



APPROVED MINUTES FOR THE MEETING OF HERITAGE WESTERN CAPE, APPEALS COMMITTEE

HELD ON WEDNESDAY, 10TH JUNE 2026, MICROSOFT TEAMS, SCHEDULED FOR 08:30

1. Opening and Welcome

The Chairperson, Mr Gregory Ontong, officially opened the meeting at 08:32 and welcomed everyone present.

2. Attendance

Committee Members:

Mr Gregory Ontong (GO)
Ms Corlie Smart (CS)
Dr André van Graan (AvG)
Mr Peter Büttgens (PB)
Mr Mike Scurr (MS)
Ms Xola Mlwandle (CH)
Ms Stephanie Barnardt (SB)
Mr Ruan Brand (RB)
Ms Cecilene Muller (CM)

Visitors:

Cindy Woodman
Chris Snelling
Jonathan Reader
Kelly Novukile Mansfield
Shawn Johnston
Chris Bakker
Marvin Charles
Adv Rod Solomons
Cheslin De Villiers
Philip Rosenthal
Tameron Pauls
Samantha Keen
Mida Kirova
Lindelwa Mabuntana
Kate Foss
Franciscus Baars
Cindy Postlethwayt
Celine Oats
Andre van Tonder
Mark Job
Ron Martin

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Ms Corne Alexander (CA)
Mr Olwethu Dlova (OD)
Ms Chiara Singh (CSI)

Riad Davids
Georgie Ravenscroft
Jean Goodall
Michael Dickinson
Ute Kuhlmann
Walter Peters
Paul Barker
Zach Botha
Chane Herman
Salley Mathews
Richard Summers
Nigel Burls
Matthew Hirsch
Leslie London
Dave Saunders
Ms Wendy Wilson
Clarice Arendse
Amozelle Lambrechts
Juliette Souchon
Nozipho Mjacu
Tali Bruk

Tauriq Jenkins
Shaun Daniels
Elize Albrie

Reg Kuen

3. Apologies

None.

4. Acceptance of the Code of Conduct

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

5. Approval of Agenda

5.1 Dated 10th June 2026.

The Committee resolved to approve the agenda dated 10th June 2026, with the addition of item 9.8. CS moved to adopt the approval of the agenda and AvG seconded.

6. Disclosure and Conflicts of Interest

6.1 None.

7. Approval of previous Minutes dated 13th May 2026

7.1 The Committee resolved to hold over the Minutes dated 13th May 2026, for purposes of review and approval via email.

8. Confidential Matters

8.1 None.

9. Administrative Matters

9.1 Outcome of the Tribunal and Recent Court Decisions

None. **PM**

9.2 Report back from HWC Council

None.

9.3 Site Visits undertaken/Site Inspection Report(s)

9.3.1 Erf 13777, 21 Queens Park Avenue, Salt River.

9.3.2 Erf 162, 15 Avenue La Croix, Fresnaye.

9.4 Potential Site Visit

9.4.1 None.

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 Advice Matters (PM)

HWC received a letter from an appellant requesting input on new design proposals. PM raised whether the Appeals Committee should respond directly to such requests from

appellants, noting this may carry legal ramifications and is not considered a function of this Committee. PM requested input from the Committee.

The Committee was of the opinion that it was not advisable to provide interim advice on a proposal to applicants.

MATTERS TO BE DISCUSSED

10. Matters Arising

10.1 Erf 13777, 21 Queens Park Avenue, Salt River

HM/CAPE METROPOLITAN/SALT RIVER/ERF 13777

Case No: 26947CH0105

Appeal against HOM's Committee decision.

Ms Stephanie Barnardt introduced the item.

Ms Ute Kuhlmann, on behalf of the Appellant, the Woodstock Residents' Association (WRA), noted inter alia the following:

- WRA rarely appeals heritage decisions and supports affordable housing on this site but argues that heritage impacts should not be disregarded in pursuing it.
- The approved replacement structure would negatively affect heritage resources both on the site and in the surrounding area; the volume of objections reflects genuine heritage concerns rather than opposition to development.
- The streetscape is generally characterised by lower-rise development of three to four storeys; the proposed ten-storey building is out of scale with this character.
- The retained modernist building would be visually subordinated by, and appear merely attached to, the taller tower.
- The applicant's visual material understates the building's impact, having used different, more distant viewpoints from those in WRA's own comparison images (which were taken from the applicant's heritage report).
- Views and vistas, including the historic visual connection to Devil's Peak, and the setting of the Judge Clothing Factory and broader textile heritage, would be negatively affected.
- Zoning compliance does not equate to heritage compliance; the Woodstock–Salt River LSDF envisages heights of around 25 metres along major transport corridors, and Queen's Park Avenue is not such a corridor.
- Buildings above 25 metres should incorporate greater setbacks and modulation than proposed; economic viability is a development consideration, not a heritage one.
- Traffic and other planning questions raised in the appeal remain unanswered, though WRA acknowledges these are not heritage matters.
- Earlier, more collaborative engagement with residents (many of whom are architects and heritage professionals) could have resolved concerns without preventing development.
- WRA asks that the appeal be upheld and a lower, more context-sensitive and better-articulated design be required.

Mr Walter Peters and Mr Jonathan Reader, on behalf of the Respondent (heritage practitioner), noted inter alia the following:

- The site is not within a Heritage Protection Overlay Zone (HPOZ); apart from the adjacent Queen's Park Studios (Grade IIIB), the nearest graded heritage resources are some 200 metres or more away.
- Tall buildings already exist in the area, including the Hilton DoubleTree Hotel at approximately 37.5 metres.
- Zoning has changed from a previous maximum of eight storeys to a current maximum of ten, reflecting the City's intention to increase density in the precinct.
- The Herringbone Building, supported by WRA, is a comparable affordable housing precedent only approximately two storeys lower than the current proposal.
- The design responds to context: a podium reflecting the prevailing three-storey streetscape scale, with taller elements rising above it.
- A three-metre street setback (required by title conditions) and landscaping will improve the public realm compared to the area's existing industrial character.
- The proposal can be accommodated within the evolving townscape without unacceptable heritage impact.

Mr Jonathan Reader, representing the applicant, Diversity Property Group, added:

- The key issue is the heritage acceptability of the replacement building, not the demolition of the existing Grade IIIC structure, which is largely uncontested.
- The site is zoned Mixed Use 2, anticipating greater height and density; comparable heights are likely on neighbouring sites over time.
- A height of approximately 30 metres is reasonable and consistent with current planning policy.
- The design includes active street frontages, balconies, landscaping and material detailing that reference the surrounding context.
- Non-heritage issues such as parking and traffic fall outside the scope of this appeal.
- Retaining the existing cubist building (at the cost of development bulk) creates a transition to the lower-scale residential area to the south.
- The applicant requests approval of the heritage application to allow the affordable housing development to proceed.

Prof Walter Peters added that a four-storey industrial building diagonally opposite the site (equivalent to approximately five to five-and-a-half residential storeys) demonstrates that taller buildings already form part of the local streetscape.

GASS Architecture Studios, responded to WRA's criticism of the applicant's visualisations, noting that WRA's images depicted the proposal as an unarticulated mass, whereas the actual design incorporates fenestration, modulation, setbacks and material variation that significantly reduce its apparent bulk; the relationship between the retained building and the tower was said to have been deliberately designed, informed in part by the Herringbone Building precedent.

DISCUSSION

- The matter was noted at the previous Appeals Committee meeting and the Committee resolved to undertake a site inspection, which took place on 5 May 2026.
- The application is a Section 34 application for total demolition and redevelopment of a site outside an HPOZ.
- The case was previously heard on 13 May 2026 and held over to allow additional documentation to be provided to the Appellant and Interested and Affected Parties.

- The Committee queried what was deemed affordable housing; it was confirmed rentals in the range of R5,000–R10,000 per month are applicable.
- Ms Ute Kuhlmann (WRA) responded that the height changes were not clearly flagged within the public participation documentation for the bylaw amendment, and that WRA and several architects were unaware of them at the time.

The Committee went in camera to deliberate.

