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## SCHONENBERG ESTATE, STELLENBOSCH

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### OPPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

Prepared for:

**SCHONENBERG ESTATE**

Prepared by:

**Doug Jeffery Environmental Consultants (Pty) Ltd**

**JANUARY 2019**

DJEC



**Schonenberg Estate**

**Operational Environmental Management Plan  
(OEMP)**

**Revision 2  
October 2018**

**(Original OEMP from July 2005)**

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## **Part A: Contextual Information**

### **1. Background:**

The development was planned in accordance with the AECI Helderberg Conceptual Development Framework (CDF), whereby it was proposed that Farm 794, Portion 46 would be developed mainly for Residential use with limited Retail and Commercial Use. The AECI Somerset West Structure Plan (SWSP) clearly indicates the site for residential use. This is in line with the Helderberg Structure Plan (HSP) and the Hottentots-Holland Guide Plan (HHGP) which both recommend that the site be used for urban development. The open space systems should be retained on the site along the waterways in accordance with The Metropolitan Open Space System (MOSS) and the CDF. The Department of Environmental Affairs and Development Planning (DEA&DP) granted approval for the change in land use of Portion 46 of Farm 794, Stellenbosch for the entire development on December 1<sup>st</sup>, 2003 in the Record of Decision (ROD Ref: E12/2/1-105 Farm 794/46) in the name of Heartland Properties (Pty) Ltd.

Due to a change of ownership of two portions of the development site, Waterstone Village and Schonenberg Homeowners Association, an application was submitted to the DEA&DP to separate the Environmental Authorization (formerly called ROD) from 2003 into two separate Environmental Authorizations corresponding to ownership of the two sites. On January 18<sup>th</sup>, 2018, the DEA&DP issued one Environmental Authorization for the holder Schonenberg Homeowners Association and one Environmental Authorization for the holder Oakland Trust t/a Waterstone Village Shopping Centre.

This amended Environmental Authorization replaces the environmental approval issued on December 1<sup>st</sup>, 2003, as stated in the Environmental Authorization.

In terms of the Environmental Authorization granted by the DEA&DP on January 18<sup>th</sup>, 2018, an Operational Environmental Management Plan (OEMP) is required to address the protection and ongoing management of the natural resources both on and off the site, in order to ensure that the development has the least possible negative impact on the environment.

### **2. Objective:**

- Fulfil requirements of the Environmental Authorization from January 18<sup>th</sup>, 2018.
- Align the OEMP with the Environmental Authorization for SHOA granted January 18<sup>th</sup>, 2018.
- Guide and direct activities relating to the ongoing management of the Estate in order to protect the environment from unnecessary damage.
- Incorporate positive environmental management practices that are being implemented on the Estate into the OEMP.
- Take into consideration changes in environmental circumstances since the initial development began in 2005.
- Limit and mitigate the negative impacts associated with the ongoing activities of individual homeowners.

### 3. Abbreviations:

OEMP	Operational Environmental Management Plan
DEA&DP	Department of Environmental Affairs and Development Planning
EA	Environmental Authorization
ROD	Record of Decision
SHOA	Schonenberg Homeowners Association
ECO	Environmental Control Officer
EO	Environmental Officer
EM	Estate Manager

### 4. Relevant Legislation:

The following is a list of current legislation that may have relevance for the Schonenberg Estate that must be considered by the SHOA when taking management decisions for the Estate. It is possible that government bodies may change legislation, be it National, Provincial or Municipal legislation. It is the responsibility of the SHOA to be informed of the latest version of relevant legislation.

Legislation	Description
National Environmental Management Act No. 107 of 1998 (NEMA) + Amendments: No. 62 of 2009 No. 13 of 2013 No. 13 of 2013 No. 25 of 2014	The current environmental legislation that addresses activities and developments that require Environmental authorization.
National Environmental Management Waste Act No. 59 of 2008	Addresses all aspects regarding waste including the sorting, disposal, recycling, storage and generation of waste.
National Environmental Management Biodiversity Act No. 10 of 2004 (NEMBA)	Provides for the management and conservation of South Africa's Biodiversity.
Environmental Conservation Act No. 73 of 1989	For the most part, this legislation has been repealed and its functions taken on by NEMA and related legislation. Certain aspects are still effective.
National Heritage Resources Act No. 25 of 1999	Addresses the conservation and protection of historical and culturally historic resources.
National Water Act No. 36 of 1998	Provides the legal framework for effective and sustainable management of water resources.
Veld and Forest Fire Act No. 101 of 1998	Addresses land owners' responsibilities, protection of property, planning and other matters related to veld.
The conservation of Agricultural Resources Act No. 43 of 1983	Addresses the listing and control of invasive alien species a.o.
Land Use Planning Ordinance of the Cape Province (Ordinance 15 of 1958)	Addresses various land use matter town planning issues and property zoning.
Occupational Health and Safety Act No.85 of 1993	Self-explanatory.

Local Municipal by-Laws E.g. By-Law relating to Storm Water Management PG 6300; LA 31420 23.Sept.2005	Municipal by-laws may be relevant but these change more frequently than National and Provincial legislation.
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**5. Legal Status and Failure to comply with the OEMP:**

The OEMP has been compiled to fulfil a condition of the Environmental Authorization granted by the DEA&DP. This confers a legal obligation by the Schonenberg homeowners to comply with the specifications of the OEMP. This OEMP includes all relevant documentation contained or referred to within it along with any amendments or appendices to this document.

**6. Environmental Personnel:**

**6.1 Schonenberg Homeowners Association (SHOA)**

The implementation of the OEMP and fulfilling the requirements of the Environmental Authorization are the responsibility of the Schonenberg Homeowners Association. Each homeowner is bound to comply with the OEMP. The SHOA must provide adequate staff that is suitably qualified and sufficiently trained to implement the 9 Programs outlined in the OEMP.

**6.2 Estate Manager:**

The Estate Manager is empowered to act as the ECO by the SHOA in the implementation of the OEMP and Environmental Authorization. The Estate Manager must be identified by the SHOA and must assume overall responsibility for managing any project contractors and for ensuring that the environmental management requirements are met. All decisions regarding environmental procedures and protocol must be approved by the Estate Manager or the Board of Trustees. The Estate Manager provides feedback to the Environmental Officer regarding all environmental matters. Contractors are answerable to the Estate Manager for non-compliance with the requirements stated in the OEMP.

**6.3 Environmental Officer (EO):**

The SHOA must appoint an individual, either a Schonenberg Estate homeowner or a staff member, to act as the Environmental Officer. Duties of the Environmental Officer include:

- Overseeing the implementation of the OEMP.
- Obtaining specialist environmental input from a suitably qualified independent environmental consultant if deemed necessary.
- Ensuring that an audit is undertaken by a suitably qualified and experienced independent environmental consultant every 5 years as stipulated in Part A: 10. Auditing.
- Ensuring that a review of the OEMP is undertaken by a suitably qualified and experienced independent environmental consultant as stipulated in Part A: 11. OEMP Review.

**6.4 Environmental Control Officer (ECO):**

An independent environmental consultant / company is to be appointed by the SHOA as Environmental Control Officer to monitor and review the on-site environmental management and implementation of the OEMP. Duties of the ECO include:

- Monitoring compliance with the OEMP on the Estate.
- Reporting on environmental issues noted on-site during site inspections.
- Reporting on the implementation of the OEMP and compliance with the Environmental Authorization.

- Recommending additions and/or changes to the OEMP to the directorate if deemed necessary.
- Updating and reviewing the OEMP.
- Maintaining open and direct lines of communication between the SHOA and the authority with regard to environmental matters.

### **7. Competent Authority:**

The Department of Environmental Affairs and Development Planning in the Western Cape is the competent authority that must review the draft OEMP or any amendments thereof that are submitted for approval. Following the review, the DEA&DP with either (i) approve the OEMP (with or without conditions), (ii) return the OEMP for improvement and resubmission giving guidance of what needs to be revised or added, or (iii) reject the OEMP giving reasons. Once the OEMP has been approved, the DEA&DP may:

- Review monitoring and audit reports if required.
- Participate in an environmental monitoring committee associated with the Estate if relevant.
- Review compliance by the SHOA with the specifications of the OEMP and the Environmental Authorization and assist the SHOA and relevant personnel in understanding and meeting the specified requirements.
- Perform random controls to verify compliance and, in the case of persistent noncompliance, request that the ECO provide an action plan with corrective measures and submit such for approval by DEA&DP.

### **8. Other Authorities:**

Other authorities involved in activities relating to the OEMP are the City of Cape Town, Helderberg Administration. The reason for their involvement is primarily to verify the accuracy and comprehensiveness of the information provided from the viewpoint of their specific mandates and areas of responsibility (e.g. permits and licenses).

### **9. Record Keeping:**

- Implementation of requirements as outlined in each Program must be documented.
- Records of complaints received and responses made must be maintained.
- Records of training need analyses and training conducted must be kept.
- Minutes of meetings pertaining to environmental matters must be kept.
- Audit reports and OEMP reviews must be kept.
- Proposed changes to the OEMP, their submission to the DEA&DP and result of review by DEA&DP.
- All records and documentation must be kept up to date, must be available for any external audit and must be made assessable to the auditors.

### **10. Auditing:**

As stipulated in the SHOA Environmental Authorization granted by the DEA&DP on January 18<sup>th</sup>, 2018, an environmental audit must be undertaken every five (5) years. The first environmental audit must be undertaken before December 7<sup>th</sup>, 2019.

The environmental audit is to be undertaken by a suitably qualified and experienced independent environmental consultant in association with the Estate Manager and the Environmental Officer. The Environmental Audit Report must be completed by an independent person following the environmental audit and submitted to the DEA&DP within one month of the environmental audit being finalized.

The Environmental Audit Report is to detail progress, problems and issues arising from the management of all components of the site as well as recommendations for improved

environmental management in order to identify any problems or potential problems with the environmental management procedures on the Estate and to establish additional issues requiring attention and amendments to the OEMP.

#### **11. Review of the OEMP:**

The OEMP is to be reviewed once in every 10 years by an independent environmental consultant unless otherwise required by the competent authorities or by the SHOA. Recommended changes and amendments to the OEMP must be submitted to the DEA&DP for approval.

The review must address the following when relevant:

- Changes in legislation that may be relevant to the ongoing management of the Estate.
- Changes in environmental circumstances.
- Issues that had not been addressed in the valid version of the OEMP.
- Unexpected and/or unpredicted impacts of the development of the Estate or its management activities.
- Inadequate mitigation measures that were originally proposed.
- Secondary impacts resulting from mitigation measures that have been implemented.
- Commissioning new phases of the development.
- Decommissioning of certain phases of the development.
- Expansion of operational activities.

### **Part B: Management Programs**

#### **Program 1: Water Resources Management [See Appendix 1: Map of Storm Water System on the Estate]**

Background:

A system of storm water channels and streams direct storm water into two lined storage dams and 6 retention dams on the southern boundary. Water collected in the two lined dams, named Sam's Dam and Dam 1, is suitable for irrigation. In addition, there are 6 retention dams on the southern boundary that serve to collect water in case of a flood or excessive rainfall that are linked up with the largest of the storage dams, Sam's Dam, via a series of inlets and outlets. Three smaller dams, Farm Dam, Serondella Dam and Voorburg Dam, serve as buffers in times of heavy rainfall ensuring a slower flow of water into the two storage dams.

A seasonal wetland referred to as the Seep is dealt with in Program 2: Seep Conservation Management.

Objective:

- Take into consideration the need for a comprehensive and holistic water management approach to the conservation and utilization of water as resource.
- Maintain the storm water channels, streams, dams and retention dams in order to maintain or improve their function in terms of storm water attenuation.
- Provide adequate quantities of water of suitable quality to irrigate the Estate's common gardens.
- Provide residents, if needed, with non-potable and/or potable water in times of extreme water crisis during which access to municipal water is restricted or not available.



Management:

1.1 In order to assure flow of water, the growth of bulrushes (*Typha capensis*) must be monitored in the streams, retention dams, buffer dams and storage dams at regular intervals. Bulrush growth must be controlled manually by cutting and/or dead-heading to prevent excessive growth and spreading of the species that could lead to reduced water flow. The bulrush control program is to be based on the results of regular monitoring. Bulrushes or parts thereof that are removed are to be taken off sight to prevent further spreading of this species. Patches of bulrushes may be left standing in order to provide a habitat for bird life such as the masked weaver and the red bishop.

1.2 Plant growth in the water course system is to be monitored and manually controlled. Some plant growth will help to filter and purify the storm water as well as help prevent excessive erosion and therefore should be allowed to remain provided that the flow of water is not obstructed.

1.3 The presence of algae and pondweed (*Potamogeton pectinatus*) in permanently open water bodies must be monitored on a regular basis. The extent of algae and pond weed must be controlled by manual clearing and subsequent disposal of the cleared material at intervals deemed necessary based on results of monitoring.

Clearing of algae and/or pondweed should take place outside waterfowl breeding seasons. Additional measures may be undertaken to reduce algal growth such as the installation of a BioSprite unit and/or treatment with an environmental friendly agent such as ProBio Dam Cleaner that has no toxic effects on aquatic organisms.

1.4 Inlets and outlets must be kept free of litter and sediment both of which must be removed manually.

1.5 Sediment build up in storage and retention dams, as well as buffer dams, streams and water channels, must be monitored. In order to assure constant flow of water and maximum water storage capacity, sediment must be removed preferably manually when required. If necessary, plant and sediment removal could take place using mechanical plant, provided that underlying structures are not damaged, that access to the retention dams does not take place across any transitional wetland and that disturbed areas are reshaped following sediment and plant dredging.

1.6 No substance of any nature is allowed to enter any storm water drainage system or water source. This includes pool backwash water, soapy water from car washing, toxic waste water from building or home maintenance and pesticide residues. (See Program 1: Water Resources Management 1:11)

1.7 Water originating from the backwashing of a swimming pool must flow into the sewage system.

1.8 Run-off from rooves must be caught in gutters and piped down onto gardens, porous surfaces, into rain water storage tanks or into the storm water system.

1.9 The installation of rain water storage tanks is to be encouraged on both Estate common property and private residential property in order to conserve the valuable resource water and reduce the use of municipal drinking water for cleaning and irrigation.

1.10 Any water restrictions imposed by the City of Cape Town must be strictly complied with.

1.11 No French drains or foul water soak-aways, referring to grey water and sewerage water, are permitted anywhere on the Estate.

1.12 The water quality must be tested for key parameters by an accredited laboratory on a regular basis such as in October, at the end of the rainy season, and February, at the end of the dry season. The results of the water analysis must be evaluated to determine if there is any indication of outside pollutants entering the water system, cracks in the sewerage pipes or other irregularities that require corrective action.

1.13 The storm water system must be monitored for adverse effects of erosion, especially after heavy storms and, if necessary, corrective actions such as stabilizing embankments and replanting must be implemented. (See Program 8: Erosion Management)

1.14 The construction of boreholes, both on common property and on private residential property, must be approved by the competent authorities. It must be assured that the use of borehole water does not lower the water table.

1.15 No changes to the water course or constructional changes to the storage or retention dams, buffer dams, streams, channels or the wetland may be made without approval from the competent authorities. This includes damming, diverging, draining or infilling of any water body.

1.16 Irrigation of common gardens, parks and street beds must be carried out according to a plan designed to conserve water. Areas identified as being essential, such as new plantings, should be prioritized.

1.17 On the long term, no municipal drinking water should be used for irrigation on the Estate's common property.

1.18 The irrigation system must be checked regularly for leakages that must be repaired as soon as possible in order to minimize water loss.

1.19 Water features on the Estate's common property must be operated with non-potable water.

1.20 Ways of increasing the quantity of non-potable water available on the Estate should be investigated and implemented if found to be feasible.

## **Program 2: Seep Conservation Management [See Appendix 2: Map of Seep Conservation Area]**

### **Background:**

The Seep is an area of approximately 3 ha consisting of a seasonal wetland surrounded by a buffer zone. A lined storm water channel and dam system of approximately 138 meters in length runs from the northwest corner of the Seep, along the east boundary to the southwest corner of the Seep. The storm water is guided to Sam's Dam when it leaves the Seep. The seasonal wetland is separate from the storm water channel and dam system.

As defined in the National Water Act, Act 36 of 1998, “wetland” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

The presence of plants that characteristically grow in a wetland is one of the delineators used to identify the outer edge of a wetland.

Wetlands are considered biologically diverse and should be protected from environmental danger.

The seasonal wetland performs the important functions of flood control, providing a habitat for fauna such as frogs and birdlife, providing a habitat for diverse plant species, maintaining water quality and regulating the water table.

The SHOA Environmental Authorization requires that the seasonal wetland be protected as it is regarded to be of “moderate conservation importance” as detailed in the Scoping Report dated December 2002 by Doug Jeffery Environmental Consultants (Pty) Ltd.

Objective:

- Regard the Seep as a conservation area to be considered in a holistic way to ensure that management thereof complies with environmental management best practice.
- Set a realistic vision for the Seep that meets conservation requirements.
- Provide a valued asset for the SHOA residents that adds to their enjoyment of the environment on the Estate and to their understanding of the Seep conservation area.

Management:

2.1 A suitably qualified person must be appointed to supervise Seep Conservation Management activities, to ensure that gardeners carrying out Seep management activities are adequately trained, to obtain botanical input for the planting plan in the Seep and to ensure that reinstating of natural communities in the Seep is encouraged.

2.2 Based on assessments carried out regularly, a program for manual removal of invasive and alien plants in the Seep must be established. The manual removal program must be based on needs determined depending on, for example, species of invasive plants identified, extent of infestation by invasive species, weather conditions contributing to excessive growth of invasives. Alien plants that are prone to invading the Seep include, but are not limited to: Kikuyu grass, *Helminthochea echioides* (Bristly ox tongue) *Plantago lanceolata* (Buckhorn plantain), *Argemone Mexicana* (Mexican poppy), *Echium plantagineum* (Paterson’s curse) *Avena fatua* (wild oat grass).

2.3 Gardening staff working in the Seep must be trained in identification of invasive and alien plant species and the removal thereof. Records of training must be kept.

2.4 All residents, especially those with erven adjacent to the Seep, must be persuaded not plant Kikuyu grass in their private gardens in order to prevent the spreading of this invasive species.

2.5 Dried and dead vegetation must be removed manually and regularly to reduce fuel load in the event of a wild fire.

2.6 A firewise boundary of at least 5 meters from the boundary wall along the buffer zone must be planted and maintained. Only indigenous and fire-resistant species can be planted in

the firewise boundary. No large trees or shrubs should be planted adjacent to the boundary wall.

2.7 The park-like areas in the buffer zone may be planted with indigenous plant species including trees. These areas are to be maintained with manual weeding.

2.8 The use of chemical fertilizer in the entire Seep is prohibited. Compost may be added to the planting holes of indigenous plants being planted in the buffer zone and, if rainfall is not adequate, initial manually watering of newly planted plants is allowed in order to ensure that the plants become established.

2.9 Indigenous plant species that establish themselves on their own in the entire Seep area must be protected.

2.10 Establishing indigenous plant species can be encouraged by broadly throwing the seeds of indigenous plants in suitable sections that have already established themselves in the Seep.

2.11 The wetland area is to remain natural and undisturbed. No landscaped species may be introduced into this area.

2.12 No access by residents is allowed into the wetland. Access to the buffer zone of the Seep is only permitted on designated pathways and boardwalks in order to prevent trampling of indigenous plant species that are reinstating themselves. Signboards to this effect must be installed and clearly visible. Only trained staff may otherwise enter the Seep for planting and maintenance purposes.

2.13 No vehicles are allowed to enter the Seep.

2.14 Seep gardeners employed for maintaining the Seep must be trained in identification of alien and invasive plant species. In addition, staff must be trained in identification of indigenous species reinstating themselves in the Seep in order to promote self-restoration of this conservation area.

2.15 No dogs are allowed to run or walk in the Seep. Dogs must be kept on a leash at all times and must remain on the boardwalks and designated pathways with their human accompaniment. Signboards to this effect must be installed and clearly visible.

2.16 Dog excrement must be removed immediately by human accompaniments and disposed of in the refuse bins provided or in private refuse bins. Signboards to this effect must be installed and clearly visible.

2.17 Manual removal of sediment in the Seep dams and the storm water channel is required to ensure flow of storm water, especially during heavy rainfall, in order to prevent overflowing of storm water into the wetland area.

2.18 The banks of Seep dams and the storm water channel must be monitored for signs of erosion and, if necessary, corrective and prevented measures must be implemented.

2.19 In order to ensure flow of storm water, the growth of bulrushes in the Seep dams and the storm water channel must be monitored. Excessive bulrush growth must be controlled by manual removal.

2.20 Owners of private erven adjacent to the Seep must direct stormwater runoff from their properties into the Estate's stormwater system and must ensure that there is no runoff entering the Seep.

2.21 Residents must be educated as to the value of the Seep conservation area and the measures that are being implemented to protect this area.

### **Program 3: Invasive and Alien Vegetation**

#### **Background:**

In 2003, the DEA&DP authorized the change in land use on Portion No. 46 on the farm No. 794 for the development of a housing complex which became Schonenberg Estate. At that time, this site was ploughed agricultural land. The pristine state originally existing in this area had been thoroughly disturbed by farming practices. The ploughing of the land had allowed invasive and alien plants to invade the site. Spreading alien and invasive vegetation causes a degradation of the ecological integrity of an area resulting in a decline in species and habitat diversity.

#### **Objective:**

- Control invasive and alien plant species in the Seep, the retention dams, the storage dams, the water channels and common property.
- Prevent further spreading of invasive and alien plant species throughout the Estate.
- Make residents aware of alien plants and their invasive nature.

#### **Management:**

3.1 In the Seep, exotic, alien plant species that escape from residential gardens are to be removed. (See Program 2: Seep Conservation Management)

3.2 In both the wetland and buffer zone of the Seep, invasive plant species such as Kikuyu grass, Paterson's Curse, Bristle Ox Tongue amongst others must be controlled by manual removal in an ongoing maintenance program in order to prevent further invasion and to reduce their presence on the long term. (See Program 2: Seep Conservation Management)

3.3. Retention dams must be monitored regularly in order to identify any alien vegetation such as *Sesbanias punicea*, *Callistemon*, *Eugenia uniflora* and *Ligustrum* that must be removed manually.

3.4 All water courses must be monitored for excessive *Typha capensis* (bulrush) growth. Bulrushes must be controlled manually. (See Program 1: Water Resources Management)

3.5 The banks of water courses must be monitored for exotic plant species that escape from residential gardens such as *Nasturtiums*. Such species must be consequently removed manually.

3.6 Gardening staff working on common property maintenance must be trained in identification of exotic plant species that escape from residential gardens such as the California poppy. Manual removal of such potentially invasive species must be part of the regular garden maintenance.

3.7 All parts of the Estate must be routinely monitored for the appearance of Rooikrans (*Acacia cyclops*), Black Wattle (*Acacia mearnsii*) and Port Jackson (*Acacia saligna*). Manual removal of such plants must be undertaken when they are very small in order to minimize their impact.

3.8 Chemical herbicides may not be used in the Estate unless by order from the DEA&DP or other competent authority as there is risk that chemical herbicides will be washed into the streams, storm water channels, dams and /or wetland, thereby endangering aquatic organisms.

3.9 Residents must be made aware of invasive alien plants and discouraged from planting such species in their private gardens. A list of desirable plants must be maintained and made available to the residents. (See Program 4: Landscaping 4.9; 4.12)

3.10 Vacant plots must be cut according to a regular plan before weedy species go to seed to avoid spreading of weedy and invasive plant species.

3.11 Alien species that were planted on common property during the initial development phase of Schonenberg Estate and are known to have high water requirements should be successively removed. These species can be replaced with indigenous species that are better adapted to the prevailing climatic conditions in particular with regard to low water requirements.

#### **Program 4: Landscaping**

##### **Background:**

The development of Schonenberg Estate began in 2005 on land that had previously been farmland. In 2004, the landscape architect designed the initial landscaping plan that was defined by historical agricultural landscape elements such as tree rows, hedges and windbreaks. In the years following the initial development of the Estate, the climate has changed significantly. Severe drought has become a major concern and water scarcity is expected to become the norm.

##### **Objective:**

- Prioritize water conservation.
- Design and create landscaped areas that have minimum water requirements especially during the dry season with the ultimate aim of gardens that will need no irrigation water once established.
- Establish landscaped areas that are appealing all year round, even in the dry season.
- Create basic designs and structures that are sustainable on the long-term.

##### **Management:**

4.1 Plant waterwise species in landscaped areas that require little or no water when established.

4.2 Plant predominately indigenous species that are adapted to the climate conditions of the area.

4.3 Select plant species that have proven to survive in very dry to drought conditions based on experience of the past years.

4.4 Reduce lawn areas that have high water requirements and replace with waterwise designs.

4.5 Introduce hard landscaping elements such as boulders, gabions and klip that require no water, require little maintenance and provide interesting contrast to soil in all seasons.

4.6 Remove alien species on common property that have high water requirements.

4.7 Dried and dead vegetation in open spaces must be removed manually and regularly to reduce fuel load in the event of a wild fire.

4.8 Implement a program of regular manual garden maintenance in order to remove unwanted weeds, alien and invasive species thus containing their spreading. (See Program 3: Invasive and Alien Vegetation))

4.9 Residents must be encouraged not to plant Kikuyu grass and to remove any existing Kikuyu grass from their property. In particular, no owners of erven adjacent to the Seep should be allowed to plant Kikuyu grass in their private gardens.

4.10 Residents must be encouraged to plant waterwise and indigenous plants in their private gardens.

4.11 A list of preferred waterwise and indigenous plants must be made available to residents.

4.12 A list of undesirable, alien plants that should not be planted in private gardens due to their invasive nature, should be made available to the residents. This list can give guidance to the residents and raise awareness of problems associated with such species, although the list may not contain the names of all alien plants.

4.13 In order to conserve water, identify priority areas where irrigation is essential and review annually.

(See Program 5: Waste Management 5.14 compost production and 5.15 nursery.)

## **Program 5: Waste Management**

### **Background:**

The Department of Environmental Affairs and Development Planning has instituted a policy of waste reduction, reuse and recycling which is supported by the City of Cape Town.

### **Objective:**

- Develop and implement a waste management program that upholds the DEA and DP waste policy.
- Reduce waste produced on the Estate.

- Reuse waste where possible.
- Conserve valuable resources by recycling.

Management:

5.1 A system must be in place for collecting recyclable waste. Residents must be informed of type of materials suitable for recycling and collection schedule.

5.2 Residents must be encouraged to sort waste to allow for recycling. (See 5.1 and 5.13)

5.3 All indoor waste not suitable for recycling must be placed in appropriate recipients and kept within the grounds of individual residents until collection time.

5.4 A system must be in place for collecting household waste. Residents must be informed of collection schedule. Waste collected must be placed in a designated area on the Estate until collected by the local authority as part of their regular collection system.

5.5 There is to be no burning or burying of waste on the Estate. (See Program 7: Fire Management 7.3)

5.6 No waste of whatever nature, including garden clippings, is permitted to be placed or dumped on any Estate road, on any verge or in any open space, in the wetlands, wetland buffer areas, retention dams, dams, stormwater channels or stormwater outlets.

5.7 Garden waste must be taken to an approved waste disposal site. This is the responsibility of the individual resident. (See 5.14)

5.8 Fouling of any Estate road with any substance by any person is prohibited.

5.9 No paints, chemicals, cement, concrete, mortar, plaster or building rubble may be disposed of anywhere on the Estate.

5.10 No wastewater from washing equipment used for building and/or renovations is to be disposed of anywhere on the Estate.

5.11 Water originating from the backwashing of a swimming pool must flow into the sewage system.

5.12 Abluting anywhere on the Estate except in a toilet is prohibited.

5.13 No pet excrement is to be left on any Estate road or verge or other common property. The removal of pet excrement is the responsibility of the pet owner and is specified in the Schonenberg HOA Rules of Conduct.

5.14 The Estate should create an on-site compost production in order to reuse garden waste produced on the Estate, both in common areas and in residential gardens. Residents must be informed as to the type of garden waste suitable for composting and a system for collecting such garden waste from residential properties must be in place. Composting must be done in a designated area and be supervised by trained staff.

5.15 The Estate should create an on-site nursery in order to propagate desirable plants from plant waste removed from the Estate's common property that can be used for planting on



the Estate. The nursery must be established in a designated area and be supervised by trained staff.

## **Program 6: Fauna**

### Background:

The Schonenberg Estate site comprises different habitats for various species of wild animals including birds, reptiles, amphibians and mammals. These habitats are associated with the water course system of water channels, retention dams and storage dams, with the Seep conservation area, with boundary vegetation and landscaped common property, with stands of old trees and with residential gardens.

### Objective:

- Protect wild animals found on the site.
- Maintain habitats in good ecological condition.
- Ensure ecological balance of wild animal populations.

### Management:

6.1 No wild animals may be interfered within any way by any resident, visitor to the Estate or domestic animal.

6.2 Feeding of wild animals is prohibited including the feeding of all birds in order to retain a natural ecological balance in populations and to prevent attracting undesirable animals such as rodents with left-over food.

6.3 Only indigenous fauna is allowed to be released onto the Estate. A faunal expert must be consulted prior to the release of such fauna.

6.4 Domestic animals such as rabbits, dogs and cats, that escape from residential homes must be captured and relocated off site.

6.5. Dogs must be kept on a leash in all open areas at all times. The person in control of the dog must ensure that the dog does not harass any wild animal, pedestrian, worker, cyclist, walker or jogger. The person in control of the dog must ensure that any dog excrement is removed immediately from any common property and disposed of in the refuse bins provided or in private refuse bins.

6.6 No household waste may be left outside such that it attracts rodents and scavengers.

6.7 Should any wild animal become a problem to residents, an expert must be consulted in order to assess the problem and deal with it if required.

6.8 Residents must be encouraged to recognize that the Estate provides natural habitats for a range of different animal species including birds, frogs, snakes, mosquitoes and midges some of which may bite, sting or be noisy. Such species should not be eliminated as their presence should be seen as evidence that thriving ecosystems have been established or conserved on the Estate.

## **Program 7: Fire Management**

### **Background:**

The Estate is located in a water scarce area with winds of high velocities during the dry season and is consequently prone to vegetation fires. There is a possible relationship between climate change and wildfire activity. When air temperatures rise, vegetation desiccates at higher rates leading to drier fuel loads, the amount of vegetation that can potentially be ignited. Climate change could lead to a longer and more intense fire season. Short-term climate variability such as La Niña, characterized by colder ocean temperatures, could also lead to increased fire activity.

### **Objective:**

- Prevent uncontrolled fires on the Estate.
- Reduce potential fire hazards on the Estate.
- Develop a procedure to fight fires encroaching on the Estate from outside surrounding areas.
- Increase awareness of fire danger amongst the residents.

### **Management:**

7.1 The entire Estate must keep alien, invasive vegetation at a minimum in order to reduce the fuel load that can potentially ignite and cause a fire.

7.2 In the Seep buffer zone, a firewise boundary of at least 5 meters in width consisting of indigenous and fire-resistant plant species must be planted and maintained along the boundary walls adjacent to the residential houses. (See Program 2: Seep Conservation Management 2.4)

7.3 No open flame or fire is permitted anywhere on the Estate unless in a designated area in a controlled and supervised braai or as authorized, supervised projects at the maintenance yard.

7.4 Fire fighting training for security staff must be conducted and documented.

7.5 Fire hydrants and fire fighting equipment must be serviced regularly and documented.

7.6 An Emergency Fire Procedure must be in place and must be readily available for both staff and residents.

7.7 Access must be allowed into the Estate for emergency vehicles in the case of a fire.

7.8 Signage indicating the location of fire hydrants must be clearly visible for fire trucks.

7.9 Fires encroaching on the Estate from outside surrounding areas must be considered a potential danger and contingency plans for dealing with such must be in place.

7.10 An evacuation procedure to be implemented in the case of an emergency situation must be in place.

7.11 Assembly points in the case of an emergency evacuation must be clearly signposted.

7.12 Residents must be made aware of potential fire hazards.

7.13 Residents should be informed about creating fire wise gardens using succulents and fire resistant indigenous plant species, using hard landscaping elements and spacing between plants in order to limit the spreading of a fire.

### **Program 8: Erosion**

#### Background:

The site has been highly disturbed during the construction phase of the Estate leaving open areas vulnerable for erosion. Although a majority of the erven have been built upon, some erven remain as open spaces with only weeds holding the soil. Pathways that are not paved, streams, water course embankments and open landscaped parks are also vulnerable for erosion. Erosion can lead to siltation of water sources, inlets and outlets on the Estate.

#### Objective:

- Curb erosion that can lead to sediment build-up in the water courses and loss of top soil.
- Minimize the adverse effects of heavy rainfall that lead to erosion.

#### Management:

8.1 Monitor pathways, berms, streambanks, parks and construction sites of both new buildings and renovation work for erosion especially after heavy rainfall and/or flash floods.

8.2 Repair erosion damage incurred and implement preventative measures to reduce erosion in future.

8.3 Monitor stream linings, including gabions, and repair, if needed, in order to prevent water flowing underneath lining and washing out soil.

### **Program 9: Maintenance of Infrastructure**

#### Background:

Infrastructure that is part of common property includes roads, pathways, boardwalks, bridges and boundary walls and are maintained by SHOA. The boundary walls surrounding an individual erf are the responsibility of the erf owner.

#### Objective:

- Maintain the infrastructure of the Estate to ensure optimal functioning of the Estate.
- Uphold the aesthetic appearance of the Estate at a high standard.

#### Management:

9.1 Weeds in roads and pathways must be controlled manually or in such a manner as not to contribute to pollution of the storm water system, water channels, dams or retention dams.

9.2 The network of pathways, boardwalks and bridges must be maintained in good condition in order to ensure the safety of pedestrians, walkers and joggers on the Estate.

9.3 No paths are permitted in the wetland area of the Seep.

9.4 Paths must be designed such that they do not disrupt, divert or concentrate flows of water within the existing water course system comprising water channels, dams and retention dams.

9.5 Paved pathways must be monitored for damage and repaired if necessary in order to ensure the safety of pedestrians, walkers and joggers on the Estate.

9.10 Roads must be monitored for damage and fading of painted signage and repaired if necessary.

9.11 Gutters must be kept clean to prevent blockage of storm water flow.

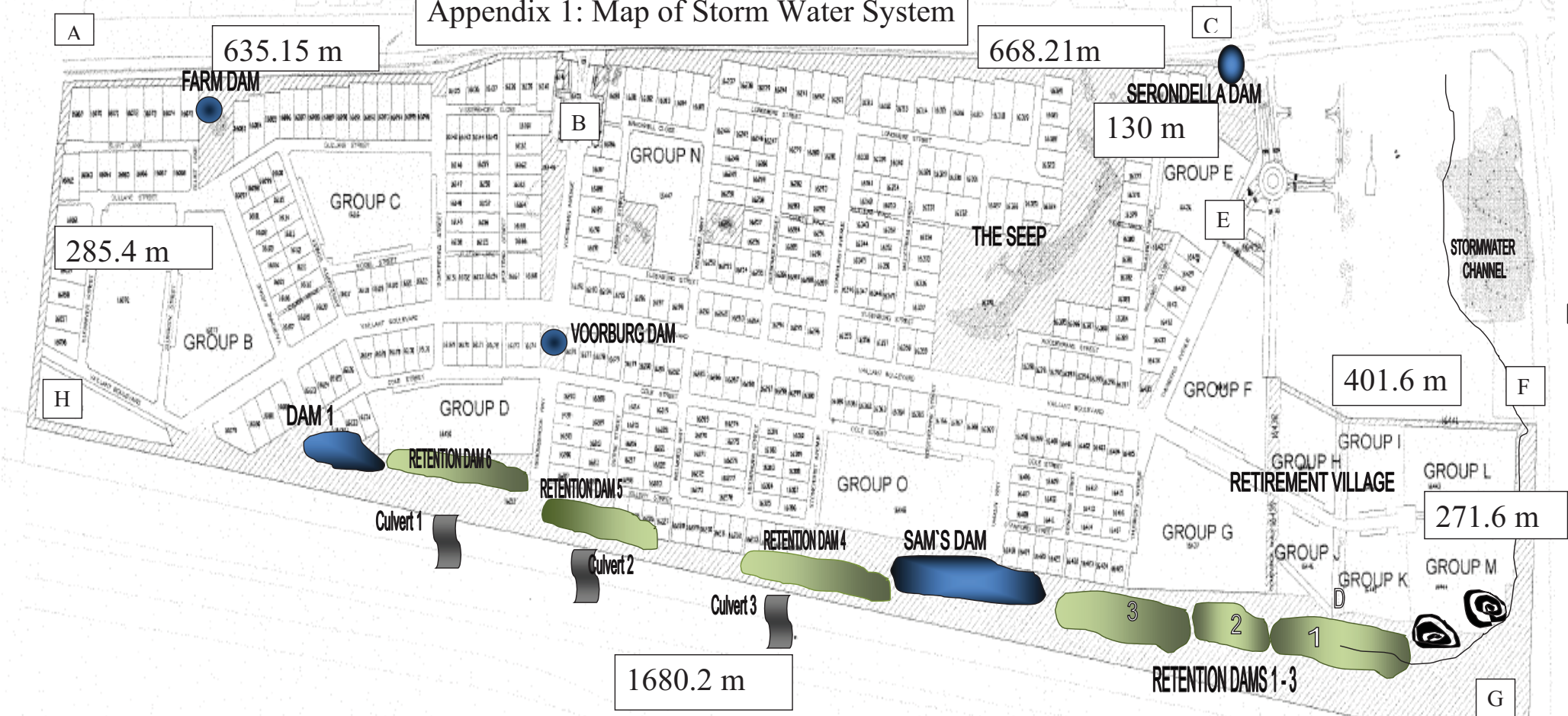
## **Appendices**

Appendix 1: Map of Storm Water System

Appendix 2: Map of Seep Conservation Area

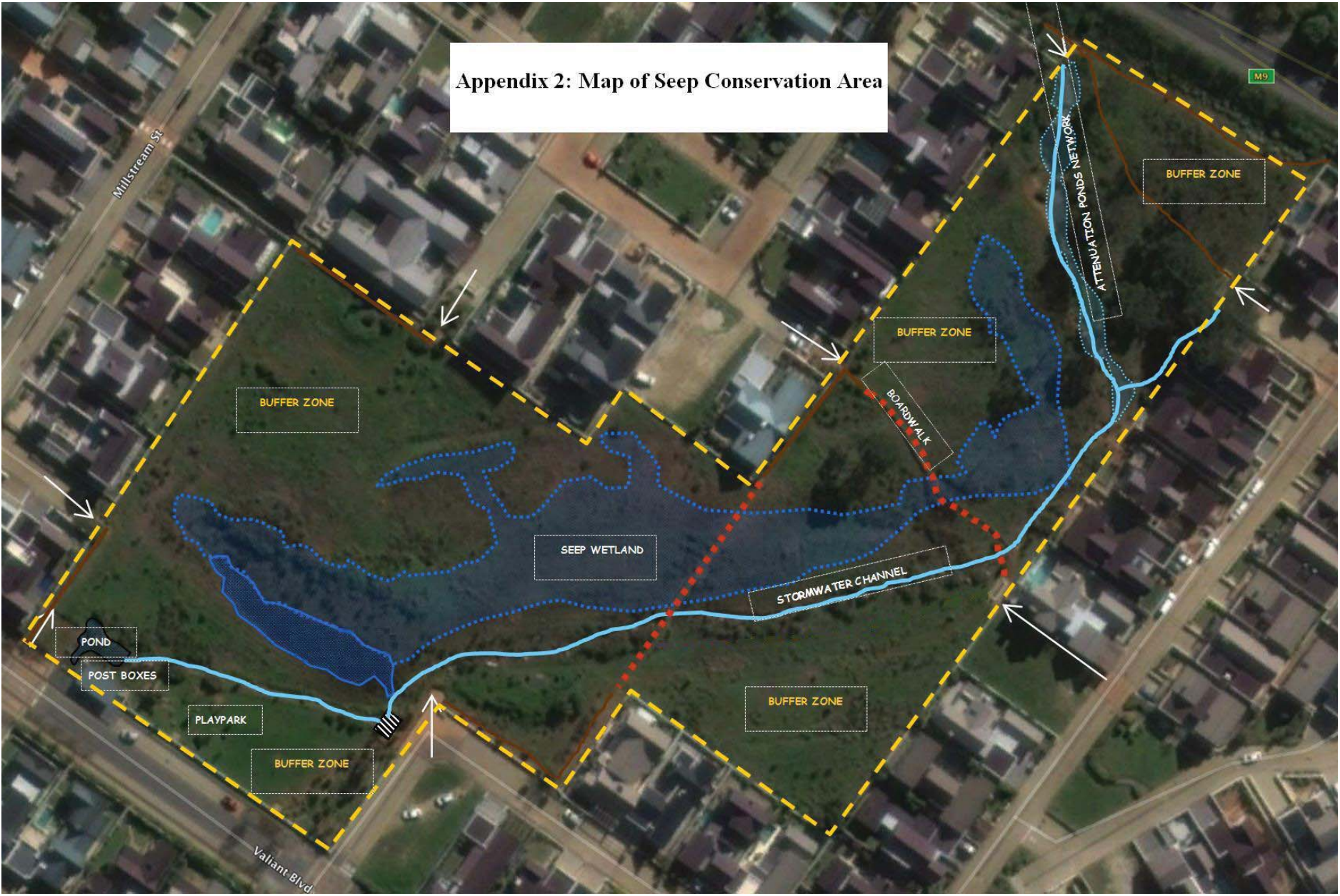
APPENDIX 1 – MAP OF STORMWATER SYSTEM

# Appendix 1: Map of Storm Water System



APPENDIX 2 – MAP OF SEEP CONSERVATION AREA

# Appendix 2: Map of Seep Conservation Area





ADDENDUM 1 – ORIGINAL OEMP



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**OPERATIONAL  
ENVIRONMENTAL MANAGEMENT  
PLAN**

**SCHONENBERG ESTATE**

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**MARCH 2005**

**Ref. No. 2002/14**

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***SECTION A***  
***CONTEXTUAL INFORMATION***

# 1. Introduction

## 1.1 Background

Approval was granted by the Department of Environmental Affairs and Development Planning for the change in land use of Portion 46 of Farm 794, Stellenbosch for the development of a housing complex on the property, on the 1 December 2003 (ROD Ref: E12/2/1-105 Farm 794/46) (Appendix 1).

In terms of this approval, an Operational Environmental Management Plan (OEMP) is required to address the protection and ongoing management of the natural resources both on and off the site, in order to ensure that the proposed development had the least possible negative impact on the environment. This document has been compiled to fulfil such requirements for the residential component of the site.

## 1.2 Objective of the OEMP

The objective of this OEMP is to guide and direct activities relating to the ongoing management of the Schonenberg Estate. The aim is to protect the environment from unnecessary damage and to limit and mitigate the negative impacts associated with the ongoing activities of individual homeowners. This includes the management of the infrastructure, as well as the wetland and open space areas.

This will ensure that the Environmental Policy of Sustainable Development that underpins Environmental Process in South Africa will be upheld throughout the project. The controls set out in this OEMP are to ensure that the recommendations made in the Environmental Impact Report regarding the development have been implemented.

The document is an open-ended one, to allow for information gained during the monitoring of the activities on site to inform any changes in the OEMP. The document must be read in conjunction with the Environmental Scoping Report (Doug Jeffery Environmental Consultants, 2004; Ref. No. 2002/14), with special reference to the specialist studies and recommendations. It is intended as a working document to guide the Home Owners Association (HOA) to manage activities on site on an ongoing basis and to ensure that the activities undertaken do not impact negatively on the environment to an unacceptable degree.

## 1.3 Abbreviations used

OEMP	Operational Environmental Management Plan
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EMP	Environmental Management Plan
HOA	Home Owners Association
DEA&DP	Department of Environmental Affairs and Development Planning
ROD	Record of Decision, issued by DEA&DP
EO	Environmental Officer
ECO	Environmental Control Officer
ESO	Environmental Site Officer

#### 1.4 *Development Details*

The development site is located along the N2 highway towards Somerset West, with the N2 bordering the south, and the R44 and Somerset West Main Road bordering on the eastern and northern edges respectively. The site forms part of the northern residential precinct identified in the AECI Helderberg Conceptual Development Framework. The site is approximately 71 ha in extent (roughly 1.6 km long and 450 m wide) and was part of AECI land. It site was predominantly ploughed agricultural land with a scoured stormwater channel running across the site in a south-westerly direction. The site also supported patches of grassland, a marsh, a small ponded bulrush area, a very small dam, three artificial and eroded drainage lines (two only minor remnants) seasonal seeps and four seasonal pans, and stands of small but dispersed pine, acacia and eucalyptus trees.

The site development plan is attached in Figure 1 and summarised in Table 1.

<i>Land Use Type</i>	<i>Developable Area</i>		<i>Number of Residential Units or GLA (in m<sup>2</sup>) where applicable</i>
	<b>Hectares</b>	<b>% of Total</b>	
<b>Residential</b>	38.61	54.27%	750
<b>Commercial – Retail</b>	4.71	6.62%	10 000
<b>Public Open Space, detention and Public Facilities</b>	8.4	11.81%	
<b>Conservation Areas</b>	4.0	5.62%	
<b>Roads and Circulation</b>	11.0	16.02%	
<b>Mixed Use</b>	4.03	5.66%	10 000
<b>TOTAL</b>	<b>71.15</b>	<b>100%</b>	

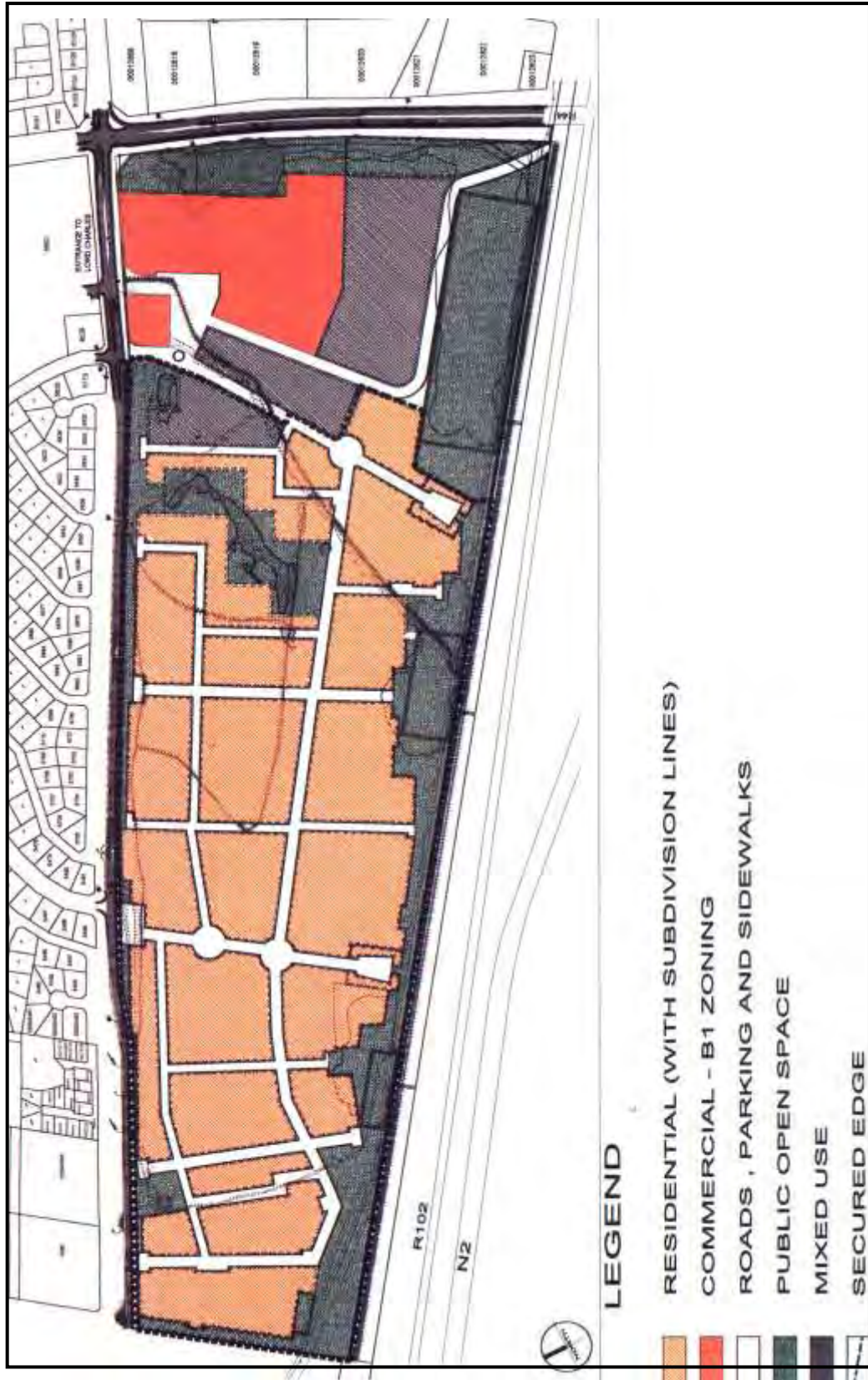


Figure 1: Approved design



## **1.5 *Applicable Legislation***

- Environmental Conservation Act 1987 (Act 73 of 1987)
- Natural Heritage Resources Act 1999 (Act 25 of 1999)
- National Water Act 1998 (Act 36 of 1998)
- Veld and Forest Act (Act 101 of 1998)
- Subdivision of Agricultural Land Act 1970 (Act 70 of 1970)
- The Conservation of Agricultural Resources Act 1983 (Act 43 of 1983)
- The Nature and Environmental Conservation Ordinance 1974 (Ordinance 19 of 1974)
- Land Use Planning Ordinance of the Cape Province (Ordinance 15 of 1958)

## **2. Implementation of the OEMP**

### **2.1. *Legal Status and Failure to comply with OEMP***

The OEMP has been compiled to fulfil a condition of approval by DEA&DP. This confers a legal obligation to comply the specifications of the OEMP. This OEMP includes all relevant documentation contained or referred to within it, along with any amendments or Appendices to this document. Any changes to the OEMP must be dealt with in terms of Section 21 of the Home Owners Association (HOA) constitution (Appendix 2) and be approved by the relevant departments of the City Of Cape Town.

### **2.2. *Construction EMP***

The House Construction EMP forms part of the Operational Environmental Management Plan (Appendix 3) and specifies the procedures to be followed by the Association and Builders in order to reduce or eliminate adverse impacts of building and/or maintenance work on the natural environment.

A copy of the House CEMP shall be issued to each builder at the tender stage to allow for costs of implementing the conditions of this CEMP to be included in the building costs. This will also ensure that each builder is aware of his responsibilities prior to commencing work. Copies of the CEMP will be available to each Site Foreman, who will be required to familiarize him/herself with the contents of the document and ensure that procedures are followed accordingly.

Each Builder will be contractually bound to abide by the specifications of the CEMP, as well as Appendices and any amendments thereto.

### **3. Environmental Personnel**

#### **3.1 *Schonenberg Estate Home Owners Association:***

The implementation of the OEMP is the responsibility of the HOA, and each homeowner is bound to comply with the OEMP, as per the conditions set in Section 4 of the Schonenberg Estate Homeowners Association Constitution (Appendix 3). The HOA must appoint an individual who will be responsible for co-ordinating and ensuring implementation of the OEMP on site, known as the Environmental Officer (EO). An independent environmental consultant must be appointed by the HOA and the EO must liaise with this consultant as required, but at least on a monthly basis for the first five years, to ensure that the OEMP is effectively implemented. Should this nominated person require additional specialist input, this must be acquired. A maintenance routine, with tasks, budget and timing thereof, must be set by the responsible person, and approved by the HOA. Staff must be made available to undertake the maintenance activities, as set out in this OEMP.

#### **3.2 *Environmental Officer (EO)***

The HOA will be responsible for appointing an individual from their ranks, known as the Environmental Officer (EO) to oversee the implementation of the OEMP. The EO will consult with a suitably qualified independent environmental consultant, to undertake the following the following tasks.

- Monthly meeting between the HOA, the EO and the independent consultant must be held to identify required tasks for the month, and to ensure that the tasks for the previous month have been adequately undertaken. Minutes of the meeting must be taken and records maintained for review during the audit.
- Obtain specialist environmental input, as required.
- To ensure that an annual audit is to be undertaken by a suitably qualified and experienced independent environmental consultant, in association with the ECO.
- The EO will ensure that an audit and review of the OEMP is undertaken every year for the first three years, by a suitably qualified and experienced independent environmental consultant, in association with the ECO.

### **4. Auditing**

Six months after the effective date of the implementation of the OEMP, an audit is to be undertaken by a suitably qualified and experienced independent environmental consultant, in association with the ECO. All audit reports will detail the progress, problems and issues

arising from the management of all components of the site, as well as recommendations for improved environmental management. This is to identify any problems or potential problems with the environmental management procedures on the Estate, to establish additional issues requiring attention and amendments required to the terms and conditions of the OEMP. The audit report is to be submitted to DEADP.

## **5. Review of OEMP**

The OEMP is to be reviewed annually for the first three years and then once every five years thereafter, by an independent environmental consultant, unless otherwise required by the authorities and the HOA. The auditor is to highlight issues to be addressed in the OEMP, or changes required, during the annual audit. These points are to be included as Appendices to the OEMP and to be considered during the review of the process. Recommended changes to the OEMP must be forwarded to the Local Authority and the Provincial Environmental Authorities for their approval and incorporation into the OEMP. This will allow additional issues that had not yet surfaced at the time of compilation of this version of the OEMP, to be addressed in the future.

## **6. Funding**

The funding for the implementation of the OEMP, the appointment of any specialists, the annual audit of compliance with the OEMP and the review of the OEMP is the responsibility of the Waterford Estate HOA. There is a levy charged by the HOA to each individual owner. A portion of this (5%) must be put into an environmental fund to ensure that the conditions of this OEMP are implemented. As the levy increases, the increase must be reflected in the amount paid into the environmental fund.

***SECTION B***  
***MANAGEMENT REQUIREMENTS***

# 1 Programme: Management of Water Resources and Freshwater Ecosystems

## 1.1. Background and Objective:

The site supports patches of grassland, a marsh, a small ponded bulrush area, a very small dam, three artificial and eroded drainage lines (two only minor remnants) seasonal seeps and four seasonal pans, and stands of small but dispersed pine, acacia and eucalyptus trees. Most of the aquatic habitats occur in the upper (northern) portion of the site.

The wetlands are of importance primarily for the kinds of functions they perform, such as slowing down runoff and thus reducing flooding in areas downstream of the development, as well as in terms of water quality improvement and providing an area of undeveloped semi-natural habitat.

The potential impacts from the development on the wetlands can be divided into 3 categories:

1. Damage associated with the operation of the site, such as nutrient enrichment and encroachment of aliens in the seasonal seep and pan, as a result of gardening with concomitant changes in vegetation or reduction in habitat quality for fauna (e.g. as a result of decreased oxygen levels), as well as the threat of encroachment of alien grasses (e.g. kikuyu lawn). Trampling and littering are also problematic.
2. Damage associated with stormwater management. Very large (1:50 year) floods will cause damage to the *Pennisetum* marsh, through the scouring force associated with the volume of water routed through the system
3. Construction related impacts.

The activities outlined with regard to the wetlands are aimed at achieving the following broad objectives:

- maintaining or improving the functional value of the wetlands in terms of stormwater attenuation
- managing the impacts of the development on the wetlands
- managing other impacts likely to affect the quality of freshwater ecosystems on the site
- maximising and maintaining wetland habitat quality– an important aspect of

this is control of alien vegetation throughout the wetlands

The wetland areas must be cleared of problematic plant species, as detailed in Programme 2: Programme Eradication of Alien Invasive Vegetation. No further invasion of the wetland areas should be allowed. Estate managers should be particularly vigilant in the control of problem plants in the wetland area.

Sound ecological management of the wetland habitats within the site will involve the implementation of identified mitigation measures regarding nutrient enrichment, invasion of aliens and construction impacts, as well as the provision and implementation if necessary of a rehabilitation plan in the event of damage following a large flood.

## **1.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that all maintenance and/or construction activities performed in wetlands and waterbodies on the Estate are performed in accordance with the Environmental Conservation Act (Act 73 of 1989), and the National Water Act 1998 (Act 36 of 1998). Labour must be made available to carryout the identified task, as per the appropriate timing schedules. Where required, it is the responsibility of individual homeowners to ensure that compliance with this OEMP occurs.

## **1.3. Management Activities:**

Control measures for the wetland areas should comprise the following:

- The marsh and seasonal seep wetland have conservation value and are to be treated as a “no-go” area within the Estate.
- Potential ongoing sources of disturbance to these wetland areas include use by dogs, trampling by local residents and the creation of informal paths across the wetland by both these groups. There is to be no access into this area by dogs or residents.
- The residents within the Estate must be made aware of the significance of the area by the HOA, and the need to ensure that it is properly managed.
- Information signboards to this effect must be erected and maintained, and all traffic must be directed to demarcated boardwalks and pathways adjacent to the wetland area.
- Bulrush (*Typha capensis*) is already established in the wetter sections of the wetlands. While elimination of this species from the development is unlikely to succeed, stringent management, as described in Programme 2: Eradication of Invasive Vegetation, should prevent its further invasion. Its present extent in the wetland should be mapped, and monitored on at least an annual basis, forming an

important component of the annual audit of implementation of the OEMP. Since *T. capensis* is particularly apt to invade areas that have been physically disturbed, any activities likely to result in disturbance of the core area should be strictly controlled and carefully managed (e.g. weeding and alien removal can create loose soil, prone to *T. capensis* invasion).

- Alien and other invasive vegetation in the wetland must be identified and cleared as described in Programme 2: Eradication of Invasive Vegetation. In particular, the spread of weedy invasive plants across the buffer area (e.g. from residential gardens) should be carefully controlled.
- Stormwater generated in the development must be discharged into the pond area to the west of the site.
  - Stormwater entering the wetland should be controlled to ensure maximum spread, and minimise its impact on the core wetland.
  - Outlet structures should be stabilised, as far as necessary, to prevent erosion.
  - Areas in the transitional or buffer areas subject to receipt of stormwater should be monitored on an ongoing basis for the start of erosion nick-points, or deposition of sediment. These problems should be addressed as they occur.
  - Note that accumulation of sediment in wetlands will result in the effective infilling and destruction of these areas. Regular removal of sediment from the vicinity of stormwater outlet structures is likely to be necessary, particularly during the early stages of the operational stage of the development, before gardens are established and while houses are still being constructed. Sediment should be removed manually, taking care that removal does not result in the creation of drainage trenches or large excavations in wetland areas – sediment removal should be supervised, and should aim at creating braided outlet areas, with numerous small drainage channels. Sediment from the outlet areas should be removed immediately, and disposed of such that it will not be washed into wetland or buffer areas, or back into the stormwater system.
  - Efforts should be made to minimise the extent of disturbance associated with sediment removal, and disturbed areas should be monitored for the appearance of weeds and other undesirable plants associated with disturbed wetland areas.
- No built structures are permitted within the wetland areas, with the exception of a limited boardwalks or pathways. Boardwalks should be no wider than 60cm, and the position should be subject to the approval of a freshwater ecologist.
- Pathways along wetland areas must not be hard surfaces. They should be contoured so as to prevent erosion, and should not lead to concentration of flows into the wetland, or diversion of flows from the wetland.
- No dumping of garden refuse should be permitted anywhere in these areas.

- Only appropriate indigenous plants may be planted in this area. A list can be obtained from the landscape architect.
- The wetland and buffer areas are to be maintained free of all exotic and invasive plant species – in particular, kikuyu grass should not be permitted within these areas, or even within the erven adjacent to any public open space corridor, as described Programme 2: Eradication of Invasive Vegetation.
- No infilling or drainage of the transitional wetland or buffer areas may take place, either within the open space areas or in the buffer areas within private erven.
- It is important that the controls set in the Construction EMP (Appendix 4) are adhered to stringently should additional construction take place on the Estate.
- Litter traps have been installed at the stormwater outlets from the site. All litter traps are to be maintained and cleaned after every heavy rainfall episode and once every two weeks during winter.
- Construction activities on Schonenberg Estate (especially construction of private homes) must not lead to blockages or disruption of the Estate or municipal storm water system.
- Private landowners must direct stormwater runoff from their properties so that it enters the Estate's stormwater system without causing any damage or erosion.
- Sediment should be removed from stormwater outlets manually, taking account of the fact that periodic removal of sediment from vegetated areas will result in disturbance and the creation of temporarily unsightly patches. Efforts should be made to minimise the extent of disturbance associated with sediment removal.
- It is assumed at present that the stormwater channels themselves are unlikely to function as aquatic ecosystems, since they will channel only infrequent, short-lived flows through the development. Potential problems likely to affect the channels include erosion of topsoil, particularly following large storm events. The channels should be inspected after major storms, and areas from where topsoil has been eroded should be repaired and, where necessary, replanted.
- Kikuyu grass should be stringently removed from the stormwater corridors and areas around and within the detention ponds. In addition, erven adjacent to these areas have also been declared kikuyu-free zones and should be maintained as such.
- No dumping of garden or any other waste should take place within or near the stormwater channels, and ongoing weeding of these areas should take place, to prevent the spread of weedy and other undesirable invasive species along these corridors.
- Permanently or seasonally wetted or inundated areas of the detention ponds and stormwater channels will be prone to invasion by plants such as *T. capensis*, the invasion of which should be controlled. Note however that the proliferation of wetland plants in general in such habitats is to be encouraged, as they will provide a potential



source of nutrient absorption, and protect topsoil from erosion. Such plants should however be removed from the detention pond areas on a long-term rotational basis, to prevent senescence of plant communities, to provide opportunities for the removal of organic (and other) sediment accumulating on the base of the detention ponds, to improve or sustain habitat diversity and to remove nutrients and other contaminants, bound in detention pond plants and soils. Depending on the concentrations of nutrients in the ponds, measured in terms of the rate of plant growth, plants should be removed on a cyclical basis, of between 3 and 8 years. Plants should be removed patchily, thus avoiding the creation of large areas of unsightly, denuded habitat. Since the bulk of nutrients bound by wetland plants are often held within the soil and root structures, wetland plants should be removed with their roots and sediments, and the spoil generated should be disposed of such that it will not leech nutrients back into the system. If necessary, plant and sediment removal as described here could take place using mechanical plant, provided that underlying structures are not damaged, that access to the detention ponds does not take place across the transitional wetland, and that disturbed areas are reshaped following sediment and plant dredging.

- Depending on the level of permanent inundation in the stormwater ponds, they may be subject to occasional or permanent algal blooms. The presence of algae in permanent open water bodies should be recognised as a reality of these systems. Its extent and negative aesthetic impact can however be reduced, through judicious planting of pond margins (thus creating a disguising fringe of vegetation between the pond margins and open water areas) and by encouraging the growth of rooted aquatic plants – in particular, pondweed (*Potamogeton pectinatus*). This plant is a useful species to encourage in open water systems, as it: provides habitat to aquatic macroinvertebrates and small fish, nesting material and platforms to waterfowl such as coots, oxygenates the water column and helps reduce the prevalence of blooms of floating surface algae, by absorbing nutrients. Once established, this species is likely to need ongoing maintenance – at least annual manual clearing and disposal of large proportions of the plant biomass should take place once it is established and has spread across open water areas. Clearing should take place outside of waterfowl breeding seasons – e.g. during late summer.
- No substance of any nature (including pool backwash water and soapy water from car washing) is to be allowed to enter any stormwater drainage system or water resource.
- No French drains or foul water soak-aways are permitted anywhere within the Estate.
- Run off from roofs must be piped down gutters onto lawns or porous surfaces
- No stream, channels or wetlands may be dammed, diverted or interfered with in any manner by any person.

- Care is to be taken that any herbicide application does not contaminate the stream course, and only appropriate, approved herbicides are to be used on the estate, by duly trained personnel .
- All watercourses and wetlands are to be monitored on a two weekly basis for litter.
- All watercourses and wetlands are to be monitored for erosion on a three monthly basis and after heavy rainfall episodes.
- All water courses and wetlands are to be monitored for invasion by kikuyu and other invasives on a monthly basis.
- Reinstatement of scoured portions of the wetland, after floods is required, particularly to avoid these areas becoming a preferential path for normal stormwater flows, leading to ongoing erosion. This must be done under the supervision of a freshwater ecologist or a suitably qualified landscaper.
- Rehabilitation plan, including erosion protection and replanting, in the event of damage by large floods must be drawn up by a freshwater ecologist or a suitably qualified landscaper.
- Botanical input must be required for the planting plan for seasonal seep, to ensure natural communities are reinstated as part of the wetland upgrading, as part of the landscaping contract.

## **2 Programme: Eradication of Invasive Vegetation:**

### **2.1. Background and Objective:**

Certain species such as kikuyu grass and bulrushes (*Typha capensis*) reduce wetland habitat and plant diversity, by overgrowing and outcompeting other wetland plants, resulting in monospecific habitats. The aim of this programme is therefore to remove as much of the alien and other invasive vegetation on site as possible and to ensure that the spread of that which cannot be removed, is controlled. This will protect the integrity of the natural systems on site and promote the preservation of biodiversity.

### **2.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that all alien and other undesirable invasive vegetation is cleared as far as possible from all natural systems on the Estate. Labour must be made available to carryout the identified tasks, as per the appropriate timing schedules. It is the responsibility of individual homeowners to ensure that such vegetation is removed from private properties and that non-invasive and preferably indigenous plants are planted in gardens. Particular problem species

associated with residential gardens include kikuyu grass, nasturtiums, *Commelina africana* (wandering Jew), morning glory (*Ipomoea* spp.), cannas, wild ginger, pampas grass. Residents whose gardens border on wetland areas should consult the list of approved species for these areas.

## 2.3. Actions:

### 2.3.1. General

- Workers must be familiarised with the appearance of alien and invasive plants, including weeds and garden exotics (e.g. morning glory, nasturtiums) versus desirable plants. This must form part of routine training by the EO for all workers engaged in this activity.
- It is the responsibility of the contractor to ensure that he or she is fully informed of the extent of all alien vegetation to be cleared.
- Removal of weedy or invasive plant material from ponds and canals is to be done by hand as far as possible, when plants are still small.
- Seedlings must be removed before they reach seed bearing age.
- Monitoring for and removal of such weeds must take place monthly, as once alien or weedy seedlings are established, their control will be more difficult (e.g. if they have set seed, produced runners or extended their root systems). Similarly, if left to multiply and grow, their effect on wetland and other plant communities will also be more pronounced (e.g. a dense weed cover will inhibit growth of desirable species). Removal at an early stage will therefore reduce disturbance to natural areas, and minimise the impact of these plants on desirable indigenous species.
- Seedlings and all woody material must be pulled or cut by hand. This will be labour intensive. However under no circumstances should any further heavy machinery be allowed into the area. The initial disturbance of these areas by machinery was the primary cause of the dense infestation of aliens now present in the area.
- All agricultural weeds and new alien vegetation i.e. Port Jackson and Rooikrans and/ or any other alien vegetation indicated by the Landscape Architect, must be removed using an appropriate methodology as per standard horticultural practice, from all planting areas on a monthly basis, during June, July and August and fortnightly from September to May.
- When herbicide is used, all precautionary measures as specified by the manufacturers of herbicides used MUST be complied with.
- The contractor must provide proper herbicide applicators. All workers are to wear suitable protective clothing and equipment as specified by manufacturers of mechanical equipment.

- All herbicide containers are to be kept on a suitable ground sheet and away from direct sunlight.
- The mixing of herbicide is to take place on the same day that it will be applied. Only an amount sufficient for use that day should be mixed, as the active ingredients in the herbicide deteriorate quite rapidly. No herbicide mixture mixed on a previous day should be used for application to alien vegetation, as it will not be effective.
- Herbicide is to be applied to stumps immediately after cutting / felling.
- Herbicide must be applied directly to the affected plant, and not to the surrounding area.
- All herbicide mixture used must contain appropriate dye for identification of finished areas. Refill sites are to be carefully chosen to ensure no damage to vegetation.
- All cleared plant material should be removed from the wetlands, and disposed of at an approved waste disposal site.
- Any wood removed should preferably be chipped on site and distributed over the bare areas as a mulch to prevent erosion, or removed from site to an approved waste disposal site.
- Felled material shall not be allowed to block or impede watercourses.

### **2.3.2. Specific method: Port Jackson (*Acacia saligna*), Rooikrans (*Acacia cyclops*)**

- Hand-pull all small seedlings where ground is suitably soft and roots can be removed intact.
- Cut all alien vegetation off at ground level (no exceptions) with a clean cut, dust and treat stump with Timbrel @ 3% solution immediately.
- All alien vegetation must be felled, treated, cut and removed from site. The Contractor may chip material before removing it from the site.

### **2.3.3. Specific method: Kikuyu grass (*Pennisetum clandestinum*)**

- The removal and subsequent control of any Kikuyu grass on the Estate should be a priority in the early operational phases of the development.
- Discrete patches of kikuyu should be sprayed, taking care to avoid other members of the wetland community. A 1-2% glyphosate solution (Roundup or Ridder) is recommended at present. Cognisance should however be taken of future changes in technology with regard to environmentally acceptable sprays.
- Where kikuyu is growing together with buffalo grass (*Stenotaphrum secundatum*) or kweek grass (*Cynodon dactylon*) the kikuyu should be hand-pulled and/or the leaf-blades wiped with a 1-2% glyphosate solution (Roundup or Ridder).

- Staff members should be vigilant in their control of kikuyu grass in the transitional wetland, the core wetland and its buffer area, and in their observation of its presence in private erven adjacent to the public open space corridors. Kikuyu grass has been expressly barred from these areas. The HOA should actively support enforcement of this restriction.
- Weeding of kikuyu must occur monthly.

#### **2.3.4. Specific method: Bulrush (*Typha capensis*)**

- Ongoing removal of all bulrushes where they appear must be undertaken. Removal should be by digging, taking care to remove the whole rhizome attached to each plant. This is only practical if weeding is carried out frequently enough to prevent massive establishment of bulrushes.
- Manual cutting of bulrush plants in the wetland will prevent the unsightly accumulation of dead bulrush, stimulate aesthetically pleasing new growth and, since bulrushes appear to set seed only in the first or even second year following cutting, prevent the spread of seed. Note that this labour-intensive measure is only practicable if the extent of the bulrush patch is limited.
- The present extent of the bulrush patch in the core area should be pegged and noted, and no further expansion should be allowed. During removal of bulrush from the core area, care should be taken to minimise disturbance to the area, including trampling of surrounding plants and braided channels.

#### **2.3.5. Removal of dead / fallen trees and branches**

- The contractor shall remove all dead and fallen or dumped trees and branches from the entire site.
- Material smaller than 75mm in diameter may be either chipped and removed or removed off site. This includes stumps and branches currently dumped in the stream.
- Stumps of fallen or dead trees shall also be cut to ground level and all material shall be removed from site.

## **3 Programme: Erosion:**

### **3.1. Background and Objective:**

The site has been highly disturbed during the construction phase and when exposed to high winter rainfall, this can result in erosion damage, especially where vegetation has been cleared on a large scale. This can lead to siltation of water resources on site.

Although most of the storm water that is generated on the site will be adequately catered for in the formal stormwater system and the established drainage lines, there will be certain areas that may be vulnerable to erosion (particularly during construction of the first private dwellings).

It is essential that erosion control be prioritised on all new development of homes on private erven.

### **3.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that all areas cleared of vegetation are adequately stabilised to prevent erosion. Monitoring for erosion throughout the Estate is vital to ensure that remediation actions are initiated timeously. Labour must be made available to carryout the identified task. It is the responsibility of individual homeowners to ensure that such actions are performed on private properties.

### **3.3. Actions:**

- The Contractor shall under no circumstances damage vegetation or soil around trees/shrubs, unless this has been identified for removal during the construction phase.
- The contractor shall not make any cuts, roads or tracks unless these are pegged out by the contractor and approved by the EO in writing prior to any tracks being made.
- Monitoring of all areas on site for erosion must be undertaken monthly and after heavy rainfall episodes.
- Immediate steps must be made to rehabilitate any areas showing signs of erosion, as per the instructions of the EO, and the landscape architect, if applicable. If necessary, relevant specialists should be consulted with regard to appropriate emergency or other stabilisation measures that need to be introduced, where these may be at variance with the ecological integrity of the affected system.
- Straw can be used to stabilise large tracts of exposed sand temporarily, subject to the approval of the EO.

## **4 Programme: Fire Management:**

### **4.1. *Background and Objective:***

The aim of this programme is to ensure that fire occurring in the neighbouring areas does not represent an undue threat to the Estate and that activities on site do not pose an increased fire risk to the natural areas.

### **4.2. *Responsibility:***

It is the responsibility of the Schonenberg Estate HOA to ensure that all alien invasive vegetation is cleared as far as possible from all natural systems on the Estate to decrease the fuel load on site to acceptable levels and to develop contingency plans for fire fighting in case of fire on site. Labour must be made available to carry out the identified task, as per the appropriate timing schedules. It is the responsibility of individual homeowners to ensure that such alien invasive vegetation is removed from private properties and responsible behaviour with regard to fires is adopted.

### **4.3. *Actions:***

- The entire site must be kept free of alien invasive vegetation to reduce the fuel load and thus reduce the fire risk on site.
- No fires, with the exception of controlled and supervised braai fires in designated areas on private properties shall be lit on the Estate.
- All fires starting on the boundary of the Schonenberg Estate will be regarded as a potential hazard and contingency plans for dealing with this must be adhered to.
- The procedure to be followed in case of a fire must be set with the relevant sections of the Local Authority. This information must be easily accessible to all homeowners on the Estate.
- Access must be allowed into the site for emergency vehicles in the case of a fire on the Estate or on its boundaries. Fire trucks must stay on the existing roads in the development and may in no circumstances drive through the wetland area.
- Standard fire fighting equipment must be kept at a central point on the Estate for immediate use in case of a fire on the Estate, with clear and reasonable access to this equipment for responsible residents of the Estate. This must be controlled by the EO.

## **5 Programme: Fauna**

### **5.1. Background and Objective:**

Wetland habitats support the limited fauna that are found on the Estate. The avifaunal study found that none of the species warranted any special conservation concern. Certain species of bird that were noted on site seem to use the water bodies on a temporary basis. The wetland habitats on site support a viable population of common frog species and could continue to do so with careful incorporation into an open space system, provided that a peripheral vegetation bank and an uncontaminated water body are maintained. This particular site may not however have a viable long-term future because dispersal and gene-flow opportunities between sites are rather limited.

The aim of this programme is to ensure that the animals found on site are not harmed and all habitats on site are maintained in good ecological condition to ensure that it can support fauna. It is vital that ecological corridors are maintained to ensure that fauna can move throughout the habitats on site, as appropriate.

### **5.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that all alien invasive vegetation is cleared as far as possible from all natural systems on the Estate. Labour must be made available to carryout the identified task, as per the appropriate timing schedules. It is the responsibility of individual homeowners to ensure that such vegetation is removed from private properties and that non-invasive plants are planted in gardens and that animals found on site are not harmed.

### **5.3. Actions:**

- Clearing programmes for removal of alien invasive vegetation must be implemented (Programme 2: Programme Eradication of Alien Invasive Vegetation).
- No wild animals may be interfered with in any way by any resident, visitor to the Estate or domestic animal. This includes the feeding of wild animals.
- Should any wild animal start to become a problem to residents, the EO must obtain expert advice in this regard immediately, to contain the problem. Such actions must be recorded and appended to this OEMP, for use in the future, if required.



- It should be recognised by all homeowners that the estate includes an extent of wetland, as well as detention ponds that have been designed so as to retain some water in the wet periods of the year. These kinds of area provide natural habitat to a range of aquatic and wetland-associated animals, some of which are perceived as undesirable by local human communities. These include mosquitoes, “midgies” (chironomids), frogs and various other kinds of wetland animals, which may bite, suck, sting, be attracted to night lights, forming unsightly or irritating swarms, or produce noises. The control or elimination of such species should not be attempted, and indeed their presence in wetland habitats should be seen as evidence that thriving ecosystems have been established or conserved.
- Dogs must be kept on a leash in all open areas. The person in control of the dog must ensure that no dog enters the wetland area, other dogs are not interfered with; that joggers and walkers are not harassed; that dogs do not cause traffic incidents; and that dogs are not the cause of uncleared fouling of the sidewalks, or any open areas
- No rubbish may be left out to attract scavengers into the Estate.

## **6 Programme: Monitoring**

### **6.1. Background and Objective:**

It is vital that certain aspects of the environment are monitored on a regular basis to ensure that the conditions are not deteriorating and that management activities are achieving their goal. Furthermore, monitoring can also provide information on problems that may arise over time. Recording of these conditions on a regular basis will provide base line data over time, against which the effectiveness of management activities can be assessed.

### **6.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that the activities listed below are monitored on a regular basis and that the results are recorded for future reference by the EO. Labour must be made available to carry out the identified tasks, as per the appropriate timing schedules.

### 6.3. Actions

- Monitoring of the following must take place and remediate undertaken where required as detailed in the relevant sections of this document.
  - i. Sedimentation: Programme Water Resources (Programme 1)
  - ii. Alien vegetation: Programme Eradication of Alien Invasive Vegetation. (Programme 2)
  - iii. Erosion: Programme Erosion (Programme 3)
  - iv. Litter: Programme Waste Management (Programme 7)
- All wetlands, stormwater channels and open spaces must be monitored for litter on a weekly basis. These areas must be monitored on a monthly basis, and after heavy rainfall episodes for erosion.
- There must be monitoring of areas where there has been removal of invasive vegetation on a monthly basis for
  - i. Seedling regeneration of alien species
  - ii. Resprouting of mature alien plant species
  - iii. Erosion
- The stormwater channel, and areas where stormwater is discharged have been suitably landscaped to prevent erosion, as part of the development phase. Should erosion occur, immediate steps must be taken to remediate the problem and prevent further erosion. This must be done in consultation with a suitably qualified specialist in this field.
- Natural systems must be monitored on a monthly basis to ensure that there has been no invasion of alien invasive species into systems that are in good biological condition.
- The success of maintaining the wetland as a “no-go” area must be monitored on a regular basis. If there is disregard for the status of the area, the option of separating the core wetland from the residential areas by means of broad-spaced, low palisade fencing (no cement support poles) must be considered by the HOA, under the direction of a freshwater ecologist. Erection of the fence must be subject to the Construction EMP, with regard to construction in a sensitive area.
- The condition of pathways through the system must be inspected twice a year and maintenance and repair done as required.

## **7 Programme: Waste Management**

### **7.1. Background and Objective:**

The Department of Environmental Affairs and Development Planning has instituted a policy of waste reduction, reuse and recycling, with which is supported by the City of Cape Town. The authorisations for this development require that a Waste Management Programme be implemented to minimise waste and actively prevent waste from impacting on other owners, the environment and adjacent landowners. This programme aims to uphold this policy.

Waste will be largely limited to household and garden waste and litter. Any complaints or queries regarding refuse removal or waste disposal are to be referred to the HOA, who is to ensure that the issue is dealt with promptly.

### **7.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that waste on the Estate is dealt with in accordance with the OEMP and to ensure compliance with the programme by the private owners. Labour must be made available to carry out the identified task, as per the appropriate timing schedules. It is the responsibility of individual homeowners to ensure that waste on private properties is dealt with as prescribed in this OEMP.

### **7.3. Actions**

#### **7.3.1. Recycling**

- All households must be encouraged to apply best practise in terms of waste management, to reduce waste produced, re-use resources wherever possible and to recycle appropriately.
- Opportunities may be provided on site to facilitate the collection of relevant waste products such as paper, glass and tin at central points, for collection by relevant organisations.

#### **7.3.2. Indoors**

- Residents must be encouraged to sort waste to allow for recycling.
- All indoor waste not suitable for recycling is to be placed in outdoor bins for collection by the local authority as part of their regular collection system. Bins must have lids to prevent scavengers and distribution of refuse by wind.

- Bins must be kept within the grounds of individual homeowners until collection time.
- Bins must then be placed in the area designated by the HOA for collection of waste.

### 7.3.3. Outdoors

- There is to be no burying or burning of waste on site.
- No wastes of whatever nature are permitted to be placed or dumped on any Estate road or verge or in any Private Open Space area. All garden waste is to be removed to an approved waste disposal site in the greater area. This is the responsibility of the individual homeowner.
- No garden clippings or any other waste material should be dumped in the open space corridors, including the wetlands, their buffer areas, detention ponds, stormwater channels and stormwater outlets.
- Garden waste from the Estate must be removed to an approved waste disposal site, as part of the landscaping contract.
- Monitoring for litter throughout the Estate is to take place on a weekly basis, and litter is to be collected and disposed of in a central collection point, for removal off site to an approved waste disposal site.
- The fouling of any Estate road with any substance by any person is prohibited.
- No paints or any other chemicals shall be disposed of anywhere except at a licensed landfill site.
- No cement, concrete, mortar, plaster, etc shall be mixed on the ground or on any road surface under any circumstances.
- No waste from cement, concrete, mortar, plaster or wastewater from washing of such equipment are to be disposed of anywhere on the Estate.
- Abluting anywhere on the Estate except in a toilet is forbidden.
- No pet excrement shall be left in any Private Open Space or on any Estate road or verge.

## 8 Programme: Aesthetics and Landscaping Programme

### 8.1. Background and Objective:

Schonenberg Estate has developed Architectural and Landscaping guidelines *{to be inserted once complete}* (Appendix 4 and 5) to ensure that the Estate has a distinctive character that is in keeping with and adds to the greater area. This programme aims to ensure that these guidelines are implemented.

## 8.2. Responsibility:

It is the responsibility of the Estate HOA to ensure that the landscaping of the open space areas on the Estate is implemented as per the Landscaping Plan and maintained thereafter, and that the aesthetic appeal of the development is maintained. Labour must be made available to carry out the identified task, as per the appropriate timing schedules. It is the responsibility of individual homeowners to ensure that they develop in accordance with the design guidelines for the Estate and to ensure that private properties are appropriately landscaped and responsibly maintained. Use of local indigenous plants is encouraged.

## 8.3. Actions:

- All buildings and out-buildings, structures of any nature, swimming pools and all additions or alterations that have been erected or are to be erected on the erven must comply with the architectural and landscape design guidelines (Appendix 4 & 5). This includes the design and colour of the exterior of buildings, outbuildings or structures, and the materials to be used on such exteriors, to ensure an attractive and aesthetically pleasing character to all buildings on the Estate, as well as the installation of air conditioning units and television aerials.
- All buildings, out buildings, structures, improvements of any nature and landscaping of individual erven must be maintained in accordance with the architectural and landscape design guidelines. The general condition of each erf must be neat and tidy, and in a state of good repair.
- Any deviations from the guidelines in terms of construction and maintenance must be dealt with appropriately by the HOA, in terms of the HOA constitution.
- Lighting of the Estate is to be monitored to ensure that no lighting from the Estate causes light pollution in the greater area. Should this be the case, the situation is to be remedied immediately.
- All verges along erven are to be landscaped by home owners and are to be automatically irrigated and maintained by the home owner in an acceptable state and to the same standard as the rest of the estate.
- All sidewalk planting shall be chosen from the prescribed list in the landscape guideline document in Appendix 4.
- The use of kikuyu grass on site should be discouraged from all areas, but specifically excluded from the wetlands and their buffer areas, stormwater detention ponds and their surrounds and the stormwater corridors, as well as from all erven adjacent to these areas.

- Should a homeowner fail to landscape or maintain his sidewalk, it shall be the HOA's responsibility to ensure that this is rectified.
- A maintenance period of 12 months will be included as part of the tender period and shall commence when the Landscape Architect has accepted all work included as part of the construction phase, including any additional work. Thereafter all maintenance will be handed over thereafter to the HOA. Maintenance schedules for the HOA to follow will be set by the Landscape Architect and/or the Contractor for the HOA, and appended to this document. These will include Irrigation; Lawn Areas: Mowing, Fertilizing, Weeding, Aeration, Top Dressing; Weeding – General; Replacing Dead Plants.
- Maintenance shall be done with minimal noise and disturbance to residents and personnel.

## **9 Programme: Maintenance of Infrastructure**

### **9.1. Background and objective**

The objective of this programme is to ensure that the infrastructure on the Estate is maintained to a satisfactory standard

### **9.2. Responsibility:**

It is the responsibility of the Schonenberg Estate HOA to ensure that all infrastructure on the Estate, that is not part of private property is maintained. Labour must be made available to carryout the identified task, as per the appropriate timing schedules. It is the responsibility of individual homeowners to ensure that infrastructure on private property is maintained.

### **9.3. Actions:**

#### **9.3.1 Fencing**

- The entire development is fenced. The fencing must be checked for damage on a regular basis and repaired where necessary. The fence must be painted on a regular basis (as determined by the paint specifications) to ensure that it remains aesthetically appealing.
- There is to be no fencing allowed around the wetland areas, while palisade fencing has been placed along the channel area, except where the stonewall has been erected. The fencing must be checked for damage on a regular basis and

repaired where necessary. The fence must be painted on a regular basis (as determined by the paint specifications) to ensure that it remains aesthetically appealing.

### **9.3.2 Access and Roads**

- Maintenance of the roads and parking areas is to be undertaken by the HOA.
- This will include clearing of gutters, monitoring road surfaces for signs of damage and fading of paint on road surfaces.
- Roads signage must also be monitored for clarity and effectiveness.
- Repairs must be undertaken as necessary.
- The access gates are to be manned, as per the conditions of the HOA constitution, to ensure that security of those inhabiting the Estate is achieved within reasonable limits.

### **9.3.3 Pathways**

- A network of pathways may be established through the open space system, to allow for controlled usage of the nature area.
- The establishment of pathways must be set as a project, and a suitably qualified specialist must be appointed to oversee the planning and construction of the pathway system.
- Paths around the wetlands areas must be suitably maintained.
- No paths may be located within the wetland area.
- Paths should be designed such that they do not disrupt (divert or concentrate) existing flows into, through or out of any wetland areas

## **APPENDIX 1**

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### **RECORD OF DECISION**



2002/14

Verwysing  
Reference  
Isalathiso

E 12/2/1-105 FARM 794/46



Navrae  
Enquiries  
Imibuzo

SN JHUPSEE

Datum  
Date  
Umhla

Of Issue

*Departement van Omgewingsake en Ontwikkelingsbeplanning*  
*Department of Environmental Affairs and Development Planning*  
*Ishebe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso*

1 December 2003

The Managing Director  
Heartland Properties (Pty) Ltd  
Private Bag X 101  
Somerset West  
7129

Attention: Mr Deon van Zyl

Tel: (021) 852-1154  
Fax: (021) 852-1178

Dear Sir

**APPLICATION:** THE PROPOSED CHANGE IN LAND USE ON PORTION 46 ON THE FARM NO 794, STELLENBOSCH, FOR THE DEVELOPMENT OF A HOUSING COMPLEX WHICH INCLUDES COMMERCIAL, RETAIL AND PUBLIC FACILITIES.

With reference to your application, find below the Record of Decision in respect of this application.

**RECORD OF DECISION****A. DESCRIPTION OF ACTIVITY:**

The proposed activity is for the change of land use from agriculture to sub divisional area for the development of

- 750 residential residential units
- 10 000m<sup>2</sup> commercial-retail
- 10 000m<sup>2</sup> mixed use (retail and residential combined, including a private school);
- 11 ha (16.02% of developable area) Roads and circulation
- 4.0 ha (5.62 % of developable area) Conservation Areas
- 8.4 ha (11.81 of developable area) Public Open Space, detention and public facilities and the temporary above ground construction fuel tanks

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

*Department of Environmental Affairs & Development Planning  
Chief Directorate: Environmental Affairs*

Item 2 (c) the change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use

Item 1 (c) (ii) the construction, erection or upgrading of -with regard to any substance which is dangerous or hazardous and is controlled by legislation- manufacturing, storage, handling, treatment or processing facilities for any substance.

hereinafter referred to as "the activity"

**B. LOCATION:**

The proposed site for the development is Portion 46 of Farm No 794, Stellenbosch.

**C. APPLICANT:**

Heartland Properties (Pty) (Ltd)  
C/o Deon van Zyl  
Private Bag X 101  
Somerset West  
7129  
Tel: (021) 852 1154  
Fax: (021) 852 1178

**D. CONSULTANT:**

Doug Jeffery Environmental Consultants  
C/o Doug Jeffery  
PO Box  
Klapmuts  
7652  
Tel: (021) 875 5272  
Fax: (021) 875 5272

**E. SITE VISIT(S):**

No site visits were conducted.

**F. DECISION:**

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No. R1183 of 5 September 1997, as amended), hereby grants authorisation with the conditions contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of construction activities.
  - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
  - 2.2 The said notice must also include proof of compliance with the following conditions described herein:  
Conditions: 1, 10, 13
3. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of operation activities.
  - 3.1 Such notice shall make clear reference to the site location details and reference number given above
  - 3.2 The said notice must also include proof of compliance with the following conditions described herein:  
Conditions: 9
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
5. The mitigation/rehabilitation measures and recommendations as detailed in the Scoping Report dated December 2002 and letter dated 12 September 2003 compiled by Doug Jeffery of Doug Jeffery Environmental Consultants (Pty) (Ltd) must be adopted and implemented.
6. Sufficient open space must be provided in the development.
7. The applicant must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the construction phase EMP.
8. The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("EMP"), for the installation of the services, roads, and residential units to this Directorate. The EMP must:
  - 8.1. Be submitted to this Directorate at least three weeks prior to construction activities commencing. This must be approved prior to any land clearing and construction commencing.

- 8.2. Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
  - 8.3. Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent *where applicable*;
  - 8.4. Determine the frequency of site visits;
  - 8.5. Be included in all contract documentation for the construction phase of the development.
9. The applicant must compile and submit an acceptable operational phase Environmental Management Plan ("EMP") for the entire property. This must be approved by this Directorate before any of the units may be occupied.

The EMP must:

- 9.1. Address the protection of the wetland, the potential for wind erosion, the complete removal of all alien invasive plants and fire prevention and control.
  - 9.2. Incorporate the conditions of authorisation given in this Record of Decision, as appropriate to the operational phase of the project. The Home Owners' Association must implement and ensure compliance with this EMP.
10. The applicant must, within five calendar days of the date of issue of this Record of Decision:

- Inform the relevant local authority as well as all interested and affected parties ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
- Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
  - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
  - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them, which are certified as true by a commissioner of oaths.
- Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email [lvdberg@pawc.wcape.gov.za](mailto:lvdberg@pawc.wcape.gov.za) or URL <http://www.westerncape.gov.za/eado> must accompany the appeal.

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Chief Directorate: Environmental Affairs*

- If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
11. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.
  12. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:
 

The Director: Environmental Impact Management  
Department of Environmental Affairs and Tourism  
Private Bag X447, Pretoria, 0001.
  13. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
  14. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
  15. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

**H. RECOMMENDATIONS:**

None

**I. KEY FACTORS AFFECTING THE DECISION:**

Sufficient information was submitted by the applicant for the relevant authority to deem the Scoping Checklist to fulfil the requirements of a scoping report as prescribed by Regulation 6 of GN No. R1183 of 5 September 1997, (as amended), in order to consider the application.

**BIOPHYSICAL:**

The proposed development site is bordered on three sides by the N2 highway, the R 44 and the Somerset West Main Road. A small wetland is located in the north-eastern corner of the site. A small perennial river also runs through the site. The specialist studies conducted included, a traffic impact assessment, a detailed freshwater assessment, a visual assessment and a wetland assessment. A number of issues of concern were raised through the Scoping process by the interested and affected parties (I&AP's), the project team and specialists. Mitigation measures

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were incorporated into the proposal in order to reduce potential environmental impacts.

### **POLICY: REGIONAL/PLANNING CONTEXT**

The proposed development is in line with the Hottentots-Holland Guide Plan, which recommends, after being amended in February 1999, urban development on the site. According to the Helderberg Structure Plan the site is not regarded as being highly productive agricultural land and can therefore be released for urban development. The Somerset West Structure Plan does not include the site, but it does include the area opposite the northern boundary of the site, on the Somerset Main Road. According to this structure plan, the areas to the north and east of the site are shown as mainly proposed residential. This means that the proposed use of the site would be in character with the adjoining area. According to the Helderberg Urban Edge Study, Farm 794 (Portion 46) falls inside the area earmarked for urban development.

### **SERVICES:**

Services have been addressed in this report and it is concluded that all bulk services have sufficient capacity to accommodate the proposed development. According to the environmental consultant from freshwater, visual, heritage, services and traffic perspective it is not expected that, subject to the recommended mitigation measures being implemented the proposed development of the AECI Housing Complex will have significant environmental impact.

### **ALTERNATIVES:**

With respect to the proposed development of Portion 46, Farm 794, an initial layout proposal (alternative 1) was developed, based on a preliminary site assessment. Through an iterative process with input by the specialists, consultants, Community Awareness and Emergency Response (CAER) Committee and public open day held, the final proposed layout (Alternative 2) was defined.

With respect to the no development alternative (status quo) it was felt that since there were no highly significant negative impacts identified by the specialist, subject to the proposed development alternative 1 being modified to alternative 2, the no development alternatives could be excluded from further assessment. The areas identified by the Freshwater Consulting Group (aquatic habitats 2.3 and 5) would be impacted by the development of Alternative 1 as no mitigation measures were considered. The design of the site (alternative 2) effectively mitigates most of the potential impacts associated with development of the site, given the moderate conservation status of the wetlands and the tolerance of their fauna accepting the rather low potential of the site, even without development, to support more sensitive species.

### **PUBLIC PARTICIPATION:**

The proposed project was advertised in the Tygerburger District Mail, HelderPos and Cape Times. The following interested and affected parties were identified as

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members of CAER Committee, immediate neighbours and identified non-governmental organisations in the area.

The following relevant government authorities were consulted: Department of Agriculture, Helderberg Municipality, Western Cape Nature Conservation Board, Department of Transport and Public Works, Department of Water Affairs and Forestry, the Department of Environmental Affairs and Development Planning: Directorate: Regional Planning.

A number of issues of concern were raised through the Scoping Process by the project team, specialists and interested and affected parties. Specialist studies including a Traffic Impact Study, a Visual Impact Assessment, a Wetland Assessment and a Heritage Assessment were four of these issues. Other issues raised were dealt with by members of the project team. The consultant adequately responded to the complaints received.

#### **FRESHWATER ASSESSMENT**

The following aquatic habitats are within the proposed development site:

- Area 1: Dam and drainage channel at the western end of the site
- Area 2: Seep
- Area 3: Seasonal pans
- Area 4: Artificial pond with Typha and grassy seep
- Area 5: Typha and Pennisetum marsh
- Area 6: Eroded drains

Based on the wetland type, plant communities, bird utilisation and frog habitat, the seasonal seep and pans (aquatic habitats 2, 3 and 5 from above) are regarded as being of moderate conservation importance. The other areas (Area 1, 4 and 6) have low importance in terms of habitat provision or wetland function. The design of the site (alternative 2) effectively mitigates most of the potential impacts associated with the development of the site, given the moderate conservation status of the wetland and the tolerance of their fauna.

Sound ecological management of the wetland habitats within the site will involve the implementation of identified mitigation measures regarding nutrient enrichment, invasion of aliens and construction impacts, as well as the provision and implementation if necessary of a rehabilitation plan in the event of damage following a large flood.

#### **HERITAGE IMPACT ASSESSMENT:**

Documentary research identified and indicated that the wetland areas in the northeastern and southern edges of the site, as well as the water channel running across the site have historical significance. However, Aikman Associates concluded that the proposal poses no threat to the areas identified as of cultural/historical significance as they have been sufficiently incorporated into the design layout of the proposed development and their inclusion within the proposal as a design and amenity feature ensures their conservation (Alternative 2). As a result they are conserved as a cultural/environmental asset.

### **VISUAL IMPACT ASSESSMENT:**

It was concluded that the proposed development would have an impact of high significance in terms of the change in land use, from agricultural to a suburban estate comprising of mixed land uses. However, in terms of planned amelioration measures (alternative 2), the accumulative development impact of the proposed site will be of moderate significance, once developed in its entirety.

A high degree of confidence was affirmed in that the proposed integrated storm water and recreational systems in combination with the landscape street tree plantings and preserved seasonal seep and *Pennisetum* marsh will enhance the development and contribute positively to its visual character within the broader context.

### **TRAFFIC:**

The traffic impact of the proposed development was assessed and the site access proposals were evaluated in terms of minimum spacing requirements, geometric layout and road safety. The traffic assessment was prepared by Hawkins Hawkins & Osborn concluded that the proposed development can be accommodated, provided that the recommended improvements to the road network in the vicinity of the site be met.

The applicant has shown how Portion 46 on Farm 784, Stellenbosch can be developed with mixed use (Retail and Residential combined, including a private school) while at the same time protecting the natural environment.

### **J. DURATION AND DATE OF EXPIRY:**

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

### **K. APPEAL:**

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals must be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

The Minister of Agricultural, Environmental Affairs and  
Development Planning  
Western Cape Province  
Private Bag X 9179  
Cape Town  
8000  
Fax: (021) 483-3890

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.



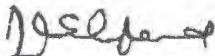
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email [lvdberg@pawc.wcape.gov.za](mailto:lvdberg@pawc.wcape.gov.za) or URL <http://westerncape.gov.za/eadc> must accompany the appeal.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



DIPOLELO ELFORD  
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE OF DECISION: 28/11/03

Copies to (1) Doug Jeffery (Doug Jeffery Environmental Consultants);  
(2) Gerard Visser (City of Cape Town, Heisterberg Administration)

Fax: (021) 875 8372  
Fax: (021) 850 4354

## **APPENDIX 2**

### **HOMEOWNERS CONSTITUTION FOR THE SCHONENBERG ESTATE**

THE

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SCHONENBERG

MASTER

HOME OWNERS' ASSOCIATION

CONSTITUTION

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**ANNEXURES TO THE CONSTITUTION:**

- "D" Architectural Design Guidelines  
"E" Code of Conduct: Builders

## 1. NAME AND CONSTITUTION

- 1.1 The name of the Association is "The Schonenberg Master Home Owners' Association".
- 1.2 The Association will be constituted in terms of Section 29 of the Land Use Planning Ordinance, No. 15 of 1985, as amended, in accordance with the conditions imposed by the City of Cape Town when approving same in terms of Section 25(1) and 42 of the said Ordinance of the Land.
- 1.3 The Developer intends sub-dividing the Land into various group housing sites ("Group Sites") and single residential sites.
- 1.4 Each Group Site may be subject to its own Home Owners' Association, however, the individual owners of each erven comprising the various Group Sites shall also be and become a Member of the Association.

## 2. DEFINITIONS

- 2.1 The headnotes to the paragraphs in this Constitution are inserted for reference purposes only and shall not affect the interpretation of any of the provisions to which they relate.
- 2.2 Words importing the singular shall include the plural and *vice versa*.
- 2.3 Words importing the masculine gender shall include the feminine and neuter genders and *vice versa*, while words importing persons shall include partnerships, trusts and bodies corporate and *vice versa*.
- 2.4 Unless the context clearly indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them:
  - 2.4.1 "the Act" means the Companies Act, 1973 (Act 61 of 1973), as amended;
  - 2.4.2 "the Association" means The Schonenberg Master Home Owners' Association;
  - 2.4.3 "Architectural Design Guidelines" means the architectural design guidelines attached marked "D";
  - 2.4.4 "the Auditors" means the firm of Auditors to be, initially, appointed by the Developer and as may be thereafter appointed by the Association from time to time;
  - 2.4.5 "the Common Property" means the Land, excluding all residential Erven, including Group Sites, and any commercial enterprise on the Estate;
  - 2.4.6 "the Constitution" means the Constitution of the Association as contained in this document;
  - 2.4.7 "the Contribution" means the monetary contribution payable by a Member, as stipulated by the Association, which may be amended from time to time, payable on a monthly basis to meet the object and purpose of the Association as provided for in 3 hereunder;
  - 2.4.8 "the Design Review Committee" means the Design Review Committee initially appointed by the Developer and thereafter the Association from time to time;
  - 2.4.9 "the Developer" means the Joint Venture comprising Kaikoura Capital (Pty) Ltd, Registration No. 2002/029619/07 and Canon Projects and Development CC Registration No. 1999/048875/23;

- 2.4.10 "the Development" or "the Estate" means the Land, together with all Improvements and services thereon;
- 2.4.11 "Erf" and "Erven" means a portion or portions of the Land privately owned by a Member within the Estate, which shall have been allocated a cadastral number by the Surveyor General (upon the approval of the General Plan), which shall include the single residential sites and the subdivided sites within a Group Site;
- 2.4.12 "the General Plan" means the General Plan relating to the Land as approved by the Surveyor General;
- 2.4.13 "the Improvement" means any Improvement on an Erf within the Development;
- 2.4.14 "the Land" means the unregistered subdivision of Portion 46 of the Farm 794 Stellenbosch upon which the Development is to be developed by the Developer;
- 2.4.15 "Member" means a Member of the Association being a person or corporate entity registered as the lawful owner of an Erf;
- 2.4.16 "Occupant" or "Occupier" means any person lawfully occupying an Erf by virtue of an agreement concluded with a Member; and
- 2.4.17 "the Trustee Committee" and "the Trustees" means the Trustee Committee appointed by the Association from time who are responsible for the management and the affairs of the Association.

## 3. OBJECT AND PURPOSE

- 3.1 The main object and purpose of the Association is to promote, advance and protect the common interests of its Members with respect to their ownership, use and enjoyment of Erven and the Common Property comprising the Estate.
- 3.2 The Association is to provide for:
  - 3.2.1 the promotion and enforcement of standards in keeping with the character of the Estate, more particularly as regards the external appearance of all buildings and structures to be erected on the Erven with the specific purpose that the Members derive the maximum collective benefit;
  - 3.2.2 the control over and protection of areas regarded as common to all Members and all the facilities thereon and related aspects;
  - 3.2.3 the maintenance of the Common Property and the services and amenities thereon, all external verges on Common Property, all landscaping, perimeter walling, entrance gates, refuse and storage areas;
  - 3.2.4 the maintenance, repair and improvement of the private roads and private open spaces and keeping same in good order and condition;
  - 3.2.5 the construction, control, repair, replacement and maintenance of all services (other than those services, if any, provided and maintained by the local authorities);
  - 3.2.6 the maintenance of the detention ponds on the Land;
  - 3.2.7 compliance by Members and Occupiers with all obligations as may have been imposed herein and any other rules that may be created from time to time;
  - 3.2.8 compliance with and ensuring that all Members and

- Occupiers similarly comply with such requirements imposed by the relevant local authorities on the approval of the Development, including *inter alia* the rezoning, subdivision and the environmental management plan;
- 3.2.9 concluding any service agreements with the relevant authorities to ensure the good management and maintenance of Erven and the Improvements constructed thereon within the Development;
- 3.2.10 the determination and provision of adequate security for the Estate for the benefit of all Members and Occupiers;
- 3.2.11 the levying of fines to contractors who undertake building works on the Estate and/or any Erven; and
- 3.2.12 the determination of, levying and collection of Contributions by Members for services provided by the Association.

#### 4. MEMBERSHIP

- 4.1 Membership of the Association shall be compulsory and limited exclusively to registered owners of Erven on the Estate which Membership shall commence simultaneously with the transfer of the Erf into the name of the Member, provided that:
- 4.1.1 a person who is entitled to obtain, in terms of the provisions of Section 43 of the Deeds Registries Act, 1937 (Act 47 of 1937), as amended, a Certificate of Registered Title to any such Erf shall be deemed to be registered owner thereof; and/or
- 4.1.2 when any such Member is more than one person or entity, all the registered owners of that Erf shall be deemed, jointly and severally, to be one Member of the Association and shall have one vote for purpose of any resolution that may be required by the Association.
- 4.2 When a Member ceases to be the registered owner of an Erf, he shall immediately cease to be a Member of the Association. The registered owner of an Erf may not resign as a Member of the Association.
- 4.3 The rights and obligations of a Member are not transferable and every Member shall:
- 4.3.1 to the best of his ability further the aims and objects of the Association; and
- 4.3.2 observe and be bound by this Constitution and all rules and regulations promulgated by the Association or by the Trustee Committee from time to time.
- 4.4 Nothing contained in this Constitution shall prevent a Member from ceding his rights in terms of this Constitution as security to the mortgagee of that Member's Erf.
- 4.5 No Member shall have the right or be authorized to bind or incur expenses on behalf of the Association unless such Member receives the prior written approval of the Trustee Committee in respect thereof. Each Member shall nevertheless be jointly liable for any expenditure incurred in connection with the main object or purpose of the Association and for anything done by the Association with the intention of benefiting its Members. The Association shall recover monthly Contributions to cover all expenses

which are incurred or anticipated on behalf of the Association, such expenses to be borne by each Member equally.

- 4.6 No Member shall be entitled to transfer an Erf unless and until the Association (or the relevant party to which such function has been delegated) has, in writing, consented to the transfer, and the following conditions of title are so imposed in the Deed of Sale and Title Deed to such Erf and the purchaser of the Erf shall be bound thereby, namely:
- 4.6.1 The Erf, or any part thereof, shall not be transferred without the prior written consent of the Association of which the Purchaser and his successors-in-title, for so long as they are the registered owners of the Erf, shall be obliged to be a Member and bound by the Association's Constitution, rules and regulations.
- 4.6.2 No Improvements, alterations, restructuring, repairs, changes to the external colour scheme, building work of any nature or alteration of access shall be effected to any Erf, without the prior written approval of the Association which shall be at the sole discretion of the Association and such approval which shall only be given once satisfactory plans or, documentation relevant thereto, has been submitted to the Association for consideration by the Design Review Committee. The Member submitting plans/documentation for consideration by the Association shall be responsible for the payment of all or any expenses that may be incurred by the Association in relation to the consideration of the application made by the Member which shall include all costs incurred by the Trustees or their nominees in relation thereto, such costs to be reasonable and market related.
- 4.7 A consent to transfer, as contemplated above, shall be withheld by the Trustee Committee until all of the following have been complied with:
- 4.7.1 The transferee (or proposed Member) and the proposed Occupants of the Erf have agreed in writing (in a manner and form acceptable to the Association) to be bound by this Constitution and the rules of the Association.
- 4.7.2 Contributions and any other amounts due to the Association by the Member (and all Occupants claiming through him) of the Erf to be transferred, have been paid-up to date of transfer and/or provision has been made to the satisfaction of the Association for the payment thereof against registration of transfer.
- 4.7.3 All Improvements on the Erf (sought to be transferred) but which have not approved of by the Design Review Committee of the Association as contemplated herein, have been removed to the sole satisfaction of the Design Review Committee or the approval of the Design Review Committee has been given in respect of such Improvements, as contemplated herein.
- 4.8 The Trustee Committee may, by regulation, provide for the issue of a Membership certificate, which certificate

shall be in such form as may be prescribed by the Trustee Committee.

- 4.9 No Member shall be entitled to any of the privileges of Membership unless and until he shall have paid every Contribution and any other sum (if any), which shall be due and payable to the Association in respect of his Membership thereof.

## 5. CESSATION OF MEMBERSHIP

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

## 6. TRUSTEE COMMITTEE

- 6.1 There shall be a Trustee Committee to manage the affairs of the Association which shall consist of at least 4 (four) but not exceeding 6 (six) Members.
- 6.2 The Trustee Committee shall consist, unless agreed to otherwise in writing by the Developer, of not less than one 3 (three) representatives of the Developer for so long as the Developer owns at least 1 (one) Erf within the Development.
- 6.3 At a meeting of the Trustees 50% (fifty percent) of the number of Trustees, but not less than 2 (two) shall form a quorum. If the number of Trustees falls below the number necessary to form a quorum, the remaining Trustees, who shall not be less than 2 (two), may continue to act, but only for the purpose of appointing or co-opting additional Trustees to make-up a quorum or for the purpose of convening a general meeting of Members.
- 6.4 In the event of any decision resulting in a deadlock, the Chairman of the Trustee Committee shall have the casting vote.

## 7. REMOVAL & ROTATION OF TRUSTEE MEMBERS

- 7.1 Save as provided for in 7.2 below, each Trustee shall continue to hold office until the Annual General Meeting following his appointment, at which meeting each Trustee shall be deemed to have retired from office upon the election or re-election of the new Trustees, but each trustee will be eligible for re-election to the Trustee Committee at such meeting.
- 7.2 A Trustee shall be deemed to have vacated his office as such upon:
- 7.2.1 his estate being sequestered, whether provisionally or finally, or him surrendering his estate;
- 7.2.2 his making any arrangement or compromising with his creditors;
- 7.2.3 his conviction for any offence involving dishonesty;
- 7.2.4 his becoming of unsound mind or being found lunatic;
- 7.2.5 his resigning from such office in writing delivered

- 7.2.6 to the Secretary; or  
his death,

provided that anything done in the capacity of a Trustee in good faith, by a person who ceases to be a Trustee, shall be valid until the fact that he is no longer a Trustee has been recorded as such in the Minute Book of the Trustee Committee.

- 7.3 Upon any vacancy occurring on the Trustee Committee prior to the next Annual General Meeting, the vacancy in question shall be filled by a person nominated by those remaining for the time being of the Trustee Committee. In the event that more persons are nominated than there are vacancies available on the Trustee Committee, the vacancy shall be put to a vote amongst the remaining Trustees and the vacancy shall be filled by that nominee obtaining the most votes by the remaining Trustees.

## 8. OFFICE OF TRUSTEES

- 8.1 The Trustees shall appoint from amongst themselves, a Chairman, Vice-Chairman and a Secretary.
- 8.2 The first Chairman and Vice-Chairman shall be appointed by the Developer, and such office bearers shall hold their respective offices until the First Annual General Meeting following the date of their appointment, provided that any such office shall *ipso facto* be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason.
- 8.3 Within 7 (seven) days of the holding of such Annual General Meeting, the Trustee Committee shall meet and shall elect from its own number the Chairman and Vice-Chairman, who shall hold their respective offices until the Annual General Meeting held next after their said appointment, provided that the office of the Chairman or Vice-Chairman shall *ipso facto* be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason. No one Trustee shall be appointed to more than one of the aforesaid offices.
- 8.4 In the event of any vacancy occurring in any one of the aforesaid offices at any time, the Trustee Committee shall immediately meet to appoint one of their number as a replacement to such office.
- 8.5 Save as otherwise provided in this Constitution, the Chairman shall preside over all meetings of the Trustee Committee and all general meetings of Members, and shall perform all duties incidental to the office of Chairman and such other duties as may be prescribed by the Trustee Committee or by the Members, and to allow or to refuse to permit invitees to speak at any such meetings, provided, however, that any such invitees shall not be entitled to vote at any such meetings.
- 8.6 The Vice-Chairman shall assume the powers and duties of the Chairman in the absence of the Chairman, or his inability or refusal to act as Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the Trustee Committee.

- 8.7 The Trustees shall be entitled to be reimbursed all reasonable and *bona fide* expenses incurred by them in or about the performance of their duties as Trustees, Chairman and/or Vice-Chairman, as the case may be, but save as aforesaid, shall not be entitled to any other remuneration, fees or salary in respect of the performance of such duties.
- 8.8 The duration of the Trustees' appointment shall not be less than 2 (two) years.

## 9. FUNCTIONS & POWERS OF THE TRUSTEE COMMITTEE

- 9.1 Unless otherwise provided for, the Trustee Committee shall manage and control the affairs of the Association, shall have full powers in the management of such affairs and may exercise all such powers of the Association, and do all such acts on behalf of the Association as may be exercised and done by the Association, and as are not either by virtue of the provisions of the Act or by this Constitution required to be exercised or done by the Association in general meeting, subject nevertheless to any regulations as may be prescribed by the Association in general meeting from time to time, provided that no regulation made by the Association in general meeting shall invalidate any prior act of the Trustee Committee which would have been valid if such regulation had not been made.
- 9.2 The Trustee Committee shall have the right to vary, cancel or modify any of its decisions and resolutions from time to time.
- 9.3 The Trustee Committee shall have the right to co-opt onto the Trustee Committee any person or persons chosen by it. A co-opted Trustee shall enjoy all the rights, including the right to vote, and be subject to all the obligations of the Trustees.
- 9.4 The Trustee Committee may, should it so decide, investigate any suspected or alleged breach by any Member or Trustee, in such reasonable manner as it shall determine from time to time.
- 9.5 The Trustee Committee may make regulations and/or by-laws, not inconsistent with this Constitution, or any direction given at any General Meeting:
- 9.5.1 as to the settlement of disputes, generally;
- 9.5.2 for the furtherance and promotion of any of the objects of the Association;
- 9.5.3 for the better management of the affairs of the Association;
- 9.5.4 for the advancement of the interests of Members;
- 9.5.5 for the regulation and control of the conduct of Members and Occupants while in the Estate, whether on Erven or on the Common Property and the private open spaces;
- 9.5.6 governing the manner and methods of the use of the Common Property by or on behalf of the Members of the Association or any Occupant;
- 9.5.7 for the conduct of Trustee Committee meetings and general meetings;
- 9.5.8 to assist it in administering and governing its activities

- generally, and shall be entitled to cancel, vary or modify any of the same from time to time; and
- 9.5.9 to amend the Architectural Design Guidelines to meet the objects and goals of the Association as provided for in this Constitution and furthermore, to the appointment and management of the Design Review Committee, including the appointment of an independent architect and the consideration payable to such architect from time to time.
- 9.6 The Trustees shall have at least the following powers exercisable on behalf of the Association, to:
- 9.6.1 open bank accounts and to draw, sign and endorse cheques and make deposits and otherwise operate on bank accounts opened on behalf of the Association;
- 9.6.2 operate upon and to open bank or other savings accounts, to effect fixed and other deposits and to effect and deal with all other kinds of investments;
- 9.6.3 demand, sue for and recover from any person or persons whosoever all such sum or sums of money which now are, or shall or may at any time hereafter be owing or belonging to the Association;
- 9.6.4 settle and adjust accounts as they think fit and proper, and, if deemed advisable, to compound for the same and accept a part for the whole;
- 9.6.5 grant receipts, acquittances and releases for any payment, delivery or other settlement;
- 9.6.6 commence, prosecute or defend and at their discretion to settle or abandon any actions, suits, applications or other proceedings at law in any of the Courts or before any Tribunal or Board and to proceed to the final end and determination of any such proceedings and in that respect to institute and prosecute appeal proceedings and also to accept service of process and to consent to judgment in any such proceedings;
- 9.6.7 submit any matters in dispute to arbitration, and to sign all necessary documents and take all necessary steps for that purpose;
- 9.6.8 effect the pledge or cession of any movable property, including insurance policies and other rights or claims, which may at any time be owned by the Association and for any indebtedness or other obligation contracted or to be contracted on the Association's behalf;
- 9.6.9 prove claims against insolvent estates, assigned estates, companies and close corporations in liquidation or under judicial management and to attend meetings of creditors of any such insolvent estate, assigned estates or companies and close corporations in liquidation or under judicial management and to vote for the Association thereat;
- 9.6.10 carry on business of whatsoever nature as the trustees may from time to time deem appropriate;
- 9.6.11 enter into any partnership, joint venture or other association with any other person, firm or company for the doing or performance of any transaction or series of transactions within the powers of the Trustees in terms hereof;
- 9.6.12 take out and deal with insurance of all kinds;



- 9.6.13 engage the services of professional practitioners, agents and advisors of whatsoever nature and tradesmen of whatsoever nature for the performance of work and rendering of services necessary or incidental to the affairs of the Association;
- 9.6.14 vary any investment made realising the same and/or substituting therefore any other investment which the Trustees are empowered to make; and
- 9.6.15 choose *domicilium citandi et executandi*.

## 10. CONTRIBUTIONS PAYABLE BY THE MEMBERS

- 10.1 The Trustee Committee may from time to time assess Contributions payable by the Members for the purpose of meeting all the expenses which the Association has incurred, or to which the Trustee Committee reasonably anticipates the Association will incur by way of landscaping, Estate roads and services thereon, (except electricity services) the security systems to be installed on the Common Property and/or for payment of all rates and other charges payable by the Association in respect of the Common Property, and/or for the services rendered to it, and/or for payment of all expenses necessary or reasonably incurred in connection with the management of the Association, the Common Property and the Association's affairs. In calculating Contributions, the Trustee Committee shall take into account, income, if any, earned by the Association.
- 10.2 The Trustee Committee may estimate the amount which may be required by the Association to meet the expenses during each year, together with such estimated deficiency, if any, as may result from the preceding year, and levy a Contribution which is to be payable by the Members in equal parts. The Trustee Committee may include in such Contributions an amount to be held in reserve to meet anticipated future expenditure not of an annual nature. Every such Contribution shall be made payable by equal monthly instalments due in advance on the first day of each and every succeeding month of such year.
- 10.3 The Trustee Committee, may from time to time, levy a Contribution payable by the Members in equal parts in respect of all such expenses (which are not included in any estimate made in terms of clause 10.2) and such Contributions may be levied in the sum or payable in such instalments as the Trustee Committee may determine.
- 10.4 Any amount due by a Member by way of a Contribution shall be a debt due and owing by him to the Association. A Member shall not be obliged to pay any future Contributions to the extent after and as from the date he ceases to be a Member but shall remain liable for those Contributions invoiced but not yet paid and arrear Contributions. No Contributions paid by a Member shall under any circumstances be repayable by the Association upon his ceasing to be a Member. A Member's successor-in-title to an Erf shall be liable as from the date upon which he becomes a Member pursuant to the transfer of that Erf to pay the

Contributions attributable to that Erf.

- 10.5 The total Contribution as contemplated in clauses 10.1 and 10.2 shall be the same for each Erf in the Estate.
- 10.6 Any special Contribution imposed by the Trustees in terms of clause 10.3 may be apportioned between the Members by the Trustees in an apportionment which the Trustees may regard as reasonable, regard being had of the direct benefits which the Member(s) may derive from the proposed expenditure for which the special Contributions are imposed. The Trustees shall be entitled to recover from certain Members or groups of Members, by means of the imposition of special Contributions, expenditure incurred by the Association which the Trustees in their sole discretion consider to benefit primarily or only such Members or groups of Members.
- 10.7 Any overdue payment of Contributions shall bear interest from the date when it is due to the date when payment is actually made at the prime rate of interest charged by the Association's bank or at such rate as may be determined by the Trustee Committee from time to time.
- 10.8 In the event that the Association has to register as a VAT (Value Added Tax) vendor, the Association may be obliged to pay VAT calculated on the Contributions levied payable by the Members and, in such an event, the Members will be obliged to pay such VAT that may be levied by the Association.

## 11. OTHER PROFESSIONAL OFFICERS

Save as specifically provided otherwise in this Constitution, the Trustee Committee shall at all times have the rights to engage on behalf of the Association, the services of accountants, auditors, attorneys, advocates, architects, engineers, any other professional person or firm and/or any other employee/s whatsoever, for any reasons deemed necessary by the Trustee Committee and on such terms as the Trustee Committee shall decide.

## 12. PROCEEDINGS OF THE TRUSTEE COMMITTEE

- 12.1 The Trustee Committee may meet, adjourn and otherwise regulate their meetings as they deem fit, subject to this Constitution.
- 12.2 Meetings of the Trustee Committee shall be held at least once every quarter, provided that if all the Trustees shall in writing have waived the above requirement in respect of a particular quarter then no meeting of the Trustee Committee needs be held for that quarter.
- 12.3 The quorum necessary for the holding of any meeting of the Trustee Committee shall be 2 (two) Trustees where there are 4 (four) Trustees and 3 (three) Trustees where there are more than 4 (four) Trustees.
- 12.4 The Chairman shall preside as such at all meetings of the Trustee Committee, provided that should at any meeting of the Trustee Committee the Chairman not be present within 15 (fifteen) minutes after the time appointed for the holding thereof, then the Vice-Chairman shall act as Chairman at such meeting,

provided further that should the Vice-Chairman also not be present within 15 (fifteen) minutes of the time appointed for the holding of such meeting, those present of the Trustees shall vote to appoint a Chairman for the meeting, who shall thereupon exercise all the powers and duties of the Chairman in relation to such meeting.

- 12.5 A Trustee shall take minutes of every Trustee Committee meeting, although not necessarily verbatim, which minutes shall be reduced to writing without undue delay after the meeting will have closed and shall to the extent it is so, be certified correct by the Chairman of the meeting. All minutes of Trustee Committee meetings shall after certification as aforesaid be placed in a Trustee Committee Minute Book to be kept in accordance *mutatis mutandis* with the provisions of the law relating to the keeping of minutes of meetings of directors of companies. The Trustee Committee Minute book shall be open for inspection at all reasonable times by a Trustee, the auditors, the Members and the local authority.
- 12.6 All competent resolutions recorded in the minutes of any Trustee Committee meeting shall be valid and of full force and effect as therein recorded, with effect from the passing of such resolutions, and until varied or rescinded, but no resolution or purported resolution of the Trustee Committee shall be of any force or effect, or shall be binding upon the Members or any of the Trustees unless such resolution is competent within the powers of the Trustee Committee.
- 12.7 Save as otherwise provided in this Constitution, the proceedings at any Trustee meeting shall be conducted in such reasonable manner and form as the Chairman of the meeting shall decide.
- 12.8 A resolution signed by all the Trustees shall be valid in all respects as if it had been duly passed at a meeting of the Trustee Committee duly convened.

### 13. GENERAL MEETINGS OF THE ASSOCIATION

- 13.1 The Association shall, before the month of June in each calendar year, hold a general meeting as its Annual General Meeting. This meeting shall be in addition to any other general meetings during that year, and shall specify the meeting as such in the notices calling it, in terms of paragraph 14 below.
- 13.2 Such annual general meeting shall be held at such time and place subject to the foregoing provisions, as the Trustee Committee shall decide from time to time.
- 13.3 All general meetings other than annual general meetings shall be called special general meetings.
- 13.4 The Trustee Committee, may, whenever they think fit, convene a special general meeting, and a special general meeting shall also be convened on the request of not less than 10% (ten per centum) of all Members of the Association.

### 14. NOTICE OF MEETINGS

- 14.1 The annual general meeting and a meeting called for the passing of a special resolution, shall be called with not

less than 21 (twenty one) days notice in writing, and a special general meeting, other than one called for the passing of a special resolution, shall be called with not less than 14 (fourteen) days' notice in writing. In each case, the notice shall be exclusive of the day on which it is given, and shall specify the place, the day and the hour of the meeting and, in the case of special business, in addition to any other requirements contained in the Constitution, the general nature of that business, and in the case of a special resolution, the terms and effect of the resolution and the reasons for it shall be given in the manner hereinafter mentioned or in such other manner, if any as may be prescribed by the Trustee Committee to such persons as are herein entitled to receive such notices from the Association, provided that a general meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified herein, be deemed to have been duly called if it is so agreed:

- 14.1.1 in the case of a meeting called as the Annual General Meeting, by all the Members entitled to attend and vote thereat; and
- 14.1.2 in the case of a special general meeting, by a majority in number of the Members having a right to attend and vote at the meeting, being a majority together holding not less than 95% (ninety five percent) of the total voting rights of all Members.

### 15. SERVICE OF NOTICES

- 15.1 A notice shall be in writing and shall be given or served by the Association upon any Member, either personally or by post, properly addressed to the Member at the address of the Erf owned by him.
- 15.2 No Member shall be entitled to have a notice served on him at any address other than an address within the Republic of South Africa. Any Member may require the Association, by notice, to record an address within the Republic of South Africa which shall be deemed to be his address for the purpose of the service of notices.
- 15.3 Any notice by post shall be deemed to have been served at the time when the letter containing the same was posted, and proof of the giving of the notice by post, shall be sufficient to prove that the letter containing the notice was properly addressed and posted.
- 15.4 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings of that meeting.

### 16. VENUE OF MEETINGS

General Meetings of the Association shall take place at such place/s as shall be determined by the Trustee Committee from time to time.

### 17. QUORUM

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

holding of any general meeting shall be 10% (ten percent) such, that of the Members entitled to vote, ~~one-half of the total votes of all Members of the Association entitled to vote shall be represented at the meeting, save that not less than 10% (ten percent) of the Members must be present in person or by proxy.~~

- 17.2 If within half an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting, if convened on the requisition of Members, shall be dissolved, in any other case it shall stand adjourned to the same day in the next week, at the same place and time, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the Members present shall constitute a quorum.

#### 18. AGENDA AT MEETINGS

The following matters shall be dealt with at every Annual General Meeting:

- 18.1 the consideration of the Chairman's report to the Trustee's Committee;
- 18.2 the election of the Trustee Committee;
- 18.3 the consideration of any other matters raised at the meeting including any resolutions proposed for adoption by such meeting, and the voting upon any such resolutions;
- 18.4 the consideration of the financial statements of the Association for the last financial year of the Association preceding the date of such meeting and the approval and adoption thereof; and
- 18.5 the consideration of the report of the auditors and the approval and the acceptance thereof.

#### 19. PROCEDURE AT GENERAL MEETINGS

- 19.1 The Chairman shall preside, as such, at all general meetings, provided that should he not be present within 15 (fifteen) minutes after the time appointed for the holding thereof, then the Vice-Chairman, shall act as Chairman at such meeting, provided further that should the Vice-Chairman also not be present within 15 (fifteen) minutes of the time appointed for the holding of such meeting, then the Members present at such meeting entitled to vote, shall vote to appoint a Chairman for the meeting, who shall thereupon exercise all the powers and duties of the Chairman in relation to such meeting.
- 19.2 The Chairman may, with the consent of any general meeting at which a quorum is present (and if so directed by the meeting) adjourn a meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business which might have been transacted at the meeting from which the adjournment took place. Whenever a meeting is adjourned for 10 (ten) days or more, notice of the adjourned meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the Members shall not be entitled to any notice of adjournment, or of the business to be transacted

at an adjourned meeting.

- 19.3 Except as otherwise provided for herein, all general meetings shall be conducted in accordance with generally accepted practice.

#### 20. PROXIES

- 20.1 A Member may be represented at a general meeting by a proxy, who need not be a Member of the Association. The instrument appointing a proxy shall be in writing signed by the Member concerned or his duly authorised agent in writing, but need not be in any particular form, provided that where a Member is more than one person, any one of those persons shall sign the instrument appointing a proxy on such Member's behalf, where a Member is a company, the same shall be signed either by the Chairman of the Board of Directors of the Company or by its secretary, where an association of persons, by the secretary thereof, where a close corporation, by any Member and where a trust, by any Trustee.

- 20.2 The instrument appointing a proxy and the Power of Attorney or other authority (if any) under which it is signed, or a certified copy thereof shall be deposited at the principal place of business of the Association at any time appointed for the commencement of the meeting, or adjourned meeting, at which the person named in the instrument is proposed to vote. No instrument appointing a proxy, shall be valid after the expiration of 12 (twelve) months from the date of its execution.

- 20.3 A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death of the principal or revocation of the proxy, provided that no intimation in writing of the death or revocation shall have been received by the Trustee Committee at least one hour before the time fixed for the holding of the meeting.

#### 21. VOTING

- 21.1 At every general meeting, every Member in person or by proxy and entitled to vote shall have one vote for each Erf registered in his name subject to the provisions of clause 4.1.2 hereof. The Developer shall be entitled to a single vote in respect to each unregistered Erf held by it, in accordance with the deeming provision of clause 4.1.1 above.
- 21.2 Save as expressly provided for herein, only a Member who is duly registered shall be entitled to be present or to vote on any question, either personally or by proxy at any general meeting provided that any Member who is under suspension or is in arrears with his Member's Contributions shall not be so entitled to be present or to vote as contemplated herein at any general meeting.
- 21.3 At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands.
- 21.4 Notwithstanding the provisions of clause 21.3 aforesaid, voting on the election of a Chairman of a general meeting (if necessary) or on any question of

adjournment, shall be decided on a show of hands by a majority of the Members present in person or by proxy, and entitled to vote.

- 21.5 Every resolution and every amendment of a resolution proposed for adoption by a general meeting shall be seconded at the meeting and, if not seconded, shall not be voted upon.
- 21.6 An ordinary resolution (that is a resolution other than a special resolution) or the amendment of an ordinary resolution, shall be carried on a simple majority of all the votes cast thereon, and an abstention shall not be counted as a vote for or against the resolution in question. In the case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the general meeting shall be entitled to a casting vote in addition to his vote as Member.
- 21.7 Notwithstanding anything contained in this Constitution, any resolution or the amendment of a resolution:
- 21.7.1 which would have the effect of amending or repealing any part of this Constitution; or
- 21.7.2 which would have the effect of amending or repealing clause 32 of this constitution which clause precludes subdivision or rezoning of the Erven or the erection of more than one dwelling per Erf; or
- 21.7.3 which would have the effect of amending or repealing clauses 33 and 34 dealing with the Aesthetics Approval and the Architectural Guidelines;
- shall require a 75% (seventy five percent) majority of all Members entitled to vote before the resolution may be passed, which shall be known as a special resolution.
- 21.8 Unless any Member present in person or by proxy at a general meeting shall before closure of the meeting have objected to any declaration made by the Chairman of the meeting as to the result of any voting at the meeting, whether by show of hands or by poll, or to the propriety or validity of the procedure at such meeting, such declaration by the Chairman shall be deemed to be a true and correct statement of the voting, and the meeting shall in all respects be deemed to have been properly and validly constituted and conducted, and an entry in the minutes to the effect that any motion has been carried or lost, with or without a record of the number of votes recorded in favour of or against such motion, shall be conclusive evidence of the vote so recorded if such entry conforms with the declaration made by the Chairman of the meeting as to the result of any voting at the meeting.
- 21.9 Notwithstanding any other provision of this Constitution, any rule and/or regulation passed in pursuance hereof and/or any code, the Developer shall have an overriding right and shall be entitled, but not obliged, to veto any decision of the Association until the Developer has sold and registered transfer to Members of at least 75% (seventy five percent) of the Erven comprising the Land. To this extent, the Developer shall also be entitled to control the Development and the Association, and as such pass such resolutions as it may determine in its sole

and absolute discretion until the Developer has sold and registered transfer to Members of at least 75% (seventy five percent) of the Erven comprising the Land.

## 22. FINANCIAL YEAR END

The Financial Year End of the Association shall be the last day of February each year.

## 23. ACCOUNTS

- 23.1 The Association in a general meeting or the Trustee Committee, may from time to time make reasonable conditions and regulations as to the time and manner of the inspection by the Members, of the accounts and books of the Association, or any of them, and subject to such conditions and regulations, the accounts and books of the Association shall be open to the inspection of Members at all reasonable times during normal business hours.
- 23.2 At each Annual General Meeting the Trustee Committee shall lay before the Association a proper income and expenditure account for the immediately preceding financial year of the Association, or in the case of the first account, for the period since the incorporation of the Association, together with a proper balance sheet made up as at the last financial year end of the Association. Such annual financial statements shall be accompanied by proper and extensive reports of the Trustee Committee and the auditors which shall be attached to the notice sent to Members convening each Annual General Meeting. The abovementioned annual financial statements of the Association shall be framed in accordance with the provisions of the Act and any other documents required by law to accompany same.

## 24. AUDIT

- 24.1 Once at least in every year, the financial statements of the Association shall be examined and the correctness of the income and expenditure account and balance sheet ascertained by the auditors.
- 24.2 The auditors shall perform such duties as are performed by auditors of any registered company.

## 25. INDEMNITY

- 25.1 All Members of the Trustee Committee and the auditors shall be indemnified out of the funds of the Association against any liabilities *bona fide* incurred by them in their respective said capacities and in the case of a Trustee Member, in his capacity as Chairman, Vice- Chairman, whether defending any proceedings, civil, criminal or otherwise, in which relief is granted to any such person/s by the Court.
- 25.2 Every Member of the Trustee Committee, every servant, agent and employee of the Association, and the Auditors shall be indemnified by the Association against all costs, losses and expenses including travelling expenses which such person or persons may incur or become liable for by reason of any contract entered into, or any act or deed done, by such person or persons in the discharge of any of his/their respective duties,

including the case of a Trustee Member, his duties as Chairman or Vice-Chairman. Without prejudice to the generality of the above, the Association shall specifically indemnify every such person against all losses of whatsoever nature incurred arising out of any *bona fide* act, deed or letter done or written by him jointly or severally in connection with the discharge of his duties, provided that any such act, deed or letter has been done or written in good faith. It shall be the duty of the Trustee Committee to pay out of the funds of the Association

- 25.3 A Trustee Member shall not be liable for the acts, receipts, neglect or default of the auditors or of any of the other Members of the Trustee Committee, whether in their capacities as Trustee Members or as Chairman or Vice-Chairman, or for any loss or expense sustained or incurred by the Association through the insufficiency or deficiency of title to any property acquired by the Trustee Committee for or on behalf of the Association, or for the insufficiency or deficiency of any security in or upon which any of the monies of the Association shall be invested, or for any loss or damage arising from the insolvency or fortuitous act of any person with whom any monies, securities or effects shall be deposited, or for any loss or damage occasioned by any error of judgment or oversight on his part, or for any other loss, damage or misfortune whatever which shall happen in the execution of any of the duties of his office/s or in relation thereto, unless the same shall happen through lack of *bona fides* or breach of duty or breach of trust.

## 26. PRIVILEGE IN RESPECT OF DEFAMATION

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

## 27. BREACH

27.1 Should any Member:

- 27.1.1 fail to pay any of his Contributions when they are due and continue not to pay within seven (7) days after having received notice by the Trustees; or

- 27.1.2 fail to comply with any provision of this Constitution, including without limitation, failing to adhere to the Architectural Design Guidelines, and not make any effort to comply with that provision within a reasonable period after having been called upon to do so by the Trustees to comply with the provision;

then, in addition to the right to claim damages or any other legal right, including but not limited to applying to the High Court of South Africa for a mandatory interdict to force compliance by the Member for which the Member hereby authorizes such action, the Trustees may proceed with legal action against that Member for the appropriate remedy or, if 27.1.2 applies, rectify that Member's failure to comply and claim all the costs of doing so from that Member immediately.

- 27.2 If the Trustees proceed with legal action against any Member, that Member will have to pay all of the Trustee's legal and other costs which have been incurred in connection with the legal action.

## 28. WATER

- 28.1 Each Erf shall have a municipal water supply for household use and the Member shall be obliged to pay the municipality for such water consumed. Where the Association is billed directly by the Municipality for such water then a sub-meter shall be installed by the Association at the cost of each relevant Member who shall pay to the Association from time to time for such water used, in the manner determined by the Association.
- 28.2 All water consumed in respect of the Common Property shall be paid for by the Association out of its funds or Contributions collected.

## 29. RATES AND TAXES

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

## 30. TRANSFER OF COMMON PROPERTY

It is recorded that as soon as reasonably possible after the coming into operation of the Association, the Developer will endeavour to transfer the Common Property to the Association which shall thereafter be responsible for the maintenance and upkeep thereof.

## 31. DEALINGS WITH THE COMMON PROPERTY

Neither the whole nor any portion of the Common Property shall be:

- 31.1 sold, alienated, otherwise disposed of, subdivided or transferred; or
- 31.2 subjected to a mortgage; or
- 31.3 subjected to any rights, whether registered in the Deeds Registry or not, of use, occupation or servitude (save those enjoyed by the Members); or
- 31.4 built upon, improved or enhanced in value by the construction of buildings, erection of facilities or amenities, other

than as contained in this Constitution and in the approved layout plan, without the sanction of a special resolution of the Members.

### 32. NO SUBDIVISION OR REZONING AND NOT MORE THAN ONE DWELLING

- 32.1 No Member shall be entitled to subdivide or rezone his Erf.
- 32.2 No more than one dwelling, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on any Member's Erf.
- 32.3 To the extent a Member consolidates 2 (two) Erven, such Member shall be responsible to pay twice the contributions and/or other charges levied by the Association.

### 33. BUILDING STANDARD RULES

- 33.1 In compliance with clause 4.6.2 above no Member of any Erf shall be entitled to build on his Erf or effect any Improvement thereto or erect any structure thereon without having received the prior written approval of the Design Review Committee which may be designated by the Trustee Committee from time to time.
- 33.2 No Member of any Erf shall be entitled to alter any construction thereon or to alter or vary the design or facade of his building, dwelling or Improvements so constructed, without having received the prior written approval of the Design Review Committee.
- 33.3 No Member shall be entitled to undertake any form of alteration and/or construction of a proposed and/or existing building, dwelling or Improvement on his Erf (and any other property situated on the Land) other than in accordance with the Code of Conduct attached hereto and before and until such Member shall have:
- 33.3.1 procured that his contractor has read and understood the Code of Conduct attached hereto and shall have signed the pro forma Undertaking attached to the Code of Conduct;
- 33.3.2 delivered the Undertaking provided for in 33.3.1 above and shall have received the Association's acceptance thereof in writing; and
- 33.3.3 the contractor shall have received, from the Association, his written Certificate to Commence Construction.
- 33.4 Should a Member fail to erect and complete the building of a dwelling on his Erf within 3 (three) years of the date of registration of transfer from the Developer to the original purchaser or Member of that Erf, then such Member shall pay the Association a monthly penalty equal to twice the monthly contributions and charges levied by the Association (from time to time) from the commencement of the fourth year until the date of completion of the dwelling.

### 34. AESTHETICS APPROVAL

- 34.1 Only Improvements which are in harmony with and enhance the desired architectural character of the Estate and which Improvements are sympathetic in

style to each other, may be built on an Erf. For this purpose the Design Review Committee shall appoint an architect to ensure compliance with the Architectural Design Guidelines attached hereto. The Design Review Committee shall further be responsible for the management and control of building activities within the Estate.

- 34.2 The Design Review Committee approval procedure shall consist of the following:
- 34.2.1 the designation of a suitably qualified and experienced registered architect as review authority for all building plans, it being recorded that Urban Studio have been duly appointed by the Developer for the period of 3 (three) years from the date of transfer of the first Erf from the Developer to a Member;
- 34.2.2 the approval of all building plans, such building plans which shall be drafted by registered architects or architectural draftsmen and submitted by a Member for the improvement of his Erf; and
- 34.2.3 the ruling of the Design Review Committee or its appointed agent shall be final and binding on the Member.
- 34.3 The Association shall be entitled to charge fees, as contemplated in the Architectural Design Guidelines.
- 34.4 A Member will be required to apply to the Design Review Committee for a Plan Compliance Certificate upon completion of his construction works and fees shall be determined by the Association for the period between the issuance of the Certificate to Commence Construction and the Plan Compliance Certificate.

### 35. MANAGING AGENT

The Developer shall appoint the first managing agent/s to manage the affairs for the Association in order to meet the object and purpose of the Association. The said appointment shall be for an initial period of 3 (three) years from the date of transfer of the first Erf from the Developer to a Member, such appointment to remain until terminated by the Association, such termination which may not be within the initial 3 (three) year appointment referred to herein.

### 36. CONDUCT RULES

#### 36.1 Use of Property and/or the Common Property

- 36.1.1 No Member or Occupier of an Erf may, without the prior written consent of the Trustees:
- 36.1.1.1 use the Erf for any purpose other than residential purposes, save for those Erven designated for commercial use;
- 36.1.1.2 allow any persons to reside in a residential house excepting in special circumstances for a short duration;
- 36.1.1.3 paint on or affix to any wall, building or structure on the Erf any advertisement, name or lettering of any unsightly size, colour or character while no advertisement, name or lettering of any kind shall be painted on or affixed to the roof of any

- building on the Erf, save for any advertising allowed by the Trustees for commercial use;
- 36.1.1.4 erect, store, leave or allow to be erected, kept, stored or left any article or thing on any part of the Common Property;
- 36.1.1.5 remove any shrub, tree or plant from the Common Property;
- 36.1.1.6 erect any washing lines nor hang any washing or other items on any part of an Improvement or the Common Property so as to be visible from outside the building or from any other Erf nor be exposed to view on the premises in any unsightly manner whatsoever;
- 36.1.1.7 may carry on any noisy, injurious or objectional trade or business of any kind on any Erf or Commercial component - Improvements shall, at all times, be kept in such a state as not to be a nuisance or annoyance to any Member and/or Occupier and surrounding neighbours;
- 36.1.1.8 build any fires of any sort for braaing purposes on the Common Property;
- 36.1.1.9 place or do anything on any part of the Common Property or on the balcony, stoep or patio of any Improvement erected on his Erf which, in the Trustees' opinion, is aesthetically displeasing or undesirable when viewed from outside the building;
- 36.1.1.10 deposit, throw or permit or allow to be deposited or thrown on the Common Property any rubbish, including dust, food, scraps, cigarette butts or any other litter; and
- 36.1.1.11 carry on a commercial enterprise on an Erf.

### **36.2 Damage, Alterations or Additions to an Improvement and Common Property**

- 36.2.1 A Member or Occupier shall not mark, paint, drive nails or screws or the like into or otherwise damage or alter any part of the Common Property without first obtaining the prior written consent of the Trustees.
- 36.2.2 To ensure uniformity of appearance, the prior written consent of the Trustees shall be obtained to:
- 36.2.2.1 install any locking device, safety gate, burglar bars or other safety devices for the protection of an Improvement on an Erf;
- 36.2.2.2 install a canopy;
- 36.2.2.3 install a screen or other device to prevent the entry of animals, insects, etc;
- 36.2.2.4 install any outside TV aerial, satellite dish or similar installation;
- 36.2.2.5 make any structural, decorative or other alteration or addition to an Improvement, externally or internally, to the extent that it can be seen externally, while the Member shall endeavour to include the items detailed in this clause 36.2.2 in the initial plans submitted to the Design Review Committee for the proposed Improvement of an Erf.
- 36.2.3 All building alterations are to be approved by the

Design Review Committee. A plan with a refundable deposit, to be determined by the Trustees from time to time, shall be submitted for approval prior to commencement of construction. The contractor appointed by the Member shall be obliged to provide the Association with an Undertaking in the form attached to the Code of Conduct attached hereto prior to the commencement of construction.

- 36.2.4 A Member or Occupier of a home shall ensure that:
- 36.2.4.1 any broken window pane is replaced within 3 (three) days of breaking from whatsoever cause; and
- 36.2.4.2 all curtains or blinds shall be aesthetically acceptable.

### **36.3 Behaviour of Members, Occupiers and Guests**

- 36.3.1 All Members and Occupiers shall ensure that their use of their Erf and of the Common Property within the Estate and its facilities thereon, shall at all times be conducted in such a manner as not to:
- 36.3.1.1 cause a nuisance, disturbance or inconvenience or annoyance to any other Member or Occupier, particularly in the form of loud music, radio or TV or irritable audible sound;
- 36.3.1.2 detrimentally affect the rights and interests of other Members or Occupiers.
- 36.3.2 Members and Occupiers shall be responsible for the behaviour of their children and guests and shall be liable for any damage caused by them. Any damage caused by such children or guests shall be repaired at the cost of the Member or Occupier concerned, within 14 (fourteen) days of written notice by the Trustees, to the satisfaction of the Trustees.
- 36.3.3 No person is permitted to use any Common Property as may be designated out of bounds by the Trustees from time to time.
- 36.3.4 Pedestrians shall have the right of way at all times.

### **36.4 Refuse Disposal**

- 36.4.1 A Member or Occupier of an Erf shall:
- 36.4.1.1 maintain in a hygienic and dry condition, such number of receptacles for refuse within his property as may be determined from time to time by the Association;
- 36.4.1.2 exercise a general responsibility towards maintaining the environment of the Estate and, in particular, undertakes to follow such guidelines as may be imposed by the Trustee Committee from time to time in relation to recycling refuse;
- 36.4.1.3 ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained;
- 36.4.1.4 for the purpose of having the refuse collected, place the refuse within an area, in a bag and at the times as may be designated by the Trustees from time to time; and
- 36.4.1.5 garbage and/or garden rubble may not be left outside the Erf except for collection on the date of

collection. It may not be left out overnight.

### **36.5 Vehicles**

- 36.5.1 No Member or Occupier shall park or stand any vehicle (for the purposes of this clause 36, the word "vehicle" shall mean any motorized form of conveyance) upon the Common Property or another Member's Erf or permit or allow any vehicle to be parked or stood upon the Common Property or another Member's Erf without the prior written consent of the Trustees. The Trustees may cause a vehicle to be removed, towed away or have its wheels clamped at the risk and expense of the owner thereof, should such vehicle be parked, standing or abandoned on the Common Property without the Trustees' written consent. A Member or Occupier hereby indemnifies the Trustee Committee and/or the Association for any damage that may be sustained to the vehicle or their guest's vehicle as a result of such vehicle's wheels being clamped or such vehicle being towed away.
- 36.5.2 Members and/or Occupiers shall ensure that their vehicles and the vehicles of their visitors and guests do not drip oil or brake fluid and/or any other fluid or liquid of whatever nature on the Common Property or in any other way deface the Common Property. If dripping occurs, its removal will be for the account of the Member or Occupier concerned.
- 36.5.3 No Member or Occupier will be permitted to dismantle or effect major repairs to any vehicle on any portion of the Common Property, but may be permitted to attend to minor repairs and re-conditioning of vehicles in enclosed garages only.
- 36.5.4 Vehicles owned by Members or Occupiers may not be washed on the Common Property.
- 36.5.5 Hooters shall not be sounded within the Estate other than in emergencies.
- 36.5.6 Vehicles may be parked only on such areas of the Estate as are specifically designated or approved by the Trustees for that purpose and in such a way that the flow of traffic and access to and egress from driveways are not obstructed.
- 36.5.7 No trucks, caravans, trailers, boats or other heavy vehicles may be parked within the Estate without the prior written consent of the Trustees.
- 36.5.8 Vehicles entering the Estate and being driven or parked in the Estate shall be at the owner's risk and responsibility from the time the vehicle enters the Estate and no liability shall attach to the Trustees, the Association or its agents or any of their employees for any loss or damage of whatever nature which the owner, or any person claiming through or under him, may suffer in consequence of his vehicle having entered, being driven or parked on the Estate.
- 36.5.9 Motor vehicles of visitors may only be parked on such areas as are specifically demarcated for that purpose. Where parking areas are demarcated for visitors, such areas may only be used for visitors'

parking and under no circumstances may any Occupier or any Member of their families park their vehicles in such areas.

- 36.5.10 Members or Occupiers shall ensure that their visitors park in the correct place and do not cause any obstruction either in relation to garages or otherwise.
- 36.5.11 Bicycles, motor cycles, tricycles, roller skates, skateboards and the like may not be left on any portion of the Common Property.
- 36.5.12 Members or Occupiers shall, when driving vehicles on the Estate, observe all the rules of the road and in particular, speed restrictions and road signs.

### **36.6 Parking**

- 36.6.1 Parking is to be confined to the specified parking area allocated to each Member/Occupier and Members and/or Occupiers shall under no circumstances without specific permission of the Trustees be allowed to park in the visitors' parking bays.
- 36.6.2 Guests are to use only those bays reserved and specifically demarcated for visitors. A breach of this rule will entitle the Trustees to have any offending vehicle towed away from the Estate at the risk and at the expense of the owner of the vehicle or alternatively the Member concerned.
- 36.6.3 Under no circumstances will parking in front of the fire hydrants be permitted. A breach of this rule will likewise entitle the Trustees to have any offending vehicle removed or towed away to a public road or garage at the expense and risk of the owner of the vehicle.
- 36.6.4 The Member/Occupier indemnifies the Association in the event of his or his guest's vehicle being removed or claimed in the circumstances contemplated herein.

### **36.7 Animals, Reptiles and Birds (Domestic Pets)**

- 36.7.1 No animals, reptiles, birds (other than a bird in a cage) shall be kept or harboured in an outbuilding unless expressly authorised in writing by the Trustee Committee. When granting such authority, the Trustee Committee may prescribe any reasonable condition that may apply in relation thereto. Should any prescribed condition be breached, the Trustees may immediately withdraw such authority.
- 36.7.2 Members and Occupiers shall comply with all municipal by-laws as may exist in relation to the ownership or keeping of any domestic pets, subject however to the Trustee Committee making any ruling they deem necessary in relation to any domestic pet as provided for in 3.6.7.1 should they deem it necessary for the benefit of other Members or Occupiers.
- 36.7.3 Any pet that causes any repeated nuisance, disturbance, inconvenience or annoyance to any other Member or Occupier, particularly in the form of barking or meowing, may be required to remove such pet from the Estate on receipt of written notice



from the Trustees requiring removal of the said pet.

- 36.7.4 Any Member or Occupier who has been granted authority to keep or harbour any animal, reptile or pet shall ensure that such animal, reptile or pet does not foul any part of the Common Property or otherwise cause any nuisance. Members or Occupiers concerned will be responsible for cleaning up any fouled Common Property and/or for any damages incurred by such animal.

### **36.8 Insurance**

- 36.8.1 The Association shall have no responsibility whatsoever for the insurance of the contents of or Improvement on any particular Erf, which shall at all times be the sole responsibility of the Member and Occupier in question.
- 36.8.2 A Member or Occupier shall not do or permit to be done on his Erf or on the Common Property anything which will or may increase the rate of premium payable by the Trustees on any insurance policy or which may tend to vitiate any such insurance policy nor bring onto the Estate, premises or building any hazardous substances and/or any form of machinery whatsoever.
- 36.8.3 A Member or Occupier shall not store or harbour upon the Common Property or any part thereof or on his Erf any goods which may vitiate any fire insurance policy held by the Trustee Committee or increase the premium payable in respect of such policy.

### **36.9 Letting of Units**

- 36.9.1 Members wishing to let residential homes on their Erven will be required to obtain the prior written consent of the Trustees which consent shall not be unreasonably withheld. Prior to any proposed Occupier taking occupation of an Erf, the Trustee Committee shall be advised of such proposed lease and the proposed Occupier shall sign a copy of the rules as provided for in this Constitution. Such Occupiers granted rights of occupation of an Erf are obliged to comply with this Constitution notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy. The Trustee shall be advised of any proposed lease prior to any proposed Occupier taking occupation of a residential home on an Erf.
- 36.9.2 No letting for shorter than a 6 (six) month period shall be allowed whatsoever without the prior written consent of the Trustee Committee. The Member shall be obliged to notify the Trustee Committee of any short-term occupancy for security purposes prior to occupation.

### **36.10 Eradication of Pests**

A Member shall keep his Improvements free of white ants, borer and other wood destroying insects and to this end shall permit the Trustees, the managing agent and their duly authorised agents or

employees, to enter upon his Erf from time to time for the purpose of inspecting the Improvements and taking such action as may be reasonably necessary to eradicate any such pests. The costs of inspection, eradicating any such pests as may be found within the Improvements, replacement of any woodwork or other material forming part of such Improvements which may be damaged by any such pests shall be borne by the Member.

### **36.11 Walkways**

Members or Occupiers shall utilise walkways giving pedestrian access traversing the Estate wherever possible. All Members and their guests shall remain on walkways when using designated conservation areas.

### **36.12 Activities on Communal Areas**

No hobbies or other activities may be conducted on the communal areas if they cause nuisance to other Members and/or Occupiers. The Trustee Committee shall be the final adjudicator resolving complaints of this nature.

### **36.13 Common Property and/or Private Open Spaces**

- 36.13.1 A Member or Occupier or their visitors and their respective children shall not be allowed to attend or partake of the following on the Common Property:-
- 36.13.1.1 utilise glass bottles or containers;
  - 36.13.1.2 braai;
  - 36.13.1.3 have loud music; and/or
  - 36.13.1.4 leave litter (i.e. all refuse to be removed).
- 36.13.2 Games are permitted on areas designated by the Developer and the Trustees from time to time.
- 36.13.3 Animals are allowed provided that they are on a leash at all times and under the supervision of their owner/s while the Members or Occupiers will be required to remove any excrement left by such animals on the Common Property.
- 36.13.4 A Member and/or Occupier shall be obliged to accompany any guest on the Common Property.
- 36.13.5 The Common Property shall be reserved for Members and/or Occupiers and their guests.
- 36.13.6 The operating hours of such area are from 07H00 to 20H30. Any usage after 21H00 to 06H00 shall be regarded as a violation of the conduct rules.
- 36.13.7 Any child under the age of 12 (twelve) years must be accompanied by an adult at all times.

### **36.14 General**

- 36.14.1 The Trustee Committee or its agents shall not be liable for any injury or loss or damage of any description which any Member or Occupier of property or any Member of his family, his employee or servant or his relative, friend, acquaintance, visitor, invitee or guest may sustain, physically or to his or their property, directly or indirectly, in or about the Common Property or in

the individual property by reason of any defect in the communal area, its amenities or for any act done or for any neglect on the part of the Trustees or any of the Association's employees, servants, agents or contractors.

- 36.14.2 The Trustee Committee or its representatives and servants shall not be liable or responsible in any manner whatsoever for the receipt or the non-receipt and delivery or non-delivery of goods, postal matter or any other property.
- 36.14.3 No ~~fireworks~~, firearms or pellet guns may be discharged in the Estate whatsoever.
- 36.14.4 A Member shall not use or permit his home to be used for any purpose which is injurious to the reputation of the Estate.
- 36.14.5 All complaints, violation of the conduct rules contained in this Constitution, or any other cause of concern must be in written form, addressed to the Chairman of the Association.
- 36.14.6 All Members and Occupiers shall meet all rules that may be imposed by the Trustee Committee for the benefit of the Members in the Estate, more particularly, in relation to those that exist for entry and exit to the Estate which shall include taking responsibility for the guests and employees.
- 36.14.7 All Members and Occupiers shall meet all security measures that may be imposed by the Trustees from time to time for the benefit of the Members in the Estate and Members and Occupiers shall similarly ensure that their guests meet such security measures as may be imposed by the Trustee Committee from time to time.
- 36.14.8 A Member or Occupier of an Erf shall maintain such garden, fence and verges on his Erf.
- 36.14.9 A Member, an Occupier or their guests shall meet all rules of the Association as provided for herein and as may be imposed by the Association from time to time.
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**APPENDIX 3**

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**HOUSE CONSTRUCTION ENVIRONMENTAL  
MANAGEMENT PLAN**

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***CONSTRUCTION ENVIRONMENTAL  
MANAGEMENT PLAN  
Construction of Dwellings***

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## **1. Background and Objective:**

The purpose of the Construction Environmental Management Plan (CEMP) document is to set the terms and conditions with which the Builder and Owner must comply, to minimise any negative impact on the environment.

A number of documents associated with this development provide conditions to ensure that the design, construction and (later) renovation of houses on the property takes place in an orderly fashion with the constraints set to enhance the protection of the environment and the aesthetic character of the development. These documents include the Agreement of Sale and well as the CEMP.

## **2. Responsibility:**

### **2.1. Home Owners Association (HOA)**

The HOA shall monitor and enforce compliance with this CEMP. Owners will be required to enter into contracts with the HOA and with the Builder to ensure that the terms and conditions of the CEMP are complied with and to ensure that the environment is protected for the duration of the works.

### **2.2. Environmental Site Officer (ESO)**

An ESO must be appointed by the Owner to monitor and control compliance with the CEMP for the duration of the house construction works. Work will not be allowed on an erf without the formal appointment of an Environmental Site Officer. The ESO will be responsible for undertaking the following tasks for the duration of house construction work on an erf:

- To visit the erf directly prior to the commencement of the house construction works to inspect and approve the Builder's erf drawing which indicates the position of storage shed(s), position of topsoil and excavated soil storage areas, the position of building material storage areas and the position of deliveries to the erf.
- To hold a CEMP education session aimed at educating and raising the awareness of the Builder and his personnel and subcontractors as to the sensitivity of the Property prior to commencement of the house construction works, and to target responsible individuals as key players for environmental education, to facilitate the spread of the correct environmental attitude for the duration of the works.
- To review all elements of the works with the Builder to determine which elements require method statements, to instruct the Builder to submit these method statements and to approve such methods.

- The ESO is to visit the erf on a weekly basis for a period of at least one hour for the duration of the house construction works in order to undertake the following tasks:
- i. To review method statements and determine the most environmentally sensitive options of modus operandi for the construction related tasks, when considered necessary by the ESO.
  - ii. To make on-site decisions regarding any tree or other vegetation removal or retention.
  - iii. To take immediate action on site where clearly defined no-go areas are violated, or in danger of being violated, and to inform the Owner and HOA immediately of the occurrence and the action taken.
  - iv. To keep a site diary of any incidents of environmental disturbance or damage, instructions or recommendations to builders and owners, and penalties recommended to the HOA.
  - v. The ESO shall advise (but not instruct) the Builder on environmental matters relating to, or arising in the course of, the execution of the works on an erf.
  - vi. The ESO shall attend the weekly "site meeting" chaired by the HOA and attended by all Builders on the Property.
  - vii. Where possible, it is advisable to use the same ESO for as many sites as possible.
  - viii. The ESO is empowered to order the Builder to immediately cease any element of the works which contravene the conditions of the CEMP, and/or which are required to be stopped as a matter of urgency in order to prevent serious adverse environmental damage or potential environmental damage to any of the adjacent properties or areas outside the boundaries of the erf, provided that the ESO shall without delay report on such action to the Council, the HOA and the Owner.
  - ix. The ESO shall simultaneously refer to the HOA, the Owner and to the Local Authority any impending, apparent or alleged failure by the Builder to carry out their obligations in terms of the CEMP or to heed advice or any order given by the ESO in terms of paragraphs this clause.
  - x. Instructions to the Builder will be issued only by the Owner through their system established for the project management and control of the house construction operations.
  - xi. Any amendment or variation of the advice given by the ESO, which is proposed by the Owner when instructing the Builder, must be reported with full motivation by the Owner, to the Local Authority who approved to CEMP, and the HOA.
  - xii. The Owner and/or Builder will consult with the ESO with respect to any aspects of the house construction operations, which may impact on the environment.

- xiii. To visit the erf at the completion of house construction, ensure that all trees and other vegetation in the private open space areas on the property have not been damaged or removed, and ensure that the erf and surrounding areas have been suitably cleaned.
- xiv. The ESO shall liaise with the ECO, the Owner and the HOA on a regular basis.

### **3. Actions:**

#### **3.1. Qualification of Builders**

Builders must furnish at least three references of prior building contracts to be allowed to build on this Estate. An owner builder must qualify as above. Builders are at all times responsible for their sub-contractors, employees and suppliers while on the Property.

#### **3.2. Terms and Conditions for House Construction**

When a builder is found to be in breach of the stated rules and regulations a penalty will be levied. The extent of the penalty is detailed below the description of each condition. Where a penalty is insufficient to cover the cost of repairing the environmental damage caused by the breach, the HOA reserves the right to recover the additional costs from the Owner.

#### **3.3. Erf Drawings and Building Plan Controls**

The ESO must approve the Builder's erf drawing which indicates the position of storage shed(s), position of topsoil and excavated soil storage areas, the position of building material storage areas and the position of deliveries to the erf. The Builder must ensure that the signed approved building plan is available at all times for inspection by the HOA. Any variations to the approved building plan must be submitted to HOA for signed approval and may only be implemented once the approved variation is available to the Builder. Prior to commencing with the house construction works the Builder must (i) set out the foundations for inspection and approval by the HOA; (ii) confirm the height of buildings with the HOA; (iii) set out and confirm the form of driveway with the HOA; (iv) provide a site drawing indicating the position of storage shed(s); position of topsoil and excavated soil storage areas; the position of building material storage areas; and the position of deliveries. The Builder must make application to HOA for the issuing of a Plinth Certificate, to ensure that the correct overall height of the building is maintained. This certificate must be issued prior to the commencement of the construction of the superstructure. The Builder will be denied access to the Property until the above



documentation is in place. The Builder will be instructed by the HOA to remove any structures that do not conform to approved plans.

**3.4. Environmental Education**

The ESO shall hold an education session, as and when required, for all employees and subcontractors of the Builder on the terms and conditions of this CEMP. All staff and subcontractors must attend this education session prior to working on the Property. Personnel who have not attended an education session will not be allowed onto the Property.

**3.5. Method Statements**

The ESO may require method statements from the builder in which the methodology for undertaking certain elements of the works are described, and such method statements must be submitted to the ESO's approval prior to commencement of any house construction works on the erf. Work by the Builder will be stopped by the ESO until a method statement or statements have been submitted to the ESO for approval.

**3.6. Limits of building activity**

All activities relating to the house construction must be confined to within the erf boundaries where the works are executed. It is the responsibility of the Builder to ensure that his personnel remain within the demarcated areas of the erf on which they are working. If there are transgressions, the HOA and/or ESO will stop work by the Builder until such time as the Builder's equipment/staff has been moved to within the boundaries of the erf. The Builder will be fined R150,00 per transgression.

**3.7. Site presentation and spoiling of excess material**

The Builder shall keep the appearance of the erf neat and tidy at all times to the satisfaction of the ESO and the HOA. Building rubble must be removed from the erf at intervals not exceeding one week, and litter must be removed from the erf on a daily basis, to an approved waste disposal site. No litter may be stored or mixed in amongst building rubble. Refuse drums must be supplied for the purpose of storing refuse until removed from erf by the Builder. No material or building rubble shall be spoiled on the Estate.

Should a builder fail to remove building rubble or litter within the specified timeframe after receiving written notice to this effect, the rubble will be removed by an outside contractor. The costs of this outside contractor shall be paid by the HOA and reclaimed from the builder. The Builder will be denied access to the Property until such costs have been paid in full. In addition to this the Builder will be fined R1 000,00 per offence.

Should wind blown litter be generated from the erf, the Builder will be fined R 250,00 per day until all refuse has been removed from the stand and the surrounding area.

**3.8. Cleaning of vehicles/equipment**

The washing of Builder's vehicles and equipment is not permitted on the property. The Builder will be fined R500,00 per offence.

**3.9. Fires**

No fires will be allowed on any part of the Property including the erf. The Builder is to provide at least two fully operational fire extinguishers, which must be on site at all times. The Builder will be fined R1 000,00 per offence of not having the fire fighting equipment on site and in working order. The Builder will in addition be held legally and financially responsible for any damage caused by a fire resulting from builder negligence.

**3.10. Smoking**

The builder shall ensure that his employees do not smoke on the Property except in a designated site within a five-metre radius of a portable fire extinguisher. The Builder will be fined R150,00 per smoking incident by any member of his team.

**3.11. Ablution facilities**

Builders must make adequate provision for potable water and temporary toilets located on the erf for the use of their employees until such time as the water and sewer reticulation systems are available. The Builder will be denied access to the Property until such time as toilets are on site. In addition the Builder will be fined R500,00 per violation of usage of this toilet by any member of his team.

**3.12. Protection of sensitive areas**

When building takes place on erven fronting onto the wetland area, diamond mesh fencing must be placed along the boundary of the buffer area of the erf for the duration of construction (placement to be determined on site with the ESO), to prevent damage to the wetland by litter and spoil from the construction activities. This will also prevent access into the wetland area. This fencing is to be removed on completion of building operations. The Builder will be denied access onto the Property until such screening structures are in place. In addition, The Builder will be fined R500,00 per offence of litter, spoil and access into the wetland areas.

### **3.13. Screening of building sites**

The Builder shall screen off the erf with a 1,8m high black shade-netting screen in the following circumstances, (i) where there is no screening wall between the site under construction and the adjacent property, (ii) at the direction of the HOA. The Builder will be denied access onto the Property until such screening structures are in place.

### **3.14. Hours of Work**

Builders may only be present on the Property during the following time hours:

Normal Working days: 06:30 to 18:00 and Saturdays: 08:00 to 14:00

Builders are not allowed on the Property on Sundays and public holidays, or outside the times listed above, without the written permission of HOA as these days are considered to be private time. Special applications for Builders to carry out works on their erf during private time must be lodged with HOA at least one week prior to the private time activity. No employees will be allowed to remain on site during private time. Builders will be escorted from the Property by security during private times, unless permission has been granted. In addition the Builder will be fined R500,00 per transgression.

### **3.15. Deliveries to Builders**

Builders will at all times be responsible for the compliance of delivery personnel with the contents of this Agreement. The Builder shall ensure that all delivery times will be limited to times defined above. The Builder shall ensure that the size of delivery vehicles is limited to those that can be accommodated by the existing roads on site. The position of delivery points must be indicated on the site diagram, which must be submitted for approval in terms of 3.3. The Builder shall advise the entrance security staff in the morning of the details of the deliveries expected that day.

The delivery of concrete has the potential to cause the most damage to the road surfacing and vegetation. It is therefore important that these deliveries are handled in an environmentally sensitive way. The Builder shall ensure that drivers of concrete delivery vehicles are briefed on the conditions of this document.

Drivers found contravening the Estate rules and regulations will be escorted off the Property and refused access to the property by the HOA. The Owner and/or Builder will be liable for penalties incurred by a delivery vehicle. The Builder will be fined R500,00 per transgression.

### **3.16. Washing of Concrete Delivery Vehicles**

The washing of premixed concrete delivery vehicles must not take place within the Estate. Under no circumstances may concrete be spilled onto the road surface and the

Builder will be held responsible for the repair to the road if this occurs. The Builder will be fined R500,00 per offence in addition to the costs of repairing the road.

### **3.17. Storage Sheds/Huts**

The Builder will be allowed to erect temporary storage sheds/huts within the boundaries of the erf, to a maximum height of 2,4m above ground level. The position of such structures must be indicated on the site diagram, which must be approved by ESO/HOA in terms of 3.3. The Builder will be instructed to remove any structures that do not conform to this regulation.

### **3.18. Security**

The development is located in a secure and controlled environment and therefore individual watchmen will not be allowed on the property during private times. Security personnel control access to the Estate and the Builder must at all times adhere to their security rules. Personnel and subcontractors of the Builder must at all times be in possession of an access pass, which will be issued by the Builder. The pass may only be valid for the period that the subcontractor is required to be on the property and must be renewed monthly. Personnel must be transported by vehicle to the relevant erf and will not be allowed to walk from one erf to another. The security personnel must sign in all Builder vehicles entering the Property. Each erf will be allowed a maximum of two vehicles on the property so as not to cause disruption to vehicular movement and damage to road verges. Any member of Builder's staff not adhering to this regulation will be removed from the Property. In addition the Builder will be fined R150,00 per transgression.

### **3.19. Speed Limit**

For security and safety reasons the speed limit on the Property for all vehicles is 35 km/h. The Builder shall ensure that his employees, subcontractors and delivery vehicles adhere to this rule. The Builder will be fined an amount of R500,00 per transgression.

Continuous non-compliance will result in the Builder being expelled from the Property.

### **3.20. General Controls**

One representative of each Builder is expected to attend a weekly site meeting to discuss general issues relating to work on the property. A representative of the HOA should attend at least every third weekly site meeting. The Builder will be fined an amount of R250,00 for not attending the site co-ordination meetings.

**3.21. Roads and Road Verges**

Builders must ensure that the road in front of their erf is swept clean to the satisfaction of the ESO and HOA at all times. Builders must also ensure that the kerbs and sidewalks in front of their erf are adequately protected from damage by the house construction works. All building materials must be stored on the erf. Special permission may be obtained from HOA to neatly store some material on the road verge directly in front of the erf. The Builder will be fined R150,00 per day for roads not swept.

The Builder will be held financially and legally responsible for the damage to road surfaces and kerbs caused through his house construction works.

**3.22. Monthly Building Management Levy**

To cover the administration costs relating to the housing delivery process each Builder must pay a monthly building management levy to the HOA, to be paid by the 1st of every month, and be paid in advance. It is herewith recorded that the monthly levy is currently set at R500.00 (VAT included) per month and is subject to review by the HOA from time to time.

**3.23. Payment Of Fines**

All monies owing to HOA must be paid on the Monday following the fine. The HOA will keep separate management and accounting records for these fines and ensure that monies from fines are used to repair environmental damage only. In the event of the Builder failing to pay fine in time the Builder will be denied access onto the Property.

**3.24. Site clearing after construction**

All building material, spoil and equipment, including fencing and temporary toilets, are to be removed from site within two days of completion of building. The ESO is to check the site and sign a site clearance form, indicating that site clearance has been satisfactorily undertaken. Final payment of the Builder will only be made once this site clearance is signed.

**APPENDIX 4**

**SCHONENBERG ESTATE LANDSCAPE GUIDELINES**

- External squares/ viewing podiums

At the end of prominent avenues along Main Road a number of small squares are proposed. These multi-functional spaces act as play and parking courts for estate residents. Externally they form viewing platforms, which provides vistas through the proposed development.

- Commons

Commons are large public green open spaces, which are clearly defined within urban environments. Commons are used as communal gathering and recreation spaces. A number of these spaces are located within the proposed development. The most prominent is around the wetland in the centre of the site. This space will be clearly demarcated with low walls and celebrated entrance points. Several smaller commons are proposed at the bottom of the site as part of the landscaped buffer and detention facilities.

- Public squares

Smaller public squares are proposed throughout the proposed development. These spaces are contextualised through coinciding with unique features of the site. Significant tree formations forms the basis of most of the smaller squares. These spaces are used as intimate recreation spaces. These spaces are connected to avenues and primary movement routes through pedestrian routes.

- Internal squares/ courtyards

A number of smaller multi-functional squares and courts are proposed throughout the proposed development. These semi-public spaces are used as parking and recreation spaces for surrounding residents. Access to these spaces is via pedestrian routes or semi-public vehicular access routes.

#### 5.3.4 Sub-division Layout

The proposed sub-divisions have been designed to ensure a coherent identity throughout the proposed development. The main spatial and movement structure forms the super blocks within which a number of smaller sub-divisions are proposed. All future sub-divisions will be subject to approval by the Design Review Committee.

#### 5.3.5 Design and Development Controls

A design control document (Annexure x1) is included in this application outlining the type and character of the proposed development. This document will be used to control all development and ensure a coherent identity throughout the estate. This document will address the following:

- Development typologies and densities
- Height restrictions
- Public private interface between street and private residence
- Visual Impact
- Building materials and finishes
- Building envelopes and frontage
- Landscaping

This document will clearly outline the approval process required for construction within the proposed development.

## 5.4 Conceptual Landscape Framework

### 5.4.1 Landscape Identity

The theme that has developed for the landscape components uses as its precedent the historical rural / agricultural aesthetic that is found within the surrounding Somerset West environment.

The elements of the historic landscape have been interpreted to facilitate the particular requirements of the proposed development, as follows (refer to figure 5.3):

Within the soft landscaping:

- The classic farm tree avenue windbreaks have been used simultaneously as windbreaks, street avenues and as visual and sound buffers.
- The clumps of trees and lone shade trees found within agricultural fields are emulated in the retained clumps of Stone pines, for the purposes of celebrating public open spaces, fragmenting the development and providing bird nesting places.
- The existing hedging along Somerset Main Road will be inter planted with dog roses, a planting theme used historically on farms.
- The surrounding storm water management areas and the seasonal seep are to be vegetated predominantly with indigenous vegetation endemic to the area.
- The use of Poplar and Camphor trees as the major large new structuring tree species was informed by the use of these trees historically on surrounding farms as wind breaks and avenues.

Within the hard landscaping:

- The low 'werf' wall theme is used as a defining element, in places separating areas and therefore protecting them, for example the seasonal seep, is surrounded by a low 'werf' wall, providing a clear boundary between the wetland and the adjacent residential erven.

### 5.4.2 Place-making Elements

There are several landscape layers, which cumulatively structure and define the site.

They are as follows:

- The development of the storm water system into an integrated storm water and recreational system. The inclusion of the marsh, the water channels and the detention basins into this system establishes a broad green edge to two of the site boundaries, contributing to the semi rural character. (refer to figure 5.4)
- The development of closely planted tree avenues further reinforces the rural theme, with its reference to wind breaks and formal tree lined avenues.
- Public court spaces within the development refer to the 'public common', town squares and farm 'verfs' found historically.

### 5.4.3 Hard / Soft Landscaping.

- Hard landscaping:

- The elements of the hard landscaping are the low werf walls, the street furniture and hard surfaces. The walls are to be developed as elements that define boundaries, so as to facilitate the management of the public open spaces.
- The street furniture components, namely the lighting, seating, litter bins etc, are to be designed thematically as related elements.
- The dominant road surfacing is tarmac, however certain nodes and crossings will be elaborated on with an alternative paving material.

**ENTRANCES**

ENTRANCES ENHANCED WITH TREE AND DOG ROSE PLANTINGS. (AS HISTORICALLY FOUND ON SURROUNDING FARMS.)

RETAIN FEATURE STONE PILES AND GUM TREES, AS FOCAL POINTS AND AVENUES.

Lombardy Poplar (*Populus nigra* 'Italica') AVENUE

**SEASONAL SEEP**

RETAIN EXISTING SEASONAL SEEP WITH A BUFFER OF INDIGENOUS VEGETATION ADJACENT TO RESIDENTIAL UNITS. SEEP ACCESSED WITH INFORMAL WALKWAYS BOARDWALKS AND VIEWING POINTS.

SELECTIVE PRUNING OF EXISTING NATURAL HEDGE FOR INSTALLATION OF SUNKEN PALISADE FENCE INTERPLANTED WITH DOG ROSES.

PERIMETER RECREATIONAL PATH AT TOE OF SLOPE.

EXISTING POPLAR GROVE RETAINED, AS PLANTING SCREEN ON THE CORNER.

SOMERSET MAIN ROAD.

MAINTENANCE AREA.

PATH SYSTEM CONNECTS INTO THE DEVELOPMENT PROPOSAL AT VARIOUS POINTS.

MAJOR TREE AVENUES CAMPHOR TREES. (*Cinnamomum camphora*) WITH PIONEERING *Populus almonitii*.

VEGETATED BERM AS VISUAL AND SOUND BARRIER TO ROADS AND RAILWAY LINE.

15m SERVITUDE UTILIZED AS PART OF THE PERIMETER PATH SYSTEM FOR RECREATION i.e. CYCLING, WALKING AND JOGGING

RAILWAY LINE.

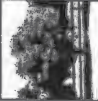
MULTIFUNCTIONAL STORMWATER RETENTION BASINS, SEASONAL WETLANDS AND POSSIBLE KICK ABOUT FIELD.

PROPOSED VEGETATION PLANTED AS VISUAL SCREEN AND SOUND FILTER ALONG THE R44 BOUNDARY.

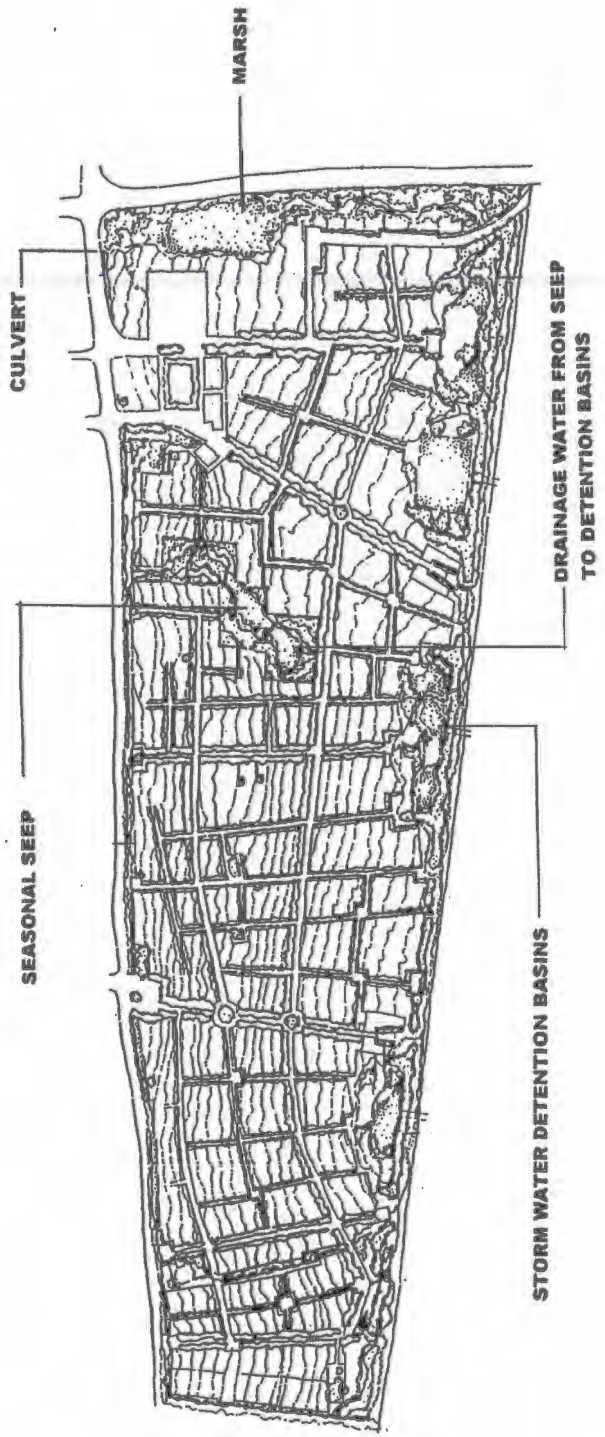
R44.



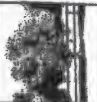
Figure 5.3: LANDSCAPE CONCEPT LAYOUT PLAN  
FARM 794 (PORTION 46) - REZONING APPLICATION







**DRAINAGE SYSTEM**



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**Figure 5.4: DRAINAGE SYSTEM  
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**MM & Associates**  
Planners and Designers  
**URBAN STUDIO**  
Architects, City Planning & Urban Design  
Megan Anderson & Tania Kilzner  
Landscape Architects

- Soft landscaping (refer to figure 5.5)  
The soft landscaping elements are the avenue, the windbreak, the hedge, the marsh, the seasonal seep and areas of 'natural' plant material.  
The types of plant species that were used historically on the surrounding farms informed the materials for the soft landscaping.

The landscaping of the seasonal seep and parts of the storm water system refer back to the plant material found in the surrounding 'natural' landscape. (refer to figure 5.6)

The retention of the historic Gum Tree Avenue, simultaneously preserves a historic avenue and provides for an established tree avenue within the development. (refer to figure 5.7)

The retention of the Stone Pines across the site facilitates the fragmentation of the development as well as providing established trees within the public open space system. (refer to figure 5.7)

Soft Landscaping elements such as vegetated berms and hedges will be used as screens and sound filters along all four of the edges. (refer to figure 5.8)

#### 5.4.4 Water elements

The water elements within the development have evolved out of the existing natural systems on the site, namely:

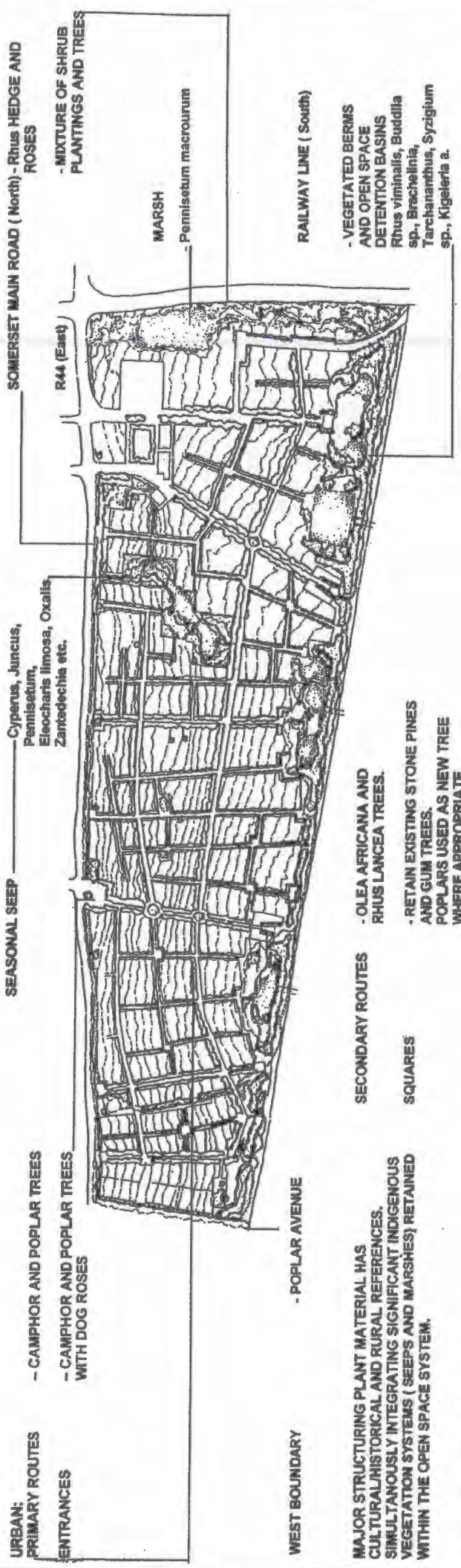
The seasonal seep is an existing seep, which will be integrated into the open space system, use of this area as a passive recreation area for observing birds and walking is to be encouraged.

The seasonal wetlands at the low area of the site have evolved out of the need for detention basins on the site to detain the 50-year flood. These large open areas were seen as advantageous areas to develop as seasonal wetlands as they are situated on the low-lying high water table areas of the site.  
Integrated into the open space system they are to be developed as recreational amenities for walking cycling, and jogging.

The existing *Pennisetum* marsh is to be preserved as a resource and made more accessible to the public through the development of board walks and bird hides.

#### 5.4.5 Recreational paths

A peripheral path with provision for a recreational as well as functional (security) facility for the homeowners. A suitably paved path for pedestrian, joggers and cyclists will meander around the site feeding into the internal streets and open spaces and around and across the multifunctional storm water ponds/seasonal wetlands. (refer to figure 5.9)



**URBAN:  
PRIMARY ROUTES  
ENTRANCES**

- CAMPHOR AND POPLAR TREES
- CAMPHOR AND POPLAR TREES WITH DOG ROSES

**SEASONAL SEEP**

- Cyperus, Juncus, Pennisetum, Eleocharis limosa, Oxalis, Zantedeschia etc.

**SOMERSET MAIN ROAD ( North) - Rhus HEDGE AND ROSES**

- MIXTURE OF SHRUB PLANTINGS AND TREES

**MARSH**

- Pennisetum macrochloa

**WEST BOUNDARY**

- POPLAR AVENUE

**MAJOR STRUCTURING PLANT MATERIAL HAS CULTURAL/HISTORICAL AND RURAL REFERENCES. SIMULTANEOUSLY INTEGRATING SIGNIFICANT INDIGENOUS VEGETATION SYSTEMS ( SEEPS AND MARSHES) RETAINED WITHIN THE OPEN SPACE SYSTEM.**

**SECONDARY ROUTES**

- OLEA AFRICANA AND RHUS LANCEA TREES.
- RETAIN EXISTING STONE PINES AND GUM TREES. POPLARS USED AS NEW TREE WHERE APPROPRIATE.

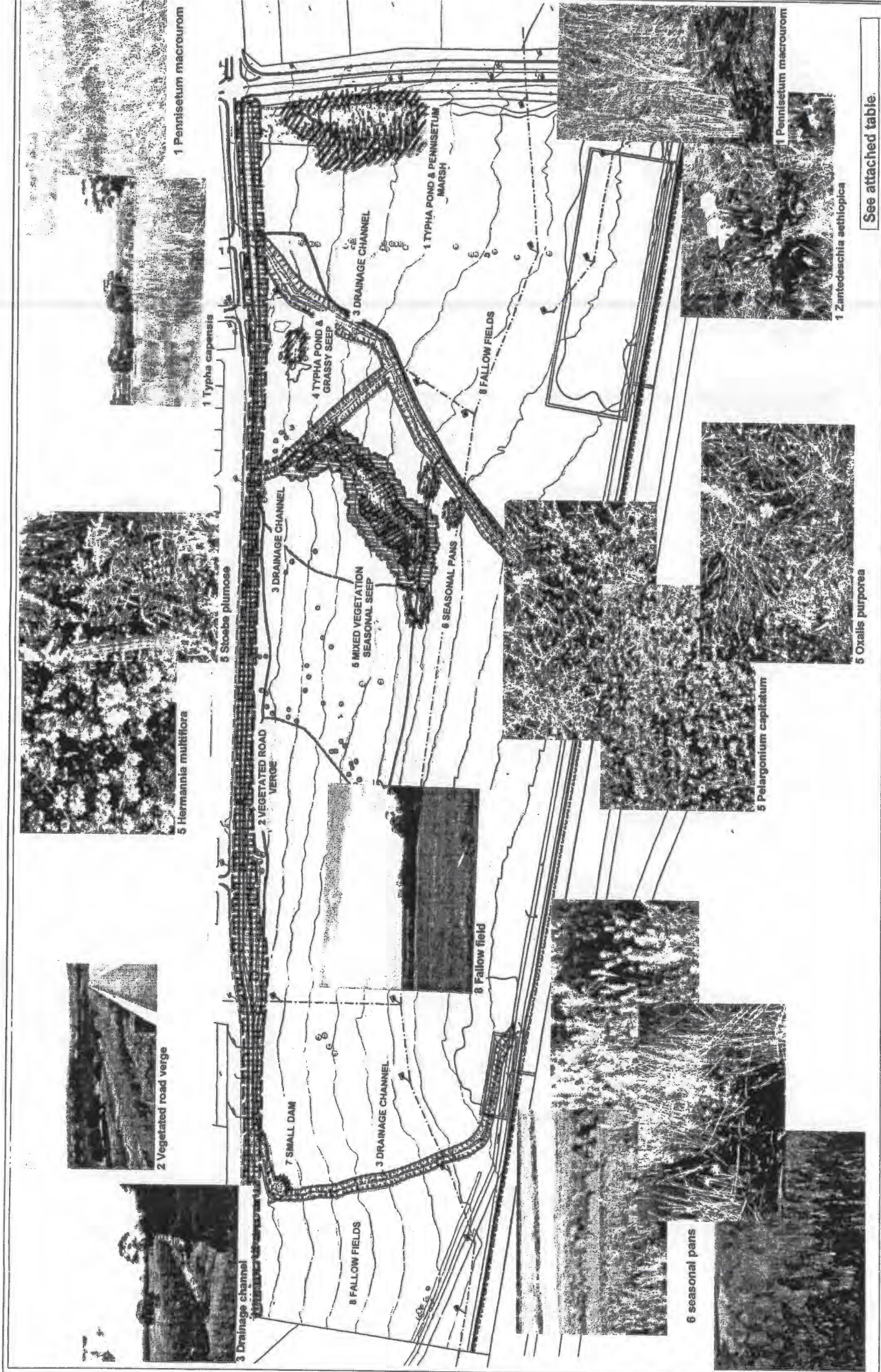
**SQUARES**

**RAILWAY LINE ( South)**

- VEGETATED BERMS AND OPEN SPACE DETENTION BASINS
- Rhus viminalis, Buddlia sp., Brachellnia, Tarchananthus, Syzgium sp., Kigelia a.

**PLANTING PHILOSOPHY**

**Figure 5.5: PLANTING PHILOSOPHY  
FARM 794 (PORTION 46) - REZONING APPLICATION**



See attached table.

Figure 5.6: EVALUATION OF EXISTING VEGETATION  
 FARM 794 (PORTION 46) - REZONING APPLICATION



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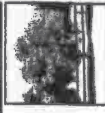
NM & Associates  
 Planners and Designers  
 URBAN STUDIO  
 Architects, City Planning & Urban Design  
 Megan Anderson & Tama Kiltzner  
 Landscape Architects

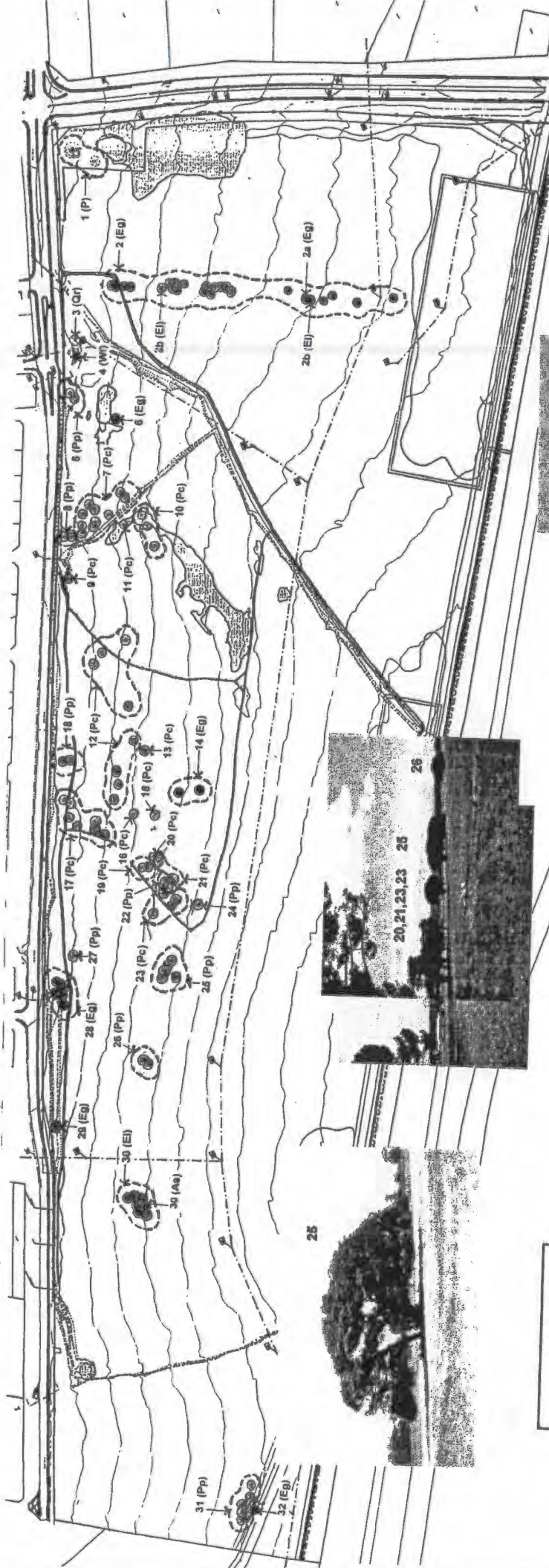
Area	Name	Common Name	Comments
1 TYPHA POND & PENNISETUM MARSH	<i>Pennisetum macrourum</i>	bedding grass	Remnant of more extensive seasonal wetland. Currently fed by runoff from Main Road and R44. <i>Pennisetum</i> marsh is seasonal, while <i>Typha</i> is colonizing a wet pond.
	<i>Typha capensis</i>	bulrush	
	<i>Zantedeschia aethiopica</i>	Arum lilies	
	Frog Survey		
	<i>Afrana fuscigula</i>	Cape River Frog	
	<i>Bufo rangifer</i>	Raucoous Toad	
	<i>Hyperolius horstocki</i> *	Anum Lily Reed Frog	
	<i>Strongylopus grayii</i>	Clicking Stream Frog	
	<i>Xenopus sp.</i>	Common Platanna	
	Bird Survey		
2 VEGETATED ROAD VERGE	Bird Survey	Black Crane	10 species (out of 27) spotted in the wetlands of the site. Worth noting presence of these 3 species, although breeding would tend to occur at larger sites.
		African Sedge Warbler Moorhen	
3 DRAINAGE CHANNELS	<i>Rhus angustifolia</i>		Existing natural hedge can be retained and pruned if necessary
	<i>Rhus viminalis</i>	wit karoo	
	Bird Survey		3 species (out of 27) spotted in boundary vegetation of the site. High levels of erosion, low species diversity
4 TYPHA POND & GRASSY SEEP	<i>Pennisetum clandestinum</i>	kikuyu grass	Not optimal frog habitat, but tadpole of Clicking Stream Frog found in channels, and Cape River Frog may be present in eastern drainage course. Not important communities. Artificial pond receives stormwater run-off from roads
	Frog Survey		
	<i>Strongylopus grayii</i>	clicking stream frog	
	<i>Afrana fuscigula</i>	Cape river frog	
5 MIXED VEGETATION SEASONAL SEEP Wetland vegetation	<i>Athanasia trifurcata</i>	kouterbossie	Remnant of larger wetland and seep Wetland and surrounding buffer of indigenous vegetation should be retained within open space system Provides good habitat for these species, and small pan suitable breeding habitat for Vulnerable <i>Cacosternum capense</i> , although current or imminent local extinction is likely. Site has low to moderate importance.
	<i>Ficinia nigrescens</i>		
	<i>Pennisetum vulgare</i>		
	<i>Oxalis sp</i>		
	<i>Cyperus rotundus</i>		
	<i>Eleocharis limosa</i>		
	<i>Oxalis purpurea</i>		
	<i>Oxalis sp</i>		
	<i>Juncus capillaceus</i>		
	<i>Juncus imbricatus</i>		
<i>Pennisetum macrourum</i>	bedding grass		
Frog Survey			
<i>Bufo angusticeps</i> *	Sand Toad		
<i>Cacosternum capense</i> *	Cape Caco		
<i>Strongylopus grayii</i> *	Clicking Stream Frog		

Area	Name	Common Name	Comments
5 MIXED VEGETATION SEASONAL SEEP Terrestrial	Bird Survey		10 species (out of 27) spotted in the wetlands of the site. Remnants of natural vegetation which would have covered the upper portion of the site
	<i>Athanasia trifurcata</i>		
	<i>Hermannia multiflora</i>	gannabos, pleisterbos	
	<i>Paspalum vulgare</i>		
	<i>Peltargonium capitatum</i>	Rose-scented pelargonium	
	<i>Peltargonium myrrhifolium</i>		
	<i>Stoebe plumose</i>	slangbos	
	Frog Survey		
	<i>Brevicaps gibbosus</i> *	Cape Rain Frog	
6 SEASONAL PANS	<i>Eleocharis limosa</i>		Near-Threatened species that may occur on site. Habitat requirements tend to conflict with optimal sites for residential development. Development of this site would not constitute a significant reduction in the extent of the species' occurrence. Vegetation characteristic of seasonal pan where undisturbed by cultivation
	<i>Oxalis pusilla</i>		
	<i>Romulea sp</i>		
	Frog Survey		
	<i>Bufo angusticeps</i> *	Sand Toad	
	<i>Cacosternum capense</i> *	Cape Caco	
	<i>Strongylopus grayii</i> *	Clicking Stream Frog	
Bird Survey			
7 SMALL DAM		Bulrush	Provides good habitat for these species, and small pan suitable breeding habitat for Vulnerable <i>Cacosternum capense</i> , although current or imminent local extinction is likely. Site has low to moderate importance. 10 species (out of 27) spotted in the wetlands of the site. Removed through dredging
	<i>Typha capensis</i>		
8 FALLOW FIELDS	Frog Survey		Lands previously cultivated for grazing Near-Threatened species that may occur on site. Habitat requirements tend to conflict with optimal sites for residential development. Development of this site would not constitute a significant reduction in the extent of the species' occurrence. 12 species (out of 27) spotted in fallow fields. Cape Francolin only species of conservation significance as one of 9 species included in Fynbos biome-restricted bird assemblage.
	<i>Brevicaps gibbosus</i> *	Cape Rain Frog	
	Bird Survey	Cape Francolin	

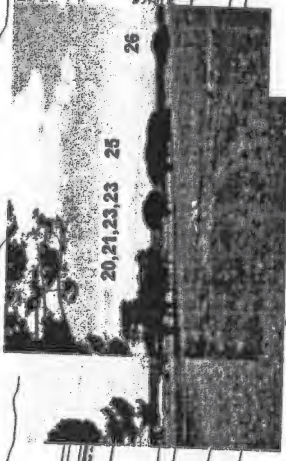
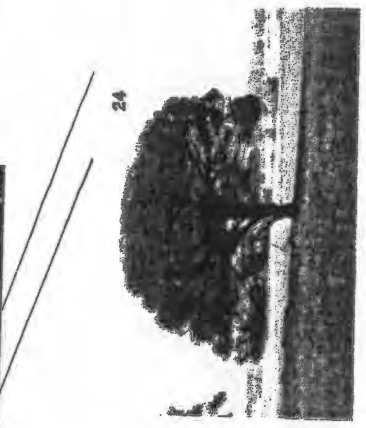
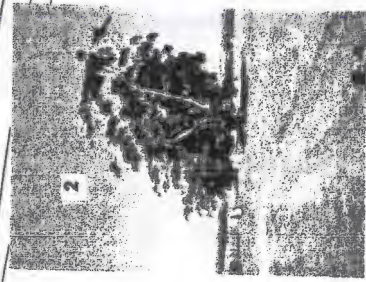
\* Denotes species likely to be present but not confirmed with specimens  
Reference: Fresh Water Consulting Group (Aug 2002) "Assessment of the Aquatic Habitats of and Management Options for Portion 46, Somerset West Draft Report"

Figure 5.6a: EVALUATION OF EXISTING VEGETATION  
FARM 794 (PORTION 46) - REZONING APPLICATION



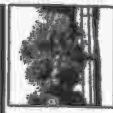


KEY	
	Pines
	Gum trees
	Oaks
	Palms
	Poplars
	Acacia



See attached table

Figure 5.7: EVALUATION OF EXISTING TREES  
 FARM 794 (PORTION 46) - REZONING APPLICATION



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Figure 5.7a: EVALUATION OF EXISTING TREES  
FARM 794 (PORTION 46) - REZONING APPLICATION

NM & Associates  
Planners and Designers  
URBAN STUDIO  
Architects, City Planning & Urban Design  
Megan Anderson & Tama Klitzner  
Landscape Architects

No	Code	Species	Common name	Size	Condition	Value	Comments
1	Pc	<i>Populus canescens</i>	grey poplar	medium	good	High and low	Has rural, historical and aesthetic value, and provides a visual buffer to a major intersection. Is a category 2 declared weed and invader plant therefore needs permission to be retained.
2	Eg	<i>Eucalyptus globulus</i>	blue gum	large	good	high	Has rural, historical and aesthetic value. Strong visual line providing scale and 'sense of place' to area as well as a roosting habitat for birds. Minor pruning required of dead wood which must be kept for bird posts in new wetlands/stormwater ponds. Tree is half dead, to be removed.
2a	Eg	<i>Eucalyptus globulus</i>	blue gum tree	medium	poor	low	
2b	Ei	<i>Eucalyptus lehmannii</i>	spider gum	medium	good	low	Category 1 weed and invader plant. Will be removed during initial stage of development.
3	Qr	<i>Quercus robur</i>	English oak	medium - large	fair	high	Historical, rural and aesthetic value. To be retained.
4	Wf	<i>Washingtonia ficifolia</i>	fan palm	large	good	medium	Relocate elsewhere.
5	Pp	<i>Pinus pinea</i>	stone pine	medium - large	good	high	Historical and aesthetic value, to be retained in open space system.
6	Eg	<i>Eucalyptus globules</i>	blue gum	large	good	high	Historical, rural and aesthetic value.
7	Pc	<i>Pinus pinaster</i>	cluster pines	large	good	moderate	A loose cluster of pines that provide space making and shade. Category 2 weed and invader plant, which will be phased out during development.
8	Pp	<i>Pinus pinea</i>	stone pine	large	good	high	Lovely specimen with historic and aesthetic value, to be retained in open space system.
9	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
10	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
11	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
12	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
13	Pc	<i>Pinus pinaster</i>	cluster pine	large	poor	low	Dead, to be removed and used as bird post in wetland/stormwater ponds.
14	Eg	<i>Eucalyptus globulus</i>	blue gum	large	good	high	Rural, historical and aesthetic value, as well as roosting habitat for birds. Minor pruning required of dead wood.

