

**APPROVED MINUTE FOR THE MEETING OF HERITAGE
WESTERN CAPE, APPEALS COMMITTEE
HELD ON WEDNESDAY, 17TH JANUARY 2024, MICROSOFT TEAMS, SCHEDULED
FOR 08:30**

1. Opening and Welcome

The Chairperson, Mr Gregory Ontong, officially opened the meeting at 08:30 and welcomed everyone present.

2. Attendance

Committee Members:

Mr Gregory Ontong (GO)
Ms Corlie Smart (CS)
Dr. Andre van Graan (AvG)
Dr Nicolas Baumann (NB)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Ms Naushina Rahim (NR)
Ms Sneha Jhupsee (SJ)
Ms Khanyisile Bonile (KB)
Ms Chane Herman (CH)
Ms Aneeqah Brown (AB)
Ms Zikhona Sigonya-Ndongeni (ZSN)

Visitors:

Item 11.1

Millie Hoffman (Appellant)
Tanja Kruger (Appellant heritage practitioner)

Item 11.2

Ms Kim Whitaker (Appellant)
Mr Giancarlo Bruno (Respondent)
Dr Stephen Townsend (Respondent heritage practitioner)
Ms Adelaide Combrink (City of Cape Town, I &AP)
Mr Nick Smith (Attorney for Respondent)
Mr Tshifhiwa Tshinyalani (I&AP)

Item 11.3

Mr Owen de Jager (Appellant)
Mr Daniel Hellenberg (Appellant representative)
Ms Adelaide Combrink (City of Cape Town, I &AP)
Mr Tshifhiwa Tshinyalani (I&AP)

3. Apologies

Mr Stuart Hermansen (SH)

4. Acceptance of the Code of Conduct

5. Approval of Agenda

5.1 Dated 17th January 2024.

The Agenda dated 17th January 2024 was approved. NB moved to adopt the Agenda and AvG seconded.

6. Approval of Minutes from previous meeting

6.1 Appeals Minutes dated 5th December 2023

The Committee resolved to approve the Minutes dated 5th December 2023. AvG moved to adopt the Minutes and NB seconded.

7. Disclosure and Conflicts of Interest

None.

7.1 Recusals- General

8 Confidential Matters

Discussion of item 11.2.

9. Administrative Matters

9.1 Appointments

9.2 Outcome of the Tribunal Committees and Recent Court Decisions

NR provided feedback.

9.3 Report back from HWC Council

None

9.4 Site Visits

9.4.1 Site Visits Undertaken

None

9.4.2 Potential Site Visits

None

9.5 Discussion of the Agenda

9.6 Attendance of upcoming Tribunal meetings

The Committee agreed that they will proceed as agreed on a rotational basis.

10 Matters Arising

10.1 **None**

11. New Matters

11.1 Condonation and Appeal submitted.

**Proposed Emergency Roof Replacement on Erf 1427, 2 Shand Street, Swellendam “De Companjie Guesthouse”; NM
HM/ OVERBERG/ SWELLENDAM/ ERF 1427
Case No: HWC23090502CH0915**

Appeal against BELCom’s decision.

The condonation application was first heard by the committee. The Appellant (Ms Millie Hoffman) and Ms Tanja Kruger presented grounds for condonation.

Thereafter, Naushina Rahim (Secretariat) introduced the item with the case officer Chane Herman present for additional support.

The Appellant, Ms Millie Hoffman presented once condonation was granted:

- The issue was that the rain had caused damage to the roof and she brought an emergency works application to HWC in 2023.
- The appellant argued that in the areas where corrugated mild steel roof sheeting was used instead of the original slate tile, the damage had been stopped.
- Further, the use of corrugated steel roof sheeting would not impact the heritage aesthetic of the building.
- The process to import the original slate tile would take a long time and the insurance was not covering the property for public liability which was a risk.

DISCUSSION

The following was discussed by the Committee:

- The committee considered the grounds of condonation.
- The different building details on Voortrek and Shand streets were taken into consideration, including the heritage status of the site, with the building on Voortrek Street having a thatched roof
- The roof already had corrugated sheeting on the back, and the juncture with the tiles is problematic.
- The roof was not highly visible and was located on the secondary street.
- The risk of damage to the heritage structure was a factor.

DECISION

Condonation is granted.

The appeal is upheld. The replacement of tiles by corrugated mild steel sheeting is approved.

CH

11.2 Proposed Total Demolition and Replacement Structure on Erven 977 & 978, 11 & 13 Virginia Avenue, Vredehoek; NM HM/ CAPE TOWN METROPOLITAN/ VREDEHOEK/ ERVEN 977& 987 Case No: HWC23091515KB0905

Appeal against BELCom’s decision.

