



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



HERITAGE ADVICE GUIDELINE SERIES

HERITAGE RESOURCES MANAGEMENT

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This guideline is the first in the Heritage Advice Guideline Series. It explains heritage resources; the protection and management mechanisms for such resources; and the processes for making heritage-related development applications.

Making progress possible. Together.

This booklet forms part of a series published by the City of Cape Town to help you understand heritage resources management processes.

LANGUAGE POLICY:

In line with the City of Cape Town's language policy, any booklet in this series will be made available in Afrikaans and isiXhosa on request by emailing lums@capetown.gov.za.

LEGAL DISCLAIMER:

Although based on law, the information provided in this booklet is presented in an informal and plain language format for the purposes of providing advice on heritage resources management matters and procedures to customers and members of the public. Should there be any discrepancy with provisions in the underlying legislation, the actual legislation takes precedence and should be consulted directly. Alternatively, please obtain independent professional advice on the matter. The City of Cape Town does not accept any liability for any action or non action taken on the basis of the information contained herein.

<https://bit.ly/CCT-HeritageResources>

Contents

| | |
|--|-----------|
| 1. HERITAGE RESOURCES MANAGEMENT | 4 |
| 1.1. What is heritage? | 4 |
| 1.2. What is heritage resources management? | 5 |
| 1.3. Why is heritage resources management important? | 6 |
| 1.4. What are the benefits of heritage resources management for Cape Town? | 7 |
| 1.5. What are heritage resources? | 8 |
| 1.6. Types of heritage resources | 8 |
| 1.7. What values make a heritage resource significant? | 10 |
| 1.8. Grading as an indication of the significance of a heritage resource | 11 |
| 2. PROTECTION OF HERITAGE RESOURCES | 12 |
| 2.1. Types of protection of heritage resources | 12 |
| 2.2. Formal heritage protection | 13 |
| 2.2.1. Heritage register | 14 |
| 2.2.2. City of Cape Town heritage inventory database | 15 |
| 2.2.3. Heritage areas | 16 |
| 2.2.4. Heritage Protection Overlay Zone | 18 |
| 2.3. General heritage protection | 20 |
| 2.3.1. Heritage resources management (section 38 of the NHRA) | 21 |
| 3. HERITAGE-RELATED DEVELOPMENT APPLICATIONS | 22 |
| 3.1. Making an application | 22 |
| 3.1.1. Structures older than 60 years (section 34 of the NHRA) | 22 |
| 3.1.2. Developments under section 38 of the NHRA | 24 |
| 3.1.3. Development in a Heritage Protection Overlay Zone | 25 |
| 3.2. Principles for managing grade III (local) heritage resources | 26 |
| 4. TERMINOLOGY | 28 |
| 5. LEGISLATIVE FRAMEWORK | 30 |
| 6. FREQUENTLY ASKED QUESTIONS | 32 |
| 7. CONTACT | 34 |

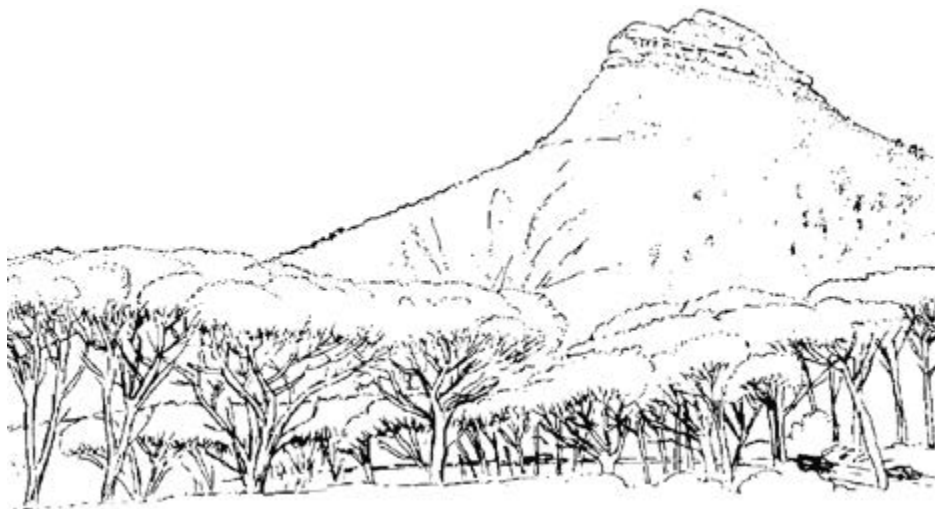
1. HERITAGE RESOURCES MANAGEMENT

1.1. What is heritage?

- Heritage is our legacy from the **past**, that we need to value and protect **today**, in order to conserve it for **future** generations.
- It defines our **cultural identity**.
- Our heritage is **unique, valuable** and **non-renewable**.

Once a heritage resource has been lost to demolition or has been irreversibly damaged or altered, it can never be regained. The City is committed to ensuring that the diverse cultural heritage of Cape Town is protected and enhanced. This includes:

- recognising the rich cultural history of Cape Town;
- recognising all cultures and traditions represented in Cape Town; and
- taking into account, during planning and decision making, cultural values, sites and landscapes of historical significance, as well as areas of scenic beauty and places of spiritual importance.



1.2. What is heritage resources management?

Heritage resources management is both a responsibility and a process.

The responsibility of heritage resources management is imposed on all local authorities in terms of the National Heritage Resources Act (NHRA) 25 of 1999. The NHRA is the overarching national law that provides the legal framework and tools for local authorities to carry out their heritage resources management responsibility to protect and manage our country's diverse and multicultural heritage resources. In addition to assigning certain heritage management functions to local authorities, the NHRA also empowers civil society to nurture and conserve their heritage resources.

