



## ARCHITECTURAL AND AESTHETICAL RULES

### 1. INTRODUCTION

The object of the MIDFIELD Home Owners Association (hereafter referred to as MHOA) is to promote, advance and protect the communal interest of its Members and consequently to ensure a safe, high quality lifestyle to owners and occupants by managing the appropriate development of residences and related facilities as well as communal facilities.

- 1.1 The Articles of Association of the MHOA make provision for the establishment of an Aesthetics Committee (hereafter referred to as the AC).
- 1.2 The Articles of Association of the MHOA also provide for Architectural and Aesthetic Rules to be drawn up and issued and according to which:
  - 1.2.1 The basis for evaluation of building plans for all structures is set. Apart from houses, these structures include: extensions, improvements, outbuildings, swimming pools, tennis courts, lapas, etc.;
  - 1.2.2 Inspections are conducted;
  - 1.2.3 Completed units are approved;
  - 1.2.4 Unsightly construction work/structures are rectified;
  - 1.2.5 Construction work that does not conform to the requirements may be interrupted.
- 1.3 Building plans have to be approved by the AC before any construction work commences.
  - 1.3.1 Any alterations and/or additions to approved working drawings have to be resubmitted and approved by the AC before commencement of such work.
- 1.4 The AC comprises of a minimum of three members of the MHOA in co-operation (assistance) with a technical committee, consisting of professional architects and other pertinent professionals, as deemed necessary. The Technical Committee scrutinises the plans and makes recommendations to the AC. The ruling of the AC will be final.

### 2. TIME SCALE FOR ACTIONS BY THE AC

- 2.1 The weekly closing date and time for the evaluation of plans is 12h00 on Thursdays. The plans will be evaluated within 7 working days. Feedback/comments will be supplied soon after the evaluation.
- 2.2 Inspections by Ekurhuleni Metropolitan Municipality are conducted on Tuesdays, Wednesdays and Thursdays and bookings for these inspections must be done daily before 12h00 at the Midfield office.

- 2.3 An application form must be completed at the Midfield office for the booking of Final aesthetical inspections. Feedback/comments will be supplied soon after the inspection.

### **3. REGISTRATION OF THE ARCHITECT/TECHNOLOGIST**

- 3.1 In order to ensure quality, design integrity and professional involvement, homeowners are advised to make use of the services of professional architects. Prior to submission of plans, the homeowner must ensure that his architect is registered with the MHOA. Registration with the MHOA will be subject to the following:
- The architect must be registered as a professional architect as stipulated in the Architectural Profession Act No 44 of 2000;
  - The architect will undertake to act in accordance to the Code of Professional Conduct as prescribed by The South African Council for the Architectural Profession (hereafter referred to as SACAP).
  - Good standing with the MHOA;
  - All houses exceeding 500m<sup>2</sup> and residential 2 developments must be designed by registered architects.
- 3.2 Should a homeowner insist on the services of an architectural technologist (hereafter referred to as TECHNOLOGIST) the homeowner should prior to any work being done consult with the MHOA. The following registration requirements from the MHOA will be applicable:
- Appropriate house design experience;
  - The architectural technologist must be registered as a senior architectural technologist as stipulated in the Architectural Profession Act No 44 of 2000.
  - The technologist will undertake to act in accordance to the Code of Professional Conduct as prescribed by SACAP.
  - Proof of appropriate Indemnity Insurance;
  - Good standing with the MHOA;
  - Proof of good technical and design capabilities to the MHOA satisfaction;
  - No residential 2 developments or dwellings exceeding 500m<sup>2</sup> may be submitted by a technologist.
- 3.3 The registration with the MHOA will remain valid for 12 months. Registration will therefore have to be applied for on a yearly basis. The MHOA shall be entitled to remove any architect/technologist from their registration, or refuse to re-register such a person, should the standard of work or adherence to the Architectural Rules not be to the satisfaction of the MHOA.
- 3.4 It remains the homeowner's responsibility to ensure that a proposed technologist or architect obtains registration from the MHOA prior to commencement of any work. MHOA will under no circumstances be liable to a homeowner in the instance of a technologist or architect not being approved for registration.

## 4. THE APPROVAL PROCESS

The approval process consists of four stages:

### 4.1 STAGE 1:

#### SUBMISSION OF CONCEPTUAL DESIGN DRAWINGS FOR EVALUATION BY THE AC

The purpose of Stage 1 is purely to prevent drastic design changes to detailed drawings.

4.1.1 The following plans in sketch plan format have to be submitted for approval:

- One rendered copy of the site layout proposal including the following information: (Scale 1/100)  
Stand number, placing of all buildings, contours, north point, all boundary dimensions, building lines, servitudes where applicable, existing trees and vegetation, the siting of service areas, open garden space, terraces, distances from boundaries and adjoining structures, overlooking of neighbouring properties, proposed vehicular circulation, entrances to the site, refuse collection and parking, storm water attenuation and boundary walls.
- Floor plans that indicate the use and size of the rooms (scale 1/100)
- Four elevations (2 rendered in colour) specifying typical exterior colours and materials. Contours (minimum of two) at .50 m intervals to be reflected on all elevations. Cut and fill must be shown.

4.1.2 The plans will be scrutinized by the AC and will have the following to effect:

- Approved sketch plans must be converted into Working Drawings for submission for Stage 2.
- Rejected concepts – The architect/technologist will have to submit a new concept for Stage 1 approval.

### 4.2 STAGE 2:

#### SUBMISSION OF WORKING DRAWINGS FOR APPROVAL BY THE AC

4.2.1 The following plans have to be submitted for approval:

- **Two copies of the Site Development Plan (SDP) and all Floor Plans**

The SDP must be drawn on a scale of 1:100. In the case of Residential 2 stands, the scale may be amended to fit on standard drawing sizes.

The SDP should at least reflect the following and be considered in the design:

- Open areas (laundry yards, private gardens and landscaped areas)
- All existing trees with specie names (trees with a trunk diameter of 100mm and more, including trees to be removed as a result of the siting of buildings)
- Cadastral information (boundary dimensions)
- Siting of all buildings
- Building lines, servitude's and other restrictions
- Storm water management
- Stand numbers of adjacent erven as well as street names
- Accurate siting of existing buildings on adjacent erven
- Contours (.5 m intervals) & proposed floor levels
- Boundary and screen walls (siting, height and finishes)
- Sidewalks (driveways, landscaping, municipal services and trees on the sidewalk)
- Existing municipal services on sidewalk of erf (storm water inlets, fire hydrants, lamp poles, electricity boxes etc.
- Driveways and other paved areas (siting and finish)
- Entrance gates (design and finish)
- Door and window schedules
- Roof plan
- Permitted and actual Coverage and Floor Area Ratio (FAR) and

- Any other information that may be of relevance
- **Two copies of all the Elevations, Sections, Details and Schedules**

Elevations must indicate the following:

- Minimum of four detailed elevations specifying all exterior colours and materials
- Concealed ducts, gutters and drain pipes
- All patios and verandas

*NOTE: In the case of double storeys, all plumbing pipes to be concealed in ducts and details must be provided.*

□ **Landscaping proposal**

- Residential 1: Instant lawn as a minimum to all visible areas from the street.
- Residential 1: Should a homeowner choose not to erect side or rear boundary walls, a detailed landscape development plan should be submitted for approval.
- Residential 2: Detailed landscape development plan.

Should a homeowner adjacent to a park or green area wish not to construct a boundary wall, a landscape development plan should be submitted for approval by the AC.

**4. 3 Referral to the Enlarged Aesthetical Committee (EAC)**

An additional amount is payable should an owner be unwilling to accept the decisions/comments of the AC and the plans are referred to the enlarged Aesthetical Committee (EAC) at his/her request.

The EAC will consist of at least three external architects to whom the owner and the AC will have an opportunity to state their objection.

The verdict of the EAC will be final.

**4.4 STAGE 3:  
SUBMISSION TO THE LOCAL AUTHORITY**

Once the AC has approved the detailed working drawings, they may be submitted to the Local Authority.

In terms of an agreement with the Local Authority, plans will not be accepted or processed unless approved by the MHOA and properly certified on the plans as such.

**4.5 STAGE 4:  
FINAL INSPECTION AND ISSUE OF OCCUPATION CERTIFICATE**

Prior to occupation of a dwelling or complex, an inspection has to be carried out by the AC to ensure that the construction, boundary walls, garden walls, garden gates, landscaping, etc. has been completed in accordance with the approved plans. This will also be relevant for any additions and renovations.

This inspection must be applied for by the owner or building contractor at the MHOA office.

A completion certificate must be issued by the MHOA and submitted to the Building Office of the Local Authority before the Local Authority will carry out their final inspection and issue an occupation certificate. Occupation will not be allowed prior to this.

**Any deviations from detailed working drawings have to be approved by the AC prior to**

construction. The AC may at its discretion stop construction and insist that the unapproved building be demolished or rectified at the owner's cost.

## 5. **FEES PAYABLE**

### 5.1 **Plan fees**

The exact detail of payment of plan evaluation fees as determined from time to time is available at the Estate offices. The initial payment must be made with the submission of Stage 1 conceptual design drawing plans.

### 5.2 **Building Performance Deposit**

A building performance deposit as determined by the MHOA is payable on submission of plans.

This amount will be used in event of a breach of non performance to remove rubble or make good any damage caused by the contractor or his sub-contractors or suppliers, including but not limited to kerbing, landscaping, community services, roads, irrigation and or any outstanding construction works.

## 6. **SIZE AND SCALE OF DRAWINGS**

All sketch plans, site development plans and building plans **must preferably be submitted on A1 plan size.**

All working drawings to be submitted to a proper scale:

### **Res 1**

Plans	1:100
Elevations	1:100
Site Development plans	1:100
Sections	1:50, 1:100
Details	1:50

### **Res 2**

Plans	1:100
Elevations	1:100
Site Development plans	1:200
Sections	1:50, 1:100
Details	1:50

Ground floor plans must be shown on SDP (Roof plans to be indicated separately)

## 7. **ARCHITECTURAL AND AESTHETICAL REQUIREMENTS**

### 7.1 **Minimum size of house/Dwelling**

The minimum area of a dwelling on a Residential 1 stand must be 200 m<sup>2</sup> and 150 m<sup>2</sup> for a housing unit on a Residential 2 stand.

*NOTE: The floor area specified above includes all roofed structures, including garages, patios, etc.*

### 7.2 **Design and style**

7.2.1 The planning of buildings and structures should show sensitivity towards the natural environment

7.2.2 No limitations are placed on design in order to allow for a variety of individual architectural designs. Suitable South African styles taking into consideration, context, climate, topography, visual form and environmental consciousness is encouraged. This will be subject to proper site planning and good architecture. Approval of all designs will remain the prerogative of the AC;

7.2.3 The architectural design and style of buildings will be evaluated taking cognizance of existing

buildings in the immediate vicinity.

- 7.2.4 As a general rule all housing units must live out to the north and eastern side. Living areas will only be allowed on the north-eastern quadrant of stands. Similarly, balconies will not be allowed on the south and western side of stands.
- 7.2.5 Living areas and balconies overlooking parks or adjacent to green areas will only be permitted if the living space of neighbouring stands is not influenced. Such deviation from 7.2.4 will be at the sole discretion of the AC.

