

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 13 March 2019, Protea Assurance Building, Green Market 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)
Mr Siphiso Mavumengwana (SM). left at 15.02
Mr Chris Snelling (CSn)
Mr Graham Jacobs (GJ)
Ms Corlie Smart (CSm), left at 15.25
Dr Ignatius de Swardt (IdS), left 15.02
Dr Rolf Annas (RA). left at 15.02
Mr Rowen Ruiters (RR)

Members of Staff

Dr Mxolisi Dlamuka (MD)
Ms Colette Scheermeyer (CSc)
Ms Penelope Meyer (PM)
Mr Jonathan Windvogel (JW)
Ms Waseefa Dhansay (WD)
Ms Aneeqah Brown (AB)

Visitors

None

Observers

None

3. Apologies

Ms Quahnita Samie (QS) resigned from Council on 8 March 2019
Mr Olwethu Dlova (OZ)
Ms Katherine Dumbrell (KD)

4. Approval of Agenda

The Committee approved the agenda dated 13 March 2019 with additional items.

5. Approval of Minutes of the Previous Council Meeting

5.1 Minutes of Council meeting of 14 November 2018

The Committee resolved to approve the Minutes dated 14 November 2018.

5.2 Confidential Minutes of 14 November 2018

CSn recused himself and left the room.

The Council resolved to approve the Confidential Minutes of the Council meeting dated 14 November 2018 with minor amendments.

6. Disclosure of Interest

None

Members were recused for certain confidential items.

7. Confidential Matters

7.1 See Confidential Minutes.

8. Appointment

8.1 None

9. Administration Matters

9.1 None

10. Matters Arising from Previous Minutes

10.1 Heritage Information Management Services

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

Amongst other things, the following was noted by Council:

- HWC still awaits the formal report on the technical testing.
- SAHRA has confirmed it will initiate training on SAHRIS early in the first quarter of the new financial year as part of the Operational Plan.
- CSc to send invitations to Council and Committee members to attend training.
- A user-guide manual to be developed to assist HWC and members of the public.

CSc

11. Standing Items

11.1 CEO's Report

MD tabled and presented his report, which was noted by Council.

Among other things, the following was also discussed:

- The current term of Council ends in October 2019. The new appointments to replace members who resigned are to cover the rest of the term. The reasons for resignations to be analysed and included in the Council's close-out report, with recommendations for consideration when nominations are selected for Council and appointments made to committees.
- Mr Mike Scurr to be asked to submit written reasons for his resignation from BELCom, even though he is being appointed to IACom.
- A heritage tourism package for the Western Cape – the 'Cradle of Human Culture' – to be launched on 11 April 2019.
- Feedback from the Council Workshop held in 2018 to be circulated as soon as possible.

- Transcriptions of meetings are too costly but the CEO will ask Supply Chain Management to seek affordable tenders. Audio-recordings are supplied to members of the public on request.
- The outcomes of two Tribunals were reported and further discussed under item 7.1 Confidential matters.

DECISION

Council resolved to accept the appointment of the following new committee members with immediate effect:

BELCom:	Ms Helene van der Merwe
	Ms Melanie Attwell
IACom	Mr Mokena Makeka
	Mr Mike Scurr has been transferred from BELCom to join IACom

MD

11.2 Local Government Matters

11.2.1 Delegations of Powers to Local Authorities

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

MD

11.2.2 Competency of City of Cape Town

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

MD

11.3 Report and Feedback from Executive Committee

AM reported on the ExCo meeting held on 25 January 2019 and Council noted the report.

See item 14.2.

AM

11.4 Report and Feedback on SAHRA Council

AM presented her verbal report, which was noted by Council.

Among other things, the following was noted:

- The graves of freedom fighters were unveiled in Zwelethemba, Worcester, in February 2019.
- SAHRA is preparing declarations for heritage sites in the Bo-Kaap (a Grade 1 heritage resource), and kramats in various places. Nominations submitted to HWC are therefore being passed on to SAHRA for assessment, in terms of the MoU. District Six is also pending.
- The KwaZulu-Natal Amafa & Research Institute Act (5/2018) has been assented to by the Premier of KZN on 21 November 2018 (Gazette 2019).

AM

11.5 Report and Feedback on BELCom

GJ presented his report, which was noted by Council.

Among other things, the following was discussed:

- There is a non-performing member, who has also not complied with the Code of Conduct regarding apologies.
- A database and analysis of appeals decisions and applications that are refused is again urgently requested. Of particular concern is the need to distinguish between heritage significance and architectural significance.

RECOMMENDATION

The CEO to recommend action regarding the non-performing member to Council before the next BELCom meeting, with the decision endorsed by Council members by email.

GJ

11.6 Report and Feedback on IACom

CSn presented his report, which was noted by Council.

