



L'Agulhas Nature Reserve	Procedure
Building Procedure Compliance by HOA Members	LNRP002

Document Control

Organisation	Document Type	Document Title
L'Agulhas Nature Reserve Home Owners' Association	Procedure	L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members

Issue Approval	
Prepared By	Approved By
Michael Corrigan EXCO Chairman	Johan Odendal EXCO Vice Chairman
Signature:	Signature:
Reviewed By	Reviewed By
Jaulanne Totman Exco Member	Anton Burger EXCO Member
Signature:	Signature:
Reviewed By	Reviewed By
	Laurina Engels EXCO Member
Signature:	Signature:

Issue Record

Issue No.	Date	Reason for Re-issuing Procedure
1	9 September 2014	First issue of the Procedure
2	31 March 2015	Second issue of the Procedure
3	15 May 2016	Third issue of the Procedure

Confidentiality:	:	Restricted
Key Words	:	L'Agulhas, Nature, Reserve, Procedure, Building



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

Review Frequency	:	Yearly
-------------------------	---	--------

Table of Contents

1. PURPOSE	2
2. SCOPE	3
3. TERMINOLOGY	3
4. KEY RESPONSIBILITIES	3
5. REFERENCES	3
6. ABBREVIATIONS	3
7. PROCEDURE	4
7.1 Commencement of Building Activities and Payment of Deposits	4
7.2 Use of Heavy Earth Moving Equipment	4
7.2.1 Rubber Tyred Heavy Earth Moving Equipment	4
7.2.2 Metal Tracked Heavy Earth Moving Equipment	4
7.3 Monitoring of LNR Damage During House Construction	5
7.4 Noticing Non-compliance with Design Parameters During Inspections	5
7.5 Monitoring End of House Construction	5
7.6 Plan/Building Approval and Occupation Certificate	6
7.7 Health and Safety Regulations	6
8. RECORDS	6
Appendix 1. L'Agulhas Nature Reserve Home Owners' Association Building Plan Fees, Deposits & Conditions	7
Appendix 1A. L'Agulhas Nature Reserve Refundable Building Deposit Agreement	8
Appendix 1B. Form 4 – Certificate of Completion of the Structural, Fire Protection or Fire Installation System in Terms of Section 14 (2A) of the Act	9
Appendix 2. Building Inspection Sheet – Page1	10
Appendix 2. Building Inspection Sheet – Page 2	11
Appendix 3. Occupational Health & Safety Act, 1993. Construction Regulations, 2014	12

1. PURPOSE

The purpose of this procedure is for HOA Members to gain a common understanding of what is expected of them regarding Building Plan Fees, Deposits & Conditions, to ensure that damage is not done to L'Agulhas Nature Reserve (LNR) assets during their home building activities and to inform HOA Members as to what the consequences are if damage is done or other conditions are not met.



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

It also provides HOA Members an understanding of what is being done within LNR to ensure compliance with the Revised Design Parameters for L'Agulhas Nature Reserve of 12 August 2010.

2. SCOPE

This procedure applies to all building activities by HOA Members in LNR.

3. TERMINOLOGY

A Record as referred to in this procedure is a type of document. Records provide evidence that activities have been performed or results have been achieved. They always document the past. Records can, for example, be used to show that traceability requirements are being met, that verification is being performed, and that preventive and corrective actions are being carried out.

An Occupation Certificate is a document which is compulsory for every building before occupation, as required by the National Building Regulations and Building Standards Act (1977). This is to show that all requirements have been met and to safeguard the owner. It is against the law to sell a property without a full set of approved plans/planning permission from the local Council and an Occupation Certificate. An illegal/un-inspected building is not insured, and this could lead to substantial losses in the event of fire/flood etc.

4. KEY RESPONSIBILITIES

Responsibilities for ensuring that the steps in this document are carried out are specified in Section 7 of this procedure, and include those of:

- Exco, which performs a key oversight function in these matters;
- Site Committee/Site Supervisor;
- Other full-time employees of LNR (labourers);
- All residents;
- Professional Architectural Technologist; and
- HOA Members and their Builders.

