

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

Held on Wednesday, 21 August 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 09:39 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)
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 Lwazi Bhengu (LB)

Visitors:

Ms Anja Lareman (AL)
Mr Richard Summers (RS)
Dr Stephen Townsend (ST)
Mr Piet Dekker (PD)
Mr Jason Rombo (JW)

Mr Christopher Snelling (CSn)
Ms Ursula Rigby (UR)
Ms Lynn Miller (LM)
Ms Ankia Bormans (ABO)
Mr W Rigby (WR)

Observers:

None

3. **Apologies**

Ms Colette Scheermeyer

Absent

None

4. **Approval of Agenda**

4.1 **Dated 21 August 2019**

The Committee approved the agenda dated 21 August 2019.

5. **Approval of Minutes of Previous Meeting**

5.1 **Appeals Minutes dated 17 July 2019**

The Committee reviewed the minutes dated 17 July 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

The following site inspections undertaken by members were noted:

- Proposed alterations to heritage building and development on the Remainder of Muldersvlei 34, Stellenbosch
- Proposed subdivision, rezoning and development on Erf 46115, 2 Glen Darrach Road, Rondebosch (S38(4)).

8.4 Potential Site Visits

- Erf 55148, 16 Osborne Road, Claremont
- Erf 1600, 122B Kloof Street, Gardens (Appeal lodged 20th August 2019 – Matter to be heard on the 18th of September 2019)

9. Matters Arising

9.1 Proposed Alterations to heritage building and Development on the Remainder of Muldersvlei 34, Stellenbosch

Case No: 19061307AS1906E

Mr Andrew September introduced the case.

Appeals Committee reported back on the site visit undertaken on 5 August 2019. The site visit report prepared by AvG dated 19 August 2019 was tabled as per the attached (annexure SI1).

Ms Anja Lareman (AL) on behalf of the applicant was present and took part in the discussion.

Mr Andrew September and Ms Waseefa Dhansay recused themselves and left the room.

In summary it was noted in discussion that:

- HOMs requested an HIA to be submitted in response to the NID submitted by the Appellant.
- AI submitted:
 - That no heritage resources will be impacted on.
 - According to the title deed the historic werf was declared a PHS.
 - Not all the buildings on the farm have heritage significance and that only the werf is protected under section 27 of the Act.

- Section 34 of the Act applies to rest of the structures on the site and would not require a Section 27 permit application.
- NB requested the AL to indicate what the Appellant considers to be the extent of the historic werf.
- AL indicated what were considered to be the primary and secondary werfs
- After the discussion members of the HOMS left the room.

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

- The proposal is for an addition to a 1905 wine cellar adjacent to the road, and above the historical werf of Elsenburg. The existing terracing is to be removed and a lower level added below the level of the cellar.
- The adjoining building to the south is a later structure.
- The proposed addition would form part of an upper werf level that is separate from the original werf that is related to the manor house.
- The existing early twentieth century wine cellar has a gable end with a lower attached structure, the latter would be replaced by the proposed pitched roof addition.
- The upper werf is currently on a steep gradient and open to the road at the upper level.
- That the Appellant should be recommended to draft a conservation management plan and focussed HIA for the site.
- The development might have an impact on the heritage resources on the property.
- As a result Section 38 of the Act is triggered.
- Approval for the development should be obtained in terms of section 38 and any other work on structures on and around the PHS will require a permit in terms of section 27.
- That the Government Gazette declaring the site as a PHS is not clear as to the extent of the PHS.

DECISION:

The Appeal is dismissed;

1. The Appellant is required to submit a focused HIA concentrating on the visibility and potential impact of the proposed extension from the core heritage area.
2. The HIA must include cross sections through the proposed extension and the core heritage areas and include the historic furrow.
3. Consultation with registered conservation bodies is required.

Andrew September

9.2 Proposed subdivision, rezoning and development on Erf 46115, 2 Glen Darrach Road, Rondebosch

Case No: 171124111ZK1128E

Mr Andrew September introduced the case.

Appeals Committee reported back on the site visit undertaken on 5 August 2019. The site visit report prepared by AvG dated 19 August 2019 was tabled as per the attached (annexure SI2).

Mr Christopher Snelling (CSn), Mr Richard Summers (RS), Ms Ursula Rigby (UR), Dr Stephen Townsend (ST), Ms Lynn Miller, Mr Piet Dekker, Ms Anka Bormans, Mr Jason Rombo, Mr W Rigby were present and took part in the discussion.

DISCUSSION

In summary it was noted in discussion that:

- IACom endorsed the proposal in principle.
- The 2019 supplementary report was submitted.
- RA was of the opinion that the HIA did not respond as per their previous objections.
- Iacom endorsed the supplementary report.
- The CoCT did not object to IACom's decision.
- ST on behalf of the Appellant gave a PowerPoint presentation as a reminder of what the character of the area is.

- ST submitted:
 - The CoCT's HPO is a planning tool only.
 - The heritage resource is the collection of single storey houses and trees in the area.

- The Chairperson requested RS to indicate whether the information in ST's presentation is prejudicial and whether the Applicant requests a postponement of the appeal.
- RS indicated that even though the Appellant felt ambushed by the new information ST included in the PowerPoint presentation, a postponement was not required.
- RS also indicated that the Applicant rejects the accuracy of the presentation.

- ST submitted:
 - IACom recognised that the scale of heritage resource in relation to the proposed development should be protected.
 - IACom requested further information and a decision was made after the Applicant submitted the information requested.
 - The Gees judgment indicates that the NHRA allows HWC to take cognisance of the surrounding area and to impose restrictions on proposed developments and impose conditions.
 - The Heritage Resources in this matter is the collection of suburban houses and trees and that the Heritage resources must be protected.
 - The impact of the development will have a substantial impact on heritage resources.

- There has been mitigation through the process but the mitigation has not been sufficient.

- RS submitted:
 - The proposed development must fit into the village and treed area.
 - The HIA and the section 38 process are not flawed.
 - The HIA did assess all the heritage resources and the impact on them.
 - The density of the development should not be taken into account
 - The development is for student housing and it is logic and common sense that the development will be larger in scale than the residential properties in the area.

- The site cannot be viewed in isolation.
 - The site itself is strategically placed and a logical extension of campus.
 - The massing, architecture, scale and streetscape were assessed, and landscaping was also addressed.
 - Seventy new trees will be planted with 48 within the development.
 - IACom agreed that the scale of the development is appropriate within its context.
 - The development will have no adverse impact on heritage resources
 - The Gees Judgement is applicable but the development's impact was assessed and found not to have a significant impact on the heritage resources.
 - The public need for student housing should be kept in mind and the socio-economic benefits should be considered.
- In response ST, submitted:
 - That RS's submission that the impact of the development is only a difference of professional opinions, is incorrect. The Appellant has indicated it considers the area as a heritage resource.
 - The committee should make its own decision.
 - The Appellant has been involved with the process and objected to the development.
 - The Appellant is of opinion that the response to the heritage indicators was not sufficient.
- UR indicated
 - That RA has been involved in the process for a long time.
 - The RA accepts that development must take place but that the density, bulk and form of the development were not appropriate in relation to the buildings in the area.
 - The question was posed as to what the top part of the site will be used for.
 - In response it was indicated that the top part of the site was not going to be developed as it belongs to the Tennis Club but that it will revert to the CoCT should the property no longer be used for the purposes of the tennis club.

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

- The site lies in an area that is bounded by narrow lanes on two sides
- The site slopes down to the east, with high embankments to the road as a result of its current use as tennis courts.
- The surrounding buildings are mainly single residential buildings other than an apartment block to the east.
- There are several buildings of heritage significance in the area that are single and double-storied.
- The site falls within an HPOZ.
- The HIA was thorough and the heritage indicators are supported.
- The Applicant responded adequately to the heritage indicators.

- The heritage indicators were not disputed by the Appellant.
- The Appellant did not provide sufficient evidence in support of their submissions and did not indicate sufficient grounds why it is of the opinion that the development did not respond to the heritage indicators.

DECISION

The appeal is dismissed.

Andrew September

10. New Matters

10.1 Proposed demolition and replacement structure on Erf 55148, 16 Osborne Road, Claremont

Case No: 19040205AS0403E

DECISION

The Committee resolved to undertake a site inspection on the 10th of September 2019 at 10:00 (AvG , RR , NB , TL) and the matter is postponed until the Appeals Committee meeting of 18 September 2019.

Andrew September

10.2 Proposed removal of an historical public memorial, Botmasklook Farm 661, Riebeeck Kasteel – For Noting

Case No: 19060612LB0612E

DECISION

This appeal is postponed until the next Appeals Committee meeting on the 18 September 2019.

Lwazi Bhengu

11. Other Matters

12. Adoption of decisions and additions

13. Proposed next date of the meeting: **18 September 2019**

13. Closure : **12:40**

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON 

DATE 18/9/2019

SECRETARY 

DATE 18/09/2019

Annexure SI1

Committee Site Inspection Report for: Proposed subdivision, rezoning and development on Erf 46115, 2 Glen Darrach Road, Rondebosch

Submitted by Dr. André van Graan on 19 August 2019

Street Address: 2 Glen Darrach Road, Rondebosch

Registered Owner:

Grading:

Nature of Application: Proposed subdivision, rezoning and development.

Date of Site Visit: 5 August 2019

HWC Representatives: Dr. N. Baumann

T. Leshoro

R. Ruiters

Dr. A. van Graan

Reasons for Site Inspection: Proposed subdivision, rezoning and development

Findings of Site Inspection:

In the site inspection the following items were noted:

- The site lies in an area that is bounded by narrow lanes on two sides
- The site slopes down to the east, with high embankments to the road as a result of its current use as tennis courts.
- The surrounding buildings are mainly single residential buildings other than an apartment block to the east.
- There are several buildings of heritage significance in the area that are single and double-storied.
- The site falls within an HPOZ.

Recommended Action:

To be considered at Appeals meeting on the 21st August 2019

Which committee should this report be submitted to:

HWC Appeals Committee

Annexure SI2

Committee Site Inspection Report for: Proposed alterations to heritage building and development on the Remainder of Muldersvlei 34, Stellenbosch

Submitted by Dr. André van Graan on 19 August 2019

Street Address: Elsenburg Road, Stellenbosch

Registered Owner:

Grading:

Nature of Application: Alteration and addition to a heritage building.

Date of Site Visit: 5 August 2019

HWC Representatives: Dr. N. Baumann

T. Leshoro

R. Ruiters

Dr. A. van Graan

Reasons for Site Inspection: Proposed alterations to heritage building and development

Findings of Site Inspection:

In the site inspection the following items were noted:

1. The proposal is for an addition to a 1905 wine cellar adjacent to the road, and above the historical werf of Elsenburg. The existing terracing is to be removed and a lower level added below the level of the cellar.
2. The adjoining building to the south is a later structure
3. The proposed addition would form part of an upper werf level that is separate from the original werf that is related to the manor house.
4. The existing early twentieth century wine cellar has a gable end with a lower attached structure, the latter would be replaced by the proposed pitched roof addition.
5. The upper werf is currently on a steep gradient and open to the road at the upper level.

Recommended Action:

To be considered at Appeals meeting on the 21st August 2019

Which committee should this report be submitted to:

HWC Appeals Committee

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