

**DECISIONS OF THE MEETING
OF HERITAGE WESTERN CAPE,
BUILT ENVIRONMENT AND LANDSCAPE PERMIT COMMITTEE (BELCom)
Held on Wednesday, 27 February 2013, 1st Floor Boardroom at the Offices of the
Department of Cultural Affairs and Sport,
Protea Assurance Building, Greenmarket Square, Cape Town at 09H00**

1. Opening and Welcome

The meeting was officially opened at 09H45 by the chairperson, Ms Sarah Winter, and she welcomed everyone present.

2. Attendance

Members

Ms Sarah Winter	SW
Ms Maureen Wolters	MW
Mr Roger Joshua	RJ
Mr Trevor Thorold	TT
Ms Melanie Attwell	MA
Mr Patrick Fefeza	PF
Dr Stephen Townsend	ST

Members of Staff

Mr Andrew Hall	AH	
Mr Calvin van Wijk	CvW	
Ms Christina Jikelo	JC	
Mr Ronny Nyuka	RN	
Mr Olwethu Dlova (Sec)	OD	
Ms Tamar Grover	TG	
Ms Lithalethu Mshoti (Sec)		LM

Visitors

Mr A Lillie	Mr C Snelling
Mrs T Cullen	Mr G Jacobs
Mr M Zahradnik	Mr T Papy
Mr JC Fick	Mrs S Zahradnik

Observers

None

3. Apologies

Mr Tim Hart
Mr Zwelibanzi Shiceka

4. Approval of minutes of previous meeting held 30 January 2013

4.1 The Committee resolved to approve the minutes without amendments.

5. Disclosure of Interest

5.1 None

6. Approval of Agenda

The Committee approved the agenda with a few additional items.

7. Confidential Matters

7.1 None

8. Administration Matters

8.1 Outcome of the Appeals and Tribunal Committees

The CEO gave a report back on the Queens Road, Sea Point Tribunal outcome and reported that no appeals were held in January 2013.

ST reported back on the reasons for the decision by the Appeals Committee to uphold the District Six appeal.

8.2 Report Back on Stop Works Orders and Charges

The CEO reported back on the Mamre Magistrates' Court and Elim stop order matters..

8.3 Klein Constantia, Paarl: Partial Relaxation of Stop works Order

Photographs and plans prepared by Malherbe Rust Architects, dated 14.12.11 were tabled.

Decision

The Committee resolved to agree to the temporary securing of the storeroom, garage and street boundary of the property by where necessary temporary relaxation of the stops works order or application as the case may be and subject to the owner giving a written undertaking that he is in accord with the temporary nature of the works and clauses 5.5 and 5.6 of the document received from Adv. Kantor

8.4 Checklist for Application- Related Decision- Making

A draft checklist was tabled and Committee members suggested some additions..

8.5 Elim Workshop

Ms Jikelo reported that the Opsienersraad, Moravian Church and their lawyers will not undertake any workshops with HWC until the matter of the stop works order and the area designated as a PHS has been resolved.

8.6 Overstrand Municipality Issues of Jurisdiction

Mr Hall will meet with the Municipal Manager and Mr John Simson to clarify issues of jurisdiction especially with respect to Section 34 and Section 31.

8.7 UCT, Middle Campus, Economics Building

A review of the conditions of the Section 38 approval and a meeting between the CEO and Nigel Haupt is awaiting. This must be actioned by the Case Officer
SD.

8.8 Declaration of Interest forms.

The CEO requested that the forms be submitted before the next meeting.

8.9 Erf 172264, 146 Waterkant Street, Cape Town.

The Committee discussed the legal approach to this matter.

8.10 Matters Placed on the Agenda

The Committee discussed various issues around the process of placing applications on the agenda.

8.11 Rights of Appeal

The Committee discussed the process of receiving and deciding on applications involving objections and requested that the Stanford (Queen Victoria Street) matter be investigated.

The Committee also discussed the process of informing objectors of their rights to appeal, the CEO arguing that the staff do not have the capacity to advise objectors of such rights. ST pointed out that this could not be a sustainable reason for failing in this regard; he also questioned whether there were so many cases that this was as burdensome as it might seem.