Naushina Rahim (Secretariat) introduced the item with the case officer Khanyisile Bonile present for additional support.

The Appellant, Ms Kim Whitaker presented:

- The Appellant raised that this application was initially refused by the MEC's Tribunal in June 2022 and submitted that the improvements made to the proposed replacement structure were minor and not sufficient grounds for a new application.
- The plans approved by BELCom in November 2023 were referenced as being the same as the plans which did not get approved by the Tribunal in 2022. This must be remedied as a matter of urgency.
- The Appellants were unable to obtain plans submitted to BELCom; they asked for them from the Respondent but never received them.
- The Appellants raised concerns over ongoing illegal works in contravention of approved plans by HWC in 2021. There were two cases of illegal works and this eroded the trust in the Respondents not adhering to any plans approved, therefore the Appellant suggested some oversight conditions to build trust in the process.

Mr Nick Smith (Attorney) & Dr. Townsend presented on behalf of the Respondent:

- The Appellant had not shown that BELCom had made an error in their decision.
- The heritage statement by Dr Townsend addressed all the heritage concerns adequately. The Appellant was not a heritage expert.
- The alleged illegal works and cease-works orders by the City is not relevant to the merits of this appeal.
- The rest of the allegations are unfounded, and no evidence in support thereof has been provided.
- The Home-Owners Association constitution and their authority in Ms Whitaker is not shown.
- Dr Townsend: The architect was remiss in omitting the correct drawing numbers; however, this is irrelevant because the City will only deal with the HWC stamped plan. The ROD by BELCom is referencing the plans of 17 March 2022; this could be referred to as version 5. HWC stamps the plans and the City will not deviate from the HWC date stamped plans.
- Dr Townsend showed a diagram outlining the differences in 'version 4' refused by the Tribunal and the 'version 5' approved by BELCom, confirming that 'version 5' addressed the heritage concerns.

DISCUSSION

The following was discussed by the Committee:

- The 'version 5' elements were assessed in terms of meeting the heritage concerns raised in this application.
- The reduction from 4 to 3 stories addressed the concerns that were raised at the Tribunal and the Rennie Scurr Adendorff report in terms of what was acceptable.
- The Committee considered that it is critically important to rectify the error by the Architect relating to the dates and numbering of the drawings.

DECISION

The appeal is dismissed.

However, the plans approved by BELCom on the 23rd of November 2023 (version 5) must be rectified to show the correct revision and date. The rectified plans must be stamped by Heritage Western Cape.

KB

**11.3 Proposed Additions and Alterations on Erven 567 and 568, 31 Belvedere Avenue, Oranjezicht: NM
HM/CAPE TOWN METROPOLITAN/ ORANJEZICHT/ ERVEN 567 AND 568
Case No: HWC23072707MS0806**

Appeal against BELCom's decision.

Naushina Rahim (Secretariat) introduced the item with the case officer Chane Herman present for additional support.

The Appellant's representative Mr Daniel Hellenberg presented:

- The alterations referred to the exterior and not the interior of the property.
- The extension was proposed to the rear of the building and would have the least impact.
- The Appellant complied with the further requirements of BELCom and appointed a heritage practitioner, and amended the design as per the heritage practitioner's suggestion.

DISCUSSION

The following was discussed by the Committee:

- The committee considered all the proposals for the addition in the back.
- There was evidence of a significant number of alterations already done to the rear of the house. An addition like that proposed would have the least negative impact on the existing heritage building.
- The heritage character of the street was considered. A double storey building to the back of the site would negatively impact on the character. This proposal was preferable in relation to the streetscape.
- Most of the heritage significance was in the excellent interior of the building, which retained much of the original finishes and fabric. Any damage to the ceilings would negatively impact the heritage resource.
- Given the heritage significance, a suitably qualified architect must be appointed to oversee the project in order to ensure that fabric is not damaged.

DECISION

The appeal is upheld.

The committee approves the proposed interventions as shown in plan number DEJ001, Revision 02, dated 21 September 2023 and prepared by Lofts.

However, in order for Heritage Western Cape (HWC) to issue a permit, the following is required:

- 1. The applicant is to appoint a suitably qualified architect with the appropriate heritage experience to oversee the proposed work;**
- 2. HWC is to be provided with the details of the architect and their CV confirming suitability to oversee the work; and**
- 3. A letter of appointment to be signed by the appellant and architect.**

Once the above has been fulfilled, HWC will provide the required permit.

CH

13. Other Matters which are noted only

13.1 None

14. Proposed next date of the meeting: 14 February 2024

13. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 17th January 2024.

Closure: The meeting was adjourned at 11:40

MINUTES APPROVED AND SIGNED BY:


CHAIRPERSON _____ DATE 14 February 2024

SECRETARY _____ DATE _____ 2024