



ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

NOTICE

HERITAGE WESTERN CAPE

DRAFT POLICY AND PROCEDURE FOR PLACEMENT OF HERITAGE RESOURCES ON THE HERITAGE REGISTER IN TERMS OF SECTION 30 OF THE NATIONAL HERITAGE RESOURCES ACT 25 OF 1999, (THE NHRA)

Please note that the following draft policy and procedure for placing heritage resources on the Heritage Register is available for public comment.

The policy and procedure set out the process to be followed when placing heritage resources on the Heritage Register.

Any person wishing to comment on the draft policy and procedure must make such comments in writing to the below email address on or before 15 July 2024.

A copy of the draft policy and procedure can be obtained from:

Name: __Jonathan Windvogel_____

e-mail: __jonathan.windvogel@westerncape.gov.za_____

Telephone: __021 483 9736_____

A copy of the draft policy and procedure can be obtained via the HWC website under the "notices" tab.

www.hwc.org.za

Neem asseblief kennis dat die volgende konsepbeleid en prosedure vir die plasing van erfenishulpbronne op die Erfenisregister vir openbare kommentaar beskikbaar is.

Die beleid en prosedure verduidelik die proses om te volg wanneer erfenishulpbronne op die Erfenisregister geplaas word.

Enige persoon wat graag kommentaar oor die konsepbeleid en prosedure wil lewer, moet in skrif sodanige kommentaar op of teen 15 Julie 2024 rig aan die volgende e-pos adres:

'n Kopie van die konsepbeleid en prosedure kan verkry word by:

Naam: __Jonathan Windvogel_____

E-pos: __Jonathan.Windvogel@westerncape.gov.za_____

Telefoon: __021 483 9736_____

N' kopieë van die konsepbeleid en prosedure kan verkry word via die HWK webwerf onder die "kennisgewings" oortjie.

www.hwc.org.za

Nceda uqaphele ukuba lo mgaqonkqubo oyilwayo kunye nenkqubo yokubeka imithombo yelifa lemveli kwiRejista yaMafa eMveli uyafumaneka ukuze uluntu luvakalise izimvo zalo.

Umgaqonkqubo oyilwayo kunye nenkqubo ibeka inkqubo emayilandelwe xa kubekwa imithombo yaMafa eMveli kwiRejista yaMafa eMveli.

Nawuphi na umntu onqwenela ukuvakalisa uluvo lwakhe ngomgaqonkqubo oyilwayo kunye nenkqubo kufanele avakalise izimvo ezinjalo ngokuzibhala phantsi zithunyelwe kule Idilesi ye-imeyili ingezantsi ngomhla okanye phambi komhla wama 15 Julayi 2024.

Ikopi yomgaqonkqubo oyilwayo kunye nenkqubo zingafunyanwa ku:

Igama: __Jonathan Windvogel_____

i-imeyile: __jonathan.windvogel@westerncape.gov.za_____

Umnxeba: __021 483 9736_____

Ikopi yomgaqo-nkqubo oyilwayo kunye nenkqubo inokufumaneka kwiwebhusayithi yeHWC phantsi kwethebhu "yezaziso".

www.hwc.org.za

Michael Janse van Rensburg

Chief Executive Officer

June 2024

ceoheritage@westerncape.gov.za / 021 483 9729



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.

POLICY OBJECTIVE

In terms of its functions 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 (HWC) must identify and record heritage resources and compile and maintain a Heritage Register listing all the heritage resources in the province which it considers to be conservation-worthy in terms of the heritage assessment criteria set out in Section 3(3) of the NHRA and which forms part of the National Estate as prescribed under Section 7 of the NHRA in terms of its criteria and grading. This policy sets out the requirements to place conservation-worthy resources on the Heritage Register.

To promote an integrated and interactive system for management of national heritage resources and to promote good governance.

DEFINITIONS

- a. **National Estate:** The collection of heritage resources within South Africa, which are of cultural significance or other special value for the present communities and future generations.
- b. **Heritage Register:** A list of heritage resources in a province considered to be conservation-worthy in terms of Section 3(3) and prescribed under Section 7 of the NHRA. The Heritage Register is the formal protection for Grade III heritage resources.

