



Architectural and Landscaping Design Manual

REVISION G

THIS MANUAL SUPERCEDES THE CONTENT CONTAINED IN THE ORIGINAL PRECEDING
BLUEWATER ESTATE ARCHITECTURAL AND LANDSCAPING DESIGN MANUALS



This Manual was adopted by the members of the of BWE HOA on **25th July 2024**. This version intends to eliminate any misinterpretations, allow for updates, and provide information in keeping with energy and sustainability, while also reviewing and improving some of the original rules with a view to keeping up with the times.

CONTENTS

1	Introduction to the Design Manual	4
1.1	Origins	
1.2	Planning Principles	
1.3	Orientation and Environmental Response	
2	Bluewater Estate Development Framework	8
3	Design Parameters	9
3.1	Building Lines	
3.2	Plan Form	
3.3	Building Envelope	
4	Building Elements	14
4.1	Roofs	
4.2	Walls	
4.3	Windows, Doors, and Shutters	
4.4	Balconies and Verandahs	
4.5	Pergolas	
4.6	Chimneys and Braais	
4.7	Pools	
4.8	Garage	
4.9	Boundary Walls, Fences, Screens and Gates	
4.10	Colour	
4.11	Driveways and Parking	
4.12	Outbuildings and Play Structures	
5	Energy and Sustainability	26
5.1	Off-Grid Inverters, Solar and Photovoltaic (PV) Panels	
5.2	Inverters	
5.3	Batteries	
5.4	Grid Connection	
5.5	Off-Grid	
5.6	Hybrid Connection	
5.7	Composting	
6	Boreholes	28

7	Other Elements	29
8	Landscaping	30
8.1	General	
8.2	Conditions	
8.3	Restrictions on Gardening, Landscaping and Related Elements	
8.4	Responsibilities of BWE HOA vs. Erf Owners	
8.5	Plant Species Not Permitted	
8.6	Plant Species Discouraged	
8.7	Plant Species Permitted	
8.8	Landscaping Plan	
8.9	Recommended Species	
9	Building Processes and Fees	34
9.1	Initial Contact with the Control Architects	
9.2	Building Plan Submission	
9.3	Information Required	
9.4	Period of Validity of BWE HOA Approved Building Plans	
9.5	Procedures for Building	
10	Annexure A - Builders Code of Conduct	39
11	Notes	48

1 Introduction to the Design Manual

This Design Manual is intended to provide a framework for the design of the individual houses in Bluewater Estate. They set out design criteria that Homeowners and Contractors will have to comply with should they wish to build or renovate at Bluewater Estate.

The implementation of the Design Manual will facilitate a cohesive architectural character in the development, responding positively to the site context and surrounding suburban fabric.

The Manual is supplementary to the requirements of the Local Authority and the National Building Regulations.

Any building historically approved by Bluewater Estate and the City of Town is 'grandfathered', i.e., no retrospective changes to already approved plans and construction will be required.

Any historical or existing deviations from this Manual shall not constitute any form of, nor establish any form of precedent, in respect of future applications for deviations or relaxation/s of the architectural rules, as contained in the Manual or elsewhere.

These rules will apply in all cases except where the provisions of the Development Management Scheme of the City of Cape Town are more stringent, in which case the latter will apply. Homeowners may apply to the City of Cape Town for a departure to relax the City's Development Rules to those of the architectural rules, having first obtained the affected neighbour's approval, as determined by the Architectural Committee (Arch Comm). Any other deviations to the Design Manual will be considered through the approved deviation process. Deviations are contextually applied and will not follow a precedent argument. There is no guarantee that deviations will be allowed.

The Bluewater Estate Homeowners Association reserves the right to make amendments to the Manual in order to ensure that the Manual remains relevant to current requirements. All proposed plans must be submitted to the Architects of Record for the Bluewater Estate Homeowners Association for approval prior to their submission to the Local Authority.

1.1 Origins

The origins of the planning principles embodied in the guidelines are found in many forms of traditional South African architecture.

The use of linear forms with limited width and with double pitched roofs defines the form of the **primary building elements**. The roof form was derived from the steep pitch of the thatched roofs.

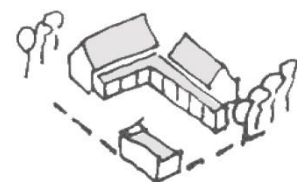
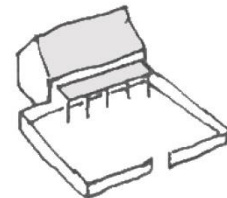
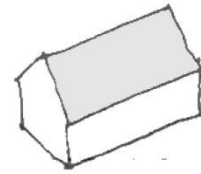
The flat roof form was a response to the arid conditions of the Karoo. Sheet metal roof materials allowed the “flat roof” to become low pitched roofs.

The lean-to or mono-pitched roofs define the form of the secondary **building elements**. The lean-to element could be enclosed and allowed for the extended depth in the plan mass of the primary building form.

Enclosing walls derived from the “kraal” or “werf” were used to connect primary and secondary building elements and could be varied in height to facilitate varying degrees of view and privacy.

Primary building elements were arranged to accommodate the public and private components of a house with each relating to common or separate outdoor spaces.

Secondary building elements were utilised to support primary elements. These enhanced the relationship between inside and outside spaces and provide enclosure and definition.



1.2 Planning Principles

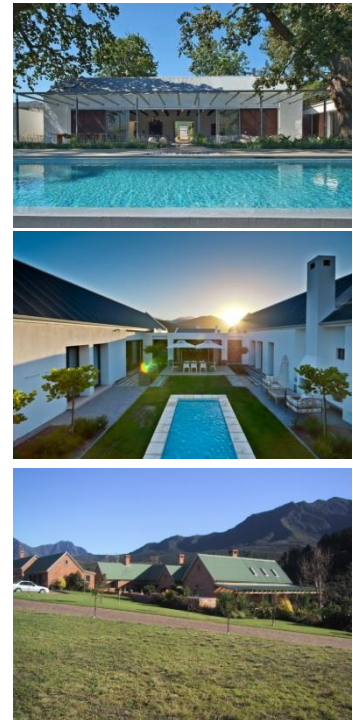
The planning principles found in traditional architecture, as described in 1.1 Origins - have been interpreted and developed to provide design solutions appropriate for local climatic conditions and contemporary lifestyles.

In these guidelines, built form, consisting of simple rectangular pavilions linked together in a variety of configurations is encouraged.

The combination of primary and secondary elements provides versatile solutions to domestic accommodation requirements.

The resultant solid building elements can be arranged on the site to enclose outside space, creating courtyards which trap the sun and provide shelter from the wind.

Linear building elements consisting of walls, screens and planting define the interface between private and public spaces and facilitates a response to the need for enclosure and privacy.

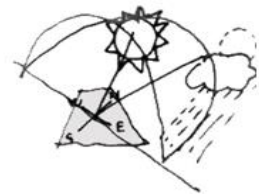
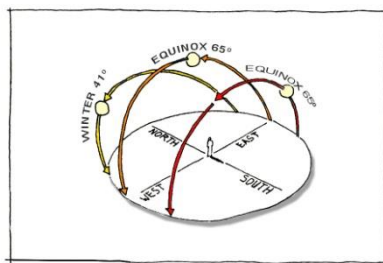
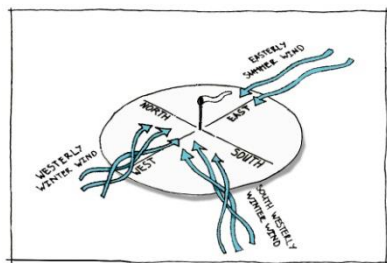
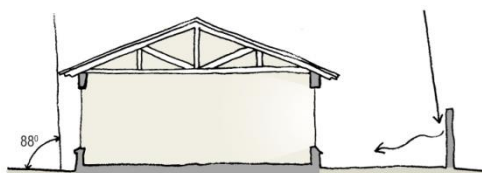
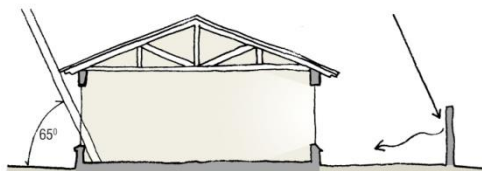
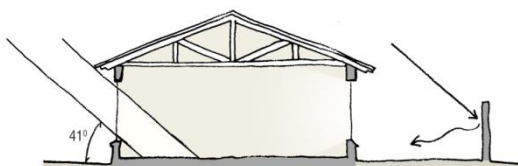


1.3 Orientation and Environmental Response

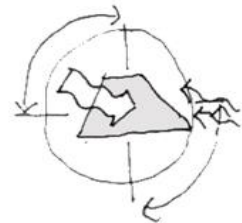
The guidelines do not specifically address the environmental orientation and views enjoyed by the individual but have been formulated to facilitate these fundamental design determinates.

The opportunities provided by each site must be interpreted and incorporated in the design brief, must be developed in the design process, and must be realized in the building of home.

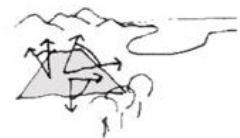
The guidelines define the building line constraints of each the nature of the plan form and the extent of the envelope allowed. These variables, acting together, form and its relationship to the site.



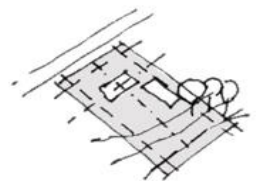
Sun and Rain



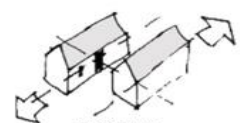
Wind



View

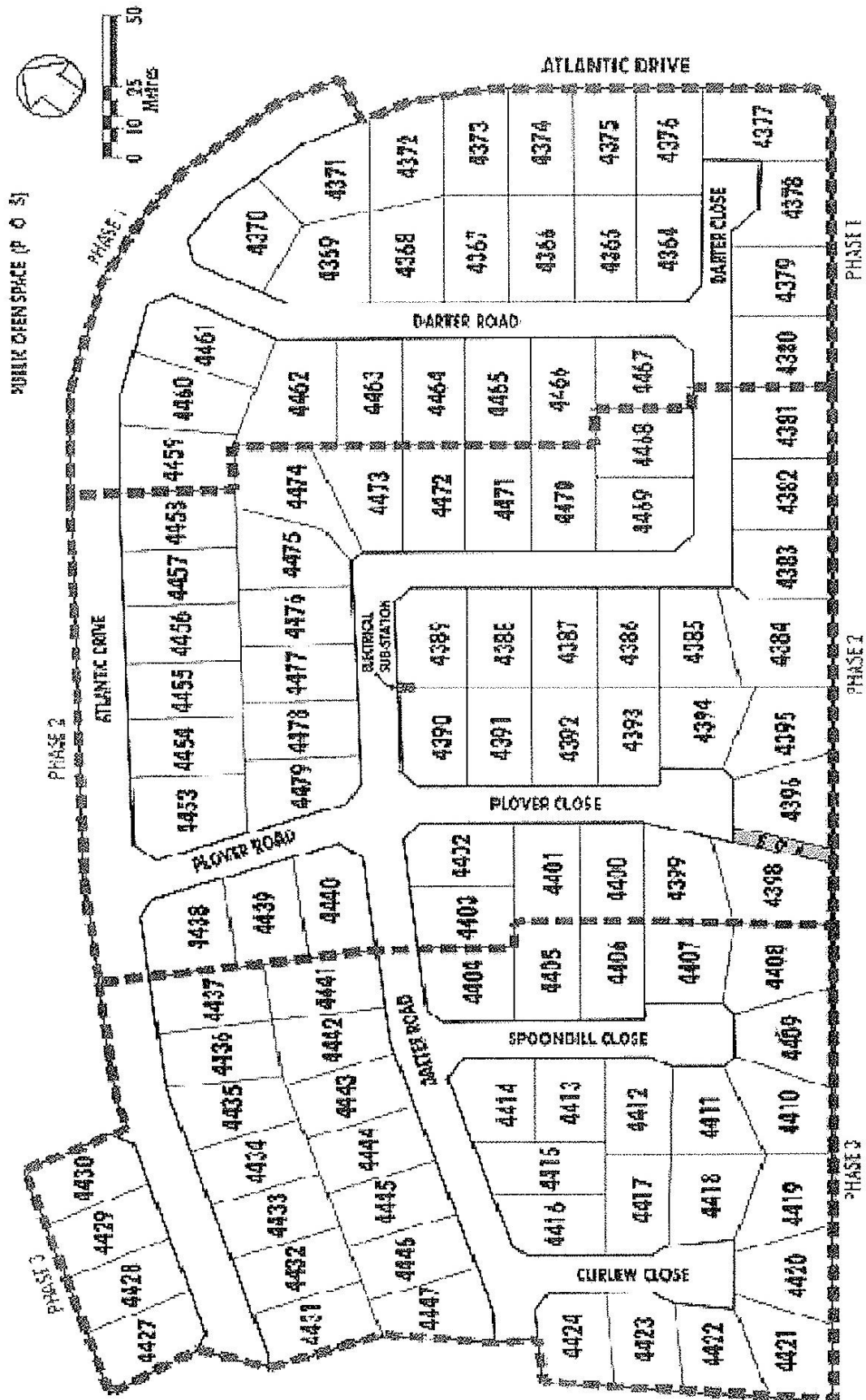


Topography



Built Form

2 Bluewater Estate Development Framework



3 Design Parameters

3.1 Building Lines

Building lines as defined in the **City of Cape Town Zoning Scheme** are applicable to the properties in Bluewater Estate. However, Owners can apply for the following departures to the building lines which will be supported by the Homeowner's Association and all Members thereof.

Any servitudes that are indicated on the **site diagram** as part of the property sales agreement must be considered as they will override the building line restrictions.

3.1.1 Street Boundary Building Lines:

- Main Building - 4.5m
- Garage/Outbuildings - 4.5m
- Pergolas - 3m
- Braai - 2m
- Swimming Pool - 1m

3.1.2 Side or Common Boundary Building Lines:

- On erven where the street frontage is **less than 25m** the main building shall be set back an aggregate of 3.5m with a minimum of 1.5m to one side. "Aggregate" refers to the total or combined building setbacks, as opposed to an individual setback on one side.
- On erven where the street frontage is **more than 25m** the main building shall be set back an aggregate of 5m with a minimum of 2m to one side.
- Garages/Outbuildings - As per main building. However, a 0m building line can apply for a maximum length of 10m, provided that the parapet height of the structure does not exceed 3.5m measured externally from natural ground level and that no windows or other overlooking features occur on the common boundary.
- Pergolas - 1m
- Braai - 1m
- Swimming Pool - 1m

3.1.3 Rear Boundary Building Lines:

- Main Building - 4m
- Garages/Outbuildings - 4m
- Pergolas - 3m
- Braai - 2m
- Swimming Pool - 1m

3.1.4 Irregular Shaped Sites:

- Where one boundary is not parallel to or at 90° to the other boundaries, the building form is to be parallel or perpendicular to the majority of the boundaries.
- Where no boundaries are parallel to or at 90° to each other, the building form is to be parallel to the street.
- Where there is more than one built form, they are to be parallel to or at 90° to each other.

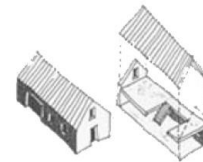
The Bluewater Estate Homeowners Association reserves the right to consider variations on the building line restrictions and to permit variations at its own discretion.

Erven on the Estate may not be consolidated or subdivided.

3.2 Plan Form

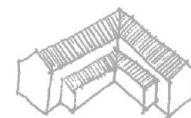
3.2.1 Plan Configuration of Primary and Secondary Building Elements:

- Linear plan forms with limited width and with double pitched roofs are defined as **primary building elements**.
- Mono-pitched or flat roofed forms associated with primary elements are defined as **secondary building elements**.



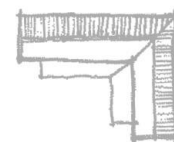
3.2.2 Possible Configuration of Primary and Secondary Elements:

- Primary and secondary plan forms can be combined to produce composite plan forms.
- Primary Elements can be connected together by mono-pitched secondary elements including lean-to, pergola, or verandah structures.



3.2.3 Possible Double Storey Component:

- The primary and secondary forms can be single or double storey.
- Loft-type or room-in-the-roof spaces can be incorporated into the upper floor.



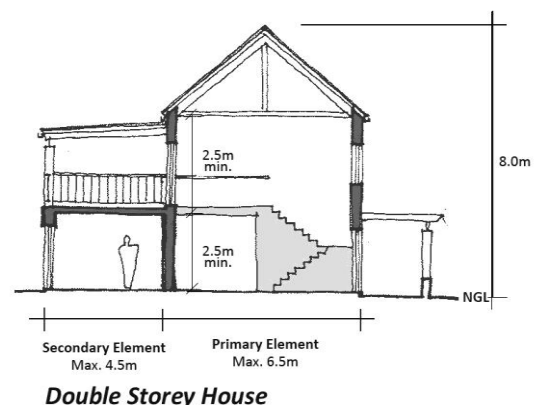
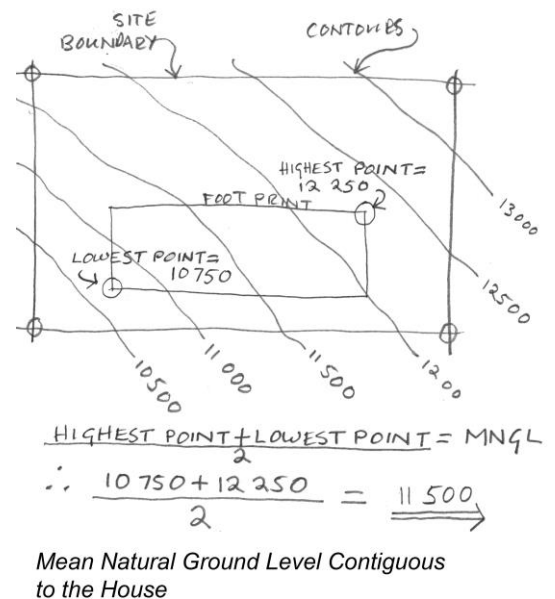
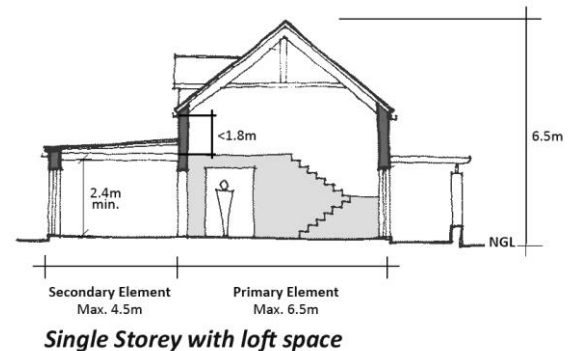
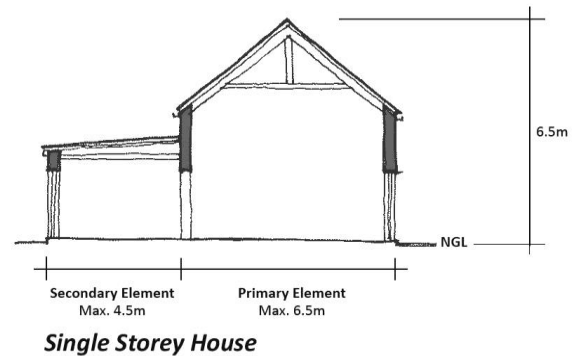
3.3 Building Envelope

3.3.1 Building Width:

- The maximum width of primary building elements is 6.5m with a minimum width of 4m.
- The maximum width of secondary building elements is 4.5m including verandah, pergolas, and balconies.
- The width of a secondary building element may not exceed more than 2/3rds of the width of the primary element it adjoins.
- The maximum width of garages is 6.5m.

3.3.2 Building Height:

- The height of any building is measured relative to the mean natural ground level contiguous to the house (MNGL) of the site. A contour diagram with contours at 500mm intervals of the undisturbed site is to accompany the submission of plans for scrutiny.
- Natural Ground Level (NGL) is the original ground level of the site.
- The **mean natural ground level contiguous to the house** (MNGL) is the average measurement between the highest and lowest points of ground contiguous to the house. (See diagram)
- Finished ground floor levels may be a maximum of 1m above NGL.
- The maximum height of a single storey building is 6.5m above **mean natural ground level contiguous to the house** (MNGL) measured vertically to the roof ridge.
- The maximum height of a double storey building is 8m above **mean natural ground level contiguous to the house** (MNGL) measured vertically to the roof ridge.
- A single storey house with a loft space is so defined if the loft space has a floor to wall plate height of a maximum of 1.8m. A loft space will not be classified.
- as a first floor subject to the apex of the roof of such space being less than 6.5m above NGL.



3.3.3 Roof Pitch:

- Roofs to primary forms must be double pitched (equal pitch both sides) and the angle may vary from 35° to 42°. Where there is more than one primary building element they must be roofed individually and linked by secondary building elements.
- Roofs to secondary elements must be flat or mono pitched and the angle of the mono pitch may vary from 5° to 15°.

3.3.4 Garages and Outbuildings:

- Garages may be free-standing and may have double pitched roofs as for primary building elements.
- Garages may have a mono-pitched roof as for a secondary building form and must have parapet walls on 3 sides to a maximum height of 3.5m. The gutter side may not face the street. Garages and/or outbuildings may extend for a maximum of 10m on the side boundary.
- Garages on the side boundary (zero building line) **must** have a mono-pitched roof as above.
- Garage may be incorporated into the primary and/or secondary building forms.
- Outbuildings must respond to the form and geometry of the main house and the same criteria must apply as to the main building or the garage, whichever is relevant.
- For coverage for outbuildings see 3.3.5.
- For building lines for garages and outbuildings see 3.1.1.
- No more than two solid double garage doors shall face the street. Four solid single garage doors shall not be permitted. Neither shall one solid double garage door and two single garage doors.

3.3.5 Coverage and Area Calculation:

Area calculations must be included in all submissions to the Architectural Committee and the Local Authority.

The following information is required:

Site Area	=
Allowable Coverage @ 50%	=
Actual Coverage	=
Ground Floor Area	=
First Floor Area	=
Primary/Secondary Element Area Ratio	=

Coverage

- Coverage refers to the external footprint of the ground floor area, including verandahs, garage, and outbuildings.
- **Maximum coverage is 50% of the site area.** This is calculated on the ground floor area; first floor or loft/mezzanine are above and therefore do not count to the coverage calculation.
- Minimum house size allowable is 150sqm, including verandahs, garages, and outbuildings.

