

Phakalane Home Owners Association Trust
Phakalane Estate
Villa 20, Eagles Nest
Gaborone, Botswana



PHAKALANE HOME OWNERS

2016

ESTATE RULES ARCHITECTURAL GUIDELINES

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1. ESTATE RULES

1.1 INTRODUCTION

One of the main objectives of the development of the Phakalane Golf Estate by Phakalane Estates (Pty) Ltd (PE) has been the provision of a high quality of lifestyle for Estate residents. The intention of the Trustees of the **PHAKALANE HOME OWNERS ASSOCIATION TRUST (PHOAT)** in drafting these Estate rules is that of protecting this lifestyle. The Estate Rules, which may change from time to time, have been established in terms of the Articles of Association of the PHOAT. They are binding upon all residents in the Estate, as is any decision taken by the Trustees in interpreting these rules. The registered owners of properties are responsible for ensuring that members of their families, tenants, visitors, friends and all their employees abide by the rules.

1.2 USE OF THE STREETS

- 1.2.1 The speed limit is **40 km/hr**. Residents are requested to remember that golfers and other pedestrian will frequently cross the streets at designated crossings in the Estate and motorists should always approach such crossings with caution.
- 1.2.2 Vehicles must be parked in areas specifically designated for that purpose. Particularly vehicles may not be parked on sidewalks and/or in no parking zones. Notwithstanding the foregoing vehicles may, with the prior permission of the Estate Manager, be parked on sidewalks on an occasional basis if and when a Resident hosts a social event with a large number of guests, provided that no foliage may be damaged.
- 1.2.3 Excessive revving of vehicles or motorbikes is prohibited.
- 1.2.4 No quad bikes, motorbikes or motorcycles may be ridden on footpaths and/or within the Estate generally except when travelling between a Stand and the main entrance to the Estate for purposes of entering or exiting the Estate.
- 1.2.5 Vehicles may be repaired or maintained out of sight.

1.3 USE OF OPEN AREAS & GOLF COURSE

- 1.3.1 A particular appeal is made to residents to leave any open space they visit in a cleaner condition than that in which it was found. It would be wonderful if all the residents developed the habit of picking up and disposing of any litter encountered in the open spaces.
- 1.3.2 Litter bins will not be provided in any open areas specifically to encourage residents to take all of their litter away when they leave. However, bins and dog excrement bins will be provided and everyone is asked to use these.
- 1.3.3 Picnicking is permitted in the park areas which are generally associated with river or stream courses. Picnicking on the golf course is forbidden.
- 1.3.4 The lighting of fires or braais is however not permitted, except in those areas specifically allocated for that purpose.

- 1.3.5 No plants, shrubs or trees may be removed from the open space, and fishing or the trapping of or shooting of birds or game is not permitted.
- 1.3.6 Residents should take note that all rivers within catchment areas that include urban development are polluted, and that the water is probably not safe to bathe in or to drink. The residents use of the open space area is entirely at their own risk at all times.
- 1.3.7 Residents are to note that Golf Estate is a privilege for Homeowners and Residents only and Non Residents will not be permitted to walk on the Estate or on the course unless whilst playing golf.**
- 1.3.8 Walking on the golf course is prohibited during operating hours. This includes cycling, running etc. This is for safety reasons.
- 1.3.9 The official operation hours of the golf course are 06h00 – 18h00 (Summertime 1st September to 30 May) and 06h30 – 17h30 (Wintertime 1st May to 31st August).
- 1.3.10 Dogs must be kept on a leash at all times. (See 1.5) and dog mess must be collected and placed in the bins provided along the estate roads (there are no dog mess bins on the golf course).
- 1.3.11 Keep clear of Golfers and the Greens staff as they have right of way.
- 1.3.12 Short cuts by walkers across the course are forbidden.
- 1.3.13 Tees, greens and bunkers are out of bounds at all times except for golfers during the course of a round.
- 1.3.14 No practicing of golf, or any other activity such as football, Frisbee, use of bunkers as sand pits, walking around with a club and "hitting a few balls" is permitted.
- 1.3.15 No playing on golf course without making the booking at the Pro Shop and paying the required fees.
- 1.3.16 Domestic employees must use the main streets within the estate and not walk behind properties or on the golf course paths.

1.4 MAINTENANCE

All residents have a responsibility to: -

- 1.4.1 Maintain the area between the road kerb and their property boundary
- 1.4.2 Maintain and paint where necessary, their property boundary walling
- 1.4.3 Ensure that caravans, washing lines, trailers, boats, Wendy houses, playground equipment, tool sheds, mechanical equipment or parts thereof and accommodation for pets are sited out of public view and screened from neighbouring properties.
- 1.4.4 Residents must maintain their Stands (including vacant Stands and sidewalks) in a clean, neat and tidy condition to the reasonable satisfaction of the Board having regard generally to the high standard of maintenance applied throughout the Estate
- 1.4.5 All garden fences, walls, screen walls and similar features installed by Residents must be maintained by them in a neat and serviceable order and condition.
- 1.4.6 Failure to affect any necessary maintenance will entitle the Board and/or the Association to affect the necessary maintenance and to claim the cost thereof from the Member or Resident concerned.
- 1.4.7 No trees, plants or sidewalks lawn may be removed without the permission of PHOAT. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.
- 1.4.8 Dumping of garden refuse or any refuse is strictly prohibited.

1.5 DOGS AND OTHER ANIMALS

All residents have a responsibility to: -

- 1.5.1 Ensure their dogs remain in their property and are not out on the road
- 1.5.2 Ensure that dogs are not allowed out into open areas without the use of a leash so that
 - i. Other dogs are not interfered with
 - ii. Golfers, joggers and walkers are not harassed
 - iii. Dogs do not cause traffic accidents
 - iv. Dogs do not foul the sidewalks, golf course or park area (and dog walkers or owners utilise the bins provided for dog mess). A refuse bag must be carried to collect dog mess to place in the bins.
- 1.5.3 Ensure their dogs are not the cause of disturbances during reasonable night time sleeping hours.
- 1.5.4 As per the Gaborone City Council Bye Laws ensure the following: -

PART III Livestock and Other Animals (bye-laws 9-13) 9. Keeping of livestock (1) No person shall without the written consent of the council keep any livestock on any residential plot. (2) 11. Bees, pigeons and poultry No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the council.

1.6 SECURITY

In the interest of providing effective security system, security protocol must be adhered to at all times, and residents are requested always to treat the security personnel in a co-operative and patient manner. All residents are advised to purchase burglar alarm systems for their residencies which are compatible with the electronics of the Estate security system. The Estate Manager has details of the specifications and checklist to assist in the purchase of their alarm system.

Estate security is designed to function as follows: -

- 1.6.1 It will be manned 24 hours per day
- 1.6.2 Residents are strongly advised to acquire the SECSYST APP, or use the numbers given once registered on the PHOAT data base, to acquire ACCESS CODES to enhance the security operation
- 1.6.3 Alarms and panic buttons in individual residences which are linked to the security centre can transmit to the centre, and a security guard will react to the signal by proceeding to the residence concerned
- 1.6.4 Residents are to note that the perimeter fence and electric fence serve only as a deterrent and detection function and are not guaranteed to prevent a determined attempt at intrusion
- 1.6.5 The Estate will be patrolled on random basis by security guards
- 1.6.6 **All owners, tenants, domestic employees and other persons who reside on the Estate must register on the PHOAT data base and complete the required data sheets. The onus is on residents to notify PHOAT of any change of employee, domestic worker, or tenant - these updates are vital to Estate Security**
- 1.6.7 All registered Home Owners and Residents living on the estate are required to have their finger prints registered with security for access control into and out of the estate
- 1.6.8 Owners or residents whose finger prints are of a poor quality will be issued with an access card.

- 1.6.9 Owners and Residents may not request the security guards on duty to open for them without following correct access control procedures.

Access control for employees employed by residents

- 1.6.10 All residents are required to register their employed staff with security and confirm the days and times of access permitted. **All domestic employees must be registered on the biometric system.**
- 1.6.11 Employed staff must be in possession of a valid ID Document, a copy of which PHOAT will keep as a record and for verification on the data base system.
- 1.6.12 All home owners or residents consent to a criminal background check of new employees.
- 1.6.10 Residents may not use their own finger prints to open for their employees.
- 1.6.11 Residents must at all times ensure that the estates correct access control procedures are strictly followed as protocol.
- 1.6.12 Residents who bring employees into the estate on or in a vehicle must ensure that they are issued with an access code if they are not registered on the access control system.
- 1.6.13 They must disembark from the vehicle and enter/exit the estate via the provided turnstiles.

Access control for Family members

- 1.6.14 Family members, guests and service providers may not be registered onto the association's control system.
- 1.6.15 Access may be provided through the approved visitor management system installed for access control. Only family members who live on the property may be registered for access.
- 1.6.16 Requests for special dispensation must be provided in writing to the Security and Estate management for consideration.
- 1.6.17 Residents may not use their own finger prints to open for their family members, guests.
- 1.6.18 Residents must at all times ensure that the estates correct access control procedures are strictly followed as protocol
- 1.6.19 Residents will be notified of all transgressions in writing.

Access control for building contractors

- 1.6.20 Building contractors must first register with estate management and security.
- 1.6.21 Access may only be between the hours of 07h00 to 18h00 on weekdays excluding public holidays and Saturdays from 07h00 -13h00. No access on any Public Holiday paid or unpaid is allowed.
- 1.6.22 All contractors are required to be registered onto the access control system.
- 1.6.23 All contractors must provide the Association with the names of all construction workers and other employees to be engaged in construction activities on the Estate.
- 1.6.24 Residents may not use their own finger prints to open for their contractors, subcontractors and workers.
- 1.6.25 Residents must at all times ensure that the estates correct access control procedures are strictly followed as protocol
- 1.6.26 All contractors must ensure they renew their biometrics access every 6 months with estate security.
- 1.6.27 Contractors who have been appointed by the management of the residents' association and who have a signed service level agreement in place with the association may be

granted access onto the association's access control system in order to perform their daily duties

- 1.6.28 Access hours will be at the sole discretion of the estate manager who will grant such access based on the required service delivery.

Access Control for Service Providers (BPC, WUC, Landscape Gardeners, Fast Food Deliveries)

- 1.6.29 In the interest of Security, the guards may opt to escort Service Providers to a plot or ring the owner to verify that they did call out the Service Provider.
- 1.6.30 Fast Food deliveries must be issued with an access code by the Homeowner.
- 1.6.31 Garden Services and Grey water deliveries are to be registered both at the contractors' gate and on the biometric system, advising which plots they are working at.

1.7 LETTING AND RESELLING PROPERTY

In order to ensure that the rules that are particular to Phakalane Golf Estate and that regulate ownership and residency of the Estate are made known to new residents, the following rules to the reselling of property shall apply: -

- 1.7.1 Should an owner wish to sell his property in the Estate by employing an Estate agent, an estate agent from the list of Accredited Agents should be selected to manage the sales;
- 1.7.2 Such agents should operate on a "By appointment" basis in which case they must personally accompany prospective buyers, and are not allowed to erect any "For Sale" or "Show house" or "Sold" signage boards;
- 1.7.3 If properties are to be on show over weekends, agents must advise the Estate Manager of the details of the property by 12h00 on the Thursday preceding the weekend. These details will be indicated on a plan of the Estate and provided upon request to visitors to the property. The onus will be on the agent to ensure that information provided is correct. On weekend show days, agents will be permitted to erect two pointer boards on the side walk of the property concerned for that day. This signage must be removed by 17h00 the same day by the agent, failing which the Estate Security will remove and store the boards until they are collected by the agents.

1.8 ACCREDITATION OF ESTATE AGENTS

An agent is accredited only after signing an agreement with the PHOAT that such agent will abide by stipulated procedures applicable to the sale of property in the Estate, and after having been inducted with respect to concepts, rules and conditions under which a buyer purchases property in Phakalane. Such agent may be required to provide the PHOAT with a copy of the mandate for the property concerned. The accrediting policy for estate agents may be reviewed by the PHOAT from time to time.

1.9 GENERAL MATTERS

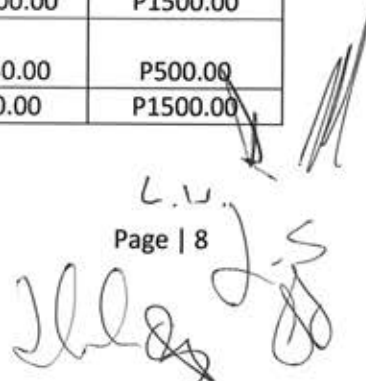
- 1.9.1. All levies are due and payable in advance on the first day of each and every month – if not received by 10th of each month, **deactivation will automatically occur** through the biometric system.
- 1.9.2. Interest will be raised on all accounts in arrears.
- 1.9.3. The Trustees reserve the right to take any action they deem fit in the instance of a contravention of a rule, after expiry of written notice detailing the contravention. Such action

includes rectification by the PHOAT, the cost of which will be charged to the transgressor, or possible imposition of a fine and subsequent legal action.

- 1.9.4. This document may be amended from time to time to cater for conditions that may not have been foreseen at the time of coming into effect of the rules, and the Trustees reserve the right to make such amendments as they deem fit and which shall be binding upon all residents in the Estate.
- 1.9.5. Noise/Parties. Kindly notify neighbours and Estate Management of any intended parties. Noise and music must abate by midnight.
- 1.9.6. Noisy vehicles, both exhaust pipes and loud music are not acceptable.
- 1.9.7. Abuse of PHOAT staff and Security Guards will be treated seriously.

TABLE OF FINES/PENALTIES FOR RESIDENTS/HOMEOWNERS

DESCRIPTION OF TRANSGRESSION	RULE REF	1ST OFFENCE	2ND OFFENCE	3RD OFFENCE
USE OF STREETS				
Speeding, reckless driving, failure to stop at Stop signs	1.2.1	Written warning	P500.00	P1000.00
Parking in areas where not permitted	1.2.3	Written warning	P500.00	P1000.00
Failure to keep dogs on a leash	1.3.10 & 1.5.2	Written warning	P500.00	P1000.00
Failure to pick up dog excrement	1.5.2	Written warning	P500.00	P1000.00
Driving a vehicle in an off limit area	1.2.3	Written warning	P500.00	P1000.00
Driving of noisy bikes and quad bikes anywhere on the estate	1.2.5	Written warning	P500.00	P1000.00
DISTURBING THE PEACE				
Creating a public nuisance - i.e. music, parties etc	1.9.5	Written warning	P500.00	P1000.00
Barking of dogs at unreasonable hours	1.5	Written warning	P250.00	P500.00
Failure to abide by Gaborone Council by laws regarding livestock	1.5	Written warning	P500.00	P1000.00
Noisy vehicles with loud exhaust pipes and music	1.9.6	Written warning	P250.00	P500.00
SECURITY				
Failure to register domestic employees with Security	1.6.23	P250.00	P500.00	P1000.00
Unauthorised entry into the estate by any person	1.6	P500.00	P1000.00	P1500.00
Not following correct access procedures/asking guards to open gates	1.6.9	P500.00	P1000.00	P1500.00
If bringing employees on to estate by vehicle, failure to obtain access	1.6.15	P500.00	P1000.00	P1500.00
Failure to disembark from vehicle and proceed through turnstile	1.6.16	Written warning	P250.00	P500.00
Abuse of security guards and PHOAT staff	1.9.7	P500.00	P1000.00	P1500.00

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2. ARCHITECTURAL GUIDELINES

2.1 TOWN PLANNING CONTROLS

2.1.1 DENSITY

The number of dwelling that may be erected on a plot shall not exceed the maximum density permitted in terms of the Town planning scheme, the Urban Development Standards and Development Control Code, provided that the PHOAT may in its sole discretion be prepared to support an application to increase the maximum density in certain circumstances.

2.1.2 BUILDING LINES

All building lines are to be in accordance with the Republic of Botswana **Development Control Board**.

Building lines may be relaxed only with the written approval of the controlling architect and the local authority.

2.1.3 THE LIMITS FOR CONSTRUCTION

The construction of improvements should begin within two years from the date of registration of transfer of ownership or certified completion of estate civil works. In order to reduce inconvenience to neighbours and unsightliness, construction should proceed without lengthy interruptions, and should in any event be completed within one year from commencement.

2.2 TREATMENT OF PLOT BOUNDARIES

2.2.1 STREET BOUNDARY

Every effort should be made to avoid the hostile canyon like effect that high solid walls along streets cause in many residential areas.

2.2.1.1 Screen wall elements not exceeding 1.8 m in height and 4 m in length may be used for screening of pools, patios etc. but must be designed as part of the garden and landscaping design and must be approved in writing by the controlling architect. The use of curved and shaped walls will be encouraged for this purpose. Palisade fence on the Golf Course side of plot may not be tampered with except with permission of Phakalane Golf Estates.

2.2.1.2 In order to provide space for cars and for visitors' parking, garages fronting directly on to the street should be set back 3 metres from the plot boundary.

2.2.2 SIDE SPACE

- 2.2.2.1 The side walls between property boundary walls may be provided at a maximum height of 1.8 m over the extent of the boundary as may be required to screen off an approved use or area but no screen wall may be erected within 5 m from the screen or golf course boundary unless approved by the controlling architect.
- 2.2.2.2 Only one screen wall between properties may be erected in any position in accordance with type of screen walls of 2.2.2.1

2.2.3 BOUNDARY FENCING TO THE GOLF COURSE

- 2.2.2.3 As for street boundary, the securing of pets will be taken into account. If it can be demonstrated to the satisfaction of the Architectural Review Committee that a visibly impenetrable barrier is essential along part of the golf course frontage, then no more than 25% of the boundary may be walled with a solid wall of a height, finish and colour approved by that committee.

2.3 BUILDING DESIGN GUIDELINES

A Development Plan must be prepared by the Developers/Architect or a registered architect or an approved designer and submitted for approval by the controlling architect. Development Plan must consist of the following drawings: -

- 2.3.1 Site plan with marked plot no, boundary dimensions, boundary walls with stated heights and material, entrance to the property building lines, direction - north point, contour lines, positioning of the building, setting points, notes. The privacy and views of surround properties should be considered a premium. As a general rule no windows or balconies on the upper storey should overlook the living spaces of the adjacent dwelling.
- 2.3.2 No staff accommodation should be nearer to the street than the main building and must be contained under the same roof or integrated in to the overall design.
- 2.3.3 Staff accommodation and kitchen areas should open on a screen yard or patio.
- 2.3.4 All outbuildings and additional buildings must be approved by the Controlling Architect of PHOAT and built by approved contractors (including car ports).
- 2.3.5 Yard and screen walls should be similar to the basic materials and colours of the building and comply with item 2.2
- 2.3.6 Garden sheds, Wendy houses, dog kennels and covered facilities may not be placed in open view of the road and the golf course.
- 2.3.7 No shade netting may be used as walls, screens or gates. For use in the garden as a form of plant protection, it should not be a visible feature either from the golf course side or the street.
- 2.3.8 Solar heating panels, if used should be incorporated into the building and form part of the basic structure and should be clearly shown and annotated on the approval drawings.
- 2.3.9 Awnings, TV aerials, blinds, satellite dishes and other items must form part of the basic structure and are to be clearly shown and annotated on the approval drawings.

- 2.3.10 All exposed plumbing and washing lines should be fully screened
- 2.3.11 No deviations from the approved drawings will be permitted unless the deviation is resubmitted and approved in writing prior to construction.
- 2.3.12 No dwelling may be smaller than 120 square meters excluding garage and outbuildings.
- 2.3.13 Only approved smoke free type fire places and braai units are allowed.
- 2.3.14 Mechanical equipment and plant such as air conditioners (and grilles) dusts, pool pumps etc must be designed into the buildings and (or adequately endorsed or screened off from view.
- 2.3.15 All generators must be discreetly placed in a sound dampening enclosure so as not to disturb the neighbours.
- 2.3.16 Water tanks to be submerged or screened off, so as not to be visible either from the street or the golf course.

2.4 APPROVED BUILDING MATERIALS

2.4.1 ROOF COVERINGS

- 2.4.1.1 Natural terra cotta roof Tiles-Marley Monarch type designer range concrete roof tiles on 17.5-30-degree pitch. Colour-Pescara- pre-blend type. (Blend to be approved by the controlling architect) or brown, terra cotta, autumn blend colours as per samples to be provided by the controlling architect.
- 2.4.1.2 Natural slate (multicolour autumn blend type only)
- 2.4.1.3 Flat roofs waterproofing to be non-reflective and must be covered with beige coloured stone chips or terra cotta paving tiles, flat roofs may not exceed 20% of the ground floor area and 10% of the first floor roof area of the building and must be preferably be screened by surrounding slopping roofs.
- 2.4.1.4 No galvanized gutters and drain pipes will be permitted. All exposed gutters and rain water goods to be painted to match the colour of the buildings.
- 2.4.1.5 No asbestos cement or other tiles or metal roofs will be permitted.

2.4.2 WALLS

- 2.4.2.1 External masonry walls shall be a minimum 230mm brick finish to receive plaster. Plaster with painted finish with colour range as per sample panel are to be submitted for approval by the controlling architect. The use of textured plaster (i.e. brushed or scratch plaster) is encouraged. Only paint colours to match sample range provided by the controlling architect may be used (Autumn blend colours).
- 2.4.2.2 Coloured textured wall coatings such as Gamma Zenith Plaster- tech etc, may also be used within the approved colour range as for plaster colours. Type of finish to be approved by the controlling architect.

2.4.3 WINDOWS SHUTTERS AND DECKS

- 2.4.3.1 Only timber or dark bronze/ dark brown or white epoxy coated or anodized aluminium will be permitted. The use of timber shutters and decks will be encouraged. No standard type steel windows will be permitted.

- 2.4.3.2 The landscaping theme of Phakalane country club & Golf Estate is to encourage the use of indigenous trees and plants. The golf course is to be planted with indigenous species in accordance with landscape theme. The portion of all properties that border on the golf course and the portion of all properties between the building lines and the street boundary should be landscaped accordingly and using the trees and plants species as per Addendum of indigenous trees.
- 2.4.3.3 All drive ways to be fully paved with autumn coloured face brick pavers as per sample colours to be provided by the controlling architect or approved autumn blend concrete block pavers. Driveway widths are limited to 5000 mm at the junction with the public road. Visitors and open parking bays are to be screened with planted berms and/or planting view of the street.
- 2.4.3.4 The use of hedge rows is recommended and the planting of indigenous trees and shrubs is encouraged where possible. Trees planted in the road reserve must follow the guide lines set for that street.
- 2.4.3.5 Planting hedgerows are also encouraged where palisade fencing is used.
- 2.4.3.6 Houses erected on the visual slopes of the site will need special attention to reduce the interruption to the horizon line and any other potential visual impact. This will need to be done by, inter alia, additional landscaping and controls to the scale of the buildings. Where possible cut and fill to be minimized and the buildings rather to be terraced own the slope of the site. Note: The maximum height of face brick plinths above natural ground level will be limited to 660 mm (4 courses) and must therefore step down the slope of the plot where applicable.
- 2.4.3.7 Only timber garage doors and /or coloured chrome deck (colours: white, dark green or a colour to match the exterior of the house) may be used. Garage openings must preferably not face the street, but should ideally be side boundary facing if at all possible.
- 2.4.3.8 Owners are prohibited from planting the following: ASK FOR LIST OF PLANTS FROM PHOAT
- 2.4.3.9 Where owners of the plots are adjoining the cul-de-sacs wish, upon completion of construction, to provide brick paving between their plot boundary and the road edge this shall be to the approval of the Architectural Review Committee.

2.4.4 PAVING

All paving layouts are to be submitted to the Architectural Review Committee for approval.

2.4.5 NUMBERING OF PLOTS

The owner of any house shall put or paint the number in a conspicuous place facing on to the street, so that it is legible.

2.5 PROHIBITED BUILDING MATERIAL

To allow for diversity and interest, a variety of individual architectural designs will be encouraged. In principle no limitations are placed on building materials other than the following items, the use of which is discouraged.

2.5.1 The following building materials to be prohibited:

- 2.5.1.1 Unpainted plastered stock brick walls
- 2.5.1.2 Unpainted or reflective metal sheeting.
- 2.5.1.3 Reflective roofing material.
- 2.5.1.4 Exposed concrete walls
- 2.5.1.5 Wood panel fencing.
- 2.5.1.6 Razor wire, security spikes or similar features. Exception may be given by PHOAT with regard to the perimeter of the Estate.
- 2.5.1.7 Lean-to and temporary car ports.

The approval of the Architectural Review Committee should be obtained for the use of any materials other than conventional bricks and mortar.

2.6 GENERAL

- 2.6.1 The light source to all external lighting (exception under covered patio or gazebo roofs), wall mounted or otherwise, may not be more than 1 m above natural ground level and may not shine onto adjacent properties and be directly visible from the street clubhouse. The intention is that all site lighting will be subdued and indirect.

2.7 CONSTRUCTION ACTIVITIES:

CONDUCT RULES FOR BUILDING CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS, OPERATING WITHIN PHAKALANE COUNTRY CLUB & GOLF ESTATE.

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

2.7.1 SITE ACCESS & EXIT

- 2.7.1.1 The contractor acknowledges he is aware that the Estate is a security Estate and will at all times adhere to the security regulations and controls and agrees to cooperate with the PHOAT in the interest of maintaining security on the Estate.
- 2.7.1.2 Detailed procedures will be made available by the PHOAT to contractors, which will include security measures for authorized access and identification of vehicles and all personnel.
- 2.7.1.3 As improvements to the security and the access controls are ongoing, these procedures will be reviewed from time to time.
- 2.7.1.4 Hours of work: Contractors may only enter the estate after 7h00 in the morning and must vacate the estate by 18h00. No workers will be allowed to sleep overnight on site. No employee may remain on the house site to guard the building. Contractors may negotiate with the PHOAT appointed security company for this service, if required.

- 2.7.1.5 Construction will be limited to Monday 07h00 to Friday 18h00 and Saturdays from 07h00 -13h00. No construction will be permitted on Sundays and public holidays unless by prior written agreement with the developer or PHOAT.
- 2.7.1.6 Only authorized vehicles will be allowed on to the Estate. There is a load restriction of (8) ton per axle and the vehicle may be subject to axle load testing by the PHOAT prior to being allowed entry. Except for roof truss deliveries, no articulated vehicles are permitted in the Estate, unless by prior authorization of the PHOAT. It is the obligation of the contractor to notify his suppliers of this, and the PHOAT shall not entertain any claims of losses or damages in this regard.
- 2.7.1.7 Deliveries must be scheduled for between 7am and 5 p.m. on week days only.
- 2.7.1.8 The Estate security personnel reserve the right to subject vehicles entering and exiting the Estate to a search.
- 2.7.1.9 Tools, equipment and machinery can only be taken out of the Estate if accompanied by a transfer note signed and stamped by an authorized officer of the contractor. A copy of the transfer note must be handed to the security personnel for record keeping.
- 2.7.1.10 Materials can only be removed from the site if accompanied by transfer note signed and stamped by an authorized officer of the contractor and the PHOAT. A copy of the transfer note must be handed to the security personnel for record keeping.
- 2.7.1.11 Points of access: There is only the main gate and the Contractors gate.
- 2.7.1.12 Any contravention of security and access rules will be severely dealt with by the PHOAT, and depending on the nature and circumstances, could lead to the suspension of building work, and barring of access to the Estate.

2.7.2 CONTRACTORS LABOURERS

- 2.7.2.1 Contractors' labourers must wear overalls or shirts with the name of the contracting company displayed on it. The choice of colours must be agreed to with HOA before any work commences.
- 2.7.2.2 Labourers found without the above dress code will be removed from the Estate by the Estate security personnel.
- 2.7.2.3 Labourer must be an employee of the contractor and only under limited circumstances will casual labour be allowed on site. This shall be at sole discretion of the PHOAT.
- 2.7.2.4 All labourers must be registered at the security control room, where they will be issued with a ID/access card, which must be worn at all times whilst on site and or registered on the Biometric Fingerprint system.

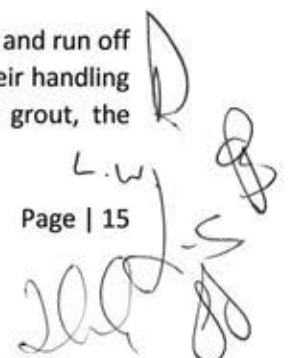
2.7.3 DISCIPLINE

- 2.7.3.1 The contractor is responsible for the discipline of Labourers, sub-contractor and delivery personnel on site.
- 2.7.3.2 Labourers are not permitted to walk between the construction site and the entrance/exit gates. Labourers will remain on the site where they are busy constructing, and will not be allowed to move between construction site on the Estate unless registered at two or more different plots.
- 2.7.3.3 The contractor of any employee found walking across the golf course, or fairway between sites will be spot fined and the employee liable to be instantly removed from the site.

- 2.7.3.4 No vehicles will be allowed to cross any part of the golf course, the fairway or parkland or to deviate from roads or recognized road route. Any vehicle contravening this rule will attract a spot fine, be liable for instant removal from site and be liable for damages sustained.
- 2.7.3.5 Vehicles with mechanical legs on trailers must use protection for possible road surface damage.
- 2.7.3.6 Any disputes between contractor and its employees must be settled outside the boundaries of the Estate.
- 2.7.3.7 If any employee is found disturbing or endangering the animal, fish or bird life, or is found pilfering, stealing or removing materials or goods off site without permission or involved with any form of violence, the company who employs that person will be asked to ensure that employee no longer may work on the Estate.
- 2.7.3.8 The contractor is responsible for all sub-contractors as well as the deliveries and any damages caused by his employees, sub-contractors employed by him or delivery vehicles delivering materials to his site, and he is liable to pay for any damages that may occur on the site. These damages also include damage to kerbs, roads, plants, irrigation and or damage to private property.
- 2.7.3.9 The PHOAT will have sole discretion as to the nature, extent and value of these damages, and the identification of respective vehicles and persons.

2.7.4 HOUSEKEEPING AND TIDINESS

- 2.7.4.1 The site is to be kept as clean as possible of building rubble and general cleaning and good housekeeping practice must take place during building operations.
- 2.7.4.2 The site must be screened off on three sides with a screen of 1.8 m height, at all times during building operations.
- 2.7.4.3 No concrete, dagga, cement or such may be temporarily stored or mixed or prepared on any of the road ways, kerbs and pavements.
- 2.7.4.4 Materials which are off loaded by a supplier of contractor may not encroach on to the adjacent site, the pavement or roadway. Where suppliers fail to adhere to this, the responsible contractor shall remove the materials accordingly. The contractor is also responsible for the removal of any sand or rubble that may have washed or moved into the road.
- 2.7.4.5 The contractor is to ensure that the roads and the vicinity of his houses site is always kept neat and tidy including the materials or mud or spoil being driven or dropped onto the road or sidewalk.
- 2.7.4.6 The contractor shall provide adequate facilities for rubbish disposal and ensure that workers use the provided facilities and the rubbish is removed every Friday. No rubbish may be burnt or buried on site. No form of paper, cement bag, tile off cuts, ceiling boards, roof tiles, rubble or the like is to be not left lying around, nor be allowed to blow off the site.
- 2.7.4.7 Accumulation of hardcore for fill shall be neatly piled. With the PHOAT consent on site disposal dump or spoil zones may be arranged.
- 2.7.4.8 With the dams on the Estate, pollution and contamination of ground water and run off water is particularly sensitive. Contractors should ensure special care in their handling disposal and cleaning up operations, with particular note to paint, the grout, the

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adhesive, cement and rhinolite, chemicals, oil and fuel etc. Special preventative controls must be taken on water front sites to avoid spillages.

- 2.7.4.9 Fires for cooking or other purposes will not be permitted and contractors shall ensure approved alternative meal arrangements are made. Contractors must ensure that their employees make no fire for heating purposes.
- 2.7.4.10 The contractor shall provide approved portable chemical toilets facilities for the workers. Adjacent construction sites may share toilets as approved by the PHOAT. Toilets and changing facilities shall be suitably positioned and screened with forest fence and kept hygienic.
- 2.7.4.11 One approved building board shall be erected per site and such board is to be erected neatly in the corner of each site. Boards are to be maintained in a plumb and level position throughout the contract, and must be removed immediately after completion of each house construction.
- 2.7.4.12 No contractors, sub-contractors or supplier's boards of any kind will be allowed.
- 2.7.4.13 Construction material may only be delivered to the house site on an as-needs daily basis for installation by the latest the Friday of that week, and surplus material must not be allowed to visibly accumulate on the house site.
- 2.7.4.14 The certificate of completion by PHOAT includes for the site to be entirely cleared of all rubble, surplus materials, and be impeccably clean and the verge reinstated, all to satisfaction of the PHOAT.
- 2.7.4.15 Contractor vehicle shall not be parked or left in the road, and a screened designated parking area shall be arranged with the PHOAT.

2.7.5 CONTRACTORS, YARDS, STORAGE AND OFFICES

- 2.7.5.1 Allocated areas as authorized by the PHOAT will be granted to accredited contractors for their operational use.
- 2.7.5.2 A designate bulk storage area could be allocated to the contractor for his materials, for distribution to house sites. Approved storage sheds, containers or yards could be allowed on house site if no alternative can be found.
- 2.7.5.3 The appearance, management, servicing and qualification for these facilities will be reviewed by the PHOAT, and negotiated on an as- need basis.

2.7.6 GENERAL

- 2.7.6.1 The speed limit is 40km/h and speeding and reckless driving will not be tolerated. Due care must also be taken by all vehicles not to block the thoroughfare of roads.
- 2.7.6.2 No pets, birds, or domestic animals of the contractors will be permitted onto the Estate.
- 2.7.6.3 Noise and dust reduction is essential, and contractors shall endeavour whenever possible to limit unnecessary noise, especially employees loud talking, shouting or whistling, radios, sirens or hooters, motor biking etc.
- 2.7.6.4 Contractors are expected to conduct their operation in a reasonable and cooperative manner. Should the PHOAT have any concern with the conduct of the contractor, his sub-contractor or his suppliers and any of their employees, the PHOAT may rectify as deemed necessary and/or reserve the right to suspend building activity, either indefinitely or until such desirable conduct is rectified, which it may do at any time without notice and without resources from the owner and or contractor and/or sub-contractor and/or supplier.

Contractors will receive a copy of the above along with the list of penalties applicable for transgressions of the rules shown on the table below.

DESCRIPTION OF TRANSGRESSION	RULE REF	1ST OFFENCE	2ND OFFENCE	3RD OFFENCE
USE OF STREETS				
Speeding, reckless driving, failure to stop at Stop signs	1.2.1	Written warning	P500.00	P1000.00
Parking in areas where not permitted	1.2.3	Written warning	P500.00	P1000.00
Use of main gate without permission	2.7.11	Written warning	P500.00	P1000.00
DISTURBING THE PEACE		Written warning	P500.00	P1000.00
Working outside of the permitted hours without permission	2.7.1.5 & 2.7.1.4	Written warning	P500.00	P1000.00
Excessive noise from machinery	2.7.6.3	Written warning	P500.00	P1000.00
Excessive noise from employees	2.7.6.3	Written warning	P500.00	P1000.00
Noisy vehicles	2.7.6.3	Written warning	P500.00	P1000.00
SECURITY		Written warning	P500.00	P1000.00
Not registering employees with Security	1.6.23	Written warning	P500.00	P1000.00
Unauthorised entry into the estate by any person		Written warning	P500.00	P1000.00
Contractors may not walk between construction site and contractors gate, they will remain on the site where they are working	2.7.3.2	Written warning	P500.00	P1000.00
GENERAL BUILDING PENALTIES			P500.00	P1000.00
Contractors not having a toilet on site	2.7.4.10	Written warning	P500.00	P1000.00
Contractors not having a skip on site or adequate facilities	2.7.4.6	Written warning	P500.00	P1000.00
Fires on the site	2.7.4.9	Written warning	P1000.00	P2000.00
No rubble, refuse or building material to be dumped on estate	2.7.4.14	Written warning	P500.00	P1000.00
Littering by contractors - allowing cement bags to blow over estate	2.7.4.6	Written warning	P500.00	P1000.00
Failure to keep shade netting up and in good order	2.7.4.2	Written warning	P500.00	P1000.00
Fauna/Flora being harassed, trapped, harmed or interfered with	2.7.3.7	Written warning	P500.00	P1000.00

Dropping of sand, rubble in the road and failing to clear it or sweep it off the road.	2.7.4.5 &	Written warning	P500.00	P1000.00
or sweep it off the road.	2.7.4.4			
Failure to have a board up	2.7.4.11	Written warning	P500.00	P1000.00
Damage to other property, kerbs, road, plants and irrigation	2.7.3.8	Written warning	P500.00	P1000.00
Failure to keep hardcore building material neatly piled	2.7.4.7	Written warning	P500.00	P1000.00
Any other issues noted in the Estate Rules & Guidelines not mentioned	ALL	Written warning	P500.00	P1000.00

2.8 BUILDING PLAN SUBMISSION AND BUILDING INSPECTIONS

The following must be adhered to before building plans and approval of building operations will be considered for inspection.

- 2.8.1 A plan approval fee of P3,000 (non-refundable) is payable to the controlling, architects fee. The plan approval fees will escalate annually by 10%. The approval and inspection fee will not be required in the event of the controlling architect being appointed as the project architect. Before construction work is approved to commence, a building performance deposit by the contractor of P10,000 will be deposited and held in trust (free of interest) by the PHOAT. The deposit amount will be used in the event there is a breach on non-performance to remove rubble or make good any damage caused by the contractor or his sub-contractor or suppliers, including kerbing landscaping, community services, roads irrigation etc. and of any outstanding spot fines. The deposit of P10,000 may be used on a roll on basis up to five houses if a multiple housing developer or contractor.

The building performance shall be released subject to the submission of the PHOAT of

- a. Local Authority certificate of completion and occupancy.
- b. Practical completion Certificate from controlling Architect
- c. PHOAT appointed agent certificate of completion.

And shall only be refunded within 14 days once all the above documents are correctly completed and submitted. The PHOAT reserve the right to prevent the occupation of any houses if the above is not fully adhered with.

- 2.8.2 The PHOAT plan approval committee will sit every two weeks for inspection of plans. A list of dates of meetings of PHOAT will be published once civil works are completed.
- 2.8.3 All plans necessary for city council approval must be submitted together with an extra rendered paper copy to be kept for record purposes by the HOA. Plan approval fees from the City Council are for the building owners account.
- 2.8.4 Information to be provided on drawing submitted for stage 1 approval Site Development Plans:
- -Parking areas (visitors, open and covered parking)
 - -Open spaces (e.g. laundry yards, private gardens, and landscaped areas)
 - -All external finishes including colour specifications
 - -Existing trees

- -External lighting plan
 - -drainage and how it is concealed, as well as the sewer connection
 - -layout of driveway
 - -external lighting plan.
 - -Siting of all buildings (different buildings must be easily identifiable)
 - -boundary wall / fence details, including elevations
 - -building lines and other restrictions -storm water management
 - -permitted coverage -actual coverage
 - -permitted floor area ratio
 - -actual floor area ratio
 - -cadastral information (i.e. boundary dimensions, north point etc.
 - -dimensions to the nearest building on adjacent plot.
 - -proposed floor levels, ground contours and number of storeys
 - -trees that are to be removed -any additional relevant information
 - -floor plans shall be provided and shall indicate the proposed use of each room.
- 2.8.4.1 Size of Plans as it is impractical to file large sized plans, all sketch and site development plans shall be submitted on maximum of A1 size paper to a 1:100 scale. Small scale locality site plans shall be to a 1:500scale
- 2.8.5 A signed copy of these guidelines by the owner of the plot is to be submitted.
- 2.8.6 Inspection by the controlling architect.

The controlling architect will carry out site inspection during the following stages of construction:

- 1.1 Surface bed level
- 1.2 Completion of roof structure.
- 1.3 Practical completion

The controlling architect may inspect the works at any stage during construction and may request any reasonable alterations and/or additions to ensure that the general design guide lines as intended for the development are implemented.

The home owner is responsible to notify the developer/PHOAT as to the stages of completion as set out above have been received in order to arrange for the architect to inspect the works. (at least 6 days' notice is required for this agreement).

- 2.8.7 Occupation of the premises will only be allowed after the home owner has produced an occupation certificate from the city council and the controlling architects' certificate of practical completion.

2.9 BOTSWANA POWER CORPORATION SERVICE CONNECTIONS

A power supply service connection cable shall be paid by Phakalane Estates (Pty) Ltd the developers and installed as part of the development infrastructure to each plot. The following guide is to assist home builders and the consumers in the planning and installation of electrical supply.

- 2.9.1 This guide shall not relieve consumers of their obligation to comply with all statutory requirements pertaining to Botswana Power Corporation Supplies including but not limited

to the Botswana Power Corporation (Electricity) Bye-Laws 1979 and the Electricity (Supply) Regulations 1988.

- 2.9.2 The power supply to each plot shall be owned and operated by the Botswana Power Corporation and all arrangements and agreements shall be between the consumer and the BPC.
- 2.9.3 All queries and application for supply shall be made to the Botswana Power Corporation Commercial Departments, P. O. Box 48, Gaborone, telephone 3603000. The cost of the service shall be determined by BPC.
- 2.9.4 A 400 V three phase 60A supply is provided as part of the infrastructure development to each plot. The service to each plot shall comprise a three phase and neutral 4 core PVC/SWA/PVC copper cable of nominal cross section either 16mm² or 35mm² depending upon distance from the source of supply. In addition, a 25mm² bare copper earth wire (BCEW) is provided with the power cable. The BCEW provides a solid copper conductive path to the supply transformer neutral and earth system
- 2.9.5 The service cable and BCEW are brought onto the plot and 15M spare cable is sealed, coiled 500mm diameter and buried 600mm deep in pre-determined fixed locations on each plot. Consumers should make reference to the service connection drawings detailing the location of the entry and plan their development accordingly. These drawings are available from the developers. Any additional cable required shall be to the consumers account.
- 2.9.6 Consumers are responsible for providing a meter distribution board to accommodate the BPC metering equipment. The construction and location of the board shall be to BPC approval. IN addition, it is a requirement of the developers that the location and visual impact of the meter board shall be in keeping with the nature off the Estate development and should be indicated on plans submitted for approval. It is recommended that a galvanized M3 three phase meter board (which is readily available locally) be specified installed flush on an outside wall such as on the garage or boundary wall between plots in a location accessible to the BPC meter reader from the road side without requiring entry to the premises. Approved provision by way of sleeves or trunking shall be made for the incoming BPC service cable. All exposed galvanised metal shall be painted to suit the overall approved colour scheme. In general, free standing meter boards or exposed galvanised metal visible from the road shall not be permitted.
- 2.9.7 The point of supply is defined as the outgoing terminals of the meter and BPC responsibility ends at the meter.
- 2.9.8 A supply connection given for residential use shall not be used for any other purpose.
- 2.9.9 The developers have arranged for a three phase supply to each plot. Although the supply provided is three phase, a single phase supply is possible by means of BPC doubling up the cable cores and rearranging the source side connection. A single phase supply is not recommended as quality of supply will be compromised and there is no tariff advantage. In addition, cost saving in wiring the premises single phase is insignificant.
- 2.9.10 On completion of the installation, it shall be the consumer's responsibility to arrange with BPC to inspect and test the installation. Consumers are further responsible for advising BPC of any changes to the installation after initial inspection and connection.

3.0 POWERS OF TRUSTEES & LEGAL STATUS

3.1 These rules have been established by the Trustees in terms of the Constitution of the Phakalane Homeowners Association Trust (amended in 2016).

3.2 All owners, occupiers and entrants to the Estate are obliged to comply with these Estate rules.

3.3 The registered owner or occupier of every property within the Estate ("the owner") is responsible for ensuring that all members of his family, tenants, guests, visitors, employees, contractors, contractors' subcontractors and any person rendering a service to the Owner also comply with the Estate rules.

3.4 The Trustees shall have the right, in the event of a breach of a rule by an owner, his family, tenants, guests, visitors, employees, contractors, contractors' subcontractors and persons rendering a service to the Owner, to take such action against the defaulting owner as they deem fit on behalf of the PHOAT, including but not limited to:

3.4.1 Giving notice to the owner concerned requiring him to remedy such breach within such period as the Trustees may determine; and/or

3.4.2 Taking such steps as they may consider necessary to remedy the breach at the cost of the defaulting owner; and/or

3.4.3 Taking such other action as they deem necessary and which action may include the imposition of a fine, or proceedings in court.



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Acknowledgment

The above document is fully understood and the owner undertakes to comply with the above points in addition to any further controls which may be instituted by the PHOAT from time to time in the form of a written notification and to ensure compliance by sub-contractors employed by the contractor, and suppliers to either contractors, sub-contractors or owners.

OWNER

NAME

SIGNATURE

PLOT NUMBER

BUSINESS PHONE NUMBER

RESIDENTIAL PHONE NUMBER

CELL PHONE NUMBER

WITNESSED BY: -


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