

**APPROVED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 3 June 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 10H05 by the chairperson Ms Laura Robinson, and she welcomed everyone present and the Interim CEO Dr Errol Myburg.

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 Antonia Malan	AM
Mr Ignatius de Swardt	IdS
Dr Lita Webley	LW

Members of Staff

Dr Errol Myburg	EM
Mr Zwelibanzi Shiceka	ZS
Ms Jenna Lavin	JL
Ms Penelope Mayer	PM
Mr Olwethu Dlova	OD
Ms Annalien Arendse	AA

IACom Member

Cindy Postlethway CP (for item 11.4)

Visitors

Mr Stuart Hermansen SH (for item 15.5)

Apologies

Mr Richard Summers	RS
Ms Sarah Winter	SW
Ms Maureen Wolters	MW
Mr Julian Kritzing	JK

4 Approval of Agenda

4.1 The Committee approved the agenda dated 3 June 2015 with the following additional items:

- Appeals Committee procedures item 10.2
- Regulations for the process for publication of Statements of General Policy and Conservation Management Plans item 13.10
- Conservation Body Annual Report Form item 14.2
- Groote Schuur Museum item 15.5

5 Approval of Minutes of the Previous Meetings

5.1 Dated 18 March 2015

The Committee resolved to adopt the minutes without amendments.

5.2 Dated 27 March 2015

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 Declaration of Interest and Confirmation of Employment

For noting

9. Appointments

9.1 The Committee noted the following appointments:

- Item 15.5 set for 10H30, Item 11.4 set for 11H00, item 11.6 set for 11H30 and items 12.1 and 12.1.1 for 12H00.

10. Matters Arising from Previous Minutes

10.1 Elim: Clarity of Gazette Notice

The Assistant Director, JL reported on the matter.

In discussion it was noted that:

- The matter has gone to the Tribunal.
- The Ministry has appointed Attorney, Adv Michael Petersen to serve as Legal Advisor to the Tribunal.

JL/EM

10.2 Report and Feedback of the Appeals Committee

The Legal Advisor noted that she had proposed amendments of the procedure and has circulated to the Chairperson of the Appeals Committee for further input. This is an urgent matter and should be finalised as soon as possible.

PM

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.

DECISION

JL and PM will meet with City officials to clarify issues relating to management process including those relating to archaeology and appeals in particular.

The Council resolved to support the recommendations prepared by JL that:

- HWC and CoCT meet once per month with meetings scheduled in advance to clarify the Draft Agreement.
- HWC and CoCT arrange for a joint legal opinion regarding concerns with Section 49.
- HWC draft regulations for the grading and assessment of competence for Local Authorities in terms of Section 8 (6) c of the NHRA.
- HWC and CoCT arrange for a joint legal opinion regarding HWC's oversight role and issues around grading.
- HWC determine what regulations must be in place for delegations to proceed.

JL/PM

11.1.2 Cape Town Zoning Scheme

The matter was discussed under item 11.1.1

It was noted 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.

JL/EM

11.1.3 City of Cape Town Competency Assessment

The Assistant Director, JL reported back.

In discussion it was noted that:

- A response from the CoCT is still awaited but the competency remains as previously except for Section 8 (4) of the NHRA for which additional information was requested.

JL/EM

11.1.4 Competency Assessment of HWC by SAHRA

The Assistant Director, JL reported back. A meeting had been held with the CEO of SAHRA and HWC officials. It was agreed that a more detailed response will be drafted in consultation with the respective legal advisors.

JL/EM

11.1.5 Appeals of the Decisions taken i.t.o the NHRA by a Competent Local Authority

The Legal Advisor, PM reported back.

DECISION

The Council support the recommendations prepared by PM that:

- The Legal Advisor of HWC consult with the CoCT Legal Department to formulate a brief to a mutually acceptable Senior Counsel in which it is requested that a definitive opinion on the legislative framework in which Appeals are to be heard by a competent Local Authority be provided.

PM

11.2 Report and Feedback from Executive Committee

11.2.1. Draft Executive Minutes_15 April 2015

The draft minutes of the Executive Committee meeting, 15 April 2015 were noted as was a verbal report presented by the Chairperson.

Reference was made to the slow delivery on the HIMS database as well as the current debate surrounding statues, monuments and memorials. LR provided the meeting with a summary of the processes followed to date in terms of the removal of the Rhodes statue from the Upper Campus of UCT, and the draft guidelines prepared on Monuments and Memorials that had been circulated to all members.

(Also see Item 15.2)

LR

11.3 Report and Feedback from SAHRA Council

In the absence of Ms Sarah Winter, LR presented a verbal report.

