

MEETING OF HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a meeting of the Appeals Committee of Heritage Western Cape held on Wednesday 28 March 2012, at 09H30 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 opened the meeting and welcomed everyone present.

2. Attendance

Appeals Committee

Ms Laura Robinson
Ms Sharon De Gois
Dr Matilda Burden
Dr Nicolas Baumann
Dr Antonia Malan

Chairperson Appeal Committee
Appeal Committee member
Appeal Committee member
Appeal Committee member
Appeal Committee member

HWC Staff

Mr Andrew Hall
Ms Christina Jikelo
Mr Calvin van Wijk
Ms Tamar Grover
Ms Ntombi Nkoane
Mr Jonathan Windvogel
Mr Olwethu Dlova

Chief Executive Officer
Deputy Director
Assistant Director
Senior Heritage Officer
Heritage Officer
Heritage Officer
Admin Officer (Secretariat)

Visitors

3. Apologies

4. Approved minutes of previous meeting dated 22 February 2012

The committee agreed to ratify the minutes adopted at the meeting of 22 February 2012.

5. Confidential Matters

5.1 None

6. Administration Matters

6.1 The CEO reported back on the two matters that had been taken to the Tribunal and the meeting was informed that the Stellenbosch Hotel appeal will be considered by the Tribunal soon.

7. Matters Arising

7.1 Proposed Total Demolition of the Building (Dwelling) Excluding the Boundary, Erf 280, 8 Rancke Road, Bloubergstrand

Mr Ashley Lillie (Applicant), Mr Hendrik Lamprecht (Appellant), Mr Jayson Orton (I&AP), Ms Carol Orton (I&AP), Ms Susan Starke (Blouberg Resident, I&AP), Ms Marie-Lou Roux (Habitat Council), Mr Johan Cornelius (City of Cape Town), Ms Sonja Warnich-Stemmet (City of Cape Town) were present and participated in discussion and Mr Marthinus van Bart (Die Burger) was present.

The Chairperson invited the visitors present, being M-LRoux, S Starke and J and C Orton if they wished to make representation and to state the grounds on which they were affected by the application.

After due consideration the Committee agreed that J Orton, who was representing S Starke, had reasonable grounds to make representation as SS owned property in the nearby vicinity. The Committee was of the opinion that the Habitat Council did not have reasonable grounds to demonstrate that it was an affected party and therefore did not permit any representation from M-LR.

Mr Lillie, representing the applicant, noted the decision of the Committee to allow representation from Mrs Starke as being a directly affected party who will be represented by Mr Jayson Orton and reserved the rights of the applicant in this regard.

The case officer TG presented the background to the application and subsequent appeal by Messrs Lamprecht and Roux.

The representatives of the City of Cape Town were invited to provide background information reflecting the stance of the CoCT with regard to the application.

Presentations were made by the appellant LL, I&AP JO and this was followed by a response from AL representing the applicant.

It was noted that:

- There had been a long history of demolition applications being submitted to various authorities over the past 15 years, all applications prior to the most recent application approved BELCom on 17 November 2011, had been refused;
- A number of attempts had been made to have the property provisionally protected but these had not been carried through, this was due largely to the lack of capacity within HWC at the time and not from any concern regarding the significance of the site;
- The CoCT did not support the demolition of the building. The City representative also made reference to the lack of follow-through of HWC with regard to formal protection of the property
- The building retained considerable context in that it still had a visual connection, although interrupted, with the sea, it also related to a small number of original seaside cottages such as "Onse Huisie", all of which are in the nearby vicinity;

- The building retained substantial original fabric, including roof trusses, external and internal walls and joinery. It also retained its original floor plan;
- The appellant present pointed out that the boundary wall lost value without the context of the house; There are a number of milkwood trees on the site, which are protected in terms of environmental legislation;
- The landscape plan sketch submitted indicating a possible parking layout provided no justification for the portion of the building to be retained, the location of the milkwood trees was not indicated, the extent of the wall to be retained, levels nor any indication of the nature of surfacing and landscaping envisaged, was shown In addition Mr Lillie pointed out the difficulties in stabilizing calcrete material. It was evident to the Committee that the compromise option was not an option that the applicant wished to pursue. The relic/fragment of the ruin proposed for retention was, in effect, meaningless.

The building is significant as an original example of seaside vernacular architecture that is typical of the early buildings constructed as holiday cottages along the West Coast, very few examples of this building type remain in an original state.

DECISION

- The Committee was of the unanimous opinion that, given the evidence noted above, there was insufficient justification to support the demolition of the house.
- The appeal is therefore upheld.
- Heritage Western Cape must take immediate steps to grade the property and to investigate it for provisional protection

Ms Laura Robinson left the meeting at 12H00 due to prior commitments.

Tamar Grover

8. New Matters

8.1 Proposed Renovation and Restoration, Erf 28002, The Old Miller's House, De Meule, Avenue Road, Mowbray

Ms Melanie Attwell (Applicant) and Ms Phillipa Niland (Applicant) were present and part of discussion.

It was noted that:

- The Committee members did not receive the sufficient information regarding this appeal and concurred with the requests for postponement from the applicant and appellant. All information must be submitted by no later than close of business on 11th April 2012.

Tamar Grover

8.2 Proposed Total Demolition, Erf 248, 10 Queens Road, Sea Point

Mr Ashley Lillie (Applicant), Mr Chris Snelling (Applicant), Mr Craig Delport (Appellant), Mr Richard Goudvis (Appellant) and Mr Johan Cornelius (City of Cape Town) were present and part of the discussion.

It was noted that:

- Discussion focused on the contextual value of the property and the streetscape qualities of Lower Queens Road.
- A letter from the SFB Ratepayers Residents Association dated 27 March 2012 was only tabled at the meeting.

DECISION

It was decided that a quorum of Committee members, the case officer and the applicant/appellant as well as a representative of SFBRRRA should visit the site and the block together with on a mutually agreed date.

Jonathan Windvogel

Dr Matilda Burden left the meeting at 13H15 due to prior commitments.

8.3 Proposed Alterations and Additions, Erf 26183 and 23685, 126 & 130 De Oude Paarl Hotel, Paarl

Mr Leonard Raymond representing Drakenstein Heritage Foundation (Appellant) and Mr Chris Snelling (Applicant) were present and part of the discussion.

It was noted that:

- Based on Mr Snelling's report, dated October 2011, BELCom was of the opinion that the heritage significance of the PHS has not been negatively impacted by the unauthorised work.
- The basis of the DHF appeal is that they did not have the opportunity to contest this conclusion because they did not have access to Mr Snelling's report.
- The letter from the CEO of HWC, dated 27 January 2012, stated that the NHRA does not make provision for condonation of illegal work. DHF is of the opinion that action should be taken in terms of Section 51(9) of the NHRA before the new proposals are considered.

DECISION

- The Committee agreed that DHF and Paarl 300 must be given the opportunity to respond to Mr Chris Snelling's report, dated October 2011, and to comment on the new proposals for alterations and additions.
- Comments to be submitted by 11th April to be in time for the next Appeals meeting.
- A site visit to be arranged for a quorum of Appeals members, the case officer, DHF, Paarl 300, the applicant and a representative of AKSO of the municipality.

Jonathan Windvogel

9. OTHER MATTERS

9.1 None

10. ADOPTION OF DECISIONS AND ADDITIONS

The Committee resolve to adopt the decisions and additions

11. Closure of the Meeting

The Acting Chairperson closed the meeting at 14H45

12. Date of Next Meeting 25 April 2012

Chairperson's Signature.....

Date.....

Mr Andrew Hall
ACCOUNTING AUTHORITY
For Head of Department

Final