The process of heritage resources management consists of legal requirements and regulations to ensure that our cultural heritage resources are managed and protected for the benefit of future generations, as enshrined in the Constitution of the Republic of South Africa, 1996.

To perform its heritage resources management duties, the City of Cape Town relies on various laws that give effect to the constitution. For more information on legislation applicable in heritage resources management, turn to section 5 'legislative framework'.

Informed by the City's **Environmental Strategy for the City of Cape Town (2017)**, the City's Heritage Resources Management Section aims to ensure that the rich and diverse cultural heritage of Cape Town is recognised, protected and conserved for future generations, in line with the obligations set by the NHRA.

Heritage resources management within the metropolitan municipality of Cape Town, covers Cape Point in the south-west, Gordon's Bay and Somerset West in the south-east, Atlantis in the North as well as Robben Island.

1.3. Why is heritage resources management important?

We need heritage resources management because:

- heritage resources have lasting value and provide evidence of the origins of South African society;
- heritage resources are valuable, finite, non-renewable, irreplaceable and should be carefully managed to ensure their survival;
- every generation has a moral responsibility to serve as trustees of the national heritage for generations to come;
- the state (including local authorities) has an obligation to manage heritage resources in the interest of all South Africans; and
- heritage resources contribute significantly to research, education and tourism, and should therefore be developed and presented in a way that ensures dignity and respect for cultural values.

For these reasons heritage resources management is an important component of the City's service delivery. If we conserve and manage our heritage resources well, we will ensure that our built environment and cultural landscapes are retained for future generations.

The City's Heritage Advice Guideline Series informs the public of the importance and value of heritage. It also provides advice on appropriate development that does not detract from the value of our heritage resources. Appropriate development benefits communities in general as well as individual property owners, as it maintains the aesthetic character and financial value of properties and neighbourhoods.

This first booklet in the series introduces landowners and developers to the City's heritage resources management system and processes. It contains useful information about the types, significance and grading of heritage resources; their formal and general protections; the heritage-related application processes, as well as terminology and legislation. It also answers some frequently asked questions.

1.4. What are the benefits of heritage resources management for Cape Town?

Heritage resources management:

- fosters identity within local communities and Capetonians, which will lead to a happier, more fulfilled and confident society.
- promotes cultural empathy and bridge-building among our different communities. Understanding the histories of different communities sensitises us to each other's history and culture, and enriches our experiences.
- provides a rich and exciting environment to live in and enjoy.
- encourages heritage 'placemaking' to instil a sense of place in locals and to promote heritage tourism among visitors.
- encourages tourism and visitor spend. History, diversity and cultural heritage add to Cape Town's unique qualities. It serves as major economic generators within both tourism and business, as the heritage tourist spends more than double that of the general tourist.
- encourages economic growth and job creation. The skills and costs of restoration and re-adaptation are largely localised. This ensures that skills are retained, jobs are created and finances remain in the local economy.
- encourages urban regeneration through the conservation, restoration and adaptive re-use of historic buildings and precincts. The smaller, historical parts of a city are often considered as being more pleasant and intimate places in which to relax and work.
- enhances the quality of the built environment, thereby improving and ensuring the sustainability of Cape Town.
- is green, as repurposing an existing building is more environmentally healthy than constructing a new building.
- conserves heritage and heritage resources for the future. Losing our historical environments and buildings would result in Cape Town becoming a generic and anonymous city.

To realise all these benefits, heritage resources management is co-ordinated and integrated with other, relevant local government activities and functions. These include planning, land-use management, urban design, environmental management, nature conservation, tourism and the management of civic amenities.

1.5. What are heritage resources?

A heritage resource can be any place, space or object that has cultural significance or special value to present communities, and should be protected for the benefit of future generations.

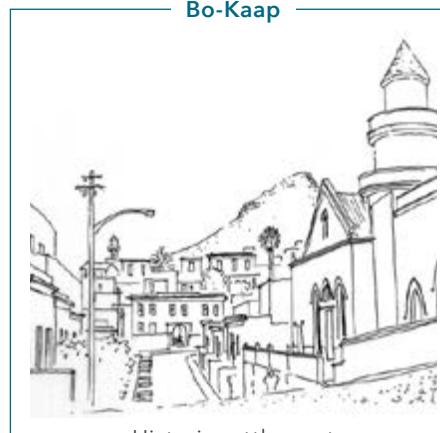
1.6. Types of heritage resources

Among others, heritage resources may include:

- places, buildings, structures and equipment of cultural significance;
- places that are associated with oral traditions or living heritage;
- historic settlements and/or townscapes;
- landscapes and natural features of cultural significance;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds; and
- sites of significance relating to the history of slavery.

Cape Town has a variety of built environments and cultural landscapes that have developed over time and have a strong sense of place. Built environments with heritage value range from historic residential areas with a strong architectural character, to residential areas where living heritage and cultural practices are of critical importance. Cultural landscapes, in turn, are landscapes that have been modified by man over time and can either be rural or urban. In the urban environment, cultural landscapes can vary from highly designed gardens to avenues of trees along historic routes and trees framing a public square.

