

GUIDELINES FOR THE COMPLETION OF THE PUBLIC PARTICIPATION PROCESS INITIATED BY THE KZN AMAFA AND RESEARCH INSTITUTE

REGULATIONS PUBLISHED IN THE GOVERNMENT GAZETTE 2 APRIL 2012 REQUIRE THE FOLLOWING:

Regulation: 2(5) If the Council [of the KZN Amafa and Research Institute] decides to grant the approval for the demolition, alteration or addition to a structure in terms of Section 37(1)(a) of the KZN Amafa and Research Institute Act (5/2018), the Council must give notice in the Gazette of the intention to grant such approval.

(6) The Council may dispense with the process referred to in sub-regulation (5) by means of a special resolution of the Council setting out justifiable and cogent reasons indicating that such process would, in the particular matter at hand, place an unfair or unintended administrative or financial burden on the Council.

(7) The notice referred to in sub-regulation (5) must-

- (a) identify the affected site and include the following information regarding the site
 - (i) a full description of the site where the structure is situated,*
 - (ii) the name and address of the applicant; and*
 - (iii) the actual or probable cultural significance of the structure;**

and

(b) give interested parties an opportunity to make written representations or submissions regarding the approval for the demolition, alteration or addition to such a structure, within a period of not less than 30 days.

(8) The intention of lodging such representations or submissions must be received by the Council within 14 days of the date of publication of the notice.

(9) The Council must, in addition to the notice to be published in terms of sub-regulation (5), cause a copy of such notice to be sent by registered post or delivered to-

- (a) the person or body in current control of the structure;*
- (b) the registered owner of the land and the occupier of the structure;*
- (c) the municipal manager of the municipality for the area in which the structure is situated; and*
- (d) all known stakeholders in the general area in which the affected property is situated, advising those persons that they may make written representations or submissions regarding the possible approval for the demolition, alteration or addition to such a structure.*

(10) The intention of lodging such representations or submissions must be received by the Council within 14 days of the notice publication date.

(11) The Council must consider the application and make a finding no more than 15 days after any representations or submissions contemplated in sub-regulations (7) and (9) are received.

The above requirements also apply to applications for listed and permanently protected structures (in terms of Sections 42, 43, 44, 45, 46, & 47 of the KZN Amafa and Research Institute Act 5/2018) where the Application Form H must be used.

The above requirements also apply to applications for Condonation/Approval/Rectification of work that has already been commenced/completed – Form I.

PROCESS TO BE FOLLOWED:

- 2.1. Where the Institute intends to issue a permit and where it is required to do so, it will publish a notice of such intention in the Government Gazette as soon after the approval as possible. Alternatively, it will place a notice on its webpage www.heritagekzn.co.za.
- 2.2. The Institute will notify the municipality directly but will provide applicants with a copy of the draft notice and a set of standard forms for the applicant to deliver by registered mail or by hand to the other stakeholders, including the resident in the property, and immediate neighbours, and any others identified by the review committee.
- 2.3. In addition to 2.2 all applications for damage, alterations or additions to or redecoration of structures protected in terms of Sections 42, 43, 44, & 45 of the KZN Amafa and Research Institute Act (5/2018) – listed and permanently protected structures & sites - will undergo the stakeholder consultation process as determined by the review committee.
- 2.4. Applications for sensitive structures protected under the general protection of all structures over 60 years of age in terms of Section 37 of the Act will also undergo stakeholder consultation process as determined by the review committee. However, the Institute's Council or its appointed review committee may dispense with this provision where the proposal will not negatively impact on a heritage resource.
- 2.5. Stakeholder Participation: The process referred to in 2.3 and 2.4 could be limited to immediate neighbours, but could include other stakeholders such as ward councillors and ward committees, residents' associations, and heritage societies or known interest groups in a particular area. The review committees could also require that it include all residents/owners of property within 100m of the applicant property where a permanently protected structure is affected, where demolition of the structures on the site or major alteration of generally protected structures is proposed. The applicant must ensure that the stakeholders receive notification of the intention to issue the permit and afford them the opportunity to review the proposed work contained in the application.
- 2.6. All responses/representations/objections must be forwarded to the Institute directly. Thirty days after the publication of the notice in the Gazette is allowed for the lodging of responses/ representations/objections but the Institute must be notified of the intention to do so within fourteen days of the Gazette notice alternatively the date on which the notification was posted or hand delivered to the stakeholder.
- 2.7. All costs relating to this process must be borne by the applicant.

FORMS: The following package of Public Participation Forms must be made available to all stakeholders:

- 3.1. A Notification of Intention to Issue a Permit: for distribution to neighbours/ stakeholders.
- 3.2. A Neighbours Consent Form: for consenting neighbours to sign in addition to signing on the submission plans.
- 3.3. A Notification of Intention to lodge a Response/Objection/Representation Form: to notify Amafa within 14 days of receipt of notification of proposal.
- 3.4. A Response/Objection/Representation Form: for setting out the grounds for objections in terms of the heritage legislation to be made available to all stakeholders for use in their submission of representations.

DISTRIBUTION OF FORMS AND LETTERS/NOTIFICATIONS:

The applicant must send the above forms to neighbours/ stakeholders by registered mail at his/her cost. Proof of registered mail posting must be sent to the Institute or uploaded to the online application.

Where only the immediate neighbours are required to be consulted, the applicant may choose to hand deliver the application, plans and above-mentioned forms to the neighbours.

In which case, proof of receipt of the package of Public Participation forms must be obtained.

Where neighbours agree with the proposal, they must declare on the Neighbours Consent Form that they have viewed the plans submitted. The Neighbours Consent form must then be submitted to beadmin@amafapmb.co.za or uploaded to the online application.

SUBMISSION OF RESPONSES:

Original signed response forms must be scanned to pdf and emailed to beadmin@amafapmb.co.za or faxed to 033-3946552/posted to Box 2685, Pietermaritzburg, 3200. Comments can also be made on the online application on Sahr.org or on the online comment facility on www.heritagekzn.co.za.

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