

**APPROVED MINUTES OF THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**



**Held on Wednesday, 16 October 2019 in the 1st Floor
Boardroom at the Offices of the Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town scheduled for 09:30**

1. Opening and Welcome

The Chairperson, Ms Corlie Smart, opened the meeting at 09:45 officially and welcomed everyone present.

2. Attendance

Committee Members:

Ms Corlie Smart (CSm)
Mr Tseliso Leshoro (TS)
Dr Nicolas Baumann (NB)
Mr Rowen Ruiters (RR) left at 12:00
Dr Andre van Graan (AvG)

Members of Staff:

Ms Penelope Meyer (PMe)
Ms Stephanie Barnardt (SB)
Ms Waseefa Dhansay (WD)
Mr Andrew September (AS)
Ms Aneeqah Brown (AB)
Mr Thando Zingange (TZ)

Visitors:

Mr Johan Cornelius
Mr Tony Madikane
Ms Jane Brown
Mr Martin Meiner
Mr Richard Summers
Mr Leon Rossouw
Father Wim Lindeque
Mr AB Hammon
Mr Steven Dugmore
Dr Gavin Smidt

Ms Marinda Madikane
Mr Stephen Townsend
Mr Robert Silke
Mr Alexander Geh
Ms Cindy Postlethwayt
Mr Gerhard Swart
Ms Jeanneke Malan
Mr Nicolas Smith
Ms Richard Kearney
Ms D.A Nortier

Observers:

None

3. Apologies

Ms Colette Scheermeyer

Absent

None

4. Approval of Agenda

4.1 Dated 16 October 2019

The Committee approved the agenda dated 16 October 2019.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 18 September 2019

The Committee reviewed the minutes dated 18 September 2019 and resolved to approve the minutes with minor amendments.

6. Disclosure of Interest:

6.1 None

7. Confidential Matters

7.1 None

8. Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

PM reported back.

8.2 Report back from HWC Council

PM reported back.

8.3 Site Visits Conducted

- Proposed Alterations and Additions to Existing Structure on Erf 183, 5 Crown Crescent, Camps Bay
- Proposed development and consolidation of erven 28900-28902,1, 3 and 5 Strubens Road, Mowbray

8.4 Potential Site Visits

- Total demolition - Erf 2146, 2 Deer Park, Vredehoek - Section 34
- Proposed addition & alteration at Erf 830, 17 Ravenscraig Road, Green Point - Section 34

9. Matters Arising

9.1 Proposed Demolition and Replacement Structure on Erf 55148, 16 Osborne Road, Claremont - Section 34 (Appeal from BELCom) HM/CAPE TOWN/ CLAREMONT/ ERF 55148

Case No: 19040205AS0403E

Mr Andrew September introduced the case.

Mr Stephen Townsend [ST], Ms Jane Brown [JB], Mr Johan Cornelius [JC], Mr Robert Silke [RS] and Mr Alexander Geh [AG] were present and took part in the discussion.

In summary it was noted in discussion that:

RS provided the parties with documents to illustrate the amendments made to the previous proposal.

RS submitted:

- HPOZ must tie together other buildings in the area;
- The proposal responded to the committee's previous requirements to reconsider the design and its effects on Hugo road;
- Osborne road no longer has special heritage significance and indicated that the appellant agreed with it;
- That the area below Hugo Road, Osborne Road (below Hugo Road) no longer has special qualities to warrant protection;
- The new design has been developed and is a considered intervention;
- The new design speaks to what is currently in the area but will also speak to a possible new high building;
- The new proposal is not visible from Hugo Road;
- The new proposal responds to Hugo Road by stepping down.

ST submitted:

- Indicated that the drawings provided by RS have not been provided to the appellant and that it should be noted.

The chairperson informed ST that if the Appellant needs an opportunity to study the drawings the matter could be postponed. ST indicated that the Appellant did not wish the matter to be postponed.

ST submitted:

- Townscape is important as it also pertains to the experience of place and the townscape;
- Even though Osborne Road is not a pretty street, it forms part of a heritage resource;
- Developments of five-storeys and higher should not be allowed in the area;

- The committee should consider the view from Hugo Road toward the proposed structure;
- There are very minor changes that have been made to the new proposal.

JC submitted:

- The adjacent building is not older 60 years;
- The COCT considers it to be “not gradable”.

In summary, the committee noted and took the following into account

- Historical townscapes do deteriorate over time.
- The committees’ previous comments regarding Hugo Road related to the heritage resource and not to the experience of the whole area.
- The impact must be assessed on the area where the heritage resource is.
- The new proposal indicates that there has been mitigatory architectural design to address the committee’s concerns regarding the impact on Hugo road.

