

## HERITAGE WESTERN CAPE

Minutes of a meeting of the Appeal Committee of Heritage Western Cape held on Monday, 15 February at 09:30 in the Boardroom on the 7<sup>th</sup> floor at the Offices of the Department of Cultural Affairs and Sport, Protea Assurance Building, Greenmarket Square, Cape Town

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### 1. **OPENING AND WELCOME**

The Chairperson opened the meeting and welcomed everyone.

### 2. **ATTENDANCE**

#### **Appeal Committee**

Mr Bandile Joyi	Appeal Committee Chairperson
Ms Sharon de Gois	Appeal Committee member
Mr David Hart	Appeal Committee member
Ms Laura Robinson	Appeal Committee Member
Dr Janette Deacon	Appeal Committee Member
Dr Mthobeli Guma	HWC Chairperson and Appeal Committee member

As Mr Joyi was unavoidably delayed,  
Dr Deacon was requested to chair the meeting

#### **BELCOM Observer**

Mr David van den Heever	BELCOM member (Observer)
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#### **Staff**

Olwethu Dlova	Secretary
Mr R Nyuka	Senior Heritage Officer
Ms N Njobe	Heritage Officer
Mr Shaun Dyers	Heritage Officer
Mr Zwelibanzi Shiceka	Senior Heritage Officer
Mr Kelvin van Vught	Senior Legal Advisor

### 3. **APOLOGIES**

Ms Christina Jikelo	Deputy Director
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### 4. **APPROVAL OF MINUTES OF PREVIOUS MEETING DATED 14 JANUARY 2010**

Page 1, Item 2, "Dr I. Palmer" should be added as co-opted legal advisor to Appeals Committee

Page 3, the case office should be "Ms Ntombi Njobe"

Page 7, Item 7.4, the decision should be "This submission could not be considered as an appeal because the Archaeological Assessment was not linked to a NID and was not part of a requirement in terms of the NHRA or NEMA.

Page 7, Item 8.1, The Committee stressed again the necessity of having a professional legal advisor to attend all Appeal Committee meetings. Senior staff must communicate with the Director and Head of Department and draft procedural guidelines for this purpose.

The Committee accepted the minutes with amendments.

## **5. CONFIDENTIAL MATTERS**

### **5.1 See addendum attached**

## **6. MATTERS ARISING FROM THE MINUTES**

### **6.1 Erven 27 AND 72, McGregor, PROPOSED DEVELOPMENT**

#### **Ms Kathy Dumbrell represented the appellant**

It was noted that:

- As requested. HWC had received written comment from SAHRA.
- The comments from SAHRA were useful and appropriate in terms of the broader context of the village of McGregor and for future development applications.
- SAHRA has not yet graded McGregor as Grade I. All decisions regarding the application must therefore be made by HWC, although the awareness of Grade I potential must be taken into account with regard to the architecture, design and scale.
- The heritage indicators for the project had not been called into question.
- The layout of the proposed development had become compatible enough with the character of that part of McGregor, and would not detract significantly from the irreplaceable core of the village.
- The design was sympathetic to institutional use and to the patterning and grain of the middle block.

Mr David van den Heever and Ms Sharon de Gois recused themselves from the discussion and decision making.

It was AGREED that:

- The appeal was dismissed.
- Revision K was approved.
- The following conditions apply, as per the proposals made by SAHRA Western Cape:
  - A Conservation Management Plan for the whole of the property must be prepared and submitted to HWC for written endorsement.
  - Responsibility for establishing and implementing the plan must be a condition formalised through a notarial deed of servitude on every title deed.
  - Monitoring of the effectiveness of management should be undertaken by any future Property Owners Association to be established, in consultation with a local heritage committee representing the ratepayers, the Heritage Society and other appropriate bodies.
  - Detailed design guidelines and final drawings for both the built and landscape environment must be prepared and submitted to HWC for approval with involvement from the local heritage committee prior to the commencement of any building work.

**Ronny Nyuka**

### **6.2 Erf 23685, Main Street, Paarl**

It was noted that:

- The appellant had not been informed of the meeting in time and was unable to attend.
- Designs for a verandah had been tabled and rejected twice by BELCOM on the grounds that the Victorian detail would be a confusing reconstruction rather than restoration.
- SAHRA Western Cape had no objections to the second design.

Mr David van den Heever recused himself.

It was AGREED:

- To up-hold the appeal.
- To approve the second version of the verandah design.

**Zwelibanzi Shiceka**

## **7. NEW MATTERS**

### **7.1 Erf 644, Main Road, Hermanus: Proposed Alterations and Additions**

**Mr Ron Martin represented the appellant.**

It was noted that:

- The appellant had not had enough time to formulate details for the appeal.

Mr David van den Heever recused himself.

It was AGREED:

- To defer the appeal to the next meeting.

**Ntombi Njobe**

### **7.2 Erf 648, 18 Avenue Disandt, Fresnaye, Cape Town: Total Demolition**

**Mr Ashley Lillie represented the appellant**

It was noted that:

- The house was designed in 1921 and built in the same year.
- In 1979 the building was not identified as conservation-worthy but is next door to a graded building and another building diagonally across the road is also graded.
- There have been substantial alterations to the original structure.
- The building is screened from its context by a high wall and does not contribute to the streetscape.
- There were no objections to demolition from the City of Cape Town.
- The registered conservation body had not been informed.

Mr David van den Heever recused himself.

It was AGREED:

- To uphold the appeal and permit total demolition.
- That the registered conservation body must be informed of the decision in writing.
- That HWC should recommend to the City of Cape Town that the area needs to be re-surveyed, particularly with respect to the streetscapes.

**Ronny Nyuka**

### **7.3 Erf 162, 29 Paul Kruger Street, Robertson: Proposed Demolition**

**Mr Ron Martin represented the appellant.**

It was noted that:

- The building would probably have been graded as IIIC, but had been badly affected by a fire in the restaurant and was in a bad state of repair.
- The only original fabric that remained was represented by two gables and some internal walls.
- The Municipality had condemned the building as it is in a dangerous condition.
- There are no registered conservation bodies in the town, but the Friends of the Robertson Museum had no objections to demolition.
- The Dutch Reformed Church across the street is the only provincial heritage site in the area.
- The core area of Robertson is sensitive and more contextual information would have been useful.

Mr David van den Heever recused himself.

It was AGREED:

- To up-hold the appeal and permit total demolition.
- That plans for the new development on the site must be submitted to BELCOM for approval and must respect the scale and massing of the street and the provincial heritage site to protect the contextual value.

**Shaun Dyers**

### **7.4 Erf 613, Doordrift Street, Prince Albert: Proposed Alterations and Additions**

It was noted that:

- The building is conservation-worthy.
- BELCOM had not approved the plans to renovate the building and recommended consultation with an experienced heritage architect.
- Mr Whitton, the applicant / appellant argued that he had a wealth of practical experience in the field of heritage architecture.
- The registered conservation bodies in Prince Albert supported the proposal submitted to BELCOM.

Mr David van den Heever recused himself.

It was AGREED:

- To up-hold the appeal and approve the plans.
- In the opinion of the Appeal Committee, Mr Whitton has sufficient professional expertise and experience to undertake the work.

**Ronny Nyuka**

## **7.5 Erf 806, Keerom Street, McGregor: Total Demolition**

### **Mr & Mrs Fourie represented themselves as appellants**

It was noted that:

- The building is not protected as a Provincial Heritage Site in terms of Section 27 but has high contextual value.
- The house was badly damaged in a thunderstorm at the end of 2008 and had become uninhabitable because of poor maintenance and wilful neglect.
- BELCOM had refused permission for total demolition on the basis that it could be repaired and re-used.
- The Municipality had condemned the building and was unable to offer assistance for repairs.
- The McGregor Heritage Society had no funds to assist the appellant to repair the house or re-build it with the same materials in vernacular style.
- The owners did not have sufficient funds to build a new house and were planning to put a Wendy House on the site instead.

Mr David van den Heever recused himself.

It was AGREED:

- To up-hold the appeal and permit demolition.
- Should the appellant decide to build a house on the site in future, help and approval must be obtained from the McGregor Heritage Society and the plans must be submitted to BELCOM for approval.
- The replacement building must not have a flat roof and the design and style must complement the context and streetscape.

**Ronny Nyuka**

## **8. OTHER MATTERS**

### **8.1 Guidelines for HRMS Staff**

Staff members responsible for screening applications and preparing appeals are reminded that:

- They must always consult the relevant registered conservation body for an opinion and invite them to send a representative to the Appeal Committee meeting.
- All applicants, appellants and other interested and affected parties must receive at least a week's notice of the meeting with the time that their case would likely be heard, and a copy of the Agenda.

- Contextual photographs must be supplied by the applicant / appellant to enable the committee to make an informed decision.

**9. DATE OF NEXT MEETING**

**23 March 2010**

**10. CLOSURE**

Ms Jane Moleleki  
ACCOUNTING AUTHORITY  
For Head of Department

Approved