### **7.3 Prohibited Building Materials**

- 7.3.1 Unpainted or reflective roofing material – metal sheeting must be pre-painted;
- 7.3.2 Pre-cast concrete walls, wire fencing, swimming pool type mesh fencing and “split-pole” type fencing;
- 7.3.3 Unpainted plaster, uncoloured plaster or unplastered stock brick walls;
- 7.3.4 Razor wire or similar type fences as well as electrical fences;
- 7.3.5 Lean-to or temporary carports or shade netting structures
- 7.3.6 “Wendy Houses” or similar type structures;
- 7.3.7 Thatch lapas (only allowed if the main building has a thatch roof).

### **7.4 Miscellaneous Rules and Recommendations**

- 7.4.1 External finishes must conform to good architecture, so as not to detract from the general appearance of the neighbourhood. Monotonous face brick applications will not be allowed;
- 7.4.2 Proposed paint colours must be approved by the AC during submission Stage 1 and Stage 2 (see 4.1 and 4.2). Should the owner during the construction process wish to deviate from the approved colours, new colour samples must be presented to the AC for approval prior to painting of the house. The AC may at their own discretion request an owner to paint 1x1m samples of the proposed colours against the exterior walls of the owner’s house for AC approval.
- 7.4.3 Staff quarters not forming part of the main building, may not be closer to the street than the main building;
- 7.4.4 Special attention must be paid to the finish of parapets, fascias, corbelling, capping eaves, roof trims, gutters and roof material. Details of the above mentioned must be supplied with building plans;
- 7.4.5 Staff quarters and kitchens should open onto a courtyard. All exits and doors adjacent to neighbours to be screened with approved screen walls; (min height 1, 8 metres measured from finished floor level).
- 7.4.6 The use of solar panels for the heating of water is encouraged. Only the solar panels (either the vacuum tube-type or flat panel-type) may be visible – no external geyser, header tanks or coiled pipes may be visible. The solar panels must be incorporated into the adjoining structure and may not – where visible – be placed on an elevated structure.
- 7.4.7 The design and material of carports and patios must compliment the style and design of the main building and must be approved by the AC. All garage motor

units/opening units to be concealed within the structure and may not be visible from the street or adjacent stands;

- 7.4.8 Corrugated or other formed roof sheeting must be concealed with an appropriate fascia or other acceptable finish;
- 7.4.9 Washing lines must be concealed from the street and neighbour's natural ground level;
- 7.4.10
  - a) No external TV - or any other type of antennas (Vodacom, i-burst etc.) is allowed.
  - b) Only one satellite dish per stand is allowed;
  - c) Satellite dishes may not be fixed against any projecting architectural feature of the house for e.g. the chimney and may not interfere with the aesthetics of the house;
  - d) Position of satellite dish must be shown on working drawings for approval (elevations & floor plans)
- 7.4.11 No radio masts may be erected;
- 7.4.12 No externally fitted burglar bars will be permitted;
- 7.4.13 Mechanical equipment and plants such as air-conditioners (and grills), pool pumps etc. must be designed into the buildings and/or adequately enclosed or screened off from view and drawings to be submitted to AC indicating the position of the air conditioning units.
- 7.4.14 Only one type of roof material per development may be visible from the street or the natural ground level of neighbouring stands;
- 7.4.15 Outbuildings, walls and alterations must match the original design and style of the house;
- 7.4.16 All geysers fitted outside on flat roofs are to be enclosed in an aesthetical pleasing enclosure.
- 7.4.17 All standby generators must comply with the minimum requirements of MES. Generators must be installed in such a way that it does not create a nuisance to neighbours. In addition to the requirements above, generators that are permanently or semi-permanently installed (semi-permanent shall be a unit being in the same position for more than 30 days), must be visibly screened and indicated on plans approved by the HOA
- 7.4.18 According to the NHBRC requirements (see NHBRC Compliance 7.12); 1,5 m wide paving have to be laid around the house for storm water purposes

## **7.5 Floor slab/Plinth Height**

The height of the finished floor level may not exceed 0.85 m directly above natural ground level at any point along the perimeter of the building. The building must be stepped to suite the natural ground contours.

