

HERITAGE WESTERN CAPE

Minutes of the meeting of the Council of Heritage Western Cape held at 9:00 on 17 November 2010, in the first floor Boardroom at the offices of the Department of Cultural Affairs and Sport, Cape Town at 09H00

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| 1. | OPENING AND WELCOME | Ms Mary Leslie opened the meeting at 09H00 and welcome every one present on behalf of the Chairperson | | | | |
| 2. | ATTENDANCE | <p><u>The following Council members were present:</u></p> <p><u>Adv Ronne Robinson (Chairperson)</u> <u>Dr Matilda Burden</u> <u>Ms Mary Leslie</u> <u>Ms Laura Robinson</u> <u>Ms Sharon De Gois</u> <u>Ms Sarah Winter</u> <u>Ms Ziyanda Manzana</u> <u>Ms Maureen Wolters</u> <u>Dr Stephen Townsend</u> <u>Mr Magnus Steenkamp</u> <u>Mr Patrick Fefeza</u> <u>Mr Floris Brown</u> <u>Mr Roger Joshua</u></p> <p><u>The following staff of the DCAS were present:</u></p> <p><u>Ms Hanneljie Du Preez</u> <u>Ms Christina Jikelo</u></p> | | | | |

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| | | <u>Ms Belinda Mutti</u> <u>Ms Lorelle Hutton</u> <u>Mr Olwethu-Oz Dlova</u> <u>Mr Craig Wager</u> | | | | |
| 3. | APOLOGIES | Mr Derrik Grootboom Mr Calvin van Wijk Adv Ronee Robinson(<i>running late due to traffic</i>) | | | | |
| 4. | APPROVAL OF PREVIOUS MINUTES OF COUNCIL MEETINGS | | | | | |
| 4.1 | Approval of minutes of 5 May 2010 | It was proposed that: <ul style="list-style-type: none"> The minutes must be circulated to the council members for comments and editing of grammatical errors | It was AGREED that: <ul style="list-style-type: none"> The minutes must be circulated to all council members for comments. | Mr Olwethu Dlova | | |
| 4.2 | Approval of minutes of 5 August 2010 | It was proposed that: <ul style="list-style-type: none"> The draft minutes be circulated to the Chairperson within seven working days after the day of the meeting for comment | It was AGREED that: <ul style="list-style-type: none"> Minutes of 5 August 2010 will be circulated to members for comment will be approved at the HWC Council meeting scheduled for 2 | Mr Olwethu Dlova | | |

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| | | | February 2011 | | | |
| 5 | CONFIDENTIAL MATTERS | | | | | |
| 5.1 | Meeting with the new Minister of Cultural Affairs and Sport, Dr. I Meyer | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • Mr. Graig Wegar, the Media officer of the M.E.C office is representing the M.E.C at the meeting • M.E.C is unable to attend due to her commitments and has send through an apology. • M.E.C has requested to meet the Council on Wednesday, 8 December 2010 in the afternoon following the EXCO meeting | | Ms H Du Preez | | |
| 5.2 | Appointment of new Director Museums, Heritage and Geographical Place Names and Accounting Authority of Heritage Western Cape | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • Mr. Andrew Hall was appointed as the new Director of the Museum, Heritage and Geographical Place Names will commence his duties on the 3 January 2011 | | Ms H Du Preez | | |
| 6. | MATTERS ARISING FROM THE MINUTES | | | | | |

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| 6.1 | Nomination of farm Luiperskop, Ratelgat, District van Rhynsdorp as Division for Provincial Heritage Status in Terms of S.27 of the NHRA, 1999 (Act 25 of 1999) | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> The declaration of Ratelgat as a PHS has been proposed awhile ago by the Griqua National Conference (GNC). A nomination dossier was compiled by Mr. Ron Martin and submitted to previous HWC Council and it was approved Outstanding was the Survey diagram The Survey diagram was completed and submitted to the Survey General for approval There Conservation Management Plan has not been submitted yet GNC of SA requested that the public announcement event take place 14th of May 2011 | <p>It was AGREED to Endorse the recommendations, dated 1 November 2010, prepared by Mr Z Shiceka :</p> <ul style="list-style-type: none"> The survey diagram be approved and that the site be formally declared as a Provincial Heritage Site The Director: Museum, Heritage and Geographical Names develop a framework and guidelines for the compilation of conservation management plans for potential provincial heritage sites The HWC Council considers the request of the owners for the official announcement on 14 May 2011 | Zwelibanzi Shiceka | . | |
| 6.2 | Declaration and | The Committee was informed that: | It was AGREED to | Ronny Nyuka | | |

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| | Official Announcement of Community House, Erf 16259, 41 Salt River Road, Salt River Division, For Provincial Heritage Status in terms of S.27 of the NHRA, 1999 Act 25 of 1999 | <ul style="list-style-type: none"> • The declaration of the Community House situated on Erf 16259, Salt River Road, as a Provincial Heritage Site in terms of Section 27 of the NHRA was published in the Provincial Gazette of 19 February 2010 • The official announcement of the declaration had, however, not yet been done • The title deeds of the property had been endorsed as is required by the Act 25 of 1999 and the official announcement needs to take place. • Heritage Western Cape must now provide a date which the official announcement can take place. | <p>endorse the recommendations prepared by Mr R Nyuka, dated 5 November 2010 :</p> <ul style="list-style-type: none"> • The Council must appoint a team consisting of the Director: Museums, Heritage and Geographical Names and staff, together with representatives of Community House to arrange the public announcement ceremony • Its proposed that the ceremony takes place on the afternoon of 2 February 2011 • To invite the previous Heritage Council members to attend the ceremony | | | |
| 6.3 | Amendment to Delegations | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • It had transpired that the Act implies that a permit for work (Alterations, Additions and | <p>It was AGREED that:</p> <ul style="list-style-type: none"> • Further delegation of Section 38 discussion will be done with | Mr C van Wijk | | |

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| | | <p>Demolitions) to structures older than 60 years (Section 34) and for provincial heritage sites (Section 27) under the provision of Section 38</p> <ul style="list-style-type: none"> • The Impact Assessment Review Committee was of the opinion that their delegations to issue permits, which formed part of a Section 38 application needed to be clarified and set out in the official delegations document • When the application for development consist of property and there is a historical structure on the site that need to be demolished, that application must be considered by Impact Assessment Review Committee and not to be tabled at BELCOM • On page 6, Section 38(2) Is included under delegations • Heritage Western Cape must take caution to grant responsibility to two authorities in terms of Section 38(2), as those delegations are granted to staff <p>It was noted that:</p> | <p>officials and with legal; advisor, report back to the Impact Assessment Review Committee for comments</p> <ul style="list-style-type: none"> • Legal opinion be obtained for Section 38(2) and 38(4) and the rest of the Section 38. • The Chairperson must sign the document with today's date for approval with amendments | | | |

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| | | <ul style="list-style-type: none"> • On Page 2, Section 38, subsection (4), (5) and (8) need clarification • Section 38(2) was not included in the delegations • All sub-sections of Section 38 need to be considered • If Section 38(2) has not been delegated to Impact Assessment Review Committee, therefore the committee can't make decisions on Notification of Intent to Develop and in many cases the officials don't feel comfortable to take decisions on their own.. • The officials has delegated powers for Section 38(4) and 38(8) as well. • In terms of National Heritage Sites at SAHRA, when decision is taken Archaeology and Paleontology permitting away from APM Committee to special Committee set up for National Heritage Site • APM want to add the expertise and they don't of the opinion that | | | | |

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| | | <p>will get difficulties in Section 38 applications on Provincial Heritage Sites</p> <ul style="list-style-type: none"> • Heritage Western Cape should add a clause in delegations that Impact Assessment Review Committee to issue the permit or make decision and consult the APM Committee if there are Archaeological or Paleontological sites involved. • Other authorities have requested Heritage Western Cape to comment on applications and in term of the NHRA, there is no law that requires Heritage Western Cape to comment • Heritage Western Cape to delegate officials and Committee's to comment on matters that submitted to Heritage Western Cape | | | | |
| 6.4 | The appointment of Council and committee members and museum | <p>Ms H. Du Preez prepared a short power-point presentation</p> <p>The Committee noted the report of</p> | <ul style="list-style-type: none"> • The Committee AGREED to the recommendations providing that the Council obtain legal | Ms H Du Preez | | |

