

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 14 March 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)
Mr Siphiso Mavumengwana (SM) left at 16:00
Ms Corlie Smart (CSm)
Ms Katherine Dumbrell (KD) left at 15:45
Mr Chris Snelling (CSn)
Ms Joline Young (JY) left at 16:05
Dr Ignatius de Swardt (IdS)
Dr Rolf Annas (RA) left at 14:00
Ms Quahnita Samie (QS)
Mr Graham Jacobs (GJ)
Mr Rowen Ruiters (RR)
Ms Karin Dugmore Ström (KDS)

Members of Staff

Mr Mxolisi Dlamuka (MD)
Ms Colette Scheermeyer (CSc)
Mr Zwelibanzi Shiceka (ZS)
Ms Nuraan Vallie (NV)
Mr Jonathan Windvogel (JW)
Ms Penelope Meyer (PM)
Mr Olwethu Dlova (OD)
Ms Waseefa Dhansay (WD)
Mr Andrew September (AS)
Ms Aneeqah Brown (AB)

Visitors

Mr Martin O' Carroll (MOC)
Ms Melissa Groenink (MG)
Mr Casey Augoustiodes (CA)
Mr Peter Turner (PT)
Mr Nick Budlender (NB)
Mr Patrick Esnouf (PE)
Mr Carmac Cullinan (CC)
Mr Ashley Lillie (AL)
Ms Jenny McQueen (JMQ)
Mr Zacharia Mashele (ZM)

Observers

None

3. Apologies

3.1 None

4 Approval of Agenda

The Committee approved the agenda dated 14 March 2018 with some additional items.

5 Approval of Minutes of the Previous Council Meeting

The Committee resolved that the wording of the previous minutes must be checked against the recording before being finalised for the record.

5.1 Confidential minutes of 29 Nov 2017

The Council resolved to approve the confidential minutes of the Council meeting dated 29 November 2017.

6 Disclosure of Interest

- CSm: item 12.12.1, 12.12.2 and 15.3
- CSn: item 15.2 and 15.3
- SM: item 15.2 and 15.3
- GJ item 12.12.2 and 15.2
- RR: item 15.3
- QS: item 12.12.3 and 15.2
- AM: item 12.12.3

7 Confidential Matters

7.1 See separate minutes.

8 Appointment

8.1 None

9. Administration Matters

9.1 Strategic Plan

See 10.2

9.2 Committee workshop

Among other things, the following was noted by Council:

- Workshop agenda to include Committee minuting requirements for legal purposes.
- Council requested that a mechanism to include some informal discussion be included in the workshop design or as a separate event.

10. Matters Arising from Previous Minutes

10.1 Heritage Information Management Services

Noted under item 12.1.

CSc

10.2 Presentation of the updated HWC Strategic Plan 2015/2020

MD presented the report, which was noted by Council.

DECISION

The final version to be circulated to Council for noting.

MD

10.3 Review of internal work processes, to achieve efficiency and effectiveness

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

Among other things, the following was noted by Council:

- Internal plans are being made and progress will be reported.

MD

10.4 Progress on implementing Council resolution to increase preparation time allowance for Committee members

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

Among other things, the following was noted by Council:

- The revised preparation time allowances will be effective from 1 April 2018.

NV

10.5 Publication of Policy on Public Consultation for comment

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

Among other things, the following was noted by Council:

- The Policy for Public Consultation to be published for comment on Friday, 16 March 2018.
- The CEO and Legal Advisor informed Council that the points discussed at the previous Council meeting (29 November 2017 item 11.4 DECISION) were taken into consideration in the final draft.

MD

10.6 Responses to Publication of Regulations in terms of 30 & 31 of the NHRA

The matter was removed from the agenda.

PM

11. Matters Arising from previous ExCo minutes

11.1 Registration of Repositories

Noted under item 12.7.

AM

12. Standing Items

12.1 CEO's Report

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

MD

12.2 Local Government Matters

12.2.1 Delegations of Powers to Local Authorities

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

MD

12.2.2 Competency of City of Cape Town

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

DECISION

Council agreed that the City of Cape Town heritage database is useful and provides years of accumulated expertise. PM to write a clarification on HWC's view on grading decisions on CoCT heritage databases and CoCT case by case comments, and related HWC decisions. This to be circulated to Chairs of Committees.

MD

12.3 Report and Feedback from Executive Committee

AM reported on the ExCo meeting held on 20 February 2018 and Council noted the report.

AM

12.4 Report and Feedback on SAHRA Council

AM presented her report, which was noted by Council.

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

CSn presented his report, which was noted by Council.

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.

CSm

12.9 Report and Feedback from IGICom

SM presented his report, which was noted by Council.

Among other things the following was discussed:

- It was noted that comments made in the IGIC Committee meeting were communicated verbally outside the meeting and resulted in misrepresentation of the proceedings. Council reiterated that conflicts of interest must be declared by Committee members, Registered Conservation Bodies have signed and must comply with the Code of Conduct, and the official minutes are the final record of discussions and decisions.

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 Short Conservation Management Plan for Mussel Point PHS (Mike Taylors Midden), Farm Mosselbaai, Portion 18 &12 of Farm Verlorenvlei, Cedeberg

AS presented his report, which was noted by Council.

DECISION

The Council resolved to approve the short CMP for Mussel Point PHS.

AS

12.12 Proposed PHS

12.12.1 Letter from Cullinan and Associates pertaining to the grading of the Melck Warehouse as a Grade II Heritage Resource

GJ and CSm recused themselves and left the room.

JW presented his report, which was noted by Council.

Mr Martin O' Carroll, Mr Patrick Esnouf, Ms Melissa Groenink, Mr Casey Augoustiodes and Mr Carmac Cullinan were present and took part in the discussion.

Among other things the following was discussed (to be read in conjunction with 12.12.2 below):

- The adjoining Lutheran Church precinct is a Grade I heritage resource and the block as a whole constitutes a significant cultural heritage environment.

- The IGIC considered that the Warehouse itself does not meet the requirements for according it Provincial Heritage Site (PHS) status.
- The Melck Warehouse has previously been assessed to be a Grade IIIA heritage resource by SAHRA, the City of Cape Town and HWC.
- Grade IIIA heritage resources are currently administered by HWC and the property development proposal has been approved under the relevant heritage controls afforded to such significant sites.

DECISION

Council supported the IGIC decision that the Melck Warehouse is Grade IIIA.

JW

12.12.2 Letter from the Evangelical Lutheran Church regarding the Melck Warehouse nomination process followed by the Interpretation Grading and Inventories Committee

GJ and CSM recused themselves and left the room.

JW presented his report, which was noted by the Council.

Mr Martin O' Carroll, Mr Patrick Esnouf, Ms Melissa Groenink and Mr Carmac Cullinan were present and took part in the discussion.

Among other things the following was discussed (to be read in conjunction with 12.12.1 above):

- Consultation with I&APs only takes place once IGIC has resolved to support a nomination for Grade II (PHS) status, and in this case the nomination was not supported.
- The Church contends that information supplied to IGIC was inadequate regarding the historic and spatial relationship between the adjoining ELC precinct (a NHS) and the Warehouse, and that the Warehouse should be accorded PHS status.
- IGIC confirmed that it was supplied with sufficient information to make a decision, all the necessary procedures were followed, including the Committee conducting a site visit to the Warehouse.

DECISION

Council supported the IGIC decision that the Melck Warehouse is Grade IIIA.

JW

12.12.3 Green Point Common, nomination process followed by the Interpretation Grading and Inventories Committee

RA left at 14:00.

JW presented his report, which was noted by Council.

AM and QS recused themselves and left the room.

Mr Ashley Lillie, Mr Peter Turner, Ms Jenny McQueen, Mr Nick Budlender and Mr Zacharia Mashele were present and took part in the discussion.

Among other things the following was discussed:

- The boundary endorsed by IGIC (Option C) was also supported by the majority of I&AP's and general public responses.
- Virgin Active has no objection to the declaration, but wishes to engage with the drafting of the CMP.
- The Green Point Residents and Ratepayers Association (nominators) reiterated its intention to protect the historic Public Open Space for public benefit (as opposed to alienation of portions for private or commercial purposes) and noted that there are already restrictions on building coverage in place.
- Messrs Budlender and Mashele noted that their organisation did not object to declaration of a smaller portion of the Common that excluded the Bowling Greens, however they acknowledged that a CMP would address some concerns of "Ndifuna Ukwazi" whom they were representing. They requested that Ndifuna Ukwazi be given opportunity to provide input into the CMP.
- Members of Council expressed support for the principle that if / when development is contemplated this will be done with due consideration of the needs of the urban poor and the principle of integrating the heritage rights of all Capetonians.

DECISION

The Council resolved to declare the Green Point Common as a PHS, endorses the boundary as recommended by IGIC (Option C), and advises that a CMP be prepared as a matter of urgency.

JW

12.12.4 PHS Unveiling Dates

JW presented his report, which was noted by Council.

JW

13. Policy Matters

13.1 Management of Archaeological Material and Procedures

AS presented his report, which was noted by Council.

DECISION

The Council resolved to approve the HWC Policy and Procedure for *Management of Archaeological Materials* with minor redrafting to the preamble to provide motivation.

AS

14. Conservation Bodies

14.1 Application for Registration as Conservation Body: Sea Point for All

JW presented his report, which was noted by Council.

Among other things the following was discussed:

- The statement of main aim of the body (as expressed in the application form) is not reflected in the Constitution as required by the applicable HWC regulations

- The application form for registration as a Conservation Body to be amended to alert applicants to this requirement.

FURTHER REQUIREMENT

The applicant to be invited to re-submit an amended Constitution for the attention of ExCo. This to include the statement of main aim of the body (as expressed in the application form).

JW

KD left 15:45.

15. New Matters

15.1 George Heritage Survey for Priority Areas and Municipality Response

JW presented his report, which was noted by Council.

Among other things the following was discussed:

- The George Spatial Development Plan is being drafted without heritage concerns being adequately addressed, and it is required that HWC be consulted before any SDP is approved.
- The Municipality is not complying with the instructions from HWC to revise and complete the Heritage Survey and Inventory, legally required in terms of the NHRA and the municipality's Spatial Development Framework.
- IGIC has noted and supported the proposed appointment of Perception Planning Heritage Consultants by the George Municipality to undertake the survey of priority areas in the municipality district.

DECISION

HWC to write a letter to the George Municipality reiterating the requirements for incorporating heritage in spatial planning documents and getting HWC approval for that component of its SDP, and requesting a progress report on the status of the revised George Built Environment Inventory.

The CEO to bring the matter up at the next Provincial Forum.

SM left at 16:00

JW

15.2 Two Rivers Urban Park Provisional Protection

CSn, SM, GJ, and QS recused themselves and left the room.

WD presented her report, which was noted by Council.

Among other things the following was discussed:

- The proposed boundary for protection of the so-called TRUP precinct was circulated for public comment, but in light of a draft HIA (s.38(8)) submitted in terms of a proposed development on a specific portion (8), the River Club, it was decided that initially this portion should be provisionally protected while the broader study continues.

- The Council was not quorate for this item, and the decision is to be circulated for ratification.

DECISION

Council endorses the proposal that Erf 151832 known as The River Club, Observatory, should be provisionally protected under s.29 of the NHRA in order to further understand its heritage significance and provide a formal grading to the site.

WD

15.3 Philippi Horticultural Area Provisional Protection

JY left at 16:05

CSn recused himself and left the room.

WD presented her report, which was noted by Council.

Among other things the following was discussed:

- IACom undertook a site visit and endorsed the HOMS decision to propose provisional protection over Cape Farms 738 and 767 Philippi, which is a portion of the greater Philippi Horticultural Area, in light of a proposed development on the site.
- Protection of the broader PHA has been affected by the requirement to inform all landowners by registered mail. Most such letters are returned uncollected.

DECISION

Council endorses the proposal that Cape Farms 738 and 767, Philippi, should be provisionally protected under s.29 of the NHRA in order to further investigate the heritage significance thereof, provide a formal grading to the site and consider formal protection thereafter.

WD

16 Adoption of decisions and resolutions

The HWC Council unanimously adopted the decisions taken.

17 Proposed date of the next meeting: 13 June 2018

18 Closure

The meeting closed at 16:15

CHAIRPERSON _____

DATE:

SECRETARY _____

DATE: