

6 June 2017

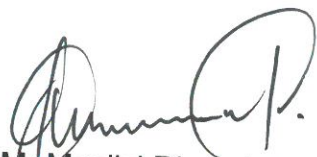
Dear Members

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, 14 June 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

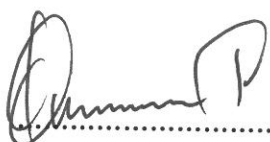
AGENDA

MEETING OF THE HERITAGE WESTERN CAPE COUNCIL

NOTICE is hereby given of the **HWC Council Meeting** to be held on **Wednesday, 14 June 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 14 June 2017	Chairperson		
5.	Approval of previous minutes of Council meeting dated 15 March 2017	Chairperson	For approval	A
6.	Disclosure of interest			
7.	Confidential Matters			
8.	Appointment			
8.1	Item 14.1	Mr Clinton Jackson	11H00	
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 notification	
11.3	Report and feedback from Executive Committee	AM	For notification	
11.3.1	Draft Executive Committee Minutes_ 12 May 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	Report to be distributed
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	Report to be distributed
11.8	Report and feedback from Appeals Committee	CSm	For notification	Report to be distributed
11.9	Report and feedback from the IGICom	SM	For notification	Report to be distributed

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	Integrated Conservation Plan for Diepkloof Rock Shelter	JW	For approval	C
11.11.2	Integrated Conservation Plan for Pinnacle Point	JW	For approval	D
11.11.3	Integrated Conservation Plan for Blombos Cave	JW	For approval	E
11.12	Proposed PHS			
11.12.1	Proposed Provincial Heritage Site Nomination for Auwal Mosque, Bo-Kaap	JW	For approval	F
11.12.2	Application for Consent to remove Restrictive Condition: Erf 177649, Cape Town	PM	For approval	G
11.12.3	Status of Provincial Heritage Sites by Virtue of S58(11) of the National Heritage Resources Act, ACT 25 of 1999, (THE NHRA)	PM	For discussion	H
12.	Policy Matters			
12.1	Amendment of Delegations	PM	For approval	I
12.2	Legal opinion on the grading of previous national monuments.	SM	For discussion	
13	Conservation Bodies			
13.1	None			
14.	New Matters			
14.1	Presentation on SAHRIS	CSc	For discussion	
15	Adoption of decision and resolutions			
16	Proposed Date of the next meeting	16 August 2017		
17.	Closure			



Accounting Authority of Heritage Western Cape: Mr Mxolisi Dlamuka
6 June 2017

ADDENDUM A

**APPROVAL OF PREVIOUS MINUTES
OF COUNCIL MEETING DATED 15
MARCH 2017**

**REVISED MINUTES OF THE MEETING
OF COUNCIL OF HERITAGE WESTERN CAPE,
Held on Wednesday, 15 March 2017, 1st Floor Boardroom at the Offices of the
Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town at 10H00**

1. Opening and Welcome

The meeting was officially opened at 10H05 by the Chairperson, 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
Ms Quahnita Samie	QS

Members of Staff

Ms Colette Scheermeyer	CSc
Mr Zwelibanzi Shiceka	ZS
Ms Nuraan Vallie	NV
Mr Jonathan Windvogel	JL
Mr Olwethu Dlova	OD
Ms Waseefa Dhansay	WD
Mr Andrew September	AS
Ms Zahirah Abrahams	ZA

Visitors

Ernest Ford	EF
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Observers

None

3. Apologies

Dr Daniel le Roux	DIR
Mr Mxolisi Dlamuka	MD
Ms Penelope Meyer	PM

4 Approval of Agenda

The Committee approved the agenda dated 15 March 2017 with no additional items.

5 Approval of Minutes of the Previous Council Meeting

The Committee resolved to adopt the minutes dated 3 December 2016 with the minor amendments.

6 Disclosure of Interest

None

7 Confidential Matters

7.1 None

8 Appointment

Council noted the following appointments: Ms Abrahams for item 11.1 set for 10:30, and Mr Ford for item 13.1 set for 12:00.

9. Administration Matters

9.1 None

10. Matters Arising from Previous Minutes

10.1 None

11. Standing Items

11.1 CEO's Report

CSc presented the CEO's report verbally.

It was noted that:

- The 2017/2018 APP is being presented at Provincial Parliament today. APP targets were met this financial year. The Auditor-General starts soon and will be reported at the next Council.
- ZS presented statistics on applications processed since March 2016. A detailed breakdown of which NHRA sections and Committees are involved is presented annually.
- Council requested that an estimate of the financial cost of projects should be investigated in order to calculate the impact of HWC in the provincial economy. Also the number of applications refused as opposed to the number of applications approved.
- HIMS security vetting still awaited, while discussions with SAHRA regarding integration with SAHRIS are ongoing. Council identified some issues and concerns:
 - HWC is obliged to establish its own database (s.24). HIMS currently covers items under s.34 (currently about 70% of applications) and s.27.
 - HIMS must be compatible with SAHRIS, the national system. SAHRIS is not user friendly (but can be improved).
 - The current degree of compatibility between HIMS and SAHRIS needs to be established, and what the cost implications for HWC of further development of HIMS would be.
 - It should be established what actual technical support SARHA can supply to enable integration.
 - It was agreed that HIMS definitely requires a dedicated specialist IT post and budget to be created in order that long term development, maintenance and management is ensured.
- ZA presented a summary financial statement and Council noted it with appreciation.
- The existing MOU between HWC and SAHRA is being reviewed.
- The Drakenstein Municipality has requested HWC to assess it as a competent heritage authority. Council is pleased that this process is underway.

- The CEO's office is following up on the appointment of another Council member.

MD

11.2 Local Government Matters

11.2.1 Delegations of Powers of City of Cape Town

CSc reported that there are no further developments.

CSc

11.3 Report and Feedback from Executive Committee

AM reported on the ExCo meeting held on 27 January 2017 and Council noted the report.

AM

11.3.1 Draft Executive Committee Minutes dated 29 July 2016

The Draft Executive Committee Minutes of 27 January 2017 are noted.

PM was not present to present her item.

The Council noted that:

- The Guidelines for Heritage Inspectors and procedures will be held over to the next meeting.
- Vacant posts: ASD and HO posts still not finalised. The Council once again noted its concerns over the length of time it takes to replace staff who resign, and the issue of non-competitive pay scales. Two interns will be appointed shortly.
- PM is in consultation with Senior Counsel regarding possible court action on the large development on Buitengracht.

AM

11.4 Report and Feedback on SAHRA Council

AM reported back on the matter.

AM

11.5 Report and Feedback on BELCom

KDS presented her report.

In discussion it was noted that:

- Protocols for email decisions (see Rules of Order and Conduct) to be circulated to all Committees for information and discussion as necessary.
- The impacts of the Gees judgement on decisions and minuting in Committees are of concern. CSM and PM to discuss the matter and provide Committees with information and guidance to enable Committees to implement it in the decision-making process.

- It is necessary for Adobe Acrobat to be available to staff to edit documents, especially in order to improve issues around the blog site: it was noted that an application can only be made in the next financial year.
- Ms Bam is to replace Ms Joubert in the BELCom. Ms Joubert has taken a post with the CoCT and resigned from the committee.
- CSc was asked to enquire if the new Council member could be selected on the basis of having expertise in landscape architecture, as BELCom needs a member with such background. It was however pointed out that the new Council member must be selected from the original nomination list. It was also noted that BELCom can co-opt a Landscape Architect.

DECISION

- PM to be asked to provide written clarification regarding the interpretation of the Gees Judgement relating to heritage resources.
- BELCom to liaise with IGICom regarding current thinking around the grading of Grade IIIC buildings, and buildings of the 1930s.
- HWC to consider recruiting a committee member with landscape architectural expertise.
- HWC to consider high priority budgeting for Adobe Acrobat for staff members.

KDS

11.6 Report and Feedback on IACom

CSn presented his report and the Council noted the report.

DECISION

The Council supports the recommendations prepared by Mr Chris Snelling that:

- HWC obtain legal opinion on the issue of recusals and HWC Policy.
- HWC investigate a means of making known all cases/applications previously considered and on file, easily accessible and available to the committees and the public.

CSn

11.7 Report and Feedback on APMCom

AM presented her report and the Council noted the report.

DECISION

The Council supported the recommendations prepared by Dr Antonia Malan and resolved that:

As a result of delegation of authority to s.36(3), action be taken on:

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

AM to ensure that the archaeologists on IACom are kept fully informed of APM decisions.

AM

11.8 Report and Feedback on Appeals Committee

CsM presented her report and the Council noted the report.

DECISION

The Council supported the recommendations prepared by Ms Corlie Smart and resolved that action be taken on:

- Ensuring earliest brief notification to committee members of notice of Appeals to allow for recusals / quorums. Earliest notifications after receipt of notice of Appeal to be made by committee members to chair and staff of absence / apologies / conflict of interest.
- Inconsistency between Policy and Regulations for appeals relating to the notification date to applicants only and the method of notification, to be reviewed. In particular, the responsibility of the applicant/ HWC to notify third parties of the successful outcome of decision by committees. The impact thereof on the calculation of the 14 day appeals time period.
- PM and CsM to propose an additional paragraph for letters of decisions regarding the right of applicant / interested and affected parties to request reasons and the process thereof in order to conform to PAJA..
- Website accessibility and integrated management of HWC and Western Cape Government sites; particularly the access to agendas and minutes by the public as required by NHRA.
- Instead of Committee minutes and letters of decisions saying "It was noted", this phrase is suggested in its stead:
"Among other things, the following was discussed:
 - Whether a local authority with delegated authority has accessed and graded the heritage resource.
 - The intrinsic, comparative and contextual significance of the place and structure/s in terms of sections 3(3) and 5(7).
 - The impact of the intervention on the resource."(Additional items previously 'noted' to be inserted after the above.)
The decision should indicate:
 - What the grading is (either the grading of the local authority or what the committee decided it to be).
 - If the resource has heritage significance – whether the intervention will have an impact on the resource.
 - To approve or not, with or without conditions.[If a revised proposal is required, the decision should not indicate whether the decision was approved or not, and only indicate the requirement for redesign]
- The Guide to Grading is currently just a guide and neither contained in HWC policy nor contained in regulations. Should the categories of IIIA, IIIB and IIIC be appropriate and deemed to fulfil the criteria of the NHRA, the categories have to be prescribed by a Regulation. (A resource can only officially be graded as III until regulations provide for the sub-categories.)

CsM

11.9 Report and Feedback from IGICom

SM presented his report and the Council noted the report.

DECISION

The Council endorsed the report and resolved that.

PM to be asked to clarify the authority of Committees to grade and in particular the delegation of authority to IGICom to grade heritage resources. IGICom is currently an advisory Committee and should perhaps be a deciding Committee.

Sites for PHS resources are marked by a simple badge. A plaque stating a statement of significance should be erected alongside. HWC should consider cost sharing options with government department/s involved in the promotion of heritage and tourism.

SM

11.10 Report and feedback on Independent Tribunals appointed by the MEC

Nothing to report.

PM

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 presented his report and the Council noted the report.

DECISION

The Council supports the IGICom assessment that the property does not meet the requirements of provincial heritage resource status. The building has high local significance. HWC to proceed with investigating the process of re-grading.

JW

12 Policy Matters

12.1 Heritage Inspector Policy

Carried forward to the next Council meeting when PM is available. However, it should be noted that Council is of the strong opinion that a stop work orders must not be served by email under any circumstances.

PM

12.2 Remuneration Policy

NV presented her report and the Council noted the report.

DECISION

The Council resolved to approve the Remuneration Policy.

NV

13. Conservation Bodies

13.1 To extend the Geographic Boundary of the Woodstock Aesthetics Advisory Committee (WAAC)

CSc presented the report and Council noted the report.

Mr Ernest Ford was present and took part in the discussion.

In discussion it was noted that:

- The request was to extend the boundary of WAAC to incorporate the area in which the organisation already comments.
- The boundary was initially established in line with CoCT Conservation Area policy (ca. 2001) and was related to the boundary of the then Upper Woodstock Civic. The boundary does not have any correlation with heritage resources within the Greater Woodstock area, or to the area of operation of the current WAAC.
- Council noted its concern that in Woodstock it is critical that commenting bodies are sensitive to, and take into consideration social and economic conditions, and take every opportunity to engage and consult with community, civic and cultural organisations affected by any heritage related matters.
- Registered conservation bodies are commenting and not decision-making bodies. HWC Committees are not bound by the comment and may, with due reason, qualify comment received in the course of deciding an item.
- A map of the area must indicate whether both sides of the boundary roads are included, while noting whether both sides of a boundary road should be included.

DECISION

The proposed boundary was approved by Council on condition that a new detailed map be supplied by the WAAC.

CSn and JY requested that they are put on record as not supporting the extended boundary.

AP

14. New Matters

14.1 Workplan Application Form

AS made a power-point presentation.

DECISION

The Council resolved to approve the Workplan application form.

AS

14.2 Increase in levying of Permit Application and Appeals Fees

CSc presented her report and Council noted the report.

In discussion it was noted that:

- Finance and the CEO to come back to Council on this matter.
- That in terms of rules of fair administrative justice an aggrieved party has a right to appeal a decision and can therefore not be charged for an appeal.

DECISION

The Council decided that the issue of raising fees and redirecting those funds back into the heritage needs of HWC must be addressed.

Fees should not be charged for submitting an appeal. This revision to be implemented as soon as possible.

CSc

14.3 Recording the proceedings of meetings of HWC Council and its Committees

CSc gave a verbal report.

In discussion it was noted that:

- The legal implications of recording of meetings to be discussed by PM and CSm.
- The CEO to provide further detailed information on how recordings will be taken, their management and archiving, and making them accessible to those who request them.

DECISION

The Council resolved to await feedback from the CEO.

MD

15 Adoption of decision and resolutions

The HWC Council unanimously adopted the decisions taken.

16 Proposed date of the next meeting

14 June 2017

17 Closure

The meeting closed at 16H30

CHAIRPERSON_____

DATE:

SECRETARY_____

DATE:

ADDENDUM B

DRAFT EXECUTIVE COMMITTEE

MINUTES_12 MAY 2017

**DRAFT MINUTES OF THE MEETING
OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF HERITAGE
WESTERN CAPE,
Held on Friday 12 May 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 09h37 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)
Ms Corlie Smart	(CSm)

Members of Staff

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

Visitors

None

3. Apologies

None

4. Approval of Minutes of previous meeting dated 27 January 2017.

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

5. Confidential Matters

- 5.1 None

6. Disclosure of interest

- 6.1 None

7. Appointments

- 7.1 None

8. Approval of Agenda

- 8.1** The Committee resolved to approve the agenda dated 12 May 2017 with one amendment.

9 Administrative Matters

9.1 Committee members leaving the meeting

When members of a committee leave a meeting early they must request permission from the chairperson and the name and time must be minuted. Chairpersons to inform committees.

10. Matters arising from previous ExCo meeting

10.1 Vacant Posts

Amongst other things, the following was tabled:

- A report is included in the CEO's report. See item 12.1.

10.2 Heritage Information Management System (HIMS)

CSc gave some background information about this matter.

Amongst other things, the following was discussed:

- A report is included in the CEO's report. See item 12.1.

CSc

10.3 HWC Strategic Planning Session

CSc gave some background information about this matter.

Amongst other things, the following was tabled:

- A report is included in the CEO's report. See item 12.1.

NV

11. Matters Arising from the previous Council meeting.

11.1 None

12 Standing Items

12.1 CEO's Report

It was noted that:

- Mr. Jonathan Windvogel has been appointed Assistant Director: Research, Policy and Planning.
- Mr. Zethembe Khuluse has been appointed as Heritage Officer.
- The Minister of Cultural Affairs and Sport will be hosting a ceremonial cheque handover to Heritage Western Cape on 25 May 2017. A formal invitation will be sent to ExCo.
- HWC and SAHRA have started the process of undertaking HWC's competence assessment.
- HWC will be hosting a workshop to discuss Draft Guidelines on Public Participation. This workshop is to take place on 13 May 2017.

2. Preparation of the 2016/2017 Annual Report and generation of Annual Financial Statement.

It was noted that:

- The first draft of the Annual Report is currently being finalized. It will be submitted to the Auditor General on 31 May 2017 as required by the PFMA.
- Annual Financial Statements are also being prepared and these will be submitted to Auditor General South Africa at the end of May as required by law.

3. Financial Affairs of Council

The financial conditions of HWC are as follows:

- HWC spent its entire budget for the 2016/2017 financial year.
- The Department transferred R1.2 million. This money will be spent on setting of the Management Authorities and the preparation of the dossier for the origins of Modern Humans World Heritage Site nomination.
- An amount of R1 million was transferred to the investment account in order to accumulate interest.
- The expenditure of the Lotto is relatively slow but is expected to increase during financial year.

4. Applications Processed by HWC

- A total of 2356 applications were received in 2016/2017 financial year. 75.26% of these were considered by the HOMS. The number of applications does not include email correspondences and responses to applications and responses to applicants and interested and affected parties.
- HOMS has received 744 applications.

- BELCom has received 332 applications.
- IACom has received 115 applications.
- APM has received 94 applications.
- Appeals committee has received 42 applications.

5. Heritage Information Management Services (HIMS)

It was noted that:

- The security vetting has been confirmed as completed and the url provided.
- Testing has been undertaken for the past few weeks with assistance of staff. It has been established that there is a need to have administrative rights to update information on the system.
- HWC is working towards planning the launch as the initial phase of the implementation.

6. ICMP's: Early farmstead

It was noted that:

- The final ICMP report for the Early Cape Farmsteads will be submitted to IGIC on 4 August 2017 for its recommendation to ExCo on 28 July 2017 or either Council on 29 November 2017.

7. ICMP's: For Diepkloof Rock Shelter, Pinnacle Point Site Complex and the Blombos Cave

It was noted that:

- The ICMP report was presented to the APM Committee and was endorsed by the Committee.
- The APM Committee agreed that the management frameworks can be initiated as soon as possible.
- The ICMP's will be presented to Council on 29 November 2017.

8. Proposed Mixed-Use Development on Erven 8210 and 144698, Buitengracht, Shortmarket, Longmarket and Rose Streets, Cape Town.

It was noted that:

- The Appeal to the Tribunal was not successful and HWC is now joining in the application to the high court to review the decision of the Mayor as the CoCT's appeal decision maker.

9. HWC Strategic Planning Session

It was noted that:

- A strategic plan will be hosted on 22-23 May for the staff and 13 June for Council. During this session to revisit the vision and mission statement of the organization and align it that of the province and sector.

10. Conclusion

The CEO thanked the members of the Council and Committees for their commitment to implementation of the legal mandate of HWC. In addition, our staff members who have continuously demonstrated the highest ebb of dedication and supported Council and its committees, sometimes under very difficult circumstances.

13. Financial Matters

13.1 Financial Report

ZE gave a report on the financial status.

The financial report was noted.

EM

14. Policy Matters

14.1 None

15. NEW MATTERS

15.1 Delegation powers of Inventions, Grading and Interpretation Committee

Decision

The final decision will be taken after consultation with members of IGIC. The submission document to be tabled at the next IGIC meeting for discussion.

15.2 Renewal of terms of heritage inspectors at City of Cape Town

Decision

The committee resolved to approve the renewal of the Heritage inspectors at City of Cape Town for the term ending 30 April 2020.

15.3 Conflict of interest and apprehension or suspicion of bias

Amongst other things, the following was discussed:

- The submission by PM was welcomed and chairs of committee will follow her recommendations.

Decision

PM will distribute her submission to all committees.

15.4 Recording of Council and Committee meetings and amendment of policy

Amongst other things, the following was discussed:

- IACom requested a workshop on procedures and implications of recording meetings
- Standard practice is that the debate need not be recorded but the decision must be recorded.
- The decision not to record is taken by the chair of the committee but any member can make a request.
- The recordings are a perpetual record of the items considered by committees and will be archived.
- If approved recording will be implemented in June once committee members have been informed of the procedures and implications.
- The amended policy in Annexure G does not indicate the time limit on transcription preparations which could result in delays to approval processes.
- The implications for appeal procedures to be further considered.

Decision

- The committee made a decision that future meetings of HWC be recorded.
- The amendments to the policy are approved with the following amendments. The rules of order of conduct of meetings of HWC policy be amended with the following change to the draft document: (any person wishing to obtain a copy of the recordings may do so by following the procedures of A,B,C)
- A short PRESENTATION to be made at forthcoming committee meetings to explain the benefits and processes of recordings and any implications.

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 13H05.

19. PROPOSED DATE OF NEXT MEETING: 28 July 2017

CHAIRPERSON _____ DATE _____

SECRETARY _____ DATE _____

ADDENDUM C

INTEGRATED CONSERVATION PLAN FOR DIEPKLOOF ROCK SHELTER

File No: N/a

SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: Integrated Conservation Plan for Diepkloof Rock Shelter

1. PURPOSE

The Integrated Conservation Management Plan for Diepkloof Rock Shelter is tabled before Council for its approval.

2. BACKGROUND

A nomination was put forward for the proposed grading of the Diepkloof Rock Shelter as a Grade II heritage resource, being a Provincial Heritage Site. The nomination was assessed by HWC and its Committees. The proposed Grade II nomination was approved and an Integrated Conservation Management Plan (ICMP) was requested for the site. A ICMP for the site was compiled by Eco Africa and submitted to Heritage Western Cape (HWC) for approval. The attached final draft ICMP for Diepkloof Rock Shelter was presented at the APM Committee meeting and was endorsed as per the attached minutes.

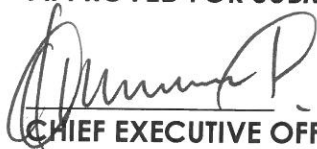
3. RECOMMENDATION/S

It is recommended that the Council approve the Integrated Conservation Management Plan for Diepkloof Rock Shelter.

SUBMITTED BY: Jonathan. Windvogel

DATE: 14 June 2017

APPROVED FOR SUBMISSION TO COUNCIL


CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

be temporarily stored at the Department of Human Biology at UCT before being returned to SANParks for reburial;

- The public consultation process had not commenced yet.

DECISION

The Committee is satisfied that the applicant may proceed with excavation under the existing permit on condition that:

- Public notification and consultation starts immediately and SANParks confirms proposed procedures and timeframes for reburial. A revised agreement with SANParks reflecting this information must be submitted to HWC.
- Invasive procedures such as radiocarbon dating must await the outcome of public participation.
- The Department of Human Biology at UCT is recognised as the temporary repository for these human remains and any associated artefactual material from Tankwa Karoo National Park until they are reburied.

AS

14 SECTION 38 WORKPLAN APPLICATIONS

14.1 None

15 SECTION 38 WORKPLAN REPORTS

15.1 None

16 SECTION 38 (8) TO OTHER AUTHORITIES

16.1 None

17 SECTION 27: PROVINCIAL HERITAGE SITE

17.1 None.

18 REQUEST FOR EXCEPTION/OPINION/ADVICE

18.1 None.

19 REPORT BACK FROM OTHER MEETINGS WHEN RELEVANT

19.1 None.

20 OTHER MATTERS

20.1 ICMP for Diepkloof, Pinnacle Point and Blombos

Final drafts of ICMPs were presented, with a focus on comments received.

Mr Andrew Hall and Ms Olga van den Pol were present and took part in the discussion.

In discussion it was noted that:

- A full scientific bibliography is beyond the brief of the ICMP document but a recommendation is to be made that one is prepared for each site's dossier.
- The nomination dossier still has to be compiled and will inform final ICMPs. APM Committee to be kept informed of progress.

- Some boundaries and buffer zones are still to be resolved. The brief for the nomination dossier must include this issue.
- The SO2, the archaeological conservation strategy, has been included in detail in the ICMPs.
- Many components in the plans have already been implemented, and where possible the remainder should be put in place before the nomination.

RECOMMENDATION

- The committee agrees that the management frameworks can be initiated as soon as possible.

JW

21. ADOPTION OF RESOLUTIONS AND DECISIONS

The Committee adopted the resolution and decisions and the minutes will be circulated for editing.

22 CLOSURE

The meeting adjourned at: 13H00

23 DATE OF NEXT MEETING:

1 March 2017

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____

ADDENDUM D

**INTEGRATED CONSERVATION PLAN
FOR PINNACLE POINT**

File No: N/a

SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: Integrated Conservation Plan for Pinnacle Point

1. PURPOSE

The Integrated Conservation Management Plan for Pinnacle Point is tabled before Council for its approval.

2. BACKGROUND

A nomination was put forward for the proposed grading of the Pinnacle Point as a Grade II heritage resource, being a Provincial Heritage Site. The nomination was assessed by HWC and its Committees. The proposed Grade II nomination was approved and an Integrated Conservation Management Plan (ICMP) was requested for the site. A ICMP for the site was compiled by Eco Africa and submitted to Heritage Western Cape (HWC) for approval. The attached final draft ICMP for Pinnacle Point was presented at the APM Committee meeting and was endorsed as per the attached minutes.

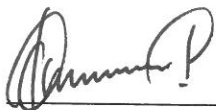
3. RECOMMENDATION/S

It is recommended that the Council approve the Integrated Conservation Management Plan for Pinnacle Point.

SUBMITTED BY: Jonathan. Windvogel

DATE: 14 June 2017

APPROVED FOR SUBMISSION TO COUNCIL



CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

be temporarily stored at the Department of Human Biology at UCT before being returned to SANParks for reburial;

- The public consultation process had not commenced yet.

DECISION

The Committee is satisfied that the applicant may proceed with excavation under the existing permit on condition that:

- Public notification and consultation starts immediately and SANParks confirms proposed procedures and timeframes for reburial. A revised agreement with SANParks reflecting this information must be submitted to HWC.
- Invasive procedures such as radiocarbon dating must await the outcome of public participation.
- The Department of Human Biology at UCT is recognised as the temporary repository for these human remains and any associated artefactual material from Tankwa Karoo National Park until they are reburied.

AS

14 SECTION 38 WORKPLAN APPLICATIONS

14.1 None

15 SECTION 38 WORKPLAN REPORTS

15.1 None

16 SECTION 38 (8) TO OTHER AUTHORITIES

16.1 None

17 SECTION 27: PROVINCIAL HERITAGE SITE

17.1 None.

18 REQUEST FOR EXCEPTION/OPINION/ADVICE

18.1 None.

19 REPORT BACK FROM OTHER MEETINGS WHEN RELEVANT

19.1 None.

20 OTHER MATTERS

20.1 ICMP for Diepkloof, Pinnacle Point and Blombos

Final drafts of ICMPs were presented, with a focus on comments received.

Mr Andrew Hall and Ms Olga van den Pol were present and took part in the discussion.

In discussion it was noted that:

- A full scientific bibliography is beyond the brief of the ICMP document but a recommendation is to be made that one is prepared for each site's dossier.
- The nomination dossier still has to be compiled and will inform final ICMPs. APM Committee to be kept informed of progress.

- Some boundaries and buffer zones are still to be resolved. The brief for the nomination dossier must include this issue.
- The SO2, the archaeological conservation strategy, has been included in detail in the ICMPs.
- Many components in the plans have already been implemented, and where possible the remainder should be put in place before the nomination.

RECOMMENDATION

- The committee agrees that the management frameworks can be initiated as soon as possible.

JW

21. ADOPTION OF RESOLUTIONS AND DECISIONS

The Committee adopted the resolution and decisions and the minutes will be circulated for editing.

22 CLOSURE

The meeting adjourned at: 13H00

23 DATE OF NEXT MEETING:

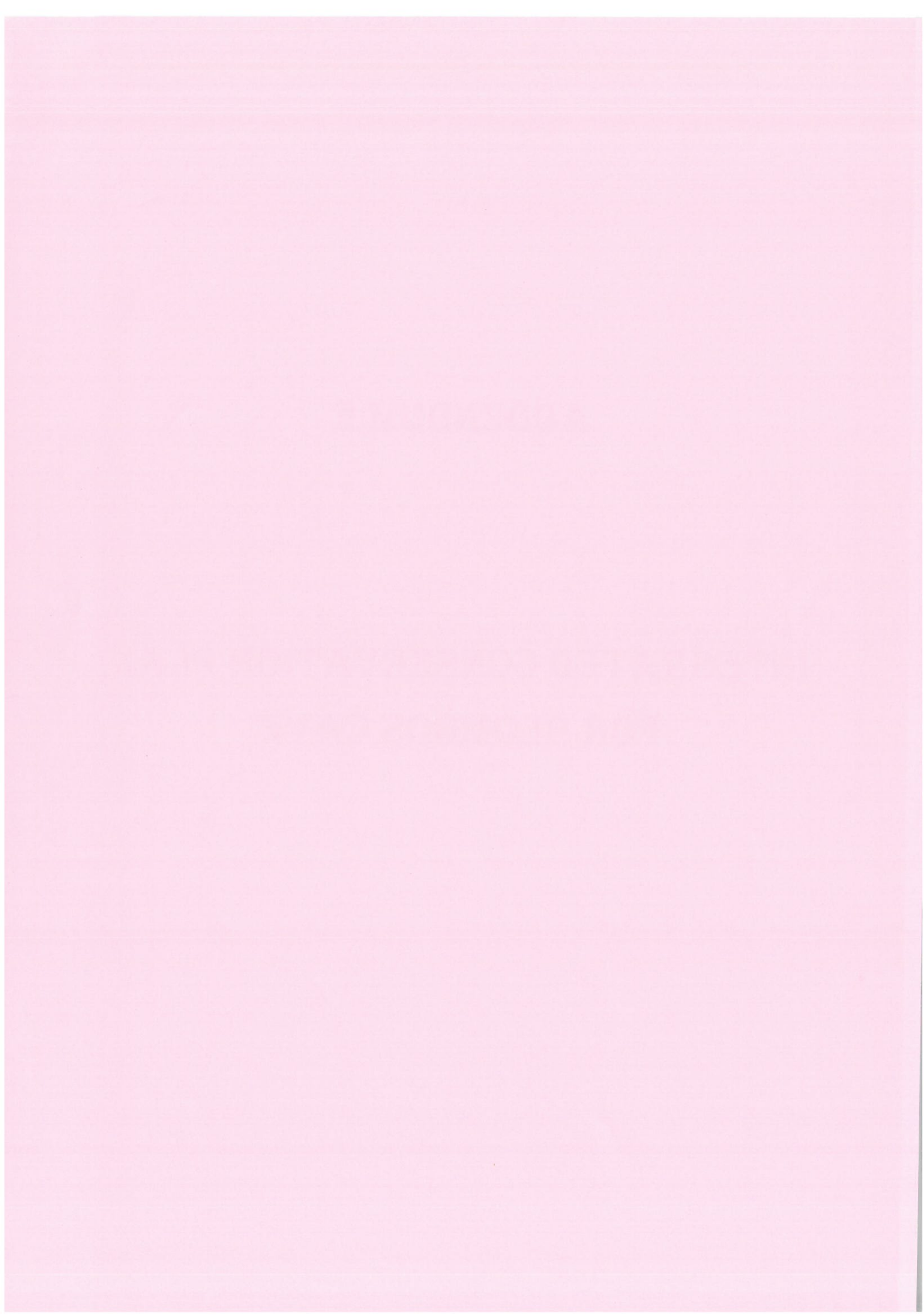
1 March 2017

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____

ADDENDUM E

INTEGRATED CONSERVATION PLAN FOR BLOMBOS CAVE



File No: N/a

SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: Integrated Conservation Plan for Blombos Cave

1. PURPOSE

The Integrated Conservation Management Plan for Blombos Cave is tabled before Council for its approval.

2. BACKGROUND

A nomination was put forward for the proposed grading of the Blombos Cave as a Grade II heritage resource, being a Provincial Heritage Site. The nomination was assessed by HWC and its Committees. The proposed Grade II nomination was approved and an Integrated Conservation Management Plan (ICMP) was requested for the site. A ICMP for the site was compiled by Eco Africa and submitted to Heritage Western Cape (HWC) for approval. The attached final draft ICMP for Blombos Cave was presented at the APM Committee meeting and was endorsed as per the attached minutes.

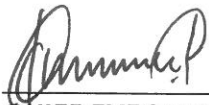
3. RECOMMENDATION/S

It is recommended that the Council approve the Integrated Conservation Management Plan for Blombos Cave.

SUBMITTED BY: Jonathan. Windvogel

DATE: 14 June 2017

APPROVED FOR SUBMISSION TO COUNCIL



CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

be temporarily stored at the Department of Human Biology at UCT before being returned to SANParks for reburial;

- The public consultation process had not commenced yet.

DECISION

The Committee is satisfied that the applicant may proceed with excavation under the existing permit on condition that:

- Public notification and consultation starts immediately and SANParks confirms proposed procedures and timeframes for reburial. A revised agreement with SANParks reflecting this information must be submitted to HWC.
- Invasive procedures such as radiocarbon dating must await the outcome of public participation.
- The Department of Human Biology at UCT is recognised as the temporary repository for these human remains and any associated artefactual material from Tankwa Karoo National Park until they are reburied.

AS

14 SECTION 38 WORKPLAN APPLICATIONS

14.1 None

15 SECTION 38 WORKPLAN REPORTS

15.1 None

16 SECTION 38 (8) TO OTHER AUTHORITIES

16.1 None

17 SECTION 27: PROVINCIAL HERITAGE SITE

17.1 None.

18 REQUEST FOR EXCEPTION/OPINION/ADVICE

18.1 None.

19 REPORT BACK FROM OTHER MEETINGS WHEN RELEVANT

19.1 None.

20 OTHER MATTERS

20.1 ICMP for Diepkloof, Pinnacle Point and Blombos

Final drafts of ICMPs were presented, with a focus on comments received.

Mr Andrew Hall and Ms Olga van den Pol were present and took part in the discussion.

In discussion it was noted that:

- A full scientific bibliography is beyond the brief of the ICMP document but a recommendation is to be made that one is prepared for each site's dossier.
- The nomination dossier still has to be compiled and will inform final ICMPs. APM Committee to be kept informed of progress.

- Some boundaries and buffer zones are still to be resolved. The brief for the nomination dossier must include this issue.
- The SO2, the archaeological conservation strategy, has been included in detail in the ICMPs.
- Many components in the plans have already been implemented, and where possible the remainder should be put in place before the nomination.

RECOMMENDATION

- The committee agrees that the management frameworks can be initiated as soon as possible.

JW

21. ADOPTION OF RESOLUTIONS AND DECISIONS

The Committee adopted the resolution and decisions and the minutes will be circulated for editing.

22 CLOSURE

The meeting adjourned at: 13H00

23 DATE OF NEXT MEETING:

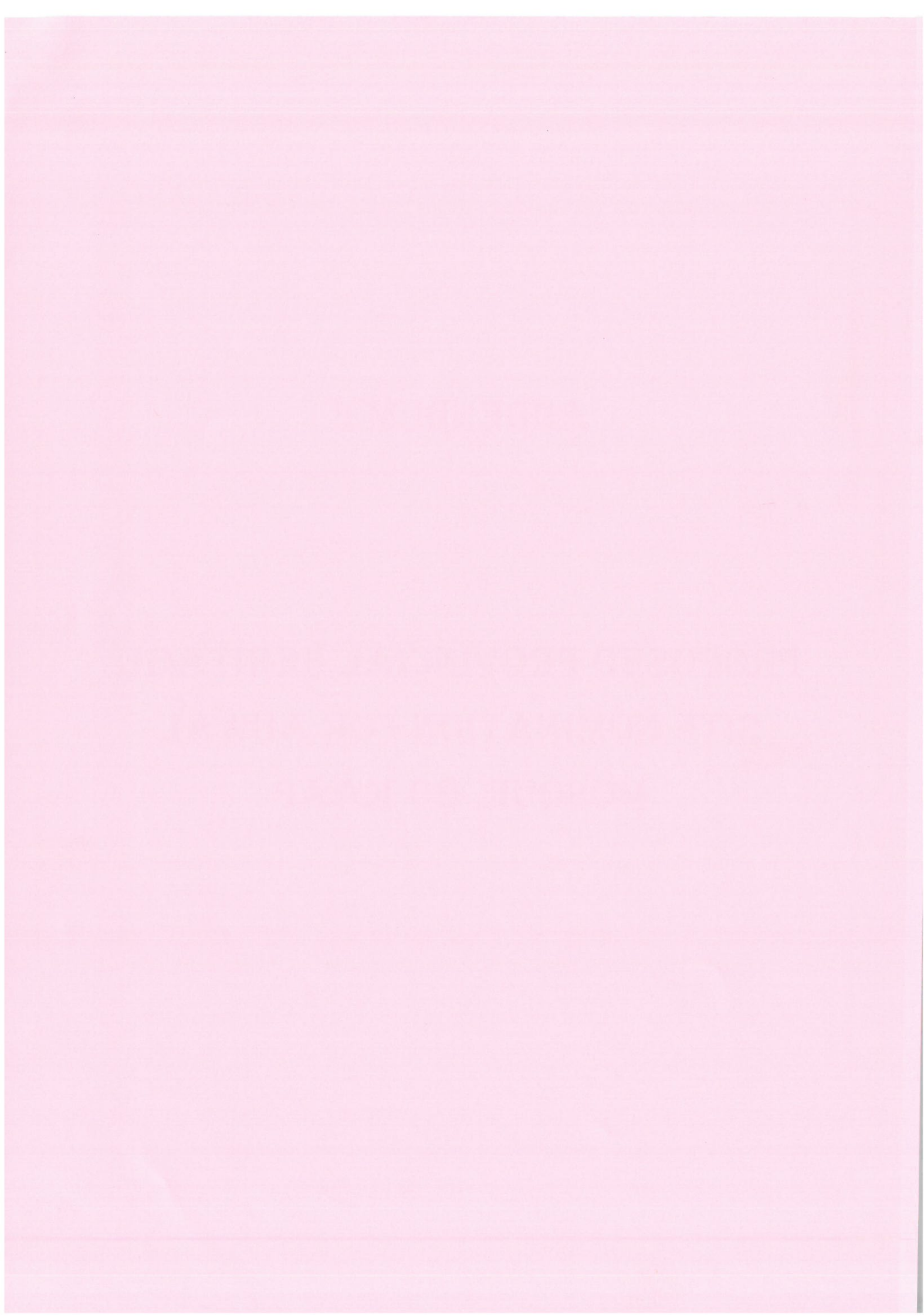
1 March 2017

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____

ADDENDUM F

**PROPOSED PROVINCIAL HERITAGE
SITE NOMINATION FOR AUWAL
MOSQUE, BO-KAAP**



File No: **N/a**

SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: Proposed Provincial Heritage Site nomination for Auwal Mosque, Bo-Kaap

1. PURPOSES

The proposed Provincial Heritage Site nomination for Auwal Mosque, Bo-Kaap is tabled before Council for its approval.

BACKGROUND

A nomination was put forward for the proposed grading of the Auwal Mosque as a Grade II heritage resource being a Provincial Heritage Site (PHS). The nomination was assessed the IGIC Committee. All interested and affected parties was consulted (responses are attached). The proposed Grade II nomination was supported by the IGIC Committee.

2. DISCUSSION

Due to the significant nature of the site (cultural, sacred, historical, associational and the establishment of Islam in the Cape) and the issues raised, it is recommended that a Conservation Management Plan (CMP) be drafted for the site.

3. RECOMMENDATION/S

Its recommended that Council declares the Auwal Mosque a PHS in terms of Section 27 of the National Heritage Resources Act and that a Conservation Management Plan be compiled for the site, after the Gazette Notice is promulgated.

SUBMITTED BY: Jonathan. Windvogel

DATE: 14 June 2017

APPROVED FOR SUBMISSION TO COUNCIL



CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: APPLICATION FOR CONSENT TO REMOVE RESTRICTIVE CONDITION OF TITLE: ERF 177649 CAPE TOWN

1. PURPOSE

To consider a request to remove a restrictive condition of title.

2. BACKGROUND

Application has been received from Attorneys Norton Rose Fulbright on behalf of Braccobaldo 1 (Pty) Limited, the owners of the subject property, to remove a restrictive condition of title.

A copy of the Application, together with the proposed agreement and a copy of HWC's letter dated 27 January 2004 are annexed.

3. DISCUSSION

The property was a provincial heritage site by virtue of it being declared a National Monument in terms of the National Monuments Act, 1969 (Act 28 of 1969). The property is surrounded by heritage resources. Unfortunately the HWC consent is so wide that it would appear that there is no way to avoid agreeing to the removal of the restrictive condition.

4. RECOMMENDATION/S

1.

SUBMITTED BY:

DATE:

APPROVED FOR SUBMISSION TO COUNCIL



CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

Recommendations to be discussed during the Council meeting.



HERITAGE WESTERN CAPE

Provincial Heritage Authority of the Western Cape

Private Bag X9067, Cape Town, 8001
Tel: 021 483 9672 Fax: 021 483 9842

Provincial Heritage Site Nomination Form

This form precedes the submission of the 'Nomination Document' and is designed to assist with the grading of heritage resources in terms Section 3(3) of the National Heritage Resources Act, as part of the process of declaration as a Provincial Heritage Site (Section 27). Nominated heritage resources that are of special provincial significance will be graded as Grade 2 and considered for Provincial Heritage Site status.

Proposed Provincial Heritage Site: Auwal Masjied

Brief Statement of Significance: *(A full statement of significance is required as an attachment)*

The Auwal Masjied is considered to possess provincial social and historical heritage value whilst possessing high local landmark quality. The Auwal Masjid, situated on 34 Dorp Street, Cape Town, became the first to be established and is still functioning as the noble founders had intended. It became a centre of Muslim communal activity, regulating and patterning their social and religious life (Mahida1993:12). The statement: 'Put your highest to the lowest in adoration of light and power' expresses the sentiment of Mogamad Faadiel in discussing the powerful role of prayer and importance of the Auwal Mosque in the history of Islam in Cape Town. The Auwal Mosque is of cultural significance based on its association with living heritage, links to slavery, importance in the community, strong association with the muslim community and special association with among others, Tuan Guru, Achmat van Bengalen and Saartjie van die Kaap. The mosque presents a monument to the struggle of the Cape Muslims for the recognition of their religion and the freedom to worship. Significance is thus as a sacred space and not specifically for aesthetic and / or architectural value. The Auwal Mosque, the first Mosque in South Africa, is a worthy monument to South African Muslim Society (Davids 1980:113).

Date Proposed 09 July 2015

Proposed By: Muslim Judicial Council of South Africa

Contact Details: (021) 684 4600 / Email: idarah@mjc.org.za

Name of Property: Auwal Masjied

Street Number and Street: 34 Dorp Street.....

Suburb: Bo-Kaap.....

Town: Cape Town..... **District:** Western Cape

Cadastral Information

Erf/ Farm Number:

Registration Division: Bo-Kaap , Cape Town.....

Longitude:18°24'52.81"E

Latitude: 33°15'19.40"S

.....

Map Reference: **Recording Method:**

Type of Resource

Place ☒
Structure ☒
Archaeological Site ☐
Palaeontological Site ☐
Geological Feature ☐
Grave ☐

Do moveable objects relating to the site form part of the Nomination? ☐

Serial nomination (Is more than one site being nominated as part of a 'Joint Nomination')

Note: this is the first site to be considered as part of a serial nomination

(For serial nominations, complete one form for each site, supply additional details about the information relating to the relation of the sites, and the management and phasing of proposed nomination be attached).

Sphere of Significance	High	Med	Low
International	☐	☐	☐
National	☒	☐	☐
Provincial	☒	☐	☐
Regional	☐	☐	☐
Local	☐	☐	☐
Specialist group or community	☐	☐	☐

What other similar sites may be compared to the site? How does the site compare to these sites?

(Please expand on separate sheet)

Palm Tree Mosque 185 Long Street, Nurul Islam Mosque 134 Buitengracht Street, Jamia Mosque lower Chiappini Street.

Owner:

Saartjie van de Kaap

(If state-owned; responsible department and official position of contact)

Postal Address Telephone: Fax: E-Mail Web PageContact Person

- ☐ * Expanded statement of significance; (Refer specifically to significance criteria listed below)
- ☐ * Motivation for declaration as a Provincial Heritage Site, including potential, threats and vulnerabilities;
- ☐ * Short history of the place;
- ☐ * Physical description of the heritage resource;
- ☐ * Locality plan (map) and Site Plan;
- ☐ * Photographs and plans;
- ☐ ** List of moveable objects relating to site that are proposed as part of nomination, or for archaeological or palaeontological site ;list of repositories where these are housed;
- ☐ ** Bibliography of documentation relating to the heritage resource;
- ☐ ** Statement of current protections and restrictions (e.g. previous national monument; register of immovable property; conservation area; current zoning; servitudes);
- ☐ ** List any heritage organizations consulted and their comments on the proposed nomination.
- ☐ *** Site plan (with proposed site boundaries);
- ☐ *** Conservation or management plans (send immediately if any exist);
- ☐ *** Heritage Agreement (if required).

(Please supply those marked (*) with this nomination form, as well as any others that are already available. Those marked (**) will be requested when the proposal first goes to HWC Council for endorsement (Tentative List of Provincial Heritage Sites). Those marked (***) will be required when the Nomination goes to the following Council Meeting for approval as a Provincial Heritage Site).

Type of Significance

1. Historical Value

a. It is important in the community, or pattern of history

- i. Importance in the evolution of cultural landscapes and settlement patterns ☒
- ii. Importance in exhibiting density, richness or diversity of cultural features illustrating the human occupation and evolution of the nation, Province, region or locality. ☐
- iii. Importance for association with events, developments or cultural phases that have had a significant role in the human occupation and evolution of the nation, Province, region or community. ☒
- iv. Importance as an example for technical, creative, design or artistic excellence, innovation or achievement in a particular period ☐

b. It has strong or special association with the life or work of a person, group or organisation of importance in history

- i. Importance for close associations with individuals, groups or organisations whose life, works or activities have been significant within the history of the nation, Province, region or community. ☒

c. It has significance relating to the history of slavery

- i. Importance for a direct link to the history of slavery in South Africa ☒

2. Aesthetic Value

a. It is important in exhibiting particular aesthetic characteristics valued by a community or cultural group

- i. Importance to a community for aesthetic characteristics held in high esteem or otherwise valued by the community. ☐
- ii. Importance for its creative, design or artistic excellence, innovation or achievement. ☐
- iii. Importance for its contribution to the aesthetic values of the setting demonstrated by a landmark quality or having impact on important vistas or otherwise contributing to the identified aesthetic qualities of the cultural environs or the natural landscape within which it is located. ☒
- iv. In the case of an historic precinct, importance for the aesthetic character created by the individual components which collectively form a significant streetscape, townscape or cultural environment. ☒

3. Scientific Value

a. It has potential to yield information that will contribute to an understanding of natural or cultural heritage

Indicate with a tick

Comment where appropriate.
Indicate sphere of significance:
i.e. National, Provincial, Local
and degree of significance: i.e.
High, Medium or Low.

- i. Importance for information contributing to a wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality, reference or benchmark site. ☒
- ii. Importance for information contributing to a wider understanding of the origin of the universe or of the development of the earth. ☐
- iii. Importance for information contributing to a wider understanding of the origin of life; the development of plant or animal species, or the biological or cultural development of hominid or human species. ☐
- iv. Importance for its potential to yield information contributing to a wider understanding of the history of human occupation of the nation, Province, region or locality. ☒

b. It is important in demonstrating a high degree of creative or technical achievement at a particular period

- i. Importance for its technical innovation or achievement. ☐

4. Social Value

a. It has strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

- i. Importance as a place highly valued by a community or cultural group for reasons of social, cultural, religious, spiritual, symbolic, aesthetic or educational associations. ☒
- ii. Importance in contributing to a community's sense of place. ☒

Degrees of Significance

5. Rarity:

a. It possesses uncommon, rare or endangered aspects of natural or cultural heritage

- i. Importance for rare, endangered or uncommon structures, landscapes or phenomena. ☒
- ii. Importance in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practiced in, or in danger of being lost from, or of exceptional interest to the nation, Province, region or locality. ☐

6. Representivity:

a. It is important in demonstrating the principal characteristics of a particular class of natural or cultural places or objects

- i. Importance in demonstrating the principal characteristics of a range of landscapes or environments, the attributes of which identify it as being characteristic of its class. ☐
- ii. Importance in demonstrating the principal characteristics of human activities (including way of life, philosophy, custom, process, land-use, function, design or technique) in the environment of the nation, Province, region or locality. ☒

Signature:.....

Date: 9 July 2015



39 Dorp Street

Cape Town

South Africa

info@auwalmasjid.co.za

To whom it may concern/ the IGIC committee

We pray that this brief note reaches you well.

The committee and *Imāmah* of the Auwal Masjid of Dorp Street in Cape Town acknowledges the significance of the mosque as the first in South Africa. It was established in the year 1794 and as such celebrates its 222nd anniversary this year.

We fully support and encourage it to be declared as a heritage site and will facilitate any further help in that regard if so required.

Yours sincerely

The *Imāmah* (Co-Imam team) and committee of

The Auwal Masjid

10/08/2016





AUWAL MASJID
39 Dorp Street BO-KAAP

INTRODUCTION

vidamemoria heritage consultants in association with the Muslim Judicial Council and Auwal Masjid have prepared the necessary documentation towards the declaration of the **Auwal Masjid, Dorp Street Bo-Kaap** as a Provincial Heritage Site.

The Auwal Masjid is the oldest mosque and madrassah in South Africa. It dates to 1797, when a Dorp Street warehouse was first used as a mosque, with Tuan Guru as Imam (Mountain 2004:90-91). The Auwal Masjid is considered to possess to social and historical heritage value whilst possessing high local landmark quality. The Auwal Masjid, situated at 34 Dorp Street, Cape Town, was the first mosque established in South Africa and is still functioning as the founders had intended. The site became a center of Muslim communal activity, regulating and patterning social and religious life (Mahida1993:12). *'Put your highest to the lowest in adoration of light and power'* expresses the powerful role of prayer and the importance of the Auwal Moasjid in the history of Islam in Cape Town. The Mosque is of cultural significance based on its association with living heritage, links to slavery, importance in the community, strong association with the muslim community and special association with among others, Tuan Guru, Achmat van Bengalen and Saartjie van die Kaap. The mosque presents a monument to the struggle of the Cape Muslims for the recognition of religious freedom and expression. Significance is thus as a sacred space and not specifically for aesthetic and / or architectural value. The Auwal Masjid, the first Mosque in South Africa, is a worthy monument to South African Muslim Society (Davids 1980:113).



Bradlow and Cairns provides encyclopedi britannica definition of a mosque or place of worship as incorporating essentially an open space that is generally roofed over, a mihrab and mimbah from which the Imam leads the congregation in the direction of Mecca (qiblah), a minaret used by the mu'azzin and a place for ablution containing running water, either within or attached to the mosque (1978:25). Du Plessis refers to the mosques of the 'Malay Quarter' as characterized by striking simplicity (1972:7) in relation to the hadith (a saying of holy Prophet Muhammad PBUH) refering to 'all the world as a Masjid', implying that prayers can be conducted in a clean space regardless of a mimbah, mihrab or minaret. Running water for wudu (cleansing prior to prayer) is however essential. Worden noted that in the late eighteenth century, Islam was not yet apparent in the architecture or spatial layout of Cape Town and mosques still looked like ordinary houses (2004:127) with minarets as later additions.

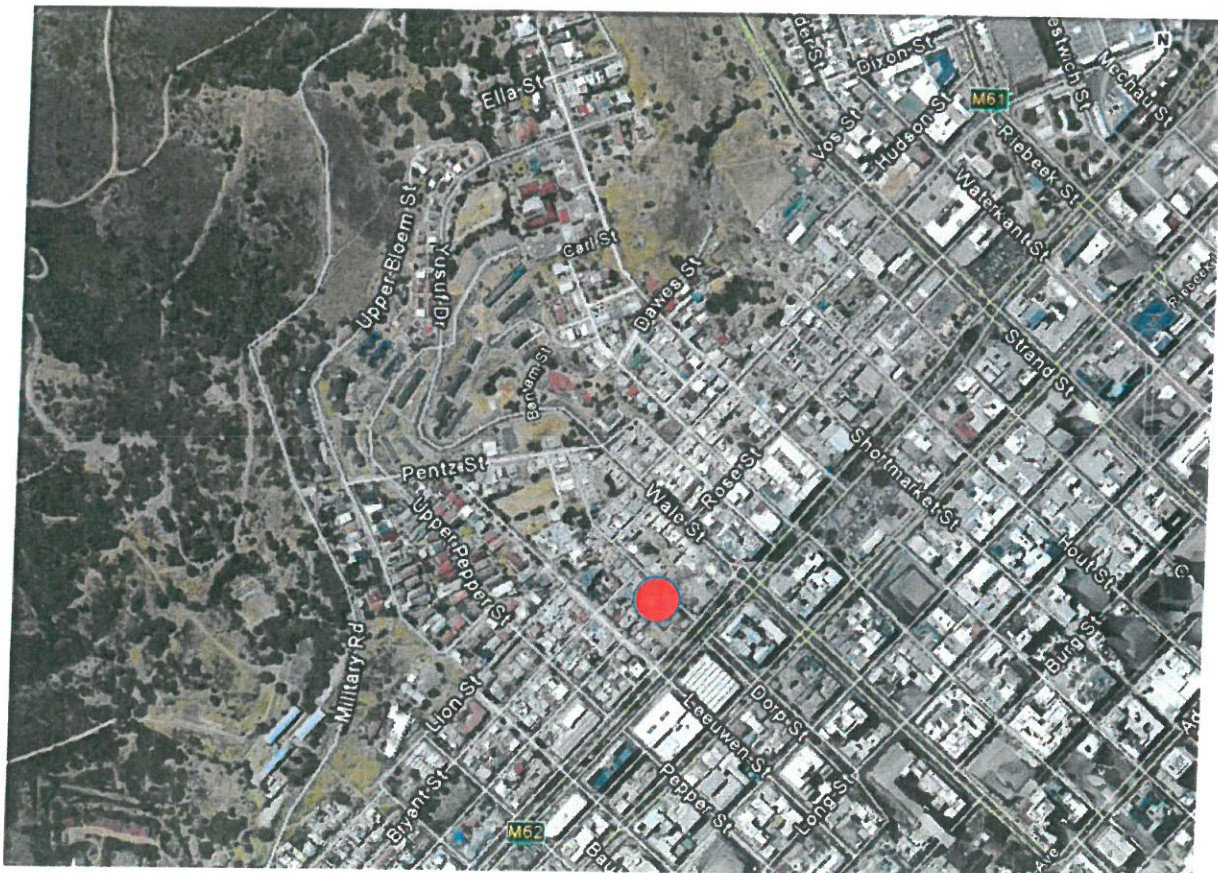
SITE LOCATION AND DESCRIPTION

The Auwal Masjid is situated in Upper Dorp Street, just above Buitengracht Street in Bo-Kaap, providing a focal point along the upper portion of Dorp Street. The striking mountain backdrop to the minaret provides a strong landmark quality.

The Auwal Masjid has undergone architectural changes under the influence of local styles, builders and materials. Often, poor materials and structures have resulted in the need to upgrading and alterations. Evidence exists of layering and growth of mosque where different buildings are clearly visible. As one moves from Buitengracht Street up along Dorp Street, it is clear that a number of buildings have been incorporated. The difference in style, size and placement of windows and doors provide such evidence. A house later incorporated as a madrassa shows clear evidence of such layering. An old doorway has been bricked up and a window added to blend with the rest of the mosque.

The mosque hardly retains any historic elements. Windows have been added and smaller windows replaced with larger ones. The modest entrance was replaced with a grand recessed entrance and moldings added. The mosque has been significantly altered and bears little resemblance to its original structure. Adjacent houses have also been extended over time. The old lane still runs behind the mosque and provides access to a number of adjacent properties.

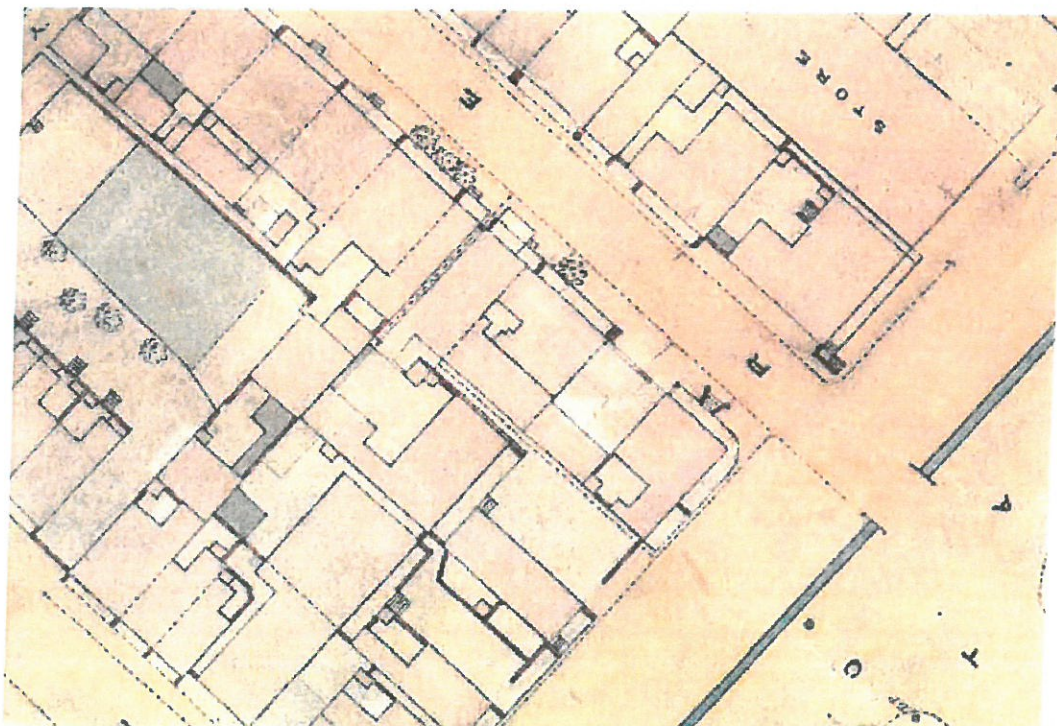
The Auwal Masjid grew from a small structure and was altered and extended over time, with only 2 walls of the original structure remaining. Additions to accommodate a growing congregation necessitated expansion, however, alterations were necessary after part of the original structure collapsed in 1930. Funds were raised to build a new structure and to add the minaret. Prior to 1930, the mu'azzin used a ledge to give the call to prayer (Davids 1980:113).



Site location Dorp Street, Bo-Kaap Cape Town



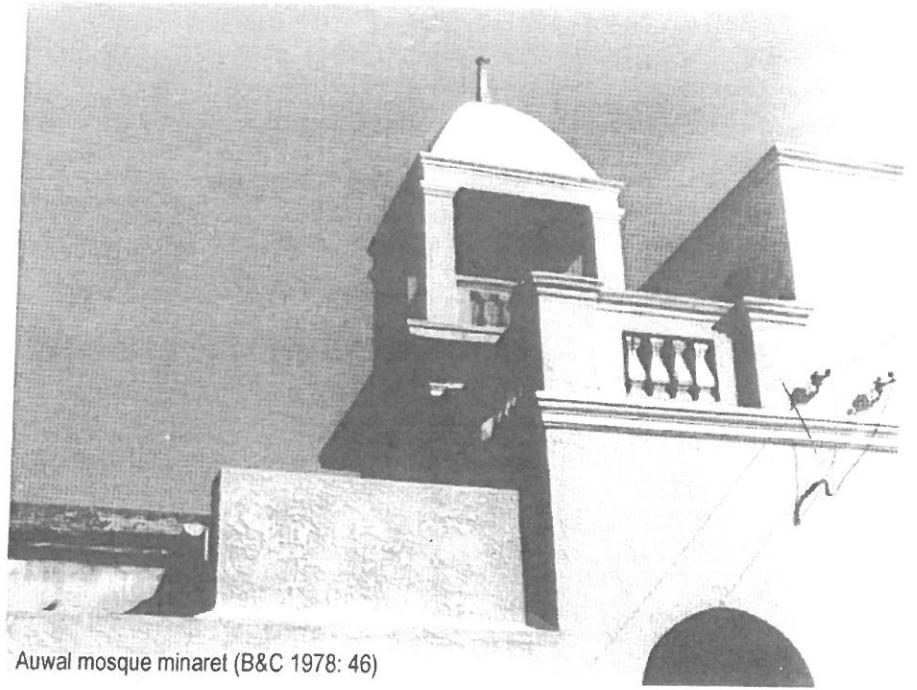
Aerial photograph depicting extent of Masjid boundaries



Thom 1900 indicating mosque structure and series of courtyards



Auwal mosque recessed mihrab and mimbah (B&C 1978: 43)



Auwal mosque minaret (B&C 1978: 46)



View of Auwal mosque (Davids, 1980)



Dorp Street with Auwal mosque in background (Luckhoff circa 1950's)

Timeline of additions and alterations

- The Auwal Masjid was initially a modest single-storey structure providing a prayer space. The prayer space most probably incorporated a mimbah and wudu area. The mosque would have been modest in its appearance given issues regarding religious freedom.
- By 1900 the mosque had incorporated the courtyard separating the mosque from the house located on the corner of Dorp and Buitengracht Streets.
- It was only in 1936 that extensive renovations were made to the Auwal Masjid (Mahida 1993:13). A fire in the 1930's resulted in alterations occurring and minaret added in 1939. The 'store' would later be incorporated into the mosque for additional prayer space on the ground floor and for a library on the first floor.
- The 1943 plans reflect the 'yard' that had not yet been incorporated into the mosque prayer area. The current storerooms indicated as a kitchen and living area with the existing staircase leading to living areas. In terms of the mosque function, this residence was not yet incorporated, but may have had links in terms of the occupants as access to the residence was through the courtyard to Dorp Street.
- By 1963 the mosque was a single-storey structure and had not yet expanded to the yard or store. The courtyard area had been converted to accommodate ablution facilities and wudu area was formalised. The remainder of the courtyard is indicated as a 'yard' on the 1963 plans. The internal layout of the main prayer section had not changed. Structural columns were added as building techniques changed.
- By 1990 the mosque was double volume and incorporated yard area for the main prayer area. The ladies prayer section was added. The minaret was raised at this time and a new mimbah and mihrab was incorporated. Elements (pillars) of the old mimbah was incorporated into the mosque. Doors were retained and additional windows incorporated.
- By 1996 the residence was incorporated as storeroom and madrassa rooms. The ladies ablution and wudu facilities were added and mens ablution facilities were upgraded.
- By 2005 the stores were incorporated into the mosque including the small courtyard. The first floor was planned as a library space and the ground floor additional space for the main prayer area. A new mimbah and mihrab was added.

The main entrance of the mosque has remained in the same location; however, windows have been altered over time, with larger windows incorporated in the 1990's. The profile (roof) of the mosque has remained the same, with the only major change being the addition of the minaret. With each expansion of the mosque, the mimbah was moved, so that the Imam would address the congregation and lead the prayer from the front of the mosque, facing qiblah. The location of the mimbah has changed over time and also, the mimbah itself has become more elaborate. Sections of the walls were clad and an accent wall is incorporated within the main prayer section. The mosque does not seem to follow a specific detailing pattern, however as previously stated, its significance is linked to its history and the mosque as a sacred space and less so for its architectural value. The mosque does however possess aesthetic value in read in conjunction with landscaping incorporated along Dorp Street.

Description of the exterior of the mosque (see attachment for description of interior)

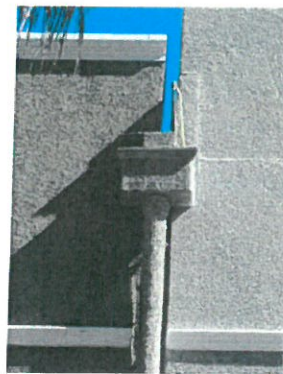
The Auwal Mosque is situated in Upper Dorp Street, just above Buitengraght Street, providing a focal point along the upper portion of Dorp Street. The striking mountain backdrop to the minaret provided a strong landmark quality. Albeit the tall structure lacks detail on its front façade, the structure is imposing, with a definite presence.



