



THORNY BUSH MOKOPANE NPC

REG NO: 2015/106278/08
283 PRETORIUS STREET, MOKOPANE, LIMPOPO, 0601

CONTRACTORS CODE OF CONDUCT

Introduction

The developer, Proudafrique Trading 191 (Pty) Ltd. together with the Thorny Bush Estate Home Owners' Association (TBHOA), being the legal representative of residents of Thorny Bush Estates, have adopted a set of rules pertaining to building/contracting activity in the Estate. Building/contracting activity is defined as any activity relating to the building trade with respect to the building of new homes as well as home renovations i.e. painting, tiling, paving, etc. The primary intention of the provisions hereunder is to ensure that all building activity at Thorny Bush Estate occurs with the least possible disruption to existing residents. In the event of any uncertainty, owners and/or their contractors are welcome to contact the Estate Manager, Administrator or Directors.

Legal Status

The conditions governing the building activity as set out in this document are rules adopted by TBHOA and are therefore binding on all owners, their contractors and sub-contractors and/or owner-builders. Furthermore, all owners are obliged to ensure that their building contractors, sub-contractors and/or workers are made aware of the conditions and comply with them. Owners are therefore required to include the conditions in their entirety in any building contract concluded in respect of property in the Estate and all such contracts may be required to be submitted to TBHOA for prior approval. TBHOA has the right to suspend any building activity in contravention of any of the conditions and TBHOA accepts no liability whatsoever for any losses sustained by an owner, contractor or sub-contractor, as a result thereof.

Conditions regarding construction activity;

1. Health & Safety

- Building contractors to submit a basic contractor's file prior to registration.
- Upon registration every contractor will complete an induction form and sign an indemnity form. The cost of the registration will be determined from time to time.
- Every contractor entering Thorny Bush Estate is compelled to wear basic PPE (Hard Hat, Overall, Safety Shoes)
- Should a Contractor fail to make use of the basic PPE when entering or performing duties on a site, a penalty will be issued to the contractor.
- Builders are compelled by the provisions of the Occupational Health and Safety Act 85 of 1993, to make certain arrangements and follow applicable procedures to ensure compliance. Home owners are thus advised to enter into a Safety Agreement and practice.
- The HOA has adopted a zero-tolerance policy when it comes to Health & Safety.

2. Access to the Estate

An access system, requiring registration of all contractors and their employees and /or sub-contractors is in place on the Estate. There are various requirements that need to be fulfilled prior to the successful application for access rights.

- The cost of registration for access rights, being R75 per person, will be for the account of the contractor concerned.
- If a new employee is registered and an old employee is removed from the access system, the new registration will only cost R 50. In other words, an old employee registration is replaced by a new registered employee.
- Re-issuing of lost, stolen or damaged identification cards will be re-issued at a cost of R25.00 per card.
- A one-day pass can be obtained at a cost of R35 per person per day. The employee needs valid proof of identification and no foreigners will be allowed without valid working permits.
- One-day pass can be issued for not more than 4 consecutive days.
- Vehicle registration can be done at the Thorny Bush office at a cost of R 50.00 per vehicle.
- Access is person specific and only the person to whom the access was granted will be allowed to enter the Estate.
- If this regulation is contravened a penalty will be issued and/or access will be revoked.
- Please contact the Administrator for further details or to book an appointment for registration.
- Residents/Owners are prohibited from issuing contractors with any access rights other than those Issued by the HOA office. A penalty will be imposed should this occur.
- Contractors with their workers will only be permitted to enter or exit the Estate through the contractor's gate.
- All drivers must be registered and will be requested to produce his driver's license upon every instance of entry into the Estate.
- All the contractors' workers and/or sub- contractors must enter the Estate on foot, through the turnstile at the gate and re-enter their vehicles for transport to site once inside.
- All contractors and their workers must be in possession of a valid Thorny Bush identity card / valid SA identity document / passport with a valid work permit / valid asylum papers whether working for an owner, contractor or sub-contractor.
- Resident owner/builders are to handle access/exit in exactly the same way as external contractors as the Estate must have a record of all their workers each day. In other words, Resident owner/builders are not permitted to drive their workers in the Estate via the Thorny Bush Main Gate without having their workers go through the registration process and access via the turnstile at the main gate.
- ***Please be aware that the speed limit within the Estate is strictly 30KM/h, all contractors must adhere to this. Any contractor that is caught speeding will be issued with a penalty fine.***
- Each building contractor is limited to three vehicles for registration for an access permit. If a particular builder requires more than three access permits, he must apply in writing to the Administrator and provide written reasons as to why more vehicles are required.
- The security guard will confirm with the building supervisor when deliveries are made. Each and every driver of a delivery vehicle must have his driver's license scanned at the gate before he may enter the Estate.
- Multi axle vehicles are permitted to enter the development. It is the responsibility of the owner, through his/her builder, to notify the Contractors that the township has some steep gradients and insists that fully roadworthy vehicles with brakes in good condition are used for delivery.
- Under no circumstances should vehicles be overloaded. If Cartage Contractors wish, they may offload the loads in the temporary construction area, as indicated by the Home Owners Association. It is the obligation of the Contractor to notify his suppliers of this and the Home Owners Association shall not