- The Committee's discussion considered the demolition of the existing sawtooth-roof industrial building, which was not seriously contested and considered to be of limited heritage significance.
- The immediate area was considered to contain predominantly more recent industrial buildings of limited heritage significance; the broader Woodstock/Salt River garment-industry history (e.g. the Rex Trueform factories) was acknowledged but is separate from this particular site.
- Members generally viewed concerns about the height, massing and architectural quality of the replacement building as architectural and urban design matters rather than heritage matters, and no clear heritage basis was identified for requiring a lower building.
- Members noted that larger and taller buildings already exist in the area, with the site occupying a transition point between higher-intensity and lower-scale areas.
- The prevailing view was that the heritage resource was not significantly negatively impacted and that HOMS original decision should be upheld.

DECISION

The appeal is dismissed, and the decision of the Heritage Officer's Meeting (HOMS) is upheld.

SB

11. New Matters

11.1 Alexandra Road, Oude Molen Eco Village, proposed redevelopment, Pinelands HM/CAPE TOWN METROPOLITAN/PINELANDS/ERF 26439

Case No: 21022615SB0330E

Appeal against IACOM's Committee decision.

Mr Mike Scurr recused himself and left the meeting.

Ms Stephanie Barnardt introduced the item.

Mr Elize Albrie, Ms Georgie Ravenscroft, Mr Cheslin De Villiers, Ms Samantha Keen, Adv Rod Solomons, Mr Philip Rosenthal and Ms Kelly Novukile Mansfield were present and took part in the discussion.

Mr Richard Summers, on behalf of the Appellant, noted inter alia the following:

- The HIA is a framework approval, not a final development approval; detailed designs and implementation proposals will require separate Section 38 approvals.

- The HIA fully complies with Section 38(3): heritage resources, significance, impacts, alternatives and mitigation measures were all assessed, including the Black River system, wetlands, mountain views and the broader Two Rivers cultural landscape.
- The development framework incorporates heritage-driven mitigation, including lower building heights, increased setbacks, reduced intensity along the Maitland Garden Village edge, protected visual corridors and retention of significant heritage resources.
- Public participation exceeded statutory requirements; disagreement with the outcome does not, of itself, demonstrate procedural unfairness.
- IACOM's finding of non-compliance is said to be unsupported by, and inconsistent with, the evidence; no independent expert evidence has been submitted to contradict the HIA.
- SAHRA, certain First Nations representatives and provincial stakeholders are said to support the revised HIA as more balanced, reducing massing and better protecting heritage resources and visual connections.
- The redevelopment is presented as serving substantial public interests — affordable housing, job creation and transit-oriented, spatially just development — aligned with the Two Rivers LSDF and the Table Bay District SDP.
- The site is said to be under threat from neglect, vandalism and unauthorised alteration in its current state; redevelopment is presented as a mechanism for rehabilitation and long-term maintenance.
- Existing commercial activities on site (arts and crafts, workshops, coffee shops etc.) are not considered inherently heritage uses; living heritage requires cultural continuity and intergenerational transmission, which the appellant argues has not been demonstrated by most objectors — save for Khoisan/First Nations kraal-related activities, for which provision has already been made.
- The appellant seeks approval of the HIA and development framework, with detailed future proposals remaining subject to further Section 38 approvals.

Mr Leslie London, for the Appellant, added further submissions on living heritage:

- The HIA is said to have inadequately investigated stakeholder evidence of living heritage, including testimony of Khoi and Malay family and cultural connections to the site.
- Living heritage should not be assessed only through continuous physical occupation, but can also encompass memory, cultural identity, dispossession, restitution and reconnection with land.
- An indigenous forest is being established on site with local Khoi groups, and the site's role in intergenerational land-based learning was overlooked in the HIA.
- The applicant adopted an overly narrow definition of living heritage and failed to undertake a dedicated living heritage inventory or investigation.
- SAHRA's position was more limited than the appellant suggests; a broader TRUP heritage grading process, referred by HWC to SAHRA, remains ongoing.

