

**Finkenstein Estate**



**FINKENSTEIN HOMEOWNERS' ASSOCIATION**

**CONSTRUCTION REGULATIONS**

**Revised 22 September 2021**

# CONSTRUCTION REGULATIONS

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# CONSTRUCTION REGULATIONS

## A. INTRODUCTION

Construction activities are not a permanent feature of the Estate and will put a strain on and compromise the rights of its members, infrastructure and the environment, which makes it imperative that the process be regulated and the regulations strictly applied. It is nevertheless necessary that regulations, in essence doctrinaire, not be arbitrary but that they are based on accepted objectives and benchmarks:

1. To give effect to the characteristics imbedded in the FHA Constitution and policies, i.e.:
  - i. Protection of members' rights
  - ii. Attainment of optimum members' privacy
  - iii. No unnecessary endangerment of security
  - iv. Promotion of a rural atmosphere, like open spaces
  - v. Blending of the development into the environment
  - vi. Protection of the fauna and flora
  - vii. Design of high standard of aesthetics and character
  - viii. Construction of high standard of safety and durability.
2. Site development must be in accordance with plans approved by the FHA.
3. The start, implementation and completion of the construction activities must be clearly defined.
4. Deviation from any plans must be communicated with the FHA Architect in writing and new adjusted plans must be submitted for approval.
5. A preliminary meeting between the Building Committee, the client and the Client Architect at the beginning of the project to be held to highlight the major design and building regulations to the client and his/her Architect.

## B. DEFINITIONS

1. FHA shall mean the Finkenstein Homeowners Association including any of its substructures, its employees and appointees.
2. The Owner shall mean the registered owner of an erf or his/her agent (including the contractor appointed by him/her) duly empowered by a power-of-attorney, a copy of which **to be** handed in at the FHA office.
3. The FHA Architect shall mean the architect appointed by FHA from time to time.
4. The FHA Engineer shall mean the engineer/s appointed by FHA from time to time.
5. The FHA Land Surveyor shall mean the land surveyor appointed by FHA from time to time.
6. Establishment Licence shall mean a licence issued to establish the construction site according to the rules in C, after the building plans have been approved by the FHA Architect.
7. Construction Licence shall mean a licence issued to commence construction.

## C. PRE-CONSTRUCTION STEPS AND REGULATIONS

1. i. The Owner shall give notice to the FHA Office Administrator that he/she intends to develop the erf. He/she pays the **non-refundable** deposit, currently N\$25,000. This deposit includes:
  - the fees of the FHA Architect, the FHA Engineer and the FHA Land Surveyor
  - the costs of the water and electricity meters
  - The cost of repair of damage to FHA property which will be determined by the FHA and be payable by the owner.

- ii. In the case of an application for additions and/or alterations, the deposit shall be N\$7,500, which includes the fees of the FHA Architect, the FHA Engineer and the FHA Land Surveyor
2. The Owner submits the sketch plans, as prescribed by the FHA Design Manual, to the FHA Office Administrator.
3. After the construction drawings have been approved, the Owner gives notice to the FHA Office Administrator that construction will start. This notice must clearly state:
  - i. The start and completion dates, which shall not be more than 12 (twelve) consecutive months apart. (Excluding building holidays)
  - ii. If the construction period exceeds 12 (twelve) months a N\$ 5000.00 (Five Thousand N\$) fine will be imposed in the first month thereafter. This amount will increase with N\$ 500.00 for every month thereafter until the final completion certificate is obtained.
  - iii. The names of the contractor, the client's architect and the professional **team** involved.
  - iv. If the development is done in more than one phase, which phase is being undertaken.
4. The FHA considers the development and may refer the plans back to the owner with their comments or authorise the Office Administrator to issue an Establishment License with the proviso that a Construction License is issued by the FHA within fourteen (14) days thereafter.
5. An information board, in accordance with the prescriptions contained in Annexure A hereto, displaying the information contained in 3.iii. above, shall be erected on the site.
6. The FHA Land Surveyor confirms the corner beacons.
7. The client architect pegs out the development site to ensure conformity to the approved drawings.
8. The FHA Architect approves the setting out of the building site and plot boundaries.

9. The connection to services (water and electricity) shall be done in the following manner:
  - i. Water meters shall be installed only by the FHA Caretaker.
  - ii. The electricity meter shall be installed on the temporary distribution board by a duly qualified electrician and connected to the local grid in the presence of the FHA Caretaker, who shall confirm this in writing to the FHA Office Administrator.
10. The Owner shall ensure that the edge of the road where an entry is made into his erf is protected from damage by construction vehicles or interfere with the natural flow of water by creating a suitable berm or apron before construction commences.
11. The Owner shall supply a chemical toilet until such time as prescribed latrine facilities have been installed.
12. Effective measures to the satisfaction of the FHA shall be in place to ensure that the building site and operations do not pose a health, safety, pollution and contamination risk to humans, animals and the environment.
13. A site office shall be established where inter alia all working drawings must be available for inspection by the FHA.
14. The site shall at all construction hours be under the supervision of the Owner, his/her contractor or the contractor's foreman, who shall have full accountability.
15. The owner shall present the FHA with a certificate of good standing for his/her contractor obtainable from the Commissioner of Social security.

#### **D. GENERAL REGULATIONS**

1. The Owner shall prove the accreditation of his electrician to the FHA before any electrical work is undertaken.

2. The Owner shall immediately inform the FHA of any changes in his professional team as detailed on the information board mentioned in C.5. above and change the board to reflect the actual position.
3. At the end of the construction period, the Owner shall ensure that the client architect supplies the FHA with a final compliance report, with specific reference to the structural soundness of the construction.
4. The FHA may temporarily suspend construction for reason/s given in writing to the owner, until such time as the conditions stipulated in C. are met satisfactorily.
5. The Owner shall immediately report all damages to the infrastructure of the FHA to the FHA. The FHA shall repair such damages at the expense of the Owner.
6. Delivery trucks are restricted to a maximum size of 3 (three) axles in the case of 1 (one) steering axle and 4 (four) axles in the case of 2 (two) steering axles but restricted to a load capacity of 12 (twelve) tonnes. No articulated trucks shall be allowed to enter the Estate. Trucks with trailers are not allowed on cul-de-sac roads. If there is an undisputable need for a specialised construction vehicle, permission shall be obtained beforehand from the FHA Caretaker, who shall at all times accompany the vehicle while it is driving on the Estate. All damages shall be handled as in D.4 above.
7. The Owner/Contractor shall meet delivery trucks at the main entrance and escort such vehicle to the site, to ensure that trucks arrive at the correct site and that damage to the roads is minimised.
8. On completion of the septic tank and connections, the Owner shall apply to the administrative office to arrange for certification by the FHA
9. Owners are responsible for the daily clean-up of concrete, soil or any other spillage on roadways to prevent any damage to the infrastructure.

10. No paintbrushes or equipment may be washed on natural soil nor spillage dumped into the sewer system. Paint waste shall be containerised and removed from the Estate.
  
11. Working hours, activities and deliveries shall be restricted to between 07:00 and 17:00 during weekdays and 08:00 and 13:00 on Saturdays. No work or deliveries shall be allowed on Sundays, public holidays or during builders' holidays. Specific dates for builders' holidays will be announced annually by the FHA. Requests for deviations from these hours shall only be considered in exceptional situations by the Security Manager / FHA Caretaker if accompanied by written consent of all the immediate neighbours of the applicant. Unannounced spot checks will be done by the Security Manager, the Estate Manager or Members of the Building Committee as part of their duties.
  
12. A construction area shall be indicated on the construction drawings for the approval by the FHA Architect. This area shall be fenced in with a 1,5m high, 40% shade netting, supported with suitable mild steel poles or gum poles at suitable distances and shall be provided with a gate covered with light brown shade netting which must be large enough for delivery vehicles to enter. The fencing shall be properly maintained during the construction period.

This area may not exceed a maximum of 2,600 square meters. Vegetation within this area shall be treated as prescribed in clause 11 of the Design Manual. Any disturbance of the habitat outside this area is strictly prohibited without the written approval of the FHA.

This area shall be the full construction site and must be large enough to include the permanent fencing of the house and should allow for the contractor's store, builders toilet and enough space for all material that will be used for the construction of the house. Any building activity or the storage of material outside the construction site will be deemed to be an offence and will be dealt with in terms of clause F. Penalties. All trash, debris and building rubble shall be confined to the construction site and stored in such a way that no pollution can take place. Plastic and paper found in the surrounding areas of the building site shall be taken as coming from such site.

13. The burning of plastic, paper or anything else is prohibited.
14. The Owner shall be responsible for the safe storage of the tools, machinery and building material on the site. For this purpose, storage containers and decently constructed storage facilities are permitted. The FHA shall not be liable for any losses.
15. No private trading such as the sale of food or drink shall be allowed on the Estate

**E. SECURITY**

Apart from the express and implied security and safety benefits from other regulations, the following are specific:

1. The Owner shall not allow his/her contractor, any sub-contractor or any of their employees to overnight on the site but ensure that they leave the Estate in terms of D.11.
2. No worker is allowed on any neighbouring properties.
3. Everybody, whether mobile or on foot, shall enter and exit the Estate only through the main entrance.
4. The speed limit on the Estate is 40 km/h or 60 km/h as indicated by “40” or “60” road signs. The speed limit will be strictly enforced and fines will be issued to offenders. Nobody is allowed to use any road or track other than the surfaced roads.

Speeding fines are issued in accordance with the staggered fines based on the actual speed measured and the 40 km/h or 60 km/h zone applicable:

<b>40 km/h zone</b>		
<b>Speed</b>	<b>Fine</b>	<b>Increment</b>
40-45		
46-50	250	
51-55	300	50
56-60	400	100

<b>60 km/h zone</b>		
<b>Speed</b>	<b>Fine</b>	<b>Increment</b>
60-65		
66-70	250	
71-75	300	50
76-80	400	100

61-65	550	150
66-70	750	200
71-75	1000	250
76-80	1300	300
81-85	1650	350
86-90	2050	400
91-95	2500	450
96-100	3000	500
101-105	3500	500
106-110	4000	500
111-115	4500	500
116-120	5000	500
121-125	5500	500
126-130	6000	500
131-135	6500	500
136-140	7000	500
141-145	7500	500
146-150	8000	500
151-	8500	500

81-85	550	150
86-90	750	200
91-95	1000	250
96-100	1300	300
101-105	1650	350
106-110	2050	400
111-115	2500	450
116-120	3000	500
121-125	3500	500
126-130	4000	500
131-135	4500	500
136-140	5000	500
141-145	5500	500
146-150	6000	500
151-	6500	500

5. The catching, injuring or killing of birds or animals, and any attempt thereto like the setting of snares, traps, chasing, etcetera, is a criminal offence.
6. Only gas cookers shall be allowed. No cooking fires are permitted.
7. No rubbish or plant material may be burnt on the building site. When welding or grinding, extreme caution must be taken not to start a veld fire. A portable fire extinguisher or water supply must be on standby where such work is being performed.
8. Trees must be maintained during the construction process and cannot be removed without the written approval of the FHA. Trees (as specified in the Design Manual) designated for removal should be clearly demarcated before the FHA will visit the site for such approval.