## **7.6 Double storey dwellings**

Double storey dwellings are subject to approval of the AC.

The designer should consider the following:

- 7.6.1 The right to privacy of surrounding neighbours;
- 7.6.2 No balconies on the upper storey may overlook the north eastern living space of the adjacent dwelling;
- 7.6.3 The view of surrounding neighbours;

- 7.6.4 It is recommended that in all instances the area of an upper floor should be smaller than the lower floor surface area;
- 7.6.5 Buildings should not overshadow each other or the private outdoor living areas of adjacent properties.

## **7.7 Treatment of Stand Boundaries**

### **7.7.1 Street Boundaries**

Although it is accepted that the diverse nature of single residential neighbourhoods lead to a varied treatment of street boundaries, every effort should be made to avoid the hostile “canyon-like” effect that high solid walls create along streets cause in many residential areas.

In order to enhance the appearance of sidewalks, the streetscape and the estate generally, the following rules will apply:

- ❑ Ideally, no walling whatsoever should be erected along the boundary between stands and the road reserve (create a “park” effect and not a city suburb).
- ❑ If boundary walling is essential on the street frontage, for example; to prevent small children or pets from leaving the property, then the use of good quality steel palisade or trellis fencing is preferred to brick walls. (No devils fork or similar palisade is allowed).
- ❑ Street boundary walls must be designed according to the Midfield HOA Rules (see attached details on the sheets numbered “BW 5” and “BW 6”) and may not exceed maximum of 1785mm in height.
- ❑ As a general rule, the balance of open areas and placement of a street boundary walls must comply to the following:
  - North and east access stands: A maximum of 70% of total length of boundary on street may be enclosed with a boundary wall ;
  - South and west access stands: A maximum of 30% of total length of boundary on street may be enclosed with a boundary wall;
  - North and east access corner stands: A maximum of 70% of total length of boundary wall (sum of east and northern boundary lengths) on street may be enclosed for the purpose of privacy;
  - South and west access corner stands: A maximum 30% of total length of boundary wall (sum of west and south boundary lengths) on street may be enclosed;
- ❑ If solid walling is required to enhance the privacy of certain parts of the property, for example, to screen the swimming pool from the street, such walling should be as low as possible, and should not extend for more than 25% (twenty five percent) of its length as a continuous line parallel to the street boundary. If a solid wall is unavoidable, a stepped-back or articulated wall is considered less detrimental to the streetscape.
- ❑ In order to provide parking space for cars and for visitor’s parking, garages fronting directly onto the street should be set back a minimum of 5 (five) metres from the stand boundary. (This with the road reserve will allow 2 cars to park in front of the garage, without extending beyond the road kerb, or parking on the sidewalk).

### **7.7.2 Side and Rear Boundaries**

- ❑ The wall design must be integrated with the design of the house to form a whole;
- ❑ Side boundary walls should preferably be stopped short of the street boundary (at least 3 metres) to enhance the streetscape.



- Walls should not exceed a height of 1785 mm.
- For the stands adjacent to the security fence/wall surrounding the Estate the following rule will be applicable for the side boundary walls:
  - The side boundary walls on these stands may under no circumstances be higher than the Estate's security wall/fence where the two walls join, for a distance of at least 2 (two) meters away from the Estate security wall.

### **7.7.3 Stands Fronting onto Open Areas (Parks)**

**Where stands front onto the open areas or parklands, the aesthetics of the interface is extremely important. In order to avoid the erection of unsightly solid walls along the edge of the open areas or neighbouring properties, the following Midfield HOA Rules will apply:**

