



# **SPRINGERBAAI COASTAL ECO-ESTATE**

## **REGULATIONS SPECIFICALLY FOR CONTRACTORS & SUBCONTRACTORS TO ADHERE TO:**

The following extracts from the Architectural and Building Regulations have been summarised to ensure Contractors/subcontractors are fully aware of the implications thereof, relevant applicable Fees, Penalties & Fines for non-compliance.

***NOTE: The main objective of these regulations is to manage & minimize negative impacts of building activity on the environment & adjoining properties. It is recommended that all Homeowners who choose to build or carry out alterations or additions at SB, acquaint themselves with these requirements & regulations and take all necessary measures to ensure compliance.***

***It is recommended that Homeowners enter into the various Contract/Building Agreements available as prepared by the SA Institute of Architects & Joint Building Contracts Committee (JBCC) between Employer & Architect/Employer & Contractor.***

***The SB Trustees, Management & BAC are not responsible for the administration of these Agreements nor for any Site Supervision. The responsibility of the SB Trustees, Management & BAC is to ensure compliance with Architectural & Building Regulations.***

***In the event of any dispute between a Contractor his Client or his staff, the Trustees, SB Management & the BAC will not intervene unless it impacts negatively in any manner on Estate matters. In the event of the latter, Management together with the Trustees & BAC may choose to carry out an investigation in order to help resolve the dispute, apply penalties or fines accordingly.***

### **1. COMMENCEMENT TO BUILD**

- 1.1** No site clearing or building work will be permitted on Springerbaai without plans approved by the Municipality of Mossel Bay.
- 1.2** Contractors/subcontractors to provide the Estate Manager with ID's & police clearance for themselves & all their staff before entering the Estate.
- 1.3** A refundable (interest free) building contractor's deposit (refer addendum C) must be paid to the HOA before construction commences on a stand for the first time. No deposit is required for alterations or additions once the building has been occupied.

***Refer to Addendum C for details of current fees. The amount will be held in trust (free of interest) by the HOA until completion of buildings and improvements has been achieved.***



*The deposit may be utilized to pay for the removal of any rubble or to make good any damages caused by the building contractor affecting landscaping, roads, services etc. or retained as a penalty levy as a result of non-compliance with or non-adherence to the A&B Regulations by the homeowner, his/her building contractor or sub-contractors.*

- 1.4** The proposed footprint of the house must be demarcated on site for early discussion. This is to avoid unnecessary environmental damage on the stand. No site clearing may be done until approved plans have been received from the Mossel Bay Municipality.
- 1.5** At least two weeks before building work commences it is recommended that a site meeting be held between the homeowner their architect, the BAC and the Estate Manager.
- 1.6** The Environmental Regulations (refer to Addendum B), building contractors particulars, access arrangements, building programme, progress site meetings and attendance must be discussed and agreed upon.
- 1.7** After site clearance, but before any levelling takes place, a building contractors' profile indicating all relevant building heights and Finished Floor Levels (FFL) must be set up on site and agreed upon by the homeowner, the Architect and BAC.
- 1.8** The profile markings must show, as per approved drawings:
  - Average natural ground level of the house which will be the top of ground floor slab level - for all portions of the house.
  - The point where rafters are to project through the outer skin of walls at 2.7m from top of ground floor slab level.
  - The profile must be set in such a position so as not to impede construction. It may not be removed until the roof trusses have been completed.
  - Once the building contractor's deposit has been paid to the HOA, water will be provisionally supplied to the property for building purposes only. All water usage costs are for the account of the homeowner and are to be paid upon receipt of an invoice.

## **2. APPROVED PLANS**

A full set of stamped APPROVED PLANS (by Mosselbay Municipality and BAC) must be handed in to the Estate Manager and kept on site at all times. This is to ensure that any member of the BAC, the Estate Manager and the building contractor are able to monitor building progress as well as compliance with Approved Plans. A full set of approved plans to the Estate Manager for filing and another full set must be kept on site at all times, including any alterations made and approved to the original plans.

## **3. BUILDING PERIOD**

Building work must be completed within a period of 12 months from starting date. If there are unforeseen delays these are to be brought to the attention of the BAC. After the 12-month period a notice of non-completion will be sent to the homeowner/s by the BAC. Failure to act upon this notice to the satisfaction of the BAC/Trustees will result in penalties being imposed as detailed in Addendum C. These penalty amounts will be re-assessed by the BAC/Trustees on an annual basis.



If, during the course of construction, a homeowner experiences financial difficulty, the Trustees and BAC must be notified.

A waiver of the Building Period requirements will be considered by the Trustees on receipt of a written application from the homeowner motivating such waiver. If granted, all external work must be completed as per the approved drawings so that the visual image of Springerbaai and other properties is not compromised by unsightly and unfinished work. Internal finishing may proceed as and when finances allow.

The clearance of building contractor's rubble, stores, and any plant and vegetation rehabilitation required will be deemed, for the purposes of this paragraph, to be external work.

#### **4. BUILDING CONTRACTOR'S RUBBLE**

Building contractors rubble must be stored only on site and removed from the estate on a weekly basis. On-site drums (min. 44 gallon) must be supplied for disposal of rubbish, refuse, cement bags and these drums must be emptied, and the contents removed from the estate on a weekly basis.

#### **5. CONSTRUCTION CAMP**

The construction camp may only be used to store excess building equipment and materials on approval by Management and must be cleared of these items once building operations have been completed.

A charge for this space may be levied by Management.

#### **6. ALTERATIONS OR ADDITIONS**

The same design criteria and restrictions will apply as set out herein.

#### **7. PENALTIES / FINES**

In addition to any other penalties / fines referred to in this document, the HOA will be entitled to claim penalties from the homeowner or the building contractor in their absolute sole discretion if any breach of these rules causes damage to or jeopardizes the fauna, flora or security of the estate. These penalties / fines are detailed in Addendum C.

#### **8. BUILDING CONTRACTORS**

The HOA has adopted certain regulations relating to building contractor activity in the estate. The primary intention of these regulations is to ensure that all building activity will occur with the least possible disruption to residents, the environment and wildlife. In the event of uncertainty, homeowners and/or their building contractors should contact the BAC.



## 9. LEGAL STATUS.

The conditions governing building activities, which are set out in this document, are regulations adopted by the HOA and are therefore binding on all homeowners, their professionals, building contractors and sub-contractors in any building contract concluded in respect of the property on the SB Estate, and all such contracts may be required to be submitted to the BAC for prior approval.

The BAC/Trustees/Management have the right to suspend any building activity in contravention of any of the restrictions herein and to refuse access to the building contractor or his staff, and the HOA accepts no liability whatsoever for any losses sustained by a homeowner as a result thereof.

## 10. RESTRICTIONS REGARDING BUILDING CONTRACTOR ACTIVITY

**10.1** Building contractor activity is only allowed during the following 'public' hours:

07h30 –18h00: normal weekdays

**10.2** No building contractor activity is permitted:

- On Saturdays, Sundays and Public Holidays
- Over the Easter weekend, and
- From 15 December to 15 January

without special permission, as these days are considered 'private' time. Special applications for building contractor activity during 'private' time must be lodged with Management, together with approval by all adjacent neighbours, one week prior to the required 'private' time activity.

**10.3** All building contractors/sub-contractors' staff must at all times comply with all security arrangements of the HOA and are subject to these rules. The homeowner must ensure that this is carried out accordingly.

**10.4** The building site is to be kept as clean and as neat as possible at all times. The building contractor shall provide facilities for rubbish disposal and ensure that rubbish is removed from the estate weekly.

**10.5** During the construction period the area designated by the HOA for building purposes must be securely screened on all boundaries by hessian / shade cloth or other suitable screening material approved by the HOA. The integrity of this screen **MUST** be maintained by the Contractor throughout the building period.

**10.6** Building surround screen Specification: In order to manage and minimise negative impacts of building activity on the environment and adjoining properties after the proposed footprint of the house, solar panels and other structures have been demarcated on site and prior to site clearance, levelling & commencement of construction screen a screen is to be erected around the building footprint allowing a maximum working space of 2 meters between future external walls & screen. The screen is to comprise of the following:

- 75mm diameter poles @ a maximum of 3.0 meters centres buried at a minimum of 600mm in the ground.



- Poles to be a minimum height of 1200mm above ground level,
- Three strands of 2.5mm/14awg are to be securely fixed to the top, centre & 300mm above ground level horizontally to all poles, these strands are to be used to securely support the screen fabric which can be hessian or shade cloth.
- The screen must remain sturdy & upright throughout the construction period and may only be removed when the building is complete and as directed by the BAC.

- 10.7** The building contractor must ensure that all building materials, equipment and machines are off-loaded only within the screened area.
- 10.8** Deliveries from suppliers must be scheduled in accordance with public hours stated above.
- 10.9** The building contractor must provide toilet facilities for all workers. The position of all temporary toilet facilities must be approved by the Estate Manager / BAC
- 10.10** No building signage boards may be erected other than approved in the Architectural & Building Regulations.
- 10.11** Access from the main road to the building site will be gained only via the gatehouse using access roads to the dwellings. The building contractor and Homeowner must ensure that this is adhered to.
- 10.12** The Homeowner and building contractor shall be responsible for damage caused to roads and plants and/or damage to private or HOA property.
- 10.13** If the conduct of the building contractor/subcontractor does not, in the opinion of the BAC, comply herewith, the BAC may rectify the situation as deemed necessary and/or reserve the right to suspend building activity until such undesirable conduct is rectified. The BAC is empowered to act at any time without notice, and without recourse from the homeowner and/or building contractor/subcontractor.
- 10.14** This document must be reviewed by the Homeowner, Architect, Building contractor, all of whom undertake to comply in full with the requirements detailed herein. The BAC reserves the right to, from time to time, demand compliance with additional requirements and controls through written notification, and the Homeowner and Building contractor/ subcontractors shall ensure they are complied with at all times.
- 10.15** All building contractors and professional people involved with a homeowner in building on the property viz. Architects, Engineers, Landscape Architects and Land Surveyors, but not limited to the aforementioned categories of professionals, must be approved by the BAC/Trustees.
- 10.16** No fauna or flora may be damaged or removed and animals and birds shall not be disturbed.
- 10.17** The building contractor/subcontractors and suppliers must follow the route to the stand prescribed by the BAC. They must strictly adhere to the speed limit and not disturb or harm the fauna or flora on the estate in any way.  
If any building contractor or supplier or any person in his employ is noticed or found on any other part of the Estate, not required for the fulfilment of his duties, it will be deemed a breach of this paragraph and the BAC / Estate Manager will be entitled to invoke the prescribed penalties (refer to Addendum C).



- 10.18** No building contractor/sub-contractor or their employees may overnight on the building site or any other part of the estate. The building contractor/sub-contractor and their employees must travel by vehicle to and from the building site along the prescribed route and all occupants must remain in/on the vehicle until the destined building site is reached. No staff or temporary workers may be collected or dropped-off at the gate entrance.
- 10.19** All building contractors/subcontractors and their employees must be in possession of a valid identity document and police clearance certificate in order to be granted entry onto the Estate.
- 10.20** No wood may be collected on the property.
- 10.21** **No open fires are allowed**, and any cooking should only be done on gas or paraffin stoves in a safe position under supervision of the building contractor.
- 10.22** Building contractors may use generators between the hours of 07h30 and 17h00 provided that all conditions are adhered to.
- 10.23** Building contractors/subcontractors must comply with all SANS Health and Safety Regulations. It is the responsibility of each Homeowner to ensure that this is attended to & adhered to at all times.

## **11. REQUIREMENTS FROM BUILDING CONTRACTORS**

### **11.1 SITE CLEARANCE.**

The Architect and Building Contractor must ensure that the permit for the clearing of plants from the property is issued by the Department of Fisheries and Forestry (DAFF). The Architect must then ensure that the Landscape Architect comes to clear the site.

### **11.2 “SENSITIVE AREAS”**

These areas will be indicated on site by Consultants and or the Estate Manager. These are “no-go” areas which may include steep slopes and vegetation thickets.

They may not be removed except under special conditions as authorized by the designated consultants & Management.

These areas must be adequately protected by demarcation or fencing at the cost of the Building Contractor to prevent unauthorized access by workers or others. Fences or barriers must be maintained during construction and removed by the building contractor at the completion of the project when the Consultant has indicated in writing that it is safe to do so.

### **11.3 WORKSPACE, CIRCULATION AND STORAGE AREAS.**

These areas are restricted to the site screened enclosure referred to previously and the Building Contractor must establish what equipment and construction techniques will be used for the erection of the various project components. The max. permissible 2 meters wide space around the building footprint may be used as workspace.

#### **11.4 BUILDING CONTRACTORS RESPONSIBILITY REGARDING THE ENVIRONMENT.**

The Building Contractor is responsible for the actions of subcontractors and any other external contractors supplying materials or services to the works/site. He must ensure that these persons are informed about the contents of this directive at all times before entering the site and that they act within the parameters laid down for environmental protection of the site.

#### **11.5 EQUIPMENT, PLANT AND VEHICLES**

The building contractor must establish that the type of plant, machinery and vehicles used on the site or for deliveries are compatible with the site and access thereto. Specific care must be taken with long multi-axle vehicles and vehicles such as back-actors. Specific caution is to be exercised in controlling deliveries by Ready-Mix vehicles. The installation of services on site must be done by hand. Specific approval by Management to allow special services to be installed on site may be granted if it is not possible to do so by hand.

#### **11.6 SITE CLEARING**

Areas and extent will be indicated by Consultants on site. Machine operators must be well briefed on their tasks to avoid any incidental environmental damage.

All plants to be cleared must be relocated to other areas of the estate by prior arrangement with the Estate Manager, before any construction work commences.

#### **11.7 TOPSOIL**

Topsoil on the site is very thin and is therefore a valuable commodity and must be treated with care. Topsoil areas will be demarcated by the Estate Manager. These areas must be protected from mixing with subsoil, refuse, construction rubble and alien vegetation for re-use in the reinstatement of certain areas of the site during and after construction. Only topsoil from Springerbaai must be used for rehabilitating areas once construction has been completed.

#### **11.8 BULK FILL AREAS**

Subsoil will be relocated from excavated areas to be used to elevate certain areas of the site. This fill may only be deposited in areas demarcated for this purpose.

During bulk excavations or fill operations, depending on the structural system required by Consultants, cognizance must be taken of the workspace and stability (slumping) of the soil. No burrow pits may be opened on the property.

#### **11.9 SERVICE ROUTES**

Permanent or temporary service routes over the site are to be properly protected.

#### **11.10 ROADS, MARSHALLING AREAS AND CIRCULATION**

Only existing roads are to be used for access to construction sites. Cognizance must be taken of road widths for circulation, marshalling and access to construction sites. Suitable arrangements must be made with Consultants/Building contractors for vehicle parking. Marshalling activities will be limited to demarcated areas only. No deviation, without prior written approval from the Estate Manager will be permitted. The main access routes to the site are used by Homeowners and visitors.

All construction and delivery vehicles have a responsibility to drive within designated speed limits, and to do so safely.



### **11.11 DUMPING**

No dumping of construction rubble or any other material will be permitted on the Estate. Cut vegetation may be dumped in areas indicated by the Estate Manager.

All refuse must be removed regularly from sites to prevent unnecessary accumulation.

Appropriate, durable and adequately sized refuse bins must be provided by Building Contractors at designated areas on site. Each building site MUST have an Ace Waste container on site for all rubble.

### **11.12 AREAS FOR WORKMEN**

Specific areas are to be indicated on the site for use by workmen for breaks etc. These areas will be maintained in a clean and neat condition. Specific areas will be demarcated for the placing of temporary chemical toilets. Appropriate informative signage that can be understood by workmen must be erected to inform them of all procedures to be followed.

### **11.13 TOILET FACILITIES**

Building contractors are to ensure that toilet facilities are appropriately placed for easy access by workmen and that no defecation takes place in other areas on or off the site. The Building Contractor will take into account the cultural requirements of workmen in this regard.

Washing facilities for workmen are to also be suitably placed and run-off controlled by prior agreement with the Estate Manager.

### **11.14 USE OF POISONS AND CHEMICALS ON SITE**

The building contractor will supply the Estate Manager with a list of all poisons or chemicals to be used on the project prior to its commencement for approval.

Specific attention is to be paid to the following operations:

- Machine oils –leaks and changes
- Herbicides or pesticides (not permitted on site)
- Paints and solvents
- No cleaning of cement mixers on site
- PCB's

### **11.15 TEMPORARY STORM WATER DRAINAGE FROM THE WORKS**

This must be arranged in collaboration with the Estate Manager / BAC.

### **11.16 EROSION**

All soils on the property are erodible (by wind and water) and the Building Contractor will be held responsible for the reinstatement of any areas of the site that are eroded due to construction activities. Reinstatement of areas eroded will be as directed by the Estate Manager to the satisfaction of Cape Nature Conservation (CNC) if required.

### **11.17 FIRES**

**NO FIRES ARE PERMITTED.**





The building contractor will be held responsible for damage caused by fire on the building site and any adjacent properties. Remedies will include reinstatement of vegetation to the satisfaction of the Estate Manager/BAC/CNC.

Prior to the commencement of construction activities, the Building Contractor is to ascertain fire requirements of the Local Authority & Estate (FROP) and must submit a contingency plan to the Estate Manager.

#### **11.18 PUBLIC ACCESS**

The building contractor must note that certain authorized members of the Estate such as BAC members/Trustees will have access to the site and that all of the above restrictions must be enforced by the Building Contractor for the duration of the contract.

#### **11.19 DUST GENERATION**

The Building Contractor must ensure that excessive dust generation on site is kept in check. Collaboration with the Estate Manager in this regard is imperative.

### **12. PENALTIES**

Due to the importance of protection of the environment, for the duration of the building contract penalties will be imposed for any transgressions. These are as follows:

- Litter –R100 per item.
- Failure to provide or use chemical toilets –R500 per transgression.
- Entering “no-go” areas without authority – R500 per transgression per person.

Any damage to “no-go” areas must be repaired by the building contractor or a third-party contractor. Reparation costs will be deducted from the deposit. Building Contractors will be denied access to the Estate until any damage has been repaired to the satisfaction of the Estate Manager.

- Speeding – R200 per transgression.

A maximum speed of 40km/h is permitted. If the enforcing official cannot catch the offending vehicle at a speed of 45 km/h or more, it will be deemed to be speeding and a fine imposed.

- Driving off demarcated roads – R500 per transgression and in addition, responsibility for repairing damaged area(s).

Any damage must be repaired by the Building Contractor himself or a third-party contractor approved by the BAC/Management, in which case the costs of reparations will be deducted from the deposit.

Building Contractors will be denied access to the estate until such damages are repaired to the satisfaction of the Estate Manager.

- Poaching –R1000 per bird or animal or in respect of any trap found to have been set. Building Contractors will be denied access to the estate until the fine is paid. Fishing –R1000 per transgression. No access to coastal areas is permitted for fishing or for any other reason. Building contractors will be denied access to the Estate until the fine is paid.
- Lighting of fires –R10 000 per transgression.



**OWNERS AND BUILDING CONTRACTORS MUST BE AWARE OF THE SEVERITY OF THESE TRANSGRESSION.**

Springerbaai is a high fire risk area and Contractors will be held responsible for any fire damage emanating from or adjacent to their site.

Building Contractors will be denied access to the estate until the fine is paid.

Full reinstatement of the vegetation is required to be done by the Building Contractor to the satisfaction of the Environmental Committee.

Alternatively, the building contractor will be permanently removed from the Estate.

- Damage to vegetation –R200 per shrub but increased to R1000 per Milkwood and Candlewood.

This does not detract from any regulations which may be applicable in terms of the National Forest Act.

- Loitering and wandering of contractors/their staff from building site –R200 per person per transgression.

Building Contractors and all person(s) who enter the estate as part of a team working on the building site are not allowed to leave the building site on foot. Any unnecessary driving around the estate or loitering will be assessed by the Estate Manager and strict measures taken and or Penalties imposed.

No access is permitted to the nature areas or surrounding properties for any reason.

A building contractor or any person who enters the estate as part of a building team is prohibited from using the walkways or going to the beach at any time.

No access to the coastal area for fishing or any other reason is permitted. Building contractors will be denied access to the estate until the fine imposed is paid.

The Estate Manager has the right to permanently deny a repeat offender access to the Estate.

- Payment of fines. Fines will be deducted from the deposit (subject to what is set out above) after the Homeowner, building contractor and offender have received a formal written fine/notice from the Estate Manager. Deductions will be made by the Estate Manager, no later than one week after the fine is delivered to the building contractor.
- In the event of the Homeowner refusing to pay the fine or have it deducted from the deposit, the Building Contractor will be denied access to the estate until such time as the fine is paid or the amount is deducted from the deposit if sufficient to cover the penalty.
- Appeals can be lodged with the Trustees.  
Trustees meet 4 times per annum and no emergency applications will be considered.
- The following persons are empowered to impose fines and deny access:  
The Estate Manager assisted by the BAC/Trustees.



### **13. REINSTATEMENT**

Building Contractors are advised that landscape reinstatement must take place concurrently with the civil and building contract work and that access to these areas will be limited. The Building Contractor will be notified timeously by the Estate Manager of these actions.

### **14. PROTECTION OF SPECIFIC TREES**

Specific trees in close proximity to roads and buildings are to be marked with danger tape for protection.

### **15. SAFETY ON ROADS**

As members of the public will use the main roads on the site concurrently, Building Contractors/subcontractors must actively address all public & animal safety aspects.

### **16. ANNEXURES**

- A. The latest Architectural & Building Regulations
- B. Addendum C of the Architectural & Building Regulations