5. REFERENCES

Home Owners' Association Building Plan Fees, Deposits and Conditions (Appendix 1).

6. ABBREVIATIONS

LNR : L'Agulhas Nature Reserve
 HOA : L'Agulhas Nature Reserve Home Owners' Association



**L'Agulhas Nature Reserve
Building Procedure Compliance by HOA Members**

**Procedure
LNRP002**

7. PROCEDURE

7.1 Commencement of Building Activities and Payment of Deposits

The HOA Member shall inform Exco and the Site Committee as soon as possible on which date they are planning to commence building activities. They shall ensure that the requirements of Building Plan Fees, Deposits & Conditions are met as per Appendix 1.

7.2 Use of Heavy Earth Moving Equipment

7.2.1 Rubber Tyred Heavy Earth Moving Equipment

This is the preferred type of earth moving equipment in LNR as it is likely to cause minimum damage to LNR roads and other assets

7.2.2 Metal Tracked Heavy Earth Moving Equipment

- a) Should an HOA Member wish to use metal tracked heavy earth moving machinery, prior to its arrival at LNR, the HOA Member or his builder shall submit a written motivation to Exco and the Site Committee as to why it is essential that it be used. Such motivation in the form of a Management Plan shall include:
 - i. A description of how LNR tarred roads and related assets such as kerb stones will be protected from damage;
 - ii. How on site supervision during loading and off-loading of the heavy equipment will be provided by the builder; and
 - iii. When such heavy equipment will arrive so that the Site Committee/Site Supervisor can check up on the process
- b) Such Management Plan must satisfy the Exco and the Site Committee/Site Supervisor that the proposed measures will be sufficient to protect crossing of tarred roads, other assets, including kerb stones, cables, water pipes, etc
- c) Based on a risk assessment, Exco will determine the increased building deposit required (likely to be several times the existing deposit). This shall be paid **before** arrival at site of the heavy equipment or before building work commences
- d) Before arrival of the equipment at site and before any building processes commence, the HOA Member will be required to sign an undertaking that he or she will be accountable for all damages to any of the public/communal areas (eg roads, kerb stones or other assets such as cables, water pipes, etc) inflicted during the building process and that if the damages exceed the increased building deposit in Appendix 1, the HOA Member will be responsible for any additional costs to fix damages to the satisfaction of Exco and the Site Committee/Site Supervisor
- e) The building process and loading/unloading of equipment shall be appropriately monitored by the Site Committee/Site Supervisor as necessary in particular when equipment is loaded/unloaded.



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

7.3 Monitoring of LNR Damage During House Construction

- a) The Building Inspection Sheet in Appendix 2 shall be completed and signed on commencement of the building activities and monitored and signed by the Site Committee/Site Supervisor on a **regular** basis during the construction period and submitted to Exco routinely
- b) To avoid disputes at the end of the construction period, the Site Committee/Site Supervisor should get the signatures of the relevant builder on the form on commencement of the building activities and periodically thereafter to ensure that disputes about the damage caused, and by whom it was caused, are minimized
- c) Attachments to the form such as photos (in electronic format) are considered most important to prove damages and **must** be included with the form
- d) Residents in LNR, many of whom form part of the Site Committee, and the full-time staff are expected to assist the Site Committee/Site Supervisor in identifying damage done by building contractors and advise them accordingly.

7.4 Noticing Non-compliance with Design Parameters During Inspections

If any non-compliance with the Design Parameters is noticed, this too should be recorded on the form in Appendix 2. This should include whether the builder is building on the right plot and within its boundaries (ie no encroachments on common property (erf 1032). The Site Committee/Site Supervisor are expected to make themselves familiar with the Design Parameters.

7.5 Monitoring End of House Construction

When the building activity has been completed, the Site Committee/Site Supervisor shall complete a final Building Inspection sheet and obtain the signatures of the builder on the form.

