



ZIMBALI COASTAL RESORT

ARCHITECTURAL CODE

with
LANDSCAPING PROTOCOL

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ARCHITECTURAL CODE

1. INTRODUCTION

- 1.2 The purpose of the Architectural and Landscaping Codes is to create a harmonious built environment that will be sympathetic to the existing natural beauty of Zimbali.
- 1.3 The Architectural Review Committee (ARC) comprising professional architects and ZEMA has, therefore, drawn up the following broad code to assist all property owners with the preparation of their plans. Each submission will be assessed on its merits in the overall context of the Zimbali Coastal Resort and the Zimbali Town Planning Scheme.
- 1.4 **For this purpose, the Zimbali Estate Management Association (ZEMA) memorandum of incorporation requires all property owners to submit building plans, including all alterations and or deviations, for approval by ARC, prior to them being submitted to the Local Authority.**
- 1.5 All suggested deviations from the approved plans to be submitted to ARC for approval prior to commencement of this work on site.

2. BACKGROUND TO CODE

- 2.1 The Zimbali Coastal Resort is in excess of 456 hectares, incorporating approximately 120 hectares of indigenous KwaZulu-Natal (KZN) coastal forest which will be preserved and retained as part of the conservation-amenity zone. It has a 3 kilometre stretch of unspoilt Indian Ocean shoreline on the KZN North Coast.
- 2.2 Analysis of the site, the coastal dune forest, proximity to the sea, prevailing winds and the objective to ensure a sense of harmony within the Estate has identified the following design criteria:
 - 2.2.1 Dominance of nature.
 - 2.2.2 Integrated internal and external living spaces.
 - 2.2.3 Verandahs, decks and terraces.
 - 2.2.4 Limited range of materials.
 - 2.2.5 Selected colour range.
 - 2.2.6 Dominant roof form with large overhangs.
 - 2.2.7 Large areas of glazed elements in compliance with SANS 10400
- 2.3 It is important that the street elevation avoids the suburban residential image, and greater emphasis should be given to retaining the natural character of the Estate.
- 2.4 Only persons registered in the category of Professional Architect with the South African Council for the Architectural Profession (SACAP) may submit drawings for development within Zimbali Coastal Resort.
- 2.5 All Engineers undertaking projects within Zimbali Coastal Resort must be registered with the Engineering Council of South Africa (ECSA).
- 2.6 Architects and Landscape Architects may obtain documentation and plans relevant to the site from the ZEMA offices.
- 2.7 The Code is to be read in conjunction with the National Building Regulations (N.B.R.) and the Local Authority requirements. Any variance to the N.B.R. or any other statutory requirements must be brought to the attention of ZEMA.
- 2.8 **ZEMA's ARC approval is a prerequisite for plan submission and approval to the Local Authority. The Local Authority shall not scrutinize any plans without the ZEMA "Approved" stamp.**

2.9 The Consulting Architects on ARC act in an advisory capacity only, and all comments are at the discretion of ZEMA.

3. DESIGN APPROVAL PROCESS

3.1 The design review process comprises of the following stages:

3.1.1 Orientation meeting.

3.1.2 Sketch plan presentation and site visit.

3.1.3 Review of final submission drawings.

3.1.4 Approval of final submission drawings

3.2 ORIENTATION MEETING

3.2.1 It is mandatory for the architect and owner to attend the Orientation Meeting.

3.2.2 It is imperative that the Architect familiarize him/herself with the Architectural Code and the specific Site & Servitude Plan.

3.2.3 The purpose of the Orientation Meeting is to:

3.2.3.1 Meet new homeowners and outline the process going forward.

3.2.3.2 Review the site analysis and current site survey.

3.2.3.3 Understanding the Client's brief to the Architect.

3.2.3.4 Discuss and review initial design concepts in light of ZEMA's Architectural Code.

3.2.4 **NB: This meeting is not the forum for reviewing finite working drawings.**

3.2.5 Build-By Date to be confirmed. In the event of an expired build-by date, an application needs to be made to TIFAZ. The contact details are available from the ZEMA offices.

3.3 SKETCH PLAN PRESENTATION AND SITE VISIT

3.3.1 The purpose of the Sketch Plan Presentation is for the Architect to communicate his/her design intent with respect to the initial concept, architectural language, code, ethos and site parameters.

3.3.2 Sketch plans submitted in accordance with initial design concepts discussed at the Orientation Meeting, should incorporate:

3.3.2.1 2 Sets of sketch plans, 1 of which will be retained by ZEMA.

3.3.2.2 Site plan to a minimum of 1:200 scale indicating current surveyed contours, corner beacon levels, site orientation, boundary lines, footprint lines, servitudes, adjacent sites/buildings, levels, driveway access, parking, existing vegetation and street furniture.

