

APPROVED MINUTES THE MEETING OF HERITAGE WESTERN CAPE, APPEALS COMMITTEE HELD ON WEDNESDAY, 11th February 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 (CS)
Dr André van Graan (AvG)
Ms Claire Abrahamse (CAb)
Mr Mike Scurr (MSc)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Mr Jonathan Windvogel (JW)
Ms Aneeqah Brown (AB)
Ms Chiara Singh (CSI)
Ms Chane Herman (CH)
Ms Stephanie Barnardt (SB)
Emily Vowles (EJV)
Ms Sofia Vy Menell Briel (SVMB)
Mr Ruan Brand (RB)
Ms Corne Alexander (CA)
Ms Waseefa Dhansay (WD)

Visitors:

Mr Bill Harding
Mr Ralf
Ms Cilliers van Niekerk
Mr Kevin Cummins
Mr Matthew Bremmer
Ms Annie en Lourens
Ms/r Wilmar Koch
Ms Elizabeth Stead
Ms Sarah Winter
Mr Fairley Ian
Ms Samantha Lee
Mr Wesley F Vorsatz

Ms Bridget O'Donoghue
Ms Celine Oates
Mr David Eades
Mr Mark Stockenstrom
Ms Michelle Haas
Mr Bert Johnson
Ms Belinda Young
Mr Frik Vermeulen
Ms Carmen Downing
Mr Jo MacRobert
Mr Conrad Herring

3. Apologies.

None

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 11th February 2026.

- 5.1** The Committee resolved to approve the agenda dated 11th February 2026. CA moved to adopt the approval of the agenda and MSc seconded.

6. Disclosure and Conflicts of Interest.

- 6.1** None.

7. Approval previous of Minutes dated 12th November 2025.

- 7.1 The Committee resolved to approve the Minutes dated 12th November 2025 CS 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

None.

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

9.3.1 Erf 7691-RE, 14 Lewes Street Briza, Somerset West.

9.3.2 Erf 1061, 21 Ruskin Road, Bergvliet.

9.4 Potential Site Visit.

9.4.1 Erf 45507, 11 Nursery Road, Rosebank.

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.

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.

DECISION

The matter is held over to the next Appeals Committee meeting, pending a site visit.

**11.2 Erf 7691-RE, 14 Lewes Street, Somerset West.
HM/CAPE METROPOLITAN/SOMERSET WEST/ERF 7691-RE
Case No: HWC25072403SJ1013**

Appeal against BELCom Committee Meeting.

A site visit was undertaken by MSc and CSm on the 6th of February 2026. MSc presented the site inspection report.

Corne Alexander introduced the item.

Oral Submissions:

Appellant – Dr Bill Harding

- Challenged the approval for total demolition.
- Submitted concerns regarding:
 - Procedural and substantive irregularities.
 - Adequacy of public participation.
 - The application not having been advertised.
 - Incomplete or inaccurate records.
 - Withheld or unavailable information.
- Submitted that irreversible loss of a heritage resource requires clear and evidence-based justification.

Applicant/Respondent – Mr Richard Summers

- Submitted that a site notice was put up and that it exceeded standard requirements.
- Disputed allegations of procedural unfairness.
- Noted that the appeal process provides for a fresh determination.
- Submitted that HWC guidelines are not binding legal requirements.
- Indicated that no prejudice resulted from timelines or the availability of the recording.

Discussion

- The structure holds no identified heritage value.
- The intangible heritage related to the Arabian horse breeding lineage is not connected to the house but could only be potentially connected to the stables.
- The surrounding area does not exhibit conservation-worthy characteristics.
- Appellants had sufficient opportunity to address the heritage merits.
- Delayed access to the meeting recording did not cause prejudice.

DECISION

The Appeal is dismissed, and the BELCom's decision is upheld.

**11.3 Erf 1061, 21 Ruskin Road, Bergvliet
HM/CAPE TOWN METROPOLITAN/BERGVLIET/ERF 1061
Case No: 25604EJV1015**

Appeal against an IACom Committee decision.

A site visit was undertaken by MSc and CAb on the 8th of February 2026. CAb presented the site inspection report.

Emily-Jane Vowles introduced the item.

Mr Wesley Vorsatz and Ms Jo MacRobert, were present and took part in the discussion.

Oral Submissions

Appellant – Mr David Eades

- Challenged the IACom approval of the development of the Tokai High School.
- Submitted both procedural and substantive grounds, including:
 - Alleged inadequacy of reasons provided by IACom.
 - Restrictions on oral presentation time.
 - Exclusion from the IACom site inspection.
 - Concerns about potential predetermination of outcome.
 - Non-compliance with Section 38(3) requirements.
 - Misinterpretation of the Grade IIIA designation.
 - Absence of a formal Visual Impact Assessment (VIA).
 - Inadequacy of alternatives and landscape mitigation.
 - Traffic related concerns
 - Social/living impact around loss of access to the site.
- Submitted that administrative reasons must be complete, clear, and substantively sufficient.

Applicant/Respondent – Ms Sarah Winter

- Submitted that the HIA adequately addresses Section 38(3).
- Noted that the Grade IIIA polygon reflects the significance of the adjacent Dreyersdal Farm cultural landscape, not the erf itself.
- Submitted that a VIA was not required and would not change the assessment.
- Indicated that the heritage indicators address the site's transitional qualities.
- Submitted that landscape mitigation is standard and appropriate.
- Indicated that traffic and property values fall outside of heritage jurisdiction.
- Submitted that procedural concerns around IACom's decision making should not impact the Appeal Committee's fresh determination of the application.

Discussion.

- The property is open, flat, grassy, and with remnant tree lines
- There are no structures on site.
- It is bounded by low-density, mid-20th-century suburban fabric to the north and east (of no identified heritage significance) and by the Dreyersdal Farm cultural landscape (of high significance) to the south, with clear long views towards the southern Table Mountain range.
- The erf forms a transitional landscape between suburban Bergvliet and the Dreyersdal cultural landscape.
- Grading and Cultural Landscape: The partial Grade IIIA polygon intersecting the Property originates in the City of Cape Town's mapping of the Dreyersdal Farm Cultural Landscape.
- That grading protects the farm complex and its landscape, not the suburban fabric or the erf per se. The development's placement of sports fields to the south and buildings to the north reads as an appropriate transitional edge and is a proportionate response to the adjacent cultural landscape.
- The approved scheme places single- and double-storey school buildings, hall, parking and courts predominantly on the northern portion, with sports fields to the south; a mature Eucalyptus tree windbreak lies along the western boundary. The Committee found the layout to be generally sensitive to the relationship with the Dreyersdal cultural landscape.
- The Committee considered all submissions and the HIA de novo.
- The Committee was satisfied that the HIA met the requirements of section 38(3), The HIA adequately included the identification of heritage resources, assessment of their heritage significance, evaluation of potential impacts on heritage resources and proposed mitigation measures within a cultural landscape framework.
- HWC's response to the NID did not require a VIA. The Committee was satisfied that the HIA's cultural landscape and visibility assessment sufficiently addressed potential visual impacts on heritage resources given the site's set-back from principal public viewpoints and the disposition of built massing.
- The Committee was of the opinion that a VIA would not have shed more light on the potential visual impact and would not have altered the conclusions it reached. The absence of the VIA in this matter does not render the HIA non-compliant with section 38(3) of the NHRA
- In certain circumstances, appropriately designed and implemented landscaping measures can assist in minimizing visual and contextual impacts on heritage resources.
- The provided "tree band" illustration is generic and insufficiently detailed to ensure effective, durable screening, particularly given the non-permanent nature of the existing Eucalyptus tree windbreak.
- A detailed landscape plan, including species selection, spacing, and succession planting, is required to secure continuity of screening over time.
- On the evidence presented, recreational dog-walking and general "sense of place" assertions on this vacant erf do not, in themselves, constitute living heritage in the sense contemplated by section 3(3) of the NHRA to outweigh the limited impacts of the proposed development as mitigated.

- Traffic capacity, congestion, and municipal servicing matters could be dealt by the planning authority and fall outside of the NHRA mandate.
- The Appeals Committee conducts a *de novo* assessment on the merits.
- Alleged procedural defects before IACom do not impact the Committee's independent evaluation of the application.
- Both parties were fully heard, and a site visit was conducted.
- The alleged irregularities before IACOM did not impact the Appeals Committee's ability to independently assess all the information that served before IACom as well as the additional information that all the parties involved provided to the committee. All the information before the Appeals Committee was considered and led to its decision.
- The Property is not, on the evidence, a heritage resource of intrinsic significance. Its sensitivity derives from adjacency to the Dreyersdal Farm cultural landscape, which the approved layout addresses by locating sports fields to the south and building mass to the north. The HIA adequately identified and managed to limit impacts on heritage resources.
- The Committee was satisfied that, subject to strengthened landscaping mitigation measures, the proposal was acceptable in heritage terms. The broader public benefit of a school was also noted.

DECISION

The Appeal is dismissed and the decision of IACom is upheld subject to the amendment of condition 2 to include an indication of succession planting to ensure the continuity of the tree line along the western boundary of the site.

12. Other Matters: For Noting.

12.1 None.

13. Proposed next date of the meeting to be held online: 4th March 2026.

14. Adoption of decisions and resolutions

The Committee unanimously adopted the decisions and resolutions, with CA proposing and MSc seconding the proposal.

Closure: The meeting was adjourned at 13:04

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  Text DATE 6 March 2026

SECRETARY _____ DATE 2026