

**WHALE ROCK HEIGHTS
HOMEOWNERS'
ASSOCIATION**

**RULES DURING
CONSTRUCTION**

1. RULES DURING CONSTRUCTION

1.1. INTRODUCTION:

The Whale Rock Heights Homeowners' Association (HOA), has adopted certain rules relating to building contractor activity within the Estate. The primary aim of the provisions below is to ensure that all building activity at Whale Rock Heights occurs with the least possible disruption to residents. In the event of any uncertainty, residents and/or their contractors are most welcome to contact the Managing Agent.

1.2. APPLICATION FOR APPROVAL AS BUILDING CONTRACTOR:

1.2.1. Only pre-approved contractors are allowed to work in the Estate (owner-builders are not permitted). Application form see annexure A.

1.2.2. No single contractor (on the Whale Rock Heights Approved List of Contractors) may at any one time have more than two contracts (houses) under construction.

1.2.3. Any contractor wishing to exceed this number is to make application to The Board of Trustees for an exemption. The decision will be largely based on the approved Contractor providing sufficient evidence, to the satisfaction of the Board of Trustees, of there being adequate full time qualified supervision for each contract.

1.2.4. Should a Contractor currently have more than two contracts in progress he will of course be permitted to conclude such contracts and thereafter, subject to the exemption set out in (2) above, revert to a maximum of two contracts running concurrently.

1.3. LEGAL STATUS OF RULES REGULATING BUILDING CONTRACTOR:

1.3.1. Conditions governing building activity which is set out in this document have been adopted by the Whale Rock Heights HOA and are therefore binding on all owner/residents. Furthermore, all owner/residents are obliged to ensure that their building contractors are made aware of the conditions and comply strictly with them. Owner/residents are therefore required to include the conditions in their entirety in any building contract concluded in respect of property in the Estate, and all such contracts may be required to be submitted to the Whale Rock Heights HOA for prior approval. The Whale Rock HOA has the right to suspend any building activity, which contravenes any of its rules, and accept no liability whatsoever for any losses sustained by an owner/resident/contractor as a result.

1.4. REQUIREMENTS BEFORE CONSTRUCTION COMMENCES :

- 1.4.1.** No work may be commenced on site until:
 - 1.4.1.1.** Plans have been approved by the Estate Architect, HOA and the local authority.
 - 1.4.1.2.** The owner has paid an amount of R10,000.00 deposit to the Estate via the Managing Agents. 10% of this deposit will be retained.
 - 1.4.1.3.** The contractor has entered into an agreement with the Home Owners Association, by signing the Rules During Construction and Code of Conduct documents.
 - 1.4.1.4.** The contractor has paid a pavement deposit of R15,000.00.
 - 1.4.1.5.** A standard builder's board has been erected. Builder's boards to be either 1.2 x 1.2m high or 1.8 x 1.2m high and must be erected on the boundary facing the street. No suppliers or subcontractors boards are permitted. All builder's boards must be approved by the Estate Architect.
 - 1.4.1.6.** A shade cloth fence 1.5m high has been erected around the property.
 - 1.4.1.7.** Chemical toilets have been erected in pre-determined positions
 - 1.4.1.8.** Neighbour's permission has been obtained in writing, and lodged with the managing agent, if vacant stands are to be used for construction purposes.
 - 1.4.1.9.** Builder approved – see Annexure A for application form
 - 1.4.1.10.** A Commencement Certificate is issued by the Whale Rock Heights HOA.
- 1.4.2.** A commencement certificate must have been received by the managing agent before builders are allowed access to proceed with any new building. This does not apply to minor repair work.

1.5. GENERAL

- 1.5.1.** The Building Deposit will only be refunded once an occupational certificate and a Certificate issued in writing by a professional Land Surveyor certifying that the house levels relate to the original surveyor's Bench Mark as per plans submitted and approved.
- 1.5.2.** A penalty of R10,000.00 will be imposed if building is started without the commencement certificate.
- 1.5.3.** Permission for access to the estate to prepare the site in order to obtain a Commencement Certificate must be obtained through the managing agent.
- 1.5.4.** The contractors deposit will not be refunded until the Completion Certificate has been obtained from the Estate Architect and following this the Occupational Certificate has been obtained from the Municipality. A Surveyors Height Certificate is approved by the Estate Architect and the HOA.
- 1.5.5.** Council Approved Plans: Any deviation from approved plans is to have prior approval from the WRH HOA.
- 1.5.6.** Lockable container: Only one container to be brought on site.
- 1.5.7.** A skip is to be brought on site for all building rubble/garbage and cleared weekly.
- 1.5.8.** Dust/Sand: In dry windy periods sand is to be watered to prevent dust/sand flying over other properties/houses. Temporary sand heaps are to be covered by shade cloth.
- 1.5.9.** No encroachment of rubble/excavation is allowed outside of shade cloth.
- 1.5.10.** Workers may not leave their stand and under no circumstances are allowed to walk on the road.
- 1.5.11.** Security procedure: All workers are to check in on arrival at the security office main entrance and collect their admission cards, which are to be returned on departure (a R100 fee will be charged for lost cards).
- 1.5.12.** Damage to road: On completion of construction repairs will be undertaken by Whale Rock Heights Home Owners Association only at the owner's expense.
- 1.5.13.** On completion the Building Control Officer will inspect the property with As Built plans before occupation will be permitted.

1.5.14. A 30km speed limit is to be observed.

1.6. CONTRACTORS CODE OF CONDUCT:

- 1.6.1.** Contractors and builders are only allowed access to the Estate at 07:30am and must be out of the Estate by 17:00pm, Monday to Fridays. No work is allowed on Saturdays.
- 1.6.2.** No contractors allowed in the estate on Public Holidays. No building contractors allowed in the estate during building holidays, i.e. over Christmas/New Year school holiday break.
- 1.6.3.** The contractor is to provide facilities for rubbish disposal and ensure that workers use such facility provided, and that rubbish is removed weekly and not burnt on site. Penalties for failure to comply maybe levied against the deposit lodged. R1000.00 for each and every offence. This may be increased at the Trustees discretion.
- 1.6.4.** The site is to be kept clean of building rubble, with regular cleaning taking place during building operations. All street frontages must be kept clear of rubble at all times.
- 1.6.5.** The contractor must move materials off-loaded onto the sidewalk onto the site within 24 hours. No material must be allowed to remain on the roadway or sidewalk and it is the contractor and owner's responsibility to clean the roadway of all such materials. Immediate attention must be paid to the removal of sand or rubble washed or moved onto the road. Penalties for failure to comply maybe levied against the deposit lodged. R1000.00 for each and every offence. This may be increased at the Trustees discretion.
- 1.6.6.** Deliveries from suppliers must be scheduled during normal working hours.
- 1.6.7.** The contractor must provide hygienically maintained toilet facilities on the site. Penalties for failure to comply may be levied against the deposit lodged. The amount will be at the Trustees discretion.
- 1.6.8.** No suppliers' or sub-contractors' boards are permitted. Builder's boards must be must be removed not later than 1 month after completion.
- 1.6.9.** The owner will be held responsible for damage to kerbs and/or plants on the sidewalks and/or damage to private or Estate property.

- 1.6.10.** Owners will be held responsible for any transgressions made by their contractors.
- 1.6.11.** The Whale Rock Heights HOA reserves the right at any time, with no notice given, to suspend building activity should undesirable conduct be established.
- 1.6.12.** Contractors will not be allowed on site until they have signed the Whale Rock Height Estate rules applying to contractors. This signed document must be lodged with the Managing Agents.
- 1.6.13.** A trained and responsible foreman shall be placed in charge of each building project. Strict control will be exercised to prevent destruction of the natural indigenous vegetation by the workers and building operations. Each contractor shall also be responsible to maintain a high degree of security regarding the existing properties in the estate.

1.7. DISCIPLINARY PROCEDURE

In the event of any of the rules or regulations being broken the following disciplinary procedure will be followed:

The owner of the property or stand, and where appropriate the managing letting agent, judged by the trustees to be in breach of any of the rules or regulations, will be notified in writing of the transgression.

Failure to rectify, or further breach of the same rule or regulation, will result in a sanction being applied by the trustees.

1.8. SANCTIONS

The trustees of the Home Owners Association reserve the right to apply one or more of the following sanctions in the event of the above disciplinary procedure being invoked:

A fine levied upon the owner of the property up to a maximum of R20 000.00 per transgression or be charged with the monthly levy.

Denial of entry to the Estate to contractors, organizations or other third parties involved in any breach.

Withdrawal of the Builder's Approved Certificate.

Contact details:

Security: Otto Olivier (Plett Security) 076 061 1379

Plett Property Management: 044 533 2700

Contractor's Signature

Date

Owner's Signature

Date

ANNEXURE A
WHALE ROCK HEIGHTS HOMEOWNERS'
ASSOCIATION
APPLICATION FOR APPROVAL AS A
BUILDING CONTRACTOR

1. Applicants Name and Legal Entity i.e. Sole Proprietorship, Partnership, Close Corporation, Pty Ltd:

2. Applicants contact details:

3. Have you done any previous work in Whale Rock Heights Estate:

4. Provide details of the last three houses constructed and contact details of present owners:

5. Trade Credit Report –
Provide details of two of your hardware suppliers:

6. Provide copies of your NHBRC registration certificate:
