



STONEHURST

MOUNTAIN ESTATE
OWNERS ASSOCIATION
Dated 30 April 2013

GENERAL GUIDELINES

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1. INTRODUCTION

Stonehurst Mountain Estate has been designed to offer each homeowner/resident a secure living environment enhanced by exclusive access to a world class Gym and Lifestyle Centre.

This document should be read in conjunction with the other documentation issued to the homeowner/resident that includes the Code of Conduct, Architectural Design Guidelines, the Constitution and the Contractor's Agreement for Stonehurst Mountain Estate, which stipulates the conditions under which construction may take place on the Estate.

The General Guidelines and Estate Rules/Code of Conduct have been drawn up to provide homeowners/residents with information relevant to the Estate and to regulate common issues encountered in security Estates. As the Estate matures and particular issues need to be addressed, additions will be made to these documents. The Trustees of Stonehurst Mountain Estate Owners Association (SMEOA) reserve the right to modify, amend, and add to, both documents from time to time, without prior notification.

Stonehurst Mountain Estate comprises three developments:

Two Lifestyle Villages:

Stonehurst Close: developed by Ithaca Developments (Pty) Ltd and consists of thirty units overlooking a large central park.

Stone Village: developed by Stone Village Developments (Pty) Ltd consisting of eighty-two units and situated adjacent to the retention pond opposite the Lifestyle Centre.

These developments are to be compliant with Annexure 1, page 63, contained in the Architectural Design Guidelines, copies of which can be obtained from the Lifestyle Centre.

Single Residential Erven, individually owned and architecturally built:

These erven consist of 182 north facing, individually owned single residential erven architecturally designed in accordance with the guidelines as stated in the Architectural Design Guidelines. A second application of an additional 39 single residential erven has been applied for and is awaiting approval from Council. This will therefore increase the number of single residential erven from 182 to 221.

2. MANAGEMENT OF THE ESTATE

The Estate is managed by the Stonehurst Mountain Estate Owners Association, of which, the owner of each plot is a member. At each Annual General Meeting Trustees and a Chairman are appointed to run the Estate for the ensuing year.

3. THE ESTATE MANAGER

The Estate Manager is appointed by the Stonehurst Mountain Estate Owners Association and handles the day to day running of the Estate. The Estate Manager reports directly to the Trustee Committee and is not accountable to any Homeowner.

4. CONSTITUTION

The Stonehurst Mountain Estate Owners Association is governed by the Constitution as approved by the Local Authority in 2006.

5. CONTRACTORS AGREEMENT

The purpose of this agreement is to ensure integration between residential living and the control over building activities within the Estate with minimal impact to the environment. These terms and approved conditions have been developed in terms of the Environmental Management Plan (EMP) and the Site Environmental Management Plan (SEMP) for the Stonehurst Mountain Estate Development.

By signing this Agreement the Contractor agrees to be bound by the regulations contained therein, and if in breach, to be fined accordingly.

It is mandatory that each homeowner appoint a builder to construct their home or to undertake alterations. This builder, before being granted permission to commence building works, is to be inducted as to the building and environmental rules and regulations by the Estate Manager and is to sign the Contractor's Agreement and all documentation relating to Occupational Health and Safety and Environmental Issues relating to building at Stonehurst Mountain Estate.

Thereafter it remains the homeowner's responsibility to ensure that the contractor adheres to the rules and regulations as laid out in the Contractor's Agreement. The homeowner is liable for all fines incurred if these rules and regulations are breached by the contractor and or their employees.

6. LEVIES

As per the Stonehurst Mountain Estate Constitution (item 10 pages 15-17)

The Trustee Committee determines the total amount of levies payable by the homeowners for the purpose of meeting all the expenses which the SMEOA has incurred or which the Trustee Committee reasonably anticipates the SMEOA will incur in respect of the facilities and services in connection with the Estate and the Lifestyle Centre, maintenance of the Common Areas and payment of all expenses necessarily or reasonably incurred in connection with the management of the SMEOA and its affairs.

