



Simbithi  
ECO-ESTATE <sup>®</sup>

**LANDSCAPING PROTOCOL  
FOR ALL PHASES OF  
SIMBITHI ECO-ESTATE**

**February 2021**

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Simbithi Eco-Estate Homeowner's Association

Registration No. Reg No. 2004/009153/08

P. O. Box 1001, Simbithi, 4390

## SECTION A

### AGREEMENT: LANDSCAPING PROTOCOLS FOR LANDSCAPE DESIGNER AND/OR LANDSCAPE CONTRACTOR

This document must be completed and signed with respect to all work carried out on all phases of the Simbithi Eco-Estate.

#### 1. PARTIES

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

1.2. ....  
Landscape Contractor or Designer hereinafter referred to as “**The Contractor**”

Company Registration Number:.....

Workman's Compensation Number:.....

Company's Contact Number:.....

Postal Address: .....

## 2. RECORDAL

- 2.1. A portfolio of work has been submitted to the Simbithi Eco-Estate Homeowners Association for evaluation and the Contractor is approved by SEEHOA.
- 2.2. The Contractor hereby acknowledges he/she has received a copy of this Protocol in respect of all work carried out on all phases of the Simbithi Eco-Estate Estate and accepts the obligations in favour of the Simbithi Eco-Estate Homeowners 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 Homeowners Association reserves the right to amend this protocol from time to time. The Contractor will be advised of any such amendments.
- 2.3. The contractor agrees to comply with the Landscaping Protocol and all the Simbithi Eco Estate's rules and regulations.
- 2.4. The contractor acknowledges that failure to comply with the Landscaping Protocol can result in penalties or in termination of the contract and the ability to work on Simbithi Eco estate.

Signed:

.....(Contractor)

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

Signed:

..... (SEEHOA)

Witness: .....

Date: .....

## SECTION B

### 1.GLOSSARY OF TERMS AND ABBREVIATIONS

<b>B &amp; W</b>	Black and White
<b>DAFF</b>	Department of Agriculture, Forestry and Fisheries
<b>DRC</b>	Design Review Committee
<b>ESTATE</b>	Simbithi Eco-Estate
<b>EXOTIC PLANTS</b>	Plants not indigenous to South Africa
<b>E &amp; A DEPT.</b>	Environmental and Landscape Department
<b>LANDSCAPABLE AREA</b>	This is the area of an erf that can be landscaped. It is the total size of the Erf less the building footprint, driveway and any decked or pool area.
<b>LANDSCAPE CONTRACTOR</b>	Contractor who will be installing the garden as per the approved landscaping plan.
<b>LANDSCAPE DESIGNER</b>	Contractor who will be designing the layout for the garden.
<b>LOCALLY INDIGENOUS</b>	Plants which are indigenous to South Africa and are known to occur naturally in the area between the Tugela River (North), the Mngeni River (South), the Indian ocean (East) and the low escarpment to the West.
<b>MOSS</b>	Metropolitan Open Space System
<b>NEMA</b>	National Environment Management Act (Act 107 of 1989)
<b>PROTECTED SPECIES</b>	In terms of the National Forests Act of 1998, 47 species of tree are declared protected and may not be cut, disturbed, damaged or destroyed except under license/permit granted by the Department of Water Affairs and Forestry.
<b>P.U.D.</b>	Planned Unit Development
<b>SEEHOA</b>	Simbithi Eco-Estate Homeowners Association
<b>SR</b>	Single Residential

## **2. CRITERIA FOR CONTRACTORS TO BE ADDED TO THE SIMBITHI'S LIST OF APPROVED CONTRACTORS**

**All Applications to be accepted onto the Approved List of Landscape Contractors must provide the following documentation:**

1. Submission of detailed company profile
  - 1.1. Relevant registration
  - 1.2. Proof of qualification and/or experience
2. Proof of registration with Workman's Compensation
3. Proof of registration with UIF (Un-employment Insurance Fund)
4. Proof of a minimum of R1,000,000.00 Public Liability Insurance Cover
5. Three written references of successful Landscape installations at residential estates preferably eco-estates.

And in addition: Satisfy the Environmental and Landscape Department of their ability to identify a range of locally indigenous flora when presented with living specimens and successfully identify invasive weeds from photographs.

***PLEASE NOTE: ALL APPROVALS ARE AT THE DISCRETION OF SEEHOA.***

### **3. LANDSCAPING CONTRACTOR'S OBLIGATIONS**

1. All Landscaping contractors designing and/or installing landscaping designs on Simbithi Eco-Estate (the Estate) are to acquaint themselves thoroughly with this document and any subsequent revisions and are to sign acceptance of the same prior to the commencement of any work on the Estate.
2. No landscaping may commence prior to written acceptance of an approved landscape plan/design.
3. The contractor must comply with SEEHOA's Health and Safety Mandatory Agreement.
4. The contractor must secure written permission from the Environmental & Landscaping Department of SEEHOA before any removal of locally indigenous trees. In the case of a protected tree species the necessary permit must also be obtained from the DAFF.
5. Contractors must comply with the Estate's security and access rules.

