



Finkenstein Homeowners Association

DESIGN MANUAL

(Adopted 9 August 2011)

FINKENSTEIN ESTATE

1. INTRODUCTION

The Finkenstein Estate (“the Estate”) is a residential development where privacy, open spaces, blending of the development into the environment, the protection of its fauna and flora, the protection of members’ rights and a peaceful rural atmosphere are the primary objectives. The development borders the Moltkeblick Game Farm (“MBGF”) and the Finkenstein Homeowners Association (“FHA”) has entered into an agreement with MBGF, which will allow free movement of members and game over the common boundary. While the movement of members over the common boundary will be regulated, movement of game into the Estate will only occur if the conditions are favourable.

The purpose of this document is to ensure that the development has the least possible impact on the natural beauty of the Estate and that the other objectives are met. While each individual property (“the Erf”) in the Estate is large, a land owner (the “Owner”) will only be allowed to develop and fence in a “comfortable” portion of the Erf (hereinafter referred to as the “Plot”) at a location to be agreed with the FHA as determined later in this document.

An individual character of design is promoted in this development and land owners have the freedom to have their residences designed to any style of their liking, subject to the requirements set out in this document.

2. ARCHITECTURAL INPUT

The FHA endeavours to promote an architectural link between the environment and character of the development within the practical requirements and constraints of present day living. Although freedom of design is allowed and the implementation and maintenance of a unified character on different erven is not a condition of the development, styles of architecture should not be detrimental to the environment and designs must establish and maintain a high standard of aesthetics, construction and character.

The design and positioning of residences must take due cognisance of other Owners’ rights in terms of visual obstructions and hindering aspects such as high buildings, noise, antennas, satellite dishes, glass reflections, towers, swimming pools, etc.

The use of natural material such as stone, thatch and timber is encouraged, although the use of such materials will not be a prerequisite. It is, however, important to note that no materials may be sourced *in loco*. Any architectural style will be accepted but the design must comply with and consider the guidelines and requirements provided in the Design Manual. The internal design and character of the buildings are not restricted.

Any specific conditions relevant to each Erf will be indicated on the diagram that will be issued in terms of clause 1.6.2 of this document.

The discretion as to what is considered acceptable in terms of this document is delegated to the FHA Architect. The duties of the FHA Architect in regard to design are:

1. to ensure that a high standard of architectural design is maintained,
2. to ensure freedom of design, and to provide guidelines to allow individualistic designs within acceptable architectural norms, and
3. to ensure that designs do not clash or interfere with other Owners' rights.

The FHA through the FHA Architect, reserves the right to request such design changes that it deems necessary, in its opinion, to preserve the environment and aesthetical character of the Estate. All property owners are to take note that this document is to be read with the Finkenstein Homeowners Association Rules and Regulations as in force on the Estate at any time.

Where the FHA Architect acts as a client's architect, he/she shall propose 3 alternative architects to the trustees, who shall appoint one to act as FHA Architect for that site.

DESIGN MANUAL

1. PLAN APPROVAL

- 1.1 No building may be erected or altered without approval of the aesthetic and structural soundness of the design by the FHA Architect. This includes and applies to internal alterations to existing buildings. All buildings have to conform to SANS 10400 ("The application of the National Building Regulations", previously called SABS 400).
- 1.2 The owner shall formally apply for approval of plans in accordance with the regulations adopted in terms of the Constitution of the FHA and this Design Manual.
- 1.3 Should any provision of this Design Manual be regarded as contrary to the National Building Regulations, the latter shall take preference.
- 1.4 The FHA may consider requests to waive any mandatory specifications under special circumstances.
- 1.5 The Client Architect (refer 1.7.1) will assist the Owner to prepare and register a site development plan indicating the required position of the selected Plot area on the Erf.
- 1.6 The FHA shall provide the following standard documents to each Owner on request:
 - 1.6.1 Design Manual
 - 1.6.2 Site diagram 1:1,000
 - 1.6.3 Layout of adjacent erven and approved Plots
- 1.7 The process of plan approval will be as follows:
 - 1.7.1 The Owner informs the FHA in writing of his / her choice of architect and requests the information listed in clause 1.6 above. (The selected architect will be referred to as the "Client Architect").

