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**COVER IMAGE**  
Link building at Rahima Moosa Hospital.  
By David Southwood.

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# TO PRESERVE OR DEMOLISH?

*As we reflect on the news that the 1950s Bavinger house by Bruce Goff was demolished without warning, Ludwigh Ackermann highlights the pitfalls of working on heritage buildings and/or sites.*



LUDWIGH  
ACKERMANN

## 1. THE 60-YEAR RULE

Although the National Heritage Resources Act states that buildings older than 60 years are protected, there may also be cultural or heritage significance that prohibits the demolition of a newer building. One has to ask if the building is:

- of cultural significance;
- of historical significance; or
- of architectural significance.

Architects should therefore not assume that the age of a building exempts them from the need to apply for a demolition or modification permit.

## 2. IF THE BUILDING IS OLDER THAN 60 YEARS...

The application is re-routed to the Provincial Heritage Resources Agency (PHRA) to assess heritage significance. In the case of major interventions, additional heritage reports may be required as part of the Environmental Impact Assessment process. Any alteration needs the approval of the relevant authority, be it the South African Heritage Resources Agency (SAHRA) or PHRA.

## 3. PUBLIC OPINION

Even after PHRA has issued a permit, the public have a further 30 days to comment on the outcome of the decision. This presents an additional opportunity for SAHRA or PHRA to appoint an independent tribunal for the investigation – a step that may require legal advice on the side of the developer and that of the public.

## 4. BREAKING THE LAW

Architects and clients are reminded that penalties range from fines to imprisonment, including reinstating what has been altered. A further option open to the state is a notice prohibiting any further development of the site for a 10-year period.

All clients and architects are therefore encouraged to employ a person with at least some heritage experience or, better yet, the services of a heritage specialist. ■

Thank you to Avril Paterson for his assistance with this article.

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