BRIGADOON

COUNTRY & LIFESTYLE

Brigadoon Home Owners Association

Reg No: 2002/009587/08

Architectural Guidelines & Regulations

PROFESSIONAL

BODY CORPORATE MANAGEMENT

Index

Architectural Guidelines and Regulations

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1. Introduction

These Rules ("the / these Rules"), including the Schedule of Transgressions & Penalties are made under the provisions of the Companies Act 71 of 2008, (the Act) as amended and the clauses of the Memorandum of Incorporation ("MOI") pertaining to Rules.

Living in the Estate means being part of a community where conduct is managed through a set of accepted and reasonable Rules. These Rules promote a secure and high-quality lifestyle for residents in the Estate, and reasonably ensure a harmonious living environment without interfering with one another's enjoyment thereof and that is to the benefit of all.

The Rules are deemed to be reasonable, binding and equally applicable to all Members without any form of discrimination. The Rules are considered to be neither restrictive, nor punitive, but are rather seen as a judicious framework to safeguard and promote appropriate and fair interaction to the benefit of all.

Any act of commission or omission is deemed a transgression of the MOI or Rules whether indicated as a transgression and / or carrying a penalty will be subject to the imposition of a penalty or other appropriate sanction at the discretion of Brigadoon Homeowners Association NPC (Brigadoon), or hereinafter referred as "the Association" as defined in the MOI.

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2. Definitions

Architect: Refers to the person appointed by the Homeowner to design the Homeowner's improvements, including their partners, directors, or associates.

Architectural Plans: Means the set of plans prepared by the Architect for constructing improvements on the Homeowner's property.

Architectural Sub-Committee: Means the committee appointed by the Directors to oversee the implementation of the Architectural Guideline.

Association: Refers to the Brigadoon Homeowners' Association.

Brigadoon: Stands 1-150 of the proclaimed Wigwam Township.

Building Contractor/Contractor: A building contractor employed by a Homeowner for constructing improvements.

Building Contractors' Fees: Refers to fees payable by the Building Contractor to the Association for authorization to make improvements on the Estate, subject to change as outlined in the Association's Building Rules and Regulations.

Building Project: The entire process of making improvements on a property and all related activities on the property.

Chairperson: The chairperson of the Directors as defined in the Memorandum of Incorporation.

Common Property/Common Areas: Common Areas shall include the Common Property referred to in the MOI and common areas as defined by the Conduct Rules.

Completion Certificate: Issued by the Association when all improvements on the unit are completed, all fees are paid, and the Association is satisfied with the Building Project's completion.

Controlling Architect: An architect appointed by the Association to ensure all improvements comply with these Rules.

Director: A person elected by the owners, to manage and administer the scheme's affairs, including common property maintenance, financial management and enforcing rules.

Estate/Neighbourhood: Refers to the residential development known as Brigadoon, located in Rustenburg, South Africa.

Employees: Includes any employee or contractor (including Building Contractors and their employees and sub-contractors) employed or appointed by Homeowners, Residents, or businesses within the Estate.

Electronic Funds Transfer (EFT): A direct electronic bank transfer into a designated account, with proof to be emailed to the recipient.

Erf: Refers to a plot within the Estate, excluding Common Areas. 'Erven' will have a corresponding meaning.

Erf Number: The number used by the Surveyor General to identify an Erf.

Estate: Refers to the Brigadoon including any extensions, amendments, and subdivisions approved by the Rustenburg Local Municipality from time to time.

Fines: Penalties issued in writing for violations of the Rules at the discretion of the Directors.

"Footprint"-area: As seen on plan, all areas with a roof over and / or enclosed with a wall higher than 1.2 meter.

Guide: The Architectural Guideline prepared for Brigadoon, including any amendments made from time to time.

Homeowner/Owner: The registered owner of an Erf (or a portion of an Erf).

Homeowners Association: Members of Biz Africa 1710 T/A Brigadoon Homeowners Association (Registration Number: 2002/009587/08) (HOA).

House: Means the residential dwelling constructed or to be constructed on an Erf in accordance with the Guide.

Improvements: Any structure or work done on an erf, including landscaping, additional installations, or alterations.

Invitees: Includes employees, servants, workers, contractors, agents, service providers, visitors, guests, or any other invitees of owners or occupiers.

Local Authority: The local governing body with jurisdiction over the Estate, currently the Rustenburg Municipality.

Manager: The person appointed by the Association to manage the Estate or their appointed subordinates.

Member: Every registered Owner of an Erf, who is jointly and severally liable for obligations under the Memorandum of Incorporation.

Occupier: A person occupying a house, irrespective whether the person is an owner, tenant or invitee.

Owner: The registered owner of an Erf within the Estate.

Purchaser: Any person or entity entering into a Deed of Sale to buy an Erf in the Estate.

