



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11597

Our File Reference Number: Farm 372/1, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: hennie@lmv.co.za

Sir / Madam

APPLICATION FOR THE AMENDMENT OF CONDITIONS OF APPROVAL AND THE APPROVAL OF THE AMENDED CONSTITUTION OF THE OWNERS ASSOCIATION INCLUSIVE OF THE ARCHITECTURAL & AESTHETIC DESIGN GUIDELINES: FARM 372/1, STELLENBOSCH

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)(h) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the amendment of the following conditions of approval for Portion 1 of Farm 372, Stellenbosch:
 - 2.1.1 Condition 5.2.11: Which refers to a 50% coverage which is to be increased to 60%;
 - 2.1.2 Condition 5.2.2: Which refers to a bulk of 0.7 which is to be increased to a bulk of 1.0;
 - 2.1.3 Condition 5.2.4: Which refers to internal street building lines: 2m for dwellings and to include 0m for entrance porches;
 - 2.1.4 Condition 5.2.5: Which refers to internal street building line of 5m for garages to be reduced to 2.5m for garages.
 - 2.2 Application in terms of Section 15(2)(l) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the approval of the Constitution of the Owners Association inclusive of the Architectural & Aesthetic Design Guidelines to incorporate the amendments applied for above on Portion 1 of Farm 372, Stellenbosch;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval in terms of Section 66 of the said Bylaw.

2.3 Conditions of approval.

- i. Approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescription;
- ii. The conditions of approval of all internal and external departments as imposed in the Decision of the Appeal Authority dated 03 June 2019 are applicable to this approval; (Decision of the Appeal Authority attached as **Annexure 3**)

2.4 The reasons for the above decision are as follows:

- i. The proposal will have no impact on the character of the development as initially submitted as two storey buildings could be developed in terms of the initial approval granted;
 - ii. The proposal has no impact on the surrounding area as the additional bulk being approved will not result in additional land use rights being granted;
 - iii. The proposal to locate the dwelling unit and garage closer to the internal street boundary will only result in additional garden area / private space being made available at the rear of the proposed dwelling unit.
3. 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.
4. 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.

5. 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

6. An applicant 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.
7. 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>).
8. 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. 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

26/3/2021
DATE:



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ANNEXURE 3

Copy of approval granted on Appeal in June 2019



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Application Number: LU/5114
Our File Reference Number: Farm 372/1, Stellenbosch
Your Reference Number: CJH/Ptn1 Welgegund
Enquires: Lenacia Kamineth
Contact No: 021 808 8697
E-mail address: Lenacia.Kamineth@stellenbosch.gov.za
Date: 03 June 2019

REGISTERED MAIL

Mr C J Hofmeyer
Du Plessis Hofmeyer Molan Inc
PO Box 70
SOMERSET WEST
7173

E-mail address: carel@dhmlaw.co.za

Dear Mr Hofmeyer

NOTICE OF DECISION

APPLICATION FOR REZONING, SUBDIVISION, A PERMANENT DEPARTURE, THE NAMING AND NUMBERING OF THE INTERNAL STREET, APPROVAL OF CONSTITUTION OF THE OWNERS' ASSOCIATION AND APPROVAL OF SITE DEVELOPMENT PLAN & LANDSCAPING PLAN IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, PROMULGATED BY NOTICE NUMBER 354/2015, DATED 20 OCTOBER 2015 REGARDING PORTION 1 OF THE FARM WELGEGUND NO 372, DIVISION OF STELLENBOSCH

1. The abovementioned appeal refers.
2. Kindly find attached hereto the decision of the Appeal Authority for your attention.

Yours faithfully,


Ms Geraldine Mettler
MUNICIPAL MANAGER

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DECISION OF APPEAL AUTHORITY

Appeal lodged in terms of Section 79(2) of the Stellenbosch Municipal Planning By-Law (2015) against the decision of the Stellenbosch Municipal Planning Tribunal for the partial approval/refusal of the application for Rezoning, Subdivision, a Permanent Departure, the Naming and Numbering of the Internal Street, Approval of the Constitution of the Owners' Association and Approval of Site Development Plan and Landscaping Plan: Portion 1 of the Farm Welgegund No 372, Division of Stellenbosch (File Ref: LU/5114 /Appeal)

DECISION OF APPEAL AUTHORITY:

1. On 20 July 2018, DHM Attorneys submitted an appeal on behalf Aloha Trust, West Ridge Shopping Centre (Pty) Ltd and LMV Cape Town and Regional Planners in terms of Section 79(2) of the Stellenbosch Municipality: Land Use Planning By-Law (the By-Law) against the partial approval / refusal of a number of land development applications submitted in terms of Section 15(2) and Section 98 of the By-Law. The aforementioned decisions were taken by the Municipal Planning Tribunal (MPT) on 4 May 2018 and are recorded in a notification letter dated 29 June 2018 (the MPT Decision).
2. When I considered and determined the appeal, I had regard to all relevant information in the municipal records, including the following:
 - 2.1. The land development applications submitted in terms of Section 15(2) of the By-Law, with all supporting documents.
 - 2.2. All documents, information and comments prepared or submitted as part of the application and appeal processes as contained in the municipal records.
 - 2.3. The Developer's appeal dated 20 July 2018 and all annexures thereto, as well as the subsequent representations submitted.
 - 2.4. Appeal Assessment Report prepared in terms of Section 80(12) of the By-Law.
 - 2.5. The submissions of the Appellant made in terms of Section 81(6) of the By-Law.

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The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

<input type="checkbox"/> CONFIRM	<input type="checkbox"/> VARY	<input checked="" type="checkbox"/> X	<input type="checkbox"/> REVOKE
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the decision on 4 May 2018 of the Stellenbosch Municipal Planning Tribunal for the partial approval/refusal of the application for Rezoning, Subdivision, a Permanent Departure, the Naming and Numbering of the Internal Street, Approval of the Constitution of the Owners' Association and Approval of Site Development Plan and Landscaping Plan, Portion 1 of the Farm Welgeboerd No 372, Division of Stellenbosch

as follows:

1. Approval is hereby granted in terms of Section 60 of the By-Law for the rezoning of Portion 1 of the Farm 372, Stellenbosch from Agricultural Zone I to a Subdivisional Area comprising of 32 Residential Zone II (Group Housing) erven and 8 Open Space Zone II (Private Open Space, refuse facility, landscaping and private road) erven, as indicated on the Subdivision and Zoning Plan No 14025-1 Rev C dated 7 October 2017 (Appendix 1).
2. Approval is hereby granted in terms of Section 60 of the By-Law for the subdivision of Portion 1 of the Farm 372, Stellenbosch into Residential II erven (group housing) and 8 Open Space Zone II (Private road and private open spaces) as depicted on the Subdivision and Zoning Plan No 14025-1 Rev C dated 7 October 2017 (Appendix 1).
3. Approval is hereby granted in terms of Section 60 of the By-Law for the permanent departure to permit a group housing site with an area of 2,5ha in lieu of 2ha.
4. Approval is hereby granted in terms of Section 98 of the By-Law for the approval of the street name and numbers, as part of the aforementioned subdivision as depicted on Street Name and Numbers Plan No 14025-02 Rev B dated 7 October 2017 (Appendix 2).
5. The above approvals are subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law

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dated 20 October 2015:

- 5.1 The approval applies only to the applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 5.2 The following development parameters shall be applicable to the development and must be incorporated in the design guidelines for the development:
 - 5.2.1 50% coverage
 - 5.2.2 0.7 bulk
 - 5.2.3 A maximum of two storeys (Floor to ceiling height not to exceed 4.0m per storey)
 - 5.2.4 Internal street building line : 2.0m for the dwelling
 - 5.2.5 Internal street building line : 5.0m for all garages
 - 5.2.6 Internal street building lines : 0.0m for carports in front of garage (No shade ports will be allowed)
 - 5.2.7 A 3.0m side or rear building line will be applicable to all properties with boundaries that form part of the external boundary of the development and are located on the street boundary with Paradyskloof Road
 - 5.2.8 Pools, pergolas and open stoeps which are not raised are to be exempt from all internal building lines
 - 5.2.9 A minimum of 2 on-site parking bays be provided per dwelling unit
- 5.3 That the applicant submits an electronic copy of the General Plan which was approved by the Surveyor General. The following information must be indicated:
 - 5.3.1 Newly allocated Erf Numbers

GA



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- 5.3.2 Co-ordinates
- 5.3.3 Survey Dimensions
- 5.3.4 Street names

- 5.4 No building plans will be approved prior to the submission of an approved General Plan (electronic or hard copy, containing a GP number and signed by the Office of the SG) registered in the Deeds Office, or alternatively, in the case of less than 10 erven, the approved SG diagram (electronic or hard copy, containing a SG number and signed by the Office of the SG) registered in the Deeds Office;
- 5.5 A revised site development plan is to be submitted to the Municipality for approval by the Director: Planning and Economic Development which reflects the development parameters listed in paragraph 5.2 above, complies with the conditions in the Memorandum of the Directorate: Engineering Services, dated 3 March 2017 (Appendix 3) and must also include details of the proposed land development, including the site layout, positioning of buildings and structures, position of property access, typical building designs, landscaping, name of development, street names and numbers, as well as detailed plans for entrance gate, refuse yard and all external boundary walls of the development, prior to the approval of building plans. The development must be undertaken in accordance with the approved revised site development plan;
- 5.6 The entrance gates, refuse yard and all external boundary walls are to comply with the Boundary Walls and Fence By-Law of Council;
- 5.7 A detailed landscaping plan be submitted to the Municipality for approval by the Director: Protection and Community Services for all open space areas within the development as part of the revised site development plan referred to in paragraph 5.5 above;
- 5.8 The developer undertakes sidewalk planting, i.e. levelling and planting of sidewalk trees and maintains the sidewalks for a period of 1 year from the date of completion to the satisfaction

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of the Director: Protection and Community Services. Such landscaping shall be satisfactorily completed prior to the transfer of the first portion of the subdivision or the first phase of the subdivision. Alternatively, that a valid unconditional bank guarantee in favour of the Stellenbosch Municipality be submitted to the satisfaction of the Director: Protection and Community Services in lieu of full implementation of the landscaping upon which transfers could be allowed subject to compliance with the other conditions of approval;

- 5.9 The entrance gates, refuse yard, all external boundary walls and all landscaping on the internal public open spaces are to be completed prior to the first property being transferred;
- 5.10 Should the applicant wish to implement the subdivision in phases, the applicant shall submit a phasing plan for approval by the Director: Planning and Economic Development prior to commencement of the first phase or as otherwise determined by the said Director;
- 5.11 Building plans will only be approved when all conditions of approval have been complied with;
- 5.12 The conditions imposed by the Directorate: Engineering Services in their memo dated 3 March 2017 be adhered to prior to clearance applications being submitted to Council for approval (Appendix 3);
- 5.13 That the land necessary for the extension of the Schuilplaats Road is, as far as may be legally required, excluded from the current lease agreement in respect of the properties and that the required roads infrastructure services upgrades, as envisaged in paragraph 3 of Appendix 3, be undertaken and all necessary services installed;
- 5.14 That the Municipality approve a capital budget for the upgrading of the required roads infrastructure services as envisaged in paragraph 3 of the Memorandum of the Directorate: Engineering Services dated 03 March 2017 or

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that, in the complete discretion of the Municipality, the Municipality enters into a written engineering services agreement with the applicant and/or other developers of properties in the Paradyskloof area on the basis that:

- 5.14.1 The applicant and/or other developers in the Paradyskloof area shall plan, design and construct the required bulk roads infrastructure services or any part thereof as required by the Municipality; and
- 5.14.2 The fair and reasonable costs (as approved by the Municipality in writing), expended by the applicant or any other developer in respect of the planning, design and construction of the aforementioned bulk roads infrastructure services shall be taken into account and be set off against any development charges payable by any one or more of the developers in terms of the approved development charges policy of the Municipality.
- 5.15 The applicant will be responsible for the provision, installation and costs of internal and link engineering services. An engineering services agreement/s must be concluded between the Municipality and the applicant in respect of the installation of internal and link services to the Development and the payment of development charges, which agreement will be drawn up by an attorney nominated by the Municipality;
- 5.16 An owners' association shall automatically be established upon registration of the first unit;
- 5.17 The constitution of the owners' association, inclusive of revised architectural and aesthetic guidelines that reflect the development parameters listed in paragraph 5.2, be submitted for approval by the Director: Planning and Economic Development and must comply with such requirements as may be imposed at such approval before transfer of any unit can take place;



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- 5.18 All common property arising from the subdivision must be transferred to the owners' association simultaneously with the registration of the transfer of the first unit;
- 5.19 The conditions imposed by the Department of Environmental Affairs and Development Planning in their letter dated 24 November 2017 be adhered to (Appendix 4);
- 5.20 Access to the development must be off Paradyskloof Road, which access must be to the satisfaction of the Directorate: Engineering Services;
- 5.21 The Director: Planning and Economic Development will be entitled to impose further conditions at the approval of the site development plan;
- 5.22 The approval is valid for 5 years from date of final notification.

SIGNATURE:

Adv. Gesle van Deventer
Adv. Gesle van Deventer
EXECUTIVE MAYOR

DATE: 27/5/2019

REASONS FOR THE DECISION:

6. A residential development with associated infrastructure is found to be desirable due to its consistency with all local and Provincial Spatial Planning policies, including prioritised investment indication in the IDP.
7. A residential development with associated infrastructure supports the principles as stipulated in Chapter VI of LUPA, which is in line with the principles of SPLUMA.
8. The application process is PAJA compliant and the objections received have been sufficiently addressed.
9. The proposed residential development constitutes infill development and is therefore in line with the Stellenbosch Urban Densification Strategy's vision.



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10. The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase, contribute to the upgrading of the town's bulk infrastructure and lead to a significant increase in municipal rates and taxes.
11. The applicant's environmental application was considered in an integrated manner and approval granted for Alternative 1 (the preferred alternative) which included the proposed extension of Schuilplaats Road to Trumali Road, which extension will be environmentally sustainable in terms of the environmental authorisation granted.
12. The applicant's motivation (including the initial and supplementary engineering reports) for the development, as far as the traffic impact was concerned as well as the conditional approval by the Provincial Department Transport and Public Works, included the extension of Schuilplaats Road up to Trumali Road, which would alleviate the added safety risks and pressure on the existing road infrastructure in and around Paradyskloof.
13. The revised development parameters will ensure that the dwelling units within the development are not out of scale and character with the surrounding developments.



STELLENBOSCH

Application Number: LU/10121

Our File Reference Number: Farm 372/1, Stellenbosch Division

Your Reference Number: C053A (H Du Plooy)

Enquiries: Louisa Guntz / Nicole Katts

Contact No: 021 808 8672 / 8318

Email address: louisa.guntz@stellenbosch.gov.za / Nicole.katts@stellenbosch.gov.za

REGISTERED MAIL

Hennie Du Plooy
LMV Cape Town Planners
PO Box 51142
WATERFRONT
8002

Sir / Madam

APPLICATION FOR THE AMENDMENT OF THE SITE DEVELOPMENT PLAN: FARM NO. 372/1, STELLENBOSCH DIVISION

1. The application in the above regard, refers.
2. The Authorised Employee, on 07 February 2020, **approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for :
 - 2.1 **The Amendment of the Site Development Plan** to comply with condition 5.5 & 5.7 as stipulated in the Municipality's letter of approval, dated 03 June 2019, to allow for the establishment of the Welgegend Domaine Prive Development, as indicated on Drawings Nr. SDP-01; SDP-02; SDP-03; SDP-04; SDP-05, dated 01 August 2019 & 16 September 2019, drawn by Wynand Wilsenach Architects and Landscaping Plan, Drawing Nr. 2366-03-LP-REV02, dated 01 August 2019, drawn by endv Landscape Architects.
3. **The above approval is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:**
 - 3.1 The approval applies only to the Site Development Plan & Landscaping plan in question, and shall not be construed as authority to depart from any other legal prescriptions or

requirements from Council;

- 3.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;
- 3.3 The conditions imposed by the Municipality in its approval letter dated 03 June 2019, are still applicable (see **Appendix 4**);
- 3.4 The conditions imposed by the **Director: Engineering Services** as contained in the memo dated 14 November 2019, be complied with (see **Appendix 5**);
- 3.5 Approval of the site development plan shall lapse if not exercised with **5 years** from date of final notification; and
- 3.6 Building Plans to be submitted to the Municipality for approval.

4. REASONS FOR THE ABOVE DECISION

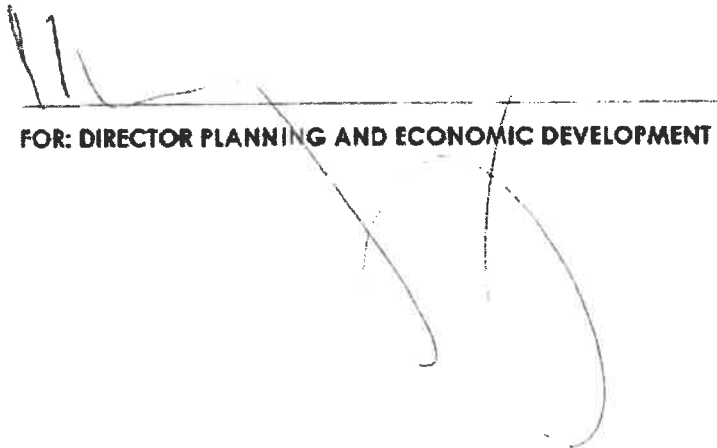
The application is supported for the following reasons:

- 4.1 The Site Development Plan was submitted to comply with condition 5.5 & 5.7 of the approval as granted on 03 June 2019;
 - 4.2 The property will be developed in accordance with the approved land use rights;
 - 4.3 The application was previously advertised to all interested and affected parties and all comments were considered during the decision-making processes;
 - 4.4 The amended site development plan will not result in any additional rights being granted.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
 6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website.
 7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons

as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is 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

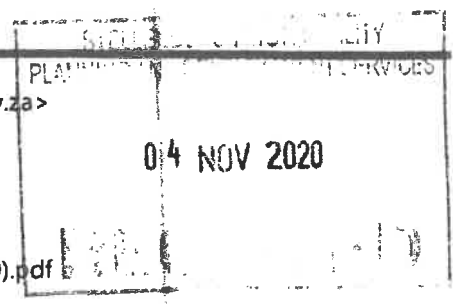


A large, stylized handwritten signature in blue ink, written over a horizontal line. The signature is somewhat abstract and difficult to decipher.

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

11/2/2020
DATE

Charlene Williams



From: Tyrone King <Tyrone.King@stellenbosch.gov.za>
Sent: 04 November 2020 03:45 PM
To: Lukas Louw
Cc: Charlene Williams
Subject: Erf 372-1: Welgegund - Update on DC's calc
Attachments: DCs Farm 372-1 (Welgegund)_2 (4 Nov 2020).pdf

Hi Lukas soos versoek

Groete

Charlene, please place on erf file Farm 372/1.

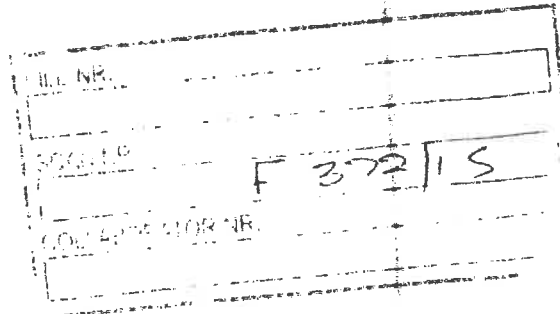
Regards



Tyrone King Pr Tech Eng
Manager: Development
Infrastructure Services
T +27 21 808 8214 | F +27 21 883 9874
Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer: This e-mail and any files transmitted with it are confidential and intended only for the individual named. If you have received this e-mail by mistake, please notify the sender immediately by e-mail. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.



From: Lukas Louw [mailto:lukas@bs-inc.co.za]
Sent: Monday, 02 November 2020 15:34
To: Tyrone King
Cc: Colin Taylor
Subject: [EX] Welgegund - Update on DC's calc

Hi Tyrone,

Die ontwikkelaar het gevra dat julle asb die DC's calc vir hom opdateer met die 2020/2021 tariewe. Ons begin nou met konstruksie, so die DC's sal volgende jaar April/Mei betaal word.

Groete.

Lukas Louw Pr. Eng.
Bart Senekal and Partners Incorporated
(Civil and Structural Consulting Engineers)



Cel 082 577 7048
Tel 021 883 8710

APPLICATION INFORMATION

Civil 1917 (LU/10121)

Wednesday, 04/Nov/2020

2020/21

Stellenbosch Town

372/1

D. Proposed Site Development Plan: Overall Layout No. SDP-01/1435/Rev 030, dated 2019/09/06, by Wynand Wilsenach Architects

SUMMARY OF DC CALCULATION

	Water		Sewer		Storm-water		Solid-Waste		Roads		Community Facilities	
	kl/day	R	kl/day	R	ha°C	t/week	t/week	trips/day	trips/day	trips/day	trips/day	person
Isage	37.200		21.700		1.488	1.240	1.240	124.00	124.00	124.00	124.00	124.00
is before Deductions	R 981 191.66	R 548 947.92	R 548 947.92	R 147 794.41		R 64 011.45		R 788 113.55		R 404 198.84		
VAT)	R 981 191.66	R 548 947.92	R 548 947.92	R 147 794.41		R 64 011.45		R 788 113.55		R 404 198.84		
	R 147 178.75	R 82 342.19	R 82 342.19	R 22 169.16		R 9 601.72		R 118 217.03		R 60 629.83		
AT)	R 1 128 370.41	R 631 290.11	R 631 290.11	R 169 963.57		R 73 613.17		R 906 330.58		R 464 828.67		

APPLICANT INFORMATION

Tyrone King

This is an update of DC calc dated 14 Nov 2019 to reflect the 2020/21 DC tariffs;
No change to development parameters

As above

APPLICATION INFORMATION

Civil 1917 (LU/10121)

Wednesday, 04/Nov/2020

2020/21

Stellenbosch Town

372/1

o. Proposed Site Development Plan: Overall Layout No. SDP-01/1435/Rev 030, dated 2019/09/06, by Wynand Wilsenach Architects

SUMMARY OF DC CALCULATION

	Water kl/day	Sewer kl/day	Storm-water		Solid-Waste t/week	Roads trips/day	Community Facilities person	
			ha°C	1.488				124.00
Isage	37.200	21.700			1.240	124.00		124.00
is before Deductions	R 981 191.66	R 548 947.92	R 147 794.41		R 64 011.45	R 788 113.55		R 404 198.84
VAT)	R 981 191.66	R 548 947.92	R 147 794.41		R 64 011.45	R 788 113.55		R 404 198.84
	R 147 178.75	R 82 342.19	R 22 169.16		R 9 601.72	R 118 217.03		R 60 629.83
AT)	R 1 128 370.41	R 631 290.11	R 169 963.57		R 73 613.17	R 906 330.58		R 464 828.67

APPLICANT INFORMATION

Tyrone King

This is an update of DC calc dated 14 Nov 2019 to reflect the 2020/21 DC tariffs;
No change to development parameters

As above

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Brewed Usage	Water		Sewer		Storm-water		Solid-Waste		Roads	Community Facilities	Total	
		area (m2)	du/ha % GLA	area (m2)	du/ha % GLA		du m2 GLA	du m2 GLA	YES	YES	YES	YES	YES	YES				
Infrastructure Type applicable? (yes/no)																		
Residential	Single Residential - 100m2	du m2	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	
	Single Residential - 150m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	
	Single Residential - 225m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	
	Single Residential - 270m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	
	Low Density Residential - 250m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	
	Low Density Residential - 275m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	R
	Medium Density Residential - 150m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	R
	Medium Density Residential - 240m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	R
	High Density Residential - 140m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	R
	High Density Residential - 180m2	du	0	0	0	0	0	R	R	R	R	R	R	R	R	R	R	R
Commercial	Local Business - office	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Local Business - retail	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	General Business - office	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	General Business - retail	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Community	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Education	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	R
	Light Industrial - light	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	General Industrial - light	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	General Industrial - heavy	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Heavy Industrial - heavy	m2 GLA	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
Industrial	Reactor	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	High-Capacity	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Light-Capacity	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Open Space	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	General Environment	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Other Services	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Public Works and parking	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Transport Facility	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Unland Use	m2	0%	0%	0%	0%	0%	R	R	R	R	R	R	R	R	R	R	
	Special																	
To be interpreted based on equivalent demands																		
Complete yellow/green cells.																		
** du = dwelling unit, GLA=Gross lettable area.																		
Total Development Change before Deductions																		
% Deductions per service type																		
Additional Deduction per service - from Service Agreement (ref.)																		
Sub - total after deductions (excluding VAT)																		
VAT																		
Total																		

R981 191.66
 R0.00
 R0.00
 R0.00
 R548 947.92
 R0.00
 R0.00
 R147 794.41
 R64 011.45
 R788 113.55
 404 198.84
 R0.00
 R0.00
 R2 934 257.83



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE 1

LOCALITY PLAN

Stellenbosch GIS Map



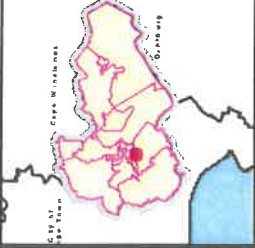
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

SCALE

1:4 513,99

Legend

- StreetAddress
- Erven
- Sectional Schemes
- Airfields
- High Way
- Provincial
- Arterial
- Main
- Street
- Street
- Railway
- District Boundary



Stellenbosch Municipality
 Planning & Economic Development
 Created by: Corporate GIS
 Date: 2021/03/11



Author: Stellenbosch Municipality



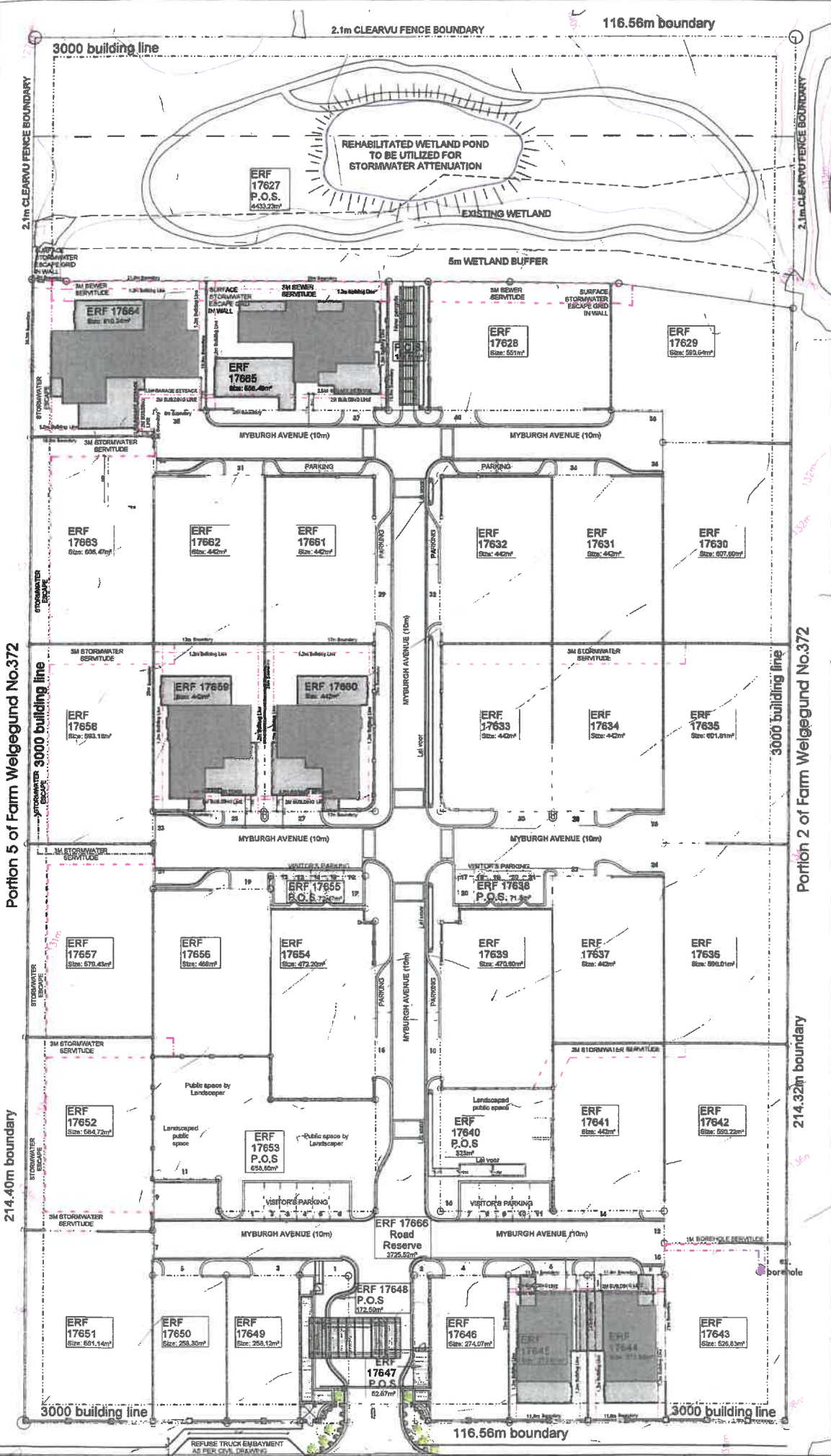
Stellenbosch Municipality
 Street Address:
 71 Plein Street, Stellenbosch, 7600
 Tel: 021 888 8658

This map is a free web tool of the Stellenbosch Municipality. It is provided as a service to the public. While every effort has been made to ensure the accuracy of the information, the Municipality does not accept any liability for any errors or omissions that may appear in this map. The information is provided as a guide only and should not be used as a basis for any legal or financial decisions. The Municipality is not responsible for any loss or damage caused by the use of this map.



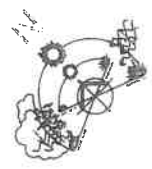
ANNEXURE 14

Site Development Plan



STOPI

READ THIS FIRST: WHEN IN DOUBT ASK
 THIS DRAWING AND REPRESENTATIONS INCLUDED HEREIN IS THE PROPERTY OF WYNAND WILSENACH ARCHITECTS AND COPYRIGHT LAW APPLIES.



PORTION 1 OF THE FARM WELGEGUND NO. 372, STELLENBOSCH

LEGEND:
 - Servitude
 - 3m Building Line
 - 1:3 Street number
 - ERF Number & Size
 - ERF Number & Size

NOTES:

*SITE CALCULATIONS:

Site Size:	24 886 m ²
Total Coverage for the development:	37% (9 212.8 m ²)
Total Permissible Coverage Per Erf:	80%
Total Bulk for the development:	0.52 (15 354.7 m ²)
Total Permissible Bulk Per Erf:	1.0
Total number of units:	32 units
Parking provision:	
2 bays / unit = 64	
+ additional 21 visitors bays	= 85 bays

- *TYPICAL UNIT TYPES are only indicative and will be separately designed by new buyers in accordance to the architectural guidelines.
- *TYPICAL SDP OVERALL LAYOUT
- *UNIT TYPES ARE INTERCHANGEABLE and not limited to any even and can be double or single storey.
- *PERIMETER BUILDING LINES:
 3m Street Building Line
 3m Lateral Building Lines
 3m Rear Building Line
- *INTERNAL STREET BUILDING LINES:
 2m For Dwellings
 2.5m For Garages (5m From Kerb)
 0m For Entrance Porches
- *BOUNDARY WALLS:
 No solid boundary wall shall exceed 1.8m in height on the street boundary and 2.1 m in height on a lateral boundary measured from the existing ground level abutting such wall or fence.
 No gateable type fence shall exceed 2.1m in height on the street boundary or lateral boundary measured from the existing ground level abutting such wall or fence.
 At least 40% of the surface area of the entire street boundary wall, including gates, shall be visually permeable as per the sample drawing labeled Boundary Wall Elevation on Drawing SDP-03

WELGEGUND DOMAINE PRIVÉ



WYNAND WILSENACH ARCHITECTS

2ND FLOOR EARLGO BUILDING
 CNR KLOOF ST & PARK RD 8001 GARDENS
 POSTNET SUITE #6 P BAG XI VLAERBERG 6018
 TEL +27214243230 EMAIL archtechs@w2.co.za

ARCHITECT:
 CLIENT:
 ABACUS DEVELOPMENT COMPANY
 CLIENT

PROPOSED DEVELOPMENT
 Portion 1 of the farm Welgegund No. 372, Stellenbosch, Paradyiskloof PROJECT

Site Development Plan:
 Overall Layout
 DRAWING
 A0
 DATE: 1/200
 ADW/UB/AC WW
 1435 000

SDP-201
 2020/05/14 FOR APPROVAL

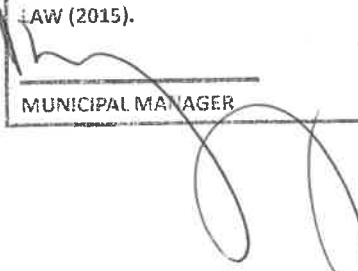
Erf Type	Erf No.	Street No.	Parking Bays Req.	Erf Size	Coverage	Permissible Coverage	Bulk Factor	Permissible Bulk		First Floor maximum size as % of Bulk First Floor Max. Area	Building Lines			Building Heights	
								Total	Max. %		Street	Side	Rear	FFL to Wallplate	FFL to Roof Apex
Duplex	17646	4	2	274.1m²	60%	184.5m²	1.0	274.1m²	40%	109.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m Dwelling/0m Garage	3.0m	6.4m	9m
Duplex	17645	6	2	273.9m²	60%	184.3m²	1.0	273.9m²	40%	109.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m Dwelling/0m Garage	3.0m	6.4m	9m
Duplex	17644	8	2	273.7m²	60%	184.2m²	1.0	273.7m²	40%	109.5m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m Dwelling/0m Garage	3.0m	6.4m	9m
Shingle	17643	10	2	528.8m²	60%	316.1m²	1.0	528.8m²	40%	210.7m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17642	12	2	590.2m²	60%	354.1m²	1.0	590.2m²	40%	236.1m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17641	14	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Duplex	17649	3	2	258.1m²	60%	154.9m²	1.0	258.1m²	40%	103.3m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m Dwelling/0m Garage	3.0m	6.4m	9m
Duplex	17650	5	2	258.3m²	60%	155.0m²	1.0	258.3m²	40%	103.2m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m Dwelling/0m Garage	3.0m	6.4m	9m
Shingle	17651	7	2	581.1m²	60%	354.7m²	1.0	581.1m²	40%	236.4m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17652	9	2	594.7m²	60%	350.8m²	1.0	594.7m²	40%	233.9m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17639	18	2	470.8m²	60%	282.5m²	1.0	470.8m²	40%	188.3m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17654	15	2	472.2m²	60%	283.3m²	1.0	472.2m²	40%	188.9m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17656	19	2	468.0m²	60%	280.8m²	1.0	468.0m²	40%	187.2m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17657	21	2	579.4m²	60%	347.8m²	1.0	579.4m²	40%	231.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17658	23	2	593.2m²	60%	355.9m²	1.0	593.2m²	40%	237.3m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17659	25	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17660	27	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17636	24	2	598.0m²	60%	357.8m²	1.0	598.0m²	40%	238.4m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17635	26	2	601.8m²	60%	361.1m²	1.0	601.8m²	40%	240.7m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17634	28	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17633	30	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17632	32	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17661	29	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17662	31	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Shingle	17663	33	2	606.9m²	60%	365.9m²	1.0	606.9m²	40%	242.6m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Weiland	17664	35	2	610.2m²	60%	366.1m²	1.0	610.2m²	40%	244.1m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Weiland	17665	37	2	556.5m²	60%	333.9m²	1.0	556.5m²	40%	222.6m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Weiland	17628	40	2	551.0m²	60%	330.4m²	1.0	551.0m²	40%	220.4m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
Weiland	17629	38	2	580.6m²	60%	354.4m²	1.0	580.6m²	40%	236.2m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17630	36	2	607.6m²	60%	364.6m²	1.0	607.6m²	40%	243.0m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	3.0m	6.4m	9m
Shingle	17631	34	2	442.0m²	60%	265.2m²	1.0	442.0m²	40%	176.8m²	2m Dwelling/2.5m Garage/0m Entrance Porch	1.2m	1.2m	6.4m	9m
TOTAL				15 354.7m²	60%	9 212.8m²	1.0	15 354.7m²	40%	6 141.9m²					

CONSTITUTION

OF

WELGEGUND DOMAINE PRIVÉ HOME OWNERS' ASSOCIATION

*Established in terms of section 29 of Stellenbosch Municipality: Land Use Planning
By-law under the Spatial Planning and Land Use Management Act, No. 16 of 2013*

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	26/3/2021 DATE

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 - 5. Objects and responsibilities of the Association

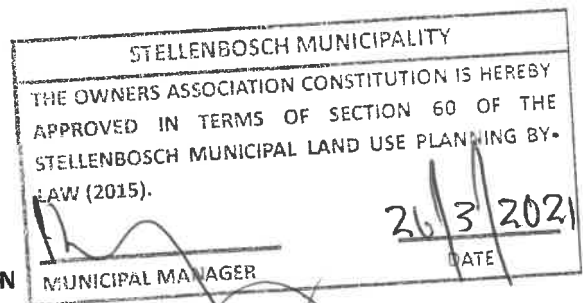
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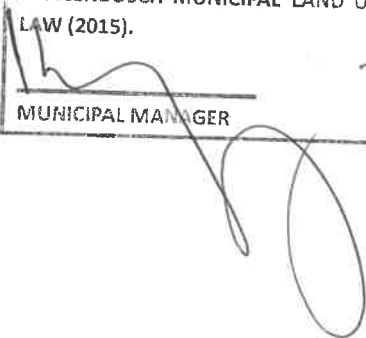
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STELLENBOSCH MUNICIPALITY

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


MUNICIPAL MANAGER

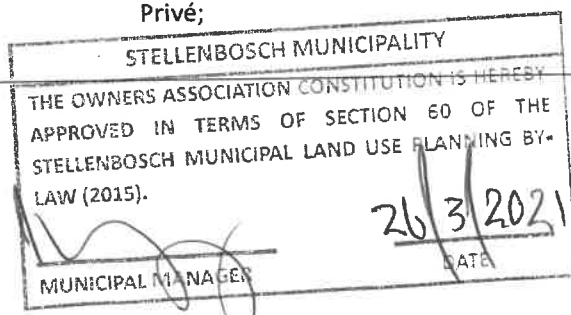
26/3/2021
DATE

I. PRELIMINARY

1. Definitions

In this Constitution, unless the context indicates to the contrary, the following words shall have the following meanings -

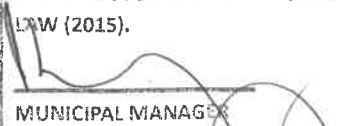
- 1.1 **"Architectural Design Guidelines"** means the architectural design, development and environmental guidelines in respect of the Development, as amended from time to time, annexed hereto marked Annexure "A";
- 1.2 **"Association or Home Owners' Association"** means the Welgegund Domaine Privé Home Owners' Association;
- 1.3 **"auditors"** means the auditors appointed by the Developer during the Development Period or by the Trustees at any time subsequent to the Development Period;
- 1.4 **"business day"** means weekdays other than Saturdays, Sundays and public holidays;
- 1.5 **"Chairperson"** means the chairperson for the time being of the board of Trustees;
- 1.6 **"Code of Conduct"** means the code of conduct for the Association as contemplated in clause 42, as amended from time to time, annexed hereto marked Annexure "B" inter alia containing the applicable building manual;
- 1.7 **"Common Property"** means any land owned by the Association within or outside the Development, including any structure erected or constructed thereon, which will include, but not be limited to, Private Open Spaces, roads and landscaping;
- 1.8 **"Constitution"** means the constitution of the Association (together with all annexures thereto) approved by the relevant local authority in terms of section 29 of the Stellenbosch Municipality: Land Use Planning By-law under the Spatial Planning and Land Use Management Act, No. 16 of 2013, and any amendments thereto effected in terms of this Constitution;
- 1.9 **"Developer"** means West Ridge Properties Proprietary Limited, Registration Number 2007/008695/07, a private company duly registered in terms of the company laws of South Africa, and includes its successors in title or assigns;
- 1.10 **"Development"** means the residential development on Portion 1 of the Farm Welgegund Number 372, In the Municipality and Division of Stellenbosch, Province Western Cape, in extent 2,4986 (two comma four eight six) hectares which portion are to be subdivided and to be known as Welgegund Domaine Privé;



- 1.11 "Development Period" means the period commencing on the date of registration of the first erf in the Development until the last erf has been transferred from the Developer, alternatively the date on which the Developer in its sole discretion notifies the Association in writing that it terminates the Development Period;
- 1.12 "erf" means 1 (one) of the erven;
- 1.13 "erven" means every erf in the Development collectively;
- 1.14 "levy" means any contribution collected on behalf of the Association from the Members to defray any incurred or anticipated expenditures;
- 1.15 "local authority" means the local authority having jurisdiction over the Development which, at date of approval of the Development, is the Municipality of Stellenbosch;
- 1.16 "Member" means every registered owner and if a member consists of more than one person such persons shall be jointly and severally liable *in solidum* for all obligations in terms of this Constitution;
- 1.17 "month" means a calendar month;
- 1.18 "Private Open Spaces" means the erven indicated as such on the general plan;
- 1.19 "property" means an erf, generically referred to in respect of an owner;
- 1.20 "registered owner" means a registered owner of an erf as registered in the office of the Registrar of Deeds in Cape Town;
- 1.21 "resolution" means a resolution passed at an annual general meeting or any other general meeting of the Association by an ordinary majority of the total votes represented at such meeting by Members present in person or by proxy;
- 1.22 "special resolution" means a resolution passed at an annual general meeting or a special general meeting whereat Members present in person or by proxy represent 50% (fifty percent) of the total votes and passed by a majority of 75% (seventy five percent) of the total votes represented by Members present in person or by proxy;
- 1.23 "Trustees" means the Trustees of the Association from time to time and includes alternate and co-opted Trustees;
- 1.24 "year" means a calendar year.

2. Interpretation

In this Constitution -

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- 2.1 the clause headings are for convenience only and shall be disregarded in the interpretation of this Constitution.
- 2.2 unless the context clearly indicates the contrary intention -
 - 2.2.1 the singular shall include the plural and vice versa;
 - 2.2.2 a reference to any gender shall include the other genders;
 - 2.2.3 a reference to natural persons shall include juristic persons and vice versa.
- 2.3 words and expressions defined in any clause shall have the defined meaning in that and subsequent clauses, unless provided to the contrary.
- 2.4 when any number of days is prescribed in this Constitution, it shall be calculated exclusive of the first and inclusive of the last day, unless the last day falls on a Saturday, Sunday or public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day that is not a Saturday, Sunday or public holiday.
- 2.5 where figures are referred to in numerals and words, the words shall prevail in the event of a conflict between the two.
- 2.6 if any provision of this Constitution is in conflict or inconsistent with any law of the Republic of South Africa, the invalidity of any such provision shall not affect the validity of the remainder of the provisions of the Constitution.
- 2.7 if any provision in any definition in this Constitution is a substantive provision conferring rights or imposing obligations on any of the Members, then, in such an event, effect shall be given to it as if it were a substantive provision in the body of the Constitution.
- 2.8 the annexures to this Constitution are deemed to be incorporated in and form part of this Constitution.

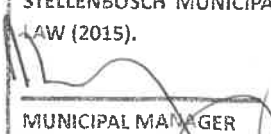
2 HOME OWNERS' ASSOCIATION

3. Establishment of the Association

The Association will be established in accordance with section 29 of the Stellenbosch Municipality: Land Use Planning By-law under the Spatial Planning and Land Use Management Act, No. 16 of 2013, with the registration of the first transfer of an erf in the Development to a third party other than the Association or the Developer.

4. Legal Persona of the Association

Pursuant to its Constitution the Association

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- 4.2.1 shall be a legal entity and exist independently of its Members;
- 4.2.2 shall enjoy perpetual succession;
- 4.2.3 may own property independent from the Members;
- 4.2.4 shall be capable of being sued or to sue with reference to any agreement entered into by the Association, any damage caused to any property of the Association or any matter arising from this Constitution;
- 4.2.5 not operate for profit but for the benefit of the Members;
- 4.2.6 no Member in his personal capacity shall have any right, title or interest to or in the funds or assets of the Association which shall vest in and be controlled by the Trustees.

5. Objects and responsibilities of the Association

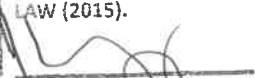
- 5.1 Notwithstanding the fact that Members hold title to their erven individually the Association, through its Trustees, shall have all the powers that are necessary to accomplish the fulfillment of all objectives of the Association, including, but not limited to the powers specifically contained in the Constitution.
- 5.2 The Association shall have the following objectives -
 - 5.2.1 to act as a Home Owners' Association established in terms of section 29 of the Stellenbosch Municipality: Land Use Planning By-law under the Spatial Planning and Land Use Management Act, No. 16 of 2013, for the Development and in particular to procure that the matters referred to in section 29(3) of Stellenbosch Municipality: Land Use Planning By-law be adhered to and complied with;
 - 5.2.2 to take transfer of, manage, maintain and insure, where necessary, and control the use of, including, but not limited to, the Common Property, borehole, attenuation pond, civil services infrastructure, roads, landscaping and Private Open Spaces;
 - 5.2.3 to enter into agreements of servitude in its favour for the benefit of its Members;
 - 5.2.4 to manage, oversee and control all security aspects of the Development;
 - 5.2.5 to enter into agreement for the provisions of services, inter alia including the provision of water, electricity and sewerage services to the Association and where required to supply such services to the various Members of the Association;

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- 5.2.6 to administer and enforce the Code of Conduct and Architectural Design Guidelines;
 - 5.2.7 to control the registration of transfer of erven in the Development and ensure compliance with all conditions imposed by the local authority when approving the rezoning and/or subdivision of the property comprising the Development;
 - 5.2.8 to maintain all roads falling within the boundaries of the Development, and the Association shall have the power to do all such acts as are necessary to accomplish the fulfillment of the foregoing objects including, but not restricted, to powers specifically contained in this Constitution;
 - 5.2.9 to ensure the general high standard of the Development;
 - 5.2.10 generally promote, advance and protect the Development and the interests of the Association;
 - 5.2.11 determine and maintain standards of conduct for communal living in the Development;
 - 5.2.12 to manage, control, upkeep, upgrade, maintain and install (where required) all services, infrastructure, landscaping, servitudes and the Private Open Spaces serving the Development;
 - 5.2.13 to manage, control, execute and administer all financial and administrative functions of the Association required for the proper operation and functioning of the Association;
 - 5.2.14 to take transfer of the Private Open Spaces;
 - 5.2.15 to make rules and regulations to accomplish the aforesaid objectives after the Development Period during which it will be in the sole discretion of the Developer to make any such rules and regulations as aforesaid.
- 5.3 Without limiting the generality of 5.2.1 to 5.2.15 above, the Association shall have the following powers and functions -
- 5.3.1 The responsibility to maintain, repair, improve and keep in good order and condition the Common Property and Private Open Spaces and the responsibility for the payment of all rates and taxes, all services, charges and other taxes and/or levies charged and payable to the Council or any authority in respect of the Common Property, Private Open Spaces or Development and/or for payment of the salaries and/or wages of the employees of the Association and generally for the payment of all expenses necessarily or reasonably incurred in connection with the management of the Association, and the Association's affairs.

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- 5.3.2 The right to impose levies upon the Members of the Association for the purpose of meeting all the expenses which the Association has incurred or to which the Trustees reasonably anticipate the Association will incur in the attainment of the objects of the Association or the pursuit of its business.
- 5.3.3 To ensure that all provisions of this Constitution, the Code of Conduct and Architectural Design Guidelines are complied with by all Members/parties bound thereby.
- 5.3.4 To promote, advance and protect the Development, the environment and the interest of the Association and all Members.
- 5.4 The responsibility for the management and control of the Common Property shall be transferred from the Developer to the Association upon transfer of the first erf in the Development. The Association indemnifies the Developer (or its successors in title) against any responsibility and/or liability imposed on the Developer (or its successors in title) by virtue of any official approval or condition or other responsibility referred to above.

3 MEMBERS OF THE ASSOCIATION

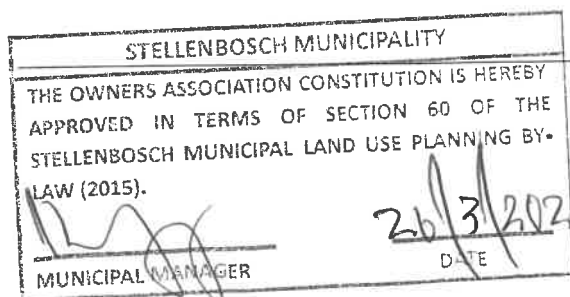
6. Membership of the Association

- 6.1 Membership of the Association shall be limited to the Developer (for as long as it is a registered owner) and registered owners, provided that where any such owner consist of more than one person, all the registered owners of that erf shall be deemed jointly and severally to be one Member of the Association.
- 6.2 Membership of the Association shall be compulsory for every registered owner of an erf in the Development.
- 6.3 Membership shall commence together with registration of transfer of an erf into the name of the transferee.
- 6.4 When a Member ceases to be the registered owner of an erf, he shall *ipso facto* cease to be a Member of the Association, save for the Developer who shall remain a Member of the Association during the Development Period.
- 6.5 The registered owner of an erf shall not be entitled to resign as a Member of the Association.
- 6.6 Membership shall be personal to the natural persons or entities in question and may not be assigned or transferred by them to any other natural person or entity.

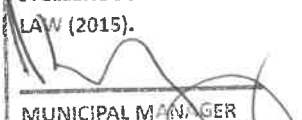
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7. Rights and obligations of the Members

- 7.1 The rights and obligations of a Member are not transferable and every Member shall to the best of his ability further the objects and interest of the Association.
- 7.2 The Members shall be jointly liable for expenditure incurred in connection with the Association. If a Member consists of more than one person such persons shall be jointly and severally liable *in solidum* for all obligations of a Member in terms of this Constitution.
- 7.3 No Member shall let or otherwise part with the occupation of his erf, whether temporarily or otherwise, unless the proposed occupier has agreed to be bound by this Constitution. The Member shall, nonetheless, remain bound by this Constitution and is required to ensure compliance therewith by such occupier.
- 7.4 Each registered owner shall -
- 7.4.1 maintain his erf in accordance with the rules and regulations of the Trustees;
- 7.4.2 maintain in a neat and tidy condition and in a state of good repair all improvements on his erf;
- 7.4.3 establish and maintain a garden according to the standard acceptable to the Trustees, as well as maintaining the road verge bordering his erf;
- 7.4.4 be responsible for the maintenance of the boundary walling to his erf, inclusive of regular painting thereof;
- 7.4.5 not park any commercial type vehicle, boat, caravan, trailer, or any vehicle not in good working order, on any roadway in the Development and such vehicle, boat, caravan, trailer shall be parked on the erf so as not to be visible from the street forming a boundary of such erf;
- 7.4.6 not do or suffer to be done on or in any erf anything which, in the opinion of the Trustees, is noisome, unsightly, injurious, objectionable or detrimental or a public or private nuisance or a source of damage or disturbance to any Member, tenant or occupier of property in the Development;
- 7.4.7 not erect or permit the erection of any advertising boards on his erf without the written approval of the Developer for as long as the Developer is a Member and, thereafter, of the Trustees;
- 7.4.8 adequately insure the improvements on his erf and, if requested by the Trustees, furnish proof of such insurance to them and, in the event of total/partial destruction, he shall, within a reasonable time period, make good such damage or deconstruction in accordance with the



- original approved plans or in the event of total reconstruction in accordance with the Trustees' approval;
- 7.4.9 comply with all security procedures implemented from time to time;
- 7.4.10 generally ensure that gardening and landscaping of his erf is undertaken so as to be compatible with the gardening and landscaping of adjoining erven;
- 7.4.11 ensure that his dog is kept on a leash in all open areas within the Development and is controlled to ensure that other animals or people are not interfered with and, in particular, that no nuisance is caused by such dog to other registered owners and that the dog does not cause fouling of sidewalks within the Development or on Private Open Spaces within the Development;
- 7.4.12 adhere strictly to the terms of servitudes granting access to erven;
- 7.4.13 ensure that he and his invitees do not damage or destroy trees, vegetation and landscaping on open areas of the Development and that planting on his erf does not interfere with pedestrian traffic or obscure the vision of motorists;
- 7.4.14 tolerate access to irrigation pipelines by owners of these lines;
- 7.4.15 not erect any structure over the sewerage system, services, infrastructure or Private Open Spaces;
- 7.4.16 comply with the provisions of this Constitution and all rules and regulations imposed by the Developer or the Association or the Trustees;
- 7.4.17 comply with the provisions contained in the Code of Conduct and Architectural Design Guidelines;
- 7.4.18 comply with any agreement concluded by the Association insofar such agreement may, directly or indirectly, impose obligations on a Member.
- 7.9 Each registered owner shall be obliged to obtain approval of the local authority in respect of any buildings and/or structures and/or improvements to be erected on the erf registered in his name and he shall further be obliged to comply with all conditions and standards imposed by such local authority.
- 7.10 Buildings may only be erected in accordance with and complying with the Code of Conduct and Architectural Design Guidelines and only after prior approval by the Trustees of the Association and the local authority.

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8. Consent to transfer of an erf and Sales Levy

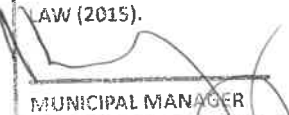
Consent to transfer

- 8.1 A Member shall not be entitled to transfer his erf without the written consent by the Trustees of the Association, which consent shall be given -
- 8.1.1 if the proposed transferee has undertaken in writing to abide by this Constitution, the Code of Conduct, Architectural Design Guidelines and all other rules or regulations passed by the Developer, Association or the Trustees;
- 8.1.2 if the Member has no outstanding obligations towards the Association in terms of this Constitution and the Association has issued a clearance certificate that all amounts payable to the Association by such Member has been paid and that the Member is not in breach of any of his obligations in terms of the provisions of this Constitution; and
- 8.1.3 if the proposed transferee acknowledges that upon the registration of transfer of the erf into his name, he shall *ipso facto* become a Member of the Association.
- 8.2 The Trustees may charge a reasonable fee for issuing their consent to transfer as contemplated in clause 8.1.
- 8.3 For the avoidance of doubt it is recorded that the provisions of this clause do not apply to the Developer, that there will be no restriction whatsoever on the ability of the Developer to pass transfer of any erf and that accordingly the Developer does not need a clearance certificate from the Association before it will be entitled to transfer any erf to any person or entity.

Sales Levy

- 8.4 The Member shall be liable to pay the Association a special levy ("the Sales Levy") in respect of any transaction for which either transfer duty is payable in terms of the Transfer Duty Act, No. 40 of 1949 (as amended from time to time) or value-added tax in terms of the Value-Added Tax Act, No. 89 of 1991 (or any statutory modification or re-enactment thereof) (as the case may be). The Sales Levy shall be equal to 1% (one percent) of the amount on which such transfer duty or value-added tax is payable (as the case may be).
- 8.5 The Sale Levy as contemplated in clause 8.4 shall –

- 8.5.1 be imposed upon the Members for purposes of accumulating a capital reserve fund for the Association which will primarily be used to meet the capital expenditure requirements (including but not limited to necessary

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expenditure in relation to the maintenance of capital infrastructure); and

8.5.2 be payable to the Association before registration of transfer.

8.6 The obligation to pay the Sales Levy, having accrued prior to transfer, shall be without prejudice to the Association's right to recover the Sales Levy (and interest thereon) after transfer. The Member acknowledges that the Association will be entitled to withhold its consent to the transfer of the Property if payment of the Sales Levy has not been paid or guaranteed to its satisfaction.

8.7 Notwithstanding the aforesaid it is recorded that no Sales Levy shall be payable by the Developer. In the event however that the Developer transfer property to another entity controlled by it or its shareholders, the Sales Levy shall be payable in respect of any subsequent alienation by the foresaid entity to a third party.

