



BUILDING AGREEMENTS FOR NEW BUILDS,

RENOVATIONS AND ALTERATIONS

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BUILDING CODE OF PRACTICE

The following Code of Practice is designed to maintain the standards and safety of THE ESTATE and to ensure compliance by companies and individual service providers to the ESTATE with regards to construction.

1. Registration of builder

- a) The Contractor shall provide certificates of compliance and membership to the relevant controlling bodies
 - i. NHBRC enrolment certificate
 - ii. NHBRC membership certificate
 - iii. Workmen's Compensation;
 - iv. Relevant Insurance for public liability and vehicle cover
 - v. List of Sub-Contractors and their contact details
 - vi. Geotechnical site investigation report.

2. General compliance

- a) The Home Owner and Contractor will not knowingly deviate from the HOA Guidelines
- b) In a dispute over the Guidelines and approved plans, the Guidelines will take precedent
- c) The Home Owner and Contractor undertake to co-operate fully with the Architect and HOA to comply with the guidelines and its intent
- d) The HOA reserves the right to take action as they see fit for any transgression of noncompliance which may include, penalties and fines, removal of personnel from site, closing the site down or legal action.
- e) The appointed engineer must inform the Site Manager what date the Geotechnical site visit will be done.

3. Working Hours

- a) All activity on sites will be limited to:
 - 7H00 am – 17H45 pm Monday to Friday
 - 8H00 am – 12H45 pm Saturdays
- b) No site may be worked on during long weekends, public holidays and Sundays (eg. Easter) and Saturdays are also excluded during these long weekends
- c) The year-end closure times will coincide with the NSBHC calendar
- d) All contractor staff are to be out of the Estate by closing time, and cleaning up must be done during working hours
- e) Contractors and subcontractors found on site after hours will receive a spot fine of R1,000.00

4. Site establishment

- a) The Contractor shall only be allowed to establish the site once:
 - i. a copy of approved council plans have been submitted to the admin office;
 - ii. the Building deposit has been paid;
 - iii. the builders road levy has been paid;
 - iv. all the relevant certificates have been submitted to the Admin office;
 - v. a list of Sub-Contractors and their contact details including e-mail address.
- b) The Contractor is to keep the site in a neat and orderly state ; ensure the use of portable toilet facilities on site; the use of sealable refuse containers and rubble skips to keep refuse from blowing onto the rest of the estate
- c) A penalty of R5,000.00 will be imposed on sites that are not adequately established or established without correct authorisation
- d) All new building sites must be enclosed with a 40% green or black netting with a maximum height of 1.5m using gum poles tightened with wire at the top, middle and bottom to secure your building site.
- e) All building sand must be covered at the end of every day to minimize it blowing into the neighbourhood.

5. Site Maintenance

- a) The contractor is responsible to keep his site clean and avoid any refuse bags and litter to contaminate the rest of the estate
- b) The use of sealable refuse containers and skips is required
- c) The HOA reserves the right to impose the necessary penalties to enforce compliance which may include penalties and fines; shutting the site down or legal action.
- d) The builders hut must remain on site until the garage door has been installed and can be used as a secure storage facility. Should the contractor need to remove the builders hut before the garage doors are installed it will only be permitted if there is an acceptable alternative storage site in the Estate. This will only be approved by Management and acceptable by means of formal written request.

6. Considerations and courtesies

As there are still many homes to be built, there will be a lot of dust caused as sites are established and foundations dug. This can cause extreme discomfort for neighbours who will live in the dust clouds during our windy seasons. We request that contractors try to schedule the digging of foundations as close to the pouring of foundations and slabs as possible to limit the dust effect. The use of netting where possible can assist and is recommended.

