

**CONSTITUTION**  
**OF**  
**SANDOWN PROPERTY OWNERS ASSOCIATION**

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<b>CITY OF CAPE TOWN</b>	
<b>PLANNING &amp; BUILDING DEVELOPMENT MANAGEMENT</b>	
Application no. <b>70248197</b>	
Amendments to section(s) <del>.....</del> of	
this constitution of the <b>Sandown</b>	
Home / Property Owners' Association have been	
approved in terms of Section 29(2)(b)(iii) of	
Ordinance 15 of 1985, as per decision letter	
dated <b>7/10/2015</b> file reference <b>70248197</b>	
attached hereto, insofar as it addresses the	
requirements in Section 29(2)(b)(i), (ii) and (c) of	
said ordinance and any related condition of	
approval.	
<b>Ernest</b>	<b>7.10.2015</b>
Delegatee	Date

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LAND USE MANAGEMENT SECTION  
ZONING SCHEME COMPLIANT

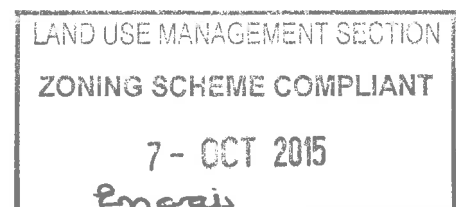
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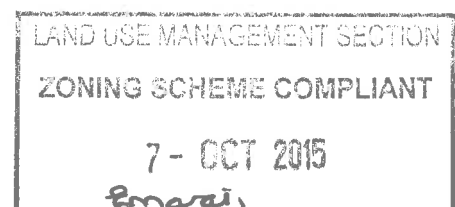
## 1. DEFINITIONS

In this constitution and unless inconsistent with the context the following words and expressions shall have the meanings hereby assigned to them:

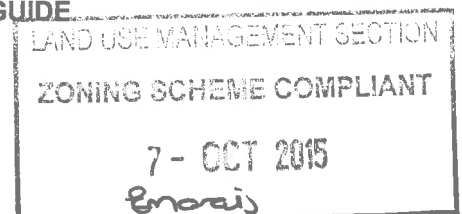
- 1.1 **ALIENATE** means alienate any **ERF** or part thereof and includes by way of sale, exchange, donation, deed, intestate succession, will, cession, assignment, court order, insolvency or liquidation, irrespective of whether such alienation is subject to a suspensive or resolutive condition and "**ALIENATION**" shall have a corresponding meaning.
- 1.2 **ASSOCIATION** means the Sandown Property Owners Association which is established in terms of clause 4 and which is bound by the provisions of this **CONSTITUTION**.
- 1.3 **AUDITORS** means the auditors of the **ASSOCIATION** for the time being and from time to time.
- 1.4 **CHAIRPERSON** means the Chairperson of the **TRUSTEES**.
- 1.5 **FC** means the Fynbos Corridor, being a conservation area in the **DEVELOPMENT** identified as such.
- 1.6 **CONSTITUTION** means this document with the annexures hereto and includes all/any amendments made hereto from time to time in terms hereof.
- 1.7 **DEVELOPER** means The Milnerton Estates Limited (Registration No.1897/000196/06), a duly registered South African public company, or its successor/s in title or assigns.
- 1.8 **DEVELOPER TRUSTEE** means a trustee appointed by the **DEVELOPER**.
- 1.9 **DEVELOPMENT** means all phases of the development to be known as SANDOWN which will initially comprise the shaded area indicated on Annexure "X" hereto which will be subdivided and developed as a township and to which the **DEVELOPER**, with the written consent of the **LOCAL AUTHORITY**, may from time to time add further adjoining immovable property which shall be incorporated in and form part of the **DEVELOPMENT** upon the issuing of such written consent.



- 1.10 **ERF** means any one of the **ERVEN** but excluding public open spaces of which **FC** form a part and public roads to be transferred to the **LOCAL AUTHORITY** and other **ERVEN** to be acquired by and transferred to Eskom Holdings SOC Limited and/or Transnet Limited.
- 1.11 **ERVEN** means all the **ERVEN** comprising the **DEVELOPMENT**.
- 1.12 **GUIDE** means
- 1.12.1 the Sandown Property Owners Association Urban Design Guidelines for the Commercial Precinct of the **DEVELOPMENT** imposed by the **DEVELOPER** and approved by the **LOCAL AUTHORITY** (if applicable); a copy whereof is annexed hereto and includes any further Urban Design Guidelines (the **FURTHER GUIDELINES**) prepared for and applicable to a further precinct/s of the **DEVELOPMENT** imposed by the **DEVELOPER** and approved by the **LOCAL AUTHORITY** (if applicable) subsequent to the coming into existence of this **CONSTITUTION**, and includes all/any amendments, substitutions, omissions or additions made thereto from time to time in terms hereof, adopted by the **TRUSTEES** and approved by the **LOCAL AUTHORITY** (if applicable), and
- 1.12.2 includes Architectural Controls prepared or to be prepared by the **DEVELOPER's** town planner and architect for and applicable to a specific precinct/s of the **DEVELOPMENT** and imposed by the **DEVELOPER** and includes all/any amendments, substitutions, omissions or additions made thereto from time to time in terms hereof,
- copies whereof will be available to an **OWNER** upon written application to the **TRUSTEES**.
- 1.13 **IMPROVEMENTS** means any structure of whatever nature constructed or erected or to be constructed or erected on an **ERF** and includes changes or alterations to existing buildings and/or structures on an **ERF**.
- 1.14 **LEVY** means any one or more or all of the levies referred to in clause 14 hereof.
- 1.15 **LOCAL AUTHORITY** means the local authority having jurisdiction over the **DEVELOPMENT** which, at the commencement date referred to in clause 4, is the Municipality of the City of Cape Town.



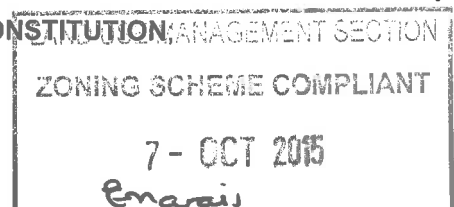
- 1.16 **LUPO** means the Land Use Planning Ordinance No.15/1985 (as amended) and includes any substituted legislation.
- 1.17 **MANAGING AGENT** means any person or body appointed by the **ASSOCIATION** from time to time as an independent contractor to undertake any of the functions of the **ASSOCIATION**.
- 1.18 **MEMBER** means an **OWNER** who in terms of clause 7.1 is automatically a member of the **ASSOCIATION**.
- 1.19 **MEMBER'S PROPERTY** means an **ERF** or **UNIT** (as applicable) registered in the name of a **MEMBER**.
- 1.20 **MEMBER TRUSTEE** means a trustee elected by the **MEMBERS**.
- 1.21 **OWNER** means the registered owner of an **ERF** and/or a **UNIT**.
- 1.22 **PROPERTY** means an **ERF** unless such **ERF** forms part of a **SCHEME** in which event "**PROPERTY**" means a **UNIT**.
- 1.23 **REPRESENTATIVE** means a person authorised by a company, close corporation, trust or other corporate entity, as well as a person authorised by a body corporate of a **SCHEME** to act as its representative at any general meeting of the **ASSOCIATION**.
- 1.24 **RESOLUTION** means, as consistent with the context, either a resolution passed at an annual general meeting or any other general meeting of the **ASSOCIATION** by an ordinary majority of the total votes represented at such meeting by **MEMBERS** present in person or by proxy or a resolution of **TRUSTEES** passed in compliance with the applicable provisions of clause 18.
- 1.25 **REVIEW COMMITTEE** means the Sandown Design Review Committee appointed from time to time in terms of clause 10.3.1 hereof.
- 1.26 **SCHEME** means a sectional title scheme registered in terms of the Sectional Titles Act No. 95/1986 (the "ACT"), as amended, in respect of an **ERF** and buildings thereon.
- 1.27 **SDP** means a Site Development Plan for any **IMPROVEMENTS** to be erected on an **ERF** and/or alterations to **IMPROVEMENTS** as more fully detailed in the applicable Architectural Controls which form portion of the **GUIDE**.



- 1.28 **TRUSTEES** means the **DEVELOPER TRUSTEES** and the **MEMBER TRUSTEES** of the **ASSOCIATION**, collectively from time to time and includes alternate and co-opted **TRUSTEES**.
- 1.29 **UNIT** means a section (as defined in the ACT) in a **SCHEME**, together with such section's undivided share in the common property of such **SCHEME** but excludes a section designated for use as a garage for a motor vehicle or a storeroom serving a residential **UNIT**.
- 1.30 **VALUATION** means the valuation of each **PROPERTY** current from time to time as recorded on the valuation roll of the **LOCAL AUTHORITY** for the assessment of property rates in accordance with applicable legislation.

## 2 INTERPRETATION

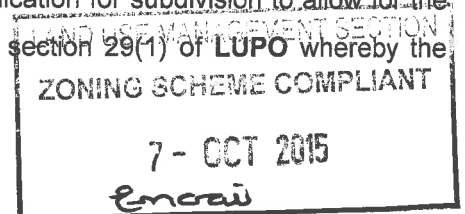
- 2.1 The clause headings are for convenience and shall be disregarded in construing this **CONSTITUTION**.
- 2.2 Unless the context clearly indicates a contrary intention :
- 2.2.1 words importing
- 2.2.1.1 the singular shall include the plural and vice versa; and
- 2.2.1.2 a reference to any one gender shall include the other genders; and
- 2.2.1.3 a reference to natural persons includes legal persons and vice versa.
- 2.2.2 words and expressions defined in any sub-clause shall, for the purpose of the clause of which that sub-clause forms part bear the meaning assigned to such words and expressions in such sub-clause;
- 2.2.3 when any number of days is prescribed in this **CONSTITUTION**, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday;
- 2.2.4 if any provision of this **CONSTITUTION** is in conflict or inconsistent with any Law, then the provisions of such Law shall take precedence and be implemented and if this results in the invalidity of any such provision this shall not affect the validity of the remainder of the provisions of this **CONSTITUTION**;



- 2.2.5 if any provision in a definition in this **CONSTITUTION** is a substantive provision conferring rights or imposing obligations on any of the **MEMBERS** then, notwithstanding that it is only in the definition clause of this **CONSTITUTION**, effect shall be given to it as if it were a substantive provision in the body of this **CONSTITUTION**;
- 2.2.6 the annexures to this **CONSTITUTION** are deemed to be incorporated in and form part of this **CONSTITUTION**.
- 2.3 Where this **CONSTITUTION** provides that the written approval and/or consent of the **DEVELOPER** is required :
- 2.3.1 such provision shall apply for as long as the **DEVELOPER** is a **MEMBER** and upon the **DEVELOPER** ceasing to be a **MEMBER** the **ASSOCIATION** (represented by the **TRUSTEES** at the applicable time) shall be deemed to be substituted for the **DEVELOPER**,
- 2.3.2 notwithstanding the provisions of clause 2.3.1, the **DEVELOPER** may, whilst remaining a **MEMBER** of the **ASSOCIATION**, delegate to the **ASSOCIATION** (represented by the **TRUSTEES** at the applicable time), for a specified period or permanently, the right to grant such written approval and/or consent,
- 2.3.3 the **DEVELOPER** may withhold approval or refuse consent without assigning any reason.
- 2.4 The **DEVELOPER** retains the right at all times to
- 2.4.1 cede its rights in terms of this **CONSTITUTION**, in whole or part, and from the date of cession all **MEMBERS** are bound thereby;
- 2.4.2 abandon, in writing, one or more or all of its rights in terms of this **CONSTITUTION** and no **MEMBER** shall have any claim of whatsoever nature arising therefrom.
- 2.5 Unless the context indicates a contrary intention, the functions, powers, acts or deeds of the **ASSOCIATION** shall be performed and exercised by the **TRUSTEES** holding office, subject to any restrictions imposed or directions given at a general meeting of the **ASSOCIATION**.

### 3 RECORDAL

- 3.1 The **LOCAL AUTHORITY** when approving the application for subdivision to allow for the **DEVELOPMENT** imposed a condition in terms of section 29(1) of **LUPO** whereby the



**OWNER** of each subdivided portion of the immovable property comprising the **DEVELOPMENT** and all successors in title shall be members of a homeowners association in respect of the **DEVELOPMENT**.

3.2 The **DEVELOPER** is desirous of regulating and controlling harmonious development of the **DEVELOPMENT**.

#### 4 **COMMENCEMENT DATE**

The **ASSOCIATION**, as contemplated in terms of section 29 of **LUPO**, will come into existence and be deemed to be formally constituted and this **CONSTITUTION** shall become of force and effect, simultaneously with the first registration of transfer of an **ERF** from the **DEVELOPER** to an **OWNER**.

#### 5 **STATUS**

5.1 The **ASSOCIATION** shall

5.1.1 have legal personality and be capable of suing and being sued in its own name; and

5.1.2 not operate for profit but for the benefit of the **MEMBERS**.

5.2 No **MEMBER** in his personal capacity shall have any right, title or interest to or in the funds or assets of the **ASSOCIATION** which shall vest in and be controlled by the **TRUSTEES**.

5.3 Save as referred to in clause 9.3, no **MEMBER** shall incur any personal liability in respect of acts done or liabilities incurred by or on behalf of the **ASSOCIATION**.

#### 6 **OBJECTS**

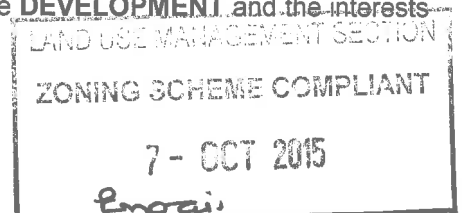
The **ASSOCIATION** shall have as its objects:

6.1 The matters referred to in section 29(2)(b) and (c) of **LUPO** and without detracting from the generality thereof to ensure compliance with the conditions for subdivision imposed by the **LOCAL AUTHORITY** when approving the **DEVELOPMENT** and, more specifically

6.1.1 to oversee, maintain and control the **DEVELOPMENT**;

6.1.2 ensure the general high standard of the **DEVELOPMENT**;

6.1.3 generally to promote, advance and protect the **DEVELOPMENT and the interests** of the **ASSOCIATION**.

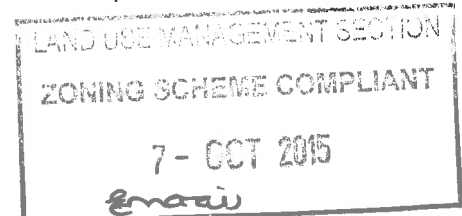




- 6.2 To manage the collective interests common to all its **MEMBERS** which includes, without limiting the generality of the foregoing, expenditure applicable to common areas such as private open spaces and the collection of **LEVIES** for which **MEMBERS** are liable.
- 6.3 The regulation and control of harmonious development of the **DEVELOPMENT** and to ensure that the **FC** is used for conservation primarily and appropriate public recreation purposes and appropriate approved bulk infrastructural requirements only.
- 6.4 To promote a high standard of **IMPROVEMENTS** on the **DEVELOPMENT**.
- 6.5 to administer and enforce the **GUIDE**;
- 6.6 To control the transfer of **ERVEN** and **UNITS** and the conditions imposed by the **LOCAL AUTHORITY** and conditions imposed by the **DEVELOPER** in the Agreement of Sale between the **DEVELOPER** and the first **OWNER** of an **ERF** which becomes binding on all subsequent **OWNERS**.
- 6.7 The **ASSOCIATION** shall have the power to do all such acts as are necessary to accomplish the fulfilment of the foregoing objects including, but not restricted, to powers specifically contained in this **CONSTITUTION**.
- 6.8 The **LOCAL AUTHORITY**, or any other applicable Authority by virtue of any provision in this **CONSTITUTION**, is in no way released from any of its duties and obligations which it is by law required to perform or provide to **OWNERS** or occupiers of **PROPERTY**.

## 7 MEMBERSHIP

- 7.1 The **ASSOCIATION** shall have as its **MEMBERS**
- 7.1.1 the **DEVELOPER** for as long as the **DEVELOPER** remains an owner of any portion of the **DEVELOPMENT** and, without detracting from the generality of the foregoing, specifically including any **ERF** or **UNIT**;
- 7.1.2 every **OWNER** upon registration of transfer of an **ERF** and/or a **UNIT** into his name, which membership is automatic and mandatory. Where an **OWNER** comprises more than one person, such persons shall be deemed jointly to be one **MEMBER** of the **ASSOCIATION** and shall be responsible jointly and severally for the obligations of such membership.
- 7.2 A title deed condition will be imposed by the **DEVELOPER** in favour of the Sandown Property Owners Association in respect of each **ERF** upon transfer thereof out of the name of the **DEVELOPER** as under :



"The within property shall not be alienated or transferred without the written consent of the Sandown Property Owners Association of which the within transferee and his successors in title to this property shall automatically become and remain a member."

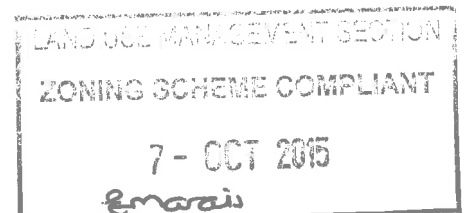
- 7.3 An **OWNER** shall be a **MEMBER** of the **ASSOCIATION** until he ceases to be an **OWNER** whereupon he shall, ipso facto, cease to be a **MEMBER** of the **ASSOCIATION**.

## 8 PHASES

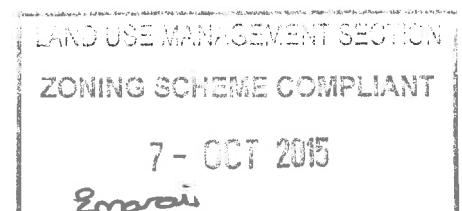
- 8.1 The **DEVELOPER** intends and is entitled to develop and market the **DEVELOPMENT** in phases as the **DEVELOPER** deems fit. For as long as the **DEVELOPER** is a **MEMBER** of the **ASSOCIATION**, the **DEVELOPER** shall enjoy unrestricted rights with regard to the marketing of the **DEVELOPMENT** and, in particular, the right to erect signage within the **DEVELOPMENT**.
- 8.2 The **DEVELOPER** is entitled, with the written consent of the **LOCAL AUTHORITY** to add the whole or portion of adjoining immovable property (the "further property"), from time to time, to form part of the **DEVELOPMENT** and be incorporated therein. The provisions of this **CONSTITUTION** shall apply to the further property from the date of incorporation as though such further property had formed part of the **DEVELOPMENT** from inception. The **DEVELOPER** shall be entitled to develop and market the further property as it may deem fit.
- 8.3 The **DEVELOPER** shall, in its absolute discretion, be entitled to apply for and subject to approval by the **LOCAL AUTHORITY**, vary the layout and/or zoning and/or size and/or boundaries of **ERVEN** and/or the extent and position of streets comprising the **DEVELOPMENT** and **MEMBERS** shall be bound thereby and shall have no claim of whatever nature against the **DEVELOPER** arising therefrom. Insofar as the consent of a **MEMBER** is required for any of the foregoing, the **DEVELOPER** (represented by any one of its Directors) is irrevocably granted a power of attorney to grant any/all such consents on behalf of **MEMBERS**, as may be required and, without detracting from the generality of the foregoing, including any consent required from **MEMBERS** to any re-zoning application, road closure, re-design or any other application which may be submitted by the **DEVELOPER** and/or its authorised agent/s to the **LOCAL AUTHORITY** or to any other body to which such application may be made in respect of any portion of the **DEVELOPMENT**.

## 9 MEMBERS OBLIGATIONS

- 9.1 Every **MEMBER** is obliged to comply with



- 9.1.1 the provisions of this **CONSTITUTION** and all rules or regulations passed by the **ASSOCIATION** and/or the **TRUSTEES**;
- 9.1.2 the provisions of the **GUIDE**;
- 9.1.3 any agreement concluded by the **ASSOCIATION** insofar as such agreement may directly or indirectly impose obligations on a **MEMBER**;
- 9.1.4 any directive given by the **ASSOCIATION** and/or the **TRUSTEES** in enforcing the provisions of this **CONSTITUTION**.
- 9.2 The rights and obligations of a **MEMBER** are not transferable and every **MEMBER** shall
- 9.2.1 to the best of his ability, further the objects and interests of the **ASSOCIATION**;
- 9.2.2 observe all directives made or given by the **ASSOCIATION** and/or the **TRUSTEES**.
- 9.3 The **MEMBERS** shall be jointly liable to the **ASSOCIATION** for expenditure incurred by the **ASSOCIATION** as more fully later referred to herein.
- 9.4 A **MEMBER** shall not **ALIENATE** his **ERF** or **UNIT** unless
- 9.4.1 the proposed transferee has irrevocably bound himself to become a member of the **ASSOCIATION** and to observe the **CONSTITUTION** for the duration of his ownership of the **ERF** and/or **UNIT**;
- 9.4.2 the **ASSOCIATION** has issued a written clearance that all amounts owing to the **ASSOCIATION** by such **MEMBER** have been paid and that the **MEMBER** is not in breach of any of the provisions of this **CONSTITUTION**;
- 9.4.3 the proposed transferee acknowledges that upon the registration of transfer of the **ERF** and/or **UNIT** into his name, he shall ipso facto become a **MEMBER** of the **ASSOCIATION**.
- 9.5 No **MEMBER** shall let or otherwise part with the occupation of his **ERF** or **UNIT** whether temporarily or otherwise unless the proposed occupier has agreed to be bound by all applicable provisions of this **CONSTITUTION**. The **MEMBER** shall, nonetheless, remain bound by this **CONSTITUTION** and is required to ensure compliance therewith by such occupier.
- 9.6 A **MEMBER** may not resign from the **ASSOCIATION**.



## 10 IMPROVEMENTS

10.1 Every **MEMBER**, other than the **DEVELOPER**, who is the registered owner of an **ERF** :

10.1.1 having single residential use rights, shall by no later than 3 (three) years calculated from the date on which the original purchaser of such **ERF** from the **DEVELOPER** became the registered owner thereof, procure that the construction of a residential dwelling (the "residence") on his **ERF**, which complies in all respects with the **GUIDE**, is completed unless the **DEVELOPER**, acting in its absolute discretion, in writing grants an extension/s which may be subject to such conditions, if any, as the **DEVELOPER** deems necessary;

10.1.2 having use rights other than single residential use rights, shall procure that the **ERF** is developed by the construction thereon of **IMPROVEMENTS** in accordance with the use rights applicable thereto and which **IMPROVEMENTS** comply in all respects with the **GUIDE**, are completed no later than 4 (four) years calculated from the date on which the original purchaser of such **ERF** from the **DEVELOPER** became the registered owner thereof, unless the **DEVELOPER**, acting in its absolute discretion, in writing grants an extension/s which may be subject to such conditions, if any, as the **DEVELOPER** deems necessary.

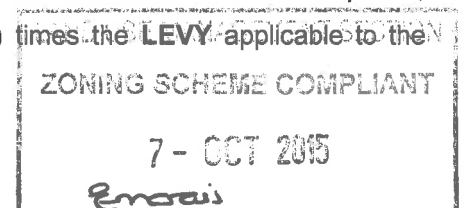
10.2 If a **MEMBER**, as referred to

10.2.1 in clause 10.1.1, fails to timeously complete the erection of a residence on his **ERF** within the time period specified in clause 10.1.1, such **MEMBER** shall, from the first day of the month immediately following the date of expiry of the said period until the residence is completed, be liable for payment of **LEVIES** at 4 (four) times the **LEVY** applicable to the **LEVY** payable for the undeveloped **ERF**;

10.2.2 in clause 10.1.2, fails to timeously complete the erection of the said **IMPROVEMENTS** on his **ERF** within the time period specified in clause 10.1.2, such **MEMBER** shall, from the first day of the month immediately following the date of expiry of the said period until the said **IMPROVEMENTS** are completed, be liable for payment of **LEVIES** at 4 (four) times the **LEVY** applicable to the **LEVY** payable for the undeveloped **ERF**.

10.3 **MEMBERS** shall not

10.3.1 submit a **SDP** in respect of **IMPROVEMENTS** to the **LOCAL AUTHORITY** unless such **SDP** has been approved, as being in compliance with the **GUIDE**, by the **REVIEW COMMITTEE** comprising representatives of the **DEVELOPER** and



consultants (at least one of whom will be a practising architect) appointed from time to time by the **DEVELOPER**. Upon the **DEVELOPER** ceasing to be a **MEMBER** the **TRUSTEES** shall be deemed to be substituted for the **DEVELOPER** for purposes of appointing the **REVIEW COMMITTEE**;

10.3.2 deviate from any plan submitted to and approved by the **ASSOCIATION** (represented by the **TRUSTEES**) as being in compliance with the **GUIDE** unless the **ASSOCIATION's** approval for such proposed deviation has been obtained;

10.3.3 be entitled to challenge or contest any of the provisions of the **GUIDE**;

10.3.4 have any claim of whatsoever nature against the **ASSOCIATION** and/or the **TRUSTEES** and/or the **REVIEW COMMITTEE** arising from any refusal of approval of plans and/or conditional approval and;

10.3.5 breach any restrictions applicable to the **MEMBER's** **ERF** and, in particular, height restrictions applicable to **IMPROVEMENTS** on such **ERF**.

10.4 The provisions of clause 13.1 are imposed to inter alia ensure compliance with the provisions of this clause 10.

10.5 Should the **ASSOCIATION** institute legal proceedings against a **MEMBER** pursuant to a breach of clauses 10 and/or 11, the **ASSOCIATION** shall further be entitled to recover from such **MEMBER** who shall be liable to the **ASSOCIATION** for payment of all the **ASSOCIATION's** legal costs incurred on the scale as between attorney and own client.

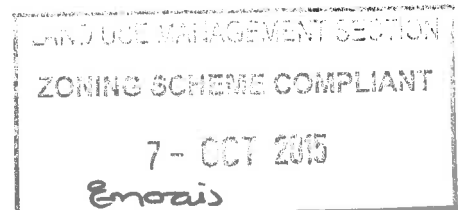
10.6 No provision in this clause 10 shall be interpreted as detracting from the responsibility and obligation of the **LOCAL AUTHORITY** to approve or reject building plans.

## 11 THE GUIDE

11.1 The **GUIDE** constitutes an integral part of this **CONSTITUTION**. For as long as the **DEVELOPER** is a **MEMBER** Architectural Controls referred to in clause 1.12.2 which forms a part of the **GUIDE** may be amended, substituted, added to or repealed only at the instance of the **REVIEW COMMITTEE** and subject to adoption by the **TRUSTEES**.

11.2 All **IMPROVEMENTS** shall be of approved design and of sound construction and shall comply with the provisions of the **GUIDE**.

11.3 No construction or erection of **IMPROVEMENTS** on an **ERF** may commence prior to the approval of the **SDP** for such **IMPROVEMENTS** and the building plans by the **LOCAL AUTHORITY** and in this regard

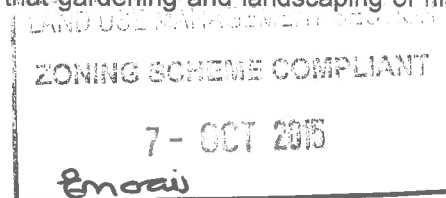


- 11.3.1 the **SDP** prepared in accordance with the **GUIDE** shall be submitted to the **REVIEW COMMITTEE** for approval. The **REVIEW COMMITTEE** shall be the judge as to whether the **SDP** conforms to the **GUIDE** and its decision shall be final and binding on the **MEMBER**;
- 11.3.2 the **REVIEW COMMITTEE** shall be entitled to withhold approval subject to compliance with such modifications or amendments as the **REVIEW COMMITTEE** proposes to the **SDP** and/or such other condition/s as may reasonably be imposed;
- 11.3.3 the **MEMBER** shall be liable for the reasonable costs in respect of the scrutiny and consideration of the **SDP** submitted to the **REVIEW COMMITTEE** and of meetings connected therewith, which costs shall be payable upon request made by the **REVIEW COMMITTEE**;
- 11.3.4 thereafter, the **SDP**, as approved by the **REVIEW COMMITTEE**, shall be submitted by the **MEMBER** or **MEMBER'S** representative to the **LOCAL AUTHORITY** for approval;
- 11.3.5 having obtained the approval of the **LOCAL AUTHORITY**, the **MEMBER** shall comply with all conditions and standards imposed by the **LOCAL AUTHORITY** insofar as these may be additional to the requirements of the **GUIDE** read with the plans.
- 11.4 Any plans, notwithstanding approval by the **LOCAL AUTHORITY**, which have not been prepared and/or submitted and or approved in compliance with the above shall be invalid.
- 11.5 Any dispute as to the interpretation of any provision in the **GUIDE** shall be resolved by the **REVIEW COMMITTEE** whose decision is binding on all **MEMBERS**.

## 12 FURTHER OBLIGATIONS OF MEMBERS

Each **MEMBER** shall

- 12.1 maintain his **ERF** in accordance with the **GUIDE** and his **UNIT** in accordance with the **GUIDE** read with the body corporate rules;
- 12.2 maintain in a neat and tidy condition and in a state of good repair all **IMPROVEMENTS** on his **ERF**;
- 12.3 where his **ERF** has residential use rights establish and maintain a garden according to a standard acceptable to the **TRUSTEES** to ensure that gardening and landscaping of his

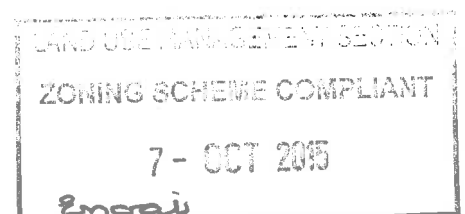


**ERF** is undertaken so as to be compatible with adjoining **ERVEN**, as well as maintaining the road verge bordering his **ERF**;

- 12.4 be responsible for the maintenance of external and boundary walls/palisade fencing inclusive of regular painting thereof (where applicable);
- 12.5 not park any commercial type vehicle, boat, caravan, trailer or any vehicle not in good working order on any roadway in the **DEVELOPMENT** and such vehicle/boat/caravan/trailer shall be parked on the **MEMBER's ERF**;
- 12.6 not do or suffer to be done on any **ERF** or in any **UNIT** anything which, in the opinion of the **TRUSTEES**, is excessively noisome, unsightly, injurious, objectionable or detrimental or a public or private nuisance or a source of damage or unreasonable disturbance to any **MEMBER**, tenant or occupier of any **ERF** or **UNIT** in the **DEVELOPMENT**;
- 12.7 adequately insure the **IMPROVEMENTS** on his **ERF** and/or his **UNIT** and, if requested by the **TRUSTEES**, furnish proof of such insurance to them and, in the event of total/partial destruction, he shall, within a reasonable time period, make good such damage or reconstruction in accordance with the original approved plans or, in the event of total destruction in accordance with the **GUIDE**;
- 12.8 where the erection of structures to house animals or birds or the construction/erection of garden/tool shed/s is permitted, such structures shall be screened from public view and the animals or birds so housed shall not constitute a disturbance or nuisance to **MEMBERS** or their tenants or occupiers and the **TRUSTEES** shall, in their absolute discretion, be entitled to require the permanent removal from the **DEVELOPMENT** of any animals or birds which, in the opinion of the **TRUSTEES**, constitute a disturbance or nuisance.
- 12.9 comply with all security procedures implemented from time to time;
- 12.10 ensure that he and his invitees do not damage or destroy trees, vegetation and landscaping on open areas of the **DEVELOPMENT** and that planting on his **ERF** does not interfere with pedestrian traffic or obscure the vision of motorists.

### 13 RESTRICTIONS

- 13.1 A **MEMBER** shall not be entitled to **ALIENATE** or transfer an **ERF** or **UNIT** without the written consent of the **ASSOCIATION** (represented by the **TRUSTEES**), which consent shall not be unreasonably withheld provided there has been compliance with the provisions of this **CONSTITUTION**.



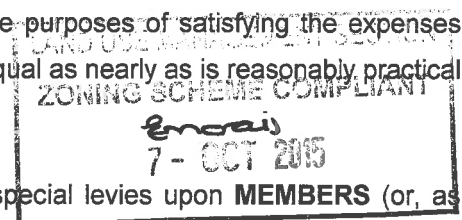
- 13.2 A **MEMBER** shall not be entitled to consolidate two or more **ERVEN** into one **ERF** or two or more **UNITS** or subdivide his **ERF** or **UNIT** without the prior written consent of the **DEVELOPER**.
- 13.3 No **MEMBER** shall without the prior written consent of the **DEVELOPER** apply for the rezoning of his **ERF** or **UNIT** with a view to procuring a variation or amendment or substitution of use rights and shall not be entitled to use his **ERF** or **UNIT** for any purpose other than the permitted use applicable at the date of registration of the initial transfer of such **ERF** or **UNIT** from the **DEVELOPER** to the first transferee thereof.