Evidence exists of layering and growth of mosque where different buildings are clearly visible. As one moves from Buitengraght Street up along Dorp Street, it is clear that a number of buildings have been incorporated. The difference in style, size and placement of windows and doors provide such evidence. A house later incorporated as a madrassa shows clear evidence of such layering. An old doorway has been bricked up and a window added to blend with the rest of the mosque.



Doorway and bathroom windows adjacent to entrance



Joints evident



Evidence of old doorway

The mosque hardly retains any historic elements. Windows have been added and smaller windows replaced with larger ones. The modest entrance was replaced with a grand recessed entrance and moldings added. The mosque has been significantly altered and bears little resemblance to its original structure. Adjacent houses have also been extended over time. The old lane still runs behind the mosque and provides access to a number of adjacent properties.



The Development of Islam at the Cape

When setting up a refreshment station at the Cape, Jan van Riebeeck had been ordered to barter- but not wage war- with the indigenous population. Instead of enslaving the local Khoekhoen, he and subsequent commanders were obliged to import slaves to the Cape to ease the chronic shortage of labour (Worden et al 1998: 21). It was not until six years after his arrival that a significant cargo of slaves was diverted to the Cape, and while slavery at the Cape had a slow start, by 1808 approximately 63 000 slaves had reached our shores from Africa, Madagascar, India and Indonesia (Shell 1994: 40). The majority of slaves were of Indonesian origin from Java, the Celebes, Bali, Timor, Buton, Madura, Tambora, the Moluccas, Bengal in India and Ceylon (Townsend 1977: 9). Some were brought to the Cape not only as slaves, but political exiles and company convicts, many of whom were Muslim. In 1681 the Cape was officially made a place of confinement for high-ranking prisoners from the lands situated in Indonesian Archipelago where the Dutch East India Company was attempting to establish control (Ibid: 10). It is through these Eastern slaves, convicts and political exiles that Islam was brought to the Cape.

According to historians, the rapid growth of Islam was one of the most striking features of early 19th century Cape Town. "Although Muslims had formed a significant part of the Dutch settlement, it was only in the early British period that a distinctive and sizeable Muslim community began to be visible. From less than 1000 in 1800, the number of Muslims in Cape Town grew to 3000 in 1822 and then doubled to over 6000 by 1840. This growth was not just the result of natural increase, but of conversion, especially among the slave and labouring classes of the town" (Worden et al 1998: 124). It was perhaps a combination of a lack of missionary effort to Christianize slaves as well as the very real social and spiritual benefits that Islam offered to its adherents in 19th Century Cape Town that stood behind this growth: "The Muslim community transcended divisions of class, if not race, and was marked by an increasing number of institutional structures which gave support and identity to its members, both slave and free" (Ibid).

"Although there had been Muslim slaves, exiles and free blacks in the town from the seventeenth century, this sense of community only began to emerge markedly in the late VOC period" (Ibid). There are written accounts that celebrations used to take place in the homes of free blacks in 1772 to honour the Prophet's birthday and the end of Ramadan (Thunberg 1986:47-48). With the development of Islam by individuals such as Tuan Guru who had been banished to the Cape in 1780, a religious school and place of worship was established in his house in Dorp Street. At this stage no formal approval of these religious practices or establishments had been secured from the authorities. It was noted by John Barrow in 1797 that Muslim slaves and free blacks, without the permission to build a mosque, held their prayer meetings in the stone quarries at the head of town (those situated in Chiappini Street) (Bradlow & Cairns 1978: 10). In 1822 Wilberforce Bird similarly noted that not only did the 'Malays' carry their devotions in the stone quarries near the town, but also in rooms and halls fitted for that purpose (Ibid: 16). These places of worship were not formal mosques, but 'langgars' or places of worship in a house (Ibid: 24). By 1811 there were reportedly 12 langgars for daily prayers in the houses of imams around the city (Townsend 1977: 12).

But in 1797 under a new British administration, permission was granted for the conversion of a warehouse in Dorp Street into the Auwal Masjid with Tuan Guru presiding as imam. In 1804 when the interim Batavian government guaranteed religious freedom, land was granted on the slopes of Signal Hill for a Muslim cemetery. This measure was aimed at maintaining Muslim

loyalty in the event of a British invasion at the Cape (Davids 1985: 5). In 1807 Cape Town's second Mosque was founded in a Long Street house bought by Frans van Bengel and Jan van Bougies. Known as the 'Palm Tree Mosque', its establishment was set against the backdrop of the property owners breakaway from the Auwal Masjid (when Jan van Bougies had failed to secure succession as imam to Tuan Guru). Rivalry between the two congregations continued through the 1830s until the death of Jan in 1846 at the age of 112 (Ibid: 127). According to Worden et al by 1824 the number of Muslim schools had increased to twelve and the Dorp Street *madrassah* (religious school), "which had 372 slave and free black pupils by 1807 and almost 1825 'initiated a prolific process of literacy among Cape slaves'" (Ibid:126).

While slaves were not permitted to marry under Christian rites until 1823, under Islam recognition of their unions was able to be obtained. As formal slavery drew to a close at the Cape, access to Muslim meetings and services increased. By the mid-1830s former slave masters found it increasingly difficult to prevent their Muslim apprentices from attending religious practices or festivities. At this stage, places of worship had not yet taken on the characteristics of Islamic architecture, and Mosques looked like ordinary houses. Minarets were only added in the mid-century which is around the same time that Islam became an officially recognised religion in the town (Ibid:127 and 187). While Muslim slaves were still scattered quite broadly across the Town, a community of Muslim free blacks began to concentrate themselves in the area that would become known as the Bo-Kaap. In 1840 there were only two fully constituted mosques in the Bo-Kaap district, by 1860 this had grown to five with the first Mosque in Claremont being built in 1854 (Ibid: 187). According to Worden et al, the most prominent Mosque was the Jami'a Mosque (or Queen Victoria Mosque) situated in lower Chiappini Street, built in 1850. "It was the first mosque to be erected on land granted by the government for such a purpose, and was sanctioned in a deliberate attempt to secure the loyalty of the 'Malay Corps' during the frontier war of 1846" (Ibid: 187). By 1860 teachers reportedly came from Arabia and India to work in Cape Town, and by the 1870s Muslims were residentially concentrated around the Mosques springing up in District One on the waterfront and on the slopes of Signal Hill.

In 1863 Abu Bakr Effendi was sent to the Cape by the Ottoman government to settle religious differences at the request of the British Government. Effendi's school at 71 Wale Street was the beginning of organized higher religious education (Townsend 1977: 13). But it was the formation of the Cape Malay Association in 1923 in the Bokaap that "was the first attempt by Muslims at the Cape to organize themselves politically" (Ibid: 13). When the Group Areas Act was passed in 1950, many Muslim communities in and around Cape Town were subject to forced removals to new townships situated on the Cape Flats (Ibid).

Slavery and Islam

It was not only the whites who were slave-owners. Most of the Muslim Free Blacks owned slaves themselves. Achmat van Bengalen, as a result of Tuan Guru's influence, laid down strict rules in this regard stating 'No Mohometan can or ought to sell a Mahometan as a slave. If he buys a slave from a Christian and that slave becomes a Mahometant, he is entitled to sit down as an equal in the family, and cannot be slaved afterwards. He is allowed to earn the means of redeeming his freedom if he chooses, or remain connected with the family of the original owner' (Davids 1980:95).

Achmat van Bengalen, or those Imams before him, would not have been able to exert control had it not been for the fact that they officiated as Imams of the Auwal Masjid. The mosque was a vital institution in the life of a Muslim and regulations flowing from it, or uttered by the Imam, were generally obeyed. It was through the kind treatment of their slaves that the Free Black

Muslims gained the greatest number of converts. Islam offered some hope and some security to the slaves in their bondage, a security which was vital for their existence. This is indicated by Imam Muding (whose father himself was a slave but who was redeemed when he adopted Islam), in his evidence to the Colebrooke and Bigge Commission of 1825: "Their bodies are in slavery, but we teach them to believe that their souls are free, and that they must look up to God to make them free when they die" (Davids 1980:96).

The Auwal Masjid acted as an anchorage for such sentiments. The owner of the property, Saartjie van de Kaap, was herself a manumitted slave, so was her father, the original purchaser of the property, Coridon van Ceylon. The slaves could thus identify with this mosque, where it must have appeared to them as a symbol of ultimate liberty (Davids 1980:96).

Malay identity

'Malay' had become a white synonym for Cape Muslims by the 1850s. "In 1875 almost 7000 Capetonians were described as 'Malays' by the census enumerators. By the 1870s many people also applied this term to themselves though they distinguished themselves too by religion as '*Slam*' (Islam)" (Worden et al 1998: 242). During the twentieth century, the notion of a 'Cape Malay culture' was particularly popularized by I.D. du Plessis who created an archetypal 'Malay' derived partly from nineteenth century writing and partly from current theories about race types as segregationist policies began to be enforced by the Apartheid Government (Worden et al 1999: 83).

Religious freedom

Prior to the construction of the "Saartjie's Masjid", the construction of masajid and open freedom of worship were strictly prohibited in the Cape. Under the Dutch East India Company, Muslims were not allowed places of worship and prayer meetings were often held in private homes or in stone quarries. The only "Kerk" (Church) permitted in the Colony was that of the Dutch Reformed Church. Religious freedom was granted in 1804 and permission granted to build a mosque during the first British Occupation. According to Achmat van Bengalen the construction of the Auwal Masjid was made possible through General Craig who, for the first time, permitted Muslim to pray in public in the Cape Colony. This had not been permitted by the Dutch Government, but General Janssens gave authority for it when the Dutch resumed the government, and when he enlisted the free Malays as soldiers (Davids 1980:93; Mahida 1993:12-13).

The Auwal Masjid was considered as the main religious institution in the life of the Cape Muslim community at the time. By 1824 there were 2 mosques, 5 prayer rooms and 4 madrassas in the Bo-Kaap as greater religious freedom after the end of VOC restrictions resulted in the emergence of open Islamic practice. Another contributing factor as noted by Schofield (1861:14) is that by 1842 there were only 4 Imams that were Hadjies and disputes were developing within congregations, causing division and necessitating additional mosques (Davids 1980:93,109; Worden 2004:125-126).

Trijn and Saartjie van de Kaap

The Dorp Street properties, the house and the mosque, numbers 42 and 43 (these numbers changed over the years), became Muslim owned on 26 September 1794 when it was transferred to the name of the Free Black, Coridon van Ceylon. Coridon, according to his will filed on 7 October 1797 was the manumitted slave of Salie (Davids 1980:107; Mountain 2004:90-91).

Coridon was the first Muslim to own properties in Cape Town. On his death, his wife, Trijn van de Kaap, inherited the properties, as he had willed. Both Trijn and her daughter, Saartjie, were former slaves. They became the property of Gerhardus Hendrick Craywagen before 1779. In that year Craywagen applied to manumit Trijn and her daughter Sara, who was then four years old (Davids 1980:108). Trijn van de Kaap was a woman of astute business acumen. In a miscellaneous volume of Wykmeesters Returns for 1800 in the Cape Archives she is shown to be occupying her own property in Dorp Street, the owner of four slaves and employer of a Hottentot. Together with this she provided accommodation for four male and one female slave, belonging to the Heer van Oudtshoorn. Saartjie and her husband, Job van Bengalen (in all probability Achmat van Bengalen) with their three children, two daughters and a son, are shown to be inwoners of Trijn. From the ages of their children she and Achmat must have been married by 1800 already. On 13 February 1809 Trijn sold her late husband's properties to her daughter, Saartjie, for 3000 guilders. It was a distinctly unusual occurrence at that date for a woman to buy immovable property during the subsistence of a marriage and the fact that Saartjie was a Muslim rendered the situation more uncommon than it would otherwise have been. As far as is known, Saartjie's case is an isolated instance for the period (Davids 1980:107-108).

Saartjie van de Kaap was an equally remarkable woman. Born in slavery she played a subdued but vital role in the history of the Cape Muslim community. It was through her foresight that the Auwal Masjid had remained as a citadel of the struggle of the Cape Muslims in the consolidation of their religion in the Western Cape (Davids 1980:107). Before Saartjie died in 1847 she had a will drawn up in terms of which the property at number 28 Dorp Street (Auwal Masjid) would be used as 'als een Mohammedaansche Kerk' (as a Mohammedan church) for as long as Islam was allowed as a form of worship in the colony. In this way she secured a home for Islam and a base from which it could spread in the Cape. The Masjid was constructed in 1794 with additions in 1807; the construction of a mihrāb (niche) indicating the direction of the qiblah – was made in order to convert the warehouse into a masjid. This Masjid was established during the era of slavery, and established its roots in a climate of social and political prejudice (Mahida 1993:13; Mountain 2004:90).

The second site (adjacent to Auwal Masjid) is still presently occupied by the family of the late imam of Auwal Masjid, Imam Gasant Achmat Gamja (Hasan Ahmad Hamzah) (d 1981), a descendant of Corridon of Ceylon (Mahida 1993:13).

Tuan Guru

The Auwal Masjid in Dorp Street was founded by Tuan Guru, supported by oral tradition that Tuan Guru was the first Imam of the Auwal Masjid. To add colour to this claim, oral history relates further that Taun Guru's voice could be heard as far away as Simon's town, about twenty-five miles from Cape Town, when he gave the call for prayers through a window at the mosque (Davids 1980:98).

Imam Abdullah Kadi Abdus Salaam referred to as Tuan Guru, or as mentioned in the records of Robben Island, Imam Abdulla van Trinaten, was born in Tidore (Indonesia) in the Trinate Islands in 1712. Although Tidore was a small island, only a few kilometres in diameter, it had 25 mosques. Tuan Guru was a prince from a Muslim sultanate and as a result exposed to Islam from a very early age and well versed in Islamic law. In 1780 the prince and some friends, Callie Abdol Rauf, Noro Iman and Badroedien were captured by the Dutch for conspiring with the English. They were banished to the Cape and incarcerated as "state prisoners" on Robben Island. After serving his sentence in 1793 Tuan Guru was freed and allowed to socialise freely with the people of Cape Town. He immediately involved himself in the religious affairs of the local community. According to oral

tradition he became their Kadi or Chief Imam concerning himself primarily with the teaching of Islam. This earned him the nickname Tuan Guru, meaning "Mister Teacher" (Davids 1980:98; Mountain 2004:89).

One of Tuan Guru's first tasks after being released from prison was to write the entire Qur'an from memory. Whilst still incarcerated on Robben Island in 1781 Tuan Guru wrote a manuscript of some 600 pages entitled *Mar'ifah al-Islam wa al Iman* (The Manifestation of Islam and Faith). In it he expounded a theological philosophy based on the school of thought of the Ahli Sunni Wal Jamaat sect of Islam, commonly referred to as 'Sunnism'. The manuscript was written in Malayu using Arabic script (Mountain 2004:91). In addition to its theological treatise, the manuscript also dealt with Islamic law, customs and practices and provided a jurisprudential basis for a system of social relations in which slaves and free-black slave owners could coexist harmoniously in the Cape. Tuan Guru declared that the differences between men should not be measured in terms of social station or material possession, but rather in the acquisition of degrees of piety. Accordingly a slave could become an imam of a congregation or an assistant in a mosque (Mountain 2004:91).

Tuan Guru's manuscript was used as a textbook at the madrassah (Islamic school) which he established in Upper Dorp Street in 1793, the first Muslim institution of learning in the Cape. The school proved popular and within four years the number of converts to Islam had grown to such an extent that a regular mosque was needed (Mountain 2004:91).

There was no mosque at the Cape at that time. In 1795 Tuan Guru petitioned the local authorities for a mosque site, but when this was turned down he led the Cape Muslims in open air Friday Congregational (Jumu'ah) prayers in the quarry in Chiappini Street in defiance of the law. This fact is supported by the testimony of John Barrow who wrote that the "Malay Mohammedans, not being able to obtain permission to build a mosque, perform their public services in the stone quarries at the head of town" (Davids 1980:100). In 1798, during the first British occupation when restrictions on religious worship were relaxed and open Islamic worship was first permitted, the British gave permission for the mosque to function. Tuan Guru continued to push for land to be made available to establish a mosque and in 1797 started a mosque in an old warehouse in Dorp Street. This mosque, known as the Auwal Masjid, is situated in Upper Dorp Street and is still in daily use, playing a crucial role in the development of Islam in the Cape.

Tuan Guru is considered to be the founder of the Cape Ullamma (spiritual leadership). Supporting the Cape Ullamma were other Muslim convicts from Indonesia who had served their sentences and stayed on in Cape Town. Many held religious meetings in their homes, and they formed an important clerical class which played a significant part in advancing the spread of Islam amongst slaves, free blacks and the Khoekhoen. As a result of these endeavours a third of Cape Town's population was Muslim by 1842 (Mountain 2004:91).

The Auwal Masjid was a Shafee mosque right from the beginning and as such was in complete harmony with the doctrines of the Muslims of Indonesian origin. From it the Shafee teachings were inculcated into the Cape Muslim community, indicating a strong influence of Imam Abdullah Kadi Abdus Salaam (Tuan Guru) on this community. He, in his book on Islamic jurisprudence written in 1781 declared his Shafee doctrine at the school he conducted from the Auwal Masjid (Davids 1980:96).

Achmat van Bengalen

Achmat van Bengalen was born in Chinsura in Bengal and arrived at the Cape around 1783. The circumstances around his arrival are still clouded in obscurity, though his Bengali origin suggests that he might have had some grounding in Islam. At the

Cape he married, by Muslim rites, the Free Black woman, Saartjie van de Kaap. There is no certainty when this marriage took place, though from the ages of their children it would appear to have been in the 1790's. After the marriage Achmat took up residence with his in-laws at their properties in Dorp Street. Right through the formative years of the Auwal Masjid, he and his wife, Saartjie van de Kaap, stayed at the property (Davids 1980:105).

Achmat Bengalen was certainly one of the Cape Muslims' most charismatic leaders who reigned as the leading religious teacher for the better part of the first fifty years of religious freedom. As Chief Priest or Kadi during this period of Islamic consolidation, he contributed substantially to the development of the individualistic culture of the Cape Muslim community. It was his students who became the first Imams of the Nurul Islam, Jamia and the Shafee mosques, the first three mosques established since 1844 (Davids 1980:105).

But apart from this, and following in the footsteps of Tuan Guru, he must have had remarkable influence in the development of the cogent aspect of Cape Muslim culture, Arabic-Afrikaans, i.e. Cape Dutch transcribed in Arabic. About thirteen years after his death, in 1856, the *Al-Qawl Al Matim*, a treatise on Islam in Afrikaans, was published in Cape Town. This publication preceded the first book in Afrikaans with Western script, *Zamespraak tusschen Klaas Waarzegger en Jan Twijfelaar* by L H Meurant, by almost six years (Davids 1980:106).

It is as a negotiator that Achmat van Bengalen's charisma really came to the fore. He was sensitive to the social and political issues which affected his people and complained when he felt that they were being dealt with unjustly but expressed his approval of government action which he deemed in their interest. This is clearly indicated by his evidence to the Colebrooke and Bigge Commission of 1825, a commission instituted to investigate the conditions and treatment of persons of colour in the Cape Colony. Achmat did not confine himself to government's regulations regarding their slaves, marriages and mosques. He uses the official platform to bitterly complain about the prejudices of the fiscals and the privileges they "have had of breaking into our boxes in search of stolen goods, from the general impression existing with the police authorities of our dishonesty. Similarly, nine months before his death in 1843 he wrote to the Cape Town Municipality protesting the quarrying of stones by their order at the burial ground granted to him on 26 November 1820 for the Muslim community (Davids 1980:106).

Achmat van Bengalen died at 42 Dorp Street on 9 October 1843 at the age of 93 years. On his death notice he is revealed as the "High Priest of the Malays", the son of Abduraghmaan and Roosje. On his death he was succeeded by Abdol Barrie as the Imam of the Auwal Masjid and Kadi of the Cape Muslim community (Davids 1980:107).

Imams of the Auwal Masjid

The first imam of the Auwal Masjid was Tuan Guru (Imam Abdullah) from 1797 to 1800, followed by Iman 'Abdul Alim' (1800-1810), Imam Sourdeen (1810-1822), Imam Achmat van Bengalen (1822-1843), Iman Abdol Barrie (1843-1851), Imam Mochamat Achmat (Muhammad Ahmad) (1851-1872), Imam Saddik Achmat (Sadiq Ahmad) (1872-1878), Imam Gamja Mochamat Achmat (Hamza Muhammad Ahmad) (1878-1912), Imam Amienodien Gamja (Hasan Ahmad Hamzah) (1955-1980).

The history of the Auwal Masjid is indeed exciting. Much of it would have disappeared into obscurity had it not been for a dispute between Achmat van Bengalen and Imam Asnoun, better known as Jan van Boughies, in 1836. The issue was the position of "Chief Imam" and was hotly disputed through the pages of the South African Commercial Advertiser (Davids 1980:97). Tuan Guru appointed as his second-in-command or Senior Gatiep, Rijaap in the hope that Rijaap will succeed him as the Imam.

Rijaap unfortunately died prior to him being able to take over the Imamship of the mosque. At this time Tuan Guru's health also began to fail and he could no longer actively lead the congregation, being a man of over ninety years. He then appointed Abdulalim as the Imam. Abdulalim was reluctant to accept this position, declaring with tears in his eyes that he was incompetent to be the Imam. Nevertheless, Tuan Guru insisted and as to give confidence to Abdulalim added, "Achmat shall be your second Priest and will assist you in the performance of your duties." Achmat was given strict instructions to be loyal to Abdulalim and never to leave him. From then onwards Abdulalim acted as the Imam (Davids 1980:100).

Shortly after this Tuan Guru became very ill and on his death bed called for Achmat van Bengalen. He pointed out to Achmat that he was certain that after his death, some members of the congregation would abandon the mosque and start their own congregation. Achmat must not prevent them if they wanted to go, but must carry on with those who remained. In 1836, Achmat van Bengalen recalled that Tuan Guru said: "Remember that Jan van Boughies can never, as long as he lives, take my place, and whoever gives him my lace must answer on the day of judgement, and not to me. I have made the church with the hope that it may remain for as long as the world stands". After this Tuan Guru gave Achmat the rules and laws of the religion, solicited from him an oath of loyalty to serve Abdulalim and appointed him the guardian on his two sons, Abdol Rakiep and Abdol Rauf. Achmat van Bengalen's main function at the mosque was to be that of religious teacher, Tuan Guru having previously instructed the students to take lessons from Achmat (Davids 1980:101).

The appointment of Abdulalim created no problems while Tuan Guru was alive but tension emerged immediately after Tuan Guru died in 1807. Frans van Bengalen, who led the Javanese Artillery at the Battle of Blaauwberg, preferred Asnoun, better known as Jan van Boughies, as Imam. He approached Achmat van Bengalen with the request to have Jan appointed as the Imam instead of Abdulalim. Achmat declined this request, staying loyal to his oath to Tuan Guru. The declination infuriated Frans van Bengalen. Thereupon he and Jan van Boughies ceded from the Auwal Masjid in order to found their own congregation. They acquired a property in Long Street known today the Palm Tree Mosque, where they, as Tuan Guru predicted, started another mosque with Abdolgarniet, brother-in-law of Achmat van Bengalen, as the Imam (Davids 1980:101).

The new mosque was not without its pains. This Achmat van Bengalen attributed to the troublesome character of Jan van Boughies. Within a year most of the congregation including the Imam, Abdolgarniet, were back at the Auwal Masjid, leaving Jan with a small congregation. Achmat van Bengalen claims that Frans van Bengalen too would have returned but he was ashamed and left the Cape for Batavia (Davids 1980:101).

Meanwhile Abdulalim continued being the Imam of the Auwal Masjid assisted by Achmat van Bengalen. Achmat van Bengalen, in accordance with the wishes of Tuan Guru, applied himself vigorously to his tasks as religious teacher and guardian of Tuan Guru's sons. The school in particular proved very popular with slave and Free Black children and soon came under the attention of the authorities. The Earl of Caledon, who preceded Sir John Cradock as Governor at the Cape, expressed the concern that if the slaves were left in a state of ignorance they would fall prey to the zeal of the Imams who were conducting a school in Cape Town. This school, which operated from the Auwal Masjid in Dorp Street, had an attendance of 372 slave children who were taught precepts from the Quran and to read and write Arabic (Davids 1980:102).

But neither did Achmat van Bengalen neglect his responsibility with regard to his wards. By his own charge he provided them with the best education and training possible. He treated them even better than his own sons for he had accepted a "wāsi-at", i.e. a sacred duty, to be their guardian. No wonder that Abdol Rauf, the younger ward wrote about Achmat in glowing terms in 1836 stating "Achmat treated us two as his own children, in fact he could not have done better towards us and may I wish that

he live twenty years longer in this world for he is like a father and a mother to me." It is to Achmat's credit that both Abdol Rakiep in 1834 and Abdol Rauf in 1844 became Imams of the Mohammedan Shafee Congregation of Buitengracht Street (Davids 1980:102).

Through all this Achmat van Bengalen remained loyal to Abdulalim, serving him faithfully as his assistant Imam even though it appears that he was more competent than the Imam, Abdulalim himself. This position continued until about 1810 when Abdulalim's health began to fail. Surprisingly, Abdulalim also did not nominate Achmat van Bengalen as his successor. He in fact nominated Sourdeen to succeed him as the Imam of the Auwal Masjid. Again Achmat abided by this nomination as if in loyal submission to the wishes of Abdulalim. Thus when Abdulalim died, Sourdeen became the Imam of the Auwal Masjid with Achmat and Abdol Barrie assisting him (Davids 1980:102).

Not much is known about Sourdeen or his competency as Imam. Circumstantial evidence indicates that Achmat van Bengalen served Imam Sourdeen as faithfully as he served Tuan Guru and Abdulalim. It was only when Sourdeen died, probably in 1822 that he became the Imam of the mosque. Achmat appointed as his assistants Abdol Barrie and Abdol Bazier. In 1850 Bazier became the Imam of the Jamia Mosque in lower Chiappini Street (Davids 1980:103).

One cannot help to wonder why Achmat did not become the Imam of the Auwal Masjid immediately after the death of either Tuan Guru or Abdulalim as he, after the death of Tuan Guru was probably the most competent person in the congregation. What the Cape Muslim community needed then, was not a strong Imam at the Auwal Masjid, but a controlling religious authority. A leader who could fill the position of Kadi or Chief Imam. It would appear that there were only two people capable to fill this role, Achmat van Bengalen and Jan van Boughies. For some reason or another Tuan Guru discarded Jan. Achmat on the other hand had proved his loyalty, and hence he was appointed as Tuan Guru's spiritual successor. Tuan Guru knew, and in fact predicted, that cleavages were going to emerge in the Cape Muslim community after his death. The Imam of the Auwal Masjid would be a central figure in such emerging cleavages. It was, therefore, not reasonable that the Kadi or Chief Imam position should be directly linked with the position of Imam of the Auwal Masjid (Davids 1980:103).

There was at least two instances to indicate that Achmat van Bengalen was nominated by Tuan Guru as Kadi or Chief Imam and as such his spiritual successor. It was Achmat and not Abdulalim who was called in by Tuan Guru and given the "rules and laws of our religion"; and it necessitated Frans van Bengalen approaching him with the request to have Jan van Boughies be installed as the Imam of the Auwal Masjid. These instances have nothing to do with his "ownership" of the mosque property. It must have been generally known that Achmat van Bengalen at the time was merely the "wakil" or custodian, having accepted the "amanat", i.e. trusteeship, from his wife's family to administer the use of the property as a mosque. The "amanat" gave him no special privileges except that the property be used as a mosque as must have been agreed upon. His appointment as Kadi or spiritual head became a separate issue. He needed to be competent and to be appointed, as he was, by his predecessor, Tuan Guru, as the Kadi of the community. It was his right as Kadi, more than Wakil that gave him the final say over the appointment of the Imam, for the Kadi can overrule the decision of a Wakil. Hence Frans van Bengalen approached Achmat van Bengalen and not Trijn van de Kaap, the rightful owner of the property, with his request for Jan's appointment as the Imam (Davids 1980:104).

In Islamic jurisprudence the term Kadi implies the overall ruler of the state, the final authority for the implementation of Islamic law. The correct term in plural society like the Cape, where the Muslims were not the governing community, would be "Wazir". The Wazir has basically the same functions as the Kadi except that these functions are more of a theological rather than secular

nature and are directed to the Muslim community in a non-Islamic social and political milieu. At the Cape the term Kadi was preferred and translated into Dutch as "Hoogepriester" with its English rendering of "Chief or High Priest" (Davids 1980:104).

In terms of Islamic law the Kadi need not necessarily be the Imam of the mosque, even if it is the only mosque in the community. Ideally it is better if he is not the Imam for he would, at times, be called upon to arbitrate in matters involving the Imam. There is nothing though to prevent him from assisting the Imam at a mosque if he so desires. He has, however, more specific congregational functions for example, leading the congregation in prayers for rain, officiating at the funeral of a leading member of the community, being responsible for the Islamic education of the community as well as its dissemination to the broader society and to act as spokesman and negotiator for the community on matters touching their lives. He must, therefore, be the most knowledgeable person in the community (Davids 1980:104). Achmat van Bengalen exerted himself admirably as the Kadi of the Cape Muslim community engaging himself in their Islamic education. For almost twenty years he avoided the position as Imam of the Auwal Masjid, in view, one could suggest, of the existence of the rival Jan van Boughies Mosque. He, as Kadi, could be called upon to arbitrate in disputes between the two congregations. If he was also the Imam of the one mosque, he would have been directly involved in the dispute, or his arbitration could have been construed as being swayed by congregational loyalty. He, in all probability, during his time, might have hoped for the re-emergence of a single congregation. This, after 1820, was no longer possible with the increase in the number of Muslims and the development of the three additional prayer rooms. It was thus only when the Jan van Boughies Mosque was a fait accompli and a single congregation no longer possible, that he became the Imam of the Auwal Masjid when the vacancy occurred in 1822. He still retained the position of Kadi together with that as the Imam of the Auwal Masjid (Davids 1980:105).

The sons of Achmat van Bengalen

The character of Saartjie van de Kaap, the first lady of Cape Muslim history, is brought out in her will which she executed on 1 December 1841. Prior to this she plays the quite role of the devoted wife of the Chief Imam. In her will she names her children Noran, Somiela, Mochamat, Hamien, Saddik, Jumie and Rashieda together with her husband, Imam Achmat, as her universal heirs, and appoints her husband, Imam Achmat, together with her three sons, Mochamat, Hamien and Saddik, as her executors (Davids 1980:108).

When Achmat died in 1843, she added a codicil to the will in which she revoked the executor's powers of her sons and appointed instead her attorney, Carel Jeremia Auret, as her executor. The codicil goes further than this, for she appointed Abdol Barrie or his successor as the "Chief Priest of the Mohamedans" to be in charge of her funeral (Davids 1980:108).

Saartjie seemed to have good reason for this. Her sons, before their father's death became involved with Baderoen and Abdol Ruaf in the establishment of the Nurul Islam Mosque in Buitengracht street, not even a hundred yards from the Auwal Masjid. Their involvement in the establishment of the Nurul Islam Mosque possibly caused a rift between them and their father. There is hardly any likelihood that Mochamat or Saddik would have succeeded their father when they, with Hamien, became involved in the establishment of a new mosque. Saartjie had no idea that her sons would become Imams of the mosque, neither did she nominate them or indicate in any way that it is her desire that they should become the Imams. Saartjie, it would seem, did not agree with this action of her sons either, hence she revoked their appointment as the executors of her estate. She must have been terribly hurt, for she appointed Abdol Barrie or his successor to be in charge of her funeral despite the fact that her sons were already competent imams. Abdol Barrie succeeded Achmat van Bengalen as the Imam of the Auwal Masjid. He was

Achmat's assistant Imam and had been associated with the mosque since the time of Tuan Guru, not as an ordinary member but in the hierarchy of officialdom (Davids 1980:109).

The will, in essence, makes provisions that the property number 28 Dorp Street shall be used by her husband and children "al seen Mohamedaansche Kerk" (as a mosque), for as long as Islam shall be allowed as a form of worship in the Colony. She states further that the house number 43 shall after the death of her husband and herself, become the property of her children and their descendants with the condition that neither of the properties shall be sold or mortgaged but that its first use shall be for the performance of the "Mahomedaansche Godsdienst" (the religion of Islam) (Davids 1980:109).

This was written on 1 December 1841 before the establishment of the Nurul Islam Mosque in Buitengracht Street. The codicil of 27 October 1843 which appoints Abdol Barrie to be in charge of her funeral tends to indicate that either her sons were not interested in the position of Imam at the Auwal Masjid or she had changed her mind about their using the property for religious purposes. It is customary in Muslim society for sons, if they are capable, to conduct the funeral services of their parents. There is no question as to the competency of Mochamat, Saddik or Hamien in this regard (Davids 1980:109). One can only speculate why her sons were excluded from a function which is regarded as honourable? She was possibly aggravated by them. She could not completely disinherit them. Such disinheritance could have been construed to be contrary to Islamic law on inheritance. She punished them instead by revoking their powers as the executors of her estate and denied them the honour of her burial (Davids 1980:110).

The sons of Achmat van Bengalen never displayed the charisma of their memorable father. Mochamat Achmat became the Imam of the Auwal Masjid after the death of Abdol Barrie and maintained this position until his death in 1872. He was assisted by his brother, Saddik. Hamien (also known as Gamiem) became the Imam of the Nurul Islam Mosque in Buitengracht Street in 1861 and died on 4 November 1867. Saddik succeeded Mochamat and remained the Imam of the Auwal Masjid until his death on 2 January 1878. In 1873, as the surviving trustee of the Nurul Islam Mosque in Buitengracht, Saddik became involved in the Hanafee-Shafee Juma-ah case, when he in his capacity as trustee of that mosque sued unsuccessfully for the removal of the Imam, Abdol Rakiep, on the grounds of religious malpractices (Davids 1980:108,112).

On his death, Saddik was succeeded as Imam of the Auwal Masjid, by his brother, Mochamat's son, Gamja Mochamat Achmat. During Gamja's reign the Auwal Masjid again played an important role in the affairs of the Muslim community of Bo-Kaap. Gamja had as one of his congregants, the articulate Abdol Burns, who since 1875 became involved in the cemeteries issue. This problem was conceived as a major one in the Muslim community of Cape Town during the latter part of the nineteenth century (Davids 1980:112).

An organisation called the Malay Cemetery Committee was established to affect a sustained protest against the closure of Muslim burial grounds in municipal areas in terms of the Public Health Act of 1883. Gamja Mochamat Achmat became the chairman of the Malay Cemetery Committee with Abdol Burns as secretary, the two major officials coming from the Auwal Masjid. During the heat of the cemetery argument – 1883 to 1886 – the Auwal Masjid became the main venue for public protest meetings against the Public Health Act of 1883. Gamja served on all the deputations to the Governor and Colonial Secretary to present the case of the Cape Muslims with regard to the closure of burial grounds in municipal areas. He died in 1915 (Davids 1980:112).

Gamja in his will, compiled in 1904 initially appointed his third son, Abdol Maliek as his successor but revoked this in 1912 and appointed, Amienodien, the eldest son, who was then already performing the duties of Imam, to succeed him. Amienodien according to the will would be succeeded by Achmat Gamja, his second son who would, in turn, be succeeded by Abdol Maliek. Abdol Maliek never became the Imam of the Auwal Masjid though he was the most competent of the brothers having studied in Mecca. He went to settle in Johannesburg where he became an Imam (Davids 1980:113).

Amienodien, two years after his appointment became involved in the Shafee-Juma-ah question. After general agreement had been reached by the cape Imams to perform one Juma-ah at the Jamia Mosque in Lower Chiappini Street, he refused to become part of the arrangement despite the fact that he, too, had been offered a turn to read the sermon at the single Juma-ah. He argued that as the Auwal Masjid in Dorp Street was the oldest mosque in Cape Town, Juma-ah could be performed only at this mosque. Bitter as this dispute was and central to the disunity in the community as Amienodien was, he remained one of the Bo-Kaap's most respected and loved Imams until his death in 1936. He was succeeded as Imam by his brother Achmat Gamja. Achmat Gamja died in 1955. He, instead of being succeeded by Amienodien's son, Hadjie Abdurachman Amienodien Gamja, was succeeded by Gasant Achmat Gamja, who died in 1980 (Davids 1980:113).

STATEMENT OF SIGNIFICANCE

The Auwal Masjid is considered to possess to **high social and historical heritage value** whilst possessing **high local landmark quality**.

Statement of significance considers various criteria as stipulated by the NHRAct and also addresses the following aspects:

- Role of Islam and slavery in the Western Cape
- The value of historic environments
- Consciousness of the sacredness of Muslim places of worship
- Cultural connections

The Auwal Masjid is the oldest mosque and madrassah in South Africa, which came into existence during the time of the British Occupation of the Cape of Good Hope. During the first British occupation, restrictions on religious worship were relaxed and open Islamic worship was first permitted and permission granted for the mosque to function. An extract from a letter by Abdol Barrie (an assistant Imam but later Imam of the Dorp Street Mosque), in the *South African Commercial Advertiser* of 27 February 1836 clearly indicates that the Auwal Masjid is the first mosque in South Africa. This mosque is still in daily use.

Imam Abdulla Kadi Abdus Salaam, Tuan Guru, was the first Imam of the Auwal Mosque and is considered to have played a very important role in terms of spiritual leadership of the Cape Ullamma (Mountain 2004:91). The Auwal Masjid was established at a crucial period in the history of the Cape Muslim community, where religious freedom was allowed for the first time in 1804. During the years 1804 to 1850 the Auwal Masjid was the main religious institution in the life of the Cape Muslim community. The role of this mosque, in the rapid spread and consolidation of Islam at the Cape, must have been tremendous. After 1850, when a considerable number of mosques were constructed, it still played an important role, perpetuating Tuan Guru's desire that, "it must remain for as long as the world stands" (Davids 1980:94).

A mosque in its Islamic sense is the 'cultural and ecological base on which the entire social, cultural, institutional and associational framework of the community is focalised and concentrated' and thus plays an important developmental role within the community (Davids 1980: 109). As the first cultural ecological base of the Cape Muslims, the Auwal Masjid provided the community a tangible identification with their religion. As a centre of communal activity, regulating and patterning social and religious life. Here, first Tuan Guru and later Achmat van Bengalen, conducted a Muslim school for Free Black and slave children, perpetuating the culture and the religion of this community through its young, it is the oldest madrassah (school) in South Africa. In 1825 this school had a roll of 491 scholars (Davids 1980:94). The Auwal Masjid contains the hand-written Quran recalled from memory by Tuan Guru.

The Auwal Masjid is of cultural significance based on its association with living heritage, links to slavery, importance in the community, strong association with the muslim community and special association with among others, Tuan Guru, Achmat van Bengalen and Saartjie van die Kaap. The mosque presents a monument to the struggle of the Cape Muslims for the recognition of their religion and the freedom to worship. Significance is thus as a sacred space and not specifically for aesthetic and / or architectural value. The Auwal Masjid as the first Mosque in South Africa, is a worthy monument to South African Muslim Society (Davids 1980:113).

The contribution of the Muslim Community of Cape Town to the history and traditions of our City has been enormous since the days of the early Cape Settlement in the 17th Century. Indeed, the social and cultural uniqueness of Cape Town is largely due to the important role played by the Muslim people through the centuries (Gordon Olivier 2001). The saints of Islam played a large role in creating present-day Cape Town, they had suburbs named after their place of origin, and created socio-religious boundaries. On national level they have introduced the religion of Islam to Southern Africa.

In 1994, the commemoration of 300 years of Islam in South Africa was celebrated. A wide variety of cultural, religious, academic and sporting events took place which ushered in a renewed spirit of unity and pride amongst Muslims amidst the birth pangs of the country's new democracy. That spirit was epitomised by the Chain of Barakah, a truly unique Ghatam-Quran whereby a portion of the Quran was sequentially recited in 146 mosques all over the country over a period of 56 days. It culminated on the 4th April, the anniversary of Sheikh Yusuf's arrival, at his shrine where the late Hafith Sheikh Salie Abadie completed the Ghatam and placed that special copy of the Holy Quran in a niche inside the shrine. The event, over the Easter weekend, was witnessed by a huge number of Muslims who had earlier marched through the streets of Cape Town in a remarkable display of identity and unity. The Tricentenary commemoration also rekindled the links between Cape Muslims and their brethren from Indonesia and Malaysia who provided enthusiastic support for the events. Since then close links have been forged on many fronts both at community and governmental levels.

The history of the Islamic community is considered as an important part of our common African heritage. In reference to such role, Nelson Mandela was quoted as saying 'I know that Muslim organisations in South Africa will continue their sterling humanitarian work, transcending the divisions which were imposed upon us. In this way they are helping to heal our social fabric torn by apartheid's long and destructive history' (SAHO 1998/12/30).

December 1st 2014 marked 180 years since the abolition of slavery in South Africa. Few remember that apartheid was built on the systemic violence, displacement, racial formation and institutions of social control that marked slavery in the South African colonies from 1658 to 1834 (G Baderoon 2014). Over the course of almost two centuries of slave-holding, enslaved people came to constitute the majority of the population of the Cape Colony, numbering more than 60,000 people (Ross 1999:6). Studies of South African history written before 1980 portrayed the role of slavery in the Cape as minor and its character "mild" (Keegan 1996, 16), a benign view also reflected in popular culture through texts such as cookbooks, cartoons and landscape paintings. It was only in the 1980s that significant new scholarship demonstrated that slavery shaped all aspects of life at the Cape and its hinterland (Worden, 1985), and slave labour was in fact central to the economy and the culture of the Colony (G Baderoon 2014). To remember slavery is not only to remember pain, but also enslaved people's "modernity" (C. L. R. James, 1962) their creation of new cultures, their evasion of official strictures and categories, their remaking of received practices, and their splicing of language, food, music and beliefs in ways that would eventually come to shape national culture as a whole (Gabeba Baderoon). "The slaves" arrived here with chains around their necks, leg-irons and hand-cuffs on their wrists, but their minds could not be chained. These very 'slaves' were the leaders of resistance against the Dutch colonialists and exploiters in the Far East. These 'slaves' did not have experiences in battles, but they brought with them a supra-national ideology of liberation, the ideology of Islam (MJC 2001).

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39 Dorp Street
Cape Town
South Africa
info@auwalmasjid.co.za

To whom it may concern/ the IGIC committee

We pray that this brief note reaches you well.

The committee and *Imāmah* of the Auwal Masjid of Dorp Street in Cape Town acknowledges the significance of the mosque as the first in South Africa. It was established in the year 1794 and as such celebrates its 222nd anniversary this year.

We fully support and encourage it to be declared as a heritage site and will facilitate any further help in that regard if so required.

Yours sincerely

The *Imāmah* (Co-Imam team) and committee of

The Auwal Masjid

10/08/2016





MUSLIM JUDICIAL COUNCIL(SA)



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Darul Arqam
20 Cashel Avenue
Athlone 7764
Republic of South Africa
Telephone: (+2721) 684 4600

www.mjc.org.za

info@mjc.org.za / sec.general@mjc.org.za

Postal address:
Gatesville 7766
PO. Box 38311
Republic of South Africa

Fax: 0860 522 5963

160-172 NPO

18 August 2016/ 14 Dhul Qádah 1437H

The IGIC Committee

TO WHOM IT MAY CONCERN

RE: MJC LETTER OF SUPPORT FOR THE AUWWAL MOSQUE TO BE DECLARED AN OFFICIAL SOUTH AFRICAN HERITAGE SITE

We hope and pray that this letter finds you in good health God-willing.

The Muslim Judicial Council (SA) is an NGO based in Cape Town that oversees the affairs of the broader Muslim community of the Western Cape Province. As an organization we always promote mutual tolerance and respect for the different religious denominations in this beautiful rainbow nation and country of ours called South Africa. We also recognize and acknowledge the historic contributions these religious denominations made in the preservation of the moral fibre and the building of South African civil society broadly. The Awwwal mosque in the picturesque Bo-Kaap has been playing such a vital role for about 222 years.

As such, the Muslim Judicial Council (SA) has absolutely no hesitation in completely supporting the Awwwal Mosque's application to officially be declared a National Heritage Site here in South Africa.

We are confident that the Awwwal Mosque's (Bo-Kaap) application will meet with your committee's favourably approval.

Yours in the service of humanity

Shaykh Isgaak Taliep
Secretary General
Mobile (+27825812012)





CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

ENERGY ENVIRONMENT & SPATIAL PLANNING
ENVIRONMENTAL RESOURCE MANAGEMENT

Tamar Shem-Tov
Environmental & Heritage Management

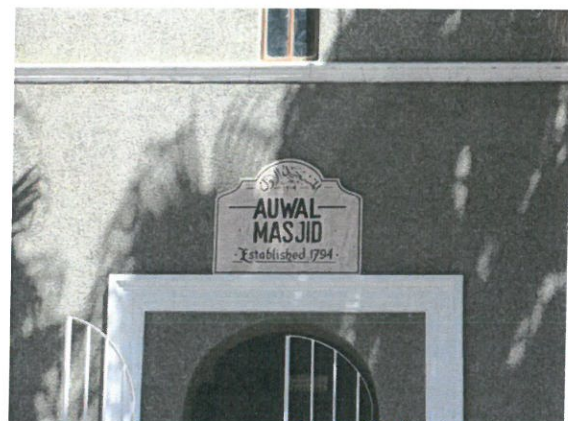
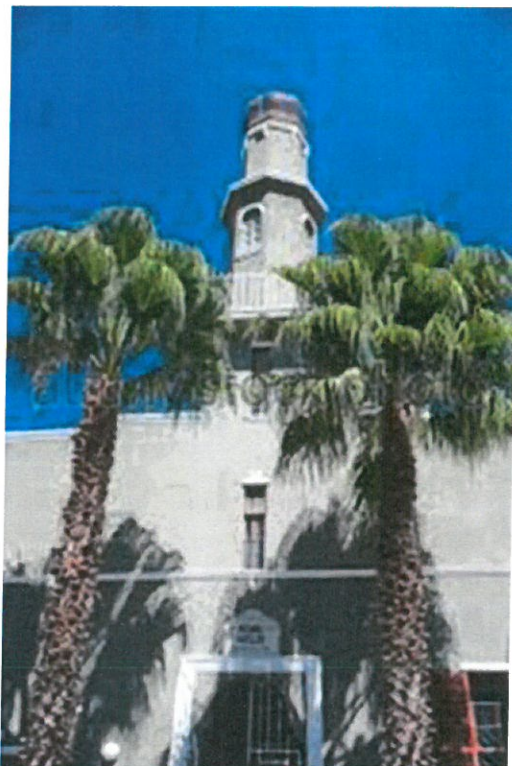
T: 021 400 6563 F: 021 425 4448
E: tamar.shemtov@capetown.gov.za

RE NOMINATION OF AUWAL MASJID (MOSQUE), DORP STREET, BO-KAAP AS A PROVINCIAL HERITAGE SITE

COMMENT TO HWC GRADING COMMITTEE

The email correspondences from Quahnita Samie on 11th and 18th August 2016 requesting E&HM's comment on the proposed nomination of the historic Auwal Mosque, refers.

The Auwal Mosque is the oldest mosque in Cape Town and as the very first mosque built in South Africa E&HM has no hesitation in recommending and welcoming the long overdue PHS nomination of the mosque.



Tamar Shem-Tov

**HERITAGE PROFESSIONAL: ENVIRONMENTAL & HERITAGE MANAGEMENT
(TABLE BAY DISTRICT)**

MEDIA CITY BUILDING
CNR. HERTZOG AND HEERENGRACHT BOULEVARDS, CAPE TOWN, 8001
www.capetown.gov.za

I-OFISI KAMASIPALA E-MEDIA CITY

MEDIA CITY GEBOU

Making progress possible. Together.

Comment for Proposed PHS Nomination of Auwal Mosque and Masjid, Dorp Street, Bo-Kaap

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Gcobani Sipoyo
Tel: 021 465 2198
Email: gsipoyo@wc.sahra.org.za
CaseID: 10765

Date: Wednesday April 12, 2017

Page No: 1

Final Comment

In terms of Section of the National Heritage Resources Act (Act 25 of 1999)

Attention: Andrew September
Heritage Western Cape

The application is for the proposed nomination of the Auwal Mosque and Masjid as a Provincial Heritage Site due to its high socio-historical significance (see attached for nomination documents).

Thank you for submitting your application to SAHRA for comment. The South African Heritage Resources Agency recognises the social and socio-political role that the site played in lives of the Muslim Community of the Cape as well as the role the site played in the religious scholarship of Islam in South Africa. We commend the effort and application on the part of the community to preserve and protect this significant heritage site.

The following documents were assessed:

[2015 Auwal Masjid HWC nomination form.pdf](#)
[Auwal Masjid Nomination.pdf](#)

Comment:

SAHRA Built Environment therefore, has no objection to the proposed declaration of the Auwal Mosque, Dorp Street in Bokaap as a Provincial Heritage Site(PHS). Should you have any queries please do not hesitate to contact Mr. Ben Mwasinga at bmwasinga@sahra.org.za, Heritage Officer at and Mr. Gcobani Sipoyo, Heritage Officer at gsipoyo@sahra.org.za.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Gcobani Sipoyo
Heritage Officer
South African Heritage Resources Agency

Comment for Proposed PHS Nomination of Auwal Mosque and Masjid, Dorp Street, Bo-Kaap

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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Enquiries: Gcobani Sipoyo
Tel: 021 465 2198
Email: gsipoyo@wc.sahra.org.za
CaseID: 10765

Date: Wednesday April 12, 2017

Page No: 2

Ben Mwasinga
Acting Manager
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/388602>

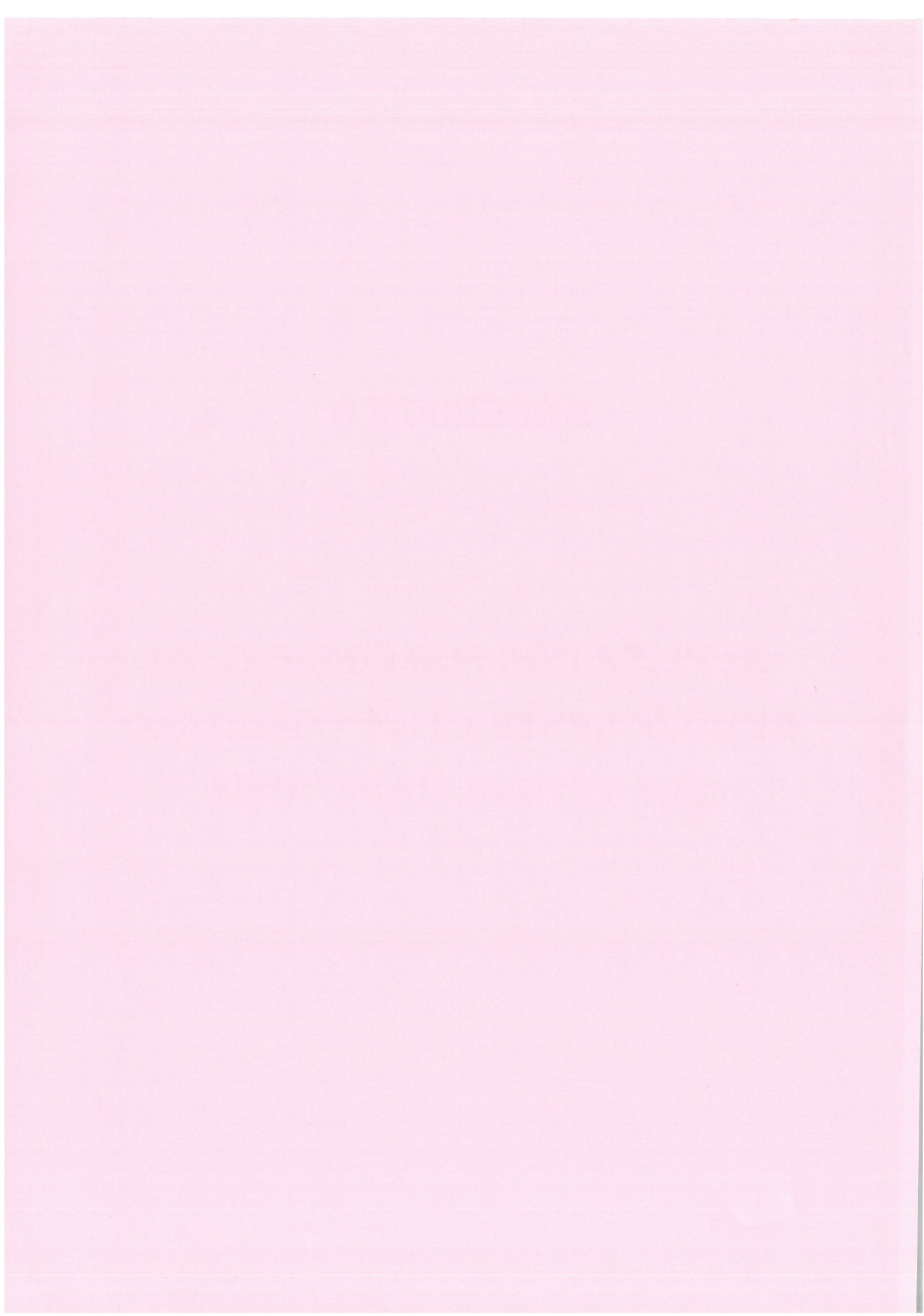
(, Ref:)

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.

ADDENDUM G

**APPLICATION FOR CONSENT TO
REMOVE RESTRICTIVE CONDITION:
ERF 177649, CAPE TOWN**



321

Norton Rose Fulbright
Tel No. (021) 405-1200

Fee endorsement		Office fee
	Amount	
Purchase price/Value	R.....	23000
Mortgage capital Amount	R.....	R.....
Reason for exemption	Exempt from	section 40 of the Deeds Registries Act, 1937

Prepared by me

Chloe Jane Merrington

CONVEYANCER

CHLOE JANE MERRINGTON

DATA / VERIFY

20 JUL 2015

NCAPAI LINDA

000039574 / 2015

CERTIFICATE OF CONSOLIDATED TITLE

WHEREAS

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

has applied for the issue to it of a Certificate of Consolidated Title under Section 40 of the Deeds Registries Act, 1937

DATA / CAPTURE
20 JUL 2015
LEEUD

AND WHEREAS

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

are the registered owner of

1. Erf 156019 Cape Town
Situating in the City of Cape Town
Cape Division
Western Cape Province

HELD by Deed of Transfer Number T95030/2003

2. Erf 3887 Cape Town
Situating in the City of Cape Town
Cape Division
Western Cape Province
In Extent: 116 (One Hundred and Sixteen) Square Metres

HELD by Deed of Transfer Number T90033/2003

3. Erf 3890 Cape Town
Situating in the City of Cape Town
Cape Division
Western Cape Province

HELD by Deed of Transfer No. T95030/2003

which have been consolidated into the land hereinafter described.

NOW THEREFORE, in pursuance of the provision of the said Act, I, the Registrar of Deeds Cape Town do hereby certify that

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

his Heirs, Executors, Administrators or Assigns, is the registered owner of

Erf 168560 Cape Town
Situating in the City of Cape Town
Cape Division
Western Cape Province
In Extent: 1424 (One Thousand Four Hundred and Twenty Four) Square Metres

AS WILL more fully appear from Diagram SG Number 5326/2003 annexed hereto.

I. **AS REGARDS** the figure A B C D q h m s E v F G H J K depicted on Diagram SG No. 5326/2003

1. **INSOFAR** as the land represented by the letters ABCDqhjbK on Diagram SG No. 5326/2003 is concerned.

SUBJECT to the conditions referred to in Deed of Transfer No. T4018/1921.

2. **INSOFAR** as the land represented by the letters cjld on Diagram SG No. 5326/2003 is concerned.

C

SUBJECT to the conditions referred to in Deed of Transfer No. T8304/1955.

3. **INSOFAR** as the land represented by the letters dlme on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T14114/1937.

4. **INSOFAR** as the land represented by the letters emstf on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T14114/1937.

5. **INSOFAR** as the land represented by the letters fnpg on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T1855/1909.

6. **INSOFAR** as the land represented by the letters ntEu on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T1855/1909.

7. **INSOFAR** as the land represented by the letters gpuv on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T1855/1909.

8. **INSOFAR** as the land represented by the letters acvF on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T9982/1920.

9. **INSOFAR** as the land represented by the letters GHJKca on Diagram SG No. 5326/2003 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T90/1819 dated 6th August 1819.

10. **SUBJECT FURTHER** in respect of the whole of Erf 156019 Cape Town, to an endorsement on Deed of Transfer No. T80908/1995 in terms of Section 13 (3) of Act 28/1969 (National Monuments Act) reading as follows:

"In terms of Section 10 (1) of Act 28/1969 the within property is a YMCA Building is proclaimed as a monument in terms of proclamation No. 1318 dated 01/09/1995 as published in Government Gazette No. 16632/1995."

- II. **AS REGARDS** the figure h q r k depicted on Diagram SG No. 5326/2003:

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T32 dated 1 December 1881.

- III. **AS REGARDS** the figure k r s m depicted on Diagram SG No. 5326/2003:

SUBJECT to the conditions referred to in Deed of Transfer No. 2850 dated 18 May 1896.

C

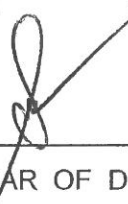
AND THAT by virtue of these present the said:

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

Its Successors in Title or Assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF I, the said Registrar, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the REGISTRAR OF DEEDS at CAPE
TOWN on 15 JUL 2015 2015



REGISTRAR OF DEEDS

C



rural development
& land reform

Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

Office of the Registrar of Deeds, Private Bag X9073, CAPE TOWN; Tel (021) 4647600; Fax (021) 4647727

NOTIFICATION TO THE SGO

The Surveyor General
CAPE TOWN
8000

Please receive notification of the registration of:

SGO REFERENCE 5326/2003

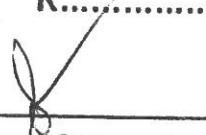
Property description

Erf/~~Farm~~ 168560 CAPE TOWN

* Vide T 000039574 / 2015

K...../S

K...../L


Registrar of Deeds

Date:

15 JUL 2015

**Examiners please complete pencil linking on all notifications*

Heritage Western Cape
Provincial Heritage Authority of the Western Cape
C/o Department of Cultural Affairs and Sport
Branch: cultural affairs
Private Bag X9067
Cape Town
8000
30/05/2017

CONSENT TO REMOVAL OF RESTRICTIVE CONDITION IN TITLE DEED

I, the undersigned

being duly authorised hereto by a Resolution of the _____ do
hereby consent to the removal of the following restrictive condition:

"I. 10. SUBJECT FURTHER in respect of the whole of Erf 156019 Cape Town, to an
endorsement on Deed of Transfer number T80908/1995 in terms of Section 13 (3)
of Act 28/1969 (National Monuments Act) reading as follows:

"In terms of Section 10 (1) of Act 28/1969 the within property is a YMCA Building
and is proclaimed as a monument in terms of proclamation no. 1318 dated
01/09/21995 as published in Government Gazette no. 16632/1995."

contained in Certificate of Registered Title T61652/2016 registered over

ERF 177649 (PORTION OF ERF 168560) CAPE TOWN
Cape Division
Province of the Western Cape

IN EXTENT: 1232 (One Thousand Two Hundred and Thirty Two) square metres

DATED at CAPE TOWN on this _____ day of _____ 2017

AS WITNESSES:

1. _____

2. _____

Deeds Office Property

GhostConvey
A LexisNexis® Product

CAPE TOWN, 177649, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2017/05/30 14:26
Deeds Office CAPE TOWN
Information Source DEEDS OFFICE
Reference -



PROPERTY INFORMATION

Property Type ERF
Erf Number 177649
Portion Number 0
Township CAPE TOWN
Local Authority CITY OF CAPE TOWN
Registration Division NOT AVAILABLE
Province WESTERN CAPE
Diagram Deed T61652/2016
Extent 1232.0000SQM
Previous Description -
LPI Code C016000700177649000000

OWNER INFORMATION

Owner 1 of 1
Company Type COMPANY
Name BRACCOBALDO 1 PTY LTD
Registration Number 200202295407
Title Deed T61652/2016
Registration Date 2016/10/07
Purchase Price (R) CRT
Purchase Date -
Share
Microfilm Reference
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	SUBDIVISION FROM	TOWN CAPE TOWN ,ERF 168560 ,PRTN 0	UNKNOWN	

HISTORIC DOCUMENTS

No historical documents

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. GhostConvey will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the [GhostWare End User Licence Agreement \(EULA\)](#).

Protocol No. _____

NOTARIAL DEED OF REMOVAL OF RESTRICTIVE CONDITION

On this day of 2017, before me,

ELIZABETH JOHANNA McCAUL

of Cape Town in the Province of Western Cape, Notary Public, duly admitted by lawful authority, residing and practising at Cape Town, aforesaid, and in the presence of the subscribing witnesses, personally came and appeared

ANA FATIMA JACOBUS

she, the said Appearer being duly authorised by:

1. A special power of attorney in her favour signed at Cape Town on the _____ day of May 2017, granted by

**PROVINCIAL HERITAGE RESOURCES AUTHORITY OF THE WESTERN CAPE
established under The National Heritage Resources Act, No 25 Of 1999**

therein represented by Colette Scheermeyer duly authorised by a resolution

(Hereinafter referred to as "Heritage")

and

2. A special power of attorney in her favour signed at Cape Town on the _____ day of May 2017, granted by

**BRACCOBALDO 1 PROPRIETARY LIMITED
Registration number 2002/022954/07**

therein represented by CARLO PAOLO EUGENIO CORTI duly authorised by a resolution

(Hereinafter referred to as "BRACCOBALDO")

being the owner of the property described as

ERF 177649 (PORTION OF ERF 168560) CAPE TOWN
In the City of Cape Town
Cape Division
Province of the Western Cape

IN EXTENT: 1232 (One Thousand Two Hundred and Thirty Two) square metres

HELD BY Certificate of Registered Title T61652/2016

(the Property)

which special powers of attorney and certified copies of the necessary resolutions and authorisations have been exhibited to me the Notary and now remain filed in my Protocol with the minute of these presents.

AND THE APPEARER DECLARED THAT WHEREAS:

1. Condition I. 10 on page 3 of Certificate of Consolidated Title Number T61652/2016 ("the Title Deed") contains the following restrictive condition, namely:

"I. 10. SUBJECT FURTHER in respect of the whole of Erf 156019 Cape Town, to an endorsement on Deed of Transfer number T80908/1995 in terms of Section 13 (3) of Act 28/1969 (National Monuments Act) reading as follows:

"In terms of Section 10 (1) of Act 28/1969 the within property is a YMCA Building and is proclaimed as a monument in terms of proclamation no. 1318 dated 01/09/21995 as published in Government Gazette no. 16632/1995."

("the restrictive condition").

2. The parties wish to cancel and remove the restrictive condition from the title deed of the Property.

NOW THEREFORE the parties agree as follows:

1. The restrictive condition is removed from the Title Deed of the Property. The parties agree to the removal of said restrictive condition imposed at the instance of Heritage as the improvements on the Property has been demolished following Heritage consent in letter from Mr Ron Martin dated 27/01/2004.
2. No compensation is payable for the removal of the restrictive condition by BRACCOBALDO.
3. The costs of the drawing and registration of this notarial deed shall be borne by BRACCOBALDO.

THUS DONE AND EXECUTED at CAPE TOWN, Province of WESTERN CAPE on the day, month and year first aforewritten in the presence of the undersigned witnesses and of me, the Notary.

AS WITNESSES:

1. _____

q.q.

2. _____

q.q. BRACCOBALDO

QUOD ATTESTOR

NOTARY PUBLIC

HERITAGE WESTERN CAPE
Provincial Heritage Resources Authority of the Western Cape
C/o Department of Cultural Affairs and Sport
Branch: Cultural Affairs
Private Bag X9067
Cape Town
6000
Tel. (021) 483 9683
2004-01-27

Mr R Raubenheimer
c/o dhk Architects
72 Barrack Street
CAPE TOWN
8001

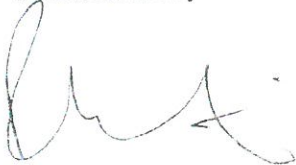
OLD YMCA, QUEEN VICTORIA STREET, CAPE TOWN

Our Council has considered the *Heritage Impact Assessment Stage One: Draft report – Redevelopment of complex of buildings: Queen Victoria, Green, Keerom & University Streets, Cape Town* (dated August 2003), compiled by Aikman Associates, as well as comment received on the report.

After considering the heritage values inherent in the site, as well as the current condition of the properties, it was decided as follows:

- a. Heritage Western Cape concurs with the gradings assigned to the sites;
- b. HWC has no objection to the alteration and/or demolition of the buildings situated at 56, 60 Queen Victoria Street or 1, 3 & 5 Green Street;
- c. HWC will not require any applications in terms of Section 34 of the NHRA for any proposed work to the sites in question; and
- d. HWC is satisfied that and future proposals relating to the entire site addressed in the Heritage Impact Assessment be managed by the City of Cape Town in terms of section 108 of the Zoning Scheme.

Yours faithfully



Ron Martin
for Accounting Officer: Heritage Resource Management Service
p.p Heritage Western Cape

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

(a) Gelyktydiges met ander registrasiekantore/deelreëls: Simults with other registries/sectional titles:

Kode	Firma/Firm	Erftend/Property	Kantoor/Office
1			
2			
3			
4			

(b) Kliënt afskrifte van aktes permanent in Aktekantoor gelêsteer:
Client copies of deed filed permanently in Deeds office:

Aard en nommer van akte Nature and number of deed	Over No. Overleg Nr.	Paras van Ondersoekers Initials of Examiners

(c) Notas/Notes:

Erft 17749 (Erf of erf 168560) Cape Town

B. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

Interdiktte nagesien deur Interdicts checked by		Datum Date	
Interdiktte nagesien deur Interdicts checked by		Datum Date	
(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed)		(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed)	
(2) Begintingswettige Endowment		(2) Begintingswettige Endowment	
(3) Begintingswettige Endowment		(3) Begintingswettige Endowment	
(4) Voorwaardes Conditions		(4) Voorwaardes Conditions	
(5) Mikro Micro		(5) Mikro Micro	
(6) Algemene Plan General Plan		(6) Algemene Plan General Plan	
(7) Titeldakte Title Deed		(7) Titeldakte Title Deed	
(8) Verbande teen durpstiel Bonds against township title		(8) Verbande teen durpstiel Bonds against township title	
(9) Datum nagesien Date checked		(9) Datum nagesien Date checked	

Kantoor: Instuksies/Office instructions:

Seksie/Section:

321

NORTON ROSE FULBRIGHT
TEL: 0211 405 1200
REF:

UITVOERING/EXECUTION

NORTON ROSE FULBRIGHT

Datum van Indiening/Data of lodgement

Ref No./Rek. Nr.

812192168111

04 OCT 2016

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

LOGGED
2016-09-22
INGEDIEN

Ondersoekers/Examiners	Kasno./Rooms	Skakeling/Linking	Reël/Versimp	Passer/Pass
1. F.R. STEVENS 1120				
2. Z. MABUSELA	1258			
3.				

B. VIR AKTESORGER SE GEBRUIK / FOR CONVEYANCE'S USE

Aard van Akte/ Nature of Deed:

CERT

Braccobaldo Pty Ltd

T000061652/2016

Skakeling/Linking

Titelaktes, ens. binne/Titel deeds, etc. within

REKORDES/SIMULS

REKORDES IN FOR EXECUTION

Name of Party/Names of Parties

Firma/ Firm No.

NO.	CODE	NAME OF PARTY/ NAMES OF PARTIES	FIRMA/ FIRM NO.
1	T	OLT: Braccobaldo	321
2			
3			
4			

note to examine

1) Copies of diagram S/G no 5326/2003 and S/G no 3076/2015 are enclosed for ease of reference

2) A section 137 certificate is not required now - see the ruling by the assessor of the newly lodged application - a caveat is to be noted against the property

① Notification attached
to title to be referred
to S/G 50

F.I.R. STEVENS-1120

321

Norton Rose Fulbright
Tel No. (021) 405-1200

Prepared by me

[Signature]

CONVEYANCER
HARMINA JEANETTE JANSE
VAN RENSBURG

Deeds Office		Office No.
Signature	R.	290/00
Price/Value	R.	
Portion/Share Capital	R.	
Amount	R.	
Reason for	Sub.	Section
Registration		

DATA / CAPTURE
2016 -10- 13
FANTLWENJY

T 000061652 / 2016

CERTIFICATE OF REGISTERED TITLE

Issued under the provision of Section 43 of the
Deeds Registries Act No. 47 of 1937

WHEREAS

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

has applied for the issue to it of a Certificate of Registered Title under Section 43 of the
Deeds Registries Act, 1937, in respect of the undermentioned land, being portion of the land
registered in its name under Certificate of Consolidated Title T39574/2015

DATA / VERIFY
25 OCT 2016
IAN WYK JENNY

NOW THEREFORE, in pursuance of the provision of the said Act, I, the Registrar of Deeds at CAPE TOWN, do hereby certify that the said

BRACCOBALDO 1 PROPRIETARY LIMITED

Registration Number 2002/022954/07

Its Successors in title or Assigns, is the registered owner of

ERF 177649 (PORTION OF ERF 168560) CAPE TOWN

situate in the City of Cape Town

Cape Division

Province of the Western Cape

IN EXTENT: 1232 (One thousand three hundred and thirty two) Square Metres

AS WILL APPEAR from Diagram S.G. no. 3076/2015 annexed hereto and held by Certificate of Consolidated Title T39574/2015

1. **INSOFAR** as the land represented by the letters G h j b w on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T4018/1921.

2. **INSOFAR** as the land represented by the letters j l d c on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T8304/1955.

3. **INSOFAR** as the land represented by the letters I M e d on Diagram SG-No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T14114/1937.

4. **INSOFAR** as the land represented by the letters s t f e on Diagram SG No. 3076/2015 is concerned:

KL

SUBJECT to the conditions referred to in Deed of Transfer No. T14114/1937.

5. **INSOFAR** as the land represented by the letters n p g f on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T1855/1909.

6. **INSOFAR** as the land represented by the letters t B U N on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T1855/1909.

7. **INSOFAR** as the land represented by the letters p u v g on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T1855/1909.

8. **INSOFAR** as the land represented by the letters c v C a on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T9982/1920.

9. **INSOFAR** as the land represented by the letters w b a D E F on Diagram SG No. 3076/2015 is concerned:

SUBJECT to the conditions referred to in Deed of Transfer No. T90/1819 dated 6th August 1819.

10. **SUBJECT FURTHER** in respect of the whole Erf 156019 Cape Town, to an endorsement on Deed of Transfer No. T80908/1995 in terms of Section 13 (3) of Act 28/1969 (National Monuments Act) reading as follows:

"In terms of Section 10 (1) of Act 28/1969 the within property is a YMCA Building is proclaimed as a monument in terms of proclamation No. 1318 dated 01/09/1995 as published in Government Gazette No. 16632/1995."

- II. **AS REGARDS** the figure q r k h depicted on Diagram SG No. 3076/2016:

KL

SUBJECT to the conditions referred to in Deed of Transfer No. T32 dated 1 December 1881.

III. AS REGARDS the figure r s m k depicted on Diagram SG No. 3076/2016:

SUBJECT to the conditions referred to in Deed of Transfer No. 2850 dated 18 May 1896.

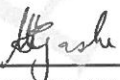
AND THAT by virtue of these present the said:

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

Its Successors in title or Assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF I, the said Registrar, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the REGISTRAR OF DEEDS at CAPE TOWN
on 07 OCT 2016 2016



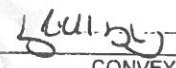
REGISTRAR OF DEEDS



321

Norton Rose Fulbright
Tel No. (021) 405 1200

Prepared by me


CONVEYANCER
HARMINA JEANETTE JANSE
VAN RENSBURG

APPLICATION IN TERMS OF SECTION 43(1) OF ACT 47 OF 1937

I, the undersigned,

GIANCARLO FARERI

duly authorised by virtue of a Resolution of:-

BRACCOBALDO 1 PROPRIETARY LIMITED
Registration Number 2002/022954/07

do hereby apply to the Registrar of Deeds in CAPE TOWN for the issue in the name
BRACCOBALDO 1 PROPRIETARY LIMITED of a Certificate of Registered Title in
respect of:

ERF 177649 (PORTION OF ERF 168560) CAPE TOWN
SITUATE IN THE CITY OF CAPE TOWN
CAPE DIVISION
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 1232 (One thousand two hundred and thirty two) Square Metres

HELD BY Certificate of Consolidated Title T39574/2015

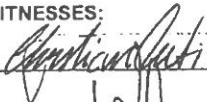
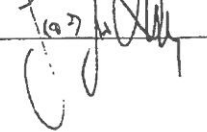
AS WILL MORE FULLY APPEAR FROM Diagram S.G. No. 3076/2015

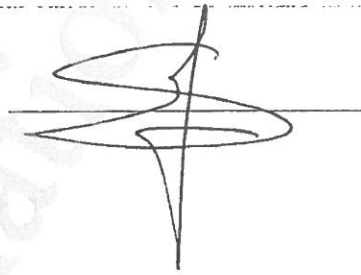
Subject to a services servitude 1,5 metres wide the north western boundary of which is
depicted by the line AH on diagram SG no 3076/2015 imposed by and in favour of the
City of Cape Town in terms of the provisions of Section 25 of the Land Use Planning
Ordinance 15 of 1985.



DATED AT CAPE TOWN on this the 5th day of September 2016

AS WITNESSES:

1. 
2. 





PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
PREPARED BY : DRS88911 - MURICE LORRAINE

(2)
DATE : 20160922 TIME : 12:18:09.0 PAGE : 1

TRACK NUMBER : 88896465233

BLACK-BOOKING ENQUIRY ON NAME - BRACCOBALDO 1 PTY LTD
ID NUMBER - 288282295487
BIRTH DATE - 01
MARITAL STATUS -
MAIDEN NAME -
TYPE OF PERSON - COMPANY

PERSON NAME AND ID

CONTRACTS/INTERDLCTS

NOTED ON SCAN/MICRO REF

BRACCOBALDO 1 PTY LTD

288282295487

VA5283/2015-T90033/2003

20150715-20150722101132

*** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***



PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN

3

DATE : 20160922 TIME : 12:10:17.3 PAGE : 1

PREPARED BY : DRS08011 - MURIE-LORRAINE

TRACK NUMBER : 88006465233

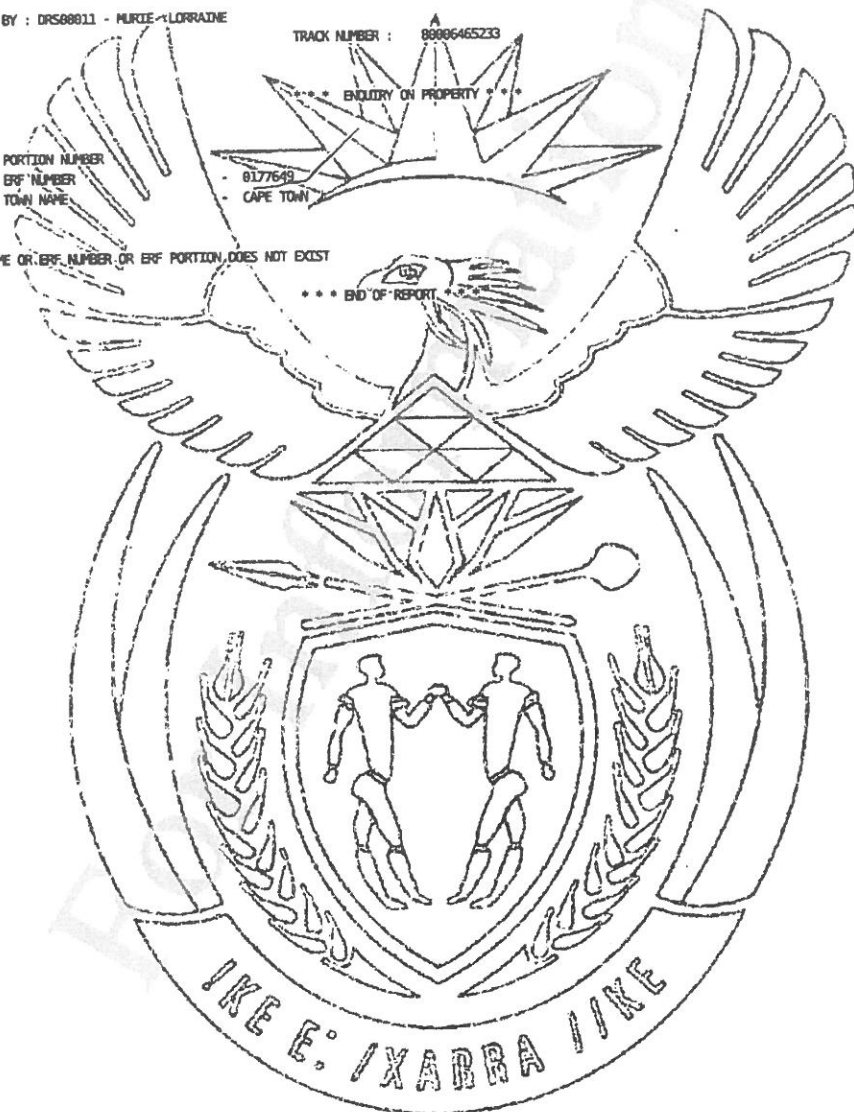
*** ENQUIRY ON PROPERTY ***

PORTION NUMBER
ERF NUMBER
TOWN NAME

- 8177649
- CAPE TOWN

TOWN NAME OR ERF NUMBER OR ERF PORTION DOES NOT EXIST

*** END OF REPORT ***



PROPERTY DETAILS PRINT FOR PORTION 0
ERF NO 168560
TOWNSHIP CAPE TOWN
REG DTV NOT AVAILABLE

PROVINCE WESTERN CAPE
PREV DESCRIPTION T39574/2015
DIAGRAM DEED NO
EXTENT 1424,50M
CLEARANCE CITY OF CAPE TOWN

ORIGIN REASON
CONSOLIDATE FROM ORIGIN PROPERTY
CONSOLIDATE FROM CAPE TOWN, 156019, 0
CONSOLIDATE FROM CAPE TOWN, 3887, 0
CONSOLIDATE FROM CAPE TOWN, 3890, 0

INTERDICTION
I-2094/2015LG
NO DOCUMENTS

OWNER DETAILS
FULL NAME & SHARE
BRACCOCALDO 1 PTY LTD

PURCH DATE AMOUNT/REASON-O/P/A IDENTITY TITLE DEED
200202295487 T39574/2015

MMD MICROFILM REF
8715 20150722101216

* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

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*** END OF REPORT ***

WHITE BARRON OF
SPECIAL PLAN
IKE E: /XARBA /IKE

TRACK NUMBER : 80806465233

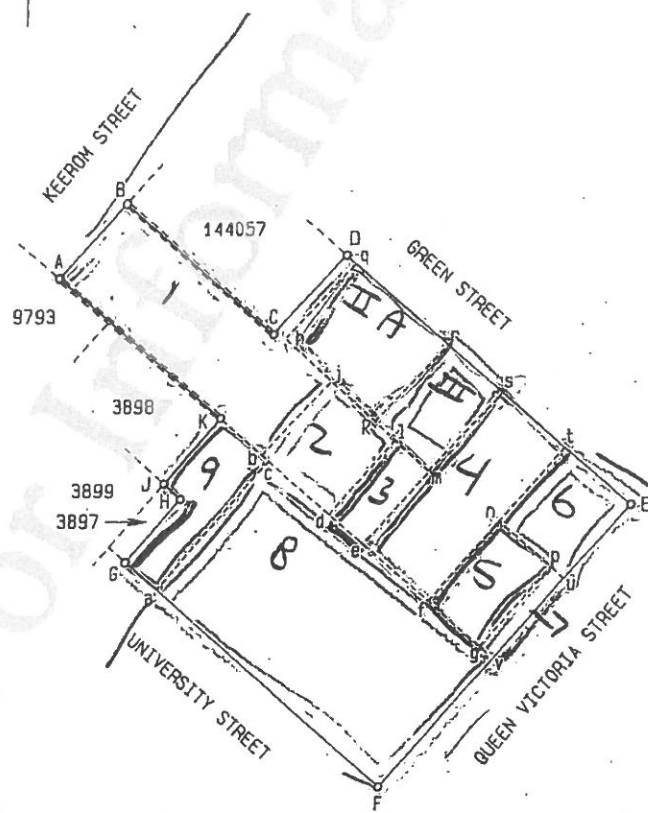
NOTED ON
20150519

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR GENERAL
DATE 2015-05-13

OFFICE COPY

S.G. No.
5326/2003
Approved
T. Suwan
for Surveyor General
2004.01.14

T. N



Scale 1: 500

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
05 JAN 2016
DATE

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES Y System WG 1984 X
AB 35.79	311 04 00	0.00 +3 700 000.00
BC 35.70	40 44 10	+53 988.33 +55 662.39
CD 32.43	130 52 30	+53 961.35 +55 685.90
DE 7.96	220 47 40	+53 984.84 +55 712.94
EF 2.19	131 31 50	+54 009.16 +55 691.72
FG 17.58	221 00 50	+54 003.96 +55 685.70
GH 1.50	131 07 10	+54 005.60 +55 684.25
HA 10.25	222 02 00	+53 994.06 +55 670.99
Indicatory Data		+53 995.19 +55 670.00
JB 0.50	311 04 00	+53 961.73 +55 685.57
BK 0.50	40 44 10	+53 961.68 +55 686.28
	1018	+53 946.99 +55 852.91
	2417	+53 910.64 +55 632.29

Beacon Descriptions:

- A, D, F wall corner
- C, E, J, K 12mm iron peg
- G 12mm drill hole in paving
- H 12mm drill hole in wall
- B no beacon

Servitude Note:

The line AH represents the north western boundary of a services servitude 1,50m wide as shown

Scale 1: 250

The figure ABCDEFGH represents

1232 Square metres

of land, being

Erf 177649, portion of 168560 Cape Town

Situate at Cape Town in the City of Cape Town

Administrative District of Cape

Surveyed in May to December 2015

by me

Province of the Western Cape

Professional Land Surveyor

R.C. Abrahamse (PLS0002)

This diagram is annexed to
No. 000061652 / 2016
dated
i.f.o.

07 OCT 2015
Registrar of Deeds

The original diagram is
SG. No. 5326/2003
annexed to Transfer

D/T

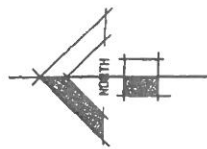
File No. S/9390/344
S.R. No. 1539/2015
Comp. BHSX-13122 (M3294)
BHSX-13211 (M1618)

L.P.I. C0160007

EXEMPT FROM PROVISIONS OF ACT
79 OF 1970
SECTION 1(a)

REVISED IN TERMS OF SECT. 28
OF CHD. 19/1984
REV. ERS. ID: 70252498
DATE: 2015-11-10

S.G. No.
3076/2015
Approved
for Surveyor-General
05.01.2015/56



david iellig & abrahamse
professional land surveyors ref L11241

S.G. No.
3076/2015

Approved

for Surveyor-General
05.01.2015/16

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
DATE 05 JAN 2016

EXEMPT FROM PROVISIONS OF ACT
1(a)
SECTION 17 OF 1870

Approved in terms of Sect. 25
of Ord. 15/1970
REF. CASE ID: 70252498
DATE 2015-11-19

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES Y System 'WG 19'	X
AB 35,79	311 04 00	0,00	+3 700 000,00
BC 35,70	40 44 10	+53 988,33	+55 662,39
CD 32,43	130 52 30	+53 961,35	+55 685,90
DE 7,96	220 47 40	+53 984,64	+55 712,94
EF 2,19	131 31 50	+54 009,16	+55 691,72
FG 17,58	221 00 50	+54 003,96	+55 685,70
GH 1,50	131 07 10	+54 005,60	+55 684,25
HA 10,25	222 02 00	+53 994,06	+55 670,99
Indicator Data		+53 995,19	+55 670,00
JB 0,50	311 04 00	+53 961,73	+55 685,57
BK 0,50	40 44 10	+53 961,68	+55 686,28
	1018	+53 946,99	+55 852,91
	2417	+53 910,64	+55 632,29

Beacon Descriptions:

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Situate at Cape Town in the City of Cape Town

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Surveyed in May to December 2015

by me

Province of the Western Cape

R.C. Abrahamse (PLS0002) Professional Land Surveyor

File No. S/9390/344
S.R. No. 1539/2015
Comp. BHSX-13122 (M3294)
BHSX-13211 (M1618)

This diagram is annexed to
No. 5326/2003
dated
i.f.o. annexed to Transfer

Registrar of Deeds

L.P.I. C0160007

Erf 177649 Cape Town



**rural development
& land reform**

Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

Office of the Registrar of Deeds, Private Bag X9073, CAPE TOWN; Tel (021) 4647600; Fax (021) 4647727

NOTIFICATION TO SGO: Registrar's Notice 4/2009
(Circular to be amended)

NOTIFICATION TO THE SGO

The Surveyor General
CAPE TOWN
8000

Please receive notification of the registration of:

SGO REFERENCE 3070 / 2015

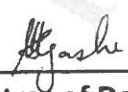
Property description

Erf/Farm 177649 CAPE TOWN

* Vide T..... (1)

K...../S

K...../L


Registrar of Deeds

Date: 07 OCT 2016

**Examiners please complete pencil linking on all notifications*

ADDENDUM H

**STATUS OF PROVINCIAL HERITAGE
SITES BY VIRTUE OF S58(11) OF
THE NATIONAL HERITAGE
RESOURCES ACT, ACT 25 OF 1999,
(THE NHRA)**



RE: STATUS OF PROVINCIAL HERITAGE SITES BY VIRTUE OF S58(11) OF THE NATIONAL HERITAGE RESOURCES ACT, ACT 25 OF 1999, (THE NHRA)

1. PURPOSE

To consider the mechanism for amending the heritage grading of a site which is listed in the register as a Provincial Heritage Site by virtue of being a declared National Monument in terms of S10 of the National Monuments Act, 1969 (Act 28 of 1969).

2. BACKGROUND

This question was raised when considering a previous national monument where both IGIC and Council were of the opinion that the building did not meet the criteria of a Grade II site, but should be graded Grade IIIA.

3. DISCUSSION

S58(11)(a) of the NHRA states:

*"Immovable national monuments in terms of section 10 of the previous Act shall be provincial heritage resources sites: Provided that within five years of the commencement of this Act, the provincial heritage resources authorities in consultation with SAHRA, must assess the significance of such sites in accordance with the heritage assessment criteria set out in section 3(3) and prescribed under section 7(1) and **SAHRA must declare any place which fulfils the criteria for Grade I status a national heritage site;**"*

(my emphasis)

The NHRA thus does not explicitly provide for a case where previous national monument does not fulfill the criteria for either Grade I or Grade II. Furthermore there is no provision in the NHRA to de-proclaim a Provincial Heritage site. The old National Monuments Act, 1969, did provide for de-proclamation by notice in the Gazette, but that Act has been repealed by the NHRA.

S30(2) of the NHRA does however provide:

"Subject to subsection (7), a provincial heritage resources authority may, by notice in the Provincial Gazette, list a heritage resource or amend or delete an entry in a heritage register."

All previous national monuments are listed on the register by virtue of Regulation 1(b) of the Regulations published on 31 March 2005, which provides:

"those immovable properties situated in the Western Cape and entered in the register in terms of section 5(1) of the National Monuments Act, 1969 (Act 28 of 1969), shall be entered in the Western Cape heritage Register in terms of Section 30 of Act 25 of 1999"

It is therefore possible to amend the listing of the heritage resource by, for example, amending the grading from II to III by notice in the Provincial Gazette, after notice to the owner in terms of S30(9) of the NHRA.

It is however desirable that HWC develop criteria for what constitutes a Provincial Heritage Site, so that there is a degree of consistency in the determination of a PHS.

S7 (2) of the NHRA permits the prescribing of detailed heritage assessment criteria for assessing Grade II and Grade III heritage resources in a province.

4. RECOMMENDATION/S

1. That, in the event of a previous National Monument being considered not to be of sufficient heritage significance to qualify as a Provincial Heritage Site, the listing on the register be amended by a notice in the Provincial Gazette, after consultation with the owner of the property.
2. That a copy of the notice be served on the Registrar of Deeds.
3. That HWC draft regulations in terms of S7(2) of the NHRA to prescribe detailed heritage assessment criteria

SUBMITTED BY:

DATE:

APPROVED FOR SUBMISSION TO COUNCIL

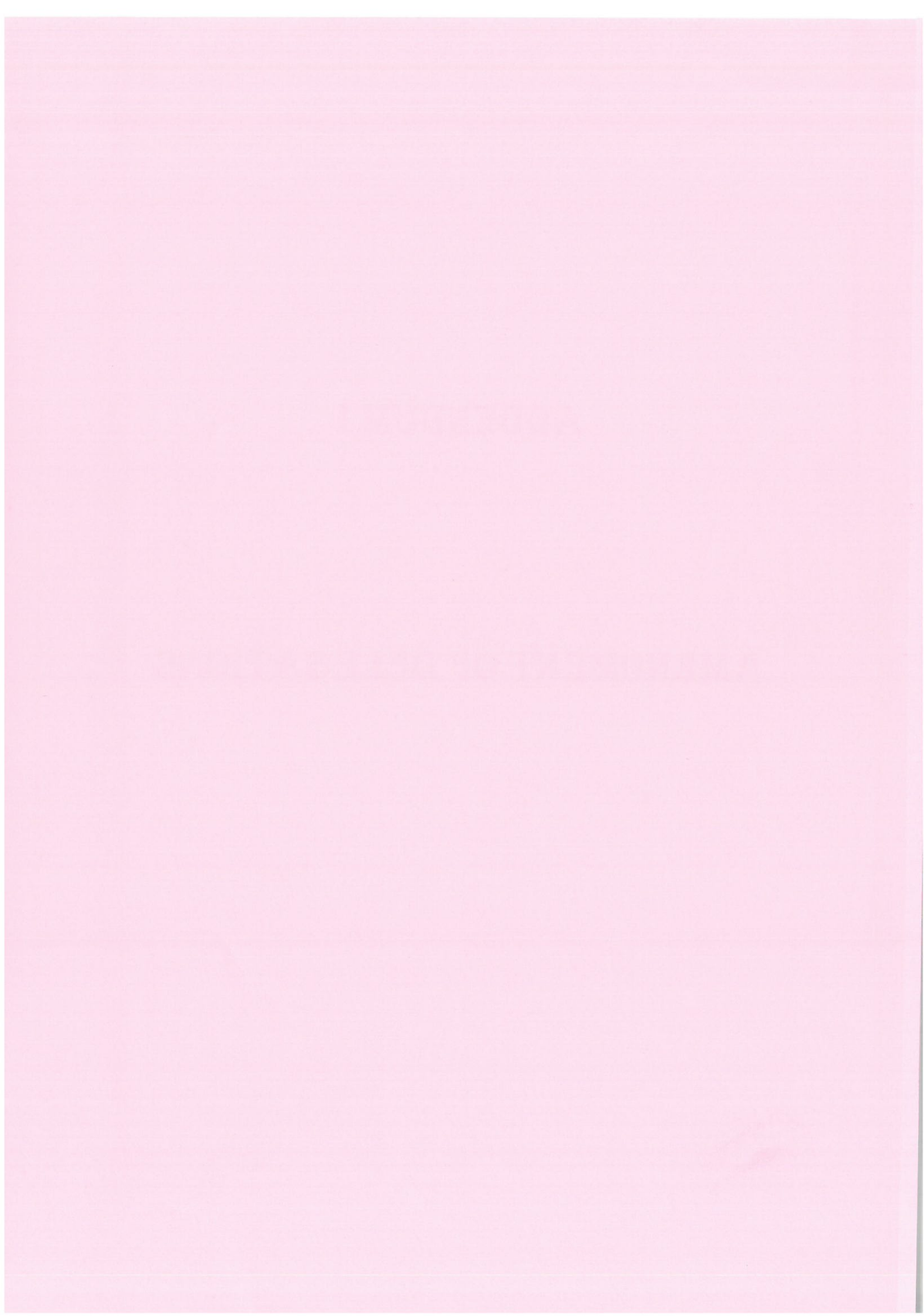


CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

ADDENDUM I

AMENDMENT OF DELEGATIONS



File No:
SUBMISSION TO THE COUNCIL OF HERITAGE WESTERN CAPE

RE.: AMENDMENT TO DELEGATIONS

1. PURPOSE

To amend the delegations of APM and IGIC

2. BACKGROUND

Certain applications have brought to light some deficiencies in the delegations of the above Committee.

3. DISCUSSION

APM

HWC has been found competent by SAHRA to manage all applications under S36 of the National Heritage Resources Act, Act 25 of 1999, (the NHRA) . Therefore the delegation needs to be amended to delete reference to SAHRA and the MOU.

IGIC

There is no specific delegation regarding provisional protection in terms of Section 29. The delegations should be amended as suggested

4. RECOMMENDATION/S

1. That the delegations of HWC be amended as per the annexure to the submission.

SUBMITTED BY:

DATE:

APPROVED FOR SUBMISSION TO COUNCIL



CHIEF EXECUTIVE OFFICER

DATE: 6/6/17

**DELEGATIONS OF HERITAGE WESTERN CAPE
IN TERMS OF SECTION 26 OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT
25 of 1999) READ WITH REGULATION 11 OF THE REGULATIONS PROMULGATED IN
TERMS OF THE ACT ON 25 OCTOBER 2002, PN336)**

The Council of Heritage Western Cape, reviewed the delegations on 3 December 2016, and approved the recommended amendments to the delegations.

The following committees have been established:

- Permit Committee for Built Environment and Landscapes (BELCom)
- Committee for the Impact Assessment in terms of Section 38 (IACOM)
- Permit Committee for Archaeology, Palaeontology and Meteorites (APM)
- Inventories, Grading and Interpretation Committee (IGIC)
- Appeals Committee in terms of Section 49

A quorum will be established by a simple majority of the appointed members of the respective committees.

The following instructions and delegations previously delegated are effective until such time as revoked or revised in writing by the Council:

1. Executive Committee

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS (CONDITIONS
All sections in terms of which powers are granted to a Provincial Heritage Authority except for the exclusions provided for in Section 26(3)	All powers granted to the Council in terms of the NHRA with the exception of the power to make recommendations to the minister or assessment and approval of conservation management plans and statements of general policy.	

2. Permit Committee for Built Environment and Landscapes (BELCom)

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS OR CONDITIONS
Section 34 read with Section 48(2)	Assessment and approval or refusal of permits relating to applications to alter or demolish structures older than 60 years. Assessment and/or grading of resource in respect of which application is made, unless the resource has been graded by a competent Local Authority.	The reason for the decision should be recorded, either for its alteration or demolition (e.g. it is not considered to be of heritage significance). Also, if an application is refused, a recommendation regarding the grading and formal protection of the structure as required by section 34(2) should be made for the consideration of Council or EXCO.
Section 27, subsections (18)	Assessment and approval or refusal of	

and (19)(a) and (b) Section 29(10), Section 31 read with section 48(2)	permits relating to alterations or additions to, or to the subdivision and change of planning status of any provincial heritage site, provisionally protected site or heritage area excluding a provincial heritage site of archaeological or palaeontological significance or a meteorite. Formulate and set conditions pertaining to safeguarding provincial heritage sites from damage or destruction and regulate conditions for any development thereof which should be imposed as conditions to the permit. Assessment and/or grading of resource in respect of which application is made	

3. Committee for the Impact Assessments received in terms of Section 38 (IACom)

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999(ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS OR CONDITIONS
Section 27, subsections (18) and (19)(a) and (b) Section 29(10), Section 31	Assessment and approval or refusal of applications for permits relating to alterations or additions to, or the subdivision and change of planning status of any provincial heritage site, provisionally protected site or heritage area, including a provincial heritage site of archaeological or palaeontological significance or a meteorite, when these form part of a Section 38 application. Formulate and set conditions pertaining to safeguarding provincial heritage sites from destruction and regulate conditions for any development thereof should be considered as conditions to the permit. Assessment and/or grading of resource in respect of which application is made.	
Section 38, subsections (2), (3),(4), (5) and (8)	Timeous consideration of impact assessment reports required by the developer in terms of section 38(2) by HWC and, after consultation with the developer and registered conservation bodies, HWC must decide – (a) whether or not the development may proceed; (b) any limitations or conditions to be applied to the development; (c) what general protections in terms of this Act apply, and what formal protections may be applied to such heritage resources; (d) whether compensatory action is required in respect of any heritage resources damaged or	HWC must formulate its comments and recommendations to the consenting authority with regard to the proposed development and forward it timeously within the timeframes provided for in the relevant legislation.

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	destroyed as a result of the development; and (e) whether the appointment of specialists is required as a condition of approval of the proposal HWC shall not make any decision under subsection (4) with respect to any development which impacts on a heritage resource protected at national level unless it has consulted SAHRA. Timeous consideration of impact assessment reports and submission of comment thereon to the consenting authority in terms of section 38(8), after consultation with the developer and registered conservation bodies. Grading of any heritage resource which is the subject of an impact assessment, unless the resource has been graded by a competent Local Authority.	
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4. Permit Committee for Archaeology, Palaeontology and Meteorites (APM)

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999(ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS OR CONDITIONS
Section 27, subsections (18) and (19)(a) and (b) Section 29(10) read with Section 48(2)	Assessment and approval or refusal of applications relating to alterations to any archaeological or palaeontological provincial heritage site or a provisionally protected provincial heritage site of archaeological or palaeontological significance or a meteorite. Assessment and/or grading of resource in respect of which application is made,	
Section 27, subsections (18) and (19)(a) and (b) Section 29(10) read with Section 48(2) (Continued)	Formulation of regulations and conditions pertaining to safeguarding archaeological and palaeontological heritage sites and provisionally protected sites from destruction and regulating conditions for any development thereof.	
Section 35 read with Section 48(2)	Assessment and approval or refusal of application in terms of section 35 of the Act, and the management, assessment and protection of all sites, material or objects pertaining to section 35, with the exception of wreck as specified in section 35(1) Assessment and/or grading of resource in respect of which application is made.	
Section 36 read with Section 48(2)	Assessment and approval or refusal of applications in terms of section 36 of the Act, and the management, assessment and protection of all sites, material or objects pertaining to section 36. Assessment and/or grading of resource in respect of which application is made.	
Section 38	Assessment and approval of archaeological / palaeontological workplans required as a condition of a	

	comment/decision made in terms of sections 38(4) or 38(8)	
	Assessment and/or grading of resource in respect of which application is made.	

5. The Appeals Committee

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999(ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS OR CONDITIONS
Section 49 and Regulation 12 of 25 Oct 2002.	Consideration of appeals	The committee is constituted as the committee established in terms of Regulation prescribed in Section 49 (ie: Regulation 12 of Provincial Notice 5937 of 25 October 2002) and is invested with the powers set out in that regulation

6 Inventories, Grading and Interpretation Committee in terms of Section 7, Other Sections as set out below and Guidelines and Policy on Grading

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999(ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS OR CONDITIONS
Section 27 and Section 29	Assessment and grading of sites nominated for declaration as provincial heritage sites	Determination of the grading of such sites. (In addition the committee shall make recommendations concerning formal protection.)
Section 30	Assessment and grading of sites nominated for inclusion on the register where the Local Authority is not competent to do so Consideration of objections and representations received after publication of the register for comment	Determination of the grading of such sites. Provision of reasons for retention or deletion of sites on the register
Section 30	Approval of surveys and inventories	Approval of inventories and the gradings applying to the sites included in them.
Section 31	Approval of heritage areas where Local Authority not competent or unwilling to establish heritage area Consideration of objections and representations received after publication of the proposed heritage area for comment	Approval of the boundaries and guidelines/rules applying to heritage areas. (In addition the committee shall when necessary make recommendations concerning formal protection.)
Section 31	Approval of by-law or town planning condition to be imposed	in conjunction with DEAD&P and Local Authority

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7 Managers employed in the Heritage Resources Management Services component of the Department of Cultural Affairs and Sport

RELEVANT SECTION OF THE NATIONAL HERITAGE RESOURCES ACT, 1999(ACT 25 OF 1999)	CRYPTIC DESCRIPTION OF POWER	REMARKS, LIMITATIONS OR CONDITIONS
Section 27(18), Section 29(10) and Section 31	Power to issue a permit for the destruction, damaging, defacing, excavation, removal from its original position, subdivision or change to the planning status of a provincial heritage site.	This applies to applications for subdivision of provincial heritage sites or provisionally protected heritage sites or heritage areas that are non-contentious and have the full written support of the relevant planning authority and the relevant registered conservation body/bodies, and which the Chief Executive Officer , Deputy Director: Heritage Resources Management, or Assistant Directors in formally structured consultation with the relevant specialist staff consider to be cases where the works are of a minor nature that do not affect the integrity or conservation worthiness of the structure or site, or where such work is necessary to the reasonable maintenance and upkeep of the building or site. Where subdivision of provincial heritage sites are concerned, permits that are issued should be subject to at least the following two conditions: (i) all new structures contemplated on the proposed subdivided property to be submitted for approval to the relevant committee of Heritage Western Cape and (ii) that the subdivided property be endorsed by the Deed Office in terms of the original proclamation.
Section 34	Power to assess and issue permits relating to applications to alter, add to or partially demolish structure older than 60 years Assessment and/or grading of resource in respect of which application is made	The Chief Executive Officer, Deputy Director: Heritage Resources Management or Assistant Directors in formally structured consultation with the relevant specialist staff may issue permits for non-contentious alterations to structures older than 60 years. (Applications for total demolition may be approved by Chief Executive Officer, Deputy Director: Heritage Resources Management or Assistant Directors in formally structured consultation with the relevant specialist staff and under the following conditions: • that the building in question is

		situated outside a heritage area or HPOZ, • that the building is not conservation-worthy and has insufficient heritage significance • and that there are no objections.
Section 35	Assessment and issuing of permits relating to application for destruction	Chief Executive Officer, Deputy Director: Heritage Resources Management or Assistant Directors in formally structured consultation with the relevant specialist staff are limited to granting permits that are urgent and where the effects of the works can be, or have been, satisfactorily mitigated and /or sampled.
Section 50(1) and (10) and 35(5)(a)	Power to appoint Heritage inspectors. Power to issue stop works orders	Chief Executive Officer or Deputy Director: Heritage Resources Management 1) The relevant staff member must inspect the site where the alleged contravention took place and must report to the Chief Executive Officer of Deputy Director on the matter. The alleged contravention must be reported as soon as possible to the relevant committee, who will make a decision on the merits of the report and recommend whether or not the matter should formally be reported to the South African Police Service.
Section 38(2)	Power to assess and comment on Notice of Intention to develop and decide on the requirement of submission of an HIA	Chief Executive Officer or Deputy Director: Heritage Resources Management, or Assistant Directors in formally structured consultation with the relevant specialist staff are delegated to sign off notifications after considering the possible impact of the proposed development to heritage resources identified in the notification of intent to develop (section 38(1))
Sections 38(4) and (8)	Power to submit comments to the consenting authority in respect of HIA's received in terms of Section 38(8) Power to make decisions in terms of Section 38(4)	Chief Executive Officer, Deputy Director: Heritage Resources Management and Assistant Directors in formally structured consultation with the relevant specialist staff are delegated to sign off records of decision and comments in instances concerning: 1) Minor earthworks (eg: borrow pits) where assessment of impacts only on archaeology and/or

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		palaeontology was required to be assessed and findings have revealed little or no material of significance. 2) Other instances where impacts on only archaeology and/or palaeontology were required to be assessed and findings have revealed little or no material of significance 3) Other instances where impacts have been assessed as non-existent or very minor, where there are no objections and where the recommendations in the HIA are fully agreed with. 4) Unless it fulfills the conditions 1), 2) and 3) above; where there is insufficient time to submit an HIA to IACOM and meet deadlines set by other legislation, provide interim comments on the Pre-Application Scoping Report to DEA&DP, & copied to the EAP, indicating that: a) the HIA TOR is not adequate & providing comment in terms of the shortcomings; or b) the HIA TOR is adequate. Records of decisions taken and comments made at the consultation referred to above be circulated to relevant committee members.
Section 48(2)	Power to sign and issue permits	Chief Executive Officer or Deputy Director: Heritage Resources Management in formally structured consultation with the relevant specialist staff are authorized to issue permits and records of decision as approved by themselves, by the APM, the BELCom, IACOM or the Appeals Committee of HWC.
Section 51(6)	Power to lay charges with the South African Police Services	Chief Executive Officer: Shall determine when charges are to be laid by Heritage Western Cape.
Chapter II Parts 1 and 2	General and Formal Protections	The Assistant Directors, Deputy Director and Chief Executive Officer are authorized to request heritage statements for applications made in terms of these parts of the Act.
General	Any duties, powers and functions consistent with section 24 and 25 of the Act in order to effectively perform the general duties as outlined in the Act including matters that are not specifically dealt with in the Act.	The Assistant Directors, Deputy Director and Chief Executive Officer are authorized to deal with such matters in accordance with the principles contained in the Act.

	These powers and duties shall include: • The authority to initiate and defend legal action in the courts • And the authority to draw up and sign affidavits in such regard Final decisions and comments of the following committees of the Council: Appeals; Archaeology, Palaeontology and Meteorites; Built Environment and Landscapes; and Impact Assessment Review	• The Chief Executive Officer only and only with the concurrence of the Chairperson of the Executive Committee • The Chief Executive Officer, Deputy Director, Assistant Director: Professional Services, the Legal Advisor and all Senior Heritage Officers. The Chief Executive Officer only may sign documentation conveying such information to applicants.
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CHAIRPERSON: HERITAGE WESTERN CAPE

DATE 20____