



HERITAGE WESTERN CAPE

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GUIDE TO GRADING IN TERMS OF THE NHRA

This guide is devised to satisfy Section 7 of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 43 published in the *Government Gazette* No 6820 dated 30 May 2003, Notice No 694 dated 30 May 2003 and to assist local authorities and conservation bodies who are engaged in drawing up inventories in order to satisfy Section 30(5) of the Act

Why Grade?

The National Heritage Resources Act, 1999 (Act 25 of 1999) (the NHRA) requires that all heritage resources be graded in order to assign the appropriate level of management responsibility to a heritage resource and indicate its significance. Grading is thus a very important tool in defining heritage significance.

What is Grading?

Grading is an important step in the process towards the formal protection of a heritage resource, such as a declaration as a National Heritage Site, Provincial Heritage Site, or, in the case of Grade III heritage resources, the placing of a resource on the Heritage Register. It is not an end in itself, but a means of establishing an appropriate level of management for the process of future formal protection.

Heritage resources can be “Graded”, “Ungraded” or “Ungradeable”

Graded The Heritage Authority has applied its mind in order to determine a grading for the resource or sufficient information is available to determine the grading.

Ungraded The Heritage Authority has not yet applied its mind in order to determine a grading for the resource or we do not, yet, have sufficient information to determine the grading.

Ungradeable The resource does not have enough heritage significance to be retained as part of the National Estate.

Who Grades?

In terms of the NHRA grading may only be carried out by the responsible heritage resources authority, or, in the case of a Grade III heritage resource, by the relevant local authority, if it is competent to do so.. Any person may however make recommendations for grading. The grading decision of a higher authority takes precedence over that of a lower authority unless the lower authority is competent to grade or an agreement is in place that indicates otherwise. If a higher authority has graded a site at a higher grade than a lower authority, that grade prevails. Section 30(5) of the NHRA requires that inventories of heritage resources should be drawn up by local authorities in certain circumstances and, further, Section 30(6) of the NHRA enables anyone to compile or draw up an inventory for submission to HWC for approval (See HWC Guide to Surveys). Recommendations for grading must form an intrinsic part of the completion of such an inventory.

The grading process is an iterative one and as such, gradings can change based on new information. For example, gradings are often based on a relatively cursory survey process. Upon a more detailed investigation, it may be determined that the grading may change. Therefore, the most recent grading by a committee of HWC's Council is the grading for a heritage resource.

Provincial Heritage Registers and Provincial Inventories

Section 30 of the NHRA requires that the provincial heritage resources authority in each province or region compile a "**heritage register**". This provincial heritage register must list all sites that are formally protected in terms of Part 1 of Chapter II of the NHRA.

It should be noted that the grading of heritage resources is an indication of value and significance and that:

- Grading sites as grade I, II or III heritage resources does not afford *formal* protection. Heritage resources will **not** be *formally* protected until the formal processes in terms of the NHRA have been followed.
- The protection, management and decision-making in respect of all heritage resources that are graded I, II and III is the responsibility of the provincial heritage resource authorities and is afforded through the **general** protections provided for in Sections 33 to 38 of the NHR Act until the process for formal protection is completed, and until authority has been delegated to a local authority

The provincial heritage resources authorities are responsible for assessing and approving inventories submitted by local authorities and/or by other parties such as conservation bodies (Section 30(5) of the NHRA). All graded and formally protected sites form part of the Western Cape component of the National Inventory.

Accordingly, **the provincial heritage register** lists formally identified and formally protected heritage resources; Local Authorities are obliged by the NHRA (Sections 30(5) and 31(1)) to compile an inventory of the heritage resources (buildings, structures, sites, areas) within its jurisdiction when it compiles or revises its zoning scheme or a spatial development plan (SDP) or framework (SDF) in terms of the Land Use Planning Ordinance (LUPO) or the Municipal Systems Act (MSA) or their equivalent.

Heritage Western Cape understands that the compilation of a full inventory of heritage resources is challenging and as such, HWC accepts that such inventories can be compiled incrementally. Through early engagement with HWC, local authorities can receive guidance with regard to areas of primary concern such as the built environment or scenic landscapes.

Monuments and Memorials

In terms of Section 37 of the NHRA, public monuments and memorials must be protected in the same manner as places which are entered in a heritage register referred to in section 30. As such, Monuments and Memorials as defined in the NHRA must be graded in terms of their cultural significance and must form part of the inventories conducted by Local Authorities so that it can be determined which of the formal protection measures may apply. Until such time they are formally protected as if they appeared on the register.

Inventories, Gradings and Interpretation Committee (IGIC)

Once an inventory has been completed, the survey and the grading proposals must be submitted to Heritage Western Cape for approval. HWC then lists all the identified heritage resources in the heritage register.