3.3.2.3 Current survey drawing of the site prepared by a professional and registered land surveyor.

3.3.2.4 Area schedule indicating permissible and actual bulk, permissible and actual coverage.

3.3.2.5 Height restrictions in accordance with site and servitude plan.

3.3.2.6 Floor plan layout of all storeys at a minimum scale of 1:100.

3.3.2.7 Roof plan at the same scale as floor plans.

- 3.3.2.8 Minimum of two sections through the building indicating natural and finished ground levels, as well as relevant height restrictions and existing adjacent building levels (additional Sections may be required).
 - 3.3.2.9 Adjacent building levels to be obtained from ZEMA and indicated on sections and plans.
 - 3.3.2.10 All elevations to be provided to a minimum scale of 1:100 indicating all finishes, fenestration, screens and shutters where applicable.
 - 3.3.2.11 All drawings to be rendered in colour sufficient to indicate the design intent.
 - 3.3.2.12 Simple 3D perspectives, although not mandatory, are encouraged to indicate formal composition.
 - 3.3.2.13 Where PUD sites are concerned, a working block model showing topography, levels, massing and relationship of buildings, roof-scapes, retaining structures, driveways and roads.
- 3.3.3 On approval of sketch plans, preparation of final submission drawings can commence.

3.4 REVIEW OF FINAL SUBMISSION DRAWINGS

- 3.4.1 As a prerequisite to reviewing final municipal submission drawings, one coloured set shall be submitted for approval by ARC.
- 3.4.2 Plans and information thereon to comply with SANS 10400 Parts A and B as amended.
- 3.4.3 A document, 'Checklist - Plan Submission and Approval', has been compiled to assist the process. This checklist is readily available on the ZEMA website or from the offices of the ZEMA General Manager.

3.5 APPROVAL OF FINAL SUBMISSION DRAWINGS

- 3.5.1 Once the final submission drawings as required under 4.3 have been stamped, signed and approved by ZEMA, the remaining sets required by the Kwa Dukuza Municipality can be submitted to ZEMA for final signature.
- 3.5.2 On compliance with 4.4.1 above, the architect/owner can proceed to formally submit the drawings to the local authority.
- 3.5.3 No building work may commence without the prior approval of ZEMA and the local authority.

4. GENERAL CODE APPLICABLE TO ALL AREAS OF ZIMBALI COASTAL RESORT (ZCR)

4.1 FOOTPRINTS

- 4.1.1 Each site has been critically analyzed to provide a suitable area on which a dwelling can be built within the lifestyle promised for Zimbali residents.
- 4.1.2 Each site has a **non-footprint** area indicated on the Site & Servitude Plan. No building or disturbance of natural indigenous vegetation is allowed within this zone. **Non-footprint** zones to be landscaped/planted as per the Landscape Code requirements.

- 4.1.3 The **footprint** area represents that part of the site on which the house, external living areas, yards, driveway and pools can be built. Indigenous vegetation (trees) within the footprint should be identified and recorded on the site survey drawing and where possible should be retained. With the prior approval of the ZEMA Environmental Management Committee, these may be removed and/or replaced with the equivalent number and type.
- 4.1.4 The Town Planning Scheme and individual Site & Servitude Plans define the following:
- 4.1.4.1 Maximum individual unit area (bulk).
 - 4.1.4.2 Maximum coverage (% factor).
 - 4.1.4.3 Lot area.
 - 4.1.4.4 ZEMA footprint.
 - 4.1.4.5 No. of units.
 - 4.1.4.6 Height restriction (number of floors, height and roof height).
 - 4.1.4.7 Maximum ground to eave height.
 - 4.1.4.8 Finished floor level in relationship to road level.
 - 4.1.4.9 Driveways.
- 4.1.5 The plan form should be informed by the site, assisting the integration of the building and the external living areas into the natural environment.

4.2 GENERAL FORMS AND CONSTRUCTION

All structures to comply with the National Building Regulations (SANS 10400 Code of Practice).

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

General materials

- | | |
|---|--|
| (1) Cement bricks | (1) Clay bricks plastered and painted within a specific colour range |
| (2) Clinker bricks and face-bricks where visible externally | (2) Limited off-shutter concrete elements |
| (3) Washing lines visible from outside the footprint area | (3) Natural stone |
| (4) Multi-coloured electric lighting | (4) Hardwood timbers |
| (5) External concrete and glass balustrades | |
| (6) Artificial stone | |

General Forms and Elements

- | | |
|---|--|
| (1) Temporary structures | (1) Gazebos |
| (2) Toolsheds and wendy houses | (2) Boardwalks over sensitive areas of the site within the footprint |
| (3) Individual post boxes | (3) Structures to comply with the South African National Standards – SANS 10400 |
| (4) Service areas in view from the street or public open spaces | (4) Buildings broken up in plan form and massing |
| (5) Excessive piers, columns and pillars | (5) Site coverage as per Town Planning Scheme |
| | (6) Protected areas from prevailing weather conditions |
| | (7) The absolute size of any residential development in accordance with the specific site and servitude plan. ARC will have the right to impose special architectural controls |
| | (8) Limited terracing and platforms |

4.3 ROOFS

Dominant double-pitched roof forms with deep overhangs within a fixed range to address the climate. Colour, material and profile the same throughout as natural terracotta clay. Height limited to maximum above relevant ground levels as per site & servitude plan.

Roof lights, PV panels and solar panels are to be designed as an integral part of the roof.

