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# BOARD NOTICE

### **BOARD NOTICE 11 OF 2007**

SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION ARCHITECTURAL PROFESSION ACT, 2000 (ACT No. 44 OF 2000)

#### SECTION 26(1)

The following proposals regarding the Identification of the type of Architectural work which may be performed by persons registered in the categories referred to in section 18 of the above-mentioned Act, including work which may fall within the scope of any other profession regulated by the professions' Acts referred to in the Council for the Built Environment Act, 2000 are hereby published for comment within thirty (30) days of the date of publication of this notice.

Comments should be submitted to the Council for the Architectural Profession by:

E-mail:

rinadt@sacapsa.com

Post:

The Registrar

SA Council for the Architectural Profession

Private Bag X02 Randpark Ridge 2156

Or Fax:

011 794 8380

SEDICA DAVIDS ACTING REGISTRAR

#### **ARCHITECTURAL PROFESSIONAL ACT No 44 OF 2000**

#### IDENTIFICATION OF ARCHITECTURAL WORK

#### PREAMBLE

WHEREAS section 24 of the Constitution of the Republic of South Africa 1996 grants everyone the right to an environment that is not harmful to their health or well-being and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures;

AND WHEREAS section 22 of the Constitution of the Republic of South Africa 1996 grants every citizen the right to choose their trade, occupation or profession freely provided that such practice of trade, occupation or profession may be regulated by law;

AND WHEREAS section 14(g) to (j) of the Architectural Profession Act 2000 empowers the South African Council for the Architectural Profession to take any steps it considers necessary for the protection of the public in their dealings with registered persons, for the maintenance of the integrity and the enhancement of the status of the architectural profession, for the improvement of the standards of services rendered by registered persons, to create an awareness amongst registered persons of the importance to protect the environment against unsound architectural practices, and, where, as a result of architectural related undertakings, public health and safety may be affected:

AND WHEREAS section 18 of the Architectural Professions Act 2000 empowers the South African Council for the Architectural Profession to register persons in the architectural profession in certain categories;

AND WHEREAS section 26 of the Architectural Profession Act 2000 requires the Council to make recommendations to the Council for the Built Environment regarding the work identified in terms of subsection (1) and prohibits a person not registered in terms of this Act to perform any kind of work identified for any category of professional registered in terms of this Act;

AND WHEREAS the activities of architecturally related undertakings impact directly on communities and the South African society and its improved efficiency and effectiveness will enhance quality, productivity, health, safety, environmental outcomes and economic performance;

AND WHEREAS the architectural professions practise in a project-specific environment which is unique and complex, work with different investors, clients, contractual arrangements and consulting professions, and also with different site conditions, design, materials and technologies, and different contractors, specialist subcontractors and the workforce assembled for each project;

AND WHEREAS persons are registered with the South African Council for the Architectural Profession in categories according to the requirements of the Act

The South African Council for the Architectural Profession hereby recommends the following to the Council for the Built Environment regarding the identification of work for the different categories of registered architectural professionals:

#### 1. Definitions

in this document, unless contrary to the context,

- reference to the male gender includes the female gender;
- a word or expression to which a meaning has been assigned in the Architectural Profession Act, 2000
   (Act 44 of 2000) shall bear the same meaning and
  - 1.1 "Act" means the Architectural Profession Act No 44 of 2000;
  - 1.2 "Architectural Compliance Certificate" means the certificate in accordance with Schedule 3;
  - 1.3 "Architectural work" comprises the business and management of the process of investigating, assessing, defining, conceptualising and designing a physical intervention in the environment, and processing the design through technological development and co-ordination of the input of professionals from other disciplines, to produce documentation which can be utilized for the tendering and construction of the project and which the architectural professional will use for the administration, cost and quality control of the construction process, with the ultimate purpose of delivering an architectural product which responds to the client's requirements in a manner which exemplifies design excellence, enhancement of the environment, social responsibility.

- 1.4 "Categories of Registration" means the categories in which a person who is competent to undertake the range of work specified in Schedules 1 and 2 in respect of each category may register in the architectural profession in terms of section 18(1) of the Act: Provided that specialised services may only be performed by a registered person meeting the defined requirements;
- 1.5 "CBE" means the Council for the Built Environment established in terms of section 2 of the Council for the Built Environment Act, 2000;
- 1.6 "code of conduct" means the code of conduct drawn up by SACAP in terms of section 27(1) of the Act";
- 1.7 "environment" means the surroundings in which humans exist, and include the natural environment and the environment already altered by human intervention;
- 1.8 "EIA" means Environmental Impact Assessment;
- 1.9 "heritage" means any site or artefact of cultural or historical significance as described in the National Heritage Resources Act No 25 of 1999;
- 1.10 "interior architectural designer" means a person who is qualified by education, experience and recognised skills to design interior spaces, having regard to space planning, building and material technology, specialised knowledge of interior construction, building climate, building regulations, materials and furnishings and capable of preparing drawings and documents relative to the design of interior spaces for submission to a local authority
- 1.11 "HIA" means Heritage Impact Assessment;
- 1.12 "professional" means a person who is registered in terms of section 19(2)(a) of the Act;
- 1.13 "project complexity" is as defined below and is to be read in conjunction with Schedule 1: Identification of Work Matrix and Project Classification:
  - "low complexity projects" means simple buildings or groups of buildings in an uncomplicated grouping with low impact on its environs

These are structures with low performance requirements, of simple utilitarian character, design and detail, and constructed utilising standard low technology building methods. They require a minimum of mechanical and electrical services or equipment, and basic civil works infrastructure;

 "medium complexity projects" means buildings or groups of buildings in a relatively uncomplicated grouping with a medium impact on its environs

These are structures with medium performance requirements, of average character and design or detail, up to three stories high, which require non-complex structural and civil works and an average level of mechanical or electrical equipment as could normally be handled by design-supply specialist contractors;

• "high complexity projects" means a building or buildings in a large or complicated grouping with a significant impact on its environs

These are structures with high performance requirements and demanding a sophisticated level of design and detail content to respond to specialised requirements. Complex buildings will usually incorporate comparatively large or specialised mechanical, electrical and other specialist installations, or be of complex structural or civil design;

- 1.14 "protected area" means an area of natural or heritage significance that is protected by legislation;
- 1.15 "SACAP" means the South African Council for the Architectural Profession established in terms of Section 2 of the Act;
- 1.16 "SIA" means Social Impact Assessment;
- 1.17 "site sensitivity" means the inherent importance of the site in environmental or heritage terms, as defined by the National Heritage Resources Act No 25 of 1999, the National Environmental

Management Act No 107 of 1998 and the Local Government Municipal Systems Act No 32 of 2000;

Site sensitivity levels are as defined below:

"low sensitivity site" means a site that is neither identified as, nor exhibits, any evidence of environmental or heritage significance and do not require EIA, HIA or SIA studies to be undertaken before development. Low sensitivity sites are normally, but not exclusively, within already developed urban areas;

"medium sensitivity site" means a site which exhibits some evidence of environmental or heritage significance for which EIA, HIA or SIA studies are not required by the government agencies involved

"high sensitivity site" means a site identified as of special environmental or heritage significance which will require EIA, HIA or SIA studies to be undertaken to define the parameters for development, for example declared protected areas and urban conservation areas;

- 1.18 "specialised services" means services falling outside the normal competencies of a registered person which require additional qualifications or experience and/or registration with the relevant statutory body – see Schedule 2;
- 1.19 "urban conservation area" means an identified urban area governed by specific legislation and/or regulation to protect the heritage content of the existing built fabric

#### 2. REGULATIONS

- 2.1 No person who is registered in any category referred to in Section 18 of the Act, may undertake architectural work unless such work is identified for the relevant category of registration in accordance with Schedules 1 and 2: Provided that a person registered in any particular category may perform the work identified for any lower category
- 2.2 Not withstanding the provisions of regulation 2.1, a firm undertaking architectural work for a client shall include in the terms of appointment referred to in rule 3.1 of the Code of Conduct, a statement certifying compliance with the registration requirements of the Act
- 2.3 Subject to section 26(4) of the Act, any person who undertakes architectural work without being registered with SACAP, is contravening the Act and is guilty of an offence
- 2.4 Subject to sections 38(2) and (3) of the Act, a professional capable of performing architectural work which is not identified as falling within his or her category of registration, may on application to the Minister\_be granted exemption from the relevant identification of work rule in respect of such work
- 2.5 All applications for approval to build for of projects of an architectural nature by Local Authorities must be accompanied by an Architectural Compliance Certificate duly completed and signed by the architectural professional taking responsibility for the architectural work as commissioned. The professional shall keep a copy of the signed and stamped certificate on record
- 2.6 Should any dispute arise from the interpretation of the definitions or the schedules, the South African Council for the Architectural Profession shall adjudicate and its decision shall be final and binding on the registered person
- 2.7 A professional who intends to undertake specialised services as defined and identified in Schedule 2, the list of which is neither exclusive nor comprehensive, must have the relevant competency to undertake such work and be registered with the relevant statutory body where applicable

#### 3. EXEMPTIONS

- 3.1 Notwithstanding the provisions of Schedule 1 which identify architectural work for various categories of persons registered with SACAP, persons registered by the following persons professional councils may, in the course of their profession, perform any functions which their education, training, experience and contextual knowledge have specifically rendered them competent:
  - (a) Engineering council of South Africa in terms of the Engineering Profession Act, No. 46 of 2000;

- (b) South African Council for the Landscape Architectural Profession in terms of the Landscape Architectural Profession Act, No. 45 of 2000;
- (c) South African Council for the Property Valuers Profession in terms of the Property Valuers Profession Act. No. 47 of 2000:
- (d) South African Council for the Quantity Surveying Profession in terms of the Quantity Surveying Profession Act, No. 49 of 2000;
- (e) South African Council for the Project and Construction Management Profession terms of the Project and Construction Management Act No. 48 of 2000:
- (f) The South African Council for Planners in terms of the Planning Profession Act, No. 36 of 2002
- (g) South African Council for Natural Scientific Professions in terms of the National Scientific Professions Act, No 27 of 2003
- (h) South African Council for Professional and Technical Surveyors in terms of the Professional and Technical Surveyors' Act, No 40 of 1984

#### 3.2 The above also applies in respect of

- a person who is registered as a Candidate in terms of the above Acts: Provided that such work is performed in the service of or by order of and under the direction, control, supervision of or in association with a person who is registered as a professional and entitled to perform the work identified, and who must assume responsibility for any work so performed
- Interior Architectural Designers in respect of the submission to local authorities of drawings and documentation related to the interior design of buildings
- Minor building work referred to in section 13 of the National Building Regulations and Building Standards Act No 103 of 1977 and as defined in the National Building Regulations
- The following types of buildings and structures :
- (a) Public services Lighthouses, hangars, heliports, electricity, generating and distribution works, water towers, pumping stations, abattoirs, bridges, sewage and water purification works, municipal markets and storage sheds
- (b) Transport Goods stations, lineside buildings, signal boxes, workshops, repair shops, bus, engine and carriage sheds, underground parking garages
- (c) Industries Engineering works, warehouses, storage sheds, buildings directly required for mining operations, factory buildings in proclaimed or approved industrial areas and in other areas reserved under any law primarily for specific or general industrial purposes and purposes incidental thereto but excluding in all instances detached and semi-detached factory offices and welfare blocks the architectural area of which exceeds 500 square meters
- (d) Recreation Swimming pools, pavilions, grand stands
- (e) Scientific buildings Planetariums, observatories and meteorological, geophysical and seismographical stations
- (f) Agricultural buildings Fodder and implement sheds, repair workshops for agricultural plant and equipment

#### 4. EXPLANATORY NOTES

- 4.1 SACAP is charged with the protection of the public interest by ensuring that all architectural work which affects the human and natural environments, is only carried out by professionals who are properly qualified, competent, ethical and who must comply with the Act and the code of conduct
- 4.2 The reservation of work regulations based on 500 square meters building area, was a mechanism that bore no correlation to actual competencies. It also made no distinction between different categories of architectural practitioners, as it only recognised architects. As such the regulations did not properly protect the public interest as persons could do work for which they were not qualified

The new identification of work regulations, in terms of the Architectural Profession Act No 44 of 2000, recognise the difference between the qualifications and competencies of an expanded group of architectural practitioners thus affording better protection to the public and the environment

The Identification of Work framework will be monitored constantly by SACAP in order to ensure relevance in the industry

4.3 The new Registration Framework put in place by SACAP allows a professional to progress from Professional Draughtsperson through to Professional Architect given compliance with the educational and experience requirements. The identification of work system should therefore not be seen as a limitation, but rather as a motivation for the registered person to develop his career

With the new regulations the responsibility resides directly with professionals to ensure that they do not undertake commissions for which they are not qualified, or for which they are not specifically exempted by SACAP

Non-compliance with this requirement will place a professional in breach of the SACAP Code of Conduct, and under censure with the possibility of a fine or removal from the register

Should the consequence of such non-compliance by the professional be to endanger human life or have detrimental environmental effects, the professional would be open to prosecution under the law

- In order to determine whether a commission falls within the scope of work identified for a 4.5 particular category of professional, the definitions and schedules are to be consulted in the first
- Schedule 1 provides a broad identification of areas of work, which may be carried out by each 4.6 registration category

The complexity of the building or group of buildings has been determined on the basis of the Classification of Buildings as contained in the National Building Regulations published in terms of the National Building Regulations and Building Standards Act No 103 of 1977

The site sensitivity can generally be established from the land use, nature conservation or heritage legislation contained in the National Hentage Resources Act No 25 of 1999, the National Environmental Management Act No 107 of 1998, the Local Government Municipal Systems Act No 32 of 2000 and other relevant legislation

Should the professional still be unsure whether a commission falls within the scope of the work identified for his category of registration, SACAP is to be contacted for a determination

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E4	Research Facility		School Laboratory	M	-	1	F	-	F				-	$\vdash$	-	<del> </del>			H	1-		_
		-	Privately Owned / corporate Laboratory	н	-	H	✝							╫	†					+		
		E4.3	Regional / National / University Research Institute				ī										===	,				
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P	SHOPPING PRECINCTS			·	-	<b> </b>	<del> </del>						$\vdash$		$\vdash$					-		
F1	Large Shop		Shop Intenor	L	_			, 						_								
			department store maximum 2 storeys department store more than 2 storeys	М	-	<b> -</b>	-					c		+-	-		_	c	H	-		
		_	local convenience / neighbourhood retail centre -	-	-	<b> </b>	+-		==				H	+	+			c	H		$\vdash$	1
			maximum 1 000 sq m	м		<u> </u>			L,		_	_		<u> </u>		, ,					L,	,
			suburban shopping centre	Н								_										
			Regional Shopping Centre	н		<u> </u>								J				[	Ы	_		[
F2	Small Shop	F21	Corner Store / Home (Spaza) Shop - maximum size 500 sq.m.	В																		
						<u></u>				[			Ξ	3			$\supset$					
F3	Wholesaler's Store		Max 2000sq m / max 3 storeys Unlimited size	М	-	<b>L</b>			-	f		-		-	$\vdash$	<u> </u>					_	r
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	BUSINESS PREMISES					-				-			Н	-	<u>_</u>				Н			-
G1	Offices		Individual Studio / Offices to max 500 sq m / max 1 storey	В									П									
		G1.2	Individual Studio / Offices to max 500 sq m / max	=	=	-	1		=		===	-	H	7	$\Box$		_		H	1		
			double storey	L	L					r.	_	c		<u> </u>						ļ	_	t
			Office Building / Park max 3 storeys Multi-slorey Office Building / Office Park	М	-	-	<u> </u>			F		c		-		<del>                                     </del>		c			⊨	
			Office building higher than 30m, service towers +	н	-	+	-					c	H	-	-			c	H		-	t
		-	skyscrapers	н														_		ļ <u>.</u>		
H	RESIDENTIAL													_								-
H1	Rotel / Hospitality	H1.1	Guest House (max 10 bedrooms)	L						1.		ſ	Н	_}						3		
		H1.2	Game Lodge	м								-						-		_		
			Holiday apartments to max 3 storeys	W						,	_	-					_					ī
}		H1.4	Motel / Holet / max 30 bed / max 3 storeys	м															H			
		H1.5	Multil-storey Hotel / Holiday Apartments	н		-	-			- 1	_	C	H	<del> </del>		f		c	H	<del>                                     </del>		C
H2	Multi-Unit Residential	H2.1	Multi-storey Apartment Building	н	-	ļ	-		-				H					C	П	-		[
			Block of Apartments max 3 storeys	м		1	-			(;		r:						r.				-
		H2.3	Block of Apartments max 2 storeys, max no units 10				<b> </b>			-		Ç	Ħ	J .	<del></del>		_			,		-
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1	J		Townhouse development of max 2 storeys, max no units 10	L			ı						11									
			Townhouse development of max 3 storeys, max no						===	-			Ħ			C		c	1	-		
			units 40	RA		ļ			==	f		c	$\sqcup$	▙	<u> </u>			c	_	<u> </u>	_	
			Townhouse / residential village development - untimited size	н																		
		H2.7	recreational estate ( Marina golf etc )	н							_	-						-				
нз	Owelling House	H3.4	Single / double dwelling 2 storeys, max 500 sq m		-	L	∟ ⊤	-1					$\Box$	1	لـــا		]	E.	1	i	1	
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		m3.2	Single / double dwelling max 2 storeys, max 750 sq m	L																		
		H3.3	Single / double dwelling unlimited size	м	-		=			E	=	E	Ħ			——[		—-Е	=		=-	E
J	STORAGE												Ħ				-		1			#
~ \$385000A016-000	SFORAGE High Risk Storage	11	example petrochemical / toxic waste / flammables						_	_	_	[		-					1			-
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J2	Moderate Risk Storage	J2.1	Max 500sq m / max double storey	L		+=				-1_		Ľ	$\exists$			L	)		-			C
			Max 1000sq m / max 3 sloreys	М								_			==			-			==-,	-
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J3 [	Low Risk Storage		Max 1000sq m / max double storey	L				1. 		_		, .		1		-		-		, ,		
			Max 2000sq m / max 3 storeys	M				:.==				c	_	<u> </u>	<del></del> +	F						-
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occupancy or building		,	Detailled description	complexity																		
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#### SCHEDULE 2

## SCHEDULE 2 - SPECIALISED SERVICES

	SPECIALISED SERVICES (Requires special additional qualification/experience/registration)
1	Architectural Archaeology
2	Environmental Impact Assessment
3	Heritage Impact Assessment
4	Market Surveys
5	Mediation / Arbitration
6	Occupational Health & Safety Officer
7	Project Management - where separately appointed
8	Property Valuation
9	Conservation and Restoration
10	Sectional Title Registration
11	Social Impact Assessment
12	Town Planning
13	Urban Design

SÓUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL **PROFESSION** 

PRIVATE BAG X 02 RANDPARK RIDGE 2156 T. +27 11 794 8333 http://www.sacapsa.com RANDRIDGE OFFICE PARK BLOCK 5, ATELJEE ST RANDPARK RIDGE F. +27 11 794 8339

#### ARCHITECTURAL COMPLIANCE CERTIFICATE

This certificate is to be completed and submitted by the Registered Person so identified by the Architectural Professions Act 44 of 2000,
Section 26(4), as the authorised person responsible

1. A company resolution in support of Item C and two copies of this Certificate, together with applicable drawings and documentation, must be

- submitted to the local authority concerned for approval to build

Complete or indicate with a A.1. PROJECT DET		cable						SCHEDULE 3	•
Authority:					_				
			Taxamahin.						
Stand no: Street address:	-		Township:						
			<del></del>						
Proposed project:									
	SSIFICATION A	PER SACAP R	EGULATIONS FOR T	HE IDENTIFI	CATION (	OF WORK	SCHEDULES		
SACAP Building Classification/s:			_			Code/s:			
Complexity scale:		LOW		MEDIUM				HIGH	
A.3. SENSITIVITY	SCALE								
Sensitivity scale:	***	LOW		MEDI		_		<u>H</u> IGH	
ENVIRONMENTAL	NOT APPLICABLE	REQUIRED	National Herita		-				
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B. REGISTERED	PERSON AUTHO	RISED IN TER	MS OF ARCHITECTU	RAL PROFESS	IONS AC	T 44 OF 2	000, Sections	18, 26(3) &	26(4)
Registered Person:									
Registration No:		P	Professional title:	PrArch	Pr	SArchT	PrArchT	PrArch	Draught
Architectural									
practice/firm: Postal address:								Code:	
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