

**KWAZULU-NATAL HERITAGE ACT**  
**NO. 4 OF 2008**  
**[ASSENTED TO 5 DECEMBER, 2008]**  
**[DATE OF COMMENCEMENT: 12 FEBRUARY, 2009]**  
**(English text signed by the Premier)**

This Act was published in *Provincial Gazette* 225 dated 12 February, 2009.

ACT

To provide for the conservation, protection and administration of both the physical and the living or intangible heritage resources of the Province of KwaZulu-Natal; to establish a statutory Council to administer heritage conservation in the Province; to determine the objects, powers, duties and functions of the Council; to determine the manner in which the Council is to be managed, governed, staffed and financed; to establish Metro and District Heritage Forums to assist the Council in facilitating and ensuring the involvement of local communities in the administration and conservation of heritage in the Province; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:

—  
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**SPECIALLY PROTECTED HERITAGE RESOURCES**

CHAPTER 1  
DEFINITIONS

**1. Definitions.**—In this Act any word or expression to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must, unless clearly inappropriate, bear that meaning, and, unless the context indicates otherwise—

“**Chief Executive Officer**” means the chief executive officer of the Council appointed in terms of section 19 (1);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Council**” means *Amafa aKwaZulu-Natali* Heritage Council established in terms of section 5 (1);

“**Department**” means the Office of the Premier in KwaZulu-Natal or, where the Premier has assigned the administration of this Act to a member of the Executive Council, the department in the Provincial Government of KwaZulu-Natal for which that member of the Executive Council is responsible;

“**District Heritage Forum**” means a district heritage forum established in terms of section 29 (1);

“**ecofact**” means non-artefactual organic or environmental remains that may reveal aspects of past human activity;

“**Executive Council**” means the Executive Council of the Province of KwaZulu-Natal;

“**financial year**” means the period from 1 April in any year to 31 March of the following year;

“**Gazette**” means the official *Provincial Gazette* of KwaZulu-Natal;

“**Head of Department**” means the Director-General or, where the Premier has assigned the administration of this Act to a member of the Executive Council, the most senior officer of the department in the Provincial Government of KwaZulu-Natal for which that member of the Executive Council is responsible;

“**Heritage Landmark site**” means a site on which the special protection of Heritage Landmark status has been conferred in terms of section 38 (2);

“**Heritage Object**” means an object on which the special protection of Heritage Object status has been conferred in terms of section 43;

“**heritage site**” in relation to the Province of KwaZulu-Natal, means—

(a)

a Heritage Landmark site;

(b)

a Provincial Landmark site; or

(c)

those heritage resources referred to in sections 33, 34, 35 and 42;

“**intangible heritage**” means the intangible aspects of inherited culture, and may include—

(a)

cultural tradition;

(b)

oral history;

(c)

performance;

(d)

ritual;

(e)

popular memory;

(f)

skills and technique;

(g)

indigenous knowledge systems; and

(h)

the holistic approach to nature, society and social relationships;

“**local authority**” means—

(a)

a municipality; or

(b)

a traditional council established in terms of section 6 of the KwaZulu-Natal Traditional Leadership and Governance Act, 2005 (Act No. 5 of 2005);

“**Member of the Executive Council responsible for finance**” means the member of the Executive Council of the Province of KwaZulu-Natal responsible for finance;

“**Metro Heritage Forum**” means a metro heritage forum established in terms of section 29 (1);

“**Monarch**” means the Monarch for the Province of KwaZulu-Natal, being—

(a)

the person holding office as the King of the Zulu nation, the King of *AmaZulu*, the *Ingonyama* or *Isilo*, at the date of commencement of this Act; or

(b)

the Monarch for the Province of KwaZulu-Natal as may be defined in a Constitution of KwaZulu-Natal to be adopted or other provincial legislation;

“**municipality**” means a municipality contemplated in section 155 of the Constitution of the Republic of South Africa, 1996, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000); and

“**district municipality**” and “**metropolitan municipality**” have a corresponding meaning;

“**political office bearer**” means—

(a)

a member of the National Assembly, the National Council of Provinces or the Cabinet;

(b)

a member of a provincial legislature or of the Executive Council of a province;

(c)

a municipal councillor;

(d)

a diplomatic representative of the Republic who is not a member of the public service;

(e)

a member of a house of traditional leaders; or

(f)

a national or provincial office bearer of a political party, organisation, body, alliance or movement registered in terms of section 15 or 15A of the Electoral Commission Act, 1996 (Act No. 51 of 1996);

“**Premier**” means the Premier-in-Executive Council of the Province of KwaZulu-Natal as contemplated in section 125 of the Constitution;

“**prescribed**” means prescribed by regulation under section 52; and

“**prescribe**” has a corresponding meaning;

“**Province**” means the province of KwaZulu-Natal established in terms of section 103 of the Constitution;

“**Provincial Government**” means the government of the Province of KwaZulu-Natal;

“**Provincial Landmark site**” means a site on which the special protection of Provincial Landmark status has been conferred in terms of section 39;

“**Provincial Legislature**” means the Legislature of the Province of KwaZulu-Natal;

**“Provincial Revenue Fund”** means the fund established for the Province of KwaZulu-Natal by section 226 of the Constitution;

**“provincial treasury”** means the treasury established for the Province of KwaZulu-Natal in terms of section 17 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

**“public service”** means the public service contemplated in section 8 of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

**“regulations”** means regulations made under section 52;

**“responsible Member of the Executive Council”** means the Premier of the Province of KwaZulu-Natal or that member of the Executive Council of the Province of KwaZulu-Natal to whom the Premier has assigned the administration of this Act;

**“Royal Family”** means the Monarchs and their consorts, from the time of *Nkosinkulu*, recognised as such—

(a)

according to Zulu customary law and customs; or

(b)

in terms of a Constitution of KwaZulu-Natal to be adopted or other provincial legislation;

**“this Act”** includes the regulations.

## CHAPTER 2

### APPLICATION OF ACT

**2. Application of Act.**—(1) The provisions of this Act apply to heritage matters, which includes both the physical and the living or intangible heritage, in the Province.

(2) Where this Act does not regulate a matter pertaining to the protection or management of heritage resources in the Province, the provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), and the National Heritage Council Act, 1999 (Act No. 11 of 1999), apply in the Province and any reference to “**provincial heritage resources authority**” in the National Heritage Resources Act, 1999, must, unless clearly inappropriate, be construed as reference to the Council.

## CHAPTER 3

### GENERAL PRINCIPLES PERTAINING TO HERITAGE RESOURCES AND ROLE OF RESPONSIBLE MEMBER OF EXECUTIVE COUNCIL IN HERITAGE MATTERS

**3. General principles pertaining to heritage resources.**—The responsible Member of the Executive Council and the Council must uphold the general principles referred to in Part 1 of Chapter 1 to the National Heritage Resources Act, 1999 (Act No. 25 of 1999), which apply to the actions of the spheres of provincial and local governments in respect of the management of heritage resources in the Province.

**4. Role of responsible Member of Executive Council in heritage matters.**—(1) Having regard to the co-ordinating role of the national government in heritage matters, the responsible Member of the Executive Council must, in the spirit of co-operative government referred to in Chapter 3 of the Constitution, endeavour to promote and facilitate the administration and management of heritage matters and resources in the Province within the framework of national policy and programmes in respect of heritage matters and resources.

(2) In addition to the other powers vested in the responsible Member of the Executive Council by this Act, the responsible Member of the Executive Council must, after consultation with the Council, and with due regard to national heritage policy and programmes, determine heritage policy and programmes in the Province.



## CHAPTER 4

### *AMAFA AKWAZULU-NATALI* HERITAGE COUNCIL

**5. Establishment of Amafa aKwaZulu-Natali Heritage Council.**—(1) A Council to be known as *Amafa aKwaZulu-Natali* Heritage Council is hereby established.

(2) The Council is a juristic person.

(3) The Council is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), and is the accounting authority in terms of section 49 (2) (a) thereof.

**6. Objects of Council.**—The objects of the Council are—

(a)

the identification;

(b)

the conservation;

(c)

the protection; and

(d)

the administration, of the physical and the living or intangible heritage resources of the Province and, generally, with due regard to national and provincial heritage policy and programmes, to promote and co-ordinate heritage conservation for the benefit of present and future generations.

**7. Powers, duties and functions of Council.**—(1) The Council must—

(a)

consider national and provincial heritage policy and programmes and submit comments and recommendations to the responsible Member of the Executive Council;

(b)

provide for, and facilitate—

(i)

the implementation, delivery and co-ordination of heritage policy and programmes;

(ii)

the establishment of educational, training, interpretative and tourism- related projects and programmes;

(iii)

community and stakeholder involvement in heritage matters; and

(iv)

a sound working relationship with all heritage bodies, in the Province;

(c)

with due regard to national and provincial heritage policy and programmes, advise the responsible Member of the Executive Council on—

(i)

existing and proposed heritage policy in the Province;

(ii)

achieving operational uniformity of heritage programmes in the Province;

(iii)

any physical heritage-related matter in relation to which the responsible Member of the Executive Council requests advice; and

(iv)

any matter related to intangible heritage;

(d)

assist the Department in communicating decisions and relevant information on heritage matters in the Province to departments in the Provincial Government, municipalities and heritage forums in the Province, and the public by means of meetings, workshops, notices, and other published and electronic media;

(e)

liaise with national and provincial departments, statutory bodies and organisations concerned with arts, culture, tourism and heritage matters;

(f)

perform the functions and carry out the duties and responsibilities imposed by this Act; and

(g)

perform any other function or carry out any other duty imposed on the Council by any other law.

(2) The Council may—

(a)

exercise any power conferred by any other provision of this Act or any other law;

(b)

in relation to the objects and work of the Council, make recommendations to the responsible Member of the Executive Council with regard to legislation and policies in the Province;

(c)

in a manner consistent with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and in the exercise of its powers or the performance of its duties and functions under this Act, for specific projects, enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the work of the Council;

(d)

determine fees, payable to the Council, for—

(i)

the processing of any application or approval in terms of this Act; and

(ii)

the provision of any service by the Council;

(e)

determine, fees including, but not limited to, entrance fees in relation to the exhibition or display of physical heritage resources by the Council;

(f)

exhibit or display any physical heritage resource under the control of the Council and may receive fees prescribed or otherwise determined by the Council in relation to any such exhibition or display;

(g)

conduct research related to heritage development, heritage management and heritage promotion; and

(h)

generally, do everything which is necessary or expedient to achieve its objects referred to in section 6 and to perform the duties and carry out the functions referred to in subsection (1).

(3) (a) The Council is, for the purposes of the National Heritage Resources Act, 1999 (Act No.

25 of 1999), the provincial heritage resources authority for KwaZulu-Natal and any reference to “**provincial heritage resources authority**” in the said Act must, unless clearly inappropriate, be construed as a reference to the Council.

(b) The Council must, in addition to the powers, duties and functions referred to in subsections (1) and (2), perform the duties and carry out the functions imposed on a provincial heritage resources authority in terms of the National Heritage Resources Act, 1999.

**8. Composition of Council.**—(1) The responsible Member of the Executive Council—

(a)

must, based on nominations received in terms of section 10 (1) and recommendations by the selection panel contemplated in section 10 (3), appoint not less than 12 and not more than 15 persons as members of the Council; and

(b)

must designate one such member to be the chairperson of the Council to preside at the meetings of the Council and perform other duties related thereto.

(2) The members of the Council contemplated in subsection (1) must—

(a)

include persons who have qualifications or special experience or interest in any of the following fields relevant to heritage resources—

(i)

heritage architecture;

(ii)

archaeology;

(iii)

rock art;

(iv)

history;

(v)

anthropology;

(vi)

linguistics;

(vii)

ethnology;

(viii)

ethnomusicology;

(ix)

sociology; and

(x)

palaeontology;

(b)

include at least one person possessing proven knowledge or experience in the field of financial management;

(c)

include at least one person possessing proven legal knowledge and expertise;

(d)

include at least three persons who are members of a District or Metro Heritage Forum; and

(e)

be representative of the relevant sectoral interests and the cultural demographic characteristics of the people of the Province.

(3) The members contemplated in subsection (1) must be fit and proper persons characterised by their independence, impartiality and fairness.

(4) A person is disqualified from being appointed to the Council or from remaining on the Council, by reason that he or she—

(a)

is or becomes an unrehabilitated insolvent;

(b)

is or has been declared by a competent court to be of unsound mind;

(c)

is a person under curatorship;

(d)

has at any time been removed from an office of trust on account of misconduct involving theft or fraud;

(e)

has been convicted and sentenced to a term of imprisonment without the option of a fine, except that the responsible Member of the Executive Council may, upon a person who is nominated for appointment disclosing full details of an offence in an affidavit, condone a conviction in a manner that is consistent with section 106 (1) (e) of the Constitution: Provided that a disqualification in terms of this subsection ends five years after the sentence has been completed;

(f)

fails to disclose an interest in accordance with section 11 or attended or participated in the proceedings of the Council while having an interest contemplated in that section; or

(g)

is a political office bearer.

(5) The responsible Member of the Executive Council may appoint to the Council an employee of the Department as his or her representative who—

(a)

must facilitate liaison between the responsible Member of the Executive Council and the Council; and

(b)

may attend meetings of the Council and participate in discussions, but does not have the right to vote when a decision of the Council is being taken.

(6) This section is subject to the transitional arrangements referred to in section 56.

**9. Term of office of member of Council.**—(1) A member of the Council holds office for a period not exceeding three years, and may be reappointed.

(2) No member may be appointed for more than two consecutive terms.

**10. Nominations for membership of Council.**—(1) The responsible Member of the Executive Council must, by notice in the *Gazette* and at least two newspapers circulating in the Province, invite the nomination of persons for the Council.

(2) The invitation for nominations in terms of subsection (1) must specify—

(a)

the nomination procedure;

(b)

the requirements for nomination; and

(c)

the date by which a nomination must be received by the responsible Member of the Executive Council.

(3) The responsible Member of the Executive Council must appoint a selection panel comprising—

(a)

no more than two Departmental senior officials; and

(b)

no more than three persons with experience in heritage matters, to review all nominations and make recommendations regarding the nominees.

(4) This section is subject to the transitional arrangements referred to in section 56.

**11. Declaration of financial or other interests by nominees to Council.**—(1) A nominee to the Council must—

(a)

within 10 days of accepting the nomination, submit to the responsible Member of the Executive Council a written declaration of any and all financial or other interests in the heritage sector or related sectors which could be related to or may be in conflict with an appointment as a member of the Council, which declaration must include relevant information about any conviction for a Schedule 1 offence in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b)

in the declaration referred to in paragraph (a) include financial and other interests in the heritage sector or related sectors of family members or close associates, which could be related to or may be in conflict with an appointment as a member of the Council; and

(c)

not be considered for the position of a member of the Council where it is found that the nominee deliberately withheld information pertaining to financial or other interests contemplated in this section.

(2) Where a member of the Council or family member or close associate experiences a change in financial or any other circumstances or acquires an interest in the heritage sector or related sectors, the member of the Council must, within 10 days of the date of the changed circumstances, submit a written declaration of change of financial or other interests to the responsible Member of the Executive Council.

(3) The responsible Member of the Executive Council must—

(a)

keep a register of the interests of members of the Council disclosed in terms of this section; and

(b)

update that register from time to time.

**12. Failure to declare financial or other interests.**—(1) A member of the Council who fails to make a declaration envisaged in section 11 commits an offence.

(2) The Member of the Executive Council on becoming aware that a Council member has failed to comply with the provisions of section 11 must investigate the matter and consider appropriate disciplinary action.

**13. Recusal of member of Council.**—(1) A member of the Council must recuse himself or herself in any matter or proceeding where he or she, a family member or close associate has or reasonably could be expected to have a financial or other interest in the outcome of a decision by the Council.

(2) Any person may make an application, upon oral or written request, for a member of the Council to recuse himself or herself where that person has reason to believe that the member of the Council, a family member or close associate has or could reasonably be expected to have a financial or other conflict of interest in the outcome of a decision by the member of the Council.

(3) A person making an application referred to in subsection (2) must give reasons for his or her request.

(4) In the event of an application referred to in subsection (2), the chairperson of the Council must decide on the matter, save that in cases where the application concerns the chairperson of the Council the matter must be decided on by the responsible Member of the Executive Council or his or her nominee.

**14. Vacancies, removal and resignation from office of members of Council.**—(1) A member of the Council must vacate office if he or she becomes subject to a disqualification contemplated in section 8 (4).