entertain any claims of losses or damages in this regard. All such material must be removed by the contractor within 24 (twenty-four) hours. The Contractors responsible appointee must check and ensure that delivery vehicles do not leak oil or damage the existing road surface. Oil stains and other damages must be rectified by the owner, failing which the Home Owners Association will rectify the spillages / damage for the account of the owner.

- The Security personnel reserve the right to subject vehicles entering and exiting the development to a search.
- Any contravention of security and access rules will be severely dealt with by the Home Owners Association, and depending on the nature and the circumstances, could lead to the suspension of building work, and barring of access to the development.

3. Builders Labour

- All Builders labor must adhere to all security arrangements of the Home Owners Association.
- The Contractor is responsible for the discipline of his/her labor, sub- contract labor and delivery personnel on site.
- Laborer's will remain on the site where they are busy building and will not be allowed to move between building sites on the development.
- Building and construction laborer's may not walk from the gate to the building site nor may they walk from one site to another. They may only be transported there by the contractor inside a motorised vehicle.
- Any dispute between the contractor and its employees must be settled outside the boundaries of the development.
- If any employee is found disturbing or endangering the fauna or flora or is found pilfering, stealing or removing material or goods off site without permission or is involved with any form of violence, the company who employs that person will be removed from the site; and both employee and company will be denied the opportunity to undertake any further work in the development.
- The Builder is responsible for all his sub-contractors as well as the deliveries, and any damages caused by his own staff employed or delivery vehicles delivering materials to his/her site, the owner of the erf is liable to pay for any damages that may occur on the site. The owner is entitled to collect these fees from his contractor. These damages also include damages to curbs, roads, plants, irrigation and or damages to private property.
- The HOA will have the sole discretion as to the nature, extent and value of these damages, and the identification of respective vehicles and persons.

4. Commencement of building activities

- No construction activities may take place until such time as the Home Owners Association has issued a building permit to the Owner. Once building activities have started, the construction/improvements must be completed within 12 months from the commencement date.
- A construction extension permit can be applied for at the HOA office at least 2 months prior to the lapse of the building period mentioned above.
- The construction extension permit will be reviewed by the aesthetics committee. A 50% levy will be payable monthly on approval of the extension period up until the construction is completed.
- Failure to comply herewith results in the implementation of penalties as provided for.
- Documents to be submitted for a building permit:
 - Municipal and HOA approved building plans;
 - NHBRC certificate
 - NHBRC enrolment
 - Sidewalk deposit paid

- Water & electricity deposit paid
 - Building contractor registered
 - Owner levies up to date
 - Acknowledgement of Thorny Bush Estate HOA rules & regulations
- No containers or building material may be placed on the property if a building permit was not issued.

5. **Construction times**

- Contractor activities are only allowed during the following hours:
 - Weekdays 06h30 to 17h00 exit by the very latest 17h30
 - Deliveries 06h30 to 16h00
 - Saturdays 08h00 to 14h00
 - Deliveries 08h00 to 13h00
- No building activities will be permitted on Sundays or Public Holidays.
- Contractors found working outside the prescribed times will have their access to the Estate revoked at the sole discretion of the TBHOA, Estate Manager or Administrator.
- Building activity is not permitted during the shutdown/holiday period in December / January period (dates will be advised annually).
- Building activities will cease on the Friday closest to the 15 December date each year and may only resume on the first Monday after 01 January each year. This needs to be considered when planning construction not to exceed the 12 (twelve) month building restrictions.

