

Builders' Regulations for the building of Residential dwellings and structures on Admiral Island and in Pelican Bay



1. Introduction

It is the responsibility of the stand buyer / owner to ensure that the person or company contracted to the construction of his / her home and its associated structures receives a copy of the Builders Regulations and to ensure that the construction and development of the stand takes place according to the prescriptions of this document.

The Estate Manager will monitor compliance with the prescriptions of this contract.

The Estate manager will be responsible for the environmental issues involved with the construction phase of the private stands on Admiral Island and Pelican Bay (AI&PB). The Estate Manager has the authority to stop works if in his/her opinion there is a serious threat to or impact on the environment caused directly from the construction operations. This authority is to be limited to emergency situations where consultation with the contractor or the property / stand owner is not immediately available. In all such work stoppage situations the Estate Manager is to inform the contractor, the property / stand owner and the AI&PB Home Owners Association (AI&PBHOA) of the reasons for the stoppage as soon as possible.

Upon failure by the contractor or his employees to show adequate consideration to the environmental aspects, the Estate Manager may recommend to the contractor and the AI&PBHOA to have the contractor's representative or any employee(s) removed from the site or work suspended until the matter is remedied. In the case of such suspensions all costs will be borne by the contractor and the property / stand owner.

2. Clearance procedure for commencement of construction

An owners interest bearing building deposit of in total R 20.000 is payable into the trust account of the AI&PBHOA's auditors. The deposit amount will be used in event that there is a breach or non- performance to remove rubble or make good any damage caused by the Contractor or his sub-contractors or suppliers, including kerbing, landscaping, community services, roads, irrigation etc.

It is the responsibility of the property / stand owner to ensure that the appointed contractor on the construction and development of his / her stand makes contact with the Estate Manager prior to moving onto, working or establishing on site.

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This will enable the Estate Manager to conduct an Information Session with the Contractor to ensure:

- That the building plans have been approved by the controlling architects, the AI&PBHOA and the Bergrivier Municipality and submitted to the Estate Manager,
- A copy of the Architectural Specifications (page 44 of the Architectural Guidelines) are signed and submitted to the Estate Manager,
- A copy of the NHBRC Enrolment certificate is submitted to the Estate Manager,
- The latest version of the Architectural Guidelines is in the possession of the owner,
- That a legal water- and electrical connection (if applicable) and a toilet is installed on site,
- That the AI&PBHOA is in possession of a signed copy of the Building Regulations by the Home Owner and his contractor,
- That the AI&PBHOA is in possession of a signed copy of the Health and Safety Indemnity Form,
- That the AI&PBHOA building deposit has been paid (this is used for the off-set of all penalties, damages etc.),
- The Home Owners Board has been erected,
- That proper firefighting equipment is present on site
- That the entrance that will be used by the contractor during construction has been identified,
- That the storage area during construction has been identified,
- That the procedure for delivery of building material has been explained by the Estate Manager,
- That parking space for all vehicles involved has been discussed with the Estate Manager,
- That a photograph is taken of the stand prior to construction,
- That a competent foreman has been appointed and introduced to the Island manager.

All records related to the implementation of this contract for each property / stand must be kept together where it is safe and can be retrieved easily. These records should be kept by the Estate Manager and should at any time be available for scrutiny by any relevant authority

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3. Changes during the construction phase

Before any changes to the exterior design of the building can be made during the construction phase, these will have to be in line with the Architectural Guidelines and submitted to the Estate Manager who will submit them to the Excom of the AI&PB HOA for approval. In case of doubt regarding the conformity with the Architectural Guidelines, the Excom will consult with the controlling architect.

At the end of the construction phase and before a clearance certificate can be issued, the building plans need to be amended and submitted to the controlling architects, the AI&PB HOA and the municipality as “as built” drawings for final approval.

4. Clearance Certificate on completion of construction

Once construction has been completed, the Controlling Architect and the Estate Manager will do a final inspection and upon approval the controlling architect will issue a completion letter.

This approval by the AI&PBHOA does not exempt the owner/contractor from obtaining an occupation certificate from the Bergrivier Municipality in terms of the National Building Regulations & Standards Act.

The following conditions have to be adhered to before the controlling architect will issue a clearance certificate:

- The controlling architect has done a final inspection to ensure that the house that was built is in accordance with the approved plans and specifications,
- Any damage done to services are marked and repairs priced and deducted from the builders' deposit,
- The payment of all outstanding funds to the AI&PBHOA due to damages to the Estate has been done.

5. Standard construction rules for building contractors, sub- contractors and suppliers, operating within Admiral Island and Pelican Bay

As the buildings within the estate will be constructed over a lengthy time period, the following guidelines have been formulated for the benefit of residents:

5.1 **Site access and exit**

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- 5.1.1 The contractor acknowledges that he is aware that Admiral Island and Pelican Bay are security areas and will at all times adhere to the security regulation and controls and agrees to co-operate with the AI&PBHOA in the interest of maintaining security on the Island and in Pelican Bay.
- 5.1.2 Detailed procedures will be made available by the AI&PBHOA to Contractors, including security measures for authorized access and identification of vehicles and all personnel. These regulations are attached to this document as Annexure B.
- 5.1.3 As improvements to the security and the access controls are on-going, these procedures will be reviewed from time to time.
- 5.1.4 Hours of work: Contractors, subcontractors and their staff may only enter the Island after 8h00 in the morning and must vacate the Island by 18h00. Nobody will be allowed to sleep overnight on site. No employee shall remain on the house site to "guard" the building. Contractors may negotiate with the AI&PBHOA's appointed security company for this service, if required. Approval of the AI&PBHOA must however be obtained.
- 5.1.5 Construction will be limited from Monday 08h00 to Friday 18h00. No construction will be permitted on Saturdays, Sundays, public holidays and during the annual builder's holiday as determined by the AI&PBHOA, unless by prior written agreement with the AI&PBHOA.
- 5.1.6 Only authorized and roadworthy vehicles will be allowed onto the Island.
- 5.1.7 Deliveries must be scheduled for between 8h00 and 17h00 on weekdays only.
- 5.1.8 The Estate Security personnel reserve the right to subject vehicles entering and exiting the Estate to a search.
- 5.1.9 Tools, equipment, materials and machinery are the responsibility of the contractor during working hours. After hours the security at the gate will not allow people on the site and no equipment will be allowed to be removed without a transfer note, signed and stamped by the competent foreman appointed by the contractor. A copy of the transfer note must be handed to the security personnel for record keeping.
- 5.1.10 Points of access: Contractors shall only access and exit through the gate house area at the bridge.
- 5.1.11 Any contravention of security and access rules will be severely dealt with by the AI&PBHOA, and depending on the nature and the circumstances, could lead to the suspension of building work, and barring of access to the Island.

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5.2 Contractors labour

5.2.1 Labour must be an employee of the contractor or subcontractor and only under limited circumstances will casual labour be allowed on site. This shall be at the sole discretion of the AI&PBHOA.

5.3 Discipline

5.3.1 The contractor is responsible for the discipline of his labour, sub- contract labour and delivery personnel on site.

5.3.2 Labourers are not permitted to walk between the construction site and the entrance / exit gates. Labourers will remain on the site where they are busy building and will not be allowed to move between construction sites on the Estate.

5.3.3 The contractor or any employee found walking across the green areas, between sites can be subject to instant removal from site.

5.3.4 No vehicles will be allowed to cross any part of the green areas, or parkland, or to deviate from roads or recognized road route. Any vehicle contravening this rule can be liable for instant removal from the site and liable for damages sustained.

5.3.5 Parking of vehicles during the building process must be formally arranged with the Estate Manager. Parking in the roads will not be permitted.

5.3.6 Vehicles with mechanical legs on trailers must use protection for possible road surface damage.

5.3.7 Any dispute between the contractor and his employees must be settled outside the boundaries of the estate.

5.3.8 If any employee is found disturbing or endangering the animal, fish or bird life, or is found pilfering, stealing or removing material or goods off site without permission or is involved with any form of violence, that person will be removed from the site and will be denied the opportunity to undertake any further work on Admiral Island or in Pelican Bay.

5.3.9 The contractor is responsible for all his sub-contractors as well as the deliveries, and any damages caused by his own employees, sub-contractors employed by him or delivery vehicles delivering materials to his site, and he is liable to pay for any damages that may occur on the site. These damages also include damages to kerbs, roads, plants, and irrigation and/ or damage to private property.

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5.3.10 The AI&PBHOA will have the sole discretion as to the nature, extent and value of these damages, and the identification of respective vehicles and persons.

5.4 Housekeeping and Tidiness

5.4.1 The site is to be kept as clean as possible of building rubble and general cleaning and good housekeeping practice must take place during building operations.

5.4.2 No concrete, dagha, cement or such may be temporally stored, or mixed or prepared on any of the roadways, kerbs and pavements. Due to the high alkalinity pH rating of cement powder that can affect soil and water, the following recommendations must be implemented:

Cement contaminated water may not enter a natural or man- made (e.g. trench or dam) water system. Preventative measures include establishing sumps from where contaminated water can be either treated in situ or removed to an appropriate waste site

Mixing areas to be carefully placed.

Cement bags are to be stored securely out of harm's way from the elements (wind and rain) and may not be disposed of onsite by burning.

Excess or spilled concrete should be confined within the works area and then removed to a waste site.

5.4.3 Materials that are off loaded by a supplier of the Contractor may not encroach onto the adjacent site, the pavement or roadway. Where suppliers fail to adhere to this, the responsible contractor shall move the materials accordingly. The contractor is also responsible for removal of any sand or rubble that may have washed or moved into the road.

5.4.4 The Contractor is to ensure that the roads and the vicinity of his house site is always kept neat and tidy, including materials or mud or spoil being driven or dropped onto the road or sidewalk.

5.4.5 The Contractor shall provide adequate facilities for rubbish disposal and ensure that the workers use the provided facilities and that the rubbish is removed on a regular basis and as necessary. No rubbish shall be burnt or buried on site. No form of paper, cement bags, tile off cuts, ceiling boards, roof tiles, rubble, or the like is to be left lying around, nor be allowed to blow off the site.

5.4.6 Accumulation of hard-core for fill shall be neatly piled.

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- 5.4.7 With the adjoining canal and river on the Island and in Pelican Bay, pollution and contamination of groundwater and run-off water is particularly sensitive. Contractors shall ensure special care in their handling, disposal and cleaning up operations, with particular note to paint, tile grout, tile adhesive, cement, chemicals, oil and fuel, etc. Special preventative controls must be taken on waterfront sites to avoid spillage.
- 5.4.8 No fires will be allowed in or around the construction area and adequate firefighting equipment according to the fire hazard during the construction period must be available on site in good order (at least one type ABC 12.5 kg extinguisher). Fires for cooking or other purposes will not be permitted, and Contractors shall ensure approved alternative meal arrangements are made. Contractors must ensure that their employees make no fires at all.
- 5.4.9 The Contractor shall provide approved toilets facilities for the workers. Adjacent construction sites may share toilets as approved by the AI&PBHOA. Toilets and changing facilities shall be suitably positioned and screened and kept hygienic.
- 5.4.10 One approved building board shall be erected per site, and such board is to be erected neatly in the corner of each site.
- 5.4.11 No Contractors, sub-contractors or suppliers' boards of any kind will be allowed.
- 5.4.12 The certificate of completion by the Controlling Architect includes for the site to be entirely cleared of all rubble, surplus materials, and be impeccably clean, and the verge re-instated, all to the satisfaction of the AI&PBHOA.

5.5 Fauna and Flora

- 5.5.1 Indigenous plants or wild animals (including reptiles, amphibians or birds etc.) may not be damaged or harmed in any way during the construction.
- 5.5.2 All incidents of harm to any animal or natural vegetation outside the stand boundaries must be reported to the Estate Manager.

5.6 Anti-erosion measures

- 5.6.1 The Contractor shall take appropriate and active measures to prevent erosion resulting from his own works, operations and activities as well as storm water control measures. Restoration costs are to be for the contractor's account, should these measures not be reasonably implemented. Aspects normally covered in construction contracts in terms of "protection of works" are standard and are not to be billed or confused with any details covered under environmental requirements.

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5.6.2 During construction the Contractor shall protect areas susceptible to erosion by installing all the necessary temporary and permanent drainage works as soon as possible. Other measures as may be necessary shall be taken to prevent the surface water from being concentrated in streams and from scouring the slopes, banks or other areas.

5.6.3 Measures can include cut off trenches, straw stabilising etc.

5.7 Dust Control

5.7.1 The Contractor is to take appropriate measures to minimise the generation of dust as a result of construction works, to the satisfaction of the Estate Manager. On sandy or very dusty sites mulch can be used as a method of stabilisation and dust control on any cleared or exposed sections of the site. Alternatively, straw stabilisation or watering can be used. Seed bearing invasive vegetation should not be used for this purpose.

5.8 Top material removal and stockpiling

5.8.1 Sand stockpiles must be protected against wind and water erosion (for prevention of dust and other problems). It is mandatory to cover sand stockpiles outside working hours, so wind erosion is prevented.

5.9 Discharge of construction water

5.9.1 All cement effluent from mixer washings, and run-off from batching areas and other work areas shall be contained in a suitable sedimentation area. Sedimentation areas shall be allowed to dry out on a regular basis to allow for solid material to be removed. This material must be disposed of in a suitable manner.