(2) The responsible Member of the Executive Council may, after having afforded a member the opportunity to state his or her case, at any time terminate the term of office of such member if, in the sole discretion of the Member of the Executive Council, there are justiciable and cogent reasons for doing so.

(3) A member must vacate office if he or she is absent, without a leave of absence having first been granted by the Council, from two consecutive meetings of the Council for which reasonable notice was given to that member personally or by post.

(4) A member may resign from office in writing by giving not less than 30-days notice to the responsible Member of the Executive Council: Provided that the responsible Member of the Executive Council may waive the resignation notice if such waiver would not be detrimental to the efficient functioning of the Council.

(5) Whenever a vacancy occurs on the Council, the responsible Member of the Executive Council must, subject to section 10, appoint a person to fill such vacancy for the unexpired portion of the period of office of the member in whose place such person is appointed.

**15. Meetings of Council.**—(1) The Council may meet as often as necessary, but at least three times a year, at such places and times as the Council may determine.

(2) Every member of the Council must be notified of each meeting in writing, at least 14 days prior to such meeting, and such notification must contain an agenda for the proposed meeting.

(3) In the event that the chairperson of the Council is absent from any meeting of the Council, the members present at that meeting may elect one of their member to preside at that meeting.

(4) A special meeting of the Council may be called at the request of—

(a)

the chairperson; or

(b)

two-thirds of the members of the Council by written petition, whereupon the chairperson must, in writing, notify every member of the Council of the time and place of the special meeting.

(5) A *quorum* for a meeting of the Council is a majority of its members.

(6) Any decision of the Council must be taken by resolution of the majority of the members present at any meeting of the Council and, in the event of an equality of votes on any matter, the member presiding at the meeting in question will have a casting vote in addition to his or her deliberative vote as a member of the Council.

(7) The proceedings of all meetings of the Council must be duly recorded and minuted.

(8) (a) The minutes of the previous meeting must be read at the commencement of each meeting.

(b) The minutes may be regarded as read if copies thereof were furnished to the members of the Council prior to the meeting.

(c) The chairperson may only sign the minutes once objections or corrections have been dealt with.

(9) The chairperson must decide on questions of order or procedure: Provided that if any member objects to any such decision, the question must be put to the vote and the decision of the majority of the members is final and binding on the Council.

(10) A member of the Council who has an interest in relation to any matter to be discussed at a meeting of the Council, which reasonably considered, may preclude him or her from performing his or her duties in a fair, unbiased and proper manner, must recuse himself or herself from such meeting.

(11) (a) The Chief Executive Officer may attend and take part in, but may not vote at, a meeting of the Council.

(b) A member of staff of the Council may, on invitation by the Council, attend a meeting of the Council.

**16. Committees of Council.**—(1) The Council may appoint one or more committees not limited to its own members to assist it in the exercise of its powers and the performance of its duties and functions.

(2) A committee contemplated in subsection (1) must perform such duties and functions of the Council as the Council may determine.

(3) The Council may, at any time, dissolve or reconstitute such a committee.

(4) The Council—

(a)

may delegate any of its powers or assign any of its duties or functions to a committee appointed in terms of subsection (1);

(b)

is not absolved from exercising or performing any power, duty or function so delegated or assigned; and

(c)

may amend, review or rescind any decision of a committee.

(5) Any delegated or assigned power, duty or function exercised or performed by the committee is regarded to have been exercised or performed by the Council.

(6) (a) The Chief Executive Officer may attend and take part in, but may not vote at, a meeting of a committee.

(b) A member of staff of the Council may, on invitation by the relevant committee, attend a meeting of that committee.

**17. Administrative and secretarial work of Council.**—The administrative and secretarial work incidental to the performance of the functions of the Council or its committees, must be performed by members of staff of the Council designated for such purpose by the Chief Executive Officer.

**18. Remuneration of members of Council and reimbursement of expenses incurred by members of Council and committees of Council.**—(1) (a) A member of the Council may be paid such remuneration or allowances as may be determined by the responsible Member of the Executive Council in consultation with the Member of the Executive Council responsible for finance.

(b) A member of the Council who receives remuneration, allowances or other benefits by virtue of his or her post or employment in—

(i)

the national government;

(ii)

a provincial government;

(iii)

a municipality; or

(iv)

a corporation, body or institution in which the national or a provincial government has a controlling interest, and who continues to receive such remuneration, allowances or other benefits while serving as a member of the Council, may only receive remuneration and allowances referred to in paragraph (a) to the extent required to place such member in the financial position in which he or she would have been were it not for such post or employment.

(2) (a) A member of the Council and a member of a committee of the Council may, in respect of his or her functions as a member, receive reimbursement for reasonable actual subsistence and travelling expenses necessitated by the actual attendance of a meeting of the Council or a committee of the Council.

(b) The Member of the Executive Council responsible for finance must determine procedures, including control measures, for the management, handling and processing of claims for subsistence and traveling expenses contemplated in paragraph (a).

## CHAPTER 5

### CHIEF EXECUTIVE OFFICER AND STAFF OF COUNCIL

**19. Chief Executive Officer of Council.**—(1) The responsible Member of the Executive Council must, after consultation with the Council, appoint a suitably qualified, skilled and experienced person as Chief Executive Officer of the Council.

(2) (a) The Chief Executive Officer is appointed for a period not exceeding five years.

(b) The Chief Executive Officer may be reappointed.

(3) (a) The appointment of the Chief Executive Officer is subject to the conclusion of a written performance agreement entered into between that person and the Council.

(b) The Council and the Chief Executive Officer may, in writing and by agreement, amend the performance agreement.

(4) (a) For purposes of the declaration of financial or other interests, the provisions of section 11 apply with the necessary changes to the Chief Executive Officer except that the Chief Executive Officer must declare his or her interests to the Council.

(b) The Council must keep and maintain a register of financial or other interests declared by the Chief Executive Officer.

(5) The Chief Executive Officer is an *ex officio* member of the Council but does not have the right to vote at its meetings.

**20. Functions of Chief Executive Officer.**—(1) The Chief Executive Officer is responsible for

—  
(a) the administrative and financial management of the Council in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and the direction of the Council;

(b) in consultation with the Council, the appointment of members of staff of the Council contemplated in section 21 (1);

(c) assisting and advising the Council in relation to the determination of a code of conduct, applicable to the Chief Executive Officer, all staff of the Council and justiciable for purposes of disciplinary proceedings, to ensure—

(i) compliance with applicable law, including this Act;

(ii) the effective, efficient and economical use of the Council's funds and resources;

(iii) the promotion and maintenance of a high standard of professional ethics;

(iv) the prevention of conflicts of interest;

(v) the protection of confidential information held by the Council; and

(vi) professional, honest, impartial, fair, ethical and equitable service;

(d) the maintenance of discipline over the staff appointed in terms of paragraph (b) and must, for those purposes, be accountable to the Council;

(e) the keeping and maintenance of the register of interests declared by members of staff of the Council; and

(f)



ensuring compliance by the Council with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), and any other applicable legislation.

(2) If the Chief Executive Officer is for any reason unable to perform any of his or her functions, the Council must, in writing, and in consultation with the responsible Member of the Executive Council, appoint another person as Acting Chief Executive Officer until the Chief Executive Officer is able to resume those functions.

**21. Staff of Council.**—(1) The Chief Executive Officer must, subject to subsection (2), employ members of staff of the Council as may be reasonably necessary—

(a)

to assist him or her in fulfilling his or her functions in terms of this Act; and

(b)

to assist the Council with the work incidental to the performance by the Council of its functions.

(2) (a) The Council must determine a code of conduct contemplated in section 20 (1) (c), a human resources policy, and a system of performance management for staff members of the Council, including the Chief Executive Officer.

(b) The appointment of a member of staff reporting directly to the Chief Executive Officer is subject to the conclusion of a written performance agreement between that person and the Chief Executive Officer.

(3) For purposes of the declaration of financial or other interests, and subject to section 20 (1) (e), the provisions of section 11 (1), (2) and (3) apply with the necessary changes to staff members of the Council.

(4) Subsection (1) is subject to the transitional arrangements referred to in section 56.

**22. Secondment or transfer of staff to Council.**—The Council may utilise the services of persons seconded or transferred from the public service in accordance with the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

## CHAPTER 6

### FUNDING AND MANAGEMENT OF COUNCIL

**23. Funds of Council.**—(1) The funds of the Council consist of—

- (a) money appropriated by the Provincial Legislature;
- (b) donations or contributions lawfully received by the Council from any source;
- (c) interest on investments of the Council;
- (d) fines received by the Council;
- (e) fees received by the Council in payment for—
  - (i) the processing of applications or approvals in terms of this Act;
  - (ii) the provision of services by the Council; and
  - (iii) the exhibition or display of physical heritage resources by the Council; and
- (f) income lawfully derived from any other source.

(2) The Council must utilise its funds to cover costs in connection with the performance of its duties and functions and the exercise of its powers in terms of this Act.

(3) The Chief Executive Officer must, in consultation with the Council and the Member of the Executive Council responsible for finance—

- (a) open an account in the name of the Council with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and
- (b) deposit therein all money received in terms of subsection (1).

**24. Financial management and reporting.**—(1) The Council must cause full and proper books of account and all the necessary records in relation thereto to be kept.

(2) The Council must ensure that the Council's annual budgets, corporate plans, annual reports and audited financial statements are prepared and submitted in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The Council must be audited and must report in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

**25. Immovable property.**—(1) The Council may, with the approval of the Member of the Executive Council responsible for finance, acquire, hold or dispose of immovable property in the course of its business.

(2) The Council must determine the policy and procedure of the Council with regard to the acquisition and disposal of immovable property.

**26. Legal proceedings against Council.**—(1) Any legal proceedings against the Council must be instituted in accordance with the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No. 40 of 2002).

(2) The Council is, for purposes of subsection (1), regarded as an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of the said Act.

**27. Security of confidential information held by Council.**—(1) Subject to the Constitution and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), no person may disclose any information submitted to the Council in connection with any legal brief or instruction, unless

he or she is ordered to do so by a court of law or unless the person who gave such brief or instruction consents thereto in writing.

(2) No person may disclose any information kept in the registers contemplated in sections 11 (3), 19 (4) and 20 (1) (e) unless such disclosure is—

(a)

in terms of any law that compels or authorises such disclosure;

(b)

materially necessary for the proper functioning of the Council; or

(c)

made for purposes of monitoring, evaluating, investigating or considering any activity relating to the Council.

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence.

**28. Use of name of Council.**—(1) Unless authorised in writing by the Council to do so, no person may in any way represent or make use of the name, acronym, logos, plaques, designs or other material used or owned by the Council.

(2) No person may falsely claim to be acting on behalf of the Council.

(3) Any person who contravenes subsections (1) or (2) is guilty of an offence.

## CHAPTER 7

### METRO AND DISTRICT HERITAGE FORUMS

**29. Establishment of Metro or District Heritage Forums.**—(1) The responsible Member of the Executive Council may, for the area of a district or metropolitan municipality, by notice in the *Gazette*, establish a District or Metro Heritage Forum.

(2) A Metro or District Heritage Forum contemplated in subsection (1) is—

(a)

a voluntary structure; and

(b)

not a juristic person.

**30. Powers, duties and functions of Metro or District Heritage Forums.**—(1) A Metro or District Heritage Forum must within the area for which it has been established—

(a)

co-ordinate heritage development issues;

(b)

co-ordinate and facilitate the promotion of both physical and living or intangible heritage;

(c)

promote value and ownership of local heritage resources;

(d)

ensure collaboration with local stakeholders in all local heritage initiatives; and

(e)

promote heritage-related local economic and social development.

(2) A Metro or District Heritage Forum—

(a)

may, within its area of jurisdiction, establish one or more local heritage forums; and

(b)

must co-ordinate and support the activities of a local heritage forum.

(3) A Metro or District Heritage Forum may, generally, do everything which is regarded as necessary or expedient to perform the duties and functions referred to in subsections (1) and (2).

**31. Administrative support to Metro or District Heritage Forums.**—The Department must—

(a)

provide administrative and secretarial support to a Metro or District Heritage Forum; and

(b)

build and strengthen the capacity of a Metro or District Heritage Forum in order to enable it to perform the duties and functions contemplated in this Act.

**32. Determination of operational and administrative framework by responsible Member of Executive Council.**—The responsible Member of the Executive Council must prescribe the operational and administrative framework for Metro or District Heritage Forums, which must include—

(a)

the procedure for appointment of persons to Metro or District Heritage Forums;

(b)

the term of office for members of Metro or District Heritage Forums; and

(c)

the frequency of meetings of Metro or District Heritage Forums.

## CHAPTER 8

### GENERAL PROTECTION OF HERITAGE RESOURCES

**33. General protection: Structures.**—(1) (a) No structure which is, or which may reasonably be expected to be older than 60 years, may be demolished, altered or added to without the prior written approval of the Council having been obtained on written application to the Council.

(b) Where the Council does not grant approval, the Council must consider special protection in terms of sections 38, 39, 40, 41 and 43 of Chapter 9.

(2) The Council may, by notice in the *Gazette*, exempt—

(a)

a defined geographical area; or

(b)

defined categories of sites within a defined geographical area, from the provisions of subsection (1) where the Council is satisfied that heritage resources falling in the defined geographical area or category have been identified and are adequately protected in terms of sections 38, 39, 40, 41 and 43 of Chapter 9.

(3) A notice referred to in subsection (2) may, by notice in the *Gazette*, be amended or withdrawn by the Council.

**34. General protection: Graves of victims of conflict.**—No person may damage, alter, exhume, or remove from its original position—

(a)

the grave of a victim of conflict;

(b)

a cemetery made up of such graves; or

(c)

any part of a cemetery containing such graves, without the prior written approval of the Council having been obtained on written application to the Council.

**35. General protection: Traditional burial places.**—(1) No grave—

(a)

not otherwise protected by this Act; and

(b)

not located in a formal cemetery managed or administered by a local authority, may be damaged, altered, exhumed, removed from its original position, or otherwise disturbed without the prior written approval of the Council having been obtained on written application to the Council.

(2) The Council may only issue written approval once the Council is satisfied that—

(a)

the applicant has made a concerted effort to consult with communities and individuals who by tradition may have an interest in the grave; and

(b)

the applicant and the relevant communities or individuals have reached agreement regarding the grave.

**36. General protection: Battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorite or meteorite impact sites.**—(1) No person may destroy, damage, excavate, alter, write or draw upon, or otherwise disturb any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.

(2) Upon discovery of archaeological or palaeontological material or a meteorite by any person, all activity or operations in the general vicinity of such material or meteorite must cease forthwith and a person who made the discovery must submit a written report to the Council without delay.

(3) The Council may, after consultation with an owner or controlling authority, by way of written notice served on the owner or controlling authority, prohibit any activity considered by the Council to be inappropriate within 50 metres of a rock art site.

(4) No person may exhume, remove from its original position or otherwise disturb, damage, destroy, own or collect any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site without the prior written approval of the Council having been obtained on written application to the Council.

(5) No person may bring any equipment which assists in the detection of metals and archaeological and palaeontological objects and material, or excavation equipment onto any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, or meteorite impact site, or use similar detection or excavation equipment for the recovery of meteorites, without the prior written approval of the Council having been obtained on written application to the Council.

(6) (a) The ownership of any object or material associated with any battlefield site, archaeological site, rock art site, palaeontological site, historic fortification, meteorite or meteorite impact site, on discovery, vest in the Provincial Government and the Council is regarded as the custodian on behalf of the Provincial Government.

(b) The Council may establish and maintain a provincial repository or repositories for the safekeeping or display of—

(i)

archaeological objects;

(ii)

palaeontological material;

(iii)

ecofacts;

(iv)

objects related to battlefield sites;

(v)

material cultural artefacts; or

(vi)

meteorites.

(7) The Council may, subject to such conditions as the Council may determine, loan any object or material referred to in subsection (6) to a national or provincial museum or institution.

(8) No person may, without the prior written approval of the Council having been obtained on written application to the Council, trade in, export or attempt to export from the Province—

(a)

any category of archaeological object;

(b)

any palaeontological material;

(c)

any ecofact;

(d)

any object which may reasonably be regarded as having been recovered from a battlefield site;

(e)

any material cultural artefact; or

(f)

any meteorite.

(9) (a) A person or institution in possession of an object or material referred to in paragraphs (a) – (f) of subsection (8), must submit full particulars of such object or material, including such information as may be prescribed, to the Council.

