

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

**Held on Wednesday, 29 August 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 09H30 by the chairperson, Adv Ronee Robinson, and she welcomed everyone present.

2. Attendance

Members

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

Members of Staff

Mr Andrew Hall
Ms Christina Jikelo
Mr Calvin van Wijk
Mr Olwethu Dlova (Secretariat)
Ms Naa'ila Karra

Visitors

Mr Chris Snelling
Mr Paul Gray (CAPTRUST)
Ms Marie Louise Roux (Habitat Council)

3 Apologies

3.1 Ms Lorelle Hutton
Mr Floris Brown
Ms Ziyanda Manzana

4 Approval of minutes of previous meetings

4.1 Dated 29 February 2012

The Council resolved to approve the minutes with minor amendments.

4.2 Dated 30 May 2012

The Council resolved to approve the minutes with minor amendments.

5 Confidential Matters

5.1 Stellenbosch Hotel

Mr Andrew Hall made a verbal report

The Council having considered the issue, found no reason to overturn the views adopted by the ExCo on this matter. Council notes that a meeting has been arranged between the CEO, the Chair and Mr Wille.

6 Approval of the agenda

6.1 The Council agreed to approve the agenda with additional items

7. Disclosure of interest

7.1 None

8. Matters Arising from previous meeting

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

The Council noted the report presented by Mr Andrew Hall that:

- Mr Nyuka contacted Mr Neethling at Breederiver Municipality to provide HWC the addresses of the adjacent owners. Letters has been written and sent to all the owners of the adjacent Farms and we are still waiting for their responses.

Ronny Nyuka

8.2 Governance Training

Mr Andrew Hall presented a verbal report

DECISION

The Council notes its disappointments that the bureaucracy becomes as such that it impossible to engage the services of individual academic to provide the governance training that the Council would like to receive and would like to have the staff of HWC receive in order to better fulfil its statutory obligation.

**Andrew Hall
Lorelle Hutton**

8.3 Cape Town Zoning Scheme

The Council notes that the CEO, Chairperson, Ms Winter, Dr Townsend and Ms Robinson meet with representatives of City of Cape Town to work through proposed draft of the preliminary agreement.

DECISION

The Council resolved to schedule the meeting between City of Cape Town representatives and Heritage Western Cape representatives on Tuesday, 11 September 2012 at 14H00.

**Andrew Hall
Ronee Robinson**

8.4 Delegation of heritage resource management functions to local authorities

This item was dealt with under item 8.3

Andrew Hall

8.5 Agreement with SAHRA on Grade I matters

Mr Andrew Hall presented his report that the agreement concluded between SAHRA and Heritage Western Cape has been signed by the CEO of HWC on 28 August 2012 and that the CEO of SAHRA is expected to sign the agreement too.

Andrew Hall

8.6 10th Anniversary of Heritage Western Cape

The Council noted the report presented by Mr Andrew Hall.

**Andrew Hall
Lorelle Hutton**

8.7 Legal Advice on administrative matters

The Council noted the report presented by Mr Andrew Hall and will report back in the next meeting.

Andrew Hall

9. Standard Items

9.1 Report and feedback from Executive Committee

Adv Ronee Robinson made a report back with regard to the Executive Committee meeting held on 12 July 2012.

Ronee Robinson

9.1.1 Draft Executive Committee Minutes dated 12 July 2012

The Council noted the draft minutes of Executive Committee meeting that was held on 12 July 2012.

Ronee Robinson

9.2 Report and feedback from the SAHRA Council

The Chairperson and Ms Laura Robinson made a verbal report and noted serious concerns about their positions in SAHRA Council.

**Ronee Robinson
Laura Robinson**

9.3 Report and feedback from the Baboon Point Committee

Mr Andrew Hall made a report back with regard to the Baboon Point Committee meeting held on 23 July 2012.

Andrew Hall

9.3.1 Draft Baboon Point Committee Minutes_23 July 2012

The Council noted the draft minutes of the Baboon Point Committee meeting that was held on 23 July 2012.