- A maximum of 50% of the footprint (coverage) of the ground floor area is allowed for the first floor. The first floor area is defined as the roofed area of the first floor and **includes any double volume area and the area of the stairs.**
- The area of secondary element roofs excluding garages and outbuildings must not exceed 50% of the primary roof area.

4 Building Elements

4.1 Roofs

The roof pitch has been defined in section 3.3.3.

4.1.1 Roof Materials:

Roof materials are to be of one type for a house.

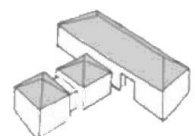
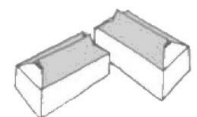
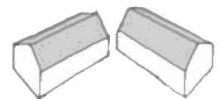
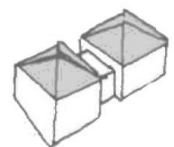
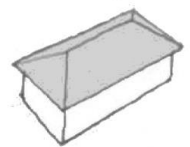
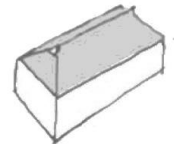
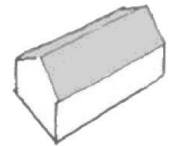
- Flat profile, colour-through concrete roof tiles.
- “S” profile corrugated sheet metal pre-painted.
- On low pitch roofs at 5 degrees on secondary building elements, standing seam pre-painted sheet metal roofs like “KLIP-LOK” or equivalent may be used - NO IBR may be used.
- Flat concrete roofs in secondary building elements are to be covered with stone chips or with trafficable tile surfaces.
- Verandah roofing materials to match the main roofing material. Other options such as UV-filtered high-quality s-shaped translucent roof sheeting will be considered but must be suitably screened with a parapet or fascia board.

4.1.2 Roof Form:

- Principal roof may be double pitched, or hip ended with or without roof ventilators.
- It is recommended that the roof forms for the pavilions in each house be consistent.

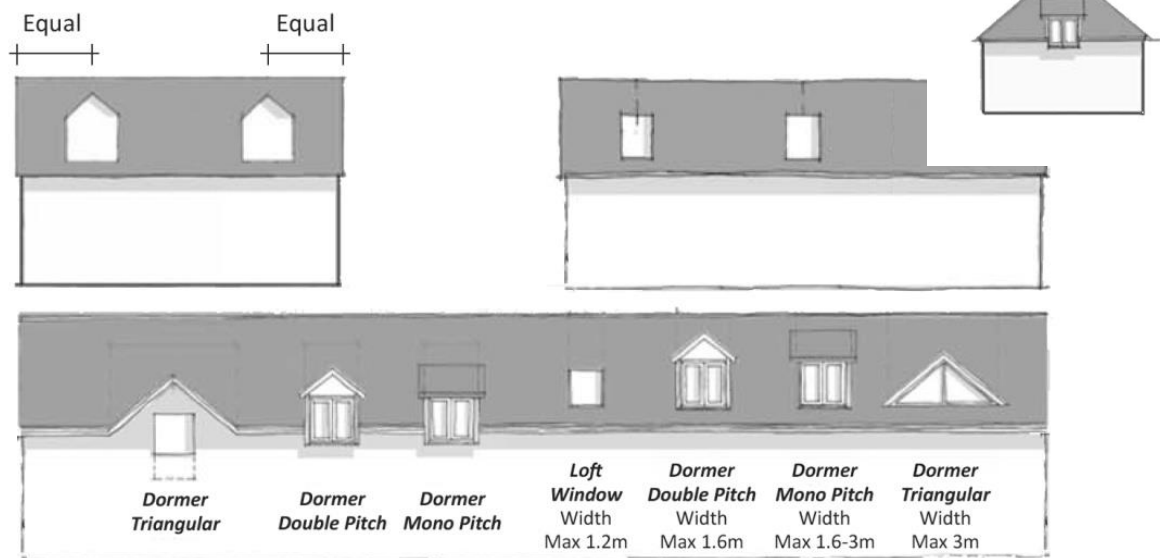
4.1.3 Roof Eaves:

- Roof eaves should be clipped.
- Epoxy-coated aluminium rainwater goods to standard profiles.
- Garages, which may have roofs with a pitch of less than 5°, are to have parapet walls. The gutters are not to face the street.



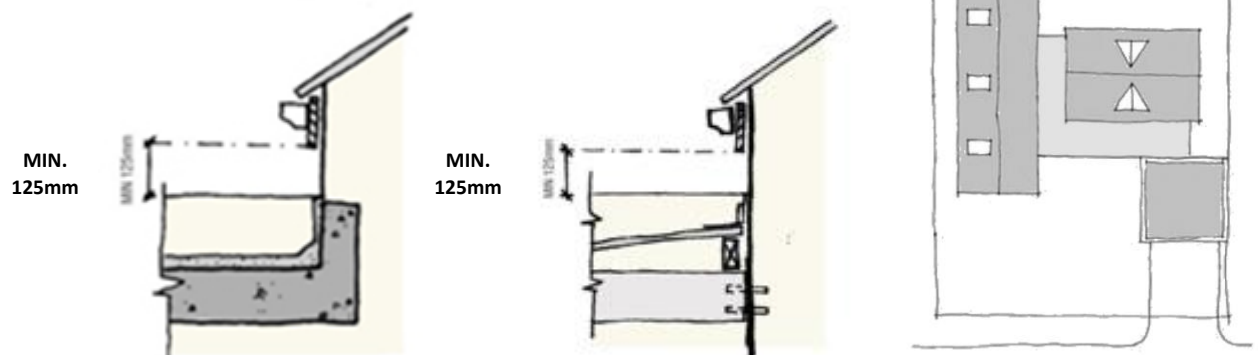
4.1.4 Roof Dormer Windows:

- Roof dormer windows are to be contained in the plane of the roof and may have opening sections. Any new addition of roof dormer windows is to take note of the neighbouring property and their privacy.
- Dormer windows as projecting structures within the roof may also be incorporated.
- The position and types of the roof and dormer windows are as illustrated. They must be consistent in shape/size if there are multiple.
- Dormer window types and dimensions are as illustrated.



4.1.5 Primary and Secondary Roof Relationship:

- The relationship between primary and secondary roof elements is as illustrated.



4.2 Walls

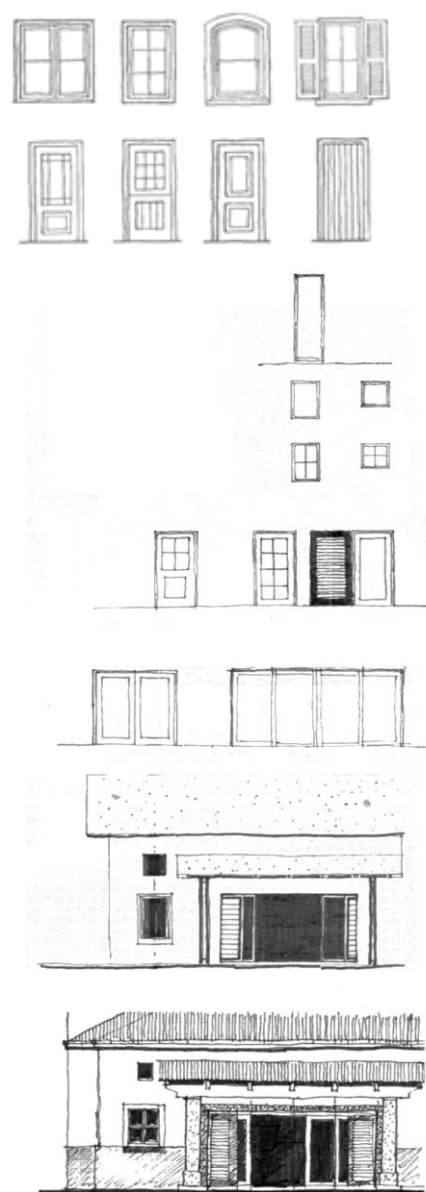
- The walls of the primary and secondary building elements are to be plastered and painted or
- The walls may be smooth or textured, may have plinths and may have a combination of textures and colours.
- Materials are restricted to painted plaster, textured plaster, natural stone, and shiplap cladding.
- Natural stone is to be un-dressed Table Mountain Sandstone.
- No external face brick, klompie brickwork, precast concrete elements, quoins, or rustication are allowed.

4.3 Windows, Doors, and Shutters

- Tinted or reflective glazing is not allowed.
- Opaque, unpatterned glazing will be permitted where privacy is required.
- Are to have vertical or square proportions.
- Sub-division of windows and doors into smaller sections must maintain vertical or square proportions.
- Can be constructed from timber, aluminium or P.V.C.
- Must have frame proportions as illustrated.

The intention is to have doors and windows with robust sections which look like timber sections but may be made out of other materials.

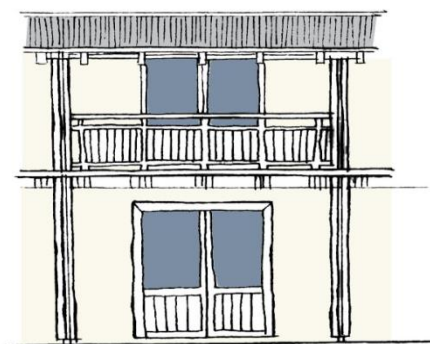
- Where windows and/or doors are combined to provide large openings between internal and external spaces they must be composed of sections that are vertical. Large openings may only occur where they are covered by verandah, roof, balcony, or pergola.
- Shutters are to be functional, match proportions of doors or windows they cover and may be folding or sliding.
- Shutters can be constructed from timber, aluminium or P.V.C.
- Burglar bars will not be permitted and no trellidor-type expanding security device will be permitted externally. Clear Perspex burglar bars will be allowed. Internal shutters will be permitted for security, these must be white.



4.4 Balconies and Verandahs

4.4.1 Balconies:

- May only be constructed in association with double storey houses or mezzanine levels.
- May address the street, open space boundary or courtyard side.
- Overlooking sides are to be screened.
- Support structures for balconies can consist of materials as described under walls, timber, or steel.
- Balustrade to balconies may be in timber, steel or aluminium and are able to be arranged as illustrated.
- Clear glass balustrades, framed or frameless, may be used. The glazing is to be designed by an accredited supplier and is to display the required safety marking on the laminated glazing components.
- Balconies on irregular-shaped erven will still be required to conform with the above. Consideration will be given to balconies facing neighbouring plots if suitably distanced, not compromising privacy, and with signed consent from the affected neighbour/s.
- Where balconies overlook neighbouring properties, the side/s need to be screened using timber construction (min height 1.8m).



4.4.2 Verandahs:

- Support structure for verandah roofs can consist of material as described under walls, timber, or steel.
- The structure of the verandah roof is to be exposed and expressed. Roofing materials to match the main roofing material. Other options such as translucent roof sheeting will be considered but must be suitably screened with a parapet or fascia board. Refer to 4.1.1.
 - The maximum roof overhang is 400mm.
 - Ceilings may be installed with built-in lighting.
 - The relationship between a parapet wall associated with a verandah roof and a primary building element shall be as illustrated.
 - The sides of the verandahs can be screened for sun control or privacy using timber construction.

4.5 Pergolas

• Attached:

Support structure for pergolas can be as for verandahs, provided it is in keeping with the overall style of the house.

Pergola elements can be constructed from wrought and planed timber or steel.

The maximum pergola overhang from the supports is 400mm.

