

Zevenwacht Country Estate

Home Owners Association

Building Contractor Activity Rules (BCAR)

Approved by the Board of Trustees per Round Robin decision 24 May 2016 as regulated by Clause 16 (Functions and Power of the Trustee Committee) of the Zevenwacht Country Estate Home Owners Association Constitution.

Layout and style revised for improved comprehensibility; 25 July 2019.

Clause 28 updated to reflect Revised Penalty Schedule; 12 April 2023

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INTRODUCTION

The ZEVENWACHT COUNTRY ESTATE HOME OWNERS ASSOCIATION (HOA), being the legally constituted representative of all owners in ZEVENWACHT COUNTRY ESTATE (the Estate), has adopted certain rules relating to building contractor activity in the Estate. This document sets out these Building Contractor Activity (BCA) Rules. The primary intention of the provisions hereunder is to ensure that any building activity in the Estate occurs with minimum disruption to members and residents.

In the event of any uncertainty, the Member and/or Contractor should contact the Office of the Estate Manager for clarification. The conditions governing building activity, as set out in this document, are rules adopted by the HOA and are accordingly binding on the Member. Notwithstanding that the Member is responsible for the conduct of his/her appointed Contractor, the Member is obliged to ensure that the Contractor and/or sub-contractors are made aware of these conditions and comply strictly thereto.

The Contractor is responsible for the activities of all his employees, sub-contractors and suppliers and accordingly is always expected to have competent supervision on site to ensure compliance with these rules. If there is no Contractor as in the case of Owner/Builder construction and/or where sub-contractors are appointed directly by the Member, the Member shall assume the responsibility of the Contractor as outlined in the BCA Rules

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 a 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.

RULES & CODE OF CONDUCT

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

1. BUILDING PLANS AND DEPOSIT

A copy of the plans as approved by the HOA as well as the City of Cape Town (Municipality), must be submitted to the Office of the Estate Manager.

The Member shall deposit an amount as determined from time to time by the HOA ("The Builders Deposit") with the Managing Agent prior to the commencement of building activity. 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 construction. Proof of payment must be submitted to the Office of the Estate Manager.

The deposit and interest accrued thereon (or any lesser amount due after deduction of the expenses herein aforementioned) will be refunded on completion of building and related activity to the satisfaction of the HOA. In the event of the deposit being insufficient to cover the cost as aforementioned, the member undertakes to pay the shortfall on demand.

2. WORKING HOURS

Building activity is permitted in the Estate from 07h30 to 18h00 on weekdays and from 07h30 to 15h00 on Saturdays. No building activity is permitted in the Estate on Sundays and Public Holidays.

3. ACCESS CONTROL & SECURITY

The contractor, supervisors, sub-contractors, their workforce members as well as contracted service providers and any others involved in the construction process and visiting the building site, must comply with the Estate's access control measures in force at the time of construction. Drivers of vehicles associated with the building activity are responsible and accountable for the activities and behaviour of all occupants of such vehicle.

All persons entering the Estate must comply with the Home Owner's Association's security provisions. No worker 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's and contractor's responsibility to ensure that all pegs required for building work/improvements are correctly placed by engaging the services of a registered land surveyor.

5. MAIN CONTRACTOR BOARD

In order that the HOA can contact the appropriate party when necessary, a main contractor/architect board must be erected on site before building activities commence. Specifications can be obtained from the Office of the Estate Manager. The said board must be removed upon completion of construction.

No secondhand boards, sub-contractor boards or boards of any other kind are permitted in the Estate.

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. Such 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 with 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 a suitable toilet must be provided on the site in 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 every 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 containers:

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

9. SAND STORAGE

Members and/or builders will be held responsible should neighbours be affected by windblown 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

The contractor and member are to ensure that the drainage and run off from the construction activities do not find a route over adjoining properties or into natural watercourses.

11. PRESERVATION 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 of business each and every Friday.

The 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

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

15. DELIVERIES

Deliveries by suppliers must be scheduled to take place during the specified working hours only. Delivery vehicles will not be allowed entry after 17h00 on weekdays and after 14h00 on Saturdays, if they are unlikely to be in a position to exit before 18h00 and 15h00 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. The members and contractor will be liable for damage caused by any vehicle associated with activity on the site. Recovery of any such related cost from the owners or drivers of those vehicles will be the responsibility of the member and contractor. Where materials are off-loaded by a supplier and encroach onto the verge or road, such materials must be moved immediately onto the site by the contractor. No materials will be allowed to remain on the verge or road and it is the responsibility of the member and contractor to clear the verge and road of all such materials. Spillages/oil marks are to be cleaned immediately.

16. SPEED LIMITS

Any person driving a vehicle in the Estate must adhere to the maximum speed limit of 40 kph.