- 1.7.2 The Client Architect provides all his / her contact details and confirms in writing to the FHA that all relevant documents were received from the Owner, his client.
- 1.7.3 The Client Architect prepares drawings and documents for approval by the FHA Architect at the following stages of design:
- 1.7.3.1 Sketch Design Drawings (SD)
- 1.7.3.2 Design Development Drawings (DD)
- 1.7.3.3 Construction Documentation Drawings (CD) – local authority status
- 1.7.3.4 Working Drawings and Specifications (WD)
- Note: all drawings must clearly indicate the stage of design.
- 1.8 When presenting documentation at the different stages, the following modus operandi will be followed:
- 1.8.1 The Client Architect sends at least one (1) copy of a drawing set to the FHA.
- 1.8.2 The FHA updates his file and forwards the drawing set to the FHA Architect.
- 1.8.3 The scrutiny process as per 1.12 below.
- 1.8.4 After consultation between the Client Architect and the FHA Architect, the Client Architect supplies three (3) copies of adjusted plans to the FHA Architect to be approved.
- 1.8.5 The approved copies will be sent to the FHA and distributed as follows:
- FHA 1 set
 - FHA Architect 1 set
 - Client 1 set
- 1.8.6 The Client Architect proceeds with the next stage.
- 1.9 The Client Architect shall give fourteen (14) days' notice prior to the date he/she intends to make a presentation on every design stage. Information applicable to the presentation should be made available to the FHA Architect seven (7) days before the intended presentation. The FHA Architect shall give his ruling and reasons therefore within seven (7) days thereafter. It is, however, understood that all parties shall endeavour to make this period as short as possible.
- 1.10 The minimum drawings and information, in hard copy and electronic format, to be provided at sketch design (SD) stage will be:
- 1.10.1 Site plans 1:500 showing the driveway and street access

- 1.10.2 Plot layout 1:200
 - 1.10.3 Floor plans 1:100
 - 1.10.4 Sections 1:100
 - 1.10.5 Elevations 1:100
 - 1.10.6 Two 3D views on A3
 - 1.10.7 Specifications of exterior elements
 - 1.10.8 Finishes of exterior elements
 - 1.10.9 Basic Fence description.
- 1.11 All presentations for stages following thereafter should include the above documentation but need not include 3D views.
- 1.12 The scrutiny process of all design stages will be as follows:
- 1.12.1 The FHA Architect will study the documentation submitted for every stage and will discuss his/her findings with the Client Architect when the presentation is made. If approved, documents will be stamped.
 - 1.12.2 If designs or documentations are found to be unacceptable prior to or at a presentation meeting, the FHA Architect will confirm the status in writing and provide comments as to the reasons why the submission was not approved.
 - 1.12.3 The Client Architect then has to re-submit documentation for the particular stage.
 - 1.12.4 If approval was declined again a meeting with the Owner and the architects will be arranged to discuss the problems at hand.
 - 1.12.5 If a third or further scrutiny meeting is required because of the non-performance of the Client Architect for the same stage, the amount of N\$1,890-00 will be payable to the FHA for every presentation thereafter prior to such scrutiny being allowed.
- 1.13 Once construction documentation is approved, the submission of drawings to the Regional Council can be made by the FHA Architect (when applicable). The following copies, to be stamped, in minimum A1 paper format will be required:
- 1.13.1 Client 2 sets
 - 1.13.2 FHA Architect 1 set
 - 1.13.3 Client Architect 1 set
 - 1.13.4 Regional Council 1 set

- 1.14 No construction shall commence prior to approval by the Regional Council (when applicable) and a construction license has been issued by the FHA.
- 1.15 The FHA shall retain at its office one copy of the building plans approved by the Regional Council. One approved copy shall be delivered to the Owner, who shall at all times during the construction of the building have a copy of the approved building plans available on site.
- 1.16 The client architect shall be responsible for the pegging of the Plot on the Erf.
- 1.17 The author of the design shall be responsible and accountable for quality control on main structural components. To this extent, the Client Architect (and applicable engineer(s)) has to certify design compliance.
- 1.18 Final and revised as-built drawings and specifications (AB) must be submitted by the Client Architect, in minimum A1 durester/cepias and electronic format, to the FHA when the construction process is completed.
- 1.19 The Owner shall apply to the FHA Architect for a completion certificate. Within one week after the application the FHA Architect shall issue the completion certificate or indicate the reasons for declining the request.
- 1.20 Any disputes shall be dealt with as per the FHA's Dispute Resolution Policy.