Among other things, the following was noted:

- The Council noted the resignation of Professor Le Grange with great regret as his experience, sharing of knowledge and contribution in debates will be missed. He is warmly thanked.
- Two replacement members are being appointed. See item 11.1.
- Section 38: Opinion from Advocate Budlender has been received and is welcomed.
- Clarification must be circulated to EAPs regarding submission of draft reports, timeframes for comment and the status of HWC as commenting body.
- A standard paragraph to be inserted in Section 38(8) NID responses, with the timeframes for processes.

CSn

11.7 Report and Feedback on APMCom

AM presented her report, which was noted by Council.

AM

11.8 Report and Feedback on Appeals Committee

CSm presented her report, which was noted by Council.

Among other things, the following was discussed:

- An increase in legal representations leads to lengthy meetings. There is a limit to the number of cases that can be adequately heard in a day.
- The schedule of meetings around December and January to be adjusted (e.g. Supplementary HOMs) so that cases do not accumulate.
- In 2019 the minutes of meetings have been prepared timeously. One case in particular required reasons for the decision, which can take a long time to prepare.

- The Code of Conduct, especially regarding intimidation, to be extended to the public waiting area outside the meeting room.
- See report from CEO regarding transcriptions under item 11.1.

CSm

11.9 Report and Feedback from IGICom

SM presented his report, which was noted by Council.

Among other things, the following was discussed:

- The Bo-Kaap nomination was discussed under item 11.2.
- The update on Regulations was discussed under item 14.1.
- Ms Samie's resignation from Council, and therefore also IGICom, was noted.

RECOMMENDATION

The Stellenbosch Municipality Special Overlay Guidelines (Management Tool) to be submitted to Council for approval.

SM

11.10 Report and feedback on Independent Tribunals appointed by the MEC

PM presented a report, which was noted by Council.

The outcomes of the Tribunal hearings for the Provisional Protections (s.29) of the River Club in Observatory (a Directive) and farms in Philippi (a Ruling) were previously circulated to Council. See also #6 in the CEO's report tabled under item 11.1.

PM

11.11. Conservation Management Plans

11.11.1 Cape Town City Hall Management Plan

WD presented her report, which was noted by Council.

Among other things, the following was discussed:

- Interim comments from BELCom have been included in the submission.
- It was further noted that on page 32, protocol 6 - the procedures for moving 'heritage artefacts' be addressed (See annexure D).
- On page 35, section 12 – recommendation number 4 should read "... for essential routine maintenance and repairs, *and film shoots ...*".
- The document will now go out for public comment.

WD

11.12 Proposed PHS

11.12.1 None

12. Policy Matters

12.1 Remuneration Policy

JW presented the draft Policy, which was noted by Council.

Among other things, the following was discussed:

- These amendments were recommended:
 - 4.2.1 and 5.1 as highlighted.
 - 4.3.10 remove words “maximum” throughout.
 - 4.3.10 add *(f) Supplementary HOMs for committee members.*
 - 4.3.11 add to sentence “... documentation for Council and Exco meetings”.

RECOMMENDATION

The draft Remuneration Policy to be amended and circulated for approval by Council by email.

JW

13 Conservation Bodies

13.1 Registration of the Fish Hoek Ratepayers and Residents Association

JW presented the application, which was noted by Council.

DECISION

The Committee resolved to approve the registration of Fish Hoek Ratepayers and Residents Association as a Conservation Body.

JW

14. New Matters

14.1 Regulations in terms of Sections 30 and 31 of the NHRA

PM presented the report, which was noted by Council.

Among other things, the following was noted by Council:

- To conform to the Act, the provisions for consultation have to be split between Regulations promulgated by the MEC of DCAS and Regulations promulgated by HWC.

DECISION

HWC Draft Regulations on public consultation are approved for publishing in the provincial Gazette for comments. The comment period to be 21 days.

PM

14.2 Wuppertal

MD presented the report, which was noted by Council.

Among other things, the following was noted by Council:

- CEO explained provincial government responses and plans.
- HWC's role is to facilitate, communicate and process applications.
- HWC Exco held a special focus meeting on 25 January 2019 at which it was agreed that the chairs of the three permitting committees (AM, GJ and CSn) should work together and with all parties to provide a co-ordinating, supervising and mediating role.
- Protocols regarding approval of emergency applications must be established.
- There are various sensitive issues on the ground including a perception that HWC is causing delays. Public relations and effective communication must be addressed.

DECISION

1. Applications from Wuppertal to be sent to the CEO and DD and an ad hoc assessment Committee to be assembled immediately.
2. A longer term procedure to be established.

MD

14.3 Code of Conduct relating to members of the public at appeals meetings

CSm presented the report, which was noted by Council.

The matter was discussed under item 11.8.

CSm

14.4 Appeals meeting schedule for 2019

CSm presented the report, which was noted by Council.

The matter was discussed under item 11.8.

CSm

15 Adoption of decisions and resolutions

The HWC Council was not quorate at the end of the meeting and formal adoption of decisions and resolutions must be made by email.

16 **Proposed date of the next meeting:** 19 June 2019

17 **Closure:** The meeting adjourned at: 16:09

CHAIRPERSON _____

DATE:

SECRETARY _____

DATE: