

ANNEXURE A

to the TRI-PARTY AGREEMENT between the HOA, Owner and the Main Building Contractor or Owner builder.

BUILDING RULES

CONTROL OF BUILDING ACTIVITIES

Document ZCE 3 V 7 m

Note: These Rules are registered with the CIPC (Certification of Intellectual Property Council), embedded in the MOI (Memorandum of Incorporation) which is on its turn is embedded in the Companies Act, 2008, Act 71 of 2008.

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INTRODUCTORY RULES:

- A. These **rules governing the building activities** are intended to ensure that the **quality of life** of residents in the Estate is not unduly **compromised or inconvenienced**, and the **impact** on the **environment** is minimized, by the building activities, yet allowing for **efficient construction**.
- B. A copy of this **signed document** by the **owner** and the **main building contractor** must be **handed** in with the ZCE office to be **filed** on the **Estate's Stand File** of a specific stand or **Form ZCE 3** (on the website) has to be **signed** and handed in.
- C. Every month compulsory Communication or Builders' **meetings and/or training** for **Main Building Contractors** and **owner builders** will take place. Attendance of these meetings are **compulsory**. Access to these meetings is permitted only until 12 noon, after 12 noon no **access to a builders' meeting** will be permitted. Building contractors and owner builders not attending these meetings will be **penalised** (R2500,00) and **access** to the Estate can be denied.
- D. **Communication:** All communication with owners and main building contractors will be done by means of e-mails. If no **official e-mail address**, no approval of plans will take place and no Building Project Clearance Certificate (BPCC) or Project Clearance (PC) will be issued.
- E. **Other applicable rules** are included in the **Architectural Design Rules, Tri-party Agreement, MOI** and the **Conduct Rules**.

- F. **No main building contractor, owner builder or owner is permitted to stretch or ignore or break the rules of the Estate.**
- G. Accredited main building contractor/main building contractor/contractor/ builder/ project manager/principal contractor also implies **OWNER BUILDER!!**
- H. It is the sole responsibility of the legal owner of a stand on the Estate to do proper research in identifying and appoint a well experienced and well performing main building contractor to build his/her house on the Estate. The cheapest contractors are always the unexperienced builders and normally takes short cuts to save money, with the result that projects are not completed or not completed in time with the result of higher expenditure and costs for the owner. The appointed and accredited main building contractor (MBC) is responsible for the **complete building project** from the date of the signing of the Building Project Clearance Certificate UNTIL the date of the successful Aesthetical Occupancy Inspection. Only the MBC appoints sub-contractors and manages the complete building project with full responsibility on behalf of the legal owner. No main building contractor may only do part of the construction work and leave the rest to the owner or for the owner to execute construction related work under the licence of the main building contractor. If this manner of operation is identified, the main building contractor will be put off the Estate permanently and the owner will be fined with R5000.00. No owner is permitted to interfere with the building project's development and appoint on his own sub-contractors to undermine his appointed main building contractor or to "save money" after the signing of a building contract, or to take the project over without informing the Building Manager in writing during a visit to the Building Manager's office. Under all conditions the owner must liaise with and inform the Building Manager of the Estate regarding any problem discovered during the building project. Whenever a builder's contract is terminated by an owner, the Building manager must be informed by means of an interview and a written document. When this happens all agreements, documents and forms must be redone with the new main building contractor and the owner during a new building project interview with the Building Manager of the Estate.
- I. **Official notice boards** of the HOA or that of the City Council: Whenever official notice boards or signs are erected on a building site and any person tampers or removes it, a spot fine of R5000,00 will be imposed on the owner's levy account automatically.
- J. No resident, visitor, service provider or worker may take any **photos** of other owner's houses, property, people, structures, etc. Only the Management of the Estate is permitted to do so.
- K. The responsibility always lies with the owner of a property to acquaint him- or herself primarily regarding the **contents of all rules of the Estate** at all times. The responsibility doesn't lies with the HOA or the Management. No owner can state at any time that he or she was uninformed or unaware of a specific rule of the Estate. The rules are also available on the website of the Estate for personal empowerment by the owner and hard copies can be obtained from the HOA Office.
- L. A **new owner of a property on the Estate** must make an appointment with the Building Development & Aesthetical Environment Manager at the HOA Offices in order to be inducted on the Estate, its rules, the Estate's rules, procedures & practices as well as applicable general information.
- M. In the event of **appeals or contesting of the facts** relating to any fine imposed or decision made by the Estate Manager written representation must be addressed to the Board which appeal or defence will be dealt with at the first Board Meeting subsequent to receiving such written representation.
- N. All **appeals** must be submitted within **7 (seven) week days** as from the date the penalty was send by e-mail. After the cut-off of the 7 (seven) week days no appeal will be adhere to. The **decision of the Board is final** and no further appeal is permitted thereafter.
- O. All the safety measures as determined by the Safety Act, the **Occupational Health & Safety Act, Act 85 of 1993**, as well as its **Regulations** is applicable to all building related projects on the Estate at all times. The rules of the Estate, the Laws as well as the Bylaws of the City Council is also applicable and must be adhere to at all times.
- P. **Definition of a "worker" or "workers"**: a worker or workers are people, relatives or friends working on a building site or on a residential stand executing any type of project activity. All these persons must be registered with the HOA. Such projects as well.
- Q. **Penalties** for contraventions of the Estate's rules will be issued and will be imposed on the levy account of an owner automatically.

- R. The **stand number** must be reflected in all correspondence with the HOA Office.
- S. **Ignorance of any Rule of the Estate** is no excuse for any contravention.
- T. **Owners must acquaint themselves** with the Rules of the Estate daily.
- U. It is the responsibility of the **owner to induct his main building contractor on the contents of the Rules of the Estate** on a daily basis and to keep all contractors and workers well informed about all Rules of the Estate.

1. Introduction.

The Primary intention of these provisions is to ensure that all building activities at Zambezi (hereinafter referred to as “the Estate”) occur with the **highest level of discipline, self-discipline** and the **least disruption to residents**. In the event of uncertainty, the Contractor should communicate with the Building Manager (071 670 1050) or Security Duty Managers (083 407 7651) to clarify issues.

This document **controls all building related activities** on the **Estate**, whether **big or small**.

NOTE: Under no circumstances may the Building Manager be forced by any party to be **involved with conflict** between neighbours, or neighbours and owners/residents, or between main building contractors and owners/neighbours, or whatever grouping of people.

1.1. LEGAL STATUS:

The Zambezi Home Owners Association (hereafter referred to as “the ZHOA”) **has the right to fine/ban any contractor and/or suspend any building activity, should there be an infringement of any of the under mentioned conditions**. The ZHOA accepts no liability whatsoever for any losses sustained by the house owner, contractor or sub-contractor, as a result thereof.

1.2. RESPONSIBLE OR LIABLE FOR LOSS, DAMAGE:

The ZHOA also accepts no **responsibility or liability** for any injury, loss of life, damage or loss of materials or equipment during any building operations and / or presence on the Estate.

1.3. JOINTLY AND SEPARATELY RESPONSIBLE:

The Owner and the Building Contractor will be held responsible **jointly and separately** for any damage to the streets (including kerbing and sidewalks) or landscaping (including trees, shrubs, plants, irrigation) or any other property and equipment of the ZHOA which the Building Contractor's Employees, vehicles, equipment and delivery vehicles to the building site cause during the building activities. The Owner and the Building Contractor will be held financially responsible, **jointly and separately**, for the contravention of any Estate rule and for the payment of penalties within a set period.

1.4 BUILDING PROJECTS, PROJECTS AND MAIN BUILDING CONTRACTORS/OWNER BUILDERS.

1.4.1 Project registration:

All building related construction work and projects (new or additions, add-ons, alterations, renovations, etc.) must be registered with the HOA. Before any work on a building site for a new building project or on a residential stand for residential additions, renovations, swimming pools, maintenance, alterations, carports, louvre roofs & decks, fishponds, lean-to's, electrical work, paving, paintwork, etc. can start, the **project must be registered with the HOA**. Without this registration no project may commence on a stand on the Estate. All project workers must also be registered for access to the Estate. An expiry date for the end of the project must also be determined.

1.4.2 Building Project Interviews and the assessment or screening of a contractor/owner builder:

The HOA reserves the right to **screen, assess, evaluate and accredit any contractor** and/or watchman at any time and any such person identified as having been convicted of committing a Schedule 1 offence of the **Criminal Procedure Act** within the past ten (10) years or does not co-operate with the HOA or whose work is below standard, will be banned from the Estate with immediate effect. Building contractors have to **register with ZHOA every year** in order to work and construct building activities on the Estate as main building contractor. All main building contractors must be **screened/assessed** by the HOA before being accepted to work on the Estate, although an

owner has selected or appointed such contractor already. The owner must provide the **name of his/her proposed main building contractor or project contractor to the Building Manager for assessment and screening two weeks in advance to the scheduled initial building project interview. If the assessment/screening is not successful the owner has to select another main building contractor or select from the list of accredited main building contractors of the Estate. If the assessment/screening is successful, the owner together with his/her successful assessed/screened main building contractor MUST attend a compulsory initial building project interview with the Building Manager of the Estate** in order to be informed on the **procedures and rules** for the commencement of a **building project** and to complete all **agreement documents**. If an owner and/or the appointed contractor did not pitched for a **scheduled initial building project interview (IBI)** in time and without informing the Building Manager before the scheduled time-frame, a penalty of R1500,00 will be imposed automatically on the levy account of the owner. The **building deposit** must always be paid in full for all projects before plans can be approved. **Plans** for swimming pools, carports, louvre roofs, additions, etc. must be approved by the Aesthetical Committee and City Council. Plans must be submitted to the Building Manager.

1.4.3 **Accreditation of Main Building Contractors and Owner builders:**

Only already accredited main building contractors will be permitted to build on open stands on the Estate until all open stands' building projects are completed. Main building contractors and owner builders must be accredited for each 12 month construction period or shorter in order to do construction related work on the Estate. This 12 month period starts as from the date of the first deposit of the funds for the building project, before the plans for the proposed project are officially approved by the Aesthetical Committee.

Main building contractors and owner builders have to pay this non-refundable **annual accreditation fee** to the HOA in order to do an approved construction related work on the Estate. Such fees are payable before the approval of the project's plans by the Aesthetical Committee until the Aesthetical Occupancy Certificate is issued by the Building Manager, after the receipt of the City Council's Occupancy Certificate, the applicable certificates and documents. This fee is applicable to residential structures for new projects and for additions. Penalties for late payments will be imposed.

Whenever access for an accredited main building contractor or owner builder is cancelled for a specific reason, the main building contractor or owner builder has to re-apply*to be registered as a builder on a building site in order to do construction related work on a specific stand.

He/she also has to pay a re-registration fee of R1500,00.

The finger registration fee of R50,00 for him/herself as well as for each worker is applicable.

The main builders' contractor's accreditation fee must also be re-paid.

* It is not implicit that the building contractor/owner builder will regain access to the Estate or to the building site again in order to do construction related work.

1.4.4 **Cellphone and functional e-mail address:**

A building contractor without a **valid NHBRC registration, functional cell phone** will not be accepted to be registered to work on the Estate.

1.4.5 **Appointment of a building contractor:** A **main building contractor's appointment** by an owner on the Building Project Clearance Certificate (BPCC) and the **Principal Contractor** document means that:

- **“Main building contractor”** also implies **“owner builder”**.
- The main building contractor must be **registered with the NHBRC** and be a **well-experienced builder**.
- After the selection of a main building contractor by an owner, the main building contractor will be **screened** by the HOA as well as the security company operating on the Estate.
- After the successful screening of the main building contractor, he/she gets into a **written agreement/contract** with the owner.
- The main building contractor pays the compulsory **accreditation fee** to the HOA.
- An appointed main building contractor has to complete the **complete building project** as the responsible principal agent for the project. He/she must manage all the **sub-contractors** and the quality of their construction work.

- The appointed main building contractor takes **full responsibility** for the complete duration of the building project from the **initial building project interview** until the issuing of the **Aesthetical Occupancy Certificate** by the Building Manager, and also for five years after completion of the project from the date that the aesthetical occupancy certificate was issued.
- No owner is permitted to **cancel the contract** of a main building contractor and take over all the functions and responsibilities of the main building contractor.
- No owner may **build a house under the NHBRC licence of another main building contractor** without being licenced by the NHBRC him or herself. The licence must be handed in with the Building Manager.
- A signed building contract can't be **cancelled** one sided by the owner without very good reasons to the main building contractor as well as to the Building Manager, before any form of action is taken by the owner. The Building Manager must be **informed in writing**.
- Should it be necessary that the main building contractor be **fired** and a breach in the contract seems to be inevitable, the Building Manager must be informed about the intension of the owner and the owner must submit a **copy of the letter** written to the main building contractor and signed by the main building contractor for the receival of the letter.
- The **building contract** must stipulate and list clearly **all facets** of the project to be structured, all requirements, all do's and don'ts as well as provision for the schedule of payments that will be paid out at the end of each stipulated section of work done on the project. The owner and the main building contractor must both sign the accepted contract together with witnesses. Both the owner and the main building contractor have to sign the **payment schedule** inside the contract for each payment done, as determined by the contents of the contract itself. The contract must also stipulates the reality of **additional work** requested by the owner to be done by the main building contractor during the building period, the payment for this additional work and material must be paid by the owner **up front**.
- This signed contract by both parties must be **submitted** to the Building Manager of the Estate before the Building Project Clearance Certificate will be signed and issued.
- The main building contractor takes **full control and responsibility** for the project from the appointment as main building contractor by the owner until the date that the owner occupies the house.
- The main building contractor **manages the complete building project** on behalf of the owner: registers workers, hires workers, fire workers, manages all facets of the building construction project, reports directly to the owner on progress, problems, etc. during their regular site meetings.
- The main building contractor is the **responsible person** for the complete house building construction project and must **finish-off the project**.
- The owner **may not take over any duties** or responsibilities on behalf of the contractor, e.g. casting of slab, purchase of materials, appointment of sub-contractors, etc., on behalf of the main building contractor, behind the back of the main building contractor or without the knowledge or approval of the main building contractor.
- The main building contractor will be **structural responsible** for the complete project also for **five (5) years** after the owner has occupied the house.
- The main building contractor is accountable to the owner and to the Building Manager of the Estate on the **progress of the project** as well as all other aspects included in the rules of the Estate.
- **Inspections by the Building Manager** and his staff will be done daily on the development of the project throughout the course of the project. The rules of the Estate will be enforced. Daily inspections like: On-site inspections of building sites, Building Construction Inspections, Investigations, Pre-clearance Inspections, Exterior Paint Inspections, Aesthetical Occupancy Inspections, Building Deposit Refund Inspections, Residential Inspections, Aesthetical Environment Inspections, Maintenance Inspections, Route Inspections, etc.
- If an owner doesn't respond to **mails send** to the owner on a specific problem based on the weekly inspections of building sites or residential environments, building sites will be blocked for any form of further development. Such blocked building sites will force owners automatically to address the matter of concern as stipulated in the e-mails with the HOA Management. Blocked building sites will only be opened for further development once all **penalties were paid** and after the problem on the building site was removed to the complete

satisfaction of the Building Manager on behalf of the aesthetical appearance of the Estate.
After a number of zero responses to the e-mails of the HOA send to an owner, the owner will not receive any further more notifications of a blocked building site.

1.5 LIMITATIONS OF BUILDING ACTIVITIES, REGISTRATION OF A MAIN BUILDING CONTRACTOR, OWNER BUILDER, SUB-CONTRACTOR, SERVICE PROVIDER:

Confinement of activities:

All activities related to construction work must be confined within the **erf boundaries** or **perimeters** of the erf on which construction is taking place. This relates to the location of employees, placing or location of the storage hut/shed, reinforcement baskets, skip bins, off-loading of building materials, etc.

Registration of each building site and project:

All main building contractors and owner builders **must be registered with the HOA** for each **building related project** undertaken on the Estate and for each project individually on a site or stand. The **Main Building Contractor or owner builder** must be **screened by the HOA** in order to do construction related work on the Estate.

Construction workers or workers:

The **construction workers** or **workers** of a main building contractor, owner builder, sub-contractor or service provider working on a specific site or stand must be registered with the HOA every year. The main building contractor must ensure at all times that his and other **workers and service providers do not contravene** on all the rules of the Estate as well as on open areas, green areas, pavements, sidewalks, streets, adjacent areas, etc. The owner, his/her main building contractor and owner builders must have sessions with all the workers on a continuous basis throughout the building period inducting them on the rules of the Estate.

Certificates:

For **each building related project** on the Estate (big or small) a **NHBRC registration certificate** (licence as builder) is needed for the building contractor/owner builder as well as a **NHBRC enrolment certificate** for a specific building project on the Estate. This ruling is **also applicable to additions, add-ons, extensions**, etc. For **all these projects** a **complete Builders' Information Board (BIB) must be erected** on a building site whether it is a **new project** or an **additional to an existing house**.

Penalty for Breaching

- (i) Construction work by the contractor or owner will be stopped until such time that all building materials, equipment and facilities have been moved within the building site boundaries/perimeters.
- (ii) The contractor or owner will be fined R2500,00 per contravention.

1.6 BUILDING SITE PRESENTATION:

A building site is a place where any form of building related development takes place.

A building site must be kept **clean and tidy** from rubble, refuse, wild grass and litter at all times.

A building site must be **screened off** from direct street visibility by means of green or black netting with 50-60% density. No building rubble of any nature is permitted to be piled up behind a building site netting on a building site.

Only the HOA appointed **netting contractor** is permitted to do building site netting according to the set standard and procedures of the Estate. This is to standardize the aesthetical appearance of all construction site netting on the Estate. The netting and cost thereof is standardized and not negotiable in any form. The invoice has to be paid by the owner directly after the initial building project interview. An estimated cost for the netting can be obtained from the Building Manager during the initial building project interview when it is signed for.

The screening-off must consist of **four wires** keeping the netting from sagging and properly in place. Y-poles must be planted deeply into the soil in order to prevent the screened netting from falling over due to strong wind. A wide **gate** covered with netting must provide access to the building site. If **deliveries** are to be done and materials are to be offloaded the netting can be temporarily removed for access but must be replaced neatly afterwards.

Whenever the **boundary wall on a stand is to be build**, the netting must be re-erected to the outside, about one meter from the boundary line, ensuring that the construction of the boundary wall can be done whilst the netting is still in place, ensuring that no unauthorised persons and children have access to the building site.

Adjacent stands to a building site must be kept **free from** papers, plastics, lunch wrappings, empty cement bags, etc.

Refuse and litter may **not be burnt** on site and must be **removed weekly** and whenever the Estate Management instructs the Building Contractor to do so.

The building site must be **kept clean** daily from building rubble, excess materials, building site scraped soil, wood, plastics, half bricks, empty coke bottles, lunch wrappings, etc.

Building rubble, excess materials, building site scraped soil, excavated soil, wood, plastics, half bricks, empty coke bottles, lunch wrappings, etc. must be removed weekly before **15:00 on a Thursday** and whenever the Building Manager instructs the Building Contractor to do so.

Fines will be imposed weekly on a **Friday** for building sites that do not comply with the rules of the Estate.

Excavated soil, building site scraped soil and grass must be **removed** from a building site **within 48 hours** from the start thereof.

If excavated soil, building site scraped soil and grass or top soil is kept for **filling** (maximum of 10 wheelbarrows), a **notice board** indication “**FILLING**” must be placed on top of the heap of excavated soil for the complete duration of the construction period until it is utilised.

Streets in front of a building site have **to be swept daily**, after each delivery AND before the end of a work day.

Mud tracks from delivery trucks, after deliveries on the street surface, must be cleaned up immediately as from the building site until where it ends on the Estate, not just in front of the building site.

A building site needs to be **clean and tidy** during all kinds of constructions.

Bricks and half-bricks must be **properly stacked** at all times and must not be spread all over the building site.

The **different building materials** on a building site must be **properly grouped** on the site.

Wind-blown litter from any building site will also contribute to a penalty.

All building sites must be **netted-off** according to the prescriptions and procedures of the Estate.

Whenever a building site is netted-off the building site must still be kept clean **behind the netting** at all times from rubble, waste, wrappings, empty coke bottles, half bricks, broken roof tiles, plastic, etc.

Penalty for Breaching

- (i) Should a builder or an owner builder **not comply with the removal of building rubble**, refuse and litter, it will be removed by the HOA and the costs thereof must be claimed from the main building contractor or the applicable owner.
- (ii) The contractor or owner builder will be **denied access** to the Estate until such costs for the removal of material have been **paid in full**.

Should any of the above be contravened at any time, the main building contractor or owner builder will be fined **R2500.00 per day** until the applicable matters have been dealt with in full and to the complete satisfaction of the Estate Management.

2. The Tri-party Agreement and the Rules of the Estate.

2.1. An **Owner** and his/her his **Building Contractor** must enter into a **written agreement (Tri-party agreement) with the HOA**, which incorporates an undertaking by the Owner and the Building Contractor to **comply with these Rules** and any further **control measures** that may be determined by the Directors from time to time and **to ensure compliance with these Rules and control measures** by all her/or his Employees.

If the owner or building contractor is **negligent in signing this agreement**, it is regarded that he/she has signed the agreement and **the owner and his/her building contractor are both legally bound** by all the Rules of the HOA.

The Tri-party Agreement consists of a number of **annexures** that must be obeyed at all times.

2.2 Owners and contractors are not allowed to **interpret rules** their own way or to make their own assumptions of rules to suit their own situations. The **interpretation of rules done by the Building Development and Aesthetical Environment Manager of the Estate is the correct interpretation**. Rules of the Estate must be obeyed by the owner, owner builder, main building contractor, sub-contractor, workers, etc. consequently and persistently! Rules are made by the Board of Directors, AGM and not individually by owners, residents, contractors or workers.

- 2.3 When an owner or contractor is addressed, reprimanded or penalised about the contravention of the Estate's rules, the owner/resident/owner builder/contractor must not reflect away from the contravention and generally refer to another neighbour's situation or anyone else's matters. The contravention referred to must be acknowledged and attended to without any delay and the contravention's communication may also not be criticised or personally insulted. No communication war "*to and from*" by means of e-mails or in person is permitted. The HOA Management takes care of contravening persons and other peoples' situations and address matters in a professional and individual way, and according to set procedures and rules. The Management is furthermore unfortunately not allowed to disclose any information about complainants, other people's or neighbour's info, letters, details, etc. to any resident, neighbour or to any other person requesting such information, except in the case of the approval of house plans.
- 2.4 Owners or contractors must never expect from the HOA Management to serve as their **messenger or mediator** when they have conflict with neighbours, contractors, service providers, etc. The HOA Management is not permitted to intervene in such or similar cases.
- 2.5 The **procedures** for the Pre-Clearance Activities & **Pre-Clearance Inspections** and all other inspections have to be followed at all times, no exceptions will be allowed at any time.
- 2.6 If a **Stand File (SF)** is not complete or the **Pre-Clearance Inspection (PCI)** is not successful, no Building Project Clearance Certificate (BPCC) will be issued and the building site will be closed for construction related activities. Registered construction workers' access to the Estate will be cancelled and they have to re-register again. If building related activities did take place illegally, heavy penalties will be imposed on the owners' levy account automatically.
- 2.7 If the **behaviour** of a main building contractor, owner builder or sub-contractor is of adverse nature or mal-behaviour is expressed during the building process, or, if e-mails have to be forwarded on a continuous basis in order to rectify behaviour or related to any aspect on the building site, such person will be put off the building site immediately by the Building Manager of the Estate without any further notices. Access to the Estate will be denied, and he/she will not be accepted to do any form of construction related work on the Estate ever again. Such person will also be black-listed for exercising building construction work on the Estate in future.
- 2.8 Although a main building contractor or owner builder signed a document or an agreement on a specific date and some changes or adjustments to such document were made afterwards, the **most recent version** of such document is applicable to the original signed document.
- 2.9 All **construction related projects and others** on the Estate **must be registered** with the HOA. All **workers or people, relatives or friends** working on a building site or on a residential stand executing any type of project activity must be registered with the HOA. Possible projects are: New home building construction project on an open stand, additions, renovations, fish ponds, paintwork, maintenance, paving, electrical work, louvre roofs, louvre decks, lean-to's, carports, swimming pools, etc.
Control on worker or people access to the Estate in relation with any project, must be executed at all times.
Damage to any infrastructure of the Estate caused by whatever reason, must be aware of at all times.
- 2.10 **All rules** of the Estate are applicable to all residents, owners, contractors, workers and service providers at all times.
- 2.11 All **agreements and contracts** between an owner, owner builder, main building contractor and their different sub-contractors or workers must be done in writing, signed by all parties and dated. Contracts must also be co-signed by a witness. The contract must also make provision for a payment schedule. Copies of the final signed contract must be in the possession of all the parties involved. Copies of all written and signed contracts or agreements must be handed in to the Building Manager on a continuous basis as the project unfolds and develops.
- 2.12 Whenever it happens that a building construction project came to a **stand still** for whatever reason, the Building Manager of the Estate must be informed **beforehand in writing** about such action. The information must also indicate when the project will be re-starting again.

- 2.13 All **correspondence** with/to owners/residents will be done electronically and will be regarded as delivered and accepted by the owner/resident as from the date it was sent by the HOA office.
- 2.14 Whenever an owner or contractor is **uncertain** about an idea, new project, new developments, or plan a new project, carport, louvres, addition, etc. the owner has to consult with the Building Manager for information BEFORE any action takes place. It is better to be pro-active than to be re-active on developments.
- 2.15 **Official notice boards** of the HOA or that of the City Council: Whenever official notice boards are erected on a building site and any person tampers or removes it, a spot fine of R5000,00 will be imposed on the owner's levy account without delay.
- 2.16 The owner of a building project has to certify in writing that he/she is in possession of the **full amount of money**, or, the **bond** will cover all building expenses for the building project in order to complete the building project in full and within the 12 month building period.

Penalty for Breaching

The contractor /owner builder will be **fined R2500,00** per contravention or immediate dismissal.

3. The Building Deposit or Residential Project Deposit.

3.1. An Owner must pay the applicable building deposit for each building project, big or small, into the applicable bank account (**Standard Bank, Account holder: Trafalgar Management Properties, Branch code: 051001, Account number: 270739335, Reference is: 004E*[erf/stand number]**) prior to any Building Plan that may be collected from the Controlling Architect. Evidence for the payment (deposit slip) must be handed in with the controlling architect as well as the HOA Building Manager.

3.2. The **building deposit /residential project deposit (R6000,00)** consists of two components, namely –

3.2.1. a **refundable portion (R5000,00)**, after an occupancy certificate has been issued by the Municipality as well as the Aesthetical Occupancy Certificate has been issued by the HOA and after all costs that may in terms of these Building Rules be recovered and subtracted by the HOA from the amount of the building deposit; and

3.2.2. a **non-refundable component (R1000,00)**, which is retained as a contribution towards the Maintenance Fund of the Estate.

A building deposit or project deposit of **R6 000-00** (of which **R5 000-00** can be refundable) must be paid to the HOA for all new building projects including add-ons, additions, swimming pools, fishponds, paving, maintenance, carports, louvres, renovations, lean-to's, painting projects, etc. wherever construction related work of any kind will be conducted and where damage to property, equipment or structures can occur. This must be paid simultaneously with the submission of the building plan, and will be held in trust (interest free) pending the completion of the building works and the issuing of an occupation certificate. Plans will only be approved once this payment is made.

NOTE: For new buildings:

- (i) **R5000,00** refundable after the cost/penalties/fines/all outstanding levies, if any, or repair work to the HOA property and cleaning of the site has been recovered/subtracted; and
- (ii) **R1000,00** non-refundable amount / contribution to the HOA Maintenance Fund.

3.3. The Estate Management may use the **refundable component** to offset the cost of:

3.3.1. repairing any damage caused by the building operations to streets (including sewage, water reticulation, kerbing and sidewalks) or landscaping (including trees, shrubs and plants) or any other property of the HOA; and

3.3.2. removing stuff, either during building constructions or on completion thereof, any rubble, refuse, litter or building material or other item left on the sidewalk, in the street, in or on any

Communal Facility as well as any open area or any other erf/stand. Outsourced companies can also be utilised to execute such duties, tasks or functions.

3.4. The Estate Manager may recover only **verifiable actual costs** incurred by her/or him. A standard cash slip, statement or receipt will serve as proof of the expenses incurred.

3.5. If the refundable component of the builder's deposit is insufficient to cover the cost of repairing damage caused during building operations or of removal of any items or material during or after completion of the building operations, the Estate Manager must **recover the balance from the Owner and/or Building Contractor** concerned or debit the levies account of the owner.

3.6 The **levy account** of an owner must be fully paid or settled in full, in other words no amount outstanding, or it must be in a credit, in order to permit any projects, developments or building related activities on a building site or a residential stand.

3.7 Whenever a **levy account is in arrears** and the building deposit is not yet paid out, the Management has the right to transfer the building deposit automatically to the levy account without the permission of the owner (who paid the building deposit) in order to limit the outstanding amount on the levy account.

3.8 No building plans will be released by the Controlling Architect for approval by the City Council if the architectural design costs are not paid in full.

3.9 No building plans will be approved by the Zambezi Home Owners' Association (HOA) Aesthetical Committee if the building deposit or the residential project deposit is not paid in full.

Penalty for Breaching

The contractor /owner builder will be **fined R2500,00** per contravention.

4. ACCESS to the Estate -- Conditions related to access.

4.1. Once a **Pre-Clearance** or **Clearance Certificate** to commence building activities is issued by the Building Manager (see item 5) then **and only then** can the building contractor register the company and its construction workers at the security office in order to obtain access to the Estate. Only workers with legal documents will be permitted to the Estate. If workers without legal documents are found on a building site or residential stand such workers will be arrested and removed from the Estate permanently.

No owner, resident or contractor is permitted to transport a worker onto the Estate in a private or personal car as if he/she is a car passenger. That owner or contractor will be penalised for contravening the rules of the Estate.

Penalty: R2500,00 for the owner + R2500,00 per worker illegally on a building site and not registered for access to the Estate.

Workers who are not registered for access to the Estate are not permitted on the Estate at all. If such workers are found to be on a building site, a penalty will be issued towards the owner. Such workers will be removed from the Estate by the Security Company and must be registered by the main building contractor or owner builder, who must be registered with the NHBRC, for access to the Estate after the payment of the penalty is done and the submission for the proof of the payment is done with the HOA Office.

Penalty: R2500,00 for the owner + R2500,00 per worker illegally on a building site and not registered for access to the Estate.

For **contravening the rules** of the Estate after the signing of the rules acknowledgement document, access to the Estate for a building contractor and owner builder and all construction workers will be cancelled. The owner together with his building contractor (who trespassed) has to make an

appointment with the Building Manager in order to discuss the contravention of that specific Estate rule(s).

Whenever a building contractor's/owner builder's **access to the Estate was cancelled**, he/she has to re-register again as a building contractor and has to pay a **re-registration fee of R50,00** per head or worker or contractor in order to regain access and to continue with the building project. See also paragraph 6.40.

4.2. Attached to the Tri-party Agreement as **ANNEXURE D** are the **registration procedures** with regard to **access to the Estate** of all construction related workers.

4.3. After the registration of a project on a building site or residential stand, the Main Building Contractor or Owner builder must be registered for finger access to the Estate. The main building contractor or owner builder must also register his/her company workers for finger access. Only if the main building contractor is registered for his/her finger access, the sub-contractors can be registered for finger access as well. The sub-contractor must also register his company workers for finger access to the Estate. Only registered contractors, sub-contractors and their workers will be permitted to enter the Estate on a daily basis. **Strictly for registration: no proper proof of identification -- no registration, no renewal, no entry!** Admin and Security staff is restricted from making any exceptions whatsoever; therefore the matter is not negotiable with any person.

4.4 Entry and exit to and from the Estate by contractors is also permitted at the second (northern) gate in Bougainvillea Drive.

- Contractors are prohibited from using any codes, tags or remotes obtained from a resident to enter or exit the Estate at all times.
- **Residents/building contractors/owner builders may not transport workers with their personal/private vehicles through the entrance gates** without registering such workers for finger access to the Estate.
- **Drivers of vehicles** must be registered for finger access to the Estate and enter the Estate through the finger access booms whilst driving through.
- All workers must **get out of the car** and enter the Estate through **the pedestrian turnstiles** or revolving entrances at the main gates.
- **Residents as Owner builders** must gain access through the **contractors' entrance** for the period of the day that they function as an "owner builder/building contractor".

4.5. **Fingerprint access** of all workers must always be done. Only the main building contractors' or the owner builders' **cellphone number** can be registered on the electronic access system for worker access to the Estate. Owners' cellphone numbers can only be registered once the Aesthetical Occupancy Certificate is issued.

4.6. **Transport of all workers, Taxi's, Speed limit.**

All workers must be transported to and from the designated building site by means of vehicle transport.

All construction workers are restricted from catching lifts from other motorists, the so-called hitch-hiking.

Contractors/workers are also prohibited to exit from the Estate **on foot**. It is therefore necessary for all contractors/workers to report for duty/work well prepared, together with their lunch boxes, as they will not be allowed to exit the Estate on foot to buy food, etc.

All workers travelling on a bakkie **MUST** sit down and flat on a bakkie surface when driving on the Estate, not sitting on the sides of the bakkie, not standing up straight, no body parts outside the bakkie, etc.

All workers enter and exit the Estate through the turnstiles with finger print recognition. Only the driver of a vehicle enter or exit the Estate inside the vehicle.

In such cases the access to the Estate of the culprits: drivers, main building contractors, owner builders, will be cancelled immediately.

Workers may not be transported on a bakkie or similar vehicle together with any form of equipment like wheelbarrows, compactors, etc.

A bakkie is fully loaded with workers when all the workers on the bakkie sit flat on the loading area floor of a bakkie.

No worker may sit on the sides of the loading area of the bakkie or hang onto the side of the bakkie.

No worker may stand up straight on the loading area of a bakkie.

If a driver has more workers than the bakkie can carry or seated, a second round of worker pick-up must be initiated by the driver.

If a canopy is fitted to the bakkie, all workers to be transported should fit in onto the bakkie under the canopy. Nobody is permitted to cling to the back of the bakkie or the back door of the canopy.

Equipment must be transported separately from workers.

No vehicle may short-cut any traffic circle.

The driver of a bakkie transporting workers must be in possession of a public drivers licence and must have the licence on him/her at all times.

No vehicle may be parked on an open area or green area.

Taxis or any other form of **public transport** are prohibited to enter the Estate for the purpose of dropping-off of contractors, workers or sub-contractors.

No pedestrian trafficking by any workers will be allowed on the Estate. No walking from building site to building site is therefore permitted.

Speeding: The speed limit on the Estate is 40km/h and not faster.

4.7. On **completion of the construction project**, the main building contractor/owner builder will inform the security manager that the project is completed and that fingerprint access of workers to a specific stand/site must be cancelled.

4.8 PROCEDURES FOR ACCESS TO BUILDING SITES & RESIDENTIAL STANDS ON THE ESTATE.

- Before any work on a building site for a new building project or on a residential stand for residential additions, renovations, carports, louvres, paving, etc. can start, the **project must be registered with the HOA** and a registration number will be issued for a project. Without this registration number and the BPCC or Project Clearance no project can commence on the Estate. The owner must provide the **name of his/her proposed HOA accredited main building contractor or project contractor to the Building Manager for assessment and screening two weeks in advance to the scheduled initial building project interview. If the assessment/screening is not successful the owner has to select another main building contractor or select from the list of accredited main building contractors of the Estate. If the assessment/screening is successful, the owner together with his/her successful assessed/screened main building contractor MUST attend a compulsory initial building project interview with the Building Manager of the Estate** in order to be informed on the **procedures and rules** for the commencement of a **building project** and to complete all **agreement documents**. All main building contractors must be **screened/assessed** by the HOA before being accepted to work on the Estate, although an owner has selected or appointed such contractor already. **All building related construction work** (new or additions, add-ons, alterations, etc.), bigger than **two square meters**, must be registered with the HOA. The **building deposit** must also be paid in full for all projects undertaken on the Estate. Plans for swimming pools, carports, lean-to's, louvres, additions, etc. must be approved by the Aesthetical Committee and the City Council of Tshwane.

Procedures to follow:

- Collect the blanc "OFFICIAL NAME LIST OF WORKERS" form from the access Security office at the main entrance gate to the Estate.

- Complete the required information on the form in block letters.
- Make clear & visible copies of the ID's of all the workers, OR copies of the passports, copies of the legal work permit, copies of the legal asylum documents.
- Main Building Contractor or Sub-contractor hands in (in person) the completed "OFFICIAL NAME LIST OF WORKERS" form together with the clear copies PLUS the original documents (ID's, passports, asylum's) at the reception office at the HOA offices.
- In the case of a sub-contractor, the main building contractor first has to authorise the registration of the sub-contractor and his workers for registration at first before handing the documents in at the HOA Office.
- The information and documents will be screened and validated.
- After the successful screening and validation the "PERMISSION TO DO FINGER ACCESS REGISTRATION" form will be completed.
- A copy of this "PERMISSION FORM" as well as the "OFFICIAL NAME LIST OF WORKERS" + copies of ID's or Passports/asylum documents will be made in the HOA office and attached to the "PERMISSION FORM".
- This document will be handed to the Main Building Contractor, owner builder or Sub-contractor (the applicants) in order to do ACCESS REGISTRATION at the main entrance gate to the Estate.
- A personal copy of the documents will be handed to the applicant for his personal builders' file and must be kept safe for the next registration of workers.
- A registration fee of R50,00 per contractor and worker is payable during registration at the main entrance gate.
- **NOTE:** NO registration of any person can take place without a "PERMISSION TO DO FINGER ACCESS REGISTRATION" form.
- **NOTE:** Under no circumstances may an **owner or any other person open the access booms** at the main gates for or on behalf of a contractor or sub-contractor, **electronically** or by means of a **physical finger reading** – also when such contractor is not reachable or physical not present on the building site.

The appointed main building contractor is accountable for the complete project and must manage the project from start to the end when the Aesthetical Occupancy Inspection is successfully done – for this reason the main building contractor manages the access of all contractors to the Estate for the building site.

Penalty for Breaching paragraph 4.1-4.8:

Whenever a contravention of any of these rules took place, a penalty will immediately be imposed on the levy account of the owner and must be paid within seven (7) week days.

After the day of payment of the penalty and the hand in of the proof of the payment with the HOA offices, for fourteen (14) week days the re-registration of the cancelled access of the main building contractor, owner builder, sub-contractor or his/her construction workers/workers will not be permitted, only after this cooling-down period.

The contractor /owner builder will be **fined R2500,00** per contravention per day.

An applicable penalty or spot fine can also be imposed up to an amount of **R5000,00** per contravention per day.

4.9 FINGER ACCESS PROCEDURES

The procedures of the Estate for access of all contractors, construction workers, garden workers, domestics, service providers, projects, etc. are very clear and in practice for quite some time.

The rules of the Estate are clear on the compulsory registration of the above mentioned group of people for access registration.

See Rule # 4.5: 4.5. **Fingerprint access** of all workers (construction, gardeners, domestic, projects, etc.) must always be done.

Please also take cognisance once again of Rule # 4.4 to 4.8 determining access procedures and the movement of the above mentioned people.

Rule # 6.3 spells out the official working hours on the Estate.

4.10 ACCESS REPORT PRINTING.

To safeguard the Estate at the end of a work day, for the evening and night, the following procedures apply:

- At the **end of the work day** all construction workers must be off the Estate at 18:00 (6pm). Saturdays at 15:00 (3pm).
- A report with the names of those **who did not exit the Estate** by 18:00 on week days or Saturdays at 15:00 by means of the finger exit through the exiting turnstile will automatically be printed evidentially. The Security Company will immediately make follow ups and search for the workers on the stand on which they are registered and also on the Estate.
- In this case if **the worker** is still on a building site or left the Estate without going through the turnstile by means of finger exit, the main building contractor or owner builder or owner will be fined and access to the Estate will be blocked until such time that the penalty is paid.
- If the worker is **nowhere to be found**, the worker's finger access registration will be blocked immediately and automatically. In this case it is presumed that the worker was transported off the Estate by means of a private owner's or contractor's vehicle and the worker didn't exit through the turnstile exit as the rules determine. The worker/main building contractor/owner builder/owner will be fined and access to the Estate will be kept blocked until such time that the penalty is paid.
- No owner, resident or contractor is permitted to transport a worker onto the Estate in a private or personal car as if he/she is a car passenger. That owner or contractor will be penalised for contravening the rules of the Estate.

Penalty: R2500,00 for the owner + R2500,00 per worker illegally on a building site and not registered for access to the Estate.

- Workers who are not registered for access to the Estate are not permitted on the Estate at all. If such workers are found to be on a building site, a penalty will be issued towards the owner. Such workers will be removed from the Estate by the Security Company and must be registered by the main building contractor or owner builder, who must be registered with the NHBRC, for access to the Estate after the payment of the penalty is done and the submission for the proof of the payment is done with the HOA Office.

Penalty: R2500,00 for the owner + R2500,00 per worker illegally on a building site and not registered for access to the Estate.

- The owner or contractor will be obliged to register the worker for access to the Estate again and has to pay the re-registering fee per worker or contractor.
- Whenever a contractor or worker is held up for whatever reason and can't leave the Estate in time, the contractor has to phone the Duty Manager of the security company and register the late exit before time.
- Whenever a contractor or worker has to meet with an owner and such meeting is going to take place after 18:00 per week or 15:00 on a Saturday, such contractor or worker has to exit the Estate as worker or contractor before the cut-off time of 18:00 or 15:00 and must enter the Estate thereafter as a visitor. In this regard the owner will arrange for the necessary permission for entrance for the contractor to the Estate or to the building site or to the owner's house.

Note the official working hours as stipulated in paragraph 6.3.

4.11 DAY PASSES. Day passes are regulated and procedures are spelled out clearly in policy documents that are freely available in the HOA Office.

Penalty for Breaching paragraph 4.9-4.10:

The persons who are blocked for access to the Estate will be unblocked only after the payment of the individual re-registering fee.

5. Conditions for Permission to Commence with Building Activities.

5.1. **No building activity may commence on a designated site until** the contractor has erected a screened **ablution facility** (see “Toilet Enclosure plan” in Annexure C to the Tri-party Agreement. The density of a toilet netting is 80%) connected to the sewerage system (a chemical toilet must be provided should water not yet be available), provided a **skip or screened welded mesh basket** on site for the containment of building rubble, excess material, refuse and litter, obtained a **water** connection through the City Council of Tshwane (hereinafter referred to as “the CCT”) provided a **NHBRC enrolment registration (original)** and the main appointed **contractors NHBRC registration (original)** [licence to be a builder] to the Estate Management.

Should the client decide not to enrol the project, a **letter of exemption** is required from the NHBRC.

5.2. A **Building Project Clearance Certificate** to commence with building construction activities on a building site will be issued by the Estate’s Building Manager, once the **Pre-Clearance activities** are executed successfully by the main building contractor/owner builder AND the Estate’s **Stand File** for a specific stand/building site is 100% complete.

5.3. A Copy of the **approved City Council of Tshwane building plans** (and Controlling Architect) as well as the **Clearance Certificate** must be available on the building site at all times and must be presented to those monitoring the building process.

5.4 **No delivery of bricks and building materials may be delivered to a building site** before the issuing of a Building Project Clearance Certificate by the Building Manager of the Estate. Bricks may not be stacked closer than 2 meters from any boundary wall.

5.5. A **Builders Information Board (BIB)** that complies with the standards and specifications as determined by the Estate must be erected in a position approved.

The following important information must be reflected on the BIB:

The **lettering on the board** must be done in a professional way that will complement the **image of the main building contractor** and the Estate as well as the **appearance of professional construction work** done on the Estate.

The following information must be reflected on the BIB:

- Company name** of the Main Building Contractor/Owner builder. **(Compulsory)**
- Cell phone number** (functional) of the Main Building Contractor/Owner builder. **(Compulsory)**
- Name of the Main Building Contractor/Owner builder.** **(Compulsory)**
- NHBRC registration number** of the main building contractor **(Compulsory)**
- NHBRC Residential Unit Enrolment Certificate number** **(Compulsory)**
- Office telephone number** of the Main Building Contractor/Owner builder. **(Compulsory)**
- Number of the stand/building site in large letters and clearly visible from far.** **(Compulsory)**
- Name of the owner** of the house. **(Compulsory)**
- Names of the engineer and the contact details.** **(Compulsory)**
- Optional: Printed **photo of the house.**
- Optional: **Website** of the Building Contractor.
- Optional: **Logo** of the Building Contractor’s company.

The Builders Information Board (BIB) must be **erected (planted)** on the left or right **street front boundary** of the stand/building site and will be assessed during the Pre-Clearance Inspection.

The **BIB stays on a building site** until an **Occupancy Certificate** is issued by the City Council and the **Aesthetical Occupancy Certificate (AOC)** is issued by the HOA. Up to then, the main building

contractor/Owner builder as well as the legal land owner **stays responsible** for all activities on the stand/site, the **appearance** of the stand as well as the **condition** of the building site/stand.

Penalties for Breaching:

Builder's Information Boards **not on** the building site.

Penalty for Breaching: R2000,00 per day.

Builders' Information Boards not reflecting the **stand number**.

Penalty for Breaching: R1000,00 per day.

Builders' Information Board not **planted firmly** on the street front **perimeter/boundary** of the stand.

Penalty for Breaching: R500,00 per day.

Builders' Information Board not reflecting all the **prescribed information on the board**.

Penalty for Breaching: R500,00 per day.

Builders' Information Board **not professionally structured** according to the rules of the Estate and does not compliment the image of the Estate at all.

Penalty for Breaching: R500,00 per day.

Other contraventions in this section 5:

Penalty for Breaching: R2500,00 per day.

The BIB specifications:

The **lettering** board must be made of a **chromadec plate or vinyl sheet** and be **mounted** on a steel frame that will be **planted** on the site.

The steel frame must consist of 50x50mm square tubing in the shape of a capitol "H" with the top section of the "H" also closed. Measurements: The top square size: 1,2m x 1,2m with 2 legs of 2.5m in length each.

The lettering plate or vinyl material sheet must be pop-riveted onto the square top section of the frame and the BIB must be firmly planted on the **left or right street front boundary of the building site**. For a BIB on a panhandle entrance to a stand the BIB must be planted on the left or right side of the panhandle entrance close to the street.

Penalty for Breaching: R500,00 per day.

5.6. All **sites must be clearly identifiable** by means of the **stand number** on the BIB, this will ensure speedy deliveries.

Builders' Information Boards not reflecting the **stand number**.

Penalty for Breaching: R1000,00 per day.

5.7 The **Building Project Clearance Certificate (BPCC), building projects & Builders' meetings:**

5.7.1 Before any building related work on a site (*new building project/new dwelling, additions, renovations, alterations, improvements, add-ons, carports, louvres, swimming pools, any pools, paving, boundary walls, retaining walls, etc.) can start the project must be registered with the HOA office & Building Manager. The Owner and the Building Contractor must be in possession of the **"Building Project Clearance Certificate"** issued by the Estate's Building Manager, after he/she is 100% satisfied that all necessary documents on the Estate's Stand File are completed, signed, approved and filed inside the file, as well as that the Pre-Clearance Inspection was successful. The **owner, owner builder** and the **building contractor** have to acquaint themselves at all times with all the rules of the Estate, also during an **initial building project interview** with the Estate's Building Manager, and thereafter. The owner, owner builder and main building contractor **manages** the complete building site throughout the building process and are fully accountable for all actions taking place on the building site, the attendance of builders' meetings, and all other activities related to the building process and period.

5.7.2 After assuring that all documents on the Estate's **Stand File** are 100% in order and complete and the Pre-clearance Inspection was successful, the issuing of the **"Building Project Clearance**

Certificate” by the Building Manager will give the go ahead (green light) for the proposed project to start. **Without this signed document and the issuing of a green sticker for the BIB** no construction or building related work* on a stand may take place, all people illegally on a building site will **send off the building site, access to the Estate will be denied and cancelled permanently**, and a **fine for contravening** the rules of the Estate will be issued up to the value of R5000,00 per contravention per day.

5.7.3 A **Building Project Clearance Certificate** must be issued for every building related project*(additions, alterations and changes (inside and outside) to existing houses, add-on’s to existing houses, swimming pools, pools, carports, louvres, boundary walls, retaining walls, etc.) whether the project is big or small. **Big** means the size of a house or more and **small** means from a 2 (two) square meter project and more.

5.7.4 An **appointed engineer** must certify the building project towards the foundation, slab and roof, whether big or small, and must issue the certificates for the completion of the structures. These documents must be handed in with the HOA office.

5.7.5 All main **building contractors** must at first be **screened, assessed, evaluated** by the HOA, and thereafter **registered** with the HOA before they can be appointed by the owner to execute/undertake any building construction project/work on any stand within the Estate.

5.7.6 The **building contractor** must also be **registered with the NHBRC** as **builder** (licence to build), must have a Letter of Good Standing from Dept. of Labour and must also **enrol the building project with the NHBRC** (registered enrolment of the construction), whether the project is big or small. If an owner prefers not to enrol the project by the NHBRC the HOA must be submitted with the **exemption letter from the NHBRC**, if so, the property may not be sold within the period of five (5) years.

5.7.7 A **professional Builders’ Information Board (BIB)** must be erected by all main building contractors or contractors for all building projects to be done on the Estate, whether big or small. The board must be erected on the left or right street front boundary. For panhandle stands it must be erected on the left or right entrance side to the panhandle.

5.7.8 Copies of **approved plans** by the HOA’s Aesthetical Committee and the appointed **Controlling Architect** as well as that by the “**City Council of Tshwane**” must be **handed in by the owner** to the HOA office, **before** any building work of any nature (big or small) can start on any stand/building site within the Estate. **City Council approved plans** must also be handed in for all projects such as **carports, louvres, pools, swimming pools, boundary walls, retaining walls, etc.**

5.7.9 A **functional toilet** facility, according to the rules of the Estate, must be erected on all building sites where any form of building project is undertaken, big or small.

5.7.10 A **skip/bin or screened basket**, according to the rules of the Estate, must always be on all sites where any form of building project is undertaken.

5.7.11 **All Estate rules** are applicable to all building projects on the Estate, whether the project is big or small.

5.7.12 All **building contractors, sub-contractors, workers, service providers** must be **registered under the name and supervision of the main building contractor/owner builder** at all times. The main building contractor/owner builder takes **full responsibility** for the behaviour of all these people. The main building contractor/owner builder must see to it that these people are fully **inducted** on the rules of the Estate and they **adhere to** the rules.

5.7.13 All **building contractors, owner builders, sub-contractors, workers**, must be **registered with the HOA’s security company** by means of **legal documents**. When a building project is completed, all workers and contractors must be **de-registered**. The **main building contractor or**

owner builder is responsible for the execution of this ruling and serves as the accounting person for all actions on a building site at all times.

5.7.14 All main building contractors and owner builders must also be **accredited by the HOA** (payment of the annually Accreditation Fee) in order to do any construction related work on the Estate.

5.7.15 After the issuing of the Building Project Clearance Certificate and receiving the green sticker for the builders' board, the Principal Contractor (PC) or Main Building Contractor (MBC) or Owner or an appointed rep (only in case of an emergency) has to attend all scheduled **Builders' Meetings** on Wednesdays until the issuing of the Aesthetical Occupancy Certificate by the HOA. If the PC or MBC can't attend a **Builders' Meeting** the owner or a representative of the MBC has to attend the builders' meeting and must sign the attendance register during the meeting. A sub-contractor to a MBC can't serve as a representative on behalf of a MBC or owner builder. If a main building contractor, owner builder, owner or rep **can't attend** a compulsory builders' meeting, he/she must **inform the HOA Office** and building manager in writing at least one hour before the scheduled meeting as well as the reason for the absence, AND, has to phone the reception office to be informed about the change in the attendance of the meeting. In the case of a member to the Alpha, Bravo or Charlie Group it is important to notify the reception office which other group meeting of the specific month will now be attended.

5.7.16 Whenever a company is to build a residential house on the Estate or do any form of additions, etc., the original **registration certificates of the company** by the Registrar of Companies & Close Corporations indicating the members, must be submitted to the HOA. Copies of the certificates will be made in the HOA Office and the original documents will be handed back immediately.

5.8 All **excavated soil, site cleaning material** (and grass, trees, etc.) **and all forms of building rubble** must be **removed** from building sites within **48 hours** as from the start of the excavations, as well as site cleaning rubble or building rubble.

5.9. Black or green nylon **screening nets for construction sites** must be erected on all building sites to screen-off the construction work. The netting must be properly erected according to set procedures by the HOA's Building Manager. The netting on a building site can only be erected by the appointed netting contractor of the Estate.

5.10 **INSTALLATION OF BOUNDARY NETTING TO BUILDING SITES.**

CORNER POSTS:

1. Corner posts (3m long x 76mm diameter) to be planted 600mm deep into the soil.
2. Corner posts are to be supported with a 38mm diameter stay in the direction of the tensioned netting.
3. All corner poles to be planted in concrete in order to be stabilised

STRAINING BOLTS:

4. Straining bolts (4) to be attached to each one of the 4 strings of 2.4mm steel wire that is to be positioned alongside the corner pole.

Y-POLES:

5. Y-standard poles (3m long) planted 600mm deep and 4m apart from each other.
6. All Y-poles to be planted in concrete in order to be stabilised against being windblown.
7. 60% green or black shade netting to be affix to al 4 wires with binding wire or cable ties.

ENTRANCE GATES:

8. Entrance gates: 2x1.8m wide gates and 1.8m high. To be fitted to supported corner poles of 76mm in order to provide for a 3.6m wide entrance gate.
9. Gates to be covered properly with the same colour of netting.

TENSIONING OF NETTING:

10. All netting to be fully tensioned at all times.

Penalty for breaching the above rules

The contractor /owner builder will be **fined R2500,00** per contravention per day.

5.11 SAFETY CERTIFICATES and the SAFETY FILES.

5.11.1 The *Occupational Health and Safety Act, Act 85 of 1993* and its *Regulations* are applicable to all construction related work on the Estate.

5.11.2 The owner **appoints** one of the Safety Committee members only as the Safety Officer for the complete duration of the building project.

5.11.3 A **Safety Committee** appointed by the HOA manages all safety aspects and measures on the Estate, design safety files and issue Safety Certificates.

5.11.4 All the **cost** of the safety system is in accordance with *Regulation 5, paragraph (g)* of the Act the responsibility of the client who is the legal owner of the stand or building site.

5.11.5 The owner will see to it that the **project is registered** with Dept. of Labour.

5.11.6 The owner will see to it that the main building contractor submits the original certificate of the **Letter of Good Standing** to the appointed Safety Officer and to the Building Manager of the Estate.

5.11.7 The owner will see to it that the main building contractor/principal contractor as well as the appointed sub-contractors will attend all **training sessions on safety**, sessions that are organised by the members of the Safety Committee.

5.11.8 The system of the safety files and its measures are **applicable to all construction related work** on a stand (new building project as well as additions to existing residential houses, etc.).

5.11.9 The **fees** of the Safety Committee is standardised and payable by the owner. The system of safety files is therefore the **property of the owner** at all times.

5.11.10 After the successful audit of the safety files, the safety officer will issue a **Safety Certificate**.

5.11.11 The Safety Certificate must be **handed in** with the Building Manager of the Estate before the Building Project Clearance Certificate (BPCC) will be issued.

5.11.12 The main building contractor/principal contractor **manages the system of safety files** on behalf of the owner during the construction period of the project.

5.11.13 The owner also **monitor** the completion of the different sections inside the safety file during the course of the construction period.

5.11.14 The main building contractor/principal contractor hands the completed system of safety files **back to the owner** during the successful Aesthetical Occupancy Inspection.

5.11.15 If a building project is not in possession of a Safety File system and/or a Safety Certificate the project will be stopped by the HOA until such time that the Safety File system is in place or the Safety Certificate is issued. No building project on the Estate is permitted to be conducted without the Safety File system and/or the Safety Certificate.

5.11.16 All Safety Files must be audited every month by the Safety Officer of the Estate and a copy of the audit must be submitted to the HOA's Building Manager. The cost of these monthly audits are for that of the owner.

6. Conditions during Building Period.

6.1. Damage, disturbance and inconvenience

A Building Contractor must ensure that building activities are performed in such a manner that no **damage** is caused to neighbouring properties and as little **disturbance and inconvenience** as possible are caused to neighbours and the Estate.

6.2 Privacy of neighbours

If building activities take place adjacent to an existing dwelling, the building contractor must make every effort to respect the **privacy of the neighbours**.

6.3. Normal working hours

A Building Contractor and her or his workers may be present on a building site on the Estate only during the following **normal working hours**:

Mondays to Fridays = 06:00 to 18:00* and
Saturdays = 07:00 to 15:00* strictly.

* It is recommended that workers leave the Estate at about 17:30 (week days) and 14:30 (Saturdays) in order to exit the Estate through the turnstile in time, before the cut-off time. If a worker leave the Estate after the cut-off times, the security company will be activated to search for the “missing worker” with a cost effect. The access to the Estate for the next day will automatically be blocked, re-registration applies together with the re-payment of the registration fee.

Should it happen that for whatever reason construction work, like the casting of a concrete slab, will continue even after the daily knock-off time frame of 18:00 week days, the Building Manager must be informed about the late work in writing at least 3 days in advance or in an unforeseen event BEFORE 15:00 on that specific day of late work. The Building Manager will give permission for the late work if extremely necessary and will inform all relevant office parties about the late exit of workers from the Estate. Late work after 21:00 will not be permitted. When late work is inevitable, the applicable stand owner must inform all the neighbours about the permission granted by the Building Manager and also about the late work that will take place as well as the cut-off time.

Note: Deliveries and installations to be completed within these timeframes and all contractors, workers, service providers must be off the Estate no later than 18h00 Mondays to Fridays and 15h00 on Saturdays.

NOTE: No deliveries are allowed later than 16:00 through the entrance gates of the Estate.

Take note of paragraph 4.10 regarding “Report printing” and workers’ exit from the Estate.

Penalty for Breaching

- (i) Contractors and their employees/workers present on the Estate outside working hours will be **escorted from the Estate** by the Estate Security and will be charged for contravening the rules of the Estate.
- (ii) The contractor will be fined **R2500,00** per contravention.
- (iii) **In addition** the contractor will be fined **R500,00 per person** contravening.

6.4. Work during private times: outside normal working hours and periods.

An **application for permission** to perform **building activities outside the normal working hours**, together with the **written consent of all adjacent neighbours**, must be lodged with the Building Manager **at least three (3) working days prior** to the intended building activity, unless the Building Manager, in a particular instance, agrees to a shorter period.

A contractor may **request in writing three (3) working days prior** to the planned activity **to work later** or **outside** the official working hours or to exercise building activities during the private hours when construction work is prohibited. It is not explicit that the **outcome of such request** has to be **positive** towards the request.

Private hours or closure periods are: after the daily official working hours/public time, Sundays, public holidays and the period between the beginning of December and the 2nd week of January each year. Building related activities may not be carried out during these periods/days. The ZHOA office will be closed on these days and during these periods.

The ZCE Building Manager will **respond** to the request in writing. This **outcome is final and no other discussions or options** will be considered.

Penalty for Breaching

- (i) Contractors and their employees present on the Estate during private time without permission will immediately be escorted from the Estate by the Estate Security Company.
- (ii) In addition, the contractor will be fined R2500,00 per contravention.
- (iii) A fine of R500,00 per worker on site will also be imposed.
- (iv) For contraventions during the Christmas closure period penalties are as follows:
 - A fine of R5000,00 for the contravention and R1000,00 per day.
 - A fine of R2500,00 if cleaning in any form has to be done on any site.
 - A fine of R1000,00 per day for each worker on a site or stand.

- If soil or sand or rubble, etc. is to be removed from the stand, an additional cost will be added to the levy account of the stand owner.

6.5. Work & Inspections during the Christmas closure periods, Sundays & Public holidays
Sundays and public holidays and the period between the beginning **December until the 2nd week of January** are **not normal working days/periods**. No building related activities or construction work may be carried out during these periods/days. Inspections will take place in order to assess sites and stands to be in line with the prescribed *Christmas closure period* rules of the Estate. Penalties will be issued to owners of stands/sites that do not comply with the rules of the Estate. The HOA office will be closed on these public holidays and during these periods. A specific HOA circular addresses the procedures and conditions for building sites, open stands in use, and general appearance of the Estate before such Christmas closure inspections.

The resolution to determine whether **the cleaning process** is to be conducted on a stand or site, is done by the HOA only. No form of communications will be addressed after the imposition of a penalty. **Penalties** will automatically be imposed on the levy account of an owner and must be paid within 7 (seven) week days from the date of notice. This Circular will be addressed and discussed in depth during the builders' meetings of September, October and November each year AND will be forwarded electronically to all owners in September each year. Thus, to inform everyone beforehand. No interviews for projects, new projects, building projects and construction related projects will take place annually as from 1 December every year.

Penalty for Breaching

For Sundays & Public holidays: A fine of R2500,00 per contravention and R500,00 per worker.

For the Christmas closure period penalties are as follows for contraventions:

- A fine of R5000,00 for the contravention and R1000,00 per day.
- A fine of R2500,00 if cleaning in any form has to be done on any site.
- A fine of R1000,00 per day for each worker on a site or stand.
- If soil or sand or rubble, etc. is to be removed from the stand, an additional cost will be added to the levy account of the stand owner.

6.6. Delivery time

To ensure that all contractors complete their daily tasks in time and exit the Estate before 18h00, **bulk deliveries** like cement, bricks, trusses, etc. will only be granted **access before 16h00 daily**, as to enable the contractors to level the cement, or offload bricks, etc. timeously before 18:00 (Mon-Fri). No deliveries are permitted to building sites on rainy days.

Penalty for Breaching

The contractor /owner builder will be **fined R600,00** per contravention.

6.7. Building materials on an open stand

No **building materials** may be **stored on a building site** prior to the issuing of a **Building Project Clearance Certificate**.

Penalty for Breaching

The contractor /owner builder will be **fined R600,00** per contravention per day.

6.8. Start of building projects, building periods and adjusted levies.

Building projects must start/commence **within 24 months** as from the date of purchasing the stand. If not, the adjusted levy amounts listed below will be imposed on the levy account of the owner. **Building activities**, after the issuing of the Building Project Clearance Certificate, must **proceed without lengthy interruptions** and must be completed within **twelve (12) months** from the date of issuing the **building project clearance certificate**; if not, adjusted levy amounts in the form of **double levies (for the period 12-24 months** from the date of issuing the **clearance certificate)** or **triple levies (for the period 24+ months** from the date of issuing the **clearance certificate)** will automatically be imposed on the owner's levy account. The building period for **all new building projects** as well as **all additions** are **12 months** determined from the date of the interview for the additions or the issuing of the BPCC, also for new building projects. Whenever the building period is exceeded, the levy amount will be adjusted until the project is signed off by the Building Manager.

6.9. Water

Water for construction purposes may not be obtained from water points in or on a Communal Facility or fire hydrant. Water may not be wasted.

Penalty for Breaching

The contractor /owner builder will be **fined R2000,00** per contravention.

6.10. Resting places

Construction workers may not use any Communal Facility in the Estate as a **resting place**.

Penalty for Breaching

The contractor /owner builder will be **fined R600,00** per contravention.

6.11. Liquor

No liquor is permitted on any building site in the Estate at any time.

Penalty for Breaching

The contractor /owner builder will be **fined R2000,00** per contravention.

6.12 Storage of building materials, building equipment, excavated soil, etc.

No building materials, building equipment, excavated soil, etc. may be stored on an open area, green area, wetland area, adjacent open stand, another building site or any other area without the written consent of the owner of that specific stand. **No materials, soil or building stuff** may be dropped or off-loaded onto a green area, walkway or wetland area. **A copy of such letter of approval must be handed in** with the **HOA office** as well as a **copy must be kept on the building site**. Before **any action** of any kind is taken, the Building Manager must first be **consulted for advice and/or approval**.

Penalty for Breaching

The contractor /owner builder/owner will be **fined R600,00** per contravention per day.

6.13 Boundary walls and the Filling-up and levelling of garden soil

The **filling up** of the level of garden soil surfaces **against the 1,8m boundary walls, or with special approval of a 2.1m high boundary wall**, is not permitted. A **separate brick wall** called a **retaining wall** has to be erected **500mm away from a boundary wall** also with its **own foundation**. The erected retaining wall must be the **same height** of the projected new filled up level of soil to form the new level of the garden soil. The owner of the fill-up surface must ensure that the **new height of the boundary wall** on his/her side is **1,8m as from the new soil surface level** and each owner is **responsible for all the costs** on his/her own stand/site related to the higher boundary wall. To build a retaining wall, an appointed Engineer by the owner has to approve it on site. It also has to be reflected on the **official City Council approved building plans**. A final report on the retaining wall has to be done by the appointed Engineer and has to be submitted to the Building Manager of the Estate. This same ruling is also applicable to brick and plaster **flower boxes** attached to boundary walls.

Penalty for Breaching

The contractor /owner will be **fined R2500,00**.

6.14 Fires, burning of stuff

No **open fires** may be lit on a building site. The main building contractor must ensure that there are sufficient **fire extinguishers** on a site at all times. No materials may be **burnt** on a building site, adjacent area or open area.

Penalty for Breaching

- (i) The contractor will be fined R500 per contravention.
- (ii) The contractor will in addition be held legally and financially responsible for any damage caused by the breach of this regulation.

6.15. Off-loading

Where **machinery, equipment or material is off-loaded** in such a way that it encroaches onto the sidewalk, into the street or onto a Communal Facility, the Building Contractor must forthwith move the item concerned onto the building site. No machinery, equipment or material may be stored or remain on the sidewalk, pavement, in the street or on a Communal Facility without the written permission of the Building Manager and subject to such conditions as she/he may determine.

Penalty for Breaching: The contractor will be fined R200,00 per contravention.

6.16. **Kerbs, sidewalks and streets**

A Building Contractor must ensure that the **kerb, sidewalk and street** in front of the building site concerned is adequately **protected from damage** by the building activities and that the **street is swept after each delivery and before the end of the work day and cleaned.**

Penalty for Breaching

(i) The contractor will be **fined R2000,00** per transgression for non-swept roads or the breaching of these rules.

(ii) The contractor will be held **financially and legally responsible** for any **damage** to road surfaces and kerbs caused throughout his building operations.

NOTE: Contractors are prohibited from negotiating any such fines with security officials.

6.18. **Construction vehicles, machinery, equipment, etc.** may **not be washed and cleaned on open areas or public areas** on the Estate.

Penalty for Breaching: The contractor will be fined R200,00 per contravention.

6.19. **Spilling& Concrete droppings**

Sand, stones, cement, paint and building rubble **spilled** onto the sidewalks, on to walkways, onto streets or onto a Communal Facility, must be cleaned and be removed immediately by the person causing the damage.

Concrete droppings on an open stand or building site must be removed immediately within 24 hours.

Penalty for Breaching: The contractor will be fined R1000,00 per contravention.

6.20. **Excess material or building rubble.**

Excess material or building rubble may not be spilled on a **Communal Facility, open stand, green area** or on **another building site** within the Estate.

Penalty for Breaching

The contractor /owner will be **fined R2000,00** per contravention.

6.21. **Maintained, tidy & cleanliness of building sites**

The **building site must be well maintained, tidied and cleaned at all times.**

No **cardboards, papers tins, cans, drums, empty cement bags, lunch wrappings and plastics, half bricks, broken tiles, concrete droppings, empty coke bottles, wild grass, wrapping straps, plastic wrappings, off-cut metal/wood/electrical wires**, etc. may litter a building site.

Refuse and litter may not be **burnt** on site but must be **removed weekly** and whenever the Building Management **instructs** the Contractor to do so.

All **litter** must be stored in a **skip or basket** to ensure that it does not pollute neighbouring sites.

Baskets must be protected from being windblown by means of an anchored basket.

Concrete droppings on an open stand or building site must be removed immediately within 24 hours.

The **grass and weed** on the building site and on the side walk next to the road must be cut and removed at all times.

The **netting-off** of the building site must be in line with the prescribed rules of the Estate.

The **ablution/toilet** facility must be cleaned at all times and not smelly in any way.

The **toilet** must be screened-off according to the 80% density netting and to the 3m by 3m rule of the Estate.

All **applicable rules** to a building construction must be adhere to at all times.

Contravening this rule? – A spot fine will be imposed automatically.

Penalty for Breaching

(i) The contractor will be fined R2500 per contravention.

(ii) The contractor will in addition be held legally and financially responsible for any damage caused by the breach of this rule.

(iii) Spot fine penalties are R5000,00 per contravention.

(iv) A weekly penalty of R2500,00 per week for each contravention.

6.23. **Skip/bin or Basket**

A **skip or screened welded mesh basket** must be positioned **within the perimeters** of the building site and the basket must be screened with **40-50% density netting.**

Penalty for Breaching: R1000,00 per contravention.

6.25 Exterior paint work and the outside colour of paint on houses during the construction period – the procedure.

All exterior colours to be painted on a house must be signed off by the Building Manager of the Estate before the exterior paint work of the house starts officially. It is the responsibility of the main building contractor and the owner to make an appointment with the Building Manager in order for him to inspect all the exterior colours and to ensure it is the exact colours the Aesthetic Committee and the owner agreed upon by means of the signed sample sheet. In order to do the inspection a sample block of 1m x 1m of all the different and applicable exterior house colours must be painted on an outside wall. The building manager will assess the painted sample of colours on the wall for it to be in line with that of the signed sample sheet. If a colour is approved by the building manager and signed off, the colours to be painted on the walls of a house may not deviate from that assessed, approved and signed off colour or even its pigments.

NOTE: Before the re-paint of a residential house on the exterior can take place, the new earthly colour samples have to be submitted to the Building Manager in order to be approved by the Aesthetical Committee before the paint work can start.

Penalty for Breaching: R2500,00 per contravention per day.

6.26 Ablution Facilities/Toilets

The Contractor must make adequate provision for drinkable running water and functional toilets connected to the CCT sewerage system and the CCT water provision or chemical toilet situated on the building site for the use of her/his employees.

All toilets must be screened at all times according to the rules of the Estate (Annex C to the Tri-party Agreement), functional and clean.

Chemical toilets must be emptied every week.

Workers may only make use of the sanitary and drinking water facilities on each specific & registered site.

Penalty for Breaching

- (i) The contractor will be denied access to the Estate until such time as this regulation is complied with.
- (ii) In addition the contractor will be fined R600 per contravention.

6.28 Mixing of building materials

Building material may not be mixed on a sidewalk, in the street, on a green area, on an open area, on an open neighbouring stand or on a communal facility.

Concrete droppings on an open stand or building site must be removed immediately within 24 hours.

Penalty for Breaching

- (i) The contractor will be fined R500 per contravention.
- (ii) The contractor will be held responsible for the repair of any damage to the road/stand/area.

6.29 Concrete Deliveries

The delivery of concrete has the potential to cause the maximum damage to the road surfacing and landscape vegetation.

Concrete droppings on an open stand or building site must be removed immediately within 24 hours.

NOTE: Drivers of concrete delivery vehicles must be briefed on the contents of this document by building contractors. The contractor is accountable for contraventions.

Penalty for Breaching

- (i) Drivers not briefed by building contractors will not be allowed access onto the Estate.
- (ii) Drivers found in breach of the rules will be escorted off the Estate and will be refused access to the Estate in future.
- (iii) The building contractor will be liable for any damages by a concrete delivery vehicle whether it is the spilling of concrete on road surfaces, open stands, green areas, walkways, pavements, etc.
- (iv) The cleaning or washing-off of concrete delivery vehicles must take place within the confinement of the building site. Spillage and the run-off must be contained on the building site.
- (v) Under no circumstances may concrete be spilt onto road surfaces.

- (vi) The contractor will be fined R1500,00 per contravention.
- (vii) The contractor will be held responsible for the repair and cleaning of any damage to the road and road surface.

6.30 Storage on an open stand: Letter of approval from the neighbour.

An owner, for the storage of **excavated soil or any form of building materials on a neighbouring stand**, must get the **written approval** from the specific neighbour/land owner of the open stand. A copy of the letter or form must be handed in with the HOA Office & Building Manager for filing on the Stand File. A copy of this letter or prescribed form must always be available on the construction site or stand, be kept inside the shed, and freely available for assessment. The site must, after completion of the project and before the re-fund inspection can be done, be cleaned by the owner of the project who made use of the open stand. The open stand must be cleaned to the full satisfaction of the open stand owner and the HOA Management, also for a re-fund to be done. The argument “*it doesn't belong to me*” doesn't carry at all. An open stand must be cleaned in total after the use of it and it is signed off by the HOA Management.

Penalty for Breaching

Fine R2500,00 per contravention.

6.31 Domestic refuse, Household refuse, Garden refuse & rubble.

Garden refuse, domestic refuse, household refuse or rubble of any kind may not be dumped on any place on the Estate.

Penalty for Breaching

Fined R600,00 per transgression per day + spot fines.

6.32 Spoiling of the environment by spilling or the laying around of excess materials, building rubble and/or garden refuse.

No excess material or building rubble or littering may be spilled or spoil the Estate.

Penalty for Breaching

- (i) The ZHOA will remove all such spillage, rubble, refuse, etc. to the contractor's account.
- (ii) In addition the contractor will also be fined R1000,00 per contravention.

6.33 Speed limit

For security and safety reasons the speed limit on the Estate for all vehicles, is **40 km/h**.

The contractor is responsible for all his employees, workers, vehicles, sub-contractors and service delivery vehicles to ensure adherence to this speed limit.

Penalty for Breaching

- (i) The main building contractor will be fined R1000,00 per contravention.
- (ii) Continuous non-compliance will result in the main building contractor being expelled from the building site and Estate.

6.34 Building Plans, Clearance Certificates, Encroachment of boundaries/building lines.

The contractor must ensure that a copy of the signed and **approved building plan** by the Controlling Architect AND the City Council of Tshwane is **available on site for inspection** at all times.

A copy of the **Clearance Certificate** to start with the building project must always be available on the construction site for inspections.

A copy of **approval letters from neighbours to store excavated soil or building materials or building rubble** must always be available on the construction site for inspections.

The encroachment of boundaries/building lines are not permitted at all.

Any **variations to the City Council approved building plans**, must be submitted by the owner to the ZHOA's controlling architect for re-design and approval and may **only be implemented** once the approved variation is officially approved and a **Clearance Certificate** is issued for the work to start.

Penalty for Breaching

- (i) The contractor will be **fined R2500,00** per contravention for non-compliance.
- (ii) The contractor will be required to **remove any structures** that do not conform to the approved plans.
- (iii) The contractor will be **denied access** to the Estate until the prescribed requirements are met.

6.35 Roads and Road Verges: Sweep!

A contractor must ensure that the **road in front of the building site is swept after each delivery and at the end of the work day**, to be cleaned, be free from concrete, stones, damage and ensures the longevity of brick road surfaces.

A contractor must ensure that the **kerbs and sidewalks** in front of their building site and the roads concerned are adequately protected from **damage** by the building operations.

Building materials must be **sorted and grouped** on the building site and must not reflect **dirty, untidiness and disorderly distribution** of materials at all times.

Where **materials are off-loaded** by a supplier and **encroaches onto the sidewalk or roadway**, the contractor must **move these materials** onto the building site/building perimeters **within 24 hours**. **No materials** are allowed on the **roadway, pavement or sidewalk**. It is the Contractor's responsibility to **clear the roadway** of all such materials and **sweep the road**. The same applies to **sand or rubble** washed or moved onto the road during building operations to be removed on the very same day.

A contractor will be held **financially and legally responsible** for any **damage** to road surfaces and kerbs caused throughout his building operations.

NOTE: Contractors are prohibited from negotiating any such fines with security officials.

Penalty for Breaching

(i) The contractor will be **fined R2000,00** per contravention for non-swept roads or the breaching of these rules.

6.36 Reinforced welded mesh baskets and skip containers on the building site.

Prior to commence building construction, the building contractor must -

- obtain a **water connection from CCT** by paying for the water connection with the City Council.
- erect a prescribed **Builder's Information Board** according to the rules of the Estate.
- provide a **skip or reinforcement basket** covered with **netting** (50% shading) or **hessian** on the building site at all times and before commencing with the building project and within the boundaries of the building site. The basket must be emptied every week before Fridays.
- definitely be in possession of a **Clearance Certificate** BEFORE starting with the building project.
- Erect a proper and clean **storage hut** within the building **perimeters** of the building site.
- erect a **functional ablution (toilet) facility** according to the prescribed rules of the Estate (connected to the CCT sewerage system or chemical toilet, screen the toilet, fit the toilet with CCT running water connection), screen the toilet according to the Estate's rules (Annex C to the Tri-party Agreement).

Penalty for Breach

(i) The contractor will be **denied access** to the Estate until such time as this regulation is complied with.

(ii) In addition the contractor will be fined R600 per contravention.

6.37 Selling of food on the Estate.

No one is permitted to **sell food** on the Estate to any person without the **written permission** of the Estate Management. The **permit** to sell food on the Estate **lapses every year**. Every year such permit has to be renewed. Any resident may apply to the Estate Manager for the permit to sell food to workers within the Estate. A permit is only valid for 12 months starting January each year. Such permit must always be available with the seller for inspections.

Penalty for Breach: R500,00 per day.

6.38 Display boards and banners of estate agents.

Display boards of estate agents on stands may **not be closer that 3-4 meter from the street kerb**.

Only three (3) agent "For Sale boards" are permitted on a stand that is for sale.

Display boards must have an **orange permit** issued by the Estate Management, with a lapse date on it, the stand number and the agents' number onto it.

Banners, flags and display boards of estate agents must be removed from the Estate after week-end promotions by Sunday 20:00.

Penalty for Breach: R500,00 per day.

6.39 Display boards of sub-contractors and other service providers.

Display boards of sub-contractors may only be displayed during the **hours of slab casting**. It must be removed at 16h00 daily and can be displayed the next morning at 07h00 again. No board may be left on site and displayed for day and night. When the casting work is done, the board must be removed permanently.

No other service provider boards (swimming pools, paving companies, electricians, plumbers, etc.) are permitted on the Estate at all.

Penalty for Breach: R500,00 per day.

6.40 **Contravention of Estate Rules: Penalties / Fines / Spot fines.**

Contraventions of any Estate rule on purpose or by negligence or any other reason, will lead to the impositioning of a penalty.

Incomplete Estate's Stand Files and the negligence to provide the Estate's office with outstanding file documents by the owner of the property, will lead to the impositioning of a penalty/fine.

Once a penalty was imposed on the levy account of an owner it can't be reversed. If it does happen that a penalty is cancelled for whatever reason and there are legal costs involved, the legal costs are for the account of the owner, it doesn't form part of the cancellation of the penalty amount and can't be cancelled at all.

For the contraventions of building related rules on the Estate, big or small, the following **procedures will apply**:

Step 1: Initial building project interview and orientation: Owners and building contractors/owner builders are informed by means of signed agreements and written documents about all rules, policies, contraventions and penalties. This serves as the first warning. Owners and main building contractors have to sign all the binding contracts. The main building contractor/owner builder has to inform all sub-contractors and service providers related to construction work about all the rules applicable and the main building contractor accepts full responsibility for their behaviour and their contraventions of the Estate's rules.