No	Code	Species	Common name	Size	Condition	Value	Comments
15	Pc	<i>Pinus pinaster</i>	cluster pine	large	poor	low	Dead, to be removed.
16	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
17	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
18	Pp	<i>Pinus pinea</i>	stone pines	large	good	high	Historic and aesthetic value, to be retained as part of open space system.
19	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
20	Pc	<i>Pinus pinaster</i>	cluster pine	large	poor	low	Dead, to be removed.
21	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to site. Category 2 weed and invader plant, which will be phased out during development.
22	Pp	<i>Pinus pinea</i>	stone pines	large	good	high	Historic and aesthetic value, to be retained, some pruning required of dead wood.
23	Pc	<i>Pinus pinaster</i>	cluster pine	large	good	moderate	Provides scale and character to the site. Retain as part of open space. Category 2 weed and invader plant, which will be phased out during development.
24	Pp	<i>Pinus pinea</i>	stone pine	large	good	high	Historic and aesthetic value to be retained.
25	Pp	<i>Pinus pinea</i>	stone pines	large	good	high	Historic and aesthetic value to be retained. One dead, to be removed.
26	Pp	<i>Pinus pinea</i>	stone pines	large	good	high	Historic and aesthetic value, to be retained. Low branches need pruning.
27	Pp	<i>Pinus pinea</i>	stone pine	large	poor	low	Part of tree has broken away at base leaving remainder vulnerable and unsafe. To be removed.
28	Eg	<i>Eucalyptus globulus</i>	blue gums	large	good	high	Historic, rural and aesthetic value, providing roosting habitat for birds. To be retained as part of open space system.
29	Eg	<i>Eucalyptus globulus</i>	blue gum	large	good	high	Historic, rural and aesthetic value, providing roosting habitat for birds. To be retained as part of open space system.
30	Ei	<i>Eucalyptus lehmannii</i>	spider gums	medium	good	low	Category 1 weed and invader species to be removed during development.
30	As	<i>Acacia spp</i>	Wattles	Small	Good	Low	Category 2 weed and invasive plant to be removed during initial stage of development.
31	Pp	<i>Pinus pinea</i>	stone pines	large	Good	High	Historic and aesthetic value, to be retained.
32	Eg	<i>Eucalyptus globulus</i>	blue gums	large	good	high	Historic, rural and aesthetic value. To be retained.

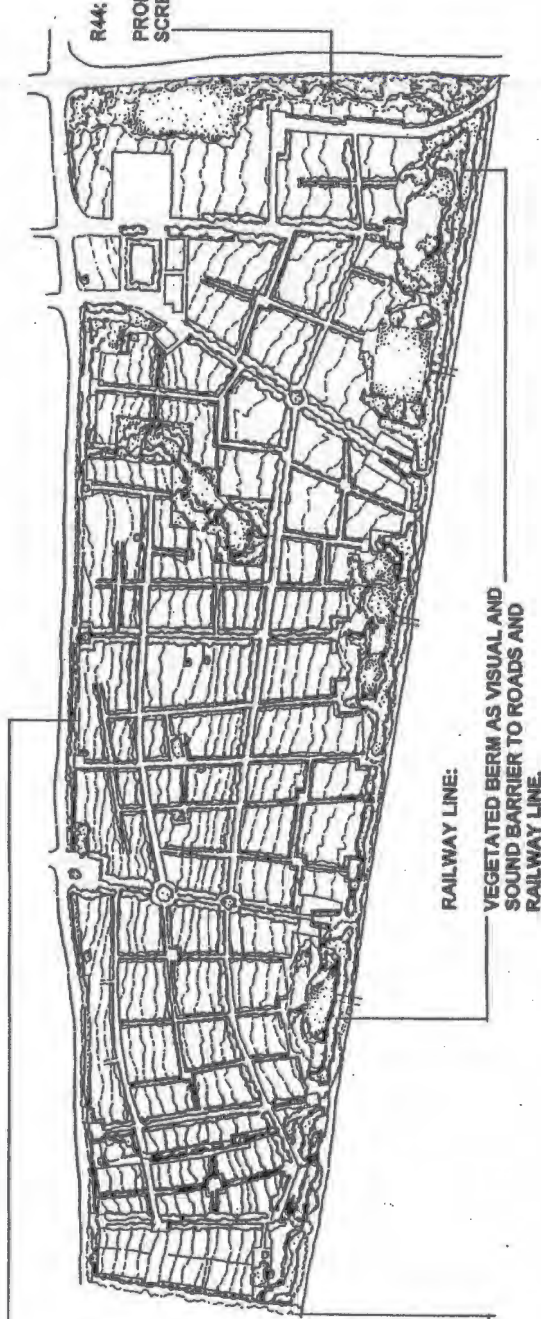
**SOMERSET MAIN ROAD:**

SELECTIVE PRUNING OF EXISTING  
NATURAL HEDGE FOR INSTALLATION  
OF BOUNDARY PALISADE FENCE.  
INTERPLANTED WITH DOG ROSES.

**WEST BOUNDARY:**

POPLAR AVENUE, CREATES  
VISUAL BARRIER AND WIND FILTER.

### BOUNDARY EDGE TREATMENTS

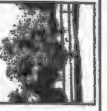


R44:

PROPOSED VEGETATION PLANTED AS VISUAL  
SCREEN AND SOUND FILTER.

RAILWAY LINE:

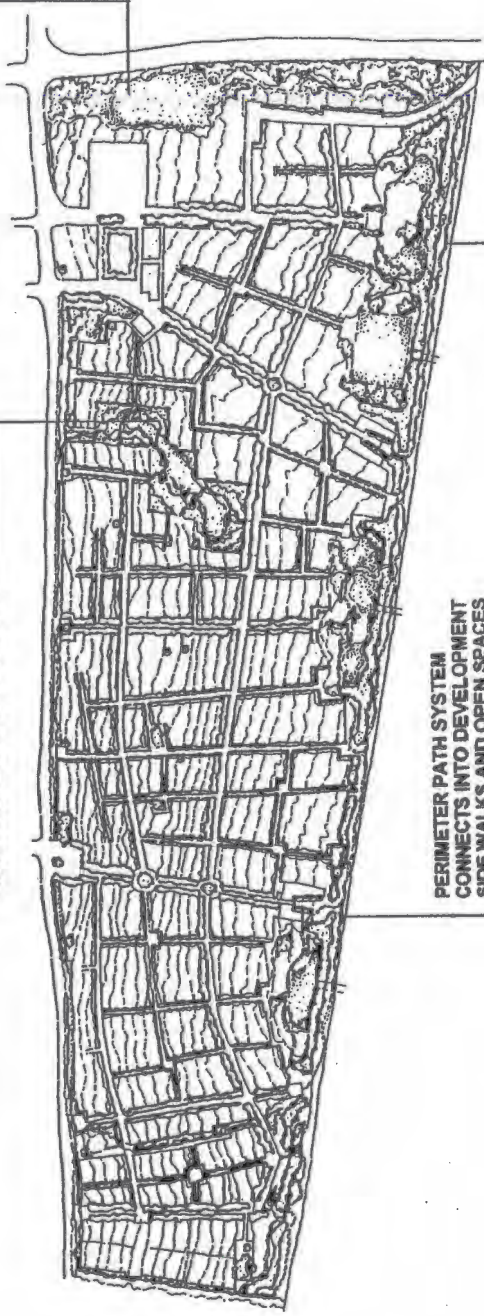
VEGETATED BERM AS VISUAL AND  
SOUND BARRIER TO ROADS AND  
RAILWAY LINE.





PUBLIC ACCESS TO THE PENNISSETUM  
MARSH AND BIRD HIDES.

PATHBOARD WALK SYSTEM  
ACCESSES THE SEASONAL SEEP.



PERIMETER PATH SYSTEM  
CONNECTS INTO DEVELOPMENT  
SIDE WALKS AND OPEN SPACES  
TO FACILITATE A VARIETY OF  
RECREATIONAL EXPERIENCES.

### PEDESTRIAN CIRCULATION SYSTEM



## **APPENDIX 5**

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### **DESIGN GUIDELINES FOR SCHONENBERG ESTATE**

## DESIGN CONTROLS

### 1.0 INTRODUCTION

#### 1.1 Design Criteria

#### 1.2 Definitions

#### 1.3 Urban Design Controls

##### 1.3.1 Block Sub-divisions

##### 1.3.2 Design Elements

### 2.0 THE BUILDING ENVELOPE

#### 2.1 Coverage

#### 2.2 Building Lines

### 3.0 BUILT FORM

#### 3.1 Proportion

#### 3.2 Scale

#### 3.3 Courtyards

#### 3.4 Building shapes

#### 3.5 Interfaces

#### 3.6 Heights

#### 3.7 Garage Doors

#### 3.8 Roofs

### 4.0 EXTERNAL ELEMENTS

#### 4.1 Retaining walls

#### 4.2 Free standing walls

#### 4.3 Utility Areas

#### 4.4 Swimming Pools

#### 4.5 Security

#### 4.6 Services

#### • TV Aerials & Satellite dishes

#### • Service pipes

#### • Air-conditioning

#### • Signage

#### • Laundry

#### • Rainwater tanks

#### • External lighting

#### • Solar heating

### 5.0 LANDSCAPING

#### 5.1 Private areas & blocks

#### 5.2 Public areas

#### 5.3 Drainage and run-off

### 6.0 BUILDING PLAN SUBMISSION

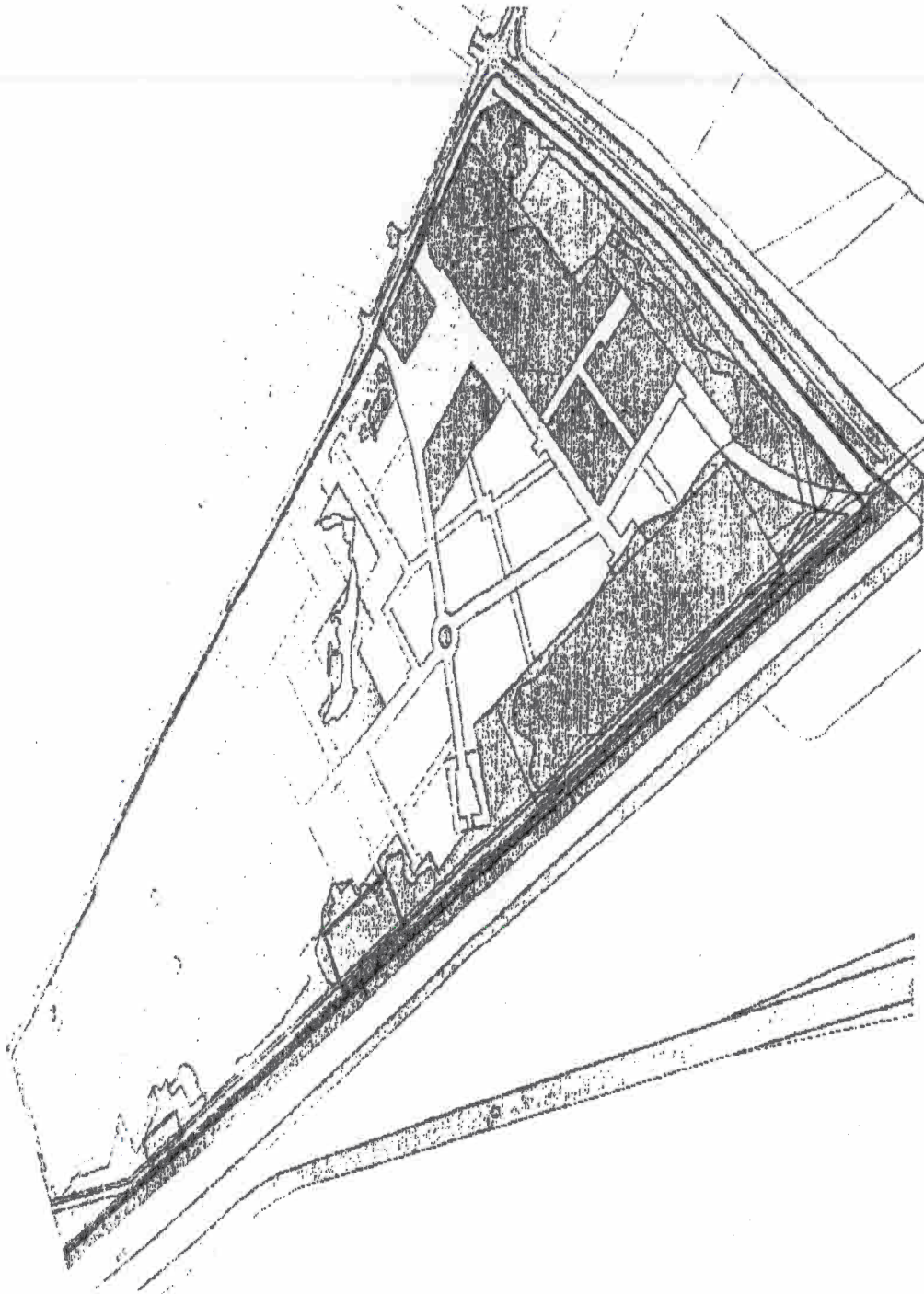
#### 6.1 General

#### 6.2 Drawing information

#### 6.3 Changes to Design controls

### 7.0 PRECINCT DESIGN CONTROLS

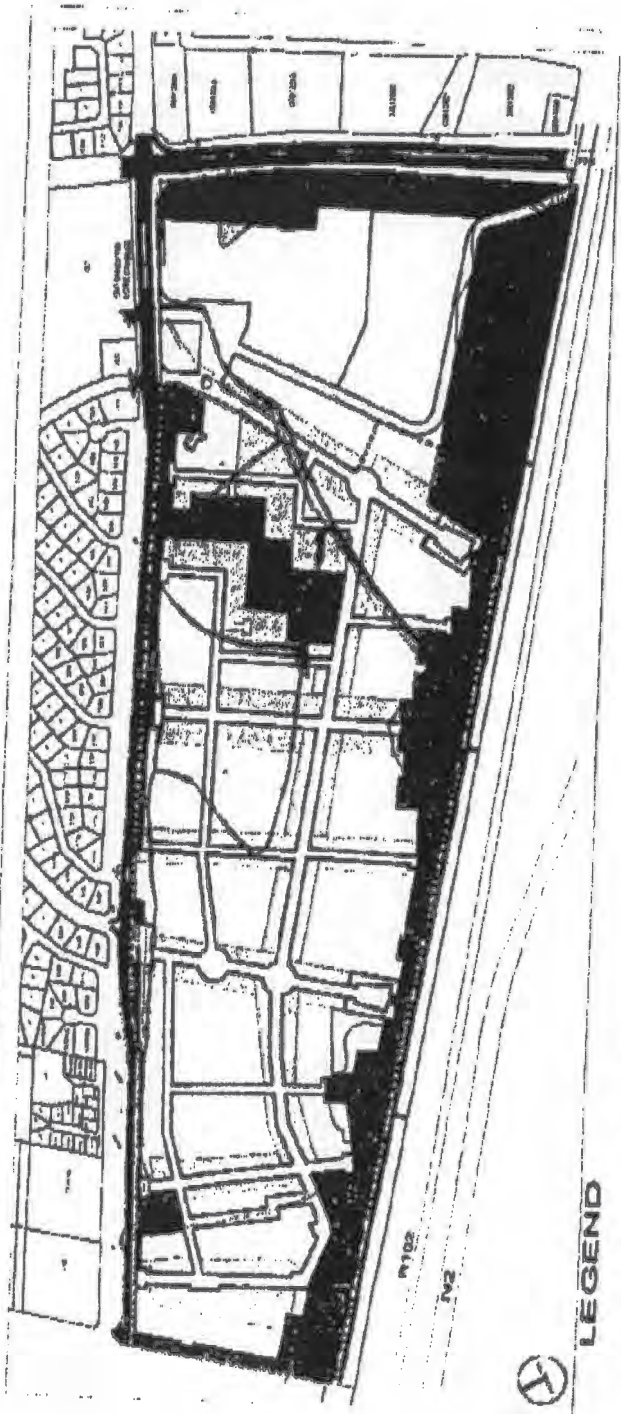








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Landscape Architects

## DESIGN CONTROLS DOCUMENT

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**LEGEND**

-  ARCHITECTURAL & URBAN DESIGN CONTROLS - PRIORITY AREAS
-  EDGE TREATMENT
-  GREEN STRUCTURE
-  SECURED EDGE

**1.0 INTRODUCTION**

The intention of this document is to clearly demonstrate the Architectural and Urban Design controls proposed for the residential precinct of remainder of farm 794, Portion 46 (estate name). A separate design control structure will be followed for the commercial and mixed use precinct. The purpose of these controls are to protect and safeguard the environment, appropriate character and investment value of the development. A number of spatial and architectural elements are used from the historical landscape of Somerset West and Stellenbosch regions to give the development a unique semi-rural identity. The proposed design controls are not restrictive conditions but promote an overall design sensitivity whilst allowing flexibility for individual expression. The refinement of the design controls for various residential precincts will be an ongoing process.

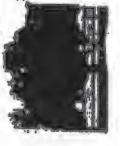
The manual is supplementary to the National Building Regulations and requirements of the local authority. All building designs are to be presented in both sketch form and working drawings to the Portion 46 Design Review committee. The submission requirements will be explained under building plan submission. The design review committee will fall under the jurisdiction of the home-owners association.

**1.1 Design Criteria**

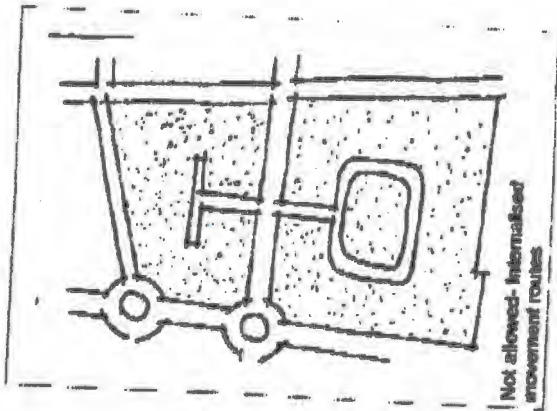
The urban design framework demonstrates a spatial hierarchy, which forms the basis of this document. The spatial definition, edge treatment and public / private interface of all public spaces are prioritised. Buildings around these spaces are given specific attention to ensure a coherent

**DESIGN CONTROLS 2**

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spatial language throughout the development. The interface of buildings to streets and avenues will be addressed through architectural controls on the development of garden walls, build to lines, verandah's and position of garages. This will ensure a coherent street scape without being prescriptive on the architectural character of the building.

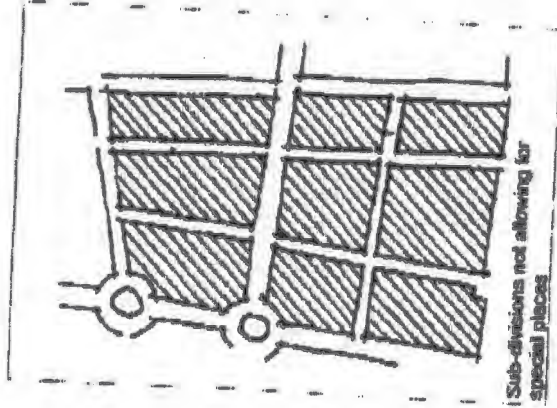
Architectural design controls promote sound architectural principles relating to scale and proportion of buildings as well as prevailing climatic conditions, views, light and the interface with surrounding houses, streets and spaces. A specific architectural character is therefore promoted, which does not rely on style but a contextual response unique to this region.

1.2

Definitions

Classification of terminology

Spatial hierarchy - This refers to the range of public and semi-public spaces which form the spatial structure of the development. These spaces vary in size from large open commons to intimate pedestrian squares and courtyards.



1.3

Urban Design Controls

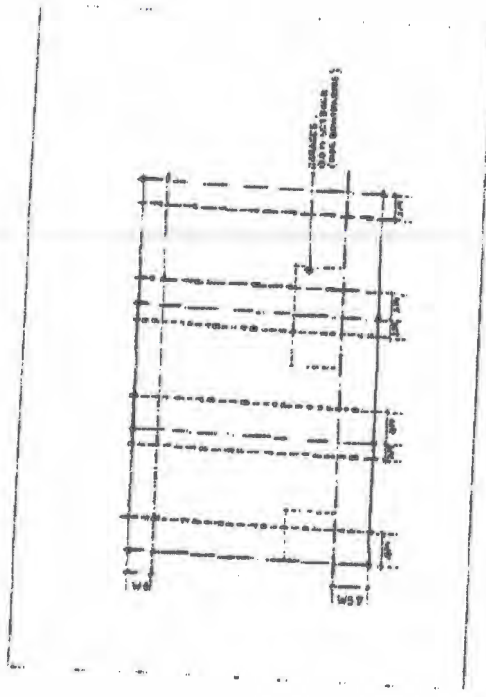
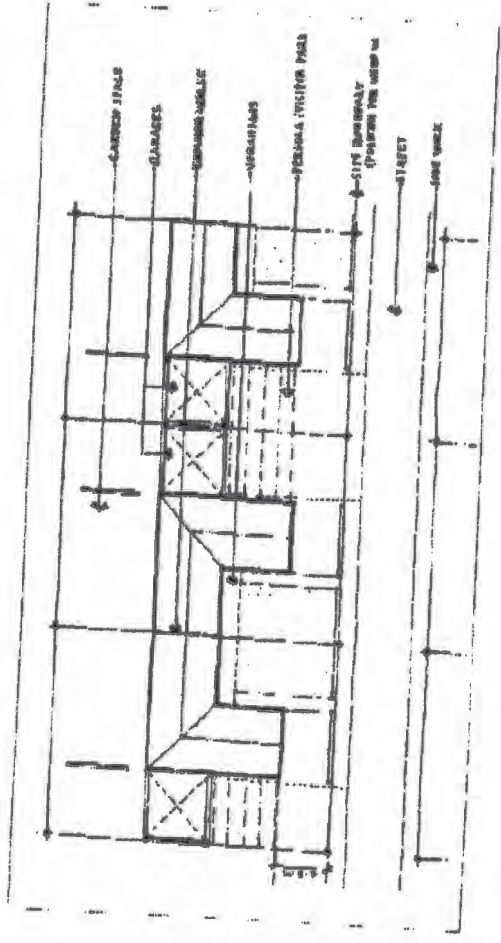
This section illustrate various levels of control throughout the development. This relates to specific residential products, typologies and their location within the development. Figure (p2) illustrates the main areas of development control. The diagram promotes a coherent street elevation along front avenues and the main connecting route through the development. Edges of green open spaces, conservation areas as well as various sizes of public squares are included in the provisioned areas.

The next level of control relates to various residential densities. Higher residential densities require a greater amount of prescriptive controls to ensure a rich and varied environment. Great care will be taken to ensure that group sites do not reflect a monotonous environment within the greater estate.

1.3.1 Block subdivisions

The proposed subdivision layout is designed to create a primary and secondary block system. A logical subdivision layout for both single and group residential sites were developed as part of the Urban Design guidelines. A logical sub-division system is essential to ensure that no internal road system will be developed for group sites that is in conflict with the spatial structure of the rest of the development. No internalised subdivisions will be allowed with additional walls and or secure entrance gates. Security is provided by the developers around the perimeter.





**1.3.2 Design elements**

The design elements relate to the three different levels of spatial control. These are elements that relate to public spaces, the transition between public and private spaces and private spaces. The combination of urban and landscaping elements are used to create interesting space. The main building and landscaping elements are:

- Low walls commonly referred to as wall walls. A number of variations of these walls are proposed. The walls will be used to define larger open spaces such as common areas as well as smaller more intimate spaces like landscaped and play courts. The low walls are an important component in defining the interface between the public street and the private residential zone
- Building lines & build to lines are used to promote a more active street frontage. Service areas and private court areas should be located in line with the generic building zone diagram(p5). This will ensure that adjacent uses are compatible
- Verandah's & colonnades are required to add human scale and proportion to buildings. A number of design possibilities will be provided in the document.
- Landscaping plays a key role in the overall identity of the development. The landscaping framework will have specific requirements as part of this document which must be adhered to;

**2.0 The Building Envelope**

**2.1 Coverage:**

- The coverage refers to all building forms and includes the main dwelling, garages, verandahs, balconies and outbuildings.
- The maximum coverage for single residential erven must be 50% of the erf. The coverage for group sites will be outlined in the site development plan submission.
- The minimum house size allowed (single residential), will be 100 sqm, inclusive of garages and outbuildings.

**2.2 Building Lines:**

- The building lines for residential erven must conform to the following restrictions:  
Street boundary:  
4.5 m along the entire length of the street frontage. Garages may be set back at 5.0m to allow for a carport. Carports are excluded from this restriction provided that it conforms to the controls set out in section 1.6 of this document. A minimum of 25-50% of the street facade must be built on the 4.5 m boundary. The street boundary for group sites will be prescribed through the precinct design controls;
- Side / common boundaries:  
An aggregate system is used for side and common boundaries. A total of 6.0m is allowed, which

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**DESIGN CONTROLS 4**

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