

CODE OF CONDUCT FOR MONTECELLO

Introduction

The most effective of all codes of conduct is the time-worn phrase: "do as you would have others do unto you". If everybody living at Montecello will show the same due care and consideration for their fellow residents which they themselves expect then there will be no need for the application of the rules or the issuing of warnings or fines.

Harmonious community living can only be achieved when residents use and enjoy both their own properties and the common area in a manner which respects and considers the rights of everybody else lawfully on the estate. Compliance with this Code of Conduct and general consideration by residents for each other will greatly assist in assuring a satisfied community.

The rules contained in this Code of Conduct, are binding on all members/residents and in fact everybody on the estate. Each member is responsible for ensuring that all persons residing on his/her erf and his/her guests, employees, contractors and agents comply with this Code of Conduct and shall personally be responsible for the actions or omissions of such persons.

General

1. Members/residents must acquaint themselves with the Articles, the Montecello Building and Landscaping Guidelines and this Code of Conduct. Ignorance of such shall not constitute a reason for non-compliance.
2. In particular none of the Montecello Homeowners Association, the trustees, the manager or the developer nor any of their employees, servants or agents shall be responsible or liable in any way for any loss or damage to any building person or property anywhere on the estate howsoever and by whomsoever caused, and whether by any act or omission of any of the foregoing, and all members/residents on the estate hereby waive any claims which at any time might arise in consequence of any act or omission aforementioned.
3. Members must ensure that all persons granted rights of occupancy of their erven are acquainted with and comply with this Code of Conduct.
4. No business or trade may be conducted on any erf within the estate without the prior written consent of the trustees. The grant or withdrawal of such consent and the conditions attaching thereto shall be entirely at the discretion of the trustees. This restriction does not apply to the developer and/or its agent(s) in respect of activities relating to the sale and development of erven.
5. No sign, notice, board or advertisement of any kind whatsoever may be placed on the common area or on or in the vicinity of any erf within the estate with the exception of the standard building contractor's signboard details of which are to be obtained from the manager. This restriction does not apply to the developer and/or its agent(s) in respect of activities relating to the sale and development of erven or to the Association as such.
6. No firearm, pellet gun, catapult, bow and arrow or any other weapon may be used on or in the vicinity of the estate.
7. Littering of any kind in the common area, including the disposal of cigarette stubs, is strictly forbidden.
8. No fires of any kind are permitted anywhere on the estate except at an indoor fireplace or outside braai area.
9. No invasive alien vegetation is permitted anywhere on the estate. Where a member/resident fails to remove such vegetation the Association will be entitled to remove it at the cost of the member concerned, and the employees or agents of the Association will have free and unrestricted access to the erf concerned for this purpose.
10. All members/residents must maintain their erven (main dwelling, garages, outbuildings, boundary walls, site walls and gardens) in good condition and in a neat and tidy state at all times.
11. Each owner will be responsible for the maintenance and upkeep of the street verge/verges on the boundary of his/her erf. The street verge is a servitude for services and owners are reminded not to erect install permanent fixtures. No fireworks of any description may be used anywhere on the estate without the prior written consent from the manager which he may decline in his absolute discretion.
12. No burglar alarm may be operated on the estate unless it is linked to an armed response service which has the ability to disarm it.
13. No domestic refuse, garden refuse or refuse containers may be left outside for collection other than on the scheduled day(s) for collection.
14. All damage caused within the estate by a vehicle effecting a delivery or transporting persons/equipment to or from an erf shall be the responsibility of the member/resident concerned.
15. No habitation of any mobile home or caravan on the estate will be permitted.

