

APPROVED MINUTES THE MEETING OF HERITAGE WESTERN CAPE, APPEALS COMMITTEE
HELD ON WEDNESDAY, 2ND JULY 2025, MICROSOFT TEAMS, SCHEDULED FOR 08:30

1. Opening and Welcome

The Chairperson, Mr Gregory Ontong, officially opened the meeting at 08:36 and welcomed everyone present.

2. Attendance

Committee Members:

Mr Gregory Ontong (GO)
 Ms Corlie Smart (CS)
 Dr André van Graan (AvG)
 Ms Claire Abrahamse (CA)
 Mr Mike Scurr (MSc)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
 Ms Penelope Meyer (PM)
 Ms Colette Scheermeyer (CSc)
 Ms Sneha Jhupsee (SJ)
 Ms Chiara Singh (CSI)
 Ms Chané Herman (CH)
 Ms Stephanie Barnardt (SB)
 Emily Vowles (EJV)
 Ms Sofia Vy Menell Briel (SVMB)
 Mr Ruan Brand (RB)
 Ms Xola Mlwandle (XM)
 Ms Corne Nortje (CN)

Visitors:

Ms Annemie Vermeulen
 Mr Clive Theunissen
 Ms Uryke du Preez
 Mr Chris Snelling
 Mr Rickus Bosch
 Ms Annemien Kotze
 Ms Nicolene Visser
 Mr Zwelibanzi Shiceka

Mr/Ms Chimoné Knoetze
 Mr Rickus Bosch
 Ms Claire Erasmus
 Adv Andre Knoetze
 Ms Lize Malan
 Mr Jandré Arrangies
 Mr Johan Smith

3. Apologies

None.

4. Acceptance of the Code of Conduct

Members re-affirmed their commitment to the Code of Conduct .

5. Approval of Agenda dated 2nd July 2025.

5.1 The Committee resolved to approve the agenda dated 2nd July 2025. CA moved to adopt the approval of the agenda and AvG seconded.

6. Disclosure and Conflicts of Interest

6.1 None.

7. Approval previous of Minutes dated 4th June 2025

7.1 The Committee resolved to approve the Minutes dated 4th June 2025. AvG moved to adopt the approval of the minutes and CA. seconded.

8. Confidential Matters

Appointment of additional member.

9. Administrative Matters

9.1 Outcome of the Tribunal and Recent Court Decisions

PM

9.2 Report back from HWC Council

None.

9.3 Site Visits undertaken/Site Inspection Report(s)

9.3.1 Erf 775-RE, 469 Main Road, Paarl.

9.4 Potential Site Visit

9.4.1 None.

9.5 Discussion of attendance at any upcoming Tribunal meetings

9.5.1 None.

9.6 Discussion of the Agenda

9.6.1 None.

9.7 Appointments

9.7.1 None.

MATTERS TO BE DISCUSSED

10 Matters Arising

**10.1 Proposed Additions and Alterations on Erf 1397, Bonne Esperance Boutique Guest House, 19 Van Riebeeck Street, Stellenbosch.
HM/CAPE WINELANDS/STELLENBOSCH/ERF 1397
Case No: HWC24100916CH1011**

Appeal against BELCom's decision.

Ms Chané Herman introduced the item.

A site inspection was previously undertaken by the Committee members on the 23rd of May 2025 and read into the record during the June 2025 meeting.

Annemie Vermeulen (Architect and applicant), Ms Lize Malan (assisting the applicant), Ms Annemien Kotze (owner) and Claire Erasmus (representing Stellenbosch Interest Group), were present and took part in the discussion.

Revised proposals were submitted in response to the Committee's previous further requirements.

Ms Erasmus on behalf of SIG indicated that SIG:

- Supports the revisions on submitted plans.
- However, the parking was still a concern in that most of the front garden will be used for parking. That the applicant should consider providing parking elsewhere i.t.o Municipal by-

law. There was precedent for this type of parking solution by other guest houses or hotels in the Stellenbosch Municipal area.

Ms Vermeulen suggested that they:

- Have not explored the S33 (b) option. This parking provision was approved by the Traffic division of Stellenbosch.

Lize Malan indicated that there was:

- No such parking close to the property.
- Slim chance that parking deviation would be approved.

DISCUSSION

- Most of the previously issues raised had been addressed. However, the parking in front of the house still remained a concern.
- There was no developed design for landscaping or mitigation by landscaping was evident.
- That there is a need to soften the impact of the hard landscaping.
- The excessive hard landscaping, primarily resulting from the number and layout of parking bays, gives the impression that the applicant is more focused on maximizing the number of rooms than addressing the impact of parking on the site's heritage value
- The house is a IIIA heritage resource.
- The committee must confine itself to what is an acceptable impact to the heritage resource.
- The large expanse of paving and lack of sufficient soft landscaping have a negative impact on the important relation between the house, the garden and the streetscape.
- The applicant must either seek a departure from the parking requirements from the municipality and/or reduce the number of rooms, as a reduction in parking bays and a less intrusive parking layout would help mitigate the current negative impact on the heritage value of the house, its relationship to the garden, and the surrounding streetscape.
- Whether or not the applicant can obtain a parking departure is not a consideration for the committee. The committee's focus is solely on assessing the impact of the proposed parking layout on the heritage resource.

FURTHER REQUIREMENTS

The first four (4) requirements of 4 June 2025 have been met. The respondent has illustrated the consideration of alternative parking layouts and the related planning challenges; however, the applicant's present preferred proposal negatively impacts on the grade IIIA heritage resource. In order to mitigate impacts to the relationship of the Victorian villa to its garden and street edge, the committee requires a landscape plan prepared by a landscape architect for the front garden showing:

- a. Minimal destruction of the greenery (maybe vegetation) in front of the house;
- b. The retention of all mature trees; and
- c. An indication of the materiality of hard surfacing and edge conditions.

In order to achieve this, the respondent must explore the reduction of the parking requirement(s).

CH

**11.1 Erf 775-RE, 469 Main Road, Paarl
HM / DRAKENSTEIN MUNICIPALITY/CAPE WINELANDS / PAARL/ ERF 775-RE
Case No: HWC25020518CN0212**

Appeal against BELCom's decision.

HWC Appeals Committee 2nd July 2025

Ms Claire Abrahamse, Ms Corlie Smart, Dr André van Graan and the Chairperson undertook a site inspection. Ms Abrahamse presented the site report.

Ms Corné Nortje introduced.

Representing the appellant Advocate Andre Knoetze and Mr Rickus Bosch (architect) and representing the Drakenstein Municipality Mr Clive Theunissen and Mr Zwelibanzi Shiceka (were present and took part in the discussion.

For the appellant (Adv. Knoetze) argued that the:

- Appeal was against the revocation of the permit.
- Appellant has invested R13 000 000 (Thirteen million Rand) and employs a complement of 17 staff.
- The Issue needed to be resolved.
- BELCom decision was procedurally flawed and unfair.
- BELCom's site inspection report stated that mitigating measures should be proposed.
- The committee did not consider mitigation measures.
- Reasons were given only after the date of the submission of the Appeal.
- BELCom should have discussed these issues.
- The 'ClearVu' fence, onsite is for security which is needed. He argued that there were examples of more invasive fencing in the area.

For the appellant, Mr Bosch stated:

- At the BELCom meeting of 16 April 2025 they were not given the opportunity address BELCom on the issues.
- In response to the Appeals committee's site inspection report he pointed out that:
- The roof sheeting has not been replaced by the appellant and was only re-painted. Some of the items mentioned in the report were as is from the previous owner. There was no veranda when the property was bought. The he lower level of double storey building could have been accessed by the committee but did not request it even though they were on site. There is only one fireplace which was rebuilt.
- Front parking is informal, occasional and not permanent.
- That the applicant abided by Town Planning requirements.
- In respect of the fencing: he raised concerns around security, thefts had occurred from outside the building.
- Time frames have lapsed since 2023, however the requirements of the client needed to be accommodated.
- Existing landscaping has not been reinstated.
- There is a methodology statement for repairing the historic garden wall.

Questions by committee for clarification:

CS to architect: Is the front section temporary? RB clarified that it was not temporary parking, it was short term / casual parking for customers of the coffee shop to park for a short period while visiting the shop. He also indicated that the parking is needed in street side / front of the building.

Mr Clive Theunissen for Drakenstein Municipality:

- The Landscape Plan is not the finally approved landscaping plan.
- The construction work had to be stopped twice by the municipality because of illegal work.
- The fence should be appropriate to the context and site; it was agreed at that stage that no parking was to be allowed in the front section of the site.

- At the time the applicant indicated that there would be no parking in front. They negotiated a solution. This was never incorporated into the final design submitted to HWC.
- He indicated that ClearVu fencing was not acceptable.
- The section of the Municipality's guidelines should be read in its entirety and more is required than outlined in the particular point mentioned by Mr. Bosch.

WD queried whether the work has ceased? CT stated that he can't confirm this.

Mr. Rickus Bosch:

- Stated that it was correct that there were deliberations at phase I. With the new additions there was a requirement for additional parking spaces.
- He indicated that he/they did not find evidence for parking spaces being refused in front of a historic building, and that a more appropriate fence could be installed.

DISCUSSION

- The appellant did not obtain a permit from HWC for the new structures on the PHS site and only stopped the construction work after a stop works order was issued.
- The issue of the appellant's non-compliance with the NHRA has not been addressed by the Appellant and no reasons were given for all the unauthorized work on a Provincial Heritage Site.
- The need to develop a property to a maximum extent has to be balanced against the impact on the heritage resource and other heritage concerns.
- The best management of heritage must be the primary concern.
- There are many alternatives to resolve the parking requirements. The owner's approach is problematic.
- The appellant seems to demonstrate a lack of acknowledgment or concern regarding the fact that the work was knowingly undertaken unlawfully in breach of the NHRA.
- All parties were provided with the opportunity to make presentation to the appeals committee which addresses the Appellant's concerns with the lack of such opportunity during the BELCom meeting.
- No compelling submissions have been presented to persuade the committee that BELCom erred in its decision to revoke the permit.
- Heritage significance of the site and the building (being a PHS) has been significantly compromised, as is evidenced in the Appeals committee site inspection report.
- It is clear that the parking in front of the building is highly intrusive and has a substantial negative impact on the heritage site.
- The illegal structures are very insensitive, and the site cannot sustain it.
- The appellant knowingly deviated from the previously approved plans and the deviation resulted in the heritage significance of the site being compromised. Furthermore, the appellant also proceeded to build new structures on the site knowing full well that a permit must be obtained before work can start.
- It is the committee's finding that the permit previously issued by HWC must be revoked and as a result the decision of BELCom must be upheld.

DECISION

The Appeal is dismissed and the decision of BELCom is upheld.

CN

12. Other Matters: For Noting

12.1 None

13. Proposed next date of the meeting to be held online: 3rd of September 2025

14. Adoption of decisions and resolutions

The Committee unanimously adopted the decisions and resolutions, with CA proposing and AvG seconding the proposal.

Closure: The meeting was adjourned at 12:48

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  **DATE** 3 September 2025

SECRETARY _____ **DATE** _____ 2025