

National Heritage Resources Act, (Act no. 25 of 1999)
A short guide to the legislation applicable to Rhodes Village

The *National Heritage Resources Act* (Act No.25 of 1999) (NHRA) falls under the authority of the Minister of Arts and Culture. It is administered by the South African Heritage Resources Agency (SAHRA). In the Eastern Cape, SAHRA is represented at provincial level by the Eastern Cape Provincial Resources Authority (ECPHRA), and Local Authorities. NHRA replaces the *National Monuments Act* (Act No. 28 of 1969).

To paraphrase NHRA p.1, the aim is to

... empower **civil society** [Rhodes Village homeowners] to nurture and conserve their **heritage resources** [historical houses and properties] so that they may be bequeathed to future generations ... to provide for the **protection and management** [according to the relevant *By-Laws: Govt Gazette* notice 18152 no. 1074 of 1997] of **conservation-worthy places and areas** [as with Rhodes Conservation Area: *Govt Gazette* notice 18152 no. 981 of 1997] **by local authorities** [for Rhodes Village, Senqu Municipality on behalf of ECPHRA and SAHRA].

Legislation is specifically promulgated in NHRA in the following Sections:

- Protection of Heritage Resources – Section 34
- Heritage Resources Management – Section 38
- Permits – Section 48
- Offences and Penalties – Section 51

Please note in particular:

34. (1) 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.

51. (1) Notwithstanding the provisions of any other law, any person who contravenes— (c) ... 34(1) is guilty of an offence and liable to a fine or imprisonment or both such fine and imprisonment as set out in item 3 of the Schedule.

ECPHRA requirements for permits are administered by the Senqu Municipality in conjunction with the Rhodes Aesthetics Committee. The aim of the Committee is to advise homeowners on alterations and additions to their historical houses and properties, with the intention of facilitating the approval of applications by Senqu Municipality.

Permits are issued by the Building Control division of the Senqu Municipality Building and Town Planning Services. Their *Building Permit* Conditions of Approval (3) notes:

Construction is to be done in accordance with National Building Standards and any other applicable By-Laws and/or legislation.

Please read p. 2-3 of the *Rhodes Village Design Guidelines for Homebuilders*, which covers Heritage Legislation, the Rhodes Aesthetics Committee and Compliance with Regulations. The flowchart in Appendix 1 outlines the steps for submission of building plans. Find the *By-Laws* in Appendix 2.