



# ***ARCHITECT AND PRINCIPAL AGENT PROTOCOL***

***FOR ALL PHASES OF THE ESTATE***

**REVISED EDITION – 1 APRIL 2007**

**(This edition supersedes all previous editions)**



**Zini River Estate Homeowners Association**

Registration No. 2006/026896/08

P.O. Box 176, Mtunzini, 3867

Tel: (035) 3402751 Fax: (035) 3402750

**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 Zini River Estate.

1.0 **PARTIES**

1.1 **Zini River Estate Homeowners Association – “ZREHOA”**  
**Registration No. 2006/026896/08**

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

Architect Registration Number:.....

Company Contact number: .....

Postal Address: .....

.....

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 Zini River Estate, and accepts the obligations in favour of Zini River 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 Zini River Estate. The Zini River 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 Zini River 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: .....(ZREHOA)

Witness: ..... Date: .....

2.5 Signed: .....(Principal Agent)

Witness: ..... Date: .....

# **ZINI RIVER ESTATE HOMEOWNERS ASSOCIATION (ZREHOA) ACCREDITED ARCHITECT PROTOCOL**

## **1.0 APPOINTMENT OF ARCHITECT AND PRINCIPAL AGENT**

- 1.1 Prior to appointing your Architect, check that they are a member of the “ZREHOA Accredited List”.
- 1.2 If they are on the “ZREHOA Accredited List”, they may proceed with the commission as a normal commission.
- 1.3 If they are not on the “ZREHOA Accredited List”, they are required to an application to the ZREHOA in accordance with the criteria as set out by the ZREHOA (details of which available from the Estate Offices) **PRIOR TO ACCEPTING THE COMMISSION.**
- 1.4 If accepted by the ZREHOA they will be allowed to accept ONE commission.
- 1.5 Once their final drawings have been approved by the ZREDRC they will be placed on the “ZREHOA Accredited List”.
- 1.6 The responsibility lies with the homeowner to enquire of the status of the practitioner prior to commissioning them. They must also be registered with the South African Institute of Architects and the South African Council for the Architectural Profession.
- 1.7 The Architect **MUST** be engaged for a minimum service of design and L.A. approval drawings, whilst it is recommended that Architects be commissioned for a full service. No sub-contracting is allowed.
- 1.8 Architects not producing buildings of consistently high calibre may at the sole discretion of the ZREDRC/ZREHOA be removed from the “ZREHOA Accredited List”.
- 1.9 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.
- 1.10 ZREHOA 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 ZREHOA.
- 1.11 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 ZREHOA.
- 2.2 ZREHOA 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 Zini River. 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 ZREHOA. Of particular importance are the following:
  - a. Arranging an orientation meeting to meet the Estate Manager and Building Control Officer at the Home Owner Association Offices (clause 5.4.1).

- b. Arranging and facilitating the site handover meeting with ZREHOA BCO 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 ZREHOA approval.
- f. Ensuring the Professional Notice Board is correctly made and worded.
- g. The liaison between ZREHOA, 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 ZREHOA and the Local Authority.
- i. All materials and work are to specified standards.
- j. Submitting drawings for approval to ZREDRC 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 ZREHOA, and the issue of the Completion Certificate for the project by ZREHOA.
- 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 ZREHOA.
- p. Ensuring that all conditions and requirements set down in the Environment Management Plan (as amended) are 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 ZREHOA 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 certificate, including the following, has been addressed:

- 3.1.1 The location of the footprint 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 ZREHOA 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 ZREHOA 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 ZREHOA and the Local Authority.
- 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 ZREHOA representative conducting the site handover, at the time of handover.

#### **4. FINAL CLEAN UP**

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 ZREHOA, carry out an inspection of the site, inclusive of the verges and services, with the Principal Agent and building contractor.

#### **5.0 DESIGN AND REVIEW PROCESS**

##### **5.1 *Architects***

All architectural submissions are to be prepared by a Professional Architect accredited by ZREHOA. Submissions from Architects/designers sub-contracted, but not employed, by a SAIA registered Architect/designer will not be accepted.

