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Heritage Law and Its Administration

An Advanced Course

Monday mornings, 29 April to 27 May 2024, Exam date: to be announced

Objectives

This five-morning ‘remote’ course is aimed at improving the knowledge of professionals (lawyers, heritage practitioners, town planners, architects, both heritage and land-use officials, and decision-makers) who are already experienced in the submission, scrutiny and decision-making regarding development applications required under the heritage laws (the National Heritage Resources Act and municipal planning by-laws). It is designed to deepen the knowledge of course participants of the applicable and associated laws and to explore the administration and operation of these laws in South Africa by exploring current practice and decision-making in the Western Cape and in the courts.

On completion of the course participants will be able to:

• Understand the provisions of the laws in play

• Understand the details and effects of a number of court cases which have determined certain interpretations of the laws

▪ Understand the roles and influence of the various actors/role-players in heritage-related applications

• Understand the relationship between ideas about conservation, the processes of identifying heritage resources and assessing their significance, and the current administration by the authorities

▪ Adopt these interpretations and understandings in practice through a critical understanding of the necessary components of applications and how they should be presented and argued

Course Content

The contents of the course will include:

• a review of the administrative processes/procedures adopted by the provincial heritage resources authority, Heritage Western Cape, in the administration of applications emphasising the most often troublesome interpretations

• a review of the public and I&AP consultation processes ordinarily required

• a detailed discussion and analysis of several decisions of both the MEC’s Tribunal and of the High and Supreme Court of Appeal

• a detailed review of the factors (and rights) to be taken into account in assessment and consequential decision-making

Course Convenor and Lecturers

The course convenor, Dr Stephen Townsend, graduated in architecture in Cape Town, completed a diploma in conservation studies at the University of Rome (equivalent to a Masters degree) and a PhD at UCT. He has worked as an architect; as an administrator of land use- and of heritage-related regulations at the Cape Town City Council; and as the CEO of Heritage Western Cape; and he was appointed to the Heritage Western Cape Council in 2010 for a three-year term and chaired its Impact Assessment Committee, and served on its Built Environment and Landscape Committee (BEL Comm) and its Inventories and Grading Committee. He also established the MPhil in Conservation of the Built Environment degree at UCT (from 2009) and ran it for ten years. He now consults and has served on MEC’s Tribunals.

The lectures/seminars will be presented by specialists in the field (lawyers and heritage specialists; see the attached programme), all of whom have represented parties to applications to, in particular, Heritage Western Cape’s Appeals Committee, to the MEC’s Tribunals, and in the courts.

Course Information

*Who should attend?*

The course will benefit those professionals already involved in and experienced in the submission and administration of applications. This includes lawyers, architects, town planners, heritage practitioners of all disciplines, and officials/heritage managers/administrators and decision-makers. The course is focussed on the law and the administration of conservation practice and heritage resource management.

*Format*

The course will comprise five four-hour sessions, one each week. Most of the sessions will comprise two double lectures with time for discussion of issues raised in the lectures and/or in the readings.

*Cost*

The fee for the 20-hour CPD course and exam will be R10 000.

Discounts for staff and students of UCT and students of other tertiary education institutes are available under certain circumstances; and companies/institutions with three and more participants will receive a discount of 20% for every participant.

*Certificates*

A certificate of **attendance** will be given to all course members who attend a minimum of four of the five sessions. A certificate of successful course **completion** will be issued to those participants who attend the course and obtain at least 60% in the optional examination.

*Venue*

MS Teams

*Date and time*

Weekly on Mondays: 9h00–13h00

29 April–27 May 2024

Exam: Date to be announced

*Registrations and cancellations*

Registration forms are available from the Centre for Extra-Mural Studies; ems@uct.ac.za.

In order to ensure a place on the course applicants must complete and return a signed registration form to the course administrator: Medee Rall, medee.rall@uct.ac.za.

Confirmation of acceptance will be sent on receipt of a registration form.

Registrations close one week before the start of a course.

**Cancellations must be received one week before the start of a course, or the full course fee will be charged.**

Lecture Programme and Course Content

**Monday, 29 April: Session 1: The NHRA, Troublesome Provisions**

Two double lectures, discussions.

**Lecturers:** Steve Townsend (architect conservationist); Ashley Lillie (heritage specialist)

* *Welcome and house-keeping*
* *Outline and introduction to some troublesome provisions in the NHRA and in the MPB-Ls*
* *Intersections of the administration of provincial heritage resources authorities (ito the NHRA) and the local planning authorities (ito the MPB-Ls), analysing the process leading to the ‘Monster Building’ judgments*

**Monday, 6 May: Session 2: Frequent Difficulties in the Administration of Applications**

Two double lectures, discussions.

**Lecturers:** Steve Townsend (architect conservationist); Richard Summers (attorney)

* *Detailed discussion of one of the ‘troublesome’ provisions, s.34, analysing the process leading to the Qualidental and Gees judgments*
* *The rights and roles of I&Aps*

**Monday, 13 May: Session 3: A Case Study in Administration: The River Club**

Two double lectures, discussions.

**Lecturers:** Nick Smith (attorney); Steve Townsend (architect conservationist)

* *Detailed account of the applications made ito NEMA, NHRA, MPB-L and their administration*
* *Detailed account of court actions and analysis of certain issues including public participation*

**Monday, 20 May: Session 4: MEC’s Tribunals and Their Decisions**

Two double lectures, discussions.

**Lecturers:** Ashley Lillie (heritage specialist): Antony Arvan (attorney)

* *Analysis of the Tribunal processes and their decisions*
* *Detailed critique of some cases*

**Monday, 27 May: Session 5: Assembling Good Applications, Making Good Decisions**

Two double lectures, discussions.

**Lecturers:** Steve Townsend (architect conservationist); Claire Abrahamse (architect urban designer heritage specialist)

* *Detailed description of the necessary components of successful applications*
* *Rational (Constitutionally-Sound) Decision-Making and the Limits of Takings*

**Examination:** Date to be announced

*The examination is optional. Details will be confirmed in due course.*

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Description automatically generated with medium confidence***Note: This course is accredited with the South African Institute of Architects for 2 Category One CPD points for attendance and 2,2 for completion of the course.***

**Development and Alumni Department**

Private Bag X3, Rondebosch, 7701

Room 323.3, Kramer Building, Middle Campus, University of Cape Town

Tel: +27 (0) 21 650 2888 Fax: +27 (0) 21 650 2893

E-mail: ems@uct.ac.za

Internet: http://www.ems.uct.ac.za