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# **ARCHITECTURAL GUIDELINES**

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ROSEDALE ESTATE HOME OWNERS' ASSOCIATION

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## **1. BACKGROUND**

Rosedale Estate consists of a series of own title houses and sectional title flats developed in 3 phases as a plot-and-plan development and includes the Manor House development which is also own title houses. These rules and guidelines are in addition to the conditions and guidelines contained in the Rosedale Estate Constitution. The purpose of such is to provide clarity on building related issues to ensure the promotion, advancement and protection of the Members of Rosedale Estate (refer to Constitution, Clause 4).

It is applicable to the following erven /properties:

- Rezoning and Subdivision: Portion 2 of the Farm Zandkloof No 307, Durbanville (Referred to as Phase 1)
- Rezoning of Erven 10905 and 10906 Durbanville (Via Toscana, Rosedale Estate) (Referred to as Via Sondria)
- Rezoning and Subdivision: Remainder of Portion 2 of the Farm Zandkloof No 307 Rosedale, Durbanville (referred to as Phase 2)

## **2. PURPOSE**

The purpose of such is to provide clarity on building related issues to ensure the promotion, advancement and protection of the Members of Rosedale Estate (refer Constitution, Clause 4).

It will ensure clear interpretation of design guidelines and responsibilities of those involved to enforce a unity of materials and finishes ensuring that the overall Development harmonizes and creates a balanced lifestyle for all residents.

Phase 1 and 2 of the Development clearly follow a Tuscan style and any planned changes or additions must align to this Tuscan theme.

## **3. LEGAL STATUS**

The rules and regulations governing building activity, as set out in this document, are binding on all residents, their contractors and sub-contractors, as specified members of the Rosedale Estate Home Owners' Association, as contained in the title deed of the property and the Constitution of the Rosedale Estate Home Owners' Association.

Furthermore, all Owners / Residents are obliged to ensure that their building contractors, sub-contractors and workers are made aware of these rules and that they are strictly complied with.

The HOA has the right to suspend any building activity in contravention of any of the conditions and does not accept any losses sustained by a resident or contractor, sub- contractor or worker as a result thereof, or any claims for damages of whatsoever nature.

The primary intention of these rules is to ensure that all building activity is conducted with the minimum of inconvenience and disruption to residents. In the event of any queries in this respect owners and / or their contractors are most welcome to contact the Rosedale Home Owners' Association.

#### 4. DEFINITIONS

<b>“Building Plan”</b>	means any plan which would require building, and or construction work and will have any permanent visual impact on, or within Rosedale Estate and, or on the communal living. This would include, but is not limited to drawings of additions, alterations, architectural, civil, demolition, engineering, renovations and landscaping drawings.
<b>“Constitution”</b>	means the constitution of the Rosedale Estate Home Owners’ Association.
<b>“Owner”</b>	means the registered owner of the unit.
<b>“Contractor”</b>	means any company paid, employed or contracted to construct, build or implement any building plan.
<b>“Contract worker”</b>	mean any person (responsibility of the contractor) employed / paid by Contractor implementing the Building plan.
<b>“Worker”</b>	means any person (responsibility of the owner) employed / paid directly by the Owner implementing the Building plan.
<b>“Working Drawing”</b>	means drawings meant for implementation of building work and construction. These drawings are the final drawings which will be evaluated for approval.

#### 5. BUILDING PLAN SUBMISSIONS AND ARCHITECTURAL GUIDELINES

As per the Constitution, Clause 9.3, all Building Plans shall be submitted to the Rosedale Estate Home Owners’ Association for approval prior to submissions to the City of Cape Town for approval. For relevant forms refer to Annexure C.

It is imperative that no approved plan or completed construction/building shall be seen to form a precedent. The cost savings, or past approvals shall not be seen as a mitigating factor or deemed a motivation for approval.

The design of the dwelling, unit and the entire stand must show sensitivity to the existing natural features, flora and topography. Permission must be obtained from the HOA before existing trees are removed and all existing trees are to be shown on the site plan. Surrounding structures and houses must be taken into account in the design process. The newly planted trees on the sidewalks must be kept in mind as they are not to be removed. New trees should be considered in the design.

The treatment of sidewalks is considered to be of paramount importance as they have a direct influence on the aesthetic quality of the neighborhood.

##### 5.1. Plans

All plans submitted to the Home Owners’ Association are to be working drawings incorporating a site plan and elevations. The drawings shall comply with typical City of Cape Town standards required for submissions as a minimum standard. Additional detail may be required by the Rosedale Estate Home Owners’ prior to making a decision on approval of such plans.

It is recommended to submit sketch plans, for aesthetic approval to the Home Owners’ Association to allow approval in principal prior to producing working drawings.

All plans are to be prepared by a qualified architect or other suitably qualified professional within the building industry.

Once approved the plans can be submitted to the local authority for approval, should

such be required by the COCT. Typical plans not required by the COCT would be for items such as garden sheds and water tanks.

Plan approval cost, as set-out below will be levied directly to the owner's account upon approval of such building plans. The cost of such will be set by the Trustees of the Rosedale Estate Home Owners' Association. Any exception of payment may be given at the discretion of the Trustees. All changes to the rates set out below needs to be formally recorded at a meeting of the Trustee Committee.

The Home Owners' Association will attempt to keep a copy of the approved plan on record, but it would be the Owner's responsibility to keep such plan for inspection during construction. No transfer of the property will be given should the building work not match the approved plan.

## **5.2. Architectural Guidelines**

The architecture shall conform to a Tuscan architectural style and be in line with the sample plans contained in Annexure A and B applicable to the particular approval of sub-division, in order to promote the a rural character of Rosedale Estate.

Typical guidelines not contained in the Annexures, and development are updated from time to time and will be recorded in the Trustee meeting minutes. A non-inclusive list and guidelines are given below:

### **Aerials Antennas and Satellite Dishes:**

- Allowed - at rear elevation of house

### **Boundary Walls:**

- Front and side walls visible from street/public elevations:
  - Stepped and joined blockwork walls (+/-1.5m high)
  - On boundary line, with exception / setback to form quad (if desired)
  - Pedestrian gate at side, driveway
  - Landscaping in front of wall to approval of Trustees will be required
- Public open spaces
  - Phase 1: As above, picket fence or post-and-rail/paddock fence
  - Phase 2: Precast walls - max height 1.8m
- Between Properties (not covered above)-
  - Precast fence, Height Phase 1: 1.5m, Phase 2, 1.8m

### **Boreholes:**

- Not allowed

### **Burglar Bars and Security Gates:**

- Internal, not externally.

### **Double Story Buildings:**

- To obtain all neighbour consent prior to submitting plans to Rosedale Estate Home Owners for approval
- Only for road area of house, not covering more than 50% of ground floor building
- No overlooking features to neighbours

**Doors and windows:**

- Phase 1 and Via Sondrio
  - Meranti Timber (or bronze anodized aluminium in similar style)
- Phase 2
  - Aluminium (bronze anodized)
- Glass bricks
  - Not Allowed
- Door and window external burglar guards
  - Not allowed

**Driveway and Walkways:**

- Brick paving (clay bricks) to width of garage. Walkways 900mm wide from garage / driveway to front door.

**Garden and Storage Sheds:**

- Allowed if:
  - less than 3m<sup>2</sup>
  - no windows
  - not visible from road elevation

**Garden screens, Screen walls:**

- Allowed, but material and type require approval. This is product dependent.

**Gates:**

- Vertically slated timber gates (with or without steel frame at back).

**Geysers and Solar Panels:**

- Geysers internal to roof.
- No external or roof mounted geysers.
- Solar panels allowed - flush mounted to roof, not protruding more than 150mm from roof surface at any point, north facing, not to be visible from street elevation. This is brand specific and will be evaluated based on supplier's data.

**Handrails:**

- Vertically slates sped to SANS 10400 standard.
- Black or white (powder coated)

**Jungle Gyms, Swings and Doll Houses:**

- Allowed

**Lean-to structures, carports and shade-ports:**

- Not allowed (see Perimeter Houses for exemptions)
- Shade ports allowed ONLY for Villa Venezia and Villa Rosa (where maintenance and uniformity is the responsibility with a single entity, i.e. a body corporate)

**Lighting:**

- Non-obtrusive external lighting

**Paint colours:**

- Two Tone paint, with reveals around windows, doors and boundary walls
- Paint to match existing house, alternative paint scheme to be approved by Trustees

**Pergolas:**

- Meranti-varnished timber

**Perimeter Houses (Concessions):**

- Applicable to Properties on perimeter of Rosedale Estate (i.e. Zandkloof road, Brackenfell Boulevard, Pinehurst and Zebra Road perimeters) and properties adjacent to the phase 3 or Manor House development due to privacy encroachment.
- Non-habitable area (i.e. veranda / stoep):
  - Pre-painted Steel roof covering or Polycarbonate Sheeting allowed
  - Not to be visible from internal common areas of Rosedale Estate (i.e. roads)
  - in similar style of pergola
- Habitable area (i.e. enclosed):
  - Locally at back of house and less than 16m<sup>2</sup>
  - Not to be visible from internal Common Areas of Rosedale Estate (i.e. roads)

**Pools:**

- Allowed - no services, structures or trees to be undermined

**Roof and Roof Coverings:**

- Habitable Areas (i.e. closed areas):
  - Roof tiles at +-17-degree pitch
  - No gable allowed
  - (see Perimeter Houses for concessions)
  - Braai rooms and extensions not visible from Common Areas or internal roads may have flat roofs, but solely at the Trustees' discretion.
- Non-Habitable Areas (i.e. garage):
  - Steel sheeting, if garage is free standing (excluding via Sondrio)
  - No gables allowed
- Patio Covering:
  - Roof tiles at 17-degree pitch. Flat roof with steel sheeting or white polycarbonate sheeting not ideal but may be considered if there is no detracting effect to the public eye. This determination to be solely at the Trustees' discretion.
- Overhangs:
  - Phase 1 - 300mm roof overhung
  - Phase 2 - No overhang, plaster band with fascia and gutter wall mounted
- Water tanks
  - Allowed, not to be visible from front elevation (sketch plans required)
- Security Cameras
  - Allowed. Care needs to be taken with installation to not encroach upon the privacy of neighbours.

### 5.3. Plan Approval Costs

Building Area less than 100m<sup>2</sup> area, boundary walls, pools and minor work:

- Approval Cost = R500.00
- Maximum construction period = 3 months
- Building Deposit = R2,000.00 (no interest will be paid)

Building Area more than 100m<sup>2</sup> area, boundary walls, pools and minor work:

- Approval Cost = R3,000.00
- Maximum construction period = 12 months
- Building Deposit = R5,000.00 (no interest will be paid)

## 6. BUILDING AND CONSTRUCTION WORK

The Rosedale Estate Home Owners' Association reserves the right to prevent owners and/or their contractors commencing construction without prior approval by both this body and the local authority, or for any variations to the approved plans.

Access to contractors/workers will be prevented (as a first step) to ensure compliance to the conditions and regulations stipulated in this document. Such offences/non-compliances would include:

- Building without approved Plans
- Building without having the approved forms signed-off by the Rosedale Estate Home Owners' Association (see Annexure C)
- Unpaid Building deposit or fines
- Building variations to the approved plans
- Repeated offenses by the contractor/worker

Should the HOA have any reservations with regard to the conduct of the Contractor, workers or sub-contractor, Rosedale Estate Trustees reserves the right to suspend all building activity until such conduct is rectified, which it may do at any time and without notice, and free of recourse from the owners and/or contractor.

In order to reduce the inconvenience to neighbours, as well as unsightliness, construction must proceed without lengthy interruption and handled in such a way that the end of each phase should be aesthetically acceptable to the Rosedale Estate Home Owners' Association. Once building work has commenced, it must be completed within the period stipulated per plan approval above. Failing to comply will lead to a fine.

The Home Owners' Association has the right to introduce and enforce payment of penalties against home owner, their contractors, workers and/or sub-contractors with respect to any contravention/non-compliance of any of the rules and regulations contained in this document or its annexures or amendments. Any fine will be directly added to the owner's account.

### 6.1. Working, Delivery and Access

Construction hours are restricted to:

- Monday to Friday: 08:00 to 17:00
- Saturdays: No construction activity is to take place
- Public Holidays: No construction activity is to take place.
- Sundays: No construction activity is to take place.

(Note: On request and under special circumstances, permission may be granted the Rosedale Estate Home Owners Association)

**Non-compliance - type A offence per event**



Deliveries hours are restricted to:

- Mondays to Fridays from 8:30 to 16:30 (to ensure no congestion) at the entrance gates and to ensure offloading occurs during construction hours)
  - Only single unit delivery trucks up to a maximum weight of 20 tons may come into the Estate
  - No articulated trucks will be allowed to deliver any material on the site WITHOUT prior arrangement with the Rosedale Estate Home Owners' Association.
  - in the unlikely instance where longer/bigger trucks need to come onto site (e.g. long roof trusses) special arrangements must be made with the Trustees
- (Note: On request and under special circumstances, permission may be granted the Rosedale Estate Home Owners' Association)

**Non-compliance - type A offence per event**

Entry and Exit are restricted to:

- Entry only with a valid permit through the main gate - A day card will be issued, which the visitor needs to hand back at the end of the working day.
  - Time of Entry: From 7:15
  - All Contractors and workers need to leave the Estate by 17:45
  - No Goods can be removed from the Estate outside these hours.
- (Note: On request and under special circumstances, permission may be granted the Rosedale Estate Home Owners' Association)

**Non-compliance - type A offence per event**

**6.2. Access Permits**

- The Main contractor/Owner has the responsibility, to apply for permits, for all his workers, inclusive sub-contractors and sub-contractors' workers, before the beginning of any related building activity.
- All Contractors, sub-contractors and workers have to be in the possession of a valid permit.
- Access is only permitted to the gate and the erf on the permit in the shortest direct path. No deviations or loitering will be allowed.
- Any workers found on the Estate without special permission from Rosedale Estate will be removed and permit withdrawn.

**Non-compliance - type A offence per event, unless noted otherwise**

**6.3. General**

- The owner shall provide facilities for rubbish disposal and ensure that the workers use the facility provided. Rubbish and rubble shall be removed weekly and not burnt or disposed of on the Estate or municipal bins
- No rubble dumping on adjacent stands or pavement is permitted.
- the contract site is to be kept clean and properly screened. If the contractor fails to keep the site clean and tidy, (within reason), such a contractor may be prohibited from entering the Estate until such a time that the site is properly cleaned.
- Materials off-loaded by a supplier which encroach onto the sidewalk, roadway or public open space, must be moved onto the site by the Contractor/Owner. Material and/or rubble must not be allowed to remain on the roadway or sidewalk and it is the Owners responsibility to clear these areas of all such materials

and/or rubble daily. The same applies to sand or rubble washed or moved onto the road during building operations.

