

**APPROVED MINUTES FOR THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**
Held on Wednesday, 9 March 2022 via Microsoft Teams,
scheduled for 08:30



Opening and Welcome

The Chairperson, Ms Katherine Dumbrell officially opened the meeting at 08:30 and welcomed everyone present.

Attendance

Dr Baumann joined the meeting at 8:45 due to load shedding.

Committee Members:

Ms Katharine Dumbrell (KD)
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Aneeqah Brown (AB)
Ms Penelope Meyer (PM)
Mr Reagon Fortune (RF)

Visitors:

Item 9.1

Mr Peter Buttgens

Item 9.2

Mr Boet Smuts
Mrs Patricia Botha
Mrs Bertha Hayes

Apologies

None

3. Absent

None

4. Approval of Agenda

4.1 Dated 9th March 2022

The Committee resolved to approve the agenda dated 9 March 2022.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 9th February 2022

The Committee unanimously resolved to approve the minutes dated 9th February 2022.

6. Disclosure and Conflicts of Interest

None

7. Confidential Matters

None

Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

Ms Meyer reported that there is nothing new to report since the last meeting.

8.2 Report back from HWC Council

The Chair reported on the Council meeting held in February 2022. The recommendations of her report to Council were adopted. Ms Meyer supplied feedback on HWC's engagements with APHP and that they have informed HWC that APHP is in discussion with EAPSA with a view to addressing the registration of practitioners. She further reported that the Conservation Bodies Workshop was held on 1 March 2022 and that the report on that event will be circulated in due course.

8.3 Site Visits Conducted

A site inspection of Erven 117431 and 153536, 24A and 26 Main Road, Rondebosch, was held on 28 February 2022. KD, NB, and AvG attended. AvG has compiled the Site Inspection Report, which will be tabled when the matter is heard in April.

8.4 Potential Site Visits

Item 10.2 Proposed total demolition i.to. S 34 of the NHRA, Erf 12, 231 Main Road Sea Point HM/CAPE TOWN METRO/SEA POINT EAST/ERF 12 (Case NO: 21101205KB0510E) was identified as requiring a site inspection. AM, NB and AvG to conduct the inspection on 28 March 2022.

8.5 Discussion of the Agenda

The Committee noted that Item 10.1 was postponed by agreement of the parties, Item 10.2 will be postponed due to the need to conduct a site inspection, and item 11.1 is noted and postponed as the time period for the receipt of response to the appeal has not yet concluded.

The Committee was informed that the parties for item 10.1 had approached the Red Tape Reduction Unit with a complaint about the Appeals process. The Committee requested that the administration staff investigate and report back at the next meeting.

9 Matters Arising

9.1 Erf 2334 20 Church Street Farm Helmuth, Prince Albert, (S38(1)) HM/PRINCE ALBERT/ERF 2334

Appeal against a NID submitted to HOMs, whose decision was that an HIA is required.

Ms Muneerah Solomons introduced the case.

Mr Peter Buttgens, (heritage consultant for the owner) was present and participated in discussions.

APPELLANT presented, amongst others, the following arguments:

- Mr Peter Buttgens on behalf of the appellant stated that the original NID application was probably submitted in error.
- The proposed plans are substantially internal, and one or two changes of windows into doors. Those changes should be best dealt with under S27. There is no change to the character of the site.
- An HIA will not answer the questions that need to be asked under S27 of the NHRA.
- The Prince Albert Cultural Foundation had indicated that they considered that an HIA was not required.

DISCUSSION

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

- The Gazette notice declaring the site a national monument is worded so that it is clear that the entire erf and not just the building is declared. The Committee thus was of the opinion that a S27 application would be able to address wider concerns than just the building.
- Whilst the site is more than 5000m² the proposal does not constitute a change in use or character. The nature of the proposed interventions would be best managed under a S27 process.
- The committee unanimously agreed that a S27 application would be more appropriate.
- The visual issues relate to the two street edges and the integration of a new boundary treatment into the existing streetscapes, particularly that of Church Street, which is a street with high heritage significance.

DECISION

The appeal is upheld. An HIA in terms of S38(4) is not required, and an application in terms of S27 must be submitted.

MS

9.2 Proposed Partial Demolition, Alterations and Additions, Erven 2455&2546, Cnr Joubert & Merriman Street, Stellenbosch (s34)

HM/CAPE WINELANDS/ STELLENBOSCH / ERVEN 2455 AND 2546

Case No: 18080605HB0807E

The appeal pack was tabled. Originally the appeal was against a decision of BELCom, which has since been before the MEC's Tribunal.

Ms Waseefa Dhansay introduced the case.

The Tribunal directed that the matter must be referred to HWC to assess compliance with the Tribunal ruling. The matter was heard in January 2022 and the Appeals Committee had further requirements. The current presentation is in response to those Further Requirements.

Mr Boet Smuts and representatives of the Stellenbosch Interest Group (SIG) were present and participated in discussions.

APPELLANT presented, amongst others, the following arguments:

- Mr Smuts the landowner and architect of the property referred to the locality plan.
- The site in question is on the corner of Merriman and Joubert Street.
- Joubert Street is a charming road with 1920s houses but has become chaotic due to parking and security issues

- There is a proposed transport hub to the left of Joubert Street, which as an important link to the University of Stellenbosch Engineering campus and the Main Campus to the South.
- Discussions have been held with Stellenbosch University.
- Stellenbosch University supports the retention of Joubert Street and proposes to use it as a “professor village”.
- Proposal includes a realignment of Joubert Street with a transportation hub.
- The proposal has changed substantially in that the 4-storey building has been changed to infill houses.
- The Tribunal requested that the history of the street block be considered in preparing the proposals.

RESPONDENT presented, amongst others, the following arguments:

- The SIG response was tabled verbally as it was received after the cut-off date for submissions to this meeting.
- The proposals do not provide sufficient information for a proper appraisal.
- The Committee was referred to the Tribunal ruling, particularly clauses 32 and 38.
- SIG contacted a Stellenbosch University representative, Mr. Charl Taljard, regarding the proposals for Joubert street and the current parking lot mentioned by Mr Smuts. It was revealed that there were no such proposals underway. The Committee were directed to an email trail incorporated in their written submission.

DISCUSSION

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

- The proposed intervention on two erven, that now extends around the corner, needs to be evaluated.
- The issues regarding possible development schemes are not the focus of this application. The ‘intention drawings’ are not a binding proposal by the landowner or formal or approved documents and cannot be considered by the Committee.
- Any development on these two erven could be precedent setting for development of Joubert Street and the parking area.
- The applicant is looking for an indication of whether the proposal is appropriately responding to the Tribunal requirements.

FURTHER REQUIREMENTS

The Committee considers that the general direction of the proposals is acceptable, but more detail must be provided in respect of the two subject erven. Specifically, the Committee requires the following:

- 1, An assessment, including photographs, of the provenance and heritage significance of the building proposed for demolition (No 38).
2. A full set of drawings – plan section and elevations – of the two proposed infill buildings.
3. A set of measured drawings of the existing condition of the building at 40 Merriman Street.
4. A set of measured drawings of the proposed interventions to no 40 Merriman Street.

The Committee considers that the background and contextual information has been sufficiently explored and that therefore the further information must focus on the two subject erven of the application.

The Committee requests that the Stellenbosch Interest Group's written submission, which was submitted verbally at the meeting, be incorporated into the record for the next hearing.

The appellant is to circulate the further requirements documentation to the Stellenbosch Interest Group who shall provide comment within 14 days of receipt thereof and within the cut-off period for the submission to a scheduled Appeals Committee meeting.

10. New Matters

- 10.1 Erven 117431 and 153536, 24A&26 Main Road, Rondebosch (S34)
HM/CAPE TOWN METROPOLITAN/ RONDEBOSCH / ERVEN 117431 AND 153536
Case No: 21021903SM0223E**

HELD OVER

The item was postponed to the April Appeals Committee meeting by agreement of the parties.

- 10.2 Proposed total demolition i.to. S 34 of the NHRA, Erf 12, 231 Main Road Sea Point
HM/CAPE TOWN METROPOLITAN/SEA POINT EAST/ERF 12
Case NO: 21101205KB0510E**

HELD OVER

Postponed for a site inspection 28 March at 09h00, which is to be conducted by AM, AvG and NB.

- 11.1 ERF 96, 40 Dirkie Uys Street, Franschhoek (s34)
HM/CAPE WINELANDS/ STELLENBOSCH /FRANSCHHOEK / ERF 96
Case No: 21121303SJ1213E**

HELD OVER

Postponed enabling responding papers to be filed.

12. Other Matters

none

- 13. Proposed next date of the meeting: 6 April 2022**

14. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 9 March 2022.

- 15. Closure:** The meeting was adjourned at 12h00.

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON

DATE

SECRETARY _____

DATE _____