



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

Held on Wednesday, 12th April 2023 via Microsoft Teams, scheduled for 08:30

Opening and Welcome

The Chairperson, Mr Gregory Ontong officially opened the meeting at 08:30 and welcomed everyone present.

Attendance

Committee Members:

Mr Gregory Ontong (GO)
Ms Corlie Smart (CSm)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH)
Dr. Andre van Graan (AvG)
Ms. Katie Smuts (KS)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Ms Colette Scheermeyer (CS)
Ms Waseefa Dhansay (WD)
Ms Zikhona Sigonya (ZS)
Ms Chane Herman (CH)
Ms Ayanda Mdludlu (AM)
Ms Corne Nortje (CN)
Ms Sneha Jhupsee (SJ)
Ms Stephanie-Ann Barnardt (SB)
Mr Robin George (RG)

Visitors:

Item 9.1

Mr Boet Smuts

Item 10.1

None

Item 10.2

Mr Ashley Lillie

Item 10.3

Dr Antonietta Jerardino
Dr David Braun
Professor John Parkington

Item 10.3

Dr Antonietta Jerardino,
Dr David Braun
Professor John Parkington

Apologies

- 3. Absent**
None

4. Approval of Agenda

4.1 Dated 12th April 2023.

The Agenda dated 12th April 2023 was approved. AvG moved to adopt the approval of the agenda and SH seconded

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 8th March 2023

The Committee unanimously resolved to approve the minutes dated 8th March 2023.

6. Disclosure and Conflicts of Interest

6.1 Recusals General

None

7. Confidential Matters

None.

8. Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

None.

8.2 Report back from HWC Council

None.

8.3 Site Visits Conducted

8.3.1 Proposed removal of five Eucalyptus trees on Erf 665, 8 Weyers Avenue, Durbanville

Monday 3 April 2023 GO, NB, AvG

8.3.2 Proposed Total Demolition on Erf 155802, 5 Victoria Road, Foreshore

Monday 3 April 2023 GO, NB, AvG

8.4 Potential Site Visits

- 8.4.1 None

8.5 Discussion of the Agenda

8.5.1 None.

9 Matters Arising

9.1 Proposed Partial Demolition, alterations & Additions on Erven 2445 & 2546, Cnr Jourbert & Merriman Street, Stellenbosch HM/CAPE WINELANDS/STELLENBOSCH/ERVEN 2455 & ERVEN 2546 Case No: 18080605HB0807E

Ms. Sneha Jhupsee introduced this item.

Previous Tribunal ruling of 18 May 2020 was discussed as part of the review. The matter was before the committee to assess and approve minor changes requested by the Municipality.

Mr Boet Smuts (Architect) was present and took part in the discussion.

For the Appellant (Mr Smuts)

- The Stellenbosch Municipality refused to approve the plans (previously approved by HWC) due to the staircases being located over the erf boundary. The vehicle entrance and parking were also on the adjacent erf which could not be approved by the municipality prior to the finalisation of the appellant's land use application. The amendments to the approved plans were required to satisfy the municipality's requirements.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The committee felt that the SIG, as interested and affected party to the application from its inception, should have had sight of the amendments.
- The SIG was not informed that the matter was placed on the agenda.

FURTHER REQUIREMENTS

The committee requires that the comment of the Stellenbosch Interest Group be obtained. The SIG should be given 14 days to respond.

The proposed security kiosk must be included in the current drawings for consideration prior to obtaining the comment from SIG.

SJ

10. New Matters

10.1 Proposed removal of five Eucalyptus trees on Erf 665, 8 Weyers Avenue, Durbanville HM/CAPE TOWN METROPOLITAN/ DURBANVILLE/ ERF 665 Case No: HWC23012309CH0130

Appeals against HOMS' decision.

Ms. Chane Herman introduced the item.

Dr Andre van Graan read the site inspection report into the record.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- It is apparent that the character of the site has been eroded over the years by the removal of a lane of Eucalyptus trees and the introduction of hard landscaping which has affected the significance of the PHS.
- The trees are the last element left from the historical landscaping.
- It was felt that the landscaping needs to be softened to mitigate the effect of the asphalt covering a substantial area of the site.
- It was understood that the trees are in a bad state.
- Any further changes to the landscaping which includes hard landscaping such as paving of parking areas could have a further negative impact on the significance of the PHS. If the trees are removed, they should be replaced and a landscaping plan must be submitted and approved by HWC.

DECISION

The appeal is conditionally upheld. The trees may be removed on condition that a landscaping plan is prepared and approved by HWC prior to removal. No further changes may be made to the PHS site without the approval of HWC.

CH

10.2 Proposed Total Demolition on Erf 155802, 5 Victoria Road, Foreshore HM/ CAPE TOWN METROPOLITAN/ ERF 155802 Case No: HWC22061315CH1115

Appeals against BELCom's decision.

Ms. Chane Herman introduced the item.

Mr Ashley Lillie was present as the representative of the owner and took part in the discussion and argued that:

- The building is of little if any cultural significance and this is recognised by the City and the I&AP's
- BELCom had required further information to motivate the demolition.
- The history of the HPOZ – a mechanism to manage replacement structures was discussed.
- The CoCT is capable of managing such areas and should be responsible for the management of the replacement structure.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The need to interrogate whether the building has significance.

- The depth of the information given is not convincing.
- Each case must be considered on its own merits.
- There is a concern that information needs to be given to substantiate the claim of lack of significance.
- However, the building in and of itself does not have sufficient heritage value to justify retention.
- The context is eroded and lacks any heritage significance.

DECISION

The appeal is upheld, and the demolition is approved without conditions.

CH

10.3 Proposed Semi Destructive Analysis of Sediment in Pancho's Kitchen Midden, Elands Bay HM/ WEST COAST/ CEDERBERG/ ELANDS BAY/ PANCHO'S KITCHEN MIDDEN Case No: HWC23011006AM0111

Appeals against HOMs's decision.

Ms. Ayanda Mdludlu introduced the item.

Dr Antonietta Jerardino, Dr David Braun and Professor John Parkington were present and took part in the discussion

For the Appellant (Dr Jerardino):

- Took issue with the case officer's objectivity as the case officer had recently been a student of Professor Parkington.
- Disputes Dr David Braun's experience as his expertise lies in the research of sites that are hundreds of thousands of years old whereas Pancho's Kitchen Midden is a mere four thousand years old at most. His knowledge of up to date and modern techniques is only useful for much older sites that are mostly dominated by stone artifacts and variable quantities of fossilized bone materials.
- Argues that Prof John Parkington's 40-year experience is limited as he himself has not excavated sites but has had sites excavated by his students, various people employed by him and his colleagues from overseas universities and museums.
- States that 280kg of previously retrieved shell midden material, including bones stored, which contain inorganic and micro-organic materials that can be obtained through sieving this material or by way of scraping sediments from some of the thousands of existing shell fragments. Having decided against this option and choosing to excavate more material from Pancho's Kitchen Midden would only result in the unnecessary loss of non-renewable, irreplaceable, and significant indigenous heritage that is a Grade IIIA site.
- Argues that excavating half a square meter to a depth of one meter generates half a cubic meter of material which cannot be labeled as a minimal quantity. The site consists of densely packed and fragmented marine shell and excavating these types of sites from a standing section could result in collapsing of material with a consequential loss of archaeological deposits.

For the Respondent (Dr David Braun):

- Argues that, although the case officer was a student at the University of Cape Town (UCT), she is now no longer a student at UCT and there is no reason to

believe that this renders the case officer incapable of organizing the review of the case is unfair to the case officer.

- Disputes the statement that he is incapable of excavating a site of this nature as he has conducted field research in coastal Iron Age sites in Kenya, in stratified caves in Europe, in stratified sites in Kenya and throughout South Africa. Stratigraphy is not a time associated component of any particular site. Understanding stratigraphy is not something that only people who work on Holocene sites are capable of. He also lists excavating in Holocene burial sites and shell middens in Kenya therefore, Dr Jerardino suggesting that he is incapable of doing this research is not justified.
- States that they have very specific questions relating to the association between mobility patterns and fire history. In order to understand that they need to have a very detailed stratigraphic association between those markers which are not paleo proteomics which are actually PAHs which is mentioned in their proposal, cannot be touched by anyone because we have PHs on our hands.
- Therefore, samples need to be extracted in a very specific way and need to be associated with horizons relating to the archaeological materials. This is why a very specific excavation strategy was devised to keep very thin stratigraphic boundaries to associate radiocarbon dates with the eco-factual information that was to be collected. A very specific strategy for a very specific question outlined in the proposal. Using the core technique to extract this archaeological material would pose terrible impact on the heritage of the site.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The appellant's assertion regarding the case officer is not relevant and does not constitute either conflict of interest or bias.
- The expertise needed for the proposed work is sufficient and appropriate.
- The proposal is not reckless, and the methodology appears to be considered.

DECISION

The appeal is dismissed.

AM

10.4 Proposed Semi Destructive Analysis of Sediment in Mike Taylor Midden, Elands Bay HM/ WEST COAST/ CEDERBERG/ ELANDS BAY/ MIKE TAYLOR MIDDEN Case No: HWC23011004AM0111

Appeals against HOMs's decision.

Ms. Ayanda Mdludlu introduced the item.

Dr Antonietta Jerardino, Dr David Braun and Professor John Parkington were present and took part in the discussion

For the Appellant (Dr Jerardino):

- Questioned the qualifications and abilities of the applicants.
- Iziko has not committed to hold the material.

For the Respondent (Dr David Braun):

- All efforts will be made not to split the collection.
- The proposal will not affect a lot of material.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The matter is very similar to the previous case.
- The Mike Taylor Midden is a mega-midden of 9 ha. A small opening up of the midden will not seriously affect the site.
- The expertise needed for the proposed work is sufficient.

DECISION

AM

The appeal is dismissed subject to the respondents ensuring that a repository agreement is entered into between Iziko and UCT regarding the housing of any material sampled or excavated in terms of this permit.

11. Other Matters

11.1 None

12. Proposed next date of the meeting: **10th May 2023**

13. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 12th April 2023.

Closure: The meeting was adjourned at 12:15

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON _____ DATE _____ 2023

SECRETARY _____ DATE _____ 2023