(b) An object or material referred to in paragraph (a) must, subject to paragraph (c) and the directives of the Council, remain under the control of the person or institution submitting the particulars thereof.

(c) The ownership of any object or material referred to in paragraph (a) vest in the Provincial Government and the Council is regarded as the custodian on behalf of the Provincial Government.

CHAPTER 9

SPECIAL PROTECTION OF HERITAGE RESOURCES

**37. Schedule of specially protected heritage resources.**—(1) Specially protected heritage resources are listed in the Schedule.

(2) The Council may, by notice in the *Gazette*—

(a)

amend;

(b)

substitute; or

(c)

withdraw, the Schedule.

**38. Special protection: Heritage Landmark status.**—(1) No person may damage, alter, redecorate, remove from its original position, subdivide or amend any plan—

(a)

of a Heritage Landmark site; or

(b)

of a site in respect of which a notice referred to in subsection (3) has been published, without the prior written approval of the Council having been obtained on written application to the Council.

(2) The Council may—

(a)

subject to the provisions of subsections (3), (4) and (5); and

(b)

after due consideration of all written representations and submissions, confer the special protection of Heritage Landmark status on sites which, in the opinion of the Council, constitute important elements of the heritage of the Province, but which are not owned by the Provincial Government or a local authority, whereupon the Council must—

(i)

in terms of section 37 (2), list the site in the Schedule; and

(ii)

list the site in the Register of Heritage Sites referred to in section 42.

(3) When the Council decides to confer Heritage Landmark status, the Council must give notice in the *Gazette* of the intention to confer Heritage Landmark status.

(4) The notice referred to in subsection (3) must—

(a)

identify the affected site and include the following information regarding the site and the land on which the site is situated—

(i)

the full title deed description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;

(ii)

a full description of the outer boundaries of the site and the extent of the site on the land;

(iii)

the current zoning of the land;

(iv)

the actual current use of the site and the land; and

(v)

full details of any improvements to, and structures on, the site and the land;

(vi)

the GPS co-ordinates of the site;



(b)

give interested parties an opportunity to make written representations or submissions regarding the conferral of Heritage Landmark status within a period of not less than 30 days; and

(c)

draw attention to the provisions of subsections (1) and (2).

(5) The Council must, in addition to the notice to be published in terms of subsection (3), cause a copy of such notice to be sent by registered post or delivered—

(a)

the registered owner of the land;

(b)

the occupier, if any, of the land; and

(c)

the municipal manager of the municipality for the area in which the land is situated, advising those persons that they may make written representations or submissions regarding the proposed conferral of Heritage Landmark status within a period of not less than 30 days of receipt of the notice.

(6) Except in cases where the Council considers it inappropriate, all Heritage Landmarks must bear a plaque indicating their status.

(7) The Council must, within 30 working days, after conferring the special protection of Heritage Landmark status on sites owned by the Provincial Government or a local authority, lay any register, certificate or other document before the registrar of deeds as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in order to enable him or her to make such entries and endorsements as he or she may deem necessary in or on any relevant register, certificate or other document in his or her office or laid before him or her, in order to reflect the Heritage Landmark status of any land or portion of land conferred in terms of this section.

(8) (a) The Council may withdraw Heritage Landmark status by notice in the *Gazette*.

(b) When the Council decides to withdraw Heritage Landmark status, the provisions of subsections (3), (4) and (5) apply with the necessary changes.

(9) If a site on which Heritage Landmark status has been conferred, becomes the property of the Provincial Government or a local authority, the site is at the date of registration of transfer, regarded as having been conferred Provincial Landmark status.

(10) A Heritage Landmark site is regarded as a Grade II Heritage Resource referred to in section 7 (1) (b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

**39. Special protection: Provincial Landmark status.**—(1) No person may damage, alter, redecorate, remove from its original position, subdivide or amend any plan—

(a)

of a Provincial Landmark site; or

(b)

of a site in respect of which a notice referred to in subsection (3) has been published, without the prior written approval of the Council having been obtained on written application to the Council.

(2) The Council may—

(a)

subject to the provisions of subsections (3), (4) and (5); and

(b)

after due consideration of all written representations and submissions, confer the special protection of Provincial Landmark status on sites owned by the Provincial Government or a local authority which, in the opinion of the Council, constitute important elements of the heritage of the Province, whereupon the Council must—

(i)

in terms of section 37 (2), list the site in the Schedule; and

(ii)

list the site in the Register of Heritage Sites referred to in section 41.

(3) When the Council decides to confer Provincial Landmark status, the Council must give notice in the *Gazette* of the intention to confer Provincial Landmark status.

(4) The notice referred to in subsection (3) must—

(a)

identify the affected site and include the following information regarding the site and the land on which the site is situated—

(i)

the full title deed description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;

(ii)

a full description of the outer boundaries of the site and the extent of the site on the land;

(iii)

the current zoning of the land;

(iv)

the actual current use of the site and the land; and

(v)

full details of any improvements to, and structures on, the site and the land; and

(vi)

the GPS co-ordinates of the site;

(b)

give interested parties an opportunity to make written representations or submissions regarding the conferral of Provincial Landmark status within a period of not less than 30 days; and

(c)

draw attention to the provisions of subsections (1) and (2).

(5) The Council must, in addition to the notice to be published in terms of subsection (3), cause a copy of such notice to be sent by registered post or delivered to—

(a)

the registered owner of the land;

(b)

the occupier, if any, of the land; and the municipal manager of the municipality for the area in which the land is situated,

advising those persons that they may make written representations or submissions regarding the proposed conferral of Provincial Landmark status within a period of not less than 30 days of receipt of the notice.

(6) Except in cases where the Council considers it inappropriate, all Provincial Landmarks must bear a plaque indicating their status.

(7) The Council must, within 30 working days, after conferring the special protection of Provincial Landmark status on sites owned by the Provincial Government or a local authority, lay any register, certificate or other document before the registrar of deeds as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), in order to enable him or her to make such entries and endorsements as he or she may deem necessary in or on any relevant register, certificate or other document in his or her office or laid before him or her, in order to reflect the Provincial Landmark status of any land or portion of land conferred in terms of this section.

(8) (a) The Council may, with the concurrence of the responsible Member of the Executive Council, withdraw Provincial Landmark status by notice in the *Gazette*.

(b) When the Council decides to withdraw Provincial Landmark status, the provisions of subsections (3), (4) and (5) apply with the necessary changes.

(9) If a site on which Provincial Landmark status has been conferred, becomes the property of an owner other than the Provincial Government or a local authority, the site is at the date of registration of transfer, regarded as having been conferred Heritage Landmark status.

(10) A Provincial Landmark site is regarded as a Grade II Heritage Resource referred to in section 7 (1) (b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

**40. Special Protection: Graves of members of Royal Family.**—(1) A grave of a member of the Royal Family listed in the Schedule—

(a)

is regarded as a Heritage Landmark site referred to in section 38 or a Provincial Landmark site referred to in section 39;

(b)

is regarded as a Grade II Heritage Resource referred to in section 7 (1) (b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

(c)

enjoys the protection afforded to such heritage sites; and

(d)

must be listed in the Register of Heritage Sites referred to in section 42.

(2) The Council may approve any alteration, exhumation or removal of a grave of a member of the Royal Family only after consultation with the Monarch.

**41. Special Protection: Battlefield sites, public monuments and memorials.**—A battlefield site, public monument or memorial listed in the Schedule—

(a)

is regarded as a Heritage Landmark site referred to in section 38 or a Provincial Landmark site referred to in section 39;

(b)

is regarded as a Grade II Heritage Resource referred to in section 7 (1) (b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

(c)

enjoys the special protection afforded to such heritage sites; and

(d)

must be listed in the Register of Heritage Sites referred to in section 42.

**42. Register of Heritage Sites.**—(1) The Council must establish and maintain a consolidated register of all sites on which Heritage Landmark status and Provincial Landmark status have been conferred.

(2) The register referred to in subsection (1) must—

(a)

subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), be accessible to the public; and

(b)

contain the following information regarding the Heritage Landmark sites and Provincial Landmark sites and the land on which the sites are situated—

(i)

whether Heritage Landmark status or Provincial Landmark status has been conferred in respect of a site situated on the land;

(ii)

the full title deed description, including the title deed number, the administrative district in which the land is situated, the extent of the land and, if applicable, the nature of any right in or over such land;

(iii)

a full description of the outer boundaries of the site and the extent of the site on the land;

(iv)

the current zoning of the land;

(v)

the actual current use of the site and the land;

(vi)

full details of any improvements to, and structures on, the site and the land;

(vii)

the GPS co-ordinates of the site; and

(viii)

in respect of Provincial state land, the department or departments of the Provincial Government responsible for the control and use of the land.

(3) The consolidated register referred to in subsection (1) may, in the interests of establishing an effectively functioning database—

(a)

be partitioned into such categories; and

(b)

contain such further information, as the Council may prescribe or otherwise determine.

**43. Special protection: Heritage Object status.**—(1) No person may destroy, damage, alter, restore, or remove from its place of storage an object—

(a)

on which the special protection of Heritage Object status has been conferred; or

(b)

in respect of which a notice referred to in subsection (3) has been published, without the prior written approval of the Council having been obtained on written application to the Council.

(2) The Council may, by notice in the *Gazette*, confer the special protection of Heritage Object status on artefacts, or collections thereof, which are of substantial aesthetic, historic, scientific, or technological importance or which, in the opinion of the Council, have a significant connection or relevance to a site on which either Heritage Landmark status or Provincial Landmark status has been conferred.

(3) When the Council decides to confer Heritage Object status, the Council must give notice in the *Gazette* of the intention to confer Heritage Object status.

(4) The notice referred to in subsection (3) must—

(a)

identify the affected object and include the following information regarding the object—

(i)

a full description of the object, including a drawing or photograph of the object;

(ii)

full details of the person or body in current possession of the object;

(iii)

full details of the current place of storage of the object;

(iv)

the actual or probable historical use of the object;

(v)

the actual current use of the object; and

(vi)

full details of any damage, wear, alteration or restoration to, the object;

(b)

give interested parties an opportunity to make written representations or submissions regarding the conferral of Heritage Object status within a period of not less than 30 days; and

(c)

draw attention to the provisions of subsections (1) and (2).

(5) The Council must, in addition to the notice to be published in terms of subsection (3), cause a copy of such notice to be sent by registered post or delivered to—

(a)

the person or body in current possession of the object;

(b)

the registered owner of the land and the occupier of the land or structure on or in which the object is currently being stored; and

(c)

the municipal manager of the municipality for the area in which the land is situated, advising those persons that they may make written representations or submissions regarding the proposed conferral of Heritage Object status within a period of not less than 30 days of receipt of the notice.

(6) Except in cases where the Council considers it inappropriate, a Heritage Object must, in accordance with recognised curation norms and practice, bear a physical mark or by way of the display of appropriate marking or signage in the vicinity of the object indicating its status.

(7) (a) The Council may, with the concurrence of the responsible Member of the Executive Council, withdraw Heritage Object status by notice in the *Gazette*.

(b) When the Council decides to withdraw Heritage Object status, the provisions of subsections (3), (4) and (5) apply with the necessary changes.

(8) A Heritage Object is regarded as a Grade II Heritage Resource referred to in section 7 (1) (b) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

(9) The objects forming part of the collection of any provincial, municipal or academic institution or body are regarded as having Heritage Object status.

**44. Register of Heritage Objects.**—(1) The Council must establish and maintain a consolidated register of all objects on which Heritage Object status have been conferred.

(2) The register referred to in subsection (1) must—

(a)

subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), be accessible to the public; and

(b)

contain the following information regarding each Heritage Object—

(i)

a full description of the object, including a drawing or photograph of the object;

(ii)

full details of the person or body in current possession of the object;

(iii)

full details of the current place of storage of the object;

(iv)

the actual or probable historical use of the object;

(v)

the source of origin of the object;

(vi)

the actual current use of the object; and

(vii)

full details of any damage, wear, alteration or restoration to, the object.

(3) The consolidated register referred to in subsection (1) may, in the interests of establishing an effectively functioning database—

(a)

be partitioned into such categories; and

(b)

contain such further information, as the Council may prescribe or otherwise determine.

## CHAPTER 10

### HERITAGE RESOURCES MANAGEMENT

**45. Determination of criteria for best practice, standards, norms and conditions.**—The Council may, by notice in the *Gazette*, determine—

(a)

criteria for best practice; and

(b)

a reasonable set of standards, norms and conditions, regarding the conservation, management, administration, curation and excavation of heritage resources.

**46. Council may enter into agreements.**—(1) The Council may enter into an agreement with any person or body—

(a)

in terms of which that person or body undertakes on behalf of the Council to perform a duty or carry out a function which the Council is obliged to perform or carry out; or

(b)

in relation to any aspect of the conservation of a heritage resource, on such terms and conditions as may be agreed upon.

(2) An agreement referred to in subsection (1)—

(a)

may incorporate in its terms a provision for financial or other assistance from the Council; and

(b)

must be in the form of a binding written contract.

**47. Responsible Member of Executive Council may expropriate property on which heritage site is situated.**—(1) In addition to the general powers of expropriation conferred by the KwaZulu-Natal Land Administration Act, 2003 (Act No. 3 of 2003), or any other provincial law relating to expropriation, the responsible Member of the Executive Council may, on the recommendation of the Council and after following the procedures for expropriation as set out in that Act or law, expropriate property or a portion of property on which a heritage site is situated where—

(a)

in the opinion of the responsible Member of the Executive Council—

(i)

a heritage site is neglected to the extent that it may lose its potential for conservation; or

(ii)

it is necessary or appropriate for the conservation or development of the heritage site; or

(b)

a heritage site is threatened with demolition, alteration, or any other action which, in the opinion of the responsible Member of the Executive Council, will severely compromise its value as a heritage resource.

(2) If a heritage site or a site on which Heritage Landmark status has been conferred, becomes the property of the Provincial Government by expropriation as contemplated in subsection (1), the site is at the date of expropriation, regarded as having been conferred Provincial Landmark status.

**48. Consultation procedure where municipal by-law or regulation has bearing on heritage matters.**—(1) A draft by-law or draft regulation of a municipality pertaining to or which may reasonably be expected to have a bearing on—

(a)

heritage management within the area of jurisdiction of the municipality; or

(b)

land usage, development or planning in respect of land which is or which may reasonably be expected to be a heritage resource or a heritage site and which is situated within the area of jurisdiction of the municipality, must be referred by the municipal manager of the municipality concerned to the Council for comment before such by-law or regulation is approved by the municipality.

(2) The Council must, within 45 days as from the date of receipt of such referral, indicate to the municipality concerned its support for or opposition to the draft by-law or regulation, together with any comment the Council may wish to make: Provided that such indication must—

(a)

be by written notification; and

(b)

be submitted to and received by the municipal manager of the municipality concerned.

(3) (a) If the Council indicates by written notification in terms of subsection (2) that it is opposed to the draft by-law or draft regulation, both the Council and the municipality concerned must forthwith attempt to reach agreement by negotiation and the municipal manager of the municipality must forthwith facilitate a meeting between the Council and the municipality.

(b) If no agreement between the Council and the municipality concerned is reached after a period of 30 days after the written notification referred to in subsection (2), the municipal manager must, in writing, notify the responsible Member of the Executive Council and the Member of the Executive Council responsible for local government with a request to facilitate a further meeting between the Council and the municipality in an attempt to reach agreement.

(c) The further meeting referred to in paragraph (b) must take place within 30 days after the relevant Members of the Executive Council have been notified.

(d) If no agreement is reached, the municipality may not proceed with the draft by-law or regulation.

(e) If agreement between the Council and the municipality concerned is reached, the municipality concerned must at its next meeting, having due regard to any agreement, consider the draft by-law or regulation as amended and may proceed therewith.

(4) If the Council fails to indicate within the period referred to in subsection (2) whether it supports or opposes the draft by-law or draft regulation, the municipality concerned may proceed with the by-law or regulation.

## CHAPTER 11

### GENERAL PROVISIONS

**49. Appointment of honorary heritage inspectors.**—(1) The Council may appoint honorary heritage inspectors in accordance with the terms and conditions as determined by the Council.

(2) The provisions of section 50 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), apply with the necessary changes to the appointment of honorary heritage inspectors by the Council.

(3) Honorary heritage inspectors are not entitled to any form of remuneration by the Council.

**50. General offences pertaining to Council.**—(1) A member of the Council, a member of staff, advisor, agent or other person employed by or acting on behalf of the Council is guilty of an offence if he or she directly or indirectly accepts any unauthorised fee or reward from any person in respect of or in connection with any service rendered or anything done or offered by the Council.

(2) Any person is guilty of an offence if he or she, in respect of or in connection with any service rendered or anything done or offered by the Council, bribes or attempts to bribe, or corruptly influences or attempts to corruptly influence, any member of staff or any adviser, agent or other person employed by or acting on behalf of the Council.

(3) Any person who falsely claims that he or she is authorised to charge or collect fees on behalf of or by direction of the Council, is guilty of an offence.

**51. Penalties.**—Any person convicted of an offence—

(a)

in terms of section 50 (1) or (2), is liable to a fine or to imprisonment for a period not exceeding that determined by national legislation for corruption; or

(b)

in terms of sections 12 (1), 27 (3), 28 (3) or 50 (3), is liable to a fine or to imprisonment for a period not exceeding 5 years.

**52. Regulations.**—(1) The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with the Council, make regulations concerning—

(a)

the operational and administrative framework for District and Metro Heritage Forums;

(b)

a code of conduct for members of the Council;

(c)

any matter which is required or permitted to be prescribed in terms of this Act;

(d)

any other matter which the responsible Member of the Executive Council may deem necessary or expedient in order to achieve the objects of this Act: Provided that any regulation relating to—

(i)

State revenue or expenditure; or

(ii)

any fine, must be made in consultation with the Member of the Executive Council responsible for finance.

(2) The regulations may provide that any person contravening any regulation or failing to comply therewith is guilty of an offence and liable on conviction to a fine or other penalty not exceeding that prescribed in the regulations.

**53. Appeals to responsible Member of Executive Council.**—(1) A person affected by a decision taken by the Council and who wishes to appeal against the decision, must lodge a written notice of intention to appeal with the responsible Member of the Executive Council within 30 days after that person has been notified of the decision.

(2) The appellant must serve on the Council and each interested and affected party in relation to the decision of the Council, a copy of the notice referred to in subsection (1).

(3) The responsible Member of the Executive Council may, in writing and on good cause, extend the period within which a notice of intention to appeal must be submitted.

(4) An appeal must be accompanied by—

(a)

a statement setting out the grounds of appeal; and

(b)

supporting documentation which is referred to in the appeal.

(5) An appeal must be submitted to the responsible Member of the Executive Council within 30 days of the lodging of the notice of intention to appeal referred to in subsection (1).

(6) The responsible Member of the Executive Council must consider and finalise an appeal lodged in terms of subsection (1) within 90 days of receipt of such appeal.

(7) When the responsible Member of the Executive Council has reached a decision on an appeal, the appellant must be notified in writing, of the decision and the extent to which the decision appealed against is upheld or overturned and the reasons therefor.

(8) The powers vested in the responsible Member of the Executive Council in terms of this section may not be delegated.

**54. Delegations.**—(1) The responsible Member of the Executive Council may delegate to the Head of Department—

(a)



any power conferred on the responsible Member of the Executive Council by this Act, except the power, in terms of section 52, to make regulations or in terms of section 53, to consider appeals;  
or

(b)

any duty imposed on the responsible Member of the Executive Council by this Act, except any duty regarding the appointment, and termination of office, of the members of the Council contemplated in sections 8 and 14.

(2) The Council may delegate to the Chief Executive Officer any power or duty conferred or imposed on the Council by this Act.

(3) The Chief Executive Officer may delegate to any member of staff of the Council any power or duty conferred or imposed on that officer by this Act, except any duty as accounting officer of the Council.

(4) Any power or duty delegated in terms of subsection (1), (2) or (3) must be exercised or performed subject to such conditions as the person or body that made the delegation considers necessary.

(5) Any delegation in terms of subsection (1), (2) or (3)—

(a)

must be in writing;

(b)

does not prohibit the person or body that made the delegation from exercising that power or performing that duty; and

(c)

may at any time be withdrawn or amended in writing by that person or body.

## CHAPTER 12

### REPEAL OF LAW, TRANSITIONAL ARRANGEMENTS, VALIDATION AND SHORT TITLE

**55. Repeal of law.**—The KwaZulu-Natal Heritage Act, 1997 (Act No. 10 of 1997), is hereby repealed.

**56. Transitional arrangements and validation.**—(1) The Council is the legal successor to the council established in terms of section 5 (1) of the repealed Act.

(2) Persons who, on the day before the date of commencement of this Act, were members of the Council established in terms of section 5 (1) of the repealed Act, must continue as members of the Council until the responsible Member of the Executive Council has appointed a new Council in terms of section 8 of this Act.

(3) A person who, on the day before the date of commencement of this Act, was an officer or member of staff of the Council, is regarded as having been appointed in terms of section 21 of this Act.

(4) Any act, determination, designation, decision, matter or any other thing done, made, taken, executed or carried out or purported to have been done, made, taken, executed or carried out by *Amafa aKwaZulu-Natali*, the Council, an officer or member of staff of the Council, including the Director or Chief Executive, the Minister, or the Minister of (Provincial) Finance as defined in the repealed Act in terms of or in pursuance of the repealed Act from 23 January 1998 to the date of commencement of this Act, is not invalid by reason—

(a) of the regulations referred to in the repealed Act not having been published by the Minister;

(b) of any procedure, process, requirement, condition or detail referred to in the repealed Act not having been determined or prescribed by regulation; or

(c) the Council not having been properly constituted, as contemplated in the repealed Act.

**57. Short title.**—This Act is called the KwaZulu-Natal Heritage Act, 2008.

## SCHEDULE

### SPECIALLY PROTECTED HERITAGE RESOURCES

(Section 37 (1))

(Editorial Note: Legislation specific to municipal areas is usually not published in Provincial Legislation, however, due to the fact that the following Schedule was included in the Act, it has been reproduced below.)

A.

**Zululand District Municipality (DC 26)**, established by Provincial Notice No. 348 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 461 of 13 December 2001 and Provincial Notice No. 468 of 4 December 2002, Provincial Notice No. 472 of 5 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.

Abaqulusi Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i> <i>Heritage (section 38)</i> <i>Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed</i>	<i>GPS co-ordinates</i>
1. Magistrate's Offices and Jail, <b><i>Vryheid</i></b>	Provincial	Lot 997 Vryheid	T7266/1989	46.051 E30 47.700 S27
2. North and South Gun Points: Lancaster Hill Battlefield, Farm Vryheid, <b><i>Vryheid District</i></b>	Provincial	Portion of Rem of Townlands of Vryheid (at Trig Beacon Fort West No. 359)	G6711/1904	45.253 E30 46.697 S27
3. Old Bantu Administration Building, Landdrost Street, <b><i>Vryheid</i></b>	Provincial	Erf 997 (Cons 122 & Rem of Lot 124) Vryheid	T7266/1989	46.048 E30 47.748 S27
4. Old Carnegie Library, Landdrost (Cnr Mark) Street, <b><i>Vryheid</i></b>	Provincial	Portion 1 of Erf 124 Vryheid	T27272/1984	46.111 E30 47.775 S27
5. Old New Republic Raadsaal and Fort (including area between this site and Old Carnegie Library), <b><i>Vryheid</i></b>	Provincial	Sub 1 of Lot 997 Vryheid	T7267/1989	46.081 E30 47.762 S27
6. Police Station, Landdrost (Cnr Church) Street, <b><i>Vryheid</i></b>	Provincial	Erf 997 Vryheid	T7266/1989	46.025 E30 47.739 S27
7. Vryheid High School Hall, Church Street, <b><i>Vryheid</i></b>	Provincial	Erf 87 & 88 Vryheid	T15440/1999	46.200 E30 46.989 S27
8. Boshof House, 219 East Street, <b><i>Vryheid</i></b>	Heritage	Rem of Erf 454 Vryheid (Village)	T41516/2004	45.467 E30 47.667 S27
9. Dutch Reformed Church, 131 High (Cnr President and Church) Street, <b><i>Vryheid</i></b>	Heritage	Sub 4 of Erf 672 Vryheid	T20106/1970	46.064 E30 47.512 S27
10. Kambula Battlefield, Farm Kambula 381, <b><i>Vryheid District</i></b>	Heritage	Fig ABCDEA on SG Diag LG 1771/1983 on Rem of Sub A of farm Kambula 381 [Sub 1]	T14098/1965	S27 41.086 E30

				39.908
				S27
11. 58 President Street, <i>Vryheid</i>	Heritage	Rem of Lot 209 Vryheid	T21686/2005	46.493 E30 47.617 S27
12. 95 President Street, <i>Vryheid</i>	Heritage	Sub 3 of Erf 158 Vryheid	T16751/1997	46.306 E30 47.529

2.  
Edumbe Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Kruger Bridge, Farms Uitval 195 and Eersteling 690	Provincial	Kruger Bridge Monument site SG No. 4689/1965 Districts Utrecht & Vryheid (on Rem of Eersteling 690)	T3932/20031.262 6	S27 E30 49.091 S27
2. Old Residency, <i>Paulpietersburg</i>	Provincial	Sub 1 of Erf 532 Paulpietersburg	T20726/1925.796 86	E30 49.279 S27
3. Library, 27 Smit Street	Provincial	Lot 573 Paulpietersburg	T4153/19925.284 2	E30 48.946

3.  
Ulundi Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Piet Reliefs Grave, Farm Uitzoek 317	Provincial	Piet Retiefs Graf of Uitzoek 317 District Vryheid	T35529/1999	S28 25.503 E31 16.034 S28
2. Mgungundlovu, Farm Moordplaats 193	Provincial	Sub 3 (of 2) of Moordplaats No. 193 & Sub 2 of Moordplaats No. 193 District Vryheid	T12097/2000 T31004/1995	26.168 E31 16.031 S28
3. Mpande's Grave and Nodwengu Homestead	Provincial	Sub Mpande's Kraal of Reserve No. 20, No. 15840 County of Zululand	T69142/2002 (G7638/1909)	17.914 E31 25.582 S28
4. Ulundi Battlefield, <i>Mahlabatini District</i>	Provincial	Sub Ulundi Battlefield of Reserve No. 20, No. 15840 Zululand	G7638/1909	18.670 E31 25.584 S28
5. Ondini II: King Cetshwayo kaMpande's Royal Residence, Ulundi <i>Mahlabatini District</i>	Provincial	Sub Cetewayo's Kraal of Reserve No. 20, No. 15840 County of Zululand	T69142/2002 P.T.O. ref no. 9/5/15/7 dated 19-4-94	S28 19.108 E31 27.432 S28
6. Ondini III, Ulundi <i>Mahlabatini District</i>	Provincial	Sub 12 of Reserve No. 20 7638	P.T.O. ref no. 9/5/15/7 Dated 19-4-94	19.320 E31 27.692

	Provincial King Nkosinkulu	Moordplaats No. 193	T12097/2000	S228 23.873 E31 15.978 S28
	King Zulu	Slabatinie No. 419	T3428/89	25.406 E31 08.177 S28
	King Phunga	Heelgoed No. 218	T21574/97	25.425 E31 13.322 S28
<b>7. Emakhosini (Graves of Zulu Kings), Ulundi <i>Mahlabatini District</i></b>	King Ndaba	Pandasgraf No. 189	T591/98	23.042 E31 13.047 S28
	King Jama	Welgekozen No. 191	T11289/97	23.250 E31 14.899 S28
	King Senzangakhona	Welgekozen No. 191	T11289/97	23.193 E31 16.089 S28
	King Mageba	Pandasgraf No. 189	T591/98	23.042 E31 13.047
<b>8. Ngqengelele kaMvulane (Buthelezi) Monument, Ulundi <i>Mahlabatini District</i></b>	Provincial	“150 sq metres at Mabedlane” on P.T.O. ref no. Rem of Reserve No. 20 No. 15840 Mhlabathini District	9/5/15/11 dated 19-4-94	S28 E31

**B.**

**Uthungulu District Municipality (DC 28)**, established by Provincial Notice No. 346 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.

Mbonambi Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS coordinates</i>
<b>1. St Lucia Lighthouse, Farm Stateland 7038, <i>Lower Umfolozi District</i></b>	Provincial	Sub 1 of Reserve 4 No. 15823 District of Lower Umfolozi	T3483/1951	S28 23.106 E32 25.429

2.

Umlalazi Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS coordinates</i>
<b>1. Fort Nonquai, <i>Eshowe</i> Zululand Museum</b>	Provincial	Lot No. 415 Eshowe Township	T9266/1986	S28 54.217 E31 26.816
<b>2. Fort Eshowe (KwaMondi),</b>	Provincial	Fort Eshowe site on KwaMondi Mission Station and Rem of Reserve 17, 7638 District of Zululand	T7102/2002	S28 53.596

<b>Eshowe</b>		(now Ptn 12 Farm 15837)		E31 29.810 S28
<b>3. Eshowe Jail, John Ross Highway, Eshowe</b>	Provincial	Lot 523 Eshowe Townlands	G7409/1909	54.138 E31 27.969 S28
<b>4. Old Residency, Eshowe</b>	Provincial	(Sub 2 of) Lot 439 Eshowe	T5224/1979	54.331 E31 27.328 S28
<b>5. Eshowe Junior School, 57 Main Street, Eshowe</b>	Provincial	Lot 1139 Eshowe	T15452/1999	54.070 E31 27.450 S28
<b>6. Raffia Palms, Lot 162, Mtunzini</b>	Provincial	Lot No. 162 Mtunzini Township S.G. No. 609/52	T25878/1991	57.349 E31 46.165 S29
<b>7. Fort Tenedos, Farm Alliance 14837</b>	Heritage	Sub A of Lot No. 15 Tugela, No. 8876 County of Zululand	T12173/1994	12.445 E31 26.071 S29
<b>8. Tugela Battlefield, Lot 14 Farm Tugela 10600</b>	Heritage	“Site of Battle of Tugela” Figure ABCD on Lot No. 14 Tugela, No. 10600 county of Zululand	T12962/2003	10.181 E31 26.506

### C.

**Umkhanyakude District Municipality (DC 27)**, established by Provincial Notice No. 347 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.

Jozini Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i> (section 38) <i>Heritage</i> <i>Provincial</i> (section 39)	<i>Erf/Farm No.</i>	<i>Title Deed</i> <i>Description</i>	<i>GPS</i> <i>co-</i> <i>ordinates</i>
<b>1. Sycamore Figs Riverine Forest, Farm Kleinspan 14182, Ubombo District</b>	Heritage HERITAGE CONSERVANCY	Farm Kleinspan 14182, Ubombo District (no record of indiv. portions)	Land Register microfilm ref: 1995 0403 0270	S27 55.416 E32 19.572

### D.

**Sisonke District Municipality (DC 43)**, established by Provincial Notice No. 344 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.

KwaSani Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i> <i>Heritage</i> (section 38) <i>Provincial</i> (section 39)	<i>Erf/Farm No.</i>	<i>Title Deed</i> <i>Description</i>	<i>GPS</i> <i>co-</i> <i>ordinates</i>
<b>1. Mpongweni Cave, Cobham State Forest, Underberg District</b>	Provincial	Unregistered State land known as Mpongweni, composition portion 8 of Cobham State Forest	N/A Unregistered State land	S29 41.270 E29

					21.570
					S29
2. Himeville Fort, Arbuckle (Cnr George) Street, <b>Himeville</b>	Provincial	Portion of Lot 36 Himeville (SG 3556/1978 Figure ABCDEFHA)	T6898/1979	44.983	E29
				30.755	S29
3. Old Residency, Arbuckle (Cnr Clayton) Street, <b>Himeville</b>	Provincial	Portions of Lot 49 & Lot 50 Himeville	T29/1988	44.813	E29
				30.834	S29
4. Underberg District War Memorial, 36 Arbuckle Street, <b>Himeville</b>	Provincial	Lot 37 Himeville	T4547/1979	44.937	E29
				30.753	S29
5. Himeville Fort (undeclared portion) Arbuckle (Cnr George) Street, <b>Himeville</b>	Provincial	Lot 36 Himeville	T6898/1979	44.813	E29
				30.834	S29
6. The House, 49 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 14 Himeville	T36719/1994	44.844	E29
				30.770	S29
7. 47 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 15 Himeville	T22449/2005	44.844	E29
				30.770	S29
8. The Rectory, 29 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 24 Himeville	T11385/1929	44.064	E29
				30.756	S29
9. Church of Saint Michael and All Angels, 31 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 23 Himeville	T11384/1929	45.040	E29
				30.691	S29
10. 11 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 33 Himeville	T14119/1995	45.262	E29
				30.599	S29
11. Nelton, 53 Arbuckle Street, <b>Himeville</b>	Heritage	Lot 12 Himeville	T17530/2005	44.812	E29
				30.784	

2.

Greater Kokstad Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Status</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
					S30
1. Bandstand, Main Street, <b>Kokstad</b>	Provincial	(section 38) Provincial (section 39)	Lot 368 Kokstad	TGE6415/1897	32.856
					E29
					25.460
					S30
2. Kokstad Museum, 104 Main Street, <b>Kokstad</b>	Provincial		Erven 464 and 463 Kokstad	T17215/1960	32.818
					E29
					25.465
					S30
3. Old Town Hall, Main Street, <b>Kokstad</b>	Provincial		Lot 367 and 368 Kokstad	T5991/1897 TGE6415/1897	32.869
					E29
					25.461
4. Old Post Office (Matatiele Museum), High Street, <b>Matatiele</b>	Provincial		Erf 767 (a portion of Erf 242) Matatiele	T2397/1989	S30
					20.555

**E.**

**Ilembe District Municipality (DC 29)**, established by Provincial Notice No. 345 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.

KwaDukuza Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates S29 20.39 7 E31 17.66 6 S29 12.71 9 E31 25.73 5 S29 12.89 9 E31 26.09 3 S29 20.52 6 E31 17.45 6 S29 20.23 9 E31 17.45 1 S29 18.47 0 E31 14.95 5 S29 17.09 3 E31 14.23 4 S29 29.99 5</i>
<b>1. King Shaka Memorial, King Shaka Street, <i>Stanger</i></b>	Provincial	Lots 169 & 170 Stanger	T22996/1991	
<b>2. Fort Pearson, Farm William 15437, <i>Lower Tugela District</i></b>	Provincial	Farm Pearson No.51718	T1836/1987 (& included in Schedule to Proclamation Notice No. 35, 1987 dd 24 September 1987 for Harold Johnson Nature Reserve)	
<b>3. Ultimatum Tree, Farm Lot 5 2612, <i>Lower Tugela District</i></b>	Provincial	Farm Lot No. 5 2612 (Cons into Farm Pension T76339/2003 Fund No. 17691)		
<b>4. Stanger South School, Balcomb (Cnr Albert Luthuli) Street, <i>Stanger</i></b>	Provincial	Portions of Erven 249 – 258 (formerly Lots 1 – 10) Stanger	T4714/1884	
<b>5. Old Fort Police Station, Rood Street, <i>Stanger</i></b>	Provincial	Erf 90 Stanger	T36866/1996	
<b>6. Isivundu House, Farm Isivundu 1954, <i>Lower Tugela District</i></b>	Heritage	Farm Isivundu 1954, Kearsney – Doornkop Health Committee area, County of Victoria	T662/1944	
<b>7. Kearsney Methodist Chapel, Farm Kearsney 2201, <i>Lower Tugela District</i></b>	Heritage	Sub A of the farm Kearsney 2201, County of Victoria [Sub 1]	T62158/2005	
<b>8. Morewood Sugar Mill Memorial Garden, Farm Compensation 868,</b>	Heritage	Portion 62 of the farm Compensation 868, District of Lower Tugela	T6289/1956	



				E31
<b>Lower Tugela District</b>				10.23
				4
				S29
9. Chief Albert Luthuli				23.37
Homestead, Farm				2
Charlottedale 6014,	Heritage	Erf 47, Charlotte Dale	T3960/1936	E31
<b>Lower Tugela District</b>		Township		14.66
				8
				S29
10. Bogmore, Farm				30.52
Compensation 868,	Heritage	Sub 3 of the farm		9
<b>Lower Tugela District</b>		Compensation 868,	T15231/1989	E31
		Lower Tugela District		11.97
				1
				S29
11. Grave of Chief Albert				23.19
Luthuli, Farm				2
Charlottedale 6014,	Heritage			E31
<b>Lower Tugela District</b>				15.37
				3

#### F.

**Ugu District Municipality (DC 21)**, established by Provincial Notice No. 353 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

#### 1.

Hibiscus Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i> (section 38) <i>Provincial</i> (section 39)	<i>Erf/Farm No.</i>	<i>Title Deed</i>	<i>GPS co-ordinate</i>
1. Paddock Station, Paddock, <b>Port Shepstone District</b>	Provincial	Rem of Sub B of The Paddock 7998), County of Alfred [Sub 2]	T858/1916	S30 45.868 E30 14.728
2. Old Police Fort, <b>Port Shepstone</b>	Provincial	Portion of Rem of Lot 170, Port Shepstone	T12992/1978	S30 44.058 E30 26.927
3. Port Shepstone Lighthouse, <b>Port Shepstone</b>	Provincial	Sub 15 of Lot 156, Port Shepstone	T26822/1993	S30 44.528 E30 27.511
4. Izotsha River Railway Bridge, <b>Port Shepstone District</b>	Provincial	Sub 1 of Lot 1174, Shelley Beach & Marburg Commonage 12225, Port Shepstone District	T21444/2002	S30 47.045 E30 25.475
5. Kneisel's Castle, 24 Reynolds Street, <b>Port Shepstone</b>	Heritage	Lot 1622 Port Shepstone	T16240/1994	S30 44.222 E30 26.913
6. Royston Hall, 10 Royston Lane, <b>Umtentweni</b>	Heritage	Lot 949 Umtentweni, District of Port Shepstone	T10742/1995	S30 42.704 E30 27.200

#### G.

**Amajuba District Municipality (DC 25)**, established by Provincial Notice No. 349 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29

December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002, Provincial Notice No. 494 of 30 June 2003 and Provincial Notice No. 203 of 10 February 2005.

1.

Newcastle Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
<b>1. Town Hall, Scott Street, Newcastle District</b>	Provincial	Ptn 2 of Lot 433 Newcastle	N/A State-owned	S27 45.457 E29 55.907
<b>2. Old Carnegie Library, Voortrekker Street, Newcastle District</b>	Provincial	Rem of Lot 435 Newcastle	T6782/1 905	S27 45.385 E29 55.945
<b>3. Old Magazine, Scott Street, Newcastle District</b>	Provincial	Lot 13051, Newcastle (figure ABCD on Diag. SG 2570/1977)	T3217/1 978	S27 45.121 E29 56.379
<b>4. Fort Amiel, Fort Street, Newcastle District</b>	Provincial	Lot 4589 Newcastle (Extension 22)	T4138/1 973	S27 44.762 E29 55.271
<b>5. Buffalo River Bridge, Farms Milton 1007 and Kromellenboog 170, Newcastle District</b>	Provincial	Portions of farms Milton 15007 and Homer 8692, County of Klip River	T4292/1 977	S27 40.660 E30 02.364
<b>6. Old Residency, 96 Allen Street, Newcastle</b>	Provincial	Lot 11902 Newcastle	T5929/1 994	S27 45.857 E29 56.513
<b>7. Old State School, Albert (Cnr Havelock) Street, Charlestown</b>	Provincial	Lot 199 Charlestown	T2224/1 996	S27 24.585 E29 52.622
<b>8. Old Court House, Holland Street, Charlestown</b>	Provincial	Rem of Lot 312 Charlestown	G34/195 1 T10372/ 1953	S27 24.585 E29
<b>9. Battlefield, Farm Majuba North 11267, Newcastle District</b>	Heritage	Farms Majuba North No. 11267, Majuba South No. 10614 and Laing's Nek A, No. 8441, Klip River County	T6840/2 002 T2755/1 998 T40379/ 2004	S27 52.622 50.911 E29
<b>10. Majuba Battlefield: Conservation Area, Farm Majuba North 11267, Newcastle District</b>	Heritage HERITAGE CONSERVANCY (unproclaimed area of Farm Majuba North No. 11267)	Farms Majuba North No. 11267	T2755/1 998	S27 28.617 E29
<b>11. O'Neill's Cottage, Farm Stonewall 3109, Newcastle District</b>	Heritage	Rem of Sub 5 farm Stonewall No. 3109 County of Klip River	T40379/ 2004	S27 50.911 E29
<b>11. St Dominic's Academy Pavilion, St Dominic's Street,</b>	Heritage	Consolidated Lot 382, Newcastle Township	T12388/ 1978 T7697/1 956	S27 29.255 E29 52.131 S27 45.669

<i>Newcastle</i>				E29
				55.290
				S27
<b>12.</b>	Hilldrop House, Hilldrop Road, <i>Newcastle</i>	Heritage	Sub 36 (a sub of 1) of the farm Bosch Hoek 3345, County of Klip River	T7119/2 47.717 000 E29 56.788 S27
<b>13.</b>	Kliphuis, 64 Voortrekker Street, <i>Newcastle</i>	Heritage	Erf 679 Newcastle	T3404/1 45.679 958 E29 56.184

2.  
Utrecht Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Erf/Farm No.</i>	<i>Title Deed</i>	<i>GPS co-ordinates</i>
<b>1.</b>	Pieter Lafras Uys Monument and Grave, Church Street, <i>Utrecht</i>	Provincial	Lot 190 Utrecht (situated on)	N/A 39.301 State owned E30 19.188 S27
<b>2.</b>	Old Residency, 60 Church (Cnr van Rooyen) Street, <i>Utrecht</i>	Provincial	Erf 186 Utrecht	T9368/1 39.276 978 E30 19.291 S27
<b>3.</b>	Magistrate's Court, 57 Voor Street, <i>Utrecht</i>	Provincial	Portion of Erf 190, Utrecht	N/A 39.386 State owned E30 19.199 S27
<b>4.</b>	Town Hall, 55 Voor Street, <i>Utrecht</i>	Provincial	Rem of Erf 188 Utrecht	T2103/1 39.370 921 E30 19.272 G6705/1 904 S27
<b>5.</b>	Old Powder Magazine, President Street, <i>Utrecht</i>	Provincial	Portion of Lot 739 Utrecht	T11410/ 39.572 2002 E30 T11411/ 20.491 2002
<b>6.</b>	Blood River/Ncome Battlefield, Farm Vechtkop 168, <i>Utrecht District</i>	Heritage	Portion of the Township of Blood River, on rem of Charl Cilliers of A of Vechtkop 168, District of Utrecht	T61494/ 06.134 2002 E30 32.434 S27
<b>7.</b>	Dutch Reformed Church, 50 Church (Bloem) Street, <i>Utrecht</i>	Heritage	Erf 996 (Cons from 236, 237 & 238) Utrecht	T32739/ 39.284 1995 E30 19.180 S27
<b>8.</b>	George Shaw House, 67 Church Street, <i>Utrecht</i>	Heritage	Erf 246 Utrecht	T14664/ 39.245 1998 E30 19.417 S27
<b>9.</b>	Rothman House, 65 Church (Cnr van Rooyen) Street, <i>Utrecht</i>	Heritage	Erf 244 Utrecht	T68812/ 39.249 2004 E30 19.384 S27
<b>10.</b>	Dirk Uys House, 61 Church Street, <i>Utrecht</i>	Heritage	Sub 3 of Lot 242 Utrecht	T40972/ 39.261 2002 E30 19.333
<b>11.</b>	Old Dutch Reformed Church Parsonage (De Oude Pastorie),	Provincial	Sub1 of Erf 192 Utrecht	T3591/1 S27 942 39.348

Church (Cnr Loop) Street, *Utrecht*

E30  
19.114

**H.**

**eThekwini Municipality (Durban Metro) (DC 25)**, established by Provincial Notice No. 343 of 19 September 2000, which was subsequently amended by Provincial Notice No. 461 of 1 December 2000, 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 460 of 13 December 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 649 of 28 April 2005.

1.

eThekwini Metropolitan Unicity Municipality

<i>Heritage Resource</i>	<i>Landmark Status</i> <i>Heritage (section 38)</i> <i>Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed</i> <i>Description</i>	<i>GPS</i> <i>co-</i> <i>ordinat</i> <i>es</i>
1. Old Fort, Old Fort Road, <b>Durban</b>	Provincial	Erf 11649 Durban	G1685/1935	51.098 E31 01.536 S29
2. Local History Museum, Aliwal Street, <b>Durban</b>	Provincial	Lot 3 No.9594 Durban (now Erf 11090)	G9594/1920	51.518 E31 01.670 S29
3. City Hall and Francis Farewell Gardens, 263 West (Cnr Smith and Gardiner) Street, <b>Durban</b>	Provincial	Rem of Erf 1 Durban	Grant 1737	51.523 E31 01.516 S29
4. Main Post Office, West (Cnr Gardiner) Street, <b>Durban</b>	Provincial	“Lot Post Office” of block Market Square, Durban (now Erf 11722)	T20208/1990	51.486 E31 01.507 S29
5. Wild Fig Trees, West (Cnr Church) Street, <b>Durban</b>	Provincial	Ptn 2 of Erf 11718	T3001/1964	51.471 E31 01.592 S29
6. Old Point Railway Station, 111 Point Road, <b>Durban</b>	Provincial	Point SAR 1 No. 13200, Durban (now Erf 10031)	T1872/1944	52.267 E31 02.613 S29
7. Beachwood Mangroves, Broadway, <b>Durban</b>	Provincial	Rem of Graham 12774, per Diag SG 2114/1937; area shown as “Lagoon” <i>et al</i> County of Victoria	N/A Unregistered State land	47.847 E31 02.667 S29
8. Howard Memorial College, 267 King George V Avenue, <b>Durban</b>	Provincial	Rem of Ptn 1 of Erf 487 Cato Manor	T2465/1932	51.999 E30 58.973 S29
9. Memorial Tower Building, 267 King George V Avenue, <b>Durban</b>	Provincial	Rem of Ptn 1 of Erf 487 Cato Manor	T2465/1932	51.999 E30 58.973 S29
10. Sastri College, 20 Winterton Walk, <b>Durban</b>	Provincial	Erf 3184 (& 3185) Durban	T7031/1954	51.082 E31 00.554 S29
11. Bellair Railway Station, Sarnia Road, <b>Durban</b>	Provincial	Sub 2 of Lot 52, Bellair	T50/1944	53.423 E30 57.270 S29
12. Congella Battlefield, Maydon Road, <b>Durban</b>	Provincial	Erf 10011 Durban	T4653/2001	S29 52.922 E30

					59.740
					S29
<b>13. Durban Indian Girls Secondary School, 88 Carlisle (Cnr Dartnell) Road, <i>Durban</i></b>	Provincial	Erf 3331 Durban	T9591/1957	51.017	E31
				00.849	S29
<b>14. Natal Herbarium, 4 Edith Benson Crescent, <i>Durban</i></b>	Provincial	Sub 5 of Lot 3174 Durban	T2027/1914	50.866	E31
				00.312	S29
<b>15. King's House, Eastbourne Road, <i>Durban</i></b>	Provincial	Erf 625 Durban	T1940/1904	49.511	E31
				00.875	
			T1102/1896		
			T8784/1993		S29
<b>16. War Department Lords' Ground Boundary Marker No.2, Old Fort Road, <i>Durban</i></b>	Provincial	Rem of Erven 11162, 11163, Erf 12380 (from 11164) & Erf 11702, Durban	T13385/1996	51.119	E31
			T53370/2000	01.386	
			T793/1912		S29
<b>17. Passive Resistance Site, Umbilo (Cnr Gale) Road, <i>Durban</i></b>	Provincial	Lot 8264, Durban	T73/1962	52.285	E30
				59.681	S29
<b>18. (Façade of) Old Greenacres Building, 409 West Street, <i>Durban</i></b>	Heritage	Ptn 4 of Lot 11017, Ptn 1 of Erf 11019 & Rem of Erf 11019, Durban		51.544	E31
				01.178	S29
<b>19. Elephant House, 745 Ridge Road, <i>Durban</i></b>	Heritage	Portion 4 of Erf 246 Springfield	T29718/1994	49.648	E31
				00.418	S29
<b>20. Glacial Pavement, Carinthia Road, <i>Durban</i></b>	Heritage	Ptn 56 of Erf 127 Springfield	T4781/1940	48.822	E31
				00.210	
<b>21. Supreme Court, 151 Victoria Embankment, <i>Durban</i></b>	Heritage	Ptn 45 & 46 of Lot 10004 Durban	T3376/1921	51.755	E31
			T600/1903	01.188	
<b>22. Riverside Soofie Mosque and Mausoleum, 50 Lower Bridge Road, <i>Durban</i></b>	Heritage	Ptn 4 of Erf 27 Durban North	T2673/1913	48.371	E31
				02.006	
<b>23. Trevean, 258 Wakesleigh (Cnr Kenmare) Road, <i>Durban</i></b>	Heritage	Erf 45 Bellair (Cons 565)	T14177/1967	53.078	S29
			T20857/1973	E30	57.146
					S29
<b>24. Colinton, 68 Ridge Road, <i>Durban</i></b>	Heritage	Erf 3209 & Ptn 3 of Erf 3210 Durban	T33104/1983	50.895	E30
				59.492	S29
<b>25. Queen's Tavern, 16 Stamford Hill Road, <i>Durban</i></b>	Heritage	Erf 1357 Durban	T41781/2003	50.490	E31
				01.243	
<b>26. Riche's Building, 423 Smith (Cnr Masonic) Street, <i>Durban</i></b>	Heritage	Portion 2 of Erf 10679 Durban	T19631/2001	S29	51.625
					E31