Mr Tauriq Jenkins, on behalf of the Respondent, noted inter alia the following:

- IACOM's refusal of the application was correct and should be upheld; the site forms part of the broader, interconnected Two Rivers Urban Park (TRUP) cultural landscape and cannot be properly assessed in isolation.
- Significant living heritage exists on site, including the Gorinhaiqua/Khoi-related kraal, and traditional agricultural, sacred and multi-faith cultural practices.

- Approval of the application would set a troubling precedent for disregarding heritage legislation and community testimony in favour of housing need, drawing parallels with the River Club matter.
- Oral histories and community knowledge from earlier in the River Club tribunal proceedings are said not to have been properly considered in the HIA process.
- Public participation was inadequate: only a small number of the many First Nations groups who were contacted responded, and consultation results were grouped rather than individually addressed.
- The HIA dismissed, rather than properly investigate, living heritage claims, and genuine development alternatives were not explored.
- UNESCO principles recognise communities as the bearers and definers of their own heritage, not only external experts; community testimony has been marginalised and reduced to matters of tenancy.
- Memorialisation cannot substitute for living heritage; housing needs should not be used to bypass heritage protection obligations under the NHRA.
- The Respondent requested that IACOM's original refusal of 8 April 2026 be upheld and the appeal dismissed.

Mr Cheslin De Villiers noted inter alia the following:

- Oude Molen forms part of the broader Liesbeek/Black River Indigenous cultural landscape, predating the 1652 colonial settlement.
- That heritage should not be assessed only through physical artefacts, but should also recognise oral tradition, living memory and Indigenous people's relationships with land.

Ms Samantha Keen, for the Gaia Waldorf School, noted inter alia the following:

- Pointed out the incorrect site inspection record, which had mislabelled the location of the two schools on site.
- SAHRA's comments on the revised HIA — noting reduced massing and better recognition of heritage resources — do not constitute an endorsement of the development framework.
- The socioeconomic assessment classified existing site activities as "non-conforming uses" and effectively assigned them little or no economic value, which was said to undermine the balancing exercise required under Section 38(3)(d).
- The site functions as an interconnected community and social ecosystem, with heritage significance derived from successive historical layers (Indigenous, colonial, institutional, apartheid and post-apartheid) as well as ongoing use.
- Living heritage, community networks and place-based associations are said not to have been properly assessed, and the proposal risks removing the very activities and people that create the qualities (productive landscapes, food gardens, sense of place) it claims to retain.

Adv Rod Solomons, on behalf of OMEFTA (Oude Molen Eco Village Tenants Association), noted inter alia the following:

- OMEFTA opposes the appeal in its entirety and supports IACOM's finding that the HIA remains non-compliant with Section 38(3).
- OMEFTA represents approximately 150 residents and around 45 enterprises employing over 500 people, and considers itself a custodian of the site's living heritage rather than a body of mere tenants.

- Tenants are said to have stabilised and revitalised the site following earlier vandalism and neglect, developing it into a mixed-use community of residential, educational, social, craft and agricultural activities.
- The site and the broader TRUP area have recognised heritage importance, including an ongoing SAHRA process regarding possible national heritage grading; development is said to depart from previously agreed TRUP principles.
- Tenants face short-term leases and tenure insecurity, which OMEFTA argues undermines meaningful participation in the process.
- IACOM found the HIA non-compliant with Section 38(3) in June 2025, again in March 2026, and formally rejected it again in April 2026; OMEFTA argues the appeal does not adequately address the underlying deficiencies, including an incomplete public participation record and grouped, rather than individual responses to submissions.
- Living heritage assessment requested by IACOM (3 June 2025 and 18 March 2026) was, in OMEFTA's submission, never properly undertaken by the appellant; over 20 years of continuous occupation demonstrates community continuity that undercuts the appellant's claim of insufficient intergenerational transmission.
- The possible presence of graves on site was also raised as an unresolved heritage issue requiring investigation.
- OMEFTA argues that First Nations heritage and the wider tenant community's heritage cannot be artificially separated, requested that the appeal be dismissed and IACOM's refusal upheld.

Mr Philip Rosenthal on behalf of the objectors:

- Indicated that he wrote an MA thesis on the Two Rivers Urban Park confluence area (1993); he is a regular site user and he had no financial interest in the matter.
- Supports affirming IACOM's decision on grounds of sense of place (historic buildings/events) and cultural landscape (farming use tied to the site's historic use).
- Cited the unique significance of the site including : historic building within a working farm setting , imprisonment of King Cetshwayo, a claimed unique meeting of European and African royalty (George V/Cetshwayo), ecological/birding value, accessible environmental education, and proximity to a historic Portuguese–Khoi battle site.
- Argued heritage, environmental and educational uses reinforce one another and could be enhanced with secure tenure and improved interpretation.
- Disputed appellant's rejection of the rural/semi-rural characterisation, citing 15 ha of active farming within a 200 ha open space network at the river confluence, which was deliberately conserved.
- Disputed the claim that farming activities could continue alongside high-density development, citing safety concerns for horse riding and lack of precedent for gardens beside high-rises; noted school use of the site.
- Disputed the claim of discontinuous agricultural use, citing aerial evidence of only an 8-year gap (1919–1926); argued the same logic would undermine the restored buildings themselves.
- Disputed the appellant's binary framing of status quo vs high-density development, noting alternative lower-impact designs, the number of current users, and other available housing/densification options elsewhere in the city.
- Concluded the current proposal would irreversibly harm the site's rural sense of place.
- He is not opposed to development in principle.
- Noted historic ties between current tenants and the site's agricultural heritage.

DISCUSSION

The Committee went in camera to deliberate:

- The matter was previously noted at the Appeals Committee meeting of 13 May 2026, and the Committee resolved to undertake a site inspection, which was carried out prior to this meeting.
- The Committee's discussion centred on whether the HIA complies with the requirements of Section 38(3) of the NHRA, and in particular whether IACOM's further requirements as per further requirements dated 3 June 2025 for a dedicated living heritage and social impact assessment had been adequately addressed.
- Members noted that IACOM's previous decision had already afforded the appellant an opportunity to undertake those further studies. The appellant instead elected to appeal IACOM's decision that the HIA do not comply with the requirements of Section 38(3) of the NHRA, rather than to undertake further studies.
- The social baseline report relied upon by the appellant (prepared before IACOM's May 2025 decision) is considered a baseline document rather than a proper social or living heritage impact assessment; although it recorded some twenty interviews, its findings are not integrated, interrogated or mapped against the site's spatial layout. Features such as the gardens and the horse paddock are not reflected on any drawings.
- Members considered that an assessment of this kind should be led by a practitioner with demonstrated experience in living and intangible heritage, and that this had not occurred.
- The Committee discussed the disconnect between the extensive verbal and written community evidence heard (including in relation to horse-related skills transfer, plant-based practices, and river-related First Nations practices) and the absence of any corresponding assessment or mapping of these practices in the HIA.
- Members noted that the appellant's characterisation of the site as forming part of the broader urban context was difficult to reconcile with the site's more enclosed, semi-rural sense of place, as experienced during the site inspection and described by objectors.
- The current proposal was seen to leave little of the site's existing spatial character intact beyond the area immediately around the old homestead.
- The Committee's overall view was that the HIA, in both its original and revised forms, had not adequately investigated or mapped living heritage and intangible cultural practices on the site, and had not been supported by a proper social impact assessment led by a suitably experienced practitioner, such that it does not comply with Section 38(3) of the NHRA.
- The Committee agreed that the appeal should be dismissed and IACOM's decision upheld.

DECISION

The appeal is dismissed, and the decision of IACOM is upheld.

SB

12. Other Matters: For Noting

12.1 None.

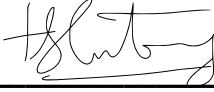
13. Proposed next date of the meeting to be held online: 15th July 2026.

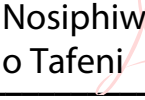
14. Adoption of decisions and resolutions

The Committee unanimously adopted the decisions and resolutions, with CS proposing and AvG seconding the proposal.

Closure: The meeting was adjourned at 14:43.

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  **DATE** 5 September **2026**

SECRETARY  **DATE** Text **2026**

Nosiphiwo
Tafeni

Digitally signed by Nosiphiwo Tafeni
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