



BUILDERS CODE OF CONDUCT

*Agreement between
Welgelegen Homeowners Association ("WHOA")
represented by*

Johan van Staden, the Estate Manager,

the building contractor ("Contractor")

and the registered owner ("Owner")

on ERF: _____ ,

Welgelegen Estate, George.

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1. PREAMBLE

The purpose of this set of rules is to ensure a harmonious integration of residential living and building activities within WELGELEGEN ESTATE, with minimal impact on the environment, residents, and others. WELGELEGEN ESTATE is a secured residential estate and to maintain aesthetics, standards, general appearance, and security arrangements it is necessary that owners, builders, contractors, and their subcontractors adhere to the rules and regulations as determined by the WHOA from time to time.

Strict adherence to all aspects of the rules is always required and expected and, in all respects, penalties as specified in this document may be imposed by the WHOA through the Estate Manager (EM) in the event of non-compliance.

2. OBLIGATIONS OF OWNER, ARCHITECT AND CONTRACTOR

Owners, Architects and Contractors (including Subcontractors) are obliged to comply with the conditions imposed in the WHOA Guidelines for Residential Development and the Constitution of the WHOA, including conditions imposed by the Department of Environmental Affairs and Culture of the Western Cape Government and conditions imposed by the Local Authority in its approval.

3. CODE OF CONDUCT AGREEMENT

The Owner and Contractor, including sub-contractors, hereby undertake and bind themselves jointly and severally to compliance with the following obligations and agree that the WHOA, or their representative, the Estate Manager, is authorized to apply such measures as it may consider necessary to ensure such compliance.

4. QUALIFICATIONS OF CONTRACTORS

- 4.1. Only contractors who are registered with the NHBRC will be allowed to build within WELGELEGEN. A copy of the Residential Unit Enrolment certificate issued by the NHBRC, as well as the contractors' NHBRC certificate, which is valid for the duration of the project, must accompany this Builders Code of Conduct, including approved plans issued by the Local Municipality and the WHOA which will be filed in the **Estate Managers' ("EM")** office.
- 4.2. An owner builder who qualifies under 4.1 will be allowed to construct his own home but will be seen as a contractor during working hours and rules regarding contractors will have to be adhered to by the owner builder whilst daily construction takes place.

5. INDUCTION COURSE

- 5.1. The Contractor, his sub-contractor, and their employees, prior to the commencement of any work and/or installation of any equipment, fixtures and/or fittings of whatever nature on site, or at a time and date determined by the Estate Manager, shall attend an Induction Course to familiarize such persons with the rules and regulations relating to the environment, access control, safety, traffic control and all other matters pertaining to builders conduct in WELGELEGEN ESTATE. Such courses will be held at **regular intervals** as required, at the instance of and upon notice by the

Estate Manager. The Course costs shall be revised annually by the EM and approved by the Board of Trustees, and payable upon attendance by the Contractor. Refer to the Building Fees and Fines schedule. Attendance of the Induction Course is compulsory, and non-attendance will debar such a person from access to WELGELEGEN ESTATE.

- 5.2. A site meeting between the contractor and the EM must take place at least 1 week (seven days) prior to the commencement of building.
- 5.3. Prior to commencement of works on site the Contractor shall provide proof to the satisfaction of the EM that he holds current and adequate insurance cover under a Builders All Risks policy in respect of his construction operations and the improvements on site, including SASRIA, MVA, Third Party Liability cover, and Public Liability cover of a minimum amount of R5,000,000 [FIVE MILLION RAND] per insured event.