LOCAL AUTHORITY RESPONSIBILITY

1. Local authorities shall in terms of Section 30(5) of the NHRA compile and submit a heritage survey of heritage resources which falls within its area of jurisdiction to HWC at the time of compilation or re-assessment of their Town or Regional Planning Scheme or Spatial Development Framework.
2. Before submitting such a heritage survey to HWC for approval, the local authority must place the heritage survey out for public participation to obtain public comment from all interested and affected parties, owners of such heritage resources, and where applicable, conservation bodies registered with HWC. Comments obtained from the public participation process must be submitted to HWC as part of the heritage survey.
3. The local authority should make provisions for the protection of heritage resource placed on the Heritage Register through mechanisms such as its Municipal By-Laws, Planning Schemes and policies.

AD HOC SUBMISSIONS

1. Any member of the public or an owner of a heritage resource may submit information about such a heritage resource to HWC for consideration to include on the Heritage Register by completing and submitting a survey form, which can be downloaded from the HWC website <https://www.hwc.org.za/node/98> or from the following link [survey form](#)

Heritage Surveys or ad hoc survey forms submitted to HWC for approval must be dealt with in the manner set out below:

- a. HWC must consult with the owner of such heritage resources in terms of Section 30(7) of the NHRA and the regulations promulgated in terms of Section 30(8).
- b. The heritage resource/s recorded will be assessed by HWC in terms of the assessment criteria set out in Section 3(3) of the NHRA. Such assessment together with the proposed grading of the heritage resource assigned to it by the relevant HWC committee must be put forth to the owner of such resource/s for comment in terms of Section 30(7) and as prescribed by the regulations in terms of Section 30(8) and 31(6). [Regulations](#)
- c. All comments received from the owner and any other public participation process should be tabled at the relevant HWC committee meeting. The HWC committee assessment and proposed grading must be referred to the HWC Council for final approval.
- d. The owner/s of the heritage resource/s submitted for placement on the Heritage Register and any other party who expressed an interest must be invited to attend all HWC committee meetings where deliberations will take place.
- e. After the HWC Council has approved of the grading, the conservation-worthy heritage resource/s must be placed on the Heritage Register by means of a publication of a notice in the Provincial Gazette. (In terms of Section 37 of the NHRA, public monuments and memorials, without the need to publish a notice, are protected in the same manner as places which are entered into the Heritage Register)
- f. The owner/s of the heritage resource/s being placed on the Heritage Register and any other party who expressed an interest must be notified of such provincial gazette notice publication.
- g. The listing of the heritage resource/s must be communicated to the relevant local authority under which jurisdiction it falls within 30 days of the publication, whereby the local authority must within 6 months of the publication of the notice in the Provincial Gazette make provision for the protection of such a place through the provisions of its planning schemes or by-laws, which must be jointly approved by the local authority and HWC.
- h. HWC must inform the South African Heritage Resources Authority (SAHRA) within 30 days of placing a heritage resource on the Heritage Register and provide the SAHRA with the details of such resource, to be included in the national database of heritage resources facilitated by the South African Heritage Resources Information System (SAHRIS).
- i. HWC must in terms of Section 10(d) of the NHRA furnish the Surveyor General and Registrar of Deeds with a copy of the gazette notice in order for the Registrar of Deeds and the Surveyor General to endorse the title deed of the property the heritage resource is situated on.
- j. If a heritage resource/s which forms part of a draft inventory or which has been submitted to form part of the Heritage Register is deemed to be in danger, such resource may be provisionally protected in terms of Section 29 of the NHRA until such resource is deemed worthy of being placed on the Heritage Register or not.
- k. A resource/s that forms part of the Heritage Register may be marked by the local authority with an appropriate badge to indicate its status.
- l. Should a heritage resource on the Heritage Register be destroyed, the local authority within which jurisdiction the heritage resource/s falls, must fully record the heritage resource, submit the record, and notify HWC as well as the SAHRA. HWC and the SARHA must then update the Heritage Register as well as the National Estate records.

