

**APPROVED MINUTES OF THE SPECIAL MEETING  
OF COUNCIL OF HERITAGE WESTERN CAPE,  
Held on Monday, 9 September 2019, Protea Assurance Building, Cape Town at 10:00**



**1. Opening and Welcome**

The Chairperson, Dr Antonia Malan, opened the meeting at 10H08 and welcomed everyone present.

**2. Attendance**

**Members**

Dr Ignatius de Swardt (IdS)  
Dr Antonia Malan (AM)  
Mr Graham Jacobs (GJ)  
Mr Rowen Ruiters (RR)  
Ms Corlie Smart (CSm)  
Mr Chris Snelling (CSn)

**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 Nuraan Vallie (NV)

**Visitors**

Ms Quahnita Samie  
Mr Mogamat Kamedien  
Mr Cassiem Khan  
Ms Tasneem Khan  
Mr Izaaz Mohamed  
Ms Jasmina Ajam Aref  
Mr Zubair Orrie  
Mr Phaidie Cassiem  
Ms Sarah Winter

Ms Heidi Boise  
Mr Shuaib Appleby  
Ms Fatima Haron-Masoet  
Ms Farieda Ajam  
Mr Farouk Hassan  
Ms Yasmina Orrie  
Mr Bader Hassan-Parker  
Mr Richard Summers  
Dr Nicholas Baumann

**Observers**

None

**3. Apologies**

Dr Rolf Annas (RA)  
Ms Katherine Dumbrell (KD)  
Mr Siphwiwo Mavumengwana (SM)

**4. Approval of Agenda**

The Committee approved the agenda dated 9 September 2019.

**5. Approval of Minutes of the Previous Special Council Meeting**

**5.1** None

## **6. Disclosure of Interest**

### **6.1** Amongst other things the following was discussed and noted:

- The distinction between recusals of Council and Committee members due to a clear and declared conflict of interest, and possibility of perception of bias due to involvement in a matter or influence over decisions, was discussed.
- The functioning of Council or Committees can be adversely affected by unnecessary recusals.
- Where appropriate, Chairs of Council and Committees should invite I&APs present at a meeting to endorse any decision regarding recusal or not.

## **7. Matters Arising from Previous Minutes**

### **7.1** None

## **8. Confidential Matters**

### **8.1** None

## **9. Appointment**

### **9.1** None

## **10. Administration Matters**

### **10.1 Chairperson Handover report**

Among other things, the following was noted by Council:

- The term of the present Council expires at the end of October 2019, and the Chair is expected to prepare a Handover Report.
- Chairs of Committees are to draft reports to discuss with their members, and then submit them to AM before Monday 30 September.
- An amalgamated report to be drafted by AM and circulated to Council members for input by email.
- Final Handover report to be submitted to the Minister by the end of October.

## **11. Standing Items**

### **11.1 Proposed PHS**

#### **11.1.1 Provincial Heritage Site Nomination for Burial Site of Imam Haron, Mowbray**

JW presented the report, which was noted by Council.

Apologies were received from the Mowbray Cemetery Board and the Shah Mohammed Trust.

Ms Quahnita Samie, Ms Heidi Boise, Mr Mogamat Kamedien, Mr Shuaib Appleby, Mr Cassiem Khan, Ms Fatima Haron-Masoet, Ms Tasneem Khan, Ms Farieda Ajam, Mr Izaaz Mohamed, Mr Farouk Hassan, Ms Jasmina Ajam Aref, Ms Yasmina Orrie, Mr Zubair Orrie, Mr Bader Hassan-Parker and Mr Phaidiel Cassiem were present and took part in the discussion.