Bo-Kaap



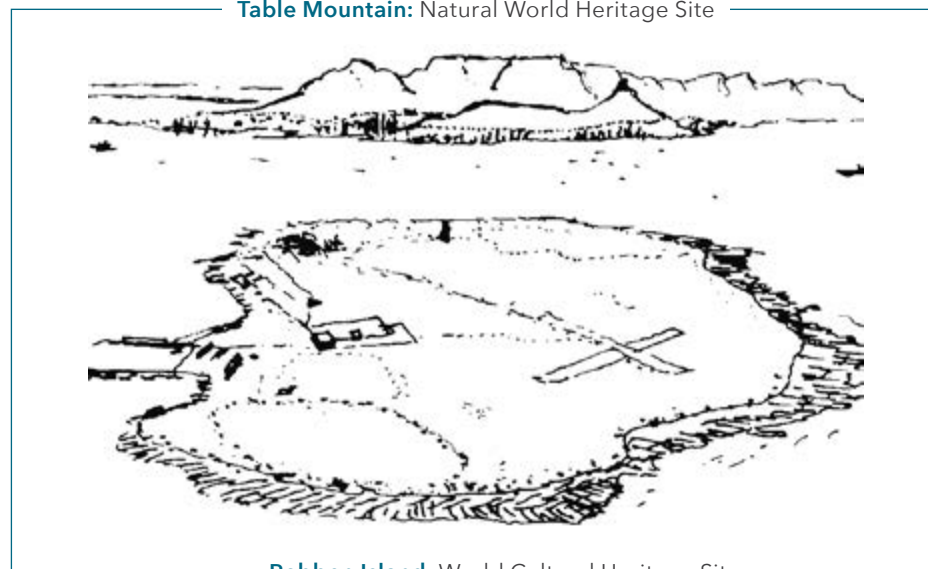
Historic settlement

Langa Pass Office



Struggle history site

Table Mountain: Natural World Heritage Site



Robben Island: World Cultural Heritage Site

1.7. What values make a heritage resource significant?

Heritage resources may be significant because of their **cultural, aesthetic, architectural, historical, scientific, social, spiritual, linguistic** or **technological** value. More specifically, a heritage resource may be considered significant for:

- playing an important part in the unfolding of South Africa's history and the development of our society;
- displaying uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- having the potential to provide information that will help us better understand South Africa's natural or cultural heritage;
- demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- exhibiting particular aesthetic characteristics valued by a community or cultural group;
- demonstrating a high degree of creative or technical achievement at a particular period;
- having a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- having a strong or special association with the life or work of a person, group or organisation of importance in South Africa's history; and
- relating to the history of slavery in South Africa.

A heritage resource may be considered significant because of any one or more of the preceding values, by different groups. Therefore, it is important that all these values are considered when assessing significance.

Heritage resources management requires the identification, interpretation and conservation of heritage resources of significance.

1.8. Grading as an indication of the significance of a heritage resource

The NHRA has established a three-tier system for heritage resources management. Using a grading system, it distinguishes between at least the following three categories of heritage resources:

- **Grade I:** These are heritage resources that are so exceptional that they are considered to be of **national significance**. They are identified and managed by the South African Heritage Resources Agency (SAHRA).
- **Grade II:** These are heritage resources that have special qualities and are **significant in a province or region**. They are identified and managed by provincial heritage resources authorities (PHRAs). In the Western Cape, the PHRA is Heritage Western Cape (HWC). Most of the previously declared national monuments under the previous National Monuments Act 28 of 1969, have been redesignated as provincial heritage sites under the current legislation.
- **Grade III:** These heritage resources are categorised as **'all other heritage resources worthy of conservation'**. The local authority (in this case, the City of Cape Town) is responsible for identifying and managing them. The City has further grouped grade III heritage resources into A, B and C to assist with their respective management. See "Principles for managing grade III (local) heritage resources" in this booklet to assist with decision making if you are planning to develop in and around local heritage resources.

Note: It is important to remember that all graded heritage resources are conservation-worthy. Sites that are of contextual value and depend on variables such as scale, texture, use, detail, contribution to the surrounding environment and the public-private interface should be conserved wherever possible. Any new structures in sensitive areas should exhibit similar qualities and should contribute to and enhance the acknowledged conservation-worthy character of the environment in a similar way.

2. PROTECTION OF HERITAGE RESOURCES

2.1. Types of protection of heritage resources

The NHRA provides two overall types of protection for heritage resources, namely **formal** heritage protection and **general** heritage protection. Formal protection is bestowed on a site as a proactive action by a heritage authority or municipality, while general protection automatically applies to certain types of places or structures. General protection provisions do not require action by any authority, but exist purely through the nature or age of the site in question.



2.2. Formal heritage protection

Grading is an important step towards the formal protection of heritage resources but does not provide protection by itself. The NHRA provides for the following formal protection for graded heritage resources:

| | | |
|---|--|--|
| Section 27 National heritage sites (grade I) and provincial heritage sites (grade II) | Section 30 Heritage register (grade III) | Section 31 Heritage areas (geographical areas of cultural and/or environmental interest) |
|---|--|--|

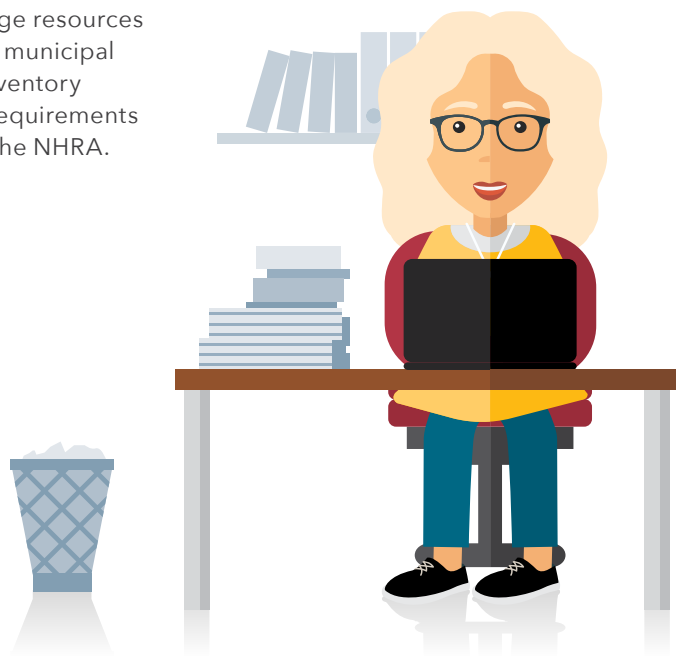


Heritage resources are only formally protected once a notice to that effect has been published in the Government Gazette (national heritage sites) or the Provincial Gazette (provincial heritage sites and heritage register), and following public participation.

