



PROPERTY OWNER'S OBLIGATIONS AND PROCEDURES FOR BUILDING ON THE ST FRANCIS LINKS GOLF ESTATE (APPLIES TO OWNER BUILDERS AS WELL)

This document applies to any construction or alteration which requires project plan approval from the HOA and the Kouga Town Planning Department, including the construction of swimming pools or boundary walls.¹

PROPERTY OWNER NAME: _____ <i>Hereinafter referred to as the "owner"</i>		
ERF NUMBER: _____		
DATE: _____		
DESIGNER / PRINCIPAL AGENT NAME: _____		
SIGNED:		
_____ PROPERTY OWNER	_____ DESIGNER	_____ PRINCIPAL AGENT <i>If different from designer</i>

St Francis Links Commitment to People and the Planet

From the outset the developers of St Francis Links committed to creating an eco-friendly estate. This process began by removing approximately 400 hectares of alien vegetation before re-establishing indigenous and endemic plants within the estate. This process will always be on-going.

The Links management has also reacted to recent water shortages by introducing more drought resistant indigenous grasses to the golf course as a water saving measure. In addition, management has limited the irrigation areas on-course, by turning off or removing irrigation in the rough areas.

The Links will continue to extend its 'green' strategy to include home building for reasons which include the following:

- To reduce the carbon footprint associated with any development.
- To create awareness of the impact of using any energy produced by the burning of fossil fuels on the environment. In this regard electricity produced by Eskom is extremely pollutant to the atmosphere.
- To protect homeowners against the steadily increasing cost of energy and water.
- To protect homeowners against the probability of energy and water shortages in the future.
- To enable homeowners to benefit from the increased home values being applied by leading estate agents to 'greener' homes.

The Links recently introduced its SSEG policy on Renewable Energy to enable the management of various forms of alternative energy available to homeowners. This now permits the regulated installation of PV panels, in addition to solar water heating which was already in place. Bitumen shingles as roof material was also recently introduced. With no thatch roofs constructed since the devastating 2012 fires, this is an attractive alternative. Bitumen shingles roofs are also more conducive to rain and sun harvesting and has longer durability.

St Francis Links highly recommends that owners of new homes to be built insist that their designers discuss with them the alternatives available to achieve greener and more sustainable living. There are also fellow-homeowners available who consult on green options, should more information be required.

It is important to note that provisions made for eco-friendly homes are inexpensive if included in original planning and construction but expensive, and sometimes impossible, when required post construction.

Examples include:

- **Roof design and aspect to maximise on sun and rain harvesting potential. This includes weight provision for solar panels.**
- **Planning of battery storage areas and electrical circuits**
- **Storage of rainwater above or below ground**
- **Energy and water saving appliances and devices**

¹ Refer final page hereof ("Contractor Compliance versus General Maintenance Work")

IMPORTANT NOTICE: OWNERS' OBLIGATIONS (New dwellings or alterations)

STEP 1	ORIENTATION MEETING
STEP 2	SITE DEVELOPMENT PLAN/ PRESENTATION DRAWING APPROVAL (PDF)
STEP 3	BUILDING PLAN APPROVAL
STEP 4	APPOINTMENT OF BUILDING CONTRACTORS
STEP 5	SITE HANDOVER AND CONSTRUCTION
STEP 6	FINAL LANDSCAPE PLAN APPROVAL
STEP 7	AS-BUILT PLAN APPROVAL / SITE COMPLETION INSPECTION.

IMPORTANT - OWNER'S OBLIGATION

Before any correspondence regarding building or plan submission can be entered into, the owner of the property to be built on, must take note of his / her obligations. This includes, but is not limited to:

- The provisions of the OCCUPATIONAL HEALTH & SAFETY ACT, 1993 CONSTRUCTION REGULATIONS, 2014 (Please see annexure A hereto)
- The HOA procedure and requirements for building at St Francis Links (as set out below)
- The HOA levies associated with plan approval and construction at St Francis Links

It is important to note that what is set out in this document is not fully comprehensive as there are further documentation to be submitted and requirements to be complied with prior to site handover. FURTHERMORE, THE OWNER SHOULD TAKE NOTE OF THE BUILDING PENALTY PROTOCOL AS ANY AND ALL PENALTY LEVIES WILL BE DEBITED TO THE OWNER'S HOA ACCOUNT.

