

Qs & As re. Heritage matters in Kalk Bay – St James

- 1. Q:** Who is the RRA heritage sub-committee?
A: Barrie Gasson (town planner), Derek Stuart-Findlay (property manager), Tony Kiley (architect), Ank Gowans (medical technologist). They are professional unpaid volunteers. They work closely with Council's Heritage Officer Philip Smith (landscape architect).
- 2. Q:** Who does the S-C (sub-committee) report to?
A: To the RRA (Ratepayers & Residents Association) ExCo at their bi-monthly meetings.
- 3. Q:** What powers do they have?
A: They are an I&AP (Interested and Affected Party) registered with the City Council and Heritage Western Cape (HWC) for the purpose of commenting on the heritage aspects of plans. They have no powers: they have influence in the heritage assessment process related to 4 & 5 (below.) They do not approve plans: only Council and Heritage Western Cape have that legal authority. When they sign plans it means they have no further comments / objections to the proposals on heritage grounds.
- 4. Q:** How do they evaluate plans?
A: Council's Heritage Guideline Pamphlet 12, Kalk Bay – St James, provides the basis; plus their professional experience; plus a commitment to promoting traditional architectural forms, materials and details that fit the character of this area; plus site visits and interactions with property owners and their architects in conjunction with Council's heritage and planning officials; plus local knowledge and heritage information held by Kalk Bay Historical Association.
- 5. Q:** What are the heritage approval processes?
A: There are two heritage approval processes that regularly apply in our area:

 - (i) Any internal or external alteration to a structure older than 60 years (regardless of how significant or not it is) requires a Permit from Heritage Western Cape in accordance with section 34 of the National Heritage Resources Act. The RRA and the City's Heritage Resources Section (HRS) are both I&APs in this process and provide comment to HWC, who are the decision-maker.
 - (ii) Any external addition, alteration, new structure or tree removal requires approval from the City since our area is a Heritage Protection Overlay (HPO) zone in accordance with section 162 of the Municipal Planning Bylaw. The RRA and the City's Heritage Resources Section comment into this land use process but the decision-maker is either a delegated Land Use official (if there are no objections) or the Municipal Planning Tribunal (if there are objections).
- 6. Q:** Where can we see plans and can we get electronic copies?
A: At the Council offices in Plumstead (old Plessy Building / Checkers Shopping Centre). Plans are copyright-protected and belong to the architects and property owners. Therefore, electronic copies cannot be supplied without their permission. Not even Councillors are given electronic copies of plans. POPI Act (Protection of Personal Information) Act applies.
- 7. Q:** Can the plans be placed on the RRA website?
A: Only with permission of owners and their architects.
- 8. Q:** Can we see a list of the plans currently under consideration in Kalk Bay – St James?
A: Council does not file plans by suburb; they are filed only by Case ID.

9. Q: Can a plans' 'tracker' be placed on the website showing the progress of plans through the Council approvals process?

A: Each Application is assigned to a Case Officer whose task is to move and track the plan through the many steps and stages in the lengthy process of plan approval that lasts many months and involves numerous officials in various Council branches. The heritage assessment step is a small part of this and the S-C participates in this step alone, and nothing beyond it. They have neither the capacity nor the authority to track a plan's progress through the approvals process.

10. Q: How does the public participation process work?

A: For Heritage Western Cape processes, they only require the comment from the RRA and the City's Heritage Resources Section. Some applicants choose to advertise more broadly but it is not a requirement.

For City Land Use applications (such as to work in the HPO zone) the Case Officer decides the extent of advertising required but it usually includes the RRA, the Ward Councillor, the surrounding neighbouring properties and a Development Notice physically placed on the property. Applicants can choose whether to obtain neighbours' consent themselves (by having them sign a 'no objection' form and the plan) or they can request the City to advertise on their behalf via registered mail. They will have 30 days in which to study the plan and submit comments/objections via email to the City. The applicant is given the opportunity to respond to any objections received and may choose to modify the proposed plan as a result. If Council receives no comments/objections it has no option but to assume that neighbours are satisfied, and approve the plan.

11. Q: Does the S-C comment on the heritage aspects of development proposals on State land: Rail corridor under PRASA (Passenger Rail Agency of South Africa); Harbour under DAFF (Department of Agriculture Forestry & Fisheries); and Outspan under PWD (Public Works Department)?

A: Although all these State-owned properties fall within the HPO zone, State Owned Enterprises (SOEs) are not obliged to submit their lessees' development plans to Council: they may submit what is called a 'courtesy plan' but seldom do so. This gives lessees pretty much a free hand to do as they wish and their development record proves this. Neither Council's Heritage Section nor the S-C have ever commented on heritage aspects of developments on SOE land.

Useful links:

Heritage Advice Booklet 1:

https://resource.capetown.gov.za/documentcentre/Documents/Graphics%20and%20educational%20material/Heritage_Resource_Management_Brochure.pdf

Heritage Guidelines for Kalk Bay – St James:

https://resource.capetown.gov.za/documentcentre/Documents/Graphics%20and%20educational%20material/HAP12_StJamesKalkBay.pdf

Land Use application process:

capetown.gov.za/Work_and_business/Planning-portal/Applications-and-submissions/Land-use-management-application-documents

Heritage Western Cape process: <https://hwc.org.za/node/91>

City's Heritage Inventory: <https://citymaps.capetown.gov.za/EGISViewer/>

Barrie Gasson and Philip Smith. November 2023.