Resident: Any person living in the Estate, including owners, their families, guests, and tenants.

Security Manager: The person appointed by the security company to oversee security operations in the Estate.

Security: Individuals employed by the Association or a recognized security company to perform security functions in the Estate.

Tenant: Means a person leasing an Erf or a House from the Owner thereof.

These Rules: Refers to the Architectural Guidelines of the Association.

Unit: A house on an Erf within the Estate.

Vehicle: Any form of conveyance, whether self-propelled or drawn by machine, animal, or otherwise.

Visitor: Any person entering the Estate who is not a Member, Employee, or Owner.

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3. Town-Planning Controls

3.1 Local Authority Requirements

- These guidelines and standards are subordinate and supplementary to Local Authority requirements regarding land use controls, and all buildings are subject to building plan approval by the Rustenburg Local Municipality. However, all Homeowners as members of the Brigadoon Homeowners Association are bound to submit Building Plans to the HOA for evaluation and approval before submission to the Municipality.

3.2 Land Use Rights

- The zoning of properties in the Estate are Residential 1 (one), with a density of 1 (one) dwelling per erf.

3.3 Maximum Coverage

- The maximum building coverage is 60% of the site including covered patios, outbuildings, garages, carports and covered balconies, but excluding open patios, pools, etc. This is measured to the external face of the outside walls, but excludes overhang of roofs up to 1 (one) meter.

3.4 Height

- The maximum height of buildings is restricted to two storeys (10 (ten) meters), excluding chimneys, or ornamental towers.

3.5 Street Building Lines

- The street building line is restricted to 3 (three) meters.

3.6 Building Restriction Areas

- Privacy of neighbours must at all times be taken into account. Rear and side boundaries have a 2 (two) meter restriction.

3.7 Staff Quarters

- Staff accommodation is allowed. Staff accommodation that does not meet the minimum acceptable requirements for a habitable space in accordance with the National Building Regulations will not be accepted. Temporary structures for the purpose of staff quarters or any form of habitation will not be allowed.

3.8 Rain- and Storm Water Management

- When it is impractical for storm water to be drained from a higher-lying erf direct to a street, the owner of a lower-lying erf is obliged to accept and permit the passage of such storm water over the low-lying erf to the closest road storm water system.

- Owners of the neighbouring properties must negotiate a suitable solution such as drainage, holes, pipelines, canals, furrows or any other measures to safely accommodate such water and good neighbourliness is encouraged. The management of storm water between neighbouring properties is a private legal issue between the parties involved. Neighbouring parties are therefore obliged to obtain their own legal assistance to resolve the matter should there be a dispute.

3.9 Geotechnical Report

- The HOA may request the owner to submit a study of the ground conditions and their suitability for construction of building works, conducted in accordance with the National Home Builders Registration Council's (NHBRC) requirements to ensure project safety and structural integrity.

3.10 Infrastructure

- Electrical sub-stations and meter boxes must at all times be accessible to Municipal officials and owners are responsible to clear vegetation at least 700 mm from access doors or cooling grids.

- No pot plants, soil or any other objects may be placed over manholes.

- Streetlights are the property of the HOA and no work is allowed without the approval of the HOA.

4. General Architectural Rules

4.1 Approval by Architectural Sub-Committee

- All building plans should be in accordance with the Architectural Rules applicable to the Estate, and must be approved by the Architectural Sub Committee as appointed by the HOA.

- This requirement is also applicable to any additions and alterations to existing structures and dwellings, such as carports.

4.2 No subdivision

- No subdivision or rezoning shall be permitted without the prior written consent of the HOA and all statutory approvals.

Building Period

- Maximum Building Period will be twelve (12) months from start of construction until occupancy unless extended by written approval of the Directors. The Owner must obtain written approval from the HOA if the period may be exceeded, failing which, the owner will be subjected to a fine.

4.3 Consolidation

- Stands may be consolidated, with the written permission of the Directors, in which case the Owner will be liable for all costs related to the consolidation. Consolidation of erven shall not automatically reduce the number of levy contributions payable unless otherwise determined by the Association

4.4 Exterior Lightning

- Any exterior lighting should not unreasonably disturb the residents of other stands and must enhance the Estate's atmosphere.

4.5 Pre-Cast Concrete Walls

- No pre-cast concrete walls (fencing) will be permitted.

4.6 Boundary walls

- All boundary walls that are plastered will be plastered on both sides and no unpainted raw cement, grey plaster, will be permitted.