DECISION

1. The revised proposal has addressed the Appeals Committees’ concerns regarding the impact on the identified heritage resource.
2. Plan numbers 201823 SDP 01-12 and 201823 SDP 01-12 (Rev. 2) dated 03 October 2019 by Robert Silke & Partners are approved.

Andrew September

9.2 Proposed Development and Consolidation of Erven 28900-28902,1, 3 and 5 Strubens Road, Mowbray (Appeal from IACom HM/ MOWBRAY / ERVEN 28900, 28901 & 28902

Case No: 18061903ZK0620E

Ms. Stephanie Barnardt introduced the case.

Mr Johan Cornelius [JC], Ms Marinda Madikane [MM] and Mr Tony Madikane [TM] were present and took part in the discussion.

Dr Andre Van Graan presented a site inspection report.

DISCUSSION

In summary it was noted in discussion that:

MM submitted:

- That she represents a group of 86 owner that has no understanding of heritage legislation but considered the area to be heritage significance;

- JC is incorrect, and the property is within a proposed HPOZ;
- The IACom decision was that no heritage resource will be impacted, but she disagrees;
- That if the HPOZ is declared it will be worthy of conservation;
- The committee should not approve the development until the HPOZ has been declared;
- The proposed building will be 12 meters high;
- The development is only 100 meters from a Herbert Baker building.

JC on behalf of the developer submitted:

- The property is not in an HPOZ or a proposed or HPOZ;
- The context of the property is largely original, but the area is being developed
- The property is across from a transport node and is an ideal location for development;
- The new structure will provide accommodation for first-time homeowners;
- Even though the area is old, it has no heritage significance.

In summary, the committee noted and took the following into account

- The scale of the existing buildings is lower than the proposal and it will have an impact;
- There are significant Sir Herbert Baker and John Parker. The buildings are not immediately adjacent to the site.
- The area has uniformity of character, but the character is not indicative of heritage significance;
- The immediate area in which the site is located has no heritage significance and is not worthy of conservation.
- The development is not situated within an area worthy of conservation and no heritage resources will be impacted.

- **DECISION**

The Appeal is dismissed.

Stephanie Barnardt

**9.3 HIA: Proposed Redevelopment of Erven 143, 144, 145,155,156,157,158,166,167,168,169,170, Rem 185, 4683 & 5957, Dennisig & Paul Kruger Streets, Stellenbosch - Section 49 (Appeal from IACom)
HM/ CAPE WINELANDS/STELLENBOSCH/ ERVEN 143, 144, 145, 155,156,157,158,166,167,168,169,170, Rem 185, 4683 & 5957**

Case No: 18062502HB0627M

Mr Richard Summers [RS], Ms Cindy Postlethwayt [CP], Mr Leon Rossouw [LR], Mr Gerhard Swart [GS], Farther Wim Lindeque,[FW], Ms Jeanneke Malan [JM] and Mr AB Hammon [AH] were present and took part in the discussion.

DISCUSSION

In summary it was noted in discussion that:

CP submitted:

- The massing and height of the development have been reduced.
- The design proposal was amended in discussion with the church;
- The height of structure beyond the corner will not exceed 5 storeys;
- The parking on the site will be underground;

WM submitted:

- The process of consultation has been a positive engagement and it was felt that the church's objections were addressed but he is still concerned about the numbers of people who will come into the area.

AH submitted:

- That to a certain extent he agrees with AM and WM, but he is still completely against the development;
- Other municipal land is available where the development can take place;

RS submitted:

- There will be no impact on heritage resources;
- The new design has addressed the heritage issues raised.

In summary, the committee noted and took the following into account

- The committee commends the parties for engaging with each other during the design process.
- The revised design proposal addressed the appeals committee's previous concerns.
- The development will not negatively impact on heritage resources.

DECISION

1. The revised proposal has addressed the Appeals Committee's concerns regarding the impact on the identified heritage resources.
2. The revised plans dated 17 September 2019 are approved.
3. Appropriately scaled municipal drawings are to be submitted to HWC for final approval

Waseefa Dhansay

9.4 Proposed Alterations and Additions to Existing Structure on Erf 183, 5 Crown Crescent, Camps Bay - Section 34 (Appeal from Supplementary HOMs) HM/CAMPS BAY/ERF 183

Case No: 19060608TZ0702E

Mr Thando Zingange introduced the case.

Mr Nicolas Smith[NS], Mr Steven Dugmore [SD], Ms Richard Kearney [RK], Dr Gavin Smidt [GS] and Ms D.A Nortier[DA] was present and took part in the discussion.

Dr Andre Van Graan presented a site inspection report.

Mr Thando Zingange, Ms Stephanie Barnardt and Ms Waseefa Dhansay recused themselves and left the room.

