

**APPROVED MINUTES FOR THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**
**Held on Wednesday, 9 February 2022 via Microsoft Teams,
scheduled for 08:30**



Opening and Welcome

The Chairperson, Ms Katherine Dumbrell officially opened the meeting at 08:30 and welcomed everyone present.

Attendance

Committee Members:

Ms Katherine Dumbrell (KD)
Dr Andre van Graan (AvG)
Dr Antonia Malan (AM)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Aneeqah Brown (AB)
Ms Penelope Meyer (PM)
Mr Reagon Fortune (RF)

Visitors:

Item 9.1

Mr A King
Ms D Haiden
Ms Ntombi Nokonwane

Item 9.2

Mr Craig Thomas
Dr S Townsend
Mr G Bruno
Ms Adelaide Combrink

Item 10.1

Mr Wikus Hanekom
Ms A Fick
Mr Clive Theunissen

Apologies

none

3. Absent

None

4. Approval of Agenda

4.1 Dated 9th February 2022

The Committee resolved to approve the Appeals Agenda dated 9th February 2022.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 12 January 2022

The Committee unanimously resolved to approve the minutes dated 12 January 2022,

6. Disclosure and Conflicts of Interest

None

7. Confidential Matters

None

Administrative Matters

8.1 Outcome of the Tribunal Committees and Recent Court Decisions

1. 14 Main Road St James: Appeal dismissed; the decision of the Appeals committee upheld.

2. Main Road Paarl: Appeal dismissed; the decision of the Appeals committee upheld.

8.2 Report back from HWC Council

The Chair requested that the committee flag issues to be raised in Council for inclusion in her report to Council.

She raised the issue that an AHP member had used the term "accredited Heritage Practitioner" in a report, forming part of a report before the Committee today. SH commented that the Western Cape Government is requiring membership of AHP as a condition in tendering. It was agreed that these issues should be flagged with Council.

8.3 Site Visits Conducted

ITEM 13.1 Appeal against the decision of BELCom: Proposed Total Demolition of Erven 977 and 978, 11 and 13 Virginia Avenue, Vredehoek, S34

8.4 Potential Site Visits

Item 11.2 Proposed Total Demolition of Erven 117431 and 153536, 24a and 26 Main Road, Rondebosch, our ref: HM/Cape Town Metropolitan/Rondebosch

8.5 Discussion of the Agenda

None

9 Matters Arising

**9.1 Appeals for Proposed Total demolition on Erf 1713, 55 Cearn Drive, Knysna
HM/ EDEN/ KNYNA
Case No: 21050506MX0526E**

The draft designs for the proposed signage were presented for approval by the Committee.

Ms Xola Mlwandle introduced the case.

The following were present and participated in discussions:

- Mr A King (Architect)
- Ms D Haiden (Applicant)
- Ms Ntombi Nokonwane (Municipality)

APPELLANT presented, amongst others, the following arguments:

- Ms Di Haiden reported that the appeal process had been professional and congratulated the Committee on its efficiency.

RESPONDENT presented, amongst others, the following arguments:

- Mr King (architect for the proposal) clarified that there would be 2 signs, a free-standing information sign in front of the landmark tree and a plaque which will be placed on one of the foundation stones of the old house (which are to be salvaged and reused).

DISCUSSION

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

- The committee commended the parties for working together to resolve the issues and create the signage.

DECISION

The Committee resolved to approve the design of the two signs as submitted. The Appeal is dismissed and the total demolition of the structure on Erf 1713, 55 Cearn Drive Knysna is approved subject to the erection of the 2 signs as proposed by the applicant.

XM

9.2 Proposed Total Demolition of Erven 977 and 978, 11 and 13 Virginia Avenue, Vredehoek, S34 HM/VREDEOEK/ Erven 977 and 978 Case No: 21061711KB0728E

The appeal pack was tabled. The appeal is against a decision of BELCom.

Ms Khanyisile Bonile introduced the case.

A site inspection report was tabled and read into the record by Dr Van Graan

The following were present and participated in discussions:

- Mr Craig Thomas (neighbour) for the appellants.
- Dr S Townsend (Heritage Practitioner) and Mr G Bruno (developer) on behalf of the respondents.
- Ms Adelaide Combrink (City of Cape Town) attended as an observer.

APPELLANT presented, amongst others, the following arguments:

- The primary concern of the appellants is the bulk and scale of the proposed development.
- The points raised in the Rennie Scurr Adendorff report have not been addressed.
- Height has been reduced by 0.5 m, but the bulk remains the same.

RESPONDENT presented, amongst others, the following arguments:

- The height of the building was modulated in 3 or 4 steps before BELCom, so the final reduction is not illustrative of the entire process.
- The resulting design (a block of flats) fits into the streetscape on the west side of Virginia Avenue.
- The scale and modulation of the current proposal mitigates between the remaining dwellings and the very large blocks of flats built in the 1970s.
- The building has been modulated and the corners cut and set back.
- The city is growing, and this part of the city has been zoned for General Residential since the 1940s.

- The city must densify, the site is well served by transport and is close to the CBD.
- The proposal is a good solution.
- Dr Townsend requested that his response to the streetscape analysis be considered along with the Rennie Scurr Adendorff analysis.

DISCUSSION

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

- The proposal mimics other similar developments in other areas of the City and does not effectively respond to the particular streetscape.
- The Rennie Scurr Adendorff analysis draws down to site specific indicators, which the committee supports. The current proposal does not adequately respond to these indicators.
- The respondents have merely amended their existing proposal to respond to visual indicators, but not to massing and scale. The committee considers that a new proposal should have been developed in accordance with the Rennie Scurr Adendorff indicators.
- For the above reasons the Appeals committee agrees that the proposal is not suitable for this area, and the Appeal is upheld.

DECISION

The Appeal is upheld, and the decision of BELCom is overturned.

KB

10. New Matters

10.1 Proposed Residential Development on PTN of Farm 548 and Farm 549, Paarl.S.34 HM/CAPE WINELANDS/ DRAKENSTEIN/PAARL / FARM 548 AND FARM 549 Case No:

The appeal pack was tabled.

The appeal is against a HOMS decision.

Mr Wikus Hanekom (owner) and Ms A Fick (heritage consultant) and Mr Clive Theunissen were present and took part in the discussion.

APPELLANTS presented, amongst others, the following arguments:

- The site is currently derelict farmland, previously disturbed by farming activity and the building of a dam on the site.
- The site is bounded by and affordable housing settlement and the road and so does not directly form part of the Dal Josaphat cultural landscape.
- The Appellant wishes to develop a housing precinct of sufficient quality to act as a buffer between the existing housing and the Dal Josaphat cultural landscape.

DISCUSSION

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

- Archaeological material in situ is highly unlikely to exist on this site. The standard provisions on a Record of Decision will come into effect if any unexpected finds are encountered during construction.
- The Dal Josaphat cultural landscape is fragile and was so even at the time of the declaration of Roggeland, Vlakkeland and Non Pareille by the then NMC (they are

now SAHRA property). This has been exacerbated by inevitable residential creep since then.

- The site's position in a parcel of land cut off from the Dal Josaphat cultural landscape by the road and adjacent to an existing affordable housing settlement was noted.
- The issue of scenic route setbacks and appropriate "buffer development" is a matter for municipal level regulation, and the local authority should monitor developments.

DECISION

The appeal is upheld and no HIA is required.

SB

11.1 Erf 2334, Farm Helmuth, Prince Albert HM/PRINCE ALBERT/ ERF 2334

Postponed to the Meeting of 9 March 2022.

11.2 PROPOSED TOTAL DEMOLITION OF ERVEN 117431 AND 153536, 24A AND 26 MAIN ROAD, `RONDEBOSCH, HM/CAPE TOWN METROPOLITAN/RONDEBOS

DEFERRED FOR A SITE INSPECTION

The committee resolved to undertake a site inspection on 28 February 2022 at 15h00 (KD, AvG & NB).

12. Other Matters none

13. Proposed next date of the meeting: 9 March 2022

14. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decisions and resolutions dated 9 February 2022.

15. Closure: The meeting was adjourned at 11h55.

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON_____

DATE__9 March 2022__

SECRETARY_____

DATE__9 March 2022__