6. **Building Sites**

- Building sites visible to the road must be screened from view. Screens must be erected using **80% strength GREEN** shade cloth, and be attached to either:
 - gum poles that are 125mm in diameter (**1.5mtr** in length), or
 - metal poles/stakes (**1.5mtr** in length)
- Poles must be securely driven into the ground and all be of the same height. Screening must be a minimum of 1.5 meters high and must be pulled tight between the poles and maintained
- Screening must be in place from the time building activities start, and be left neat at the end of every day. Failure to comply will result in a penalty being levied.
- In terms of the national building and local authority regulations it is incumbent on the Contractor to provide temporary toilet facilities for the workers. This toilet must be fully screened and sited away from public view. The toilette must be a septic toilette and will not be allowed to be connected to the main sewer line.
- A shade area must also be provided for contractors to store their food and take lunch.
- Accumulation of hardcore for fill shall be neatly stockpiled. With the Home Owners Association's consent on-site spoil dumping **may** be arranged.
- All building sites must be kept clean and tidy at all times.
- The Builder shall provide adequate facilities for rubbish disposal and ensure that the workers use the provided facilities and that the rubbish is removed daily. A monkey proof waste bin or skip must be placed on the site during construction for all building rubble. A monkey proof wheelie bin must be used for any other household rubbish e.g. plastic, food containers etc. The area around it should be neat and tidy and no overflow of material is allowed. No rubbish may be burnt or buried on site. No form of paper cement bags, tile off-cuts, PVC bindings / scraps, shrink wrapping, ceiling boards, roof tiles, rubble, or the like is to be left lying around, nor be allowed to blow off site.

- All rubble should be removed weekly by 17h00 on Friday afternoon, if the skip is full, failing which TBHOA will clear the site and issue the cost/penalty towards the contractor.
- Where materials are off-loaded by a supplier onto pavements, verges or roadways, these materials must be moved to within the boundaries of the Stand/Erf within 48 hours of delivery, and NOT allowed to remain for any longer period on the pavement or verge areas, unless special circumstances exist which necessitate prior written permission being requested from the Estate Manager or Administrator.
- Where permission to use the pavement/verge is granted the materials must be kept neat and tidy and must not inhibit the use of the pavement by pedestrians.
- In cases where there is no need to use the pavement/verge and where no boundary wall exists or where contracting activities impact on neighbouring properties the materials must be kept neat and tidy.
- No concrete, dagga, cement or such may be temporally stored, or mixed or prepared on any of the roadways, curbs and pavements.
- Materials which are offloaded by the supplier or the Builder may not encroach onto the adjacent site or roadway. Where suppliers fail to adhere to this, the builder shall be responsible for the removal of any sand or rubble that may have washed or moved into the road.
- The Builder is to ensure that the roads and the vicinity of his construction site is always kept neat and tidy, including materials, mud or spoil being dropped onto the road or sidewalk.
- Pollution and contamination of the development is a particularly sensitive matter. Builders shall ensure special care in their handling, disposal and cleaning up operations, with particular attention to paint, tile grout, tile adhesive, cement and rhino lite, chemicals, oil and fuel, etc. Special preventative controls must be taken to avoid spillage.
- Fires for cooking or other purposes will not be permitted, and Builders shall ensure that approved alternative cooking arrangements are made i.e. Gas/paraffin stoves. No fires for may be made for heating purposes.
- The certificate of completion by the HOA includes for the site to be entirely cleared of all rubble, surplus materials, and be impeccably clean to the satisfaction of the HOA.
- No contractor vehicle shall be parked or left in the road.

7. Water and Electricity

- A non-interest-bearing water and electricity deposit is payable to the Home Owners Association which is paid to the Greater Mogalakwena Local Municipality before any water or electrical connection is made.
- The HOA will arrange for the electrical meter box installation with their chosen service provider. The cost thereof will be levied against the Owners account.
- A tap must be installed and cemented securely into place, to prevent unnecessary tampering and damage to the water meters.
- All electrical meters on the estate are single phase. Should a builder or home owner wish to make use of 3-phase electricity, a request must be made in writing to the administrator. The installation of a 3-phase meter will be for the account of the home owner concerned.
- All usage must be via the meter. Any connections which by-pass a meter are illegal, and the contractor will be permanently banned from the estate. The home owner will simultaneously be charged a penalty.
- All meters are deemed to start at zero, unless evidence to the contrary is provided to the administrator.