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

Materials

- | | |
|---|---|
| (1) All materials other than those permitted under general inclusions | (1) Natural clay terracotta roof tiles of one even tone |
| | (2) Limited concrete flat roof slab. |

Colour

- | | |
|-----------------------------------|---|
| (1) All colours except terracotta | (1) Roof tiles to be weathered naturally |
| | (2) Gutters to match roofing elements in colour, downpipes to be sympathetic to wall colour |

Forms and Elements

- (1) Fixtures protruding above height restriction
- (2) Ornamentation, e.g. Finials

Pitched Roofs

- | | |
|--|--|
| (1) All roof pitches other than under general inclusions | (1) All pitched roofs shall comply with the following: |
| (2) Domed or semi-circular vaulted roofs | (a) The dominant element |
| (3) Mono-pitched roofs | (b) Double pitched |
| | (c) Pitches between 45 degrees and 15 degrees, with a minimum variance of 15 degrees between the 2 angles, and used together to create a harmonious relationship |
| | (d) Erected in accordance with manufacturer's specification |
| | (2) Dormer windows |
| | (3) Large overhangs (minimum 750mm) |
| | (4) Gutters |

Flat Roofs

- | | |
|-------------------------------|-------------------------------|
| (1) Refer to flat roof policy | (1) Refer to flat roof policy |
|-------------------------------|-------------------------------|

4.4 EXTERNAL WALLS

- 4.4.1 Form and openings to promote an intimate internal/external relationship. Colour, material and texture such as to produce a harmonious uniform appearance. Plaster and paintwork with a selection of subdued earth colours. External features (wall, garages, terraces and gazebos) to match dwelling.
- 4.4.2 Any structural elements that protrude from the dominant face shall not exceed 1/3 of the elevation in which they fall and shall not extend past the line of the eaves.
- 4.4.3 Pop-out / protruding elements to be separated from eaves lines by a minimum 180mm.

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

Materials

- | | |
|-----------------------------------|--|
| (1) Rough ornate plaster finishes | (1) Textured plaster and paint |
| (2) Ornate mouldings | (2) Smooth plaster and paint |
| (3) Highly reflective surfaces | (3) Plastered and painted bands |
| (4) Tiles | (4) Natural stone within approved sample range |
| (5) Face-brick | (5) Natural hardwood timber cladding |
| (6) Concrete bricks | (6) Off shutter concrete |
| | (7) Clay bricks |

Colour

- | | |
|--|--|
| (1) Any colour other than those permitted under general inclusions | (1) As per latest approved chart of Zimbali. |
| | (2) Any other colour pre-approved by ARC |

Forms and Elements

- | | |
|--|---|
| (1) Gables which exceed 25% of the total elevation area to which it relates. | (1) Plastered window and door reveals |
| | (2) A maximum of 1/3 of the elevational area to incorporate 'pop-out' boxes |

4.5 WINDOWS AND DOORS

Colour and material limited to timber and aluminium with colours to compliment walls and roof colour choices as listed. Form and composition to promote internal/external relationship. Accessories (screens, shutters, security systems, furniture) are to compliment the overall design.

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

Materials

- | | |
|---|---|
| (1) Pressed metal doors | (1) Large glazed panes in compliance with SANS 10400 |
| (2) "Winblocks" | (2) Hardwoods or aluminium |
| (3) Reflective glass | (3) Any vinyl or sandblasted panels to be pre-approved by ARC |
| (4) Excessive sandblasted elements to be <u>PRE-APPROVED BY ARC</u> | |

Colour

- | | |
|--|---|
| (1) Any other colour other than under General inclusions | (2) Natural coloured or dark stained hardwood |
| | (3) Anodising or epoxy coating to the colours: Chart and Code available at ZEMA office. |
| | (4) Curtaining linings, blinds, shutters |
| | (5) complimentary to external colour – dark bronze, stone grey, charcoal. |

Forms and Elements

- | | |
|--|--|
| (1) External burglar bars | (1) All external shutters and/or screens to be openable for maintenance and cleaning purposes (Refer to 5.7) |
| (2) Applications for monkey proofing devices to be approved by ARC | (2) Hinged or sliding shutters using timber or Aluminium |
| (3) No conservatory's type pop-out glazed structures | (3) Plaster bands and reveals to windows and doors |
| | (4) Internal screens to be in harmony with external appearance |
| | (5) Any requirements for solar performance glass to be pre-approved by ARC |
| | (6) Each elevation must be consistent in its glazing appearance |

4.6 EXTERNAL LIVING AREAS

These can consist of verandahs, terraces, decks, balconies, courtyards and gazebos

4.6.1 Verandahs

- (a) Verandahs are an integral part of the design language
- (b) At least 1 deep seated verandah(s) required with a minimum depth of 2400mm which may not be enclosed in perpetuity

4.6.2 Terraces

- (a) Floor finish to compliment overall house
- (b) Walling and balustrading to compliment overall design
- (c) Roofing as per design code

4.6.3 Decks

- (a) Timber deck to be natural hardwood suitable for external use
- (b) Floor finish to concrete decks to compliment house
- (c) Walling and balustrading to compliment overall design
- (d) Roofing as per design code

4.6.4 Courtyards

- (a) Encouraged as weather-protected retreat spaces

4.6.5 Gazebos

- (a) Floor finish as a deck or solid base
- (b) Structural system to be of brick, timber or aluminium and to compliment house
- (c) Walling and balustrading as per terraces
- (d) Roofing as per design code

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

Materials

- (a) Decorative metal
- (b) Canvas or PVC
- (c) Glass balustrades

- (a) Durable/treated timbers suitable for external use
- (b) All finishes to be in harmony with house
- (c) Powder coated aluminium to match window colour

Colours

- (a) Any other than those under general inclusions
- (b) Whites or any other excessively reflective materials

- (a) To match or complement main structure

Forms and Elements

- (a) Excessive ornamentation

- (a) Balustrade detail to be provided
- (b) The structure must be designed to have visual weight and be complimentary to the house

4.7 SHADING DEVICES

Consist of pergolas, screens and shutters. Shading devices to remain in perpetuity when used to aid compliance with Part XA of SANS 10400.