Motor Vehicle Regulations

1. The speed limit on the estate is 30 kph. This speed limit must be complied with at all times.

2. Any contractor, visitor, employee or agent of any member/resident who, in the sole opinion of the manager, habitually contravenes any of the provisions of this Code of Conduct may be banned from the estate.
3. Children, pedestrians and cyclist have the right of way and motorist will give way at all time
4. The use of vehicles, including motorcycles, which create excessive noise will not be permitted.
5. All vehicles must keep to the designated roads and drivers thereof shall observe all the road signs within the estate.
6. No vehicles shall be driven in any manner which creates a nuisance or is considered by the trustees or the manager to be unsafe.
7. No vehicles may be habitually parked in any part of the common area except in such places as are specifically approved and designated for that purpose and then only in such a way that the flow of traffic to and from erven and garages is not obstructed.
8. No commercial vehicle or truck (except for the purpose of effecting deliveries), caravan, trailer or boat may be parked in the common area at any time.
9. No vehicle may be parked on or in the vicinity of any entrance to an erf so that it protrudes over or onto the road reserve of the common area.
10. Garage doors should generally be kept closed unless occasional regular access to a garage is required.
11. Any vehicle parked or abandoned in the common area for a period exceeding fourteen days maybe removed or towed away at the risk and expense of the owner, unless prior written permission has been obtained from the manager.
12. No motorised vehicle of any description may be used in the estate unless the driver/rider thereof is in possession of a valid driver's licence for the vehicle concerned.
13. No motorised vehicle of any description (other than golf carts) not requiring the driver/rider thereof to be in possession of a valid driver's licence may be used in the estate. Drivers of golf carts within the estate must be in possession of a valid driver's licence for a motor car.

Control of Pets

1. The local authority by-laws relating to pets shall apply to members/residents and they will be enforced.
2. Dogs and cats may be kept on any erf within the estate provided that:
3. No more than two dogs may be kept without prior written consent from the trustees. The grant or withdrawal of such consent and the conditions attaching thereto shall be entirely at the discretion of the trustees.
4. Dogs shall not be allowed to roam in the common area of the estate.
5. Members/residents may walk their dogs in the common area provided they are under leash and/or effective personal control.
6. No member/resident shall permit their dogs to foul the common area unless the excrement is immediately removed by the person accompanying the dogs.
7. Members/residents shall not allow barking by their dogs at any time which results or which may result in a nuisance or disturbance to any other resident. It is recommended that dogs be kept inside between the hours of 20h00 and 06h00 during the week and 20h00 and 10h00 on weekends.
8. Screening or other adequate preventative measures must be taken to ensure that dogs do not bark at passers by.
9. Members/residents shall ensure that their pets do not cause a nuisance or disturbance within the common area or on or in the vicinity of the erf of any other resident.
10. No caged wild birds or animals other than dogs and cats shall be permitted on the estate.
11. The trustees shall have the right to prohibit, restrict, control the keeping of, or remove any pet which they regard as dangerous or a nuisance to other occupants of the estate.
12. No keeping of live stock, neither the slaughtering thereof on the estate will be allowed.

Common Area

1. No member/resident, visitor, employee, contractor or agent may collect or remove anything from the common area including but not limited to wood, stones, flora or fauna. In particular no person may pick up or uproot any indigenous plant, or approach, disturb or kill any animal or bird.
2. Pedestrians are requested keep to the footpaths so far as possible.
3. No member/resident shall dam or alter the flow of any watercourse, spring or stream within the common area, or on any erf such as would result in a nuisance or in loss or damage to any other erf or to the common area.

Access Control

1. The complex security trustee and personnel have been employed and voted for by the members to ensure that members are safe and secure and to enforce complex rules. Uncooperative residents/tenants and or there visitor(s) will not be tolerated and be subject to heavy fines.

2. Members/residents may be required to display a "Montecello" disc on their vehicles at all times.
3. Members/residents will be required to register and reregister their finger prints with security in the best interests of complex security.
4. Communication from each erf to the gatehouse will be by telephone.
5. The following procedures (or any others from time to time imposed by the manager or trustees) must be observed by all members/residents in regard to access to the estate:
6. If they are expecting visitors they must inform the guard prior to the expected time of arrival so that the guard may allow entry to these persons on arrival.
7. They may authorise access to a visitor on receipt of a telephone call from the guard, but if the resident is not available to answer the call the visitor at the gatehouse will not be permitted entry.
8. Contractors, workmen, delivery men, employees and anybody who visits the estate in the course of their work will be supplied by the guard with a permit which must be displayed on their person at all times when they are in the estate. Failure to display this permit may result in the culprit being banned from the estate.

Tennis/Squash Court

1. Bookings for and access to the courts will be based on timesheets kept at the gatehouse.
2. Recognised shoes and an acceptable standard of dress must be worn on the court by all players.
3. The court and equipment must be left in perfect order by players when they leave.
4. The court is primarily for the use of members/residents but guests may be permitted from time to time and the member/resident concerned shall be responsible for the behaviour of the guests.

Swimming Pool

1. The swimming pool is primarily intended for the use of members/residents.
2. Members/residents may permit their guests to use the pool from time to time and will be responsible for their behaviour.
3. Members/residents shall ensure that the number of their guests at any one time does not prejudice the comfort, enjoyment or convenience of other members/residents or wishing to make use of the pool.
4. Non-swimmers and children under the age of 12 must be accompanied by a member/resident over the age of 18 who shall be responsible for them.
5. No music device unless used only with earphones, or musical instrument of any description, will be permitted within the pool area.
6. No unauthorised access is permitted to the filtration area and the pool and apparatus may not be tampered with by any unauthorised person.
7. Dive bombing into the pool is not permitted.
8. Rowdy and boisterous behaviour and excessive noise is not permitted.
9. No pets are permitted inside the pool area.
10. The gate(s) to the pool area must be kept closed at all times.
11. The use of the swimming pool and tennis court is at the own risk of the person concerned and no liability shall attach to the Association, the trustees, the manager or the developer or their agents or employees for any death or injury or loss or damage of whatsoever nature suffered by anyone making use of the swimming pool or tennis court.

Nuisance, Disturbance, Noise and Light Pollution

1. Members/residents and their guests may not engage in any activity, occupation or hobby that causes or is likely to cause a nuisance or disturbance to any other resident.
2. No member/resident or their employees or contractors shall be permitted to use any noisy machinery including but not limited to lawnmowers, chainsaws, lathes and woodworking machinery after 16h00 on Saturdays, or before 09h00 or after 12h00 on Sundays or public holidays; and on all other days not before 07h00 or after 20h00.
3. No exterior speakers are permitted and the level of any music played shall be limited so as not to cause or be likely to cause a nuisance or disturbance to any other resident.
4. No outside lights which shine directly into a neighbouring erf or are otherwise intrusive or reasonably likely to be intrusive to any other resident shall be permitted.

Letting

1. Members are permitted to let their houses provided that the member ensures that the tenant is acquainted with this Code of Conduct and the Constitution and procures that the tenant confirms to the manager in writing, prior to occupation, that everybody residing on the erf and all his/her guests,

employees, contractors and agents shall comply with the provisions thereof for the duration of his/her tenancy.

2. Notwithstanding the provisions of clause 10.1 members shall not let their properties for use as a commune.
3. Should a tenant breach the provisions of clause 10.1 the trustees or manager may deny the member concerned the right to continue to let his/her house, and may take such action as they deem necessary or expedient at the cost of the member concerned to eject the tenant and all those claiming through or under the tenant from the property concerned.

Non -Compliance

1. For the enforcement of the provisions of this Code of Conduct or the provisions of the Constitution generally the trustees or the manager may;
2. give notice to the member/resident concerned to remedy any breach within such period as they may determine;
3. take or cause to be taken such action as they deem fit to remedy the breach of which the member/resident concerned may be guilty and debit the cost thereof, which shall be a debt due to the Association, to his/her levy account, and which shall be payable as part of his/her levy on the first day of the following month and
4. impose a fine in an amount determined by the trustees or the manager in their sole discretion on the member/resident concerned, which amount shall be a debt due to the Association, shall be debited to his/her levy account and shall be payable as part of his/her levy on the first day of the following month.
5. Should the trustees or manager institute legal proceedings against any member/resident for the enforcement of any of the rights of the Association, the Association shall be entitled to recover all legal costs so incurred from the member/resident concerned, calculated as between attorney and client, including tracing fees and collection commission.
6. In the event of any breach of this Code of Conduct or of any of the provisions of the Articles of Association by any person residing on a members' erf or his guests, employees, contractors or agents, such breach shall be deemed to have been committed by the member himself; but without prejudice to the foregoing, the trustees or manager may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit, in addition to any action which might be taken against the member concerned.
7. Complaints relating to the behaviour of another resident are to be lodged with the manager in writing, provided that the complainant has first attempted to settle the matter amicably with the other party. In the case of a serious contravention of the Constitution, the Building and Landscaping Guidelines or this Code of Conduct, the manager may be approached without prior attempts at settlement between the parties.

INTRODUCTION

The objective of the Montecello Country Estate Home Owners Association (hereafter referred to as MHO) is to promote a secure and healthy lifestyle and to protect the communal and financial interest of its Members. Hereby the appropriate development of new residences and related facilities (e.g swimming pools outbuildings, boundary walls, extensions, shelters) are managed as well as communal gardens. The owner is free to choose any architect/ designer subject to all plans adhering to the guidelines included in this document. Diversity of individual residences within the restrictions of the guidelines is encouraged. The broad description of the architectural character to be adhered to is a reference to a universal country living type architecture. In view of the above the Developers have chosen an architectural style that reflects country living and have therefore laid down certain rules concerning design elements and codes, which must be strictly adhered to. The design criteria and rules set out in this document are in addition to the Local Authority requirements and the National Building Regulations. The Developers and subsequently the MHO reserve the right to alter or amend these rules and guidelines, if necessary to retain the visual integrity of the residential estate or if regarded that such an amendment will be in the interest of its Members.

GENERAL PRINCIPLES

The purchase agreement states that homeowners must comply with the following general rules:

1. All home designs must comply with environmental and architectural controls as compiled in this page.
2. Architects and designers are encouraged to rather use the existence of trees on the stand as design opportunities, as opposed to seeing the trees as design inhibitors.
3. Some stands feature existing trees that have been specifically surveyed and these must be incorporated into the design.
4. Construction of houses within the residential estate must commence within 3(three) years of the date of proclamation of the township to be known as Summerset Extension 20

5. All building work must be completed with 1(one) year after construction commenced.
6. The controlling architects will ensure that the guidelines are complied with during the design and construction phases.
7. The approval does not exempt the applicant from any other applicable legislation by-laws or regulations that may be applicable.

PLANNING CODES

All planning codes are in addition to the conditions imposed by the Local Authority. It is the homeowner's responsibility to, in addition to this document, obtain the Conditions of Establishment from the Local Authority and to ensure that these conditions are adhered to. It is also the responsibility of the Architect to ensure that he/she is in possession of the surveyor's general plan, and to familiarise themselves with additional building lines imposed by the Department of Public Transport.

Residential 1: Erven 694 - 724, 768- 770, 790-838

Residential 2: Erven 725 - 767, 840 - 851, 795 - 797

DENSITY, HEIGHT AND COVERAGE OF BUILDINGS AND POSITION ON SITE

1. **Density:**
Residential 1 & 2: Only dwelling per stand is permitted.
2. **Height:**
Residential 1: Double Storey
Residential 2: Double storey, not exceeding 10 meter above natural ground level.
It is the intention to be considerate towards the neighbouring property in terms of possible views and sun inclination. In view of the above, building heights will be approved according to the discretion of the controlling architects.
3. **Coverage:**
Residential 1:
The initial building shall not be smaller than 200m² including garages, and covered patios.
The coverage may not exceed 50% of the stand size.
The first storey (covered) * is limited to a maximum of 80% of the covered ground floor footprint, excluding garage area.
Total F.A.R. may never exceed 0.8 of the stand size.
Residential 2:
The coverage may not exceed 40% of the stand size.
Total F.A.R. may never exceed 0.6 of the stand size.

*The covered area is calculated without subtracting staircases and double volumes . This rule is in place to ensure that the building is not a solid mass, but has more definition.

BUILDING LINES

1. **Street Boundary for residential 1 & 2:**
Five meters from the stand boundary. This excludes pergolas and non-enclosed elements. A non-enclosed element is regarded as structure that does not have a roof.
Pergolas and open structures may encroach upon the building line.
2. **Side Space:**
Residential 1: Aggregate of 6 meters, to both sides subject to a minimum of 2.25 meter on each side.
Residential 2: 2.25 meters (provided that all building lines may be relaxed by the relevant authority).
Approval of building line relaxation applications is to the discretion of the controlling architects and the MHO as well as written approval from the owners of the adjacent properties. If there is an encroachment on any of these building lines, the owner has to obtain written permission from the neighbours concerned with a signed site plan for submission to the Aesthetics' Committee. Any such relaxation will still be subject to a final City Council approval. The onus is on the architect or designer to ensure that the proposed design is in accordance with the City Council's regulation with regards to building line restrictions (Conditions of Establishment)
3. **Back space:**
Residential 1 & 2: 2.25 meters. Additional building lines enforced by the Department of Public Transport are applicable to sites on Garden road and Tambotie road.

DRIVEWAYS & PARKING

1. Base for paving to be compacted to 93% MODAASHTO density.
2. Parking: As per Conditions of Establishment. Material to be used to be approved by the MHO. No driveway may be painted.

BOUNDARY WALLS

1. Drawings for all boundary walls to be submitted to the MHO for approval together with the building plan application.
2. All boundary walls to be constructed either from red face brick with flush mortar joints or plastered and painted. Bag wash finished walls are permitted but may not have any paint effects painted thereon or any form of artificial rock, such as 'rock art'. Overly decorated boundary walls are not permitted. In the case where the boundary walls are finished with plaster and paint, the top of the wall must be finished with a waterproof membrane, which must be painted the same colour as the wall, unless the wall is finished with a waterproof coping tile or face brick roller/ soldier course.
No other material will be permitted such as any pre-fabricated concrete fences, vibacrete, prefabricated artificial face brick walls, fibre cement or corrugated sheet metal.
No gates shall be higher than the adjoining wall.
Walls between properties shall not exceed 2m in height.
No security measures, other than that provided by the Developer or MHO, may be attached to any boundary walls (e.g. metal spikes or electrical fencing).
3. **Screen Walls**
Screen walls to be provided to screen laundry yards and refuse areas. The height is restricted to 1.8m. Except in the instance where the yard wall constitutes the boundary wall where the height of the wall must be 2m. The structure and finishes of screen walls are the same as for boundary walls. All screen walls and additions to boundary walls have to be approved by the controlling architect.

APPROVED ARCHITECTURAL ELEMENTS AND PROHIBITED MATERIALS

ROOFS

1. **Pitched roofs:**
Marley Modern, Monarch or Double Roman- or equivalent profile through- colour concrete tile. Approved colours are Terracotta, Slate, Standard slate or Antique slate (Marley colour range). If tiles other than Marley are used, the colour sample must be approved by the controlling architects.
Natural slate - black or shades of black - the colour must be specified and samples provided for any proposed blend.
Compulsory roof pitch of between 26 to 35 degrees must be adhered to.
No mono pitch roofs will be permitted.
The predominant part of the house must have a pitched roof and flat roofs may only be used on secondary portions of the house or garages.
2. **Flat roofs:**
Flat roofs are allowed, but must be completely concealed behind a parapet wall or freestanding wall. Flat roofs must be the same colour as the pitched roof (for visibility from neighbouring double storey buildings). If there are neighbouring properties overlooking a ground floor flat roof the owner of the flat roof must conceal shiny metallic paint with gravel.
3. **The following roof finishes are specifically prohibited:**
Thatch
Metal roof tiles
Metal roof sheeting (except on flat roofs not visible).
4. **The following rainwater goods are specifically prohibited:**
Natural finish galvanised metal.
Natural finish PVC.
Natural finish fibre cement.

