

HERITAGE WESTERN CAPE - OPERATIONAL PROTOCOL FOR THE PROCESSING OF APPLICATIONS MADE IN TERMS OF THE NHRA

(Version 2, 15 December 2012)

This protocol applies to staff responsible for the processing of applications (including all types of statutory submissions in terms of the NHRA, such as HIAs, appeals, etc.) made terms of relevant section of the NHRA. It is a procedure authorised by the Chief Executive Officer of Heritage Western Cape (CEO) and may only be deviated from with the express consent of the CEO.

Abbreviations:

ADPS	Assistant Director Professional Services
ADAS	Assistant Director Administrative Support
AS	A team's administrative support officer/clerk.
CEO	Chief Executive Officer
DDHRM	Deputy Director Heritage Resources Management
HO	Heritage Officer
HWC	Heritage Western Cape
NID	Notification of Intent to Develop
RoD	Record of decision

1. RECEIPT AND DISTRIBUTION OF APPLICATIONS:

1.1 Applications may be received over the counter, by mail or courier, or in the case of an appeal, by e-mail.

1.1.1 A receipt indicating the date of delivery and the case number will be made out for all applications received over the counter, with one copy being provided to the deliverer and another retained by HWC.

1.1.2 The HWC counter will be open between 09:00 and 12:00, or by appointment outside of these hours, and the ADPF will determine a roster for counter duty by HOs.

1.1.3 Appointments for personal delivery may be made outside of these hours if the deliverer has good reason not to be able to make delivery during times at which the front desk is open, eg: is travelling from an outlying area.

1.1.4 Service provided by HOs at the front desk shall include the following:

- A check for completeness, applicants being informed if information is missing from an application and the missing material noted at the top of the front page of the application.
- Advice on the completion of forms and applications.
- Preliminary opinions on how it is felt the application is likely to be received or a problem presented by an application view and guidance on how these might be resolved, provided it is made clear that this is an opinion only and not the formal view of HWC.

- 1.1.5 Incomplete applications received may either be taken back by the deliverer or treated in accordance with the remainder of this section, but **may not** be processed further until all outstanding information is delivered. The applicant must be informed that all subsequent information submitted must include the case number in order to ensure that new material can be placed with that already submitted.
- 1.2 Applications delivered by other means, or at other times without an appointment with an HO, must be received by administrative staff and the deliverer informed that they cannot be checked for completeness.
- 1.3 All applications received over the counter and by mail or courier must be entered into the incoming mail register before close of work on the day of receipt and stamped on the front page with the date of the day received.
- 1.4 After such entry applications will immediately be placed on the ASDPS's shelf.
- 1.5 The ADPS will on at least a daily basis allocate all items found on the 'unallocated cases' shelf to HOs. He should do so on the basis of a quick assessment of the application and consideration of the major skills and experience needed by the Heritage Officer and other skills and experience needed in the team concerned. The ADPS will also allocate a case number to each application which will be written in the top right hand corner of the front page of the application. (See system for allocating codes, Annexure 1.)
- 1.6 Applications will then be placed in the pigeon holes of the relevant case officers and the ADPS will send an e-mail to the case officer informing him/her of the cases allocated and the case number for each.
- 1.7 In the absence of the ADPS only the DDHRM may distribute applications and allocate case numbers and must do so in the same way as set out above.
- 1.8 Within a working day of receipt of a new case a Heritage Officer must inform the applicant that s/he is responsible for the case; what the case number is; that it **must** be used for all further correspondence; what his/her contact details are and that no correspondence or other contact regarding the case will be countenanced until 10 working days have lapsed since the date of application.
- 1.9 Should the case officer be absent from work for more than two days after allocation of work, the ADPS shall ensure that the applicant is informed of the case number and who the case officer is.
- 1.10 The ADPS must maintain a database of cases with their case numbers. A copy of the database must be sent to each case officer, the DDHRM, CEO and CEO's Secretary at least every Friday afternoon.
- 1.11 The ADPS is responsible for ensuring that all material concerning an application received after allocation is assigned the same case number as the original material received.

2. STORAGE OF MATERIAL RELATED TO CASES:

- 2.1 Upon receipt of a new case a case officer must create a 'case folder' on the C: drive of his/her computer. The name of the case folder must be the case number.
- 2.2 All digital material concerning the case must be stored in the case folder.
- 2.3 All e-mail correspondence related to the site must be saved in this folder.