6. BUILDING CONSTRUCTION TIMELINES

- 6.1 **In the event of any construction of a dwelling that exceeds 12 months, the owner and/or the builder (as the case may be), will forfeit the refundable portion of the builder's deposit, in proportion to what extent the HOA determines, unless an extension in writing has been obtained from the HOA or EM.**
- 6.2 **In addition to the refundable deposit being forfeited, a penalty will be levied for each working day exceeding the 12-month construction period. (Refer to the fines schedule).**

7. BUILDING DEPOSIT and BUILDING RELATED FEES

- 7.1. To cover expenses incurred in the rectification of damage to property (roads and kerbs) and non-compliance of WELGELEGEN ESTATE rules and regulations, each Owner/Contractor will be required to pay a BUILDING DEPOSIT BEFORE ANY BUILDING OPERATIONS COMMENCE.
- 7.2. Building Deposits are also payable for alterations to assist in paying for wear and tear and administration that are related to any building alterations. The deposits are payable for
 - **Major Alterations** (where municipal approvals are also required); and
 - **Minor Alterations**

The major as well as minor alteration building fees will be **non-refundable**. Refer to the building fees schedule available from the EM.

- 7.3. There is a non-refundable portion of the building deposit when construction is complete. This refund must be applied for in writing to the EM. The EM will authorize payment once the following conditions are met:
 - 7.3.1 The rehabilitation of the erf and adjacent plots, as well as stormwater runoff management/ erosion control was effectively completed and approved.
 - 7.3.2 The landscaping plan has been submitted for approval.
 - 7.3.3 The EM has received the Occupation Certificate from the Municipality.
 - 7.3.4 No outstanding penalties or fines by the owner or his contractor(s).

- 7.4 The following costs (Refer to the building fees and fines schedule available from the EM) will be deducted from the remaining balance:
- 7.4.1 The costs of damages and transgressions as determined by the WHOA.
 - 7.4.2 The monthly inspection cost of the Environmental Controlling Officer (ECO).
 - 7.4.3 A monthly building management fee.
 - 7.4.4 Any unpaid fines issued during the building period.
- 7.5 The repairs to all road and/or kerb damage will be done by WHOA appointed contractors and is for the owner's expense. Contractors will NOT be permitted to undertake ANY road or kerb repairs. This is to ensure that all repairs will be to approved standards. Contractors are, however, obliged to clean roads of migrating silt, cement, etc. by means of high-pressure water cleaning, when instructed to do so by the Estate Manager.

8. FENCING, SCREENS, AND SIGNS

- 8.1 Prior to the commencement of building work a fence must be erected. This fence shall be erected along the entire perimeter of the erf, shall be new Forest Green 75% shade cloth, 1,8m high, poles the same height and with only one entrance, to be always kept tidy and secure. If the use of an adjacent erf is approved, the area in use on the adjacent erf must also be fenced. Fence to be erected according to guidelines as supplied by the EM.
- 8.2 The Contractor is required to conform to Health and Safety requirements in terms of the Occupational Health and Safety Act of 1993, (Construction Regulations 2003).
- 8.3 Fences and screens must be properly maintained to the satisfaction of the EM for the duration of the construction period and must be repaired/replaced when instructed to do so.
- 8.4 The contractor must display an approved builder's board (refer to Addendum G) on the site in a visible position for the duration of the construction period. No further signs of contractors, subcontractors, suppliers, finance companies or any other party may be erected on the site.
- 8.5 Builder's boards must be removed no later than one week after the construction has been completed.

9. RESPONSIBILITY

- 9.1 **Contractors always remain responsible for their subcontractors and employees, guests, invitees, and agents while in WELGELEGEN ESTATE.**
- 9.2 The contractor is responsible for any person making deliveries to WELGELEGEN ESTATE. Any damage caused by his own employees, subcontractors or vehicles delivering materials to the erf will make him liable for any damage that may occur within WELGELEGEN ESTATE. Any damage to WELGELEGEN ESTATE including, but not limited to, damage to kerbs, roads, streetlights, distribution boxes, plants, irrigation and/or damage to private property in WELGELEGEN ESTATE caused by the contractor, its sub-contractors, agents, employees, guests, or invitees, is the responsibility of the contractor. In addition, the contractor will be responsible for any damage caused to common areas in the immediate surroundings of his building project erf, to the extent determined by the Estate Manager in his sole and absolute discretion.

10. WATER AND ELECTRICITY METERS

- 10.1 Both electricity and a water meter, exclusively of a type and specification as directed by the EM, shall be installed by the owner / building contractor at his own cost.
- 10.2 The meter boxes shall be on the erf boundary at a position approved by the EM, and which shall not be less than 200mm above ground level and 1m from the vehicular entrance to the property, easily accessible to meter readers.
- 10.3 If a wall is built on the street boundary of the erf at any time thereafter, the meters must be moved by the owner at his cost and installed in the boundary wall in the manner provided for in paragraph 10.2 above.
- 10.4 Meter boxes must be built into the wall in such a manner as to ensure that they are flush with the surface of the wall and shall be painted the same colour as the wall into which they are built.
- 10.5 The plans submitted to the EM must clearly indicate the position of the meter boxes, placed in compliance with these directions.

11. BUILDING ACTIVITIES

11.1. Limits of building activity

All activities relating to the construction must be confined within the boundaries of the erf upon which construction is taking place. This relates to the location of staff, siting material and storage bins etc. If any material needs to be stored outside the erf boundaries (adjacent erf), written permission must first be obtained from the landowner and EM. Approval or refusal of any requested permission shall be solely at the discretion of the EM. If approval is granted, the area / site being used for storage shall also be fenced off and, upon completion, rehabilitated to the satisfaction of the Estate Manager and ECO prior to refund of the Builder's Deposit. Only building materials will be stored. No toilets, skips or containers will be allowed.

No workers will be allowed to leave the building site other than by vehicle transport. Workers are not allowed to walk in the streets or walk to and from building sites. Should workers be required at another building site they must be transported by vehicle.

Areas outside the Building Activity Zones are to be temporarily fenced off during the construction process to ensure that these areas are not impacted on in any way. Construction areas must always be securely screened off to the public and children, especially after hours and on weekends.

Construction works are to consider and respect the convenience and quality of life of other owners in WELGELEGEN ESTATE and be conducted in an orderly and responsible manner to serve the best interests of WELGELEGEN ESTATE generally and the neighbors of the building site specifically.

Contractors must ensure that surveyors indicate, with pegs, the BAZ (building activity zone) for each site.

11.2. Construction site presentation

The contractor will always be expected to keep the appearance of his building site neat and tidy and free of litter. Excess soil and plant material that results from levelling the erf must be removed from the erf once excavation is completed. The street in front of the erf must be swept regularly.

The Estate Manager may at any time request the contractor to clean the site if in their opinion, the site is untidy. Contractors must conduct their own site inspection daily and rectify any non-compliance issues immediately. Should a site inspection by EM reveal any non-compliance issues a fine may be issued.

11.3. Cleaning of vehicles/equipment

Washing of vehicles and equipment will not be allowed within WELGELEGEN ESTATE and must be conducted elsewhere.

11.4. Fires

No fires will be allowed in any part of WELGELEGEN ESTATE, including the building site without the prior written approval of the Estate Manager. Burning of litter or open fires and the dumping of building material or rubble on any portion of WELGELEGEN ESTATE is not permitted, and the Contractor is required to make his own arrangements for disposal of such materials at a spoil site outside WELGELEGEN ESTATE.

11.5. Spoil of excess material and building rubble

The contractor must make adequate provision for the removal of building rubble and excess material. No material or building rubble may be spoiled in WELGELEGEN ESTATE.

11.6. Placement of litter bins or skips on site

Skips or litter bins must be placed inside a fence-off building area. Refuse must be collected daily and deposited in a container, supplied by the Contractor at his cost, which must be of a design approved by the Estate Manager and have a secure lid of such nature that it cannot be overturned or that refuse cannot escape from it. Containers are to be regularly emptied and cleaned and empty cement bags, plastic, loose material, and rubble must be removed from the site so as not to contaminate WELGELEGEN ESTATE and its natural water courses and to ensure that the site is kept neat and free of litter or other unsightly waste.

All skips must be enclosed with netting at the end of each completed workday. Upon closure of the building site with the annual builders' holiday at the end of year, all open skips must be removed from the site and replaced before building activities resume.

11.7. Excavation

Excavation or the filling on site may not be undertaken without the submission of a detailed plan thereof to the EM for its written approval. Excavations for foundations and walls adjoining paved roadways and sidewalks must be supported during excavation and damage caused to such roadways/sidewalks must be restored by the Contractor immediately. **Foundations are to be certified by a Structural Engineer**, and excavations, back filling or trenches outside the site boundary are not permitted without the prior written consent of the EM.

