residential units, suitable yards must be provided at each block.
- 15.2. All washing lines, windy driers and laundry lines are to be positioned on each site in such a manner they are not visible from any of the Estate's roads and from any boundary on that site.
- 15.3. Special care is to be taken on sites which are 'below' the road. In this instance screen walls of maximum 2.1 metres high to screen laundry yards and lines will be considered on

application and motivation. The position of yards and washing lines is to be clearly indicated on the drawings for scrutiny and approval by the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Home Owner Association.

- 15.4. All refuse to be stored in sealed refuse bags in a green Otto bin (wheelie bin).
- 15.5. Designs to be mindful of refuse disposal from kitchen yard to wheelie bin to road verge.
- 15.6. Waste incentives strongly supported by SEEHOA, drop of points at gatehouses. Kindly make use of waste facilities.

#### **Specific Exclusions**

- 15.7. Laundry that is visible from any road, from any site boundary, or from any neighbouring unit.
- 15.8. Exposed refuse bags on any site or road verge.

### **CLAUSE 16: EXTERNAL LIGHTING**

**Intention:** To ensure that light pollution is prevented.

#### **Specific Inclusions**

- 16.1. Exterior lighting of buildings and building elements is permitted on application to the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association.
- 16.2. Solar powered lighting.
- 16.3. Ambient type down lighting; Bollard type not higher than 500mm; and undergrowth tree lighting on application only.
- 16.4. Energy saving warm or day light bulbs are encouraged.
- 16.5. Only reflected/diffused lights allowed.

#### **Specific Exclusions**

- 16.6. Any external lighting that may cause a nuisance to any neighbouring properties or is hazardous and blinding to any motorist in any road.
- 16.7. Any permanent external "Decorative type", "Fairy Lights" or Festive season lights Any other lighting not listed in Specific Inclusions.
- 16.8. Street lights covered with cardboard, shade cloth, or any other materials as a deflector.
- 16.9. Lollipop or Victorian type lamps and high lights. Or any lights considered offensive or a danger to road traffic and pedestrians.

### **CLAUSE 17: AIR CONDITIONING PLANT AND POWER BACK-UP GENERATORS**

**Intention:** SEEHOA strongly recommends that back-up generators should be your last resort and the more environmentally sensitive options should be considered first. Solar energy harnessing for external lighting and water heating is encouraged. Determine your needs, make a decision, and get a suitable inverter/UPS back up system. Most important is to use power wisely, adapt to the change and get on with your life in Simbithi during power outages with ease.

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All back-up power generator installations are to be submitted to the DRC (Design Review Committee) for scrutiny prior to installation. The following criteria are used by SEEHOA when reviewing Power Back-up Generator applications:

- Power back-up generators, and equipment must be positioned out of sight from of any boundary or road, or alternatively screened in an appropriate manner approved by the Simbithi Eco-Estate Homeowners' Association and the Simbithi Eco-Estate Design Review Committee. Basements & void spaces work well when establishing a plant room.
- Consideration is to be given to the adjacent property owners when positioning all plant & equipment on site. i.e. Noise & air pollution, Aesthetical appearance, Offensiveness to your neighbours.
- Owners need to consult with generator suppliers / specialists and resolve all issues pertaining to excessive noise & air pollution as part of the installation.
- Only silent type generators are permitted.
- Specifications of the generator to be installed.
- Location plan of the generator.
- Electricity lay-out showing detail of the connections to and from the generator.
- A fire Protection plan.
- Envisaged noise level output measured by decibel.
- The noise level of the generator should not exceed 60 to 80 db at 5m. Mufflers, the Trex System or a French Drain System should be used to obtain the correct noise reduction level. The noise level will be tested by Management subsequent to installation to ensure compliance with the Conduct Rules.
- The generator should be of the household, "silent" sound proof type with an automatic switch on/off capability.
- The generator should be seen as an emergency back- up and should only operate during power failures.
- The generator should be installed within the boundaries of that particular stand, on a raised plinth inside a ventilated, dry, non-habitable room or compartment (utility room) with a solid door, but without any windows, away from any gas bottles.
- The generator should be installed by a qualified, competent electrician.

### **Specific Inclusions**

- 17.1. All air conditioning plant, invertors, and equipment must be positioned out of sight from of any boundary or road, or alternatively screened in an appropriate manner approved by the Simbithi Eco-Estate Homeowners' Association and the Simbithi Eco-Estate Design Review Committee.

