

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



**Held on Wednesday, 19 February 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 officially opened the meeting at 09:04 and welcomed everyone present.

2. Attendance

Committee Members:

Ms Katherine Dumbrell (KD)
Dr Andre van Graan (AvG)
Dr Nicolas Baumann (NB)
Advocate Mandla Mdludlu (MM)
Dr Antonia Malan (AM)

Members of Staff:

Ms Penelope Meyer (PMe)
Ms Waseefa Dhansay (WD)
Ms Cathy-Ann Potgieter (CAP)
Ms Nosiphiwo Tafeni (NT)
Mr Andrew September (AS)

Visitors:

Mr Henry Aikman
Ms Merryl O'Brien
Mr M Callaghan
Mr Richard Summers
Mr Mike Scurr
Mr Duncan Houston
Mr David Talbot
Mr Gus van der Spek
Mr Toni Snow
Ms Alexis van Dr Merwe
Mr Chris Snelling
Mr Stuart Derson
Mr Martin Sheard

Mr Johan Cornelius
Ms H.A Clark
Ms Bridget O'Donoghue
Mr Ryan Hamburger
Ms Laura Milandri
Mr Leanard Hamburger
Mr Micheal Olden
Dr Stephen Townsend
Mr Donavan Baghley
Ms Jane Brown
Mr Ashley Lillie
Mr John Turner

Observers:

None

3. Apologies

None

Absent

None

4. Approval of Agenda

4.1 Dated 19 February 2020

The Committee approved the agenda dated 19 February 2020.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 22 January 2020

The Committee resolved to approve the Appeals minutes dated 22 January 2020 with minor changes.

6. Disclosure of Interest

- CSc: item 9.1
- WD: item 9.1
- AS: item 9.1

7. Confidential Matters

7.1 None

8. Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

Report by PM.

8.2 Report back from HWC Council

Nothing to report back.

8.3 Site Visits Conducted

- Proposed Total Demolition of 4 Nursery Road, Rondebosch, Erf 45530 (S34 BELCOM)
- Proposed rezoning and development on Erf 1191, Cecilia Street, Paarl
- Proposed Total Demolition, Erf 1046, Corner of Avenue St. Bartholomew and Avenue De Berrange, Fresnaye. Section 34
- Proposed Additions and Alterations, Erf 68058, 4 Smithers Road, Kenilworth, Section 34
- Proposed Total Demolition, Erf 55165, 8 Feldhausen Road, Claremont, Section 34
- Proposed Total Demolition, Erf 55166, 10 Feldhausen Road, Claremont, Section 34
- Proposed Alterations, Subdivision and Rezoning, Erf 165381, 21 Durban Road, Wynberg, Section 27

8.4 Potential Site Visits

8.4.1 Proposed Alterations of Erven 523 and 6174, 14 and 16 Papegaai Street, Stellenbosch.

8.5 Appeals for Noting - These matters were not heard on the day

8.5.1 Proposed Alterations of Erven 523 and 6174, 14 and 16 Papegaai Street, Stellenbosch

9 Matters Arising

9.1 Proposed rezoning and development on Erf 1191, Cecilia Street, Paarl. HM/CAPE WINELANDS/ DRAKENSTEIN/ PAARL/ERF 1191

Case No: 19111114AS1113E

CSc, WD and AS recused themselves and left the room.

Appeals Committee reported back on the site visit undertaken to the site on 4th February 2020. The site visit report was prepared by AM, submitted on 8th February 2020 and was tabled as per the attached Annexure SI1.

DISCUSSION

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

- The identified heritage resources were not directly impacted by the proposed development.
- A number of interventions such as the construction of a Builders' Express warehouse have already occurred on the site.
- The implementation of mitigating measures as identified in the VIA dated 2019 is the responsibility of the municipality.

DECISION

The appeal is dismissed.

Andrew September

9.2 Proposed Total Demolition, Erf 45530, 4 Nursery Road, Rondebosch: S34 HM/CAPE TOWN METROPOLITAN/ RONDEBOSCH / ERF 45530

Case No: 19020425SB0306E

Ms Waseefa Dhansay introduced the case.