4.7.1 Pergolas

- (a) Designed as an integral part of house.
- (b) Should a pergola be covered with a solid roof coverage then such pergola will be counted in the bulk calculations.

4.7.2 Screens and Shutters

- (a) To be functional and part of the architectural response and language.

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

Materials

- | | |
|---|--|
| <p>(a) Shadecloth
(b) Canvas
(c) PVC
(d) Profiled roof sheeting</p> | <p>(a) Elements in hardwood or powder coated/anodized aluminium. Detail to be provided and approved by ARC</p> |
|---|--|

Colour

- | | |
|---|---|
| <p>(a) Any other than those under general inclusions
(b) Whites or any other excessively reflective materials</p> | <p>(a) Powder coating and/or anodizing to match window frames
(b) Hardwoods to be stained, treated or left to weather naturally</p> |
|---|---|

Forms and Elements

- (a) Designed to permit maintenance and cleaning
(b) Covered pergolas to be incorporated into bulk calculation

4.8 GARAGES, CARPORTS, COVERED FORECOURTS AND DRIVEWAYS

4.8.1 Garages

- (a) To be designed with same material and site criteria as house. Where practical, should be attached to main house, unless the individual site conditions are extremely onerous. Where possible, garage doors should not be visible from the road.

4.8.2 Carports

- (a) To be designed with same material and site criteria as house, and must appear as a substantive and integral part of house and not an appendage.
(b) Where covered to be included in bulk calculation.

4.8.3 Covered Forecourts and Driveways

- (a) Where covered to be included in bulk calculation.
(b) Driveways should meander or be designed to improve the sense of arrival at a house in a sensitive natural environment.
(c) Material and design should complement house design.
(d) Driveways across non-footprint area to be minimized 3:5
(e) Maximum gradient 1:5
(f) At least one storm-water cut-off grid strategically positioned as per engineer's details
(g) Shared driveways to have same finish
(h) Maximum width 3500mm

SPECIFIC EXCLUSIONS

Materials

- (a) Metal and fiberglass garage doors
- (b) Tarmac
- (c) Asphalt
- (d) Tiling
- (e) Gravel, driveways

Colour

- (a) Any other than those under general inclusions
- (b) Whites or any other excessively reflective materials

Forms and Elements

GENERAL INCLUSIONS

- (a) Construction to match the main structure
- (b) Timber raised panels
- (c) Horizontally slatted doors
- (d) Polycarbonate roof sheeting to carports only on ARC written approval. Colour and detail to be approved by ARC
- (e) Clay and concrete pavers
- (f) Exposed concrete aggregate
- (g) Grass blocks driveways

- (a) To complement main structure

- (a) Minimum of two vehicle parking spaces per dwelling unit on SR sites
- (b) Additional adequate provision to be made for visitors parking (minimum 1 per site)
- (c) Parking requirements for PUD developments shall be in accordance with the Town Planning Scheme.
- (d)

4.9 SWIMMING POOLS

Designed as an integral part of house/natural environment.

SPECIFIC EXCLUSIONS

Materials

- (a) Portable pools (all types)

Forms and Elements

GENERAL INCLUSIONS

- (a)
- (b) Permanent construction

- (a) Located within the demarcated footprint only
- (b) Rim-flows permitted but need to be set back 1 metre from footprint line
- (c) Rim-flow finish to be harmonious with general external finish
- (d) Pumps and pump houses to be attached to main structure. No access permitted outside of footprint. Elements to be screened
- (e) Backwash discharge into independent engineer-designed soak-pit
- (f) Child proof fencing to National Building Regulations

NOTE: It is recommended that Geotechnical advice be obtained re: specific site and soil conditions prior to commencing any design or construction work.

4.10 MECHANICAL AND ELECTRICAL EQUIPMENT

4.10.1 Mechanical

Consists of air-conditioning plant, ducting, any air extraction system, standby generators (Refer to Policy), water filtration and pumping equipment. All equipment must comply to a maximum reading of 60 decibels measured at a distance of 7 metres away from such apparatus. All elements to be screened. All equipment to comply with relevant individual policy documents.

4.10.2 Electrical

Consists of radio, television reception elements and alarm systems. All elements to be screened. Alarm systems are to be non-audible and connected to the Estate system. Solar and photo-voltaic panels permitted as per policy document. All external lighting should be unobtrusive and not disturb neighbours, traffic and pedestrians. Source of light should not be visible.

SPECIFIC EXCLUSIONS

Forms and Elements

- (a) External coloured lights

GENERAL INCLUSIONS

- (a) Provision has been made for underground connection for Telkom SA (Refer to Policy)
- (b) Satellite dishes and terrestrial aerials to be adequately screened
- (c) Lightning arrestors and surge protectors

4.11 LANDSCAPING ELEMENTS

4.11.1 Paving

SPECIFIC EXCLUSIONS

Materials

GENERAL INCLUSIONS

- (a) Exposed aggregated concrete [grey/black]
- (b) Concrete cobble pavers
- (c) Clay pavers
- (d) Timber decks
- (e) Grass blocks
- (f) Sleepers

Forms and Elements

- (a) Paving and access beyond the footprint areas

4.11.2 Boundary Enclosures / Screen Walls

These will be permitted within the footprint areas where it is essential (yards, pools, private areas, garden terracing). Walling to complement the house design and material. To ensure the open character of the Estate and to permit the free movement of game at all times, the fencing of individual sites will not be permitted.

SPECIFIC EXCLUSIONS

GENERAL INCLUSIONS

Materials

- (a) Concrete panels
- (b) Wire
- (c) Barbed or razor wire
- (d) Polished stainless steel and highly reflective material

- (a) To match main structure on all visible sides (kitchen yards etc.)
- (b) Timber post and rail (detail to be submitted for approval)
- (c) Hardwood timber suitable for external use
- (d) Screen planting
- (e) Gabions
- (f) Dry-stack walling as per policy document
- (g) Stone clad walling

Forms and Elements

- (a) Outside footprint areas
- (b) Artificial stone cladding

5. **LANDSCAPING**

Refer to attached **ANNEXURE "A"** – Landscaping Protocol.

6. **SIGNAGE**

The attached ZEMA House Signage Specification Sheets (**ANNEXURE "B"**) for a Single Unit House and for a Multiple-Unit Complex are included herewith for the Purchaser's **information only**.

Should the homeowner require new or replacement signage at any time, the relevant Specification Sheet is to be provided by the owner to the signage company he commissions to manufacture his signage. The Signage Company then emails the signage proof/s to the ZEMA email addresses provided at the bottom of the specification sheet for ZEMA's approval prior to the homeowner's approval and/or installation.

For all other external and building/construction signage, prior written authorisation is required by the ZEMA Architectural and Review Committee before installation.

7. **BUILDING WORKS ON SITE**

- 7.1 Only ZEMA-approved main and sub-contractors will be permitted to undertake construction works within ZCR
- 7.2 All quality control, supervision and compliance with the approved drawings shall be the sole responsibility of the Principal Agent, as per the ZEMA 'Principal Agent Agreement'. It remains the responsibility of the Principle Agent to notify and obtain approval of any deviation on site prior to the commencement on site thereof.
- 7.3 All building works are to be strictly executed in accordance to the 'ZEMA Contractor's Protocol' which is readily available on the ZEMA website or from the offices of the ZEMA General Manager.
- 7.4 During construction, the ZEMA Building Control Manager (BCM) will monitor the works on site to ensure that the standards are maintained on the Estate. However, he (ZEMA) is not responsible for the Contractor's quality control and compliance with the local authority and ZEMA-approved drawings of the building works. The Building Control Manager is available to advise and help where necessary.

8. CONTACT INFORMATION

Zimbali Estate Management Association (ZEMA)
P O Box 1
ZIMBALI
4422

Telephone: +27 (0)32 538-4300
Fax: +27 (0)32 538-4235
Email: Building Control Manager: rnaicker@zema.co.za
Website: www.zimbali.com

9. ARCHITECTURAL & BUILDING POLICIES

Quality control is the sole responsibility of the Principal Agent appointed by the Client.

9.1 POLICY ON BASEMENTS

The definition of a basement as contained within the Zimbali Town Planning Scheme be retained without alteration (clause 1.2.6) as under:

“Is the lowest part of any building, which part is constructed with more than 50% of its volume, whether enclosed or not, and functionally part thereof, below the lesser of either the mean finished ground level or the existing ground level immediately surrounding the building on any erf, lot, site or dwelling unit cartilage”.

9.1.1 The basement shall be non-habitable. (Clause 1.2.50).

9.1.2 The area of the basement to be included in the bulk permitted for that specific site development.

9.1.3 However, any basement which is 100% below ground level shall not be included in the bulk calculation. No vehicular access to be allowed to this excluded space. Ground level shall be as defined above (Clause 1.2.6).

9.1.4 The basement may not exceed the approved ground floor area and must be within the site development footprint as per the original site development plan without any concession whatsoever.

9.1.5 Subject to an inspection and approval by ZEMA before any construction can commence on the upper structures to sign off the 100% basement is constructed in accordance with this code. Any deviation will require immediate alteration and no further work will be permitted until this has been corrected and approved by ZEMA.

9.1.6 A maximum 40m² basement area will be excluded from the bulk if it is used exclusively for environmentally green spaces.

9.2 POLICY ON THE CLEANING OF ROOFS

9.2.1 Roofs may be cleaned using high pressure spraying with prior approval from ZEMA.

9.2.2 No chemicals are permitted to be used to clean the roof. No sealant to be applied on the roofs after it has been cleaned.

9.3 POLICY ON DRY-STACK WALLING

To be read in conjunction with Landscaping Protocol.

9.3.1 Foundation wall is not to go beyond Footprint line.

9.3.2 Walls not to exceed 2 metres in height, shall set back 1 metre.

9.3.3 Recommend/require Open-bottomed dry-stack walling to be used, creating a full column of soil.

9.3.4 Angle of Repose:

- 9.3.4.1 Maximum of 70 degrees (preferred between 50-60, to give wider planting space).
- 9.3.4.2 On Plan, a curved wave - a shallow depression, undulating, following natural contour.
- 9.3.4.3 Where possible rather use the natural slope (maximum 34°) with contour plantings to hold the soil.

