

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

Held on Wednesday, 20 May 2020 via Microsoft Teams, scheduled for 09:00

1. Opening and Welcome

The Chairperson, Advocate Mandla Mdludlu opened the meeting at 09:00 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 (CS)
Ms Penelope Meyer (PMe)
Dr Mxolisi Dlamuka (MD)
Ms Aneeqah Brown (AB)
Ms Ameerah Peters (AP)
Mr Jonathan Windvogel (JW)
Ms Stephanie Barnardt (SB)
Ms Cathy-Ann Potgieter (CAP)

Visitors:

Adv Winston Erasmus
Mr Kevin Fellingham
Ms Ursula Rigby
Mr Richard Summers
Ms Jacky Poking
Ms Debra Gericke
Ms Laila Mohamdey
Ms Adelaide Combrink
Ms Tamar Shem-Tov
Ms Winnie Fellingham

Mr Shakeel October
Mr Johan Cornelius
Ms Cornel Mawhinney
Mr Rob Brouwer
M5 Simon Duffet
Mr Anton Slabbert
Mr Tim Hart
Mr Nicholas Smith
Mr Charl De Villiers

Observers:

None

3. Apologies

None

Absent

None

4. Approval of Agenda

4.1 Dated 20 May 2020

The Committee approved the agenda dated 20 May 2020.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 17 April 2020

The Committee resolved to approve the Appeals Minutes dated 17 April 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

PM gave a report back.

8.2 Report back from HWC Council

None

8.3 Site Visits Conducted

8.3.1 None

8.4 Potential Site Visits

8.4.1 None

9 Matters Arising

9.1 Proposed Additions and Alterations, Erf 172004. 212A Buitengracht Street, Bo-Kaap (Section 34)

HM/ CAPE TOWN METROPOLITAN/ BOKAAP/ ERF 172004

Matter from BELCOM

Case No: 19080614LB0807E

Due to technical difficulties with the chairperson's connection, the Committee nominated Ms Katherine Dumbrell as acting chairperson for this item.

Adv Winston Erasmus, Mr Kevin Fellingham, Ms Ursula Rigby, Mr Richard Summers, Ms Winnie Fellingham, Ms Jacky Poking, Ms Debra Gericke, Ms Laila Mohamdey, Ms Adelaide Combrink and Ms Tamar Shem-Tov were present and took part in the discussion.

DISCUSSION

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

- Mr Erasmus, for the appellants, introduced a previous tribunal outcome as precedent for assessing developments in the Bo-Kaap area, but stated that the case under consideration was based on issues of privacy, commercialisation and unsympathetic architecture.
- Ms Gericke's objections related to the impact on Jordan Street (privacy, light, intangible heritage), but also referred to the ongoing tension between business zoning and residential qualities.
- The BOKRA further raised the issue that the subject building merited a higher grading than IIIC, and the proposal will fill in the remaining gap in a 'wall' of structures.
- Mr Summers, for the applicant, summarised the statutory context and assessment criteria applied to s.34 of the NHRA, inter alia, the merits of existing structure and its grading, and its location in a heritage context of transition between commercial and residential character. He further pointed out that the owner lives and works on the property.
- It was noted that there were no objections from the City of Cape Town, CIBRA or SAHRA, however, the scale of the additions is debatable as there are no formal design directives for such 'edge zones', which is this case form a barrier, or the recently proposed HPOZ.
- It was noted that BELCOM had followed all the necessary processes and procedures to assess the heritage impacts during the extensive period during which this matter has been on the table and had considered the interests of all concerned.

DECISION

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

Waseefa Dhansay (WD)

10.1 Proposed Additions and Alterations To Erf 1444, 24 Davenport Road, Vredehoek (Section 34)

HM/ CAPE TOWN METROPOLITAN/ VREDEHOEK/ ERF 1444

Matter from BELCOM

Case No: 198080508WD0807E

Due to technical difficulties with the chairperson's connection, the Committee nominated Ms Katherine Dumbrell as acting chairperson for this item.

Ms Leila Mohamdey, Ms Adelaide Combrink and Mr Johan Cornelius, Mr Rob Brouwer, Mr Anton Slabbert, Mr Nicholas Smith, Mr Charl De Villiers and Ms Tamar Shem-Tov were present and took part in the discussion.

DISCUSSION

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

- Mr Smith, appearing for the applicant and in response to the appeals by the City of Cape Town and others, requested an opportunity to write a formal response.

DECISION

The matter has been postponed.

Waseefa Dhansay

10.2 Athlone Power Station, cnr Bhunga Avenue and N2, Athlone (Section 34)

HM/CAPE TOWN/ATHLONE/ERF 32564

Matter from BELCOM

Case No: 19053115HB0604E

Due to technical difficulties with the chairperson's connection, the Committee nominated Ms Katherine Dumbrell as acting chairperson for this item.

Mr Tim Hart, Ms Cornel Mawhinney, Mr Shakeel October and Mr Simon Duffet were present and took part in the discussion.

DISCUSSION

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

- The physical condition of the structures that form the subject of this appeal was noted.

FURTHER REQUIREMENTS

The Committee required further photographic and drone footage of the site in order to replace the need for a site inspection. The matter will be heard on the 17th of June 2020, after receipt of the required information.

Waseefa Dhansay

11. Other Matters

12. Adoption of decisions and resolutions

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

13. Proposed next date of the meeting: **17 June 2020**

14. Closure: The meeting adjourned at 13:07

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON *K. Dumbrell* **DATE** 17 June 2020

SECRETARY A. Brown **DATE** 17 June 2020