9. The Owner shall ensure that no contractor, sub-contractor or any of their employees collect firewood or any other natural material such as grass, plants, sand or rock from the Estate.
10. The Owner shall ensure that the Building Contractors register at the Security Manager's office, verifying the relevant stand number where they will be involved in building activities, and the expected building period.
11. Contractors are responsible for their employees and must ensure that they know and understand the rules regarding the Estate as set out by the FHA.
12. A fee of N\$30-00 is levied for each individual construction employee who registers.
13. Only valid ID documents are accepted.
14. A maximum of twelve months registration is allowed.
15. A laminated ID card will be issued to each worker and must be carried on his/her person at all times.
16. Construction workers and labourers are registered per building site and are restricted to that site / stand. Should the workers be involved in building activities on more than one site, permission must be obtained to move workers from one site to another.
17. Contractors must familiarise themselves with the House Rules and Construction Regulations of the FHA.
18. No contract worker or labourer is permitted to walk around on the Estate and if found, will be escorted to the gate and further access will be denied.
19. No contract worker or labourer will be allowed on the Estate without a security ID and if found without such an ID, will be escorted to the gate and further access will be denied.

20. It is the responsibility of the Employer / Contractor to make sure that all details concerning personnel are kept up to date and to inform the Security Manager and registration office of any changes or dismissal of said personnel.
21. Contractor employees may not drive in by vehicle but must de-bus and walk through the turnstiles where Security will verify their issued ID cards.
22. Temporary workers.
  - 22.1 Temporary workers need to report to the Security Office with a valid Namibian ID.
  - 22.2 A temporary construction ID will then be issued and all rules regarding contract workers will apply.

## **F. PENALTIES**

It is the constitutional obligation of all Owners to not only strictly adhere to but also promote the application of the rules and regulations of the FHA. Contraventions of any of these Regulations shall be handled as follows:

1. First offence: The FHA informs the Owner in writing of transgression and issues a warning.
2. Second offence: The FHA states the offence in writing, includes copies of previous offences and issues a penalty of N\$500-00.
3. Third offence: As in 2, but with a penalty of N\$5 000-00. The FHA informs the Owner of the consequences of any further transgressions.
4. Fourth offence: The FHA informs the Owner of the offence in writing. The Owner must ensure that all men and material belonging to the contractor is removed from the Estate within one working day. The contractor shall not be allowed to work on the Estate again. All work on the site shall be suspended until a new contractor is engaged.
5. All penalties shall be paid within 2 (two) working days after issue
6. Any late payments shall be considered an offence under these Regulations.
7. The FHA may also deny the provision of services to an Owner as a penalty measure.

8. The Owner may at any stage approach the FHA Board of Trustees to challenge the correctness of a warning or penalty.
9. The Owner may declare a dispute with an FHA employee or appointee, which dispute shall be dealt with according to the FHA's established Dispute Resolution Policy.

## **G. COMPLETION**

1. On completion the electrical distribution board and all electrical fixtures shall be certified by the FHA Engineer.
2. A final inspection shall be done by the client's professional team, with specific emphasis on structural soundness. The client's architect shall then issue a certificate of compliance and prepare as-built plans.
3. The FHA Architect shall issue a completion certificate based on his own construction inspections, the final compliance report of the client's architect and a final site inspection. He will also ensure that all building rubble and any markers, protective covers and warning notices have been removed.
  - No occupation shall be allowed before a certificate of practical completion has been issued by the FHA Architect. The following points must be certified by the Client Architect as fully complete before Practical Completion will be considered by the FHA Architect:
    - Water
    - Electricity – Compliance certificate to be supplied by FHA electrical engineer.
    - Sewerage
    - Alarm / Security system
    - Fully functional kitchen
    - Minimum of one fully functional bathroom
    - No unsightly window cover such as newspapers will be permitted.

The FHA Architect will do an inspection to ensure that all the items listed above were fully complied with and then issue a practical completion certificate.

4. The Owner may apply for a final completion certificate from the FHA Architect within, but not later than three months after practical completion. Late completion shall be considered an offence under these rules unless the owner has applied for postponement and received approval of the completion date with the FHA.