DISCUSSION

In summary it was noted in discussion that:

RK submitted:

- He represents the ratepayer's association and neighbours.
- Group of structures is a Grade 3B resource;
- If development takes place it will set a precedent;
- The proposal should be downscaled to a single or double storey;
- All other structures in the area are single or double storey;
- The owner of the property should have known that she could not develop the property when she purchased it.

NS submitted:

- That RK's appeal was submitted late;
- Alterations to the building will not impact on heritage resources;
- HWC came to a rational view and approve;
- The setback will indicate the portions of the old and new building;
- The committee must assess whether heritage resources will be impacted on as well as the criteria set out in section 5 of the NHRA;
- RK's appeal has no grounds that indicate that the decision was wrong and does not set out the grounds of appeal as required;
- The proposal does not have a negative impact on heritage resources;

In summary, the committee noted and took the following into account

- The appellant did not submit good reasons why heritage resources will be impacted;
- There is no particularly coherent group of buildings;
- The committee endorses the architect's indicators;
- The proposal is largely in congruence with the indicators;

- No convincing arguments were put forward by appellants to persuade the committee.

DECISION

The Appeal is dismissed.

Thando Zingange

10. New Matters

**10.1 Proposed Total demolition - Erf 2146, 2 Deer Park, Vredehoek - Section 34
Appeal from BELCom
HM/CAPE TOWN METROPOLITAN/VREDEHOEK/ERF 2146**

Case No: 18110508HB1107E

DECISION

The Committee resolved to undertake a site inspection 12 November 2019 at 10:00 (RR, AvG, NB, and TL).

Waseefa Dhansay

**10.2 Proposed Addition and Alteration at Erf 830, 17 Ravenscraig Road, Green Point -
Section 34
HM/CAPE TOWN METROPOLITAN/ERF 830**

Case No: 19050706HB0516E

Ms Waseefa Dhansay introduced the case.

DECISION

The Committee resolved to undertake a site inspection 12 November 2019 at 10:00 (RR, AvG, NB, and TL).

Waseefa Dhansay

11. Other Matters

12. Adoption of decisions and additions

The Committee adopted the resolutions and decisions as minuted above.

13. Proposed next date of the meeting:

20 November 2019

14. Closure: 1:50

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____

APPROVED

Committee Site Inspection Report for: Proposed Alterations and Additions to Existing Structure on Erf 183, 5 Crown Crescent, Camps Bay: Section 34

Submitted by Dr. André van Graan on 14 October 2019

Street Address: 5 Crown Crescent Camps Bay

Registered Owner:

Grading: IIIA

Nature of Application: Proposed Alterations and Additions to Existing Structure

Date of Site Visit: 8 October 2019

HWC Representatives: Dr. N. Baumann

T. Leshoro

Dr. A. van Graan

Reasons for Site Inspection: Examination of the existing house, the site and the context as well as the existing streetscape

Findings of Site Inspection:

In the site inspection the following items were noted:

1. The existing house was constructed in the early twentieth century and is part of a unique group of Norwegian timber houses in Camps Bay.
2. The house is double storey with a jettied upper floor
3. The house occupies a prominent corner site.
4. It is the most intact of the three houses.
5. The site for the proposed development is the current swimming pool area to the north of the site.
6. There are single storey additions to the existing house and the proposed development links the new development to the existing house by a single storey link.
7. There is a three-storey flat roofed house immediately adjacent to the proposed site for the addition.
8. The adjoining house to the west is double storey with a modern extension to the rear.
9. Other houses in the area are largely single or double-storeyed.

Recommended Action:

To be considered at Appeals meeting on the 16th October 2019

Which committee should this report be submitted to:

HWC Appeals Committee

Committee Site Inspection Report for: Proposed Development and Consolidation of Erven 28900- 28902,1, 3 and 5 Strubens Road, Mowbray: Section 38(4)

Submitted by Dr. André van Graan on 14 October 2019

Street Address: 1,3 & 5 Strubens Road Mowbray

Registered Owner:

Grading:

Nature of Application: Proposed Development and Consolidation of Erven 28900- 28902 Mowbray. (Section 38 [4])

Date of Site Visit: 8 October 2019

HWC Representatives: Dr. N. Baumann

T. Leshoro

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition of existing buildings- consideration of the existing buildings and the immediate contexts

Findings of Site Inspection:

In the site inspection the following items were noted:

1. The existing buildings are three detached houses built in the 1920s.
2. All three houses are single storey with pitched roofs.
3. They are flanked by single storey houses to the north and there is a single storey house to the south on the corner of Durban Road.
4. Across the road to the west is a large parking area and taxi rank.

Recommended Action:

To be considered at Appeals meeting on the 16th October 2019

Which committee should this report be submitted to:

HWC Appeals Committee