A homeowner becomes liable to pay levies from the date when they become a Registered Owner and payment of the monthly levies is by debit order giving the SMEOA permission to debit the homeowner's account for the full amount due. Arrear levies will be charged interest calculated at 2% (two percent) above the publicly quoted prime rate of interest as charged by the SMEOA's Bankers from time to time, from due date of payment until the actual payment, calculated monthly in arrears.

No homeowner will be entitled to any of the privileges of membership unless and until they have paid all levies and any other sum (if any), which is due and payable to the SMEOA in respect of their membership.

7. SECURITY

The Estate is enclosed by an electric perimeter fence and if breached an alarm will be activated in the Security Kiosk. The fence is live and 8 000 volts of electricity are flowing through the wires. If touched, you will receive an electrical shock that may cause serious injury. There are two access and egress points, the main gate and the emergency gate between the Stonehurst Close and Stone Village, the latter gate is only used for very large delivery and furniture moving vehicles and access through it must be arranged beforehand with Estate management.

SMEOA has appointed an accredited service provider, as the security service provider for the Estate.

8. MAIN GATE

All homeowners/residents, their guests and their domestic staff are required to use the Main Entry Gate only. All contractors and service providers are required to use the Contractor's Lane entry at the specified times as per the Contractor's Agreement.

9. RESIDENTS

All homeowners/residents must be registered on the biometric access control to gain entry and exit onto the Estate.

VISITORS

In order to expedite ease of access, homeowners/residents are encouraged to advise Security of any expected visitors. Homeowners' home phone numbers will be entered into the PABX system to enable security to make direct contact with the homeowner/resident for access control or emergency purposes.

A Nomination Form, available from Management, will give access to visitors who need to enter and exit the estate unaccompanied by the resident. The Registered owner or Tenant has to sign the undertaking in the Nomination Form and accept full responsibility for the Nominee.

CONTRACTORS

Building contractors are not allowed onto the Estate unless they have been inducted by the Estate Manager and until all the necessary procedures have been carried out as per the Contractor's Agreement.

SERVICE PROVIDERS

Providers of garden maintenance, pool maintenance, window cleaning, painting, building maintenance etc. are required to use the Contractor's Entry Lane and only with the prior authority of the homeowner/resident concerned. Security will contact the relevant homeowner/resident to verify that the Service Provider has permission from the homeowner/resident to enter the Estate.

RESIDENT'S DOMESTIC STAFF

All domestic staff and gardeners must be registered on the biometric access control system. A copy of a valid RSA identity document has to be submitted with the completed Biometric Registration form for Gardeners / Domestics obtainable from the biometric officer at Security.

10. DESIGN GUIDELINES

Stonehurst Mountain Estate is set against the slopes of the Silvermine Mountain and abuts the Table Mountain National Park, and the dwellings on the Estate should be designed and positioned in such a way that they would form an integral part of the natural landscape. This will be promoted by the use of natural materials such as stone and timber in dark and natural tones, which blend into the environment. The dwellings should be structured to define courtyards or garden spaces which will create a sheltered external space, whilst optimizing the views over the valley and the Constantiaberg Mountain Range. Gardens, courtyards, avenues, water features, terraces, pools, pergolas and fences shall be used to enrich and complement the interior spaces. The design of external spaces and the link between the land, water and built forms is seen as integral to the character and aesthetic success of the Estate as a whole. The architecture and landscaping for the Estate should therefore result in a development which is sympathetic to the mountain's topography, creating building footprints and roof forms which relate to the natural contours of the site.

The Architectural Design Guidelines (Design Manual) sets out the Urban, Architectural and Landscape Controls with which the homeowners will have to comply, and forms part of the Stonehurst Mountain Estate Owners Association's (SMEOA) Constitution. In terms of the Agreement of Sale and the Constitution, owners will be obliged to submit their drawings (including two Landscape Plans and an irrigation layout diagram) to the Design Review Committee (appointed by the SMEOA) for design approval, before submitting them to the local authority for final approval. Approval or rejection of the design is entirely at the discretion of the Design Review Committee. Neighbouring home/plot owners will be given the opportunity to view these approved plans and these viewings will be arranged by Estate management.

