

**APPROVED MINUTES OF THE MEETING OF  
HERITAGE WESTERN CAPE,  
APPEALS COMMITTEE**  
**Held on Wednesday, 19 August 2020 via Microsoft Teams,  
scheduled for 09:00**



**1. Opening and Welcome**

The acting Chairperson, Ms Kathy Dumbrell opened the meeting at 09:07 officially and welcomed everyone present. The Chairperson 's link to the Microsoft Teams was cut off at 9:05 when he was about to welcome the members of the Appeals Committee and members of Staff due to load shedding for one (1) hour and he was therefore reconnected at 10:00 exactly.

**2. Attendance**

**Committee Members:**

Ms Katherine Dumbrell (KD)  
Dr Andre van Graan (AvG)  
Dr Antonia Malan (AM)  
Dr Nicolas Baumann (NB)  
Adv Mandla Mdludlu (MM)

**Members of Staff:**

Ms Sandisiwe Matole (SM)  
Ms Penelope Meyer (PMe)  
Ms Nuraan Vallie (NV)  
Mr Olwethu Dlova (OD)  
Dr Mxolisi Dlamuka (MD)  
Ms Aneeqah Brown (AB)  
Ms Stephanie Barnardt (SB)  
Ms Cathy-Ann Potgieter (CAP)

**Visitors:**

Shafiek Biscombe  
Patricia Botha  
Johmandie Pienaar

**Observers:**

None

**3. Apologies**

None

**Absent**

None

**4. Approval of Agenda**

**4.1 Dated 19 August 2020**

The Committee resolved to approve the Appeals Agenda dated 19 August 2020.

**5. Approval of Minutes of Previous Meeting**

**5.1 Appeals Minutes dated 17 July 2020**

The Committee resolved to approve the minutes of the Appeals Committee meeting which was held on 17 July 2020 with minor amendments.

**6. Declaration of Conflict of Interest**

**6.1** None

**7. Confidential Matters**

**7.1** None

**8. Administrative Matters**

**8.1 Outcome of the Tribunal Committees and Recent Court Decisions**

None

**8.2 Report back from HWC Council**

None

**8.3 Site Visits Conducted**

**8.3.1** None

**8.4 Potential Site Visits**

Item 9.1 – KD (date to be confirmed)

The date will ONLY be confirmed based on the advice as suggested by the Chief Executive Officer, Dr Mxolisi Dlamuka, in his email sent to the entire membership of the Appeals Committee in the past.

**8.5 Appointments**

**9 Matters Arising**

**9.1 Proposed Total Demolition Of A Structure Older Than 60 Years On Erf 488, 13 Voor Street, Pniel, Stellenbosch**

**Case No: 19051414AS0626E**

Ms Kathy Dumbrell chaired this item.

**HM/CAPE WINELANDS/ STELLENBOSCH/PNIEL/ERF 488**

The following representatives were afforded an opportunity to make their submissions in support of their arguments.

Mr Shafiek Biscombe (owner representative), Mrs Patricia Botha (Appellant – SIG), and Mrs Heike Mentoor were present and took part in the matter as representatives.

Ms Sandisiwe Matole was requested by the Chairperson to give a brief introduction as far this matter was concerned

## **APPELLANTS**

Mrs Botha submitted the following:

- In general, they thought that the current proposal was an improvement regarding the pitched roofs and setback but would like to suggest some further alterations with regards to the northern elevation.
- The appellant's main problem was the garage because it is out of character with the rest of the house and it was suggested that the pitch of the garage be lowered.
- Noted that the proportions of the garage door should be the same height as the front door, or that the proposal be amended to have 2 doors joined vertically to make the proportions softer and less dominating in light of the street façade.
- Suggested that there should be a second vertical window on the right side of the building next to the two windows that face the street.
- Noted that behind the garage on the first floor the proportion of the windows do not relate to the whole and suggested the vertical windows to be the same size.
- Noted that the slope of the garage roof was too high and suggest that it should be lowered or be constructed as flat garage roof.

## **RESPONDENTS**

Mr Shafiek Biscombe submitted the following:

- That he was in agreement with the appellant and noted that the client would agree with the flat roof and will adjust the drawings with regards to the proposed windows and front door.

## **DISCUSSION**

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

- Noted that the revised proposal had not adequately addressed the general guideline indicators in the Stellenbosch Municipal Heritage Resource Conservation Management Plan, and the lack of site-related analysis and explicit responses to such indicators.

- Noted a concern related to the cantilevered balcony of the west side to the bedroom, which should rather have supports on the ground level in order to respond to heritage indicators.
- The issue of streetscape had not been addressed, which required a site visit, photographic record and analysis.
- The impact on the streetscape is unclear in terms of massing, scale and form.

#### **FURTHER REQUIREMENTS**

That consideration of the application is held over to enable KD to conduct a site visit and inspection and to prepare a written report for tabling at the next Appeals Committee meeting which is scheduled to convene on 16 September 2020, subject to the conditions as mentioned above.

**Sandisiwe Matole**

### **10 New Matters**

#### **10.1 Proposed Bentonite and Zeolite mining activities on portion 1 of 585 farm Uitspanskraal, Swellendam (S.38 HOMs)**

**HM/ OVERBERG/ SWELLENDAM / PORTION 1 OF 585 FARM UITSPANSKRAAL**

**Case No: 20070809SB0710E**

Advocate Mandla Mdludlu rejoined the meeting and chaired this item.

Ms Johmandie Pienaar was present and took part in the discussion.

Ms Stephanie Barnardt introduced the case.

#### **APPELLANTS**

Ms Johmandie Pienaar submitted the following:

- The appeal is against the requirement for a VIA. The appellant submits that the proposed activity is not visible from the N2 as stated in the motivation for a VIA.
- The proposed development will only be partially visible to the landowners authorizing the activities, and as such it is submitted that the requirement for a VIA is not necessary as it will not be visible from any major public route.
- Noted that the previous and existing mining rights areas are currently being mined and are already part of the landscape feature in question.
- Noted that there will be no untouched, natural areas that will be mined upon, and that the method of mining results in earth being removed and replaced again on the original sites.

- Submitted that there will be no permanent impact on the proposed areas to be mined upon, and as such it is argued that it is not substantiated to request a VIA in this case.

## **DISCUSSION**

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

- Noted that the proposed activities will not have a long-term impact.
- Noted that the proposed activities will be undertaken cyclically and therefore small-scale direct impacts will not be imposing.
- The existing mining in the area is not noticeable from the national road, and it is not foreseen that this would change with this application.
- Issues raised about rehabilitation of the area have been noted.
- The appellant demonstrated a convincing argument as to why the VIA requirement can be waived.

## **DECISION**

The Appeal is upheld. The conditions other than the VIA requirements are still applicable.

**Stephanie Barnardt**

## **10.2 Proposed Bentonite and Zeolite mining activities on Erf 1412, Swellendam (S.38 HOMs)**

**Case No: 20070808SB0710E**

Ms Johmandie Pienaar was present and took part in the discussion.

Ms Stephanie Barnardt introduced the case.

## **APPELLANTS**

Ms Johmandie Pienaar submitted the following:

- The appeal is against the requirement for a VIA. The appellant submits that the proposed activity is not visible from the N2 as stated in the motivation for a VIA. The proposed development will only be partially visible to the landowners authorizing the activities, and as such it is submitted that the requirement for a VIA is not necessary as it will not be visible from any major public route.
- Noted that the previous and existing mining rights areas are currently being mined and are already part of the landscape feature in question.
- Noted that there will be no untouched, natural areas that will be mined upon, and that the method of mining results in earth being removed and replaced again on the original sites.

- Submitted that there will be no permanent impact on the proposed areas to be mined upon, and as such it is argued that it is not substantiated to request a VIA in this case.

**DISCUSSION**

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

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- The existing mining in the area is not noticeable from the national road, and it is not foreseen that this would change with this application.
- Issues raised about rehabilitation of the area have been noted.
- The appellant demonstrated a convincing argument as to why the VIA requirement can be waived.

**DECISION**

The Appeal is upheld. The conditions other than the VIA requirements are still applicable.

**Stephanie Barnardt**

**11. Other Matters**

**12. Adoption of decisions and resolutions**

The Decisions and Resolutions of the meeting were unanimously adopted by the Appeals Committee.

**13. Proposed next date of the meeting:**

**16 September 2020**

**14. Closure:** The meeting was adjourned at: 11:40

**MINUTES APPROVED AND SIGNED BY:**

**CHAIRPERSON** \_\_\_\_\_

**DATE** \_\_\_\_\_

**SECRETARY** \_\_\_\_\_

**DATE** \_\_\_\_\_

APPROVED