2.2.1. Heritage register

HWC is mandated to maintain the provincial heritage register, which is a list of all formally declared grade II (provincial heritage) and grade III register sites in the Western Cape. Within Cape Town’s municipal boundaries, twelve grade III heritage resources are formally protected by means of the heritage register. These places were declared as such under the previous National Monuments Act of 1969. Sites on the heritage register are protected through the City’s HPOZ as per section 2.2.4.

The City maintains a heritage inventory database of the graded local heritage resources within Cape Town’s municipal boundaries. This inventory complies with the requirements of section 30(5) of the NHRA.



2.2.2. City of Cape Town heritage inventory database

The City has been maintaining an inventory of Cape Town’s heritage resources since the 1980s. From the early 2000s, this inventory has been presented in a geographic information system (GIS) format and continues to be updated. It maps the location and extent of the formally protected heritage sites and resources (both national and provincial sites, and heritage register). The database also identifies and maps all other conservation-worthy heritage resources. All conservation-worthy heritage resources are assigned a grading and a statement of significance motivating why the resource is considered worthy of conservation.

The heritage inventory database shows the following:

| NHRA formal protection | Current City grading |
|---|--|
| <ul style="list-style-type: none"> • Section 27: National heritage sites • Section 27: Provincial heritage sites • Section 30: Heritage register • Section 31: Heritage areas | <ul style="list-style-type: none"> • Grade IIIA • Grade IIIB • Grade IIIC • Potential grade III • Properties that require further investigation before a grading is assigned • Properties that are not conservation-worthy |

The City is also in the process of noting contemporary buildings that may be considered to be conservation-worthy and documenting intangible heritage resources, such as living heritage.

If a property has not yet been assigned a grading, or if you need assistance to extract the relevant information regarding the heritage significance of a property, please send an email to heritage.management@capetown.gov.za.

The heritage inventory database is accessible to the public at <https://citymaps.capetown.gov.za/EGISViewer/>.

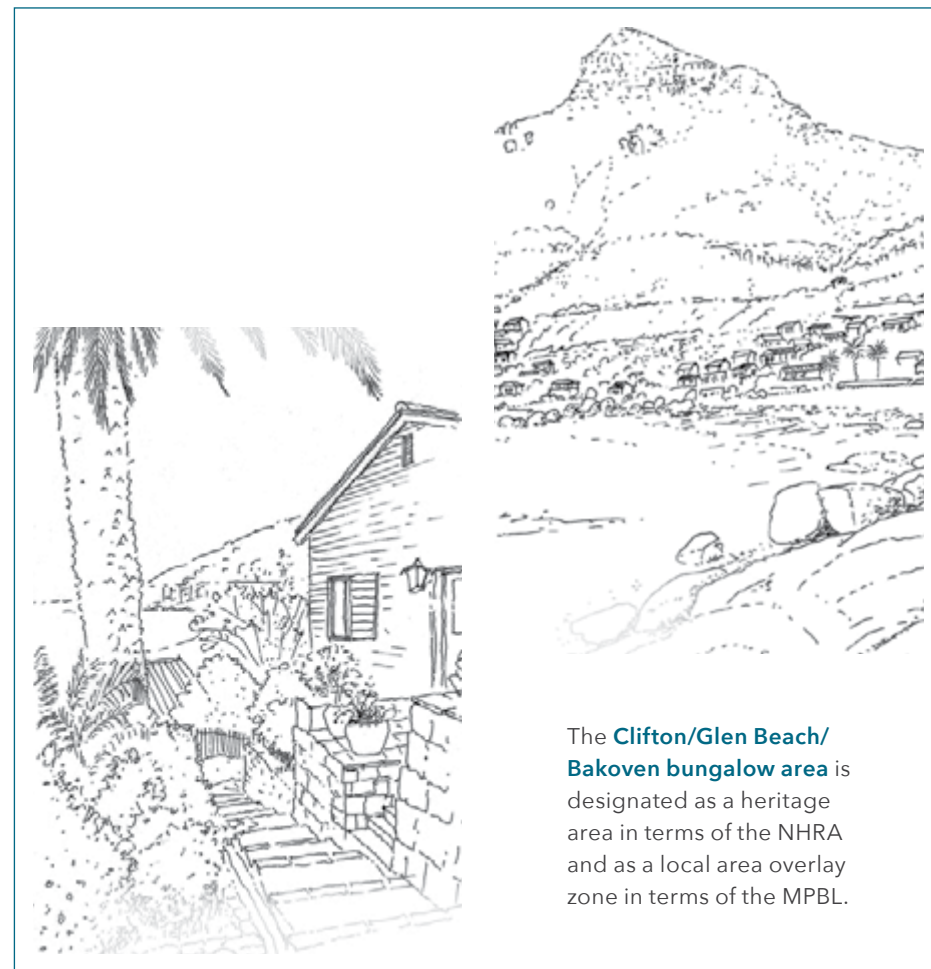
2.2.3. Heritage areas

The designation of heritage areas allows for the protection of large environments that have heritage value as a collection of heritage resources instead of small areas or individual resources.

The NHRA requires local authorities to identify such areas of cultural and/or environmental interest for heritage protection, and to investigate the need to designate these areas as heritage areas when compiling or reviewing spatial plans. The local authority must also provide for the protection of such areas through provision in its planning scheme.