2. THE SITE

2.1 DIAGRAMS

The following diagrams and information are available in hardcopy on request at the FHA:

- 2.1.1 Locality map
- 2.1.2 Contours and aerial photographs
- 2.1.3 Coordinates of boundary pegs
- 2.1.4 Restricted zones and servitudes
- 2.1.5 Electrical connection point
- 2.1.6 Water connection point
- 2.1.7 Sewer connection point

This information may also be electronically available, if required, at the office of Burmeister and Partners at a cost as determined from time to time.

2.2 MOVEMENT OVER PROPERTIES

The FHA has registered a servitude of right of way, 5 meters wide, along each boundary of all properties. This is to enable members and their guests to pass on foot, on horseback or on a bicycle. This area may not be fenced in. This rule excludes architectural entrance features as specifically approved by the FHA Architect. This implies that the minimum distance between the street and the Erf fence shall be 5 meters.

2.3 LOCATION OF BUILDINGS

2.3.1 All buildings are to be located outside the restricted zones demarcated on the Erf diagram as per clause 2.1.4.

2.3.2 The positioning of buildings will be adjudicated and allowed on a first come first served basis. Thus the Plot development plan approved and registered with the FHA first, will have preference of location of buildings.

2.3.3 The approval of the extent to which a building may be located relative to the boundary, the position thereof, ridge position, etc. shall be at the discretion of the FHA Architect.

2.3.4 No building or fence will be placed nearer than a radius of 25m taken from any external corner of buildings or fences on adjacent erven.

2.3.5 No building will be placed nearer than 10m from any border.

2.3.6 No fence will be placed nearer than 5m from any border.

2.3.7 The FHA Architect may allow relaxation of 2.2.4 under the following circumstances:

2.3.7.1 The Owner obtains written approval from the neighbour(s) affected by his/her request.

2.3.7.2 Topography prevents direct line of sight to adjacent properties.

2.4 USEABLE AREAS

- 2.4.1 The maximum area fenced in on any Erf will be restricted to 2,500 m². This excludes the entrance road of a maximum width of 4 meters. All building material and rubble will be limited to the fenced in area.
- 2.4.2 The maximum building coverage of the fenced in area will be 800 m².
- 2.4.3 It is in no manner considered compulsory to fence-in properties, and should an Owner elect not to provide a fence around his Plot, then the following rules will apply to the property:
- 2.4.3.1 No pets may be kept by the owner;
 - 2.4.3.2 The Owner will indemnify the FHA, other owners and the public against any and all possible claims directly or indirectly from the Owner or any third party and will provide confirmation of insurance to that effect;
 - 2.4.3.3 Owners will not be permitted to have an open swimming pool, fish pond or any other external water feature;
 - 2.4.3.4 The owner will at all times have securable, self-closing garage doors;
 - 2.4.3.5 No open yards or carports will be permitted; and
 - 2.4.3.6 Rubbish bins are to be secured against access by wild animals and birds.
- 2.4.4 Should an Owner elect to provide a partly fenced/walled-in area within his Plot, then the FHA may waive or provide alternative regulations in terms of clause 2.4.3 where such waivers are considered justifiable by the FHA, but taking into consideration clause 3.6.

2.5 BUILDINGS AND OUTBUILDINGS

- 2.5.1 Only one residential house (with or without a supplementary dwelling unit) may be constructed on an Erf.
- 2.5.2 A residential house means:

2.5.2.1 A house (with or without an out-building) consisting of mutually adjacent rooms with a kitchen and with at least one bedroom and toilet facilities;

2.5.2.2 The house (primary unit) is designed for occupation by a single household and may, subject to the restriction of this manual or any Erf restrictions, include outside entertainment areas, swimming pool and supplementary dwelling unit;

2.5.3 In this context:

2.5.3.1 Outbuilding means: Rooms attached or separate (detached) from the main building (the primary unit) with a total floor area not exceeding 150 m², designed or destined to be used for one or more of the following purposes:

- Parking places (a maximum of four independent parking places);
- Domestic worker rooms;
- Staff toilets, bathrooms and showers;
- A store for use in reasonable connection with the dwelling unit (limited to a maximum floor area of 40 m²) included in the total area of the outbuilding.

2.5.3.2 A “supplementary dwelling unit” (granny flat) means: a flat with a maximum area of 100 m² designed for residential occupation by a maximum of two people directly related to the occupants of the main residence. The flat may be attached or separate (detached) from the main building (the primary unit) but must be incorporated within the same Plot boundaries:

2.5.4 An Owner may apply to the FHA to do the development of the Plot in phases. Such an application may be considered if:

2.5.4.1 the initial development consists of at least a house as either a primary or supplementary unit, with or without outbuildings,

2.5.4.2 the total development is not more than two phases that shall be completed within 5 (five) years and

2.5.4.3. each phase is a sensible, self-contained unit that has been approved as such by the FHA Architect.

2.5.5 No sectional title registration is allowed on any Erf.

2.6 PLANTING

2.6.1. Outside of the Plot (the fenced-in area) only indigenous plants may be planted; however, indigenous plants that are poisonous, for example Euphorbias, are prohibited.

2.6.2. Inside the Plot indigenous plants are recommended. The following publications list plants indigenous to the Finkenstein area:

Le Roux and Muller's Field Guide to Trees & Shrubs of Namibia as revised and expanded by Coleen Mannheimer and Barbara Curtis.

Grasses of Namibia by M. A. N. Muller and expanded by Johan van Eck

Aloes: Aristocrats of Namibia by Sakkie Rothmann

Botanic Garden Plant List

2.7. TREE FELLING

2.7.1 No trees or shrubs with a stem of more than 100 mm diameter or designated to be preserved and indicated as such on the design and construction documentation, will be permitted to be removed without the written consent of the FHA.

2.7.2. Any such trees which are removed from an Erf without authority must be replaced with a like specimen at the Owner's cost before a completion certificate will be issued.

2.8. PREVENTION OF EROSION

Due to the construction of unnatural structures as streets and walls of buildings and boundaries, storm water will find new routes to escape, increasing the risk of erosion. In consultation with the FHA Architect the required preventative measures are to be put in place to limit erosion as far as possible.

3. BUILDING FORM

3.1. HEIGHT

The maximum height of any building shall be measured as 8 meters above the platform level prepared for such building, i.e. not more than two stories.

Any section of the building such as basements of which no man made part is visible from any angle of the building will not be taken into consideration when calculating the height.

No relaxation will be considered without an application to NAMPAB (Namibia Planning Advisory Board).

3.2. LEVELS

All buildings shall have the surface bed level minimum of 300 mm above platform level.

3.3. PLATFORMS FOR BUILDINGS

Preparation of platforms for the construction of buildings should be avoided and the natural ground levels and slopes should be used as far as possible. However, if the natural topography necessitates the creation of such platforms the extent thereof must be limited to the absolute minimum and must be approved by the FHA. Cut-and-fill slopes so created must be protected, stabilised and planted with the written consent of the FHA.

3.4. LETTERING AND SIGNS

3.4.1. No illuminated signs will be permitted;

3.4.2. No lettering on house name signs to be greater than 180 mm high and 100 mm wide;

3.4.3. All signs other than house names, street names and Owners' names are to be submitted to the FHA for their written approval.

3.5. CARAVANS, TRAILERS AND BOATS

Caravans, trailers and boats may not be used as dwellings, may not be kept on the public or private roads and may not be kept on private property if visible from the roadways or other erven.

3.6. LAUNDRY AND REFUSE

3.6.1. Laundry drying areas and refuse bins must be appropriately screened for aesthetic purposes.

3.6.2. If the laundry and/or refuse bin areas are not within a fenced-in Plot then they must be enclosed by walls that are of such design not to permit any animal or bird to enter the enclosure.

3.7. TELEVISION AERIALS, SOLAR PANELS, HOT WATER GEYSERS, AIR CONDITIONERS, EVAPORATIVE COOLERS, ETC.

3.7.1. Television and other aerials, dishes or similar devices may only be fixed out of sight or below roof level.

3.7.2. Solar panels must be flush with the roof and preferably mounted so as to be as inconspicuous as possible.

3.7.3. No solar water heating panels, hot water geysers, water storage tanks, air-conditioning or water cooler systems, etc. may protrude above the roofline or stand out against the horizon and will at all times be painted to match the immediate building background.

3.8. TEMPORARY STRUCTURES

3.8.1. Vegetable tunnels, shacks and plastic covered structures are not permitted.

3.8.2. Any other temporary structures require the prior approval of the FHA.

3.9. ACCESS AND DRIVEWAYS

3.9.1. All Plot driveways must be surfaced with a permanent paved finish with a colour and type determined by this manual.

3.9.2. The design of all driveways is to be included in design documentation presentations for approval.

3.9.3. Only one access will be allowed per property unless special approval has been obtained from the FHA.

3.10. SEWERAGE

Each Owner must install/construct at his/her own cost a septic tank according to the specifications provided by the FHA. The overflow of water from the septic tank will be accommodated in a specialised waterborne sewer system.

3.11. ERF BOUNDARIES

3.11.1. All Plots on erven will be selected and agreed between by the Owner, FHA Architect and Client Architect.

3.11.2. All Plots on erven are surveyed and pegged by the Client Architect.

3.12. PEAK DEMAND MANAGEMENT

3.12.1. In order to enable the FHA to manage peak demand and thereby reduce the costs of electricity, a ripple control unit must be installed at each house, except houses with solar water heaters without a backup element.

3.12.2. All new houses and houses under construction must have a ripple control unit before a certificate of completion will be issued.

3.12.3. Existing houses should each install a ripple control unit by December 2011.

4. SPORT FACILITIES

The FHA owns land on the estate set aside for communal facilities. These can be developed as Owner's needs and FHA finances permit. Tennis courts, squash courts, or any other sport fields will be permitted on individual erven subject to special permission from the FHA and neighbouring property Owners and as determined by FHA.

5. GUIDELINES FOR DEVELOPMENT

<u>Please note that this list is not fully inclusive and is indicative only</u>			
	ELEMENTS	NOT ACCEPTABLE	RECOMMENDED BUT NOT RESTRICTED TO THIS ONLY
5.1	ROOFS	<ul style="list-style-type: none"> × Mansard roofs × Flat roofs without parapets × Strong dominant colours × Unpainted galvanised roofs 	<ul style="list-style-type: none"> ✓ Pitch 15°-45° to main structure ✓ Pitch 5° or less behind parapet ✓ Traditional Victorian roof sheeting or natural galvanised painted. ✓ Natural slate roof ✓ Shingle, charcoal to black ✓ Pitched dormers for tiles or sheet roofs ✓ Screens or Perspex / glass type roof lights ✓ Natural Thatch ✓ Concrete roof tiles
5.2	SUPERSTRUCTURE WALLS	<ul style="list-style-type: none"> × Pebble dash or other plaster × Spanish plaster 	<ul style="list-style-type: none"> ✓ Painted bagged brickwork ✓ Smooth or traditional slave plaster, painted ✓ Stone plinths and walls ✓ Stone piers also to chimney breasts ✓ Colours to be approved – preference will be given to natural colours
5.3	WINDOWS & EXTERNAL DOORS	<ul style="list-style-type: none"> × Reflective glass (unless approved by the trustees) × Steel windows × Steel external door frames 	<ul style="list-style-type: none"> ✓ Large windows, set back / shaded ✓ Glazed French and sliding doors ✓ Single windows vertically proportioned or square ✓ Aluminium windows and glazed doors (natural or black anodised) ✓ Timber (Natural oiled) ✓ Glazed walls set back from building edge behind veranda ✓ Wind blocks and glass blocks
5.4	CHIMNEYS, VERANDAS, BALCONIES, BALUSTRADES, PERGOLAS AND OTHER EXTERNAL ELEMENTS	<ul style="list-style-type: none"> × Exposed water storage tanks × No glass conservatories attached to main structure without approval from Trustees 	<ul style="list-style-type: none"> ✓ Elements to be consistent with style of house ✓ Timber posts or brick piers to pergolas ✓ Colours consistent with main house ✓ External grade timber decking ✓ 330 plastered columns with plaster trim ✓ Verandas and stoeps are encouraged ✓ Diamond deck

