

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 18 March 2015, 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 10H10 by the chairperson Ms Laura Robinson, and she welcomed everyone present

2. Attendance

Members

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

Members of Staff

Mr Andrew Hall	AH
Mr Zwelibanzi Shiceka	ZS
Ms Jenna Lavin	JL
Mr Olwethu Dlova	OD
Mr Mark Jonkers	MJ
Mr Guy Thomas	GT

IACom Member

Cindy Postlethway CP (for item 11.4)

Visitors

Mr David Hart	DH	Mr Clive James	CJ (Item 11.1.3)
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Apologies

Mr Richard Summers	RS
Mr Julian Kritzinger	JK

4 Approval of Agenda

4.1 The Committee approved the agenda dated 18 March 2014 with the following additional items:

- Liberation struggle heritage resources identification and grading, Item 15.1
- Amendment to Delegations to the HWC Committees, Item 15.2

5 Approval of Minutes of the Previous Meeting held 9 December 2014

5.1 The Committee resolved to adopt the minutes without amendments.

6 Confidential Matters

6.1 None

7 Disclosure of Interest

7.1 None

8 Administration Matters

8.1 None

9. Appointments

9.1 The Committee noted the following appointments:

- Item 11.4 set for 11H00, item 12.1 and 12.1.1, item 15.1 set for 13H30 and item 11.1.3 set for 14H00.

10. Matters arising from previous minutes

10.1 Elim: Clarity of Gazette Notice

The CEO, AH reported that the matter is still to be considered by the Tribunal.

The Council expressed concerns at considerable delays experienced in terms of matters put to the tribunal and particularly the matter of Elim.

AH

10.2 Heritage Information Management System (HIMS)

The Assistant Director, JL reported on progress on HIMS.

JL

10.3 Clarity of position of Standard Bank Building

The CEO, AH reported on progress on this matter. It appears as if HWC and the Museums Service may well still be relocated to Standard Bank Building.

AH

10.4 Appointment to SAHRA Council

Chairperson, LR made a verbal report. It was noted that neither Ms Robinson, nor Mr Hall was available to represent HWC on the SAHRA Council.

DECISION

The Council resolved that Ms Sarah Winter be appointed to represent HWC on the SAHRA Council and that Ms Quahnita Samie serve as her alternate. It

was also recommended that both Ms Winter and Ms Samie attend the first meeting of the SAHRA Council to be held in Cape Town, in order to facilitate an understanding of the issues that the Council is addressing.

11. Standing Items

11.1 Local Government Matters

11.1.1 Cape Town delegation of powers

The Assistant Director; JL, presented a verbal report and the Council noted the progress on this matter.

AH

11.1.2 Cape Town Zoning Scheme

The CEO; AH presented a verbal report highlighting the need to remind the City Planning Authorities that the Zoning Scheme amendments necessary for Grade III sites and heritage areas to be protected must be made before any delegations can be signed off.

AH /ZS

11.1.3 City of Cape Town Competency Assessment

The Assistant Director, JL reported back.

Mr David Hart and Mr Clive James (representing the City of Cape Town) were present and took part in discussion.

In discussion it was accepted that this is the first time competency has been assessed and it should be accepted that ideas are being tried and tested.

DECISION

The Council resolved that a panel to assess the competency of the CoCT shall be selected from the following: JL, SW, AM, LR, GJ, QS and RR and should not consist of fewer than four and will proceed according to the decision of the EXCO.

JL

11.2 Report and feedback from Executive Committee

11.2.1.Draft Executive Minutes_29 January 2015

The Chairperson reported on a recent meeting held with members of the Drakenstein Heritage Foundation, which had been productive and had clarified a number of issues.

The draft minutes of the Executive Committee meeting, 29 January 2015 were noted as was a verbal report presented by Chairperson.

LR

11.3 Report and Feedback from BELCom

Ms Sarah Winter presented a verbal report.

DECISION

The Council resolved that JL prepare and workshop the amendment to the guidelines on grading that provides for the context in which an IIC site is situated to be the major consideration rather than whether or not it is in an HPOZ or heritage area. The amendments should be presented to the next meeting of EXCo or Council for decision.

SW

11.4 Report and Feedback from the IACom

Ms Cindy Postlethwayt presented her report and the Council noted the report.

DECISION

The Council supported the recommendations prepared by Ms Cindy Postlethwayt that:

- A revised meeting schedule for IACom be approved in order to meet the requirements of the revised NEMA regulations, and that the details be discussed with all affected Committees when formulated by the administration;
- Mr Chris Snelling be appointed to fill the position vacated by Piet Louw, effective as of April 2;
- That filling the position of CEO be initiated with all due haste, and that in the interim, an Acting CEO be appointed;
- The process of filling all vacant positions in the administration with suitable qualified professionals be completed with all due haste;
- The administration be tasked with reporting back to the Committees on the delegations to the CoCT and the implications thereof.

CP

11.14.1 Impact of new NEMA Regulations

The CEO; AH presented a verbal report.

DECISION

The Council resolved to approve the revised HWC meeting schedule for 2015.

