



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/18814 (TP1124/2025)

Our File Reference Number: Erf 14426, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR PERMISSION REQUIRED IN TERMS OF CONDITIONS OF APPROVAL IN TERMS OF SECTION 15(2)(L) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 : ERF 14426, WELGEVONDEN, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

- 2.1 That the application in terms of Section 15(2)(l) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, dated 9 June 2023 to obtain a permission in terms of a condition of approval dated 29/01/1998, for the approval of the amended **Constitution Version 8 – 21 November 2024** and **Architectural Guidelines, Version 9 - 21 November 2024** of the Welgevonden Home Owners' Association. (WHOA).

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

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

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

2.2.2 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.

2.2.3 The Welgevonden Homeowners' Association be subject to the revised **Constitution Version 8 – 21 November 2024** and **Architectural Guidelines, Version 9 - 21 November 2024**, attached as **Annexure B**.

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

3.1 The proposed Constitution and Design Guidelines of the Welgevonden Home Owners' Association are in line with the Stellenbosch Zoning Scheme By-Law and compliant with the approvals granted for the development.

4. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.

5. Appeals must be submitted by completing the required form 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.

6. **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**

7. 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.

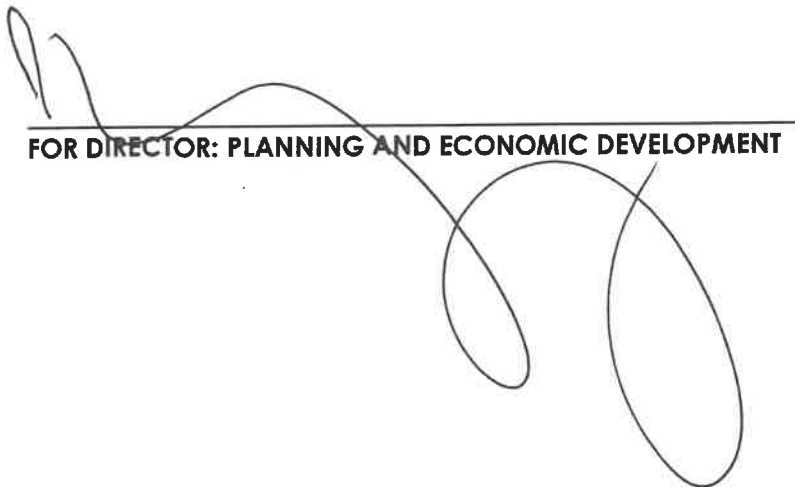
8. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021- 808 8684.

9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the title line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

19/9/2025

DATE



WELGEVONDEN

HOME OWNERS' ASSOCIATION

WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) CONSTITUTION

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

Version 8 – 21 November 2024

To be read with the:

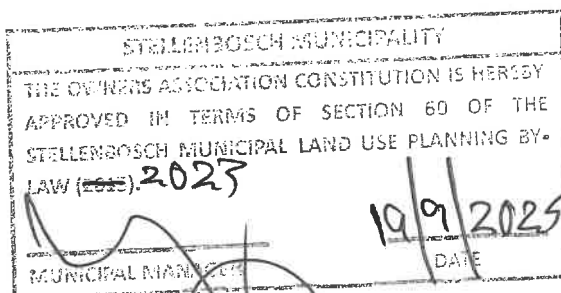
WHOA Estate Rules V4, 21 November 2024

WHOA Architectural Directives and Design Guidelines V9, 21 November 2024

WHOA Control Measures to Regulate the Performance of Services and Building Work V3, 21 November 2024

Amendments are recorded in the Schedule of Amendments at the end of this document.

This version of the WHOA Constitution replaces all previous versions.



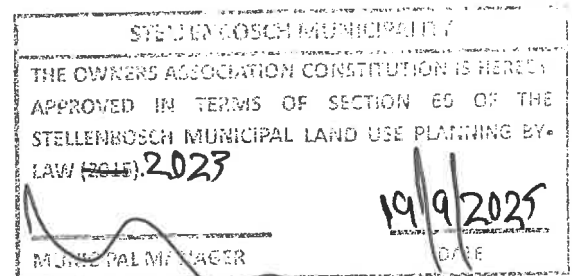
WHOA Constitution Version 8, 21 November 2024

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

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

WARNING: DANGEROUS ELECTRICAL FENCE

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



PLEASE ADHERE TO THE SPEED LIMIT – 30 KM/H

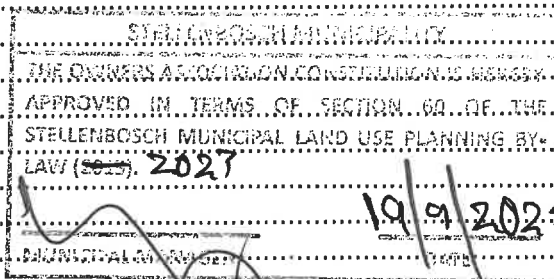
Note:

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

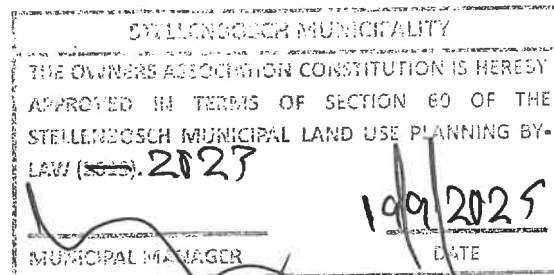
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CONSTITUTION

PRELIMINARY

1. Definitions

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

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

¹ See clause 1.10 below

² Powers of Association

³ Conduct Rules

⁴ Control Measures

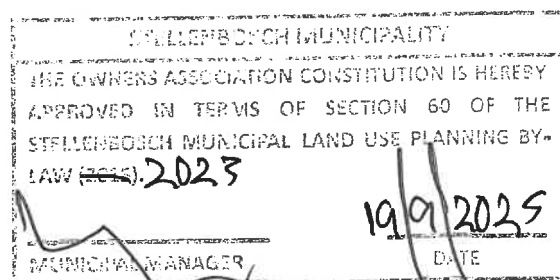
⁵ Constitution and Function of Excom

⁶ Powers of Association

⁷ Contributions to Defray Expenses

⁸ Membership of Association

⁹ Penalties Determined by Excom



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

1A. Calculation of Periods

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

2. Headings

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

HOME OWNERS' ASSOCIATION

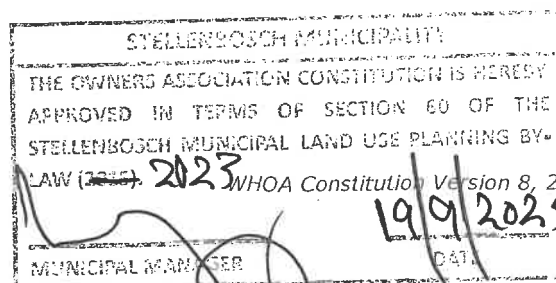
3. Establishment of Association

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

4. Object of Association

- The object of the Association is to promote the collective interests of all its members by performing the functions entrusted to it by or under this Constitution, which functions include, but are not limited to, the function –
- 4.1 to determine and maintain standards for community living in the Township Area in such a way that its members may derive the maximum collective benefit therefrom;

¹⁰ Establishment of Association



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

5. Membership of Association

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

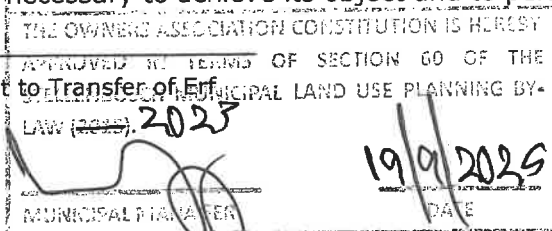
6. Status of Association

- 6.1 The Association is an association as contemplated in section 29 of the *Land Use Planning Ordinance, 1985 (No 15 of 1985)*, now governed in terms of the *Stellenbosch Municipality Land Use Planning Bylaw, 2015, Section 15(2)(I)*.
- 6.2 The Association has legal personality, capable of suing and being sued in its own name.
- 6.3 The Association is not for profit, but for the benefit of its members.
- 6.4 None of the members in their personal capacities has any right, title or interest to or in the property, funds or assets of the Association.

7. Powers of Association

- 7.1 The Association may exercise the powers conferred upon it by or under this Constitution, and such powers include, but are not limited to, the power –
- 7.1.1 to establish for administrative expenses a fund sufficient in the opinion of members for the repair, upkeep, control, management and administration of the common property (including reasonable provision for future maintenance and repairs), for the payment of rates and taxes and other charges by any competent authority and of any premiums of insurance, and for the discharge of any duty or the fulfilment of any other obligation of the Association;
- 7.1.2 to make and enforce such conduct rules and to issue such architectural directives, and to collect such fees and deposits in connection therewith, as it from time to time deems necessary to achieve its object and to perform its functions;

¹¹ Consent to Transfer of Erf



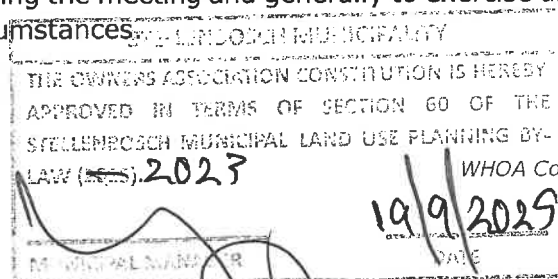
- 7.1.3 to engage such persons and service providers as it deems necessary to assist the Association to achieve its object and to perform its functions;
- 7.1.4 to ensure compliance with any law relating to the common property;
- 7.1.5 to do all other things reasonably necessary –
 - 7.1.5.1 for the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

EXECUTIVE COMMITTEE OF ASSOCIATION (EXCOM)

EXCOM MEMBERS

8. Constitution and Function of Excom

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



9. Contracts and Agreements

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

10. Legal Proceedings

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

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

11. Delegation of Powers, Duties and Obligations

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

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

12. Number, Election and Qualifications of Excom Members

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

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

12.3 Omitted

12.4 At every annual general meeting the members –

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

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

12.5 Omitted

12.5.1 Omitted

¹² Improvements

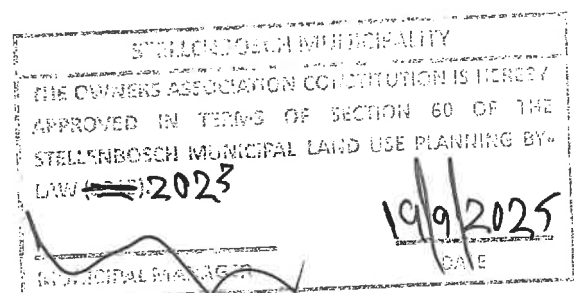
¹³ Interpretation/Disputes

¹⁴ Engagement of Persons and Service Providers

¹⁵ Appointment, Powers and Duties of Managing Agent

¹⁶ Ineligibility or Disqualification to Serve on Excom

¹⁷ See also clause 14



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

12.6 Omitted

13. Nominations for Election

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

14. Appointment to Fill Vacancy and Appointment of Alternates

- 14.1 Excom may appoint a person –

14.1.1 to fill any vacancy in its number²⁰; or

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

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

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

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

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

15. Remuneration

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

16. Validity of Acts

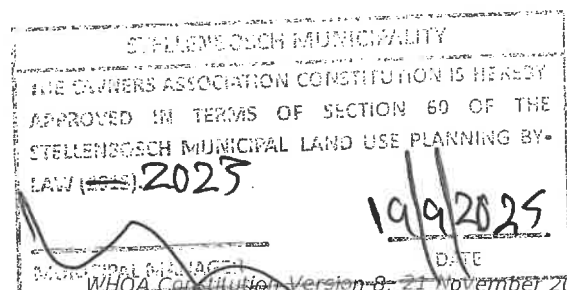
Any act performed by Excom will, notwithstanding that it is after the performance of the act discovered that there was some defect in the election, appointment or continuance in office of any Excom member, be as valid as if such Excom member had been duly elected, appointed or had duly continued in office,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

17. Indemnity – Re-located

¹⁸ Engagement of Persons and Service Providers

¹⁹ Appointment, Powers and Duties of Managing Agent

²⁰ See also clause 12



17A. Ineligibility or Disqualification to Serve on Excom

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

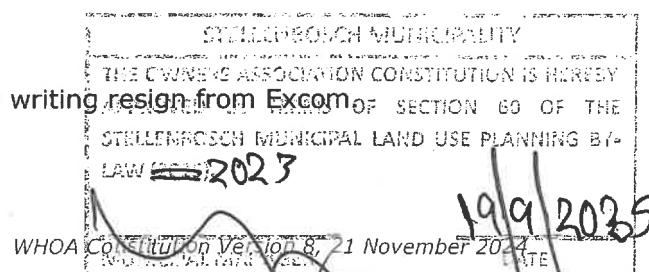
- 17A.1 would be ineligible or disqualified to be appointed or elected as a director of a company as contemplated in section 69 of the *Companies Act 71 of 2008 (as amended)*;
- 17A.2 is or becomes of unsound mind;
- 17A.3 surrenders her/his estate as insolvent;
- 17A.4 is for a period of three (3) months in arrear with the payment of her/his levies, contributions or other amounts which the Association may under this Constitution, the conduct rules or the control measures collect or claim from her/him and provision has not been made to the satisfaction of Excom for the payment thereof;
- 17A.5 absents herself or himself from three (3) consecutive meetings of Excom without special leave of absence from Excom; or
- 17A.6 is removed from office by resolution of members in general meeting: Provided that the intention to decide upon such removal from office has been specified in the notice convening the meeting.

17B. Duties of Executive Committee members

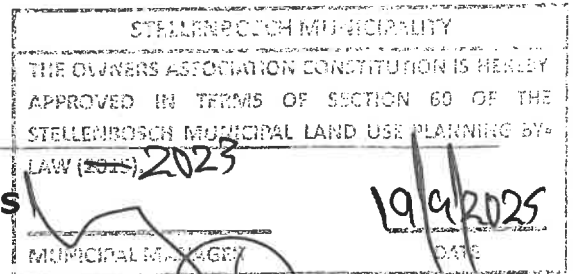
- 17B.1 An Excom member must –
 - 17B.1.1 take reasonable steps to inform and educate himself or herself about the community scheme, its affairs and activities, and the legislation and governance documentation in terms of which the community scheme operates;
 - 17B.1.2 take reasonable steps to obtain sufficient information and advice about all matters to be decided by the scheme executives to enable her/him to make conscientious and informed decisions;
 - 17B.1.3 unless excused in writing by the chairperson of the scheme executives on reasonable grounds –
 - 17B.1.3.1 attend all meetings of the scheme executives;
 - 17B.1.3.2 attend the community scheme's annual general meeting, if it holds such a meeting;
 - 17B.1.4 exercise an active and independent opinion with respect to all matters to be decided by the scheme executives; and
 - 17B.1.5 exercise due diligence in relation to any business of, and necessary preparation for and attendance at meetings of, the scheme executives or any committee to which such scheme executive is appointed.
- 17B.2. The obligations of a community scheme executive in terms of sub-regulation are in addition to and do not derogate from the fiduciary obligations of a scheme executive in terms of the common law or any applicable statute.

18. Resignation from Excom

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



EXCOM MEETINGS



19. Convening of Meetings

19.1 Excom may after notice to its members meet for the dispatch of business and may regulate its meetings as it deems fit.

19.2 An Excom member may at any time convene a meeting by giving to the other Excom members not fewer than ten (10) days' written notice of the meeting proposed by her/him, which notice must specify the reason for convening the meeting: Provided that in case of urgency such shorter notice as is reasonable in the circumstances may be given.

19.3 **Omitted**

20. Quorum

20.1 Four (4) Excom members form a quorum.

20.2 If at any meeting a quorum is not present within thirty (30) minutes of the time set for the meeting, such meeting will stand adjourned to the third (3rd) day thereafter at the same time and place, and Excom members then present, who may not be fewer than two (2), will form a quorum: Provided that the chairperson may upon the request of at least two (2) Excom members determine such other day for the resumption of business as she/he deems appropriate.

20.3 If the number of Excom members falls below four (4), the remaining Excom members, who may not be fewer than two (2), may continue to act, but only for the purpose of filling a vacancy, appointing an alternate or convening a general meeting of members.

20.4 An Excom member may be represented at a meeting of Excom by a proxy provided such proxy is a member of Excom.

20.5 The instrument appointing a proxy shall be in writing and signed by the Excom member concerned but need not be in any particular form. The proxy shall be deposited with the Chairperson at any time before the time appointed for the commencement of a meeting and shall be valid only for such meeting or any adjournment thereof.

21. Voting

21.1 All matters at any Excom meeting are determined by a majority of those Excom members present and voting: Provided that the chairperson has a deliberative as well as a casting vote.

21.2 An Excom member who has any interest in any contract or proposed contract, or any litigation or proposed litigation, with the Association, must declare such interest and is by virtue of such interest disqualified from voting in respect thereof.

21.3 Furthermore, an Excom member is prohibited from voting on the following matters affecting her/him, which items are not limited to the listed items below:

21.3.1 discipline of the Excom member (i.e the vote to impose a penalty against the Excom member);

21.3.2 an investigation against the Excom member for damage to common areas or facilities (i.e. the decision to raise a penalty against the Excom member);

21.3.3 a request, by the Excom member, for the approval of a payment plan for the Excom member's arrear contribution;

- 21.3.4 a decision whether to foreclose on a lien on the property of the Excom member; and
- 21.3.5 the review and approval of an application for building alterations by an Excom member.
- 21.4 Decisions taken by electronic voting, submitted in writing by Excom members being not fewer than four (4), will be decided by a majority of the votes cast. Excom members may in such instance be represented by proxy in accordance with clause 20.5. Such decisions will be as valid and effective as if it had been passed at a meeting of Excom duly convened and held. The resolution is to be recorded in the minutes of the following Excom meeting.

22. Chairperson

- 22.1 At the commencement of the first meeting of Excom after an annual general meeting, Excom members must elect a chairperson from among their number, who will hold office as such until the end of the next annual general meeting of the members of the Association.
- 22.2 If the chairperson resigns from the office of chairperson or ceases to be a member of Excom as contemplated in clause 17A²¹, Excom members must elect another chairperson from among their number, who will hold office for the remaining term of office of, and will have the same voting rights as, the first-mentioned chairperson.
- 22.3 If the chairperson vacates the chair during the course of a meeting or is not present or is for any other reason unable to preside at any meeting, or is disqualified from voting as contemplated in clause 21.2²², Excom members present must elect another Excom member to act as chairperson for such meeting or such voting, as the case may be, who will have the same voting rights as the first-mentioned chairperson.

23. Attendance of Excom Meetings by Other Persons

Excom may in its sole discretion allow any person to attend an Excom meeting and to address it at such meeting.

24. Resolution Signed by Excom Members

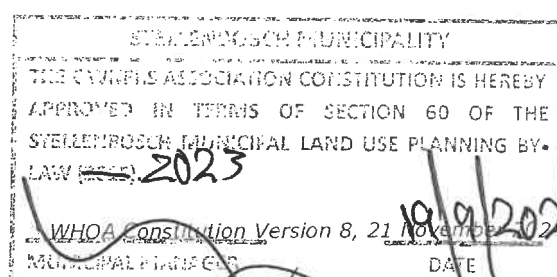
A resolution in writing signed by all Excom members for the time being present in the Republic of South Africa and being not fewer than four (4), will be as valid and effective as if it had been passed at a meeting of Excom duly convened and held.

25. Minutes of Proceedings

- 25.1 Excom must –
- 25.1.1 keep minutes of its proceedings in a minute book;
- 25.1.2 cause minutes to be kept of all meetings of the Association in a minute book; and
- 25.1.3 include in the minute book concerned a record of every resolution of Excom or of the Association, as the case may be.
- 25.1.3A Minutes may be signed electronically, after which a hard copy must be placed in a minute book. Concurrent electronic filing, not replacing minute books, can be done to facilitate electronic searching of records.

²¹ Ineligibility or Disqualification to Serve on Excom

²² Voting



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

ASSISTANCE FOR EXCOM

27. Engagement of Persons and Service Providers

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

28. Appointment, Powers and Duties of Managing Agent

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

members is convicted of an offence involving an element of fraud or an element of dishonesty; or

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

COMMON PROPERTY

29. Control, Management and Maintenance

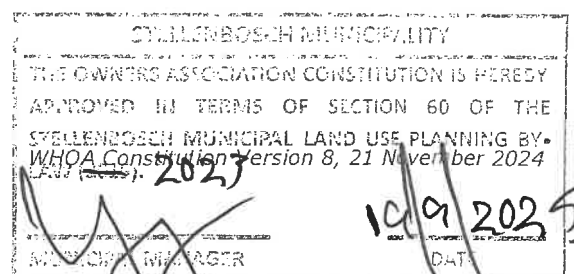
The control and management of the Association's common property vests in Excom, who must do all things reasonably necessary for the maintenance of such common property and to keep it in a state of good and serviceable repair.

30. Improvements

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

31. Traffic Control Measures – Relocated

32. Alienation of Common Property



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

33. Letting of Common Property

- 33.1 Excom may on behalf of the Association let common property or any part thereof under a written lease on the terms and conditions it deems appropriate.
- 33.2 Excom must keep a register of all common property so let, which must be available for inspection at the address determined by Excom.
- 33.3 Common property may not be let in circumstances where the owner of an erf will be the sole beneficiary.
- 33.4 Common property may only be let in circumstances where the common property is used for commercial activities and Excom is of the view that such lease will be for the benefit of the Estate as a whole.

34. Insurance

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

FINANCIAL MATTERS

35. Financial Year

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

36. Books of Account and Records

- 36.1 Excom must cause to be prepared, and must table at every annual general meeting –
- 36.1.1 a financial statement in conformity with the International Standard of Auditing, which statement must fairly present the state of affairs of the Association and its finances and transactions as at the end of the financial year concerned, including a report thereon prepared by an auditor qualified to act as such under the *Auditing Profession Act 26 of 2005 (as amended)*;
- 36.1.2 a record of the assets and liabilities of the Association;

2023

WHOA Constitution Version 8, 21 November 2021

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY	
APPROVED IN TERMS OF SECTION 60 OF THE	
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-	
DATE	19/9/2023

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

37. Annual Estimate of Anticipated Income and Expenditure

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

38. Deposit and Investment of Funds

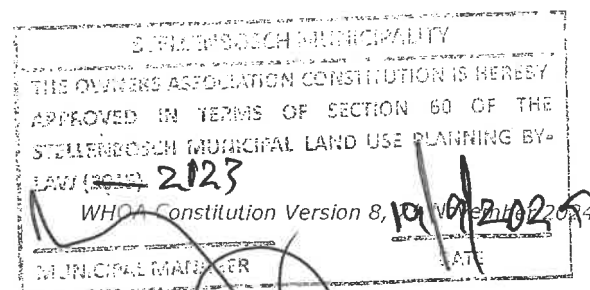
- 38.1 Excom must cause all moneys received by the Association to be deposited to the credit of an account or accounts in the name of the Association and, subject to any direction given or restriction imposed by members at a general meeting, such moneys may only be withdrawn for the purpose of payment of the expenses of the Association: Provided that Excom may –
 - 38.1.1 invest and re-invest such moneys not immediately required in the manner it determines from time to time;
 - 38.1.2 use interest earned on such moneys for any purpose of the Association; and
 - 38.1.3 authorise the managing agent to administer and operate such account or accounts on its behalf.
- 38.2 The moneys of the Association may be deposited, invested or re-invested only with registered financial institutions as defined in section 1 of the *Financial Institutions (Protection of Funds) Act 28 of 2001 (as amended)*.

LEVIES PAYABLE BY MEMBERS

39. Contributions by Members to Defray Expenses

- 39.1 Excom, on behalf of the Association, is entitled to collect contributions from members in the form of levies to defray all the expenses which the Association has incurred, or which Excom anticipates the Association will incur, in the attainment of its object or the exercising of its powers, the discharge of its duties or the fulfilment of its obligations. Such contributions may be collected in advance.

²³ See clause 47.3.2



- 39.2 Subject to the provisions of clause 42A.3, each member must pay a levy in respect of each erf registered in her/his name, including such special levy²⁴ as Excom determines from time to time, and a contribution to the Levy Stabilisation Fund of the Association²⁵.
- 39.2A **Omitted**, with footnote ²⁶.
- 39.3 A person is not entitled to a refund of levies lawfully levied upon her/him and duly paid by her/him.
- 39.4 As from the date of the special resolution approving this amendment to the Constitution by members in general meeting (24 October 2019), a member with a consolidated erf, must pay a levy calculated in accordance with the original number of erven prior to consolidation. This clause will not apply retrospectively to existing consolidations.

40. Determination of Monthly Levy

- 40.1 The amount of a monthly levy is determined annually by using the approved estimate of anticipated income and expenditure²⁷ of the Association for the year to which it relates and the number of building opportunities allocated to each erf as basis for such calculation. For purposes hereof –
- 40.1.1 a single (1) residential erf or a group housing erf is regarded as a single (1) building opportunity;
- 40.1.2 the number of building opportunities in respect of all other erven is, in respect of each such erf, the maximum number of residential sectional title units, in the case of a sectional title scheme, erected on that erf, and, in the case of a subdivision of such erf, the maximum number of residential units/portions into which such erf was subdivided, regard being had to the relevant Ministerial Approval and Development Agreements; and
- 40.1.3 an erf in respect of which a determination as contemplated in clause 43²⁸ is in force is not regarded as a building opportunity.

41. Interim Monthly Levy

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

42. Special Levy

Excom may whenever necessary make special levies upon members or call upon them to make special contributions in respect of all expenses expected to be incurred or actually incurred by it in the exercising of its powers, the discharge of its duties or the fulfilment of its obligations and which are not included in any estimates of anticipated income and

²⁴ See clause 42

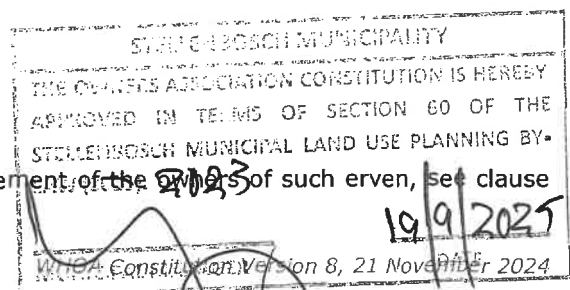
²⁵ See clause 42A

²⁶ Omitted, with clause 39.2A

²⁷ See clauses 37 and 47.3.2

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

²⁹ Determination of Monthly Levy



expenditure prepared under clause 37³⁰, or to satisfy a judgement debt against the Association.

42A. Contribution to Levy Stabilisation Fund

42A.1 Each member other than a member contemplated in clause 42A.3³¹ must on each sale and subsequent transfer of her/his erf contribute a percentage of the gross selling price to the Levy Stabilisation Fund of the Association.

42A.2 For the purposes of clause 42A.1, "a percentage of the gross selling price" means –

42A.2.1 half a per cent (0,5%) in the case of a person who became a member prior to the date on which this clause comes into operation and who sells her/his erf on or before 31 December 2019; and

42A.2.2 one per cent (1,0%) in the case of a person who becomes a member after the date on which this clause comes into operation.

42A.3 A contribution (exit levy) towards the Levy Stabilisation Fund shall not be required in the below-stated circumstances:

42A.3.1 where a determination has been made in terms of clause 43, partially or fully exempting the owner of an erf from payment of levies; or

42A.3.2 where the alienation of such erf is exempt from transfer duty by virtue of:

42A.3.2.1 inheritance by heirs or legatees; or

42A.3.2.2 an acquisition by a surviving or divorced spouse; or

42A.3.2.3 an acquisition from a spouse by virtue of a marriage in community of property; or

42A.3.3 where the transfer of an erf is into the name of the former life partner / co-inhabitant / common law partner of the owner following the death of the owner or the termination of their relationship.

42A.3.4 Applicable supporting documentation shall be required for all exemptions.

42A.4 The Levy Stabilisation Fund must be administered in accordance with this Constitution.

42B. Once-off Contribution to Levy Stabilisation Fund

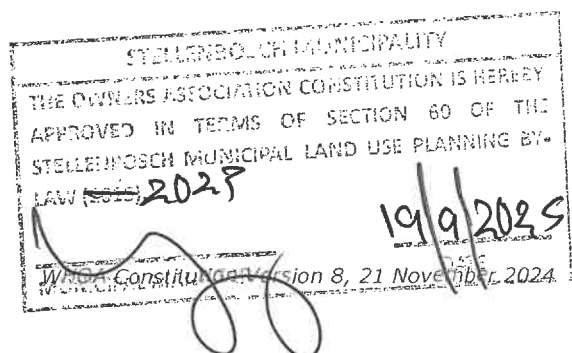
42B.1 Notwithstanding the provisions of clause 42A³², a person who became a member prior to the date of the implementation of clause 42A may in lieu of making a contribution to the Levy Stabilisation Fund of the Association on the sale and subsequent transfer of her/his erf, on or before 31 March 2015 make a once-off contribution to that Fund in the amount of ten thousand rand (R10 000).

42B.2 A member who has made a contribution as contemplated in clause 42B.1 will be issued with a certificate exempting her/him from making a contribution as contemplated in clause 42A, which certificate must be surrendered to Excom when the exemption is claimed.

³⁰ Annual Estimate of Anticipated Income and Expenditure

³¹ Contribution to Levy Stabilisation Fund, 42A.3

³² Contribution to Levy Stabilisation Fund



43. Special Dispensation iro Certain Erven

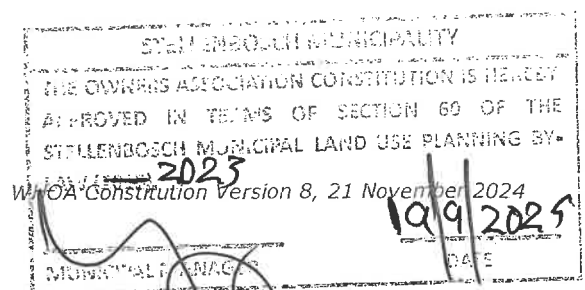
- 43.1 Excom may, on the written application of the owner of an erf, determine that because of special circumstances particular to that erf it qualifies for a special dispensation with regard to the payment of levies.
- 43.2 A determination made under clause 43.1 must indicate –
- 43.2.1 the special circumstances which in the opinion of Excom qualify the erf for a special dispensation;
- 43.2.2 the conditions subject to which the determination is made; and
- 43.2.3 the percentage (if any) of the full levy that is payable in respect of such erf.
- 43.3 Excom must at each annual general meeting table a list of the erven in respect of which –
- 43.3.1 a determination is in force;
- 43.3.2 a determination was made during the year under review;
- 43.3.3 a determination was revoked or amended during the year under review; and
- 43.3.4 an application for a determination was rejected during the year under review.
- 43.4 The list contemplated in clause 43.3 must indicate the special circumstances pertaining to, and the percentage (if any) of the full levy payable in respect of, each affected erf.
- 43.5 Excom may reconsider, revoke or amend any decision under this clause if in its view an affected erf no longer qualifies for a special dispensation, a determination was incorrectly made, an application was not properly considered or if new information regarding an affected erf has come to the fore: Provided that the member concerned must be informed in writing of Excom's intention and be afforded a reasonable opportunity to make representations.
- 43.6 Members in general meeting may direct Excom to reconsider, revoke or amend any decision under this clause if in their view an affected erf no longer qualifies for a special dispensation, a determination was incorrectly made, an application was not properly considered or if new information regarding an affected erf has come to the fore: Provided that the member concerned must be informed in writing of the directive and be afforded a reasonable opportunity to make representations.

44. Status of Erf Fully or Partly Exempt from Levies

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

³³ Special Dispensation iro Certain Erven

³⁴ Vote Entitlement



45. Payment of Levies and Contributions

- 45.1 Any levy or contribution that may be collected under clause 39.2³⁵ may be recovered from the persons who were owners of erven at the time when such levy was imposed or such contribution became payable.
- 45.2 A monthly or interim monthly levy is due on the first day of each calendar month.
- 45.3 A special levy is payable in one sum or by such instalments and at such time or times as Excom deems fit.
- 45.4 If a levy or contribution is not paid within ten (10) days of the due date, same will bear interest from the date of delinquency at a rate per annum equivalent to the prime overdraft rate charged from time to time by the Association's Bankers plus two percent (2%).
- 45.5 A person who is in arrear with the payment of a levy or contribution will be liable for all expense incurred by Excom in the recovery of such levy or contribution and the interest thereon, which expense will be added to the levy or contribution payable by that person and claimed as if it were part of such levy or contribution.
- 45.6 Excom may institute legal proceedings as contemplated in clause 10³⁶ or by means of an application to the Community Scheme Ombud Service, against a person for the recovery of arrear levies and contributions, the interest thereon and the expense incurred by Excom in the recovery thereof.
- 45.7 If an owner is in arrears with their levies for more than thirty (30) days, the owner will be considered to be in breach of the good standing provision in terms of the Constitution.

GENERAL MEETINGS OF MEMBERS
CONVENING OF GENERAL MEETINGS

46. Annual General Meetings

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

47. Business Transacted at Annual General Meetings

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

- 47.1 the consideration of the report referred to in clause 26³⁷;
- 47.2 the consideration of the books of account and records referred to in clause 36³⁸;
- 47.3 the approval with or without amendment of –
- 47.3.1 the schedules of replacement values referred to in clause 34³⁹; and
- 47.3.2 the annual estimate of anticipated income and expenditure referred to in clause 37⁴⁰;

³⁵ Contributions by Members to Defray Expenses

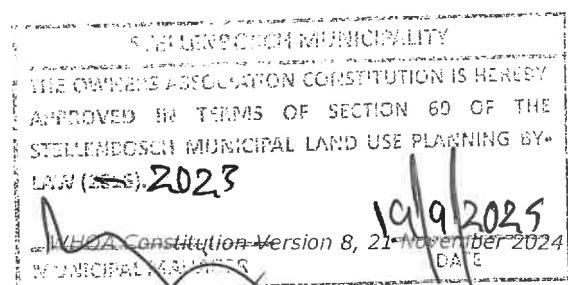
³⁶ Legal Proceedings

³⁷ Report on Affairs of Association

³⁸ Books of Account and Records

³⁹ Insurance

⁴⁰ Annual Estimate of Anticipated Income and Expenditure



- 47.4 the election of Excom members to replace those Excom members whose term of office has expired as contemplated in clause 12⁴¹;
- 47.5 the consideration of any draft Resolution concerning the affairs of the Association of which due notice has been given; and
- 47.6 any other business of which notice has been received at the address determined by Excom at least sixteen (16) days prior to the date set for the meeting.

48. Special General Meetings

- 48.1 All general meetings other than the annual general meetings referred to in clause 46⁴² are called special general meetings.
- 48.2 Excom may convene a special general meeting whenever it thinks fit and must convene such a meeting upon the written request of not fewer than twenty (20) members, directed to the chairperson of Excom.

49. Notice of General Meetings

- 49.1 Excom must convene an annual general meeting by giving at least twenty-one (21) days' notice thereof: Provided that Excom must cause copies of the documentation relating to the business to be transacted at the meeting as contemplated in clause 47⁴³ to be delivered to each member at least fourteen (14) days before the date of the meeting concerned.
- 49.2 A special general meeting must be convened by giving at least fourteen (14) days' notice thereof: Provided that Excom must cause copies of the documentation relating to the business to be transacted at the meeting to be delivered to each member together with the notice convening the meeting.
- 49.3 The notice convening a meeting must be in writing and must specify the place, the day and the time of the meeting and the general nature of the business to be transacted at the meeting: Provided that any meeting will, notwithstanding that it is called by shorter notice than that specified, be deemed to have been correctly called if it is so agreed by ninety percent (90%) of the members.
- 49.4 Inadvertent omission to give notice of a general meeting to, or the non-receipt of such notice by, any person entitled to such notice, does not invalidate any proceedings at any such meeting.

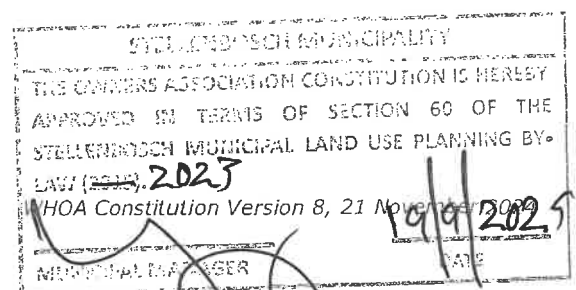
49A. Adjournment of General Meetings

- 49A.1 The chairperson may, with the consent of any general meeting at which a quorum is present, and if so directed by the meeting, adjourn a meeting from time to time and from place to place, but no business may be transacted at any adjourned meeting other than the business which could be transacted at the meeting from which the adjournment took place.
- 49A.2 Whenever a meeting is adjourned for 10 (ten) days or more, notice of the adjourned meeting must be given in the same manner as of an original meeting.

⁴¹ Number, Election and Qualifications of Excom Members

⁴² Annual General Meetings

⁴³ Business Transacted at Annual General Meetings



- 49A.3 Subject to the provisions of clause 49A.2, the members are not entitled to any notice of adjournment under this clause, or of the business to be transacted at an adjourned meeting.

PROCEEDINGS AT GENERAL MEETINGS

50. Quorum

- 50.1 No business may be transacted at any general meeting unless a quorum is present at the time when the meeting proceeds to business.
- 50.2 For all purposes the quorum is at least thirty-five (35), and consisting of members present in person or by proxy.
- 50.3 If at any general meeting a quorum is not present within thirty (30) minutes of the time set for the meeting, the meeting, if convened at the request of members, must be dissolved. In any other case it will stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present within thirty (30) minutes of the time set for the meeting, the members present in person or by proxy will be a quorum: Provided that all members must be given notice of such adjourned meeting.

50A. Generally Accepted Practice

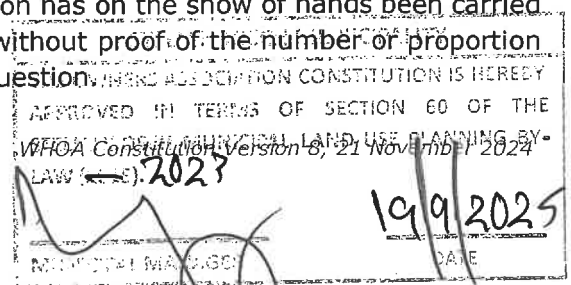
- 50A.1 Except as otherwise provided in this Constitution, general meetings must be conducted in accordance with generally accepted practice.
- 50A.2 Every motion and amendment to a motion proposed for adoption must be seconded at the meeting and, if not seconded, will be deemed not to have been proposed.

51. Chairperson

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

52. Voting Procedure

- 52.1 At any general meeting the question on a motion or amendment put to the vote is decided on a show of hands, unless the chairperson, in her/his discretion, directs that a ballot be taken, or, either prior to or on the declaration by the chairperson of the result of the show of hands, a ballot is demanded by any person entitled to vote.
- 52.2 Each member present in person and entitled to vote, and each person present as proxy for a member who is entitled to vote, must, when a question is to be decided on a show of hands, orally announce how she/he casts each vote to which she/he is entitled if she/he is entitled to more than one vote.
- 52.3 A declaration by the chairperson that the question has on the show of hands been carried or lost will be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such question.



- 52.4 A directive or demand for a ballot may be withdrawn by the person concerned.
- 52.5 The result of a poll is deemed to be a resolution of the meeting at which such poll was taken, and an entry in the minutes of proceedings to the effect that a question has been carried or lost, with or without a record of the number of votes recorded in favour of or against such question, will be conclusive evidence of the result of the poll if such entry conforms with the declaration made by the chairperson at the meeting concerned.
- 52.6 Notwithstanding any provision to the contrary in this clause, a poll on the election of a chairperson or on any question of adjournment, will be decided on a show of hands.

53. Majority Required

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

54. Vote Entitlement

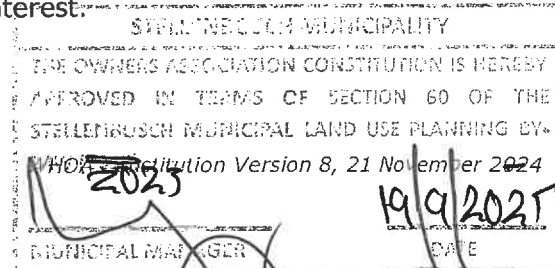
- 54.1 Subject to clauses 54.2 and 54.3, each member is entitled to one (1) vote for each erf in the Township Area registered in her/his name, provided that –
- 54.1.1 ownership of an erf in undivided shares constitutes only one (1) membership; and
- 54.1.2 a member who is under clause 43⁴⁴ fully or partly exempt from payment of levies in respect of a particular erf is not entitled to a vote on account of her/his ownership of that erf.
- 54.2 When two (2) or more persons are joint registered owners of an erf, the vote to which they are entitled may be exercised only by a person (who may or may not be one of them) jointly appointed by them as their proxy: Provided that any one of them may demand a poll.
- 54.3 If an erf is jointly owned by a natural person and a company, the vote to which they are entitled may be exercised only by a person (who may or may not be such natural person or a director of the company) jointly appointed by such natural person and the directors of the company as their proxy: Provided that such natural person and any one of the directors of the company may demand a poll.

55. Right to Vote

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

- 55.1 if any levies payable by her/him under this Constitution, together with any interest and costs in connection therewith, have not been duly paid and provision has not been made to the satisfaction of Excom for the payment thereof; or
- 55.2 she/he persisted in breach of any provision of this Constitution or any conduct rule or control measure after written notice requiring her/him to remedy such breach, and provision has not been made to the satisfaction of Excom for the remedying thereof; or
- 55.3 in respect of any contract or proposed contract, or any litigation or proposed litigation, with the Association in which she/he has any interest.

⁴⁴ Special Dispensation iro Erven



56. Proxy

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

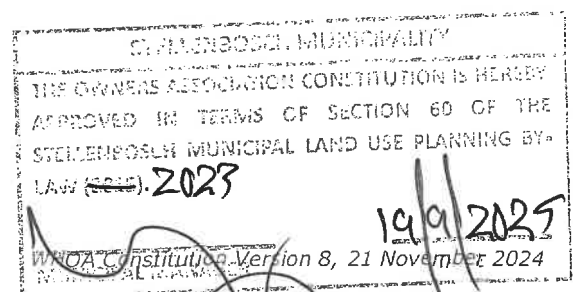
57. Companies/Trusts – Re-located

58. Incapacity

Should any member be declared incapable of managing her/his own affairs, or a prodigal or insolvent, or in the case of a juristic person, placed under temporary supervision for the purposes of a business rescue plan, or into liquidation, such member may be represented by her/his appointed curator, trustee, business rescue practitioner, executor or liquidator, as the case may be, who will be entitled to vote on her/his behalf, either personally or by proxy.

⁴⁵ Engagement of Persons and Service Providers

⁴⁶ Appointment, Powers and Duties of Managing Agent



CONSTITUTION, CONDUCT RULES AND CONTROL MEASURES

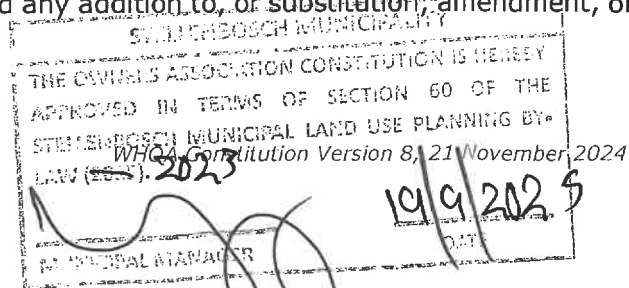
59. Conduct Rules

- 59.1 The Association may make such conduct rules as it deems necessary for the promotion of safe and harmonious community-living in the Township Area and for the control, management, administration, use and enjoyment of the common property of the Association.
- 59.2 The Association may as part of the conduct rules issue such architectural directives as it deems necessary and prescribe the architectural style and the materials to be used in respect of any buildings to be erected or in respect of any renovations, alterations or additions to be carried out to existing buildings and in particular to control the exterior design of such buildings and renovations, alterations or additions and the materials and colours used, so as to ensure an aesthetically pleasing character to the buildings in the Township Area: Provided that such directives will apply *mutatis mutandis* to other site works on a member's erf, including, but not limited to, fences, pergolas, boundary walls, retaining walls and paving.
- 59.3 The conduct rules made by the Association, and any addition thereto, or substitution, amendment, or repeal thereof, may not be in conflict or irreconcilable with any provision of this Constitution. In the event of any such conflict or irreconcilability, the provisions of this Constitution will prevail.

59A. Control Measures

- 59A.1 Excom may in its discretion from time to time issue or implement control measures to regulate –
- 59A.1.1 access and egress control at the entrances to the Estate;
 - 59A.1.2 traffic in the Estate, including the erection of traffic signs and speed humps and bumps, the implementation of speed limits and the carrying out of speed checks in the Estate;
 - 59A.1.3 the parking of vehicles in the Estate;
 - 59A.1.4 the preparation and processing of building plans contemplated in clause 70⁴⁷;
 - 59A.1.5 the conduct of persons who perform work in the Estate; and
 - 59A.1.6 the application and enforcement of control measures necessitated by unforeseen environmental and legislative changes.
- 59A.2 A control measure may not be in conflict or irreconcilable with any provision of this Constitution or any conduct rule.
- 59A.3 Excom may from time to time determine and collect such fees in connection with such control measures as it deems necessary.
- 59A.4 Where feasible, Excom must prior to issuing or implementing an intended control measure, consult with members in the immediate vicinity of the area where such measure will be implemented.
- 59A.5 Excom must at least fourteen (14) days before its implementation in writing inform all members of any new control measure and any addition to, or substitution, amendment, or

⁴⁷ Submission of Building Plans



repeal of, a provision of an existing control measure and of any penalty determined under clause 60⁴⁸ in respect thereof.

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

60. Penalties Determined by Excom

- 60.1 Excom may from time to time determine the penalties to be imposed for the breach of a provision of this Constitution, a conduct rule or a control measure, and the amount of an initial and subsequent penalty.
- 60.2 Any penalty imposed on, or cost of the remedying of a breach of the provisions of this Constitution, a conduct rule or a control measure claimed from, a member may, if it is not paid within ten (10) days after the member has been notified of the imposition of the penalty or the claim, be added to the monthly levy payable by that member under clause 45⁴⁹ and claimed as if it were part of such levy.
- 60.3 Any penalty imposed on, or cost of the remedying of a breach of the provisions of this Constitution, a conduct rule or a control measure claimed from, a person who is not a member may, if it is not paid within ten (10) days after the offender has been notified of the imposition of the penalty or the claim, be claimed through due process from the relevant member.
- 60.4 If a penalty or cost referred to in this clause is not paid within ten (10) days of the due date, same will bear interest from the date of delinquency at a rate per annum equivalent to the prime overdraft rate charged from time to time by the Association's Bankers plus two percent (2%).

61. Amendment of Constitution and Conduct Rules

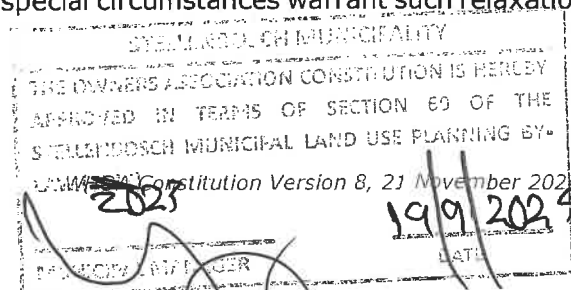
- 61.1 Any member may propose an addition to, or substitution, amendment, or repeal of, a provision of this Constitution or the conduct rules by submitting a written motivated proposal to that effect to Excom.
- 61.2 If Excom is of the view that the matter should be proceeded with, it must submit the proposal to members for consideration at the next annual general meeting.
- 61.3 If Excom is of the view that the matter should not be proceeded with, it must inform the member accordingly in writing: Provided that Excom must upon the written request of not fewer than twenty (20) members place the matter on the agenda of the next general meeting.
- 61.4 Any proposed addition to, or substitution, amendment or repeal of, a provision of this Constitution or of the conduct rules may be effected only by a resolution passed at a meeting by a two-thirds ($\frac{2}{3}$ rds) majority of members present in person or by proxy and voting.

61A. Relaxation of / Deviation from Architectural Directives

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

⁴⁸ Penalties Determined by Excom

⁴⁹ Payment of Levies and Contributions



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

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

62. Notification of Interested Parties

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

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

63. Record of Constitution, Conduct Rules and Control Measures

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

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

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

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

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

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

MISCELLANEOUS PROVISIONS

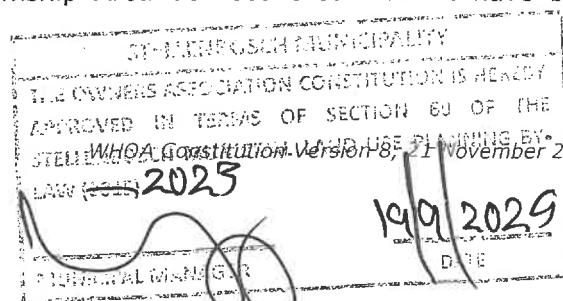
64A. Deposit i.r.o. Building Work

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

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

64A.2.1 a refundable component, which is refundable with interest at a rate determined from time to time by Excom, after a certificate of occupancy has been issued by the Stellenbosch Municipality and after any costs that may in terms of the control measures regulating the performance of building work in the Township Area be recovered from it have been deducted; and

⁵⁰ Penalties Determined by Excom



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

64B. Indemnity

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

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

65. Signing of Instruments

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

66. Consent to Transfer of Erf

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

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

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

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

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

66.3 Omitted

67. Loans

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

68. Winding up

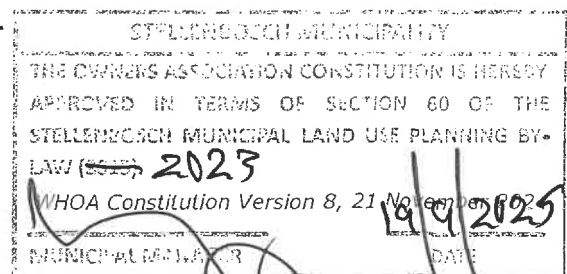
68.1 The Association may be wound up by a resolution of members provided that –

68.1.1 two-thirds ($\frac{2}{3}$ ^{rds}) of the members present in person or by proxy and voting vote in favour thereof; and

68.1.2 the Stellenbosch Municipality consents thereto.

⁵¹ Engagement of Persons and Service Providers

⁵² Consent to Transfer of Erf



- 68.2 In the event of such winding up, it will be the duty of Excom, or a suitably qualified person appointed by it, to convert the Association's assets into cash, pay all the liabilities of the Association and thereafter distribute the rest to a similar association of persons succeeding the Association and which is also exempt from income tax under section 10(1)e(iii) of the *Income Tax Act 58 of 1962 (as amended)*. If the Association is not succeeded by such an association, the remaining money must then be paid to such fund as may be required by law.

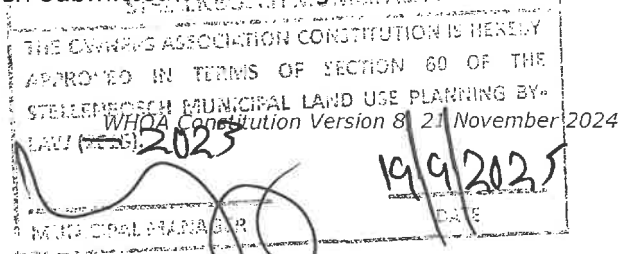
69. Zoning Conditions

- 69.1 The conditions pertaining to the municipal zoning scheme regulations applicable to a development phase of the Township Area must at all times be observed by the owner or owners of an erf in the phase concerned.
- 69.2 Any application to the Stellenbosch Municipality for permission to deviate from the zoning scheme regulations pertaining to an erf must be accompanied by the written consent of Excom, and the Stellenbosch Municipality may not approve such application if Excom opposes it.

70. Submission of Building Plans

- 70.1 A member shall submit an electronic version of building plans for work on her/his erf to Excom at the Welgevonden Estate Office for examination and approval prior to the submission of such plans to the Stellenbosch Municipality for their approval. No hard copy (paper) plans shall be accepted.
- 70.1A For the purposes of clause 70.1, "electronic building plans" means design drawings and specifications for the construction of a new dwelling or for additions to, or the alteration or renovation affecting the exterior aesthetic appearance of, an existing dwelling, or for the erection of a pergola, fence, boundary wall, retaining wall, or the laying of paving.
- 70.2 Should Excom not approve a plan submitted in terms of clause 70.1, it must furnish the member concerned with its reasons in writing and any disagreements or disputes arising must be dealt with in terms of the dispute resolution procedure provided for in clause 72⁵³.
- 70.3 After such plans are approved by the Stellenbosch Municipality a member shall submit an electronic copy of the approved plans to the Welgevonden Estate Office.
- 70.4 Members' responsibilities regarding the submission of building plans include:
- 70.4.1 All members shall ensure that a digitised/electronic version of the Stellenbosch Municipality-approved building plan for their dwelling, showing all structures and improvements on the erf, is on file at the Welgevonden Estate Office on or before 1 (one) December 2025.
- 70.4.2 Non-compliance to clause 70.4.1. shall result in remedial action taken by Excom in terms of the WHOA Estate Rules, rule 7.
- 70.4.3 Should any property on Welgevonden Estate be transferred or application made for improvements before the member had submitted an electronic version of her/his building plans to the Welgevonden Estate Office, the Excom shall not be able to grant approval for the transfer of the property to a new owner, or for any improvements, until such time that the electronic version of the plans had been submitted to the Welgevonden Estate Office.

⁵³ Interpretation/Disputes



71. Servitude for Maintenance of Services by Stellenbosch Municipality

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

71A. Completion of dwelling by a member

In order to maintain high standards and to ensure an attractive and harmonious Estate, the Member acknowledges that the construction of the dwelling and the establishment and landscaping of the garden on vacant erven shall be completed within 24 (twenty-four) months as from 1 January 2023.

Any member who does not comply with the provisions of clause 71A, and who is in breach of the said clause, by not completing the dwelling and establishment of a garden, will be liable to pay to the Association additional levy amounts calculated as set out hereunder, over and above the normal levy contemplated under clause 39:

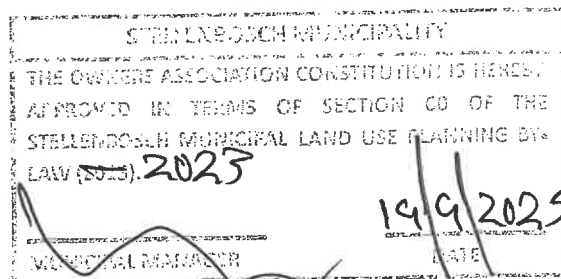
- 71A.1 Year 1 (one) of breach: 100% of normal levy (implies double the normal levy);
- 71A.2 Year 2 (two) of breach: 200% of normal levy (implies three [3] times the normal levy);
- 71A.3 Year 3 (three) of breach: 300% of normal levy (implies four [4] times the normal levy); and
- 71A.4 Thereafter, the total levy payable will be the normal levy plus the 300% of the normal levy (implies four [4] times the normal levy) until compliance with clause 71A by the member.

72. Interpretation/Disputes

- 72.1 Should any dispute, disagreement or claim ("dispute") whatsoever between a member and the Association concerning the interpretation of this Constitution and/or the conduct rules and/or the control measures arise, the aggrieved party must notify the other interested party in writing, and copies of such notification must be served as contemplated in clauses 73⁵⁴–74⁵⁵.
- 72.2 Thereafter the parties must try to resolve the dispute by negotiation, which entails that the one party invites the other party in writing to a meeting where they must attempt to resolve the dispute within seven (7) days from the date of the invitation.
- 72.3 In the event that internal method of resolution fails, the Community Scheme Ombud Service may be approached, should there be a dispute between member(s) or tenant(s) and the HOA, or the HOA and its member(s) or tenant(s), or between members, and all internal remedies have been exhausted.

72.4 **Omitted**

72.5 **Omitted**



⁵⁴ Notice, Delivery and Service by Association

⁵⁵ Notice, Delivery and Service by Member

NOTICES, DOCUMENTATION AND LEGAL PROCESS

73. Notice, Delivery and Service by Association

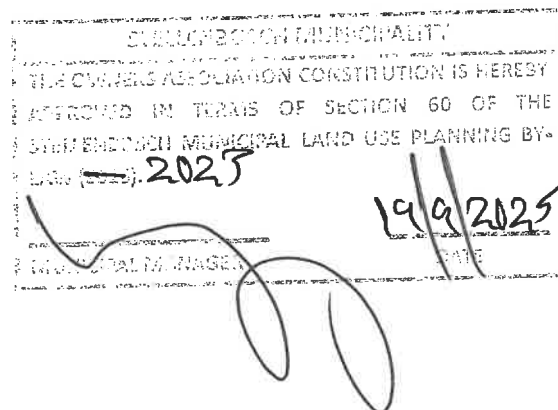
- 73.1 Each member must provide Excom with an address within the Republic of South Africa for the purpose of giving notices, delivering documentation and the serving of legal process.
- 73.2 Each member must provide Excom with her/his electronic mail address. Provided that Excom may on good cause shown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

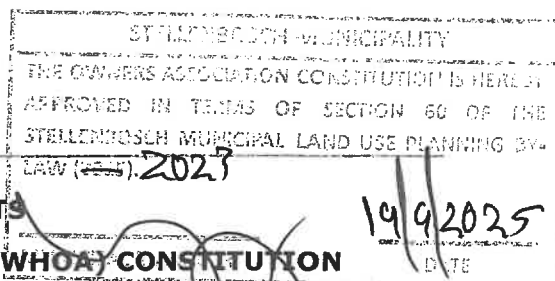
74. Notice, Delivery and Service by Member

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

75. Receipt by Party

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





SCHEDULE OF AMENDMENTS

WELGEVONDEN HOME OWNERS' ASSOCIATION (WHOA) CONSTITUTION

Special resolutions passed at Annual General Meetings

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

35
WHOA Constitution

STILL UNDER REVIEW AND MODIFICATION
THE CURRENT ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
SPELWINDEN MUNICIPAL LAND-USE PLANNING BY-
LAW OF 2025

19/9/2025
DATE

DATE OF AGM and clauses	DESCRIPTION OF AMENDMENTS
27 November 2014 (continued)	reference to the <i>Companies Act</i> (as amended).
Appointment, Powers and Duties of Managing Agent	Clause 28 is amended to provide for the appointment of a managing agent for a maximum period of 3 years at a time in favour of the current provision allowing for an indefinite automatic renewal of the appointment from year to year. This amendment will bring about more certainty for both the WHOA and the appointed managing agent.
Traffic Control Measures	<p>Clause 31 currently deals with only traffic control measures that may be issued by Excom. The provision is re-located as clause 59A to the part of the Constitution dealing with conduct rules and the amendment thereof, and extended to allow for control measures also in respect of –</p> <p>access and egress control at the entrances to the Estate, which reflects the current practice;</p> <p>the parking of vehicles on the Estate, which is in line with a general meeting resolution;</p> <p>the preparation and processing of building plans; and</p> <p>the activities of persons who perform work on the Estate.</p> <p>In recognition of the WHOA's overall authority it is further provided that –</p> <p>such a control measure may not be in conflict with the Constitution or any conduct rule and may not create a further conduct rule;</p> <p>Excom may determine and collect fees [e.g. payment for parking] in connection with such control measures; and</p> <p>Excom must at the next annual general meeting table a report on any new and adjusted control measure issued since the previous meeting.</p>
Contribution to Levy Stabilisation Fund	A new clause 42A is inserted to provide for a contribution to the WHOA Levy Stabilisation Fund by a member upon disposal of her or his property.
Once-off Contribution to Levy Stabilisation Fund	A new clause 42B is inserted to provide for a once-off contribution to the WHOA Levy Stabilisation Fund by current members in lieu of paying the exit levy.
Adjournment of General Meetings	A new clause 49A is inserted to determine that General Meetings must be conducted in accordance with generally accepted practice. Excom is in the process of compiling a manual that sets out generally accepted practice at meetings of this nature.
Proxy Companies/Trusts	The current clauses 56 and 57 do not deal sufficiently with a number of important aspects regarding proxies. The two clauses are now combined into one comprehensive provision that is in line with the provision currently found in most other HOA constitutions.

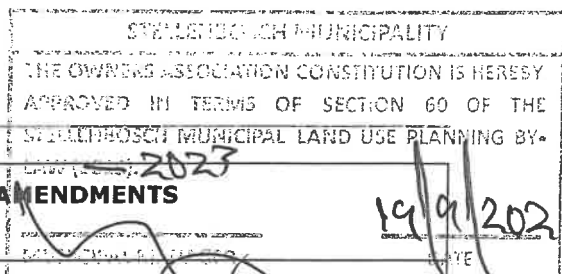
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WHOA Constitution

STERKSTROMMUNICIPALITY
THE CURRENT ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
STERKSTROMMUNICIPAL LAND USE PLANNING BY-
LAW (2023)

DATE OF AGM and clauses	DESCRIPTION OF AMENDMENTS
27 November 2014 (continued)	
Relaxation of / Deviation from Architectural Directives	A new clause 61A is inserted that will allow Excom on good cause shown in a particular instance to relax an architectural directive if special circumstances warrant such relaxation or deviation. This is done to give a basis in the Constitution for a current entry in the <i>Architectural Directives and Design Guidelines</i> . It is further provided that Excom must at the next annual general meeting table a report on any relaxation or deviation allowed since the previous annual general meeting.
Deposit iro Building Works	The new clause 64A which provides for a deposit iro building work, is in fact an existing provision in the Estate Rules re-located here in line with the intention to make the Constitution the founding instrument for penalties, fees, deposits etc., and then to provide the detail for the management thereof in the measure concerned.
Indemnity	The proposed new clause 64B is in fact the current clause 17 re-located here, because in this location it fits in better with the structure of the Constitution. Clause 64B.1 differs from the current clause 17.1 in that whereas clause 17.1 provides for indemnity of service providers, agents, etc. [except the managing agent], across the board as a matter of course, clause 64B.1 now requires Excom to take a considered decision on whether indemnity is warranted in a particular case.
Interpretation/Disputes	Clause 72 currently provides for disputes to be settled by determination by a practising senior advocate or a senior architect, depending on the nature of the dispute. Because of time and expense implications, and the complicated nature of the appointment process, an increasing number of HOAs are changing their similar dispute resolution procedure to allow a more flexible and cheaper process with the assistance of the Arbitration Foundation of Southern Africa. Clause 72 as amended follows suit
Notices, Documentation and Legal Process	Clauses 73 – 75 are amended to allow for a much less complicated system for the serving of notices. It does away with the very formalistic <i>domicilium citandi et executandi</i> provision and rather uses a more modern set of provisions.
24 October 2019	Special resolutions passed at the Annual General Meeting
Definitions	Clause 1 is amended to include a new Clause 1.1A to incorporate the definition of "A member in good standing".
Definitions	Clause 1.10 is amended to make provision for the change in status of erven currently or previously included in "the Township Area". (Clause 1.10 was amended pursuant to a legal opinion dated 30 December 2017, obtained from Adv. AM Breitenbach SC & AE Erasmus.)

19/9/2024
DATE

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WHOA Constitution



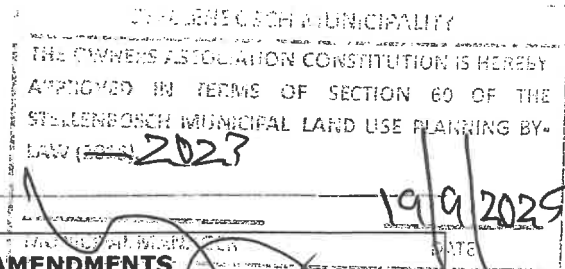
DATE OF AGM and clauses	DESCRIPTION OF AMENDMENTS
24 October 2019 (continued)	
Membership of Association	Clause 5.5: A new clause 5.5 is inserted to explain the rights of joint ownership.
Duties of Executive Committee Members	Clause 17B: A new clause 17B is inserted to stipulate the duties of Excom members in line with the <i>Community Schemes Ombud Service Act 9 of 2011 (as amended)</i> regulations.
Quorum Voting	Clauses 20 and 21: A few sub-clauses were inserted under clauses 20 and 21 to add governance to the actions of Excom and to make provision for easier administration.
Quorum	Clauses 20.4 and 20.5 are inserted to allow Excom members to be represented by a proxy at Excom meetings.
Voting	Clause 21.3 is inserted to prevent Excom members from voting on matters where a conflict of interest is present.
Voting	Clause 21.4 is inserted to provide for electronic voting.
Insurance	Clause 34.3: A new clause 34.3 is inserted to stipulate the responsibility of Excom members to arrange fidelity insurance cover in line with the <i>Community Schemes Ombud Service Act 9 of 2011 (as amended)</i> requirement.
Books of Account and Records	Clause 36.1.1 is amended to make provision for current legislation.
Contributions of Members to Defray ...	Clause 39.4: A new clause 39.4 is inserted to pre-empt the consolidation of erven without cognisance of the impact thereof on levies.
Status of Erf Fully or Partially Exempt ...	Clause 44 is amended to make provision for amended obligations and privileges of members who do not pay a levy or who only pays a partial levy.
Payment of levies and contributions	Clause 45.4 is amended to increase the interest on late payments of levies to two percent (2%).
Payment of levies and contributions	Clause 45.6 is amended to make provision for the <i>Community Schemes Ombud Service Act 9 of 2011 (as amended)</i> provisions.
Payment of levies and contributions	Clause 45.7: A new clause 45.7 is inserted for stricter measurements to be available in case of non-payment of levies.
Control Measures	Clause 59A.1.2 was amended in line with current practice.
Control Measures	Clause 59A.1.6: A new clause 59A.1.6 is inserted to allow Excom to put interim control measures in place in times of unforeseen and extraordinary environmental or legislative circumstances.