- 17.2. Consideration is to be given to existing properties when positioning any such plant. i.e. Noise pollution, Aesthetical appearance, Offensive to neighbours.
- 17.3. Equipment to be positioned to ensure natural ventilation achieved through appropriate design.
- 17.4. Solar energy harnessing encouraged.

#### **Specific Exclusions**

- 17.5. Ineffective screening not permitted.
- 17.6. Any vegetation as permanent screening.

## **CLAUSE 18: BURGLAR ALARMS AND BURGLAR GUARDS**

#### **Specific Inclusions**

- 18.1. It is recommended that burglar alarms are fitted to each residential unit prior to any person occupying the unit. They are to be non-audible, installed by a Simbithi Eco-Estate Homeowners' Association accredited and approved security contractor, and must be connected into the Estate's Central Monitoring System.
- 18.2. Burglar guards which are integral to the design of the structure, and not visible from external.

#### **Specific Exclusions**

- 18.3. External private alarm and reaction units will not be allowed access onto the Estate.
- 18.4. Audible alarms.
- 18.5. Burglar guards that are visible from the road or other neighbouring units/property and/or that detract from the aesthetics of the structure.
- 18.6. Security doors and gates that are visible from the road or other neighbouring units/property and/or that detract from the aesthetics of the structure.
- 18.7. Infra-red beam, laser beam, or any other type of detection device which is visible from the road or neighbouring units/property and/or detract from the aesthetics of the structure. These may only be installed inside the unit/building.

***D.I.Y. installations will not be accepted.***

## **CLAUSE 19: EARTHWORKS**

- 19.1. Site to be surveyed prior to design commencement. Earthworks to be indicated on stage one drawing. All earthworks to be certified by civil engineer on completion. Initial contour levels to include adjacent property.
- 19.2. Special emphasis is to be placed on an appropriate architectural response to sloped sites in order to minimise the gratuitous use of retaining structures.
- 19.3. All boundary edge drawing conditions to be resolved at stage one.

- 19.4. Balanced cut and fill must be designed in accordance with Simbithi principles of following the contours which means the balanced reshaping of the onsite soil to create platforms. Importing of soil to create, excessive artificial, raised platforms is not allowed.
- 19.5. All earthworks platforms must be contained within the building line envelope. Encroaching banks (not platforms) over the building lines or site boundaries (day lighting) on specific sites may be applied for; however, approval will only be considered subject to specific site conditions if no other reasonable alternative is available.
- 19.6. If written consent for "daylighting" has been granted by SEEHOA on the estate's open spaces only, the following conditions will apply:
  - a) The platform extents may not encroach over the building lines.
  - b) Integrated earthworks platforms are encouraged between neighbouring properties with mutual written consent.
- 19.7. All Any banks must be cut to maximum 26°. Banks steeper than 26° need to be designed, supervised, and certified by a professional engineer.
- 19.8. All banks must be trimmed and vegetated immediately on completion of the earthwork and prior to any building work commences.
- 19.9. A shade cloth fence must be erected around the site in accordance with Clause 5.0 of the Building Contractors Protocol prior to any earthworks taking place.
- 19.10. A site-specific Geotechnical report must be submitted with each specific building plan application.
- 19.11. Any excavation more than 3,0m deep must be designed by a professional engineer.
- 19.12. Any excavations more than 1,0m in depth must be shored and work must be under strict visual supervision of the specific appointed site foreman.
- 19.13. Dust must be controlled during earthworks by means of continual watering of the soil stripped of vegetation. Also refer to requirements set out in the Environmental Management Plan.
- 19.14. Soil stockpiles on site must be protected against wind and rain erosion.
- 19.15. Soil stockpiles on site may not be higher than 2,0m in height.
- 19.16. All rubble, rubbish, and excess building materials must be removed from fill materials and taken off the Estate.
- 19.17. Platforms to confirm integrate with and relate to adjacent neighbouring property.

## **CLAUSE 20: STORM WATER CONTROL & WATER HARVESTING**

A practical method of conserving water is to collect all stormwater from your roof. Your dwelling's roof acts as a huge catchment for rain water and this water can be channelled into tanks. All water harvesting applications need to be submitted to the SEEHOA Building Control Department to be reviewed by the DRC (Design Review Committee) the following criteria is used to assess all tank application:

- Position of tanks – ideally within the property footprint. Underground to be considered wherever space on the surface is restricted.

- Tanks are to be colour coded with the external paint colour of the building.
- All exposed water tanks need to be in accordance with the SEEHOA Design Review Committee's requirements.
- For optimal harvesting and storage, our rainfall equates to a rule of thumb of 10 000 litres of storage for every 100m<sup>2</sup> of roof
- It is encouraged for water storage tanks to be kept perfectly clean of sediment and other matter through a pre-filtration filter system. A simple leaf catcher / strainer to be installed.
- A pressure pump (0.75 or 1.5 KW two stage depending on usage) is recommended and could be used to boost the stored water through a post-filtration/purification system and then through the existing pipe reticulation. As not all systems can rely on gravity feed.
- Water in either the storage tank or filter/piping systems must not be allowed to stagnate
- The post filtration system can be linked into the Sembcorp Siza water supply to filter and purify this water when required (drought conditions)
- It is compulsory for every home to be fitted with a non-return valve which needs be installed on the internal reticulation in order to prevent back flow into the main line. Shut off gate valves also need to be fitted where necessary so that maintenance and pipe bursts can be fixed with ease.

### **Specific Inclusions**

- 20.1. All plan submissions to the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association for scrutiny and approval is recommended to include a site-specific storm water management plan prepared by a professional Engineer – this is to indicate the method of storm water control both during and post construction periods. No storm water is to be discharged into any sewer drain, or onto adjacent properties, Stormwater to be discharged into attenuation tank designed by professional engineer and to be positioned within the building line.
- 20.2. A storm water channel / cut-off drain, piped to discharge into a storm water drain, recommended be installed across the driveway at the site boundary to prevent any storm water run-off over the verge and entrance scoop. This is required on sites where the garage is level with or above the road level.
- 20.3. Rainwater harvesting is encouraged.
- 20.4. Exposed "Farm" style corrugated iron water storage tanks on stone plinths are preferred. However, certain plastic tanks may be approved on application. Application to indicate position, visibility, pump position and option to link to the main line.
- 20.5. Any other approved water storage tanks which are screened or underground.

### **Specific Exclusions**

- 20.6. Any substance other than rainwater being discharged into a storm water drain.
- 20.7. Any other visible water storage tank not being a farm style tank described in Clause 20.3 which is visible from the road and/or any other site.

20.8. Surface discharge or discharge of storm water onto a roadway.

## **CLAUSE 21: RETAINING SYSTEMS & RETAINING WALLS**

***Please Note: retaining walls are allowed on application. Contoured landscaping is preferred. SEEHOA will only consider approval of these walls if it is an absolute necessity on the site.***

### ***Specific Inclusions***

- 21.1. All retaining walls are to be designed and certified by a professional engineer. Engineer's Indicating calculations to be submitted to SEEHOA.
- 21.2. Foundation is not to go beyond the building line in any instance, as imposed by the Simbithi Eco-Estate Homeowners' Association.
- 21.3. All dry-stack walling to be SABS approved "**SA Retainer Blocks**".
- 21.4. Visible retaining walls may not exceed 2 meters in height; thereafter a setback minimum 1 meter is required (Only a Maximum of two tiers will be considered.) Vertical concrete walls, not visible from the road and neighbouring properties may be a maximum of 4 meters in height without a required setback.
- 21.5. Method of storm water controls both during and post construction is required. Storm water must be controlled at top and bottom of wall.
- 21.6. Planting must be implemented immediately on completion of the wall to soften hard lines as per the planting palette. Please refer to the Landscaping Protocol.
- 21.7. Angle of Repose – Banks at natural repose are preferred to retaining structures, thus obviating the need for balustrades and/or fences.
- 21.8. In terms with the National Building Regulations SANS 10400 a safety barrier is required where there is a change in level of 1 metre or more. The finish and materials of the safety barrier must compliment the building structure and Simbithi theme. A detailed proposal of the type of barrier intended must be submitted to the Simbithi Eco-Estate Design Review Committee for approval.
- 21.9. Brick or concrete walls, plastered to match existing main dwelling, gabion walls (to a maximum of 4 meters).
- 21.10. Comply with dept of labour safety regulations when installing retaining walls.