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, 30, 31 or 32)
- d. The local authority responsible for the heritage resource
- e. The municipal area in which the heritage resource is located
- f. A brief statement of significance
- g. Current use and general condition of the heritage resource
- h. Erf number, street address and GPS co-ordinates of the heritage resource
- i. Date of HWC Council approval for the resource to be placed on the Heritage Register
- j. The date the heritage resource was placed on the Heritage Register as well as the gazette notice number
- k. Type of heritage resource (Built Environment, Archaeology, Palaeontology, Cultural or Environmental Landscape, Living Heritage, Burial Ground, Object, Memorial, Meteorite, etc.)
- l. S.G diagram number (where available)
- m. Tracking identification number
- n. The Heritage Register must be compliant with any standards in terms of Section 39 of the NHRA

Note: Inclusion of a place 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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Accounting Authority

Approved date:

Review date:

Author: Mr Jonathan Windvogel (Town and Regional Planner Pr.Pln)

For assistance

Email: Jonathan.Windvogel@westerncape.gov.za

Contact number: 021 483 9736

References

[Government of the Republic of South Africa. National Heritage Resources Act. \(1999\) South Africa: Western Cape Province.](#)

Public consultation procedure: Provincial Gazette 8696 on 15 December 2022



PROCEDURE FOR PLACING HERITAGE RESOURCES ON THE HERITAGE REGISTER

NOTE: This procedure should be read together with the Heritage Western Cape (HWC) Policy for Placing Heritage Resources on the Heritage Register, as well as the HWC Regulations, relating to the consultation process for listing heritage resources in the Heritage Register.

Heritage resources submitted to HWC for placement on the Heritage Register must be processed in the manner set out below:

1. Heritage resources proposed for placement on the Heritage Register can be submitted to HWC by any person, civic association, or local authority.
2. Heritage resources proposed for placement on the Heritage Register can be the result of an ad hoc nomination by means of a single survey form or part of a broader heritage survey document.
3. When a local authority submits a heritage survey of heritage resources in its jurisdiction, it must include the comments of the public participation process it received with regards to such heritage survey.
4. When the survey form or the heritage survey is received by HWC, the responsible official should prepare the documentation for placement on the Inventories, Grading, and Interpretation Committee (IGIC) agenda.
5. The responsible official should furnish the IGIC with all information received no later than 2 weeks before the date of the actual meeting.
6. The responsible official may invite the local authority or the nominator to make representation at the appropriate IGIC meeting 1 week before the meeting date where the item will be discussed for the first time. The approved agenda for the meeting must be included with such invitation.
7. Should the IGIC be of the opinion that the resource/s are significant enough in terms of Section 7 of the NHRA to be placed on the Heritage Register and a proposed grading is allocated to such resource/s, the responsible official should inform the owner/s of HWCs intention to place the resource/s on the Heritage Register by means of a registered letter as well as e-mail. The owner/s should be given 30 days to make representation. [Regulations](#)
8. After the 30-day consultation with the owner/s, the responsible official must place the matter back on the IGIC agenda, including the comment/s received from the owner and invite the local authority or nominator, the owner and all parties who have expressed an interest in the matter to the meeting. All comments received by the responsible official by the end of the consultation period must be circulated to the IGIC members no later than 2 weeks prior to the date of the meeting.
9. The final IGIC recommendation must be referred to the appropriate HWC Council meeting for final approval. The local authority, the owner/s or nominator and all parties who have expressed an interest in the matter must be invited to attend the Council meeting where the final decision will be made.
10. Should the HWC Council deem the resource conservation worthy, the heritage resource/s must be placed on the Heritage Register by means of the publication of a notice in the Provincial Gazette (to be published in 3 official languages).
11. The responsible official must inform the local authority, the owners or nominator and any party who expressed an interest in the matter of such provincial gazette notice publication.

12. The listing of the heritage resource/s must be communicated to the relevant local authority under which jurisdiction it falls within 30 days of the publication, whereby the local authority must within 6 months of the publication of the notice in the Provincial Gazette make provision for the protection of such a place through the provisions of its planning schemes or by-laws, which must be jointly approved by the local authority and HWC.
13. The listing of the heritage resource/s must be communicated to SAHRA within 30 days of the publication of the notice in the Provincial Gazette, as per section 39(4) of the NHRA.
14. HWC must furnish the Surveyor General and Registrar of Deeds with a copy of the gazette notice for the Registrar of Deeds and the Surveyor General to endorse the title deed of the said property the heritage resource is situated on.

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Accounting Authority

Approved date:

Review date:

Author: Mr Jonathan Windvogel (Town and Regional Planner Pr.Pln)

For assistance

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Contact number: 021 483 9736

References

Government of the Republic of South Africa. *National Heritage Resources Act. (1999)*

South Africa: Western Cape Province.

Government of the Republic of South.