9. Restrictions to use erf

A Member shall -

9.1 not be entitled to use his erf, or any buildings and/or structures thereon, or permit the use thereof in such manner as in the discretion of the Trustees will detract from the general harmony and character of communal living in the Development;

9.2 at all times adhere to the zoning scheme regulations pertaining to his erf;

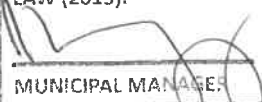
9.3 not apply to the local authority or any other relevant authority for any consent or make application for any consent use or waiver or departure or any other dispensation whatsoever in respect of the zoning scheme regulations pertaining to his erf without the prior written consent of the Association;

9.4 not apply for the subdivision or consolidation of his erf without the prior written consent by the Developer during the Development Period or thereafter after the prior written consent of the Association;

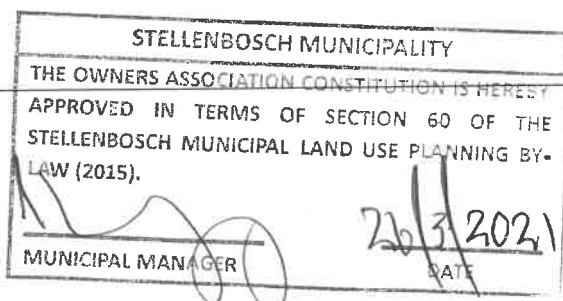
9.5 not use his erf for any other purpose than that of a residential property.

10. Access to an erf

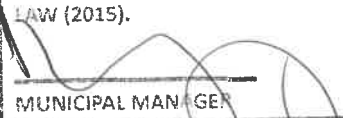
10.1 A Member who owns an erf on which there is any civil services infrastructure, or via which erf access to such infrastructure must necessarily be obtained, shall permit any person duly authorised thereto by the Trustees or a relevant authority concerned, reasonable access to such erf for purposes of maintenance, installation, upgrading and replacement thereof.

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- 10.2 No person or any Member of the Association shall prevent in any way or hinder the Developer from gaining access to and egress from the Development, marketing and selling erven in the Development during the Development Period.
- 11. Undertaking by Member to comply**
- 11.1 Every Member undertakes in favour of the Association to comply with -
- 11.1.1 the provisions of this Constitution, the Code of Conduct, the Architectural Design Guidelines and all other rules or regulations passed by the Developer during the Development Period and thereafter by the Association or the Trustees;
 - 11.1.2 any agreement concluded by the Association insofar as such agreement may directly or indirectly impose obligations on a Member;
 - 11.1.3 any directive given by the Association and/or the Trustees in enforcing the provisions of this Constitution;
 - 11.1.4 the provisions of the Environmental Management Plan issued by the Developer and/or Trustees.
- 11.2 Each Member undertakes in favour of the Association to ensure compliance with the provisions of this Constitution, the Code of Conduct, the Architectural Design Guidelines and the rules and regulations by -
- 11.2.1 any of his family members who resides in his dwelling and his visitors, guests, employees, agents, service providers or contractors; and
 - 11.2.2 any person who has the right to reside, or be present, in his dwelling, whether for consideration or not, and the family member of such person who resides or is present in that dwelling, and such person's visitors, guests, employees, agents, service providers or contractors.
- 11.3 The Member concerned shall be strictly liable for any damage caused, or penalty imposed in respect of a breach committed, by a person contemplated in clause 11.2.
- 11.4 No short-term lease for a period of less than 3 (three) months may be concluded in respect of a property without the written consent of the Trustees. The Trustees may attach reasonable conditions to their aforesaid consent.
- 11.5 For the purpose of the conclusion of a short-term lease in respect of a property, the owner and his agent must comply with the following provisions –
- 11.5.1 The owner of his agent must provide the Association with proof of public liability insurance cover in the sum of not less than R5 000 000,00 (Five Million Rand);



- 11.5.2 The owner or his agent must ensure that the contract between the owner and the tenant/guest stipulates that the tenant/guest shall be obliged to comply with the provisions of the Constitution and all rules and regulations applicable to the Development. The tenant/guest must sign a confirmation that he received a copy of the Constitution, rules and regulations and the confirmation or acknowledgement of receipt must be given to the Trustees.
- 11.5.3 No advertising in respect of letting will be permitted on the Common Property or Private Open Spaces and any pointer boards may be removed by the Trustees. Agents may not leave business cards or advertising material at the security gate or distribute advertising material under doors or leave material on the Common Property and Private Open Spaces.
- 11.5.4 The owner or his agent must provide security or Trustees with the name of the owner's local representative and responsible person who may be called in the event of an incident or otherwise. In the event of an incident involving a tenant/guest, the responsible person must have authority to remove the tenant/guest from the Development should the Trustees or managing agent or their nominee so insist.
- 11.5.5 The Trustees or managing agent or their nominee is authorised to demand immediate removal of a tenant/guest who does not conform to the provisions of the Constitution, rules and regulations specifically in respect of a disturbance, noise or nuisance or in the event of the misuse of the Common Property or Private Open Spaces. The Trustees or managing agent or their nominee will in the first instance request that the tenants/guests conduct themselves appropriately. Should the tenants/guest persist in disturbing other owners and occupiers of property in the Development or in misusing the Common Property or Private Open Spaces or in damaging any part of the Common Property and Private Open Spaces or any other property in the Development, the Trustees of the managing agents or their nominee shall have the authority to take appropriate steps to have the offending tenants/guest removed.
- 11.5.6 Should an agent or owner breach any of the provisions of the Constitution, rules and/or regulations, the agent or owner shall be given written notification by the Trustees as to which provision(s) of the Constitution, rule(s) and/or regulation(s) he has breached, whereafter the agent or owner will be given 7 (seven) days to rectify such breach. Should the agent or owner remain in default after the expiry of the said notice period, then the Trustees reserve the right to withdraw their approval in respect of the short term letting of the property.

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12. Breach

12.1 The Trustees may on behalf of and in the name of the Association institute legal proceedings in accordance with the provisions of this clause 12.

12.2 If any Member fails in the observance of any of the provisions of this Constitution, the Code of Conduct or Architectural Design Guidelines, with regard to improvements and/or fails to comply with any rules or regulations made in terms hereof, the Trustees may on behalf of and in the name of the Association serve notice on such Member calling upon him to remedy such breach within a time specified in such notice and, failing timeous compliance -

12.2.1 enter upon the property to take such action as may be reasonably required to remedy the breach and the Member concerned shall be liable to the Association for all costs so incurred, which costs shall be due and payable upon demand;

and/or

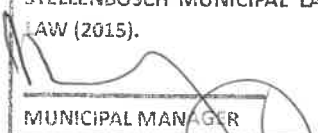
12.2.2 call upon such Member in writing to remove or alter within a specified period any portion of the improvements or any addition erected contrary to the provisions of this Constitution, Code of Conduct and Architectural Design Guidelines, failing which, the matter shall be referred to a special meeting of the Association convened to afford Members the opportunity to give directions to the Trustees. The resolution of the Association at such meeting shall be binding upon such defaulting Member and shall be implemented by the Trustees;

and/or

12.2.3 institute proceedings in any court of competent jurisdiction for such relief as the Trustees may consider necessary and such Member shall be liable for and shall pay all costs of such proceedings on the scale as between attorney and own client and all other expenses and charges incurred in obtaining relief.

12.3 If any Member fails to make payment on due date of levies or other amounts payable by such Member, the Trustees may give notice to such Member requiring him to remedy such breach within such period as the Trustees may determine and should he fail to timeously remedy his breach, the Trustees may, on behalf of the Association, institute legal proceedings against such Member without further notice.

12.4 Nothing in the foregoing shall derogate from or in any way diminish the right of the Association to institute proceedings in any court of competent jurisdiction for recovery of any money due by any Member arising from any cause action whatsoever or for any other relief.

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13. Interest payable for failure to pay

Without prejudice to any other rights or remedies which the Trustees or the Association may have in law, should a Member be in default of any amount due, then such Member shall pay interest on such due amount at the publicly quoted prime rate of interest charged by the Association's bankers from time to time plus 3% (three percent), calculated from the due date until the actual date of payment of such amount.

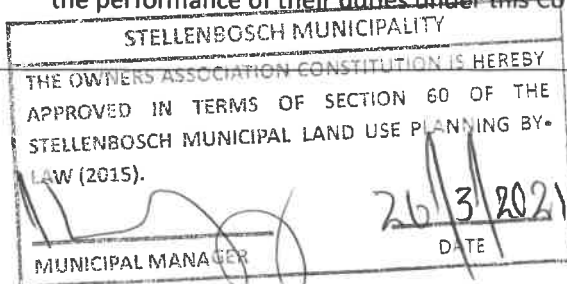
14. Cessation of Membership

No Member ceasing to be a Member of the Association for any reason shall (nor shall any such Member's executor, curator, Trustees or liquidators) have any claim upon or interest in the funds or other property of the Association, but this clause shall be without prejudice to the rights of the Association to claim from such Member or his estate any arrears of subscriptions or other sums due from him to the Association at the time of his so ceasing to be a Member.

4 TRUSTEES OF THE ASSOCIATION

15. Composition and election of Trustees

- 15.1 There shall be a Board of Trustees of the Association which shall consist of not less than 3 (three) and not more than 6 (six) persons, the exact number to be determined from time to time at the Annual General Meeting of the Association.
- 15.2 A Trustee shall be an individual but need not himself be a Member provided that the majority of Trustees shall be Members. Notwithstanding the aforesaid and so as to provide for the scenario where the registered owner is an entity/juristic person other than a natural person, the duly appointed representative of such entity/juristic person may be appointed as a Member Trustee notwithstanding the fact that he/she doesn't qualify as a Member.
- 15.3 A Trustee shall, by accepting his appointment as such, be deemed to have agreed to be bound by the provisions of this Constitution.
- 15.4 For as long as the Developer is a Member it shall be entitled to nominate and appoint one of the Trustees.
- 15.5 Once the Developer ceases to be a Member of the Association, the Trustees shall comprise of not less than 1 (one) registered owner who is a permanent resident of the Development.
- 15.6 Trustees shall be entitled to be repaid all reasonable and *bona fide* expenses incurred by them respectively in or about the performance of their duties as Trustees as may be approved by the board of Trustees.
- 15.7 Trustees shall not be entitled to any remuneration, salary or fees in respect of the performance of their duties under this Constitution.



16. Removal and rotation of Trustees

16.1 Save as set out in this clause below, each Trustee, except for the Developer Trustee who shall not be required to rotate on an annual basis, shall continue to hold office from the date of his appointment to office until the annual general meeting next following his said appointment, at which meeting each Trustee shall be deemed to have retired from office as such but will be eligible for re-election to the board of Trustees at such meeting.

16.2 A Trustee shall be deemed to have vacated his office as such upon -

16.2.1 his becoming disqualified to act as a director in terms of the provisions of the Companies Act;

16.2.2 his estate being sequestrated, whether provisionally or finally, or his surrendering estate;

16.2.3 the commission by him of any act of insolvency;

16.2.4 his conviction for any offence involving dishonesty or any other serious criminal offence;

16.2.5 his becoming of unsound mind or being found lunatic;

16.2.6 his resignation from such office in writing;

16.2.7 his death; or

16.2.8 him being removed from office by a resolution of the Members of the Association, requiring a simple majority, before the termination of his period of office

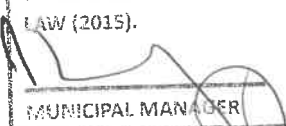
provided that anything done in the capacity of a Trustee in good faith by a person who ceases to be a Trustee, shall be valid until the fact that he is no longer a Trustee has been recorded in the minute book of the Association.

16.3 Upon any vacancy occurring in the Trustees prior to the next annual general meeting, the vacancy in question shall be filled by a person nominated by those remaining for the time being of the Trustees.

16.4 The Developer may remove and replace any Developer Trustee at any time upon written notice to the remaining Trustees.

17. Appointment of Trustees

All the initial Trustees shall be appointed by the Developer and until so appointed the Developer shall be the sole Trustee.

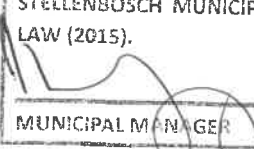
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18. Office of Trustees

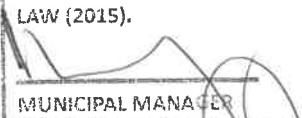
- 18.1 The first Chairman and Vice-Chairman shall be appointed by the Developer, and such office bearers shall hold their respective offices until the First Annual General Meeting following the date of their appointment, provided that any such office shall *ipso facto* be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason.
- 18.2 At the First Annual General Meeting the Trustees shall appoint from amongst themselves a Chairman and Vice-Chairman, who shall hold their respective offices until the Annual General Meeting held next after their said appointment, provided that the office of the Chairman or Vice-Chairman shall *ipso facto* be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason. No Trustee shall be appointed to more than one of the aforesaid offices. In the event of any vacancy occurring in any of the aforesaid offices at any time, the Trustees shall immediately meet to appoint one of their number as a replacement in such office.
- 18.3 The Vice-Chairman shall assume the powers and duties of the Chairman in the absence of the Chairman, or his inability or refusal to act as Chairman, and shall perform such other duties as may from time to time assigned to him by the Chairman or the Trustees.

19. Functions, powers and duties of Trustees

- 19.1 Subject to the express provision of this Constitution, the Trustees shall manage and control the business and affairs of the Association, shall have full powers in the management and direction of such business and affairs, including the right of appointment and dismissal of any managing agent, may exercise all such powers of the Association and do all such acts on behalf of the Association as may be exercised and done by the Association and as are not by the Constitution required to be exercised or done by the Association in general meeting subject however to such regulations as may have been made by the Association in general meeting provided that no regulation made by the Association in general meeting shall invalidate any prior act of the Trustees which would have been valid if such regulation had not been made. The Developer shall however be entitled to, in its sole discretion, appoint and dismiss any managing agent during the Development Period.
- 19.2 Save as specifically provided in this Constitution, the Trustees shall at all times have the right to engage on behalf of the Association the services of accountants, advocates, attorneys, auditors, architects, engineers, land surveyors, managing agents, town planners or any other professional firm or person or other employees whatsoever for any reason deemed necessary by the Trustees on such terms as the Trustees shall decide.
- 19.3 The Trustees shall have the right to vary, cancel or modify any of their decisions and resolutions from time to time.

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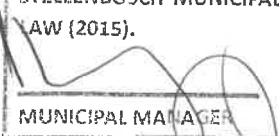
- 19.4 The Trustees shall have the right to co-opt any person or persons chosen by them. A co-opted Trustee shall enjoy all the rights and be subject to all the obligations of the Trustees provided that such co-opted Trustee shall only serve until the next annual general meeting.
- 19.5 The Trustees may, should they so decide, investigate any suspected or alleged breach by any Member or Trustee of this Constitution in such reasonable manner as they shall decide from time to time.
- 19.6 The Trustees may make regulations and rules not inconsistent with this Constitution or any regulations or rules prescribed by the Association in general meeting -
- 19.6.1 as to the resolution of disputes generally;
 - 19.6.2 for the furtherance and promotion of any of the objects of the Association;
 - 19.6.3 for the better management of the affairs of the Association;
 - 19.6.4 for the advancement of the interest of Members;
 - 19.6.5 for the conduct of Trustees at meetings of Trustees and meetings of the Association;
 - 19.6.6 to levy and collect contributions from Members in accordance with clause 31;
 - 19.6.7 to levy and recover from Members moneys which are necessary to defray the necessary expenses of the local authority in the event of the local authority imposing any levies and imposts against the Association;
 - 19.6.8 to assist it in administering and governing its activities generally.
- 19.7 Without in any way limiting the powers granted, the duties and powers of the Trustees shall further specifically include -
- 19.7.1 the determination of what constitutes appropriate standards for residential living, maintenance, repairs, additions to and improvements of all erven in the development in strict accordance with the provisions, which shall be additional to the powers of the Developer for as long as the Developer is a Member. The Trustees shall be entitled to require any Member, who shall be obliged, to repaint or renovate his improvements if in the reasonable opinion of the Trustees such improvements require essential repairs or have become dilapidated;
 - 19.7.2 entering into of agreements with third parties on behalf of the Association for any purposes of the Association;

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- 19.7.3 the employment on behalf of the Association of agents, servants and any other party and the payment of such persons;
- 19.7.4 the taking of steps in all matters of common interest in respect of the Association and, without detracting from the generality thereof, such as common sewage, electricity supply, landscaping, maintenance of private roads, refuse facilities, removal of refuse and suchlike, where applicable;
- 19.7.5 the institution or defense of actions in the name of the Association and to appoint legal representatives for such purpose.

20. Proceedings of Trustees

- 20.1 The Trustees may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit, subject to any provisions of this Constitution.
- 20.2 The quorum necessary for the holding of all meetings of the Trustees shall be 2 (two) Trustees where there are 3 (three) Trustees and 4 (four) Trustees where there are more than 5 (five) Trustees. If no quorum is present within 15 (fifteen) minutes after the time for commencement of the meeting then it shall stand adjourned for 7 (seven) days, or if that is not a business day, then to the next business day thereafter, and those Trustees present at the adjourned meeting shall constitute a quorum.
- 20.3 The Chairman shall preside as such at all meetings of Trustees provided that should at any meeting of Trustees the Chairman not be present within 5 (five) minutes after the time appointed for the holding thereof, then the Vice-Chairman shall act as Chairman at such meeting, provided further that should the Vice-Chairman also not be present within 5 (five) minutes of the time appointed for the holding of such meeting, those present of the Trustees shall vote to appoint a Chairman for the meeting, who shall thereupon exercise all the powers and duties of the Chairman in relation to such meeting.
- 20.4 The Trustees shall cause minutes to be kept of every Trustees meeting, which minutes shall, without undue delay after the meeting has closed, be reduced to writing and certified correct by the Chairman. All minutes of Trustees' meetings shall, after certification, be placed in a trustee's minute book to be kept in accordance with the provisions of the laws relating to the keeping of minutes of meetings of directors of companies. The Trustees' minute book shall be open for inspection at all reasonable times by any Trustee, the auditors, the Members and the estate manager.
- 20.5 All competent resolutions recorded in the minutes of any meeting of Trustees shall be valid and of full force and effect as therein recorded, with effect from the passing of such resolutions and until varied or rescinded, but no resolution

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or purported resolution of the Trustees shall be of any force or effect, or shall be binding upon the Members or any of the Trustees, unless such resolution is competent within the powers of the Trustees.

- 20.6 A resolution signed by all the Trustees shall be valid in all respects as if it had been duly passed at a meeting of the Trustees.
- 20.7 Meetings of the Trustees shall be held at least once every quarter, provided that if all the Trustees shall in writing have waived this requirement in respect of a particular quarter, then no meeting of the Trustees need be held for that quarter.
- 20.8 A Trustee may at any time convene a meeting of the Trustees by giving reasonable notice to the other Trustees, which notice must specify the reason for convening the meeting.

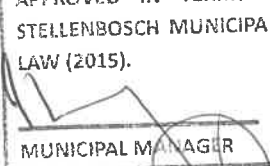
5 MEETINGS OF MEMBERS OF THE ASSOCIATION

21. Annual general meetings

- 21.1 The Association shall, within 12 (twelve) months of the date of commencement of the Association, hold a general meeting as its first annual general meeting. Thereafter, within 4 (four) months of the financial year end of the Association it shall hold second and subsequent annual general meetings.
- 21.2 Such annual general meetings shall be held at such time and place, subject to the foregoing provisions, as the Trustees shall decide from time to time.
- 21.3 The Trustees may, whenever they deem fit, convene a special general meeting, and a special general meeting shall also be convened on a requisition made by Members, or in default, may be convened by the requisitionists themselves, provided that notice thereof be given in terms of clause 22.

22. Notice of meetings

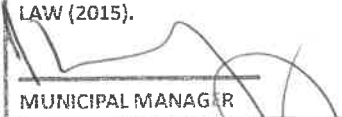
- 22.1 An annual general meeting and a meeting called for the passing of a special resolution shall be called by not less than 21 (twenty-one) business days' notice in writing and any other general meeting shall be called by not less than 14 (fourteen) business days' notice in writing. The notice shall be exclusive of the day on which it is served, or deemed to be served, and of the day for which it is given, and shall specify the place, the day and the hour of the meeting and shall be given in the manner hereinafter mentioned or in such other manner, if any, as may be prescribed by the Association in general meeting, to such person as are, under this Constitution entitled to receive such notices from the Association: provided that a meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified in this Constitution, be deemed to have been duly called if it is so agreed -

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- 22.1.1 in the case of a meeting called as the annual general meeting, by an ordinary majority of votes represented by Members entitled to attend and vote thereat, present in person or by proxy, being a majority together holding not less than 50% (fifty percent) of the total voting rights of all Members;
- 22.1.2 in the case of a Special General Meeting, by an ordinary majority of votes represented by Members entitled to attend and vote thereat, present in person or by proxy, being a majority together holding not less than 50% (fifty percent) of a total voting rights of all Members.
- 22.2 The accidental omission to give notice of any resolution or meeting, or to present any document required to be given or sent in terms of this Constitution, shall not invalidate the proceedings at or any resolution passed at any meeting.
- 22.3 A notice of a meeting shall be in writing and shall be given or served by the Association upon any Member, either personally or by post in a prepaid registered letter, properly addressed to the Member at the street address of the erf owned by him or by e-mail in the event where the Member has notified the Association of his e-mail address.
- 22.4 No Member shall be entitled to have a notice of a meeting served on him at any address not within the Republic of South Africa, but any Member may request the Association by notice, to record an address within the Republic of South Africa which shall be deemed to be his address for the purpose of the service of notices.
- 22.5 Any notice of a meeting sent by post shall be deemed to have been served at the time when the letter containing the same was posted, and in proving the giving of the notice by post, shall be sufficient to prove that the letter containing the notice was properly addressed and posted.
- 22.6 Any notice of a meeting sent by e-mail shall be deemed to have been served at the time of transmission when the letter containing same was sent by e-mail, and in proving the giving of notice by e-mail, shall be sufficient to prove that the letter containing the notice was properly addressed and transmitted.
- 22.7 The non-receipt of notice of meeting by any person entitled to receive notice shall not invalidate the proceedings of that meeting.
- 22.8 General meetings of the Association shall take place at such place/s as shall be determined by the Trustees from time to time.

23. Proxies

- 23.1 A Member may be represented at a general meeting by a proxy, who must be a Member of the Association, save for the Developer whose proxy need not necessarily be a Member.

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- 23.2 The instrument appointing a proxy shall be in writing signed by the Member concerned or his duly authorised agent in writing but need not be in any particular form provided that where a Member is more than one person any one of those persons may sign the instrument appointing a proxy on such Member's behalf. Where a Member is a company, the proxy may be signed by any person authorised by resolution of the board of directors of the company or by its secretary and, where a close corporation, by any member of such close corporation and, where an Association of persons, by the secretary thereof, and where a trust, by a person duly authorised by the Trustees of such trust.
- 23.3 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 shall be lodged with the Association at least 24 (twenty four) hours before the scheduled time for the commencement of the meeting or adjourned meeting concerned. The instrument appointing a proxy shall be valid only for the specific meeting or the adjournment thereof.
- 23.4 Notwithstanding the foregoing, the Chairman of the meeting may agree to accept a proxy tendered at any time before or during the meeting.

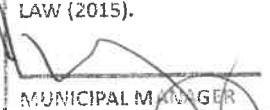
24. Quorum

- 24.1 No business shall be transacted at any annual general meeting or general meeting unless a quorum is present when the meeting proceeds to business and when any resolution is to be passed. The quorum necessary for the holding of any meeting shall be 50% (fifty percent) of the total Members entitled to attend and vote thereat.
- 24.2 If, within 30 (thirty) minutes after the time appointed for the commencement of the meeting, a quorum is not present, the meeting, if convened on the requisition of Members, shall be dissolved. In all other cases, the meeting shall stand adjourned to the same day in the next week at the same place and time and, if at such adjourned meeting, a quorum is not present, the Members present shall constitute a quorum.

25. Agenda at meetings

In addition to any other matters required by legislation or by this Constitution to be dealt with at any annual general meeting, the following matters shall be dealt with at every annual general meeting -

- 25.1 the consideration of the Chairman's report;
- 25.2 the election of Member Trustees;
- 25.3 the consideration of the financial statements of the Association for the last financial year of the Association preceding the date of such meeting;

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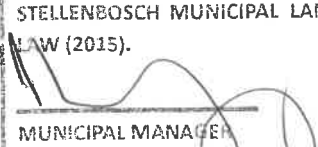
- 25.4 the consideration of the budget as presented by the Trustees and confirmation of levies as currently levied by the Trustees;
- 25.5 the consideration of the report of the auditors;
- 25.6 any other business pertinent to such meeting, including any resolutions proposed for adoption by such meeting and the voting upon any such resolutions.

26. Procedure at meetings

- 26.1 The Chairman shall preside as such at all meetings provided that should he not be present within 15 (fifteen) minutes after the time appointed for the holding thereof, then the Trustees present at such meetings shall vote to appoint a Chairman for the meeting who shall thereupon exercise all the powers and duties of the Chairman in relation to such meeting.
- 26.2 The Chairman may, with the consent of any 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 not business shall be transacted at any adjourned meeting other than the business that might have been transacted at the meeting from which the adjournment took place. No notice need to be given of the adjourned meeting save for an announcement at the meeting of the date, time and venue of the adjourned meeting unless the meeting is to be adjourned for 30 (thirty) days or more, in which event notice is to be given in the same manner as the original meeting. Only business left uncompleted at the original meeting may be transacted at the adjourned meeting.

27. Minutes of meetings of the Association

- 27.1 The Trustees shall -
 - 27.1.1 ensure that minutes are taken of every meeting of the Association, although not necessarily verbatim, which minutes shall be reduced to writing without undue delay after the meeting has closed and shall then be certified correct by the Chairman of the meeting;
 - 27.1.2 cause such minutes to be kept of all such meetings of the Association in a minute book of meetings of the Association kept for the purpose.
- 27.2 The Trustees shall keep all minute books of meetings of the Association in perpetuity.
- 27.3 On the written application of any Member the Trustees shall make all minutes of the proceedings and/or meetings of the Association available for inspection by such Member.
- 27.4 All resolutions recorded in the minutes of any meetings of the Association shall be valid and of full force and effect as therein recorded, with effect from the

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passing of such resolutions, and until varied or rescinded, but no resolution or purported resolution of the Association shall be of any force or effect, or shall be binding upon the Member or any of the Trustees, unless such resolution is competent within the powers of the Association.

27.5 Save as otherwise provided in this Constitution, the proceedings at any meeting of the Association shall be conducted in such reasonable manner and form as the Chairman of the meeting shall decide.

28. Voting

28.1 At every annual general meeting or general meeting every Member, in person or by proxy and entitled to vote shall have one vote for each erf registered in his name, provided that if an erf is registered in more than one person's name, then they shall jointly have one vote for that erf.

28.2 When 2 (two) 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 need not be one of them) jointly appointed by them as their proxy, provided that any one of them may demand a poll.

28.3 Save as expressly provided for in this Constitution, no person other than a Member duly registered, and who shall have paid every levy and other sum (if any) which shall be due and payable to the Association in respect of or arising out of his Membership and who is not under suspension, shall be entitled to be present and to vote on any question either personally or by proxy.

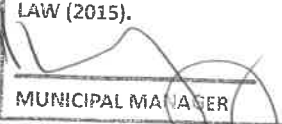
28.4 At any meeting of Members a resolution put to the vote at the meeting shall be decided on a show of hands unless before or on the declaration of the result of the show of hands a poll shall be demanded by any Member. If a poll is duly demanded it shall be taken in such manner as the Chairman directs and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

28.5 At any general meeting a resolution put to the vote of the meeting shall be decided on an ordinary majority of votes represented by Members entitled to attend and vote thereat, present in person or by proxy.

28.6 Voting on the election of a Chairman of a general meeting (if necessary) or on any question of adjournment, shall be decided on an ordinary majority of votes represented by Members entitled to attend and vote thereat, present in person or by proxy.

28.7 Every resolution and every amendment of a resolution proposed for adoption by a general meeting shall be seconded at the meeting, and if not seconded, shall be deemed not to have been proposed.

28.8 Any resolution which could be passed at a general meeting (other than a special resolution or a resolution to remove a Trustee or auditor) may be passed

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without a meeting being held if one or more copies of the resolution are signed by or on behalf of all the Members entitled to vote.

28.9 Unless any Member present in person or by proxy at a meeting shall, before closure of the meeting, have objected to any declaration made by the Chairman of the meeting as to the result of any voting at the meeting, or to the validity of the procedure at such meeting, such declaration by the Chairman shall be deemed to be a true and correct statement of the voting and the meeting shall in all respects be deemed to have been properly and validly constituted and conducted and an entry in the minutes of the Association to the effect that any motion has been carried or lost with or without a record of the number of votes recorded in favour of or against such motion shall be conclusive evidence of the resolution so recorded if such entry confirms with the declaration made by the Chairman of the meeting as to the result of any voting at the meeting.

