



FRANSCHÉ HOEK
AGRICULTURAL ESTATE

BUILDING CONTRACTORS NAME

OWNER/EMPLOYERS NAME

STAND NUMBER

THE FRANSCHE HOEK ESTATE
BUILDERS CODE OF CONDUCT – Revised June 2018

PREAMBLE

The purpose of this set of rules is to ensure a harmonious integration of residential living and building activities within The Fransche Hoek Estate (“the estate”) with minimal impact upon the environment, residents and others. The estate has unique qualities as an up-market, secure residential estate and in order to maintain aesthetics, standards, general appearance and security arrangements it is necessary that owners, builders, contractors and their sub-contractors adhere to rules and regulations as determined by the Estate from time to time.

Strict adherence to all aspects of the rules is required and expected at all times and in all respects, and penalties may be imposed by the Estate in the event of non-compliance.

The contractor acknowledges that he is working in an environmentally sensitive development and agrees to conform to all environmental controls specified by The Fransche Hoek Agricultural Estate Home Owners Association “HOA” from time to time.

1. CODE OF CONDUCT AGREEMENT

The building contractor is a builder/contractor (“the contractor”) appointed by the owner (“the employer” or “the owner”) of an erf in the Estate for the purpose of constructing a dwelling house and outbuildings (“the works”) on the employer’s erf.

2. QUALIFICATION OF CONTRACTORS

Only contractors with adequate experience and who can satisfy the HOA (in its sole and absolute discretion) of such prior experience will be allowed within the estate.

An owner builder who qualifies in terms of this clause will be allowed to construct his own home.

3. PRECONDITIONS

The following pre-conditions shall be complied with before any building activities may commence:

A site meeting between the Owner/contractor and representatives of the HOA must take place at least 5 days prior to commencement of building.

The Owner must be in possession of a duly completed application to commence building operations approved and signed by the Estate Manager.

The Client must provide the HOA with a copy of the appointment of the agent who will ensure compliance on his or her behalf, referred to in clause 4(5) of the construction regulations 2003 pertaining to the Occupational Health and Safety Act, 1993 (Act No.85 of 1993). Alternatively, the client must sign an undertaking that he or she is conversant with the act and its regulations and have elected to assume responsibility for compliance in his or her personal capacity. (See also clause 5.3 below)

Prior to the commencement of building the contractor must set out the foundations for inspection and approval by the HOA before casting concrete.

To cover potential damage to property and possible expenses due to non-compliance with these and other Estate rules, each owner/builder or contractor will be required to pay a deposit of R50 000 per building site to the HOA before any building operations are allowed to commence.

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The HOA may in its sole and absolute discretion deduct amounts from this deposit to recover expenses incurred in respect of property damage or non-compliance with these or other rules. Should any deduction be made the owner/contractor will be obliged to restore the amount to R50 000. The HOA reserves the right to adjust these fees as and when necessary. No interest will be payable by the HOA.

a. Fees and Charges

Refundable Deposit (Damage to Estate Property)	R25 000
Development Fee	R25 000
Permanent water meter (Fynbos & RSL)	R 8 000
Permanent water meter (Werwe)	R 8 000
A once-off refundable service deposit (refundable)	R 10 000
Installation water meter & non-return valve	R 5 000
Temp/Permanent Electrical Meter and inspections	R 7 500
Security Control during construction	R 4 500
Contribution to road maintenance fund	R 1 200 *
Building Control Administration	R 2 000 *
Where applicable – Consultation fee for new driveways or deviations to existing driveways by Estate landscape designer.	R 300/hour

*will be levied every month for the duration of building period on monthly levy account.

Fees charged by consultants (where required) will be passed on to owners at cost.

- 3.1 The contractor must display the approved builders' board on the stand at a site directed by the HOA for the duration of the construction period.
- 3.2 Builders boards must be removed no later than one month after the construction has been completed.

4. PERIMETER FENCE

A fence with specification below has to be erected around each building site prior to starting with the construction of a house.

Fence Specification:

Green shade net fence (20%-60% Transparent) 1500mm high fixed to four horizontal wire strands 500mm C.T.C (Max) attached to 80mm Gum Poles 3000 C.T.C (Max.). The Gum poles have to be installed in such a way that it would withstand wind pressure associated with the area. The opening created for deliveries etc. has to be gated (1500 high.)

5. RESPONSIBILITY

- 5.1 Contractors are at all times responsible for their sub-contractors and employees, guests, invitees and agents while on the estate.
- 5.2 The Contractor is responsible for its sub-contractors as well as any person making deliveries to the site. Any damages caused by his own employees, sub-contractors employed by him or delivery vehicles delivering materials to his site will make him liable for any damages that may occur within the estate. Any damage to the estate including, but not limited to damage to the kerbs, roads, street lights, distribution boxes, plants, irrigation and/or damage to private property on the 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 surrounds of his erf to an extent to be determined by the HOA in its sole and absolute discretion.

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5.3 Occupational Health and Safety.

The Act places the onus on the employer to comply with the provisions of the Act, and to ensure a safe and healthy working environment not only for their own employees, but also other persons that may be affected by their activities.

In particular notice has to taken of the following:

- a) Written Agreement signed in terms of section 37(2) of the Occupational Health and Safety Act 1993(Act 85 of 1993) has to be drawn up between employer and all contractors.
- b) Every principal Contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer prior to work commencing on site
- c) Health and Safety specifications to be drawn up by the client for the construction work.
- d) Principal Contractor shall provide and demonstrate to the client a suitable and sufficiently documented health and safety plan.
- e) Every contractor shall ensure that a health and safety file, which shall include all documentation required in terms of the provisions of the Act and these Regulations, is open and kept on site and made available to an inspector, client, client's agent or principal Contractor upon request.
- f) Construction sites in areas adjacent to public ways are suitably and sufficiently fenced off and provided with controlled access points to prevent the entry of unauthorized persons.

A responsible person with a 24-hour emergency contact number must be appointed by the Contractor in case of emergency on any building site. This person's name and number must be given to security and must be available at all hours to respond immediately when contacted,

6. ENVIRONMENTAL CONTROLS.

The Contractor acknowledges that he or she is working in an environmentally sensitive development and agrees to conform to all environmental controls specified in this document and revised from time to time. It should also be noted that these controls form part of the Construction Phase Environmental Management Plan (EMP) for the development and are required to be legally enforced, and of which a copy is available at the Estate Management Office. The Owner and Contractor herewith confirm that they have acquainted themselves with its content. The Owner and the Contractor also acknowledge being aware of the Estate's commitment to adhering to ISO14001 environmental management standards. The Owner and Contractor are aware that any breaches of these standards (of which this Code of Rules and Regulations form part) may lead to the Estate being penalized when ISO14001 audits take place. The Owner and/or Contractor herewith accept liability to refund the Estate for any penalty that the Estate may incur as a consequence of the actions, or failure to act, of the Contractor, his sub-contractors, suppliers and staff.

6.1 Environmental Education

a) Description

All contractor and sub-contractor personnel will be required to be briefed on the Builders' Code of conduct. The main Contractor must do these briefings before his staff and subcontractors will be allowed to work on the Estate.

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Personnel who have not been briefed will not be allowed on the Estate.

6.2 Vegetation search and rescue

- a) **Description**
Prior to the commencement of clearing the proposed building site, the contractor will obtain a clearance certificate from the estate manager testifying that vegetation search-and-rescue has been completed on the site. This operation is a legal requirement to ensure that any endangered vegetation species are transplanted prior to construction work commencing on the plot. The Estate landscaper must be given the opportunity to remove fynbos from a building site prior to construction work commencing. Existing trees must be protected or moved at the expense of the Owner.
- b) **Breach**
Work by the Contractor will be stopped and legal action will be taken against the Contractor in terms of the EMP.

6.3 Environmentally protected areas

- a) **Environmentally protected areas should be conserved and the following activities are prohibited:**
 - i) Trapping, shooting, harassing or in any way harming of the animal or birdlife on the Estate is prohibited
 - ii) Fishing, swimming or the performing of any other potentially water polluting activity in the dams or water features is prohibited.
- b) **Breach**
Any Contractor employee transgressing on the above will be escorted off the Estate by security and a 'persona non-grata' will be issued on the transgressor.
- c) **Penalty**
A penalty fine of at least R1500 per transgression will be levied against the building contractor.

7. WATER AND ELECTRICITY METERS

- 7.1 Both an electricity and a water meter, exclusively of a type and specification as directed, and provided and sold by the HOA from time to time shall be installed by the owner as specified by the HOA below.
- 7.2 The meter boxes shall be built into the wall on the erf boundary at a position approved by the HOA and which shall not be less than 200mm above ground level, not higher than 1200mm above ground level and 1 m from the vehicular entrance to the property, easily accessible to meter readers.
- 7.3 In the event of no garden walls being built, the meter boxes shall be placed in a street facing outside wall of the house in a position closest to the street boundary of the plot and as approved by the HOA, in its sole and absolute discretion. The meter boxes shall not be less than 200mm above ground level, not higher than 1200mm above ground level, easily accessible to meter readers.
- 7.4 In the event that 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/her cost and installed in the boundary wall in the manner provided for in Paragraph 7.2 above.

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- 7.5 Meter boxes shall always 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.
- 7.6 On the plans submitted the HOA must clearly indicate the position of the meter boxes, placed in compliance with these directions.



8. BUILDING ACTIVITIES

- 8.1 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 location of staff, position of material, storage bins etc. If any material needs to be stored outside the erf boundaries, written permission must first be obtained from the HOA. Approval or refusal of such requested permission shall be solely in the discretion of the HOA.
- 8.2 Site Presentation
The contractor will be expected to keep the appearance of his building site neat and tidy and free of litter at all times. 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.
- 8.3 Special care has to be taken to prevent dust, rainwater and mud from entering neighbouring properties, the road or estate land. All costs incurred in obtaining the above, will be for that of the owner/contractor.
- 8.4 Cleaning of vehicles/equipment
Washing of vehicles and equipment will not be allowed on the estate and must be carried out elsewhere.
- 8.5 Fires
No fires will be allowed on any part of the estate including the building site.
Breach

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A penalty fine of at least R2000 per transgression will be levied against the building contractor. Particular care must be taken when fire danger is high.

- 8.6 Ablution facilities
Contractors must make adequate provision for temporary toilets for the use of their employees, and positioned on the site as directed by the HOA in its sole and absolute discretion.
- 6.7 Spoil of excess material and building rubble
The contractor must make adequate provision for removal of building rubble and excess material. No material or building rubble may be spoiled on the Estate.
- 6.8 Care must be taken to avoid damage to stream and river banks and to dam walls. No effluent or run-off from a site should be allowed to damage or pollute waterways or dams.

9. HOURS OF WORK

- 9.1 Public/Private time
Contractors may only be present on the Estate during the following public time hours:

Monday – Friday: 07H00 to 18H00

Private time hours are 18H00 to 07H00 weekdays, Saturdays, Sundays and all public holidays, as well as BIFSA builder's holidays prescribed annually to their members.

- 9.2 Permission to work during private times
Contractors are not allowed on the estate during private hours, however, written permission can be obtained from the HOA, in its sole and absolute discretion, in special cases to work during private times. Special applications for contractors to be present on site during private time should be lodged at least one week prior to the private time activity proposed.

10. WATCHMEN

No watchmen will be allowed.
Homeowners and contractors are responsible for their own insurance with regards to loss or damage to property and public liability during the construction period. No claims may be laid against the Estate.

11. VEHICLE SIZES ALLOWED

Due to the road surfacing and limited road widths and turning radius, the following restrictions are placed on any vehicle entering the Estate:

- 11.1 No articulated truck with trailer will be allowed.
- 11.2 Vehicle weight restrictions – 8 tonnes per axle

12. DELIVERIES TO CONTRACTORS

- 11.1. General deliveries
 - 11.1.1 Contractors will at all times be responsible for their delivery personnel.
 - 11.1.2 All delivery times will be limited to public times as defined under 9.1 above.

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- 11.1.3. Size of delivery vehicles will be limited as defined under 11 above.
- 11.1.4 Deliveries to the building site will take place only from the street frontage of the site unless prior arrangements have been made with the Estate.
- 11.1.5 The Contractor has the responsibility of advising the entrance security staff of deliveries.

11.2. Concrete deliveries

The delivery of concrete 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 concrete delivery vehicles must be made aware of environmental issues by the contractor before their first delivery to the site.

11.3. Washing of concrete delivery vehicles

The washing of concrete delivery vehicles must take place within the confines of the building site and spillage and run off contained within the site. Under no circumstances may concrete be spilled onto the road surface and the Contractor will be held responsible for the repair to the road or any other damage if this occurs.

13. STORAGE SHEDS/HUTS

The Contractor will be permitted to place up to two 20ft shipping/freight containers within the boundaries of the erf. Only containers painted historic green will be permitted. Consent of the positioning of the container must be obtained from the HOA, which shall have absolute discretion in this regard.

14. SECURITY

14.1 The development is located in a secure and controlled environment.

14.2 The Contractor must at all times adhere to the instructions of security personnel employed by the Estate.

14.3 Personnel must be transported by vehicle to the relevant building sites and are confined to that particular site only. Personnel will not be allowed to walk from one site to another.

14.4 All Contractor vehicles have to stop at the entrance gate and all the occupants have to go through the security. The drivers have to complete the register. When on site for a period of time the driver can scan in at the control room to have quicker access at the gate.

14.5 All Contractor vehicles to stop at control exit when they leave and all occupants have to go through security. Vehicles and personnel search will take place from time to time.

14.6 If any unauthorised items are found the Project Manager will be informed and the necessary steps will be taken.

15. SPEED LIMIT

For security and safety reasons the speed limit on the estate for all Contractors' vehicles is 30km/h. The Contractor is responsible for ensuring that all his employees, subcontractors and delivery vehicles adhere to this rule.

16. BUILDING PLAN CONTROLS

16.1 The building contractor must ensure that a copy of the most recent signed approved building plan is available on site at all times for inspection by the HOA representative.

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- 16.2 Any variations to the approved building plan must be submitted to the HOA for signed approval and may only be implemented once the approved variation is available to the Contractor

17. ROADS AND ROAD VERGES

- 17.1 Contractors must ensure that the road in front of their building site is at all times swept clean. This is to minimise damage and ensure longevity of the road surface.
- 17.2 Contractors must ensure that the kerbs and sidewalks in front of their building site are adequately protected from damage during the building operations.
- 17.3 Building material must be stored on the erf. Special permission may be obtained from the HOA, in its sole and absolute discretion, to store material in the road reserve directly in front of the building site, or on other approved locations should the need arise.

18. ADVERTISING

The Contractor or his sub-contractors may place no advertising material on the Estate.

19. ELECTRICITY, GENERATORS & WATER SUPPLY

- 19.1 The HOA shall not be liable for damages, expenses or costs caused for any interruption in supply, variation of voltage, variation of frequency, or any failure to supply electricity or water.
- 19.2 Generators for electricity may only be installed with permission from the Board. A detailed specification regarding any installation and the type of generator that may be used is available from the Estate Manager.

20. BREACHES

- 20.1 In the event of any breach not specifically stated in the Building Contractors Code of Conduct the Contractor or owner/employer may be subject to a fine as determined by the HOA but no less than R1 000 per offence committed or such other sanction as the HOA sees fit to impose. Such other 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 HOA.
- 20.2 It is specifically agreed that in the event that estate property or property of members of the HOA is damaged or utilised in an unauthorised manner the HOA may at the sole discretion of the HOA remove the responsible contractor from the estate and bar him for a period of time or permanently from entry and working on the estate. Damage or unauthorised use includes but is not limited to, erection of structures, storing of building materials, removing natural vegetation, removing top soil, digging trenches or other construction excavations, polluting the site by means of building rubble, paper bags and other construction materials, wrapping materials etc. It is further agreed that in these circumstances the parties affected will have no recourse to the HOA and may not institute any legal action or claims for loss and damages against the HOA due to the HOA having barred them from the estate.
- 20.3 The HOA will appoint a representative who will make unannounced site visits at any time to inspect the site and the operations. He will be empowered to issue non-conformance notices in respect of this code of conduct as well as the Estate rules and architectural guidelines. He may also issue directives to correct deviations and non-conformances and may if required issue “stop work” notices. All deviations and non-conformances will be reported to the Board or its responsible sub-committee

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who may levy fines and take other corrective actions as such board committee in its sole opinion may deem necessary.

20.4 A log book must be kept on site for the exclusive use of the Estate representative to record his visits and his findings and must be available for inspection to any member of the Board at any time when required.

21. CONTRACTOR’S DETAILS AND DOMICILIUM

Contractor:

Contact Person:

Physical Address:

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Postal Address:

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E-mail address:

Telephone No:

Fax No:

Cell Phone No:

Erf No:

22. EMPLOYER’S/ OWNER DETAILS AND DOMICILIUM

Employer:

Physical Address:

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Postal Address:

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E-mail address:

Telephone No:

Fax No:

Cell Phone No:

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23. BANKING DETAILS FOR RETURN OF DEPOSIT

Bank:
Branch:
Branch Code:
Account Name:
Account Number:
Account Type:

24. ARCHITECT'S DETAILS AND DOMICILIUM

Architect:
Contact Person:
Physical Address:
Postal Address:
.....
E-mail address:
Telephone No:
Fax No:
Cell Phone No:
Erf No:

25. THE EMPLOYER'S/OWNER'S RESPONSIBILITY

By its signature to this document, the employer agrees to co-operate fully with the Contractor and with the HOA to ensure that the HOA's rules and instructions are fully complied with.
The employer accepts and acknowledges that it has nominated and employed the contractor and that the employer is jointly responsible to ensure that the contractor complies with the terms of this document, and any other rules, regulations and directions of the Home Owners' Association. The terms of this document shall supplement and operate in addition to any other rules, regulations, instructions or resolutions of the Home Owners' Association.

Signed at on the day of 201...

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For and on behalf of the Contractor

Signed at on the**day of 201...**

For and on behalf of The Fransche Hoek Agricultural Estate HOA NPC

For and on behalf of the Owner/Employer

Witness 1

Witness 2