



AGREEMENT

ARCHITECT AND PRINCIPAL AGENT PROTOCOL

FOR ALL PHASES OF THE SIMBITHI ESTATE

REVISED EDITION – JANUARY 2005

(This edition supersedes all previous editions)



Simbithi Eco-Estate Homeowners Association
Registration No. 2004/009153/08
P.O. Box 1391, Ballito, 4420
Tel: (032) 525 4535 Fax: (032) 525 4190

AGREEMENT : ARCHITECT AND PRINCIPAL AGENT PROTOCOL

(This document must be completed and signed (in black ink) in respect of all work carried out on all phases of the Simbithi Estate. All pages must be initialled and dated by both parties. Page 3 will be retained by SEEHOA. PLEASE NOTE: Only original documents will be accepted.)

1.0 PARTIES

1.1 Simbithi Eco-Estate Homeowners Association – “SEEHOA”
Registration No. 2004/009153/08

1.2
“The Architect / Principal Agent” (Company Name)

Architect Registration Number:.....

2.0 RECORDAL

2.1 The Architect/Principal Agent hereby acknowledges that he/she has received a copy of this Protocol in respect of all work carried out on all phases of the Simbithi Estate, and accepts the obligations in favour of Simbithi Eco-Estate Home Owners Association, as set out in this agreement. He/she also acknowledges this agreement stands in respect of all present and future work carried out on the Simbithi Estate. The Simbithi Eco-Estate Home Owners Association reserves the right to amend this protocol from time to time. The Architect/Principal Agent will be advised of any such amendments.

2.2 The Architect/Principal Agent also hereby acknowledges that the Simbithi Eco-Estate Home Owners Association has the right to add or remove any Architect/Principal Agent from the list of accredited Architects/Principal Agents, as per their powers under Clause 8.5.1.9 of the Articles of Association, and to levy fines upon such accredited Architects in terms of Clause 8.5.1.6 of the Articles.

2.3 Signed:(Architect)

Witness: Date:

2.4 Signed:(SEEHOA)

Witness: Date:

2.5 Signed:(Principal Agent)

Witness: Date:

THIS PAGE TO BE RETAINED BY SEEHOA



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Registration No. 2004/009153/08

1.2 "The Architect / Principal Agent" (Company Name)
Architect Registration Number:.....

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2.3 Signed:(Architect)
Witness: Date:

2.4 Signed:(SEEHOA)
Witness: Date:

2.5 Signed:(Principal Agent)
Witness: Date:

SIMBITHI ECO-ESTATE HOMEOWNERS ASSOCIATION (SEEHOA) ACCREDITED ARCHITECT PROTOCOL

Criteria of acceptance of Architects by SEEHOA.

- Only Professional Architects registered with the South African Institute of Architects and the South African Council for the Architectural Profession, with an acceptable track record will be considered as accredited architects on Simbithi Estate. This accredited list will be reviewed from time to time at the sole discretion of the SEEDRC and SEEHOA.
- All application to be accepted onto the Simbithi accredited list of Architects are to be submitted in accordance with the criteria as set out by SEEHOA – available from the Estate Management Offices.
- Once accredited, Architects must be available to tender on all other projects on Simbithi Estate and, if the Architect has not received a commission for any other building projects on the Estate, other than the current project, for a period of six months, the Architect will be considered dormant, and be removed from the list of accredited Architects.

APPOINTMENT OF ARCHITECT AND PRINCIPAL AGENT.

Only Architects and Senior Technologists accredited to SEEHOA may accept appointment from Owners to design buildings and act as Principal Agents on Simbithi Estate.

The Architect will accept a brief from an Owner, and negotiate a fee with this Owner in accordance with the recommended tariff of fees, in respect of services rendered by a person registered in terms of section 19(2) of the Architectural Professions Act 44 of 2000.

SEEHOA requires the Architect appointed by the Owner also be appointed as Principal Agent for the duration of the project, or alternatively the Owner appoints an independent Principal Agent acceptable to the Simbithi Eco-Estate Home Owners Association.

Once the brief has been accepted by the Architect, the procedures laid down in the following pages are to be followed.