9.3.5 Mixed Materials:

- 9.3.5.1 Maximum of 70 degrees (preferred between 50-60, to give wider planting space).
- 9.3.5.2 ZEMA recommends that architects/builders only use one type of walling materials.
- 9.3.5.3 Gabions may be used, with dry stack walling, under special conditions.
- 9.3.5.4 The change between the flat area and the sloping area should be done in such a way that these areas blend and merge together without causing any soil erosion problems due to storm-water.
- 9.3.5.5 Minimize retaining (to avoid requests for hand-rails & fences).

9.4 POLICY ON FLAT ROOFS AND ROOF GARDENS

The creation of flat roofed areas is permitted subject to the following criteria.

- 9.4.1 The code limits the development of flat roofs to linking elements between the dominant tiled roof design consisting of two pitches that characterizes Zimbali's architecture. All flat roofs that are not planted shall be dressed with a non-reflective stone chip layer that compliments the house colour. All flashings and waterproofing to be non-reflective and finished to match house colour.
- 9.4.2 The flat roof shall be "tucked in under the eaves of the dominant roof" and any roof garden shall be separated from the pitched roof by a section of flat roof that is not planted to avoid damage to the tiled roof.
- 9.4.3 It is self-evident that the percentage of pitched roof must exceed the roof garden area and flat roof links and as a guide the flat roofed section including the garden areas shall not exceed 25% of the total roofed area.
- 9.4.4 The only exception to this code percentage is where the roof is designed as an extension of the natural contours of the land and is physically linked as a continuous element (i.e. a basement garage detail).
- 9.4.5 It should be noted that a roof garden is non-habitable and may not be accessed as a terrace at roof level.
- 9.4.6 A flat roof garden at single story level may be accessed and used as a terrace garden subject to an Engineer's structural design criteria.
- 9.4.7 The development of a roof garden shall be a permanent decision which is notarially entrenched on successive purchasers of the property in perpetuity.
- 9.4.8 The design of the roof structure shall be endorsed by a structural engineer who shall ensure its stability and that it is water-tight.
- 9.4.9 More detailed guidelines are available from the ZEMA office: e.g. waterproofing, root barrier, protection of the root barrier, drainage, growing medium, recommended plant material.
- 9.4.10 In addition, the following publication "Creating Space for Biodiversity in Durban: Guideline for designing green roof habitats." Prepared by the eThekweni Municipality shall be obtained and

used as an informed, approved and tested method of construction, maintenance etc. in South African, KwaZulu Natal conditions.

9.5 POLICY ON SOLAR PANELS / PV PANELS

ARC recommends that solar panels shall be integrated into the architecture: Suggested positioning shall be submitted and approved by ARC prior to installation.

9.5.1 On both pitched or flat roofs.

9.5.2 All pipework shall be concealed.

9.5.3 The geyser may not be located on the roof but must be concealed within the roof structure.

9.5.4 All panels to be non-reflective. Where possible to be hidden from visibility of adjoining properties.

9.6 POLICY ON STAND-BY GENERATORS

In consideration of the regular and continuing electrical outages and load-shedding experienced in Zimbali Coastal Resort and countrywide, the ZEMA Board resolved on 31 August 2012 to permit the use of standby generators within Zimbali Coastal Resort, subject to the following policy terms and guidelines:

9.6.1 Applications for the installation of a generator must be made to and approved by ZEMA's Architectural Review Committee (ARC) *prior* to installation. Members may contact the ZEMA Building Control department to arrange the submission of their application to ARC for approval.

9.6.2 Due to ZEMA's "no noise" policy within Zimbali Coast Resort, the installation of a standby generator will be strictly conditional upon:

9.6.2.1 The generator being situated in a sound-proofed basement or structure that is within the original footprint of the property and must have access for maintenance and fuel supply.

9.6.2.2 The generator and fuel storage must be sited within the original approved footprint.

9.6.2.3 Noise levels emanating from the generator may not exceed 60 decibels when measured at a distance of 7 metres from the generator. It is noted that 60 decibels is equivalent to quiet conversation. Prior to approval of the installation, the ZEMA Building Control Inspector will record the sound levels / decibels both in the basement, as well as immediately adjacent to the basement in which the generator is housed.

9.6.2.4 Where an existing / new house has no basement, the generator and fuel storage may be sited within a sound proof structure with a courtyard provided that:

(a) The noise measurement as in item 'C' above is accepted by ZEMA.

(b) The generator is not visible from the road or the adjacent neighbour's property.

(c) There is an automatic cut off system when Eskom power is restored.

(d) There is access within the original footprint to enable the fuel storage tank to be replenished.

(e) Adequate protection to be taken for any leakages and / or spillages.

9.6.3 The Architectural Review Committee has delegated authority to the Building Control Manager to evaluate applications and approvals. Should a subsequent query / objection arise, then the Architectural Review Committee will review the application.

