



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14673

Our File Reference Number: Erf 4152, Klapmuts

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR THE APPROVAL OF THE SUBDIVISION, PERMISSION IN TERMS OF CONDITIONS OF APPROVAL, THE AMENDMENT OF A CONDITION OF APPROVAL, NAMING OF THE DEVELOPMENT, STREET NAMING AND NUMBERING ON ERF 4152, KLAPMUTS

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 4152, Klapmuts, namely:
 - 2.1.1 In terms of Section 15(2)(d) for the subdivision of the subject property into the following, in accordance with the approval granted for the rezoning to subdivisinal area in 2019:
 - (i) 104 Conventional Zone erven for single residential erven.
 - (ii) 47 Conventional Residential erven with a consent for group housing.
 - (iii) 1 Agricultural Zone erf, with a consent use limited to a Farmstall / Tourist facility.
 - (iv) 23 Private Open Space Zone erven for private parks and Streets.
 - 2.1.2 In terms of Section 15(2)(l) for a permission in terms of a conditions of approval for the following, as noted in the approval letter dated 08-10-2019 for the Rezoning and consent use granted in 2019.

- (i) Approval of a Site Development Plan, with Wall / Fencing Plan as required in terms of Condition 4.c & e.
- (ii) Approval of a Landscape Plan as required in terms of Condition 4(d.)
- (iii) Approval of a Phasing Plan as required in terms of Condition 4(l.)
- (iv) Approval of the Mount Vernon Home Owners' Association Constitution and Design Guidelines.

2.1.3 In terms of Section 15(2)(h) for the amendment of the following condition of approval, as noted in the approval letter dated 08-10-2019 for the Rezoning and consent use to replace Condition with:

"All existing water rights and agricultural infrastructure on the Remainder of Farm 748/40 will be retained by the owner of the Remainder of Farm 748/40".

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

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:

3.1 The approval only applies to the applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.3 The entrance gate, boundary wall and refuse area be completed prior to the first occupation certificate being issued.

3.4 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred by the applicant at his cost to the owners' association, simultaneously with the transfer or registration of the first residential land unit.

3.5 A development contract must be entered into between the Municipality and the developer before any contractor may go on site and before any services design plans or building plans will be approved as noted in the memo dated 18 February 2019 attached to the approval letter dated 08-10-2019, attached as **Annexure I**.

- 3.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.7 The developer at his cost provides each of the newly created erven with electrical, water and sewer connections as well as any link services that need to be provided. The Council may require that plans of the services be drawn up by an appropriately qualified registered person and be submitted to the Director Infrastructure Services for approval prior to the first property being transferred.
- 3.8 The development be undertaken in accordance with the Subdivisional Plan with reference Plan Of Subdivision, drawn by First Plan, Plan No FP0510/618, Dated: July 2023, attached as **Annexure B**.
- 3.9 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
- a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 3.10 The development be undertaken in accordance with the Phasing Plan as indicated on the plan drawn by First Plan, Plan No FP0510/618_Phasing, Dated February 2022, attached as **Annexure C**.
- 3.11 The Home Owner's Association be established and that the owner's association be subject to the Mount Vernon Residential Estate: Constitution Ver. 5: Dated: 30 September 2022, attached as **Annexure D**.
- 3.12 The development be designed and undertaken in accordance with the Mont Vernon Architectural Design Manual, Edition 6: July 2023, attached as **Annexure D**.
- 3.13 All building plans first be submitted to the Home Owner's Association for their assessment and approval prior to being submitted to Council for consideration.
- 3.14 The landscaping be implemented per phase, substantially in accordance with the Landscaping Plan, Drawn By: CNDV, Landscape Architects, Drawing No 2951-03-LP-Rev 04, dated 5 Aug 2022, attached as **Annexure E** and prior to the issuing of a Section 28 Certification for each phase of this development.

- 3.15 The boundary wall / fencing building plans must be generally in accordance with the site development plan attached as **Annexure F**.
- 3.16 That the street names be in place and that the dwelling units completed, be numbered prior to the issuing of an Occupancy Certification.
- 3.17 A site Development Plan be submitted and approved for the Farmstall / Tourist Facility (Erf 4520) and any other building proposed prior to building plans being submitted for approval.
- 3.18 Approval be obtained from the Provincial Roads Authority for the location of the access point to the Farm Portion (Erf 4520) from Main Road No 205, as part of the Site Development plan approval process.
- 3.19 The conditions of approval as imposed in letter of approval dated 08-10-2019 are applicable to this application and are to be complied with.
4. The reasons for the above decision are as follows:
- 4.1 The approvals granted for the subdivision will not result in any additional land use rights being granted as the subject property already has obtained approval for the rezoning of the subject property to subdivisinal area.
- 4.2 The amendment of the condition of approval will also not result in any additional land use right being granted as it pertains to the existing water rights already in place.
- 4.3 The approval of the applications for permission in terms of the conditions of approval will only facilitate the approval of the HOA constitution and design guidelines for the proposed development.
5. That the application for Naming, Street Naming and Numbering of the proposed development approved on Erf 4152, Klappmuts as contemplated in Section 98 of the Stellenbosch Municipal Land Use Planning Bylaw 2015 and indicated on the plan with Reference Number Reference No FP0510/618_Streetnames, dated September 2022.

BE APPROVED in terms of the Policy for the Naming and Renaming of Streets, Public Places, Natural Areas, Artefacts and Council-Owned Buildings and Facilities, July 2022.

6. The reason for the above decision is as follows:
- 6.1 The naming and street names and numbering conform to the criteria and rules contained in the Policy.

7. Matters to be noted:

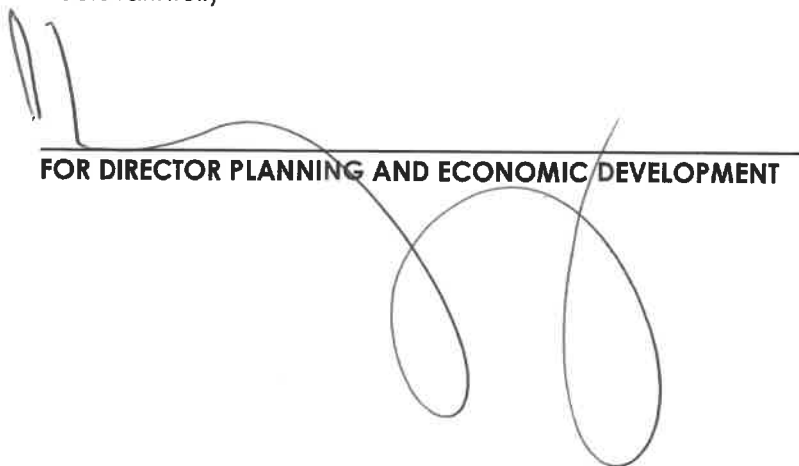
- 7.1. The provision of street name signage should comply with the requirements as prescribed in municipal guidelines and the policy on outdoor advertising and signage.
 - 7.2. The display of street numbers must comply with Section 31 of the Roads and Streets By-Law, 2021.
 - 7.3. It is the responsibility of the applicant to inform essential services, other relevant authorities and departments of the new street naming and numbering, e.g., the South African Police Service, Post Office, Telkom, emergency and ambulance services, etc. after the registration of the properties.
 - 7.4. Copies of the decision will be internally circulated to the municipal departments responsible for finance, fire management, engineering services and GIS for their action.
8. 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.
9. 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.

10. 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
11. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

12. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za
13. An applicant who lodges 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. Kindly note the above decision in the case of any approval, 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



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

7/8/2023
DATE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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ANNEXURE B

Mount Vernon Estate Plan of Subdivision

Erf 4152
(Portion 1 of
Portion 40 Farm 748)
KLAPMUTS

ZONING	PORTIONS	AREA	%
Conventional Residential	104	8,7644ha	40
Conventional Residential/ Consent Group Housing	47	1,8957ha	9
Agricultural Zone	1	2,4603ha	11
Private Open Space	23	8,7747ha	41
TOTAL	175	21,8951ha	100

LAND USE	
 Single Residential	 Group Housing
 Farm Stall/ Tourist Facility	 Private Open Space
 Private Road Area	

CLIENT	
MT VERNON DEVELOPMENTS (PTY) LTD	

PLAN NO	FP/0510/618
DATE	July 2023

Rev	Description	Date



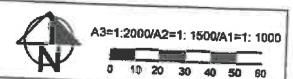
STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED

7/8/2023

AUTHORISED EMPLOYEE/MRT

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ANNEXURE C

Mount Vernon Estate Phasing Plan

**Erf 4152
(Portion 1 of Portion 40 Farm 748)**

KLAPMUTS

CLIENT

MT VERNON DEVELOPMENTS (PTY) LTD

PLAN NO FP/0510/618_Phase
DATE 8 February 2022

Rev	Description	Date
1	Amend Phase 2	03/03/2022
2	Street Erven	25/03/2022
3	Streets and Erven Numbers	05/04/2022
4i	Amend Phase 1 & 2	26/01/2023



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TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED 6/748

AUTHORISED EMPLOYEE/MPT

7/8/2023



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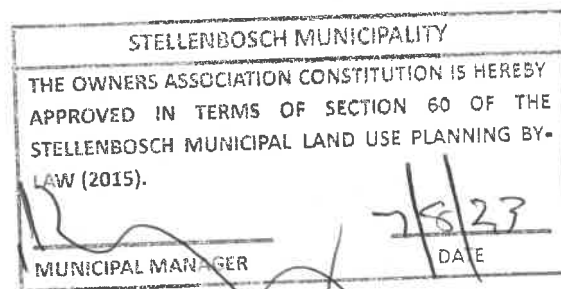
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ANNEXURE D

MOUNT VERNON RESIDENTIAL ESTATE

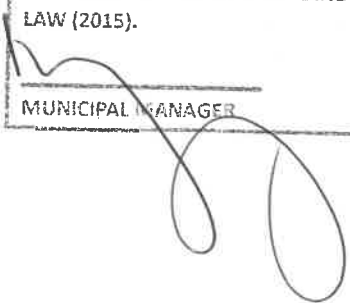
HOME OWNERS' ASSOCIATION CONSTITUTION



A statutory body established in terms of Section 29
of the Stellenbosch Municipality Land Use Planning
By-law of 2015

CONTENTS

1.	ESTABLISHMENT IN TERMS OF STATUTE.....	3
2.	INTERPRETATION.....	4
3.	MAIN BUSINESS OF THE ASSOCIATION	5
4.	MAIN OBJECTIVES OF THE ASSOCIATION	5
5.	DOMICILIUM CITANDI ET EXECUTANDI.....	7
6.	FINANCIAL YEAR END	7
7.	MEMBERSHIP & MEMBER OBLIGATIONS	7
8.	LEVIES	9
9.	WASTE MANAGEMENT.....	11
10.	GENERAL SERVICES CONDITIONS.....	11
11.	DEALING WITH THE COMMON AREAS	12
12.	RESPONSIBILITY FOR THE COMMON AREAS.....	12
13.	ESTATE RULES.....	12
20.	PROCEEDINGS OF THE TRUSTEES.....	19
21.	GENERAL MEETINGS OF THE ASSOCIATION	19
22.	NOTICE OF MEETINGS	20
23.	VENUE OF MEETINGS	20
24.	QUORUM FOR GENERAL MEETINGS	20
25.	PROCEDURE AT GENERAL MEETINGS.....	21
26.	PROXIES FOR GENERAL MEETINGS.....	21
27.	VOTING	22
28.	SPECIAL RESOLUTION	22
29.	OTHER PROFESSIONAL OFFICERS.....	23
30.	ACCOUNTS	23
31.	DEPOSIT AND INVESTMENT OF FUNDS	24
32.	SERVICE OF NOTICES	24
33.	INDEMNITY	24
34.	AMENDMENTS TO CONSTITUTION	25
35.	MANAGING AGENT	25
36.	ARBITRATION	25
37.	OWNER'S ASSOCIATION WHICH FAILS TO MEET AN OBLIGATION OR CEASES TO FUNCTION.....	26
38.	EFFECTIVE DATE	26

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW (2015).	
	7/8/23 DATE
MUNICIPAL MANAGER	

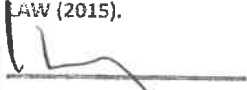
MOUNT VERNON RESIDENTIAL ESTATE HOME OWNERS' ASSOCIATION

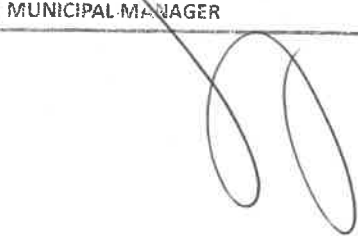
CERTIFICATE OF APPROVAL

This is to certify that the Constitution of the Mount Vernon Residential Estate Owners' Association was this day approved by me on behalf of the Municipality of Stellenbosch in terms of section 29(3) of the Stellenbosch Municipality Land Use Planning By-Law of 2015.

SIGNED AT STELLENBOSCH on this the day of 20.....

SIGNATURE

STELLENBOSCH MUNICIPALITY	
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 MUNICIPAL MANAGER	 DATE



1. ESTABLISHMENT & LEGAL STATUS OF THE ASSOCIATION

- 1.1 The Mount Vernon Estate Residential Home Owners' Association is constituted, as a statutory body, in terms of Section 29 of the Stellenbosch Municipality Land Use Planning By-law, 2015.
- 1.2 The Association shall have legal personality, perpetual succession, and be capable of suing and being sued in its own name.
- 1.3 The Association shall not be for profit, but for the benefit of its Members.
- 1.4 The provisions of the Companies Act shall not apply in respect of the Association.
- 1.5 None of the Members in their personal capacities shall have any right, title or interest to or in the property, funds or assets of the Association.

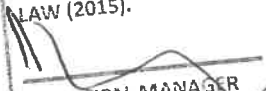
2. INTERPRETATION

In these presents:

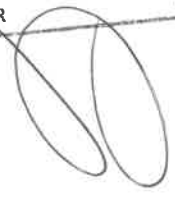
- 2.1. The following words shall, unless the context otherwise requires, have the meanings hereinafter assigned to them:
 - 2.1.1. Accountants / Auditors means the Accountants / Auditors of the Association;
 - 2.1.2. Association means Mount Vernon Residential Estate Home Owners' Association;
 - 2.1.3. Business Day means weekdays other than Saturdays, Sunday and Public Holidays;
 - 2.1.4. CHAIRPERSON means the CHAIRPERSON of the Board of Trustees;
 - 2.1.5. Common areas mean the private road/s, common areas, refuse rooms and access gate and entrance security within the Estate;
 - 2.1.6. Completion of the Estate means the date of transfer of the last erf in the Estate to the relevant purchaser thereof from the Developer or the date of completion of any outstanding works (as certified by the Developer's Architect or Engineers) on any of the properties by the Developer, whichever event occurs last;
 - 2.1.7. Council / Local Authority means Stellenbosch Municipality or its successors in title;
 - 2.1.8. Day/s shall mean all calendar days;
 - 2.1.9. Developer means Mt Vernon Developments (Proprietary) Limited (Registration Number 2021/894974/07);
 - 2.1.10. Development Period means the period commencing on the date of establishment of the Association and terminating on the date that all the Erven in the Estate have been sold and transferred by the Developer or until the Developer notifies the Association in writing that the Development Period has ceased, whichever occurs first;
 - 2.1.11. Design Manual means design guidelines and terms and conditions to control all aspects of the Architectural and Aesthetic design of all Erven, as amended from time to time in terms of this Constitution or as required by the Local Authority or the Developer during the Development Period;
 - 2.1.12. Erven (erf) means an erf/erven resulting from the subdivision of the original erf/erven or any erf/erven subsequently incorporated into the Estate;
 - 2.1.13. Estate means the residential Estate known as Mount Vernon Residential Estate, as situated and constructed and developed on a portion of the original parent ERF 4152 KLAPMUTS, in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape, excluding Erf 4520 and Erf 4521;
 - 2.1.14. Estate Manager means any person or entity appointed by the Developer during the Development Period and thereafter by the Association to provide management services to the Association, subject to and in terms of the provisions of this Constitution;
 - 2.1.15. General Plans means such plans as are registered with the Surveyor General depicting the subdivision of the original erf included in the Estate, in phases;
 - 2.1.16. in writing means written, printed, e-mailed or partly one and partly another, and other modes of representing or producing words in a visible form;

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

28/23
DATE



- 2.1.17. Landscape Guidelines means the landscape plan and guidelines prescribed by the Developer, as amended from time to time in terms of this Constitution or as approved by the Local Authority, if so required;
- 2.1.18. Managing Agents are the agents as may be duly appointed from time to time for the purpose of managing the Erven in the Estate;
- 2.1.19. Maintenance means the upkeep and or repair of the services, property and amenities which shall be the responsibility of the Association entirely and for which the Local Authority shall not be accountable;
- 2.1.20. Member means a Member of the Association;
- 2.1.21. Month means calendar month;
- 2.1.22. Office means the registered office of the Association;
- 2.1.23. Phase means such erven and/or Private Areas included in each individual general plan registered during the development of the Estate;
- 2.1.24. Ordinary Resolution means a resolution passed at a general meeting of the Association;
- 2.1.25. Property/ies means ERF 4152 KLAPMUTS, in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape;
- 2.1.26. Registered Owner means an owner of an erf;
- 2.1.27. Services means such facilities, utilities, services and amenities as may be provided on the Estate, including (but not limited to) electricity, roads, verges, parking bays, water supply and stormwater, sewage and waste removal and all other services within the estate;
- 2.1.28. Special Resolution means a resolution passed at a special general meeting in accordance with the provisions of clause 28 below;
- 2.1.29. these presents means this Constitution, rules and regulations and by-laws of the Association from time to time in force;
- 2.1.30. Trustees means the Board of Trustees of the Association;
- 2.1.31. Trustee means one of the Board of Trustees;
- 2.1.32. Vice-CHAIRPERSON means the Vice-CHAIRPERSON of the Board of Trustees;
- 2.1.33. Year means calendar year;
- 2.2. Unless the context otherwise requires:
 - 2.2.1. words importing the singular number only shall include the plural number, and vice versa;
 - 2.2.2. words importing any one gender only shall include the other gender;
 - 2.2.3. words importing natural persons shall include firms and corporate bodies;
- 2.3. The Head Notes to the clauses in this Constitution shall not affect the interpretation of any of the provisions to which they relate and are for reference purposes only.

3. MAIN BUSINESS OF THE ASSOCIATION

The main business of the Association is to carry on the promotion, advancement and protection of the members of the Association from time to time, and the maintenance and control of the common areas.

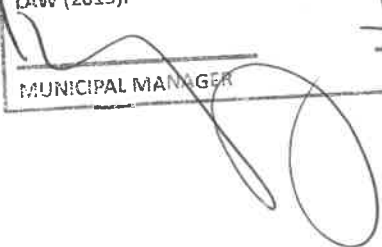
4. MAIN OBJECTIVES OF THE ASSOCIATION

- 4.1 The Association shall have as its objectives the matters referred to in Sections 29 and 30 of the Stellenbosch Municipality Land Use Planning By-Law of 2015. Without detracting from the generality thereof, its main objective shall be to ensure compliance with the conditions of sub-division imposed by the Local Authority when approving the Estate, and to enforce the provisions of its constitution and more specifically but not limited to the following:

- 4.1.1 to oversee, maintain and control the Estate.
- 4.1.2 to ensure the general high standard of the Estate.

STELLENBOSCH MUNICIPALITY

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

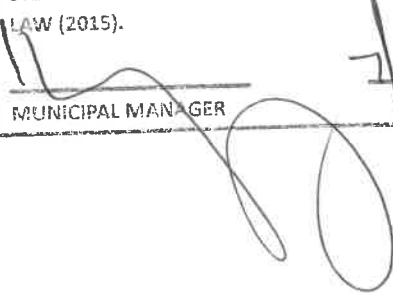

MUNICIPAL MANAGER

18/33
DATE

- 4.1.3 to promote, advance and protect the Estate and the collective interests of the Association and its Members.
- 4.1.4 the regulation and control of harmonious development of the Estate.
- 4.1.5 the promotion of a high standard of improvement on the Estate.
- 4.1.6 to administer and enforce the estate rules from time to time made in terms hereof.
- 4.1.7 to ensure the maintenance, upkeep and upgrading where required, of services and amenities serving the Estate, such as, but not limited to, the sewage, water, electricity and storm water systems, refuse collection, security fences, private open spaces and lamp posts.
- 4.1.8 to take transfer of, and to maintain and insure where necessary, the common property and improvements thereon in the Estate, and to control the usage thereof and/or the services belonging to the Association or falling under its control.
- 4.1.9 to enforce compliance by the members with the conditions of the design guidelines as applicable.
- 4.1.10 to take action, including the imposition of fines or the institution of proceedings in a court of law, as may be deemed fit by the trustees, in relation to the non-compliance by any member of any of the requirements of this Constitution; and the Association shall have the power to do all such acts as are necessary to carry out the foregoing objects including, but not restricted to, the powers specifically contained in this Constitution.
- 4.1.11 to take transfer of the private open spaces and private roads.
- 4.1.12 to insure the Association against public liability.
- 4.1.13 if necessary, to enter into services agreements with the Local Authority or any other Authority or Suppliers of Services regarding the supply of services to the Estate.
- 4.1.14 to enforce conditions of subdivisional approval or management plans listed in the Constitution.
- 4.1.15 to ensure and enforce compliance by the Association and its members with any environmental conditions and obligations imposed by the Local Authority.
- 4.1.16 to impose and collect levies as contemplated in clause 8 below;
- 4.1.17 to control all buildings, and/or structures erected or to be erected on the Erven to ensure that the material, finish and architecture of same matches the general appearance of the Estate as well as the maintenance thereof in a neat and tidy condition;
- 4.1.18 to limit and control future extensions on the Erven and Common Areas to ensure that the material, finish and architecture thereof matches the general appearance of the Estate;
- 4.1.19 to monitor and enforce compliance by the Registered Owners and the Association with the relevant subdivision conditions imposed by the Local Authority;
- 4.1.20 to bear the running cost of all street lighting within the Estate, as well as any consumption charges relating to the Common Areas;
- 4.1.21 to accept the cession of any rights and delegation of any duties to the Association under any other agreement(s) entered into by the Developer for the benefit of the Association;
- 4.1.22 to prescribe measures for the landscaping and development of Erven on the Estate, and for the architectural design and building of improvements to Erven on the Estate to ensure a harmonious and aesthetic development of the Estate, and to prescribe measures for the maintenance of such standards of development;
- 4.1.23 to register, where necessary, various service or other servitudes over the Common Areas in the Estate in favour of the Local Authority or other Entities and to register servitudes in favour of the Erven in the Estate over other land owned by the Association as are from time to time required and to register servitudes in favour of the Estate over certain Erven to protect common services. All overland storm water escape routes are to be maintained and kept free of all obstruction and protected by servitudes where they traverse private property;
- 4.1.24 to acquire and hold servitudes in the Association's favour for access to the Estate and for the supply of services, including communication, surveillance and water to the Estate;

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

7/8/23
DATE

- 4.1.25 to maintain and ensure compliance with the Access and Right of Way Servitude granted over Erf 4408 Klapmuts (entrance road of the Estate) in favour of the Remainder of Farm No 748/36 Klapmuts;
- 4.1.26 to formulate, enforce, modify, amend, add and delete the Estate conduct rules and regulations;
- 4.1.27 to enforce the provisions of the Constitution;
- 4.1.28 to appoint personnel and / or agents to manage the affairs of the Association;
- 4.1.29 to accredit agents appointed by Registered Owners in respect of the resale of their Erven, in accordance with such criteria as the Association may stipulate from time to time;
- 4.1.30 to accredit service providers or contractors in respect of services to be rendered to Members, including, but not limited to, pool cleaning and garden service contractors;
- 4.1.31 to ensure that Members commence and complete the construction of the dwellings to be erected on the respective Residential Erven in accordance with the time periods and provisions stipulated in the Estate Rules. .

5. DOMICILIUM CITANDI ET EXECUTANDI

- 5.1. The Trustees shall from time to time determine the address constituting the domicilium citandi et executandi of the Association, subject to the following: -

- 5.1.1. Such address shall be the address of the Managing Agents of the Association;
- 5.1.2. The Trustees shall give notice to all Members of any change of such address.

- 5.2. The domicilium citandi et executandi of each Member shall be the street address of the Erf registered in their name; provided that he shall be entitled from time to time to change the said domicilium but that any new domicilium selected shall be in the Republic, and that the change shall only be effective on receipt of written notice thereof by the Association at its domicilium.

6. FINANCIAL YEAR END

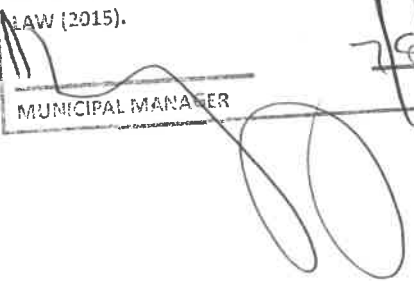
- 6.1 The financial year end of the ASSOCIATION is the **end of FEBRUARY** of each year, or such other date as the trustees may decide from time to time.

7. MEMBERSHIP & MEMBER OBLIGATIONS

- 7.1. Membership of the Mount Vernon Residential Estate Home Owners Association shall be compulsory for every Registered Owner of an Erf.
- 7.2. Such Membership shall commence simultaneously with the transfer of the Erf into the name of the Transferee.
- 7.3. Membership of the Associations shall be limited to the Registered Owners of the Erven provided that:
 - 7.3.1. a person who is entitled to obtain a certificate of registered title to any such erf shall be deemed to be the registered owner thereof;
 - 7.3.2. where any such owner is more than one person, all the registered owners of that Erf shall be deemed jointly and severally to be one Member of the Association and shall nominate one owner to represent them and vote at meetings of the Association;
 - 7.3.3. Where any person is the Registered Owner of more than one Erf, such person shall be regarded to be a Member and shall have the rights and obligations of a Member in respect of each of the Erven registered in the person's name, it being recorded that the provisions of this clause shall also be applicable to the Developer whilst it is the

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

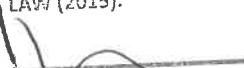
7/6/23
DATE

- Registered Owner of an Erf or Erven;
- 7.3.4. The Developer alone may constitute the Association until 51% (fifty one percent) of the Erven in the Estate have been sold and transferred.
 - 7.3.5. Corporate bodies or juristic persons which are the registered owners of Erven shall nominate a natural person to represent the owner for all purposes related to this constitution.
- 7.4. When a Member ceases to be the registered owner of an Erf, he shall ipso facto cease to be a Member of the Association.
- 7.5. No Member shall be entitled to:
- 7.5.1. sell or transfer an erf or portion thereof unless:
 - 7.5.1.1. it is a condition of the sale and transfer of such an Erf that the transferee becomes a Member of the Associations and agrees in writing to abide by the rules of the Constitution of the Association and all obligations outlined therein, by signing a declaration to this effect.
 - 7.5.1.2. it is a condition of the sale and transfer of such an Erf that the registration of transfer of that Erf into the name of that transferee shall ipso facto constitute the transferee as a Member of the Association.
 - 7.5.1.3. a Clearance Certificate is issued by the Association certifying that all outstanding levies and liabilities owing to the Association and applicable to that Erf have been fully paid.
 - 7.5.2. erect any buildings and/or structures of any nature whatsoever (including but not limited to masts, aerals, flagpoles, pergolas, satellite dishes, statues, security cameras) nor to make any alterations, modifications or renovations to such buildings and/or structures ("the proposed work") on his Erf without the written approval of the Trustees, which approval shall only be given once
 - 7.5.2.1. detailed plans of the proposed work have been submitted to the trustees, or any person nominated by the trustees (who may be an architect, registered with the South African Council of Architects or the Institute of South African Architects); and
 - 7.5.2.2. the trustees or their nominee are satisfied that the proposed work is in accordance with the Design Manual for the purposes of which the trustees or their nominee shall be the sole arbiter and their decision shall be final and binding on the member; and
 - 7.5.2.3. the member has made payment of any costs which may be incurred in obtaining this approval, including the costs of the trustees or their nominee as determined by the trustees from time to time, such costs to be based on the recommended tariff of the Institute of South African Architects, for work of a similar nature; and
 - 7.5.2.4. the member has paid to the trustees a deposit in such amount as the trustees may from time to time determine as a building deposit which amount shall be held by the trustees subject to the provisions of Building Procedures Guidelines;

provided that the foregoing shall not be interpreted as detracting from the sole and final responsibility of the Local Authority to approve or reject building plans and provided further that prior to the completion of the Estate (in terms of the approved conditions of approval and plans), the developer and his appointed architect shall have the relevant authority to approve all plans

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

7/8/23
DATE

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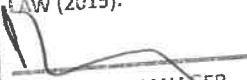
- 7.5.3. make any alterations or additions to or demolish any part of the buildings erected on the subdivision, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the written consent of the Association, nor shall they permit the exterior of the building to deteriorate and become untidy or dirty.
- 7.6. No member, owner or resident may enclose, alter or amend any external boundary fencing in any way whatsoever unless prior written consent has been obtained from the trustees.
- 7.7. The provisions of clause 7.5 shall not apply to the Developer, its successor/s in title or assigns as Developer.
- 7.8. The Registered Owner of an erf may not resign as a member of the association and shall remain a member and be bound by the provisions of the Constitution for as long as such owner is the registered owner of any erf in the Estate.
- 7.9. The Trustees may, by regulation, provide for the issue of a Membership certificate, which certificate shall be in such form as may be prescribed by the Trustees.
- 7.10. The rights and obligations of a Member shall not be transferable, and every member shall:
 - 7.10.1. to the best of his ability further the object and interest of the Association;
 - 7.10.2. observe all by-laws and regulations made by the Association or the Trustees;
 - 7.10.3. be jointly liable with all the Members for all expenditure incurred in connection with and by the Association, and the Association must recover such expenditure from all its members in equal shares;
 - 7.10.4. ensure that the Estate and more particularly the private areas and/or common areas are maintained in good and tidy condition and in compliance with standards set from time to time by the Trustees;

provided that nothing contained in this Constitution shall prevent a Member from ceding his rights in terms of this Constitution as security to the Mortgagee of that Member's Erf.

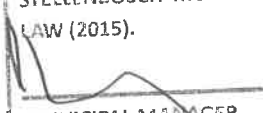
- 7.11. No member ceasing to be a member of the Association for any reason shall, (nor shall any such member's executors, curators, trustees or liquidators) have any claim upon or interest in the funds or other property of the Association, but this clause shall be without prejudice to the rights of the 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.

8. LEVIES

- 8.1. The Trustees shall from time to time, impose levies upon the Members for the purpose of meeting all the expenses which the Association has incurred, or which the Trustees reasonably anticipates the Association will incur by way of maintenance, repair, improvement and keeping in order and good condition all of the private areas and/or common areas, specifically including landscaping, all township services, sewage, the security systems to be installed on the common areas and /or for payment of all rates and other charges payable by the Association in respect of the common areas, and/or for the services rendered to it, and/or for payment of all expenses necessary or reasonably incurred in connection with the management of the Association, the common areas and the Association's affairs. In calculating levies, the trustees shall consider, income, if any, earned by the Association.

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW (2015).	
 MUNICIPAL MANAGER	<u>7/8/23</u> DATE

- 8.2. The Trustees shall estimate the amount which shall be required by the Association to meet the expenses during each year, together with such estimated deficiency, if any, as shall result from the preceding year, and shall impose a levy upon the Members, equal as is reasonably practical to such estimated amount. The Trustees may include in such levies an amount to be held in reserve to meet anticipated future expenditure not of an annual nature. Every such levy shall be made payable by equal monthly instalments due in advance on the first day of each succeeding month of such year.
- 8.3. The Trustees may from time to time, and provided that 30 (thirty) calendar days' notice is given to the Members, impose special levies upon the Members in respect of all such expenses as are mentioned in 8.1 (which are not included in any estimate made in terms of 8.2) and such levies may be made in a lump sum or by such instalments and at such time or times as the Trustees shall deem fit. Any special levies imposed by the Trustees may be apportioned between Members by the Trustees in an apportionment which the Trustees may regard as reasonable, regard being had of the direct benefits which the Member/s may derive from the proposed expenditure for which the special levies are imposed.
- 8.4. Any amount due by a Member by way of a levy shall be a debt due by him to the Association. The obligation of a Member to pay a levy shall cease upon his ceasing to be a Member of the Association, without prejudice to the Association's right to recover arrear levies. No levies paid by a Member shall under any circumstances 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 the Erf, and from then on to pay the levies attributable to that Erf.
- 8.5. No Member will be allowed to transfer his Erf until the Association has issued a clearance certificate certifying that the Member has at the date of transfer fulfilled all his financial obligations to the Association.
- 8.6. The levies payable by Members shall be the same in respect of each Residential Erf and as such no distinction will be made with regard to the size of the Residential Erf, the price paid in respect thereof, whether or not it is improved and irrespective of the extent of any improvements.
- 8.7. The Trustees shall at all times ensure that the maintenance and control of the Common Areas and the expenditure incurred in respect thereof is conducted in a manner which is fair and equitable to all the Members of the Association.
- 8.8. No Member shall be entitled to any of the privileges of membership, including voting at any meeting, unless and until he shall have paid all levies and any other sum (if any) which shall be due and payable to the Association by such Member.
- 8.9. Where:
- 8.9.1. (two) or more Erven have been consolidated, levies shall be payable in respect of each such Erf as they existed prior to consolidation and as if such consolidation had not occurred; and
 - 8.9.2. an Erf has been subdivided into 2 (two) or more portions, levies shall be payable in respect of each new erf which comes into existence as a result of such subdivision.
- 8.10. The Association shall decide which of the expenses of the Estate, not expressly dealt with herein, are to be paid out of the fund of the Association or directly by its Members.
- 8.11. A Member shall make payment of the monthly levies by virtue of debit order drawn on the

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



member's banker, should the Trustees so demand after a Member has defaulted in timeous payment of his monthly levies on more than 2 (two) occasions in any financial year of the Association.

8.12. The developer will be liable to pay normal levies, excluding reserve funds, and special levies payable by members in terms of this Constitution in respect of unsold erven and in addition thereto during the development period the developer shall pay the shortfall between the income derived from levies paid by owners in terms of this constitution and all income from other sources and the actual operating expenditure of the association in accordance with the association's approved budget.

8.13. The Developer will furthermore be responsible for the maintenance of all the internal on-site municipal and private civil engineering services constructed in each phase of the Estate, until such time as 80% (eighty percent) of all the erven in such phase have been transferred from the Developer whereafter the services in such phase will be handed over to the Home Owners Association in respect of private services, and to the Local Authority in respect of public services.

9. WASTE MANAGEMENT

9.1. The Trustees shall ensure that the provisions of the Waste Management Plan of the Estate are in accordance with the Solid Waste requirements and policies of the Local Authority, and that it specifically makes provision for the following:

9.1.1. Reduction of waste

9.1.2. Re-usage of waste

9.1.3. Recycling of waste

9.1.4. Sorting, collection and removal of waste

9.1.5. Monitoring measures to ensure the Waste Management Plan is adhered to

9.1.6. Record-keeping of all incidents regarding dumping or poor waste management within the Estate.

9.2. The Trustees shall ensure that all Members and Residents adhere to the policies, procedures and conditions of the Waste Management Plan.

10. GENERAL SERVICES CONDITIONS

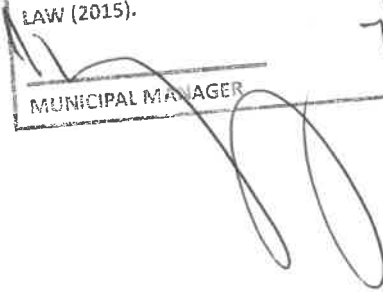
10.1. Members shall without compensation be obliged to allow gas mains, electricity, telephone and television cables and/or wires, other electronic infrastructure and main and/or other water pipes and foul sewers and storm water pipes, ditches, and channels of any other erven to be conveyed across their property concerned and shall furthermore without compensation be obliged to allow surface installations such as street lights, mini substations, meter kiosks and service pillars to be installed thereon if considered necessary by the Association in such manner and position as may from time to time be reasonably required, this shall include the right of access to the property at any reasonable time for the purpose of constructing, altering, removing or inspection of any works connected with the above.

10.2. Members shall be obliged to receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank where necessitated by differences between the level of the street as finally constructed and the level of the land unit unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.

10.3. Members shall be obliged, without compensation to permit access to their property for the purpose of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof,

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

18/23
DATE

pipe, gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done.

- 10.4. Any Members having overland stormwater escape routes situated on their property shall be obliged to keep these areas free of all obstruction.

11. DEALING WITH THE COMMON AREAS

- 11.1. Neither the whole nor any portion of the common areas shall be:

- 11.1.1. sold, let, alienated, otherwise disposed of, subdivided or transferred; or
- 11.1.2. mortgaged; or
- 11.1.3. subjected to any rights, whether registered in a deeds registry or not, of use, occupation or servitude, (save those enjoyed by the members in terms hereof and the servitudes in favour of the Local Authority or other Entities as required by the conditions of subdivision) without the specific prior written consent of the Local Authority and the sanction of a special resolution of the Association (and no member shall be entitled to unreasonably vote against any such special resolution which may be proposed); or
- 11.1.4. built upon, improved or enhanced in value by the construction of buildings, erections, facilities or amenities, without the sanction of a special resolution of the Association.

- 11.2. The conditions and limitations contained in clause 11.1 above shall not apply to the Developer during the Development Period.

- 11.3. The common areas will be obliged to accept overland storm water and will function as overland storm water escape routes as required by the Local Authority, provided that the member shall be responsible for discharging any overland stormwater in such a manner that it does not cause any damage or erosion to the common areas.

12. RESPONSIBILITY FOR THE COMMON AREAS

- 12.1. The Association shall take title to the common areas.

- 12.2. The Association acknowledges that the Local Authority shall not be responsible for, and the Association shall be solely responsible for the care, repair, maintenance, cleaning, upkeep, improvement and property control of the common areas, all services therein and any structure or thing erected on or contained therein.

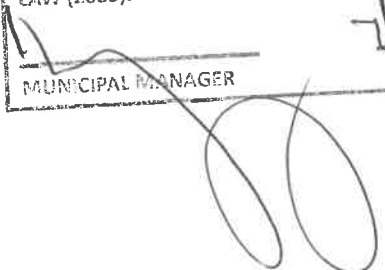
13. ESTATE RULES

- 13.1. Subject to the provisions of this constitution and to any directions given by the Association in general meetings and to any conditions imposed by the Local Authority or the developer or any other statutory body, the trustees may make rules, codes of conduct and may vary or modify the same, in connection with:

- 13.1.1. the nature, architectural design and position of buildings, structures, installations and equipment relating to any erf ensuring at all times that these rules comply to the conditions of the Design Manual;
- 13.1.2. the external appearance of and the maintenance of the common areas, and the buildings or other improvements erected thereon;
- 13.1.3. the erection of any buildings and/or structures of any nature whatsoever, and the alteration, modification and renovation to such buildings and/or structures on erven;
- 13.1.4. the time period in which members are to commence and complete the construction of a dwelling on their erf together with penalties and provisions should members not commence and complete the construction within the stipulated time period.

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

7/6/23
DATE

- 13.1.5. the nature, content and design of the gardens relating to any erf including the establishment and maintenance of landscaping in these areas ensuring at all times that these rules are consistent with the Landscape Guidelines;
- 13.1.6. the nature of the common areas adjacent to any erf including the establishment and maintenance of landscaping in these areas by the member concerned;
- 13.1.7. the installation, operation and maintenance of irrigation in the common areas;
- 13.1.8. the members' rights of use, occupation and enjoyment of the common areas;
- 13.1.9. the determination or control of security measures;
- 13.1.10. the control of the building operations and the conduct of Building Contractors on the Estate;
- 13.1.11. the control of the number of residents permitted on any one erf;
- 13.1.12. the control and conduct of persons for the prevention of nuisance of any nature to any resident;
- 13.1.13. the control and conduct of persons using the common areas;
- 13.1.14. the use of the Clubhouse and Recreational Areas;
- 13.1.15. Estate Agent Conduct;
- 13.1.16. the keeping of animals including the right to prohibit, limit, restrict and control the keeping of animals;
- 13.1.17. the use of roads, infrastructure, services amenities and facilities in the common areas;
- 13.1.18. the furtherance and promotion of any of the objectives of the Association and for the better management of the affairs of the Association and for the advancement and protection of the interests of the members and residents
- 13.1.19. waste management;
- 13.1.20. conclusion of agreements with the local authorities governing the matters set out in clause 13, and any other incidental matters thereto, and
- 13.1.21. the prescription of penalties for non-compliance with any of the terms and conditions of the Constitution and of the rules and regulations made in terms of the Constitution.

provided that prior written approval in respect of such rules and codes of conduct or any amendment thereof be obtained from the Developer for the duration of the development period. Once the Estate is complete, the trustees will no longer be required to obtain prior written consent and approval from the Developer.

- 13.2. For the enforcement of any rules or any of the provisions of this constitution generally the trustees or the manager may:
 - 13.2.1. give notice to the member concerned to remedy any breach within such period as they may determine;
 - 13.2.2. take or cause to be taken such action as they deem fit to remedy the breach of which the member concerned may be guilty and debit the cost thereof, which shall be a debt due to the Association, to his levy account, and which shall be payable as part of his levy on the first day of the following month; and
 - 13.2.3. impose a fine on the member concerned which amount shall be a debt due to the Association, shall be debited to his levy account and shall be payable as part of his levy on the first day of the following month.
- 13.3. Each member undertakes to the Association that he/she shall comply with:
 - 13.3.1. The provisions of this Constitution;
 - 13.3.2. Any regulations made in terms of this Constitution;
 - 13.3.3. Any agreements entered into by the Home Owner's Association insofar as those agreements may directly or indirectly impose obligations on him/her.
- 13.4. Should the trustees or manager institute legal proceedings against any member or resident for the enforcement of any of the rights of the Association in terms hereof, the Association shall be entitled

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

7/8/23
DATE

to recover all legal costs so incurred from the member concerned, calculated as between attorney and client, including tracing fees and collection commission.

- 13.5. In the event of any breach of the rules or of any of the provisions of this constitution by any person residing on a member's erf or his guests, employees, contractors, or agents, such breach shall be deemed to have been committed by the member himself; but without prejudice to the foregoing, the trustees or manager may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit, in addition to any action which might be taken against the member concerned.
- 13.6. Without prejudice to any of the rights the Trustees or the Association may be granted under this Constitution, should any member fail to pay any amount due by that Member on the due date, then such Member shall pay interest thereon at the publicly quoted prime rate of interest charged by the Association's bankers from time to time, plus two percent, calculated from the due date for payment until the actual date of payment of such amount.
- 13.7. All officials, employees and contractors employed by the Association, local authority and/or any public service company shall, at all times, have reasonable access to the erven and common areas for purposes of inspecting and/or maintaining all services supplying and/or traversing any part thereof.

14. BUILDING WORKS

- 14.1. Registered Owners shall ensure
- 14.1.1. Compliance with the time periods to commence and complete the construction of a dwelling on their erf as stipulated in the Estate Rules;
 - 14.1.2. that all building works comply with the terms and conditions as set out in the Building Procedures Guidelines; and
 - 14.1.3. that their Builder or Contractor and sub-Contractors comply with the Building Contractor Code of conduct.

15. BREACH

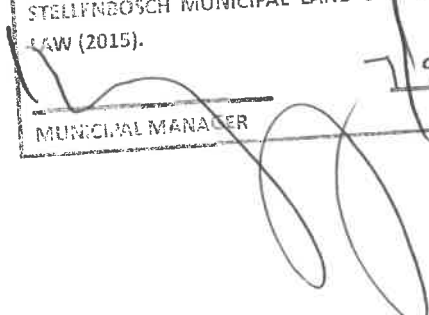
- 15.1. Should any member:
- 15.1.1. fail to pay on the due date any amount due by that member in terms of this constitution or any regulation made there under and remain in default for more than 7 days after being notified in writing to do so by the trustees; or
 - 15.1.2. commit any breach of any of the provisions of this constitution or any regulation made there under and fail to commence remedying that breach within a period of 7 days after the receipt of written notice to that effect by the trustees and complete the remedying of such breach within a reasonable time; then and in either such event,

the trustees shall be entitled on behalf of the Association, without prejudice to any other rights or remedies which the trustees of the Association or any other member may have in law, including the right to claim damages, and/or the right of the trustees to impose fines to such owners as determined from time to time:

- 15.1.2.1. to institute legal proceedings on behalf of the Association against such member for payment of such overdue amount or for performance of his obligations in terms of this constitution or any regulation made there under, as the case may be; or
- 15.1.2.2. to suspend all or any services to the erf owned by that member; and/or

STELLINGBOSCH MUNICIPALITY

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


MUNICIPAL MANAGER

7/8/23
DATE

15.1.2.3. in the case of clause 15.1.2 , to remedy such breach and immediately recover the total cost incurred by the trustees or the Association in so doing from such member.

15.2. Should the trustees institute any legal proceedings against any member pursuant to a breach by that member of this constitution or any regulation made there under, then without prejudice to any other rights which the trustees or the Association or any other member may have in law, the trustees shall be entitled to recover from such member all legal costs incurred by the trustees or the Association, including attorney/client charges, tracing fees and collection commission.

15.3. Without prejudice to all or any of the rights the trustees or the Association granted under this constitution, should any member fail to pay any amount due by that member on due date, then such member shall pay interest thereon at the publicly quoted prime rate of interest charged by the Association's bankers from time to time calculated from the due date for payment until the actual date of payment of such amount. The member shall also be liable for an administrative fee levied in respect of late payments, which fee will be determined by the Trustees from time to time.

16. TRUSTEES AND THE REMOVAL AND ROTATION OF TRUSTEE MEMBERS

16.1. There shall be a Board of the Trustees of Association which shall consist of not less than three (3) and not more than seven (7) Members.

16.2. Save in the case of the Developer, its nominees or appointees, every Trustee must be a Member of the Association or the spouse / partner of a Member, or an authorised representative of the member where the member is not a natural person.

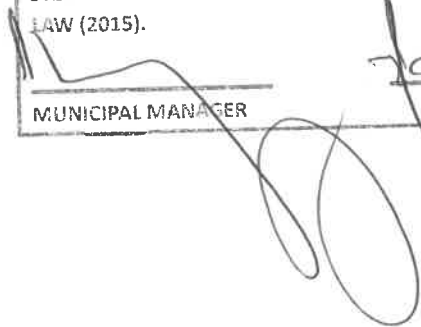
16.3. Save as set forth in clause 18 below, each Trustee shall continue to hold office until the annual General Meeting next following his said appointment, at which meeting each trustee shall be deemed to have retired from office as such, but shall be eligible for re-election to the Trustees Committee at such meeting.

16.4. A Trustee shall be deemed to have vacated his office as such upon:

- 16.4.1. his estate being sequestrated, whether provisionally or finally, or his surrendering his estate.
- 16.4.2. his making any arrangement or compromise with his creditors.
- 16.4.3. his conviction for any offence involving dishonesty.
- 16.4.4. his becoming of unsound mind or being found mentally handicapped.
- 16.4.5. his resigning from such office in writing delivered to the Secretary.
- 16.4.6. his death.
- 16.4.7. his being removed from office by a Special Resolution of the Members.

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 Trustees.

16.5. Upon any vacancy occurring on the Trustee Committee prior the next Annual General, the vacancy in question shall be filled by a Member nominated by those remaining for the time being of the Trustee Committee.

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	<u>29/23</u> DATE

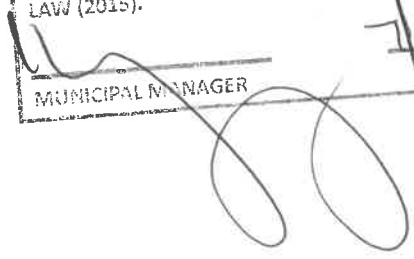
17. STATUS OF THE DEVELOPER

Until such time as the completion of the Estate, the following provisions shall apply in addition to the conditions in these presents:

- 17.1. The developer shall be entitled:
 - 17.1.1. to nominate and appoint the majority of the trustees, which trustees do not need to be Members of the Association;
 - 17.1.2. to a number of votes equal to the number of votes of all the other members of the Association plus 1 (one) vote;
 - 17.1.3. to require that the trustees enforce the rights granted to it in terms of this Constitution against any member who in the opinion of the developer is not complying with his obligations as a member, and in particular, without restricting the generality of the foregoing, has failed to maintain all buildings and other improvements on their erf by giving such member written notice in which their failure to comply with the particular provisions is detailed and calling upon them to remedy such failure within a prescribed period of not more than 30 days failing which, the developer shall be entitled at the sole cost of that member to carry out all such work as may be required to maintain such building and other improvements on the members erf;
 - 17.1.4. to erect such signage, flagpoles, messages and/or other forms of notices or advertising on the Estate including the common areas, the private road area and/or the exterior walls (if any) of the Estate, subject to the regulations and by-laws of the Council appertaining to signage from time to time;
 - 17.1.5. to scrutinize, approve and submit all building plans to the relevant authority to obtain the relevant approvals until the completion of the Estate;
 - 17.1.6. to sign consents for the transfer of erven within the Estate on behalf of the Association;
 - 17.1.7. to sign all documentation and do all such things and take such action as may be required in the running and operation of the estate, until such time that the first Annual General Meeting has occurred;
 - 17.1.8. to enter into service agreements with any Service Suppliers for the rendering of services of whatsoever nature to the estate, as they deem necessary;
 - 17.1.9. for the duration of the development period, to veto any decision made or function exercised by the Trustees of the Association. This right shall lapse once the Estate is completed.
- 17.2. The developer shall be entitled during the Development Period, to appoint an estate manager to manage the affairs of the Association on the following terms and conditions:
 - 17.2.1. It shall be within the absolute discretion of the Developer to determine the terms and conditions of the appointment of such a manager, including the fees and/or remuneration payable.
 - 17.2.2. Any fees and/or remuneration payable to the Estate Manager shall be paid by the Association and not the Developer.
 - 17.2.3. The appointment of the Estate Manager may extend beyond the Development Period, provided that the Developer shall endeavour to procure, when making such appointment, that the appointment may, if so required by the Association at a general meeting, and subject to the requirements of the law, be terminated on reasonable notice after the end of the Development Period.
 - 17.2.4. After the Development Period, the Association shall be responsible for the appointment of any successive Estate Managers, it being contemplated that the affairs of the Association shall at all times be entrusted to a professional manager with appropriate executive powers so as to conform to the requirements of good corporate governance.
 - 17.2.5. Subject to this Constitution, and the terms of his appointment, the Estate Manager shall manage and control the business and affairs of the Association under instruction and

STELLENBOSCH MUNICIPALITY

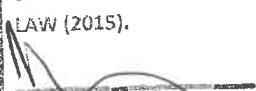
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
LAW (2015).

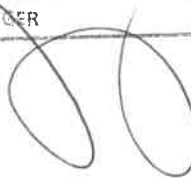

MUNICIPAL MANAGER

7/8/23
DATE

guidance of the Trustees.

- 17.3. Neither the trustees nor any member of the Association shall prevent or hinder in any way the developer and its subcontractors from:
 - 17.3.1. gaining access to and egress from the Estate;
 - 17.3.2. continuing any building operations at the Estate; and/or
 - 17.3.3. marketing and selling any of its unsold erven, including the advertisement of the sale of such erven on the common areas and/or at the Estate;
- 17.4. Upon the completion of the Estate, the rights of the developer in terms of the provisions of this clause shall immediately terminate ipso facto and no longer be of any force and effect.
- 17.5. In the event of a dispute as to whether or not the Estate has been completed as envisaged herein, the decision of the architect appointed by the Developer for the Estate shall be final and binding.
- 17.6. The Developer may in one transaction alienate all its rights and all undeveloped land vested in it in respect of the Estate, in which event, it shall be entitled to cede to the transferee all its rights in terms of these presents, provided that it simultaneously delegates to such transferee all its obligations in terms hereof, and such transferee shall be entitled to exercise all such rights, subject to the performance of all such obligations.
- 17.7. The Developer may alienate to any person any undeveloped Erf or Erven in the Estate, and such transferee shall be entitled to the rights that the Developer had in respect of such Erf. Except in the case referred to in 17.6 above, however, the Developer shall not be entitled to alienate its rights generally as Developer conferred on it in terms hereof.
- 17.8. Notwithstanding that the Developer may have alienated any Erf or Erven within the Estate in terms of this clause; it shall continue to have the rights conferred upon it as developer in terms hereof for as long as any Erf in the Estate remains registered in its name.
- 17.9. The Developer may at any time abandon in whole or in part the particular rights as Developer conferred upon it during the Development Period, provided that nothing hereinbefore contained shall be construed as depriving the Developer of any rights it may have in terms hereof as an ordinary Member of the Association.
- 18. OFFICE OF TRUSTEES**
- 18.1. The Trustees shall appoint from amongst themselves, a CHAIRPERSON and Vice-CHAIRPERSON.
- 18.2. During the Development Period, the first CHAIRPERSON, and Vice-CHAIRPERSON, 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.
- 18.3. Within fourteen (14) days of the holding of such Annual General Meeting, the Trustees shall meet and shall elect from its own number the CHAIRPERSON and Vice-CHAIRPERSON, who shall hold their respective offices until the Annual General Meeting held next after their said appointment, provided that the offices of the CHAIRPERSON or Vice-CHAIRPERSON shall ipso facto be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason. No one Trustee shall be appointed to more than one of the aforesaid offices at a time, the Trustees shall immediately meet to appoint one of their number to replace such office vacated.
- 18.4. Save as otherwise provided in these presents, the CHAIRPERSON shall preside at all meetings of the Trustees, and all general meetings of Members, and shall perform all duties incidental to the office

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	<u>7/8/23</u> DATE



of CHAIRPERSON and such other duties as may be prescribed by the Trustees or at all meetings of Members, provided however, that any invitees (that is any Member that is not a trustee) shall not be entitled to vote at any meeting of the Trustees.

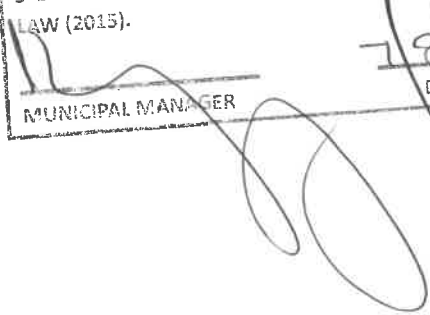
- 18.5. The Vice-CHAIRPERSON shall assume the powers and duties of the CHAIRPERSON in the absence of the CHAIRPERSON, or his inability or refusal to act as CHAIRPERSON, and shall perform such other duties as may from time to time be assigned to him by the CHAIRPERSON or the Trustees.
- 18.6. Trustees 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 and/or CHAIRPERSON, Vice-CHAIRPERSON, as the case may be, but save as aforesaid, shall not be entitled to any other remuneration fees of salary in respect of the performance of such duties.

19. FUNCTIONS AND POWERS OF THE TRUSTEES

- 19.1. Subject to the express provisions of these presents, 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 and, save as may be expressly provided in these presents, 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 in general meeting, subject nevertheless to such regulations as may be prescribed by the Association in general meeting from time to time, 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.
- 19.2. The Trustees shall have the right to vary, cancel or modify any of its decisions and resolutions from time to time.
- 19.3. The Trustees may, should it so decide, investigate any suspected or alleged breach by a member or Trustee of these presents, in such reasonable manner as it shall decide from time to time.
- 19.4. The Trustees shall have the right to appoint committees consisting of such number of their members and such outsiders, including a manager as they deem fit and to delegate to such committees such of their function, powers and duties as they deem fit, with further power to vary or revoke such appointments and delegations as the trustees may from time to time deem necessary.
- 19.5. The Trustees may appoint an architectural review committee and a landscaping review committee to exercise the powers set out above and elsewhere in this Constitution. Members of such review committees shall not be required to be Members of the Association.
- 19.6. Except for any buildings, out-buildings, structures, additions or alterations to be erected or effected by the Developer, all plans for buildings, out-buildings, structures, additions, alterations and landscaping shall be approved by the Trustees or architectural review committee (if so appointed) and/or the landscaping review committee (if appointed and if applicable), or any person designated by them for the purpose.
- 19.7. The Trustees may make Conduct Rules, Regulations and directives and guidelines, not inconsistent with this Constitution, or any regulations or by-laws prescribed by the Association at a general meeting and shall be entitled to cancel, vary or modify any of the same from time to time.

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

16/23
DATE

20. PROCEEDINGS OF THE TRUSTEES

- 20.1. The Trustees may meet together in person, or remotely via electronic platforms, for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit, subject to any provisions of this Constitution.
- 20.2. Meetings of the trustees shall be held at least once every quarter, provided that if all the trustees in writing have waived the above requirement in respect of a particular quarter, then no meeting of the trustees need be held for that quarter.
- 20.3. The quorum necessary for the holding of any meeting of the Trustees shall be 2 (two) trustees provided that during the development period, the developer or his representative is present.
- 20.4. The CHAIRPERSON shall preside as such at all meetings of the Trustees, provided that should at any meeting of the Trustees the CHAIRPERSON not be present within five (5) minutes after the time appointed for the holding thereof, then the Vice-CHAIRPERSON shall act as CHAIRPERSON at such meeting, provided further that should the Vice-CHAIRPERSON also not be present within five (5) minutes of the time appointed for the holding of such meeting, those present of the Trustees shall vote to appoint a CHAIRPERSON for the meeting, who shall thereupon exercise all the powers and duties of the CHAIRPERSON in relation to such meeting.
- 20.5. A Trustee or nominated person shall take minutes of every Trustees meeting, although not necessarily verbatim, which minutes shall be reduced to writing without delay after the meeting will have closed and shall then be certified correct by the CHAIRPERSON of the meeting. All minutes of Trustees meetings shall after certification as aforesaid be placed in a Trustees Minute Book to be kept in accordance mutatis mutandis, with the provisions of the law relation to the keeping of minutes of directors of companies. The Trustees Minute Book shall be open for inspection at all reasonable times by a Trustee, the Accountants, the Association Members, the Managing Agent and Local Authority.
- 20.6. All competent resolutions recorded in the minutes of any Trustees meeting 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 or purported resolution of the Trustees shall be of any force or effect, nor shall it be binding upon the Members or any of the Trustees unless such resolution is competent within the powers of the Trustees.
- 20.7. Save as otherwise provided in these presents, the proceedings at any Trustees meeting shall be conducted in such reasonable manner and form as the CHAIRPERSON of the meeting shall decide.
- 20.8. A resolution by all the Trustees shall be valid in all respects as if it had been duly passed at a meeting of the Trustee duly convened.

21. GENERAL MEETINGS OF THE ASSOCIATION

- 21.1. The Developer must call the first meeting of the members of the Association within 60 (sixty) days of transfer of 51% (fifty one percent) of the erven within the Estate.
- 21.2. Such Annual General Meeting shall be held at such time and place, subject to the foregoing provisions, as the Trustees shall decide from time to time.
- 21.3. All general meetings other than Annual General Meetings shall be called special general meetings, due notice having been given.

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	7/6/23 DATE

- 21.4. The Trustees, may, whenever they think fit, convene a special general meeting.
- 21.5. In addition to any other matters required by these presents to be dealt with at an Annual General Meeting, the following matter shall be dealt with at every Annual General Meeting:
- 21.5.1. the consideration of any other matters raised at the meeting including any resolutions proposed for adoption by such meeting, and the voting upon any such resolutions;
 - 21.5.2. the consideration of the report of the Auditors;
 - 21.5.3. the consideration of the total levy for the calendar year during which such Annual General Meeting takes place;
 - 21.5.4. the consideration appointment of the Auditors;
 - 21.5.5. Chairperson's report;
 - 21.5.6. Consideration, discussion and adoption of the annual financial statements;
 - 21.5.7. Appointment of Trustees for the coming year;
 - 21.5.8. Matters arising out of previous meetings, general matters, and any special items.

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 twenty-one (21) days' notice in writing at the least, and a special general meeting other than one called for the passing of a special resolution, shall be called by fourteen (14) days' notice in writing at the least. In each case, the notice shall be exclusive of the day on which it is given, and shall specify the place, the day and the hour of the meeting and, in the case of special business, in addition to any other requirements contained in these presents, the general nature of that business, and in the case of a special resolution, the terms and effect of the resolution and the reasons for it shall be given in the manner hereinafter mentioned or in such other manner, if any, as may be prescribed by the Trustees to such persons as are under these presents entitled to receive such notices from the Association; provided that a general meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified in these presents, be deemed to have been duly called if it is so agreed:
- 22.1.1. in the case of a meeting called as the Annual General Meeting, by all the Members entitled to attend and vote thereat; and
 - 22.1.2. in the case of a special general meeting, by a majority in number of the Members having a right to attend and vote at the meeting, being a majority together holding not less than seventy-five percent (75%) of the total voting rights of all Members.
- 22.2. The accidental omission to give notice of a meeting or of any resolution to any Member, or to give any other notification, or present any document required to be given or sent in terms of these presents to any such Member, or the non-receipt of any such notice, notification or document by any Member [or other person entitled to receive the same], shall not invalidate the proceedings, or any resolution passed at any meeting.

23. VENUE OF MEETINGS

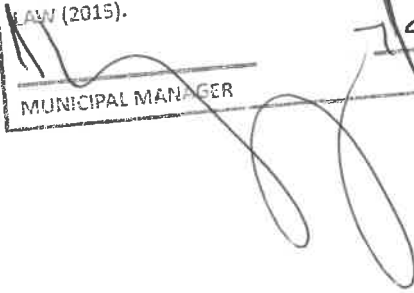
- 23.1. General Meetings of the Association shall take place at such place(s) as shall be determined by the Trustees from time to time, and shall include remote or virtual meetings.

24. QUORUM FOR GENERAL MEETINGS

- 24.1. No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business. The quorum necessary for the holding of any general meeting shall

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

16/23
DATE

be of such of the Members entitled to vote, as together for the time being, represent one third of the total votes of all Members of the Association entitled to vote, for the time being save that not less than three (3) members must be personally present.

- 24.2. If within half an hour (thirty minutes) from the time appointed for the holding of a general meeting a quorum is not present, the meeting shall stand adjourned for fifteen (15) minutes, and if at such adjourned meeting a quorum is not present, the members present shall be a quorum.