- **Ideally the boundary between stands and open areas (parks) should be totally unfenced and only landscaped;**
- **If some form of boundary fencing is essential, then the use of an approved steel palisade will be permitted.**
- **The design of the palisade fence and boundary wall on the open areas must comply with the Midfield HOA specifications as shown on the attached details (drawings numbered “BW 1; BW 2; BW 3 and BW 4”); no deviations of this Midfield details are allowed.**
- **If solid walling is required to enhance the privacy of certain parts of the property on the open area (park) for example: to screen the swimming pool, such walling should not extend for more than 50% (fifty percent) of the boundary's length as a solid wall, the remaining 50% (fifty percent) must be palisade fencing.**
- **The plinths of the boundary walls with palisade fencing panels and the solid walls on the open areas (parks) must be plastered and painted in the prescribed colour. The colour code is listed below and a colour sample is on view at the Midfield HOA office.**
- **The paint colour to apply on the green area/open area boundary wall is: “PLASCON –Pebble Beach WAA 80”.**
- **The steel palisade fencing must be finished in 2 coats high gloss enamel paint in black on an epoxy undercoat.**
- **No semi-face brick or face brick boundary walls or plinths of palisade fencing are allowed to be built on any park or open areas; only plastered and painted finishes in the Midfield HOA approved colour is permitted.**

## **7.8 Sidewalks**

- 7.8.1 The landscaping of sidewalks is of paramount importance as they have a direct influence on the aesthetical quality of the town;
- 7.8.2 Every owner has a responsibility to the neighbourhood as a whole to landscape and maintain the area between the road surface and his/her boundary walls/stand boundary;
- 7.8.3 No building material or other refuse may be dumped on the sidewalks and all building rubble must be removed before an occupation certificate will be issued;
- 7.8.4 Trees planted on the sidewalk should conform to the Tree Planting Development Plan (if applicable). The Plan is available at the Estate Office and was specifically prepared to establish a uniform character in sections of the town;

## **7.9 Landscaping**

- 7.9.1 Existing trees must be preserved as far as possible and may not be removed without the consent of the AC. Building designs must, where possible, take existing trees into consideration.
- 7.9.2 Where existing trees are damaged or removed without prior consent from the AC, the owner will be obliged to replace the tree at his own cost.
- 7.9.3 All areas of the garden of Residential 1 units that are visible from the street (including sidewalks), must be landscaped before occupancy. A minimum requirement is that these areas be planted with instant lawn. Should the owner opt not to build boundary walls a landscape development plan must be submitted for approval.
- 7.9.4 The landscaping of garden areas of town house/sectional title developments that are visible from the street is the responsibility of the developer.
- 7.9.5 The planting of hedgerows is recommended and the planting of indigenous trees and shrubs is encouraged where possible;

## **7.10 Land use**

- 7.10.1 No owner/member may change the land use right for which his/her stand or dwelling unit has been zoned, whether by way of rezoning or by way of consent by the Local Authority or in any other way without the written approval of the MHOA;
- 7.10.2 No duet or similar sectional title structures will be allowed.
- 7.10.3 Granny flats will only be considered subject to the following conditions:
- ❑ The granny flat must be linked structurally and visually to the main dwelling and must seem to be one unit;
  - ❑ The granny flat must be in addition to the minimum dwelling size of 200 m<sup>2</sup> and may not exceed 60 m<sup>2</sup> in total;
  - ❑ No subdivision of the property will be allowed;
  - ❑ The owner must, in writing, undertake to the MHOA that the unit will never be sub-let to anybody for income purposes and in the event of the property being sold; the new owner must carry this undertaking.

## **7.11 Town planning controls**

The applications for township establishment will be known as Midstream Estate Extensions 15 and 18 to 20, the Estate will be known as Midfield Estate.

### **7.11.1 TITLE CONDITIONS TO BE REGISTERED AGAINST ALL RESIDENTIAL ERVEN:**

The following conditions will be registered against the title deed of a residential erf:

- (a) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes, 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- (b) No building or other structure shall be erected within the aforesaid servitude area and no large-rooted trees shall be planted within the area of such servitude or within 2m thereof.

- (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the 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 said 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.
- (d) The owner of each erf in the township shall become a member of the home owners' association upon the transfer of the erf.
- (e) No drilling of boreholes will be permitted for the abstraction of groundwater on the erf.
- (f) Only one dwelling shall be erected on the erf, provided that a "granny flat" as defined by the house rules of the home owners' association, may be erected on the erf with the consent of the home owners' association.

**7.11.2 CONDITIONS APPLICABLE AS STIPULATED IN THE HALFWAY HOUSE AND CLAYVILLE TOWN PLANNING SCHEME OF 1976:**

The following conditions apply:

**(a) RESIDENTIAL 1**

- (i) The erf shall be zoned "Residential 1" with a density of one dwelling per erf.
- (ii) Clause 23 of the Halfway House & Clayville Town Planning Scheme of 1976 does not apply.
- (iii) The height of buildings shall not exceed 2 storeys, provided that an additional storey may be allowed by the local authority upon evaluation of a building plan and with the written consent of the Home Owners' Association and adjoining land owners.
- (iv) The total coverage of buildings shall not exceed 50% of the area of the erf.
- (v) A street building line of 3,5 m shall apply, provided that such building line may be relaxed by the local authority upon evaluation of a building plan.
- (vi) A 2 m building line will apply along all other boundaries, provided that such building lines may be relaxed by the local authority upon evaluation of a building plan and written approval on a standard Ekurhuleni application form is obtained from the neighbour concerned.

**(b) RESIDENTIAL 2**

- (i) The erf shall be zoned "Residential 2" at a density as stipulated in the Annexure 125 Amendment Scheme applicable to the relevant erf.
- (ii) Clause 23 of the Halfway House & Clayville Town Planning Scheme of 1976 does not apply.
- (iii) The height of buildings shall not exceed 2 storeys.
- (iv) The total coverage of buildings shall not exceed 50% of the area of the erf, provided that the coverage may be increased by 10 % by the local authority upon evaluation of a building plan.
- (v) A site development plan must be submitted for consideration to the Local Authority before any building plans will be approved and before the rights are utilized.
- (vi) All indigenous trees must be indicated on the site development plan and may only be removed with the consent of the Local Authority.

- (vii) An engineer must be appointed prior to the submission of building plans and must provide a certificate accompanying the submission of building plans certifying that he has studied the relevant geotechnical report and that the necessary requirements in respect of construction, drainage of buildings on the site and the installation of wet services have been provided in order for the development to be, in as far as is possible, safe from a geological point of view. After completion of buildings such engineer must certify that all the measures have been complied with.
- (viii) A detailed plan or report in respect of all the building structures signed by a professional engineer must be submitted to the local authority together with any building plans, if required by the local authority.
- (ix) A certificate that is signed by a professional geological engineer to confirm that the buildings comply to the findings and recommendations of the geological report, must be submitted to the local authority together with any building plans, if required by the local authority.
- (x) A street building line of 3,5 m shall apply, provided that such building line may be relaxed by the local authority upon evaluation of a building plan. The street building line is not applicable to the internal road of the "Residential 2-development".
- (xi) Building lines along internal roads are subject to the approved Site Development Plan.
- (xii) A 2 m building line will apply along all other boundaries, provided that such building lines may be relaxed by the local authority upon evaluation of a building plan and written approval on a standard Ekurhuleni application form is obtained from the neighbour concerned.

**(c) Erven subject to special conditions:**

Certain erven in the township might be subject to:

- (i) Servitudes for municipal purposes (water and sewer), home owners' association purposes (storm water), Midstream Electrical Supplies (electricity), Eskom, Sasol Gas line, etc. The servitudes will be indicated on the General Plan and registered against the title deeds of the affected erven.
- (ii) Building lines along the Sasol Gas line or the proposed Provincial Roads – these building lines are described in the Section 125 amendment scheme.
- (iii) Lines of no access – described in the Section 125 amendment scheme.

**7.11.3 Confirmation of specific restriction**

The onus to determine specific restrictions for an erf rest with the owner and his/her architect/technologist.