8.12 Administrative oversights

The Committee noted its concern with regard to the Mooikelder submission which was again incomplete. The comments of the I&AP's were not tabled until requested and the detailed drawings of the roof proposals that had been received had also not been tabled.

9. Appointments

9.1 The Committee noted the appointments for item E.10.1 set for 11H00 and item W.12.4 set for 12H00

FIRST SESSION: TEAM WEST PRESENTATION

W.10 PROVINCIAL HERITAGE SITE: SECTION 27 PERMIT APPLICATIONS

W.10.1 Proposed Alterations and Additions on Erf 237, 13 Kerk Street, Elim: NM HM/ELIM/ERF 237

Case No: 130208TG12E

An application plans and photographs were tabled.

Ms Tamar Grover made a power-point presentation.

In discussion it was noted that:

- The submission as a whole is inadequate, for example, the removal of the rear wall and erection of the RC beam is structurally incompetent and it is also clear that the roof structure would be radically transformed by the proposal.
- The building is located in Church Street, the most visible and significant street in Elim.

The Committee decided the grading to be Grade II and it is part of a PHS.

DECISION

The Committee decided to refuse the application.

TG

W.10.2 Proposed Alterations and Additions on Erf 237, 82 Kerk Street, Elim: NM HM/ELIM/ERF 237

Case No: 130214TG15E

An application plans and photographs were tabled.

Ms Tamar Grover made a power-point presentation.

In discussion it was noted that:

- The submission is inadequate and incomplete (no site plan, incomplete drawings of existing and neighbouring buildings) and is unlikely to conform to the National Building Regulations and Building Standards Act.
- The scale of the proposals is out of the character and will make the existing building uninhabitable.

The Committee decided the grading to be Grade II and it is part of part of PHS.

DECISION

The Committee decided to refuse the application.

TG

W.10.3 Proposed Alterations and Additions on Erf 237, 2 Kortmark Street, Elim: NM HM/ELIM/ERF 237

Case No: 110727JW36

An application, photographs and plans prepared by C Cloete, dated 01/06/2011 were tabled.

Ms Tamar Grover made a power-point presentation.

In discussion it was noted that:

- The submission is inadequate and incomplete (no site plan, incomplete drawing of existing neighbouring buildings)
- The building is located in particularly sensitive context and the change in roof material, height and shape will affect roof scape of Elim particularly long views of the townscape.

The Committee decided the grading to be Grade II and it is part of a PHS.

DECISION

The Committee decided to refuse the application.

TG/JW

**W.10.4 Proposed Alterations on Erf 90780, 27 Durban Road, Wynberg: MA
HM/WYNBERG/ERF 90780**

Case No: 120815JW22M

An application, supporting documentation and photographs were tabled.

Ms Tamar Grover made a power-point presentation.

The Committee decided the grading to be IIIA.

DECISION

The Committee resolved to approve the application subject to the submission of a photographic record, the submission of details of the replacement joinery and the reuse of the existing hardware.

TG/JW

**W.11 STRUCTURES OLDER THAN 60 YEARS: SECTION 34 PERMIT FOR TOTAL
DEMOLITION**

**W.11.1 Proposed Total Demolition Erf 54, 1 Botany Lane, Bantry Bay, Cape Town: NM
HM/BANTRY BAY/ERF 54**

Case No: 130130TG31E

This matter was taken off the agenda on request by the applicant.

TG

**W.11.2 Proposed Total Demolition Erf 738, 4 Royal Street, Hermanus: NM
HM/HERMANUS/ERF 738**

Case No: 130213RN09M

An application and a heritage statement prepared by Arcon Architects, dated 7 February 2013 were tabled.

Mr Ronny Nyuka made a power-point presentation.

Mr Graham Jacobs was present.

In discussion it was noted that:

- The Overstrand Heritage Committee does not support the demolition.
- The building is highly altered and not considered worthy of formal protection.
- The building is not located in a sensitive context.
- This is consistent with the approved Overstrand Heritage Inventory.

The Committee decided the building to be un-gradable.

DECISION

The Committee resolved to approve the proposed total demolition.

W.12 STRUCTURES OLDER THAN 60 YEARS: SECTION 34 PERMIT FOR PARTIAL DEMOLITION/ALTERATIONS

**W.12.1 Proposed Alterations and Additions, Weltevreden Farm, Ptn 14 of Farm 1646, R45 Franschoek: MA
HM/FRANSHOEK/FARM 1646**

Case No: 120731JW30M

An archaeological report prepared by Hugo Pinto and plans prepared by Malherbe Rust, dated May 2012 were tabled.

Ms Tamar Grover made a power-point presentation

In discussion it was noted that:

- The Committee confirmed the grading of the werf to be IIIA and within a Grade 1 context.
- Given that SAHRA must comment on the application, the applicant is advised to obtain the comments of the SIG on the amended proposal.

DECISION

The Committee resolved to approve the proposal to the East Barn and the West Barn conditional on SAHRA's comment confirming that it has no objection and the monitoring of all disturbances by a historical archaeologist. The applicant is informed that a further application is required for any changes to the landscape that will change the character of the site (which, apparently, includes a swimming pool proposed directly in front of the homestead).

TG/JW

**W.12.2 Proposed Alterations and Additions, Erf 14508, 42 Ritchie Street, University Estate: NM
HM/UNIVERSITY ESTATE/ERF 14508**

Case No: 120730JW29E

An application and plans prepared by Bruce Rauch Building Design, dated June 2012 were tabled.

Ms Tamar Grover made a power-point presentation.

In discussion it was noted that:

- The building is un-gradable.
- The CoCT Heritage Section does not support the proposal as it "would set a precedent". It is dismaying that the heritage legislation is thought capable of limiting non-heritage-related matters like this.

DECISION

The Committee resolved to approve the proposal.

TG/JW

**W 12.3 Proposed Alterations and Restoration, Erf 37896, Van Riebeecks, Hof Road,
Van Riebeeck Farm, Bellville.
HM/BELLVILLE/ERF 37896**

Case No: 121219TG09M

An application, photographs and plans prepared by Ronell Ackerman, dated December 2012, and a heritage statement prepared by Chris Snelling were tabled.

Mr van Wijk made a power-point presentation.

Mr Chris Snelling was present and participated in the discussion.

In the discussion it was noted that:

- The building is un-gradable
- From an architectural perspective the veranda proposal is preferred.

DECISION

The Committee resolved to approve the application.

**W.12.4 Proposal to replace Thatch Roof with Corrugated Iron Sheeting on Farm
501/02, Farm Mooikelder, Main Street, Northern Paarl, Paarl: MA
HM/MOILKELDER/PAARL**

Case No: 121212RN15E

An application and, detailed drawings prepared by Malherbe Rust Architects, undated were tabled.

Mr Ronny Nyuka made a power-point presentation.

Mr Chris Fick (Malherbe Rust Architects) was present and participated in the discussion.

In discussion it was noted that:

- The Committee had taken a decision by email to approve the proposal subject to submission of detailed drawings.
- A site inspection report was circulated and is attached to the minutes.

The Committee confirmed the grading of the werf to be Grade II.

DECISION

The Committee resolved to approve the proposal subject to the gutters being charcoal grey to match the roof and the down pipes white to match the walls.

RN

**W.12.5 Proposal to Alterations and Additions on Farm 501/02, Farm Mooikelder, Main
Street, Northern Paarl, Paarl: MA
HM/MOILKELDER/PAARL**

An application and drawings prepared by Malherbe Rust Architects were tabled.

Mr Ronny Nyuka made a power-point presentation.

Mr Chris Fick (Malherbe Rust Architects) was present and participated in the discussion.

In discussion it was noted that:

- The DHF and the Paarl 300 had been informed of the meeting.
- There was insufficient information to make a decision.
- Sections and elevations which show clearly the differences between the existing building and proposed changes especially in terms of the increase of the height of the building must be submitted.
- The comments from the DHF and Paarl 300 were submitted; the DHF objected to the proposal and the Paarl 300 supported the proposal.

The Committee confirmed the grading of the werf to be Grade II.

DECISION

The Committee resolved not to deal with the matter.

RN

W.13 HERITAGE AREAS: SECTION 31 CONSENT APPLICATIONS

W.13.1 None

W. 14 PROVINCIAL PROTECTION: SECTION 29 PERMIT

W.14.1 None

W.15. PROVINCIAL PROTECTION: SECTION 28 REFUSAL

W.15.1 None

W.16 HERITAGE REGISTER: SECTION 30 PROCESS

W.16.1 None

W.17. PUBLIC MONUMENTS & MEMORIALS: SECTION 37 PROCESS

W.17.1 None

W.18. REQUESTS FOR OPINION/ADVICE

W.18.1 None

W.19. Other Matters

W.19.1 None

SECOND SESSION: TEAM EAST PRESENTATION

E.10 PROVINCIAL HERITAGE SITE: SECTION 27 PERMIT APPLICATIONS

**E.10.1 Ptn 53 and Ptn 4 of Farm 281, Cape Agulhas Lighthouse: MA
HM/CAPE AGULHAS LIGHTHOUSE/PTN 53 AND PTN 4 OF FARM 281**

A report prepared by John Rennie, dated 18 February 2013, drawings and sketches prepared by John Rennie were tabled.

Mr Shaun Dyer made a power-point presentation

DECISION

The Committee resolved that the stop works order be withdrawn for all parts of the project other than the plinth.

The Committee resolved that a compulsory repair order be issued comprising the following:

- The original specification for the proposed work on the tower be implemented; the implication being that the brick work inserted thus far be removed and replaced according to the original specification.
- A specification for the granite work on the plinth be submitted for approval within 30 days and thereafter be implemented as part of the current works.

ZS

E.11. STRUCTURES OLDER THAN 60 YEARS: SECTION 34 PERMIT FOR TOTAL DEMOLITION

E.11.1 None

E.12 STRUCTURES OLDER THAN 60 YEARS: SECTION 34 PERMIT FOR PARTIAL DEMOLITION/ALTERATIONS

**E.12.1 Proposed Excavation on Erf 172264, 146 Waterkant Street, Cape Town: MA
HM/CAPE TOWN/ERF 172264**

Case No: 120803ZS02E

Application, pictures and plans prepared by Etienne Britz, dated 10 October 2010 were tabled. Complete this according to previous minutes.

Mr Shaun Dyers made a power-point presentation

Mr Martin Zahradnik, Mrs Teral Cullen and Mr Ashley Lillie were present and participated in the discussion.

DECISION

The Committee resolved that the works do not alter 'the structure, appearance or physical properties' of the structure and therefore no further actions in terms of the National Heritage Resources Act are required.

Signed copies of the plans will be returned to the applicant.

ZS

E.12.2 Proposed Alterations on Rem of Erf 257, Hugeonot Street, Franschoek: NM HM/FRANSCHHOEK/ERF 257

Case No: 130116ZS11M

This matter was taken off the agenda on request by the applicant.

ZS

E.13 HERITAGE AREAS: SECTION 31 CONSENT APPLICATIONS

E.13.1 None

E.14 PROVINCIAL PROTECTION: SECTION 29 PERMIT

E.14.1 None

E.15 PROVINCIAL PROTECTION: SECTION 28 REFUSAL

E.15.1 None

E.16 HERITAGE REGISTER: SECTION 30 PROCESS

E.16.1 None

E.17 PUBLIC MONUMENTS & MEMORIALS: SECTION 37 PROCESS

E.17.1 None

E.18 REQUESTS FOR OPINION/ADVICE

E.18.1 None

E.19 Other Matters

E.19.1 None

20. ADOPTION OF RESOLUTIONS AND DECISIONS

The Committee adopted the resolution and decisions.

21. CLOSURE

The meeting adjourned at 15:30

22 DATE OF NEXT MEETING: 27 March 2013

CHAIRPERSON _____ **DATE** _____

SECRETARY _____ **DATE** _____