

**MINUTES OF THE MEETING OF HERITAGE WESTERN CAPE,
COUNCIL COMMITTEE**
**Held on Wednesday, 29 November 2012, 1st Floor Boardroom,
Protea Assurance Building, Greenmarket Square, Cape Town at 09:30**

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

Members of staff

Mr Andrew Hall
Ms Christina Jikelo
Mr Calvin van Wijk
Ms Lorelle Hutton
Mr Olwethu Dlova (Secretariat)
Ms Anneline George

Visitors

None

3. Apologies

- 3.1 Ms Sharon de Gois
Ms Ziyanda Manzana (without apology)
Mr Mark Jonkers

4. Approval of minutes of previous meetings

The Council approved the minutes of the meeting of 29 August 2012 in subject to correction on item 9.6 and 9.9.

5. Confidential matters

None

6. Approval of the agenda

The Council accepted the agenda with the addition of one item.

7. Disclosure of interest

Ms Sarah Winter: Item 9.8 (9.8.2)

8. Matters arising from previous meeting

8.1 Governance training

Ms Lorelle Hutton presented a verbal report.

Lorelle Hutton

8.2 Cape Town Zoning Scheme

Mr Andrew Hall and Adv. Robinson presented a verbal report.

DECISION

The Council resolved that Adv. Robinson would contact Mr Hugo, draft an agreement and circulate it to Council members for comment.

**Andrew Hall
Ronée Robinson**

8.3 Delegation of heritage resource management functions to local authorities

This is dealt with in item 8.2 above

DECISION

8.4 Legal advice on administrative matters

The brief is yet to be developed.

Andrew Hall

9. Standard Items

9.1 Report and feedback from Executive Committee

Adv. Robinson reported on the Executive Committee meetings held on 11 October and 9 November 2012.

Ronée Robinson

9.1.1 Draft Executive Committee minutes dated 12 July 2012

The Council noted the draft minutes of the Executive Committee meetings that were held 11 October and 9 November 2012.

Ronée Robinson

9.1.2 Wiki Loves Monuments South Africa

The Council noted the report made by Adv. Robinson.

The Council resolved to explore a three year relationship with Wiki Loves Monuments South Africa

Ronée Robinson

9.2 Report and feedback from the SAHRA Council

The Chairperson and Ms Laura Robinson delivered a verbal report.

The Council noted the resignation of Adv Robinson from the SAHRA Council.

**Ronée Robinson
Laura Robinson**

9.3 Report and feedback from the Baboon Point Committee

Dr Townsend reported on the Baboon Point Committee meetings held on 5 September and 7 November 2012.

The Council resolved that the Baboon Point Committee's responsibilities and mandate be extended to include all matters relating to the PHS and its environs (excluding the final decision on CMP itself).

All applications will receive the comments of APM Committee before any decision is made.

Stephen Townsend

9.3.1 Draft Baboon Point Committee Minutes 23 July 2012

The Council noted the minutes of the Baboon Point Committee meetings that were held on 5 September and 7 November 2012.

Stephen Townsend

9.4 Report and feedback on the BELCom

Ms Sarah Winter presented a verbal report.

Sarah Winter

9.5 Report and feedback on the IACom

Dr Townsend presented his report as follows:

- It is not yet possible to initiate the re-registration of conservation bodies.
- As mentioned in previous reports to the Council, sites subject to applications are relatively seldom visited by committee members before the meeting. This is especially problematic in 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. The ways that committee member inspect sites has been given considerable attention and it has been agreed that HWC should develop a written policy about this.
- The collection of data regarding applications received is now receiving more attention. This should become a priority as the Council's reason for being cannot be properly explained and accounted for without appropriately detailed and differentiated statistics.
- The difficulties faced by applicants and IAPs alike regarding attendance of committee meetings, knowing when their items will be dealt with, and even

whether their items are on the agenda often inhibit their ability to take part and, in some cases, have delayed the discussion of certain items until the next meeting. It appears that neither officials nor applicants (or their representatives) recognise the implications of legal doctrines like *audi alterem partem* or of the constitutional concept of the right to legal, reasonable and fair administrative action.

- 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 it is hoped that HWC would be making a public announcement on this matter soon.

He 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 the Council's work (this recommendation was made at the last three Council meetings and accepted);
- the Council request the CEO to continue to work on the policy for visiting sites (this recommendation was made at the last Council meeting 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 meeting; and
- HWC make an announcement (or issue a Circular) in respect of the agreement reached with SAHRA regarding the administration and jurisdictions in respect of matters affected by SAHRA's grading of sites as Grade I heritage resources.

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

Stephen Townsend

9.6 Report and feedback on APMCom

The Council noted a report presented by Ms Mary Leslie and recommended that:

- The appointment of Miss Claire Browning to the APM Committee be approved
- A request be made that a clause be added to the NID form as follows: "Insofar as this information (regarding any aspect of the heritage resources) subsequently proves to be incomplete, and/or incorrect and or/ misleading, HWC reserves the right to call for further information regardless of any decision taken on this on the basis of such information and HWC will be entitled to reconsider the situation afresh taking into account the further and/or corrected information as the case may be";
- The proposed clause above be submitted to Adv. Susan van Zyl for an opinion and, subject to her approval, add the clause to the NID form.
- The APM initiate a set of status quo management tables for archaeological and palaeontological PH sites.
- The Council reiterate its concerns about the classification of all professionals as Heritage Officers and seek a meeting of chairs of committees and the Minister to address this matter.

The Council noted recommendations 3.1 (b) and (c) of Ms Leslie's report and discussed them.

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 Inventories, Grading and Interpretation Committee

Ms Winter recused herself from the discussion of this matter.

Prof. Matilda Burden presented her report and recommended that:

- the survey of the Overstrand Municipality be approved in terms of section 30(6) of the NHR Act;
- the Pinnacle Point Provincial Heritage Site be approved;

Mr Hall and Ms Leslie will discuss standard wording for use in instances where what is submitted is not a complete inventory of heritage resources of all types

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

Matilda Burden

9.8.1 Nomination Dossier for Pinnacle Point PHS

This was dealt with under item 9.8 above

Jenna Lavin

9.8.2 Overstrand Municipality Survey

This was dealt with under item 9.8 above

Shaun Dyers

9.9 Report and feedback on independent tribunals appointed by the Minister

The Council noted the report made by Mr Andrew Hall.

Andrew Hall

9.10 Report of the Assistant Director: Professional Services for the period 29 August 2012–29 November 2012

The Council noted the report by Mr Calvin van Wijk.

Calvin van Wijk

10. Financial matters

10.1 Financial report

The Council noted the financial report presented by Ms Anneline George and Ms Lorelle Hutton.

The Council noted and emphasised the importance of adhering to the standing procedure regarding interaction between Council and Committee members and staff of HWC and Finance, namely that such interaction may only occur through the CEO.

Anneline George

10.2 Corporate governance (Investigation and recommendations about appropriate indemnity cover)

Adv. Robinson presented a verbal report.

DECISION

The Council resolved to request the conclusion of an agreement between the Council and Department that indemnifies members of the Council and its sub-committees against claims and litigation arising from the actions of such members in their capacities as members of the Council and such committees, provided that the members did not act fraudulently or with mala fides.

Andrew Hall

10.3 Internal Audit

The Council noted a verbal report by Mr Hall.

Andrew Hall

11. Policy Matters

11.1 Amendment of Delegations

The Council noted the report by Mr Hall.

Andrew Hall

11.2 Revised Draft Regulations on Conservation Bodies

Nothing to report.

Andrew Hall

11.3 Administration of committee procedures

The Council noted the report by Mr Hall.

DECISION

The Council resolved that the draft policy be circulated via e-mail and that the Council members comment via track changes.

Andrew Hall

12. New matters

12.1 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

12.2 Review of applications to register as Conservation Bodies

The Council noted the applications of Kommetjie Heritage Foundation, Kalk Bay, St James Ratepayers & Residents' Association, CAPTrust Foundation and Habitat Council.

Andrew Hall

12.2.1 Kommetjie Heritage Foundation

The Council noted the report by Mr Hall.

DECISION

The Council resolved to approve the application.

Andrew Hall

12.2.2 Kalk Bay and St James Ratepayers & Residents' Association

The Council noted the report by Mr Hall.

Dr Townsend said that this body has a knowledgeable and enthusiastic heritage sub-committee and recommended its registration.

DECISION

The Committee resolved to request more information on the heritage committee.

Andrew Hall

12.2.3 CAPTrust Foundation

The Council noted the report by Mr Hall.

DECISION

The Council resolved to approve the application for registration as a conservation body within the Cape Town Metro area. Should the body wish to be considered as a conservation body for other areas, it should provide adequate motivation.

Andrew Hall

12.2.4 Habitat Council

The Council noted the report by Mr Hall.

DECISION

The Council resolved to approve the application for registration as a conservation body within the Cape Town Metro area. Should the body wish to be considered as a conservation body for other areas it should provide adequate motivation for this.

Andrew Hall

12.3 New application for City of Cape Town Heritage Inspector

The Council noted the report by Mr Hall.

DECISION

The Council resolved to approve the application of Mrs Matthee Kim as a heritage inspector subject to previous conditions.

Andrew Hall

11. Date of the next meeting

28 February 2013

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 17:05.

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____