

TERMS OF REFERENCE FOR THE STELLENBOSCH PLANNING ADVISORY COMMITTEE

The Greater Stellenbosch is a place of great character and beauty. This is not only due to its dramatic natural setting but also because of its many monuments, architectural and historical important areas and rich, diverse history stretching over more than 300 years. After Cape Town, Stellenbosch is the oldest settlement in South Africa and one of only a few in the country that is still preserved to some extent. The economic benefits of the cultural landscape of the Greater Stellenbosch area should not be underestimated as it plays a leading role in the economy of the area mainly due to its internationally recognised status.

The South African Bill of Rights ensures that ... “everyone has the right to have the environment protected, for the benefit of present and future generations.” The National Heritage Resources Act, 1999, (Act no 25 of 1999) was introduced to conserve, protect and manage the cultural landscape of South Africa. As with the Municipal Systems Act, 2000 (Act No 32 of 2000) responsible community involvement is encouraged by the Act which aims to enable and encourage communities to nurture and conserve their legacy so that it may be bequeathed for future generations. The Act makes provision for local authorities to take responsibility for managing its local heritage resources but community involvement features prominently in this process.

1. BACKGROUND

During the late 1950's and early 1960's Stellenbosch, like many other towns in South Africa, experienced a period of aggressive growth. It is well documented that very little or no sympathy was expressed and shown to the preservation of important and historical buildings and places in various South African towns resulting in the unfortunate lost of important buildings and history. In an attempt to halt the irresponsible demolition of buildings, a number of conservation bodies were established and community leaders such as Dr Anton Rupert, Prof Frans Smuts and Prof. Erica Theron became involved to highlighting the importance of protecting the cultural landscape for generations to come.

For Stellenbosch, the ultimate result was the establishment of the Stellenbosch Aesthetics Committee in 1980, the first in the country. The committee was responsible to advise council on the aesthetical, functional, architectural and historical aspects of all proposed developments in the historical core. As the importance of preserving our cultural heritage became clearer other towns followed the suit. In Franschhoek the town council also provided for the establishment of an “advisory committee for the control of urban aesthetics” with a similar function as that of the Stellenbosch Aesthetics Committee.

The statutory grounds for the committees were the inclusion of specific sections in the respective zoning scheme regulations for Stellenbosch and Franschhoek that made provision for the establishment of advisory committees. It also included specially identified and demarcated areas deemed of particular historical importance in the zoning schemes that became the focus area for the committees. This focus contributed largely to the current state of conservation in both towns. Different land uses parameters were made applicable for the special areas over and above the normal land use parameters with a few of preserving the character of these areas.

The Stellenbosch Aesthetics Committee was reconstituted in 1997 and became the Stellenbosch Heritage Committee. The responsibilities of the Committee were also widened to include the natural environment as an important element that needs its attention.

2. INTEGRATED ZONING SCHEME REGULATIONS

The Stellenbosch Council is currently revising the existing zoning scheme regulations and compiling a single integrated zoning scheme for the Greater Stellenbosch. In recognizing the importance and its responsibility to manage and preserve the cultural landscape it became apparent that the existing committees should be reconstituted. The advisory committees should have clear mandate, specific goals and must function well in order to deliver a good service to the community at large. Further more, the purpose and functioning of the committees must be aligned with that of South African Heritage Resources Agency (SAHRA) and Western Cape Heritage (WCH) in order to adhere to the National Heritage Resources Act and to deliver an effective co-ordinated service towards heritage management.

3. DEMARCATION OF HERITAGE AREAS

Council may, in terms of the zoning scheme regulations, declare specific demarcated areas within the Greater Stellenbosch Region, as Heritage Areas. For the purposes of this policy, all declared area such as the historical core and extended historical core of Stellenbosch and Franschhoek, are deemed as declared Heritage Areas.

4. ESTABLISHMENT OF HERITAGE COMMITTEES

Council may, should it require so for purposes of preserving the cultural landscape and involvement of the local community, allow for the institution of more than one Heritage Committee. A Heritage Committee can be established for individual Heritage Areas on condition that there is substantial support for such a committee from the local community, available interested and competent people to serve on such a committee, and adequate capacity in the municipality to manage the affairs of the committees. For purposes of continuity, the existing Stellenbosch Heritage Committee and Franschhoek Aesthetics Committee, is deemed as legal heritage committees.

5. MEMBERSHIP

Sound advice on all matters dealing with historical preservation in the Greater Stellenbosch can come from a range of different professions and organizations not necessarily available in the current administration. These disciplines range from architects, archaeologists, historians, cultural experts, botanists, engineers, town planners, urban designers etc. In addition a number of organisations, institutions and interested and affected parties can provide valuable input and include organised conservation bodies (such as the Simon van der Stel Stigting), the Stellenbosch Museum, Stellenbosch University, Historical Homes of South Africa etc.

The participation of communities, and particularly members of communities that can contribute to the cultural historical aspects of applications or developments contemplated, will also be ensured by including such people on the committee giving meaning to a process of public participation.