Due to the short notice given, Ms Winter had attended the recent meeting of the SAHRA Council only briefly. She had received a warm welcome from the Council and we look forward to a positive engagement with them in the future.

SW

11.4 Report and Feedback from BELCom

In the absence of Ms Sarah Winter, Mr Rowen Ruiters presented the report and the Council noted the report.

DECISION

The Council supported the recommendations prepared by Ms Sarah Winter that:

- The preparation of a set of guidelines for ensuring the completeness of applications.
 - I. Guidelines for the completion of *Annexure A*.
 - II. Guidelines for appropriate qualifications, skills and experience of heritage practitioners – what type of heritage advice is required based on a combination of heritage significance and the nature and scale of the proposed interventions?
 - III. Guidelines for *Heritage Statements* – what triggers the need for a *Heritage Statement*, at what stage in the application process and by whom?
 - IV. Minimum requirements for demolition applications.
- The formulation of a policy to deal with ethical and legal obligations relating to the submission of information that is true and accurate and how to deal with transgressions of these obligations.
- The Committee members appointed for the following three year term (2016-2019) to include the expertise of a social historian with experience in heritage management.
- The revision of the regulations to enable HWC to approve or refuse unauthorized work.

SW

11.4.1 Longkloof Building, Erf 4150, 1636, Longkloof Road, Hout Bay

The Assistant Director, PL presented a verbal report.

DECISION

It was agreed that HB undertake a site inspection and prepare a report indicating measures that need to be taken to secure the building, after which Council may consider the issuing a compulsory repair order. Due to the urgency of this matter, the decision will be taken via email.

HB

11.5 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:

- Council complete the process of filling all vacant positions in the administration with suitable qualified professionals 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

11.6 Report and Feedback from the APMCom

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

DECISION

The Council supported the recommendations and agreed with observations prepared by Ms Mary Leslie that:

- It is therefore proposed that the role of APM be re-evaluated at the August APM and a decision be made at the 26th August Council meeting.
- It is noted that it is too soon to assess but that the six weekly meeting of APM may be too occasional for proper evaluation of permits.
- It is noted IACom will comment on Archaeological and Palaeontological Specialist Reports and that APM will assess Work Plans (consultant's recommendations for mitigation, as per the *HWC Section 38 AP Guidelines*) in the interim.
- It is noted APM has been and will be working on a range of policies.

ML

11.7 Report and Feedback from the Appeals Committee

In the absence of Mr Summers AM and PM presented a verbal report.

In discussion it was noted that:

- PM is preparing a procedure for appeals in terms which time limits, documentation and presentation by parties would be prescribed.

RS/PM

11.7.1 Appeals Preliminary Ad Hoc Dates 2015

AM presented the report and the Council noted the report as presented.

DECISION

The Council agreed to approve the Appeals preliminary ad hoc dates for 2015.

PM/OZ

11.8 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 proposal that the Granary Building in Buitenkant Street is worthy of official protection. JL to consult with SAHRA to ascertain whether the building is within the proposed District Six Grade I area

AM/JL

11.9 Report and Feedback from Independent Tribunals

The Legal Advisor, PM presented a verbal report.

No tribunals had taken place since the last Council meeting.

PM/EM

11.10 Report of the Assistant Director: Professional Services: March - May 2015

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

ZS

11.11 Conservation Management Plans

11.11.1 None

JL

11.12 Proposed PHS

11.12.1 Pinnacle Point PHS Buffer Zone

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

DECISION

HWC Council confirms that the detail included in the document regarding the NHRA is correct, except that any submission to HWC in this regard will not be in terms of section 38, but rather requires approval by HWC through the Impact Assessment Committee of HWC Council.

HWC Council confirms that Conditions 7.1 and 7.2 are appropriate except for a change in 7.1 to read:

“... must be processed in terms of the applicable land use planning legislation and be approved by HWC which will evaluate the applications...”

JL

11.13 Criminal Charges Laid

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

PM

12. Financial Matters

12.1 Financial Report

Ms Annalien Arendse presented a verbal report and the Council noted the financial report as presented.

MJ/AA

12.1.1 Statement of Income of the Application Fees as from March - May 2015

Ms Annalien Arendse presented a verbal report and the Council noted the report on the application fees as presented.

MJ/AA

12.2 HWC Annual Report 2014/2015

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

JL/EM

13. Policy Matters

13.1 Section 38 Regulations

The Legal Advisor informed Council that it is not possible to formulate regulations in terms of Section 38(c) of the NHRA, in terms of District Six and Initiation Sites.

PM

13.1.1 District 6 Regulation

The Legal Advisor, PM presented a verbal report.

PM and JL to meet with SAHRA to discuss the possible establishment of the heritage area for parts of District Six.

PM/JL

13.1.2 Initiation Sites Regulation

Referred to minute 13.1 above

PM

13.2 Initiation Sites Policy

The Assistant Director, JL presented a verbal report on progress. She advised that this matter is awaiting the finalisation of the regulation governing public consultation.

JL

13.3 Gradings Guide and Policy

The Assistant Director, JL presented her report.

DECISION

The Council agreed that the Guideline in its most recent form be distributed to Conservation Bodies and Municipalities for comment before adoption as a Guideline by the HWC Council.

JL

13.4 HWC Regulations

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

DECISION

The Council resolved that the regulations in terms of Section 30(4) and 8(6)(c) be drafted as a matter of urgency.

PM

13.5 Ministerial Regulations: Admission of Guilt Fines

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

DECISION

The Council resolved that the regulations be drafted for promulgation by the Minister of Cultural Affairs and Sport to provide for the imposition of admission of guilt and daily fines by a magistrate.

PM

13.6 Legal Opinion: Section 31 of the NHRA, Heritage Protection Overlay Zones and Conservation Areas

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

The Council noted that there is a possible opportunity to source funding via SAHRA/DAC to develop an outreach programme aimed at local authorities in order to assist them with development of an inventory of heritage resources.

PM/JL

13.7 Regulations i.t.o. Section 30(4) of the NHRA: Procedure and Information Required for Nominations and Compilation of Inventories

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

DECISION

The Council resolved that the Legal Advisor, in consultation with the Assistant Director: Policy, Research and Planning, draft regulations in terms of Section 30(4) of the NHRA and submit to the Chief Director: Legal Services for vetting and proclamation.

PM

13.8 HWC Policies

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

DECISION

The Council resolved that all current HWC Policy be reworded to read as Guidelines so that they may continue to be implemented e.g. Guidelines for Grading, Media and Communications Internal Guidelines, Site Inspection Guidelines.

JL and PM to urgently draft the guidelines identified above.

JL/PM

13.9 Draft Guidelines for Site Inspection

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

DECISION

The Council resolved to adopt the Guidelines.

JL

13.10 Regulations for the Process for Publication of Statements of General Policy and Conservation Management Plans

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

DECISION

The Council resolved to approve the publication of the regulations for comments.

PM

14. Conservation Bodies

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

RR presented the verbal report.

DECISION

It was agreed that PM would prepared a draft code of conduct for registered conservation bodies for consideration by Council.

PM

14.1.1 Improper Conduct of Registered Conservation Bodies

After discussion it was agreed that a mechanism needs to be developed to address issues of improper conduct of registered conservation bodies. PM and JL will prepare a draft submission to the next meeting of Executive Committee.

PM/JL

14.2 Conservation Body Annual Report Form

DECISION

The form was adopted with changes.

AP

15. New Matters

15.1 Office Protocol Regarding Communication with the Minister and Media

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

DECISION

The Council resolved to adopt the media and communications office protocol.

JL

15.2 Public Monuments and Memorials

The Assistant Director, JL presented the draft guidelines for Monuments and Memorials which had been circulated.

DECISION

The Council resolved to adopt the document as a guideline and that it be sent out to local authorities and registered conservation bodies for comment.

JL

15.3 Correct Recommendations from Committees to Applicants

Item to stand over for the next Council meeting.

RR

15.4 International Day of Monuments and Heritage Day

The Assistant Director, JL presented a verbal report

DECISION

The Council recommended that IGIC discuss nominations to be finalised in September 2015 in Heritage month. The Chairperson will advise on the ICOMOS theme for 2016 International Day of Monuments and Sites.

AP

15.5 Groote Schuur Museum

SH made a presentation setting out the conservation concerns for the Main House of the Groote Schuur Museum, which detailed the necessary work to be undertaken. In discussion it was agreed that a meeting be held between representatives of DPW, the Chairperson, Legal Advisor and Assistant Director to discuss a way forward. It was also agreed that issuing the compulsory repair order would be considered after the meeting.

DECISION

A meeting be arranged between HWC and DPW as soon as possible.

HWC Council request SAHRA to proceed with the drafting of regulations i.t.o. Section 9(3) of the NHRA (this section applies to State Owned Properties and their Conservation and Maintenance) as a matter of urgency.

PM


16. Proposed Date of the Next Meeting: 26 August 2015

17. Adoption of Decisions and Resolutions

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

18. Closure: 15H00

CHAIRPERSON *Laura Robinson* **DATE** _____


SECRETARY _____ **DATE** _____