- The walls to be painted in earthy colours to match or blend with the landscape, Approved colours are: Chalk Stone, Brilliant White, Soft Stone, Whisper Grey, La Casa, Beige Sand, Stoneware, Karoo Land, Nightingale Grey, Pheasant Feather, Bushveld, Leopard Lair, Castlewood Canyon, Valerian Clay, Cinnamon Dove, Berg Cloud, Veld Storm and Grey Wind, Stone Horizon, Sheer Cliff, Pebble Stretch, Dark Shore. Products available from Dulux.

- Any variation thereof requires prior approval by the Architectural sub-committee.

4.7 Razor Wire

- No razor wire or any other fencing material may be used. No security spikes or similar features may be used.

4.8 Wendy Houses, Toolsheds

- No Wendy houses, tool sheds or temporary houses shall be permitted.

4.9 Paving

- No half-brick, imprint, tar or loose stone (gravel) paving will be allowed for vehicle access.
- Painting of paving is discouraged and should be pre-approved by the HOA.
- Samples of proposed paving shall be submitted to the HOA for evaluation.

4.10 Courtyards and Similar Areas

- Washing lines may not be visible from the street or any common areas.
- All refuse storage areas that include refuse bins, garden bins / drums, recycle bins and similar containers must be fully concealed on the property.
- No refuse bins, garden bins / drums and recycle bins may be permanently stored on the road reserve (verge /pavement area).
- Dog kennels shall be screened within walled courtyards or service yards and may not be visible from any street.

4.11 Windows

- Window appearances from outside must be aesthetically pleasing.
- Reflective, coloured or heavily tinted glazing of film will not be allowed.
- Window frames must be constructed from natural hardwood (painted or treated), powder coated steel, aluminium or PVC (SABS approved).
- No steel window frames are allowed.
- Small bathroom windows must as far as possible not be visible from any street.
- The glass of bathroom windows must be frosted, textured etc. to at least conceal 75% of visibility.
- No external burglar bars are allowed.
- The design of burglar bars must be integrated within the window and have simple understated lines, no decorative designs are allowed.
- No decorative window designs, by means of tinting, sandblasting or vinyl stickers are allowed.

4.12 Signage

- No signage advertising for any business shall be displayed anywhere in the Estate.
- No bright coloured, lit up or neon signage, or any signage which is not in keeping with the style or character of the Estate will be allowed.
- The painting of house numbers on walls is not allowed.
- Only street numbers and names may be displayed in letters.

4.13 Balustrades

- Balustrades shall conform to the National Building Regulations.
- External balustrade designs shall be simple, discreet and elegant. No ostentatious designs will be allowed.
- Preferred materials to be stainless steel, steel (powder coated or painted and rust-free), glass and treated timber.

4.14 Gutters and Down Pipes

- Seamless aluminium or chromadeck gutters and downpipes are recommended.
- Gutters, down pipes and facia boards to be painted in a colour that compliments the roof and wall colours of the house. Bright and contrasting colours shall not be permitted.

4.15 Awnings, pergolas, stretch tents and louvre decks

- Permanent or movable awnings may be fitted when it forms an integrated part of the architecture and style of the house.
- Awnings containing cloth and stretch tents shall not be visible from any street or any public area and shall be of a single colour that compliments the existing paint colour and style of the house.
- The following awnings and materials will not be allowed:
    - Shade cloth in any colour.
    - Scalloped or tassel ends to awnings.
    - Printed or branded awnings.
    - Bright coloured awnings.
- Louvre decks are only allowed with HOA approval and when the support frame is not visible and hidden with architectural features that form part of the dwelling.
- Prior approval is needed for pergola structures and may not be mounted against any boundary walls.
- No thatched lapas is allowed.

4.16 Swimming Pools, Ponds and Water Features

- Building plans shall be submitted for approval for all swimming pools, including pre-fabricated loose standing pools.
- Pools and pool enclosures shall comply with safety rules of the National Building Regulations and all Municipal by-laws shall apply and will comply with South African National Standard (SANS) **10134** and **10400** requirements.
- Owners and residents are required to ensure that children are supervised at all times and that pools are properly secured.
- The responsibility for preventing accidental drowning rests with the property owner/resident who must ensure that all safety measures are in place and maintained in line with the National Building Regulations.
- All swimming pools within the Estate must be used responsibly and in accordance with safety standards based on SANS 10134.
- Water (backwash or waste-water) from swimming pools shall not be drained onto any neighbouring property.
- Any pumps, filters, heating devices and plumbing shall be located within the property boundaries and screened in such a manner that it is not visible or audible outside the property.
- No loose standing, pre-fabricated swimming pools shall be visible from any streets and public areas.

4.17 Play Structures

- Play structures, soccer nets, cricket nets or golf practising nets may not be visible from outside of the erf, without the approval of the Architectural Sub-Committee. A plan indicating the location, material and measurements (height, size) of the structure will be required.
- Play structures shall not be within the building restriction areas and the privacy and impact on neighbouring properties shall be taken into consideration.
- No over-looking into neighbouring properties from the play structure will be allowed; neither shall the view of neighbouring properties be compromised.
- The play structure shall not exceed the height of the nearest boundary walls.
- Doll houses must be raised to 1 m from ground level and may not be used for other purposes.

