

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



**Held on Wednesday, 18 March 2020 in the 1st Floor
Boardroom at the Offices of the Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town scheduled for 09:00**

1. Opening and Welcome

The Chairperson Advocate Mandla Mdludlu opened the meeting at 09:03 officially and welcomed everyone present.

2. Attendance

Committee Members:

Ms Katherine Dumbrell (KB)
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)
Dr Nicolas Baumann (NB)

Members of Staff:

Ms Colette Scheermeyer
Ms Penelope Meyer (PMe)
Ms Stephanie Barnardt (SB)
Dr Mxolisi Dlamuka (MD)
Ms Aneeqah Brown (AB)
Mr Andrew September (AS)

Visitors:

Ms Louise van Riet
Mr Richard Summers
Mr Ashley Lillie
Mr DJ Dercksen
Mr Faizel Pahad
Mr Tim Ziehl

Observers:

None

3. Apologies

None

Absent

None

4. Approval of Agenda

4.1 Dated 18 March 2020

The Committee approved the agenda dated 18 March 2020.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 19 February 2020

The Committee resolved to approve the Appeals Minutes dated 19 February 2020 with minor changes.

6. Disclosure of Interest

6.1 None

7. Confidential Matters

7.1 None

8. Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

Nothing to report back.

8.2 Report back from HWC Council

None

8.3 Site Visits Conducted

8.3.1 Alterations of Erven 523 and 6174, 14 and 16 Papegaaï Street, Stellenbosch.

8.4 Potential Site Visits

8.4.1 Proposed Additions and Alterations, Erf 172004. 212A Buitengracht Street , Bo-Kaap

The Committee resolved that the proposed site inspection will be conducted on 17 April 2020 at 8:15 by all the members of this Appeals Committee.

8.5 Distribution and access to documentation

Ms Colette Scheermeyer reported that Ms Waseefa Dhansay has been following up on issues with the blog and that it should now be up and running again.

8.6 The noting of site inspections

Ms Colette Scheermeyer reminded the Committee of the site inspection procedure. The Chairperson also explained in detail why this procedure must be followed and adhered to.

9 Matters Arising

9.1 Proposed Alterations, Subdivision and Rezoning, Erf 165381 , 21 Durban Road , Wynberg , Section 27

HM/CAPE TOWN METROPOLITAN/ WYNBERG/ ERF 165381

Case No:18052909WD0903E

The Committee presented a verbal report of the site inspection that was conducted on the 3rd of March 2020.

Ms Louise van Riet was present and took part in the discussion.

A video representation by Gus van der Spek on behalf of himself and the Old Wynberg Village Society was presented.

DISCUSSION

In summary, the committee noted and took the following into account:

- The heritage indicators included in the heritage consultant's report were endorsed. They provided sufficient basis for the protection of identified heritage resources, as well as guidelines for the development of the proposed new erf.
- There were insufficient heritage grounds to uphold the appeal.

DECISION

The appeal was dismissed.

Waseefa Dhansay

10 New Matters

10.1 Proposed Additions and Alterations, Erf 172004. 212A Buitengracht Street , Bo-Kaap HM/ CAPE TOWN METROPOLITAN/ BOKAAP/ ERF 172004

Case No: 19080614LB0807E

DECISION

The matter has been set down to be heard at the Appeals meeting on 17th April 2020. A site inspection will be conducted at 08h15 on 17 April 2020 (MM, AM, KD, AvG, NB).

Lwazi Bhengu

**10.2 Proposed Bentonite & Zeolite prospecting on ERF 1014, Re of Farm 249 , RE of PTN 33 Farm 249 & RE of Farm 253, Heidelberg
HM/HESSEQUA/HEIDELBERG/FARM RE/1014 , RE/249, RE 33/250 & RE 253**

Case No:20021202AS0214E

Mr Andrew September introduced the case.

AS and CSc recused themselves and left the room.

