

**DRAFT MINUTE FOR THE MEETING OF HERITAGE WESTERN CAPE,
APPEALS COMMITTEE
HELD ON WEDNESDAY, 6TH MARCH 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)
Mr Stuart Hermansen (SH)- admin session only
Mr John Wilson-Harris (JWH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Naushina Rahim (NR)
Ms Xola Mlwandle (XM)
Ms Sneha Jhupsee (SJ)
Ms Chiara Singh (CSI)
Ms Khanyisile Bonile (KB)
Ms Chane Herman (CH)
Ms Corne Nortje (CN)
Ms Emily-Jane Vowels (EJV)

Visitors:

Item 11.1

Mr J Biernacki (the Appellant, member of Stanford Heritage Committee)
Ms S Jocelyn (the Respondent- Applicant (Owner))
Mr L Wolf (Respondent representative from Akimbo Architects)
Mr J Kelley (Stanford Heritage Committee)

3. Apologies

Ms Penelope Meyer (PM)
Ms Waseefa Dhansay (WD)

4. Acceptance of the Code of Conduct

- 4.1 Declaration for members to re-affirm their commitment to the Code of Conduct.
- 4.1.1 All Committee Members accepted and re-affirmed their commitment to the Code of Conduct.

5. Approval of Agenda

5.1 Dated 6th March 2024.

The Agenda dated 6th March 2024 was approved; NB moved to adopt the Agenda and AvG seconded.

6. Approval of Minutes from previous meeting

6.1 Appeals Minutes dated 14th February 2024

The Committee resolved to approve the Minutes dated 14th February 2024. SH moved to adopt the minutes and AvG seconded.

7. Disclosure and Conflicts of Interest

7.1 Recusals- General

None.

8 Confidential Matters

Item 9.8 and 9.9 was discussed.

9. Administrative Matters

9.1 Appointments

Committee member SH has been granted leave by Council from attending the next 4 Appeals Committee meetings (inclusive of today). Mr John Wilson-Harris was approved to stand in the place of SH within the committee for the meeting and the upcoming appeals committee meeting as Dr. van Graan will be away on leave, and thus not able to attend.

9.2 Outcome of the Tribunal Committees and Recent Court Decisions

9.3 Report back from HWC Council

The Chairperson gave a report back regarding the code of conduct which has been accepted and endorsed by Council. He also gave feedback regarding the competency of CoCT

9.4 Site Visits undertaken

None.

9.5 Potential Site Visits

A site visit will be undertaken on 28 March 2024 at 10h00 for item 11.2 (Empire West Building)

9.6 Discussion of attendance at any upcoming Tribunal meetings

- Athlone Power Station declaration: The Chairperson will join the legal team and attend the site inspection on 7th March 2024 and the Tribunal appeals meeting on 8th March 2024.
- Erven 93& 665 Church Street, Tulbagh: Ms Corlie Smart will join the legal team and attend the site inspection on 14 March 2024 and Tribunal appeals meeting on 15 March 2024.

9.7 Discussion of the Agenda

9.8 Erf 55165, 55166, 8 & 10 Feldhausen Road, Claremont

The revised drawings numbered 20_800 to 200_807; Revision B, dated 24 January 2024 as compiled by Zeanne & Goss and Objek Architects were approved by the committee.

9.9 Erven 567&568 Belvedere Avenue, Oranjezicht

The committee was not convinced that the level of expertise of the proposed architect is adequate to deal with the complexity of this highly significant heritage resource.

The appointment of an architect with considerable local technical expertise in dealing with heritage buildings, to deal with the impact and design of any insertion within the roof space in view of the considerable heritage significance of the ceiling and roof lights is required.

This architect would be required to oversee the entire design and construction process. If the architect responsible for overseeing the work finds that the plans that were approved are not actionable, then revised drawings must be submitted to this committee. A close out report must be submitted to HWC by the above-mentioned appointed architect within a period, not exceeding, one month after the completion date of the project.

10 Matters Arising

10.1 None

11. New Matters

11.1 Proposed Additions & Alterations on Erf 2100, Banana Cottage, 20 De Bruyn str, Stanford: NM HM/OVERBERG/ OVERSTRAND/ STANFORD/ ERF 2100 Case No: HWC23112101SJ1123

Appeal against BELCom's decision. Naushina Rahim (Secretariat) introduced the item with the case officer Sneha Jhupsee present for additional support.

The Appellant and the Respondent were present and took part in the discussion.

Mr Jan Biernacki, on behalf of the Appellant, the Stanford Heritage Committee, in summary made the following submissions:

- Mr Biernacki indicated that Mr Kelley, on behalf of the Stanford Heritage Committee, read out the final letter of Stanford Heritage Committee at the BELCom meeting in January 2024 which created a misunderstanding that Stanford Heritage had approved the most recent plans.
- The committee had sight of the plans in July 2023.
- The Stanford Heritage committee preferred the garage roof being separated into a double pitched roof and lean-to.
- Mr Biernacki raised a concern that precedent was being misused to support the application.

Mr Lewis Wolf of Akimbo Architects, on behalf of the Respondent (Applicant) in summary, made the following submissions:

- Mr Wolf indicated that Overstrand Heritage & Aesthetic Committee had approved the plans that were subsequently approved by BELCom.
- The design has not changed since the original submission on 29 July 2023.
- The date on the plans was the only change made to the plans, and this was shared with Stanford Heritage Committee.

- The heritage committee declined to comment on the recent plans but had previously commented unfavourably on similar plans.
- Mr Wolf indicated that there was nothing in the Stanford Heritage guidelines that negated what was being proposed.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The focus of the committee was on the impact of the proposed design on the heritage resource.
- The committee recognised the problem, as stated by Mr. Biernacki, that poor precedent is being used to support some heritage applications.
- The appellant's preferred design of a combination of the double pitched roof and the lean-to over the garage would be visually disruptive and would detract from the central heritage focus, being the Banana Cottage. The proposed simple parapet design of the garage was considered to be more appropriate.
- The rest of the proposed additions were considered appropriate and would have minimal impact on the heritage resource.

DECISION

The appeal is dismissed.

The decision of BELCom to approve plans numbered SKA_LA_01_01; SKA_LA_03_01 and dated 19/10/2023 is upheld.

SJ

13. Other Matters which are noted only

13.1 Erf 172010 Beach Road, Muizenberg, Empire West Building HM/CAPE TOWN METROPOLITAN/ MUIZENBERG/ ERF 172010 Case No: HWC23083008CN0901

Appeal against BELCom's decision. The case officer, Ms Corne Nortje provided the background to the matter as per the Committee's request in preparation for the site inspection.

FOR NOTING

The item is noted for hearing on 10 April 2024.

The committee will undertake a site inspection of Empire West building on 28 March 2024 at 10h00.

CN

14. Proposed next date of the meeting: 10th April 2024

13. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 6th March 2024

Closure: The meeting was adjourned at 13:10

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  DATE 9 April 2024

SECRETARY _____ DATE _____ 2024