

**MEETING OF THE HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**

Approved Minutes of a Meeting of the Appeals Committee of Heritage Western Cape
held on Wednesday, 17 October 2018, at 09H30 in the 1st Floor Boardroom at the
Protea Assurance Building, Greenmarket Square, Cape Town

1. Opening and Welcoming

The Chairperson Ms Corlie Smart officially opened the meeting at 09:40 and welcomed everyone present.

2. Attendance

Appeals Committee

Ms Corlie Smart (CSm)	Appeals Chairperson
Dr Andre van Graan (AvG)	Appeals Committee Member
Dr Nicolas Baumann (NB)	Appeals Committee Member
Mr Rowen Ruiters (RR)	Appeals Committee Member
Mr Tseliso Leshoro (TS)	Appeals Committee Member

HWC Staff

Ms Colette Scheermeyer (CSc)	Deputy Director
Ms Penelope Meyer (PMe)	Legal Advisor
Mr Andrew September (AS)	Heritage Officer
Ms Waseefa Dhansay (WD)	Heritage Officer
Ms Stephanie Barnardt (SB)	Heritage Officer
Mr Olwethu Dlova (OD)	Admin Officer

Visitors

Mr Gavin Sandeman (GS)	Ms Pamela Wilken (PW)
Mr Trevor Abromowitz (TA)	Mr Jonathan Katz (JK)
Mr Oliver Callaghan (OC)	Mr Richard Summers (RS)
Mr Andre Pentz (AP)	Ms Cindy Postlethwayt

Observers

None

3. Apologies

Ms Aneeqah Brown (AB)

4. Approval of agenda

4.1 Dated 17 October 2018

The Appeals Committee resolved to approve the agenda dated 17 October 2018 with minor amendments.

5. Approval of minutes of the previous meeting

5.1 Dated 19 September 2018

The Committee resolved to approve the previous minutes dated 19 September 2018 with a minor amendment.

6. Disclosure of interest

- AvG: item 10.2

7. Confidential Matters

- None

8. Administrative Matters

8.1. Outcomes of the Tribunal Committee

PM reported back on the outcomes of the tribunal matters.

Penelope Meyer

8.2. Recent Court Decisions

Nothing to report.

Penelope Meyer

8.3. Site Visits

The following site inspection undertaken by members was noted:

- Proposed Total Demolition, Erf 172877, Main Road, Wynberg: Section 34

9. Matters Arising

9.1 Proposed Total Demolition, Erf 156, 25 Hofmeyer Road, Sea Point East: Section 38(8)

Case No: 18021401SB0611E

Ms Stephanie Barnardt gave a PowerPoint presentation

Mr Gavin Sandeman, Ms Pamela Wilken, Mr Trevor Abromowitz and Mr Jonathan Katz were present and took part in the discussion.

In summary it was noted in discussion that:

Ms Wilkens:

- Provided photographs of the street context.
- Submitted that the photo of the building provided by the Applicant was misleading.
- The intrinsic value of the structure is important and should be taken into consideration.
- That the conditions of the Belcom decision were vague.
- Referred to the comment of the CoCT and the HPOZ area.
- Referred to the Gees Judgment and noted that it indicates that the conservation of a heritage resource extends to the area in which the HR is situated.
- That most of the properties in the immediate area were graded 3B and 3C and a few 3A.
- The social aspect of development should be considered.

- Mr Abromowitz on behalf of Developer / Applicant:
- Requested to look at the photos Ms Wilkens provided.
- The Chairperson provided the parties with an opportunity for the matter to stand down in order to look at the photos Ms Wilkens provided. Mr Abromowitz declines the offer.
- Indicated that a five storey building was also within the HPOZ area.
- Provided an aerial photo of the area and referred the committee to the heritage value of the building in the surrounding area.
- He submitted that the building is not conservation worthy.
- noted that the Applicant is satisfied with the Belcom decision and is busy working on the development proposal as required by Belcom
- Ms Wilkens:
- Noted that there was sentimental value to the building for the residents and that the highest structure in the block was 3 storeys high.
- NB requested Ms Wilkens to clarify whether they were objecting to demolition of the structure or the conditions by Belcom as set out in the RoD.
- Ms Wilkens indicated that they were primarily objecting to the demolition of the structure but should the demolition be approved they must have the opportunity to approve the new development.

In summary, the committee note and took the following into consideration:

- The structure has very little intrinsic heritage value.
- The CoCT graded the structure as “not conservation worthy”.
- There are insufficient heritage features in terms the criteria of Section 3(3) of the NHRA.
- The structure has been significantly altered.

DECISION

The appeal is dismissed.

Stephanie Barnardt

9.2 Proposed Landscaping and Extension of the existing house on Erf 2298, Noordhoek: Section 34

Case No: 18071006SB0801E

Ms Stephanie Barnardt gave a PowerPoint presentation

Mr Oliver Callaghan was present and took part in the discussion.

In summary it was noted in discussion that:

- The Appeal was previously before the committee and postponed to allow the Appellant the opportunity to clarify whether an HIA formed part of the EIA process.
- The Appellant submitted the information requested. He also noted that:
- The existing structure (house) on the site has been graded 3B and there will be heritage impacts.
- Design guidelines will address the impact of alterations to the existing structure.

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

- An HIA did not form part of the previous EIA approval.
- The structure on the site is older than 60 years and a Section 34 application will be sufficient to obtain approval for the alterations and additions to the structure and to assess the impact on the heritage resource.
- Landscape interventions are low key in nature and will have a minimal impact on the nature of the interface with the TMNP.

DECISION

1. The Appeal is upheld.
2. A Section 34 application must be submitted for approval of the proposed alterations to the existing structure.

Stephanie Barnardt

9.3 Proposed Total Demolition, Erf 172877, Main Road, Wynberg: Section 34

Case No: 18052812WD0531E

AvG recused himself and left the room

Committee members gave a report back on the site inspection.

Ms Waseefa Dhansay gave a PowerPoint Presentation.

Mr Richard Summers, Mr Andre Pentz and Ms Cindy Postlethwayt were present and took part in the discussion.

In summary it was noted in discussion that:

Parties that commented on the Appeal were not present and the case officer confirmed that all I&AP's were notified of the meeting. Mr Summers made submissions on behalf of the Appellant. It was noted that:

- Belcom did not consider the grading 3C of the complex properly.
- The modernist features of the structures and association with the architect were recognised in CP's HIA.
- The structures have minimal modernist elements.
- The HIA indicated that the complex has limited public social significance. Significance is limited to a grouping representing the Modernist movement within the architectural profession.
- The office building does not contribute to the special context of Wynberg and Main Road.
- The complex as a whole has degraded.
- Belcom analysed individual components of the complex and graded them separately.
- The demolition of the Kiosk skewed the original spatial composition of the complex.
- The critical issue is that the complex was designed to function as a shopping centre and the concept is a failure
- Belcom analysed the architectural concepts and ignored the context as well as the gap that was created due to the demolition of the kiosk and the consequent negative impact on the streetscape.
- Docomomo 's comment was included in the original application but Docomomo did not respond to the Appeal.

In summary the committee took the following into consideration:

- HWC has requested an S38 HIA process which will assess the impact of the re-development of the site on heritage resources.
- Critical components of the architectural ensemble have either been lost or severely degraded.
- The original architectural concept has been eroded and authenticity and integrity have been severely compromised.
- The typology is significantly at variance with the core significances attached to the Main Road.

DECISION

The appeal is upheld.

Waseefa Dhansay

10. New Matters

10.1 Proposed Total Demolition, Erf 1455, 14 Kotze Street, Gardens: Section 34

Case No: 18050710ZK0509E

Ms Waseefa Dhansay gave a PowerPoint presentation

In summary it was noted in discussion that:

- The time period for a response to the notice of appeal was too short for the item to be put on the October 2018 agenda.
- The appeal is noted by the Committee and will be heard in November.
- WD suggested that the Committee conduct a site visit prior to the next meeting in November.

FURTHER REQUIREMENT:

The Committee resolved to undertake a site inspection on Monday, 19 November 2018 at 10:00 (AvG, NB, RR and TL).

Waseefa Dhansay

11. Other Matters

11.1 None.

12. Adoption of decisions and additions

The Appeals Committee resolved to adopt the decisions.

13. Closure of the meeting

The Chairperson closed the meeting at: 12:30

14. Date of next meeting: 21 November 2018

Chairperson's Signature.....

Date.....