						01.138 S29
27. 73 Musgrave Road, <b>Durban</b>	Heritage	Portion 18 of Erf 2255 Durban	T3394/1997	51.048 E30 59.977 S29		
28. Little Chelsea, 18 Windermere Road, <b>Durban</b>	Heritage	Portion 50 of Erf 1368 Durban	T19702/2004	50.243 E31 01.135 S29		
29. Quadrant House, 114-115 Victoria Embankment, <b>Durban</b>	Heritage	Portion 152 of Erf 10004 Durban	T36334/2003	51.681 E31 01.454 S29		
30. St Louis' Roman Catholic Church, 22 Jacobs Road, <b>Durban</b>	Heritage	Rem of Erf 775 Durban	T7062/1971	54.890 E30 58.758 S29		
31. Cottam Grove Hotel, 303 – 309 Florida (Cnr Cottam) Road, <b>Durban</b>	Heritage	Portion 3 of Erf 784 Durban	T6853/2002	49.790 E31 00.738 S29		
32. Monaltrie, 59 Musgrave Road, <b>Durban</b>	Heritage	Ptn1 of Erf 2261 Durban	T46945/2000	51.077 E30 59.968 S29		
33. Lillieshell, 408 Innes Road, <b>Durban</b>	Heritage	Erf 643, Durban	T10213/1995	49.721 E31 00.803 S29		
34. 41 Cedar Road, Congella, <b>Durban</b>	Heritage	Lot 7972 Durban	T6810/1986	52.490 E30 59.358 S29		
35. Umbilo Shree Ambalavanaar Alayam Temple, 890 Bellair Road, <b>Durban</b>	Heritage	Portion 1 of Erf 55 Cato Manor	T10845/1957	52.589 E30 57.665 S29		
36. Atherton, 295 Florida Road, <b>Durban</b>	Heritage	Erf 785 Durban	T32784/2005	49.783 E31 00.740 S29		
37. Caister Lodge, 264 Musgrave Road, <b>Durban</b>	Heritage	Erf 2222 Durban	T18860/1975	50.657 E31 00.112 S29		
38. Portview, 183 Cowey (Cnr Haden) Road, <b>Durban</b>	Heritage	Portion 1 of Erf 3064 Durban	T67271/2002	50.290 E31 00.661 S29		
39. Dutch Reformed Church, 151 Smith Street, <b>Durban</b>	Heritage	Portion 5 of Erf 10605, Durban	T1906/1918	51.526 E31 01.865 S29		
40. Durban Light Infantry Head Quarters, 5 DLI Avenue, <b>Durban</b>	Heritage	Rem of Erf 3427, Durban, and Erf 3428, Durban	T1130/1913 T1861/1922	50.834 E31 00.990 S29		
41. Hollis House, 178 Florida Road, <b>Durban</b>	Heritage	Lot 892, Durban	T47126/2000	49.954 E31 00.975		

42. Kingsleigh Lodge, 241 McDonald Road, <b>Durban</b>	Heritage	Lots 5211 and 5212, Durban	T15571/1995	S29 51.657 E30 59.501
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2.

Inanda (now part of eThekweni Metropolitan Unicity Municipality)

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/ Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Ottawa House, Farm Lot 20 1529, <b>Inanda District</b>	Provincial	Erf 2493 Waterloo Extension, Inanda District	T9238/1996	S29 39.932 E31 02.889
2. Ganesha Temple, 119 Marshall Drive, <b>Mount Edgecombe</b>	Heritage	Rem of Lot 22 on the Umhlanga River, County of Victoria (now Lot 609 Mount Edgecombe)	T50165/2004	S29 42.100 E31 02.108
3. Shri Jagannath Puri Temple, Belvedere Road, <b>Tonga</b>	Heritage	Rem of Lot 79, Tongaat Township	T11703/2005 T2531/1994 T28911/1998	S29 34.504 E31 06.670
4. Narainsamy Temple, Inanda Road, <b>Newlands</b>	Heritage	Rem of Lot 165 Newlands, of the Farm Zeekoe Valle, County of Victoria	T1556/1909	S29 46.749 E30 58.144
5. John Dube House, Ohlange Institution, <b>Inanda District</b>	Heritage	Sub 253 (of 90) of the Farm Piezang Rivier No. 805	T33658/1993	S29 42.267 E30 57.733
6. Ottawa Estate Shree Emperumal Temple, Ottawa, <b>Inanda District</b>	Heritage	Rem of Lot 20 No. 1557 Ottawa Estate, Inanda District	T5619/1990	S29 40.323 E31 02.902

3.

Pinetown (now part of eThekweni Metropolitan Unicity Municipality)

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Bergtheil Museum, 16 Queens Avenue, <b>Westville</b>	Provincial	Lot 1870 Westville Township	T8898/1993	S29 50.093 E30 55.835
2. Umbilo Waterworks, Paradise Valley Nature Reserve, <b>Pinetown</b>	Provincial	Rem of Lot 3064 and Rem of Lot 3065 Pinetown	T15824/1990	S29 49.959 E30 53.369
3. Indigo Vats, Paradise Valley Nature Reserve, <b>Pinetown</b>	Heritage	Portion of Erf 3079 Pinetown	T37884/2002	S29 50.203 E30 52.985
4. Old New Germany Lutheran Church, Shepstone (Cnr Blair Atholl) Street, <b>Pinetown</b>	Heritage	Lot 130 New Germany Township	T28098/1998	S29 47.887 E30 53.355
5. Christianenberg Berlin Mission	Heritage	Rem of Lot 214	T4667/1997	S29

Church, Krause Street, <b>Clermont</b> : Historic Bell Tower	Christianenburg Township, 7 District of Pinetown	47.840 E30 53.769
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4.  
Umzinto (now part of eThekweni Metropolitan Municipality)

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
<b>1. Green Point Lighthouse, Farm <i>Clansthal</i> 1202</b>	Provincial	Sub 7 of the farm <i>Clansthal</i> 1202, District of Umzinto	T446/1934	S30 15.020 E30 46.728

**I.**  
**Uthukela District Municipality (DC 23)**, established by Provincial Notice No. 351 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 131 of 25 April 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.  
Emnambithi Local Council

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
<b>1. Railway Institute, 316 Murchison (Cnr Albert) Street, <i>Ladysmith</i></b>	Provincial	Erf 730 <i>Ladysmith</i>	T4802/1887	S28 33.317 E29 47.059 S28
<b>2. Town Hall, Murchison (Cnr Queen) Street, <i>Ladysmith</i></b>	Provincial	Lot 1 Townlands of <i>Ladysmith</i>	T888/1900	S28 33.568 E29 46.847 S28
<b>3. The Residency, 11 – 13 Wright Road, <i>Ladysmith</i></b>	Provincial	Lot 505 <i>Ladysmith</i>	T1419/1901	S28 32.879 E29 47.387 S28
<b>4. Platrand Battlefield (“Wagon Hill”), Farm Fourie’s Kraal 1183 (Riet Kuil 1067), <i>Klip River District</i></b>	Heritage	Sub-Wagon Hill of the farm Fourie’s Kraal No. 1183, and Sub-Wagon Hill of Sub-G, of the farm Riet Kuil No. 1067	T59701/2001 T23446/1985	S28 35.402 E29 45.509 S28
<b>5. Fort Mistake, Farm Quagga’s Kirk 1168, <i>Klip River District</i></b>	Heritage	Rem of farm Quagga’s Kirk 1168, County of <i>Klip River</i>	T5966/1967	S28 10.140 E29 57.540 S28
<b>6. Pro Nobis, Fort Mistake, <i>Klip River District</i></b>	Heritage	Rem of farm Quagga’s Kirk 1168, County of <i>Klip River</i>	T5966/1967	S28 10.490 E29 57.240 S28
<b>7. Llandaff Oratory, Van Reenen, <i>Klip River District</i></b>	Heritage	Lot 115, Van Reenen Township	T17537/1979	S28 22.599 E29 22.713 S28
<b>8. Elandslaagte Battlefield, Farm Brakfontein 1046, <i>Klip River District</i></b>	Heritage	Diag SG 875/1983 being Sub 9 (of 7) and Rem of Sub 7 of farm Braak Fontein 1046	T898/1928 & T45589/2002	S28 25.282 E29 58.828 S28
<b>9. Elandslaagte Battlefield: Dutch Corps Monument</b>	Heritage	(a) Monument Site of (sub) Division A of Brakfontein 1046, County of <i>Klip River</i>	T898/1928 & T45589/	S28 25.282 E29



		(b) servitude over Sub A (Diag SGO Sub. Vol. 726 dd 16 Feb 1928)	2002	58.828
<b>10. Hindu Thirukootam and Shree Ganaser Temple, 113 Forbes Street, Ladysmith</b>	Heritage	Portion 1 of Erf 800 Ladysmith	T4948/1919	S28 33.647 E29 47.126 S28
<b>11. Keer Weder, 25 Keate Street, Ladysmith</b>	Heritage	Portion of Erf 769 Ladysmith	T22024/1993	S28 33.490 E29 46.747 S28
<b>12. Soofie Mosque and Maddressa, 41 Mosque (Soofie) Street, Ladysmith</b>	Heritage	Sub 3 of Erf 1006 Ladysmith Township	T6567/1977	S28 34.236 E29 46.657 S28
<b>13. Dutch Reformed Church, 103 Murchison Street, Ladysmith</b>	Heritage	Erf 845 Ladysmith	T2312/1859	S28 33.655 E29 46.786 S28
<b>14. Hime Bridge, Farm Platberg 1241, Klip River District</b>	Heritage	Rem of farm Platberg 16318	T4777/1992	S28 21.612 E30 00.654
2. Umtshezi Local Council				

<i>Heritage Resource</i>	<i>Landmark Status</i> <i>Heritage (section 38)</i> <i>Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed</i>	<i>GPS co-ordinates</i>
<b>1. Bulwer Bridge and Old Toll House, Colenso, Estcourt District</b>	Provincial	Sub 1 of Lot 116 Colenso Township	G45/1963	S28 44.177 E29 49.261 S29
<b>2. Fort Durnford, Kemps Road, Estcourt</b>	Provincial	Sub1 of Lot 1081 Estcourt Township	G89/1966	S28 00.882 E29 53.302 S29
<b>3. Old Agricultural Hall, Harding Street, Estcourt</b>	Provincial	Lot 149 Estcourt	T5388/1895	S28 00.540 E29 52.389 S28
<b>4. Bloukrans Battlefield, Farm Rama 929, Estcourt District: Bloukrans Memorial</b>	Heritage	Sub 20 (of 6) of the Farm Rama No. 929	T54685/2006	S28 51.021 E29 50.528 S29
<b>5. Saailaer, Farm Zaay Lager 1199, Estcourt District</b>	Heritage	Farm Saay Lager No. 1199, District Estcourt	T8467/1989	S28 00.487 E29 53.267 S28
<b>6. Marianne Church Ruins, Farm Doveton, Estcourt District</b>	Heritage	Rem of Wilde Perde Vlei 1004 (now known as Doveton), County of Weenen	T68188/2004	S28 47.954 E29 30.379 S29
<b>7. Greystone, Farm Vegt Lager 801, Estcourt District</b>	Heritage	Sub 19 (a Sub of A) of the farm Vegt Lager 801, county of Weenen	T6212/1995	S28 04.306 E29 47.907
<b>8. Brynbella Battlefield Stone Wall, Farms Glenbello and Stockton, Estcourt District</b>	Heritage	“along boundary line of farms Glenello (prev Tamboekies Kraal) and Stockton (prev Zuurbraak), County of Weenen”	T9331/1996 T14571/2	S28 04.471 E29

				004	57.410
					S29
<b>9. Settler Cottage, 87 Lorne Street, <i>Estcourt</i></b>	Heritage	Lot 126 Estcourt Township	T44964/2	00.681	
			001	E29	52.639
					S28
<b>10. Bartle House, St Gregory College, <i>Estcourt District</i></b>	Heritage	Erf 139 Frere	T40169/2	53.575	
			004	E29	46.549
					S28
<b>11. Hattingsvlakte 2829DD19 and 22, Farm Hatting Vlakke 5865, <i>Estcourt District</i></b>	Heritage	Rem of Farm Hattings Vlakke 5865, County of Weenen	T66910/2	50.833	
			002	E29	46.795
					S28
<b>12. Ambleside Military Cemetery/ National Garden of Remembrance</b>	Heritage	Sub 18 (of 6) of the Farm Varkens Fontein 1138, County of Weenen	T3644/19	44.495	
			97	E29	47.494
					S28
<b>13. Coolamgause Building, Retief Street, <i>Weenen</i></b>	Heritage	(a) Sub 1 of Lot 66	T16792/1	S28	
		(b) Sub 2 of Lot 66, Township of Weenen	995 &	51.157	
			T16791/1	E30	
			995	05.091	
					S28
<b>14. Abdoolgafoor Goolamsahib Arabian Merchant Retief Street, <i>Weenen</i></b>	Heritage	(a) Sub 1 of Lot 66	T16792/1	S28	
		(b) Sub 2 of Lot 66, Township of Weenen	995 &	51.157	
			T16791/1	E30	
			995	05.105	

3.  
Okhahlamba Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i> <i>Heritage (section 38)</i> <i>Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title</i>	<i>GPS</i> <i>Deed co-</i> <i>Descrip ordin</i> <i>tion</i> <i>ates</i>
<b>1. Spioenkop Battlefield, Farm Rhenoster Fontein 1051</b>	Provincial	Sub 11 (of 2) of the farm Rhenoster Fontein No. 1051, County of Klip River diagram SG 1764/1976	T3552/1	0 977 E29 31.16 4 S28 43.53
<b>2. Mhlwazini Cave 2829CD57, Farm Solarcliffs 11454</b>	Provincial	Rem of farm Solarcliffs 11454, District of Bergville	T2758/1	4 963 E29 18.53 4 S28 44.09
<b>3. Anglo-Boer War Blockhouse, Sharrat Street, Bergville</b>	Provincial	Erf 233 Bergville	T15792/9	1977 E29 22.30 5
			T29933/	1995
			T14024/	S28
<b>4. Retief's Pass, Farm Scheepers Hoek 11337 and Bethel 2186</b>	Heritage	Portion of Sub A of the farm Scheepers Hoek 11337 and Portion of Rem of farm Bethel 2186, County of Klip River, as shown on Servitude Diagrams SG 4122/1975 & SG 4123/1975	1982	27.54 T3190/1 0 987 E29 T33693/14.28 2001 7 T4888/1 979
<b>5. Mgoduyanuka</b>	Heritage	Sub 8 (now Rem) of the farm Zuurlager 1040, District of	T37174/	S28

2829CB6, Farm Zuur Lager 1040	Bergville	1994	41.01 0 E29 13.13 1
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**J.**

**Umzinyathi District Municipality (DC 24)**, established by Provincial Notice No. 350 of 19 September 2000, which was subsequently amended by Provincial Notice No. 462 of 1 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 219 of 20 June 2002, Provincial Notice No. 329 of 5 September 2002, Provincial Notice No. 468 of 4 December 2002 and Provincial Notice No. 494 of 30 June 2003.

1.

Endumeni Local Council

<i>Heritage Resource</i>	<i>Lanamark Status</i> <i>Heritage (section 38)</i> <i>Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed</i> <i>Description</i>	<i>GPS co-ordinates</i>
<b>1.</b> Ryley's Hill, 79 Karel Landman Street, <b>Dundee</b>	Provincial	Rem of Lot 1 of Townlands of the Govt Extension of Dundee Proper	T2025/19 38	09.800 E30 13.087 S28
<b>2.</b> Talana Battlefield, Farm <b>Dundee</b> 4339: Talana Museum	Provincial	Sub 727 of farm Dundee 4339, County of Klip River (now Cons sub 728)	T2658/19 85	08.829 E30 15.766 S28
<b>3.</b> Talana Battlefield, Farm <b>Dundee</b> 4339: Thornley Homestead	Heritage	Rem of Ptn 348 of the farm Dundee 4339	T14679/1 970	08.912 E30 16.253 S28
<b>4.</b> Magistrate's Court and Police Station, Gladstone (Cnr Beaconsfield) Street, <b>Dundee</b>	Provincial	Erf 1374 Dundee Townlands	T13250/1 995	09.725 E30 14.059 S28
<b>5.</b> Dundee High School, Tatham Street, <b>Dundee</b>	Provincial	Lot 1335 Dundee	T2612/19 04	10.085 E30 13672 S28
<b>6.</b> Old Swedish Mission, 77 McKenzie Street, <b>Dundee</b> : Wesleyan Church	Heritage	Erf 3981 Dundee (from Lot 1201 & Lot 1202), Dundee Township	T928/198 7	10.038 E30 14.099 S28
<b>7.</b> Judith Dutch Reformed Church and Cemetery, Farm Paddafontein	Heritage	Sub A of the farm Paddafontein (No. 3214) in Division of Umsinga County of Klip River	T31685/1 997	20.430 E30 20677 S28
<b>8.</b> Coniston, 5 Harvey Place, <b>Dundee</b>	Heritage	Sub 10 of Lot 2160 Dundee	T13023/2 002	09.395 E30 13.829 S28
<b>9.</b> Pearson House, 46 Tatham Street, <b>Dundee</b>	Heritage	Rem of Lot 1338 Dundee Township	T31240/1 983	10.105 E30 13.725 S28
<b>10.</b> Old Boswell's Store, 74 Gladstone (Cnr Beaconsfield) Street, <b>Dundee</b>	Heritage	Lot 616, Dundee	T26587/1 998	09.726 E30 14.074 S28
<b>11.</b> Apostolic Faith Mission Church, 17 Gray Street, <b>Dundee</b>	Heritage	Erf 579, Dundee	T8016/19 94	S28 09.538

					E30 14.104 S28
12. The Hollies, 29 – 31 Union Street, <b>Dundee</b>	Heritage	Erf 4335, Borough of Dundee	T14460/1998	09.586 E30 13.844 S28	
13. Karel Landman House, Farm Uithoek 1335	Heritage	On the “werf” of the farm Uithoek No. 1335, County of Klip River	T31823/1991	14.204 E30 08.044	

2.  
Nqutu Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Isandlwana Battlefield	Provincial		Diagram S.G. 549/1972 on Reserve 18, No. 7638, Nqutu District	P.T.O. ref nos 9/5/15/2021 & 21 dated 94-10-21	S28 21.449 E30 39.261
2. Prince Imperial Memorial	Heritage		Native Reserve No. 18, Zululand (No. 7638)	P.T.O. ref no. 9/5/15/15 dated 19-4-94	S28 07.733 E30 47.942

3.  
Umsinga Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Shiyane/Rorke’s Drift Battlefield, Farm Oscarsberg 2254	Provincial		Portion of the farm Mchjeane 2254 (known by the name Oscarsberg)	T11007/1981	S28 21.274 E30 32.259

4.  
Umvoti Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. General Louis Botha’s Birthplace, <b>Greytown</b>	Provincial		Sub B of G of Hartebeest Vlagte No. 1355, county of Umvoti (now Ptn 31)	T1504/1940	S29 05.531 E30 36.546
2. Greytown Museum, 68 Scott (Cnr Durban) Street, <b>Greytown</b>	Provincial		Sub1 of Lot 138 & Sub 1 of Lot 139 Greytown Township (now Cons Erf 1145)	T14453/1986	S29 03.910 E30 35.176
3. Town Hall, 37 – 47 Bell (Cnr Pine) Street, <b>Greytown</b>	Provincial		Lot 407 Greytown	N/A State-owned	S29 03.420 E30 35.510
4. Hermannsburg Mission Houses, Hermannsburg School, <b>Hermandsburg</b>	Heritage		on the farm Rem of Perseverance 1324 near Kranskop, Province of Natal	T54638/2000	S29 02.495 E30 47.928
5. Ruins of Fort Ahrens, Farm Perseverance 1324, <b>Hermandsburg</b>	Heritage		Lot A of the farm Perseverance, County of Umvoti, Province of Natal	T1613/1995	S29 01.707 E30 43.859
6. Hermannsburg Lutheran	Heritage		Sub 29 of farm Perseverance 1324	T18534/19	S29

Church, <b>Hermannsburg</b>	County of Umvoti	69	02.526 E30 47.547 S29
7. Balmoral Farmhouse and Stables, near Rietvlei, <b>Umvoti District</b>	Heritage	Rem of the farm Balmoral 13347, T7166/200 County of Umvoti	4 11.579 E30 16.663

**K.**

**Umgungundlovu District Municipality (DC 22)**, established by Provincial Notice No. 352 of 1 December 2000, which was subsequently amended by Provincial Notice No. 462 of 19 December 2000, Provincial Notice No. 501 of 29 December 2000, Provincial Notice No. 97 of 15 March 2001, Provincial Notice No. 135 of 12 April, 2001, Provincial Notice No. 299 of 13 August 2001, Provincial Notice No. 388 of 11 October 2001, Provincial Notice No. 461 of 13 December 2001, Provincial Notice No. 257 of 11 July 2002, Provincial Notice No. 350 of 19 September 2002, Provincial Notice No. 468 of 4 December 2002, Provincial Notice No. 494 of 30 June 2003 and Provincial Notice No. 1261 of 7 October 2004.

1.

Umgungundlovu Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS coordinates</i>
1. Howick Waterfall, Falls View Drive, <b>Howick</b>	Provincial	The figure being Howick Falls Monument as indicated in Diag S.G. No. 5325/5 (portion later deproclaimed) – Ptn of Townlands	G9118/1 917	29.192 E30 14.306 S29
2. Howick Museum (Old Howick Clinic), 24 Morling Street, <b>Howick</b>	Provincial	Rem of Lot 7, Howick	T7385/1 977	29.326 E30 13.629 S29
3. Cedara College, Farm Drie Fonteinen 952, <b>Lions River District</b> Old Hostel Building	Provincial	Rem of Sub 1 of Drie Fonteinen 952, County of Pietermaritzburg	T1630/1 902	31.645 E30 16.019
4. Owthorne House, Farm Bosch Hoek 973, <b>Lions River District</b>	Provincial	Sub A of the farm Bosch Hoek 973, County of Pietermaritzburg	T3189/1 947	S29 28 E30 16
5. St John's Gowrie Presbyterian Church, Nottingham Road, <b>Lions River District</b>	Heritage	Portion 132 of the farm Gowrie No. 1930	T36569/ 2000	21.232 E29 59.783 S29
6. Tweedie Hall, Farm Tweedie Hall 11880, <b>Lions River District</b>	Heritage	Portion of the farm Tweedie Hall 11880, County of Pietermaritzburg	T39418/ 2002	29.338 E30 10.593 S29
7. Tweedie Research Station, Farm Riversdale 950, <b>Lions River District</b>	Heritage	Sub 404 of the farm Allemans' Drift 950 (now Riversdale 950), Midmar Regulated Area, County of Pietermaritzburg	T16382/ 1997	28.572 E30 11.628 S29
8. Fairfield Farmstead, Shafton Road, <b>Howick</b>	Heritage	Sub 2 of Erf 755, Howick	T33539/ 2003	28.722 E30 14.388 S29
9. Aird Farmhouse, <b>Lions River District</b>	Heritage	Rem of Sub 31 of the farm Petrusstroom 954	T32907/ 1999	32.256 E30 05.458

2.

Mkhambathini Local Council

<i>Heritage Resource</i>	<i>Landmark Status</i>	<i>Erf/Farm No.</i>	<i>Title</i>	<i>GPS</i>
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	<i>Heritage (section 38) Provincial (section 39)</i>		<i>Deed Description</i>	<i>co- ordinates</i>
1. Umhlatuzana Rock Shelter 2930DD98, Farm Kirkfalls 14227	Provincial	Sub 27 of the farm Kirkfalls 14227 in Camperdown District	T11709/1990	48.280 E30 45.220 S29
2. Cycads, Monteseel Township	Heritage	Monteseel Cycads Monuments, on B of the farm Kafirdrift No. 906, County of Pietermaritzburg diagram S.G. No. 5799/51	T16541/1895	44.183 E30 41.140
3. Umshwathi Local Council				

<i>Heritage Resource</i>	<i>Landmark Status Provincial (section 39)</i>	<i>Heritage (section 38) Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co- ordinates</i>
1. Lutheran Church, <b>New Hanover</b>	Provincial	Portion 33 of farm Mooiplaats, No. 1315	T3723/1990	S29 21.477 E30 33.761
4. Mpofana Local Council				

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co- ordinates</i>
1. Helen Bridge, Weston, <b>Mooi River District</b>	Provincial	Piece of land named Helen Bridge, being a portion of the Townlands of Mooi River, County of Weenen	G11102/1927	21.477 E30 33.761 S29
2. Military Cemetery/National Garden of Remembrance, <b>Mooi River District</b>	Provincial	Erf 432, Mooi River	T11102/1927	13.038 E30 00.729 S29
3. Weston Agricultural College: Doctor's Quarters	Heritage	Farm Weston Training School 13981, County of Weenen	G5/1954	12.815 E30 02.112 S29
4. Weston Agricultural College: Commandant's House	Heritage	Farm Weston Training School 13981, County of Weenen	G5/1954	12.815 E30 02.114 S29
5. St Theresa Roman Catholic Church	Heritage	Portion 1 of Erf 2, Mooi River	T3246/1922	12.437 E29 59.361
5. Impendle Local Council				

<i>Heritage Resource</i>	<i>Landmark Status (section 38) Provincial (section 39)</i>	<i>Heritage Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co- ordinates</i>
1. Collingham Shelter 2929BD, Farm FP36 7648, <b>Impendle District</b>	Heritage	Farm FS No. 17537 (prev. Rem of the farm FP.37 No. 7649)	T588/2002	S29 38.217 E29 40.614
6. Richmond Local Council				

<i>Heritage Resource</i>	<i>Landmark Status (section 38) Provincial (section 39)</i>	<i>Heritage Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co- ordinates</i>

1. Blarney Cottage, Farm Dunbar Estate 1478, <b>Richmond District</b>	Provincial	Sub 2 of Farm Dunbar Estate 1478, District of Richmond	T23889/1993	50.857 E30 12.270 S29
2. Farm Dunbar Estate 1478: Conservation Area, <b>Richmond District</b>	Provincial HERITAGE CONSERVANCY	Rem of Portion 2 of Farm Dunbar Estate No. 1478, Registration Division FT, Natal	T20136/2001	52.221 E30 22.329 S29
3. Richmond and Byrne District Museum, 46 Victoria (Cnr Chilley) Street, <b>Richmond</b>	Provincial	Erf 219 Richmond	T24294/1981	52.326 E30 16.212 S29
4. Carnarvon Masonic Lodge, 57 Russel Street, <b>Richmond</b>	Heritage	Lot 272, Richmond Township	T30368/1998	52.159 E30 16.366 S29
5. Lynmouth Glacial Pavement, Farm Hopewell 881, <b>Richmond District</b>	Heritage	Rem of the farm Hopewell 881, Richmond District	T17263/1969	48.941 E30 24.502 S29
6. Baynesfield Estate: Baynes House	Heritage	Rem of the farm Nels Rust 849, District of Richmond	T223/1879	45.892 E30 20.190 S29
7. Baynesfield Estate: Old Nel's Rust Dairy	Heritage	Rem of the farm Nels Rust 849, District of Richmond	T223/1879	45.892 E30 20.190 S29
8. Baynesfield Estate: First Cattle Dip	Heritage	Farm Meyer's Hoek 847, Richmond District	T47900/2000	45.892 E30 20.190 S29
9. Baynesfield Estate: Joseph Baynes Mausoleum	Heritage	Rem of the farm Nels Rust 849, District of Richmond	T223/1879	45.892 E30 20.190
7. Msunduzi Local Council				

<i>Heritage Resource</i>	<i>Landmark Status Heritage (section 38) Provincial (section 39)</i>	<i>Erf/Farm No.</i>	<i>Title Deed Description</i>	<i>GPS co-ordinates</i>
1. Church of the Covenant, Church Street, <b>Pietermaritzburg</b>	Provincial	Sub 1 of Lot 2534 and Sub 1 of Lot 2571, Pietermaritzburg	T4092/1936 & T12924/1966	7 E30 22.96 8 S29 36.65
2. Old Government House, 1 Longmarket Street, <b>Pietermaritzburg</b>	Provincial	(a) Rem of Erf 2501 & (b) Rem of Erf 2502 Pietermaritzburg	T350/1853	4 E30 22.21 8
3. Old Natal Houses of Parliament, 245 Longmarket Street, <b>Pietermaritzburg</b>	Provincial	Rem of Erf 2569 Pietermaritzburg	G20/1955	S29 36.15 8 E30 22.78

				7
				S29
				35.07
4. Old Voortrekker Road, World's View Road, <b>Pietermaritzburg</b>	Provincial	"World's View", Ptn of Erf 10 000, Crown Grant Pietermaritzburg (prev. Townlands) 1687		9
				E30
				19.93
				2
				S29
				36.08
5. City Hall, 260 Commercial (Cnr Church) Road, <b>Pietermaritzburg</b>	Provincial	Portion of Rem of Sub "Market Square" of Pietermaritzburg (now Erf 2526)	T3502/1928	9
				E30
				22.78
				1
6. Old Longmarket Street Girls School (Voortrekker Museum), 351 Longmarket (Cnr Boshoff) Street, <b>Pietermaritzburg</b>	Provincial	Rem of Lot 35, Pietermaritzburg (now Erf 2535)	T426/1874	
				S29
				37.03
7. Clark House and Victoria Hall, Maritzburg College, <b>Pietermaritzburg</b>	Provincial	Rem of Lot 80 of Townlands of Pietermaritzburg	T23352/1999	6
				E30
				22.92
				5
				S29
				36.15
8. Publicity House, 117 Commercial (Cnr Longmarket) Road, <b>Pietermaritzburg</b>	Provincial	Ptn 1 of Erf 2526 Pietermaritzburg	T12509/1935	5
				E30
				22.81
				0
				S29
				36.13
9. Old Presbyterian Church, 248 Church Street, <b>Pietermaritzburg</b>	Provincial	Rem of Lot 24A, Longmarket Street, Pietermaritzburg	T1112/1986	3
				E30
				22.72
				2
				S29
				35.76
10. Voortrekker House Museum, 333 Boom (Cnr Claybourne) Street, <b>Pietermaritzburg</b>	Provincial	Rem of sub 2 of D of 333 Boom Street, Pietermaritzburg	T9014/1975	6
				E30
				22.67
				9
				S29
				36.15
11. Russell High School, 127 Berg (Cnr Chapel) Street, <b>Pietermaritzburg</b>	Provincial	Erf 13; Lots 2, 3, 4 & Rem of Erf 14; and Rem of Erf 15, Berg Street, Pietermaritzburg (now Erf 2213, 2214 + Ptn 2215)	T1117/1910 T455/1910	6
				E30
				22.29
				7
				S29
				36.28
12. Old YMCA Building, 195 Longmarket Street, <b>Pietermaritzburg</b>	Provincial	Ptn 2 of Erf 2519, Pietermaritzburg	T3979/1942	2
				E30
				22.66
				8
				S29
				36.26
13. Natal Botanical Gardens (and Plane Tree Avenue), <b>Pietermaritzburg</b>	Provincial	Rem of Lot 212 and (b) Rem of Sub 26 of Exchange of the Ordinance Land, City of Pietermaritzburg	T18945/1970	8
				E30
				20.87
				4
14. Girls' High School, Alexander Road, <b>Pietermaritzburg</b>	Provincial	Rem of Sub 6 of Lot 374, Pietermaritzburg	T4661/1966 T63551/2005	S29
				37.60



