

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a meeting of the Appeals Committee of Heritage Western Cape held on Wednesday, 21 July 2015, at 09H00 in the 1st 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
Dr Nicolas Baumann
Dr Antonia Malan
Mr Trevor Thorold
Dr Piet Claassen
Ms Laura Robinson

Chairperson Appeal Committee
Appeal Committee member
Appeal Committee member
Appeal Committee member
Council Member
Council Member

HWC Staff

Dr Errol Myburg
Ms Jenna Lavin
Ms Penelope Meyer
Mr Jonathan Windvogel
Mr Olwethu Oz Dlova

Chief Executive Officer
Acting Deputy Director
Legal Advisor
Heritage Officer
Admin Officer (Secretariat)

3. Apologies

3.1 None

4. Approval of agenda

The Committee resolved to approve the agenda dated 21 July 2015.

5. Approval of minutes of the previous meeting

5.1 Dated 30 June 2015

The Committee agreed to ratify the minutes adopted at the meeting of 30 June 2015.

6. Disclosure of interest

None

7. Confidential Matters

None

8. Administration

8.1 Outcomes of the Appeal Tribunal

It was noted that no Tribunals had been heard.

8.2 Procedural matters relating to Appeals

Ms. Penelope Meyer provided the Committee with an update regarding the step-by-step procedure prepared in respect of appeals to be lodged with the Appeals Committee. The procedure had been approved by HWC's Exco and HWC is in the process of implementing the new procedure with effect from 15 July 2015.

The associated notification forms and the procedure are uploaded on the HWC website. It was agreed that Ms. Meyer would distribute a copy of the procedure to members of the Committee and all interested stakeholders in the regulated community. It was also suggested that it might be appropriate to arrange for a dedicated workshop on the new procedure with APHP.

9. Matter Arising

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

PWD still is working on the matter. The Appeals Committee noted that it was therefore still waiting for the information it had requested in connection with the proposed application and the appeal will remain pending until such time as the requisite information has been received.

Katherine Robinson

10. New Matter

10.1 Proposed Total Demolition, Erf 52606, 6 Livingston Road, Claremont: Section 34

Mr Jonathan Windvogel made a power-point presentation.

In discussion it was noted that:

- The applicant's representative (Mr Ron Martin) had been informed in writing by HWC that the matter had been placed on the Appeals Committee agenda for 21 July 2015 and that he was required to be present at HWC's offices for this purpose by 09h00. The Committee was informed that the case officer had made telephonic contact with Mr Martin to enquire as to his whereabouts and the case officer was informed by Mr Martin that he had forgotten about the appeal but that he was on his way to HWC's offices.
- The Chairperson indicated that the hearing would proceed as per the agenda and it was up to interested and affected parties to ensure that they make themselves available at the scheduled time for the appeal hearing, should they wish to participate in the appeal hearing.
- The City of Cape Town graded the building as 3B on the basis of Aesthetic, Architectural and Contextual qualities. Notwithstanding this the City had

recorded in its comment that the building still retains its original envelope and concluded that the City cannot argue for the retention of the building.

- It was difficult to understand the site based on the information in the appeals submission and the Heritage Statement.
- Although the site does not fall within an existing HPOZ it could fall within one of those areas that has not been yet considered for this purpose due to a lack of resources.
- The Heritage Statement suggests that there is no internal fabric of significance and that the external joinery has largely disappeared.
- On the face of it there was recognition that the building clearly contributes to the streetscape and has contextual value.
- It was recognised that buildings can have heritage significance and warrant retention even if they are situated outside a recognised HPOZ.
- Based on the information in the appeal documentation there is apparent consistency in scale and form of the existing building.
- In order to interrogate the merits of the appeal and the BELCom decision it was considered necessary for the Committee to undertake a site visit to be able to appreciate the significance of the building and its context.

DECISION

The Committee resolved to undertake a site inspection on Friday, 24 July 2015 at 09H30.

Jonathan Windvogel

10.2 Proposed Alterations and Additions, Erf 186, Van Der Stel Street, Tulbagh: Section 34

Mr Jonathan Windvogel made a power-point presentation.

Mr Anthony Silberberg (Tulbagh Heritage Agency) was present and took part in discussion.

Mr Henry Aikman (on behalf of the applicant) had been informed in writing of the appeal hearing by HWC but had elected not to attend.

In discussion it was noted that:

- It is difficult to understand the potential impacts associated with the application without measured drawings (which had not been provided as part of the information pack to the Committee). The ground floor plan does not provide an adequate indication of what fabric is original and what is new.
- Ms Penelope Meyer indicated that she had been on site on a previous occasion and there was evidence of an additional façade behind the existing wall facing Van Der Stel Street.
- The information in the Heritage Statement including the limited photographic material is insufficient to make an informed assessment of heritage significance.
- There was an allegation that unlawful building work had already been undertaken and completed on the site which the Committee indicated should be investigated by Heritage Western Cape.
- Mr Silberberg argued that the application had been poorly researched and he hadn't had sufficient time to submit well-structured responses. The Chairperson indicated that the appeal hearing constituted an opportunity for Mr Silberberg to ventilate comprehensively all his heritage-related

concerns with the application and encouraged Mr Silberberg to focus his attention on addressing those issues to the Committee rather than whether he was provided with an appropriate opportunity to make submissions to BELCom.

- In his submissions to the Committee Mr Silberberg focused primarily on two heritage-related issues. The first related to the 5 metre high wall at the rear of the property which he argued gives rise to a negative heritage impact as well as a potential safety hazard for an earthquake prone area. Mr Silberberg pointed out that the abutting property to the rear facing Church Street (erf 185) is a provincial heritage site and the impacts of the proposed development (including the 5 metre high wall) had not been assessed in relation to the existing PHS in Church Street.
- Secondly, Mr Silberberg felt strongly that the original façade was still intact and should be featured again as part of any re-development in terms of which the original façade should be exposed.
- In closing the appellant indicated that a plan was required to be resubmitted to HWC which takes specific account of the front façade and the heritage and safety-related implications of the rear wall.
- The Committee noted that the Heritage Statement submitted in connection with the application was inadequate in dealing with the interface of the building with the streetscape and the row of existing PHSs in Church Street. The Heritage Statement also did not adequately deal with the gradation of massing and scale. The site context and locality should also have been an essential component of the Heritage Statement. Due to the concerns regarding the historical façade there is a clear need to understand the layering of the building and to understand the impacts of the “gentrification” proposed as part of the proposal.
- The significance of the immediate context (the PHSs located in Church Street) is also not adequately dealt with in terms of the application.
- The argument of replicating historic elements is generally not supported by the Committee.

DECISION

The Committee resolved that the information contained in the Heritage Statement was insufficient to render an informed decision both in relation to the nature of the proposals and the significance of heritage-related impacts. The applicant is requested to submit a revised Heritage Statement to the Committee which satisfies the following requirements:

- A context plan indicating heritage grading in the immediate vicinity.
- A cross-section indicating the relationship between the proposed development and the PHS situated on Erf 185.
- Detailed plans indicating the historic layering of the building fabric (measured drawings or as built plans will suffice) with particular reference to the front façade.
- An analysis of the streetscape elements of van der Stel Street to determine the degrees of continuity and homogeneity.
- The extent of current building works already undertaken on site and any proposed mitigation if heritage resources have been affected.

Jonathan Windvogel

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 **11H45**

14. Date of Next Meeting **25 August 2015**

Chairperson's Signature.....

Date.....

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

Approved