25. PROCEDURE AT GENERAL MEETINGS

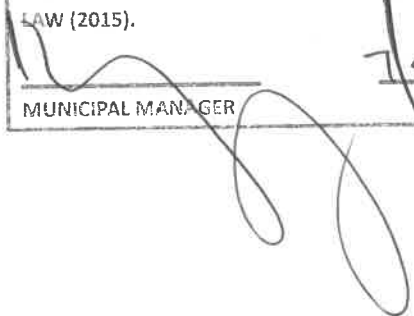
- 25.1. The CHAIRPERSON shall preside as such at all general meetings, provided that should he not be present within five minutes after the time appointed for the holding thereof, then the Vice-CHAIRPERSON shall act as CHAIRPERSON at such meeting, provided further that should the Vice-CHAIRPERSON also not be present within five minutes of the time appointed for the holding of such meeting, then the Members present as such meeting entitled to vote, shall vote to appoint a CHAIRPERSON for the meeting, who shall thereupon exercise all the powers and duties of the CHAIRPERSON in relation to such meeting.
- 25.2. The CHAIRPERSON may, with the consent of any general meeting at which a quorum is present (and if so directed by the meeting) adjourn a meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business which might have been transacted at the meeting from which the adjournment took place.
- 25.3. Whenever a meeting is adjourned for ten (10) days or more, notice of the adjourned meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the members shall not be entitled to any notice of adjournment, or of the business to be transacted at an adjourned meeting.
- 25.4. Except as otherwise set forth in these presents, all general meetings shall be conducted in accordance with generally accepted practice.

26. PROXIES FOR GENERAL MEETINGS

- 26.1. A Member may be represented at a general meeting by a proxy, who need not be a Member of the Association. 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 same may be signed by the CHAIRPERSON of the Board of Directors of the Company or by its secretary, and where an Association of persons, by the secretary thereof.
- 26.2. The instrument appointing a proxy and the Power of Attorney or other authority (if any) under which it is signed, shall be deposited at the office at any time before the time appointed for the commencement of the meeting, at which the person named in the instrument is proposed to vote. No instrument appointing a proxy shall be valid after the expiration of twelve (12) months from the date of its execution.
- 26.3. A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death of the principal or revocation of the proxy, provided that no intimation in writing of the death or revocation shall have been received by the trustees at least one hour before the time fixed for the holding of the meeting.

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

7/8/23
DATE

27. VOTING

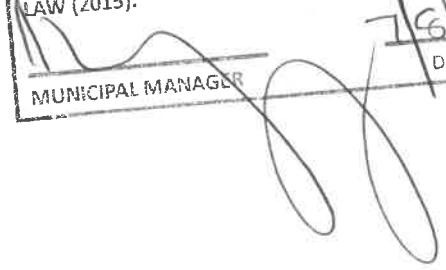
- 27.1. At every general meeting, every Member in person or by proxy and entitled to vote shall have one vote for each Erf registered in his name provided that if an Erf is registered in more than one person's name, then they shall jointly have one vote.
- 27.2. Save as expressly provided for in these presents, 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 or to vote on any question, either personally or by proxy, at any general meeting.
- 27.3. At any general meeting a resolution put to the vote of the meeting shall be decided by a show of hands, unless either prior to or on the declaration by the CHAIRPERSON of the result of the show of hands, a poll is demanded by any person entitled to vote at such meeting.
- 27.4. Notwithstanding the provisions of 27.2 or 27.3 aforesaid, voting on the election of a CHAIRPERSON of a general meeting (if necessary) or on any question of adjournment, shall be decided on a show of hands by a majority of the Members present in person or by proxy, and entitled to vote, unless a poll is, before or on the declaration of the result of the show of hands, demanded by the CHAIRPERSON or any of the Members in terms of clause 27.5 below.
- 27.5. When a poll is demanded, regard shall be had, in computing the majority of the poll, to the number of votes cast for and against the resolution.
- 27.6. 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.
- 27.7. An ordinary resolution (that is a resolution other than a special resolution) or the amendment of an ordinary resolution, shall be carried on a simple majority of all the votes cast thereon, and abstention shall not be counted as a vote for or against the resolution in question. In the case of an equality of votes, whether on a show of hands or on a poll, the CHAIRPERSON of the general meeting shall be entitled to a casting vote in addition to his deliberative vote.
- 27.8. Unless any Member present in person or by proxy at a general meeting shall before closure of the meeting have objected to any declaration made by the CHAIRPERSON of the meeting as to the result of any voting at the meeting, whether by show of hands or by poll, or to the propriety of the validity for the procedure at such meeting, such declaration by the CHAIRPERSON 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 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 vote so recorded if such entry conforms with the declaration made by the CHAIRPERSON of the meeting as to the result of any voting at the meeting.

28. SPECIAL RESOLUTION

- 28.1. A resolution by the Association shall be a special resolution if at a general meeting of which not less than 21 clear days' notice has been given specifying the intention to propose the resolution as a special resolution, the terms and effect of the resolution and the reasons for it and at which members holding in aggregate not less than one-fourth of the total votes of all the members

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

16/23
DATE

entitled to vote thereat, are present in person or by proxy, the resolution has been passed, on a show of hands, by not less than three-fourths of the number of members of the Association entitled to vote on a show of hands at the meeting who are present in person or by proxy or, where a poll has been demanded, by not less than three-fourths of the total votes to which the members present in person or by proxy are entitled.

28.2. If less than one-fourth of the total votes of all the members entitled to attend the meeting and to vote thereat are present or represented at a meeting called for the purpose of passing a special resolution, the meeting shall stand adjourned to a date not earlier than 14 days and not later than 21 days after the date of the meeting and the provisions of clause 28.3 shall apply in respect of such adjournment.

28.3. At the adjourned meeting, the members who are present in person or by proxy and are entitled to vote may deal with the business for which the original meeting was convened and a resolution passed by not less than three-fourths of such members shall be deemed to be a special resolution even if less than one-fourth of the total votes are represented at such adjourned meeting.

29. OTHER PROFESSIONAL OFFICERS

29.1. Save as specifically provided in this Constitution, the Trustees shall at all times have the rights to engage on behalf of the Association, the services of Auditors, Accountants, Attorneys, Advocates, Architects, Engineers, any other professional person of firm and/or any other employee/s whatsoever, for any reasons thought necessary by the Trustees and on such terms as the Trustees shall decide. In the event the anticipated expenditure incurred in respect of the above, is likely to exceed 5 % (five percent) of the total annual levy for the year in question, the trustees shall notify the members by way of written notification advising of the anticipated amount and giving a detailed motivation for the reasons why it is deemed necessary to incur such expenditure.

30. ACCOUNTS

30.1. 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.

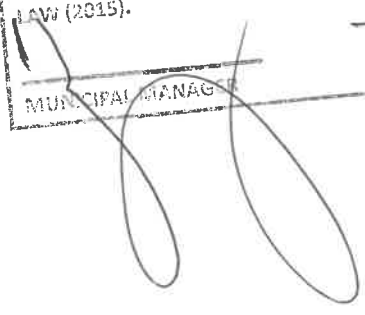
30.2. The Association in general meeting of the Trustees, may from time to time make reasonable conditions and regulations as to the time and manner of the inspection by the Members of the accounts and books of the Association, or any of them, and subject to such conditions and regulations, the accounts and books of the Association shall be open to the inspection of Members at all reasonable times during normal business hours.

30.3. At each Annual General Meeting the Trustees shall lay before the Association a proper income and expenditure account for the immediately preceding financial year of the Association, or in the case of the first account, for the period since the incorporation of the Association, together with the proper balance sheet made up as the last financial year end of the Association. Every such balance sheet shall be accompanied by proper and extensive reports of the Trustees and the Accountants or Accounting Officer, and there shall be attached to the notice sent to Members convening each Annual General Meeting, copies of such accounts, balance sheet and reports and of any other documents required by law to accompany the same.

30.4. Should the trustee or the majority of the members so require, the accounts of the Association shall be examined, and the correctness of the income and expenditure account and balance sheets ascertained by the auditors at least once a year.

STELLENBOSCH MUNICIPALITY

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MUNICIPAL MANAGER

18/23
DATE

31. DEPOSIT AND INVESTMENT OF FUNDS

- 31.1. The Trustees shall cause all monies received by the Association to be deposited to the credit of an account or accounts with a registered commercial bank or financial Institution in the name of the Association and, subject to any direction given or restriction imposed at a General Meeting of the Association, such monies shall only be withdrawn for the purpose of payment of the expenses of the Association or investment.
- 31.2. Any funds not immediately required for disbursements may be invested in a savings or similar account with any of the top five Bank / financial Institution in South Africa approved by the Trustees from time to time.
- 31.3. Interest on monies invested shall be used by the Association for any lawful purpose.

32. SERVICE OF NOTICES

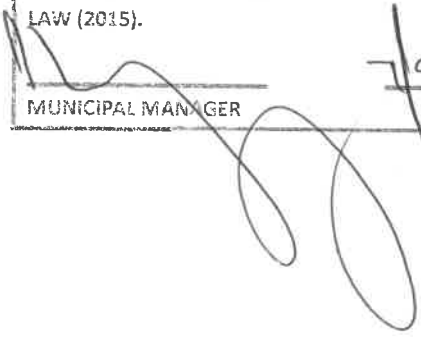
- 32.1. A notice shall be in writing and shall be given or served by the Association upon a member, either personally or by post in a pre-paid registered letter, or via email, properly addressed to the member at the address of the erf owned by him or email address provided by such owner to the trustees or Managing Agent.
- 32.2. No Member shall be entitled to have a notice served on him at any address not within the Republic of South Africa, but any Member may require the Association, by notice, to record an address other than the address of the erf owned by him within the Republic of South Africa which shall be deemed to be his address for the purpose of the service of notices.
- 32.3. Any notice 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 sent and delivered.
- 32.4. Any notice by email shall be deemed to have been served at the time when the email containing the same was sent, and in proving the giving of the notice by email, it shall be sufficient to prove that the email containing the notice was properly addressed and posted.
- 32.5. The accidental omission to give notice of a meeting to, or the non-- receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings of the meeting.

33. INDEMNITY

- 33.1. All Trustee Members shall be indemnified out of the funds of the Association against any liabilities bona fide incurred by them in their respective said capacities and in the case of a Trustee Member, in his capacity as CHAIRPERSON, Vice- CHAIRPERSON, whether defending any proceedings, civil, criminal or otherwise, in which relief is granted to any such person/s by the Court.
- 33.2. Every Trustee Member, every servant, agent and employee of the Association , and the Auditors or Accounting Officer shall be indemnified by the Association against (and it shall be the duty of the Trustees out of the funds of the Association to pay) all costs, losses and expenses (including travelling expenses) which such person or persons may incur or become liable for by reason of any contract entered into, or any act or deed done, by such person or persons in the discharge of any of his/their respective duties, including in the case of a Trustee Member , his duties as CHAIRPERSON or Vice-CHAIRPERSON. Without prejudice to the generality of the above, the Association shall specifically indemnify every such person against all losses of whatsoever nature incurred arising out of any bona fide act, deed or letter done or written by him jointly or severally

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THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY
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STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
LAW (2015).


MUNICIPAL MANAGER

7/8/23
DATE

in connection with the discharge of his duties, provided that any such act, deed or letter has been done or written in good faith.

- 33.3. A Trustee Member shall not be liable for the acts, receipts, neglects or defaults of the Auditors or Accounting Officer or of any of the other Trustee Members, whether in their capacities as Trustee Members or as CHAIRPERSON or Vice-CHAIRPERSON, or for any loss or expense sustained or incurred by the Association through the insufficiency of title to any Property acquired by the Trustees for or on behalf of the Association, or for the insufficiency of any security in or upon which any of the monies of the Association shall be invested, or for any loss of damage arising from the insolvency or tortuous act of any person with whom any monies, securities or effects shall be deposited, or for any loss or damage occasioned by any error of judgement or oversight on his part, or for any other loss, damage or misfortune whatever which shall happen in the execution of any of the duties of his office/s or in relation thereto, unless the same shall happen through lack of bona fides or breach of duty of breach of trust.

34. AMENDMENTS TO CONSTITUTION

- 34.1. This constitution, or any part thereof, shall not be repealed or amended, and no new rules shall be made, save by a special resolution adopted at an Annual General Meeting or Special General Meeting of the Members.
- 34.2. Until completion of the Estate, the Developer may without approval of the Members, amend, substitute and/or repeal any provisions of the Constitution.

35. MANAGING AGENT

- 35.1. The Trustees shall be entitled to appoint a managing agent from time to time to control, manage and administer the common property and to exercise such power and duties as may be entrusted to the managing agent, including the power to collect levies and to appoint a supervisor.
- 35.2. The Developer shall be entitled to appoint the managing agent for the first 3 years, calculated from the date of establishment of the Association, in consideration for which the Association shall pay a market related fee to be mutually agreed from time to time and, failing such agreement, to be determined by arbitration in terms of clause 36.

36. ARBITRATION

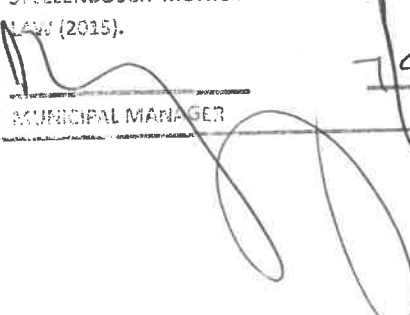
- 36.1. In the first instance and provided that it has jurisdiction, all disputes will be referred to the Community Schemes Ombud Service (CSOS) to resolve the dispute. Should the Community Schemes Ombud Service not have the necessary jurisdiction to preside over the dispute, the dispute will be referred to arbitration.
- 36.2. Any dispute, question or difference arising at any time between a Member or between Members and Trustees out of or regarding:
- 36.2.1. any matters arising out of this Constitution; or
 - 36.2.2. the rights and duties of any of the parties mentioned in this Constitution; or
 - 36.2.3. the interpretation of this Constitution

shall be submitted to and decided by arbitration on notice given by any party to the other parties who are interested in the matter in question, provided that clause 36.1 hereof is not applicable.

- 36.3. Arbitration shall be held in Cape Town informally and otherwise upon the provisions of the

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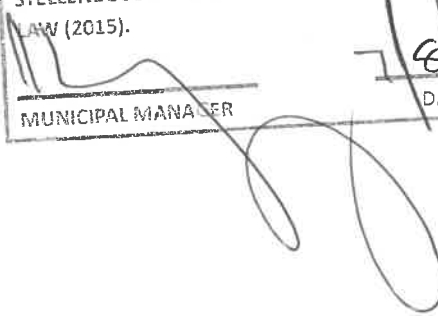
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MUNICIPAL MANAGER

7/8/23
DATE

Arbitration Act No 42 of 1965 (as amended or replaced from time to time) it being intended that, if possible, it shall be held and concluded within twenty-one (21) Business Days after it has been demanded.

- 36.4. Save as otherwise specifically provided herein, the Arbitrator shall be, if the question in dispute is:
- 36.4.1. primarily an accounting matter- an independent auditor;
 - 36.4.2. primarily a legal matter - a practicing counsel or attorney of not less than ten (10) years standing;
 - 36.4.3. any other matter – the Managing Agents as appointed by the Trustees.
- 36.5. If agreement cannot be reached on whether the question in dispute falls under clauses 36.2.1, 36.2.2 or 36.2.3 or upon a particular arbitrator, within three (3) Business Days after the arbitration has been demanded, then:
- 36.5.1. the President for the time being of the Cape Law Society shall determine whether the question in dispute falls under clauses 36.2.1, 36.2.2 or 36.2.3; or
 - 36.5.2. the President for the time being of the Cape Law Society shall nominate the arbitrator in terms of clause 36.4.3 within seven (7) Business Days after the parties have failed to agree so that the arbitration can be held and concluded as soon as possible within the 21 Business Days referred to in clause 36.3.
- 36.6. The arbitrator shall make his award within seven (7) days after completion of the arbitration and shall in giving his award, have regard to the principles laid down in terms of the 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.
- 36.7. The decision of the arbitrator shall be final and binding and may be made an Order of the Cape Provincial Division of the Supreme Court of South Africa upon the application of any party to the arbitration.
- 36.8. Notwithstanding anything to the contrary contained in clauses 36.4 to 36.6 inclusive, 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 these provisions.
- 37. OWNER'S ASSOCIATION WHICH FAILS TO MEET AN OBLIGATION OR CEASES TO FUNCTION**
- 37.1. In the event that the Association ceases to function or carry out its obligations, Section 30 of the Stellenbosch Municipality Land Use Planning By-Law of 2015 will apply.
- 38. EFFECTIVE DATE**
- The provisions hereof shall come into force simultaneously with the first passing of the first transfer of an Erf in the Cape Town Deeds Registry.
-

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 MUNICIPAL MANAGER	7/8/23 DATE



MOUNT VERNON

Residential Estate

ARCHITECTURAL DESIGN MANUAL

Edition 6: July 2023

hm

CONTENTS

1.	INTRODUCTION	3
2.	BUILDING ENVELOPE	3
2.1	Coverage	3
2.2	Building Lines & Heights	4
3.	HOUSE FORMS / SPATIAL ENVELOPE	4
3.1	Scale and Proportion	4
3.2	Plan Shapes	4
3.3	Maximum Heights	5
3.4	Cut & Fill	5
4.	MATERIALS AND FINISHES	5
4.1	Walls	5
4.2	Roofs	9
4.3	Gables, Facias, Eaves, Parapets, Gutters and Chimneys	11
4.4	Outbuildings and Garages	13
4.5	Windows	13
4.6	Doors	16
4.7	Verandas, Porches and Pergolas	17
4.8	Balconies and Balustrades	18
4.9	Boundary Walls, Fences, Screens and Gates	18
4.10	Rain water tanks, solar Heating panels, heat pumps & AC Units	20
5.	PLAN SUBMISSION AND APPROVAL PROCESS	22
5.1	Accreditation of Architects	22
5.2	Plan Approval Process	22
5.3	Architectural Plan Submission Process	23
5.4	Landscape Plan for Garden	23
6.	BUILDING PROCESS	23
	ANNEXURE A: Typical illustrations of three dimensional designs	24
	ANNEXURE B: Schedule of Additional building line restrictions and Allowances	30

1. INTRODUCTION

1.2. ESTATE ARCHITECTURE.

Mount Vernon Estate is set amongst the vineyards in the enclave of Klapmuts which offers superb views of the nearby and distant mountains. The spectacular backdrop and location of the estate allows for an unique vernacular architectural style, which reminds of Cape architectural elements.

This security estate finds itself within the agricultural setting of the larger Klapmuts area on the R44 route to Stellenbosch. The layout of the estate reflects some of the aesthetic pleasing regimented vineyards of the area.

The Design Manual has been developed to guide and direct the design process. Ultimately it is regarded as a design tool to ensure that Architects have an array of guide options to design an aesthetically pleasing built form within the estate.

This development allows for two Vernacular¹ design approaches guided by a Design Manual. The first design approach allows for a more *Traditional² Cape architecture*, whilst the other allows for a more *Contemporary³ Cape architecture* in the design approach.

The primary controlling elements for both design approaches are the width and height of gables as well as roof pitches, ensuring a harmonious scale of built form. Window and door openings will be limited to vertical format. Larger window and door formats must be set back from the outer façade wall either under cover of a veranda roof or alternatively covered by a concrete eyebrow. These elements are measures to soften the façades which are also compulsory above the double garage door openings for the conventional residential properties.

Both the two architectural design approaches will allow architectural elements to distinguish the estate by implementing Cape vernacular architecture. Such elements amongst other are large open gable ends with set-back glass facades to form a recessed porch. Vertical wall cladding is allowed as a contemporary façade treatment within the limits of the manual's prescriptions. Modest gable ends and clipped eaves will also form part of the overall designs.

Careful attention was given in the Design Manual to the introduction of the contemporary approach, which should be followed for such designs

2. BUILDING ENVELOPE

2.1. Coverage:

2.1.1. Coverage refers to all buildings and includes main dwellings, garages, outbuildings and verandas, as well as second dwellings and/or granny flats.

2.1.2. The maximum coverage allowed is as follow:

2.1.2.1. Erven between 251 sqm. to 500 sqm. are allowed the greater of 175 sqm. or 60 % of the erf size.

2.1.2.2. Erven between 501 sqm. to 1500 sqm. are allowed the greater of 300 sqm. or 50% of the erf size.

2.1.2.3. Erven greater than 1500 sqm. are allowed the greater of 750 sqm. or 40% of the erf size.

¹ Vernacular Cape: An architectural style of modest architecture of the Cape region.

² Traditional: Established or conventional Cape vernacular.

³ Contemporary: A modern or current trend (2022) in Cape vernacular.

2.1.3. The minimum house size that will be allowed inclusive of garages, outbuildings, verandas and second dwellings is as follows

2.1.3.1. Erven smaller than 500 sqm. – 130 sqm.

2.1.3.2. Erven larger than 500 sqm – 200 sqm

2.2. **Building Lines & Heights:**

Building lines are generally according to the Stellenbosch Conventional Residential Zoning Scheme by-law. (see Annexure B for further restrictions and allowances for Conventional Residential erven and Group Housing erven)

All buildings are restricted to a maximum of two storeys.

2.2.1. Group Housing:

Street boundary: 3 m

Common boundary: 1 m (zero)

Garage/Carport: (Restricted to single storey wall height on boundary line)

Street boundary: 1 m

Common Boundary: 0 m

2.2.2. Conventional Residential erven.

Street boundary: 4m

Common boundary: 2,5m (excluding garages that will be permitted on 0m for a maximum length of 8m)

2.2.3. Additional building line restrictions & allowances:

Garages & Carports:

The wall of the structure of the garage or carport may be no higher than one storey which then allows a zero building line on the common boundary.

No garage shall be closer than 6 m to the street boundary line except for the Group Housing developments. See (2.2.1)

3. **HOUSE FORMS / SPATIAL ENVELOPE**

3.1. **Scale and Proportion:**

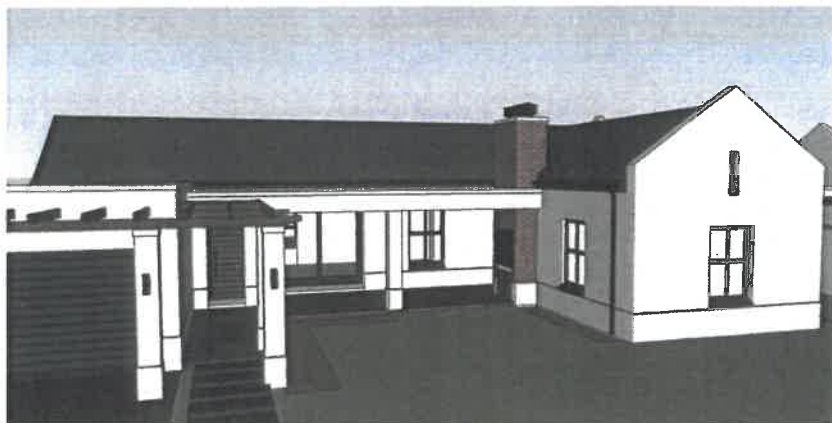
Careful consideration needs to be given to the scale and proportion of the building forms, as well as the openings in these forms, and the scale of additional verandas and/or pergolas.

3.2. **Plan Shapes:**

- i House forms shall be simple rectangular or composite rectangular forms of controlled wing widths.
- ii Traditional H,T,L and U shapes and composites thereof are the only acceptable geometry forms allowed.
- iii All building forms must run at 90 degrees to each other and parallel to the street boundary.
- vi A typical house form comprises of rectangular major elements and minor elements, add-ons or

joining forms.

- vii Minor elements, in the form of "lean-to's", or flat concrete roof structures (that occur between major elements) attach to the major element forms.
- viii Minor element widths may not exceed more than 2/3rds the width of the major element it adjoins. The maximum span of a pitched roof is 7.0 meters and the minimum span of a pitched roof is 4,0 meters, please refer to section 4.2. Roofs.
- ix A minor element may exceed 2/3rd width of the major form if it is bounded on three sides by the major form in a U-shaped plan form. (Excluding garage roof)



Major & minor elements: Concrete or soft roof over porch.

FIG. 1

3.3. Maximum Heights:

- i Natural ground levels (N.G.L.) are considered as the levels that are reflected on the property diagram.
- ii All houses and other structures shall be no higher than a double storey and must adhere to the restrictions set out in the Zoning Scheme, i.e. 4m allowed for each storey.
- iii No building shall be higher than two storeys. (chimneys are exempt from this restriction).
- iv Ceiling heights on the Ground Floor shall not be less than 2.6m from finished floor level.

3.4. Cut and Fill:

- i Natural ground levels (N.G.L.) are considered as the property peg levels as reflect on the existing property diagram.
- ii Levelling of the erf is restricted to the building platform.
- iii The maximum depth of finished floor level below or above NGL is 1.5m.
- iv No building is allowed to rest on freestanding columns, but must rest on a solid plinth.

4. MATERIALS AND FINISHES

4.1. Walls:

4.1.1. Wall Construction allowed:

4.1.1.1. Masonry:

- i Walls shall be either of clay brick or cement brick.
- ii All external walls shall be a minimum of either a 230mm Maxi brick, a 280mm clay brick or a 340mm cavity construction.
- iii Plinth walls expressed as a base are encouraged.

- iv Plinths may occur at either finished floor level, or to match windowsill height on the front façade and must continue at the same level on all elevations.
- v All windows and doors in 'painted bag washed brickwork' walls to have a minimum of 150mm wide plaster band surround, unless the brickwork is hidden behind vertical cladding.



'Traditional' design with no cladding and parapet gable ends.

Fig. 2



'Traditional' design with no cladding and parapet gable ends.

Fig. 3

4.1.1.2. Cladding 'Contemporary' design):

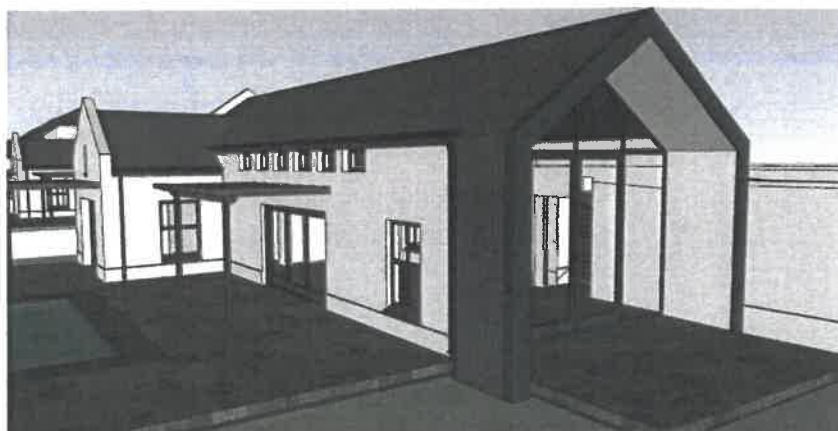
- i Wall cladding may follow the prescribed coverage allowance. The roof sheet cladding must be designed as a continuation of the roof sheeting joined at the roof edge down to the ground level or alternatively down to the plastered plinth line.
- ii A maximum of 30% of the total house wall façade area may be cladded.
- iii Walls must be cladded with materials as follow:
 - a) Steel sheeting must match the roof sheeting in colour shape and specification.
 - b) The cladding should be fitted as an overlay of the masonry wall construction to form the finish.
 - c) Steel roof sheet wall cladding may also form part of a steel/timber construction of the major form, specified by a Structural Engineer. This construction must comply with the NBR and Sans 400 regulation.

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- iv All openings (doors & windows) on the first floor of a cladded façade of a **double storey** must have a concrete plastered and waterproofed 'eyebrow' directly over, and of the same width as the opening directly below. (Fig. 4)
- v Cladded high volume space in a **single single-storey**:
 - a) 'Clearstory' windows within the cladded walls must not have any 'eyebrows cast over.
 - b) Eyebrows are not allowed over these windows. (Fig 5 & 6 – single storey)



Wall cladding on double storey: Illustration of cladding and 'eyebrow' over windows. Fig. 4



High volume-space. With clearstory windows, no eyebrows permitted. Fig. 5



High volume space, in a contemporary design with clearstory windows. No plastered concrete 'eyebrows' permitted. Fig. 6



Part wall cladding on a recessed gable-end, single storey: Illustration

Fig. 7

4.1.2. Wall Finishes:

4.1.2.1. Finishes allowed:

- i Smooth plaster & paint.
- ii Flush pointed/bagged clay or cement bricks (imperial size) with simple plaster surrounds.
- iii Note: no bagging of Maxi bricks allowed.
- iv Textured paint or similar approved.
- v Simple plaster surrounds of 150mm wide to openings will be permitted but must match the wall colour in accordance with 4.1.1.1 above.
- vi Only vertical Roof sheet cladding on exterior walls.
- vii Only 'Kliplok' profile or similar concealed fix, roof sheeting is allowed.
- viii Face brick and NFX (clay bricks) are not allowed above window and door openings, only as window sills. Flush pointed.
- ix Feature walls to a maximum total limit of 20% of the remainder of the uncladded vertical external wall façade – comprising:
 - a) Flush pointed, bagged NFX/Red Face brick or off-shutter concrete is allowed.
 - b) Horizontal cladding with 'shiplap' type cladding is allowed such as:
 - i Exterior timber e.g. 'Oggie' outdoor cladding.
 - ii New-tech cladding building planks.
 - c) Dry pack stone walls.

4.1.2.2. Finishes not allowed:

- i Corrugated iron on vertical facades. (Victorian profile)
- ii No horizontal metal sheet cladding.
- iii Overly excessive texturing (i.e. Spanish plaster) or
- iv Concrete block walls
- v Plastered quoins or rustication .
- vi No stone tiling will be allowed.
- vii No bagwash finish allowed on Maxi bricks.

4.1.2.3. Plinths:

- i Dry pack natural stone cladding is permitted.
- ii Artificial rock cladding will not be permitted.

- iii Plastered and painted plinths are also permitted.
- iv Plinths may be vertical/horizontal cladding when forming part of a continuation of the overall wall cladding.
- v No face brick/bagged NFX plinth walls allowed when used together with plastered walls.

4.1.2.4. Wall colours:

The permitted exterior wall colours for the estate will be issued on a schedule by the HOA and will be reviewed periodically

4.2. Roofs:

4.2.1. Major Roof Forms:

Major roof forms are defined as the major pitched roofs that forms the major built form of the house.

4.2.1.1. General:

a) Pitched Roofs

- i Major roofs shall be double pitched and coincide with the major roof-plan elements. Hipped roofs are not permitted, however a "mini" hip is permitted where two major form double pitched roofs of differing ridge heights join at right angles. The minimum difference in ridge heights is to be 350mm and the maximum 900mm.
- ii Pitches are to be symmetrical about their ridges and have a slope between 35° and 42°.
- iii A roof pitch is not allowed to extend to continue into a lean-to veranda roof, rather a clear break of a minimum 300mm between the top of sheeting must be created between the main roof and a veranda roof.
iv Maximum span for a pitched roof is 7 m and a minimum span of 4m.
- v The minimum height of a lean-to roof is to be 2,4m from the underside of the edge beam to top of floor finish below.

b) Flat Roofs

- i Pitch of flat roofs to be between 3° and 15°. Please note that 3° to 15° is subject to approval by NHBRC, which is the responsibility of the owner.
- ii Flat roofs to be concealed by a parapet minimum 300 above roof finish and on 3 sides of roof.
- iii To comply with 4.2.2.2 below,

4.2.1.2. Roof Materials and Colour

- i Material and colours of major roof forms must be consistent on a property.
- ii All roof colours to be 'Dark Dolphin' or 'Light grey' or similar approved by the H.O.A.
- iii 'Kliplok'/'Chromadek' or similar long span profile is permitted.
- iv Pre coated Victorian profile sheeting is permitted as per colours above,

except on vertical façade.

- v Polycarbonate sheeting in similar profile as metal sheeting where needed for light-wells is permitted.

4.2.2. Minor Roof Forms:

Minor roof forms are typically the lean-to roofs abutting the major roofs or the concrete roofs between major roof forms and or the Garage parapet walls.

4.2.2.1. Lean-to / Veranda Roofs:

- i The area of minor roofs, excluding outbuildings and garages, should not exceed 25% of roof area.
- ii All lean-to's must abut the vertical walls to the primary roofs.
- iii Lean-to and veranda roofs are to have a pitch between 3° and 15°.
- iv Roofs with less than a 5° pitch shall be behind simple parapets, which are extensions to the main walls.
- v Mono pitched roofs with an angle less than 35° on the garage are not allowed to fall to the street front unless hidden behind a parapet wall.

4.2.2.2. Flat Roofs:

- i Flat roofs may be necessary to connect major plan forms and will also be defined as minor roof form.
- ii Flat roofs may be used as a minor form hidden 300mm below and behind a surrounding parapet wall. This form of roof may not exceed 25% of the coverage, excluding a garage concrete roof.

4.2.2.3. Materials and Colour:

- i Any of the roof materials listed above, or
- ii Aluminium or GMS (0.5mm minimum) Chromadek; Kliplok 406; Chromadek; Reinzink, metal sheet - colour 'Dark Dolphin' (or similar approved) but must match major roof colour.
- iv Concrete flat roofs will be finished with a minimum of 13mm diameter washed river pebbles at least 50mm thick laid on top of waterproofing by owner's specialist.

4.2.3. Roof Lights

- i 'Roof lights' must either be of a patented manufacturer or designed to fit as a translucent sheet in the plane of the roof sheeting.
- ii 'Roof lights' must be set in the plane of the roof, are only allowed in the main roof form as well as the minor roof form, positioned a minimum 500mm from the eave.
- iii No pyramidal or dome styled roof lights/windows will be allowed except on a flat concrete roof where it is partially concealed by a parapet..

4.2.4. Dormer Windows

- i Dormer windows may not exceed the roof ridge height, and must have glazing a minimum of 750mm high.

- ii Dormer windows may have a full-glazed gable end.
- iii Dormer window colours and finishes must match the windows of the house.
- iv Dormer window cheeks to be equal to roof sheeting, timber shiplap boarding or 'Nutech' 'Everite' 150mm or similar approved fibre cement planks.
- v Maximum dormer size is 2,1m wide x 2.4m high.

4.3. Gables, Facias, Eaves, Parapets, Gutters and Chimneys

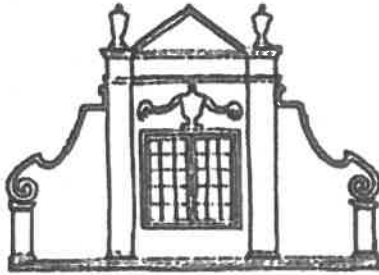


Fig 8: Ornate gables not allowed

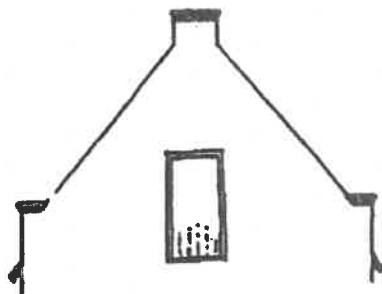
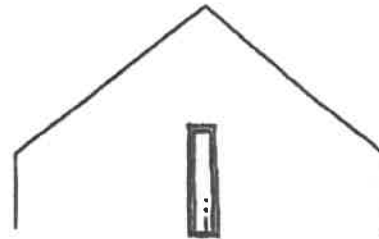


Fig. 9: Simple traditional gables allowed.

(See Annexure A for three-dimensional illustrations of permissible contemporary gables.)

4.3.1. Gables

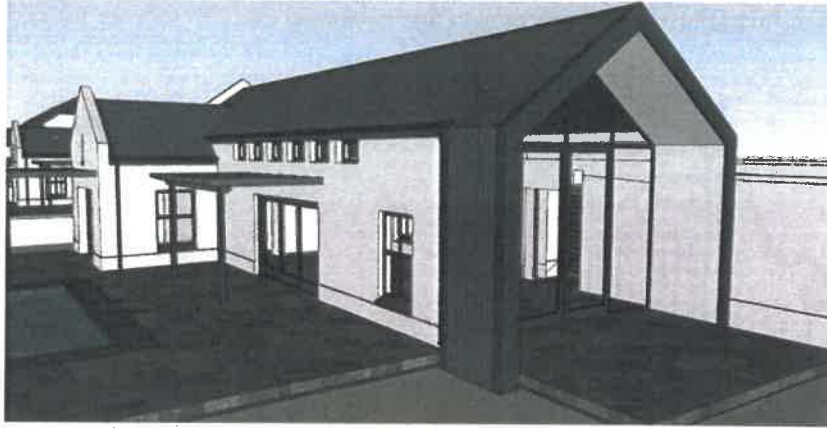
4.3.1.1. General:

- i Gables may occur as gable ends to main forms or as a central gable over the main entrance of the house.
- ii Gable walls can be parapet gables, simple in form, constructed and finished as the main walls. (Fig.1)
- iii Clipped triangular gables with bargeboards but no overhang will be allowed.
- iv Simple stepped gables; mock chimney gables and a simple triangular gable (Fig. 9) is acceptable but no baroque style of gable will be accepted. (Fig. 8)
- v Gables must be carefully proportionally designed and dimensioned to ensure an aesthetically pleasing end result according to the Design Manual.
- vi Gable designs will in particular be subject to scrutiny and acceptance by the H.O.A. for approval.
- vii Simple plaster mouldings and shaping will be permitted.
- viii Gable ends may be constructed using the following material:
 - (a) Fully glazed to form a glass façade set back a minimum of 1,5m and a maximum of 4m to form a porch. See examples (Fig.5;6;7;10;11& 17)

(b) Masonry to match the rest of the house.

- xi Gable ventilators may be used in the gable ends, but must match the window frame material and colour used in the rest of the house.

Round gable ventilators are also permitted with a maximum 600mm diameter.



Gable-end, glazed and set back 1,5m min with partly clad on the sides. Fig. 10

4.3.2. Facias

- i Facias must be a minimum of 32mm x 228mm hard wood timber section.
- ii Facias can be painted white in which case they may be treated SAP.
- iii Facias could also be capped with 'Chromadek' sheet metal flashing similar to roof to match the roof colour and finish.

4.3.3. Eaves

- i Roofs must have "clipped" eaves with a minimum projection of 180mm to incorporate gutter and fascia (excluding gutter).
- ii Eaves over porches to be finished with Nutec boards, painted.

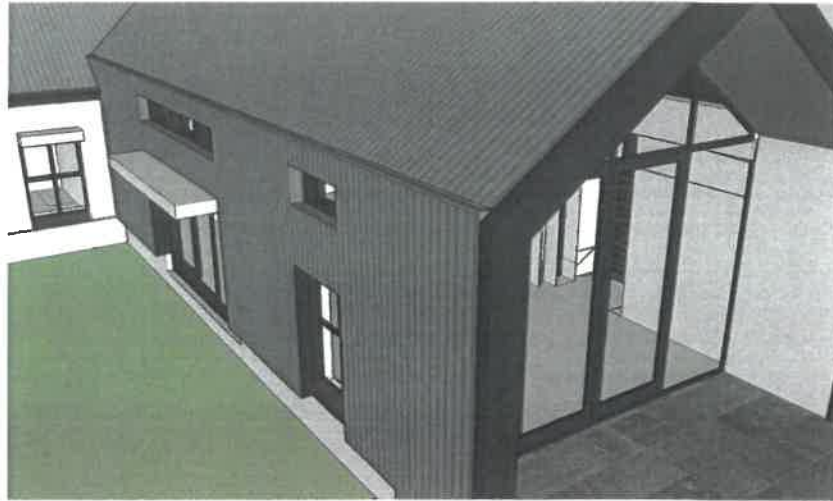
4.3.4. Parapets

- i Parapets not less than 300mm above finished roof level, other than on gable ends, shall be simple vertical wall extensions with moulding to shed water.
- ii Where parapet walls are used in conjunction with a concrete flat roof the parapet may not project more than 300mm above the finished level of the top of the finished roof surface.

4.3.5. Gutters and Downpipes

- i Gutters and downpipes may be pre-coated white aluminium Ogee profile gutters onto a painted fascia.
- ii Alternatively, gutters and downpipes must match the colour of the façade on which they are fixed and must be consistent on one property.
- iii Concealed aluminium or sheet metal gutters are compulsory in conjunction with vertical cladding. (Fig.11)

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Concealed gutter behind cladding

Fig. 11

4.3.6. Chimneys

- i Chimneys may be plastered masonry painted to finish with the wall colour and capped with simple moulding.
- ii NFX brick of red face brick chimneys with flush pointing/bagged is allowed, finished off with a simple moulding at the top, painted or left plastered. (Fig.2)
- ii Steel and stainless steel flues with cowls such as the 'Jetmaster' Rotating Cowl or 'Jetmaster' Fixed Cowl or similar approved are allowed, provided that they emerge through the roof with proper metal flashing to match the roof. No silver bitumen based or painted membrane flashing will be permitted.

4.4. Outbuildings and Garages

4.4.1. General

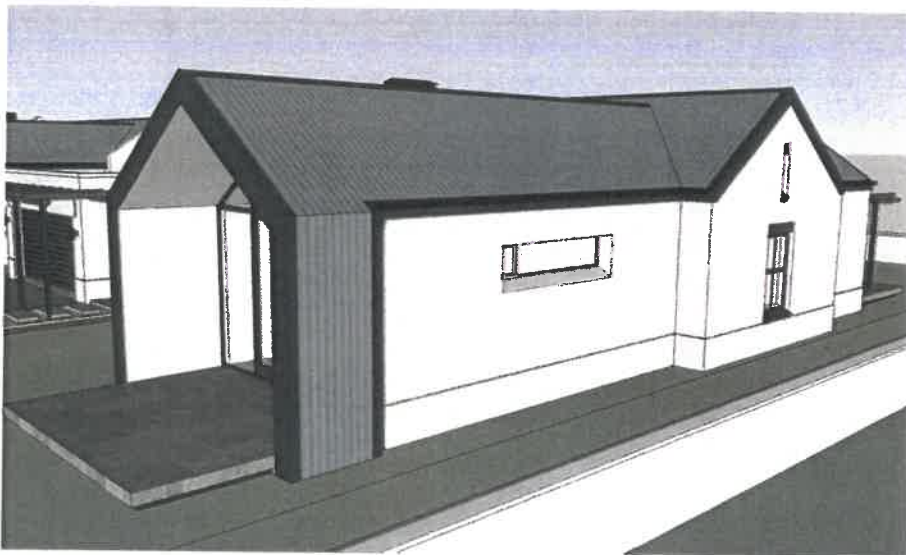
- i Outbuildings must respond to the form and geometry of the main house and the same criteria that applies to the main building, must apply to the outbuilding.
- ii Outbuildings shall not exceed 30% of the main building footprint.
- iii The coverage for the outbuildings will be part of the maximum allowable coverage.
- iv No pitch roofs are permitted where a free standing or semi-detached garage/outbuilding is positioned on the boundary line.
- v All materials and colours are to match those of the main building.
- vi All garages facing the street in the Conventional Residential properties are to have a pergola structure of a minimum of 900mm above the door or alternatively a concrete eyebrow of 900mm minimum above.
- vii Garages may have concrete roofs with reference to 4.2.2

4.5. Windows

4.5.1. General

- i Vertical windows are part of the traditional Cape heritage architecture. However a balanced mix of this traditional window format with a more contemporary style of architectural elements such as larger format windows vertical and horizontal is permitted as part of the design objective for this architectural vernacular estate.

- ii An example of a traditional Cape window is the 'clear-storey window' used typically to provide light and sometimes airflow to the attic space.
The contemporary design interpretation of this window results in a longer horizontal and narrow window to provide light and sometimes air into a space with a high ceiling.
- iii All timber windows to be Swartland Cape Culture or similar design.
- iv Aluminium windows must follow the aesthetic divisions of the timber window of 'Swartland Cape Culture' in design.
- iv Openings in walls are restricted to single windows of a maximum size of 3m high x 2.1m wide. Smaller vertical proportions are permitted.
- v Windows must be set at least 500mm from an external corner.
- vi Larger windows are allowed if they are set back i.e. under a veranda, porch, lean-to roof or balcony. Alternatively wider windows may be placed in an outside wall provided a concrete 'eyebrow' directly above the window partly shields the opening from rain and sun. This eyebrow should at least line up with the sides of the window and protrude at least 400mm from the face of the adjacent wall or cladding.
- vii Only internal burglar bars will be permitted and must line up with the window mullions or be designed of intruder proof shutters on the inside.



Horizontal window in conjunction with vertical format.

Fig. 12



All windows within vertical side cladding must have eyebrows.

Fig. 13

4.5.2. Window Finishes:

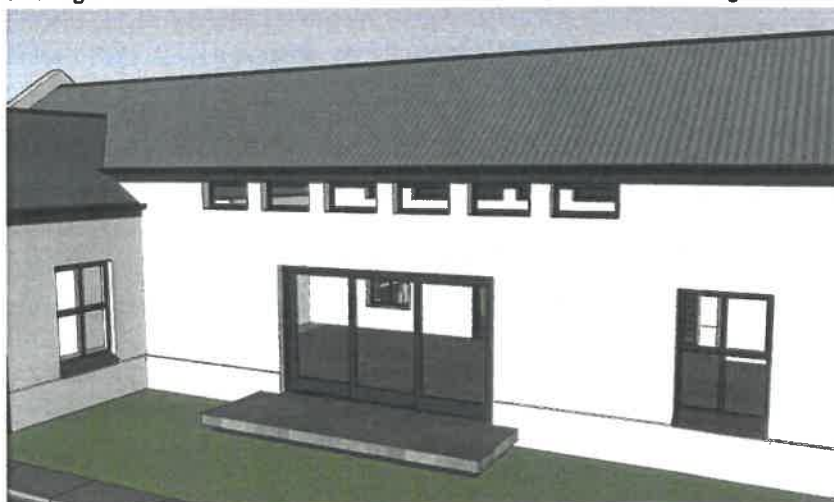
- i Windows are to be either natural varnished timber, painted timber, or powder coated white aluminium or to match the roof colour.
- ii All aluminium window frames to match the format of 'Cape Culture' timber frames.
- iii A single window frame type and colour must be used per dwelling and must match the doorframes.
- iv In contemporary designs, 'frameless' glazing systems may be used.
- v No concrete precast windows may be used.
- vi No "mirror" glass will be allowed.
- vii Glass standards to conform to the National Building Regulations.

4.5.3. Clearstory Windows:



Clearstory windows in cladded wall are permitted without eyebrows in a single storey dwelling.

Fig. 14



Clearstory windows in plastered wall (Single storey)

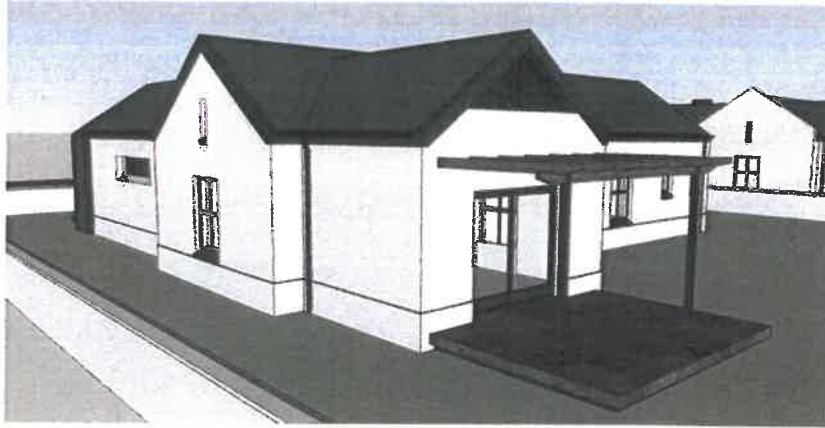
Fig. 15

- i Clearstory windows will be defined as the windows found in the vertical section of a room with a high ceiling or in loft room walls.
- ii A grouping of square windows are permitted and must be a minimum of 450mm x 450mm square or minimum 450mm in height.
- iii See (Fig. 14) for contemporary interpretation allowed.

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4.5.4. Gable Windows

- i Gable windows may be, as traditionally used with a maximum of 800mm x 1200mm.
- ii Partial glazing of the triangle of the gable-end are acceptable in the plane of the gable-end. (Fig. 10)
- iii Contemporary full glass-ended gable walls is acceptable provided the glazing is set back a minimum of 1,5m from the roof end. (Fig.6, 7 & 10)



Clipped eaves with flush gable ends and partial glazed gable end.

Fig.16

4.5.5. Shutters

- i The use of external shutters is encouraged. These may take the form of traditional timber louvered shutters or solid timber shutters, or alternately may be powder coated aluminium shutters.
- ii Shutters may be either traditional opening or modern sliding.
- iii All shutters are either to match windows and doors in colour or to be natural varnished timber, but where a track is used, it must match the wall colour.
- iv Non-functional shutters will not be permitted.

4.6. Doors:

4.6.1. External Doors:

- i Door openings shall have vertical proportions, and may have fanlights and /or sidelights.
- ii If the door does not have a vertical proportion, then it should be either under a veranda, porch, lean-to roof or flat roof.
- iii Large, non-vertical proportioned doors may be built into the plane of an outside wall provided a concrete 'eyebrow' is directly above the opening/door partly shields the door from rain and sun. This eyebrow should protrude at least 400mm from the face of the wall or vertical cladding
- iv No expanding security doors will be permitted externally.
- v No ornate carved timber doors will be allowed externally
- vi No external stained glass will be permitted.
- vii Doors must match windows in colour and material or be of natural hard wood.

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Pergola in front of garage and around to front entrance

Fig. 17

4.6.2. Garage Doors

- i Garage doors must either match doors and windows in colour and material or be natural varnished timber.
- ii Simple slatted, vertically or horizontally, single or double doors are acceptable.
- iii No ornate or moulded garage doors are permitted.
- iv All garage doors facing the street must be fronted by a pergola of at least 900mm deep. (Fig.17) Not applicable to the Group Housing.
- v Garage doors facing the street shall not exceed 5m in width.
- vi Double garages may have two doors separated by a masonry pier of minimum 340mm wide or alternatively have a single double door.
- vii No more than two garage doors will be permitted facing onto the street front.

4.7. Verandas, Porches and Pergolas

4.7.1. General:

The use of verandas, porches and pergolas is encouraged within the development especially on the street front where it serves as a transitional space between the road/front garden and the house.

Cape Vernacular is a modest style, thus no Victorian cast-iron posts, "broekie lace" or other overly decorative detailing may be used.

4.7.2. Supports:

- i Supports for all the above will be either plastered masonry piers, or timber or metal posts.
- ii Steel pergola posts with a minimum size of 100 x 100mm in combination with timber are permitted. (Fig.17)
- iii The minimum size of timber pergola rafter is 152mm x 50mm.
- iv Masonry supports of 340 x 340mm have to have a slightly larger base and/or plaster moulding at 450mm high as well as a moulded plaster detail at the top, painted to match the wall colour (FIG.1)
- v Timber supports & elements to match the wall colour or painted white or be natural varnish timber.
- vi Steel supports or elements to match either the walls or roof colour.
- vii No red face-brick or bagged NFX bricks are allowed for support piers.

4.7.3. Covering of pergolas.

- i Pergolas may be covered with "latte" - the use of climbing vines, decorative grape in particular - is encouraged for all pergolas.
- ii Balau timber, similar decking planks and approved composite materials with a 10mm spacing fixed at 450 mm C/L on support beams, may also be used for the construction of a pergola. The construction will need to be in accordance with the National Building Regulations. The structure may not serve as a balcony.

4.7.4. Roofing

- i Roofing of verandas is to match the roof material and colour.
- ii Only translucent obscure polycarbonate sheeting may be used in conjunction with a Spanish reed or 'latte' ceiling. No coloured or clear sheeting is permitted.
- iii Spanish Reed and laths (latte) will be allowed as a ceiling finish to lean-to's or alternatively fitted Nutec ceiling boards.
- iv Concrete roofing is allowed over a porch, provided it adheres to the prescriptions of concrete roofs in general. See (4.2.2)

4.8. Balconies and Balustrades

4.8.1. General

Balconies will only be allowed where they do not directly overlook a neighbouring property and compromise that persons privacy unless such balcony is set back 5m from the common boundary.

4.8.2. Balustrades

- i Clear glass balustrades are acceptable provided that no vertical supports are visible. The glass needs to be fixed in the concrete slab and signed off by a Structural Engineer as part of the requirements for the Municipal submission.
- ii Epoxy coated steel balustrades are acceptable provided all elements under handrail to be vertical and not horizontal.
- iii A hardwood timber handrail on epoxy coated balustrade is acceptable.
- iv The following is not allowed:
 - Horizontal bars,
 - Stainless steel handrail and divisions.
 - SS cables.
 - Timber balustrades.

4.9. Boundary Walls, Fences, Screens and Gates: Phase One

General note:

- All heights given are from natural ground level as documented on the individual erf's site peg diagram.
- All boundary walls are to be plastered and painted the permitted colour (Ref to 4.1.2.4).
- All walls are to be of masonry, clay or cement bricks, plastered with a simple triangular 60deg. coping plastered or NFX/face brick, flush pointed.

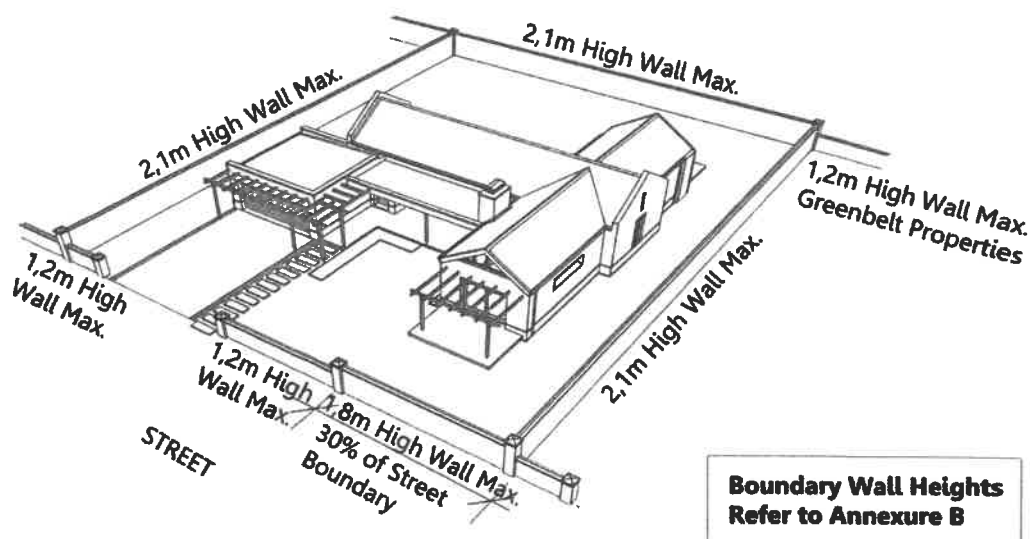


Fig. 18

4.9.1. Common Boundary Walls:

Common boundary walls are restricted to 2,1m high.

4.9.2. Street Walls:

- i The front street boundary walls are restricted to 1,8m high for 30% of the length of such boundary, after which the maximum height is 1,2m.
- ii Any other wall can only occur within the Main Building line and can be a maximum of 2,1m high plastered and painted to match the house. This wall can occur for a maximum of one third of the total length of the street façade in front of high activity areas such as pools and patios only.

4.9.3. Side Boundary Wall:

- i Conventional Residential erven - (See Annexure B).
- ii Maximum height of these walls are 2,1m.

4.9.4. Rear Boundary wall.

A maximum wall height of 2,1m is permitted unless otherwise indicated on schedule B.

4.9.5. Open Space Boundary Wall

Boundary walls are restricted to 1,8m high for 30% of the length of such boundary, after which the maximum height is 1,2m.

Note: In the case of corner plots where side boundaries face open space, these boundaries are treated as Open Space Boundaries and the above height restriction apply.

4.9.6. Gates

- i Gates used in plastered masonry walls to be of solid timber i.e. framed and braced with tongue and groove hardwood timber finished to same as other exterior woodwork structures.
- ii Aluminium gates to match the window colour may be used as an alternative.
- iii Gates used in steel palisade fencing are to be of the same metal and colour to match.

4.9.7. Swale crossings

Swales are part of the stormwater management of the estate and are located in some road reserves. The detail for the construction of a swale-crossing (max. 5m wide) for access from the road to applicable erven will be available from the HOA - this design is mandatory and is for construction by the owner.

4.9.8. Retaining Structures:

- i Existing topography must carefully be considered when levels of building and gardens are planned.
- ii Low retaining structures that are sympathetic to the natural contours of the site will be allowed, provided that such structures are not higher than 1.0m. If a retaining structure of more than 1.0m is required it should be designed as a series of consecutive retaining walls set back at least 1m in plan.
- iii Retaining structures can only be positioned within the Main Building lines, where after ground must slope back to natural ground level as documented on the individual property diagrams of the erven.

4.9.8.1. Retaining structures may be one of the following:

- i Stone retaining walls dry-pack or dry-pack lining. Refer to 4.1.2.3(i) for allowed stone finishes.
- ii Built walls to adhere to National Building Regulations, plastered and painted in an approved colour.
- iii Tanalith treated gum-poles which can be used to "face" a block retaining wall.
- iv The natural ground level of the adjacent property must be reinstated and or retained by the owner and neighbour responsible for the excavation.
- v Planted "Terra Force" or similar retaining blocks are acceptable.

4.10. Rainwater Tanks, Solar Heating Panels, Heat pumps & AC Units

4.10.1. Rainwater tanks (maximum size 5 000 litres) are permitted as permanent structures but must be clad with one of the following:

- i Stone cladding as described elsewhere.
- ii Corrugated iron cladding.
- iii Vertical timber cladding or 'latte' screen.
- iv Plastered and painted brickwork.

4.10.2. Solar heating panels are allowed with the following limitations:

- i Panels are allowed on roofs, subject to specification approval by HOA.
- ii It is encouraged that these panels are not visible from the street of the erf. i.e. should preferably be on a flat concrete roof behind a parapet wall etc.
- iii These panels should be planned in advance as to accommodate the feeder pipe within the construction of the dwelling.
- iv Any storage tank for hot water may not be positioned on any roof, but should be in the roof space below the solar heating panel.

4.10.3. Heat pumps & AC Units:

- i Pumps and units are to be installed with underside of a unit not more than 300mm above internal finished floor level. No condenser or other piping may be visible or concealed with 'ega' ducting. All piping to be chased into walls or built enclosed.
- ii The condenser unit must be behind a screen element to hide the unit.

4.10.4. Photovoltaic (PV) panels.

Photovoltaic Panels (PV) may not cover more than two thirds of the roof plane on which they are mounted and must match the pitch of the roof that it is mounted on.

4.10.5. Swimming pools.

- i Pool positions in terms of building lines are restricted by the Zoning Scheme.
- ii No pool may protrude more than 450mm above ground.
- iii No 'porta pools' are allowed.

5. PLAN SUBMISSION AND APPROVAL PROCESS

All proposals are to be submitted for scrutiny and approval by the appointed Architectural committee. The following specifications must be adhered to.

5.1. Accreditation of Architects

Any design shall only be accepted by the H.O.A. if the Architects/practice is registered as a Professional Architect with SACAP, and has been accredited by the H.O.A. Details of the accreditation process will be reviewed from time to time by the Trustees.

5.2. Plan Approval Process

5.2.1. It is recorded that the local authority has approved and is in support of the terms and conditions of this manual. No amendment to, or departures from, the terms and conditions of this manual will be allowed without the approval of a duly authorised official of the local authority.

5.2.2. The owner must obtain from the H.O.A. prior to submission of the design concept and sketch plans, a list of the requirements relating to the details to be provided for the plan approval process and also obtain all information including erf diagrams, service connection diagrams and contour plans that may be required to facilitate the design process. For the minimum submission requirements please refer to clause 5.3.

5.2.3. The owner is to ensure that he or she is in possession of and using the latest design manual, and is aware of any amendment or addendums to it.

5.2.4. The approval process allows for a two tier submission to the H.O.A to accommodate any feedback and or to make provision for changes to the Concept or Sketch design. The two tiers are firstly a 'Sketch design' Submission and secondly a 'Local Authority Submission' set of drawings.

It is not compulsory to submit both, albeit a 'Local Authority Submission' is compulsory.

5.2.4.1. Sketch Design submission:

- i The design concept and sketch plans can be submitted to the H.O.A. for approval.
- ii A scrutiny fee as determined by the H.O.A. will be payable as plans are submitted.
- iii The minimum submission requirements can be found later in this chapter.
- iv Should the second tier design, namely the 'Local Authority Submission' differ markedly from the approved sketch plan proposal a new submission-fee will be charged prior to the scrutiny being undertaken.

5.2.4.2. Local Authority Submission Drawings:

- i The local authority submission drawings must firstly be approved and signed off by the association.
- ii These plans must then be submitted to the local authority for approval.
- iii Prescribed fees, as determined by the local authority, will be payable to the local authority by the owner.
- iv Approval of the plans by the H.O.A. does not ensure or guarantee or supersede approval by the local authority.
- v The requirements of the local authority or any other statutory authority and the National Building Regulations take precedence over the requirements of the Design Manual.

5.3. Architectural Plan Submission Process

5.3.1. The sketch and working submission must include the following:

- i Copy of the site diagram as issued by the developer.
- ii Site plan
- iii Permissible coverage and actual coverage as a percentage and in terms of square meters.
- iv North point
- v Roof plan
- vi Floor plans
- vii Two elevations minimum (one must be the street facade)
- viii Two sections minimum through the main structure indicating relevant heights.
- ix Position of driveway and all hard landscaping finishes
- x Soft landscaping layout- including plant species
- xi Building lines indicated
- xii Drainage plan
- xiii Location of any retaining structures of exterior finishes
- xiv Schedule of exterior finishes
- xv Schedule of windows and doors
- xvi Position of external lights
- xvii Braai elevations.
- xviii Position of pool.
- ixx Position/s of pergolas
- xx All boundary wall elevations

5.3.2. These plans shall be accompanied by an amount determined by the trustees from time to time and payable to the Association on the date of first submission. No plans shall be scrutinized prior to full payment.

5.3.3. These plans shall be reviewed at the sitting of the review panel, which will occur once every month only [or as amended by the Association from time to time]. All plans and documentation, including all payments, shall be presented to the Associations office on site, one week preceding the meeting.

5.4. Landscape Plan

A landscape plan for the garden of an erf prepared in accordance with the Landscaping Guidelines is to accompany the building plan at submission for approval by the appointed Architectural Review Committee.