7. Traffic and movement around the Estate

- a. The Contractor must ensure that his staff do not loiter or wander around the Estate. Movement between sites or to the exit must be direct and controlled, and is the responsibility of each contractor. Contractors will be fined if Staff is found loitering.
- b. If the Staff wish to enter the beach(public) area, then we require them to enter at the public open space near the entrance to the estate and not cross or use private property.
- c. All staff must wear fluorescent jackets/bands which can identify them as contract/site workers.
- d. Speed limit of 30 km/p to be adhered to at all times

8. Suppliers Vehicles

The Estate will be undertaking maintenance and repairs on the roads within the estate as an ongoing project. In order to limit any damage which can be caused by heavy duty vehicles, we set out the following conditions:

- a. A truck and trailer and double axel vehicles can cause serious damage to roads due to the turning limitations. Any supplier delivering materials to a contractor site using a truck and trailer, must detach trailer outside the estate and deliver in sessions. Contractors are encouraged to instruct double axel vehicles (such as cement trucks) to make as wide a turn as possible when turning corners in the Estate, and to refrain from turning their front wheels while in a stationery position.
- b. The Contractor will be responsible to escort their delivery cement trucks in and out of the estate to ensure that the truck does not spill any cement on the roads. Any spillage can cause damage to the surface and the contractor will be liable for the repair of such damage.
- c. Cameras will be positioned around the estate to monitor such traffic to identify any offenders
- d. A Fine of R2,500.00 will be issued for such offences, and any costs for damages will be charged and settlement immediately required. Continual infringements will be cause for the contractor to be banned from the estate.
- e. Contractors are to make cardboard sheets available on site to insert under the delivery trucks engines/sumps when motionless on site, to capture any possible oil leaks. Oil or any other fuel has a disintegrating effect on tar and will require immediate repair.

9. Safety requirements

- a) The Owner and Contractor are required to comply with the Occupational Health and Safety act No.85 of 1993 and regulations related thereto.
- b) Where construction takes place without compliance to the above, work will immediately be stopped by the SPBEHOA or BCO and appropriate penalties or fines may be imposed
- c) There will be no security personnel allowed overnight on the site save for the SPBE HOA security services currently in contract.

10. Connection to services

The contractor must obtain connection to the relevant services required for the site from the appropriate body:

- a) The water will be done by SBM (Council) and sewerage connections must be done by the plumbing contractor
- b) Temporary electrical connections and prepaid meters must be obtained from the ESTATE's Admin office. Inspections of both temporary and permanent connections needs to be done by the Estates electrical contractor and the cost of both inspections will be for the home owners account
- c) Illegal connections will be cause for suspension of site access and a fine of R10,000.00 payable before return to site
- d) **PERMANENT** Electricity supply will only be made available once an occupational certificate is obtained from council and a copy supplied to the admin office.

11. Completion of construction

- a) shall remove all rubble and refuse
- b) shall remove enclosures, toilets, skips and signage and any other equipment located on site
- c) inspection by the BCO
- d) Building Inspection by scrutiny architect
- e) Settling of any outstanding fines or penalties
- f) Supply of occupation certificate
- g) Construction, once commenced, must be completed within one calendar year (12 months) in a workmanlike manner and with the minimum disruption to the surrounding owners.

12. Home Owners liability

- a) The home owner will be liable for any outstanding fines imposed on the contractor should he fail to settle.
- b) The Home Owner will not be issued with a completion certificate unless all outstanding obligations and relevant fines have been settled by the homeowner.
- c) Illegal overnight occupation of the site or residence will be cause for penalties or fines imposed and the site closed down.

13. Handover and occupation

- a) Scrutinising Architect must sign off the build
- b) Site Manager must sign off the site
- c) Estate Manager and the Chairman must sign off the closing of the file
- d) The Home owner must submit a form requesting the refund of his deposit together with a bank account confirmation document
- e) The accounts department will calculate the balance to be refunded after any inspections and costs for prepaid meters have been deducted, unless the home owner can provide POP that he has prepaid these costs
- f) A copy of the occupational certificate must be submitted to the admin office before occupation may take place

HOME OWNER

CONTRACTOR

ERF NUMBER _____

DATE _____

Special conditions regarding Building and plastering.

a. No builders / workers are allowed to walk into the Estate to the building sites in the mornings. Contractors will only be allowed to enter the Estate from 7am any builder found on building sites before 7am and has started to work will be fined R500 per person. Contractors need to drive the builders / workers in and out of the Estate. Builders to start cleaning up the sites on a daily basis at 17h30 and needs to pack up at 17h45 to be out of the Estate by 18h00. Any builders that are still on site after 18h00 waiting for transport will be liable for a fine of R500 per builder / painters / helpers no exceptions to the rule. No one to walk off building sites to exit the Estate for whatsoever reason, if found a R500 per person will be issued to the Contractor / Owner.

b. Concrete trucks will only be allowed into the Estate from 7am to 16h00. Any truck entering the Estate after the schedule time will be fined R5000 and the truck will be stopped from pouring any concrete. All contractors need to schedule the deliveries accordingly. Contractors to make sure that enough workers are on site to execute the completion of the pouring of foundations / floors and slabs.

c. Plasterers are not allowed to plaster any double story home walls if they are not able to complete it by 17h45, large floors for screeding's must also be completed by 17h45, this can be accomplished if proper planning is done by the contractor. Any plasterer that is not compliant will be fined R500 per person found after 18h00 on the building sites.

d. Plumbers / tilers / installers of any kind will be allowed on sites from 7am to 17h45 and needs to be off site by 18h00, and if found working at any building sites for whatsoever reason a fine of R500 per person will be issued when found working on building sites.

e. Roof erectors will be allowed into the Estate from 7am to 17h45 to be off site by 18h00, any worker found on the roof or on site will be fined R500 per person.

f. **a Setting out Certificate to be submitted to the HOA office (Building Inspector) prior to commencement of foundation walls.**

g. **The Land Surveyor must come out and supply written confirmation (Height Certificate) at Wall plate level that all double story structures are within the building height as per the building plans prior to commencement of roof construction.**

h. **Should there be any deviation from the approved plans, please undertake to rectify these deviations before you request a final site inspection from the Architects. Once a final inspection is done and deviations have occurred, the relevant fines will be imposed.**

THESE FINES WILL BE ISSUED IMMEDIATELY AND WILL BE PLACED ON THE OWNERS LEVY ACCOUNT.

HOME OWNER

CONTRACTOR

ERF NUMBER _____

DATE _____

BUILDING PROCEDURE FORM

THE FOLLOWING PROCEDURES ARE TO OCCUR IN SEQUENCE AND NOT IN RANDOM ORDER.

YOU MAY APPLY FOR A VARIATION APPROVAL THROUGH THE ADMIN OFFICE TO BE

ADDRESSED TO THE SCRUTINY ARCHTECT AND DOCUMENTATION COMPLIANCE OFFICER.

A. Submission of Plans:

1. Pay Architects scrutiny fee.
2. Make sure your levy account is paid up to date.
3. Scrutiny of plans only after deposits, fees and levies have been paid.
4. Once the plans are approved by the HOA a building deposit of R25,000 .00 is to be paid together with the ROAD LEVY of R3, 500.00.
5. Submission of HOA Approved plans to Council for Municipal Approval. Deposits will be refunded without interest once the occupation certificate is received and the site is satisfactorily approved by management. The road levy is non-refundable.
6. Supply 1 hard copy and 1 emailed copy of approved plans to admin office before commencement of building.

B. Access to building site will only be allowed once the following is complete and failure to comply will result in the Home Owner forfeiting their building deposit: (Access means, that the contractor has physical access to deliver material, and commence construction).

1. Approved plans have been handed in at HOA Office;
2. Written notice has been given to the HOA of when building will commence. Delivery of building materials may be done within a reasonable time before construction commences. We, however, request that contractors not store materials on site for an undetermined period as it makes the estate look like a dump site. If this is abused, then we will request that such materials be removed.
3. The Site toilet is installed; and
4. Provision made for the supply of water to be used on the building site as required installed by SBM.

C. Process once building has been completed and transgressions identified:

1. The HOA Architect will be invited to do a final site inspection to compare the completed structure with the approved plans.
2. The Surveyor appointed by the Home Owner must issue a height certificate to be handed to the HOA.
3. The HOA Architect will only issue a Completion Certificate if construction is in accordance with the Guidelines and Approved plans, which certificate is to be handed in to the Council by the Home Owner when applying for an Occupation Certificate
4. A copy of the Council Occupation Certificate is to be handed in to the Office within 5 working days of issue.
5. The Estate Electrical Contractor will do a **permanent** electrical connection to the premises once the occupation certificate has been supplied and all outstanding fines settled. A temporary connection will be supplied for construction.
6. Only once the above has been complied with, will the Home Owner be legally entitled to take occupation of his dwelling. Owners who occupy their homes illegally will be reported to the Council, and in addition will be fined by the HOA, and the power disconnected. A reconnection fee will be applicable
7. Height restrictions and boundary violations: If any part of the building exceeds the restrictions as stipulated in the guidelines and does not meet with council approval (ie. exceeding the height limits; building over the

boundaries; etc.), then a R100,000.00 fine will be imposed, and payable immediately. The offending contractor will also be banned from building on the estate in future.