By signing below, the Owner confirms that he / she is duly authorised to do so and has read and understood the content of these requirements and procedures. The Designer, being a competent and qualified professional, should also review his / her obligations as provided for in the OHS Act and in this document.

STEP 1 - ORIENTATION MEETING – ALL DEVELOPMENTS.

The Designer electronically submits a concept design, along with 3D plans for the Aesthetics Committee to review. If deemed necessary, they will call for an on-site meeting with the Designer and / or Owner. It is recommended that the Owner attend an orientation meeting with the designated person representing the HOA. The purpose of this meeting is to introduce the Owner to the building procedures, discuss regulations, levies payable to the HOA and procedures governing the building term, explain the Architectural and Design Principals, and to discuss the Owner's and Designer's intentions, and specific Town Planning Controls. Should it not be possible for the Owner to attend such a meeting, his / her authorised representative or Principal Agent should do so. It is vital for the Owner to understand the process and related levies prior to planning.

STEP 2 - SITE DEVELOPMENT PLAN (SDP) / PRESENTATION DRAWING (PD) APPROVAL.

Design Review – To comment on any referral or approval of the application.

RESIDENTIAL SITE AND ADDITIONS / ALTERATIONS

The Designer submits to SFLHOA, one A1 set of preliminary presentation drawings in hard copy and if requested to do so, one set in PDF format to be viewed digitally. All finishes must be specified on this submission. A Competent Person acting as Principal Agent must also be appointed for the project. This also applies to Owner Builders. This submission must also be accompanied by:

- the completed Plan Approval Application which contains a detailed check list of plan requirements
- the surveyor's beacon certificate and contour plan not older than 6 months (for new dwellings, work near the boundary or boundary wall submissions as requested by the HOA)
- the storm water management plan (if requested by the HOA)
- the Designer & Principal Agent Protocol Agreement
- the Energy calculations or rational design
- A copy of the Title Deeds (new home dwellings only)

The SFLHOA will review the submission. Should more than 3 items in the Plan Approval Check List be found to be incomplete, the SFLHOA may stop the review of the particular submission and return the plans to the Designer. A second submission will then be necessary. Should more than two reviews be necessary, further design review levies will be incurred. The SFLHOA will provide review feedback and has 14 working days per submission to do so.

STEP 3 - BUILDING PLAN APPROVAL - ALL DEVELOPMENTS.

After approval of drawings and documentation submitted in STEP 2, the Designer submits to SFLHOA one coloured up set and four black & white A1 sets of building plans for approval. All finishes etc must be specified in detail on this application. Please note that this will be the full working drawings and detail application. The application must be submitted with all additional supporting documentation. The SFLHOA will stamp and sign approval of the drawings once the plans conform to per the Design Review requirements and the required levies have been paid. The levies payable to the SFL HOA in Step 3 (Billing One) includes:

- Design review and approval
- Preliminary landscape inspection (new dwellings and potentially alterations depending on the project)
- Milkwood permits (if necessary)
- Environmental clearance

For an estimate of anticipated building levies payable to the HOA, please contact the HOA.

The stamped and signed drawings must then be submitted together with the Local Authority Building Plan submission documentation and levies, to the Local Municipal Authority for approval. Once approved by the Local

Municipal Authority, one set of plans with their original stamp on must be returned to the SFLHOA for record purposes.

PLEASE NOTE: ONCE APPROVED BY THE HOA AND LOCAL MUNICIPAL AUTHORITY, AN APPROVED PLAN CARRIES A VALIDITY PERIOD OF ONE YEAR FROM APPROVAL DATE AFTERWHICH THE PLAN WOULD NEED TO BE RE-SUBMITTED. A SITE HAND OVER FOR CONSTRUCTION / ALTERATIONS PURPOSES MUST BE ARRANGED WITH THE HOA PRIOR TO ANY WORK TAKING PLACE.

- Any referrals or changes to the drawings required by the Local Authority must immediately be brought to SFLHOA's attention. Please note: There must be no changes made to the Local Authority Approved drawings after SFLHOA approval.

STEP 4 - APPOINTMENT OF BUILDING CONTRACTORS AND PRE-SITE HANDOVER REQUIREMENTS

Once plans have been approved and stamped by SFLHOA and the Local Authority then the Owner will need to appoint a Principal Building Contractor (who may appoint supporting sub-contractors) and notifies the SFLHOA thereof. All sub-contractors' conduct whilst on the estate and compliance with OHSACT legislation remains the responsibility of the Principal Contractor and the Owner.

If any of the Contractors are new to the estate, then they would be required to submit application documents for security purposes (available from SFLHOA) for registration. Their employees must also be biometrically enrolled and registered for access. Further supporting documentation (specific pre-site handover criteria) will also be required prior to site handover. This includes:

- Principal Contractor Registration Application (if not already registered)
- Principal Contractor Protocol
- Copy of the Geotek report (if required)
- Copy of the Contractor's contract with the Owner
- Copy of the Contractors R10 million public liability insurance with validity dates
- Contractor's site establishment plan (incl signage positioned in line with the OHS Act)
- Proof of the Professional Notice Board and Health & Safety Signage designs for approval by the HOA
- Storm water control during construction
- Contractor's valid NHBRC certificate (new home dwellings only)
- Copy of the project registration with the NHBRC (new home dwellings only)
- Copy of the Department of Labour project notification
- Universality Compliance Certificate for site start-up ²
- Water and Electrical Connection application forms (new home dwellings only)
- Building Penalty Protocol, signed by the Designer, Owner and the Contractor
- Security Form (listing all suppliers and sub-contractors who will require access to the site)

STEP 5 - CERTIFICATE OF SITE HANDOVER AND CONSTRUCTION

After completion of Step 4, levies relating to the following items will be billed to the Owner's levy account (Billing Two):

- Security levy (new dwellings: 6 months in advance | alterations: minimum of 1 month in advance)
- Maintenance & Damage levy (new dwellings: 6 months in advance | alterations: minimum of 1 month in advance)
- Water, electrical and sewer connection levies (new dwellings only)
- Certificate of Site Handover

These levies are payable prior to site handover. Any other arrears on the Owner's HOA or Club account also needs to be settled in full prior to a date being confirmed for site handover.

The Designer/Principal Agent then arranges an official site handover meeting with SFLHOA. At the site handover meeting, the site will be handed over to the Principal Building Contractor to commence with the proposed work on site. The SFL HOA encourages the Owner to attend such site handover as well. For new dwellings, the site will need to be fully fenced with compliant shade cloth. For alterations, the HOA and contractor will agree on an area to be demarcated by shade cloth, depending on the work. The sign board / health & safety signage must be erected within 7 days of site handover. A site toilet must be installed on the day of site handover. No earthworks or any construction may commence before the site is completely established.

PLEASE NOTE: The SFLHOA will allow 12 months for the completion of a new home build project from the date of site handover. Thereafter a penalty levy per month is payable. Such penalty will be levied to the Owner's HOA account.

No deviations from or amendments to the approved and stamped plans are permitted. The onus is on the Designer, Principal Agent and Contractor to ensure that any and all deviations or proposed amendments are first approved by the SFLHOA and the local Building Authority prior to the deviations commencing. Penalties will be levied should this procedure not be followed.

² Universality South Africa (Tel 081 324 3666 | headoffice@universalitysa.com)

STEP 6 - FINAL LANDSCAPE PLAN APPROVAL

Before completion of the project, a Landscape Plan (including an irrigation plan and plant list) must be submitted for approval by the SFLHOA. Landscaping may only commence once this plan has been approved and signed by the SFL Botanist. No plants may be planted, and no irrigation system installed prior to such approval.

