

**APPROVED MINUTES FOR THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**
Held on Wednesday, 11th May 2022 via Microsoft Teams,
scheduled for 08:30



Opening and Welcome

The Chairperson, Ms Katherine Dumbrell officially opened the meeting at 08:30 and welcomed everyone present.

Attendance

Committee Members:

Ms Katherine Dumbrell (KD)
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Aneeqah Brown (AB)
Ms Penelope Meyer (PM)
Mr Reagon Fortune (RF)

Visitors:

Item 9.1

Mr Simon Thirsk

Item 9.2

Ms P Botha
Mr Mouton
Ms Katie Smuts
Mr Richard Summers

Ms Berta Hayes
Mr Mike Scurr
Ms Sarah Winter

Item 10.1

none

Apologies

None

3. Absent

None

4. Approval of Agenda

4.1 Dated 11th May 2022

The Agenda dated 11th May 2022 was approved.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 6 April 2022

The Committee unanimously resolved to approve the minutes dated 6 April 2022.

6. Disclosure and Conflicts of Interest

Dr Nicolas Baumann recused himself from item 9.2.

7. Confidential Matters

None.

Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

There was nothing to report on Tribunal outcomes. The Legal Advisor undertook to obtain a list of the new members of the Tribunal and circulate to the members.

8.2 Report back from HWC Council

None.

8.3 Site Visits Conducted

A site inspection of Boschendal Cellar Building, Dwars River Valley Farm10, 167 Stellenbosch was conducted on 19th April 2022 by AvG, SH, KD and AM.

8.4 Potential Site Visits

Item 10.1 proposed Alteration and additions on Erf 2042, 25 Avenue Le Sueur, Cape Town -(S.34)
HM/CAPE METROPOLITAN/ CLAREMONT /ERF 2042Case No: 22030908KB0310E, was identified as requiring a site inspection. AM, NB and AvG to conduct the inspection on 1st June 2022.

8.5 Discussion of the Agenda

None

9 Matters Arising

9.1 4&6 Nursery Road, Erven 45530 & 45531, Claremont HM/CAPE TOWN METRO/SEA POINT EAST/ERF 12 HM/ CAPE TOWN METROPOLITAN/CLAREMONT/ERVEN 45530 & 45531 Case NO: 21020206SB

Ms Stephanie Barnard introduced the item.

Present on behalf of the Applicant: Mr Simon Thirsk

This is a referral back from the Tribunal in order to assess the engineering drawings submitted to determine whether the drawings adequately represent the intention to protect the historic well on the neighbouring property.

Applicant: Mr Simon Thirsk was present and explained the engineers drawing and the intended prevention of adverse impact on the well.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The concern about the well was raised by the Tribunal.
- The 4m buffer was a requirement of the Tribunal.
- The drawings presented address the requirements of the Tribunal.

DECISION

The Appeals committee considers that the engineering drawings prepared by MH & A Consulting Engineers (Sheets numbered STR-01-03 STR 01-04, STR 10-0) are congruent with the architectural drawings and therefore meet the requirements of the Tribunal.

SB

9.2 Proposed Alterations and Additions on Boschendal Cellar Building, OFF R310, Dwars River Valley Farm10, 167 Stellenbosch HM/CAPE WINELANDS/ STELLENBOSCH / BOSCHENDAL /PORTION 10 OF FARM 167

A site inspection was conducted on 19 April (AM, AvG and KD and SH.) AvG read the site inspection report into the record (report attached to the minutes).

Ms Stephanie Barnardt introduced the item.

APPELLANT

Ms P Botha and Ms Berta Hayes representing the Stellenbosch Interest Group.

Ms Botha presented, amongst others, the following arguments:

- The werf is of outstanding heritage value, and highly representative of Cape wine farms.
- There is a sense of place that should be retained.
- Any alterations should be extremely carefully considered.
- There are plans for more buildings around the werf. There will be a cumulative effect.
- There should be an overall precinct plan.
- BELCom did not consider the entire precinct.
- This proposal envisages bulky additions, very different to the present modest additions.
- The pitch is much higher than the present flat roof.
- The cellar will hardly be visible from the garden.
- SIG does not believe that this proposal meets even BELCom's requirements.
- The typology is foreign and more urban than rural.
- The footprint will be enlarged as the balcony will be an extension of the deck.
- The proportion and scale overwhelm the wine cellar.
- The proposal neither complements nor contrasts with the character of the werf.
- There are too many different materials and levels used in the roofing.
- The design indicators state that the roof silhouette must be as unobtrusive as possible, must be secondary and recessive.
- The proposal hides the thatched roof and cannot be described as unobtrusive.
- The proposal will result in visual clutter.
- The design detracts from the classic core werf architecture.
- There is an opportunity to restore the southern wall, but this has not been taken up.
- The proposal reflects an economically driven plan.

RESPONDENT

Mr Mouton (Architect), Mr Mike Scurr, Ms Katie Smuts and Ms Sarah Winter (heritage consultants) and Mr Richard Summers (Attorney) were present.

Mr Richard Summers presented, amongst others, the following arguments:

- The crux of the appeal stems from a fundamental difference of opinion.
- This is not a new intervention; it builds on an existing intervention.
- It is located to the rear of the cellar building, and the central core of the werf space is not impacted on.
- The role of conservation bodies is acknowledged; however, this intervention was subject to a rigorous heritage statement and interrogation by the BELCom.
- The central werf space is no longer a working farm, but the high heritage value of the farm is accepted.
- The impact of the proposal has been tested against the heritage indicators and against other proposals. The result is context specific and not in conflict with the place and is not in conflict with the werf.
- This proposal is not related to the broader precinct plans, any future development will be measured against that plan, but this application does not compromise the broader precinct plan.
- The motivation that it is a crude retail response: this is not about economics trumping heritage, this proposal strikes the balance between adaptive re-use, sustainable development and conservation.
- This is not a dramatic new intervention or re-use; it is building on the existing adaptive re-use.
- The concerns raised are driven by an element of subjectivity.
- The proposal should be tested against the heritage design indicators.
 - The integrity and authenticity of the werf will not be impacted.
 - Adherence to the principle of minimal intervention: the proposal builds on an existing intervention and the scale and materiality are appropriate, It is located to the rear.
 - The use remains the same.
 - The role of the cellar building is not impacted.
 - The principle of "tread lightly" has been respected. The proposal improves the current situation.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The design does not comply with the design indicators in the 2013 heritage statement.
- It is a much stronger statement than what is existing on the site.
- The materials used are not complementary to the werf, it is not a simple response to the existing.
- The architectural language does not complement the sense of place.
- The existing addition has compromised the sense of place, and this intervention takes it into another level.
- The building is intrusive. It has become a dominant element; the scale needs to be brought down.
- The aspect from the eastern side is almost as important as the aspect from the werf

HELD OVER

The committee will deliberate further and issue an outcome on Monday 16 May 2022.

SB

10. New Matters

- 10.1 **Proposed Alteration and additions on Erf 2042, 25 Avenue Le Sueur, Cape Town -(S.34)
HM/CAPE METROPOLITAN/ CLAREMONT /ERF 2042
Case No: 22030908KB0310E**

HELD OVER

The matter is held over to the next Appeals meeting. Site inspection to be undertaken on the 1st June 2022 at 09h30 by Avg, NB and AM.

KB

11. Other Matters

On the instruction of the CEO the Committee viewed the 2022 Western Cape Provincial Government rebranding video.

- 12. Proposed next date of the meeting: 8th June 2022**

13. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 11th May 2022.

- 14. Closure:** The meeting was adjourned at 12:26

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON *K Dumbrell* DATE 8 June 2022

SECRETARY  DATE 8 June 2022