11.8. Concrete pouring

The EM is to receive at least 24 hours' notice of all concrete pours. If notice is not given, the concrete trucks will not be granted access to the WELGELEGEN ESTATE. Concrete trucks arriving after 16:00 will not be granted access. When power floating is required, the concrete pour should start not later than 10:00.

11.9 Water

The Contractor will obtain water for the work to be undertaken on site from the Municipal water connection thereto. Application for such a connection is to be made to the Local Authority, and the Contractor may not interfere with any existing water supply to the WHOA.

11.10 Sewage system

The Contractor is required, at his or the Owners cost, to connect the improvements on site to the Municipal sewerage connection provided, which connection may not take place until completion of construction and is to be affected under the supervision of the EM. **Building material, rubble, contaminated water, storm water, rainwater or rubbish may not be allowed to enter the sewage system.**

11.11 Storm water System

The Contractor may not dispose of any building material, contaminated water, rubble, rubbish, wash paint or cement-based products, into the storm water system or on to the landscaped and paved areas in WELGELEGEN ESTATE. The Contractor undertakes to ensure that no waste or contaminated water is permitted to run towards or into the waterways within or around WELGELEGEN ESTATE.

11.12 Ablution and sanitation systems

Prior to commencement of the construction of improvements and throughout the duration of the work, the Contractor shall provide a suitable number of properly operational toilets on site, the entrances whereof must be screened from view by a barrier constructed from 90% Green netting, and shall ensure that such facilities are at all times maintained in a clean, hygienic and neat condition; and shall provide water and/or washing facilities for employees on site which may not be extracted from WELGELEGEN ESTATE waterways for this purpose. **The Contractor shall ensure that no wastewater whatsoever enters the WELGELEGEN ESTATE waterways.**

The use of the WELGELEGEN ESTATE waterborne sewage systems is forbidden, and a worker, or employee of the Contractor/Subcontractor(s) or invitee(s) found doing ablutions in any area other than the supplied toilet, will be fined and upon request by the EM removed from the site by the Contractor and be permanently barred from returning.

Portable ablution facilities must be removed from the site during the annual builder's holidays. Failure to comply will result in a fine. Refer to the fines schedule.

12 CONTRACTOR ACCESS TO WELGELEGEN ESTATE

- 12.1 All contractors and their workers need to provide an SA Police clearance (SAP69 obtainable at the SAPS or other private institutions) before they will be enrolled on the biometric/ facial system. The **Security Supervisor** will not approve of access for people with Category 1 and Category level 2 offences. An offence listed for Category 3 or 4 could be considered on a case-by-case basis by the EM and any decision not to grant access will be final and no further correspondence will be entered. Any subsequent act of any crime listed in Category 1 to 4 could result in the immediate cancellation of access granted.

Category 1	Category 2	Category 3	Category 4
<ul style="list-style-type: none">• Murder• Culpable Homicide• Abduction	<ul style="list-style-type: none">• Housebreaking• Fraud	<ul style="list-style-type: none">• Negligent/ loss of firearm• Domestic violence	<ul style="list-style-type: none">• Use of property without permission• Illegal immigrant

<ul style="list-style-type: none"> • Rape • Robbery • Assault with the intent to do grievous bodily harm (GBH). • Kidnapping • Assault (history less than 5 years) • Sexual Offences Act- Person under 16 yrs. • Dangerous weapons and Explosives. • Explosives act – possession of a petrol bomb. • Possession of dangerous weapon or object resembling a firearm. 	<ul style="list-style-type: none"> • Malicious damage to property • Theft of livestock • Theft (history 0-5 years) • Resisting/ hinders/ obstructs a member of Police in exercising power. • Possession of dangerous substances or dependence producing substance (except cannabis) • Deal/ cultivating prohibited dependence-producing substance/plants. • Arson 	<ul style="list-style-type: none"> • Cruelty to animals • Theft (no conviction for more than 5 years) • Assault (no conviction for more than 5 years) 	<ul style="list-style-type: none"> • Fail to appear in court. • Producing Alcohol without a license • Driving under the influence • Driving without a License • Speeding • Overloading of a vehicle
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12.2 Temporary / New Workers

