



DESIGNER AND PRINCIPAL AGENT PROTOCOL

St Francis Links Homeowners Association NPC

Registration No. 2006/017273/08 | P.O. Box 159 St Francis Bay, 6312, South Africa.

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AGREEMENT: DESIGNER AND PRINCIPAL AGENT PROTOCOL

This document must be completed and signed in respect of all work carried out on all phases of the St Francis Links Golf Estate.

1.1 St Francis Links Homeowners Association NPC – “SFLHOA”

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

Designer Registration Number:.....

Contact number: E-mail address:

Specific Erf Number:

2. **RECORDAL**

2.1 The Designer/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 St Francis Links Golf Estate, and accepts the obligations in favour of St Francis Links Homeowners Association NPC, 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 St Francis Links Golf Estate. St Francis Links Homeowners Association NPC reserves the right to amend this protocol from time to time. The Designer/Principal Agent will be advised of any such amendments.

2.2 The Designer/Principal Agent also hereby acknowledges that the St Francis Links Homeowners Association NPC has the right to add or remove any Designer/Principal Agent from the list of registered Designers/Principal Agents and to levy fines upon such accredited Designers/Principal Agents.

2.3 _____
Designer Principal Agent Owner
(if difference from Designer)

Date: _____ Date: _____ Date: _____

Criteria of acceptance of Designers by SFLHOA.

- *Only persons registered with the South African Council for the Architectural Profession, with an acceptable track record will be considered as registered Designers on St Francis Links Golf Estate. This list will be reviewed from time to time at the sole discretion of the SFLHOA.*
- *All applications to be accepted onto the St Francis Links register of Designers are to be submitted in accordance with the criteria as set out by SFLHOA.*
- *Once registered, Designers must be available to tender on all other projects on St Francis Links Golf Estate and, if the Designer 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 Designer will be considered dormant, and be removed from the list of registered Designers.*

1.0 APPOINTMENT OF DESIGNER AND PRINCIPAL AGENT.

- 1.1 Only Designers registered with the SFLHOA may accept appointment from Clients (the Client) to design buildings and act as Principal Agents on St Francis Links Golf Estate.
- 1.2 SFLHOA requires that the Designer or qualified Engineer (or competent professional) appointed by the Client be appointed as independent Principal Agent for the duration of the project. In the case of an "owner builder", such principal agent shall be unrelated and independent from the Client and / or the Contractor. The Principal Agent must carry professional indemnity insurance.
- 1.3 Once the brief has been accepted by the Designer and Principal Agent, the procedures laid down in the following pages are to be followed.

2.0 OBLIGATIONS OF DESIGNER AND PRINCIPAL AGENT

- 2.1 All building work shall be supervised on site by a Designer / 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/her opinion, is sub-standard, in which event the Building Contractor / Client shall make good such condemned work to a standard acceptable to the Principal Agent and SFLHOA.
- 2.2 SFLHOA 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 Client in all matters pertaining to the plans, site establishment and construction work of the project on the site at St Francis Links. 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 SFLHOA. Of particular importance are the following:
 - Arranging an orientation meeting for the Client and Designer, as soon as possible after the brief has been accepted, to meet the Building Control Officer at the Home Owners Association Offices
 - Arranging and facilitating the site handover meeting with SFLHOA and submitting all

relevant documentation for the site handover.

- 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.
- 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.
- Ensuring building materials are not stored on verges without prior SFLHOA approval.
- Ensuring the Professional Notice Board and requisite signage is of the correct design and wording.
- Act as liaison between SFLHOA, the Client, Contractor, sub-Contractors and any other persons involved with work or services related to the site.
- The building is being erected in accordance with the plans approved by SFLHOA and the Local Authority.
- All materials and work are to specified standards.
- Submitting drawings for approval to SFLDRC 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.
- The accuracy of the As-built drawings.
- Arranging the completion inspection with SFLHOA, and the issue of the Completion Certificate for the project by SFLHOA.
- Obtaining the Occupation Certificate from the Local Authority.
- Ensuring the completed building is not occupied prior to the SFLHOA Completion 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.
- Ensuring no encroachment on neighbouring sites or SFLHOA property occurs without the prior permission of the owner of such sites, and SFLHOA.
- 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.