8. *Occupancy Certificate*

- During the construction phase the requirement of the Mogalakwena Municipality is that at least three inspections take place: -
 - Foundation inspection
 - Sewer inspection
 - Final completion inspection
- A completion certificate issued by the HOA will also be obtained from the home owners, in addition to the Municipal version, prior to occupation.
- When applying for the occupancy certificate, the following certificates are required by the Municipality: -
 - Foundation Inspection Certificate
 - Pest control certificate.
 - Glazing certificate.
 - Electrical compliance certificate.
 - Gas installation certificate.
 - Roof trusses ITC loading certificate.
- Where any structural design has taken place by an engineer, approval certificate, i.e. structural slabs, foundations, etc. an NHBRC appointment and a drawing signed by the professional Engineer with his/her registration number, is required.
- It is against the law to occupy a property prior to obtaining an occupancy certificate. Owners will be reported to the Greater Mogalakwena Municipality and be fined 2x the prevailing levy each month until the occupancy certificate is submitted the HOA.

9. *General*

- It is essential that all contractors and owners note that they bear the responsibility for ensuring that the roads are swept clean of all materials including soil, sand, stone, bricks, ready-mix concrete, etc., and where necessary the roadway must be cleaned.
- For safety reasons no passengers/workmen are allowed to stand up on the back of a vehicle and the vehicle may not be overloaded.
- TBHOA intends to ensure that the roads are kept clean and reserves the right to impose penalties on any offender. Penalties will be payable to TBHOA office before further work may commence.
- Should this penalty not be paid within the prescribed period, building operations can or will be suspended until such time as payment has been made.
- Only **one** building board may be erected per site and this must not exceed 3 x 2 m in size, unless otherwise approved by the Administrator.
- Boards are to be maintained in a plump and level position throughout the contract, and must be removed immediately upon completion of each house construction.
- Such boards must be removed upon completion of construction, and the site rehabilitated to a satisfactory condition, and will be inspected by the site administrator to confirm compliance.
- This board must face away from the golf course, any boards facing the golf course must pay the Kameeldoring Country Club an advertising fee, at a rate determined by the Kameeldoring Country Club.
- The Home Owner shall be responsible for any damage caused by his / her contractor to kerbs and/or plants on the pavements and private open spaces and/or damage to private or Estate property, including the roads and bulk services infrastructure (water, electricity & sewage).

- This sidewalk deposit less deductions, if applicable, will be refunded at the end of the building period.
- Should TBHOA have any concern with the regulated quality of building works and / or the conduct of the owner/builder, contractor and/or sub-contractor, TBHOA may rectify, as deemed necessary and/or reserve the right to suspend building activity until such quality concerns and / or conduct is / are rectified.
- Contractors are solely responsible for the safekeeping of their materials and equipment.
- Where a construction site extends beyond the boundaries of the stand which is under construction, the HOA must be notified thereof in writing. Such notification must indicate that permission from neighbouring stands has been granted for the encroachment. The HOA reserves the right to verify that such consent was given by the owners concerned.
- No pets, birds, or domestic animals of the Builders will be permitted onto the development.
- Noise and dust reduction are essential, and Builders shall endeavor whenever possible to limit unnecessary noise, especially employee loud talking, shouting, or whistling, radios, sirens or hooters, motor revving etc.
- Builders are expected to conduct their operation in a reasonable and co- operative manner. Should the HOA have any concern with the conduct of the Builder, his sub-contractor or his suppliers and any of their employees, the HOA may rectify as deemed necessary and/or reserve the right to suspend building activity 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 Builder and/or sub-contractor, and/or supplier.

Acknowledgements

- This 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 HOA from time to time in the form of a written notification and to ensure compliance by any sub-contractor employed by the contractor, and any suppliers to either contractor, sub-contractors or owners.
- It is hereby placed on record that should the owners, the contractor or any sub- contractor fail to comply with the terms and conditions of this document, the owner as the responsible party would be in breach of agreement, and should the owner fail to remedy such breach within 7 (Seven) days from date of delivery of a notice by the HOA to this effect, the HOA will have the right inter alia:
- To apply for an interdict on an urgent basis to prohibit any further building works in the premises and/or to rectify any transgression, the costs whereof will be borne by the owner.
- In addition, hereto, to calculate any damages that the HOA has suffered on account of the breach of contract by the owner and be entitled to, without derogating from any other remedies available to the HOA in Law, institute a claim for damages suffered as a result of such breach of contract, which costs will also be borne by the owner.
- As improvements to the security and the access controls are ongoing, these procedures will be reviewed from time to time. It remains the responsibility of the Building Contractor to remain updated on procedural arrangements, amendments and administration.