

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 29 November 2017, 1st Floor Boardroom at the Offices of the
Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town at 09H00**

1. Opening and Welcome

The meeting was officially opened at 09H06 by the Chairperson, Dr Antonia Malan, and she welcomed everyone present.

2. Attendance

Members

Dr Antonia Malan (AM)
Mr Siphiso Mavumengwana (SM)
Ms Katherine Dumbrell (KD)
Mr Chris Snelling (CSn)
Ms Joline Young (JY)
Dr Ignatius de Swardt (IdS)
Dr Rolf Annas (RA)
Ms Quahnita Samie (QS)
Mr Graham Jacobs (GJ)

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)

Visitors

Adv. Peter Kantor (PK)
Mr John Hesom (JH)

Ms Yvonne Leibman (YL)
Ms Isabelle Franzen (IF)

Observers

None

3. Apologies

Mr Rowen Ruiters (RR)
Ms Karin Dugmore Ström (KDS)
Ms Corlie Smart (CSm)

4. Approval of Agenda

The Committee approved the agenda dated 29 November 2017 with some additional items.

5. Approval of Minutes of the Previous Council Meeting

The Committee resolved to adopt the minutes dated 16 August 2017 without amendments.

6. Disclosure of Interest

6.1 None

7. Confidential Matters

7.1 See attached minutes.

8 Appointment

8.1 None

9. Administration Matters

9.1 HWC Meeting Schedule 2018

DECISION

The Council agrees that the ExCo meeting scheduled for 26 January 2018 to be rescheduled for some time in February 2018.

NV

8.2 Recordings of the Meeting

NV informed the Council that all Council and its Committee meetings will be recorded.

10. Matters Arising from Previous Minutes

10.1 Heritage Information Management Services

CSc presented a verbal report.

Among other things, the following was noted by Council:

- Technical challenges to integration are posed by the different platforms for HIMS and SAHRIS, but these can be overcome.
- The HIMS online permit application process is still being tested.
- The final report from SAHRA will be tabled at Council by the CEO once it is available.
- SAHRA is preparing Regulations in terms of S.39 of the NHRA in order to regulate reporting of heritage resources and the ceding of databases from HRAs, organs of state and state-supported bodies of SAHRA. The draft will be circulated for comment next year.

CSc

11. Matters Arising from previous ExCo minutes

11.1 Draft HWC Annual Performance Plan 2018/2019

MD presented the report, which was noted by Council.

MD

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

CSn presented his report and Council noted the report.

Among other things, the following was noted by Council:

- The review of internal processes was requested by Exco in order to enhance management of heritage resources. HOMS functions extremely well in terms of effort and abilities, but there are improvements that can be made in several areas to reduce blockages and improve efficiency.

- The constraints to adequate remuneration, working conditions and capacity-building, and consequent low morale of HWC staff, have long been acknowledged by Council, senior management and the MEC. Despite various embedded impediments, more action can be taken to alleviate the situation.
- The comprehensive recommendations under Section 4 of Mr Snelling's report are endorsed in principle. Some remedies can be implemented immediately and others as soon as possible.

DECISION

1. The report was adopted with thanks and appreciation for Mr Snelling's voluntary time spent on producing a substantial and useful analysis of problems and suggested recommendations.
2. The recommendations must be assessed and implemented as appropriate, with reports back by management as to progress.

CSn

11.3 Progress on implementing Council resolution to increase preparation time by Committee members

NV presented her report, which was noted by the Council.

DECISION

The Council approved the revised remuneration for reading hours as follows:

1. BELCom - maximum of 5 hours
2. Appeals- maximum of 3 hours
3. APM- maximum of 3 hours
4. IGIC- maximum of 5 hours
5. IACom - maximum of 5 hours

The changes are to be implemented on a date to be determined by the CEO (in terms of budgeting) or by the 1st of April 2018, whichever is sooner.

NV

11.4 Publication of Policy on Public Consultation for comment

MD presented his report, which was noted by Council.

Among other things, the following was noted by Council:

- The Draft Policy was presented at a workshop at HWC and comments received must be integrated into a new draft.
- In the light of emergency applications, such as under City of Cape Town drought conditions, minimum public consultation, when heritage is impacted on, must still be conducted as there is no provision in the NHRA to exempt any state body from public participation processes.
- Section 34 applications for minor works / un-heritage-worthy contexts pose a problem, and clarification is needed on what defines "legitimate interest".
- Enabling HWC to apply discretion under certain circumstances should be considered and included in the new draft.

DECISION

The Council approved the Draft Policy, subject to the S.34 requirements being redrafted and included before it is advertised for comment.

MD

11.5 Erf 416165, Groote Schuur Museum repairs and maintenance, Groote Schuur Estate, Rondebosch.

Noted under item 7.1.

KR

12. Standing Items

12.1 CEO's Report

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

Among other things the following was discussed:

- World Heritage Site nominations are progressing for Early Cape Farmsteads (ICMP due to be tabled at IACom) and Origins of Modern Humans (service provider appointment).
- An offer has been made to an applicant for the post of Heritage Officer to start on 1 January 2018.
- New members of IACom have been appointed but an experienced architect is still needed (see item 12.6). Other appointments are noted in the relevant committee reports.
- Court cases pending include the Philippi Horticultural Area, the Buitengracht Street Development and Baboon Point.

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

The matter was held over until the next Council meeting to be held on 14 March 2018.

PM

12.3 Report and Feedback from Executive Committee

AM reported on the ExCo meeting held on 20 October 2017 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

GJ presented the report on behalf of KDS. This report was noted by Council.

Among other things the following was discussed:

- The committee lacks a social historian.
- A table of appeals cases (most arise from BELCom decisions) and summary analysis to be prepared by PM and discussed with the committee and practitioners.
- Following a committee site inspection, heritage application and design guidelines for Elim must be prepared (and may be supported by a Heritage Agreement between HWC and the Church).
- The inter-committee discussion on grading of Grade III buildings and buildings of the 1930s must take place in the New Year.

DECISION

The CEO to expedite the appointment of an additional member (social historian) to BELCom.

The operational recommendations in the report are to be urgently assessed and implemented as appropriate and feasible.

GJ

12.6 Report and Feedback on IACom

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

Among other things the following was discussed:

- Several committee members resigned for various reasons. Mr Dave Saunders and Mr Tizzie Mangiagalli have been appointed, and an APM member will replace Dr Walker in January, but the committee lacks a senior heritage architect.
- The deteriorating relationship between HWC and DEA&DP, whereby heritage management recommendations made by IACom have been disregarded by DEA&DP, is of serious concern.

DECISION

The CEO will expedite the appointment of an additional member (architect with heritage experience) to IACom.

The responsibility of DEA&DP to comply with S.38 (8) provisions must be strongly reiterated, and supported by senior counsel opinion, and the relevant section of the Standard Operating Procedure between HWC and DEA&DP to be reviewed.

CSn

12.7 Report and Feedback on APMCom

AM presented her report, which was noted by Council.

DECISION

The Council approved the appointment of Dr Lita Webley to serve on IACom.

AM

12.8 Report and Feedback on Appeals Committee

AM presented CSm's report, which was noted by Council.

Among other things the following was discussed:

- The standard clause in Records of Decisions and Permits does not reflect current practice regarding notification of decisions and conditions.
- Committees need to articulate the reasons for making a grading decision for the record and in their minutes.
- Progress with public access to decisions of committees and HOMS on the website, and digital recording of committee meetings (now in place).
- Inconsistencies between HWC Policy and MEC regulations regarding appeals, leading to issues around time frames.
- Alignment of PAJA requirements and HWC Draft Policy regarding public participation, and the communication of interim requirements to applicants and the public, acknowledging that the method and extent of public participation in decision-making depends on circumstances.

DECISION

The standard clauses in Records of Decision / Permits are to be amended to (a) clarify responsibility of notification of interested parties and (b) state the right to ask for reasons for decisions.

CSm

12.9 Report and Feedback from IGICom

SM presented his report and tabled a supplement referring to the meeting of 17 November 2017, which Council noted.

Among other things the following was discussed:

- Mr Tizzie Mangiagalli has been appointed to the committee.
- Three heritage resources have been graded Grade IIIA and two PHS nominations are in progress (Green Point Common and Rocklands City Hall).
- Hostel 33 Lwandle, part of the Migrant Labour Museum, Strand, has been endorsed as a PHS. See also items 12.12.3-6.
- The committee has endorsed the approach by Perception Planning heritage consultants, to compile a simplified register of heritage resources for priority areas in the George Municipality.
- It is further recommended that George Municipality should supply a progress report regarding updates to the Heritage Survey and Inventory and its integration into Spatial Development Plans, and is strongly reminded to submit applications related to buildings over 60 years old to HWC for approval.
- A revised heritage resources register for priority areas must be submitted to HWC for approval.

DECISION

The revised Provincial Heritage Site nomination application form is approved.

Council will approve IGIC recommendations regarding proposed PHS nominations at the next meeting.

SM

12.10 Report and feedback on Independent Tribunals appointed by the MEC

There is nothing to report.

PM

12.11. Conservation Management Plans

12.11.1 None

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

The matter is held over until the next Council meeting scheduled for 14 March 2018.

JW

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

The matter is held over until the next Council meeting scheduled for 14 March 2018.

JW

12.12.3 Erf 1005, 25 Long Street, Joubert House, Montagu

JW presented his report, which was noted by Council.

Among other things the following was discussed:

- IGIC findings are that the house is not a PHS but a Grade IIIA heritage resource of high local significance. However, without a Heritage Register in place, previous PHSs cannot be re-graded.

JW

12.12.4 Proposed Ratification of the Email Decision for the Draft Gazette Notice for Erf 163450, 29 Dorp Street, Auwal Masjied, Bo-Kaap

JW presented his report, which was noted by Council.

DECISION

Council resolved to approve and ratify the Draft Gazette Notice for Erf 163450, 29 Dorp Street, Auwal Masjied, Bo-Kaap.

JW

12.12.5 Proposed Ratification of the Email Decision for the Draft Gazette Notice for Erf 11553, Rocklands Community Hall, Mitchells Plain

JW presented his report, which was noted by Council.

DECISION

Council resolved to approve and ratify the Draft Gazette Notice for Erf 11553, Rocklands Community Hall, Mitchells Plain.

JW

12.12.6 Proposed Nomination of Erven 2641 and 2643, Mount Prospect, Constantia as a PHS

JW presented his report and Council noted the report.

Adv. Peter Kantor, Ms Yvonne Leibman, Mr John Hesom and Ms Isabelle Franzen were present and took part in the discussion.

Among other things the following was discussed:

- With reference to S.27 of the NHRA, HWC Council is required to either approve or decline a nomination for PHS status (Grade II) following a recommendation by IGIC.
- Council noted the representations made by the interested and affected parties. It was also noted that certain of the representations were made in respect of the proposed development. However, in this case, consideration of the S.38 development application process is a completely separate matter from consideration of the appropriate level of heritage management of the as yet undeveloped property.
- Following the original PHS nomination, lengthy submissions and deliberations, an opportunity for the nominators to submit further motivations was offered, and a site inspection by the IGIC took place, before the decision by IGIC was reached.

DECISION

The Council approves the findings of IGIC and the grading of Grade IIIA. The nomination for PHS status is not approved.

JW

13. Policy Matters

13.1 Amendment of Delegations

PM presented her report and Council noted the report.

Among other things the following was discussed:

- Council and the CEO requested a review of delegations in terms of improving efficiency and effectiveness of HWC operations.
- As per the review of the internal work processes submitted by CSn; In terms of existing delegations, HOMS can only take decisions where the matter is not controversial and there are no objections. This leads to unnecessary burdens on staff and committees in the preparation and hearing of such cases.

- Delays in processing applications are caused when a chair for HOMS is not available.
- No consultation is required for NID decisions.
- There is no provision within S.38 of the NHRA for the issuing of an emergency permit, even to state organs.

DECISION

Council approves the delegations to HOMS:

- a) To consider heritage applications that have objections which are deemed not heritage-related or are frivolous.
- b) The Assistant Director to chair HOMS in the absence of the CEO or Deputy Director or as requested.

The delegation to the CEO for Section 27 annexed to the report is to be redrafted and Section 38 removed. The revised document is to be circulated to Council for comment. The final document will be signed by the chairperson.

PM

13.2 Publication of Regulations in terms of Sections 30 & 31 of the NHRA for comment

PM presented her report, which was noted by Council.

Among other things the following was discussed:

- The S.30 and S.31 Regulations enable Local Authorities to enforce the NHRA at local level, once they are competent.
- The establishment of Heritage Areas and Heritage Registers is urgently required to effectively protect and manage heritage resources.
- The draft was presented at a Local Authorities workshop and a programme for awareness and consultation is ongoing.

DECISION

Council resolved to approve the publication of the Draft Regulations in terms of Sections 30 and 31 of the NHRA for comment.

PM

14. Conservation Bodies

14.1 Application for Registration as Conservation Body: Camps Bay Clifton Ratepayers Association

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

DECISION

The Council approves the Camps Bay Clifton Ratepayers Association application as a registered Conservation Body.

JW

14.2 Application for Registration as Conservation Body: Friends of Blaauwberg Conservation Area

JW presented his report, which was noted by Council.

DECISION

The Council approves the Friends of Blaauwberg Conservation Area application as a registered Conservation Body.

JW

15. New Matters

15.1 Conservation Management Plans and Heritage Agreements in relation to permit applications

The matter will be tabled at the next ExCo meeting.

CSm

15.2 Appeal process for applicants challenging decisions of IGIC

The matter was removed from the agenda.

SM

15.3 New appointments to Committees

Noted under item 12.1.

MD

15.4 General report-back from Council and Committee members

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

AM

15.5 Approval of HWC Strategic Plan 2015/2020

MD presented a verbal report.

DECISION

The amended HWC Strategic Plan 2015/2020 will be circulated to Council for comment and will be tabled at the next Council meeting.

MD

15.6 Appointment of CEO as a Heritage Inspector

MD presented a verbal report.

DECISION

The Council resolved to appoint the CEO as a Heritage Inspector.

MD

16 Adoption of decisions and resolutions

The HWC Council unanimously adopted the decisions taken.

17 Proposed date of the next meeting 14 March 2018

17 Closure

The meeting closed at 12:30

CHAIRPERSON _____

DATE:

SECRETARY _____

DATE:

Approved