DISCUSSION

In summary, the committee noted and took the following into account:

- The application was for a prospecting permit and HOMs asked for further studies to be conducted (an HIA including archaeological and palaeontological assessment) on the basis that the area has not been previously researched, it is preferable to develop heritage indicators before mining takes place; as it is a sensitive landscape.
- The basis of the appeal was that the prospecting process is drilling of small holes, the area is farmed (disturbed) land on which it is unlikely to find archaeology, and any finds would be subject to standard reporting procedures.
- It was noted that the NID application did not refer to expert opinion or existing studies in the public domain, relating to potential archaeological or palaeontological resources in the area.
- Diagnostic artefacts can be found on disturbed agricultural lands, in plough zones and disturbed areas, and even if not *in situ* (in the original place) could be significant in terms of distribution at a local level.
- Prospecting is a precursor to possible mining, and an early and good understanding of heritage resources and potential impacts is of benefit to land owners and mining companies alike. Unexpected findings may have impacts on subsequent business planning and increase financial risks.
- It was noted that previous applications lie in different topographical locations, for example south of the N2.

DECISION

The appeal is dismissed. The decision of HOMs is upheld.

Andrew September

10.3 Proposed prospecting for future Bentonite & Zeolite Mine on Remainder of Farm 253, Heidelberg (Second Appeal)
HM/HESSEQUA/HEIDELBERG/FARM RE/1014 , RE/249, RE 33/250 & RE 253

Case No:20021202AS0214E

Mr Andrew September introduced the case.

DISCUSSION

In summary, the committee noted and took the following into account:

- The application was for a prospecting permit and HOMs asked for further studies to be conducted (an HIA including archaeological and palaeontological assessment) on the basis that as the area has not been previously researched, it is preferable to develop heritage indicators before mining takes place, and it is a sensitive landscape.
- The basis of the appeal was that the prospecting process is drilling of small holes, the area is farmed (disturbed) land on which it is unlikely to find archaeology, and any finds would be subject to standard reporting procedures.
- It was noted that the NID application did not refer to expert opinion or existing studies in the public domain, relating to potential archaeological or palaeontological resources in the area.
- Diagnostic artefacts can be found on disturbed agricultural lands, in plough zones and disturbed areas, and even if not *in situ* (in the original place) could be significant in terms of distribution at a local level.
- It was noted that previous applications lie in different topographical locations, for example south of the N2.
- Prospecting is a precursor to possible mining, and an early and good understanding of heritage resources and potential impacts is of benefit to land owners and mining companies alike. Unexpected findings may have impacts on subsequent business planning and increase financial risks.

DECISION

The appeal is dismissed. The decision of HOMs is upheld.

Andrew September

10.4 Proposed Additions and Alterations on Erven 523 and 6174, 14 and 16 Papegaai Street, Stellenbosch
HM/CAPE WINELANDS/STELLENBOSCH/ERVEN 523 AND 6174

Case No:19050923SB0813E

Mr Richard Summers, Mr Ashley Lillie, Mr DJ Dercksen, Mr Faizel Pahad and Mr Tim Ziehl were present and took part in the discussion.

Ms Stephanie Barnardt introduced the case.

The Committee reported back on the site inspection.

DISCUSSION

In summary, the committee noted and took the following into account:

- It was noted that the grading of the building as a whole at Grade IIIC is appropriate in terms of its contribution to the streetscape.
- It was also noted that the "Heritage Report" by Schoeman & Pahad (May 2019) was inadequate in that it did not fully record the interior of number 16, nor address the heritage qualities of number 16 in terms of intactness and authenticity.
- The written submission by the Stellenbosch Interest Group (dated 18 March 2020) in response to the appeal was noted.
- The BELCom conducted a site inspection from the exterior but it would appear that they did not have access to the interior of number 16. The site inspection by the Appeals Committee included full access to the interior of the building and it was noted that number 16 is substantially intact and was considered to warrant a Grade IIIB grading.
- Given the above, the Appeals Committee expressed concerns that BELCom did not have all information at hand when it reached its decisions.
- Despite this omission, the Appeals Committee was of opinion that the heritage values of the two dwellings did not warrant retention of the rear portions.

DECISION

The appeal is dismissed.

The application is approved subject to:

1. Introduction of soft landscaping and reduction of parking to improve the street façade.
2. The retention or replacement of elements of the façade which contribute to the symmetry of the façade, including both sets of curved stairs up to the stoep.
3. Final plans to be submitted to HOMs for approval.

Stephanie Barnardt

11. Other Matters

12. Adoption of decisions and resolutions

The Decisions and Resolutions of the meeting were unanimously accepted by the Committee.

13. Proposed next date of the meeting:

17 April 2020

14. Closure: The meeting adjourned at 14:40

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____