#### 14 **LEVIES**

##### 14.1 The **TRUSTEES** shall

- 14.1.1 establish and maintain a levy fund for the purposes of meeting all expenses of the **ASSOCIATION** incurred or to be incurred for the control, management and administration of the **DEVELOPMENT** and for charges for the supply of any services required by the **ASSOCIATION** and/or for payment of all expenses necessarily or reasonably incurred in connection with the management of the **ASSOCIATION** and, without detracting from the generality of all of the foregoing, specifically including the costs involved in ensuring that all conservation management initiatives and management in respect of the **FC** are undertaken until such time as the **LOCAL AUTHORITY** can demonstrate the capacity to effectively manage the **FC**, and further including maintenance costs of areas (if any) designated as "private open space" to be landscaped, managed and maintained by the **ASSOCIATION**, as well as maintenance of the internal stormwater system and stormwater pond and internal roads;
- 14.1.2 estimate the amount which will be required by the **ASSOCIATION** to meet its expenses during each year, together with such estimated deficiency, if any, as shall result from the preceding year and may include in such estimate an amount to be held in reserve to meet anticipated future expenditure not of an annual nature;
- 14.1.3 require **MEMBERS** (save for exclusions as specified herein) whenever necessary to make contributions to such fund for the purposes of satisfying the expenses referred to in clauses 14.1.1 and 14.1.2, equal as nearly as is reasonably practical to such estimated amount.

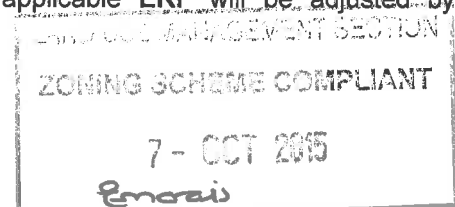
- 14.2 The **TRUSTEES** may, from time to time, make special levies upon **MEMBERS** (or, as determined by the **TRUSTEES**, only upon such **MEMBERS** who will benefit directly or indirectly from the implementation of such special levies) effective from the date of





passing of the applicable **RESOLUTION** in respect of such expenses referred to in clause 14.1 (which are not included in any estimate made in terms of clause 14.1.2) and such levies may be imposed and shall be payable in one sum or by such instalments and at such time or times as the **TRUSTEES** shall deem fit.

- 14.3 Any amount due by a **MEMBER** by way of a levy shall be a debt due by him to the **ASSOCIATION** payable within such time as determined by the **TRUSTEES**. The obligation of a **MEMBER** to pay a levy shall cease upon his ceasing to be a **MEMBER** save that he shall remain liable for all levies calculated up to the date upon which he ceases to be a **MEMBER**. No levies paid by a **MEMBER** shall be repayable by the **ASSOCIATION** upon his ceasing to be a **MEMBER**. A **MEMBER's** successor in title to an **ERF** or **UNIT** shall be liable to pay the levies attributable to that **ERF** or **UNIT** as from the date upon which he becomes a **MEMBER** pursuant to the transfer of such **ERF** or **UNIT**.
- 14.4 No **MEMBER** shall be entitled to transfer his **ERF** or **UNIT** until the **TRUSTEES** have in writing certified that the **MEMBER** has, at the date of transfer, paid all amounts owing by him to the **ASSOCIATION**.
- 14.5 In calculating levies, the **TRUSTEES** shall take into account income, if any, earned by the **ASSOCIATION**.
- 14.6 The decision of the **TRUSTEES** in calculating the levies shall be final and binding on all **MEMBERS**.
- 14.7 In calculating the levy payable by each **MEMBER** for each year the **TRUSTEES** shall :
- 14.7.1 exclude land in the **DEVELOPMENT** which has not been subdivided into **ERVEN** and undeveloped **ERVEN** registered in the name of the **DEVELOPER** as referred to in clause 14.11;
- 14.7.2 exclude areas in the **DEVELOPMENT** comprising playing fields, educational/community sports facilities and, without limiting the generality of the foregoing and by way of illustration – tennis/squash courts, stadiums, etc (the "facility") – provided the **MEMBER** on whose **ERF** the facility is situated has, in writing, applied to the **TRUSTEES** for the exclusion of the facility and to which application shall be attached a diagram and calculation prepared by a land surveyor of the area of the facility to be excluded from the **MEMBER's ERF**. The decision of the **TRUSTEES** whether or not the area qualifies as a facility is binding. The **VALUATION** of the applicable **ERF** will be adjusted by the



**TRUSTEES** to take into account the excluded facility and the decision of the **TRUSTEES** in that regard is binding;

14.7.3 exclude developed **ERVEN** utilised as places of worship, schools and educational institutions approved as such by the **DEVELOPER**, from contributions to the cost of maintenance and preservation of the **FC** for a period being the later of 5 (five) years calculated from the date of commencement of the religious/educational activity as determined by the **TRUSTEES** or 5 (five) years after the date on which this **CONSTITUTION** becomes of force and effect, as referred to in clause 4;

14.7.4 at a date 7 (seven) days prior to each annual general meeting of the **ASSOCIATION** :

14.7.4.1 establish the **VALUATION** of each **MEMBERS PROPERTY** but excluding **VALUATIONS** in respect of land/**ERVEN** excluded in clauses 14.7.1 and 14.7.3 and taking into account adjustments to **VALUATIONS** made in terms of clause 14.7.2 (the "**REVISED VALUATIONS**"),

14.7.4.2 determine the aggregate of all such **REVISED VALUATIONS**,

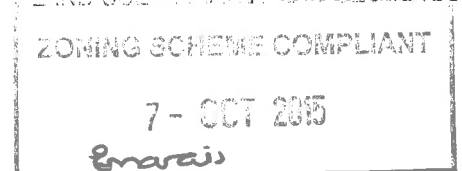
14.7.4.3 calculate the ratio (expressed as a percentage to 4 decimal places) which the **VALUATION** of a **MEMBER'S ERF** or **UNIT** bears to the aggregate of the **REVISED VALUATIONS**, which ratio is binding until the following annual general meeting.

14.8 In the event of no **VALUATION** having been determined for an **ERF** and/or a **UNIT** by the date referred to in clause 14.7.4 the **TRUSTEES** shall determine an interim **VALUATION** which will be binding until the annual general meeting following availability of a **VALUATION** (as referred to in clause 1.30) for such **ERF** and/or **UNIT** whereupon the interim **VALUATION** will fall away.

14.9 The **LEVY** payable by each **MEMBER** is the percentage applicable to his **ERF** or **UNIT**, determined in terms of clause 14.7.4.3, of the **LEVY** fund, taking into account all of the foregoing sub-clauses of this clause 14.

14.10 In respect of **UNITS**, the body corporate of a **SCHEME** will, on behalf of the **ASSOCIATION**, collect and be responsible for payment to the **ASSOCIATION** of all levies payable by its respective **MEMBERS**, being the **OWNERS** of the **UNITS** in its **SCHEME**.

Similarly, if a subsidiary property owners association to the **ASSOCIATION** is established, such subsidiary association will, on behalf of the **ASSOCIATION**, collect and be



responsible for payment to the **ASSOCIATION** of all levies payable by the **MEMBERS**, comprising the subsidiary association.

14.11 The **DEVELOPER** is not liable for payment of levies in respect of

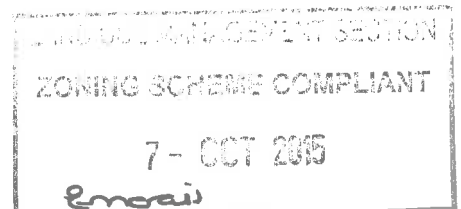
14.11.1 land in the **DEVELOPMENT** which has not been subdivided, and

14.11.2 **ERVEN** registered in the **DEVELOPER's** name save that in respect of such **ERVEN** which have been improved by the construction of a building thereon the **DEVELOPER** shall be liable for levies attributable to the developed **ERF** calculated from the first annual general meeting following completion of the building.

14.12 The **DEVELOPER** may at any time during the marketing of the **DEVELOPMENT** declare portion/s of any phase of the **DEVELOPMENT** an ENCLAVE being specified **ERVEN** in respect whereof the **MEMBERS** for the time being and from time to time owning such **ERVEN** (the "ENCLAVE MEMBERS") benefit directly from facilities specifically applicable to the ENCLAVE and the ENCLAVE MEMBERS will be liable for and will bear all expenses flowing directly or indirectly from such facilities and/or additional facilities installed or additional services procured for the ENCLAVE by agreement between the ENCLAVE MEMBERS. Without detracting from the generality of the foregoing and by way of illustration, the foregoing includes the cost of maintenance and upkeep of the facilities, the cost of security specifically applicable to the ENCLAVE and suchlike. Expenses payable by ENCLAVE MEMBERS arising from the foregoing will be by way of special levies as contemplated in clause 14.2 hereof. Notwithstanding the general provisions of clause 14 hereof, an ENCLAVE MEMBER's share of such special levy shall be a percentage expressed to four decimal places arrived at by dividing the area of the ENCLAVE MEMBER's **ERF** in square metres by the area, in square metres, of all **ERVEN** comprising the ENCLAVE.

In addition to the **DEVELOPER's** aforesaid right to declare an ENCLAVE the **DEVELOPER** may from time to time add further adjoining **ERVEN** to the ENCLAVE which upon declaration of such addition will be incorporated in and form part of the ENCLAVE.

An ENCLAVE MEMBER may convene a meeting of ENCLAVE MEMBERS upon not less than 10 (ten) days' written notice to each ENCLAVE MEMBER complying with the applicable provisions of clause 21.1 hereof. At such meeting ENCLAVE MEMBERS may by majority vote resolve to implement further facilities or services for the benefit of ENCLAVE MEMBERS and such resolution will thereupon be forwarded to the **TRUSTEES** for consideration and, if approved, for implementation at the cost of the ENCLAVE MEMBERS.



- 14.13 No **MEMBER** shall be entitled to any of the privileges of membership **unless** and until he shall have paid every levy and other sum (if any) which shall be due and payable to the **ASSOCIATION** in respect of his membership thereof.
- 14.14 All levies are due and payable by **MEMBERS** on the first day of the month immediately following the month in which such liability arose and, thereafter, on the first day of each and every following month.
- 14.15 **MEMBERS** shall be liable for payment of interest on outstanding amounts at a rate determined by the **TRUSTEES** from time to time but not exceeding the maximum annual rate permitted by law. Interest calculated at the determined rate is recoverable from the date on which the amount is due and payable to the date of payment provided that any portion of a month will be regarded as a full calendar month for the purposes of this calculation.

## 15 **BREACH**

15.1 The **TRUSTEES** may on behalf of and in the name of the **ASSOCIATION** institute legal proceedings in accordance with the provisions of this clause 15.

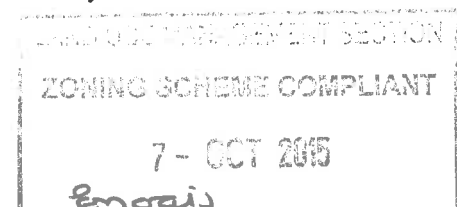
15.2 If any **MEMBER** fails in the observance of any of the provisions of this **CONSTITUTION** with regard to **IMPROVEMENTS** and/or the provisions of the **GUIDE** and/or fails to comply with any rules or regulations made in terms thereof, the **TRUSTEES** may on behalf of and in the name of the **ASSOCIATION** serve notice on such **MEMBER** calling upon him to remedy such breach within a time specified in such notice and, failing timeous compliance:

15.2.1 enter upon the **ERF** or **UNIT** (as the case may be) to take such action as may be reasonably required to remedy the breach and the **MEMBER** concerned shall be liable to the **ASSOCIATION** for all costs so incurred, which costs shall be due and payable upon demand;

and/or

15.2.2 call upon such **MEMBER** in writing to remove or alter within a specified period any portion of the **IMPROVEMENTS** or any addition erected contrary to the provisions of this **CONSTITUTION** read with the **GUIDE** and, failing which,

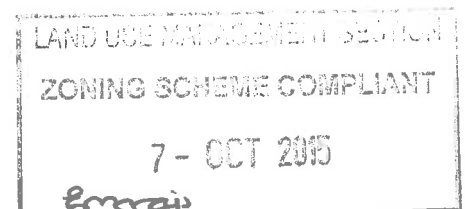
institute proceedings in any court of competent jurisdiction for such relief as the **TRUSTEES** may consider necessary and such **MEMBER** shall be liable for and shall pay all costs of such proceedings on the scale as between attorney and own client and all other expenses and charges incurred in obtaining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



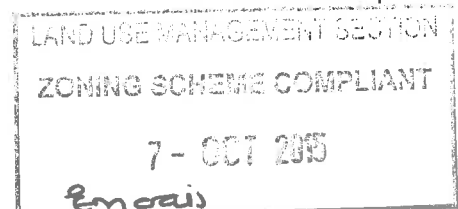
- 15.3 If any **MEMBER** or body corporate of a **SCHEME** or subsidiary association (as referred to in clause 14.11) (the "entity") fails to make payment on due date of levies or other amounts payable by such **MEMBER** or entity, the **TRUSTEES** may give notice to such **MEMBER** or entity requiring him/it to remedy such breach within such period as the **TRUSTEES** may determine and should he/it fail to timeously remedy his/its breach, the **TRUSTEES** may, on behalf of the **ASSOCIATION**, institute legal proceedings against such **MEMBER**/entity without further notice and such **MEMBER**/entity will be liable for and shall pay all legal costs on the scale as between attorney and own client together with collection commission and any other expenses and charges incurred by the **ASSOCIATION** in obtaining recovery.
- 15.4 Nothing in the foregoing shall derogate from or in any way diminish the right of the **ASSOCIATION** to institute proceedings in any court of competent jurisdiction for recovery of any money due by any **MEMBER**/entity arising from any cause of action whatsoever or for any other relief.
- 15.5 In the event of any breach of this **CONSTITUTION** by the members of any **MEMBER**'s household or his invitees or lessees, such breach shall be deemed to have been committed by the **MEMBER** himself but, without prejudice to the foregoing, the **TRUSTEES** shall be entitled to take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit, with or without proceedings against the **MEMBER**.

## 16 TRUSTEES

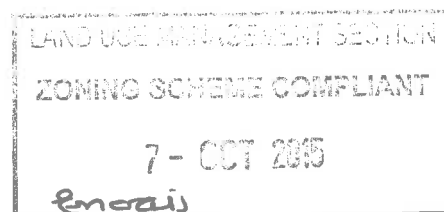
- 16.1 The **TRUSTEES** of the **ASSOCIATION** shall comprise 4 (four) **DEVELOPER TRUSTEES** until the first annual general meeting of the **ASSOCIATION** whereupon the number of **TRUSTEES** shall be 7 (seven) comprising 2 (two) **DEVELOPER TRUSTEES** and 5 (five) **MEMBER TRUSTEES** for as long as the **DEVELOPER** is a **MEMBER** and upon the **DEVELOPER** ceasing to be a **MEMBER** the 7 (seven) **TRUSTEES** shall be **MEMBER TRUSTEES** save that the **ASSOCIATION** shall in general meeting held after the **DEVELOPER** has ceased to be a **MEMBER** be entitled to increase or decrease the number of **TRUSTEES**.
- 16.2 A **TRUSTEE** shall be an individual but need not himself be a **MEMBER** provided that the majority of **MEMBER TRUSTEES** shall be **MEMBERS** or **REPRESENTATIVES**.
- 16.3 A **TRUSTEE** shall, by accepting his appointment as such, be deemed to have agreed to be bound by the provisions of this **CONSTITUTION**.



- 16.4 The **DEVELOPER** shall appoint the first **DEVELOPER TRUSTEES** upon formation of the **ASSOCIATION**.
- 16.5 Nominations by **MEMBERS** for the election of **MEMBER TRUSTEES** at any annual general meeting shall be given in writing, accompanied by the written consent of the person nominated, so as to be received at the domicilium of the **ASSOCIATION** not later than 24 (twenty four) hours before the meeting: Provided that **MEMBER TRUSTEES** are also capable of being elected by way of nomination with the consent of the nominee given at the meeting itself should insufficient written nominations be received to comply with clause 16.1.
- 16.6 Subject to the provisions of clause 16.7, each **MEMBER TRUSTEE** shall continue to hold office until the annual general meeting of the **ASSOCIATION** following his appointment, at which meeting each **MEMBER TRUSTEE** shall be deemed to have retired from office as such but will be eligible for re-election at such meeting. **MEMBER TRUSTEES** may fill any vacancy in their number. Any **MEMBER TRUSTEE** so appointed shall hold office until the next annual general meeting when he shall retire and be eligible for re-election as though he had been elected at the previous annual general meeting. The **DEVELOPER** shall, by written notice to the **TRUSTEES**, be entitled to remove any **DEVELOPER TRUSTEE** appointed by the **DEVELOPER** and upon such removal or upon any **DEVELOPER TRUSTEE** ceasing to hold office for any other reason, by written notice, appoint in their stead another person or persons.
- 16.7 A **TRUSTEE** shall be deemed to have vacated his office as such upon:
- 16.7.1 his estate being sequestrated, whether provisionally or finally or upon his surrendering his estate;
- 16.7.2 him making any arrangement or composition with his creditors;
- 16.7.3 his conviction for any offence involving dishonesty;
- 16.7.4 him becoming of unsound mind or being found lunatic;
- 16.7.5 him resigning from such office in writing;
- 16.7.6 his death;
- 16.7.7 him being removed from office by a resolution of **TRUSTEES**;
- 16.7.8 his being disentitled to exercise a vote in terms of this **CONSTITUTION** provided he is a **MEMBER TRUSTEE**.



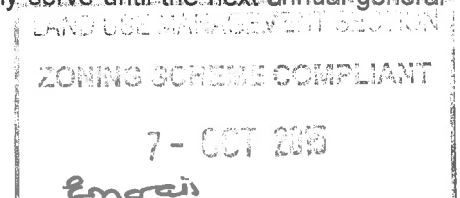
- 16.8 Notwithstanding the fact that a **TRUSTEE** shall be deemed to have vacated his office as provided in clause 16.7, anything done by such **TRUSTEE** in the capacity of a **TRUSTEE** in good faith shall be valid until the fact that he is no longer a **TRUSTEE** has been recorded in the Minute Book of the **TRUSTEES**. Should the office of a **TRUSTEE** fall vacant prior to the next annual general meeting of the **ASSOCIATION**, the vacancy in question may be filled by the **DEVELOPER** if the vacancy is in respect of a **DEVELOPER TRUSTEE** and by the remaining **MEMBER TRUSTEES** if the vacancy is in respect of a **MEMBER TRUSTEE** and the person so appointed shall hold office until the next annual general meeting.
- 16.9 The first **CHAIRMAN** shall be appointed by the **DEVELOPER** and shall hold office until the first annual general meeting provided that such office shall ipso facto be vacated by the **TRUSTEE** who was appointed **CHAIRMAN** upon his ceasing to be a **TRUSTEE** for any reason.
- 16.10 Within 7 (seven) days of the holding of each annual general meeting of the **ASSOCIATION** the **TRUSTEES** shall meet and shall elect from their own number the **CHAIRMAN** who shall hold office until the annual general meeting held next after his appointment, provided that the office of **CHAIRMAN** shall ipso facto be vacated by the **TRUSTEE** holding such office upon his ceasing to be a **TRUSTEE** for any reason.
- 16.11 Save as otherwise provided in this **CONSTITUTION**, the **CHAIRMAN** shall preside at all meetings of the **TRUSTEES** and all general meetings of the **ASSOCIATION** and shall perform all duties incidental to the office of **CHAIRMAN** and such other duties as may be prescribed by the **TRUSTEES** or by **MEMBERS** and shall allow or refuse to permit guests to speak at any such meetings, provided that any such guest shall not be entitled to vote at any meetings.
- 16.12 If the **CHAIRMAN** vacates the chair during the course of a meeting or is not present or is, for any other reason, unable to preside at any meeting, the **TRUSTEES** present at such meeting shall choose another **CHAIRMAN** for such meeting.
- 16.13 If any **CHAIRMAN** vacates his office as **CHAIRMAN** or no longer continues in office for any reason, the **TRUSTEES** shall meet as soon as reasonably possible to elect one of their number as a replacement **CHAIRMAN** who shall hold office as such for the remainder of the period of office of the first mentioned **CHAIRMAN**.
- 16.14 A **TRUSTEE** shall be disqualified from voting in respect of any contract or proposed contract or any litigation or proposed litigation or any dispute, with the **ASSOCIATION**, by virtue of any interest he may have therein.



- 16.15 No contract concluded on behalf of the **TRUSTEES** shall be valid and binding unless it is signed by the **CHAIRMAN** and one **TRUSTEE**, the latter specifically appointed as authorised signatory in terms of the **RESOLUTION** of **TRUSTEES** whereby the **TRUSTEES** bind the **ASSOCIATION**.
- 16.16 **TRUSTEES** shall be entitled to be repaid all reasonable and bona fide expenses incurred by them in or about the performance of their duties as **TRUSTEES** and/or **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.
- 16.17 **TRUSTEES** may not make loans on behalf of the **ASSOCIATION** to **MEMBERS** or to themselves.

## 17 **FUNCTIONS, POWERS AND DUTIES OF TRUSTEES**

- 17.1 Subject to the express provision of this **CONSTITUTION**, the **TRUSTEES** shall manage and control the business and affairs of the **ASSOCIATION** which shall have full powers in the management and direction of such business and affairs, including the right of appointment and dismissal of any **MANAGING AGENT**, may exercise all such powers of the **ASSOCIATION** and do all such acts on behalf of the **ASSOCIATION** as may be exercised and done by the **ASSOCIATION** and as are not by this **CONSTITUTION** required to be exercised or done by the **ASSOCIATION** in general meeting subject however to such regulations as may have been made by the **ASSOCIATION** in general meeting provided that no regulation made by the **ASSOCIATION** in general meeting shall invalidate any prior act of the **TRUSTEES** which would have been valid if such regulation had not been made.
- 17.2 Save as specifically provided in this **CONSTITUTION**, the **TRUSTEES** shall at all times have the right to engage on behalf of the **ASSOCIATION** the services of accountants, advocates, attorneys, auditors, architects, engineers, land surveyors, managing agents, town planners or any other professional firm or person or other employees whatsoever for any reason deemed necessary by the **TRUSTEES** on such terms as the **TRUSTEES** shall decide.
- 17.3 The **TRUSTEES** shall have the right to vary, cancel or modify any of their decisions and resolutions from time to time.
- 17.4 The **TRUSTEES** shall have the right to co-opt any person or persons chosen by them. A co-opted **TRUSTEE** shall enjoy all the rights and be subject to all the obligations of the **TRUSTEES** but no co-opted **TRUSTEE** shall have any vote at any meetings of **TRUSTEES** and such co-opted **TRUSTEE** shall only serve until the next annual general meeting.





- 17.5 The **TRUSTEES** shall be entitled to appoint committees consisting of **MEMBERS** and/or outsiders, including a managing agent, as they deem fit and to delegate to such committees such of their functions, powers and duties as they deem fit, with further power to vary or revoke such appointments and delegations as the **TRUSTEES** may from time to time deem necessary.
- 17.6 The **TRUSTEES** may, should they so decide, investigate any suspected or alleged breach by any **MEMBER** or **TRUSTEE** of this **CONSTITUTION** in such reasonable manner as they shall decide from time to time.
- 17.7 The **TRUSTEES** may make regulations and rules not inconsistent with this **CONSTITUTION** or any regulations or rules prescribed by the **ASSOCIATION** in general meeting
- 17.7.1 as to the resolution of disputes generally;
- 17.7.2 for the furtherance and promotion of any of the objects of the **ASSOCIATION**;
- 17.7.3 for the better management of the affairs of the **ASSOCIATION**;
- 17.7.4 for the advancement of the interests of **MEMBERS**;
- 17.7.5 for the conduct of **TRUSTEES** at meetings of **TRUSTEES** and meetings of the **ASSOCIATION**;
- 17.7.6 to levy and collect contributions from **MEMBERS** in accordance with clause 14;
- 17.7.7 to levy and recover from **MEMBERS** moneys which are necessary to defray the necessary expenses of the **LOCAL AUTHORITY** in the event of the **LOCAL AUTHORITY** imposing any levies and imposts against the **ASSOCIATION**;
- 17.7.8 to assist it in administering and governing its activities generally
- and shall be entitled to cancel, vary or modify any of the foregoing from time to time.
- 17.8 Without in any way limiting the powers granted, the duties and powers of the **TRUSTEES** shall further specifically include:
- 17.8.1 the determination of what constitutes appropriate standards for residential living, maintenance, repairs and additions to **IMPROVEMENTS** of all **ERVEN** and **UNITS** in the **DEVELOPMENT** in strict accordance with the provisions of the **GUIDE** and the recommendation of the **REVIEW COMMITTEE** which shall be additional to the powers of the **DEVELOPER** for as long as the **DEVELOPER** is a **MEMBER**. The **TRUSTEES** shall be entitled to require any **MEMBER**, who shall

FOR USE IN COMPLIANCE WITH  
ZONING SCHEME COMPLIANT

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be obliged, to repaint or renovate his **IMPROVEMENTS** if in the reasonable opinion of the **TRUSTEES** such **IMPROVEMENTS** require essential repairs or have become dilapidated. The **TRUSTEES** have the specific power to adopt recommendations by the **REVIEW COMMITTEE** for amendments, substitutions, additions or repeal of provisions of the Design Controls which form a part of the **GUIDE**;

- 17.8.2 entering into of agreements with third parties on behalf of the **ASSOCIATION** for any purposes of the **ASSOCIATION**;
- 17.8.3 the employment on behalf of the **ASSOCIATION** of agents, servants and any other party and the payment of such persons;
- 17.8.4 the taking of steps in all matters of common interest in respect of the **ASSOCIATION** and, without detracting from the generality thereof, such as common sewage, electricity supply, landscaping, maintenance of private roads, refuse facilities, removal of refuse and suchlike, where applicable;
- 17.8.5 the institution or defence of actions in the name of the **ASSOCIATION** and to appoint legal representatives for such purpose.

## 18 PROCEEDINGS OF TRUSTEES

- 18.1 The **TRUSTEES** may meet for the dispatch of business, adjourn and otherwise regulate their meetings as they deem fit, subject to the provisions of this **CONSTITUTION**.
- 18.2 Meetings of the **TRUSTEES** shall be held at least once every 6 (six) months.
- 18.3 The **CHAIRMAN** always has the right to convene meetings of **TRUSTEES**.
- 18.4 A **TRUSTEE** may, provided he has the support in writing of 2 (two) other **TRUSTEES**, at any time convene a meeting of **TRUSTEES** by giving to the other **TRUSTEES** not less than 14 (fourteen) days written notice of a meeting proposed by him, which notice shall specify the reason for calling such a meeting; provided that in cases of urgency, such shorter notice as is reasonable in the circumstances may be given.
- 18.5 A **RESOLUTION** in writing signed by all the **TRUSTEES** shall be valid and effectual as if it had been passed at a meeting of **TRUSTEES** duly called and convened.
- 18.6 The quorum necessary for the holding of any meeting of **TRUSTEES** shall be 4 (four) **TRUSTEES** present personally provided that, for as long as the **DEVELOPER** is a **MEMBER**, 1 (one) **TRUSTEE** present is a **DEVELOPER TRUSTEE**. If no quorum is present within 30 (thirty) minutes after the time for commencement of the meeting then it

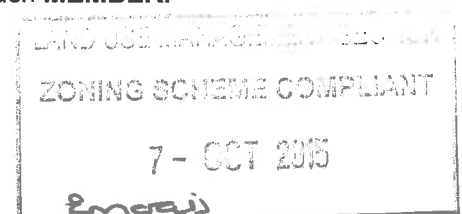
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shall stand adjourned for the same time and place on the following day which is not a Saturday, Sunday or public holiday and, if at such adjourned meeting, a quorum is not present within 30 (thirty) minutes after the time appointed for the meeting, the **TRUSTEES** then present shall be a quorum provided that 1 (one) of the **TRUSTEES** present is a **DEVELOPER TRUSTEE**.

- 18.7 At meetings of the **TRUSTEES**, each **TRUSTEE** present shall have 1 (one) vote save that the **DEVELOPER TRUSTEE/S** present shall collectively have votes equal in number to the aggregate of the **MEMBER TRUSTEES** plus 1 (one) additional vote. The majority of the votes of the **TRUSTEES** present at a meeting of **TRUSTEES** constitutes the **RESOLUTION** of the **TRUSTEES**. In the case of an equality of votes for and against a **RESOLUTION**, the **CHAIRMAN** shall have a second or casting vote.
- 18.8 The **CHAIRMAN** shall preside as such at all meetings of **TRUSTEES** provided that, should at any meeting of **TRUSTEES** the **CHAIRMAN** not be present within 15 (fifteen) minutes after the time appointed for the holding thereof, 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.
- 18.9 A **TRUSTEE** may be represented at a meeting of **TRUSTEES** by a proxy provided such proxy is a **TRUSTEE**.
- 18.10 The instrument appointing a proxy shall be in writing and signed by the **TRUSTEE** concerned but need not be in any particular form. The proxy shall be deposited with the **CHAIRMAN** at any time before the time appointed for the commencement of a meeting and shall be valid only for such meeting or any adjournment thereof.
- 18.11 The **TRUSTEES** shall
- 18.11.1 ensure that minutes are taken of every meeting of **TRUSTEES**, although not necessarily verbatim, which minutes shall be reduced to writing without undue delay after the meeting has closed and shall then be certified correct by the **CHAIRMAN** of the meeting;
- 18.11.2 cause such certified minutes to be kept of all meetings of the **TRUSTEES** in a minute book of meetings of **TRUSTEES** kept for that purpose;
- 18.11.3 keep all books of meetings of **TRUSTEES** in perpetuity;
- 18.11.4 on the written application of any **MEMBER**, make all minutes of their proceedings available for inspection by such **MEMBER**.



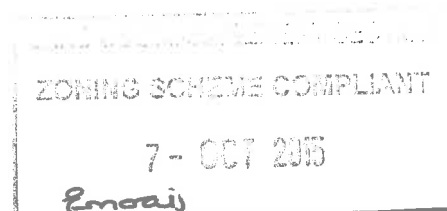
- 18.12 All **RESOLUTIONS** recorded in the minutes of any meeting of **TRUSTEES** shall be valid and of full force and effect as therein recorded with effect from the passing of such **RESOLUTIONS** and until varied or rescinded, but no **RESOLUTION** or purported **RESOLUTION** of **TRUSTEES** shall be of any force or effect or shall be binding upon the **MEMBERS** or any of the **TRUSTEES** unless such **RESOLUTION** is competent within the powers of the **TRUSTEES**.
- 18.13 Save as otherwise provided in this **CONSTITUTION**, the proceedings at any meeting of **TRUSTEES** shall be conducted in such reasonable manner and form as the **CHAIRMAN** of the meeting shall decide.

## 19 **MANAGING AGENT**

- 19.1 The **TRUSTEES** shall, in addition to the powers contained herein, have the power from time to time, if deemed necessary, to appoint in terms of a written contract, a **MANAGING AGENT** to control, manage and administer the **DEVELOPMENT** and to exercise such powers and duties as may be entrusted to the **MANAGING AGENT**, including the power to collect levies, provided that a **MANAGING AGENT** shall be appointed for a year at a time, and unless the **TRUSTEES** notify the **MANAGING AGENT** to the contrary, such appointment will be automatically renewed from year to year.
- 19.2 The **TRUSTEES** shall ensure that there is included in the contract of appointment of a **MANAGING AGENT** a provision to the effect that if the **MANAGING AGENT** is in breach of any of the provisions of his contract or if he is guilty of conduct which at common law would justify the termination of a contract between master and servant, the **TRUSTEES** may, without notice, cancel such contract of employment and the **MANAGING AGENT** shall have no claim whatsoever against the **TRUSTEES** and/or the **ASSOCIATION** as a result of such cancellation.
- 19.3 With effect from the date of commencement of the **ASSOCIATION** the **DEVELOPER** is empowered to nominate and appoint the first **MANAGING AGENT** for a period of 12 (twelve) months or until the first annual general meeting of the **ASSOCIATION**, whichever first occurs.

## 20 **GENERAL MEETINGS OF THE ASSOCIATION**

- 20.1 The **ASSOCIATION** shall, within 12 (twelve) months of the date of commencement of the **ASSOCIATION** hold a general meeting as its first annual general meeting and a copy of the minutes of such meeting shall be sent by the **ASSOCIATION** to the **LOCAL AUTHORITY** within 2 (two) weeks of the holding of the meeting. Thereafter, within 6 (six)



months of the financial year end of the **ASSOCIATION** it shall hold its second and subsequent annual general meetings.

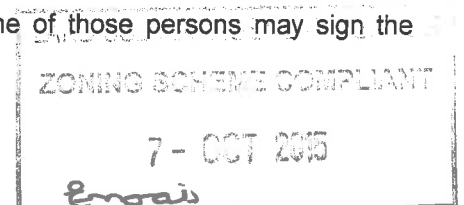
- 20.2 Such annual general meetings shall be held at such time and place, subject to the foregoing provisions, as the **TRUSTEES** shall decide from time to time.
- 20.3 The **TRUSTEES** may, whenever they deem fit, convene a general meeting and a general meeting shall also be convened on a requisition made by not less than 25% (twenty five per centum) of **MEMBERS** or should the **TRUSTEES** fail to do so such meeting may be convened by the requisitionists themselves provided that notice thereof be given in terms of clause 21.

## 21 NOTICE OF MEETINGS

- 21.1 An annual general meeting shall be called by not less than 21 (twenty one) days notice and a general meeting by not less than 14 (fourteen) days notice, as provided in clause 21.3. The notice shall specify the place, the day and the hour of the meeting and, in the case of special business in addition to the foregoing, the general nature of that business and of proposed **RESOLUTIONS**; provided that a general meeting or an annual general meeting of the **ASSOCIATION** shall, notwithstanding that it is called by shorter notice than that specified in this **CONSTITUTION**, be deemed to have been duly called if it is agreed to by not less than 75% (seventy five per centum) of **MEMBERS** having a right to attend and vote at the meeting.
- 21.2 The accidental omission to give notice of any proposed **RESOLUTION** shall not invalidate the proceedings at or any **RESOLUTION** passed at any meeting.
- 21.3 Notice of the annual general meeting and/or a general meeting shall be placed in 1 (one) issue of the "Cape Times" or "Argus" newspapers and in the event of both of those newspapers becoming defunct, in 1 (one) issue of the highest circulation English language newspaper distributed in Cape Town and environs.
- 21.4 The non-receipt of notice of a meeting by any **MEMBER** shall not invalidate the proceedings of that meeting.

## 22 PROXIES

- 22.1 A **MEMBER** may be represented at an annual general meeting and/or general meeting by a proxy who need not be a **MEMBER** of the **ASSOCIATION**.
- 22.2 The instrument appointing a proxy shall be in writing signed by the **MEMBER** concerned or his duly authorised agent in writing but need not be in any particular form provided that where a **MEMBER** is more than one person any one of those persons may sign the



instrument appointing a proxy on such **MEMBER's** behalf. Where a **MEMBER** is a company, the proxy may be signed by any person authorised by resolution of the board of directors of the company or by its secretary and, where a close corporation, by any member of such close corporation and, where an association of persons, by the secretary thereof and, where a trust, by a person duly authorised by the trustees of such trust.

- 22.3 The instrument appointing a proxy and the power of attorney or other authority (if any) under which it is signed or a notarially certified copy thereof shall be lodged with the **ASSOCIATION** at least 6 (six) hours before the scheduled time for the commencement of the meeting or adjourned meeting concerned. The instrument appointing a proxy shall be valid only for the specific meeting or the adjournment thereof.
- 22.4 Notwithstanding the foregoing, the **CHAIRMAN** of the meeting may agree to accept a proxy tendered at any time before or during the meeting.

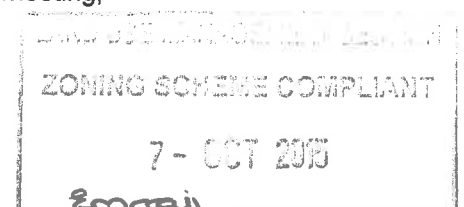
## 23 QUORUM

- 23.1 No business shall be transacted at any annual general meeting or general meeting unless a quorum is present when the meeting proceeds to business and when any **RESOLUTION** is to be passed. The quorum necessary for the holding of any meeting shall be 20% (twenty per centum) of the total **MEMBERS** entitled to attend and vote thereat.
- 23.2 If, within 30 (thirty) minutes after the time appointed for the commencement of the meeting, a quorum is not present, the meeting, if convened on the requisition of **MEMBERS**, shall be dissolved. In all other cases, the meeting shall stand adjourned to the same day in the next week at the same place and time and, if at such adjourned meeting, a quorum is not present, the **MEMBERS** present shall constitute a quorum.

## 24 AGENDA AT MEETINGS

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

- 24.1 the consideration of the **CHAIRMAN's** report;
- 24.2 the election of **MEMBER TRUSTEES**;
- 24.3 the consideration of the financial statements of the **ASSOCIATION** for the last financial year of the **ASSOCIATION** preceding the date of such meeting;
- 24.4 the consideration of the report of the **AUDITORS**;



- 24.5 the consideration of the budget as presented by the **TRUSTEES** and confirmation of levies as currently levied by the **TRUSTEES**;
- 24.6 the consideration and fixing of the remuneration of the **AUDITORS** for the financial year of the **ASSOCIATION** preceding the annual general meeting;
- 24.7 the determination of the domicilium citandi et executandi of the **ASSOCIATION**;
- 24.8 any other business pertinent to such meeting, including any **RESOLUTIONS** proposed for adoption by such meeting and the voting upon any such **RESOLUTIONS**.

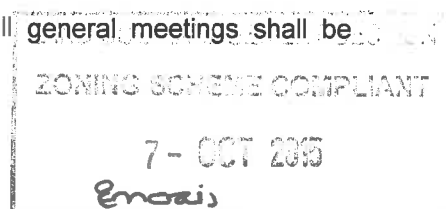
## 25 PROCEDURE AT MEETINGS

- 25.1 The **CHAIRMAN** shall preside as such at all meetings provided that should he not be present within 15 (fifteen) minutes after the time appointed for the holding thereof, then the **TRUSTEES** present at such meetings shall vote to appoint a **CHAIRMAN** for the meeting who shall thereupon exercise all the powers and duties of the **CHAIRMAN** in relation to such meeting.
- 25.2 The **CHAIRMAN** may, with the consent of any meeting at which a quorum is present (and if so directed by the meeting), adjourn a meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business that might have been transacted at the meeting from which the adjournment took place. No notice need be given of the adjourned meeting save for an announcement at the meeting of the date, time and venue of the adjourned meeting unless the meeting is to be adjourned for 30 (thirty) days or more, in which event notice is to be given in the same manner as for the original meeting. Only business left uncompleted at the original meeting may be transacted at the adjourned meeting.
- 25.3 Save as specifically required by this **CONSTITUTION**, all general meetings shall be conducted in accordance with generally accepted practice.

## 26 VOTING

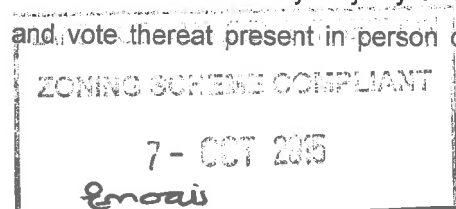
At every annual general meeting or general meeting every **MEMBER** in person or by proxy and entitled to vote shall, where a poll is demanded, be allocated and entitled to exercise voting rights as follows

- 26.1 The Trustees shall, at a date within 30 (thirty) days prior to each annual general meeting of the **ASSOCIATION** :
- 26.1.1 establish the **VALUATIONS** in respect of each **MEMBER'S ERF** including **ERVEN** and undeveloped land in the **DEVELOPMENT** owned by the



**DEVELOPER** together with the **VALUATION** of each **UNIT** and the aggregate of all such **VALUATIONS**;

- 26.1.2 in the event of no **VALUATION** having been determined for an **ERF** or **UNIT** or undeveloped land by the date referred to in clause 26.1 the **TRUSTEES** shall determine an interim **VALUATION** which will be binding until the annual general meeting following availability of a **VALUATION** (as referred to in clause 1.27) for such **ERF** or **UNIT** or undeveloped land (as applicable) whereupon the interim **VALUATION** will fall away;
- 26.1.3 calculate the ratio, expressed as a percentage to 4 (four) decimal places, which the **VALUATION** for each **ERF**, undeveloped land and **UNIT** bears to the aggregate of the **VALUATIONS** (including interim **VALUATIONS**), which ratio is binding until the following annual general meeting;
- 26.1.4 allocate voting rights to **MEMBERS** equal to the applicable ratio calculated in terms of clause 26.1.3 multiplied by 10 000 (ten thousand).
- 26.2 At any meeting of **MEMBERS** a **RESOLUTION** put to the vote at the meeting shall be decided on a show of hands unless before or on the declaration of the result of the show of hands a poll shall be demanded by any **MEMBER** entitled to vote at such meeting. If a poll is duly demanded it shall be taken in such manner as the **CHAIRMAN** directs and the result of the poll shall be deemed to be the **RESOLUTION** of the meeting at which the poll was demanded. The **DEVELOPER** shall, for as long as the **DEVELOPER** is a **MEMBER** (unless it in writing abandons its right as referred to in clause 2.4.2), have the same number of votes as the total number of votes of all the other **MEMBERS** present entitled to vote in person or by proxy at any annual general meeting or general meeting plus 1 (one) vote.
- 26.3 Save as expressly provided for in this **CONSTITUTION**, no person other than a **MEMBER** duly registered and who shall have paid every levy and other sum (if any) which shall be due and payable to the **ASSOCIATION** in respect of or arising out of his membership and who is not under suspension, shall be entitled to be present and to vote on any question either personally or by proxy, at any annual general meeting or general meeting.
- 26.4 At any annual general meeting or general meeting a **RESOLUTION** put to the vote at the meeting shall be decided on an ordinary majority of votes represented by **MEMBERS** entitled to attend and vote thereon present in person or by proxy.
- 26.5 Voting on any question of adjournment shall be decided on an ordinary majority of votes represented by **MEMBERS** entitled to attend and vote thereat present in person or by proxy.

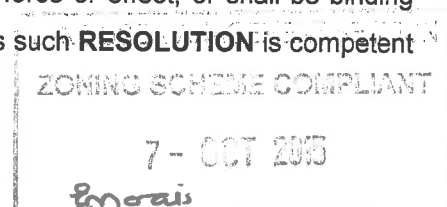




- 26.6 Every **RESOLUTION** and every amendment of a **RESOLUTION** proposed for adoption by a general meeting shall be seconded at the meeting and, if not seconded, shall be deemed not to have been proposed.
- 26.7 Unless any **MEMBER** present in person or by proxy at a meeting shall, before closure of the meeting, have objected to any declaration made by the **CHAIRMAN** of the meeting as to the result of any voting at the meeting, or to the 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 of the **ASSOCIATION** to the effect that any motion has been carried or lost with or without a record of the number of votes recorded in favour of or against such motion shall be conclusive evidence of the **RESOLUTION** so recorded if such entry conforms with the declaration made by the **CHAIRMAN** of the meeting as to the result of any voting at the meeting.

## 27 **MINUTES OF MEETINGS OF THE ASSOCIATION**

- 27.1 The **TRUSTEES** shall
- 27.1.1 ensure that minutes are taken of every meeting of the **ASSOCIATION**, although not necessarily verbatim, which minutes shall be reduced to writing without undue delay after the meeting has closed and shall then be certified correct by the **CHAIRMAN** of the meeting;
- 27.1.2 cause such certified minutes to be kept of all such meetings of the **ASSOCIATION** in a minute book of meetings of the **ASSOCIATION** kept for the purpose.
- 27.2 The **TRUSTEES** shall keep all minute books of meetings of the **ASSOCIATION** in perpetuity.
- 27.3 On the written application of any **MEMBER** the **TRUSTEES** shall make all minutes of the proceedings and/or meetings of the **ASSOCIATION** available for inspection by such **MEMBER**.
- 27.4 All **RESOLUTIONS** recorded in the minutes of any meeting of the **ASSOCIATION** 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 **ASSOCIATION** 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 **ASSOCIATION**.



27.5 Save as otherwise provided in this **CONSTITUTION**, the proceedings at any meeting of the **ASSOCIATION** shall be conducted in such reasonable manner and form as the **CHAIRMAN** of the meeting shall decide.

## 28 FINANCIAL YEAR END

The financial year end of the **ASSOCIATION** is the last day of February of each year.

## 29 ACCOUNTS

29.1 The **TRUSTEES** shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the **ASSOCIATION** including:

29.1.1 a record of the assets and liabilities of the **ASSOCIATION**;

29.1.2 a record of all sums of money received and expended by the **ASSOCIATION** and the matters in respect of which such receipt and expenditure occur;

29.1.3 a register of **MEMBERS** showing in each case their addresses;

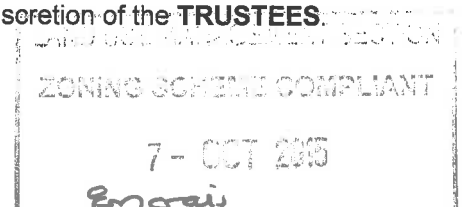
29.1.4 individual ledger accounts in respect of each **MEMBER**;

29.2 Subject to clause 29.4, on the application of any **MEMBER** the **TRUSTEES** shall make all or any of the books of account and records available for inspection by such **MEMBER**.

29.3 The **TRUSTEES** shall cause all books of account and records to be retained for a period of 6 (six) years after completion of the transactions, acts or operations to which they relate.

29.4 The **ASSOCIATION** in general meeting or the **TRUSTEES** may from time to time make reasonable conditions and regulations as to the time and manner of the inspection by **MEMBERS** of the accounts and books of the **ASSOCIATION**, or any of them, and 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.

29.5 At each annual general meeting the **TRUSTEES** shall lay before the **ASSOCIATION** audited annual financial statements for the immediately preceding financial year of the **ASSOCIATION** or, in the case of the first period since the date of commencement of the **ASSOCIATION**, made up for that period. Such financial statements shall be drawn up in accordance with generally accepted accounting practise and shall be accompanied by such additional reports as may be necessary at the discretion of the **TRUSTEES**.



### 30 DEPOSIT AND INVESTMENT OF FUNDS

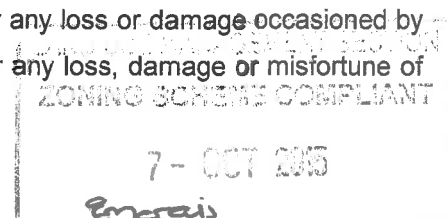
- 30.1 The **TRUSTEES** shall cause all moneys received by the **ASSOCIATION** to be deposited to the credit of an account or accounts with a registered commercial bank in the name of the **ASSOCIATION** and, subject to any direction given or restriction imposed at a general meeting of the **ASSOCIATION**,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

### 31 AUDIT

- 31.1 Once at least in every year, the accounts of the **ASSOCIATION** shall be examined and the correctness of the income and expenditure account and balance sheets ascertained by the **AUDITORS**.
- 31.2 The duties of the **AUDITORS** shall be regulated in accordance with general practise and applicable professional standards.

### 32 INDEMNITY

- 32.1 All the **TRUSTEES** are indemnified by the **ASSOCIATION** against any liabilities bona fide incurred by them in their capacities as such and in the case of the **CHAIRMAN** in his capacity as **CHAIRMAN**, as well as for all costs, losses and expenses (including travelling expenses) which they may incur or become liable for by reason of any authorised contract entered into, or any authorised act or deed done, in the discharge of any of their duties and, without detracting from the generality thereof, whether defending any proceedings, civil or criminal or otherwise in which relief is granted by a court.
- 32.2 A **TRUSTEE** shall not be liable for the acts, or omission of the **AUDITORS** or of any of the other **TRUSTEES** whether in their capacities as **TRUSTEES** or as **CHAIRMAN** or for any loss or expense sustained or incurred by the **ASSOCIATION** through the insufficiency or deficiency of any security in or upon which moneys of the **ASSOCIATION** are invested or for loss or damage arising from the insolvency or wrongful act of any person with whom any moneys, securities or effects are deposited or for any loss or damage occasioned by any error of judgement or oversight on his part or for any loss, damage or misfortune of



whatsoever nature occurring in the execution of his duties or in relation thereto unless occurring as a result of mala fides, breach of duty or breach of trust.

### 33 **DEFAMATION PRIVILEGE**

Every **MEMBER** of the **ASSOCIATION** and every **TRUSTEE** shall be deemed by virtue of his membership or, as the case may be, his holding office as a **TRUSTEE**, to have waived as against every other **MEMBER**, the **CHAIRMAN**, every other **TRUSTEE**, and everybody else engaged to perform the function or duty on behalf of or for the benefit of the **ASSOCIATION**, or the **TRUSTEES**, or any sub-committee, all claims and rights of action which such **MEMBER** or **TRUSTEE** might otherwise have had in law arising as a result of any statement, report, complaint or notice of or concerning such **MEMBER** or **TRUSTEE**, or any reference to such **MEMBER** or **TRUSTEE**, made at any meeting of **TRUSTEES**, or otherwise in the performance or exercise of any right, function, duty, power or trust, within the ambit of this **CONSTITUTION**, being a statement, report, complaint, notice or reference (the "statement"), defamatory to such **MEMBER** or **TRUSTEE**, or otherwise injurious to the dignity, reputation, business or financial interest of such **MEMBER** or **TRUSTEE**, whether such statement be true or false unless such statement was made mala fides or being false was made as a result of gross negligence.

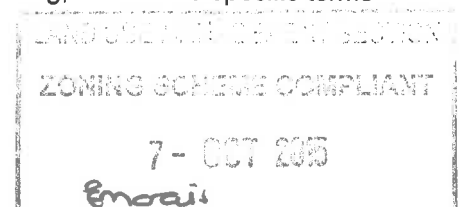
### 34 **OWN RISK**

Any person using any of the services, land or facilities of the **ASSOCIATION** does so entirely at his own risk.

### 35 **TRANSFER OF PRIVATE ROADS AND PRIVATE OPEN SPACES**

35.1 The **DEVELOPER** shall, free of consideration, transfer to the **ASSOCIATION** all private roads and private open spaces (if any) within the **DEVELOPMENT** as determined from time to time by the **DEVELOPER** in consultation with its professional advisers and the **LOCAL AUTHORITY**, the risk wherein passes to the **ASSOCIATION** upon formation of the **ASSOCIATION** and in respect whereof the maintenance and upkeep thereof is the responsibility of the **ASSOCIATION** as well as liability for rates and taxes and all charges attaching thereto.

35.2 **PROPERTY** transferred into the name of the **ASSOCIATION** shall not be disposed of/alienated/transferred or mortgaged without the consent in writing of the **LOCAL AUTHORITY** and the approval of at least 51% (fifty one per centum) of the total number of votes of **MEMBERS** of the **ASSOCIATION** given at a general meeting called specifically for such purpose and the notice of such meeting shall, in addition to complying with the requirement for the convening of a meeting, set out the specific terms of the proposed alienation/disposal/transfer/mortgage.



## 36 ARBITRATION

36.1 Should any dispute, question or difference arise between **MEMBERS** or between a **MEMBER** and **TRUSTEES** out of or in regard to:

36.1.1 the interpretation of;

36.1.2 the effect of;

36.1.3 their respective rights or obligations under;

36.1.4 a breach of (save for non-payment of levies or any other amount due by a **MEMBER** in terms hereof)

this **CONSTITUTION**, such dispute shall be decided by arbitration in the manner set out in this clause 36.

36.2 In respect of any claim arising from non-payment of levies or any other amount due by a **MEMBER** to the **ASSOCIATION** in terms of this **CONSTITUTION**, the **ASSOCIATION** and **TRUSTEES** shall continue to enjoy common law rights and shall not be required to proceed to arbitration and shall not be precluded from instituting proceedings in any court of competent jurisdiction.

36.3 The arbitration referred to in clause 36.1 shall:

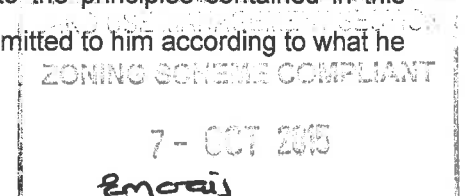
36.3.1 be conducted in an informal summary manner on the basis that it shall not be necessary to observe or carry out either the usual formalities or procedures relating to pleadings or discovery or the strict rules of evidence; and

36.3.2 commence as soon as reasonably possible after it is demanded and with a view to its being completed within 30 (thirty) days after it is demanded; and

36.3.3 be held under the provisions of the Arbitration Act of the Republic of South Africa (as amended or replaced from time to time) except insofar as the provisions of this arbitration clause shall apply.

36.4 The arbitrator shall be a practising senior counsel of not less than 5 (five) years standing appointed by agreement between the parties to the arbitration within 7 (seven) days of being called upon to make such appointment and failing agreement on such appointment within the 7 (seven) day period, appointed by the President of the Cape Town Attorneys Association or the successor to that Association.

36.5 The arbitrator shall in giving his award have regard to the principles contained in this **CONSTITUTION** and he shall decide the matter as submitted to him according to what he



considers just and equitable in the circumstances and, therefore, the strict rules of Law need not be observed or be taken into account by him in arriving at his decision. The arbitrator's decision shall be presented within 10 (ten) days after the completion of the arbitration in a written document and he shall state the reasons for his decision therein. The arbitrator may determine that the cost of the arbitration be paid either by one or other of the disputing parties or by the **ASSOCIATION** as he in his sole discretion may deem fit.

36.6 Each of the parties to the arbitration irrevocably agree that the decision of the arbitrator made at such arbitration proceedings:

36.6.1 shall be final and binding on each of them; and

36.6.2 shall be carried into effect immediately; and

36.6.3 may be made an order of any Court to whose jurisdiction the parties are subject.

36.7 Notwithstanding anything to the contrary contained in this clause 36, the **TRUSTEES** shall be entitled to institute legal proceedings on behalf of the **ASSOCIATION** by way of application, action or otherwise in any Court having jurisdiction for the purposes of restraining or interdicting breaches of any of the provisions of this **CONSTITUTION**, including the **GUIDE**.

### 37 **DOMICILIUM**

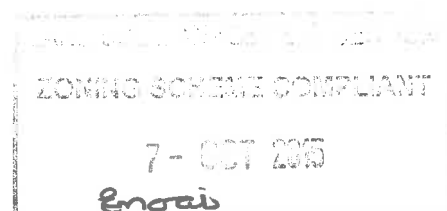
37.1 At each annual general meeting of the **ASSOCIATION** the address constituting the domicilium citandi et executandi of the **ASSOCIATION** will be determined, subject to the following:

37.1.1 such address shall be the address of the **CHAIRMAN** or of a resident **TRUSTEE** nominated by the **TRUSTEES** or the address of any duly appointed **MANAGING AGENT**;

37.1.2 the **TRUSTEES** shall, if deemed necessary, be entitled to change such address prior to the following annual general meeting, provided that the **TRUSTEES** shall give notice to all **MEMBERS** of change of such address.

37.2 The domicilium citandi et executandi of each **MEMBER** shall be the street address of the **MEMBER's ERF** or **UNIT**.

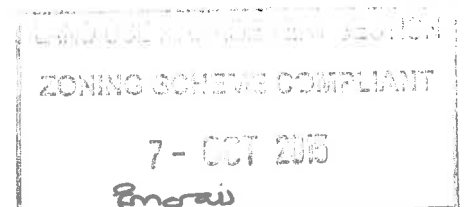
37.3 It shall be competent to give notice by telefax or electronic mail where the **MEMBER's** telefax number or e-mail address (as applicable) is recorded with the **TRUSTEES**.

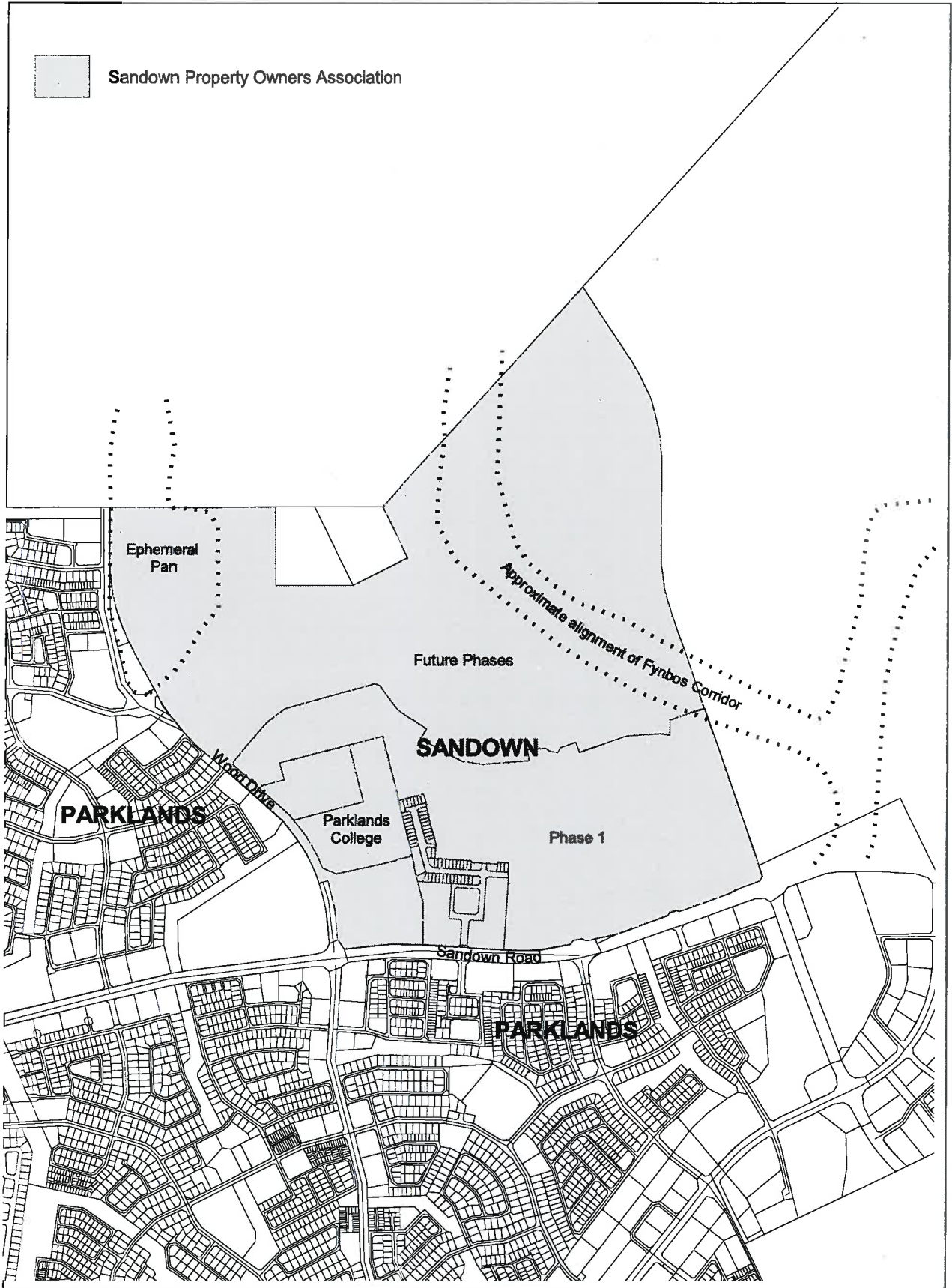


- 37.4 A **MEMBER** may by notice in writing to the **TRUSTEES** alter his domicilium provided such new address may not be a post office box or post restante and provided such address is within the Republic of South Africa and shall not be effective until 14 (fourteen) days after receipt of such notification.
- 37.5 Notwithstanding anything to the contrary herein contained, a written notice or communication actually received by a **MEMBER** shall be adequate written notice or communication to such **MEMBER** notwithstanding that it was not sent to or delivered at his domicilium citandi et executandi.
- 37.6 Any notice to a **MEMBER**
- 37.6.1 sent to him by prepaid registered post in a correctly addressed envelope at his domicilium citandi et executandi shall be deemed to have been received on the 7<sup>th</sup> (seventh) day after posting (unless the contrary is proved); or
- 37.6.2 delivered by hand to a responsible person at his domicilium citandi et executandi shall be deemed to have been received on the day of delivery; or
- 37.6.3 successfully transmitted by telefax or electronic mail to his chosen telefax number or e-mail address shall be deemed to have been received on the 1<sup>st</sup> (first) day after the date of transmission, unless the contrary is proved.

### 38 AMENDMENT

- 38.1 No provision hereof shall be added to, amended, substituted or repealed without the prior consent in writing of
- 38.1.1 the **LOCAL AUTHORITY**, and
- 38.1.2 the **DEVELOPER** for as long as the **DEVELOPER** is a **MEMBER**.
- 38.2 Subject to the provisions of clause 38.1, such addition, amendment, substitution or repeal shall require the approval of at least 51% (fifty one per centum) of the total number of votes of **MEMBERS** of the **ASSOCIATION** given at a general meeting called specifically for such purpose and the notice of such meeting shall, in addition to complying with the requirement for the convening of a meeting, set out in specific terms the proposed addition, amendment, substitution or matter to be repealed.





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 TELEPHONE (021) 424 2210, FAX (021) 424 7810  
 E-MAIL mlh@mlh.co.za

Project SANDOWN  
 Drawing **Property Owners Association**

Proj. No. 2008 506  
 Source:  
 Date: June 2016  
**Annexure X**

7 - OCT 2015  
 Encab



# SANDOWN

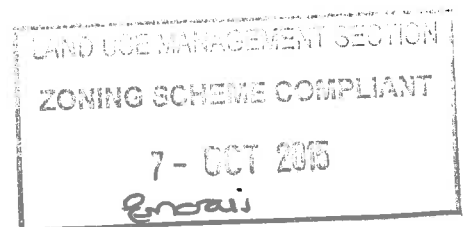
## SANDOWN PROPERTY OWNER'S ASSOCIATION

### URBAN DESIGN GUIDELINES FOR THE COMMERCIAL PRECINCT

(For those properties falling within the defined boundaries as illustrated in Figure 2 herein)

APRIL 2014

Revision B



**SANDOWN  
COMMERCIAL PRECINCT  
DESIGN GUIDELINES  
Revisions**

<b>Revision</b>	<b>Description</b>	<b>Date</b>
<b>A</b>	Various sections	October 2013
<b>B</b>	Development Controls section omitted. Reference to Tall Building Policy and Urban Design Policy incorporated	April 2014

LAND USE MANAGEMENT SECTION  
ZONING SCHEME COMPLIANT  
7 - OCT 2015  
*Emoris*

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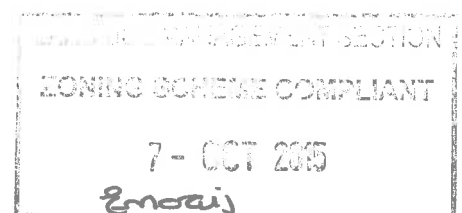
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- 2.0 DESIGN PHILOSOPHY AND SPATIAL DEVELOPMENT INFORMANTS**
- 3.0 SANDOWN COMMERCIAL PRECINCT**
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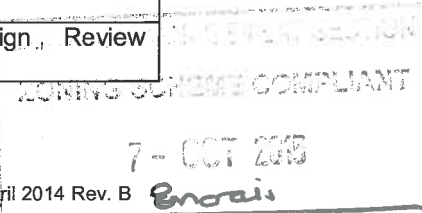
- ANNEXURE A:** Tall Building Policy
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## DEFINITIONS

In this document, the following words and expressions are defined as under:

Association:	Sandown Property Owners' Association. (SPOA)
Bulk:	Means "Rentable Area" as defined by SAPOA in the 2005 Edition of its publication (Method for measuring floor areas in buildings).
Character Area	Localities where particular urban design attention should be given so as to create prominent areas of interest.
Commercial:	A development consisting primarily of retail and office floor space. In all instances the relevant commercial site development parameters will apply.
Design Guidelines:	The guidelines stipulated in the Sandown Commercial Precinct Design Guidelines and not in terms of the parameters of the underlying zoning scheme. The term "Design Guidelines" refers to both Urban Design and Architectural Design guidelines.
Urban Design Guidelines	Urban Design Guidelines refer to how development should interact with contextual informants, such as response to streets, important intersections, pedestrian movement systems, open spaces, market areas, etc..
Architectural Design Guidelines	Architectural Design Guidelines refer to actual building design features, their response to urban design guidelines, and to technical development controls.
Development Controls:	The controls or measures stipulated in the Design Guidelines with regard to Bulk, building lines, height, parking, loading bay and landscaping requirements.
Local Authority – (LA):	The City of Cape Town – Blaauwberg District.
Landscaping:	Means soft landscaping, inclusive of lawns and planting.
ME or the Seller:	The Milnerton Estates Limited (Co. Reg. No. 1897/000196/06), of 9 Church Square, Cape Town. (Fax 021 461 7492).
NMT	Non-motorised transport
Property:	The immovable property forming the subject matter as contemplated herein, being vacant land (an undeveloped site) to be developed in terms of the use rights afforded to the Property and in accordance with the Design Guidelines and Development Controls. The use rights afforded to each property will be recorded in the Agreement of Sale for that property.
Purchaser:	The party who contracts with the Seller for the purchase of the property in terms of an Agreement of Sale.
Sandown Commercial Precinct – (SCP)	All properties falling within the extent of the boundary as illustrated in Figure 2.
Stormwater Management:	Stormwater Management entails the holistic approach to treat runoff from impervious areas on a developed site so as to improve the quality and control the quantity of the final discharge to the Municipal storm water system in accordance with the requirements of The City of Cape Town's "Management of Urban Storm Water Impacts Policy" (27 May 2009).
Review Committee:	Sandown Commercial Precinct Design, Review Committee.



## 1.0 INTRODUCTION

The Design Guidelines outline the envisaged character for the development of the Sandown Commercial Precinct – (SCP). The purpose of the Design Guidelines is to ensure that the incremental development of the SCP creates a harmonious and functional urban environment along Sandown Road, as part of the Sandown Development.

The overall Sandown Development will be defined by a number of precincts, each with a variety of land uses, including residential, educational, conservation, recreational and mixed use commercial. While high density residential is permitted in the SCP, the primary focus will be on buildings accommodating mixed use commercial, i.e. office, retail, service stations, cafes, restaurants, associated business premises and supporting facilities.

The development form in Sandown is controlled by two sets of documents, both of which must be adhered to in the design process of new buildings, i.e. the Design Guidelines and the Architectural Development Controls. The Design Guidelines document has statutory status by means of the approval by the City, whereas the Architectural Development Controls document is enforced by the POA.

At a technical design level, developers and designers must also take cognisance of the City's zoning scheme parameters, as well as the applicable policy documents, such as the Walling and Fencing Policy. At an urban design level, the overall Commercial Precinct is guided by City policy documents including the Stormwater Management, Tall Building and Urban Design Policies.

This Design Guidelines document sets out the development parameters of the overall urban design framework for the Commercial Precinct.

## 2.0 DESIGN PHILOSOPHY AND SPATIAL DEVELOPMENT INFORMANTS

In order to ensure that this high intensity development has a positive impact on the surrounding urban environment, the design guidelines have been prepared to direct the design and development of a balanced mix of office, commercial and residential buildings within a pleasing and "soft" green environment. Thus the buildings, streets and open spaces share aspects of a common language in terms of architectural design, roof materials, colour, landscaping, access, parking areas, perimeter walls, and street furniture.

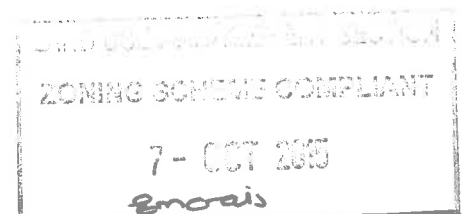
Whilst the guidelines envisage a harmoniously built environment through the establishment of a minimum set of design parameters, it also encourages individual architectural expression so as to create subtle variations and an interesting urban landscape.

Adherence to the Design Guidelines is a condition of sale, to ensure the development of the envisaged character and quality of the SCP.

The design guidelines will be managed by the Review Committee that is to be established by the Sandown Property Owners' Association (SPOA), of which all Sandown property owners are, and will be, members, as provided for in the SPOA's Constitution.

The strategic location of the Commercial Precinct adjacent to Sandown Road, which will become an important metropolitan route, requires consistent adherence to the design guidelines so as to ensure that the development of the SCP responds appropriately to the area's highly visible location.

The Sandown Development rights exist within the legal framework of the approved Sandown Development Framework, and the Phase 1 Subdivision Plan, as well as the City of Cape Town's Spatial Development Framework. see **Figure 3**: Extract from City's SDF.



### 3.0 SANDOWN COMMERCIAL PRECINCT

See **Figures 1 to 3** for the location and context of Sandown, and the extent of the SCP. The extent of the SCP is subject to change, and all such changes will be managed by The Milnerton Estates as Developer, and the City of Cape Town, as the approving Local Authority (LA).

#### 3.1 Sandown Property Owners Association (SPOA)

All property owners in the Sandown Development will be required to be members of the SPOA, and the Association's mandate and responsibilities are set out in the constitution of the SPOA.

#### 3.2 Permissible Land Uses

A number of different land uses may exist on an individual site, provided that they are compatible, and each conforms to its relevant zoning, urban design and development requirements, in particularly parking.

While there are no specific spatial designations for particular land uses within the boundaries of the SCP, special consideration should be given to the requirements of each of the *Character Areas*. Refer to **Figures 2 & 4**.

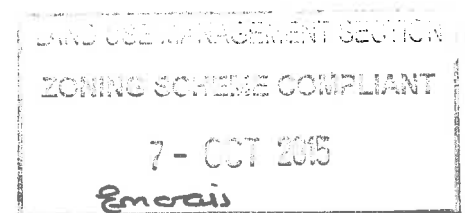
#### 3.3 Bulk

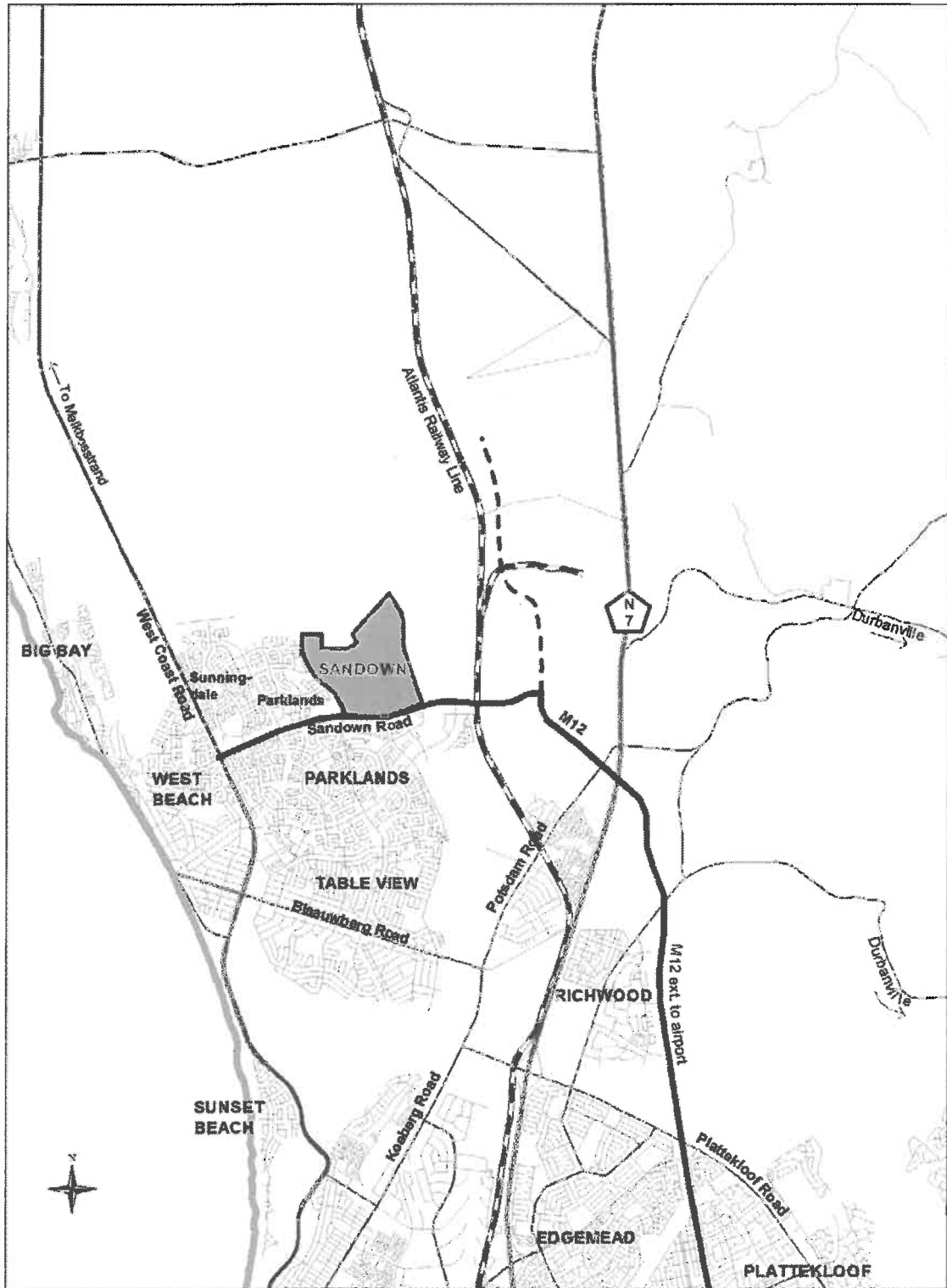
The distribution of the total bulk pool that has been approved by the LA for development in the SCP is allocated to each property by The Milnerton Estates, who will maintain a bulk rights register. The register will record the total square meters of bulk rights that has been allocated to each property within the SCP, which rights will be recorded in the Agreement of Sale for each property.

Additional square meters of bulk may be purchased from The Milnerton Estates if the Purchaser, or the successor-in-title, wishes to increase the bulk afforded to an individual property, after the conclusion of the original Agreement of Sale. Such additional bulk will be extracted from the bulk pool until such time as the bulk pool has been depleted.

While it is a design requirement to limit open parking areas to no more than 60% of the site area, this figure can be negotiated where the visual impact of expansive parking areas is mitigated by way of the overall site planning and soft landscaping.

The form of the development on a site will be agreed with The Milnerton Estates and the Review Committee in consultation with the Local Authority in the interpretation of technical development parameters.



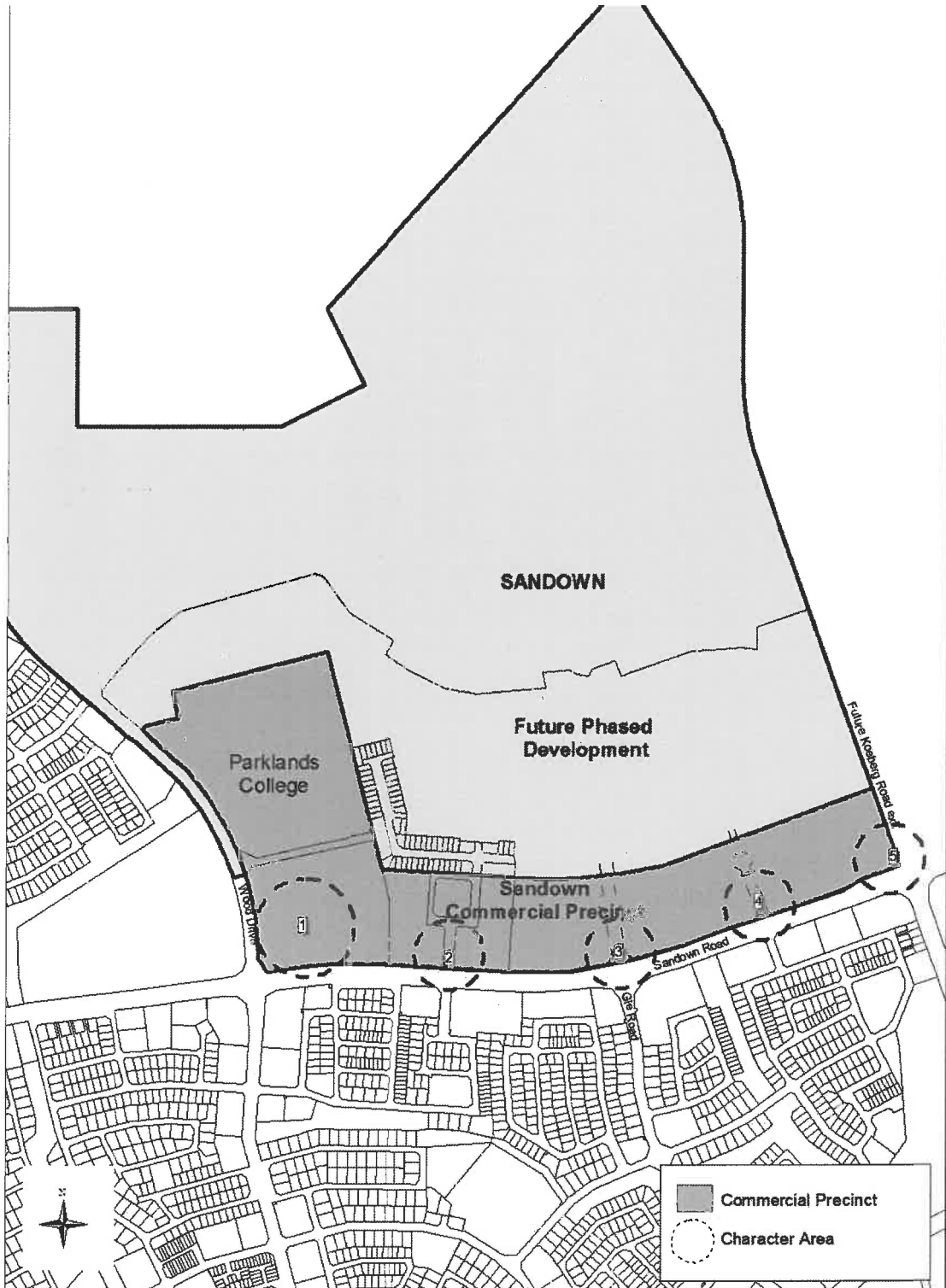


	Project	SANDOWN	Proj No	2008 506	Source	MLH CoCT SS
	Drawing	<b>Regional Context</b>	Date	February 2013	Figure	1

ZONING SCHEME COMPLIANT

7 - OCT 2015

April 2014 Rev. B *Enoais*



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Project	<b>SANDOWN COMMERCIAL PRECINCT</b>
Drawing	<b>EXTENT OF COMMERCIAL PRECINCT</b>

Proj. No.	2008 506	Source:	MLH CoCT SG
Date	February 2013	Figure:	<b>2</b>

7 - OCT 2015  
ZONING SCHEME COMPLIANT  
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 <p>mlh architects &amp; planners  <small>208B-12 CENTRAL 150 00P STREET CAPE TOWN PO BOX 10212 WILLEMBAAS BUL          TELEPHONE 021 424 4510 FAX 021 424 7810          EMAIL mlh@mlh.co.za</small></p>	Project <b>SANDOWN                  COMMERCIAL PRECINCT</b>	Proj. No. 2008 506	Source: MLH CoCT SG
	Drawing <b>EXTRACT FROM THE BLAAUWBERG                  SPATIAL DEVELOPMENT FRAMEWORK</b>	Date February 2013	Figure: 3

*Emreju*

## 4.0 URBAN DESIGN GUIDELINES AND CHARACTER AREAS

In order to direct development in the Commercial Precinct, a number of Character Areas have been identified, where careful urban design attention should be brought to bear. The Character Areas are identified by a number of factors, including location, land use, movement routes and access. (See **Figures 2 & 4**)

In addition to the requirements of this document, the City's *Urban Design* and *Tall Building* Policies are particularly relevant to the Commercial Precinct and must be referred to in preparation of development proposals. Refer to section 6.0 as well as Annexures A & B to this document.

### 4.1 Principle Design Requirements

This section reflects consideration of the *Urban Design* and *Tall Building* Policies in terms of height control and locational aspects of prominent buildings.

When designing buildings in these Character Areas consideration should be taken of the local context, so as to incorporate the appropriate spatial and urban design elements, as are set out in these Guidelines, into each building project, so as to ensure the enhancement of the local street environment.

Buildings should be clear in the way they address the hierarchy of streets and shared spaces, their orientation, the local micro-climatic conditions, and their specific impact on the precinct as a whole. Buildings should be consistent within themselves, with regards to their architectural style, and to their use of materials.

No building should be 'attention-seeking', but should rather be subtle in its expression, and blend in with its neighbours, so as to achieve a coherent overall urban design and street environment.

### 4.2 Project Edge Definitions

The Commercial Precinct has a number of important edge conditions which require specific design and implementation considerations. These include the Sandown Road edge, public streets running through the precinct, the interface with the general and single residential areas on the perimeters, the two large public open spaces, the storm water detention facilities, the private vehicular and pedestrian movement system, and the common landscaped system throughout the precinct.

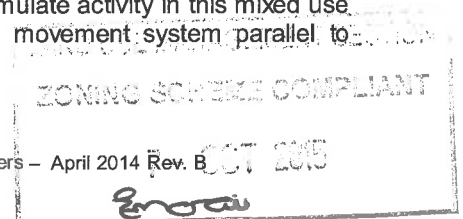
Buildings situated along Sandown Road should be designed so as to ensure an active and articulated facade. Multi-storeyed buildings are strongly encouraged.

Interface zones between adjacent precincts with different land uses, should be treated with care, so as to protect the character and property values of both areas. Building height and design within the interface zone should avoid overlooking features that would affect the privacy of the adjacent land uses. Thus while attractive facades are important, overlooking features, such as balconies, should face onto abutting streets and public open spaces and/or stormwater management ponds.

The three access streets that cut the precinct into four distinct portions will be appropriately landscaped. Developments adjacent to these streets should adopt complimentary landscaping design principles.

The storm water detention ponds will be similarly landscaped as functional open spaces, and will become central elements to the overall landscape and park theme of the SCP. Developments adjacent to all open spaces should respond appropriately to the pedestrian usage of these facilities, by incorporating overlooking features into the building design that will provide an active and visual surveillance function. These could include the use of balconies, canopies and colonnades.

Similar design principles apply to properties abutting the open space system and movement routes traversing the Precinct. The philosophy of an open, common and limited walled environment is promoted so as to establish a pedestrian friendly precinct, which is a necessary requirement to stimulate activity in this mixed use environment. This will allow for the incremental development of an internal movement system parallel to Sandown Road with a strong emphasis on NMT usage.



The design of Sandown Road makes specific provision for the later introduction of the City's Integrated Rapid Transport system. Bus stops will be located at the major access roads so providing easy public transport and pedestrian access to the SCP. All internal pedestrian routes will relate to these bus stops.

### 4.3 Architectural Design and Building Typologies

In order to strengthen the architectural image of the Commercial Precinct without unduly limiting individual design creativity, the following architectural statement gives guidance to the design process:

"Careful consideration must be given to the specific context of each and every building. This is to ensure that each building takes full cognisance of its context, whether that is the commercial edge along Sandown Road and Wood Drive, or else the transition zone against the residential areas to the north. Facades should be articulated so as to reduce the scale and impact of larger buildings, while responding to the need to create a pedestrian scale environment at street level."

### 4.4 Character Areas

The variety of local conditions that occur along Sandown Road create a number of character areas, some with common conditions, while others will be very specific to their location.

These character areas are indicated in **Figure 4**: "Sandown Commercial Precinct Character Areas along Sandown Road".

Buildings within or close to these character areas should take note of their particular location and be designed so as to positively contribute towards their immediate streetscape. Issues such as the relationship of the buildings to the street, "active" and articulated facades (fenestration, balconies), land uses, building height, parking, pedestrian and vehicular movement, and landscaping, all have a particular relevance in the Character Areas.

While it is encouraged that all 5 character areas be developed as prominent nodes, the main character area is regarded as being situated on the corner of Sandown Road and Wood. The extent and location of the site provides the opportunity for a development of significance and thus establishing a prominent feature point in the urban landscape. Development proposals for the node should take this opportunity in consideration so as to ensure an overall harmonious built image across the entire site.

The same design philosophy applies to the secondary nodes, situated on the Sandown - Gie Road and Sandown - Koeberg Road intersections.

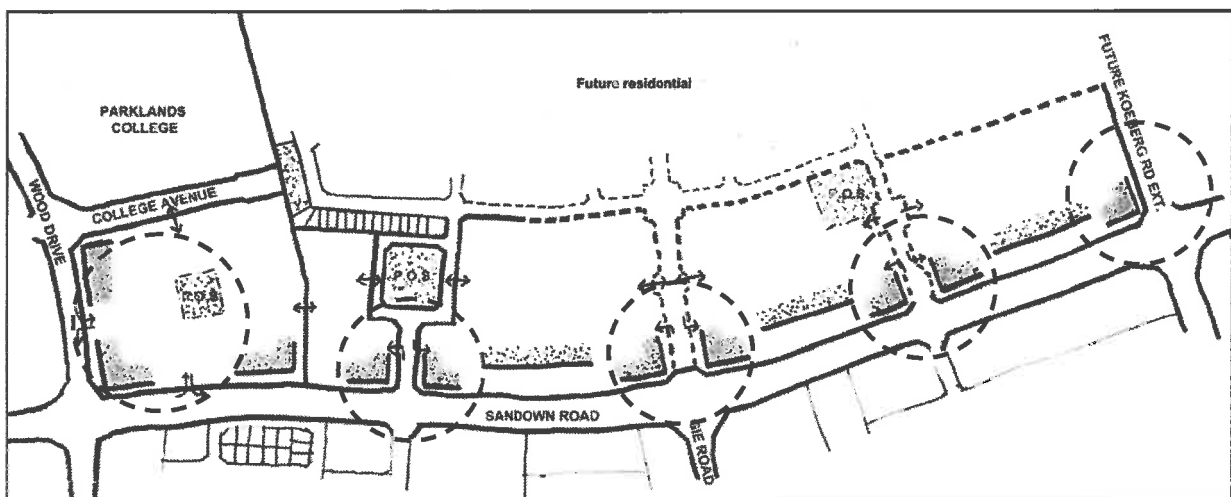
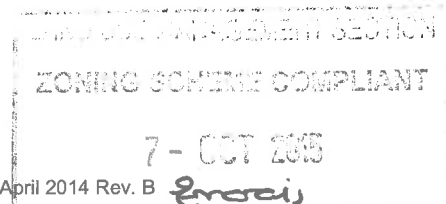


Figure 4: Sandown Commercial Precinct *Character Areas* along Sandown Road.



## 5.0 CHARACTER AREA DEVELOPMENT CONTROLS

These nodes form access gateways into the urban areas to the north of Sandown Road, while also providing visual focus points at important intersections along the length of Sandown Road. Thus development within these Character Areas should take particular cognisance of design requirements in terms of height, orientation, facades, location of the building with regards to the street edge, and landscaping. Expansive parking areas along the length of Sandown Road are strongly discouraged, although the need for some visible parking is acknowledged.

### 5.1 Design Informants

- Focus points at road intersections along Sandown Road.
- Prominent visual exposure to Sandown Road.
- Limited access off Sandown Road.
- Public Transport function along Sandown Road.
- Relationship with open spaces, north-south streets and internal east-west movement systems.
- Extent of land areas, which requires spatial development control.
- Pedestrian movement.

### 5.2 Design responses and opportunities

- Land Use: Mixed Use Commercial/Retail/Office, including residential buildings.
- Buildings of more than one storey are strongly encouraged / required along Sandown Road, particularly at the prominent intersections.
- Buildings close to Sandown Road should have prominent fenestration facing the road so as to establish an active interface with the road.
- No solid walling on Sandown Road.
- Strong emphasis on prominent soft landscaping facing Sandown Road.
- No back yard or storage features to face Sandown Road.
- Minimise expansive parking areas adjacent to Sandown Road.
- Creative an appropriate design for all storm water management facilities.
- Provide an internal NMT movement system.

## 6.0 CITY POLICY DOCUMENTS

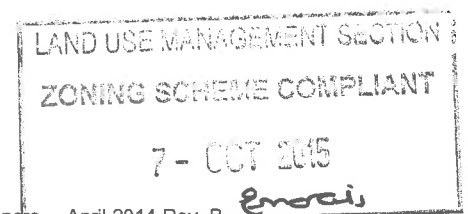
Refer to **Annexures A & B**

While this Design Guidelines document draws substantially from the Tall Building and Urban Design Policy, developers and designers must refer to the intention and requirement of these policies.

### 6.1 Tall Building Policy

The following aspects of the Policy have been drawn into the Sandown Design Guidelines. It must be noted though that the aspects below do not prescribe buildings of a minimum height at these locations.

- Tallest buildings are to be located adjacent Sandown Road and at the intersections of streets entering the Commercial Precinct off Sandown Road.
- This height strategy is to reflect the existing high density, 2-storey apartment blocks situated along the southern edge of Sandown Road as well as to define Sandown Road as an important structural element in the greater Blaauwberg City.
- It is also envisaged that taller buildings at the intersections will strengthen the envisaged character for these points of interest.
- Buildings along the northern edge of the Commercial Precinct to be appropriately designed so as to avoid overlooking features that would affect the privacy of the residential precinct towards the north.

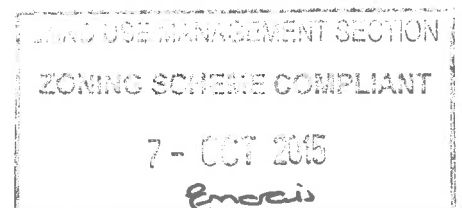


## 6.2 Urban Design Policy

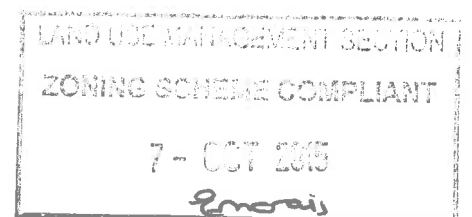
The structure of this document is by default based on urban design principles, but must be read together with the City's Urban Design Policy. Section 5.0 of this document in particular, along with **Figure 4** illustrate the broad spatial principles, including the establishment of "Character Areas" defining the entrances to Sandown, the positioning of buildings within these Character Areas as well as the general interface of development along Sandown Road.

With Sandown being a new town, "green fields" development, it is envisaged that the guidelines in this document will meet the Urban Design's Policies objectives of positively contributing to:

- creating integrated and legible neighbourhoods;
- quality of the public realm;
- safe and secure environment;
- efficient accessibility;
- development intensity, diversity and adaptability;



ANNEXURE A:  
CITY OF CAPE TOWN'S TALL BUILDING POLICY





CAPE TOWN

# TALL BUILDING POLICY

A policy for managing the development of tall buildings in Cape Town

Adopted  
May 2013

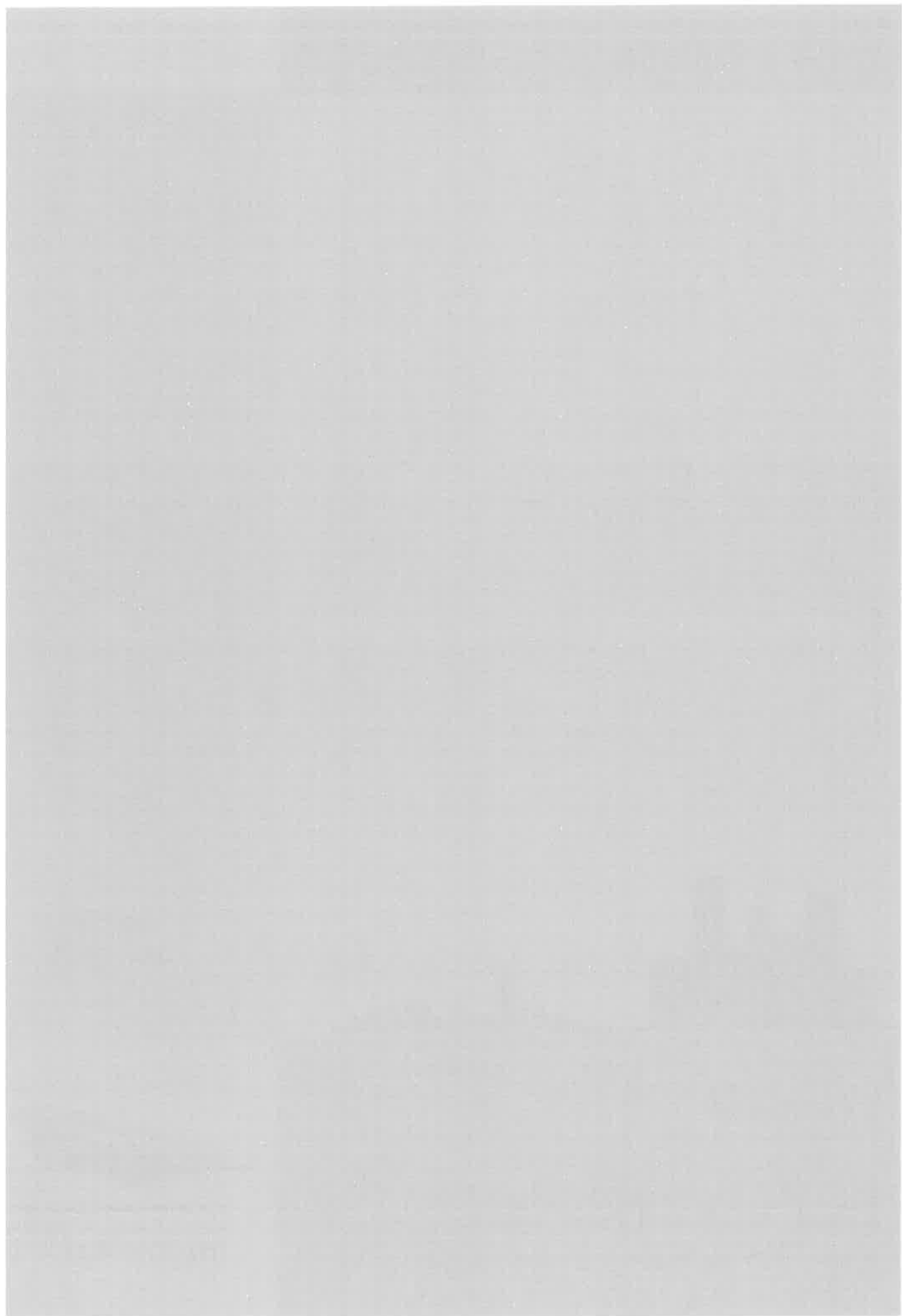
LAND USE MANAGEMENT SECTION  
ZONING SCHEME COMPLIANT



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU



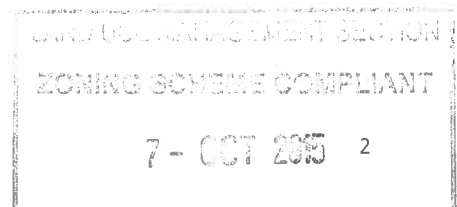




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## 1. INTRODUCTION AND RATIONALE FOR POLICY FORMULATION

Whilst the City is desirous of facilitating a bold and prosperous future, the development of “tall buildings” has a direct impact on the identity, image and experience of our city. For some, tall buildings represent a city of progress and striving for international recognition. For others tall buildings are a matter of concern, particularly in relation to views of Cape Town’s mountain ranges, especially Table Mountain and visual connection to the sea. Other concerns relate to the integrity of protected heritage buildings, the experience of public spaces, the character of the urban fabric and the quality of the street environments for city users and residents.

The City of Cape Town (the City) has received and is expecting to receive more applications for departures related to the height of buildings. At the core of this is the desire among developers to capitalise on their landholdings at a time when property values are increasing. Understandably, developers want to gain maximum leverage from the development rights conferred by the zoning regulations.



In some cases tall building developments are driven by the desire to create something “bigger and better” than the surrounding buildings. In other cases, tall buildings are proposed in order to improve areas where the zoning regulations currently allow inappropriate development. And to complicate matters, some existing buildings have been allowed to develop to heights well above the maximum height stipulated in the zoning regulations. However, each application has to be dealt with on its own merit and due to various shortcomings - limited resources of the City and a lack of clarity in the zoning regulations - this leads to inconsistent decisions. It is therefore not just the City that is looking for clarity and guidance, but also the developers and architects who want consistency in assessment.

For these reasons, it was necessary to devise a clear and comprehensive Tall Buildings Policy that will save time, effort and money for both the City and applicants of height related departures. It will also ensure that development is both responsible and sustainable for future generations.

It is the City’s view that taller buildings are part of our future. If developed with sensitivity to the environment and with awareness of the unique urban context, tall buildings can enhance their environment and serve as beacons of urban improvement. If correctly placed and well-designed, these buildings can enhance the public perception of an area by contributing to a well-defined and assessable public realm, attracting further investment.

Building an unusually tall structure normally requires the City’s approval of what is called a “departure” from the existing regulations. This departure would typically involve the removal of height or bulk restrictions, changes to the space between the building and the road, or changes to the standard regulations for the provision of parking.

Moving away from the purely visual impact of the tall building, there are other important considerations – the demands on infrastructure, municipal services and transport systems which are already stretched in some city areas. The overall impact of tall buildings should therefore be assessed holistically through the planning process. In fact, due to the scale of the development, the Policy propagates pre-submission consultation with the City to alleviate key concerns early on rather than wait until the formal application process.

In summary, the Tall Buildings Policy advocates responsible and sustainable growth, positive contributions to the public realm and the enhancement of the overall cityscape by ensuring the development of well-integrated tall buildings in appropriate locations. It is therefore a guide for the location and design of tall buildings that require height related departures (pre-submissions phase) as well as an assessment tool (post submission phase). In the spirit of co-operation, the positive potential of large scale developments can be harnessed, and the longer term interests of the city can be served through a process of consultation with stakeholders, the City, public and private developers.

## **2. LEGISLATIVE & STATUTORY CONTEXT**

Neither the Tall Building Policy nor the accompanying Design Guidelines seek to introduce or take away any existing development rights. As such, there is synergy between the Cape Town Zoning Scheme (CTZS) as well as the National Building Regulations and the intentions of the Tall Building policy. The Tall Building Policy and guidelines aim to provide more clarity to the development process and assessment process so as to promote high quality design in appropriate locations.

### **a Legislation influencing the Tall Building Policy:**

- Constitution of Republic South Africa, Act No. 108 of 1996
- National Building Regulations and Building Standards, Act No.103 of 1977
- National Environmental Management Act (NEMA,) Act No. 107 of 1998
- National Heritage Resources Act (NHRA), Act No. 25 of 1999
- Aviation Act, No. 74 of 1962
- Land Use Planning Ordinance (Western Cape) Ordinance No 15 of 1985
- City of Cape Town Zoning Scheme Regulations

The current Land Use and Zoning Schemes Regulations are legal documents that confer particular development rights and obligations to properties and are used in conjunction with other legislation, such as environmental laws, to manage development in the city. The Central City CBD is currently the only area within the city that has a defined height limit of 60m, while other areas throughout the city are mainly defined by general zoning regulations. Even so, there is a need for a set of well-defined principles that could sit alongside the Land Use Regulations and offers the requisite guidance especially in the case of departure applications. The Tall Building Policy aims to bridge this gap in relation to tall buildings.

### **b City of Cape Town Related Planning Strategies and Policies:**

The Tall Building Policy and associated design guidelines are intended to assist in providing a uniform basis for consideration of land use and built form applications. Due to their central role in using the policy, the content of the document has been work-shopped with the Planning and Building Development Management department. In constructing this policy, there has also been consideration of other city wide initiatives such as:

#### **i City Development Strategy (draft 2010)**

The City Development Strategy is a high-level policy initiative that aims to define a long-term vision for the city's development. By establishing a clear and transparent process for the assessment and delivery of tall buildings, the Tall Building Policy is aligned to the strategic aims of the CDS by supporting economic competitiveness and social development while considering the natural environment and future city form.

#### **ii Cape Town Spatial Development Framework (2012)**

This is a long-term, citywide plan (20 years plus) to manage the growth and change in Cape Town metropolitan area. The plan encourages appropriate land use intensification, a more compact city and the enhancement of the unique sense of place and quality of the built form in Cape Town. The plan also promotes good contextual urban design fit, and ordering of the relationship between people, urban space and the environment (natural and built).

The Tall Building Policy supports the realisation of the long-term metropolitan spatial structure put forward by the Cape Town SDF by facilitating land use intensification in accessible, high-opportunity locations (e.g. urban nodes and development corridors) and clarifying the City's development intentions to private investors.

**iii District Spatial Development Plans & Environmental Management Frameworks (2012)**

These are medium-term plans for the use of space at district level that indicate possible land use in new development areas, urban renewal or proposed improvements to existing areas.

**iv Local Spatial Plans**

These are detailed plans for specific parts of the city. These include detailed proposals regarding the character of certain areas and the maximum height of buildings. They may also suggest site-specific development or design criteria. The focus is on analysis prior to development and the clear presentation of this process. The *CCDS-DGLUM* (below) is an example of such a more detailed Local Area Plan that supports the Tall Buildings Policy:

*Central City Development Strategy: Development Guidelines for Land Use Management (CCDS-DGLUM)*

The *CCDS-DGLUM* aims to translate the vision for the Central City into a desirable built form, thereby directing public and private sector development. This is done through a set of clear guidelines that provide a consistent basis for development decision-making by public officials and at the same time give direction and certainty to the private sector.

**v Other Strategy or policy documents**

The Tall Building Policy falls in this category. Other policy documents include the densification and scenic drives policy. These suggest what factors should be taken into account when considering applications. To safeguard scenic routes and views, the documents indicate view lines that should be preserved, and recommend land use along these routes.

*Economic Growth Strategy (draft)*

The principal objective of the Economic Growth Strategy (EGS) is to grow the economy and create jobs - an overarching objective of the *Opportunity City*. The EGS is based on the latest research on globally competitive cities, and structured around five strategic areas or chapters which are fundamental building blocks of competitive cities. The first chapter of the EGS specifically points towards building a globally competitive city through institutional and regulatory changes. Strategy 4 within this chapter has direct relevance to the Tall Building Policy in that it focuses on accelerating and deepening regulatory modernisation and business improvement processes and the establishment of an institutional environment conducive to entrepreneurial activity.

The other four chapters focus on providing the right basic service, transport and ICT infrastructure, utilising work and skills programmes to promote growth that is inclusive, leveraging trade and sector development functions to maximum advantage and ensuring that growth is environmentally sustainable in the long-term.

The Tall Building Policy fully supports these principles of creating an environment conducive to accelerating economic growth as well as that of ensuring that growth is environmentally sustainable in the long-term.

*Densification Strategy (2012)*

The Densification Strategy seeks to improve the City's sustainability status and enhance the quality of the built environment by promoting higher densities in appropriate locations so as to ensure optimal and efficient use of infrastructure, services, facilities and land. Tall buildings will be one of the ways to achieve this and the Tall Building Policy will contribute by giving guidance on how land use intensification in the form of tall buildings should be approached.

#### *Scenic Drive Network Management Plan (2003)*

The Scenic Drive Network Management Plan contains guidelines for development alongside designated scenic routes. In addition, the proposed Cape Town Zoning Scheme has provisions for overlay zone controls for scenic drives for certain of the planning districts. Due to the effect that tall buildings might have on these key views, it is suggested that reference is made to these two documents.

#### *Integrated Transport Plan (2006-2011)*

This is a medium-term plan that supports the development of a more compact city that allows for adequate public transport thresholds. By aligning transport and land use planning, a land use pattern can be brought about which would reduce the total amount of travel, while improving access to opportunities. The need to travel by car would be minimised by promoting sustainable travel patterns such as encouraging walking, cycling and the use of public transport modes.

On-going transport planning is an important informant in a number of the planning processes outlined above and has been taken into account in formulating the policy and guideline proposals. The link between public transport and higher density uses (not just residential) is key to promoting a sustainable city.

### **vi Development guidelines**

These are “softer” guidelines emphasising the need for good practice. The *Design Guidelines for Tall Buildings* falls in this category. The strong message here is the need for good urban design in the local and broader contexts. These guidelines are helpful in the preparation of plans and in the assessment of development applications.

#### *City of Cape Town Green Buildings Guidelines (Draft)*

The aim these guidelines is to actively promote resource efficient construction of new or renovated buildings in Cape Town to minimise the negative environmental impacts of the built environment, while maximising positive social and economic impacts. Incorporating principles of sustainability into the lifecycle of buildings including materials, manufacture, design, construction and operation enables designers and developers to minimise the environmental impact of a development at little or no cost. Many sustainable interventions actually save money through lower water and electricity bills, less maintenance and the improved health of inhabitants. Green buildings also save the externalised environmental and social costs we all bear.

The Green Building Guidelines document is aligned with the Green Building Council of South Africa, which has incorporated the Green Star Rating system of the Green Building Council of Australia. It is envisaged that The City will incorporate the Green Star Rating system in the future.

#### *Tall Building Protocol (2008) - replaced by Tall Building Policy once adopted.*

This interim procedural tool was established to bridge the gap for assessing Tall Building applications in the absence of a Tall Building Policy. It identifies the assessment criteria<sup>1</sup>, considerations and assessment methods as well as submission requirements<sup>2</sup> for tall building applications. The use of these tools has been taken forward into the final Tall Building Policy.

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<sup>1</sup>Protocol's Assessment criteria includes: a) motivation, b) relationship to context, c) heritage impact assessment at city-wide and local level, d) transport impact assessment, e) contributions to permeability and legibility of the site and wider area, f) impacts to the public realm, g) architectural excellence, h) impacts on the local environment (micro climate and general amenity considerations), i) alternative urban form/density analysis, j) green building design and k) impacts on existing infrastructure and services.

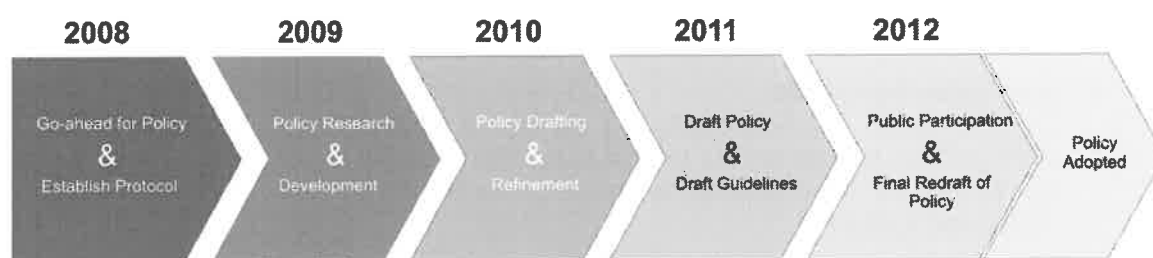
<sup>2</sup>Protocol's Submission requirements includes: a) full motivation on desirability to extend beyond the Zoning Scheme height limit, b) submission of fully calibrated, accurate electronic three-dimensional representation of the proposed building, c) a full urban design analysis, d) the results of a wind tunnel test indicating the wind impacts of building in context, e) a study of alternative building form explorations, f) heritage impact assessment, g) transport impact assessment and h) a green building plan indicating environmental and energy impacts with mitigating proposals.

*To avoid misunderstandings and delays, all these documents should be studied by developers before they submit applications for taller buildings to Council for consideration.*

### 3. BACKGROUND and POLICY DEVELOPMENT

Due to development pressures, especially in the Central City CBD, approval was given in October of 2008 by the Planning and Environment Portfolio Committee (PEPCO) to proceed with a Tall Building Policy. A Project Management Team and Task Team was identified and approached to take this forward.

While the Policy was researched and developed, an intermediate *Tall Building Protocol* was established and came into effect. This Protocol identified the assessment criteria, considerations and assessment methods as well as submission requirements for tall building applications. The use of these tools has been taken forward into the final Tall Building Policy.



In February 2011 a *Draft Tall Building Policy* and accompanying best practice “*Draft Design Guidelines for Tall Buildings*” were tabled with PEPCO and was favourably received. PEPCO requested that this draft report should be re-written in non-technical language so as to be more accessible to a wider audience prior to being permitted to go through the public participation process.

An amended version of the Draft Tall Building Policy was then submitted to the newly constituted portfolio committee, called Economic, Environmental and Spatial Planning Committee (EESP) in September 2011. Following this meeting Spatial Planning and Urban Design (SPUD) was tasked to first brief a newly elected Task Team, to explain the background, get feedback and acquire their input. This step was regarded as a necessary precursor for the EESP to be able to consider the granting of authority for SPUD to proceed with the suggested public participation phase of the project (during February and March 2012).

As part of the public participation process, a stakeholder workshop was held on the 20<sup>th</sup> of February 2012. Presentations were made to a targeted interest groups and professional bodies such as the Urban Design Institute of South Africa (UDISA), Council for Tall Buildings and Urban Habitats (CTBUH-SA), Cape Institute for Architecture (CIA), South African Institute of Civil Engineers (SAICE), Institute of Landscape Architects South African (ILASA), South African Planning Institute (SAPI) in order to glean specialist support for and input into the policy and its utilisation.

The policy was also presented at all Subcouncil meetings in February 2012 where Councillors and Ward Forums members were invited to input into the policy and its utilisation.

The draft Policy document and accompanying Best Practice “*Draft Design Guidelines for Tall Buildings*” was then made available for public perusal during the month of March at the 24 sub-council offices, municipal libraries, at PBDM district offices, as well as on the City’s website, as part of a 30-day notice period for comment. Individual presentations at some Subcouncil Activity days and to District offices as well as to the Project Management Team and the Task Team also offered valuable input into the public participation process.

The amended Tall Building Policy was resubmitted to the Economic, Environmental and Spatial Planning Portfolio Committee (EESP) in February 2013. Now, with final comments from and support of the Strategic Planning Unit and Tall

Building Task Team, the Tall Building Policy (with Design Guidelines annexure) was finally adopted by Council in May 2013.

## 4. WHAT IS A TALL BUILDING

The policy shall apply to all departure applications for Tall Buildings. There is no absolute definition of what represents a "tall building." International best practice points towards the Council for Tall Buildings and Urban Habitat (CTBUH)<sup>3</sup> and their definition or criteria for height. The CTBUH suggest that a building, in terms of international standards, of perhaps 14 plus storeys (*or over 50 meters in height*) could be used as a threshold for considering it as a "tall building. This is in the context of super tall buildings and international standards. In the Cape Town context, we believe that a tall building is a building that exhibits some element of "tallness" in one or more of the following categories (as based on CTBUH definition): a) Height in relation to context, b) height in relation to proportion and b) height in relation to building technologies.

### a. Height in relation to Context

It is not just about height of a building, but about the context in which the building exists. Therefore, in a Cape Town context, a 10-storey building may not be considered a tall building in a high-rise metropolitan node such as the City Central Business District (CBD) and Foreshore, yet in another local node or CBD this may be distinctly taller than the average local urban form. The same applies for a residential area where for instance the building is double the height the Zoning Scheme allows. This could be a 5-storey building in a single dwelling area where a double storey is the maximum allowed by the Zoning Scheme.



Image from CTBUH [www.ctbuh.org](http://www.ctbuh.org)

It is however important to remember that the number of floors is a poor indicator for defining a tall building because the current variation is between 2.4m – 4.6m (*per zoning scheme due to different uses e.g., office vs. residential usage*), therefore the reference to 35m in height as a comparison to 10 storeys.

Through the public participation process it was decided that, in the context of Cape Town's Tall Building Policy, the following definitions (in relation to context) and therefore the application of the Policy, will apply:

- In high order nodes storey height of more than 10 storeys or 35m (whichever is the highest) is seen as *significantly* tall buildings. *Significantly* taller buildings are commonly known as skyscrapers, and applications in this instance could be referred to the Trans-disciplinary Design Panel for further assessment. Referral to this panel would be at the discretion of The City.
- In lower order nodes the definition of a tall building will depend on the local context and here a building is seen as a *substantially* taller building if it is more than 1.5 times the permissible height as specified in the Zoning Scheme Regulations.

<sup>3</sup>The Council for Tall Buildings and Urban Habitat (CTBUH) is an international not-for-profit organisation supported by architecture, engineering, planning and development and construction professionals. The CTBUH is the world's leading body in the field of tall buildings and the recognised source of information on tall buildings internationally. Founded in 1969, the Council's mission is to disseminate multi-disciplinary information on tall buildings and sustainable urban environments, to maximise the international interaction of professionals involved in creating the built environment, and to make the latest knowledge available to professionals in a useful form. The Council is the arbiter of the criteria upon which tall building height is measured, and thus the title of "The World's Tallest Building" determined. The South African section of the CTBUH includes leading members of the architectural, engineering and related built environment professions and is currently led by Kevan Moses of Stauch Vorster Architects (Country Representative, based in Johannesburg) and Guy Briggs of GB|USPD (City Representative in Cape Town).

### b. Height in relation to proportion

It is also about proportion. There are numerous buildings which are not particularly high, but are slender enough to give the appearance of a tall building, especially against low urban backgrounds. Conversely, there are numerous big/large footprint buildings which are quite tall but their size/floor area rules them out as being classed as a tall building.

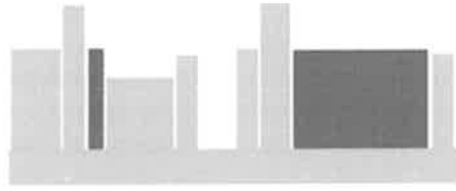


Image from CTBUH [www.ctbuh.org](http://www.ctbuh.org)

Through the public participation process, it was decided that, in the context of Cape Town's Tall Building Policy, this definition (*proportion*) of a tall building, and subsequent application of the Tall Building Policy objectives, should be interpreted by the Local District office based on their local knowledge.

### c. Height in relation to building technologies

If a building contains technologies<sup>4</sup> which may be seen as being a product of "tall" (e.g., specific vertical transport technologies, structural wind bracing as a product of height, etc.), then this building can be classed as a tall building.

## 5. POLICY APPROACH, PRINCIPLES AND AIMS

As per the Economic Growth Strategy, The City has as an objective the creation of a regulatory environment that facilitates investment and supports growth in an efficient, responsible, environmentally appropriate and sustainable manner. The Tall Building Policy provides for this by introducing greater certainty into the processes related to the assessment of tall buildings as defined in the policy.

In many cities around the world, the design of tall buildings is specifically dealt with in dedicated tall building policies and in the development approval processes. In Cape Town, this policy now aims to bridge the gap and facilitate appropriate solutions in both the context of the local area and the wider city, bearing in mind that Cape Town has a specific character and a context that is different to other cities. The policy brings to public knowledge that taller buildings should preferably be located in nodal areas and should enhance the character of the urban environment through quality design and architectural excellence. The policy also highlights the impact that tall buildings could have on the social and economic wellbeing of related communities.

### The main principles of the Tall Buildings Policy are to:

- Promote and encourage sustainable growth in the city by permitting greater building height in appropriate locations;
- Ensure that taller buildings fit into the context of the surrounding cityscape, without negative impacts;
- Encourage design excellence. Tall buildings should form part of high quality urban environments in specific locations;
- Recognise that growth is dynamic and that the approach to tall buildings should therefore be flexible, provided that the proposal meets the strictly applied criteria for quality, design, character, context and protection of the urban environment.

As mentioned before, neither the Tall Building Policy nor the accompanying development guidelines seek to introduce or take away any existing development rights. Specific aims of the policy rather include the following:

<sup>4</sup>The CTBUH definition also mentions this as a definition and, in the context of Cape Town's Tall Building Policy, this definition (*technologies*) of a tall building is a case in point rather than an interpretation.



- Creating greater awareness of the issues surrounding the design and location of tall buildings;
- Ensuring that new tall buildings reinforce the attractive qualities of the built environment in order to sustain or improve the image of the city;
- Encouraging a high standard of design and architectural excellence, blending sympathetically with the local and city context, and respecting attractive views across the city;
- Providing a more consistent transparent approach to dealing with applications for departures concerning the relaxation of height restrictions;
- Explaining clearly to developers the criteria and procedures to be adopted in the assessment of applications for taller buildings;
- Preserving areas of special character or interest, protecting principal views across the city and, most importantly, preserving the iconic skyline created by Table Mountain, a World Heritage Site;
- Preserving or enhancing the quality of Urban Conservation Areas, heritage areas and listed buildings of special character;
- Reducing, as far as possible, speculative or opportunistic applications and applications lacking merit; and
- Meeting the development objectives of a sustainable development.

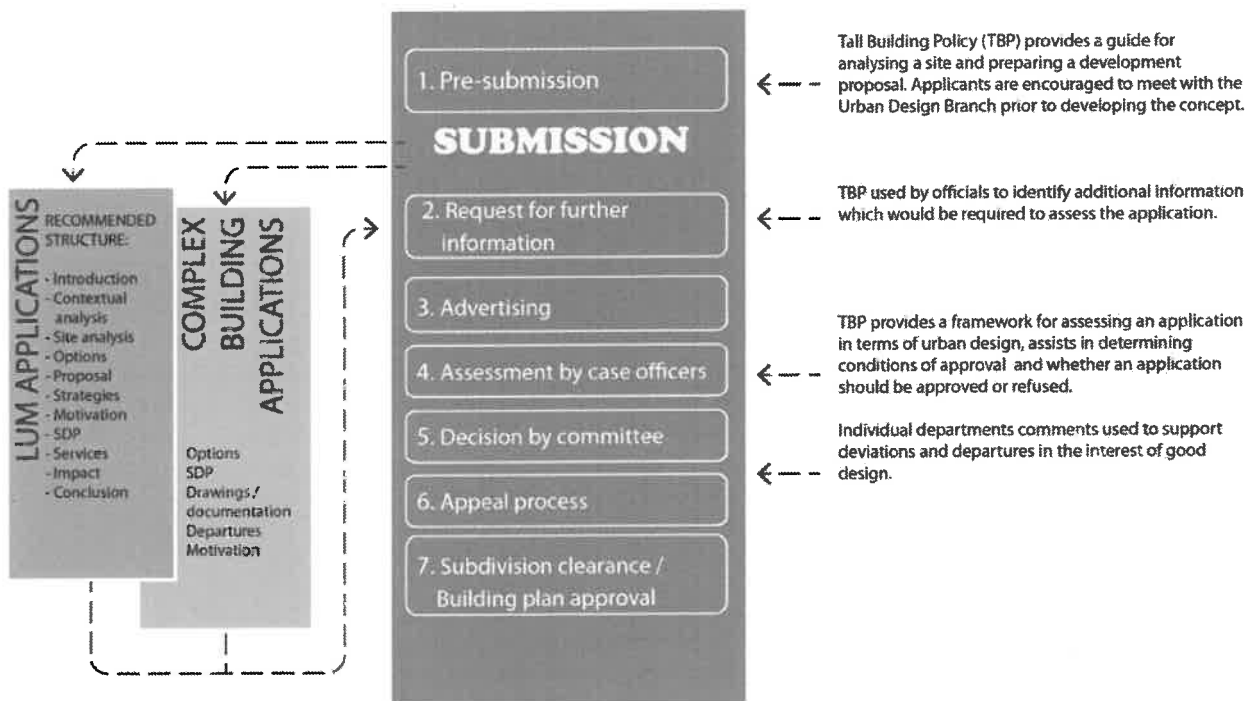
*In summary, the Tall Buildings Policy advocates responsible sustainable growth that makes a positive contribution to placemaking and the public realm and enhance the overall cityscape by ensuring the development of well-integrated tall buildings in appropriate locations, while giving guidance on the design during the early planning and design phases.*

## 6. HOW TO USE THE POLICY – ITS APPLICATION

The Tall Building Policy contains information that will help developers when they prepare their applications, specifically regarding the siting and design of tall buildings, and detail the information that needs to accompany the submission.

It will also help officials to assess tall building applications, aiming to make the process far more transparent. In fact, it is hoped that the Policy will be used more during the pre-submission phases in discussion with The City and others, to guide design and make the application process easier.

### TALL BUILDING POLICY AND EXISTING LUM PROCESSES



*The Tall Building Policy (and reference to the Design Guidelines for Tall Buildings) will apply whenever an applicant seeks approval of an application for relaxation of the Scheme Regulations<sup>5</sup>.*

The Policy and Design Guidelines can however also be used generally as a reference guide for all taller building applications, especially to assist during pre-submission discussions. Taken together, these documents promote an awareness of better design through an integrated and holistic understanding of the potential impacts of a tall building in relation to its place and purpose in the greater and immediate context of urban development.

Practical application of the policy, when requesting additional rights (beyond the existing rights) for the development site(s), can be expressed as follow:

<sup>5</sup>Planning applications that can influence height as determined by the relevant district planning office

**Level 1: Applications for minor additional height** (whether new buildings or modifications to existing buildings), i.e. for building less than 1.5 times the underlying bulk and height rights as referred to in the Scheme Regulations and less than 10 storeys/35m)

- The applicant will adhere to Policy statements: 1, 4, 6, 7 (related to local context) and 8;
- The application should be unpacked (full documentation provided with reasoning to demonstrate how the design solution has been arrived at) with reference to the "Issues to be addressed by applicant".

**Level 2: Applications for substantial tall buildings or major additional height** (whether new buildings, modifications to existing substantial tall buildings or modifications to existing tall buildings that would create a substantial tall building), i.e. more than 1.5 times the underlying rights as referred to in the Scheme Regulation)

- The applicant will adhere to Policy statements: 1, 3, 4, 6, 7, 8, 9 and 10;
- The applicant should adhere to Assessment Criteria and submission material;
- The application will be unpacked (full documentation provided with reasoning to demonstrate how the design solution has been arrived at) with reference to the "Issues to be addressed by applicant"; and
- The application can possibly be referred to an Inter-disciplinary Design Panel.

**Level 3: Applications for significant tall buildings** (whether new buildings, modifications to existing significant tall buildings or modifications to existing tall buildings that would create a significant tall building), i.e. applications for additional height application to buildings over 10 storeys/35m)

- The applicant will adhere to ALL Policy statements;
- The applicant should adhere to Assessment Criteria and submission material;
- Pre-application discussions with the City will be a requirement;
- The application should be unpacked (full documentation provided with reasoning to demonstrate how the design solution has been arrived at) with reference to the "Issues to be addressed by applicant"; and
- The application will most likely be referred to an Inter-disciplinary Design Panel.

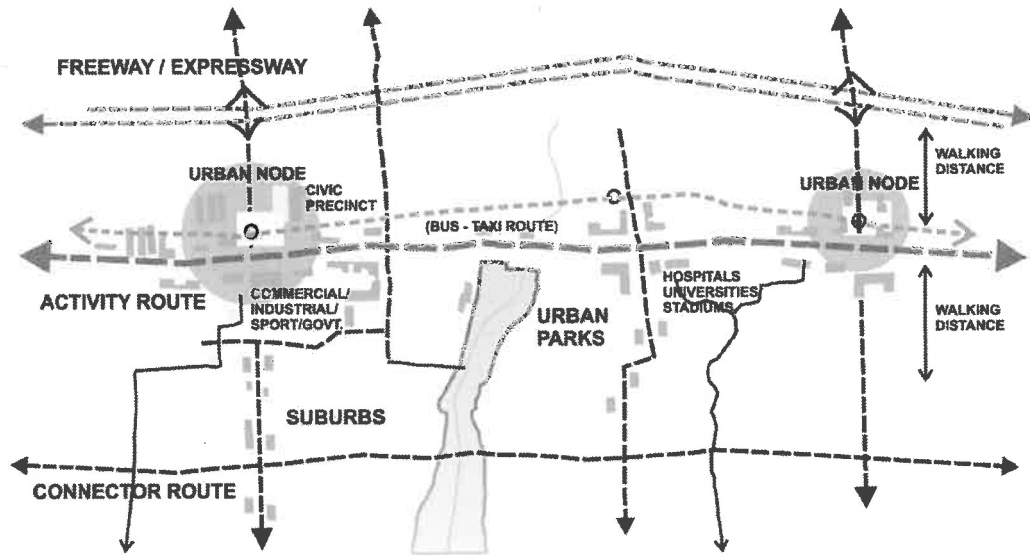
The Tall Buildings Policy aims to facilitate growth in a sustainable manner that positively contributes to placemaking, the public realm and to the overall cityscape by:

- Directing prospective developers towards existing nodes and spatial plans that provide guidance regarding **appropriate locations** for tall buildings;
- Requesting prospective developers to provide **adequate information** to motivate and substantiate the proposal (that usually requires departures);
- Requesting prospective developers to illustrate how they have considered the quality of design and consequent **impacts of the proposed tall building at a range of scales** as identified in the Issues to be addressed by Applicant in Section 8a (also the headings of the *Design Guidelines for Tall Buildings*).

The overall intention of the *Tall Building Policy* is to ensure that all Tall Building applications are assessed in a balanced, transparent and objective manner and to prevent short term interests overriding the long term sustainability of the city.

### **Appropriate Locations** – refer to Spatial Plans and guidelines

It is important to guide future tall building developments toward areas that are sustainable in terms of access to adequate infrastructure. It is also important to define areas for increased development form (massing and height) which contribute to the visual perception of higher order areas within the city (nodes and corridors) where more intense development is favoured.



Concept of a development corridor (taken from CTSDf)

The Cape Town Spatial Development Framework, Cape Town Densification Strategy, draft District Plans and future local area densification plans/design guidelines prioritise and give guidance to urban nodes and corridors as appropriate locations for increased development opportunities, which should include tall buildings in Cape Town.



Cape Town Spatial Development Framework



Draft Blaauwberg District Spatial Development Plan



From District plan: Blaauwberg Sub-district 3 Tableview



Management Strategy for Blaauwberg Road (1998): Vision

The final height approved for each application will be dependent on its unique location, context and the application of the policy objectives and design guidelines provided in this policy. But in general, tall buildings will not be appropriate where they:

- hide or mask the unique topography of the city;
- obstruct views from key public vantage-points;
- have a detrimental impact on the city's historic environment; and
- have a significant adverse impact on the amenity value of local residents.

Tall buildings may be appropriate:

- in or at urban nodes where intensified urban development is proposed/provided;
- in areas with adequate service infrastructure;
- close to public transport infrastructure;
- at gateways into key nodes;
- close to other tall residential or commercial clusters of tall buildings where it can be demonstrated that a new tall building serves to raise the quality and coherence of the cluster; and

- at locations where the provision of a landmark building would clearly improve the legibility and visual image of the city.

Reference to the hierarchy of plans - from the top (metro-wide plans and guidelines), down through the district plans to the local area plans and finally to the building plans on the site will motivate the appropriateness of the proposal within the wider context and the response to this.

### **Adequate information** – refer to Assessment Criteria for Tall Buildings Applications

In order to achieve an appropriate form and building quality, the Tall Building Policy also requires development proposals for tall buildings to adhere to assessment criteria. This will offer assistance to developers and assessors during the design and application processes and aim to make the assessment process more effective and efficient for all parties involved.

To ensure uniformity of approach, a detailed list of the requirements for each application has been provided in the policy. Through these, all tall building development applications need to indicate that they comply with:

- An appropriate location;
- Enhancing the quality of the local and wider context;
- Producing improved benefits to the public realm; and
- Offer first class design quality that talks to the area specific development, design parameters and generic design guidelines as set out in the Design Guidelines for Tall Building.

Applicants must address all of these issues, and put forward any mitigating factors in their motivations.

It is suggested that, in unpacking the proposals in the application, a motivation and response approach be adopted, such as suggested in the headings of the *Design Guidelines for Tall Buildings*. This is reiterated in the Assessment Criteria table: Issues to address by applicants.

The City will assess applications using the current and existing land use and zoning regulation process, but with the additional assistance of the checklists provided in this policy. When assessing a significantly tall building (a building that would exceed 10 storeys or 35m in height), the application may be referred for assessment by a city-wide Trans-disciplinary Design Panel<sup>6</sup> which can consider the merits (beyond aesthetics) of Tall Buildings within an Urban Design framework.

In the event that all the objectives are met, a recommendation will be made on whether or not the proposal provides for the optimal siting and design of a tall building within that specific location.

### **Quality design at a range of scales** – refer to headings of Design Guidelines for Tall Buildings

The Tall Building Policy (and the good practice Design Guidelines for Tall Buildings) has been structured for applicants and assessors to consider the design and consequent impacts of tall buildings *at a range of scales* covering the building within its broader context, its site and the specific building itself, allowing for an integrated and holistic understanding of the building form and its impact at various scales.

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In order to avoid misunderstandings or conflict, the policy and supporting guidelines should be studied by planners, urban designers and architects in the initial planning phase and before applications for tall buildings are submitted for approval. The preferred course of action is consultation between the applicant and The City before the application

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<sup>6</sup>Design Review Committee established in terms of the Tall Building Protocol for the Central City could be extended.

is submitted. This would hasten the approval process and create a shared path towards the development of a tall building that would meet the requirements of the Tall Buildings Policy, the existing spatial plans and guidelines, the need for high quality buildings as well as the vision of the developer.

The Tall Buildings Policy is a land use policy that supports the statutory functions, and specifically the development control function of The City's Planning and Building Development Management Department. The City must ensure that the guidelines and assessment criteria contained in the policy are used in the assessment of all applications for height departures as determined by the underlying rights as referred to in the Scheme Regulations.

Both developers and The City have an obligation to ensure that tall buildings have a high standard of finishes and materials, and a friendly interface with the public realm. This overall "building treatment" can be secured only through the enforcement of planning conditions and obligations that are mutually negotiated and agreed upon in the initial planning stages of the proposed development. Adequate guarantees are required in order to retain the original architectural quality of the building and to avoid the possibility that inferior materials or finishes could be substituted at a later date.

It is however not always possible to achieve the maximum public benefit that can be derived from a tall building within the confines of the proposed site. In these cases, the desired outcome suggested is a mutually determined planning agreement between the applicant and The City. An agreement of this nature would help to ensure that a tall building is fully integrated with its surroundings at the lower level, where the interface with the public realm is greatest, but also if needed, contribute more widely as per the agreement.

## 7. THE POLICY STATEMENTS

This section defines the overriding policy statements which will be used alongside the assessment criteria to assess tall building applications.

### **P1. The location of tall buildings must protect the key views to Table Mountain, other mountain ranges such as Kogelberg/ Helderberg and the sea from public spaces and key public places.**

A major component of the city's unique appeal is centred on its Table Mountain skyline and views of the sea. These views must continue to be protected from inappropriate built form. This is also relevant for the other mountain ranges such as Kogelberg and Helderberg.



In terms of the policy, substantially (one and a half times the underlying rights as referred to in the Scheme Regulations) and significantly (buildings exceeding 10 storeys or 35m) tall buildings should be considered with careful planning, including specific references to the existing policy documents referred to above and, preferably, in pre-application liaison with The City's relevant line departments.

### **P2. Tall buildings should only be located in appropriate locations**

New tall buildings should be located in appropriate locations which are being identified in The City's hierarchy of plans/guidelines:

**Cape Town Spatial Development Framework and Cape Town Densification Policy** – these identify, at citywide level, areas for higher density developments at:

- local urban nodes;
- along development routes, activity routes and transport corridors; and

**District Spatial Development Plans and Environmental Management Frameworks** – these identify, at district and sub-district level, areas that are more suitable for mixed use. Local nodes are indicated as locations for mixed use buildings and higher density development (which include taller buildings).

**Local spatial plans** - these could recommend densities and building heights at block, street and site level. They also deal with area-specific development and urban design criteria. In many areas of the city these are in the process of being developed.

Favourable consideration will be given to applications that align with these spatial plans and guidelines. If there are no local spatial plans, reference should be made to district or metropolitan-wide guidelines for the preferred locations of tall buildings.

*It is important to stress that the plans/policies referred to in P.2 above do not grant development rights nor does it take away any existing rights.*

### **P3. Applications must meet assessment criteria as set out in the Policy**

Applications for tall buildings that exceed its existing rights should meet the assessment criteria as set out in the *Tall Buildings Policy* and its accompanying document, *Design Guidelines for Tall Buildings* in addition to the standard requirements and conditions as set out in the Land Use and Zoning Scheme Regulations.

### **P4. All tall buildings must contribute to a quality, active public realm at street and first floor level**



Priority in the design of a tall building must be given to 'life on the street' for it contributes to genuine public life. This means tall buildings should be porous at street level having for example shops, cafes, restaurants, small businesses on preferably all sides. Parking levels should start only from two levels up or be wrapped by public/semi-public facilities. Buildings with continuous blank, solid walls at street level will not be accepted.

### **P5. Possible additional review for significantly tall buildings**

*Significantly* taller buildings are commonly known as skyscrapers, and in the context of the Tall Building Policy, it represents a building that is taller than 10 storeys or 35m. At the discretion of the post responsible for overseeing of Planning and Building Development Management, Environment Resource Management and Spatial Planning and Urban Design, applications for the development of significantly taller buildings may be referred to a Trans-disciplinary Design Panel<sup>7</sup> for assessment.

### **P6. Assessment on merit within the building's unique context**

Approval of the height of a tall building should not be seen as a precedent for other applications in the same area. The final height that is approved will depend on the tall building's motivation towards an appropriate location, response to the context and its compliance with the Tall Buildings Policy assessment criteria.

### **P7. Area character analysis will inform the design of tall buildings**

New or updated local spatial plans and development guidelines should identify locations where buildings that are substantially taller or significantly taller buildings are desirable. In many areas such local plans or guidelines do not exist yet. Therefore the applicant's motivation for height related departures should be based upon an area character

<sup>7</sup> Design Review Committee established in terms of the Tall Building Protocol for the Central City will be reconfigured.



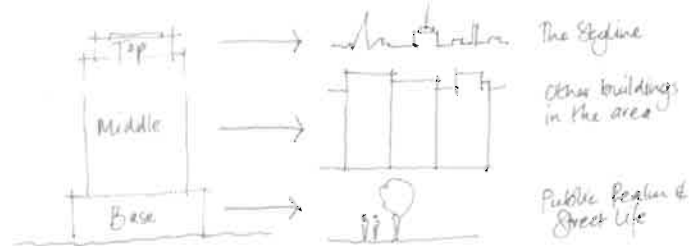
analysis in which urban design, heritage sites and environmental fixes are noted and analysed. This will ensure a holistic understanding of the urban design fixes and the overall vision for the area.

**P8. A tall building design should consider the three parts of a tall building within its context**

Tall buildings, due to their size respond to the city in three ways or on three levels:

- the base or podium – this must promote and support an active pedestrian/public realm (refer to P4);
- the middle or shaft - this talks directly to the surrounding built form and therefore elements (e.g. rhythm of fenestration or columns, horizontal lines and recesses) from surrounding buildings should be picked up on to contribute to the contextual fit. The design of the middle or shafts should also be such that it minimises shadows and increase sky views from the street; and
- the top or crown – this section should be sculpted to enhance the skyline character of the city.

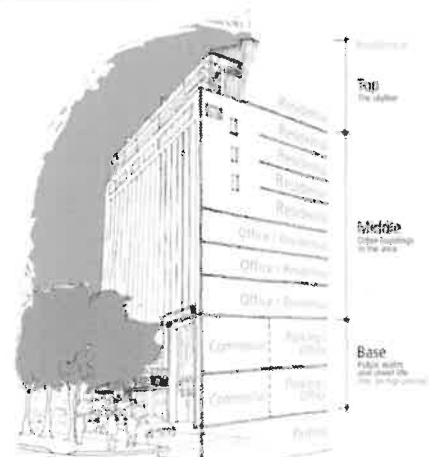
If an application for a tall building is to be successful, the design must consider these three distinct parts. All three parts should be carefully integrated into the whole building, thereby making the structure far more appealing than a block-shaped monolith with characterless floor plates. This approach will encourage an attractive vertical definition of a tall building. This does not prohibit the design of the building but merely requires architects and designers to express through their design an acknowledgement of how the city is perceived and used at various levels.



Sketch of three-part expression of/and relationship of tall buildings to its context.

**P9. A tall building’s design should include a mix of uses and promote the City’s Densification Strategy**

Having a combination of more than one use ensures there are people around at longer periods of the day and possibly night that results in no part of the city becoming deserted and unsafe at night.



**P10. Criteria for renewable energy and/or energy efficiency in tall buildings must be considered to support limited infrastructure resources**

The active promotion of resource efficient construction of new or renovated buildings in Cape Town is critical to minimising the negative environmental impacts of the built environment, while maximising positive social and economic impacts<sup>8</sup>. Designs must show that the burden on the local infrastructure are minimised and do not have a detrimental effect on the wider area.

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<sup>8</sup> As per the City's Green Building Guidelines.

## 8. ASSESSMENT CRITERIA FOR THE ASSESSMENT OF TALL BUILDING APPLICATION

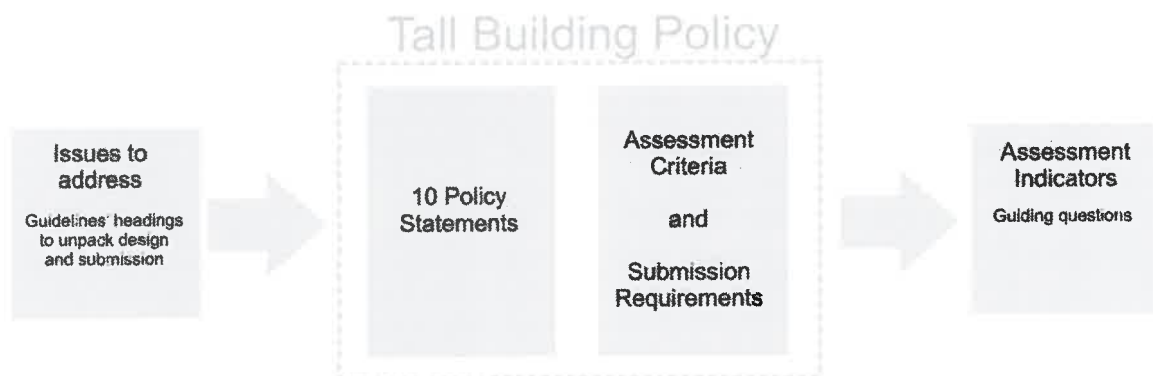
The Tall Buildings Policy is designed to minimise misunderstandings and to assist developers in the preparation of their applications. It is therefore critical that the assessment criteria for tall building applications are clear and not open to mis-interpretation or speculation.

During the planning and design process a wide range of issues need to be addressed by the applicant who must take a balanced approach. This cuts across spatial scales and recognises complex issues such of heritage and conservation as well as site specific issues. The process also needs to resolve technical issues such of infrastructure capacity, the provision of adequate parking and traffic management.

The policy, supported by the accompanying Design Guidelines for Tall Buildings, enables applicants to consider the design and consequent impacts of the proposed tall building on a **range of scales**, starting with the broader context, then within the site and adjacent environs, down to the specific building. This will assist the applicant to understand holistically how the proposed building would integrate with its environment.

In design terms, a successful tall building is one that will ensure that the proposal for a tall building fits the local **context** and that of existing City spatial plans/guidelines. The motivation can be based on the **principles** of the Tall Buildings Policy and the guidance of the accompanying Design Guidelines for Tall Buildings.

For an application to be considered favourably the applicant must address the 10 policy statements, assessment criteria and submission material.



To ensure clarity and consistency, a detailed list of **requirements** for tall building applications is set out. The tables overleaf summarise the issues to be addressed (preferably in pre-submission stage), the assessment criteria, submission requirements and assessment indicators.

**a. Issues to be address by applicant**

These represent the headings of the Design Guidelines for Tall Buildings and aim to act as discussion topics during the pre and post application assessment processes<sup>9</sup>. This can be used by both the applicant and the assessor as a guide.

		Good response	Average response	Poor response	Not described
<b>Locational Guidance</b>					
1	<b>Response at the Scale of the Precinct</b>				
	a Relationship to wider context				
	b Prominent Sites				
	b Landmarks, views and vistas				
	d Infrastructure, access and transport				
2	<b>Response at the Scale of the Site</b>				
	a Building placement and orientation				
	b Transitions in scale				
	c Local access and permeability: entrances				
	d Site servicing and parking				
	e Open space & connections to Open space				
	f Heritage and Cultural Landscapes				
<b>Building Specific Guidance</b>					
3	<b>Response at the Scale of the Building</b>				
	a Overall form and massing (impacts on the public realm)				
	b Scale of the base building (impacts on urban form)				
	c Shaft design and floor plates (impacts on skyline)				
	d Location and design of the tower				
	e Tall building height				
	f Tall building uses				
	g Design Quality and Building Materials				
4	<b>Impacts on the Public Realm</b>				
	a Ground floor interface and the streetscape				
	b Weather protection				
	c Sun, shadows and sky view				
	d Wind impacts at street level				
5	<b>Sustainable Design</b>				
	a For the building and the site				
<b>Other Guidance</b>					
6	<b>Social Responsibility contributions</b>				

<sup>9</sup> The Portside II application used this as a point of departure and it helped to make the discussion process between applicant and City more transparent and open.

## b. Assessment Criteria for Tall Building Applications

	<b>CRITERIA</b>	<b>CONSIDERATIONS (as established in the Tall Building Protocol, 2008)</b>	<b>ASSESSMENT METHOD<sup>10</sup></b>
1	<b>Motivation:</b> for development and related height departures	1 Role, vision and need for such a Tall building development	<b>Motivational Statement, Urban Design Appraisal/ Statement, Urban Design Framework</b>
		2 How it contributes to the broader city's spatial development frameworks' vision and aims	
		3 How it contributes to the broader city development objectives for affordable housing, improving quality of public realm, supporting long term and short term job creation and contributions to the creation and maintenance of public institutions and amenities.	
2	<b>Relationship to physical context:</b> including topography, built form, skyline and key views	1 If the building is appropriately located within a Tall Buildings Precinct (node or key development corridor)	<b>Accurate Visual Representations / View Analysis &amp; Assessment, Physical or digital model (1:500 and extending on block in each direction at a minimum)</b>
		2 How well the development fits/respond to and reinforces locally distinctive patterns of development of its local context	
		3 The impact the building has on important & significant views	
		4 The impact the building/development has on its immediate environment, at street-level and how well the building promotes the continuity of street frontages and the enclosure of spaces by the built form that clearly defines private and public areas	
3	<b>Relationship to historic and cultural context:</b> including city wide scale as well as local environment with emphasis on morphology, historic routes, block patterns, plot sizes, local vernacular	1 The historical development of the area; the underlying morphology of the area (block patterns, plot sizes, historic routes) and the local vernacular architecture. It will need to be demonstrated how an understanding of the historical context has informed the design of the buildings.	<b>Characterisation study of the historical environment</b>
		2 The impact the building makes towards the distinctive local context in which it is located.	
		3 The impact the building has on the following: World heritage sites and their settings, listed heritage buildings and their settings including foregrounds/backdrops to landmark buildings, conservation areas and their settings, historic parks, gardens, landscape and their setting.	
4	<b>Relationship to transport infrastructure:</b> particularly public transport and NMT	1 The contribution the building makes to peak travel flows	<b>Transport Assessment</b>
		2 Additional demands placed on local parking in the area	
		3 Proximity & accessibility to public transport	
		4 Funded measures to encourage more sustainable travel behaviour in form of a "travel Plan" (e.g.: car club)	
		5 Access arrangements by all the non-car travel modes and the access of the disabled;	
		6 Emergency plan for the building, detailing access arrangements in the event of emergency or major incident.	
5	<b>Contributions to permeability and legibility:</b> of the site within the wider context	1 How well the development promotes accessibility and local permeability by making places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport	<b>Urban Design Appraisal/ Statement</b>
		2 How well the development provides recognisable routes, intersections, landmarks to help people find their way around, with particular emphasis on assisting people find their way around key NMT routes/ public spaces identified in the 2010- Inner city integrated transport plan.	<b>Urban Design Framework</b>
6	<b>Contribution to the public realm:</b> (at the base level of the building) public spaces, facilities and mixed uses	1 How well the development promotes diversity of choice through a mix of compatible uses that work together to create viable places that respond to local need.	<b>Design Statement, Trans-disciplinary Design Panel, Market Appraisal</b>
		2 The types of uses being proposed at the ground level, whether they have any broader public/ social benefit (e.g.: crèche)	
		3 The design of the lower ground floors and whether they have open and active frontages and how well they contribute to the vitality and vibrancy of the surrounding streets and spaces.	

<sup>10</sup> See submission requirements below.

	4	The types of uses being proposed for the top floors of the building and whether or not it is the intention to provide access to these spaces in order that may enjoy the benefit of panoramic views across the city or sky gardens	
	5	If the mix of uses proposed within the building helps meet the need for affordable housing.	
	6	The ways in which the building can deliver public benefits beyond its own site boundary (social responsibility and benefits).	
	7	How the proposal contributes to the provision of public and private open space, how well the development promotes attractive and safe public spaces and routes, which meets the need of all sectors of society across the wider neighbourhood/ city. The management of these spaces needs to be made explicit.	
7	<b>Architectural excellence: of the building itself (overall building form and architecture)</b>	1 The scale, form, massing, proportion and silhouette of the building	<b>Trans-disciplinary Design Panel, Design Statement, View Assessment, Physical or digital model, Material Samples</b>
		2 The design of the top of the building i.e. effect on skyline	
		3 Relationship of building to other structures	
		4 Materials used - samples to be provided.	
		5 Assessment to look for buildings that are far better designed than previously and to be icons of quality in themselves.	
		6 Relevance of proposed architectural language/ style - does it promote the development of authentic Cape and or South African design/ identity.	
8	<b>Impacts to the local environment: including microclimate and general amenity considerations</b>	1 The impact of the building on the wind conditions at the base of the building	<b>Urban Design Framework</b>
		2 The impact of shading paths created by the building	<b>Wind Tunnel/ computer modelling, Shadow Modelling, Design Statement</b>
		3 The night-time appearance of the building	
		4 The reflectivity of the building, identifying the possibility of any obtrusive day-time glare	
		5 The impact on the amenity of nearby occupiers/ general public (e.g.: colonnades for shelter from wind, sun & rain)	
9	<b>Alternatives: Urban form/ density analysis</b>	1 The preparation of indicative low, medium and high rise schemes for the site, producing comparative information on density, amount of private open space, number of parking spaces, vehicular/ public access to site	<b>Urban Design Framework, 3D conceptual representation of alternative building forms</b>
		2 The production of cost-benefit analysis of low, medium and high rise approach to development, covering such issues as: <ul style="list-style-type: none"> <li>• View impacts</li> <li>• Contributions to and Management of public realm</li> <li>• Creation of integrated development with variety of housing choice and neighbourhood services</li> <li>• Connectivity with surrounding street network (pedestrian and vehicular)</li> </ul>	
10	<b>Green building design: demonstration of sustainable design and use of innovative technologies for construction of Tall Buildings</b>	1 Energy usage - operational energy and CO <sup>2</sup> emissions, use of methods for natural ventilation, heating, use of alternative energy methods	<b>Green Building Plan</b>
		2 Health and well-being - indoor and external issues facing health and well being	
		3 Pollution - air & water	
		4 Transport - transport related CO <sup>2</sup> and location related factors	
		5 Land use - Greenfield & Brownfield sites	
		6 Ecology - Ecological value of the site	
		7 Materials - environmental implications of building materials	
		8 Water - consumption and water efficiency	
	<b>Impacts to existing Infrastructure and Services</b>	1 Impacts to existing stormwater, sewerage and electrical networks and services	<b>Technical detail and information</b>
		2 Contributions to mitigate impacts	

c. **Submission Requirements<sup>11</sup>**

(Information to accompany an application for significant height departures - Level 3)

1	A full <b>motivation on desirability</b> to extend beyond the Cape Town Zoning Scheme height limit.
2	In the case of significantly tall buildings (buildings exceeding 10 storeys or 35m), submission of a fully calibrated, accurate electronic <b>three-dimensional representation</b> of the proposed building, highlighting the extent of the departure. This representation must include the surrounding area, with a minimum of one block in either direction represented in block model format. As far as possible, existing as well as proposed neighbourhood developments should be included in this representation.
3	A full <b>Urban Design Analysis</b> : <ul style="list-style-type: none"> <li>• Motivating the contextual fit of the building;</li> <li>• Illustrating the near, middle and distant visual and cityscape impacts;</li> <li>• Illustrating view corridors;</li> <li>• Describing the effect on the local environment, including microclimate, heritage buildings or precincts; and</li> <li>• Depicting general amenity considerations such as overshadowing.</li> </ul>
4	The result of a <b>wind tunnel test</b> that indicates wind impacts of the building in its context and the street level climatic conditions.
5	The submission should illustrate any <b>impacts to the public realm</b> , including streetscapes, public spaces and facilities. Measures to mitigate impacts should be demonstrated as well as contributions to enhancing the public environment.
6	A study of <b>alternative building forms</b> explorations motivating for the option proposed is required.
7	A <b>Heritage Impact Assessment</b> : If relevant to the location of the development.
8	<b>Transport Impact Assessment</b> : Measures taken to promote positive relationship to public transport; facilitate non-motorised transport and impacts to the transport network and parking provision should be demonstrated if relevant to location of the development.
9	Environmental and energy impacts with <b>mitigating proposals</b> (Green Building plan).

<sup>11</sup> As per Tall Building Protocol and relate to assessment method in Assessment Criteria table.

**d. Assessment Indicators (additional)**

(Checklist for council officials to assist in initial assessment process.)

		YES	NO	Not sufficient information	Outstanding elements
1	Has adequate site analysis been done?				
2	Has a development description and motivation been done?				
3	Does the site location and development proposal contribute to the City's planning strategies and vision, i.e. in a local node or development corridor?				
	<ul style="list-style-type: none"> <li>• Cape Town Spatial Development Framework (2012)</li> <li>• District Spatial Development Plans &amp; Environmental Management Frameworks (2012)</li> <li>• Local Spatial Plans</li> <li>• Densification Strategy (2012)</li> <li>• Scenic Drive Network Management Plan (2003)</li> <li>• Integrated Transport Plan (2006-2011 or later)</li> <li>• City of Cape Town Green Buildings Guidelines (Draft)</li> </ul>				
4	Does the development proposal respond well to its context (precinct, site and building scales):				
	<ul style="list-style-type: none"> <li>• cultural, historic and physical context</li> <li>• topography and natural systems</li> <li>• built form and morphology</li> <li>• response to surrounding land uses</li> <li>• landmarks and key spaces</li> <li>• views / view corridors</li> <li>• access and movement patterns</li> <li>• services and infrastructure</li> <li>• response to zoning / planning context</li> <li>• heritage and cultural elements</li> <li>• fit within urban grain</li> </ul>				
5	Has pre-application consultation with The City been incorporated into the design process?				
6	Has sufficient and complete submission material been made available as part of the application assessment process?				
7	Has sufficient reference been made to the <i>Design Guidelines for Tall Buildings</i> ?				



## 9. INSTITUTIONAL ARRANGEMENTS

The Tall Buildings Policy will be used primarily by the City of Cape Town's Planning and Building Development Management Department and the Environmental Resource Management Department to facilitate their statutory development control functions. The powers and functions of these departments are captured in the system of delegations. The Spatial Planning and Urban Design Department will use the policy to comment on applications in support of these functions.

- The implementation of the policy is assisted by a Trans-disciplinary Design Panel
- This policy extends the scope of this Panel's advisory mandate to cover the whole city
- The above committee will be appointed by the relevant Executive Director of the City of Cape Town
- The Trans-disciplinary Design Panel is an *ad hoc* committee
- The relevant Executive Director may call it into being to advise on tall building applications
- The relevant Executive Director determines its membership

## 10. COMMENCEMENT AND IMPLEMENTATION OF THE POLICY

The Tall Buildings Policy will not apply retrospectively, and became effective from the date of its adoption by the City Council in terms of its system of delegation, 29<sup>th</sup> of May 2013.

The Policy supersedes all previous protocols or policies, including the Tall Buildings Protocol.

The level at which final decisions on tall building applications will be made, its review and any changes to the policy or its application, will be decided upon by the Council who will empower the District Manager to approve deviations from certain provision of the policy.

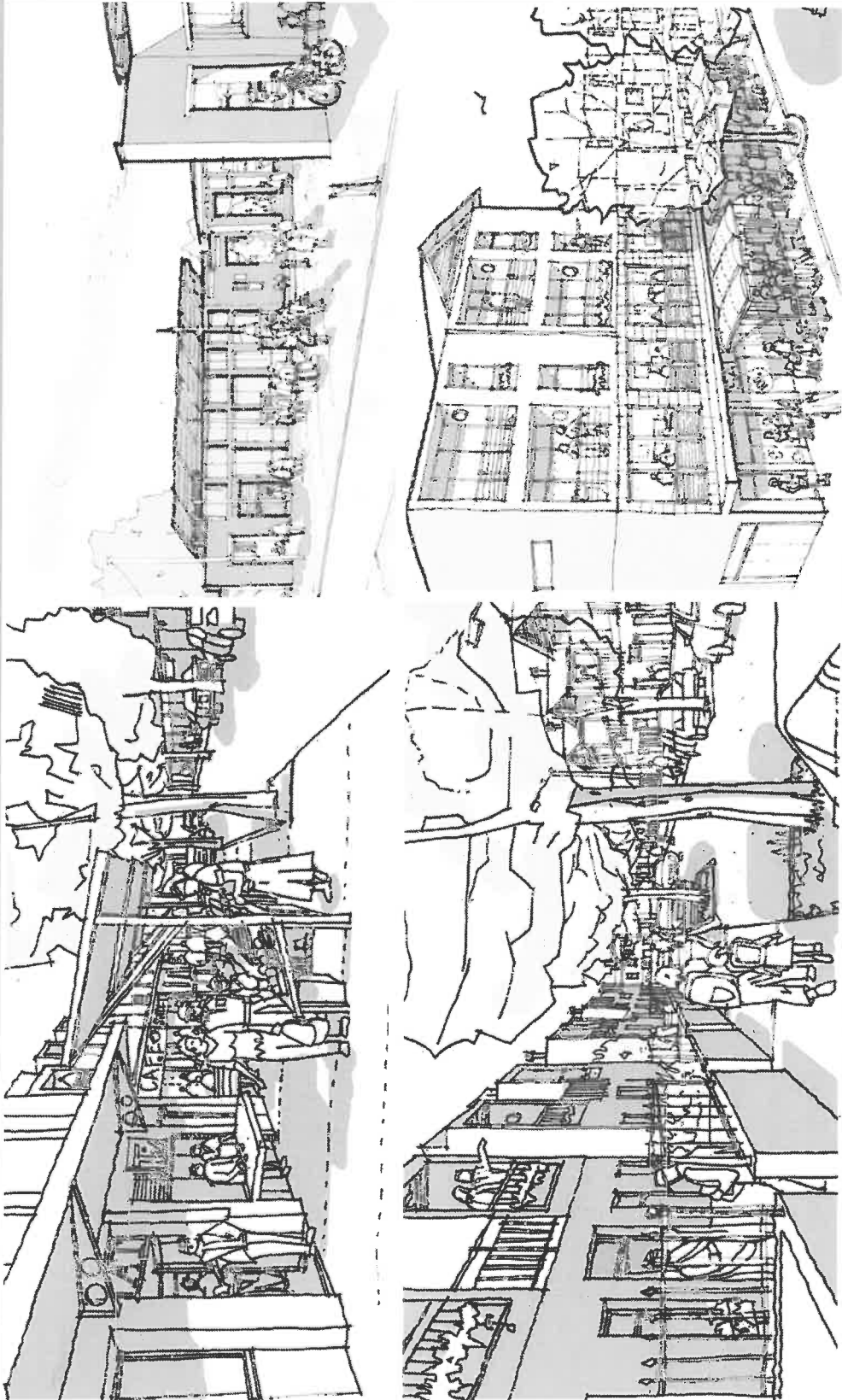






ANNEXURE B  
CITY OF CAPE TOWN's URBAN DESIGN POLICY





CITY OF CAPE TOWN | ISIXAKO SASEKAPA | SIBO KAAPSTAD

THIS CITY WORKS FOR YOU

# Urban Design Policy

SEPTEMBER 2013

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## 1.0 INTRODUCTION AND RATIONALE

Internationally it has been recognised that design, and more specifically urban design, can add value to development processes and play a positive role in urban transformation. This potential has been formally recognised in the Cape Town Spatial Development Framework (CTSDF) which guides the development of the city and which already includes many sound urban design principles. Policy 42 of the CTSDF established the mandate for the creation of an urban design policy to articulate how the high level policy objectives and principles of the CTSDF and UDP can be achieved at the local level through development. The intention of this Policy is to guide the design process and formulation of development proposals so as to address the segregated nature of the city inherited from apartheid and make Cape Town safer, more economically prosperous, socially inclusive and environmentally sustainable, while also making it look and work better for all those who live in and visit the city.

### 1.1 What is Urban Design?

Urban design is concerned with the process of creating holistic and sustainable human settlements. It is a practice which straddles the disciplines of spatial planning, architecture, landscape architecture, road and street design and environmental design. It is focussed on the shaping of the built environment in response to the natural, physical, social and economic factors which influence the form of human settlement. It seeks to add value, through the medium of design, for the good of the environment in its totality and for all who inhabit it, specifically the old, the young, the disabled and the poor whose ability to tap into the benefits and opportunities of urban living is limited.

Urban design applies equally to the organisation of urban, rural, natural and cultural landscapes. It operates across scales, concerning itself as much with overall urban structure of the city as it does with the interface of individual buildings and the detailing of materials. It's as much about getting the small, individual instances of good design right as it is about managing and guiding the processes of urban formation over time.

Urban design is about the process of place making. It is rooted in social practice, time and space. It is through the application of design that the qualities of a place are transformed, given purpose, become relevant, and have meaning. In this regard the quality of the public domain is of



paramount importance because people's quality of life and the identity of the city is informed and transformed by these qualities which they experience on a daily basis.

What distinguishes urban design from other development related activities is that it seeks to introduce the creative process of spatial design into land development processes. It is focused on how the design process and the arrangement of built form can enhance the public environment and the interface between the public and the private realms. Urban design is not about the production of static solutions produced by a single person or one master mind. It is instead a collaborative and fluid process undertaken by a range of role players and professionals in response to real and perceived needs and opportunities which change over time.

*"Urban design is the collaborative and multi-disciplinary process of shaping the physical setting for life in cities, towns and villages, the art of making places, design in an urban context. Urban design involves the design of buildings, groups of buildings, spaces and landscapes, and the establishment of frameworks and processes that facilitate successful development."*

Urban Design Group UK, 2011

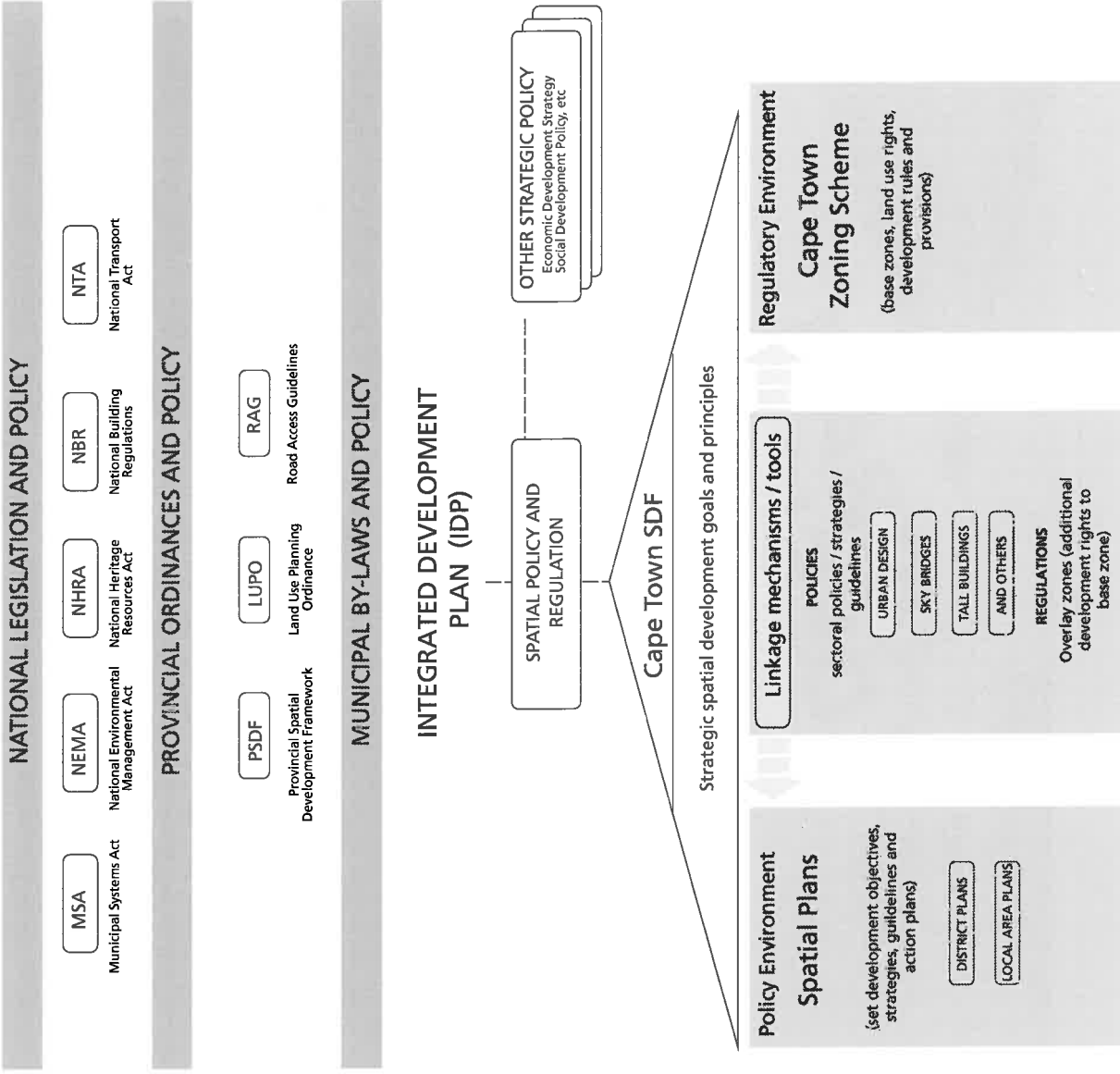
## 1.2 Strategic Intent

One of the strategic objectives of the Policy is to improve alignment with the government's programme of action and the IDP in particular. The strategic focus areas (or 'pillar') that inform the policy include:

**Strategic Focus Area 1 - The Opportunity City:** creating an economically enabling environment in which investment can grow and jobs can be created by virtue of providing greater certainty to developers in respect of the City's expectations; by fast-tracking the assessment of applications; providing transparency and predictability to investors; clarifying the submission requirements and the basis for assessment of proposals; and facilitating consistency in decision-making.