4.18 Other

- Privacy of neighbours must at all times be taken into account.
- Overly decorative and garish styles are to be avoided.
- Any outdoor elements such as benches, sculptures, decorative garden elements, pots shall conform to the general character of the Estate.

- Prior permission must be obtained for the erection of statues visible from the streets.

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5. Utilities and Other Installations

5.1 Solar Panels and Solar Geysers

- Solar panels on pitched roofs shall be mounted flush with the roof surface and all piping shall be concealed.
- When solar panels are installed on hipped roofs, the visible solar panel surface area shall be placed harmoniously.
- No reflection(s) from the solar panels shall be allowed, product material shall be of such a nature that reflection into neighbouring and surrounding properties is prevented.
- It is recommended that an engineer be appointed to ensure that the roof design can bear the additional weight of the solar panels.
- Solar canopies that hold solar panels that can be used for awnings, roof over patios, verandas, carport etc. will be subject to aesthetical approval.
- Solar panels and geysers on flat roofs shall be installed in such a manner that the mounting, geyser and associated plumbing are enclosed and concealed. Such enclosure shall complement the dwelling in materials, style and colour.
- Solar geysers shall be separate from solar panels and all tanks related to solar geysers to be placed inside the roof.
- Visible netting over solar panels is not permitted.
- Where additional frames or any supporting structures forms part of the installation, an engineer shall certify such structure.

5.2 Television satellite dishes

- Domestic television satellite dishes and aerials shall be mounted in the least conspicuous, practical position on the dwelling. Satellite dishes shall be maintained (cleaned and painted).
- International satellite dishes and aerials shall not be visible from outside the property.

5.3 Air Conditioners

- Air conditioning units shall be installed in such a manner that condenser units and pipes are not visible from any streets or be unsightly for neighbouring properties. The pipes shall preferably be concealed within walls or service shafts. Trunking of pipes is discouraged.
- Air conditioning units must not be audible from outside the property.

5.4 Water Tanks

- When water tanks are installed above ground a concrete slab shall be constructed beneath the tank.
- When water tanks for rain harvesting are installed such tanks shall be screened from the street views or placed within a structure that forms part of the architecture, design and style of the house.
- All related equipment shall be concealed in an appropriate manner.
- Tanks to be beige or grey / charcoal of colour or preferably painted in the same colour as the house, if appropriate.
- All heat pump systems to be placed on ground level and screened off. Not more than 2 water tanks will be allowed per property.

5.5 Generators

- Residents are urged to consider alternative energy supply options such as solar systems which are environmentally sustainable and a clean source of energy. The use of generators is undesirable and should be eliminated in time.
- A residential silencer must be fitted to all generators. The generator must be housed in an acoustic enclosure to reduce the noise level to 75 dBA so that it does not create a nuisance for neighbours and other residents.
- The placement of the generator must be of such a nature that it does not create an unsightly image or any inconvenience to your neighbours. It must be visibly screened.
- No generators will be allowed to operate between 22H00 and 05H00.
- Generators shall not be visible from any streets.

5.6 Gas installations

- Gas installations to be screened in a lockable, fenced enclosure.
- Installation to be undertaken by an accredited Gas Installation Technician, and a certificate of compliance to be issued to the owner.

5.7 Waste and Soil Pipes

- All plumbing pipes, electrical conduits and surface wiring shall be concealed within walls, bricked in and made flush against the external wall or concealed in ducts (service shafts).
- Access panels, only at the junction, can be approximately 300 x 300 in size and painted to match the house.

6. Building Plan Process, Approval and Construction

6.1 General Notes: Submission of Plans to HOA

- Adherence to the process for the approval of plans and control of building work is crucial to the maintenance of the aesthetic character and the safe environment of the Estate.
- Only persons registered with the South African Council for the Architectural Profession (SACAP) will be allowed to submit drawings for review.
- The HOA may, at its absolute discretion, grant a waiver of any of the provisions of these guidelines, but any such waiver shall not constitute a precedent.
- All building improvements shall take into account the aesthetic character, style and materials of the existing dwelling.
- The HOA recommends that the Owner who intends such alterations, to confer with all the affected neighbours and indicate the intentions and duration of the project.
- Any encroachments to the building lines, coverage, privacy or heights as determined by the Town Planning Control mentioned herein, shall require the consent from the owners of all affected properties. Such consent shall be in writing.
- In all cases, plans should be submitted to the HOA for approval before submitting it to the Rustenburg Local Municipality.
- No advice of discussions with the Directors or any other employee of the HOA can be considered to be an approval of the discussed subject.
- A set fee will be charged on submission of plans. Plan fees are revised on an annual basis by the Board of Directors.
- Once approval has been obtained from both the HOA and the Rustenburg Local Municipality, building construction may commence in accordance with the Architectural & Building Guidelines.
- The owner will accept responsibility to see to the fact that the building is completed according to the approved plans.
- Any construction done prior to the approval in writing, will be deemed as unauthorised.
- Any owner who commenced with construction building work prior to the approval of the plans and issuance of the commencement certificate will be penalised in accordance with the schedule of fines.

7. Approval of Plans

7.1 No building may be erected or altered without the written approval of the Architectural Sub Committee as appointed by the HOA. This does not apply to internal amendments to existing buildings.

7.2 The applicant to submit a written request with the architectural design/drawings to the office of the Estate Manager.

7.3 Plans submitted must reflect the correct property description, name, addresses and contact numbers of the Owner and Architect.

7.4 The Sketch Plans and Site Development Plan (Pre Approval), submitted to the Architectural Committee, must have sufficient detail for the Committee to understand the overall and detailed concepts of the proposed new Building or alternation.

7.5 Only SACAP registered professionals may submit drawings which fall within their prescribed area of work as per the SACAP Identification of Work. Proof of registration must accompany all drawings submitted to the consultant architects for approval.

7.6 The architectural drawing/design will then be submitted to the consultant architect for comments.

7.7 A scrutiny fee due by the owner to the architect will be payable on the submission of drawings. The fee shall be in accordance with the latest Institute of Architects' hourly tariff.

7.8 Once finalised, the consultant architect will forward the plans back to the office of the Estate Manager for approval by the HOA. Once approved, the plans will be stamped with the HOA's stamp of approval.

7.9 The approved plans/drawings must be submitted to the Local Authority for approval (Rustenburg Local Municipality). All drawings must carry the stamp of approval of the HOA on submission to the Municipality. The Local Authority will not scrutinise or approve any plans for buildings in the Estate, without the HOA's approved stamp on it.

7.10 Sketch Plans

The Sketch plans must give details of at least the following:

- Site Plan.
- Dimensions & size of stand.
- Contours.
- North point.
- Existing services.
- Existing natural features.
- Position and extent of the "footprint"-area.
- Position of all trees with girth exceeding 100mm, within the "footprint"-area.

- Position of existing buildings and elevation on adjacent stands.
- Position of proposed new house.
- Position of entrance to stand and the route of the “driveway”.
- Position of proposed sewer lines.
- All boundary walls must be shown. Please clearly show new and existing walls.
- Position of proposed splash pool and / or entertainment area (if applicable).
- Total area of proposed buildings.
- Floor plans of each floor.
- Description and sizes of all rooms.
- One typical section through the main house, outbuildings and any freestanding structures with dimensions.
- All four elevations of all structures.
- All materials on exterior to be identified.

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8. Final approval of Council / Working Drawings

8.1 Once the Local Authority has approved the working drawings, the Owner must submit a scanned copy thereof to the Architectural committee via email.

8.2 No building activities will be allowed without a Local Authority approved plan in the possession of the Architectural sub-committee.

8.3 All contractors are obliged to sign a copy of the Code of Conduct prior to any work commencing on site.

8.4 The Architectural sub-committee will consider each application on merit for the sitting of buildings on lateral boundaries. The extent to which a building may be located at boundary, the position thereof, ridge position, etc. shall be at the sole discretion of the Architectural sub-committee.

Prior development of adjacent stands must be considered. The decision of the Architectural sub-committee shall be final subject to any appeal procedure contained in the Conduct Rules or MOI

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9. Architectural Guidelines

9.1 To ensure that the development has the least possible impact on the natural beauty of the Estate, and that conflicting styles of architecture do not clash with one another to the detriment of the environment as a whole and the investment value of the rest of the Estate. The HOA has adopted an architectural concept to establish and maintain a

character for the project. The implementation and maintenance of an upmarket architectural character is paramount to maintain the value of the estate.

9.2 The decision as to what is considered acceptable within the framework of the architectural concept is delegated to the Architectural sub-committee.

9.3 Sardinian, Spanish, Pseudo-Tudor and any other styles of architecture will not be considered. Only buildings designed within the framework of the architectural style will be accepted by the Architectural sub-committee.

9.4 The design criteria set out herein are in addition to the Municipal Building Regulations. The Directors reserve the right to alter or amend the design manual, as they may consider necessary to retain the architectural style and integrity of Brigadoon. It is first and foremost architecture for life out of doors and as such is most appropriate for the existing environment of Brigadoon.

9.5 The Architectural sub-committee reserves the right to request such changes in design that may be needed in their opinion to preserve the style of architecture. The internal design and character of the homes is not restricted.

9.6 The minimum construction area for a dwelling is 280m2.

9.7 The “footprint”-area:

- The “footprint”-area will be an area of max 60% of the size of the stand, to be used for development on any stand.
- No development of any nature will be allowed outside of the “footprint”-area – except the “driveway” towards the house.
- The whole area of the stand outside of the “footprint”-area will be left in a natural/landscaped state.
- This “footprint”-area must be shown very clearly on the Site Development Plan and the Architectural sub-committee reserves the right to amend the proposed “footprint”-area.

9.8 Garden fences and / or walls are strictly limited to 50% of the perimeter of the stand and must compliment the basic materials and design of the building.

9.9 It is important that street elevation avoids the suburban residential image, and greater emphasis should be given to retaining the natural character of Brigadoon, maintaining views and eliminating all fencing.

9.10 Site Clearing and Planting:

- All species of invasive vegetation are to be eradicated by the property owner.
- No trees having a diameter greater than 100mm, or designated to be preserved will be permitted to be removed without the written consent of the HOA.
- Any such trees, which are removed from an erf without authority, must be replaced with the same specimen at the owner’s cost.

9.11 Building Form:

- Height – no building shall exceed two storeys in height above the ground at any point, except in so much as one floor of attic rooms may be constructed within the roof slopes (the area of these upper storeys shall not exceed 50% of the actual built area of the ground floor.

- The maximum height of any building shall be 10 meters from the natural ground.

9.12 Plan Form:

- Plan forms must be rectangular, or composed of rectangular or square forms.

9.13 No elevation of the ground floor of any building (above the ground) on columns, and piers, walls or such like will be permitted.

9.14 Windows and balconies should not overlook the living areas of the surrounding neighbours.

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10. Construction Materials

10.1 Roofs:

- Pitch: All roofs shall be pitched. The pitch shall be more than 25 degrees, except for verandas, which may be less. Garages must have pitched roofs, with angles the same as the main building.

- Colour: Roofs shall be approved green colour. Roofs shall be covered with green fibre cement slates as manufactured by Everite, concrete slate or double Roman tiles. Corrugated sheet iron or aluminium painted or pre-finished green to the prescribed colours green or other approved green roofing materials. Only the traditional profile of corrugated iron will be accepted.

10.2 External walls of dwelling:

- Face / semi face brick maintenance free or smooth plaster and paint shall be permitted.

- The plastered walls to be painted in earthy colours/tones to match or blend with the landscape. Approved colours are: Chalk Stone, Brilliant White, Soft Stone, Whisper Grey, La Casa, Beige Sand, Stoneware, Karoo Land, Nightingale Grey, Pheasant Feather, Bushveld, Leopard Lair, Castlewood Canyon, Valerian Clay, Cinnamon Dove, Berg Cloud, Veld Storm and Grey Wind, Stone Horizon, Sheer Cliff, Pebble Stretch, Dark Shore. Products available from Dulux.

- Any variation thereof requires prior approval by the Architectural sub-committee.

10.3 Site Walls and Fences:

- No prefabricated walling systems, “Vibracrete”, unplastered blocks, barbed wire, or corrugated steel sheets, metal walls or fences will be permitted.

- “Thesen” pole fences may be used.

- Sites facing onto common areas or stream fronts and into the internal public open spaces shall not be walled or enclosed higher than 1 200 mm for the entire area from the front corners of the building façade to the boundary.

10.4 No street boundary shall be walled for a length greater than 7m or 50% on the erf width. This includes any garage that may be on this front. Any other walling on the street front in excess of this amount shall be set back 2m from the street boundary.

10.5 Where sites have more than one street boundary, each application will be considered individually, with the Architectural sub-committee reserving the right to limit the extent of walls or to impose planting setbacks so as to maintain the open style and character of Brigadoon.

10.6 Fenestration and Doors:

- Windows materials and colours to be clearly indicated on plans for consideration.

- Steel frames are not permitted.

10.7 Garage Doors: Size and materials of garage doors must be clearly specified on the plans.

10.8 External burglar bars will not be permitted.

10.9 Boarded or louvered timber shutters are recommended. Shutters to be painted white or natural colours.

10.10 Temporary Structures: Vegetable tunnels, shacks and plastic covered structures are not permitted.

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11. Conditions regarding Building Contractor Activity

11.1 Once the Estate Manager has obtained a copy of the municipal approved plans, an application for a gate permit (form) will be forwarded to the owner to complete.

11.2 For building works inside a unit, the owner must submit a written request to obtain a permit before bringing any building materials onto the estate.

11.3 The completed form to be forwarded to the office of the Estate Manager, on receival thereof, a gate permit will be issued to the owner. NO PERMIT, NO ACCESS.