2.0 OBLIGATIONS OF ARCHITECT AND PRINCIPAL AGENT

- 2.1** All building work shall be supervised on site by an Architect / Principal Agent, who shall be entitled and obliged to condemn any work which is not in accordance with the approved building plans or which, in his opinion, is sub-standard, in which event the Building contractor / Owner shall make good such condemned work to a standard acceptable to the Principal Agent and SEEHOA.
- 2.2** SEEHOA accepts no responsibility whatsoever for any defective workmanship or materials.

2.3 All correspondence relating to the site and building project will be directed to the Principal Agent throughout the project.

2.4 The Principal Agent shall act for and on behalf of the Owner in all matters pertaining to the plans, site establishment and construction work of the project on the site on Simbithi. This will be for the entire duration of the project from inception to final completion, which will include the issue of a completion certificate from the Local Authority. This position carries the responsibility of acting with due diligence in all management matters concerning the site, the contracting parties, and SEEHOA. Of particular importance are the following:

- a) Arranging an orientation meeting for the client and architect, as soon as possible after the brief has been accepted, to meet the Estate Manager and Building Control Manager at the Home Owner Association Offices (clause 5.4.1).
- b) Arranging and facilitating the site handover meeting with SEEHOA and submitting all relevant documentation for the site handover.
- c) The day to day condition of the site during construction, ensuring the site is aesthetically acceptable, secured after working hours in a safe condition and cleaned regularly at least once per week.
- d) Ensuring street and verge areas directly in front of the building project are kept clean, neat and free of obstruction to pedestrians and road users.
- e) Ensuring building materials are not stored on verges without SEEHOA approval
- f) Ensuring the Contractor information Board is correctly made and worded.
- g) The liaison between SEEHOA, the Owner, contractor, sub-contractors and any other

persons involved with work or services related to the site.

- h) The building is being erected in accordance with the plans approved by SEEHOA and the Local Authority.
- i) All materials and work are to specified standards.
- j) Submitting drawings for approval to SEEDRC and the Local Authority prior to any deviations from the approved plan being carried out, and to ensure no deviations take place prior to the written approvals being obtained.
- k) The accuracy of the As-built drawings.
- l) Arranging the completion inspection with SEEHOA, and the issue of the Completion Certificate for the project by SEEHOA.
- m) Obtaining the Occupation Certificate from the Local Authority.
- n) Ensuring the completed building is not occupied prior to the Occupation Certificate or Beneficial Occupation Certificate being issued. Note, in terms of the National Building Regulations and Building Standards Act 103 of 1977, section 14(4)(a), any person occupying any building without an Occupation Certificate shall be guilty of an offence.
- o) Ensuring no encroachment on neighbouring SITES OR Estate property occurs without the prior permission of the Owner of such sites, and SEEHOA.
- p) Ensuring that all conditions and requirements set down in the Environment Management Plan (as amended) is complied with on the sites under their control.

3.0 SITE HANDOVER.

- 3.1. A site handover meeting will be held prior to the Building Contractor moving on site in any form. This includes the storing of fill material.

The Architect (Principal Agent) is to inform SEEHOA a minimum of 14 days prior to commencement of clearing the footprint area, provide the details of the accredited building contractor, and request a date for a site handover, which will be attended by the following:

- Architect (Principal Agent), Estate Manager (or Building Control Manager), Environmental Officer, Principal Building Contractor, the Owner (if available) and any other relevant service providers, if required.

The Principal Agent is to advise the Estate Manager / Building Control Manager prior to site handover once the list of criteria on the

site handover check list, including the following, have been addressed:

- 3.1.1 The location of the footprint, actual foundations and the driveway between the site boundary and the road. The footprint must be marked before any site clearing can be done.
- 3.1.2 The issue to SEEHOA of an anticipated programme of works, highlighting construction milestones.
- 3.1.3 Confirmation of existence the relevant contract document(s).
- 3.1.4 The identifying and pointing out of all service connections.
- 3.1.5 Advising SEEHOA on the frequency of site meetings.
- 3.1.6 The photographing of the site and surrounds in digital format – to be e-mailed to the Building Control Manager. Photographs to include: General site; all street furniture immediately adjacent to site including lamp posts, bollards, manholes etc; all site boundaries including pavements, indicating state of repair; all verge planting adjacent to site. Photographs to be dated.
- 3.1.7 Presentation of plans approved by SEEHOA and the Local Authority. At least three days before the date of site handover.
- 3.1.8 Proof of existence of Title deeds, surveyor's certificate, transfer to owner.
- 3.1.9 Copies of Geo-Technical report, Storm Water Management Plan, and Environmental reports relevant to the site.
- 3.1.10 Prior to any work commencing, the site must be enclosed with colour green 80% factor shade cloth, a minimum of 1800mm high, as described in the Building Contractor Protocol.
- 3.1.11 The site handover checklist must be complete and given to the SEEHOA representative conducting the site handover, at the time of handover.