It may be extremely useful if membership of the committee/s can be extended by providing for the right to co-opt additional members to the committee/s on a temporary basis should a development issue be dealt with that will have a direct on a particular geographic area and a person or persons with sound knowledge of that particular area exist.

For purposes of intergovernmental cooperation and to ensure continuity, a SHARA and WCH should also have representation.

6. FUNCTIONS OF THE HERITAGE COMMITTEE

The goal of the Heritage Committee is to advise Council on various aspects in leu of the preservation and furthering the cultural landscape and natural environment of the Greater Stellenbosch Area. The committee therefore has the following functions:

- a) To advise Council on the aesthetical, functional, architectural, cultural and historical aspects of any new development or contemplated development and with respect to any proposed alterations or additions to existing buildings, structures and elements of the built environment within any and all declared heritage areas;
- b) To advise Council on the aesthetical, functional, architectural, cultural and historical aspects with respect to any proposed alterations or additions to existing buildings or structures that is specified in terms of Section 34 of the National Heritage Resources Act (older than 60 years);
- c) To advise Council on any application received for the demolition or partial demolition of any building or structure within any declared Heritage Area or to any structure that is specified in terms of Section 34 of the National Heritage Resources Act (older than 60 years);
- d) In the event that Council is assessed by SHARA to be a competent authority in terms of Section 26 read together with section 8 of the Heritage Resource Act, the Heritage Committee is to advise Council on the identification and management of Grade III heritage resources;
- e) To assist Council with the grading of all heritage resources
- f) To assist Council with the approval of advertising signage as per the approved Outdoor Advertising Signage Policy;

- g) To assist the Directorate: Planning and Environment with policy formation and planning with respect to the preservation of the cultural landscape and natural environment;
- h) To assist the Directorate: Planning and Environment with the development of specific development strategies, guidelines, regulations and procedures pertaining to the preservation and appropriate development of individual declared Heritage Areas;
- i) To comment on applications that requires approval by SHARA and WCP in terms of Section 34 of the National Heritage Resources Act.
- j) If we get competency to deal with all grade III buildings

7. ESTABLISHMENT AND CONSTITUTION OF THE HERITAGE COMMITTEE

The Heritage Committee for a particular area will serve in an advisory capacity to the Stellenbosch Town Council and will be under the management of the Director: Planning and Environment, or his nominee. A Heritage Committee will consist of:

- (a) at least six (6) members but not more than twelve (12) members appointed by Council in the prescribed manner, made up by the following disciplines or members of the community with a particular proven expertise:
 - i. Director: Planning and Environment, or his nominee
 - ii. Secretariat
 - iii. Town planner (1)
 - iv. Urban designer (1)
 - v. Architects (5)
 - vi. Archaeologist (1)
 - vii. SHARA (1)
 - viii. WCH (1)
 - ix. Stellenbosch Museum (1)
 - x. University of Stellenbosch (1)
 - xi. Landscape Architect/Botanist (1)

- xii. Local Conservation Bodies (3)
 - xiii. Knowledgeable community members (2)
- (b) The members of the Heritage Committee shall be appointed in accordance with the principles of transparency and representivity and their appointment must take into account that the members must have amongst them qualifications or special experience or interest in the fields relevant to heritage resources for the efficient functioning of the Heritage Committee;
- (c) A member of the Heritage Committee must vacate the office if a member –
- i. Resigns in writing; or
 - ii. Has been absent from three consecutive meetings of the Heritage Committee without leave of absence.
- (d) The Council (Municipal Manager/Council), after consultation with the Director: Planning and Environment, may remove a member from office if in the opinion of the Council there is sound reasons for doing so after hearing the member on those reasons;
- (e) A Member holds office for a period not exceeding three (5) five years, and may be re-appointed;
- (f) If a member resigns or dies or vacates the office before the expiration of the period for which he or she has been appointed as member of the Heritage Committee, another person may be appointed to fill the vacancy for the expired portion of the period for which the member was appointed.

8. REIMBURSEMENT OF EXPENSES INCURRED BY MEMBERS OF THE HERITAGE COMMITTEE(S)

- a) The Town Council may determine the reimbursement of expenses incurred by members of the Heritage Committee(s) who are not in the full-employment of the municipality subject thereto that such expenses can be proven.
- b) Furthermore, the Town Council may determine, from time to time, an ET a “fee” for members that do attend meetings sub.

7. PROCEDURAL MATTERS

The Committee are allowed to compile its own procedures for meetings. Procedures must be drafted and approved within one (1) month of the first meeting of the Heritage Committee.

The procedures must however, include the following arrangements:

- i. The Committee must meet at regular intervals to discuss applications (normally one per month);
- ii. The Committee will be chaired by the Director: Planning and Environment or his nominee. Should neither be available, the committee can elect a acting chairman for the specific meeting;
- iii. The secretariat will be provided by the municipality and all meetings must be duly minuted;
- iv. Applicants must be encouraged to attend meetings in order to present their building plans or schemed to the committee'
- v. A proper agenda must be available before meetings and all information as to the nature and extend of the application must be readily available;
- vi. A Quorum will consist of 50% of the official members plus 1;
- vii. Officials may not vote at any meeting but forms part of the quorum;

