

MEETING OF THE HERITAGE WESTERN CAPE, APPEALS COMMITTEE

Minutes of a meeting of the Appeals Committee of Heritage Western Cape held on Wednesday, 12 March 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 09H00 and welcomed everyone present.

2. Attendance

Appeals Committee

Mr Richard Summers
Dr Nicolas Baumann
Dr Antonia Malan
Mr Trevor Thorold
Dr Piet Claassen

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

HWC Staff

Ms Penelope Meyer
Mr Guy Thomas
Mr Ronny Nyuka
Mr Olwethu Oz Dlova

Legal Advisor
Heritage Officer
Senior Heritage Officer
Admin Officer (Secretariat)

3. Apologies

None

4. Approval of agenda

The Committee resolved to approve the agenda dated 19 November 2014.

5. Approval of minutes of the previous meeting

5.1 Dated 19 November 2014

The Committee agreed to ratify the minutes adopted at the meeting of 19 November 2014.

5.2 Dated 27 November 2014

The Committee agreed to ratify the minutes adopted at the meeting of 27 November 2014 with minor changes.

6. Disclosure of interest

None

7. Confidential Matters

None

8. Administration

8.1 Outcomes of the Appeal Tribunal

Ms Penelope Meyer reported back that HWC is still awaiting a Tribunal decision regarding the Romney Road matter.

9 Matter Arising

9.1 Proposed Total Demolition, Erf 1374, No. 50 Synagogue Street, Paarl: Section 34

The Chairperson is to circulate the minutes of the site visit to committee members for comment.

The decision will be communicated via email.

Kathrine Robinson

9.2 Proposed Alterations and Additions, Erf 565, Kerk Street, Prince Albert: Section 34

It was noted that the further information requested from the appellant has not been received and as a result of this the Committee is unable to progress the appeal without receipt of information requested.

The HWC case officer shall repeat the earlier request to the appellant for further information and the appellant is requested to provide the Committee with the information by not later than 1 week before the date of the next Appeal Committee meeting.

Jonathan Windvogel

9.3 Proposed Construction of a Temporary Art Installation, "The PharoX Star", Erf 1391, Signal Hill: Section 27

The Committee noted that the information requested from the applicant (in a form of a Heritage Statement) has not been adhered to by the applicant. No such information has been received by HWC.

In email correspondence dated 27 February 2015, the HWC case officer requested the applicant to commit to the time frame to produce the relevant information requested by the Appeals Committee.

No confirmation was received from the applicant that the information will be made available.

The Committee cannot tolerate a situation where an appeal is left undetermined at the election of the applicant as this is potentially prejudicial to the rights and interests of the appellant. The HWC case officer is requested to inform the applicant in writing that this matter will be determined at the next Appeals committee meeting scheduled for April 2015. The HWC case officer must inform the applicant that the appeal will be finalised on the basis of the information submitted to it by the appellant if the applicant fails to produce the further information requested.

Guy Thomas

10. New Matters

10.1 Proposed Alterations and Additions, Erf 15163, 22 Coronation Road, Walmer Estate: Section 34

Mr Ronny Nyuka made a power-point presentation.

Mr Ismail Jacobs (representing appellant) and Ms Tamar Shem-Tov (representing CoCT) were present and took part in discussion.

In discussion it was noted that:

- Mr Jacobs, on behalf of the applicant, represented the applicant at the appeal hearing.
- Mr Jacobs clarified that the primary motive behind the appeal was to resolve the deadlock between the applicant and the City of Cape Town Council as building plans had been sitting with Council for over a year.
- The Committee noted that it was not altogether clear what the essence of the appeal submission is, as the appeal was not motivated adequately in writing. In verbal submissions to the Committee Mr Jacobs clarified that the primary issue is to create off-street parking for his client. The addition of a My Citi bus lane in Coronation Road has eliminated any possibility of off-street parking on the applicant's side of the street and this has resulted in ongoing conflict amongst existing residents in connection with the limited parking remaining in the street. The idea behind the renovation is primarily to give effect to off street parking but Mr. Jacobs conceded that this would not be possible without alterations to the façade of the dwelling.
- It was also not clear to the Committee whether or not it was looking at the most recent submission (i.e. building plans) submitted to HWC by the applicant. During the hearing Mr Jacobs presented a set of plans which he indicated had served before BELCom which the Committee noted were different to the plans that were submitted to it as part of the pack of appeal documentation.
- The Committee noted that;
 - The current proposal does not comply with heritage requirements to retain the existing façade, which has characteristic features and which gives rise to the dwelling's intrinsic heritage significance and its contribution to the street scape.
 - There is clearly an adverse impact in terms of the Verandah flanked by pillars and the stairs, and to the volumetrics of the site (zone between the building and the street).

- The Committee took note of the applicant's frustration that other similar alterations had been approved in connection with the adjoining property and also additional properties situated in Coronation Road without (as Mr Jacobs alleged) the requisite approval. The Committee noted that the precedent set by other developments which are not sympathetic to heritage does not give rise to a merit-based argument in favour of the application.
- The application *per se* must be considered on its merits and the proposal as put to the Committee would have a significant adverse impact on the heritage value and significance of the dwelling in question. The Committee noted that the request for off-street parking is entirely understandable and is sympathetic to that, but that objective must not be at the expense of heritage considerations.
- In discussions during the appeal Committee meeting, Mr Jacobs indicated that he would prefer to explore with the City of Cape Town a feasible alternative solution which could accommodate the off-street parking requirements in a manner which did not impact significantly and adversely on heritage resources.

DECISION

The proposal, in its current form, as put to the Committee would have a significant adverse impact on the heritage value and significance of the dwelling in question.

Given the uncertainty regarding the accuracy of the plans that served before the Committee, the Committee resolved that Mr Jacobs is requested to provide the Committee with a detailed set of plans which responds appropriately to the heritage considerations raised by both the City and the Committee. The appeal is held over pending submission of further detailed information from Mr Jacobs

Ronny Nyuka

10.2 Proposed Installation of Sculpture, Riebeeck Square, Erf 152670, Corner Bree & Short Market Streets, Cape Town: Section 27

The matter was withdrawn from the agenda with the request of the appellant.

Guy Thomas

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 11H00.

14. Date of Next Meeting

14 April 2015

Chairperson's Signature.....

Date.....

Mr Andrew Hall
ACCOUNTING AUTHORITY
For Head of Department

Approved