4. FINAL CLEAN UP.

- 2.4.1 At the conclusion of the construction work, the contractor shall restore all pavements, roadways, verges, foliage, ditches and drainage channels to their original condition, including fine grading and seeding, positive drainage with no standing water, cleaning of the entire site of all construction debris and refuse and the removal of all temporary

fencing facilities, equipment and unused materials. Where necessary verges and pavements and to be levelled and restored to their original condition, 'grass sods' laid and any trees destroyed replaced, in liaison with the Estate Landscaping Consultant. The Estate Manager, or Building Control Manager will, on completion of the contract, as part of the approval of the As-built drawings by SEEHOA, carry out an inspection of the site, inclusive of the verges and services, with the Principal Agent and building contractor.

DESIGN AND REVIEW PROCESS.

Accredited Architects.

All architectural submissions are to be prepared by a Professional Architect accredited by SEEHOA.

Submissions from non-accredited Architects sub-contracted, but not employed, by an accredited Architect will not be accepted, and may result in the removal of such accredited Architect from the accredited list.

SEEDRC and SEEHOA retain the right to add to or remove any Architect from this accredited list at their own absolute discretion.

Scope of Services.

The Architect shall in all instances be appointed on a full scope of services as defined in PROCAP. He / she shall assume the role of Principal Agent and shall at all times be answerable to the SEEDRC.

Documentation.

Accredited Architects / Principal Agents and Landscapers may obtain all documentation, application forms and plans relevant to the site from SEEHOA.

Review Protocol.

All Owners are required to submit their plans to SEEDRC for approval. This is to be done in accordance with the following protocol:

Meeting No. 1 (Orientation and Sketch Plan).

Attendance: Owner, Architect, Estate Manager and Building Control Manager.

Introductory/Orientation meeting to introduce the Owner to SEEHOA and the management structure of the Estate, explain the architectural language and design principles, and to discuss the Owner's/Architect's intentions. Confirmation of specific Town

Planning controls. Architect to produce a sketch plan at this meeting for discussion.

Meeting No. 2 (SDP).

Attendance: Full SEEDRC Committee (as required) and Client Architect, a Local Authority representative (as required), for initial scrutiny and approval or referral.

Client Architect to submit the SDP for discussion and approval, at least 7 working days before the **second** meeting is due. Any late submissions will be carried over to the following meeting. Confirmation of application for the water meter installation must be submitted as well. Refer to clause 6.1.2 for requirements.

Meeting No. 3 (Building Plans).

Attendance: Architect, Building Control Manager, one Committee Architect (if required) and Local Authority representative (if required).

Architect to submit final working drawings / Local Authority approval submission drawings, for approval by SEEDRC. Once approved, these drawings will be stamped and signed by the SEEDRC for submission to the Local Authority by the Architect.

- 5.4.4 Should the Architect or Owner require any special meetings with the DRC, additional to the meetings mentioned in clauses 5.4.1, 5.4.2, and 5.4.3, the costs incurred for such meetings will be at the Architect or Owner's expense.

Please note: The Local Authority will not accept any submission which has not been stamped and signed with the SEEHOA approval stamp.

Should any drawings change due to the Local Authority's referrals, then new drawings must be submitted to SEEHOA.

Authority.

This document is to be considered as supplementary to the Local Authority requirements and National Building Regulations, and cannot take precedence. Should any provision of this document be regarded as contrary to the Local Authority requirements or National Building Regulations, the requirements of these Authorities shall prevail, save for aesthetic and architectural considerations.

Waivers.

Any application for waivers of Local Authority or National Building Regulations requirements shall first meet with approval of SEEDRC.