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| | <p>managers i.t.o. section 50 of Act 25 of 1999</p> | <p>the presentation</p> <p>It was noted:</p> <ul style="list-style-type: none"> • Heritage Western Cape had been requested by City of Cape Town to appoint all City Council members of City of Cape Town as Heritage Inspectors • Once the policy had been developed then the training will commence | <p>opinion and draft a policy on the appointment of heritage inspectors</p> <ul style="list-style-type: none"> • The Committee endorsed the recommendations prepared by Ms H du Preez,: <p>a) Council to appoint the staff members of the Department of Cultural Affairs and Sport employed in the following designated positions as heritage officers in terms of section 50 of the National Heritage Resources Act, Act 25 of 1999:</p> <ol style="list-style-type: none"> 1.the Accounting Authority of HWC 2.the Deputy Director Heritage Resource Management 3. the Assistant Director in | | | |

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| | | | <p>Professional Services and</p> <p>4. all Senior heritage officers</p> <p>b)The Council to obtain the written agreement of the MEC of Cultural Affairs and Sport and the Head of Department for the appointment of the staff members employed by the Department in the Heritage Resource Management Services as required in section 50(1) of the National Heritage Resources Act, Act 25 of 1999</p> <p>c)Where other staff members of the Department, e.g. managers at affiliated museums in the employ of the Department, are</p> | | | |

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| | | | <p>being contemplated for appointment as heritage inspectors, the necessary written approval be obtained from the MEC and the Head of Department and HWC makes resources available as these managers do not have access to GG vehicles</p> <p>d)A draft policy be developed regarding the functions, powers and delegations of appointed heritage inspectors and what training would be required for heritage inspectors to act within the confines of the law</p> <p>e)The Director: Museums, Heritage and Geographical Names be appointed to liaise with SAPS and Customs and</p> | | | |

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| | | | <p>Excise Services to develop a common understanding and training requirement to ensure compliance and lawful action</p> <p>f) Identity cards with the approved corporate image of HWC be designed and printed to ensure that all appointed heritage officers are issued with such cards as required by the Act</p> <p>g) The draft policy be considered prior to any further appointment of heritage inspectors</p> | | | |

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| 6.5 | Registration of conservation bodies | <p>Ms H du Preez made a short power-point presentation :</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> • All current registered Conservation Bodies be de-registered • A letter must be sent to all registered and new applications to notify that registration will expire in 6 month and conservation bodies will be requested to re-register as Heritage Western Cape will be reviewing all applications • All conservation bodies registered with Heritage Western Cape should be notified that registration will be for a period of 5 years commencing July 2011 • List of registered conservation bodies to be circulated to all Council members • The annual advertisement to be considered • The fixed cycle to be determined • At the Council plenary meeting in | <p>The Committee Agreed to accept the recommendations prepared by Ms H du Preez, dated 16 November 2010:</p> <ul style="list-style-type: none"> • A draft policy on the registration, deregistration and functions and responsibilities of conservation bodies to be formulated based on the legislative framework in the Act and HWC Regulations by the Director Museums, Heritage and Geographical Names • Council to consider a fixed cycle for the registration of conservation bodies e.g. five years (provided that the registered conservation bodies fulfill their obligations during the period) | Ms H du Preez | | |

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| | | <p>May consideration must be given to the applications from the conservation bodies</p> | <ul style="list-style-type: none"> • A compulsory training session to be considered for all registered conservation bodies at the beginning of the cycle to ensure that they are capacitated to fulfill their obligations and observe the timeframes set out in the legislation • All registered conservation bodies to register their interest in terms of the legislative framework at the end of the cycle | | | |
| 6.5.1 | <p>Registration of Muizenberg Historical Conservation Society as a Conservation Body</p> | <p>The Committee was informed:</p> <ul style="list-style-type: none"> • the Muizenberg Historical Society had applied to Heritage Western Cape to be registered in terms of Section 25(1)(b) of the National Heritage Resource Act (Act 25 of 1999). | <p>It was AGREED that:</p> <ul style="list-style-type: none"> • Heritage Western Cape would not consider any registration of conservation bodies whilst the process of review is under way. | Mr C van Wijk | | |

