



POLICY FOR PLACING HERITAGE RESOURCES ON THE HERITAGE REGISTER

NOTE: This policy should be read together with the Heritage Western Cape procedure for placing heritage resources on the heritage register, which can be downloaded from the HWC website, as well as the Heritage Western Cape regulations, relating to the consultation process for listing heritage resources on the heritage register. [Regulations](#)

POLICY OBJECTIVE

In terms of its functions as per Section 24(c)(f) and (g) as well as Section 30 of the National Heritage Resources Act 25 of 1999 (NHRA), Heritage Western Cape must:

- a. Promote the systematic identification, recording and assessment of heritage resources and heritage objects which form part of the national estate in the province.
- b. Compile and maintain a database on heritage resources in accordance with national standards, and at regular intervals furnish the South African Heritage Resources Agency (SAHRA) with such data.
- c. Establish policy, objectives and strategy plans for heritage resources management in the province.

This policy outlines the requirements for placing conservation-worthy heritage resources on the heritage register and to promote an integrated and interactive system for the management of heritage resources and to promote good governance.

DEFINITIONS

- a. **National Estate:** The national estate as defined in Section 3 of the NHRA.
- b. **Heritage register:** A list of heritage resources in the province considered to be of cultural significance.
- c. **Planning Authority:** An office of the State, including a province, a local authority or a regional authority, which is invested with a physical planning capacity.
- d. **Local Authority:** As defined in the Local Government Transition Act, 1993 (Act No. 209 of 1993).

HERITAGE WESTERN CAPE AND LOCAL AUTHORITY RESPONSIBILITIES REGARDING PLACEMENT OF HERITAGE RESOURCES ON THE HERITAGE REGISTER.

1. Responsibilities of Heritage Western Cape:

- a. Identify, manage, conserve, and promote heritage resources.
- b. Compile and maintain a heritage register of conservation-worthy resources based on the assessment criteria in terms of Section 7 of the NHRA.
- c. Assess inventories submitted by local authorities, and if approved, list conservation-worthy resources in the heritage register.
- d. Notify all parties expressing interest that the decision to place a resource on the register can be appealed under Section 49 of the NHRA.
- e. Provisionally protect any resource deemed at risk, in accordance with Section 29 of the NHRA, until a final determination is made regarding its inclusion on the heritage register.
- f. Submit a copy of the gazette notice to the Surveyor General and Registrar of Deeds for endorsement in the property title deed.
- g. Mark a resource that form part of the heritage register with an appropriate badge to indicate its status.
- h. Consider the placement of resources on the heritage register refused for total demolition or identified for placement on the heritage register as part of an inventory or submitted separately by means of a Section 30 application form.

- i. Update the heritage register should a heritage resource listed on the heritage register be destroyed and notify SAHRA to update the National Estate records.

2. Responsibilities of Local Authorities:

- a. In terms of Section 30(5) of the NHRA, compile and submit an inventory of heritage resources within its jurisdiction to HWC during the preparation or reassessment of its Town or Regional Planning Scheme or Spatial Development Framework.
- b. Conduct public participation to obtain comments from all stakeholders, including owners of resources and registered conservation bodies and incorporate such comments into the final inventory before submitting to HWC.
- c. In terms of Section 30(11) of the NHRA, within six months of the publication of a notice in the *Provincial Gazette* concerning the inclusion in the heritage register of a place falling within its area of jurisdiction, every local authority must make provision for the protection of such place through the provisions of its planning scheme or by-laws. Provided that any such protective provision shall be jointly agreed upon by HWC, the relevant local authority and the provincial planning authority.
- d. On publication of a notice in the *Provincial Gazette* concerning the listing in the heritage register of a place within its area of jurisdiction, or amendment or deletion of an entry for such place, a local authority must notify the owner of such place.
- e. Should a heritage resource listed on the heritage register be destroyed, the local authority within which jurisdiction the heritage resource falls, must fully record the heritage resource, notify HWC and submit such record.

AD HOC SUBMISSIONS

1. These are submissions of conservation-worthy resource/s that was not submitted as part of a heritage inventory or where no inventory for an area was submitted to HWC to comply with Section 30(5) of the NHRA. Any member of the public or an owner of a heritage resource may submit information about a heritage resource to HWC for consideration to include on the heritage register by completing and submitting a Section 30 application form, which can be downloaded from the HWC website. The submission must include the comments from the local authority under which jurisdiction the resource falls, as well as the registered conservation body (where applicable) and any other interested and affected party comments. Where the resource is not submitted by the owner, the comment of the owner should form part of the submission.

Heritage Resources must be listed in the heritage register in the following manner:

- a. The name of the heritage resource (where applicable)
- b. The grading category (II or III) in terms of Section 7 of the NHRA
- c. Type of formal protection in terms of the NHRA (Section 27, 28, 29, 30, 31)
- d. The name of the local authority responsible for the heritage resource.
- e. The municipal area in which the heritage resource is located.
- f. Current use of the heritage resource.
- g. Erf number, street address and GPS co-ordinates of the heritage resource or a defined geographical area.
- h. Date of HWC Council approval for the resource to be placed on the heritage register.
- i. The gazette number in which the notice was published.
- j. Type of heritage resource (Built Environment, Archaeology, Palaeontology, Cultural or Environmental Landscape, Living Heritage, Burial Ground, Object, Memorial, Meteorite, etc.)
- k. S.G Diagram number
- l. Tracking identification number/Unique Identifier
- m. The heritage register must be compliant with any standards in terms of Section 39 of the NHRA.

Note: Inclusion of a resource in the heritage register shall not exempt any person from complying with the provisions of Sections 35 and 36 of the NHRA.

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Chief Executive Officer

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References: *Government of the Republic of South Africa. National Heritage Resources Act. (1999)*
South Africa: Western Cape Province. Government of the Republic of South.