8. **A one meter (1000mm) wide strip will be demarcated for the installation of a paved pathway for Pedestrians to safely traverse the Estate. This will be commonly known as the “General Pedestrian Walkway Network” This pathway network will be placed against the roadside verge (curb stone) running parallel with the road. All homes will be responsible for the paving of their sidewalk section prior to occupation.**

D. ALTERATIONS AND ADDITIONS

1. Any alterations to the plans need to be approved by the HOA Architect and Council before such alterations are undertaken.
2. A RENOVATION / ALTERATION deposit of R12,500.00 will be payable on submission of plans to the admin office.
3. A ROAD LEVY of R3,500.00 will be payable before site establishment occurs.
4. If any part of the construction or any alterations are made which do not comply with the Guidelines, then these corrections need to be made before a Completion Certificate will be issued. Failure to comply will result in the relevant fines being imposed.
5. If a Home Owner takes occupation of his house before a Completion Certificate is issued by the HOA Architect, he shall forfeit his building deposit in favour of the HOA and in addition will be levied a fine of R200.00 per day for every day that the house is occupied without a Completion Certificate.
6. All outstanding levies, penalties and fines must be settled before a Completion Certificate is issued and the building deposit reimbursed. The HOA shall be entitled in their sole and absolute discretion, where the building deposit has not been forfeited, to deduct all outstanding amounts due by the Home Owner from the building deposit before reimbursing the balance thereof to him.

INDEMNITIES:

The Estate, the HOA and its Trustees are indemnified from:

1. Any claims between the Home Owner and his/her contractor/s.
2. Any public liability claims as a result of activities on the home owners site
3. Any default claims from construction discrepancies or defaults by the home owners contractor/s on any private site
4. Any non-compliance by the home owner or contractor relating to approved plans and approvals supplied by the scrutiny architect and/or council.
5. Any public liability claims due to non-compliance of health and safety requirements on private sites as required by the relevant regulating authorities.
6. Any theft or damage of property on the private plot. Security measures are the responsibility of the home owner.

LIST OF APPLICABLE FINES/PENALTIES RELEVANT FOR THE ESTATE – 2023/2024

The following infractions on the Estate will incur the following fines.

1. Refuse removal feeR500.00
2. Driving quadbikes in the Estate.....R500.00
3. Parking vehicles on sidewalks.....R500.00

Contractors:

1. No SkipsR500.00 p/day
2. No Waste binsR500.00 p/day
3. No ToiletsR500.00 p/day
4. Waste bin present but rubbish not in binR500.00
5. Staff off site (per person).....R500.00
6. Commencement of/or incorrect site establishment without approval.....R5000.00 p/day
7. Working on site outside of approved hours.....R1000.00
8. Reckless spillage of cement, fuels, hazardous material on the roadsR2500.00
9. Illegal water/electrical connections.....R10 000.00
10. No netting enclosure or boundary wall to seal of siteR5000.00

Home Owners:

1. Occupation before completion.....(forfeit of deposit)+ R200p/day
2. Illegal water/Electrical connections.....R10 000.00
3. Exceeding the height restrictionsR100 000.00
4. Diversion of construction from approved plans.....R50 000.00
5. Building or additions without council approved plans.....R50 000.00
6. Not completing construction within the required 12 month period.....R10 000.00pm
7. Not rectifying incorrect construction.....R10 000pm
8. Lack of house and garden Maintenance.....(2 warnings, then a fine) R500.00

I acknowledge that I have read and accept these procedures and will abide by the rules of the HOA.

ERF NUMBER: STREET ADDRESS :

NAME OF PROPERTY OWNER:

SIGNATURE: DATE

DETAILS OF PERSON SIGNING ON BEHALF OF COMPANY/CLOSE CORPORATION OR TRUST

BUILDING CONTRACTOR COMPANY NAME:

AUTHORISED SIGNATURE: DATE: