



# **BUILDING and LAND USE REQUIREMENTS in RANDJESFONTEIN**

**PREFACE:** When Randjesfontein was initially developed as an equestrian residential area a number of specific land use and building requirements were written into the constitution to ensure that the uniqueness of the area and the quality and value of the properties would be maintained. Many of these requirements are embedded in the original deeds for the farm Randjesfontein as updated from time to time, including conditions imposed by the “Administrator of the Transvaal” on 25 October 1988. The duty of care and enforcement of the aforesaid requirements was delegated to the Randjesfontein Country Estates (by cession of the rights of Randjesfontein Developments to RCE) and “no buildings or fencing may be erected on the property without the prior written consent of the RCE” as per title deed condition.

Clause 7 of the RCE Articles of Association states “Subject to any restriction or direction given at any General Meeting of the Association, and subject always to any restrictions contained in any title deed and/or deed of transfer of any property the Directors may from time to time set up or incorporate rules pertaining to” building guidelines. This is interpreted that unless there is a direct restriction from the members at an AGM, the Directors may amend the building guidelines as they see fit from time to time. To date (2009) no restriction has been placed.

The specific requirements are noted below:

## **1. BUILDING LINES**

- 1.1 No building shall be erected on any portion within a distance of thirty meters from the boundary thereof abutting on a road and within fifteen meters from any other boundary. (This condition does not apply on the boundary of portions 48, 96 to 99 and 229 to 236 abutting on Road P -2).

Each portion is subject to servitude, three meters wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a road boundary as determined by the local authority. No building or other structure shall be erected within this servitude and no large-rooted trees shall be planted within the area of such servitude or within two meters thereof.

Special requirements pertaining to Portions 48, 96 to 99 and 229-236:

Buildings, including outbuildings, erected on the portion shall be located not less than ninety five meters from the centre line of Road P 1-2

Ingress to and egress from the portion shall not be permitted along the boundary of the portion along abutting the Road P 1-2.

The local authority shall be entitled to deposit temporarily on the land adjoining the servitude described in 1.2, such material as may be excavated by it during the course of construction, maintenance, or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of construction, maintenance, or removal of such sewerage mains or other works being made good by the local authority.

In the instance where the 30m building line is the same 30m as the horse trail servitude of a particular property, RCE recommends that any buildings should not be positioned within a further 10m of this servitude as the horse trail is a public thoroughfare.

## **2. AREAS, ORDER AND MINIMUM SIZE OF BUILDINGS**

2.1 The total surface area of buildings erected on the property shall not exceed 8% of the area of the portion.

2.2 The dwelling house shall be erected simultaneously with, or before the erection of the outbuildings and it shall be a completed building and not one partly erected and intended for completion at a later stage.

2.3 The dwelling house shall be of a minimum size of 250 square meters.

2.4 Any structure with a roof occupying a floor area in excess of 5 square meters must be approved by RCE, as per local authority requirements.

## **3. DWELLINGS AND OUTBUILDINGS**

- 3.1 Without the consent of the local authority and the RCE not more than one dwelling house together with the usual outbuildings may be erected on the portion.
- 3.2 One cottage may be added on each property as a dwelling
  - 3.2.1 A cottage is defined as a dwelling house that is smaller than the main house.
  - 3.2.2 This cottage should be not more than 75 % of the size of the main house, up to a maximum of 250sqm
  - 3.2.3 Point 2.1 above will still apply.
  - 3.2.4 An existing main house can only be converted into a cottage and a new main house built if all of the above conditions are still fulfilled.
- 3.3 Additional outbuildings may be built and must comply with Section 4 below.
  - 3.3.1 An outbuilding is defined as a building used for the purpose of accommodating domestic staff.
  - 3.3.2 Outbuildings for any other purpose must be applied for in writing and approved by the RCE board.
  - 3.3.3 An outbuilding that has been approved for a certain purpose cannot be converted for any other purpose without plans first being submitted and approved.
- 3.4 A Temporary structure is defined as a structure used solely for a project and must be removed once that project is completed.

#### **4. BUILDING MATERIALS**

- 4.1 Materials for the construction of buildings should either be face brick, plastered brick or stone. Materials used for roofing are restricted to cement tiles, clay tiles, thatch, or concrete. Steel roofing, including IBR sheeting, may only be used if it conforms to SABS standards of colour fixing i.e. chromadek or if covered by top tiles.
- 4.2 All outbuildings including storerooms and stables must be constructed:
  - 4.2.1 of the same materials as the main dwelling,
  - 4.2.2 in accordance with the legislation relating to health, hygiene and fire hazards as stipulated and enforced by the local authority.
- 4.3 This requirement prohibits the construction of wooden stables within Randjesfontein.
  - 4.3.1 In the event of the main dwelling having a thatch roof an alternate roof covering may be utilized for stables

provided that the alternate roof complies with the requirements set forth in 4.1 above.

4.4 All extensions and additions to existing buildings must be constructed of similar materials that comply with the requirements of 4.1 above and must be in the same style as the main dwelling house.

## **5. FENCING**

5.1 No fencing may be erected on the portion without the prior written consent of the RCE.

5.2 No precast walling other than concrete palisade fencing is permitted.

5.3 Fencing erected should not create a hazard to horses or any residents of Randjesfontein and accordingly, the following conditions apply:

5.3.1 the use of barbed wire or razor wire is prohibited

5.3.2 electric fencing may only be used if an additional fence is in place on the exterior of such electric fence.

5.3.3 The South African National Standards document must be used for installation of barrier fence requirements.

5.4 Horse trail servitudes are to be kept open at all times and may not be fenced in or used to dump building materials or rubble.

## **6. LAND USE & SEWERAGE**

6.1 Except with the consent of the local authority and RCE, the portion shall be used for residential and agricultural purposes only.

6.2 All domestic water, waste and sewerage must be disposed of by means of a septic tank and French drain and under no circumstances may it be allowed to percolate or run into the horse trails creating a risk of contamination. Septic tanks and French drains must be placed in accordance with the health and hygiene requirements of the local authority.

6.2.1 Any property in the low-lying areas and wetlands submitting new plans after Jan 2009 must have a conservatory installed instead of a French drain system. Each case to be assessed on submission of plans.

6.3 Kennels or piggeries shall not be permitted on the portion.

6.4 The number of animals to be kept on the portion shall not, except with the consent of the local authority, exceed:

- I. 6 large stock
- II. 10 small animals
- III. 50 fowls

6.5 Permission for more than 6 horses is required in the following procedure:

- 6.5.1 A letter to RCE stating purpose.
- 6.5.2 A letter from Health department granting permission.
- 6.5.3 Consent use application to Jhb City Council if running an income generating business eg breeding, teaching.
- 6.5.4 Approval of stable building plans by RCE and then Council.

## **7 VEGETATION**

7.1 No tree will be allowed grow to the height exceeding 3 meters within 5 meters from the Eskom power line or any power structure supporting mechanism.

7.2 No tree shall be planted under the power line nor shall be allowed to grow to within 3 meters from any part of the power line or within 5 meters from any structure supporting mechanism of the power line.

7.3 No material, which may, in the opinion of Eskom, endanger the safety of any power line, shall be placed within 9 meters of the centerline of any power line.

## **8. SPECIAL USES**

With reference to clause 6.1 the following definitions will apply to other uses for all portions:

### **8.1. Bed & Breakfast and Guest Houses**

#### **8.2.1 Definition: Bed & Breakfast**

"A B&B shall mean a private dwelling-house/unit which is occupied by the owner and/or caretaker in which a number of rooms within the main dwelling are available for guests. It may also include a dining facility for the exclusive use of the residing guests, but does not include a public restaurant."

Conditions:

- The number of rooms available should not exceed four (4);
- No conferences or social functions shall be held on the property;

- The amenity of the area shall not be disturbed, either by noise, such as loud music, hooting of motor vehicles or by excessive illumination;
- No bright lights shall be permitted;
- The serving of food and beverages shall be restricted to *bona fide* visiting residents of the B&B only.
- Health and traffic requirements must be met.

#### **8.1.2. Definition: Guest House**

“A Guest House shall mean a private dwelling-house/unit which has become rezoned with Guest House rights and is NOT necessarily occupied by the owner, in which a number of rooms within the main dwelling are available for guests. It may also include a dining facility for the exclusive use of the residing guests, but does not include a public restaurant.”

Conditions:

- The number of rooms available should not exceed six (6);
- No conferences or social functions shall be held on the property;
- The amenity of the area shall not be disturbed, either by noise, such as loud music, hooting of motor vehicles or by excessive illumination;
- No bright lights shall be permitted;
- The serving of food and beverages shall be restricted to *bona fide* visiting residents of the Guest House only.
- Health and traffic requirements must be met

#### **8.2. Home Business/Industry Guidelines excluding business of an agricultural nature.**

Home Industry is limited to:

- one *bon fide* resident;
- maximum 30 % of gross floor area provided that this does not exceed 60 square meters;
- the display of one sign (460 x 60mm) which may only indicate-
  - the name of the resident
  - the address
  - the phone number
  - the nature of the business

- the display of goods contemplated inside the space limitations and in such a way that it is not visible from outside;
- delivery and despatch of goods by means of a private motor vehicle or light delivery vehicle with a gross vehicle mass of maximum 3500kg of which only one may be parked at the property provided it cannot be seen from the street;
- a crèche for a maximum of 12 pre-school children without compulsory educational requirements.
- health and traffic requirements must be met;
- no activity before 8:00, after 17:30 or on Saturdays, Sundays or Public Holidays;
- no nuisance through noise, smell, dust, light, radio-activity, gas or vibration or any other hazardous condition;
- no more than two people employed in the business;
- one parking bay for every twenty-five square meters used, provided on the property.

### **8.3. Home Business of an agricultural nature.**

Home business of an agricultural nature is limited to:

- one *bon fide* resident;
- the display of one sign (460 x 60mm) which may only indicate-
  - the name of the resident
  - the address
  - the phone number
  - the nature of the business
- the display of goods contemplated inside the space limitations and in such a way that it is not visible from outside;
- delivery and despatch of goods by means of a private motor vehicle or light delivery vehicle with a gross vehicle mass of maximum 3500kg of which only one may be parked at the property provided it cannot be seen from the street;
- health and traffic requirements must be met;
- no nuisance through noise, smell, dust, light, radio-activity, gas or vibration or any other hazardous condition;
- RCE must be notified and grant permission for such business
  - RCE must grant permission for more than 2 staff members
  - Consent use must be applied for to the local authority

## **9. BUILDING PLAN APPROVAL**

RCE must approve all building plans for new buildings, alterations, additions, and change of use.

A fee of R2500 must be paid on submission of plans. R500 is a non-refundable deposit. R2000 is a refundable deposit once the site has been cleared after building is completed.

Any consent granted by the RCE for the erection of buildings, walling or fencing on any portion will be done on the following terms:

- 9.1 Construction must commence within one year of the date of written approval by the RCE.
- 9.2 Construction must continue uninterrupted as far as humanly possible until the building or fence is complete.

## **10. DOCUMENTS REQUIRED FOR PLANS APPROVAL**

The following documents are required to facilitate a speedy approval

- Notification of Evaluation of Building Plans
- Submission of Building Plans for approval form
- Minimum of 2 coloured Paper copies of plans. One copy to be retained by RCE.

## **11. DOCUMENTS REQUIRED AFTER PLANS ARE APPROVED**

Once plans are approved you will be required to complete a form specifying the requirements for behaviour of all building contractors.

### **APPENDIXES ATTACHED**

<b>Appendix 1</b>	Dates of amendments to this document
<b>Appendix 2</b>	Building plan consent and approval process and Contractors requirements
<b>Appendix 3</b>	Submission form to be signed by owner

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## APPENDIX 1

Dates of Amendments to these building regulations:

- The developers drew up the original building regulations in 1982.
- Point 1.5 was included in 2009 after discussion with local authority building inspectors.
- Point 3.2 through 3.3 were added in Oct 2008, defining a cottage and outbuilding use, after a participatory meeting with owners on 16 Aug as per the 2008 AGM. Point 3.3.3 is a council requirement.
- Point 4.3 regarding wooden stables was clarified in 2009.
- Point 5.3.3 regarding electric & razor wire fencing was added in 1999 by the RCE board. The SANS document requirements clarified with Dept of Occupational Health & Safety and specified in 2009. This document is available from the RCE office.
- Point 6.2.1 was included in 2009 after discussion with local authority building inspectors.
- Point 6.5 re more than 6 horses and consent use added after discussion with council in 2008.
- Point 7 regarding the trees and Eskom requirements was added in 2007 after negotiations with Eskom, as per their wording, and presented at the AGM in 2007.
- Point 8 re Definition of a B & B and Guest house and business use was amended in 2008 order to clarify the points.
- Point 9 re deposit required added in March 2009 as per an RCE board decision.



## APPENDIX 2

### BUILDING PLAN CONSENT AND APPROVAL PROCESS

1. All building plan approvals must be authorized by the RCE before submission to the Johannesburg City Council. The owner will be held fully responsible for ensuring that all plan approvals and regulations governing building in the area are complied with.
2. A deposit of R2500 must accompany any plans for submission. R500 is non refundable. R2000 is refundable on completion of the building and once the Estate Manager has been requested by the owner to check the area and to ensure that rubble is removed the surrounds are cleared and in a neat and tidy condition.
3. The owner will repair any damage to the surrounding area before any refund will be made. This will be closely monitored by the estate manager and security directors
4. Owners must ensure that their contractors are aware of the building regulations applicable in the area, as negligence will not be excused and you will be held responsible for complaints in this regard
5. No Flora or Fauna in the RCE estate may be removed or destroyed. If for any reason this causes a hindrance to building operations it must be reported to the estate manager who will then investigate.

### CONTRACTORS REQUIREMENTS

#### Access Requirements

1. As this is an equestrian estate Horses have the right of way. Owners are to ensure that all staff and contractors are aware of this
2. Speed limits are to be maintained or even reduced by considerate contractors at all times
3. Respect for riders and their horses will be maintained at all times
4. No litter will be allowed to be thrown off the back of vehicles inside the estate

## Site Specific Requirements

1. The owner must supply to RCE office a list of contractors, with a list of their employee's names and ID numbers. This is for security reasons, to ensure that RCE security team is aware of who is legitimate on site in case of any incident. Any person found on the site, or within the estate, without being on this list will be removed.
2. Temporary accommodation on site must be applied for and be inspected by the RCE Estate manager. Lockable containers must be applied for and inspected by the RCE Estate manager
3. All accommodation and storage facilities on site may at no time ever prevent access to horse trails servitudes and/or roadways
4. An ablution facility as well as clean running water must be available on the said building site. The Estate manager and the security directors will closely monitor this.
5. Cooking facilities must be made available in order to prevent the making of fires as this is STRICTLY forbidden in the area. No burning of excess rubbish will be allowed on site
6. Access to sites will be limited to 06h00 – 18h00 in the evening during normal week days
7. Access over weekends must be limited to 07h00 – 17h00. Any reasonable request from a resident to stop building due to excessive disturbance, i.e. noise and dust must be adhered to
8. Only one person will be allowed to remain on site after hours to take on the responsibility of security for the contractor. This person should also have access to a phone or our security patrols in case of any emergency
9. A person acting in a supervisory capacity (Site Foreman) must be present on site at all times
10. Waste bins must be provided
11. No building rubble is to be dumped on site; surrounding areas open plots or left in any horse trail that may cause risk or injury to a horse or rider, e.g. bricks, wire, piping, used cement bags, etc.

APPENDIX 3



**SUBMISSION OF BUILDING PLANS FOR APPROVAL**

I, \_\_\_\_\_, the owner of portion number \_\_\_\_\_ in Randjesfontein submit the accompanying plans for approval. I confirm that the buildings to be erected/modified are to be used for the purpose of residential only.

This being the case, I agree to abide by the specified building and land use guidelines both now and in the future as confirmed below.

I also acknowledge that I am familiar with the Consent to Resale, a legal requirement, issued by the original developers (Randjesfontein Developers (Pty) Ltd,) and the rights ceded to RCE, regarding building requirements within the area.

I, the owner of Portion \_\_\_\_\_ of the farm Randjesfontein, agree to abide by the guidelines laid down and declare that the building plans submitted for approval by the Randjesfontein Country Estates will not be used in any way which is in contravention of these guidelines. I also confirm that I have sufficient finances in order to erect/modify the buildings indicated on the accompanying plans.

I confirm that I have read and understood the Contractors Requirements in Appendix 2, and that I am responsible for all contractors employed by me.

**Applicant:**

**Witness:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Tel number: \_\_\_\_\_ Date: \_\_\_\_\_

Date: \_\_\_\_\_

**PLEASE DELIVER THIS FORM TO THE RCE OFFICE WITH  
YOUR R2500 DEPOSIT AND PLANS FOR SUBMISSION**