

OFFICIAL MANAGING AGENT FOR THE ELISENHEIM HOME OWNERS ASSOCIATION

ENVIRONMENTAL MANAGEMENT COMPLIANCE

SPECIFIC REQUEST (FIRST AND FINAL WARNING) FOR COMPLIANCE CIRCULAR 15 / August 15, 2015 / Amended on January 26, 2017

To: Homeowners, Developers, Contractors and Sub Contractors

The Elisenheim Estate is a Lifestyle Estate for people who want the experience of neighborhood living in the countryside; this is only possible if all Homeowners diligently adhere to the rules governing this Lifestyle!

Everyone else who is not an owner at Elisenheim is a guest of the Estate and should likewise adhere to the rules governing the sustainability of the Lifestyle.

Homeowners, Developers, Contractors and Sub Contractors are **individually and collectively** responsible for the overall implementation of the Environmental Management Plan.

Homeowners and Developers are responsible to give a copy of the EMP to their Contractors and Contractors should inform their Sub Contractors of the contents thereof and ensure that they adhere to these rules.

The Rules Regarding Building Contractor Activity (Article 7 of the Articles of Association) is embedded in the Rules of the Estate and is legally binding upon all Homeowners and their Building and Sub-Contractors. This document empowers the Office of the Estate Manager to enforce the rules.

Management requirements for construction and operations.

The Environmental Management Plan (EMP) makes provision for, *amongst others* the following objectives;

- As a result of continuing construction activities on the Estate, to minimise inconvenience for Homeowners **in the process of building** their homes.
- To minimise inconvenience for **existing residents** as a result of continuing construction operations on the Estate
- To minimize adverse impacts on the environment
- To conserve the biodiversity of the Estate
- To minimize disruption to existing neighbors
- To meet the requirements of all relevant legislation and agreements
- To prevent air, ground, water and noise pollution and KEEPING SITES CLEAN AND TIDY
- To avoid the risk of nuisances in the form of dust to neighboring residents
- To minimize the removal of vegetation
- Restrict the stripping of topsoil
- The collection of wood on site is not allowed
- The prevention of fire
- To minimize the use of water and recycle waste water
- To treat the whole area as groundwater sensitive
- To avoid any surface contamination

In practical terms this means the following:

LEGAL STATUS: (Section 7 of the Rules) The Office of the Estate Manager has the right to impose a fine, suspend any building activity in contravention of any of the rules and does not accept any losses sustained by a resident or contractor or sub-contractor as a result thereof, or any claims for damages of whatsoever nature.

- Unless otherwise agreed by the ELISENHEIM OWNERS ASSOCIATION contractor activity is limited to the following times:
 - 06h00 – 18h00 Normal weekdays
 - 06h30 – 13h00 Saturdays
 - Work on Public Holidays is not allowed. The Office of the Estate Manager does waive this in some cases for example when a Public Holiday falls on a midweek-day to close on the Friday instead to allow for a long weekend for Contractors
 - The Estate closes annually for building activity from mid December to mid January
 - Contractor's personnel are not permitted to remain on site between the hours of 18h00 and 06h00
- Roads and sidewalks should not be used for the storing of building materials of any kind
- Building material should be organized neatly and kept that way for the entire duration of the building process
- Building material shall be off loaded and stored within the boundaries of the building site; NOT ON THE PAVEMENT OR THE STREET!
- The Contractor's site shall be kept clean at all times and properly screened as prescribed. If the contractor fails to keep the site clean and tidy (***within reason***), then such a contractor may be fined or prohibited from continuing the building activities until such a time as the site is properly cleaned
- Materials offloaded by a supplier that encroach onto the sidewalk or roadway shall be moved IMMEDIATELY onto the site. Material and/or rubble must not be allowed to remain on the roadway or sidewalk and it is the contractor's responsibility to clear these areas of all such materials and/or rubble. The same applies to sand or rubble washed or moved onto the road during building operations
- NB! Sand, stone or rubble washed or moved onto the road during daily building operations SHALL be swept back neatly onto the Erf boundary EACH DAY AT THE END OF THE BUILDING OPERATIONS!
- Building rubble and waste should be removed from the site at least on a weekly basis
- While the waste is on site it should be contained in a safe and neat way e.g. empty cement bags should be bagged or placed in a drum so that the wind cannot blow it all over the Estate.
- Excavated soil should NOT BE DUMPED on other sites or Public Open Spaces. It should be removed on a weekly basis
- Water connections should be inspected daily for leaks and NOT LEFT OPEN to spill water
- Water taps should NEVER run freely, wasting water
- Make sure that your water is connected to the site you are building upon. WE DO NOT USE ANOTHER SITE'S WATER
- Each site must have a waterborne construction type toilet fitted at the start of the construction period
- The contractor should ensure that its workers DO NOT use the site or public open spaces for a toilet
- Temporary storage erected and Containers must comply with the ELISENHEIM OWNERS Association's specifications;
 - To be placed as far as possible within the Erf boundaries of the site.
 - Not on the opposite Erf of the site on that sidewalk and neither on that of the neighbors
 - All temporary structures and containers must be removed immediately after the building is finished, ***before the Office of the Estate Manager is requested to issue a Completion Certificate. A Completion Certificate will not be issued if any of the rules are not adhered to in its entirety***
- The Member and the contractor shall be responsible for damage to curbs and/or plants on the sidewalks and/or damage to private or EOA property.
- The contractor should familiarise himself with protected tree and shrub species and NOT fell any tree or shrub without prior consultation with the ESTATE MANAGER
- No firewood shall be collected

- No open fires shall be allowed within the construction areas or Public Open Spaces
- Vehicles shall not be driven or parked on “no-go” areas i.e. in the street, on Public Open Spaces.
- Traffic rules shall be respected i.e. the speed limit on the Estate is 40km p/h. Stop signs shall be respected etc.