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WHOA Constitution

STELLERBOSCH MUNICIPALITY
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
STELLERBOSCH MUNICIPAL LAND USE PLANNING BY-
LAWS (2023) 2023

DATE OF AGM and clauses	DESCRIPTION OF AMENDMENTS
24 October 2019 (continued)	
Penalties Determined by Excom	Clause 60.3 is amended in line with current practice.
Penalties Determined by Excom	Clause 60.4 is amended to increase the interest on late payments of fines to two percent (2%).
Submission of Building Plans	Clause 70.3: A new clause 70.3 is inserted to state the implied requirements more clearly in terms of the building plan application process.
Interpretation/Disputes	Clause 72.3 is amended in line with the Community Schemes Ombud Service regulations regarding disputes.
Interpretation/Disputes	Clauses 72.4 and 72.5 are omitted to concur with current legal requirements. See clause 72.3 as amended.
26 November 2020	Amendments approved at the Annual General Meeting
Numbers, Election and Qualifications of Excom Members	Clauses 12.5 and 12.5.1 are omitted to ensure that only bona fide members (homeowners) are eligible to be nominated to serve on Excom.
24 November 2022	Special resolutions passed at the Annual General Meeting
General	<p>General: Revisions of the WHOA Constitution are required from time to time to allow for changed legal instruction, as well as the procedures and the requirements of a dynamic residential estate.</p> <p>In the 2022 revisions a number of grammar and style revisions were effected without changing context or meaning of the content.</p> <p>The word "fine" has been replaced by "penalty" as "fine" is widely regarded as a "sum of money ordered by the court to pay for an offence, after the complete persecution in the matter". On the other hand, "penalties" do not "involve court proceedings and are imposed when a person does not comply with the provision of a specific act."</p>
Status of Association	Clause 6.1 is revised, inserting the last clause "... now governed ..." to comply with current legislative requirements.
Powers of Association	Clause 7.2 is revised, inserting "... Welgevonden Estate ..." to make provision for current terminology.
Voting	Clause 21.4: The clause number referred to in the third line "clause 22.5" is revised to read "clause 20.5" as it referred to a clause that was not applicable.
Minutes of Proceedings	A new clause 25.1.3A is inserted to make provision for changed requirements related to the electronic filing and accessibility of administrative records such as minutes of meetings.

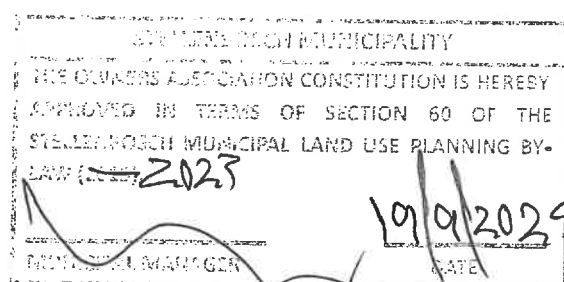
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WHOA Constitution



DATE OF AGM and clauses	DESCRIPTION OF AMENDMENTS
Payment of Levies and Contributions	Clause 45.7: The following words are omitted from this clause "... all access tags to enter into the Estate related to the particular erf will be deactivated ..." to align with current legislative requirements.
Penalties Determined by Excom	Clause 60.1: The words "... including wheel clamping ..." are omitted and the last word in the paragraph "... fine." Is replaced with "penalty".
Completion of Dwelling by a Member	A new clause 71A is inserted to make provision for a new regulation that stipulates that on vacant erven dwellings are to be constructed, and gardens established / landscaping done, within 24 (twenty-four) months as from 1 (one) January 2023, if not additional levy amounts will be imposed.
Notice, Documentation and Service by Association	Clauses 73.2, 73.3, 74 and 75.3 are revised with the words "... and/or facsimile number ..." omitted as this medium of communication is not used anymore.
29 November 2023	Special resolutions passed at the Annual General Meeting
General	General: All reference to "address" and "office of the Association" are replaced with "Welgevonden Estate Office".
Contributions by Members to Defray Expenses	Clause 39.2 is amended, replacing reference to clause 39.2A with 42A.3 resultant from the amendment of clause 42A.
Contributions by Members to Defray Expenses	Clause 39.2A is omitted resultant from the amendment of clause 42A.
Contributions to Levy Stabilisation Fund	<p>Clause 42A is amended to include exemptions from a contribution to the WHOA Levy Stabilisation Fund. These exemptions were approved at the WHOA AGM, 27 November 2014, but were not included in the minutes of that meeting, nor in the WHOA Constitution at the time. This amendment will correct this oversight. These exceptions were granted to the benefit of members since 2014.</p> <p>Clause 42A.1 is amended, replacing reference to clause 39.2A with 42A.3.</p> <p>Clause 42A.3 is amended to list the circumstances (clauses 42A.3.1 to 42A.3.3) under which a contribution (exit levy) towards the Levy Stabilisation Fund shall not be required.</p> <p>A new clause 42A.3.4 is inserted to include the necessity for supporting documents to verify eligibility for exemptions.</p>

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WHOA Constitution

DATE OF AGM and clauses	DESCRIPTION OF AMENDMENTS
Submission of Building Plans	<p>Clause 70: Submission of Building Plans: Electronic submission – a Stellenbosch Municipality requirement</p> <p>All reference to "building plans" to be amended to read "electronic building plans" where applicable.</p> <p>All reference to "address" and "office of the Association" to be replaced with "Welgevonden Estate Office".</p> <p>Clause 70.1 is amended to read: "A member shall submit an electronic version of the building plans for work on her/his erf to Excom at the Welgevonden Estate Office for examination and approval prior to the submission of such plans to the Stellenbosch Municipality for their approval. No hard copy (paper) plans shall be accepted."</p> <p>Clause 70.1A is amended to include "... electronic ..." in the first line.</p> <p>Clause 70.3 is amended to read: "After such plans are approved by the Stellenbosch Municipality a member shall submit an electronic copy of the approved plans to the Welgevonden Estate Office."</p> <p>A new clause 70.4 is inserted to read: "Members' responsibilities regarding the submission of building plans include:</p> <p>70.4.1 "All members shall ensure that a digitised/electronic version of the Stellenbosch Municipality-approved building plan for their dwelling, showing all structures and improvements on the erf, is on file at the Welgevonden Estate Office on or before 1 (one) December 2025.</p> <p>70.4.2 "Non-compliance to clause 70.4.1 shall result in remedial action taken by Excom in terms of the <i>WHOA Estate Rules, rule 7</i>.</p> <p>70.4.3 "Should any property on Welgevonden Estate be transferred or application made for improvements before the member had submitted an electronic version of her/his building plans to the Welgevonden Estate Office, the Excom shall not be able to grant approval for the transfer of the property to a new owner, or for any improvements, until such time that the electronic version of the plans had been submitted to the Welgevonden Estate Office."</p>
21 November 2024	Special resolutions passed at the Annual General Meeting
Letting of Common Property	Clause 33 is amended to include two additional clauses, 33.3 and 33.4 to clarify aspects regarding the letting of common property by the WHOA.





**WELGEVONDEN HOME OWNERS' ASSOCIATION
(WHOA)
ARCHITECTURAL DIRECTIVES
AND
DESIGN GUIDELINES
FOR
WELGEVONDEN ESTATE, STELLENBOSCH**

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

Version 9 – 21 November 2024

Made by the WHOA under clause 7.1.2, read with clause 59 and 59A of the
WHOA Constitution

To be read with the:

WHOA Constitution Version 8 – 21 November 2024

WHOA Estate Rules Version 4 – 21 November 2024

*WHOA Control Measures to Regulate the Performance of Services and Building Work
V3 – 21 November 2024*

This version of the *WHOA Architectural Directives and Design Guidelines* replaces all previous versions.

Amendments are recorded in the Schedule of Amendments at the end of this document.

This document consists of 61 pages in total, excluding Annexure A, B, B1 – 5 and C.

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1.0 INTRODUCTION

1.0A DEFINITIONS

In the interpretation of this Architectural Directives and Design Guidelines, unless the context otherwise indicates –

- 1.0A.1 "Building plan" means design drawings and specifications that need to be submitted electronically for the approval of any building work on Welgevonden Estate as defined in clause 70 of *the Welgevonden Home Owners' Association (WHOA) Constitution*¹.
- 1.0A.2 "Excom" means the executive committee of the Association contemplated in clause 8 of the *WHOA Constitution*².
- 1.0A.3 "Prescribed fee as per Control Measures" refers to the approved fee determined from time to time by Excom under the *WHOA Constitution*, more specific clause 7.1.2³.
- 1.0A.4 "Review Architect" refers to a service provider appointed by the WHOA in terms of its powers under the *WHOA Constitution* to, on its behalf, process building plans for aesthetic approval in compliance with the applicable architectural directives and design guidelines.
- 1.0A.5 "Welgevonden Estate Office" refers to the administrative office of the WHOA located at the Main Entrance, R44 Gate, Welgevonden Estate.
- 1.0A.6 "WHOA" means the Welgevonden Home Owners' Association established under Section 29 of the *Land Use Planning Ordinance (LUPO)*, 1985 (No 15 of 1985), now governed in terms of *Stellenbosch Municipality Land Use Planning Bylaw*, 2015, Section 15(2)(f).

1.1 General

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

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

The objective is to create a development with a harmonious architectural aesthetic, characterised by a range of colours and details that is in harmony with, and complement, the local vernacular of Stellenbosch.

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

1.2 Building Plans

The *WHOA Constitution* requires an owner to submit electronic building plans for work on her/his erf to Excom for examination and approval prior to the electronic

¹ See Clause 70 WHOA Constitution – Submission of Building Plans

² See Clause 8 WHOA Constitution – Constitution and Function of Excom

³ See Clause 7.1.2 WHOA Constitution – Powers of Association

submission of such plans to the Stellenbosch Municipality for approval. The aim of this examination is to ensure that the architectural directives and design guidelines for Welgevonden Estate are complied with.

Electronic building plans need to be submitted for the construction of a new dwelling, or for additions to, or the alteration or renovation affecting the exterior aesthetic appearance of, an existing dwelling, or for the erection of a pergola, fence, boundary wall, retaining wall, or the laying of paving.

No hard copy (paper) building plans will be accepted.

Validity of WHOA Approval

WHOA approval of building plans will be valid for a period of 12 (twelve) months from the date of the approval stamp for submission to the Stellenbosch Municipality (SM). If plans have not been submitted to the SM within the 12 (twelve) months after approval, homeowners must resubmit the plans for approval to the WHOA.

1.2A Sketch Plans

For minor alterations that do not require building plans for municipal approval, Excom may in its discretion accept sketch plans in electronic format. It will be the responsibility of the Review Architect to confirm with the Stellenbosch Municipality if approval will be required. Should such sketch plans in the discretion of Excom not contain sufficient information for it to take a decision on the proposed alterations, it may require the owner to provide more information, including complete building plans.

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

All sketch plans must be submitted in electronic format to the Welgevonden Estate Office for the attention of the Review Architect. No hard copy (paper) sketch plans shall be accepted.

1.3 Review Architect

Excom has in terms of its powers under the *WHOA Constitution* appointed a service provider (the Review Architect) on its behalf to process building plans for aesthetic approval in compliance with the applicable architectural directives and design guidelines.

The Review Architect must examine the building plans for aesthetic approval and to this end may interpret the architectural directives and design guidelines. If in the Review Architect's opinion, a relaxation of, or a deviation from, a particular architectural directive or design guideline requested by an owner is warranted or not warranted, a motivated recommendation to that effect must be made in writing by the owner or her/his agent to Excom. Should the Review Architect not approve the building plans, the owner concerned must be furnished with reasons for the decision in writing.⁴

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

If a particular architectural directive or design guideline is unclear, the Review

⁴ See Par 1.4 (Disagreement ...)

Architect may make a motivated recommendation in writing to Excom on an appropriate interpretation thereof that will allow its fair and uniform application.⁵

1.4 Disagreement or Dispute concerning Interpretation

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

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

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

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

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

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

2.0 GENERAL CONTROL MEASURES

2.1 Preparation of Building Plans

- 1) The design of all structures and the preparation and submission of building plans may only be undertaken by professional Architects registered with the South African Council for the Architectural Profession (SACAP). The registration must be current and valid at the time of the submission. Building plans of inferior design or submitted by unregistered professionals, will be rejected.
- 1A) Sketch plans must be prepared by a registered professional to scale and no hand sketches will be accepted.
- 2) Building plans and design drawings must –
 - a) be prepared in accordance with the architectural directives and design guidelines for Welgevonden Estate; and
 - b) comply with the municipal and national building regulations (SANS 10400) and any other applicable legislation.
 - c) Building plans shall only be submitted in electronic format. No hard copy plans shall be accepted.

2.2 Restrictions

- 1) The restrictions that may apply to Welgevonden Estate are in addition to any

⁵ See Par 1.5 (Relaxation of ...)

restrictions imposed in terms of the conditions of title to any erf or town-planning scheme or national or other building regulations.

- 2) Compliance with these architectural directives and design guidelines and approval of building plans by the Review Architect does not absolve the owner from complying with, and may not be construed as permitting, any contravention of –
 - a) the conditions of title to any erf; or
 - b) any restrictions imposed by the Stellenbosch Municipality or any other competent authority; or
 - c) any applicable zoning, by-law or regulation of the Stellenbosch Municipality or any other competent authority.

3.0 BUILDING PLAN APPROVAL PROCEDURE

3.1 Format of Building Plans

- 1) **Omitted**
- 2) An electronic copy of the building plan must be submitted in PDF format via e-mail or a storage device / facility to the Welgevonden Estate Office.
- 3) Approved submissions will be electronically stamped by the Welgevonden Estate Office once aesthetically approved. The Welgevonden Estate Office will issue a Letter of Approval to accompany the submission to the Stellenbosch Municipality.
- 4) **Omitted**
- 5) **Omitted**

3.2 Processing of Building Plans

- 1) Building plans will be processed only upon payment of the applicable building plan examination and approval fee determined from time to time by Excom under the WHOA Constitution.
- 1A) The Welgevonden Estate Office will issue an invoice for the applicable plan examination and approval fee to the owner. No review of the submitted plans will take place unless payment is received.
- 2) **Omitted**
- 3) **Omitted**
- 4) If the Review Architect is satisfied that the building plans comply with the *WHOA Architectural Directives and Design Guidelines*, same must be forwarded electronically to the Welgevonden Estate Office indicating that the plans are aesthetically approved.
- 4A) Upon electronic receipt of the building plans and covering memorandum from the Review Architect, the Estate Manager / Welgevonden Estate Office must on behalf of Excom stamp and sign the building plans as approved electronically, and e-mail it to the owner, informing her/him that the plans may be submitted electronically to the Stellenbosch Municipality.
- 5) Notwithstanding that the building plans may comply with all applicable restrictions, zoning, regulations and by-laws of the Stellenbosch Municipality and any other competent authority, the Review Architect, after consultation with

Excom, as deemed necessary, may withhold aesthetic approval if the plans do not comply with the prescribed architectural directives and design guidelines: Provided that the approval of such plans shall not unreasonably be withheld.⁶

6) **Omitted**

7) **Omitted**

3.3 Submission to Stellenbosch Municipality

- 1) Only after confirmation of aesthetic approval has been obtained may the building plans be submitted to the Stellenbosch Municipality for its approval.
- 1A) Building plans submitted electronically to the Stellenbosch Municipality must be accompanied by electronic confirmation indicating Excom's willingness to allow any relaxation or deviation proposed, if applicable.
- 2) The final approval of all building plans ultimately vests in the Stellenbosch Municipality.
- 3) An electronic copy of the approved submission drawings must be submitted together with the Stellenbosch Municipality's electronic approval notice to the Welgevonden Estate Office.
- 4) Any proposed deviation from the approved submission will require updated drawings to be submitted electronically for approval by the Review Architect and the Stellenbosch Municipality, prior to construction or implementation on site.
- 5) The deviation or variation may be implemented on site only if approved in writing by the Review Architect.

3.4 Omitted – instruction to have a copy of approved building plans on the building site, is relocated to the "*Control Measures to Regulate the Performance of Services and Building Work*".⁷

3.5 Prior to Commencement of Building Work

- 1) Building work may not commence before payment of the applicable building deposit determined from time to time by Excom under the WHOA Constitution.
- 2) **Omitted** – building instruction relocated to the "*Control Measures to Regulate the Performance of Services and Building Work*".⁸

3.6 Deviation of, or Variation from, Approved Building Plans

Rectification of any exterior elements, colours and materials not complying with the architectural directives and design guidelines and implemented on site without the prior written approval by the Review Architect and/or the Estate Manager, as applicable, will be for the account of the contractor and/or owner concerned.

4.0 CONTROL OF BUILDING WORK

- a) It is the responsibility of the owner to ensure that the building contractor appointed by her/him is made aware of, and abides by, the provisions of the *Control Measures to Regulate the Performance of Services and Building Work*.

⁶ See Par 1.4 (Disagreement ...)

⁷ See Clause 59A, WHOA Constitution

⁸ See Clause 59A, WHOA Constitution

- b) No deviations from, or variations of, the aesthetically approved plans and finishes, or from any of the items approved by the Review Architect, may be implemented on site without the prior written approval of the Review Architect, electronically signed and stamped by the Estate Manager, as applicable, or, if required, the Stellenbosch Municipality.
- c) No new building work shall be allowed, or structures to be erected on erven without prior approval of building plans by the WHOA, and – if approved by the WHOA and where required – the subsequent approval of the Stellenbosch Municipality.
- d) The owner of an erf will be held liable for any damages to WHOA property or any property of the surrounding neighbours.
- e) Where required, surrounding neighbours should, upon request from the neighbouring owner, allow the contractor, controlled, reasonable access onto their property to complete the building works.

Note: Breach of this rule will be penalised i.t.o. the *WHOA Control Measures to Regulate the Performance of Services and Building Work, Control Measure 7.2.*

5.0 ARCHITECTURAL STYLE AND ELEMENTS

In order to achieve the objectives as described in the introduction to these architectural directives and design guidelines, designs derived from regional Cape architecture that are in harmony with, and complement, the local vernacular of Stellenbosch are preferred. However, regional Cape architecture i.e. "Cape Dutch", "Cape Victorian" or "Cape dorps huis architecture" in its pure traditional form is not suitable as it is proposed that a style of architecture unique to Welgevonden Estate in which traditional Cape proportions, architectural elements and colours feature, be promoted.

Exclusions:

Cape Dutch, Victorian or Georgian replicas.

Mediterranean / Spanish Style Architecture.

Post Modern Elements.

Preferential use of horizontal proportions as prevalent in Modern Architecture.

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

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



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



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

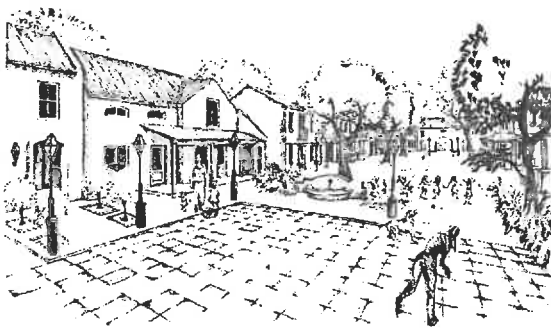


Figure 3: Illustration of typical courtyard and homogenous building and landscaping elements.



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

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5.1 BUILDING FORM

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

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

5.1.1 CORE BUILDING

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

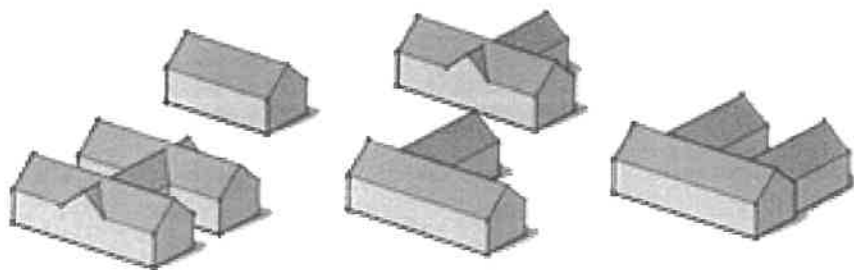


Figure 5.1: Letter of the alphabet type buildings

5.1.2 ABUTMENTS

- An **abutment** (secondary building linking to a **core building**) must be rectangular in shape, and linked perpendicular to a **core building** structure, below the wall plate height of such **core building**, in order not to affect in any way the roof and shape of the **core building**. The **abutment** may further be no more than two-thirds ($\frac{2}{3}$ rd) of the width of the **core building** it links to, nor longer than two-thirds ($\frac{2}{3}$ rd) of the length of that **core building**. – *Except where the **abutment** is a garage or carport (where the increased length or width will be considered and interpreted by the Review Architect)* – (refer to **Figure 5.2**)
- Any face of such **abutment** may further not end flush with any face of the **core building** shape, and **must** be set back or proud of the **core building** face by at least 230 mm – *Except where this face is on a **shared 0** (zero) m building line* – (refer to **Figure 5.2**)
- The **abutment** must have a "flat" roof (concrete or approved sheeting to fall), which **must** be hidden from all sides behind a parapet wall.
- No "stepped" **abutments** will be allowed, only simple rectangular shapes.
- Double storey **abutments** will be limited to **5%** of the erf area.