- a) The HOA Member shall obtain confirmation from LNR's Professional Architectural Technologist that the building has been finally erected as per approved plan. This is required in terms of clause 3.1.2 of his Contract for Building Plan Services for which he is entitled to charge the fee in Appendix 1, item 1.2 (but which he may waive at his discretion for those using his architectural services for building plans).

A copy of this shall be forwarded to Martinique and the Exco Chairperson (in line with clause 3.1.3 of the Professional Architectural Technologist's contract).

This forms part of process outlined in Section 7.6 below.

- b) The Site Committee/Site Supervisor shall advise Exco on the extent to which the builder has complied with clause 3.7 of Appendix 1 so that the amount of the refundable building deposit can be determined.



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members

**Procedure
LNRP002**

It should be noted that, should any road repairs be required, HOA Members will ***not*** be charged for labour of the LNR site staff, but only for the use of materials that they use (eg tar, 6.7 mm stone).

7.6 Plan/Building Approval and Occupation Certificate

The LNR contract with the Professional Architectural Technologist requires that he certifies that plans of HOA Members are compliant with the Design Parameters initially and that the building has finally been erected according to plan. This forms one of our main checks on this aspect.

It is important to note that in terms of the Conditions listed in Appendix 1, a Form 4 (see Appendix 1B) has to be submitted by the Approved Competent Person in terms of the National Building Regulations and Building Standards Act, 1977 (Act no. 103 of 1977) and that an Occupation Certificate is required before moving into a house. The building deposit will only be refunded after the Occupation Certificate is provided.

7.7 Health and Safety Regulations

New Health & Safety Regulations were enforced by the Department of Labour as from 7 August 2015. Often many local builders do not comply with these regulations.

HOA Members should in particular familiarise themselves with Government Notice R84 of 7 February 2014 regarding the Occupational Health & Safety Act, 1983 and Construction Regulations, 2014 (see Appendix 3 for reference to Government Gazette).

Details may be obtained at:

http://www.labour.gov.za/DOL/downloads/legislation/regulations/occupational-health-and-safety/ConstructionRegulation_2014part1.pdf

The regulations clearly define the Duties of Clients (ie the HOA Members undertaking construction work) apart from those duties of the designer and contractor.

The client must enforce the requirements of the regulations.

In terms of Government Notice R84 of 7 February 2014, any person who contravenes or who fails to comply with any provision of the regulations remains liable upon conviction to a fine or imprisonment for a maximum of 12 months

The above all forms part of ongoing changes to building industry acts and regulations.

8. RECORDS

All records generated as a result of this procedure shall be retained the Managing Agent, Martinique, for the lifetime of LNR.

Issue : 3	Rev : 3
Page 6 of 12	15 May 2016



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

Appendix 1. L'Agulhas Nature Reserve Home Owners' Association Building Plan Fees, Deposits & Conditions

1. Plan Fees

1.1 Plan Scrutiny Fee	R 600
1.2 Fee to confirm building erected is as per approved plan	R 600
Total	R1,200

2. Deposits

A refundable deposit is payable before contractors will be allowed on site.	Amount R20,000
or	
A Signed Refundable Building Deposit Agreement (see Appendix 1A) plus an	Amount R10,000