- A site handover meeting will be held prior to the Contractor moving on site in any form. This includes the storage of anything or clearing of the site.
- The Designer (Principal Agent) is to inform SFLHOA a minimum of 14 days prior to commencement of clearing the footprint

area, provide the details of the registered building Contractor, and request a date for a site handover, which will be attended by the following:

- Designer, Principal Agent, SFLHOA Building Control Officer, Botanical Consultant, Principal Building Contractor, the Client (if available) and any other relevant service providers, if required.
- The Principal Agent is to advise the Building Control Officer 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.
 - 3.1.2 The identifying and pointing out of all service connections.
 - 3.1.3 The photographing of the site and surrounds in digital format. 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.
 - 3.1.4 Presentation of plans approved by SFLHOA and the Local Authority at least three days before the date of site handover.
 - 3.1.5 A copy of the title deeds, surveyor's certificate and other requisite documents.
 - 3.1.6 Copies of Geo-Technical report, Storm Water Management Plan, and Environmental reports relevant to the site.
 - 3.1.7 Prior to any work commencing, the site must be enclosed with colour green 70% or greater factor shade cloth, a minimum of 1,8m high, as described in the Building Contractor Protocol.
 - 3.1.8 All provisions of the site handover checklist must be met prior to site handover.

4.0 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, positive drainage with no standing water, cleaning of the entire and neighbouring sites of all construction debris and refuse and the removal of all temporary fencing facilities, equipment and unused materials. Where necessary verges and pavements are to be levelled and restored to

their original condition, 'grass sods' laid and any trees destroyed replaced, in liaison with the Botanical Consultant. The Building Control Officer will, on completion of the contract, as part of the approval of the As-built drawings by SFLHOA, carry out an inspection of the site, inclusive of the verges and services.

5.0 DESIGN AND REVIEW PROCESS.

5.1 *Registered Designers*

All design submissions are to be prepared by a Designer registered with SFLHOA. SFLHOA retain the right to add to or remove any Designer from this registration list at their own absolute discretion.

5.2 *Documentation*

Registered Designers / Principal Agents and Landscapers may obtain documentation, application forms and information relevant to the site from SFLHOA. Service connection positions, contours and beacons must however be determined and verified by a qualified surveyor for the Client's account.

5.3 *Review Protocol*

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

5.3.1 Meeting No. 1 (Orientation and Sketch Plan).

Attendance: Client, Designer, Building Control Officer

Introductory/Orientation meeting to introduce the Client to the management structure of the Estate, explain the architectural language and design principles, and to discuss the Client's/Designer's intentions. Confirmation of specific Town Planning controls. Designer to produce a sketch plan for discussion.

5.3.2 Meeting No. 2 (SDP)

Attendance: Building Control Officer and Client/Designer for initial scrutiny and approval or referral.

Client/Designer 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 and electrical meter installation must be submitted as well.

5.3.3 Meeting No. 3 (Building Plans)

Attendance: Designer, Building Control Officer

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

- 5.4.4 Should the Designer or Client require any special meetings with the SFLDRC, the costs incurred for such meetings will be at the Designer or Client's expense.

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

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

5.4 **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.

5.5 **Waivers**

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

5.6 **Disclaimer**

The SFLDRC act in an advisory capacity only, and all decisions and comments are at the discretion of SFLHOA or the board appointed Aesthetics Committee. 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. SFLHOA reserve the right to refer submissions they deem to have failed in this respect.

6.0 **SUBMISSION PROCEDURE**

This essentially is a two-step process:

Step One: SFLHOA Design Approval

Step Two: Local Authority Plan Approval

6.1 **Design Approval Building**

- 6.1.1 The Designer 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 SFLHOA.

Please note: The guidelines are an active document and is subject to revision from time to time. SFLHOA reserves the right to amend the Design Guidelines, and absolves itself from any liability in the event of ignorance of these revisions by the Client or the appointed Designer. It is the responsibility of the Designer to ensure that he/she has the most recent version.

6.1.2 **Submission of Site Development Plan**

The Site Development Plan must be submitted to the SFLHOA/SFLDRC for scrutiny, together with the plans, plan approval application, necessary OHS Act and other documentation. The SFLHOA building levies will be levied to the Client's account and must be paid prior to the plans being approved. (Please note, levies are subject to change without prior notice).

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

- Complete site plan with contours, corner peg levels and co-ordinates, bench mark, building lines, parking, paving, boundary lines, service connection positions, invert levels, neighbouring properties, servitudes, street furniture etc.
- All copies of the drawings must show plans at all levels, elevations, NGL, FFL, heights at work case scenarios, 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 drawings must be on an A1 format sheet.
- All external materials are to be identified on all elevations.
- SFLDRC may call for further detailed documentation from time to time, if this is deemed necessary.
- A site-specific geo-tech report and environmental management plan must accompany the proposal, if deemed necessary by the SFLDRC.

On approval, stamped and signed copies of the Building Plans will be returned to the Designer.

Please note: If plans are not passed by SFLDRC after two referrals due to requirements from the Plan Approval Application check list not being addressed by the Designer, additional submission review fees are payable for the third and subsequent submissions.

6.1.3 Submission of Final Building Drawings.

Five sets of the final building drawings (working drawings), one of which must be coloured, must be submitted to the SFLDRC for scrutiny.

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

On approval, these five sets must then be submitted to the Local Authority by the Designer as part of their required submission documentation. One set must be returned to the SFLHOA once the Local Authority has approved them.

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

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

6.1.4 Departures / Deviations

All departures from the SFLHOA 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. Departure or deviation motivation submissions must be submitted to the SFLHOA for consideration by the HOA Aesthetics Committee. Deviation work may only proceed on written approval from the Aesthetics Committee. Refer to prescribed levies for amendment / deviation plan applications.

6.1.5 Submission of Amendments / As built drawings

On completion of the project As-Built documentation is to be lodged with SFLHOA for their records. SFLHOA 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 SFLHOA written approval.
- Landscaping is underway or has been completed in accordance with the submitted landscape plan and plant list

- Other requirements are met (e.g. fire hose reel, house number etc)

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 levies for final inspection phase.

On approval of the As-Built documentation, the drawings and documents will be scanned by the Designer for SFLHOA and an electronic file saved to CD for permanent SFLHOA record purpose. The files should be in .pdf format.

7.0

LOCAL AUTHORITY PLAN APPROVAL

On approval by SFLHOA, drawings must be submitted to the Local Authority for approval. i.e. SFLHOA 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 Client/Designer. Should the Local Authority refer the building plans, and the nature of the referral affects the aesthetics or footprint of the buildings, then SFLHOA must be notified and revised building plans must be submitted to SFLHOA for approval. Further levies will apply.

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

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

8.0

COMMENCEMENT ON SITE PRIOR TO THE BUILDING PLANS BEING APPROVED

SFLHOA will only permit commencement on site (incl preliminary clearing) after the plans have been approved by the SFLDRC and the Local Authority and all pre-site handover requirements have been met.

Please Note: St Francis Links 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 LANDSCAPING

The Client and/or Designer must submit a landscape plan prior to any landscaping. This is one coloured preliminary landscape proposal in terms with Landscape Protocol at minimum of 1:200 scale, showing landscape design, identifying the planting list and the management of surface runoff, indicating irrigation system. Please refer to the Landscape Protocol for Landscape plan submission procedure and requirements.

- A final coloured Landscape Proposal is to be submitted after completion of the earthwork for approval. Please refer to the Landscape Design Protocol.
- The SFLHOA will not issue a Completion Certificate if the landscaping (at a minimum the levelling and laying of sods or seeding and driveway paving has not been completed).

10. FURTHER DOCUMENTATION.

The following documentation must be read in conjunction with this document:

- 10.1 Building Contractor's Protocol.
- 10.2 Landscape Design Protocol.
- 10.3 Rules of the Estate
- 10.4 Design Guidelines
- 10.5 SFLHOA Building Levy structure.
- 10.6 Plan Approval Application form and Check List.
- 10.7 SFLHOA SSEG Policy
- 10.8 OHS Act 85 of 1993, the Construction Regulations 2014.
- 10.9 Building Penalty Protocol