

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Saturday, 3 December 2016, 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 10H00 by the chairperson, Dr Antonia Malan, and she welcomed everyone present.

2. Attendance

Members

Dr Antonia Malan	AM
Mr Siphiso Mavumengwana	SM
Ms Corlie Smart	CSm
Mr Chris Snelling	CSn
Ms Karin Strom	KS
Mr Rowen Ruiters	RR
Mr Ignatius de Swardt	IdS
Mr Graham Jacobs	GJ
Dr Rolf Annas	RA
Ms Joline Young	JY
Ms Katherine Dumbrell	KD

Members of Staff

Mr Mxolisi Dlamuka	MD
Ms Colette Scheermeyer	CSc
Mr Zwelibanzi Shiceka	ZS
Mr Jonathan Windvogel	JL
Ms Penelope Meyer	PM
Mr Olwethu Dlova	OD
Ms Nonceba Mabija	NM

Visitors

None

Observers

Mr Ramabina Mahapa	RM
Ms Sally Titlestad	ST

3. Apologies

Ms Quahnita Samie	QS
Dr Daniel le Roux	DIR

4 Approval of Agenda

The Committee approved the agenda dated 3 December 2016 with an additional item.

5 Approval of Minutes of the Previous Meetings

5.1 Dated 17 August 2016

The Committee resolved to adopt the minutes dated 17 August 2016 without amendments.

5.2 Dated 29 October 2016

The Committee resolved to adopt the minutes dated 29 October 2016 without amendments.

6 Disclosure of Interest

KS recused herself for item 11.5.4

7 Confidential Matters

7.1 None

8 Appointment

8.1 None

9. Administration Matters

9.1 None

10. Matters Arising from Previous Minutes

10.1 HWC Appeal to CoCT, Proposed Development, Erven 8210 and 144698, Buitengracht, Shortmarket, Longmarket and Rose Streets, Cape Town

PM gave a verbal report about HWC appeal to the City of Cape Town.

In discussion was noted that:

- PM will distribute a copy of the HWC appeal document.
- The appeal was held on 30 November 2016. PM was not present but Prof Todeschini attended the meeting as a member of the objector group.
- HWC will await the outcome before taking further action.

PM

10.2 Draft Policy on HIAs

The CEO made a verbal report.

In discussion it was noted that:

- A draft policy for HIAs has been prepared by SAHRA in terms of Grade I heritage resources and circulated for comment. Concerns have been raised as to its alignment with HWC policy on HIAs.
- The CEO informed the Council that the policy did not affect HWC as HWC has its own policy in terms of powers under Section 24(1)(g) of the NHRA.
- The CEO has regular meetings with SAHRA and will raise the matter where appropriate.

DECISION

A statement clarifying the position of HWC to be drafted by PM and put on the HWC website, and APHP to be notified.

MD

11. Standing Items

11.1 CEO's Report

The CEO's report covering the period September-November 2016 was submitted verbally.

MD

11.2 Local Government Matters

11.2.1 Delegations of Powers of City of Cape Town

The CEO reported on the current situation.

In discussion it was noted that:

- The negotiation has reached a stalemate regarding who is given delegated authority in the City, and the appeal system.
- There is a clash between the interpretation and application of the Municipal Systems Act (MSA) and the NHRA.

DECISION

The CEO will inform the Council about any developments.

MD

11.3 Report and feedback on Independent Tribunals appointed by the MEC

The Legal Advisor presented a written report which is noted by the Council.

PM

11.4 Conservation Management Plans

11.4.1 Erf 3507, 29 Upper Kloof Street, Oranjezicht

JW presented his report and the Council noted his report.

It was noted that:

- All the guidelines were approved several years ago and they are comprehensive.
- The documentation is extremely cumbersome and in the interest of clarity and compliance, Council recommends that the documentation is edited and simplified.
- As the site is a PHS applications will be submitted to HWC for approval.

DECISION

The Council resolved to approve the CMP.

JW

11.5 Proposed PHS

11.5.1 Blomboschfontein Nature Reserve, Ptn 85 of Farm Blomboschfontein 495, Riversdale

JW presented his report and the Council noted the report.

DECISION

The Council resolved to approve the Gazette Notice of Blomboschfontein Nature Reserve, Ptn 85 of Farm Blomboschfontein 495, Riversdale.

JW

11.5.2 Old Granary Complex, 177447, Cape Town

JW presented his report and the Council noted the report.

DECISION

The Council resolved to approve the Gazette Notice Old Granary Complex, 177447, Cape Town subject to minor amendments (there is as yet no evidence for Thibault being the architect).

JW

11.5.3 Provisional Protection: Kaba-Aye World Peace Pagoda Portion of the Farm Lemoenshoek, Farm No 24, Barrydale

KS recused herself and left the room.

JW presented his report which was noted by Council.

Mr Ramabina Mahapa and Ms Sally Titlestad were present as observers.

DECISION

The Council approved the provisional protection of Kaba-Aye World Peace Pagoda Ptn of the Farm Lemoenshoek, Farm No 24, Barrydale.

The provisional protection is valid for a maximum of two years and is subject to the completion of HWC investigation into the significance of the resource.

JW

12. Policy Matters

12.1 Delegations to Committees and Officials of HWC

PM presented her report which was noted by Council.

DECISION

The Council approves the changes subject to the following correction:

- The Section under General, page 7, the word "lawsuit" should be changed to "legal action".

PM

12.2 Approval of Regulations in terms of Sections 30(8) and 31(6) of the NHRA

PM presented her report which was noted by Council.

DECISION

The Council approved the Regulations for Publication for public comment.

PM

12.3 Rules of Order and Conduct of meetings of the Council of Heritage Western Cape and its Committees

The Legal Advisor presented her report which was noted by Council.

DECISION

The Rules of Order and Conduct of meetings was approved by Council subject to the following correction:

- Section 5, page 8, Urgent Matters. The last sentence to read: "the next scheduled meeting will result in real prejudice to heritage significance." The rest of the sentence to be deleted.

PM

12.4 Policy on Levying of Fees for Applications/Appeals

CSc presented her report which was noted by Council.

In discussion it was noted that:

- The title to be changed to Policy on Levying of Fees for Applications and Appeals.
- Consideration should be given to reimbursement from fees to Committee members for site visits and extra work undertaken.

DECISION

The Council approved the amendments to the retitled Policy on Levying of Fees for Applications & Appeals.

CSc

13. Conservation Bodies

CSc noted that three conservation bodies (Captrust, Habitat Council and VASSA) declared an interest in the whole Province which means that they should be notified of all applications. This is not feasible.

DECISION

Council recommended that these bodies are requested to define their interest more narrowly (e.g. type, age of resource, geographical area).

CSc

13.1 Application for registration as a Conservation Body: Ward 2 Forum

CSc presented her report which was noted by Council.

DECISION

The Council resolved to approve the Ward 2 Forum application to be registered as a conservation body in terms of Section 25(1) (b).

CSc

13.2 Application for re-registration as a Conservation Body: Paarl 300 Foundation

CSc presented her report which was noted by Council.

It was noted that if complications or complaints arise with heritage bodies (e.g. specific interests represented by the members of the body) the situation will be monitored carefully. This issue should be discussed during heritage body workshops.

DECISION

The Council resolved to approve the Paarl 300 Foundation application to be registered as a conservation body in terms of Section 25(1) (b).

CSc

13.3 Application for registration as a Conservation Body: McGregor Heritage Society

The Deputy Director presented her report which was noted by Council.

DECISION

The Council resolved to approve the McGregor Heritage Society application to be registered as a conservation body in terms of Section 25(1) (b).

CSc

14. New Matters

14.1 Nomination of additional names to Committees of Council

CSc presented her report which was noted by Council.

It was noted that Council decided not to appoint Ms O'Donoghue.

DECISION

The Council resolved to appoint the following members:

- Dr June Bam-Hutchinson to serve on BELCom.
- Ms Belinda Mutti to serve on BELCom.
- Dr Mariagrazia Galimberti to serve on APMCom.
- Mr Andrew Hall to serve on IACom.
- Mr Lucien le Grange to serve on IACom.
- Dr Andre van Graan, Mr Tertius Kruger or Mr John Wilson-Harris to be approached to serve on the Appeals Committee.

CSc

14.2 Nomination of Council Member

DECISION

The Council agreed to request the Minister to appoint the 14th member of the Council.

CSc

15 Adoption of decision and resolutions

The HWC Council unanimously adopted the decisions taken.

16 Proposed date of the next meeting

15 March 2017

17 Closure

The meeting concluded at 14H00

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____