

## HERITAGE WESTERN CAPE

**Minutes of the meeting of the Council of Heritage Western Cape held on 5 May 2010, in the first floor Boardroom at the offices of the Department of Cultural Affairs and Sport, Protea Assurance Building, Greenmarket Square, Cape Town at 09:00**

ITEM	SUBJECT	DISCUSSION	DECISION	PERSON RESPONSIBLE FOR ACTION	TIMEFRAME	FILE NO
1.	<b>OPENING AND WELCOME</b>	The Chairperson, Dr Mthobeli Guma, opened the meeting at 9:15 and welcomed all members and staff present.				
2.	<b>ATTENDANCE</b>	<p><u>The following Council members were present:</u></p> <p>Dr Mthobeli Guma (Chair)            Imam Ali Gierdien            Dr Janette Deacon (<i>Left by 14:00 due to other committments</i>)            Dr Matilda Burden            Mr Leonard Raymond            Mr Cecil le Fleur            Mr Floris Brown            Ms Nontuthuzelo Mkunqwana (<i>Left by 14:00 due to other committments</i>)            Mr Bandile Joyi (<i>Left by 14:00 due to other committments</i>)</p> <p><u>The following staff of the DCAS were present:</u></p> <p>Ms Hanneljie Du Preez            Ms Jane S-Moleleki            Ms Christina Jikelo            Mr Calvin van Wijk</p>				

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		Ms Belinda Mutti Mr Ronny Nyuka Mr Zwelibanzi Shiceka Mr Shaun Dyers Mr Olwethu Dlova (Secretariat) Mr Nicholas Wiltshire Ms Hanneltjie du Preez Mr Kelvin van Vaught				
3.	<b>APOLOGIES</b>	Ms Lorelle Hutton Ms Elizabeth Du Toit				
4.	<b>APPROVAL OF MINUTES OF 3 FEBRUARY 2010</b>	Page 2, item 2, under Attendance: <i>“Mr Kelvin van Vaught”</i> should be <i>“Mr Kevin van Vaught”</i> . Page 3, Item 5.2, under Discussion: <i>“Service Level Agreement”</i> should be <i>“Agreement”</i> Page 9, item 5.11, under Decision: <i>“Illegal structure should be demolished and the property should be sold for the lease of the property”</i> . <i>HWC should advise municipality that illegal structure should be demolished and the property should be sold for the cost of the property”</i> to be added as a decision.  Dr Janette Deacon proposed that the Minutes be accepted and Mr Cecil Le Fleur seconded.	It was AGREED to accept the minutes with amendments.	Secretariat		
5.	<b>MATTERS ARISING FROM THE MINUTES</b>					
5.1	<b>NOMINATION OF RATELGAT, FARM</b>	.The Council was informed that: • specifications had been place on	It was AGREED that: • a service provider be	Mr Zwelibanzi Shiceka	.	

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	<b>LUIPERSKOP, VAN RHYNSDORP DIVISION, FOR PROVINCIAL HERITAGE STATUS IN TERMS OF S.27 OF THE NHRA, 1999 (ACT 25 OF 1999)</b>	<p>Trade world, and Heritage Western Cape had received the quotation.</p> <ul style="list-style-type: none"> <li>on 17 April 2010, Mr Zwelibanzi Shiceka was informed that a survey had been conducted and Kv3 had submitted documentation with regard to the survey</li> <li>the documentation that was submitted by Kv3 did not outline guidelines as which position regarding the site had to be declared.</li> </ul> <p>It was noted that:</p> <ul style="list-style-type: none"> <li>surveys should be done according to survey regulations required by survey general and should on a title deed.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>a service provider be appointed and the survey of the Camp III to be declared, be proceeded with</li> <li>the Community of Ratelgat to draft a Conservation Management Plan and submit it to Heritage Western Cape for comment</li> <li>Heritage Western Cape should have a format for all government buildings and should have template with which to provide the</li> </ul>	<p>appointed and a survey of the Camp III to be declared be proceeded with</p> <ul style="list-style-type: none"> <li>the Community of Ratelgat should draft a Conservation Management Plan and submit it to Heritage Western Cape for comment</li> <li>Heritage Western Cape should have format for all government buildings and should have template with which to provide the public to use as the basis of Conservation Management Plans</li> <li>a Conservation Management Plan should be part of the nomination or dossier, and it was advisable that Conservation Management Plan be drawn up before declaration of the site.</li> </ul>			

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		<p>public to use as the basis of Conservation Management Plan</p> <ul style="list-style-type: none"> <li>• A Conservation Management Plan should be part of the nomination or dossier, and it was advisable that a Conservation Management Plan to be drawn up before declaration of the site.</li> </ul>				
5.2	<b>Declaration and Gazetting and Official announcement declaration of Community House, Erf 16259, 41 Salt River Division, for Provincial Heritage Status in terms of S.27 of NHRA (Act 25 of 1999)</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>• the Community House had been gazetted and Heritage Western Cape was waiting for the announcement of a declaration date from the MEC.</li> </ul>				
5.3	<b>Delegation of Heritage resources Management Functions to Local Authorities in terms of Section 23 of the NHRA</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>• HRMS staff members had held a meeting with City of Cape Town held on 26 April 2010</li> <li>• the City of Cape Town had obtained the new legal opinion with regard to the delegation of powers in order to determine the right mechanism to transfer competence to the City of Cape Town</li> </ul>	<p>It was agreed that:</p> <ul style="list-style-type: none"> <li>• Heritage Western Cape accepts the final draft on page 1 and consider the legal opinion</li> <li>• City of Cape Town legal opinion to be circulated to council members for further comments.</li> </ul>	Mr C van Wijk		

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		<ul style="list-style-type: none"> <li>• the listing of conservation bodies could be come more problematic for the City of Cape Town owing to the fact that it would involve too many administrative responsibilities</li> <li>• the City of Cape Town was seriously considering converting the system of conservation areas to Section 31 in terms of NHRA</li> <li>• the City of Cape Town had also indicated that some of the provisions of Section 34 could possibly be problematic</li> <li>• the City of Cape Town was to have discussions on how they were going to deal with alterations and additions in terms of painting</li> <li>• the City of Cape Town had stated that Heritage Western Cape should investigate publishing regulations per limit set by Section 34 applications</li> <li>• the City of Cape Town had informed Heritage Western Cape that they had obtained a legal opinion in terms of Section 108 of the NHRA.</li> <li>• conservation areas were also regarded as other applicable legislation in terms of Section</li> </ul>				

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		<p>38(8).,</p> <ul style="list-style-type: none"> <li>Heritage Western Cape had a draft agreement prepared by Dr Palmer</li> <li>the City of Cape Town's legal opinions contradicted one another.</li> </ul> <p>It was noted that:</p> <ul style="list-style-type: none"> <li>Grade III heritage resources should be managed at the appropriate level</li> <li>currently no local authority in the entire country had been delegated powers to deal with Grade III heritage resources</li> <li>at this point, the City of Cape Town was benign in devising procedures on how to delegate powers to local authorities.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>the City of Cape Town legal opinion be circulated to HWC Council members for comment</li> <li>Heritage Western Cape accepts the final draft on page 1 and consider the legal opinion. .</li> </ul>				
5.4	<b>The appointment of Councillors, BELCOM members and Museum Managers as</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>the HRMS staff members had held discussions with the City of Cape Town with regard to the</li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>formal submission be made and submitted to EXCO</li> </ul>	Mr C van Wijk		

ITEM	SUBJECT	DISCUSSION	DECISION	PERSON RESPONSIBLE FOR ACTION	TIMEFRAME	FILE NO
	<b>Heritage Inspectors</b>	<p>appointment of Heritage Inspectors</p> <ul style="list-style-type: none"> <li>the City of Cape Town had indicated that they had identified 17-20 officials who they wish to recommend to be appointed as Heritage Inspectors.</li> </ul> <p>It was noted that:</p> <ul style="list-style-type: none"> <li>the Act made a provision that any official employed by a department, Council, etc. can only be appointed as a Heritage Inspector once the employer had agreed that the official could be appointed as Heritage Inspectors.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>formal submission to be made and submitted to the EXCO meeting to be held on 9 June 2010 and re-trace the decisions, handbook and way forward</li> </ul>	<p>meeting to be held on 9 June 2010 and re-trace the decisions, handbook and way forward</p>			

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5.5	<b>DEADP Decision to change HWC conditions: Erven 2274 &amp; 2286, Main Road, Constantia. Protection and access to historical furrows.</b>	<p>The Council was informed that</p> <ul style="list-style-type: none"> <li>• At a previous HWC Council meeting that was held on 3 February 2010 5 members of DRC were nominated to facilitate this matter</li> <li>• DRC members had agreed to compile a CD of all documentation pertaining to this case and to be available</li> <li>• DRC members were waiting for confirmation of availability of funds at Heritage Western Cape in order to proceed with facilitation.</li> </ul> <p>It was noted that:</p> <ul style="list-style-type: none"> <li>• there were many furrows in Constantia and the reason why this matter had come up as an urgent matter because of the development.</li> </ul> <p>It was further noted that:</p> <ul style="list-style-type: none"> <li>• Heritage Western Cape should map out those furrows so as to ensure access to them.</li> <li>• there are a few intangible heritage resources in respect of slavery within the Western Cape Province</li> <li>• the Constantia Valley had been surveyed and identified and graded</li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>• Heritage Western Cape should engage with SAHRA regarding this matter to co-ordinate efforts and together with SAHRA come up with a strategy in terms of what should be graded and what formal protection measures should be considered.</li> </ul>	Mr C van Wijk		

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		<p>It was proposed that:</p> <ul style="list-style-type: none"> <li>Heritage Western Cape should engage with SAHRA regarding this matter to co-ordinate efforts and together with SAHRA and come up with a strategy in terms of what should be the grading and formal protection measures should be considered.</li> </ul>				
5.6	<p><b>Independent legal opinion on damage to Sillery Furrows at Erf 2154, Margaret Close, Constantia, and other transgressions of the Act</b></p>	<ul style="list-style-type: none"> <li>The previous Council had decided that the legal opinion from senior counsel should be obtained.</li> <li>HRMS staff and the Senior Legal Administrative Officer would meet Adv De Villiers Johnson to investigate the matter but they had not received any response yet from Adv De Villiers Johnson.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>Heritage Western Cape should investigate the matter and take further action.</li> <li>Heritage Western Cape should wait for a response from Adv De Villiers Johnson</li> <li>a reminder be sent to Adv De Villiers Johnson that Heritage Western Cape would like to have a response regarding to this matter</li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>Heritage Western Cape should investigate the matter and take further action..</li> <li>Heritage Western Cape should wait for a response from Adv De Villiers Johnson</li> <li>a reminder be sent to Adv De Villiers Johnson that Heritage Western Cape would like to have a response regarding this matter</li> <li>the report be submitted to EXCO meeting to be held on 9 June 2010.</li> </ul>	<p>Mr C van Wijk Mr Kevin van Vaught</p>		

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		<ul style="list-style-type: none"> <li>the report be submitted to EXCO meeting to be held on 9 June 2010.</li> </ul>				
5.7	<b>Heritage Surveys: Prince Albert, Overstrand and Swartland Municipalities</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>the sub-committee was appointed by HWC Council to conduct three heritage surveys that had been submitted to Heritage Western Cape</li> <li>the DRC had held a meeting and it had been agreed that Heritage Western Cape should establish a landmark on which all features of heritage surveys could be accessed.</li> <li>Ms Penny Pistorius had been requested by Heritage Western Cape to assist the DRC regarding the surveys but unfortunately she had been unable to assist owing to other commitments</li> <li>Heritage Western Cape had approached Mr Trevor Thorold who was a heritage architect and he had expressed his willingness to assist Heritage Western Cape</li> <li>Furthermore, Heritage Western Cape had requested Ms Penny Pistorius to assist by drafting the Criteria which needed to be approved at the DRC meeting</li> </ul>	<p>It was AGREED that</p> <ul style="list-style-type: none"> <li>DRC should request comments from BELCOM proposal and reconsider them and then make recommendation to EXCO meeting schedule for 9 June 2010.</li> </ul>	Mr C van Wijk		

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		<p>scheduled for 12 May 2010.</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>DRC should request comments from BELCOM proposal and reconsider them and then make recommendation to EXCO meeting scheduled for 9 June 2010.</li> </ul>				
5.8	<b>Implementation of Supreme Court of Appeal Decision: Erf 4953, 6 Marsh Street, Mossel Bay (Elgin House Site:</b>	<p>The Council noted that:</p> <ul style="list-style-type: none"> <li>HRMS staff and the Senior Legal Administrative Officer had planned to visit Mossel Bay but unfortunately they were unable to do so owing to the Financial Support arrangements within the Department.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>This matter to be reported at EXCO to be held on 9 June 2010.</li> <li>The visit to Mossel Bay should be planned ahead as an urgent matter.</li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>This matter to be reported at EXCO meeting to be held on 9 June 2010.</li> <li>The visit to Mossel Bay to be planned ahead as an urgent matter.</li> </ul>	<p>Mr Calvin van Wijk Mr Kevin van Vaught</p>		
5.9	<b>Nomination as a Heritage Site in terms of S27 of the NHRA (Act 25 of 199): De Hel, Constantia</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>the Council had decided that De Hel Site, Constantia, become formally protected in terms of S.27</li> <li>a letter had been sent out to the owner to inform him about the HWC decision</li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>Heritage Western Cape should engage the City of Cape Town to assist regarding this matter</li> </ul>	<p>Mr Shaun Dyers</p>		

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		<ul style="list-style-type: none"> <li>• HRMS staff member had held discussions with a heritage official of the South Peninsula and the latter had requested that the site be declared and a conservation management plan be submitted afterwards.</li> </ul> <p>It was noted that:</p> <ul style="list-style-type: none"> <li>• the service provider had been appointed by Heritage Western Cape to conduct a survey at the De Hel site.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>• Heritage Western Cape should engage the City of Cape Town to assist regarding to this matter.</li> </ul>				
5.10	<b>Conservation management plan for Baboon Point</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>• Heritage Western Cape had received conservation management plan draft I of Baboon Point which had been tabled at an APM meeting held in April 2010.</li> <li>• The APM Committee had made comments regarding the CMP, which were:               <ol style="list-style-type: none"> <li>a) The CMP needed to state directions clearly and should provide a background to the</li> </ol> </li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>• HWC Council comments to be circulated via emails to Mr Nick Wiltshire</li> </ul>	Mr Nick Wiltshire		

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		<p>plan.</p> <p>b) The site should require management interventions.</p> <p>c) The legal and practical replication made in CMP had to be carefully considered</p> <p>d) The minutes and agendas of the conservation bodies had to be attached to the CMP</p>				
5.11	<b>Nomination for the Circle of Tombs (Kramats) Division for Provincial Heritage Status I.T.O S.27 of NHRA, 1999 (Act 25 of 1999)</b>	<p>The Council was informed that:</p> <ul style="list-style-type: none"> <li>Ms Emmy Lou Rabie had been appointed by Heritage Western Cape as the service provider.</li> <li>Ms Rabie had been unable to sign the contract in time owing to delays and had left the country to meet other commitments.</li> <li>Ms Emmy Lou Rabie had come back from overseas and had signed the agreement with Heritage Western Cape.</li> </ul> <p>It was proposed that:</p> <ul style="list-style-type: none"> <li>HWC Council needed to submit a hand-over report and make recommendations to the new Council.</li> </ul>	<p>It was AGREED that:</p> <ul style="list-style-type: none"> <li>HWC Council needed to hand over a report and make recommendations to the new Council.</li> </ul>	Mr Zwelibanzi Shiceka		
<b>6.</b>	<b>STANDARD ITEMS</b>					
6.1	<b>REPORT AND FEEDBACK ON THE MEETINGS OF THE</b>	<b>Matter deferred owing to insufficient quorum of the meeting</b>				

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	<b>PROFESSIONAL SERVICES</b>					
6.2	<b>REPORT AND FEEDBACK ON THE EXECUTIVE COMMITTEE</b>	Matter deferred owing to insufficient quorum of the meeting				
6.3	<b>REPORT AND FEEDBACK ON SAHRA</b>	Matter deferred owing to insufficient quorum of the meeting				
<b>7</b>	<b>FINANCIAL MATTERS</b>					
7.1	<b>FINANCIAL REPORT</b>	Matter deferred due to insufficient quorum of the meeting		Ms L Allen		

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7.2	Annual Report	Matter deferred owing to insufficient quorum of the meeting		Ms Jane Moleleki		

Approved

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8.1	Procedures for Committee Meetings, HWC Council Meetings	Matter deferred owing to insufficient quorum of the meeting		Ms C Jikelo		

Approved

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<b>9</b>	<b>NEW MATTERS</b>					
9.1	Nomination of Bot River Station Precinct, Erf 2110 as Provincial Heritage Site	Matter deferred owing to insufficient quorum of the meeting		Mr Zwelibanzi Shiceka		
9.2	Registration of Tulbagh Heritage Foundation as a Conservation Body	Matter deferred owing to insufficient quorum of the meeting		Mr C van Wijk		
9.3	Heritage Day Celebration	Matter deferred owing to insufficient quorum of the meeting		Ms Christina Jikelo		
9.4	June 16, 2010	Matter deferred owing to insufficient quorum of the meeting		Ms Christina Jikelo		
9.5	Women's Day	Matter deferred owing to insufficient quorum of the meeting		Ms Christina Jikelo		
<b>10.</b>	<b>OTHER MATTERS</b>					
10.1	Erf 14524 & Ptn of Rem Erf 13408, Woodstock	This matter was discussed at a special EXCO meeting		Mr Calvin van Wijk		
10.2	Inter-governmental Delegation	Matter deferred owing to insufficient quorum of the meeting				
10.3	HWC Application fees	Matter deferred owing to				

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		insufficient quorum of the meeting				
10.4	Section 38 (8) Decisions	Matter deferred owing to insufficient quorum of the meeting				
10.5	Cecilia Street, Paarl	Matter deferred owing to insufficient quorum of the meeting				
10.6	HWC Hand over report	Matter deferred owing to insufficient quorum of the meeting				
11.	<b>DATE OF NEXT MEETING</b>	4 August 2010				
12.	<b>CLOSURE</b>	14H00 owing to insufficient quorum of the meeting				

CHAIRPERSON:

SECRETARY:

DATE:

DATE