Appeals Committee reported back on the site visit undertaken to the site on 4 February 2020. The site visit report was prepared by AvG and submitted on 11 February 2020. It was tabled as per the attached Annexure SI2.

Mr Cornelius, Ms Merryl O'Brien, Ms H.A Clark and Mr M Callaghan were present and took part in the discussion.

FURTHER REQUIREMENTS

The committee required the formulation of design indicators for the consolidated site (erven 45530 and 45531 Rondebosch) in response to the heritage resources identified in Burg Street.

Stephanie Barnardt

10 New Matters

10.1 Proposed Total Demolition, Erf 1046, Corner of Avenue St. Bartholomew and Avenue De Berrange, Fresnaye. Section 34 (BELCom Committee meeting) HM/ CAPE TOWN METROPOLITAN/ FRESNAYE/ ERF 1046

Case No: 19110410WD1106E

Ms Waseefa Dhansay introduced the case.

Appeals Committee reported back on the site visit undertaken on 4th February 2020. The site visit report was prepared by AvG, 11th February 2020 and tabled as per the attached Annexure SI3.

Ms Bridget O'Donoghue and Mr Richard Summers were present and took part in the discussion.

DISCUSSION

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

- The Committee commended the specialist report by Mr Buttgens which was clearly articulated and evidence-based.

DECISION

The appeal was dismissed.

Waseefa Dhansay

10.2 Proposed Additions and Alterations, Erf 68058, 4 Smithers Road, Kenilworth, Section 34 (Committee meeting) HM/ CAPE TOWN METROPOLITAN/ KENILWORTH/ ERF 68058

Case No: 19110410WD1106E

Appeals Committee reported back on the site visit undertaken on 4th February 2020. The site visit report was prepared by AvG, submitted on 11 February 2020 and tabled as per the attached Annexure SI4.

Ms Waseefa Dhansay introduced the case.

Mr Richard Summers, Mr Ryan Hamburger, Mr Mike Scurr and Laura Milandri were present and took part in the discussion.

FURTHER REQUIREMENTS

The four high level principles identified by the heritage consultant were endorsed. The extent to which these principles were expressed in terms of the use, massing, scale, form

and landscaping treatment needed further exploration by all parties. All parties were required to engage and to report back to this committee.

Waseefa Dhansay

**10.3 Proposed Total Demolition, Erf 55165, 8 Feldhausen Road, Claremont, Section 34 (BELCom Committee meeting)
HM/ CAPE TOWN METROPOLITAN/ CLAREMONT/ ERF 55165**

Case No: 16070501W0602E

Ms Waseefa Dhansay introduced the case.

Appeals Committee reported back on the site visit undertaken on 4 February 2020. The site visit report was prepared by AvG and submitted on 11 February 2020. It was tabled as per the attached Annexure SI5.

Mr Stephen Townsend, Mr Toni Snow, Donovan Baghley, Ms Alexis van Dr Merwe, Ms Jane Brown, Mr Chris Snelling, Mr Ashely Lillie, Mr Stuart Derson, Mr John Turner and Mr Martin Sheard were present and took part in the discussion.

DISCUSSION

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

- The affected sites occupy a strategic location within an area identified as having substantial heritage significance, particularly in terms of its grain, texture and form. The two sites are considered to have contextual and some intrinsic significance. They contribute substantially to the heritage qualities of the block. As a result, demolition is not supported.

DECISION

The Appeal is dismissed.

Waseefa Dhansay

**10.4 Proposed Total Demolition, Erf 55166, 10 Feldhausen Road, Claremont, Section 34: (BELCom Committee meeting)
HM/ CAPE TOWN METROPOLITAN/CLAREMONT/ ERF 55166**

Case No: 16052305JW0602E

Ms Waseefa Dhansay introduced the case.

Appeals Committee reported back on the site visits undertaken on 4 February 2020. The site visit report was prepared by AvG, submitted on 11th of February 2020 and tabled as per the attached Annexure SI6.

