



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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CONTENTS

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Provincial Notices

The following Provincial Notice is published for comment:

- 128 Regulations Relating to the Consultation Process for Listing Heritage Resources in the Heritage Register and for the Designation of Heritage Areas by Heritage Western Cape, 2022 2
- 129 Regulations Relating to the Consultation Process for Listing Places in the Heritage Register by Heritage Western Cape and for the Designation of Heritage Areas by a Local Authority, 2022..... 14

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

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Provinsiale Kennisgewings

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer:

- 128 Regulasies Rakende die Oorlegplegingsproses vir die Opname van Erfenishulpbronne in die Erfenisregister en die Aanwysing van Erfenisgebiede deur Erfenis Wes-Kaap, 2022 6
- 129 Regulasies Rakende die Oorlegplegingsproses vir die opname van Plekke in die Erfenisregister deur Erfenis Wes-Kaap en die aanwysing van Erfenisgebiede deur 'n Plaaslike Owerheid, 2022..... 18

Ibhaliswe ePosini njengePhephandaba

IZIQUATHO

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso-Mthetho, 7 Wale Street, eKapa 8001.)

IZaziso zePhondo

Esi saziso silandelayo sipapashelwe ukunika izimvo:

- 128 ImiGaqo enxuLumene neNkqubo yoku-Cebisana ngoKubhaliswa kweZibonelelo eziLilifa leMveli kwiRejista yeZelifa leMveli nokuMiselwa kweeNdawo eziLilifa leMveli liLifa leMveli leNtshona Koloni, 2022 10
- 129 ImiGaqo enxuLumene neNkqubo yoku-Cebisana ngoKubhaliswa kweZibonelelo eziLifa leMveli kwiRejista yeZelifa leMveli nokuMiselwa kweeNdawo eziLilifa leMveli eyeNziwe ngaBasemagunyeni beNgingqi, 2022 22

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

DR HC MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR HC MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

GQIR HC MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE**P.N. 128/2022****18 November 2022**

**REGULATIONS RELATING TO THE CONSULTATION PROCESS FOR LISTING
HERITAGE RESOURCES IN THE HERITAGE REGISTER AND FOR THE
DESIGNATION OF HERITAGE AREAS BY HERITAGE WESTERN CAPE, 2022**

Heritage Western Cape, under section 25(2)(h) of the National Heritage Resources Act, 1999 (Act 25 of 1999), has made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act 25 of 1999), bears the same meaning and, unless the context indicates otherwise—

“**conservation body**” means an organisation registered as a conservation body in terms of the regulations made by Heritage Western Cape under Provincial Notice 298/2003, dated 29 August 2003;

“**heritage area**” means an area or land contemplated in section 31 of the Act;

“**Heritage Western Cape**” means the provincial heritage resources authority established by the Provincial Minister under section 23 of the Act by Provincial Notice 336/2002, dated 25 October 2002;

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the MEC as defined in the Act;

“**the Act**” means the National Heritage Resources Act, 1999 (Act 25 of 1999).

Consultation with affected communities regarding listing of heritage resources in heritage register by Heritage Western Cape

2. (1) If Heritage Western Cape intends to list a heritage resource in the heritage register of the Province, it must consult any affected community by publishing a notice in—

(a) the *Provincial Gazette*; and

(b) at least one other newspaper in general circulation in the Province or, if the heritage resource proposed for listing in the heritage register affects only a specific area, in at least one newspaper distributed in that area,

regarding the proposed listing of the heritage resource in the heritage register and the details of any proposed provision for the protection of the heritage resource as contemplated in section 30(11) of the Act.

(2) The notice contemplated in subregulation (1) must request comments in writing regarding the proposed listing of the heritage resource in the heritage register and the proposed provision for the protection of the heritage resource as contemplated in section 30(11) of the Act, by a date indicated in the notice.

(3) In addition to a notice contemplated in subregulation (1), Heritage Western Cape may publish the notice in any other media it regards necessary.

(4) A notice contemplated in subregulation (1) must—

- (a) be published in all three official languages of the Province;
- (b) include the name and contact details of the person to whom the comments must be submitted and to whom any queries may be directed; and
- (c) specify that the details of the heritage resource proposed for listing in the heritage register are available for inspection—
 - (i) on the official website of Heritage Western Cape;
 - (ii) at the offices of Heritage Western Cape; and
 - (iii) at any other place that Heritage Western Cape specifies in the notice.

(5) Heritage Western Cape must ensure that the details of the heritage resource as contemplated in subregulation (4)(c) and the details of any proposed provision for the protection of the heritage resource as contemplated in section 30(11) of the Act are made available for inspection.

(6) If Heritage Western Cape intends to amend or delete an entry in the heritage register, the process contemplated in subregulations (1), (2), (3), (4) and (5), with the necessary changes, must be followed.

Consultation regarding designation of heritage area by Heritage Western Cape

3. (1) If Heritage Western Cape intends to designate a heritage area, it must consult—

- (a) any affected community by publishing a notice in—
 - (i) the *Provincial Gazette*; and
 - (ii) at least one other newspaper in general circulation in the Province or, if the proposed heritage area affects only a specific area, in at least one newspaper distributed in that area; and
- (b) the owners of property in the proposed heritage area by notifying them in writing by—
 - (i) registered post to the postal address of the owners;
 - (ii) electronic mail to the electronic mail address of the owners, where available;
 - (iii) physical hand-delivery to the owners, where practicable; or
 - (iv) any other manner it regards appropriate,

regarding the proposed designation of the heritage area and the details of any proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act.

(2) The notice contemplated in subregulation (1)(a) must request comments in writing regarding the proposed designation of the heritage area and the proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act, by a date indicated in the notification.

(3) The written notification contemplated in subregulation (1)(b) must request comments in writing regarding the proposed designation of the heritage area and the proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act, by a date indicated in the notification.

(4) In addition to a notice contemplated in subregulation (1)(a), Heritage Western Cape may publish the notice in any other media it regards necessary.

(5) A notice contemplated in subregulation (1)(a) and a written notification contemplated in subregulation (1)(b) must—

- (a) be in all three official languages of the Province;
- (b) include the name and contact details of the person to whom the comments must be submitted and to whom any queries may be directed; and
- (c) specify that the details of the proposed heritage area are available for inspection—
 - (i) on the official website of Heritage Western Cape;
 - (ii) at the offices of Heritage Western Cape; and
 - (iii) at any other place that Heritage Western Cape specifies in the notice.

(6) Heritage Western Cape must ensure that the details of the proposed heritage area as contemplated in subregulation (5)(c) and the details of any proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act are made available for inspection.

(7) If Heritage Western Cape intends to amend or withdraw the designation of a heritage area, the process contemplated in subregulations (1), (2), (3), (4), (5) and (6), with the necessary changes, must be followed.

(8) A local authority must provide to Heritage Western Cape all reasonable assistance and information required to enable Heritage Western Cape to fulfil its duties in terms of this regulation.

Assistance with transcribing comments

4. Any person who cannot write may, during office hours and before the date contemplated in regulation 2(2), 3(2) and 3(3), request an employee at the offices of Heritage Western Cape to provide reasonable assistance to that person by transcribing that person's comments.

Consultation with local authority and Provincial Minister

5. Before Heritage Western Cape consults with any affected community as contemplated in regulation 2 or consults with any affected community and owners as contemplated in regulation 3, it must consult the relevant local authority and the Provincial Minister responsible for provincial planning matters to consider the details of any proposed provision for the protection of—

- (a) the heritage resource proposed for listing in the heritage register, as contemplated in section 30(11) of the Act; or
- (b) the heritage area proposed for designation, as contemplated in section 31(7) of the Act,

with due regard to section 24(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

Consultation

6. When Heritage Western Cape is required to consult any person as contemplated in regulation 2 or 3, such consultation is regarded as having been satisfied if the written notification contemplated in the relevant regulation has been given to that person, whether or not a response was received by the date specified in the notification.