STEP 7 - AS-BUILT PLAN APPROVAL / SITE COMPLETION INSPECTION

For new dwellings, it is recommended that a preliminary inspection be arranged by the Owner or Principal Agent approximately three weeks prior to the intended completion date (sooner for alterations). Upon completion of the project as proposed on the approved building plans, the Designer must submit to SFLHOA one copy of the As-Built Plan of the completed project for approval. They must then arrange a date to meet on-site with the SFLHOA Building Control Manager and the HOA consulting architect for a final inspection of all services and structures on the site and with the SFL Botanist for the inspection of all landscaping elements. The HOA will then inspect the site and check the correctness of the drawings, compliance with aesthetics and completion of the project.

Once the SFLHOA has inspected the project and checked that it meets with the approved, submitted plans, and once the SFLHOA has been provided with an electronic copy of the As-Built Drawings on CD, along with other certificates of installations (electrical CoC, engineers, SAGGA, gas CoC etc) and provided that the project complies, and related levies have been settled, an SFLHOA Completion Certificate will be issued. These levies (Billing Three) relate to:

- Final landscape inspection levy
- As built inspection and approval levy
- Ottobin levy (new dwellings)
- Water tank signage levy
- Amendment / deviation levies
- Any outstanding penalties

As-built drawings and the SFLHOA Completion Certificate must then be submitted together with the Local Authority As-Built Plan submission documentation to the Local Authority for approval and issuance of the Occupation Certificate. A copy of this Occupation Certificate must be submitted to SFLHOA immediately upon receipt thereof.

PLEASE NOTE: A COMPLETION CERTIFICATE WILL NOT BE ISSUED UNTIL LANDSCAPING IS VISIBLY UNDERWAY AND CORRESPONDS TO THE APPROVED LANDSCAPING PLAN AND PLANT LIST DETAILED IN STEP 6. ANY EXPOSED SOIL NEEDS TO BE STABILISED AND DUST PREVENTION MEASURES MUST BE COMPLETE.

NOTE THAT OTHER CONSTRUCTION LEVIES MAY ALSO APPLY. THESE RELATE TO ALTERATIONS, ADDITIONS, MINOR BUILDING WORKS, AMENDMENTS OR DEVIATIONS FROM APPROVED PLANS, SPECIAL MEETINGS OR CALL-OUTS ETC. FOR FURTHER DETAIL AND APPLICABLE AMOUNTS, PLEASE CONTACT THE SFLHOA.

ANNEXURE A

TO THE REQUIREMENTS AND PROCEDURES FOR BUILDING ON THE ST FRANCIS LINKS GOLF ESTATE

Duties of the Client: Excerpt from the Occupational Health & Safety Act, 1993 - Construction Regulations, 2014

Duties of client

5. (1) A client must—
 - (a) prepare a baseline risk assessment for an intended construction work project;
 - (b) prepare a suitable, sufficiently documented and coherent site specific health and safety specification for the intended construction work based on the baseline risk assessment contemplated in paragraph (a);
 - (c) provide the designer with the health and safety specification contemplated in paragraph (b);

- (d) ensure that the designer takes the prepared health and safety specification into consideration during the design stage;
- (e) ensure that the designer carries out all responsibilities contemplated in regulation 6;
- (f) include the health and safety specification in the tender documents;
- (g) ensure that potential principal contractors submitting tenders have made adequate provision for the cost of health and safety measures;
- (h) ensure that the principal contractor to be appointed has the necessary competencies and resources to carry out the construction work safely;
- (i) take reasonable steps to ensure co-operation between all contractors appointed by the client to enable each of those contractors to comply with these Regulations;
- (j) ensure before any work commences on a site that every principal contractor is registered and in good standing with the compensation fund or with a licensed compensation insurer as contemplated in the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);
- (k) appoint every principal contractor in writing for the project or part thereof on the construction site;
- (l) discuss and negotiate with the principal contractor the contents of the principal contractor's health and safety plan contemplated in regulation 7(1), and must thereafter finally approve that plan for implementation;
- (m) ensure that a copy of the principal contractor's health and safety plan is available on request to an employee, inspector or contractor;
- (n) take reasonable steps to ensure that each contractor's health and safety plan contemplated in regulation 7(1)(a) is implemented and maintained;
- (o) ensure that periodic health and safety audits and document verification are conducted at intervals mutually agreed upon between the principal contractor and any contractor, but at least once every 30 days;
- (p) ensure that a copy of the health and safety audit report contemplated in paragraph (o) is provided to the principal contractor within seven days after the audit;
- (q) stop any contractor from executing a construction activity which poses a threat to the health and safety of persons which is not in accordance with the client's health and safety specifications and the principal contractor's health and safety plan for the site;

