

**APPROVED MINUTES OF THE MEETING
OF THE COUNCIL OF HERITAGE WESTERN CAPE,
Held on Friday, 28 February 2020, 1st Floor Boardroom, Green Market Square, Cape Town
at 09H00**



1. Opening and Welcome

The Chairperson, Mr Bongani Mgijima officially opened the meeting at 09:05, and welcomed everyone present.

2. Attendance

Members

Ms Katherine Dumbrell (KD) – left at 14h30
Mr Graham Jacobs (GJ)
Mr Stefan de Kock (SdK)
Mr Ron Martin (RM)
Ms Cecilene Muller (CM)
Mr Stuart Hermansen (SH)
Mr Bongani Mgijima (BM)
Mr Mandla Mdludlu (MM)
Ms Vuyiseka Myakala (VM)
Ms Emmylou Bailey (EM)

Members of Staff

Dr Mxolisi Dlamuka (MD)
Ms Colette Scheermeyer (CSc)
Ms Penelope Meyer (PM)
Mr Jonathan Windvogel (JW)
Ms Waseefa Dhansay (WD)
Mr Olwethu Dlova (OD)
Ms Cathy-Ann Potgieter (CAP)
Ms Zahirah Ebrahim (ZE)
Ms Aneeqah Brown (AB)

Visitors

Mr Lance Boyd
Mr David Hart

Ms Harriet Clift

Observers

None

3. Apologies

Mr Jason Knight (JK)

4. Approval of agenda

4.1 Date 28 February 2020

The Committee approved the agenda dated 28 February 2020 with amendments.

5. Approval of minutes of the previous Council meeting

5.1 Minutes of Council meeting of 1 November 2019

The Council resolved to approve the minutes dated 1 November 2019 without amendments.

5.2 Confidential minutes of 1 November 2019

The Council resolved to approve the confidential minutes of the Council meeting dated 1 November 2019 without amendments.

6. Disclosure of Interest

6.1 None

7. Matters arising

7.1 Rocklands Community Hall for assessment by SAHRA as a Grade 1 Heritage Site

JW presented his report, which was noted by Council.

JW

8 Confidential matters

8.1 Please see annexure for minutes.

9. Appointments

9.1 None

10. Administration matters

10.1 None

11. Standing items

11.1 CEO's Report

MD presented a verbal report, which was noted by Council.

MD

11.2 Financial matters

11.2.1 Financial report

ZE presented a verbal report, which was noted by Council.

ZE

11.2.2 Approval of budget 2020/2021

ZE presented a verbal report, which was noted by Council.

DECISION:

The Council approved the budget.

MD

11.2.3 Financial delegations

EZ presented a verbal report, which was noted by Council.

DECISION:

The financial delegations were approved. The CEO, Chairperson, CFO and Chief Director to meet before the next Council meeting in May 2020 to discuss the matter and report at the next Council meeting. The CEO is mandated by Council to seek legal opinion on this matter, from Legal Services and table its findings at the next Council.

MD

11.3 Strategic matters

11.3.1 Approval of HWC Annual Performance Planning 200/2021 and Strategic Planning 2020/2021-2024/2025

MD presented a verbal report, which was noted by Council.

DECISION:

The Council approved the HWC Annual Performance Planning 2020/2021 and Strategic Planning 2020/2021-2024/2025.

MD

11.4 Local Government Matters

11.4.1 Delegations of Powers to Local Authorities

MD presented a verbal report, which was approved by Council.

MD

11.4.2 Competency of City of Cape Town

MD presented a verbal report, which was noted by Council.

Mr Lance Boyd, Ms Harriet Clift and Mr David Hart were present and took part in the discussion.

Amongst other things, the following was noted by Council:

- The NHRA requires that the competence of Local Authorities must be assessed every two years.

DECISION:

The City of Cape Town be assessed by HWC in terms of Section 8(6) of the National Heritage Resources Act, Act 25 of 1999, (the NHRA) as competent to manage heritage resources, such competence to be exercised in respect of Sections 29, 30, 31, 37, 43(2), 44 and 54 of the NHRA. The competence is valid from 27 February 2020 until 28 February 2022.