5.4.1. This plan shall be a scale of 1:100 and shall show the following:

- i Adjacent areas of private open space and verge.
- ii All grading, retaining and terracing intended to be undertaken, including gradients and structural elements must be indicated.
- iii All plant material, species, numbers, spacing and size must be indicated, including grass species for lawns and must conform with the restrictions in plant choice given in these guidelines.

6. **BUILDING PROCESS**

The building process will be controlled by the HOA according to regulations issued by the HOA from time to time.

ANNEXURE A

Typical illustrations of three dimensional designs

A1. Traditional designs: Double storey.



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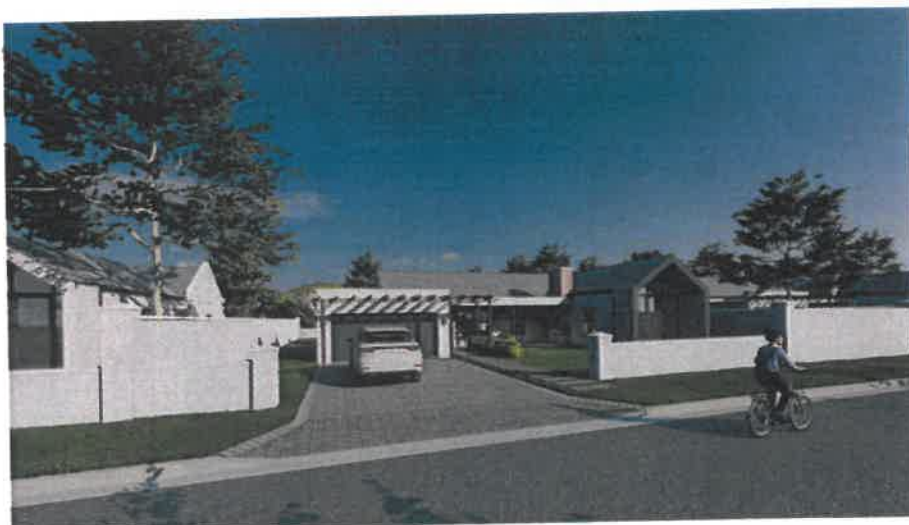
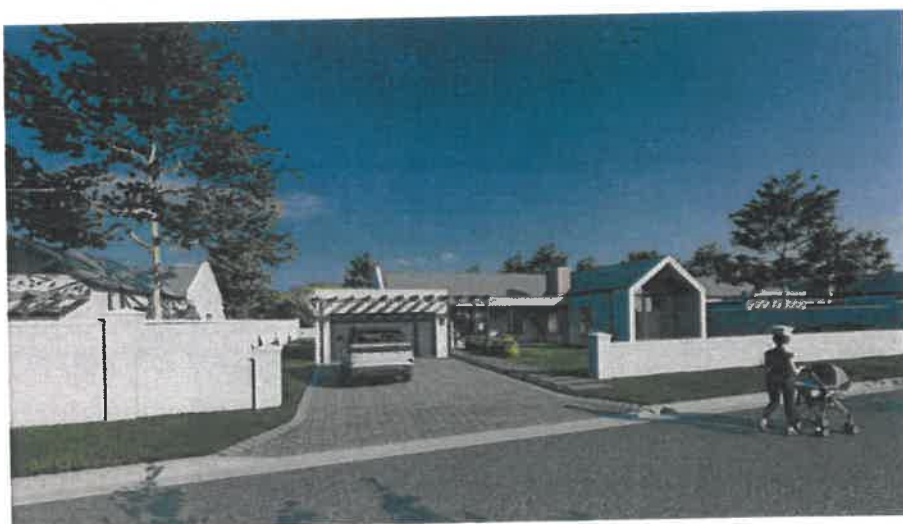
Single storey



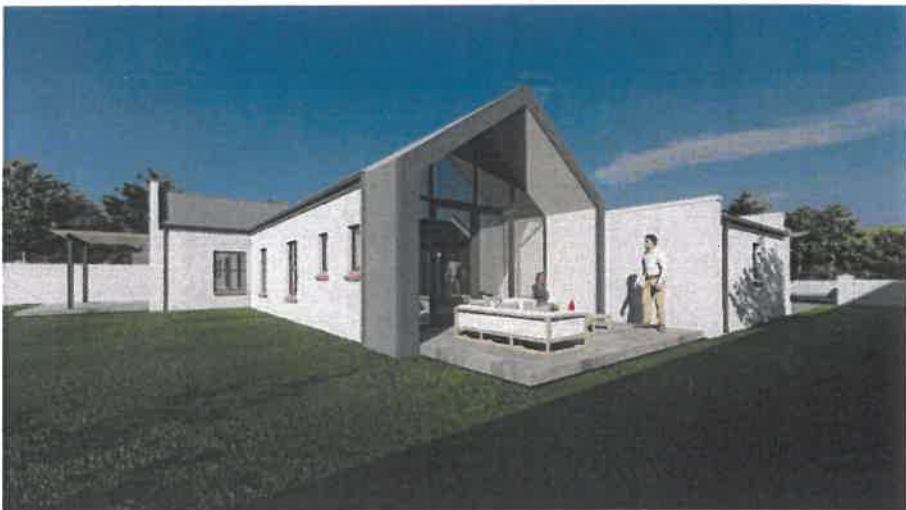


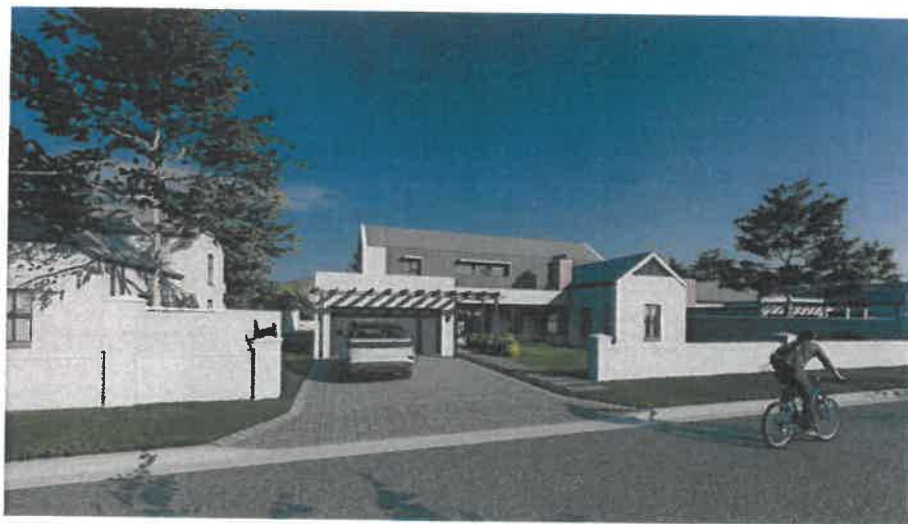
A2 Contemporary designs:

Single storey



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Contemporary design – double storey:*hnm*



ANNEXURE B

SCHEDULE OF ADDITIONAL BUILDING LINE RESTRICTIONS AND ALLOWANCES

	B	C	D	E	F	G	H	I	J	K
2	Mt Vernon Residential Estate Design Manual: Annexure B - Phase One									
3										
4	Erf No	Size	Phase	Type	Building lines					Double Storey Setback Rear Boundary
5					Street	Side	Garage side boundary	Rear	Pos	
6	4347	439	One	GH	2	1	0	1	1	
7	4348	380	One	GH	2	1	0	1	1	
8	4349	380	One	GH	2	1	0	1	1	
9	4350	439	One	GH	2	1	0	1	1	
10	4351	439	One	GH	2	1	0	1	1	
11	4352	380	One	GH	2	1	0	1	1	
12	4353	466	One	GH	2	1	0	1	1	
13	4354	371	One	GH	2	1	0	1	1	
14	4355	371	One	GH	2	1	0	1	1	
15	4356	371	One	GH	2	1	0	1	1	
16	4357	375	One	GH	2	1	0	1	1	
17	4358	375	One	GH	2	1	0	1	1	
18	4359	375	One	GH	2	1	0	1	1	
19	4360	375	One	GH	2	1	0	1	1	
20	4361	375	One	GH	2	1	0	1	1	
21	4362	387	One	GH	2	1	0	1	1	
22	4363	426	One	GH	2	1	0	1	1	
23	4364	445	One	GH	2	1	0	1	1	
24	4365	838	One	CR	4	2,5	2,5	2,5	2,5	
25	4366	875	One	CR	4	2,5	2,5	2,5	2,5	
26	4367	805	One	CR	4	2,5	2,5	2,5	2,5	
27	4368	805	One	CR	4	2,5	2,5	2,5	2,5	
28	4369	805	One	CR	4	2,5	2,5	2,5	2,5	
29	4370	861	One	CR	4	2,5	2,5	2,5	2,5	
30	4371	860	One	CR	4	2,5	2,5	2,5	2,5	
31	4372	828	One	CR	4	2,5	2,5	2,5	2,5	
32	4373	828	One	CR	4	2,5	2,5	2,5	2,5	
33	4374	828	One	CR	4	2,5	2,5	2,5	2,5	
34	4375	798	One	CR	4	2,5	2,5	2,5	2,5	
35	4376	797	One	CR	4	2,5	2,5	2,5	2,5	
36	4377	804	One	CR	4	2,5	2,5	2,5	2,5	
37	4378	804	One	CR	4	2,5	2,5	2,5	2,5	
38	4379	800	One	CR	4	2,5	2,5	2,5	2,5	
39	4380	804	One	CR	4	2,5	2,5	2,5	2,5	
40	4381	855	One	CR	4	2,5	2,5	2,5	2,5	5
41	4382	855	One	CR	4	2,5	2,5	2,5	2,5	5
42	4383	855	One	CR	4	2,5	2,5	2,5	2,5	5
43	4384	995	One	CR	4	2,5	2,5	2,5	4	
44	4385	882	One	CR	4	2,5	2,5	2,5	4	
45	4386	1131	One	CR	4	2,5	2,5	2,5	4	
46	4387	1035	One	CR	4	2,5	2,5	2,5	4	
47	4388	878	One	CR	4	2,5	2,5	2,5	2,5	
48	4389	835	One	CR	4	2,5	2,5	2,5	2,5	
49	4390	800	One	CR	4	2,5	2,5	2,5	2,5	
50	4391	836	One	CR	4	2,5	2,5	2,5	2,5	5
51	4392	877	One	CR	4	2,5	2,5	2,5	2,5	5
52	4393	877	One	CR	4	2,5	2,5	2,5	2,5	5
53	4394	873	One	CR	4	2,5	2,5	2,5	2,5	5
54	4395	1061	One	CR	4	2,5	2,5	2,5	4	
55	4396	963	One	CR	4	2,5	2,5	2,5	4	
56	4397	975	One	CR	4	2,5	2,5	2,5	4	
57	4398	1577	One	CR	4	2,5	2,5	2,5	4	
58	4399	943	One	CR	4	2,5	2,5	2,5	2,5	
59	4400	945	One	CR	4	2,5	2,5	2,5	2,5	
60	4401	942	One	CR	4	2,5	2,5	2,5	2,5	
61	4402	1102	One	CR	4	2,5	2,5	2,5	2,5	
62	4403	767	One	POS						
63	4404	320	One	POS						
64	4405	3437	One	POS						
65	4406	603	One	POS						
66	4407	776	One	POS						
67	4408	4246	One	Road						
68	4409	1075	One	Road						
69	4410	2000	One	Road						
70	4411	7534	One	Road						

Mt Vernon Residential Estate Design Manual: Annexure B - Phase Two									
Erf/No	Size	Phase	Type	Building lines					Double Storey Setback Rear Boundary
				Street	Side	Garage side boundary	Rear	Pos	
4412	399	Two	GH	2	1	0	1	1	
4413	399	Two	GH	2	1	0	1	1	
4414	399	Two	GH	2	1	0	1	1	
4415	399	Two	GH	2	1	0	1	1	
4416	399	Two	GH	2	1	0	1	1	
4417	476	Two	GH	2	1	0	1	1	
4418	476	Two	GH	2	1	0	1	1	
4419	388	Two	GH	2	1	0	1	1	
4420	388	Two	GH	2	1	0	1	1	
4421	388	Two	GH	2	1	0	1	1	
4422	388	Two	GH	2	1	0	1	1	
4423	727	Two	CR	4	2,5	2,5	2,5	2,5	
4424	803	Two	CR	4	2,5	2,5	2,5	2,5	
4425	819	Two	CR	4	2,5	2,5	2,5	2,5	
4426	839	Two	CR	4	2,5	2,5	2,5	2,5	5
4427	839	Two	CR	4	2,5	2,5	2,5	2,5	5
4428	931	Two	CR	4	2,5	2,5	2,5	2,5	
4429	723	Two	CR	4	2,5	2,5	2,5	2,5	
4430	723	Two	CR	4	2,5	2,5	2,5	2,5	5
4431	723	Two	CR	4	2,5	2,5	2,5	2,5	5
4432	758	Two	CR	4	2,5	2,5	2,5	2,5	
4433	758	Two	CR	4	2,5	2,5	2,5	2,5	
4434	847	Two	CR	4	2,5	2,5	2,5	2,5	
4435	993	Two	CR	4	2,5	2,5	2,5	4	
4436	816	Two	CR	4	2,5	2,5	2,5	2,5	5
4437	803	Two	CR	4	2,5	2,5	2,5	2,5	
4438	800	Two	CR	4	2,5	2,5	2,5	2,5	
4439	805	Two	CR	4	2,5	2,5	2,5	2,5	5
4440	992	Two	CR	4	2,5	2,5	2,5	4	
4441	711	Two	CR	4	2,5	2,5	2,5	4	
4442	748	Two	CR	4	2,5	2,5	2,5	4	
4443	932	Two	CR	4	2,5	2,5	2,5	4	
4444	830	Two	CR	4	2,5	2,5	2,5	2,5	5
4445	835	Two	CR	4	2,5	2,5	2,5	2,5	5
4446	881	Two	CR	4	2,5	2,5	2,5	2,5	
4447	880	Two	CR	4	2,5	2,5	2,5	2,5	
4448	835	Two	CR	4	2,5	2,5	2,5	2,5	5
4449	820	Two	CR	4	2,5	2,5	2,5	2,5	5
4450	862	Two	CR	4	2,5	2,5	2,5	4	
4451	907	Two	CR	4	2,5	2,5	2,5	4	
4452	934	Two	CR	4	2,5	2,5	2,5	4	
4453	805	Two	CR	4	2,5	2,5	2,5	2,5	
4454	855	Two	CR	4	2,5	2,5	2,5	2,5	5
4455	2989	Two	POS						
4456	9855	Two	POS						
4457	675	Two	POS						
4458	332	Two	POS						
4459	548	Two	POS						
4460	1659	Two	Road						
4461	1446	Two	Road						
4462	9314	Two	Road						

hmm

Mt Vernon Residential Estate Design Manual: Annexure B - Phase Three									
Erf No	Size	Phase	Type	Building lines					Double Storey Setback Rear Boundary
				Street	Side	Garage side boundary	Rear	Pos	
4463	759	Three	CR	4	2,5	2,5	2,5	2,5	
4464	723	Three	CR	4	2,5	2,5	2,5	2,5	5
4465	723	Three	CR	4	2,5	2,5	2,5	2,5	5
4466	722	Three	CR	4	2,5	2,5	2,5	2,5	
4467	754	Three	CR	4	2,5	2,5	2,5	2,5	
4468	753	Three	CR	4	2,5	2,5	2,5	2,5	5
4469	752	Three	CR	4	2,5	2,5	2,5	2,5	5
4470	966	Three	CR	4	2,5	2,5	2,5	2,5	5
4471	863	Three	CR	4	2,5	2,5	2,5	2,5	
4472	803	Three	CR	4	2,5	2,5	2,5	2,5	
4473	803	Three	CR	4	2,5	2,5	2,5	2,5	
4474	813	Three	CR	4	2,5	2,5	2,5	2,5	
4475	868	Three	CR	4	2,5	2,5	2,5	2,5	
4476	393	Three	GH	2	1	0	1	1	
4477	378	Three	GH	2	1	0	1	1	
4478	378	Three	GH	2	1	0	1	1	
4479	381	Three	GH	2	1	0	1	1	
4480	434	Three	GH	2	1	0	1	1	
4481	361	Three	GH	2	1	0	1	1	
4482	382	Three	GH	2	1	0	1	1	
4483	406	Three	GH	2	1	0	1	1	
4484	401	Three	GH	2	1	0	1	1	
4485	410	Three	GH	2	1	0	1	1	
4486	420	Three	GH	2	1	0	1	1	
4487	420	Three	GH	2	1	0	1	1	
4488	420	Three	GH	2	1	0	1	1	
4489	420	Three	GH	2	1	0	1	1	
4490	4230	Three	GH	2	1	0	1	1	
4491	420	Three	GH	2	1	0	1	1	
4492	420	Three	GH	2	1	0	1	1	
4493	420	Three	GH	2	1	0	1	1	
4494	616	Three	CR	4	2,5	2,5	2,5	2,5	
4495	616	Three	CR	4	2,5	2,5	2,5	2,5	
4496	616	Three	CR	4	2,5	2,5	2,5	2,5	
4497	616	Three	CR	4	2,5	2,5	2,5	2,5	
4498	629	Three	CR	4	2,5	2,5	2,5	2,5	
4499	638	Three	CR	4	2,5	2,5	2,5	2,5	
4500	863	Three	CR	4	2,5	2,5	2,5	4	
4501	898	Three	CR	4	2,5	2,5	2,5	4	
4502	908	Three	CR	4	2,5	2,5	2,5	4	
4503	937	Three	CR	4	2,5	2,5	2,5	4	
4504	959	Three	CR	4	2,5	2,5	2,5	4	
4505	839	Three	CR	4	2,5	2,5	2,5	2,5	
4506	821	Three	CR	4	2,5	2,5	2,5	2,5	
4507	821	Three	CR	4	2,5	2,5	2,5	2,5	
4508	821	Three	CR	4	2,5	2,5	2,5	2,5	
4509	832	Three	CR	4	2,5	2,5	2,5	2,5	
4510	842	Three	CR	4	2,5	2,5	2,5	2,5	
4511	821	Three	CR	4	2,5	2,5	2,5	2,5	
4512	821	Three	CR	4	2,5	2,5	2,5	2,5	
4513	821	Three	CR	4	2,5	2,5	2,5	2,5	
4514	826	Three	CR	4	2,5	2,5	2,5	2,5	
4515	4355	Three	POS						
4516	282	Three	POS						
4517	478	Three	POS						
4518	1467	Three	Road						
4519	2333	Three	Road						



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ANNEXURE E

R45

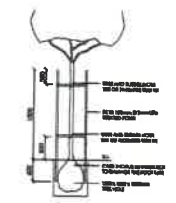
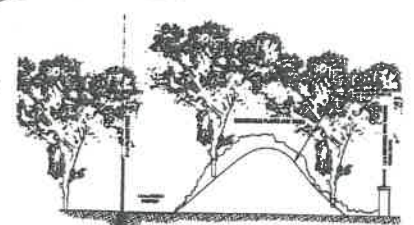
- LEGEND
- NEW TREES
 - EXISTING TREES
 - PLANTING
 - BROWN SPOTTED AGGREGATE PAVES
 - GREY CORBEL
 - LAWN
 - PAVING, LANTERN WITH EDGING OR PAVES (SPOTTED AGGREGATE)

CONCRETE FINISHES	BASES
3.0m BAR WITH ELECTRIFICATION - FULL TO GROUND	
ROAD WALL - TOP ELECTRIFICATION	
1.2 m HIGH CLEARVIEW FENCE WITH SAFETY GATES AROUND POOL	
CLEARVIEW - TOP ELECTRIFICATION	

NOTES

- 1) IRRIGATION TO BE FROM HIGH POTABLE SOURCE (BOROWLO A TOWER)
- 2) AN IRRIGATION SYSTEM IS TO BE INSTALLED IN ALL PLANTED AREAS. SPRINKLER OR DRAINAGE TO BE USED. ALL TREES TO HAVE IRRIGATION AS PART OF THE ORIGINAL DESIGN. ALL PIPES AND FITTINGS TO BE APPROVED AND TO THE LANDSCAPE ARCHITECT'S APPROVAL. ALL IRRIGATION AREAS TO BE 10mm x 10mm PORTLAND CEMENT BELOW FINISHED LEVEL OF ROAD SURFACE OR PAVING. ALL AREAS ARE TO BE IRRIGATED BY THE SIDE OF THE DRIVEWAY, NOT THE DRIVE.
- 3) A 1.2m x 1.2m IRRIGATION WATER CONNECTION POINT MUST BE PROVIDED NEAR THE IRRIGATION MAINLINE.
- 4) ALL TREES TO BE PLANTED WITHIN 10m OF THE EXISTING DRIVEWAY. TREES TO BE PLANTED WITHIN 10m OF THE DRIVEWAY AND TO BE IRRIGATED BY THE SIDE OF THE DRIVEWAY OR PAVING. ALL TREES ARE TO BE IRRIGATED BY THE SIDE OF THE DRIVEWAY, NOT THE DRIVE.

THE DEVELOPER / CLIENT / OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING.



LANDSCAPE PLAN
SCALE 1:1000 @ A1

REV. NO.	DESCRIPTION	DATE
01	ISSUED FOR PERMIT	2021-01-15
02	ISSUED FOR PERMIT	2021-01-15
03	ISSUED FOR PERMIT	2021-01-15
04	ISSUED FOR PERMIT	2021-01-15

FOR SUBMISSION
**MOUNT VERNON
RESIDENTIAL ESTATE**
LANDSCAPE PLAN
Drawing No: 2021-01-15 - REV 04
Scale: AS SHOWN @ A1 Date: 08 AUG 2021
Drawn by: LP Checked by: JAV
CNDV
LANDSCAPE
ARCHITECTS
1st Floor, 6 Pepper Street,
Cape Town, 8001
Tel: +27 21 810 7299
Web: www.cndv.co.za
P.L.A.S.E. NOTE THE DESIGN OF THIS DRAWING IS FOR INFORMATION
AND REMAINING THE PROPERTY OF THE LANDSCAPE ARCHITECT.

hm



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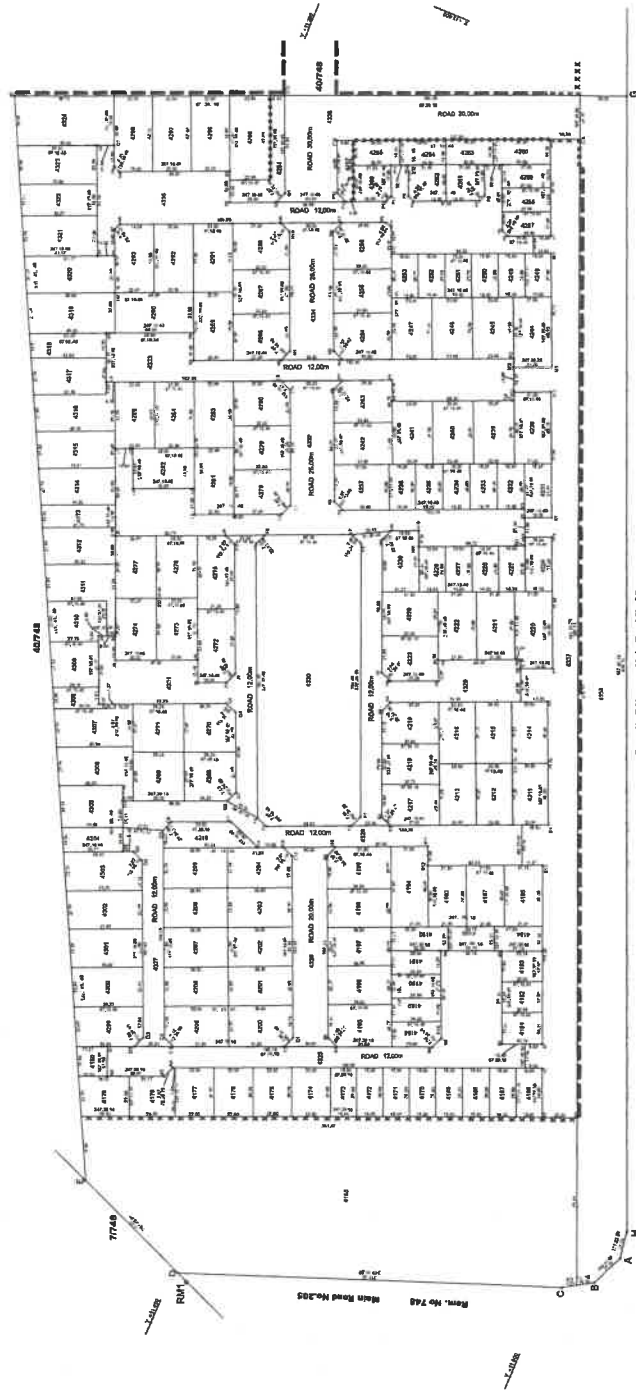
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ANNEXURE F

BURNING BONES

PLASTERED & PAINTED WALL	PLASTERED & PAINTED WALL
Solid Wall - top electrification	Solid Wall with top electrification
● ● ● ● ●	✕ ✕ ✕ ✕ ✕

12-13-20



Form. No Y48 Main Road No.37

4 +37 (31) 914-9945
 5 +37 (31) 914-4063
 6 afvan@bbo.be
 7 www.bbo.be
 8 74 de laeken, 1210
 9 drubbenelle, 7510
 10 tel. bno 2021, "groot wille
 11 7532, "groot wille

long.



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ANNEXURE I



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Enquiries
Your ref
Our ref
Application No
Telephone
Fax

H Dednam / B Mdoda
-
Farm 748/36, Paarl Division
LU/4457
021-808 8674 / 8690
021-886 6899

REGISTERED MAIL

First Plan Town and Regional Planners
PO Box 15865
PANORAMA
7506

Attention: Gideon Roos

Sir

APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE ON PORTION 36 (NOW PORTION 40) OF THE FARM BRONKHORST NO. 748, PAARL DIVISION

Your application in the above regard, refers.

The Director: Planning and Economic Development at a recent meeting resolved as follows:

1. That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the subdivision of Portion 40 of the farm Bronkhorst, No 748, Division Paarl into two portions, namely Portion 1 (±21.8965ha) and a Remainder of (±90ha).
2. That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the rezoning of the proposed subdivided Portion 1 from Agricultural Zone 1 to Subdivisional Area, to allow for
 - (a) ±104 Residential Zone I erven for single residential erven,
 - (a) ±47 Residential Zone II erven for group housing units,
 - (b) Several Open Space II erven for private parks and landscaping,
 - (c) 1 Agricultural Zone I erf to accommodate a farm stall/ tourist facility.
3. That approval be granted for Council's Special Consent in terms of the Section 8 Zoning Scheme Regulations, 1988 to conduct a tourist facility/ farm stall (with maximum floor area as indicated in the relevant Zoning Scheme) on a portion of the proposed Portion 1, which is situated to the northern side of the development on the corner of the R44 and R45 Routes, as indicated on the proposed development framework, attached as Appendix 2.
4. That the above mentioned approvals are subject to the following conditions in terms of Section 42(1) of the Land Use Planning Ordinance, No. 15 of 1985:
 - a) The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - b) A Subdivision Plan be submitted to the Municipality for approval by the Director: Planning and Economic Development;
 - c) A Site Development Plan be submitted to the Municipality for approval by the Director: Planning and Economic Development;

- d) A Landscaping Plan be submitted to the Municipality for approval by the Director: Planning and Economic Development in conjunction with the Director Community Services;
- e) The final Site Development Plan shall not deviate substantially from the Development Framework and Subdivision Plan, attached as **Appendix 2**;
- f) Where applicable, an application be submitted to the Municipality for the deviation from the provisions of the By-Law relating to the control of boundary walls and fences;
- g) The entrance gate, boundary wall and refuse area be completed prior to the first rates clearance be issued;
- h) The conditions imposed by the Department of Water Affairs and Sanitation as contained in their letter dated 08 February 2017 be complied with, attached as **Appendix 7**;
- i) The conditions imposed by the Department of Environmental Affairs and Development Planning as contained in their letter dated 15 March 2017 be complied with, attached as **Appendix 7**;
- j) The conditions imposed by the Department of Transport and Public Works as contained in their letter dated 17 May 2017 be complied with, attached as **Appendix 7**;
- k) The condition imposed by the Department Spatial Planning Heritage and Environment be complied with as indicated in their revised memo, dated 18 February 2019, attached as **Appendix 6**;
- l) Full particulars of all the proposed internal phases of the project be submitted to the Director: Planning and Economic Development for approval and that separate general plans be registered in respect of each of the said phases, if required;
- m) The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG. The following information must be indicated:
 - ✓ Newly allocated Erf Numbers
 - ✓ Co-ordinates
 - ✓ Survey Dimensions
 - ✓ Street names (approved by Council);
- n) The developer at his cost provide each of the newly created erven with electrical, water and sewer connections as well as any link services that need to be provided. The Council may require that plans of the services be drawn up by an appropriately qualified registered person and be submitted to the Director Infrastructure Services for approval;
- o) A Home Owners Association be established, inclusive of Architectural and Aesthetic guidelines, and submitted to this Municipality for approval prior to the first rates clearance be issued;
- p) The Owners Association be constituted once more than 51% of the properties are transferred;
- q) All building plans first be submitted to the Home Owners Association for their assessment and approval before submission to Council for consideration;
- r) A development contract must be entered into between the Municipality and the developer before any contractor may go on site and before any services design plans or building plans will be approved. See Memo, dated 18 February 2019, attached as **Appendix 6**;
- s) The developer's Consulting Engineers must timeously clarify the standards, design
 - * In *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others*; *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZACC 9 (Case No.CC117/13).

requirements and connecting points with respect to all civil and electrical services, as well as possible division of costs, with the Director: Infrastructure Services so that aspects thereof can be taken up in the development contract;

- t) The provision of internal services be for the account of the developer;
- u) The shifting or removing of any existing services be for the account of the developer;
- v) Place name and Street names be submitted to the Directorate Planning and Economic Development in terms of the relevant Policy for approval by Council prior to rates clearance being applied;
- w) All private open spaces in each phase be transferred to the Home Owners Association together with the first transfer in that phase;
- x) All private open spaces be developed by the developer at his/her own cost;
- y) All existing water rights and agricultural infrastructure on the Remainder of Farm 748/40 will be retained by the owner of the development on Portion 1 of Farm 748/40;
- z) The approval for rezoning, consent use and subdivision shall lapse within 5 years if not exercised from date of final notification;
- aa) That the Municipality reserves the right to impose further conditions if deemed necessary.

REASONS FOR RECOMMENDATION

- (a) The application is a form of densification which aids to contain urban sprawl. It does not have a negative impact on the character of the area;
- (b) The subject property is located within the Klapmuts Urban Edge and conforms to the principles of urban development within an urban edge in terms of the Stellenbosch Municipal Spatial Development Framework;
- (c) The proposal will promote moderate densification and will ensure efficient utilization of land, natural resources and services infrastructure;
- (d) The proposal will provide a high quality living environment within Klapmuts;
- (e) The proposed development is essentially infill development, optimizing underutilized vacant land;
- (f) The development is in close proximity and within walking distance to a broad range of future employment opportunities as well as recreational facilities, promoting the integration of land uses;
- (g) The proposal satisfies the evaluation criteria namely, desirability, the effect on existing rights, the safety and well-being of the community and the conservation of relevant natural and built environment.

Kindly note that the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Kindly also note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

Kindly be advised that you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect

* In *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others*; *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZACC 9 (Case No. CC117/13).

of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R2500,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6749 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

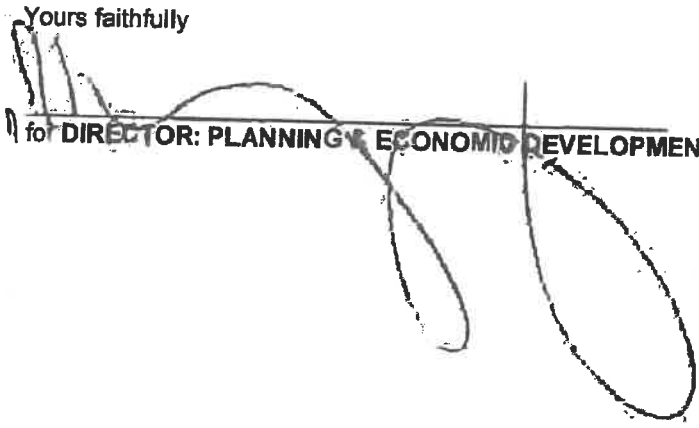
Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

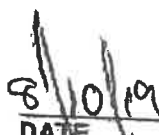
Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Important note: *Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment* on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.*

Kindly note the above Council 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


for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT


8/10/19
DATE

* In *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others*; *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZACC 9 (Case No. CC117/13).



SUBDIVISION **Portion 40** **of** **Farm 748 Klapmuts** **MI VERNON**

ZONING	PORTIONS	AREA	%
Residential Zone I	104	9,7852ha	44
Residential Zone II	47	1,8857ha	10
Agricultural I	1	2,4642ha	12
Open Space I	11	2,8881ha	19
Open Space II		4,2002ha	21
TOTAL	183	318,0002	100

LAND USE	
Single Dwelling	Group Housing
Farm Road	Private Open Space
Private Road Area	

PLAN NO	FP0510/618
AMENDMENT	CHANGE PROPERTY DESCRIPTION 22/8/2019
DATE	9 SEPTEMBER 2014

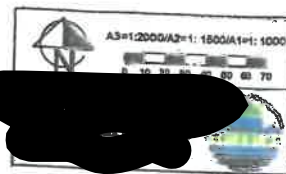
CLIENT

STELLENBOSCH MUNICIPALITY **6/748** **LAND USE MANAGEMENT**

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 25 OF ORDINANCE 15 OF 1985, SUBJECT TO THE CONDITIONS AS PER ANNEXURE 1.

THE COMMUNITY DEVELOPMENT & PLANNING & ENVIRONMENT

DATE



MT VERNON
Portion 40 of Farm 748 Klappmuts

REMAINDER AGRICULTURE
(Plant Nursery/Farm Shop/Tourist Facility)

[illegible]

NEW SIMILARITY

Legend:
 overflow water level: 
 5cm offset line:
 Restoration:
 CHARTER REPORT: distribution Au just 2010

 AS=12000/A2=4: 1600/A1=1: 1000
0 10 20 30 40 50 60 70

FIRST PLAN
TOWN & REGIONAL PLANNERS
9 Evesham Crescent, Philadelphia, 7600
PO Box 16866, Phoenix, 7600
E-Mail: gideon.ross@drpinc.co.za





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MEMORANDUM

TO : Director: Planning and Economic Development

FROM : Manager: Land Use Management

DATE : 2019-08-29

SUBJECT : ADDENDUM TO REPORT ON APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE ON PORTION 36 (NOW PORTION 40) OF THE FARM BRONKHORST NO 748, DIVISION PAARL

FILE REF : LU/4457

1. PURPOSE

To rectify an administrative error in the Delegated report for the subdivision, rezoning, and consent use on Portion 36 (now portion 40) of Farm 748, division Paarl. See **Appendix 1** for the report, dated 31 July 2019

2. DISCUSSION

While finalising the decision letter, it came to the Administration's attention that the application property to which the report refers to, has already been consolidated and is now known as Portion 40 of Farm 748, division Paarl. See **Appendix 2** for the related Surveyor General diagrams.

Further to this, the administration realised that there is no need to mention about:

"The amendment of the Klappmuts Spatial Development Framework and urban edge as reflected in the KSDF to allow the inclusion of a ±6.8965ha portion of Portion 36 of the Farm Bronkhorst, No 748, Division Paarl as reflected on Plan L8848/J9847 dated 20 August 2015",

seeing that the Klappmuts urban edge has, since the application was submitted, been amended accordingly to incorporate the proposed application.

3. RECOMMENDATION

Based on the above information and attached documentation, the decision is resubmitted to the Director Planning and Economic Development to take note of the administrative error and sign a new decision to:



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- a) Replace the reference to Portion 36 of Farm 748, division Paarl with Portion 40 of Farm 748, division Paarl, and
- b) To omit the reference to 10.4 in the Decision which reads: *"That the application for the amendment of the Klapmuts Spatial Development Framework and urban edge as reflected in the KSDF to allow the inclusion of a ±6.8965ha portion of Portion 36 of the Farm Bronkhorst, No 748, Division Paarl as referred to on page 30 of the Applicant's Motivation, dated 21 November 2016 be refused"*

The revised decision is attached as **Appendix 3**.

4. REASONS

- a) The application property to which the report refers to, has already been consolidated and is now known as Portion 40 of Farm 748, division Paarl.
- b) The subject property is located within the urban edge as amended and approved on the 28 May 2018. There is no need for the amendment of the SDF and urban edge.

Recommended by:

H. Dednam

**MANAGER LAND USE MANAGEMENT
H DEDNAM**

Date 29-08-2019

Approved/ Not Approved:

[Signature]
**DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT
T MFEYA**

Date 02/09/2019



APPENDIX 3

RECOMMENDATION

- 1 That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the **subdivision** of Portion 40 of the farm Bronkhorst, No 748, Division Paarl into two portions, namely Portion 1 (± 21.8965 ha) and a Remainder of (± 90 ha).
- 2 That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the **rezoning** of the proposed subdivided Portion 1 from Agricultural Zone 1 to Subdivisional Area, to allow for
 - (a) ± 104 Residential Zone I erven for single residential erven,
 - (a) ± 47 Residential Zone II erven for group housing units,
 - (b) Several Open Space II erven for private parks and landscaping,
 - (c) 1 Agricultural Zone I erf to accommodate a farm stall/ tourist facility.
- 3 That approval be granted for Council's **Special Consent** in terms of the Section 8 Zoning Scheme Regulations, 1988 to conduct a tourist facility/ farm stall (with maximum floor area as indicated in the relevant Zoning Scheme) on a portion of the proposed Portion 1, which is situated to the northern side of the development on the corner of the R44 and R45 Routes, as indicated on the proposed development framework, attached as **Appendix 2**.
- 4 That the above mentioned approvals are subject to the following conditions in terms of Section 42(1) of the Land Use Planning Ordinance, No. 15 of 1985:
 - a) The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - b) A Subdivision Plan be submitted to the Municipality for approval by the Director: Planning and Economic Development;
 - c) A Site Development Plan be submitted to the Municipality for approval by the Director: Planning and Economic Development;
 - d) A Landscaping Plan be submitted to the Municipality for approval by the Director: Planning and Economic Development in conjunction with the Director Community Services;
 - e) The final Site Development Plan shall not deviate substantially from the Development Framework and Subdivision Plan, attached as **Appendix 2**;



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- f) Where applicable, an application be submitted to the Municipality for the deviation from the provisions of the By-Law relating to the control of boundary walls and fences;
- g) The entrance gate, boundary wall and refuse area be completed prior to the first rates clearance be issued;
- h) The conditions imposed by the Department of Water Affairs and Sanitation as contained in their letter dated 08 February 2017 be complied with, attached as **Appendix 7**;
- i) The conditions imposed by the Department of Environmental Affairs and Development Planning as contained in their letter dated 15 March 2017 be complied with, attached as **Appendix 7**;
- j) The conditions imposed by the Department of Transport and Public Works as contained in their letter dated 17 May 2017 be complied with, attached as **Appendix 7**;
- k) The condition imposed by the Department Spatial Planning Heritage and Environment be complied with as indicated in their revised memo, dated 18 February 2019, attached as **Appendix 6**;
- l) Full particulars of all the proposed internal phases of the project be submitted to the Director: Planning and Economic Development for approval and that separate general plans be registered in respect of each of the said phases, if required;
- m) The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG. The following information must be indicated:
 - ✓ Newly allocated Erf Numbers
 - ✓ Co-ordinates
 - ✓ Survey Dimensions
 - ✓ Street names (approved by Council);
- n) The developer at his cost provide each of the newly created erven with electrical, water and sewer connections as well as any link services that need to be provided. The Council may require that plans of the services be drawn up by an appropriately qualified registered person and be submitted to the Director Infrastructure Services for approval;
- o) A Home Owners Association be established, inclusive of Architectural and Aesthetic guidelines, and submitted to this Municipality for approval prior to the first rates clearance be issued;



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- p) The Owners Association be constituted once more than 51% of the properties are transferred;
- q) All building plans first be submitted to the Home Owners Association for their assessment and approval before submission to Council for consideration;
- r) A development contract must be entered into between the Municipality and the developer before any contractor may go on site and before any services design plans or building plans will be approved. See Memo, dated 18 February 2019, attached as Appendix 6;
- s) The developer's Consulting Engineers must timeously clarify the standards, design requirements and connecting points with respect to all civil and electrical services, as well as possible division of costs, with the Director: Infrastructure Services so that aspects thereof can be taken up in the development contract;
- t) The provision of internal services be for the account of the developer;
- u) The shifting or removing of any existing services be for the account of the developer;
- v) Place name and Street names be submitted to the Directorate Planning and Economic Development in terms of the relevant Policy for approval by Council prior to rates clearance being applied;
- w) All private open spaces in each phase be transferred to the Home Owners Association together with the first transfer in that phase;
- x) All private open spaces be developed by the developer at his/her own cost;
- y) All existing water rights and agricultural infrastructure on the Remainder of Farm 748/40 will be retained by the owner of the development on Portion 1 of Farm 748/40;
- z) The approval for rezoning, consent use and subdivision shall lapse within 5 years if not exercised from date of final notification;
- aa) That the Municipality reserves the right to impose further conditions if deemed necessary.

REASONS FOR RECOMMENDATION

- a) The application is a form of densification which aids to contain urban sprawl. It does not have a negative impact on the character of the area;



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- b) The subject property is located within the Klapmuts Urban Edge and conforms to the principles of urban development within an urban edge in terms of the Stellenbosch Municipal Spatial Development Framework;
- c) The proposal will promote moderate densification and will ensure efficient utilization of land, natural resources and services infrastructure;
- d) The proposal will provide a high quality living environment within Klapmuts;
- e) The proposed development is essentially infill development, optimizing underutilized vacant land;
- f) The development is in close proximity and within walking distance to a broad range of future employment opportunities as well as recreational facilities, promoting the integration of land uses;
- g) The proposal satisfies the evaluation criteria namely, desirability, the effect on existing rights, the safety and well-being of the community and the conservation of relevant natural and built environment.

fil



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APPENDIX 2

SUBDIVISION PLANS

**(L8848/J9847, dated 20 August 2015
and FP0510/618, dated 9 September 2014)**

AND

DEVELOPMENT FRAMEWORK

**SKETCH PLAN OF PROPOSED SUBDIVISION OF PORTION
FARM BRONKHORST No. 748
S.G. DIAGRAM NO. 4833/95**

KEY

- Dam perimeter
- Cadastral boundary
- Contiguous data
- Electrical power line
- Main roads
- Surrounding farmlands & erven
- Dam
- Railway line

NORTH



DRAWING ISSUE STATUS

Issue	Details	By	Date

USE: Portion A - Proposed Urban Development
Remainder - Agriculture

OWNER: R44 Property Limited
(Reg. No. 97/2/244/07)

OWNERS TITLE DEED: T/D 54987/98

Notes:

All data approximate and subject to final survey

Applicant:

ZEYDEVCO PROPERTY DEVELOPERS

Project Title:

**Proposed Subdivision Sketch Plan of
Portion 36
of the farm Bronkhurst No.748**

BIFFLEWIS GEOMATICS INC.
PROFESSIONAL LAND SURVEYORS

A11 Waverley Court, 7 Kotzee Road,
Observatory, 7925
Tel: 021 442 3480
Fax: 021 442 3488
Email: info@bigeomatics.co.za
Webpage: www.bigeomatics.co.za



SCALE: 1:8000 @ A3

SURVEYED BY: —

DATE OF ISSUE: 2015-08-20

OUR REF No. L8848/J9847

DRAWING NAME & ISSUE

Proposed Subdivision Sketch Plan Portion 36

DRAWN BY: NB
CHECKED BY: BL

NOTES:

**1) THE FIGURE ABCDEFGH REPRESENTS PROPOSED PORTION A
(A PORTION OF PORTION 36) OF THE FARM BRONKHURST No.
IN EXTENT OF 21.8965 Ha**

**2) THE FIGURE JKEFGH REPRESENTS PROPOSED ROAD RESERVE
IN EXTENT OF 1.8485Ha**

Referenced by certificate

Proposed Development Framework

MT VERNON
Farm 748 Klappmuts

replace

Dem

REMAINING AGRICULTURE
(Plant Nursery/Town Shop/Tourist Facilities)

MEDIUM DENSITY HOUSING

MEDIUM DENSITY HOUSING

NEW INFRASTRUCTURE

MEDIUM DENSITY HOUSING

WATER TREATMENT PLANT

WATER TREATMENT PLANT

WATER TREATMENT PLANT

AS2000
overlain water level:
32m above Bm



AS=1:2000/A2=1:1500/A1=1:1000
0 10 20 30 40 50 60 70

FIRST PLAN
TOWN & REGIONAL PLANNERS
8 Ewerdus Crescent, Pretorius, 7500
PO Box 15805, Paarl, 7600
E-mail: plan@firstplan.co.za



Th

*replaced by
acknowledged*

SUBDIVISION

Portion 36
of
Farm 748 Klappmuts

MI VERNON

ZONING	PORTIONS	AREA	%
Residential Zone I	104	8 7852ha	44
Residential Zone II	47	1,8657ha	10
Agricultural I	1	2 4542ha	12
Open Space I	11	2,6681ha	13
Open Space II		4,2960ha	21
TOTAL	163	218,9912	100

LAND USE			
	Single Dwelling		Group Housing
	Farm Stall		Private Open Space
	Private Road Area		

PLAN NO	FP0510/616
AMENDMENT	GROUP HOUSING AT ENTRANCE
DATE	9 SEPTEMBER 2014

CLIENT



zevdevco
property developers



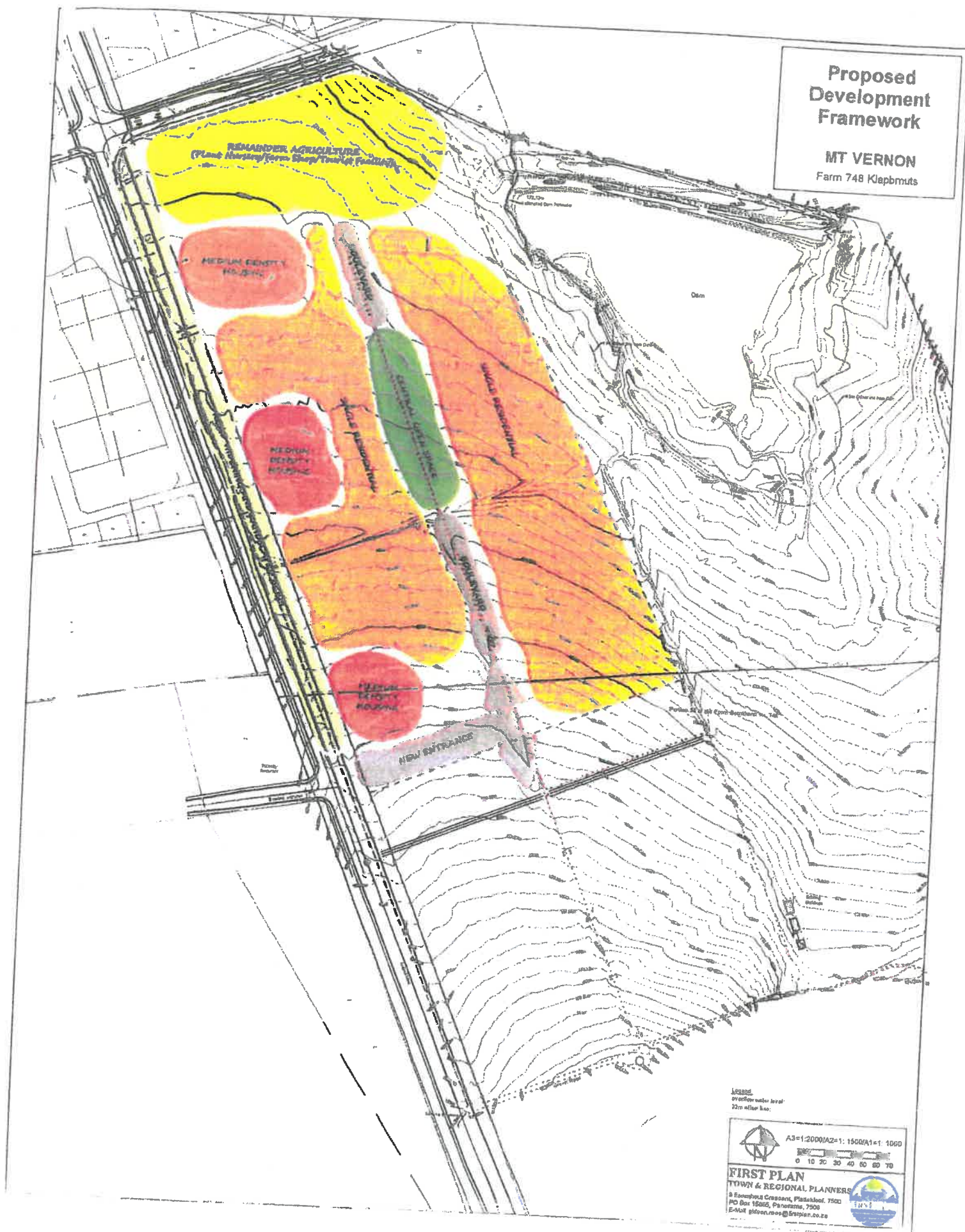
AS=1:2000 A2=1:1500 A1=1:1000

FIRST PLAN
TOWN & REGIONAL PLANNERS
4 Evershout Crescent, Potchefstroom, 7300
PO Box 10656, Potchefstroom, 7300
E-Mail: andro.beulme@firstplan.co.za



THE COPYRIGHT OF THIS DRAWING, INCLUDING THE DESIGN AND DETAILS SHOWN HEREIN, IS RESERVED BY FIRST PLAN

MT VERNON
Farm 748 Klapphuts



Legend
 04 onflow units level
 22m after line:



A3=1:2000/A2=1:1650/A1=1:1000

FIRST PLAN
TOWN & REGIONAL PLANNERS

2 Esomhoy Crescent, Plateauhof, 7500
PO Box 15865, Panorama, 7508
E-Mail platoon.mos@esopian.co.za



mailto:enayon.mos@firstplan.co.za



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES

TO : The Director: Planning and Development

FOR ATTENTION : B Mdoda

FROM : Tyrone King (Development Services and Project Management)

DATE : 18 February 2019

RE. : 1365 (Dev Service Ref No)

Reference : Farm 748/36, Paarl (Mount Vernon): Amendment of the urban edge, Rezoning and subdivision

This Memo supersedes the Memo dated 19 July 2017. After that Memo, discussion and negotiations have been held between the Developer and this Directorate, regarding certain conditions, and our comment has been revised accordingly.

Details, specifications and information reflected in the following documents refer:

- The abovementioned application dated 30 November 2015 and motivation report by First Town Planners, dated Nov 2015;
- Proposed Subdivision Plan Project No. L8848/J9847 dated 2015-08-20 by Biff Lewis Geomatics Inc (**Annexure A**);
- Transport Impact Assessment (TIS) by ICE Group, dated 15 October 2015;
- Report on Civil Engineering Services, by ICE Group, dated 23 October 2015;
- GLS report dated 28 October 2016
- Stormwater Management Plan dated 9 Oct 2014 by ICE Group
- Development parameter letter by First Plan dated 12 Feb 2019, including Subdivision Plan No FP0510/618, dated 9 Sept 2014 (**Annexure A**)

Comments from the Directorate: Engineering Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval. It must be noted that Electrical Services will comment in a separate memo.

Farm 748/36, Paarl (Mount Vernon): Amendment of the urban edge, Rezoning and subdivision

The following items are applied for and our comments are as follows:

a.) The amendment of the approved Klapmuts Spatial Development Framework by way of refining the approved urban edge in accordance with the specific physical characteristics of the land is **recommended for approval subject to the conditions below;**

b.) The subdivision of a portion of Portion 36 of Farm Bronkhorst, No 748 Division Paarl into two portions i.e. a portion 1 (±22ha) and Remainder (±90ha) is **recommended for approval;**

c.) The rezoning of Portion 1 from Agricultural Zone to Subdivisional Area to accommodate a mix-use development including residential and agricultural (farm stall/tourist facility) uses with the necessary support infrastructure (roads, open spaces etc.) is **recommended for approval subject to the conditions below;**

This recommendation for approval is based on the following parameters from the Development parameter letter by First Plan dated 12 Feb 2019:

Group Housing erven less than 500m ² :	47
Single dwelling erven 500m ² – 999m ² :	97
Single dwelling erven 1000m ² and bigger:	7
Farm stall consent use:	100m ² (General business)

Any development beyond these parameters would require a further approval from this Directorate and amended DC calculations.

General

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:

- (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY a metropolitan municipality, Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

Farm 748/36, Paarl (Mount Vernon): Amendment of the urban edge, Rezoning and subdivision

- (b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Engineering Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;
3. that no taking up of proposed rights including engineering drawing approval / Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates etc will be allowed until the following items been implemented:
- a. **Klapmuts WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Klapmuts WWTW (Waste Water Treatment Works). The current capacity of the existing Stellenbosch WWTW does not allow for any new developments at this stage. However, construction for the upgrade of the Stellenbosch WWTW to a design capacity of 3.5 ML/day, is underway. Commissioning of the works to accommodate sewage from new developments is estimated to be at the end of **September 2017**, depending on the Contractor's performance and adherence to programme.
 - b. **Water and Sewer Network:** There is currently insufficient capacity in the water and sewer municipal networks to accommodate the proposed development and certain upgrades are required. The identification of the items to be upgraded as given below is based on the GLS report dated 28 October 2016. These items are not the only items required according to the report, but in order to stimulate development we have selected the most critical items to accommodate this development and without having a negative effect on the existing users. The status of the municipal network changes over time and as developments occur, and the list below is therefore also subject to change. The items required will be confirmed once the Developer submits the following documents for approval: detail SDP; services agreement or engineering drawings. The following minimum items must be upgraded by the Developer:

Water (See attached Figure 1 from GLS)

Farm 748/36, Paarl (Mount Vernon): Amendment of the urban edge, Rezoning and subdivision

1. Water: SKW B1: 500 m x 400 mm dia new bulk supply pipeline

Estimated cost: R 1 496 000*

Funding: Can be offset from DCs

2. Water: SKW 1.2: 420 m x 400 mm dia parallel reinforcement of main pipe

Estimated cost: R 1 233 000*

Funding: Can be offset from DCs

3. Water: SKW 1.12: 150 m x 315 mm dia parallel reinforcement of main pipe

Estimated cost: R 365 000*

Funding: Can be offset from DCs

4. Water: The following water minimum required items have been / will be allocated to other new developments in Klappmuts for implementation. Should these upgrades not take place before the proposed development is implemented, these items may be made a requirement for this development. These items can be offset from DCs

a.) SKW 1.1 (still to be allocated),

b.) SKW 1.6 (Simonsberg Village Farm 748 Portion 30),

c.) SKW 1.17 (Simonsberg Village Farm 748 Portion 30).

Sewer (See attached Figure 2 from GLS)

5. Sewer: Item SKS 1.10: 140 m x 160mm dia new outfall sewer

Estimated cost: R 188 000*

Funding: At Developer's own cost

6. Sewer: Item SKS 1.11: 440 m x 160mm dia new outfall sewer

Estimated cost: R 437 000*

Funding: Can be offset from DCs

7. Sewer: The following sewer minimum required items have been / will be allocated to other new development in Klappmuts for implementation. Should these upgrades not take place before the proposed development is implemented, these items may be made a requirement for this development.

Farm 748/36, Paarl (Mount Vernon): Amendment of the urban edge, Rezoning and subdivision

a.) Sewer: Item 1 (Simonsberg Village Farm 748 Portion 30): Downsize capacity of Klappmuts PS3 to 20l/s

Estimated cost: R 67 000*

Funding: Can be offset from DCs

b.) Sewer: Item 2 (Simonsberg Village Farm 748 Portion 30): 215 m x 200 mm dia upgrade existing 150 mm dia outfall sewer

Estimated cost: R 365 000*

Funding: Can be offset from DCs

*(*Including P & G, Contingencies and Fees, but excluding VAT - Year 2015/16 Rand Value). This is a rough estimate, which does not include major unforeseen costs).*

c. Roads: The following recommendations from the TIS must be implemented:

1. that the consolidated R44/Proposed Development (residential)/Potbelly Pantry intersection (in line with the Access Management Plan by Aecom) be signalised with dedicated right turning lanes on all approaches as indicated in Diagram 3 – Can be offset from DCs;
2. That the consolidated R45/Proposed Development (tourist facility)/ Simonsberg Village intersection ($\pm$ 250 metres east of the R44/R45 intersection in line with PGWC correspondence) be stop-controlled on the side streets with a layout as indicated in Diagram 4 – Developer's own cost, It is advised that the Developer negotiate with Simonsberg Village to share costs;
3. That the existing 80 km/h speed limit sign on the R44 to the south of the consolidated R44/Proposed Development (residential)/Potbelly Pantry intersection should be relocated further south of the intersection in accordance with the South African Road Traffic Signs Manual – Can be offset from DCs;
4. That street lighting be provided on the R44 and R45 from where it currently exists to beyond the proposed development accesses – Can be offset from DCs;



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ANNEXURE H

**Mount Vernon Estate
Proposed
Streetnames
and Numbering**
Erf 4152 (Portion 1 of
Portion 40 Farm 748)
KLAPMUTS

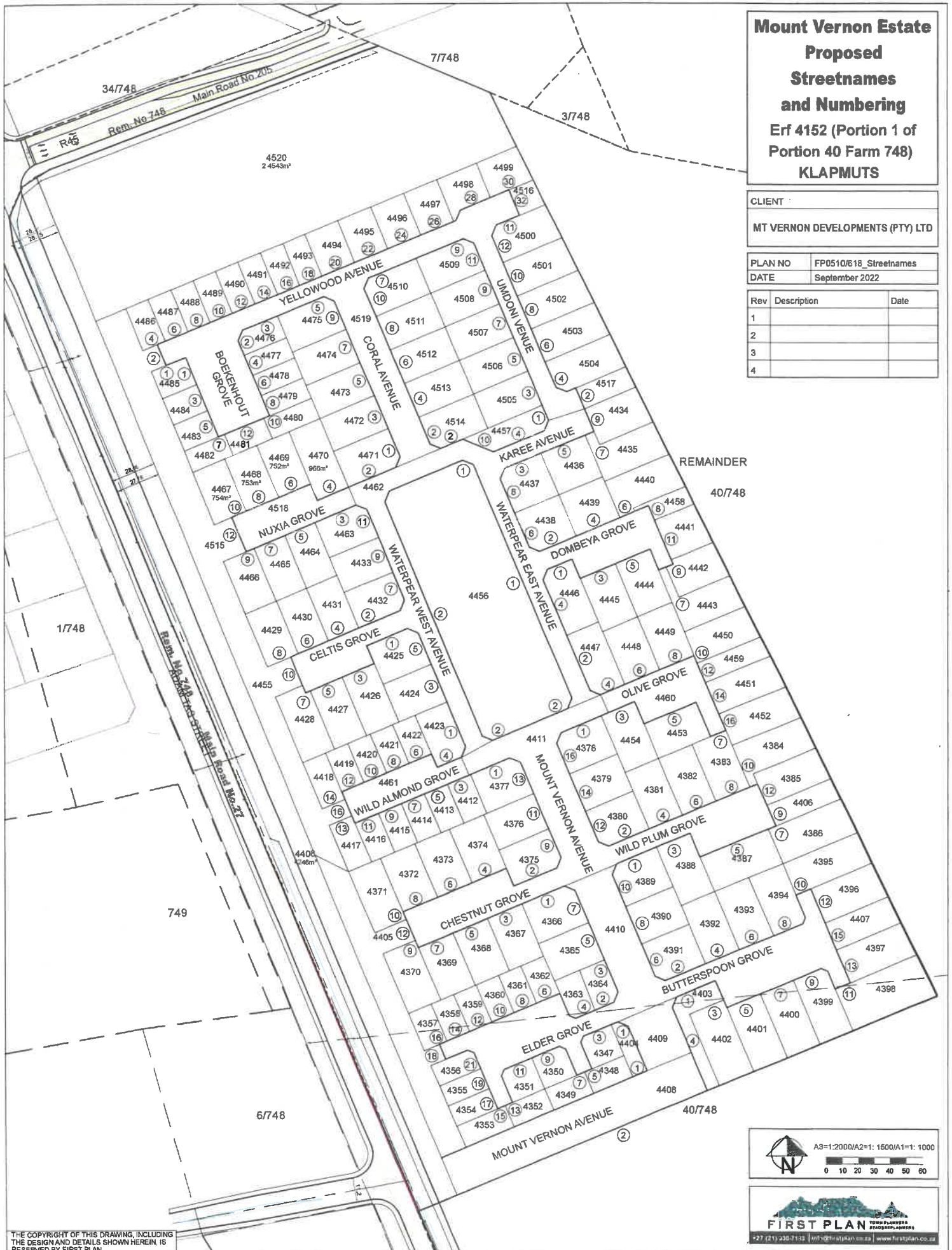
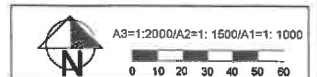
CLIENT

MT VERNON DEVELOPMENTS (PTY) LTD

PLAN NO FP0510/618_Streetnames

DATE September 2022

Rev	Description	Date
1		
2		
3		
4		





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ANNEXURE G

Mt Vernon Residential Estate Design Manual: Annexure B - Phase Three									
Erf No	Size	Phase	Type	Building lines					Double Storey Setback Rear Boundary
				Street	Side	Garage side boundary	Rear	Pos	
4463	759	Three	CR	4	2,5	2,5	2,5	2,5	
4464	723	Three	CR	4	2,5	2,5	2,5	2,5	5
4465	723	Three	CR	4	2,5	2,5	2,5	2,5	5
4466	722	Three	CR	4	2,5	2,5	2,5	2,5	
4467	754	Three	CR	4	2,5	2,5	2,5	2,5	
4468	753	Three	CR	4	2,5	2,5	2,5	2,5	5
4469	752	Three	CR	4	2,5	2,5	2,5	2,5	5
4470	966	Three	CR	4	2,5	2,5	2,5	2,5	5
4471	863	Three	CR	4	2,5	2,5	2,5	2,5	
4472	803	Three	CR	4	2,5	2,5	2,5	2,5	
4473	803	Three	CR	4	2,5	2,5	2,5	2,5	
4474	813	Three	CR	4	2,5	2,5	2,5	2,5	
4475	868	Three	CR	4	2,5	2,5	2,5	2,5	
4476	393	Three	GH	2	1	0	1	1	
4477	378	Three	GH	2	1	0	1	1	
4478	378	Three	GH	2	1	0	1	1	
4479	381	Three	GH	2	1	0	1	1	
4480	434	Three	GH	2	1	0	1	1	
4481	361	Three	GH	2	1	0	1	1	
4482	382	Three	GH	2	1	0	1	1	
4483	406	Three	GH	2	1	0	1	1	
4484	401	Three	GH	2	1	0	1	1	
4485	410	Three	GH	2	1	0	1	1	
4486	420	Three	GH	2	1	0	1	1	
4487	420	Three	GH	2	1	0	1	1	
4488	420	Three	GH	2	1	0	1	1	
4489	420	Three	GH	2	1	0	1	1	
4490	4230	Three	GH	2	1	0	1	1	
4491	420	Three	GH	2	1	0	1	1	
4492	420	Three	GH	2	1	0	1	1	
4493	420	Three	GH	2	1	0	1	1	
4494	616	Three	CR	4	2,5	2,5	2,5	2,5	
4495	616	Three	CR	4	2,5	2,5	2,5	2,5	
4496	616	Three	CR	4	2,5	2,5	2,5	2,5	
4497	616	Three	CR	4	2,5	2,5	2,5	2,5	
4498	629	Three	CR	4	2,5	2,5	2,5	2,5	
4499	638	Three	CR	4	2,5	2,5	2,5	2,5	
4500	863	Three	CR	4	2,5	2,5	2,5	2,5	4
4501	898	Three	CR	4	2,5	2,5	2,5	2,5	4
4502	908	Three	CR	4	2,5	2,5	2,5	2,5	4
4503	937	Three	CR	4	2,5	2,5	2,5	2,5	4
4504	959	Three	CR	4	2,5	2,5	2,5	2,5	4
4505	839	Three	CR	4	2,5	2,5	2,5	2,5	
4506	821	Three	CR	4	2,5	2,5	2,5	2,5	
4507	821	Three	CR	4	2,5	2,5	2,5	2,5	
4508	821	Three	CR	4	2,5	2,5	2,5	2,5	
4509	832	Three	CR	4	2,5	2,5	2,5	2,5	
4510	842	Three	CR	4	2,5	2,5	2,5	2,5	
4511	821	Three	CR	4	2,5	2,5	2,5	2,5	
4512	821	Three	CR	4	2,5	2,5	2,5	2,5	
4513	821	Three	CR	4	2,5	2,5	2,5	2,5	
4514	826	Three	CR	4	2,5	2,5	2,5	2,5	
4515	4355	Three	POS						
4516	282	Three	POS						
4517	478	Three	POS						
4518	1467	Three	Road						
4519	2333	Three	Road						

Mt Vernon Residential Estate Design Manual: Annexure B - Phase Two									
Erf No	Size	Phase	Type	Building lines					Double Storey Setback Rear Boundary
				Street	Side	Garage side boundary	Rear	Pos	
4412	399	Two	GH	2	1	0	1	1	
4413	399	Two	GH	2	1	0	1	1	
4414	399	Two	GH	2	1	0	1	1	
4415	399	Two	GH	2	1	0	1	1	
4416	399	Two	GH	2	1	0	1	1	
4417	476	Two	GH	2	1	0	1	1	
4418	476	Two	GH	2	1	0	1	1	
4419	388	Two	GH	2	1	0	1	1	
4420	388	Two	GH	2	1	0	1	1	
4421	388	Two	GH	2	1	0	1	1	
4422	388	Two	GH	2	1	0	1	1	
4423	727	Two	CR	4	2,5	2,5	2,5	2,5	
4424	803	Two	CR	4	2,5	2,5	2,5	2,5	
4425	819	Two	CR	4	2,5	2,5	2,5	2,5	
4426	839	Two	CR	4	2,5	2,5	2,5	2,5	5
4427	839	Two	CR	4	2,5	2,5	2,5	2,5	5
4428	931	Two	CR	4	2,5	2,5	2,5	2,5	
4429	723	Two	CR	4	2,5	2,5	2,5	2,5	
4430	723	Two	CR	4	2,5	2,5	2,5	2,5	5
4431	723	Two	CR	4	2,5	2,5	2,5	2,5	5
4432	758	Two	CR	4	2,5	2,5	2,5	2,5	
4433	758	Two	CR	4	2,5	2,5	2,5	2,5	
4434	847	Two	CR	4	2,5	2,5	2,5	4	
4435	993	Two	CR	4	2,5	2,5	2,5	4	
4436	816	Two	CR	4	2,5	2,5	2,5	2,5	5
4437	803	Two	CR	4	2,5	2,5	2,5	2,5	
4438	800	Two	CR	4	2,5	2,5	2,5	2,5	
4439	805	Two	CR	4	2,5	2,5	2,5	2,5	5
4440	992	Two	CR	4	2,5	2,5	2,5	4	
4441	711	Two	CR	4	2,5	2,5	2,5	4	
4442	748	Two	CR	4	2,5	2,5	2,5	4	
4443	932	Two	CR	4	2,5	2,5	2,5	4	
4444	830	Two	CR	4	2,5	2,5	2,5	2,5	5
4445	835	Two	CR	4	2,5	2,5	2,5	2,5	5
4446	881	Two	CR	4	2,5	2,5	2,5	2,5	
4447	880	Two	CR	4	2,5	2,5	2,5	2,5	
4448	835	Two	CR	4	2,5	2,5	2,5	2,5	5
4449	820	Two	CR	4	2,5	2,5	2,5	2,5	5
4450	862	Two	CR	4	2,5	2,5	2,5	4	
4451	907	Two	CR	4	2,5	2,5	2,5	4	
4452	934	Two	CR	4	2,5	2,5	2,5	4	
4453	805	Two	CR	4	2,5	2,5	2,5	2,5	
4454	855	Two	CR	4	2,5	2,5	2,5	2,5	5
4455	2989	Two	POS						
4456	9855	Two	POS						
4457	675	Two	POS						
4458	332	Two	POS						
4459	548	Two	POS						
4460	1659	Two	Road						
4461	1446	Two	Road						
4462	9314	Two	Road						

ANNEXURE B

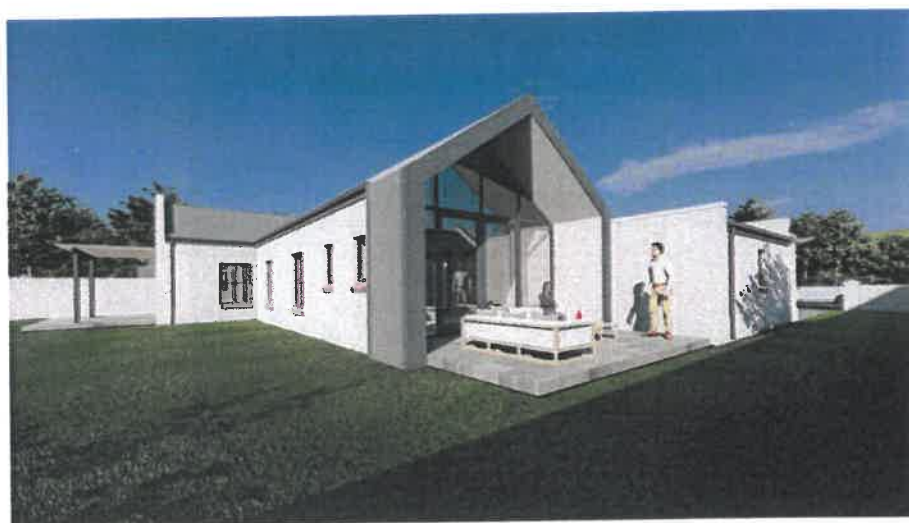
SCHEDULE OF ADDITIONAL BUILDING LINE RESTRICTIONS AND ALLOWANCES

	B	C	D	E	F	G	H	I	J	K
2	Mt Vernon Residential Estate Design Manual: Annexure B - Phase One									
3										
4	Erf No	Size	Phase	Type	Building lines					Double Storey Setback Rear Boundary
					Street	Side	Garage side boundary	Rear	Pos	
5										
6	4347	439	One	GH	2	1	0	1	1	
7	4348	380	One	GH	2	1	0	1	1	
8	4349	380	One	GH	2	1	0	1	1	
9	4350	439	One	GH	2	1	0	1	1	
10	4351	439	One	GH	2	1	0	1	1	
11	4352	380	One	GH	2	1	0	1	1	
12	4353	466	One	GH	2	1	0	1	1	
13	4354	371	One	GH	2	1	0	1	1	
14	4355	371	One	GH	2	1	0	1	1	
15	4356	371	One	GH	2	1	0	1	1	
16	4357	375	One	GH	2	1	0	1	1	
17	4358	375	One	GH	2	1	0	1	1	
18	4359	375	One	GH	2	1	0	1	1	
19	4360	375	One	GH	2	1	0	1	1	
20	4361	375	One	GH	2	1	0	1	1	
21	4362	387	One	GH	2	1	0	1	1	
22	4363	426	One	GH	2	1	0	1	1	
23	4364	445	One	GH	2	1	0	1	1	
24	4365	838	One	CR	4	2,5	2,5	2,5	2,5	
25	4366	875	One	CR	4	2,5	2,5	2,5	2,5	
26	4367	805	One	CR	4	2,5	2,5	2,5	2,5	
27	4368	805	One	CR	4	2,5	2,5	2,5	2,5	
28	4369	805	One	CR	4	2,5	2,5	2,5	2,5	
29	4370	861	One	CR	4	2,5	2,5	2,5	2,5	
30	4371	860	One	CR	4	2,5	2,5	2,5	2,5	
31	4372	828	One	CR	4	2,5	2,5	2,5	2,5	
32	4373	828	One	CR	4	2,5	2,5	2,5	2,5	
33	4374	828	One	CR	4	2,5	2,5	2,5	2,5	
34	4375	798	One	CR	4	2,5	2,5	2,5	2,5	
35	4376	797	One	CR	4	2,5	2,5	2,5	2,5	
36	4377	804	One	CR	4	2,5	2,5	2,5	2,5	
37	4378	804	One	CR	4	2,5	2,5	2,5	2,5	
38	4379	800	One	CR	4	2,5	2,5	2,5	2,5	
39	4380	804	One	CR	4	2,5	2,5	2,5	2,5	
40	4381	855	One	CR	4	2,5	2,5	2,5	2,5	5
41	4382	855	One	CR	4	2,5	2,5	2,5	2,5	5
42	4383	855	One	CR	4	2,5	2,5	2,5	2,5	5
43	4384	995	One	CR	4	2,5	2,5	2,5	4	
44	4385	882	One	CR	4	2,5	2,5	2,5	4	
45	4386	1131	One	CR	4	2,5	2,5	2,5	4	
46	4387	1035	One	CR	4	2,5	2,5	2,5	2,5	
47	4388	878	One	CR	4	2,5	2,5	2,5	2,5	
48	4389	835	One	CR	4	2,5	2,5	2,5	2,5	
49	4390	800	One	CR	4	2,5	2,5	2,5	2,5	
50	4391	836	One	CR	4	2,5	2,5	2,5	2,5	5
51	4392	877	One	CR	4	2,5	2,5	2,5	2,5	5
52	4393	877	One	CR	4	2,5	2,5	2,5	2,5	5
53	4394	873	One	CR	4	2,5	2,5	2,5	2,5	5
54	4395	1061	One	CR	4	2,5	2,5	2,5	4	
55	4396	963	One	CR	4	2,5	2,5	2,5	4	
56	4397	975	One	CR	4	2,5	2,5	2,5	4	
57	4398	1577	One	CR	4	2,5	2,5	2,5	4	
58	4399	943	One	CR	4	2,5	2,5	2,5	2,5	
59	4400	945	One	CR	4	2,5	2,5	2,5	2,5	
60	4401	942	One	CR	4	2,5	2,5	2,5	2,5	
61	4402	1102	One	CR	4	2,5	2,5	2,5	2,5	
62	4403	767	One	POS						
63	4404	320	One	POS						
64	4405	3437	One	POS						
65	4406	603	One	POS						
66	4407	776	One	POS						
67	4408	4246	One	Road						
68	4409	1075	One	Road						
69	4410	2000	One	Road						
70	4411	7534	One	Road						



Contemporary design – double storey:

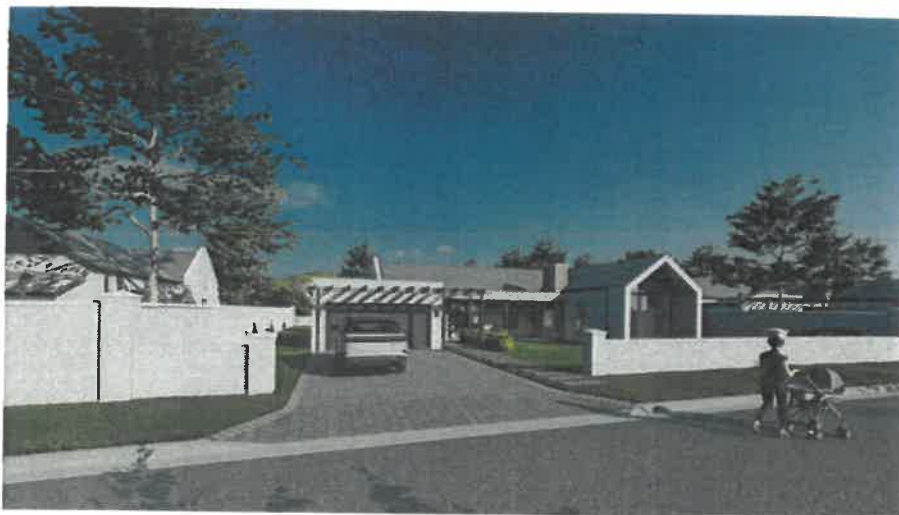






A2 Contemporary designs:

Single storey





Single storey



ANNEXURE A

Typical illustrations of three dimensional designs

A1. Traditional designs: Double storey.



5.3. Architectural Plan Submission Process

5.3.1. The sketch and working submission must include the following:

- i Copy of the site diagram as issued by the developer.
- ii Site plan
- iii Permissible coverage and actual coverage as a percentage and in terms of square meters.
- iv North point
- v Roof plan
- vi Floor plans
- vii Two elevations minimum (one must be the street facade)
- viii Two sections minimum through the main structure indicating relevant heights.
- ix Position of driveway and all hard landscaping finishes
- x Soft landscaping layout- including plant species
- xi Building lines indicated
- xii Drainage plan
- xiii Location of any retaining structures of exterior finishes
- xiv Schedule of exterior finishes
- xv Schedule of windows and doors
- xvi Position of external lights
- xvii Braai elevations.
- xviii Position of pool.
- ixx Position/s of pergolas
- xx All boundary wall elevations

5.3.2. These plans shall be accompanied by an amount determined by the trustees from time to time and payable to the Association on the date of first submission. No plans shall be scrutinized prior to full payment.

5.3.3. These plans shall be reviewed at the sitting of the review panel, which will occur once every month only [or as amended by the Association from time to time]. All plans and documentation, including all payments, shall be presented to the Associations office on site, one week preceding the meeting.

5.4. Landscape Plan

A landscape plan for the garden of an erf prepared in accordance with the Landscaping Guidelines is to accompany the building plan at submission for approval by the appointed Architectural Review Committee.

5.4.1. This plan shall be a scale of 1:100 and shall show the following:

- i Adjacent areas of private open space and verge.
- ii All grading, retaining and terracing intended to be undertaken, including gradients and structural elements must be indicated.
- iii All plant material, species, numbers, spacing and size must be indicated, including grass species for lawns and must conform with the restrictions in plant choice given in these guidelines.

6. BUILDING PROCESS

The building process will be controlled by the HOA according to regulations issued by the HOA from time to time.

5. PLAN SUBMISSION AND APPROVAL PROCESS

All proposals are to be submitted for scrutiny and approval by the appointed Architectural committee. The following specifications must be adhered to.

5.1. Accreditation of Architects

Any design shall only be accepted by the H.O.A. if the Architects/practice is registered as a Professional Architect with SACAP, and has been accredited by the H.O.A. Details of the accreditation process will be reviewed from time to time by the Trustees.

5.2. Plan Approval Process

- 5.2.1. It is recorded that the local authority has approved and is in support of the terms and conditions of this manual. No amendment to, or departures from, the terms and conditions of this manual will be allowed without the approval of a duly authorised official of the local authority.
- 5.2.2. The owner must obtain from the H.O.A. prior to submission of the design concept and sketch plans, a list of the requirements relating to the details to be provided for the plan approval process and also obtain all information including erf diagrams, service connection diagrams and contour plans that may be required to facilitate the design process. For the minimum submission requirements please refer to clause 5.3.
- 5.2.3. The owner is to ensure that he or she is in possession of and using the latest design manual, and is aware of any amendment or addendums to it.
- 5.2.4. The approval process allows for a two tier submission to the H.O.A. to accommodate any feedback and or to make provision for changes to the Concept or Sketch design. The two tiers are firstly a 'Sketch design' Submission and secondly a 'Local Authority Submission' set of drawings.

It is not compulsory to submit both, albeit a 'Local Authority Submission' is compulsory.

5.2.4.1. Sketch Design submission:

- i The design concept and sketch plans can be submitted to the H.O.A. for approval.
- ii A scrutiny fee as determined by the H.O.A. will be payable as plans are submitted.
- iii The minimum submission requirements can be found later in this chapter.
- iv Should the second tier design, namely the 'Local Authority Submission' differ markedly from the approved sketch plan proposal a new submission-fee will be charged prior to the scrutiny being undertaken.

5.2.4.2. Local Authority Submission Drawings:

- i The local authority submission drawings must firstly be approved and signed off by the association.
- ii These plans must then be submitted to the local authority for approval.
- iii Prescribed fees, as determined by the local authority, will be payable to the local authority by the owner.
- iv Approval of the plans by the H.O.A. does not ensure or guarantee or supersede approval by the local authority.
- v The requirements of the local authority or any other statutory authority and the National Building Regulations take precedence over the requirements of the Design Manual.

4.10.2. Solar heating panels are allowed with the following limitations:

- i Panels are allowed on roofs, subject to specification approval by HOA.
- ii It is encouraged that these panels are not visible from the street of the erf. i.e. should preferably be on a flat concrete roof behind a parapet wall etc.
- iii These panels should be planned in advance as to accommodate the feeder pipe within the construction of the dwelling.
- iv Any storage tank for hot water may not be positioned on any roof, but should be in the roof space below the solar heating panel.

4.10.3. Heat pumps & AC Units:

- i Pumps and units are to be installed with underside of a unit not more than 300mm above internal finished floor level. No condenser or other piping may be visible or concealed with 'ega' ducting. All piping to be chased into walls or built enclosed.
- ii The condenser unit must be behind a screen element to hide the unit.

4.10.4. Photovoltaic (PV) panels.

Photovoltaic Panels (PV) may not cover more than two thirds of the roof plane on which they are mounted and must match the pitch of the roof that it is mounted on.

4.10.5. Swimming pools.

- i Pool positions in terms of building lines are restricted by the Zoning Scheme.
- ii No pool may protrude more than 450mm above ground.
- iii No 'porta pools' are allowed.

4.9.6. Gates

- i Gates used in plastered masonry walls to be of solid timber i.e. framed and braced with tongue and groove hardwood timber finished to same as other exterior woodwork structures.
- ii Aluminium gates to match the window colour may be used as an alternative.
- iii Gates used in steel palisade fencing are to be of the same metal and colour to match.

4.9.7. Swale crossings

Swales are part of the stormwater management of the estate and are located in some road reserves. The detail for the construction of a swale-crossing (max. 5m wide) for access from the road to applicable erven will be available from the HOA - this design is mandatory and is for construction by the owner.

4.9.8. Retaining Structures:

- i Existing topography must carefully be considered when levels of building and gardens are planned.
- ii Low retaining structures that are sympathetic to the natural contours of the site will be allowed, provided that such structures are not higher than 1.0m. If a retaining structure of more than 1.0m is required it should be designed as a series of consecutive retaining walls set back at least 1m in plan.
- iii Retaining structures can only be positioned within the Main Building lines, where after ground must slope back to natural ground level as documented on the individual property diagrams of the erven.

4.9.8.1. Retaining structures may be one of the following:

- i Stone retaining walls dry-pack or dry-pack lining. Refer to 4.1.2.3(i) for allowed stone finishes.
- ii Built walls to adhere to National Building Regulations, plastered and painted in an approved colour.
- iii Tanalith treated gum-poles which can be used to "face" a block retaining wall.
- iv The natural ground level of the adjacent property must be reinstated and or retained by the owner and neighbour responsible for the excavation.
- v Planted "Terra Force" or similar retaining blocks are acceptable.

4.10. Rainwater Tanks, Solar Heating Panels, Heat pumps & AC Units

4.10.1. Rainwater tanks (maximum size 5 000 litres) are permitted as permanent structures but must be clad with one of the following:

- i Stone cladding as described elsewhere.
- ii Corrugated iron cladding.
- iii Vertical timber cladding or 'latte' screen.
- iv Plastered and painted brickwork.

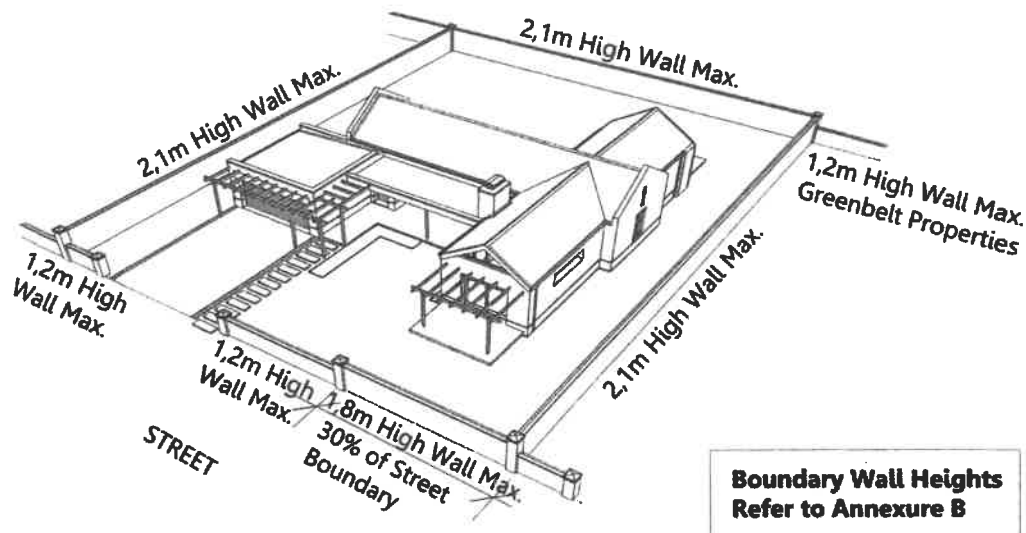


Fig. 18

4.9.1. Common Boundary Walls:

Common boundary walls are restricted to 2,1m high.

4.9.2. Street Walls:

- i The front street boundary walls are restricted to 1,8m high for 30% of the length of such boundary, after which the maximum height is 1,2m.
- ii Any other wall can only occur within the Main Building line and can be a maximum of 2,1m high plastered and painted to match the house. This wall can occur for a maximum of one third of the total length of the street façade in front of high activity areas such as pools and patios only.

4.9.3. Side Boundary Wall:

- i Conventional Residential erven - (See Annexure B).
- ii Maximum height of these walls are 2,1m.

4.9.4. Rear Boundary wall.

A maximum wall height of 2,1m is permitted unless otherwise indicated on schedule B.

4.9.5. Open Space Boundary Wall

Boundary walls are restricted to 1,8m high for 30% of the length of such boundary, after which the maximum height is 1,2m.

Note: In the case of corner plots where side boundaries face open space, these boundaries are treated as Open Space Boundaries and the above height restriction apply.

4.7.3. Covering of pergolas.

- i Pergolas may be covered with “latte” - the use of climbing vines, decorative grape in particular - is encouraged for all pergolas.
- ii Balau timber, similar decking planks and approved composite materials with a 10mm spacing fixed at 450 mm C/L on support beams, may also be used for the construction of a pergola. The construction will need to be in accordance with the National Building Regulations. The structure may not serve as a balcony.

4.7.4. Roofing

- i Roofing of verandas is to match the roof material and colour.
- ii Only translucent obscure polycarbonate sheeting may be used in conjunction with a Spanish reed or ‘latte’ ceiling. No coloured or clear sheeting is permitted.
- iii Spanish Reed and laths (latte) will be allowed as a ceiling finish to lean-to’s or alternatively fitted Nutec ceiling boards.
- iv Concrete roofing is allowed over a porch, provided it adheres to the prescriptions of concrete roofs in general. See (4.2.2)

4.8. Balconies and Balustrades

4.8.1. General

Balconies will only be allowed where they do not directly overlook a neighbouring property and compromise that persons privacy unless such balcony is set back 5m from the common boundary.

4.8.2. Balustrades

- i Clear glass balustrades are acceptable provided that no vertical supports are visible. The glass needs to be fixed in the concrete slab and signed off by a Structural Engineer as part of the requirements for the Municipal submission.
- ii Epoxy coated steel balustrades are acceptable provided all elements under handrail to be vertical and not horizontal.
- iii A hardwood timber handrail on epoxy coated balustrade is acceptable.
- iv The following is not allowed:
 - Horizontal bars,
 - Stainless steel handrail and divisions.
 - SS cables.
 - Timber balustrades.

4.9. Boundary Walls, Fences, Screens and Gates: Phase One

General note:

- All heights given are from natural ground level as documented on the individual erf’s site peg diagram.
- All boundary walls are to be plastered and painted the permitted colour (Ref to 4.1.2.4).
- All walls are to be of masonry, clay or cement bricks, plastered with a simple triangular 60deg. coping plastered or NFX/face brick, flush pointed.



Pergola in front of garage and around to front entrance

Fig. 17

4.6.2. Garage Doors

- i Garage doors must either match doors and windows in colour and material or be natural varnished timber.
- ii Simple slatted, vertically or horizontally, single or double doors are acceptable.
- iii No ornate or moulded garage doors are permitted.
- iv All garage doors facing the street must be fronted by a pergola of at least 900mm deep. (Fig.17) Not applicable to the Group Housing.
- v Garage doors facing the street shall not exceed 5m in width.
- vi Double garages may have two doors separated by a masonry pier of minimum 340mm wide or alternatively have a single double door.
- vii No more than two garage doors will be permitted facing onto the street front.

4.7. Verandas, Porches and Pergolas

4.7.1. General:

The use of verandas, porches and pergolas is encouraged within the development especially on the street front where it serves as a transitional space between the road/front garden and the house.

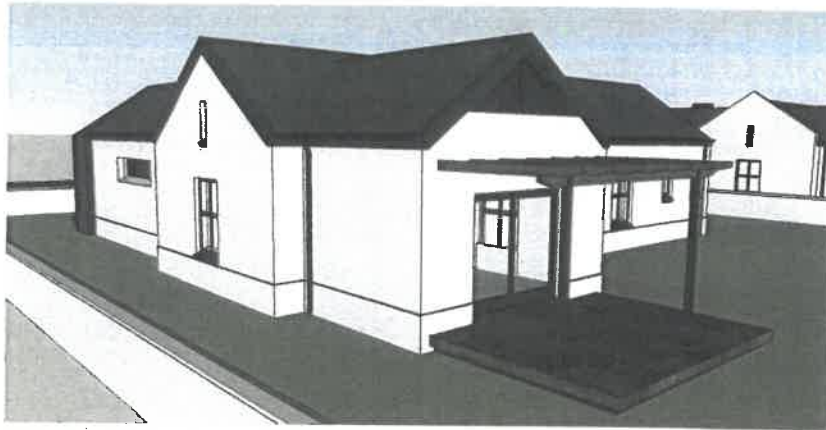
Cape Vernacular is a modest style, thus no Victorian cast-iron posts, “broekie lace” or other overly decorative detailing may be used.

4.7.2. Supports:

- i Supports for all the above will be either plastered masonry piers, or timber or metal posts.
- ii Steel pergola posts with a minimum size of 100 x 100mm in combination with timber are permitted. (Fig.17)
- iii The minimum size of timber pergola rafter is 152mm x 50mm.
- iv Masonry supports of 340 x 340mm have to have a slightly larger base and/or plaster moulding at 450mm high as well as a moulded plaster detail at the top, painted to match the wall colour (FIG.1)
- v Timber supports & elements to match the wall colour or painted white or be natural varnish timber.
- vi Steel supports or elements to match either the walls or roof colour.
- vii No red face-brick of bagged NFX bricks are allowed for support piers.

4.5.4. Gable Windows

- i Gable windows may be, as traditionally used with a maximum of 800mm x 1200mm.
- ii Partial glazing of the triangle of the gable-end are acceptable in the plane of the gable-end. (Fig. 10)
- iii Contemporary full glass-ended gable walls is acceptable provided the glazing is set back a minimum of 1,5m from the roof end. (Fig.6, 7 & 10)



Clipped eaves with flush gable ends and partial glazed gable end.

Fig.16

4.5.5. Shutters

- i The use of external shutters is encouraged. These may take the form of traditional timber louvered shutters or solid timber shutters, or alternately may be powder coated aluminium shutters.
- ii Shutters may be either traditional opening or modern sliding.
- iii All shutters are either to match windows and doors in colour or to be natural varnished timber, but where a track is used, it must match the wall colour.
- iv Non-functional shutters will not be permitted.

4.6. Doors:

4.6.1. External Doors:

- i Door openings shall have vertical proportions, and may have fanlights and /or sidelights.
- ii If the door does not have a vertical proportion, then it should be either under a veranda, porch, lean-to roof or flat roof.
- iii Large, non-vertical proportioned doors may be built into the plane of an outside wall provided a concrete 'eyebrow' is directly above the opening/door partly shields the door from rain and sun. This eyebrow should protrude at least 400mm from the face of the wall or vertical cladding
- iv No expanding security doors will be permitted externally.
- v No ornate carved timber doors will be allowed externally
- vi No external stained glass will be permitted.
- vii Doors must match windows in colour and material or be of natural hard wood.

4.5.2. Window Finishes:

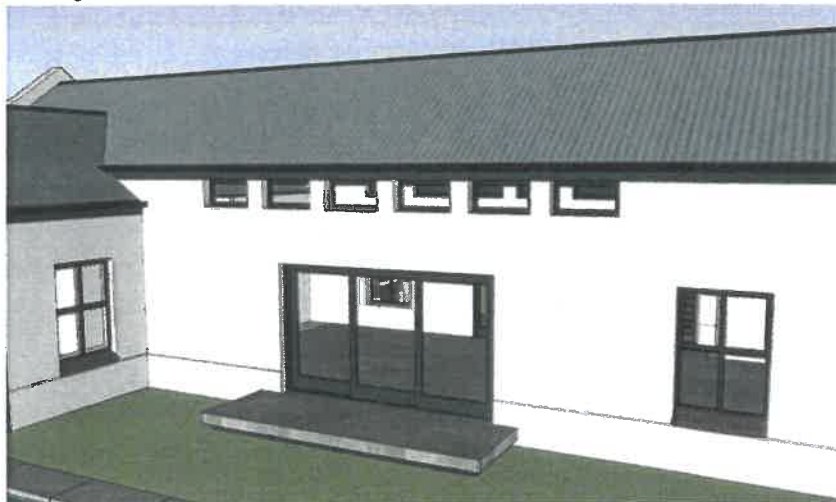
- i Windows are to be either natural varnished timber, painted timber, or powder coated white aluminium or to match the roof colour.
- ii All aluminium window frames to match the format of 'Cape Culture' timber frames.
- iii A single window frame type and colour must be used per dwelling and must match the doorframes.
- iv In contemporary designs, 'frameless' glazing systems may be used.
- v No concrete precast windows may be used.
- vi No "mirror" glass will be allowed.
- vii Glass standards to conform to the National Building Regulations.

