ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

10 March 2017

Dear Members

NOTICE OF THE COUNCIL OF HERITAGE WESTERN CAPE MEETING

Enclosed please find all relevant documentation pertaining to the next **Council Meeting of Heritage Western Cape Meeting scheduled to take place on Wednesday, 15 March 2017, 1st Floor Boardroom**, Protea Assurance Building, Cape Town.

The meeting will commence at **10H00.**

Yours faithfully

Mr Mxolisi Dlamuka

CHIEF EXECUTIVE OFFICER: HERITAGE WESTERN CAPE

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AGENDA

MEETING OF THE HERITAGE WESTERN CAPE COUNCIL

NOTICE is hereby given of the **HWC** Council Meeting to be held on **Wednesday, 15 March 2017** in the **Boardroom on the 1st Floor** at Protea Assurance Building,
Cape Town at **10h00**

ITEM	SUBJECT	PRESENTED BY	PROPOSED ACTION	ADDENDUM
1.	**Opening and welcome**	Chairperson		
2.	**Attendance**	Chairperson		
3.	**Apologies**	Chairperson		
4.	**Approval of the agenda dated 15 March 2017**	Chairperson		
5.	**Approval of previous minutes of Council meeting dated 3 December 2016**	Chairperson	For approval	A
6.	**Disclosure of interest**			
7.	**Confidential Matters**			
8.	**Appointment**			
8.1	None			
9.	**Administration Matters**			
9.1	None			
10.	**Matters Arising from previous minutes**			
10.1	None			
11.	**Standing Items**			
11.1	CEO's Report	MD	For noting	
11.2	Local Government Matters			
11.2.1	Delegation of powers to City of Cape Town	MD	For approval	
11.3	Report and feedback from Executive Committee	AM	For notification	
11.3.1	Draft Executive Committee Minutes_ 27 January 2017	AM	For notification	B
11.4	Report and feedback from SAHRA Council	AM	For notification	
11.5	Report and feedback from the BELCom	KDR	For notification	C
11.6	Report and feedback from the IACom	CSn	For notification	Report to be distributed
11.7	Report and feedback from APMCom	AM	For notification	D
11.8	Report and feedback from Appeals Committee	CSm	For notification	E
11.9	Report and feedback from the IGICom	SM	For notification	F

Approved

ITEM	SUBJECT	PRESENTED BY	PROPOSED ACTION	ADDENDUM
11.10	Report and feedback from Independent Tribunals appointed by the Minister	PM	For notification	
11.11	**Conservation Management Plans**			
11.11.1	None			
11.12	**Proposed PHS**			
11.12.1	Proposed grading of previous National Monument, 25 Long Street, Joubert House, Montagu	JW	For approval	G
12.	**Policy Matters**			
12.1	Heritage Inspector Policy	PM	For approval	H
12.2	Remuneration Policy	MD	For approval	I
13	**Conservation Bodies**			
13.1	To extend the Geographic Boundary of the Woodstock Aesthetics Advisory Committee (WAAC)	AM	For approval	J
14.	**New Matters**			
14.1	Workplan Application Form	AS	For approval	K
14.2	Increase in levying of Permit Application and Appeals Fees	CSc	For discussion	L
14.3	Recording the proceedings of meetings of HWC Council and its Committees	MD	For discussion	M
15	**Adoption of decision and resolutions**			
16	**Proposed Date of the next meeting**	**14 June 2017**		
17.	**Closure**			

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Accounting Authority of Heritage Western Cape: Mr Mxolisi Dlamuka
10 March 2017

Approved

ADDENDUM A

APPROVAL OF PREVIOUS MINUTES OF COUNCIL MEETING DATED 3 DECEMBER 2016

REVISED 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 Siphiwo 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

REVISED

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

REVISED

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

REVISED

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

REVISED

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

REVISED

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**_____

REVISED

ADDENDUM B

DRAFT EXECUTIVE COMMITTEE MINUTES_ 27 JANUARY 2017

REVISED MINUTES OF THE MEETING
OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF HERITAGE WESTERN CAPE,
Held on Friday 27 January 2017, 1st Floor Boardroom at the Offices of the Department of Cultural Affairs and Sport, Protea Assurance Building 09H30

1. The meeting was officially opened at 09h40 by the chairperson, Antonia Malan, who welcomed everyone present.

2. **Attendance**

Members

Dr Antonia Malan	(AM)
Mr Siphiwo Mavumengwana	(SM)
Mr Chris Snelling	(CS)
Ms Karin Dugmore Ström	(KDS)

Members of Staff

Mr Mxolisi Dlamuka	(MD)
Ms Colette Scheermeyer	(CSc)
Ms Penelope Meyer	(PM)
Mr Zwelibanzi Shiceka	(ZS)
Mr Jonathan Windvogel	(JW)
Ms Nuraan Vallie	(NV)
Ms Lithalethu Mshoti	(LM)

Visitors
None

3. **Apologies**
Ms Corlie Smart (CSm)

4. **Approval of Minutes of previous meeting dated 29 July 2016.**

4.1 The Committee resolved to approve the minutes with no amendments.

5. **Confidential Matters**

5.1 None

6. **Disclosure of interest**

6.1 CS recused himself from item 10.4.

7. **Appointments**

7.1 None

8. **Approval of Agenda**

8.1 The Committee resolved to approve the agenda dated 27 January 2017 with one additional item.

Revised

9 Administrative Matters

9.1 City of Cape Town Inspector Cards

CSc gave some background information about this matter.

In the discussion it was noted that:

- The costs of production of heritage inspector cards for CoCT officials are under discussion.
- According to HWC policy a competent municipality is obliged to cover these costs.
- The role of heritage inspectors, their powers and responsibilities should have guidelines. In particular HWC auditors require formal processes and records.

DECISION
The ExCo resolved that the policy on heritage inspector card cost does not need to be changed.
Guidelines for heritage inspectors and procedures to be drafted and submitted to the next scheduled Council meeting.

CSc

9.2 Vacant Posts

CSc and ZS gave some background information about this matter.

In the discussion it was noted that:

- Interviews for ASD and HO posts are on-going and appointments should be completed by 1 April 2017.
- The EPWP program can provide graduates for up to two years. Members of the committee will take any opportunities to motivate students to become heritage practitioners, such as career guidance talks.
- The issue of pay scales remains a sticking point. HWC needs to continue to lobby Province to engage with the National Department (DPSA) on this matter.
- The Committee expressed its frustration at the slow progress in this matter. It is pointed out that development approvals may be hindered by lack of capacity.

10. Matters arising from previous ExCo meeting

10.1 Heritage Information Management System (HIMS)

CSc gave some background information about this matter.

In the discussion it was noted that:

- The development phase is concluded and security vetting is underway. Then the system can be tested by heritage practitioners and staff will be trained (there is a user manual that has been drafted).
- HWC will be responsible for refinements and maintenance to the system.

Revised

- It was pointed out that a special unit had to be established to run SAHRIS. Therefore, at the least, HWC needs to create a similarly skilled full-time post in terms of a real risk that the system will not be otherwise sustainable.

CSc

10.2 Guide to Archaeology and Palaeontology Reports (Minimum Standards).

CSc gave some background information about this matter.

In the discussion it was noted that:

- Separate guides for minimum standards for Permit Reports and Workplans have been approved.
- It was previously agreed that workshops must be organised with practitioners.

DECISION

The Committee agreed that the workshops are to be put on to the agenda of the next APM Committee for discussion and decisions.

MD/CSc

10.3 Delegation to the City of Cape Town

CSc gave some background information about this matter on behalf of the CEO.

In the discussion it was noted that:

- Negotiations with CoCT had not progressed (possibly the lack of response is as a result of departmental re-structuring).
- The heritage sections have been subsumed within a cluster under a Transport and Urban Development Authority. The CEO will be meeting with the commissioner in due course.
- The CoCT competence review is due shortly.

MD

10.4 Proposed Mixed-use development on Erven 8210 and 144698, Buitengracht, Shortmarket, Longmarket and Rose Streets, Cape Town.

CS recused himself for this matter and left the room.
PM and MD gave some background information about this matter.

In the discussion it was noted that:

- HWC gave a very negative comment on the proposal including procedural issues and flawed legal opinion.
- Despite extensive objections (including by the heritage sections of CoCT) the appeal was denied.
- The notification letter does not adequately address objections.

Revised

- The decision is therefore reviewable legally and furthermore in principle because of the future implications for heritage in the CoCT.

DECISION
The ExCo resolved to recommend that the CEO pursues review proceedings.

PM

10.5 HWC Strategic Planning Session

CSc gave some background information about this matter.

In the discussion it was noted that:

- A strategic planning session is proposed over three days 13-15 March 2017 for staff and Council and includes the scheduled Council meeting on the 15 March 2017.

NV

10.6 Heritage Statements Workshop

ZS gave some background information about this matter.

In the discussion it was noted that:

- The long-standing issue is when an HS is required and who decides that an HS is needed.
- I&APs often ask for further information beyond just plans and photos, especially a statement of significance, or developers want a desk top study to assess risks.
- It was pointed out that APHP and other practitioners should be directly addressed regarding ethical issues.
- HWC staff requires guidelines for circumstances requiring a HS and minimum standards for HSs.

DECISION
A guide to heritage statements should be developed. BELCom has already drafted a document and the item should be referred back to BELCom for further action.

ZS

11. Matters Arising from the previous Council meeting.

11.1 None

12 Standing Items

Revised

12.1 CEO's Report

There was nothing to report on this matter.

MD

13. Financial Matters

13.1 Financial Report

ZE gave a report on the financial status.

The financial report was noted and the following issues were raised:

- The Lotto budget to be rolled over with MEC's approval.
- CMPs are almost finalized and service providers have been paid.
- Nomination dossiers will require considerable amounts of money and the budgeting needs further discussion.
- Financial statements will be made available to Council members for information.

EM

14. Policy Matters

14.1 None

15. NEW MATTERS

15.1 PAIA Manual 2017

It was noted that NV is updating the PAIA manual.

The following issues were raised in discussion:

- If an item is marked confidential it can still be released on application.
- In the interests of transparency and accountability it was suggested that voice recordings of committee meetings should be reinstated. The matter to be further discussed at the strategic planning workshop.

15.2 Chairpersons' report back on Committees

The Chairpersons reported that transition to new committees has generally gone smoothly.

The following issues were raised in discussion:

- A member who wishes to resign must inform the CEO and the chairperson of Council. Recommendations for replacements should be based on retaining or improving the balance of skills and diversity of the committee

Revised

- Site visits must be official, if possible include a staff member, and always supported by a formal report.

15.3 Demolition in Bungalow Areas

CS raised the issue around approvals for demolition of the remaining bungalows in Camps Bay. PM clarified HWC's position which has been communicated to CoCT previously.

CS/PM

16. Other Matters

16.1 None

17. ADOPTION OF RESOLUTIONS AND DECISIONS
The Committee adopted the resolutions and decisions.

18. CLOSURE
The meeting adjourned at 13H00.

19. PROPOSED DATE OF NEXT MEETING: 25 April 2017

CHAIRPERSON_____ **DATE**_____

SECRETARY_____ **DATE**_____

Revised

ADDENDUM C

REPORT AND FEEDBACK FROM THE BELCOM

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE: BUILT ENVIRONMENT AND LANDSCAPES COMMITTEE (BELCom)

1. PURPOSE

To inform Council of matters arising from BELCom meetings since the new Committee started work during December 2016, and to carry through a matter raised by the previous BELCom.

2. BACKGROUND

The new BELCom met once last year on 14 December and four times this year, on 25 January, 31 January, 22 February and 28 February. Members have broad and varied expertise. There is a strong architectural skill base, with many also having specific training and experience in heritage management. Thus far, the Committee has not had input from a historian, and welcomes the recent secondment of a historian. The presence of an archeologist is continually useful. A committee member with landscape architectural expertise would be a useful addition to the skill base of the committee.

3. RECENT DEVELOPMENTS

- Several cases have spanned the periods of office of the two committees (the previous and new committees). HWC staff, and BELCom members who stayed on from the previous committee, have ensured a smooth transition.
- One BELCom member, Ms Elize Joubert, advised the Chairs of BELCom and of HWC Council that she will resign from BELCom as of 01 April 2017, due to the fact that she has been appointed to a post at the City of Cape Town.
- Decisions by email need protocols (the previous BELCom Chair raised this as in issue in her Chairperson's report dated 2016-08-16 – the issue still requires attention).
- The issue of grading, particularly of ungraded and Grade IIIC sites, and of buildings and sites that are not in HPOZ's, has been an issue of debate amongst the new committee. This is often of importance to decisions regarding application for the full demolition of buildings. It would be useful to gain an understanding of the approach IGICom is currently taking with regard to this, particularly with regard to buildings of the 1930's. Several BELCom members have motivated that public perception of, and regard for buildings of the 1930's is altering as Heritage management practices evolve.
- The legal advisor, Ms Penelope Meyer, has provided ongoing advice in the matter of attaching (where it is considered necessary) conditions to permits for full demolitions, in the light of recent judgements that have bearing on this issue. The Committee have raised some concerns around the issue, which Ms Meyer has dealt with.
- Members have raised that a committee member with landscape architectural expertise would be a useful addition to the skill base of the committee.

- New BELCom members have recorded that from time to time they have trouble accessing case records from the BELCom blog. HWC staff have indicated that Adobe acrobat would be useful in stream lining the upload of digital files to the blog. The purchase of Adobe acrobat by HWC is therefore requested by BELCom.

4. RECOMMENDATIONS

It is RECOMMENDED that:

- Protocols for BELCom decisions made per email be outlined in a formal document.
- BELCom liaison with IGICom be established regarding current thinking around the grading of Grade IIIC buildings, and buildings of the 1930's.
- HWC consider recruiting a committee member with landscape architectural expertise.
- HWC consider budgeting for Adobe Acrobat for staff members.

SUBMITTED BY: Mrs. Karin Dugmore Ström
Chairperson of BELCom

DATE: 2017-03-06

ADDENDUM D

REPORT AND FEEDBACK FROM APMCOM

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: ARCHAEOLOGY PALAEONTOLOGY & METEORITES COMMITTEE

1. PURPOSE

To inform Council of matters arising from APM Committee meetings since the new Committee started work at the end of 2016.

2. BACKGROUND

The new APM Committee met once last year on 1 December and three times this year, on 11 January, 1 February and 1 March. Members have the required expertise across the range of archaeological work that is assessed, and two members also sit on IACom.

3. RECENT DEVELOPMENTS

3.1 Policies and Procedures

3.1.1 The Workplan system is working.

3.1.2 Where particular expertise is required for site visits, APM may have to invite a non-Committee member to attend.

3.1.3 *Management of Archaeological and Palaeontological Material*. As no discussion points arose from feedback to the document, APM decided that a follow-up workshop is not necessary. However, there are associated management issues. HWC has to address the provisos for repositories for palaeo/archaeological materials and the establishment of formal MoUs. HWC policy must be workshopped and developed in this regard.

3.2 Management of human remains

3.2.1 There are still difficulties in issuing permits for disturbance / sampling in terms of final resting places / repositories and public consultation.

3.2.2 Repositories include Iziko, UCT and Prestwich Memorial but there is no common policy. HWC is now the responsible heritage agency on the PM Management Forum. As mentioned above, HWC needs policy to guide its decisions.

3.3 Responsibilities

3.3.1 Heritage officials with archaeological backgrounds are proven to be valuable in middle management and as case officers. However, they are heavily burdened with built environment assignments as well as palaeo/archaeological cases. Issues of burn-out and uncompetitive salary scales must be kept on the Council agenda.

3.3.2 Cross-communication between APM and other committees, particularly IACom, needs attention. Previously ML sat on both committees. Case officers and archaeologists are requested to keep the Chair of APM informed in order to support her overall monitoring function.

4. RECOMMENDATION/S

It is RECOMMENDED that Council approves action to be taken on:

- Human remains policy,
- Repositories registration and agreements,
- Review of Prestwich Memorial management forum.

SUBMITTED BY: Antonia Malan
Chairperson

DATE: 6 March 2017

ADDENDUM E

REPORT AND FEEDBACK FROM APPEALS COMMITTEE

File No:

SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: APPEALS COMMITTEE

1. PURPOSE

To inform Council of matters arising from the Appeals Committee meetings since the new Committee started work at the end of 2016.

2. BACKGROUND

The new Appeals Committee met once during 2016 on the 13th of December. Only one Appeals Committee meeting took place on the 15th of February 2017. The committee members have the required expertise needed across the various disciplines.

3. RECENT DEVELOPMENTS

3.1 RECUSALS:

- All appeals heard by the committee were appeals against decisions made by Belcom ito section 34 during the latter part of 2016.
- Mr. Ruiters had to recuse himself at both meetings due to his previous involvement with Belcom and his participation in the decision-making process of Belcom.
- Dr. Malan replaced Mr. Ruiters during the 2 meetings.
- Some members were previously involved with registered conservation bodies but have since resigned from the conservation bodies to minimise the chances of members having to recuse themselves from items.
- There will however still be items that will come before the committee that were partially dealt with by BELcom and IAcom while members were still involved with such matters either as members of the committees or as members of conservation bodies.
- It might therefore create a situation where appeals committee members must be co-opted for the committee to be quorate.

3.2 EMAIL THREADS: (to be discussed at Appeals Committee)

- The members of committee should not be copied in on emails by members of public or staff during the correspondence process prior to a matter being heard by the committee.

3.3 MINUTING AND REASONS FOR DECISIONS BY IACOM AND BELCOM COMMITTEES: (for discussion at focused senior staff level)

- Minutes recorded during IAcom and BELcom meetings are currently communicated as reasons for decisions. Such minutes do not always reflect all the reasons for a decision due to time constraints during the meetings and an opportunity to furnish full reasons for the decision should be provided to the committees.
- It is suggested that if the following is added to all permits / ROD's it may facilitate the above: "Reasons for the decision may be requested ito section 10(2)(d) of the NHRA."
- The above will ensure that appeals authorities and a review court will have the necessary information to make an informed decision.

3.4 CORRESPONDENCE FORMING PART OF RECORD ITO HIGH COURT RULES: (for discussion at focused senior staff level)

- In terms of rule 53 of the uniform rules of the High Court a record must be provided by the decision-making authority (HWC) when a review application is before the court.
- Correspondence, communications and other documents will form part of such record and this should be taken into consideration.

3.5 HOMS MEETINGS AGENDAS AND MINUTES – PUBLIC ACCESS: (for discussion at focused senior staff level)

- Currently items to be discussed at HOMS meetings (agendas) as well as the decisions taken by HOMS are not available on the websites of HWC / Western Cape Government.
- Ito section 10(2)(b) of NHRA the agendas and minutes of meetings where decisions are taken must be made available to the public.
- Failure to comply with the above will be a valid reason to appeal a decision.

3.6 INCONSISTENCY BETWEEN REGULATIONS AND POLICY RELATING TO APPEALS:

There seems to be an inconsistency between HWC policy and regulations by the MEC regulating appeals that should be addressed.

- Regulations indicate the date of publication of decision for purposes of calculating the 14-day appeal period as the date on which decision was communicated to applicant via registered mail.
- Policy indicates the date of publication of the decision for the purposes of calculating the 14- day appeal period to be the date when the decision was communicated by HWC to applicant and all interested and affected parties.
- No provision is made by the regulations for the notification of interested and affected parties or the calculation of the 14-day period relating to notice (whether by staff or via publication of the decisions on the website) to interested and affected parties.
- Permits currently require the applicant to notify interested and affected parties of the decision and mentions that the 'appeal period shall be taken from the date above'. It could either indicate the date on which interested and affected parties were notified by the appellant or the date of the permit. Neither of the two possibilities conforms to the regulations.
- The regulations do not comply with the general principles of fair administrative justice and it is suggested that the regulations should be revised to comply therewith.
- The opportunity to address other practical issues relating to the process of appeals could also then be addressed in the revised regulations

3.7 WEBSITE ACCESSIBILITY AND MANAGEMENT OF HWC AND WESTERN CAPE GOVERNMENT SITES:

There is no refence on the HWC and the Western Cape websites of the existence both sites or links on the sites to the other site.

There is confusion as to which site is the official site of HWC.

Information regarding decisions should be available on the HWC provided with a link to the Western Cape Government decision website page.

The Western Cape Government page is not user-friendly and it is not clear where decisions by committees can be found on the page.

Cross reference links to items between the pages can facilitate more user-friendly information to the public.

4. RECOMMENDATION/S

It is recommended that Council approves actions to be taken on:

- Earliest brief notification to committee members of item to be on an agenda to allow for recusals / quorums. Earliest notification by committee to chair and staff of absence / apologies / conflict of interest.
- Inconsistency between policy and regulations related to appeals and review thereof.
- Website accessibility and management of HWC and Western Cape Government sites.

SUBMITTED BY: Corlie Smart
Chairperson

DATE: 6 March 2017

ADDENDUM F

REPORT AND FEEDBACK FROM THE IGICOM

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE: 15 MARCH 2017

RE.: INVENTORIES, GRADING & INTERPRETATION COMMITTEE

1. PURPOSE

- To inform Council of matters raised at IGIC and to report on decisions made, for noting, ratification
- For Council to note IGIC's adopted theme for the term.
- To seek clarity from Council on certain delegated powers to IGIC.

2. BACKGROUND

This is the first meeting since the new committee assumed office in December 2016. IGIC held its first meeting on 16 February 2017.

3. THEME FOR IGIC IN THIS CURRENT TERM: "Promoting living heritage".

This is in line with HWC mission; *"... promotion of heritage resources for all communities".*

4. RECENT DEVELOPMENTS

4.1. IGIC compiled a skills set (audit), comprising of individual members' skills and experience. This is where the strength of the Committee lies.

4.2. A matter of clarity by Council has arisen over the grading delegation powers whether by HWC policy or Council meeting decision.

5. HWC POLICIES AND GUIDELINES

5.1 SITE VISIT PROTOCOL

Site visit protocol was established. Members were advised to treat all future site visits as an extension of Committee meeting.

5.2 HWC GRADING DELEGATION TO IGIC

HWC Part II POLICIES AND GUIDELINES (blue file), read;

3.b. **Jurisdiction of Committees;** "The IGI Com shall be an advisory committee that considers matters pertaining to and makes recommendations to the Council regarding *surveys, inventories, grading of sites, declaration* and other formal protection of sites, excluding provisional protections and interpretation of sites and erection of plaques.

HWC GRADING POLICY: Grading: Purpose and Management Implications

1.4. **WHO GRADES?:**
3rd para reads: *"Therefore, the most recent grading by HWC's Council or Committee is accepted as the grading for that heritage resource ..."*

6. SURVEYS

Committee noted that there are no new developments in both George heritage and Swartland rural heritage surveys. The surveys are part of matters carried forward from previous term.

6.1 Stellenbosch Heritage Inventory in the Rural Domain

The Committee approved the Stellenbosch Heritage Inventory in the Rural Domain Phase IIA.
The appointment of a consultant team by the Stellenbosch Municipality to undertake a heritage inventory for the entire jurisdiction area not yet surveyed, was noted by the Committee.
The consultant indicated that a broader and more inclusive Phase IIB of the report will be presented for approval.

7. PROPOSED GRADING OF PREVIOUS NATIONAL MONUMENTS (NM)

7.1 Joubert House, 25 Long Street, Montague

The application was for a declaration of a previous NM to a PHS.
The committee did not consider the resource to be of grade II significance.

8. REGRADINGS & NOMINATIONS AS PHS

8.1 Previous National Monuments

The Committee received (and will probably continue to) applications from the previous National Monuments which were graded PHS without a formal grading process being followed.
Committee is of the view that some of these heritage resources are not necessarily grade II due to their local significance, in part. The Committee is of the opinion HWC needs to undertake a special grading project of all previous National Monuments to determine whether they are PHS's or lower grading.

8.2 PHS Nominations

8.2.1. Mount Prospect, Constantia

The Committee did not support the grade II nomination.

8.2.2. Auwal Masjied, 39 Dorp Street, Cape Town

The Committee resolved to forward the application to SAHRA for comment in the light that SAHRA has graded the area a grade I.

8.2.3. Green Point Common, Remainder of Erf 1056

The Committee resolved to affirm the previous IGIC's support for Option C, with the addition of the Green Point Lighthouse apron, as per last minutes.
The committee confirmed that a S27 process may commence.

9. PROPOSED PROVISIONAL PROTECTION

9.1. Kaba-Aye World Peace Pagoda, portion of Lemoenshoek Farm 24, Barrydale

The Committee noted the government gazette notice for the World Peace Pagoda, for publication.

10. GAZETTE NOTICES

The Committee noted the following government gazette notices, for publication;

10.1. Old Granary Building Complex
10.2. Blomboschfontein 495, Portion 85
10.3. Kaba-Aye World Peace Pagoda

11. OTHER MATTERS

11.1 Matters carried forward from previous IGIC term

The following items were noted as matters carried forward from the previous IGIC term.

- **Heritage surveys**

  George heritage survey

  Swartland rural heritage survey

  Stellenbosch Heritage Inventory in the Rural Domain (Phase IIA approved)

- **PHS nominations**

  Mount Prospect, Constantia (not approved)

  Kaba-Aye World Peace Pagoda, Barrydale (gazetted)

- **Influence** future Spatial Development Frameworks to include heritage surveys. Committee recommends to Council for an intervention at Ministerial level, MEC Cultural Affairs and Sport to engage for MEC Local Government.
- Theewaterskloof: The heritage component of the SDF focuses on general policies and guidelines but **without reference to relevant local heritage content**. An urgent meeting is to be held between HWC, the planning consultant and the municipality.
- Development of **heritage inventories** by municipalities, to be included in the HWC heritage register.
  In process: Drakenstein and Stellenbosch municipalities.
- Partnership with Estate Agency Affairs Board (EAAB) WC regarding the estate agents' role in buying or selling **property that may have heritage significance**.
- Public outreach programme targeting previously marginalised communities. This is in line with HWC Vision. Committee noted that the objective is **to broaden cultural landscape and historic sites** that have heritage significance.
- Procedure and information required for the **nomination of a resource for listing in the Heritage Register** S30(4)(a). PM reported on this matter.
- **Erection of storyboards** (statement of significance) on PHS areas along with the badge. Committee noted that this should be undertaken in partnership with the Department of Tourism (WC) ("DoTWC").
  The basis for partnership with DoTWC is *"Heritage sites are tourism sites".*

SUBMITTED BY: Mr Siphiwo Mavumengwana
Chairperson, IGIC

DATE: 15 March 2017

ADDENDUM G

PROPOSED GRADING OF PREVIOUS NATIONAL MONUMENT, 25 LONG STREET, JOUBERT HOUSE, MONTAGU

File No: N/a
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: DE-PROCLAMATION OF A PROVINCIAL HERITAGE SITE

1. PURPOSE

To discuss the process for the de-proclamation of a Provincial Heritage Site as per the IGIC decision.

2. BACKGROUND

- An application was submitted to Heritage Western Cape (HWC) for the reinstatement of a badge for a former Old National Monument now a Provincial Heritage Site. In order to get a new badge reinstated, the application is required to be assessed by the IGIC Committee to confirm the grading/significance of the site. A copy of the form submitted to HWC for this purpose is attached.

3. DISCUSSION

- The Committee found that the building was a "rebuilt from what remained" after the 1981 floods. It is therefore unclear how much original fabric remains today. The Committee felt the associational significance of the Joubert family is of local, not provincial significance.

IGIC DECISION

The Committee resolved not consider this resource to be of grade II significance.

This means that the PHS status of the resource would now have to be revoked. After a discussion with the HWC legal advisor and management it was found that the NHRA does not make provision for such a process.

The issue put before Council is to either approve or not approve the decision of the IGIC to not consider the resource to be of grade II significance.

4. RECOMMENDATION/S

- If the Council is in agreement with the decision taken by IGIC, discussion is then to take place for the development of a procedure for the de-proclamation of PHS, applicable to the application at hand, as well as for future applications of this nature, as the NHRA does not make provision for this,

SUBMITTED BY: Jonathan. Windvogel DATE: 3. 3. 2017

APPROVED FOR SUBMISSION TO COUNCIL

CHIEF EXECUTIVE OFFICER **DATE:**

Erf number	Date built	Type of building	
Erf 1005	1853	Dwelling House	
Style	**Architectural period**	**Present NHRA protection**	
T-Shaped Cape Dutch House	Mid19th century Cape Dutch	Declared a National Monument in 1975	
Address & GPS Co-ord	**Alterations**	**Use**	
25 Longstreet, Montagu	The Building was neglected and nearly destroyed by a flood in 1981. Rebuilt by the staff and BOT of the Montagu Museum, using whatever was left of the old building as building material. Kitchen floor laid out with bees wax and peach pips	House Museum of Montagu	
Date of survey		**Zoning**	
		Institutional (Museums)	
Name of the building	**General evaluation**	**Suggested grading**	
JOUBERT HOUSE	Significant on many levels	Grade II	
Description	**History**	**Social history**	
Gable fronted, thatch roof, 2 rooms deep. A long T-Shaped Cape Dutch house built with sun baked clay bricks, with a thatched roof. Of significance is the floor in the kitchen, made with melted bees wax and peach pips.	It is the oldest surviving house in town, built by Pieter Gideon Joubert for his parents. It was declared a National Monument in 1975. It was extensively damage in the flood of 1981. The BOT of the Montagu Museum bought the ruin, which was all that remained of the oldest house in Montagu and with the help of the BOT, curator and the support of the Montagu community; Joubert House was restored to its original appearance. It was declared as the House Museum of Montagu in 1983.	It is a typical middle class rural dwelling house from the Victorian era. The Joubert family played a significant role in the village of Montagu. The owner, Pieter Joubert snr, used the long dining room as a court room. He was the first justice of the peace in town and in the garden the jail cell still exists. In June 1880 SJP Kruger and General PJ Joubert were entertained in this house	



Date of photograph(s):	08/11/2016



Significance in terms of NHRA						
	Very significant	Significant	Some significance	No significance	Not assessed	
Historical	X					
Rarity		X				
Aesthetical		X				
Technological			X			
Cultural	X					
Social history	X					
Slave history	N/A					

16. PROPOSED GRADING OF PREVIOUS NATIONAL MONUMENTS

16.1 No. 25 Long Street, Joubert House, Montagu

JW gave some background information on this matter.

It the discussion it was noted that:

- The nomination notes that the building was "rebuilt from what remained" after the 1981 floods. It is therefore unclear how much original fabric remains today.
- The Committee felt the associational significance of the Joubert family is of local, not provincial significance.

DECISION

The Committee does not consider this resource to be of grade II significance.

JW

DEPARTMENT OF NATIONAL EDUCATION

No. 2299 5 December 1975

DECLARATION OF A NATIONAL MONUMENT

By virtue of the powers vested in me by section 10 (1) of the National Monuments Act, 1969 (Act 28 of 1969), I, Johannes Petrus van der Spuy, Minister of National Education, hereby declare the historic property at 13 Long Street (Erf 1005), in Montagu, including the historic buildings thereon, to be a national monument.

Description

Certain piece of land with the historic buildings thereon, being Erf 1005, portion of Erf 121, Montagu, situate in the Municipality and Division of Montagu and measuring twenty-seven thousand five hundred and sixty-three (27 563) square feet.

Deed of Transfer 15646/1956, dated 31 October 1956.

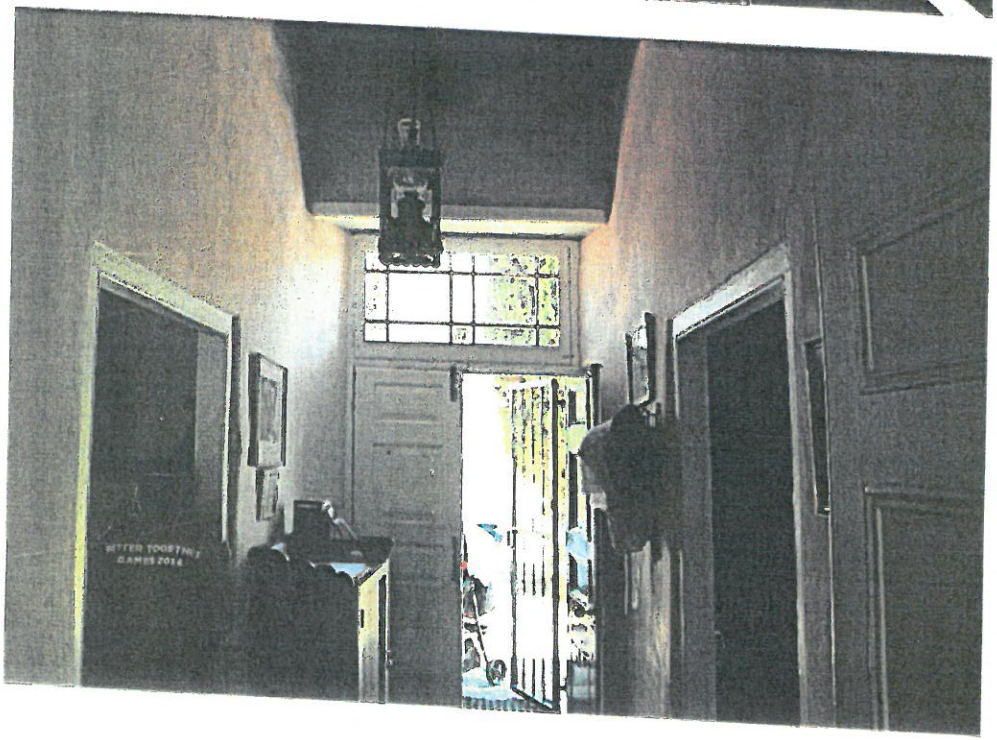
Historical and architechtural interest

This T-shaped Cape Dutch house was erected in 1854 and is one of the three oldest houses in Montagu. In June 1880 S. J. P. Kruger and General P. J. Joubert were entertained in this house. (10/2/393.)

J. P. VAN DER SPUY, Minister of National Education.

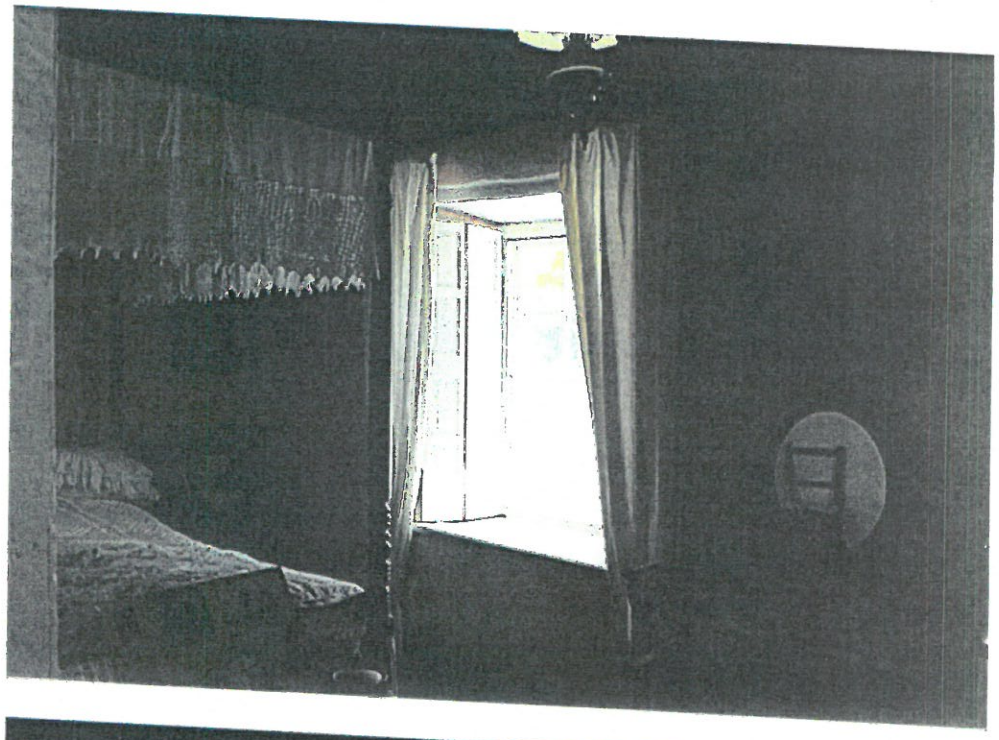




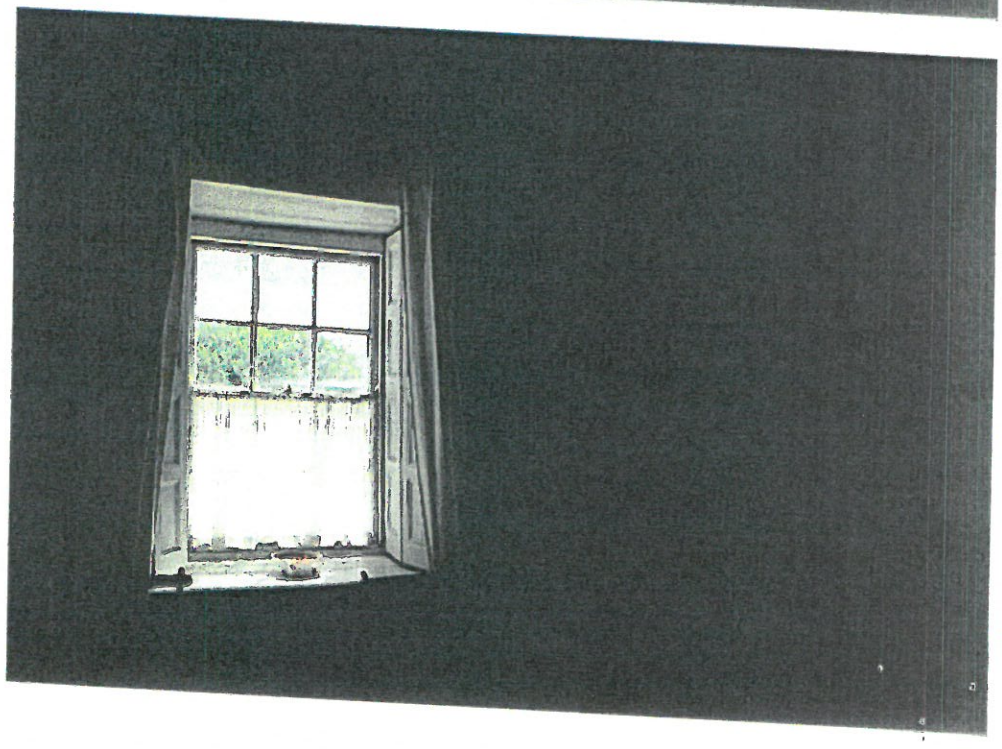


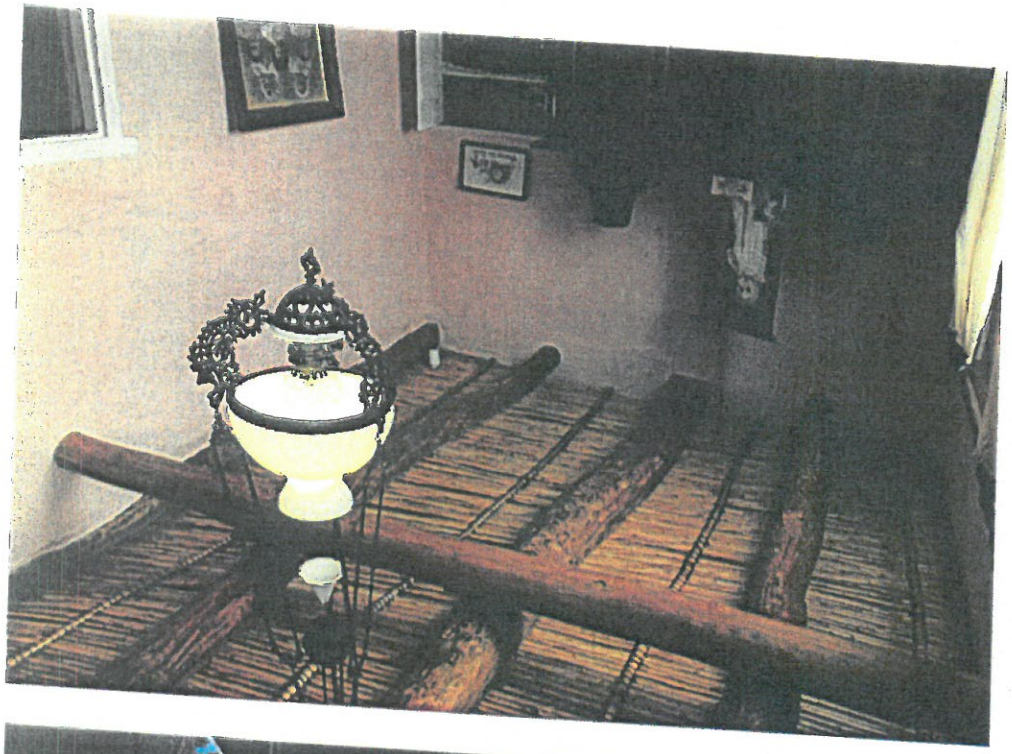






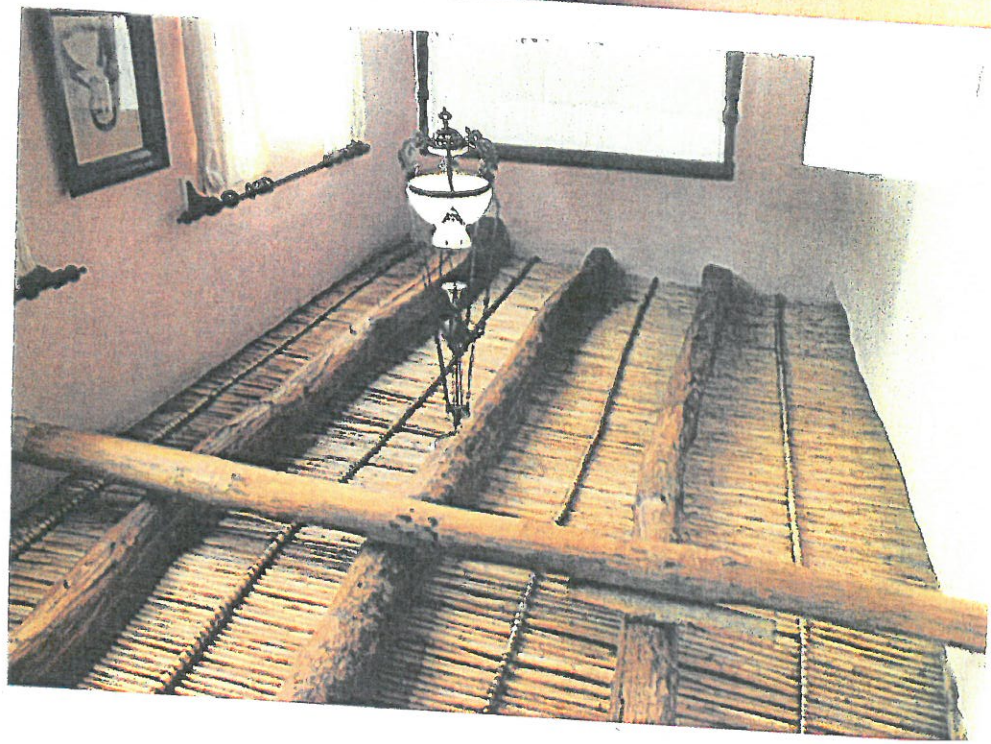


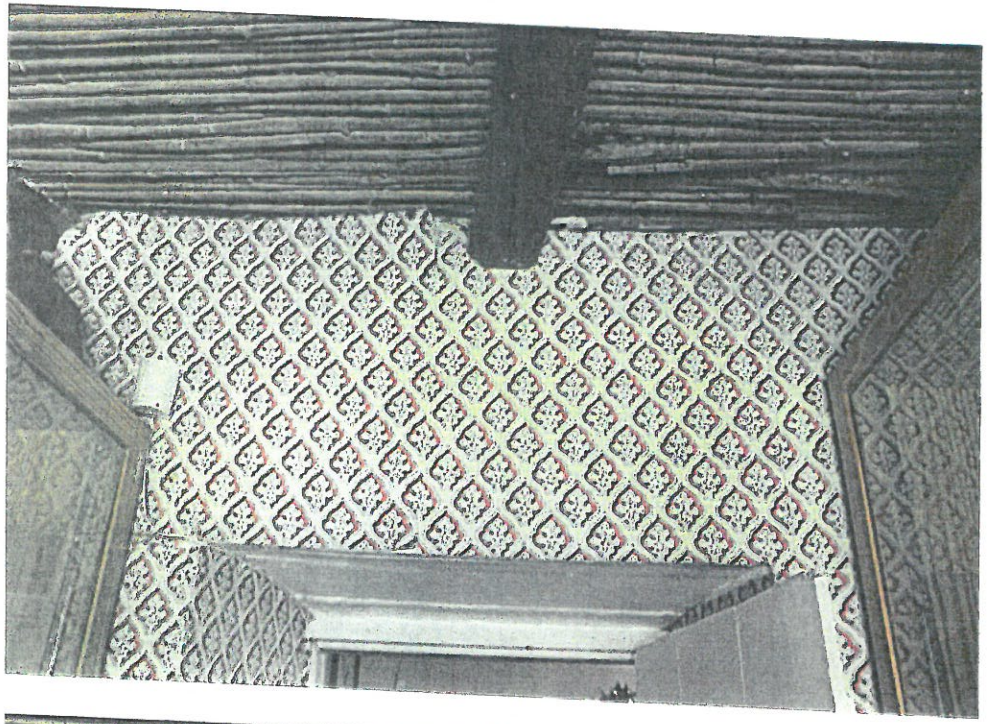














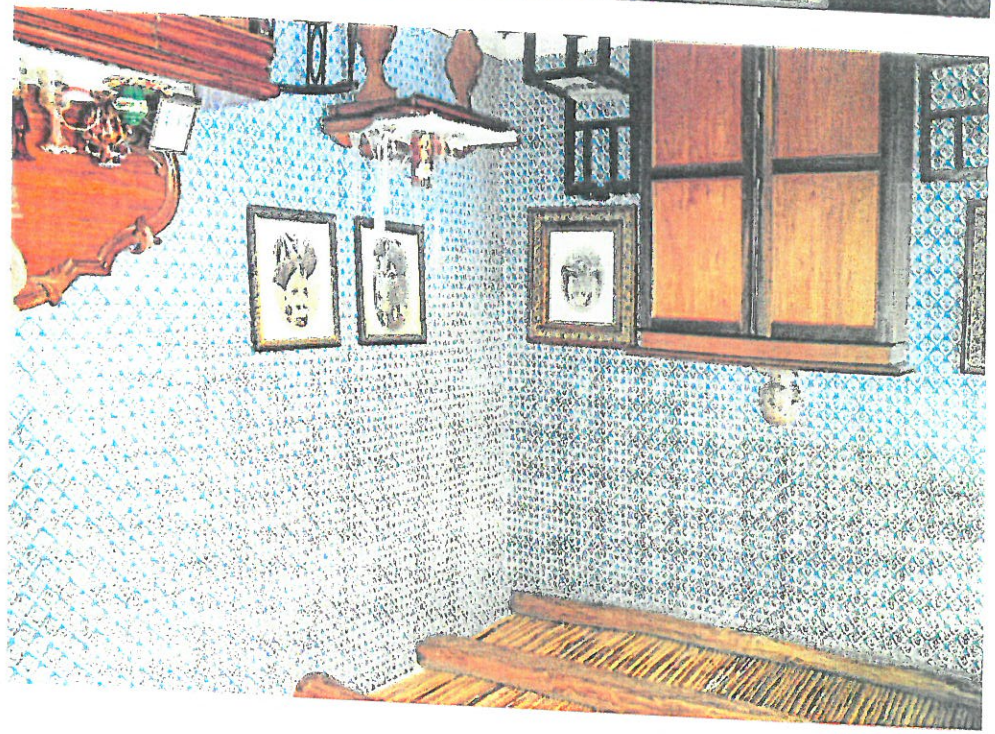












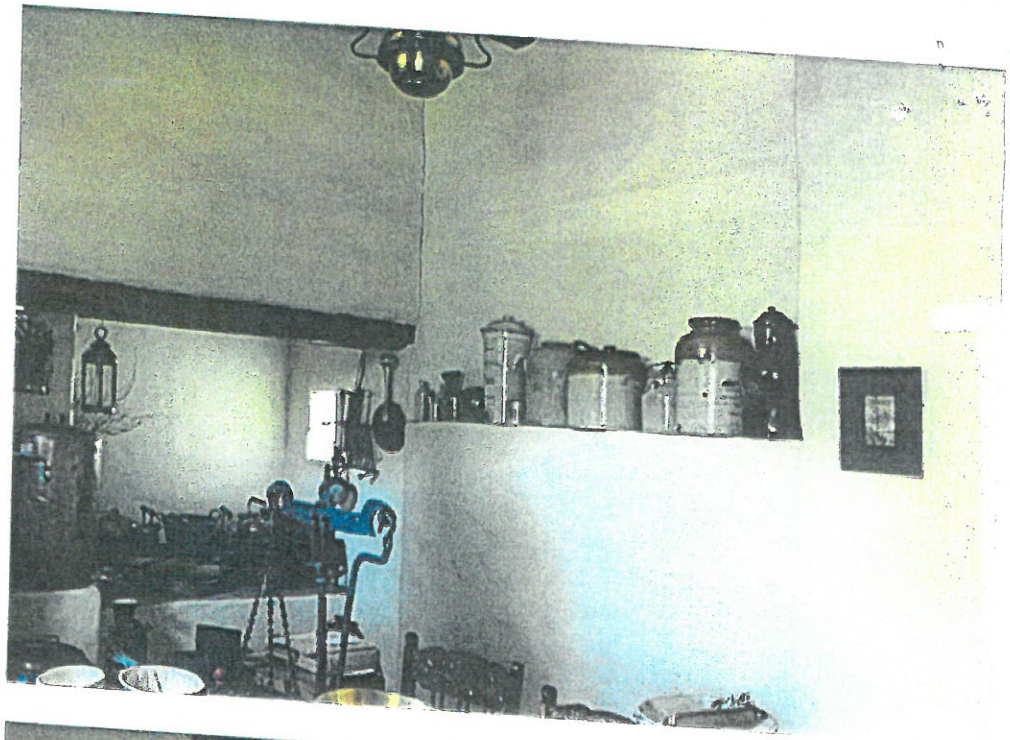




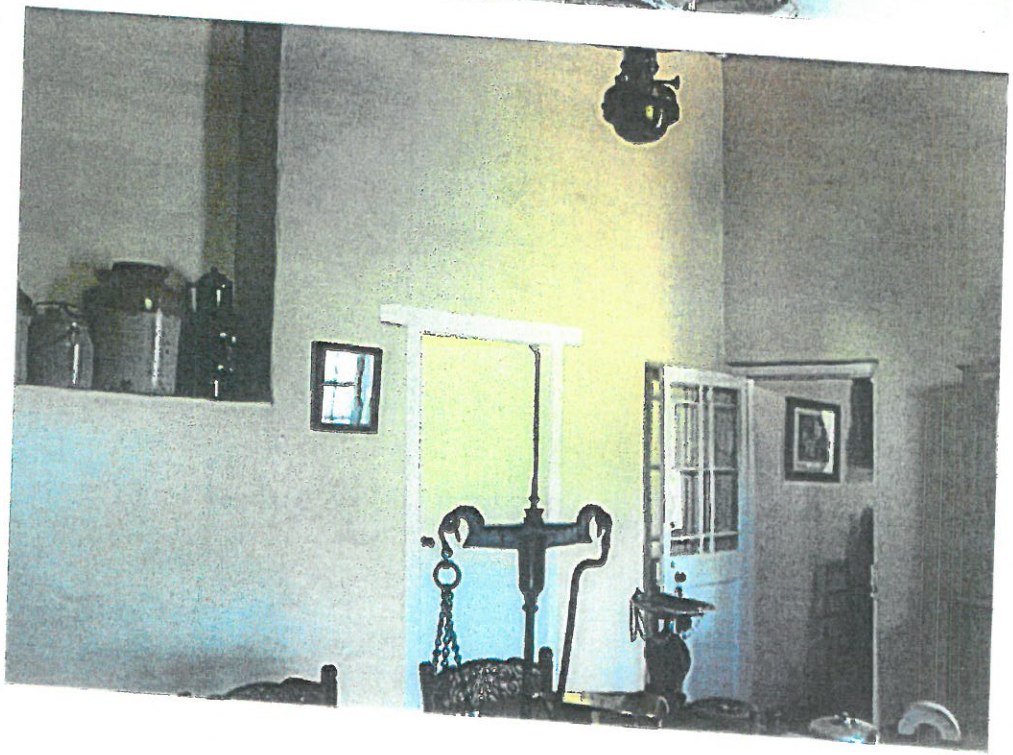












ADDENDUM H

HERITAGE INSPECTOR POLICY

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: POLICY ON HERITAGE INSPECTORS

1. PURPOSE

To consider the HWC Policy on heritage inspectors.

2. BACKGROUND

At its meeting on 27 January, 2017, the Executive Committee resolved:

The ExCo resolved that the policy on heritage inspector card cost does not need to be changed.
Guidelines for heritage inspectors and procedures to be drafted and submitted to the next scheduled Council meeting.

A copy of the present Heritage Inspectors Policy is attached. There are many issues in the policy which need to be reviewed.

FOR DISCUSSION

1.

SUBMITTED BY: DATE: 08 March 2017

Penelope Meyer
Legal Advisor

APPROVED FOR SUBMISSION TO COUNCIL

_____

CHIEF EXECUTIVE OFFICER **DATE:**

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

POLICY ON THE APPOINTMENT AND POWERS OF HERITAGE INSPECTORS

Under the terms of Section 50 of the National Heritage Resources Act (NHRA), Act 25 of 1999, the Council of Heritage Western Cape may appoint heritage inspectors who have certain rights of access to sites and inspection of, or search for heritage resources protected in terms of the Act. They also have powers to detain individuals involved in commission of a suspected crime and to collect evidence thereof and may order the cessation of work that is believed is illegal.

The purpose of this policy is to create a framework for the appointment of heritage inspectors and to ensure, monitoring of their activities and generally to ensure that their operations are in compliance with the terms of Section 50 of the Act.

1. Legal Framework:

The contents of Section 50 of the NHRA are as follows:

> Appointment and powers of heritage inspectors
> 50. (1) SAHRA or a provincial heritage resources authority may, in writing, appoint heritage inspectors: Provided that if a heritage inspector is a staff member of a government department or supported body, such appointment must only be made by agreement with the Minister or other person in charge of the administration of such department or body.
> (2) By force of this section, each member of the South African Police Services and each customs and excise officer is deemed to be a heritage inspector.
> (3) The heritage resources authority must issue to each heritage inspector, other than a person referred to in subsection (2), an identity card containing a photograph and the signature of the heritage inspector.
> (4) For the purposes of this section, a reference to an identity card in relation to a person referred to in subsection (2), is a reference to written evidence of the fact that he or she is a member of the bodies referred to in subsection (2).
> (5) A person who ceases to be a heritage inspector must forthwith return his or her identity card to the heritage authority concerned.
> (6) A heritage inspector, other than a customs and excise officer or a member of the South African Police Services in uniform, may not exercise his or her powers in terms of this Act in relation to another person unless the heritage inspector first produces the identity card for inspection by the other person: Provided that if the production of the identity card would endanger the health or safety of the heritage inspector, he or she must produce it as soon as is practicable to do so.
> (7) Subject to the provisions of any other law, a heritage inspector or any person authorised by a heritage resources authority in writing, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.

(8) A heritage inspector may at any time inspect work being done under a permit issued in terms of this Act and may for that purpose at all reasonable times enter any place protected in terms of this Act.

(9) Where a heritage inspector has reasonable grounds to suspect that an offence in terms of this Act has been, is being, or is about to be committed, the heritage inspector may with such assistance as he or she thinks necessary—

(a) enter and search any place, premises, vehicle, vessel or craft, and for that purpose stop and detain any vehicle, vessel or craft, in or on which the heritage inspector believes, on reasonable grounds, there is evidence related to that offence;

(b) confiscate and detain any heritage resource or evidence concerned with the commission of the offence pending any further order from the responsible heritage resources authority; and

(c) take such action as is reasonably necessary to prevent the commission of an offence in terms of this Act.

(10) A heritage inspector may, if there is reason to believe that any work is being done or any action is being taken in contravention of this Act or the conditions of a permit issued in terms of this Act, order the immediate cessation of such work or action pending any further order from the responsible heritage resources authority.

(11) A heritage inspector may require any person who he or she has reason to believe has committed an offence in terms of this Act to supply his or her name and address and reasonable evidence of his or her identity, and may arrest a person who refuses to comply with those requirements.

(12) A person—

(a) must comply with a request or requirement lawfully made in terms of this section to the extent that the person is capable of complying with it;

(b) may not knowingly furnish information that is false or misleading; and

(c) may not hinder or obstruct any heritage inspector in the exercise of his or her powers in terms of this section.

2. Definitions:

2.1 "CEO" means the Chief Executive Officer of HWC.

2.2 "Council" means the Council of Heritage Western Cape;

2.3 "Department" means the Western Cape Department of Cultural Affairs and Sport.

2.4 "district" means the geographical area falling under the jurisdiction of a District or Metro Municipality.

2.5 "HWC" means Heritage Western Cape, the Provincial Heritage Resources Authority of the Western Cape Province as established in terms of Section 8 of the NHRA.

2.6 "NHRA" means the National Heritage Resources Act, Act 25 of 1999 and all regulations under the act that are applicable in the Western Cape.

3. Scope of application:

3.1 This policy applies only to the operational areas and geographical jurisdiction of HWC as set out in the NHRA.

3.2 This policy is not applicable to members of the SAPS or customs and excise officers as set out in Section 50(2) of the NHRA.

4. Minimum requirements for the appointment of Heritage Inspectors:

4.1 In order to be appointed as a Heritage Inspector an individual must demonstrate a sustained interest in and in depth knowledge of the value and need for conservation of heritage resources.

4.2 A Heritage Inspector should either be a qualified and/or experienced heritage conservationist, a senior members of a Conservation Body as set out in Section 25(1)(b), and/ or a specialist in one or more of the areas set out in Section 3(2) of the National Heritage Resources Act, excluding Section 3(2)(i) ie: heritage objects which do not fall within the domain of HWC.

4.3 A Heritage Inspector must be a citizen or permanent resident of South Africa normally resident in the Western Cape Province.

4.4 In order to avoid conflict of interest a Heritage Inspector should not be a member of the Council or a committee of HWC.

4.5 Heritage Inspectors may only be appointed by decision of the Council.

4.6 All candidates who are employees of a government department or supported body shall in terms of Section 50(1) of the NHRA obtain the consent of their Minister, Head of Department, or the head of their institution in writing as part of the process of appointment.

4.7 All candidates shall complete the form attached to this policy as Annexure A as the initial step towards appointment.

5. Entrance requirements:

5.1 Unless exempted by the Council, Heritage Inspectors shall pass an examination prior to the issuing of their identity cards and shall be required to score a minimum of 80% in such examination.

5.2 The examination shall be set and administered by an institution recognised by the Council and according to a curriculum approved by it.

5.3 The examination shall assess individual knowledge of the core areas of the NHRA, the duties responsibilities and areas of functioning of Heritage Inspectors as set out in Section 50 thereof and the relevant contents of this policy.

5.4 Exams shall be held according to a schedule agreed by the Council and the examining institution.

5.5 The Council may decide upon a fee to be charged to candidates undertaking the examination and the basis on which such a fee is to be charged.

6. Categories of Heritage Inspector and conditions for appointment:
Heritage Inspectors shall be appointed in one of two categories, viz:

6.1 The CEO and staff of the Department employed in the Heritage Resources Management Sub-Directorate either as Heritage Officer or in an appropriate managerial position; and

6.1.1 must in the opinion of the Council be suitably qualified and have at least a year of relevant work experience in a heritage resources authority;
6.1.2 May only be appointed after the Council has considered a curriculum vitae and copies of relevant qualifications;
6.1.3 areas of operation may by decision of the Council be restricted in the same way as is the case with other Heritage Inspectors; and
6.1.4 can only be appointed upon obtaining the consent of the Department, as required in terms of Section 50(1) of the NHRA.

6.2 Volunteers and officials of municipalities who have one or more of the following and are appointed to operate on that basis:

6.2.1 a thorough knowledge of the heritage resources of a particular district or districts, or the province as a whole; or
6.2.2 a specialist knowledge of a particular category or categories of heritage resources as set out in Section 3(2) of the NHRA; or
6.2.3 a specialist knowledge of the certain categories of heritage resource only in a certain district or districts, or the province as a whole.
6.2.4 employed as an official responsible for aspects of heritage resources conservation at a municipality that has been devolved powers to act under the terms of the NHRA.

7. Who may apply for appointment as Heritage Inspectors:

7.1 Candidates for appointment as heritage inspectors may be identified by members of the Council of HWC, members of its committees, the staff of HWC, a municipality or may themselves express an interest.

8. Compensation of Heritage Inspectors:

8.1 Heritage Inspectors who are Public Servants working in the Heritage Resources Sub-Directorate of the Department or other branches of government do not receive additional compensation for such duties.

8.2 Heritage Inspectors who are volunteers give of their time freely in the interests of conservation and protection of the National Estate. They are not remunerated for such services other than costs of travel and sustenance and then only if funds are available and the costs are agreed to in advance and in writing by the CEO, who shall determine the maximum amount of such compensation.

9. Identification of Heritage Inspectors:

9.1 Each Heritage Inspector shall be provided with an identification card which must be worn at the time of conducting duties, or if there is good reason to believe that doing so will place the Heritage Inspector in danger, must be produced at the earliest possible time that individual safety permits.

9.2 The card must be in the format shown and contain the information set out in the example shown in Annexure 2.

9.3 The card is and remains the property of HWC and is to be returned to Heritage Western Cape immediately should a Heritage Inspector resign, leave the Western Cape or be disqualified.

9.4 Cards shall be valid for a period of three years.

9.5 Heritage Inspectors who are Public Servants employed In the Heritage Resources Management Sub-Directorate of the Department may, budget permitting, be provided with clothing and other means of identification over and above a card.

9.6 A Municipality which has been devolved power in terms of the NHRA and wishes to have certain of its employees appointed as Heritage Inspectors shall carry the costs of the production of identification cards, which in addition to the format shown in Annexure 2 shall also bear the logo of the municipality concerned.

10. Conduct of inspections:

10.1 Heritage Inspectors represent HWC only in so far as permitted by the NHRA and this policy sets out. Misrepresentation of the office of Heritage Inspector, the powers it confers on an individual or the relationship of Heritage Inspectors to HWC is viewed in a serious light by the Council.

10.2 Heritage Inspectors are required to conduct inspections in a dignified and respectful manner and

10.2.1 subject to the provisions of any other law, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.

10.2.2 must do so if requested by the CEO to conduct an inspection.

10.2.3 in situations where they have grounds to believe that an offence in terms of the NHRA is being, has been or is about to be committed.

10.3 Without derogating from their powers under Section 50(8) of the NHRA Heritage Inspectors may be asked by HWC to conduct inspections in terms of Section 50(8) of the NHRA, ie: inspections to ascertain levels of compliance with a permit provided that they are first fully informed of the conditions of the permit concerned and at intervals and according to a schedule set up by the relevant HWC case officer.

10.4 The CEO may request a Heritage Inspector to conduct other inspections in order to obtain information or an opinion that is relevant to work not necessarily related to law enforcement and in such circumstances only with the agreement of the owner, tenant or person otherwise responsible for the site in question.

10.5 Other than in emergency situations where only immediate action will prevent damage to or destruction of a heritage resource may a Heritage Inspector act without informing the CEO, or in his absence a manager of HWC and obtaining prior approval (verbal or written) to act and clarification of the steps that seem appropriate in the circumstances so far as they are known.

10.6 A full report on any inspections or other actions taken by Heritage Inspectors who are not Public Servants employed in the Heritage Resources Management Sub-Directorate of the Department is to be made in writing to the CEO no more than 48 hours afterward and should include suggestions as the manner in which the situation on the ground might be managed as it develops.

10.7 Actions taken in an emergency and without prior clearance are to be verbally reported to HWC immediately afterward if the event takes place during working hours, otherwise immediately on the commencement of the next working day.

10.8 Actions that led to the stoppage of work; an arrest; confiscation; resistance, confrontation or the use of force of any sort; or the involvement of other law enforcement agencies must also be reported to HWC on the same basis as set out immediately above.

10.9 The provisions of 10.3-8 above shall not apply to Heritage Inspectors who are appointed by virtue of their being officials of a municipality that has devolved powers in terms of the NHRA. They perform such duties as officials of that municipality and in terms of its policies and procedures and the terms under which powers have been devolved by HWC.

11. Expiry of term of office and disqualification:

11.1 Heritage Inspectors shall be appointed for a period of three years following which they may request renewal, or be invited to renew their term for a further three year period.

11.2 After a maximum of six years after first appointment a Heritage Inspector may be invited to reapply by filling in the candidature form and, unless exempted by the Council, retaking the examination.

11.3 Should a Heritage Inspector fail for more than six months to request a renewal after serving a first term in office, s/he will be required reapply as a new candidate.

11.4 Should a Heritage Inspector in the opinion of the Council fail to perform his/her duties in the manner expected or in any way exceed or misrepresent his/her mandate as a Heritage inspector the individual concerned may be disqualified with immediate effect and if necessary an advert placed in the relevant press informing the public to this effect. This provision is subject to the right of the individual concerned to put his/her case to the Council either in person or in writing.

12. Transitional Provisions:
All previous appointments, decisions and policies pertaining to Heritage Inspectors are withdrawn from the time of adoption of this policy.

ANNEXURE 1: (Form to be supplied to applicants in digital format)

ANNEXURE 2:

Heritage Inspector Identity Card.

ADDENDUM I

REMUNERATION POLICY

File No:
SUBMISSION TO THE EXECUTIVE COMMITTEE OF HERITAGE WESTERN CAPE

RE.: REMUNERATION OF MEMBERS OF COUNCIL, EXECUTIVE COMMITTEE AND OTHER COMMITTEES

1. PURPOSE

To inform Council of the updated remuneration policy that now includes various deadlines for submission of claims and re-imbursements for site inspections undertaken by members.

2. BACKGROUND

In light of members having to attend site visits, it has come to the attention that the current remuneration policy for Heritage Western Cape had not made provision therefore.

Based on a decision taken at the previous EXCO on the 27th January 2017, members raised concern about remuneration of site visits and writing reports etc.

Under the guidance of the CFO for Cultural Affairs & Sport an annexure was drafted and signed by the CEO of HWC, which allowed for payment to members of the Heritage Western Cape Council and Committees nominated to attend site visits to be remunerated for these inspections.

3. RECENT DEVELOPMENTS

An updated policy on remuneration of members has been drafted and includes timeframes for the submission of claims as well as remuneration of various expenses incurred by the members for HWC related activities.

4. RECOMMENDATION/S

It is recommended that Council approve the Remuneration Policy for Members of Council, Executive Committee and other Committees.

SUBMITTED BY: Ms. N Vallie
ASSISTANT DIRECTOR: HRMS

DATE: 09 March 2017

HERITAGE WESTERN CAPE
REMUNERATION OF MEMBERS OF COUNCIL AND COMMITTEES

1. OBJECTIVE

To facilitate the payment to members of Heritage Western Cape's Council and Committees (Hereinafter referred to as the "members") nominated to attend meetings, conferences, projects, workshops, site visits and reading documents.

2. SCOPE

This policy is applicable to the members of Heritage Western Cape's Council and Committees appointed by the Minister of Cultural Affairs and Sport as per the National Heritage Act of 1999 to advise the Minister on the implementation of this Act or relevant provisions.

3. PROCEDURE

The secretariat must draft the number of meetings scheduled for the year and these dates must be tabled in the Heritage Western Cape Council meeting for approval.

Once approval has been granted with the proposed dates and venues, the secretariat must issue dates to the council and sub-committees.

It is therefore the duty of the secretariat to send invitations to members for meetings in consultation with the chairperson of the council and chairpersons of the sub-committees for the year.

4. ATTENDANCE BY MEMBERS

4.1 MEETINGS

Members will be compensated for meeting allowances, based on an hourly rate in accordance with the National Treasury's Circular on Remuneration of members.

A schedule of meetings will be forwarded by Heritage Western Cape's secretariat for the calendar year and a reminder will be sent on time to all relevant members.

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** Private Bag X9067, Cape Town, 800
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Privaatsak X9067, Kaapstad, 8001
• **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

For this type of attendance, a member will be compensated for meeting allowance, parking; accommodation (should the member's place of residence be outside the Cape Metro district); travelling and subsistence allowance as per the National Treasury's Circular on Remuneration for members and as per the GMT Guidelines and Government Transport Tariff per kilometre.

4.2 CONFERENCES, PROJECTS AND WORKSHOPS

Approval to attend conferences, projects and workshops with a financial implication is delegated to the Accounting Authority. The invitation to attend conferences, projects and workshops must be submitted to the Council for recommendation.

A member will be allowed to attend one (1) conference, project and/or workshop per calendar year that will be funded by HWC.

A maximum of two (2) members may represent HWC at external conferences, projects and workshops which will be funded.

Approval for attendance of ad hoc conferences, projects and workshops is subject to the availability of funds on the approved budget of Heritage Western Cape.

Criteria will be used to judge the merits of an application from a member to attend a conference, project and/or workshop on behalf of Heritage Western Cape, to the benefit of the Council.

In the event that the Chairperson is invited to a conference, project and/or workshop and she/he cannot attend, a person must be nominated to attend the said conference, project and/or workshop. It is preferable that a rotation system be used to afford all members an opportunity to represent the Council at these kinds of conferences, projects and workshops.

Members are all entitled to attend internal conferences, projects and workshops however; members are not entitled to receive a meeting allowance for this attendance. The member will only be paid travelling and subsistence allowance.

All conferences, projects and workshops must be within the borders of the Republic of South Africa.

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The accommodation cost is limited to an amount R900.00 inclusive of bed and breakfast per day up to maximum of 5 days and the conferences, projects and workshops fee may not exceed R1 300.00 for the day.

Transport costs are limited to the approved Government Transport Tariff per kilometre or economy class airplane tickets which is published on the internal website for the department on a monthly basis.

4.3 REMUNERATION OF MEMBERS

An official member employed in terms of Public Service Act (PSA) of 1999 may not receive meeting allowance. Subsistence and other allowances may be paid to the official member by Heritage Western Cape that has employed the official as a member in accordance with the National Heritage Resources Act of 1999.

Members must be remunerated according to scales approved by the National Treasury.

The Heritage Western Cape members will be paid an hourly rate for meetings attended according to the approved Heritage Western Cape schedule.

Should the Accounting Authority deem it necessary, he or she can, in consultation with the Executive Authority, determine other remuneration, provided that :
a) Terms of reference are properly defined in terms of time and cost and
b) If applicable, the remuneration is considered taking into account the tariffs as determined by the institute that regulates the profession that the member belongs to.

This type of remuneration includes but is not limited to;
a) Payment of honorarium to render services in his or her private time, other than the normal preparation for meeting, as determined by the Accounting Authority.
b) In the event of an official, employed according to Section 30 of the PSA of 1994 that particular official will be paid transport and subsistence for any expenditure incurred.

The remuneration of all members of Heritage Western Cape must be disclosed as notes to the financial statements of the entity.

4.3.1 Members will only be remunerated for the following expenses related to transport and subsistence of which members attends on behalf of Heritage Western Cape:

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- Conference
- Projects
- Site visits and Workshops

4.3.2 Members will be remunerated for the following expenses when attending meetings for Heritage Western Cape

- Transport and subsistence (T&S)
- Accommodation
- Reading documentation (in preparation for official meetings)
- Air transport

Only the following committees will be remunerated for time spent on documents for the purpose of a committee meeting:

a) BELCom - maximum of 2 hours
b) Appeals- maximum of 2 hours
c) APM- maximum of 3 hours
d) IGIC- maximum of 3 hours
e) IACom - maximum of 3 hours

Heritage Western Cape Council and Executive Committee members will not be remunerated for time spent on reading documentation.

5. RE-IMBURSEMENT OF CLAIMS IN TERMS OF SUBSTENCE, TRAVEL CLAIMS & MEETINGS

5.1 Members are only entitled to claim for the following actual expenditure:

- Parking (slips must be submitted within 3 months working days from the date of the meeting and must be submitted on the original receipt)
- Kilometres travelled as per tariffs for use of motor transport, including members appointed for site visits. (original must be submitted after the meeting to the secretariat)
- Food/Meals (15 working days)
- Accommodation (5 working days)
- Air transport (booked in consultation with the Heritage Resource Management Services component)

5.2 Members are not entitled to claim for the following:

- Alcoholic beverage or desert containing alcohol (e.g. Dom Pedro or Irish coffee)
- Telephone calls
- Tips and newspapers

For the purpose of uniformity as far as expenses among the members of Heritage Western Cape are concerned and in order to manage the budget

effectively and efficiently, the following substance rates are used as criteria and will be regarded as reasonable:

(This will be on a claim basis where actual receipts are provided. This is only applicable to members who are out of town for more than (24) twenty-four hours, as per the departmental finance instruction 1/2010)

- Breakfast R 60.00
- Lunch R 80.00
- Dinner R 120.00

Should the original as well as the copy of an invoice/receipt be lost, the responsible member must hand in a sworn affidavit in this regard to specify the name of hotel/guest house, restaurant, shop, amount spent and the date of expenditure.

Suitable records must be kept to prevent double payment of claims wholly or in part.

The following documents must be attached to all claims:

- Claim form signed by a member, chairperson and secretariat with the relevant date.
- Invitation for meeting, conference, project and workshop should be attached.
- Attendance register approved by the chairperson.
- Invoices for meals, parking and accommodation.

All claims related to the actual meeting allowance must be submitted to the secretariat and signed by the chairperson on the day of the meeting.

If submitted thereafter the claim cannot be processed as SARS deadlines are to be strictly adhered too in terms of member claims.

6. RE-IMBURSEMENT FOR SITE VISITS

6.1 Members are to be requested to attend a site visit.

6.2 The request should be minuted in the official minute of the said committee meeting.

6.3 When claiming the following documentation should be submitted:

6.3.1 Official Heritage Western Cape claim form, signed by the accompanying official and the member;

6.3.2 The minute of the meeting indicating the member needs to attend said site visit;

6.3.3 The meeting attendance register signed by the member and the member attending the site visit, approved by the Chairperson of said committee or CEO

6.3.4 Proof of accommodation should there have been a need to sleep over if the site visit fell outside of the Metro region, this should accompany the claim in terms of the transport and subsistence claim.

6.4. A member will not be allowed to claim remuneration if a site inspection has not met the required submission of all the documentation mentioned in point 6.

6.5 A member will be allowed to attend a site visit and claim a maximum of 2 hours inclusive of writing the report, (this should be written by one member only).

6.6 A maximum of six (6) members may represent Heritage Western Cape at site visits.

6.7 Members must be remunerated according to scales approved by the National Treasury in terms of the hourly rate.

7. RE-IMBURSEMENT OF CLAIMS IN TERMS OF SITE VISITS

7.1 Members are entitled to claim for the following actual expenditure:

- Parking slips must be submitted within ten working days from the date of the meeting.
- Kilometres travelled as per tariffs for use of motor transport, including members appointed for site visits.
- Food/Meals.
- Accommodation.
- Air transport (booked in consultation with the Heritage Resource Management Services component).
- Hourly rate claimed from the time the member enters onto the site.

7.2 To remain in line for National Treasury the following subsistence rates are used and remained relevant.

(This will be on a claim basis where actual receipts are provided. This is only applicable to members who are out of town for more than (24) twenty-four hours, as per the departmental finance instruction 1/2010)

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- Breakfast R 60.00
- Lunch R 80.00
- Dinner R 120.00

8. GENERAL GUIDELINES

Payment run will be scheduled for the 25th of each month directly to member's bank account provided all documentation required have been submitted.

APPROVAL

_____

Accounting Authority
Mr. M. Dlamuka
Date:

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ADDENDUM J

TO EXTEND THE GEOGRAPHIC BOUNDARY OF THE WOODSTOCK AESTHETICS ADVISORY COMMITTEE (WAAC)

File No: 13/4/1/6
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: APPROVAL TO EXTEND THE GEOGRAPHIC BOUNDARY OF THE WOODSTOCK AESTHETICS ADVISORY COMMITTEE (WAAC)

1. PURPOSE

Approval to extend the current boundary of the WAAC

2. BACKGROUND

The above conservation body submitted an application to re-register with Heritage Western Cape as a Conservation body and submitted a map outlining their geographic boundary they wish to consult on. They were duly approved by the Council of Heritage Western Cape on the 26th August 2015.

3. RECENT DEVELOPMENTS

An application was processed by Heritage Western Cape recently without the comments from the WAAC. As the property fell outside the boundary of their specified geographic boundary, HWC processed accordingly. This prompted the WAAC to relook at their boundary submitted and make an application to extend on this to cover areas they further wish to comment on.

4. RECOMMENDATION/S

It is RECOMMENDED that approval be granted for the WAAC to be consulted on the extended boundary submitted.

SUBMITTED BY: Ms A Peters
ADMINISTRATOR – CONSERVATION BODIES

DATE: 2017-03-06

Conservation Bodies of Heritage Western Cape

Conservation Bodies and Associations

- Bo-Kaap Civic Association
- Bay Bowl Ratepayers and Residents Association (BBRA)
- Bettys-on-Sea and District Bungalow Owner's Association
- Constantia Property Owners Association & Friends of the Constantia Greenbelt
- Durbanville Heritage Society
- Friends of Elsie
- Great Brak River Museum
- Jonkershoek Lynedoch Civic Association
- Green Point Ratepayers' & Residents' Association
- Hillview Conservation Society
- Hoërskool Village Association
- Heidelberg Renaissance Foundation
- Heritage Mossel Bay
- Hout Bay Arts Literature Heritage Trust
- Kommetjie Heritage Society
- Kalk Bay and St James Ratepayer's & Residents Association & Kalk Bay Historical Association
- Muizenberg Historical Conservation Society



ADDENDUM K

WORKPLAN APPLICATION FORM

File No: N/A
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: PROPOSED ARCHAEOLOGICAL AND PALAEONTOLOGICAL MITIGATION WORKPLAN APPLICATION FORM IN TERMS OF SECTION 38(4) & SECTION 38(8) OF THE NHRA NO. 25 (1999)

1. PURPOSES

Archaeological, Palaeontological and Meteorites Committee (APM) and the Impact Assessment Committee (IACOM) drafted the workplan application form to manage and create a formal process for archaeological and palaeontological mitigation done under the Section 38 process.

2. BACKGROUND

Heritage Western Cape's Council agreed to the workplan application process for post-Heritage Impact Assessment (HIA) phase of Section 38(4) and Section 38(8) in order for to monitor requested archaeological and archaeological mitigation during the Section 38 process. The Section 38 mitigation guidelines (2014) were approved by Council. A form was drafted and workshopped by the Archaeological, Palaeontological and Meteorites Committee (APM) and the Impact Assessment Committee (IACOM) and approved by both Committees.

3. DISCUSSION

None

4. RECOMMENDATION/S

1. The workplan application be approved in terms of the approved Section 38 mitigation procedural guidelines.

SUBMITTED BY: Andrew September **DATE:** 01 March 2017

APPROVED FOR SUBMISSION TO COUNCIL

CHIEF EXECUTIVE OFFICER **DATE:**

HERITAGE WESTERN CAPE WORKPLAN APPLICATION FOR MITIGATION OF ARCHAEOLOGICAL AND PALAEONTOLOGICAL SITES

Note: The proposed Workplan cannot be approved if it is incomplete.

PROJECT DETAILS		
Author and title of impact assessment report to which this application refers[1]:		
HWC Case Number[2]:		
Project location:	Farm name(s), number(s) and portion(s) or erf number(s):	
	Nearest town:	
	Municipality:	
	Magisterial district:	
Registered landowner[3]:		
Briefly describe the nature of the proposed development:		
List all sites to be mitigated:		

SITE DETAILS (please copy the rows below, place cursor in space beneath and paste as required for every site covered by this workplan)		
Name and co-ordinates (WGS84) of site proposed for mitigation:	**Name:**	
	Co-ordinates:	
Information to allow HWC to manage conditions and requirements:	Extent of site (if known):	
	Depth of site (if known):	
	Extent of planned excavations[4]:	
Describe the nature of the site for which mitigation is proposed, including all visible surface material, and provide an estimation of age and of possible significance.		

MITIGATION DETAILS	
Indicate the reason for the proposed work (check all boxes that apply):	☐ Test excavation to establish whether archaeological material is present. ☐ Test excavation to establish significance (part of impact assessment process) ☐ Test excavation to establish depth and extent of deposits (to enable planning of further mitigation)

[1] If this workplan is not submitted with an impact assessment report, please supply a digital copy of the impact assessment with this application.
[2] If the impact assessment was submitted earlier, please supply a copy of the HWC comment with this application. Please note that the conditions of the HWC comment still apply.
[3] Please supply a copy of the registered land owner's permission to access the site(s).
[4] Please note the approximate number and size of test excavations, or the area proposed for full excavation if conducting mitigation.

	☐ Full mitigation in advance of development (to rescue significant information and material)
Motivation for the proposed action, with reference to conservation policy and/or principles, where appropriate:	
Motivation for the use of mechanical equipment or a metal detector, if required:	
Describe plans for conservation of the site(s) after the proposed actions, where appropriate.	
Proposed excavation / sampling / collection methodology (a plan of the proposed excavations can be inserted in the space at the end of this document):	
Repository[5]:	
Please supply any further details that might be relevant to this application (e.g. plans for dating of the site(s)):	
• Note that the work plan approval will automatically allow for excavation, collection and destruction (as may be required for dating and other analyses).	

APPLICANT DETAILS (PRINCIPAL INVESTIGATOR)		
Name and title:		
Postal address:		
Contact numbers:	W:	C:
E-mail address:		
Qualifications:		
Relevant experience:		
Current academic status:		
Details of accreditation with Professional Association (including membership number):		
Identity / Passport number:		
Signature of applicant:		
Date:		

ASSISTANT DETAILS[6]		
Name and title:		
Postal address:		
Contact numbers:	W:	C:
E-mail address:		

[5] Please supply a copy of the signed repository agreement with this application.
[6] This section is only required if the PI will not be on site full-time. It indicates the person to whom responsibility will be delegated.

Qualifications:	
Relevant experience:	
Current academic status and affiliation(s):	
Details of accreditation with Professional Association (including membership number):	
Identity / Passport number:	
Signature of assistant:	
Date:	

1. Please insert an excerpt of the relevant 1:50 000 map to show the general location(s) of the archaeological/ palaeontological site(s) for which this Workplan application is made:

2. Please insert an aerial photograph of the project and/or a larger scale map to show the locations of the archaeological/ palaeontological site(s) relative to surrounding landscape features:

3. Please insert any images that will assist the committee in evaluating this Workplan and provide explanatory captions:

Attachment checklist:

☐ Original impact assessment report (digital only unless Workplan is submitted with impact assessment)

☐ HWC comment (if already issued)

☐ Land owner permission letter

☐ Signed repository agreement

iLifa leMveli ieNtshona Koloni
Erfenis Wes Kaap
Heritage Western Cape

Heritage Western Cape

Process for Mitigation of Heritage Resources in terms of S38 of the NHRA

(To be read with the HWC S38 Process diagram)

1. BACKGROUND

Section 38(10) states that:

"(10) Any person who has complied with the decision of a provincial heritage resources authority in subsection (4) or of the MEC in terms of subsection (6) or other requirements referred to in subsection (8), must be exempted from compliance with all other protections in terms of this Part, but any existing heritage agreements made in terms of section 42 must continue to apply"

Heritage Western Cape (HWC) interprets this to mean that, in terms of section 38(10) of the NHRA[1], an applicant is exempt from being required to apply for a permit if they have complied with a decision taken under the National Environmental Management Act or the Mineral and Petroleum Resources Development Act or if they have complied with the requirements of HWC in terms of Section 38(4). In order to ensure that heritage resources that will be impacted by development are adequately recorded, sampled and/or conserved, the relevant Heritage Resource Authority must ensure that its recommendations and requirements are established and clearly specified in the earlier stages of compliance, in order that they may be written into the Authorisation issued by the Decision Making Authority.

Throughout this process, HWC must ensure that appropriate standards of excavation, sampling, collection and recording will be maintained, and needs to understand whether the mitigation is intended to establish the extent of the site, its significance, or to rescue significant material.

Any MITIGATION[2] undertaken in terms of section 38 of the NHRA must comply with the conditions prescribed by HWC. HWC may base its' requirements on the RECOMMENDATIONS of the Specialist Report in terms of s. 38(3) / 38(4)(b & e) of the NHRA. RECOMMENDATIONS for the mitigation of the site(s) should be made by the Specialist Consultant, and must be provided with the general RECOMMENDATIONS in the Heritage Impact Assessment, for the approval of Heritage Western

[1] National Heritage Resources Act, No. 25 of 1999.

[2] ***MITIGATION, in this context,*** *is defined as any intervention that will destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite; remove from its original position, or collect any such heritage resource, or export or attempt to export from the Republic any category of such heritage resource in order to recover information and material in order to mitigate against its loss though development. Investigative sampling of such resources must be undertaken by a qualified professional and approved by the heritage authority when required as part of any assessment process, in terms of other legislation.*

Cape. These mitigation RECOMMENDATIONS will be referred to in-house, initially, as the 'Work Plan'.

What this means is that in place of a permit application, Heritage Western Cape may request additional information which may include any Mitigation needed to establish significance before a final comment or decision is issued. HWC will require a MITIGATION REPORT to be submitted following the completion of the work. It must comply with the minimum standards of reports as prescribed by SAHRA and HWC. The purpose of this document is to guide the creation of RECOMMENDATIONS that will ensure compliance with the SAHRA and HWC minimum standards and to indicate that recommendations for mitigation (work plan) be included in the general recommendations.

2. GUIDE TO RECOMMENDATIONS (part of the HIA)

A. The Consultant, in the body of the HIA report, must:

- Indicate, as far as this is possible before investigation, the current suggested SIGNIFICANCE and GRADING[3] of the site(s);
- Evaluate the IMPACT of the PROPOSED DEVELOPMENT (both direct and indirect) on the heritage resources;
- Motivate for any proposed alternatives that mitigate against destruction of heritage resources;
- Motivate the need for any NO-GO areas; or other mitigation of adverse effects, during and after the completion of the proposed development. Discussion of the need for dates, management or curation, and any further work or studies needed to establish site significance and/or conserve heritage site value.
- In compliance with section 38(3)and the Minimum Standards for Archaeological and Palaeontological curation, the following must be included:

    - A LOCALITY PLAN showing the exact geographic position of all known site(s), a table of lat/ lon co-ordinates of sites (wgs84) (decimal degrees);
    - Full CADASTRAL details of property: Site Name, Physical Address, Erf Number OR Farm Name and Number;
    - SITE PLAN(S), if available, showing the property layout and pertinent features relevant to the planned action;
    - SITE DESCRIPTION(S), summarising the expected nature and extent of the identified site(s);
    - Relevant contextual and scientific background information;
    - REFERENCES to relevant earlier studies or assessments;
    - VISUAL AIDS including photographs or videos of the site in its present form, where appropriate. Please provide captions and dates for all records;
    - Any ADDITIONAL PERTINENT INFORMATION (where such information is not available yet, it should be supplied in the Mitigation Report).

[3] HWC has a general Guide to Grading and will work towards a Guide for Grading of Archaeological/ Palaeontological sites.

B. The RECOMMENDATIONS (representing the 'work plan'):

If Mitigation is required the following applies:

Considering the possible significance and grading of the site(s), the impact of the development, and possible alternatives and NO GO areas, the specialist must include in the general recommendations, RECOMMENDATIONS that represent a "Work Plan" for effective MITIGATION, that:

- MOTIVATE and DESCRIBE the archaeological or palaeontological intervention that needs to be undertaken. This should include:
-
    - A concise DESCRIPTION of the PROPOSED SAMPLING / MITIGATION (and whether the intention is to undertake collection; testing; excavation to establish the significance of the site; excavation to rescue significant information and material; dating and/or other mitigation);
    - Motivation for the proposed action, with reference to conservation policy and/or principles, where appropriate;
    - Motivation for the use of mechanical equipment, if required;
    - Proposals for conservation of the site after the planned action, where appropriate;
    - Sufficient information to allow HWC to manage conditions and requirements (such as extent and standards of excavation, mapping and reporting, and allocation of material to a repository);
    - Area to be excavated, depth if known, etc;
    - Surface content, possible age.

These RECOMMENDATIONS for the mitigation of the site(s) must be made by the specialist consultant and must be provided as RECOMMENDATIONS in the Environmental/ Heritage Impact Assessment, for the approval of Heritage Western Cape.

3. IMPORTANT INFORMATION

In addition, HWC, in order to assess the mitigation before final approval, will need:

A. Details of Specialist who will conduct the sampling (Phase 2) work (if known):

- Name and title:
- Address & postal code:
- Contact numbers:
- E-mail:
- Qualifications and experience of the archaeological/palaeontological specialist:
- Current academic status of the applicant:
- Details of accreditation with Professional Association:
- Identity number / Passport number of the applicant:

If the specialist is not known, describe the professional qualifications and experience needed to do such work. The proposed specialist will be assessed by HWC in terms of their qualifications, experience and professional standing.

B. Approval of the Landowner:

Landowner approval is required in terms of the National Heritage Resources Act. The specialist is required to ensure that the work is approved before proceeding.

C. Approval of the Repository/ Curating Institution:

Heritage Western Cape *considers* that a condition of the approval will be that all material is the property of the State and as such written approval from an official repository where the materials and records will be curated will be required. The collections Agreement with the repository, or equivalent, must be supplied indicating that the institution takes responsibility for the collection.

D. Signature of Specialist and Date of Submission

HWC, August 2014

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** Private Bag X9067, Cape Town, 8001 • **Fax:** +27 (0)21 483 9842 • **E-mail:** hwc@pgwc.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Privaatsak X9067 Kaapstad, 8001 • **Fax:** +27 (0)21 483 9842 • **E-pos:** hwc@pgwc.gov.za

ADDENDUM L

INCREASE IN LEVYING OF PERMIT APPLICATION AND APPEALS FEES

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: INCREASE IN LEVYING OF PERMIT APPLICATION AND APPEALS FEES

1. PURPOSES

Council approval is sought for the proposed increase of permit application fees in the new financial year 2017-2018.

2. BACKGROUND

The Heritage Western cape policy, "Policy on Levying of Fees for Applications and Appeals", makes provision for the fees schedule related to permit applications and appeals to be reviewed.

In this regard the policy notes the following:

a) Charges be levied in accordance with a schedule of fees approved by Council and submitted by other authorities as required
b) The schedule be reviewed annually.

In respect to point 'b' of the policy, an annual review is proposed and presented to Council.

3. DISCUSSION

Currently the following heritage resources authorities levy fees for its permit applications: South African Heritage Resources Agency, AMFA/Heritage KwaZulu Natali and the Eastern Cape PHRA, although only those charged by SAHRA and AMAFA were available and have been taken into consideration. The proposed new HWC schedule of permit application and appeals fees is presented based on considerations of the fees of these authorities, and in considering the volume of permit applications HWC scrutinizes.

Any new proposed fees schedule will require publication in the provincial gazette for a 30 day public commenting period before it is finalized.

It is proposed the new fees increase come into effect as of 1 July 2017.

4. RECOMMENDATION/S

Council is requested to approve the increase of permit application and appeals fees.

SUBMITTED BY: C Scheermeyer DATE: March 2017

APPROVED FOR SUBMISSION TO COUNCIL

CHIEF EXECUTIVE OFFICER **DATE:**

iLifa leMveli leNtshona Kolopi
Erfenis Wes-Kaap
Heritage Western Cape

CHARGING OF FEES FOR APPLICATIONS

With effect from **1 July 2017~~6~~** applications will be subject to the following fee structure:

Cost	Type of Application	Section of NHRA
R 330.00	Application for permit for a permit	Section 48(1)*(a)*
R 330.00	Notification of intent to develop	Section 38(1)
R1500,00~~R1100,00~~	Consideration of impact assessment report	Section 38(4)
R1500,00~~R1100,00~~	Consideration of and comment on evaluation of impact of development on heritage resources required in terms of legislation other than the National Heritage Resources Act, 1999	Section 38(8)
R330~~2~~00,00	Lodgement of an appeal	Section 49
R 165.00	Fee payable where an application is resubmitted due to incompleteness or incorrectness	Section 25(2)*(l)*
R3~~3~~00,00	Application for permit to reproduce a provincial heritage site	Section 27(23)*(b)*

Fees will be payable in advance of submission of an application. The system to be used for payment of fees is currently under discussion and will be the subject of further circular to be distributed prior to the implementation dated.

Kindly refer to the Provincial Government Gazette Notice 7608, Fees (Heritage Western Cape) Regulations, 2016, under section 25(2)(h), read with sections 25(2)(l) and 48(1)(a), of the National Heritage Resources Act, 1999 (Act 25 of 1999), which has made the regulations set out in the Schedule.

No. 669

8 July 2005

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

PROPOSED SCHEDULE OF FEES FOR PERMIT APPLICATIONS MADE TO THE SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA)

In terms of section 25(2)(l) of the National Heritage Resources Act, No 25 of 1999, permit applications must be accompanied, from 1 February 2006, by appropriate payment of fees. The proposed Guideline and Schedule is listed below.

Any comment should reach the Chief Executive Officer, SAHRA (P.O. Box 4637, Cape Town 8000 or info@sahra. org.za) by 31 August 2005.

Guideline to SAHRA Fees for Permit Applications

Permit applications submitted to the South African Heritage Resources Authority SAHRA, in terms of the National Heritage Resources Act (Act No 25 of 1999) **must** be accompanied by a payment of the appropriate fee. **This** will take effect from 1 February 2006for the following permit applications:

SHEDULE OF FEES FOR SAHRA PERMITS	
1. Permits issued by the SAHRA **Heritage Objects** Unit in terms of **s.32** :	
i. **Application fee for the export of gazetted' types of heritage objects;** ii. **Fee for pre-sale inspection/ investigation**	R150 +/ R150
iii. Application fee for the destruction, damage, alteration, restoration or repair of a specifically declared heritage object	R150
2. Permits issued by the SAHRA **Archaeology, Palaeontology and Meteorite** Unit (APM) Unit for Grade I archaeological or palaeontological heritage resources or meteorites:	
i. Application fee for destruction, damage, excavation, alteration or disturbance in terms of s.35(4) for research and conservation;	R100
ii. Application fee for destruction, damage, excavation, alteration or disturbance in terms of s.35 (4) for mitigation or development;	R150

1 Types of Heritage Objects (export permit required): Government Gazette, No.24116, Notice No.1313.6 December 2002

iii. Application fee for filming by commercial film by commercial film crews in terms of **s.35**(4);	**R500**
iv. Application fee for registration of private collections in terms of s.35 (7&8);	R20
v. Application fee for burials disturbed or relocated in terms of s.36;	R250
vi. Application fee for export, in terms of **s.35** and s.32:	R50
vii. Application fees for Grade II & III and generally protected heritage resources for 2i-2v above on an agency basis. for Provincial Heritage Resources Authorities, in terms of **s.35** and s.36	As above
3. Permits issued by the SAHRA **Maritime Archaeology** Unit in terms of s.35 or 32:	
i. Application fee for destruction, damage, excavation, alteration or disturbance in terms of **s.35**(4)	R150
ii. Application fee for filming by commercial film by commercial film crews in terms of **s.35** (4)	R500
iii. Application fee for export, in terms of **ss.35& 32**	**R150**
4. Permits issued for **Victims** of **Conflict** in terms of **s.36;**	**R150**
5. Applications to SAHRA for alterations to the Built **Environment and Landscape** for development of national heritage sites in terms of section 27 or sites that are provisionally protected in terms of section 29 (or permits issued on an agency basis for Provincial Heritage Resources Authorities).	
i. Application fee for initial permit. SAHRA Permit Committee will inform the applicant after their first meeting whether additional fees (ii-iv) are applicable to the project.	**R150**
a. Basic site investigation/ scrutiny, at the request of the developer, for any application; OR	**R200 / hour**
b. Extended site investigation and document review fee for national heritage sites and other nationally protected sites that are being developed for commercial use; and	0.1% construction cost
c. Site inspection fee (national heritage sites exempt) for monitoring (at request of developer).	**R200**
6. Permits issued for **Reproduction** of **National Heritage Sites** in terms of s.27(23);	R **150 (By arrangement** between SAHRA and the owner)

Exemptions:
Charges may be waived, at the discretion of SAHRA CEO, for certain permit applications.

It should be NOTED that SAHRA may, in terms of section 3 of the SAHRA permitting regulations, require that a financial deposit be lodged with SAHRA to safeguard a heritage resource until satisfactory completion of the action for which the permit is required.

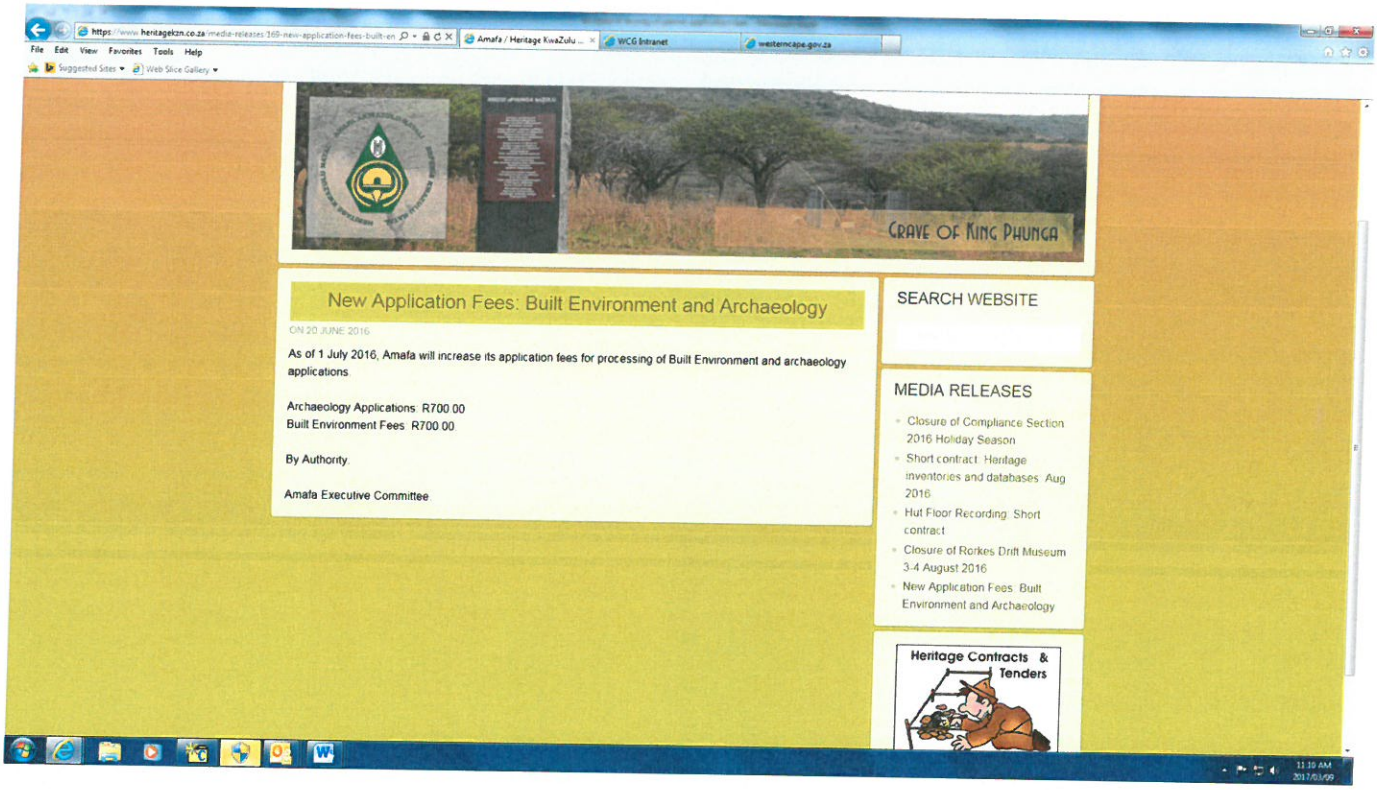
PAYMENT may be made by depositing the relevant amount into the SAHRA bank account and faxing or producing the proof of payment (i.e., stamped deposit slip, internet banking confirmation, etc.), OR by cheque, **on application.**

PLEASE TAKE NOTE THAT APPLICATIONS NOT ACCOMPANIED BY A PAYMENT OR PROOF OF PAYMENT MAY NOT BE PROCESSED UNLESS ACCOMPANIED BY A WAIVER FROM THE CEO

SAHRA banking details:
South African Heritage Resources Authority
ABSA Bank, Adderley Street; Cape Town
Branch Code: 312109; Current Account Number: 360680606.

Should you have any queries please contact the appropriate unit via: SAHRA, PO Box 4637, Cape Town 8000; Tel: 021 462 4502; Fax: 462 4509; or info@sahra.org.za.

As indicated above, any comment on the above Guideline and Schedule should reach SAHRA CEO (PO Box 4637, Cape Town 8000 or info@sahra.org.za) by 31 August 2005.


File Edit View Favorites Tools Help
Suggested Sites
Web Slice Gallery
Amafa / Heritage KwaZulu ...
WCG Intranet
westerncape.gov.za
CRAVE OF KING PHUNGA
New Application Fees: Built Environment and Archaeology
ON 20 JUNE 2016
As of 1 July 2016, Amafa will increase its application fees for processing of Built Environment and archaeology applications.
Archaeology Applications: R700.00
Built Environment Fees: R700.00
By Authority,
Amafa Executive Committee
SEARCH WEBSITE
MEDIA RELEASES
Closure of Compliance Section 2016 Holiday Season
Short contract: Heritage inventories and databases: Aug 2016
Hut Floor Recording: Short contract
Closure of Rorkes Drift Museum 3-4 August 2016
New Application Fees: Built Environment and Archaeology
Heritage Contracts & Tenders
11:39 AM

ADDENDUM M

RECORDING THE PROCEEDINGS OF MEETINGS OF HWC COUNCIL AND ITS COMMITTEES

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: RECORDING THE PROCEEDINGS OF MEETINGS OF HWC COUNCIL AND ITS COMMITTEES

1. PURPOSES

Council approval is sought for the recoding of meeting proceedings of Council and its Committees.

2. BACKGROUND

Chapter 7 of the HWC Policy which deals with the Rules of Order and Conduct of Meetings makes provision for the recoding of meetings of Council and Committees. Currently minutes of meetings are recorded by the secretariat by way of dictation by the Chairpersons of meetings, and further edits of the minutes are resolved by way of email correspondence between the secretariat and relevant committees.

Chapter 7 (34) point (1) notes the secretariat may use equipment to "assist with the creation of the official record of the meeting or where a request has been made and agreed to by the chairperson."

3. DISCUSSION

The recordings of meeting proceedings will not serve as the official record of the meeting. The final minutes of the meeting will serve as the official record.

In instances where members of the public seek to have access to such recordings, this will be made available through the Promotion of Access to Information Act application process.

It is proposed the recording of proceedings be introduced in the new financial (July 2017).

4. RECOMMENDATION/S

Council is requested to approve the proposal to recoding the proceedings for meetings of Council and its committees.

SUBMITTED BY: C Scheermeyer DATE: March 2017

APPROVED FOR SUBMISSION TO COUNCIL

CHIEF EXECUTIVE OFFICER **DATE:**