

**MINUTES OF MEETING
OF HERITAGE WESTERN CAPE,
COUNCIL**

**Held on Wednesday, 29 February 2012, 1st Floor Boardroom at the Offices of the
Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town at 09H30**

1 Opening and Welcome

The meeting was officially opened at 9h35 by the chairperson, Adv. Ronee Robinson. She welcomed participants to the meeting.

2 Attendance

Members

Adv. Ronee Robinson
Dr Stephen Townsend
Dr Matilda Burden
Ms Laura Robinson
Ms Sharon de Gois
Ms Maureen Wolters
Ms Ziyanda Manzana
Ms Mary Leslie
Ms Sarah Winter
Mr Roger Joshua
Mr Floris Brown
Mr Patrick Fefeza
Mr Magnus Steenkamp

Members of Staff

Mr Andrew Hall
Ms Christina Jikelo
Mr Calvin van Wijk
Ms Lorelle Hutton
Mr Ronny Nyuka
Mr Shaun Dyers
Ms Jenna Lavin
Mr Olwethu Dlova
Ms Tamar Grover

3 Apologies

There were no apologies.

4 Approval of Minutes of Previous Meeting

The Committee resolved to adopt the minutes of the meeting held on 10 November 2011.

5 Confidential Matters

There were no confidential matters.

6 Matters Arising from Previous Meeting

6. A Site Markers

Decision

The Committee resolved that:

- The grading of the Leeuwenhof homestead be attended to as a matter of urgency, if needs be, by measures such as obtaining a Council resolution through e-mail; and
- The Provincial Heritage Site marker be launched at Leeuwenhof before 12 May 2012.

Andrew Hall

6.1 Declaration and Official Announcement of Community House, Erf 16259, 41 Salt River Road, Salt River Division, for Provincial Heritage Status in terms of Section 27 of the NHRA (Act 25 of 1999)

Mr Ronny Nyuka presented his report and informed the Council that the major construction work will be completed by the end of March 2012. HWC proposed that the officials begin to make necessary preparations for the formal announcement.

Decision

The Council agreed that the launch would take place after the official public announcement of provincial heritage status for the farm Luiperdskop (Ratelgat) on 14 May 2012.

Ronny Nyuka

6.2 Declaration and Official Announcement of Farm Luiperdskop, Ratelgat, District van Rhynsdorp, as Division for Provincial Heritage Status in terms of Section 27 of the NHRA (Act 25 of 1999)

Mr Ronny Nyuka presented his report and informed the Council that:

- A meeting was held at Ratelgat on Saturday, 3 December 2011 between officials of the HWC and the executive of the Griqua National Conference, including the current Paramount Chief, the Hon Mr Alan le Fleur. The purpose of the meeting was to clarify the implications of the declaration. It was suggested that 14 May 2012 would be an appropriate date for the official announcement.
- The GNC indicated that it would like to invite the Minister of Cultural Affairs and Sport to officiate at this occasion.

Decision

The Committee noted Mr Nyuka's report.

Ronny Nyuka

6.3 Formal Protection of the Disused 1872 Hex River Railway Line, De Doorns, District of Worcester in terms of Section 27 of the NHRA (Act 25 of 1999)

Mr Ronny Nyuka presented his report and informed Council that:

- A letter was sent to Mr Jordan about this matter on 10 October 2011.
- No response was received, but it has been established that Mr Jordan passed away on 4 November 2011.
- A letter was also sent to the Property Manager of Transnet and, despite several enquiries in this regard, no response has been received.

Decision

The Committee noted Mr Nyuka's report.

Ronny Nyuka

6.4 Declaration of De Hel, Constantia as a PHS and the Extension to the PHS Boundaries of the West Coast Fossil Park

Ms Jenna Lavin presented her reports.

Decision

The Council resolved to approve the attached Gazette notice for submission to the Provincial Legislature with suggested amendments.