Pergolas may be covered in timber laths, “spaanse-riet” and canvas awnings. Pergola elements used in front of garages or on the first floor may not have awnings.

The sides of attached pergolas can be screened for sun control or privacy using timber construction.

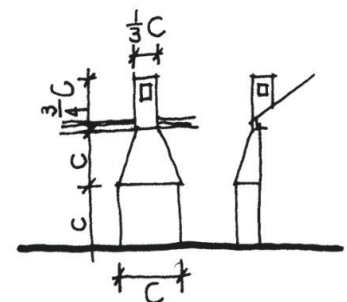
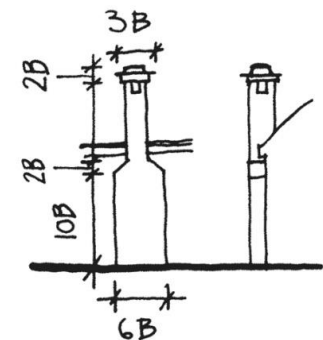
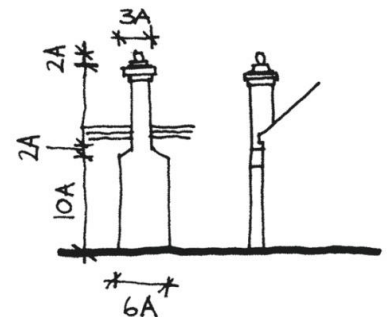
Pergolas may support planting.

No shade cloth covering permitted

4.6 Chimneys and Braais

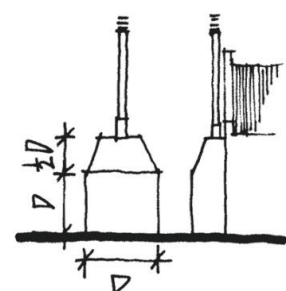
4.6.1 Chimneys:

- Chimney may be constructed of materials as described under walls and may also consist of approved steel- or steel-clad structures.
- Chimneys may not extend more than 1.2m above eaves height or 1.2m above their exit point from the roof.
- Fireplaces and chimneys that are incorporated into the external wall of the house are to be as illustrated.
- Chimney cowls allowed being galvanised and painted black, or stainless steel.



4.6.2 Braais:

- Braai fireplaces and pizza ovens must consist of approved pre-manufactured units.
- Units are to be incorporated into the walls of the house, screen wall or boundary wall.
- The chimneys are to be constructed as per chimneys above.
- Chimneys of braais/pizza ovens may not extend more than 1.2m above the top of the braai/pizza oven.



4.7 Pools

- The responsibility that all homes comply with the South African Building Regulations and these guidelines rests entirely with the Owner of an erf and his architect/responsible person who executes the design and submission drawings. Specific attention is drawn to the "Public Safety Regulations", Part D of the South African National Standards 10400 with reference to Part (D1) "Change in levels", referring to balustrades on stairs and outside terraces. Also, Part (D4) "Swimming Pools and Swimming Baths" ensuring that controlled access to pools is maintained at all times.
- Pool filtration and heating systems are to be enclosed and screened.
- Portable pools above the ground level are not allowed.
- Pools and associated pool decks may not project from the natural ground level by more than 450mm.
- Swimming pool backwash or wastewater must be discharged into the house's private sewerage system or as required by the Local Authority.

4.8 Garages

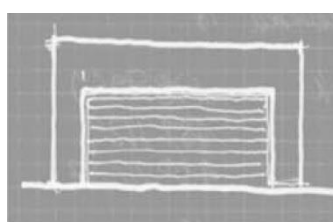
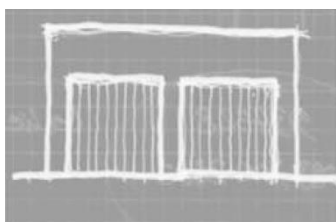
Note: Refer to 3.3.4 for more information pertaining to Garages.

4.8.1 Garages:

- Must be incorporated into the plan of the house, may be attached to the house or may be free-standing.
- May be constructed on the side boundary provided that the garage is not over the street or rear building lines.
- Garages are to have finishes as for the house.
- All garage doors facing the street must be fronted by a pergola of at least 900mm wide.

4.8.2 Garage Doors:

- Garage doors are to be constructed as illustrated.
- Vertical or horizontal timber boarding is allowed. No decorative or panelled doors are permitted. Aluminium doors are permitted.

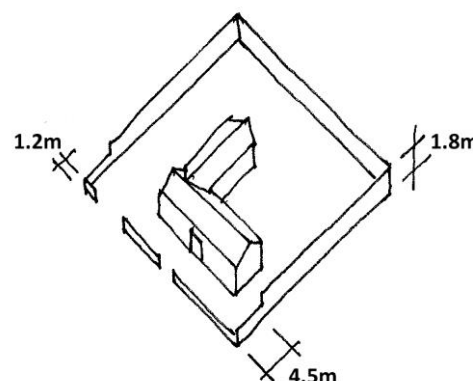


4.9 Boundary Walls, Fences, Screens and Gates

4.9.1 Boundary Walls, Fences and Hedges:

Height:

- Street boundary wall and returning for 4.5m on either side boundary – preferred height of 1.2m. A written motivation can be submitted to increase the wall height from 1.2m to 1.6m, submitted to the Bluewater Estate Homeowners Association Board of Directors. This motivation must clearly give reasonable justification for the extension of the wall height. This can only be granted through an application.
- 1.6m walls must consist of a 1.2m masonry wall, with the remaining 0.4m being permeable lattice or picket fencing.
- Side and rear boundary walls may be 1.8m high and 50% of the side and rear boundary wall may be 2.1m high for privacy, provided that such wall is associated with high activity areas such as a patio or pool, or for the screening of kitchen yards.

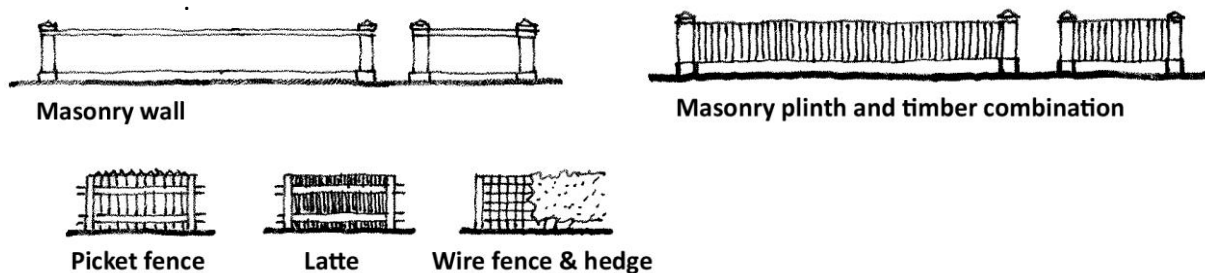


Construction:

- Boundary walls are to be constructed of the following materials or a combination of materials:
 - Masonry walls, plastered and painted with a plinth and moulded copings.
 - Tanalith treated timber picket fence on timber posts and frame. Timber can be left unpainted or can be painted white.
 - Timber laths or 'latte' fixed to timber posts and frame.
- 1m high plastic-coated diamond mesh, dark green, fixed to treated poles at 3.5m intervals with planted hedge. No diamond fence is permitted on the road boundary side or on the side boundaries for 4.5m from the road boundary.
- Boundary walls and/or fences are to be consistent throughout the property.
- Precast concrete or concrete block walls are not permitted. No face brick walls are permitted.
- A kitchen yard must be provided with a wall or screen 2.1m high to screen washing lines, bins, gas bottles, heat pumps and equipment or services.

4.9.2 Gates:

- Vehicular and pedestrian gates in plastered masonry walls are to be of solid timber i.e., framed and braced with tongue and grooved hardwood timber, unpainted and tanalith treated.
- Gates in timber picket fencing are to be of the same picket fence design. Timber can be left unpainted and tanalith treated or can be painted white.



4.10 Colour

Paint colours are to be Plascon or similar approved paints. Walls may be painted with Earthcote or similar approved products.

4.10.1 Masonry Walls:

Plastered walls can be painted white or one of the pale earth tones listed below:

- E 14-3 Papyrus
- E 12-2 Degas
- D 15-4 Sasquatch
- E 15-2 Landing
- VLO 29 Mercury
- C 14-3 Blonde Wood

4.10.2 Timber Walls:

Timber shiplap wall finish may be left natural or be treated and varnished. Timber or Everite Nutec shiplap wall finish must match the colour of the painted plaster to the house, if any, or must be one of the blues or greens listed below:

- D 25-2 Seclusion
- D 32-1 Sea Chalk
- A 31-3 (for minor elements only) Robin's Egg
- VEL 41 (for minor elements only) Azure

4.10.3 Roof Colours:

- Pre-painted chromadek corrugated or clip lock sheet metal roofing material - Dove Grey or Dark Dolphin. No black will be permitted.
- Victorian profile fibre cement roof sheets - Victorian sheets or similar approved.
- In-situ painted roofs - Plascon Nuroof colour Smokey Grey or Charcoal or similar approved.

4.10.4 Outbuildings and Garages Colours:

- Materials and colours are to match the main building.

4.10.5 Windows, Shutters and Door Colours:

Windows are to be either natural varnished timber, painted timber, epoxy coated aluminium or P.V.C. Window, shutter, and door colours to be consistent throughout the house.

The colour is to be one of the colours listed below:

- White
- Match the roof colour (Dove Grey, Dark Dolphin, Smokey Grey or Charcoal)
- D 29-5 Winter Fog
- B 32-4 Surf Blue
- C 28-7 Cornwall

4.10.6 Fascias, Gutters, and Downpipes:

- Fascias may be left natural timber or painted to match the colour of the windows.
- Gutters are to be pre-painted white, beige, or grey.
- Downpipes are to match the colour of the gutters or are to match the colour of the wall.
- The colour for fascias, gutter and downpipes are to be consistent throughout the house.

4.10.7 Pergolas and Balconies:

- Pergolas are to be left natural timber or match the colour of the windows.
- Masonry support structures for pergolas are to be painted to match the wall colour of the house.

4.10.8 Garage Doors:

- Garage doors are to be painted as for doors.

4.10.9 Boundary Walls:

- Masonry walls are to be painted as for walls.
- Timber picket or lath fences and garden gates are to be painted timber and tanalith treated or can be painted white.

4.11 Driveways and Parking

4.11.1 Driveways:

- In view of conservation and sustainability, the estate welcomes permeable materials such as gravel, woodchips, permeable pavers, or permeable concrete products, as long as their use also conforms to the criteria of aesthetic coherence and tidiness/cleanliness.
- The emphasis in the choice of materials and their colours is on aesthetic coherence with the existing road paving.
- All substructures such as felt or DPC must remain permanently hidden and must be properly finished and edged on all sides.
- All services located in driveways such as water meters, manholes, fire hydrants etc. must be embedded neatly and level into the surface and must be in positions where they are not in jeopardy of damage.
- Planning of driveways must consider the position of existing services (storm water infrastructure, fire hydrants, electrical boxes, manholes, water meters, etc.). Any possibly necessary relocation thereof is at the member's expense and must be negotiated with and approved by the Owner of the infrastructure (Bluewater Estate or the City of Cape Town).

Permitted Materials:

Gravel

- Gravel must be laid thickly enough to permanently cover all substructures including at the edges.
- Suitable substructure and edgings must be used to prevent the material from spilling over onto roads.
- Not suitable on slopes.
- Regular maintenance must be done and at least weekly cleaning of adjacent road to keep a tidy and neat appearance in accordance with the Members Code of Conduct.

Mulch/Wood Chips

- Mulch and woodchips must be laid thickly enough to permanently cover all substructures including at the edges.
- Suitable substructure and edgings must be used to prevent the material from spilling over onto roads.
- Not suitable on slopes.
- Regular maintenance must be done and at least weekly cleaning of adjacent road to keep a tidy and neat appearance in accordance with the Members Code of Conduct.

Paving

- Colours to correspond with road paving.

Permeable Paving

- If planting is included, it must be maintained and kept neat at all times.

Concrete with Embedded Fine Brown Gravel

- Colours to correspond with road paving.

Cobbles

- The colour of cobbles to correspond with that of cobbled road paving.

Materials Not Permitted

- Tar
- Exposed concrete
- Mock rock
- Brick paving
- Tiles
- Unfinished driveways

4.11.1 Parking:

- Parking for two cars shall be provided within the cadastral boundary of the erf. This is in addition to garage parking.
- The space in front of garages set back 4.5m from the road carriageway will be acceptable as additional parking.
- Carriageway crossings shall not exceed the width of the garage/s.
- Resident's vehicles must be parked in the spaces provided above and not in the public open areas.
- Parking on the roads and grass verges is only for short visits/drop off and deliveries. Homeowners are to use the parking within their property for long term parking and not to use the verge or street to store vehicles for any extended period of time.
- Trailers, caravans, or any heavy-duty commercial vehicle will not be permitted on driveways or public areas and should be parked in garages or where not visible.
- The driveway or court shall be lit from an approved light fitting on the wall of the garage or main building closest to the street.

4.12 Outbuildings and Play Structures

4.12.1 Outbuildings

All permanent buildings not directly connected to the main house are referred to as "Outbuildings". All buildings within Blue Water Estate, including outbuildings— regardless of size - must comply with all relevant rules and regulations. These include:

- Cape Town Zoning Scheme
- Blue Water Estate Architectural Design Guidelines
- National Building Regulations

The Cape Town Zoning Scheme (CTZS) applies to garden sheds, "Wendy houses", tool sheds and any other outbuilding. This means that these structures must comply with all CTZS regulations which apply.

All structures with a footprint area greater than 5m² require local authority approval, regardless of construction materials or methods and regardless of whether they are temporary or permanent structures. Should the outbuilding not comply with the CTZS regulations, a departure from each regulation with which it does not comply must be sought, and this requires the consent of the neighbours and the BWE HOA.

4.12.2 Play Structures

- The criteria upheld by the Architectural Committee in line with rules and regulations are in adherence to the Design Manual, aesthetic coherence, consideration of neighbours and safety.
- Planning and design of play structures must consider the effect they will have on neighbouring properties in terms of overlooking and must comply with the Architectural and Landscaping Design Manual in this regard. Screens must be erected on upper decks of play structures if these decks overlook neighbouring properties.
- Play structures that include enclosed areas and/or roofs will be considered outbuildings.

Permitted Materials and Finishes:

Timber:

- Natural finishes and/or permitted stains/paint colours in accordance with the Architectural and Landscaping Design Manual.

Materials and Finishes not Permitted:

- Steel structures
- Concrete
- Plastic
- Bright colours

Procedure:

The following procedure is to be followed before erecting play structures:

- A notification of the intention to build a play structure must be given to the Estate Manager.
- If the play structure is to be enclosed or roofed, it will be deemed an outbuilding.
- If overlooking of neighbours will occur, the neighbours must be consulted, and an agreement must be in place with the neighbours before the structure may be built.

5 Energy and Sustainability

5.1 Off-Grid Inverters, Solar and Photovoltaic (PV) Panels

- The Estate encourages the use of solar heating panels and photovoltaics as an additional source of power. No generators are permitted.
- No adjustments are to be made to the angle the PV panels on main roofs i.e. the panels are to follow the existing slope of the roofs.
- Optimum angles may be considered for flat roofs, but only when hidden from the street, and neighbour's view by parapets.
- PV panels on main pitched roofs are to be symmetrically placed and not randomly positioned.
- All cabling or reticulation from the PV panels must be concealed directly into the roof space. No white conduiting will be permitted on the roof itself.
- No surface-mounted cabling or reticulation will be allowed on roofs, parapets external walls.
- Modules with aluminium frames are to be either in silver or black anodized.
- All hot water cylinders must be concealed in the roof space.
- All Solar Panels are to be securely fixed to the roof below. Mounting structure should be made of aluminium or stainless steel only.
- All Solar Installations are to be submitted to the Homeowners Association for approval.
- City of Cape Town approval is required prior to solar installation and this is normally applied for by your installer who is required to be a Registered Electrical Contractor. They need to employ registered installation electrician or master electrician and should provide the authorising electrical engineer name and registration number on the submitted documents. All Health and Safety requirements should be adhered to during installation and an Electrician needs to provide a certificate of compliance upon completion.
- City of Cape Town legal requirements for solar are readily available on their website: <http://www.capetown.gov.za/>

5.2 Inverters

- No inverters are to be roof-mounted or visible.
- Inverters must comply with the City of Cape Town's requirements. Refer to their website.
- All installers must follow these guidelines:
[https://resource.capetown.gov.za/documentcentre/Documents/Forms,%20notices,%20tariffs%20and%20lists/Approved%20Photovoltaic%20\(PV\)%20Inverter%20List.pdf](https://resource.capetown.gov.za/documentcentre/Documents/Forms,%20notices,%20tariffs%20and%20lists/Approved%20Photovoltaic%20(PV)%20Inverter%20List.pdf)

5.3 Batteries

Where batteries are deployed, it is the Owner's responsibility to ensure sufficient ventilation and compliance with the requirements for charging and discharging.

5.4 Grid Connection

Grid connection can be considered with the sizing conditions being undertaken by the Owner. The necessary application for the relevant tariff as available from the CCTED is to be copied to the Management.

5.5 Off-Grid

An Owner may elect to be Off-Grid. All applications and approvals are to be undertaken by the Owner through the CCTED and correspondence copied to the Management.

5.6 Hybrid Connection

Connection to the grid with battery backup is encouraged as this may allow for use without a generator. As above, all applications and installations by the Owner.

5.7 Composting

- Composting bins should be in suitable containers to avoid fire hazards and vermin. A compost enclosure is recommended and should be baboon and rodent proof.
- No person may keep a compost heap that creates a nuisance, whether the nuisance emanates from odour or whether a health nuisance or nuisance from the manner in which, or the conditions under which, the compost heap is kept.
- If the BWE HOA reasonably believes that a nuisance is plausible, they may, in writing order the Owner or person in charge of the compost to abate the nuisance within a reasonable time and setting out the measures to be taken; or where possible and, if necessary, remove the compost heap concerned.

6 Boreholes

- The Estate requires an application for all boreholes.
- The position and access are to be indicated on the application and neighbours are to be notified of works.
- All boreholes are to be registered with the City of Cape Town.
- The following tanks will require authorisation from the Building Control Officer prior to the installation of the tank.
- All tanks with a storage capacity of more than 10 000 litres per single tank.

7 Other Elements

- Waste and supply services are not to be exposed externally. All plumbing pipes, services pipes and air conditioning units shall be concealed, apart from stub stacks and rainwater pipes.
- Aerials and satellite dishes are to be installed as discreetly as possible.
- Wash lines, open storage, water storage tanks, and dog kennels shall not be visible from the street without prior permission.
- Refuse bins, gas bottles, and washing lines are to be housed in a kitchen yard. The kitchen yard may have a screen wall 2.1 meters in height with a total length not exceeding 10 meters.
- AC condenser and heat pump units are to be at ground level and screened if visible from the street.
- External lighting is to be wall or roof mounted or other discreet unobtrusive lighting. Accent lighting, floodlighting, or other lighting that poses a nuisance to neighbours will be not permitted.
- Bollard lights are to be restricted to 900mm high and no pole-mounted lighting will be allowed.
- Heating panels are to be mounted flush on the primary roof forms only.
- Noise: All machinery, services, water features, pumps, etc., are to comply with the City of Cape Town bylaws regarding noise output. Consideration of neighbours should be taken prior to any installations that have a noise output. Pool and borehole pumps should be run between the hours of 7:00 - 19:00 and pumps must be enclosed in appropriate housing so as not to be a nuisance to neighbours.

8 Landscaping

8.1 General

- The objective of the landscape design and conservation component of this Design Manual is to create a sense of cohesion across the Estate and to build a habitat that is sustainable, compatible with the natural environment and attracts wildlife.
- From the conservation perspective, the broad objective is to preserve or restore vegetation types indigenous to this area which, in turn, will attract birds and other wildlife.
- In order to establish and maintain the cohesiveness in the overall landscape character, Owners of erven are required to design and implement the garden landscapes around the houses in accordance with certain conditions, specifications and restrictions.
- Sustainability and self-sufficiency are to be taken into consideration at all times.

8.2 Conditions

8.2.1 A **conceptual** landscape plan for the garden of an erf is to accompany the building plan at submission for approval by the appointed Architectural Committee. In addition, all structural elements in the garden must be indicated in detail, including:

- All grading, retaining, and terracing intended to be undertaken (including gradients).
- All paving, water features, swimming pools, pumps and filters, fences, and gazebos. The intended finishes must also be specified.
- Details of storm water handling and elevations where relevant.
- Rainwater tanks.
- Irrigation layout, pipelines, head positions and types and intended coverage area.
- Clotheslines, dustbin storage areas and other utility areas and their screening.
- Garden lighting.
- Parking spaces.

8.2.2 Where the intention of the erf Owner is to cultivate a hedge, the position, type, and final height shall be indicated in the submitted plan.

8.2.3 Details of other plant material, species, numbers, spacing and size etc. do NOT need to be included in the building plans. However, when planting is undertaken, the selection of plants MUST comply with the restrictions outlined in the guidelines below and will be checked on completion and from time to time thereafter.

8.3 Restrictions on Gardening, Landscaping and Related Elements

The gardening and landscaping activities of an erf Owner shall be confined to the area within the boundaries of that erf.

NOTE: The erf generally includes the verge but excludes the road reserve (a 1m strip between the erf boundary and the road). Any planting within the road reserve must be approved by the Homeowners Association.

- No erf Owner will be permitted to extend the garden into any adjacent areas or to use such areas for irrigation, plantings, storage, fencing, pool equipment, earth mounds or portions of embankments or cut slopes.

- No tree, landscaping, or other plantings in any area outside of their own erf may be removed by an erf Owner.
- No existing tree on any area within the Estate – including on an erf - may be removed, pruned, or damaged in any way unless approved by the Homeowners Association.
- Fences and boundary walls shall comply in height, position, and construction with the architectural guidelines.
- Garden lighting is not permitted other than lighting units attached to the building itself, or discreet up lighting within the landscape. The final numbers and positions of garden lights are to be approved by the Architectural Controller.
- Hard landscaping surfaces, i.e., brick paving, tiling, decking, etc., around houses will not be permitted to cover the entire site. Cumulatively paving shall not cover more than 25% of each erf's area and a minimum of 25% of each erf must be soft landscaping.
- No artificial planting permitted.

8.4 Responsibilities of BWE HOA vs. Erf Owners

- The BWE HOA is responsible for planting and maintaining the road reserve and any other space within the Estate that does not fall within the boundaries of an erf for example, the land along the boundary side of Atlantic Drive.
- The BWE HOA is also responsible for planting/landscaping and maintaining the corners at road intersections, including the verge up to the wall or other boundary structure of the relevant erf.
- It is the responsibility of the erf Owner to plant and maintain other parts of the verge which forms part of their particular erf.
- The erf Owner is responsible for the removal of any garden refuse generated from their erf.
- Clearing and removal of Invasive Alien vegetation on any undeveloped erf is the responsibility of the Owner and must be undertaken on a quarterly basis, failing which the Homeowners Association will undertake the clearance at the erf Owner's cost.

8.5 Plant Species NOT Permitted

No prohibited or listed invasive alien plants – including trees, shrubs, grasses etc. are permitted within the Estate and may not be cultivated in an erf's garden. At present, there are lists under both agricultural (CARA) and environmental/biodiversity (NEMBA) legislation. These lists may be amended from time to time, and current lists will be made available on the BWE website.

8.6 Plant Species Discouraged

Any alien (exotic) species not indigenous to the area, in particular:

- Palm trees
- Any species of Eucalyptus
- Any species of Bottlebrush
- Any species of Agave
- Any alien species of Cactus

NOTE: While these species are not necessarily listed at present, many are being considered for listing in future and will therefore have to be removed at that time.

8.7 Plant Species Permitted:

- Plants endorsed by the Department of Water Affairs Waterwise gardening programme.
- Any plants indigenous to the Fynbos region of the Western Cape.
- A limited range of non-invasive exotics in particular plants from areas with a Mediterranean climate.

8.8 Landscaping Plan

In the event that the landscaping plan has not been developed at the time of final submission of the building plans to Bluewater Estate for approval, the following **NOTE** is to be on the plans:

Prior to the final inspection of the house, a landscaping plan compliant with Section 6 of the Design Manual is to be submitted to the HOA for approval.

8.9 Recommended Species

Shrubs, Ground Covers, Bulbs etc.:

Agathosma Capensis - Buchu
Agapanthus Praecox 'Blue'
Agapanthus Praecox 'White'
Aloe Arborescens
Aloe Ferox
Aloe Maculata
Aloe Microstigma
Anisodonteia Scabrosa – Pink Mallow
Arctotis Acaulis
Aristea Capitata
Carpobrotus Edulis/Aciniformis - Vygies
Chondropetalum Tectorum (Elegia Tectorum) – Thatching Reed
Chrysanthemoides Monilifera
Cliffortia Ferruginea
Coleonoma Alba – Confetti Bush
Coleonoma Pulchrum – Pink Confetti
Diets Bicolor
Diets Grandiflora
Erica Spp.
Eriocephalus Africanus – Wild Rosemary
Euclea Racemosa
Euryops Pectinatus
Felicia Amelloides
Gazania Krebsiana
Helichrysum Petiolare
Kniphofia Praecox – Red Hot Poker
Lampranthus Aureus and Other Species - Vygies
Leonotis Leonorus – Wild Dagga
Leonotis Ocymifolia
Leucadendron 'Safari Sunset'
Leucospermum Cordifolium – Pincushion Protea

Lobostemon Fruticosus – Pajama Bush
Metalasia Muricata - Blombos
Ornithogalum Thrysoides
Pelargonium Betulinum
Pelargonium Capitatum
Pelargonium Cucullatum
Phylica Ericoides - Hard-leaf Heath
Podalyria Calyptrata
Polygala Myrtifolia
Rhus Crenata
Rhus Glauca
Rhus Lucida
Salvia Africana-Lutea
Salvia Chamelaegnea
Sutherlandia Frutescens
Wachendorfia Thrysiflora – Red Root
Zantedeschia Aethiopica – Arum Lily

Restio Types:

Chondropetalum Fis Hoek – Small Cape Rush
Chondropetalum Tectorum (Elegia Tectorum) – Thatching Reed
Ficinia Bulbosa
Juncus Effuses – Soft Rush
Thamnochortus Insignis - Restio
Thamnochortus Spicigera

Trees:

Acacia Karroo
Apodytes Dimidiata - White Pear Tree
Buddleja Salvifolia
Buddleja Auriculata - Sagewood
Diospyrus Whyteana – Blackwood
Ekebergia Capensis – Cape Ash
Gymnosporia Heterophylla
Kiggelaria Africana – Wild Peach
Leucospermum conocarpodendron - Tree Pincushion
Maurocenia Frangularia
Olea Capensis
Olea Africana – Wild Olive
Pittosporum Viridiflorum
Rapanea Melanophloeos – Cape Beech
Salix Mucronata – Cape Willow
Sideroxylon Inerme - Milkwood
Tarchonanthus Camphorates – Wild Camphor
Virgilia Oroboides – Keurboom

9 Building Processes and Fees

All Owners planning to build or conduct additions and alterations in Bluewater Estate are required to follow the procedures outlined below prior to commencing building.

9.1 Initial Contact with the Control Architects

It is the responsibility of the Architect/Designer appointed by the Owner to comply with the BWE Architectural Design Guidelines document and to ensure that the provisions and objectives of the guidelines are understood. Prior to the commencement of the design, alternation, or addition of a house, it is therefore recommended that contact be made with the Control Architects acting for the Bluewater Estate Homeowners Association (BWE HOA) who are available to answer any questions which may arise regarding the design parameters.

The design proposals will be scrutinized for compliance by the Bluewater Estate Homeowners Association Architectural Committee. The proposal will firstly be submitted as a design concept and once it has been approved, as the Local Authority submission drawing.

9.2 Building Plan Submission

The house design proposal will be scrutinised for compliance with the guidelines by the BWE HOA in a four-stage process:

Stage 1

The proposal will firstly be submitted to one of the Control Architects as a design concept and it will be scrutinized to ensure that the principles and objectives of the guidelines have been adopted and integrated into the design proposal. In the event that the design concept is not compliant with the principles as outlined in the guidelines, the Control Architect will identify non-compliant aspects of the submission and will refer to the clause or clauses in the guideline that must be adhered to.

The following must be included in the concept drawings:

- Site and coverage area calculations
- Ground floor area calculations
- 1st floor area calculation
- Site number and north point
- Ground floor plan
- First floor plan
- Elevations
- Boundary wall/fence and retaining structures
- Pedestrian and vehicular gates
- Dimension showing overall external width of primary and secondary elements
- Dimension showing first floor finished level to wall plate height
- Highest and lowest points of house contiguous to Natural Ground Level (NGL)
- Mean Natural Ground Level (MNGL)
- Dimension showing ridge height above MNGL
- Dimension showing ground floor level to NGL

Stage 2

A full set of final drawings/s in hard copy printed on A1 pages is submitted to the Control Architect along with documents (annexures A and B) and proof of payment for scrutiny. Plan scrutiny will confirm that the municipal building plan submission set of drawings is consistent with the approved design concept drawings. In addition, the plans will be checked to ensure that all requirements of the Architectural and Landscaping Design Manual have been met.

Stage 3

Council-approved drawings must be emailed to the Control Architect and a hardcopy provided to the Estate Manager before any building work can take place.

9.3 Information Required

The following documentation and information are required for the municipal building plan submission set of drawings:

- Site Development Plan with contours at 500mm intervals showing the boundary, boundary dimensions, building lines and setbacks at 1:100.
- Site and coverage area calculations
- Ground floor area calculations
- 1st floor area calculation
- Bulk earthworks plan at 1:100
- Plans for each level and roof plan at 1:100, including: dimension showing overall external width of primary and secondary elements; dimension showing first floor finished level to wall plate height; highest and lowest points of house contiguous to Natural Ground Level (NGL); Mean Natural Ground Level (MNGL); dimension showing ridge height above MNGL; dimension showing finished ground floor level to NGL.
- A WINDOW AND EXTERNAL DOOR SCHEDULE MAY BE CALLED FOR BY THE CONTROL ARCHITECT as well as an XA calculation.
- Site number and north point
- Drainage plan
- Elevations and sections at 1:100
- Boundary wall/fence and retaining structures
- Pedestrian and vehicular gates
- External finishes and colour schedule
- External lighting and services layout
- Landscaping plan (as per Section 8.2.1 of this Document).

Once the Stage 2 plans have been approved, a hard and digital copy is to be issued to the Control Architect and Bluewater Estate Manager. The Control Architect will stamp and sign before returning to the Estate Manager for signature, and a copy will be returned to the Owner for submission to the Council. A hard and digital copy will be retained by BWE HOA for record purposes.

NOTE: The Council, in addition to signatures of the BHOA on the plans themselves, also requires the completion of a form verifying that the BHOA has approved the plans. This form is available from the Estate Manager and/or the BWE website (www.bluewaterestate.co.za).

9.4 Period of Validity of BWE HOA Approved Building Plans:

The purpose of this section is to ensure that any BWE HOA approved building plans associated with an erf at the time of the sale of that erf, adhere to the Architectural and Landscaping Design Manual (Design Manual) and its amendments current at the time of the sale of that erf.

1. A set of BWE HOA approved building plans is associated with the erf for which the building has been designed and not with the Owner of the erf. Therefore, should an erf be sold with a set of approved plans, the plans may pass to the New Owner. This is in alignment with the local authority.
2. BWE HOA approved building plans are valid for 12 months from the date of the BWE HOA Approval Stamp, regardless of whether the erf is sold or not. This is in alignment with the local authority's validity period for approved plans. The validity may be extended by the period between plan submission to the local authorities and their plan approval. This means, if plans are submitted promptly to the local authority after BWE approval, the validity date of the local authority will also be considered the BWE validity. However, this period will not be extended beyond **18 months from the date of BWE HOA stamp of approval**.
3. If the Design Manual is reviewed and amended between the approval of a set of plans and the commencement of building from those plans, the approval will remain valid if the building is commenced in the period of validity.
4. If due to the lapse of validity of approval, a later re-scrutiny becomes necessary, the Design Manual and its amendments current at the time of re-scrutiny will be the standard.
5. Any plans approved prior to 31 August 2015 will not be considered valid by the BWE HOA and must be re-scrutinised by the current Estate Control Architects.

9.5 Procedures for Building

The following procedures apply to the Construction Phase:

9.5.1 Commencement of Construction

No work may commence until the steps outlined below have been completed:

Inclusions: Work is defined as any alteration to the virgin state of the plot including (but not exclusively) clearing, backfilling with any material, excavation of the plot or delivery and storage of building materials or any ancillary materials, vehicles, trailers, equipment or machinery, or erection of storage sheds, huts or containers, the building of fences or boundary walls.

Exceptions: Not covered by this definition of work are the following: Quarterly prescribed clearing of erven from alien vegetation and the mowing of grass, Surveyor's work, Owners' assessment of the site and the position of the planned build. The planting of perimeter hedges or any trees and bushes is allowed, as the Estate encourages any greening measures.

Enforcement: Contraventions to this stipulation will carry a fine. In addition, the date of any work will be considered commencement of construction, the building levy and deposit will be due with immediate effect from that month, and the 12-months' time frame for completing construction before a non-completion penalty kicks in will start on that same day.

Steps:

- Once the Municipality has approved the building plans, a copy of the approved plans must be provided to the Estate Manager. Any changes to the plans during the municipal approval process must be drawn to the attention of the Estate Manager/Control Architect.
- A signed Builder's Code of Conduct must be provided to the Estate Manager.
- The Owner will then be required to pay a Deposit of R5 000.00 – refundable on completion of the building process provided that there has been no damage to the Estate.
- In addition, the Owner will be charged a monthly building levy equal to the Homeowners levy from the date that building commences until such time as the completion certificate has been issued by the Control Architect.
- Following payment of the deposit, approval will be given to commence construction. The Owner must also notify the Estate Manager when construction will commence so that, amongst others, security can be advised to allow access to the Builder.

9.5.2 Building Inspections

Once construction has commenced, and at each stage of the building process, the Estate Manager will notify the Control Architect. During the construction phase the Control Architect and/or Surveyor will inspect construction at the following points in the construction process to ensure that the building is progressing according to the approved plans:

- First Inspection: **Ground Floor Slab:** Prior to the pouring of the ground floor slab to ensure that the levels on the approved plans are adhered to.
- Second Inspection: **First Floor Slab:** Finished level of the first-floor slab will be checked.
- Third Inspection: **Wall Plate:** The relationship between the wall plate and the first-floor slab will be checked.
- Fourth Inspection: **Ridge:** When the trusses are in place and **before** the roofing material is added, the ridge height will be checked.
- Fifth Inspection: **Windows and External Doors:** When the windows and external doors have been delivered to the site and before they are fixed in position, the shape, proportion, glazing type, and colour will be checked.

It is the responsibility of the Builder to ensure that the building complies with the approved plans.

The Builder is required to give the Estate Manager/Control Architect at least 48 hours' notice of when the building reaches each of the points at which an inspection is due. Failure to do so may result in the issuance of a Cease Building Order.

9.5.3 Completion

On completion of the building work, including external works, boundary walls/fences and the reinstatement of the sidewalk in good order, the Control Architect will inspect the works and, if compliant in every respect with the approved municipal building plans, will issue a completion certificate on behalf of the BWE HOA. This is in addition to the Occupancy Certificate issued by the Municipality on completion of the building. The BWE HOA

completion certificate will not be issued until a copy of the Occupancy Certificate from the Municipality has been provided.

9.5.4 Occupation

Residents may only occupy a new building once a copy of the Municipality's Occupancy Certificate has been provided to the Estate Manager. Preferably, occupation should only take place once the BWE HOA Completion Certificate has also been issued. However, Owners may request **early occupation** from the Board of Directors if they have valid reasons for doing so (e.g., they are required to vacate previous accommodation). Such requests must be submitted at least a week prior to the planned occupation.

9.5.5 Building Levies

The building levy covers the cost of six inspections over the course of the build. If non-compliance results in the need for additional inspections, members will be charged an added inspection fee equal to the amount of the building levy.

If non-compliance causes additional work to the Control Architect, any additional fees will be on the Member's account.

Estate Manager:

Chantelle Visser: 082-8278433
manager@bluewaterestate.co.za

Security and Maintenance Manager:

Paul Painter: 082-6101054
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10 Annexure A – Builders Code of Conduct



Bluewater Estate Homeowners Association NPC

The Guardhouse

Atlantic Drive

Bluewater Estate

Kommetjie 7975

Builders Code of Conduct

Version 04 – 2017-03-23

DRAFT 1: 3 JULY 2002

AGREEMENT

made and entered into between

BLUEWATER ESTATE HOMEOWNERS ASSOCIATION NPC

AND

Name

THE OWNERS OF ERF , KOMMETJIE

(hereinafter referred to as "the Owner")

AND

THE BUILDER

represented by _____

(in his capacity as _____, duly authorized hereto)

(hereinafter referred to as "the Builder" or "the Building Contractor ")

The effective date of this agreement is recorded as ____ Day of _____ 20__.

THIS DOCUMENT REPRESENTS THE QUALIFICATION OF AND CODE OF CONDUCT FOR CONTRACTORS,
SUB-CONTRACTORS, SUPPLIERS AND OWNER BUILDERS, WITHIN BLUEWATER ESTATE

1. DEFINITIONS

The terms used in this agreement shall be as defined in the "MOI of the Bluewater Estate Homeowners' Association".

2. PREAMBLE

The purpose of this agreement is to ensure integration between residential living and control over building activities within the Estate with minimal impact to the environment and these terms and conditions have been developed in terms of the best standard practice currently in place to achieve this goal. The ASSOCIATION reserves the right to make amendments and additions to this document from time to time.

This agreement binds the Building Contractor and the Property Owner.

3. QUALIFICATION OF CONTRACTORS

3.1 Only Building Contractors who can furnish at least three references of prior building contracts will be allowed to build at Bluewater Estate.

3.2 An owner builder who qualifies under 3.1 will be allowed to construct his own home.

3.3 Building Contractors are at all times responsible for their sub-contractors and employees while on the Estate.

4. RULES AND REGULATIONS

The rules and regulations described below are intended to ensure that the quality of life for residents in the Estate is not unduly compromised and the impact to the environment is minimised by the house building operations, yet allowing for efficient construction by contractors.

When a Building Contractor, or his sub-contractors, is found to be in breach of the stated rules and regulations a penalty will be levied. The extent of the penalty is detailed below the description of each rule and regulation.

4.1 Environmental controls

The Building Contractor acknowledges that he is working in an environmentally sensitive environment and agrees to conform to all environmental controls specified in this document and revised from time to time. It should also be noted that these controls form part of the EMP for the development and are required to be legally enforced. Presently these specifications include the following considerations.

4.1.1 Environmental Education

a. Description

All contractor and sub-contractor personnel will be required to be briefed on the Builders Code of Conduct. The main Building Contractor must do these briefings before his staff will be allowed to work on the Estate.

b. Breach

Personnel who have not been briefed will not be allowed onto the Estate.

4.1.2 Limits of building activity

a. Description

All activities relating to the house construction must be confined to within the erf boundary where construction is taking place. A post and wire fence (with shade cloth) must be constructed on the erf boundaries and it is the responsibility of the Building Contractor to ensure that the fence is kept in place throughout the construction period. It is also the responsibility of the Building Contractor to ensure that his personnel, or those of his sub-contractors, do not leave the confines of the erf.

b. Breach

(i) Work by the Building Contractor will be stopped by the ASSOCIATION until such time as the Building Contractor's equipment has been moved to within the building site.

(ii) The Building Contractor will be fined R150,00 per transgression.

4.1.3 Site presentation and spoiling of excess material

a. Description

(i) The Building Contractor will be expected to keep the appearance of his building site neat and tidy at all times. Building rubble must be removed from

the site at intervals not exceeding one week, and litter must be removed from the site on a daily basis. No litter may be stored or mixed in amongst building rubble and green, baboon-proof refuse drums must be supplied for the purpose of storing refuse until removed from site by the contractor.

(ii) No material or building rubble shall be spoiled on the estate.

(iii) All building sand must be covered, after working hours, or in high wind conditions.

b. Breach

(i) Should the Building Contractor fail to comply with the removal of building rubble within the specified timeframe, the rubble will be removed by an outside contractor. The costs thereof shall be paid by the ASSOCIATION and reclaimed from the builder. The contractor will be denied access to the Estate until such costs have been paid in full, or they may be added to the Owner's levy account. In addition to this the Building Contractor will be fined R1 000,00 per offence.

(ii) Should wind-blown litter, or wind-blown building sand, be generated from the site the Building Contractor will be fined R250,00 per day until all refuse has been removed from the stand and the surrounding area, or the building sand is suitably covered.

4.1.4 Cleaning of vehicles/equipment

a. Description

The washing of the Building Contractor's / sub-contractor's / delivery vehicles and equipment is not allowed on the Estate and must be carried out elsewhere.

b. Breach

The Building Contractor will be fined R500,00 per offence.

4.1.5 Fires

a. Description

No fires will be allowed on any part of the Estate including the building site. The Building Contractor is to provide a fully operational fire extinguisher, which must be on site at all times.

b. Breach

(i) The Building Contractor will be fined R1 000,00 per offence, or for failure to provide extinguishers.

(ii) The Building Contractor will in addition be held legally and financially responsible for any damage caused by the breach of this regulation.

4.1.6 Smoking

a. Description

No smoking will be permitted on the estate except, except inside the demarcated building site and within a five-metre radius of a portable fire extinguisher.

b. Breach

The Building Contractor will be fined R100,00 per offence.

4.1.7 Ablution facilities

a. Description

The Building Contractor must make application for water meters from the local authority before moving onto site. The Building Contractor shall provide temporary water-borne toilets situated on the building site for the use of their employees for the duration of the construction period.

b. Breach

(i) The Building Contractor may be denied access to the Estate until such time as this regulation is complied with.

(ii) In addition the Building Contractor will be fined R500,00 per violation.

4.1.8 Screening and securing of building sites

a. Description

Under the Occupational Health and Safety Act 1993, Construction Regulations 2014, owners are fully responsible for the health and safety of anyone who enters their site. This means that should anyone whosoever be injured on a building site, it is the responsibility of the owner.

The Building Contractor must secure and screen off the site all around from the outset. This is to be done with a **shade netting (of at least 80%)** of one consistent colour (either green or black) and a minimum height of 1.5 m, sufficiently supported to stand the wind (e.g. 3 strong wires on gum-poles). The only exception is where sufficiently impermeable boundary walls or fences

already exist, or where and in as far such walls and fences that would serve the same securing and screening purpose are being erected on that ERF as the first building measure.

In addition, sites must be fully closed and secured after working hours and also in any circumstances where work should be stopped for any length of time. It is emphasised that this includes the roadside and the delivery point.

If boundary structures are to be built on the road facing side(s) of a property, the fence securing the site must be erected outside the property, encroaching no more than 1.2 meters unto the verge from the boundary.

This fence must remain during all the works until the house is completed and the landscaping around the house has been rehabilitated and secured against blowing of dust and sand.

Boundary works facing direct neighbours must also remain secured and screened to protect neighbours from dust. If necessary, arrangements need to be made with neighbours regarding access to their grounds.

b. Breach

The Building Contractor will be denied access onto the Estate until such structures are in place and/or fined R150,00 per day, until the site is screened to the satisfaction of the ASSOCIATION.

4.2 Hours of Work

4.2.1 Public/Private time

a. Description

Contractors may only be present on the Estate during the following public time hours:

Mondays to Fridays, from 08h00 to 17h00 (builders to be off the Estate by 17h30)

Saturdays 08h30 to 14h00 (builders to be off the Estate by 14h30).

Sundays, Public Holidays and end of Year period (usually around 21 December to 5 January): no work permitted except in emergency situations (see below).

b. Breach

(i) Contractors will be escorted from the Estate by security during private times and at 17h30 on weekdays.

(ii) In addition the building contractor will be fined R500,00 per transgression.

4.2.2 Extended working hours

a. Description

Contractors and/or delivery vehicles related to construction/maintenance are not allowed on the Estate on Sundays, or on any public holidays. No extensions will be granted except:

- i) in cases of emergency (i.e. when failure to address a problem could lead to the development of hazardous situations or wastage of water e.g. burst water pipes etc.);
- ii) in cases where a contractor has cement delivered late in the day, resulting in labour working overtime, the builder must take responsibility for driving all labour off the Estate once the work is complete.

b. Breach

As for 4.2.1 (b) above.

4.3 Vehicle Sizes Allowed

a. Description

Due to the road surfacing and limited road widths and radii the following restrictions are placed on any vehicle entering the Estate.

i) Only fixed axle design vehicles will be allowed.

(ii) Maximum length = 9.1m

(iii) Maximum Width = 2.6m

(iv) Maximum gross mass = 20,000kg

(v) Maximum axle weight = 8,000kg

Managing the communication of maximum sizes and mass, of delivery vehicles, to the delivery company, or contractor, will **at all times** remain the sole responsibility of the Building Contractor.

b. Breach

Vehicles larger than above will be denied access to the Estate by the ASSOCIATION. Should a situation occur where an illegally sized/mass vehicle enters the estate, the Building Contractor will be fined R500,00, per incident, plus any damages to the road surface, kerbing, or estate infrastructure.

4.4 Deliveries to Contractors

4.4.1 General deliveries

a. Description

- (i) Building Contractors will at all times be solely responsible for the compliance of any delivery personnel with the contents of this Agreement.
- ii) The Building Contractor shall ensure that all delivery times will be limited to public times, as defined under section 4.2 above. Deliveries outside of these times may only be made, by prior arrangement with the ASSOCIATION, to ensure acceptance of delivery and management of vehicle access to the site.
- (iii) The Building Contractor shall ensure that the size of delivery vehicles is limited as defined under 4.3 above.
- (iv) The Building Contractor shall ensure that deliveries to the building site take place only from the agreed point and from the street frontage of the site. The position of delivery points must be indicated on the site diagram, which must be submitted for approval in terms of 4.8 (iii) below.

b. Breach

Penalties levied on the Building Contractor will be the same as if the sub-contractor's employees were guilty of the transgression.

4.4.2 Concrete deliveries

The delivery of concrete has the potential of causing the most damage to the road surfacing and landscape vegetation. It is therefore important that these deliveries are handled in a particular way. The following rules relate specifically to the concrete delivery vehicles.

a. Description

- (i) The Building Contractor shall ensure that drivers of concrete delivery vehicles are briefed on the contents of this document.
- (ii) The washing off of premixed concrete delivery vehicles must not take place within the Estate. Under no circumstances may any concrete be spilled onto the road surface and the Building Contractor will be held responsible for the repairs to the road if this occurs.

b. Breach

- (i) Drivers not briefed will not be allowed access onto the Estate by the ASSOCIATION.
- (ii) Drivers found contravening the Estate rules and regulations will be escorted off the estate and refused further future access to the Estate, by the ASSOCIATION.
- (iii) The Building Contractor will be liable for any and all penalties incurred by a concrete delivery vehicle, which include the damages to road and infrastructure. In addition, the Building Contractor will be fined R500 per offence, over and above the damages claims.

4.5 Storage Sheds/Huts

a. Description

The Building Contractor will be allowed to erect storage **green** sheds/huts, or an approved green container/site office, within the boundaries of the building site and to a maximum height of 2,4m. The position of such structures must be indicated on the site diagram, which must be approved by ASSOCIATION in terms of item 4.8 (iii) below.

b. Breach

The Building Contractor will be instructed to remove any structures that do not conform to this regulation and will be fined R250,00 per day until the structure has been removed from the site.

4.6 Speed Limit

a. Description

For security and safety reasons **the maximum speed limit on the Estate for all contractors' vehicles is 20 kmh**. The Building Contractor shall ensure that his employees, subcontractors and delivery vehicles adhere to this rule.

b. Breach

The Building Contractor will be fined an amount of R500,00 per transgression. Continuous non-compliance will result in the Building Contractor, or the offending contractor being expelled from the site and/or offending contractors not being allowed vehicular access to the estate. All fines incurred by sub-contractors, to the site, will be the responsibility of the building contractor.

4.7 Building Plan Controls

a. Description

- i) The Building Contractor must ensure that the signed approved building plan is available at all times for inspection by the homeowner's representative.
- (ii) Any variations to the approved building plan must be submitted to ASSOCIATION for signed approval and may only be implemented once the approved variation is available to the Building Contractor and the ASSOCIATION.
- (iii) Prior to commencing building the Building Contractor must : (i) set out the foundations for inspection and approval by the ASSOCIATION; (ii) confirm the height of buildings with the ASSOCIATION; (iii) set out and confirm the form of driveway with the ASSOCIATION; (iv) provide a site drawing indicating the position of storage shed(s); position of topsoil and excavated soil storage areas; the position of building material storage areas; and the position of deliveries; the position of the concrete/cement mixing bay.
- (iv) The Building Contractor must make application to the ASSOCIATION for the issuing of a Building Certificate that must be signed during certain phases of the construction process. This certificate must be issued prior to the commencement of the construction and must be available for inspection at all times during construction.

b. Breach

- (i) The Building Contractor may be denied access to the Estate until the above documentation is in place.
- (ii) The Building Contractor will be required to remove any structures that do not conform to approved plans.
- (iii) The Building Contractor will be fined R500,00 per day for any structure that does not appear on, or does not conform to, the approved plan, until such time as the offending structure is removed, or corrected, as well as for breaching of the approved concrete/cement mixing bay.

4.8 General Controls

a. Description

One representative of each Building Contractor is expected to attend a two-weekly site meeting to discuss general issues relating to work on the estate. In addition general meetings of all the Building Contractors on the Estate may be called to discuss general issues of concern. These meeting will be confirmed by telephone call, or written instruction (email and SMS accepted).

b. Breach

The Building Contractor will be fined an amount of R250,00 for not attending the confirmed site co-ordination meetings.

4.9 Roads and Road Verges

a. Description

- (i) Building Contractors must ensure that the road in front of their building site is at all times swept clean. This is to minimise damage and ensure longevity of the brick road surface.
- (ii) Building Contractors must ensure that the kerbs and sidewalks in front of their building site are adequately protected from damage by the building operations and specifically large delivery vehicles. Care must be taken not to damage the Estate infrastructure, or planting.
- (iii) The Building Contractor shall ensure that all building materials are neatly stored on the building stand. Special permission may be obtained from ASSOCIATION to neatly store some material on the road verge directly in front

of the building site. No materials may be stored on the verge without prior agreement with the ASSOCIATION.

(iv) Vehicles leaking oil are not allowed into the estate. Should oil spills occur anywhere on estate roads or on the verges, be it by Building Contractors' own vehicles or delivery vehicles, the Building Contractor concerned is responsible to clean up these oil spills appropriately on the same day they occur. The trajectory of the vehicle has to be traced back to the guard house and all oil spill removed.

(v) Estate roads may only be dug up as a last resort in the event that connections of any essential services are not located on the erf. It must be proven that sufficient investigation has been conducted on an erf to locate the relevant connections before permission will be granted to dig up the road. Should the road be required to be dug up, contractors are to restore the road immediately.

b. Breach

(i) The Building Contractor will be fined R150,00 per day for un-swept roads, oil spills and in the event the City's contractors fail to restore the roads immediately after being dug up.

(ii) The Building Contractor will be held financially and legally responsible for the damage to road surfaces and kerbs caused through his building operations.

4.10 Signage and advertising

a. Description

(i) The Building Contractor must ensure that no advertising boards are placed on the building site or anywhere else on the estate.

(ii) The Building Contractor must erect an ASSOCIATION approved builders board on the stand for the duration of the construction period. The board must be well visible from the roadside, have the size of A3, be securely mounted on poles or fixed to a wall or fence of the property, stating the erf number, street address, owner's name(s), builders name and builders emergency contact number. This signage is to be present from commencement of building until the build has been signed off.

iii) Builder's boards must be removed no later than one month after the construction has been completed.

b. Breach

(i) The Building Contractor will be fined R150,00 per day for missing or non-compliant boards.

(ii) Any contractor boards left on the property will be removed and discarded, without further notice.

4.11 Relations to office bearers, staff and service providers of BWE

a. Description

(i) Owners, Owner-builders, Building Contractors, or their sub-contractors must follow instructions of office bearers of the Association and its staff and service providers within the bounds of their authority regarding any of the matters above and any other matter set out in the rules and regulations and other binding documents of the Association.

(ii) No one may entice, coerce, threaten or otherwise cause or try to cause any office bearers of the Association, staff or service providers to neglect their contractual duties towards the Association or to contravene any of its instructions or rules and regulations or other binding documents of the Association. In particular no material advantage or monetary compensation may be offered to the guards for any favours.

(iii) No one may ask the guards for any private work, to leave their post at any time during their shift, to give access to building contractors outside building times or to non-permitted vehicles, or to tolerate overstaying on building sites, or not to report such transgressions.

b. Breach

(i) The Owner, Owner-builder, Building Contractor, or Sub-contractor will be fined at least R500 per transgression for disregarding instructions as set out above (i), or an amount deemed appropriate at the discretion of the Estate Manager, or the Board or any of its Committees.

(ii) The Owner, Owner-builder, Building Contractor, or Sub-contractor will be fined R5000 per transgression for enticing or coercing or threatening any office bearer, staff or service provider of the Association as set out above (ii + iii).

5. MONTHLY BUILDING MANAGEMENT LEVY

To cover expenses incurred in the administration of the housing delivery process, each erf /building site will be levied an amount of per month as determined by the board from time to time (currently set at R800,00 per month), from the date that building commences until such time as the completion certificate has been issued by the Control Architect.

The construction of the dwelling must commence within 12 months from date of registration of the transfer of the Property. Thereafter a Penalty Levy will be imposed for an amount equal to the monthly levy as per MOI. The Penalty Levy for not commencing with the build within 12 months from date of registration of the transfer is currently set at R840,00 per calendar month. The relevant levy will be added to the monthly levy account of the Owner until a Certificate of Completion has been issued by BHOA Controlling Architect.

6. PAYMENT OF FINES

a. Description

All monies owing to ASSOCIATION must be paid on the Monday following the fine / notice of arrears.

b. Breach

In the event of the contractor failing to pay monies due in time the contractor may be denied access onto the estate and all monies due will be added to the Owner's levy account for collection, which he must reclaim from his Building Contractor.

This represents the legally binding agreement between the Bluewater Homeowners Association, the Owner of the noted erf and the Building Contractor, who is wholly responsible for all works on the erf. This document will be applied in the manner as described in the Bluewater Estate HOA Memorandum of Incorporation, at all times. No relaxation, amendment, or alteration of this document and the points listed therein will be allowed, unless reduced to writing and signed by all the relevant parties to this agreement.

Should any work be contracted out to sub-contractors, who do not work under the management of the named Building Contractor, they will also be required to sign a Builders Code of Conduct with the Association, Failing this, the Owner will at all times remain responsible, to the Association, for all fines/penalties incurred by the Building Contractor, or by any sub-contractor working on the site. This agreement is freely made and entered into, by the parties listed on page 1 of this agreement and below.

This signed at _____ on this the _____ day of _____ 20____.

PRINT NAME : _____ (herein representing the OWNER/s)

PRINT NAME : _____ (herein representing the BUILDING CONTRACTOR)

11 Notes

October 2023 Revision was compiled by Kate Mundy Architects
Pr Arch BAS BARCH SACAP SAIA.
Contact details: 082 481 0509 katemundy@kayacomm.com

This document has been produced to illustrate the aesthetic and architectural requirements for houses in the Bluewater Estate. The Bluewater Estate Homeowners Association reserves the right to vary these requirements at any time and shall have absolute discretion in approving or refusing to approve plans and specifications submitted for approval.

Original guidelines compiled by MUNNIK VISSER ARCHITECTS
66 Long Street Cape Town, Tel: 021 423 8020

The original Manual was adopted by the Board of Directors of BWE HOA in June 2015. A revision was adopted by the Board of Directors on 14 September 2016 and then again on **25 July 2024**.