## **SECTION C**

### **LANDSCAPE DESIGN PROTOCOL**

#### **1. INTRODUCTION**

The aim of this landscaping protocol for Simbithi Eco-Estate is to ensure that all gardens are designed and maintained according to the following environmental principles, namely:

- 1.1. The broader coastal environment is considered
- 1.2. The principles assimilated in the National Environmental Management Act (Act 107 of 1998) are considered
- 1.3. Only plants on the Simbithi Eco-Estate Approved Plant List are planted insitu to reflect the naturally occurring vegetation of this area of the Dolphin Coast



- 1.4. Principles of optimal biodiversity are included both of flora and to support locally indigenous wildlife, both vertebrates and invertebrates.
- 1.5. Exotic plants may be used in pots out of view but are not encouraged.

**NOTE: NO plant listed on the Declared Weed and Invader plant list (Regulation 15 of the Conservation of Agricultural Resources Act, Act 43 of 1983) or on the “watch-list” will be permitted.**

## **2. DESIGN PROCEDURES**

SEEHOA aims to maintain a high standard of landscape design. The following procedure for the design and creation of gardens must be strictly adhered to. This will safeguard the interests of the homeowners and entrench the above principles.

### **2.1. Landscape Plan Submission**

- A detailed Landscape Plan (for both P.U.D. and S.R. sites) must be submitted preferably earlier but no later than when the building reaches roof plate height.
- Two copies of the detailed Landscape Plan, one in color and one B & W must be submitted to SEEHOA for approval through the Landscape Appraisal Committee.
- The B&W copy will be stamped and signed and returned to the applicant on approval by the Committee.
- The color copy of the approved plan will be kept on file by SEEHOA. No work may commence on site until the landscaper has an approved landscape plan in their possession.

### **2.2. Landscape Plan Design Requirements**

The following items must be on the plan to meet the required technical standard:

- Site information including the Erf number, number, street address, name of the owner.
- A scale of not more than 1:200, at the same scale and exact overlay of the site plan of the building plan.
- Name and contact details of Landscape Designer, including physical address, phone number and email address.
- Name and contact details of Landscape Contractor responsible for installation of the garden.
- Date drawn.
- Plan number (successive resubmissions should have the same base number with. xx extensions showing the number of revisions, e.g., 201.2).

- A signature block measuring at least 7cm in height and 8cm in width for SEEHOA approval stamp
- Signatures of the owner, designer, and landscape contractor
- North point.
- Building footprint.
- All existing trees must be identified and shown
- Site locality plan with section of Simbithi Estate layout plan as the base at a 1:500
- Site boundaries including all servitudes and services e.g., electrical, fibre, sewer and water.
- Neighboring erf numbers.
- Existing contours.
- Proposed platforms and banks
- Storm water management and depicting water flow.
- Landscape Philosophy. This may include the clients' brief or the vision of the landscaper for the design.
- All hardscaping including fencing, water features, paving, pots, retaining structures, etc. including material to be used e.g., Wooden bridge, stone birdbath etc.

PLEASE NOTE: Plans For fencing, water features and retaining structures have to be submitted to Building Control as well as shown on the Landscape Plan.

- Relevant planting in bordering areas of adjacent sites and Simbithi property interfacing with the proposed landscaping.
- Detailed planting plan for all plant species to be used (including lawn and verge) with botanical plant names, position of plants, planting densities and eventual spread.
- Refer to Table 1.
- A species count indicating the total number of species planted per plant type. (Tree, shrub, groundcover etc.)
- All grassed areas (lawn and verge) are to be shown indicating the type of lawn grass used.

- While it is the building contractors' responsibility to rehabilitate any damaged verges, this must still be shown on plan.
- Details of irrigation systems if these systems are required.
- Details of soil amelioration including quantities of compost and fertilizer. It is recommended that soil samples are taken for analysis prior to the commencement of the installation of the garden.
- Illustrations (3D renderings and photos) are optional.

## 2.3. Landscaping Design Considerations

### 2.3.1 Site Assessment & Analysis

### 2.3.2 Topographical Features

*Aspect:* The direction the site faces.

*Existing gradients:* **Consider retaining requirements to prevent soil erosion**

*The position of the site in relation to other sites:* The planting plan needs to complement that of neighbouring sites and the estate.

### 2.3.4 Views and House Orientation

As permission for established trees to be cut or pruned is required by SEEHOA the design must consider future growth.

### 2.3.6 Boundaries:

Survey pegs should be located, and boundaries and servitudes located.

Encroaching into Estate open space will not be permitted for the creation of additional building and garden footprint area without prior written permission from SEEHOA. Encroaching into neighbouring properties is not permitted.

### 2.3.7 Platforms and Banks

Platforms and the toe of all embankments may not encroach over the building lines of the development without permission from Building Control. The slope of banks should preferably be 26° or less. Banks of over 26° slope will require approved retaining systems. No cut lawn is permitted on banks. Any temporary strip sodding must be eliminated before the "fences down" audit. fences

### **2.3.8 Stormwater and Drainage**

The design must comply with the standards set out in the stormwater management plan lodged with SEEHOA. Important to identify areas that will be impacted by storm water.

### **2.3.9 Services**

Identify the positions of servitudes for services to ensure they are not damaged during landscape installation.

### **2.3.10 Water Points and Irrigation**

Confirm the provision of water for irrigation and whether an irrigation system is to be installed.

### **2.3.11 Building Footprint**

In addition to the building footprint, consideration must be given to the effect of buildings e.g., shading, shelter from wind etc.

### **2.3.12 Sun and wind.**

Confirm areas of full sun, shade, areas against walls and exposure to prevailing winds etc. due to impact on appropriate plant selection. Winds may have a significant impact on the design due to high velocities experienced on exposed sites and due to salt content of prevailing winds in summer.

### **2.3.13 Design Brief**

The brief stipulates all the requirements of the client e.g., views to be retained or framed; areas to be screened off, windbreaks, functional areas, movement corridors, features, hardscaping, garden lighting etc.

## 2.4. Landscape Design Restrictions and Standards

All landscaping plans are to comply with the following requirements:

### 2.4.1 Plant Species and Diversity

Only locally indigenous plant species as listed in the Simbithi approved plant list are permitted to be planted in gardens. A minimum of **65** different species must be used in all landscaped gardens of sites where the landscapable area is large. Less species are at the discretion of the E & L Dept. depending on size and design. At least 10 species must be selected from the list of plants providing food for buck and other wildlife.

### 2.4.2 Building Lines

- There are servitudes between Erf boundaries and 5m building lines of all sites in favour of SEEHOA and the Municipality of KwaDukuza. No hardscapes may encroach over the 5m building lines. No large, rooted plants may be planted in this area due to the risk of damaging services. The Simbithi List of Approved plants denotes which plants are considered as large rooted.
- The area between the Erf boundaries and the 3 m building lines are to serve as corridors for the movement of wildlife and must contain buck fodder plants. Refer to figures 1 to 3. No lawn and no hardscaping may encroach over the 3m building line. These areas must blend in gradually and must not be cut to from a sudden shelf or valley.

### 2.4.3 Platforms and Embankments

Must be designed and shaped to avoid excessive run off of water to prevent soil erosion.

Banks must be planted with plants that assist in stabilising banks.

### 2.4.4 Hedges

No plants should be planted to form a hedge or be maintained to form a hedge. Planting must allow free movement of wildlife.

#### **2.4.5 Lawn**

Lawned areas may not exceed **25%** of the landscapable area and no more than **75%** of the platform area.

Lawn may not be planted on embankments or encroach over building lines.

Lawn may only consist of the following grass species:

- *Cynodon dactylon*
- *Dactyloctenium australe*
- *Stenotaphrum secundatum*

#### **2.4.6 Irrigation**

Irrigation systems must be designed to be as visually unobtrusive as possible and may not encroach over boundaries.

No irrigation system can be installed prior to approval of an irrigation plan by SEEHOA.

#### **2.4.7 Paving**

Pavers that extend over the building line may only be installed with prior written approval from SEEHOA. Where application for such pavers is approved, only a single row of loosely placed pavers of a natural colour and not exceeding 500mm in width will be permitted. These pavers should be placed as close to the building line as possible and be inter-planted with groundcovers, gravel, or wood chips.

#### **2.4.8 Fencing**

Fencing, including swimming pool fencing, may only be installed as per approved building plans.

Fencing must comply with Part D4 of the National Building Regulations and Building Standards Act requirements and use materials approved by SEEHOA. Fencing may not encroach over building lines and must not exceed a maximum height of 1.2m. Any fencing that is a deviation from this rule may only be

installed subject to approval by both the Building Control and E & L Departments of SEEHOA.

All fencing must be shown on the Landscape Plan. Fencing must be softened on both sides with a variety of shrub-type plants that will not become a hedge or that will not be maintained as a hedge.

#### **2.4.9 Retaining Structures**

All retaining structures should be shown on the Landscaping Plan as per the approved building plans.

All retaining structures must be softened with appropriate planting.

#### **2.4.10 Wild Grass**

The preferred wild grass mix for all Simbithi gardens is:

- a. *Chenchrus ciliaris*
- b. *Chloris gayana*
- c. *Digitaria eriantha*
- d. *Eragrostis curvula*
- e. *Melinis repens*

Wild grasses should only be cut once a year in winter.



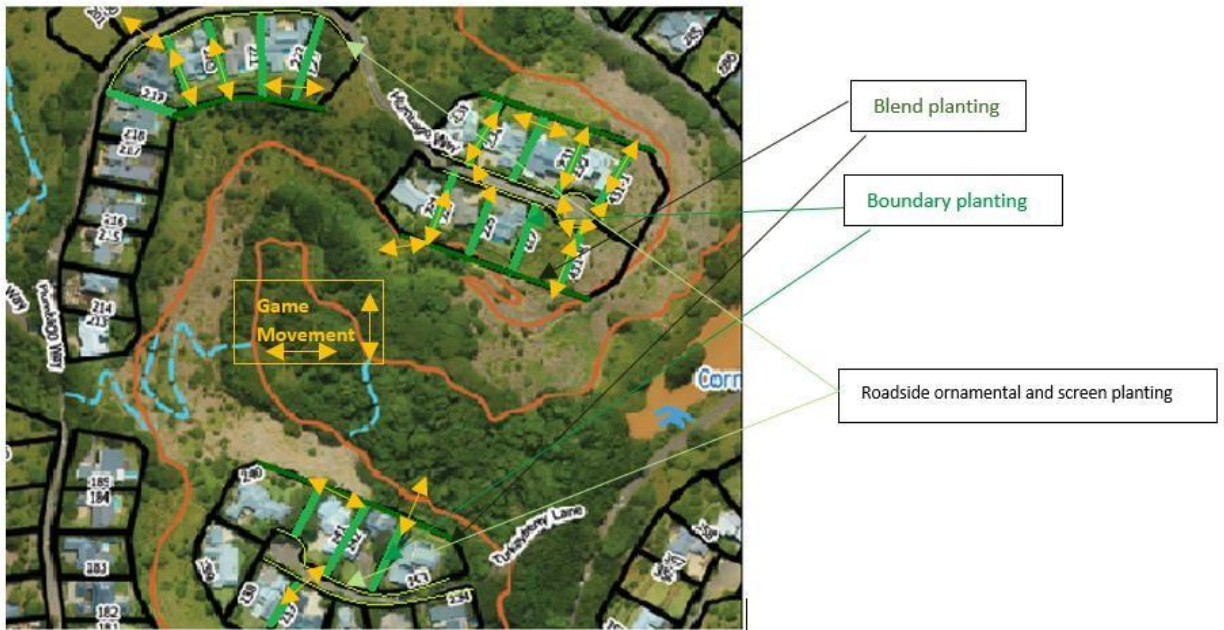


Figure 1: Indicative Game Movement patterns through boundary servitudes

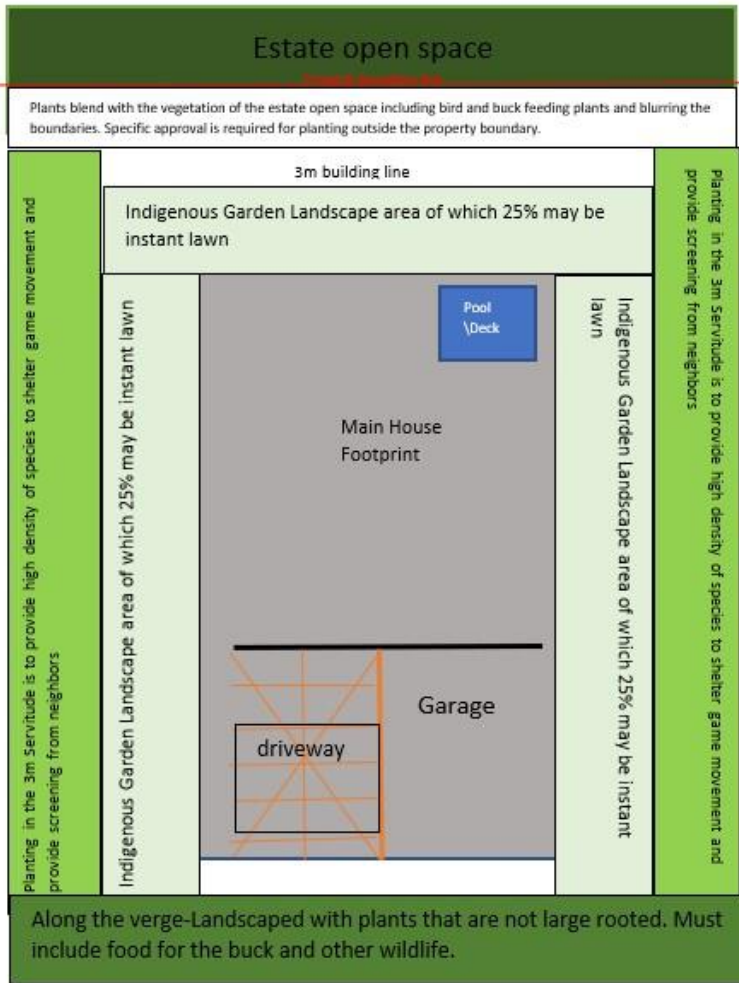


Figure 2: Planting zones on individual erven

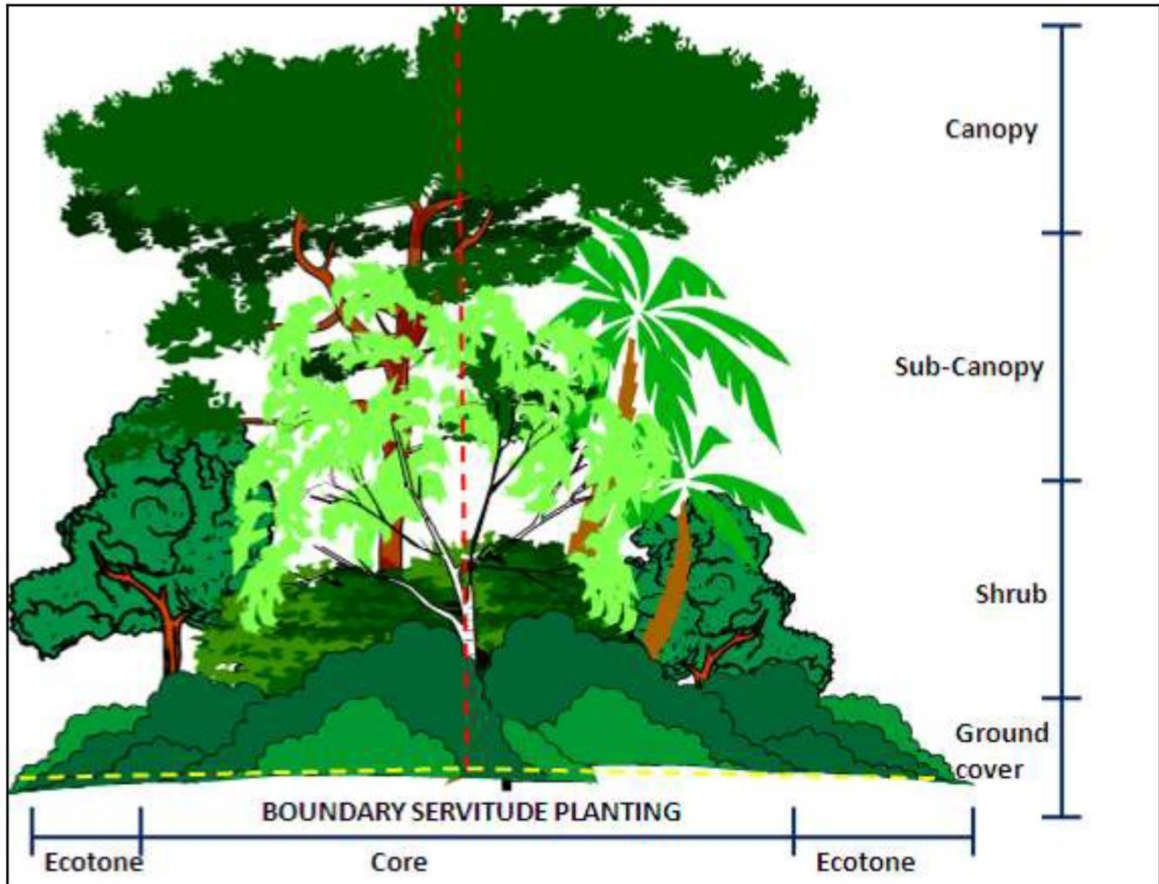


Figure 3: A graphic representation of the horizontal and vertical layering of diverse boundary planting in the two 3m wide servitudes between houses.

Table 1: Coastal Zone Environment Planting Densities

APPEARANCE	Angle	Description	Ratio	Percentage	Colour	Planting density
	<15°	Flat	less than 1:20	less than 5%	Green	10-12 plants/m <sup>2</sup>
	15°-20°	Gentle slope	1:20 - 1:6	5 - 16%	Yellow	12- 15 plants/m <sup>2</sup>
	20°-25°	Steep	1.6 - 1.4	16 - 25%	Orange	15-20 plants/m <sup>2</sup>
	over 25°	Very steep	more than 1:4	more than 25%	Red	20-25 plants/m <sup>2</sup>

### 3. LANDSCAPE INSTALLATION AND MAINTENANCE

#### 1. PROCEDURE

1.1. Once the E & L Dept. approves the plan, the B &W copy is returned to the applicant and the colour copy is retained for record purposes

1.2. Prior to installation, the landscape contractor must contact the E & L Department of SEEHOA for an official pre-installation “handover” meeting.

**PLEASE NOTE: NO GARDEN MAY BE INSTALLED WITHOUT AN OFFICIAL HANDOVER.**

1.3. Any alterations to the approved landscape plan must be formalized prior to this meeting.

PLEASE NOTE: No deviation from the approved plan will be accepted after the handover.

1.4. Work will be prevented from taking place if the E & L Dept. is not in the possession of a copy of an approved Landscape Plan.

1.5. Regular communication and on-site visits will take place once installation commences.

1.6. On completion of 90% the landscape installation (the remaining 10% is the area covered by the perimeter shade cloth fence) the landscaper must contact SEEHOA to organize an audit of the installation prior to the removal of the perimeter shade cloth. This will form part of the overall “As-Built” building approval process. SEEHOA sign-off is a pre-requisite to obtain an occupational certificate.

1.7. The Landscape Contractor will be responsible for the maintenance of the garden for 6 months from when the shade cloth is removed.

1.8. After the 6 months maintenance period, the Landscape Contractor must contact SEEHOA to organize a final audit and sign-off.

1.9. After the sign-off the ongoing maintenance will be the responsibility of the owner of SR properties and the owner/body corporate of PUD sites.

- 1.10. Regular garden audits as well as audits at the time of change of ownership of properties are undertaken by SEEHOA.
- 1.11. On completion of the maintenance period, the quality of the landscape installation will be assessed, and should it not be up to the required standard, then the Landscape Contractor will be removed from the Simbithi Approved Landscape Contractor's List and will not be permitted to do further work on the Estate. This is in the interests of the Estate and homeowners.

## **4. DISCLAIMERS**

1. This document is to be considered supplementary to the Simbithi Building Design Guidelines and cannot take precedence. Should any provisions of this document be regarded as contrary to the Simbithi Building Design Guidelines; the Simbithi Building Design Guidelines shall prevail.
2. Following this, all Approved Landscape Plans are to be considered supplementary to the Approved Building Plans for the property in question. Should any deviations on an Approved Landscape Plan be contrary to the Approved Building Plan, the Approved Building Plan and any associated decisions by the Design Review Committee shall take precedence.

# **SECTION D**

## **REGULATIONS PERTAINING TO LANDSCAPE CONTRACTORS**

### **1. COMPLIANCE**

- 1.1. All landscaping contractors designing and /or installing gardens in PR or PUD sites are to be pre-approved.
- 1.2. All Landscaping contractors designing and/or installing landscaping designs must comply with this protocol.
- 1.3. No landscaping may commence prior to written acceptance of an approved landscape plan/design
- 1.4. The Contractor shall not deviate from the approved plans without being in possession of approved amended plans and written permission from SEEHOA.

## **2. SITE HANDOVER**

- 2.1. Prior to installation, the landscape contractor should contact SEEHOA for an official pre-installation handover meeting.
- 2.2. The Landscape Contractor may only accept the site as “landscape ready” when:
- The site beacons are identified and flagged.
  - Approved interim and permanent storm water management plans have been implemented.
  - Facilities for storage of material, plants and equipment are identified.
  - The Contractor has supplied a list of any sub-contractors.
- 2.3. At the handover meeting and at any time during installation the Landscape Contractor must have on site one set of the Building Plans as approved by SEEHOA and the Local Authority as well as a copy of the approved Landscaping Plan for audit purposes.

## **3. VEGETATION**

- 3.1. The contractor must secure written permission from the Environmental & Landscaping Department of SEEHOA before any removal of locally indigenous trees. In the case of a protected tree species the necessary permit must also be obtained from the DAFF.
- 3.2. Contractors are to take all necessary precautions to prevent the introduction of any alien species to the estate.
- 3.3. Only locally indigenous plant species as listed in the Simbithi approved plant list are permitted to be planted in gardens. At least 10 species must be selected from the list of plants providing food for buck and other wildlife.
- 3.4. No plants should be planted to form a hedge or be maintained to form a hedge. Planting must allow free movement of wildlife.
- 3.5. Lawned areas may not exceed 25% of the landscapable area and no more than 75% of the platform area.

3.6. Lawn may not be planted on embankments or encroach over building lines. Lawn may only consist of *Cynodon dactylon*, *Dactyloctenium australe* or *Stenotaphrum secundatum*.

3.7. Any temporary strip sodding must be eliminated before the “fences down” audit.

## **4. ENCROACHMENT**

4.1. Encroaching into Estate open space will not be permitted for the creation of additional building and garden footprint area without prior written permission from SEEHOA.

4.2. Encroaching into neighboring properties is not permitted without prior written permission of the owners of such sites and SEEHOA.

4.3. Platforms and the toe of all embankments may not encroach over the building lines of the development without permission from Building Control.

## **5. STORMWATER MANAGEMENT AND EROSION CONTROLS**

5.1. The design must comply with the standards set out in the stormwater management plan lodged with SEEHOA.

5.2. The Contractor shall ensure that all necessary erosion control measures are comply with the relevant SEEHOA protocols.

5.3. Platforms and Embankments must be designed and shaped to avoid excessive runoff of water to prevent soil erosion.

5.4. Banks of over 26° slope will require approved retaining systems.

5.5. Banks must be planted with plants that assist in stabilizing banks

5.6. No cut lawn is permitted on banks.

## **6. LITTER AND REFUSE CONTROL**

- 6.1. All litter and garden refuse generated by the contractor is to be timeously removed from the Estate.
- 6.2. No burning of litter or garden refuse is permitted on site.
- 6.3. Any litter unintentionally spread outside the site is to be removed immediately.
- 6.4. The site is to be clear of litter and refuse on Friday afternoons. SEEHOA may require the contractor to clear the site at any stage if, in their opinion, the site is untidy.

## **7. SERVITUDES**

- 7.1. No hardscapes may encroach over the 5m building lines. No large, rooted plants may be planted in this area.
- 7.2. The area between the Erf boundaries and the 3 m building lines are to serve as corridors for the movement of wildlife and must contain buck fodder plants
- 7.3. No hardscaping may encroach over the 3m building line.

## **8. IRRIGATION SYSTEMS**

- 8.1. No irrigation system can be installed prior to approval of an irrigation plan by SEEHOA.
- 8.2. Irrigation systems may not encroach over boundaries.

## **9. FENCING**

- 9.1. Fencing, including swimming pool fencing, may only be installed as per approved building plans.
- 9.2. Fencing may not encroach over building lines and must not exceed a maximum height of 1.2m. Any fencing that is a deviation from this rule may only be installed subject to approval by both the Building Control and E & L Departments of SEEHOA.



## **10. WORK HOURS**

- 10.1. Unless otherwise approved by SEEHOA, work shall be limited to between 06h00. and 18h00, Monday to Friday. No work will be allowed on Saturdays, Sundays, or Public Holidays.
- 10.2. Newly established gardens may only be watered over weekends; public holidays or shut down periods (e.g., December holiday period) with written permission from SEEHOA. Any implementation works other than watering during this period will attract a penalty from SEEHOA.

## **11.WORK HOURS**

All Contractors, sub-contractors, suppliers and staff are to comply with all Security regulations as set out in the Security Rules and Procedures Protocol.

## **12. BEHAVIOUR**

- 12.1. All contract employees are to behave according to the behavior code for contractor staff on Simbithi.
- 12.2. No employees may leave the project site at any time save in exercise of their duties, and only then by vehicle and not on foot
- 12.3. In the case of work being undertaken on more than one site, movement of personnel between sites is restricted to vehicles i.e., no pedestrian traffic.
- 12.4. No employees employed by the Contractor shall be entitled to be on the site other than during the hours specified in clause B 7.1 of this document unless the prior written consent of Estate Management is given.
- 12.5. Contractors are responsible for the conduct of all their employees and subcontractors on site.
- 12.6. All contractor employees shall at all times whilst on the Estate, wear uniforms displaying the name of the relevant contractor. All labor must be employees of the contractor or sub-contractor.

## **13. SUPERVISION**

- 13.1. A supervisor or foreman shall be appointed to control the site. No such person may control more than three sites on the Estate at any one time. The supervisor or

foreman is to be on site or immediately available during working hours and will be deemed to be representing the Contractor in that person's absence.

## **14. ACCESS TO ROADS, USE OF STREETS AND VERGES**

- 14.1. Care shall be taken that the Estate speed restriction of 40kph is adhered to and that the contractor and staff use the roads with due care and consideration of safety passengers, pedestrians, and other road users.
- 14.2. Failure to take due care or to adhere to the speed restriction may result in a driver being fined or banned from access to the Estate.
- 14.3. The Contractor indemnifies SEEHOA against any claims for loss or damage, which may occur on the Estate during the course of the contract.

## **15. PARKING**

Contractors' vehicles may not be parked in any area other than on the site or on the verge bordering the site. Vehicles shall be parked with due consideration for other road users.

## **16. STORING OF MATERIALS**

- 16.1. All garden construction and planting material shall be stored neatly on site taking into consideration any requirements of the EMP and other relevant protocols.
- 16.2. If required, SEEHOA may request that materials be screened off with shade cloth compliant with SEEHOA requirements.
- 16.3. Contractors are to exercise extreme care in the transportation, storage, and use of any materials that could be detrimental to the environment.

## **17. TOILET FACILITIES**

- 17.1. The Contractor must provide a portable chemical toilet at a rate of no less than one toilet for every 30 (or part number thereof) personnel on site.
- 17.2. The location of such facilities must minimize offence to residents of the Estate.
- 17.3. The toilets are to be screened off within the site in accordance with SEEHOA requirements.

17.4. Necessary precautions are to be taken for the prevention of pollution, contamination, or nuisance to adjoining areas.

17.5. No work shall commence or continue unless adequate toilet facilities are provided on site.

## **18. FINAL CLEAN UP**

18.1. At the conclusion of the work the Contractor shall:

- restore all pavements, roadways, verges, ditches, and drainage channels to their original condition,
- assure positive drainage with no standing water,
- clean the entire site of all landscaping debris

18.2. Where necessary, verges are to be levelled and grass sods laid to the satisfaction of SEEHOA.

## **19. INSURANCE**

19.1. The Contractor shall take out, at his/her own expense, public liability insurance for any claim for damages arising from the acts or omissions of his/her employees or agents.

19.2. The Contractor hereby indemnifies SEEHOA against payment of any such claims for damages.

## **20. BREACH**

20.1. In the event of the Contractor being in breach of any obligation under this agreement, SEEHOA shall be entitled to one or more of the following remedies:

- Give written notification to the Contractor to remedy the breach
- Close the Contractor's access to other sites until the breach has been remedied.
- Insist on rectification of the breach at the cost of the Contractor.
- Issue a written warning
- Impose a penalty as decided by SEEHOA.

- Ban the Contractor from the Estate for a period or permanently if there is no improvement.

## **21. NON-WAIVER**

No indulgence, which any party may give to the other party in terms of this agreement, shall constitute a waiver by the former of any of its rights under this agreement.

## **22. VARIATION**

No agreement alteration to this agreement shall be effective unless in writing and signed by both parties.

## **23. DAMAGE TO PROPERTY**

- 23.1. Should any of the Estate infrastructure, vegetation on the property or surrounding areas or verge be damaged by vehicles or persons under control of the Contractor, the Contractor shall be responsible for repairing such damage.
- 23.2. Precautionary measures should be taken at the outset to prevent any such damage.
- 23.3. Should the Contractor fail to comply with Clause 21.1 above, SEEHOA will have the repairs or replacements done and will recover the costs from the homeowner who will recover it from the Contractor.
- 23.4. Failure to pay for such repairs may result in suspension of access to the Estate until such time as the matter is settled.

## **24. HOMEOWNER'S OBLIGATIONS**

- 24.1. Each Homeowner (P.U.D. owner is implied) must appoint a Landscape Contractor from the list of landscapers approved by SEEHOA.
- 24.2. SEEHOA cannot be the mediator or arbitrator between a Homeowner and Contractor but will assist to facilitate good relationships between said parties.
- 24.3. After site handover any landscaping contractual delay claims by the homeowner will be at the Contractor's expense.

## **SECTION E**

### **SIMBITHI ECO-ESTATE APPROVED LIST OF PLANTS**

This list of appropriate locally indigenous and endemic plant species was selected and approved by SEEHOA for use on Simbithi Eco-Estate. No plants, other than the plants on this list, may be used by landscape contractors and homeowners to be planted anywhere on the estate.

#### **GROWTH TYPES COVERED IN THE LIST:**

TREE

SHRUB

GROUNDCOVER

GRASS

WETLAND

CREEPER

#### **LANDSCAPE CHARACTERISTICS EACH PLANT IS SUITED FOR:**

**SUN** – SUN LOVING

**SDP** – SHADE DEPENDANT

**WET** – WET SOILS

**WND** – WIND RESISTANT

**SHC** – SHADE CREATING

**BNK** – BANK STABILIZING

**BCK** – BUCK FEEDING

**ORN** – ORNAMENTAL

**SCR** - SCREENING

**SEC** - SECURITY

**LRG** – LARGE ROOTED

**CRP** – CREEPER

**BW** –BLOCK WALL (i.e., Loffelstein)

**GR** –GREEN ROOF

**GW** –GREEN WALL

**SIMBITHI ECO-ESTATE APPROVED PLANTING PALETTE**

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