Among other things, the following was noted by Council:

- The parties were informed that Dr N. de Swart was a member of IGIC, the committee which made the recommendation to declare the site as a PHS. The parties were given the opportunity to indicate whether he should recuse himself. All the parties indicated that they had no objection to Dr de Swart taking part in the discussion.
- IGIC recommended to Council that the Imam Haron grave site in the Mowbray Cemetery is declared a Provincial Heritage Site.
- The submission to Council noted that the IGIC had taken into consideration the objections from the Benefactor Family Collective (BFC). The (BFC) represents the original and founding families who contributed to the purchase of land for the Mowbray Cemetery. The collective has since changed its name.
- A supplementary document titled 'Restricted / Embargoed BFC Submission' was submitted to HWC by the BFC and circulated by email to Council members on 5 September 2019. It set out a list of objections and/or recommendations for action in response to concerns about limitations to the public consultation process related to the nomination, and possible infringement of land ownership / stakeholder rights in the Mowbray Muslim Cemetery, the site of Imam Haron's grave.
- The Chair of Council pointed out that the declaration of a Provincial Heritage Resource under section 27 is to afford formal protection over the physical site.
- All the parties present agreed that Imam Haron's grave is worthy of such formal protection.
- Formal protection is a step in a process of recognition and commemoration of a significant heritage resource / individual and does not preclude the future addition and development of related information and oral history.
- The management of the site will take the form of a Heritage Agreement. All relevant stakeholders should, and will have the opportunity, to, engage and negotiate the terms of the Heritage Agreement in order to reach consensus between all the interested and affected parties. Council was not in a position to agree the conditions requested by the Mowbray Cemetery Board.
- It was noted, and all the parties were made aware thereof, that HWC makes provision for the submission of emergency permit applications in the event where the issuing of permits are of an urgent nature.

**DECISION:**

The Council endorsed the nomination of the burial site of Imam Haron at the Mowbray Cemetery to be declared as a PHS. Thereafter, a heritage agreement must be entered into by all the relevant parties to ensure existing and future rights are protected. On declaration, the gazette notice and SG diagram or site plan demarcates the extent of the site of the PHS, after which the diagram must be forwarded to the CoCT (EHM) for capturing in the heritage database.

The draft gazette notice and boundaries of the PHS were approved with the following amendment to read as follow:

1. By virtue of the powers vested in Heritage Western Cape, as the provincial heritage authority for the province of the Western Cape, in terms of Section 27(2) of the National Heritage Resources Act, Act no 25 of 1999, archaeological and palaeontological sites, unmarked burials, the landscape and natural features of cultural significance and structures situated on or at Mowbray Muslim Cemetery, Browning Road, Remainder of Erf 27440, corresponding with the Imam Haron grave site, Mowbray, Cape Town and as reflected in the below schedule, are hereby formally protected under section 27 of the Act.

2. The first sentence under Significance to read: "Imam Abdullah Haron is remembered for having been involved in the liberation movement in order to bring about change in South Africa".

JW

#### **11.1.2 Provincial Heritage Site Nomination for the Al-Jamia Masjid, Stegman Road, Claremont**

JW presented the report, which was noted by Council.

Ms Quahnita Samie, Ms Heidi Boise, Mr Mogmant Kamedien, Mr Shuaib Appleby, Mr Cassiem Khan, Ms Fatima Haron-Masoet, Ms Tasneem Khan, Ms Farieda Ajam, Mr Izaaz Mohamed, Mr Farouk Hassan, Ms Jasmina Ajam Aref, Ms Yasmina Orrie, Mr Zubair Orrie, Mr Bader Hassan-Parker were present and Mr Phaidie Cassiem took part in the discussion.

#### **DISCUSSION:**

- The parties were informed that Dr N. de Swart was a member of IGIC which made the recommendation to declare the site as a PHS. The parties were given the opportunity to indicate whether he should recuse himself. All the parties indicated that they had no objection to Dr de Swart taking part in the discussion.
- IGIC recommended to Council that the Al-Jamia Masjid is declared a Provincial Heritage Site.

#### **DECISION:**

The Council endorsed the nomination of the Al-Jamia Masjid, Claremont as a PHS. Thereafter, a heritage agreement must be entered into by all the relevant parties to ensure existing and future rights are protected. On declaration, the gazette notice and SG diagram or site plan demarcating the extent of the area of the PHS, after which the diagram must be forwarded to the CoCT (EHM) for capturing in the heritage database.