It should be noted that the grading itself does not determine the level of management or which agency is the responsible authority; it is the formally gazetted status and the level of competency assigned to the agency that determines which agency is responsible.

Information necessary for grading will depend on the level of grading proposed. Minimal information as proposed in the *HWC Grading Template* is sufficient for a Grade III heritage resource, whereas the nomination dossier for a proposed Grade II Site or Provincial Heritage Site requires significant prior research.

HWC has an Inventories, Grading and Interpretation Committee (IGIC) that assesses the grading of sites for formal protection as well as inventories and surveys. Please see the *HWC Guide to Surveys* as well as the *HWC Desk Instruction for the Declaration of Provincial Heritage Sites*.

World Heritage Sites in the Western Cape

Several sites in the Western Cape have already been inscribed on UNESCO's World Heritage List. These include Robben Island as well as seven of the eight areas of the Cape Floristic Protected Areas, consisting of more than 550,000ha of land, most of it situated in the Western Cape. These sites are also protected by the Convention concerning the protection of the Natural and Cultural Heritage of the World and the World Heritage Convention Act, 1999 (Act 49 of 1999). World Heritage Sites should also be included when planning authorities compile inventories of heritage resources in their areas of jurisdiction.

Grade I Sites (National Heritage Sites)

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694

Grade I heritage resources are heritage resources with qualities so exceptional that they are of special national significance should be applied to any heritage resource which is

- a) Of outstanding significance in terms of one or more of the criteria set out in section 3(3) of the Act;
- b) Authentic in terms design, materials, workmanship or setting; and is of such universal value and symbolic importance that it can promote human understanding and contribute to nation building, and its loss would significantly diminish the national heritage.

South Africa's national heritage sites must as a whole represent the collective and balanced story of our South African consciousness as we understand it today. They must be the key sites which best illustrate the events, peoples and systems which have brought us to our current state of nationhood. They must represent development which occurred in South Africa, from its earliest geological formation, to the beginnings of humanity, and through its peopling - illustrating the traditions, values, conflicts and achievements which formed the South Africa we live in today.

These proposed Grade I sites are so exceptional they are of outstanding significance to South Africa. Such sites should satisfy the criteria set out in Section 3(b3) and Section 7 of the Act, and its regulations. The book of our national heritage sites should tell the story of our South African nationhood and reflect a balanced recognition of all areas of our Heritage.

Grade I sites must enjoy authenticity and carry a universal value and symbolic importance that promotes human understanding and contributes to nation building, and their loss would significantly diminish the national heritage. Once declared, Grade I sites become National Heritage Sites and are managed by the South African Heritage Resources Agency (SAHRA).

Grade II Sites (Provincial Heritage Sites)

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694

Grade II heritage resources are those with special qualities which make them significant in the context of a province or region and should be applied to any heritage resource which -

- a) is of great significance in terms of one or more of the criteria set out in section 3(3) of the Act; and
- (b) enriches the understanding of cultural, historical, social and scientific development in the province or region in which it is situated, but that does not fulfil the criteria for Grade 1 status.

Sites graded as Grade II sites must enjoy a provincial sphere of significance, while satisfying the requirements of Section 3(3) and Section 7 of the Act, and its regulations.

Grade II sites are so special that they need to be given a status beyond being granted recognition by being entered in the heritage register, but are not of outstanding national significance. They may be rare examples of their kind, or otherwise be highly representative of a type. They may connect closely to an event or figure of provincial/regional significance. Grade II sites should enrich the understanding of the cultural, historical, social and scientific development of the Western Cape and of region in which it is situated. The intrinsic, comparative and contextual significance of the heritage resource must be determined. The responsibility of the management to be allocated in terms of section 8 of the Act will be determined in the grading process. Once declared, Grade II sites become Provincial Heritage Sites and are managed by HWC in the Western Cape.

Grade II sites may include, but are not limited to:

- (a) places, buildings, structures and immovable equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites;
- (g) graves and burial grounds;
- (h) sites of significance relating to the history of slavery and the Khoesan in the Western Cape
- (i) sites of significance relating to the liberation struggle in the Western Cape

The cultural significance or other special value that Grade II sites may include, but are not limited to:

- (a) its importance in the community or pattern of the history of the Western Cape
- (b) the uncommon, rare or endangered aspects that it possess reflecting the Western Cape's natural or cultural heritage;
- (c) the potential that the site may yield information that will contribute to an understanding of the Western Cape's natural or cultural heritage;
- (d) its importance in demonstrating the principal characteristics of a particular class of the Western Cape's natural or cultural places or objects;
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group in the Western Cape;
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period in the development or history of the Western Cape;
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) its strong or special association with the life or work of a person, group or organization of importance in the history of the Western Cape; and
- (i) sites of significance relating to the history of slavery and/or the Khoesan in the Western Cape.