11. DESIGN REVIEW COMMITTEE

This Committee has the responsibility of ensuring that all new buildings, alterations, improvements, installation of swimming pools or major renovations carried out on the Estate comply with the Estate's Design Manual. Any waivers or departures from the Design Manual require the Committee's and the Local Authority's approval and where the proposed construction deviates from the approved plans, rider plans together with a letter motivating the changes must be submitted to the Design Review Committee for approval. Where the proposed construction deviates from the approved plans, rider plans highlighting the deviations together with a letter motivating the changes must be submitted to the Design Review Committee for approval.

SCRUTINY FEE

Before any plans for new buildings, alterations, improvements, installation of swimming pools or major renovations can be examined and commented on by the Design Review Committee (DRC) homeowners need to pay the presiding architect, Mr. James Wilkinson (W. Architects), a scrutiny fee.

Contact details: E-mail – james@w-architects.co.za or Tel: (021) 461 6403.

Should the homeowners' architect request to be present at the Design Review Committee to discuss their plans, the presiding architect, will determine at his own discretion, whether a consultancy fee should be paid or not.

Plans for submission to the Design Review Committee must be dropped off at Reception at the Lifestyle Centre at the latest on the Friday before the next Design Review Committee Meeting, which meets every Tuesday morning.

12. SIDEWALK DEPOSIT AND BUILDING LEVY

Before building can commence, the homeowner is obligated to firstly be up to date in all of the levies associated with the property and then to pay a refundable sidewalk deposit of R5000.00, which is subject to change, to cover possible damage within the Estate. This deposit is refunded on completion of all construction activities including landscaping of the verge, provided that there is no damage to the common property and after deduction of any fines imposed on the building contractor in terms of the Contractor's Agreement. Building operations and access onto the Estate to contractors will not be granted until this deposit has been received.

The sidewalk deposit will only be refunded on receipt of a signed SMEOA Completion Certificate, issued by the Estate Manager, as well as a copy of an Occupation Certificate, which is to be obtained from the Building Inspector by the homeowner, and forwarded to the Estate Manager's Office.

A refund of the sidewalk deposit is subject to there being no outstanding amounts owing to the SMEOA by the homeowner and provided that there has been no damage incurred to the Estate's infrastructure, following the construction of the home.

Each homeowner is required to pay a monthly building levy of R1 000.00 to cover expenses related to the building process on the Estate. This levy is separate from and does not relate to the monthly homeowners levy and is subject to change.

13. OBLIGATION TO BUILD

As per the Stonehurst Mountain Estate Constitution (item 9 pages 13-15)

Members are obligated to commence construction of dwellings on their respective Residential Erven within two (2) years from the date of registration from the Developer into the name of the first purchaser of the Residential erf and to complete construction of such dwellings within one (1) year of the date that the homeowner commences construction.

Penalties shall be levied, as per the Constitution, if the homeowner does not comply with the above.

14. BUILDING

Copies of the Contractor's Agreement, Occupational Health and Safety and Environmental documentation as well as a comprehensive guide to plan submission can be obtained from the Lifestyle Centre.

It is mandatory that each homeowner appoint an NHBRC approved builder to construct their home or to undertake alterations. This builder, before being granted permission to commence building works, is to be inducted as to the building and environmental rules and regulations by the Estate Manager and is to sign the Contractor's Agreement and all documentation relating to Occupational Health and Safety and Environmental Issues relating to building at Stonehurst Mountain Estate. A list of builders is available who have built on the Estate from Estate Management hereafter it remains the homeowner's responsibility to ensure that the contractor adheres to the rules and regulations as laid out in the Contractor's Agreement. The homeowner is liable for all fines incurred if these rules and regulations are breached by the contractor and/or their employees. Prior to any work being initiated on the building site, the builder must go through an induction by Estate management

A **SITE ENVIRONMENTAL PLAN (SEMP)** for each Erf under construction must be submitted to the Estate Manager before commencement of building operations. All contractors, sub-contractors and employees and their agents are subject to the rules and regulations contained within the Contractor's Agreement and will be fined accordingly if in breach.

CONTRACTOR'S LANE TIMES/BUILDING HOURS (as per the Contractor's Agreement):

Monday to Friday	07h00 to 17h00 (Estate to be vacated by 17h30)
Saturday	<i>By prior consent of Estate Management and only quiet work will be permitted</i> 08h00 to 13h00 (Estate to be vacated by 13h30)
Sundays	No work permitted
Public Holidays	No work permitted

After the closure of the Contractor's Lane, a guard will patrol all sites to ensure that all contractors are off site. People found working late without permission will be fined and escorted off the site. Repeat offenders could be denied access to the Estate.

PERMISSION TO ENTER THE CONTRACTOR'S LANE

It is a requirement that no building or site work can commence unless the homeowner has paid the required building deposit and the appointed builder has been inducted as to the Occupational Health and Safety and Environmental requirement pertaining to building on the Estate. Contractors, sub-contractors and their employees will not be granted access on the Estate unless they produce valid South African identity documents, the details of which will be recorded. All Contractors' staff must be registered on the biometric access control system.

Trucks, ready-mix vehicles and all other vehicles that are leaking oil will not be permitted access onto the Estate. Long articulated vehicles (horse and trailers) are not permitted on the Estate. Exceptions will only be granted for deliveries of heavy earth moving equipment and site containers. The maximum length = 9.1m and the maximum width = 2.6m. Trucks exceeding maximum gross mass = 20,000kg or maximum axle weight = 8,000kg will not be permitted to enter the gate. Security guards have the right to search vehicles, staff and their possessions when entering or exiting the Estate.

Main contractors, sub-contractors and their employees are granted access only to their work areas. All other areas are out of bounds. Workers caught walking around the Estate or from building site to building will be removed off site and the contractor will be fined.

All materials delivered and or handled (including topsoil) are to be kept within the confines of the erf and covered with shade cloth or other suitable material. The entire erf is to be fenced off with 1.8m high diamond mesh fencing and in some incidences also surrounded with shade cloth especially where the next site is an occupied house.

All roadways must be kept clear at all times and traffic flow must not be obstructed. Oil spills, cement spills and any damage to the roads must be repaired immediately by the contractor at their expense and a fine may be imposed.

Parking is not permitted on lawns, grass verges or neighbouring resident's driveways. Construction and delivery vehicles are restricted to the erf where they are designated to build or to make deliveries.

Building sites are to be kept tidy and material flow must be planned. Sand or soil stockpiles are to be stabilised with sheet covering at all times, especially during windy weather.

Temporary toilets are to be sited as per the Site Environmental Management Plan and connected to the existing sewer line. These toilets must be screened off. Toilets are to be in place before building operations commence and must be serviced regularly.

Each site is permitted one standard size Main Contractor's board, which must be removed once building work has been completed.

The Estate Manager and or Security will make regular on-site inspections to ensure that all regulations are being adhered to and that Occupational Health and Safety and Environmental requirements pertaining to the site are being followed. The Association reserves the right to issue fines as per the Contractor's Agreement. Interim heights (relative to sea level) will be required for all floors to ensure compliance with building height restrictions.

Fines will be issued for the breach of regulations as outlined in the Contractor's Agreement. All fines to be paid in full five working days after issue of the fine.

Payment of fines due will be reflected on the homeowner's account where the homeowner will be expected to pay all fines due. The onus is on the homeowner to come to an agreement with their builder and or contractor as to who is ultimately liable for payment of the fine.

BUILDER'S HOLIDAY

The Estate will be closed to all contractors and their employees from mid December to mid January for the builders' holiday. Contractors are to make allowance for this closure and to ensure that their site complies as regards health and safety and environmental standards and does not pose a threat to the public. An Estate management inspection will formalise the site closure prior to this holiday.

