

**APPROVED MINUTES OF THE MEETING  
OF COUNCIL OF HERITAGE WESTERN CAPE,  
Held on Wednesday, 16 March 2016, 1<sup>st</sup> Floor Boardroom at  
Protea Assurance Building, Greenmarket Square, Cape Town at 10H00**

---

**1. Opening and Welcome**

The meeting was officially opened at 10H10 by the chairperson Ms Laura Robinson, and she welcomed everyone present.

**2. Attendance**

**Members**

Ms Laura Robinson	LR
Ms Quahnita Samie	QS
Dr Antonia Malan	AM
Mr Rowen Ruiters	RR
Dr Piet Claassen	PC
Mr Siphiwo Mavumengwana	SM
Ms Quahnita Samie	QS
Mrs Mary Leslie	ML
Mr Ignatius de Swardt	IdS
Dr Lita Webley	LW
Ms Sarah Winter	SW
Ms Maureen Wolters	MW

**Members of Staff**

Mr Mxolisi Dlamuka	MD
Dr Errol Myburg	EM
Ms Colette Scheermeyer	CS
Mr Zwelibanzi Shiceka	ZS
Ms Jenna Lavin	JL
Ms Penelope Meyer	PM
Mr Olwethu Dlova	OD
Mr Guy Thomas	GT
Ms Annalien Arendse	AA

**IACom Member**

Cindy Postlethway CP (for item 11.5)

**Appeal Committee Member**

Mr Richard Summers RS (for item 11.7)

**Observers**

None

**3. Apologies**

Maureen Wicomb	MW
Mr Julian Kritzinger	JK

LR informed the members that MW had suffered another severe stroke and that she was currently in the ICU in the hospital in Oudtshoorn. The HWC Council and staff extended their wishes to her for a speedy recovery.

**4 Approval of Agenda**

**4.1** The Committee approved the agenda dated 16 March 2016

**5 Approval of Minutes of the Previous Meetings**

**5.1 Dated 18 November 2015**

The Committee resolved to adopt the minutes without amendments.

## **6 Confidential Matters**

### **6.1 Accounting Authority**

The Legal Advisor, PM reported on the matter

In discussion it was noted that:

- There is a discrepancy between the provisions of the Public Finance Management Act and the regulations to the NHRA regarding the appointment of the accounting authority In respect of HWC.

#### **DECISION**

The Committee resolved that the Legal Advisor approach Counsel for an opinion on which legislation is applicable in the appointment of the accounting authority in respect of HWC.

**PM**

## **7 Disclosure of Interest**

7.1 None

## **8 Administration Matters**

8.1 None

## **9. Appointments**

9.1 The Committee noted the following appointments:

- Item 11.5 set for 11H00, item 11.7 set for 11H30 and items 12.1 and 12.1.1 set for 12H00.

## **10. Matters Arising from Previous Minutes**

### **10.1 Elim: Clarity of Gazette Notice**

The Assistant Director, JL reported on the matter, which had been heard by the Tribunal who had upheld the appeal against the interpretation by HWC of the Gazette Notice that concluded that the entire farm was included in the declared area.

**PM/JL**

### **10.2 HIMS**

Mr Guy Thomas made a power-point presentation and the Council noted the presentation. It was noted that the system is currently focussed on the application process.

Members were invited to indicate their interest in being part of a 'testing team' for the system. SW, ML, Mw, QS and LR indicated their interest.

**JL**

### **10.3 Performance Evaluation of Council members**

Mr Rowen Ruiters presented his report and referred to a document entitled “IoDSA’s Board Appraisal Service Offerings. (IoDSA being the Institute of Directors in Southern Africa).

After discussion it was proposed that this be given further consideration and that the Auditor- General’s office be approached for advice and assistance, together with the CFO of the Department if necessary. Chairperson, CEO, DD and legal adviser to attend to the matter.

**CEO**

## **11. Standing Items**

### **11.1 Local Government Matters**

#### **11.1.1 Cape Town Delegation of Powers**

The Legal Advisor: PM presented a verbal report.

In discussion it was noted that:

- A decision by SC Ron Pashke (for the CoCT) had been received; this included recommendations as to the Appeals process to be followed, as well as the sub-delegation by the Council of the City to appropriately qualified professional staff within the Heritage Resources Section of the City.
- Version 28 of the Agreement was circulated, which included the findings of The SC.

#### **DECISION**

The Council resolved to adopt and approve the agreement for submission to the CoCT for their Council to consider, subject to the following amendments:

- The amendment of clause 4.1 to read: ““The City undertakes that its Council will sub-delegate the functions and powers delegated to the City under this Delegation to officials who have been found competent in terms of S8(6) of the NHRA and who occupy appropriate positions.....”
- The substitution of the expression “30 working days” for the expression “15 working days” wherever it appears in the agreement.

**JL/PM**

### **11.2 Report and Feedback from Executive Committee**

#### **11.2.1. Draft Executive Minutes\_15 October 2015**

The draft minutes of the Executive Committee meeting, 29 January 2016, were noted as was a verbal report presented by the Chairperson.

**LR**

### **11.3 Report and Feedback from SAHRA Council**

Ms Sarah Winter presented a verbal report and the Council noted the report.

**SW**

### **11.4 Report and Feedback from BELCom**

Ms Sarah Winter presented her report and the Council noted the report.

#### **DECISION**

The Council supports the recommendations prepared by Ms Sarah Winter that:

- Committee members appointed for the following three year term (2016-2019) to include the expertise of a social historian with experience in heritage management.
- The Code of Conduct for Conservation Bodies to include reference to the Code of Conduct and Order at Meetings.
- The regulations be revised to enable HWC to approve or not approve unauthorized work.

**SW**

### **11.5 Report and Feedback from the IACom**

Ms Cindy Postlethwayt presented her report and the Council noted the report. There was a brief discussion on the process to be followed for an upcoming case dealing with the Werdmuller Centre for which both an HIS is expected and a nomination for a PHS has been received.

#### **DECISION:**

It was agreed that an unaccompanied site visit take place followed by a special joint meeting of both the IARCom and IGICom at which presentations will be made following which a decision as to the heritage significance of the Building complex would be decided. (Also see item 11.8)

**CP**

### **11.6 Report and Feedback from the APMCom**

Ms Mary Leslie presented her report and the Council noted the report.

#### **DECISION**

The Council supports the recommendations prepared by Ms Mary Leslie that:

- APM Committee, unanimously and strongly, that APM must continue to meet at least every four weeks.

**ML**

### **11.7 Report and Feedback from the Appeals Committee**

Mr Richard Summers, the Chairperson, presented his report which was noted by the Council.

**RS/PM**

### **11.7.1 Appeals Procedure and Revision of Appeals.**

The Legal Advisor, PM, presented her report. Council noted the report.

#### **DECISIONS**

The Council resolved that the documents will be circulated to members for final input and comment after which, it will be tabled at EXCo for approval.

**PM/RS**

### **11.8 Report and Feedback from the IGICom**

Dr Antonia Malan presented her report and the Council noted the report.

#### **DECISION**

The Council resolved that an unaccompanied site ~~meeting~~ visit be arranged for the Wermuller Centre for 17 March 2016. (the visit will be followed by a joint meeting)

The Council resolved that a special joint meeting be held with IACom and IGIC before the next scheduled IACom meeting. The landowner, developer and all I&AP's must be invited to attend this joint meeting.

At this joint meeting the following matters must be discussed:

- The significance of the site
- The proposed development

**AM/JL**

### **11.9 Report and Feedback from Independent Tribunals**

The Legal Advisor, PM, presented a verbal report indicating that there had been two appeals heard by the Tribunal but that the outcome of both cases was not yet known.

**PM/LR**

#### **11.9.1 Outcome of the High Court Judgement**

Nothing to report.

**PM/EM**

### **11.10 Report of the Assistant Director: Professional Services: April-November 2015**

The Assistant Director, ZS, presented his report. Council noted the report.

**ZS**

### **11.11 Conservation Management Plans**

#### **11.11.1 None**

### **11.12 Proposed PHS**

### **11.12.1 Provisional protection of Philippi Horticultural Area (PHA)**

The Assistant Director, JL presented her report and informed the Council that letters of intention to provisionally protect the entire PHA had been sent to the multiple owners of the well over 1,000 properties situated in the area.

#### **DECISION**

The Council does not agree to the Provisional Protection of the Philippi Horticultural Area at this stage  
HWC must investigate the significance of the PHA.

HWC must engage with the CoCT regarding the finalisation of its proposed HPOZ for the PHA.

A letter to be sent to the property owners indicating that HWC does not intend to proceed with provisional protection at this stage.

Council did not agree with latter part of the 2<sup>nd</sup> sentence as the CEO will attend a high level meeting with the City and raise the "3<sup>rd</sup> sentence" item.

JL

### **11.12.2 Provisional Protection of Farm Vogelstruiskraal 237**

The Assistant Director, JL presented her report.

#### **DECISION**

The Council resolved to approve the draft Gazette Notice for translation and advertisement for comment.

JL

### **11.12.3 Nomination of the Old Granary as a PHS (Erf 177447)**

The Assistant Director, JL presented her report.

#### **DECISION**

The Council resolved to approve the Old Granary as a PHS (Erf 177447). HWC must proceed in terms of the provisions of section 27(8) of the NHRA.

JL

## **11.13 Criminal Charges Laid**

### **11.13.1 None**

## **12. Financial Matters**

### **12.1 Financial Report**

Ms Annalien Arendse presented the financial report and the Council noted the financial report as presented.

**DECISION**

The Council agreed that the CEO to arrange meeting with CFO regarding the HWC budget presentation and structuring.

**CEO/CFO**

**12.1.1 Statement of Income of the Application Fees as from January – March 2016**

Item was discussed under item 12.1.

**AA**

**13. Policy Matters**

**13.1 Initiation Sites Policy**

The Assistant Director, JL presented her report.

**DECISION**

The council resolved to approve the Initiation Site Policy.

**JL**

**13.2 Guide to Grading for Local Authorities**

The Assistant Director, JL presented her report.

**DECISION**

The Council resolved to adopt and approve the amended document titled "Grading: Purpose and Management Implications" dated March 2016. HWC to circulate the approved Guide to all registered Conservation Bodies and all Local Authorities.

**JL**

**13.3 Palaeontology Guidelines**

The Assistant Director, JL presented her report.

**DECISION**

The Council resolved to approve the draft Guidelines for circulation to interested and affected parties for comment.

**JL**

**13.4 Amendment of Fees regulations**

The Legal Advisor, PM presented her report.

**DECISION**

The Council approved the amendment of fees regulations

**PM**

**14. Conservation Bodies**

**14.1 Code of Conduct for Conservation Bodies**

The Legal Advisor: PM presented her report.

**DECISION**

The Council approved the Code of Conduct for Conservation Bodies and noted that the code must be signed by all conservation bodies that are registered, or intend to register with HWC.

The Code of Conduct must be circulated to all Council and Committee members as well as all Conservation Bodies.

**PM**

**15. New Matters**

**15.1 HWC General Information Pamphlet**

The Assistant Director, JL presented her report.

**DECISION**

The Council resolved that the information to be circulated to members for comment which must be provided within the next two weeks.

**JL**

**16. Proposed Date of the Next Meeting: 15 June 2016**

**17. Adoption of Decisions and Resolutions**

The Council formally adopted the decisions and resolutions taken at the current meeting.

**18. Closure: 15:30**

**CHAIRPERSON** *Laura Robinson*

**DATE: 15 June 2016**

**SECRETARY** 

**DATE: 15 June 2016**