



**APPROVED MINUTE TEMPLATE FOR THE MEETING OF
HERITAGE WESTERN CAPE, APPEALS COMMITTEE
HELD ON WEDNESDAY, 2ND DECEMBER 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)
Dr Nicolas Baumann (NB)
Dr Andre van Graan (AvG)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Ms Chiara Singh (CSI)
Ms Waseefa Dhansay (WD)
Ms Corne Nortje (CN)
Ms Stephanie Barnardt (SB)
Ms Xola Mlwandle (MX)
Ms Chane Herman (CH)
Mr Ruan Brand (RB)

Visitors:

Mr Richard Summers
Mr Daniel Buys
Mr Johan Melherbe

Mr Clive Theunissen
Mr Mor Herbert
Ms Etienne Buys

3. Apologies

None

4. Acceptance of the Code of Conduct

Members re-affirmed their commitment to the Code of Conduct

5. Approval of Agenda

5.1 Dated 2nd December 2024.

The agenda dated 2nd December 2024 was approved. The Committee unanimously resolved to adopt the agenda with minor additions.

6. Disclosure and Conflicts of Interest

7. None

HWC Appeals Committee 2nd December 2024

6.1 Recusals- General

None

7. Approval previous of Minutes dated 6th November 2024

7.1 The Committee resolved to approve the Minutes dated 6th November 2024 with minor edits. SH. moved to adopt the approval of the agenda and AvG seconded.

8. Confidential Matters

None.

9. Administrative Matters

9.1 Outcome of the Tribunal Committees and Recent Court Decisions

None

9.2 Report back from HWC Council

None

9.3 Site Visits undertaken/Site Inspection Report(s)

9.3.1 Vrede en Lust Farm, Simondium

9.4 Potential Site Visit

9.4.1 Erf 52671, 20 Stanley Road, Claremont
Erf 2806, 16 Church Street, Tulbagh
Farm 610, 612 near Riebeeck-Kasteel
Erf 922, 34 Durbanville Avenue, Durbanville

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 Appointment

9.7.1 None

MATTERS TO BE DISCUSSED

10 Matters Arising

10.1 Erf 16443, 55 Fenton Road, Salt River
HM/CAPE TOWN METROPOLITAN/SALT RIVER/ERF 16443
Case No: HWC24071114CN0717

Ms Corne Nortje introduced the item and flighted the revised plans in response to the committee's previous requirements.

DISCUSSION

Amongst other things, the following was discussed:

- The plans have addressed the committee's previous requirements.

- The floor levels appear to have been amended.

DECISION

The committee resolved to approve the application as shown in plan numbers LEW01 - Revision 3, dated 26 November 2024, as prepared by D. Hellenberg from Concrete Monkey Designs.

CN

10.2 Farm 950-Re, Vrede en Lust Farm, Simondium
HM / CAPE WINELANDS / DRAKENSTEIN / SIMONDIUM / FARM 950-RE
Case No: HWC24071907SJ0726

Appeal against BELCom's decision.

A site inspection was undertaken. SH read the report into the record.

Ms Sneha Jhupsee introduced the item.

Mr R Summers for the appellant:

- Referred to the fact that the present situation constituted an unusual set of circumstances, not typical of an appeal.
- The current appeal process should be used to assess the merits of the application not to request condonation of the fact that the work had already taken place.
- The appellant's submissions will be accordingly restricted to the heritage aspects.
- It is conceded that the new structure constitutes a material change to what was previously there.
- The heritage building is not usually viewed from the werf.
- The question regarding the replacement roof is whether it is manageable or acceptable.
- The committee is dealing with a fait accompli.
- There is an element of subjectivity on the extent to which the municipality's concerns were addressed.
- The new roof approach, design and material has had an impact on the site, however the impact is largely acceptable.
- The predominant use of and display of timber flows with the existing winery building.

Mr C Theunissen for Drakenstein Municipality:

- The Municipality provided and still stands by their written comments which form part of the documents in front of the committee.
- Clarified that the Municipality supported original concept that was presented to it but believe the final design has gone far beyond the original concept.
- The Municipality does not believe that any of their concerns to date have been addressed.
- The Municipality also served an order to stop work which was ignored.

DISCUSSION

- The issue of separating what has been done and now looking for a remedy for it, is uncomfortable.
- There is an attempt to get an admission that there is possible mitigation.

- There was a knowing contravention of the law, there was never an intention to wait for a permit.
- There is an admission that they knew that the structure was at the end of life.
- There is evidence that there is wilful defiance.
- The illegal work has negatively impacted the heritage resource.
- The construction was started months before and required engineering design inputs. They knew exactly what they were doing.
- The scale is completely at odds with the existing structure, it is a very dominant structure which overwhelms the heritage werf and the existing buildings.
- The concerns raised by the other parties are agreed to.
- The only mitigation possible is the removal of the roof and replacement with an acceptable alternative.

DECISION

The appeal is dismissed and the decision of BELCom is upheld. The Appeals committee recommends that criminal charges be laid.

SJ

11. New Matters

11.1 None

12. Other Matters: For Noting

12.1 Erf 52671, 20 Stanley Road, Claremont
HM / CAPE TOWN METROPOLITAN / CLAREMONT / ERF 52671
Case No: HWC24060513CN0614

The committee resolved to conduct a site inspection on 14 January 2025 AVG, NB and GO

HELD OVER

CN

12.2 Erf 2806, 16 Church Street, Tulbagh
HM/CAPE TOWN METROPOLITAN/SALT RIVER/ERF 16443
Case No: HWC24091136CN0912
Appeal against BELCom's decision.

The committee resolved to do a site inspection on 15 January 2025 CS and SH.

HELD OVER

CN

12.3 Farm 610, 612 near Riebeeck-Kasteel
HM / WEST COAST / SWARTLAND / RIEBEEK KASTEEL / FARM 610, 612
Case No: HWC24022712SB0308

The committee resolved to do a site inspection on 15 January 2025 CS and SH.

HELD OVER

SB

Proposed Total Demolition on Erf 922, 34 Durbanville Avenue, Durbanville

The committee resolved to conduct a site inspection on 14 January 2025 AVG, NB and GO

13. Proposed next date of the meeting to be held online: 22nd January 2025

14. Adoption of decisions and resolutions
AVG & SH

Closure: The meeting was adjourned at 10:55

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  **DATE** 20 January 2024

SECRETARY _____ **DATE** _____ 2024