

**APPROVED MINUTES FOR THE MEETING OF  
HERITAGE WESTERN CAPE,  
APPEALS COMMITTEE**  
**Held on Monday, 5<sup>th</sup> December 2022 via Microsoft Teams,  
scheduled for 08:30**



As there were newly appointed Council members who had been seconded to the Committee, an acting chair needed to be elected by the Committee. AM proposed Mr Gregory Ontong and MM seconded. Mr Ontong accepted the nomination and chaired the meeting.

### **Opening and Welcome**

### **Attendance**

#### **Committee Members:**

Mr Gregory Ontong (GO)  
Dr Antonia Malan (AM)  
Dr Andre van Graan (AvG)  
Dr Nicolas Baumann (NB)  
Adv Mandla Mdludlu (MM)

#### **Members of Staff:**

Ms Nosiphiwo Tafeni (NT)  
Ms Penelope Meyer (PM)  
Ms Colette Scheermeyer (CS)  
Ms Waseefa Dhansay (WD)  
Ms Ayanda Mdludlu (AM)  
Ms Corne Nortje (CN)  
Ms Sneha Jhupsee (SJ)  
Ms Stephanie-Ann Barnardt (SB)  
Mr Thando Zingange (TZ)  
Mr Robin George (RG)

#### **Visitors:**

Item 9.1  
Dr Reinier Bence  
Ms Bridget O 'Donoghue

Item 10.1  
Mr Desmond Brandt

Item 10.2  
Ms Bridget O 'Donoghue

Item 10.3  
Ms Nicolene Visser

Item 10.4  
Ms Jenna Lavin

#### **Apologies**

None

**3. Absent**  
None

**4. Approval of Agenda**

**4.1 Dated 5<sup>th</sup> December 2022**

The Agenda dated 5<sup>th</sup> December 2022 was approved.

**5. Approval of Minutes of Previous Meeting**

**5.1 Appeals Minutes dated 12 October 2022**

The minutes dated 12 October 2022 to be approved at the next Appeals meeting on the 11<sup>th</sup> of January 2023.

**6. Disclosure and Conflicts of Interest**  
None.

**7 Confidential Matters**  
None.

**8 Administrative Matters**

**8.1 Outcome of MEC Tribunal Appeals and Recent Court Decisions**

PM reported that there had been no Tribunal outcomes to report on.

**8.2 Report back from HWC Council**

GO and MM reported back on the inaugural Council meeting held on 17 November 2022.

**8.3 Site Visits Conducted**

S27 Proposed additions and alterations on Erf 138 & 3110, 19 Mead Way, Pinelands  
HM/CAPE TOWN METROPOLITAN/PINELANDS/ERF 138 & 3110  
Case No: 22023030TZ0304E (Item 10.1)

**8.4 Potential Site Visits**

Proposed Additions & Alterations and Partial Demolition on Erf 3035, 51 Bryant Street, Bo-Kaap  
HM/CAPE TOWN METROPOLITAN/BO-KAAP/ERF 3035  
Case No: 22091502RG0915E (Item 10.5)

**8.5 Discussion of the Agenda**  
None

**9 Matters Arising**

**9.1 ERF 19506, DUPLEX 7, UNIT 213, PAARDEVLEI LIFESTYLE ESTATE, SOMERSET WEST  
HM/CAPE TOWN METROPOLITAN/SOMERSET WEST/ ERF 19506  
Case No: 22031507MS0411E**

Ms Muneerah Solomon introduced the item.

Appeal against the IACom decision.

Dr Reinier Bence(owner) and Bridget O'Donoghue (Heritage Consultant) were present and made the following arguments:

- The proposed intervention has no effect on the Crescent houses.
- It faces away towards the new housing development, as is part of the new housing development.
- The Estate Management has been consulted and concurs with the heritage consultant's opinion.

#### **DISCUSSION**

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

- The degree of compliance with previously approved regulations and guidelines relating to the managing of heritage significance for the Crescent.
- A concern was that there may be an impact on the Crescent houses, which are within a PHS and HPOZ.
- The context is within the contemporary component, and this proposal has no impact on the historic Crescent houses.
- The information provided has provided clarity.

#### **DECISION**

The Appeal is upheld.

**MS**

### **10. New Matters**

#### **10.1 S27 Proposed additions and alterations on Erf 138 & 3110, 19 Mead Way, Pinelands HM/CAPE TOWN METROPOLITAN/PINELANDS/ERF 138 & 3110 Case No: 22023030TZ0304E**

Mr Thando Zingange introduced the item.

Appeal against the BELCom decision.

Mr Desmond Brandt (Architect) was present and made the following arguments:

- The position of the carport was dictated by the Council restrictions and was the only position in which 2 cars could be accommodated.

#### **DISCUSSION**

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

- There is no objection to a carport, but the design should be lighter and more recessive and unobtrusive.
- The proposal to place tiles on the carport roof parapet is not supported.
- The house is in a very visible position within the PHS and the carport could have an impact on the street.