There are currently two designated heritage areas within Cape Town's municipal boundaries, namely the Clifton/Glen Beach/Bakoven bungalow area and the Blaauwberg conservation area. Both were gazetted under the previous National Monuments Act of 1969 and were subsequently designated as heritage areas under the NHRA. Sites that are designated as heritage areas are protected through the City's HPOZ under section 2.2.4.

City approval is required for any alteration or development that affects a heritage area. The Clifton/Glen Beach/Bakoven bungalow area has been designated as a local area overlay zone. Any proposed work needs to be approved as part of the land use management application in terms of section 42(i) of the City of Cape Town Municipal Planning By-law, 2015.



The **Clifton/Glen Beach/Bakoven bungalow area** is designated as a heritage area in terms of the NHRA and as a local area overlay zone in terms of the MPBL.

See Heritage Advice Guideline No 2: Design in a heritage context.

2.2.4. Heritage Protection Overlay Zone

In the mid-1970s, it had already been proposed that conservation area controls be included in the town planning scheme, and that a number of conservation areas be declared in Cape Town. From 1990 onwards, the process for demarcating such conservation areas was formally included in the old zoning schemes. By 1997, the historic city centre and nearly 30 other historic suburbs were declared 'urban conservation areas'.

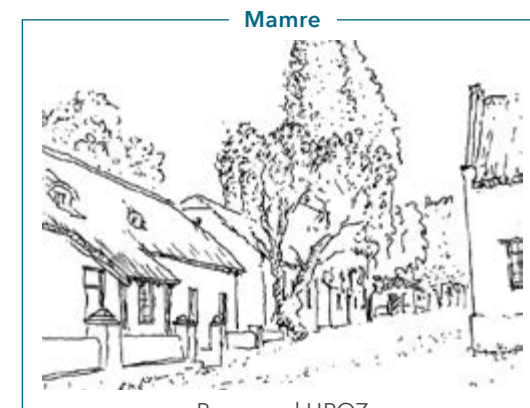
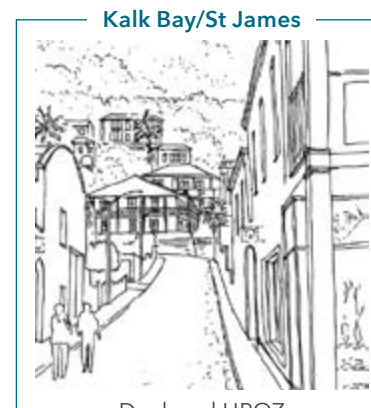
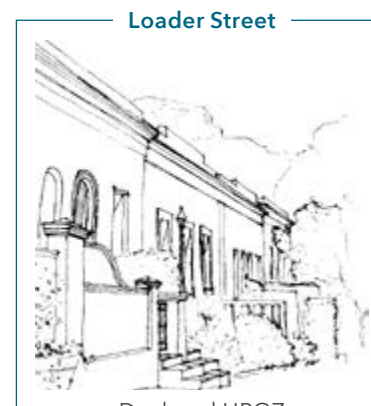
The City's Municipal Planning By-law (MPBL) was promulgated in June 2015 and amended in 2017, and again in 2019. It replaced the 2012 Zoning Scheme Regulations and complies with the requirements of the Spatial Planning and Land Use Management Act (SPLUMA) of 2013. One of the changes introduced by the Development Management Scheme (DMS) of the MPBL was to convert all previously designated urban conservation areas of the various old zoning schemes in the metropolitan area to 'heritage protection overlay zones' (HPOZ).

The HPOZ is the MPBL's mechanism for managing and protecting conservation-worthy heritage resources. Any work proposed in an HPOZ has to be approved as part of the land use management application process in terms of section 42(i) of the MPBL. In considering an application, **the City must take into account the effect such activity may have on the significance of the heritage** resource or area. The City may also request additional information or attached conditions to an approval in terms of the HPOZ.

Both individual places and areas may be designated under the HPOZ, thus complying with the requirements of both section 30 (heritage register) and section 31 (heritage areas). An overview of the areas protected by the HPOZ is accessible to the public at <https://citymaps.capetown.gov.za/EGISViewer/>.

The EGIS viewer (under the 'Heritage' tab) shows:

- declared heritage protection overlay zone; and
- proposed heritage protection overlay zone.



See Heritage Advice Guideline No 3: Development guidelines for applications in the HPOZ.

The intention is for the City to formally protect its HPOZ (former urban conservation areas) as heritage areas in terms of section 31 of the NHRA.

2.3. General heritage protection

A permit from the responsible heritage authority is required for any alteration, disturbance or destruction of heritage resources enjoying general protection in terms of the NHRA. These include the following:

- **Structures older than 60 years (section 34 of the NHRA).** These encompass buildings, parts of buildings, historic features such as boundary walls, and even fixtures, fittings or equipment associated with structures older than 60 years.
- **Archaeological and/or palaeontological sites or meteorites (section 35).** Archaeological sites and/or material are the remnants of human activity that are on or in land, older than 100 years, and no longer being used. These can include coastal shell middens, stone tools, foundations of old buildings, historic ruins, as well as Later Stone Age burials. Shipwrecks and associated finds are the responsibility of SAHRA. Cape Town's Foreshore area is located on reclaimed land, which means there is high potential for uncovering archaeological material associated with the old Table Bay anchorage.
- **Burial grounds and graves (section 36).** Within the municipal boundaries of Cape Town, these mostly include disused historical cemeteries, unknown historical cemeteries, burial vaults and crypts. Before approving a permit for the disturbance or exhumation of such a site, the responsible heritage authority must be satisfied that the applicant has made a concerted effort to contact, consult and come to an agreement regarding the future of the burial ground or grave with communities or individuals who, by tradition, have a vested interest.

Due to the nature and age of Cape Town, heritage management predominately focuses on the built environment. However, applicants and decision makers must also be aware of other heritage resources that may be affected by a development and, if found by chance, must be mitigated at the developer's cost.