Approval by SEEDRC will not necessarily imply tacit approval by the Local Authority.

Disclaimer.

The review architects on SEEDRC act in an advisory capacity only, and all decisions and comments are at the discretion of SEEHOA. To this extent, each submission will be treated on its merits and, whilst a proposal may comply with the Architectural and Town Planning controls as set out in this document, it must too capture the intended Architectural “ethos” of the Estate. SEEDRC and SEEHOA reserve the right to refer submissions they deem to have failed in this respect.

6.0 SUBMISSION PROCEDURE (See also Clause 5.4).

This essentially a two-step process:

Step One: SEEHOA Design Approval – Building and Landscape.

Step Two: Local Authority Plan Approval.

6.1 Design Approval.

Building and Landscape.

The Architect should familiarise himself/herself with the latest revision of the Design Guidelines, Town Planning Controls, and Landscape Protocol prior to commencing. Copies of the latest editions are available from SEEHOA.

Please note: The guidelines is an active document and is subject to revision from time to time. SEEHOA reserves the right to amend the Design Guidelines, and absolves itself from any liability in the event of ignorance of these revisions by the Owner or the appointed Architect.

Submission of Site Development Plan.

Two coloured sets of the Site Development Plan must be submitted to the SEEHOA/SEEDRC for scrutiny, together with the current prescribed fees and documentation. A copy of the prescribed fees structure can be obtained from the SEEHOA office. (Please note fees are revised annually).

The **SDP** must consist of the following:

- Fully completed SEEHOA Property Development and Improvement Application Form and Checklist with all points therein completed.
- All copies of the drawings must show plans at all levels, elevations, NGL, a typical

sections through the building and site – all at minimum of 1:100.

- A site plan at minimum of 1:200 showing storm water management during and after construction, contours and NGL.
- A site plan showing footprint, NGL, contours and levels with Geo-Tech report.
- The proposal drawing must be on an A1 format sheet, or multiples of A1 sheets.
- If houses exist on either side of the intended building, the plan is to show the footprints of such houses, and a front elevation showing the comparative heights and finished floor levels.
- All external materials are to be identified on all elevations.
- SEEDRC may call for further detailed documentation from time to time, if this is deemed necessary.
- One coloured Preliminary Landscape proposal in terms with Landscape Protocol at minimum of 1:200 scale, showing landscape design, identifying the planting palette and the management of surface runoff, indicating irrigation system. Please refer to the Landscape Protocol for Landscape plan submission procedure and requirements.
- A site specific geo-tech report and environmental management plan must accompany each proposal.

On approval, stamped and signed copies of the Building and Landscape drawings will be returned to the Architect and a copy retained by SEEHOA for their records.

Please note: If plans are not passed by SEEDRC after two referrals, due to queries not being addressed by the Architect or Landscape designer, the full submission fees are payable for the third submission.

Submission of Final Building Drawings.

One set of the final building drawings (working drawings), which must be coloured, must be submitted to the SEEDRC for scrutiny after approval of the SDP.

- These drawings must comply in all aspects with the Local Authority requirements, National Building Regulations, and must contain adequate detail and information in order to ensure the proposed structure and finishes is clearly understood.
- A final coloured Landscape Proposal is to be submitted after completion of the earthwork (Platforms) for approval. Please refer to Clause 4.0 of the Landscape Design Protocol (The Design Procedure).

- These drawings must be on A1 format sheets, collated in sets and folded in terms with SABS 0143-1980 Fig.7.

On approval, five additional sets of which three sets are to be coloured must be submitted to the Building Control Manager, Four of these five stamped and signed copies will be returned to the Architect together with the SEEHOA approval letter and conditions, if any, which must then be submitted to the Local Authority by the Architect as part of their required submission documentation. One copy being retained by SEEHOA for their records.

Please note: The Local Authority will not under any circumstances approve any submissions without the prior consent of SEEHOA and which do not carry the SEEHOA stamp of Approval.

FAILURE TO FULLY COMPLETE THE APPLICATION DOCUMENTS OR PROVIDE THE NECESSARY INFORMATION WILL RESULT IN A REJECTION OF THE APPLICATION.

Departures / Deviations.

All departures from the SEEHOA approved drawings are to be applied for prior to any deviation work being carried out on site, accompanied by a written motivation for the changes. Deviation work may only proceed on written approval from SEEHOA.

Refer to prescribed fees for deviation plan applications.

Submission of Amendments / As built drawings.

On completion of the project As-Built documentation is to be lodged with SEEHOA for their records. SEEHOA will carry out an on site inspection to verify the following:

- The project is complete, safe, and habitable.
- The As-Built drawings are a true and accurate reflection of what is built on site.
- No deviations from the approved building plans have been done without the Simbithi Eco-Estate Home Owners Association's written approval.

Only once these requirements have been satisfied will the Completion Certificate be issued.

Please Note: The As-Built documentation must be an accurate and true reflection of what is on site.

Refer to the prescribed fees for the As-Built application fee.

On approval of the As-Built documentation, the drawings and documents will be scanned by the Architect for SEEHOA and an electronic file saved to CD for permanent SEEHOA record purpose.

All of the above are to be submitted to:

**The Estate Manager
Simbithi Eco-Estate Homeowners Association,
Simbithi Eco-Estate
P O Box 1391, Ballito, 4420**

7.0 LOCAL AUTHORITY PLAN APPROVAL.

- 7.1.1 On approval by SEEHOA, drawings can be submitted to the Local Authority for approval. i.e. SEEHOA approved signed and stamped SDP Applications; Building Plan Applications; Deviation Applications; Alterations and Additions Applications; As-Built Applications; etc.

All submissions to the Local Authority are the responsibility of the Owner / Architect. Should the Local Authority refer the building plans, and the nature of the referral affects the aesthetics or footprint of the buildings, then SEEHOA must be notified and revised building plans must be submitted to SEEHOA for approval.

Please note: No building work whatsoever may commence on site without the written approval of both SEEHOA and the Local Authority.

Please Note: SEEHOA does not submit any plans or documentation to the Local Authority for approval on behalf of any Developer, Owner, or Architect. The submission of plans and documentation to the Local Authority is the responsibility of the Architect.

8.0 COMMENCEMENT ON SITE PRIOR TO THE BUILDING PLANS BEING APPROVED.

Should the developer require commencing with the proposed development prior to the building plans being approved by the SEEDRC and Kwa Dukuza Municipality, then the following procedures will apply.

- Simbithi Eco-Estate Home Owners Association will only consider granting permission for a site to be handed over to the Principal Building Contractor after the SDP has been approved by the SEEDRC and the Kwa Dukuza Municipality, and the final building drawings have been submitted to the SEEDRC for scrutiny.

- The developer's written request must be submitted to the Simbithi Eco-Estate Home Owners Association together with the following documentation:
 - The developer's detailed motivation why he/she must proceed with work on site prior to the written approval of the building drawings.
 - A letter of consent from the Kwa Dukuza Municipality's Building Control Officer granting permission to commence with work on site prior to the building plans being approved and the conditions thereto.
 - A copy of the Title Deeds.
 - A copy of the Kwa Dukuza Municipality approved Bulk Earthwork and Services drawings.

- 9.1.8 Design Guidelines and Town planning Controls.
- 9.1.9 Plan Submission Fee structure.
- 9.1.10 Plan Approval Application form and Check List.
- 9.1.11 Signage and Street Furniture Protocol.

If permission is granted by SEEHOA, a site hand-over meeting will be scheduled as per Clause 3.0 after receipt of the prescribed fee for commencement of work on site prior to the building plans being approved.

Please Note: Building Plan approval must be obtained within 30 working days from date of SEEHOA's permission to commence on site. Failing to obtain the approval will result in all work being stopped on site until building Plan approval is obtained.

Please Note: Simbithi Eco-Estate Home Owners Association will not grant permission for any work to commence on site if the procedures in this document are not adhered to.

9.0 FURTHER DOCUMENTATION.

- 9.1 The following documentation must be read in conjunction with this document:
 - 9.1.1 Developer's protocol.
 - 9.1.2 Building Contractor's Protocol.
 - 9.1.3 Sub-Contractor and Service Provider's Protocol.
 - 9.1.4 Landscape Contractor's Protocol.
 - 9.1.5 Landscape Protocol.
 - 9.1.6 Security Rules and Procedures Protocol.
 - 9.1.7 Environmental Management plan.