#### **FURTHER REQUIREMENTS**

The replication of the tiled roof treatment of the carport parapet is not acceptable. The applicant is to prepare a new design which is lighter, more recessive and less intrusive and which omits the roof tiles, in consultation with the EHRM branch of the City of Cape Town. The revised proposal is to be submitted to the HWC Appeals Committee.

TZ

10.2 **Erven 4339, RE of 4347, RE of 9745 and 117665, St. Georges Street and Strand Street Cape Town**  
**HM/ CAPE TOWN METROPOLITAN / CAPE TOWN CBD / ERVEN 4339, RE OF ERF 4347, RE OF ERF 9745 AND 117665**  
**Case No: 22091207CN1010E**

Ms Corne Nortje introduced the item.

Appeal against the HOMs decision.

Ms Bridget O'Donoghue was present and made the following arguments:

- A thorough HIA was conducted for a previous proposal which envisaged a demolition and the construction of a very tall building.
- That proposed development was approved by HWC but was not proceeded with.
- The present proposal is to simply refurbish and improve the present building to make it more commercially viable.
- As such, there would be minimal impact on the context, and any impact would most likely be positive.

**DISCUSSION**

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

- The Committee agreed that the intervention is not of such a nature that it would necessitate an HIA.
- The existing building is not an Art Deco building and is not a heritage resource.
- The heritage resource is cultural association with the site, not with the building.
- The proposal will enhance the building and the corner and street interface.
- The City of Cape Town is best placed to manage the development.

**DECISION**

The appeal is upheld. An HIA is not required

CN

10.3 **PTN 2 of Farm De Leeuw No 527, Paarl**  
**HM/CAPE WINELANDS/DRAKENTEIN/PAARL/FPTN 2 OF FARM DE LEEUW NO.527**  
**Case No: 22082502SB0830E**

Mr Stephanie-Ann Barnardt introduced the item.

Appeal against the HOMs decision.

Ms Nicolene Visser was present and made the following argument:

- The proposal falls within the Drakenstein Scenic Route Overlay Zone as depicted in the Drakenstein Town Planning By-Law dated March 2018.

### **DISCUSSION**

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

- The appellant made a statement that the proposed development did not fall within a scenic route. The Committee requires clarity on this point.
- A Visual Impact Assessment may be applicable, though the site is not clearly visible from the road.
- It is considered that the local authority is best placed to comment.

### **FURTHER REQUIREMENTS**

The appellant is to provide comment from the Drakenstein Municipality and registered conservation bodies with specific reference to any possible impact on the scenic route.

**SB**

#### **10.4 Farm No. 717 & PTN 2 & 4 of Farm No:1595, Stellenbosch HM/CAPE WINELAND/ STELLENBOSCH/ FARM NO.717 & PTN 2&4 OF FARM NO.1595 Case No: HWC22101205AM1012**

Ms Ayanda Mdludlu introduced the item.

Appeal against the HOMS decision.

Ms Jenna Lavin (Heritage Consultant) was present and presented the following argument in support of the Appeal:

- The reference to a residential development was an error in the NID form.
- The proposal was merely to clear land for agricultural purposes.
- The land was previously under cultivation and had lain fallow for approximately 10 years.
- Accordingly, the use would be predominantly agricultural and would not have a negative visual impact.

### **DISCUSSION**

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

- Concern was expressed by committee members regarding the statement that the reference to a residential development in the NID form was an error. The Committee must make a decision on the information given on the form.
- If a decision was taken that an HIA was not required based on the submitted (incorrect) form, this could have the potential to be used to justify a residential development.
- HWC has to consider the information before it, as it cannot accept the later notification of the error.
- A corrected NID form needed to be submitted.

### **DECISION**

The Appeal is dismissed. A new NID application and associated documents need to be submitted to HWC.

AM

- 10.5 **Proposed Additions & Alterations and Partial Demolition on Erf 3035, 51 Bryant Street, Bo-Kaap**  
**HM/CAPE TOWN METROPOLITAN/BO-KAAP/ERF 3035**  
**Case No: 22091502RG0915E**

**HELD OVER**

The item was held over for a site inspection to be held on 13 December 2022 at 10h00 (GO, AvG, NB, AM).

RG

**11. Other Matters**

- 11.1 **Athlone Power Station Erf RE 32564, Athlone**  
**HM/CAPE TOWN METROPOLITAN/ATHLONE/ ATHLONE POWER STATION ERF 32564**  
**Case No: N/A**

Mr Jonathan Windvogel introduced the item.

Appeal against the IGIC decision.

For noting.

JW

12. **Proposed next date of the meeting:** 11<sup>th</sup> January 2022

**13. Adoption of decisions and resolutions**

The Committee unanimously resolved to adopt the decisions and resolutions dated 5<sup>th</sup> December 2022.

14. **Closure:** The meeting was adjourned at 12:00

**MINUTES APPROVED AND SIGNED BY:**

**CHAIRPERSON** \_\_\_\_\_

**DATE** \_\_\_\_\_

**SECRETARY** \_\_\_\_\_

**DATE** \_\_\_\_\_