5.9.2 Care must be taken to ensure that no water from the construction site enters the natural watercourses.

5.10 Site Clean Up and Rehabilitation

5.10.1 The Contractor must ensure that all structures, equipment, materials and facilities used or created on site for or during construction activities are removed once the project has been completed. The construction site shall be cleared and cleaned to the satisfaction of the Estate Manager.

5.11 Penalties

5.11.1 Non-compliance with the conditions of these contractor regulations is not permissible and will result in not being granted access to the estate.

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5.12 General

- 5.12.1 The speed limit is 30 km/h and speeding and reckless driving will not be tolerated. Due care must also be taken by all vehicles not to block the thoroughfare of roads.
- 5.12.2 No pets, birds, or domestic animals of the contractors will be permitted onto the Island.
- 5.12.3 Noise and dust reduction is essential, and Contractors shall do their utmost to limit unnecessary noise, especially employees loud talking, shouting or whistling, radios, sirens or hooters, motor revving etc.
- 5.12.4 Contractors are expected to conduct their operation in a reasonable and co-operative manner. Should the AI&PBHOA have any concern with the conduct of the Contractor, his sub- contractor or his suppliers and any of their employees, the AI&PBHOA may rectify as deemed necessary and/or reserve the right to suspend building activity either indefinitely or until such undesirable conduct is rectified, which it may do so at any time and without notice, and without recourse from the owner and/or Contractor and/or sub-contractor, and/or supplier.

5.13 Safety

- 5.13.1 The safety of the public and Contractors during the works is of paramount importance. Access to the work sites by unauthorized persons is to be prevented by the Contractor, as far as is reasonably practical.

6. ACKNOWLEDGEMENT

The above document is fully understood, and the Contractor and owner undertake to comply with the above points, in addition to any further controls which may be instituted by the AI&PBHOA from time to time in the form of a written notification and to ensure compliance by any sub-contractors employed by the Contractor, and any suppliers to either contractors, sub-contractors or owners

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Owner's Name _____

Owner's Signature _____

Estate Manager's Name _____

Estate Manager's Signature _____

Date _____

Stand number: _____

Contractor's Name _____

Contractor's Signature _____

Name of Contracting Company _____

Business telephone: _____

Cellular telephone: _____

Telefax: _____

E-mail: _____

Competent Foreman _____

Cellular telephone _____

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Annexure A: HEALTH AND SAFETY INDEMINTY

To: ADMIRAL ISLAND AND PELICAN BAY HOME OWNERS ASSOCIATION

I/we, the Contractor and the undersigned _____

Herein represented by _____

who warrants that he is duly authorised to act herein on behalf of the Contractor hereby agree and irrevocably undertake:

to keep you indemnified and hold you harmless against all or any loss, damage or costs, including but not limited to the costs of litigation should action be instituted against you, arising from any breach of and or non-compliance with the Health and Safety Regulations applicable to construction and building work undertaken by me on the Estate.

I further irrevocably undertake to take out and maintain, for the period during which I shall be building on the Estate, insurance against the risks inherent in the construction and building work to be undertaken by me on the Estate, and to furnish the Admiral Island and Pelican Bay Home Owners Association with a copy of the insurance policy before commencing with any building activities, failing which I shall not be allowed to commence/continue any building activities until I have done so.

SIGNED at _____ on this _____ day of _____ 20____

in the presence of the undersigned witnesses

Witnesses:

1. _____

2. _____

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Annexure B: PROCEDURE FOR ACCESS TO ADMIRAL ISLAND AND PELICAN BAY FOR CONTRACTORS

1. Where reference is made to Contractor this will also be applicable for their subcontractors and suppliers.
2. Contractors must enter the area through the entrance gate at the bridge. For access to Pelican Bay they must report at the Admiral Island Gate House at the bridge through the intercom system.
3. Contracting employees may only enter or leave by vehicle and must be accompanied by the contractor or contractor's supervisor.
4. All Contractors are required to complete and sign the entrance registration form each morning prior to access being granted.
5. All contractors must be in the possession of a valid South African ID document. Without this document, no access to Admiral Island and/or Pelican Bay will be granted.
6. Under no circumstances shall the property/stand owner furnish the Contractor or any of his personnel with a remote gate-opening device or access card.
7. Before any delivery vehicle will be granted access to Admiral Island and/or Pelican Bay, security will confirm with the appointed competent foreman whether this vehicle is allowed access to the site. The delivery vehicle will have to complete and sign the entrance registration form.