### ***Specific Exclusions***

- 21.11. Any retaining dry stack wall in excess of 2.0 meters in height and/or concrete/brick retaining walls in excess of 4m in height. Heights exceeding the above on application only.
- 21.12. Any retaining structure not specifically mentioned in Specific Inclusions above.
- 21.13. Any retaining wall which is not an absolute necessity
- 21.14. Earthwork encroachment over site boundaries.

21.15. Gum pole retaining structures:

- 21.15.1 Must be on application only and must be indicated on the building and landscaping plans.
- 21.15.2 Gum pole structures must be less than a meter in height.
- 21.15.3 May be installed a maximum of a meter outside the building line (between the boundary and building line).

## **CLAUSE 22: WATER METERS**

### ***Specific Inclusions***

- 22.1. A domestic water meter has been supplied for each individual SR site by the Developer of the Estate.
- 22.2. The Architect and/or Engineer must ensure that the internal water reticulation drawings (domestic and fire) are submitted to the relevant municipal authorities for approval prior to submitting the building plans and water meter application to the Simbithi Eco-Estate Homeowners' Association and the Simbithi Eco-Estate Design Review Committee.
- 22.3. A detailed "water reticulation" plan showing the co-ordinated and/or dimensioned position and size of the required water meter, must accompany each building plan application.
- 22.4. For P.U.D. sites, a copy of the Siza Water "water reticulation" approval must accompany the building plan for scrutiny and approval by the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association.
- 22.5. The Simbithi Developer has installed the water meters on phase 1. Phase 2, 3, 4 and Area "I" meters These meters are installed by the maintenance team subject to the site handover taking place.
- 22.6. SEEHOA will arrange for the water meters to be, read, and billed directly to the owner on a monthly basis from the date the site is handed over for construction.
- 22.7. Please note: Boreholes will not be permitted on any site without SEEHOA and the KZN department of Agriculture and Environmental Affairs written approval.
- 22.8. Drought management reserves the right to implement water restrictions in severe water crisis.
- 22.9. Boreholes and extraction of water from dams not permitted.

### ***Specific Exclusions***

- 22.10. Contractors and owners installing their own water meters.

## **CLAUSE 23: ELECTRICAL CONNECTION**

- 23.1. The developer has provided a cable to each SR site. This cable has been installed from the electrical kiosk in the verge to the site. A length of cable is left coiled and buried on the site and has a red marker to identify the position. It is normally behind the water meter position within a 2,0m radius from the corner peg, and about 750mm deep.



- 23.2. The electrical contractor must extend this cable by joining the existing cable by means of an underground connection. The underground connection must be done with a SABS approved underground connection kit.
- 23.3. The cable must be connected directly to the permanent distribution board within the dwelling.
- 23.4. The electricity meter will be installed by the KwaDukuza Electrical Department in the electrical kiosk on the verge and then connect the existing cable to the meter.
- 23.5. Under no circumstances may any person open or break into the electrical kiosks. Should any damage to the kiosk, the kiosk door, or the padlocks be noticed, it must be reported to SEEHOA Security immediately.
- 23.6. External connection boxes are not permitted on any site or building.
- 23.7. Temporary electrical supply may be provided during construction; however, the requirements in terms with 23.2 and 23.4 must be followed. Instead of connecting to a permanent distribution board, a temporary distribution board must be installed in the site office, which will later be transferred to the position of the permanent distribution board.
- 23.8. The developer has not provided a cable to any of the PUD sites. It is the owner of the site's responsibility to provide the cable from the nearest electrical kiosk to a point on site from where the supply will be distributed to all the units (i.e. A meter room). However, written permission must be obtained from SEEHOA Management prior to digging any trenches in the verge area or outside the specific site
- 23.9. Temporary electrical supply on a PUD site during construction must be taken from the meter room location by means of a temporary mini kiosk.

## **CLAUSE 24: FIRE PROTECTION**

### ***Specific Inclusions***

- 24.1. All buildings must be equipped with fire hose reels, extinguishers, hydrants, and any other fire protection as required in terms with the National Building Regulations SANS 10400 Part T and specified by a KwaDukuza Local Authority Fire Department accredited fire consultant.
- 24.2. Fire equipment must be clearly indicated and coloured on the building plans and fire plans.

### ***Specific Exclusions***

- 24.3. Any fire protection not included in the Specific Inclusions above.

## **CLAUSE 25: LOCAL AUTHORITY TOWN PLANNING CONTROLS**

### **25.1. ZONING and LAND USE**

***The Estate falls under a special zoning: Simbithi Eco-Estate, to be incorporated into the existing town planning scheme. This zoning makes allowance for a variety of land uses – all set out in***

***the Layout Plan of Proposed Erven as prepared by Ndebele Kirby Planners. This is applicable to all phases of the Simbithi Estate***

## **25.2. F.A.R. and COVERAGE**

(Table D Density Zone – Special Zone Simbithi Eco-Estate Phases 1 to 4).

The F.A.R. and Coverage factor apply to the bulk area of each individual erf and is set as 0,45 and 30% respectively for each individual erf, with a minimum building area of 150m<sup>2</sup>.

In calculating the permissible floor area from the floor area ratio (F.A.R.) the following areas are excluded:

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

All roofed or covered areas are included in the coverage, except when a basement parking roof is level with the finished ground level.

**Please note:** If a veranda is built and enclosed later to form a room, it is no longer classed as a veranda, and would therefore become part of the F.A.R. Written approval for the enclosure of a veranda must be obtained from the Simbithi Eco-Estate Homeowners' Association and the Simbithi Eco-Estate Design Review Committee. The Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association does not encourage the closure of verandas. Approval will only be considered on merit and the absolute necessity for the enclosure.

## **25.3. DENSITIES**

Maximum densities on each site are set out in the Layout Plan of proposed Erven as prepared by Ndebele Kirby Planners. A reduction in density on any specific site will be considered by the Simbithi Eco-Estate Homeowners' Association and Simbithi Eco-Estate Design Review Committee on merit. There are no prescribed minimum densities.

Increasing of the maximum density on any site will not be considered.

## **25.4. BUILDING LINES**

- The generic building lines are as prescribed in the Town Planning Scheme as follows:

	Planting and Services	
○ Road Frontage	5m	Servitude
○ Side Space	3m	Non-building Zone
○ Rear Space	3m	Non-building Zone
○ Golf Course Frontage	10m	Non-building Zone on specific sites

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

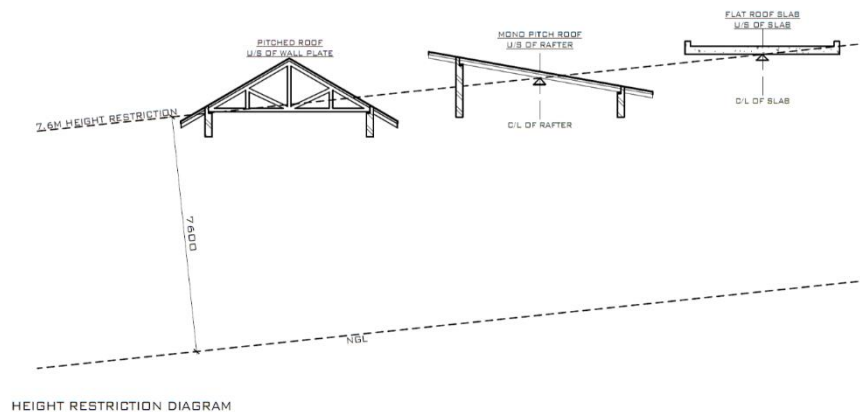
*Please note:* In addition to the aforesaid building lines other build-to lines may be imposed by the Simbithi Eco-Estate Homeowners' Association, the Local Authority, or the Developer and it is incumbent upon the owner to carefully peruse the contract of the sale, to ascertain whether any further building lines are applicable to the property.

**Furthermore, the Simbithi Eco-Estate Homeowners' Association reserves the right to impose further specific build-to lines on specific sites from time to time, where required.**

**Please note:** The height restriction is to be confirmed with the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association prior to commencement of the design, as further site-specific restrictions may be prescribed from time to time at the discretion of the Simbithi Eco-Estate Design Review Committee and the Simbithi Eco-Estate Homeowners' Association.

## 25.5. HEIGHT RESTRICTIONS

- 25.5.1. A generic height restriction of 2 storeys is effective, as prescribed in the Town Planning Scheme Table D Density Zone – Special Zone Simbithi Eco-Estate Phases 1 to 4. Units stepping down slope may exceed 2 levels in total number, but at no point may the wall plate exceed 7,6m above the natural ground level.
- 25.5.2. For P.U.D buildings higher than 7.6m above natural ground level and a third floor shall be permitted at the discretion of the Local Authority and SEEHOA provided such relaxation does not obstruct views from other units and adjacent sites. Written consent will be required from registered owners of all adjacent sites and any other site which may be affected.