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

The owners and contractor shall be responsible for any damage caused by them or their agents in 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 OF PARKS & COMMON PROPERTY

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

21. DEVIATIONS

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

22. LEVELS SIGN-OFF

To avoid, from the outset, extensive remedial work before the Municipality and/or the HOA will be able to issue the required occupational certificates on completion, special attention needs to be paid to as-built levels throughout the construction phase. Levels must be measured and signed off by a registered surveyor as complying with the approved plans at the following stages:

- Ground level on completion of excavations before casting of concrete foundations or alternatively, ground floor slab height before commencement of brickwork,
- Roof level at highest point of the ridge.

The required surveyor's certificates are to be submitted timeously to the Office of the Estate Manager. Should the certificates, in the sole judgement of the HOA, indicate an unacceptable height deviation from the approved plans, suspension of construction as per §21 may be enforced until such time that remedial steps have been agreed to.

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 for approval.

24. LEGISLATED REQUIREMENTS

The member and contractor are responsible for ensuring that all safety and other legislative requirements are complied with.

25. UNDESIRABLE CONDUCT

The contractor is responsible for the activities of all his employees, sub-contractors, service providers and suppliers, and accordingly is expected to always have competent supervision on site to ensure compliance with the Building Contractor Activity Rules.

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

26. CONTRAVENTIONS

Since both the member and contractor are issued with a copy of the Building Contractor Activity Rules and are required to sign acknowledgement of the contents thereof, no written warnings will be issued prior to the issuing of the applicable penalty following a contravention of any of these rules. Refer §28.

27. PREREQUISITES

No access to the Estate to commence any building activity, including the delivery of building materials, will be granted to the contractor and/or any sub-contractor unless the Office of the Estate Manager has issued an *Authorisation to Commence Building Activity* for the property in question. Prerequisites for the issuing of such *Authorisation to Commence Building Activity* are that the Office of the Estate Manager must have been provided with:

- A copy of approved building plans. Refer §1,
- Proof of payment of the prescribed deposit. Refer §1,
- Confirmation that the prescribed main contractor board has been erected on site. Refer §5,
- Confirmation that a toilet has been erected on site. Refer §7,
- Confirmation that a suitable depository for rubbish has been provided on site. Refer §12,
- Signed acknowledgement of the contents of the Building Contractor Activity Rules. Refer §29.

28. **PENALTY SCHEDULE**

Calculation & repetition of penalties for contravention of the Building Contractor Activity Rules (Ref BCAR):

Extract from Penalty Schedule as approved by the Zevenwacht Home Owners Association Board of Trustees with effect from 12 April 2023:

CONTRAVENTION OF BUILDING CONTRACTOR ACTIVITY RULES IN TERMS OF:	POLICY CLAUSE REFERENCE	% OF MONTHLY LEVY. (See Note BCAR below)
Building activities without the required approval / authorisation	BCAR 1 & BCAR 27	100%
Working hours	BCAR 2	60%
Access control & security	BCAR 3	100%
Main contractor board	BCAR 5	60%
Encroachment	BCAR 6	100%
Toilet facilities	BCAR 7	100%
Storage facilities	BCAR 8	100%
Sand storage	BCAR 9	100%
Drainage and run-off	BCAR 10	100%
Preservation of existing ground cover	BCAR 11	100%
Disposal of rubbish	BCAR 12	100%
Disposal of rubble	BCAR 13	100%
Disposal of fill	BCAR 14	100%
Deliveries	BCAR 15	60%
Noise	BCAR 17	100%
Sleeping on site	BCAR 18	100%
Damage	BCAR 19	25% + cost of repairs
Protection of parks and common property	BCAR 20	60%

Note BCAR: Penalties may be imposed on a monthly basis, except for BCAR 9 (Sand storage) BCAR 12 (Disposal of rubbish), BCAR 13 (Disposal of rubble) and BCAR 14 (Disposal of fill), which may be imposed on a weekly basis. In the event of a continuing contravention, the Member shall be deemed to be guilty of a separate contravention for each set period during which such contravention continues and shall be liable for a penalty in respect of each such separate contravention. Since both the owner and contractor are issued with a copy of all the applicable rules before any building activity can commence and both parties 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.

29. ACKNOWLEDGEMENT AND ACCEPTANCE

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

Erf No: _____ Street address: _____

CONTRACTOR'S DETAILS:

Name: _____

Contact Person: _____

Telephone No: _____

Cell No _____

E-mail address _____

Signed at _____ on the _____ day of
_____ 20 _____

CONTRACTOR'S SIGNATURE

If there is no Contractor as in the case of Owner/Builder construction and/or where sub-contractors are appointed directly by the Member, the Member shall assume the responsibility of the Contractor as outlined in the BCA Rules.

Signed at _____ on the _____ day of
_____ 20 _____

MEMBER'S SIGNATURE

Note: 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.