

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 13 June 2018, 1st Floor Boardroom at the Offices of the
Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town at 10H00**

1. Opening and Welcome

The meeting was officially opened at 10H05 by the Chairperson, Dr Antonia Malan, and she welcomed everyone present.

2. Attendance

Members

Dr Antonia Malan (AM)
Ms Corlie Smart (CSm)
Ms Karin Dugmore Ström (KDS)
Mr Rowen Ruiters (RR)
Dr Ignatius de Swardt (IdS)
Dr Rolf Annas (RA)
Mr Chris Snelling (CSn) (left during item 12.1)
Ms Quahnita Samie (QS) (present from item 7.1)

Members of Staff

Dr Mxolisi Dlamuka (MD)
Ms Colette Scheermeyer (CSc)
Ms Penelope Meyer (PM)
Mr Olwethu Dlova (OD)
Ms Yolanda Moya (YM)

Visitors

None

Observers

None

3. Apologies

Mr Graham Jacobs (GJ)
Mr Siphiso Mavumengwana (SM)
Ms Katherine Dumbrell (KD)
Ms Nuraan Vallie (NV)
Mr Jonathan Windvogel (JW)

4 Approval of Agenda

The Committee approved the agenda dated 13 June 2018 with additional items.

5 Approval of Minutes of the Previous Council Meeting

5.1 Dated 29 November 2018

The Committee approved the minutes dated 29 November 2017.

5.2 Dated 14 March 2018

The Committee approved the minutes dated 14 March 2018.

5.3 Confidential Minutes of 14 March 2018

The Council resolved to approve the confidential minutes of the Council meeting dated 14 March 2018.

6 Disclosure of Interest

- AM: item 12.12.1

7 Confidential Matters

7.1 See separate minutes.

8 Appointment

8.1 None

9. Administration Matters

9.1 Issuing of Stop Works Orders

Among other things, the following was noted by Council:

- The recent judgement regarding Anson Square, Observatory, circulated to Council members, has implications for issuing Stop Works Orders. HWC is taking these into consideration, and the CEO has already been appointed as a Heritage Inspector.

DECISION

Delegation to the CEO to issue Stop Works Orders is withdrawn as it is no longer necessary.

10. Matters Arising from Previous Minutes

10.1 Heritage Information Management Services

CSc presented a verbal report, which was noted by Council.

Among other things, the following was noted by Council:

- As reported at the ExCo meeting of 18th May 2018, the technical report team is establishing clear guidelines and timeframes to integrate SAHRIS and HIMS.

CSc

10.2 Standard clauses in RoDs / Permits: amendments to notification to I&APs, reasons for decisions

AM presented the report, which was noted by Council.

Among other things, the following was noted by Council:

- A standard clause to be added to Records of Decision and Permits noting the right to request reasons for decisions, in order to comply with PAJA.
- The revised templates to be amended urgently.

AM

10.3 SOP between HWC and DEA&DP

The CEO presented a verbal report, which was noted by Council.

Among other things, the following was noted by Council:

- HWC is attempting to re-establish the relationship between the departments in terms of the Standard Operating Procedure, however there has been no response from DEA&DP to several requests for meetings.
- HWC is in the process of requesting a legal opinion on the interpretation of its powers in terms of s.38. It is hoped that the opinion will be available before the end of July 2018.
- There are currently two appeals by HWC against DEA&DP decisions, and the outcomes of these will inform further efforts by HWC to resolve the issues.

PM

10.4 Committee Workshop

CSc presented a verbal report, which was noted by Council.

Among other things, the following was noted by Council:

- The Committees workshop will be held towards the end of August 2018.
- The workshop provides an important opportunity for all members of the specialist Committees to engage with the broad objectives of HWC.
- The purpose of the workshop is to ensure alignment between Committees, such as consistency with regard to heritage-worthiness, and to inform and align with HWC's official strategic planning.
- CSc to draft the framework for discussion, with reference also to issues raised in Committee Chairs' submissions to Council.

CSc

10.5 Publication of Policy on Public Consultation

MD presented a verbal report, which was noted by Council.

Among other things, the following was noted by Council:

- A task team has been created to revise the policy in light of comments and court judgements, as recommended by ExCo on 18 May 2018.

PM

10.6 Publication of Regulations in terms of s.30 & s.31 of the NHRA

PM presented her report, which was noted by Council.

Among other things, the following was noted by Council:

- New paragraphs - 2(5) and 3(4) - were added in response to comments received:
- Clarity to be added in paragraph 3(1), that "the initiating authority is responsible".
- Amend relevant paragraphs to state that notices are to be sent to Conservation Bodies by registered post and email.
- It was noted that conservation bodies, council & committees and staff email addresses need to be systematically updated.

DECISION

The Council endorsed the proposed amendments as tabled, with the additional amendments.

PM

10.7 Provisional Protection Report

CSc presented a verbal report, which was noted by Council.

Among other things, the following was noted by Council:

- Council noted delays in processing the conditions of the provisional protections.

CSc

11. Decisions arising from previous ExCo minutes

11.1 None

12. Standing Items

12.1 CEO's Report

MD presented his report. Council noted the CEO's report.

Among other things, the following was noted by Council:

- HWC is saddened by the passing of Professor Fabio Todeschini who has had a long relationship with HWC and played a pivotal role in the conservation of heritage resources in the Western Cape. Sympathy is conveyed to his family and friends.
- In terms of the World Heritage Act, the national and provincial departments are responsible for nomination of sites and compliance with requirements. DCAS was allocated a budget for appointing a service provider, which has been transferred to HWC to implement the project in terms of an associated Memorandum of Agreement.
- HWC must engage with Bo-Kaap Civic Association to clarify their role and responsibilities as a registered Conservation Body. The CEO to write asking for a written response as to why they should not be removed from the register due to non-compliance with the Code of Conduct.
- See item 9.1 above. The Anson Square judgement on the definition of a 'site' may affect heritage protection of cultural landscapes in rural areas and farmlands. Alternative provisions and new regulations (e.g. for cultural landscapes), and the implementation of Heritage Areas, were discussed. HWC is considering whether an appeal against the judgement is appropriate in the light of the effect the judgement has on the cultural landscapes.
- The CEO received a request from Ms Samie to be appointed to IACom. The CEO asked Ms Samie to recuse herself and she left the room for the duration of an *in camera* discussion. The Council members requested that the CEO and Chair of Council consider the matter, taking into account the current needs of IACom.
- During the discussion, the chair of IACom offered to tender his resignation and left the meeting. He only returned after Council had adjourned. The CEO and Chair of Council to engage with CSn on issues raised.

- It was noted that the chair of IACom reported (Addendum E) that the committee operates effectively with fewer members, but expressed concern about the loss of Prof. Todeschini. Council endorsed his view that a replacement for Prof. Todeschini on IACom must have a similar skills background and status as an architect/urban designer with heritage experience. The CEO and Chair of Council to further consider the matter and report back to Council.
- Transcriptions of meetings have been requested by the Chair of Appeals in order to draft minutes and the matter is receiving attention. Otherwise, transcriptions are only requested or provided for individual items.

MD

12.2 Local Government Matters

12.2.1 Delegations of Powers to Local Authorities

Nothing to report.

MD

12.2.2 Competency of City of Cape Town

PM presented a verbal report, which was noted by Council.

Among other things, the following was noted by Council:

- ExCo requested an explanation of the current competency of the CoCT in terms of heritage management. HWC is of the opinion that CoCT gradings since March 2018 are not applicable. PM has prepared a draft document which must be circulated to Council and committees when it is finalised.

PM

12.3 Report and Feedback from Executive Committee

AM reported on the ExCo meeting held on 18 May 2018 and Council noted the report.

AM

12.4 Report and Feedback on SAHRA Council

AM presented her report, which was noted by Council.

It was noted that a new National Heritage Site has been approved by SAHRA Council: the Sao Jose slave ship that sank off Clifton Beach in 1794.

AM

12.5 Report and Feedback on BELCom

KDS presented her report, which was noted by Council.

KDS

12.6 Report and Feedback on IACom

Council noted the report prepared by CSn.

DECISION

The Council endorsed the recommendation that the *Guidelines for Heritage Impact Assessments required in terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)* are updated or amended to reflect the process required in respect of public participation.

CSn

12.7 Report and Feedback on APMCom

AM presented her report, which was noted by Council.

AM

12.8 Report and Feedback on Appeals Committee

CSm presented her report, which was noted by Council.

Among other things, the following was noted by Council:

- The recommendations under paragraph 4 regarding transcription of recordings of meetings was addressed by the CEO and CSm under item 12.1.

CSm

12.9 Report and Feedback from IGICom

Council noted the report prepared by SM.

Among other things, the following was noted by Council:

- The request for clarity on the role of HWC and its committees in World Heritage Site Nominations was discussed under item 12.1.
- It was noted that Phase 3 of the Stellenbosch Municipality Heritage Survey and Inventory was approved by IGIC. The municipality must be informed as soon as possible.
- As the Chairperson of IGIC had sent his apologies and was not present to participate in discussion, the recommendations submitted in his report were noted, and it is suggested that they are further discussed by the IGI Committee.
- Any proposed amendments to the *Procedure for the Grading of Former National Monuments* or supporting documents can be presented to Council for discussion.

SM

12.10 Report and feedback on Independent Tribunals appointed by the MEC

Nothing to report.

PM

12.11. Conservation Management Plans

12.11.1 None

12.12 Proposed PHS

12.12.1 Gazette Notice for Rem. Erf 1056, Green Point (Green Point Common)

AM recused herself and left the room. KDS was nominated to chair this item.

CSc presented the report on behalf of JW, which was noted by Council.

Among other things, the following was noted by Council:

- At the Council meeting of 14 March 2018 the Decision reads: “The Council resolved to declare the Green Point Common as a PHS, endorsed the boundary as recommended by IGIC (Option C), and advises that a CMP be prepared as a matter of urgency”.
- Council was informed that COCT would appeal the PHS nomination, but no further details were available.

DECISION

The Council resolved to approve the draft Gazette Notice for Remainder Erf 1056, Green Point (Green Point Common), as demarcated.

JW

12.12.2 Gazette Notice for Portion of Erf 13600, Lwandle, Hostel 33, Strand

CSc presented the report on behalf of JW, which was noted by Council.

Among other things, the following was noted by Council:

- The Lwandle Hostel 33 and associated museum are a significant symbol of the role and contribution of migrant workers to the Western Cape.
- The earlier migrant labour compound, Zwelihle, on the nearby site of Rhodes’ African Explosives factory, should also be nominated as a PHS. It has been extensively researched and identified as heritage-worthy. The property is owned by the City of Cape Town.

DECISION

The Council resolved to approve the PHS status and the draft Gazette Notice for Erf 13600, Strand, Lwandle Hostel 33.

JW

13. Policy Matters

13.1 None

14 Conservation Bodies

14.1 None

15. New Matters

15.1 None

16 Adoption of decisions and resolutions

The HWC Council unanimously adopted the decisions taken.

17 Proposed date of the next meeting: 15 August 2018

18 Closure: The meeting closed at 14:00

CHAIRPERSON_____

DATE:

SECRETARY_____

DATE:

Approved