Notice to conservation bodies

7. When Heritage Western Cape consults with any affected community as contemplated in regulation 2 or consults with any affected community and owners as contemplated in regulation 3, it must notify any affected conservation body by sending a notice by—

- (a) registered post to the postal address of the conservation body; and
- (b) electronic mail to the electronic mail address of the conservation body, where available,

of the availability for inspection and comment of the details of—

- (i) the heritage resource proposed for listing in the heritage register, as contemplated in regulation 2; or
- (ii) the proposed heritage area, as contemplated in regulation 3.

Consideration of comments

8. When Heritage Western Cape consults with any affected community as contemplated in regulation 2 or consults with any affected community and owners as contemplated in regulation 3, it must—

- (a) give due consideration to all comments, representations or objections received before it—
 - (i) lists a heritage resource in the heritage register; or
 - (ii) designates a heritage area; and
- (b) keep a written record of the decision taken and the reasons for the decision, which record must be made available to interested and affected parties on request.

Appeal

9. A person wishing to appeal against—

- (a) the listing of a heritage resource by Heritage Western Cape in the heritage register; or
- (b) the designation by Heritage Western Cape of a heritage area,

must lodge the appeal in terms of section 49 of the Act.

Short title

10. These regulations are called the Regulations Relating to the Consultation Process for Listing Heritage Resources in the Heritage Register and for the Designation of Heritage Areas by Heritage Western Cape, 2022.

PROVINSIALE KENNISGEWING

P.K. 128/2022

18 November 2022

**REGULASIES RAKENDE DIE OORLEGPLEGINGSPROSES VIR DIE OPNAME VAN
ERFENISHULPBRONNE IN DIE ERFENISREGISTER EN DIE AANWYSING VAN
ERFENISGEBIEDE DEUR ERFENIS WES-KAAP, 2022**

Erfenis Wes-Kaap, kragtens artikel 25(2)(h) van die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), het die regulasies uiteengesit in die Bylae gemaak.

BYLAE**Woordomskrywing**

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), 'n betekenis geheg is, dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

“bewaringsliggaam” 'n organisasie wat as 'n bewaringsliggaam geregistreer is ingevolge die regulasies gemaak deur Erfenis Wes-Kaap onder Provinsiale Kennisgewing 298/2003 gedateer 29 Augustus 2003;

“die Wet” die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999);

“Erfenis Wes-Kaap” die provinsiale erfenishulpbronowerheid wat kragtens artikel 23 van die Wet deur die Provinsiale Minister by Provinsiale Kennisgewing 336/2002 gedateer 25 Oktober 2002 ingestel is;

“erfenisgebied” 'n gebied of grond beoog in artikel 31 van die Wet;

“Provinsiale Minister” die LUR soos omskryf in die Wet;

“Provinsie” die Provinsie Wes-Kaap.

Oorlegpleging met geraakte gemeenskappe rakende opname van erfenishulpbronne in erfenisregister deur Erfenis Wes-Kaap

2. (1) Indien Erfenis Wes-Kaap van voorneme is om 'n erfenishulpbron in die erfenisregister van die Provinsie op te neem, moet hy met enige geraakte gemeenskap oorleg pleeg deur 'n kennisgewing te publiseer in—

(a) die *Provinsiale Koerant*; en

(b) minstens een ander koerant in algemene omloop in die Provinsie of, indien die erfenishulpbron wat vir opname in die erfenisregister voorgestel word slegs 'n spesifieke gebied raak, in minstens een koerant wat in daardie gebied versprei word,

rakende die voorgestelde opname van die erfenishulpbron in die erfenisregister en die besonderhede van enige voorgestelde bepaling vir die beskerming van die erfenishulpbron soos beoog in artikel 30(11) van die Wet.

(2) Die kennisgewing beoog in subregulasie (1) moet skriftelike kommentaar aanvra rakende die voorgestelde opname van die erfenishulpbron in die erfenisregister en die voorgestelde bepaling vir die beskerming van die erfenishulpbron soos beoog in artikel 30(11) van die Wet, teen 'n datum vermeld in die kennisgewing.

(3) Benewens 'n kennisgewing beoog in subregulasie (1) kan Erfenis Wes-Kaap die kennisgewing in enige ander media wat hy nodig ag, publiseer.

(4) 'n Kennisgewing beoog in subregulasie (1) moet—

(a) in al drie amptelike tale van die Provinsie gepubliseer word;

- (b) die naam en kontakbesonderhede bevat van die persoon by wie die kommentaar ingedien moet word en aan wie enige navrae gerig kan word; en
- (c) vermeld dat die besonderhede van die erfenishulpbron wat vir opname in die erfenisregister voorgestel word, vir insae beskikbaar is—
 - (i) op die amptelike webwerf van Erfenis Wes-Kaap;
 - (ii) by die kantore van Erfenis Wes-Kaap; en
 - (iii) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing vermeld.

(5) Erfenis Wes-Kaap moet toesien dat die besonderhede van die erfenishulpbron soos beoog in subregulasie (4)(c) en die besonderhede van enige voorgestelde bepaling vir die beskerming van die erfenishulpbron soos beoog in artikel 30(11) van die Wet vir insae beskikbaar gestel word.

(6) Indien Erfenis Wes-Kaap van voorneme is om 'n inskrywing in die erfenisregister te wysig of skrap, moet die proses beoog in subregulasies (1), (2), (3), (4) en (5), met die nodige veranderinge, gevolg word.

Oorlegpleging rakende aanwysing van erfenisgebied deur Erfenis Wes-Kaap

3. (1) Indien Erfenis Wes-Kaap van voorneme is om 'n erfenisgebied aan te wys, moet hy oorleg pleeg met—

- (a) enige geraakte gemeenskap, deur 'n kennisgewing te publiseer in—
 - (i) die *Provinsiale Koerant*; en
 - (ii) in minstens een ander koerant in algemene omloop in die Provinsie of, indien die voorgestelde erfenisgebied slegs 'n spesifieke gebied raak, in minstens een koerant wat in daardie gebied versprei word; en
- (b) die eienaars van eiendom in die voorgestelde erfenisgebied, deur hulle skriftelik in kennis te stel—
 - (i) per geregistreerde pos na die posadres van die eienaars;
 - (ii) per elektroniese pos na die elektroniese posadres van die eienaars, waar beskikbaar;
 - (iii) per handaflewering aan die eienaars, waar doenlik; of
 - (iv) op enige ander wyse wat hy gepas ag,

rakende die voorgestelde aanwysing van die erfenisgebied en die besonderhede van enige voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet.

(2) Die kennisgewing beoog in subregulasie (1)(a) moet skriftelike kommentaar aanvra rakende die voorgestelde aanwysing van die erfenisgebied en die voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet, teen 'n datum vermeld in die kennisgewing.

(3) Die skriftelike kennisgewing beoog in subregulasie (1)(b) moet skriftelike kommentaar versoek rakende die voorgestelde aanwysing van die erfenisgebied en die voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet, teen 'n datum vermeld in die kennisgewing.

(4) Benewens 'n kennisgewing beoog in subregulasie (1)(a) kan Erfenis Wes-Kaap die kennisgewing in enige ander media wat hy nodig ag, publiseer.

(5) 'n Kennisgewing beoog in subregulasie (1)(a) en 'n skriftelike kennisgewing beoog in subregulasie (1)(b) moet—

- (a) in al drie amptelike tale van die Provinsie wees;

- (b) die naam en kontakbesonderhede bevat van die persoon by wie die kommentaar ingedien moet word en aan wie enige navrae gerig kan word; en
- (c) vermeld dat die besonderhede van die voorgestelde erfenisgebied vir insae beskikbaar is—
 - (i) op die amptelike webwerf van Erfenis Wes-Kaap;
 - (ii) by die kantore van Erfenis Wes-Kaap; en
 - (iii) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing vermeld.

(6) Erfenis Wes-Kaap moet toesien dat die besonderhede van die voorgestelde erfenisgebied soos beoog in subregulasie (5)(c) en die besonderhede van enige voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet vir insae beskikbaar gestel word.

(7) Indien Erfenis Wes-Kaap van voorneme is om 'n aanwysing van 'n erfenisgebied te wysig of in te trek, moet die proses beoog in subregulasies (1), (2), (3), (4), (5) en (6), met die nodige veranderinge, gevolg word.

(8) 'n Plaaslike owerheid moet aan Erfenis Wes-Kaap alle redelike bystand en benodigde inligting verskaf om Erfenis Wes-Kaap in staat te stel om sy pligte ingevolge hierdie regulasie na te kom.

Bystand met transkripsie van kommentaar

4. Enige persoon wat nie kan skryf nie, kan gedurende kantoorure en voor die datum beoog in regulasies 2(2) en 3(2) en (3) 'n werknemer by die kantore van Erfenis Wes-Kaap vra om redelike bystand aan daardie persoon te verleen deur daardie persoon se kommentaar te transkribeer.

Oorlegpleging met plaaslike owerheid en Provinsiale Minister

5. Voordat Erfenis Wes-Kaap met enige geraakte gemeenskap soos beoog in regulasie 2 oorleg pleeg of met enige geraakte gemeenskap en eienaars soos beoog in regulasie 3 oorleg pleeg, moet hy met die tersaaklike plaaslike owerheid en die Provinsiale Minister verantwoordelik vir provinsiale beplanningsaangeleenthede oorleg pleeg om die besonderhede te oorweeg van enige voorgestelde bepaling vir die beskerming van—

- (a) die erfenishulpbron wat vir opname in die erfenisregister voorgestel word, soos beoog in artikel 30(11) van die Wet; of
- (b) die erfenisgebied wat vir aanwysing voorgestel word, soos beoog in artikel 31(7) van die Wet,

met behoorlike inagneming van artikel 24(3) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

Oorlegpleging

6. Wanneer dit van Erfenis Wes-Kaap vereis word om met enige persoon soos beoog in regulasie 2 of 3 oorleg te pleeg, word sodanige oorlegpleging geag plaas te gevind het indien die skriftelike kennisgewing beoog in die tersaaklike regulasie aan daardie persoon gegee is, ongeag of 'n antwoord teen die datum vermeld in die kennisgewing ontvang is.

Kennisgewing aan bewaringsliggame

7. Wanneer Erfenis Wes-Kaap met enige geraakte gemeenskap oorleg pleeg soos beoog in regulasie 2 of met enige geraakte gemeenskap en eienaars oorleg pleeg soos beoog in regulasie 3, moet hy enige geraakte bewaringsliggaam in kennis stel deur 'n kennisgewing te stuur per—

- (a) geregistreerde pos na die posadres van die bewaringsliggaam; en
- (b) elektroniese pos na die elektroniese posadres van die bewaringsliggaam, waar beskikbaar,

van die beskikbaarheid vir insae en kommentaar van die besonderhede van—

- (i) die erfenishulpbron wat vir opname in die erfenisregister voorgestel word, soos beoog in regulasie 2; of
- (ii) die voorgestelde erfenisgebied, soos beoog in regulasie 3.

Oorweging van kommentaar

8. Wanneer Erfenis Wes-Kaap met enige geraakte gemeenskap soos beoog in regulasie 2 oorleg pleeg of met enige geraakte gemeenskap en eienaars soos beoog in regulasie 3 oorleg pleeg, moet hy—

- (a) alle kommentaar, verhoë of besware wat ontvang is, behoorlik oorweeg voordat hy—
 - (i) 'n erfenishulpbron in die erfenisregister opneem; of
 - (ii) 'n erfenisgebied aanwys; en
- (b) 'n skriftelike rekord van die besluit wat geneem is en die redes vir die besluit hou, welke rekord op versoek aan belanghebbende en geraakte partye beskikbaar gestel moet word.

Appel

9. 'n Persoon wat wil appelleer teen—

- (a) die opname deur Erfenis Wes-Kaap van 'n erfenishulpbron in die erfenisregister; of
 - (b) die aanwysing deur Erfenis Wes-Kaap van 'n erfenisgebied,
- moet die appel ingevolge artikel 49 van die Wet aanteken.

Kort titel

10. Hierdie regulasies heet die Regulasies Rakende die Oorlegplegingsproses vir die Opname van Erfenishulpbronne in die Erfenisregister en die Aanwysing van Erfenisgebiede deur Erfenis Wes-Kaap, 2022.

ISAZISO SEPHONDO

I.S. 128/2022

18 kweyeNkanga 2022

**IMIGAQO ENXULUMENE NENKQUBO YOKUCEBISANA NGOKUBHALISWA
KWEZIBONELELO EZILILIFA LEMVELI KWIREJISTA YEZELIFA LEMVELI
NOKUMISELWA KWEENDAWO EZILILIFA LEMVELI LILIFA LEMVELI LENTSHONA
KOLONI, 2022**

ILifa leMveli leNtshona Koloni, phantsi kwecandelo 25(2)(h) lomthetho iNational Heritage Resources Act, 1999 (uMthetho 25 ka-1999), lenze imigaqo echazwe kwiShedyuli.

ISHEDYULI

Iinkcazomagama

1. Kule migaqo igama okanye kule ngcaciso entsingiselo ikwi*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999), linentsingiselo ekwafanayo, ngaphandle kokuba kusingiswe kwenye into—

“**iqumrhu lolondolozo**” lithetha umbutho obhalisiweyo njengequmrhu lolondolozo ngokwemigaqo eyenziwe liLifa leMveli leNtshona Koloni phantsi kweSaziso sePhondo 298/2003, somhla wama-29 kweyeThupha 2003;

“**indawo elilifa lemveli**” ithetha indawo okanye umhlaba ochazwe kwicandelo 31 loMthetho;

“**ILifa leMveli leNtshona Koloni**” lithetha izibonelelo zelifa lemveli lephondo ezisungulwe nguMphathiswa wePhondo phantsi kwecandelo 23 loMthetho ngeSaziso sePhondo 336/2002, somhla wama-25 kweyeDwarha 2002;

“**iPhondo**” lithetha iPhondo leNtshona Koloni;

“**uMphathiswa wePhondo**” uthetha uMEC njengoko kuchaziwe kuMthetho;

“**uMthetho**” uthetha uMthetho i*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999).

Ukucebisana noluntu oluchaphazelekayo ngokubhekiselele nokubhaliswa kwezibonelelo kwirejista yezelifa lemveli liLifa leMveli leNtshona Koloni

2. (1) Ukuba iLifa leMveli leNtshona Koloni linenjongo yokuba makubhaliswe izinto ezililifa lemveli kwirejista yePhondo, kufuneka icebisane nalo naluphi na uluntu oluchaphazelakayo ngokupapasha isaziso—

(a) kwiGazethi yePhondo; kunye

(b) nakwelinye iphephandaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye, ukuba into elilifa lemveli ephakanyiselwa ukuba idweliswe kwirejista yezelifa lemveli ichaphazela indawo ethile kuphela, kwiphephandaba elinye ubuncinane elifundwa ngabantu bendawo leyo,

ngokubhekiselele kwizinto ezililifa lemveli eziphakanyisiweyo kwirejista neenkcukacha zazo naziphi na izibonelelo ukwenzela ukhuseleko lwezibonelelo zelifa njengoko kuchaziwe kwicandelo 30(11) loMthetho.

(2) Isaziso esichazwe kumgaqwana (1) kufuneka sicele izimvo ezibhaliweyo kumnikazi wendawo ngokubhekiselele kubhaliso oluphakanyisiweyo kwirejista yezelifa lemveli nobhaliso oluphakanyisiweyo nezibonelelo ukwenzela ukhuseleko lwezibonelelo zelifa lemveli njengoko kuchaziwe kwicandelo 30(11) loMthetho, ngomhla oboniswe kwisaziso. □

(3) Ukongeza kwisaziso esichazwe kumgaqwana (1), iLifa leMveli leNtshona Koloni lisenokupapasha isaziso nakweliphi na elinye ijelo lezosasazo elilibona lifanelekile.

(4) Isaziso esichazwe kumgaqwana (1) kufuneka—

(a) sipapashwe ngazo zontathu iilwimi ezisemthethweni zePhondo;

(b) siquka igama kunye neenkcukacha zoqhagamshelwano zomntu ekumele kungeniswa kuye izimvo okanye kunye nokubhekiswe kuye imibuzo; kwaye

- (c) sicacise ukuba ziyafumaneka iinkcukacha zendawo elilifa lemveli ephakanyisiweyo ukuze idweliswe kwirejista yelifa izokuhlolwa—
- (i) kwiwebhusayithi esesikweni yezeLifa leMveli leNtshona Koloni;
 - (ii) kwii-ofisi zeLifa Lemveli leNtshona Koloni; kunye
 - (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso liLifa leMveli leNtshona Koloni.

(5) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba ziyafumaneka iinkcukacha zezibonelelo zelifa lemveli eziphakanyiselwa njengoko kuchaziwe kumgaqwana (4)(c) kunye neenkcukacha zawo nawaphi na amalungiselelo aphakanyisiweyo okhuseleko lwezibonelelo zelifa lemveli njengoko kuchaziwe kwicandelo 30(11) loMthetho ukuze zihlolwe.

(6) Ukuba iLifa leMveli leNtshona Koloni linenjongo yokulungisa okanye yokucima nakuphi na ukufakwa kwirejista yezelifa lemveli, inkqubo echazwe kumgaqwana (1), (2), (3), (4) no-(5), ngeenguqu ezifanelekileyo, kufuneka ilandelwe.

Ukucebisana ngokubhekiselele ekumiselweni kwendawo elilifa lemveli liLifa leMveli leNtshona Koloni

3. (1) Ukuba iLifa leMveli leNtshona Koloni linenjongo yokumiselwa kwendawo yezelifa lemveli kufuneka lidibane—

- (a) naluphi na uluntu oluchaphazelekayo ngokupapasha isaziso—
 - (i) *kwiGazethi yePhondo*; kunye
 - (ii) nakwiphephandaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye, ukuba into elilifa lemveli ephakanyiselwa ukuba ibandakanywe kwirejista yezelifa lemveli ichaphazela indawo ethile, kwiphephandaba elinye ubuncinane elifundwa ngabantu bendawo leyo; kunye
- (b) nabanikazi bepropathi abakwindawo ephakanyisiweyo yelifa lemveli ngokubazisa ngembalelwano—
 - (i) ngeposi ebhalisiweyo kwidilesi yeposi yabanikazi;
 - (ii) ngeimeyili ayithumele kwidilesi yeimeyili yabanikazi, ukuba ikhona;
 - (iii) liyise ngesandla kubanikazi, ukuba kuyenzeka; okanye
 - (iv) ngayo nangeyiphi na enye indlela ebonakala ifanelekile,

ngokubhekiselele kwindawo ephakanyisiweyo yelifa lemveli neenkcukacha zazo nazihiphi na izibonelelo eziphakanyisiweyo eziza kusungulwa ukwenzela ukhuseleko lwendawo njengoko kuchaziwe kwicandelo 31(7) loMthetho.

(2) Isaziso esichazwe kumgaqwana (1)(a) kufuneka sicele izimvo ngembalelwano ngokubhekiselele kuphakanyiso olucetywayo lwendawo yelifa lemveli nolungiselelo olucetywayo lokukhusela indawo yelifa lemveli njengoko kuchaziwe kwicandelo 31(7) loMthetho, ngomhla obanakaliswe kwisaziso.

(3) Isaziso esibhaliweyo esichazwe kumgaqwana (1)(b) kufuneka sicele izimvo ngembalelwano ngokubhekiselele ekumiselweni kwendawo yeelifa lemveli nezibonelelo eziphakanyisiweyo eziza kusungulwa phantsi kwecandelo 31(7) loMthetho ukwenzela ukhuseleko lwendawo yelifa lemveli, ngomhla oboniswe kwisaziso.

(4) Ukongeza kwisaziso esichazwe kumgaqwana (1)(a), iLifa leMveli leNtshona Koloni lingasipapasha isaziso nakweliphi na iijelo lezosasazo elilibona lifanelekile.

(5) Isaziso esichazwe kumgaqwana (1)(a) nakwisaziso esibhaliweyo esichazwe kumgaqwana (1)(b) kufuneka—

- (a) sibe ngazo zontathu iilwimi ezisemthethweni zePhondo;
- (b) siquka igama kunye neenkcukacha zoqhagamshelwano zomntu ekumele kungeniswa kuye izimvo kunye nokumele kubhekiswe kuye imibuzo; kwaye

(c) sicacise ukuba ziyafumaneka iinkcukacha zendawo elilifa lemveli ephakanyisiweyo ukuze ihlolwe—

- (i) kwiwebhusayithi esesikweni yezeLifa leMveli leNtshona Koloni;
- (ii) kwii-ofisi zeLifa Lemveli leNtshona Koloni; kunye
- (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso liLifa leMveli leNtshona Koloni.

(6) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba ziyafumaneka iinkcukacha zendawo ephakanyiselwa ukuba lilifa lemveli njengoko kuchaziwe kumgaqwana (5)(c) kunye neenkukacha zawo nawaphi na amalungiselelo aphakanyisiweyo okhuseleko lwendawo yelifa lemveli njengoko kuchaziwe kwicandelo 31(7) loMthetho ukuze zihlolwe.

(7) Ukuba iLifa leMveli leNtshona Koloni linenjongo yokulungisa okanye yokurhoxisa indawo yezelifa lemveli, inkqubo echazwe kwimigaqwana (1), (2), (3), (4), (5) no-(6), engeenguqu ezifanelekileyo, kufuneka ilandelwe.

(8) Abasemagunyeni bengingqi kufuneka banike iLifa leMveli leNtshona Koloni lonke uncedo ngokunjalo neenkukacha ezifunekayo ukuze iLifa leMveli leNtshona Koloni likwazi ukuzalisekisa imisebenzi yalo ngokwalo mgaqo.

Ukuncediswa ekukhupheleni izimvo

4. Nawuphi na umntu ongakwaziyo ukubhala, ngexesha lokusebenza naphambi komhla ochazwe kwimigaqwana 2(2), no-3(2) no-(3), angacela umsebenzi kwii-ofisi zeLifa leMveli leNtshona Koloni ukuba amncede ngokubhala kakuhle izimvo ezithethwa nguloo mntu.

Ukucebisana nabasemagunyeni bengingqi noMphathiswa wePhondo

5. Phambi kokuba iLifa leMveli leNtshona Koloni licebisane nalo naluphi na uluntu oluchaphazelekayo njengoko kuchaziwe kumgaqo 2 okanye licebisane nabo nabaphi na abanikazi njengoko kuchaziwe kumgaqo 3, kufuneka lidibane nabasemagunyeni bengingqi abafanelekileyo noMphathiswa wePhondo onoxanduva lwemiba yocwangciso yephondo ukuqwalasela iinkcukacha zazo naziphi na izibonelelo eziphakanyisiweyo ukwenzela ukhuseleko—

- (a) lwesibonelelo selifa lemveli esiphakanyiselwa ukubhaliswa kwirejista yezelifa lemveli njengoko kuchaziwe kwicandelo 30(11) loMthetho; okanye
- (b) indawo yelifa lemveli ephakanyiselwe ukumiswa njengoko kuchaziwe kwicandelo 31(7) loMthetho,

ngokuthathela ingqalelo icandelo 24(3) lomthetho i*Local Government: Municipal Systems Act, 2000* (uMthetho 32 ka-2000).

Ukucebisana

6. Xa iLifa leMveli leNtshona Koloni kufuneka licebisane naye nawuphi umntu njengoko kuchaziwe kumgaqo 2 okanye 3, oko kucebisana kuthathwa njengokonelisayo ukuba isaziso esibhaliweyo esichazwe nakowuphi na umgaqo kuleyo sinikwe loo mntu kwaye akukho mpendulo ifunyenweyo ngomhla ochazwe kwisaziso.

Isaziso esiya kumaqumrhu olondolozo

7. Xa iLifa leMveli leNtshona Koloni licebisana nalo naluphi na uluntu oluchaphazelekayo njengoko kuchaziwe kumgaqo 2 okanye xa licebisana nalo naluphi na uluntu oluchaphazelekayo kunye nabanikazi njengoko kuchaziwe kumgaqo 3, kufuneka lazise nalo naluphi na iqumrhu lolondolozo elichaphazelekayo ngokuthumela isaziso—

- (a) ngeposi ebhalisiweyo kwidilesi yeposi yequmrhu lolondolozo; kunye
- (b) nangeimeyili ayithumele kwidilesi yequmrhu lolondolozo, ukuba ikhona,

ukwenzela ubukho balo ukuzokuhlola nangezimvo ezinxulumene—

- (i) neenkukacha zendawo ephakanyisiweyo ukuze idweliswe kwirejista yezelifa lemveli, njengoko kuchaziwe kumgaqo 2; okanye
- (ii) iinkukacha zendawo yezelifa lemveli ephakanyisiweyo njengoko kuchaziwe kumgaqo 3.

Ukuthathelwa ingqalelo kwezimvo

8. Xa iLifa leMveli leNtshona Koloni licebisana nalo naluphi na uluntu oluchaphazelekayo njengoko kuchaziwe kumgaqo 2 okanye xa licebisana nalo naluphi na uluntu kunye nabanikazi abachaphazelekayo njengoko kuchaziwe kumgaqo 3, kufuneka—

- (a) linike ingqalelo efanelekileyo zonke izimvo, imiboniso okanye izigxeko ezifunyenweyo phambi kokuba—
 - (i) lidweliswe kwisibonelelo selifa lemveli kwirejista yelifa lemveli; okanye
 - (ii) limisele indawo yelifa lemveli; kwaye
- (b) ligcine iirekhodi ezibhaliweyo zesigqibo esithathiweyo kunye nezizathu zeso sigqibo, zirekhodi ezo kufuneka zifumaneke xa zithe zancelwa ngamaqela anomdla nachaphazelekayo.

Isibheni

9. Umntu onqwenela ukwenza isibheni esichasene—

- (a) nokudweliswa kwezibonelelo zelifa kwirejista yezinto ezililifa; okanye
 - (b) nommandla wendawo yelifa owolathiweyo,
- kufuneka afake isibheni ngokwecandelo 49 loMthetho.

Isihloko esifutshane

10. Le migaqo ibizwa ngokuba yiMigaqo eNxulumene neNkqubo yokuCebisana ngokuBhaliswa kwezibonelelo eziliLifa leMveli kwiRejista yezeLifa leMveli nokuMiselwa kweeNdawo eziliLifa leMveli yiNtshona Koloni, 2022.

PROVINCIAL NOTICE

P.N. 129/2022

18 November 2022

**REGULATIONS RELATING TO THE CONSULTATION PROCESS FOR LISTING
PLACES IN THE HERITAGE REGISTER BY HERITAGE WESTERN CAPE AND FOR
THE DESIGNATION OF HERITAGE AREAS BY A LOCAL AUTHORITY, 2022**

The Provincial Minister of Cultural Affairs and Sport in the Western Cape, under sections 30(8) and 31(6) of the National Heritage Resources Act, 1999 (Act 25 of 1999), has made the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations a word or expression to which a meaning has been assigned in the National Heritage Resources Act, 1999 (Act 25 of 1999), bears the same meaning and, unless the context indicates otherwise—

“**heritage area**” means an area or land contemplated in section 31 of the Act;

“**Heritage Western Cape**” means the provincial heritage resources authority established by the Provincial Minister under section 23 of the Act by Provincial Notice 336/2002, dated 25 October 2002;

“**municipal manager**” means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Province**” means the Province of the Western Cape;

“**Provincial Minister**” means the MEC as defined in the Act;

“**the Act**” means the National Heritage Resources Act, 1999 (Act 25 of 1999).

Consultation with owners regarding listing of places in heritage register by Heritage Western Cape

2. (1) If Heritage Western Cape intends to list a place in the heritage register of the Province, it must consult the owner of that place by—

(a) notifying the owner in writing by—

(i) registered post to the postal address of the owner;

(ii) electronic mail to the electronic mail address of the owner, where available;

(iii) physical hand-delivery to the owner, where practicable; or

(iv) any other manner it regards appropriate,

regarding the proposed listing of the place in the heritage register and the details of any proposed provision for the protection of the place as contemplated in section 30(11) of the Act; and

(b) requesting comments in writing from the owner of the place regarding the proposed listing in the heritage register and the proposed provision for the protection of the place as contemplated in section 30(11) of the Act, by a date indicated in the notification contemplated in paragraph (a).

(2) A written notification contemplated in subregulation (1) must—

(a) be in all three official languages of the Province;

(b) include the name and contact details of the person to whom the comments must be submitted and to whom any queries may be directed; and

- (c) specify that the details of the place proposed for listing in the heritage register are available for inspection—
 - (i) on the official website of Heritage Western Cape;
 - (ii) at the offices of Heritage Western Cape; and
 - (iii) at any other place that Heritage Western Cape specifies in the notice.

(3) Heritage Western Cape must ensure that the details of the place proposed for listing in the heritage register as contemplated in subregulation (2)(c) and the details of any proposed provision for the protection of the place as contemplated in section 30(11) of the Act are made available for inspection.

(4) Before Heritage Western Cape consults with the owner as contemplated in subregulation (1), it must consult the relevant local authority and the Provincial Minister responsible for provincial planning matters to consider the details of any proposed provision for the protection of the place proposed for listing in the heritage register as contemplated in section 30(11) of the Act, with due regard to section 24(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

(5) If Heritage Western Cape intends to amend or delete an entry in the heritage register that relates to a place, the process contemplated in subregulations (1), (2), (3) and (4), with the necessary changes, must be followed.

Consultation regarding designation of heritage area by local authority

3. (1) If a local authority intends to designate a heritage area it must consult—
- (a) Heritage Western Cape by notifying it in writing;
 - (b) the Provincial Minister responsible for provincial planning matters by notifying him or her in writing;
 - (c) any affected community by publishing a notice in—
 - (i) the *Provincial Gazette*; and
 - (ii) at least one other newspaper in general circulation in the Province or, if the proposed heritage area affects only a specific area, in at least one newspaper distributed in that area; and
 - (d) the owners of property in the proposed heritage area by notifying them in writing by—
 - (i) registered post to the postal address of the owners;
 - (ii) electronic mail to the electronic mail address of the owners, where available;
 - (iii) physical hand-delivery to the owners, where practicable; or
 - (iv) any other manner it regards appropriate,

regarding the proposed designation of the heritage area and the details of any proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act for the protection of the heritage area.

(2) A written notification contemplated in subregulation (1)(a), (b) and (d) must request comments in writing regarding the proposed designation of the heritage area and the proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act, by a date indicated in the notification.

(3) A notice contemplated in subregulation (1)(c) must request comments in writing regarding the proposed designation of the heritage area and the proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act, by a date indicated in the notice.

(4) In addition to a notice contemplated in subregulation (1)(c), the local authority may publish the notice in any other media it regards necessary.

(5) A notice contemplated in subregulation (1)(c) and a written notification contemplated in subregulation (1)(d) must—

- (a) be in all three official languages of the Province;
- (b) include the name and contact details of the person to whom the comments must be submitted and to whom any queries may be directed; and
- (c) specify that the details of the proposed heritage area are available for inspection—
 - (i) on the official website of the local authority;
 - (ii) at the offices of the municipal manager of the local authority; and
 - (iii) at any other place that the local authority may specify in the notice.

(6) The local authority must ensure that the details of the proposed heritage area as contemplated in subregulation (5)(c) and the details of any proposed provision for the protection of the heritage area as contemplated in section 31(7) of the Act are made available for inspection.

(7) If the local authority intends to amend or withdraw the designation of a heritage area, the process contemplated in subregulations (1), (2), (3), (4), (5) and (6), with the necessary changes, must be followed.

Assistance with transcribing comments

4. Any person who cannot write may, during office hours and before the date contemplated in regulations 2(1)(b), 3(2) and 3(3), request an employee at the offices of Heritage Western Cape or the local authority, as the case may be, to provide reasonable assistance to that person by transcribing that person's comments.

Consultation

5. When Heritage Western Cape or a local authority, as the case may be, is required to consult any person as contemplated in regulation 2 or 3, such consultation is regarded as having been satisfied if the written notification contemplated in the relevant regulation has been given to that person, whether or not a response was received by the date specified in the notification.

Consideration of comments

6. When Heritage Western Cape consults the owner as contemplated in regulation 2 or when the local authority consults with Heritage Western Cape, any affected community and the owners as contemplated in regulation 3, as the case may be, it must—

- (a) give due consideration to all comments, representations or objections received before—
 - (i) Heritage Western Cape lists a place in the heritage register; or
 - (ii) the local authority designates a heritage area; and
- (b) keep a written record of the decision taken and the reasons for the decision, which record must be made available to interested and affected parties on request.

Appeal

7. A person wishing to appeal against the listing of a place by Heritage Western Cape in the heritage register must lodge the appeal in terms of section 49 of the Act.

Short title

8. These regulations are called the Regulations Relating to the Consultation Process for Listing Places in the Heritage Register by Heritage Western Cape and for the Designation of Heritage Areas by a Local Authority, 2022.

PROVINSIALE KENNISGEWING

P.K. 129/2022

18 November 2022

REGULASIES RAKENDE DIE OORLEGPLEGINGSPROSES VIR DIE OPNAME VAN PLEKKE IN DIE ERFENISREGISTER DEUR ERFENIS WES-KAAP EN DIE AANWYSING VAN ERFENISGEBIEDE DEUR 'N PLAASLIKE OWERHEID, 2022

Die Provinsiale Minister van Kultuursake en Sport in die Wes-Kaap, kragtens artikels 30(8) en 31(6) van die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), het die regulasies uiteengesit in die Bylae gemaak.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999), 'n betekenis geheg is, dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

“**die Wet**” die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999);

“**Erfenis Wes-Kaap**” die provinsiale erfenishulpbronowerheid wat kragtens artikel 23 van die Wet deur die Provinsiale Minister by Provinsiale Kennisgewing 336/2002 gedateer 25 Oktober 2002, ingestel is;

“**erfenisgebied**” 'n gebied of grond beoog in artikel 31 van die Wet;

“**munisipale bestuurder**” 'n persoon wat ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), aangestel is;

“**Provinsiale Minister**” die LUR soos omskryf in die Wet;

“**Provinsie**” die Provinsie Wes-Kaap.

Oorlegpleging met eienaars rakende opname van plekke in erfenisregister deur Erfenis Wes-Kaap

2. (1) Indien Erfenis Wes-Kaap van voorneme is om 'n plek in die erfenisregister van die Provinsie op te neem, moet hy met die eienaar van daardie plek oorleg pleeg deur—

(a) die eienaar skriftelik in kennis te stel—

(i) per geregistreerde pos na die posadres van die eienaar;

(ii) per elektroniese pos na die elektroniese posadres van die eienaar, waar beskikbaar;

(iii) per handaflewering aan die eienaar, waar doenlik; of

(iv) op enige ander wyse wat hy gepas ag,

rakende die voorgestelde opname van die plek in die erfenisregister en die besonderhede van enige voorgestelde bepaling vir die beskerming van die plek soos beoog in artikel 30(11) van die Wet; en

(b) skriftelike kommentaar van die eienaar van die plek te versoek rakende die voorgestelde opname in die erfenisregister en die voorgestelde bepaling vir die beskerming van die plek soos beoog in artikel 30(11) van die Wet, teen 'n datum aangedui in die kennisgewing beoog in paragraaf (a).

(2) 'n Skriftelike kennisgewing beoog in subregulasie (1) moet—

(a) in al drie amptelike tale van die Provinsie wees;

(b) die naam en kontakbesonderhede bevat van die persoon by wie die kommentaar ingedien moet word en aan wie enige navrae gerig kan word; en

(c) vermeld dat die besonderhede van die plek wat vir opname in die erfenisregister voorgestel word, ter insae beskikbaar is—

- (i) op die amptelike webwerf van Erfenis Wes-Kaap;
- (ii) by die kantore van Erfenis Wes-Kaap; en
- (iii) op enige ander plek wat Erfenis Wes-Kaap in die kennisgewing vermeld.

(3) Erfenis Wes-Kaap moet toesien dat die besonderhede van die plek wat vir opname in die erfenisregister voorgestel word soos beoog in subregulasie (2)(c), en die besonderhede van enige voorgestelde bepaling vir die beskerming van die plek soos beoog in artikel 30(11) van die Wet, vir insae beskikbaar gestel word.

(4) Voordat Erfenis Wes-Kaap soos beoog in subregulasie (1) met die eienaar oorleg pleeg, moet hy met die tersaaklike plaaslike owerheid en die Provinsiale Minister verantwoordelik vir provinsiale beplanningsaangeleenthede oorleg pleeg om die besonderhede van enige voorgestelde bepaling vir die beskerming van die plek wat vir opname in die erfenisregister voorgestel word, soos beoog in artikel 30(11) van die Wet, te oorweeg, met behoorlike inagneming van artikel 24(3) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

(5) Indien Erfenis Wes-Kaap van voorneme is om 'n inskrywing in die erfenisregister wat op 'n plek betrekking het, te wysig of skrap, moet die proses beoog in subregulasies (1), (2), (3) en (4), met die nodige veranderinge, gevolg word.

Oorlegpleging rakende aanwysing van erfenisgebied deur plaaslike owerheid

3. (1) Indien 'n plaaslike owerheid van voorneme is om 'n erfenisgebied aan te wys, moet hy oorleg pleeg met—

- (a) Erfenis Wes-Kaap, deur hom skriftelik in kennis te stel;
- (b) die Provinsiale Minister verantwoordelik vir provinsiale beplanningsaangeleenthede, deur hom of haar skriftelik in kennis te stel;
- (c) enige geraakte gemeenskap, deur die publikasie van 'n kennisgewing in—
 - (i) die *Provinsiale Koerant*; en
 - (ii) minstens een ander koerant in algemene omloop in die Provinsie of, indien die voorgestelde erfenisgebied slegs 'n spesifieke gebied raak, in minstens een koerant wat in daardie gebied versprei word; en
- (d) die eienaars van eiendom in die voorgestelde erfenisgebied, deur hulle skriftelik in kennis te stel—
 - (i) per geregistreerde pos na die posadres van die eienaars;
 - (ii) per elektroniese pos na die elektroniese posadres van die eienaars, waar beskikbaar;
 - (iii) per handaflewering aan die eienaars, waar doenlik; of
 - (iv) op enige ander wyse wat hy gepas ag,

rakende die voorgestelde aanwysing van die erfenisgebied en die besonderhede van enige voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet.

(2) 'n Skriftelike kennisgewing beoog in subregulasie (1)(a), (b) en (d) moet skriftelike kommentaar aanvra rakende die voorgestelde aanwysing van die erfenisgebied en die voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet, teen 'n datum vermeld in die kennisgewing.

(3) 'n Kennisgewing beoog in subregulasie (1)(c) moet skriftelike kommentaar aanvra rakende die voorgestelde aanwysing van die erfenisgebied en die voorgestelde bepaling vir

die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet, teen 'n datum vermeld in die kennisgewing.

(4) Benewens 'n kennisgewing beoog in subregulasie (1)(c) kan die plaaslike owerheid die kennisgewing in enige ander media wat hy nodig ag, publiseer.

(5) 'n Kennisgewing beoog in subregulasie (1)(c) en 'n skriftelike kennisgewing beoog in subregulasie (1)(d) moet—

- (a) in al drie amptelike tale van die Provinsie wees;
- (b) die naam en kontakbesonderhede bevat van die persoon by wie die kommentaar ingedien moet word en aan wie enige navrae gerig kan word; en
- (c) vermeld dat die besonderhede van die voorgestelde erfenisgebied vir insae beskikbaar is—
 - (i) op die amptelike webwerf van die plaaslike owerheid;
 - (ii) by die kantore van die munisipale bestuurder van die plaaslike owerheid; en
 - (iii) op enige ander plek wat die plaaslike owerheid in die kennisgewing vermeld.

