

	GOVERNING DOCUMENT		
	Document No	NB-GD-007	Revision No
	Implementation Date	2024	Date Approved
			1 23 May 2024
Guidelines for Conservation Levy			

GUIDELINES FOR CONSERVATION LEVY

1. Background

- 1.1 The Association's application for the increase of the maximum sizes of houses on the Reserve was approved by the Mossel Bay Municipality Appeal Authority on 5 October 2023 under [Resolution UB62-09/2023](#), subject to the implementation of a Conservation Fund ("the Fund"), funded by a monthly Conservation Levy ("the Levy").
- 1.2 These guidelines are made in accordance with the municipality's direction and in terms of Article 6.6.6 of the Association's Constitution.

2. Calculation of the Levy

- 2.1 The Levy shall be calculated at an amount per square metre for each square metre that a dwelling on a Unit exceeds a total floor area of 250m² (Two Hundred and Fifty square metres).
- 2.2 The calculation of the Levy shall be made in relation to the total floor area of a dwelling as indicated on an up-to-date building plan, or as-built plan, approved by the Association and the municipality in the manner prescribed from time to time in the Association's Constitution.
- 2.3 The Levy payable, and any adjustments thereto from time to time, shall be calculated as indicated in "Appendix 1" hereto.
- 2.4 The Levy shall be payable monthly by the owners of affected Units in addition to any other levy or payment(s) due to the Association.
- 2.5 The managing agent shall collect the Levy monthly from affected owners and allocate all Levies so collected to the Fund. Any Levies in arrears shall be recovered as a debt owing to the Association in the manner prescribed by the Association's Constitution and applicable law.

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3. Determination of Dwelling Sizes

3.1 The Levy is calculated in relation to the total floor area of a dwelling. In order to accurately determine the total floor area of a dwelling every owner shall be obliged to submit to the Association, at his/her costs, on or before a date determined by the Association, up-to-date building plans as approved, or building plans still to be approved, by the Association and the municipality.

3.2 Every owner shall be obliged to submit to the Association on or before the date determined by the Association for the submission of building plans, a declaration as contained in "Appendix 2" hereto.

3.3 In determining the total floor area of a dwelling the Association shall substantially follow the guidelines hereunder:

3.3.1 Dwellings compliant with current Building Rules

- i. A copy of an up-to-date building plan, approved by the Association and the municipality, shall be submitted by the owner to the Association, from which plan the Levy will be calculated and invoiced monthly to the owner, if applicable.

3.3.2 Dwellings previously altered and non-compliant

- i. The owner shall cause up-to-date as-built plans, or up-to-date new building plans as the case may be, to be prepared and submitted to the Association for approval in terms of the Building Rules, with payment of the applicable approval fee.
- ii. Once these building plans are approved the owner shall submit it to the municipality within 5 (Five) days for approval, with payment of the applicable fees and charges.
- iii. On approval by the municipality, the owner shall submit a copy of the approved building plan to the Association within 5 (Five) days, from which plan

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the Levy will be calculated and invoiced monthly to the owner, subject to 3.3.2(v).

- iv. Subject to 3.3.2(v), the Levy shall be invoiced from the date of approval of the building plan or as-built plan by the municipality, regardless of whether an occupancy certificate in terms of the National Building Regulations and Building Standards Act, 1977, had been issued for the dwelling by the municipality.
- v. In the interest of fairness and equity, the Association may, and shall if so directed by the municipality, implement the collection of the Levy on a date prior to the approval of a plan by the municipality, in which event the Levy of an affected owner/s shall be calculated as an estimate from information at the Association's disposal, and invoiced and payable monthly. On approval of the plan as contemplated in 3.3.2(iv) above, any Levy paid in terms of this 3.3.2(v) shall be finally determined. Any overpayment or shortfall, as the case may be, shall be refunded or collected by the managing agent.

3.3.3 New Dwellings from 2024

- i. New dwellings designed with a total floor area exceeding 250m² will have the dwelling size calculated and the Levy determined as part of the plan approval process.
- ii. On completion of the dwelling, the owner shall submit to the Association a copy of the occupancy certificate issued by the municipality in terms of the National Building Regulations and Building Standards Act, 1977, and the Levy will be invoiced monthly to the owner from date of issue of the occupancy certificate.

4. Adjustments and Default

- 4.1 The Association may implement adjustments or escalations of the Levy annually as directed by, or in consultation with the municipality.

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- 4.2

If an owner does not comply with these guidelines and the Association is not able to calculate the Levy in terms hereof, the Association shall determine and calculate the Levy from information at its disposal and invoice the owner accordingly from the date the owner would have become liable for payment of the Levy, and the owner shall be liable for the payment of such Levy.
- 4.3

The Association shall enforce these guidelines, and any amendments or additions thereto, in the manner prescribed in the Association’s Constitution.

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Appendix 1

Calculation of Conservation Levy

The Conservation Levy for the period 2024/2025 shall be calculated at R10,00 (Ten Rand) per square metre for each square metre that the total floor area of a dwelling exceeds 250m2.

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Appendix 2

DECLARATION BY OWNER

I/we, the undersigned,

(registered owner/s, or authorised representative of registered owner)

being the registered owner/s of:

Portion _____ (a portion of portion 1) of the Farm Klipfontein No 344, Municipality and Division Mossel Bay, Western Cape Province, ("the Unit")
hereby declare/s as follows:

1. The building plan approved by the Association and the Mossel Bay Municipality / the building plan submitted to the Association for approval / the building plan submitted to the Mossel Bay Municipality for approval (*delete which is not applicable*) is a true and accurate reflection of the dwelling constructed / to be constructed (*delete which is not applicable*) on the Unit.
2. The total floor area of the Unit for purposes of the calculation of the conservation levy is _____ square metres.
3. The building plan indicates all areas of the dwelling, including but not limited to the main dwelling, garages, lean-to's, storerooms or utility areas, domestic quarters, outbuildings, covered and uncovered patio's, loft areas (habitable or other) or similar roof spaces, basements (habitable or other) or similar areas, and all and any areas that may be relevant for the calculation of the Conservation Levy.
4. The following areas are not indicated on the building plan:

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5. The information contained in this declaration is to the best of my belief true and correct.

Signed at _____ on _____ 20 ____

Owner name: _____

Owner signature: _____

Architect name: _____

Architect signature: _____