

**APPROVED MINUTES FOR THE MEETING OF HERITAGE WESTERN CAPE,
APPEALS COMMITTEE
HELD ON TUESDAY, 5TH DECEMBER 2023, 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)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Ms Sneha Jhupsee (SJ)
Ms Zikhona Sigonya-Ndongeni (ZSN)
Ms Naushina Rahim (NR)

Visitors:

Item 10.1

Mr Anthony Silberberg (Appellant)
Mr Henry Aikman obo Mr Meyer (Applicant/ Respondent)

3. Apologies

4. Approval of Agenda

4.1 Dated 5th December 2023.

The Committee being quorate, unanimously resolved to approve the Agenda dated 5th December 2023.

5. Approval of Minutes from previous meeting

5.1 Appeals Minutes dated 8th November 2023

The Committee being quorate, unanimously resolved to approve the Minutes dated 8th November 2023.

6. Disclosure and Conflicts of Interest

None

6.1 Recusals- General

None.

7. Confidential Matters

None.

8. Administrative Matters

8.1 Appointments

8.2 Outcome of the Tribunal Committees and Recent Court Decisions

PM updated on the recent Tribunal attendances.

8.3 Report back from HWC Council

The Chairperson updated the committee on the matters discussed at previous Council meeting.

8.4 Site Visits

None

8.5 Site Visits Undertaken

8.5.1 None

8.6 Discussion of the Agenda

8.6.1 None

8.7 Upcoming Tribunal attendance by committee members

The attendance of members will be considered on a rotational basis.

8.7.1 Woodstock social housing, Melbourne and Earl street

The Chairperson (GO) will attend the hearing (in-person) on 19 January 2024.

9 Matters Arising

None

10. New Matters

10.1 Condonation and appeal submitted

**Proposed additions and alterations on Erven 93 & 665, Church Street, Tulbagh: S27-A&A
HM/CAPE WINELANDS/ WITZENBERG/ TULBAGH/ERVEN 93 & 665**

Case No: HWC23081501SJ0822

Appeal against HOMs' decision

Naushina Rahim (ASD, legal) introduced the item.

HOMs case officer, Ms Sneha Jhupsee, presented the application submitted to HOMs and the decision by HOMs.

Mr Anthony Silberberg (Appellant) presented

- the grounds for condonation, thereafter,

- on the grounds of appeal.

Mr Aikman presented as the Respondent.

DISCUSSION

The following was discussed by the Committee:

- The grounds for condonation was first discussed by the committee. It was decided to grant the condonation as the appellant had not been aware of the initial application.
- The committee then considered the grounds of the appeal.
- The heritage protection status of the site was discussed.
- There is no zoning in place by the local municipality. According to the MSDF the erven are located on the Tulbagh Conservation Overlay Zone boundary.
- AvG clarified that the Erf 93 had been formally protected under the National Monuments Act, 1969, and was accordingly a PHS by virtue of the operation of S58(11) of the National Heritage Resources Act, 1999, (Act 25 of 1999) ("the NHRA").
- The committee took note of the appellant's submission that the application was according to him dealt with as "minor works" and that a "detailed Heritage application" should have been submitted by the applicant.
- The permit was issued in terms of section 27 and not as minor works.
- The heritage report attached to the applicant's application had sufficient information to make an informed decision.
- The applicant followed the required consultation process thus, the application, as submitted, contained proof of consultation with the Witzenberg local authority and the local conservation body and was not submitted as a minor works application. This is in conformity with HWC consultation guidelines. HOMs is delegated to take a decision where there are no objections submitted.
- The work being undertaken is primarily to the existing building, which is an old toolshed/stable, and to the addition of a timber pergola and a boma in the garden to provide usable areas in the garden. There will be no residential activity on the site. It has limited impact, if any, on its heritage significance.
- The limited footprint of the proposed intervention, the distance from Church Street and its attendant streetscape character, the nature of the slope down towards the river and the limited massing of the existing structure of the proposal will minimize any impact on the heritage significance of the building and the context of Church Street.
- The committee considered that the building, which is the subject of the application, to be of grade IIIC significance.

DECISION

Application for condonation is granted.

The appeal is dismissed. The development must be in strict accordance with the permit conditions.

11. Other Matters which are noted only

11.1 None

12. Proposed next date of the meeting to be held via MS Teams: 17th January 2024

13. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 5th December 2023.

Closure: The meeting was adjourned at 11:16

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  **DATE** 23 January 2024

SECRETARY _____ **DATE** _____ 2024