

ZEVENWACHT COUNTRY ESTATE

HOME OWNERS ASSOCIATION

REGULATIONS & CODE OF CONDUCT GOVERNING **BUILDING CONTRACTORS ACTIVITIES**

THIS DOCUMENT MUST FORM PART OF ANY BUILDING CONTRACT AND MUST BE SIGNED BY THE OWNER AND MAIN CONTRACTOR AND A COPY THEREOF MUST BE LODGED WITH THE HOA BEFORE ANY BUILDING ACTIVITY MAY COMMENCE.

CONDUCT FOR BUILDING CONTRACTOR ACTIVITY

1. A deposit is required on approval of building plans.
2. Working hours are restricted.
3. Entry and exit is permitted through the main entrance only and by vehicle only in accordance with the security regulations.
4. Pegs
5. A main contractor board must be erected on site.
6. Building activities must be confined to the site.
7. Toilet facilities must be provided.
8. Any storage shed must conform to the HOA requirements.
9. Sand heaps must be covered adequately.
10. Drainage and run off to be controlled.
11. Measures to be taken to avoid blown dust.
12. Rubbish must be removed regularly and may not be burnt on site.
13. Rubble must be removed regularly.
14. Fill must be disposed of.
15. Deliveries are subject to restrictions.
16. Speed limits must be adhered to.
17. Noise must be kept to a minimum.
18. No person may sleep on a building site.
19. Members and contractors are responsible for damage to property.
20. Contractors are not permitted to enter the park areas.
21. No deviations are permitted without prior approval of the HOA.
22. Plans must be signed off on varying levels (Ground level – excavating, before building, Ground floor height before 1st floor is built for double story houses, Roof level
23. External paint colours samples to be provided and approved.
24. Contractors must comply with legislated requirements.
25. The HOA may suspend building activity.
26. No written warnings will be issued prior to the issuing of a penalty following a contravention of the rules.
27. Members and contractors undertake to comply with these regulations.

BEFORE ANY BUILDING ACTIVITY MAY COMMENCE AND BEFORE ANY MATERIALS MAY BE DELIVERED TO SITE :-

1. Building plans must have been approved by the HOA and the relevant Municipal Authority.
2. A copy of these building plans, duly signed and stamped by the Municipal Authority and the HOA, must have been lodged with the HOA.
3. Site toilets must have been provided in terms of the regulations.
4. The main contractor board must have been erected.
5. Suitable depositories for rubble and rubbish must have been provided.

INTRODUCTION

The ZEVENWACHT COUNTRY ESTATE HOME OWNERS ASSOCIATION (“HOA”), the legally constituted representative of all owners in ZEVENWACHT COUNTRY ESTATE (“the Estate), has adopted certain rules and regulations relating to building contractor activity on the Estate. This document sets out those rules and regulations. The primary intention of the provisions hereunder is to ensure that all building activity at the Estate occurs with minimum disruption to members and residents.

In the event of any uncertainty members and/or their contractors should contact the HOA for clarification. The conditions governing building activity, as set out in this document, are rules adopted by the HOA and are accordingly binding on all members. Notwithstanding that members are responsible for the conduct of contractors appointed by themselves, members are obliged to ensure that such contractors and/or sub-contractors are made aware of these conditions and comply strictly thereto.

Members are therefore required to include these conditions, in their entirety, in any building contract concluded in respect of property on the Estate. The main contractor is responsible for the activities of all his employees, sub-contractors and suppliers and accordingly he is expected to have competent supervision on site at all times to ensure compliance with these rules and regulations. If there is no main contractor and/or where sub-contractors are appointed by the member then, in such an event, the member shall assume the responsibility of the main contractor as outlined hereunder.

The HOA has the right to suspend any building activity in contravention of any of the conditions hereunder and in so doing the HOA accepts no liability whatsoever for any losses sustained by a member or contractor as result thereof. The HOA reserves the right to exercise latitude, at its discretion, where special circumstances exist.

Any concessions so made shall in no way prejudice the rights of the HOA to enforce these regulations to the full extent prescribed.

REGULATIONS & CODE OF CONDUCT

In the following text where terms such as suitable, adequate, appropriate etc. are used, the HOA shall be the sole arbiter as to what is suitable, adequate, appropriate etc. Where specifics are mentioned such specifics shall not affect the generality of the content.

1. DEPOSIT

The member shall deposit an amount as determined by the HOA (“the Builders Deposit”) with the HOA prior to the approved of building plans and the commencement of building operations. Such deposit shall be held in trust to defray expenses caused by damage to services/amenities and may be used by the HOA to rectify and/or ensure compliance with these regulations during the course of construction.

The deposit and interest accrued thereon (or any lesser amount due after deduction of the expenses herein before mentioned) will be refunded on completion of building and related activity to the satisfaction of the HOA. In the event of the deposit not being sufficient to cover the cost as before mentioned then the owner undertakes to pay the shortfall on demand.

2. WORKING HOURS

Contractors are only permitted on the Estate from 07:30 to 18:00 on weekdays and from 07h30 to 15h00 on Saturdays. No contractor activity is permitted on the Estate on Sundays and Public Holidays.

3. ENTRY & EXIT

All main contractors, supervisors, architects, sub-contractors and any others involved in the construction, who will be on site more than once a week, must obtain a temporary access permit from the HOA which will be valid for one calendar month and is to be reissued on the first day of each month. All persons entering the Estate are to comply with the security provisions of the Estate.

Persons may only enter or leave the Estate through the main entrance and by vehicle only; workers on foot will not be permitted entry to the Estate. Drivers of vehicles are responsible and accountable for the activities and behavior of all occupants of the vehicle. No workers will be permitted on any part of the parks or on property other than that on which they are authorized to work.

4. PEGS

It is the member (owner's) responsibility to make sure that all pegs required for building work / improvements are correctly placed by engaging the services of a registered land surveyor.

5. MAIN CONTRACTORS BOARD

In order that the HOA can make contact with the appropriate party when necessary a main contractors/architects board must be erected on site before building activities commence. The said board must be removed upon completion of construction.

No sub-contractor boards or boards of any kind are permitted on the Estate.

No secondhand boards may be used.

6. ENCROACHMENT

Building activities are to be confined to the property and shall not encroach onto adjoining properties unless written permission therefore has been obtained from the relevant owner(s) and lodged with the HOA. Permission to encroach onto "common" areas must be obtained from the HOA which permission will only be granted in exceptional circumstances.

Limited off-street storage and site access will be available where verge landscaping has already been completed. Arrangements must be made via the HOA to remove plant material where possible or protect same during construction. The HOA reserves the right to replace plant material, at the owner's expense, should same be damaged.

The building contractor will be required to construct the boundary walls before commencing with any other excavation and building works on site.

7. TOILET FACILITIES

Before any activities commence an adequate toilet must be provided on the site in such a position which will be screened from the parks and street when the building reaches eaves height. The

contractor must ensure that adequate supplies of toilet paper are on hand to prevent the use of cement bags or newspaper which may lead to blockage of the sewer system. Anyone found not using the toilet will be removed from the Estate forthwith.

Toilets linked to the sewerage system must be situated within the demarcated area. Chemical toilets must be emptied regularly, but at least each Friday.

8. STORAGE FACILITIES

If a store is placed on site it must be acceptable, adequate, secured and placed within the site boundaries.

Building contractors are allowed two containers on the erf, one for storage and one for a site office, subject to the following rules :

The container :

- must have no dents;
- must be painted green;
- must be locked from the outside during no working hours;
- must be removed from the erf before the Occupation Certificate is issued;
- must be on the erf where building work/improvements are being done;
- nobody will be allowed to sleep in the container;
- The HOA must be indemnified against all risk of insurance, fire, theft, etc. relating to the containers;
- No building material must be stored on or against the containers.

9. SAND STORAGE

Members and/or builders will be held responsible should neighbors be affected by wind blown sand. Sand heaps must be covered with 80% shade cloth before leaving the premises each day and must be covered on working days if wind is causing sand to be blown from such heap. Loose sand must not be left to spread over the building site and must be regularly heaped and covered.

The contractor and member are responsible to clean the verges and road of all sand and rubble washed or moved onto the verges and road at regular intervals.

10. DRAINAGE AND RUN OFF

Members and/or builders are to ensure that the drainage and run off from the construction activities does not find a route over adjoining properties or into natural watercourses.

11. PREVENTION OF EXISTING GROUND COVER

Preservation of the existing ground cover is essential for the stabilization of the topsoil and members and/or builders shall ensure that the terrain, where vegetation has been removed, is kept damp in order to avoid dust being blown onto adjoining properties.

12. DISPOSAL OF RUBBISH

Before building operations commence suitable containers for the ongoing accumulation of litter, plastic bags, cement bags, packing material etc. shall be placed on site.

The containers must be securely covered when the site is vacated and must be emptied and the contents thereof removed from the Estate at appropriate intervals, but in any event, not less frequently than close business each and every Friday.

Burning of rubbish is not permitted under any circumstances.

13. DISPOSAL OF RUBBLE

During building operations rubble must be accumulated in a suitable pre-designated area within the site boundaries and must be removed from the Estate at appropriate intervals.

14. DISPOSAL OF FILL

During building operations fill arising from building activities must be accumulated within the site boundaries and covered with 80% shade cloth if not required for landscaping purposes must be removed at appropriate intervals.

15. DELIVERIES

Deliveries from suppliers must be scheduled during working hours only.

Delivery vehicles will not be allowed entry after 17:00 on weekdays and after 14:00 on Saturdays, if they are unlikely to be in a position to exit before 18:00 and 15:00 respectively. Vehicles carrying abnormally large and/or heavy loads may be denied access to the Estate or certain parts thereof. Similarly abnormally long and/or articulated vehicles will not be permitted entry for practical reasons.

Suitable advance arrangements must be made with suppliers in this regard and the HOA accepts no liability for cost incurred as a result thereof. Members and contractors will be liable for damage caused by any vehicle associated with activity on their site and recovery of any related cost from the owners or drivers of those vehicles will be the responsibility of members and contractors. Where materials are off-loaded by a supplier and encroach onto the verge or road these materials must be moved immediately onto the site by the contractor. No materials are to be allowed to remain on the verge or road and it is the contractor's and member's responsibility to clean the verge and road of all such materials.

Contractor to clean spillages/oil marks immediately.

16. SPEED LIMITS

All persons entering the Estate are to abide by the maximum speed limit of 40 kph. within the Estate.

17. NOISE

All noise on site must be kept to a minimum. Where objections/complaints about excessive noise are lodged by members, the HOA will take appropriate actions.

18. SLEEPING ON SITE

Under no circumstances may any employee of a contractor or sub-contractor reside or sleep on a building site during the construction period. Anyone found doing so will be evicted from the Estate. Written applications made to the HOA for permission for a bona fide uniformed security person to patrol specific properties at designated times will be considered on individual merit.

19. DAMAGE

Owners and contractors shall be responsible for any damage caused by them or their agents on the Estate including, without affecting the generality thereof, damage to kerbs, verges, planted areas, private property and the common property in the Estate.

20. PROTECTION AND PARKS & COMMON PROPERTY

No person associated with building or allied activities on the Estate is permitted to enter the park areas of the Estate.

21. DEVIATIONS

Where building work deviates from previously approved plans all building work relating thereto must cease, with immediately effect, until such time as such deviation has been approved by the HOA.

22. PLANS SIGN-OFF

The levels need to be signed off by a surveyor to prevent owners from building higher than what is stated in the guidelines:

- Ground level (excavating) – before building
- Ground floor height before 1st floor is built for double story houses
- Roof level

23. EXTERNAL PAINT COLOURS

All external paint colours are to be in accordance with colours approved by the HOA. Prior to the painting of buildings the member and/or builder is to provide paint samples together with a detailed description of such colour for approval.

24. LEGISLATED REQUIREMENTS

Members and contractors are responsible for ensuring that all safety and other legislated requirements are complied with.

25. UNDESIRABLE CONDUCT

Should the HOA be dissatisfied with the conduct of any contractor, sub-contractor or supplier, the HOA may rectify as deemed necessary and/or suspend building activity until such undesirable conduct is rectified.

26. CONTRAVENTIONS / PENALTIES

Members and contractors are responsible for ensuring that all safety and other legislated requirements are complied with. Since the owner and contractor are issued with a copy of all the applicable rules before any building activity can commence and that both the owner and contractor also need to sign acceptance of these rules, no written warnings will be issued prior to the issuing of a penalty following a contravention of the rules.

27. UNDERTAKING

By their signatures hereto members and contractors acknowledge that they understand the content of this document and agree to be bound by the provisions hereof.

ACKNOWLEDGEMENT

We, the undersigned, hereby acknowledge that we understand the content of this document and agree to be bound by the provisions thereof.

ERF NO: _____

CONTRACTOR'S DETAILS

Name: _____

Contact Person: _____

Telephone No: _____

Fax No: _____

Cell No: _____

SIGNED AT _____ ON THE _____ DAY OF
_____ 20____.

MEMBER*

SIGNED AT _____ ON THE _____ DAY OF
_____ 20____.

CONTRACTOR

* If the development of the property is being undertaken by an appointed representative of the member, an acceptable authority for the representative to act on the member's behalf must be attached to this document.