

**ARCHITECTURAL AND
AESTHETICAL GUIDELINES**

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**TOWN PLANNING
SPECIFICATIONS**

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CODE OF CONDUCT



SIMPLY THE BEST

PART ONE: INTRODUCTION

1. Originally, the developers of Newmark Residential Estate have adopted the approach that the Estate will reflect a safe village wherein street landscapes and buildings will compliment each other. The Board of Directors decided to uphold this approach. The architectural and aesthetical guidelines, the site and design specifications as well as the rules applicable during the construction phase, contained in this document, are aimed to ensure that each dwelling will be in harmony with it's neighbour, the public spaces and the street environment.
2. Compliance with these guidelines and rules will ensure that all Owners of property in the Estate, whether actually a resident or not, will enjoy the benefits of a well organized, secure Residential Estate and that property values are sustained in the medium to long term.
3. These guidelines and rules will, from time to time be updated and/or amended to satisfy specific needs and/or to comply with new regulations, laws or by-laws as the case may be.
4. It is the intention of the Board of Directors to ensure compliance with these guidelines and rules in a spirit of co-operation and mutual support. However, the Board of Directors has the obligation to ensure compliance and will endeavour to fulfil its obligation – even if this should lead to friction.

PART TWO: ARCHITECTURAL AND AESTHETICAL GUIDELINES

5. No specific architectural style is prescribed but architects are encouraged to design dwellings influenced by vernacular/rustic images (i.e. French Provencal, Free State Sandstone Houses, or New Modern African Architecture). Care should also be taken to ensure that no two dwellings shall look alike.
6. Components of the Building
 - 6.1 The Roof
 - 6.1.1 A building envelope parallel to the natural ground line must be indicated on drawings in order to ensure that the height restriction is not ex-ceeded. The maximum height from any roof apex to the natural ground level directly below may not exceed 8.5m. Only pitch roofs to be used with a minimum pitch of 10° and not exceeding 30°. Double pitched roofs are to be evenly pitched. Eighty percent of the roofed area has to comply with this specification. The remainder of the roofed area, 20%, may be flat-roofed. Limited use of parapet walling will be allowed on condition that it is simple in design.

- 6.1.2 Only the following types of roof material shall be accepted:
- (1) Undulating concrete or clay roof tiles.
 - (2) Slate
 - (3) The colour of the roof tiles is to be terracotta, similarly coloured, or mixed earthy colours for a weathered look.
 - (4) Chromadek corrugated roof sheeting – earthy colours.
- 6.2 Gutters. All gutters have to be powder-coated aluminium or Chromadek in earthy colours.
- 6.3 Windows and Doors
- 6.3.1 Window frames shall be made out of aluminium or wood. Any variety of pane sub-division is allowed in order to suit the house. External burglar bars are not permitted.
- 6.3.2 Internal doors are at the discretion of the owner.
- 6.3.3 No type of expanding and/or other security doors will be allowed in any external position unless specifically approved by the Board of Directors, which shall only be considered after written proof of consent by all neighbours is submitted prior to installation.
- 6.4 Walls
- 6.4.1 Wall finishes may be plastered and painted, face brick or stonework. Where rough or textured plaster work or a painted technique finish is proposed, the Board of Directors shall request a sample and/or clear indication/description (colour code, etc) before final approval shall be granted – provisional approval shall not negate the prerogative of the Board of Directors to delay its final decision.
- 6.4.2 To create the village image, at least 4 square metre of natural sand stone cladding shall be incorporated in street boundary walls or, where no street boundary wall is provided, on a wall or walls facing the street.
- 6.5 Engineer's Design. Provision shall be made in the design for expansive soils. A registered structural engineer shall be employed for the design of foundations, concrete slabs and for concrete slabs of double storeys in the Estate. This engineer's signature has to appear on the plans when the plans are submitted to the office for approval.
- 6.6 Chimneys, Eaves and Parapets. Chimneys proposed to be plastered masonry or natural sand stone with approved moulded capping. The height of the chimneys will be restricted by the height restriction. Limited use of parapet walling will be allowed on condition that it is simple in design.
- 6.7 Colour Scheme. The proposed external colour scheme is to be submitted for approval together with the plans. Only soft colours with low reflection will be permitted. Earthy colour schemes are preferable. It is acceptable to the Board of Directors, although the colour scheme is to be submitted with the plans (colour code and sample), that this matter be finalised at a later stage. This has to be done before final approval shall be granted.
- 6.8 Aerials, Air Conditioning and Solar
- 6.8.1 TV and radio aerials and satellite dishes will not be allowed to protrude and great care to be exercised in the placing thereof.
- 6.8.2 Solar water heating panels to be flush with the roof.