Pro-actively identifying heritage resources and related approval processes and providing for potential mitigation can avoid costly delays as a result of unanticipated stop-work orders.

2.3.1. Heritage resources management (section 38 of the NHRA)

In terms of section 38 of the NHRA, HWC requires a 'notification of intent to develop' (NID) application if not part of a typical NEMA application. The aim is to establish whether a heritage impact assessment and heritage approval will be required. Development elements that will trigger the submission of a notification of intent to develop are:

- the construction of a road, wall, powerline, pipeline, canal or other, similar form of linear development or barrier exceeding 300 m in length;
- the construction of a bridge or similar structure exceeding 50 m in length;
- any development or other activity that will change the character of a site –
 - exceeding 5 000 m² in extent; or
 - involving three or more existing erven or subdivisions thereof; or
 - involving three or more erven or divisions thereof that have been consolidated in the past five years; or
 - the costs of which will exceed a sum set in terms of regulations by SAHRA or HWC; or
 - the rezoning of a site exceeding 10 000 m² in extent; or
- any other category of development provided for in regulations by SAHRA or HWC.

To ascertain whether there are any heritage issues that need to be considered, applicants, at the very earliest stages of initiating a development should consult with the responsible heritage resources authority and the City's E&HM staff, and provide details regarding the location, nature and extent of their development.

Note: Refer to section 4 'Terminology' in this booklet for a definition of 'development' in this context.

3. HERITAGE-RELATED DEVELOPMENT APPLICATIONS

3.1. Making an application

Before submitting an application, consult the Environment and Heritage Management (E&HM) staff at your closest district office, to avoid unnecessary and frustrating delays. The heritage professional will be able to:

- advise whether there are any heritage triggers or whether any heritage approvals are required, and what process must be followed;
- confirm whether your building is located in an HPOZ or a sensitive area;
- advise whether you need to submit an application to HWC;
- provide information as to its cultural significance and if further research is required;
- advise on appropriate alterations and additions to your building; and
- provide a formal E&HM comment to be submitted with your application to HWC.

This E&HM assistance is provided free of charge.

3.1.1. Structures older than 60 years (Section 34 of the NHRA)

Section 34 general heritage protection covers all buildings and structures older than 60 years. A permit from the provincial heritage authority (HWC) is required before the local authority can support any alterations or additions to, or demolition of such structures. That means that two separate applications should be made: a section 34 application to HWC and a building plan application to the City, once HWC has issued a permit. Follow these basic steps:

STEP 1: Establish the heritage status of your property. Check whether your property has been assessed and identified as a local heritage resource, and whether it is located in an HPOZ. Do so by looking on the heritage layer of the City's EGIS viewer at <https://citymaps.capetown.gov.za/EGISViewer/>. If your property has not yet been assessed, please contact your local E&HM heritage professional.

STEP 2: Talk to your local E&HM heritage professional to find out what interventions would be appropriate and if further research is required. This is not compulsory, but improves the likelihood that your proposal will be supported. New additions or alterations should be sympathetic to the heritage qualities of your property. Your local E&HM heritage professional will also indicate whether any area guidelines are available to inform your proposal.

STEP 3: Obtain comments from your E&HM heritage professional and circulate your plan proposal to your local conservation body for comment. Since this is required by HWC, find your registered local conservation body at www.hwc.org.za/conservation-bodies.

STEP 4: Submit your section 34 application to HWC. Please refer to the HWC website at www.hwc.org.za/node/91 for further details.

STEP 5: Submit your building plan application to the City once HWC has approved your application and issued you with a section 34 permit.

Refer to Development Management Information (DMI) Guideline Series No 2, 'Building plan preparation and submission'.

Note: The above section 34 process will apply to section 27 (national and provincial heritage site) applications.

For any further questions or advice on making alterations to heritage buildings, please contact your closest E&HM office or send an email to heritage.management@capetown.gov.za.



3.1.2. Developments under Section 38 of the NHRA

STEP 1: Check whether your proposed development includes any of the elements that would trigger the submission of a NID application to HWC as per section 2.8 (or 2.3.1) earlier. (<https://www.hwc.org.za/node/90>).

STEP 2: Establish whether the proposed development is located in an HPOZ or sensitive area, and whether there are local heritage resources on the site or in the immediate vicinity of the proposed development. Do so by looking on the heritage layer of the City's EGIS viewer at <https://citymaps.capetown.gov.za/EGISViewer/>.

STEP 3: Talk to your local E&HM heritage professional to find what type of development would be appropriate in a heritage context and if any further research will be required. This is not compulsory, but it improves the likelihood that your proposal will be supported. New developments can and should be sympathetic to the heritage qualities of the area. In fact, this enhances the long-term value of the development.

STEP 4: Submit your section 38 notification of intent to develop (NID) to HWC at the earliest stages of initiating the development. Use the information from the heritage layer of the City's EGIS viewer to help you complete your notification. You may require the services of a heritage practitioner for this application if heritage resources have been identified on the property.

STEP 5: Perform any specialist heritage studies if required by HWC. HWC may also require the development proposal to respond to the findings of the specialist reports, so it is best to deal with any heritage concerns before investing too much time and money in the details of the proposal. You will also need to engage with E&HM, conservation bodies, as well as interested and affected parties as part of your application.

For the City's land use management application processes and procedures, please refer to the DMI Guideline Series, which is available at <http://www.capetown.gov.za/Family%20and%20home/City-publications/publications-and-reports/building-planning-and-development>.