**Shaun Dyers
Jenna Lavin**

6.5 Response from SAHRA for Assessment of Heritage Western Cape

It was noted that certain members of Council are meeting SAHRA on Thursday 1 March 2012 and will report back at the next Council meeting on 30 May 2012.

Andrew Hall

6.6 CMF Baboon Point PHS

Mr Hall presented this matter to Council for noting.

Decision

The Council noted the minutes of the Baboon Point meeting that was held on 11 November 2011.

Andrew Hall

6.7 Governance Training

Mr Hall presented this matter to the Council for noting.

Decision

The Council noted this matter.

Andrew Hall

6.8 Cape Town Zoning Scheme

Mr Hall said he would report back to Council at the next meeting to be held on 30 May 2012.

Andrew Hall

6.9 HWC Database & GIS

Mr Hall presented a verbal report.

Decision

The Committee noted Mr Hall's report.

Andrew Hall

7 Standard Items

7.1 Report and Feedback from Executive Committee

Chairperson Ronee Robinson presented a verbal report.

Decision

The Committee noted the draft minutes of the Executive Committee meeting that was held on 7 December 2011.

Ronee Robinson

7.2 Report and feedback from the SAHRA Council

Chairperson Ronee Robinson and Ms Laura Robinson presented a verbal report.

Decision

The Council resolved to endorse the endeavours of the Chairperson (ex officio representative of HWC) and Ms Laura Robinson in their attempts to guide the SAHRA council in legally and ethically defensible governance.

**Ronee Robinson
Laura Robinson**

7.3 Report and feedback on the BELCom

Ms Sarah Winter presented her report and reported a request from Mr L Raymond.

Decision

The Committee resolved to support the recommendations prepared by Ms Sarah Winter and dated 20 February 2012 that:

- The formulation of a policy to clarify the consultation requirements of HWC and the role of interested and affected parties is recognised as being important;
- The formulation of a policy to clarify procedures for site inspections by Committee members is recognised as being important;
- Legal advice should be taken on the issue of unauthorised work, particularly where legal proceedings were not recommended; and
- Mr Raymond's request is not accepted on grounds that it appears that it is an attempt to avoid the processes applied by HWC.

Sarah Winter

7.4 Report and feedback on the IACom

Dr Stephen Townsend presented his report.

Decision

The Council resolved support the recommendations prepared by Dr Townsend and dated 20 February 2012 that:

- the Council request that the CEO, acting together with the chairs of the three “permitting” committees (the BELCom, the IA Com and the APMCom) and the Appeals Com, develop, as part of the database, a mechanism for capturing data which can be used to develop statistics which explain the work of HWC; and
- that the Council exhort and mandate the chair to ensure that the CEO and the chairs of the “permitting” committees meet and come to an agreement with SAHRA about this matter as soon as possible.

Stephen Townsend

7.5 Report and feedback on APMCom

Ms Mary Leslie presented her report. In the discussion it was noted that:

- The impact of current salary scales is that HWC APM will continue to have a rapid turnover of properly qualified staff. The loss of associated institutional knowledge has an inestimably negative effect on continuous good heritage practice;
- Site visits are at times a necessary part of decision making. Policy that is sufficiently flexible is required so as not to hinder the decision making process;
- HWC should urgently meet with SAHRA to resolve the section 36 dilemmas as soon as the Grade I dilemma has been addressed; and
- It is recommended that provision be made to catch up on data recording from past applications, for example recording HIAs, specialist studies etc., when the new database is established.

Decision

The Council resolved to approve the nomination to the APM Committee of Mrs Colette Scheermeyer in the place of Mrs Ndobochani.

Mary Leslie

7.6 Report and Feedback on Appeals Committee

Chairperson of the Appeals Committee Ms Laura Robinson presented a verbal report.

Decision

The Council noted Ms Robinson’s report.

Laura Robinson

7.7 Report and feedback from the Survey Committee

Ms Sharon de Gois presented a verbal report.

Decision

The Council noted the report by Ms de Gois.

Sharon de Gois

7.8 Report and feedback from the DRCom

Dr Burden expressed her dissatisfaction with the lack of preparation in the bundle for matters concerning the DRC, as well as the failure to timeously convene the DRC meeting.

Matilda Burden

7.8.1 Declaration of Extension of West Coast Fossil Park, Langebaan

Decision

The notice as amended was approved by the Council.

Matilda Burden

7.8.2 Formal Protection of the School Buildings of the Farm 1049/3 Farm Brandwacht, Stellenbosch in term of the NHRA (Act 25 of 1999)

Mr Calvin van Wijk proposed that:

- The main house be given a Grade IIIA rating because, despite the intact front façade, the entire internal structure and other features have been altered to such an extent that its authenticity has been compromised;
- The outbuilding/ cellar, although more intact than the main house, should also be given a Grade IIIA rating;
- The farm complex with its buildings be put on the heritage register and that the Stellenbosch Municipality be informed of this;
- The farm complex, as a group of buildings, be given a Grade IIIA rating as well; and
- DEA&DP be informed that the applicant had complied with the condition set in the ROD dated 15 October 2008. However, HWC had decided that the complex did not warrant protection as a PHS, but it would be put on the heritage register.

Mr Van Wijk said that no mention was made in Dr Albertyn's HIA as to whether the site had any social significance.

Decision

The Council noted Mr Van Wijk's report.

Calvin van Wijk

7.8.3 Formal Protection of the Methodist Church, Church Street, Somerset West

Mr Andrew Hall presented a verbal report to the effect that:

- No application for the removal of the rubble has been received by HWC to date;
- Mr van Wijk e-mailed Rev Jean Murcott of the Church on 21 February 2012 requesting that the Church provide HWC/DRC with a letter stating that the Church has no objection to proposed provisional protection, but HWC had not yet received a response from Rev Murcott; and
- It is recommended that the DRC provisionally protect the church.

Decision

The Council resolved that a notice under Section 27(8) of the NHRA would be served on the church.

Tamar Grover

7.8.4 Formal Protection of the School Building of the De Villiers Graaff High School, Villiersdorp, in terms of Section 27 of the NHRA (Act 25 of 1999)

Mr Calvin van Wijk presented the following report:

- During the centenary celebrations of the school it was suggested that HWC be approached to investigate formally protecting the original school buildings in terms of Section 27 of the NHRA;
- A nomination for its formal protection and photographs were submitted to HWC for consideration. Mr Nyuka and Mr van Wijk undertook an in loco site inspection on 2 February 2012;
- The School site constitutes a group of buildings that could be given a Grade IIIA rating;
- The De Villiers Graaff (Institute) High School building is largely intact, retaining much of its period material, which is in pristine condition, and this could warrant a Grade II rating;
- The complex has a strong/ special association with the life/ work of a person, i.e. Sir David Graaff, and could be considered for a Grade II rating; and
- Formal protection for the De Villiers Graaff High School complex should be investigated in respect of the following significances: historical value, aesthetic value and social value.

Decision

The Council noted the report.

Calvin van Wijk

7.8.5 Montebello

Ms Sharon de Gois alerted the Council to a possible conflict of interest and would recuse herself should the matter come before Council for decision.

Dr Townsend noted that he is an employee of the University of Cape Town which owns the property.

Decision

The Council resolved that the CEO and Chairperson of BELCom meet with the registrar of UCT to discuss the possibility of provisional protection and other options for the site.

Calvin van Wijk

7.9 Report and feedback on Independent Tribunals appointed by the Minister

CEO Mr Andrew Hall made a verbal report.

Decision

The Council noted Mr Hall's report.

Andrew Hall

7.10 Delegation of heritage resource management functions to local authorities

CEO Mr Andrew Hall made a verbal report.

Decision

The Council noted Mr Hall's report.

Andrew Hall

8 Financial Matters

8.1 Financial Report

Ms Anneline George presented a financial report.

Decision

The Committee noted Ms George's report.

Anneline George

8.2 Corporate Governance (Investigation and Recommendations about Appropriate Indemnity Cover)

Resolution

The Chairperson and Mr Steenkamp will meet with CEO and Mr Simema to discuss the issue of indemnity cover.

Andrew Hall

8.3 Investment Account

Resolution

An investment account will be opened and managed by the CFO and Support Unit for public entities in consultation with the CEO for Heritage Western Cape. The initial amount invested will be the surplus amount minus the cash flow amount required for the period prior to the transfer payment.

Lorelle Hutton

8.4 Comparative Analysis for Application Costs

It was noted that:

- The decision of the last Council meeting should be revised; and
- An investigation of fees should be undertaken.

Decision

The CEO will present the Council with a schedule of proposed fees and consult the various committees, as well as take up the issue of exemptions.

Lorelle Hutton

8.5 Feedback on Review of Public Entities

Mr Hall presented a verbal report.

Decision

The Committee noted Mr Hall's report.

Andrew Hall

9 Policy Matters

9.1 Guidelines for Conservation Management Plans

The matter was removed from the agenda.

Andrew Hall

9.2 New Draft Regulations on Conservation Bodies

Mr Hall presented a verbal report.

Decision

The Council noted Mr Hall's report.

Andrew Hall

9.3 Forms Concerning Conservation Bodies

Mr Hall presented a verbal report.

Decision

The Council noted Mr Hall's report.

Andrew Hall

10 New Matters

10.1 Alteration to the BELCom Submission Date

Mr Hall presented a verbal report.

Decision

The Council resolved that with effect from May 2012, the BELCom submission date will be moved forward by a week.

Andrew Hall

10.2 Administration of Committee Procedures

Mr Hall presented a verbal report.

Resolution

The Council resolved that a policy will be drafted on this matter.

Andrew Hall

10.3 Mandatory Period for Consultation

Mr Hall presented a verbal report.

Resolution

The Council resolved that the mandatory period for comment or input by third parties is 30 days, unless stipulated otherwise by the CEO or Chair of the Committee in question. Any such third party who fails to respond within the stipulated time shall be deemed to have no interest in providing input or a comment.

Andrew Hall

10.4 Rules of Conduct for Council and its Committees

Mr Hall presented a verbal report.

Decision

The Council noted Mr Hall's report.

Andrew Hall

10.5 10th Anniversary of Heritage Western Cape, 25 October 2012

Mr Hall presented a verbal report which proposed a number of possible activities:

- Identifying highlights over the past 10 years;
- Preparing presentations / slideshows/ DVDs;
- Holding a celebration with informal talks and a slideshow in the background to which the MEC, former staff, former Council and committee members, the heritage fraternity and various community members are invited; addressed by keynote speakers; with a certificate ceremony and music and poetry performances;
- Preparing a publication/ booklet/ slideshow of all significant sites;
- Holding an exhibition on Greenmarket Square, supported by a banner on the balcony facing the square; and
- Preparing and displaying posters.

Mr Hall said staff input would be seriously considered and a dedication to Beverley Crouts-Knipe would be included.

Andrew Hall

10.6 Appointment Mrs C Scheermeyer to APM Committee.

Decision

The Council resolved to approve the nomination to the APM Committee of Mrs Colette Scheermeyer.

Mary Leslie

10.7 Burials Grounds and Graves

Ms Mary Leslie presented a report.

Decision

The Council noted Ms Leslie's report.

Mary Leslie

11 Proposed Date of the Next Meeting: 30 May 2012

12 Adoption of Decisions and Resolutions

The Council formally adopted the decisions and resolutions taken at the current meeting.

13 Closure:

The meeting adjourned at 17h15.

Chairperson

Secretary

Date

Date

Approved