- Building boards are to be erected on the site not on sidewalks. Sub-Contractor's boards are not permitted. All boards must be removed after completion of construction
- Penalties can be levied by the Trustees for Contractors / Owner for Delivery vehicles, which spill material on-route, damage roadways, kerbs, plants, sidewalks and private or Estate property, stain tarmac and generally create nuisance within the Estate and/or not adhering to any of the rules as prescribed by the Rosedale Estate.
- Rosedale Estate has a full-time security provider. Therefore, no sleeping or additional security by any other provider will be allowed on site. Agreement can be made to allow additional security through the Rosedale Estate security provider.
- Rosedale Estate will assume no liability relating to any theft or security incidents on site.
- In the event that illegal workers are apprehended on the Estate, that contractors employees in totality can be denied access to the Estate.
- Drivers entering, shall fill in the logbook or sign in electronically as per the Estate's current access control procedures every time entering the Estate comprising of:
  - a) Car Registration number
  - b) Name of driver and permit number, where applicable
  - c) Erf number visiting
  - d) Numbers of workers on the vehicle
  - e) Time in and Time out
  - f) Signature of Driver
- All workers have to get off the vehicle when entering or leaving the Estate for the purpose of counting and checking the permits.
- Speed limit is 30 km/h in the Estate
- No open fire is allowed on the building site.
- The Owner is responsible to ensure a Health and Safety plan is implemented on site, which needs to be available to the Rosedale Trustees for inspection on site should such inspection of the document be requested
- Ablution facilities need to be provided on site. The location of such needs to be submitted for approval to the Rosedale Estate Home Owners' Association prior to site establishment.
- Parking in front of the erf applicable only in the relevant phase of development.
- The repair of any damage to any tree, garden or Common Areas will be to the account of the Owner at the discretion of the Rosedale Estate Trustees.

**Non-compliance - type A offence per event, unless noted otherwise**

## **7. BUILDING RELATED FINES AND PAYMENT OF FINES**

The Rosedale Estate Home Owners' Association will have the right to impose fines for various offenses as stipulated in this document. It is therefore essential that this document be fully understood and accepted by the Owner, his contractor, sub-contractors and workers and must ensure compliance to this document, in addition to any further rules and regulations which may be introduced by the Rosedale Estate Home Owners from time to time.

Payment of penalties against Home Owners, their contractors and/or sub-contractors with respect to any contravention of any of the rules and regulations contained in this document or amendments will be the responsibility of the Owner. The fines will be levied against the owner's account. All penalties have to be paid together with the next month's levy.

The Trustees of Rosedale Estate have the right to cancel a fine or to allow the first fine of a

particular offence to be suspended as a warning.

The Owner has the right to make written submission within 7 days of receiving the fine for the cancellation of such. Such written submission will not suspend the requirement of payment of the fine. Once the Trustees have evaluated the submission at the next committee meeting, and if the fine is cancelled, the Owner's account will receive credit for the amount paid.

Should any contractor, sub-contractor or worker of a particular Owner of a construction or building project commit the same offence repeatedly during the construction period, the offence type and associated fine will be increased to the next level.

Note: Rosedale Estate Home Owners' Association will not provide a transfer clearance certificate (should transfer of the property be required) should any monies or fines be outstanding.

#### **7.1. Fine Amounts**

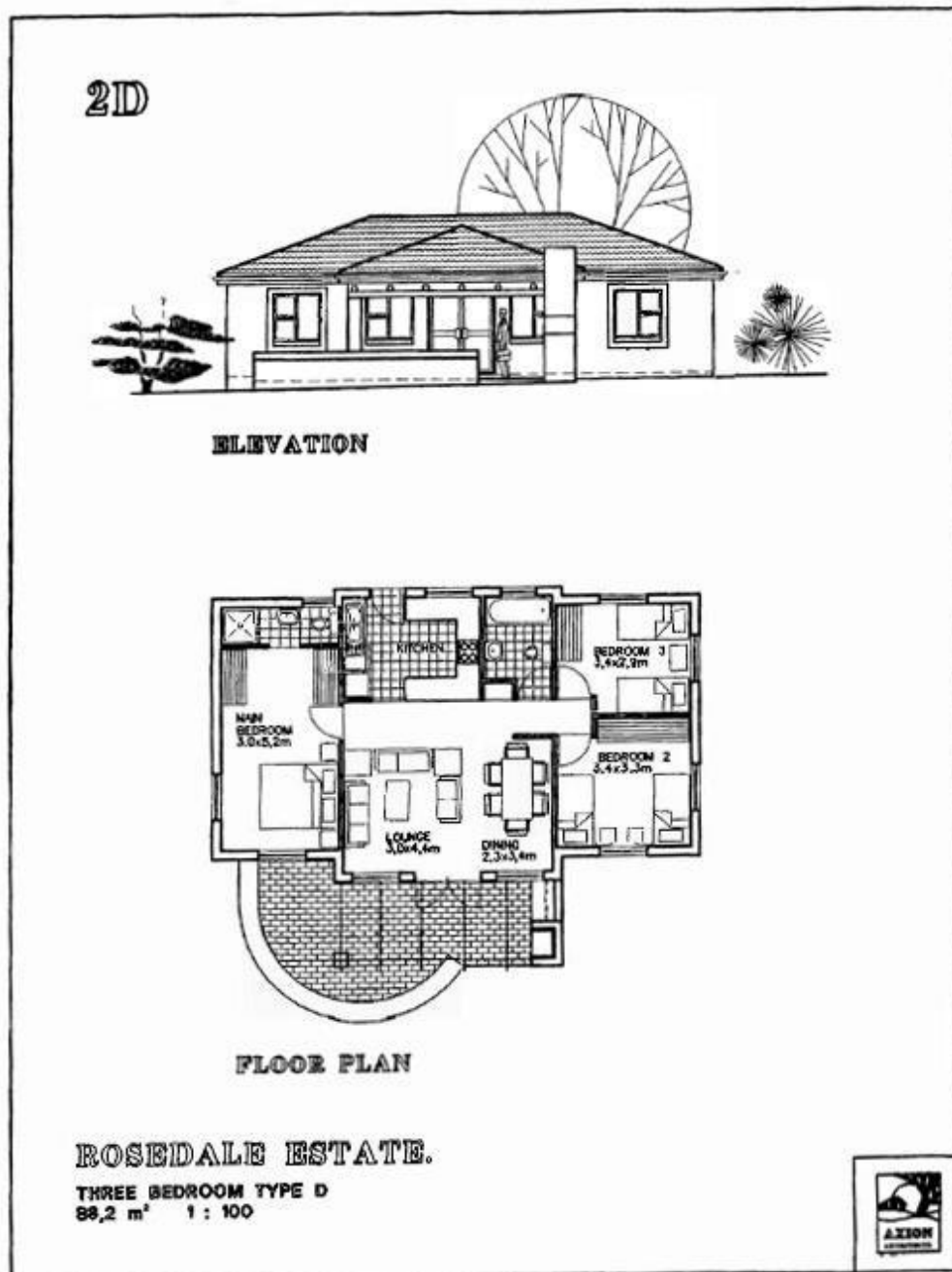
<b>"Type A"</b>	R200/ offence, event
<b>"Type B"</b>	R500/ offence, event
<b>"Type C"</b>	R1,000/ offence, event
<b>"Type D"</b>	R2,000/ offence, event

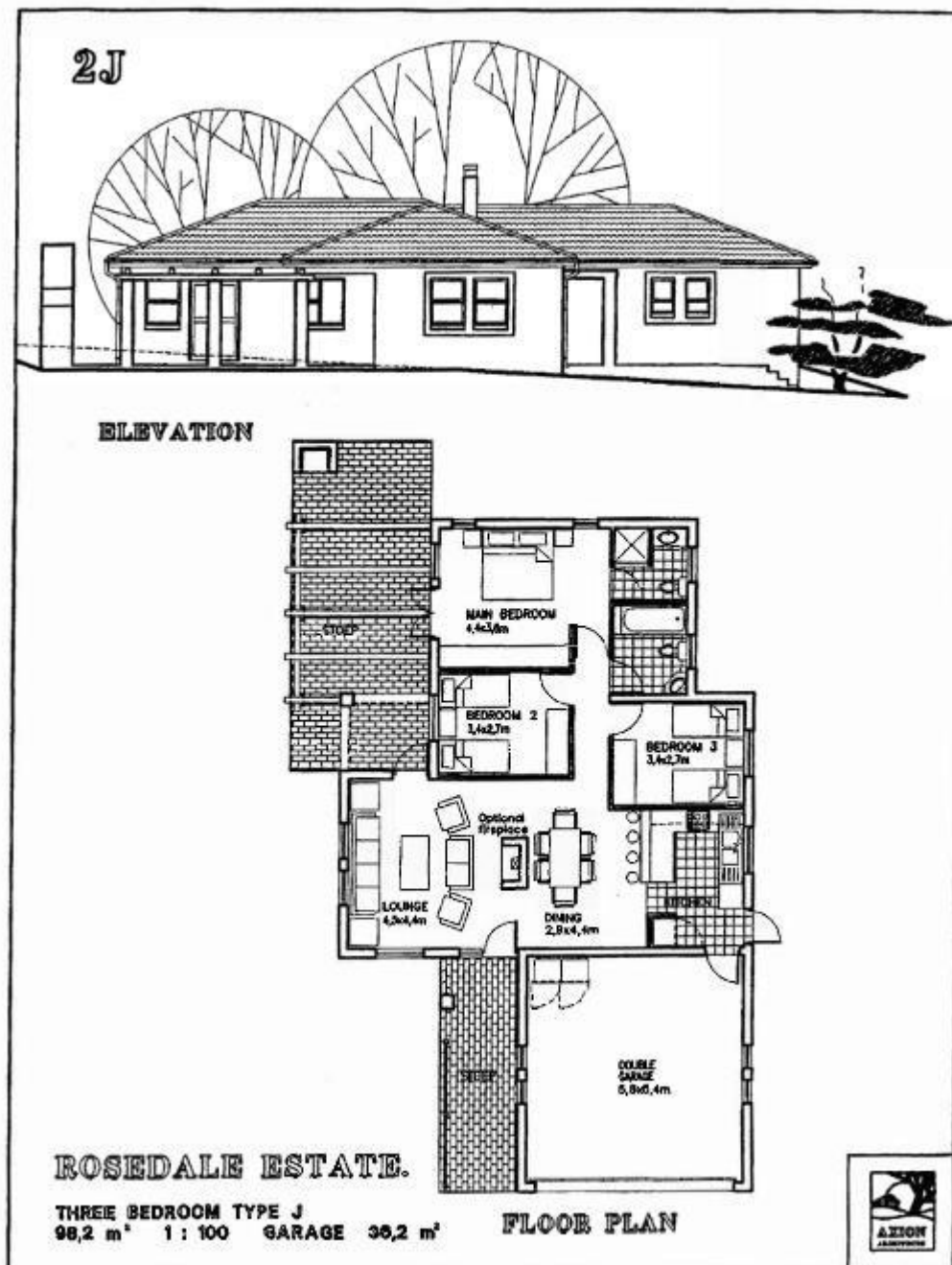
#### **8. CLOSING**

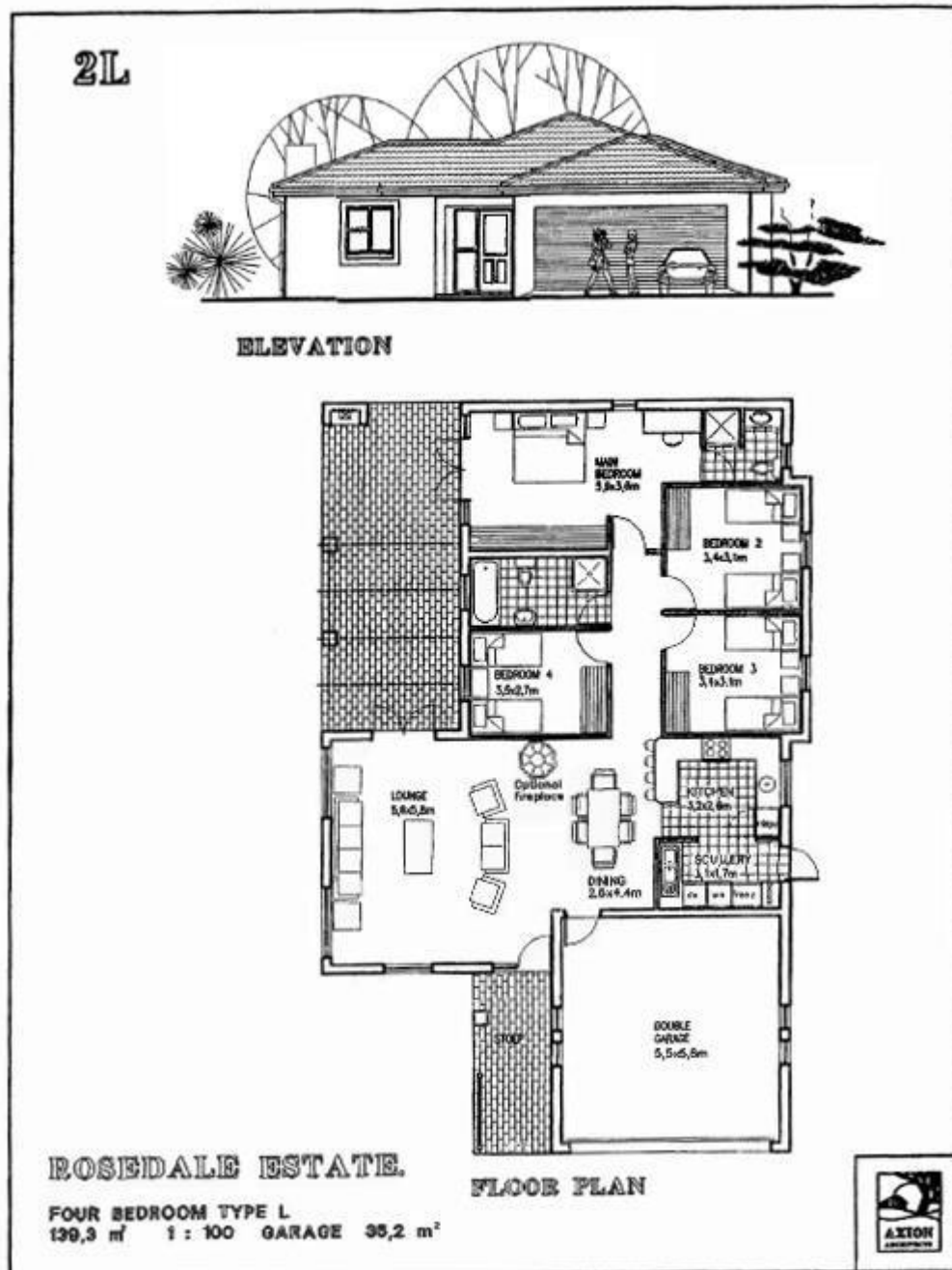
The purpose of this document is to ensure no misunderstandings relating to any plan approval, architectural guidelines, construction or any other related building work. It is the owner's responsibility to ensure compliance to such. Should the owner have any uncertainties or require any clarity relating any item contained in this document, it is his responsibility to ask for clarity prior to the start of any part of plan approval, construction or any other related building work.

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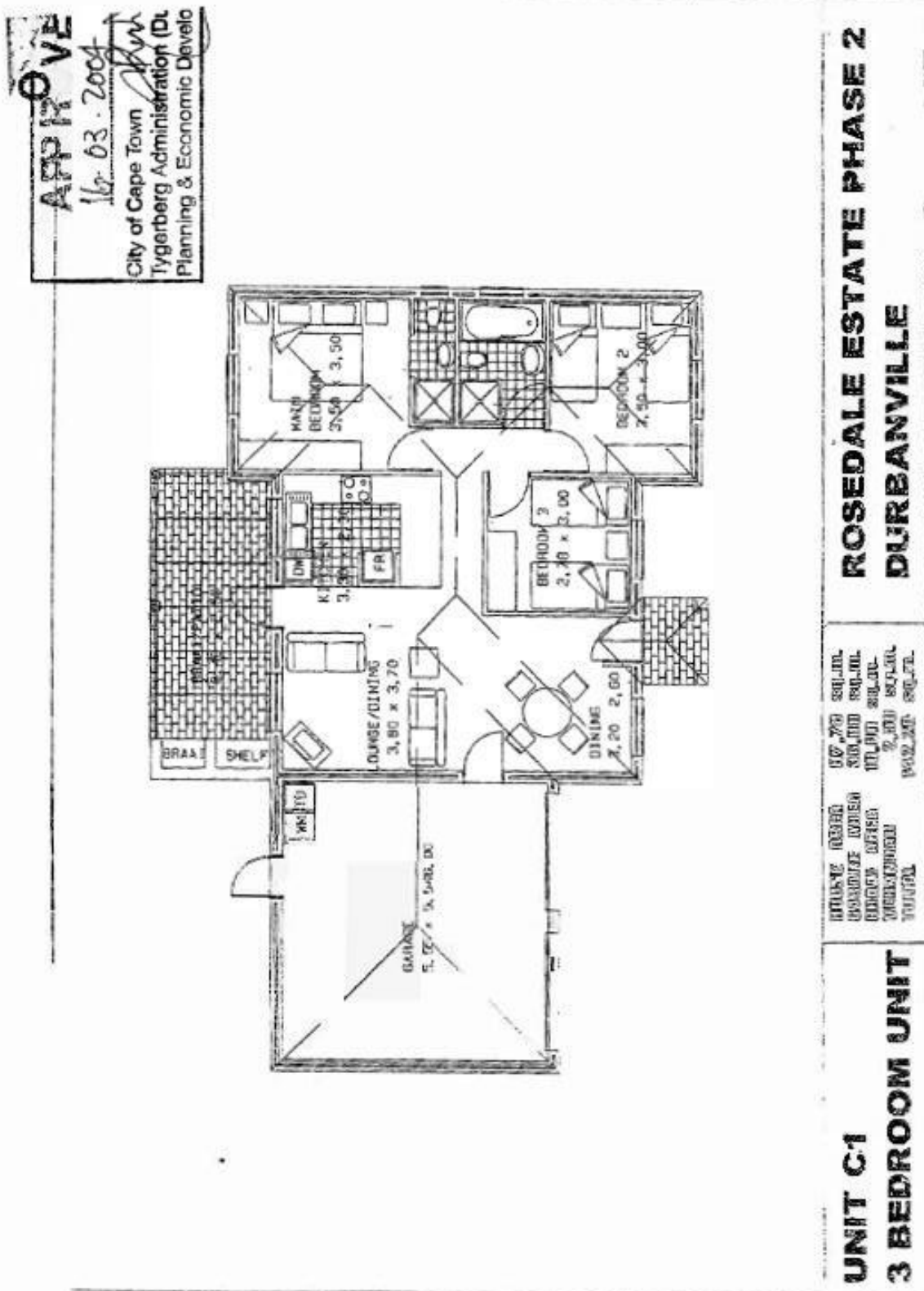
**ANNEXURE A: STANDARD BUILDING PLANS AND ARCHITECTURAL  
STYLES FOR PHASE 1 AND VIA SONDRIA**