Andrew Hall

9.4 Report and feedback on the BELCom

Ms Sarah Winter presented her report:

- The existing committee has been in place for two years and is by now comfortable in performing its duties.
- Improvements with respect to the recording of decisions, circulation of minutes and staff presentations are on-going. However, it is noted that the circulation of documents has been inconsistent in recent times with extensive documentation being circulated by email only a day before a particular meeting. Furthermore, it is preferable that documentation relating to matters arising is circulated to the same members as in the past.
- It was previously decided that any Committee member's prior interest/s in an application should be declared ahead of any discussion involving that application.
- The declaration of any interest has been included as a standard item on the agenda and has become routine procedure.
- A very recent but significant improvement in procedure has been the routine grading of significance and the recording of this grading in the decision.
- This not only helps to focus the discussion but will, in the future, also assist in the capture of relevant data and extraction of useful statistical information.
- A number of outstanding issues continue to impact the functioning of the Committee, namely:
 - 1) The revision of regulations to enable HWC to approve or refuse unauthorized works; and
 - 2) The need for procedures governing site inspections by Committee members.

It is recommendations that:

- Revision of the regulations enabling HWC to approve or refuse unauthorized works be prioritized; and
- Procedures to be followed by Committee members for site inspections be recognized as unresolved; although not necessarily urgent or contentious as discussed early this year.

The Council noted the report and recommendation prepared by Ms Sarah Winter.

Sarah Winter

9.5 Report and feedback on the IACom

Dr Stephen Townsend presented his report:

- the re-registration of conservation bodies is still not yet able to be initiated;
- as mentioned in my last report to the Council, sites subject to applications are relatively seldom visited by committee members before the meeting which is especially problematic in those cases where significance is great and/or where cultural significance is ephemeral or difficult to describe and where it is difficult to identify any heritage resource which it is reasonable to believe will be affected by

- the proposed development; this matter is controversial and the ways that committee member inspect sites has been given considerable attention and it has been agreed that HWC should develop a written policy in this respect;
- the collection of data regarding applications received is now receiving more attention; this is increasingly problematic and, in my view, this must become a priority as the Council's reason for being cannot be properly explained and accounted for without appropriately detailed and differentiated statistics;
 - the controversy over jurisdictions and responsibilities in cases where development is proposed in areas which SARHA has deemed to be Grade I sites/areas has now been resolved and we presume that HWC will shortly announce this publically; and
 - Certain very simple matters involving earth-moving only (eg. borrow pits for road repairs) have been receiving attention unnecessarily from the Committee and it has been recommended that the delegations be amended to enable the officials to deal with these matters.

It is recommended that:

- the Council request the CEO to continue 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 two Council meetings and accepted);
- the delegations be amended to enable the officials to make certain simple and uncontroversial matters and circulated to all officials and committee members and be placed on the HWC website for the information of all.

The Council noted the report and recommendation prepared Dr Stephen Townsend.

Dr Townsend

9.6 Report and feedback on APMCom

The Council noted a verbal report presented by Ms Mary Leslie.

Mary Leslie

9.7 Report and feedback on Appeals Committee

The Council noted a verbal report presented by Ms Laura Robinson.

Laura Robinson

9.8 Report and feedback from the Survey Committee

The Council noted the verbal report presented by Ms Sharon de Gois.

Sharon de Gois

9.8.1 Adoption of Prince Albert Inventory

Mr Andrew Hall made a verbal report

DECISION

Inventory of Prince Albert submitted by the Prince Albert Cultural Foundation be approved in terms of Section 30(6) of NHRA.

The grading of the following former national monuments listed below be approved in term of Section 58(11) of the NHRA:

1. Erf 538/9 & 74 Alberts Mill and Loading Platform, Christina de Wit Street, Prince Albert Gr II
2. Erf 1511 Dennehof, Christina de Wit Street, Prince Albert Gr IIIA
3. Erf 496 Vergelegen, 2 Church Street, Prince Albert Gr II
4. Erf 463 Doktershuis, 15 Church Street & Corner Luttig Street, Prince Albert Gr IIIA
5. Erf 2334 Helmuth Farm, 20 Church Street & Corner Luttig Street, Prince Albert Gr IIIA
6. Erf 2334 Helmuth Farm (Karoo Style), 20 Church Street, Prince Albert Gr IIIA
7. Erf 2334 Helmuth Farm (Barn Style), 20 Church Street, Prince Albert Gr IIIA
8. Erf 2334 Helmuth Farm, 20 Church Street, Prince Albert Gr IIIA
9. Erf 554/6/557, Dutch Reformed Church Parsonage, 2 Pastorie Street, Prince Albert Gr II
10. Erf 447 Dutch Reformed Church, Church Street, Prince Albert Gr II
11. Erf 447/450 Dutch Reformed Hall, Corner Mark & Parsonage Street, Prince Albert Gr IIIA
12. Erf 444 Dutch Reformed Mortuary, Corner Mark & Parsonage Street, Prince Albert Gr IIIA
13. Erf 446 Church Scribes Office, Church Street, Prince Albert Gr IIIA
14. Erf 644 St John The Baptised Anglican Church, 6 Bank Street Gr IIA
15. Erf 644 St John The Baptised Anglican Church Hall , 6 Bank Street Gr IIIA
16. Erf 560 Pep Stores, Corner Church and Pastorie Street, Prince Albert Gr IIIA
17. Erf 570 Bona Vista, 7 Pastorie Street, Prince Albert Gr IIIA
18. Erf 484 Bergkant Lodge, 5 Church Street, Prince Albert Gr IIIA
19. Erf 1453 Seven Arches, 57 Church Street, Prince Albert Gr IIIA
20. Erf 193 Swartberg Hotel (Use: Hotel), Church Street, Prince Albert Gr IIIA
21. Erf 193 Swartberg Hotel (Use: Dining Room), Church Street, Prince Albert Gr IIIA
22. Erf 193 Swartberg Hotel, Church Street, Prince Albert Gr IIIA
23. Erf 193 Swartberg Hotel (Use: Restaurant), Church Street, Prince Albert Gr IIIA

The process set out in section 58(11) be implemented with regard to formal protections.

The Council records its appreciation by the work done by the Prince Albert Cultural Foundation and recommends its nomination in Ministerial Awards.

Shaun Dyers

9.8.2 Grading of Former National monuments, Prince Albert

Mr Shaun Dyers presented his report:

- The Prince Albert Survey was conducted by the Prince Albert Cultural Foundation and was submitted to HWC in 2009. At that stage HWC did not have any survey guidelines or templates of how a survey should be conducted. In December 2010 the Survey Template and guidelines was approved by HWC's council and the recommendation was given that the Prince Albert Cultural Foundation has to submit supplementary information to HWC

- A revised survey was submitted to HWC and the Survey Committee has recommended approval
- The committee recommended that it would be helpful to have a more detailed definition, description and motivation for each of the identified cultural landscapes, as this will in the future be very valuable to incorporate into the Spatial Development Framework of the municipality.

DECISION

The Council resolved to approve the grading of the previous National Monuments of Prince Albert.

Shaun Dyers

9.9 Report and feedback from the DRCom

The Council noted the verbal report presented by Prof Matilda Burden

DECISION

The Council resolved that if competent ExCo for decision of declaration for Rockland's shall be submitted to ExCo meeting to be held on 11 October 2012.

Matilda Burden

9.9.1 Rationalisation of Committees

Mr Andrew Hall presented his report:

- there are three committees of the council that are not involved with approval of applications and related matters:
 1. The Declarations Review Committee, DRC (Members: M Burden [chair], L Robinson, M Leslie, P Fefeza)
 2. The Surveys and Inventories Committee, SIC (Members: S De Gois [chair], S Townsend, M Burden, Z Manzana)
 3. The Wordings and Interpretation Committee, WIC (Members: P Fefeza [chair], F Brown)
- Meetings of these committees are not scheduled and during the term of the present council the former two have met a handful of times and the latter has not met.
- The DRC is responsible for reviewing declarations for sites that are nominated individually rather than as matters arising from submission of an inventory. It makes recommendations to the council on the grading and appropriate category of protection of such sites. It also makes recommendations concerning declaration as PHSs of Grade II sites that are identified during surveys.
- The SIC is responsible for reviewing inventories submitted to HWC and making recommendations to the council on their approval. Such work includes recommendations on gradings and the formal protection of Grade III sites.
- There is considerable overlap in the work of these two committees and particularly with regard to consistency in the practice of grading this is probably not a desirable state of affairs. Grading is a fundamental responsibility of HWC and there is a need to ensure that standards are applied uniformly and that a single set of precedents is set.
- The WIC has not met due to lack of resources and staff to embark on interpretation projects. This will remain the case for the foreseeable future. Interpretation is often a matter that is based on the contents of a nomination dossier and relates to the values attributed to a site. It could hence also be seen as related to the work of the other two committees.
- None of these committees have decision making powers and only make recommendations to the council. Their meetings, when they occur, are usually held close to the date of a council meeting and are preparatory to it. Hosting several meetings in close succession has proven difficult to arrange.
- Only the DRC is presently represented on the Executive Committee.
- In light of the above it is recommended that a single committee be established to conduct the work of the three committees. It is proposed that the new committee be made up of the members of the existing committees (excluding Ms Z Manzana who has indicated that she wishes to be relieved of such duties) and that the new committee be chaired by the Chairperson of the DRC by virtue of her being a member of the Executive Committee.

DECISION

The Council adopt the resolution as follows:

1. The Declarations Review Committee, Surveys and Inventories Committee and Wordings and Interpretation Committee are disbanded.
2. A new committee to be known as the 'Inventories, Grading and Interpretation Committee', IGIC, is established.

3. The IGIC shall for the remainder of the term of the present council consist of the following members:
- M Burden (Chairperson)
 - S De Gois
 - L Robinson
 - M Leslie
 - P Fefeza
 - S Townsend
 - F Brown

(Membership of Mr Brown and Ms Robinson is subject to their agreement)

4. The mandate of the IGIC is to deal with business relating to and the making of recommendations to the council concerning:
- a. The approval of surveys and inventories.
 - b. The grading of heritage sites.
 - c. The formal protection of sites.
 - d. The erection by HWC of interpretive plaques on heritage sites.
 - e. Other matters relating to fulfilling the above duties.

Andrew Hall

9.10 Report and feedback on Independent Tribunals appointed by the Minister

Nothing to report

Andrew Hall

9.11 Report of the Assistant Director: Professional services 30 May 2012-29 August 2012

The Council noted the report made by Mr Andrew Hall.
The Council suggested that Dr Townsend, Ms Winter and CEO to meet with Mr van Wijk to review options for recoding the statistics.

Calvin van Wijk

9.12 Review of Public Entities

The Council noted the report presented by Adv. Ronee Robinson and Mr Andrew Hall

The Council resolved that every member of Council should attend the workshop scheduled for Monday, 10 September 2012 at 15H00-18H00.

Ronee Robinson

9.13 Application for registration of Conservation Bodies

9.13.1 Habitat Council

The Council noted the report presented by Mr Andrew Hall.

Mrs M Roux of the Habitat Council was present and was given opportunity to make inputs.

It was noted that:

- The application was incomplete.
- The Habitat Council had been excluded from making representation at and appeals hearing due to it not being an organisation the aims and objectives of which were to deal with heritage matters.
- The habitat Council was advised that its request was more likely to be approved when it amends its aims and objectives.
- No record could be found of an application from CAPTrust.

DECISION

The Council resolved that the amended application of Habitat Council and CAPTRUST application be submitted to HWC for consideration by ExCo to be held on 11 October 2012.

Andrew Hall

10. Financial Matters

10.1 Financial Report

Mr Andrew Hall introduces Mr Mark Jonkers as the Assistant Director in CFO support services and presented a financial report.

The Council noted the report

Anneline George

10.2 Audit Report

The Council noted the Audit report presented by Mr Andrew Hall

Andrew Hall

10.3 HWC Annual Report 2011/2012

The Council noted the HWC Annual Report 2011/2012 presented by Mr Andrew Hall.

Andrew Hall

10.4 Resolution for investment account

Mr Andrew Hall presented his report.

The Committee adopted the following resolution that:

- the client opens and operates bank accounts with ABSA Bank Limited 9'the bank",
- the client negotiates and accepts banking facilities and/ or other banking services/ products, including but not limited to electronic banking products and foreign exchange products, with the bank
- any 2 of the following three Ms B.G Rutgers, Mr A.B Hall and Ms C.N Jikelo in their capacities as Chief Financial Officer , Accounting Authority and Deputy Director of the client be entitled to:
 1. request the Bank to open new or close existing bank accounts

2. negotiate and settle the terms and conditions of the banking facilities/ services/ products on behalf of the client,
 3. sign all documentation relating to 3.1 and 3.2 including but not limited to application forms, agreements, facility letters, security documents including but not limited to , suretyships, bank guarantees, cessions, undertakings and mortgages,
 4. authorize individuals to give instructions to the bank, whether verbal, written, faxed or electronic, that may be necessary for the utilization of the banking facilities/services/products, and to in this regard provide indemnities as requested by the bank,
 5. for purposes of electronic banking services, appoint system managers who will be responsible for registration of operators, registration of modules and authorisations per operator, linking accounts to operators, changing operator detail,
 6. authorize individuals to sign cheques, bills of exchange, promissory notes, other negotiable instruments, documentation relating to deposit and withdrawal of funds in any bank account.
- The secretary or Chairperson of the client be authorized to supply the bank with the names and specimen signatures of the person authorized pursuant to 3 above.

And request that the ABSA form paragraph 3 be changed to reflect the terms of the resolution.

Andrew Hall

10.5 Corporate Governance (Investigation and recommendations about appropriate Indemnity Cover)

Mr Andrew Hall presented a verbal report.

The Chairperson and Mr Magnus Steenkamp are to meet with the CEO, CFO to discuss the issue of indemnity cover.

Andrew Hall

10.6 Application Fees

Mr Andrew Hall presented his report

Mr Chris Snelling was present and participated during discussion.

DECISION

The Council adopted the draft policy dated 13 August 2012, as amended that:

- a. Charges be levied in accordance with a schedule of fees approved by the Council and submitted for approval by other authorities as required.
- b. The schedule be reviewed annually.
- c. At the discretion of the CEO all or part of a fee may be waived for non-corporate and non-governmental organisations and real persons (ie: individuals) upon written request and on the basis of hardship or other inability to afford charges and subject to the following guidelines:
 - The cost of the fee relative to the value of the work proposed.
 - If the work proposed is being undertaken on a voluntary or charitable basis.
 - The location of the site and/or place of residence of the applicant, ie: consideration of the economic situation of the neighbourhood in which the site is located / in which the applicant resides.

- Charitable nature of NGO/CBO applicants other than religious institutions.
 - Other evidence in the application indicating the applicant's economic status, eg: use of consultants, etc.
- d. Fees are not levied from national and provincial departments of government and municipalities (This exclusion does not apply to public entities, state corporations, educational institutions etc.)

And the Council adopted the schedule of fees below as amended by the removal of the reference of S.48 as well as the removal reference of the appeals as it appears in Gazette Notice, 7012, Friday, 6 July 2012:

| Amount | Type of Application | Section of NHRA |
|--------|-----------------------------------|-----------------------------------|
| R300 | Permit | Chapter II (excluding Section 38) |
| R300 | Notification of Intent to Develop | Section 38(1) & (8) |
| R1000 | Heritage Impact Assessment | Section 38(2), (3) & (8) |

Andrew Hall

11. Policy Matters

11.1 Revised draft regulations on Conservation Bodies

Dealt with under item 9.13.

Andrew Hall

11.2 Rules of Conduct for Council and its Committees

The Council noted the report presented by Mr Andrew Hall.

Andrew Hall

11.3 Administration of Committee Procedures

The Council noted the report presented by Mr Andrew Hall.

DECISION

The Council suggested that:

- The draft policy be circulated via email and that the Council members comment via track changes. Note: this is not an urgent matter and up to the CEO to determine the time frame.

Andrew Hall

11.4 Policy: Marking of Sites

The Council noted the report presented by Mr Andrew Hall

The Council adopted the policy and resolved that badges for Heritage Areas and Heritage Register be provided to the owners at a cost of R150.00.

Andrew Hall

11.5 Procedure for the Grading of Former National Monuments

The Council noted the report presented by Mr Andrew Hall.

The Council agreed to approve the policy.

Andrew Hall

11.6 Procedures for setting up appointments

The Council noted a verbal report made by Mr Andrew Hall.

DECISION

The Council resolved that the criteria for granting interview by committees are as follows:

- Controversy
- Complexity
- Number of parties involved
- Distance
- Significance/grading

The Council agreed that the CEO is responsible for making these decisions.

Andrew Hall

11.7 Ministerial Regulations and approval of unauthorised works

The Council noted a verbal report presented by Mr Andrew Hall.

Andrew Hall

12. New Matters

12.1 Amendment of Delegations

The Council noted the report presented by Mr Andrew Hall

DECISION

The Council resolved to approve the amended delegations. The CEO undertook to not make any decisions in respect of the new delegations for HIA's before consulting APM until there is finality on the wording of this delegation.

Andrew Hall

12.2 Erven 2304, 2305 & 13671, Sillery Avenue, Constantia

The Council noted the report presented by Mr Andrew Hall.

Andrew Hall

12.3 HWC draft Meeting Schedule 2013

The Council noted the report presented by Mr Andrew Hall

DECISION

The Council resolved to approve the draft meeting schedule 2013

Andrew Hall

11. Date of the next meeting:

29 Nov 2012

12. Adoption of decision and resolution

The Council formally adopts the decisions and resolutions taken today

13. CLOSURE

The meeting adjourned at 17H15

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____

Approved