WALLS

The following wall finishes are permitted:

1. Smooth plaster and paint.
2. Textured or roughcast plaster and paint.
3. Red face brick with flush mortar joints in combination with plaster joints.
4. Natural stone (preferred above artificial stone)

5. All plumbing pipes and exposed pipes are to be suitably concealed with walls or ducts and may not be exposed to the exterior.
6. Bagged walls finished with paint.
7. Face brick must be plastered if it is to be painted.

COLUMNS

Columns are not allowed to have paint effects painted thereon and must adhere to the colour palate. (White is not on the palate)

WINDOWS, SHUTTERS AND DOORS

1. Steel windows, doors and sliding doors are not permitted. All windows are to be rectilinear and window types and finishes are to be indicated on submitted drawings for approval by the MHO. The MHO reserves the right to comment on opening types and window proportions.
2. Aluminium windows are permitted in the following colours: Natural wood grain look, bronze anodised, Black or Dark Brown.
3. In the event that burglar bars are fitted these must be internal and aligned with the window's mullions and transoms and must be of a simple rectangular design.

CHIMNEYS

Chimneys should be simple in design and rectilinear in shape. Overly decorated chimneys will not be permitted.

PRESCRIBED COLOUR PALETTE:

Note: The following colours are from the Plascon colour sheet. Should any other manufacturer/supplier's colours be used samples must be submitted together with the working drawings. These samples must match the prescribed colour palette.

Exterior walls: Plascon has renamed all the colours in their palette, the name in grey is a colour on the new palette.

C14-2 Oatcake/ Gold Cadalac Y3-B1-1
 C14-3 Blond Wood / Ocean Salt/ Dry Gold Y2-C2-1
 C14-4 Weed Germ/Summer Wheat Y1-C1-4
 C14-5 Oak Beige/ Hayseed Y1-C1-3
 D14-2 Bleached Sand / Bleached Boabab Y2-C2-2
 D14-3 Golden Pop / Pale Blossom Y1-C2-2
 D14-4 Camel Hair/ Brocade silk Y1-D2
 D14-5 Stuffing / Modonna City Y1-E1-3
 D14-6 Havana/

Doors/ windows / shutters:

Paint colours:

D32-4 Steel Blue
 D32-5 Ash Blue
 D32-6 Storm Grey
 D33-3 Coronado Sky
 D33-4 Dove Tail
 D33-5 Huron Foam

ALUMINIUM (Sliding doors only see guidelines limitations)

Black, dark-grey epoxy coated.

Varnish / Wood Preservative:

Natural or stained

GENERAL DESIGN GUIDLINES AND RESTRICTIONS

1. PLANS

All drawings for new residences, alterations and additions to existing residences must be prepared by a registered Architect or an approved designer and submitted to the MHO for approval by the controlling architects. Only after this approval has been obtained in writing, can the plans be submitted to the local authority. It is the owner's responsibility to ensure that all plans are submitted and approved by both authorities prior to construction.

2. **STAFF ACCOMMODATION**

Staff Accommodation must be integrated into the overall design.

3. **KITCHEN AREAS**

Staff accommodation and kitchen areas should open onto screened yards or patios in the absence of a boundary wall.

4. **OUTBUILDINGS AND ADDITIONS**

Outbuildings and additions should match the original building design in style, elevation and material usage. All Plans must indicate at least one enclosed garage and this must be built in conjunction with the original dwelling. No additions to boundary walls will be allowed without approval from the controlling architects.

5. **YARD AND SCREEN WALLS**

Yard and screen walls should be similar to the basic materials and colours as referred to for boundary walls.

6. **GARDEN SHEDS AND BRAAI AREAS**

No dog kennels and covered facilities for caravans, boats or trailers are to be visible from the road or green areas and may not be placed in the side space (building lines). No wendy houses or any other temporarily constructed garden sheds are allowed.

7. **SHADE NETTING**

No shade netting and structures will be permitted.

8. **SOLAR HEATING PANELS**

Solar heating panels, if used, should be incorporated into the building and form part of the basic structure and should be clearly shown on the approval drawings. (No solar heating panels may be visible from the street). All pipes should be painted the same colour as the roof.

9. **AIR CONDITIONING**

Air-conditioning compressors shall be screened or fenced so that they are not visible from the street, or adjacent property. The sound transmission should be within acceptable standards.

10. **PLUMBING**

All exposed plumbing must be concealed and washing lines should be fully screened and not be visible from the street elevations and other elevations onto adjoining properties including green areas. All service ducting must be covered and maintained in a way that it has a neat appearance.

11. **JUNGLE GYMS**

All jungle -gyms are to be constructed of timber and sealed with a clear varnish.

12. **DEVIATIONS**

No deviations from the approved drawings will be permitted unless the deviation is re-submitted and approved in writing. There are submission fees required for additions to buildings, and no charge for minor alterations such as boundary wall additions.

13. **SOIL CONDITIONS**

It is the homeowners responsibility to ensure that his architect / designer ensures that he is fully aware of the soil conditions of the particular stand and to accommodate the need for any special foundations should this be required.

14. **MECHANICAL EQUIPMENT**

Mechanical equipment and plant such as air-conditioners (and grilles), ducts, pool pumps, etc must be designed into the buildings and / or adequately enclosed or screened off from view.

As the building within the residential estate will be constructed over a lengthy time period, the following guidelines have been formulated for the benefit of residents

Balustrades are not to be excessively decorative / ornate and should reflect the country feel of the estate and should be in the same style as the house. Balustrades are allowed to be constructed of timber, steel, stainless steel, steel and wrought iron. They are to be painted black or a colour from the colour palette. Any other colour must be submitted for approval at the controlling Architects. Any deviation of these guidelines must be submitted to the controlling Architect's approval.

BUILDING PLAN SUBMISSION AND BUILDING INSPECTION

The following must be adhered to before building plans are approved and building operations will be considered for inspection:

PLAN APPROVAL PROCEDURES AND FEES

All building plans should be submitted to the Controlling Architects and the MHO. A "Plan Scrutiny Fee" of R1400.00 will be payable by the owner to the MHO . Please allow a two week period for scrutiny, after which the plan application with attached comments can be collected. If the plans are approved the Controlling Architects will pass the plans on to the MHO, where the final plans can be collected. The scrutiny fee does not include any fees payable to the City Council for building plans submission.

1. The estate manager will only approve the building plans after the tree protection plan and the position of the driveway have been addressed. A plan indicating all protected trees is available from him. These

may be removed with the Landscape Architect's approval. The Landscape Architect must approve all other tree removals.