Grade III (Local Heritage Resources)

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694

Grade III heritage resources worthy of conservation should be applied to any heritage resource which

- (a) fulfils one or more of the criteria set out in section 3(3) of the Act ; or
- (b) in the case of a site contributes to the environmental quality or cultural significance of a larger area which fulfils one of the above criteria, but that does not fulfill the criteria for Grade 2 status.

It has become practice to separate the Grade III category of heritage resources into three sub-categories to enable effective management. It is suggested that the first of these sub-categories (Grade IIIA) be for heritage resources of local significance and of sufficient significance to be placed on the heritage register. It should be noted immediately that such heritage resources must also be protected through the local zoning scheme or a local by-law: it is recommended that the zoning scheme be preferred for the simple reason that every local authority has a zoning scheme and there are bureaucratic mechanisms responsible for its administration

Grade IIIA

This grading is applied to buildings and sites that have sufficient intrinsic significance to be regarded as local heritage resources; and are significant enough to warrant that *any* alteration is regulated. Such buildings and sites may be representative, being excellent examples of their kind, or may be rare. In either case, they should receive maximum protection at local level.

Grade IIIB

This grading is applied to buildings and/or sites of a marginally lesser significance than Grade IIIA and/or of lesser quality. Such buildings and sites may have similar significances to those of a grade IIIA building or site, but to a lesser degree.

Like Grade IIIA buildings and sites, such buildings and sites may be representative, being excellent examples of their kind, or may be rare, but less so than Grade IIIA examples. They would receive less stringent protection than Grade IIIA buildings and sites at local level, and in this context, internal alterations should not be regulated.

Grade IIIC

This grading is applied to buildings and/or sites whose significance is, in large part, a significance that contributes to the character or significance of the environs.

These buildings and sites should, as a consequence, only be protected and regulated *if the significance of the environs is sufficient to warrant protective measures*, regardless of whether the site falls within a Heritage Protection Overlay Zone (HPOZ) or Heritage Area.

Local Authorities' Responsibilities

Once an inventory has been compiled by a local authority or conservation body, submitted to and approved by HWC, HWC must:

- Consult the owners of the properties proposed to be listed on the Provincial Heritage Register and gazette the listing (Section 30(7) and (9) of the NHRA).
- Within six months of the gazetting, the local authority must provide for the protection and regulation of the listed buildings and sites through provisions in its zoning scheme (or in a heritage-related by-law).

It is suggested that local authorities use the model clauses outlined below for such purposes. The model clauses provide for the protection and management of Grade IIIA and IIIB buildings and sites and include a model clause creating heritage areas and regulating development within such areas.

Grade IIIA

Proposed Clause in Local Zoning Scheme

No grade IIIA building or structure and/or building or structure listed on the Provincial Heritage Register shall be demolished, altered or extended nor shall any new building or structure be erected on the property occupied by such building or structure without the Municipality's special consent; the Municipality shall take account of the provincial heritage resources authority's requirements; and the Municipality shall not grant its special consent if such proposed demolition, alteration, extension or new building or structure will be detrimental to the character and/or significance of the graded building or structure.

Grade IIIB

Proposed Clause in Local Zoning Scheme

No grade IIIB building or structure and/or building or structure listed on the Provincial Heritage Register, other than an internal wall, surface or component, shall be demolished, altered or extended nor shall any new building or structure be erected on the property occupied by such building or structure without the Municipality's special consent; the Municipality shall take account of the provincial heritage resources authority's requirements; and the Municipality shall not grant its special consent if such proposed demolition, alteration, extension or new building or structure will be detrimental to the character and/or significance of the graded building or structure.

Heritage Area

Proposed Clause in Local Zoning Scheme

(1) *The following provisions shall apply within an area listed in the Table hereunder and depicted on the Zoning Map as being a Heritage Area :*

(i) *no building or structure other than an internal wall or partition therein shall be demolished or erected unless written application has been made to the Municipality and the Municipality has granted its special consent thereto;*

(ii) *the Municipality shall not give its special consent if such demolition, alteration, extension or erection, as the case may be, will be detrimental to the protection and/or maintenance and/or enhancement of the architectural, aesthetic and/or historical character and/or significance, as the case may be, of the area in which such demolition, alteration, extension or erection is proposed.*

(2) *The areas listed in Column 1 of the following Table are designated as Conservation Areas as defined in the plans listed in Column 2 of such Table.*

Exemptions from the need to Obtain Permits in terms of Section 34 (the Sixty-Year Clause)

Once an inventory of heritage resources has been undertaken and approved by HWC, HWC may exempt the property owners in the surveyed area from the need to make applications for permits to undertake works on buildings and structures more than sixty years old which are deemed to be *not conservation worthy* and therefore are not graded (Section 34(3) of the NHRA).

It should be noted that, apart from the obvious advantages of the simple *identification* of heritage resources and their relative significances to all parties, ***the exemption of ungraded properties from heritage-related procedures is a considerable benefit*** to property owners, to the local authority and to the heritage resources authority alike.

Exemption from the need to obtain permits may only be put in place after other mechanisms of protection for significant sites have been implemented.

Draft Guide to Grading for Archaeological and Palaeontological Resources

The Complexity of Grading Archaeological and Palaeontological Resources

Archaeological and Palaeontological sites are most often buried or, at least, it is not known what material may be found below the surface. The assessment of the significance of such sites is dependent upon the ability of practitioner to recognise and interpret the surface clues but grading may often remain tentative until such time as mitigation (such as excavation, collection, analysis and dating) can be completed.

Excavation is destructive and, for that reason, is done only by professional archaeologists and palaeontologists trained to recognise and record stratigraphic and associational context. The more research that is conducted on a site; the more likely it becomes that higher significance will be assigned to the site. Furthermore, archaeological and palaeontological residues represent only a fraction of the evidence that would have been available. So much is lost over time that rarity becomes a significant criteria in grading. Apparently small and insignificant sites may carry high scientific and cultural significance. Sites graded as having Medium/Low 'Local' Significance may contribute immensely to our understanding even beyond the local level.

| Grading | Description of Resource | Examples of Possible Management Strategies | Heritage Significance Criteria |
|-------------|---|--|--------------------------------|
| I | Heritage resources with qualities so exceptional that they are of special national significance. Current examples: Langebaanweg (West Coast Fossil Park), Cradle of Humankind | May be declared as a National Heritage Site managed by SAHRA. Specific mitigation and scientific investigation can be permitted in certain circumstances with sufficient motivation. | High National Significance |
| II | Heritage resources with special qualities which make them significant in the context of a province or region, but do not fulfil the criteria for Grade I status. Current examples: Blombos, Paternoster Midden. | May be declared as a Provincial Heritage Site managed by HWC. Specific mitigation and scientific investigation can be permitted in certain circumstances with sufficient motivation. | High Provincial Significance |
| III | Such a resource contributes to the environmental quality or cultural significance of a larger area and fulfils one of the criteria set out in section 3(3) of the Act but that does not fulfill the criteria for Grade 2 status. Grade III sites may be formally protected by placement on the Heritage Register. | | |
| IIIA | Such a resource must be an excellent example of its kind or must be sufficiently rare. Current examples: Varschedrift; Peers Cave; Brobartia Road Midden at Bettys Bay | Resource must be retained and should be placed on the Heritage Register. Specific mitigation and scientific investigation can be permitted in certain circumstances with sufficient motivation. | High Local Significance |
| IIIB | Such a resource might have similar significances to those of a Grade III A resource, but to a lesser degree. Current examples: | Resource must be retained where possible where not possible it must be fully investigated and/or mitigated. | Medium Local Significance |
| IIIC | Such a resource is of contributing significance. | Resource must be satisfactorily studied before destruction. If the recording already done (such as in an HIA or permit application) is not sufficient, further recording or even mitigation may be required. | Low local Significance |

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|--------------------|---|--|---|
| Ungradeable | A resource that, after appropriate investigation, has been determined to not have enough heritage significance to be retained as part of the National Estate. | No further actions under of the NHRA are required. This must be motivated by the consultant and approved by the authority. | No scientific/research potential or other cultural significance |
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Footnotes

World Heritage Sites require formal protection through the national legislation before inscription. WHSs are therefore protected through provisions in the NHRA, the NEMPAA or even the relevant SDF. Inscription in the World Heritage List does not give any additional legal protection outside of the national legislation.

Shipwrecks (marine archaeology) located below the high water mark (in territorial waters and the maritime cultural zone) fall under the jurisdiction of SAHRA. However, this does not mean that all marine archaeology is of Grade I significance. Marine archaeology must be graded as per the above table.

Burials must be graded according to the above table. The management of burial grounds and graves can be delegated to both provincial and local authorities.

All FORMALLY PROTECTED resources require that a permit is obtained from the relevant heritage authority in terms of Section 27 of the NHRA before any alteration or disturbance.

All GENERALLY PROTECTED archaeological, palaeontological and meteorite resources require that a permit is obtained from the relevant heritage authority in terms of Section 35 of the NHRA before any alteration or disturbance, or a comment or decision in terms of Section 38 if impacted by any development.

Should you have comments or suggestions or wish to make enquiries regarding the grading of heritage resources, please do not hesitate to contact Heritage Western Cape at Private Bag X9067, Cape Town or by e-mail to hwc.hwc@westerncape.gov.za.