

**APPROVED MINUTES OF THE MEETING  
OF COUNCIL OF HERITAGE WESTERN CAPE,  
Held on Wednesday, 26 August 2015, 1<sup>st</sup> Floor Boardroom at the Offices of  
the Department of Cultural Affairs and Sport,  
Protea Assurance Building, Greenmarket Square, Cape Town at 10H00**

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**1. Opening and Welcome**

The meeting was officially opened at 10H05 by the chairperson Ms Laura Robinson, and she welcomed everyone present.

**2. Attendance**

**Members**

Ms Laura Robinson	LR
Mr Rowen Ruiters	RR
Dr Piet Claassen	PC
Mr Sipiwo Mavumengwana	SM
Ms Quahnita Samie	QS
Mrs Mary Leslie	ML
Maureen Wicomb	MW
Dr Lita Webley	LW
Ms Sarah Winter	SW
Ms Maureen Wolters	MW
Mr Julian Kritzinger	JK

**Members of Staff**

Ms Hannetjie Du Preez	HDP
Mr Zwelibanzi Shiceka	ZS
Ms Jenna Lavin	JL
Ms Penelope Meyer	PM
Mr Olwethu Dlova	OD
Mr Mark Jonkers	MJ
Ms Heidi Boise	HB

**IACom Member**

Cindy Postlethway CP (for item 11.5)

**Observer**

Mr Chris Snelling CS

**3. Apologies**

Dr Antonia Malan	AM
Dr Errol Myburg	EM
Mr Ignatius de Swardt	IdS
Mr Richard Summers	RS (for item 11.7)

**4 Approval of Agenda**

4.1 The Committee approved the agenda dated 26 August 2015.

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

**5.1 Dated 3 June 2015**

The Committee resolved to adopt the minutes without amendments.

## **6 Confidential Matters**

6.1 None

## **7 Disclosure of Interest**

7.1 SW: item 11.12.1

## **8 Administration Matters**

### **8.1 Report back from HWC Strategic Planning Session on Risks**

The Assistant Director, JL reported on the matter.

In discussion it was noted that:

- Notes on the Strategic Planning workshop had been circulated and comments and inputs by Council members should be sent to JL by the 9 September 2015.
- A risk assessment workshop for the Council members will take place on 29 October. After the EXCO meeting. The Chairpersons of the Appeals Committee and IACom are to be invited to the workshop.

JL

### **8.2 Dunkley Mews, Gardens, Cape Town (Repairs and Painting)**

The Assistant Director, ZS reported on the matter, which deals with the issue of painting of PHS's in terms of Section 27 (18) of NHRA. SW indicated that there was a section in the report on the Elandsberg declaration that addressed this issue and that this could be used to inform any guidelines that HWC might wish to develop in this regard.

#### **DECISION**

It was agreed that guideline be developed addressing the issue of repairs and maintenance on PHSs, this should include a section on the repainting of PHSs.

ZS

#### **8.3.1 Opening Time for HWC Counter**

The Assistant Director, JL reported on the matter. It was proposed that the Public Counter be opened from 09H00 till 12H00. The heritage officers will service the counter on Mondays, Tuesdays and Thursdays and the officers will be available by appointment only from 13H00 onwards, and the EPWP interns will assist on Wednesdays and Fridays.

#### **DECISION**

The Proposal for amended opening hours of the public counter was supported by Council. It was further agreed that, should problems arise in terms of the counter being closed in the afternoons, the opening hours be re assessed in three months' time.

JL

### 8.3.2 Checklist for Submissions to HWC

The checklist was circulated at the meeting.

#### **DECISION**

The Council approved the checklist with the additions proposed by ML and LW.

**JL**

### 8.4 Report by the Chief Director

In the absence of the Acting CEO, EM, the Chief Director, HdP gave a verbal report on a number of matters that were receiving attention.

Staffing situation –

- the position of the Deputy Director has been finalised and the candidate is expected to start in the position in January 2016
- The process of recruiting the third Assistant Director is well underway and an additional two professional posts are under consideration.

#### **Standard Bank Building**

The lease agreement for the Standard Bank building in Adderley Street has been finalised. Heritage Western Cape and the Museums Service will relocate to the building, which will also house a Cape Town Museum.

#### **The Liberation Route/DAC**

The Department of Arts and Culture is in the process of developing Liberation Heritage Route. It is unclear as to how this program will link in with that of the NHC which is in the process of compiling a nomination dossier entitled “Human Rights, Liberation and Reconciliation”. The DAC project will place emphasis on some of the Khoisan sites including the Black River Parkway in particular as a possible first contact site, Other sites in the Western Cap may include Robben Island, Victor Verster prison house in which Mandela was held, and possibly the City Hall/Grand Parade where Mandela’s first speech upon his release from prison was made.

**HdP**

## 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 Legal Advisor, PM reported on the matter which still rests with the Tribunal.

**PM**

## **10.2 Correct Recommendations from Committees to applicants**

RR presented a verbal report.

In discussion it was noted that:

- Care should be taken when making reference to professional qualifications particularly if these are to be included in decisions made by the various Committees of HWC.

**RR**

## **10.3 Guide to Monuments and Memorials**

The Assistant Director: JL presented her report and the Council noted the report.

### **DECISION**

The Council resolved to approve the Guide to Monuments and Memorials Version 6, dated 2 August 2015, and agreed that the Guide be translated into Xhosa and Afrikaans.

**JL**

## **10.4 Longkloof Building, Erf 4150, 1636, Longkloof Road, Hout Bay**

The Heritage Officer, HB presented her report which was noted by the Council.

In discussion it was noted that:

- HB had conducted a site inspection.
- The property in question needs urgent repair work.
- The owner of the property has done some repair work without obtaining a permit from HWC in terms of Section 27 (18) of the NHRA.

### **DECISION**

The Council supported the recommendations made by Ms Boise that:

- Council applies Section 45(1) of the NHRA and that the Legal Advisor liaise with HB regarding specific requirements in terms of the stabilisation of the property.

**HB**

## **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 that there had been no further progress on this matter.

**JL/PM**

### **11.1.2 Cape Town Zoning Scheme**

The matter was discussed under item 11.1.1.

**JL/EM**

### **11.1.3 City of Cape Town Competency Assessment**

The Assistant Director: JL, presented a verbal report and the Council noted the progress on this matter. The Chief Director, HDP, informed the Council that she had been tasked to assist with this matter in order to reach finality as soon as possible. The assessment in terms of grading of grade III heritage resources is outstanding and urgent.

**JL/EM**

### **11.1.4 Competency Assessment of HWC by SAHRA**

The Assistant Director, JL reported back on this matter and the Council noted that there had been no further progress to date. In terms of Section 36 of the NHRA, it is further noted that, although HWC has been deemed competent to assume these responsibilities, the MOA between SAHRA and HWC still indicates that SAHRA retains responsibility for this section. The MOA should be updated to reflect the current assessment as soon as possible.

**JL/EM/PM**

### **11.1.5 Appeals Against the Decisions taken i.t.o the NHRA by a Competent Local Authority**

The Legal Advisor, PM reported back on this matter.

**PM**

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

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

The draft minutes of the Executive Committee meeting, 15 July 2015, 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.

**SW**

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

Ms Sarah Winter made a verbal report.

#### **DECISION**

The Council resolved that a workshop be held to discuss the development of a set of guidelines for the preparation of the heritage statements.

**SW**

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

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

**CP**

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

Ms Mary Leslie presented her report. The Council noted the report and in particular that:

- 1) It was recommended by the APM Committee, unanimously and strongly, that APM must meet at least every four weeks;
- 2) APM Committee noted that it would continue to support that IACom comment on Archaeological and Palaeontological Specialist Reports in the interests of an integrated response. Whether this would continue to work would depend on IACom members being able to spend more time in the IACom meetings discussing the 'arch/pal' issues than in the past.
- 3) APM would continue to assess Work plans (consultant's recommendations for mitigation, as per the HWC Section 38 AP Guidelines) and is working on guidelines and processes to streamline this.
- 4) APM has been and will be working on a range of policies.

There was some discussion after these reports and it was agreed that the process would be evaluated at committee meetings and a decision made at the next Council meeting in November or possibly at ExCo.

1. IACom to make written recommendation.
2. APM to make written recommendation.
3. Combined recommendations, if necessary with a special combined meeting, to Council in November or possibly at ExCo.

**ML**

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

In the absence of Mr Richard Summers, the Chairperson, LR, presented his report which was noted by the Council.

## **DECISION**

The Council supported the recommendations and agreed with recommendations prepared by Mr Richard Summers that:

- Council monitor the implementation of the policy regarding the administration of appeals and assess the efficacy of that policy in achieving its intended objectives, namely providing clarity regarding the submission and processing of appeals to Council.

**RS/PM**

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

In the absence of Dr Antonia Malan, the Chairperson, LR presented a verbal report.

**AM/JL**

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

The Legal Advisor, PM, presented a verbal report and reported on the outcome of the following tribunal matter:

- 22 Plein Street, Paarl.

## **DECISION**

The Council resolved that a letter be sent to the MEC expressing concerns relating to the tribunal and that the letter be sign by the Chairperson of the HWC.

**PM/LR**

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

The Legal Advisor, PM, presented a verbal report and reported on the outcome of the following High Court Judgement:

- Devonport Road, Vredehoek.

**PM/EM**

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

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

**ZS**

#### **11.11 Conservation Management Plans**

The Assistant Director, JL, made a verbal report.

The Council notes that the development of Conservation Management Plans for the proposed Modern Human Origins world heritage sites was expected this year. Council noted that no progress has yet been made in this regard and indicated that this matter should be considered as urgent as the funds had been earmarked for the current financial year.

JL

## **11.12 Proposed PHS**

### **11.12.1 Declaration of Elandsberg as a PHS**

SW recused herself.

The Assistant Director, JL, presented her report. The Council noted the report..

#### **DECISION**

The Council resolved that Elandsberg Nature together with Bosplaas and Bartholomeus Klip Homesteads be declared as a Provincial Heritage Site.

JL

## **11.13 Criminal Charges Laid**

### **1.13.1 None**

PM

## **12. Financial Matters**

### **12.1 Financial Report**

Mr Mark Jonkers presented his report and the Council noted the financial report as presented.

MJ/AA

#### **12.1.1 Statement of Income of the Application Fees as from June - August 2015**

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

MJ/AA

## **13. Policy Matters**

### **13.1 Initiation Sites Policy**

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

JL



## **13.2 Revised Draft Guide to Grading**

This item was dealt under item 15.2

**JL**

## **13.3 HWC Regulations**

This item was dealt under item 13.4.1

**PM**

## **13.4 Ministerial Regulations: Admission of Guilt Fines**

### **13.4.1 Draft Regulations made by the Minister of Cultural Affairs and Sport (Western Cape Province) in terms of section 51(3) of the National Heritage Resources Act, 1999 (Act 25 of 1999)**

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

#### **DECISION**

The Council resolved to support the recommendations prepared by Ms Penny Meyer that:

- The Minister: Sport and Cultural Affairs, in terms of Section 51(3) of the National Heritage Resources Act, Act 25 of 1999, be requested to approve the promulgation of the draft regulations annexed hereto, with any necessary amendments made by the Chief Director: Legal Services.

**PM**

## **13.5 Remuneration Policy**

The Assistant Director, JL, presented her report and advised the Council that the policy is in a process of being updated.

**JL**

## **14. Conservation Bodies**

### **14.1 Code of Conduct for Conservation Bodies and I&AP's**

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

#### **DECISION**

The Council resolved that the Code of Conduct be circulated for comment and that workshops on the Code be held with registered conservation bodies.

**PM**

## 14.2 Applications for registered as Conservation Bodies

### DECISION

The Council resolved to approve the applications of the following registered as conservation body:

- Bo-Kaap Civic Association
- City Bowl Ratepayers and Residents Association (CIBRA)
- Clifton-on-Sea and District Bungalow Owner's Association,
- Constantia Property Owners' Association
- Docomomo
- Durbanville Heritage Society
- Friends of Elim
- Friends of the Constantia Valley Greenbelts
- Great Brak River Museum
- Greater Lynfræ Civic Association
- Green Point Ratepayers' & Residents' Association,
- Greyton Conservation Society
- Harfield Village Association
- Helderberg Renaissance Foundation
- Heritage Mossel Bay
- Hout Bay & Llandudno Heritage Trust
- Kalk Bay and St James Ratepayers & residents Association
- Kalk Bay Historical Association
- Kommetjie Heritage Society
- Muizenberg Historical conservation society
- Newlands Residents Association
- Oudshoorn Heritage
- Overstrand Heritage & Aesthetics Foundation
- Pinelands Ratepayers & Residents Association
- Prince Albert Cultural Foundation
- Rosebank & Mowbray Planning & Aesthetics Committee (RAMPAC)
- Sea Point, Fresnaye & Bantry Bay Ratepayers & Residents' Association
- Simon van der Stel foundation Cape Town
- Simon's Town Historical Society,
- Stanford Conservation Trust & Stanford Heritage Committee
- Stellenbosch Heritage Foundation
- Stellenbosch Interest Group
- Swellendam Heritage Association
- The Franschhoek Trust and Ratepayers Association
- The George Heritage Trust
- The Tulbagh Valley Heritage Foundation
- Upper Woodstock Residents' Association
- VASSA (Vernacular Architecture Society of South Africa)
- Whale Coast Conservation
- Worcester Heritage & Conservation Society,
- Wynberg Residents and Ratepayers Association

**15. New Matters**

**15.1 New Members on IACom with Archaeological Expertise**

Ms Mary Leslie noted that Steven Walker had attended the last meeting of IACom.

**DECISION**

The Council ratified the appointment of Mr Walker as a member of IACom.

**ML**

**15.2 Guide for Heritage Management at Local Authorities**

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

**DECISION**

The Council resolved to agree that the document entitled "Implementation of Heritage Management at Local Authority Level' Version 3: dated 14 August 2015, supersede the draft guide to grading version 14 and the Council recommends that the document be advertised for 30 days for comment.

**JL**

**15.3 Guideline for the Management of Palaeontology**

The matter was removed from the agenda.

**JL**

**15.4 HIMS**

The Assistant Director, JL, presented a verbal report, and concern was expressed about the slow rollout of phase I of the project. The future integration of HIMS with SAHRIS was discussed and it was agreed that SAHRIS would prove to be a valuable tool that can be used by HWC in the future.

**JL**

**15.5 Committee Member's Letters of Appointment**

The Assistant Director, JL, presented a verbal report which was noted.

**JL**

**15.6 Duty on Consultants to provide factual information**

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

**DECISION**

The Council resolved to support the recommendations prepared by Ms Penny Meyer that:

- The Council advise all Committee Chairperson to bring the content of the report to the attention of all members of their respective Committees.
- A letter be written to all professional associations reminding them of the content of the report and requesting that it be communicated to their members.

**PM**

**15.7 Endorsement of SAHRIS for use of HRMS by Provincial Heritage Resources**

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

**DECISION**

The Council resolved that JL and ZS meet with the SAHRIS manager to discuss the broader applications of the system.

**JL**

**15.8 HR Capacity**

The Chief Director, HdP presented a verbal report which was noted by the Council.

**JL**

**15.9 Submission of Claim Forms**

The Assistant Director, JL presented a verbal report and the Council noted the report.

**JL**

**15.10 Performance Evaluation of Council members**

The Assistant Director, JL presented a verbal report, the audit findings identified the lack of a performance evaluation of Council members.

**DECISION**

The Council recommended that suitable template for the performance evaluation of the Council members be sourced.

**JL**

16. **Proposed Date of the Next Meeting:** **18 November 2015**

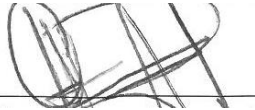
17. **Adoption of Decisions and Resolutions**

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

18. **Closure:** **16:00**

**CHAIRPERSON** *Laura Robinson*

**DATE** \_\_\_\_\_



**SECRETARY** \_\_\_\_\_

**DATE** \_\_\_\_\_

Approved