9.7 POLICY ON COMPLETION PERIOD FOR NEW BUILDING

- 9.7.1 This policy is applicable to all new submissions to ZEMA/ARC.
- 9.7.2 This policy has been written for inclusion in ZEMA's Architectural Code to ensure that it is applied and complied with by all ZEMA members.
- 9.7.3 Policy Conditions:
- 9.7.3.1 For Special Residential (SR) properties, the owner/developer is afforded 18 months to complete the dwelling from the date of site handover to practical completion of the building.
- 9.7.3.2 For Planned Unit Developments (PUD) sites the owner/developer shall submit a recommended construction period, indicating the practical completion date to be evaluated/approved by ARC prior to site handover. Each application to be assessed on its individual merit.
- 9.7.3.3 The owner/developer's Principal Agent shall ensure that the ZEMA Building Control Department is kept informed of any changes to the construction programme.
- 9.7.3.4 All other obligations in terms of the ZEMA Architectural Code shall remain applicable.
- 9.7.3.5 Should the Principal Agent anticipate that the project may over run the agreed completion date a written request to be submitted outlining reasons for delay, and suggested revised completion date. The request will be assessed and revised by ZEMA Building Control Department.
- 9.7.4 Non-Compliance:

Should the owner/developer fail to complete the project within the agreed building period, he/she will be issued with an official 14-day notice of non-compliance by ZEMA in which he/she will be given 14 days to re-commence the project to ZEMA Building Control's satisfaction. Failure to comply with the notice period will result in the owner/developer being charged a double levy until completion of the project, which shall be deemed as complete only once signed off by the ZEMA Building Control Manager.

9.8 POLICY ON DERELICT, ABANDONED OR INCOMPLETE PROPERTIES

- 9.8.1 The issue of derelict, abandoned and incomplete buildings was never contemplated or envisaged by the Zimbali Coastal Resort Developer. Hence, it was not catered for in the initial preparation of the ZEMA Architectural Code and Protocols.
- 9.8.2 In essence, the problem has arisen from one of – or a combination of – the following circumstances:
- 9.8.2.1 Owner's financial constraints, cash-flow problems.
- 9.8.2.2 Contractual issues.
- 9.8.2.3 Failure of the appointed Principal Agent to resolve specific issues.
- 9.8.3 Derelict or abandoned properties and incomplete builds impact negatively on the Estate's image and environment, as well as influencing a decline in property values, especially those property values of neighbouring properties and properties within sight of the derelict/abandoned property.
- 9.8.4 In order to enable ZEMA to manage, control and avoid the occurrence of this issue, this policy is necessary so that ZEMA can enforce compliance upon owners (members of its association). As such, this policy is annexed to ZEMA's Architectural Code, and it is incumbent upon owners to comply with such code and the rules of the association upon purchasing their property in Zimbali Coastal Resort.
- 9.8.5 Policy Conditions & Procedure for Non-Compliance

- 9.8.5.1 ZEMA's Architectural Code for the approval of plans, as well as all other standard and legislative building protocols, permits, etc. are applicable to all owners in all instances of building and maintenance.
- 9.8.5.2 The Association's rules and Articles of Association (MOI) are applicable to all owners/members where such rules and articles pertain to building and maintenance of property, with specific reference to:
- (a) *Article 20.7 re "Maintenance of Buildings", and
 - (b) **Article 20.11 re "Enforcement of Obligations of Owners"

which shall apply to and be observed by all members in terms of this policy where it relates to building and maintenance of property (**Articles 20.7 and 20.11 copied below for ease of reference).

APPLICABLE ARTICLES OF ASSOCIATION:

***20.7 Maintenance of Buildings**

The exterior of every building shall be maintained and kept in a clean, tidy and neat condition and no Owner shall be entitled to change the colour of any paint or any similar material to any exterior part of his building without the prior written consent of the Directors. An Owner shall, on receipt of a notice given by the Directors and signed by the chairman, undertake such work as may be specified in such notice relative to such Owner's building. Should an Owner fail to carry out any work as required by the Association after the Association has given the owner due notice so to comply the Association shall be entitled to carry out such work and to recover the reasonable cost thereof from the Owner.

****20.11 Enforcement of obligations of Owners**

Should any Owner or any lessee of an Owner or guest or invitee of an Owner or any hotel guest fail to perform any obligation incumbent upon him, if applicable, within the period of any notice given for compliance, the Association shall be entitled, but not obliged, to do such things and incur such expenditure as is, in the opinion of the Association, necessary and/or requisite to procure compliance. The costs thereby incurred by the Association shall be a debt due by the Owner concerned, which shall be payable on demand.

- 9.8.5.3 Should an owner intend to cease building works on site, he must notify the ZEMA Building Control department in writing immediately, whereupon an inspection of the property shall be carried out by the Building Control Manager and all conditions and terms of this policy will thereafter apply.
- 9.8.5.4 In terms of Article 20.11, when a 'problem' site is identified (i.e. abandoned, derelict, unbuilt or neglected property), ZEMA will issue a 14-day notice to the member to address and remedy the issue by making good the condition of the property, at the member's cost, to the satisfaction of the ZEMA Building Control department.
- 9.8.5.5 Should the member fail to comply with the 14-day notice, ZEMA will obtain the costs to undertake the works to remedy the contravention and will issue a final 7-day notice to the member to advise him of the cost for ZEMA to undertake the works, which cost shall be for the member's account, charged to his ZEMA levy account.
- 9.8.5.6 Upon failure by the member to comply with the 7-day notice period, ZEMA will accordingly proceed to undertake the works and levy all costs thereof to the member.