## 25.6. PARKING

**All parking requirements are to be as prescribed in the Town Planning Scheme, as follows:**

- 25.6.1. Each dwelling unit shall have a minimum of one garage or carport, and one open or covered parking area (parking bay). (See 9.5)
- 25.6.2. One parking bay for every two units which shall be in areas easily accessible to visitors.

- 25.6.3. Golf cart owners must provide a covered golf cart port with a suitable charging point.
- 25.6.4. All internal roadways in **Planned Unit Developments** to comply with the standards as specified by the Local Authority.
- 25.6.5. Parking on sidewalks and open lawn areas, or in front of driveways to residences so as to cause any obstruction to the safe flow of pedestrian and traffic, is prohibited, and parking may only be done in areas so designated for that purpose.
- 25.6.6. All caravans, boats, and trailers shall be parked only in areas set aside for this purpose, if available. Should such area be fully occupied or unavailable, caravans, boats, and trailers may be parked inside the Estate only with the written permission of the Simbithi Eco-Estate Homeowners' Association, if provision has not been made to accommodate them at residences. If parked at residences, they may only be parked in structures as laid down in Clause 9 of this document.

***Please note: The carport or covered parking area must be attached to the main building. No free-standing structures will be permitted.***

## **25.7. SERVITUDES**

- 25.7.1. A 5.0-metre-wide Planting and Services Servitude off the road boundary is applicable to all sites.
- 25.7.2. This Servitude is in favour of the Local Authority and the Simbithi Eco-Estate Homeowners' Association.
- 25.7.3. No buildings or other structures shall be erected within this Servitude.
- 25.7.4. The Local Authority and SEEHOA shall, without compensation, have the right to plant any vegetation and or to erect, lay and maintain sewers, drains, water supply piping and other services within this Servitude.
- 25.7.5. Encroachment of driveways and private services over this Servitude shall be at the discretion of the Local Authority and SEEHOA. The Local Authority shall have the dominant right over this Servitude in the event of conflict.
- 25.7.6. No large-rooted trees shall be planted within this Servitude or within 1 metre from the boundaries of this Servitude.
- 25.7.7. The Local Authority and SEEHOA shall be entitled to deposit temporarily on the land adjoining this Servitude such materials as may be excavated by it during the course of construction. Maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Local Authority or SEEHOA.

- 25.7.8. The owner of the land, shall without compensation, be obliged to permit such deposit of materials or excavations on the land as may, in connection with the formation of any street in the township ( Estate ) and owing to differences in level between the land and the street, be deemed necessary by the Local Authority or SEEHOA, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the land unless he shall, at his own cost, elect to build a retaining wall to the approval of the Local Authority and SEEHOA.
- 25.7.9. The ground level in this Servitude shall not be altered without the written consent from the Local Authority and SEEHOA.

#### **25.8. BUILD BY PERIOD AND CONSTRUCTION PERIOD.**

- 25.8.1. The owner of the property may only commence with construction once approval from both SEEHOA and the Local Authority has been obtained.
- 25.8.2. The building project must be 100% completed within 15 months from the date of the SEEHOA site hand over meeting in the case of a Single Residential site, and in the case of a Planned Unit Development site, within the period specified on the construction program handed to SEEHOA.
- 25.8.3. No extension of the 15-month period or the PUD construction program will be considered.
- 25.8.4. Failure to complete the building project as per the SEEHOA approved building plan within the 15-month period will result in a penalty of R10,000.00 per month (as updated from time to time) being imposed on the registered owner of the specific property in the case of a Single Residential site, and in the case of a Planned Unit Development site, within the period specified on the construction program handed to SEEHOA.
- 25.8.5. The minimum floor area of any habitable building on any site is **150 m<sup>2</sup>**.
- 25.8.6. No building construction work will be permitted on site prior to the Owner's transfer being registered.
- 25.8.7. Local Authority building plan approvals are only valid for 12 months from the date of the approval. Construction work must commence within this period and be completed within 15 months of commencement.
- 25.8.8. SEEHOA building plan approvals are only valid for 12 months from the date of approval. Building plans must be submitted to the Local Authority within 7 days from date of the SEEHOA approval.

#### **25.9. OCCUPATION OF BUILDINGS.**

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

#### **25.10. USAGE**

- 25.10.1. No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plan of such building, or

for a purpose which causes a change in the class of occupancy as contemplated in the National Building Regulations and Building Standards Act.

- 25.10.2. No change of usage of any room or area from that shown on the approved plan is permitted unless the change of use is approved in writing by the Local Authority together with the written consent from SEEHOA.
- 25.10.3. Guest rooms, ancillary units that are not exceeded through the house, may be considered on application, and a full special consent application will be required through council. Maximum size of this room is 90sqm in total, as per council regulation.
- 25.10.4. Separate Staff rooms are allowed, up to a maximum of 30sqm, with a kitchenette as per council regulations.
- 25.10.5. Only one kitchen is permitted per SR site, and one kitchen per dwelling unit on a PUD site
- 25.10.6. No business may be operated from any dwelling unit on the Estate that will require the employing of staff and or attracts clients to visit the premises.

#### **25.11. SITE DEVELOPMENT PLAN (Compulsory for all PUD sites).**

***Notwithstanding the provision of the relevant Town Planning Scheme, the owner or developer of any land shall not develop any Lot, Erf, Site, or Curtilage within the area of the scheme, whether in part or in whole, without the written approval of a Site Development Plan, which plan shall be submitted where it is in the opinion of the Local Authority that it is necessary to do so as a consequence of unique characteristics or circumstances which may pertain to the land concerned, or where the development proposed is of a medium density housing, sectional title, share block or multi-unit nature.***

For the purpose of securing the approval of a Site Development Plan in terms of the provisions of the Ballito Town Planning Scheme in course of preparation, the applicant shall submit the following:

- 25.11.1. A layout plan (at least 1:500 and fully legible), or plans and schedules, showing where applicable:
  - (i) The physical and topographical features of the property concerned, with contours, recorded indigenous vegetation, sensitive habitat areas and natural systems;
  - (ii) The position, dimension and materials to be used in the construction;
  - (iii) The boundaries of all building curtilages, private open areas and common open areas, as well as all registered servitudes and servitudes registered as a result of the development;
  - (iv) The position, nature, extent and levels of all proposed and existing buildings on the property and adjoining properties, building lines, side and rear spaces, as well as any relaxations of building lines and side or rear space required;
  - (v) The proposed planting programme and landscaping of the property;

- (vi) The position and nature of recreation facilities, if any;
  - (vii) The position and extent of any utility areas;
  - (viii) The position and extent of all areas reserved for parking, loading and access ways, drive ways and internal roads.
- 25.11.2. An EMP (Environmental Management Plan), and or report from an independent and accredited environmental consultant, where necessary, and proof of approval of the EMP by the relevant authority. An Environmental Control Officer shall be appointed, and monthly progress reports submitted to the authorising authority, and the Director Development Planning, of KwaDukuza Municipality.
- 25.11.3. A table indicating the Zoning, and where applicable:
- (i) The total area of the property;
  - (ii) The total number of units;
  - (iii) The total floor area of the buildings;
  - (iv) The total number of car parking spaces for occupants and visitors;
  - (v) The extent of usable common land and areas of private open area and utility area.
- 25.11.4. A copy of the Title Deeds and Power of Attorney authorising the applicant to submit the application on behalf of the registered owner(s).
- 25.11.5. Any encroachments, relaxations and or other permissions granted.
- 25.11.6. A motivation memorandum setting out the use, character, design and external appearance of buildings, including the materials used in their construction, the architectural language / guidelines / principals, the character of the locality in which it is proposed to erect such building and shall take into account whether or not the buildings will be injurious to the amenities of the locality by reason of its external appearance or the materials it is proposed to use. For the purpose of securing the approval, the following documents shall be submitted in support of the memorandum:
- (i) Drawings (shall be to a scale of not less than 1:100) showing all the elevations facing any street, public right of way, access way, together with side and rear elevations, fences, gates, boundary walls. Drawings shall be supplemented by plans and sections to indicate the true intent and meaning of the elevations. Natural and Finished Ground Levels shall be indicated on all elevations and sections.
  - (ii) The drawings shall be coloured and presented in a manner as will clearly indicate the finished appearance of the proposed building, alteration or addition.

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

***Building plan approval is only valid for a period of 12 months from date of written approval thereof.***

***All work must be completed within 15 months from date of the site handover.***