- 2.4 Presentations to committees on the case must be saved in the case folder. The version of the presentation that must be saved is the one presented to a committee, not a version that is amended by it or during the course of a meeting.
- 2.5 As far as is possible material received in hardcopy should be scanned and saved in the case folder.
- 2.6 When a case is closed, (ie: upon the lapsing of the 14 day appeal period, or after a tribunal hearing) a 'C' should be added at the beginning of the name of the case folder. Should the case be reopened (eg: if a matter goes to court) and the case once again becomes 'live' the 'C' should be removed from the folder name.

3. INITIAL PROCESSING OF APPLICATIONS:

- 3.1 Case Officers should avoid being out of office on Fridays and may only be so with the express consent of the ADPF or a more senior manager.
- 3.2 If a case is allocated before close of work on a Wednesday and unless the case officer has very good reason for not dealing with it by the end of the Thursday of the week in which it is allocated, the case must be prepared for and presented at the team session that takes place each Friday morning. Consent not to prepare a case within this deadline may be given by the ADPS.
- 3.3 Preparation of cases for discussion by teams will include reading through the material submitted and familiarisation with its contents.
- 3.4 Applications which are found to be incomplete shall be treated as follows:
 - 3.4.1 If there is doubt about their completeness there should be discussion with the ADPS or in his absence another manager.
 - 3.4.2 The applicant should be informed immediately of what must be provided before processing can continue and told to quote the case number prominently on any additional material that is submitted.
 - 3.4.3 Under no circumstance may incomplete applications be discussed at team or committee meetings.
- 3.5 In the case of post-NID Section 38 cases all materials requested by the IAR Committee must be received before processing of an application proceeds further.
- 3.6 Priority is to be given to ensuring that all NID applications received in the course of a week are submitted to Friday team sessions as responses must be provided to applicants within 14 days of receipt of the application.
- 3.7 All cases not related to Section 38 that are presented to team meetings must include the HO's proposed grading of the heritage resources concerned; a recommendation from the HO as to what decision should be taken and whether or not s/he feels the case can/should be handled in terms of delegations to staff or should go to the relevant Committee.

4. PRESENTATIONS TO COMMITTEES:

- 4.1 Each application presented to a committee must be accompanied by a slide presentation to which the case officer speaks. These should be done on the standards HWC slide presentation format.
- 4.2 Slide presentations must address the following in the order shown:

1.	Agenda Item, Site Name & Case Number, Site Status incl. area protected if applicable
2.	Person/s who compiled the application/report, consultants used, etc. Citation of source of material used in slide presentation, eg: consultant's report. Cite title of report, name/s of author and date. (Only needed if source material is copyrighted)
3.	Site Grading (Outside grading if done + staff grading)
4.	What does the application propose?
5.	Previous decisions taken regarding the present application.
6.	Locality plan/s
7.	Photographs and other graphic material
8.	Input of municipality and other stakeholders
9.	Applicants/Consultants recommendation/s if these have been made (Mainly IA Committee).
10.	Recommendation of staff

- 1.1 HO's must take care to use standardised terminology when formulating draft decisions (See Annexure 2)
- 1.2 The final versions of presentations must be provided to the AS by no later than 12:00 on the day preceding a meeting.
- 1.3 The presentation must be on the standard slides (See Annexure 3).

2. FOLLOW-UP ON REQUESTED MATERIAL:

- 2.1 Applications in terms of Sections 27-31, 34, 35, 37 and 38 NIDs:
 - 2.1.1 If an application received is incomplete the case officer must provide the details to the team's AS who should pend it for a period of two weeks.
 - 2.1.2 After the two weeks have elapsed the AS should check with the case officer whether the material has been received and if not pend the case for a week and e-mail the applicant to ascertain when it will be delivered stating that the date should not exceed a month hence. The case should then be pended for a month, which pending should lapse if a date for delivery is provided before then.
 - 2.1.3 Once a date for delivery is received the case should be repended accordingly.
 - 2.1.4 If material requested is again not received the case officer should call the applicant to ascertain whether the applicant wishes to proceed with the application and if not the case should be closed. If the case is to proceed it should be pended once more to a date not exceeding a month, after which if material is still not received the applicant should be told by the AS via e-mail that the case has been closed and that a new application should be lodged if s/he wishes the application to proceed.

2.1.5 In such cases the matter should be referred by the AS to the ADPS to ascertain whether a heritage inspector should visit the site concerned to ascertain whether work is proceeding without authorisation.

2.2 Section 38 Processes other than NIDs:

2.2.1 Where an HIA or other further actions are required the response to the applicant should include a request that a date be provided for receipt of such material and the AS requested to pend the matter for a month to await such a response.

2.2.2 If a date is received the AS must pend the matter accordingly and follow-up on the pending date if no material has been received by the case officer.

2.2.3 If a date is not received within a month the AS is to request a date by e-mail and pend the case for a further month, whereafter the matter should proceed as per 4.1.4 and 4.1.5.

2.3 Refusal of Section 34 Applications:

2.3.1 When a letter is sent to the owner of a site requesting opinion on the idea of formal protection of the site, the matter must be pended by the AS for a period of two months and if there is no response within that time the HO concerned must be altered and continue the process as set out elsewhere in this document.

3. ISSUING OF PERMITS, COMMENTS, R.O.DS AND OTHER RESPONSES TO APPLICATIONS:

3.1 Permits, comments, RoDs, and other correspondence with applicants must be conducted in writing and in the required standard formats where these exist.

3.2 Where a standard format does not exist correspondence arising from committee or team meetings is to be conducted in the format of an ordinary business letter..

3.3 Permits, RoDs and Final Comments must be dated on the fourth working day after the meeting of a committee, or if resolved in terms of delegations to management, the date of the Friday following the team meeting or if it is a holiday, the following working day.

3.4 Other responses arising from committee meetings that do not trigger the 14 day appeal period must be issued by no later than the sixth working day after a meeting, or the Friday following a team meeting.

3.5 Correspondence requiring the signature of the CEO must be with the CEO's secretary by no later than 15:00 on the day preceding that on which they are dated.

3.6 The CEO or in his absence the DDHRM must sign such correspondence by no later than 10:00 on the date of issue.

3.7 All such correspondence must be despatched before the case officer concerned leaves the office on the day of issue.

3.8 In the absence of an HO the ADPS is to ensure that arrangements are made to despatch correspondence within the required timeframes.

4. APPEALS:

4.1 If an appeal is not lodged within the required 14 day period, the case is to be closed in the manner set out.

- 4.2 Where a notification of appeal is received within the stipulated timeframes, the applicant is to be informed of the date of the next Appeals committee and the procedure for conducting an appeal.
- 4.3 It should be noted that in terms of Section 38(6) any appeal against a Section 38 decision is directly to the Tribunal.
- 4.4 Where application is made under Section 38(8) HWC does not make the decision and appeal is to the decision making authority, eg: DEADP, DEA, DMR, etc.
- 4.5 The view of the HWC Council is that actions prior to the issuing of an RoD under section 38(4) do not constitute a decision, but a comment and are therefore not subject to appeal. An applicant who wishes to appeal against a Section 38(8) decision must hence be informed accordingly.

5. SECTION 34 APPLICATIONS THAT HAVE BEEN REFUSED:

- 5.1 Recommendations to BELCom to refuse a permit in terms of Section 34 must include a recommendation concerning the formal protection that should be applied to the site in question.
- 5.2 Where BELCom decides to refuse a permit contrary to the recommendation of staff, the case officer must request the committee to include in its decision a recommendation concerning the relevant formal protection to be applied.
- 5.3 Any Section 34 application that is refused is to be followed up within no longer than a week after expiry of the appeals period, or date of receipt of a Tribunal decision, with the standard letter requesting the owners opinion on the declaration of the site in terms of the relevant formal protection.
- 5.4 If the response of the owner is positive the case officer should proceed with preparations for declaration of the site in accordance with a timeframe agreed to after discussion with the management at the following team meeting and the nomination dossier must be submitted to the DDHRM within a period not exceeding six months, whereafter it shall be tabled at a meeting of the Declarations Review Committee.
- 5.5 If the owner is not in accord with the idea of formal protection the matter must be tabled at the next meeting of the Declarations Review Committee, after which the matter will proceed according to a decision of the Committee.
- 5.6 If the owner does not respond within two months s/he must be informed via a registered letter, containing a copy of the previous correspondence, that it is the intention of HWC to submit the matter of formal protection to its Declarations Review Committee, for its consideration. Thereafter the process should proceed in the same way as set out immediately above.

6. REQUESTS FOR THE OPINION OF A COMMITTEE:

- 6.1 In instances where a project is particularly complex or where there is other good reason for an opinion to be sought in advance of an application being submitted, this may be done after the issue has been cleared with the DDHRM.

- 6.2 Opinions are to be treated in the same way and according to the same timeframes as other applications.