**7.12 Compliance with the NHBRC**

**7.12.1 NHBRC**

Along with the promulgation of the Housing Consumer Protection Measures Act (Act 95 of '98) a regulatory body known as the National Home Builders Registration Council (NHBRC) was established.

From the end of 1999 it became compulsory for all homebuilders to register and for new homes to be enrolled with the NHBRC. An owner of a new home will have a 5-year Standard Home Builders' "warranty", provided the correct procedures are followed:

The NHBRC issued a "Home Building Manual" in February 1999 which sets out the requirements

to be met during the planning stage (Part 1 of the NHBRC manual), the design stage\_(Part 2) and the building stage (Part 3). Items addressed in the NHBRC Manual ranges from foundations to walls, trusses and roofs. (Note: A copy of the NHBRC Manual may be obtained from the NHBRC but is also available for scrutiny at the estate office)

It is important that the NHBRC requirements are met during the planning and design stage and that plans submitted to the AC reflect such requirements. The homeowner is also advised that enrolment with the NHBRC is a pre-requisite for the registration of a bond against a title deed. In order to enrol a housing unit a specified procedure must be followed which requires amongst others, that an engineer be appointed and an NHBRC registered contractor be used (a separate procedure describes the owner-builder option).

#### 7.12.2 Compliance of Township Services with NHBRC requirements.

Midfield Estate was developed in compliance with the NHBRC requirements and has been enrolled with the NHRBC. With the site being underlain by a wide variety of soil formations ranging from granites and alluvial deposits to syenite and dolomitic bedrock the geotechnical report prepared for townships establishment was also reviewed (and approved) by the NHBRC. A Services Risk Management Plan was also prepared to provide the following:

- ❑ A control facility with information on soil conditions (available at the Estate office);
- ❑ A monitoring system;
- ❑ An annual audit of services.

#### 7.12.3 Dry Foundations = Stable Foundations

Once foundations have been excavated to a level where acceptable support is found, (normally 600 to 750mm below ground level) the biggest threat for long-term stability lies in the drainage system in close proximity to the house - irrespective of the soil conditions founded upon.

The following is considered to be proper building practice for proper drainage of a housing unit:

- ❑ Proper storm water drainage away from the foundations. Care should be taken during the planning and design stage on maintaining a flow of rainwater away from the unit's foundations and around the buildings. Down pipes from the gutters must not concentrate rainwater next to foundations;
- ❑ As far as possible, the sewer plumbing must be installed more than 1,5m from the external edge of the foundations;
- ❑ All water pipes (including irrigation pipes) placed below surface must be non-corrosive and be connected with fittings that are not susceptible to corrosion. Pipes must be installed with sufficient cover to prevent damage due to garden work or loading from traffic. Water pressure in Midfield Estate may be as high as 9 Bar – the pipe class of pipes connected directly to the stand's municipal connection point (including irrigation pipes) must be able to withstand the pressure.
- ❑ Ensure that screen and boundary walls do not interrupt the normal drainage pattern by introducing drainage holes in the walls.

## 8. CONSTRUCTION

8.1 It is the owners' responsibility to see that contractors abide by the rules as laid down by the MHOA;

8.2 The responsibility lies with the owner and his/her architect to ensure that they are acquainted with the requirements of the Local Authority with regard to standard building regulations, drafting of building plans and the submission thereof.

**9. DISCRETION OF THE AC**

The Architectural and Aesthetical rules in this document will form the basis for the evaluation of plans. The evaluation process followed and resulting in approval/rejection of plans shall be at the sole discretion of the AC.

**10. CONFLICT**

Should a contradiction arise between the stipulations of these Rules and either the stipulations of the Articles of the Association or the House Rules, the Articles and then the House Rules will take priority and Members will be obliged to do all necessary to amend these Rules in order to bring them into agreement with the Articles/House Rules.

Issued in terms of the Memorandum and Articles of Association of the MIDFIELD ESTATE Home Owners Association		
Director	Date	