



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14805

Our File Reference Number: Erf 11224, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [REDACTED]

Sir/Madam

APPLICATION FOR PERMISSION REQUIRED IN TERMS OF SECTION 15(2)(L) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW (2015), TO OBTAIN APPROVAL FOR THE AMENDED WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) CONSTITUTION AND ARCHITECTURAL DIRECTIVES AND DESIGN GUIDELINES

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Section 15(2)(l) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 to obtain permission in terms of a condition of approval for the approval for the Welgevonden Home Owners' Association (WHOA) Constitution and Architectural Directives and Design Guidelines.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:
 - 3.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.3 All building structures of the development to be designed and comply to the satisfaction of the Municipality with the amended Welgevonden Architectural Directives and Design Guidelines, Version 7 – 26 November 2020, attached as **Annexure B**.

3.4 The Welgevonden Home Owners' Association be subject to the conditions of the amended Welgevonden Home Owners' Association (WHOA) Constitution Version 6 – 26 November 2020, attached as **Annexure B**.

4. The reasons for the above decision are as follows:

4.1 The proposed Welgevonden Home Owners' Association (WHOA) Constitution Version 6 – 26 November 2020 and Architectural Directives and Design Guidelines, Version 7 – 26 November 2020 are in line with the Stellenbosch Zoning Scheme By-Law and the approval will have no impact on the Municipality.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
 - (e) if the appeal is lodged against a part of the decision, a description of the part;
 - (f) if the appeal is lodged against a condition of approval, a description of the condition;
 - (g) the factual or legal findings that the appellant relies on;
 - (h) the relief sought by the appellant; and
 - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@ Stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking

details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

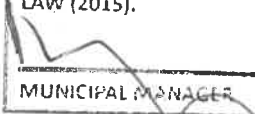
10/7/2023
DATE:

For signature



WELGEVONDEN

HOME OWNERS' ASSOCIATION

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).	
 MUNICIPAL MANAGER	10/7/23 DATE

WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) CONSTITUTION

Previously established under Section 29 of the
Land Use Planning Ordinance (LUPO), 1985 (No 15 of 1985),
now governed in terms of
Stellenbosch Municipality Land Use Planning Bylaw, 2015, Section 15(2)(f).

Version 6 – 26 November 2020

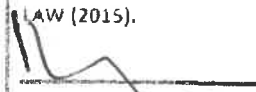
This version of the WHOA Constitution replaces all previous versions.

Revisions passed in this and previous years are recorded in the Schedule of Revisions at the end of
this document.



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this document.

**WELGEVONDEN ESTATE DISCLAIMER
PERSONS ENTERING THE ESTATE ACCEPT THE RULES
AND LEGAL TERMS EXCLUDING WHOA LIABILITY**

- Whilst every effort is made to secure and monitor the Estate, entering the Estate and using any of the facilities is entirely at own risk to person or property; persons who enter the Estate accept this risk.
- Entry into the Estate and use of facilities are subject to the Estate Rules, which are available on the Welgevonden Estate website (www.welgevonden.co.za).
- Persons, including parents or guardians on behalf of minors, agree that they / the minors will not claim from the Welgevonden Home Owners' Association (WHOA) and its workers, employees, agents or contractors for any harm. The exclusion of liability also applies to negligence by the WHOA.
- Parents or guardians of minors agree to indemnify the WHOA against any claim of a minor.

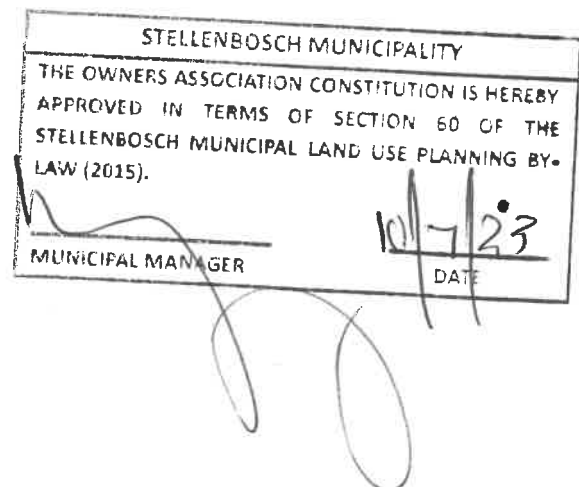


WARNING: DANGEROUS ELECTRICAL FENCE

The Estate is surrounded by an electrical fence, which is dangerous and could cause death, if touched.



PLEASE RESPECT THE SPEED LIMIT



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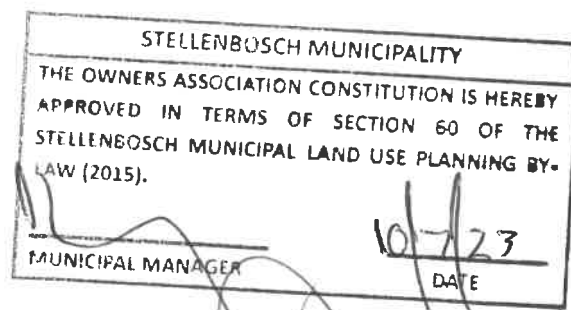
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CONSTITUTION

PRELIMINARY

1. Definitions

In the interpretation of this Constitution, unless the context otherwise indicates –

- 1.1 "common property" means the private open spaces in the Township Area¹, including the –
 - 1.1.1 river, dam and retention dams;
 - 1.1.2 gateways, entrance buildings, security fences, boundary walls, roadways and common parking areas;
 - 1.1.3 park areas and water features; and
 - 1.1.4 other improvements from time to time erected on the private open spaces in the Township Area;
- 1.1A "A member in good standing" means a member who has remained current on organisation dues and payments.
- 1.2 "conduct rules" means all rules made, and architectural directives issued, under clause 7.1.2², read with clause 59³;
- 1.2A "control measures" means all measures issued or implemented by Excom under clause 59A⁴;
- 1.3 "days" – **Relocated**
- 1.4 "domicilium" – **Omitted**
- 1.4A "Estate" means the Welgevonden Township Area;
- 1.5 "Excom" means the executive committee of the Association contemplated in clause 8⁵;
- 1.5A "in writing" means written, printed or transmitted in electronic format, or partly one and partly the other;
- 1.6 "levy" means any contribution which Excom, on behalf of the Association, may under clause 7.1.6⁶, read with clause 39⁷, collect from members to defray the incurred or anticipated expenses of the Association;
- 1.7 "member" means a member of the Association as defined in clause 5⁸;
- 1.7A "penalty" means any penalty from time to time determined by Excom under clause 60⁹ and that may be imposed for the contravention of any provision of this Constitution, any conduct rule or any control measure;

¹ See clause 1.10 below

² Powers of Association

³ Conduct Rules

⁴ Control Measures

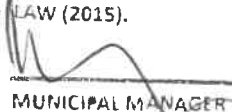
⁵ Constitution and Function of Excom

⁶ Powers of Association

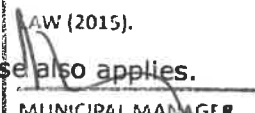
⁷ Contributions to Defray Expenses

⁸ Membership of Association

⁹ Penalties Determined by Excom

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 50 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).	
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- 1.8 "person" with regard to membership of the Association, includes a company, club, partnership, trustees for the time being of a trust, or other association of persons entitled in law to hold title to immovable property;
- 1.9 "the Association" means the Welgevonden Home Owners' Association as defined in clause 3¹⁰;
- 1.10 "the Township Area" means the Township Area currently known in its entirety as Welgevonden (previously known as Green Oaks) as shown on Annexure A to the *Architectural Directives and Design Guidelines*, subject to any existing or future legally binding agreements that might affect the extent of the Township area.
- 1.11 words and expressions to which a meaning has been assigned in this Constitution bear the meaning so assigned to them; and
- 1.12 words importing a reference to –
- 1.12.1 the singular include the plural, and the converse also applies;
- 1.12.2 a gender include the other genders; and
- 1.12.3 natural persons include legal persons, and the converse also applies.

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1A. Calculation of Periods

When any number of days is prescribed in this Constitution, the same means calendar days which must be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday, in which event the last day will be the next succeeding day which is not a Saturday, Sunday or proclaimed public holiday.

2. Headings

The headings to the respective clauses are provided for convenience of reference only and must not be taken into account in the interpretation of the provisions of this Constitution.

HOME OWNERS' ASSOCIATION

3. Establishment of Association

- 3.1 There is only one overall Association for the Township Area, known as the Welgevonden Home Owners' Association.
- 3.2 The Association is organised without capital.

4. Object of Association

The object of the Association is to promote the collective interests of all its members by performing the functions entrusted to it by or under this Constitution, which functions include, but are not limited to, the function –

- 4.1 to determine and maintain standards for community living in the Township Area in such a way that its members may derive the maximum collective benefit therefrom;

¹⁰ Establishment of Association

- 4.2 to determine and preserve the basic aesthetic standards, including the basic architectural style, in the Township Area; and
- 4.3 to maintain the common property in the Township Area for the mutual benefit of its members.

5. Membership of Association

- 5.1 Upon registration of ownership of an erf in the Township Area, the owner of such erf automatically becomes a member of the Association and will be obliged to comply with the provisions of this Constitution and any conduct rules made, and any control measures issued or implemented, hereunder.
- 5.2 Ownership of an erf, and thus membership of the Association, is evidenced by registered ownership in the Deeds Registry in Cape Town of one or more erven in the Township Area.
- 5.3 No person is entitled to cease to be a member while remaining the registered owner of an erf in the Township Area.
- 5.4 Membership is, subject to the provisions of clause 66¹¹, transferred by the registration of a Deed of Transfer in the Deeds Registry at Cape Town, passing transfer of one or more erven in the Township Area to the new member.
- 5.5 Where any Erf is owned by more than one person, all the registered Owners of that Erf shall together be deemed to be one Member and have the rights and obligations of one Member who is deemed to be in good standing of the Association.

6. Status of Association

- 6.1 The Association is an association as contemplated in section 29 of the *Land Use Planning Ordinance, 1985 (No 15 of 1985)*.
- 6.2 The Association has legal personality, capable of suing and being sued in its own name.
- 6.3 The Association is not for profit, but for the benefit of its members.
- 6.4 None of the members in their personal capacities has any right, title or interest to or in the property, funds or assets of the Association.

7. Powers of Association

- 7.1 The Association may exercise the powers conferred upon it by or under this Constitution, and such powers include, but are not limited to, the power –
- 7.1.1 to establish for administrative expenses a fund sufficient in the opinion of members for the repair, upkeep, control, management and administration of the common property (including reasonable provision for future maintenance and repairs), for the payment of rates and taxes and other charges by any competent authority and of any premiums of insurance, and for the discharge of any duty or the fulfilment of any other obligation of the Association;

¹¹ Consent to Transfer of Erf

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- 7.1.2 to make and enforce such conduct rules and to issue such architectural directives, and to collect such fees and deposits in connection therewith, as it from time to time deems necessary to achieve its object and to perform its functions;
- 7.1.3 to engage such persons and service providers as it deems necessary to assist the Association to achieve its object and to perform its functions;
- 7.1.4 to ensure compliance with any law relating to the common property;
- 7.1.5 to do all other things reasonably necessary –
- 7.1.5.1 for the control, management and administration of the affairs of the Association, including the maintenance of the common property;
- 7.1.5.2 for the implementation and enforcement of the provisions of this Constitution, the conduct rules made, and control measures issued, hereunder; and
- 7.1.6 to incur reasonable expenses in the discharge of any duty or fulfilment of any other obligation of the Association, from time to time to determine the amounts required to defray such expenses, and to raise these amounts by collecting levies and contributions from members and in such other manner as members in general meeting may approve.
- 7.2 If the Stellenbosch Municipality, when approving the relevant development agreements or any subdivision or other scheme in respect of an erf forming part of the Welgevonden Development (previously known as the Green Oaks Development), or such other name as it may in future be known as, imposed a condition in terms whereof a specific portion or portions of the Development or such erf will have its own set of conduct rules, then such rules will be subject to the provisions of this Constitution.
- 7.3 The Association may after consultation with the owners of any erf or group of erven forming part of the Township Area establish a separate management structure in respect of such erf or group of erven for the purposes of administering the common affairs of such owners: Provided that the terms and conditions subject to which such management structure will operate must be reduced to writing.

EXECUTIVE COMMITTEE OF ASSOCIATION (EXCOM)

EXCOM MEMBERS

8. Constitution and Function of Excom

- 8.1 The members in general meeting must annually elect persons to constitute an executive committee of the Association (Excom).
- 8.2 Subject to any restriction imposed or direction given by members in general meeting, the control, management and administration of the affairs of the Association vests in Excom, who may, on behalf of the Association, exercise all such powers of the Association and do all such acts in the discharge of their duties or the fulfilment of their obligations as may be exercised and done by the Association itself and as are not by this Constitution required to be done by members in general meeting.
- 8.3 Excom may designate one or more of its members to attend meetings of creditors of a member who is indebted to the Association irrespective of whether the meeting is in connection with insolvency, liquidation or business rescue proceedings, to vote on any

matter regarding the meeting and generally to exercise all the rights a creditor would have in similar circumstances.

9. Contracts and Agreements

Excom may for and on behalf of the Association make, enter into and carry out contracts and agreements for the purposes of the Association, including a financing agreement for improvements contemplated in clause 30¹².

10. Legal Proceedings

10.1 Notwithstanding anything to the contrary contained in clause 72¹³, Excom may at its sole option institute in any court (including a magistrate's court) of competent jurisdiction proceedings in the name of the Association for any relief to which it is entitled under the provisions of this Constitution and/or the conduct rules and/or the control measures, to defend actions in the name of the Association and to appoint legal representation for this purpose.

10.2 Any costs incurred as a result of such proceedings must be determined on the scale as between attorney and client.

11. Delegation of Powers, Duties and Obligations

11.1 Excom may delegate to one or more of its members or to any person or service provider engaged by it under clause 27¹⁴ or clause 28¹⁵ such powers, duties and obligations as it deems fit, and may at any time revoke such delegation.

11.2 A delegation contemplated in this clause must be recorded in the minutes of proceedings of Excom or in the appointment agreement of the person or service provider concerned, and must clearly set out the scope of the delegation.

12. Number, Election and Qualifications of Excom Members

12.1 Excom consists of eight (8) members of which one half must be elected in one year and one half in the next ensuing year.

12.2 Subject to the provisions of clause 17A¹⁶, an Excom member holds office until the second ensuing annual general meeting after the one at which she or he was elected, and is eligible for re-election, if so nominated.

12.3 Omitted

12.4 At every annual general meeting the members –

12.4.1 must elect persons to replace those Excom members whose term of office has expired; and

12.4.2 may elect a person to fill each vacancy in Excom's number¹⁷, provided that an Excom member so elected will remain in office only for the remainder of the term of office of the member whose seat became vacant.

¹² Improvements

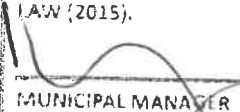
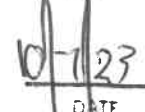
¹³ Interpretation/Disputes

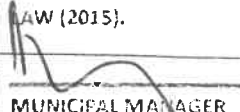
¹⁴ Engagement of Persons and Service Providers

¹⁵ Appointment, Powers and Duties of Managing Agent

¹⁶ Ineligibility or Disqualification to Serve on Excom

¹⁷ See also clause 14

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12.5 **Omitted**

12.5.1 **Omitted**

12.5.2 A person engaged by Excom under clause 27¹⁸ or the managing agent (or any of her or his employees) appointed under clause 28¹⁹ may not be an Excom member.

12.6 **Omitted**

13. **Nominations for Election**

Nominations for the election of Excom members must be given in writing, accompanied by the written consent of the nominee, so as to be received at the address determined by Excom not later than forty-eight (48) hours before the meeting: Provided that nominations may, with the consent of the nominee, also be accepted at the meeting itself.

14. **Appointment to Fill Vacancy and Appointment of Alternates**

14.1 Excom may appoint a person –

14.1.1 to fill any vacancy in its number²⁰; or

14.1.2 to act as an alternate during the absence or inability to act of an Excom member.

14.2 An Excom member appointed to fill a vacancy holds office until the expiration of the term of office of the Excom member whose seat became vacant.

14.3 An Excom member appointed to act as an alternate ceases to hold office if the Excom member in whose place she or he acts, ceases to be an Excom member, or if the alternate's appointment is revoked by Excom.

14.4 An Excom member appointed under this clause has the powers, duties and obligations of an Excom member elected by members at an annual general meeting and is eligible for election as an Excom member, if so nominated.

14.5 Excom must at the next annual general meeting table a list of all Excom members appointed by it under this clause since the previous meeting.

15. **Remuneration**

Unless otherwise determined by a resolution of members in general meeting, Excom members are not entitled to any remuneration in respect of their services as such: Provided that the Association must reimburse to Excom members all disbursements and expenses actually and reasonably incurred by them in the exercising of their powers, the discharge of their duties or the fulfilment of their obligations.

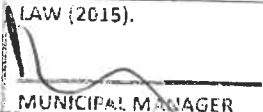
16. **Validity of Acts**

Any act performed by Excom will, notwithstanding that it is after the performance of the act discovered that there was some defect in the election, appointment or continuance in office of any Excom member, be as valid as if such Excom member had been duly elected, appointed or had duly continued in office, under the provisions of this Constitution.

¹⁸ Engagement of Persons and Service Providers

¹⁹ Appointment, Powers and Duties of Managing Agent

²⁰ See also clause 12

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17. Indemnity – Re-located

17A. Ineligibility or Disqualification to Serve on Excom

A person is ineligible or disqualified to be elected or appointed, or to continue to serve, as a member of Excom if she or he –

- 17A.1 would be ineligible or disqualified to be appointed or elected as a director of a company as contemplated in section 69 of the *Companies Act, 2008 (No 71 of 2008)* as amended;
 - 17A.2 is or becomes of unsound mind;
 - 17A.3 surrenders her or his estate as insolvent;
 - 17A.4 is for a period of three (3) months in arrear with the payment of her or his levies, contributions or other amounts which the Association may under this Constitution, the conduct rules or the control measures collect or claim from her or him and provision has not been made to the satisfaction of Excom for the payment thereof;
 - 17A.5 absents herself or himself from three (3) consecutive meetings of Excom without special leave of absence from Excom; or
 - 17A.6 is removed from office by resolution of members in general meeting: Provided that the intention to decide upon such removal from office has been specified in the notice convening the meeting.
- 17B. Duties of Executive Committee members**
- 17B.1 An Excom member must –
 - 17B.1.1 take reasonable steps to inform and educate himself or herself about the community scheme, its affairs and activities, and the legislation and governance documentation in terms of which the community scheme operates;
 - 17B.1.2 take reasonable steps to obtain sufficient information and advice about all matters to be decided by the scheme executives to enable him or her to make conscientious and informed decisions;
 - 17B.1.3 unless excused in writing by the chairperson of the scheme executives on reasonable grounds –
 - 17B1.3.1 attend all meetings of the scheme executives; and
 - 17B1.3.2 attend the community scheme's annual general meeting, if it holds such a meeting;
 - 17B1.4 exercise an active and independent opinion with respect to all matters to be decided by the scheme executives; and
 - 17B1.5 exercise due diligence in relation to any business of, and necessary preparation for and attendance at meetings of, the scheme executives or any committee to which such scheme executive is appointed.
 - 17B2. The obligations of a community scheme executive in terms of sub-regulation are in addition to and do not derogate from the fiduciary obligations of a scheme executive in terms of the common law or any applicable statute.

18. Resignation from Excom

An Excom member may at any time by notice in writing resign from Excom.

EXCOM MEETINGS

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19. Convening of Meetings

- 19.1 Excom may after notice to its members meet for the dispatch of business and may regulate its meetings as it deems fit.
- 19.2 An Excom member may at any time convene a meeting by giving to the other Excom members not fewer than ten (10) days' written notice of the meeting proposed by her or him, which notice must specify the reason for convening the meeting: Provided that in case of urgency such shorter notice as is reasonable in the circumstances may be given.

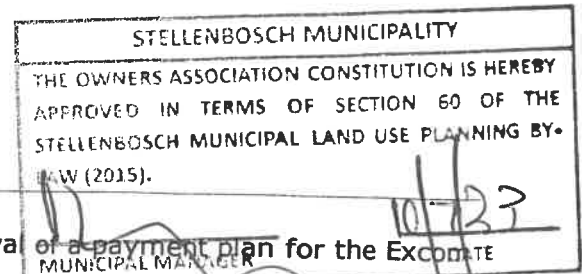
19.3 Omitted

20. Quorum

- 20.1 Four (4) Excom members form a quorum.
- 20.2 If at any meeting a quorum is not present within thirty (30) minutes of the time set for the meeting, such meeting will stand adjourned to the third (3rd) day thereafter at the same time and place, and Excom members then present, who may not be fewer than two (2), will form a quorum: Provided that the chairperson may upon the request of at least two (2) Excom members determine such other day for the resumption of business as she or he deems appropriate.
- 20.3 If the number of Excom members falls below four (4), the remaining Excom members, who may not be fewer than two (2), may continue to act, but only for the purpose of filling a vacancy, appointing an alternate or convening a general meeting of members.
- 20.4 An Excom member may be represented at a meeting of Excom by a proxy provided such proxy is a member of Excom.
- 20.5 The instrument appointing a proxy shall be in writing and signed by the Excom member concerned but need not be in any particular form. The proxy shall be deposited with the Chairperson at any time before the time appointed for the commencement of a meeting and shall be valid only for such meeting or any adjournment thereof.

21. Voting

- 21.1 All matters at any Excom meeting are determined by a majority of those Excom members present and voting: Provided that the chairperson has a deliberative as well as a casting vote.
- 21.2 An Excom member who has any interest in any contract or proposed contract, or any litigation or proposed litigation, with the Association, must declare such interest and is by virtue of such interest disqualified from voting in respect thereof.
- 21.3 Furthermore, an Excom member is prohibited from voting on the following matters affecting her or him, which items are not limited to the listed items below:
- 21.3.1 discipline of the Excom member (i.e the vote to impose a fine against the Excom member);
- 21.3.2 an investigation against the Excom member for damage to common areas or facilities (i.e. the decision to raise a penalty against the Excom member);



- 21.3.3 a request, by the Excom member, for the approval of a payment plan for the Excom member's arrear contribution;
- 21.3.4 a decision whether to foreclose on a lien on the property of the Excom member; and
- 21.3.5 the review and approval of an application for building alterations by an Excom member.
- 21.4 Decisions taken by electronic voting, submitted in writing by Excom members being not fewer than four (4), will be decided by a majority of the votes cast. Excom members may in such instance be represented by proxy in accordance with clause 22.5. Such decisions will be as valid and effective as if it had been passed at a meeting of Excom duly convened and held. The resolution is to be recorded in the minutes of the following Excom meeting.
- 22. Chairperson**
- 22.1 At the commencement of the first meeting of Excom after an annual general meeting, Excom members must elect a chairperson from among their number, who will hold office as such until the end of the next annual general meeting of the members of the Association.
- 22.2 If the chairperson resigns from the office of chairperson or ceases to be a member of Excom as contemplated in clause 17A²¹, Excom members must elect another chairperson from among their number, who will hold office for the remaining term of office of, and will have the same voting rights as, the first-mentioned chairperson.
- 22.3 If the chairperson vacates the chair during the course of a meeting or is not present or is for any other reason unable to preside at any meeting, or is disqualified from voting as contemplated in clause 21.2²², Excom members present must elect another Excom member to act as chairperson for such meeting or such voting, as the case may be, who will have the same voting rights as the first-mentioned chairperson.
- 23. Attendance of Excom Meetings by Other Persons**
- Excom may in its sole discretion allow any person to attend an Excom meeting and to address it at such meeting.
- 24. Resolution Signed by Excom Members**
- A resolution in writing signed by all Excom members for the time being present in the Republic of South Africa and being not fewer than four (4), will be as valid and effective as if it had been passed at a meeting of Excom duly convened and held.
- 25. Minutes of Proceedings**
- 25.1 Excom must –
- 25.1.1 keep minutes of its proceedings in a minute book;
- 25.1.2 cause minutes to be kept of all meetings of the Association in a minute book; and
- 25.1.3 include in the minute book concerned a record of every resolution of Excom or of the Association, as the case may be.

²¹ Ineligibility or Disqualification to Serve on Excom

²² Voting

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- 25.2 Excom must, on the written application of a member, make all minutes of its proceedings and all minutes of the proceedings of meetings of the Association available for inspection by such member at the address determined by Excom.
- 25.3 Excom must retain all minute books for so long as the Association remains registered.
- 26. Report on Affairs of Association**
- Excom must annually prepare a report on the affairs of the Association, which report must be –
- 26.1 tabled at the first annual general meeting following on the period to which the report relates; and
- 26.2 available for inspection at the address determined by Excom at least seven (7) days prior to the annual general meeting concerned.

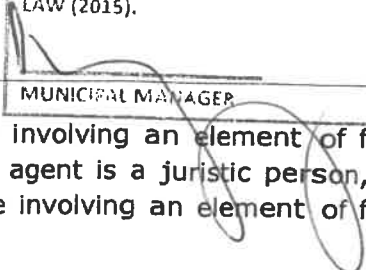
ASSISTANCE FOR EXCOM

27. Engagement of Persons and Service Providers

Excom may for and on behalf of the Association engage and remunerate such persons and service providers as it deems necessary to assist it in connection with the execution of its powers, duties and obligations under this Constitution, the conduct rules and the control measures, and to provide the services required by the Association.

28. Appointment, Powers and Duties of Managing Agent

- 28.1 Excom may from time to time appoint in terms of a written contract a managing agent to control, manage and administer the common property and to exercise such powers, discharge such duties and fulfil such obligations as may be entrusted to the managing agent, including the power to collect levies, contributions and other amounts owing to the Association.
- 28.1A A managing agent may be appointed for a maximum period of three (3) years at a time: Provided that the appointment may at the written request of Excom be continued after its natural duration for a maximum period of three (3) months on the conditions determined by mutual agreement between the parties.
- 28.2 Excom must ensure that a provision is included in the contract that if the managing agent is in breach of any of the provisions the contract, or if she or he is guilty of conduct which at common law would justify the termination of a contract between master and servant, Excom may, without notice, cancel such contract, and that the managing agent will have no claim whatsoever against the Association or any of its members as a result of such cancellation.
- 28.3 The contract must further provide for the appointment to be revoked, and that such managing agent will cease to hold office, if –
- 28.3.1 where the managing agent is a juristic person, an order is made for its provisional or final liquidation or, where the managing agent is a natural person, she or he applies for the surrender of her or his estate as insolvent or her or his estate is sequestrated either provisionally or finally; or

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- 28.3.2 the managing agent is convicted of an offence involving an element of fraud or an element of dishonesty or, where the managing agent is a juristic person, any of its directors or members is convicted of an offence involving an element of fraud or an element of dishonesty; or
- 28.3.3 a resolution to that effect is passed by members at a general meeting: Provided that in such event the managing agent will not be deprived of any right she or he may have to claim compensation or damages for breach of contract.
- 28.3A The contract must further stipulate that the managing agent must provide indemnity in favour of the Association against all costs, losses, expenses and claims which it may incur or become liable to by reason of any act done by the managing agent or any of her or his employees in the exercising of her or his powers, the discharge of her or his duties or the fulfilment of her or his obligations under her or his contract.
- 28.4 The managing agent must keep full records of her or his administration and must report to Excom on her or his activities with regard to such administration.

COMMON PROPERTY

29. Control, Management and Maintenance

The control and management of the Association's common property vests in Excom, who must do all things reasonably necessary for the maintenance of such common property and to keep it in a state of good and serviceable repair.

30. Improvements

- 30.1 Members may by resolution passed at a general meeting by a two-thirds (2/3rds) majority of members present in person or by proxy and voting, direct Excom to effect improvements of a luxurious nature to the common property.
- 30.2 If Excom intends to effect any improvement to the common property other than luxurious improvements referred to in clause 30.1, it must first give written notice of its intention to all members, and such notice must –
- 30.2.1 indicate Excom's intention to proceed with the improvement upon the expiry of a period of not fewer than thirty (30) days reckoned from the date of posting such notice; and
- 30.2.2 provide details of the improvement as to –
- 30.2.2.1 the costs thereof; and
- 30.2.2.2 the manner in which it is to be financed and the effect upon levies payable by members; and
- 30.2.2.3 the need, desirability and effect thereof.
- 30.3 Excom must upon the written request of not fewer than twenty (20) members convene a special general meeting to deliberate upon the proposals contained in the notice referred to in clause 30.2, at which meeting members may veto, amend or adopt such proposal.
- 30.4 In the event of such a special general meeting being convened, Excom may not proceed with its proposals until the holding of such meeting, whereupon it will be

bound by any resolution passed at the meeting by a two-thirds (2/3rds) majority of members present in person or by proxy and voting.

31. Traffic Control Measures – Relocated

32. Alienation of Common Property

- 32.1 Members may by unanimous resolution passed at a general meeting direct Excom on their behalf to alienate the common property of the Association or any part thereof, and thereupon Excom will, subject to compliance with any law relating to the subdivision of land or to the re-zoning of land, have power to deal with such common property or such part thereof in accordance with such directive, and to execute any deed required for that purpose.
- 32.2 Excom must keep a register of all alienated common property, which must be available for inspection at the address determined by Excom.

33. Letting of Common Property

- 33.1 Excom may on behalf of the Association let common property or any part thereof under a written lease on the terms and conditions it deems appropriate.
- 33.2 Excom must keep a register of all common property so let, which must be available for inspection at the address determined by Excom.

34. Insurance

- 34.1 Excom must cause to be prepared, and must table at every annual general meeting, schedules reflecting its estimate of the replacement values of the common property.
- 34.2 Excom must annually take steps to insure the common property to the extent and against such risks, perils or dangers as may be directed by members at the meeting concerned.
- 34.3 Excom must annually take steps to insure against the risk of loss of money belonging to the Association, or for which it is responsible, sustained as a result of any act of fraud or dishonesty committed by any insurable person. Such insurance shall be arranged according to the specific requirements of the Community Schemes Ombud Service Act, 2011 (Act 9 of 2011).

FINANCIAL MATTERS

35. Financial Year

The financial year of the Association ends on 31st March of each year.

36. Books of Account and Records

- 36.1 Excom must cause to be prepared, and must table at every annual general meeting –
- 36.1.1 a financial statement in conformity with the International Standard of Auditing, which statement must fairly present the state of affairs of the Association and its finances and transactions as at the end of the financial year concerned, including a report thereon prepared by an auditor qualified to act as such under the *Auditing Profession Act, No 26 of 2005*;
- 36.1.2 a record of the assets and liabilities of the Association;

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- 36.1.3 a record of all sums of money received and expended by the Association and the matters in respect of which such receipt and expenditure occurred; and
- 36.1.4 a register of members and individual ledger accounts in respect of each such member.
- 36.2 Excom must keep such books and records at the address determined by Excom and must cause them to be retained for a period of six (6) years after completion of the transactions, acts or operations to which they relate.
- 36.3 Excom must, on the written application of a member, make all or any of the Association's books of account and records available for inspection by such member at the address determined by Excom.

37. Annual Estimate of Anticipated Income and Expenditure

- 37.1 Excom must cause to be prepared, and must table at every annual general meeting, an Itemised estimate of the anticipated income and expenditure of the Association during the next financial year²³.
- 37.2 Such estimate must include a reasonable provision for contingencies.

38. Deposit and Investment of Funds

- 38.1 Excom must cause all moneys received by the Association to be deposited to the credit of an account or accounts in the name of the Association and, subject to any direction given or restriction imposed by members at a general meeting, such moneys may only be withdrawn for the purpose of payment of the expenses of the Association: Provided that Excom may –
- 38.1.1 invest and re-invest such moneys not immediately required in the manner it determines from time to time;
- 38.1.2 use interest earned on such moneys for any purpose of the Association; and
- 38.1.3 authorise the managing agent to administer and operate such account or accounts on its behalf.
- 38.2 The moneys of the Association may be deposited, invested or re-invested only with registered financial institutions as defined in section 1 of the *Financial Institutions (Protection of Funds) Act, 2001 (No 28 of 2001)*.

LEVIES PAYABLE BY MEMBERS

39. Contributions by Members to Defray Expenses

- 39.1 Excom, on behalf of the Association, is entitled to collect contributions from members in the form of levies to defray all the expenses which the Association has incurred, or which Excom anticipates the Association will incur, in the attainment of its object or the exercising of its powers, the discharge of its duties or the fulfilment of its obligations. Such contributions may be collected in advance.
- 39.2 Subject to the provisions of clause 39.2A, each member must pay a levy in respect of each erf registered in her or his name, including such special levy²⁴ as Excom

²³ See clause 47.3.2

²⁴ See clause 42



determines from time to time, and a contribution to the Levy Stabilisation Fund of the Association²⁵.

39.2A The owner of a unit in a sectional title scheme forming part of the Township Area or of an erf that is fully or partly exempt from payment of levies in terms of a determination under clause 43²⁶ is not required to make a contribution to the Levy Stabilisation Fund.

39.3 A person is not entitled to a refund of levies lawfully levied upon her or him and duly paid by her or him.

39.4 As from the date of the special resolution approving this amendment to the Constitution by members in general meeting, a member with a consolidated erf, must pay a levy calculated in accordance with the original number of erven prior to consolidation. This clause will not apply retrospectively to existing consolidations.

40. Determination of Monthly Levy

40.1 The amount of a monthly levy is determined annually by using the approved estimate of anticipated income and expenditure²⁷ of the Association for the year to which it relates and the number of building opportunities allocated to each erf as basis for such calculation. For purposes hereof –

40.1.1 a single (1) residential erf or a group housing erf is regarded as a single (1) building opportunity;

40.1.2 the number of building opportunities in respect of all other erven is, in respect of each such erf, the maximum number of residential sectional title units, in the case of a sectional title scheme, erected on that erf, and, in the case of a subdivision of such erf, the maximum number of residential units/portions into which such erf was subdivided, regard being had to the relevant Ministerial Approval and Development Agreements; and

40.1.3 an erf in respect of which a determination as contemplated in clause 43²⁸ is in force is not regarded as a building opportunity.

41. Interim Monthly Levy

Excom may, in anticipation of the determination of the monthly levy for a financial year as contemplated in clause 40²⁹, determine an interim monthly levy for that financial year based on its estimate of the anticipated income and expenditure of the Association for that financial year, and may collect such interim monthly levy with effect from the first day of that financial year until such time as the monthly levy for that year is determined as contemplated in clause 40.

42. Special Levy

Excom may whenever necessary make special levies upon members or call upon them to make special contributions in respect of all expenses expected to be incurred or actually incurred by it in the exercising of its powers, the discharge of its duties or the

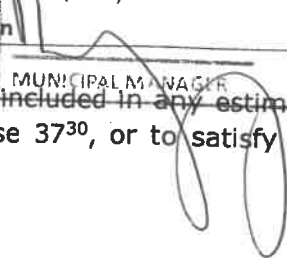
²⁵ See clause 42A

²⁶ Special Dispensation iro Certain Erven

²⁷ See clauses 37 and 47.3.2

²⁸ Special Dispensation iro Certain Erven. For the vote entitlement of the owners of such erven, see clause 54.1.2

²⁹ Determination of Monthly Levy

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fulfilment of its obligations and which are not included in any estimates of anticipated income and expenditure prepared under clause 37³⁰, or to satisfy a judgement debt against the Association.

42A. Contribution to Levy Stabilisation Fund

- 42A.1 Each member other than a member contemplated in clause 39.2A³¹ must on each sale and subsequent transfer of her or his erf contribute a percentage of the gross selling price to the Levy Stabilisation Fund of the Association.
- 42A.2 For the purposes of clause 42A.1, "a percentage of the gross selling price" means –
- 42A.2.1 half a per cent (0,5%) in the case of a person who became a member prior to the date on which this clause comes into operation and who sells her or his erf on or before 31 December 2019; and
- 42A.2.2 one per cent (1,0%) in the case of a person who becomes a member after the date on which this clause comes into operation.
- 42A.3 The provisions of this clause apply *mutatis mutandis* to any alienation of an erf that is subject to transfer duty or VAT.
- 42A.4 The Levy Stabilisation Fund must be administered in accordance with this Constitution.

42B. Once-off Contribution to Levy Stabilisation Fund

- 42B.1 Notwithstanding the provisions of clause 42A³², a person who became a member prior to the date of the implementation of clause 42A may in lieu of making a contribution to the Levy Stabilisation Fund of the Association on the sale and subsequent transfer of her or his erf, on or before 31 March 2015 make a once-off contribution to that Fund in the amount of ten thousand rand (R10 000).
- 42B.2 A member who has made a contribution as contemplated in clause 42B.1 will be issued with a certificate exempting her or him from making a contribution as contemplated in clause 42A, which certificate must be surrendered to Excom when the exemption is claimed.

43. Special Dispensation iro Certain Erven

- 43.1 Excom may, on the written application of the owner of an erf, determine that because of special circumstances particular to that erf it qualifies for a special dispensation with regard to the payment of levies.
- 43.2 A determination made under clause 43.1 must indicate –
- 43.2.1 the special circumstances which in the opinion of Excom qualify the erf for a special dispensation;
- 43.2.2 the conditions subject to which the determination is made; and
- 43.2.3 the percentage (if any) of the full levy that is payable in respect of such erf.
- 43.3 Excom must at each annual general meeting table a list of the erven in respect of which –

³⁰ Annual Estimate of Anticipated Income and Expenditure

³¹ Contributions by Members to Defray Expenses

³² Contribution to Levy Stabilisation Fund

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- 43.3.1 a determination is in force;
- 43.3.2 a determination was made during the year under review;
- 43.3.3 a determination was revoked or amended during the year under review; and
- 43.3.4 an application for a determination was rejected during the year under review.
- 43.4 The list contemplated in clause 43.3 must indicate the special circumstances pertaining to, and the percentage (if any) of the full levy payable in respect of, each affected erf.
- 43.5 Excom may reconsider, revoke or amend any decision under this clause if in its view an affected erf no longer qualifies for a special dispensation, a determination was incorrectly made, an application was not properly considered or if new information regarding an affected erf has come to the fore: Provided that the member concerned must be informed in writing of Excom's intention and be afforded a reasonable opportunity to make representations.
- 43.6 Members in general meeting may direct Excom to reconsider, revoke or amend any decision under this clause if in their view an affected erf no longer qualifies for a special dispensation, a determination was incorrectly made, an application was not properly considered or if new information regarding an affected erf has come to the fore: Provided that the member concerned must be informed in writing of the directive and be afforded a reasonable opportunity to make representations.

44. Status of Erf Fully or Partly Exempt from Levies

The fact that the owner of an erf is in terms of clause 43³³ fully or partly exempt from paying levies in respect of a particular erf, does not in any way derogate from the status of such erf as being part of the Township Area, and this Constitution, the conduct rules made hereunder and the control measures issued or implemented hereunder, will, subject to the provisions of clause 54.1.2³⁴, apply to it and its registered owner or registered owners in undivided shares, as the case may be, as they apply to an erf and its registered owner or registered owners in undivided shares in respect of which the full levy is payable, subject to the power of Excom to make rules amending the obligations and privileges of any such member, fully or partly exempt from paying levies in respect of a particular erf.

45. Payment of Levies and Contributions

- 45.1 Any levy or contribution that may be collected under clause 39.2³⁵ may be recovered from the persons who were owners of erven at the time when such levy was imposed or such contribution became payable.
- 45.2 A monthly or interim monthly levy is due on the first day of each calendar month.
- 45.3 A special levy is payable in one sum or by such instalments and at such time or times as Excom deems fit.
- 45.4 If a levy or contribution is not paid within ten (10) days of the due date, same will bear interest from the date of delinquency at a rate per annum equivalent to the prime overdraft rate charged from time to time by the Association's Bankers plus two percent (2%).

³³ Special Dispensation iro Certain Erven

³⁴ Vote Entitlement

³⁵ Contributions by Members to Defray Expenses

- 45.5 A person who is in arrear with the payment of a levy or contribution will be liable for all expense incurred by Excom in the recovery of such levy or contribution and the interest thereon, which expense will be added to the levy or contribution payable by that person and claimed as if it were part of such levy or contribution.
- 45.6 Excom may institute legal proceedings as contemplated in clause 10³⁶ or by means of an application to the Community Scheme Ombud Service, against a person for the recovery of arrear levies and contributions, the interest thereon and the expense incurred by Excom in the recovery thereof.
- 45.7 If an owner is in arrears with their levies for more than thirty (30) days, all access tags to enter into the Estate related to the particular erf will be deactivated, and the owner will be considered to be in breach of the good standing provision in terms of the Constitution.

GENERAL MEETINGS OF MEMBERS

CONVENING OF GENERAL MEETINGS

46. Annual General Meetings

Annual general meetings must be held once in every year at such a time and place as Excom determines, but so that no more than fifteen (15) months are allowed to elapse between any two (2) such successive meetings.

47. Business Transacted at Annual General Meetings

The business that must be transacted at an annual general meeting includes –

- 47.1 the consideration of the report referred to in clause 26³⁷;
- 47.2 the consideration of the books of account and records referred to in clause 36³⁸;
- 47.3 the approval with or without amendment of –
- 47.3.1 the schedules of replacement values referred to in clause 34³⁹; and
- 47.3.2 the annual estimate of anticipated income and expenditure referred to in clause 37⁴⁰;
- 47.4 the election of Excom members to replace those Excom members whose term of office has expired as contemplated in clause 12⁴¹;
- 47.5 the consideration of any draft Resolution concerning the affairs of the Association of which due notice has been given; and
- 47.6 any other business of which notice has been received at the address determined by Excom at least sixteen (16) days prior to the date set for the meeting.

48. Special General Meetings

- 48.1 All general meetings other than the annual general meetings referred to in clause 46⁴² are called special general meetings.

³⁶ Legal Proceedings

³⁷ Report on Affairs of Association

³⁸ Books of Account and Records

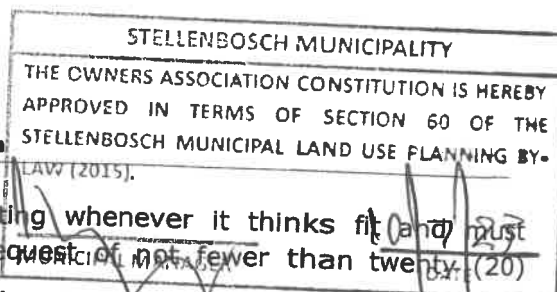
³⁹ Insurance

⁴⁰ Annual Estimate of Anticipated Income and Expenditure

⁴¹ Number, Election and Qualifications of Excom Members

⁴² Annual General Meetings





- 48.2 Excom may convene a special general meeting whenever it thinks fit ~~and must~~ ^{request of not fewer than twenty (20)} convene such a meeting upon the written request of members, directed to the chairperson of Excom.

49. Notice of General Meetings

- 49.1 Excom must convene an annual general meeting by giving at least twenty-one (21) days' notice thereof: Provided that Excom must cause copies of the documentation relating to the business to be transacted at the meeting as contemplated in clause 47⁴³ to be delivered to each member at least fourteen (14) days before the date of the meeting concerned.
- 49.2 A special general meeting must be convened by giving at least fourteen (14) days' notice thereof: Provided that Excom must cause copies of the documentation relating to the business to be transacted at the meeting to be delivered to each member together with the notice convening the meeting.
- 49.3 The notice convening a meeting must be in writing and must specify the place, the day and the time of the meeting and the general nature of the business to be transacted at the meeting: Provided that any meeting will, notwithstanding that it is called by shorter notice than that specified, be deemed to have been correctly called if it is so agreed by ninety percent (90%) of the members.
- 49.4 Inadvertent omission to give notice of a general meeting to, or the non-receipt of such notice by, any person entitled to such notice, does not invalidate any proceedings at any such meeting.
- #### 49A. Adjournment of General Meetings
- 49A.1 The chairperson may, with the consent of any general meeting at which a quorum is present, and if so directed by the meeting, adjourn a meeting from time to time and from place to place, but no business may be transacted at any adjourned meeting other than the business which could be transacted at the meeting from which the adjournment took place.
- 49A.2 Whenever a meeting is adjourned for ten (10) days or more, notice of the adjourned meeting must be given in the same manner as of an original meeting.
- 49A.3 Subject to the provisions of clause 49A.2, the members are not entitled to any notice of adjournment under this clause, or of the business to be transacted at an adjourned meeting.

PROCEEDINGS AT GENERAL MEETINGS

50. Quorum

- 50.1 No business may be transacted at any general meeting unless a quorum is present at the time when the meeting proceeds to business.
- 50.2 For all purposes the quorum is at least thirty-five (35), and consisting of members present in person or by proxy.
- 50.3 If at any general meeting a quorum is not present within thirty (30) minutes of the time set for the meeting, the meeting, if convened at the request of members, must

⁴³ Business Transacted at Annual General Meetings

be dissolved. In any other case it will stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present within thirty (30) minutes of the time set for the meeting, the members present in person or by proxy will be a quorum: Provided that all members must be given notice of such adjourned meeting.

50A. Generally Accepted Practice

- 50A.1 Except as otherwise provided in this Constitution, general meetings must be conducted in accordance with generally accepted practice.
- 50A.2 Every motion and amendment to a motion proposed for adoption must be seconded at the meeting and, if not seconded, will be deemed not to have been proposed.

51. Chairperson

- 51.1 The chairperson of Excom presides at a general meeting.
- 51.2 If there is no such chairperson or if the chairperson is not present within fifteen (15) minutes after the time set for the meeting, or if she or he is unwilling or unable to preside, the members present must elect from among the Excom members present or, if no Excom member is present, or if no Excom member is willing or able to preside, one of their number present to be chairperson of the meeting.

52. Voting Procedure

- 52.1 At any general meeting the question on a motion or amendment put to the vote is decided on a show of hands, unless the chairperson, in her or his discretion, directs that a ballot be taken, or, either prior to or on the declaration by the chairperson of the result of the show of hands, a ballot is demanded by any person entitled to vote.
- 52.2 Each member present in person and entitled to vote, and each person present as proxy for a member who is entitled to vote, must, when a question is to be decided on a show of hands, orally announce how she or he casts each vote to which she or he is entitled if she or he is entitled to more than one vote.
- 52.3 A declaration by the chairperson that the question has on the show of hands been carried or lost will be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such question.
- 52.4 A directive or demand for a ballot may be withdrawn by the person concerned.
- 52.5 The result of a poll is deemed to be a resolution of the meeting at which such poll was taken, and an entry in the minutes of proceedings to the effect that a question has been carried or lost, with or without a record of the number of votes recorded in favour of or against such question, will be conclusive evidence of the result of the poll if such entry conforms with the declaration made by the chairperson at the meeting concerned.
- 52.6 Notwithstanding any provision to the contrary in this clause, a poll on the election of a chairperson or on any question of adjournment, will be decided on a show of hands.

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53. Majority Required

All questions are decided by simple majority or by the other majority specifically required in a particular case by this Constitution of those members who are entitled to vote and are present in person or by proxy and voting.

54. Vote Entitlement

54.1 Subject to clauses 54.2 and 54.3, each member is entitled to one (1) vote for each erf in the Township Area registered in her or his name, provided that –

54.1.1 ownership of an erf in undivided shares constitutes only one (1) membership; and

54.1.2 a member who is under clause 43⁴⁴ fully or partly exempt from payment of levies in respect of a particular erf is not entitled to a vote on account of her or his ownership of that erf.

54.2 When two (2) or more persons are joint registered owners of an erf, the vote to which they are entitled may be exercised only by a person (who may or may not be one of them) jointly appointed by them as their proxy: Provided that any one of them may demand a poll.

54.3 If an erf is jointly owned by a natural person and a company, the vote to which they are entitled may be exercised only by a person (who may or may not be such natural person or a director of the company) jointly appointed by such natural person and the directors of the company as their proxy: Provided that such natural person and any one of the directors of the company may demand a poll.

55. Right to Vote

Each member entitled to vote has the right, either in person or by proxy, to exercise a vote in respect of any matter to be voted on by members in general meeting: Provided that a member may not exercise a vote to which she or he would otherwise be entitled –

55.1 if any levies payable by her or him under this Constitution, together with any interest and costs in connection therewith, have not been duly paid and provision has not been made to the satisfaction of Excom for the payment thereof; or

55.2 she or he persisted in breach of any provision of this Constitution or any conduct rule or control measure after written notice requiring her or him to remedy such breach, and provision has not been made to the satisfaction of Excom for the remedying thereof; or

55.3 in respect of any contract or proposed contract, or any litigation or proposed litigation, with the Association in which she or he has any interest.

56. Proxy

56.1 A member may be represented at a general meeting by a proxy, who need not be a member of the Association, but may not be a person or service provider, or the

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10/7/23

⁴⁴ Special Dispensation iro Erven

<p>STELLENBOSCH MUNICIPALITY</p> <p>THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).</p> <p>10/1/23</p>

- employee of a service provider, engaged by the Association under clause 27⁴⁵, or a managing agent, or the employee of a managing agent, appointed under clause 28⁴⁶.
- 56.2 The Instrument appointing a proxy must be in writing and signed by the member concerned or his duly authorised agent in writing, but need not be in any particular form.
- 56.3 Where a member is –
- 56.3.1 more than one person, any one of those persons may sign the instrument appointing a proxy on such member's behalf;
- 56.3.2 a company, the proxy may be signed by the chairperson or managing director of the board of directors of the company or by its secretary;
- 56.3.3 a close corporation, the proxy may be signed by any of its members;
- 56.3.4 a trust, the proxy must be signed by all of its trustees; and
- 56.3.5 an association of persons, the proxy must be signed by the chairperson or secretary of its managing committee.
- 56.4 The instrument appointing a proxy and the power of attorney or other authority (if any) under which it is signed, or a notarially certified copy thereof, must be deposited at the address determined by Excom or given to the chairperson of the meeting at any time before the time set for the meeting, or adjourned meeting, at which the person named in the instrument proposes to represent her or his appointer.
- 56.5 No instrument appointing a proxy will be valid after the expiration of twelve (12) months from the date of its execution.
- 56.6 A vote cast in good faith in accordance with the terms of an instrument of proxy will be valid notwithstanding the previous death of the appointer or revocation of the appointment, provided that no intimation of the death or revocation has been received by Excom or the chairperson of the meeting at least one (1) hour before the time set for the meeting.
- 57. Companies/Trusts – Re-located**
- 58. Incapacity**
- Should any member be declared incapable of managing her or his own affairs, or a prodigal or insolvent, or in the case of a juristic person, placed under temporary supervision for the purposes of a business rescue plan, or into liquidation, such member may be represented by her or his appointed curator, trustee, business rescue practitioner, executor or liquidator, as the case may be, who will be entitled to vote on her or his behalf, either personally or by proxy.

CONSTITUTION, CONDUCT RULES AND CONTROL MEASURES

59. Conduct Rules

- 59.1 The Association may make such conduct rules as it deems necessary for the promotion of safe and harmonious community-living in the Township Area and for the control,

⁴⁵ Engagement of Persons and Service Providers

⁴⁶ Appointment, Powers and Duties of Managing Agent

management, administration, use and enjoyment of the common property of the Association.

59.2 The Association may as part of the conduct rules issue such architectural directives as it deems necessary and prescribe the architectural style and the materials to be used in respect of any buildings to be erected or in respect of any renovations, alterations or additions to be carried out to existing buildings and in particular to control the exterior design of such buildings and renovations, alterations or additions and the materials and colours used, so as to ensure an aesthetically pleasing character to the buildings in the Township Area: Provided that such directives will apply *mutatis mutandis* to other site works on a member's erf, including, but not limited to, fences, pergolas, boundary walls, retaining walls and paving.

59.3 The conduct rules made by the Association, and any addition thereto, or substitution, amendment or repeal thereof, may not be in conflict or irreconcilable with any provision of this Constitution. In the event of any such conflict or irreconcilability, the provisions of this Constitution will prevail.

59A. Control Measures

59A.1 Excom may in its discretion from time to time issue or implement control measures to regulate –

59A.1.1 access and egress control at the entrances to the Estate;

59A.1.2 traffic in the Estate, including the erection of traffic signs and speed humps and bumps, the implementation of speed limits and the carrying out of speed checks in the Estate;

59A.1.3 the parking of vehicles in the Estate;

59A.1.4 the preparation and processing of building plans contemplated in clause 70⁴⁷;

59A.1.5 the conduct of persons who perform work in the Estate; and

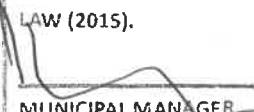

59A.1.6 the application and enforcement of control measures necessitated by unforeseen environmental and legislative changes.

59A.2 A control measure may not be in conflict or irreconcilable with any provision of this Constitution or any conduct rule.

59A.3 Excom may from time to time determine and collect such fees in connection with such control measures as it deems necessary.

59A.4 Where feasible, Excom must prior to issuing or implementing an intended control measure, consult with members in the immediate vicinity of the area where such measure will be implemented.

59A.5 Excom must at least fourteen (14) days before its implementation in writing inform all members of any new control measure and any addition to, or substitution, amendment or repeal of, a provision of an existing control measure and of any penalty determined under clause 60⁴⁸ in respect thereof.

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⁴⁷ Submission of Building Plans

⁴⁸ Penalties Determined by Excom

- 59A.6 Excom must at the next annual general meeting table a report on any new control measure and any addition to, or substitution, amendment or repeal of, a provision of an existing control measure issued since the previous meeting.

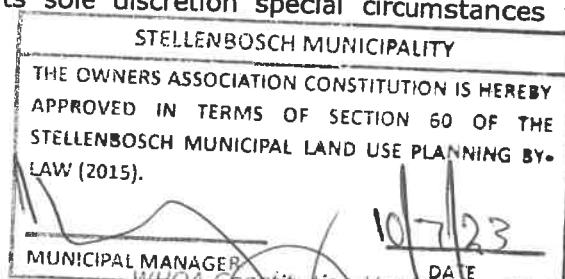
60. Penalties Determined by Excom

- 60.1 Excom may from time to time determine the penalties to be imposed for the breach of a provision of this Constitution, a conduct rule or a control measure, including wheel-clamping and the amount of an initial and subsequent fine.
- 60.2 Any fine imposed on, or cost of the remedying of a breach of the provisions of this Constitution, a conduct rule or a control measure claimed from, a member may, if it is not paid within ten (10) days after the member has been notified of the imposition of the fine or the claim, be added to the monthly levy payable by that member under clause 45⁴⁹ and claimed as if it were part of such levy.
- 60.3 Any fine imposed on, or cost of the remedying of a breach of the provisions of this Constitution, a conduct rule or a control measure claimed from, a person who is not a member may, if it is not paid within ten (10) days after the offender has been notified of the imposition of the fine or the claim, be claimed through due process from the relevant member.
- 60.4 If a fine or cost referred to in this clause is not paid within ten (10) days of the due date, same will bear interest from the date of delinquency at a rate per annum equivalent to the prime overdraft rate charged from time to time by the Association's Bankers plus two percent (2%).
- #### **61. Amendment of Constitution and Conduct Rules**
- 61.1 Any member may propose an addition to, or substitution, amendment or repeal of, a provision of this Constitution or the conduct rules by submitting a written motivated proposal to that effect to Excom.
- 61.2 If Excom is of the view that the matter should be proceeded with, it must submit the proposal to members for consideration at the next annual general meeting.
- 61.3 If Excom is of the view that the matter should not be proceeded with, it must inform the member accordingly in writing: Provided that Excom must upon the written request of not fewer than twenty (20) members place the matter on the agenda of the next general meeting.
- 61.4 Any proposed addition to, or substitution, amendment or repeal of, a provision of this Constitution or of the conduct rules may be effected only by a resolution passed at a meeting by a two-thirds ($\frac{2}{3}$) majority of members present in person or by proxy and voting.

61A. Relaxation of / Deviation from Architectural Directives

- 61A.1 Excom may on good cause shown in a particular instance relax, or deviate from, an architectural directive if in its sole discretion special circumstances warrant such relaxation or deviation.

⁴⁹ Payment of Levies and Contributions



61A.2 A relaxation or deviation contemplated in this clause does not constitute an amendment or repeal of the architectural directive concerned or prevent its enforcement by Excom in any other instance.

61A.3 Excom must at the next annual general meeting table a report on any relaxation or deviation allowed since the previous annual general meeting.

62. Notification of Interested Parties

62.1 Excom must, within twenty-one (21) days of its adoption in writing inform all members, the Commissioner for the South African Revenue Service and the Stellenbosch Municipality of any addition to, or substitution, amendment or repeal of, a provision of this Constitution.

62.2 Excom must at least fourteen (14) days before its implementation in writing inform all members of any addition to, or substitution, amendment or repeal of, a provision of the conduct rules or any control measure, and of any penalty determined under clause 60⁵⁰.

63. Record of Constitution, Conduct Rules and Control Measures

Excom must keep a complete record of this Constitution and of all conduct rules and control measures, and penalties in force from time to time, which must be available for inspection by members at the address determined by Excom.

64. Binding Nature of Constitution, Conduct Rules and Control Measures

64.1 The provisions of this Constitution and of the conduct rules and control measures are binding on all members and also on all other persons who reside in, or for whatever purpose enter, the Township Area.

64.2 It is the duty of the member concerned to ensure compliance with the provisions of this Constitution and of the conduct rules and control measures by –

64.2.1 any of her or his family members who resides in her or his dwelling, and her or his visitor, guest, worker, employee, agent, service provider or contractor; and

64.2.2 any person who has the right to reside, or be present, in her or his dwelling in terms of an arrangement granting rights of occupancy, whether for consideration or not, and the family member of such person who resides in that dwelling, and such person's visitor, guest, worker, employee, agent, service provider or contractor.

MISCELLANEOUS PROVISIONS

64A. Deposit iro Building Work

64A.1 A member must pay to the Association the building deposit from time to time determined by Excom before any building work may be commenced.

64A.2 The building deposit consists of two components, namely –

64A.2.1 a refundable component, which is refundable with interest at a rate determined from time to time by Excom, after a certificate of occupancy has been issued by the Stellenbosch Municipality and after any costs that may in terms of the control measures

⁵⁰ Penalties Determined by Excom

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regulating the performance of building work in the Township Area be recovered from it have been deducted; and

64A.2.2 a non-refundable component, which is retained as a contribution towards the Maintenance Fund of the Association.

64B. Indemnity

64B.1 An Excom member and, if Excom so determines in writing in a particular instance, a person or service provider engaged by Excom under clause 27⁵¹, will be indemnified by the Association against all costs, losses, expenses and claims which she or he may incur or become liable to by reason of any act done by her or him in the exercising of her or his powers, the discharge of her or his duties or the fulfilment of her or his obligations, unless such costs, losses, expenses or claims are caused by the mala fide or grossly negligent act or omission of such person or service provider.

64B.2 Excom must pay such indemnity out of the funds of the Association.

65. Signing of Instruments

No instrument signed on behalf of the Association will be valid and binding unless it is signed by two (2) Excom members or by an Excom member and the managing agent or, in the case of a certificate issued under clause 66⁵², by an Excom member or by the managing agent.

66. Consent to Transfer of Erf

66.1 No member may transfer her or his erf until Excom has issued a certificate consenting to such transfer. Such certificate may not be withheld unless –

66.1.1 such member is indebted to the Association in any way in respect of levies, contributions or other amounts which the Association may in terms of this Constitution, the conduct rules or the control measures collect or claim from her or him and provision has not been made to the satisfaction of Excom for the payment thereof;

66.1.2 the proposed transferee has not agreed to become a member;

66.1.3 such member remains in breach of any of the provisions of this Constitution, the conduct rules or the control measures after written notice requiring her or him to remedy such breach and provision has not been made to the satisfaction of Excom for the remedying thereof.

66.2 Excom may charge a reasonable fee for issuing the certificate, which fee may be determined by Excom from time to time.

66.3 Omitted

67. Loans

67.1 Members may not make loans on behalf of the Association to themselves.

68. Winding up

68.1 The Association may be wound up by a resolution of members provided that –

⁵¹ Engagement of Persons and Service Providers

⁵² Consent to Transfer of Erf

10/7/23

68.1.1 two-thirds (2/3rds) of the members present in person or by proxy and voting vote in favour thereof; and

68.1.2 the Stellenbosch Municipality consents thereto.

68.2 In the event of such winding up, it will be the duty of Excom, or a suitably qualified person appointed by it, to convert the Association's assets into cash, pay all the liabilities of the Association and thereafter distribute the rest to a similar association of persons succeeding the Association and which is also exempt from income tax under section 10(1)(e)(iii) of the *Income Tax Act, 1962 (No 58 of 1962)*. If the Association is not succeeded by such an association, the remaining money must then be paid to such fund as may be required by law.

69. Zoning Conditions

69.1 The conditions pertaining to the municipal zoning scheme regulations applicable to a development phase of the Township Area must at all time be observed by the owner or owners of an erf in the phase concerned.

69.2 Any application to the Stellenbosch Municipality for permission to deviate from the zoning scheme regulations pertaining to an erf must be accompanied by the written consent of Excom, and the Stellenbosch Municipality may not approve such application if Excom opposes it.

70. Submission of Building Plans

70.1 A member must submit building plans for work on her or his erf to Excom at the address determined by Excom for examination and approval prior to the submission of such plans to the Stellenbosch Municipality for approval.

70.1A For the purposes of clause 70.1, "building plans" means design drawings and specifications for the construction of a new dwelling or for additions to, or the alteration or renovation affecting the exterior aesthetic appearance of, an existing dwelling, or for the erection of a pergola, fence, boundary wall, retaining wall, or the laying of paving.

70.2 Should Excom not approve a plan submitted in terms of clause 70.1, it must furnish the member concerned with its reasons in writing and any disagreements or disputes arising must be dealt with in terms of the dispute resolution procedure provided for in clause 72⁵³.

70.3 When such plans are approved by the Stellenbosch Municipality a member must submit a copy of the approved plans at the office of the Association.

71. Servitude for Maintenance of Services by Stellenbosch Municipality

A servitude for the maintenance of services by the Stellenbosch Municipality is registered over all existing and future road reserves, the water supply system, storm water pipes, sewerage system and electrical network where applicable.

72. Interpretation/Disputes

72.1 Should any dispute, disagreement or claim ("dispute") whatsoever between a member and the Association concerning the interpretation of this Constitution and/or the

⁵³ Interpretation/Disputes

conduct rules and/or the control measures arise, the aggrieved party must notify the other interested party in writing, and copies of such notification must be served as contemplated in clauses 73⁵⁴–74⁵⁵.

- 72.2 Thereafter the parties must try to resolve the dispute by negotiation, which entails that the one party invites the other party in writing to a meeting where they must attempt to resolve the dispute within seven (7) days from the date of the invitation.
- 72.3 In the event that internal method of resolution fails, the Community Scheme Ombud Service may be approached, should there be a dispute between member(s) or tenant(s) and the HOA, or the HOA and its member(s) or tenant(s), or between members, and all internal remedies have been exhausted.
- 72.4 **Omitted**
- 72.5 **Omitted**

NOTICES, DOCUMENTATION AND LEGAL PROCESS

73. Notice, Delivery and Service by Association

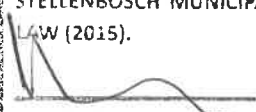
- 73.1 Each member must provide Excom with an address within the Republic of South Africa for the purpose of giving notices, delivering documentation and the serving of legal process.
- 73.2 Each member must provide Excom with her or his electronic mail address and or facsimile number: Provided that Excom may on good cause shown absolve a member from complying with this provision.
- 73.3 Every notice given to, document delivered to, or legal process served on, a member by the Association for any purpose arising out of this Constitution, the conduct rules or the control measures must be in writing and must be given to, delivered to, or served on, the member either personally or by post in a prepaid registered letter, properly addressed to the member at the address of the erf owned by her or him or to the other address provided by the member in writing, or to her or his electronic mail address or facsimile number.
- 73.4 No member is entitled to have a notice given to, documentation delivered to, or legal process served on, her or him at any address not within the Republic of South Africa.

74. Notice, Delivery and Service by Member

Every notice given to, document delivered to, or legal process served on, the Association by a member for any purpose arising out of this Constitution, the conduct rules or the control measures must be in writing and must be given to, delivered to, or served on, the Association either personally or by post in a prepaid registered letter, properly addressed to the Association at the address of the managing agent from time to time appointed by Excom, or to the Association's electronic mail address or facsimile number.

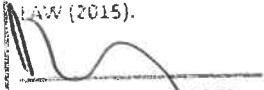
⁵⁴ Notice, Delivery and Service by Association

⁵⁵ Notice, Delivery and Service by Member

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75. Receipt by Party

- 75.1 Any notice, document or legal process sent by prepaid registered post will be deemed to have been received by the addressee seven (7) days after transmission.
- 75.2 In proving the transmission of a notice, document or legal process by registered post, it will be sufficient to prove that the notice, document or legal process was properly addressed and posted.
- 75.3 Any notice, document or legal process transmitted to an electronic mail address or facsimile number will be deemed to have been received by the addressee on the date on which it is transmitted.

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LAW (2015).



WELGEVONDEN

HOME OWNERS' ASSOCIATION

MUNICIPAL MANAGER

10/7/23
DATE

CERTIFICATE OF ADOPTION

This, **Version 6 of the Constitution of the Welgevonden Home Owners' Association (WHOA) – 26 November 2020**, which includes:

- WHOA Estate Rules, Version 2 – 26 November 2020
- WHOA Architectural Directives and Design Guidelines and Control Measures, Version 7 – 26 November 2020

were adopted pursuant to resolutions passed at the Annual General Meetings of the Association held on 29 September 2015, 26 September 2016, 21 August 2017, 24 October 2019 and 26 November 2020.

SIGNED at Stellenbosch on _____

Chairperson

MUNICIPAL ACCEPTANCE

By its signature hereto, the Stellenbosch Municipality acknowledges that the following documents comply with its requirements, and is accepted:

- **Version 6 of the Constitution of the Welgevonden Home Owners' Association (WHOA) – 26 November 2020**, which includes:
 - WHOA Estate Rules, Version 2 – 26 November 2020
 - WHOA Architectural Directives and Design Guidelines and Control Measures, Version 7 – 26 November 2020

SIGNED at _____ **on** _____ **2022**

**For and on behalf of the
Stellenbosch Municipality, duly authorised thereto**

Witnesses: 1. _____ **2.** _____

SCHEDULE OF REVISIONS – WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) CONSTITUTION

Special resolutions passed at Annual General Meetings as indicated

DATE OF AGM	DESCRIPTION
27 November 2014	A new clause 1.2A is inserted to provide for the wider ranging control measures that Excom will be empowered to issue or implement. Various other provisions are also adjusted to include a reference to such control measures.
	Clause 1.6 is amended to include in the definition of "levy" the proposed new contribution to the Levy Stabilisation Fund. Various other provisions are similarly amended.
	Clause 7.1.2 is amended so that it now lays the foundation for the issuing of rules and directives and control measures, and for the collection of fees and deposits in connection therewith, and locating all the finer detail thereof in clauses 59 – 64.
	A new clause 8.3 is inserted that will allow Excom to designate one of its members to attend meetings of creditors of a Member who is indebted to the Association.
	Clause 9 is amended to empower Excom to enter into financing agreements for the purpose of improvements authorised by members. See also clause 7.1.6
	A new clause 11.2 is proposed that will compel Excom to record in its minutes or in the appointment agreement of the person or service provider concerned, and clearly set out the scope of, any delegation.
	A new clause 14.5 is inserted to make it incumbent on Excom to report to a general meeting any interim appointments it has made to supplement the Excom membership. Appointed Excom members have the same powers, duties and obligations as Excom members elected by members at an annual general meeting, and the Association should, therefore, be informed of who may act on their behalf.
	Clause 17 which deals with indemnity is located in a part of the Constitution that deals only with Excom matters, and, therefore, seems out of place. It is re-located to a new clause 64B under "Miscellaneous Provisions", with certain amendments, where it is normally found in HOA constitutions.
	Currently clauses 12.6 and 18 deal with the matter of ineligibility and disqualification of persons to serve on Excom with slightly differing provisions for election and for vacation of a seat. Also, appointment under clause 14 is not properly covered. The proposed provision new clause 17A now covers all in the same manner, and also updates the reference to the <i>Companies Act</i> .

STELLENBOSCH MUNICIPALITY
 THE OWNERS ASSOCIATION CONSTITUTION
 APPROVED IN TERMS OF SECTION 60 OF THE
 STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
 LAW (2015).
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DATE OF AGM	DESCRIPTION
27 November 2014 (Continued)	<p>Clause 28 is amended to provide for the appointment of a managing agent for a maximum period of 3 years at a time in favour of the current provision allowing for an indefinite automatic renewal of the appointment from year to year. This amendment will bring about more certainty for both the WHOA and the appointed managing agent.</p>
	<p>Clause 31 currently deals with only traffic control measures that may be issued by Excom. The provision is re-located as clause 59A to the part of the Constitution dealing with conduct rules and the amendment thereof, and extended to allow for control measures also in respect of -</p> <ul style="list-style-type: none"> • access and egress control at the entrances to the Estate, which reflects the current practice; • the parking of vehicles on the Estate, which is in line with a general meeting resolution; • the preparation and processing of building plans; and • the activities of persons who perform work on the Estate. <p>In recognition of the WHOA's overall authority it is further provided that -</p> <ul style="list-style-type: none"> • such a control measure may not be in conflict with the Constitution or any conduct rule and may not create a further conduct rule; • Excom may determine and collect fees [e.g. payment for parking] in connection with such control measures; and • Excom must at the next annual general meeting table a report on any new and adjusted control measure issued since the previous meeting.
	A new clause 42A is inserted to provide for a contribution to the WHOA Levy Stabilisation Fund by a member upon disposal of her or his property.
	A new clause 42B is inserted to provide for a once-off contribution to the WHOA Levy Stabilisation Fund by current members in lieu of paying the exit levy.
	A new clause 49A is inserted to determine that general meetings must be conducted in accordance with generally accepted practice. Excom is in the process of compiling a manual that sets out generally accepted practice at meetings of this nature.
	The current clauses 56 and 57 do not deal sufficiently with a number of important aspects regarding proxies. The two clauses are now combined into one comprehensive provision that is in line with the provision currently found in most other HOA constitutions.
STELLENBOSCH MUNICIPALITY THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).	A new clause 61A is inserted that will allow Excom on good cause

MUNICIPAL MANAGER

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DATE OF AGM	DESCRIPTION
27 November 2014 (Continued)	shown in a particular instance to relax an architectural directive if special circumstances warrant such relaxation or deviation. This is done to give a basis in the Constitution for a current entry in the <i>Architectural Directives and Design Guidelines</i> . It is further provided that Excom must at the next annual general meeting table a report on any relaxation or deviation allowed since the previous annual general meeting.
	The new clause 64A which provides for a deposit iro building work, is in fact an existing provision in the Estate Rules re-located here in line with the intention to make the Constitution the founding instrument for penalties, fees, deposits etc., and then to provide the detail for the management thereof in the measure concerned.
	The proposed new clause 64B is in fact the current clause 17 re-located here, because in this location it fits in better with the structure of the Constitution. Clause 64B.1 differs from the current clause 17.1 in that whereas clause 17.1 provides for indemnity of service providers, agents, etc. [except the managing agent], across the board as a matter of course, clause 64B.1 now requires Excom to take a considered decision on whether indemnity is warranted in a particular case.
	Clause 72 currently provides for disputes to be settled by determination by a practising senior advocate or a senior architect, depending on the nature of the dispute. Because of time and expense implications, and the complicated nature of the appointment process, an increasing number of HOAs are changing their similar dispute resolution procedure to allow a more flexible and cheaper process with the assistance of the Arbitration Foundation of Southern Africa. Clause 72 as amended fellows suit
	Clauses 73 - 75 are amended to allow for a much less complicated system for the serving of notices. It does away with the very formalistic <i>domicilium åtandi et executandi</i> provision and rather uses a more modern set of provisions.
24 October 2019	Clause 1 is amended to include a new Clause 1.1A to incorporate the definition of "A member in good standing".
	Clause 1.10 is amended to make provision for the change in status of erven currently or previously included in "the Township Area". (Clause 1.10 was amended pursuant to a legal opinion dated 30 December 2017, obtained from Adv. AM Breitenbach SC & AE Erasmus.)
	Clause 5.5: A new clause 5.5 is inserted to explain the rights of joint ownership.
STELLENBOSCH MUNICIPALITY THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW (2015).	Clause 17B: A new clause 17B is inserted to stipulate the duties of Excom members in line with the <i>Community Schemes Ombud Service Act, 2011 (Act 9 of 2011)</i> regulations.

MUNICIPAL MANAGER

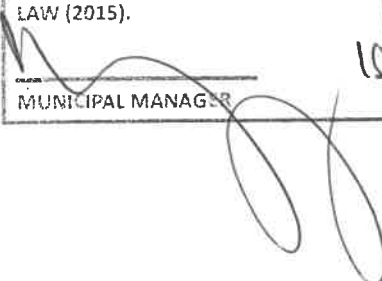
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DATE OF AGM	DESCRIPTION
24 October 2019 (continued)	Clauses 20 and 21: A few sub-clauses were inserted under clauses 20 and 21 to add governance to the actions of Excom and to make provision for easier administration.
	Clauses 20.4 and 20.5 are inserted to allow Excom members to be represented by a proxy at Excom meetings.
	Clause 21.3 is inserted to prevent Excom members from voting on matters where a conflict of interest is present.
	Clause 21.4 is inserted to provide for electronic voting.
	Clause 34.3: A new clause 34.3 is inserted to stipulate the responsibility of Excom members to arrange fidelity insurance cover in line with the <i>Community Schemes Ombud Service Act, 2011</i> (Act 9 of 2011) requirement.
	Clause 36.1.1 is amended to make provision for current legislation.
	Clause 39.4: A new clause 39.4 is inserted to pre-empt the consolidation of erven without cognisance of the impact thereof on levies.
	Clause 44 is amended to make provision for amended obligations and privileges of members who do not pay a levy or who only pays a partial levy.
	Clause 45.4 is amended to increase the interest on late payments of levies to two percent (2%).
	Clause 45.6 is amended to make provision for the Community Schemes Ombud Service Act, 2011 (Act 9 of 2011) provisions.
	Clause 45.7: A new clause 45.7 is inserted for stricter measurements to be available in case of non-payment of levies.
	Clause 59A.1.2 was amended in line with current practice.
	Clause 59A.1.6: A new clause 59A.1.6 is inserted to allow Excom to put interim control measures in place in times of unforeseen and extraordinary environmental or legislative circumstances.
	Clause 60.3 is amended in line with current practice.
	Clause 60.4 is amended to increase the interest on late payments of fines to two percent (2%).
	Clause 70.3: A new clause 70.3 is inserted to more clearly state the implied requirements in terms of the building plan application process.
	Clause 72.3 is amended in line with the Community Schemes Ombud Service regulations regarding disputes.
STELLENBOSCH MUNICIPALITY THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).	Clauses 72.4 and 72.5 are omitted to concur with current legal requirements. See clause 72.3 as amended.

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DATE OF AGM	DESCRIPTION
26 November 2020	Clauses 12.5 and 12.5.1 are omitted to ensure that only bona fide members (homeowners) are eligible to be nominated to serve on Excom.

STELLENBOSCH MUNICIPALITY	
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For signature



WELGEVONDEN
HOME OWNERS' ASSOCIATION

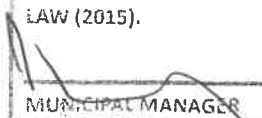

**WELGEVONDEN HOME OWNERS' ASSOCIATION
(WHOA)
ESTATE RULES**

Made by the Welgevonden Home Owners' Association under clause 7.1.2, read with clauses 59 and 59A of the WHOA Constitution Version 6 – 26 November 2020.

WHOA Estate Rules Version 2 – 26 November 2020

This version of the WHOA Estate Rules replaces all previous versions.

Revisions passed in this and previous years are recorded in the Schedule of Revisions at the end of this document.

STELLENBOSCH MUNICIPALITY	
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WELGEVONDEN

HOME OWNERS' ASSOCIATION

WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA)

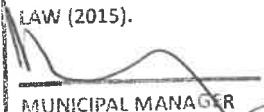
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WELGEVONDEN ESTATE DISCLAIMER

PERSONS ENTERING THE ESTATE ACCEPT THE RULES AND LEGAL TERMS EXCLUDING WHOA LIABILITY

- Whilst every effort is made to secure and monitor the Estate, entering the Estate and using any of the facilities is entirely at own risk to person or property; persons who enter the Estate accept this risk.
- Entry into the Estate and use of facilities are subject to the WHOA Estate Rules, which are available on the Welgevonden Estate Website (www.welgevonden.co.za).
- Persons, including parents or guardians on behalf of minors, agree that they/the minors will not claim from the Welgevonden Home Owners' Association (WHOA) and its workers, employees, agents or contractors for any harm. The exclusion of liability also applies to negligence by the WHOA.
- Parents or guardians of minors agree to indemnify the WHOA against any claim of a minor.



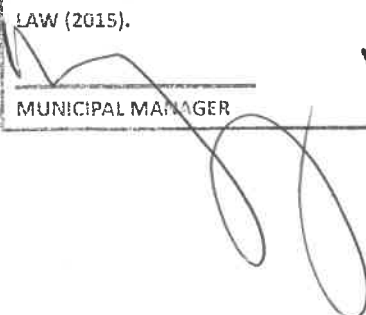
WARNING: DANGEROUS ELECTRICAL FENCE

Note: The Estate is surrounded by an electrical fence, which is dangerous and could cause death, if touched.



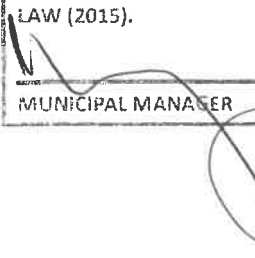
WARNING: ADHERE TO THE SPEED LIMIT

Note: Speed humps constructed on streets as a traffic calming measure must be negotiated with utmost care to prevent damage to vehicles.

STELLENBOSCH MUNICIPALITY	
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PREAMBLE

The primary objects of the Welgevonden Home Owners' Association [the WHOA] are, firstly, the promotion and enforcing of standards for community-living so that residents may derive the maximum collective benefit therefrom, and, secondly, the maintenance of basic aesthetic standards to enhance property values in the Estate. It aims to provide residents with a superior quality lifestyle, offering safe and harmonious community-living.

To achieve its objects, the WHOA has made certain conduct rules that are binding on all WHOA members and other persons who reside in, or who enter, the Estate.

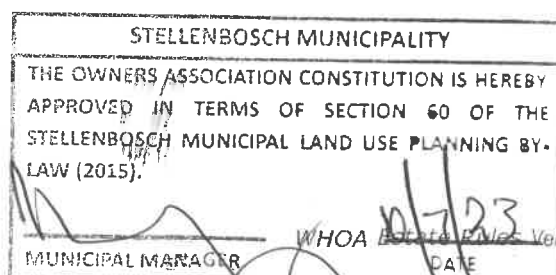
1. Definitions

In the interpretation of these Rules, unless the context otherwise indicates –

- 1.1 "communal facility" means any street, sidewalk, private open space or communal building in the Estate that is the property of the WHOA and that may be used for the purposes, and on the conditions, from time to time determined by the WHOA or Excom;
- 1.1A "Excom" means the executive committee of the Association contemplated in terms of clause 8 of the Constitution;
- 1.2 "family" means a family as defined in the *Zoning Scheme Regulations* from time to time issued by the Stellenbosch Municipality;
- 1.3 "occupant" means any person who has the right to reside, or be present, in a dwelling in the Estate in terms of an arrangement granting rights of occupancy, whether for consideration or not;
- 1.4 "resident" means any person who resides in the Estate, irrespective of whether she or he is a member of the Association or a family member of such member, or an occupant or a family member of such occupant; and
- 1.5 "signage" means any sign, notice, billboard, placard, pamphlet or the like that is used to convey information.
- 1.6 "vleiland" means the private open space adjacent to the R304 gate.

2. Words and Expressions

- 2.1 Words importing a reference to –
 - 2.1.1 the singular includes the plural, and the converse also applies;
 - 2.1.2 a gender includes the other genders; and
 - 2.1.3 natural persons include legal persons, and the converse also applies.
- 2.2 Words and expressions to which a meaning is assigned in the Constitution bear the meaning so assigned to them, and in the event of any conflict between the Constitution and these Rules, the Constitution will prevail, unless it is inconsistent with the context.



3. Calculation of Periods

When any number of days is prescribed in these Rules, the same means calendar days which must be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday, in which event the last day will be the next succeeding day which is not a Saturday, Sunday or proclaimed public holiday.

4. Regulations and By-Laws

All persons who reside in, or enter, the Estate are bound by any applicable regulation and by-law of the Stellenbosch Municipality and any other competent authority as if such regulation and by-law are incorporated in these Rules.

5. Binding Nature of Rules

5.1 These Rules and any condition determined or instruction given hereunder are binding on all persons who reside in, or enter, the Estate.

5.2 Excom may at any time apply to a competent court for an order to compel a resident or any other person who enters the Estate to comply with these Rules and any condition determined or instruction given hereunder.

6. Security Measures

A resident and any other person who enters the Estate must comply strictly with the systems and procedures relating to access control and other security measures from time to time issued or implemented by Excom, and must comply with the instructions of Estate Security and of Excom.

7. Member's Duties and Obligations

7.1 It is the duty of the member concerned to ensure compliance with these Rules and any condition determined or instruction given hereunder, by –

7.1.1 any of her or his family members who resides in her or his dwelling, and her or his visitor or guest; and

7.1.2 any occupant of her or his dwelling, and any of such occupant's family members who resides in such dwelling, and the visitor or guest of such occupant.

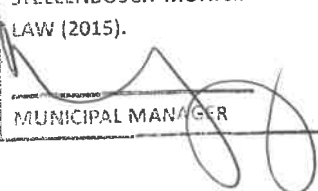
7.2 When concluding an agreement for the sale of her or his erf, or an agreement granting rights of occupancy to her or his dwelling, the member concerned must include a provision that the person concerned is obliged to comply with these Rules and any condition determined or instruction given hereunder, and furnish her or him with a copy hereof.

7.3 A member may not use, or permit to be used, her or his erf or any structure erected or placed thereon, or a communal facility, in a manner or for a purpose that causes a nuisance or creates a disturbance, or that is injurious to the ambience of the Estate.

8. Member's Liability

8.1 The member concerned may be held liable for damages, fines, all legal costs (including costs between an attorney and client) and collection commission, expenses and charges incurred by Excom in enforcing compliance by her or him, or any other person referred to in Rule 7.1, with these Rules and any condition determined or instruction given hereunder.

STELLENBOSCH MUNICIPALITY
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- 8.2 Damages, fines, all legal costs (including costs between an attorney and client) and collection commission, expenses and charges contemplated in Rule 8.1 are deemed to be a levy contemplated in the Constitution, and may, if it is not paid within fourteen (14) days after the member has been notified thereof, be added to the member's levy statement and will bear interest as a levy debt.

9. Business Activities

- 9.1 No person may conduct a business or practice a trade on or from a residential erf or residential sectional title property in the Township Area without the prior written permission of Excom on such conditions as it deems fit, and of the Stellenbosch Municipality.
- 9.2 If the applicant is not the owner of the residential erf or residential sectional title property concerned, the written consent of that owner for such an application must accompany the application to Excom and the Stellenbosch Municipality.

10. General Conduct

A resident and any other person who enters the Estate must accord other residents and persons in the Estate respect and may not indulge in conduct that, in the discretion of Excom, is unbecoming, constitutes a nuisance or creates a disturbance.

11. Tasking of Persons Engaged by Excom

A resident and any other person who enters the Estate may not request a worker, employee, agent or service provider or contractor engaged by Excom to perform tasks for her or him during such person's work hours, may not interfere with such person in the performance of her or his duties, and must at all times give such person her or his full co-operation.

12. Traffic Control

- 12.1 A resident and any other person who enters the Estate must comply strictly with the control measures from time to time issued or implemented by Excom to regulate traffic in the Estate.
- 12.2 The speed limit throughout the Estate is as designated by the traffic signs. A maximum speed limit of 40 km/h (forty kilometres per hour) shall apply, provided that lower speed limits may be imposed by the Association where this is deemed necessary.
- 12.3 The Association may by means of appropriate signage, give directions as to the use of roads or any portion of roads and common areas. Failure by any person to obey such signage shall constitute a contravention of these rules.
- 12.4 No person shall drive or ride any vehicle within the Estate in such a manner that would constitute an offence under any traffic ordinance or normal statutory traffic law. All vehicles shall be in a good and roadworthy condition. Without limiting the generality of the foregoing, vehicles emitting excessive noise, smoke and/or oil are prohibited.
- 12.5 The driving of vehicles is confined to roads and driveways, provided that non-motorised vehicles may be used on those areas (if any) specifically designated by the Association for that purpose.
- 12.6 ~~Excom reserves the right to introduce any traffic calming measures, including but not limited to, speed humps, bumps and pedestrian crossings, that they in their sole discretion deem necessary from time to time.~~

APPROVED IN TERMS OF SECTION 60 OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
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- 12.7 The operator of a vehicle may not take a short cut over a traffic circle, a communal facility or an undeveloped erf, and must ensure that they operate their vehicle with utmost care on communal areas.

13. Parking or Standing of Vehicles

13.1 Relocated to rule 12.1

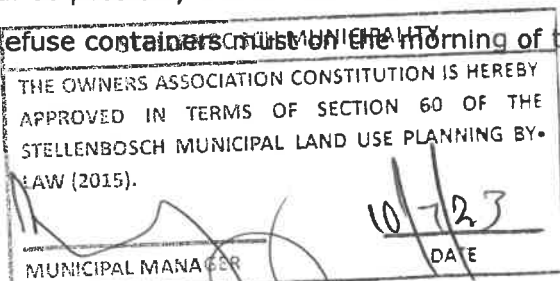
- 13.2 A vehicle may not be left unattended, or abandoned, in such a manner that it may cause an obstruction to other street users or impede the flow of traffic, or occupies more than one demarcated parking bay in the Estate.
- 13.3 Parking or standing of a vehicle in or on a communal facility is subject to the express condition that such vehicle is parked or stood at its owner's risk and responsibility and that no liability will attach to the WHOA, its workers, employees, agents or contractors for any loss or damage of whatever nature which the vehicle's owner, or any person claiming through or under her or him, may suffer in consequence of the vehicle having been parked or stood in or on such facility.
- 13.4 Excom may cause to be removed for the account of the owner or the person in control thereof a vehicle that in her or his discretion has been abandoned in the Estate.
- 13.5 Owners and all third parties who are given access to the scheme are not permitted to dismantle or affect any major repairs to any vehicle on any part of the common property.

14. Maintenance of Properties and Streetscape

- 14.1 The external appearance of any structure erected or placed on an erf and which forms part of the streetscape must at all times be maintained in a state of good repair to the satisfaction of Excom.
- 14.2 A garden and the area between the street boundary line of an erf and the kerb must at all times be kept in a neat and tidy state, free of rubble, refuse, litter, other material and unwanted articles to the satisfaction of Excom. Please note that should a resident fail to maintain the erf following being instructed to do so, the erf will be maintained by a contractor/employee instructed by Excom on behalf of the Association for the member's account.
- 14.3 Trees, shrubs or plants in a garden or in the area between the street boundary line of an erf and the kerb must regularly, and when Excom in a particular instance so instructs, be pruned back so that they will not impede vehicular or pedestrian traffic or pose a safety hazard.
- 14.4 A washing line may not be erected, and washing may not be hung out, in such a way that it is visible from a communal facility or another erf.
- 14.5 No structure or item that in the discretion of Excom is unsightly, aesthetically displeasing or undesirable or detrimental to the general appearance of the Estate when viewed from a communal facility or another erf may be exposed, installed, placed or erected on an erf.

15. Refuse Containers and Disposal

- 15.1 A refuse container must be kept on an erf in such a manner as to prevent foraging as far as possible, and so that it is not visible from a communal facility or another erf.
- 15.2 Refuse containers must on the morning of the day scheduled for refuse collection be



placed on the sidewalk in front of the erf concerned.

- 15.3 If refuse is not collected on the scheduled day, the container must be returned to the erf concerned.
- 15.4 Members are personally responsible to dispose of any garden refuse. Should a resident fail to remove their garden refuse following being instructed to do so, the refuse will be removed by a contractor/employee instructed by Excom on behalf of the Association for the member's account.

15A. Water Tanks

- 15A.1 No water tank may be installed without the prior written permission of Excom on such conditions as it deems fit.
- 15A.2 A water tank may be installed, based on the following conditions:
- 15A.2.1 The water tank must not be visible from the street front.
- 15A.2.2 The colour of the water tank, including that of any gutters and/or downpipes must be an aesthetically pleasing colour, to the satisfaction of Excom.

15B. Generators

- 15B.1 No generator may be installed without the prior written permission of Excom, on such conditions as it deems fit;
- 15B.2 A generator may be installed, based on the following conditions:
- 15B.2.1 Generators must be positioned in a way that they are not visible from the street.
- 15B.2.2 Generators must have a manufacturer's low noise level function measuring 75 d/m (seventy-five).
- 15B.2.3 If the generator is installed on the outside of the building, it must be screened off to the satisfaction of Excom.
- 15B.2.4 All visible cabling must be placed in an approved duct as prescribed in the industry and to the satisfaction of Excom.
- 15B.2.5 All generators must be equipped with a change-over switch.
- 15B.3 It is the Owner's responsibility to ensure that the installation is done according to the relevant laws, by-laws and regulations.

16. Signage and Advertisements

A person may not, without the prior written permission of Excom, and on such conditions as Excom determines, display, erect or place any signage on any part of an erf so that it is visible from a communal facility or another erf, or distribute any advertisement or information pamphlet, letter or note whatsoever in the Estate.

17. Undeveloped Erf

- 17.1 A member must at all times maintain their undeveloped erf in a neat and tidy state to the satisfaction of Excom.
- 17.2 Building rubble, refuse, litter, unwanted articles or other material may not be deposited, thrown, placed, stored or dumped, or permitted, or allowed, to be deposited, thrown, placed, stored or dumped, on an undeveloped erf.

18. Keeping of Pets

THE OWNERS ASSOCIATION CONSTITUTION IS HERESY
APPROVED IN TERMS OF SECTION 60 OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
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MUNICIPAL MANAGER

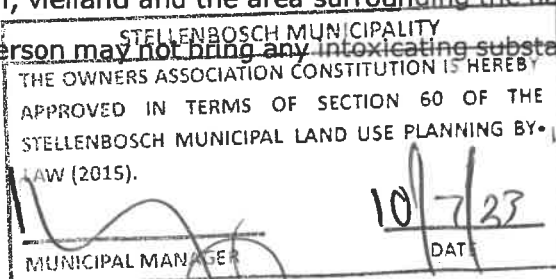
- 18.1 No more than two (2) dogs and two (2) cats may be kept on any one erf without the written permission of Excom and on such conditions as it determines.
- 18.2 A poisonous, exotic or other undomesticated pet, poultry, pigeons, aviaries or livestock may not be kept on an erf or in any structure erected or placed thereon.
- 18.3 A pet must be neutered, spayed or similar and must be regularly inoculated.
- 18.4 A pet must wear a collar fitted with a tag indicating the contact details of its owner.
- 18.5 A dog may not roam the Estate, and must at all times be tended and kept on leash when it is not on the erf of its owner: Provided that dogs that are commonly regarded as ferocious must, in addition, be muzzled.
- 18.6 A pet may not be allowed to create a nuisance or cause a disturbance to residents in the Estate.
- 18.7 A pet may not be neglected by, for example, leaving it to fend for itself or failing to provide it with sufficient shelter, nutrition or veterinary attention.
- 18.8 No person may inflict physical cruelty on a pet or subject it to violence.
- 18.9 The excrement of a pet deposited inside the erf on which it is kept must be removed at least once a day, and must be removed immediately when it is deposited on a communal facility or another erf.

18A. Letting of properties

- 18A.1 As set out in the Constitution, the conditions pertaining to the municipal zoning scheme regulations applicable to a development phase of the Township Area must at all times be observed by the owner or owners of an erf in the phase concerned.
- 18A.2 No member within the Association may part with their erf by means of any rental agreement for a period of less than six (6) months.
- 18A.3 Any application to the Stellenbosch Municipality for permission to deviate from the zoning scheme regulations pertaining to an erf must be accompanied by the written consent of Excom, and the Stellenbosch Municipality may not approve such application if Excom opposes it.

19. Use of Communal Facilities

- 19.1 A person who makes use of a communal facility in the Estate must at all times be considerate and exercise proper care.
- 19.2 Picnics are permitted in designated areas only.
- 19.3 Open fires or braais are not permitted on a street or communal facility.
- 19.4 Only residents may enter and use the dam, vleiland and the area surrounding the dam and vleiland, as well as the playgrounds.
- 19.5 When in the dam, vleiland and the area surrounding the dam and vleiland, or on the playgrounds, minors must at all times be under adult supervision.
- 19.6 The dam, vleiland and the area surrounding the dam and vleiland, may not be entered before sunrise or after sunset.
- 19.7 A person who is under the influence of an intoxicating substance may not enter the dam, vleiland and the area surrounding the dam and vleiland.
- 19.8 A person may not bring any intoxicating substance into the dam, vleiland and the area



surrounding the dam and vleiland.

- 19.9 Swimming in the dam is not advised. Using the dam for swimming, rowing, and any other recreational activities will be at own risk.
- 19.10 Should owners at own risk use the dam for rowing purposes only kayaks, canoes and similar paddling watercraft may be used on the dam, and no homemade floatation devices or sailing or motorised watercraft are allowed. Users of kayaks, canoes and similar paddling watercraft must at all times wear a personal floatation device when using the dam.
- 19.11 **Omitted, contents included in rule 19.10.**
- 19.12 Fishing in the dam is allowed, but on a catch and release basis.
- 19.13 Trapping, shooting, harassing or in any way harming the fauna in the Estate is prohibited.
- 19.14 Pets may not be allowed to enter the dams, river area in vleiland and water features.
- 19.15 No remotely piloted aircraft systems (or drones), as regulated by Part 101 of the South African Civil Aviation Regulations, is allowed to be operated within and surrounding the Estate.

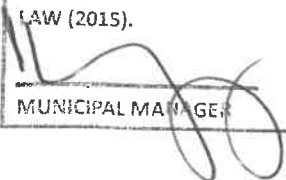
20. Damage to WHOA Property

- 20.1 A person may not in any way damage or deface a communal facility or any item placed or installed, or structure erected, by the WHOA in or on a communal facility.
- 20.2 Building rubble, refuse, litter or unwanted articles or material may not be deposited, thrown, placed, stored or dumped, or permitted or allowed to be deposited, thrown, placed, stored or dumped, in or on a communal facility.
- 20.3 Trees, shrubs or plants may not be removed from or planted in or on a communal facility without the prior written permission of Excom.
- 20.4 An item, fluid or material that may cause a blockage may not be disposed into the sewerage system. In the event of a blockage that is shown to be the result of such disposal, the resident concerned must clear the sewerage system within twenty-four (24) hours after the occurrence of the blockage, failing which Excom may have the system cleared at the risk and for the account of the member who is the owner of the erf concerned.
- 20.5 If a vehicle has dripped or spilled lubricant or other fluid onto a communal facility or in any other way has damaged or defaced WHOA property, the person responsible for it must forthwith clean or repair the area concerned, failing which Excom may clean or repair the area for the account of the person concerned.

21. Maintenance of Communal Services and Facilities

- 21.1 An owner or occupant of an erf on which there are any pipes, wires, cables and ducts used, or capable of being used, in connection with any communal service or facility, must at all reasonable times allow Excom or a person authorised thereto by her or him, to enter the erf to carry out inspections, repairs or maintenance of same.
- 21.2 If a person is obstructed from, or hindered in, the performance of her or his duties contemplated in this Rule, the owner of the erf concerned may be liable for any additional costs incurred by Excom in the performance of such duties.

THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).



MUNICIPAL MANAGER

10/7/23

DATE

22. Security Fence and Structures

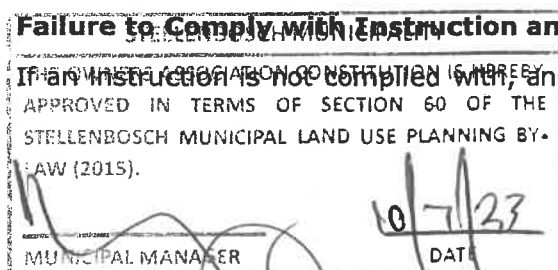
- 22.1 A person may not damage, remove or make any attachments to any part of the security fence and structures, tamper with the security system or any of its components, or in any way obstruct it so as to prevent the proper functioning of the Estate security system.
- 22.2 A person may not without the prior written permission of Excom, and on such conditions as Excom determines, display, erect or place any signage on, against or on top of the security fence and structures.
- 22.3 Trees, shrubs or plants that in the discretion of Excom are likely to interfere with the proper functioning of the Estate security system may not be planted in the close proximity of the security fence or structures.
- 22.4 The owner or occupant of an erf that borders on the security fence and structures must at all reasonable times allow Excom or a person authorised thereto by her or him, to enter the erf to carry out inspections, repairs or maintenance of same and to prune trees, shrubs and plants that may prevent the proper functioning of the Estate security system.
- 22.5 If a person is obstructed from, or hindered in, the performance of her or his duties contemplated in this Rule, the owner of the erf concerned may be liable for any additional costs incurred by Excom in the performance of such duties.

23. Breach of Rules

- 23.1 If in the discretion of Excom the operator of a vehicle contravenes, or a vehicle does not comply with, the provisions of Rule 12 and/or Rule 13, Excom may by way of written notice –
- 23.1.1 instruct such person to comply with such provision; or
- 23.1.2 refuse such vehicle entry into the Estate; or
- 23.1.3 instruct the owner or the person in control thereof to remove the vehicle from the Estate; or
- 23.1.4 impose the prescribed fine; or
- 23.1.5 apply more than one of the options mentioned.
- 23.2 If a person is in breach of any of these Rules, other than Rule 12 or Rule 13, or any condition determined or instruction given hereunder, the Excom may by way of written notice –
- 23.2.1 instruct such person to remedy such breach within the indicated period; or
- 23.2.2 instruct such person forthwith to desist from such conduct; or
- 23.2.3 impose the prescribed fine; or
- 23.2.4 apply more than one of the options mentioned.
- 23.3 In the written notice the particular conduct which constitutes a breach must be described or the provision that has allegedly been contravened must be clearly indicated, and the recipient must be warned that if he or she persists in such conduct or contravention, a fine will be imposed on such person.

24. Failure to Comply with Instruction and/or to Pay Fine

- 24.1 If an instruction is not complied with, and/or a fine is not paid, within the indicated



period, the member concerned will be issued with a written notice giving an adequate description of the instruction and intimating that:

- 24.1.1 the instruction must be complied with within the indicated period, and that if it is not so complied with, Excom may remedy the breach in question for her or his account;
- 24.1.2 the fine imposed, if not paid within the indicated period, may be added to the member's levy statement.
- 24.2 A competent court may be approached for an order to compel them to comply with the instruction and/or pay the fine.

25. Interest on Cost of Remedying Breach/Fine

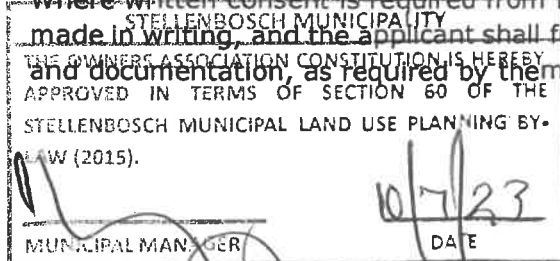
The cost of the remedying a breach and/or a fine that is not paid by the due date, will bear interest from the date of delinquency at a rate per annum equivalent to the prime overdraft rate charged from time to time by the WHOA's Bankers plus two percent (2%).

26. Appeal Lodged with Excom

- 26.1 A member who is aggrieved by any condition, instruction or action by Excom under these Rules, may in writing lodge an appeal with Excom: Provided that if the grievance concerns an instruction to desist from certain conduct, such referral shall not absolve the person concerned from complying with the instruction.
- 26.2 The appeal must give a full explanation of the circumstances of the matter and clearly indicate the relief sought.
- 26.3 Excom, or a Subcommittee of its members designated by it and consisting of at least two (2) members, must without undue delay convene a meeting to consider the appeal.
- 26.4 A written notice must be sent to the member and, where applicable, the other person concerned, at least seven (7) days before the meeting is held informing her or him or them of the meeting and inviting her or him or them to attend: Provided that if the member and, where applicable, the other person concerned, fails to attend the meeting, Excom or the Subcommittee, as the case may be, may proceed with the meeting and dispose of the appeal.
- 26.5 At the meeting the member and, where applicable, the other person concerned, may present her or his or their case, but except in so far as may be permitted by the chairperson, she or he or they may not participate in the affairs of, or voting at, the meeting.
- 26.6 After the member and, where applicable, the other person concerned, presented her or his or their case, Excom or the Subcommittee, as the case may be, may with a minimum of two (2) Excom or Subcommittee members, as the case may be, present and voting, resolve to:
 - 26.6.1 confirm, vary or revoke the condition or instruction; and/or
 - 26.6.2 confirm, reduce or revoke the fine.

26A. Written consent of Excom

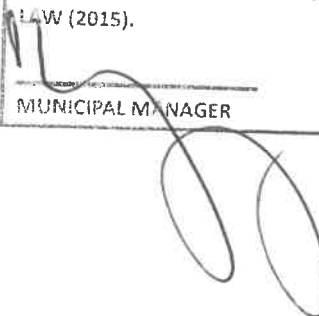
- 26A.1 ~~Where written consent is required from Excom, application for such consent must be made in writing, and the applicant shall furnish Excom with all the information, details and documentation, as required by them.~~



- 26A.2 Written consent of Excom in terms of the Estate Rules, or the withdrawal thereof, shall be in such format as Excom shall from time to time determine.
- 26A.3 Excom may attach reasonable conditions to their consent, and that the trustees may summarily withdraw their consent, in the event of non-compliance with any of their conditions, and that when withdrawing their consent, Excom shall notify the owner in writing and furnish them with the reasons for their decision.

27. Complaints

- 27.1 Excom must investigate in such manner as it deems fit a written complaint received from a member relating to the behaviour and/or conduct of a resident and/or other person in the Estate, and may take such steps with regard thereto as it deems fit.
- 27.2 Excom may on its own initiative, and irrespective of whether a complaint has been received, investigate in such manner as it deems fit the behaviour and or conduct of a resident and/or other person in the Estate, and may take such steps with regard thereto as it deems fit.

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).	
	10/7/23
MUNICIPAL MANAGER	DATE

WHOA ESTATE RULES

SCHEDULE OF FINES

Effective Date: 26 November 2020

No	Rule	Breach	Fine
1	6	Refusal to comply with – procedures relating to access control / security measures instruction of Estate Security / Excom	R500
2	7.3	Using erf, structure thereon, or communal facility in manner / for a purpose that causes nuisance or creates disturbance, or that is injurious to ampiece of Estate	R500
3	9.1	Conducting business or practicing trade on or from property without permission or contrary to conditions set	R500
4	10	Indulging in conduct that is unbecoming, constitutes nuisance or creates disturbance	R500
5	11.9	Tasking or interfering with worker / employee / agent / service provider / contractor engaged by Excom	R500
6	12.2	Exceeding speed limit	R500
7	12.3	Disobeying traffic signage	R500
8	12.4	Operating, parking or standing vehicle that is not licensed, not roadworthy, produces excessive noise or smoke, or drips or spills lubricant or other fluid, or that in any other way may damage or deface WHOA property	R500
9	12.5	Driving vehicle in area other than roads or driveways	R500
10	12.7	Operating vehicle – without utmost care on communal area	R500
11	12.7	Taking short cut over traffic circle / communal facility / undeveloped erf	R500
12	13.2	Leaving vehicle unattended so that it – may cause obstruction / occupies more than one demarcated parking bay	R500
13	13.2	Abandoning vehicle in the Estate	R500
14	13.5	Dismantling or repairing vehicle on any part of common property	R500

THE OWNER ASSOCIATION CONSTITUTION IS HEREBY

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STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
LAW (2015).

MUNICIPAL MANAGER

DATE

WHOA Estate Rules Version 2 – 26 November 2020

No	Rule	Breach	Fine
15	14.1	Not maintaining external appearance of structure erected or placed on erf in state of good repair	R500
16	14.2	Not keeping garden / area between street boundary line of erf / kerb in neat and tidy state	R500
17	14.3	Trees/shrubs/plants in area between street boundary line / kerb impeding traffic or posing safety hazard	R500
18	14.4	Washing line / washing visible from communal facility / another erf	R500
19	14.5	Structure/item that is unsightly, aesthetically displeasing or undesirable or detrimental to general appearance of Estate exposed, installed, placed or erected on erf	R500
20	15.1	Refuse container - not kept in manner so as to prevent foraging visible from communal facility / another erf	R500
21	15.3	Refuse container not returned to erf concerned	R500
22	15.4	Garden refuse not disposed of	R500
23	15A	Transgression of any of the provisions regarding water tanks	R500
24	15B	Transgression of any of the provisions regarding generators	R500
25	16	Without permission displaying, erecting or placing signage on erf so that it is visible from communal facility / another erf	R500
26	16	Without permission distributing advertisement / information pamphlet / letter / note	R500
27	16	Displaying "For Sale" sign	R500
28	16	Displaying "To Let" sign	R500
29	17.1	Not maintaining undeveloped erf in neat and tidy state	R500
30	17.2	Depositing, throwing, placing, storing or dumping building rubble / refuse / litter / unwanted articles / other material on undeveloped erf	R1000
31	18.1	Dogs / Cats Keeping more than 2 dogs / 2 cats without permission Contravening conditions set for keeping more than 2 dogs / 2 cats	R500

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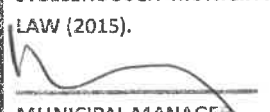
No	Rule	Breach	Fine
32	18.2	Keeping poisonous, exotic or other undomesticated pets/poultry/pigeons/aviaries/livestock	R500
33	18.3	Pet not - neutered, spayed or similar / regularly inoculated	R500
34	18.4	Pet not wearing collar fitted with tag indicating contact details of owner	R500
35	18.5	Dogs: <ul style="list-style-type: none"> • Allowing dog to roam • Not keeping dog on-leash • Not muzzling ferocious dog 	R500
36	18.6	Allowing pet to create nuisance or causing disturbance	R500
37	18.7	Neglecting pet	R500
38	18.8	Inflicting physical cruelty on pet or subjecting it to violence	R500
39	18.9	Not removing pet excrement	R500
40	18A.2	Letting property for a period less than 6 months	R1000
41	19.2	Picnicking in non-designated area	R500
42	19.3	Open fire / braai on street / communal facility	R500
43	19.4	Non-resident entering and using dam / vleiland / surrounding area / playground	R500
44	19.5	Minors not under adult supervision when in dam / vleiland / surrounding area / playground	R500
45	19.6	Entering dam / vleiland before sunrise / after sunset	R500
46	19.7	Entering dam / vleiland / surrounding area while under influence of intoxicating substance	R500
47	19.8	Bringing intoxicating substance into dam / vleiland / surrounding area	R500
48	19.10	Using unauthorised watercraft / homemade floatation device on dam	R500
49	19.10	Not wearing floatation device when using watercraft on dam	R500
50	19.12	Not releasing fish caught in dam	R500
51	19.13	Trapping, shooting, harassing or in any way harming fauna	R500

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MUNICIPAL MANAGER

10/7/23
DATE

No	Rule	Breach	Fine
52	19.14	Allowing pets to enter dams / river area at vleiland / water features	R500
53	19.15	Operating of drones within and surrounding the Estate	R500
54	20.1	Damaging or defacing communal facility / item placed or installed, or structure erected, by WHOA in or on communal facility	R500
55	20.2	Depositing, throwing, placing, storing or dumping building rubble / refuse / litter / unwanted articles / other material on undeveloped erf / communal facility	R500
56	20.3	Removing or planting trees/shrubs/ plants from, in or on communal facility without permission	R1000
57	20.4	Causing blockage of sewerage system	R500
58	20.5	Not cleaning lubricant / other fluid dripped or spilled onto communal facility or that in any other way has damaged or defaced WHOA property	R500
59	21.1	Refusing access to erf to allow maintenance or repair of pipes/wires/cables/ducts used in connection with any communal service or facility	R500
60	22.1	Damaging, removing or making attachments to security fence / structures, tampering with security system or any of its components, or obstructing it so as to prevent proper functioning of security system	R500
61	22.2	Displaying, erecting or placing signage on, against or on top of security fence / structures without written permission	R500
62	22.3	Planting trees/shrubs/plants likely to interfere with functioning of security system in close proximity of security fence / structures	R500
63	22.4	Refusing access to erf to allow – inspections, maintenance or repair of security fence / structures pruning of trees/shrubs/plants that may prevent functioning of security system	R500

STELLENBOSCH MUNICIPALITY	
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 MUNICIPAL MANAGER	10/7/23 DATE

Schedule of Revisions/

WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) ESTATE RULES

SCHEDULE OF REVISIONS

Special resolutions passed at Annual General Meetings as indicated.

STELLENBOSCH MUNICIPALITY

THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).

10/7/23

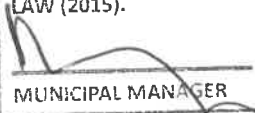
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DATE OF AGM	DESCRIPTION
27 November 2014	In view of the provision that words and expressions to which a meaning is assigned in the Constitution will in the Rules bear that meaning, a few definitions have been omitted.
	Rule 16: Mundane tasks allocated to the WHOA, for example the requirement that the WHOA as such must determine standards and specifications for, and give written permission the erection of, Estate Agent's signage, are re-allocated to Excom.
	A new definition 1.2 is introduced to emphasize the fact that Welgevonden Estate is zoned family accommodation as defined in the <i>Zoning Scheme Regulations</i> issued by the Stellenbosch Municipality.
	A new definition (1.3) of "occupant" rather "tenant" is introduced to cover those instances where a member allows occupancy of her or his dwelling by persons who do not necessarily pay rent. This has also resulted in greater drafting consistency as in some instances the expression "tenant" and in some instances the expression "lessees" is currently used.
	Rule 7: Members' obligations, duties and liabilities are now more clearly defined without affecting the essence of the respective current provisions.
	Rule 20.4: Dumping into sewerage systems by people other than building contractors is now also specifically prohibited and made punishable.
	Rule 19: Certain provisions are included to allow greater use of communal facilities by residents, for example: <ul style="list-style-type: none"> • Rowing on, and swimming in, the dam for training and exercise purposes. • Fishing on a catch and release basis in the dam. • The provision regarding the use of cycles, skateboards etc. is omitted. Certain provisions are included to improve the management of communal facilities, for example: <ul style="list-style-type: none"> • Only residents may enter and use the dam and surrounding area. • Minors must at all times be under adult supervision while in the dam and surrounding area and on the playground. • No person may enter and use the dam before sunrise and after sunset. • Intoxicated persons may not enter the dam and surrounding area.

STELLENBOSCH MUNICIPALITY
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)
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DATE

DATE OF AGM	DESCRIPTION
27 November 2014 (continued)	<ul style="list-style-type: none"> No intoxicating substance may be consumed in the dam and surrounding area. No homemade floatation devices or sailing or motorised watercraft are allowed on the dam. Users of kayaks, canoes and similar paddling watercraft must at all times wear a personal floatation device when using the dam. Only residents may use the playground area.
	A provision is included to emphasise that a person who makes use of any communal facility on the Estate must apart from the Estate Rules also observe strictly any applicable control measures.
	Rule 20.3: Two slightly differing provisions regarding the planting or removal of trees, shrubs or plants have been reconciled and combined into one provision.
	Rule 16: Erecting of signage and distribution of advertisements are more strictly managed.
	Rule 17: The maintenance of undeveloped erven is defined in more detail.
	Rule 18.5: Ferocious pets must be muzzled when walked.
	Rule 26.6: Excom or its subcommittee may after due deliberation confirm, reduce or revoke a penalty by resolution with an ordinary majority instead of the current two-thirds majority.
24 October 2019	Rule 1.1A: A new definition 1.1A is inserted ("Excom").
	Rule 1.6: A new definition 1.6, "vleiland", is inserted to facilitate reference to the private open space located in the corner of the estate next to the R304 entrance gate.
	Rule 12 is amended to more comprehensively address matters related to traffic control.
	Rule 13.1 was relocated to rule 12.1.
	Rule 13.5: A new rule 13.5 is inserted to improve the management of vehicles on private open spaces.
	Rule 14.2 is extended by including the second sentence to make provision for a control measure that is already in place.
	Rule 15 is extended by rule 15.4 that speaks to the disposal of garden refuse.
	Rule 15A: A new rule 15A is inserted to govern the installation of water tanks.
	Rule 15B: A new rule 15B is inserted to govern the installation of generators.
	Rule 18A: A new rule 18A is inserted that speaks to the letting of properties.

DATE OF AGM	DESCRIPTION
24 October 2019 (continued)	Rule 19 is extended to include the management of the use of the vleiland area in line with the rules already in place for the dam area.
	Rule 19.9 is amended to accommodate a control measure that is already in place.
	Rule 19.10 is a combination of Rule 19.10 and Rule 9.11 without any amendments.
	Rule 19.11 is omitted, with its contents included in Rule 19.10.
	Rule 19.15: A new rule 19.15 is inserted regarding the use of drones.
	Rule 23.1 and 23.2 are amended, and a new rule 23.3 inserted to formalise the administrative process in case of the breach of rules.
	Rule 25 is amended to increase the interest on the cost of the remedying a breach and/or a fine that is not paid by due date to two percent (2%).
	Rule 26A is inserted to more clearly define the application for written consent from Excom.
	Schedule of Fines updated and adjusted in accordance with rules.
26 November 2020	Rule 16 was amended, omitting Rules 16.2, 16.3 and 16.4, pursuant to a special resolution passed at the AGM on 26 November 2020.

STELLENBOSCH MUNICIPALITY	
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 MUNICIPAL MANAGER	<u>10/11/23</u> DATE

For signature



WELGEVONDEN

HOME OWNERS' ASSOCIATION

**WELGEVONDEN HOME OWNERS' ASSOCIATION
(WHOA)**

ARCHITECTURAL DIRECTIVES

AND

DESIGN GUIDELINES

**Including Control Measures to regulate the
Preparation and Processing of Building Plans**

Version 7 – 26 November 2020

Made by the WHOA under clause 7.1.2, read with clause 59 and 59A of the
WHOA Constitution Version 6 – 26 November 2020.

This version of the WHOA Architectural Directives and Design Guidelines replaces all previous versions.
Revisions passed in this, and previous years, are recorded in the Schedule of Revisions at the end of this
document.

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WELGEVONDEN

HOME OWNERS' ASSOCIATION

WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA)

ARCHITECTURAL DIRECTIVES AND DESIGN GUIDELINES

**Including Control Measures to regulate the
Preparation and Processing of Building Plans**

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ARCHITECTURAL DIRECTIVES AND DESIGN GUIDELINES FOR WELGEVONDEN ESTATE, STELLENBOSCH – AREA 1 and 2

Notes:

- (1) These architectural directives and design guidelines are subject to periodic revision as deemed necessary.
- (2) The Architectural Guidelines for Area 1 as per document dated 1 October 2003 were superseded and replaced as per document dated 11 April 2012.
- (3) The Architectural Design Guidelines for Area 2 dated 21 May 2010 were revised and updated to include the Architectural Guidelines for Area 1 as per document dated 11 April 2012.
- (4) The Planning Guidelines approved for Area 1 as per Architectural Guidelines Document dated 1 October 2003 Par 11.0 remained unchanged and are included in the document dated 11 April 2012 under Annexure C.
- (5) The administrative procedures relating to the processing of building plans were revised on 27 November 2014, but the architectural directives and design guidelines remained unchanged as per document dated 11 April 2012.
- (6) The architectural directives and design guidelines were amended on 29 September 2015 as indicated in the Schedule of Revisions.
- (7) The architectural directives and design guidelines, and the administrative procedures relating to the processing of building plans, were amended on 21 August 2017 as indicated in the Schedule of Revisions so that this Version 8 – 21 August 2017 replaces all previous versions to date.
- (8) The architectural directives and design guidelines were amended on 24 October 2019 as indicated in the Schedule of Revisions so that this Version 9 – 24 October 2019 replaces all previous versions to date.
- (9) The version number of the architectural directives and design guidelines, Version 9 – 24 October 2019, as indicated in the Schedule of Revisions, is replaced by this, Version 7 – 26 November 2020 to ensure continuity as the last version approved by the Stellenbosch Municipality was Version 6 – 29 September 2015.
- (10) This document consists of 53 pages in total, excluding Annexure A, B, B1 – 5 and C.

1.0 INTRODUCTION

1.1 General

The Welgevonden Home Owners' Association [the WHOA] established in terms of section 29 of the *Land Use Planning Ordinance, No 15 of 1985, now governed in terms of Stellenbosch Municipality Land Use Planning Bylaw, 2015, Section 15(2)(1)* has in terms of the WHOA Constitution made as part of its conduct rules the architectural directives and design guidelines for Welgevonden Estate set out below.

The purpose of the architectural directives and design guidelines is to provide a framework within which individual properties can be designed and constructed in order to promote a unique and collective architectural identity.

The architectural directives and design guidelines serve to assist the various role players engaged in the development of Welgevonden Estate to develop an understanding for the "Welgevonden architectural language", in order for them to participate in the development process in such a manner as to ensure that their individual and collective contributions promote a unique and qualitative development known for its charm, beauty and ultimately, its own unique "sense of place".

The object is to create a development with a harmonious architectural aesthetic, characterised by a range of colours and details that is in harmony with, and complement, the local vernacular of Stellenbosch. The architectural directives and design guidelines seek to protect property values and set a standard of high quality lifestyle for residents and owners alike.

In order to achieve these objects, the architectural directives and design guidelines are binding upon all erven in Welgevonden Estate.

Note: Refer to the key plan included under Annexure A.

1.2 Building Plans

The WHOA Constitution requires an owner to submit building plans for work on her or his erf to Excom at the address determined by Excom for examination and approval prior to the submission of such plans to the Stellenbosch Municipality for approval. The aim of this examination is to ensure that the architectural directives and design guidelines for Welgevonden Estate are complied with.

For the purposes of these architectural directives and design guidelines "building plans" means design drawings and specifications for the construction of a new dwelling, or for additions to, or the alteration or renovation affecting the exterior aesthetic appearance of, an existing dwelling, or for the erection of a pergola, fence, boundary wall, retaining wall, or the laying of paving.

1.2A Sketch Plans

For minor alterations that do not require building plans for municipal approval, Excom may in its discretion accept sketch plans. Should such sketch plans in the discretion of Excom not contain sufficient information for it to take a decision on the proposed alterations, it may require the owner to provide more information, including complete building plans.

The approval procedure, general control measures, and directives and guidelines applicable to building plans also apply to sketch plans, with the necessary changes.

1.3 Reviewing Architect

Excom has in terms of its powers under the WHOA Constitution appointed a service

provider [the Reviewing Architect] on its behalf to process building plans for aesthetic approval in compliance with the applicable architectural directives and design guidelines.

The Reviewing Architect must examine the building plans for aesthetic approval and to this end may interpret the architectural directives and design guidelines. If in the Reviewing Architect's opinion a relaxation of, or a deviation from, a particular architectural directive or design guideline requested by an owner is warranted or not warranted, a motivated recommendation to that effect must be made in writing to Excom. Should the Reviewing Architect not approve the building plans, the owner concerned must be furnished with reasons for the decision in writing.

Note: See Par 1.4 — **Disagreement or Dispute concerning Interpretation** below.

Once the Reviewing Architect is satisfied that the building plans comply with the architectural directives and design guidelines, same must be forwarded to the Administration Office under cover of a letter indicating aesthetic approval.

If a particular architectural directive or design guideline is unclear, the Reviewing Architect may make a motivated recommendation in writing to Excom on an appropriate interpretation thereof that will allow of its fair and uniform application.

Note: See Par 1.5 — **Relaxation of, Deviation from, Architectural Directives and Design Guidelines** below.

1.4 Disagreement or Dispute concerning Interpretation

Any disagreement or dispute concerning the interpretation of the architectural directives and design guidelines must be dealt with in terms of the dispute resolution procedure provided for in the WHOA Constitution.

1.5 Relaxation of, Deviation from, Architectural Directives and Design Guidelines

The WHOA Constitution empowers Excom on good cause shown in a particular instance to relax, or deviate from, an architectural directive or design guideline if in its sole discretion special circumstances warrant such relaxation or deviation.

If in Excom's discretion relaxation or deviation is warranted and accordingly will be allowed, it must indicate this in a letter addressed to the Stellenbosch Municipality, which letter must accompany the signed as approved building plans submitted to the Municipality by the owner.

In terms of clause 61A.3 of the WHOA Constitution any relaxation or deviation allowed by Excom must be reported to owners at the next ensuing annual general meeting of the WHOA.

The WHOA Constitution further provides that such relaxation or deviation does not constitute an amendment or repeal of the directive or guideline concerned as any universal changes to the directives and guidelines may be effected only by owners in general meeting.

2.0 GENERAL CONTROL MEASURES

2.1 Preparation of Building Plans

- 1) The design of all structures and the preparation and submission of building plans may only be undertaken by professional Architects registered with the South African Council for the Architectural Profession; however, a waiver to this condition can be approved should the required design standards be met. Building plans of inferior design will be rejected.

2) Building plans and design drawings must –

- a) be prepared in accordance with the architectural directives and design guidelines for Welgevonden Estate; and
- b) comply with the municipal and national building regulations (SABS 0400) and any other applicable legislation.

Note: For final colour approval procedures and approved colour selection, refer to the notes included under –

- \ Par 5.4.1. – Exterior Wall Colour Selection; and
- \ Par 5.5.1. – Exterior Colours for Windows, Doors and Shutters.

2.2 Restrictions

- 1) The restrictions that may apply for individual phases in the Welgevonden Development are in addition to any restrictions imposed in terms of the conditions of title to any erf or town-planning scheme or national or other building regulations.
- 2) Compliance with these architectural directives and design guidelines and approval of building plans by the Reviewing Architect does not absolve the owner from complying with, and may not be construed as permitting, any contravention of –
 - a) the conditions of title to any erf; or
 - b) any restrictions imposed by the Stellenbosch Municipality or any other competent authority; or
 - c) any applicable zoning, by-law or regulation of the Stellenbosch Municipality or any other competent authority.

3.0 BUILDING PLAN APPROVAL PROCEDURE

3.1 Format of Building Plans

- 1) **One** coloured copy of all building plans must be submitted to the Welgevonden Administration Office electronically in PDF format and/or in print for scrutiny, together with a site development plan and colour swatches of the proposed colour scheme to be used on the exterior of the building.
- 2) Once aesthetically approved, **six** copies of all building plans, of which **two** copies must be coloured according to municipal requirements, together with the site development plan and colour swatches of the approved colour scheme to be used on the exterior of the building must be submitted to the Administration Office to be stamped as approved by the Welgevonden Estate Manager **prior** to submission to the Stellenbosch Municipality.
- 3) Size of drawings is limited to A1, A2 and A3 format only, all to be folded to A4 size with the title block on top and the names of the Owner(s), Developers (if applicable) and Architects clearly recorded in the title block with the erf reference number, title of plan (e.g. floor plans, elevations, etc.), date, scale of drawing and north point.
- 4) All plans must be signed by the responsible Architect.
- 5) The following minimum information is required on plans submitted for aesthetic approval:
 - a) Site development plan at scale 1:100 with cadastral information (i.e. erf number, north point, boundaries, contours indicated at 1000 mm or

500 mm intervals, building lines and setbacks, servitudes, building areas, coverage, etc.); location of all structures and services on site; the driveway; hard / soft landscaping (where required); retaining structures; boundary walls and gates; building services, e.g. existing municipal services, storm water reticulation, drainage etc.

- b) The primary view lines on each erf must also be indicated on the site development plan submitted for aesthetic approval in order to control and maximize the views of all residential dwellings.
- c) Detail breakdown of building areas per floor, with the total building area, all in sq m.
- d) Total site area in sq m, permissible coverage (refer to Par 6.4 — **Coverage**) and actual coverage (total % building area under roof **including** covered stoeps, balconies, etc.) expressed as a percentage of the total area of the site.
- e) Total height of the building measured from the mean natural ground level to the ridge of the roof.
- f) All floor plans (**including** roof plan), elevations and a minimum of two sections through the site. One of these sections must be a long section through the stand, clearly indicating the bulk earthworks and cut and fill.
- g) Detail plans, elevations and sections through all boundary walls and retaining structures, complete with specifications and finishes.
- h) Complete door, window and shutter schedule with dimensions, material description and finishes.
- i) Schedule of external finishes and colour specification.

3.2 Processing of Building Plans

- 1) Building plans will be processed only upon payment of the applicable building plan examination and approval fee determined from time to time by Excom under the WHOA Constitution.
- 2) The architectural character of all new building(s), alterations and/or additions will be considered in relation to that of the development guidelines and other dwellings in the area as well as the aesthetic appearance, colour scheme and proposed siting of the building(s) and any other such factors that may be deemed suitable at the time of aesthetic approval.
- 3) The Reviewing Architect will consider and give a decision on the building plans within two (2) weeks after submission thereof.
- 4) If the Reviewing Architect is satisfied that the building plans comply with the architectural directives and design guidelines, same must be forwarded to the Administration Office under cover of a letter indicating that the plans are aesthetically approved.
- 4A) Upon receipt of the building plans and covering letter from the Reviewing Architect, the Estate Manager must on behalf of Excom stamp and sign the building plans as approved, and inform the owner that the plans may be collected for submission to the Stellenbosch Municipality.
- 5) Notwithstanding that the building plans may comply with all applicable restrictions, zoning, regulations and by-laws of the Stellenbosch Municipality and any other competent authority, the Reviewing Architect, after consultation

with Excom, as deemed necessary, may withhold aesthetic approval if the plans do not comply with the prescribed architectural directives and design guidelines: Provided that the approval of such plans shall not unreasonably be withheld.

Note: See Par 1.4 — **Disagreement or Dispute concerning Interpretation.**

- 6) When aesthetic approval is achieved an electronic copy of the approved building plans in dxf format must be e-mailed/delivered to the Administration Office for record purposes in order to update the master plan of the Welgevonden Development.
- 7) Plans will not be released for submission to the Stellenbosch Municipality until such time as the approved building plans have been received in dxf format.

3.3 Submission to Stellenbosch Municipality

- 1) Only after confirmation of aesthetic approval has been obtained may the building plans be submitted to the Stellenbosch Municipality for its approval.
- 1A) Building plans submitted to the Stellenbosch Municipality must be accompanied by the letter indicating Excom's willingness to allow any relaxation or deviation proposed.
- 2) The final approval of all building plans ultimately vests in the Stellenbosch Municipality.

3.4 Availability of Building Plans on Site

The building contractor must ensure that a copy of the building plans signed as approved by the Estate Manager and the Stellenbosch Municipality is at all times available on the site for inspection.

3.5 Prior to Commencement of Building Work

- 1) Building work may not commence before payment of the applicable building deposit determined from time to time by Excom under the WHOA Constitution.
- 2) Prior to commencing building work, the building contractor must –
 - a) set out the foundations for inspection and approval by the Stellenbosch Municipality; and
 - b) confirm the height of the buildings with the Reviewing Architect.

3.6 Deviation of, or Variation from, Approved Building Plans

- 1) If an owner intends to effect a deviation from, or variation of, the aesthetically approved building plans and finishes, or from any of the items approved by the Estate Manager, she/he **must** submit an application to that effect in writing to Reviewing Architect and/or the Estate Manager, as applicable, for scrutiny **prior** to implementation thereof on site, and the deviation or variation may be implemented on site only if approved in writing.
- 1A) If in the opinion of the Reviewing Architect Excom's approval is required for a proposed deviation or variation, the request must be submitted to Excom together with the Reviewing Architect's recommendation in writing, and the deviation or variation may be implemented on site only if Excom approves it in writing.

- 2) If in the opinion of the Reviewing Architect the approval of the Stellenbosch Municipality is also required for the proposed deviation or variation, the owner must submit an application to that effect to the Municipality, and the deviation or variation may be implemented on site only if the Municipality also approves it in writing.
- 3) If the proposed deviation or variation entails a relaxation of, or deviation from, the architectural directives and design guidelines it must be dealt with as set out in Par 1.3 – **Reviewing Architect** and Par 1.5 – **Relaxation of, Deviation from, Architectural Directives and Design Guidelines** above.
- 4) All such applications **must** be in written form and **no** telephonic requests for approval of deviations or variations will be entertained.
- 5) Rectification of any exterior elements, colours and materials not complying with the architectural directives and design guidelines and implemented on site without the **prior** written approval by the Reviewing Architect and/or the Estate Manager, as applicable, will be for the account of the developer and/or owner concerned.
- 6) An electronic copy in dxf format of record drawings ["as-built plans"] must be submitted to the Administration Office **prior** to application to the Stellenbosch Municipality for the issuing of a certificate of occupation.

Note: Failure to submit an electronic copy in dxf format of record drawings ["as-built plans"] to the Administration Office prior to application to the Stellenbosch Municipality for the issuing of a certificate of occupation, or to submit updated record drawings ["as-built plans"] of any alterations and/or additions, constitutes a breach of Estate rules and may result in the imposition of a fine and ultimately the refusal of consent to transfer.

4.0 CONTROL OF BUILDING WORK

- a) It is the responsibility of the owner to ensure that the building contractor appointed by her/him is made aware of, and abides by, the provisions of the *Control Measures to Regulate the Performance of Services and Building Work in Welgevonden Estate*.
- b) No deviations from, or variations of, the aesthetically approved plans and finishes, or from any of the items approved by the Estate Manager, may be implemented on site without the **prior** written approval of the Reviewing Architect and/or the Estate Manager, as applicable, or, If required, the Stellenbosch Municipality.

5.0 ARCHITECTURAL STYLE AND ELEMENTS

- a) In order to achieve the objects as described in the introduction to these architectural directives and design guidelines, designs derived from regional Cape architecture that are in harmony with, and complement, the local vernacular of Stellenbosch are preferred. However, regional Cape architecture i.e. "Cape Dutch", "Cape Victorian" or "Cape dorps huys architecture" in its pure traditional form is not suitable as it is proposed that a style of architecture unique to Welgevonden Estate in which traditional Cape proportions, architectural elements and colours feature, be promoted.
- b) The intention is not to replicate traditional houses, but rather to adopt and use the traditional elements derived from regional Cape architecture, such as the

proportions, scale, massing, detailing and colour in a unique and cohesive manner to achieve an attractive homogenous architectural language.

- c) No Cape Dutch, Victorian or Georgian replicas may be built.
- d) Scale and proportion are crucial in the establishment of a cohesive architectural language. Careful consideration should therefore be given to the articulation of the building forms, their roofs, wall openings and detailing in order to achieve an attractive homogenous architectural language.
- e) Focal features such as fountains, traditional Cape chimneys, low Cape walls, pergolas, verandas, indigenous planting and trees, to mention just a few, will enhance and complement the character and promote a qualitative development known for its charm, beauty and ultimately its own unique "sense of place".
- f) It is believed that flexibility of interpretation is important to encourage variety within the constraints of these architectural directives and design guidelines. Rather than be too prescriptive, elements specifically excluded are clearly stated.

Please note that the list of exclusions is not exhaustive and should there be any matters not covered in these architectural directives and design guidelines, and in the event of any difference in the interpretation of these architectural directives and design guidelines, the decision of Excom will be final and binding, subject to any dispute being decided in the favour of the applicant.

Exclusions:

Cape Dutch, Victorian or Georgian replicas.

Mediterranean / Spanish Style Architecture.

Post Modern Elements.

Preferential use of horizontal proportions as prevalent in Modern Architecture.

The following sketches (refer to Figures 1 – 4 below) are illustrative of the "Welgevonden Architectural Language" and "spirit of place" promoted in the Welgevonden Development.

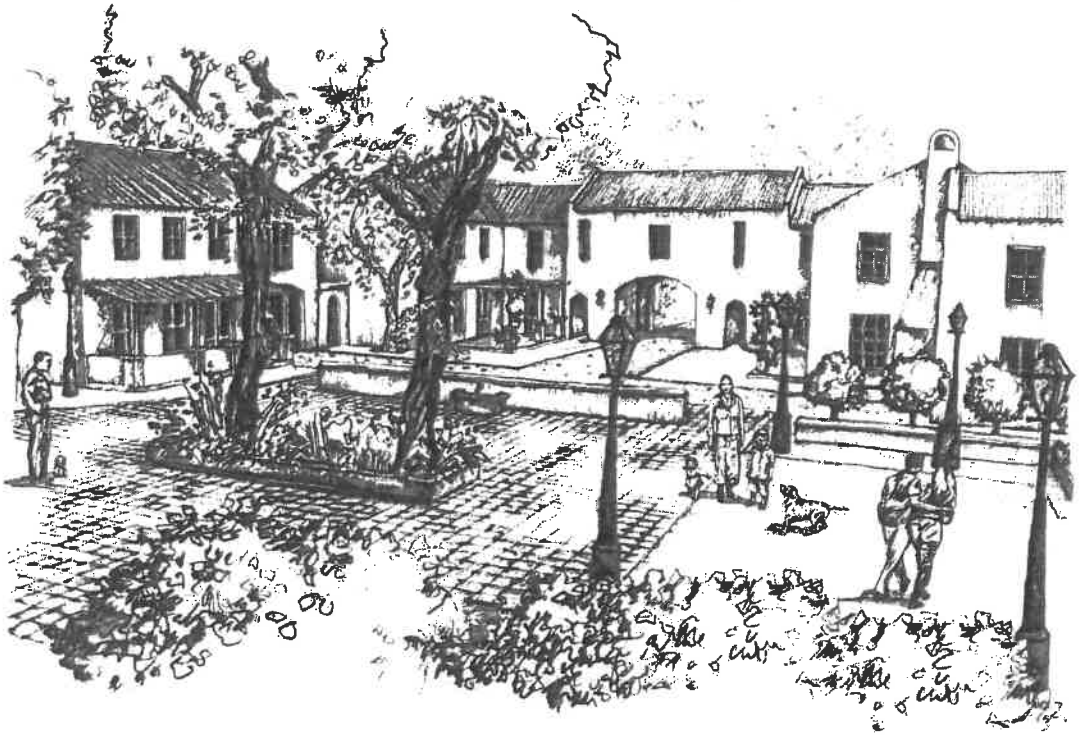


Figure 1: Illustration of homogenous architectural language, landscaping elements and typical courtyard formed by linking buildings together to achieve edge continuity. The urban design principle of integrated bridging is illustrated by the "poort" over the road that links buildings and defines the street edge.



Figure 2: Welgevonden Architectural Language illustrating "spirit of place"

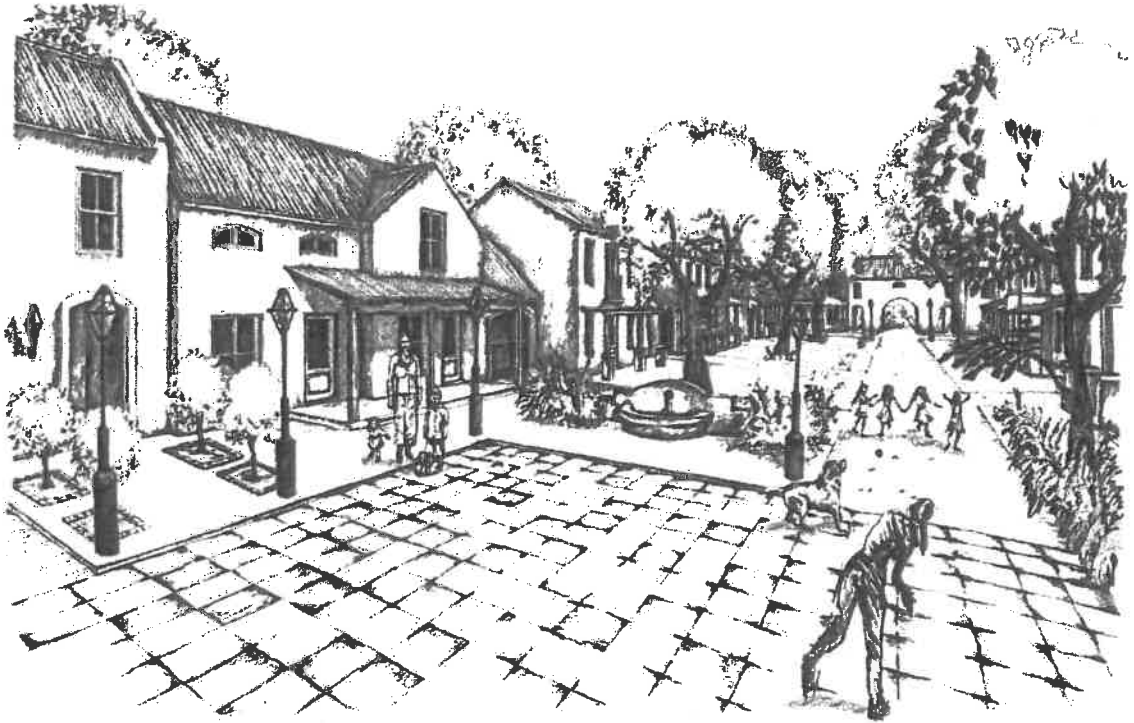


Figure 3: Illustration of typical courtyard and homogenous building and landscaping elements



Figure 4: Illustration of typical street elevation illustrating edge continuity with pedestrian "poort" used as linking element

5.1

BUILDING FORM

Building form consists of the main building structure, which is referred to as the **core building**.

Secondary building structures are referred to as **abutments** to the **core building**.

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5.1.1 CORE BUILDING

- a) The **core building** must conform to the traditional "letter of the alphabet" building form. In this particular typology, the plan form of the **core building** resembles the letters **I, T, L, H, U** or variations thereof. The latter constitutes the main body of the buildings on an erf (refer to **Figure 5.1**).
- b) **Core buildings** must be roofed with a double-pitched roof.
- c) Rectangular sections of the **core building must** be built perpendicular to each other. **No** variation on this condition will be considered.



Figure 5.1: Letter of the alphabet type buildings

5.1.2 ABUTMENTS

- a) An **abutment** (secondary building linking to a **core building**) must be rectangular in shape, and linked perpendicular to a **core building** structure, below the wall plate height of such **core building**, in order not to affect in any way the roof and shape of the **core building**. The **abutment** may further be no more than two thirds of the width of the **core building** it links to, nor longer than two thirds of the length of that **core building**. – *Except where the **abutment** is a garage or carport (where the increased length or width will be considered and interpreted by the Reviewing Architect)* – (refer to **Figure 5.2**)
- b) Any face of such **abutment** may further not end flush with any face of the **core building** shape, and **must** be set back or proud of the **core building** face by at least 230 mm – *Except where this face is on a **shared** 0m building line* – (refer to **Figure 5.2**)
- c) The **abutment** must have a "flat" roof (concrete or approved sheeting to fall), which **must** be hidden from all sides behind a parapet wall.
- d) No "stepped" **abutments** will be allowed, only simple rectangular shapes.
- e) Double storey **abutments** will be limited to **5%** of the **erf** area.

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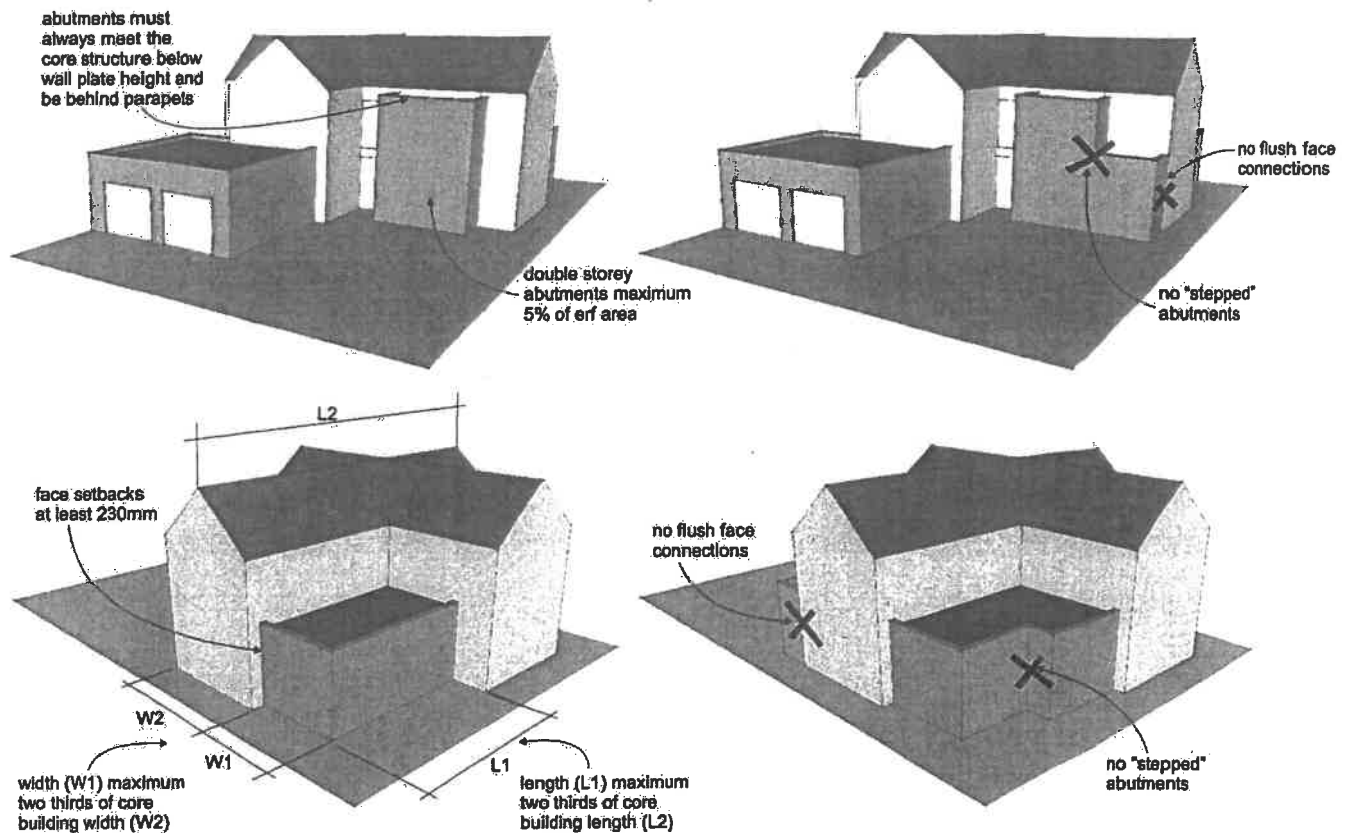


Figure 5.2: Abutment relation to core buildings

5.2 BUILDING PLATFORM

5.2.1 Slopes

Buildings on slopes must be designed in response to the slope of the site with stepped levels or stepped building platforms as illustrated in **Figures 6** and **7** below.

5.2.2 Directives for Buildings on Slopes

The following provisions must be applied to buildings which are situated on slopes:

- The height of ground fill at any point on the site may not be higher than 1.2m, measured from the natural ground level at that particular point of the site.
- The part of the building that is at the highest part of the site, may not cut deeper into the site than 1.2m, measured from the natural ground level at that particular point of the site.
- Should a building plinth be used, this structure may not exceed 1.2 m in height.

Handwritten signature/initials

5.2.3 Retaining Structures

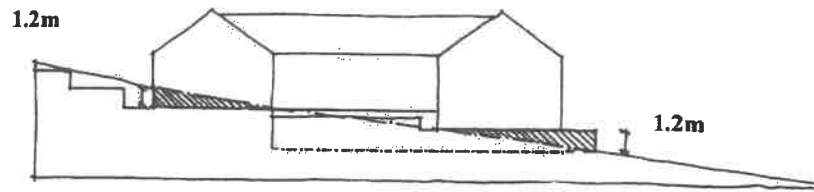


Figure 6: Section illustrating building with stepped ground floor level

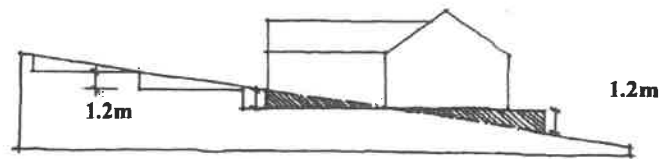


Figure 7: Section through slope illustrating limits to cut and fill

- a) All retaining structures must be solidly built walls.
- b) Vertical retaining structures on all boundaries must be plastered and painted brickwork or concrete blocks.
- c) **No** stone masonry walls may be used for retaining structures.
- d) Stacked retaining systems such as "Terraforce" or similar approved systems already used in the Welgevonden Development is not encouraged, however, where these systems are used the blocks must always be planted in order to blend into the landscape.

5.3 ROOFS

5.3.1 General

- a) Simple double pitched roofs with or without gable end walls on the **core building** and outbuildings are prescribed.

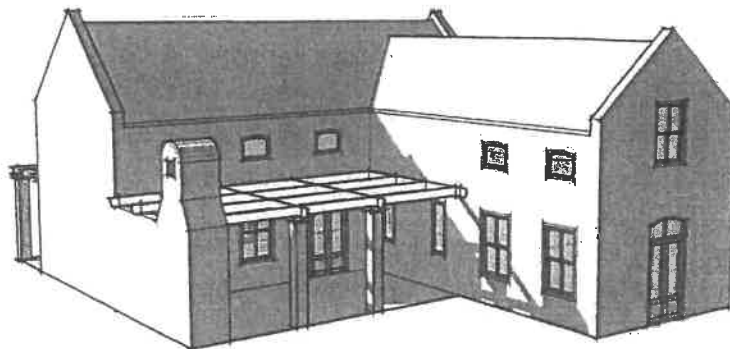


Figure 8: Core building with double pitched roof and gable end walls

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- b) When gable end walls on the **core building** and outbuildings are used, the following directives apply:
 - i) It is recommended that these elements be kept simple and without any elaborate decoration, however, plain / simple plaster copings over the top of these walls are permissible; and
 - ii) the line of the gable wall must **always** follow the pitch of the roof line except for example on the garage and/or carport where horizontal parapet walls may be used.
- c) Flat/mono pitched roofs are allowed for **abutments** as well as for garages and/or carports **only** and **must** be enclosed with a horizontal parapet wall concealing the roof on all four sides (as applicable) in order for roofing material not to be visible. The roofing material used for these roofs must match the **core building** in colour and material specification.
- d) Roof pitch to the **core building** may not be less than 30 degrees or more than 45 degrees. The angle selected for the **core building** may not be asymmetrical, i.e. the pitch on one side of the roof taken at, for example, 40 degrees and the pitch on the opposite side taken at say 45 degrees. The preferred roof pitch for the Welgevonden Development is 40 degrees. Gable ends must always be symmetrical. No variation on this rule will be allowed.
- e) Lean-to roofs will **only** be allowed for verandas clipped onto the **core building** and must always have a roof pitch of 15 degrees – *unless this lean-to is treated as an **abutment** and complies with the rules pertaining to abutments* (Refer to Par 5.1.2 – **Abutments**).
- f) Bay window roofs may not have a pitch of less than 45 degrees.
- g) Clipped eaves with fascias are preferred.
- h) Where **core buildings** are joined together on 0m common boundaries (which is only allowed where shown on the approved site development plan), it is preferred and recommended that the angle of the roof of the **core building** be kept the same as the **core building** on the adjoining erf or erven.

Exclusions:

*Flat and mono pitched flat roofs on any **core building** structure and/or outbuildings.*

Double pitched asymmetrical roofs.

Curved and decorative parapets and/or gable walls.

Hipped roofs.

A-frames and Mansard roofs.

5.3.2 Roof Finishes

The following roofing materials and colours may be used on the **core building** and outbuildings:

- a) Corrugated S-profile metal roof sheeting with pre-painted *Chromadek/Colomet* finish or similar, **or**
- b) "Everite" Victorian S-profile roof sheeting or similar approved, painted.

Roof sheeting colours: Only *Chromadek/Colomet* colour Dark Dolphin and Charcoal may be used.

- c) Shade cloth may **only** be used on the carport in a horizontal flat roof application and **must** be fixed within a designed and pre-approved built structure. Shade cloth must be screened behind horizontal beams or fascias in order not to be visible from any side elevation.
- d) Bluegum laths ("Bloekomlatte") and "Spaanse Riet" may be used on carports. However, said materials may not be visible when viewed from the side elevation and must be screened from view as described in Par 5.3.2 (c) above.
- e) "Eclipse" or similar approved openable aluminium louvre blade roofs may be used on stoeps with the condition that the roof is screened behind horizontal beams in order not to be visible from any side elevation. The louvres must be powder-coated Dark Dolphin or Charcoal to match the main roof.

Note: Areas that are covered with louvre blade roofs will be classified as covered stoeps and the coverage will be calculated as set out under Par 6.4 — **Coverage**, below.

Shade cloth colour: Only Dark Grey shade cloth may be used. Colour to be submitted to the Estate Manager for approval **prior** to installation.

Exclusions:

*No shade cloth on the **core building** or any one of the outbuildings, except for the carport is allowed.*

No use of shade cloth in a vertical application to serve as a screen is allowed.

No perspex, fibreglass and/or polycarbonate sheeting may be used.

5.3.3 Fascias and Bargeboards

- a) "Everite" plain fibre cement fascia and bargeboard, size 225 x 15 mm, 150 x 15 mm or similar, painted, or
- b) Timber hardwood fascia and bargeboard, size planed all round, 22 or 32 x 220 mm, painted.

Colour: White or Chromadek colour Dark Dolphin to match the roof sheeting.

Exclusions:

"Everite" Victorian profile fibre cement fascias and bargeboards.

5.3.4 Gutters and Rainwater Downpipes

- a) Seamless "Watertite" aluminium or similar, standard domestic Ogee gutters, with rectangular fluted downpipes, all to be pre-painted, or
- b) "Marley Streamline" or similar square-profile PVC gutters with square downpipes.

Colour: White or Chromadek colour Dark Dolphin to match the roof sheeting or painted to match the **core building** colour.

5.4 EXTERNAL MASONRY WALL FINISHES

Painted plaster, with a choice of the following may be used:

- a) Building abutments, garden walls and plinths may be accentuated and plaster bands around doors and windows may be used. – Accent colours as per the colour schedule below, are encouraged for these elements.
- b) Only smooth plaster may be used on the exterior face of the building; however, stipple plaster will be permitted to be used in a limited application to accentuate building plinth(s).
- c) Thickened walls as used in historical houses are encouraged.
- d) Boundary walls must always be finished with smooth plaster and coping details as described under Par 5.10 – **Boundary Walls** below.
- e) Natural and/or imitation stone cladding may **only** be used on chimneys and building plinths. The extent, pattern and colour of the cladding to be used must be submitted to the Reviewing Architect for pre-approval.

Exclusions:

No Face Brick.

Stipple plaster limited to be used on building plinths and chimneys only.

No colour pigmented and cement based plaster paint finishes permitted.

*Bagged and painted brickwork as an exterior wall finish is **not** allowed.*

5.4.1 Exterior Wall Colour Selection

All new and existing structures in Welgevonden Estate **must** be painted/repainted in accordance with the approved colour scheme recorded below:

- a) Colour "**Pockets**" for exterior walls are prescribed and have been selected from the "*Plascon Expressions*" colour range (refer to list included in Par (e) below).

Note: Paint from alternative paint suppliers/manufacturers may be used **but** the colour **must** be mixed to match the prescribed colour **exactly** and be presented for final approval to the Estate Manager prior to application on site.

- b) White may be used as a wall colour, alone **or** in combination with any of the approved exterior wall colour "**pockets**" as defined in Par (c) below.

c) **Colour Pocket System:**

Each colour pocket consists of 4 colour specs (white + 3 shades in the particular pocket range).

How to apply the pocket system when considering external paint colours to your house:

- (1) Select one of the 6 approved colour pockets.
- (2) From the colour pocket you have selected, select the primary colour. This will be the colour all **core buildings** must be painted with – this may be any of the 3 lighter colours, but may not be the darkest in the pocket.
- (3) From the same colour pocket, select your accent colour. This will be the colour used for your **abutments**, garden walls, etc. – this colour must be the same as, or darker than, the colour selected as the primary colour, but may not be lighter.
- (4) Plaster bands may be any of the 4 colours in the selected pocket, as long

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as they are not more than one shade up or down from the selected wall colour, and all plaster bands must be the same colour.

- d) Colour swatches of all exterior colours to be used must be submitted to the Estate Manager for provisional approval **prior** to the approved building plans being submitted to the Stellenbosch Municipality, and final approval will be given by the Estate Manager only once the building is under construction and 1,0 m² of each colour to be used has been painted on a wall for final approval on site.
- e) **Colour Pocket Scheme for Exterior Walls - 2015:**

COLOURS SELECTED FROM PLASCON COLOUR RANGE					
COLOUR POCKET 1	COLOUR POCKET 2	COLOUR POCKET 3	COLOUR POCKET 4	COLOUR POCKET 5	COLOUR POCKET 6
White	White	White	White	White	White
Landing 67	Salt Pebble 4	Ivory Parchment Y3-D2-3	Frothy Milk 7	Happy Ending Y5-B2-3	Mandarin Tusk GE-Y04
Statued 23	Bleached Baobab Y2-C2-2	Ivory Ridge Y3-D2-2	Veldrift Y2-D2-3	Cream of Mushroom 32	Amazon Mist Y5-E2-3
Sombrero 24	Stuffing 36	Beach Wood Y3-D2-1	Stonewash Y2-D2-2	Escarpment 34	Castle Stone Y5-E2-2

Note: The colours selected may from time to time change or be discontinued by the manufacturer. As it is not possible to update the above list with each and every such change or discontinuation, owners / building contractors must check with the Estate Manager before commencing with paint work.

5.5 WINDOWS, DOORS AND SHUTTERS

- a) **Only** vertically proportioned doors, windows, shutters, and windows and shutters with a 1 : 1,5 width to height ratio, will be allowed.
- b) Mock **or** Vertical Sliding Sash type hardwood timber windows as per "*Swartland Timber*" or similar approved are preferred, however, vertically proportioned side hung casement windows is also permitted.
- c) Aluminium type windows and doors will only be considered if the windows and doors are epoxy powder coated as per the colour outline included under Par 5.5.1 below and proportions are as specified under Par 5.5 (a) above.
- d) Only "working" hardwood timber and aluminium shutters will be allowed, provided that the colour of the shutters must match that of the window frame over which they close.

- dA) uPVC type windows, doors and shutters will only be considered if the windows, doors and shutters are as per the colour outline included under *Par 5.5.1* below, the proportions are as specified under *Par 5.5 (a)* above, and if they comply with the provisions of *Par 5.5 (d)* above.
- dB) Material used for windows and shutters must be the same throughout and may **not** be mixed.
- e) For roof space / loft areas, the following window types for dormers are allowed:
- i) "Tony Sandal" / "Velux" or similar tip-up type windows and/or small dormer type windows as per "Swartland Timber" catalogue numbers SV 43, SMS 1, SMS 2, SS1 and SS2, or similar, approved.
 - ii) Where the **core building** and/or outbuildings are positioned 1,5 m or less from one of the side boundaries the following directives apply:
 - \ **No** roof space windows will be allowed on the side where the **core building** and/or outbuilding(s) are positioned 1,5 m or less from one of the two side boundaries, and
 - \ The right of the adjacent owner(s) and views from adjacent residences will be considered when the plans are submitted for aesthetic approval.
- f) Sliding/folding/stacking doors (where the structural opening exceeds 1750 mm in width), will only be permitted if these doors are screened with a timber pergola structure and recessed at least 1500 mm behind the outer line of a deep patio/veranda/stoep, subject to the approval of the Reviewing Architect.
- g) Guidelines for **Window Placement**: Windows should generally be:
- i) Taller on the ground floor than on the first floor;
 - ii) Kept on the same head height throughout the same storey;
 - iii) Of the same width in vertical succession, lined up above each other;
 - iv) Arranged in groupings of twos and threes to create a rhythmic pattern;
 - v) Used in families, sharing the same proportions;
 - vi) Not used to form an external corner of the building.

Exclusions:

No horizontally proportioned windows or horizontal sliding doors and windows of any kind or material allowed.

No frameless glass doors allowed.

No "Winblok" or other precast concrete windows, glass blocks or leaded windows with coloured glass patterns allowed.

No Natural or Bronze Anodised Aluminium allowed.

No Steel window and door frames allowed.

No fake/mock shutters allowed.

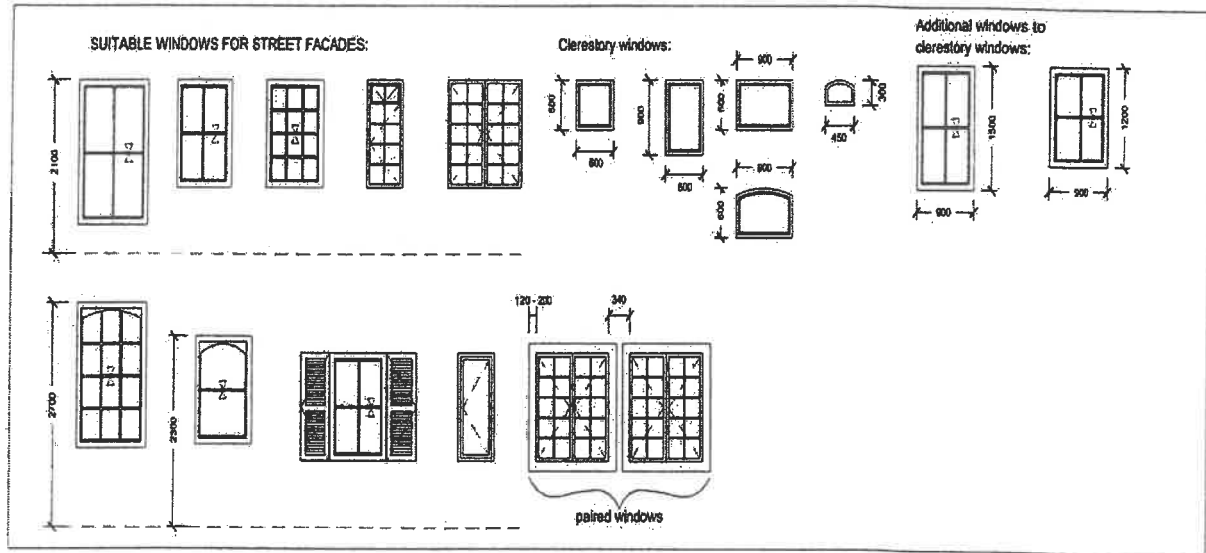


Figure 9: Suitable Window Types (Not exhaustive or all-inclusive)

5.5.1 Exterior Colours for Windows, Doors and Shutters

- a) Timber windows, doors and shutters can be varnished **or** painted as per the colour outline below; aluminium windows, doors and shutters to be epoxy powder coated as per the colour outline below; uPVC windows, doors and shutters to be as per the colour outline below:

b) Varnish:

In addition to natural clear timber varnish colours the colour varnish Dark Oak as per "Crown Weatherglow" (or similar approved) colour Dark Oak (code CVA888) in suede finish may be used.

c) Aluminium:

Aluminium windows, doors and shutters may be in any of the following approved colours:

- White
- N.M. Bronze Matt
- Matt Traffic Grey
- Dark Umber Grey
- Matt Charcoal

cA) uPVC:

uPVC windows, doors and shutters may be in any of the following approved colours:

- White
- Matt Traffic Grey
- Dark Umber Grey
- Matt Charcoal

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d) Paint:**i) Windows, Doors and Shutters (except garage doors):**

Fixed outer frame to be finished in white **or** any one of the approved accent colours as listed below with opening door

leaf(s) and inner sliding or opening sashes to windows, including glazing bars to be finished in colours: **Only Pure White**, as well as colours matching approved aluminium, uPVC or roofing colours, are deemed to be **approved element colours** and may be used to accentuate elements as described here.

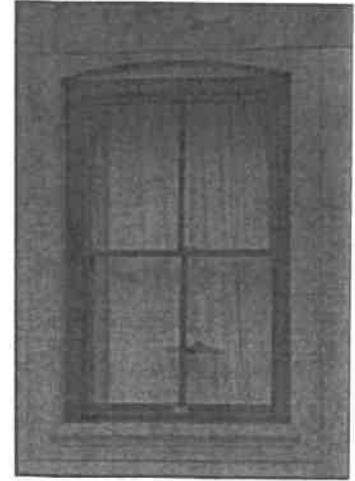


Figure 10: Vertically proportioned window with plastered window sill and simple plaster-band forming a flat arch above the window

ii) Garage doors:

- Timber garage doors may be varnished **or** painted in any one of the approved element colours as referred to in Par 5.5.1 (d) (i) above, must be the same as the window frame colour, or painted white or varnished timber.
- Metal garage doors may only be epoxy powder coated to any of the approved aluminium colours in Par 5.5.1 (c) above, must be the same as the window frame colour, or white.
- uPVC garage doors may only be to any of the approved colours in Par 5.5.1 (cA) above, and must be the same as the window frame colour, or white.

iii) Shutters:

Finished in white **or** any one of the approved accent colours as listed under Par 5.5.1 (d) (i) above. The colour of the shutters must match that of the window frame over which they close.

5.6 EXTERNAL WINDOW SILLS

- a) All external window sills to be plastered to achieve a smooth steel trowel finish and painted.
- b) Simple articulated plaster bands around windows and doors are encouraged.
- c) All plaster bands to be finished in smooth plaster and painted in accordance with Par 5.4.1 (c) above.

5.7 GARAGES AND CARPORTS

- a) Each erf may have a **maximum** of two single garage doors facing the street, and parking space conforming to the dimensions as per SANS 10400 for a **minimum** of two cars must be provided on each Erf.

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- b) Only garage doors of max. 2440 mm (structural opening width) may be used. A double garage must comprise two single garage doors next to each other separated by a prescribed 450 mm wide brick column, plastered and painted.
- c) Garage doors may be hardwood timber tip-up or sectional overhead type with horizontal (HWB) or vertical (VWB) pattern. Timber garage doors with vertical pattern are prescribed and preferred; however, metal and uPVC garage doors may be permitted, provided that the **prior** written approval of the Estate Manager has been obtained. **Only "Coroma Coroflute"** or similar approved sectional overhead metal garage doors with horizontal pattern, or similarly patterned uPVC garage doors, may be permitted.
- d) Approved colours for garage doors are included under Par 5.5.1 (d) (ii) above.
- e) Garage doors must always be set back from the street boundary to provide an additional parking space in front of the garage and be screened with a pergola or screen wall element that can also serve as a carport.



**Figure 11: Garage doors screened from view
by a coachman's entrance and timber
pergola behind a horizontal parapet wall**

- f) The design of a carport must fit in with the overall aesthetic and character of the **core building** and be submitted with the building plans to the Reviewing Architect for aesthetic approval prior to construction.
- fA) The sides of a carport may not be closed off with any kind of screening such as Bluegum laths ("Bloekomlatte") and "Spaanse Riet", slats, mesh, shade cloth, canvas or similar, but must be left open.

Also see guidelines on roof coverings for garages and carports included under Par 5.3.1 (c) and Par 5.3.2 (c) above.

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- g) The growth of vines on pergolas in front of garages is encouraged.

Exclusions:

All patterned garage doors (e.g. raised and fielded panels, etc.) except horizontal and vertical patterns as specified above.

No double width garage doors.

5.8 VERANDAS, PERGOLAS, COLUMNS, CORNER BRACKETS, BALCONIES AND BALUSTRADES

Verandas, pergolas, columns, corner brackets, balconies and balustrades must be designed, and materials selected, to be in keeping with the architecture of the main structure.

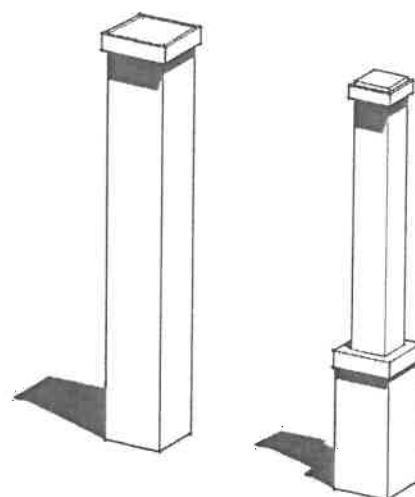


Figure 12:
Typical brick columns

5.8.1 Verandas, Pergolas and Columns

- a) Verandas with lean-to roofs on the **core building** are preferred. These roofs must have a pitch of 15 degrees (**unless built hidden behind a parapet, and used as an abutment**). The roofing material used for these roofs **must** match the roof of the **core building** in colour and material specification, unless it is a concrete roof.
- b) Verandas and pergolas may only be constructed from hardwood timber sections.
- c) Columns to verandas and pergolas can be:
 - i) Square hardwood timber posts, with corners fluted or not, painted or varnished, or
 - ii) 220 mm x 220 mm square brick columns, plastered and painted, or
 - iii) 220 mm x 220 mm square brick columns on 340 mm x 340 mm square brick bases, plastered and painted.
- d) The growth of vines on pergolas and verandas are encouraged.
- e) Bluegum laths ("Bloekomlatte") and "Spaanse Riet" may be used as ceilings on stoeps with the condition that the material may not be visible when viewed from the side elevation and must be screened from view as described in Par 5.3.2 (c) above.

Colour:

- i) Timber – varnished **or** painted in any one of the approved accent colours as listed under Par 5.5.1 (d) above. Bluegum laths ("Bloekomlatte") and "Spaanse Riet" may not be painted, but must be left natural or varnished in a natural clear varnish.
- ii) Plastered brick columns – painted to match the **core building**.

Exclusions:

No Pergolas, except carports (refer to relevant Paragraph above) may be covered with shade cloth or roof sheeting of any kind.

No pergolas built over or outside of the building lines, will be allowed to be covered at any stage, as this becomes a building line encroachment. Such

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structures must remain uncovered pergolas outside of building lines – especially on the street building line.

No cover may be placed on pergola elements inside or outside of the building line, without first following the formal building plan application procedure.

No round timber pole structures of any kind allowed.

No metal columns or steel sections may be used.

5.8.2 Corner Brackets

The following directives apply to corner brackets:

- a) Hardwood timber corner brackets may only be used in conjunction with timber posts / columns.
- b) Timber corner brackets must be painted or varnished to match the timber posts/columns.

Colour:

- i) Timber – varnished **or** painted in any one of the approved element colours as listed under Par 5.5.1 (d) above.

Exclusions: **No** wrought iron, steel, cast aluminium or decorative corner brackets may be used.

5.8.3 Balconies

- a) Small "French type" balconies with inward/outward opening doors are preferred.

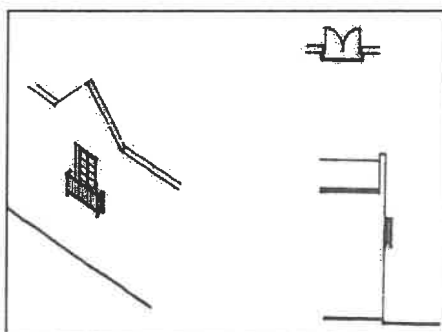
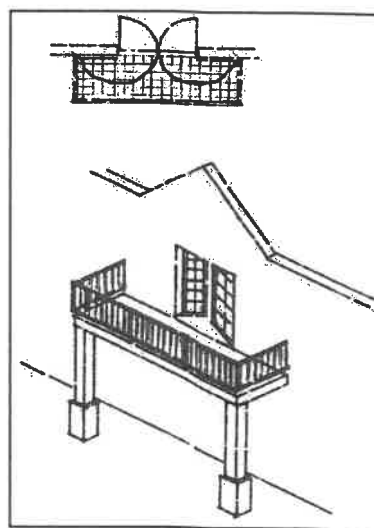


Figure 13: Preferred balcony types



- b) Balconies may not be too big (maximum size 20 m²) and the following conditions are preferred:
 - i) The balcony slab protruding 200 mm max. past the exterior face of the building with the handrail fixed inside the door reveal and the doors opening inward, or
 - ii) The slab protruding 1000 mm max. past the exterior face of the building with the handrail fixed on the side or top of the balcony slab, and the doors opening either inward or outward.

- c) Balconies must form an integral part of the design and the sides must be plastered and painted. The balcony floor can be tiled.
- d) Balconies on one of the side boundaries will only be considered if the **core building** is positioned 3,0 m from one of the two side boundaries and the balcony may only be positioned on the 1,5 m or greater building line side. Said balconies may **not** protrude over the 1,5 m building line.
- e) The following directives apply to all balconies: The right of the adjacent property owner(s) and views from adjacent residences must be considered when the plans are submitted for aesthetic approval.

Colour:

- i) Plaster on vertical sides of balconies to match exterior wall colour selected for abutments/secondary elements.

5.8.4

Balustrading

The following directives apply to balustrading:

- a) **Only** hardwood timber balustrades, or
- b) Square mild steel tubing or flats may be used.
- c) Balustrade elements must be predominantly vertical.

Colour:

- i) Timber – varnished **or** painted in any one of the approved accent colours as recorded under Par 5.5.1 (d) above.
- ii) Steel – painted **or** epoxy powder coated in any one of the approved accent colours as recorded under Par 5.5.1 (d) above, or black.

Exclusions:

No wrought iron, cast aluminium, aluminium, stainless steel panelling or other solid sheet panelling or plastered and painted brickwork allowed.

No stainless steel cabling or "yacht" handrail details allowed.

No modern type handrails with balusters positioned horizontally allowed.

No handrails with predominantly horizontal members allowed.

No excessive ornamentation and detailing allowed.

No solid wall balustrades allowed.

5.9

LINKING ELEMENTS

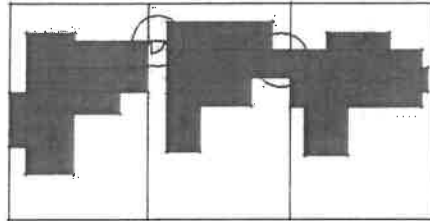
There are a number of ways to achieve edge continuity by linking facades of buildings, which to define the street edge. The following are examples of linking elements:

- a) Archways/"Poorte" – open or closed with stable doors.
- b) Walls with or without gate openings and/or doors.



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- c) Building structures on shared boundary lines can be linked with various linking elements such as gateways or walls to create edge continuity in street facades.



- d) Planting, especially hedges.



Figure 14: Illustration of linking elements used to connect individual houses and create edge continuity

5.10 BOUNDARY WALLS AND GATES

5.10.1 Boundary Walls

The following directives apply to boundary walls:

- a) All boundary walls visible from the street must be plastered both sides and have the traditional inverted V coping plaster detail. **These walls must be painted in a colour as per Par 5.4.1 (c) above.**
- b) Shared boundary walls not visible from the street can be bagged and painted in **one of the approved "pocket" accent colours**. These walls can be simple masonry walls without a coping detail.
- c) Shared boundary walls may not exceed 1800 mm in height, measured from any one side of the erf boundary. It is required that side boundary walling forming part of the street domain, i.e. walling on side boundaries on the street side of the **core building** and garage be kept low at a max. height of 1200 mm to allow physical as well as visual interaction with the street.
- d) No garden walls on the street side will be allowed, except where screening is required for areas such as kitchen yards and private spaces (wall height max. 1800 mm, total length 30% of street boundary). Where low walling on the street side is required, the height of such wall is restricted to max. 1200 mm high to allow physical as well as visual interaction with the street that is essential to retain the quality and character of the Welgevonden Development.
- e) Walling along public open spaces or green areas may only be the approved open steel Palisade type fencing as used for the main security wall around the

Welgevonden Development with matching steel Palisade gate(s) for access. Palisade fencing to be secured between 75 mm x 75 mm steel columns or 340 mm x 340 mm square brick columns (with traditional inverted V-shape coping detail) spaced at approximately 3 m – 5 m centres. The overall height of this wall may not exceed 1800 mm. Masonry plinth walls to boundary fence structures may not exceed ¼ of the total height of the structure.

- **Note:** Sizes given above are only a guide. All walling to be designed in accordance with the National Building Regulations (SABS 0400) and checked and verified by an Engineer (where necessary).
- f) All Palisade fencing must be painted in **an approved element colour as described in Par 5.5.1 (d) above.**
- g) Any reference to the maximum height of a wall shall be taken as a measurement to the top of any coping forming part of the wall.

Exclusions: *No prefabricated walling systems, face brick, sheet material, wire mesh fencing, gum poles or barbed wire is permitted.*

5.10.2 Gates

The following directives apply to gates:

- a) Either wrought-iron, steel or timber gates with a varnished or painted finish may be used. Only gates in a vertical proportioned design may be used. Patterns on gates must read vertical rather than horizontal.
- b) Gates may be incorporated in low or high walls in combination with or without an archway.
- c) Gates may never be higher than the adjoining wall.
- d) In cases where Palisade fencing is used the material used for the gate must match the fence in material and colour.

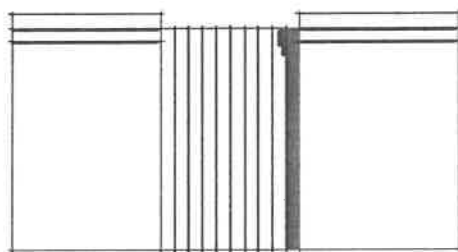


Figure 15: Suitable gates (Not exhaustive or all inclusive)

5.11 HARD LANDSCAPING – PAVING AND DRIVEWAYS

A wide variety of paving materials is available on the market. The selection below is based on a combination of aesthetic, practical and economic considerations.

Note: The landscaping materials chosen should enhance and complement the style and character of the **core building**.

- a) Brick paving, e.g. *"Corobrick"* or similar pavers in approved colours *Autumn* and *De Hoop*,
- b) Dark grey / charcoal colour Cobbles as per *"Pavatle"* or similar approved,
- c) *"Bush Stone"* with brick edging as per *"Grinaker Precast"* or similar approved,
- d) Natural stone chip paving blocks with cobble edging as per *"Pavatle"* or similar approved,
- e) *"Boland or Constantia Straight Edge Pavers"* as per *"Smartstone"* or similar approved,
- f) *"Yorkstone Straight Edge Pavers and Garden Steps"* as per *"Revelstone"* or similar approved, or
- g) A combination of the above.

Exclusions:

*Premix or concrete with brick paving or cobbled edging.
Chip and spray.*

*Grey concrete paving slabs.
Slasto / Crazy paving.*

Pebble paving.

All concrete paving – standard multi-blends and exposed aggregate.

5.11A CONVERSION OF GARAGES

Architectural drawings showing the proposed changes must be submitted to the Reviewing Architect for approval prior to the conversion.

- a) The conversion should be designed as to complement the existing dwelling and the new room must form an integral part of the main dwelling. It may not be constructed as a self-contained unit or alternative entrance to the dwelling.
- b) The Garage door(s) may only be replaced by a window or windows and such windows must comply with the guidelines as stipulated in paragraph 5.5.

Parking space conforming to the dimensions as per SANS 10400 for a **minimum** of two cars must be provided on the Erf. High density living is reliant on on-site parking and the Manager or Reviewing Architect may decline an application which affects the on-site parking detrimentally.

5.12 SOFT LANDSCAPING – PLANTING

5.12.1 General

- a) Indigenous plants are encouraged to be used to integrate private landscaping with the overall landscaping of the Estate.
- b) Owners are encouraged to use Buffalo or Kweek grass for lawn areas as these grass types are less invasive and less water demanding than Kikuyu grass.
- c) All plants brought to the site must be disease and pest free.
- d) No plants which have been declared Weeds and Alien Invader Plants in South Africa in terms of the Regulations issued under the *Conservation of Agricultural Resources Act, No 43 of 1983*, as amended, or that are under consideration to

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be included on the invader list, may be planted.

Note: For detailed information regarding the various lists, consult the homepage of the South African National Biodiversity Institute at <http://www.plantzafrica.com>.

- e) Palms, cactuses and conifers may **not** be planted.

5.12.2 Irrigation

- a) Should irrigation systems be installed, owners must design them in such a way that they do not cause staining to walls.
- b) Irrigation systems must be properly designed and utilised in a way that will maximize the efficient use of water. Indigenous vegetation does **not** need a lot of water once it is established and therefore, while owners may install private irrigation systems, the irrigation may only be used to a limited extent.

5.12.3 Compost, Fertilisers, Herbicides and Pesticides

- a) The use of organic, slow release fertilizers and/or organic compost is recommended in private gardens. Care should be taken with over-fertilizing of private gardens, which will result in an increase in the availability of nutrients in the surrounding areas such as agricultural soils. Mulch should be used to conserve moisture and reduce weed growth.

5.12.4 Maintenance

- a) All private gardens are required to be kept in a tidy state at all times.
- b) Storm water is to be properly managed by the owner. In principle, the storm water should be managed in a manner that will prevent any form of erosion, pollution, or other detrimental impact.

5.13 SERVICE FACILITIES / AERIALS / SATELLITE DISHES / PIPES AND CABLES

- a) Gas cylinders, air conditioning units, refuse bins, dog kennels, compost piles and clothes lines must be screened within service / drying yards in order not to be visible from the street or neighbouring properties. Air conditioning condenser units must, if not located within a service yard, be installed low against exterior walls at ground level. These units must be entirely screened off and may not be visible from the street or public open spaces.

Exclusions: *No window mounted air-conditioning units are permitted.*

- b) The location of all television aerials or satellite dishes must not be visible from the street or potentially in view of, or hazardous to, adjoining properties or residents and should preferentially be fixed below the main building eaves line. Colour of satellite dishes must be white composite or approved equivalent.
- c) All telephone and electrical cable reticulation on the property must be underground. No overhead masts or wires are permitted.
- d) Specific Requirements for erven 14902 to 14910; 14912; 14913; and 14915 to 14917 immediately adjacent to Welgevonden Boulevard:

As the back of these dwellings are facing Welgevonden Boulevard, one of the main entrance(s) into the Welgevonden Development, all services and pipes, such as sewer, vent and water pipes may **not** be visible and **must** be boxed into the wall.

- e) Solar thermal systems are permitted with the criteria that **only** the remote tank and evacuated tube type solar panel system may be used and the panel must be mounted in a position that will not reflect to neighbours. Any remote equipment and the solar tank must be located within the roof. The angle at which the panel is mounted must lie flush with the roof, and the frame and

fittings to match the roof colour. Detail fitting arrangement and position of equipment must be shown on plan and elevation submitted to the Estate Manager for approval.

Exclusions: *Combined solar tank and panel system exposed on top of the roof are **not** permitted.*

5.14 MISCELLANEOUS AND GENERAL

a) House numbers and letter boxes:

- i) Maximum size of lettering to be used is max. 200 mm in height.
- ii) All lettering and numbering to be placed horizontally and in line, and to be understated. The size and location of all house numbers and letter boxes are subject to the final approval of the Estate Manager.
- iii) Preferred lettering style: Helvetica.
- iv) Colour for lettering: Only Black, Polished Steel or Brass lettering is allowed.

Exclusions:

***No** Ceramic, Italic, and Free form lettering allowed.*

***No** house names allowed.*

b) Outside Lighting:

All outside lighting must be sensitively positioned and not directed in such a way that it may have a negative impact on the immediate surroundings or potentially in view of, or hazardous to, adjoining properties, residents or passing traffic. It is recommended that all exterior lights be fitted with energy saving bulbs.

Exclusions: *No floodlights permitted.*

c) Burglar Bars and Security Gates:

- i) Must be internally mounted and purpose made to suit window proportions.
- ii) Burglar bars built into the window frame as by "Swartland Timber" or similar approved is preferential.
- iii) Members must always be hidden behind window mullions.
- iv) The aesthetic approval of all burglar bars and security gates are subject to the approval of the Estate Manager.

d) Carports: **No** temporary or prefabricated shade cloth structures are allowed.

e) Chimneys:

- i) Plastered and painted masonry chimneys are permitted in accordance with, or similar to, the chimneys illustrated in **Figure 16**. Masonry chimneys must be plastered and painted to match the colour of the **core building**.
- ii) Exposed circular steel flue pipes may only protrude through the roof to a max length as prescribed in the National Building Regulations.
- iii) Any exposed circular steel flue pipe on the outside wall of the building must be encased in brickwork in accordance with, or similar to, the chimneys illustrated in **Figure 16**.

Exclusions: *No exposed fibre cement flue pipes.*

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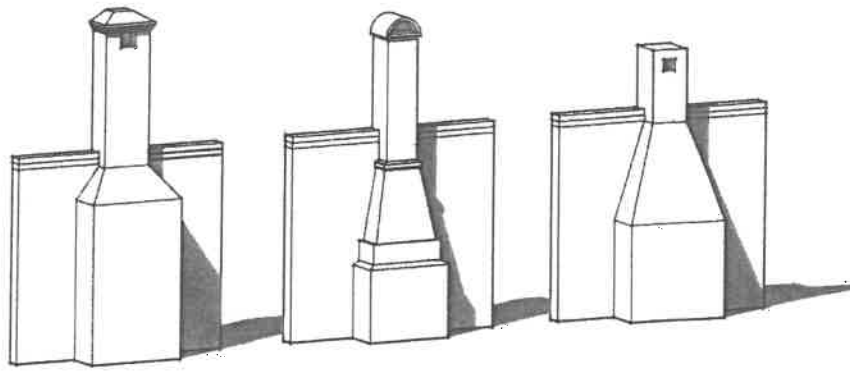


Figure 16: Typical chimney types

f) Swimming Pools:

- i) No "Porta Pools" or similar pools above ground level are permitted.
- ii) No swimming pools will be allowed over the street building line.
- iii) The position of the pool, pump and filter must be shown on plan, elevation and section submitted for approval.
- iv) The position of the pool pump and filter must be hidden from view from any public area or street.
- v) The position, colour and design of all swimming pools are subject to final approval by the Reviewing Architect.

g) Wendy Houses and Tool Sheds:

Pre-approval and application for the erection of Wendy Houses and tool sheds is compulsory and must be obtained in writing from the Estate Manager in accordance with the rules and guidelines for the erection of said structures available from the Administration Office or the Welgevonden Website.

h) Awnings:

Awnings are allowed if in a plain design without stripes and scallops and of a single colour matching the colour of the **core building**. Canvas awnings are preferred; however, aluminium awnings conforming to the design and colour directives for canvas awnings will be considered.

Plans for awnings showing the proposed design and colour must be submitted to the Estate Manager for approval **prior** to installation.

Exclusions: *No fibreglass awnings and canopies are allowed.*

i) Vertical Screening:

Retractable vertical screening on patios, verandas and stoeps is allowed if of a plain design without stripes, in white or of a single colour matching the colour of the **core building**.

Plans for vertical screening showing the proposed design and colour must be submitted to the Estate Manager for approval **prior** to installation.

5.15 PRIVACY AND NOISE

5.15.1 Visual Privacy

- a) It must be stressed that these architectural directives and design guidelines, Excom or the WHOA, or any of its employees or service providers, cannot guarantee visual or noise privacy.

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- b) It is important that individual owners ensure that houses are designed in such a manner that they respect and take into account the need for private outdoor space / living of neighbouring owners, alternatively, written approval from the neighbours for privacy infringement must be obtained and submitted to the Reviewing Architect.
- c) Each property owner must motivate and illustrate how the aforementioned objective will be met when building plans are submitted for aesthetic approval.

5.15.2 Noise

- a) While visual privacy can be attained by providing screen walls and locating windows and balconies in areas where privacy of the next-door neighbours are not compromised, noise is a potential problem that must be managed.
- b) Good neighbourliness requires noise levels to be kept low by individual households.
- c) Measures are required to regulate and reduce noise levels through technical and design intervention:
 - i) An effective way of reducing noise disturbance is to ensure that outside living spaces of houses are not located directly alongside one another, but that outdoor spaces are located where buildings separate individual outdoor living spaces.
 - ii) Additional noise screening devices can be utilized, such as planters, hedging, double walls, pergolas and garden seats along boundaries.
 - iii) The sound of falling water from water features located along boundary walls is an effective method of reducing noise from external sources.

6.0 PLANNING GUIDELINES FOR AREA 2

Note 1: Refer to the key plan included under Annexure A.

Note 2: For the procedure to be followed when Excom is willing to allow the proposed relaxation of any architectural directive or guideline specified in Par 6.0, see Par 1.3 – Reviewing Architect and Par 3.3 – Submission to Stellenbosch Municipality.

6.1 ZONING

Zoning and development conditions are in accordance with the development plans and guidelines for Welgevonden Area 2.

6.2 BUILDING LINES

6.2.1 Group Housing (excluding Town Housing)

- a) **Street building line** : 2,0 m from street boundary.
- b) **Garage building line** : 4,0 m from street boundary.
- c) **Rear building line for all erven EXCEPT erven in project 11, 11a and 12**
: 1,5 m from rear boundary.
- d) **Rear building line for erven in project 11, 11a and 12:**
3,0 m from rear boundary with provision that building line may be relaxed to 1,5 m from rear boundary for maximum length of 40% of rear boundary length. A stepped building line encourages a more varied building footprint along rear boundaries, privacy and positive outdoor living spaces.

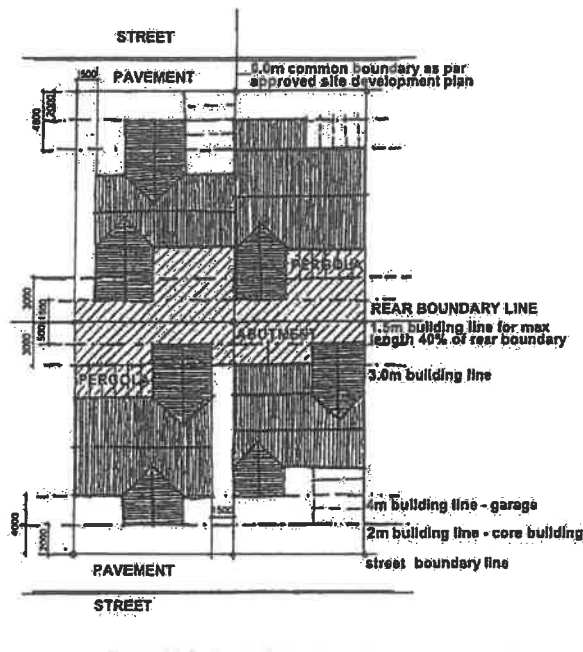


Figure 17: Illustration of stepped building line along rear boundary that encourages a varied building footprint

- e) The combined total of the two **side building lines** must equal 3,0 m. Placing the **core building** or any one of the outbuilding(s), with the exception of the garage and/or carport (also refer to Par 6.2.1 (f) below), closer than 1,5 m from any one of the two side or rear boundary is not allowed, **except** where 0,0 m common building lines is permissible as indicated on the approved site development plan.
- f) A zero building line for placing the garage and/or carport on one of the two side boundaries will be allowed with the condition that the other side building line will be 1,5 m from the boundary.
- g) Relaxation of the above prescribed side building lines can be given with an approved site development plan for a group (two or more erven). The latter clearly indicating the building lines proposed, must be submitted for **prior** approval.
- h) Relaxation of the prescribed 1,5 m side building line for individual houses adjoining public / green open spaces to 0m will be considered on merit. Windows on the relaxed 0m boundary side may only be sliding sashes and **no** doors on the 0m boundary side will be permitted. Doors must be set back at least 1,5 m.

6.2.2 Other Categories of Zoning

- a) For all other categories of development, a site development plan indicating the building lines proposed must be submitted for **prior** approval.

6.3 BUILDING HEIGHT RESTRICTION

6.3.1 Group Housing (including Town Housing)

- a) Building height for all erven may not exceed 2 storeys, **except** erven 14902 to 14910; 14912; 14913; and 14915 to 14917 immediately adjacent to Welgevonden Boulevard where the building height is prescribed and restricted to max. 5 700 mm measured from the top of the pavement in Welgevonden Boulevard to the ridge of the roof.
- b) Relaxation of the above prescribed building height can be given with an approved site development plan. The latter clearly indicating the building

height(s) proposed must be submitted for prior approval.

6.3.2 Other Categories of Zoning

- a) Building height prescription to be in accordance with the approved site development plan, however in all instances the maximum permissible building height may not exceed 2 storeys plus a loft storey, except in cases where the basement storey is used exclusively for parking, in which case the basement may be added as an additional storey.

6.3.3 Definition of "Storey"

For the purposes of Par 6.3 "storey" means a single level of any building, measured from finished floor level to finished floor level of the storey above, or to the ceiling in the case of the top storey. A roof-space utilised or intended to be utilised for the purpose of human habitation is also regarded as a storey. If the ceiling level varies, the mean ceiling level will be calculated. If the maximum of one storey is permitted, the height of the storey may not exceed 4,0 m; if two storeys are permitted, the storey height may not exceed 8,0 m and so forth.

Note: See the applicable *Stellenbosch Municipality Zoning Scheme Regulations*.

6.4 COVERAGE

Coverage refers to all building forms under a roof and includes the core building, garages, verandas and all outbuildings.

6.4.1 Group Housing (including Town Housing)

a) Coverage for all erven EXCEPT erven in projects 11, 11(a) and 12:

50% of erf size calculated as the total building area under roof **excluding** covered stoeps and balconies. For "poort" erven, see Par 6.4.1 (c) below.

b) Coverage for all erven in project 11, 11(a) and 12:

Limited to 50% of erf size (for "poort" erven, see Par 6.4.1 (c) below). Coverage for aforementioned erven is strictly calculated in accordance with the Stellenbosch Municipal Zoning Scheme Regulations as the total building area under roof **including** covered stoeps, balconies, etc.

- c) The coverage on all "poort" erven in all projects will be determined in accordance with the site development plan for that specific erf and is **not** limited to the 50% guideline.
- d) Relaxation of the above prescribed coverage can be given with an approved site development plan for a group (two or more erven). The latter clearly indicating the coverage proposed must be submitted for **prior** approval.

6.4.2 Other Categories of Zoning

- a) Coverage and other development parameters: As per the approved site development plan.

7.0 PROJECT 12 – SPECIFIC GUIDELINES FOR ERVEN IMMEDIATELY ADJACENT TO WELTEVREDEN FARM

In addition to these architectural directives and design guidelines, specific guidelines for Welgevonden erven 15286 to 15297; 15464; 15463; 15462; 15453; 15448; 15447; 15434; and 15433 have been approved to ensure that the aesthetic and architectural requirements for the development of these erven immediately adjacent to the Weltevreden Farm are met.

The documentation is included under Annexure B and is available on request from

the Administration Office or the Welgevonden Website.

8.0 SMALL HOLDINGS

As far as Par 6.0 — **Planning Guidelines for Area 2** is concerned, separate guidelines for the smallholdings have been prepared and approved and are available on request from the Administration Office or the Welgevonden Website.

9.0 FUTURE ALTERATIONS AND ADDITIONS

- a) All future alterations and additions must comply with these architectural directives and design guidelines. Additions must match the original building design in style, elevation and material usage.
 - b) Building plans must be prepared in accordance with these architectural directives and design guidelines for examination and aesthetic approval by the Reviewing Architect, and approval of the Estate Manager must be obtained as prescribed herein.
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SCHEDULE OF REVISIONS
of
WHOA Architectural Directives and Design Guidelines – including Control Measures to Regulate the Preparation and Processing of Building Plans

DATE OF AGM	DESCRIPTION
1 October 2003	Par 5.2.1 and 6.0 — Earthcote as paint finish omitted.
	Par 5.2.1 — Updated and revised colour scheme for exterior walls added.
	Paragraph 3.1 — Aesthetic Approval — Item (c) (1) to (c) (8) and (e) added.
	Par 6.0 — Boundary walls — par (d) — Height of low walling added.
23 September 2004	Par 11.4.1 — Description on how coverage is calculated added.
19 August 2005	General updating of guidelines comprising addition of images and updating/revision of text as follows: Note: Document re-numbered as required to accommodate new / updated text.
	Par 3.1 A (a) — Number of building plans to be submitted updated to 5; and later updated to 6.
	Par 3.1 A (b) — Electronic copy of approved building plans required.
	Par 5.0 — Images and text added.
	Guidelines on <i>5.1 Building Form</i> and <i>5.2 Building Platform</i> added. Rest of document re-numbered accordingly.
	Par 5.1 to 11.0 (as per guidelines dated 23 September 2004) re-numbered and guidelines for <i>5.7 Garages and Carports</i> ; <i>5.9 Linking Elements</i> ; <i>5.12 Guidelines for Soft Landscaping</i> and <i>5.15 Privacy and Noise</i> added.
	Par 5.3.1 (d); (g) and (h) added — Preferred roof pitch 40 degrees. Min. roof overhang omitted. Clipped eaves added. Note on roof pitch of core buildings on common boundaries added.
	Par 5.3.2 (c) — Shadecloth colour revised from black to dark grey.
	Par 5.3.3 and 5.3.4 — Colour Dark Dolphin as approved accent colour for fascias, bargeboards, gutters and rainwater downpipes added.
	Par 5.4 — Stipple plaster limited to use on building plinth only. No cement based plaster paints permitted.
	Par 5.4.1 — Colour Dark Dolphin as approved accent colour added.

DATE OF AGM	DESCRIPTION
19 August 2005 (continued)	Par 5.5 — Windows and Doors, par (e) catalogue nos for dormer windows updated; par (g) and par (h) added.
	Par 5.5.1 — Timber varnish colour Dark Oak (code CVA888) added. Aluminium windows and doors may be epoxy powder coated dark brown colour code MATT NM ANP 3056. Colour for metal garage doors specified. Doors, windows and shutters — Dark Dolphin as approved accent colour added.
	Par 5.7 Garages and Carports — Notes previously in text under Par 5.3 (e) moved to this Par and additional notes added. Horizontal pattern timber garage doors permitted. Chevron pattern garage doors omitted. Timber sectional overhead type timber doors added. "Coroma Coroflute" or similar approved metal garage doors with horizontal pattern added.
	Par 5.8.1 — Verandas, Pergolas and Columns:- No tanalith or round timber pole structures of any kind allowed.
	Par 5.8.4 — Balustrading:- Colours updated.
	Par 5.10.1 (c) — Walling on side boundaries on the street side of the core building and garage to be kept low at a max. height of 1200 mm. Par 5.10.2 — Guidelines for gates added.
	Par 5.13: a) Guidelines for AC units added. b) Colour for satellite dishes added. d) Specific requirements for boxing in services for erven 14902 to 14910; 14912; 14913 and 14915 to 14917 immediately adjacent to Welgevonden Boulevard added. e) Guidelines for solar thermal systems added.
	Par 5.14: a) No house names allowed. b) No floodlights permitted. c) Burglar bars — notes added. e) Illustration of typical chimney types added. g) No Wendy Houses, Tool sheds or temporary structures permitted. h) Guidelines for awnings added.
	Par 6.2.1 (d) — Rear Building line for all erven in Project 11, 11a and 12 revised.
	Par 6.3.1 (a) and (b) — Building heights for erven 14902 to 14910; 14912; 14913 and 14915 to 14917 and erven 15286 to 15297 added.
	Par 6.4.1 — Coverage calculation for all erven in projects 11, 11a and 12 revised and limited to 50% coverage calculated as per method stipulated in Stellenbosch Municipal Zoning Scheme Regulations.

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DATE OF AGM	DESCRIPTION
	Par 7.0 — Specific guidelines for erven in Project 12 immediately adjacent to Weltevreden Farm added under Annexure B.
21 May 2010	General updating of guidelines as instructed by Welgevonden Aesthetic Committee (WAC) as follows:
	Welgevonden Aesthetic Committee (WAC) replaces Dennis Moss Partnership as body for aesthetic control.
	Par 5.3.1 (b) (ii) — Word "gable" replaced with "parapet".
	Par 5.3.1 (c) fascia added.
	Par 5.3.1 (b), (g) — Sentence "roof overhangs are encouraged" omitted.
	Par 5.3.2 (c) shade cloth to be screened with fascia added.
	Par 5.3.2 (d) and (e) added.
	Par 5.4 (e) added.
	Par 5.4.1 (c) and 5.5.1 (c) (i) Matt Traffic Grey added as accent colour.
	Par 5.4.1 exterior wall colours revised as approved Feb 2008.
	Par 5.5 (d) aluminium shutters added.
	Figure 9 — Clerestory window, size 900x800mm omitted.
	Par 5.7 (b) revised — Words "(single width)" omitted.
	Par 5.8.1 (e) added and colour note for Bluegum laths ("Bloekomlatte") and "Spaanse Riet" added under 5.8.1 colour (i).
	Par 5.8.3 (d) revised.
	Par 5.9 (c) — Word "building" replaced with "boundary".
	Par 5.10.1 (e) updated. Steel columns and note on height of plinth wall added.
	Par 5.10.1 (f) colour black added.
	Par 5.13 (a) revised.
	Par 5.13 (b) — Sentence "The position, size and siting of satellite dishes must be approved by the WHOA" omitted.
	Par 5.13 (e) revised. Circular steel flue pipes permitted.
	Par 5.14 (c) — Sentence "Security gates are only permissible if mounted internally behind a solid door and is therefore not visible from the exterior of the building" omitted.
	Par 5.14 (d) — Word "pre-fabricated" added.

DATE OF AGM	DESCRIPTION
21 May 2010 (continued)	Par 5.14 (e) (II) and (III) added.
	Par 5.14 (g) revised.
	Par 5.15.1 (b) revised.
	Par 6.2 (f) Side building line relaxed from 2,0 m to 1,5 m.
	Par 6.2 (g) and 6.4.1 (d) — Sentence "for a group (two or more erven)" added.
	Par 6.2 (h) added.
	Note — Annexure A and B — no changes
11 April 2012	General update of document to include the architectural guidelines for Area 1 as instructed on by the WAC as per decision taken at Executive Committee meeting on 23 May 2011. Guideline document for Area 1 dated 1 Oct 2003 superseded and updated with this document.
	Planning Guidelines for Area 1 as per guideline document for Area 1 dated 1 Oct 2003 included under Annexure C.
	Par 9.0 added.
27 November 2014	<p>Administrative procedures set out in Par 1.0 — 4.0 revised, but architectural directives and design guidelines remain unchanged as per document dated 11 April 2012, except for—</p> <p>i) Par 5.4.1 (e) to which the following Note was added:</p> <p style="padding-left: 40px;">Note: The colours selected may from time to time change or be discontinued by the manufacturer. As it is not possible to update the above list with each and every such change or discontinuation, owners / building contractors are required to check with the WAC before commencing with paint work.</p>
	<p>ii) Par 5.12.1 (d) which was substituted as follows:</p> <p style="padding-left: 40px;">d) No plants which have been declared Weeds and Alien Invader Plants in South Africa in terms of the Regulations issued under the <i>Conservation of Agricultural Resources Act, No 43 of 1983</i>, as amended, or that are under consideration to be included on the invader list may be planted.</p> <p>Note: For detailed information regarding the various lists, consult the homepage of the South African National Biodiversity Institute at http://www.plantzafrica.com.</p>

DATE OF AGM	DESCRIPTION
29 September 2015	<p>Par 1.2 amended by adding the following sentences at the end:</p> <p>For minor alterations that do not require building plans for municipal approval, the WAC may in its discretion accept sketch plans. Should such sketch plans in the discretion of the WAC not contain sufficient information for it to take a decision on the proposed alterations, it may require the member to provide more information, including complete building plans.</p>
	<p>Par 3.1 amended by—</p> <ul style="list-style-type: none"> i) Inserting a new Par (1). ii) Renumbering the existing Par (1) to Par (2) and rephrasing the paragraph. iii) Renumbering the existing Par (3) and Par (4) to Par (4) and Par (5), respectively.
	<p>Par 4.0 (a) amended by adding the following sentence at the end:</p> <p>— No deviations from the aesthetically approved plans, finishes and colours may be implemented without written approval by the WAC.</p>
	<p>Par 5.1 amended by adding the following paragraph:</p> <p>Secondary building structures will be referred to as abutments to the core building.</p>
	<p>Par 5.1.1 (a) amended by—</p> <ul style="list-style-type: none"> i) Substituting the reference to "Figure 5.1" for the reference "Figure 5". ii) Renumbering Figure 5 to Figure 5.1.
	<p>New Par 5.1.2: Abutments and new Figure 5.2: Abutment Relation to Core Buildings inserted.</p>
	<p>Par 5.3.1:</p> <ul style="list-style-type: none"> i) Par (c) amended by inserting the words "abutments as well as" in the 1st line. ii) Par (e) amended by adding the words "– unless if this lean-to is treated as an abutment and complies with the rules pertaining to abutments (Refer to Par 5.1.2)" at the end. iii) Exclusions amended by substituting the words "any core building structure" for the words "<i>the main dwelling</i>" in the first exclusion.
	<p>Par 5.4 (a) amended by—</p> <ul style="list-style-type: none"> i) Inserting the words "abutments, garden walls and" after the word "Building". ii) Adding the following sentence at the end: <ul style="list-style-type: none"> — Accent colours as per the colour schedule below, are encouraged for these elements.

DATE OF AGM	DESCRIPTION
29 September 2015 (continued)	<p>Par 5.4.1:</p> <ul style="list-style-type: none"> i) Par (a) amended by inserting the word "Pockets" after the word "Colour". ii) Par (b) amended by substituting the words "pockets" as defined in Par (c)" for the word "listed". iii) Par (c) substituted. iv) Par (e) substituted.
	<p>Par 5.5.1 amended by—</p> <ul style="list-style-type: none"> i) Inserting a new Par (c) Aluminium. ii) Omission of "Aluminium" from Par (b). iii) Renumbering the existing Par (c) to Par (d) and rephrasing Paras (i) — (iii) thereof.
	<p>Par 5.6 (a) amended by adding the words "in accordance with Par 5.4.1 (c) above" at the end.</p>
	<p>Par 5.7 (d) amended by substituting the reference "Par 5.5.1 (d) (ii)" for the reference "Par 5.5.1 (c) (ii)".</p>
	<p>Par 5.8.1 amended by—</p> <ul style="list-style-type: none"> i) Inserting the words "(unless built hidden behind a parapet, and used as an abutment)" after the word "degrees". ii) Substituting in Par (i) of Colour the reference "Par 5.5.1 (d)" for the reference "Par 5.4.1 (c)". iii) Exclusions added/clarified.
	<p>Par 5.8.2 amended by substituting in Par (i) of Colour the reference "Par 5.5.1 (d)" for the reference "Par 5.4.1 (c)".</p>
	<p>Par 5.8.4 amended by substituting in Paras (i) and (ii) of Colour the reference "Par 5.5.1 (d)" for the reference "Par 5.4.1 (c)".</p>
	<p>Par 5.10.1:</p> <ul style="list-style-type: none"> i) Par (a) amended by adding the following sentence at the end: These walls must be painted in a colour as per Par 5.4.1 (c) above. ii) Par (b) amended by adding the following words at the end: in one of the approved "pocket" accent colours iii) Par (f) substituted.
26 September 2016	<p>Par 3.1 (5) (h) substituted by the following paragraph:</p> <ul style="list-style-type: none"> h) Complete door, window and shutter schedule with dimensions, material description and finishes.

DATE OF AGM	DESCRIPTION
26 September 2016 (continued)	<p>Par 5.5:</p> <p>i) The heading substituted as follows:</p> <p style="text-align: center;">5.5 WINDOWS, DOORS AND SHUTTERS</p> <p>ii) Par 5.5 (d) amended by adding at the end:</p> <p style="padding-left: 40px;">, provided that the colour of the shutters must match that of the window frame over which they close.</p> <p>iii) After Par 5.5 (d) the following new paragraphs inserted:</p> <p style="padding-left: 40px;">dA) uPVC type windows, doors and shutters will only be considered if the windows, doors and shutters are as per the colour outline included under <i>Par 5.5.1</i> below, the proportions are as specified under <i>Par 5.5 (a)</i> above, and if they comply with the provisions of <i>Par 5.5 (d)</i> above.</p> <p style="padding-left: 40px;">dB) Material used for windows and shutters must be the same throughout and may not be mixed.</p> <p>iv) The 5th Exclusion amended by omitting the words "window and".</p>
	<p>Par 5.5.1:</p> <p>i) Par (a) substituted by the following paragraph:</p> <p style="padding-left: 40px;">a) Timber windows, doors and shutters can be varnished or painted as per the colour outline below; aluminium windows, doors and shutters to be epoxy powder coated as per the colour outline below; uPVC windows, doors and shutters to be as per the colour outline below:</p>
	<p>ii) The introductory line to Par (c) substituted by the following:</p> <p style="text-align: center;">Aluminium windows, doors and shutters may be in any of the following approved colours:</p> <p>iii) After Par (c) the following new paragraph inserted:</p> <p style="padding-left: 40px;">cA) uPVC:</p> <p style="padding-left: 80px;">uPVC windows, doors and shutters may be in any of the following approved colours:</p> <ul style="list-style-type: none"> - White - Matt Traffic Grey - Dark Umber Grey - Matt Charcoal <p>iv) Par (d) (i): The heading amended by adding the words "and Shutters".</p> <p>v) Par (d) (i) amended by inserting, "uPVC" after the word "aluminium" in the 8th line.</p> <p>vi) Par (d) ii) amended by adding the following item at the end:</p> <p style="padding-left: 40px;">— uPVC garage doors may only be to any of the approved colours in <i>Par 5.5.1 (cA)</i> above, and must be the same as the window frame colour, or white.</p>

DATE OF AGM	DESCRIPTION
	Par 5.7 (c) amended by inserting the words “, or similarly patterned uPVC garage doors,” after the word “pattern” in the 7 th line.
21 August 2017	<p>General</p> <p>i) Abolition of WAC</p> <p>The Welgevonden Aesthetic Committee (WAC) which was appointed by Excom to take responsibility for aesthetic control with effect from 21 May 2010 was abolished by Excom on 9 February 2017.</p> <p>Its building plan examination function was entrusted to an appointed independent Reviewing Architect, and its administrative functions were allocated to the Administration Office and the Estate Manager.</p> <p>Excom again assumed responsibility for evaluating any proposed relaxation of, or deviation from, the architectural directives and design guidelines, as provided for in the WHOA Constitution, with due regard to any recommendation of the Reviewing Architect in respect of each particular case. When deemed appropriate, Excom appoints another independent adviser to assist it in the evaluation of any such recommendation.</p> <p>Par 1.0 – Introduction was revised accordingly to reflect this changed procedure.</p>
	<p>ii) Style Changes: The following general style changes were effected with a view to consistency:</p> <ul style="list-style-type: none"> ⌋ “building contractor” / “contractor” ⇒ “building contractor”. ⌋ “core building” / “main building” / “main dwelling” ⇒ “core building”. ⌋ “Estate” / “Welgevonden” / “Welgevonden Estate” ⇒ “Welgevonden Estate”. ⌋ “member” / “home owner” / “owner” / “property owner” / “registered property owner” ⇒ “owner”. ⌋ “objects” / “objectives” ⇒ “objects”. ⌋ “shadecloth” / “shade cloth” ⇒ “shade cloth”. ⌋ “is to be” / “must” / “needs to” / “shall” / “should” / “will” ⇒ “must”. <p>iii) Grammar, spelling, etc.: Various grammar, spelling and punctuation mistakes, and general style inconsistencies corrected, and superfluous wording omitted, without amending any of the actual directives or guidelines.</p>

DATE OF AGM	DESCRIPTION
21 August 2017 (continued)	<p>Par 1.2:</p> <ul style="list-style-type: none"> i) The 3rd paragraph of Par 1.2 is provided with a heading "1.2A Sketch Plans", and revised to reflect the abolition of the WAC. ii) The following new paragraph is added: <p style="margin-left: 40px;">The approval procedure, general control measures, and directives and guidelines applicable to building plans also apply to sketch plans, with the necessary changes.</p>
	<p>Par 1.3 revised to reflect the abolition of the WAC and to describe the building plan approval procedure that must be followed by the Reviewing Architect; and to provide for the making of general recommendations by the Reviewing Architect.</p>
	<p>Par 1.5 amended by—</p> <ul style="list-style-type: none"> i) Inserting the following paragraph after the 1st paragraph: <p style="margin-left: 40px;">If in Excom's discretion relaxation or deviation is warranted, it must indicate this in a letter addressed to the Stellenbosch Municipality, which letter must accompany the signed as approved building plans submitted to the Municipality by the owner.</p> ii) inserting the following paragraph after the 1st paragraph: <p style="margin-left: 40px;">In terms of clause 61A.3 of the WHOA Constitution any relaxation or deviation allowed by Excom must be reported to owners at the next ensuing annual general meeting of the WHOA.</p> iii) omitting the 3rd paragraph to reflect the abolition of WAC.
	<p>Par 2.1 (1) amended by omitting the words "in special cases" in the 3rd line.</p>
	<p>Par 2.2 (2) amended by substituting "Reviewing Architect" for "WAC".</p>
	<p>Par 3.1:</p> <ul style="list-style-type: none"> i) Par (1) amended by substituting "the Welgevonden Administration Office" for "WAC"; and ii) Par (2) amended by substituting the words "Administration Office to be stamped as approved by the Welgevonden Estate Manager" for "WAC".
	<p>Par 3.2: The heading amended by omitting "by WAC".</p>
	<p>Par 3.2 (2) substituted by the following paragraph:</p> <p style="margin-left: 40px;">2) The architectural character of all new building(s), alterations and/or additions will be considered in relation to that of the development guidelines and other dwellings in the area as well as the aesthetic appearance, colour scheme and proposed siting of the building(s) and any other such factors that may be deemed suitable</p>

DATE OF AGM	DESCRIPTION
21 August 2017 (continued)	at the time of aesthetic approval.
	Par 3.2 (3) amended by substituting "Reviewing Architect" for "WAC".
	<p>Par 3.2 (4) substituted by the following paragraph:</p> <p>4) If the Reviewing Architect is satisfied that the building plans comply with the architectural directives and design guidelines, same must be forwarded to the Administration Office under cover of a letter indicating that the plans are aesthetically approved.</p>
	<p>After Par 3.2 (4) the following new paragraph inserted:</p> <p>4A) Upon receipt of the building plans and covering letter from the Reviewing Architect, the Estate Manager must on behalf of Excom stamp and sign the building plans as approved, and inform the owner that the plans may be collected for submission to the Stellenbosch Municipality.</p>
	<p>Par 3.2 (5):</p> <p>i) Par (5) substituted by the following paragraph:</p> <p>5) Notwithstanding that the building plans may comply with all applicable restrictions, zoning, regulations and by-laws of the Stellenbosch Municipality and any other competent authority, the Reviewing Architect, after consultation with Excom, as deemed necessary, may withhold aesthetic approval if the plans do not comply with the prescribed architectural directives and design guidelines: Provided that the approval of such plans shall not unreasonably be withheld.</p> <p>ii) The following Note added at the end:</p> <p>Note: See par 1.4 – Disagreement or Dispute concerning Interpretation.</p>
	Par 3.2 (6) amended by substituting "Administration Office" for "WAC".
	<p>Par 3.3 (1) substituted by the following paragraph:</p> <p>1) Only after confirmation of aesthetic approval has been obtained may the building plans be submitted to the Stellenbosch Municipality for its approval.</p>
	<p>After Par 3.3 (1) the following new paragraph inserted:</p> <p>1A) Building plans submitted to the Stellenbosch Municipality must be accompanied by the letter indicating Excom's willingness to allow any relaxation or deviation proposed.</p>

DATE OF AGM	DESCRIPTION
21 August 2017 (continued)	<p>Par 3.4 substituted by the following paragraph:</p> <p>3.4 The building contractor must ensure that a copy of the building plans signed as approved by the Estate Manager and the Stellenbosch Municipality is at all times available on the site for inspection.</p>
	<p>Par 3.6 substituted by the following paragraph:</p> <p>3.6 Deviation of, or Variation from, Approved Building Plans</p> <ol style="list-style-type: none"> 1) If an owner intends to effect a deviation from, or variation of, the aesthetically approved building plans and finishes, or from any of the items approved by the Estate Manager, she/he must submit an application to that effect in writing to Reviewing Architect and/or the Estate Manager, as applicable, for scrutiny prior to implementation thereof on site, and the deviation or variation may be implemented on site only if approved in writing. 1A) If in the opinion of the Reviewing Architect Excom's approval is required for a proposed deviation or variation, the request must be submitted to Excom together with the Reviewing Architect's recommendation in writing, and the deviation or variation may be implemented on site only if Excom approves it in writing. 2) If in the opinion of the Reviewing Architect the approval of the Stellenbosch Municipality is also required for the proposed deviation or variation, the owner must submit an application to that effect to the Municipality, and the deviation or variation may be implemented on site only if the Municipality also approves it in writing. 3) If the proposed deviation or variation entails a relaxation of, or deviation from, the architectural directives and design guidelines it must be dealt with as set out in Par 1.3 <ul style="list-style-type: none"> — Reviewing Architect and Par 1.5 — Relaxation of, Deviation from, Architectural Directives and Design Guidelines above. 4) All such applications must be in written form and no telephonic requests for approval of deviations or variations will be entertained. 5) Rectification of any exterior elements, colours and materials not complying with the architectural directives and design guidelines and implemented on site without the prior written approval by the Reviewing Architect and/or the Estate Manager, as applicable, will be for the account of the developer and/or owner concerned. 6) An electronic copy in dxf format of record drawings ["as-built plans"] must be forwarded to the Administration Office prior to application to the Stellenbosch Municipality



DATE OF AGM	DESCRIPTION
21 August 2017 (Continued)	<p>for the issuing of a certificate of occupation.</p> <p>Note: Failure to submit an electronic copy in dxf format of record drawings ["as-built plans"] to the Administration Office prior to application to the Stellenbosch Municipality for the issuing of a certificate of occupation, or to submit updated record drawings ["as-built plans"] of any alterations and/or additions, constitutes a breach of Estate rules and may result in the imposition of a fine and ultimately the refusal of consent to transfer.</p>
	<p>Par 4 (a): The 2nd line of Par (a) is numbered "(b)" and substituted as follows:</p> <p>b) No deviations from, or variations of, the aesthetically approved plans and finishes, or from any of the items approved by the Estate Manager, may be implemented on site without the prior written approval of the Reviewing Architect and/or the Estate Manager, as applicable, or, if required, the Stellenbosch Municipality.</p>
	<p>Par 5.0 (f): The Note following Par 5.0 (f) amended by—</p> <p>i) omitting the words "the WAC on behalf of"; and</p> <p>ii) adding the following words at the end:</p> <p style="padding-left: 40px;">, subject to any dispute being decided in the favour of the applicant</p>
	<p>Par 5.1.2 (a) amended by substituting "the Reviewing Architect" for "WAC".</p>
	<p>Par 5.3.2 (e) "Shade cloth colour" amended by inserting the words "to the Estate Manager" after the word "submitted".</p>
	<p>Par 5.3.3:</p> <p>i) Par (a) amended by inserting the words "and bargeboard" after the word "fascia";</p> <p>ii) Par (b) amended by inserting the words "and bargeboard" after the word "fascia"; and</p> <p>iii) Exclusions amended by inserting the words "and bargeboards" after the word "fascias".</p>
	<p>Par 5.4 (e) amended by substituting "Reviewing Architect" for "WAC".</p>

DATE OF AGM	DESCRIPTION
21 August 2017 (continued)	<p>Par 5.4.1:</p> <ul style="list-style-type: none"> i) Par (a): The Note amended by substituting the words "Estate Manager prior to application on site" for "WAC"; and ii) Par (d) substituted by the following paragraph: <ul style="list-style-type: none"> d) Colour swatches of all exterior colours to be used must be submitted to the Estate Manager for provisional approval prior to the approved building plans being submitted to the Stellenbosch Municipality, and final approval will be given by the Estate Manager only once the building is under construction and 1m² of each colour to be used has been painted on a wall for final approval on site. iii) Par (e): The Note following the Table amended by substituting "Estate Manager" for "WAC".
	<p>Par 5.5 (f) amended by—</p> <ul style="list-style-type: none"> i) inserting the words "and/or an adjacent public open space (green area)," after the word "street" in the 3rd line; and ii) substituting "Reviewing Architect" for "WAC and WHOA" in the last line.
	<p>Par. 5.7 amended by –</p> <ul style="list-style-type: none"> i) Par (a) substituted by the following paragraph: <ul style="list-style-type: none"> a) Each erf may have a maximum of two single garage doors facing the street and parking space conforming to the dimensions as per SANS 10400 for a minimum of two cars must be provided on each Erf. ii) Par (c) substituted by the following paragraph: <ul style="list-style-type: none"> c) Garage doors may be hardwood timber tip-up or sectional overhead type with horizontal (HWB) or vertical (VWB) pattern. Timber garage doors with vertical pattern are prescribed and preferred; however, metal and uPVC garage doors may be permitted, provided that the prior written approval of the Estate Manager has been obtained. Only "Coroma Coroflute" or similar approved sectional overhead metal garage doors with horizontal pattern, or similarly patterned uPVC garage doors, may be permitted. iii) Par (f) amended by substituting "Reviewing Architect" for WAC". iv) After Par (f) the following new paragraph inserted: <ul style="list-style-type: none"> fA) The sides of a carport may not be closed off with any kind of screening such as Bluegum laths ("Bloekomlatte") and "Spaanse Riet", slats, mesh, shade cloth, canvas or similar, but must be left open.
	<p>Par 5.8.2 (b) amended by inserting the words "or varnished" after the word "painted".</p>

DATE OF AGM	DESCRIPTION
21 August 2017 (continued)	Par 5.8.3 (c) amended by omitting the words "Where appropriate," at the beginning of the 2 nd sentence.
	Par 5.8.4 amended by adding the following Exclusion : <i>No solid wall balustrades allowed.</i>
	Par 5.10.1 (d) amended by omitting the words "As a rule" at the beginning of the 1 st sentence.
	Par 5.13 (e) amended by substituting "Estate Manager" for "WAC".
	Par 5.14 (a): i) Par (ii) amended by substituting "Estate Manager" for "WAC"; and ii) Par (iv) amended by inserting ", Polished Steel" after the word "Black".
	Par 5.14 (c) amended by — i) adding the words " and Security Gates " to the heading; and ii) substituting "Estate Manager" for "WAC" in Par (iv).
	Par 5.14 (f) amended by substituting "Estate Manager" for "WAC".
	Par 5.14 (g) amended by— i) adding the words " and Tool Sheds " to the heading; ii) substituting "Estate Manager" for "WAC" in the 2 nd line; and iii) substituting "Administration Office or the Welgevonden Website" for "WAC" in the 4 th line.
	Par 5.14 (h) substituted by the following paragraph: h) Awnings: Awnings are allowed if in a plain design without stripes and scallops and of a single colour matching the colour of the core building . Canvas awnings are preferred; however, aluminium awnings conforming to the design and colour directives for canvas awnings will be considered. Plans for awnings showing the proposed design and colour must be submitted to the Estate Manager for approval prior to installation. <i>Exclusions: No fibreglass awnings and canopies are allowed.</i>
	After Par 5.14 (h) the following new paragraph inserted: i) Vertical Screening: Retractable vertical screening on patios, verandas and stoeps is allowed if of a plain design without stripes, in white or of a single colour matching the colour of the core building . Plans for vertical screening showing the proposed design and colour must be submitted to the Estate Manager for approval

DATE OF AGM	DESCRIPTION
21 August 2017 (continued)	prior to installation.
	<p>Par 5.15.1:</p> <p>i) Par (a) substituted by the following paragraph:</p> <p>a) It must be stressed that these architectural directives and design guidelines, Excom or the WHOA, or any of its employees or service providers, cannot guarantee visual or noise privacy.</p>
	ii) Par (b) amended by substituting "Reviewing Architect" for "WAC".
	<p>Par 6.0: The existing Note is numbered "1", and the following Note is added:</p> <p>Note 2: For the procedure to be followed when Excom is willing to allow the proposed relaxation of any architectural directive or guideline specified in Par 6.0, see Par 1.3 — Reviewing Architect and Par 3.3 — Submission to Stellenbosch Municipality.</p>
	<p>Par 6.3: The following new paragraph added:</p> <p>6.3.3 Definition of "Storey"</p> <p>For the purposes of Par 6.3 "storey" means a single level of any building, measured from finished floor level to finished floor level of the storey above, or to the ceiling in the case of the top storey. A roof-space utilised or intended to be utilised for the purpose of human habitation is also regarded as a storey. If the ceiling level varies, the mean ceiling level will be calculated. If the maximum of one storey is permitted, the height of the storey may not exceed 4 meter; if two storeys are permitted, the storey height may not exceed 8 meters and so forth.</p> <p>Note: See the applicable <i>Stellenbosch Municipality Zoning Scheme Regulations</i>.</p>
	Par 7.0 amended by substituting "Administration Office or the Welgevonden Website" for "Excom" in the 2 nd paragraph.
	Par 8.0 amended by substituting "the Administration Office or the Welgevonden Website" for "Excom".
	<p>Par 9.0 (b) substituted by the following paragraph:</p> <p>b) Building plans must be prepared in accordance with these architectural directives and design guidelines for examination and aesthetic approval by the Reviewing Architect, and approval of the Estate Manager must be obtained as prescribed herein.</p> <p>c)</p>

DATE OF AGM	DESCRIPTION
24 October 2019	Par 1.5 amended by substituting "clause 61A.3" for "clause 67.3".
	<p>Par 5.5 (f) substituted by the following paragraph:</p> <p>f) Sliding / folding / stacking doors (where the structural opening exceeds 1750 mm in width), will only be permitted if these doors are screened with a timber pergola structure and recessed at least 1500 mm behind the outer line of a deep patio / veranda / stoep, subject to the approval of the Reviewing Architect</p> <p>This amendment does not extend to frameless glass doors. (See 2nd exclusion added: "No frameless glass doors allowed.")</p>
	<p>Par 5.11A: The following new paragraph added:</p> <p>5.11A CONVERSION OF GARAGES</p> <p>Architectural drawings showing the proposed changes must be submitted to the Reviewing Architect for approval prior to the conversion.</p> <p>a) The conversion should be designed as to complement the existing dwelling and the new room must form an integral part of the main dwelling. It may not be constructed as a self-contained unit or alternative entrance to the dwelling.</p> <p>b) The Garage door(s) may only be replaced by a window or windows and such windows must comply with the guidelines as stipulated in paragraph 5.5</p> <p>Parking space conforming to the dimensions as per SANS 10400 for a minimum of two cars must be provided on the Erf. High density living is reliant on on-site parking and the Manager or Reviewing Architect may decline an application which affects the on-site parking detrimentally.</p>
	<p>Par 5.14 (f) substituted by the following paragraph:</p> <ol style="list-style-type: none"> i. No "Porta Pools" or similar pools above ground level are permitted. ii. No swimming pools will be allowed over the street building line. iii. The position of the pool, pump and filter must be shown on plan, elevation and section submitted for approval. iv. The position of the pool pump and filter must be hidden from view from any public area or street. v. The position, colour and design of all swimming pools are subject to final approval by the Reviewing Architect.



ANNEXURE B

SPECIFIC ARCHITECTURAL GUIDELINES FOR WELGEVONDEN, STELLENBOSCH PERTAINING TO THE AREA IMMEDIATELY ADJACENT TO WELTEVREDEN FARM

This document consists of 4 pages in total.

IN ADDITION to the general approved Architectural Design Guidelines for the Welgevonden Development - Area 2, the following specific guidelines are applicable to Welgevonden erven 15286 to 15297; 15464; 15463; 15462; 15453; 15448; 15447; 15434 and 15433 to ensure that the aesthetic and architectural requirements for the development of these erven are met.

In the event of a contradiction between this Specific Architectural Guidelines and the general approved Architectural Design Guidelines for the Welgevonden Development - Area 2, then the Specific Architectural Guidelines will apply.

1. SCALE AND PROPORTION

- 1.1 Careful consideration must be given to the scale, proportion and articulation of building forms, as these, together with their roofs and the openings in their walls, are the most important elements in establishing the cohesion and continuity of the architectural character.

2. BUILDING HEIGHT RESTRICTION AND BUILDING LINES

- 2.1 All houses on erven 15286 to 15297 shall be restricted to single storey loft structures built strictly in accordance with sketch plans no. S3533 - 100 to 104 as prepared by Dennis Moss Partnership annexed hereto marked "B1" to "B5".
- 2.2 All houses on erven 15464; 15463; 15462; 15453; 15448; 15447; 15434 and 15433 shall be restricted to double storey structures in accordance with the general approved Architectural Design Guidelines for Welgevonden Development, Area 2 for which guidelines are available for inspection at the offices of Dennis Moss Partnership, 17 Market Street, Stellenbosch.

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2.3 Building heights and building lines for erven 15286 to 15297 shall be strictly in accordance with sketch plans no. 53533-100 to 104 as noted under par. 2.1 above. Wallplate heights are limited to 3 600mm from finished floor level. The height from finished floor to the ridge of the pitched roof is limited and specific per erf as shown on sketch plans no. 53533-100 to 104 and may not exceed 6 700mm.

2.4 Building lines for erven 15464; 15463; 15462; 15453; 15448; 15447; 15434 and 15433 shall be in accordance with the general approved Architectural Design Guidelines for Welgevonden Development, Area 2.

2.5 Ceiling heights for erven 15286 to 15297 shall be (all to comply with the National Building Regulations SABS 0400):

	Rooms or space	Minimum Height
2.5.1	Bedrooms:	2 400mm over a floor area of at least 6m ² with a clear height of at least 1 800mm at any point more than 750mm from the edge of the floor space.
2.5.2	Other habitable room:	2 400mm over a minimum of 70% of floor areas, and not less than 2 100mm over the remaining floor areas.
2.5.3	Passage:	2 100mm
2.5.4	Bathroom, or room containing a WC	2 100mm over any areas where a person would normally stand.

3. HOUSE FORM/SPATIAL ENVELOPE

3.1 House forms shall be made up of major and minor plan elements, and the widths shall be controlled. Plan form must conform to the traditional "letter of the alphabet"

building form as detailed under par. 5.1.1 in the general approved Architectural Design Guidelines for Wegevonden Development, Area 2. Major plan elements (core building) shall be 4 000mm minimum to 7 000mm maximum wide. Minor plan elements (abutments) in the shape of lean-to's or "afdakke" unless between major plan elements, may not be more than two thirds of the primary width. Continuous lean-to's around corners from side walls to gable wall will not be permitted.

- 3.2 Outbuildings must respond to the form and geometry of the main building if they are free-standing. Their eaves or bottom of the parapet line shall be lower than the eaves line of the main building. Parapets on boundaries may not exceed 3 000mm in height. Outbuildings shall not exceed 30% of the total area of the main building.

4. ROOFS

- 4.1 Major roofs (the core building) shall be double pitched and coincide with major plan elements. Pitches shall be symmetrical about their ridges and may only have a slope between 35° and 40°. Lean-to roofs and those over verandas and minor plan elements such as abutments shall be between 5° and 15°. The area of minor roofs, excluding garages, should not exceed one third of the major roof area. The roof covering material and colour are prescribed as detailed in the general approved Architectural Design Guidelines for Wegevonden Development, Area 2 (Refer par. 5.3.2, roof finishes). Roof eaves overhangs shall be clipped.

5. WALLS

- 5.1 External masonry walls shall be finished with at least one coat smooth plaster and may only be painted in colour pure white. No relaxation of this rule will be considered.

6. WINDOWS

- 6.1 Windows shall have a vertical proportion of not less than 1:1,5. Windows and frames may only be painted white, monument green ('Plascon' colour code G861) or white and monument green combined. External burglar bars will not be permitted.

- 6.2 Windows to the loft areas are to be dormer type. The dormer window roof covering shall match that of the main roof in material and colour. Windows in gable ends and central gables are acceptable.

7. DOORS

- 7.1 Door openings shall have vertical proportions. Glazed external doors shall be traditional French doors of 1 213mm to 1 612mm maximum width. No "trellidoor" type expanding security doors will be permitted externally. Doors and frames shall be painted white or monument green ('Plascon' colour code G861) or white and monument green combined. Garage doors shall be single doors and may not exceed 2 440mm in width.

8. BOUNDARY WALLS, FENCES AND SCREENS

- 8.1 No "Vibracrete" type pre-cast concrete boundary walls will be allowed.
- 8.2 All boundary walls to be in accordance with the general approved Architectural Design Guidelines for Welgevonden Development, Area 2.

9. GENERAL

- 9.1 Apart from stub stacks, all plumbing pipes and air conditioning units shall be enclosed.
- 9.2 Wash lines, open storage and dog-kennels shall be enclosed. Refuse container enclosures shall be incorporated behind boundary walls.
- 9.3 These design guidelines are supplementary and it is required that all requirements of the National Building Regulations as well as any statutory conditions required by the local authority shall be met.



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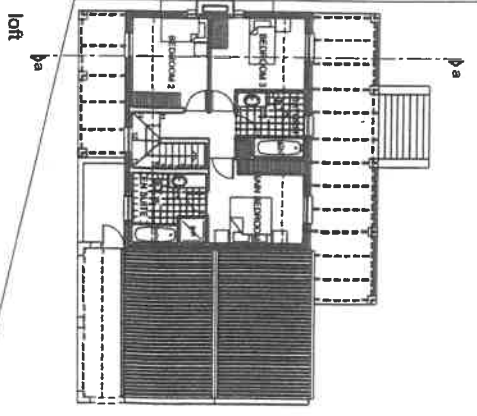
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ABSA Property Development Pty (Ltd)

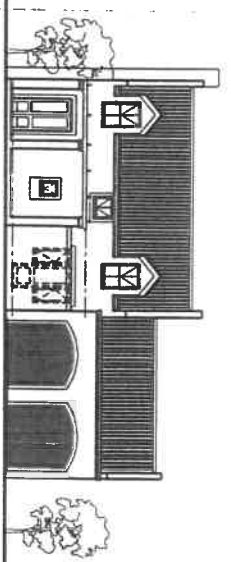
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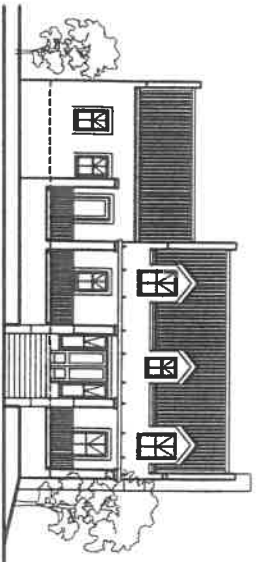
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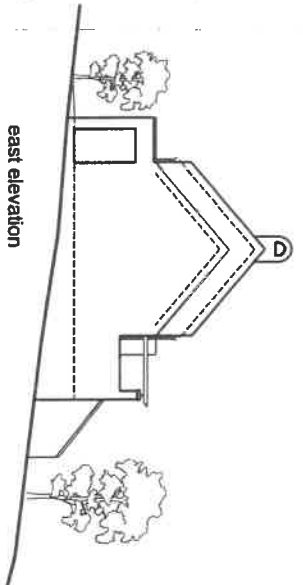
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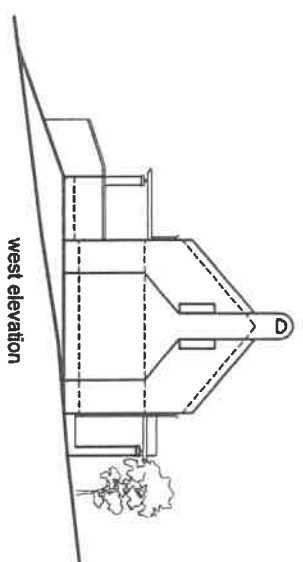
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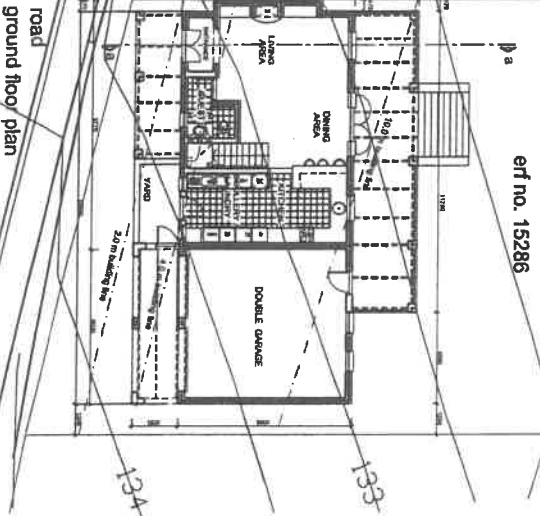
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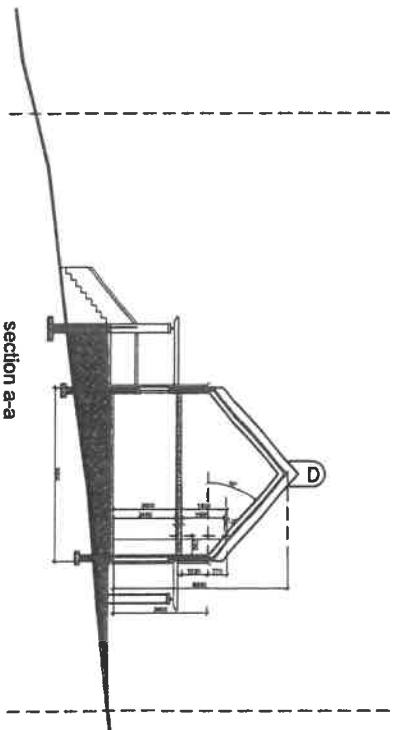
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west elevation

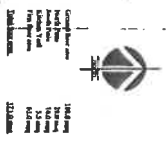


ground floor plan



section a-a

erf no. 15286



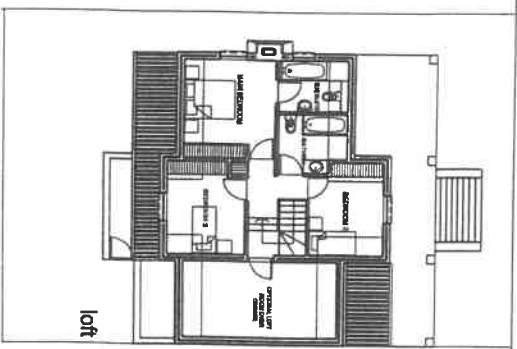
DENNIS MOSS
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E-MAIL: dmo@denmo.co.za
DENMO PROPERTY DEVELOPMENTS (PTY) LTD
100% OWNED AND MANAGED BY DENMO PROPERTY DEVELOPMENTS (PTY) LTD

CLIENT:
ABSA Property Development Pty (Ltd)

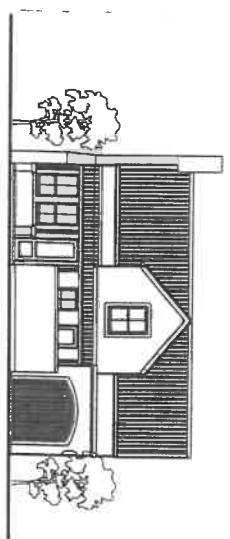
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Welgevonden Estate
Stellenbosch

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unit type:
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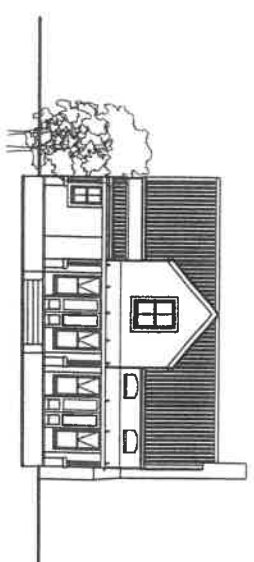
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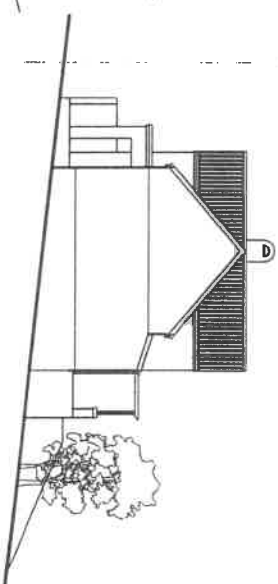
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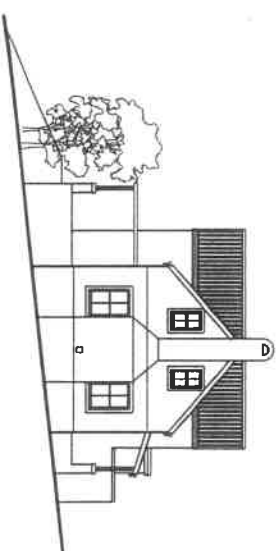
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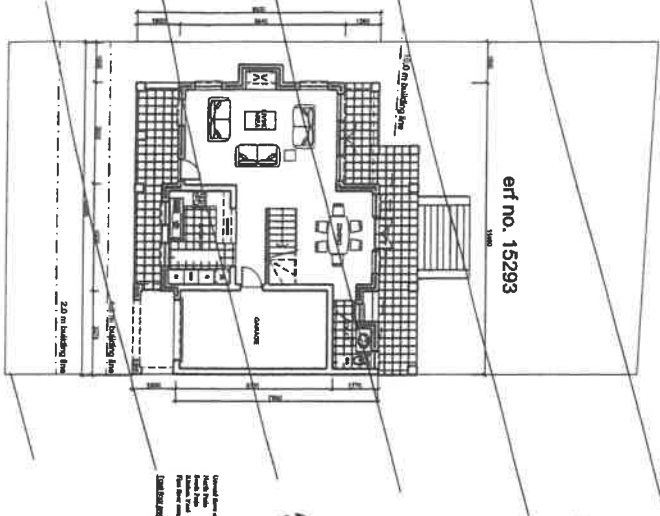
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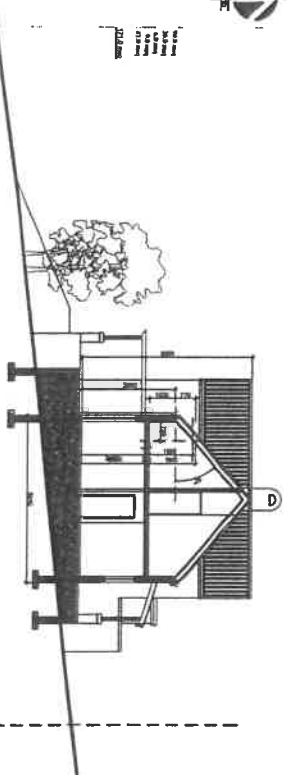


west elevation



ground floor plan

road



typical section

"B3"

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CLIENT:
 ABSA Property Development Pty (Ltd)

PROJECT TITLE:
 Welgevonden Estate
 Stellenbosch

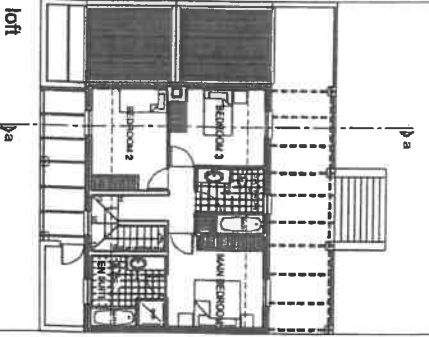
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Project 12
 ERVEN 15286, 15285, 15283, 15290, 15287
Loft unit type LA

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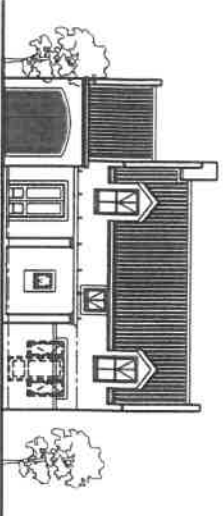
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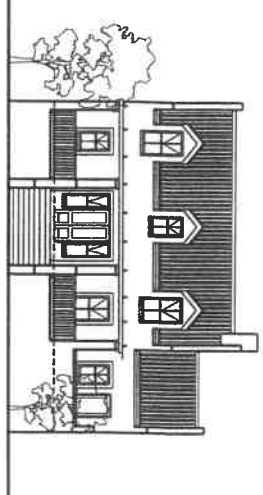
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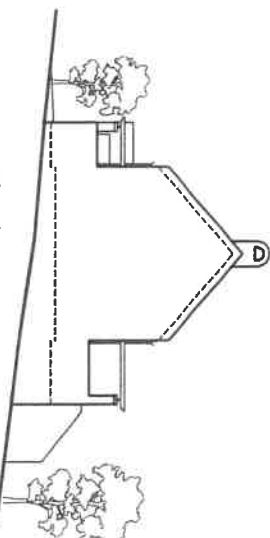
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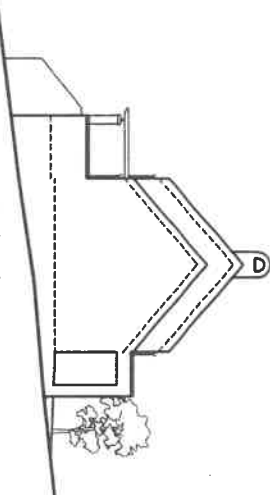
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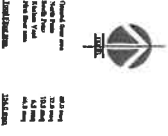
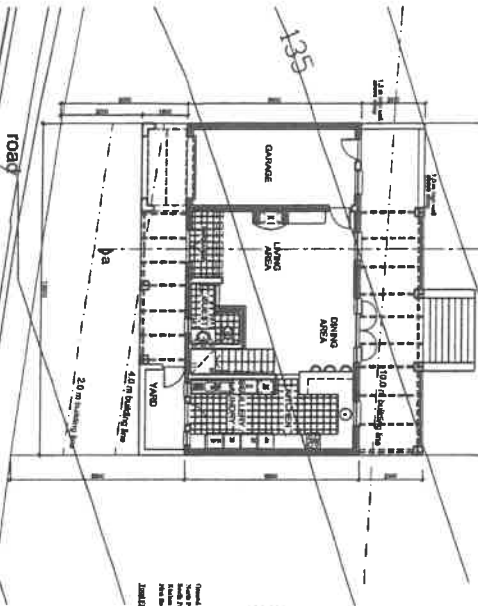
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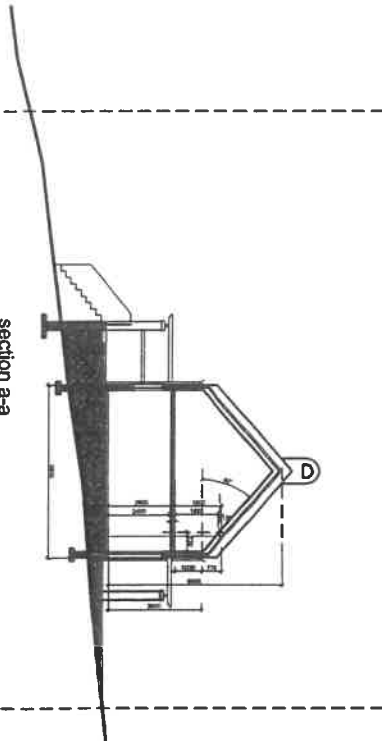
west elevation



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section a-a



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ABSA Property Development Pty (Ltd)

PROJECT INFO

Welgevonden Estate
Stellenbosch

Proposed Loft units
Project 12

ERVEN 15287, 15294, 15289, 15288

Loft unit type 6/G4

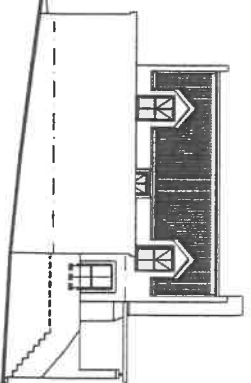
PROJECT NO.	S3533	SCALE	1:100
DATE	20/08/2004	DATE	20/08/2004
REV.	RC	DATE	18/08/2004

FOR DISCUSSION

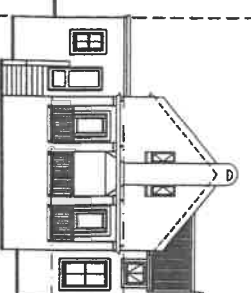
"B5"

Wm

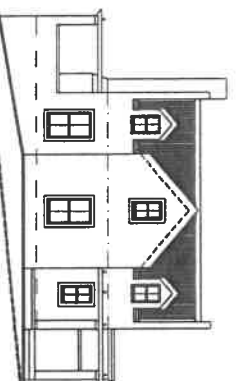
east elevation



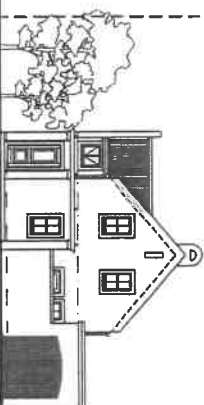
north elevation



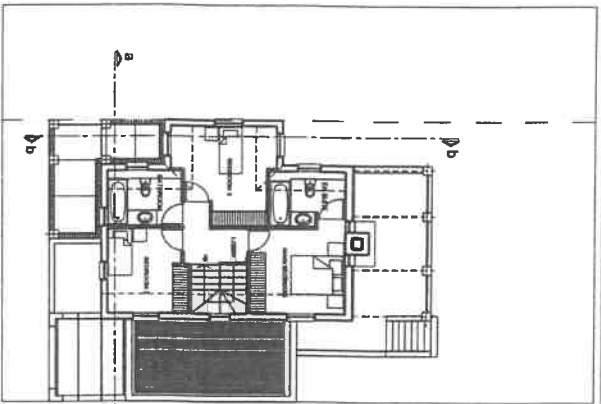
west elevation



south elevation

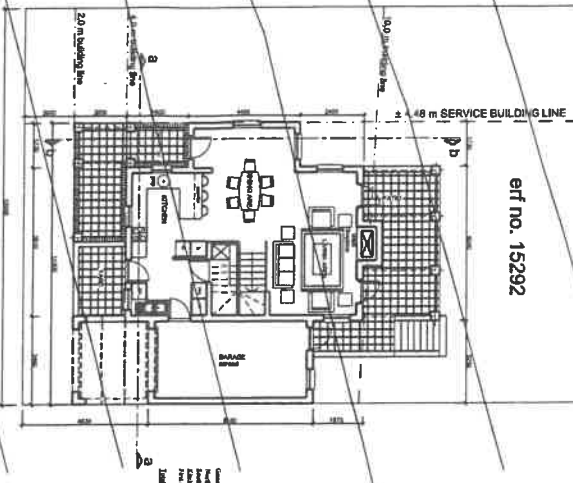


loft

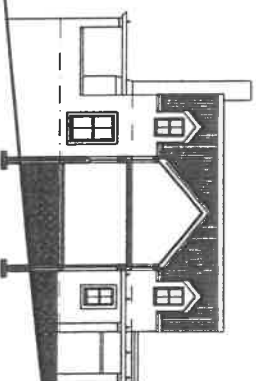


erf no. 15292

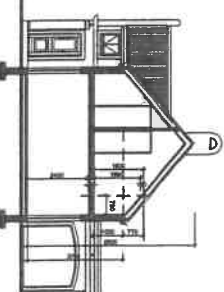
ground floor plan



section b-b



section a-a



DENNIS MOSS
17 MOSS DRIVE, LONDON, N1
TEL: 01-434-0000
FAX: 01-434-0000
E-MAIL: DENNIS@DENNISMOSS.CO.UK

ABSA Property Development Pty (Ltd)

*Welgevonden Estate
Stellenbosch*

Proposed Loft units
Project 12
ERVEN 15291 & 15292
Loft unit type B12E

PROJECT No.	S3533	SCALE	1:100
DRAWING No.	S3533-104	DATE	20/08/2004
APP.	RC	DESIGNED	

FOR DISCUSSION



DENNIS MOSS PARTNERSHIP

Architects • Urban & Regional Planners • Environmental Planners
Landscape Architects • Urban Designers

ANNEXURE C

PLANNING GUIDELINES FOR WELGEVONDEN ESTATE - AREA 1 (area formerly known as existing Green Oaks)

Note:- Planning Guidelines approved as per Architectural Guidelines Document dated 1 October 2003 paragraph 11.0 unchanged.

11.0 PLANNING GUIDELINES

11.1. ZONING

Zoning for Welgevonden Area 1 is Group Housing.

11.2. BUILDING LINES

11.2.1. Group Housing

- a) Building lines as recorded in the Zoning Scheme Regulations for the Stellenbosch Municipality (July 1996 edition) is applicable.
- b) A zero building line for placing the garage and/or carport on one of the two side boundaries will be allowed with the condition that the other side building line will be 1,5m from the boundary.

11.3. BUILDING HEIGHT RESTRICTION

11.3.1. Group Housing

- a) Building height may not exceed 2 storeys.

11.4. COVERAGE

11.4.1. Group Housing

- a) Coverage: - 50% of erf size.



17 Market St • P.O. Box 371 • Stellenbosch 7599 • SOUTH AFRICA
Tel: +27 (0)21 887 0124 • Fax: +27 (0)21 886 5393 • email: info@dmp.co.za • website: www.dmp.co.za

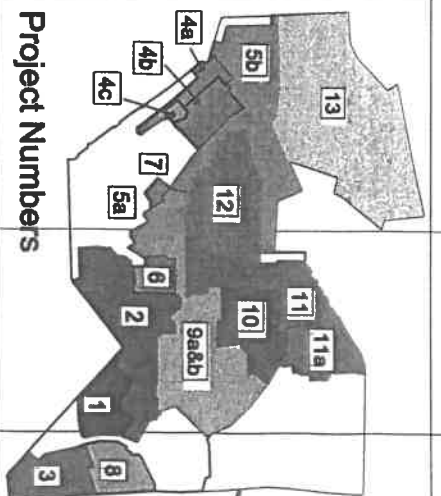
Dennis Moss Planners & Architects (Pty) Ltd. Reg. No. 2003/007711/07

Directors: DF Moss, URP (SA) BA M (URP) M SAPI • GC de Klerk, URP (SA) B Econ M (URP) M SAPI • M Le Roux-Cloete, Pr Arch, BAS, B Arch (UCT), MArch, CIA
SW vd Merwe, Pr Sci Nat, NHD (Nature Conservation) SACNASP • JMH Lackay, Pr S Arch, T MArch • PJ Niemann, Pr Arch, B Arch (UFS) MArch, CIA

Stellenvista

GATE HOUSE 2

GATE HOUSE 1



WELGEVONDEN ESTATE Street Names

JUNE 2005





STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE C

Handwritten signature

Enquiries L Guntz / B Mmoda
Your ref.
Our Ref. Erf 11224, Stellenbosch
Application No LU/2384
Date 2013-02-22
Telephone 021-808 8672 / 8690
Fax 021-808 8651

REGISTERED MAIL

Dennis Moss Partnership
PO Box 371
Stellenbosch
7599

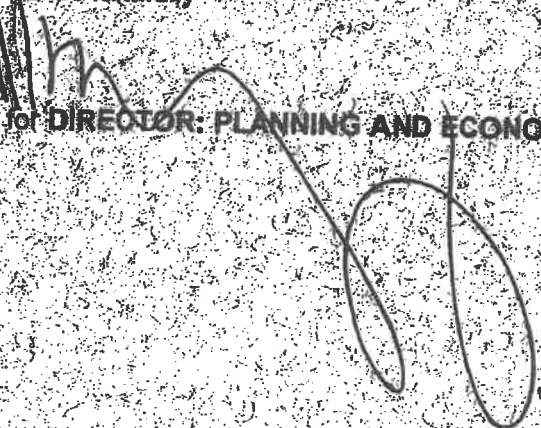
Sir/Madam

**APPLICATION FOR THE APPROVAL OF THE REVISED DESIGN GUIDELINES FOR
WELGEVONDEN: ERF 11224, STELLENBOSCH**

Your application in the above regard, refers.

I wish to advise that the appeal process has now been concluded and that the decision as per Council's previous letter of approval is therefore now considered final. Accordingly, you may now act on the decision, subject to compliance with the conditions detailed in my letter dated 18 December 2012.

Yours faithfully



for DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

FILE NR:	OUTGOING POST
SCAN NR:	
COLLABORATOR NR:	275134

hm

File

21

Enquiries
Your ref.
Our Ref
Application No.
Date
Telephone
Fax

L. Guntz / B Mdoda
Erf 11224, Stellenbosch
LU/2384
2013-02-06
021-808 8672 / 8690
021-808 8651

REGISTERED MAIL

Dennis Moss Partnership
PO Box 371
Stellenbosch
7599

Sir/Madam

FILE NR:	OUTGOING POST
SCAN NR:	
COLLABORATOR NR:	275131

APPLICATION FOR THE APPROVAL OF THE REVISED DESIGN GUIDELINES FOR WELGEVONDEN: ERF 11224, STELLENBOSCH

The current application and my letter dated 18 December 2012, refer.


You are advised that the process for applicants exercising their right of appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 has been concluded and that no applicant appeals were received.

Kindly note, you are now entitled to appeal against Section 2 (approval for departure) in my previous letter in terms of the Land Use Planning Ordinance, No 15 of 1985. In terms of Section 44(1)(a) of the Ordinance, an applicant aggrieved by a decision of Council in respect of an application in terms of the Ordinance, or a person who objected to such an application, may appeal against such decision to the Department of Environmental Affairs & Development Planning at the Western Cape Provincial Government.

Any such appeal must be properly motivated and served on the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Western Cape Provincial Government, Private Bag X9086, Cape Town, 8000 or if hand delivered to the Utilitas Building, 1 Dorp Street, Cape Town within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a weekend or public holiday, it shall be deemed to be the next working day thereafter. A copy of the appeal must also be lodged with, hand delivered or faxed to the Council planning office directed to The Director: Planning & Environment, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plain Street, Stellenbosch, or faxed to fax number 021 808 8651 within the same time period stated above. It is important to note that no appeal will be accepted via email.

Kindly ensure any appeal clearly indicates that it is made in terms of Section 44(1)(a) of the Land Use Planning Ordinance, No 15 of 1985; the erf number of the subject property concerned, the reasons for such appeal. Also note, Council's previous decision remains suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



for DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

hm

P 10-03-13

FILE NO.	104-21157-10
DATE	11/1/56
BY	104-21157-10
REMARKS	

11/1/56