7. AGENDAS:

- 7.1 The deadline for submission of applications for monthly meetings other than IACom is 12:00, seven calendar days prior to a meeting.
- 7.2 The deadline for submission of applications for IACom is 14 calendar days prior to each meeting.
- 7.3 Applications received after 12:00 on a closing day must be marked under the date stamp with the time received.
- 7.4 Should an HO or other official wish to include an application received after deadline this may only be done with the consent of the DDHRM who must discuss the matter with the ADAS before reaching a decision on the matter.
- 7.5 Items for inclusion on the agenda of any meeting must be provided by HOs to their AS by no later than 09:00 on the Monday preceding a meeting.
- 7.6 If an HO is absent, the ASDPS must ensure that such information required in terms of 9.5 is provided to the AS.
- 7.7 The agenda items from each team must be compiled by the team AS and consolidated and checked by the AS for Team West.
- 7.8 The AS for Team West must distribute Agendas before close of business on the Monday preceding a meeting.
- 7.9 Agendas are to be sent to the website administrator for inclusion on the website of HWC at the same time as they are distributed.

8. DECISIONS AND MINUTES:

- 8.1 Decisions of committees and team meetings must be captured on screen by the case officer during the course of a meeting.
- 8.2 The DDHRM must ensure that at the end of a committee meeting the Chairperson is reminded to propose a motion adopting decisions taken at the meeting.
- 8.3 By 09:00 on the day following a team or committee meeting HOs must provide the AS with an MS Word version of the decisions pertaining their items.
- 8.4 By 12:00 on the day following the meeting the AS for Team West must distribute a consolidated list of decisions to all HOs, managers and in the case of a committee, to committee members.
- 8.5 By close of work on the second working day following a meeting the list of decisions must be sent to the website administrator.
- 8.6 AS's are responsible for compiling the minutes for their teams and shall do so by no later than five working days after a meeting.
- 8.7 The AS for team West is responsible for consolidating the minutes of teams checking through the document, correcting errors and sending it to the DDHRM by no later than sixth working day after a meeting.

- 8.8 The DDHRM shall then read through the minutes, make further corrections and sign them off before returning them to the AD Team West by no later than seventh working day after a meeting.
- 8.9 The AS Team West shall distribute the draft minutes signed off by the DDHRM by no later than close of business eight working days after a meeting.
- 8.10 Corrections received from members of the committee within seven days of draft minutes being sent to them shall, unless they are contradictory, be incorporated into the minutes a final draft of which shall be distributed to members of the committee by no later than three working days after closure of the period for comment.
- 8.11 The minutes as finalised at the following meeting of a committee must be signed by the Chairperson.
- 8.12 The AS or other official responsible for minutes shall send a copy of the signed document to the website administrator for inclusion on the website of HWC on the working day following signature.

9. MONITORING BY ADPS

If a case is closed following the periods allowed for appeal or tribunal appeal period has lapsed, etc. a 'C' is to be added to the front of the case number in the directory in which material is stored. If for any reason the case is reopened the 'C' is to be removed.

10. FORMAT OF DOCUMENTS ON WEBSITES

Documents mentioned for inclusion on the HWC website shall be in locked PDF format.

11. DEALING WITH THE PUBLIC

- 11.1 In all dealings with the public concerning applications under the terms of the NHRA officials must:

11.1.1 Apply the Batho Pele principles:

Consultation: We can only assume to know what our customers want. The only way we can find out for certain is by asking them. This can be done through surveys, questionnaires, meetings, suggestion boxes, izimbizo and by talking to our customers. It's important to report back to customers so they know what to expect, and to our staff so they know what is expected from us.

Service Standards: Citizens should be told about the level and quality of the services they receive. If possible they should be given an opportunity to choose the service they want.

The standards we set are the tools we can use to measure our performance, and therefore need to be realistic depending on available resources. We should also be able to measure these standards so that everyone can see if they are being met.

Access: There is much more involved when referring to access. It means making it easy for our customers to benefit from the services we provide. Easy access can be made possible by: -having wheelchair ramps, disabled parking bays, taking our

services out to the community. Staff attitude may determine how approachable your component/directorate/department is.

Courtesy: We must be polite and friendly to our customers. Customers should be treated with respect and consideration. We must always be willing to assist. Telephone etiquette is vital. All our correspondence must be respectful.

Information: Citizens should be given full accurate information about the public services they are entitled to receive. Information is about reaching all our customers to make sure they are well informed about the services our department provides. This may be done in a number of ways-for example through newspapers, radio, posters and leaflets. It's important to remember that different customers have different needs and they do not all speak the same language.