9.8.5.7 Should the owner wish to recommence works on site for which ZEMA has already incurred any cost for works undertaken due to non-compliance, all such costs incurred by ZEMA must be repaid in full by the owner/member prior to the resumption of works.

9.8.5.8 ZEMA Building Control and Security shall facilitate and manage a watching brief and programme wherein they will carry out an inspection of the property every 21 days to ensure there is no further deterioration, non-compliance or contravention by the owner.

9.8.5.9 Any further non-compliance or contravention by the owner in terms of this policy and the rules of the association, shall result in the necessary notices and penalties being issued upon the member.

9.9 POLICY ON TOTAL OR PARTIAL DEMOLITION AND/OR REBUILD OF EXISTING PROPERTIES

9.9.1 The trend in Zimbali Coastal Resort is increasing where new or existing owners (members of the association) want to totally or extensively demolish an existing building in order to reconstruct or extend it to suit their needs.

9.9.2 This policy has accordingly been written for inclusion in ZEMA's Architectural Code to ensure that it is applied and complied with by all ZEMA members.

9.9.3 Policy Conditions

9.9.3.1 Prior to the any demolition project (total or partial) and/or building on an existing property, the owner shall ensure that he complies with all ZEMA Building protocols, such as the Architectural Code for the approval of plans, etc., as well as all other standard and legislative building protocols applicable in all instances of building and maintenance, such as municipal demolition permits. Any such permits or certificates from the Local Authority must be presented with plans to ARC for its approval before any demolition can commence.

9.9.3.2 The owner's appointed Principal Agent and Contractor must meet with each affected neighbour prior to commencement of any demolition and/or building works.

9.9.3.3 The owner is responsible for ensuring that his neighbours are personally informed timeously and in detail through the provision of a realistic and credible programme.

9.9.3.4 The owner is responsible for ensuring that his neighbours are:

(a) Given an indication of what measures shall be implemented to accommodate the limited daily periods of actual demolition within the overall programme.

(b) Informed regarding how additional safety issues will be addressed.

(c) Informed regarding provision made to accommodate traffic and equipment on site during the demolition and rebuild period.

9.9.3.5 The owner's Principal Agent, together with the potentially affected neighbours, will be entitled to inspect and record the status of the structure of the property of those potentially affected neighbours in order to facilitate proof of any possible claim by a potentially affected neighbour against the owner for remedial works required as a result of damage caused by the demolition and construction.

9.9.3.6 The owner's Principal Agent must ensure that adjoining neighbours are kept informed of any changes to the demolition and/or construction programme.

9.9.3.7 The owner is afforded 18 months to complete his dwelling from the date of demolition site handover to final completion of the building. (See 3.3 below for non-compliance penalty.)

- 9.9.3.8 The owner's Principal Agent must ensure that the ZEMA Building Control department is kept informed of any changes to the demolition and/or construction programme.
- 9.9.3.9 The owner's Principal Agent shall ensure that the site is screened from sight of the access road, pathways and adjoining properties. Screening shall be constructed of shutter-board (minimum height of 2.1 m) and covered with green shade cloth.
- 9.9.3.10 Access gates to the site must be closed at all times, except for delivery and/or removal of material and for ingress and egress of authorised site personnel.
- 9.9.3.11 Signage in accordance with the Architectural Code must be erected to both the access road boundary and the golf course boundary, or any other such boundary that abuts a public pedestrian access path or road, as appropriate.
- 9.9.3.12 Regular, scheduled site visits will be conducted by the ZEMA Building Control Department to ensure compliance with all agreed site protocols, rules and project schedules. Any discrepancies must be actioned by the owner/Principal Agent and remedied immediately.
- 9.9.3.13 A monthly report of the condition and status of the site, with photographs, must be submitted to the Building Manager to be recorded at ARC meetings.
- 9.9.3.14 ZEMA Security will monitor and ensure that the site is managed and secured at all times in accordance with the association's rules and policies.

9.9.4 Non-Compliance

- 9.9.4.1 Until such time as the ZEMA Building Control department is provided with verification that all the applicable rules and measures in terms of this policy have been fully adhered to, a site handover to the appointed contractor for the demolition works will **not** be conducted by either ZEMA or the Municipality.
- 9.9.4.2 Should the owner fail to comply with the rules and conditions set out in this policy in terms of consultation with his neighbour and ZEMA during the demolition and building period in terms of any changes to the programme or failure to adhere to the rules of this policy, he will be issued with a building stop work, if necessary, and a 7-day notice to remedy any contravention.
- 9.9.4.3 Should the owner fail to complete the project within the 18-month building period, he will be issued with an official 30-day notice of non-compliance by ZEMA in which he will be given 30 days to complete the project to ZEMA Building Control's satisfaction. Failure to comply with the notice period will result in the owner being charged a double levy until completion of the project, which shall be deemed as complete only once signed off by the ZEMA Building Control Manager.
- 9.9.4.4 The ZEMA Building Control department shall be entitled to issue a notice calling upon an owner to comply with any provision of this policy including, but not limited to the notice referred to in paragraph 3.3 hereof.
- 9.9.4.5 Should an owner fail to comply with any notice issued to him in terms of this policy other than a notice of non-compliance as provided for in paragraph 3.3 hereof, an owner will have a penalty imposed upon him of R500 per day until he complies with the terms of this notice.