The draft gazette notice and boundaries was approved with the following amendment to read as follow:

1. "By virtue of the powers vested in Heritage Western Cape, as the provincial heritage authority for the province of the Western Cape, in terms of Section 27(2) of the National Heritage Resources Act, Act no 25 of 1999, archaeological and palaeontological sites, unmarked burials, the landscape and natural features of cultural significance and structures situated on or at Erf 58573, Cape Town, corresponding with the Al-Jamia Masjid, Claremont, Cape Town and as reflected in the below schedule, are hereby formally protected under section 27 of the Act.

JW

### **11.1.3 Provincial Heritage Site Nomination for Farm Vergelegen, Somerset West**

JW presented the report, which was noted by Council.

Mr Richard Summers, Ms Sarah Winter and Dr Nicholas Baumann were present and took part in the discussion.

Among other things, the following was noted by Council:

- The World Heritage Site and Provincial Heritage Site nominations have been drafted to ensure close alignment between the declarations and management plans. For example, the Heritage Agreement with HWC will incorporate the same Conservation Management Plan.
- Council commended the members of the nomination team for their thorough work, and acknowledged the dedication and contribution of Mr Don Tooth.

#### **DECISION:**

Council approved the nomination of Farm Vergelegen, Somerset West as a PHS and noted that a heritage agreement will be entered into between HWC and the applicant in order for the entire property to be included.

Council endorsed the draft Conservation Management Plan accompanying the nomination.

Council approved the draft gazette notice and boundaries with the following amendment:

1. "By virtue of the powers vested in Heritage Western Cape, as the provincial heritage authority for the province of the Western Cape, in terms of Section 27(2) of the National Heritage Resources Act, Act no 25 of 1999, archaeological and palaeontological sites, unmarked burials, the landscape and natural features of cultural significance and structures situated on or at Farm 774, Remainder Farm 744/1 and 744/2, Lourensford Road, Somerset West, Cape Town, corresponding with Vergelegen Estate, Somerset West, Cape Town and as reflected in the below schedule, are hereby formally protected under section 27 of the Act."

**JW**

### **11.1.4 Amendment of the Boundaries, PHS Diepkloof Rock Shelter**

CSc presented the report on behalf of Dr Mariagrazia Galimberti, which was noted by Council.

Among other things, the following was noted by Council:

- A new boundary at the 100m contour line was proposed during preparations for the declaration of Diepkloof Rock Shelter as part of a UNESCO World Heritage Site. The property owner has no objection.

#### **DECISION:**

The Council resolved to approve the amendment of the boundaries of the Provincial Heritage Site of Diepkloof Rock Shelter to include all property above the 100 metre contour line on the hill known as Diepkloof on Portion 3 of Farm Groote Drift 5, Piketberg.

**MG**

## **12. Policy Matters**

### **12.1 None**

**13 Conservation Bodies**

**13.1** None

**14. New Matters**

**14.1 Heritage Western Cape Fee Structure and Levy Guidelines**

MD presented the report, which was noted by Council.

Among other things, the following was noted by Council:

- Significant budget cuts will adversely affect HWC operations.
- The fees were set in 2016 and require revision.
- More background information, and analysis, is required to address concerns regarding which applications apply and the scale of the proposed cost.
- This should also include a current financial statement in respect of application fees received, and how money is currently being spent or allocated.
- It is understood that the consent of Treasury would be required.

**DECISION:**

Council approved the Guidelines (September 2019) to replace the Policy (2016), with the following amendments:

1. Paragraph c, replace *“real persons”* with *“natural persons”*.
2. Paragraph c, second bullet: *“If the work proposed ...”*
3. Paragraph c, insert new bullet: *“A schedule of waived fees to be reported to Council regularly”*.
4. Heading of Guideline must be changed to read *“Heritage Western Cape Guidelines on Levying of Fees for Submission of Applications”*.

Council supported a revised HWC Fee Structure in principle only, with a further requirement that:

1. CEO to provide Council with more background information, and motivation for the proposed fee structure in order for the Council to take an informed decision.

WD

**15 Adoption of decisions and resolutions**

The Council adopted all decisions and resolutions.

**16 Proposed date of the next meeting:** 13 November 2019

**17 Closure:** The meeting adjourned at: 14:00

**CHAIRPERSON** \_\_\_\_\_

**DATE:**

**SECRETARY** \_\_\_\_\_

**DATE:**