Mr Stephen Townsend, Mr Toni Snow, Donavan Baghley, Ms Alexis van Dr Merwe, Ms Jane Brown, Mr Chris Snelling, Mr Ashely Lillie, Mr Stuart Derson , Mr John Turner and Mr Martin Sheard were present and took part in the discussion.

DISCUSSION

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

- The affected sites occupy a strategic location within an area identified as having substantial heritage significance, particularly in terms of its grain, texture and form. The two sites are considered to have contextual and some intrinsic significance. They contribute substantially to the heritage qualities of the block. As a result, demolition is not supported.

DECISION

The Appeal is dismissed.

Waseefa Dhansay

10.5 Proposed Alterations, Subdivision and Rezoning, Erf 165381, 21 Durban Road, Wynberg, Section 27: (BELCom Committee meeting) HM/CAPE TOWN METROPOLITAN/ WYNBERG/ ERF 165381

Case No: 18052909WD0903E

The matter has been postponed to be heard on the 18th of March 2020.

Waseefa Dhansay

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:

18 March 2020

14. Closure:

The meeting adjourned 15:27

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON _____

DATE _____

SECRETARY _____

DATE _____

Committee Site Inspection Report for: Notification of Intent to Develop: Proposed rezoning and new additional retail facility on portion of Erf 11919, Cecilia Street, Paarl, submitted in terms of S.38(8) of the NHRA.

Submitted by Dr. Antonia Malan on 10 February 2020

Street Address: Cecilia Street, Paarl

Grading:

Nature of Application: Notice of Intent to Develop

Date of Site Visit: 4 February 2020

HWC Representatives:

Adv. M. Mdludlu

Dr. A. Malan

Reasons for Site Inspection: To assess whether there is reason to believe that the proposal will impact heritage resources in the vicinity of the development.

Findings of Site Inspection:

In the site inspection the following items were noted:

- Cecilia Street forms an arbitrary interface between a zone of intensively developed light industry and retail (including the old KWV complex) and the intact environment of heritage-worthy farmsteads and agricultural land lying between the road and the Berg River.
- Cecilia Street has become a busy transport corridor.
- The farms, and Berg River valley, lie at a lower level than the developed precincts and are visually in complete contrast.
- The development precinct has three components: (1) Phase 1 is already built in the centre of the precinct (Builders Express) and is the largest structure, (2) a proposed Phase 2 structure is located directly opposite the farm entrances, at a similar level as the road, and in sight of the dwelling houses, and (3) a proposed Phase 3 structure in the corner where Cecilia Road rises to cross the railway line and thus screens the site from the farms.
- Trees have already been planted further south to screen the KWV complex from the road and from the farms. These give an idea of what is proposed in the landscape plan.
- Phase 2 has the most direct visual impact on the farmstead heritage resources. However, the proposed structure is relatively lower in height than phase 1.
- The site of proposed Phase 3 has a direct visual impact on the residential area to the west of the railway line (Alleman Street).

Recommended Action:

To be considered at Appeals meeting on 19 February 2020.

Which committee should this report be submitted to: HWC Appeals Committee



Site in February 2020, with Builders Express building; looking west towards the railway line.



Site in 2015. Proposed Phase 2 is to the left, and proposed Phase 3 to the right.

Annexure SI2

Committee Site Inspection Report for: Proposed Total Demolition of 4 Nursery Road, Rondebosch, Erf 45530 (S34)

Submitted by **Dr. André van Graan** on **11th February 2020**

Street Address: 4 Nursery Road, Rondebosch

Registered Owner:

Grading: Grade 3C

Nature of Application: Section 34 application.

Date of Site Visit: 4th February 2020

HWC Representatives:

Adv. M. Mdludlu

Dr. A. Malan

Dr. N. Baumann

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition

Findings of Site Inspection:

On the site inspection the following items were noted:

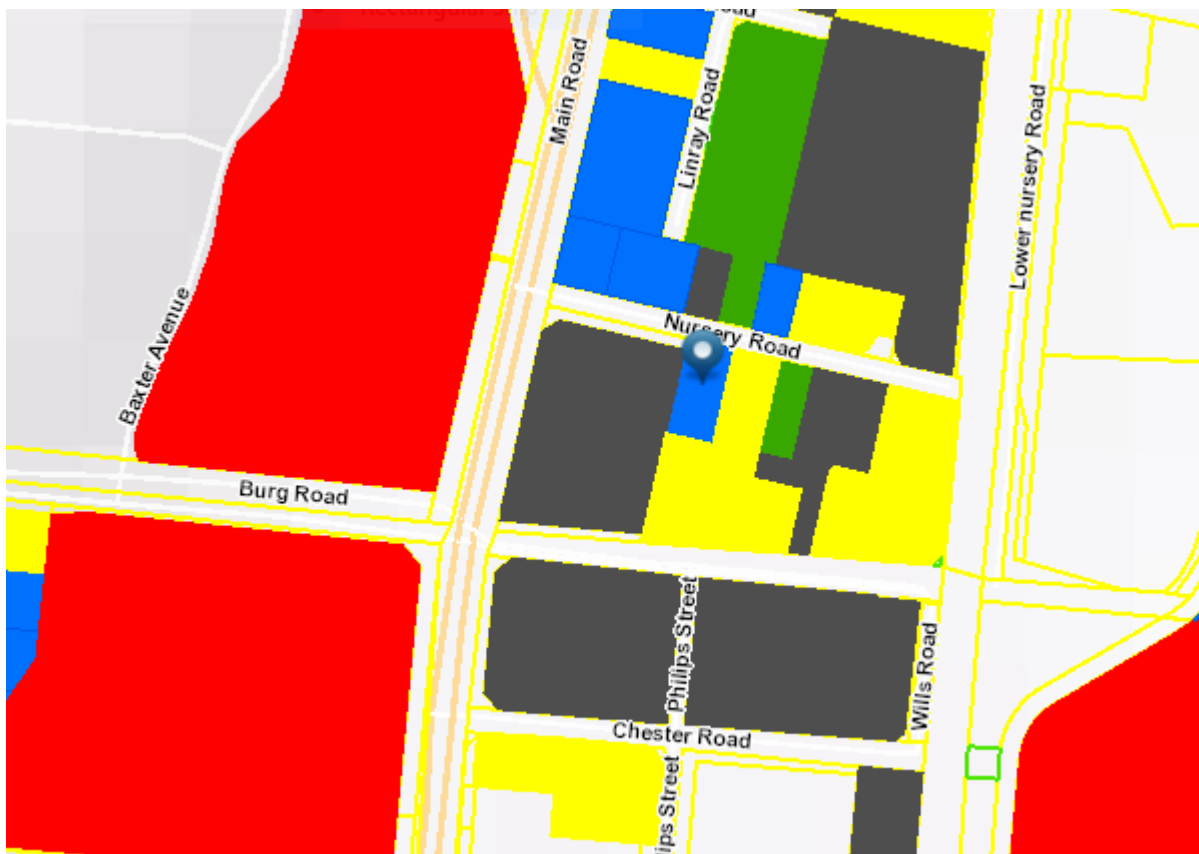
1. The single-storey house is set back from the road.
2. The surrounding buildings are residential buildings, with single and double-storey buildings.
3. The surrounding buildings are residential with both single and double-storey structures.
4. The house is graded IIIC
5. Gradings in Nursery Road vary from Grade IIIB and IIIC to ungraded flats on the corner of Main Road
6. Burg Road has a number of Victorian Grade 3 houses and is a significant heritage street in the area.
7. The site does not fall within a current HPOZ

Recommended Action:

To be considered at Appeals meeting on the 19th February 2020

Which committee should this report be submitted to:

HWC Appeals Committee





Burg Road houses

Annexure SI3

Committee Site Inspection Report for: Proposed Total Demolition, Erf 1046, Corner of Avenue St. Bartholomew and Avenue De Berrange, Fresnaye. Section 34 application

Submitted by **Dr. André van Graan** on **19 November 2019**

Street Address: Corner of Avenue St. Bartholomew and Avenue De Berrange, Fresnaye

Registered Owner:

Grading: Grade 3B

Nature of Application: Section 34 application.