	ELEMENTS	NOT ACCEPTABLE	RECOMMENDED BUT NOT RESTRICTED TO THIS ONLY
5.5	GARAGES OUTBUILDINGS	<ul style="list-style-type: none"> × Precast concrete × Fibreglass cladding × No aluminium tip up or sectional overhead × No shade netting 	<ul style="list-style-type: none"> ✓ Construction consistent with main structure ✓ Garage doors in aluminium painted section overhead ✓ Preferably not integrated with main structure ✓ Colour consistent with house
5.6	GARDEN ENCLOSURES, BARBEQUE AND LAPAS	<ul style="list-style-type: none"> × Vibracrete type panels × Barbed or razor wire × Unenclosed wash line area × No boundary walls around the entire Erf – unless approved by Trustees or appointed architect × No thatch lapa combined with not thatch designs 	<ul style="list-style-type: none"> ✓ Yard wall maximum 2m high ✓ Plastered masonry ✓ Painted bagged brick work ✓ Colour consistent with house ✓ Natural stone walls ✓ Garden walls to be integrated in overall design layout ✓ Barbeque to be visually integrated or separate (no hybrids) ✓ Clay face brick
5.7	PAVING, DRIVEWAYS AND VISITOR PARKING	<ul style="list-style-type: none"> × Unpaved driveway × In-Situ Presser Concrete × Bitumen 	<ul style="list-style-type: none"> ✓ Clay pavers ✓ Cement pavers ✓ Cobble stones ✓ Colours to tone in with the environment
5.8	SWIMMING POOLS AND SPAS	<ul style="list-style-type: none"> × No portable pools × Visible pump and filter 	<ul style="list-style-type: none"> ✓ Pool paving to be natural material ✓ Landscaped water features ✓ Sound proofed pumps ✓ Pool behind screen walls
5.9	SIGNAGE AND STREET SCAPE	<ul style="list-style-type: none"> × No illuminated signs 	<ul style="list-style-type: none"> ✓ All signs other than house names to be submitted to the Trustees for approval
5.10	LANDSCAPING	<ul style="list-style-type: none"> × Vast expanse of lawn discouraged 	<ul style="list-style-type: none"> ✓ Indigenous trees and aloes encouraged ✓ Natural stone terraces as necessary ✓ Natural savannah grass ✓ Compliances with FHA guidelines on landscaping
5.11	SECURITY	<ul style="list-style-type: none"> × Barbed wire on walls 	<ul style="list-style-type: none"> ✓ Electronic perimeter beams ✓ Alarm and security glass ✓ Security systems lined to guard house
5.12	AIR- CONDITIONING AND TANKS	<ul style="list-style-type: none"> × No visible air-conditioning or water cooler mounted on building 	<ul style="list-style-type: none"> ✓ Special applications treated by Trustees
5.13	BOUNDARY FENCES AND WALLS	<ul style="list-style-type: none"> × No Vibracrete × No corrugated sheets × No horizontal steps × No solid wall higher than 300mm above natural ground level 	<ul style="list-style-type: none"> ✓ Palisade steel fence with brick, stone or pre-cast patent columns, all with ground beam 300mm above natural ground level ✓ Must at all times be parallel to topography and in maximum height of 2.1m ✓ Electric fence to form integrated part of design
5.14	GENERAL		<ul style="list-style-type: none"> ✓ All natural materials will be accepted and use thereof in raw format is encouraged.