15. COMPLETION CERTIFICATE

As per the Stonehurst Mountain Estate Constitution (item 9 pages 13-15)

No homeowner is entitled to take occupation or to allow anyone else to take occupation of their completed home until the SMEOA has issued a Move In Certificate. This certificate is **not a Certificate of Completion**. The Completion Certificate will only be issued once the home has been officially checked by the SMEOA and that the home complies with the approved Design Guidelines and all the "snags" as highlighted by the SMEOA have been rectified and the Occupation Certificate issued to the homeowner by the Local Authority. Should any such deviation/s have been overlooked by the SMEOA representative/s when signing this document, **the SMEOA reserves the right to enforce the compliance with the Design Guidelines/Constitution at any time in the future.**

16. LANDSCAPING

Stonehurst Mountain Estate is an environmentally and ecologically sensitive Estate which borders the Table Mountain National Park. The Estate's entrances, external road verges, Riverine Corridors and Private Open Spaces (POS) have been landscaped with plants and trees indigenous to the Western Cape. There are four streams which flow through the Estate and their banks have been planted with species that will encourage indigenous birds, small mammals and reptiles. Homeowners/residents are requested not to disturb these areas and to keep their dogs on leashes when walking through the Estate. All common areas are used at the homeowner's/resident's risk.

The maintenance of these common landscaped areas is the responsibility of the SMEOA. All road verges adjacent to property boundaries are to be landscaped and maintained by the relevant property owner. The Architectural Design Guidelines contains a list of acceptable plant species. Before any landscaping projects are started, all registered homeowner's of all erven, including Stone Village and Stonehurst Close, must submit two copies of professionally drawn Landscape Plans, including an irrigation layout diagram, to be approved by the Design Review Committee. These Plans are to include a detailed list of proposed plants and trees selected from the approved list in the Architectural Design Guidelines.

The Estate's entrances, external road verges, Riverine Corridors and Private Open Spaces (POS) have been landscaped with plants and trees indigenous to the Western Cape and chosen from the list contained in the Design Manual.

It is the plot owner's responsibility to ensure that their vacant plot is kept clear of weeds and invasive species. No invasive alien vegetation is permitted anywhere on the Estate. Owners of un-developed plots are required to keep their plot clean and free of undergrowth and alien vegetation, if owners neglect to do this, the Stonehurst Mountain Estate Owners Association will clear the plot at the owner's expense.

No trees, which existed on plots at their date of acquisition, can be felled or removed by owners/builders/landscapers without the prior approval of the Trustees and the Estate Manager and is subject to approval by the Estate's Environmental Consultant.

No hard structures are permitted in the Riverine Areas. Stonehurst Mountain Estate is obliged to maintain all Private Open Spaces and Riverine Corridors as per the Riverine Operational Environmental Management Plan as approved by the City of Cape Town – South Peninsula Administration.

17. REFUSE

The household refuse is collected by **City Council on Thursdays at 7am in the morning**. Residents will be expected to provide their own black or green bags.

Garden refuse will be collected by Council, provided that the lawn clippings & plant trimmings are disposed of in green or black bags & placed in the black wheelie bin along with the kitchen waste (black bags). It is recommended that residents encourage their garden service providers to remove their additional garden refuse to avoid a resultant backlog at their homes.

All residents are required to apply to Council for a 240 liter black wheelie bin and all refuse must be placed in sealed black (household refuse) or green (garden refuse) bags inside this bin. Please contact Reception at the Lifestyle to make application to for the black bin which will be provided by the Council.

Council will not collect your refuse if the bags are placed directly on the verge, only refuse placed in the black wheelie bin will be collected.

RECYCLING COLLECTION SERVICE

The recycled waste is collected by **Wasteman on Mondays**. The recycled waste must be left in the smokey bags provided by Wasteman. We encourage all residents to participate in this environmental initiative. Wasteman will provide residents with the smokey bags.

18. TELEPHONES; E-MAIL and INTERNET

Telkom have been contracted by the SMEOA to provide the backbone for all telephony and internet services. Originally Smart Village (formerly Vodacom Gated Services) were contracted by the SMEOA to supply all homeowners/residents with these services, and their original infrastructure is also available to provide telephony and internet services as an alternative to Telkom. Applications for telephone lines and ADSL lines for e-mail and internet can be made through Estate management or directly with the service provider, and Estate Management has a 'Communications Guide' to help you choose your provider and service, which is available on request. Each completed house must have a connected telephone line before a move-in or completion certificate will be issued.

19. POST BOXES

Post boxes are situated to the left of the Guardhouse behind the glass screens and post will be delivered directly to the Estate. There will be individual sections for Stone Village, Stonehurst Close and Individual Residential Erven (East and West) to assist homeowners/residents with postal retrieval. A key for the postbox is available from Estate management. The postal service provider by the Post office is via the Retreat sorting office and is only done once per week, if more regular service is required then a Post Box needs to be applied for at a convenient Post Office.

Single Residential Erven:

House numbers are the same as that of the plot number and the road name is taken from the road which offers access to the home.

Mr. & Mrs. H. Owner
65 Wolfberg Close, Stonehurst Mountain Estate
Westlake Drive, Westlake 7945

Stonehurst Close:

Mr. and Mrs. H. Owner
No. 1 Stonehurst Close, Stonehurst Mountain Estate
Westlake Drive, Westlake 7945

Stone Village:

Mr. and Mrs. H. Owner
No. 1 Stone Village, Stonehurst Mountain Estate
Westlake Drive, Westlake 7945

20. MOVING IN

Prior to any moving in to any new house on the Estate a Move-in certificate must be issued by Estate management. This is to ascertain that the house complies with certain criteria. Without this document Security will not allow any moving vehicles access to the Estate. An Additional triple levy per month or part thereof, will be levied should move in occur without the required approval. Estate Management and Security are to be informed, at least one week in advance, of all intended move in dates. No horse and trailers (articulated vehicles) (*as per clause 14 above*) or containers will be allowed through the Main Gate. Please advise moving companies to use single axle vehicles or sprinter vans/shuttle vehicles. The Emergency Gate is for emergencies only and serves as an evacuation point for homeowners/residents and to allow emergency vehicles such as fire trucks access onto and off the Estate in the event of an emergency/disaster. The only time that the Emergency Gate will be used for "non-emergency access" will be to allow heavy equipment access onto and off the Estate when required as part of the building operations for specific plots.

Homeowners/residents are to ensure that appropriate window coverings, curtains and or blinds, are installed prior to moving in. No unsightly window coverings, such as sheets/blankets, paint or paper etc., will be permitted.

21. SUGGESTIONS, QUERIES AND COMPLAINTS

Suggestions, queries and complaints are to be lodged with the Estate Manager in writing. In the case of a serious contravention of the Code of Conduct, General Guidelines for Homeowners, Architectural Design Guidelines, the Constitution and the Contractor's Agreement for Stonehurst Mountain Estate, the written complaint is to be referred, by the Estate Manager, to the next Trustee's Meeting for arbitration.

22. BODY EXCEL GYM AND GYM MEMBERSHIP

Gym membership for homeowners/residents is covered by the monthly levy payable to the SMEOA. Four gym memberships will be issued to the registered homeowner and are applicable to family members residing permanently on the Estate. Gym memberships are not transferable unless the registered homeowner has ceded his/her rights to their tenant. Personal trainers and other professional fitness related services are not included as part of the Gym membership and residents/homeowners wishing to make use of these services will be billed accordingly at preferential rates.

Guest rates are applicable to all guests wishing to use the Gym facilities and who are residing with a permanent resident/homeowner at their home on the Estate. The resident/homeowner is to forward prior notification in writing to the Gym management requesting permission for their guest(s) to make use of the Gym facilities and to include the guests' arrival and departure dates and the address where the guest(s) will be staying. If prior arrangements have not been made for guest(s) they will not be allowed to use the Gym facilities. Should a guest(s) wish to make use of the services of a personal trainer during his/her stay, they will be offered the same rates applicable to homeowners/residents.

Tenants will not be allowed to make use of the Gym unless the registered homeowner from whom they are renting has signed the Tenant Policy Document (available from Reception at the Lifestyle Centre) and ceded their rights as to access onto the Estate as well as use of the Lifestyle Centre and Gym facilities.

Refer to the Homeowner's Code of Conduct for the rules and regulations governing the Gym at the Lifestyle Centre.