

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a meeting of the Appeals Committee of Heritage Western Cape held on Wednesday, 12 May 2015, at 09H00 in the 8th Floor Boardroom at the offices of the Department of Cultural Affairs and Sport, Protea Assurance Building, Greenmarket Square, Cape Town

1. Opening and Welcoming

The Chairperson Mr Richard Summers opened the meeting at 09H10 and welcomed everyone present.

2. Attendance

Appeals Committee

Mr Richard Summers

Chairperson Appeal Committee

Dr Nicolas Baumann

Appeal Committee member

Dr Antonia Malan

Appeal Committee member

Mr Trevor Thorold

Appeal Committee member

Ms Quahnita Samie

Council Member

HWC Staff

Dr Errol Myburg

Chief Executive Officer

Ms Jenna Lavin

Assistant Director

Ms Penelope Meyer

Legal Advisor

Ms Kathrine Robinson

Heritage Officer

Mr Ronny Nyuka

Senior Heritage Officer

Ms Lithalethu

Senior Admin Officer (Secretariat)

3. Apologies

Mr Olwethu Oz Dlova

Admin Officer (Secretariat)

4. Approval of agenda

The Committee resolved to approve the agenda dated 12 May 2015.

5. Approval of minutes of the previous meeting

5.1 Dated 14 April 2015

The Committee agreed to ratify the minutes adopted at the meeting of 14 April 2015.

6. Disclosure of interest

6.1

It was noted that Dr Baumann and Mr Thorold were involved in a project grading the parliamentary precinct for the Department of Public Works. Dr Baumann was also involved in a project for the grading of Drakenstein Municipality which included the site at item 10.1 of the agenda.

The Chairperson concluded there was no conflict of interest in relation to matters appearing on the Agenda for the meeting.

7. Confidential Matters

None

8. Administration

8.1 Outcomes of the Appeal Tribunal

It was noted that no Tribunals had been heard.

8.2 Preliminary ad hoc dates 2015

The Committee noted that it is preferable to have one standing date per month for the purposes of hearing appeals. It was resolved that proposed dates will be circulated by HWC to the committee members.

8.3 Procedural matters relating to Appeals

The Committee requested that a detailed set of steps be formulated by HWC which will require case officers to ensure that certain procedures (e.g. timeous written communication to interested and affected parties advising them of the date of the appeal hearing) are satisfied prior to any matter being added to the agenda. Ms Meyer undertook to prepare a document with the relevant steps.

The Committee re-iterated its previous requests that members be provided with all relevant appeal documentation at least one week before the appeals committee meeting and where relevant A3 copies of the plans under consideration.

8.4 Legal Opinion

Ms Meyer noted that the legal opinion on the powers of the Appeals Tribunal to impose development conditions pursuant to a section 34 demolition application is not being pursued on the basis that the issue is likely to be addressed in pending judicial review proceedings where HWC has been cited as a respondent.

9. Matter Arising

9.1 Proposed Total Demolition, Erf 1374, No.50 Synagogue Street, Paarl: Section 34

The Committee undertook a site visit on 4 December 2014 (including an inspection of the interior of the building) and it was noted that:

- This application for total demolition relates to an unremarkable example of a late Victorian building.
- The building is located in an area characterised by business and industrial uses where almost all the other historic buildings have been heavily remodelled and are in use for business purposes.
- The building itself retains little intrinsic heritage significance as it has been extensively altered over the years.
- The site is dissected from the remainder of Synagogue Street by the Bergrivier Boulevard, and there are better (architecturally finer) examples of buildings representing the era which are located some distance away from the site on the other side of Synagogue Street to the west of the Bergrivier Boulevard

- Any remaining fabric forming part of the building is not considered sufficiently conservation worthy and therefore does not justify or warrant the retention of this building.

DECISION

The Committee resolved that the appeal against the decision by BELCom in terms of section 49 of the Act for the total demolition of the building on Erf 1374 Paarl be upheld. The demolition is thereby approved.

Katherine Robinson

9.2 Proposed Alterations and Additions, Erf 15163, 22 Coronation Road, Walmer Estate: Section 34

In discussion it was noted that:

- Mr Nyuka reported back that discussions between the Appellant (Mr Jacobs) and CoCT are on-going.
- Final plans had not yet been circulated to the Committee as originally requested.

DECISION

The Committee decided that the appeal should be held over until the next meeting.

The Committee will take a final decision on the appeal at the next Appeals Committee meeting irrespective of whether revised plans have been submitted. The Case Officer is requested to inform the Appellant accordingly.

Ronny Nyuka

10. New Matter

10.1 Proposed Total Demolition, Erf 5028, Garmor House, 12 Plein Street, Cape Town: Section 34

In discussion it was noted that:

- There was an oversight in that the relevant stakeholders had not been informed timeously of the fact that this matter was being heard on the Agenda.

DECISION

The Committee resolved to hold over the appeal for determination at a later date for the following two reasons:

- (1) Neither the applicant nor the appellant had been notified in time of the appeal committee meeting; and
- (2) The information submitted by the applicant in support of the application was inadequate in that it failed to identify and assess the heritage significance (if any) of the building or any associated heritage impacts as part of the application for demolition.

The Committee requested the Applicant to commission a detailed heritage statement to be submitted to the Committee. The Applicant shall ensure that the heritage statement is prepared by an appropriately experienced heritage consultant. The heritage statement must establish the heritage significance of the building and any heritage impacts associated with its demolition. Registered

Conservation Bodies and the CoCT must be afforded an opportunity to comment on the findings of the heritage statement, and the results of such consultation must be provided to the Appeals Committee.

Katherine Robinson

10.2 Proposed Partial Demolition, Additions to Existing Structures and Alterations "The Old School House", Erf 3653, 1 Theron Street, Paarl: Section 34

In discussion it was noted that:

- Representatives of the Applicant (Mr and Mrs Vegter, Ms Albertyn and Mr Da Silva) and the Appellant (Messrs Smith and Raymond of the DHF) were present and took part in the discussion.
- The principal concerns raised by the Appellant relate to:
 - Uncertainty as to what specifically had been approved by BELCom
 - The changes proposed to the windows on the upper north gable and the north wall of the dwelling are in contrast to the architectural idiom of Paarl and the historic old buildings of the area
 - The adverse visual impact of the proposed alterations
 - The extent of the alterations result in the loss of too much fabric
 - The introduction of foreign elements into the historic core of Paarl The nature of the proposed interventions which impact structurally and aesthetically on the historical significance of the building
- The Applicant's representatives were of the view that they had responded appropriately to the written submissions received from the DHF

DECISION

The Committee resolved to undertake a site visit on the 26 May 2015.

Ronny Nyuka

11. OTHER MATTERS

None

12. ADOPTION OF DECISIONS AND ADDITIONS

The Committee resolved to adopt the decisions.

13. Closure of the Meeting

The Chairperson closed the meeting at 12h15

14. Date of Next Meeting

to be confirmed

The Committee requested that preliminary ad hoc dates should be suggested so that members can keep those mornings free until confirmation is received as to whether an appeals meeting will take place or not.

Chairperson's Signature.....

Date.....

Dr Errol Myburg
Interim Chief Executive Officer
ACCOUNTING AUTHORITY
For Head of Department