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| | | <ul style="list-style-type: none"> all information supplied was to the satisfaction of the Council, except the map indicating the geographical area for which it wanted to register its heritage interest. a clear map had been requested the required map had now been received, making the application completely in compliance with the legal requirements of the Act. <p>It was noted that:</p> <ul style="list-style-type: none"> the cycle for the current registration would end in June 2011, when all applications of the new cycle would be considered | <ul style="list-style-type: none"> Heritage Western Cape will request the conservation body's comments although the conservation body has not been registered yet the application and policy of the registration of the conservation bodies to be reviewed and amended Heritage Western Cape to notify the current registered conservation bodies that the term would end at the end of June 2011. the draft policy would be sent out to Council members for comment | | | |
| 6.5.2 | Registration of the Tulbagh Heritage Foundation | This item was dealt under item 6.5.1 | | Mr C van Wijk | | |
| 6.6 | Guidelines for Inventories submitted i.t.o. section 30(5) of Act 25 of 1999 | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> three surveys had been submitted to Heritage Western Cape (Swartland, Prince Albert and Overstrand) none of the surveys had been | <p>It was AGREED that:</p> <ul style="list-style-type: none"> the draft guidelines and template would be circulated to Ms M Leslie for input in terms of Archaeology | Ms S de Gois Mr C van Wijk | | |

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| | | <p>endorsed since the previous HWC Council had not finalised the guidelines and policy</p> <ul style="list-style-type: none"> • the new Survey Committee had been tasked with finalising the matter • the Survey Committee had held two meetings to discuss the criteria, guidelines and policies needed for benchmarking of the heritage register • guidelines and a proposed template had been drafted and submitted to Council for approval • once these guidelines were adopted by Council, the Survey Committee would be enabled to communicate such to the Minister as well as to local authorities <p>It was noted that:</p> <ul style="list-style-type: none"> • the Archaeology and Palaeontology component had not been included within guidelines <p>It was proposed that:</p> <ul style="list-style-type: none"> • the draft guidelines and template be circulated to Ms M Leslie for comments regarding Archaeology and Palaeontology | <p>and Palaeontology; subsequently the template would be circulated to the Survey Committee on Monday, 22 November 2010 at 10:00</p> <ul style="list-style-type: none"> • consequently the draft guidelines would be adopted with amendments. | | | |

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| | | <p>and subsequently circulated to the Survey Committee Monday, 22 November 2010 at 10:00.</p> <ul style="list-style-type: none"> • | | | | |
| 6.6.1 | Media report on inability of HWC to consider inventories | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • the article released in the <i>Cape Times</i>, dated 5 November 2010, p. 10, regarding the lack of progress of Heritage Western Cape in assessing inventories that had been submitted to Heritage Western Cape • Heritage Western Cape could not impose municipalities' criteria that were not in place • the Survey Committee would have to review the three inventories submitted . • most inventories were based on architectural or aesthetic value • media statements to be issued to point out the misinterpretation that "Heritage Western Cape must make legislation on the surveys"; there was no need for legislation. Heritage Western Cape need to consider the proposed grading, therefore it was the Municipality's responsibility to provide special protection measures as set out in Section 31. | | Ms H du Preez | | |

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| | | <ul style="list-style-type: none"> Heritage Western Cape to commence a process of considering a draft report for the Grade II sites that had been identified. | | | | |
| 6.7 | Nomination of Bot River Station Precinct, Erf 2110, Theewaterkloof Municipality, as a Provincial Heritage Site | <p>Ms Sharon de Gois recused herself</p> <p>The Committee was informed that:</p> <ul style="list-style-type: none"> Ms Barbara Townsend, secretary of Bot River Aesthetic Committee, and Mr Noel Hunt, the chairman, as representatives of the Committee had met with Heritage Western Cape Heritage Western Cape had been advised on the steps that needed to be followed for the nomination of Bot River Railway station precinct as a Provincial Heritage Site (PHS) and had also advised the representatives that they need not follow the Spatial Development Framework process the representatives had also informed Heritage Western Cape that Ms Sharon de Gois had been appointed by the Theewaterskloof Municipality to conduct a survey of the Spatial Development Framework | <p>It was AGREED that:</p> <ul style="list-style-type: none"> the Declaration Review Committee would be an standard committee and meetings would be held quarterly. the Chairperson of the Declaration Committee would serve on the Executive Committee of the Council of Heritage Western Cape the recommendations dated 1 November 2010, prepared by Mr Z Shiceka, be adopted the Local Municipality and local organisation need to work closely and to draft the inventories once they had identified heritage resources, they must | Mr Z Shiceka | | |

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| | | <p>Dr Stephen Townsend requested to be recused as Ms Barbara Townsend was his sister-in-law; however, he emphasised he had no interest in this matter and the Council agreed not to recuse him</p> <p>It was noted that:</p> <ul style="list-style-type: none"> • Heritage Western Cape would consider the inventory and the Committee suggested that the conservation group work with Theewaterskloof Municipality • Bot River had been identified as a new growth area in the Theewaterskloof area. • the Municipality had appointed a consultant to provide information with the current development framework • every Municipality must review the development framework • since Heritage Western Cape had guidelines and the template, these could be provided to Theewaterskloof draw up an inventory and consult all relevant parties • any alterations to this building must be submitted to BELCOM. • Heritage Western Cape would | <p>utilise the Heritage Western Cape Guide to Grading to grade the sites</p> <ul style="list-style-type: none"> • the proposed grading must be formally adopted by Heritage Western Cape and formal protection measures must be considered | | | |

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| | | consider formal protection measures once the inventories had been completed and graded | | | | |
| 6.8 | “De Hel’ Constantia: Proposed nomination as a Provincial Heritage Site | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • Heritage Western Cape Council had previously approved the declaration of De Hel as a Provincial Heritage Site and that a survey and conservation management plan had to be submitted • a survey of the cadastral boundaries to be declared was done by Arvind N Bharwan, Professional Land Surveyors and approved by the Surveyor-General on the 10 June 2010 • a revised conservation management plan had been submitted as Heritage Western Cape requested. • the conservation management plan had to be assessed by the Declaration Review Committee <p>Ms H du Preez gave an short Power Point presentation</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> • Heritage Western Cape amend the procedures and re-track the | <p>It was AGREED to adopt recommendations dated 16 November 2010, prepared by Ms du Preez and Mr S Dyers: that:</p> <ul style="list-style-type: none"> • a draft policy document on a Conservation Management Plan Framework of provincial heritage sites be developed by the Director: Museum, Heritage and Geographical Names, taking into account the legal framework and international best practice and especially the fact that the Act did not compel owners other than those that are State- owned, heritage resource management agencies and authorities to develop conservation | Ms H Du Preez Mr S Dyers | | |

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| | | <p>previous Council decision to insist on a conservation management plan be drafted before declaration could proceed</p> <ul style="list-style-type: none"> • a policy be drafted and submitted to the Declaration Review Committee for comment and be submitted to next Council meeting for approval • the conservation management plan submitted by the City be considered | <p>management plans</p> <ul style="list-style-type: none"> • the Director liaise with SAHRA regarding its progress on the regulation of standards and procedures for such conservation management plans • the procedure for the Declaration of Provincial Heritage Sites be amended to correctly reflect the legal mandate in the Act regarding conservation management plans and rather refer to a management framework in the documentation. • the decision of the previous Heritage Western Cape Council regarding the compulsory requirement of a conservation management plan would be dissolved | | | |
| 7. | STANDARD ITEMS | | | | | |
| 7.1 | Report and feedback | The Committee noted the report | | Adv R Robinson | | |

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| | from Executive Committee | | | | | |
| 7.2 | Report and feedback on the BELCom | <p>It was noted that:</p> <ul style="list-style-type: none"> In terms of the recommendation regarding the budget, this matter must be deferred to EXCO meeting to be held on 8 December 2010 the Acting Accounting Authority would present the policy on remuneration to the EXCO meeting to be held on 8 December 2010 to clarify this matters of the budget. | | Dr S Townsend | | |
| 7.3 | Report and feedback on the IARCom | <p>It was noted that:</p> <ul style="list-style-type: none"> the distribution of documentation was problematic at IARCOM meetings, it had been agreed that the material must be available at 07:30 in the morning on the day of the meeting fair treatment of all application needed to be taken into consideration | | Mr D Grootboom | | |

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| 7.4 | Report and feedback on APMCom | <p>It was noted that:</p> <ul style="list-style-type: none"> • the new APM Committee had met three times • the APM database was in need of updating to allow the necessary letters to be generated to merge with the new interface between archaeological reports and the IAR Committee <p>It was proposed that:</p> <ul style="list-style-type: none"> • the co-permit holder policy not be approved without consultation • the policy must be called a procedure | <p>The Committee agreed to accept the recommendations dated 8 November 2010, prepared by Ms Mary Leslie, with amendments that:</p> <ul style="list-style-type: none"> • the Council to approve the nomination of Ms Nonofho Ndobochani as the final Committee member • the Council had been informed that APM would ask that the vacant archaeologist's post be advertised urgently • the Council to approve the co-permit procedures • the Council request clarity on the matter of delegation to staff or which decisions had been made without committee input • it was a matter of concern especially for palaeontology • it was possible that a list of matters passed | Ms M Leslie | | |

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| | | | <p>by staff internally should be kept so that these decisions may be recorded on the relevant databases</p> <ul style="list-style-type: none"> the Council had been informed that the APM would, as soon as the paperwork can be done, nominate Kasteelberg, a Khoekhoe herder site of provincial, and national and international value, recently proposed as the site for a wind energy facility the Impact Assessment Review Committee, as advised by the APM, had opposed this. | | | |
| 7.4.1 | Addition appointment on the APMCom | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> Ms Nonofho Ndobochani had been appointed as the APM member | <p>The Committee AGREED to accept Ms Nonofho Ndobochani as the final APM member</p> | Ms M Lelsie | | |

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| 7.5 | Report and feedback on Appeals Committee | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> the legal advisor to be present on the day of the appeals meeting the Appeals Committee was facing challenges in terms of legal matters <p>It was noted that:</p> <ul style="list-style-type: none"> There was no longer a legal advisor available within the Department Heritage Western Cape should formulate and request that a legal advisor be present on the day of the meeting | <p>The Committee agreed to endorse the recommendations dated 15 November 2010, prepared by Ms Laura Robinson that:</p> <ul style="list-style-type: none"> consideration be given to the training of staff in formulating minutes of meetings as these represented a legal document that was open to public scrutiny the Legal Advisor to be present at all meetings of the Appeals Committee | Ms L Robinson | | |
| 7.6 | Section 34 (2): Backlog of refusals of demolition application from BELCom and Appeals Committee and required formal protection recommendations by Council | <p>Ms H du Preez gave a short Power-Point presentation</p> <p>It was noted that:</p> <ul style="list-style-type: none"> the outstanding minutes needed to be tracked down these decisions had legal implications within Heritage Western Cape Heritage Western Cape needed a standard way of formulating decisions owing to the fact that it was very confusing, e.g. a decision with be to uphold the appeal without stipulating the reason as | <p>The Committee agreed to accept recommendations that:</p> <ul style="list-style-type: none"> when BELCom, IARCOM or APMCom refused to issue a permit in terms of Section 34(1), the Committee must provide the reason(s) why it was refusing a demolition permit in writing and make recommendations to Council or the EXCO | Ms C Jikelo | | |

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| | | <p>to why the appeal was being upheld</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> • Heritage Western Cape formulate a standard decision for refusal of demolition, reasons in detail and specific, and make recommendation regarding which protection measures should be considered and whether a site should be placed on the Heritage register or be graded as a Grade II heritage site • the Committee should include these recommendations in its quarterly report in order to be referred to the DRC • the initial decision to refuse demolition to be taken by two Committees, then there would a process of an appeal against those decisions. • Heritage Western Cape must subsequently consider formal protection | <p>(pending any appeals that may be lodged by any person or body) regarding the proposed protection of the site concerned in terms of one of the formal designations provided for in the Act</p> <ul style="list-style-type: none"> • should the structure older than 60 years have been identified as a heritage resource in terms of an inventory undertaken by the local planning authority in terms of the requirements of Section 30(5), then BELCom and IARCom must <ul style="list-style-type: none"> a) note the proposed grading category, and b) make a recommendation to Council or the EXCO regarding the formal protection provided for in the Act, taking | | | |

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| | | | <p>cognisance of the proposed grading category of the heritage resource, or</p> <ul style="list-style-type: none"> • should a place be identified as having environmental or cultural interest, BELCOM or IARCom must recommend to the Council or EXCO to recommend to the planning authority to investigate its possible designation as a heritage area (Section 30) • reports should be prepared for consideration by the Declarations Committee and Council with proposals for the formal protection of the properties on the list prepared by Deputy Director HRMS in November 2010 • BELCom and IARCom to report quarterly to | | | |

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| | | | <p>Council on all decisions not to issue a permit for the demolition of a historic structure older than 60 years, providing reasons for the decision and making recommendations regarding the proposed formal protection of the property.</p> | | | |
| 7.7 | <p>Report and feedback on Independent Tribunals appointed by the Minister</p> | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • the Department had appointed a secretariat with legal background for the tribunals • from 1 January 2011, the secretariat of the tribunal would be reporting directly to the Chief Director. <p>It was proposed that:</p> <ul style="list-style-type: none"> • the Accounting Authority be allowed to appear before the tribunals and present, when the appellant makes a verbal representation at the meeting of tribunals | <p>It was AGREED that:</p> <ul style="list-style-type: none"> • the Accounting Authority must be allowed to appear before the tribunals and must be present when the appellant makes a verbal representation at the meeting of tribunals | Ms H du Preez | | |

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| 7.8 | Report and feedback from the SAHRA Council | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> the SAHRA Council had held a meeting in Johannesburg three months ago. Heritage Western Cape had been represented by Adv Ronee Robinson and Ms Laura Robinson files from SAHRA were to be transferred as an asset as part of modernisation within the province, the Western Cape was setting up the electronic scanning of all old documentation to form part of Heritage Western Cape's data and sent to the Provincial Archives | | Ms R. Robinson | | |
| 8. | STRATEGIC PLANNING AND FINANCIAL MATTERS | | | | | |
| 8.1 | Financial Report: 2nd Quarterly Report: 2010/11 | The Committee noted the report | | Mr Z Tshatshelo | | |

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| 8.2 | Strategic Plan for HWC 2010-2015 | The Committee noted the report | | Ms H du Preez | | |
| 8.3 | Draft Annual Performance Plan for HWC 2011/12 | The Committee noted the Report It was proposed that: <ul style="list-style-type: none"> the detailed budget would be circulated to council members with amendments that made during the meeting, for comment and be submitted to EXCO for consideration | It was AGREED that: <ul style="list-style-type: none"> the detailed budget will be circulated to council members with amendments that was made during the meeting, for comment and be submitted to EXCO for consideration | Ms H du Preez | | |
| 9 | POLICY MATTERS | | | | | |
| 9.1 | Management of Grade I heritage resources: Letter from SAHRA dated 4 November 2010 | The Committee was informed that: <ul style="list-style-type: none"> this matter must be raised formal on legal basis given the Arniston Court judgement there was no letter which indicated that SAHRA had declared Steenberg as a Grade I site, consequently until such time, it was considered a Grade II heritage site there was nothing preventing Heritage Western Cape requesting SAHRA for | It was AGREED that: <ul style="list-style-type: none"> the Acting Accounting Officer with legal advisor and relevant staff member and SAHRA to meet and discuss this matter. Heritage Western Cape would respond to the letter to request that Heritage Western Cape, the, | Ms H du Preez | | |

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| | | <p>comment; however, SAHRA was not the permitting authority</p> <p>It was proposed that:</p> <ul style="list-style-type: none"> Heritage Western Cape officials and SAHRA officials must meet with legal advisors to discuss this matter Heritage Western Cape would challenge this matter with legal opinion | <p>legal representatives of both SAHRA and Heritage Western Cape to discuss the matter before an agreement could be considered</p> <ul style="list-style-type: none"> this matter to be reported to the EXCO meeting scheduled for 8 December 2010 | | | |
| 9.2 | Interpretation on the definition 'change of character' of a site i.t.o. section 38 of Act 25 of 1999 | <p>Ms Sarah Winter recused herself</p> <p>It was suggested that:</p> <ul style="list-style-type: none"> Heritage Western Cape to seek second opinion with regard to this matter Heritage Western Cape to formulate the brief and send to Mr M Steenkamp and Mr D Grootboom for a second opinion before submitting it to legal services | <p>It was AGREED that:</p> <ul style="list-style-type: none"> Heritage Western Cape would seek a second opinion on this matter Heritage Western Cape would formulate the brief sent to Mr M Steenkamp and Mr D Grootboom for a second opinion before submitting it to legal services | Ms H du Preez | | |
| 9.3 | Policy for co-permit holders for archaeological permits | This Item was dealt under item 7.4 | | Mrs M Lelsie | | |

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| 9.4 | Delegation of heritage resource management functions to local authorities | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> • In February 2010, Heritage Western Cape had adopted a draft policy to guide the process where local authorities would be assessed for competence to process applications received for works to Grade III heritage resources in terms of the National Heritage Resources Act (Act 25 of 1999) • talks had been held with officials of the City of Cape Town to facilitate this process. • a meeting had been held with the City of Cape Town on 17 September 2010 to determine the progress the City had made with regard to the process | <p>The Committee AGREED to approve the recommendations dated 5 November 2010, prepared by Mr C van Wijk that:</p> <ul style="list-style-type: none"> • the delegation of competency to the City of Cape Town must be fast-tracked, as this would considerably ease the workload of Heritage Western Cape officials, who should be assisting local authorities where capacity was a serious problem • the City of Cape Town was encouraged to apply for a smaller area , as this would limit mistakes, e.g. the City Bowl • the City of Cape Town concentrate on Heritage Western Cape's assessment and approval of a heritage survey for this area first, in order to be granted | Mr C van Wijk | | |

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| 10. | NEW MATTERS | | | | | |
| 10.1 | Registration of Conservation Bodies | Dealt under item 6.5.1 | | Mr C van Wijk | | |
| 10.1.1 | Registration of Duiwenhoks Conservancy as a Conservation Body | Dealt under item 6.5.1 | | Mr C van Wijk | | |
| 10.1.2 | Registration of Oudtshoorn Heritage as a Conservation Body | Dealt under item 6.5.1 | | Mr C van Wijk | | |
| 10.1.3 | Registration of Friends of Constantia Valley Greenbelts | Dealt under item 6.5.1 | | Mr C van Wijk | | |
| 10.2 | HWC draft Meeting Schedule 2011 | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> the Director would be not available for meetings scheduled for Mondays, therefore, the appeals meetings to be re-scheduled | <p>It was AGREED that:</p> <ul style="list-style-type: none"> appeals meetings to be re-scheduled BELCOM meeting to be held once a month the Declaration | Mr C van Wijk | | |

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| | | <ul style="list-style-type: none"> BELCOM meeting to be held once a month the Declaration Review Committee to be included in the HWC draft meeting schedule 2011 this matter to be submitted to EXCO for approval | <p>Review Committee to be included in the HWC draft Meeting Schedule 2011</p> <ul style="list-style-type: none"> this matter to be submitted to EXCO for approval | | | |
| 10.3 | Draft regulations for meetings of the Council and committees of HWC | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> this matter to be discussed with legal services the behaviour of the public at the meeting needed to be considered and it would depend on the outcome of the legal opinion that would be obtained with regard to section 10 the draft would be circulated to members for comment and be submitted to next Council meeting to be held on 2 February 2010 | | | | |
| 11. | OTHER MATTERS | | | | | |
| 11.1. | Comments on final draft of the Cape Town spatial development of workshop | <p>The Committee was informed that:</p> <ul style="list-style-type: none"> the final draft of the spatial development framework of the City of Cape Town was available for comment the closing date was 31 January 2011 the notification from Ms H du Preez would circulate to Council | | Ms H du Preez | | |

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| | | <p>members</p> <ul style="list-style-type: none"> the Accounting Officer would circulate comments on behalf of the Department and Heritage Western Cape to City of Cape Town there would be a workshop for the Environmental and Heritage Sector on Monday, 29 November 2010 starting at 16:30 and continuing until 19:00 at the City of Cape Town, Civic Centre, Cape Town. This invitation would be circulated to Council members and staff Heritage Western Cape Council members to assess the document and circulate comments | | | | |
| 12. | DATE OF THE NEXT MEETING | 2 February 2010 | | | | |
| 13. | CLOSURE | 17:00 | | | | |

CHAIRPERSON:

SECRETARY:

DATE:

DATE