APPROVED MINUTE TEMPLATE FOR THE MEETING OF HERITAGE WESTERN CAPE, APPEALS COMMITTEE HELD ON WEDNESDAY, 12TH FEBRUARY 2025, 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.

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2. Attendance

Committee Members:
Mr Gregory Ontong (GO)
Ms Corlie Smart (CS)
Dr Andre van Graan (AvG)

Members of Staff:
Ms Nosiphiwo Tafeni (NT)
Ms Penelope Meyer (PM)
Ms Colette Scheermeyer (CSc)
Ms Waseefa Dhansay (WD)
Ms Corne Nortje (CN)
Ms Stephanie Barnardt (SB)
Ms Xola Mlwandle (MX)
Ms Sofia Vy Menell Briel (SVMB)
Mr Ruan Brand (RB)
Ms Chiara Singh (CSI)
Ms Yusrah Hoosain
Mr Austin Vhukeya

Visitors:
Ms Bridget O'Donoghue
Mr David Erleigh

3. Apologies

Mr Stuart Hermansen (SH)

4. Acceptance of the Code of Conduct

Members re-affirmed their commitment to the Code of Conduct

5. Approval of Agenda

5.1 Dated 20th January 2025.

The Committee resolved to approve the agenda dated 12th February 2025. AG moved to adopt the approval of the agenda and CS seconded.

6. Disclosure and Conflicts of Interest

6.1 None

7. Approval previous of Minutes dated 20th January 202

7.1 The Committee resolved to approve the Minutes dated 20 January 2025. CS moved to adopt the approval of the minutes and AVG seconded.

8. Confidential Matters
Appointment of additional member.

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 Erf 1361, 37 Ocean View Drive, Green Point

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

9.8 Appointment of additional member to the Appeals Committee

The committee discussed the appointment of a new member to the Appeals Committee. PM will make a list of potential committee members from those who had applied in response to the original advert.

MATTERS TO BE DISCUSSED

10 Matters Arising

10.1 None

11. New Matters

11.1 Erf 1361, 37 Ocean View Drive, Green Point
HM / CAPE TOWN METROPOLITAN / GREEN POINT / ERF 1361
Case No: HWC24082719XM1021

Appeal against HOMs's decision.

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

Ms Xola Mwandle introduced the item.

For the appellant: Mr David Erleigh submitted:

- That the appellant lives at number 39 Ocean Drive and that it is graded a IIIB.
- He urged the committee to keep the Gees judgement in the forefront of their minds.
- Braemar suburb was developed during the 1930s and -40s and housed Scottish immigrants.
- It was an opportunity to prevent unsympathetic development in the area.
- The proposed replacement building will overshadow the building at Number 39.
- A replacement building should be the same height and setback from the street and boundaries as the existing building.
- It was common cause that the building at no 37 had been significantly altered.
- The committee was advised that, should the committee approve the demolition, the approval should be conditional on the approval of the replacement building by HWC.
- The CoCT cannot participate as a commenting party in one process (application in terms of NHRA) and also adjudicate the same matter in a different process.

Miss O'Donoghue submitted:

- The site has been assessed to be non-conservation worthy,
- It was not located in a declared or proposed HPOZ.
- There were numerous multi-storey buildings within the area of the site.
- The building itself has been altered significantly.
- There was only one individual appealing the decision. The developers spoke to many of the owners of the neighbouring properties. The neighbours indicated, in the discussions, that, if the developer adhered to the building line the height of the proposed structure could be higher than proposed.
- The building was re-designed taking the contribution of the neighbours into consideration.
- The application was for a NCW building outside of any existing or proposed HPO.
- This may be a case where the heritage process has been used to prevent the development adjacent to the appellant's property.

The committee went in camera to discuss the appeal. The members of the HOMs committee left the meeting.

DISCUSSION

- The only factor to consider was what the heritage resource/s were.
- It should first be assessed whether a building has heritage significance. If not, it should be assessed whether the area within which the property is situated has heritage significance. In the event that neither the building nor the area has any heritage significance, an unconditional approval for the demolition of the structure should be given.
- The building itself has no heritage value, therefore the only reason to impose conditions would be to protect a streetscape with heritage significance.
- The demolition of the building was therefore supported.
- The adjacent buildings were screened off, and one was being altered.
- The increase in the footprint of the building was a Land Use and Planning issue which falls under the exclusive jurisdiction of the C0CT.
- There were significant new developments in the area.

- The context within which the site is situated has been significantly altered over the years and as such it, had no heritage significance.
- The Braemar Estate was originally owned by the Wessels family.
- The above rationale led to the conclusion that there was insufficient heritage significance in the area to warrant the imposition of conditions and to require HWC's approval of the replacement building.

DECISION

The appeal is dismissed and the decision of HOMs is upheld.

XM

12. Other Matters: For Noting

12.1 Erf 1061 Remainder, 12 Main Road, Hout Bay
HM / CAPE TOWN METROPOLITAN / HOUT BAY / ERF 1061 REMAINDER
Case No: HWC24091804EJV0818

Appeal against BELCom's decision.

For Noting

EJV

12.2 Portion of Remainder 33 of Farm Nooitgedaght 30 (RE/33/30)
HM/GARDEN ROUTE/OUDTSHOORN/ REM 33 OF FARM 30
Case No: HWC24082719XM1021

Appeal against HOMs's decision.

For Noting

SB

13. Proposed next date of the meeting to be held online: 05th March 2025

14. Adoption of decisions and resolutions

Closure: The meeting was adjourned at 10:40

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON_____ **DATE** **5 March** 2025

Nosiphiwo Tafeni

Digitally signed by Nosiphiwo Tafeni
Date: 2025.03.13 12:47:38 +02'00'

SECRETARY_____ **DATE**_____ 2025