Construction Regulation 2014

9

- (r) where changes are brought about to the design or construction work, make sufficient health and safety information and appropriate resources available to the principal contractor to execute the work safely; and
- (s) ensure that the health and safety file contemplated in regulation 7(1)(b) is kept and maintained by the principal contractor.

(2) Where a client requires additional work to be performed as a result of a design change or an error in construction due to the actions of the client, the client must ensure that sufficient safety information and appropriate additional resources are available to execute the required work safely.

(3) Where a fatality or permanent disabling injury occurs on a construction site, the client must ensure that the contractor provides the provincial director with a report contemplated in section 24 of the Act, in accordance with regulations 8 and 9 of the General Administrative Regulations, 2013, and that the report includes the measures that the contractor intends to implement to ensure a safe construction site as far as is reasonably practicable.

(4) Where more than one principal contractor is appointed as contemplated in subregulation (1)(k), the client must take reasonable steps to ensure co-operation between all principal contractors and contractors in order to ensure compliance with these Regulations.

(5) Where a construction work permit is required as contemplated in regulation 3(1), the client must, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed.

(6) Where notification of construction work is required as contemplated in regulation 4(1), the client may, without derogating from his or her health and safety responsibilities or liabilities, appoint a competent person in writing as an agent to act as his or her representative, and where such an appointment is made the duties that are imposed by these Regulations upon a client, apply as far as reasonably practicable to the agent so appointed: Provided that, where the question arises as to whether an agent is necessary, the decision of an inspector is decisive.

Construction Regulation 2014

10

- (7) An agent contemplated in subregulations (5) and (6) must—
 - (a) manage the health and safety on a construction project for the client; and
 - (b) be registered with a statutory body approved by the Chief Inspector as qualified to perform the required functions;
- (8) When the chief inspector has approved a statutory body as contemplated in subregulation (7)(b), he or she must give notice of that approval in the *Gazette*.

CONTRACTOR COMPLIANCE VS GENERAL MAINTENANCE WORK

The HOA will monitor and insist on OHS ACT compliance for:

1. Permit Construction Work (180 days / 1800 man-days / 13 Million).
2. Notification Construction Work (everything less than criteria of Permit Work).
3. Construction work which includes a design that must be approved by the HOA, only if that design triggers the criteria of notification work.

PERMIT: The HOA will require that a PERMIT document be completed and stamped by Department of Labour.

NOTIFICATION: The HOA will require that a NOTIFICATION document be completed and stamped by Department of Labour.

The HOA will not monitor OHS ACT compliance on projects or general maintenance work on existing, completed homes where examples as follows will exclusively be carried out:

1. General Maintenance Contractor Work such as tiling, painting, plumbing maintenance, electrical maintenance, interior design, carpeting, DSTV or aircon installations, cleaning or garden & pool maintenance companies etc.
2. Construction work not deemed as Permit or Notification work.
3. Projects where the HOA does not have to approve the design.

In these instances, the home owner will be able to permit the contractor / service provider access through the contractors' gate, via the Glovent app or portal One Time Pin. No contractor / service provider access will be permitted via the estate's main gate. It should be noted that whilst the HOA will not monitor OHS ACT compliance in these instances, the home owner still needs to ensure compliance to the design guidelines.

Notwithstanding the above, the HOA insists on all contractors / service providers / domestic or garden workers (be it for permit, notification or general maintenance work which do not require plan submission), to register its company and employees for security purposes.