



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 NAME: _____		
PRINCIPAL AGENT NAME: _____		
SIGNED:		
_____	_____	_____
PROPERTY OWNER	DESIGNER	PRINCIPAL AGENT <i>If different from designer</i>

St Francis Links is 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 and the Aesthetics Committee is committed to the appreciation and preservation of protected trees and vegetation.

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.

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 property practitioners to 'greener' homes.

The Links has a SSEG policy on Renewable Energy to enable the management of various forms of alternative energy available to homeowners. This permits the regulated installation of PV panels, in addition to solar water heating which was already in place.

St Francis Links insists that any designer visits the site and that, before a concept will be considered, the corner pegs are visible and the beacon certificate and contour plan submitted. A further requirement is that, if there are candlewoods, milkwoods and any other established trees or thickets on the site, the surveyor plots the trunks of the trees and the extent of the thickets and that the design takes these into account with a view to saving them. Should there be a requirement to remove a tree or thicket, this needs to be motivated in writing for consideration by the Committee

A brief site analysis diagram must be provided, indicating:

- Orientation and views
- Prevailing Winds
- Soils
- Topography
- Stormwater and Drainage
- Services of a Municipal Nature
- Irrigation and Water Points
- Protected Trees and Precious Vegetation

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

Furthermore, designers should consider and discuss with their clients the alternatives available to achieve greener and more sustainable living.

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 and retro-fitted.

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

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

AN ORIENTATION MEETING WITH THE HOA IS HIGHLY RECOMMENDED PRIOR TO ANY PLAN SUBMISSION
If deemed necessary, especially in the case of designers who are new to the Links, an orientation meeting with the designated person representing the HOA is recommended. 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 Principles, 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 1	SITE ANALYSIS DIAGRAM SUBMISSION
STEP 2	CONCEPT SUBMISSION DRAWING (3D/SITE PLAN)
STEP 3	BUILDING PLAN & SUPPORTING DOCUMENTATION SUBMISSION FOR FORMAL REVIEW
STEP 4	APPOINTMENT OF BUILDING CONTRACTORS / PRE-SITE HANDOVER REQUIREMENTS
STEP 5	CERTIFICATE OF SITE HANDOVER AND CONSTRUCTION
STEP 6	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. In each step below, the required documentation ²should be submitted along with the plans.

STEP 1 - SITE ANALYSIS DIAGRAM SUBMISSION

The purpose of Step 1 is to ensure that the Designer is optimising the design for the particular site, having considered all elements. This step will also ensure that protected, precious vegetation has been considered and incorporated onto the design and will allow the HOA to comment prior to the Designer carrying out further work which might then need to be changed.

The Designer electronically submits a site analysis diagram, contour plan and beacon certificate (not older than 12 months), indicating an intended footprint as well as, and carefully having considered, the plotted positioning of any protected trees, thickets and vegetation. It should clearly demonstrate regard for:

- Orientation and views
- Prevailing Winds
- Soils
- Topography
- Stormwater and Drainage
- Services of a Municipal Nature
- Irrigation and Water Points
- Milkwoods / Candlewoods / Precious Vegetation

² Document C1 available from the SFLHOA: PRE-SITE HANDOVER STEPS AND REQUIREMENTS

STEP 2 - CONCEPT SUBMISSION

Once the HOA comments on and / or approves the proposed diagram, a concept design, along with 3D plans of all elevations and the site plan is then submitted for the Aesthetics Committee to review.

STEP 3 - BUILDING PLAN & SUPPORTING DOCUMENTATION SUBMISSION FOR FORMAL REVIEW

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 full working 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 certain required documentation³.

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.

After approval of drawings and documentation submitted in STEP 3, the Designer submits to SFLHOA two A1 sets of building plans for approval. 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. One set will be returned to the Designer for electronic submission to the Local Authority. 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
- SSEG Review Levy (if applicable)

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, the Designer must supply one set of plans (in hard copy and pdf), with the Municipality stamp, to the SFLHOA for inspection and 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, unless brought to the attention of the SFLHOA for consideration.

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

The process of appointing contractors may take place during the municipal submission consideration. Once appointed, the Owner should notify the SFLHOA of the Principal Building Contractor (who may appoint supporting sub-contractors) for pre-site handover documentation to be prepared. All sub-contractors' conduct whilst on the estate and compliance with OHSACT legislation remains the responsibility of the Principal Contractor and the Owner.

It is important that all contractors and sub-contractors' staff are enrolled via the SFLHOA security for facial recognition and daily access / egress. This requires the submission of a valid, positive identification document.

STEP 5 - CERTIFICATE OF SITE HANDOVER AND CONSTRUCTION

In preparation of site handover, 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 levies, club subscriptions or club accounts also need to be settled in full prior to a date being confirmed for site handover.

³ Document C1 available from the SFLHOA: PRE-SITE HANDOVER STEPS AND REQUIREMENTS

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, with the Principal Agent (and Owner if possible) present, to commence with the proposed work on site. The SFLHOA 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 contractor⁴ 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 working 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, excluding the December builders' shutdown, 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.

STEP 6 - 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, even if the owner intends carrying out him/herself. Landscaping may only commence once this plan has been approved and signed by the SFL Botanical Consultant. No plants may be planted, and no irrigation system installed prior to such approval. Please refer to the SFLHOA Land Design Protocol.

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

For new dwellings, it is recommended that a preliminary inspection be arranged by the Principal Contractor 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 hard 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 SFLHOA 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, 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)
- 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 Municipal 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 7. ANY EXPOSED SOIL NEEDS TO BE STABILISED AND DUST PREVENTION MEASURES MUST BE COMPLETE. THE LAWNS, IF PLANNED, SHOULD ALSO BE SODDED WITH THE CORRECT GRASS.

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.

⁴ Refer to C2 – Principal Contractor Protocol and C3 – Building Violation Penalty documents

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);

Construction Regulation 2014

8

STAATSKOERANT, 7 FEBRUARIE 2014

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- (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 / R13 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 homeowner 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 homeowner 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.