3. Conditions

- 3.1 Levy accounts from Martinique must be paid up to date before any building work can commence
 - 3.2 These levy accounts must be kept up to date during the building process
 - 3.3 Plan Fees in item 1 above to be paid directly to Professional Architectural Technologist, Mr Martin van der Merwe (e-mail drafting@telkomsa.net), to whom plans should be submitted for approval on behalf of LNR HOA
 - 3.4 Refundable deposit in item 2 above to be paid to Martinique
 - 3.5 **After** plans have been approved by LNR HOA, they must be submitted to the Cape Agulhas Municipality (CAM) to be approved in accordance with the National Building Regulations and Building Standards Act. An additional fee to CAM is payable for this
 - 3.6 All building work must commence within 12 months from approval of the plans by Cape Agulhas Municipality (CAM) and be completed within 18 months from commencement of building, otherwise double levies will be raised as a penalty. This penalty levy will be subject to the discretion of the Exco Members and may include that the refundable deposit in item 2 above may be forfeited
 - 3.7 The refundable deposit will be refunded by Martinique not only if the conditions in item 3.6 above have been complied with, but also if the Site Committee has certified that:
 - all builders' rubble has been removed from the Common Property;
 - there has been no damage to roads or other assets from the construction work;
 - appropriate steps have been taken to reinstate any damaged fynbos;
 - Form 4 (see Appendix 1B) has been submitted by the Approved Competent Person in terms of the National Building Regulations and Building Standards Act, 1977 (Act no. 103 of 1977); and
 - an Occupation Certificate is available - this is intended to prevent owners from moving into uncompleted homes.
- If damage has been done to LNR, the amount required as determined by the Site Committee to effect repairs will be deducted from the deposit before it is refunded. If damages exceed the deposit, then the HOA Member will be liable for the excess and the deposit will not be returned
- 3.8 A Builders' Board must be erected at the Owner's expense before building work commences
 - 3.9 Fees will be revised from time to time in line with inflation.

Note: i) Mr Martin van der Merwe is at liberty at his discretion to waive the Plan Fees for those using his architectural services for building plans
 ii) A Management Plan approved by Exco is required for any metal tracked, heavy earth moving equipment. Exco may then levy an increased building deposit based on a risk assessment
 iii) Above revised refundable building deposit was approved by HOA Members at 6 May 2014 AGM, so is applicable from that date.

Michael Corrigan, Chairperson, LNR HOA

Issue : 3	Rev : 3
Page 7 of 12	15 May 2016



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

Appendix 1A. L'Agulhas Nature Reserve Refundable Building Deposit Agreement

I (full name).....,

owner of LNR Erf.....,

agree that in lieu of the revised refundable building deposit agreed to by HOA members at the AGM on 6 May 2014 of R20,000, I shall pay a deposit of only R10,000 (ten thousand rand). I furthermore agree that should any damages occur to LNR assets whilst building construction is underway on my property, I shall refund LNR the full amount of such damages should they be above the R10,000 deposit paid.

I understand that this arrangement is applicable to the situation where HOA Members use rubber tyred heavy earth moving equipment for plot levelling and not metal tracked heavy earth moving equipment which has the potential for causing considerable more damage. Details have been outlined in Procedure LNRP002 "Building Procedure Compliance by HOA Members".

Signed at thisday of, 20.....

.....
Owner

.....
Witness



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

Appendix 2. Building Inspection Sheet – Page1

1. Erf number.....
2. Name of builder.....
3. Date Builder on site.....
4. Damages noticed
 - a) Description (1)

.....

.....

.....

.....
 - b) Estimated costs.....
 - c) Date.....
 - d) Signature Site Committee Signature Builder

.....
 - e) Description (2)

.....

.....

.....

.....
 - f) Estimated costs.....
 - g) Date.....
 - h) Signature Site Committee Signature Builder

.....
 - i) Description (3)

.....

.....

.....

.....
 - j) Estimated costs.....
 - k) Date.....
 - l) Signature Site Committee Signature Builder

.....



L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------

Appendix 2. Building Inspection Sheet – Page 2

5. Non-compliances with Design Parameters noticed during Inspections. Check if building is on the right plot & within its boundaries (ie are there any encroachments on common property - erf 1032)

.....
.....
.....
.....
.....
.....
.....

6. Evidence of damage (photos attached, etc)

- a)
- b)
- c)




L'Agulhas Nature Reserve Building Procedure Compliance by HOA Members	Procedure LNRP002
--	------------------------------------

Appendix 3. Occupational Health & Safety Act, 1993. Construction Regulations, 2014

Government Gazette
Staatskoerant
 REPUBLIC OF SOUTH AFRICA
 REPUBLIEK VAN SUID-AFRIKA


<i>Regulation Gazette</i>	No. 10113	<i>Regulasiekoerant</i>
Vol. 584	Pretoria, 7 February 2014	No. 37305


N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



9771682584003

37305





AIDS HELPLINE: 0800-0123-22 Prevention is the cure