In recognition that development has the potential to change the way the city is structured and can have an impact (positive or negative) on the collective, or public, environment, it is the City's duty to develop policies to guide and regulate development and then assess development applications against these policies through the land use planning and building plan approvals process. This authority is confirmed through Section 36 of the Land Use Planning Ordinance where a proposal must be assessed in terms of its desirability. It is also confirmed through Section 7 of the National Building Regulation and Standards Act which allows for refusal of applications on certain grounds. In both pieces of legislation, what has not been defined are the criteria which should be used for determining such desirability.

The CTSDP and District Plans already include many sound urban design principles at the scale of the city which can be used to assess desirability. The intent of this Policy is to focus on the local level, the scale of the site, precinct or neighbourhood.



The above diagram illustrates that the Urban Design Policy operates primarily at the municipal level and functions as a linking mechanism between the regulatory environment and the policy environment. The policy also relates to the Land Use Planning Ordinance and the National Buildings regulations which sit under different spheres of government.

### 1.3 Problem Statement

Two observations of the statutory approvals process have guided the way in which the Policy has been formulated:

#### Observation 1:

It has become increasingly apparent that, although high level spatial planning and other regulatory frameworks are in place, many development applications that are submitted to the City could be better conceptualised, particularly when measured against the impact they have on the public domain. In many strategic cases urban design considerations are absent from the conceptualisation of a development proposal. While the impacts of individual developments tends to be localised, the collective impact of many poor design decisions over time has significant implications for how the city functions and is experienced.

*The implications are that:*

- *the urban structure of the city is not legible and neighbourhoods are not integrated;*
- *development detracts from the quality of the public realm and public spaces;*
- *development proposals do not promote safe and secure communities;*
- *opportunities and amenities are inaccessible and movement is difficult and inefficient;*
- *development lacks critical mass of intensity, diversity and adaptability;*
- *the public realm lacks enclosure and positive interfaces;*
- *informality is not recognised and responded to in development proposals;*
- *development devalues and threatens the natural environment; and*
- *development undermines the heritage, character and unique identity of the city and its neighbourhoods*

#### Observation 2:

It has also been observed that in many instances applicants invest large amounts of time and money into developing proposals which are not informed by basic urban design considerations and as a result respond inadequately to the site and its context. In instances where the impact of these proposals on the public realm is regarded as negative, applicants are required to amend their proposals before approval is granted. This can have severe time and cost implications for applicants, as typically the proposals which have been submitted for approval have progressed so far along the design process and are resolved to such a high level of detail that they cannot be easily amended without a radical revisiting of the concept. This results in frustrations for all parties, which is undesirable and unproductive.

### 1.4 Desired Outcomes

The Policy has three desired outcomes.

1. The Policy seeks to introduce urban design thinking into the planning and preparation of development proposals. It promotes an evidence based mode of practice through which development proposals are unpacked as a logical series of design decisions during which the requirements of the applicant are fulfilled and the public environment is improved. Ultimately, when a development proposal is clearly presented, well motivated and communicated as the conclusion of a considered design process, then it can be easily understood and assessed by officials.
2. The Policy assists in informing desirability by providing a transparent framework of urban design principles and objectives against which development applications will be assessed. Rather than prescribe a rigid set of design rules which could stifle creativity and potentially undermine development, the Policy sets out the most fundamental urban design objectives and criteria which proposals should comply with. The Policy focuses specifically on those criteria that have a potential impact on the public environment and more specifically the interface conditions between the public and the private realms.
3. The Policy objectives and principles together form a basis upon which applicants are invited to engage with the City in early pre-submission consultation. During these engagements applicants will be advised on how their proposals should be developed and packaged to meet the City's requirements.

### 1.5 Role Players and Stakeholders

The Urban Design Policy has been written for developers, built environment professionals and City officials involved in the design, assessment and implementation of development proposals. It will be used primarily by the City of Cape Town's Planning and Building Development Management Department (PBDM) and the Environmental Resource Management Department (ERM) to facilitate their statutory development control functions. The powers and functions of these departments are captured in the system of delegations. The Spatial Planning and Urban Design Department will use the policy to comment on applications in support of the functions of the regulatory departments.

## 2.0 POLICY DIRECTIVE DETAILS

### 2.1. Policy Parameters

The Policy falls within Strategic Focus Area 1: The opportunity city; Programme 1.1(e): Planning and regulation programme: Supportive legal frameworks. As such it provides substantive guidance on the implementation of existing plans and frameworks.

The principles of good urban design apply across the different scales of planning and to all aspects of urban development. It is about "understanding the bigger picture" and also about "getting the detail right". Good urban design principles are already embedded in the CTSDF and District Plans and the purpose of the policy is to establish performance criteria to ensure that the City's spatial vision as articulated in the CTSDF is realised at the local level.

The City acknowledges that Cape Town consists of many different realities and urban conditions. The policy objectives and policy statements therefore remain at the level of principle and must be applied, with discretion, to the context within which a development is located. The principles have thus been distilled to the most basic and fundamental for achieving good urban design in practice.

On this basis it should be clear that not all policy statements will apply to every development proposal. The application of any policy objective or policy statement will depend on the nature and scale of the development proposal and the sensitivity of the receiving context. Applicants and officials must apply their minds to the particular characteristics of the site and nature of the proposal and exercise discretion in the design or assessment of the proposal.

Although all development proposals should be the result of good design, the application categories specifically listed below in text box will be required to demonstrate compliance with the Policy and be assessed against the criteria set out in the policy objectives and policy statements which form part of Chapter 3.

Whilst there is a degree of discretion in any urban design assessment, the Policy Objective and Statements provide an objective framework through which proposals will be assessed. In terms of Section 2.0 (Policy Directive) 2.1 (7) deviations from the policy for sound and considered reasons may only be permitted by the District Manager. Applicants are invited to engage the City at the inception of a project to determine whether the Policy would apply to their project.

### 2.2. Policy Objectives and Policy Statements

The Policy is guided by three overarching principles which inform nine objectives. Each policy objective is then supported by a number of associated policy statements which provide the criteria which should inform the design of development proposals and also form the basis through which development applications will be assessed. The Policy is structured in such a manner that each policy objective is dealt with on a single page.

The policy objective is located at the top of the page with a simple description of why the objective is important in the orange box. This is followed by the policy statements which give substance to the policy objective. The key words related to each policy statement have been highlighted with a background colour for ease of reference. Wherever possible a list of related plans and policies is provided in a grey box at the bottom of the page in order to assist applicants with accessing more detailed information.

#### Development categories which will be subject to the Policy

1. proposals that deviate from the approved forward planning vision and spatial policies of the City at local area scale;
2. new township establishments or where the application includes new subdivisions into more than 20 urban land units;
3. where regeneration of a site exceeding 1Ha is envisaged;
4. proposals including the creation of new public space and/or public or community facility;
5. proposals adjacent to or including watercourses or wetlands;
6. where Site Development Plans are required for the following group of applications:
  - a. shopping centres (from neighbourhood to district scale centres);
  - b. commercial developments exceeding a bulk of 1000m<sup>2</sup>;
  - c. industrial developments exceeding a bulk of 5000m<sup>2</sup> and
  - d. sectional title developments of more than 10 units; and
7. where a delegated official considers that an application has the potential to have a significant negative impact on the public realm.

#### Textbox 2.1

## 3.0 OVER ARCHING URBAN DESIGN PRINCIPLES

This Policy is underpinned by the spatial development principles set out in the CTSDF (2012, Section 1.2.3, pg 9). These should be used to guide the development and assessment of proposals with particular emphasis on the principles listed below.

### 3.1 The greater public good

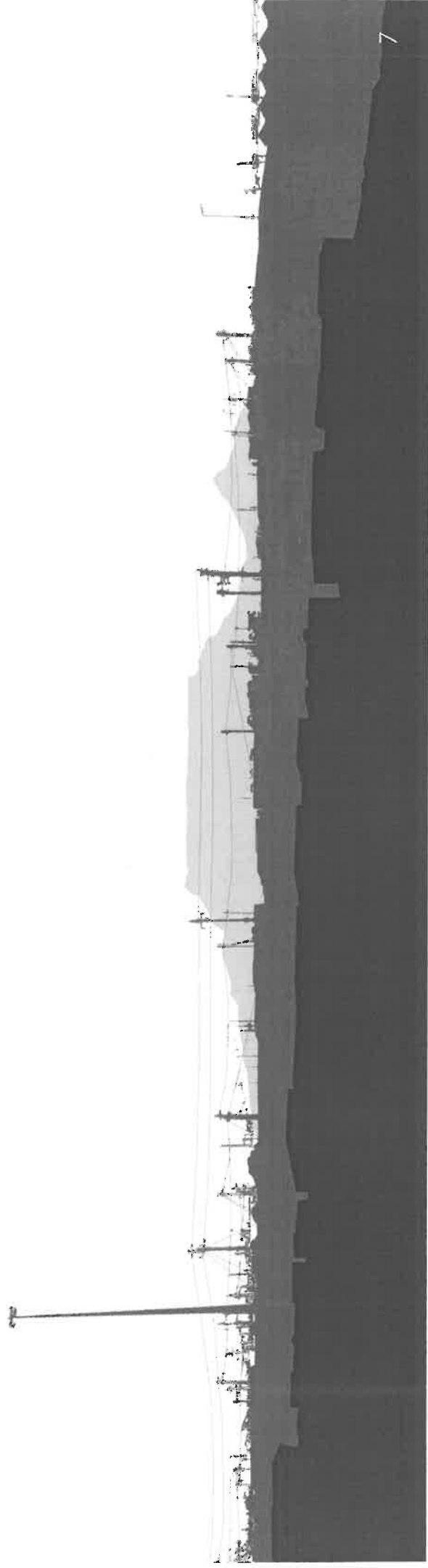
Cities are places where people come together to enjoy the benefits of living and working in close proximity to others. Through the arrangement of activities, built form and open space, urban development must ensure that these benefits are accessible to all and generate further opportunities for social and economic development. Sustainable development can only result when there is an improvement in the environmental, social and economic situation, and whether driven by the public or private sector, the objective should always be to create a better city for all to enjoy and benefit from.

### 3.2 The “whole” above the “parts”

Urban environments are constantly under pressure to change and meet a multitude of often conflicting demands. Due to the complex and interrelated nature of urban environments, the optimisation of one component of an urban system could have detrimental impacts on other related parts of the same system. In order to maintain a dynamic equilibrium it is therefore necessary to focus on the overall performance of the whole, not the optimisation of individual parts. Urban design therefore seeks to take an informed and balanced approach to the short term needs of today and the long term opportunities, capacities and limitations of the environment and future generations.

### 3.3 Identity, Context and Place making

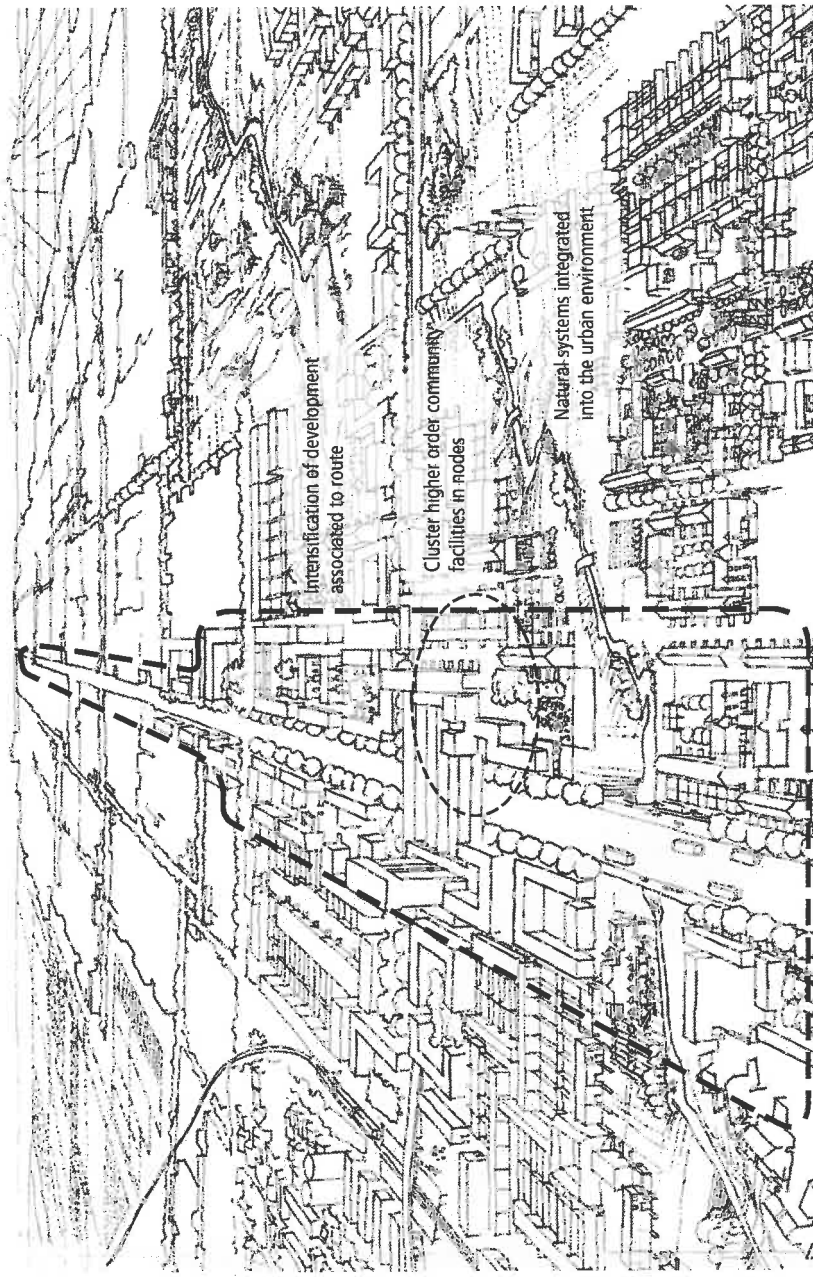
The city’s identity changes over time through the transformation of the natural, historical, social and economic environments. This change results from thousands of independent decisions and actions at project level. Every design proposal should appreciate this context. “Place making” is conscious of this layered identity and places people and their experience of their urban environment at the centre of the design process. Without thorough analysis and an understanding of how a proposal fits into the bigger picture, any development initiative is at risk of being irrelevant, inappropriate or of compromising the performance and quality of the whole.



## OBJECTIVE 1: ENSURE THAT DEVELOPMENT CONTRIBUTES POSITIVELY TO THE URBAN STRUCTURE OF THE CITY TO CREATE INTEGRATED AND LEGIBLE PLACES AND NEIGHBOURHOODS

*Urban structure refers to the organisation of space, infrastructure, functions and activities within a settlement. Structure is an important enabling tool across all scales of development. It gives character to place and tends to be permanent once implemented. It is vitally important to get it right at inception, because a poor structure cannot be improved upon later with the best designs of individual buildings. Individual proposals should thus align and support positive urban structure. Therefore:*

- PS1.1. When compiling development proposals, the logic of the underlying urban structure should be communicated in a clear, rational and well-articulated manner. Proposals should demonstrate how a new development fits into and contributes positively to its surrounding context, addresses spatial, economic and social segregation, improves integration and creates more legible urban places.
- PS1.2. When laying out a new development, cluster community facilities and public institutions together or locate them along the higher order structuring routes to reinforce the spatial structure (as opposed to embedding them within a residential neighbourhood). Where possible, associate public facilities with high quality open spaces to create civic precincts where building frontages define the street and the public realm.
- PS1.3. The location of utility services must be considered early on in the development design process and should reinforce the primary spatial structure and not determine or limit urban form. Elements such as detention ponds and electrical substations must be intentionally located such that they do not create movement blockages, inconvenience people or create dead frontages where active interfaces are required.



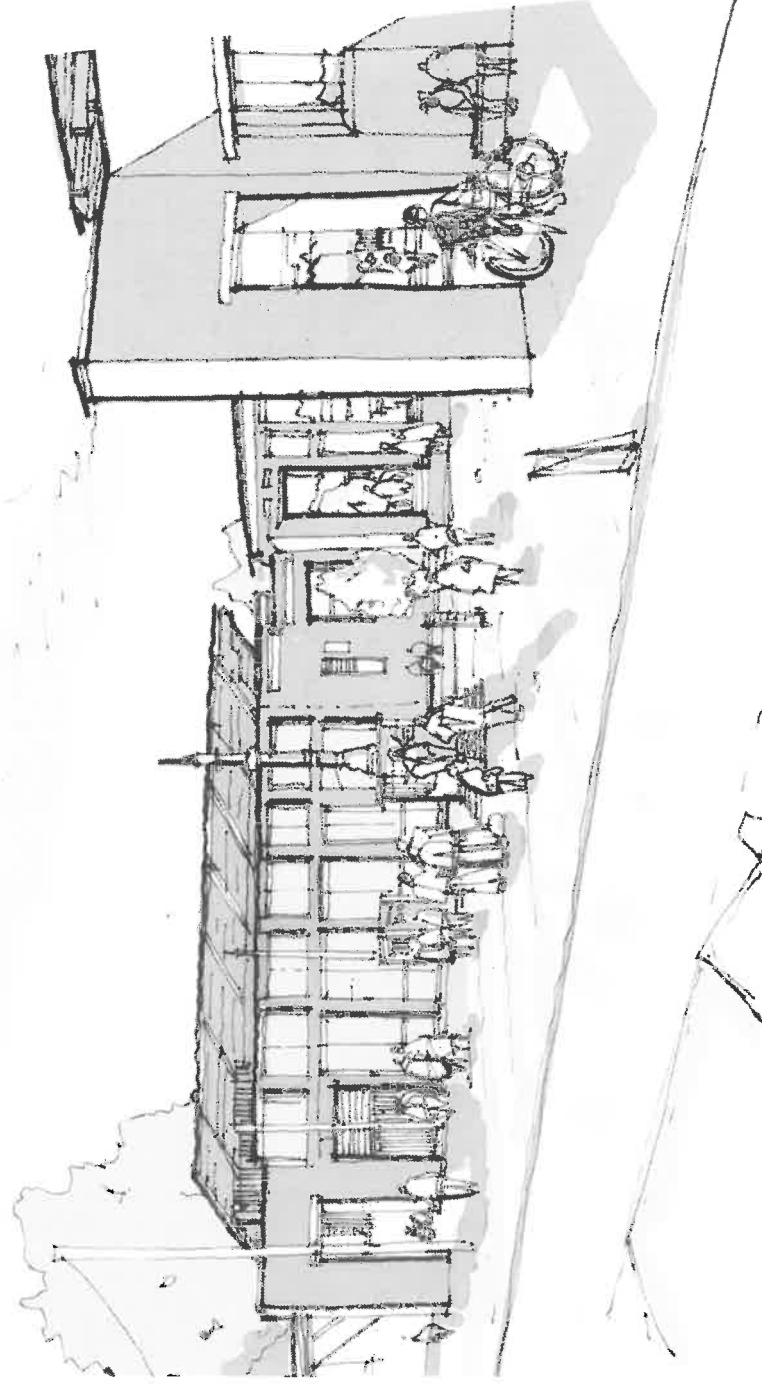
### RELATED POLICIES / INFO

- Cape Town Spatial Development Framework (CTSDF) 2012
- District Spatial Development Plans and Environmental Management Frameworks 2012
- Minimum Requirements for Vehicle Access 2009
- Catchment Management Plans 2009

## OBJECTIVE 2: ENSURE THAT DEVELOPMENT CONTRIBUTES TO IMPROVED QUALITY OF THE PUBLIC REALM AND PUBLIC SPACES

*It is critical to ensure that the public realm is of a high quality as these are the environments which people use and experience collectively and on a daily basis. The quality of the public realm is determined by how well the public space is designed, built and maintained as well as by the quality of the interface of surrounding buildings with the public realm. Therefore:*

- PS2.1. Open space must always be created intentionally and scaled and configured to suit the functions for which it is planned (e.g. regular geometries and to meet standard dimensions required for active recreation). Open space should never be residual or left over space.
- PS2.2. Where appropriate public spaces should be associated with public institutions, community facilities, higher density developments, water courses and public roads and these public spaces should be overlooked.
- PS2.3. Avoid arranging buildings or even such that the rear / backs of private property face onto the public realm (streets or public open spaces) unless there is certainty that the buildings will be designed to provide a positive interface onto the space.
- PS2.4. Design and detail public spaces to be robust and durable with low maintenance hard and soft landscaping and street furniture that is resistant to vandalism. Consider post implementation maintenance and management through the design process.



RELATED POLICIES

- Boundary Walls and Fences Policy, 2008
- Development Management and Information Guideline Series – Booklet 7 Landscape Plans

## OBJECTIVE 3: ENSURE THAT DEVELOPMENTS CONTRIBUTE TO THE CREATION OF SAFE AND SECURE COMMUNITIES

*Developments should create the sorts of conditions where people are less exposed to risks and hazards, where levels of safety are increased, the occurrences of vandalism are reduced, criminal and violent activities are more difficult to commit and perpetrators of crime are easier to identify. This will directly improve people's quality of life in that they will feel safer, be less exposed to a danger and violence and consequently their perceptions of crime and the fear of crime is reduced. The following Policy statements should therefore inform design proposals:*

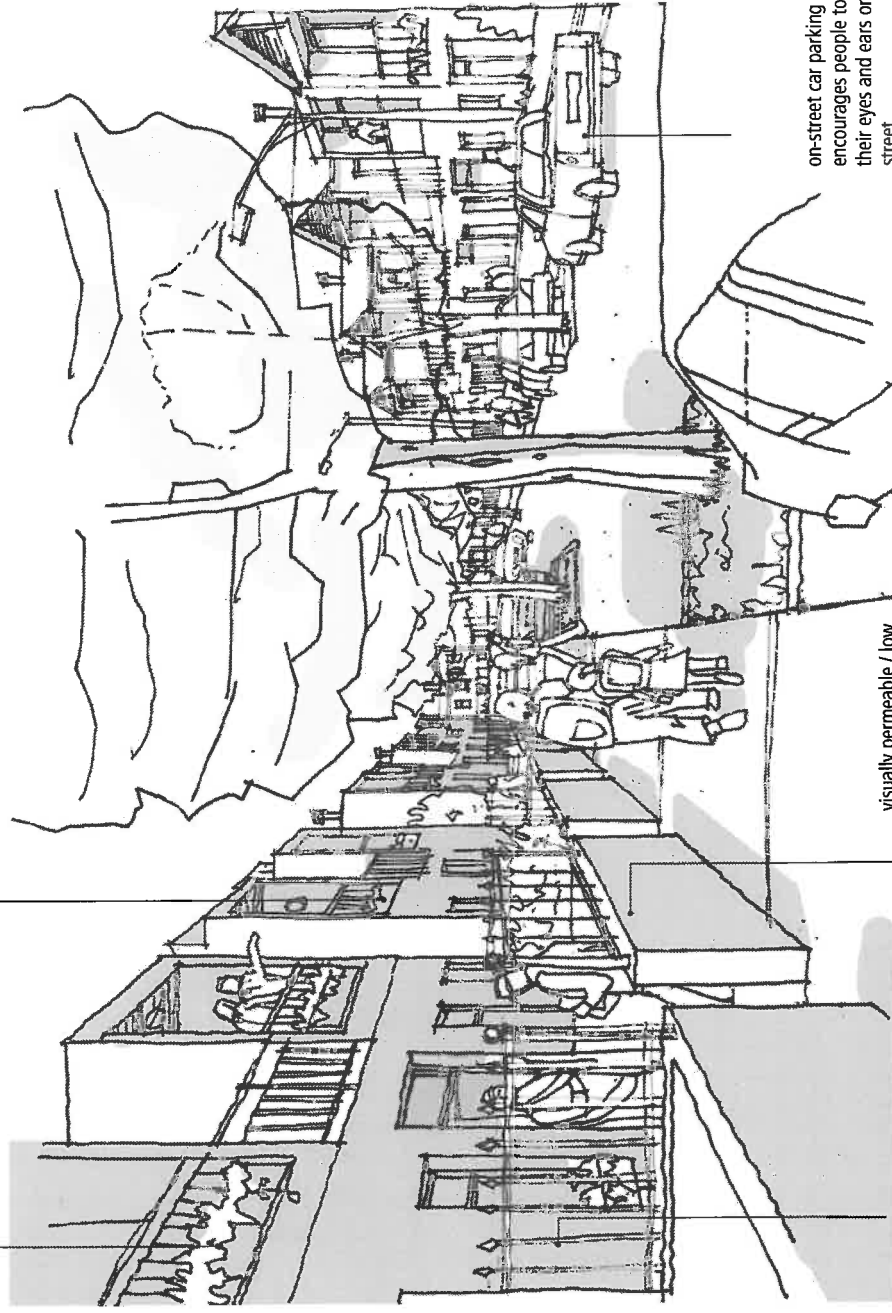
- PS3.1. Optimise visual connections and increase passive surveillance of the public realm by: creating routes that have simple straightforward geometries; locating many doors, windows, balconies and terraces along the public interface; providing a mix of complementary land uses wherever possible; and creating simple designs that do not create blind spots and entrapment spaces.
- PS3.2. Consciously organise space and activities to reduce the risk people, particularly the poor and vulnerable, are exposed to. Keep developments out of areas susceptible to sea level rise and flooding, prepare for climate change, avoid hazardous areas, encourage slower traffic speeds where appropriate and ensure that people can safely cross busy roads and railway lines.

RELATED POLICIES / REF O

- Draft Safe Neighbourhoods Guidelines, 2012
- Violence Prevention through Urban Upgrading (VPUU) Safety Principles, 2009
- Gated Development Policy, 2007
- Boundary Walls and Fences Policy, 2008

balconies and windows provide overlooking from adjacent buildings

straight and simple geometries increase sight distances and levels of surveillance



buildings located close to the street edge to define the street and encourage overlooking

visually permeable / low front boundary walls ensure surveillance of the street at ground level

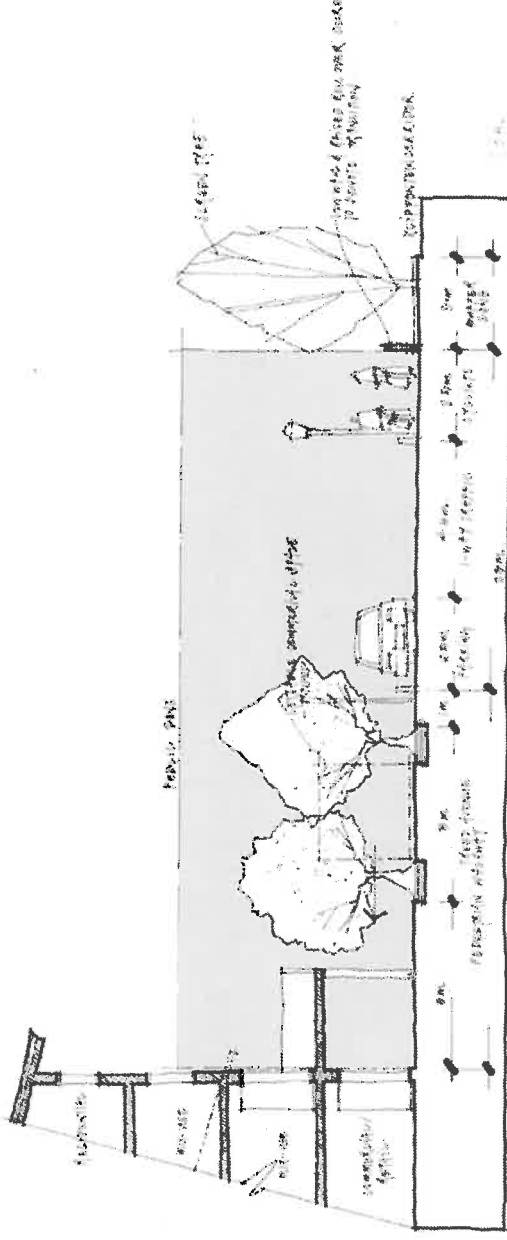
on-street car parking encourages people to keep their eyes and ears on the street



## OBJECTIVE 4: ENSURE OPPORTUNITIES AND AMENITIES ARE ACCESSIBLE AND THAT PEOPLE CAN MOVE ABOUT EASILY AND EFFICIENTLY

*Vibrant urban places create the conditions where the movement of both goods and people is easy, convenient and efficient. They also offer choice by providing different routes and travel options for accessing opportunities, goods and services. Therefore:*

- PS4.1. Provide spatial connections between and through existing and new neighbourhoods to create, reinforce and transform, where necessary, the hierarchy of movement routes to achieve greater levels of integration, spatial continuity and improved permeability for pedestrians, cyclists and people with disabilities.
- PS4.2. Recognise the generators of movement and how development proposals can change the way people move. Address dominant pedestrian desire lines by providing linkages and generous landscaped sidewalks around and to important destinations that attract high levels of pedestrian traffic. Further ensure universal access to all buildings, transport facilities and along popular pedestrian routes;
- PS4.3. Non-motorised transport facilities must be considered from the beginning of the design process when developments are likely to attract public patronage (shopping centres, public facilities and public transport interchanges). The facilities provided must cater for the different needs of end users (residents, staff and visitors) and may include cycle parking, change / shower rooms and storage facilities. These facilities must be located so as to ensure safe and convenient access.
- PS4.4. Car parking facilities must be located so that they offer convenient access, but not at the expense of creating a positive and active public realm and streetscape or compromise pedestrian safety and convenience. Also pay attention to the quality of the connection between car parking facilities and end destinations.



PS4.5. The servicing of a development (delivery, recycling, refuse and plant rooms) must be considered from the beginning of the design process and be located appropriately or screened so as to minimise their impact on the public environment.