29. Special general meeting

29.1 Any meeting of the Members other than an annual general meeting contemplated in clause 21 shall be called a special general meeting.

29.2 The Trustees may, whenever it thinks fit, convene a special general meeting.

29.3 A special general meeting shall be convened by the Trustees at the written request of at least 16 (sixteen) Members.

30. Notice and agenda of special general meeting

30.1 A special general meeting shall be convened by not fewer than 14 (fourteen) days' notice in writing.

30.2 The notice shall specify the place, the day and the time of the meeting appointed by the Trustees and shall be accompanied by an agenda together with a memorandum prepared by the Trustees or the Member concerned, as the case may be, which provides a motivated description of each item to be dealt with at the meeting and the resolution desired.

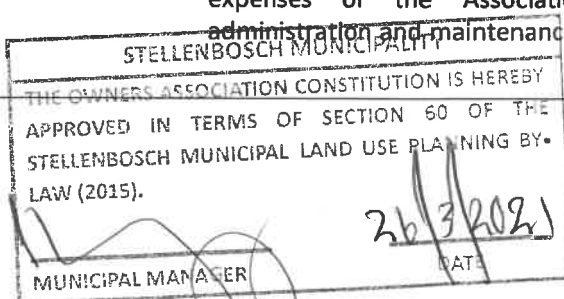
30.3 Only items properly on the agenda of a special general meeting may be raised at the meeting.

VI. FINANCIAL AFFAIRS OF THE ASSOCIATION

31. Levies

31.1 The Trustees shall -

31.1.1 establish and maintain a levy fund for the purposes of meeting all expenses of the Association for the control, management, ~~administration and maintenance~~ of the Development, including, but not



- limited to, services, infrastructure, pathways, roads and Private Open Spaces, and for charges for the supply of any services required by the Association and/or for payment of all expenses necessary or reasonably incurred in connection with the management of the Association;
- 31.1.2 estimate the amount which will be required by the Association to meet its expenses during each year, together with such estimated deficiency, if any, as shall result from the preceding year and may include in such estimate amount to be held in reserve to meet anticipated future expenditure not of an annual nature;
- 31.1.3 require Members whenever necessary to make contributions to such fund for the purposes of satisfying the expenses referred to in 31.1.1 and 31.1.2 equal as nearly as is reasonably practical to such estimated amount.
- 31.2 The Trustees may, from time to time, make and collect special levies from Members effective from the date of passing of the applicable resolution in respect of such expenses referred to in clause 31.1 (which are not included in any estimate made in terms of clause 31.1.2) and such special levies may be imposed and shall be payable in one sum or by such instalments and at such time or times as the Trustees shall deem fit.
- 31.3 Any amount due by a Member by way of a levy shall be a debt due by him to the Association payable within such time as determined by the Trustees. The obligation of a Member to pay a levy shall cease upon his ceasing to be a Member save that he shall remain liable for all levies calculated up to the date upon which he ceases to be a Member. No levies paid by a Member shall be repayable by the Association upon his ceasing to be a Member. A Member's successor in title to an erf shall be liable as from the date upon which he becomes a Member pursuant to the transfer of such erf to pay the levies attributable to that erf. No Member shall be entitled to transfer his erf until the Trustees have certified that the Member has, at the date of transfer, paid all amounts owing by him to the Association.
- 31.4 In calculating the levies, the Trustees shall take into account income, if any earned by the Association and the allocation of voting rights to Members, as recorded herein.
- 31.5 The decision of the Trustees in calculating the levies shall be final and binding on all Members.
- 31.6 No Member shall be entitled to any of the privileges of Membership unless and until he shall have paid every levy and other sum (if any) which shall be due and payable to the Association in respect of his membership thereof.
- 31.7 All levies are due and payable by Members on the first day of the month immediately following the month in which such liability arose and, thereafter, ~~on the first day of each and every following month.~~

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32. Books of account and records

- 32.1 The Trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the Association including -
 - 32.1.1 a record of the assets and liabilities of the Association;
 - 32.1.2 a record of all sums of money received and expended by the Association and the matters in respect of which such receipt and expenditure occur;
 - 32.1.3 a register of Members showing in each case their addresses;
 - 32.1.4 individual ledger accounts in respect of each owner.
- 32.2 The accounting records shall be kept at the registered office of the Association or at such other place or places as the Trustees think fit and shall always be open to inspection by the Trustees.
- 32.3 The Trustees shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounting records of the Association or any of them shall be open to inspection by Members not being Trustees, and no Member (not being a Trustee) shall have any right of inspecting any accounting records or documents of the Association except as conferred by the Companies Act or authorised by the Trustees.
- 32.4 The Trustees shall cause all books of account and records to be retained for a period of 6 (six) years after completion of the transactions, acts or operations to which they relate.
- 32.5 The Association in general meeting or the Trustees may from time to time make reasonable conditions and regulations as to the time and manner of the inspection by Members of the accounts and books of the Association, or any of them, and subsequent to such conditions and regulations, the accounts and books of the Association shall be open to the inspection of Members at all reasonable times during normal business hours.
- 32.6 A copy of the annual financial statements which are to be laid before the Association in annual general meeting shall, not less than 21 (twenty one) days before the date of the meeting, be sent to every Member of the Association: provided that this article shall not require a copy of those documents to be sent to any person of whose address the Association is not aware.

33. Financial year end

The financial year end of the Association is the end of February of each year.

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34. Audit

- 34.1 Once at least in every year, the accounts of the Association shall be examined and the correctness of the income and expenditure account and balance sheets ascertained by the auditors.
- 34.2 The duties of the auditors shall be regulated in accordance with general practice and applicable professional standards.

35. Deposit and investment of funds

- 35.1 The Trustees shall cause all moneys received by the Association to be deposited to the credit of an account or accounts with a registered commercial bank or building society in the name of the Association and, subject to any direction given or restriction imposed at a general meeting of the Association, such moneys shall only be withdrawn for the purpose of payment of the expenses of the Association or investment.
- 35.2 Any funds not immediately required for disbursements may be invested in a savings or similar account with any financial institution or any other registered deposit receiving institution approved by the Trustees from time to time.
- 35.3 The Association shall use interest on moneys invested for any lawful purpose in the interest of the Association.

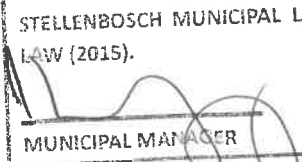
VII. GENERAL PROVISIONS

36. Defamation privilege

Every Member of the Association and every Trustee shall be deemed by virtue of his membership or, as the case may be, his holding office as a Trustee, to have waived as against every other Member, the Chairman, every other Trustee, and everybody else engaged to perform the function or duty on behalf of or for the benefit of the Association, or the Trustees, or any sub-committee, all claims and rights of action which such Member or Trustee might otherwise have had in law arising as a result of any statement, report, complaint or notice of or concerning such Member or Trustee, or any reference to such Member or Trustee, made at any meeting of Trustees, or otherwise in the performance or exercise of any right, function, duty, power or trust, within the ambit of this Constitution, being a statement, report, complaint, notice or reference defamatory to such Member or Trustee, or otherwise injurious to the dignity, reputation, business or financial interest of such Member or Trustee, whether such statement be true or false.

37. Amendment

- 37.1 No provision of this Constitution, including the Code of Conduct and Architectural Design Guidelines, shall be amended or repealed without the prior consent in writing of the Developer until the end of the Development Period and the local authority.

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- 37.2 Subject to the provisions of clause 37.1, this Constitution, including the Code of Conduct and Architectural Design Guidelines, may only be amended or repealed by a resolution taken at a general meeting and passed by 75% (seventy five percent) of the Members' votes cast at the meeting in respect of the resolution.
- 37.3 No amendment or repeal of a provision of this Constitution may contravene any legislation.
- 37.4 The Trustees, or any Member with the written support of at least 16 (sixteen) Members, may propose an amendment or repeal of a provision of this Constitution by placing a motivated written proposal to that effect on the agenda of a general meeting.
- 37.5 The Trustees must, within 21 (twenty-one) days of its adoption, in writing inform all the Members, the Commissioner for the South African Revenue Service and the local authority of an amendment or repeal of a provision of this Constitution.
- 37.6 The reference to "amended" as contemplated in clauses 37.1 to 37.5 will include addition and substitution of a provision of this Constitution.

38. Arbitration

- 38.1 Should any dispute, question or difference arise between Members or between a Member and Trustees out of or in regard to -
- 38.1.1 the interpretation of;
- 38.1.2 the effect of;
- 38.1.3 their respective rights or obligations under;
- 38.1.4 a breach of this Constitution (save for non-payment of levies or any other amount due by a Member in terms of this Constitution), such dispute shall be decided by arbitration in the manner set out in this clause 38.
- 38.2 In respect of any claim arising from non-payment of levies or any other amount due by a Member to the Association in terms of this Constitution, the Association and the Trustees shall continue to enjoy common law right and shall not be required to proceed to arbitration and shall not be precluded from instituting proceedings in any court of competent jurisdiction.
- 38.3 The arbitration referred to in clause 38.1 above shall:-

38.3.1 be conducted in an informal summary manner on the basis that it shall not be necessary to observe or carry out either the usual formalities or

STELLENBOSCH MUNICIPALITY

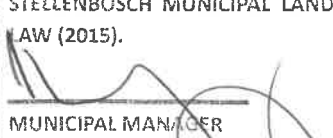
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- procedures relating to pleadings or discovery or the strict rules of evidence;
- 38.3.2 commence as soon as reasonably possible after it is demanded and with a view to its being completed within 30 (thirty) days after it is demanded; and
- 38.3.3 be held in Stellenbosch, at such place as the Trustees may decide informally and otherwise in terms of the provisions of the Arbitration Act of the Republic of South Africa (as amended or replaced from time to time) except insofar as the provisions of this arbitration clause shall apply.
- 38.4 The arbitrator shall be a practising attorney of not less than 10 (ten) years appointed between the parties to the arbitration within 7 (seven) days of being called upon to make such appointment and failing such agreement within such 7 (seven) day period, on request by either one of the parties, appointed by the President of the The Cape Bar or its successors in title.
- 38.5 The arbitrator shall in giving his award have regard to the principles contained in this Constitution and he shall decide the matter as submitted to him according to what he considers just and equitable in the circumstances and, therefore, the strict rules of law need not be observed or be taken into account by him in arriving at his decision. The arbitrator shall make his award within 10 (ten) business days after completion of the arbitration and shall in giving his award, have regard to the principles laid down in terms of this Constitution. The arbitrator may determine that the cost of the arbitration may be paid either by one or other of the disputing parties or by the Association as he in his sole discretion may deem fit.
- 38.6 Each of the parties to the arbitration irrevocably agree that the decision of the arbitrator made at such arbitration proceedings -
- 38.6.1 shall be final and binding on each of them; and
- 38.6.2 shall be carried into effect immediately; and
- 38.6.3 may be made an order of any Court that has jurisdiction over the parties or the property.
- 38.7 Notwithstanding anything to the contrary contained in this clause 38, the Trustees shall be entitled to institute legal proceedings on behalf of the Association by way of application, action or otherwise in any Court having jurisdiction for the purposes of restraining or interdicting breaches of any of the provisions of this Constitution.

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41. Dissolution of the Association

41.1 The Association may be dissolved by a resolution of Members at a general meeting, provided that –

41.1.1 a majority of $\frac{3}{4}$ (three quarters) of the Members present in person or by proxy and voting vote in favour thereof; and

41.1.2 the local authority consents thereto.

41.2 On dissolution of the Association, its remaining assets shall be distributed to a similar association of persons, which is also exempt from income tax in terms of section 10(1)(e)(i)(cc) of the Income Tax Act 58 of 1962, provided that if the Association is not succeeded by such an association, the remaining assets shall be paid to such fund as may be required by law.

VIII. BUILDING WORK IN THE DEVELOPMENT AND ARCHITECTURAL DESIGN GUIDELINES

42.1 Approval of building work by Trustees

42.1.1 No construction or erection of new buildings or structures nor any additions, alterations or renovations to existing buildings or structures may commence without the prior written approval of the Trustees of the Association.

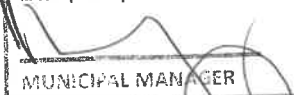
42.1.2 All building and other structures erected on any erf shall comply with the provisions of the Code of Conduct and Architectural Design Guidelines.

42.2 Deposit for damage

42.2.1 Each Member shall, before commencement of any building work contemplated in clause 42.1, pay to the Trustees a building deposit in an amount to be determined from time to time by the Trustees which amount shall be retained by the Trustees in trust until completion by the Member and/or its contractors of such work. Any interest accrued on the aforesaid deposit will accrue to the Member.

42.2.2 Upon completion of all such building work and other activities, the Trustees shall if they are satisfied that no damage has been effected by the Member or any of its contractors to the common property and/or landscaped areas and/or civil services infrastructure within the Development and that the work has been constructed in accordance with duly approved plans, release the building deposit to the Member, including any interest thereon as contemplated in clause 42.2.1.

42.2.3 In the event of any common property and/or landscaped area and/or civil services infrastructure having damage due to such work, the Member shall within 14 (fourteen) days of having been requested to do so in writing by the Trustees, rectify the damage to the satisfaction of the Trustees, failing which the

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Trustees shall be entitled to appoint an independent contractor to repair the damage and the amount paid to the Trustees as a building deposit shall be utilised to defray the expenses of the independent contractor. If, however, the building deposit is not sufficient to cover the cost of such repairs, the Trustees shall be entitled to recover the shortfall from the Member.

42.3 Amendment of Code of Conduct and Architectural Design Guidelines

42.3.1 The Trustees may in liaison and with the consent of the local authority amend, amplify, clarify or add to, or amend, substitute or repeal the provisions of the Code of Conduct and Architectural Design Guidelines after the Development Period

42.3.2 The Trustees shall at least 14 (fourteen) days before its implementation inform all Members of any amendment, amplification, clarification or addition to, substitution or repeal, of a provision of the Code of Conduct.

42.3.3 Any Member may with the written support of at least 75% (seventy five percent) of the Members submit a motivated proposal for an amendment, amplification, clarification or addition to, substitution or repeal of, a provision of the Code of Conduct.

42.3.4 If the Trustees are of the view that the proposal should not be effected, it shall inform the Member accordingly in writing, whereupon the Member may require the Trustees to place the proposal on the agenda of a general meeting.

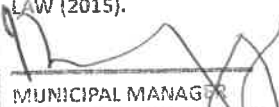
42.4 Completion of building work

42.4.1 Any Member who has not commenced building work on his erf within 24 (twenty-four) months and completed a building on and obtained a Municipal Occupancy Certificate in respect of such building within 36 (thirty-six) months after the registration of transfer of an erf into his name shall pay the Association a penalty levy equal to the monthly levy payable in respect of the Member's erf per month or part thereof until such time as the building work has been duly completed.

42.4.2 The aforesaid penalty levy shall be paid in addition to the levy payable by the Member in terms of clause 31 and in the event of a dispute arising as to whether a building is completed for purposes of the provisions of clause 42.4.1, the Trustees shall determine such dispute and their decision shall be final and binding.

42.5 Architectural Design Guidelines

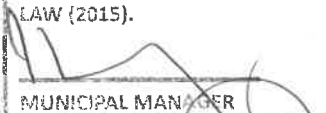
42.5.1 The Architectural Design Guidelines constitutes an integral part of this Constitution and for as long as the Developer is a Member of the Association the Architectural Design Guidelines may be amended, substituted, added to or repealed by the Developer and thereafter by the Association.

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- 45.1.5 the maintenance of properties of Members;
 - 45.1.6 the keeping of pets in the Development;
 - 45.1.7 the maintenance of civil services infrastructure in the Development;
 - 45.1.8 the maintenance, use and enjoyment of the Common Property and Private Open Spaces;
 - 45.1.9 security in the Development, including access thereto;
 - 45.1.10 the processing of complaints by Members generally.
- 45.2 Any Member may with the written support of at least 16 (sixteen) Members submit a motivated proposal for an addition to, or amendment, substitution or repeal of, a provision of the regulations to the Trustees.
- 45.3 If the Trustees are of the view that the proposal should not be effected, it shall inform the Member accordingly in writing, whereupon the Member may require the Trustees to place the proposal on the agenda of a general meeting.
- 45.4 No provision of the aforesaid regulations may be in conflict or irreconcilable with any provision of this Constitution, provided that in the event of any such conflict or irreconcilability the provision of this Constitution shall prevail.
- 45.5 The Trustees shall at least 14 (fourteen) days before its implementation, in writing inform all Members of any addition to, or amendment, substitution or repeal of, a provision of the aforesaid regulations.

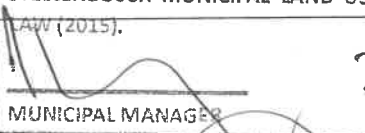
46. Determination of penalties

- 46.1 The Trustees may from time to time determine the penalties to be imposed for the breach of a provision of this Constitution, a regulation as contemplated in clause 45, the Code of Conduct or Architectural Design Guidelines, including the amount of an initial and subsequent fine.
- 46.2 The Trustees shall at least 14 (fourteen) days before its implementation, in writing inform all Members of any penalty determined under this clause 46.
- 46.3 A penalty imposed for a breach of a provision of this Constitution, a regulation as contemplated in clause 45, the Code of Conduct or Architectural Design Guidelines may, if it is not paid within 7 (seven) days after the Member has been notified of the imposition thereof, be added to the monthly levy payable by that Member and claimed as if it were part of such levy.

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47. Binding nature of Constitution, rules, regulations, Code of Conduct and Architectural Design Guidelines

The provisions of this Constitution, the regulations as contemplated in clause 45, the Code of Conduct and the Architectural Design Guidelines shall be binding on all Members and also on all other persons who reside in, or for whatever purpose, enter the Development.

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MEMBERS' APPROVAL

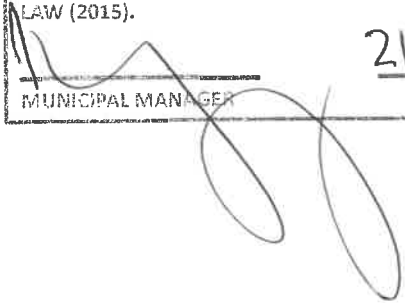
This Constitution was approved at a special general meeting held on _____.

Chairman
Trustee
Welgegund Domaine Privé Home Owners' Association

MUNICIPAL APPROVAL

The Constitution of Welgegund Domaine Privé Home Owners' Association dated _____ was approved in terms of section 29 of the Stellenbosch Municipality: Land Use Planning By-law under the Spatial Planning and Land Use Management Act, No. 16 of 2013.

Municipality of Stellenbosch

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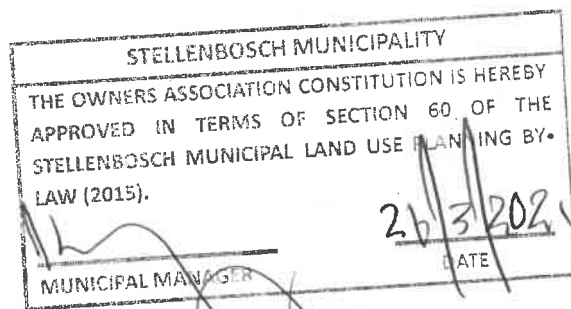
Annexure "A"

ARCHITECTURAL DESIGN GUIDELINES TO BE ATTACHED

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HOME OWNER ASSOCIATION Code of Conduct

***(Made by the Trustee Committee of the Welgegund Domaine Privé Estate
Home Owners Association in terms of the Constitution)***

DISCLAIMER

***Any person entering the Estate does so at his or her own risk.
Welgegund Domaine Privé Estate Home Owners Association shall not be liable for any injury,
damage or loss suffered by such person arising from any cause whatsoever while on the
Estate.***

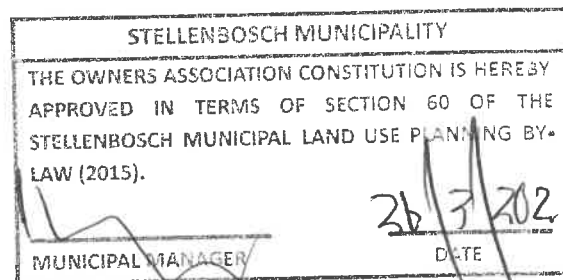
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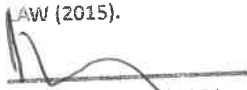
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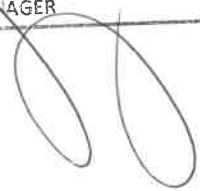
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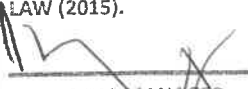
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PREAMBLE

➤ *The Welgegend Domaine Privé Estate Home Owners Association ("Association") has as its primary objectives:*

- *To promote and enforce certain standards for community living for the residents of the Welgegend Domaine Privé Estate Development (hereafter "the Estate") so that residents may derive the maximum collective benefit there from,*
 - *To maintain basic aesthetic standards to enhance property values in the Estate, and*
 - *to provide residents with a superior quality lifestyle by offering safe and harmonious community living.*
- *A Trustee Committee will be established in terms of the Constitution of the Association, which Committee will exercise certain powers in terms thereof. The Constitution authorises the Trustee Committee to make certain Rules in order to regulate the conduct of residents and other persons on the Estate.*
- *The success of the Estate depends on the extent of the contribution of every resident towards maintaining a pleasant and safe environment as well as a neat and attractive streetscape.*

1. DEFINITIONS:

In the interpretation of these Rules, unless the context indicates a contrary intention –

- 1.1. **Constitution** means the **Constitution of the Welgegend Domaine Privé Estate Home Owners Association**, as amended from time to time;
- 1.2. **Estate** means the **Welgegend Domaine Privé Estate Development**;
- 1.3. **Managing Agent** means the person or Agency from time to time appointed by the Trustee Committee on its behalf *inter alia* to ensure compliance with rules and control measures regulating security, work and conduct on the Estate;
- 1.4. **Occupant** means any person who has the right to reside, or be present, in a property on the Estate in terms of a lease agreement or other arrangement, whether for consideration or not;
- 1.5. **Signage** means any sign, notice, billboard, advertisement, placard, or the like, irrespective of the material of which it is manufactured; and
- 1.6. **Vehicle** means any mode of transport, including, but not limited to, a motorcar, motorcycle, motor scooter, truck, caravan, trailer or boat.

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1.7. **The Trustee Committee** means the committee established in terms of the Constitution to exercise certain of its powers.

1.8. **Welgegund Domaine Privé Estate Home Owner Association (“the Association”)** means an Association established in terms of the Common Law, by the Developer and which will come into existence when the first property in the Development is transferred to the first Purchaser.

2. WORDS AND EXPRESSIONS:

2.1. Words importing –

- 2.1.1. a reference to the singular includes the plural, and the converse also applies;
- 2.1.2. a reference to a gender includes the other genders; and
- 2.1.3. a reference to natural persons includes legal persons, and the converse also applies.

2.2. Words and expressions to which a meaning is assigned in the **Constitution** shall bear the meaning so assigned to them, and in the event of any conflict between the **Constitution** and these Rules, the **Constitution** shall prevail, unless it is inconsistent with the context.

3. CALCULATION OF PERIODS:

When any number of days is prescribed in these Rules, the same shall 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 shall be the next succeeding day which is not a Saturday, Sunday or proclaimed public holiday.

4. BINDING NATURE OF RULES:

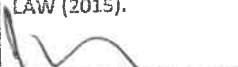
4.1. The provisions of these Rules and any condition determined, or instruction given hereunder shall be binding on each member of the Association, and it shall be the duty of a member to ensure compliance with same by –

- 4.1.1. any member of his family, his visitor, estate agent, service provider, employee and worker; and
- 4.1.2. any occupant of his property, and any member of the occupant's family, his visitor, service provider, employee and worker.

4.2. The Trustee Committee may at any time apply to CSOS for an order to compel the person or persons concerned to comply with these Rules and any condition determined or instruction given hereunder.

5. RELAXATION OF RULES:

No indulgence or relaxation in respect of these Rules shall constitute a waiver or consent or prevent their enforcement by the Trustee Committee at any time.

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6. RISK AND INDEMNITY:

- 6.1. Any person present on the Estate is there and does so entirely at his own risk, and no person shall have any recourse or claim of whatever nature against the Association, its Trustee Committee, employee, worker, agent or contractor arising from such presence, nor for anything that may befall him or his property, in the course of such presence, whether caused by human or animal agency, natural phenomenon or otherwise.
- 6.2. The Association shall not be liable for any injury, loss or damage of any description that any person may sustain, physically or to his or her property, directly or indirectly, in or about the streets or private open spaces, or for any act done by, or for any neglect on the part of, the Association, its Trustee Committee, worker, employee, agent or contractor.

7. MEMBER'S LIABILITY:

- 7.1. All members will be liable to pay levies to the Association as provided for in the Constitution and as determined from time to time by the Trustee Committee.
- 7.2. A member 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 the Trustee Committee in enforcing compliance by him or her, or any other person referred to in Rule 4, with these Rules or any condition determined, or instruction given hereunder.
- 7.3. Damages, fines, all legal costs (including costs between an attorney and client) and collection commission, expenses and charges incurred by the Trustee Committee in enforcing compliance with these Rules and any condition determined or instruction given hereunder shall be deemed to be a levy contemplated in the **Constitution**, and may, if it is not paid immediately, be added to the member's levy statement and shall bear interest as a levy debt.

7.4 Water:

- 7.4.1 Each erf shall have a municipal water supply for household use and shall be obliged to pay the municipality for such water consumed. Where the Association is billed directly by the Municipality for such water then a submeter shall be installed as per specification by the relevant registered owner at their costs and pay from time to time for such water used, in the manner determined by the Trustee Board.
- 7.4.2 All water consumed in respect of the common area shall be paid for by the Association, out of its funds or levies collected.

7.5 Electricity:

- 7.5.1 Each erf shall have a municipal electricity supply for household use and shall be obliged to pay the municipality for such electricity consumed. Where the Association is billed directly by the Municipality for such electricity then a submeter shall be installed as per specification by the relevant registered owner at their costs and pay

from time to time for such electricity used, in the manner determined by the Trustee Board.

- 7.5.2 All electricity consumed in respect of the common area shall be paid for by the Association, out of its funds or levies collected.

7.6 Rates and Taxes:

Each owner of an erf shall pay such rates and taxes as are levied in respect of his erf to the relevant local authority.

8. MEMBER'S OBLIGATIONS:

- 8.1. When concluding an agreement of sale with a prospective purchaser or an agreement granting rights of occupancy with a prospective occupant the member must include a provision in such agreement that the person concerned is obliged to comply with these Rules and furnish him with a copy hereof.
- 8.2. A member may not use, or permit to be used, his erf or any structure erected or placed thereon, or a street or private open space, in a manner or for a purpose that will cause a nuisance or create a disturbance, or that will be injurious to the ambience of the Estate.

9. BUSINESS ACTIVITIES:

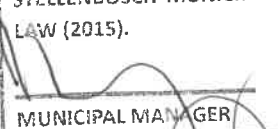
- 9.1. No person may conduct a business or practice a trade on or from an erf in the Estate without the prior written permission of the Trustee Committee and of the Stellenbosch Municipality.
- 9.2. If the applicant is not the owner of the erf concerned, the written permission of that owner for such an application must accompany the application to the Trustee Committee and the Stellenbosch Municipality.

10. PERSONS EMPLOYED BY THE TRUSTEE COMMITTEE

No person referred to in Rule 4 may request a service provider, employee, worker or agent of the Trustee Committee to perform tasks for them during their work hours or interfere with such persons in the performance of their duties and must give them their full co-operation.

11. UNBECOMING CONDUCT

- 11.1. No person who resides on, or enters, the Estate may indulge in conduct that, in the discretion of the Trustee Committee, is unbecoming, constitutes a nuisance or creates a disturbance.
- 11.2. Any excessive noise between the hours of 23h00 and 07h00 will be considered a disturbance and the Association will have the right to enforce the peace.
- 11.3. No fireworks whatsoever are allowed in the Estate.

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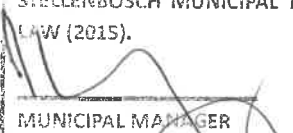
12. SECURITY MEASURES:

Any person entering the Estate must comply with the systems and procedures relating to access control and other security measures that are from time to time implemented by the Trustee Committee, and must comply with the instructions of Estate Security and of the Managing Agent, and treat them in a co-operative and respectful manner.

13. TRAFIC CONTROL:

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

- 13.1. Unless specifically stated otherwise in these Rules, the normal statutory traffic laws apply on the Estate.
- 13.2. A speed limit of **20km/h** applies on the Estate.
- 13.3. A vehicle may not be operated on a street by a person who is not in possession of a valid driver's license.
- 13.4. A vehicle must always be operated with care and may not be operated anywhere other than on the streets.
- 13.5. The operator of a vehicle may not take a short cut over a traffic circle, a private open space or an undeveloped erf.
- 13.6. A 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 the Association's property, may not be operated on a street or be parked or stood on a demarcated parking bay.
- 13.7. A vehicle may not be parked or stood on a street, but must be parked or stood on the erf of the member for whose purposes the vehicle is in the Estate, on the erf of another member with that member's explicit permission, or on a demarcated parking bay.
- 13.8. A vehicle may not be left unattended 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.
- 13.9. Pedestrians will always have the right of way and may utilise the road as a passage.
- 13.10. No hooting allowed on the estate.
- 13.11. Occupants are not allowed to park their vehicles in the visitors parking bays, Only Visitors is allowed to park in the designated visitor parking bays.

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14. MAINTENANCE OF COMMUNAL FACILITY:

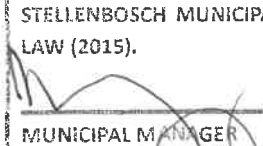
- 14.1. A member who owns an erf that is on the border fence of the Estate, or on which there are any pipes, wires, cables and ducts used, or capable of being used, in connection with any communal service, must at all reasonable times allow the Managing Agent, Trustee Committee or a person authorised thereto by him, to enter the erf to carry out inspections, repairs or maintenance of same.
- 14.2. If a person is obstructed from, or hindered in, the performance of his duties contemplated herein, the member who is the owner of the erf concerned may be liable for any additional costs incurred by the Trustee Committee in the performance of such duties.

15. BORDER FENCE OF THE ESTATE:

- 15.1. A person may not damage, remove or make any attachments to any part of the border fence of the Estate, or in any way obstruct it to prevent the proper functioning of the Estate security system.
- 15.2. Trees, shrubs or plants that in the discretion of the Trustee Committee are likely to interfere with the proper functioning of the Estate security, when installed, may not be planted in the close proximity of the border fence.
- 15.3. No signage may be erected against or on top of the border fence.
- 15.4. An owner may not erect a wall, fence or any other structure from whichever material including plants/trees for security or privacy purposes, closer than 1 meter from the Estate's border fence. The purpose is to give access to Contractors for the maintenance of the border fence of the Estate.

16. MAINTENANCE OF PROPERTIES AND STREETScape

- 16.1. The external appearance of any structure erected or placed on an erf and which forms part of the streetscape must always be maintained in a state of good repair to the satisfaction of the Trustee Committee.
- 16.2. A garden and the area between the street boundary line of an erf and the kerb must always be kept in a neat and tidy state, free of rubble, refuse, litter, other material or unwanted articles.
- 16.3. Trees, shrubs or plants in a garden or in the area between the street boundary line of an erf and the kerb may not be allowed to impede traffic or to pose a safety hazard.
- 16.4. 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 such disposal, the member or occupant concerned must clear the sewerage system within twenty-four (24) hours after the occurrence of the blockage, failing which the Trustee Committee may have the system cleared at the risk and for the account of the member concerned.

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- 16.5. Refuse containers / bags must on the morning of the day scheduled for refuse collection be placed in such a way that traffic flow is not impeded. If refuse is not collected on the scheduled day, the container / bag must return to the erf concerned.
- 16.6. A dog kennel or a covered facility for a caravan, boat or trailer, refuse containers etc may not be erected or placed on an erf so that it is visible from a street, a private open space or another erf.
- 16.7. Signage may not without the written permission of the Trustee Committee be erected or placed on any part of an erf so that it is visible from a street, a private open space or another erf.
- 16.8. A member must always maintain his undeveloped erf in a neat and tidy state, free of rubble, refuse, litter, other material and unwanted articles. If an undeveloped erf is overgrown in the opinion of the Managing Agent or Trustee Committee, the owner will be notified to rectify the matter. Failure to do so will result in the Association cleaning the stand and the expenses will be loaded onto the owner's levy account.

17. STREETS, PRIVATE OPEN SPACES AND COMMON FACILITIES:

- 17.1. A person who makes use of a street or private open space must always be considerate and exercise proper care.
- 17.2. A person may not in any way damage or deface a street or private open space or any structure or item erected or placed thereon.
- 17.3. 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 a street, a private open space, the "leivoor" or an undeveloped erf.
- 17.4. Trapping, shooting, harassing or in any way harming the fauna in the Estate is prohibited.
- 17.5. Trees, shrubs or plants may not be removed from, or planted on, a private open space without the prior written permission of the Trustee Committee.
- 17.6. Open fires or braais are not permitted on a street, except in the case of a gathering of members arranged by, or with the permission of, the Trustee Committee.

18. PETS

- 18.1. No more than two dogs and two cats may be kept on any one erf without the written permission of the Trustee Committee.
- 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. The Trustee Committee may on written application in its sole discretion give written permission on such conditions as it may determine for the keeping of a pet, or a

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number of pets, that would otherwise not be permitted: Provided that should such conditions not be met, the Trustee Committee may in writing withdraw their approval to keep such pet(s) and instruct the member or occupant concerned forthwith to remove the pet(s) from the Estate.

- 18.5. A pet must wear a collar fitted with a tag indicating the contact details of its owner.
- 18.6. A pet may not roam the Estate and must always be kept on leash when not on the erf of its owner.
- 18.7. A pet may not be allowed to create a nuisance or cause a disturbance to residents on the Estate.
- 18.8. A pet may not be neglected by, for example, leaving it to fend for itself or failing to provide it with enough shelter, nutrition or veterinary attention.
- 18.9. No person may inflict physical cruelty on a pet or subject it to violence.
- 18.10. 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 street, a private open space or another erf.

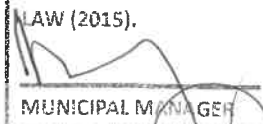
19. SERVICE PROVIDERS:

- 19.1. A service provider may not display any signage or distribute any advertisement on the Estate.
- 19.2. A service provider may work only on days and during hours as follows:
 - Monday to Thursday: 7h30 to 17h00
 - Friday: 7h30 to 16h00
 - Saturday: 8h00 to 13h00

19.3 All domestic workers and gardeners to be registered with the managing agent and security.

20. ESTATE AGENTS:

- 20.1. No estate agent's or private seller signage, or other type of advertisement may be displayed or distributed on the Estate, unless prior written approval has been obtained from the Trustee Committee.
- 20.2. An Estate Agent may show a property that is being marketed only by appointment with the member concerned and must personally accompany his clients.
- 20.3. "On show" signs must be removed by 17h00 the show day;
- 20.4. "For Sale" or "To Let" signs must be removed within 7 days after conclusion of a selling or letting agreement in respect of the property concerned.
- 20.5. The above rules do not apply to the marketing agents of the Developer.

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21. COMPLAINTS:

- 21.1. The Trustee Committee 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 another person on the Estate, and may take such steps with regard thereto as it may deem fit.
- 21.2. The Trustee Committee 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 another person on the Estate, and may take such steps with regard thereto as it may deem fit.

22. CLEARANCE OR OTHER CERTIFICATES:

- 22.1. The Managing Agent or Trustee Committee will only issue a clearance certificate, or any other certificate required for purposes of transfer of a property if –
 - 22.1.1. The offer to purchase contains a clause binding the purchaser to the provisions of the Constitution and to become a Member of the Association; and
 - 22.1.2. all moneys due to the Association, including an administration levy, have on the date of registration been paid or provision has been made to the satisfaction of the Managing Agent or Trustee Committee for the payment thereof; and
 - 22.1.3. if a breach of any of these Rules or the Rules of the Constitution by the owner or occupant of the property concerned has been remedied, or if provision has been made to the satisfaction of the Trustee Committee for the remedying thereof.

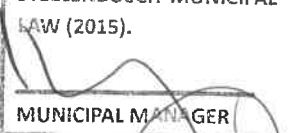
23. INSTALLATION OF EMERGENCY POWER EQUIPMENT:

- 23.1. No generators will be allowed. Backup batteries as an alternative are encouraged, especially when used in conjunction with voltaic panels.

Substantial penalties will be issued in case of failure to comply with the above.

PART II – AESTHETIC CONTROL:

- *The Architectural & Landscape Design Guidelines provides a framework within which the individual properties can be designed and constructed in order to promote a unique and collective architectural identity to the Estate*
- *These guidelines will be subject to periodical revision by the Trustee Committee or their duly authorised Agent, as deemed necessary from time to time.*
- *In case of conflict, the control architect (in consultation with the Developer / Trustee Committee) will make the final decision in the best interest of the development.*

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24. GENERAL:

Building plans-

- 24.1. must be prepared in accordance with the Building Code for the area concerned;
- 24.2. must comply with the local Municipal and the South African National Building Regulations and any other applicable legislation;
- 24.3. must be submitted to the Estate Architectural Team for approval and will only be processed upon proof of payment of the applicable plan scrutiny fee.

25. APPROVAL OF PLANS:

- 25.1. The building plans together with an aesthetic approval letter from the Estate Architectural Team must be submitted to the Municipality for approval.
- 25.2. An application for a deviation or variation from the aesthetically approved Building Plans, must be submitted in writing to the Estate Architectural Team prior to the implementation thereof on site. The deviation or variation may be implemented only if the approval is in writing.
- 25.3. The Estate Architectural Team will ensure that regular inspection will take place to protect the architectural integrity of the development.

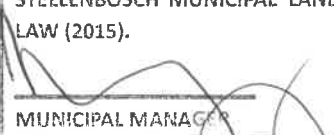
26. APPROVED PLANS:

- 26.1. A copy of the signed approved Building Plan must always be available on site for inspection. This will be the responsibility of the Building Contractor and Owner.
- 26.2. The Building Contractor must set out the foundations for inspection and approval by Municipality prior to commencing with the building operations.

27. TOWN-PLANNING RESTRICTIONS:

- 27.1. The restrictions that may apply to the development are in addition to any restrictions imposed in terms of the conditions of title, conditions of establishment, to any Erf, town-planning schemes or national or other building regulations.
- 27.2. Compliance with restrictions imposed by the Trustee Committee and approval of Building Plans by them do not absolve the Owner from complying with, and may not be construed as permitting any contravention of –
 - 27.2.1. the conditions of establishment and/or title to any Erf; or
 - 27.2.2. any restrictions imposed by the Municipality or any other competent authority by virtue of controlling legislation; or
 - 27.2.3. any applicable zoning, by-law or regulations of the Municipality or any other competent authority.

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PART III – CONTROL OF BUILDING ACTIVITIES:

- *The purpose of the rules governing building activities are to ensure that the quality of life of residents in the Estate is not unduly compromised and the impact on the environment is minimized by the activities yet allowing for efficient construction.*
- *The rules are designed to prevent damage to the common property, to reduce the unsightliness associated with building activities and to minimize inconvenience to residents.*

28. GENERAL:

- 28.1. An owner must incorporate a clause in the building contract in terms of which the Building Contractor is made aware of these Rules and a copy of the Rules handed to the Building Contractor to ensure compliance thereof by him. The Building Contractor should equip themselves with the knowledge of the existing civil and electrical services on the estate.
- 28.2. The Building Contractor must undertake to comply with these Rules and any further control measures, which may be instituted by the Trustee Committee from time to time and must ensure compliance with the Rules by all his Employees.
- 28.3. An Owner will be held responsible for any damage caused to the streets (including kerbing and sidewalks) or landscaping (including plants on the sidewalks) by his Building Contractor and the Contractor's Employees, vehicles, equipment and delivery vehicles to the building site.
- 28.4. A Building Contractor's Employees must be transported by vehicle from the Entrance to the relevant building site and back, and between the building site in the Estate for which he is registered.

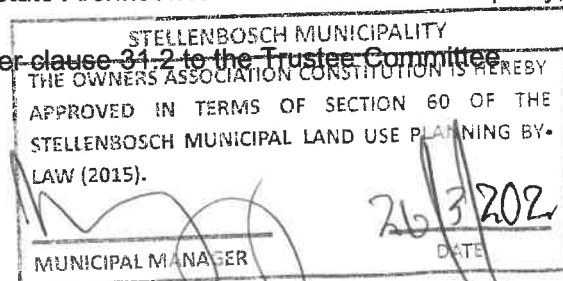
29. REGISTRATION OF BUILDING CONTRACTORS:

- 29.1. The prescribed application form must be completed and signed by the Building Contractor in order to register with the Trustee Committee.
- 29.2. A Building Contractor must be registered with the NHBRC and be a member of the MBA or BIFSA and show proof thereof to the Trustee Committee, before he will qualify for registration.
- 29.3. All Building Contractors to supply the Trustee Committee with two references.

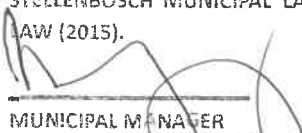
30. CONDITIONS TO COMMENCE BUILDING ACTIVITIES:

The following conditions must be fulfilled prior to commencing with building activities:

- 30.1. Approval of Building Plans by the Estate Architectural Team and the Municipality;
- 30.2. Payment of a Builder's deposit as per ~~clause 31-2 to the Trustee Committee~~



- 30.3. A dilapidation report must be provided to the Trustee Committee by the Building Contractor;
- 30.4. A water meter must be installed before the commencement of any building work on a private erf;
- 30.5. Sanitary and drinking water facilities must be provided on the building site;
- 30.6. Before construction of the dwelling can commence a boundary, wall must be constructed on the side and back boundaries of the stand.
- 30.7. Boundary walls must be plastered on both sides and an undercoat is required on the outside if shared with an empty neighbouring stand. Face brick walling will not be permitted.
- 30.8. Screening of building site with shade netting where there is no boundary wall.
- 31. BUILDER'S DEPOSIT:**
- 31.1. Builder's deposit, as determined by the Trustee Committee from time to time, must be paid for each building project, before construction starts.
- 31.2. The builder's deposit consists of two components, namely:
- 31.2.1. a refundable component of R10 000.00 which is refundable without interest after the Trustee Committee has been notified of the completion of the work and an occupational certificate has been issued by the Municipality;
- 31.2.2. a non-refundable component of R 3 000,00 as a contribution towards the Street Reserve of the Estate.
- 31.2.3. All fees exclude Value Added Tax.
- 31.3. The refundable component may be used by the Trustee Committee to recover the cost:
- 31.3.1. To repair any damages to kerbing, sidewalks, street, landscaping or any other property of the Association or an Occupant, caused by the building activities;
- 31.3.2. To remove any rubble, refuse, litter or building material, either during building operations or on completion thereof, left on the sidewalk, street, Private Open Space or any other Erf.
- 31.4. The Trustee Committee may recover only verifiable actual costs incurred by him or her. A standard cash slip, statement or receipt will serve as proof of the expenses incurred.
- 31.5. The Trustee Committee may adjust ~~the above fees from time to time~~

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32. CONDITIONS DURING BUILDING PERIOD:

- 32.1. All building activities must be performed in such a manner that no damage is caused to neighbouring properties and with as little disturbance and inconvenience as possible to neighbours and other Occupants.
- 32.2. The privacy of the neighbours must always be respected and especially where building activities take place adjacent to an existing dwelling.
- 32.3. The following working hours are allowed for a Building Contractor and his or her Employees, and are the only times in which they will be allowed to be present in the Estate:
- Monday to Thursday: 7h30 – 17h00
 - Friday: 7h30 – 16h00
 - Saturday: 8h00 – 13h00
- 32.4. Should it be required to perform building activities outside the normal working hours, an application for permission, must be lodged with the Managing Agent or Trustee Committee at least five (5) working days prior to the intended building activity, unless the Trustee Committee, in a particular instance, agrees to a shorter period.
- 32.5. The following days will not be normal working days, and building activities may not be carried out on these days:
- Sundays and public holidays
 - a period of 14 days from around the 16th of December until 2 January (both days included)
- A Building Contractor may in the discretion of the Trustee Committee be allowed to work on these days. The application must be lodged with the Trustee Committee at least five (5) working days prior to the intended work, unless the Trustee Committee, in an instance, agrees to a shorter period.
- 32.6. Building activities must proceed without lengthy interruptions and must be completed within twelve (12) months, or such other period as has been authorized in writing by the Trustee Committee, from the date of commencement.
- 32.7. Water points on Private Open Spaces may not be used for construction purposes.
- 32.8. Employees may only be on the building site for which they are registered and may not roam about the Estate. An on the spot fine of R500.00 per incident will be levied against the Builder.
- 32.9. The Employees may not use private open space or common facility in the Estate as a resting place. The Builder will be levied an on the spot fine of R500.00 per incident.
- 32.10. Employees may use only the sanitary and drinking water facilities on site and no other facilities. The Builder must remove sanitary waste weekly.

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- 32.11. The Building Contractor must ensure that there are always sufficient fire extinguishers on site and no open fires may be lit on the building site.
- 32.12. Where building machinery, equipment or material encroaches onto the sidewalk, into the street or onto a private open space, the Building Contractor must forthwith move the item concerned onto the building site. No machinery, equipment or material may be stored or remain on the sidewalk or in the street without the written permission of the Trustee Committee and subject to such conditions as they may impose.
- 32.13. A Building Contractor must ensure that the kerb, sidewalk and street in front of the building site concerned are adequately protected from damage by the building activities and that the street is always swept clean.
- 32.14. Vehicles, machinery and equipment may not be cleaned in the Estate.
- 32.15. Sand and building rubble washed away or moved onto the sidewalk, into the street or onto a private open space must be cleaned away forthwith.
- 32.16. Excess material or building rubble may not be spoiled on private open spaces in the Estate;
- 32.17. The building site must be kept as clean as possible of refuse and litter. Refuse and litter must be removed weekly before 16h00 on a Friday and whenever the Trustee Committee instructs the Building Contractor to do so. A fine of R1 500.00 that will increment with a R1 500.00 will apply to defaulters that continue to disregard the rules.
- 32.18. A zero-tolerance attitude will prevail to ensure that chaos will not ensue as a result of non-compliance by the Building Contractor(s).

33. STORAGE SHEDS / HUTS:

- 33.1. A Building Contractor may erect storage sheds/huts within the boundaries of the building site and to a maximum height of 2.4m.
- 33.2. The position of such structures must be indicated on a building site diagram, which must be submitted to the Trustee Committee for approval before erection thereof.

34. CONSTRUCTION VEHICLES AND DELIVERY RESTRICTIONS:

34.1. The following restrictions apply to construction vehicles allowed into the Estate:

34.1.1. Only non-articulated vehicles without trailers of the following specifications are allowed:

Maximum length:	9.1m
Maximum width:	2.6m
Maximum gross mass:	10,000kg
Maximum axle weight:	8,000kg

34.1.2. Only roadworthy, licensed vehicles will be allowed into the Estate;

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- 35.2. The Trustee Committee may remedy the failure for the account of the person concerned; or
- 35.3. The Trustee Committee may apply to CSOS for an order at that person's cost to compel him or her to comply with the notice.

36. CONTRAVENTION OF RULES:

- 36.1. The Trustee Committee or Managing Agent may furnish the owner or occupier with a written notice, which may be delivered by mail, hand or per email, if any of the Rules are contravened.
- 36.2. The Trustee Committee and/or Managing Agents may in their absolute discretion, immediately impose a fine without warning, in case of a serious transgression of the Rules.
- 36.3. If an owner or occupier persists with a particular conduct or if he or she remains in contravention of a rule, after a warning was given, a penalty will be imposed.
- 36.4. The amount of the penalties will be determined by the Trustee Committee from time to time;
- 36.5. The Owner of the property concerned shall on demand, pay the imposed penalty to the Home Owners Association;
- 36.6. The imposition of any penalty in terms hereof shall be without prejudice to and shall not effect and shall be in addition to any other rights available to the Association at law, and in particular it's right to apply for an order compelling any Owner and/or Tenant to comply with these rules.
- 36.7. The penalty for transgression of any rules will be R500.00 (Five hundred rand) plus any cost of action or to rectify.
- 36.8. Any penalty amount payable by an owner and/or tenant to the Association in terms of these rules of conduct shall be deemed an additional levy in respect of the Owner of the erf.

37. FAILURE OF OWNER TO MAINTAIN PROPERTY:

If an Owner fails to comply with a written notice from the Trustee Committee to repair or maintain his property in a state of good repair as required by these Rules and such failure persists after expiration of the period specified in the notice-

- 37.1. the Trustee Committee may impose the prescribed fine on the Owner; and/or
- 37.2. the Trustee Committee may remedy the failure for the account of the Owner; and/or
- 37.3. The Trustee Committee may apply to CSOS for an order at the Owner's cost to compel him or her to comply with the notice.

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38. VEHICLES:

If a vehicle is parked, standing or abandoned on any private open space or visitors parking bays without the Trustee Committee consent, the Trustee Committee may –

- 38.1. impose the prescribed fine on the owner of the vehicle; and/ or
- 38.2. after having given the owner of the vehicle a written notice to remove the vehicle within the period specified on the notice, cause the vehicle to be removed or towed away at the risk and expenses of the owner of the vehicle.

39. BUILDING ACTIVITIES:

39.1. If a Building Contractor fails to comply with a written notice from the Trustee Committee to rectify, or desist from, a transgression of any of these Rules or to repair any damage caused by him or her buildings activities and such failure persists after expiration of the period specified in the notice –

39.1.1. the Trustee Committee may impose the prescribed fine on the Owner and/or the Building Contractor; and/or

39.1.2. the Trustee Committee may remedy the failure for the account of the Building Contractor, or

39.1.3. the Trustee Committee may apply to CSOS for an order at the Building Contractor's cost to compel him or her to comply with the notice.

39.2. If an Owner fails to submit Building Plans as required by these Rules, of if a Building Contractor commences building activities before the Trustee Committee has certified that the Building Plans, or any deviation or variation there from, comply with the prescribed Architectural & Landscape Guidelines –

39.2.1. the Trustee Committee may in writing instruct the Owner within a specified time to demolish or remove any structures so erected; or

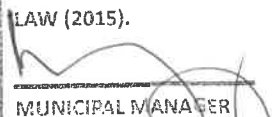
39.2.2. the Trustee Committee may in writing instruct the Owner forthwith to suspend any building activities until such time as the breach has been remedied; and /or

39.2.3. the Trustee Committee may impose the prescribed fine on the Owner and/or Building Contractor; and/or

39.2.4. the Trustee Committee may, if the Building Contractor is not an Owner, refuse him/her entry into the Estate until such time as the breach has been remedied;

39.2.5. The Trustee Committee may apply to CSOS for an order at the cost of the Owner to compel him or her to comply with these Rules;

39.3. Neither the Trustee Committee nor the Association accepts any liability whatsoever for any loss sustained by an Owner or Building Contractor as a result of any structures having had to be demolished or removed or any building activities having had to be suspended or the Building Contractor and his or her Employees having been refused entry into the Estate because of a breach of these Rules.

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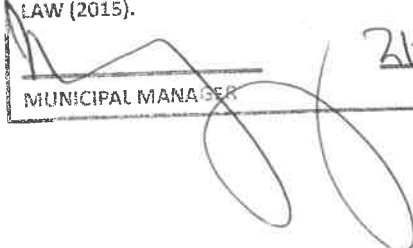
40. ACTION OR DECISION OF THE MANAGING AGENT:

- 40.1. An Owner who is dissatisfied with an action or decision of the Managing Agent may in writing request the Managing Agent to refer the matter to the Trustee Committee for a decision.
- 40.2. The Trustee Committee may in its sole discretion designate one or more of its members to meet with the Owner on the matter raised and dispose of it, or to advise the Trustee Committee on how to dispose of it.

41. MATTERS RAISED WITH THE TRUSTEE COMMITTEE:

- 41.1. An Owner who wishes to register a complaint with, or to bring another matter to the attention of the Trustee Committee, must do so in writing addressed to the Managing Agent or Trustee Committee and marked for the attention of the Chairperson: The Welgegund Domaine Privé Estate Home Owners Association.
- 41.2. A matter so raised must be included in the agenda of the next ensuing the Trustee Committee meeting;
- 41.3. The Trustee Committee may decide to let the matter stand over to another meeting to allow its members reasonable time to acquaint themselves adequately with the detail of the matter to be able to take an informed decision on it;
- 41.4. The Trustee Committee may in its sole discretion allow the Owner concerned an opportunity to address it on the matter if it requires further clarification to enable it to deal with the matter;
- 41.5. The Trustee Committee may in its sole discretion designate one or more of its members to meet with the owner concerned on the matter raised and dispose of it or to report its finding and advise, if any, to the Trustee Committee;
- 41.6. An Owner who is dissatisfied with the procedure followed by the Trustee Committee in processing a matter raised by him or her or with its decision on the matter, may, subject to the Constitution, raise it at the next ensuing annual general meeting or an ordinary general meeting called for that purpose, or the Owner may declare a dispute.

NOTE: costs referred to in this clause shall mean such costs as the Trustee Committee deem to be reasonable.

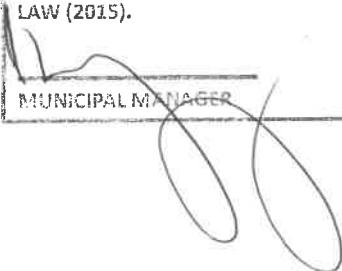
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ANNEXURE 11

Architectural & Aesthetic Design Guidelines

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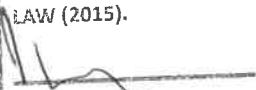

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26/3/2021
DATE

WELGEGUND DOMAINE PRIVÉ

**FINAL: 02 April 2020
Revision 01**

**Architectural
Design Guidelines
For**

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**Made by the Trustee Committee of the Owners' Association under the
Association's Constitution.**

for

Local Authority – Development Approval

April 2020

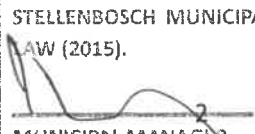
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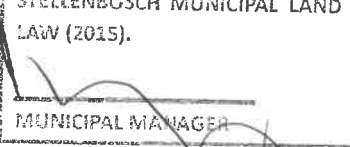
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DESIGN THEME

'Modern Barn'

The aim of these design guidelines is to guide and inspire architects to create a uniform design language running through the Welgegund Domaine Privé. All design guidelines are there to ensure a harmonious entity, but many of them stifle creative design, an aspect that we sincerely hope this guideline would encourage.

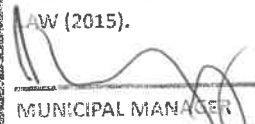
The overall character of the development is to create a barn-style timeless contemporary architecture while maintaining a village atmosphere. Classic H and L or T type buildings with traditional double pitch barn primary forms with lean-to roofs will be the dominant guiding form givers. How the gable ends, and lean-tos are treated and materials are set out in more detail in the design guidelines below.

To ensure that a high standard of architecture is maintained, this estate will make use of three selected architect offices to evaluate the proposals in the light of the overall design intent and create a modern interpretation of classic barn-style architecture.

Architects are encouraged to do architecture that is inspired by the Western Cape farm buildings, but to interpret them in a modern clean and fresh way. For that reason, many contemporary materials and finishes are permitted, but will only be approved if the architectural design merit compliments the use of these materials.

We look forward to having this estate become well-known for its creativity yet for all the various designs to create a harmonious whole.



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1. Planning Controls:

Erf No.	Erf Type	Street No.	Parking Bays Req.	Erf Size	Coverage	Permissible Coverage	Bulk Factor	Permissible Bulk		First Floor maximum size as % of Bulk Floor Max. Area	Building Lines (Overall Development Building Lines @ 3m)				Building Heights	
								Total	FHS/Floor Max. %		Street	Side	Rear	FFL/O Wallplate	Roof Apex	
17648	Duplex	4	2	274,1m²	60%	164,5m²	1,0	274,1m²	40%	109,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m Dwelling/0m Garage	3,0m	6,4m	9m	
17649	Duplex	6	2	273,9m²	60%	164,3m²	1,0	273,9m²	40%	109,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m Dwelling/0m Garage	3,0m	6,4m	9m	
17644	Duplex	8	2	273,7m²	60%	164,2m²	1,0	273,7m²	40%	109,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m Dwelling/0m Garage	3,0m	6,4m	9m	
17643	Single	10	2	528,8m²	60%	310,1m²	1,0	528,8m²	40%	210,7m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17642	Single	12	2	590,2m²	60%	354,1m²	1,0	590,2m²	40%	236,1m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17641	Single	14	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17640	Duplex	3	2	258,1m²	60%	154,9m²	1,0	258,1m²	40%	103,2m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m Dwelling/0m Garage	3,0m	6,4m	9m	
17650	Duplex	5	2	258,1m²	60%	154,9m²	1,0	258,1m²	40%	103,2m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m Dwelling/0m Garage	3,0m	6,4m	9m	
17651	Single	7	2	594,1m²	60%	354,7m²	1,0	594,1m²	40%	236,4m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17639	Single	18	2	470,0m²	60%	282,3m²	1,0	470,0m²	40%	188,3m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17654	Single	15	2	472,0m²	60%	283,3m²	1,0	472,0m²	40%	189,9m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17656	Single	19	2	468,0m²	60%	280,8m²	1,0	468,0m²	40%	187,2m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17657	Single	21	2	579,4m²	60%	347,5m²	1,0	579,4m²	40%	231,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17658	Single	23	2	593,7m²	60%	355,9m²	1,0	593,7m²	40%	237,3m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17659	Single	25	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17660	Single	27	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17637	Single	22	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17636	Single	24	2	598,0m²	60%	357,6m²	1,0	598,0m²	40%	238,4m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17635	Single	26	2	601,9m²	60%	361,1m²	1,0	601,9m²	40%	240,7m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17634	Single	28	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17633	Single	30	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17632	Single	32	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17661	Single	39	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17662	Single	31	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17663	Single	33	2	606,5m²	60%	363,9m²	1,0	606,5m²	40%	242,6m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17664	Welland	35	2	610,2m²	60%	366,1m²	1,0	610,2m²	40%	244,1m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17665	Welland	37	2	558,5m²	60%	333,9m²	1,0	558,5m²	40%	220,6m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17628	Welland	38	2	590,0m²	60%	354,0m²	1,0	590,0m²	40%	235,2m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	3,0m	6,4m	9m	
17630	Single	36	2	607,6m²	60%	364,6m²	1,0	607,6m²	40%	243,0m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
17631	Single	34	2	442,0m²	60%	265,2m²	1,0	442,0m²	40%	176,8m²	2m Dwelling/2,5m Garage/0m Entrance Porch	1,2m	1,2m	6,4m	9m	
TOTAL				15.354,7m²	60%	9.212,8m²	1,0	15.354,7m²	40%	6.141,9m²						

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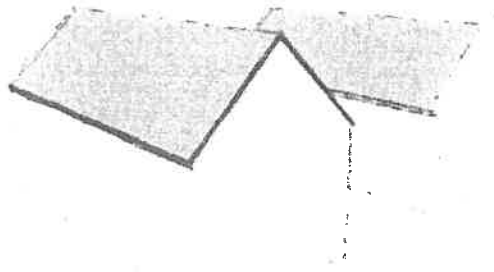
Note: Garages on Duplex type erven will be permitted at 0m from the side boundary for a maximum length of 9m.

2. Building Elements and Materials:

2.1. Roofs

2.1.1. Pitched Roofs – main "Barn" form giver

- 2.1.1.1. Roof pitch - 40° to 45° for roofs with clipped eaves.
- 2.1.1.2. Roof Materials;
 - Slate – Grey only, brown variants not allowed.
 - 'Victorian Profile' corrugated – Matt Grey Charcoal only.
 - Copper Sheetting – must be used with copper gutters and downpipes. Copper must be left raw to age naturally.
 - Rheinzink – Must be used in combination with Rheinzink gutters and downpipes.
 - Maximum "Barn" width to not exceed 5.5m
 - It is the estate preference that no gables are to project past the roof line. In most instances the roof material should pass over the gable but a simplified gable end will be positively considered.



Preferred


Simplified gable ends will be considered. 'Barn' ends to have consistent detail throughout a design.

2.1.2. Lean-to roofs

- 2.1.2.1. Roof pitch - 10° to 15°. Roof overhang not to project more than 600mm
- 2.1.2.2. Roof Materials;
 - 'Victorian Profile' corrugated – Matt Grey Charcoal only.
 - Rheinzink – must be used with Rheinzink gutters.

2.1.3. Flat Roofs

- 2.1.3.1. Roof with pitch - 3° to 5°
 - Klip Lok or similar – Matt Grey Charcoal only.
 - Must be concealed by parapet all round with concealed gutters. All parapets to be plastered to fall inwards to avoid rain streaks on façade.
- 2.1.3.2. Concrete roof slabs.

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- Flat roof slab finishes - All flat slabs to be insulated as per local authority requirements.
- All parapets to be plastered to fall internally, not to project past the roof by more than 500mm. To be finished in 20mm dark grey granite stone chip or other approved finish.
- Full bores and downpipe to flat slab. Full bores with 75mm PVC downpipes to be built into wall or can have a hopper box with a 75mm PVC downpipe.

2.1.4. Gutter and Fascia

- Rheinzink – must be used with Rheinzink gutters and downpipes. No OGEE combinations.
- Copper Roof Sheetting – must be used with copper gutters and downpipes and left natural.
- All other downpipes to be 75Ø PVC painted wall colour.
- Fascia if used to be painted wall colour
- Architects to submit design detail of roof edge, fascia and gable treatment with Sketch Design submission drawings to HOA.

2.1.5. Roof Lights

- 2.1.5.1. When roof lights are used, these must be set into the plane of the roof. Roof lights must be of similar size when visible in the same plane of an elevation. Roof lights must be charcoal or similar approved dark grays to closely match roof colour.

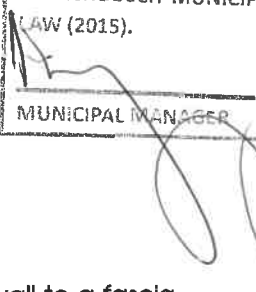
2.1.6. Dormers

- 2.1.6.1. Dormers may only be used on pitched roofs. Only flat roofed (shed) dormers with clipped eaves will be allowed.



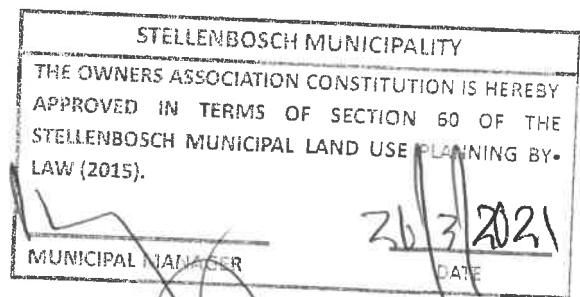
Allowed

Not Allowed

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2.1.7. Fascias / Barge Boards

- 2.1.7.1. 600mm Overhang measured from wall to a fascia.
- 2.1.7.2. To be painted to approved color.



2.2. Walls

2.2.1. Wall Finishes

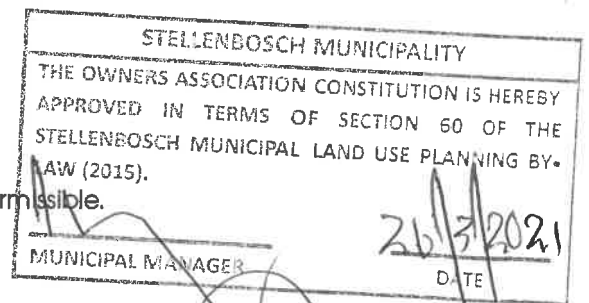
- Smooth plaster and paint to colour code and specification (Annex. A)
- Fiber Cement cladding
 - Panels to be at least 220mm wide
 - No Shiplap paneling "Nantucket style" allowed
 - All to be painted to supplied colour code and specification. (Annex A)
- Limited use of stone (no imitation stone allowed).
- Plumbing pipes are to be suitably concealed within walls or ducts and may not be exposed to the exterior.

2.2.2. Boundary Walls

- 2.2.2.1. Only plastered brick walls with classical plastered copings are allowed as per Boundary Wall Design and Details (Annex. B)
- 2.2.2.2. Service yards should be screened in a similar manner (prescribed height = 2.1 meters).
- 2.2.2.3. Metal fencing of simple vertical pattern steel sections is permissible in other areas.
- 2.2.2.4. No concrete prefabricated panel walls are allowed.
- 2.2.2.5. Side boundary walls may be a maximum of 2.1 meters high.
- 2.2.2.6. As per design concept houses are to live out onto the street with metal fencing as referred wall option, solid walls to only be used where privacy is required eg. Patio and pool areas.
- 2.2.2.7. The design intention is to have the houses connect with the street at ground level, this could be accomplished by allowing the sidewalk cobbles or landscaping all the way up to the houses on the street facing facades.
- 2.2.2.8. Kitchen dry yard areas must be screened from all street and neighbouring ground level property.

2.2.3. Retaining Walls & Common Boundary Walls

- 2.2.3.1. Cost of all retaining walls and common boundary wall will be borne equally by adjoining neighbor. The first neighbour completing the construction thereof, will have the value of these walls certified by the quantity surveyor. The neighboring owner will pay his 50% once completed and certified by quantity surveyor.
- 2.2.3.2. Retaining wall are to be constructed as per principle retaining and boundary wall sections as supplied by estate.



2.2.3.3. Loffelstein Retaining Walls

- No loffelstein retaining walls will be permissible.

2.2.3.4. Stone Gabion Walls

- Architectural stone gabion walls will be permitted only as internal retaining structures. Boundary walls may not be gabions. Design of gabion walls to be approved by estate architect before construction. Grey slate and granite rocks permissible.

2.2.4. Columns

2.2.4.1. All columns are to be square section pillars with stepped capitals and bases, square sections without capitals and bases or combinations of these.

2.2.4.2. Decorative capitals and bases of a Corinthian or figurative type columns or pillars with fluted shafts and any straight sided rounded section columns are not permitted.

2.2.4.3. Timber and Steel posts preferred.

2.2.5. House Numbers

2.2.5.1. Estate architects will issue a standard type, font and font size to apply to all houses (Annex. C)

2.2.6. Plaster Mouldings

2.2.6.1. Window surrounds will be permitted with simple plastered moldings and sills.

2.2.6.2. Parapets to have no plastered moulds or receive only simple moldings.

3. Doors and Windows

3.1. Design

3.1.1. Window must be predominantly in vertical proportion (1:1.5) to (1:3).

3.1.2. Internal burglar bars only, no expanding metal, security doors (Trellidoors) will be allowed. Internal clear Polycarbonate bars will be allowed

3.1.2. Window and door height

- Ground floor minimum window and door lintel height 2.4 – 2.8m encouraged.
- First floor minimum lintel heights for doors and windows 2.4 – 2.6m encouraged

3.2. Timber

3.2.1. Hardwood windows / doors painted per colour code.

3.2.2. Sash wood windows are allowed, but only to the specification of Swartland Cape Culture with counter weights.

3.2.3. No mock sash windows allowed

- 3.2.4. Casement and other windows permitted.
- 3.2.5. All timber doors and windows to be primed and painted to approved colours as contained in the colour code. (Annex A)

3.3. Aluminium

- 3.3.1. Aluminium windows / doors: pre-painted (per colour code).
- 3.3.2. Aluminium frames to show a minimum of 40 - 50mm frame proud of plaster. Window frames minimum 60mm frame width. Door frames to show a minimum 40-50mm of the frame. Door frame members to be a minimum 90mm.
- 3.3.3. All aluminum door and window schedules to be provided to architects with construction details prior to manufacture.
- 3.3.4. Architects will recommend three preferred suppliers with their required detail on request.

3.4. Metal

- 3.4.1. Metal painted security gates will be allowed at front doors. Designs to be approved by estate architect.
- 3.4.2. Metal doors and windows only by prior approval of estate architect.
- 3.4.3. Colour – Refer Annex. A

3.5. Shutters

- 3.5.1. Use of external shutters in timber or aluminium is encouraged.
- 3.5.2. No mock shutters allowed.
- 3.5.3. Shutters could be hinged or sliding.
- 3.5.4. Shutter colour to match window frames.

3.6. Garage Doors

- 3.6.1. To be painted hardwood timber or epoxy coated aluminium doors or Zinc Alume door.
- 3.6.2. Pattern: horizontal sectional overhead doors – no mock timber finishes.
- 3.6.3. Colour: as per colour code. (Annex. A)
- 3.6.4. 2.4m High doors are encouraged
- 3.6.5. Drive through garages to allow tandem parking is encouraged.
- 3.6.6. No shade netting at all may be utilized. Alternate means of shading must be used.

3.7. Gates

3.7.1. Security Gates

- Refer 3.1.4.1
- Blacksmith and Artisan designs to be pre approved by estate architect.

3.7.2. Garden Gates

- Timber, Metal and Fibre Cement will be accepted
- Metal and Fibre Cement to be painted – per colour code (Annex. A)

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- Design to be simple – no ornamental metalwork will be accepted

4. Architectural Elements

4.1. Pergolas

- 4.1.1. Natural timber pergolas are preferred.
- 4.1.2. Metal pergola designs to be pre approved by estate architect.
- 4.1.3. No aluminium pergolas will be allowed.

4.2. Chimneys

- 4.2.1. Chimneys to be plastered or white cement bagged brick / klompies or a combination of these.
- 4.2.2. Chimney design to be of a simple modern design.

4.3. External Handrails

- 4.3.1. Limited use of glass balustrades will be allowed and must be approved by the estate architect during the design review process.
- 4.3.2. No precast concrete, French, Victorian or Tuscan designs will be allowed.
- 4.3.3. Metal and Timber handrails are preferred.
 - Colour must be natural (timber), or metalwork colours as per Paint Schedule Annex. A

4.4. External Lighting

- 4.4.1. All external lighting to be low level and shining downwards to observe the dark sky lighting principle, and to be done to limit light pollution.
- 4.4.2. In order to mitigate the development's visual impact, the external lighting on the plot must be unobtrusive.
- 4.4.3. Signage and street facing lights will all be as per specification options provided by the estate architects. (Annex. D) This is to provide a homogenous theme carried throughout.

4.5. Fibre Connection

- Sleeves for fibre installation will be supplied to site. Owners will be responsible for the fibre installation and connection fees from service provider.

4.6. Wheelie Bins

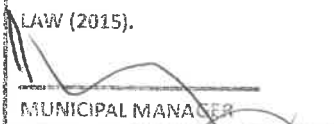
- Owners to purchase wheelie bins for refuse removal. Specification will be supplied by the HOA

4.7. Water Features

- Water features integrated and inline with the design of the house is encouraged.
- The use of concrete ornamental designed water features, bird baths or garden ornaments on street facing gardens is prohibited.

4.8. Garden Sheds

- No plastic or timber Garden Sheds will be allowed.

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- Should you wish to erect a store, shed or doll house this must be designed in the same "spirit" as the main dwelling and must be submitted for approval along with the main house.

5. Environmental and Sustainable Design Items

- All exposed air conditioning units, satellite dishes, television antennas, geysers, waste bins, gas cylinders, pumping systems, plumbing and washing lines must be fully screened by suitable walls and may not be visible from the street or from a neighbouring property without the consent of the HOA.
- Air conditioning external units must be at ground level and hidden from neighbours view.

5.1. Geysers and Heat pumps

- 5.1.1. Geyser heat pumps to be hidden from neighbouring and street view and be located at ground level.
- 5.1.2. Decibel rating – no heat pump or external air-conditioning unit may produce more than 68 decibels, 2m away from the unit.

5.2. Solar Panels

- 5.2.1. All solar collectors on roofs to sit flush with the roofing material.
- 5.2.2. All edge trim and fixings to be black anodized.
- 5.2.3. All voltaic panels and solar collectors must be indicated on approval drawing for the estate's approval.

5.3. Voltaic Panels

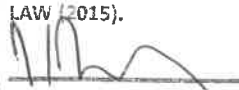
- 5.3.1. Installation of voltaic collectors is encouraged.
- 5.3.2. All solar collectors on roofs to sit flush with the fall of the roof and all edge trim and fixings black anodized. All voltaic panels and solar collectors must be indicated on approval drawing for the estate's approval.
- 5.3.3. Fixing clips and edges to voltaic panels are to be black anodised
- 5.3.4. Installation of electric vehicle charging ports in garages are encouraged.

5.4. Generators

- 5.4.1. No generators will be allowed. Backup batteries as an alternative are encouraged, especially when used in conjunction with voltaic panels.

5.5. Water Harvesting

- 5.5.1. Water harvesting is encouraged. We recommend each house have a minimum of 2000L underground water storage.
- 5.5.2. Use of low flow sanitaryware fittings are encouraged.

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6. Basement

- 6.1. Should any of the owners want to incorporate a basement into their property, this will be permissible as long as no external windows above natural ground level are incorporated.
- 6.2. Due to bulk restrictions, basements are likely to trigger a submission for departure application to the local authority, but the Estate will support the principle.

7. Landscaping

- 7.1. Trees must be indigenous.
- 7.2. Landscape plan to be submitted for approval. See landscaping tree list. (Annex. E)
- 7.3. Homeowners are encouraged to manage topsoil protection on site.

8. Parking

- 8.1. At least two visitor's parking bays must be provided on the erf in front of the garage, or elsewhere on the erf. Paving on driveways and visitors' parking areas must match the paving used by the estate.

9. Plan Submission and Approval Process

The following outlines the approval process. Home Owners are required to notify the Building and Design Committee (hereafter BADC) of all intended landscaping, pools construction, and building works of whatever nature. The notification is to be made in writing to the Estate Office. Plan approval is a prerequisite to submission to Local Authority. The HOA, assisted by an independent architect, is responsible for the approval of all building and major landscaping work of whatever nature carried out on the Estate or, where necessary, to adjudicate in any interpretation of the Design Guidelines.

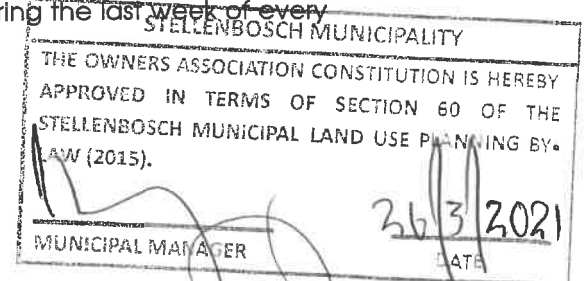
9.1. Appointment of Architect

- 9.1.1. The law requires the employment of competent persons to be employed to oversee, with registered professional competence, all building developments.
- 9.1.2. The homeowner is to appoint a SACAP registered architect for any alteration, renovation, addition and new build on their erf. This appointment is to be a full professional service for the work and is to include the Building and Design Committee's approval process outlined below.

9.2. Cost of Approval

9.2.1. Professional Fees

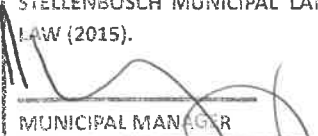
- 9.2.1.1. The proposed building plans must be submitted to the Managing Agent of the HOA for approval.
- 9.2.1.2. The HOA will make use of the BADC to evaluate the proposed building plans according to the stipulated architectural guidelines. The BADC review team will sit during the last week of every month.



- 9.2.1.3. Cost of the design review by the BADC and signature thereof will be R5 000.00.
- 9.2.1.4. The cost for reviewing the Initial comments made by the BADC will be included in the cost above.
- 9.2.1.5. Cost of re-submission will be R5 000.00 per submission.

9.3. Sketch Design

- 9.3.1. Two copies of Sketch Design drawings should be submitted by the homeowner's architect to the HOA.
- 9.3.2. The Committee will consider the drawings and notify the architect of its approval, or of any suggested amendments, as soon as possible after submission of the plans. The time allowed for this is twelve (12) working days after the monthly estate architects meeting.
- 9.3.3. Should the Committee suggest any amendment to the drawings, then the Architect must submit amended drawings to the Committee who shall confirm, within ten (10) working days of submission, whether the amendments are accepted.
- 9.3.4. Draft sketch proposals submitted for scrutiny must include a comprehensive specification, as well as any structural and civil drawings relevant to the submission. Information contained in the "Building Proposal Checklist" (Annex. G). and clearly shown on the drawing submission.
- 9.3.5. Draft sketch proposals to be printed and submitted, together with an electronic copy (in the latest version of AutoCad (in .dwg format and in PDF format), to the Building and Design Committee (hereafter BADC), together with the completed "Building Proposal Checklist" (Annex. G). Where possible the application is encouraged to be supported by 3D images – this may be called for to assist the BADC with their assessment.
- 9.3.6. Draft sketch proposals should include the total coverage area, square meter calculations for all floors, hatched areas for alterations & additions, together with relevant floor plans, elevations and any further external concept visuals. Materials, colours and finishes are to be clearly labelled on elevations to allow for efficient scrutiny.
- 9.3.7. Should the sketch design proposal require any municipal departures and consents, approval is to be furnished in writing from all immediate neighbours. This is only valid for the BADC's referral and the regulatory local authority application process will take precedent.
- 9.3.8. Draft sketch proposals should also include all trees on site and on the verge (i.e. landscape plan). Plans can be submitted to the BADC at the Estate office and will be logged on receipt i.e. date stamped.
- 9.3.9. The draft sketch proposals will be scrutinised for building lines, coverage, bulk and general compliance with the Welgegend Design Manual, by the Estate. If deemed necessary, this may be followed up with a site visit by Estate Architect. A report on this review will be forwarded to the Homeowner.
- 9.3.10. Letters to the neighbouring erven, will be sent out by the HOA, advising draft plans to have been submitted and can be viewed at the Estate Office.
- 9.3.11. If the draft sketch proposals submitted do not comply with Initial review, necessary amendments must be made, and a revised draft sketch proposal submitted to the BADC. This process will repeat until the draft sketch proposal submission complies with the Design Manual. The BADC will then advise the architect to proceed with the Final Plan Proposal which will be submitted to local authority SPM.

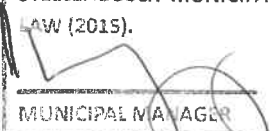
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9.4. Local Authority Approval

- 9.4.1. In terms of National Building Regulations and Building Standards Act 103 of 1977, Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013), the Land Use Planning Act (Act 3 of 2014) and the City of Cape Town municipal by-law (2015) defined building work requires municipal approval via their application process – this can be viewed on their website (<http://www.capetown.gov.za/>).
- 9.4.2. The Final Plan Proposal is to be submitted, together with the "Building Proposal Checklist" (Annex. G) fully completed. Three copies of the submission drawings, including vector drawings and a digital copy in AutoCad in .dwg format, along with PDF versions of the drawings, are to be supplied, all signed by the Home owner and SACAP registered Architect, showing alterations in standard SANS compliant format and all annotations to be clear and succinct - with full clarification as to detailing in window surrounds, coping, mouldings, etc. should it be applicable and full specifications. This submission is to be in strict keeping with the previously approved Sketch Design submission. Twelve (12) working days are allowed for this assessment and approval process. Only once plans have been signed by the BADC, can submission be made to the SPM.
- 9.4.3. Formal approval will be recorded in the minutes of the relevant Board meeting and a letter will be sent to the Homeowner advising him/her that the plans have been approved, the "Building Levy" due and further requirements. The Homeowner is responsible to submit these approved plans to the Local Authority for approval.
- 9.4.4. The Committee may recommend waivers of any mandatory specifications under special conditions where waivers are considered justifiable. The approval of such recommendations shall rest with the Local Authority.
- 9.4.5. Should any amendments to the Council Submission Drawing application be required, the BADC is to review and approve these before submission.
- 9.4.6. One paper copy of the local authority submission and a digital version, indicating the full Local Authority approval, must be submitted to the BADC for record. Should the Local Authority approval vary in any way to the previous BADC's approvals no access will be granted to contractors and the submission process will start from the beginning, all fees and building levies will be forfeited and recalculated for the new submission.
- 9.4.7. Once all approvals have been obtained and verified by the BADC, the Homeowner's ERF will now be reclassified as a building site, and construction may begin.

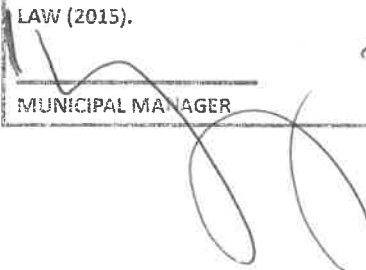
9.5. Design Changes

- 9.5.1. Once the Home Owners Association has approved and initialled the architectural plans, no alterations or additions of any kind may be made without the prior consent of the BADC. Rider plans to be submitted to Development Committee prior to the commencement of any construction. Plans will not be signed after construction has begun.
- 9.5.2. Any deviations from the BADC approved submission (aligned with the local authority submission) must be submitted to the BADC for approval. The proposed changes are to be motivated in writing and substantial changes submitted with Rider Plan drawings. Building work deviations are not to commence until approval is granted by the BADC and proof of local authority approval submitted as per the respective municipal bylaws.

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9.6. Completion

- 9.6.1. It is the responsibility of the home owner and their architect to ensure that the above process is followed and that the as-built plan, submitted on completion of the project is the same as the original approved plan including any agreed upon changes.
- 9.6.2. A "Completion Certificate" will form part of the required documentation, for issue of Consent to Transfer, which will be issued when the completed building complies with the BADC approved planning submission, relevant approved Rider Plans and the required municipal occupation certificate.
- 9.6.3. If the completed building, does not comply with the BADC approved submission and relevant Rider Plans, the "Completion Certificate" will not be issued, until such time that the deviation/s have been rectified, in agreement with the BADC.
- 9.6.4. The BADC reserve the right to employ the services of a Surveyor to address any concerns they may have during the building process, with relevance to compliance with the BADC approvals. If deviations from the BADC approved submission or relevant Rider Plans are confirmed, the cost of the survey will be for the home owners account.
- 9.6.5. Any penalties applicable will cease once the BADC has approved the completed work and approved all related documentation.

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10. Annexures:

10.1. Annexure A:

10.1.1. Paint Colours and Finishes

Exterior:

Masonry Walls

Dwelling Walls

Schedule of approved colours are available from the HOA. Darker shades of the approved colours may be used for accent walls.

Boundary Walls

Schedule of approved colours are available from the HOA.

Architectural Features

Timber Pergolas

Pergolas to be painted to colours listed in specification
Hardwood pergolas could be left untreated to age and grey naturally.

Metal Pergolas

All metal pergolas to be painted to colours listed in specification sheet.

Security Gates

All metal gates to be painted to colours listed in specification sheet.

Doors and Windows

Timber Doors & Windows

Timber doors and windows to be painted in accent colour as indicated in specification sheet

Aluminium Doors & Windows

Aluminium powder coating colours are limited to the colours indicated in specification sheet

Steel Doors & Windows

All metal doors and windows to be painted to colours listed in specification sheet.

Front Door

Hardwood timber front doors may be left untreated to age naturally or stained grey and preserved with matt/invisible clear sealants or preserving oil.

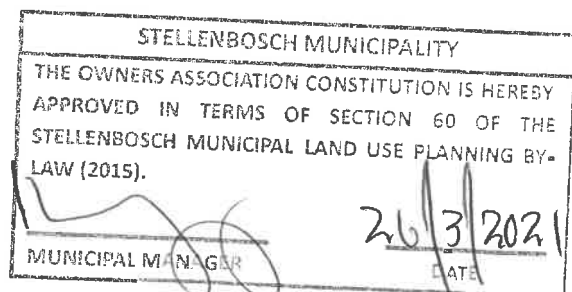
Paving and Exterior surfaces

Paving

Only paving matching paving used on roads and elsewhere in estate may be used.

Exposed Aggregate

Only exposed aggregate matching similar used on roads and elsewhere in estate may be used.



Kerbs

Only kerbs matching similar used on roads and elsewhere in estate may be used.

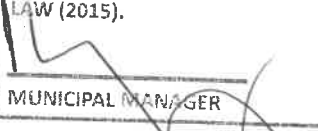
Stormwater and Services

All visible to be cast-iron with simple design.

This includes:

- Grates, Manhole Covers,
- Inspection and Rodding Eyes,
- Catch pits,
- Stormwater channels and grates,

Finish could be left natural or painted to metalwork colours listed in specification sheet.

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Paint Colour Schedule

- Interpon D2525
Anthracite - Matt
GYL 216
RAL7016
- Interpon D2525
Stone Grey - Matt
GYL 230
RAL7030
- Interpon D2525
Silk Grey - Matt
GYL 244
RAL7044

- S 7502 - G
- S 8000 - N

- S 6502 - Y
- S 6502 - G

- S 7005 Y50R
- S 6005 - Y80R
- S 5500 - N

- S 4502 - G
- S 3502 - G
- S 2502 - G
- S 3502 - Y
- S 2502 - Y
- S 1502 - Y
- S 2005 Y50R
- S 1502 Y50R
- S 1500 - N
- S 1000 - N

- S 1005 - G70Y
- S 1002 G50Y
- S 0502 G50Y

- S 1005 - Y10R
- S 0500 N

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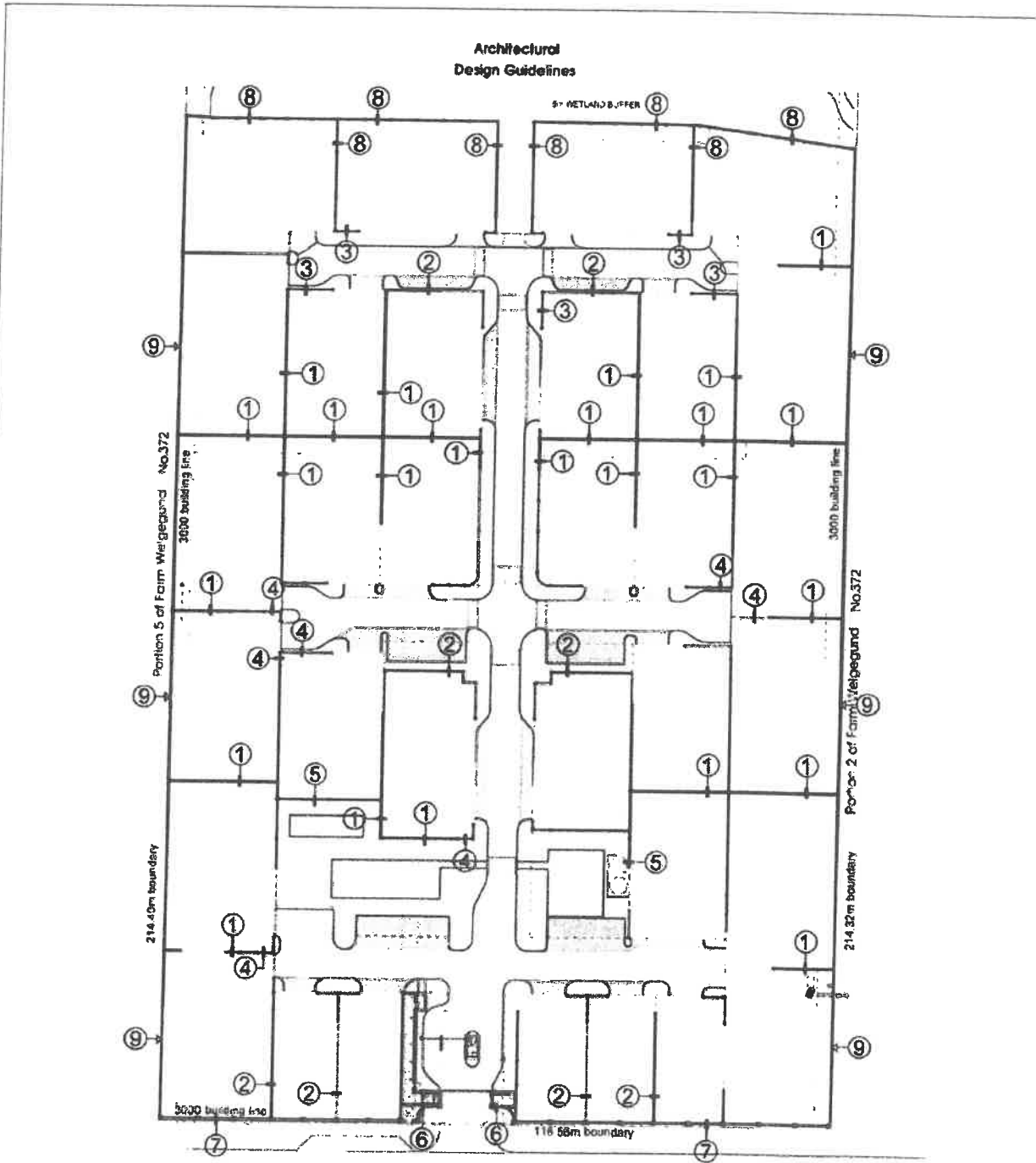
26/3/2021

DATE

10.2. Annexure B:

10.2.1. Boundary Wall Design and Details

Refer drawings. No deviations allowed.



project:
Welgedund Domaine Privé

drawing:
Annexure B

**Boundary Wall
Design and Details**

SITE PLAN

scale:
nts
revision:
R1
date:
August 2019

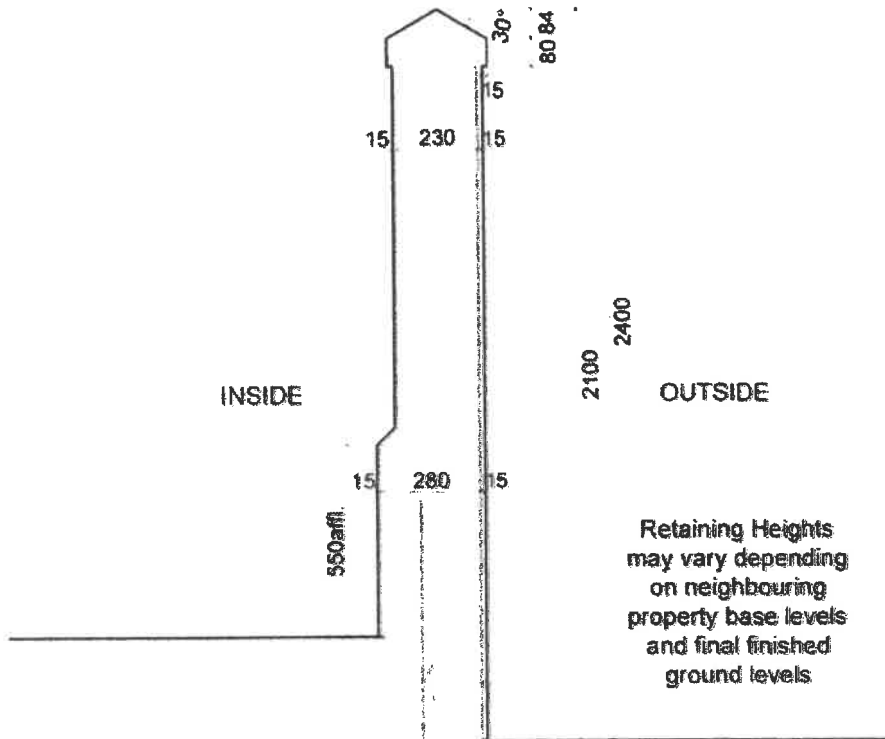
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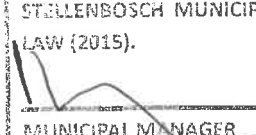
26/3/2021
DATE

MUNICIPAL MANAGER

**Architectural
Design Guidelines**



All to Engineers specifications

STELLENBOSCH MUNICIPALITY	
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 MUNICIPAL MANAGER	26/3/2021 DATE

project:
Welgedund Domaine Privé

WALL TYPE 1

drawing:
Annexure B

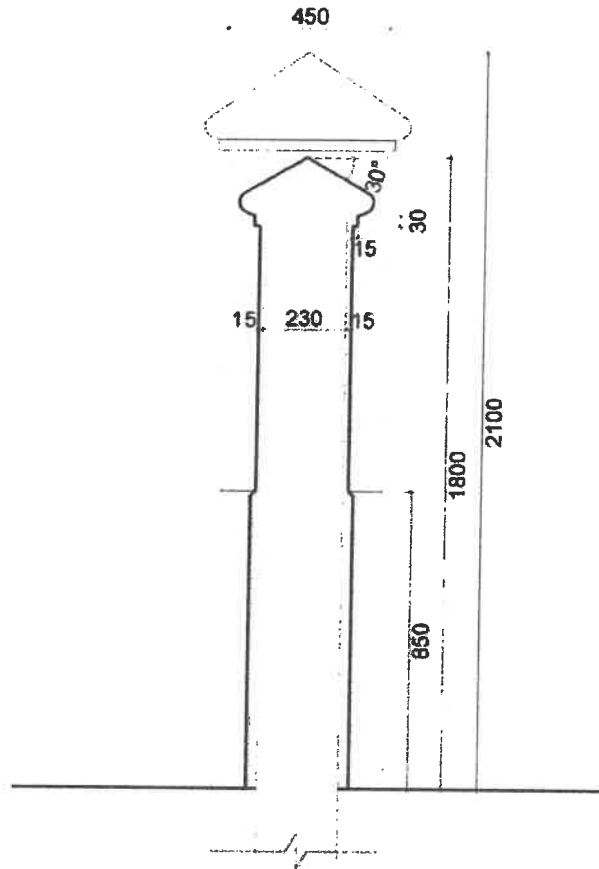
scale:
nts

**Boundary Wall
Design and Details**

revision:
R1

date:
August 2019

Architectural
Design Guidelines



Footings to Engineers
specifications

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MUNICIPAL MANAGER
DATE 26/3/2021

project:
Welgegund Domaine Privé

WALL TYPE 2

drawing:
Annexure B

scale:
nts

Boundary Wall
Design and Details

revision:
R1

date:
August 2019

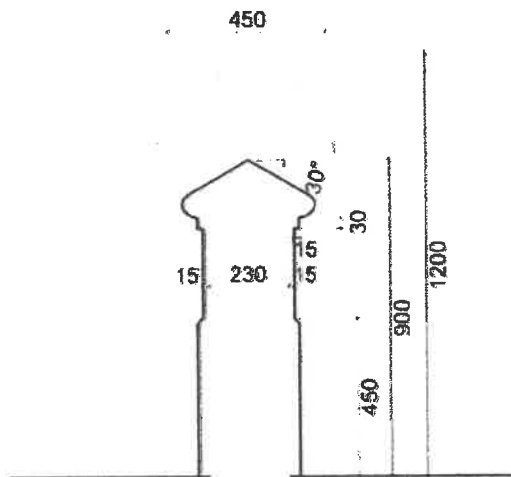
Architectural
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[Signature]
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26/3/2021
DATE



Footings to Engineers specifications

project:
Welgegund Domaine Privé

WALL TYPE 3

drawing:
Annexure B

scale:
nts

Boundary Wall
Design and Details

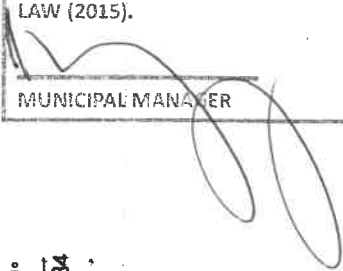
revision:
R1

date:
August 2019

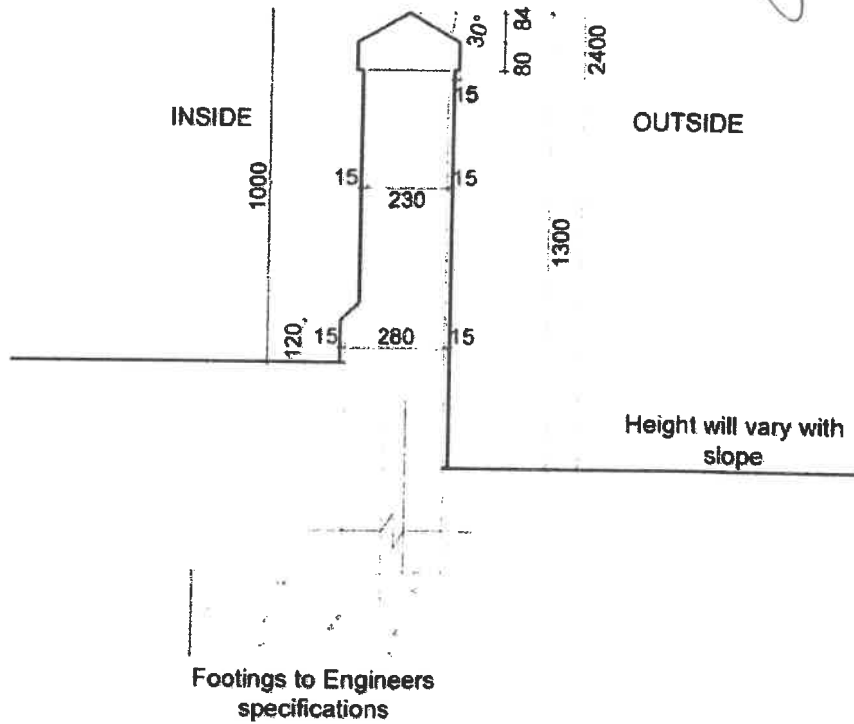
Architectural
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MUNICIPAL MANAGER

26/3/2021
DATE



project:
Welgegend Domaine Privé

WALL TYPE 4

drawing:
Annexure B

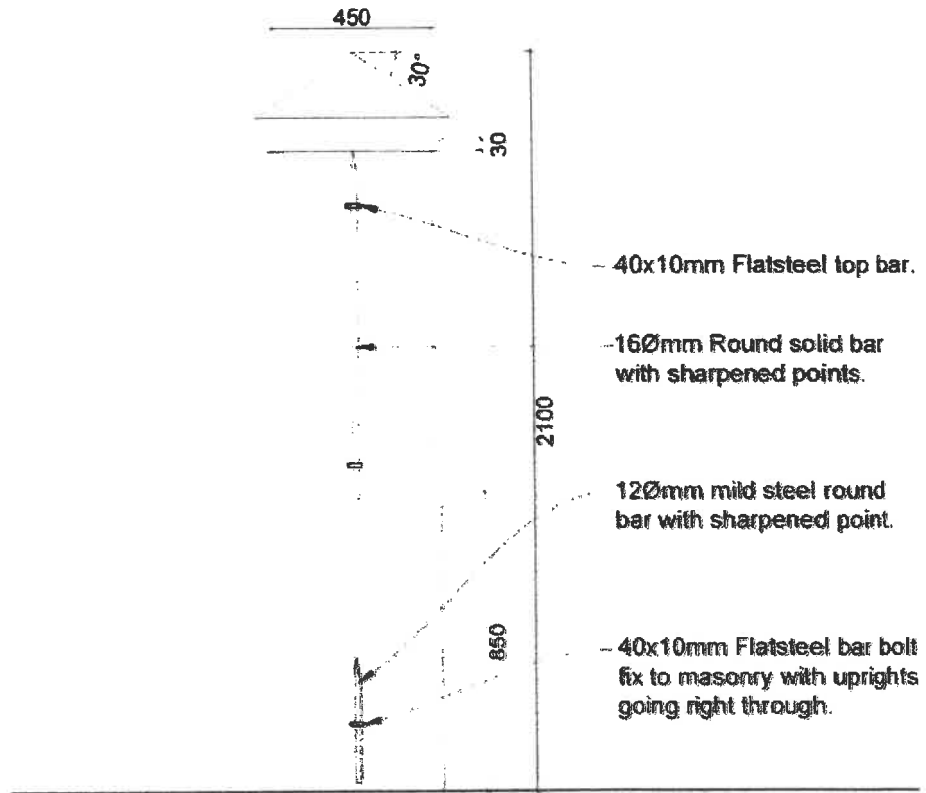
scale:
nts

Boundary Wall
Design and Details

revision:
R1

date:
August 2019

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Design Guidelines



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[Signature]
MUNICIPAL MANAGER

26/3/2021
DATE

project:
Welgegend Domaine Privé

drawing:
Annexure B

Boundary Wall
Design and Details

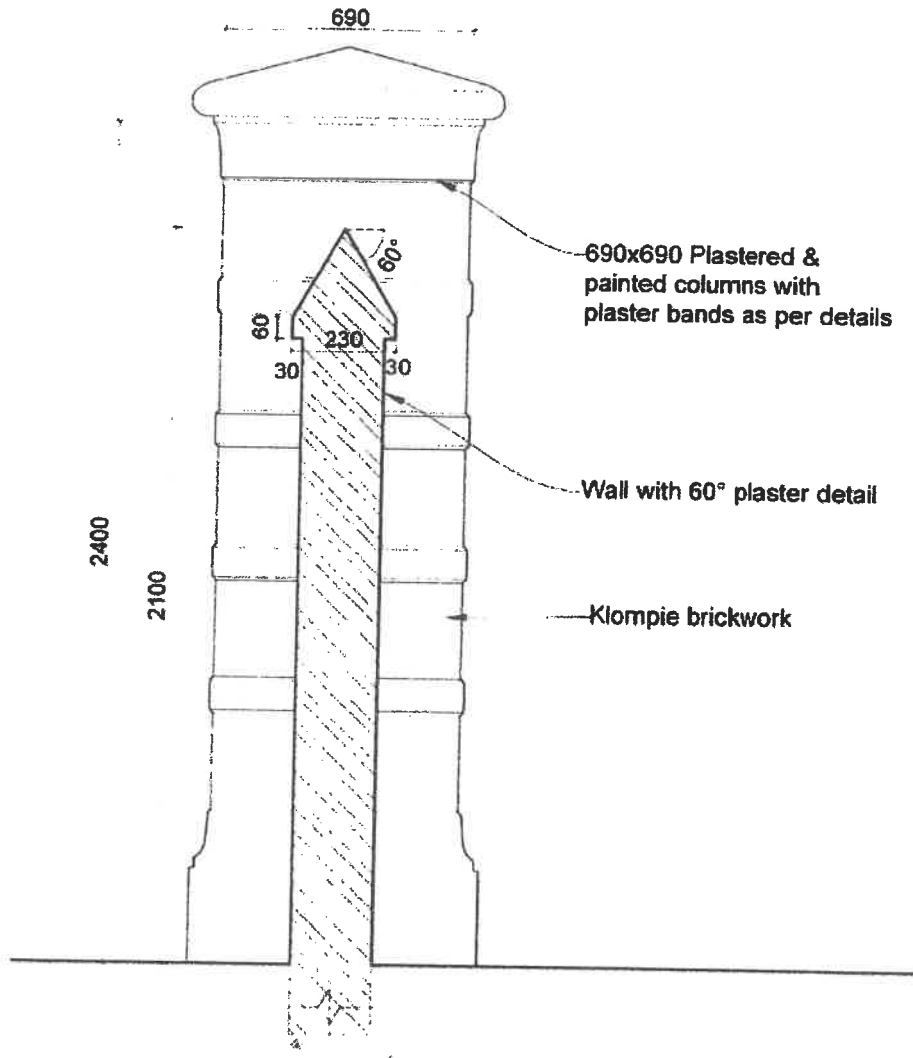
WALL TYPE 5

scale:
nts

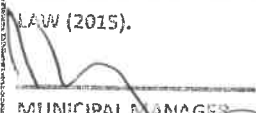
revision:
R1

date:
August 2019

**Architectural
Design Guidelines**



**Footings to Engineers
specifications**

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 MUNICIPAL MANAGER	26/3/202 DATE

project:
Welgedund Domaine Privé

WALL TYPE 6

drawing:
Annexure B

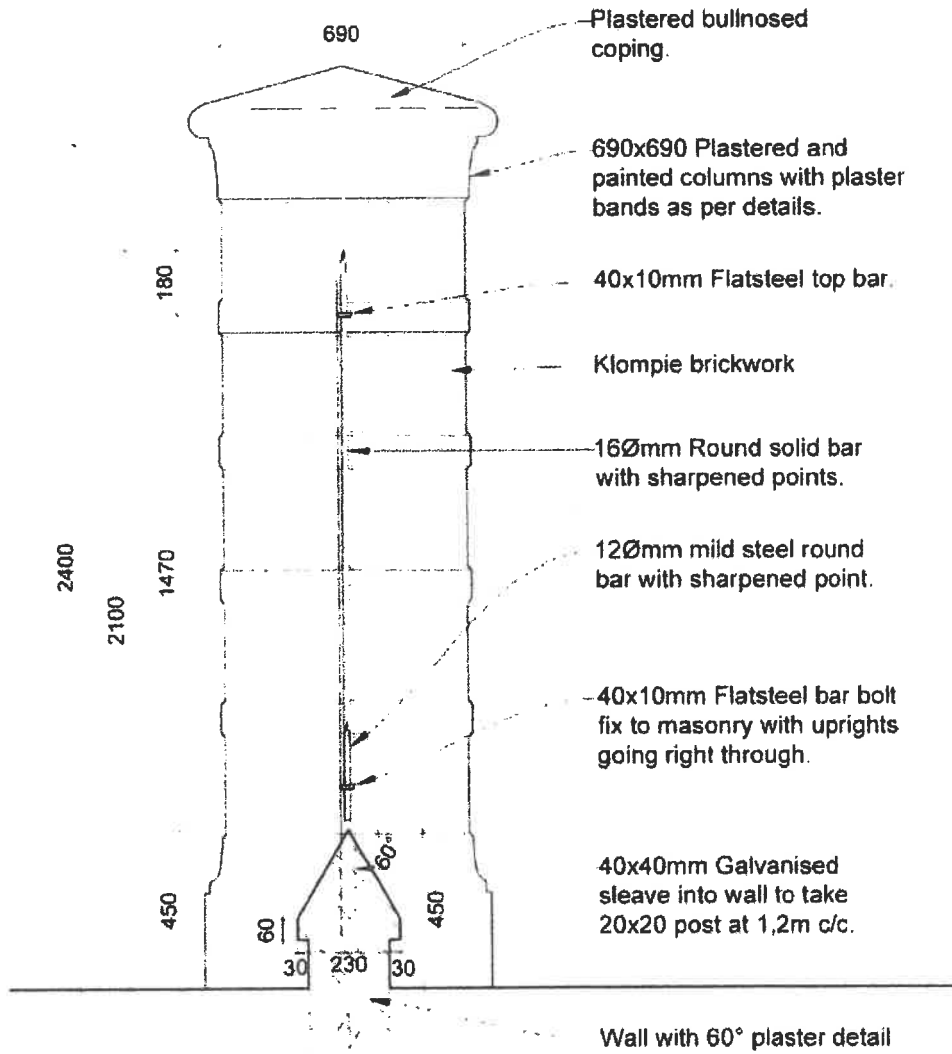
scale:
nts

**Boundary Wall
Design and Details**

revision:
R1

date:
August 2019

**Architectural
Design Guidelines**



Footings to Engineers
specifications

project:
Welgegund Domaine Privé

drawing:
Annexure B

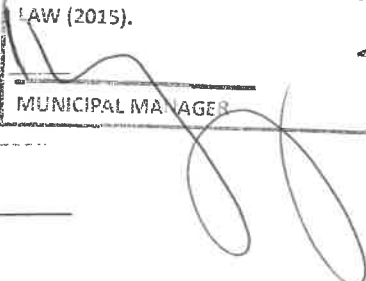
Boundary Wall
Design and Details

WALL TYPE 7

scale:
nts

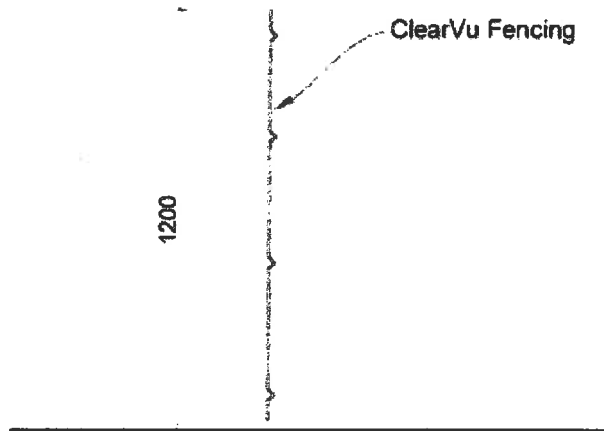
revision:
R1

date:
August 2019

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LAW (2015).
MUNICIPAL MANAGER
DATE 26/3/2021



project:
Welgegund Domaine Privé

WALL TYPE 8

drawing:
Annexure B

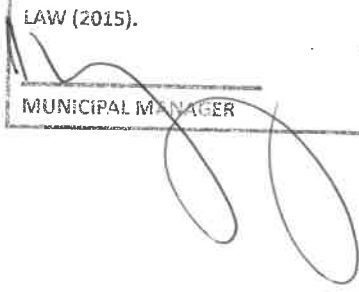
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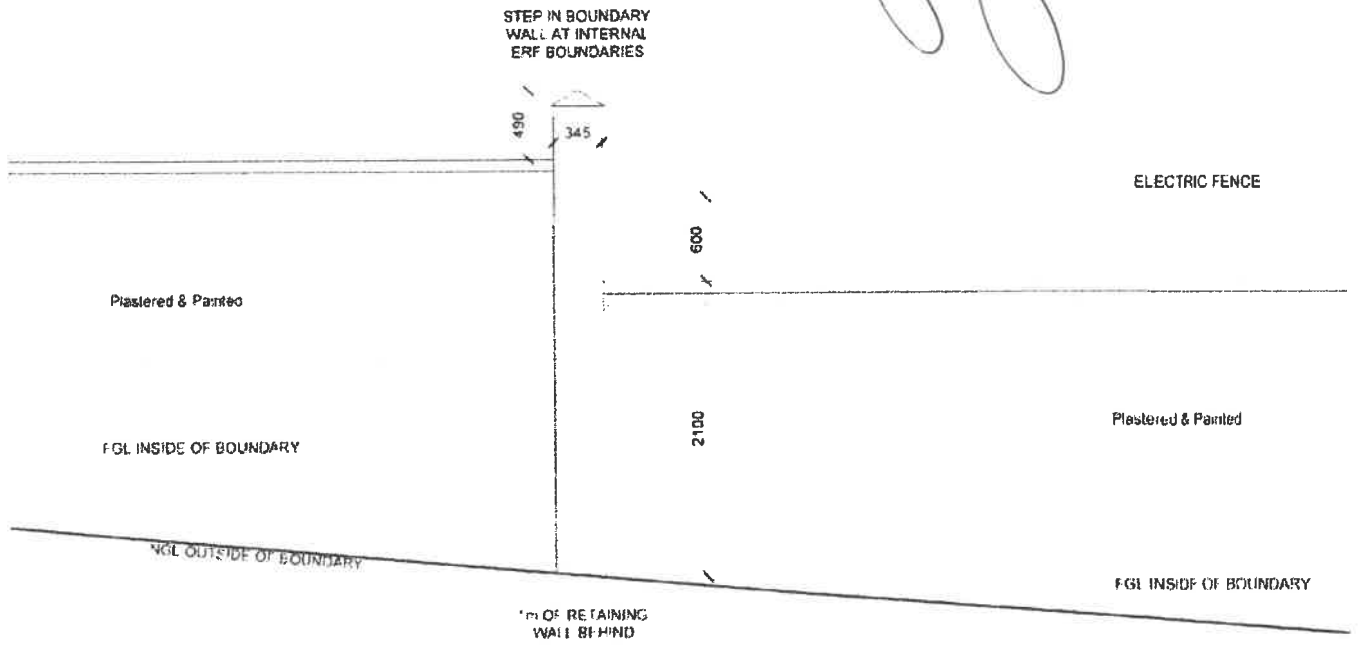
**Boundary Wall
Design and Details**

revision:
R1

date:
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 MUNICIPAL MANAGER	26/3/2021 DATE



project:
Welgegend Domaine Privé

WALL TYPE 9

drawing:
Annexure B

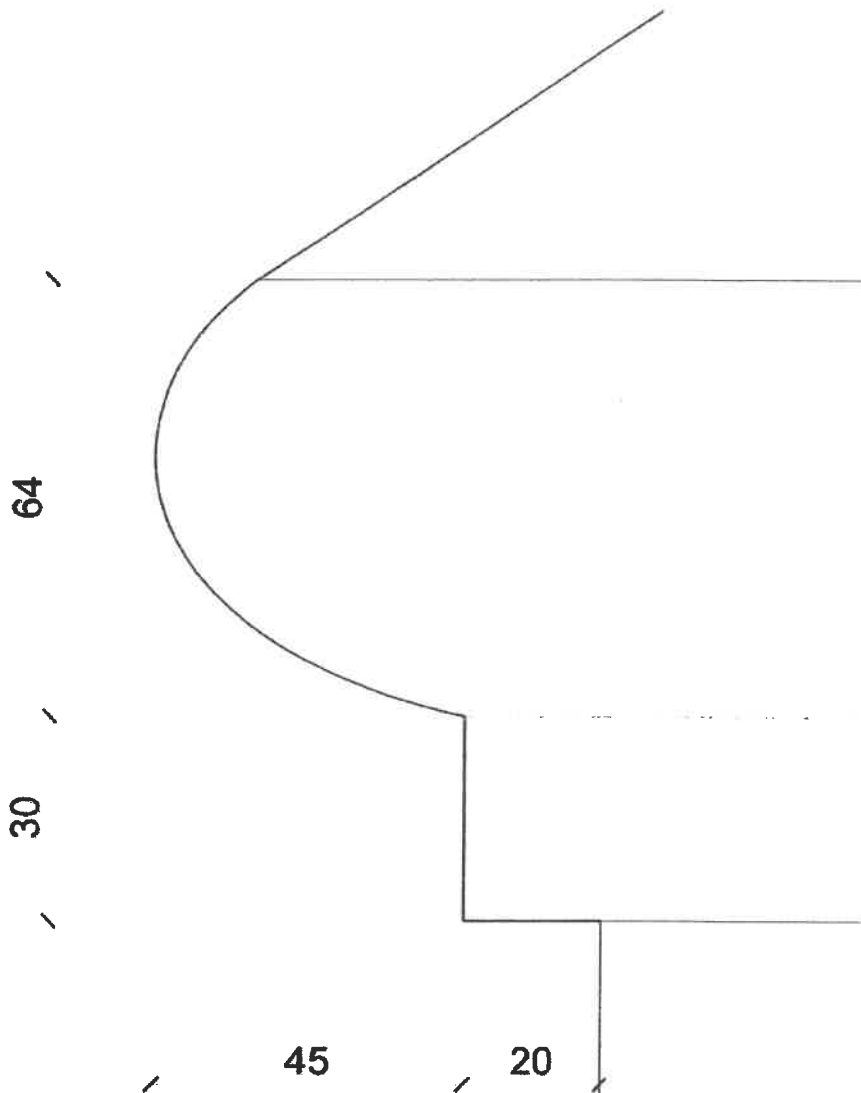
scale:
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**Boundary Wall
Design and Details**

revision:
R1

date:
August 2019

Architectural
Design Guidelines



project:
Welgegund Domaine Privé

drawing:
Annexure B

Boundary Wall
Design and Details

DETAILS

scale:
nts

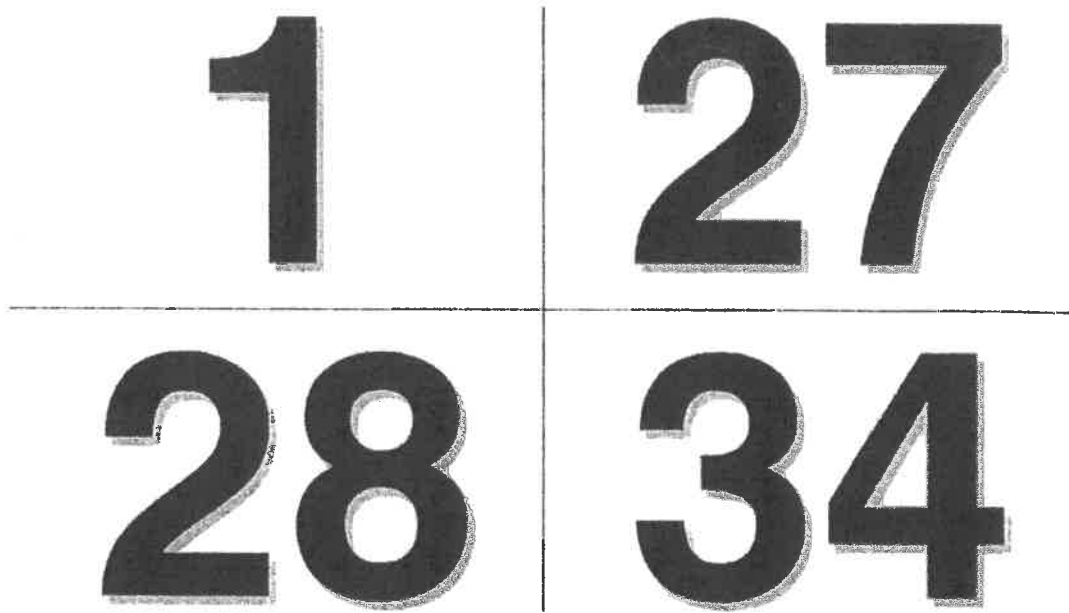
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date:
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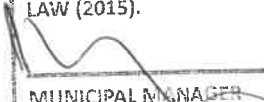
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STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
LAW (2015).
MUNICIPAL MANAGER
DATE 26/3/2021

10.3. Annexure C:
10.3.1. House Numbers

House Numbers
examples



Helvetica Bold - 150mm High
Aluminium plate minimum 3mm thick spaced 8mm away from wall on pins. All powdercoated Antracite Matt as per Paint Specification

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 MUNICIPAL MANAGER	26/3/2021 DATE

10.4. Annexure D:

10.4.1. External Lighting

To limit light pollution, the following guides will apply to all dwellings.

Only low-level lights (300 lumen intensity per light) will be allowed at the property entrance as well as on the wall at the front door, garages and other entrances. These lights could be wall mounted footlights, bollard lights or garden spike lights.

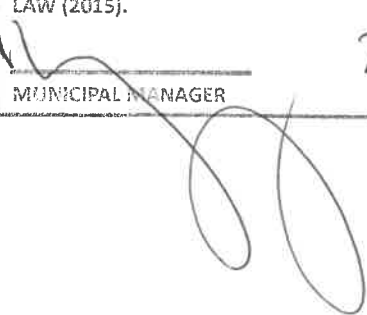
Close spacing (less than 3m) should be avoided in order to avoid a concentration of light. External light circuits are to be placed on timers to avoid lights staying on all night. Exceptions will be made for essential lights at front door and entrance columns.

Lighting in gardens must be of a low intensity (300 lumen light intensity max per light) spaced no closer than 5 meters apart and mounted at heights not exceeding 1 meter. Once again footlights, bollard lights and garden spike lights will be allowed.

Wall lights will be allowed on boundary walls where they are not visible from the street but will be restricted to 1.5m above ground level.

All external lights to be shielded and light to be aimed downwards to minimize glare from light source. No up lights or lights washing against walls are allowed.

Security spotlights to be connected to alarm to trigger in emergencies, no motion sensor floodlights will be allowed. Flood lights to be placed in such a manner that they do not cause a disturbance to neighbouring properties.

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 MUNICIPAL MANAGER	26/3/2021 DATE

10.5. Annexure E:

10.5.1. Landscaping Plant List

Trees

(proposed size: 200l, min. size: 100l)

Erythrina spp.
Nuxia floribunda
Olea europaea subsp africana
Platanus acerifolia
Populus 'simonii'
Podocarpus falcatus
Quercus nigra
Sideroxylon inerme
Syzygium guineense

Shrubs & ground covers

(min. Size 6-packs) @ 3-5/m²

Agapanthus spp.
Aristea spp.
Asparagus spp.
Barleria spp.
Carlssa macrocarpa spp.
Coleonema spp.
Dietes grandiflora
Felicia spp.
Freyllinia tropica
Lampranthus spp.
Limonium spp.
Osteospermum spp.
Plumbago auriculata
Pelargonium spp.
Plectranthus spp.
Searsia crenata
Tulbaghia spp.
Viburnum spp.
Watsonia spp.

Wet pond edges

Restios and sedges

(min. Size 6 packs) @ 3-5/m²

Carex clavata
Cyperus spp.
Elegia nudum
Elegia tectorum
Isolepis prolifera
Juncus acutus
Juncus effusus
Restio festucliformis
Scirpus nodosus
Wachendorfia spp.

Marginal and aquatic plants

(min size 6-packs) @ 3-5/m²

Nymphaea capensis
"blue"/nouchali
Schoenoplectus littoralis /
scirpoides
Zantedeschia aethiopica


Climbers:

(min. Size 4l)

Trachelospermum jasminoides
Vitis vinifera

Lawn:

Cynodon dactylon
Stenotaphrum secundatum

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 MUNICIPAL MANAGER	26/3/2021 DATE

Weigegund Domaine Prive Building Submission Checklist

Wednesday, 28 August, 2019

10.6. Annexure F:

PARTICULARS OF APPLICANT - OWNER

Home Owner	
Erf no.	
Address	
Phone	
Email	
Confirm architect's appointment for full service	

REGISTERED ARCHITECT

Registered Architect's SACAP no.
Name of practice
Contact person
Cellphone no.
Email address

1. INTRODUCTION INFORMATION

Site
Erf No
Erf Area
Site survey (Option)

2. SUBMISSION HISTORY

To be updated by controlling architects

SKETCH DESIGN SUBMISSION	NOTES FROM CONTROLLING ARCHITECTS
Date drawings were received	
Date returned to applicant	
COUNCIL SUBMISSION	NOTES FROM CONTROLLING ARCHITECTS
Date drawings were received	
Date returned to applicant	

STELLENBOSCH MUNICIPALITY

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MUNICIPAL MANAGER

26/3/2021

DATE

SKETCH DESIGN SUBMISSION			FULL COUNCIL SUBMISSION			For Office use	
Information Required	Submission Notes if Required	Compliance	Information Required	Submission Notes if Required	Completion	For Office use Note by Estate Architect	
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Optional		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	To explain design only		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Indicate wall on plan only		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Principle only		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Design sections		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Elevation should be fine		<input checked="" type="checkbox"/>	Schedule plus details			
<input checked="" type="checkbox"/>	3D Would assist		<input checked="" type="checkbox"/>	3D Would assist			
<input checked="" type="checkbox"/>	Freehand detail to show concept and Intent		<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Indicate on plan only		<input checked="" type="checkbox"/>	All construction details			
<input checked="" type="checkbox"/>	Indicate on plan only		<input checked="" type="checkbox"/>				

3. DRAWINGS TO BE PROVIDED

- 1:100 Site Plan
- 1:100 Floor Plans
- 1:100 External Works & Finishes Drawing include Storm Water Drawings
- 1:100 Roof Plan & All Roof Services and Details
- 1:100 Elevations - Main House
- 1:100 Boundary Wall Sections & Elevations
- 1:100 Street Boundary Wall Plan & Elevation with Typical Section
- 1:100 Common Boundary Wall Plan & Elevation with Typical Section
- 1:100 Service & Laundry Yards Wall Plan & Elevation with Typical Section.
- 1:100 Section through all Retaining Walls
- 1:100/50 Sections - Construction Drawings
- 1:100 Door Schedule with Finishes
- 3D "Sketch Up" 3D to motivate design concept - Preferable.
- 1:50/25 Details - Decks, Pergolas, Plaster, Specialist Steelwork, Roof Edge Detail as Required.
- Heat Pump Location - Specifications & Screen
- Water Storage & Screening

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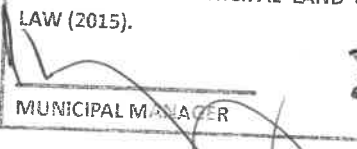
	SKETCH DESIGN SUBMISSION			FULL COUNCIL SUBMISSION			For Office use Note by Estate Architect
	Information Required	Submission Notes if Required	For Office use Compliance X ✓	Information Required	Submission Notes if Required	For Office use Completion X ✓	
4. PLANNING CONTROLS							
Information to be shown on drawings							
Site Plan (SP) Plans (P) Sections (S)							
Height controls - sections provided	✓			✓			
Maximum height - Sections provided	✓			✓			
1:200 Diagram showing coverage	✓			✓			
1:200 Diagram showing bulk	✓			✓			
Ground floor area (under cover)	✓			✓			
First floor area (under cover)	✓			✓			
Estate street building lines indicated	✓			✓			
Estate servitudes shown	✓			✓			
Estate street setback indicated for garage and home.	✓			✓			
Estate authority lateral & rear setbacks show on plan.	✓			✓			
North Point	✓			✓			

4. PLANNING CONTROLS

- Information to be shown on drawings
- Site Plan (SP) Plans (P) Sections (S)
- Height controls - sections provided
- Maximum height - Sections provided
- 1:200 Diagram showing coverage
- 1:200 Diagram showing bulk
- Ground floor area (under cover)
- First floor area (under cover)
- Estate street building lines indicated
- Estate servitudes shown
- Estate street setback indicated for garage and home.
- Estate authority lateral & rear setbacks show on plan.
- North Point

STELLENBOSCH MUNICIPALITY

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5. THE FOLLOWING DETAIL DRAWINGS TO ACCOMPANY THE LOCAL AUTHORITY DRAWINGS

	SKETCH DESIGN SUBMISSION			FULL COUNCIL SUBMISSION		
	Information Required	Submission Notes if Required	Compliance	Information Required	Submission Notes if Required	Completion
Materials			X ✓			
Roof finishes - Notes with roof edge details	✓			✓		X ✓
External wall finishes - Notes	✓			✓		
Windows and doors - Specifications & Schedule	✓			✓		
Shading devices - Details and finishes				✓		
Balconies - Details	✓			✓		
Stoops, Terraces, Verandahs Details and finishes	✓			✓		
Balustrades - Design and finish				✓		
Boundary walls - All elevations and sections				✓		
Driveway - Finish, dimensions and details				✓		
Retaining walls - Sections & elevations				✓		
Garages - Setback, elevations and finish				✓		
Outbuildings - Indicate with detail.				✓		
External timber elements - Detail and finishes				✓		
External steel elements - Detail and finishes				✓		
Colours				✓		
Roofs - Specify						
External walls - Schedule on drawings.						
Windows and doors and gates - On schedule						
Shading devices - Detail drawing notes						
External balustrading - Add to detail drawings						
Decorative Detail						
Per poles - Detail and finishes						
Door types - Provide section and details						
Roof/sky lights - Locations and design details						
Separ hot water - Indicate on roof plan and notes						
Photovoltaic panels - Indicate on roof plan						
Satellite dish - Indicate on roof plan						

Materials
 Roof finishes - Notes with roof edge details
 External wall finishes - Notes
 Windows and doors - Specifications & Schedule
 Shading devices - Details and finishes
 Balconies - Details
 Stoops, Terraces, Verandahs Details and finishes
 Balustrades - Design and finish
 Boundary walls - All elevations and sections
 Driveway - Finish, dimensions and details
 Retaining walls - Sections & elevations
 Garages - Setback, elevations and finish
 Outbuildings - Indicate with detail.
 External timber elements - Detail and finishes
 External steel elements - Detail and finishes
Colours
 Roofs - Specify
 External walls - Schedule on drawings.
 Windows and doors and gates - On schedule
 Shading devices - Detail drawing notes
 External balustrading - Add to detail drawings
 Decorative Detail
 Per poles - Detail and finishes
 Door types - Provide section and details
 Roof/sky lights - Locations and design details
 Separ hot water - Indicate on roof plan and notes
 Photovoltaic panels - Indicate on roof plan
 Satellite dish - Indicate on roof plan

Sketch Design Submission: The more details and notes you give the estate architects at Sketch Design stage, the better. Even freehand drawings to scale will be acceptable.

Full Council Submission: Provide all design and detail drawings required as listed.

Controlling architects will return drawings with notes once assessed to assist in understanding the comments and recommendations.

THE WARDEN OF THE TOWN OF ROSCH MUNICIPALITY
 I HEREBY CERTIFY THAT THE ABOVE DRAWINGS AND NOTES
 HAVE BEEN APPROVED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH
 THE PROVISIONS OF SECTION 60 OF THE
 LOCAL GOVERNMENT MUNICIPAL LAND USE PLANNING BY-LAWS.
 DATE: 26/3/2022

ANNEXURE 12

Street Name & Numbers Plan



12829
9453
9456
57

5/372

PARADYSKLOOF ROAD

2/372

370

3/372



ABACUS
DEVELOPMENT COMPANY

7942

937
7938
7940

Welgegend Domaine Privé

REVISION HISTORY:
Rev A: Proposed street names and numbers.
Rev B: Update street line in accordance with Rev. C S&B plan.
Rev C: Update street line in accordance with Rev. C S&B plan.

NOTES:
• All areas and dimensions are provisional and must be verified by field surveyor.

TITLE:
**PROPOSED STREET
NAMES AND NUMBERS**

SCALE:
1:1000 (AS)

PROPERTY DESCRIPTION:
PORTION 1 OF FARM 372, STELLENBOSCH

PROJECT DETAILS:
Project Name: Welgegend Domaine Privé
Project No: 0053
Client: Abacus Development Company
Municipality: Stellenbosch
Administrations: Stellenbosch

PLAN DETAILS:
Plan No: 14024-02
Revision: 8
Date: 7 October 2017
Drawn by: AR
Checked by: HBP



LMV
Cape
Town & Regional Planners
Box 51142, Waterfront, 8002
Tel 021 531 3898 / 082 574 1038
hennie@lmv.co.za

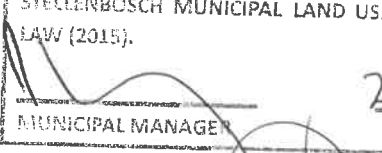
Typical Erf Massing Diagrams

ANNEXURE 13

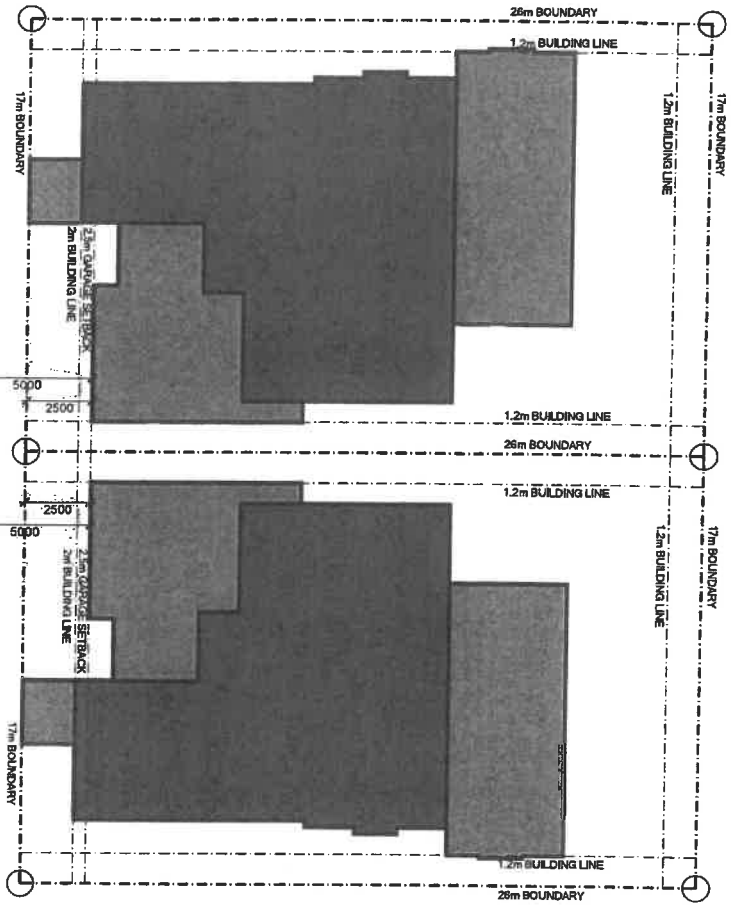
Annexure

13

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SINGLE TYPE ERVEN

ERF 17659

ERF 17660

SITE CALCULATIONS FOR ERF 17659 & 17660	
Site Area:	442.0m ²
	Max allowable
Coverage @ 60%:	265.2m ²
Bulk @ 1.0:	442m ²
First Floor 40% of max allowable bulk:	176.8m ²

NOTES:

- * TYPICAL UNIT TYPE ERF MASSING - based on typical SDP overall layout.
- * TYPICAL UNIT TYPE ERF MASSING - is only indicative of maximum allowable coverage and bulk and units will be separately designed by new buyers in accordance with the architectural guidelines.
- * TYPICAL UNIT TYPE ERF MASSING - are applicable to certain type of erven but not linked to specific erven and can be double or single storey.

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 DATE 20/3/2021

WELGEGUND DOMAINE PRIVÉ

STOP!

READ THIS FIRST: WELGEGUND DOMAINE
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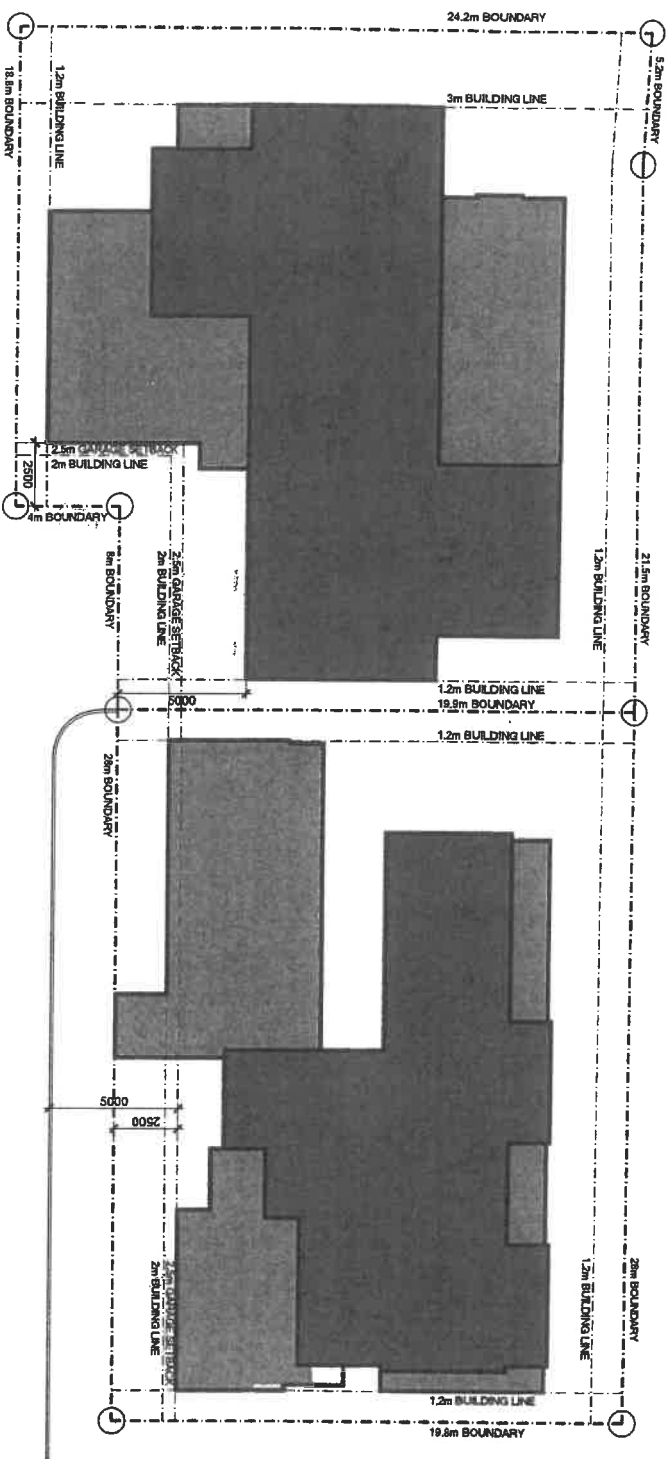
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LABOUR DEVELOPMENT COMPANY
 WYNAND WILSENACH ARCHITECTS
 2ND FLOOR EARLEO BUILDING
 CHR KLOOF ST & PARK RD 8001 GARDENS
 POSTNET 3016 99 PARK RD 8001 GARDENS 8016
 TEL: +27 (0)22 6262000 EMAIL: arch@wylsach.com

ARCHITECT:
 CLIENT:
 ABAQUS DEVELOPMENT COMPANY
 COMPANY
 ELEMENT

PROPOSED DEVELOPMENT
 Portion 1 of the farm Welgegund No. 372, Stellenbosch, Paradrifkloof PROJECT

Site Development Plan:
 Typical Proposed Erf Massing Single Type
 D R A W I N G
 NO 1435 DATE 000
 ADMIN/BJC
 SDP-203
 2020/05/07 FOR APPROVAL



WETLAND TYPE ERVEN

ERF 17664

ERF 17665

ROAD

SITE CALCULATIONS FOR ERF 17664

Site Area:	610.2m ²
Coverage @ 60%:	366.1m ²
Bulk @ 1.0:	610.2m ²
First Floor 40% of max allowable bulk:	244.1m ²

SITE CALCULATIONS FOR ERF 17665

Site Area:	556.5m ²
Coverage @ 60%:	333.9m ²
Bulk @ 1.0:	556.5m ²
First Floor 40% of max allowable bulk:	222.6m ²

NOTES:

- * TYPICAL UNIT TYPE ERF MASSING - based on typical SDP overall layout
- * TYPICAL UNIT TYPE ERF MASSING - is only indicative of maximum allowable coverage and bulk and units will be separately designed by new buyers in accordance with the architectural guidelines
- * TYPICAL UNIT TYPE ERF MASSING - are applicable to certain type of erven but not linked to specific erven and can be double or single storey.

STELLENBOSCH MUNICIPALITY
ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).
 MUNICIPAL MANAGER
 DATE: 26/3/2021

WELGEGUND DOMAINE PRIVÉ

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No. 1 DATE BY DESCRIPTION

A.WILSENBACH (Approved) 14/03/20
 A.BACUS DEVELOPMENT COMPANY/Pty

WYNAND WILSENBACH
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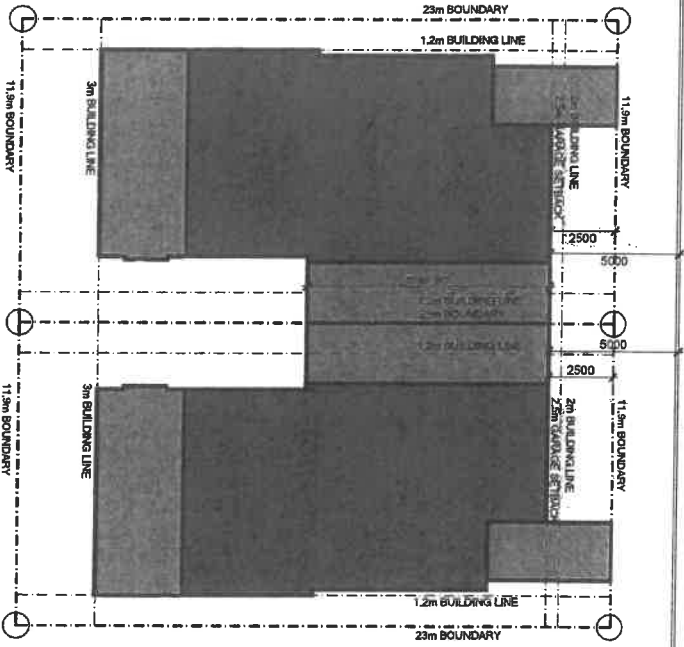
CLIENT:
ABACUS DEVELOPMENT COMPANY
 C O N T A C T

PROPOSED DEVELOPMENT
 Portion 1 of the farm Welgegund No. 372, Stellenbosch, Paroel/Slidorf

PROJ E C T
 Site Development Plan:
 Typical Proposed Erf Massing
 Wetland Type

DRAWING NO. 1435
 SHEET NO. 000
 PROJECT NO. SDP-204

DATE: 2020/05/07 FOR APPROVAL



D U P L E X T Y P E E R V E N

ERF 17645

ERF 17644

SITE CALCULATIONS FOR ERF 17645 & 17644	
Site Area:	273.9m ²
	Max allowable
Coverage @ 60%:	164.3m ²
Bulk @ 1.0:	273.9m ²
First Floor 40% of max allowable bulk:	109.6m ²

NOTES:

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- * TYPICAL UNIT TYPE ERF MASSING - is only indicative of maximum allowable coverage and bulk and units will be separately designed by new buyers in accordance with the architectural guidelines
- * TYPICAL UNIT TYPE ERF MASSING - are applicable to certain type of erven but not linked to specific erven and can be double or single storey.

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

DATE: 26/3/2021

WELGEGUND DOMAINE PRIVÉ

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CLIENT: **ABACUS DEVELOPMENT COMPANY**

PROJECT: **PROPOSED DEVELOPMENT Portion 1 of the farm Welgegund No. 372, Stellenbosch, Parapsychoof PROJECT**

DATE: **2020/05/07 FOR APPROVAL**

SCALE: **1:200**

DATE: **1435** TIME: **000**

SCALE: **SDP-202**