MD

11.4.3 Exemption of Parow Station Precinct from Sections 34 and 38 of the NHRA

JW presented his report, which was noted by Council.

DECISION:

1. The Council has unanimously exempted the Parow Station Precinct from Sections 34 and 38 of the NHRA.
2. HRMS will request concurrent approval from the Minister.

JW

11.4.4 Criteria form for competency to Local Authorities

PM presented her report, which was noted by Council.

Amongst other things, the following was noted by Council:

- The NHRA envisages a 3 tier system of management of heritage resources in South Africa, namely National (Grade I, managed by SAHRA), Provincial (Grade II, managed by the PHRA) and Local (Grade III, managed by the Local Authority). In order for heritage management to work effectively, all these tiers need to be capacitated and competent to perform their functions. The NHRA further requires that a Local Authority must be assessed for competence by the PHRA.
- It has become evident that Local Authorities need to be encouraged to apply to HWC for competence in terms of S8(6)(b)(ii) of the NHRA so that they can manage grade III Heritage Resources.

DECISION:

The Council approves the attached document entitled "Criteria for finding of Local Authority competent to perform functions in terms of the National Heritage Resources Act, Act 25 of 1999, (the NHRA)" and the application form for Local Authorities to apply for competence.

MD

11.5 Committee reports

The chairpersons presented the reports, which was noted by Council.

Amongst other things, the following was noted by Council:

- BELCom:
 - Council notes the report from BELCom and adopts the following recommendations made in that report, i.e. that:
 - *Wupperthal*: The CEO make representations to the Premier for continued assistance for Wupperthal as resolved by the Provincial Cabinet in early 2019. Of particular need is a project manager to co-ordinate the various initiatives of aid organizations and professional groups. Such an individual could possibly be sourced from the Department of Environmental Affairs and Development Planning and/or the Department of Human Settlements. It was noted that despite a commitment from representatives of the latter Department to investigate the possibility of such assistance in October 2019, there has been no response to date despite an undertaking to report back within two weeks of that undertaking.

- *The Town House, Greenmarket Square*: The CEO approach Iziko Museums to ensure that this iconic building be properly secured from individuals who have been seen on various occasions and in public view, to be trespassing. Such precautions are urgently required before trespassers can entrench rights of occupation. This is, amongst others, to avoid irreparable damage to the building, particularly its interior.
- The CEO report back to Council at its next meeting on the following previously arising issues:
 - Project monitoring mandates for heritage professionals;
 - Application of standards for S.27, S.31 and S.34 submissions;
 - Formal protection of buildings refused for demolition; and
 - Compilation of a database of instructive cases as precedent accessible particularly to BELCom and IACom members.
- IACom:
 - Council noted the report from Acting IACom chairperson – Mr Frik Vermeulen.
 - Council notes the appointment of the IACom chairperson – Mr Jason Knight.
- Appeals:
 - Council notes the report and recommends that the secretariat should circulate the reporting template for Committee reports to Council.
- APM:
 - Council approves the extension of contracts for Dr Ragna Redelstoff and Dr Wendy Black.
- IGIC:
 - Council notes the report from IGIC.

MD

11.6 Report and feedback from SAHRA Council

Nothing to report back

MD

11.7 Report and feedback from Independent Tribunals appointed by the Minister

Nothing to report back.

PM

11.8 Conservation Management Plans

11.8.1 South African Museum, Erf 95137, 25 Queen Victoria Street, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP subject to the recommendations contained in the site inspection report by BELCom dated 20 June 2019, and on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs; and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.2 Old Town House, Erf 2433, Green Market Square, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP subject to the recommendations contained in the site inspection report by BELCom dated 20 June 2019, and on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs;
and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.3 Bo-Kaap Museum, Erf 115963, 71 Wale Street, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs;
and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.4 4 Bertram House, Erven 95161 and 95140, Government Avenue, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs;
and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.5 Slave Lodge, Erf 3740, c/o Adderley & Spin Streets, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs;
and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.6 Rust enVreugd, Re- Erf 95910, 95951, 95954, 95953, 95952, 78 Buitenkant Street, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs; and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.7 Social History Centre, Erf 115873, 6 Spin Street, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs; and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.8.8 Koopmans de Wet House, Erven 4196, 4203 and 4204, 35 Strand Street, Cape Town

WD presented her report, which was noted by Council.

DECISION:

Council resolved to approve the CMP on condition that:

1. Lime mortars and renders only (no Portland cement) to be used for masonry repairs; and
2. No water jetting be used for masonry cleaning and preparations.

WD

11.9 Proposed PHS

11.9.1 None

12. Policy matters/ guidelines and Section 38 processes

12.1 Guidelines for NID and HIA submissions

WD presented her report, which was noted by Council.

DECISION:

The Council approved the guidelines subject to the inclusion of a Comments and Response Table (point 15 on page 2 of 3).

WD

13. Conservation bodies

13.1. Updated of conservation bodies

13.1.1 None

13.2 Applications received of conservation bodies

13.2.1 Application for registration of Stilbaai Bewaringstrust as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration. This conservation body to provide clarification regarding the rationale behind its definition of geographical boundaries as put forward in its application.

PM

13.2.2 Application for registration of Walmer Estate Ratepayers and Residents Association as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approved the application for registration.

PM

13.2.3 Application for registration of Napier Heritage and Conservation Body as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration subject to this conservation body declaring its proposed geographical boundaries. It is requested that this body consider the inclusion of the adjacent previously disadvantaged residential area within its area of interest.

PM

13.2.4 Application for registration of Wynberg East Civil Association as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration subject to this conservation body declaring its proposed geographical boundaries.

PM

13.2.5 Application for registration of ILISA Western Cape as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration subject to this conservation body declaring its proposed geographical boundaries.

PM

13.2.6 Application for registration of the Agulhas as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration.

PM

13.2.7 Application for registration of the Kai Korana Land and Heritage Governing Body and Cultural and Customary Council as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council resolved to seek legal opinion on the constitutional matters that arise out of this application. On receipt of legal opinion, the council will make a decision.

PM

13.2.8 Application for registration of the Salt River Heritage Society as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration.

PM

13.2.9 Application for registration of the Woodstock Residents' Association as conservation body

PM presented the report, which was noted by Council.

DECISION:

The Council approves the application for registration.

PM

14. New matters

14.1 Section 38 application form

WD presented her report, which was noted by Council.

DECISION:

The Council approved the new Section 38 application form.

WD

14.2 Section 30 and 31 Regulations

PM presented her report, which was noted by Council.

DECISION:

The Council approved the Section 30 and 31 regulations for promulgation in the Provincial Gazette, provided that those that require MEC approval are forwarded to the MEC for approval.

PM

14.3 Rotation of Council meetings

MD presented a verbal report, which was noted by Council.

DECISION:

The Council approved the rotation of Council meetings. The locations within the regions to be circulated once finalised.

MD

14.4 Meeting with Chairperson's of Committees

MD presented a verbal report, which was noted by Council.

DECISION:

The Council approved the meetings between the Council Chairperson and the Chairpersons of the Committees.

SH has been nominated by Council as Acting Chairperson in circumstances where the Chairperson cannot be present.

MD

15. Other matters

15.1 SAPS accidental finds procedure

MD presented the report, which was noted by Council.

DECISION:

The Council approved the "SAPS Accidental Find Procedure", dated 18th February 2020 as presented.

MD

16. Adoption of decisions and resolutions

The Council adopted all decisions and resolutions.

17. Proposed date of the next meeting: The date to be communicated once finalised.

18. Closure:

The meeting adjourned at 15:53

CHAIRPERSON _____

DATE:

SECRETARY _____

DATE:

APPROVED