(6) Die plaaslike owerheid moet toesien dat die besonderhede van die voorgestelde erfenisgebied soos beoog in subregulasie (5)(c) en die besonderhede van enige voorgestelde bepaling vir die beskerming van die erfenisgebied soos beoog in artikel 31(7) van die Wet vir insae beskikbaar gestel word.

(7) Indien die plaaslike owerheid van voorneme is om die aanwysing van 'n erfenisgebied te wysig of in te trek, moet die proses beoog in subregulasies (1), (2), (3), (4), (5) en (6), met die nodige veranderinge, gevolg word.

Bystand met transkripsie van kommentaar

4. Enige persoon wat nie kan skryf nie, kan gedurende kantoorure en voor die datum beoog in regulasies 2(1)(b) en 3(2) en (3) 'n werknemer by die kantore van Erfenis Wes-Kaap of die plaaslike owerheid, na gelang van die geval, vra om redelike bystand aan daardie persoon te verleen deur daardie persoon se kommentaar te transkribeer.

Oorlegpleging

5. Wanneer dit van Erfenis Wes-Kaap of 'n plaaslike owerheid, na gelang van die geval, vereis word om met enige persoon oorleg te pleeg soos beoog in regulasie 2 of 3, word sodanige oorlegpleging geag plaas te gevind het indien die skriftelike kennisgewing beoog in die tersaaklike regulasie aan daardie persoon gegee is, ongeag of 'n antwoord teen die datum vermeld in die kennisgewing ontvang is.

Oorweging van kommentaar

6. Wanneer Erfenis Wes-Kaap met die eienaar oorleg pleeg soos beoog in regulasie 2 of wanneer die plaaslike owerheid soos beoog in regulasie 3 oorleg pleeg met Erfenis Wes-Kaap, enige geraakte gemeenskap en die eienaars, na gelang van die geval, moet hy—

- (a) alle kommentaar, verhoë of besware wat ontvang is, behoorlik oorweeg voordat—
 - (i) Erfenis Wes-Kaap 'n plek in die erfenisregister opneem; of
 - (ii) die plaaslike owerheid 'n erfenisgebied aanwys; en

- (b) 'n skriftelike rekord hou van die besluit wat geneem is en die redes vir die besluit, welke rekord op versoek aan belanghebbende en geraakte partye beskikbaar gestel moet word.

Appel

7. 'n Persoon wat teen die opname deur Erfenis Wes-Kaap van 'n plek in die erfenisregister wil appelleer, moet die appel ingevolge artikel 49 van die Wet aanteken.

Kort titel

8. Hierdie regulasies heet die Regulasies Rakende die Oorlegplegingsproses vir die Opname van Plekke in die Erfenisregister deur Erfenis Wes-Kaap en die Aanwysing van Erfenisgebiede deur 'n Plaaslike Owerheid, 2022.

ISAZISO SEPHONDO

I.S. 129/2022

18 kweyeNkanga 2022

**IMIGAQO ENXULUMENE NENKQUBO YOKUCEBISANA NGOKUBHALISWA
KWEZIBONELELO EZILIFA LEMVELI KWIREJISTA YEZELIFA LEMVELI
NOKUMISELWA KWEENDAWO EZILILIFA LEMVELI EYENZIWE
NGABASEMAGUNYENI BENGINQI, 2022**

UMphathiswa wezeMicimbi yeNkcubeko neMidlalo kwiPhondo leNtshona Koloni, phantsi kwala macandelo 30(8) nelama-31(6), lomthetho i*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999), wenze imigaqo echazwe kwiShedyuli.

ISHEDYULI

Inkcazomagama

1. Kule migaqo igama okanye kule ngcaciso entsingiselo ikwi*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999), linentsingiselo ekwafanayo, ngaphandle kokuba kusingiswe kwenye into—

“indawo elilifa lemveli” ithetha indawo echazwe kwicandelo 31 loMthetho;

“iLifa leMveli leNtshona Koloni” lithetha ugunyaziwe wezelifa lemveli omiswe nguMphathiswa wePhondo phantsi kwecandelo 23 loMthetho ngeSaziso sePhondo 336/2002, somhla wama-25 kweyeDwarha 2002;

“umphathi kamasipala” uthetha umntu otyunjwe ngokwecandelo 82 loMthetho i*Local Government: Municipal Structures Act, 1998* (uMthetho 117 ka-1998);

“iPhondo” lithetha iPhondo leNtshona Koloni;

“uMphathiswa wePhondo” uthetha uMEC njengoko kuchaziwe kuMthetho;

“uMthetho” uthetha uMthetho i*National Heritage Resources Act, 1999* (uMthetho 25 ka-1999).

Ukucebisana nabanikazi ngokubhekiselele ekubhalisweni kwezinto ezililifa lemveli kwirejista yezeLifa leMveli leNtshona Koloni

2. (1) Ukuba iLifa leMveli leNtshona Koloni linenjongo yokuba makubhaliswe izinto ezililifa lemveli kwirejista yezelifa lemveli lePhondo, kufuneka lidibane nomnikazi walo ndawo—

(a) ngokwazisa umnikazi ngembalelwano—

(i) ngeposi ebhalisiweyo ayithumele kwidilesi yeposi yomnikazi;

(ii) ngeimeyili ayithumele kwidilesi yeimeyili yomnikazi, ukuba ikhona;

(iii) uyise ngesandla kumnikazi, ukuba kuyenzeka; okanye

(iv) ngayo nangeyiphi na enye indlela ebonakala ifanelekile,

ngokubhekiselele kwizinto ezililifa lemveli eziphakanyisiweyo kwirejista neenkukacha zazo naziphi na izibonelelo eziza kusungulwa ukwenzela ukhuseleko lwendawo njengoko kuchaziwe kwicandelo 30(11) loMthetho; kwaye

(b) licele izimvo ezibhaliweyo kumnikazi wendawo ngokubhekiselele kubhaliso oluphakanyisiweyo kwirejista yezelifa lemveli nobhaliso oluphakanyisiweyo nezibonelelo eziza kusungulwa ukwenzela ukhuseleko lwendawo njengoko kuchaziwe kwicandelo 30(11) loMthetho, ngomhla uchazwe kupapasho oluchazwe kumhlathi (a).

(2) Isaziso esibhaliweyo esichazwe kumgaqwana (1) simele—

(a) sibe kuzo zontathu iilwimi ezisesikweni zePhondo;

(b) siquka igama kunye neenkukacha zoqhagamshelwano zomntu ekumele kungeniswa kuye izimvo kunye nokumele kubhekiswe kuye imibuzo; kwaye

- (c) sicacise ukuba ziyafumaneka iinkcukacha zendawo elilifa lemveli ephakanyisiweyo ukuze idweliswe kwirejista yelifa izokuhlolwa—
- (i) kwiwebhusayithi esesikweni yezeLifa leMveli leNtshona Koloni;
 - (ii) kwii-ofisi zeLifa Lemveli leNtshona Koloni; kunye
 - (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso liLifa leMveli leNtshona Koloni.

(3) ILifa leMveli leNtshona Koloni kufuneka liqinisekise ukuba ziyafumaneka iinkcukacha zezibonelelo zelifa lemveli eziphakanyiselwa njengoko kuchaziwe kumgaqwana (2)(c) kunye neenkcukacha zawo nawaphi na amalungiselelo aphakanyisiweyo okhuseleko lwezibonelelo zelifa lemveli njengoko kuchaziwe kwicandelo 30(11) loMthetho ukuze zihlolwe.

(4) Phambi kokuba iLifa leMveli leNtshona Koloni licebisane nomnikazi njengoko kuchaziwe kumgaqwana (1) kufunele lidibane nabasemagunyeni bengingqi noMphathiswa wePhondo onoxanduva lwemiba yogcwangciso yephondo ngazo naziphi na izibonelelo eziphakanyisiweyo ukwenzela ukhuseleko lwendawo ephakanyiselwe ukubhaliswa kwirejista yezelifa lemveli echazwe kwicandelo 30(11) loMthetho, ngokuthathela ingqalelo icandelo 24(3) lomthetho *iLocal Government: Municipal Systems Act, 2000* (uMthetho 32 ka-2000).

(5) Ukuba iLifa leMveli leNtshona Koloni linenjongo yokulungisa okanye ukucima isingeniso kwirejista yezelifa lemveli elibhekiselele kwindawo, inkqubo echazwe kumgaqwana (1), (2), (3) no-(4), oluneenguqu ezifanelekileyo, kufuneka ilandelwe.

Ukucebisana ngokubhekiselele ekumiselweni kwendawo elilifa lemveli ngabasemagunyeni bengingqi

3. (1) Ukuba abasemagunyeni bengingqi baphakamisa ukumiselwa kwendawo yezelifa lemveli kufuneka badibane—

- (a) nezeLifa leMveli leNtshona Koloni ngokulazisa ngembalelwano;
- (b) uMphathiswa wePhondo onoxanduva lwemiba yogcwangciso yephondo, ngokumazisa ngembalelwano
- (c) naluphi na uluntu oluchaphazelekayo ngokupapasha isaziso—
 - (i) kwiGazethi yePhondo; kunye
 - (ii) nakwiphephandaba elinye ubuncinane elihanjiswa kwiPhondo ngokubanzi; okanye, ukuba into elilifa lemveli ephakanyiselwa ukuba ibandakanywe kwirejista yezelifa lemveli ichaphazela indawo ethile, kwiphephandaba elinye ubuncinane elifundwa ngabantu bendawo leyo; kunye
- (d) nabanikazi bepropathi ngokubazisa ngembalelwano—
 - (i) ngeposi ebhalisiweyo kwidilesi yeposi yabanikazi;
 - (ii) ngeimeyili ayithumele kwidilesi yeimeyili yomnikazi, ukuba ikhona;
 - (iii) uyise ngesandla kumnikazi, ukuba kuyenzeka; okanye
 - (iv) ngayo nangeyiphi na enye indlela ebonakala ifanelekile,

ngokubhekiselele kwizinto ezililifa lemveli eziphakanyisiweyo kwirejista neenkcukacha zazo naziphi na izibonelelo eziza kusungulwa ukwenzela ukhuseleko lwendawo njengoko kuchaziwe njengoko kuchaziwe kwicandelo 31(7) loMthetho; kwaye

(2) Isaziso esibhaliweyo esichazwe kumgaqwana (1)(a), (b) no-(d) kufuneka zicele izimvo ezibhaliweyo ngokubhekiselele kubhaliso oluphakanyisiweyo lwendawo nobhaliso oluphakanyisiweyo nezibonelelo eziza kusungulwa ukwenzela ukhuseleko lwendawo njengoko kuchaziwe kwicandelo 31(7) loMthetho, ngomhla uchazwe kupapasho.

(3) Isaziso esichazwe kumgaqwana (1)(c) kufuneka sicele izimvo ngembalelwano ngokubhekiselele kuphakanyiso olucetywayo lwendawo yelifa lemveli nolungiselelo olucetywayo lokukhusela indawo yelifa lemveli njengoko kuchaziwe kwicandelo 31(7) loMthetho, ngomhla obanakaliswe kwisaziso.

(4) Ukongeza kwisaziso esichazwe kumgaqwana (1)(c), abasemagunyeni bengingqi bangasipapasha isaziso nakweliphi na ijelo lezosasazo abalibona lifanelekile.

(5) Isaziso esichazwe kumgaqwana (1)(c) nesaziso esibhaliweyo esichazwe kumgaqwana (1)(d) kufuneka—

- (a) sibhalwe ngazo zontathu iilwimi ezisesikweni zePhondo;
- (b) siquka igama kunye neenkukacha zoqhagamshelwano zomntu ekumele kungeniswa kuye izimvo kunye nokumele kubhekiswe kuye imibuzo; kwaye
- (c) sicacise ukuba ziyafumaneka iinkukacha zendawo elilifa lemveli ephakanyisiweyo ukuze ihlolwe—
 - (i) kwiwebhusayithi esesikweni yabasemagunyeni bengingqi;
 - (ii) kwii-ofisi zomphathi kamasipala wabasemagunyeni bengingqi; kunye
 - (iii) nakuyo nayiphi enye indawo enokuthi ichazwe kwisaziso ngabasemagunyeni bengingqi.

(6) Abasemagunyeni bengingqi kufuneka baqinisekise ukuba ziyafumaneka iinkukacha zendawo ephakanyiselwa ukuba lilifa lemveli njengoko kuchaziwe kumgaqwana (5)(c) kunye neenkukacha zawo nawaphi na amalungiselelo aphakanyisiweyo okhuseleko lwendawo yelifa lemveli njengoko kuchaziwe kwicandelo 31(7) loMthetho ukuze zihlolwe.

(7) Ukuba abasemagunyeni bengingqi banenjongo yokulungisa okanye yokurhoxisa indawo yezelifa lemveli, inkqubo echazwe kumgaqwana (1), (2), (3), (4), (5) no-(6), ngeenguqu ezifanelekileyo, kufuneka ilandelwe.

Ukuncediswa ekukhupheleni izimvo

4. Nawuphi na umntu ongakwaziyo ukubhala, ngexesha lokusebenza naphambi komhla ochazwe kumgaqwana 2(1)(b) no-3(2) no-(3), angacela umsebenzi kwii-ofisi zeLifa leMveli leNtshona Koloni okanye labasemagunyeni bengingqi, xa kunokuba njalo, ukuba amncede ngokubhala kakuhle izimvo ezithethwa nguloo mntu.

Ukucebisana

5. Xa iLifa leMveli leNtshona Koloni okanye ubasemagunyeni bengingqi, xa kunokuba njalo, kufuneka licebisane naye nawuphi umntu njengoko kuchaziwe kumgaqo 2 okanye 3, okokucebisana kuthathwa njengokonelisayo ukuba isaziso esibhaliweyo nakowuphi na umgaqo kuleyo sinikwe loo mntu kwaye akukho mpendulo ifunyenweyo ngomhla ochazwe kwisaziso.

Ukuthathelwa ingqalelo kwezimvo

6. Xa iLifa leMveli leNtshona Koloni licebisana nomnikazi njengoko kuchaziwe kumgaqo 2 okanye xa abasemagunyeni bengingqi becebisana neLifa leMveli leNtshona Koloni, nalo naluphi na uluntu oluchaphazelekayo nabanikazi njengoko kuchaziwe kumgaqo 3, xa kunokuba njalo, kufuneka—

- (a) linike ingqalelo efanelekileyo zonke izimvo, imiboniso okanye izigxeko ezifunyenweyo phambi kokuba—
 - (i) Ilifa leMveli leNtshona Koloni lidwelise indawo kwirejista yelifa lemveli; okanye
 - (ii) abasemagunyeni bengingqi bamisele indawo yelifa lemveli; kwaye
- (b) ligcine iirekhodi ezibhaliweyo zesigqibo esithathiweyo kunye nezizathu zeso sigqibo, zirekhodi ezo kufuneka zifumaneke xa zithe zancelwa ngamaqela anomdla nachaphazelekayo.

Isibheni

7. Umntu onqwenela ukwenza isibheni esichasene nokudweliswa kwendawo liLifa leMveli leNtshona Koloni kwirejista yezelifa lemveli kufuneka afake isibheni sakhe ngokwecandelo 49 loMthetho.

Isihloko esifutshane

8. Le Migaqo ibizwa ngokuba yiMigaqo eNxulumene neNkqubo yokuCebisana ngokuBhaliswa kweZibonelelo eziliLifa leMveli kwiRejista yezeLifa leMveli nokuMiselwa kweeNdawo eziliLifa leMveli eyenziwe ngabaSemagunyeni beNgingqi, 2022.

