

**MINUTES OF THE MEETING OF HERITAGE WESTERN CAPE,  
COUNCIL COMMITTEE**  
**Held on Wednesday, 28 February 2013, 1<sup>st</sup> Floor Boardroom,  
Protea Assurance Building, Greenmarket Square, Cape Town at 09:30**

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**1. Opening and Welcome**

The meeting was officially opened at 09H30 by the chairperson; Adv Ronée Robinson, and welcomed everyone present.

**2. Attendance**

**Members**

Adv. Ronée Robinson  
Dr Stephen Townsend  
Ms Mary Leslie  
Mr Floris Brown  
Mr Patrick Fefeza  
Ms Sarah Winter  
Mr Roger Joshua  
Dr Matilda Burden  
Mr Magnus Steenkamp  
Ms Maureen Wolters

**Members of staff**

Mr Andrew Hall  
Ms Christina Jikelo  
Mr Calvin van Wijk  
Ms Lorelle Hutton  
Mr Olwethu Dlova (Secretariat)  
Ms Anneline George  
Mr Shaun Dyers  
Mr Ronny Nyuka  
Ms Tamar Grover

**Visitors**

Mr Ashley Lillie  
Mr Jayson Clerk  
Mr Johnstone  
Ms Ilze Wolff  
Mr David Hart  
Mr Clive James  
Kerenina Ingwersen

Mr Simon Zar  
Mr Rob Hill  
Ms Hunn  
Mr Patrick Labrosse  
Mr John Cornelius  
Ms Lorraine Gerrans

**3 Apologies**

- 3.1 Ms Sharon de Gois  
Ms Laura Robinson

**4 Approval of minutes of previous meetings**

The Council approved the minutes of the meeting of 29 November 2012 without amendments

**5 Confidential matters**

None

**6 Approval of the agenda**

The Council accepted the agenda with additional of items.

**7. Disclosure of interest**

- 7.1 Adv. Robinson: item 10.8.6

## **8. Appointment**

- 8.1** The Committee noted the appointments of item 11.1 set for 11H00 and item 10.1.3.1 set for 14H00

## **9. Matters arising from previous meeting**

### **9.1 Legal Advice on administrative matters**

Mr Andrew Hall presented a verbal report.

The review of the regulations should be a standard item on future agendas.

The brief concerning site visits, other administrative actions and the determination and quantification, damages and penalties is yet to be developed. It was suggested again that the brief be developed with the in-puT of the chairs of the "permitting committees".

**Andrew Hall**

### **9.2 Review of Public Entities**

The Council noted the report by Mr Hall and that a further report will be made at the next Council meeting.

**Andrew Hall**

### **9.3 Review of applications to register as Conservation Bodies**

The Council noted the applications of V&A Marina Residential Home Owners Association, Tulbagh Heritage Foundation, Duiwenhoks Conservancy, Friends of the Constantia Valley Greenbelts, Muizenberg Historical Conservation Society, Oudtshoorn Heritage, Docomomo South Africa and additional information of Kalk Bay, St James Ratepayers & Residents' Association:

**Ameerah Peters**

#### **9.3.1 Kalk Bay and St James Ratepayers & Residents Association**

Mr Andrew Hall presented a verbal report.

##### **DECISION**

The Council resolve to approve the registration of the Kalk Bay and St James Ratepayers & Residents Association as a conservation body for the area of Kalk Bay and St James and Cloevalley.

**Ameerah Peters**

#### **9.3.2 V&A Marina Residential Home Owners Association**

Mr Andrew Hall presented a verbal report.

Mr Ashley Lillie and Mr Simon Zar were present and participated during discussion

**DECISION**

The Council resolved to approve the application for registration as a conservation body for the precinct listed in section 5 of the application

**Ameerah Peters**

**9.3.3 Tulbagh Heritage Foundation**

Mr Andrew Hall presented a verbal report.

Mr Jayson Clerk was present and participated during discussion.

**DECISION**

The Council resolve to approve the registration of the Tulbagh Heritage Foundation as a conservation body for the section of the Tulbagh valley, north of the Weltervede road.

**Ameerah Peters**

**9.3.4 Duiwenhoks Conservancy**

Mr Andrew Hall presented a verbal report.

Mr Rob Hill was present and participated during discussion.

**DECISION**

The Council resolve to approve the registration of the Duiwenhoks Conservancy as a conservation body for the area of Vermaaklikheid and the Duiwenhoks Lower Valley.

**Ameerah Peters**

**9.3.5 Friends of the Constantia Valley Greenbelts**

Mr Andrew Hall presented a verbal report.

**DECISION**

The Council resolve to approve the registration of the Friends of the Constantia Valley Greenbelts as a conservation body for the Greenbelts in Constantia.

**Ameerah Peters**

**9.3.6 Muizenberg Historical Conservation Society**

Mr Andrew Hall presented a verbal report.

Mr Johnstone and Ms Hunn were present and participated during discussion.

**DECISION**

The Council resolve to approve the registration of the Muizenberg Historical Conservation Society as a conservation body for the area Greater Muizenberg, St James to Wynberg, Plumstead, Diep River.

**Ameerah Peters**

### **9.3.7 Oudtshoorn Heritage**

Mr Andrew Hall presented a verbal report.

#### **DECISION**

The Council resolved to approve the registration of Oudtshoorn Heritage as a conservation body for the Greater Oudtshoorn Municipality area including Dysseisdorp, Volmoed and Schoemashoek.

**Ameerah Peters**

### **9.3.8 Docomomo South Africa**

Mr Andrew Hall presented a verbal report.

Ms Ilze Wolff was present and participated during discussion.

#### **DECISION**

The Council resolve to approve the registration of Docomomo as a conservation body for the modern movement post 1920.

**Ameerah Peters**

### **9.3.9 City Bowl Ratepayers & Residents Association**

Mr Andrew Hall presented a verbal report.

Mr Patrick Labrosse and Ms Karenina Ingwersen were present and participated during discussion.

#### **DECISION**

The Council resolve to approve the registration of the City Bowl Ratepayers & Residents Association as a conservation body for the City Bowl area of Cape Town.

**Ameerah Peters**

### **9.4 Wiki Loves Monuments South Africa and Wikipedia**

Mr Andrew Hall presented a verbal report.

#### **DECISION**

The Council resolved to sponsor Wiki Loves Monuments South Africa and Wikipedia with R 15000.00 on condition that HWC will receive high-quality digital versions of the photographs and the right to use them.

**Andrew Hall**

### **9.5 Akkerhuisie, Mamre**

Mr Andrew Hall presented a verbal report.

#### **DECISION**

The Council resolved that the representative of the Church is to be advised to be present at the next BELCom meeting where BELCom is to instruct the Church on the steps to be taken towards "proper restoration" of the Akkerhuisie, such restoration to be completed on or before 1 December 2013.

**Shaun Dyers**

## **10. Standard Items**

### **10.1 Local Government Matters**

#### **10.1.1 Knysna draft By-Law**

Mr Shaun Dyers made a power-point presentation.

##### **DECISION**

The Council resolved that the Knysna Municipality should be informed that the Council advises that the following points should be included in or dealt with in the proposed by-law:

- Reference is to be made to s54 of the NHRA to get approval for the by-law
- The Municipality is to create / budget for capacity in terms of heritage resources in order to be deemed competent to process applications into the NHRA
- Heritage Professionals should also be allowed to make submissions and should be identified as such in the By-Law
- More information in terms of location and other details are required before comment can be made on the guidelines for the management of heritage areas
- Provisions of the NHR Act should be incorporated in the by-law and should be in harmony therewith
- An appeal process should be included
- The relationship the by law would have with planning laws (LUPO/LUPA and the zoning scheme)
- The relationship between the by-law and the NHRA
- The CEO is to meet with the Knysna Municipality's Director Planning and Development

**Shaun Dyers**

#### **10.1.2 Knysna delegation of powers**

This was dealt with under item 10.1.1 above

**Shaun Dyers**

#### **10.1.3 Cape Town delegation of powers**

The council noted a verbal report presented by Adv. Robinson

**Andrew Hall**

##### **10.1.3.1 Application of City of Cape Town for competence**

Mr David Hart, Mr John Cornelius, Mr Clive James and Ms Lorraine Gerrans were present and participated during discussion

A press release will be issued informing the public of the decision of the Council and the implications of Sections 17.1 and 17.2 of the Cape Town Zoning Scheme of 1 March 2013

In discussion it was noted that:

- The system for submission of the inventories should be reviewed in order to ensure compliance with the minimum standards rather than approval (actioned by IGICom)

## **DECISION**

The Council resolved to approve the application, dated 21 February 2013, and submitted by Director: Environmental Resources Management (Delegation 74) for the City of Cape Town for competence for the following sections:

- Section 8(4)
- Section 29
- Section 30
- Section 31
- Section 37
- Section 43(2)
- Section 44 and
- Section 54

This decision is with immediate effect from today 28<sup>th</sup> February 2013.

**Adv. Robinson  
Andrew Hall**

### **10.1.4 Cape Town Zoning Scheme**

This was dealt with under item 10.1.3.1 above

**Andrew Hall**

### **10.2 Report and feedback from Executive Committee**

Adv. Robinson and Mr Hall reported on the Executive Committee meetings held on 24 January 2013

**Ronée Robinson**

#### **10.2.1 Draft Executive Committee minutes dated 24 January 2013**

The Council noted the draft minutes of the Executive Committee meetings that were held 24 January 2013 and amended item 6 that the date "August 31<sup>st</sup>" to be change to "31 July 2013".

**Ronée Robinson**

### **10.3 Report and feedback from the Baboon Point Committee**

Dr Townsend reported on the Baboon Point Committee meetings held 5 December 2012.

**Stephen Townsend**

#### **10.3.1 Draft Baboon Point Committee Minutes 5 December 2012**

The Council noted the minutes of the Baboon Point Committee meetings that was held on 5 December 2012.

**Stephen Townsend**

#### **10.4 Report and feedback on the BELCom**

Ms Sarah Winter presented report and recommended that:

- The Council requests that the CEO develops a check list to assist the officials in assessing the completeness of applications and allow them to follow procedural requirements.
- The revision of the regulations enabling HWC to approve or refuse unauthorized works and be prioritized; and
- A policy for site inspections continues to be developed.

The Council noted the report and adopted Ms Sarah Winter recommendations.

**Sarah Winter**

#### **10.5 Report and feedback on the IACom**

Dr Townsend presented his and recommended that:

- The Council require the CEO to make a concerted effort to work on the detailed capturing of data which can be used to develop statistics which explain our work (this recommendation was made to the last four council meetings and accepted),
- The Council request the CEO to continue to work on the policy for visiting sites (this recommendation was made to the last two council meetings and accepted)
- The Council request the CEO to work on a check list for officials to refer to prior to each meeting to ensure that all parties, internal and external, are reasonably informed regarding the time and details of any matter to be considered at any meetings (this recommendation was made to the last two Council meetings and accepted)
- The Council request the CEO to arrange a meeting between the chairs of the permit committees (APM Comm, IACom and BELCom), himself and the appropriate senior members of the DEA&DP to discuss the interpretations of the provisions of the various legislated provisions affecting property rights (this recommendation was made to the last Council meetings and accepted)

The Council noted the report and adopted Dr Townsend's recommendations.

**Stephen Townsend**

#### **10.6 Report and feedback on APMCom**

Ms Leslie presented her report and recommended that:

- Request that the appointment of Archaeologists to the full time post is expedited with care.
- Note that the City have indicated to APM that they do not want to take over responsibility for the collection and excavation of archaeological materials as they do not see themselves as having a unit that specializes in these matters. Should they wish to do so in the future APM have indicated that they would have to have a formally constituted Permit Committee.
- Request that, as discussed at a previous meeting, wording be added to the NID form as indicated in the Council minutes for 29 November 2012.
- Request that the site visit policy be clarified.

The Council noted the report and adopted Ms Leslie's recommendations.

SAHRA has requested that HWC consider taking responsibility for Section 36 of the NHRA.

The Council decided that whilst they understand the logic of the proposal it is regretted that until HWC has the resources it is not able to manage this area at this point in time.

**Mary Leslie**

#### **10.7 Report and feedback on Appeals Committee**

The Council noted the report and adopted Ms Robinson's recommendation that:

- Staff should inform the members of the Committee timeously should there be no appeals to be heard at the scheduled meetings.

**Laura Robinson**

#### **10.8 Report and feedback from the Inventories, Grading and Interpretation Committee**

Prof. Matilda Burden presented her report and recommended that:

- the Rex Trueform building, Erf 175135, 263 Victoria Road, Salt River be deemed a grade II site
- the Rocklands Community Hall, Erf 11553, Rocklands, Mitchells Plain be deemed a grade II site
- the grade II status of Old Sillery farm, Constantia, Erven 1367, 2304 and 2305 be confirmed
- the lists of sites within in the Paarl Municipality as presented in Addendum A, the City of Cape Town Municipality as presented in Addendum B and the Clanwilliam Municipality as presented in Addendum C, be deemed to be grade II sites

The Council noted the report and adopted the recommendations prepared by Prof. Burden.

**Matilda Burden**

##### **10.8.1 Drakenstein Grading of Former National Monument**

Mr Shaun Dyers made a power-point presentation

#### **DECISION**

The Council resolved to approve the gradings proposed in respect of a list of former National Monuments in Drakenstein below:

Resources Number	Name of the building	Erf Number	Street Address	Grading
728		3421	42 Hoof Street	II
669	Het Gesticht Church	3578	112 Hoof Street	II
822	Klein Vredenburg	2342	115 Hoof Street	II



602	Huis Vergenoedg	19772	172-174 Hoof Street	II
1652	Town Hall	3924-3952	254-256 Hoof Street	II
455	Laerskool Gymnasium	4080	300-306 Hoof Street	II
453	Toringkerk	1583	303 Hoof Street	II

The Council resolved that the following previous National Monuments, now Provincial Heritage Sites should be given the following gradings:

Resources Number	Name of the building	Erf Number	Street Address	Grading
45		4784	486 Hoff Street	II
481	Malherbe Huis Gideon	1754	11 Pastorie Street	II
1589	Le Roux House		32 Bain Street, Wellington	II
1059	Bainskloof Pass	Bainskloof	Bainskloof Pass	II
980		904/0	Bien Donne, Groot Drakenstein	II
1204	Blockhouse	17:1622	R44, North West of Wellington	II
1560	Huisbliss	3297	65 Kollege Street, Wellington	II
1543	Ferguson Hall	89, 90, 93	69 Kollege Street	II
721	De Hoop	2643	Hoof Street	II
1432	DR Church	32	Cnr Piet Ritief Hoog and Voor Street	II
1442	Boland College, Goodnow Hill and House Murry	3297	Cnr Kollege Street	II
827	Laborie	13004	Hoof Street	II
1212	Ladylochbridge	50:189/1	Ladylochbridge	II
426		4265	44 Mill Street	II
439	Paarl Museum Originally DR Pastorie	1585	Van der Lingen	II
1095		1	Paarl Mountain Nature Reserve	II
470	Stadzicht	4163	17-21 Victoria Street	II
637	Strooidakerk and Church Yard	2246	163 A-C, Hoof Street	II
1400	Clairvaux	207	15b Van	II

			Riebeeck, Wellington	
1096	Ikwezi Community Centre, Vlakkeland	15026: 19519	Jan van Riebeeck	II
731		3420	40 Hoof Street, Paarl	IIIC
728		3421	42 Hoof Street, Paarl	IIIA
726		3422	42A Hoof Street, Paarl	IIIC
712	Schoongezicht	3424/3429	52 Hoof Street, Paarl	II
709		3433	56 Hoof Street	IIIA
708		3432	58 Hoof Street, Paarl	II
702		3470	70 Hoof Street, Paarl	IIIA
699	Die Eiken	3453	72 Hoof Street, Paarl	IIIA
691		3483	80 Hoof Street, Paarl	IIIC
688		13168	82-84 Hoof Street, Paarl	IIIB
715	Nooitverwacht	2616	91 Hoof Street, Paarl	IIIB
677		13162	92 Hoof Street, Paarl	IIIB
200		15231	94-96 Mill Street, Paarl	IIIA
714		2603	95 Hoof Street, Paarl	IIIC
822	Klein Vredenburg	2342	115 Hoof Street, Paarl	II
602	Huiws Vergenoegd	19772	172-174 Hoof Street, Paarl	IIIA

Shaun Dyers

### 10.8.2 City of Cape Town Grading of Former National Monument

Mr Shaun Dyers made a power-point presentation and recommended

#### **DECISION**

The Council resolved to approve the gradings proposed in respect of a list of former National monuments in Cape Town below subject to amendments:

Name of the building	Erf Number	Street Address	Grading
Bertram house		Government Avenue, Cape Town	II
Clock Tower		Pier Head Docks, Cape Town	II

Egyptian Building	95139	Egyptian Building, Hiddingh Campus, UCT, Cape Town	II
Granite Lodge		109 Harrington Street, Cape Town	II
Josephine Mill	96664	Josephine Mill, Newlands	II
Koopmans-De Wet House		Koopmans-De Wet House, 35 Strand Street, Cape Town	II
Martin Melck House		Strand Street, Cape Town	II SAHRA is busy Declaring this as grade I NHS
Rondebosch Common		Rondebosch Common	II
St Paul's Church	4613	St Paul's Church, Main Road, Rondebosch	II
Stem Parsonage		Stem Parsonage, Simonstown	II
St Saviour's Church		St Saviour's Church, Claremont	II
Time Ball Tower		Time Ball Tower, V&A Waterfront, Front Ball	II
Tuynhuis Government Avenue		Tuynhuis Government Avenue, Stalpein, Cape Town	II
Leeuwenhof		Leeuwenhof, Hof Street, Cape Town	II
City Hall		Darling Street, Cape Town	II
Rust en Vreugd		Buitenkant Street, Cape Town	II

The Council noted that the following are worthy of Grade II

- Parade
- Town Hall
- Greenmarket Square
- Company Gardens/Lioness Gate
- Sending Gesticht
- St Stephens Church
- S.A Museum (Slave Lodge)
- The Castle
- Great Synagogue
- Riebeeck Square
- Groote Kerk
- Staplein
- Colonial and Mutual Building of Australasia
- Waegannaer's Dam (in Golden Acre)

**Shaun Dyers**

### 10.8.3 Clanwilliam Grading of Former National Monument

Mr Shaun Dyers made a power-point presentation

#### **DECISION**

The Council resolved to approve the gradings proposed in respect a list of former National monuments in Clanwilliam below subject to amendments.

Name of the building	Erf Number	Street Address	Grading
Old Landdrost Office	9220	2A and 2B Park Street	II
The Rectory	43	37 Main Street	II
Van Zylhuis	94	5 Park Street	IIIA
Irish Settlers Building	28&29	33 Main Street	IIIB
Old Dutch Reformed Church	173	Main Street	II
Clanwilliam Museum	171	Main Street	II
St Johns Anglican Church	189	Main Street	II

**Shaun Dyers**

### 10.8.4 Nomination of Rex Trueform Building, Erf 175135, 263, Victoria Road, Cnr Monrose and Victoria Road, Salt River

Mr Ronny Nyuka made a power-point presentation.

#### **DECISION**

The Council resolved to approve the grading as grade II and that the complex be declared as a PHS subject to prior submission and approval of the CMP.

**Ronny Nyuka**

### 10.8.5 Nomination of Rocklands Community Hall, Erf 11553, Cnr Park Street and Lancaster Avenue, Rocklands, Mitchells Plain

Mr Ronny Nyuka made a power-point presentation.

#### **DECISION**

The Council resolved to approve the grading as grade II and that the site be declared as a PHS subject to prior submission and approval of the CMP and boundaries to be determined in conjunction with City of Cape Town.

**Ronny Nyuka**

### 10.8.6 Grading of Old Sillery Farm, Erven 13671, 2304 and 2305, Constantia

Adv. Robinson recused herself and left the room, Ms Winter took the chair.

Ms Tamar Grover made a power-point presentation.

## **DECISION**

The Council resolve to approve the grading of Erf 13671, 2304 and 2305 as grade II and investigation for submission to the next IGIC of the proposed grading of other parts of the cultural landscape.

**Tamar Grover**

### **10.8.7 Caveat Paragraph**

Discussion at a previous meeting was noted.

## **DECISION**

The Council decided to adopt the following paragraph for use in all decisions concerning acceptance of inventories.

- This survey, undertaken in terms of section 30 (5), has targeted the built heritage (add here as relevant "including buildings, historical passes, historical cultural landscapes....").
- While archaeological and palaeontological sites (modify and add here as relevant: 'and historical sites, intangible heritage... ') have been referred to; a comprehensive survey of these resources is not included here. It must be noted that these resources have protection in terms of the National Heritage Resources Act (No 25 of 1999) and, for example, archaeological and palaeontological material may not be disturbed without the permission of the relevant heritage authority.
- It is recognised that no inventory is ever complete, as new heritage resources are constantly being identified. This document should be added to and revised as and when necessary.

**IGIC**

### **10.9 Report and feedback on independent tribunals appointed by the Minister**

The Council noted the report made by Mr Andrew Hall.

- It was noted that the matter of Erf 248, 10 Queens Road, Sea Point had been resolved by the Tribunal upholding the decisions made by both BEL Comm and Appeals Committee and rejecting the appeal by the applicant.

It was noted that there is an action flowing from this and, as a result, that the City of Cape Town should be asked to create conservation area surrounding the subject property in order satisfy Section 34(2) of the NHRA.

**Andrew Hall**

#### **10.9.1 Erf 145, 57 Hoof Street, Keurboomstrand**

Mr Andrew Hall presented a verbal report.

Adv. Pretorius was present and participated during the discussion

The outcome of the Tribunal is awaited before this matter can proceed.

**Andrew Hall**

**10.10 Report of the Assistant Director: Professional Services for the period 29 November 2012-28 February 2013**

The Council noted the report by Mr Calvin van Wijk.

**Calvin van Wijk**

**11. Financial matters**

**11.1 Financial report**

The Council noted the financial report presented by Mr Mark Jonkers.

**Anneline George**

**11.2 Corporate governance (Investigation and recommendations about appropriate indemnity cover)**

Adv. Robinson presented a verbal report.

**DECISION**

The Council resolved that Mr Jonkers should arrange the meeting with Head of Department and legal services consulting with the CEO's office.

**Andrew Hall**

**12. Policy Matters**

**12.1 Revised Draft Regulations on Conservation Bodies**

Mr Andrew Hall presented a verbal report.

In discussion it was noted that a meeting had not yet been held with the relevant legal adviser.

**Andrew Hall**

**12.2 Administration of committee procedures**

The Council noted the report made by Mr Hall.

**DECISION**

A revised draft incorporating the discussion of the policy must be represented to the next ExCo meeting for approval.

**Andrew Hall**

**12.3 Policy on Professional Standards**

The Council noted the report made by Mr Hall.

**DECISION**

The policy is accepted subject to circulation to stakeholders for comment. Circulation shall be for a period of two weeks.

**Andrew Hall**

**13. New matters**

**13.1 Builders' Break**

Mr Andrew Hall presented a verbal report.

**DECISION**

In the future the front desk will be closed over the Builders' Break and any applications received over this period will be deemed to have been submitted on the first working day thereafter.

Consultation periods shall be extended by the period of the duration of the Builders' Break.

**Andrew Hall**

**13.2 Achievements of HWC under the Council appointed on 1 August 2010**

The matter was not dealt with as there was not adequate time

**Stephen Townsend**

**13.3 Resolution taken in the Western Cape Provincial Parliament**

The matter was not dealt with as there was not adequate time

**Andrew Hall**

**13.4 DEADP Approval without HWC Comment**

Ms Tamar Grover and Mr Troy Smuts presented a verbal report.

**DECISION**

HWC to organise a meeting with DEADP

**Tamar Grover  
Troy Smuts**

**14. Date of the next meeting**

29 May 2013

**15. Adoption of decisions and resolutions**

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

**16. Closure**

The meeting adjourned at 18H15

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

**DATE** \_\_\_\_\_

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

**DATE** \_\_\_\_\_