##### **5.2 *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 ZREDRC.

##### **5.3 *Documentation***

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

##### **5.4 *Review Protocol***

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

- 5.4.1 Architect to present drawings for approval by the ZREDRC. Once approved, the Architect is to submit final working drawings / Local Authority approval submission drawings, for approval by ZREDRC. Once approved, these drawings will be stamped and signed by the ZREDRC for submission to the Local Authority by the Architect.
- 5.4.2 Should the Architect or Owner require any special meetings with the DRC, additional to the first submission, 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 ZREHOA approval stamp.***

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

## **5.5 Waivers**

Any application for waivers of Local Authority or National Building Regulations requirements shall first meet with approval of ZREDRC. Approval by ZREDRC will not necessarily imply tacit approval by the Local Authority.

## **5.6 Disclaimer**

The review architects on ZREDRC act in an advisory capacity only, and all decisions and comments are at the discretion of ZREHOA. 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. ZREDRC and ZREHOA reserve the right to refer submissions they deem to have failed in this respect.

## **6.0 SUBMISSION PROCEDURE (ZRE also Clause 5.4 )**

This essentially a two-step process :

Step One: ZREHOA Design Approval – Building and Landscape.  
Step Two: Local Authority Plan Approval.

### **6.1 Design Approval**

#### **6.1.1 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 ZREHOA.

***Please note: The guideline is an active document and is subject to revision from time to time. ZREHOA 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.***

#### **6.1.2 Submission of Site Development Plan / Building Drawings**

If preferred a sketch plan may be submitted for verbal approval / comment to the ZREHOA, at no cost, prior to the Site Development Plan being submitted for full approval.

One uncoloured set of the Site Development Plan must be submitted to the ZREHOA/ZREDRC for scrutiny, together with the current prescribed fees and documentation. A copy of the prescribed fees structure can be obtained from the ZREHOA office. (Please note, fees are revised annually).

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

- Fully completed ZREHOA Plan Approval Application Form with all required forms / documents attached.
- All copies of the drawings must show plans at all levels, elevations, NGL, a typical section 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.
- ZREDRC 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.
- Environmental management plan must accompany each proposal.

On approval of the Building and Landscape drawings by the ZREHOA and the Umlalazi Municipality, a stamped and signed copy of the Building plans must be given to the ZRE offices to be retained for their records.

***Please note: If plans are not passed by ZREDRC 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.***

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

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

### **6.1.3 Departures / Deviations**

All departures from the ZREHOA 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 ZREHOA.

Refer to prescribed fees for deviation plan applications.

### **6.1.4 Submission of Amendments / As built drawings**

On completion of the project As-Built documentation is to be lodged with ZREHOA for their records. ZREHOA 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 ZREHOA'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 ZREHOA and an electronic file saved to CD for permanent ZREHOA record purpose.

All of the above are to be submitted to:

**The Estate Manager  
Zini River Estate Homeowners Association  
Zini River Estate  
P O Box 176  
Mtunzini  
3867**

## **7.0 LOCAL AUTHORITY PLAN APPROVAL**

On approval by ZREHOA, drawings can be submitted to the Local Authority for approval. i.e. ZREHOA 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 ZREHOA must be notified and revised building plans must be submitted to ZREHOA for approval.

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

**Please Note: ZREHOA 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, Owner or Developer.**

## **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 ZREDRC and Umlalazi Municipality, then the following procedures will apply :

- ZREHOA will only consider granting permission for a site to be handed over to the Principal Building Contractor if the final building drawings have been submitted to the ZREDRC for scrutiny.
- The developer's written request must be submitted to the ZREHOA 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 Umlalazi 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.

If permission is granted by ZREHOA, a site hand-over meeting will be scheduled as per Clause 3.0 after receipt of the full submission fee.

**Please Note: Building Plan approval must be obtained within 30 working days from date of ZREHOA'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.**

**Indemnifier : The Owner accepts full responsibility that if for any reason whatsoever, their building plans are not approved by either the ZREDRC and or the Umlalazi Municipality the Owner will make good at their own cost.**

**Please Note: Zini River 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 Building Contractor's Protocol.

9.1.2 Landscape Protocol & Design Guidelines.

9.1.3 Security Rules and Procedures Protocol.

9.1.4 Environmental Management plan.

9.1.5 Design Guidelines.

9.1.6 Town Planning Controls (a copy is available at the Municipality for reference purposes).

9.1.7 Plan Approval Application form.

9.1.8 Site Handover Procedures.