Contractors should be able to plan for their activities and subsequently should know well in advance whether new staff will be required to perform tasks. If the staff are not registered with the WELGELEGEN ESTATE system, the contractor should send the new staff ahead of time to apply for the police clearances so that the SAP69 certificate is available when the new staff needs to start their work. For unforeseen emergencies, temporary / new workers have one day's grace. If new staff are required, or new personnel need to be enrolled in biometrics/ facial access, they should arrive on day 1 with their ID book (passport with legal work permit, where applicable) which will then be submitted to the Security Supervisor. If the "new" person is required to work for longer than one day, he/ she can go on day 2 for their SAP69 application. The "proof of payment" + ID/ passport will then secure access for the next 2 days. On the 5th working day, entry is blocked until SAP69 has been delivered. For those with clean records, more permanent access will be arranged immediately.

13 BUILDING PLAN CONTROLS

- 13.1 The building contractor must ensure that a copy of the signed approved building plan is always available on the erf for inspection by the EM.
- 13.2 Any variations to the approved building plan must be submitted to the DRP through the EM for approval and sign-off and may not be implemented before the approved variation is available to the contractor. Penalties will apply if variations to the approved municipal building plans are made without prior DRP approval.

14 CONSTRUCTION PROJECT REQUIREMENTS

- 14.1 Prior to registration of the construction project, the following requirements must be met and in place:

Pre-Conditions	NO commencement of work (Not Even Clearing of Erf) Is allowed until the following has been received by the WHOA Estate Manager (EM):
1.1	Copy of proof of Builder's Deposit. (Managing Agent VENKAM to confirm deposit has been received).
1.2	Hard copy of approved building plans by WHOA Design Review Panel (DRP), and George Municipality, (Site and Elevation plan) in A3 only. (Refer to WHOA Architectural & Building Guidelines Addendums A, B, C, D, E, F, J).
1.3	Builders Code of Conduct Agreement signed by both Owner and Building Contractor. (Check all pages initialled and last page signed and dated in full).
1.4	Copies of NHBRC residential Unit Enrolment Certificate <u>as well as</u> NHBRC provisional certificate.
1.5	Environmental layout plan, indicating positions of Skip, Container and Toilet.
1.6	Copy of Building Contractor Risk policy. A minimum of two Million Rand public liability cover per insured event.
1.7	WHOA Architectural & Building Guidelines Addendum B: Application, Approval of Building Plans – check all pages signed.
1.8	BAZ line must be pegged on site by a registered surveyor prior to Environmental Control Officer (ECO) inspection. Site clearing can only be implemented after this on-site meeting with ECO and EM – will be discussed with contractor at site meeting.
1.9	Construction notice board (WHOA Architectural & Building Guidelines Addendum G).
1.10	Note: All workers on site must be registered at the Main gate – security office, with valid SAP69 clearance certificates. The onus rests on each contractor to ensure their workers SAP69 renewals are done timeously to ensure a seamless entry throughout the project.
1.11	Only once the abovementioned is in place, and confirmed by the Estate Manager, will the site be confirmed as handed over. Should any building activities take place before being handed over, a fine will be issued. Any other transgressions may lead to a fine/s being issued by the Estate Manager.
1.11	Only once the abovementioned is in place, and confirmed by the Estate Manager, will the site be confirmed as handed over. Should any building activities take place before being handed over, a fine will be issued. Any other transgressions may lead to a fine/s being issued by the Estate Manager.

15 HOURS OF WORK

15.1 Contractors will only be granted access to WELGELEGEN ESTATE during the following hours:

Monday – Friday:	07:00 to 17:00. (17:30 off site)
Saturdays:	No work allowed.
Sundays:	No work allowed.
Public holidays:	No work allowed.