3.1.3. Development in a Heritage Protection Overlay Zone

STEP 1: Confirm whether the proposed development is located in an HPOZ or sensitive area, and whether there are local heritage resources on the site. Do so by looking on the heritage layer of the City's EGIS viewer at <https://citymaps.capetown.gov.za/EGISViewer/>. If your property is indeed situated in an HPOZ, you will need to submit a land use application for City consent for any proposed work that would change the appearance of your building and property. This includes building alterations, partial or full demolition, new structures, alterations to landscape features (such as hedges and trees), earthworks and below-ground excavations.

STEP 2: Talk to your local E&HM heritage professional to find out what interventions would be appropriate. This is not compulsory, but improves the likelihood that your proposal will be supported. New developments can and should be sympathetic to the heritage qualities of the area. In fact, this enhances the long-term value of the development. Your local E&HM heritage professional will indicate whether any area guidelines are available to inform the proposal. You will also be informed of any specific requirements to include in your HPOZ application, such as historical research, heritage statement, conservation policies, streetscape photographs or 3D renderings.

STEP 3: Establish whether your proposed development triggers any other land use departures/requirements. Refer to DMI Guideline Series No 3, 'Land use management'.

STEP 4: Submit your land use management application to the City. Refer to DMI Guideline Series No 4, 'Making a planning application'.

STEP 5: Submit your building plan application to the City once HWC has approved your section 34 application (if the proposal is related to a structure older than 60 years) and if your land use management application has also been approved.

3.2. Principles for managing grade III (local) heritage resources

By definition, heritage resources have lasting value. The management of these resources should aim to minimise the loss or alteration of their **cultural significance**. To ensure that these heritage resources are protected, the City has identified a number of categories of local heritage resources that HWC has not yet officially regulated as grading categories. The following table lists these grading categories, along with the basic conservation principles to be followed when submitting a development proposal relating to resources in these categories:

| GRADE | HERITAGE SIGNIFICANCE | EXPLANATION | PRINCIPLE |
|------------|-----------------------|--|---|
| Grade IIIA | Metro/regional | Heritage resources that are of high intrinsic significance, are outstanding examples or representations of a typology, and may demonstrate a high degree of intactness. | <ul style="list-style-type: none"> - Conserve - Take remedial action to enhance significance - Ensure minimal intervention - Interpret |
| Grade IIIB | Neighbourhood/suburb | Heritage resources that are of considerable intrinsic significance, are good examples or representations of a typology characteristic of the immediate area, and may demonstrate a relatively high degree of intactness. | <ul style="list-style-type: none"> - Conserve - Take remedial action to enhance significance - Retain historic fabric |
| Grade IIIC | Streetscape | Heritage resources that are of intrinsic significance, are examples or representations of a typology characteristic of the immediate area, but may be somewhat altered. | <ul style="list-style-type: none"> - Conserve - Retain historic fabric (exterior only) - Conserve and enhance contribution to overall character and streetscape (predominantly public/private interface) |

| GRADE | HERITAGE SIGNIFICANCE | EXPLANATION | PRINCIPLE |
|---------------------|-----------------------------------|--|---|
| Potential grade III | Some heritage significance | Heritage resources that are of some intrinsic significance, but have undergone alterations that derogate their heritage value. However, there is potential for rehabilitation. | <ul style="list-style-type: none"> - Demolition can be considered if rehabilitation of the resource cannot be undertaken |
| Other | Further investigation required | Where the exact nature of the heritage resource is not yet known and further investigation is required to assign a grading and/or identify the type of heritage resource. | <ul style="list-style-type: none"> - Additional information may be required to identify heritage resources on the site - Mitigation of impact on heritage resource may be required |
| Other | Noteworthy contemporary buildings | Contemporary buildings of architectural merit or special interest that may not be older than 60 years. | <ul style="list-style-type: none"> - No heritage permit required, unless building is older than 60 years |
| Other | Intangible heritage | Places and spaces that are associated with a significant event, or cultural practices that are significant to a group or community where the built fabric of the place is not conservation-worthy. | <ul style="list-style-type: none"> - Heritage permit may not necessarily be required - Consultation with interested and affected parties - Potential for heritage interpretation on the site |

Grade III heritage resources, or heritage resources of local significance, by far outnumber all other heritage resources in the national estate, which is the collective of all heritage resources in South Africa, irrespective of grading. Every year, more buildings surpass the 60-year mark, making the protection and management of local resources an enormous, perpetual task.

4. TERMINOLOGY

What may seem like general terms often have very specific meanings in the context of heritage resources management, as defined by the NHRA. Make sure that you understand them correctly:

ALTER means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, painting, plastering or other decoration, or any other means.

CONSERVATION includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.

CULTURAL SIGNIFICANCE means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.

While aesthetic and architectural value can be assessed, other values may require further research.

DEVELOPMENT means any physical intervention, excavation or action that may, in the opinion of a heritage authority, in any way result in a change to the nature, appearance or physical nature of the place, or influence its stability and future well-being, including:

- construction, alteration, demolition, removal or change of use of a place or a structure of a place;
- carrying out any works on, over or under a place;
- subdivision or consolidation of land comprising a place;
- constructing or putting up displays, signs or hoardings;
- any change to the natural or existing condition or topography of land; and
- any removal or destruction of trees, or removal of vegetation or topsoil.

HERITAGE RESOURCE means any place or object of cultural significance.

HERITAGE SITE means a place declared to be a national heritage site by SAHRA, or a place declared to be a provincial heritage site, by a provincial heritage resources authority.

PLACE includes:

- a site, area or region;
- a building or other structure, which may include equipment, furniture, fittings and articles associated or connected with such building or other structure;
- a group of buildings or other structures, which may include equipment, furniture, fittings and articles associated or connected with such group of buildings or other structures;
- an open space, including a public square, street or park; and
- in relation to the management of a place, the immediate surroundings of such place.

SITE means any area of land, including land covered by water, as well as any structures or objects thereon.

STRUCTURE means any building, works, device or other facility made by people and that is fixed to land and includes any associated fixtures, fittings and equipment.



5. LEGISLATIVE FRAMEWORK

All legislation, whether national, provincial or local, must be consistent with and give effect to the South African Constitution.



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| <p>Constitution of the Republic of South Africa, 1996</p> | <ul style="list-style-type: none"> - Everyone has the right to an environment that is not harmful to their well-being, and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures (section 24). - Everyone has the right, with other members of their community, to enjoy their culture, practise their religion and use their language, and to form, enjoy and maintain cultural, religious and linguistic associations and other organs of civil society (section 31). |
| <p>National Heritage Resources Act, 1999 (NHRA)</p> | <ul style="list-style-type: none"> - Empowers civil society to nurture and conserve their heritage resources so that they may be bequeathed to future generations. - Provides for the protection and management of conservation-worthy places and areas by local authorities. |
| <p>National Environmental Management Act, 1998 (NEMA)</p> | <ul style="list-style-type: none"> - Environmental management must serve people's physical, psychological, cultural and social needs. - Sustainable development requires (among others) that the disturbance of landscape and sites that constitute the nation's cultural heritage be avoided, or where this is not possible, minimised and remediated. - The environment is held in public trust for the people and must be protected as the people's common heritage. |

| | |
|--|--|
| <p>National Building Regulations and Building Standards, 1977 (NBR)</p> | <ul style="list-style-type: none"> - Promotes uniformity in the law relating to the approval of buildings by local authorities, and prescribes building standards. - Provides the framework for a local authority to refuse a building application that may disfigure the area, be unsightly or objectionable, or derogate from the value of adjoining or neighbouring properties. |
| <p>Spatial Planning and Land Use Management Act, 2013 (SPLUMA)</p> | <ul style="list-style-type: none"> - Provides a uniform, effective and comprehensive system for spatial planning and land use management, which, among others, promotes social and economic inclusion and aims to redress the imbalances of the past. - Formulates principles for spatial justice, spatial equality, efficiency, spatial resilience and good administration. |
| <p>Western Cape Land Use Planning Act, 2014 (LUPA)</p> | <ul style="list-style-type: none"> - Consolidates and regulates planning legislation in the province through, among others, the provision of minimum standards and norms for spatial development frameworks and municipal development management. |
| <p>City of Cape Town Municipal Planning By-law, 2015 (MPBL)</p> | <ul style="list-style-type: none"> - Sets out rules and procedures for development applications, including the heritage protection overlay zone (HPOZ). - Must be consistent and compliant with all national and provincial legislative requirements. |

6. FREQUENTLY ASKED QUESTIONS



How do I establish the heritage status of my property and what am I allowed to do?

Follow these simple steps:

STEP 1: In terms of the City's heritage resources management system and the requirements set by the NHRA, most properties in the municipal area of Cape Town has been assigned a proposed local grading (i.e. grade IIIA, IIIB or IIIC) to determine heritage management criteria. To identify the grading allocated to your property, look on the heritage layer of the City's EGIS viewer (and/or database) at your district planning office or on the City's website.

STEP 2: Now that you know the proposed grading that has been assigned to your property, discuss your design (development) options with an Environment and Heritage Management (E&HM) official at your closest district office to ensure that the heritage significance of the property will not be negatively affected.

STEP 3: Before the City may approve any application in terms of the National Building Regulations and Building Standards, you need to obtain the necessary permits from HWC. Therefore, you first need to apply to HWC for authorisation. No approvals may be granted until all applicable development legislation has been complied with.



Why do I still need to obtain a permit from HWC if my property has no heritage significance?

All buildings older than 60 years are protected under section 34 of the NHRA. Therefore, regardless of the heritage status of your property, the required authorisation should still be obtained before your building plans can be approved. Although this seems unnecessary, it serves to protect those heritage resources that may not yet have been identified.

It is a criminal offence to make alterations to or destroy a heritage resource without a valid permit issued by the responsible heritage authority. A valid permit must be on-site at all times.



What will happen if I alter a heritage resource without first getting the required permit?

It is your responsibility as property owner, designer or developer, to comply with all heritage legislation. If you fail to comply, you will be guilty of an offence and could face serious problems. For example, should you alter or demolish a heritage resource without obtaining the required HWC permit, the City will not be able to support such a building application, and the building development department will not be able to approve the plans. Should you carry out illegal construction work, this may be uncovered by future buyers when they request a copy of the approved building plan.

The City's inspectors will investigate all alleged cases of non-compliance, may order the activity to stop immediately, and may impose a fine or take legal steps. HWC could also take legal action and will be in a position to issue a stop-work order, which could cause lengthy delays.

Therefore, it is essential to obtain the necessary heritage-related permits as part of the standard building plan application processes. Refer to the DMI Guideline Series for more information.



Where can I complain about any illegal alterations or demolitions of heritage resources in my area?

If you suspect that a heritage resource is being altered or destroyed without a valid permit, contact HWC or the E&HM counter at your nearest district office.

If there is reason to believe that illegal work is taking place, a building inspector or heritage inspector will investigate the matter and, if necessary, issue a stop-work order.

7. CONTACT

For any further questions or advice on making alterations to heritage buildings, please contact your closest Environment and Heritage Management office or send an email to heritage.management@capetown.gov.za.

Table Bay District

Media City Building, 2nd Floor,
cnr Heerengracht Street and Hertzog Boulevard, Cape Town

Contact number: 021 400 6444

Blaauwberg District

Municipal Building, 87 Pienaar Road, Milnerton

Contact number: 021 444 0561

Helderberg District

Somerset West Administrative Building,
cnr Andries Pretorius and Victoria Streets

Contact number: 021 850 4101

Southern District

Plumstead Administrative Building,
cnr Main and Victoria Roads

Contact number: 021 444 1444



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