

PROTECT YOUR HERITAGE

“No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.”

People frequently buy older property with the intention to alter, renovate or demolish it to make room for new development without knowing that a permit issued by the Provincial Heritage Resources Authority is needed before they can put their plans into place. The result is angry and dissatisfied buyers and / or neglect or destruction of potential heritage resources.

The National Heritage Resources Act (No 25 of 1999), which was already promulgated in April 2000, aims to promote good management of the national estate. The *“national estate”* is defined in Section 3 as *“those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations.....”* A place, building or structure are of cultural significance when it have aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.

Section 34(1) of the Act stipulates that ***“no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.”*** By definition this includes **any action** *“that affects the structure, appearance of physical properties of a place or object, whether by way of structural works, additions, by painting, plastering or other decoration or any other means”*. *“Improvement”* in relation to heritage resources includes the repair, restoration and rehabilitation of a place protected in terms of the Act.

In the management of heritage resources **any person who undertakes a development that will change the character of a site exceeding 5 000m² in extent or involving three or more existing erven or sub-divisions thereof (or involving three or more erven or divisions thereof which have been consolidated within the past five years), must notify the responsible heritage resources authority of the proposed development with details regarding the locations, nature and extent of the development**, etc. Section 38(1) **include the rezoning of a site exceeding 10 000m²** in the requirement for the submission of a heritage impact assessment (HIA). The specifications for the content of the HIA are listed in Section 38(3) of the Act. **“Development” means** any physical intervention, excavation, or action, other than those caused by natural forces, which may be in the opinion of a heritage authority in any way result in a change of the nature, appearance or physical nature of a place, or influence its stability and future well-being. Anyone who intends to undertake a development (of whatsoever nature) must obtain a permit from the heritage resources authority. A heritage impact assessment report must be completed at the developer’s cost.

A person who fails to comply with the Act is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment. In a recent demolition of a heritage building in Johannesburg without the necessary permit, the court handed down a penalty sentence of R300 000 and five years suspended imprisonment (*Sunday Times*, March 5, 2006). Neglecting a property older than 60 years, allowing it to be vandalised and falling into disrepair is also an offence under the Act.

Producing an inventory of heritage resources involves collecting and investigating historical information and graphic documentation, analyzing the site or structure in question, and then synthesizing these elements to provide better understanding of a site’s historical importance. As much as possible, reports are based on primary sources, supported by published secondary sources.

For an architecturally significant site the process may involve chronicling the design and construction process and the roles played by architect, builder or owner. Factors that may have influenced the design range from geography and building technology, to regional or national trends in architecture, influences of its own owners. In other instances an association with important persons or events distinguishes the site.

To determine the significance of heritage areas, the sites must firstly be described in detail. A description of the area should detail its physical proportions including any available plans,

photographs or land surveys. The goal of this documentation is to provide a record of the area and landscape, as it exists in the present time. A history of the area should be presented in association with the chronology that interprets the evidence or lack thereof. This history should place the area in the context of local, South African, Africa or World history.

Requirements for permit applications:

- Completed application form as provided by the Provincial Heritage Resources Agency Gauteng.
- A copy of the original building plan or a signed note from the local authority stating that this is not available.
- Locality plan showing the position of the structure in relation to its surroundings.
- Site Development Plan in the event of any demolition and NEW development of the property associated with the structure.
- History of the structure, including the cultural significance, architectural history, previous ownership (all owners) and conservation-worthiness of the structures.
“cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.
“conservation” in relation to heritage resources includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.
- Coloured photographs with descriptive caption of all elevations of the structure in its present form and context adjacent houses in the area, streetscape and interior.
- Proof of notice calling for comments from interested or affected parties in the case of demolition and/or rezoning and new development.

In the event of proposed alteration or partial demolition, three sets of drawings, one of which must be coloured up to show the proposed work / restoration details. (The colour codes that need to be used are provided by the Heritage Resources Agency).

West Rand Office Services (WROS) is your partner in the management of heritage resources. WROS undertakes research of heritage resources addressing the historical, cultural and architectural value or significance of places, structures or buildings. In discussing the origins and subsequent development of a structure, WROS examines the relationship to local, regional and national trends, and considers annunciations with important persons or events. Special promotional price structure is currently in place.

Contact Dr Janet du Plooy (082 334 7913) or Elna Clark (082 438 2649) for more information or a quotation. Visit our website at www.wrhc.co.za