Step 2: Informative warning letter with penalty: The contravening person is already completely informed about contraventions of rules by means of the initial building project interview, the contents of documents and the contents of signed agreements. This already served as the first warning. The trespasser will then receive the penalty for contravening the rules, without any delay. All contraventions must be rectified within 24 hours or 48 hours as indicated in a specific letter/e-mail. Penalty/fines will be attached to such e-mail. All penalties will be e-mailed to the principal agent/project manager/main building contractor/owner/owner builder. Workers can be send-off the building site or the Estate as well and access will be denied. It can happen that a telephone call will serve as an early warning but it is not a necessity.

Step 3: Penalty/fine: A penalty or fine will be imposed on the owner and/or building contractor. Such penalty will automatically be imposed on the levy account of the owner, even if the contravening person is the main building contractor, the owner him/herself, or a sub-contractor, a service provider or a construction worker. A written agreement between the owner and other parties (as listed above) for the payment or refund of penalties must be completed and signed. The agreement must indicate that all penalties will be imposed on the levy account of the owner. If a contravening person is other than the owner, it is the responsibility of the owner to collect the penalty/fine from that person in order to refund the owner's levy account. Penalties must be paid within 7 (seven) week days from the day of impositioning.

Spot fines can also be imposed on the levy account of an owner.

Whenever a penalty was imposed, such penalty must be accepted by the owner unconditionally.

After the impositioning of a penalty, contravening persons can be send off the building site and access to the building site can be blocked or cancelled. Whenever access has been blocked, the finger access of contractors and workers must be cancelled. Such contractors and/or workers have to re-register for finger access again by paying the registration fees again.

If access is cancelled, the building contractor has to apply for stand re-registering* with the HOA again and has to pay the re-registration fee of R1500,00 as well as the finger registration fee of R50,00 for each worker. (* it is not implicit that the building contractor/owner builder will regain access at all. It depends on his/her accreditation level).

Penalties and spot fines: Penalties and spot fines are imposed for contraventions without the consent of a building contractor or owner. Spot fines to any person must be paid within 12 hours if it is not automatically imposed on the levy account of the owner.

Penalties and fines will be e-mailed to the owner.

Penalty for Breaching: R2500,00 per contravention.

Spot fines varies from R2000,00 up to R5000,00 per contravention.

6.41 **Trailers, Caravans, Boats, Louvre awnings.**

Trailers, boats and caravans, etc. may not be visible from street view.

Louvre awnings' steel pillars must be painted the same colour of that of the house.

Louvre steel pillars must be covered on two opposite sides of a steel pillar with wooden panels if it is not a brick pillar or a clad pillar.

Penalty for Breaching: R500,00 per contravention.

6.42 **Solar geysers, solar geyser tanks and air conditioners.**

Solar geyser tanks installed on the roof of a dwelling must not be visible from street front.

Aircon compressors of double storey buildings must be fitted out of view on the ground floor level.

Penalty for Breaching: R2000,00 per contravention.

6.43 **Sewerage pipes visible from the street view.**

Sewerage pipes visible from street view must be painted the same colour as that of the walls and, if not in a ducting, be covered with a pot plant to cover the pipe in full.

Penalty for Breach: R500,00 per contravention.

6.44 **Rehab of boundary wall foundation – natural soil surface.**

Boundary wall foundations must be rehabilitated after the completion thereof. The soil level is to be levelled onto the boundary wall from both sides of the wall.

Penalty for Breach: R1000,00 per contravention.

6.45 **Weeping holes in boundary walls.**

Whoever breaks or build weeping holes into a boundary wall for storm water to flow naturally through the wall from the higher soil level to the lower area must finish-off the hole neatly on both sides of the wall, painted and with the consent of the other owner. The hole must be done by means of a 110mm PVC pipe. On the higher soil level stand, if there are no lawn or paving directly in front of the opening of the weeping hole, a cement/concrete catch-up bucket for storm water must be created to catch up all possible soil and waste before flowing through the weeping hole into the lower stand of the neighbour. The neighbour of the adjacent stand must be consulted before weeping holes are placed into free standing boundary walls.

Penalty for Breach: R1000,00 per contravention.

6.46 **Exterior house paint.**

The appearance of house walls and street side boundary walls must be well painted at all times.

Should an owner wish to change the exterior colour of a house, the colour must first be approved by the Aesthetical Committee before the paint can be applied to the exterior of the house. Inspections on the exterior colours of a house will be done by the Building Manager before the painting process starts on a new house as well as when a residential house is to be repainted. The owner of the house has to arrange such inspection with the building Manager. A sample of the proposed new colours with the manufacturer and colour code must be handed in with the Building Manger in order to be assessed by the Aesthetical Committee. A sample block of one square meter of each exterior colour must also be painted on an outside wall before the inspection can commence.

For a new house the inspection will be carried out according to the signed sample sheet approved by the Aesthetical Committee during the approval of the building plans by the Controlling Architect.

On residential houses, the samples for the exterior house colours must be submitted to the Building Manager for approval by the Aesthetical Committee before the painting process is initiated.

All exterior colours on a house must be earthly soil/ground colours as determined by the Aesthetical Committee. The compliment colours (secondary) on the exterior structural facets of a home must be within reasonable acceptance of the Aesthetical Committee and be approved by the Aesthetical Committee as well.

Penalty for Breach: R2500,00 per contravention.

6.47 **Manholes and sleeves.**

Telkom or City Council manholes may not be covered with soil, rocks, flower pots, lawn, stones, etc. Green Telkom sleeves may not be cut off on open stands or covered with soil, sand, stone, etc.

During the building process of a new house it is the responsibility of the main building contractor and the owner to ensure that the Telkom sleeve on the stand is searched and found, and it is connected to the inside of the house by means of conduit pipes. A pull wire must also be provided inside the sleeve in order to pull the Telkom cable through the sleeve in order to install the ADSL line. Boundary walls may not be built over a manhole, but be erected around such manhole.

Penalty for Breach: R1000,00 per contravention.

6.48 **Vehicle repairs on the Estate.**

Vehicles may not be repaired on open stands, building sites, green areas, public areas and on streets. If a vehicle is to be repaired on a residential stand it must be out of sight from street view.

Penalty for Breach: R1000,00 per contravention.

6.49 **Water leakages.**

Water leakages must be reported without delay by the stand owner or the building contractor to the City Council and to the HOA. The reference number must be quoted to the City Council every time during the follow-ups with the City Council.

If a water leakage appears underneath the paving bricks of a drive-way, etc. on the servitude of the City Council (pavement), it is the responsibility of the owner to remove the paving bricks and to replace it at own cost.

7. Storage Sheds / Huts.

7.1. A Building Contractor may erect a lockable storage **shed / hut** within the boundaries of the building site and to a maximum height of 2,4m.

7.2 The **position of such structures** must be indicated on a building site diagram, which must be submitted to the Estate Management for approval before the erection thereof.

7.3. The **shed/storage hut** must be positioned within the **perimeters of the building site.**

Penalty for Breaching

(i) The contractor will be fined R500,00 per contravention.

(ii) The contractor will be instructed to remove any structures that do not conform to this regulation.

8. Night Guard on a building site.

8.1. The Security Manager may, on completion of the prescribed form and on payment of the applicable fee, issue a Building Contractor with an access permit for a guard to be employed on site outside normal working hours and normal working days.

8.2. Only **one guard** will be allowed per building site.

8.3. Permission for a guard will be considered only if proper shelter and **sanitary and drinking water** facilities are available on site.

8.4. The guard must **remain on site** and must display her or his **access permit** at all times while she/he is on the Estate. Food must be provided, as no site guard will be permitted to vacate the stand/site or the Estate between 18h00 and 06h00.

8.5. The guard may not receive any **visitors.**

8.6 **Note: This privilege of a site night guard can be cancelled by the HOA at any time.**

Penalty for Breaching

(i) The contractor and/or site guard will be escorted from the Estate by Estate Security Company.

(ii) In addition the contractor will be fined R500,00 per contravention.

9. Construction Vehicles and Delivery Restrictions.

9.1. The following **restrictions apply to construction vehicles** allowed onto the Estate:

9.1.1. Only **non-articulated vehicles without trailers** of the following specifications are allowed:

Maximum length = 11m

Maximum width = 2.6m

Maximum gross mass = 20,000 kg

Maximum axle weight = 8,000 kg

9.1.2. Only **roadworthy, licensed vehicles** will be allowed into the Estate.

9.1.3. Drivers must use the streets and may **not take any short cuts** at traffic circles, over other erven/stands, open stands, green areas or Communal Facilities.

9.1.4. Vehicles may not be **left unattended** in such a position that they may cause an obstruction to other road users.

9.1.5 Vehicles may not be parked on other erven/stands or Communal Facilities without the prior written permission of that stand owner or the Estate Manager, as the case may be.

Penalty for Breaching 9.1:

(i) The construction vehicle will be denied access to the Estate.

(ii) In addition the contractor will be fined R500,00 per contravention.

9.2. The following **general conditions** apply to **deliveries to a building site**:

9.2.1. The Building Contractor must **brief delivery vehicle drivers** on the Rules governing deliveries.

9.2.2. Delivery vehicles are subjected to the **general construction vehicle restrictions**.

9.2.3. The Building Contractor is **at all times responsible** for delivery vehicles and delivery personnel.

9.2.4. **Deliveries** to the building site may only take place from the **street frontage** of the building site.

9.2.5. Deliveries may only take place during **normal working hours** and on **normal working days**, provided that a Building Contractor may on application and in the discretion of the Estate Management be allowed to receive deliveries outside normal working hours and days. See par 6.4

Penalty for Breaching 9.2:

(i) Penalties will be levied on the contractor as if the contractor's employees were guilty of the transgression.

(ii) The construction vehicle will be denied access to the Estate.

(iii) In addition the contractor will be fined R2000,00 per contravention.

9.3. The following **additional & specific conditions** apply to **concrete deliveries**:

9.3.1. Concrete delivery vehicles may only **be washed on the applicable building site** concerned and spillage and run-off must be contained on that site.

9.3.2. Concrete may not under any circumstances **be spilled onto sidewalks, streets**, open areas, green areas, pavements, other Erven or Communal Facilities.

Penalty for Breaching 9.3:

(viii) Drivers not briefed by building contractors will not be allowed access onto the Estate.

(ix) Drivers found in breach of the rules will be escorted off the Estate and will be refused access to the Estate in future.

(x) The building contractor will be liable for any damages by a concrete delivery vehicle whether it is the spilling of concrete on road surfaces, open stands, green areas, walkways, pavements, etc.

(xi) The cleaning or washing-off of concrete delivery vehicles must take place within the confinement of the building site. Spillage and the run-off must be contained on the building site.

(xii) Under no circumstances may concrete be spilt onto road surfaces.

(xiii) The contractor will be fined R1500,00 per contravention.

(xiv) The contractor will be held responsible for the repair and cleaning of any damage to the road and road surface.

10. Safety and Security.

10.1. Any possible **wage disputes** on the Estate and/or disruptions and strikes are strictly prohibited.

10.2. All Contractors must be registered with the **Workmen's Compensation Commissioner (WCC)** and copies must be made available to the Estate Management upon enquiry.

- 10.3. Contractors must strictly **comply to all safety requirements** as stipulated by NOSA in all Building Regulations.
- 10.4 **Gas bottles** for the installation of permanent gas at a house must be placed in a **lockable steel cage**.
- 10.5 Controlled access to the Estate and the accompanying **security directives** must at all times adhere to by all contractors/sub-contractors/owner builders/workers/service providers/etc.
- 10.6 Each sub-contractor must at all times have a **valid access pass** on his person, issued by the main building contractor. The pass may only be valid for the period that the worker or sub-contractor is required to be on site and must be renewed periodically.
- 10.7 **Construction workers** may **not walk from one site to another** or exit the Estate by foot.
- 10.8 A building contractor must **cancel his finger access as well as that of his workers** after the **completion of a building project** with the security manager of the Estate.
- 10.9 A **Safety Certificate** must be issued by a HOA accredited Safety Officer before a building project can commence.
- 10.10 Under no circumstances may an **owner open the access booms** at the main gates for or on behalf of a contractor, sub-contractor or for any other non-registered person, **electronically** or by means of a **physical finger reading** – also when such contractor is not reachable or physical not present on the building site. The appointed principal contractor or main building contractor is accountable for the complete project and must manage the project from start to the end when the Aesthetical Occupancy Inspection is successfully done – for this reason the principal contractor or main building contractor manages the access of all contractors to the Estate for the building site.
- 10.11 The **Occupational Health & Safety Act, Act 85 of 1993**, is applicable to all projects initiated on a residential stand. The Regulations to the Act is also applicable and must be adhere to at all times. The procedures of the HOA of Zambezi Country Estate related to the Act and its Regulations are to be adhere to without any delay.

Penalty for Breaching

- (i) Any construction worker or sub-contractor or service delivery person related to the main building contractor not adhering to this regulation, will be escorted from site immediately.
- (ii) In addition the main building contractor will be fined R1000,00 per contravention.

11. Inspections and the management of building rubble.

- 11.1 No **rubble, building materials or excavated soil** etc. is allowed on side-walks or on adjacent stands or open stands without the prior **written approval** of the adjacent or open stand owner. Such written permission must be **handed in** with the Building Manager;
- 11.2. Should **excavated soil or rubble of any form** be placed on an adjacent or open stand or pavement or street or open area, it must be **removed within 48 hours from the dumping thereof** or the **start of the excavations. Disobeying this ruling** will lead to the fact that it **will be removed** by the HOA or an outsourced service provider **without any notice** and definitely **to the cost of the owner** of the stand contravening the rule(s) or doing the dumping;
- 11.3. **Building rubble** on a building site must be removed daily. The volume must never be more than that of five (5) wheelbarrows. All building sites must be cleaned not later than 15:00 on a Thursday for the Estate's inspections that will be conducted on a Friday. Building site Inspections and Aesthetical Environment inspections take place on Fridays. During these inspections photos will be taken of contraventions of the Estate's rules and the inspection list will be completed. During the next week owners will receive a mail consisting of either a request or a warning or a penalty. Fines will be imposed on the levy account of an owner automatically.
- If rubble is not removed as requested or instructed by the Management, the Management has the unconditional right to remove the rubble without the consent of the owner or building contractor and to allocate the costs thereof to the levy account of the owner to be paid within 7 week days.
- If rubble will be used for the purpose of landfill or even a ramp to a garage, such rubble must be flagged with an applicable notice at all times. This volume may not exceed the total volume of five (5) wheelbarrows. Plastics, empty coke bottles, wrappings, wood, paper, boxes, etc. may not be part of such building rubble.
- 11.3.1 **Excavated soil** on a building site must be removed **within 48 hours** as from the start of it.

11.3.2 **Garden rubble/waste/refuse** or **household rubble/waste/refuse** or **resettlement waste** on a stand must also be **removed immediately** from a stand by the **owner** of the stand.

11.4. Should **removal on a building site be held up** by the rain or wetness of the soil the estate management should be advised of a possible new date of the removal;

11.5. No **building rubble** such as (papers, cement bags, plastic, wrapping, boxes, etc.) may be **left in the open on a building site**. It should be **managed immediately** within an enclosure like a **reinforcement basket** covered with green or black nylon netting or hessian OR inside a **SKIP** from the City Council to ensure the stuff is not windblown or visible.

Penalty for Breaching the rule:

A fine of **R2500,00** per contravention per week.

12 Main Building Contractor's / Owner builder's information and his/her NHBRC registration.

All main building contractors and owner builders to work on the Estate must be registered with the NHBRC. The main building contractor/owner builder must provide the Zambezi Country Estate office with his **original NHBRC certificate** to perform as a registered builder AND must also provide the office with the **original NHBRC enrolment certificate** to build a house on a specific stand. If a project is not to be enrolled with the NHBRC the main building contractor/owner builder must submit the HOA office with the exemption letter from the NHBRC – such project may not be sold within a period of five (5) years after completion and the issuing of the two Occupancy Certificates.

13 The STAND FILE and the commencement of a building project.

Before the **start of a building project (new project or additions/alterations/renovations)**, the **Stand File** has to be 100% complete: all forms have to be completed and signed and plans have to be approved by the **controlling architect, Aesthetical Committee** and the **City Council of Tshwane**, and handed with the ZCE Building Manager. Only thereafter a **Building Project Clearance Certificate** will be issued for a building project or activity to start.

The following information and documents are needed to be on the Stand File of a stand:

- **Interview by the Owner together with his/her appointed Main Building Contractor (MBC) with the HOA office** in order to be **orientated** and inducted on the building project, rules, regulations and procedures of the complete building initiative. Compulsory agreements have to be signed.
- **Main Building Contractor's registration with the HOA** to work on a building site or stand at Zambezi Country Estate.
- **Main Building Contractor's accreditation with the HOA** to work on a building site or stand at Zambezi Country Estate.
- **ID of the main building contractor.**
- **Confirmation: knowledgeable about all Estate rules.**

- Update of **owner's personal data.**
- Copy of **ID's** of each owner.
- **Attorney's letter or Deed of Transfer** confirming that you are the **new legal owner** of the stand / house / property.
- **Tri-party Agreement** between HOA + Builder + Owner.
- **Annexure A to the Tri-party agreement:** Control of Building Activities & penalties.
- **Annexure B to the Tri-party agreement:** Visual rules.
- **Annexure C to the Tri-party agreement:** Toilet enclosure instructions.
- **Annexure D to the Tri-party agreement:** Access control.
- **Proof** of the payment of the **building deposit.**
- Copy of the **BUILDING PLANS FOR A NEW HOUSE approved by the City Council of Tshwane** with the official **round blue stamp** of the City Council on it as well as a thick marker ink number. [Note: Not just the approved plans by Zambezi Country Estate's Controlling Architect) with the blue/black stamp on it.]

- Copy of the **BUILDING PLANS FOR ALTERATIONS TO AN EXISTING HOUSE approved by the Tshwane City Council** with the official *round red or blue stamp* of the City Council on it as well as a thick marker ink number. *[Note: Not just the approved plans by Zembezi Country Estate's Controlling Architect with the blue/black stamp on it.]*
- **Original NHBRC (EC003) registration certificate:** Building project **enrolment** certificate *[to build on a stand]* (to be obtained from your registered building contractor or National Home Builders Registration Council – with NHBRC logo on the document) Enrolment certificate.
- **Original NHBRC (BR002) registration certificate of the Building Contractor** (licence to build): Building contractors certificate (to be obtained from your registered building contractor or National Home Builders Registration Council – with NHBRC logo on the document).
- **Exemption letter** by the NHBRC.
- Indication letter that the builder is going to be an “OWNER BUILDER”.
- **Engineer appointment letter: Foundation/raft foundation**(to be obtained from your appointed engineer)
- **Engineer appointment letter: Slab** [if double storey building: to be obtained from your appointed engineer)
- **Engineer appointment letter: Roof** (to be obtained from your appointed engineer)
- **Letter of acceptance** of the appointment by the Engineer.
- **SANS 10400 forms:** all applicable sections.
- Written **letter of permission** for the **encroachment of the building line.** (To be obtained from your neighbour(s) on the encroachment side).

14 REFUND OF THE BUILDING DEPOSIT: Criteria.

The following are some of the criteria for the re-fund. The inspection form will have to full criteria. Arrangements for the Building Deposit Refund must be made at least 5 working days in advance.

- Building project positioned within the boundary of the stand: approved CCT plans.
- Gates installed on both sides of the house and according to the approved CCT plans.
- Washing line screened off.
- Ducting completed.
- Washing quarters / service quarters screened off.
- Windows fitted.
- Doors fitted.
- Paintwork completed and in accordance with the approved plans.
- Pavement developed.
- Weeping holes in walls to down fall boundary.
- Boundary wall 1,8meter high.
- Boundary wall 100% completed.
- Solar geyser installed.
- Solar geyser screened off from street visibility.
- Gas installation certificate.
- Gas steel cage installed.
- Building rubble lying around.
- Boundary wall foundations rehabilitated.
- Completion Certificate issued by the engineer issued and handed in with the Building Manager of the Estate.
- Completion certificate issued by the engineer for the foundation, slab and roof handed in.
- Completion certificate issued by the plumber for the plumbing handed in.
- Completion certificate issued by the electrician for the electrical work handed in.

- Occupancy Certificate issued by the City Council and handed in with the Building Manager of the Estate.
- Stand number reflected on the street side wall.
- Deductions made from the building deposit for penalties & repairs of equipment/structures.

15. PROCEDURES IN APPLYING FOR THE REFUND OF THE BUILDING DEPOSIT.

1. The responsible person for the initial **payment of the building deposit** phones the Building Manager (Johan le Roux – 071 670 1050) for an appointment – date and time.
2. He/she **brings along** to the **Closure Interview** the following documents:
 - ID book.
 - **Completion Certificate** issued by the **engineer** for the foundation, slab and roof.
 - **Occupancy Certificate** issued by the **City Council**.
 - **Aesthetical Occupancy Certificate** issued by the **HOA**.
 - **Gas installation certificate** (if applicable).
 - Completion certificate issued by the **engineer** for the foundation, slab and roof.
 - Completion certificate issued by the **plumber** for the plumbing handed in.
 - Completion certificate issued by the **electrician** for the electrical work handed in.
 - **Glass** certificate.
 - **Declaration** by the owner or building contractor (Form ZCE 7) on the initial payment of the building deposit + readable and interpretable copy of the deposit slip.
3. The responsible person and the building manager **assess the contents of the Stand File** to be 100% complete.
4. They identify the outstanding documents on the Stand File, if any.
5. The responsible person receives the **application form** for the refund of the building deposit.
6. The person will **depart** from the interview to collect and complete the outstanding forms, if applicable.
7. The person **brings** to the HOA office all the **outstanding documents** on the Stand File without scheduling another appointment.
8. The person brings to the HOA office the **original and completed form** for the **refund** of the building deposit (without schedule another appointment).
9. The person brings to the HOA office the signed **Building Deposit Declaration** form.
10. If the Stand File is 100% complete, and only then, the building deposit **inspection will take place** on the outside of the building project. (The inside and structural part of the house was inspected during the Aesthetical Occupancy Inspection.)
11. The person will be **informed** by means of an e-mail on the outcome of the inspection.
12. If **successful** – the building deposit should be **paid out** within a month's time into the bank account details as indicated on the building deposit refund form. Deductions for all penalties issued during the construction period will be deducted.
13. If **unsuccessful** – the person will be informed by means of an e-mail about the outstanding matters that lead to the **unsuccessful** inspection. The owner or contractor will be requested to inform the Building Manager after completion of the work and to request a **follow-up inspection**. The responsibility lies with the person who paid the building deposit to adhere to the procedures.
14. A specific **criteria** will be attended to during the *building deposit refund inspection*.
15. The following **additional criteria** will also have an effect on the refund of the building deposit:
 - Landscaping: any green area damaged;

- Landscaping: any irrigation components damaged;
- Finances: any fines deducted;
- Finances: any outstanding levies;
- Finances: no proof for the payment of a building deposit.

16. OCCUPANCY: OCCUPANCY CERTIFICATES OF THE CITY COUNCIL AND THE HOA'S AESTHETICAL OCCUPANCY.

Before an owner can move in into/occupy a completed house on the Estate the following procedures have to be followed:

Aesthetical Occupancy Inspections **will NOT take place as from 1 December each year until 15 January the following year** and NO Aesthetical Occupancy Certificates will be issued during this period.

Arrangements for the Aesthetical Occupancy Inspection must be made at least 5 working days in advance. No exceptions to this rule or deviations to this rule will be permitted.

- **STEP 1:** The owner obtains the **Occupancy Certificate from the City Council - CCOC**.
Can't occupy the house yet!!
- **STEP 2:** The owner phones and makes an appointment with the **Building Manager** of the Estate in order to do the Aesthetical Occupancy Inspection and to get the necessary approval from the HOA to occupy the house. An **Aesthetical Occupancy Certificate (AOC)** will be issued under certain conditions:
 - The Stand File must be 100% complete with all information needed by the HOA and the Building Manager, and fully documented.
 - The stand must be 100% developed and landscaped.
 - The building project must be 100% completed to the full satisfaction of the Building Manager of the Estate.
 - No furniture, curtains, clothing, kitchen furniture, personal stuff, boxes, equipment, etc. is permitted inside the house before the Aesthetical Occupancy Inspection is successfully done and the Aesthetical Occupancy Certificate is issued.
 - The following documents must be handed in with the Building Manager during the inspection:
 - ID book copy.
 - **Completion Certificate** issued by the **engineer** for the foundation, slab and roof.
 - **Occupancy Certificate** issued by the **City Council**.
 - **Aesthetical Occupancy Certificate** issued by the **HOA**.
 - **Gas installation certificate** (if applicable).
 - Completion certificate issued by the **engineer** for the foundation, slab and roof.
 - Completion certificate issued by the **plumber** for the plumbing handed in.
 - Completion certificate issued by the **electrician** for the electrical work handed in.
 - **Glass** certificate.
 - The building contractor hands officially over to the owner the Safety Files of the building site.
 - All other or additional requirements must be fulfilled.
- **STEP 3:** An **Aesthetical Occupancy Inspection (AOI)** will be done on the house and its complete development: the stand, the swimming pool, the solar geyser, gas requirements,

washing area erected according to the correct City Council's approved washing line positioning, the different landscaped areas, the construction itself, etc. The house and all its developmental areas must be erected and built according to the City Council's approved plans. All the procedures as listed in the **Scheduled Building Process Procedures (SBPP)** and the **assessment criteria** for the **Aesthetical Occupancy Inspection** must be **100% in place** before the **Aesthetical Occupancy Certificate** to occupy a residential house can be issued. All applicable documents also have to be completed and submitted. All this is the responsibility of the **owner** and the **accredited main building contractor** responsible for the development of the building project.

- **STEP 4:** When the Building Manager of the Estate is 100% satisfied with the outcome of the aesthetical interview, all procedures and the **Aesthetical Occupancy Inspection**, he then will issue the final document for approval to occupy the newly built house by means of the **AESTHETICAL OCCUPANCY CERTIFICATE (AOC)**. Then and only then may the owner occupy the newly built house.
- **STEP 5:** Thereafter the Building Manager will issue a "**Furniture Transport Truck Access Certificate: Newly build house**", for the relocation truck with furniture to enter the Estate and to deliver the furniture to the certified house for occupancy. Without this certificate the furniture transport truck will not gain access to the Estate and will not be permitted on the Estate at all.
- **For existing houses:** (purchased, renting, etc.) the following are the procedures:
If a new owner/buyer, resident or lessee is about to move in to an existing house on the Estate, he/she must obtain the necessary approval document (**Furniture Transport Truck Access Certificate: Existing house purchased or rented**) from the HOA office (Admin) at the Clubhouse. Without this certificate the furniture transport truck will not gain access to the Estate and will not be permitted on the Estate at all.
He/she must also complete the **Update of Zambezi Country Estate Owners' Information** (Form ZCE 1) obtainable from the HOA office (Admin).
He/she must also complete the **Official Name List** form for **Workers** together with all the legal information forms in order to do the finger registration. These forms are obtainable from the HOA office (Admin).

NOTE: accredited main building contractor also implies OWNER BUILDER.

Penalty for contravention of this rule: R5000,00 or R2500,00 plus R500,00 per day if the house is occupied without the issuing of the AOC as well as the CCOC, or, if any of the above measures are contravened.

17. BUILDING PROJECT CLEARANCE CERTIFICATES (BPCC).

1. Before a **Building Project Clearance Certificate (BPCC)** can be issued by the Building Manager, all the matters listed below have to be 100% in place.
2. Applicable rules on netting-off of building sites:
 - Building sites have to be **screened off on all open sides** with **50-60% shaded black or green netting OR the boundary walls on the stand/building site, as determined by the City Council approved plans, have to be build first before any house structure.**
 - Netting can only be done by the **Estate's netting contractor** who knows all the HOA's requirements and procedures for such task and who is mandated to exercise this specialised task based strictly on the aesthetical appearance of the Estate.

- The **screening or netting-off of the toilet (80% density)** according to the Estate rules is the responsibility of the owner, main building contractor or owner builder.
 - Netting has to be **1.8 meters high**. Netting procedures must be followed strictly.
 - The netting has to be **well tensioned to strong 50-75mm round poles or Y-poles** (not droppers) planted into the soil for about 1 meter deep and cemented in order to prevent the netting of being windblown or to drop down and according to the rules and procedures of the Estate.
 - The **aesthetical appearance of the netting of a building site** must be in accordance with the rules of the Estate at all times. Netting that does not complement the aesthetical appearance of the Estate or is a disgrace to the aesthetical appearance of the Estate, will not be permitted on the Estate but will be replaced without any further communications.
 - **The tensioning of the netting** has to be monitored and done **every day** by the main building contractor and/or by the owner.
 - All poles have to be in a **straight-up position** at all times.
 - An **access gate** to the building site for trucks has to be fitted and be screened off according to the prescribed rules as well.
 - A **swimming pool** with or without water must be netted-off at all times.
 - **Netting-off of a building site and swimming pool** can only be removed from the building site when:
 1. all the **windows** on the ground floor is fitted and secured, as well as
 2. all **doors** leading to the inside of the house are fitted in order to keep any child, stranger or intruder out, and,
 3. after **inspection** of the building site by the Building Manager on request of the main building contractor or owner builder, and
 4. the **approval to remove** was given by the Building Manager **in writing**.
 - If it does happen that permission was granted by the neighbours in writing for the **use of their open stand** to store building materials, the open stand must also be 100% screened off on all sides with 50-60% density netting and according to the Estate's rules.
3. A **Pre-Clearance Activity (PCA)** can be issued by the Building Manager in order to start with specific activities on the site. When the activities are done, the main building contractor schedule for the Pre-Clearance Inspection with the Building Manager. No building construction related activities may start. The following (only these issues can be done):
- the **netting-off of a building site**, according to the prescribed rules above.
 - the placement on the site of a **functional and screened toilet**,
 - the placement on the building site of a lockable **shed**,
 - the placement of a **skip/bin/welded-mesh-basket** with screening,
 - the placement of a correctly worded **Builders' Information Board (BIB)**, 100% according to the Estate's rules, on the street-front boundary of the site,
 - the placement of a professional printed **notice board** on the street front side of the netting with the following wording: ***"Private property, NO ENTRY, transgressors will be prosecuted"***.
 - A **laminated copy** of the **City Council's approved plans** is placed in the lockable shed.
4. The Main Building Contractor will phone the Building Manager in order to make an appointment to do the **Pre-Clearance Inspection (PCI)** on the issues listed above.
5. A **Building Project Clearance Certificate (BPCC) to start with a building project** officially will only be issued when:

- The **PRE-clearance inspection** (PCI) is successful.
 - The **Stand File is 100% complete** with all necessary information.
6. The **STEPS** again:
- **Step 1:** Owner phone the Building Manager to make an appointment for the **COMPULSORY INITIAL BUILDING PROJECT INTERVIEW**.
 - **Step 2:** The compulsory initial interview (Owner, Main Building Contractor, Building Manager) takes place and the **STAND FILE** is assessed, agreements are signed, rules are explained, documents are completed, signed and filed.
 - **Step 3:** The Building Manager will issue a **PRE-Clearance Activity (PCA)** for the basics (paragraph 3 above) to be completed on the building site.
 - **Step 4:** If the **PRE-Clearance Inspection** is successful AND the Stand File is 100% complete with all the necessary documents, then, and only then will the Building Manager issue the final **Clearance Certificate** for the construction project to start.
 - **Step 5:** Only when the **Building Project Clearance Certificate (BPCC)** is signed and issued, may construction work on a building site commence.
7. If a **Pre-Clearance was evaluated as successful**, and any of its listed items be neglected by the main building contractor or owner builder afterwards, a **spot fine up to the amount of R5000,00** can be imposed by the Building Manager.
8. If construction work on a building site **commences before a Building Project Clearance Certificate was issued** a penalty of **R5000,00 and R500,00 per day** will be imposed on the owner's levy account automatically.

Penalty for contravening this rule: R2500,00 plus R500,00 per day for any form of deviation from this rule.

18. DORMANT CONSTRUCTIONS

Should it happen that for whatever reason a construction work becomes dormant, the following procedures **MUST** be followed before the construction site can be declared dormant. For the fact of safety and in accordance with the *Occupational Health & Safety Act (Act 85 of 1993)*, all dormant construction sites must be netted off for the purpose of *no entry* to the site and in accordance with the procedures of the Estate.

The Estate Management can also declare a building site dormant if for 2 weeks no development is taking place on a building site. Access for workers will be cancelled and they have to be re-registered for access again. The project has to be re-registered as well and all applicable documents have to be completed again during a building project interview.

18.1 The owner has to inform the HOA's Building Manager in writing immediately about his/her intention to put the building project on hold or to stop with the building construction work, at least one week prior to the termination.

18.2 The stand/building site must be cleaned and equipped as follows:

- All the bricks must be removed from street view and placed inside the building structure.
- All building materials like sand, wood, roof tiles, etc., must be placed at the back of the building structure or inside the structure and out of street view.
- All concrete droppings, concrete balls, etc. must be removed from the site.
- The toilet has to be removed from the sewerage connection and placed inside the house/ structure. The sewerage connection point must be sealed off.

- The notice board of “*No entry – private property*” must stay on the street front boundary of the building site.
- All soil holes have to be filled up and levelled.
- The shed has to be placed inside the building structure.
- The building site must be levelled on the street side as well as on the left and right hand side from street view.
- The building site must be screened off or netted off according to the prescribed rules and procedures of the Estate.
- The Builders’ Information Board (BIB) stays planted on the street front boundary of the site.
- The dormant building site must be visited by the owner at least once a month, the condition of it must be assessed by the owner and a written report on the condition of the dormant construction must be handed in with the Building Manager every month. The report must also make provision for the indication when the owner will re-start with the completion of the building project.
- The owner has to pay an adjusted levy amount monthly for the construction work not to be completed within the 12 month building period.
- If the above procedures are not met, the HOA has the right to clean and equipped the stand as stipulated above and in accordance with the procedures of the Estate. The bill for all kinds of expenditure in this regard has to be paid by the owner unconditionally.

18.3 The Management has the right unconditionally, regarding dormant and risky structures, to appoint independent structural engineers to assess risky structures and to forward reports on such structures to the Management. All costs based on an independent engineer is for the owner’s levy account automatically. The permission of the owner in order for the Management to acquire the service of an independent structural engineer for a dormant building site is not required but based on the Act and all its Regulations as well as the findings of the Estate’s independent structural engineer.

18.4 The Management has the right unconditionally to screen-off a dormant and risky structure with netting and gates in order to safeguard the building site and to keep all unauthorised people off the building site. The costs of the netting-off of such building site is for the levy account of the owner automatically and must be paid at once. The netting-off of a dormant building structure is in line with the safety requirements of the *Occupational Health & Safety Act, Act 85 of 1993*. The permission of the owner in order to net-off a building site is not required but based on the Act and its Regulations as well as the findings of the Estate’s independent structural engineer.

Penalty for contravening this rule: R2500,00 plus R500,00 per day for any form of deviation from this rule.

19. SCHEDULED BUILDING PROCESS PROCEDURES (SBPP).

1. The Building Manager receives the STAND FILE from the Controlling Architect.
2. The BPP letter is send by e-mail to the owner with procedures regarding the building preparations and documents to take cognisance of as well as all documents to bring to the compulsory initial interview on the date of the compulsory interview.
3. The owner phones the Building Manager to make an appointment for the **compulsory initial building project interview**. Time-frame for the interview: 1-2 hour2.
4. The **owner** brings along his/her **accredited main building contractor** selected from the **accredited main building contractors’ list of the HOA**.
5. Both, the owner and the accredited main building contractor attend the **compulsory initial building project interview** with the Building Manager.

6. During the **compulsory initial building project interview** all necessary **documents and agreements are signed**. The owner and the accredited main building contractor are inducted on the **rules and procedures of the HOA** for the building project to be conducted accordingly.
7. If there are **outstanding documents** on the STAND FILE it contributes to the fact that the CLEARANCE CERTIFICATE to start with the building project, can't be issued.
8. From the date the compulsory initial interview for the building project took place until the **Stand File is 100% complete and the Clearance Certificate is signed**, a **Pre-Clearance** will be issued by the Building Manager in order to permit for the preparation of the building site. No construction work of any kind may be conducted during this period.
9. When the Pre-Clearance Inspection is to be done, the following must be in place before hand. The document must be signed by the Main Building Contractor or owner and be handed in with the Building Manager before the Pre-Clearance Inspection can take place:

Criteria
Initial building project interview (IBI) took place?
Land Surveyor did the white washed pegs for the official corners of the stand.
Land Surveyor's certificate is available and handed in with the Building Manager?
Building site is cleaned and scraped + grass rubble and trees are removed from site?
Shading off of building site: Netting-off of the building site properly done?
Shading off of building site: Y-poles or 75mm round poles planted for the shading/netting + 4 strings of wire for the netting?
Shading off of building site: Are the poles straight-up positioned?
Shading off of building site: Shading correctly tensioned?
Entrance to the building site is screened off?
Placement of a functional and correct screened toilet .
Toilet is connected to the City Council's water provisioning?
Toilet screened off according to the 3m x 3m screening rule?
Placement of a lockable shed within the perimeters of the building site?
Placement of a skip/bin/welded-mesh-basket on the perimeter building site?
Erection of a correct worded Builders' Information Board (BIB) on the left or right street-front boundary of the site?
Stand number reflected on the Builder's Information Board (BIB)?
Placement of a professional printed notice boards & notice signs on the street front boundary of the building site as well as on the other boundaries, with the following wording: "Private property, NO ENTRY, transgressors will be prosecuted" + notice Signs.
A laminated copy of the City Council's approved plans is placed in the lockable shed?
Copy of the letter from the neighbours of approval for the use of an open stand for building materials or soil?
Water connection to the stand/building site from the City Council's water supply.
The Yellow sticker is pasted onto the BIB.
No digging of any foundation trenches has started yet.
No bricks are off-loaded yet.
No construction work on the building site has started yet?

10. If the Pre-Clearance Inspection is successful AND the Stand File is 100% complete, then the official BUILDING PROJECT CLEARANCE CERTIFICATE can be issued for the construction project to start officially on the building site. Before this issuing no construction work of any kind will be permitted on a building site at all.
11. During the building process **weekly inspections** will take place, **warning letters** will be e-mailed to owners and main building contractors for transgressions of the Estate rules and/or **penalties** will be issued for continuous transgressions.
12. When the **paintwork** is about to start, the accredited main building contractors phones the Building Manager for the **paint specimen inspection**. Thereafter, and approved, the exterior paintwork can start officially until completion.
13. At the end, when the owner is about to move in into the newly built house, the following **aesthetical procedures** will apply:
 - The owner or the accredited main building contractor **completes the application form** of the City Council for the City Council's building inspector to finally inspect the building construction on behalf of the City Council and according to the bylaws of the City Council of Tshwane.
 - If this inspection is successful and the City Council's Occupancy Certificate (CCOC) is issued, the owner or main building contractor **completes the application form** of the Building Manager of the Estate to request for an appointment of the **closure**

interview of the project. The owner will be informed by means of an e-mail or telephone message of the day and time of such closure interview.

- The **owner as well as the accredited main building contractor** has to **attend** this closure interview with the Building Manager.
- The owner brings along to the closure interview **one original copy** of the City Council's Occupancy Certificate (CCOC) and **hand it in** with the Building Manager.
- The owner brings along to the closure interview **one copy** of the Engineer's **Completion Certificate** for the foundation, slab and the roof and **hand it in** with the Building Manager.
- The owner brings along to the closure interview **one copy** of the **Gas installation Certificate** for the gas equipment and **hand it in** with the Building Manager.
- All parties ensure that the **STAND FILE is 100% complete**.
- They (Building Manager, owner & accredited main building contractor) will **visit the site**, where the building construction project is completed, for the **Aesthetical Occupancy Inspection (AOI)** of the project to take place.
- If the Building Manager is 100% satisfied with the outcome of the building project during the aesthetical occupancy inspection (AOI), he will issue the **AESTHETICAL OCCUPANCY CERTIFICATE (AOC)** for the owner to occupy the house on the Estate.
- After the successful aesthetical inspection on the building site, a photo of the Building Manager together with the owner and the accredited main building contractor will be taken to commemorate this **highly important event**. The owner will be welcomed officially as part of the Zambezi Country Estate community. The AOC will then be issued.
- **Only when the CCOC and the AOC is issued, the owner may occupy the house – not before this time!!**
- After occupying the house and the Building Manager is 100% satisfied with all outcomes, the owner can now apply for the refund of the building deposit from which all building penalties will be subtracted first.

NOTE: Accredited main building contractor/contractor/builder also implies OWNER BUILDER!!

Penalty for contravening this rule: **R2500,00 plus R500,00 per day** for any form of deviation from this rule.

20. PROCEDURES: WRAPPING-UP A YEAR-END WITHIN THE ESTATE.

1. Three areas are covered in this procedure:
 - A. The building site.
 - B. The contractor's registration.
 - C. Registration of the construction workers.
2. All building activities on the Estate terminate **two days** before the 16th of December each year or during the week before. If the 16th of December falls within a week-end (Saturday and/or Sunday) the termination of activities falls on the **Thursday** directly prior to the 16th of December. This day is called the "Closure Day". Whatever the case, the cut-off time on this closure day is 12:00 noon.
3. All building sites must be cleaned on the closure day.
4. "Cleaned up" means:
 - The **road** in front of the building site is clean from any building materials, concrete and well **swept**.
 - Building materials on the site (the different types of bricks, different types of sand, paving bricks, plumbing materials, roof tiles, trusses, etc.) are **orderly and neatly grouped** on the site and doesn't reflect a disordered or dirty building site at all.
 - The **basket** OR a **skip** on the site for building rubble and waste is emptied.

- The basket on the site is covered with a tensioned net or hessian. It must be placed within the **building site boundary/perimeter**.
 - All **empty cement bags, plastic wrapping, wild grass, papers**, etc. are removed from the building site.
 - **Toilets are neatly screened** according to the prescribed rule of the Estate, fully **functional** with **running water** and connected to the **sewerage system** of CCT OR a **chemical toilet** is in place.
 - The **Builders' Information Board (BIB)** is structured according to the prescribed rules and reflects a professional approach with all the prescribed information onto it.
 - The Builders' Information Board (BIB) is **erected/planted** on the **front boundary** of the stand and reflects the **stand number** clearly visible.
 - Ensured that all bricks, sand, stones, or any other form of building materials are on the **pavement, sidewalk, street, green area, open area** or on any other forbidden area.
5. **No building activities** of any kind will be permitted to be executed during the period of Christmas closure.
 6. **No deliveries by service providers** will be **permitted into the Estate as from the December closure day from 10:00 the morning** until the re-opening date in January the next year, normally the second week of January the next year.
 7. All Main Building Contractors, Sub-contractors and all Service providers **must register afresh** at the Clubhouse **for the coming year** in order to be permitted to work on the Estate during the coming year. This registration should be done, **before 5 December** each year. (See item 27.5, Conduct Rules). A penalty will be imposed for late registrations.
 8. No Main Building Contractor, Sub-contractor or Service provider will be allowed to work on the Estate on a building site without being fully registered for the coming year. A copy of his/her **NHBRC registration certificate** as well as **barcode ID book** must accompany his/her registration form.
 9. The following rules are applicable for the December Closure Day at 12 noon, each year:
 - The **road** in front of the building site must be clean from any building materials, concrete and well **swept**.
 - Building materials on the site (the different types of bricks, different types of sand, paving bricks, plumbing materials, roof tiles, trusses, etc.) are **orderly and neatly grouped** on the site and doesn't reflect a disordered or dirty building site at all.
 - **All building materials are removed** from sidewalks, pavements and green areas.
 - **Damaged equipment, damaged irrigation** of the ZHOA on the Estate are successfully repaired to the satisfaction of the Estate Management.
 - **Baskets OR a skips** on the site for building rubble and waste is emptied.
 - The basket must be on the site and covered with 60% shaded netting or hessian OR a skip must be on the site. These items must be placed within the **building boundary/perimeter**.
 - All building sites must be clean from **empty cement bags, plastic wrapping, papers, lunch wrappings, etc.**
 - All **building rubble** must be taken away from the building site.
 - **Toilets must be neatly and fully screened** (80% shaded netting) according to the prescribed rule of the Estate. It must be fully **functional** with **running water** and connected to the **sewerage system** of CCT OR a **chemical toilet** (80% shaded netting) is in place.
 - Ensures that the **Builders' Information Board (BIB)** is structured according to the prescribed rules and reflects a professional approach with all the prescribed information onto it.
 - Ensures that the Builders' Information Board (BIB) is **erected/planted** on the **front boundary** of the stand and reflects the **stand number** clearly visible.
 - No bricks, sand, stones, or any other form of building materials are on the **pavement, sidewalk, street, green area, open area** or on any other forbidden area.
 - Ensures that the **hut/shed for storage** is placed on the building site, **within the building perimeters** and locked for the festive season.
 - Ensures that all **sub-contractors' information boards** (slabs, roofs, plumbers, electricians, painters, etc.) are removed from street visibility. Only the main building contractors' board (BIB) may appear and be kept on the building site until the building project is finished and an Aesthetical Estate Occupancy Certificate as well as the City council Occupancy Certificate is issued to the owner.
 - **All damaged areas**, resulted from building activities, delivery trucks, etc. is **rehabilitated**.

- Ensures that all **excavated soil is removed** from all building sites and adjacent sites.
- If the above conditions are NOT MET by the day of closure at 12 noon, the HOA will clean the building sites that do not meet the prescribed conditions of cleanliness of the Estate. A penalty by the HOA will also be imposed automatically. See Building Rule 6.5 and Conduct Rule 29.8 in this regard. Penalties must be paid within 7 (seven) week days.
- All Main Building Contractors have to provide the HOA office, not later than the Monday proceeding the closure day, with a **list of names and telephone numbers** of persons to be contacted during the holiday period or festive season should any unforeseen events happen to the building site during this period.
- All contractors (main building, sub-contractors, service providers, etc.) have to provide the HOA office with a name list AND barcode ID books of their workers/staff in order to be pre-registered for the coming year, not later than the 1st of December each year.

10. **NOTE:** The HOA of Zambezi Country Estate has the power by law to **enforce the Estate's rules** to all parties involve with the Estate. By means of this empowerment the Estate Management can implement penalties, remove building contractors and their workers from building sites, impose fines, cancel access of building contractors to the Estate, their workers, their service providers, etc. See Building Rule 20.10 and Conduct Rule 22.

Penalty for contravening this rule: R5000,00 plus R2500,00 per day for any form of deviation from this rule.

21. DECISIONS AND APPEALS.

- 21.1 In the event of **appeals or contesting of the facts** relating to any fine imposed or decision made by the HOA, written representation must be addressed to the Board which appeal or defence will be dealt with at the first Board Meeting subsequent to receiving such written representation. The **decision of the Board is final** and no further appeal is permitted thereafter.
- 21.2 All **appeals must be submitted to the HOA within 7 (seven) week days** as from the date the original document/penalty/e-mail was send to the owner. After the cut-off of the 7 (seven) week days, no appeal will be adhere to.
- 21.3 The Board may resolve to afford the resident and the owner of the erf (if applicable) with the opportunity **to be adhere to** at a Board meeting. At the Board meeting, the resident or the owner of the erf (if applicable) shall have the right to be present, and to be assisted or represented by another person and to:
- give evidence;
 - to be heard;
 - to call witnesses;
 - to cross-examine any person called as a witness in support of the charge and to have access to documents produced in evidence.
- After giving evidence the resident or owner will be excused.
- 21.4 Upon the conclusion of the Board meeting, the Board shall deliberate the evidence and if so resolved, they may **confirm a fine imposed or withdraw such fine** and/or **approve the reimbursement** thereof. The failure of the resident and/or the owner of the erf (if applicable) to attend the Board Meeting shall not invalidate the proceedings thereof.

Note: The latest version of this document replaces all previous versions of this document and is applicable to all parties at all times.

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