

**APPROVE MINUTES THE MEETING OF HERITAGE WESTERN CAPE, APPEALS COMMITTEE
HELD ON WEDNESDAY, 4th March 2026, 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 (CSm)
Dr André van Graan (AvG)
Ms Claire Abrahamse (CAb)
Mr Mike Scurr (MSc)

Members of Staff:

Ms Waseefa Dhansay (WD)
Ms Penelope Meyer (PM)
Mr Jonathan Windvogel (JW)
Ms Aneeqah Brown (AB)
Ms Chiara Singh (CSI)
Ms Chané Herman (CH)
Ms Stephanie Barnardt (SB)
Ms Sofia Vy Menell Briel (SVMB)
Mr Ruan Brand (RB)
Ms Corné Alexander (CA)
Emily Jane Vowles (EJV)
Ms Yusrah Hoosain (YH)

Visitors:

Bridget O'Donoghue
Celine Oates
Chris Snelling
Helene van der Merwe
Ntombi Nkoane
Richard Summers
Steven Piha
Zandré Williams
Randolph Dames
Genevieve de Klerk
Andre Vercueil
Steven Botha

3. Apologies.

Ms Nosiphiwo Tafeni (NT)
Ms Xola Mlwandle (XM)

4. Declaration for members to re-affirm their commitment to the Code of Conduct.

Members re-affirmed their commitment to the Code of Conduct.

5. Approval of Agenda dated 4 March 2026.

- 5.1** The Committee resolved to approve the agenda dated 4 March 2026. CSm moved to adopt the approval of the agenda and AvG seconded with a minor amendment.

6. Disclosure and Conflicts of Interest.

- 6.1 CAb item 11.1
6.2 MSc item 12.1

7. Approval previous of Minutes dated 11th February 2026

- 7.1 The Committee resolved to approve the Minutes dated 11 February 2026. CSm moved to adopt the approval of the minutes and MSc seconded.

8. Confidential Matters.

- 8.1 None.

9. Administrative Matters.

9.1 Outcome of the Tribunal and Recent Court Decisions.

PM

9.2 Report back from HWC Council

GO reported back on the following:

Proposed amalgamation of HOMs and BELCom:

- Council resolved not to proceed with the amalgamation.
- Both committees will continue to function separately.

Appointment of Council members to Committees:

- Council members were appointed to various committees.
- CSm and GO were again appointed to the Appeals Committee.
- Cllr Martin Albertus was appointed as the Alternate member, replacing Adv. Mdludlu.

9.3 Site Visits undertaken/Site Inspection Report(s).

- 9.3.1 Erf 45507, 11 Nursery Road, Rosebank

9.4 Potential Site Visit.

- 9.4.1

9.5 Discussion of attendance at any upcoming Tribunal meetings.

- 9.5.1 None.

9.6 Discussion of the Agenda.

- 9.6.1 None.

9.7 Appointments.

- 9.7.1 None.

9.8 Membership of Appeals meeting following the Council meeting

- Only 4 members appointed to the Appeals Committee. There were no suitably qualified and experienced applicants amongst those who applied to fulfil the unique criteria required for an individual to be appointed to the Appeals Committee. The Committee was of the opinion that skills and experience of Mr Mike Scurr would be required and asked that his appointment to the Appeals Committee be requested and recommended to Council for an email decision and to be ratified at the next Council meeting.
- MSc indicated his willingness to serve.

MATTERS TO BE DISCUSSED

10 MATTERS ARISING

- 10.1 None.

11 NEW MATTERS

11.1 Erf 45507, 11 Nursery Road, Rosebank HM/CAPE METROPOLITAN/ROSEBANK/ERF 45507 Case No: HWC25012412XM0729

Appeal against BELCom Committee decision.

SB introduced the item on behalf of XM, the case officer.

CAB reported back on the site inspection undertaken on 2 March 2026.

Richard Summers was present and took part in the discussion.

Richard Summers:

- Noted that demolitions of Grade IIIB resources was a contested issue in CoCT.
- Indicated a differing view on the building's significance.
- Sought to refocus the Committee on objective Grade IIIB criteria and the applicant's position.
- Acknowledged the remaining 1920s-30s elements but indicated they do not meet the required significance threshold.
- Argued that unsympathetic alterations changed the building's original character and legibility.
- Argued that the building holds no special architectural or historical interest/value.
- Noted the substantial loss of original fabric.
- Stated that the building lacks coherence due to multiple, poor alterations.
- Stated that the remaining period elements are limited and not exemplary.
- Argued that restoration would not be meaningful or practical.
- Concluded that the building has low heritage significance.
- Therefore, the demolition will not result in significant loss.

DISCUSSION

- The application proposes the total demolition of existing buildings and tree removal on a Grade IIIB property within a proposed HPOZ in order to construct a 5-storey student accommodation building comprising 36 two-bedroom units with ground floor parking and required departures.
- Following a site inspection, HOMs referred the matter to BELCom due to objections and concerns regarding retention. BELCom refused the application on 17 September 2025.
- Consultation: CoCT does not support the demolition, citing the site's Grade IIIB status, the site's contribution to historic context, design misalignment with heritage indicators, and negative impact on neighbouring heritage resources and the sense of place. Objections were received from adjacent property owners and the Florence Villas Body Corporate on the grounds of adverse impact on street character. RAMPAC did not comment.
- The building contributes significantly to the area, and the northern streetscape is conservation worthy. Originally an Edwardian house, later extensions and additions were thoughtfully integrated, showing coherent layering and clearly warrants IIIB grading. The changes observed in the buildings are typical and expected and often enrich buildings of this age. In themselves, they do not lower the authenticity of the structures. In this instance, the layering of alterations is legible and coherent, with the Victorian "bones" of the building evident in the suspended timber floors, skirtings, picture rails/dado rails, four-panel doors with architraves, four-pane sash windows, reeded ceilings as well as special items such as a remaining cast iron fireplace, "happy" doors and so on. Many of the alterations point to a c1930s "Edwardian" layer, with the twinned RC columns, tuck pointed brickwork and lead paned windows and teak frames representative of this intervention, which includes unique elements such as the fireplaces with burgundy tiled surrounds and *klompie* bricks. Aside from the most recent alterations, all other changes have been fairly sensitive to the character of the property as a whole. The site is both authentic and layered.

- This intactness and layering of fabric does raise the significance of the resource above being one of contextual contribution only (as per an IIC-graded resource).
- The Committee must respond to the context as it sees it now rather than in anticipation of any future development, and together with other historic structures on the northern side of Nursery Road, the subject property acts as a “bookend” within a streetscape that is characterised by an Edwardian colonnaded structure on the Main Road edge, a series of residential buildings stepping down the slope, mostly of single- or double-storey height, often with street-facing gables (which form a clear streetscape pattern) and with low boundary walls, established planting and a direct relationship with the street edge.
- What the 1905 building possesses in terms of its contribution to the street edge would be irrevocably lost through demolition and the imposition of current setbacks and other zoning requirements.
- The Committee recommends that the CoCT urgently look to formalise the HPOZ in this area to protect the remaining neighbourhood character and streetscape integrity.
- The Committee note the unauthorised work undertaken to the ground level of the c1930 structure without a Section 34 permit. This must be addressed in terms of Section 51 of the NHRA.

DECISION

The appeal is dismissed and decision of BELCom is upheld.

XM

11.2 Erf 574, 9 Trotter Street, Knysna HM/ EDEN/ KNYSNA/ ERF 574 Case No: HWC23041913CH0523

Appeal against BELCom Committee Meeting.

Chané Herman introduced the item.

Genevieve de Klerk, Steven Botha and André Vercueil were present and took part in the discussion.

Genevieve de Klerk (respondent):

- Applicant did not meet the grounds for condonation.
- There was an unreasonable delay from 2023 to 2026.
- Applicant was not fully truthful; her own photos show awareness of the proposed development earlier than claimed.
- Even apart from the grounds submitted, the appeal is unlikely to succeed.
- Her recommendation is that condonation should not be granted.
- The developer was invited to comment further.

Steven Botha (developer) noted that:

- A three-year process was completed, and plans were submitted to council.
- Demolition was planned in early January, coinciding with this appeal.
- The tenants were given notice and the demolition needed to avoid concerns around vagrancy and project protection.
- Guidance has been received from Heritage Western Cape.
- He questioned grounds for appeal after long delay.
- He had received written confirmation that project could continue.
- Ms. De Klerk’s response had already addressed the appeal points.

DISCUSSION

- The proposal is to demolish the existing structure on the site.
- The structure is Graded IIIC outside an HPO.
- The structure was demolished on the 2nd of March 2026.
- BELCom had approved the demolition and had no objection to the revised replacement structure. The RoD was issued on 30th June 2023.
- The appeal and motivation for condonation were lodged in response to the 2023 demolition approval.
- No appeal was lodged during the stipulated 14-day appeal period, nor was any objection received from the appellant at the time.
- The NHRA does not impose an obligation on applicants or HWC to provide personal notices to every neighbouring resident who may claim interest.
- The lack of personal awareness, nearly three years after a final decision, does not constitute exceptional circumstances justifying condonation.
- The advertisement billboards were erected on site in December 2024, and a second set of boards were erected in November 2025.
- The appellants photographic evidence shows that the development was publicly advertised a year before the appeal was lodged.
- The appellant does not meet the test for condonation and does not provide any new evidence of cultural significance of the heritage resource in question.
- Infrastructure capacity, water availability, sewerage and traffic impacts all fall under municipal planning and engineering competence and are not within HWC's mandate.
- Granting condonation would cause severe and demonstrable prejudice to the owner, who relied in good faith on a lawful approval for an extended period.
- Allowing a late appeal under these circumstances would undermine legal certainty and set an untenable precedent for developments across the province. Condonation should therefore be refused.

DECISION

The application for condonation for the late filing of the appeal is not granted. The appeal is dismissed. **CH**

12. Other Matters: For Noting.

12.1 Erf 9998, 13 Adderley Street, Cape Town City Centre HM / CAPE TOWN METROPOLITAN / CAPE TOWN CITY CENTRE / ERF 9998 Case No: HWC24101603SVB1030

Appeal against BELCom Committee Meeting.

The Committee noted the item and a site inspection will be arranged.

13. Proposed next date of the meeting to be held online: 8 April 2026

14. Adoption of decisions and resolutions

The Committee unanimously adopted the decisions and resolutions, CSm proposing and CAb seconding the proposal.

Closure: The meeting was adjourned at 11h29

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  DATE 8 April 2026

SECRETARY _____ DATE 2026