				2
				E30
				23.10
				9
			(i)	S29
			T920/ 1923	37.27
			(T35521/2006)	6
			(ii)	E30
			T1865/ 1915	23.74
			(T35523/2006)	4
				S29
				36.20
				9
				E30
				22.75
				9
				S29
				36.23
				4
				E30
				22.73
				3
			(i)	S29
			Lot 2731	36.12
			(ii)	1
			Sub 2 of Lot 2730; and	E30
			(iii)	23.01
			Sub 3 of Lot 2730, City of	2
			Pietermarit	
			zburg	
				S29
				35.40
				4
				E30
				22.28
				8
				S29
				38.10
				9
				E30
				22.44
				3
				S29
				36.89
				9
				E30
				23.96
				4
				S29
				36.54
				9
				E30
				22.03
				1
				S29
				36.27
				6
				E30
				22.80
				8
				S29
				2
				E30
				22.75
				9
				S29
				36.23
				4
				E30
				22.73
				3
				S29
				36.12
				1
				E30
				23.01
				2
				S29
				35.40
				4
				E30
				22.28
				8
				S29
				38.10
				9
				E30
				22.44
				3
				S29
				36.89
				9
				E30
				23.96
				4
				S29
				36.54
				9
				E30
				22.03
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				S29
				36.27
				6
				E30
				22.80
				8
				S29
				2
				E30
				22.75
				9
				S29
				36.20
				9
				E30
				23.74
				4
				S29
				37.27
				6
				E30
				23.10
				2

Alexandra (Cnr Lindup) Road, <b>Pietermaritzburg</b>		Sub 5 of 1 of Lot 25, (ii) Sub 13 of 11 of Lot 25; and (iii) Rem of 11 of Lot 25, Pietermaritzburg	T28/1897  T680/1906	37.16 1 E30 23.20 3 S29 36.88
25. Fort Napier, Devonshire Road, Pietermaritzburg: Officers' Mess	Provincial	Situated on Rem of Erf 3127 Pietermaritzburg	T7095/1944	7 E30 21.99 8 S29 36.88
26. Fort Napier, Devonshire Road, Pietermaritzburg: St George's Garrison Church	Provincial	Situated on Rem of Erf 3127 Pietermaritzburg	T7095/1944	1 E30 22.17 6 S29 36.88
27. Fort Napier, Devonshire Road, Pietermaritzburg: Historic Core	Provincial	Rem of Erf 3127 Pietermaritzburg	T7095/1944	7 E30 21.99 8 S29 36.11
28. Colonial Building, Old Umgeni Magistrate's Court and Old Police Quarters, 241 Church (Pietermaritz) Street, <b>Pietermaritzburg</b>	Provincial	Sub 1 of Lot 2424 Pietermaritzburg	T281/1866	5 E30 22.71 0 S29 34.52
29. Old State Veterinary Laboratory: Allerton Laboratories, 458 Town Bush Road, <b>Pietermaritzburg</b>	Provincial	Rem of Erf 13, Pietermaritzburg	T1742/1897	7 E30 21.42 5 S29 36.13
30. Tatham Art Gallery and Adjacent Gardens, Commercial Road, <b>Pietermaritzburg</b>	Provincial	Sub 1 of Lot 2569 Pietermaritzburg	T1112/1986	9 E30 22.76 2 S29 37.09
31. Old Supreme Court, College Road, <b>Pietermaritzburg</b>	Provincial	Sub 7 of Lot 80, Pietermaritzburg	T5055/1993	3 E30 22.84 8 S29 36.36
32. Old Merchiston School Boarding Hostel, 231 Prince Alfred Street, <b>Pietermaritzburg</b>	Provincial	Erven 2778 and 2779 Pietermaritzburg	T148/1913	0 E30 23.02 8 S29 36.31
33. Old St Mary's Anglican Church, Commercial Road, <b>Pietermaritzburg</b> (Old Grey's Chapel)	Provincial	(a) Lot 80, Burger Street, Pietermaritzburg	T1112/167	0 E30 22.96 4 S29
34. Macrorie House, 11 Loop (Cnr	Heritage	Erf 2780 Pietermaritzburg	T1112/1067	S29

					36.69
					8
					E30
					22.30
					4
					S29
					38.15
					9
					E30
					24.71
					0
					S29
					36.44
					5
					E30
					22.64
					1
					S29
					36.47
					5
					E30
					22.60
					2
					S29
					38.18
					0
					E30
					22.79
					1
					S29
					36.23
					7
					E30
					22.42
					3
					S29
					36.23
					4
					E30
					22.42
					6
					S29
					37.76
					9
					E30
					23.03
					6
					S29
					34.48
					0
					E30
					24.02
					3
					S29
					35.90
					6
					E30
					22.51
					0
					S29
					37.26

				7
			D264	E30
			(Sectional title)	23.19
				1
				S29
				36.34
				5
			T28006/1992	E30
				22.74
				3
				S29
				36.34
				6
				E30
				22.74
				1
<b>Pietermaritzburg</b>				
<b>45. Norfolk Villa, 196 Loop Street, Pietermaritzburg</b>	Heritage	Sub 3 (of 2) of Lot 2719 Pietermaritzburg		
<b>46. Dorchester House, 190 Loop Street, Pietermaritzburg</b>	Heritage	Sub 5 of Lot 2519 Pietermaritzburg	T1169/1986	

## **MEMORANDUM ON THE OBJECTS OF THE KWAZULU-NATAL HERITAGE BILL, 2008**

1.

### **BACKGROUND**

This Bill seeks to provide for the conservation, protection and administration of the physical heritage resources of the Province of KwaZulu-Natal.

The Bill establishes a statutory Council to administer heritage conservation in the Province and determine the objects and functions of such council and the manner in which it is to be managed, governed, staffed, and financed.

The Bill creates the legal framework for the establishment of Metro and District Heritage Forum with a view to encouraging and promoting the involvement of local communities in the identification, conservation, protection; and administration of the physical and the living or intangible heritage resources of the Province.

The Bill seeks to eliminate the practical problems that were encountered with the implementation of the KwaZulu-Natal Heritage Act, 1997 (Act No. 10 of 1997), and to validate actions taken and functions performed without the regulations having been published by the Minister as envisaged in the Act.

2.

### **CLAUSE BY CLAUSE EXPLANATION**

In summary the Bill provides as follows:

#### **Clause 1:**

Clause 1 seeks to define words that are used in the Act, with the view to restrict or extend the meaning of those terms. In terms of this clause, those words to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act No. 25 of 1999), will bear that meaning. This creates synergy and consistency between this Act and the National Heritage Resources Act.

#### **Clause 2:**

Clause 2 provides for the jurisdictional area of application of this Act, and further leaves room for the application of the National Act, should the provisions of this Act not apply.

#### **Clause 3:**

This clause places the responsibility to uphold the general principles referred to in Part 1 Chapter 1 of the National Act, on the responsible Member of the Executive Council and the Council. It also requires the responsible Member of the Executive Council to determine provincial heritage policy and programmes.

#### **Clause 4:**

Clause 4 seeks to give effect to provisions of Chapter 3 of the Constitution, by requiring the responsible Member of the Executive Council and the Council, to endeavour to regulate heritage matters within the framework of national policy and programmes.

#### **Clause 5:**

Clause 5 establishes a statutory body to be known as *Amafa aKwaZulu-Natali*, which can sue or be sued in its own name. In terms of this Clause *Amafa aKwaZulu-Natali* is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999) and is the accounting authority in terms thereof. As this body is already in existence in terms of the repealed Act, *Amafa aKwaZulu-Natali* is already listed as a provincial public entity in Part C of Schedule 3 to the Public Finance Management Act.

#### **Clause 6:**

Clause 6 provides for the objects of *Amafa aKwaZulu-Natali* which include, amongst other things, identification, conservation and protection of the physical heritage resources of the Province.

#### **Clause 7:**

Clause 7 provides for the powers and functions of the Council. It is important to note that the functions of the Council are not limited to those provided for in this Act, but also include powers and functions imposed on provincial heritage resources authorities in terms of the National Act.

**Clause 8:**

Clause 8 provides for the type of persons who are eligible for nomination and appointment as members of the Council. The clause further provides for the appointment of a selection panel by the responsible Member of the Executive Council, to scrutinise the nominations received in terms of clause 10 (1).

**Clause 9:**

This clause provides for the term of office of members of the Council. This clause must be read with the transitional arrangements provided for in section 60.

**Clause 10:**

Clause 10 requires the responsible Member of the Executive Council, using a method designed to reach the greatest number of residents in the Province, to invite nominations for the Council.

**Clause 11:**

Clause 11 provides for the declaration of financial or other interests by persons nominated for appointment as members of Council. The declaration of these interests is ongoing and the responsible Member of the Executive Council must keep a register of these declared interests.

**Clause 12:**

In terms of this clause, failure to declare interests envisaged in clause 11 constitutes an offence, and the responsible Member of the Executive Council must take appropriate disciplinary action against the perpetrator.

**Clause 13:**

This clause requires a member of the Council who has an interest in the matter, whether direct or indirect, to recuse himself or herself where that matter is being discussed.

**Clause 14:**

Clause 14 provides for vacancies that arise as a result of a disqualification, failure to attend consecutive meetings without permission, or dismissal from office occurs. It also sets out that a notice period is required in the event that a member of Council were to resign before the expiry of his or her term.

**Clause 15:**

Clause 15 provides for meetings and procedures of such meetings of the Council. In terms of this clause, the Council may also invite members of the staff of the Council to these meetings, as the Council deems necessary.

**Clause 16:**

In terms of this clause the Council may establish a committee or committees to assist the Council in the performance of its duties. These committees operate within the scope determined by the Council.

**Clause 17:**

In terms of this clause, the staff of the Council, designated by the Chief Executive Officer, must, provide secretarial and administrative support to the Council and its committees

**Clause 18:**

Clause 18 provides for the remuneration of members of the Council and reimbursement for expenses incurred by members of the Council and its envisaged committees.

**Clause 19:**

Clause 19 provides for the appointment of the Chief Executive Officer who must also sign a performance agreement with the Council.

**Clause 20:**

Clause 20 provides for the functions of the Chief Executive Officer.

**Clause 21:**

Clause 21 provides for the appointment of staff of the Council by the Chief Executive Officer in consultation with the Council.

**Clause 22:**

In terms of this clause, members of staff of the Council could be seconded or transferred from the Public Service to the Council.

**Clause 23:**

Clause 23 provides for what constitutes sources of the funds of the Council. In terms of this clause, the Chief Executive Officer must, with the concurrence of the MEC for Finance and the Council, open a bank account for the Council.

**Clause 24:**

Clause 24 seeks to place the responsibility for the correct administration of the Council's funds, on the Chief Executive Officer.

**Clause 25:**

Clause 25 gives the Council power to acquire, hold or dispose of immovable property.

**Clause 26:**

Clause 26 provides that, for purposes of legal proceedings against the Council, the provisions of the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No. 40 of 2002), apply to the Council.

**Clause 27:**

Clause 27 seeks to prevent persons from disclosing confidential information about the Council, unless such disclosure is in terms of the law or court order.

**Clause 28:**

Clause 28 seeks to prevent unauthorised use of the name, acronym, logos, designs or material used or owned by the Council.

**29 Clause:**

Clause 29 provides for the establishment of Metro and District Heritage Forums within the area of a district or metropolitan municipality, which are voluntary structures and have no juristic personality.

**Clause 30:**

Clause 30 provides for the duties and function of Metro and District Heritage Forums which include, amongst other things, co-ordination of heritage development, promotion of both physical and living or intangible heritage and promotion of heritage related local economic and social development within the Province.

**Clause 31:**

In terms of this clause, the Department must provide administrative and secretarial support to Metro and District Heritage Forums.

**Clause 32:**

Clause 32 provides that the Member of the Executive Council must prescribe a governance framework for Metro and District Heritage Forums which would provide for appointment of persons, the term of office for members and the frequency of meetings of Metro and District Heritage Forums.

**Clause 33:**

Clause 33 seeks to give general protection, against demolition or alteration, of structures which may reasonably be expected to be older than 60 years. Approval of the Council must first be sought before such demolition or alteration is carried out.

**Clause 34:**

Clause 34 seeks to generally protect, against damage or alteration, graves of victims of conflict. Approval of the Council must first be sought.

**Clause 35:**

Clause 35 seeks to generally protect, against damage or alteration, traditional burial places. Approval of the Council must first be sought.

**Clause 36:**

Clause 36 seeks to generally protect, battlefield sites, archaeological sites, rock art sites, palaeontological sites, historic fortifications, meteorites or meteorite impact sites.

**Clause 37:**

Clause 37 seeks to give special protection to heritage resources listed in the schedule.

**Clause 38:**

This clause gives special protection to sites on which Heritage Landmark status has been conferred by the Council, as well as to those sites which, in the opinion of the Council, constitute important elements of the heritage of the Province, but which are not owned by the Provincial Government or a local authority. The clause also requires the Council to advise the registrar of deeds of the special protection extended.

**Clause 39:**

This clause gives special protection to sites on which Provincial Landmark status has been conferred by the Council, as well as to those sites which, in the opinion of the Council, constitute important elements of the heritage of the Province, but which are owned by the Provincial Government or a local authority. The clause also requires the Council to advise the registrar of deeds of the special protection extended.

**Clause 40:**

Clause 40 seeks to give special protection to graves of members of the Royal Family listed in the schedule.

**Clause 41:**

Clause 41 seeks to give special protection to battlefields, public monuments and memorials listed in the schedule.

**Clause 42:**

Clause 42 provides for the establishment and maintenance, by the Council, of the register of all sites on which Heritage Landmark status and Provincial Landmark status have been conferred.

**Clause 43:**

This clause gives special protection to sites on which Heritage Object status has been conferred by the Council, as well as to those objects which, in the opinion of the Council, constitute important elements of the heritage of the Province, but which are not owned by the Provincial Government or a local authority.

**Clause 44:**

Clause 44 provides for the establishment and maintenance, by the Council, of the register of all objects on which Heritage Object status have been conferred.

**Clause 45:**

Clause 45 gives the Council the power to determine, by notice in the *Gazette*, criteria for best practice, standards, norms and conditions on heritage resources.

**Clause 46:**

Clause 46 seeks to give the Council the power to enter into agreements with third-parties.

**Clause 47:**

This clause seeks to give the responsible Member of the Executive Council power to expropriate a Heritage Landmark site if he or she deems necessary.

**Clause 48:**

Clause 48 seeks to compel municipalities to consult with the Council where a municipal by-law or draft regulation has a bearing on heritage matters.

**Clause 49:**

Clause 49 seeks to give the Council power to appoint honorary heritage inspectors.

**Clause 50:**

Clause 50 criminalises certain conduct by members of the Council and private individuals.

**Clause 51:**

Clause 51 provides for penalties for persons found guilty of contravening this Act.



**Clause 52:**

Clause 52 gives the responsible Member of the Executive Council power to make regulations.

**Clause 53:**

Clause 53 gives persons who are dissatisfied with the decisions of the Council power to appeal against such decisions.

**Clause 54:**

Clause 54 provides for delegation of power by the responsible Member of the Executive Council to the Head of Department, by the Council to the Chief Executive Officer and by the Chief Executive Officer to staff of the Council except duties relating to the functions of an accounting officer.

**Clause 55:**

Clause 55 seeks to repeal the current KwaZulu-Natal Heritage Act, 1997 (Act No. 10 of 1997).

**Clause 56:**

Clause 56 provides for transitional arrangements and also validates certain actions by the Minister, Council or officers or members of staff of the Council without any procedure, process, requirement, condition or detail referred to in the repealed Act not having been determined or prescribed by regulation.

**Clause 57:**

Clause 57 provides for the short title of the Act.

3.

**ORGANISATIONAL AND PERSONNEL IMPLICATIONS**

The Council is currently in existence as established in terms of the KwaZulu-Natal Heritage Act, 1997 (Act No. 10 of 1997), and therefore, it is not anticipated that the Bill will increase organisational or personnel requirements.

4.

**DEPARTMENTS/BODIES/PERSONS CONSULTED**

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The Department published the Bill in the *Gazette* in terms of section 154 (2) of the Constitution with a view to solicit public comment, which was duly provided.

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The current Council.

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The Department of Correctional Services.

•

The Pietermaritzburg Heritage Society.

•

Governance and Administration Technical Cluster.

5.

**FINANCIAL IMPLICATIONS**

It can be safely said that, other than the current financial responsibilities of both the Department and the Council, there will not be any other serious financial responsibilities for the Council.