Dumping of hard and soft building rubble:

The landfill on the Estate to the left of Phase Two is not a dumping space for waste of any kind. ***In fact the entire Estate is not a dumping site!***

Please dump your waste in the following way:

- Hard building rubble
 - At the farm Elisenheim’s dump. Contact Mr. Andreas Werner @ 081 127 9643 for directions
 - At the Eros land fill site in Omuramba Road
- Soft building rubble e.g. cement bags, plastic or polystyrene, cardboard etc
 - At the Eros land fill site in Omuramba Road
 - At the waste recycle site on the Brakwater Road (Drive over the bridge on the highway at the Weigh Bridge, turn right on the Brakwater Road drive +/- 2km to the waste recycle site on your right)
- Excavation material
 - At the farm Elisenheim’s dump. Contact Mr. Andreas Werner @ 081 127 9643 for directions
 - At the Eros land fill site in Omuramba Road

Procedures and process correcting non-compliance

This document serves as a ***first and final warning for compliance!***

All contractors shall comply with the environmental specifications and requirements and any failure on his part to do so will entitle the ESTATE MANAGER to impose a penalty.

- The ESTATE MANAGER shall issue a notice of non-compliance and fine that will be charged on the Homeowner’s levy account.
- The contractor shall have 24 hours or another specified time to correct the non-conformance.
- Contractors requested to comply shall provide the ESTATE MANAGER with a written statement describing the actions to correct the non-conformance as well the expected results of the actions. E.g. where building rubble was dumped on Public Open Spaces and the vegetation had been destroyed as a result or where protected trees had been damaged or removed.
- Failing to remedy the situation within the predetermined timeframe or in the case of permanent environmental damage the ESTATE MANAGER shall ***impose another monetary penalty*** that will be charged to the Homeowner’s levy account.
 - The Homeowner may subtract the fine from the next progress payment of the Contractor if the Contractor failed to carry out the instructions of the Homeowner.
- The ESTATE MANAGER shall in the case of a contractor not being able to remedy environmental damage or destruction, have the right to undertake such remedial works as may be required to make good the damage as well as to recover from the Homeowner the full costs incurred in doing so.
- Any party shall have the right to appeal a fine issued and ask to refer the dispute to the Elisenheim Disciplinary Committee.

Fines and penalties

- Vehicles, persons and equipment related to Contractors operations within the “no-go” areas or outside demarcated boundaries;
 - N\$2 000.00
- Any vehicle guilty of driving recklessly, with excessive speed, not stopping at stop streets, parking in the streets, spilling of material or building rubble on the streets while in transit;
 - N\$1 000.00

- Any building material or machinery e.g. concrete mixers and compressors used or stored outside the demarcated boundaries, on the streets, on parking spaces, on neighboring sites or Public Open Spaces.
 - N\$2 000.00
- Persons repeatedly walking outside the demarcated walking areas;
 - N\$1 000.00
- Persistent and un-repaired spilling of hazardous materials and materials causing pollution;
 - N\$3 000.00
- Persistent littering on site and neighboring areas; soft rubble i.e. cement bags, plastic or polystyrene
 - N\$1 500.00
- Absence of a functioning waterborne toilet on site;
 - N\$2 000.00
- Contractors whose employees do not use the designated toilet facilities;
 - N\$1 000.00
- Individual employees who do not use the designated toilet facilities;
 - N\$200.00
- Disposal of building rubble and waste in a manner other than what was agreed upon on site; on neighboring Erven, in the streets, on the pavements, on Public Open Spaces or the prescribed method in the waste management plan; i.e. Not removing building rubble, excavated materials on a weekly basis causing it to pile up on site.
 - N\$5 000.00
- Deliberate lighting of illegal fires on site;
 - N\$2 000.00
- Felling of trees and/or collection of wood;
 - N\$2 000.00
- Spilling and/or wasting of water; Taps left open to run unattended, Water connections leaking water, Toilet's water connections wasting water.
 - N\$2 000.00

The first and final warning!

This is the first and final warning to all parties concerned to follow the rules described herein. The Homeowner and his Building Contractor will NOT be forewarned of site inspections, neither will you be given a first warning at the time of inspections. It is accepted that you, with the presentation of this document, are aware of the rules and that you will at all times follow the rules.

Please instruct your Building Contractor to clean up your site and follow the instructions herein for the entire duration of the building process!

You are hereby given THREE work days from receipt of this circular to clean up your building operations. After this period, the ESTATE MANAGER will do an inspection of all the sites and then, penalties will be enforced.

Thank you,

SCHALK KRUGER
 ESTATE MANAGER; Elisenheim
 081 143 9966 // 081 127 8755