AH

11.14.2 Resignation of Mr Piet Louw

The CEO; AH presented a verbal report and the Council noted the resignation of Mr Piet Louw as a member of IACom.

DECISION

The Council resolved to approve the appointment of Mr Chris Snelling as the IACom member.

AH

11.5 Report and Feedback from the APMCom

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

DECISION

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

- APM still considers that HWC has a responsibility to have appropriate specialist input to decisions. The 'Recommendations for Archaeological and Palaeontological mitigation (Work Plans for mitigation and excavation work)' and the associated reports, particularly for more complicated sites, are often scientific and require detailed understanding of past evidence for certain periods and are therefore best dealt with by a specialist committee such as APM which has the appropriate wide range of specialisations in the different periods represented by our lengthy human past (millions of years rather than 400) in the Western Cape and the far greater span of palaeontology.
- Representatives from APM and IACOM should meet to discuss how best to unpack the process of Specialist (archaeological / palaeontological) Work Plans in terms of Section 38 and the mechanism for managing cases which require extensive mitigation prior to a decision being made.
- Holocene and Pleistocene archaeological sites comprise around 90% of archaeological sites and this requires that HWC look into appointing a heritage officer with such qualifications.
- HWC should respond to SAHRA's request that HWC take on competency for section 36.
- Council should assess whether or not it would be useful to make an appointment for ExCo to meet with the new Minister, given that successful meeting with the previous Minister was partially nullified by the appointment of a new Minister.
- It is proposed that once each year the Chairs of Committees summarize their concerns for the previous year in January/ February of the following year, in order to ensure that these reports have effect.

ML

11.6 Report and Feedback from the Appeals Committee

In the absence of Mr Summers AM presented a verbal report. It was noted that the procedure for appeals required an urgent review and that the Chair of the Appeal Committee and the legal advisor should meet to discuss this proposals for the Council to put to the Minister.

RS

11.7 Report and Feedback from the IGICom

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

DECISION

The Council supported the recommendations prepared by Dr Antonia Malan that:

- HWC is encouraged to find the capacity to visit and liaise with municipalities as often as possible.
- Guidelines for tendering for surveys should be drafted for municipalities. Among these should be an emphasis on multi-disciplinary team work and close consultation with local expertise and heritage bodies.
- HWC should prepare a Protocol regarding heritage components in planning processes and development frameworks of the sort referred to:
 1. Oudtshoorn
The heritage component of the SDF does not comply with s.31(1) of the NHRA, and the lead consultant interprets the requirements for and level of consultation differently to HWC. HWC is liaising with DEADP in this matter, and the heritage consultant will be invited to present the heritage component at the next IGIC meeting.
 2. Theewaterskloof
A Heritage Protection Overlay Zone is to be established at Greyton by the local authority but a heritage inventory has not been done yet and there are no gradings in place. IGIC agreed that HWC should meet with the municipality and local conservation bodies and should run a workshop with planning and building control officials at TWK.
 3. Swellendam
The draft Swellendam SDF includes a preliminary heritage survey (desktop study). IGIC endorsed the proposed way forward and recommended that the municipality follows a phased scope of work initially focusing on the most significant areas of historic settlements.
 4. Drakenstein
The amended draft Drakenstein SDF now includes the approved heritage assessment and inventory for the Drakenstein District. The SDF is good and comprehensive, but IGIC recommended some further corrections and amendments to clarify and strengthen the heritage component.

AM

11.8 Report and Feedback from Independent Tribunals

The CEO; AH presented a verbal report.

DECISION

The Council agreed to recommend to the Ministry that the management of the tribunal process be outsourced to a suitable qualified legal firm in order to make the process more efficient.

AH

11.9 Report of the Assistant Director: Professional Services –November 2014 – February 2015

The Assistant Director, ZS presented a verbal report.

ZS

11.9.1 CEO's Handover Report

The CEO; AH presented a verbal report and indicated that a full hand-over report would be available during the course of the next week

AH

11.9.2 Acting CEO

The CEO, AH, presented a verbal report.

AH

11.10 Conservation Management Plans

11.10.1 Baboon Point Conservation Management Plan

The Assistant director; JL presented a verbal report.

The Council noted that comments from ML were outstanding and that these need to be obtained as soon as possible in order to finalise the CMP.

DECISION

The Council agreed that LW would assist ML in formulating the outstanding comments for approval at the next EXCo meeting.

JL

11.10.2 Cango Caves Conservation Management Plan

The Assistant director; JL presented her report and the Council noted as it was presented.

DECISION

The Council adopt the 2006 CMP for the Cango Caves PHS as an interim measure until the Municipality is able to include heritage management in the CMP.

The Council supported the recommendation that the revised CMP separate out heritage management issues from issues of ownership and financial administrative.

JL

11.11 Proposed PHS

11.11.1 Proposed Declaration of Farm Elandsberg Nature Reserve together with Bosplaas and Bartholemews Klip Homestead

The Assistant director; JL presented her report and the Council noted as it was presented.

DECISION

The Council agreed that the remaining Section 27 letters be sent as soon as the relevant information is provided and that the area depicted in the map be protected for six months from the date of these letters in terms of section 27(10) of the NHRA.

JL

11.11.2 Proposed Declaration of Elandsfontein Fossil Site.

The Assistant director; JL presented her report and the Council noted as it was presented.

DECISION

The Council agreed that the process described in Section 27(11) be followed. If agreement is reached on the future of Elandsfontein and includes the consent for declaration the site should be declared.

JL

11.11.3 Proposed Declaration of Blombos Archaeological Site

The Assistant director; JL presented her report and the Council noted as it was presented.

DECISION

The Council agreed that the Blombos Archaeological Site as per the attached map be declared as a Provincial Heritage Site and that the conditions suggested be responded to as follows:

- HWC is happy to provide PHS signs for the access areas to the property.
- The shareholders of Blombos Estates (Pty) Ltd must undergo Heritage Inspector training before they can be appointed as Heritage Inspectors and be issued with the Heritage Inspector card.
- HWC will gladly draft a letter to the municipality explaining the protection measures applicable to the site once it is declared a PHS and the implications of this for development. This may positively impact on the municipal rates applicable.
- HWC will gladly process any nomination documentation for the adjoining State Forest site as a PHS once this documentation has been received.
- HWC is actively pursuing the inclusion of this site in the World Heritage Site nomination for the Origin of Modern Humans.
- HWC will gladly draft letters of support for any funding applications made by the shareholders of Blombos Estates (Pty) Ltd. In addition, HWC will facilitate liaison between the shareholders, CapeNature and Working with Fire to assist with the clearance of alien vegetation.

JL

12. Financial Matters

12.1 Mr Mark Jonkers presented a verbal report and the Council noted the financial report as presented.

MJ

12.1.1 Statement of income of the application fees as from December 2014 – February 2015

Mr Mark Jonkers presented a verbal report and the Council noted the report on the application fees as presented.

MJ

12.2 HWC Budget Plan 2015/2016

The CEO, AH presented a verbal report.

DECISION

The Council resolved to approve the HWC Budget Plan 2015/2016 as presented subject to the addition of R 17 000.00 for item 2121. The budget

information should include a sheet setting out the details of the individual projects under item 2201.

AH

13. Policy Matters

13.1 Section 38 Regulations

13.1.1 District 6 Regulation

The CEO, AH presented a verbal report and the matter is progressing with the help of the legal advisor.

PM

13.1.2 Initiation Sites Regulation

The CEO, AH presented a verbal report and the matter is progressing with the help of the legal advisor.

PM

13.2 Initiation Sites Policy

The Assistant Director, JL presented a verbal report that the matter on progress.

DECISION

The Council agreed that the policy be advertised for public consultation.

JL

13.3 Gradings Guide and Policy

The Assistant Director, JL presented her report.

DECISION

The Council agreed that the amendment to the policy proposed by SW be included and that the final draft be circulated to the members of the Council for any final comment prior to the policy going to the public consultation.

JL

13.4 Revision of PAIA Manual

The Assistant Director, JL presented her report and the Council noted as it was presented.

DECISION

The Council resolved to approve the PAIA Manual for 2015 with the inclusion of the application form.

JL

14. Conservation Bodies

14.1 Adoption and Issuing of Amendments to Regulations

The AH and JL, presented a verbal report and the Council noted that the Legal Services were not in favour of dropping the word “professional”

DECISION

The Council adopted the final regulations for conservation bodies as suggested by Legal Services. These should be translated and published as soon as possible.

PM

14.2 Application for registration as a Conservation Body: Hout Bay Residents & Ratepayers Association

The CEO, AH presented his report and the Council noted as it was presented.

DECISION

The Council resolved to approve the Hout Bay Residents & Ratepayers Association as a registered conservation body.

AP

14.3 Application for registration as a Conservation Body: Wynberg Residents' and Ratepayers' Association (WRRRA)

The CEO, AH presented his report and the Council noted as it was presented.

DECISION

The Council resolved to approve the Wynberg Residents' and Ratepayers' Association (WRRRA) as a registered conservation body.

AP

15. New Matters

15.1 Liberation struggle heritage resources identification and grading

SM presented a verbal report.

The Council noted the concern that inventories, SDFs and heritage assessments reports do not adequately address sites associated with the liberation struggle as well as Khoisan heritage.

DECISION

The Council agreed that the guide to grading and policy statements be amended to provide for these sites to be more adequately addressed.

SM

15.2 Amendment to Delegations to the HWC Committees

The CEO, AH presented his report and the Council noted as it was presented.

DECISION

The Council resolved to approve the amendments of delegations as presented.

AH

16. **Proposed Date of the next meeting:** **3 June 2015**

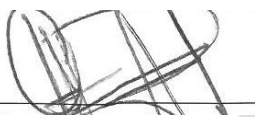
17. **Adoption of decisions and resolutions**

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

18. **Closure:** **15H30**

CHAIRPERSON *Laura Robinson*

DATE _____

SECRETARY 

DATE _____