Date of Site Visit: 4th February 2020

HWC Representatives:

Adv. M. Mdludlu

Dr. A. Malan

Dr. N. Baumann

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition & new development

Findings of Site Inspection:

On the site inspection the following items were noted:

8. The house occupies a prominent street corner.
9. The site slopes down to the west, giving the site particular prominence in relation to the open space
10. The surrounding buildings are residential buildings with a bowling green on the open land to the north.
11. The house has been considerably altered and extended
12. There are no internal heritage elements remaining.
13. The house across the road in Avenue Bartholomew is also graded 3B
14. The site does not fall within an HPOZ.

Recommended Action:

To be considered at Appeals meeting on the 19th February 2020

Which committee should this report be submitted to:

HWC Appeals Committee



Annexure SI4

Committee Site Inspection Report for: Proposed Additions and Alterations, Erf 68058, 4 Smithers Road, Kenilworth, Section 34

Submitted by **Dr. André van Graan** on **19 November 2019**

Street Address: 4 Smithers Road Kenilworth

Registered Owner:

Grading: Grade 3B

Nature of Application: Section 34 application.

Date of Site Visit: 4th February 2020

HWC Representatives:

Adv. M. Mdludlu

Dr. A. Malan

Dr. N. Baumann

Dr. A. van Graan

Reasons for Site Inspection: Proposed additions and alterations

Findings of Site Inspection:

On the site inspection the following items were noted:

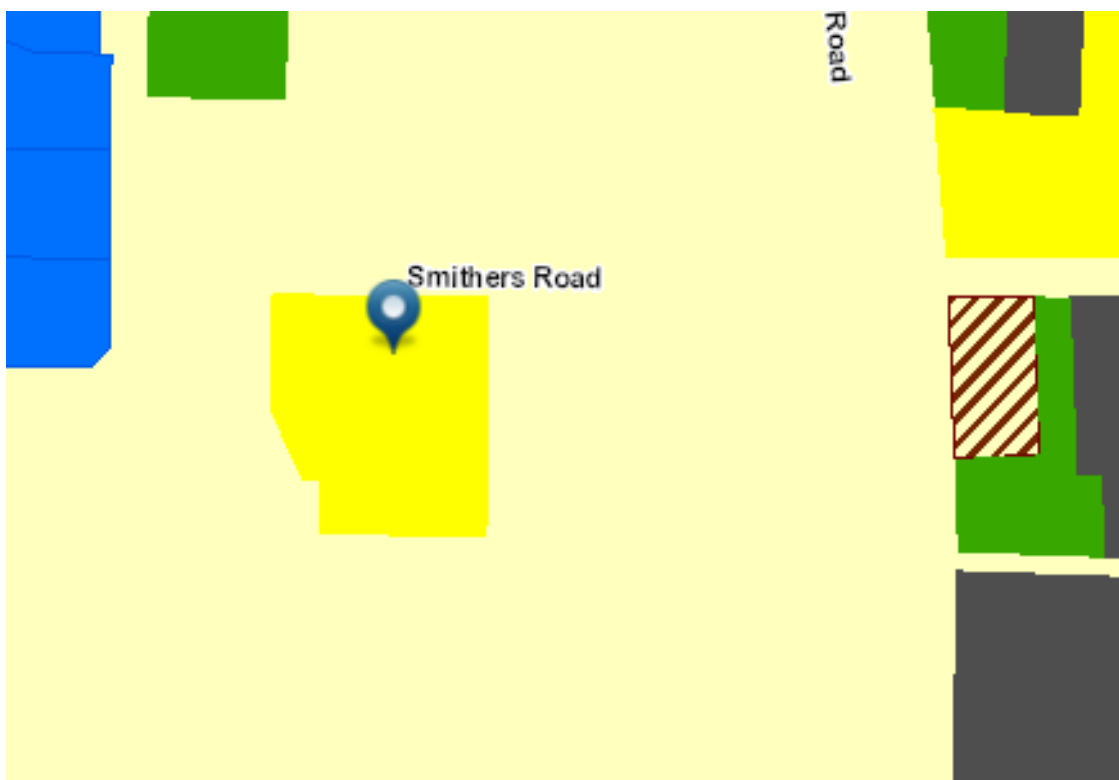
1. The double-storeyed nineteenth century house is located on a large treed site and is sited towards the south west side of the site.
2. The site slopes down to the east,
3. The surrounding buildings are ungraded residential buildings.
4. The house retains its original character with a double storey veranda on the east and north side. There is an early addition on the south side which comprises a billiard room and further accommodation.
5. The existing entrance to the site is on the north-east side of the site onto Smithers Road.
6. The site does not fall within an HPOZ.
7. The proposed additions would be to the southern boundary adjacent to the adjoining school, and to the western side of the property.

Recommended Action:

To be considered at Appeals meeting on the 19th February 2020

Which committee should this report be submitted to:

HWC Appeals Committee



Heritage grading

Annexure SI5

Committee Site Inspection Report for: Proposed Total Demolition, Erf 55165, 8 Feldhausen Road, Claremont, Section 34

Submitted by **Dr. André van Graan** on **11th February 2020**

Street Address: 8 Feldhausen Road Claremont

Registered Owner:

Grading: Grade 3C

Nature of Application: Section 34 application.

Date of Site Visit: 4th February 2020

HWC Representatives:

Adv. M. Mdludlu

Dr. A. Malan

Dr. N. Baumann

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition

Findings of Site Inspection:

On the site inspection the following items were noted:

1. The existing house is single storey under a pitched tiled roof and appears to date from the mid-1930s.
2. The site is located on the corner of Feldhausen & Osborne roads.
3. The property has a high boundary wall.
4. The surrounding buildings are residential with both single and double-storey structures.
5. The Grove School across Feldhausen Road is a Grade 2 site
6. Hugon Road has a number of Grade 3 houses and is a significant heritage street in the area.
7. The house has been much altered inside and only retains some of the original Art Deco windows.
8. The existing entrance to the site is on Osborne Road

Recommended Action:

To be considered at Appeals meeting on the 19th February 2020

Which committee should this report be submitted to:

HWC Appeals Committee



Annexure SI6

Committee Site Inspection Report for: Proposed Total Demolition, Erf 55166, 10 Feldhausen Road, Claremont, Section 34

Submitted by **Dr. André van Graan** on **11th February 2020**

Street Address: 10 Feldhausen Road Claremont

Registered Owner:

Grading: Grade 3C

Nature of Application: Section 34 application.

Date of Site Visit: 4th February 2020

HWC Representatives:

Adv. M. Mdludlu

Dr. A. Malan

Dr. N. Baumann

Dr. A. van Graan

Reasons for Site Inspection: Proposed total demolition

Findings of Site Inspection:

On the site inspection the following items were noted:

1. The existing house is single storey, with a double-storey addition on the north-east side.
2. The building has a pitched tiled roof and appears to date from the mid-1930s.
3. The site is located on Feldhausen Road.
4. The property has a high boundary wall
5. The surrounding buildings are residential with both single and double-storey structures.
6. The Grove School across Feldhausen Road is a Grade 2 site
7. The adjacent houses on the west are double storey Victorian semis which are Graded IIIB
8. Hugon Road has a number of Grade 3 houses and is a significant heritage street in the area.
9. The house has been much altered inside and only retains some of the original Art Deco windows.

Recommended Action:

To be considered at Appeals meeting on the 19th February 2020

Which committee should this report be submitted to:

HWC Appeals Committee



Heritage grading 8 & 10 Feldhausen Road