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TITLE: APPLICATIONS POLICY AND PROCEDURE

FUNCTIONAL AREA: HERITAGE IDENTIFICATION, MANAGEMENT AND PROTECTION

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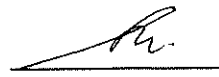
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 Date

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 (Head of Secretariat
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 Date

Approved by Council

 28 May 2026
 Signed on behalf Date
 of Council

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1.PURPOSE

- To ensure that the KwaZulu-Natal Amafa and Research Institute receives and processes heritage applications for approval of work carried out on protected heritage resources and sites is carried out in a systematic manner and in accordance with the legislation.

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- To promote administrative practice and the integration of heritage resources conservation in urban and rural planning and social and economic development, as provided in section 5(6) of the National Heritage Resources Act, No. 25 of 1999.

2.LEGISLATIVE FRAMEWORK

- The Constitution of the Republic of South Africa, 1996
- The KwaZulu-Natal Amafa and Research Institute Act, No. 5 of 2018
- The National Heritage Resources Act, No. 25 of 1999
- The Public Finance Management Act, No. 1 of 1999
- Promotion of Access to Justice Act, No. 3 of 2000
- Promotion of Access to Information Act, No. 2 of 2000
- Protection of Personal Information Act, No. 4 of 2013
- National Environmental Management Act, No. 107 of 1998
- National Environmental Management: Protected Areas Act, No. 57 of 2003
- World Heritage Convention Act, No. 49 of 1999

3. RESPONSIBILITY

The policy provides guidelines for Amafa Institute's staff who are involved in the process of considering heritage applications. It also provides guidelines to members of the public, stakeholders or members of the public who intend to submit heritage applications.

4. DEFINITIONS

"Act" refers to the KwaZulu-Natal Amafa and Research Institute Act, No. 5 of 2018

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"*Applicant*" refers to the owner of the property or someone authorised in writing to act on behalf of the owner under the Power of Attorney to submit an application.

"*Application*" refers to the written request submitted for approval of various categories or work as stipulated in the Act and includes any supporting documentation attached thereto.

"*Fee*" refers to the fee applicable for the submission of an application and the fee payable for processing of a permit for the approval of proposed work.

"*Heritage Officers Committee*" refers to the Sub-Committee appointed by the Council of the KwaZulu-Natal Amafa and Research Institute to consider applications submitted in terms of the Act.

"*SAHRA*" refers to the South African Heritage Resources Agency.

"*SAHRIS*" refers to the South African Heritage Resources Information System

5. GENERAL PRINCIPLES

- a. All applications will be handled in a fair, equitable, transparent and respectful manner.
- b. Applications will be considered within 10 working days of receipt of all required documentation.
- c. All applications are to be submitted through the SAHRIS.
- d. The Head of Secretariat and Administration may approve submission of applications through alternative mechanisms in exceptional circumstances.

6. SUBMISSION OF APPLICATIONS

- a. Applications must be made in the correct form and in the manner prescribed in the guidelines for submissions.

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- b. Applications must be supported by the required documentation and proof of payment of the submission fee.
- c. Incomplete applications will not be processed.
- d. Applications will only be regarded as duly submitted when all documentation has been received and submission fees are paid.

7. PROCESSING OF APPLICATIONS

- a. Applications will be dealt with in the order in which they were submitted.
- b. The applications will be assessed to ensure that it is complete in all respects.
- c. Complete applications will be assigned to a Heritage Officer who will be assigned the duties of case officer in respect of that application.
- d. The case officer's duties include, but are not limited to:
 - The examination of the application and assessment of the merits.
 - Making recommendations to the Heritage Officers Committee in respect of the application.
 - The processing of the records of decisions.
 - Tabling the application at the Heritage Officers Committee meeting within 10 days of it being duly submitted in terms of clause 6a and 6b above.
- e. The applicants have the right of appearance at the meeting and to make representations.
- f. The applicants will be informed of any further requirements.
- g. A decision will be made once all requirements have been submitted.

8. APPEALS/REVIEWS AGAINST DECISIONS

Any decision made by the Heritage Officers Committee may be;

- I. Reviewed by the Permit Review Committee of the Council and or
- II. In terms of section 59 of the KwaZulu-Natal Amafa and Research Institute Act 2018, be appealed to the Member of the Executive Council responsible for cultural matters in the province.