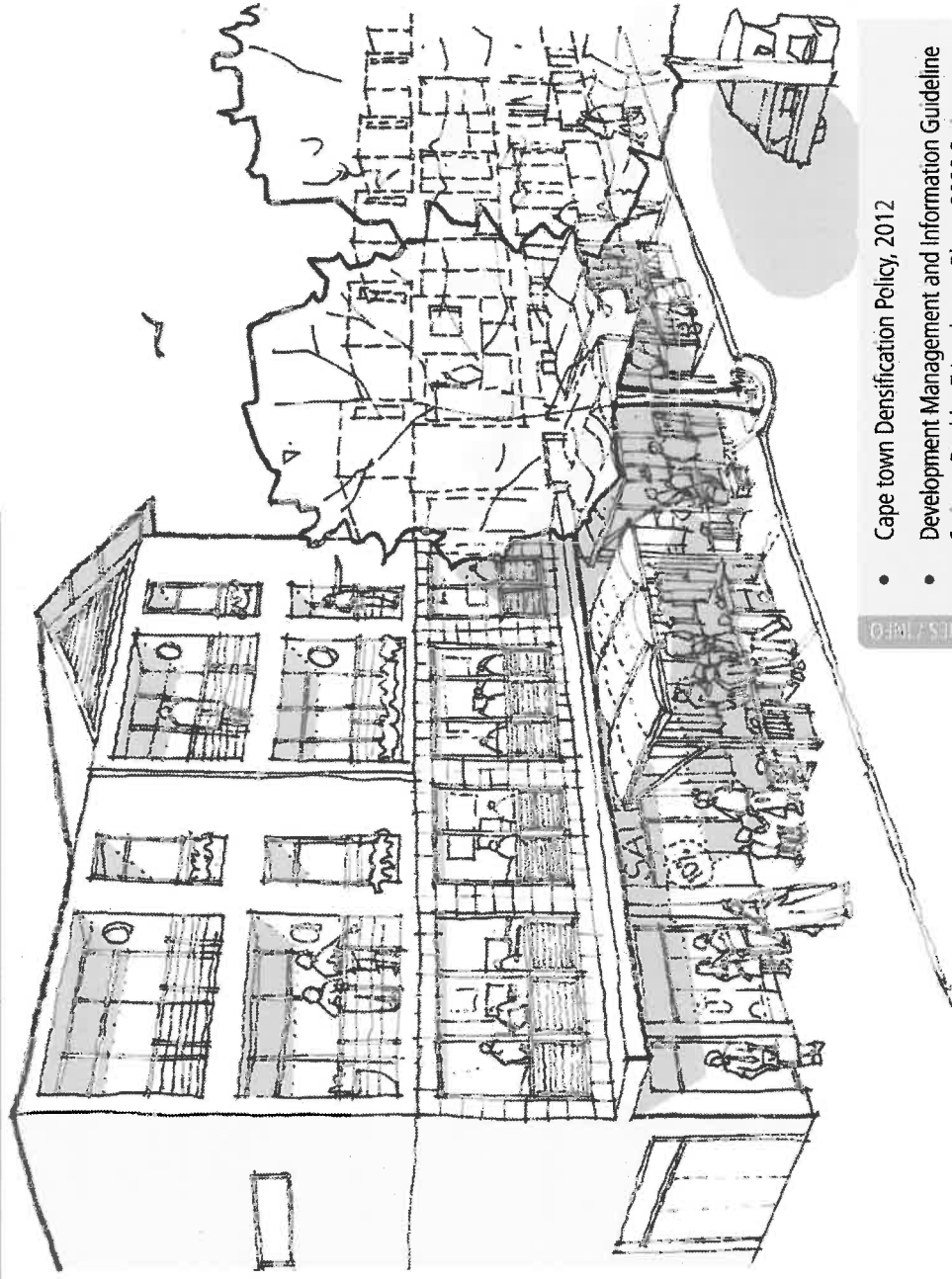
PS4.6. Avoid creating physical barriers which restrict access and create inconvenience. Linear elements of urban infrastructure (busy roads, railway lines or electrical lines) need to be carefully considered and large agglomerations of impenetrable land uses (gated estates and large industrial areas) avoided. Where these are necessary provide convenient alternatives for people on foot and/or on bicycle to overcome the barrier.

- Applicable District Spatial Development Plans, 2012
- The Integrated Transport Plan, 2006-2011
- Gated Development Policy, 2009
- NMT Policy and Strategy, 2005
- Draft Parking Strategy and Policy Framework 2012
- Road Access Guidelines, 2002
- Waste / Recycling Storage Area / Rooms: Standards And Guidelines, 2012
- Minimum Requirements for Vehicle Access, 2012

## OBJECTIVE 5: PROMOTE DEVELOPMENT INTENSITY, DIVERSITY AND ADAPTABILITY

*Positive and catalytic urban development create the sorts of conditions which attract people, provide opportunity, ensure variety and choice and allow for transformation and change over time. Individual developments need to contribute towards this goal. Therefore:*

- PS5.1. Ensure that the layout of new neighbourhoods meets the needs of current and future generations by making adequate provision for the public facilities and amenities. Where these are not provided on site, safe and convenient access to facilities located nearby must be facilitated through the arrangement of urban blocks, built form and movement routes.
- PS5.2. A proposal must make efficient use of its site and seek to optimise its development potential through the intensification of built form (in terms of height and coverage) in response to the elements of the urban structure. A mix of uses and activities should be proposed where viable and appropriate and the arrangement of uses on the site, or within buildings should respond positively to the attributions of the particular site and its surrounding urban context.
- PS5.3. Combine open space uses like Sustainable Urban Drainage Systems (SUDS), play grounds, allotment gardens etc. to use space more effectively and increase shared use.
- PS5.4. Ensure that urban blocks, individual even, buildings and spaces are generously proportioned and designed so that they can be adapted to accommodate other uses and meet the needs of future generations. For instance: at the urban level- urban blocks should be a minimum of 30m deep to allow them to accommodate a range of building types; and at a building level - circulation cores should be located appropriately and floor-to-ceiling heights should allow for the adaptive reuse of the building over time.



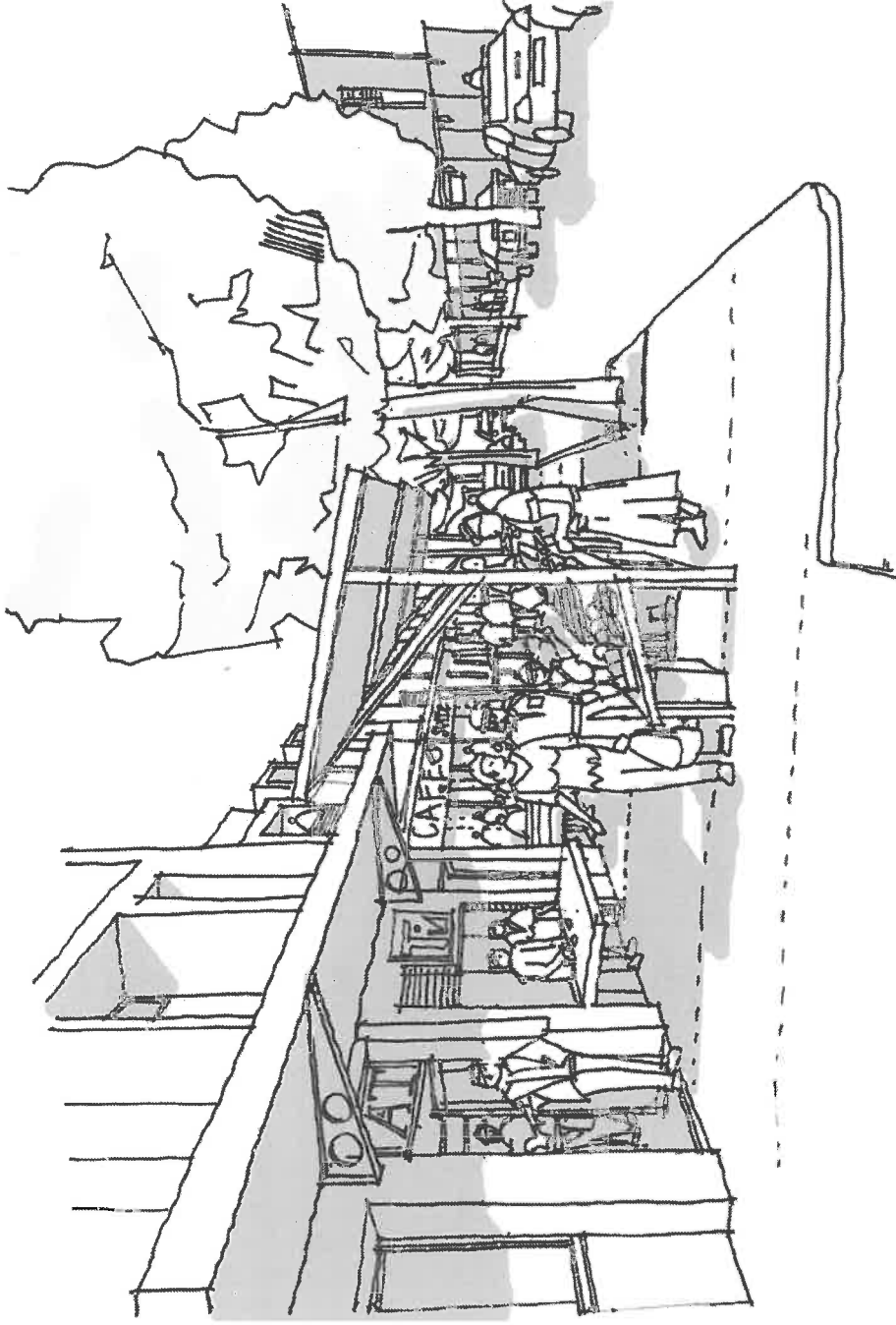
### RELATED POLICIES / INFO

- Cape town Densification Policy, 2012
- Development Management and Information Guideline Series – Booklet 7 Landscape Plans, 2009 Series
- Summary Guidelines and Standards for the Planning of City of Cape Town Social Facilities and Recreational Spaces, 2010
- Tall Building Policy, 2013

## OBJECTIVE 6: ENSURE ENCLOSURE AND POSITIVE INTERFACES ONTO THE PUBLIC REALM

*A quality public environment is further reinforced through the spatial arrangement of urban blocks, the appropriate scale and massing of the built form, the definition of space through enclosure as well as the positive interfaces between buildings and the public realm and. Therefore:*

- PS6.1. The orientation of new streets, urban blocks, plots and buildings should recognise the historic street pattern, reinforce the existing or proposed urban structure and respond positively to environmental conditions such as orientation, rain and wind patterns so as to maximise levels of comfort for the pedestrian and make places that are pleasant to be in.
- PS6.2. Locate buildings so that they have a positive relationship with the street. Wherever possible buildings should be located as close as possible to the street boundary and/or along the edge of an open space to define and provide enclosure to the public realm. Where the use of the building allows, the facade of the building should be used to define the public realm and public spaces.
- PS6.3. Design and articulate the interface between the public and private realms to ensure active and lively building frontages. Blank facades and parking fronting onto the street should be avoided.
- PS6.4. Parking structures should not be located on the first two levels above ground. Where this is unavoidable it should be wrapped with active uses along the interface with the public realm.

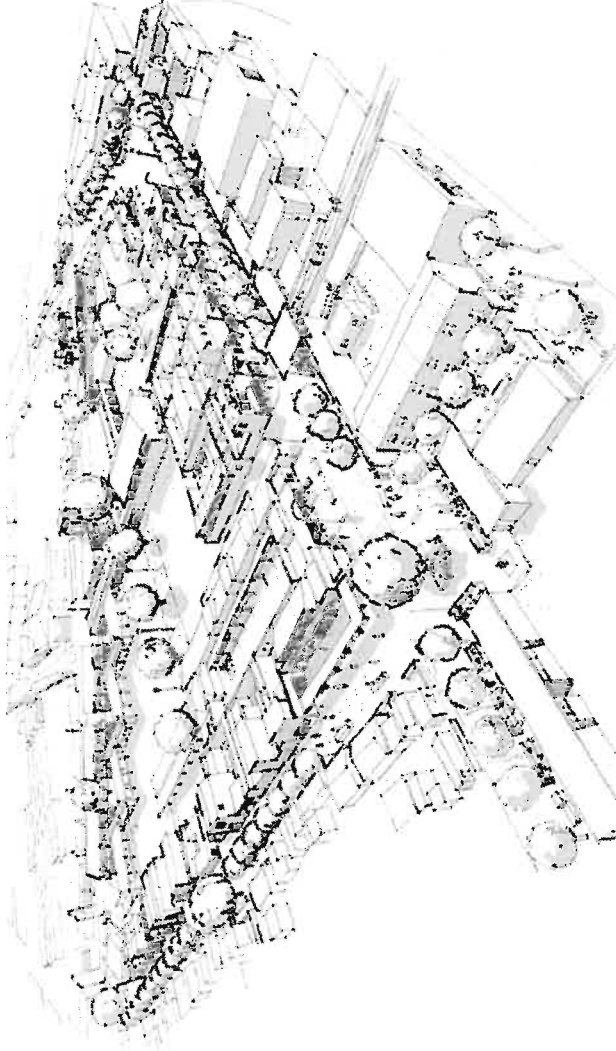


### RELATED POLICIES

- Cape Town SDF, 2012
- Tall Building Policy, 2012
- Design Guidelines For A Heritage Context - City of Cape Town Heritage Advice Pamphlet, 2009 series

## OBJECTIVE 7: DEVELOPMENT SHOULD RECOGNISE AND RESPOND APPROPRIATELY TO INFORMALITY

*Informality is a complex and inseparable part of our urban society which has particular implications for urban design and urban development. The informal economy in particular is not limited to poor neighbourhoods or poor communities. It has a complex and interdependent relationship with formal elements of the economy and elements of urban infrastructure. Informal settlement too is a response to the availability of land and access to opportunities, infrastructure and services. Accommodating the links and interdependencies between the formal and the informal during the design process of a development proposal, is key to developing a city which responds to the complex realities of our urban society. This objective seeks to improve the living conditions of the poor and support the livelihood strategies through strategic investment in the public realm and by recognising and responding proactively to informality. Therefore:*



- PS7.1. Respond proactively to informality at site level by focusing on interventions within the public environment and in response to the ways the sites are used on a daily basis. Such interventions could include the formalisation of movement routes, the provision of public facilities and the provision of basic infrastructure and services in a manner that creates social gathering places or places to trade.
- PS7.2. Prioritise public health and safety measures around areas where informal trading is common and within informal settlements by upgrading the public environment to mitigate natural hazards and man-made risks, by ensuring adequate access for emergency services, regular fire breaks and public lighting in high crime areas.

- PS7.3. Plan for economic activity and sustainable livelihoods wherever possible in the layout of new townships by zoning land appropriately and in response to opportunities and constraints of a particular site. Further ensure that programmes and strategies are put in place so that the spaces and buildings are used by the communities they were intended to serve and on a sustainable basis.
- PS7.4. Plan for micro enterprises and informal traders around higher order activity generators (urban nodes and around public institutions and interchanges) which attract high levels of pedestrian traffic. This may include identifying locations for trading stalls and ensuring small units within the retail mix.

### RELATED POLICIES

- Informal Trading Bylaw
- Informal Trading Policy, 2013
- Housing Policy – Upgrading of Informal Settlements Programme
- Cape Town Zoning Scheme, 2012

## OBJECTIVE 8: DEVELOPMENT SHOULD PROTECT, VALUE AND ENHANCE THE NATURAL ENVIRONMENT THROUGH SUSTAINABLE DESIGN

*The focus of this objective is on the relationship between the natural environment and built form. The intention is to ensure that developments respond positively to natural features and ecosystems, improve water quality, reduce energy usage and minimise waste production, so that the material and spatial needs of society are kept in balance with the requirements of nature. To achieve this it will be necessary to:*

- PS8.1. Protect and enhance environmental resources, green open space systems and ecologically sensitive areas. Ensure that these are suitably integrated into the design of new developments with suitable setbacks and buffers and ensure that buildings relate positively to open space systems through the arrangement of built form and the design of its interface with its associated landscape.
- PS8.2. Ensure the continuity of the city's open space network by arranging development and new open spaces in such a way that they become viable and meaningful spatial connections which support biodiversity.
- PS8.3. Start the design process by understanding and working in harmony with the natural drainage patterns of the site and apply the principles of Water Sensitive Urban Design (WSUD) so as to arrive at a layout that is water sensitive and space efficient, minimises the disruption of the natural hydrological cycle and works together with other related gravity systems such as sewerage.
- PS8.4. Ensure the maintenance and management of open space systems are considered during the design stages.



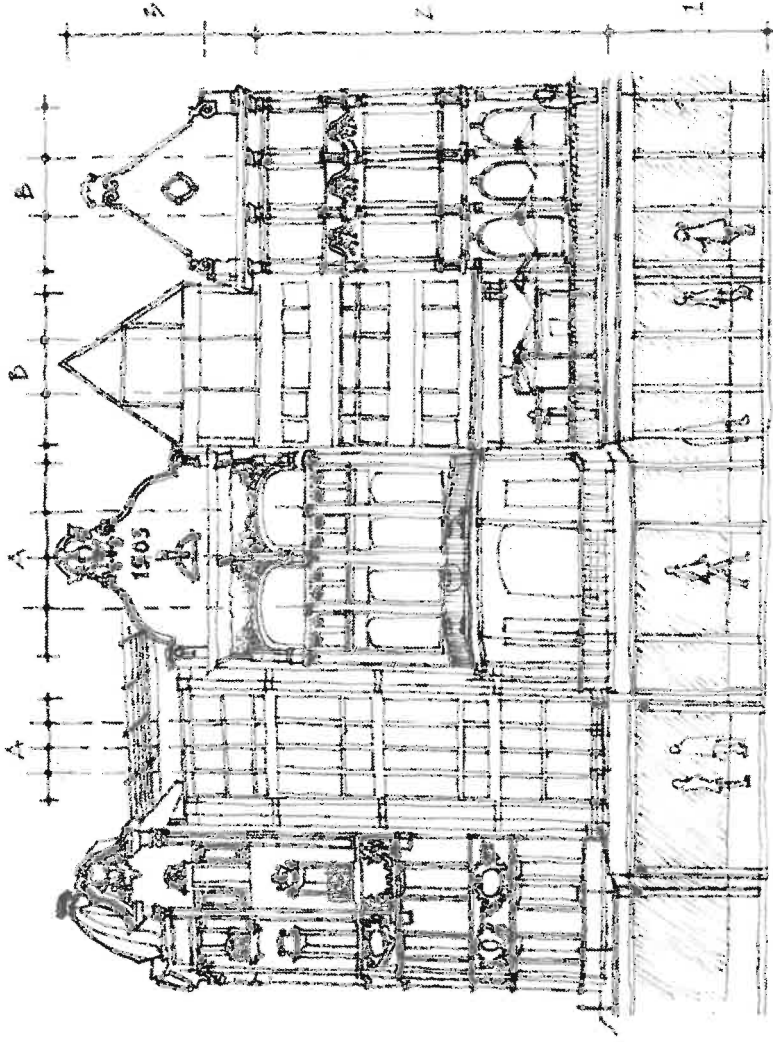
### RELATED POLICIES / INFO

- Stormwater Management Planning and Design Guidelines for New Developments, 2002
- Stormwater Management of Slopes Adjacent to Natural Areas, 2003
- Management of Urban Stormwater Impact Policy, 2009
- Floodplain and River Corridor Management Policy, 2009)
- Green Building Guidelines, 2008
- Tree Policy, 2002

## OBJECTIVE 9: DEVELOPMENT SHOULD RESPECT AND ENHANCE THE HERITAGE, CHARACTER AND UNIQUE IDENTITY OF THE CITY AND ITS NEIGHBOURHOODS

*The qualities which come together to give a place a particular character or identity is what distinguishes one part of the city from another. This character or 'sense of place' is influenced by natural features, land use, landmarks, heritage and built form as well as layered, non-spatial qualities such as cultural practice and memory. Because character and identity are so important, these qualities need to be acknowledged, respected and enhanced through design and new development that is contemporarily appropriate and in harmony with the receiving environment. To achieve this it will be necessary to:*

- PS9.1. Safeguard the integrity of the natural features which form part of a neighbourhood's identity (including important vistas, view corridors and views of local landmarks) when considering development proposals. These qualities need to be identified during the design process and it needs to be demonstrated how the intrinsic qualities of the place will not be detrimentally transformed through development;
- PS9.2. Respect the heritage and cultural landscape of the city and integrate new proposals within their existing context by: knitting developments into the historic grain and open space system of the area, retaining the key elements of the cultural landscape, and creatively adapting buildings of historic or architectural value, responding sensitively in terms of building height, massing and the placement of buildings on the site; continuing or introducing vertical and horizontal rhythms within the streetscape; and complementing the style and material palette of adjacent buildings in a contemporary manner, by using appropriate technologies and modern detailing.



### RELATED POLICIES / INFO

- Scenic Drive Policy, 2002
- Sky Bridges Policy, 2012
- City of Cape Town's Integrated Metropolitan Environmental Policy (IMEP) Cultural Heritage Strategy, 2005
- Central City Development Strategy Vision and Action Plan, 2008
- City of Cape Town's Heritage Advice Pamphlet series, 2005
- Central City Development Strategy – Development Guidelines for Land Use Management, 2011
- Outdoor Advertising Bylaw, 2009
- Various Heritage Area Studies
- Tall Building Policy, 2013
- Cultural Heritage Strategy, 2005

## 4.0 IMPLEMENTATION

The Urban Design Policy will be effective from the date it is approved by Council and will not be retrospectively applied to applications that are already in the system. The Policy will be applied within the City's existing development application process and will need to be considered by officials in the assessment of development applications outlined in Section 3.1.

It is the applicant's responsibility to ensure that where parallel processes are required (in terms of other pieces of legislation), that these are integrated as far as possible and to ensure that design considerations are considered in order to streamline all levels of approvals and minimise risk.

Prospective applicants who are considering projects to which the policy would apply are strongly advised to engage the City at an early stage in pre-submission consultation. For the purposes of such pre-submission engagement and in order for the City's officials to provide meaningful input at such a session, it is proposed that prospective applicants voluntarily prepare a design statement which should include:

- A vision and objectives for the proposed development;
- A contextual analysis providing an understanding of the site in its context and outlining how contextual factors have informed the response to the site and brief;
- A design framework supported by diagrams, plans and illustrations indicating how the development is organised in terms of access, land use, massing and public interfaces; and
- A summary of how the objectives and principles of the City's various policies have been addressed.

Where applicants have not made use of the suggested pre-submission consultation engagement opportunity, they should still look to address the urban design objectives raised in this policy document and structure their motivation in the manner suggested above as a design statement.

### LUMS/BDM PROCESSES

#### 1. Pre-submission

#### SUBMISSION

#### 2. Request for further information

#### 3. Advertising

#### 4. Assessment of application

#### 5. Decision by committee

#### 6. Appeal process

#### 7. Subdivision clearance / Building plan approval

### URBAN DESIGN POLICY

The UDP objectives and policy statements provide the applicant with a guide for preparing a development proposal. Applicants are encouraged to meet with the officials prior to developing the initial concept and making a submission.

The UDP may be used by officials to identify additional information which would be required to make a proper assessment of the application.

The UDP objectives and policy statements provide a framework for assessing and commenting on an application. They may assist in determining conditions of approval. Ultimately a report is compiled for decisionmakers recommending for the approval or refusal of a proposal.

## 5.0 POLICY EVALUATION, MONITORING AND REVIEW

It is proposed that the Policy substance (Objectives and Statements) will be reviewed periodically in order to ensure that they are relevant, respond appropriately to development trends and align with the goals and objectives of the Integrated Development Plan. The operational mechanisms for implementation of the Policy, may however be determined, reviewed and amended by the Executive Director: Economic, Environmental and Spatial Planning (EESP) as and when deemed appropriate in line with the system of delegations.

The monitoring and evaluation of the effectiveness of the Policy in achieving its objectives will be measured specifically in relation to the applications which fall into the scope of application - and will be measured against the following goals:

### 5.1 The effectiveness of the policy in facilitating approvals processes

The effectiveness of the Policy in facilitating the approvals process from a procedural perspective will be measured, amongst others, against the following:

- The increase in the number of submissions where pre-submission consultation has taken place and where applicants have been given direction in relation to how their proposals could be developed in order to meet the requirements of City policies;
- The regularity of requests for further information by Case Officers, after applications have been submitted on the basis that insufficient information has been provided to enable an urban design assessment to be undertaken;
- The decrease / increase in number of applications which have not been processed within the required timeframe as a result of changes being required as a direct result of non-compliance with the Urban Design Policy;
- The decrease / increase in the number of post-submission consultations to resolve issues related to the Policy; and
- Feedback from District Managers and PBDM Section Heads on the implementation of the policy.

The review process could be informed by factors such as:

- The number and typology of applications which were referred to political decision-makers on the grounds of non-compliance and how many have been turned down; and
- The policy statements which are most often cited as the reason for proposals not being compliant with Policy.

### 5.2 The effectiveness of the policy in improving the quality of the urban environment

As urban development processes take time to materialise, the impact of the Policy will only become evident after developments have been built and are occupied. Qualitative assessments are also complex and difficult to undertake due to the subjective tendency of this type of assessment. The effectiveness of the policy in achieving this goal will therefore need to be measured through a range of mechanisms including:

#### Independent / expert panel reviews

Independent review panels comprising of industry experts could be assembled to assess the impact of the Policy on the evolution and improvement of development proposals through the approvals process. The views and reflections of the panel could be used to inform the review of the Policy irrespective of whether applications have been approved or not.

#### Benchmarking and indicators

A set of performance indicators could be developed to provide a consistent and robust tool for measuring the quantitative and qualitative impact of the policy over time. These indicators would need to be developed with input from a range of different stakeholders and interest groups.

#### Urban design awards

In order to recognise projects which are exemplary and demonstrate how the principles of the Policy have been implemented, the City will consider making awards to projects and their design team for the contribution their development has made to the urban environment.

#### Post implementation evaluation and case studies:

Case studies could be undertaken by independent consultants after developments, which have been subjected to the policy, are complete and occupied. The case studies could compare developments which have deviated from the policy to similar development which are compliant with the policy or where the policy has been enforced. To ensure objectivity the case studies should include:

- Developer surveys;
- Property market surveys;
- Design professionals surveys;
- Surveys of officials involved in the approvals process;
- End user perception surveys; and
- Public perception surveys.



## 6.0 GLOSSARY, DEFINITIONS AND TERMINOLOGY

### **Accessibility**

The degree to which a site, building, service, or environment is accessible to people, irrespective of who they are or how they move.

### **Active frontage/ interface**

Refers to street frontages where there is an active visual engagement between those in the street and those on the ground floors of buildings. This quality is assisted where the front facade of buildings, including the main entrance, faces and opens towards the street, and also where ground floor uses accommodate activities that provide a level of interaction between pedestrians and the building uses including cafes/restaurants, shops, offices etc.

### **Adaptability**

The capacity of a building or space to be changed so as to respond to changing social, technological and economic conditions.

### **Blank facades**

An elevation of a building which has no door or window openings.

### **Built form**

The shape and massing of development. Built form relates to qualities such as density or quantum of development (often referred to as massing), coverage (how much of the site is built up), building height, the distance from property lines.

### **Community facility**

A building or structure which houses a service to the public or a select group or community. Such facilities include crèches, religious institutions and clubs. Full public access to such facilities is often restricted or limited.

### **Context**

The broader environment within which a development or site is located. Context is a broad term and can refer to natural systems, topography, the social and economic environment, the built environment, access, public institutions, public space, and public utility services.

### **Cultural landscape**

A physical area with natural features and elements modified by human activity and resulting in patterns of evidence layered over time in the landscape. These qualities give a place distinctive spatial, historical, aesthetic, symbolic and memorable character.

### **Desire line**

An imaginary line linking facilities or places. Desire lines become evident when watching people move through an area and often visible through informal footpaths across open spaces.

### **Diversity**

A place which offers variety and choice in terms of land use activity and mobility options.

### **Enclosure**

An experience in which a pedestrian feels sheltered within the public realm. Buildings, walls, trees, landscaping and street widths are all factors in creating a sense of enclosure.

### **Form**

The layout (structure and urban grain), density, scale (height and massing), appearance (materials and details) and landscape of development.

### **Higher order structuring route**

Streets or movement corridors which play a critical role in determining the structure of the urban environment. The following are characteristics of structuring routes: high levels of spatial continuity and access; a concentration of mixed land uses and activities; contain higher order public facilities; development is generally more dense; and an intensity in the movement of people, goods, public transport and private vehicles.

### **Integration**

The spatial and functional linking of areas of development and their inhabitants. Integrated areas form a coherent physical whole where,

in livability terms, the whole is greater than the sum of its parts.

### **Intensity**

Refers to achieving a greater spectrum of mixed land uses through increased use of space, both horizontally and vertically, within existing areas, properties and new developments.

### **Landmark**

A building or structure which is recognisable and stands out from its background by virtue of height, size or some other aspect of design.

### **Landscaped**

The intentional arrangement of soft (trees and planting) and hard elements within a space.

### **Layout**

The way buildings, routes and open spaces are placed in relation to each other.

### **Legibility**

The degree to which the qualities or structure of a neighbourhood or building can be perceived and understood.

### **Massing**

The combined effect of the arrangement, volume and shape of a building or group of buildings in relation to other buildings and spaces.

### **Node**

A point within the urban system where activities, land uses and development is concentrated. Nodes are typically located where levels of accessibility are high and at the confluence of movement and public transport routes. The size and extent of a node depends, on the nodes location within the larger urban system and on the limitations of a pedestrian to move within it. A node generally has a sphere of influence of between 200 - 400m from its centre.

### **Overhang**

A part of a building or structure which extends beyond its supporting structure or over a property boundary. Examples include balconies, and roof eaves.

### **Overlooking/ overlooked**

When a building has doors and windows positioned in such a manner that they allow the occupants inside a building to visually connect with the spaces outside of that building.

**Passive surveillance** is the casual observance of public and private areas by people in the course of their normal activities.

### **Permeability**

The degree to which an area has a variety of pleasant, convenient and safe routes through it.

### **Positive interface**

See definition for active frontage/ interface.

### **Public facility**

A building which is owned, built, managed and maintained by a governmental institution or which provides a service on behalf of government.

### **Public good**

The condition in which all citizens are able to enjoy in the benefits urban living to the extent that each individual's actions does not lead to a subtraction or diminishment of any other individual's or groups ability to act or enjoy the same benefits.

### **Public realm/ environment**

The collection of physical and nonphysical elements which are accessible or impact on the general public. Some aspects of the public realm are privately owned and managed. The public realm includes amongst others all forms of media, open spaces and streets.

### **Public space**

The public space includes the natural and built environment used by the general public on a day-to-day basis such as streets, plazas and parks.

### **Streetscape**

The distinguishing character of a particular street as created by the elements at ground floor, including building frontages, setbacks, materials, form, road space, landscaping, street furniture, etc.

### **Significant negative impact**

In relation to development, when a proposal has the potential to negatively impact on the structure of a neighbourhood or part of the city; detrimentally alter the character of a neighbourhood; cause undue inconvenience for public access; limit adjacent property owners ability to enjoy or realise the rights they are entitled to; or undermine the market value of an adjacent properties of a neighbourhood as a whole.

### **Surveillance**

The ability of a person or thing to observe and control activities within a defined space. Surveillance may be achieved passively - by providing physical opportunities to connect a surveyor to a space; or through active or artificial means - through CCTV or law enforcement patrols.

### **Sustainable Urban Drainage Systems (SUDS)**

A branch of Water Sensitive Urban Design which focuses specifically on stormwater management.

### **Vibrant**

A place characterised by energy and activity.

### **Views & vistas**

A visual quality within the landscape/urban landscape that typically provides some visual amenity. The importance of the view typically relates to the level of amenity the view provides. A vista is a corridor view usually framed by an avenue of trees or buildings.

### **Urban grain**

A description of the density and nature of development which results from the arrangement of buildings in space. The term urban grain is used at a variety of scale and can refer to the density of urban blocks, streets, plot or buildings footprints.

### **Urban structure**

The structuring framework of a region, town or precinct, showing relationships between zones of topography, natural environments, activities, built form and open space. It encompasses broader systems including transport and infrastructure networks.

### **Water Sensitive Urban Design**

An approach which seeks to ensure that development in urban areas is holistically planned, designed, constructed and maintained so as to reduce negative impacts on the natural water cycle and protect aquatic ecosystems. Sustainable water supply, sanitation and stormwater management are encompassed within the WSUD approach.

## Acronyms and Abbreviations

CTSDF	Cape Town Spatial Development Framework
EESP	Economic, Environmental and Spatial Planning
IDP	Integrated Development Plan of the City of Cape Town
LUMS	Land Use Management System
LUPO	Land Use Planning Ordinance
NHRA	National Heritage Resources Act, 1999, (Act 25 of 1999)
NEMA	National Environmental Management Act, 1998, (Act 107 of 1998)
PBDM	Planning and Building Development Management Department of the City (The department responsible for processing land use and building applications)
SDF	Spatial Development Framework
SDP	Site Development Plan
SPUD	Spatial Planning and Urban Design
SUDS	Sustainable Urban Drainage System
WSUD	Water Sensitive Urban Design

## References

- Cape Land Use Planning Ordinance, No 15 of 1985
- City of Cape Town, Cape Town Spatial Development Framework, 2012
- National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977).
- <http://www.udg.org.uk/about/what-is-urban-design>

## 7.0 ACKNOWLEDGEMENTS

The preparation of the Urban Design Policy has taken over 3 years and has benefited from the valuable input of a number of individuals and stakeholders. This included representatives of various line departments who formed part of the Project Management Team (PMT); a working group members of PDBM officials who will be tasked with implementing the policy; and members of an External Review Panel, which included members of the Urban Design Institute of South Africa (UDISA), members of the Cape Institute for Architecture (CIFA) Cape Members of the Institute of Landscape Architects of South Africa (LASA) and members of the South African Planning Institute (SAPI).

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- Urban Collaborations
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