- 6.8.3 Any air conditioning units on the outside of walls shall be effectively screened and camouflaged so that it will not be visible from the street and/or other properties. All of the above should be clearly shown and annotated on the plans. If not, final approval of these has to be obtained from the Board of Directors after occupation of the dwelling but before the actual installation of it. The may instruct an owner to rectify this, if to the discretion of the Board, it is not screened satisfactorily.

7 Boundary Walls

- 7.1 The boundary walls facing the street have to be decorative and the design should be submitted for approval together with the final plans. The maximum height of the street boundary wall may not exceed 1,8m from the natural ground level. The side and back boundary wall may not exceed 1,8m from the natural ground level. No pre-cast boundary walls and/or palisades of any description shall be allowed.
- 7.2 Yard and screen walls have to compliment the basic materials of the building and have to be indicated on plans. Staff accommodation and kitchen areas have to open into screened yards.
- 7.3 Washing lines shall be fully screened and not visible from the street elevation – fully screened by the boundary walls. A collapsible/removable type of washing line is preferred to the standard rotating type.
- 7.4 Boundaries walls shall have a stable permanent surface – plastered and painted, erected with face bricks or natural sand stone cladding, steel trelliswork or wooden poles. Whatever design is suggested – the bottom 600mm shall be a solid wall. No imprinted concrete shall be allowed. See paragraph 6.4.2 above as well. Whatever the surface, it has to be treated and main-tained to the satisfaction of the Board of Directors.
- 7.5 There are 55 stands, which have boundary walls linking into the outer perimeter wall of the Estate – these are the boundary walls between the stands. This is a serious security risk as criminals may use these boundary walls as a platform to jump over the outer perimeter wall. On top of the last two meter, directly adjacent to the outer perimeter wall, of all these walls have to be spiked in such a way that it is impossible for a criminal to utilise these walls as platform to jump over the perimeter wall. This has to be done to the satisfaction of the Board of Directors – for the account of the applicable owner.
- 7.6 All stands adjacent to walkways shall plaster and paint the side of the wall in the walkway and not leave it as is the case for other boundary walls. The complete surface has to smoothly plastered and painted the same colour as the clubhouse. Obtain detail from the Estate Manager.

- 8 Driveways. All driveways shall have a paved, stable and permanent surface. No painted and/or imprinted concrete shall be allowed. Only brickwork, pavers and cement cobbles or simulated stone cobbles shall be acceptable.

- 9 External Lighting. It is desirable that security and other external lighting to any property should be so located and focused as to minimize light pollution outside the boundaries of the property. It is desirable that streetlight, while meeting the

minimum lighting requirements for which it is installed, should be of minimal brightness and should minimize light pollution beyond the street boundary. All external lighting shall be so screened that the light is deflected downwards.

10 Trees. Owners are encouraged to include a landscaping plan amongst the plans submitted to the Board of Directors for approval. Only indigenous trees should be planted on pavements. The owner shall be responsible for the maintenance of any and all such trees.

PART THREE: TOWN PLANNING SPECIFICATIONS

11. Authority of Local Authority. The contents of these guidelines and rules are subject to the authority, laws, by-laws and regulations of the applicable local government authority, the National Building Regulations as well as the same of any other applicable governmental structure. No action, omission and/or neglect by the Board of Directors and/or its delegates shall in any way whatsoever be construed as if the Board of Directors and/or its delegates granted authority to anyone to act in any conflict whatsoever to the authority, laws, by-laws and/or regulations of any applicable governmental structure.

12. Surveying of Property. It is and will always remain the sole responsibility of the owner of any property in Newmark Residential Estate to ensure that his or her property is properly and correctly surveyed.

13. Building Lines

13.1 Street boundary - 5 metres for house and 5 metres for garage

13.2 Side boundaries - 2 metres for single storey and 3 metres for double storey

13.3 Back boundary - 3 metres for single storey and 4 metres for double storey

13.4 Swimming pools are subjected to the same restrictions as for the main building.

13.5 Servitudes - As per the Conditions of Township Establishment

Note: For all corner stands only one of the street boundaries will be considered a street boundary, the other shall be considered a side boundary – at the discretion of the owner.

14. Height of Buildings. Buildings are allowed a maximum height of 8.5 metres measured from the natural ground level to the highest point including chimneys, eaves and parapets. A building envelope is to be formed with the height restriction, which is not to be exceeded at any point.

15. Coverage

15.1 Any dwelling to be erected on a stand shall have a minimum ground floor foot print of 200m².

15.2 Coverage of the building may not exceed 50% of the stand. The coverage area of the first floor may not exceed 70% of the ground floor's footprint.

16. Site Development. Owners of the individual sites will be required to do a detail contour survey at 500mm intervals and to include indigenous trees on the site plan to be submitted with the other plans.

17. General

- 17.1 No second dwelling may be erected on any one stand.
- 17.2 Outbuildings may not be built and utilized as dwellings before the main building has been built or at any stage thereafter. *Outbuildings are not dwellings!*
- 17.3 In the event of outbuildings being a separate building, it must be compatible in form and character to the main building. Only one outbuilding per stand will be permitted. Only one kitchen in each dwelling unit will be allowed. No outbuilding shall have a kitchen.
- 17.4 No separate tool shed or storage room – separate from the main building - will be permitted. No pre-fabricated garden sheds and/or Wendy houses will be allowed on any occupied stand in the Estate.
- 17.5 No thatched lapas will be allowed.
- 17.6 No flat roofed carports and/or any other steel structured carports will be allowed.
- 17.7 No shade netting may be used for carports or any other coverage.
- 17.8 No dwelling may be occupied, under any circumstances whatsoever, unless an Occupation Certificate was issued by the applicable local authority and the same was counter signed on behalf of the Board of Directors.
- 17.9 It is accepted that some mistakes about this were made in the past but care should be taken to ensure that no two houses have a similar appearance. Plans may be rejected by the Board of Directors because of this.

PART FOUR: APPROVAL OF PLANS

18. General Requirements

- 18.1 No building plan for any dwelling in Newmark Estate shall be eligible for submission to the Local Authority for approval until and unless the Board of Directors has given confirmation by signing that such proposed plan complies with the rules and regulations of the Estate.
- 18.2 No building work may commence on site until the plans have been approved by the Board of Directors and the Local Authority. Although this will not apply to internal alternations to existing buildings this does not absolve the owner from complying with any existing regulations or building laws with regard to such alterations.
- 18.3 All plans for construction or alternations to buildings shall be prepared by a registered architect or suitably qualified and registered draughtsman, who shall submit their details as per prescribed form. See Appendix A.
- 18.4 Plans handed in at the Board of Directors for approval shall be accompanied by an application form signed by the stand owner. See Appendix B.

- 18.5 The plans shall be endorsed by all adjacent landowners prior to submission to the Board of Directors. The Board of Directors, via the Office of the Home Owners Association shall not accept any plans for approval without all such endorsements. See appendix C.
- 18.6 The Office of the Home Owners Association shall not accept any plans for approval unless the levy of that specific stand is paid up in full and the applicable fee for scrutinising the plan has been paid.
- 18.7 No deviation from the approved drawings/plans will be permitted unless the revised drawings/plans are resubmitted and approved in writing prior to construction by the Board of Directors and/or the local authority as the case may be.
- 18.8 Building plans to be in accordance with the standards of design prescribed by these Architectural and Aesthetical, Town Planning Specifications, etc, as well as any and all requirements laid down by the applicable local authority and/or within the framework of the National Building Regulations – whether such plans apply to new or existing buildings.
19. Plans to be Submitted. The following plans and documents are to be submitted for consideration/approval, prior to submission to the local authority, at the Office of the Home Owners Association:
- 19.1 Sketch Plan/Site Development Plan. Although it is not compulsory, it is recommended as it may save costs for the owner. Sketch plans/site development plans should not be confused with detail or final plans, which have to be submitted to the local authority. The Board of Directors shall consider the sketch plan/site development plan to see whether such a plan complies with these guidelines and hand it back to the owner or his/her Architect or as the case may be. The final/detail plans can then be based on such a sketch plan/site development plan. As far as sketch plans/site development plans are concerned, kindly note the following requirements as far as detail is concerned. ***(Kindly indicate clearly that it is a sketch/site development plan!)***
- * A site plan, floor plan and sections and elevations (1:100);
 - * Dimensions, construction materials and finishing (like the colour scheme) should be clearly indicated.
 - * The site contour plan with 500mm contours.
 - * If it is planned to plant trees in front of the house – note only indigenous trees are acceptable.
- 19.2 Final Plans. Final plans are to be submitted for approval by the Board of Directors prior to submitting such plans to the local authority for approval. The plans should cover the following information – clearly:
- * Site plan, floor plan(s), sections and elevations (1:100)
 - * Dimensions, materials and finishing of all structures to be built. Cover the surfaces, screen walls and colour schemes of all;
 - * The detail of boundary walls and/or balustrades and the design thereof;

- * Position, design specification and size of all site details not forming part of the main structure (e.g. satellite dishes, antennae, etc) must be shown;
- * The cladding and the specifications thereof in terms of size and material should be indicated clearly.
- * All services installations as is required by the local authority;
- * Sufficient technical detail as is required in terms of the National Building Regulations for approval by the local authority. In this regard it should be noted that an Engineering plan is required for concrete works such as the foundation and the slab.

20. Responsibility of the Owner. It is the owner's responsibility to submit the plans to the Board of Directors and, once it is approved by the Board of Directors, to the local authority. The approval of the design by the Board of Directors is in general terms only and is subject to the approval by the local authority. After the plans were approved by the local authority, the owner has to ensure that a copy of the approved plans (a set of the plans) is filed at the Office of the Home Owners Association. No construction on any site will be permitted unless a local authority approved plan is filed at the Estate's Office.

21. Number of Plans to be Submitted

21.1 Sketch Plan/Site Development Plan: Two sets of plans, of which one is to be coloured, have to be handed in at the Estate's Office. The Board of Directors shall scrutinise the plan and, if approved, sign both. The Office will keep the coloured one on record and hand the other one back to the owner.

21.2 Final Plans. The local authority has its own requirement for the number of plans to be submitted to them for approval. The number of plans as required by the local authority plus one set of plans have to be handed in at the Estate's Office. The Board of Directors shall scrutinise the plan and, if approved, sign all copies of the plan. All copies shall be returned to the owner or his/her representative for submission to the local authority. After approval by the local authority one set, originally stamped and signed, has to be handed in at the Estate's Office to be filed. **Construction may not commence on the site unless an approved copy of the final plan is filed at the Office!!**

22. Approval Fee

22.1 If a sketch plan/site development plan is submitted an approval fee of R 500-00 (five hundred rand) is payable on submission for each site/plan.

22.2 If a sketch or site development plan was submitted and the fee for that was paid the fee for scrutinising the final plan by the Board of Directors is R 2 000-00 (two thousand rand) payable on submission for each site/plan.

22.3 If no sketch or site development plan was submitted the fee for scrutinising the final plan by the Board of Directors is R 2 500-00 (two thousand five hundred rand) payable on submission for each site/plan.

22.4 The approval fee of the local authority is a matter between the owner and the local authority.

23. All plans have to be folded into A4-size – no rolled-up sets of plans shall be accepted by the Estate’s Office.

PART FIVE: CONSTRUCTION PHASE

24. No construction work of any kind may commence on site unless the Estate’s Office is in possession of a set of final plans, which has been approved by the Board of Directors and the Local Authority. Although this may not apply to internal alterations to existing buildings, this does not absolve the owner from complying with any regulation, law, by-law, etc, regarding such alterations.

25. All contractors utilised by owners during any phase of construction have to be registered at the National Builders Registration Council and must submit proof thereof during the discussion with the Estate Manager before construction begins. All sub-contractors have to be registered at the appropriate controlling body for that specific trade.

26. Any and all contractors, including sub-contractors of all kinds specifically, are the contractors/sub-contractors of the owner and not of the Home Owners Association. It is and will always remain the responsibility of the owner to manage and control their contractors. **The Board of Directors shall talk to the owner/member of the Home Owners Association if and when any of his/her contractors transgress any of the rules of the Estate. It is the responsibility of the owner to ensure that his/her contractor(s) knows and obeys the rules. In practical terms the implication of this is: If a contractor transgresses the rules of the Estate and a fine is imposed by the Board of Directors, the owner shall be fined. Whether or not the owner recovers the amount of the fine from the contractor or not, is of no concern to the Board of Directors!!**

27. No construction work – **no work at all** – may commence on any building site until the following have taken place:

27.1 A copy of the approved – by the Board of Directors and the Local Authority – final plan was submitted at the Estate’s Office.

27.2 The water connection and the metering thereof were arranged with the local authority and it is installed and functional.

27.3 There is a toilet – one for every construction site – installed and functional as well as the regular servicing thereof was arranged. Only chemical toilets shall be allowed. It should be suitably placed on the site as to be out of view as much as is possible. The door should be kept closed and turned away from the street and/or neighbours. The toilet should be screened off at all times. ***Some employees have the tendency to urinate wherever they feel like it. This shall not be tolerated at all. Employees who are seen doing this will be summarily dismissed from the Estate and the owner shall receive a fine of R 550-00.***

27.4 There is a tool shed installed and secured on the site. This shed is to be utilised as a storing facility for building material and/or tools. The door of this

- shed is to be secured properly when no workers are on site – after hours and weekends.
- 27.5 Adequate provision was made to collect rubbish, like food wrappings and cement bags, on the site to prevent it from being spread all over the Estate by the wind - one or two 200-litre drums are recommended.
- 27.6 A pavement deposit of R 5 000-00 (five thousand rand) was paid into the bank account of the Home Owners Association – proof to be submitted to the Estate’s Office. Bank: Standard Bank. Name of the Account: Newmark Residential Estate. Account Number: 202813657. Branch and Code: Lynnwood Ridge – 012 445.
- 27.7 The owner and the contractor(s) were briefed by the Estate Manager on the applicable rules during the construction phase. Whenever, during the construction phase, the main contractor is changed as it normally happens, this briefing is to be repeated. This is necessary to eliminate the “We did not know ...” syndrome problem of many a contractor.
- 27.8 The dwelling/unit is enrolled at the NHBRC and proof of this is submitted at the Estate’s Office.
28. Damage of any kind whatsoever (contractors, deliveries, etc) caused during the construction phase to the infrastructure on the site, adjacent to it and/or on route to the site within the Estate will be repaired with funds out of the pavement deposit. The balance of the deposit will only be released on inspection by the Board of Directors and on submission of the Occupation Certificate issued by the Local Authority by the owner. The owner is at liberty to repair any such damage him or her self on the condition that the Board of Directors is satisfied with the standard of the repair work – in which case the amount of the pavement deposit remains in tact.
29. The owner/contractor shall make adequate and proper facilities available to employees for sanitation and cooking. The burning of rubble on site is strictly prohibited – even more so if it may present a fire hazard. The area where employees dress and wash before and after work shall be screened with due regard to the neighbours and passersby.
30. Building material, which, because of the bulk thereof – like bricks, should be stacked on the site in such a way that it will not interfere with the flow of traffic and/or pose a threat to passersby. In this regard, the stability of stacks of bricks should receive special attention. Although it is prohibited, children might still play on any building site over weekends – unstable stacks of building material poses a serious threat to them.
31. A trained and responsible supervisor shall be placed in charge of each building site whenever any work is being done. Obviously, this individual has to be fully con-versant with the rules and regulations of the Estate and being empowered by the owner/contractor to control the other employees. This individual should ensure the following:
- 31.1 That all employees stay at the site and do not roam around in the Estate.

- 31.2 That all water taps/outlets are properly sealed before the employees leave the site at the end of the working day.
- 31.3 That all rubbish is collected and placed in a container to prevent it from being spread all over the Estate by the wind.
- 31.4 That all stacks of building material are stable and that it does not pose a danger or hazard to children or passersby.
- 31.5 That the doors of the toilet and the tool shed are properly secured.

32. During the rainy season, more so than during other times, delivery vehicles dump mud as well as other rubbish and sand on the streets on their way to and from the construction site – in the Estate. The main culprits are the concrete trucks but they are not the only ones. **It is the responsibility of the owner/contractor to clean the streets – from Silver Lakes Road to the site and back – immediately after the deliveries were made.** Cleaning of the streets after such a delivery should form part of the planning for any concrete work – specifically. *Bear in mind that the Board of Directors has no influence on these contractors.* At the discretion of the Board of Directors, if the owner/contractor does not clean the streets immediately, the building operation on the site may be suspended until such time as the streets are cleaned. Alternatively, the Board of Directors may decide to clean the streets and fund the cleaning from the pavement deposit.

33. While the Board of Directors does understand that a construction operation is not necessarily a neat and tidy affair every endeavour has to be made to keep it as tidy as is reasonable. Owners/contractors shall provide adequate facilities for rubbish collection and arrange the removal thereof from the site on a regular base – building rubbish specifically. No rubbish may be burnt or buried on site. **The Friday of every fourth night shall be used by all owners/contractors to tidy-up their building site(s) properly.** If this is not done by the owner/contractor the building operation on that specific site will be suspended on the Monday following that Friday to enable the contractor to do what he/she was supposed to be doing the Friday.

34. The written permission of the owner of any vacant/dormant stand is to be obtained and submitted to the Estate's Office prior to any such stands being utilised during the construction phase. All the rules applicable to any construction site shall also be applicable to these sites. On completion of the building process such a stand has to be restored to its original status. The pavement deposit will only be refunded after this was done to the satisfaction of the Board of Directors and the owner of that stand.

35. No advertisement boards of any kind will be allowed on any building site at any stage of the construction process unless it was specifically arranged via the Estate's Office by the owner of the stand. If the property is "For Sale" the owner can obtain the applicable board at a fee of R 50-00 from the Office. The only other board that will be allowed is a neat and professional board – 300mm x 600mm – depicting the stand number to facilitate deliveries.

36. Construction is allowed only between 07:00 and 18:00 on normal working weekdays – **no contractor and/or contractor employee shall be allowed into the Estate before 07:00 and all contractors and their employees have to be out of the Estate by 18:00 – NOT STOP WORKING ON THE SITE BUT OUT OF THE ESTATE.** During these hours there is no restriction on the construction activities of the contractors. No construction will take place on Saturdays. Under exceptional circumstances and then only after the procedure described in paragraph 37 hereunder has been followed, will a contractor be allowed to work between 08:00 and 12:00 on a Saturday. **Under no circumstances whatsoever will any construction work be allowed on Sundays and/or any Public Holiday nor will contractors or their employees be allowed into the Estate on these days!!**

37. During almost all building projects it happens that it is simply not practical to adhere to the working hours as stipulated in paragraph 36 above. In most cases this will happen when concrete work/deliveries is taking place. It is the intention of the Board of Directors to be as accommodating as is reasonable. The other side of the coin is however that the Board of Directors has a responsibility towards the individuals already residing in Newmark. As far as a request for extended working is concerned kindly take note of the following:

37.1 The Board of Directors will make an assessment of the whole situation before a decision is made. In this assessment a number of things will come into play. **Examples:** Is the request due to bad planning or no planning by the contractor? What is the “track-record” of the contractor as far as obeying the rules is concerned? Did the contractor work on the other days prior to this day or is he/she only working on Saturdays? There are a few more in this vein. *The owner and/or the contractor should never take it for granted that permission will be given. The Board of Directors can never under any circumstances be held hostage if the contractor committed him/her self and will suffer a financial loss if the Board of Directors refuse him/her extended working hours!!!*

37.2 The owner – **not the contractor** – shall liaise with the residing neighbours/nearby residents and negotiate with them for their permission to work extended hours. The Estate Manager is to be informed by the neighbours/nearby residents – not by the owner or his/her contractor – of their consent to grant the request. **Unless this is done the Estate Manager may not consider the option of granting permission for extended working hours to anyone!!**

37.3 The request for extended working hours is to be submitted to the Estate Manager either in person or telephonically – not to any one else. Under no circumstances may any such requests be submitted to the security personnel – **the security personnel may not grant any such permission!!!**

37.4 No “on the spot” requests will be considered under any circumstances. All requests for extended working hours have to reach the Estate Manager at least two full working days before it is intended. Example: If planning seems to indicate that it is likely that extended hours will be necessary on a Thursday-evening, the request should be submitted to the Estate Manager on the Tuesday-morning – latest!!

- 37.5 It has become the habit to request for extended hours on a Friday-night, to float after concrete was delivered during the day – even sometimes for the Saturday and/or Sunday. The Board of Directors has a problem with this – why must residents suffer the inconvenience because it suits the contractor purely financially? The Board of Directors shall grant such permissions only under exceptional circumstances.
38. Deliveries of supplies shall be restricted to normal construction hours. As far as deliveries are concerned the following shall be applicable:
- 38.1 The time it will take to offload the consignment should be taken into consideration. When a delivery vehicle arrives at the gate a few minutes before 18:00, and it clear that will take some time to offload the consignment, access to the Estate will be refused to that delivery – even if it is not 18:00 yet. **Owners and/or contractors are requested to make sure that their suppliers are aware of this ruling by the Board of Directors.**
- 38.2 Owners have to realise that they shall be held responsible for all damage caused by their suppliers to the infrastructure of the Estate.
- 38.3 Delivery vehicles and their personnel shall be subjected to the same set of requirements as for any other contractor. **See paragraph 42 below specifically!!!** Owners and/or contractors have to inform their suppliers of this requirement. ***If someone should suffer a financial loss because entrance into the Estate was refused by the security personnel because a supplier did not conform to the rules, such a person shall have no claim against the Board of Directors!!!***
- 38.4 The security personnel shall not sign for any delivery under any circumstances. It is the responsibility of the owner and/or the contractor to have a responsible individual on site during a delivery to accept it. If it should happen and there are any discrepancies the individual who will suffer the loss shall have no claim against either the Board of Directors and/or the Security Service Provider.
- 38.5 The security personnel at the gate may not accept anything on behalf of anybody – **nothing at all!!!** If anything is left at the gate and there are any discrepancies the individual who will suffer the loss shall have no claim against either the Board of Directors and/or the Security Service Provider. **The gate is not a branch of Postnet or any other courier company for that matter!!!**
39. Construction should not be interrupted for extended periods apart from statutory builder’s holidays. A period of two weeks (10 working days) shall be accepted as being a “fair” interruption. Construction has to be completed within 12 months from the date it started on the site. Should circumstances force an owner into a situation where he/she has to suspend the building operation for some time outside the rule, he/she has to submit a written request to the Board of Directors to relax the rule. In this request the reasons should be stated clearly to the satisfaction of the Board of Directors. The primary reason for this rule is the risk of theft from partly finished houses for extended periods. The aim is actually to protect the interests of the owner – it is very difficult to safeguard such a structure from theft.

PART SIX: SECURITY

The Board of Directors shall not tolerate any abuse of the security personnel under any circumstances whatsoever. It is a simple fact that the security personnel do not make the rules - that is being done by the Board of Directors. The security personnel's mandate is to enforce the rules laid down by the Board of Directors. It serves no purpose at all to get into arguments with the guards – they may not change the rules, if they do the individual will be fired on the spot. If an owner and/or contractor are not happy with a rule the proper way to deal with it is to discuss the matter with the Estate Manager – not by abusing the guards.

40. Owners and/or contractors have to understand that they operate within a Residential Estate where the Board of Directors has a specific role to play – sometimes actually conflicting. The Board has to achieve objectives set to them by the Annual General Meeting. Although an important one it remains a fact that security is not the only objective the Board has to achieve. The Board is not at liberty to compromise on the safety of the owners/tenants already residing in Newmark Estate. This situation has obviously a negative impact of the freedom of owners and their contractors during the construction phase of a dwelling. It is the intension of the Board of Directors to manage this situation in a spirit of goodwill and cooperation. However, the Board will not hesitate to take strong action where and when necessary as mandated by the Articles of Association of the Newmark Home Owners Association. Given a set of circumstances the Board of Directors may decide to refuse a specific contractor entrance into the Estate and/or to suspend building activities temporary on a stand.

41. Although the Board of Directors, via the Estate Manager, will support the owner in this regard, everyone should realise and understand that the owner of any construction site has the sole responsibility to manage and control his/her contractors and/or sub-contractors. One salient point in this responsibility is the obligation on the owner to ensure that his/her contractors/sub-contractors know the security rules and comply with them. This management responsibility cannot be delegated to anyone else – most of all not to a contractor!!! **Any contractor is the contractor of the owner – not of the Board of Directors!!!**

42. Before a contractor and/or its employees shall be allowed into the Estate the guards at the gate shall require positive identification of the individual. Only the following **original** documents shall be accepted as proof of identification by the guards at the gate of Newmark Estate:

- 42.1 An **original** RSA identity document – the “green book.”
- 42.2 An **original** RSA valid driver’s licence.
- 42.3 An **original** Passport – if the bearer is a foreigner there has to be a valid work permit in the passport.

42.4 An ***original*** valid document from the Dept of Home Affairs stipulating that the individual applied for an identity document – it is a yellowish document with a photo of the individual laminated onto the document.

NO OTHER FORM OF IDENTIFICATION SHALL BE ACCEPTED BY THE GUARDS!!!

NO PHOTOCOPIED AND/OR ANY FORM OF CERTIFIED DOCUMENT – NEVER!!!

43. The following procedure shall be followed at the gate by all incoming contractor traffic – ***no exceptions or deviations will be tolerated!!!***

43.1 Irrespective of how many times per day a contractor moves in and out of the Estate the same procedure shall be followed – every time. *(The Board of Directors would like to cut down on unnecessary traffic through the gate. Nevertheless, it is most probably in the best interests of the owner/contractor, by better planning, to cut down on unnecessary vehicle movement as well.)*

43.2 Only the driver will remain in the vehicle – all passengers shall debus and move through the turnstiles as pedestrians. *(The Board of Directors is well aware of the fact that this may sometimes lead to awkward situations. However, the Board would not like to be accused of racism.)*

43.3 The driver shall complete the log and produce his/her driver's licence as proof of his/her identity. As soon as this is done the guards will open the boom for the vehicle to enter. The vehicle will move a little bit forward, stop and wait for its passengers.

43.4 The pedestrians move to the turnstile where the guards shall verify the identity of the individual – ***see paragraph 42 above*** – and allow them into the Estate if everything seems to be in order. The individual will be linked to a specific stand with a card system. *(The Board of Directors shall from time-to-time, affect some changes to elements of this procedure without warning. An example: By co-operation with the SAPD and on a selective base – fingerprinting shall be done.)*

43.5 The pedestrians then join up with their vehicle and are transported to the construction site – ***under no circumstances shall any employee be allowed to walk to the construction site!!***

44. Whenever a contractor or its employees wish to leave the Estate the same procedure as for incoming shall be followed – obviously in reverse order – ***every time!!!*** It is the responsibility of the owner to ensure that all employees of his/her contractor(s) are out of the Estate at the end of each working day.

45. Employees of contractors are not allowed to walk around in the Estate – like from one building site to the next. *(It is the opinion of the Board of Directors that a lot of "mischief" originates from this if it is allowed. Furthermore, this rule is likely to make it difficult for one contractor working on various sites in the Estate. Nevertheless – the Board of Directors shall enforce the rule.)* If an individual is discovered walking around – away from his building site – he shall be summarily dismissed from the Estate. Over and above this the owner of that particular stand will receive a fine of R 550-00 per incident. The building operation will be suspended the next day – the contractor(s) will not be allowed into the Estate – unless this fine was paid in at the Estate's Office during normal working hours.

46. No employee of any contractor shall overnight on any building site or be present on the site outside normal working hours – see paragraph 36. If under exceptional circumstances an owner would like to have a guard at the property the following procedure may be followed:

- 46.1 The owner has to submit a written request to the Board of Directors. In this request the reasons for the request have to fully explained and the request motivated – remember we are talking here about **exceptional circumstances**.
- 46.2 The owner has to negotiate with the same Security Service Provider, which is rendering the security services to the Estate to provide a guard for this duty. This guard, or guards, shall not form part of the Estate's complement of guards and shall be for the account of the owner – it is a matter between the owner and the Service Provider and has no influence on the owner's levy account.
- 46.3 The Board of Directors shall allow this only under very exceptional circumstances and then only for very short periods – a day or two at most.
47. Individuals who wish to enter the Estate for the purpose of giving a quotation for work shall be processed the same way as for any visitor. Before such individuals shall be allowed into the Estate the guards shall contact the owner of the stand to obtain permission to allow the individual into the Estate. Owners are requested to inform such individuals of this procedure.

PART SEVEN: CODE OF CONDUCT

48. The maximum speed limit within the Estate is 40 km/h. Owners and their contractors are seriously requested to adhere to this speed limit. Children are playing in the Estate – sometimes in the streets.
49. Parking anywhere where it will have a negative influence on the flow of traffic is strictly prohibited.
50. Each owner shall maintain his/her stand in a clean and tidy condition to the satisfaction of the Board of Directors.
51. Owners are responsible for maintaining trees, plants and shrubs planted on their part of the pavement by the Board of Directors.
52. Owners and/or residents are responsible for the conduct of their guests, employees, contractors and their employees.
53. No rubble – building rubble or any other rubble – may be dumped or discarded in any street and/or on any vacant stand.
54. The owner shall maintain a high standard of garden frontage and pavement management.
55. Garden fences/walls must be maintained and painted when necessary. Each owner shall maintain the exterior of all structures on a stand as well as all fixtures attached to it in a pleasing looking condition – including gutters, etc.
56. External woodwork has to be regularly maintained to the satisfaction of the Board of Directors.

57. Only approved marketing boards of Estate Agents and/or owners shall be allowed in the Estate. Any enquiries in this regard should be directed to the Estate Manager. Unauthorized boards will be summarily removed by the Estate Manager.

58. No dog kennels, caravans, boats or trailers are to be visible from the street and may not be placed in the building lines – see paragraph 13 above. Caravans, boats and/or trailers may not be parked on vacant stands – even with the permission of the owner.

59. As far as when owners will have to start with construction on their property the Board of Directors made the following decision. **This was approved by the Board of Directors on the meeting of 7 September 2009.**

59.1 Owners of dormant stands in Newmark Residential Estate have until 1 March 2011 to start with construction on their dwellings. All necessary procedures have to be completed prior to that date – like the approval of plans, etc.

59.2 From 1 March 2011 to 29 February 2012, all owners of dormant stands in Newmark Residential Estate, who have not yet started with the construction of their dwellings, will pay a penalty of the levy, as it is at that stage, plus 50%.

59.3 From 1 March 2012 to 28 February 2013 all owners of dormant stands in Newmark Residential Estate, who have not yet started with the construction of their dwellings, will pay a penalty of the levy, as it is at that stage, plus 100%.

59.4 If, at any stage during this process, excluding paragraph 59.5 below, a property should change ownership, the new owner will have 6 (six) months, of paying the standard levy, to start with the construction of the dwelling as from the date of registration. From then onwards, for the next year it will be levy plus 50% and the next year levy plus 100% - as for any other dormant stand.

59.5 Once construction has started, under any and all circumstances, construction has to be completed within 12 months. "Construction completed" means that the Occupation Certificate and all prescribed certificates for the dwelling, are handed in at the Estate's Office. If not, from the date of starting construction plus 12 months, the penalty will be the levy at the time plus 200% for as long as the property is in the name of the current owner at the time at the Deeds Office. If the property should change ownership after construction has started, the new owner shall have 6 (six) months, plus the remaining part of the original 12 months if any, to hand in the Occupation Certificate and other applicable certificates. If this is not done, from that date onwards the penalty shall be the levy at the time plus 200%.

These Guidelines were approved by the Board of Directors at its meetings on 22 September 2008 and 7 September 2009.

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CHAIRPERSON

DATE