



**APPROVED MINUTE FOR THE MEETING OF
HERITAGE WESTERN CAPE, APPEALS COMMITTEE
HELD ON WEDNESDAY, 11TH SEPTEMBER 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)
Mr Stuart Hermansen (SH)
Dr Nicolas Baumann (NB)
Dr Andre van Graan (AvG)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Emily-Jane Vowels (EJV)
Ms Waseefa Dhansay (WD)
Ms Chane Herman (CH)
Ms Stephanie Barnardt (SB)
Ms Chiara Singh (CSI)

Visitors:

Item 11.1

Mr Eric Maske
Mr Michele Rixon
Ms Laurent Stock
Mr Johan Du Plessis
Ms Louise van Riet
Mr Shilo Hope

Mr Tony Jones
Ms Lenize Gerber
Mr Alwyn Smith
Mr Lesley Armstrong
Ms Nicolene Visser
Ms Giselle Courtney

3. Apologies

4. Acceptance of the Code of Conduct

Members re-affirmed their commitment to the Code of Conduct

5. Approval of Agenda

5.1 Dated 11th September 2024.

The Agenda dated 11th September 2024 was approved. The Committee unanimously resolved to adopt the agenda.

6. Disclosure and Conflicts of Interest

6.1 Recusals- General

None

7. Approval previous of Minutes

7.1 Appeals Minutes dated 17th July 2024

The Committee Members agreed that the Minutes dated 14th August 2024 to be circulated and approved via email

8. Confidential Matters

None.

9. Administrative Matters

9.1 Outcome of the Tribunal Committees and Recent Court Decisions

No updates on recent Tribunal Rulings:

9.2 Report back from HWC Council

None

9.3 Site Visits undertaken/Site Inspection Report(s)

9.3.1 None

9.4 Potential Site Visits

9.4.1 None.

9.5 Discussion of attendance at any upcoming Tribunal meetings

9.5.1 Upcoming Tribunal site inspection and hearing for matter: None

9.6 Discussion of the Agenda

9.6.1 None

9.7 Appointment

9.7.1 None

10 Matters Arising

10.1 None

11. New Matters

11.1 **Farm 1796, C'est La Vie, Olyvenbosch Road, Wellington
HM/DRAKENSTEIN MUNICIPALITY/ WELLINGTON/ /FARM 1796
Case No: HWC23022302SB0223**

A site inspection was undertaken by Stuart Hermansen and Corlie Smart.

Appeal against IACom's decision.

-The case officer, Ms Stephanie-Ann Barnardt (SB) introduced the item

Mr Smith, representing the appellant, made the following submissions:

- The legal status and use of all the buildings on the site is questioned by the appellants.
- It is alleged that the application is incomplete.
- It is alleged that the acting chairman of the IACom expressed the opinion that riddling was a use allowed as an agricultural use and this indicated bias on his part.
- The interested and affected parties object to the mobile bottling plant.
- There is concern about water use, disposal of sewage and cleaning detergents

Ms Courtney (for Blouvillei Action Group):

- Reference is made to the many visual and historic points on the horseshoe part of the road.
- This is the oldest brandy cellar in the country.
- There is a lot of archaeological evidence of homo erectus close to the site.
- The area contains important scenic open spaces and spectacular views. There is a lot of Intangible heritage.
- The area contains extremely important indigenous vegetation, herbs and biodiversity.
- The new barn is part of another application where illegal buildings are being regularised. There is no objection to the barn itself.
- There is concern about a proposed Industrial use and that the barn could be used to house the trucks that have formed a depot on the property.
- The increase in density could erode the sense of place.
- The brandy cellar itself has been illegally altered.
- The size and location of the barn will negatively impact on the cultural heritage.

Dr Maske for the objectors:

- Blouvillei action group obtained 56 signatories to oppose this matter.
- The historic cellar will be dwarfed by the barn
- It was questioned why the visual impact assessment was conducted after the heritage impact assessment.
- The issues with the property have caused division in a cohesive community.

Ms L Gerber for Wellington Heritage Foundation

- The main concern is the impact on the scenic route.
- Drakenstein zoning scheme provides that the overlay zone must protect the scenic route and sense of place.
- The position and design of buildings along this route must respond to the sense of place.
- C'est la vie is situated on the scenic route, it is a well-known tourism route.

- The Blouvillei area is described as a scenic route of considerable heritage significance. C'est la vie is in the middle of the scenic horseshoe. The route is well used by residents and tourists.
- The property has 9 residential houses which are rented out. There is no bona fide agricultural activity on the site.
- The site is being illegally used for industrial purposes.
- Wellington Heritage Foundation objects strongly to the redevelopment of this area.

Mr du Plessis for the applicant:

- There is high emotion among the objectors.
- Concerns about procedural unfairness can be cured by the appeal
- The legal status of existing structures is irrelevant to the heritage process. This is under the jurisdiction of the municipality
- The number of objections is not relevant to the merits of the objections.
- The application does not deal with new buildings, it deals with one new building.
- The objectors did not explain how the size and location of the barn will negatively impact on the scenic route.
- IACom was satisfied with what they saw at the site inspection.
- There are no valid reasons that the appeal can be upheld.

DISCUSSION

The Committee went *in camera* to discuss the appeal.

Amongst other things, the following was taken into consideration and discussed by the Committee:

- The proposed barn building is inappropriate in terms of height, eaves height and form and it would impact negatively on the scenic route.
- The proposed materials are industrial in character, for example the corrugated roof that comes $\frac{3}{4}$ down the building
- Even the revised plan demonstrates that it will still be very visible in a very rural context.
- This is borne out by the 3D drawing (figure 23). The proposed barn will be on grade with the road. There will be significant earthworks and there will be a loss of trees.
- The position on a very critical juncture will impact on the scenic route.
- It is out of scale in the present context.
- The lack of input by the applicant's heritage consultant to respond to questions by the committee is regrettable.
- The use can influence what is appropriate for a heritage context.
- The unlawful buildings are not the jurisdiction of HWC.

DECISION

The Appeal is upheld and the decision of the IACom set aside.

SB

12. Other Matters: For Noting

12.1 None

13. Proposed next date of the meeting to be held online: 2nd October 2024

14. Adoption of decisions and resolutions

The Committee resolved to adopt the decisions and resolutions dated 11th September 2024.
AvG moved to adopt, NB seconded.

Closure: The meeting was adjourned at 11: 18

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  **DATE** 2 October 2024

SECRETARY _____ **DATE** _____ 2024