2. As soon as the plans are approved, the homeowner's architect/ designer may proceed with the drawings as required for City Council submission. The City Council drawings, together with an extra set, which will be kept on record by the MHO, must also be submitted to the controlling architects to receive a final stamp of approval (this is to ensure that the City Council drawings do not deviate from the original approved sketch plans).
3. On approval by the City Council you can approach the estate manager for the payment of the builder's deposit, a building performance deposit of R5000.00 will be deposited and held in trust (free of interest) by the MHO. The deposit amount will be used in the event where there is a breach of non performance to remove rubble or make good any damage caused by the Contractor or his sub-contractors or suppliers, including kerbing, landscaping, community services, roads, irrigation etc, and for any outstanding spot fines and the signing of the builders contact by MHO, the owner and his contractor. No contractor may enter the site and commence construction until such time as the performance deposit has been paid. The use of the performance deposit will be used at the sole discretion of the MHO in terms of these guidelines.
4. A Builder's board must be erected when construction commences. The cost for the builder's boards is for the account of the homeowner and the layout will be provided by the estate manager. The maximum size for the builder's board is 900 x 1350 and is to clearly show the stand number, the foreman's name and contact number and the contractor's name and number.
5. Approximately two weeks before completion the estate manager must be approached for arrangement of the final inspection and the issue of the builders certificate (by controlling architect).

THE FOLLOWING ITEMS MUST BE CLEARLY SHOWN ON THE PLANS:

1. Plans can be submitted at Sketch plan phase for feedback and then resubmitted for final approval to the controlling Architects. The final plans need to be submitted in a set of two. These are the same drawings that will be submitted to council.
2. A site plan indication the position of the house and outbuildings on the stand, as well as contours.
3. Stand boundaries, area of dwelling, including patios and outbuildings.
4. Coverage (%), FAR and height above original natural ground level.
5. Building lines (estate building lines as well as other applicable building lines), specific trees or clumps of trees that need to be retained as specified in the guidelines.
6. All external finishes, including a colour specification.
7. Boundary wall details, including elevations.
8. Drainage and how it is concealed (position of the duct), as well as the sewer connection.
9. Layout of driveway.
10. Additional approval letters from neighbours concerned when encroaching upon a building line, as well as a signed site plan.
11. A copy of the checklist for design guidelines is to be signed by the owner and submitted with the drawings.
12. The controlling architect reserves the right to request any further information which he may deem necessary from the applicant.

GENERAL ARRANGEMENTS REGARDING UPDATED VERSION OF THE GUIDELINES

All queries with regards to the guidelines and fines can be directed to the Estate Manager. The Controlling Architects will then be consulted about the matter. It is up to the discretion of the Controlling Architects to advise the MHO on how to deal with the matter. The updated version of the guidelines will be enforced without any dispute about other owners that have deviated from them in the past.

It is the responsibility of the owner to maintain the house in a manner that is acceptable to the rest of the estate. This includes maintenance to the paintwork, service ducts, drainage, uneven painted roof finishes etc. Fines may be applicable if this is not adhered to.

GENERAL LANDSCAPE GUIDELINES

All homeowners of Montecello Country Estate will be required to adhere to the general landscape guidelines as stipulated in Clause 7.1

GENERAL LANDSCAPE GUIDELINES

1. **Intent**
The purpose of the general landscape guidelines is to create an integrated and responsive landscape

with emphasis on nature, open space and style that will be unique to Montecello Country Estate. It will also create sensitivity and harmony between the development and the surrounding nature. The guidelines furthermore aim to preserve and enhance the existing environmental attributes, minimise possible negative impacts whilst at the same time establish a new, dynamic and elegant character to the Estate.

In order to control the general landscape development on private property to be a continuation of the landscape design of public spaces as will be established by the developer, the following set of guidelines will apply to every stand:

2. **Preservation of Existing Trees**

The development will at all cost, preserve as many as possible of the existing trees. This will minimize visual impacts and preserve the value and character of the Estate.

A maximum area consisting of the construction footprint plus an additional "buffer" of maximum 4.5m wide beyond the footprint can be cleared for construction. Any tree outside this area must be preserved unless it can be proven that a tree might be unstable and can cause a potential danger by falling over. This 4.5m wide "buffer" is not permitted to encroach onto the stand's building lines. Any tree within the building line area will automatically be preserved, except those trees that need to be removed for building the boundary walls and for security purposes. In such instances, written approval is required from the Home Owners Association prior to any tree/s being removed or pruned.