11.4 Access for residents with building material and/or contractors is strictly controlled at the contractor's gate. NO vehicle with building material may enter through the main entrance gate.

11.5 Gate permits to be arranged at least 2 (two) business days in advance.

11.6 Building activities should be conducted with the minimum inconvenience and disruption to residents.

11.7 The HOA has the right to suspend any building activity in contravention with any of the Architectural Guidelines.

11.8 Construction may only commence once the property has been screened off on all sides with shade cloth. Costs to be carried by the builder/owner. If the property is not screened, the HOA can prohibit such a contractor from entering the Estate.

11.9 No construction may commence unless the water connection as well as electrical meter (or approval of application of electrical meters by Local Municipality) have been installed on site.

11.10 A site toilet must be installed in a position as approved by the HOA. The entrance of the toilet must be screened off.

11.11 Contractor activity is limited to the following hours:

Weekdays	:	07:00 to 17:00
Saturdays	:	07:00 to 13:00
Sundays and Public Holidays	:	No activities

No activities between 15 December and 10 January, unless prior approval has been granted.

11.12 Contractor personnel are not allowed to remain on any site between the hours of 17:00 to 07:00 daily.

11.13 Contractors' workers will not be allowed to roam the streets of the Estate.

11.14 Contractors' workers must enter the Estate in an approved and registered vehicle, as per the gate permit issued when building works are approved. The driver of the vehicle and the contractors to be registered on facial recognition to obtain access.

11.15 The contractor shall provide facilities for rubbish disposal within the screened off construction site and he shall ensure that the workers use the facility provided. The containers will be removed weekly. Rubbish disposal should under no circumstances be burnt or disposed of on adjacent stands or on verge/pavement areas.

11.16 Building material will not be allowed on the verge/pavement areas – it will be delivered onto the screened off construction site. Use of vacant stands will only be allowed with written permission from the HOA.

11.17 The contractor shall remove sand or rubble washed onto the road during building operations.

11.18 The owner will be responsible for damage to curbs or plants on the verge/pavement areas or roads, or damage to estate property.

11.19 Excavated material shall be stockpiled only within the boundaries of the screened off construction site and shall not be dumped or stockpiled on the verge/pavement areas or adjacent stands. In addition, it shall not be placed within 1 (one) metre of any cable, water, or sewerage trench.

11.20 Only approved contractors and / or contractors' employees who are in possession of a legitimate Identification document will be allowed access to the Estate.

11.21 The HOA shall be entitled to levy fines against owners with regards to any contravention of the Architectural Guidelines and Rules.

11.22 All contractors shall sign the CONTRACTORS CODE OF CONDUCT applicable to the Estate.

11.23 All contractors shall register their workers/employees.

11.24 All contractors must keep the building site in a neat and tidy condition to the satisfaction of the HOA, failing which will result in the imposition of a fine.

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12. Building Deposit

12.1 No work is to commence unless the building deposit of R15,000.00 is in place and paid into the banking account of Brigadoon HOA.

12.2 Of the building deposit total amount, R8,000.00 minus deductions for damages and / or penalties is refundable on completion of the building project. The balance constitutes a non-refundable administration, inspection and plan scrutiny contribution.

12.3 Once building works have been completed, the consultant architect will do an as-built confirmation and compliance inspection.

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13. Penalties and Enforcement

13.1 Failure to Comply with Architectural Guidelines

- Breach of Rules: if an owner, his contractors or his employees causes a nuisance or fails to comply with any Architectural Guidelines or provision of the Memorandum of Incorporation, the Directors may impose a fine or take other actions as provided.

13.2 Enforcement Action

The Directors may pursue legal remedies, including:

- Instituting legal proceedings in a competent court.
- If the conduct of an owner or contractor or its employee constitutes a nuisance in the opinion of the Directors, or a contravention of a provision of these Rules, the Directors may, without prejudice of the other rights or remedies available in terms of these Rules:
    - By written notice inform the Owner of the nuisance or contravention and warn the Owner that if he, or the Contractor fails to remedy the contravention and / or if he of they persist in such conduct or contravention, a penalty will be imposed on the Owner of the Erf; and
    - If notwithstanding the 7 days' written notice given by the Director, the Owner or the contractor fails to remedy the contravention or persist in the conduct or contravention, or if the conduct or contravention is repeated. By written notice, a penalty will be imposed on the Owner as stipulated in the Rules.

- The Directors shall from time to time determine the categories of contraventions and the amounts of the penalties in respect of the various contraventions and in respect of the first and successive contraventions, subject to any directions given or restrictions imposed by the members on the Directors at the general meeting.

13.3 Investigation and Imposition of Fines

- An owner may, within 30 (thirty) days of the date of the written notice, submit an objection, with a motivation, against the penalty imposed, to the Directors
- Upon receipt of the objection, the Directors may:
  - Withdraw or reduce the penalty; or
  - Schedule a Directors' meeting (hearing) for the purpose of considering the objection and invite the owner to attend the meeting, and/or to be represented at the meeting.
- At the Directors meeting (hearing) referred to above, the owner and/or his representative shall have the right to:
  - Present his case;
  - Present any evidence, including the calling of witnesses, to substantiate his case;
  - Cross-examine any person called as witness in support of the charge;
  - Have access to documents produced in evidence; and
  - Produce mitigating factors.
- The failure of the owner charged or his representative to attend the Directors' meeting shall not render the proceedings at the meeting void. Should the owner or his representative not attend the Directors' meeting without providing a reasonable request for postponement, the Directors may, in their sole discretion, continue with the Directors' meeting and consider the objection in the absence of the owner.
- Upon the conclusion of the Directors' meeting, the Directors shall deliberate the evidence and, if so resolved, they may:
  - Uphold the penalty; or
  - Withdraw or reduce the penalty.

13.4 Warnings and Issuance of Penalties

- Warning and Penalties will be issued according to the Transgression Chart attached hereto. Fines must be paid into the Association's account within 30 days of issuance.
- Members who believe a fine is unjust may appeal in writing to the Directors; however, payment of the fine must still be made while the appeal is being reviewed.

13.5 Compensation for Damages, Legal Costs, and Other Expenses

- Liability for Damages: In addition to fines, Members may be held liable for compensation for any damages caused due to breaches of the Architectural Guidelines.
- Legal Costs: Members or residents found in breach of the rules may also be required to cover any legal costs (on an attorney-and-own-client basis) incurred by the HOA in enforcing the rules or pursuing legal action.

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14. Penalties and Enforcement

This Schedule is a guideline, amended from time to time, with additions and deletions as deemed necessary by the Directors.

TRANSGRESSION CHART: FINES			
DESCRIPTION	**1ST OFFENCE**	**2nd OFFENCE**	**3RD OFFENCE ONWARDS**
CONTRACTORS			
Contractors working outside permitted times.	R1,000.00	R2,000.00	R3,000.00
Contractor workers leaving their specified building site on foot not transported to and from the building sites by a contractor vehicle.	R500.00	R750.00	R1,000.00
No screening off/toilet/skip; materials on verge/pavement areas	R1,000.00 per week	R1,000.00 per week	R1,000.00 per week
Contractors not keeping their sites clean, tidy.	Written warning (48 hours to comply)	R2,000.00 per week	R3,000.00 per week
Fires lit on building sites by contractors and / or their employees.	R1,000.00	R2,000.00	R3,000.00

Workers roaming in the Estate	R200/person	
OHS/safety non-compliance	R2,000.00 + suspension	
BUILDING WORKS		
Non-compliance with building and architectural guidelines	R3,000.00 per month from 1 – 2 R5,000.00 per month from month 3 onwards	
Exceeding allowed timeframe of 12 months from date of commencing of building works	Monthly penalty equal to monthly levy amount until building works are completed.	
Building without approved plans / deviating from approved plans.	R5,000.00 per incident and the Contractor risk of being banned on the Estate. R10,000.00 for any other incident and the risk of being banned on the Estate.	
Generator screening in contravention with the Rules.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 offence and thereafter
Any contravention of the regulations regarding the **Town Planning Controls** referred to in **Clause 3**.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter
Any contravention of the regulations regarding the **General Architectural Rules** referred to in **Clause 4**.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter
Any contravention of the regulations regarding the **Utilities and Other Installations** referred to in **Clause 5**.	Written warning	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter

	(7 days to comply)	
Any contravention of the regulations regarding the **Building Plans Process** referred to in **Clause 6**.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter
Any contravention in terms of the regulations regarding the **Architectural Guidelines** referred to in **Clause 9**.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter
Any contravention in terms of the regulations regarding the use of **Construction Materials** referred to in **Clause 10**.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter
Any contravention in terms of the regulations regarding the conditions regarding **Building Contractor Activity** in **Clause 11**.	Written warning (7 days to comply)	R1,000.00 2nd offence R1,500.00 3rd offence and thereafter
Illegal water and electrical connections.	R10,000.00 and reported incident to the Rustenburg Local Municipality for legal action	

Annexure A

Application for contractor's gate permit: Brigadoon Estate

Stand Number		
Name of Resident		
Delivery		**Building material**
		Other
If other, please specify:		
Date of project:	**Begin:**	**End:**
Company used:		
Registration nr of vehicle to be used:		
Any specifications		
Name and surname of owner:		
Signed by owner:		
Approval from HOA:		