

NATIONAL COUNCIL OF PROVINCES

QUESTION NO 83

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“Mr K A Sinclair (COPE) to ask the Minister of Arts and Culture:

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(1) Whether any audit was undertaken to ascertain whether the provincial heritage resource agencies and the SA heritage Resource Agency are working in a synchronised manner by having clearly defined areas of jurisdiction to enable developers to obtain speedy responses to their applications for development permission, if not why not, if so what are the relevant details?

(2) Whether a list of sites under the provincial and national jurisdiction has been published, if not, why not, if so when?

(3) Whether the response time for each application for each development is published annually in a report; if not, what is the position in this regard; if so, what are the relevant details?

(4) Whether any mechanisms are in place to deal with unwarranted delays; if not, why not; if so, what mechanisms?

CW109E

REPLY:

1. No, a specific audit to ascertain whether SAHRA and PHRA's are working together to enable developers to obtain speedy responses to their applications for developments has not been conducted. However, the PHRA's apply to SAHRA for assessment of their competence to perform functions that they are required to perform in terms of Section 34(1) of the National Heritage Resources Act (NHRA), which gives the PHRA's mandate to award permits on the built-

environment requests and section 38 (2) (a) of the NHRA which focuses on the Heritage Impact Assessment of sites. The PHRA's are assessed every two years as and when they request to be assessed in between the two years to evaluate their competency. In the event that they are not competent, SAHRA will establish an agency agreement and perform such functions on an Agency basis. In other words there is synchronisation on the work of SHARA and PHRA's. Areas of jurisdiction are set out in Section 7(1) (a, b, c). PHRAs are body corporates appointed by the MEC's and in terms of Section 24(1) (g) their function is to 'establish policy, objectives and strategic plans for heritage resources management in the province.' The function of SAHRA is to prescribe principles, standards and norms. Stipulating response time-frames to PHRAs is outside SAHRA's jurisdiction.

2. The provincially declared sites are published in the Provincial Government Gazette as and when the sites are declared and are available from any Provincial Legislature. The national heritage sites are declared by SAHRA and are published in the National Government Gazette as and when the sites are declared. They are available from the SAHRA website.
3. Yes, PHRA's annual reports entail summarised versions of all applications including the response time in any given province that manages any section of the Act and are available on request at the PHRA's offices alternatively at the SAHRA offices. In terms of permits approved and not approved, there is statistical analysis which includes the response time that is provided on monthly and quarterly basis by the respective PHRA's. The information is used to update the database and for planning purposes for local authorities.
4. SAHRA as a national body is creating mechanisms and systems to address the backlogs and delays in permit applications. Firstly SAHRA is creating a National Heritage and Education Training Centre in order to provide competency and expertise for PHRA's and local authorities. Secondly, SAHRA works with PHRA's on an Agency basis where PHRA's are found to lack the necessary capacity and competency in order to reduce unwarranted delays