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9. GENERAL PROVISIONS

The decisions made by the Heritage Officers Committee must be taken in accordance with the following general principles:

- a. The decisions must be consistent with the principles or policy set out in section 5 or prescribed under section 6 of the National Heritage Resources Act, No. 25 of 1999;
- b. a meeting at which decisions are taken, must be open to the public;
- c. the agenda and minutes must be available for public scrutiny, provided that when there is good reason to do so, a matter may, by decision of the majority of members present, be declared confidential and the discussion and minutes may be excepted from public scrutiny;
- d. a person who may be affected by a decision has the right of appearance at such meeting; and
- e. written reasons must be given for any decision upon request.

10. PERMITS

- a. The Heritage Officers Committee may impose additional conditions contained in the regulations.
- b. Permits are valid for a period of 3 years from the date of issue.
- c. Where the work has not commenced within the period of validity of a permit, the permit may be re-issued on request made in writing to the Head of Secretariat and Administration. The Head of Secretariat and Administration may require a heritage inspection to be conducted before a permit is reissued.
- d. Permits may be transferred on written authority from the Head of Secretariat and Administration.
- e. Requests to extend the period of validity of a permit may be made in writing to the Head of Secretariat and Administration.
- f. Where the permit conditions are not adhered to, a Stop Work Order may be issued and legal proceedings may be instituted.
- g. Minor deviations to the approved drawings must be requested within 1 year of the date of issue of a permit. Thereafter, a new application must be submitted for any proposed deviations.

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11. REGULARISATION/RECTIFICATION OF UNLAWFUL WORK

- a. Applications for the regularisation/rectification of minor work that has been started or completed without authorization, may be made to the Institute on good cause shown.
- b. The applicant must show that his/her actions were bona fides.
- c. Applications for regularisation/rectification of work must be made on Form 1 and uploaded onto SAHRIS.
- d. A letter of condonation of such work may be issued in respect of unauthorised work.
- e. Where the work is not condoned and the transgression is considered to be of a serious nature, the Council will decide on whether legal action should be taken.

12. CONTRAVENTIONS OF THE LEGISLATION WHERE NO APPLICATION HAS BEEN RECEIVED

- a. The Institute may issue a Stop Work Order in respect of unauthorised work and may require an application for the regularisation/rectification of Unlawful Work as referred to above to be made.
- b. Should no application be made within the period stipulated in the Stop Work Order, legal action may be taken.

13. REFUSAL OF PERMITS

Where a permit is refused and the site is protected in terms of the general protections in terms of Chapter 8 of the Act, the Heritage Officers Committee must consider initiating a process for formal protection.

14. PROCEDURES/PROCESSES

14.1 SUBMISSION OF APPLICATIONS: INFORMATION REQUIRED

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- 14.1.1 All applications must be made in the prescribed form.
- 14.1.2 Supporting documentation as required on the application forms checklist.

14.2 APPLICATION PROCESSING PROCEDURE

- 14.2.1 Applications will be processed in accordance with the KwaZulu-Natal Amafa and Research Act, No. 5 of 2018 and the National Heritage Resources Act, No. 25 of 1999.
- 14.2.2 Applications will be processed in the order in which they were submitted and requests to expedite the process will only be considered in exceptional circumstances and must be made to the Head of Secretariat and Administration
- 14.2.3 Applications that are incomplete or where insufficient information is submitted will not be processed.
- 14.2.4 Applicants will be notified of the decision of the Heritage Officers Committee in writing.

14.3 PUBLIC PARTICIPATION PROCESS

- 14.3.1 The Institute has the obligation to ensure that Interested and Affected Parties are consulted when a permit application is considered.
- 14.3.2 The Institute may conduct public participation for all resources that are formally protected.
- 14.2.2 In respect of demolitions or where there is a likelihood of major impact on a heritage resource, the Institute will conduct public participation.
- 14.2.4 Where the Institute advertises the proposal, such advertisements must be placed in accessible spaces and in a preferred language.

15. EFFECTIVE DATE

The policy is effective as of/...../.....and replaces any existing policies prior to this date.

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16. REVISION

This Policy shall be reviewed as and when the changes occur and shall remain valid until such time as changes might occur.

17. APPROVAL

The Applications Policy and Procedures as documented above is hereby approved by Amafa's Council in their capacity as Accounting Authority.

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