16 WATCHMEN

16.1 No watchmen will be allowed in WELGELEGEN ESTATE.

17 VEHICLE SIZE RESTRICTIONS

17.1 Due to the road surfacing, and limited road widths and radii, the following restrictions are placed on any vehicle entering WELGELEGEN ESTATE:

- No “horse and trailers” will be allowed without prior written permission by the EM.
- Maximum length: 9.1m
- Maximum width: 2.6m
- Maximum gross mass: 20,000 Kg
- Maximum axle weight: 8,000 Kg
- Concrete deliveries **MAY NOT EXCEED** 6 m³ per truckload.
- Truss deliveries (Total length of vehicle) 9.1m
- Brick deliveries. Max no per load. 6 pallets

17.2 Vehicles that will not be allowed access into WELGELEGEN.

- Anything larger than listed in par 17.1
- Dumpers or equivalent equipment.

18 DELIVERIES TO CONTRACTORS

18.1 General deliveries

- Contractors will always be responsible for their delivery personnel.
- All delivery times will be limited to Hours of Work as defined under clause 15.
- The size of delivery vehicles will be limited as defined under clause 17.
- Delivery vehicles must have a site number and the contractor’s name on the delivery note.
- Deliveries to the construction site will take place only from the street frontage of the Erf unless prior alternative arrangements have been made with the EM.
- The contractor has the responsibility of advising WELGELEGEN ESTATE security staff on deliveries.
- All drivers must have valid driver’s licenses, and all heavy vehicles will be inspected. This is to comply with sections 8 and 9 of the OHS act.

18.2 Concrete and Brick deliveries

The delivery of concrete and bricks has the potential of causing the most damage to the road surfacing and landscape vegetation. It is therefore important that these deliveries are handled in a particular way. Drivers of these heavy delivery vehicles must be made aware of the road restrictions by the contractor before their first delivery to the site. These heavy vehicles are not allowed to leave the road except at the DESIGNATED entrance to the building site. All heavy trucks will only be allowed entry AFTER the site representative has been phoned and assumes responsibility for monitoring the delivery. Site managers may also make prior arrangements before such deliveries.

18.3 Washing of concrete delivery vehicles

The washing of concrete delivery vehicles will not be allowed within WELGELEGEN ESTATE, and no spillage and runoff will be tolerated. Under no circumstances may concrete be spilled onto the road surface and the contractor will be held responsible for the repair to the road if this occurs.

19 STORAGE SHEDS/HUTS

- 19.1 The contractor is permitted to erect green storage sheds/ huts/ containers within the boundaries of the erf.

20 SECURITY

- 20.1 The contractor's building project is within a secure and controlled environment and therefore in terms of clause 16 above, individual watchmen will not be allowed in WELGELEGEN ESTATE.
- 20.2 The contractor must always adhere to the instructions of WELGELEGEN ESTATE security staff and the Security Supervisor.
- 20.3 Personnel must be transported by vehicle to the relevant erf and will not be allowed to walk around in WELGELEGEN ESTATE.
- 20.4 All drivers and contractor vehicles entering WELGELEGEN ESTATE must have a valid driver's license, and display a valid license disc.
- 20.5 Contractor vehicles are scanned in and out by security and contractors must ensure the number of workers coming in and workers leaving must be equal daily.
- 20.6 All personnel will be subjected to a police clearance check. It is in the sole discretion of the Security Supervisor to deny access to individuals that do not pass the predetermined security criteria.
- 20.7 **It is the contractors' responsibility to inform the Estate Manager when the personnel are no longer in his service. Not informing the Estate Manager will result in a fine.**
- 20.8 Contractor personnel must always wear visibility vests.

21 TRAFFIC CONTROL

- 21.1 For security and safety reasons the speed limit in WELGELEGEN ESTATE for all vehicles is limited to 30km/h.
- 21.2 Parking vehicles must be confined to pre-determined areas. It is the contractor's responsibility to confirm these areas with the Estate Manager and these areas should be properly marked. No parking on other erven, pavements, and road verges in WELGELEGEN ESTATE will be allowed.
- 21.3 None of the contractors' vehicles will be allowed to be overloaded with materials or personnel.
- 21.4 The contractor is responsible for ensuring that all his personnel, subcontractors, and delivery vehicle drivers are conversant with, and comply with, these rules.
- 21.5 **All standard municipal traffic rules and regulations are also applicable within the estate, and any contraventions are liable to lead to fines being issued.**

22 ROADS AND ROAD VERGES

- 22.1 **Contractors must ensure that the road in front of their building site is always swept clean. This is to minimize damage and ensure longevity of the road surface.**
- 22.2 Contractors must ensure that kerbs and sidewalks in front of their building site are adequately protected from damage by the building operations. Building material must be stored on the erf. Special permission may be obtained from the WELGELEGEN Estate Manager, in his sole and absolute discretion, to store material on the road reserve directly in front of the building site, or on other approved locations within WELGELEGEN ESTATE, should the need arise.

23 CONSTRUCTION SITE INFORMATION

- 23.1 The contractor must place an approved A1 size advertising board on the construction area indicating the site number, the name and contact details of the contractor including cell phone numbers and e-mail addresses, name and contact details of the architect, and name of the owner/ client, for the duration of the construction period.
- 23.2 The sub-contractors of the contractor may not place any advertising material in WELGELEGEN ESTATE.

24 ELECTRICITY SUPPLY

- 24.1 The WHOA shall not be liable for damages, expenses or costs caused to owners, contractors, or sub-contractors for any interruption in supply, variation of voltage, variation of frequency, or any failure to supply electricity, during the building process.

25 ENVIRONMENTAL FACTORS

- 25.1 Minimizing damage to the infrastructure of WELGELEGEN ESTATE, and indigenous Fauna and Flora in, upon, and adjacent to the building site, and the reinstatement any damage or loss so caused, shall always be the responsibility and priority of the contractor.
- 25.2 Construction works are to consider and respect the impact on the life of other owners and in particular the immediate neighbors and are therefore to be carried out in an orderly and responsible manner.
- 25.3 On erven with a 4:1 slope the construction of a silt fence is compulsory to prevent mud from building activities being washed down to the security fence.
- 25.4 A landscaping plan and list of proposed plants to be submitted to the EM for approval prior to completion and application for occupation. The owner may apply for an extension of this requirement. If approved the landscaping plan and plant list and commencement of landscaping will be subject to target dates. Non-compliance will be subject to penalties or any other reasonable sanction the EM sees fit to impose.

26 CONSTRUCTION SITE CONTROLS

- 26.1 **A representative of the contractor must be available on the erf during working hours and be authorized to receive all correspondence addressed to the contractor and to deal with any related issues raised by the EM.** General correspondence will be communicated to the building contractor either via the WELGELEGEN security staff on duty or the EM.

27 OCCUPATION and COMPLETION of CONSTRUCTION

- 27.1 Occupation is defined as the right to physically occupy the property.