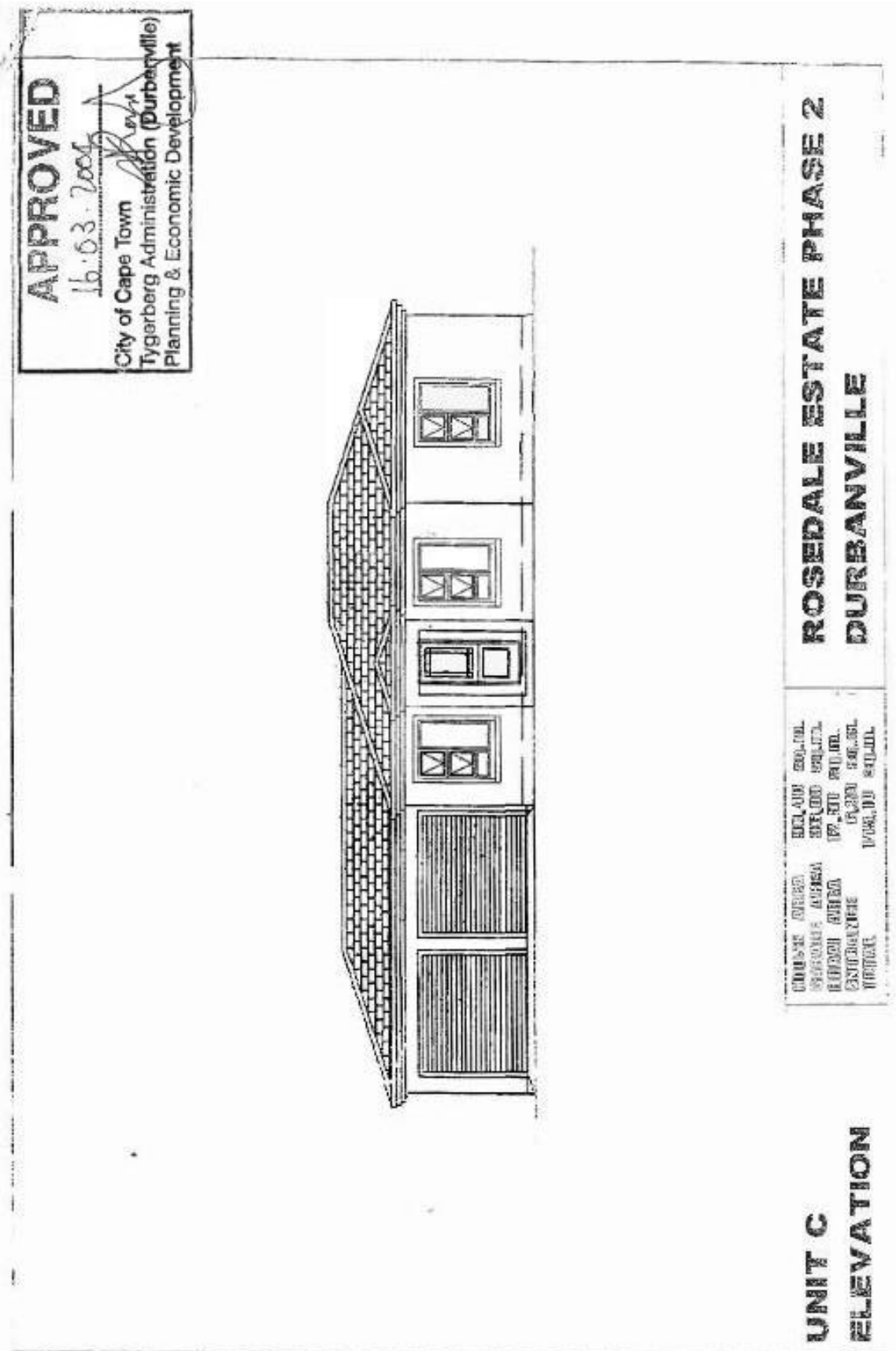






**ANNEXURE B: STANDARD BUILDING PLANS AND ARCHITECTURAL STYLES FOR PHASE 2**







## ANNEXURE C: FORMS

<b>Rosedale Estate</b> <b>Building and Plan Approval Guidelines</b>			
<b>OWNER</b>	<b>Erf No.:</b>	<b>Plan ref.:</b>	
	<b>OWNER NAME:</b>		
	<b>CELL NO.:</b>		
	<b>EMAIL:</b>		
	<b>With this application it is confirmed:</b> <ul style="list-style-type: none"> <li>As owner we've read the Building and Plan Approval Guidelines and will abide by such</li> <li>Any approval fees and building deposits can directly be added to my monthly invoice</li> <li>Any fines for non-compliances can directly be added to my monthly invoice</li> <li>As owner we'll ensure payment for plan approval fees, builders deposits and fines</li> </ul>		
	<div>_____</div> <b>Owner Signature</b>	<div>_____</div> <b>Date</b>	
<b>ROSEDALE ESTATE</b>	<b>NOTES:</b>		
	<b>PLAN APPROVED (Y/N)</b>	<div>_____</div> <b>Trustee Signature</b>	<div>_____</div> <b>Date</b>
	<b>PLAN APPROVAL FEE PAID (Y/N)</b>	<div>_____</div> <b>Managing Agent Signature</b>	<div>_____</div> <b>Date</b>

<b>CONTRACTOR</b>	<b>CONTRACTOR (Company):</b>		
	<b>ADDRESS:</b>		
	<b>TELL:</b>		
	<b>EMAIL:</b>		
	<b>REPRESENTATIVE ON SITE:</b>		
	<b>CELL:</b>		
	<b>EMAIL:</b>		
	<b>With this application it is confirmed:</b> <ul style="list-style-type: none"> <li>As contractor we've read the Building and Plan Approval Guidelines and will abide by such</li> </ul>		
_____ Contractor Signature		_____ Date	
<b>ROSEDALE ESTATE</b>	<b>NOTES:</b>		
	<b>BUILDING DEPOSIT PAID (Y/N)</b>	_____ Managing Agent Signature	_____ Date
	<b>ALL FINES PAID IF APPLICABLE (Y/N)</b>	_____ Managing Agent Signature	_____ Date
	<b>BUILD AS PLAN (Y/N)</b>	_____ Trustee Signature	_____ Date
	<b>PERMISSION TO RELEASE BUILDING DEPOSIT (Y/N)</b>	_____ Trustee Signature	_____ Date
<b>BUILDING DEPOSIT PAID BACK (Y/N)</b>	_____ Managing Agent Signature	_____ Date	