4.5.3. Clearstory Windows:



Clearstory windows in cladded wall are permitted without eyebrows in a single storey dwelling.

Fig. 14

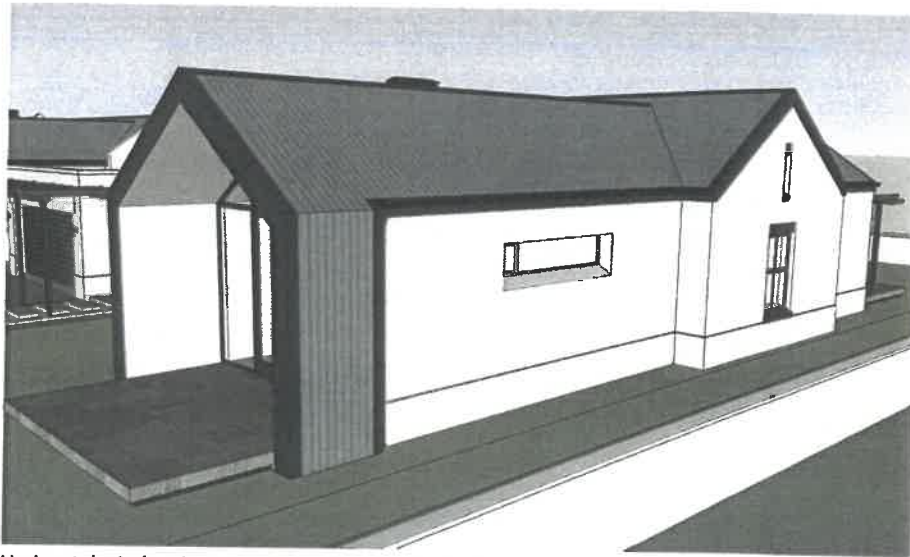


Clearstory windows in plastered wall (Single storey)

Fig. 15

- i Clearstory windows will be defined as the windows found in the vertical section of a room with a high ceiling or in loft room walls.
- ii A grouping of square windows are permitted and must be a minimum of 450mm x 450mm square or minimum 450mm in height.
- iii See (Fig. 14) for contemporary interpretation allowed.

- ii An example of a traditional Cape window is the 'clear-storey window' used typically to provide light and sometimes airflow to the attic space.
The contemporary design interpretation of this window results in a longer horizontal and narrow window to provide light and sometimes air into a space with a high ceiling.
- iii All timber windows to be Swartland Cape Culture or similar design.
- iv Aluminium windows must follow the aesthetic divisions of the timber window of 'Swartland Cape Culture' in design.
- iv Openings in walls are restricted to single windows of a maximum size of 3m high x 2.1m wide. Smaller vertical proportions are permitted.
- v Windows must be set at least 500mm from an external corner.
- vi Larger windows are allowed if they are set back i.e. under a veranda, porch, lean-to roof or balcony. Alternatively wider windows may be placed in an outside wall provided a concrete 'eyebrow' directly above the window partly shields the opening from rain and sun. This eyebrow should at least line up with the sides of the window and protrude at least 400mm from the face of the adjacent wall or cladding.
- vii Only internal burglar bars will be permitted and must line up with the window mullions or be designed of intruder proof shutters on the inside.



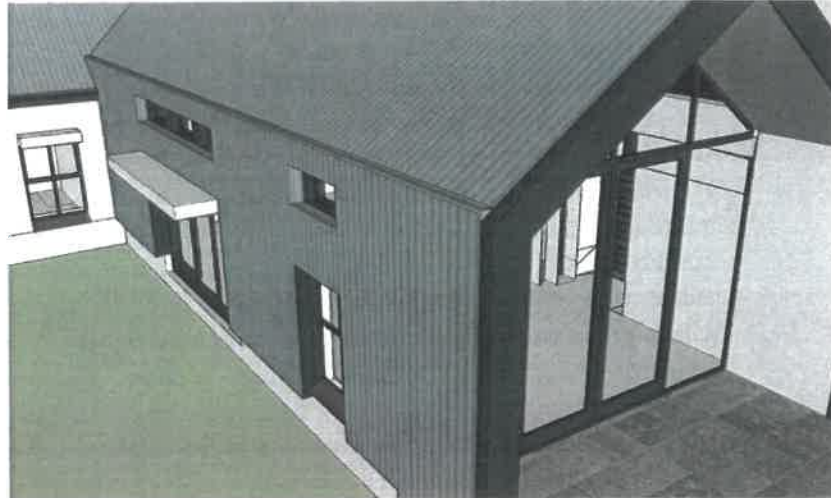
Horizontal window in conjunction with vertical format.

Fig. 12



All windows within vertical side cladding must have eyebrows.

Fig. 13



Concealed gutter behind cladding

Fig. 11

4.3.6. Chimneys

- i Chimneys may be plastered masonry painted to finish with the wall colour and capped with simple moulding.
- ii NFX brick or red face brick chimneys with flush pointing/bagged is allowed, finished off with a simple moulding at the top, painted or left plastered. (Fig.2)
- ii Steel and stainless steel flues with cowls such as the 'Jetmaster' Rotating Cowl or 'Jetmaster' Fixed Cowl or similar approved are allowed, provided that they emerge through the roof with proper metal flashing to match the roof. No silver bitumen based or painted membrane flashing will be permitted.

4.4. Outbuildings and Garages

4.4.1. General

- i Outbuildings must respond to the form and geometry of the main house and the same criteria that applies to the main building, must apply to the outbuilding.
- ii Outbuildings shall not exceed 30% of the main building footprint.
- iii The coverage for the outbuildings will be part of the maximum allowable coverage.
- iv No pitch roofs are permitted where a free standing or semi-detached garage/outbuilding is positioned on the boundary line.
- v All materials and colours are to match those of the main building.
- vi All garages facing the street in the Conventional Residential properties are to have a pergola structure of a minimum of 900mm above the door or alternatively a concrete eyebrow of 900mm minimum above.
- vii Garages may have concrete roofs with reference to 4.2.2

4.5. Windows

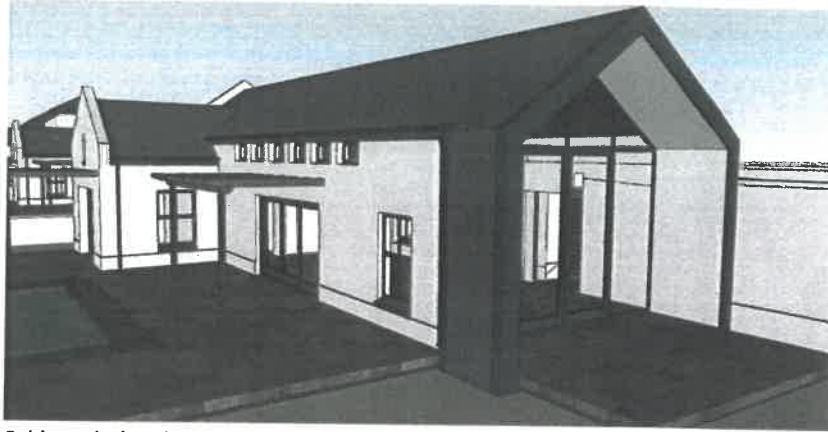
4.5.1. General

- i Vertical windows are part of the traditional Cape heritage architecture. However a balanced mix of this traditional window format with a more contemporary style of architectural elements such as larger format windows vertical and horizontal is permitted as part of the design objective for this architectural vernacular estate.

(b) Masonry to match the rest of the house.

- xi Gable ventilators may be used in the gable ends, but must match the window frame material and colour used in the rest of the house.

Round gable ventilators are also permitted with a maximum 600mm diameter.



Gable-end, glazed and set back 1,5m min with partly cladded on the sides. Fig. 10

4.3.2. Facias

- i Facias must be a minimum of 32mm x 228mm hard wood timber section.
- ii Facias can be painted white in which case they may be treated SAP.
- iii Facias could also be capped with 'Chromadek' sheet metal flashing similar to roof to match the roof colour and finish.

4.3.3. Eaves

- i Roofs must have "clipped" eaves with a minimum projection of 180mm to incorporate gutter and fascia (excluding gutter).
- ii Eaves over porches to be finished with Nutec boards, painted.

4.3.4. Parapets

- i Parapets not less than 300mm above finished roof level, other than on gable ends, shall be simple vertical wall extensions with moulding to shed water.
- ii Where parapet walls are used in conjunction with a concrete flat roof the parapet may not project more than 300mm above the finished level of the top of the finished roof surface.

4.3.5. Gutters and Downpipes

- i Gutters and downpipes may be pre-coated white aluminium Ogee profile gutters onto a painted fascia.
- ii Alternatively, gutters and downpipes must match the colour of the façade on which they are fixed and must be consistent on one property.
- iii Concealed aluminium or sheet metal gutters are compulsory in conjunction with vertical cladding. (Fig.11)

- ii Dormer windows may have a full-glazed gable end.
- iii Dormer window colours and finishes must match the windows of the house.
- iv Dormer window cheeks to be equal to roof sheeting, timber shiplap boarding or 'Nutec' 'Everite' 150mm or similar approved fibre cement planks.
- v Maximum dormer size is 2,1m wide x 2.4m high.

4.3. Gables, Facias, Eaves, Parapets, Gutters and Chimneys

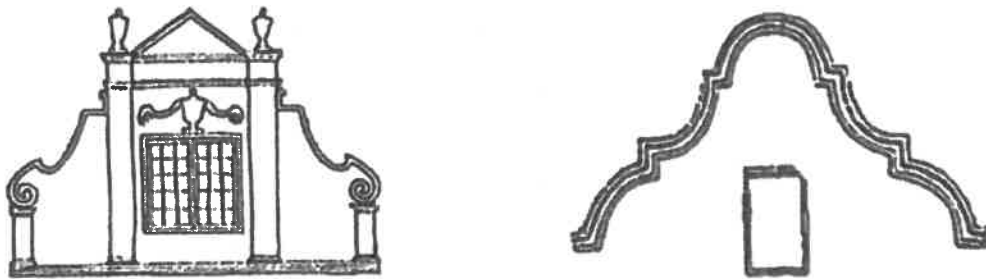


Fig 8: Ornate gables not allowed

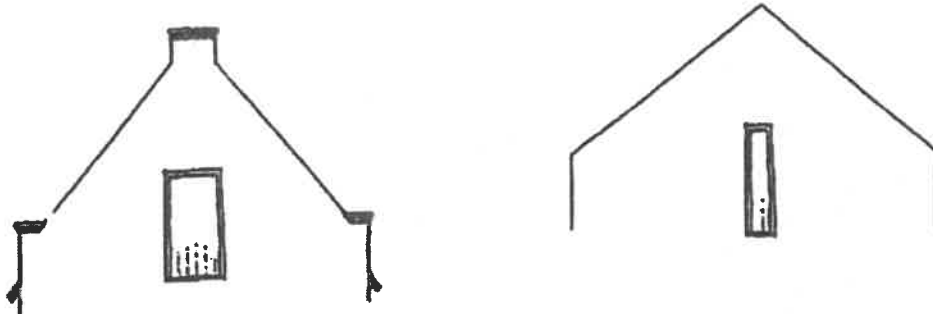


Fig. 9: Simple traditional gables allowed.

(See Annexure A for three-dimensional illustrations of permissible contemporary gables.)

4.3.1. Gables

4.3.1.1. General:

- i Gables may occur as gable ends to main forms or as a central gable over the main entrance of the house.
- ii Gable walls can be parapet gables, simple in form, constructed and finished as the main walls. (Fig.1)
- iii Clipped triangular gables with bargeboards but no overhang will be allowed.
- iv Simple stepped gables; mock chimney gables and a simple triangular gable (Fig. 9) is acceptable but no baroque style of gable will be accepted. (Fig. 8)
- v Gables must be carefully proportionally designed and dimensioned to ensure an aesthetically pleasing end result according to the Design Manual.
- vi Gable designs will in particular be subject to scrutiny and acceptance by the H.O.A. for approval.
- vii Simple plaster mouldings and shaping will be permitted.
- viii Gable ends may be constructed using the following material:
 - (a) Fully glazed to form a glass façade set back a minimum of 1,5m and a maximum of 4m to form a porch. See examples (Fig.5;6;7;10;11& 17)

except on vertical façade.

- v Polycarbonate sheeting in similar profile as metal sheeting where needed for light-wells is permitted.

4.2.2. Minor Roof Forms:

Minor roof forms are typically the lean-to roofs abutting the major roofs or the concrete roofs between major roof forms and or the Garage parapet walls.

4.2.2.1. Lean-to / Veranda Roofs:

- i The area of minor roofs, excluding outbuildings and garages, should not exceed 25% of roof area.
- ii All lean-to's must abut the vertical walls to the primary roofs.
- iii Lean-to and veranda roofs are to have a pitch between 3° and 15°.
- iv Roofs with less than a 5° pitch shall be behind simple parapets, which are extensions to the main walls.
- v Mono pitched roofs with an angle less than 35° on the garage are not allowed to fall to the street front unless hidden behind a parapet wall.

4.2.2.2. Flat Roofs:

- i Flat roofs may be necessary to connect major plan forms and will also be defined as minor roof form.
- ii Flat roofs may be used as a minor form hidden 300mm below and behind a surrounding parapet wall. This form of roof may not exceed 25% of the coverage, excluding a garage concrete roof.

4.2.2.3. Materials and Colour:

- i Any of the roof materials listed above, or
- ii Aluminium or GMS (0.5mm minimum) Chromadek; Kliplok 406; Chromadek; Reinzink, metal sheet - colour 'Dark Dolphin' (or similar approved) but must match major roof colour.
- iv Concrete flat roofs will be finished with a minimum of 13mm diameter washed river pebbles at least 50mm thick laid on top of waterproofing by owner's specialist.

4.2.3. Roof Lights

- i 'Roof lights' must either be of a patented manufacturer or designed to fit as a translucent sheet in the plane of the roof sheeting.
- ii 'Roof lights' must be set in the plane of the roof, are only allowed in the main roof form as well as the minor roof form, positioned a minimum 500mm from the eave.
- iii No pyramidal or dome styled roof lights/windows will be allowed except on a flat concrete roof where it is partially concealed by a parapet..

4.2.4. Dormer Windows

- i Dormer windows may not exceed the roof ridge height, and must have glazing a minimum of 750mm high.

- iii Plastered and painted plinths are also permitted.
- iv Plinths may be vertical/horizontal cladding when forming part of a continuation of the overall wall cladding.
- v No face brick/bagged NFX plinth walls allowed when used together with plastered walls.

4.1.2.4. Wall colours:

The permitted exterior wall colours for the estate will be issued on a schedule by the HOA and will be reviewed periodically

4.2. Roofs:

4.2.1. Major Roof Forms:

Major roof forms are defined as the major pitched roofs that forms the major built form of the house.

4.2.1.1. General:

a) Pitched Roofs

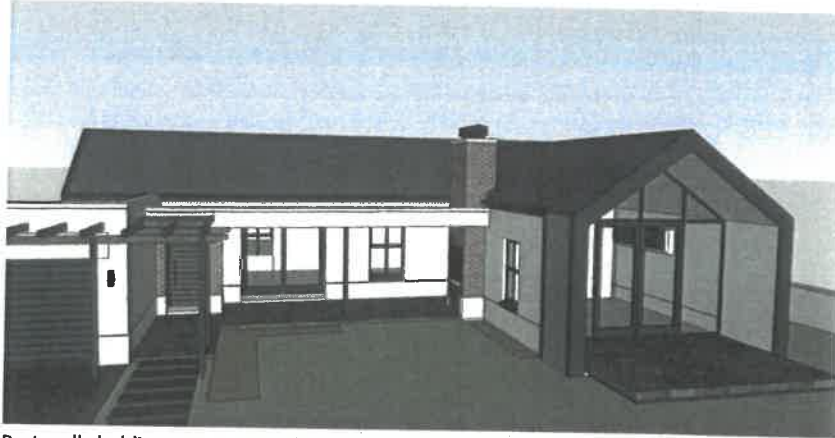
- i Major roofs shall be double pitched and coincide with the major roof-plan elements. Hipped roofs are not permitted, however a "mini" hip is permitted where two major form double pitched roofs of differing ridge heights join at right angles. The minimum difference in ridge heights is to be 350mm and the maximum 900mm.
- ii Pitches are to be symmetrical about their ridges and have a slope between 35° and 42°.
- iii A roof pitch is not allowed to extend to continue into a lean-to veranda roof, rather a clear break of a minimum 300mm between the top of sheeting must be created between the main roof and a veranda roof.
- iv Maximum span for a pitched roof is 7 m and a minimum span of 4m.
- v The minimum height of a lean-to roof is to be 2,4m from the underside of the edge beam to top of floor finish below.

b) Flat Roofs

- i Pitch of flat roofs to be between 3° and 15°. Please note that 3° to 15° is subject to approval by NHBRC, which is the responsibility of the owner.
- ii Flat roofs to be concealed by a parapet minimum 300 above roof finish and on 3 sides of roof.
- iii To comply with 4.2.2.2 below,

4.2.1.2. Roof Materials and Colour

- i Material and colours of major roof forms must be consistent on a property.
- ii All roof colours to be 'Dark Dolphin' or 'Light grey' or similar approved by the H.O.A.
- iii 'Kliplok'/'Chromadek' or similar long span profile is permitted.
- iv Pre coated Victorian profile sheeting is permitted as per colours above,



Part wall cladding on a recessed gable-end, single storey: Illustration

Fig. 7

4.1.2. Wall Finishes:

4.1.2.1. Finishes allowed:

- i Smooth plaster & paint.
- ii Flush pointed/bagged clay or cement bricks (imperial size) with simple plaster surrounds.
- iii Note: no bagging of Maxi bricks allowed.
- iv Textured paint or similar approved.
- v Simple plaster surrounds of 150mm wide to openings will be permitted but must match the wall colour in accordance with 4.1.1.1 above.
- vi Only vertical Roof sheet cladding on exterior walls.
- vii Only 'Kliplok' profile or similar concealed fix, roof sheeting is allowed.
- viii Face brick and NFX (clay bricks) are not allowed above window and door openings, only as window sills. Flush pointed.
- ix Feature walls to a maximum total limit of 20% of the remainder of the uncladded vertical external wall façade – comprising:
 - a) Flush pointed, bagged NFX/Red Face brick or off-shutter concrete is allowed.
 - b) Horizontal cladding with 'shiplap' type cladding is allowed such as:
 - i Exterior timber e.g. 'Oggie' outdoor cladding.
 - ii New-tech cladding building planks.
 - c) Dry pack stone walls.

4.1.2.2. Finishes not allowed:

- i Corrugated iron on vertical facades. (Victorian profile)
- ii No horizontal metal sheet cladding.
- iii Overly excessive texturing (i.e. Spanish plaster) or
- iv Concrete block walls
- v Plastered quoins or rustication
- vi No stone tiling will be allowed.
- vii No bagwash finish allowed on Maxi bricks.

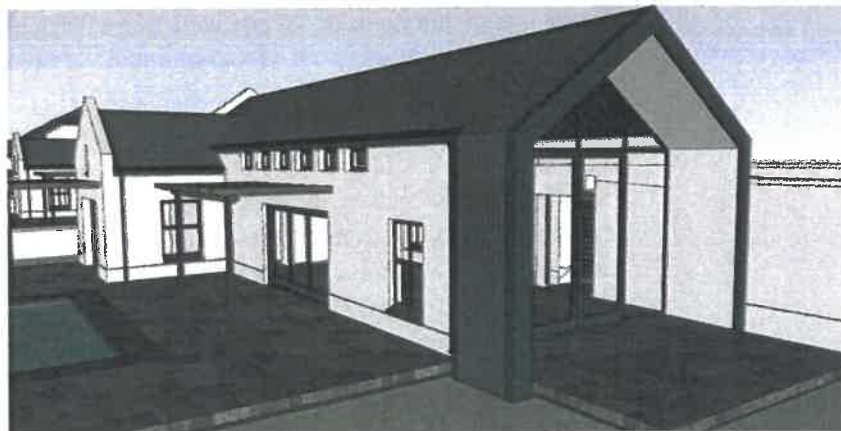
4.1.2.3. Plinths:

- i Dry pack natural stone cladding is permitted.
- ii Artificial rock cladding will not be permitted.

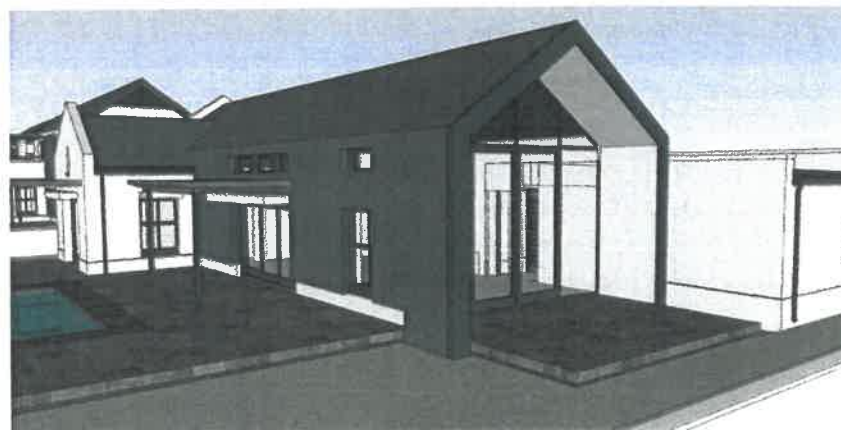
- iv All openings (doors & windows) on the first floor of a cladded façade of a **double storey** must have a concrete plastered and waterproofed 'eyebrow' directly over, and of the same width as the opening directly below. (Fig. 4)
- v Cladded high volume space in a **single single-storey**:
 - a) 'Clearstory' windows within the cladded walls must not have any 'eyebrows cast over.
 - b) Eyebrows are not allowed over these windows. (Fig 5 & 6 – single storey)



Wall cladding on double storey: Illustration of cladding and 'eyebrow' over windows. Fig. 4



High volume-space. With clearstory windows, no eyebrows permitted. Fig. 5



High volume space, in a contemporary design with clearstory windows. No plastered concrete 'eyebrows' permitted. Fig. 6

- iv Plinths may occur at either finished floor level, or to match windowsill height on the front façade and must continue at the same level on all elevations.
- v All windows and doors in 'painted bag washed brickwork' walls to have a minimum of 150mm wide plaster band surround, unless the brickwork is hidden behind vertical cladding.



'Traditional' design with no cladding and parapet gable ends.

Fig. 2



'Traditional' design with no cladding and parapet gable ends.

Fig. 3

4.1.1.2. Cladding 'Contemporary' design):

- i Wall cladding may follow the prescribed coverage allowance. The roof sheet cladding must be designed as a continuation of the roof sheeting joined at the roof edge down to the ground level or alternatively down to the plastered plinth line.
- ii A maximum of 30% of the total house wall façade area may be cladded.
- iii Walls must be cladded with materials as follow:
 - a) Steel sheeting must match the roof sheeting in colour shape and specification.
 - b) The cladding should be fitted as an overlay of the masonry wall construction to form the finish.
 - c) Steel roof sheet wall cladding may also form part of a steel/timber construction of the major form, specified by a Structural Engineer. This construction must comply with the NBR and Sans 400 regulation.

joining forms.

- vii Minor elements, in the form of “lean-to’s”, or flat concrete roof structures (that occur between major elements) attach to the major element forms.
- viii Minor element widths may not exceed more than 2/3rds the width of the major element it adjoins. The maximum span of a pitched roof is 7.0 meters and the minimum span of a pitched roof is 4,0 meters, please refer to section 4.2. Roofs.
- ix A minor element may exceed 2/3rd width of the major form if it is bounded on three sides by the major form in a U-shaped plan form. (Excluding garage roof)



Major & minor elements: Concrete or soft roof over porch.

FIG. 1

3.3. Maximum Heights:

- i Natural ground levels (N.G.L.) are considered as the levels that are reflected on the property diagram.
- ii All houses and other structures shall be no higher than a double storey and must adhere to the restrictions set out in the Zoning Scheme, i.e. 4m allowed for each storey.
- iii No building shall be higher than two storeys. (chimneys are exempt from this restriction).
- iv Ceiling heights on the Ground Floor shall not be less than 2.6m from finished floor level.

3.4. Cut and Fill:

- i Natural ground levels (N.G.L.) are considered as the property peg levels as reflect on the existing property diagram.
- ii Levelling of the erf is restricted to the building platform.
- iii The maximum depth of finished floor level below or above NGL is 1.5m.
- iv No building is allowed to rest on freestanding columns, but must rest on a solid plinth.

4. MATERIALS AND FINISHES

4.1. Walls:

4.1.1. Wall Construction allowed:

4.1.1.1. Masonry:

- i Walls shall be either of clay brick or cement brick.
- ii All external walls shall be a minimum of either a 230mm Maxi brick, a 280mm clay brick or a 340mm cavity construction.
- iii Plinth walls expressed as a base are encouraged.

- 2.1.3. The minimum house size that will be allowed inclusive of garages, outbuildings, verandas and second dwellings is as follows
- 2.1.3.1. Erven smaller than 500 sqm. – 130 sqm.
 - 2.1.3.2. Erven larger than 500 sqm – 200 sqm

2.2. Building Lines & Heights:

Building lines are generally according to the Stellenbosch Conventional Residential Zoning Scheme by-law. (see Annexure B for further restrictions and allowances for Conventional Residential erven and Group Housing erven)

All buildings are restricted to a maximum of two storeys.

2.2.1. Group Housing:

Street boundary: 3 m
Common boundary: 1 m (zero)

Garage/Carport: (Restricted to single storey wall height on boundary line)
Street boundary: 1 m
Common Boundary: 0 m

2.2.2. Conventional Residential erven.

Street boundary: 4m
Common boundary: 2,5m (excluding garages that will be permitted on 0m for a maximum length of 8m)

2.2.3. Additional building line restrictions & allowances:

Garages & Carports:

The wall of the structure of the garage or carport may be no higher than one storey which then allows a zero building line on the common boundary.

No garage shall be closer than 6 m to the street boundary line except for the Group Housing developments. See (2.2.1)

3. HOUSE FORMS / SPATIAL ENVELOPE

3.1. Scale and Proportion:

Careful consideration needs to be given to the scale and proportion of the building forms, as well as the openings in these forms, and the scale of additional verandas and/or pergolas.

3.2. Plan Shapes:

- i House forms shall be simple rectangular or composite rectangular forms of controlled wing widths.
- ii Traditional H,T,L and U shapes and composites thereof are the only acceptable geometry forms allowed.
- iii All building forms must run at 90 degrees to each other and parallel to the street boundary.
- vi A typical house form comprises of rectangular major elements and minor elements, add-ons or

1. INTRODUCTION

1.2. ESTATE ARCHITECTURE.

Mount Vernon Estate is set amongst the vineyards in the enclave of Klapmuts which offers superb views of the nearby and distant mountains. The spectacular backdrop and location of the estate allows for an unique vernacular architectural style, which reminds of Cape architectural elements.

This security estate finds itself within the agricultural setting of the larger Klapmuts area on the R44 route to Stellenbosch. The layout of the estate reflects some of the aesthetic pleasing regimented vineyards of the area.

The Design Manual has been developed to guide and direct the design process. Ultimately it is regarded as a design tool to ensure that Architects have an array of guide options to design an aesthetically pleasing built form within the estate.

This development allows for two Vernacular¹ design approaches guided by a Design Manual. The first design approach allows for a more *Traditional² Cape architecture*, whilst the other allows for a more *Contemporary³ Cape architecture* in the design approach.

The primary controlling elements for both design approaches are the width and height of gables as well as roof pitches, ensuring a harmonious scale of built form. Window and door openings will be limited to vertical format. Larger window and door formats must be set back from the outer façade wall either under cover of a veranda roof or alternatively covered by a concrete eyebrow. These elements are measures to soften the façades which are also compulsory above the double garage door openings for the conventional residential properties.

Both the two architectural design approaches will allow architectural elements to distinguish the estate by implementing Cape vernacular architecture. Such elements amongst other are large open gable ends with set-back glass facades to form a recessed porch. Vertical wall cladding is allowed as a contemporary façade treatment within the limits of the manual's prescriptions. Modest gable ends and clipped eaves will also form part of the overall designs.

Careful attention was given in the Design Manual to the introduction of the contemporary approach, which should be followed for such designs

2. BUILDING ENVELOPE

2.1. Coverage:

- 2.1.1. Coverage refers to all buildings and includes main dwellings, garages, outbuildings and verandas, as well as second dwellings and/or granny flats.
- 2.1.2. The maximum coverage allowed is as follow:
 - 2.1.2.1. Erven between 251 sqm. to 500 sqm. are allowed the greater of 175 sqm. or 60 % of the erf size.
 - 2.1.2.2. Erven between 501 sqm. to 1500 sqm. are allowed the greater of 300 sqm. or 50% of the erf size.
 - 2.1.2.3. Erven greater than 1500 sqm. are allowed the greater of 750 sqm. or 40% of the erf size.

¹ Vernacular Cape: An architectural style of modest architecture of the Cape region.

² Traditional: Established or conventional Cape vernacular.

³ Contemporary: A modern or current trend (2022) in Cape vernacular.

CONTENTS

1.	INTRODUCTION	3
2.	BUILDING ENVELOPE	3
2.1	Coverage	3
2.2	Building Lines & Heights	4
3.	HOUSE FORMS / SPATIAL ENVELOPE	4
3.1	Scale and Proportion	4
3.2	Plan Shapes	4
3.3	Maximum Heights	5
3.4	Cut & Fill	5
4.	MATERIALS AND FINISHES	5
4.1	Walls	5
4.2	Roofs	9
4.3	Gables, Facias, Eaves, Parapets, Gutters and Chimneys	11
4.4	Outbuildings and Garages	13
4.5	Windows	13
4.6	Doors	16
4.7	Verandas, Porches and Pergolas	17
4.8	Balconies and Balustrades	18
4.9	Boundary Walls, Fences, Screens and Gates	18
4.10	Rain water tanks, solar Heating panels, heat pumps & AC Units	20
5.	PLAN SUBMISSION AND APPROVAL PROCESS	22
5.1	Accreditation of Architects	22
5.2	Plan Approval Process	22
5.3	Architectural Plan Submission Process	23
5.4	Landscape Plan for Garden	23
6.	BUILDING PROCESS	23
	ANNEXURE A: Typical illustrations of three dimensional designs	24
	ANNEXURE B: Schedule of Additional building line restrictions and Allowances	30



MOUNT VERNON

Residential Estate

ARCHITECTURAL DESIGN MANUAL

Edition 6: July 2023