- 27.2 Before an owner can move into/occupy a completed house on the Estate an Occupation Certificate needs to be obtained from the Local Authorities. The following procedures must be followed to obtain such a certificate.
- 27.3 **Once the building contractor has achieved practical completion, the contractor needs to arrange an occupation inspection with the EM. A request for an Occupation Compliance Certificate Process (OCCP) Inspection must be directed to the Estate Manager by email at least 5 working days in advance.** This will ensure that all relevant members involved in the inspection are able to plan for such an inspection.
- 27.4 The EM will contact other role players for them to determine their availability and to diarize the requested inspection date. Contractors and Architects are requested not to attempt to bypass this process. The EM reserves the right to adjust the date and/or time of the inspection as requested due to the availability of members or other pre-arranged or priority commitments.
- 27.5 The *Occupation Compliance Clearance Process* inspection may be attended by the Owner and Contractor only, where any anomalies in terms of the Architectural and Building Guidelines, Environmental Management Plan and this Builders Code of Conduct will be listed and required to be rectified.
- 27.6 **Owners and contractors are therefore forewarned that they should not expect a successful occupation clearance with the first attempt. Owners and contractors are also reminded not to arrange an occupation inspection with the municipal inspector before completion of the OCCP inspection.**
- 27.7 Once the EM has received confirmation of compliance from the Controlling Architect and the Environmental Control Officer, and the EM is satisfied that there are no outstanding fees or fines due, a WHOA Occupation Clearance Certificate will be issued by the EM to the property owner which will enable the Owner to apply from the Local Authorities for an Occupation Certificate to be issued.
- 27.8 The EM may also approve the application for an occupation clearance Certificate on condition that certain anomalies be rectified within a certain time limit. Failure to comply with the stated conditions within the stated time limit will be subject to penalties or any other reasonable sanction the EM sees fit to impose.
- 27.9 The occupation certificate will only be issued by the Local Authorities on confirmation by the HOA (by means of the WHOA occupation clearance certificate) that all WELGELEGEN ESTATE requirements have been met and the completed works conform to the final plans as approved by the DRP.
- 27.10 An owner can only take occupation of the property on receipt by the EM of a copy of the occupation certificate issued by the Local Authorities.
- 27.11 Occupation of the property without submittance of the Municipal occupation certificate by the Local Authorities will be subject to penalties or any other reasonable sanction the WHOA sees fit to impose.
- 27.12 It is of utmost importance that **owners do not plan to immediately move into their homes after the completion of the Occupation Compliance Clearance inspection by the EM, CA and ECO** as there may be requirements to be attended to and follow-up inspections required, and the municipal occupation inspection still need to be completed.
- 27.13 Also refer to the Occupation procedure available from the Estate Manager.

28 BREACHES

- 28.1 In the event of any breach of the Building Contractors Code of Conduct, the contractor or owner may be subject to penalties or any other reasonable sanction the EM sees fit to impose. Such other reasonable sanctions may include, but shall not be limited to, building stop orders. Any such action will be at the sole and absolute discretion of the EM.

29 OCCUPATIONAL HEALTH AND SAFETY

- 29.1 Building Contractors are reminded of their obligations as per the OHS Act 85 of 1993.
- 29.2 As a mandatory requirement all contractors and their personnel will have to adhere to the minimum requirements of wearing a high-visibility jacket and safety shoes. Access to WELGELEGEN ESTATE will not be granted to those not complying with this requirement. Construction workers will also need to wear a hard hat, as well as the necessary Personal Protective Equipment pertaining to the specific job they are performing, i.e., dust masks, facial and hearing protection, etc.

30 BUILDING RELATED FINES - Refer to the building fines schedule available from the EM

- 30.1 **Fines may be imposed by the EM on behalf of the WHOA, and are to be paid to WELGELEGEN ESTATE within 5 calendar days, failing which the Contractor and/or his employees may be denied access to WELGELEGEN ESTATE.**
- 30.2 The building fine schedule is an indication of fines which may be levied and may be increased at the discretion of the EM depending on the severity of the offence. Second, as well as subsequent offences will result in a further increase in the fine. Fines for offences not indicated on the schedule can be imposed at the sole discretion of the EM. Fines are imposed in addition to any remedial costs incurred.
- 30.3 Objections to the imposed regulations and fines must be directed to the EM in writing **after the required fine has been paid**. An objection should be lodged with the EM at the following e-mail address: estatemanager@welgelegenestate.co.za
- 30.4 **With effect from April 2025, any fine issued by the Estate Manager or Security Supervisor for non-compliance by the contractor, his sub-contractors or any supplier related to the building activity on a particular ERF, will be issued directly to the owner of the property. These fines will be administered by the Managing Agent on behalf of the WHOA, and such fines must be paid within 7 (seven) days from the date of email by the Managing Agent. Failure to receive payment from the owner of the fines issued may result in further penalties and will prevent the Occupation Certificate Compliance Procedure inspection being implemented.**

PROJECT DETAILS and SIGNATORIES

Erf No:	
Estimated Construction Start Date	
Estimated Construction Completion Date	
Building Contractor	
Telephone	
E-Mail	
OWNER	
ARCHITECT	
PROJECT MANAGER	

Signed this _____ day of _____ 20_____ at _____

Signature:

Johan van Staden

Estate Manager: WHOA

Name

Signature:

Owner

Name

Signature

Builder/Contractor

Name