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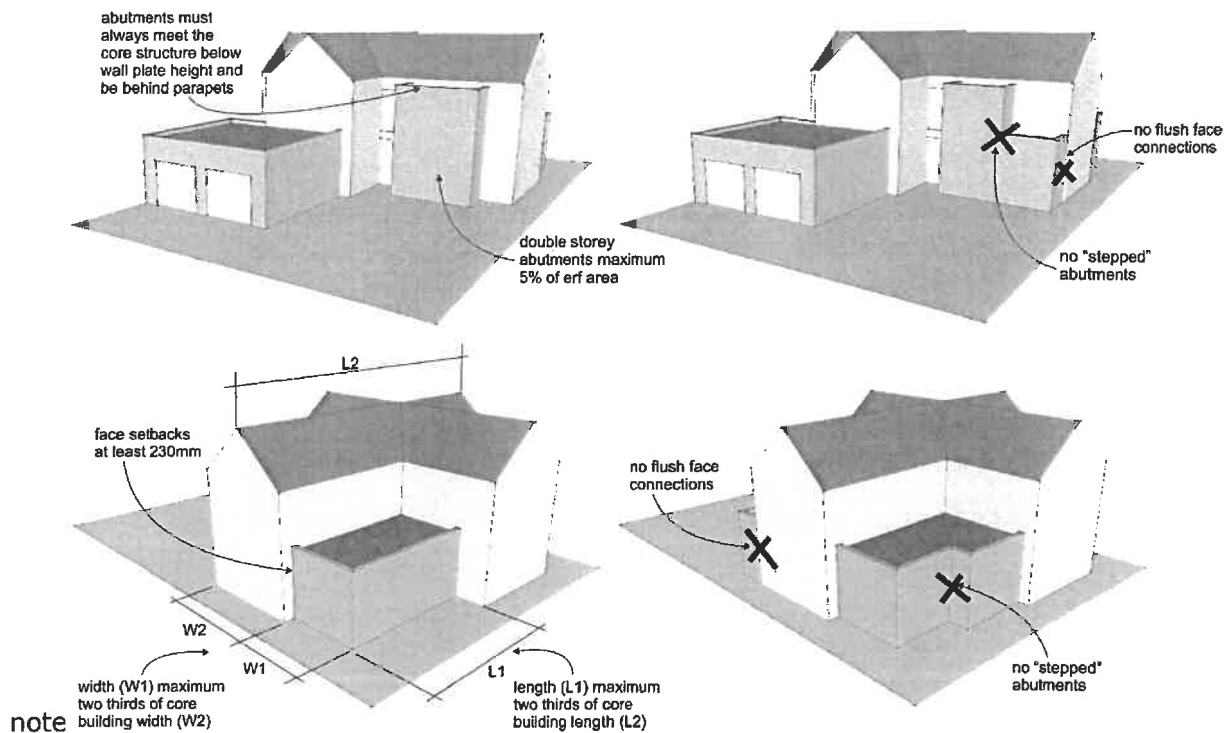


Figure 5.2: Abutment relation to core buildings

5.2 BUILDING PLATFORM

5.2.1 Slopes

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

5.2.2 Directives for Buildings on Slopes

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

- The height of ground fill at any point on the site may not be higher than 1,2 m, measured from the natural ground level at that particular point of the site.
- The part of the building that is at the highest part of the site, may not cut deeper into the site than 1,2 m, measured from the natural ground level at that particular point of the site.
- Should a building plinth be used, this structure may not exceed 1,2 m in height.

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5.2.3 Retaining Structures

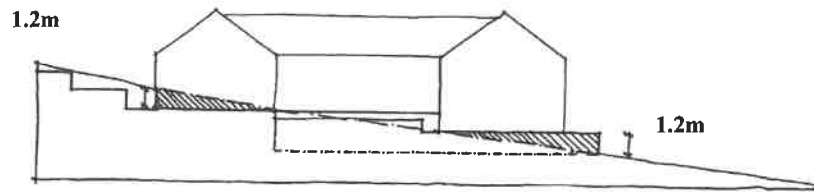


Figure 6: Section illustrating building with stepped ground floor level

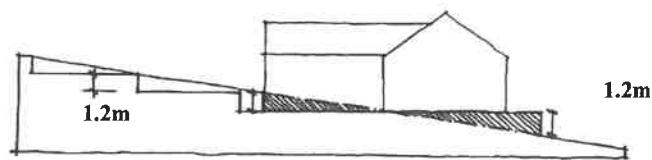


Figure 7: Section through slope illustrating limits to cut and fill

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

5.3 ROOFS

5.3.1 General

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

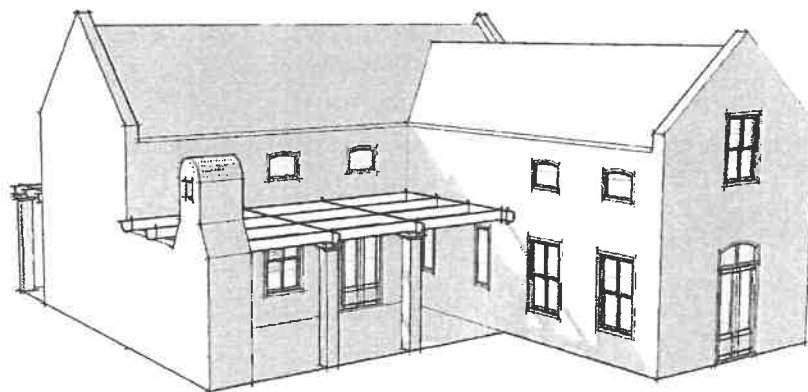


Figure 8: Core building with double pitched roof and gable end walls

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- b) When gable end walls on the **core building** and outbuildings are used, the following directives apply:
 - i) It is recommended that these elements be kept simple and without any elaborate decoration, however, plain/simple plaster copings over the top of these walls are permissible; and
 - ii) the line of the gable wall must **always** follow the pitch of the roof line except for example on the garage and/or carport where horizontal parapet walls may be used.
- c) Flat/mono pitched roofs are allowed for **abutments** as well as for garages and/or carports **only** and **must** be enclosed with a horizontal parapet wall concealing the roof on all four sides (as applicable) in order for roofing material not to be visible. The roofing material used for these roofs must match the **core building** in colour and material specification.⁹
- d) Roof pitch to the **core building** may not be less than 30 degrees or more than 45 degrees. The angle selected for the **core building** may not be asymmetrical, i.e. the pitch on one side of the roof taken at, for example, 40 degrees and the pitch on the opposite side taken at say 45 degrees. The preferred roof pitch for the Welgevonden Development is 40 degrees. Gable ends must always be symmetrical. No variation on this rule will be allowed.
- e) Lean-to roofs will **only** be allowed for verandas clipped onto the **core building** and must always have a roof pitch of 5 degrees – *unless this lean-to is treated as an **abutment** and complies with the rules pertaining to abutments* (Refer to par. 5.1.2 – **Abutments**).
- f) Bay window roofs may not have a pitch of less than 45 degrees.
- g) Clipped eaves with fascias are preferred.
- h) Where **core buildings** are joined together on 0 (zero) m common boundaries (which is only allowed where shown on the approved site development plan), it is preferred and recommended that the angle of the roof of the **core building** be kept the same as the **core building** on the adjoining erf or erven.

Exclusions:

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

Double pitched asymmetrical roofs.

Curved and decorative parapets and/or gable walls.

Hipped roofs.

A-frames and Mansard roofs.

5.3.2 Roof Finishes

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

- a) Corrugated S-profile metal roof sheeting with pre-painted *Chromadek/Colomet* finish or similar.

⁹ See Par 5.4.1

- b) "Victorian S-Profile roof sheeting, Klip-Lok, or similar concealed fixed roof sheeting".

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

- c) **Omitted** (Use of shade cloth on carports is not allowed.)
- d) Bluegum laths ("Bloekomlatte") and "Spaanse Riet" may be used on carports. However, said materials may not be visible when viewed from the side elevation and must be screened from view behind horizontal beams or fascias in order not to be visible from any side elevation.
- e) "Eclipse" or similar approved openable aluminium louvre blade roofs may be used on stoeps with the condition that the roof is screened behind horizontal beams or fascias in order not to be visible from any side elevation. The louvre frame and louvre blades must be white, alternatively powder-coated Dove Gray, Dark Dolphin or Charcoal to match the main roof.
- f) Polycarbonate sheeting may be used as a cover on roofs over patios. However, said materials may not be visible when viewed from below and must be screened from view behind horizontal beams or fascias in order not to be visible from any side elevation. The sheeting must also be visually concealed from below using timber slats with no gap wider than 25 mm between.

Note: Areas that are covered with louvre blade roofs will not be classified as covered stoeps and the coverage will be calculated as set out under par. 6.4 — **Coverage**, below.

Exclusions:

No shade cloth may be used on the **core building** or any one of the outbuildings.

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

No Perspex and/or fibreglass may be used.

5.3.3 Fascias and Bargeboards

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

Colour: White or Chromadek colours Dark Dolphin, Dove Grey or Charcoal to match the roof sheeting.

Exclusions:

"Everite" Victorian profile fibre cement fascias and bargeboards.

5.3.4 Gutters and Rainwater Downpipes

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

Colour: White or Chromadek colours Dove Grey, Charcoal or Dark Dolphin to match the roof sheeting or painted to match the **core building** colour.

5.4 EXTERNAL MASONRY WALL FINISHES

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

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

Exclusions:

No Face Brick.

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

No colour pigmented and cement-based plaster paint finishes permitted.

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

5.4.1 Exterior Wall Colour Selection

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

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

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

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

- c) **Colour Pocket System:**

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

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

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

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- 4) Plaster bands may be any of the 4 (four) colours in the selected pocket, as long as they are not more than one shade up or down from the selected wall colour, and all plaster bands must be the same colour.
- d) Colour swatches of all exterior colours to be used must be submitted to the Estate Manager for provisional approval **prior** to the approved building plans being submitted to the Stellenbosch Municipality, and final approval will be given by the Estate Manager only once the building is under construction and 1,0 m² of each colour to be used has been painted on a wall for final approval on site.
- e) **Colour Pocket Scheme for Exterior Walls - 2015:**

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

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

5.5 WINDOWS, DOORS AND SHUTTERS

- a) Windows should have a rectangular vertical proportion. Horizontally proportioned feature windows may in some instances be permitted subject to the approval of the Review Architect.
- b) Mock **or** Vertical Sliding Sash type hardwood timber windows as per "*Swartland Timber*" or similar approved are preferred, however, vertically proportioned side hung casement windows are also permitted.
- c) Aluminium type windows and doors will only be considered if the windows and doors are epoxy powder coated as per the colour outline included under par. 5.5.1 below and proportions are as specified under par. 5.5 (a) above.
- d) Only "working" hardwood timber and aluminium shutters will be allowed, provided that the colour of the shutters must match that of the window frame over which they close.

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- dA) uPVC type windows, doors and shutters will only be considered if the windows, doors and shutters are as per the colour outline included under par. 5.5.1 below, the proportions are as specified under par. 5.5 (a) above, and if they comply with the provisions of par. 5.5 (d) above.
- dB) Material used for doors, windows and shutters must be the same throughout and may **not** be mixed.
- e) For roof space / loft areas, the following window types for dormers are allowed:
 - i) "Tony Sandal" / "Velux" or similar tip-up type windows and/or small dormer type windows as per "Swartland Timber" catalogue numbers SV43, SMS1, SMS2, SS1 and SS2, or similar, approved.
 - ii) The right of the adjacent owner(s) and views from adjacent residences will be considered when the plans are submitted for aesthetic approval.
- f) Sliding / folding / stacking doors will be permitted subject to the approval of the Review Architect.
- g) Guidelines for **Window Placement**: Windows should generally be:
 - i) taller on the ground floor than on the first floor;
 - ii) kept on the same head height throughout the same storey, and any deviation will be to the discretion of the Review Architect;
 - iii) of the same width in vertical succession, lined up above each other;
 - iv) arranged in groupings of twos and threes to create a rhythmic pattern;
 - v) used in families, sharing the same proportions; and
 - vi) not be used to form an external corner of the building.
 - vii) Frameless glass doors may in some instances be permitted subject to the approval of the Review Architect.

Exclusions:

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

No Natural or Bronze Anodised Aluminium allowed.

No fake/mock shutters allowed.

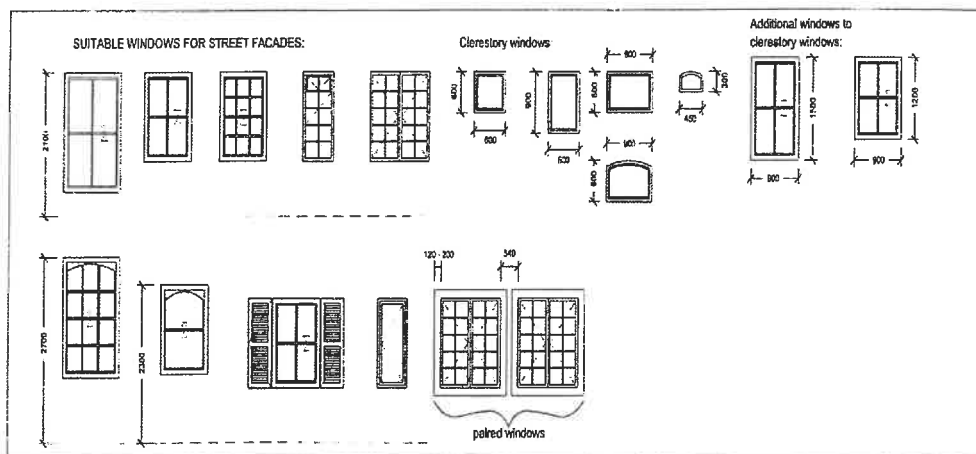


Figure 9: Suitable Window Types (Not exhaustive or all-inclusive)

5.5.1 Exterior Colours for Windows, Doors and Shutters

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

b) **Varnish:**

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

c) **Aluminium:**

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

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

Note: Only **one of the approved colours** shall be used for all the aluminium windows, doors and shutters on any dwelling or structures on a property.

cA) **uPVC:**

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

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

Note: Only **one of the approved colours** shall be used for all uPVC windows, doors and shutters on any dwelling or structure on a property.

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

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

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



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

ii) **Garage doors:**

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

iii) **Shutters:**

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

5.6 EXTERNAL WINDOWSILLS

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

5.7 GARAGES AND CARPORTS

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

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b) **Omitted**

- c) Garage doors may be hardwood timber tip-up or sectional overhead type with horizontal (HWB) or vertical (VWB) pattern. Timber garage doors with vertical pattern are prescribed and preferred; however, metal and uPVC garage doors may be permitted, provided that the **prior** written approval of the Review Architect has been obtained. **Only** "Coroma Coroflute" or similar approved sectional overhead metal garage doors with horizontal pattern, or similarly patterned uPVC garage doors, may be permitted.
- d) Approved colours for garage doors are included under par. 5.5.1(d)(ii) above.
- e) Garage doors must always be set back from the street boundary to provide an additional parking space in front of the garage and be screened with a pergola or screen wall element that can also serve as a carport.



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

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

Exclusions:

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

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

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

5.8.1 Verandas, Pergolas, and Columns

- a) Verandas with lean-to roofs on the **core building** are preferred. These roofs must have a pitch of 5 (five) degrees (**unless built hidden behind a parapet and used as an abutment**). The roofing material used for these roofs **must** match the roof of the **core building** in colour and material specification, unless it is a concrete roof.
- b) Verandas and pergolas may only be constructed from hardwood timber sections – aluminium sections proportioned to match standard timber sizes may in some instances be permitted, subject to the approval of the Review Architect. A mixture of timber and aluminium are not allowed.
- c) Columns to verandas and pergolas can be:
 - i) Square hardwood timber posts, with corners fluted or not, painted or varnished, or
 - ii) 220 mm x 220 mm square brick columns, plastered and painted, or
 - iii) 220 mm x 220 mm square brick columns on 340 mm x 340 mm square brick bases, plastered and painted, or
 - iv) Aluminium square posts proportioned to standard timber sizes, subject to the approval of the Review Architect.
- d) The growth of vines on pergolas and verandas are encouraged.
- e) Bluegum laths ("Bloekomlatte") and "Spaanse Riet" may be used as ceilings on stoeps with the condition that the material may not be visible when viewed from the side elevation and must be screened from view behind horizontal beams or fascias in order not to be visible from any side elevation.

Colour:

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

Exclusions:

No Pergolas may be covered with shade cloth or roof sheeting of any kind.
No pergolas built over or outside of the building lines, will be allowed to be

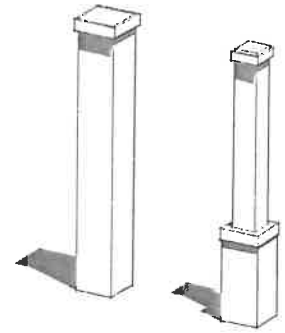


Figure 12:
Typical brick columns

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covered at any stage, as this becomes a building line encroachment. Such structures must remain uncovered pergolas outside of building lines – especially on the street building line.

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

No round timber pole structures of any kind allowed.

No metal columns or steel sections may be used.

5.8.2 Corner Brackets

The following directives apply to corner brackets:

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

Colour:

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

Exclusions:

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

5.8.3 Balconies

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

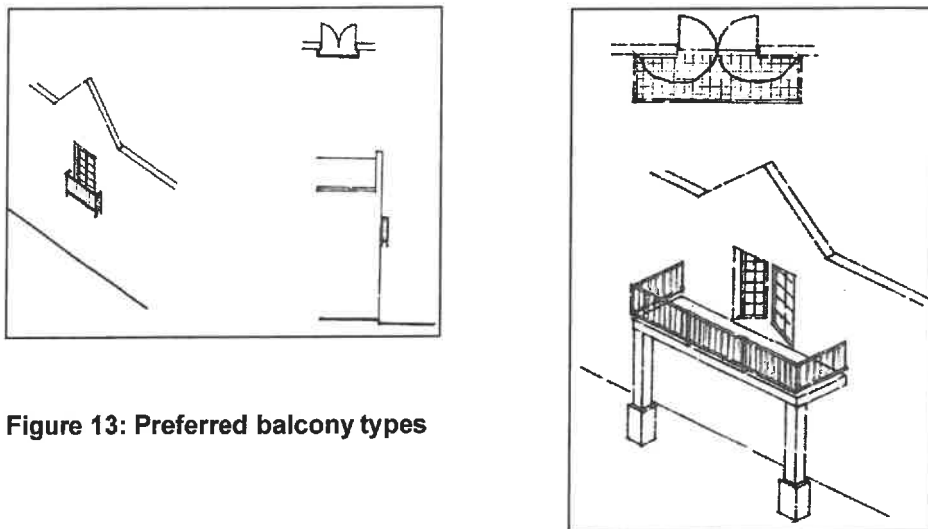


Figure 13: Preferred balcony types

- b) The following conditions are preferred:
 - i) The balcony slab protruding 200 mm max. past the exterior face of the building with the handrail fixed inside the door reveal and the doors opening inward, or
 - ii) The slab protruding 1 000 mm max. past the exterior face of the building with the handrail fixed on the side or top of the balcony slab, and the doors opening either inward or outward.

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

Colour:

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

5.8.4

Balustrading

The following directives apply to balustrading:

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

Colour:

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

Exclusions:

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

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

No modern type handrails with balusters positioned horizontally allowed.

No handrails with predominantly horizontal members allowed.

No excessive ornamentation and detailing allowed.

No solid wall balustrades allowed.

5.9

LINKING ELEMENTS

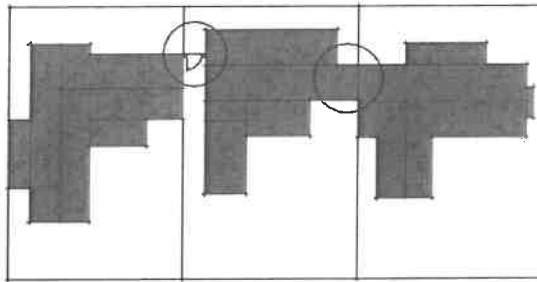
There are a number of ways to achieve edge continuity by linking facades of buildings, which to define the street edge. The following are examples of linking elements:

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



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



- d) Planting, especially hedges.

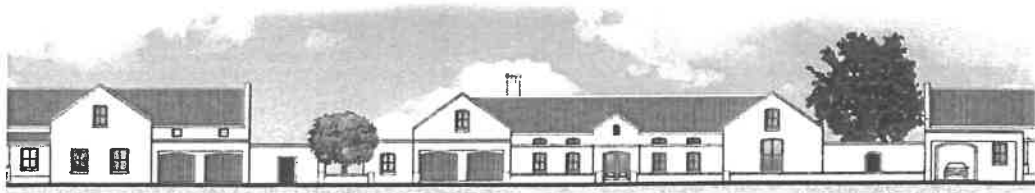


Figure 14: Illustration of linking elements used to connect individual houses and create edge continuity.

5.10 BOUNDARY WALLS AND GATES

5.10.1 Boundary Walls

The following directives apply to boundary walls:

- All boundary walls visible from the street must be plastered both sides and have the traditional inverted V-shape coping plaster detail. **These walls must be painted in a colour as per par. 5.4.1.(c) above.**
- Shared boundary walls not visible from the street can be bagged and painted in **one of the approved "pocket" accent colours**. These walls can be simple masonry walls without a coping detail.
- Shared boundary walls may not exceed 1 800 mm in height, measured from any one side of the erf boundary. It is required that side boundary walling forming part of the street domain, i.e. walling on side boundaries on the street side of the **core building** and garage be kept low at a max. height of 1 200 mm to allow physical as well as visual interaction with the street.
- No garden walls on the street side will be allowed, except where screening is required for areas such as kitchen yards and private spaces (wall height max. 1 800 mm, total length 30% of street boundary). Where low walling on the street side is required, the height of such wall is restricted to max. 1 200 mm high to allow physical as well as visual interaction with the street that is essential to retain the quality and character of the Welgevonden Development.
- Walling along common property open spaces or green areas, as well as private property garden walls on the street side shall, going forward, only be approved square mild steel tubing balusters (each between 38 mm x 38 mm and 50 mm x 50 mm) secured vertically on appropriately sized horizontal top and bottom

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square or rectangular tubing rails forming balustrade sections. These sections shall be equally spaced between 340 mm x 340 mm square brick columns, spaced at approximately 3 m – 5 m centres, with matching open square steel gate(s) for access. The overall height of this wall may not exceed 1 800 mm. Masonry plinth walls to boundary fence structures may not exceed ¼ (one-quarter) of the total height of the structure.

Notes:

- i) All walling is subject to approval by the Review Architect.
- ii) All walling to be designed in accordance with the National Building Regulations (SANS 10400) and checked and verified by an Engineer (where necessary).
- iii) Existing steel Palisade-type walling on private properties, erected prior to 21 November 2024 in line with previous WHOA directives, remains acceptable.
- iv) NO decorative details are allowed on any section of a wall, fence or gate.
- f) All approved mild steel tubing used must be black or pure white, painted or epoxy powder coated.
- g) Any reference to the maximum height of a wall shall be taken as a measurement to the top of any coping forming part of the wall.
- h) To create privacy screening between properties, boundary walls may in some instances be raised to a maximum height of 2 400 mm using a galvanised mild steel frame clad on all sides with *Nutec Clad Boarding* or *PVC screening*. These screens must be painted to match the wall colour or pure white and is subject to the approval of the owners of the neighbouring property and the Review Architect. This screening will not be allowed on any walls visible from the streetscape.

Exclusions: Prefabricated walling systems, face brick, sheet material, wire mesh fencing, Clear View / ClearVu fencing and similar, gum poles or barbed wire are NOT permitted.

5.10.2 Gates

The following directives apply to gates:

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

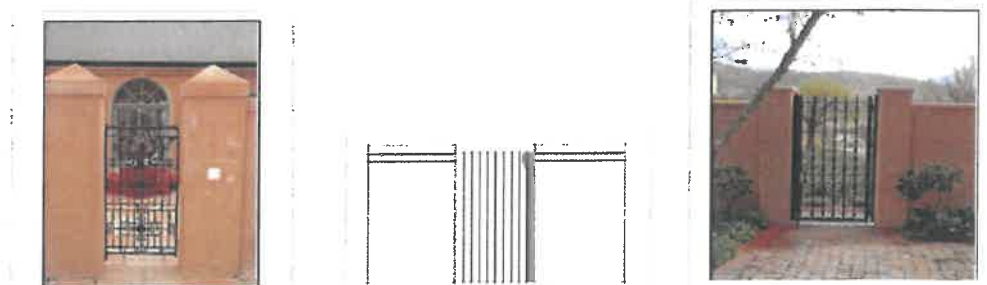


Figure 15: Suitable gates (Not exhaustive or all inclusive)

5.11 HARD LANDSCAPING – PAVING AND DRIVEWAYS

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

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

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

Exclusions:

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

Grey concrete paving slabs. Slasto / Crazy paving.

Pebble paving.

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

5.11A CONVERSION OF GARAGES

No conversion of garages to serve as rooms for any other purpose than the intended use of a garage in the dwelling is allowed.

Note: Breach of this rule will be penalised i.t.o. the *WHOA Control Measures to Regulate the Performance of Services and Building Work, Control Measure 7.3*.

5.12 SOFT LANDSCAPING – PLANTING

5.12.1 General

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

Note: For detailed information regarding the various lists, consult the homepage of the South African National Biodiversity Institute at www.sanbi.org.

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

- f) Excom has resolved to actively promote the greening of the estate by promoting a natural garden ambiance and limiting the creation of hard landscaped areas in front of dwellings.

5.12.1.(f)(i) The area in front of a dwelling, except for the driveway, is considered a garden, and at least $\frac{1}{3}$ (one-third) of it must always be green garden plants / flowers (soft landscaping).

5.12.1.(f)(ii) No more than $\frac{2}{3}$ (two-thirds) of the area in front of a dwelling, except for the garage ramp/driveway, may be used as parking space, provided that a car/vehicle can fit in the space without causing obstruction or encroaching the property boundaries.

5.12.1.(f)(iii) Sidewalks in front of dwellings that fall outside of the boundary lines of erven are common property and may not be used as parking space.

5.12.1.(f)(iv) The removal of trees is not permitted. Where it can be proven that the tree causes damage, permission may be granted in the discretion of the Review Architect for the tree to be removed at the owner's expense. The owner shall either replace such a tree with another more suitable tree, or alternatively donate a tree to be planted elsewhere on the estate. Replacement tree(s) shall be selected in accordance with the existing landscaping policy.

Note: Breach of each of the stipulations mentioned above in par. 5.12.1.(f) will be penalised separately i.t.o. the *WHOA Estate Rules*, rule 14.6.

5.12.2 Irrigation

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

5.12.3 Compost, Fertilisers, Herbicides and Pesticides

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

5.12.4 Maintenance

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

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

- a) The following directives apply:
 - i) Gas cylinders, air conditioning units, refuse bins, dog kennels, compost

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piles and clothes lines must be screened within service / drying yards in order not to be visible from the street, neighbouring properties or common property open spaces.

- ii) Refuse bins which, in exceptional circumstances, cannot be stored out of sight must be screened from view.
- iii) New air conditioning condenser units must be installed at ground level against exterior walls, not visible from the street, neighbouring properties or common property open spaces. Ducting must be discreet, and the unit's position must be shown on the building plan, subject to approval by the Review Architect.
- iv) Previously installed air conditioning condenser units visible from the street, neighbouring properties or common property open spaces must be screened.
- v) Screening shall be a galvanised mild steel frame clad with *Nutec Clad Boarding*, *PVC screening*, or timber (in the house colour or painted pure white), with horizontal members only, subject to the approval of the Review Architect.

Exclusions:

No window mounted air-conditioning units are permitted.

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

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

- e) Solar thermal systems are permitted with the criteria that **only** the remote tank and evacuated tube type solar panel system may be used, and the panel must be mounted in a position that will not reflect to neighbours. Any remote equipment and the solar tank must be located within the roof. The angle at which the panel is mounted must lie flush with the roof, and the frame and fittings to match the roof colour. Detail fitting arrangement and position of equipment must be shown on plan and elevation submitted to the Review Architect for approval.
- f) Photovoltaic Panels (PV/solar panels) will be allowed. The angle at which the panel is mounted must lie flush with the roof, and the frame and fittings must match the roof colour. Detail fitting arrangement and position of equipment must be shown on a roof plan and submitted in electronic format to the Welgevonden Estate Office for the attention of the Review Architect for approval.

- g) Water storage tanks for the purpose of stormwater harvesting may be installed only at the back of the house in an enclosed back yard and may not be visible from the street or public open spaces. Stormwater pipes and downpipes must be treated discreetly. No tanks will be allowed on the street side of the property. Detail of tanks, positioning and equipment must be shown on plan and elevation submitted to the Review Architect for approval.

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

5.14 MISCELLANEOUS AND GENERAL

a) **House numbers and letter boxes:**

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

Exclusions:

No Ceramic, Italic, and Free form lettering allowed.

No house names allowed.

b) **Outside Lighting:**

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

Exclusions:

No floodlights permitted.

c) **Burglar Bars and Security Gates:**

- i) Burglar bars must be internally mounted, and purpose made to suit window proportions.
- ii) **Omitted**
- iii) Cross members must always be hidden behind window mullions.
- iv) Burglar bars and security gates must be colour coded to match aluminium colour or brown to match any timber window or door installation.
- v) Security gates and burglar bars shall not have any decorative details, with members only in horizontal or vertical format.
- vi) The aesthetic approval of all burglar bars and security gates are subject to the approval of the Review Architect.

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

e) **Chimneys:**

- i) Plastered and painted masonry chimneys are permitted in accordance

with, or similar to, the chimneys illustrated in **Figure 16**. Masonry chimneys must be plastered and painted to match the colour of the **core building**.

- ii) Any exposed circular flue pipes will be allowed to the discretion of the Review Architect.

Exclusions:

No exposed fibre cement flue pipes.

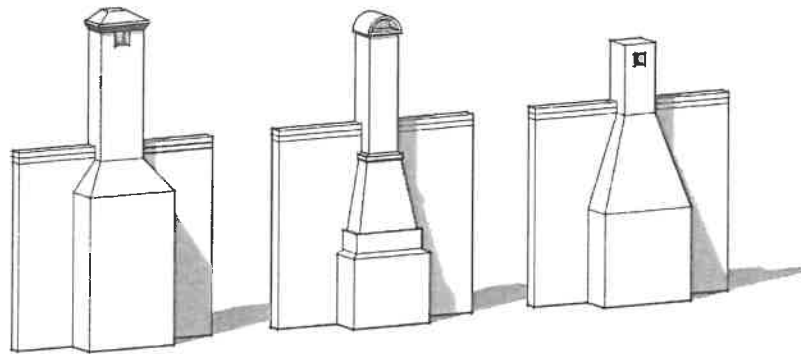


Figure 16: Typical chimney types

f) Swimming Pools:

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

g) Wendy Houses and Tool Sheds:

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

h) Awnings:

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

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

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Exclusions:

No fibreglass awnings and canopies are allowed.

i) Vertical Screening:

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

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

j) Clear View / ClearVu fencing:

- (i) May be used by the WHOA on common property for security fencing purposes with Excom approval.
- (ii) May not be used on any private property (erf) on Welgevonden Estate, such walling must comply with Par. 5.10 above.

5.15 PRIVACY AND NOISE**5.15.1 Visual Privacy**

- a) It must be stressed that these architectural directives and design guidelines, Excom or the WHOA, or any of its employees or service providers, cannot guarantee visual or noise privacy.
- b) It is important that individual owners ensure that houses are designed in such a manner that they respect and take into account the need for private outdoor space / living of neighbouring owners, alternatively, written approval from the neighbours for privacy infringement must be obtained and submitted to the Review Architect.
- c) Each property owner must motivate and illustrate how the aforementioned objective will be met when building plans are submitted for aesthetic approval.

5.15.2 Noise

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

6.0 PLANNING GUIDELINES

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

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

6.1 ZONING

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

6.2 BUILDING LINES

6.2.1 Group Housing (excluding Town Housing):

- a) **Street building line:** 2,0 m from street boundary.
- b) **Garage building line:** 4,0 m from street boundary.
- c) **Rear building line for all erven EXCEPT erven in project 11, 11a and 12:** 1,5 m from rear boundary.
- d) **Rear building line for erven in project 11, 11a and 12:**

3,0 m from rear boundary with provision that building line may be relaxed to 1,5 m from rear boundary for maximum length of 40% of rear boundary length. A stepped building line encourages a more varied building footprint along rear boundaries, privacy and positive outdoor living spaces.

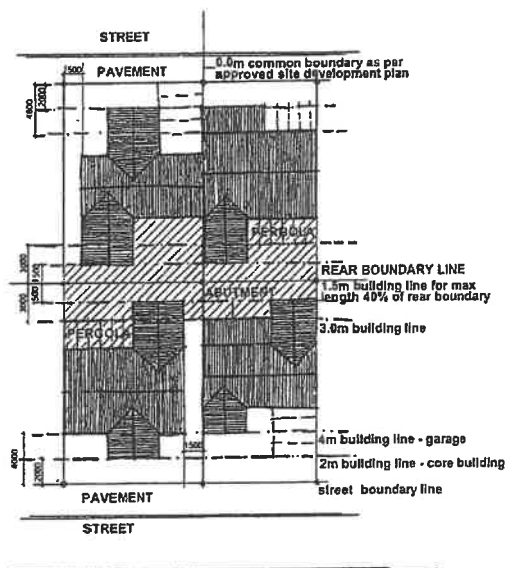


Figure 17: Illustration of stepped building line along rear boundary that encourages a varied building footprint.

- e) The combined total of the two **side building lines** must equal 3,0 m. Placing the **core building** or any one of the outbuilding(s), with the exception of the garage and/or carport (also refer to par. 6.2.1.(f) below), closer than 1,5 m from any one of the two side or rear boundary is not allowed, **except** where 0,0 m common building lines is permissible as indicated on the approved site development plan.

- f) A 0 (zero) m building line for placing the garage and/or carport on one of the two side boundaries will be allowed with the condition that the other side building line will be 1,5 m from the boundary.
- g) Relaxation of the above prescribed side building lines can be given with an approved site development plan for a group (two or more erven). The latter clearly indicating the building lines proposed, must be submitted for **prior** approval.
- h) Relaxation of the prescribed 1,5 m side building line for individual houses adjoining public / green open spaces to 0 (zero) m will be considered on merit. Windows on the relaxed 0 (zero) m boundary side may only be sliding sashes and **no** doors on the 0 (zero) m boundary side will be permitted. Doors must be set back at least 1,5 m.

6.2.2 Other Categories of Zoning

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

6.3 BUILDING HEIGHT RESTRICTION

6.3.1 Group Housing (including Town Housing):

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

6.3.2 Other Categories of Zoning

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

6.3.3 Definition of "Storey"

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

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

6.4 COVERAGE

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

6.4.1 Group Housing (including Town Housing):

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

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

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

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

c) The coverage on all "poort" erven in all projects will be determined in accordance with the site development plan for that specific erf and is **not** limited to the 50% guideline.

d) Relaxation of the above prescribed coverage can be given with an approved site development plan for a group (two or more erven). The latter clearly indicating the coverage proposed must be submitted for **prior** approval. Architectural professionals must indicate Coverage under the following subsections:

- i. Coverage of interior areas i.e. core building, abutments and enclosed stoeps to form part of the interior.
- ii. Coverage of non-enclosed areas i.e covered stoeps, covered carports and covered pergolas that do not form part of the interior.
- iii. Total coverage including all areas mentioned in (i) and (ii) above.

6.4.2 Other Categories of Zoning

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

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

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

The documentation is included under Annexure B and is available on request from the Welgevonden Estate Office or the Welgevonden Website.

8.0 SMALL HOLDINGS

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

9.0 FUTURE ALTERATIONS AND ADDITIONS

- a) All future alterations and additions must comply with these architectural directives and design guidelines. Additions must match the original building design in style, elevation and material usage.
- b) Building plans must be prepared in accordance with these architectural directives and design guidelines for examination and aesthetic approval by the

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Review Architect, and approval of the Estate Manager must be obtained as prescribed herein.

Note: Also see par. 4.0.(c)

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SCHEDULE OF AMENDMENTS

WHOA Architectural Directives and Design Guidelines – including Control Measures to Regulate the Preparation and Processing of Building Plans

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

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

DATE OF AGM	DESCRIPTION OF AMENDMENTS
	Par. 6.4.1 — Coverage calculation for all erven in projects 11, 11a and 12 revised and limited to 50% coverage calculated as per method stipulated in Stellenbosch Municipal Zoning Scheme Regulations.
	Par. 7.0 — Specific guidelines for erven in Project 12 immediately adjacent to Weltevreden Farm added under Annexure B.
21 May 2010	General updating of guidelines as instructed by Welgevonden Aesthetic Committee (WAC) as follows:
	Welgevonden Aesthetic Committee (WAC) replaces Dennis Moss Partnership as body for aesthetic control.
	Par. 5.3.1.(b)(ii) — Word "gable" replaced with "parapet".
	Par. 5.3.1.(c) fascia added.
	Par. 5.3.1.(b), (g) — Sentence "roof overhangs are encouraged" omitted.
	Par. 5.3.2.(c) shade cloth to be screened with fascia added.
	Par. 5.3.2.(d) and (e) added.
	Par. 5.4.(e) added.
	Par. 5.4.1.(c) and 5.5.1.(c)(i) Matt Traffic Grey added as accent colour.
	Par. 5.4.1 exterior wall colours revised as approved Feb 2008.
	Par. 5.5.(d) aluminium shutters added.
	Figure 9 — Clerestory window, size 900x800mm omitted.
	Par. 5.7.(b) revised — Words "(single width)" omitted.
	Par. 5.8.1.(e) added and colour note for Bluegum laths ("Bloekomlatte") and "Spaanse Riet" added under 5.8.1 colour (i).
	Par. 5.8.3.(d) revised.
	Par. 5.9.(c) — Word "building" replaced with "boundary".
	Par. 5.10.1.(e) updated. Steel columns and note on height of plinth wall added.
	Par. 5.10.1.(f) colour black added.
	Par. 5.13.(a) revised.
	Par. 5.13.(b) — Sentence "The position, size and siting of satellite dishes must be approved by the WHOA" omitted.

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21 May 2010 (continued)	Par. 5.13.(e) revised. Circular steel flue pipes permitted.
	Par. 5.14.(c) — Sentence "Security gates are only permissible if mounted internally behind a solid door and is therefore not visible from the exterior of the building" omitted.
	Par. 5.14.(d) — Word "pre-fabricated" added.
	Par. 5.14.(e)(ii) and (iii) added.
	Par. 5.14.(g) revised.
	Par. 5.15.1.(b) revised.
	Par. 6.2.(f) Side building line relaxed from 2,0 m to 1,5 m.
	Par. 6.2.(g) and 6.4.1.(d) — Sentence "for a group (two or more erven)" added.
	Par. 6.2.(h) added.
	Note — Annexure A and B — no changes
11 April 2012	General update of document to include the architectural guidelines for Area 1 as instructed on by the WAC as per decision taken at Executive Committee meeting on 23 May 2011. Guideline document for Area 1 dated 1 Oct 2003 superseded and updated with this document.
	Planning Guidelines for Area 1 as per guideline document for Area 1 dated 1 Oct 2003 included under Annexure C.
	Par. 9.0 added.
27 November 2014	<p>Administrative procedures set out in par. 1.0— 4.0 revised, but architectural directives and design guidelines remain unchanged as per document dated 11 April 2012, except for—</p> <p>i) Par. 5.4.1.(e) to which the following Note was added:</p> <p>Note: The colours selected may from time to time change or be discontinued by the manufacturer. As it is not possible to update the above list with each and every such change or discontinuation, owners / building contractors are required to check with the WAC before commencing with paint work.</p>

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	<p>ii) Par. 5.12.1.(d) which was substituted as follows:</p> <p>d) No plants which have been declared Weeds and Alien Invader Plants in South Africa in terms of the Regulations issued under the <i>Conservation of Agricultural Resources Act, No 43 of 1983</i>, as amended, or that are under consideration to be included on the invader list may be planted.</p> <p>Note: For detailed information regarding the various lists, consult the homepage of the South African National Biodiversity Institute at http://www.plantzafrica.com.</p>
29 September 2015	<p>Par. 1.2 amended by adding the following sentences at the end:</p> <p>For minor alterations that do not require building plans for municipal approval, the WAC may in its discretion accept sketch plans. Should such sketch plans in the discretion of the WAC not contain sufficient information for it to take a decision on the proposed alterations, it may require the member to provide more information, including complete building plans.</p>
	<p>Par. 3.1 amended by—</p> <p>Inserting a new par. (1).</p> <p>Renumbering the existing par. (1) to par. (2) and rephrasing the paragraph.</p> <p>Renumbering the existing par. (3) and par. (4) to par. (4) and par. (5), respectively.</p>
	<p>Par. 4.0.(a) amended by adding the following sentence at the end:</p> <p>— No deviations from the aesthetically approved plans, finishes and colours may be implemented without written approval by the WAC.</p>
	<p>Par. 5.1 amended by adding the following paragraph:</p> <p>Secondary building structures will be referred to as abutments to the core building.</p>
	<p>Par. 5.1.1.(a) amended by—</p> <p>Substituting the reference to "Figure 5.1" for the reference "Figure 5".</p> <p>Renumbering Figure 5 to Figure 5.1.</p>
	<p>New par. 5.1.2: Abutments and new Figure 5.2: Abutment Relation to Core Buildings inserted.</p>
	<p>Par. 5.3.1:</p> <p>i) Par. (c) amended by inserting the words "abutments as well as" in the 1st line.</p> <p>ii) Par. (e) amended by adding the words "– unless if this lean-to is treated as an abutment and complies with the rules pertaining to abutments (Refer to par. 5.1.2)" at the end.</p> <p>Exclusions amended by substituting the words "any core building structure" for the words "<i>the main dwelling</i>" in the first exclusion.</p>

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29 September 2015 (continued)	<p>Par. 5.4.(a) amended by—</p> <p>i) Inserting the words “abutments, garden walls and” after the word “Building”.</p> <p>ii) Adding the following sentence at the end:</p> <p>— Accent colours as per the colour schedule below, are encouraged for these elements.</p>
	<p>Par. 5.4.1:</p> <p>i) Par. (a) amended by inserting the word “Pockets” after the word “Colour”.</p> <p>ii) Par. (b) amended by substituting the words “pockets” as defined in par. (c)” for the word “listed”.</p> <p>iii) Par. (c) substituted.</p> <p>iv) Par. (e) substituted.</p>
	<p>Par. 5.5.1 amended by—</p> <p>i) Inserting a new par. (c) Aluminium.</p> <p>ii) Omission of “Aluminium” from par. (b).</p> <p>iii) Renumbering the existing par. (c) to par. (d) and rephrasing paras. (i) — (iii) thereof.</p>
	<p>Par. 5.6.(a) amended by adding the words “in accordance with par. 5.4.1.(c) above” at the end.</p>
	<p>Par. 5.7.(d) amended by substituting the reference “par. 5.5.1.(d)(ii)” for the reference “par. 5.5.1.(c)(ii)”.</p>
	<p>Par. 5.8.1 amended by—</p> <p>i) Inserting the words “(unless built hidden behind a parapet, and used as an abutment)” after the word “degrees”.</p> <p>ii) Substituting in par. (i) of Colour the reference “par. 5.5.1.(d)” for the reference “par. 5.4.1.(c)”.</p> <p>iii) Exclusions added/clarified.</p>
	<p>Par. 5.8.2 amended by substituting in par. (i) of Colour the reference “par. 5.5.1.(d)” for the reference “par. 5.4.1.(c)”.</p>
	<p>Par. 5.8.4 amended by substituting in paras. (i) and (ii) of Colour the reference “par. 5.5.1.(d)” for the reference “par. 5.4.1.(c)”.</p>

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29 September 2015 (continued)	<p>Par. 5.10.1:</p> <p>i) Par. (a) amended by adding the following sentence at the end: These walls must be painted in a colour as per par. 5.4.1.(c) above.</p> <p>ii) Par. (b) amended by adding the following words at the end: in one of the approved "pocket" accent colours</p> <p>iii) Par. (f) substituted.</p>
26 September 2016	<p>Par. 3.1.(5)(h) substituted by the following paragraph:</p> <p>Complete door, window and shutter schedule with dimensions, material description and finishes.</p>
	<p>Par. 5.5:</p> <p>i) The heading substituted as follows: 5.5 WINDOWS, DOORS AND SHUTTERS</p> <p>ii) Par. 5.5.(d) amended by adding at the end: , provided that the colour of the shutters must match that of the window frame over which they close.</p> <p>iii) After par. 5.5.(d) the following new paragraphs inserted:</p> <p>dA) uPVC type windows, doors and shutters will only be considered if the windows, doors and shutters are as per the colour outline included under par. 5.5.1 below, the proportions are as specified under par. 5.5.(a) above, and if they comply with the provisions of par. 5.5.(d) above.</p> <p>dB) Material used for windows and shutters must be the same throughout and may not be mixed.</p> <p>iv) The 5th Exclusion amended by omitting the words "window and".</p>
	<p>Par. 5.5.1:</p> <p>i) Par. (a) substituted by the following paragraph:</p> <p>a) Timber windows, doors and shutters can be varnished or painted as per the colour outline below; aluminium windows, doors and shutters to be epoxy powder coated as per the colour outline below; uPVC windows, doors and shutters to be as per the colour outline below:</p>

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	<p>Aluminium windows, doors and shutters may be in any of the following approved colours:</p> <p>ii) After par. (c) the following new paragraph inserted: cA) uPVC: uPVC windows, doors and shutters may be in any of the following approved colours:</p> <ul style="list-style-type: none"> - White - Matt Traffic Grey - Dark Umber Grey - Matt Charcoal <p>iii) Par. (d)(i): The heading amended by adding the words "and Shutters".</p> <p>iv) Par. (d)(i) amended by inserting, "uPVC" after the word "aluminium" in the 8th line.</p> <p>v) Par. (d)(ii) amended by adding the following item at the end: — uPVC garage doors may only be to any of the approved colours in Par. 5.5.1.(cA) above, and must be the same as the window frame colour, or white.</p>
	<p>Par. 5.7.(c) amended by inserting the words ", or similarly patterned uPVC garage doors," after the word "pattern" in the 7th line.</p>
<p>21 August 2017</p>	<p>General</p> <p>i) Abolition of WAC</p> <p>The Welgevonden Aesthetic Committee (WAC) which was appointed by Excom to take responsibility for aesthetic control with effect from 21 May 2010 was abolished by Excom on 9 February 2017.</p> <p>Its building plan examination function was entrusted to an appointed independent Review Architect, and its administrative functions were allocated to the Administration Office and the Estate Manager.</p> <p>Excom again assumed responsibility for evaluating any proposed relaxation of, or deviation from, the architectural directives and design guidelines, as provided for in the WHOA Constitution, with due regard to any recommendation of the Review Architect in respect of each particular case. When deemed appropriate, Excom appoints another independent adviser to assist it in the evaluation of any such recommendation.</p> <p>Par. 1.0 — Introduction was revised accordingly to reflect this changed procedure.</p>

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21 August 2017 (continued)	<p>Style Changes: The following general style changes were effected with a view to consistency:</p> <p> 1. "building contractor" / "contractor" ☐ "building contractor". 2. "core building" / "main building" / "main dwelling" ☐ "core building". 3. "Estate" / "Welgevonden" / "Welgevonden Estate" ☐ "Welgevonden Estate". 4. "member" / "home owner" / "owner" / "property owner" / "registered property owner" ☐ "owner". 5. "objects" / "objectives" ☐ "objects". 6. "shadecloth" / "shade cloth" ☐ "shade cloth". 7. "is to be" / "must" / "needs to" / "shall" / "should" / "will" ☐ "must". </p> <p>iii) Grammar, spelling, etc.: Various grammar, spelling and punctuation mistakes, and general style inconsistencies corrected, and superfluous wording omitted, without amending any of the actual directives or guidelines.</p>
	<p>Par. 1.2:</p> <p>i) The 3rd paragraph of par. 1.2 is provided with a heading "1.2A Sketch Plans" and revised to reflect the abolition of the WAC.</p> <p>ii) The following new paragraph is added:</p> <p>The approval procedure, general control measures, and directives and guidelines applicable to building plans also apply to sketch plans, with the necessary changes.</p>
	<p>Par. 1.3 revised to reflect the abolition of the WAC and to describe the building plan approval procedure that must be followed by the Review Architect; and to provide for the making of general recommendations by the Review Architect.</p>
	<p>Par. 1.5 amended by—</p> <p>i) inserting the following paragraph after the 1st paragraph:</p> <p>If in Excom's discretion relaxation or deviation is warranted, it must indicate this in a letter addressed to the Stellenbosch Municipality, which letter must accompany the signed as approved building plans submitted to the Municipality by the owner.</p> <p>ii) inserting the following paragraph after the 1st paragraph:</p> <p>In terms of clause 61A.3 of the WHOA Constitution any relaxation or deviation allowed by Excom must be reported to owners at the next ensuing annual general meeting of the WHOA.</p> <p>iii) omitting the 3rd paragraph to reflect the abolition of WAC.</p> 

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21 August 2017 (continued)	Par. 2.1.(1) amended by omitting the words "in special cases" in the 3 rd line.
	Par. 2.2.(2) amended by substituting "Review Architect" for "WAC".
	<p>Par. 3.1:</p> <p>i) Par. (1) amended by substituting "the Welgevonden Administration Office" for "WAC"; and</p> <p>ii) Par. (2) amended by substituting the words "Administration Office to be stamped as approved by the Welgevonden Estate Manager" for "WAC".</p>
	Par. 3.2: The heading amended by omitting "by WAC".
	<p>Par. 3.2.(2) substituted by the following paragraph:</p> <p>2) The architectural character of all new building(s), alterations and/or additions will be considered in relation to that of the development guidelines and other dwellings in the area as well as the aesthetic appearance, colour scheme and proposed siting of the building(s) and any other such factors that may be deemed suitable at the time of aesthetic approval.</p>
	Par. 3.2.(3) amended by substituting "Review Architect" for "WAC".
	<p>Par. 3.2.(4) substituted by the following paragraph:</p> <p>4) If the Review Architect is satisfied that the building plans comply with the architectural directives and design guidelines, same must be forwarded to the Welgevonden Administration Office under cover of a letter indicating that the plans are aesthetically approved.</p>
	<p>After Par. 3.2.(4) the following new paragraph inserted:</p> <p>4A) Upon receipt of the building plans and covering letter from the Review Architect, the Estate Manager must on behalf of Excom stamp and sign the building plans as approved, and inform the owner that the plans may be collected for submission to the Stellenbosch Municipality.</p>
	<p>Par. 3.2.(5):</p> <p>i) Par. (5) substituted by the following paragraph:</p> <p>Notwithstanding that the building plans may comply with all applicable restrictions, zoning, regulations and by-laws of the Stellenbosch Municipality and any other competent authority, the Review Architect, after consultation with Excom, as deemed necessary, may withhold aesthetic approval if the plans do not comply with the prescribed architectural directives and design guidelines: Provided that the approval of such plans shall not unreasonably be withheld.</p> <p>ii) The following Note added at the end:</p> <p>Note: See par. 1.4 – Disagreement or Dispute concerning Interpretation.</p>
	Par. 3.2.(6) amended by substituting "Administration Office" for "WAC".

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21 August 2017 (continued)	<p>Par. 3.3.(1) substituted by the following paragraph:</p> <p>Only after confirmation of aesthetic approval has been obtained may the building plans be submitted to the Stellenbosch Municipality for its approval.</p>
	<p>After Par. 3.3.(1) the following new paragraph inserted:</p> <p>Building plans submitted to the Stellenbosch Municipality must be accompanied by the letter indicating Excom's willingness to allow any relaxation or deviation proposed.</p>
	<p>Par. 3.4 substituted by the following paragraph:</p> <p>The building contractor must ensure that a copy of the building plans signed as approved by the Estate Manager and the Stellenbosch Municipality is at all times available on the site for inspection.</p>
	<p>Par. 3.6 substituted by the following paragraph:</p> <p>3.6 Deviation of, or Variation from, Approved Building Plans</p> <ol style="list-style-type: none"> 1) If an owner intends to effect a deviation from, or variation of, the aesthetically approved building plans and finishes, or from any of the items approved by the Estate Manager, she/he must submit an application to that effect in writing to Review Architect and/or the Estate Manager, as applicable, for scrutiny prior to implementation thereof on site, and the deviation or variation may be implemented on site only if approved it in writing. <p>If in the opinion of the Review Architect Excom's approval is required for a proposed deviation or variation, the request must be submitted to Excom together with the Review Architect's recommendation in writing, and the deviation or variation may be implemented on site only if Excom approves it in writing.</p> <ol style="list-style-type: none"> 2) If in the opinion of the Review Architect the approval of the Stellenbosch Municipality is also required for the proposed deviation or variation, the owner must submit an application to that effect to the Municipality, and the deviation or variation may be implemented on site only if the Municipality also approves it in writing. 3) If the proposed deviation or variation entails a relaxation of, or deviation from, the architectural directives and design guidelines it must be dealt with as set out in Par. 1.3 <p>— Review Architect and Par. 1.5 — Relaxation of, Deviation from, Architectural Directives and Design Guidelines above.</p> <ol style="list-style-type: none"> 4) All such applications must be in written form and no telephonic requests for approval of deviations or variations will be entertained. 5) Rectification of any exterior elements, colours and materials not complying with the architectural directives and design guidelines and implemented on site without the prior written approval by the Review Architect and/or the Estate Manager, as applicable, will be for the account of the developer and/or owner concerned. 6) An electronic copy in dxf format of record drawings ["as- built plans"] must be forwarded to the Administration Office prior to application to the Stellenbosch Municipality for the issuing of a certificate of occupation.

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21 August 2017 (continued)	Note: Failure to submit an electronic copy in dxf format of record drawings ["as-built plans"] to the Administration Office prior to application to the Stellenbosch Municipality for the issuing of a certificate of occupation, or to submit updated record drawings ["as-built plans"] of any alterations and/or additions, constitutes a breach of Estate rules and may result in the imposition of a fine and ultimately the refusal of consent to transfer.
	<p>Par. 4 (a): The 2nd line of par. (a) is numbered "(b)" and substituted as follows:</p> <p>No deviations from, or variations of, the aesthetically approved plans and finishes, or from any of the items approved by the Estate Manager, may be implemented on site without the prior written approval of the Review Architect and/or the Estate Manager, as applicable, or, if required, the Stellenbosch Municipality.</p>
	<p>Par. 5.0.(f): The Note following par. 5.0.(f) amended by—</p> <ul style="list-style-type: none"> i) omitting the words "the WAC on behalf of"; and ii) adding the following words at the end: , subject to any dispute being decided in the favour of the applicant
	Par. 5.1.2.(a) amended by substituting "the Review Architect" for "WAC".
	Par. 5.3.2.(e) " Shade cloth colour " amended by inserting the words "to the Estate Manager" after the word "submitted".
	<p>Par. 5.3.3:</p> <ul style="list-style-type: none"> i) Par. (a) amended by inserting the words "and bargeboard" after the word "fascia"; ii) Par. (b) amended by inserting the words "and bargeboard" after the word "fascia"; and iii) Exclusions amended by inserting the words "and bargeboards" after the word "fascias".
	Par. 5.4.(e) amended by substituting "Review Architect" for "WAC".
	<p>Par. 5.4.1:</p> <ul style="list-style-type: none"> i) Par. (a): The Note amended by substituting the words "Estate Manager prior to application on site" for "WAC"; and ii) Par. (d) substituted by the following paragraph: iii) Colour swatches of all exterior colours to be used must be submitted to the Estate Manager for provisional approval prior to the approved building plans being submitted to the Stellenbosch Municipality, and final approval will be given by the Estate Manager only once the building is under construction and 1 m² of each colour to be used has been painted on a wall for final approval on site. iv) Par. (e): The Note following the Table amended by substituting "Estate Manager" for "WAC".

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21 August 2017 (continued)	<p>Par. 5.5.(f) amended by—</p> <ul style="list-style-type: none"> i) inserting the words "and/or an adjacent public open space (green area)," after the word "street" in the 3rd line; and ii) substituting "Review Architect" for "WAC and WHOA" in the last line.
	<p>Par. 5.7 amended by –</p> <ul style="list-style-type: none"> i) Par. (a) substituted by the following paragraph: <ul style="list-style-type: none"> a) Each erf may have a maximum of two single garage doors facing the street and parking space conforming to the dimensions as per SANS 10400 for a minimum of two cars must be provided on each Erf. ii) Par. (c) substituted by the following paragraph: <p>Garage doors may be hardwood timber tip-up or sectional overhead type with horizontal (HWB) or vertical (VWB) pattern. Timber garage doors with vertical pattern are prescribed and preferred; however, metal and uPVC garage doors may be permitted, provided that the prior written approval of the Estate Manager has been obtained. Only "Coroma Coroflute" or similar approved sectional overhead metal garage doors with horizontal pattern, or similarly patterned uPVC garage doors, may be permitted.</p> iii) Par. (f) amended by substituting "Review Architect" for "WAC". iv) After par. (f) the following new paragraph inserted: <p>(fA) The sides of a carport may not be closed off with any kind of screening such as Bluegum laths ("Bloekomlatte") and "Spaanse Riet", slats, mesh, shade cloth, canvas or similar, but must be left open.</p>
	<p>Par. 5.8.2.(b) amended by inserting the words "or varnished" after the word "painted".</p>
	<p>Par. 5.8.3.(c) amended by omitting the words "Where appropriate," at the beginning of the 2nd sentence.</p>
	<p>Par. 5.8.4 amended by adding the following Exclusion:</p> <p>No solid wall balustrades allowed.</p>
	<p>Par. 5.10.1.(d) amended by omitting the words "As a rule" at the beginning of the 1st sentence.</p>
	<p>Par. 5.13.(e) amended by substituting "Estate Manager" for "WAC".</p>
	<p>Par. 5.14.(a):</p> <ul style="list-style-type: none"> i) Par. (ii) amended by substituting "Estate Manager" for "WAC"; and ii) Par. (iv) amended by inserting ", Polished Steel" after the word "Black".

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21 August 2017 (continued)	<p>Par. 5.14.(c) amended by —</p> <ul style="list-style-type: none"> i) adding the words "and Security Gates" to the heading; and ii) substituting "Estate Manager" for "WAC" in par. (iv).
	<p>Par. 5.14.(f) amended by substituting "Estate Manager" for "WAC".</p>
	<p>Par. 5.14.(g) amended by—</p> <ul style="list-style-type: none"> i) adding the words "and Tool Sheds" to the heading; ii) substituting "Estate Manager" for "WAC" in the 2nd line; and iii) substituting "Administration Office or the Welgevonden Website" for "WAC" in the 4th line.
	<p>Par. 5.14.(h) substituted by the following paragraph:</p> <p>h) Awnings:</p> <p>Awnings are allowed if in a plain design without stripes and scallops and of a single colour matching the colour of the core building. Canvas awnings are preferred; however, aluminium awnings conforming to the design and colour directives for canvas awnings will be considered.</p> <p>Plans for awnings showing the proposed design and colour must be submitted to the Estate Manager for approval prior to installation.</p> <p>Exclusions: No fibreglass awnings and canopies are allowed.</p>
	<p>After Par. 5.14.(h) the following new paragraph inserted:</p> <p>i) Vertical Screening:</p> <p>Retractable vertical screening on patios, verandas and stoeps is allowed if of a plain design without stripes, in white or of a single colour matching the colour of the core building.</p> <p>Plans for vertical screening showing the proposed design and colour must be submitted to the Estate Manager for approval prior to installation.</p>
	<p>Par. 5.15.1:</p> <ul style="list-style-type: none"> i) Par. (a) substituted by the following paragraph: <ul style="list-style-type: none"> a) It must be stressed that these architectural directives and design guidelines, Excom or the WHOA, or any of its employees or service providers, cannot guarantee visual or noise privacy.
	<ul style="list-style-type: none"> ii) Par. (b) amended by substituting "Review Architect" for "WAC".
	<p>Par. 6.0: The existing Note is numbered "1", and the following Note is added:</p> <p>Note 2: For the procedure to be followed when Excom is willing to allow the proposed relaxation of any architectural directive or guideline specified in par. 6.0, see par. 1.3 — Review Architect and par 3.3 — Submission to Stellenbosch Municipality.</p> 

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21 August 2017 (continued)	<p>Par. 6.3: The following new paragraph added:</p> <p>6.3.3 Definition of "Storey"</p> <p>For the purposes of par. 6.3 "storey" means a single level of any building, measured from finished floor level to finished floor level of the storey above, or to the ceiling in the case of the top storey. A roof-space utilised or intended to be utilised for the purpose of human habitation is also regarded as a storey. If the ceiling level varies, the mean ceiling level will be calculated. If the maximum of one storey is permitted, the height of the storey may not exceed 4 meters; if two storeys are permitted, the storey height may not exceed 8 meters and so forth.</p> <p>Note: See the applicable <i>Stellenbosch Municipality Zoning Scheme Regulations</i>.</p>
	<p>Par. 7.0 amended by substituting "Administration Office or the Welgevonden Website" for "Excom" in the 2nd paragraph.</p>
	<p>Par. 8.0 amended by substituting "the Administration Office or the Welgevonden Website" for "Excom".</p>
	<p>Par. 9.0.(b) substituted by the following paragraph:</p> <p>b) Building plans must be prepared in accordance with these architectural directives and design guidelines for examination and aesthetic approval by the Review Architect, and approval of the Estate Manager must be obtained as prescribed herein.</p>
24 October 2019	<p>Par. 1.5 amended by substituting "clause 61A.3" for "clause 67.3".</p>
	<p>Par. 5.5.(f) substituted by the following paragraph:</p> <p>f) Sliding / folding / stacking doors (where the structural opening exceeds 1750 mm in width), will only be permitted if these doors are screened with a timber pergola structure and recessed at least 1500 mm behind the outer line of a deep patio / veranda / stoep, subject to the approval of the Review Architect</p> <p>This amendment does not extend to frameless glass doors. (See 2nd exclusion added: "No frameless glass doors allowed.")</p>
	<p>Par. 5.11A: The following new paragraph added:</p> <p>5.11A CONVERSION OF GARAGES</p> <p>Architectural drawings showing the proposed changes must be submitted to the Review Architect for approval prior to the conversion.</p> <p>a) The conversion should be designed as to complement the existing dwelling and the new room must form an integral part of the main dwelling. It may not be constructed as a self-contained unit or alternative entrance to the dwelling.</p> <p>b) The Garage door(s) may only be replaced by a window or windows and such windows must comply with the guidelines as stipulated in paragraph 5.5</p> <p>Parking space conforming to the dimensions as per SANS 10400 for a minimum of two cars must be provided on the Erf. High density living is reliant on on-site parking and the Manager or Review Architect may decline an application which affects the on-site parking detrimentally.</p>

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	<p>Par. 5.14.(f) substituted by the following paragraph:</p> <ul style="list-style-type: none"> i. No "Porta Pools" or similar pools above ground level are permitted. ii. No swimming pools will be allowed over the street building line. iii. The position of the pool, pump and filter must be shown on plan, elevation and section submitted for approval. iv. The position of the pool pump and filter must be hidden from view from any public area or street. v. The position, colour and design of all swimming pools are subject to final approval by the Review Architect.
24 November 2022	
Background	<p>In the 2022 revision of the WHOA AD&DG the "Welgevonden Estate architectural language", based upon "regional Cape architecture" interpreted with the local vernacular of Stellenbosch in mind, is maintained. However, the evolving requirements of a built-up, mature estate require a fresh look at modern building materials and complementing styles.</p> <p>A number of grammar and style changes have been effected, without changing context or meaning.</p> <p>Footnotes have been added to get rid of a number of "Notes" with content that could be managed better in this way.</p> <p>Reference to the "Welgevonden Development" has for the most part been replaced with "Welgevonden Estate" as the development phase of the Estate has been completed. In the same manner reference to "developer" has been changed to "contractor".</p> <p>"Reviewing Architect" has been replaced by the more appropriate "Review Architect".</p> <p>Reference to "Welgevonden office" has been changed to "Welgevonden Estate Office" to provide clarity to instructions.</p>
Notes	<p>"Notes" applicable and referring to Area 1 and 2 (introductory pages of the AD&DG V7 – 26 November 2020) are, with the exception of Note (10) relocated to this, the Schedule of Revisions.</p>
Notes	<p>Notes (1) – (9)</p> <p>(1) These architectural directives and design guidelines are subject to periodic revision as deemed necessary.</p> <p>(2) The Architectural Guidelines for Area 1 as per document dated 1 October 2003 were superseded and replaced as per document dated 11 April 2012.</p> <p>(3) The Architectural Design Guidelines for Area 2 dated 21 May 2010 were revised and updated to include the Architectural Guidelines for Area 1 as per document dated 11 April 2012.</p> <p>(4) The Planning Guidelines approved for Area 1 as per Architectural Guidelines Document dated 1 October 2003 par. 11.0 remained unchanged and are included in the document dated 11 April 2012 under Annexure C.</p> <p>(5) The administrative procedures relating to the processing of building plans were revised on 27 November 2014, but the architectural directives and design</p>

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24 November 2022 (continued)	<p>guidelines remained unchanged as per document dated 11 April 2012.</p> <p>(6) The architectural directives and design guidelines were amended on 29 September 2015 as indicated in the Schedule of Revisions.</p> <p>(7) The architectural directives and design guidelines, and the administrative procedures relating to the processing of building plans, were amended on 21 August 2017 as indicated in the Schedule of Revisions so that this Version 8 – 21 August 2017 replaces all previous versions to date.</p> <p>(8) The architectural directives and design guidelines were amended on 24 October 2019 as indicated in the Schedule of Revisions so that this Version 9 – 24 October 2019 replaces all previous versions to date.</p> <p>(9) The version number of the architectural directives and design guidelines, Version 9 – 24 October 2019, as indicated in the Schedule of Revisions, is replaced by this, Version 7 – 26 November 2020 to ensure continuity as the last version approved by the Stellenbosch Municipality was Version 6 – 29 September 2015.</p> <p>NOTE: The contents of Note (10) "This document consists of ..." is relocated to the front page of the document.</p>
Definitions	<p>A new par. 1.0A is inserted to include a number of definitions relevant to the AD&DG.</p> <p>New definitions inserted:</p> <p>1.0A.1 "Building plan"</p> <p>1.0A.2 "Excom"</p> <p>1.0A.3 "Prescribed fee as per Control Measures"</p> <p>1.0A.4 "Review Architect"</p> <p>1.0A.5 "Welgevonden Estate Office"</p> <p>1.0A.6 "WHOA"</p>
General	<p>Par. 1.1 is revised by:</p> <ul style="list-style-type: none"> • omitting the third paragraph "The architectural directives ..."; • omitting the second sentence in the fourth paragraph "The architectural directives and design guidelines seek to protect ..." • omitting the "Note" following par. 1.1 referring to Annexure A, as it is no longer relevant within this context.
	Footnotes 1-3 were added for referencing purposes.
Building Plans	<p>Par. 1.2:</p> <p>In the second line of the first paragraph the words "... at the address determined by Excom ..." are omitted, and the words "... to Excom ..." inserted.</p> <p>The first sentence of the second paragraph, "For the purposes of these architectural directives and design guidelines building plans means design drawings and specifications", is relocated to a new definition 1.0A.1 – "Building plans". The words "Building plans need to be submitted ..." are inserted before the remaining words "... for the construction of ..."</p>
Sketch Plans	Par. 1.2A: The following second sentence is inserted in the first paragraph: "It

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24 November 2022 (continued)	will be the responsibility of the Review Architect to confirm with Stellenbosch Municipality if approval will be required."
Review Architect	<p>Par. 1.3:</p> <p>In the fifth line of the second paragraph the words "... by the owner or her/his agent ..." are inserted after the words "... made in writing ..."</p> <p>The "Note" following the second paragraph is omitted, its content relocated to footnote 4.</p> <p>The "Note" following the fourth paragraph is omitted, its content relocated to footnote 5.</p>
Preparation of Building Plans	<p>Par. 2.1:</p> <p>(1): The acronym (SACAP) is inserted after words "South African Council for the Architectural Profession", omitting the words "... however, a waiver to this condition can be approved should the required design standards be met."</p> <p>The sentence: "The registration must be current and valid at the time of submission." is inserted after (SACAP).</p> <p>The last sentence of (1) is revised to include the words "... or submitted by unregistered professionals ..." after the word "design".</p> <p>A new paragraph (1A) is inserted to formalise the requirements for sketch plans.</p> <p>The "Note" referring to colour approval procedures and selection, with reference to par. 5.4.1. and par. 5.5.1. is omitted.</p>
Restrictions	<p>Par. 2.2:</p> <p>(1) The first sentence is revised with the following words omitted: "... individual phases in the ..." and "... Development..." The word "... Estate ..." is inserted to reflect current practice.</p>
Format of Building Plans	<p>Par. 3.1:</p> <p>(1), (4) and (5) are omitted to comply with current regulations relating to the format and submission criteria for building plans in the Stellenbosch Municipal area.</p> <p>(2) is revised to read: "An electronic copy of the building plan must be submitted in PDF format via e-mail to the Welgevonden Estate Office."</p> <p>(3) is revised to read: "Approved submissions will be electronically stamped by the Estate Manager / the Welgevonden Estate Office once aesthetically approved. The Welgevonden Estate Office will issue a Letter of Approval to accompany the submission to the Stellenbosch Municipality."</p>
Processing of Building Plans	<p>Par. 3.2:</p> <p>(2), (3), (6) and (7) are omitted in compliance with current practice and Municipal requirements.</p> <p>A new paragraph (1A) is inserted reading: "The Welgevonden Estate Office will issue an invoice for the applicable plan examination and approval fee to the owner. No review of the submitted plans will take place unless payment is received." to make provision for current procedure.</p> <p>Par. (4A) is revised inserting "... and e-mail it to the owner, informing her/him that the plans may be submitted to the Stellenbosch Municipality." to make</p>

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24 November 2022 (continued)	provision for current procedure. The "Note" following (5) is relocated to footnote 6 .
Submission to Stellenbosch Municipality	Par. 3.3: (1A) is revised to include the words "..., if applicable." following the words "... deviation proposed ..." at the end of the sentence. Three new pars. are inserted to make provision for current practice and to comply with regulations: (3) "An electronic copy ...", (4) "Any proposed deviation ..." and (5) "The deviation or ..."
Availability of Building Plans on Site	Par. 3.4 is omitted, and the content is relocated to the "Control Measures to Regulate the Performance of Services and Building Work" issued by the Excom in accordance with Clause 59A of the WHOA Constitution. Footnote 7 is inserted.
Prior to Commencement of Building Work	Par. 3.5.(2) is omitted and the content relocated to the "Control Measures to Regulate the Performance of Services and Building Work" issued by the Excom in accordance with clause 59A of the WHOA Constitution. Footnote 8 is inserted.
Deviation of, or Variation from, Approved Building Plans	Par. 3.6: All subparagraphs of par. 3.6 , except (5) , are omitted in compliance with current practice and municipal requirements. The content of (5) "Rectification of any ..." is included, unnumbered, under the heading. The word "... developer ..." in the last line is replaced by "... contractor ..." to comply with the current reality.
Control of Building Work	Par. 4.0.(b) is revised to make provision for current approval regulations, omitting the words "and/or" and inserting the words "... electronically signed and stamped by ..."
Architectural Style and Elements	Par. 5.0: (b), (c), (d) and (e) are omitted to comply with current practice, to eliminate repetitive content and to ensure cohesion in these guidelines. The content of (a) "In order to achieve ..." is retained, unnumbered, under the heading.
Roofs (General)	Par. 5.3.1: (c) Footnote 9 is inserted after the last sentence to provide the details of par. 5.4.1 that stipulates the specifications of the roofing material of the core building. The roofing material of abutments, garages and/or carports must match that of the core building. (e) The pitch of a lean-to veranda roof of "15 degrees" is revised to read "5 degrees".
Roof Finishes	Par. 5.3.2: (b) "Victorian S-Profile roof sheeting, Klip-Lok, or similar concealed fixed roof sheeting" replaces "Everite" Victorian S-profile roof sheeting or similar approved,

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<p>24 November 2022 (continued)</p>	<p>painted." "The colour "Dove Grey" is added to the specified roof sheeting colours following (b).</p> <p>(c) is omitted as the use of shade cloth is no longer allowed.</p> <p>(d) is revised with the words "... screened behind horizontal beams or fascias in order not to be visible from any side elevation." inserted at the end of the sentence.</p> <p>(e) The words "... or fascias ..." are inserted after "... horizontal beams ..." in the third line. The last sentence of (e) is revised to read: "The louvre frame and louvre blades must be white, alternatively powder-coated Dove Grey, Dark Dolphin or Charcoal to match the main roof." "Dove Grey" is added as a colour in the fourth line.</p> <p>A paragraph "Shade cloth colour" is omitted after the "Note" "Shade cloth colour: Only Dark Grey shade cloth may be used. Colour to be submitted to the Estate Manager for approval prior to installation." as the use of shade cloth is no longer allowed.</p> <p>A new paragraph, (f) is inserted, reading "Polycarbonate sheeting may be used as a cover on roofs over patios. However, said materials may not be visible when viewed from below and must be screened from view behind horizontal beams or fascias in order not to be visible from any side elevation. The sheeting must also be visually concealed from below using timber slats with no gap wider than 25 mm between."</p> <p>The "Note" following (f) is revised, with the words "will be" in the first line replaced with "will not be".</p> <p>The first exclusion following the "Note" is revised with the words "... may be used ..." inserted after "... cloth ..." in the first line, and the words "... except for the carport is allowed ..." omitted at the end.</p> <p>"Exclusions": The last exclusion is revised to include the words "... and/or ..." after "... perspex ...", with the following words omitted "... and/or polycarbonate sheeting ..." before "... may be used."</p>
<p>Fascias and Bargeboards</p>	<p>Par. 5.3.3: The paragraph "Colour:" following (b) is revised word "colour" after the word "... Chromadek ..." replaced by "colours", and "Dove Grey or Charcoal" inserted after "... Dark Dolphin ..."</p>
<p>Gutters and Rainwater Downpipes</p>	<p>Par. 5.3.4 "Colour": The word "colour" after the word "... Chromadek ..." is revised to read "colours", with the words "Dove Grey, Charcoal or" inserted before "... Dark Dolphin ..."</p>
<p>Windows, Doors and Shutters</p>	<p>Par. 5.5:</p> <p>(a) The following content under (a) is omitted "Only vertically proportioned doors, windows, shutters, and windows and shutters with a 1:1,5 width to height ratio, will be allowed." and replaced by the inserted content starting with "Windows should have a rectangular vertical proportion. Horizontally proportioned feature windows may in some instances be permitted subject to the approval of the Review Architect ...".</p> <p>(dB) is revised with the words "... doors, ..." inserted before "... windows ...".</p> <p>(e)(ii) is revised with the following content of (ii), and the first bullet, omitted as follows:</p> <p>(ii) "Where the core building and/or outbuildings are positioned 1,5 m or less from one of the side boundaries the following directives apply:</p>

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24 November 2022 (continued)	<p>"No roof space windows will be allowed on the side where the core building and/or outbuilding(s) are positioned 1,5 m or less from one of the two side boundaries, and.."</p> <p>(e)(ii) will in future only comprise of the following: "The right of the adjacent owner(s) and views from adjacent residences will be considered when the plans are submitted for aesthetic approval."</p> <p>(f) is revised with the following content omitted: "Sliding/folding/stacking doors (where the structural opening exceeds 1 750 mm in width), will only be permitted if these doors are screened with a timber pergola structure and recessed at least 1500 mm behind the outer line of a deep patio/veranda/stoep, subject to the approval of the Reviewing Architect", and the following sentence inserted "Sliding / folding / stacking doors will be permitted subject to the approval of the Review Architect."</p> <p>(g)(ii) is revised with "... and any deviation will be to the discretion of the Review Architect;" inserted after "... storey ..."</p> <p>A new paragraph (g)(vii) is inserted, reading "Frameless glass doors may in some instances be permitted subject to the approval of the Review Architect."</p> <p>Exclusions: Omitted – the first exclusion (No horizontally ...), the second (No frameless ...) and the sixth (No steel ...).</p>
Garages and Carports	<p>Par. 5.7:</p> <p>(a) is revised to read: "Each erf may have a maximum of two single garage doors or one double garage door facing the street, and parking space conforming to the dimensions as per SANS 10400 for a minimum of two cars must be provided on each Erf."</p> <p>(b) is omitted: "Only garage doors of max. 2440 mm (structural opening width) may be used. A double garage must comprise two single garage doors next to each other separated by a prescribed 450 mm wide brick column, plastered and painted."</p> <p>(fA): The second paragraph "Also see guidelines on roof coverings for garages and carports included under par. 5.3.1.(c)" is omitted.</p> <p>Exclusions: The second exclusion, "No double-width garage doors." is omitted.</p>
Verandas, Pergolas and Columns	<p>Par. 5.8.1:</p> <p>(a) The pitch of a lean-to veranda roof of "15 degrees" is revised to read "5 degrees".</p> <p>(b) is revised with the following words inserted: "– aluminium sections proportioned to match standard timber sizes may in some instances be permitted, subject to the approval of the Review Architect. A mixture of timber and aluminium are not allowed."</p> <p>(c) is revised with the following paragraph inserted: "(iv) Aluminium square posts proportioned to standard timber sizes, subject to the approval of the Review Architect."</p> <p>(e) is revised inserting the words "... screened behind horizontal beams or fascias in order not to be visible from any side elevation."</p> <p>"Colour" is revised with the following inserted:</p> <p>"iii) Aluminium – pre-painted in any one of the approved accent colours as listed</p> 

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24 November 2022 (continued)	under par. 5.5.1.(d) above. Exclusions: The first exclusion is revised with the following words omitted: "... except carports (refer to relevant paragraph above...)"
Corner Brackets	Par. 5.8.2.(b) Colour is revised omitting the unnecessary number (i), resulting in the content "Timber – varnished ..." included unnumbered under the heading.
Balconies	Par. 5.8.3: (b) The following words are omitted at the beginning: "Balconies may not be too big (maximum size 20 m ²) and ..." (c) The second sentence is omitted: "The balcony floor can be tiled." (e) "Colour" is revised omitting the unnecessary number (i) resulting in the content "Plaster on vertical ..." included unnumbered under the heading.
Boundary Walls	A new paragraph 5.10.1.(h) is inserted: "To create privacy screening between properties boundary walls may in some instances be raised to a maximum height of 2400 mm using a galvanised mild steel frame clad on all sides with Nutec Clad Boarding. These screens must be painted to match the wall colour and is subject to the approval of the owners of the neighbouring property and the Review Architect. This screening will not be allowed on any walls visible from the streetscape."
Gates	Par. 5.10.2.(a) is revised with the second sentence of the paragraph reading as follows omitted: "Only gates in a vertical proportioned design may be used. Patterns on gates must read vertical rather than horizontal."
Compost, Fertilisers ...	Par. 5.12.3 is revised omitting the unnecessary number (a), resulting in the content "The use of organic ..." included unnumbered under the heading.
Service facilities / ...	Par. 5.13: (b) is revised with the words "... as far as possible ..." inserted after "... dishes must ..." in the first line, and the sentence "All television aerials or satellite dishes must be maintained and kept in a good condition." inserted as a third sentence. New paragraphs inserted: (f) "Photovoltaic Panels (PV) will be allowed. The angle at which the panel is mounted must lie flush with the roof, and the frame and fittings must match the roof colour. Detail fitting arrangement and position of equipment must be shown on plan, and elevation submitted to the Review Architect for approval." and (g) "Water storage tanks for the purpose of stormwater harvesting may be installed only at the back of the house in an enclosed back yard and may not be visible from the street or public open spaces. Stormwater pipes and downpipes must be treated discreetly. No tanks will be allowed on the street side of the property. Detail of tanks, positioning and equipment must be shown on plan and elevation submitted to the Review Architect for approval."
Miscellaneous and General	Par. 5.14: (e) is revised, with the contents of (ii) "Exposed circular steel flue pipes may only protrude through the roof to a max length as prescribed in the National Building Regulations." omitted, and replaced by "Any exposed circular flue pipes will be allowed to the discretion of the Review Architect."

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24 November 2022 (continued)	(i) The words “– subject to approval by the Review Architect.” is inserted at the end of the first paragraph.
Planning Guidelines	Par. 6.0: In line with current practice, the heading of this paragraph is revised with the words “... FOR AREA 2” omitted.
Zoning	Par. 6.1: The last words in the sentence “Welgevonden Area 2” is replaced with “Welgevonden Estate”.
Group Housing	Par. 6.4.1.(d) is revised with the following inserted at the end after “... prior approval.” “Architectural professionals must indicate Coverage under the following subsections: i) Coverage of interior areas i.e. core building, abutments and enclosed stoeps to form part of the interior. ii) Coverage of non-enclosed areas i.e covered stoeps, covered carports and covered pergolas that do not form part of the interior. iii) Total Coverage including all areas mentioned in (i) and (ii) above.”
Other Categories of Zoning	Par. 6.4.2 is revised omitting the unnecessary number (a), resulting in the content “Coverage and ...” included unnumbered, under the heading.
29 November 2023	
Definitions	Par. 1.0A.1 is amended with the word “... electronically ...” inserted after “... submitted ...”
Building Plans	Par. 1.2 is amended to include reference to “electronic” building plans and the “electronic” submission of building plans to comply with current requirements. A new third paragraph is inserted to read: “No hard copy (paper) building plans will be accepted.”
Sketch Plans	Par. 1.2A is amended to include “... in electronic format” after “... sketch plans ...” in the second line. A new third paragraph is inserted to include that sketch plans shall be accepted in electronic format and that no hard copy (paper) sketch plans shall be accepted.
Preparation of Building Plans	Par. 2.1.(2)(c). A new third paragraph is inserted to include that building plans shall only be accepted in electronic format and that no hard copy plans shall be accepted.
Format of Building Plans	Par. 3.1(2) is amended to make provision for electronic copies of building plans to be submitted in PDF format via e-mail or storage device / facility.
Processing of Building Plans	Par. 3.2.(4) is amended to include the word “... electronically ...” after “... forwarded ...” in the second line.
Processing of Building Plans	Par. 3.2.(4A) is amended to include the electronic submission of building plans to the Welgevonden Estate Office, if the Review Architect is satisfied, as well as plans being approved and signed electronically. It also mentions that a member may submit the approved plans electronically to the Stellenbosch Municipality after

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29 November 2023 (continued)	having been notified of its approval by the WHOA.
Submission to Stellenbosch Municipality	Par. 3.3.(1A) is amended to make provision for the electronic submission of building plans to the Stellenbosch Municipality, accompanied by the electronic confirmation of Excom's willingness to allow the relaxation or deviation.
	Par. 3.3.(3) is amended to include the words "... electronic approval notice ..." after "... Municipality's ..."
	Par. 3.3.(4) is amended to include the word "... electronically ..." after "... submitted..." in the second line.
Control of Building Work	A new par. 4.0.(c) is included to read that "No new building work shall be allowed, or structures to be erected, without prior approval of the WHOA, and – if approved by the WHOA and where required, the subsequent approval of the Stellenbosch Municipality." A new note is added: "Breach of this rule will be penalised i.t.o. the <i>WHOA Control Measures to Regulate the Performance of Services and Building Work, Control Measure 7.2.</i> "
Exterior Colours for Windows, Doors and Shutters	A new note is added to par. 5.5.1.(c) to read: "Only one of the approved colours shall be used for all aluminium windows, doors and shutters on any dwelling or structures on a property."
	A new note is added to par. 5.5.1 (cA) to read: "Only one of the approved colours shall be used for all aluminium windows, doors and shutters on any dwelling or structures on a property."
Conversion of Garages	The content of par. 5.11A is omitted and replaced by a determination that no conversion of garages is allowed. A new note added: "Breach of this rule will be penalised i.t.o. the <i>WHOA Control Measures to Regulate the Performance of Services and Building Work, Control Measure 7.3.</i> "
Soft Landscaping (General)	Par. 5.12.1.(f) and its subsections par. 5.12.1.(f)(i) to 5.12.1.(f)(v) are included to formulate regulations to promote the greening (soft landscaping) of the Estate, and to limit hard landscaping and the removal of trees.
Service Facilities / ...	Par. 5.13.(e): "Estate Manager" in the last line is replaced by "Review Architect".
	Par. 5.13.(f) is amended to include the words "solar panels" in the brackets and to indicate that the position of equipment must be shown on a "roof plan" and submitted in "electronic format" to the "Welgevonden Estate Office".
Miscellaneous and General	Par. 5.14.(c)(i) is amended to clarify that only burglar bars must be internally mounted, not security gates as well.
	Par. 5.14.(c)(iv) "Estate Manager" is replaced by "Review Architect".
Future Alteration ...	Par. 9.0.(b): A new note referring to par. 4.0.(c) is inserted.

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21 November 2024	
Contents page	Par. 5.13 is amended adding "... / SCREENING" to the heading.
Building Plans	Par. 1.2: A 4 th paragraph "Validity of WHOA Approval" is included to regulate the period of validity of the WHOA's approval of building plans.
Control of Building Work	Par. 4.0 is amended adding two new paragraphs to regulations regarding (d) owner's liability, and (c) reasonable, controlled access to neighbouring property to complete building work.
Boundary Walls and Gates	<p>Par. 5.10.1.(e) is amended as follows:</p> <p>(e) Omitting Palisade-type walling and stipulating that, going forward, walling on all common property open spaces and green areas, as well as private property garden walls on the street side, shall be steel balusters spaced between brick columns with matching steel gates. Sizes provided.</p> <p>Notes: Omitting: Sizes given above are only a guide, and adding or revising: (i) walling subject to Review Architect's approval, (ii) NBR SANS Regulations reference updated, (iii) Existing steel Palisade-type fencing remains acceptable, (iv) No decorative details allowed.</p> <p>(f) Specifying the colour of mild steel tubing balustrades (black or pure white).</p> <p>(h) Adding "... or PVC screening ..." and "... or pure white ..."</p> <p>"Exclusions" following (h): Stipulating that Clear View / ClearVu fencing is NOT permitted.</p>
Soft Landscaping	Par. 5.12.1.(d) is amended by including the correct web reference for SANBI.
Service Facilities / ...	<p>Par. 5.13.(a) is amended, its numbering extended, to:</p> <p>(i) include common property open spaces, (ii) regulate the screening of refuse bins, (iii) regulate the installation of new air conditioning condenser unit and its indication on building plans, (iv) regulate the screening of existing air conditioning condenser units, and (v) to specify the appearance of and materials to be used for screens, and the approval process.</p>
Miscellaneous and General	Par. 5.14.(c) is amended, omitting burglar bars built into window frames, i.e. Swartland Timber as a preferred option; and by adding details to clarify the placement, colour, and design of burglar bars and security gates, and the approval process that apply.
	A new Par. 5.14.(j) is added to stipulate how the WHOA may use Clear View / ClearVu fencing for security purposes with Excom approval.