Openness and Transparency: We should be open about our day to day activities, how much our departments receive, how that money is spent. This information should be available to the public. Annual reports, strategic plans, service commitment charters, etc. must be made available to the public. We should tell our customers where to complain and how to do it.

Redress: Redress is making it easy for people to tell us if they are unhappy with our service. We should train staff to deal with complaints in a friendly, helpful manner. An apology, full explanation and effective, speedy remedy should be offered when the promised standards of service have not been delivered. When complaints are made, we must give our customers a sympathetic ear. Have positive Responses to complaints.

Value for Money: We need to make the best use of available resources. Avoid wastage of time, money, and other resources. It also means eliminating waste, fraud and corruption and finding new ways of improving services at little or no cost.

Encouraging Innovation and Rewarding Excellence: Innovation: using new ways of doing things. Encourage partnerships with different sectors in order to improve service delivery. Rewarding Excellence is also about rewarding the staff who "go the extra mile" in making it all happen.

Customer Impact: If we put all the Batho Pele Principles into practice, we then increase the chances of improvement in our service delivery. This in turn will have a positive impact on our customers. It is about how the nine principles link together to show how we have improved our overall service delivery. Here we look at the benefits we have given to our customers both internally and externally.

Leadership and Strategic Direction: Our leaders must create an atmosphere which allows for creativity. Management must ensure that goals are set and that planning is done.

11.1.2 Assist applicants to understand their responsibilities and to understand what is required of them in terms of applications.

11.1.3 Where it helps an applicant to understand processes and generally what is required of them, or where it helps staff to understand and/or process an application meetings may be held with applicants.

Version issued after agreement of staff: 31 August 2012 _____
CEO's Signature

ACCEPTANCE BY OFFICIALS:

Name: _____ Signature: _____ Date: _____ 20__

Name: _____ Signature: _____ Date: _____ 20__

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**HERITAGE WESTERN CAPE
CASE NUMBER CODING SYSTEM**

Codes for creation of case numbers will consist of the following in the order as set out below:

- Year code
- Month code
- Day code
- Case officer code (as of Aug 2013):

Guy Thomas	GT
Johnathon Windvogel	JW
Ntombi Nkoane	NK
Ronnie Nyuka	RN
Shaun Dyers	SD
Tamar Grover	TG
Troy Smuts	TS
Zwelibanzi Shiceka	ZS
- Numbering for the day: 01, 02, 03, 04, etc.

eg: The first case allocated to Guy Thomas on 1 Aug 2013 would have the following code: **130801GT01**. The fourth case allocated to her on the same day would be 130801GT04.

STANDARDISED TERMINOLOGY FOR IMPACT ASSESSMENT PROCESSES

There are a multitude of terminologies used to refer to aspects of the impact assessment process. This causes confusion that compromises and/or delays the processing of applications. HWC hence uses the following standardised terminology to convey its decisions and for ease of understanding on the part of impact assessors and applicants:

Notification of Intent to Develop:

The first step in the initiation of an impact assessment review process by HWC regardless of which body or section of legislation has triggered the process.

Heritage Impact Assessment (HIA):

The report on further actions arising from a Notification of Intent to Develop. This report should contain all of the information, analyses, etc. requested following the NID process. (It is not exclusively a study of the built environment and/or issues of history, as many seem to prefer.)

Study or Specialist Study:

A particular focus requested by HWC as part of an HIA, eg: an archaeological study, a palaeontological study, a visual impact study, etc. Such a study generally forms a chapter of an HIA.

Desktop Study:

A study of available literature on material likely to be found in the area to be impacted upon by a proposed development, eg: a desktop palaeontological study.

Record of Decision:

The decision made by HWC at the conclusion of an impact assessment process in terms of Section 38(4) of the NHRA.

Integrated (*as in 'integrated HIA' or 'integrated recommendations'*):

A single HIA document containing all the studies, etc. required, or a single set of non-contradictory recommendations put together by the team that compiled the HIA.

Interim Comment:

A comment made by HWC during the course of an impact assessment process.

Final Comment:

A comment made by HWC at the conclusion of an impact assessment process under the terms of Section 38(8) of the NHRA or other legislation.

Permit:

A consent issued in terms of Section 48 and arising from an application concerning sites protected terms of Sections 27, 29, 34 or 35 of the NHRA.

TITLE PAGE:



GENERAL PAGES:

