

Greyton Heritage Survey

COMMENT ON AND OBJECTION TO THE DRAFT HERITAGE SURVEY FOR GREYTON



WARD 2 FORUM

SERVING THE COMMUNITY TOGETHER

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SUMMARY

The future of Greyton could be adversely affected if suitable Overlays are not incorporated into the Zoning Scheme in order to provide a satisfactory system for the protection of the place from inappropriate development.

The Survey should be objected to on the grounds that it is incomplete, contains errors of detail and is misleading. It is only one stage in a process that has not been properly explained or managed in terms of property owners and the general public who may be adversely and significantly affected by the completed process. For the project to go ahead it must demonstrate convincing support from the majority of the community.

1. PUBLIC PARTICIPATION AND CONSULTATION PROCESS

The Constitution of South Africa (section 195(1)) states that:

- The public must be encouraged to participate in policy making;
- The public must be provided with timely, accessible and accurate information.

The Municipal Systems Act (section 6(2)) states that the municipality must:

- Be responsive to the needs of the local community;
- Facilitate co-operation between it and the local community.

The intent of the above is absolutely clear, yet these rights have been ignored.

Guidance is available from HWC (draft Guidelines on public consultation June 2016) which says that:

“Appropriate steps are required to be taken to communicate the administrative action to those likely to be materially and adversely affected by it and call for comments from them. Any comments received are to be considered prior to taking the administrative action.”

The PP process so far has failed to fully inform:

- The property owners and community of Greyton;
- ‘Swallows’ and other non-resident house owners;
- All businesses associated specifically with property;
- The public, concerning responses to queries from them.

No attempt has been made to use the following to inform the community:

- Mail drops or Emails;
- The Tourism Information service;
- Municipal invoices.

Clearly, the *appropriate* steps required by HWC have not been taken.

2. SPECIFIC INFORMATION

- a. The reasons for protecting Greyton from inappropriate development;
- b. The way in which Overlay Zones will satisfy this requirement;
- c. The process by which we obtain these protective Zones;
- d. The implications and concerns for property rights;
- e. Terms of reference for the contract for the Survey of heritage resources and their subsequent approval for listing in the heritage Register;
- f. Criteria used to judge the gradings of the identified heritage resources;
- g. Consultation with owners on the implications of grading of their property.
- h. Proof that all owners of properties with proposed heritage gradings, and all properties in designated heritage areas regardless of their grading, have been consulted on the implications of the process.

2.1 Protection of Greyton from inappropriate development

The municipality have failed to clearly define the scope of the project as the conservation of Greyton, necessary in order to protect the essence of the place and its special features. The mix of architecture, village layout and the surrounding natural environment attracts tourists and life style residents. This in turn boosts commercial activity and local employment.

The photographs below demonstrate various recent modern buildings that do not comply with the Guidelines and are not compatible with the heritage of Greyton, clearly showing the results of the wrong kind of development:







2.2 Overlay Zones

The inclusion of Local Area Protection Zones together with Heritage Protection Overlay Zones and Heritage Areas is critical in order to best protect the whole of Greyton from inappropriate development.

Local area Protection Zones have been omitted from the Survey discussion.

2.3 The process

The process requires that the proposed changes to land use and development rules, and reasons for these changes, are supported by a public participation process. This started in 1998 -2000 as part of the production of the Greyton Structure Plan. The result was approved by Province in 2000, and has been municipal policy ever since, under the monitoring by GAAC through their Aesthetic Guidelines.

In addition to individual properties and streetscapes being graded, heritage areas may also be designated. The Consultants indicate that the historic precinct of Greyton would become the Heritage Core Area, and most of, but not all, the surrounding land, up to the current Urban Edge would be a Heritage Buffer Area. Another area is the open space between the major roads north of Kloof Street, between the long and narrow back-to-back erven.

These are not defined at all, especially the difference between the areas in terms of the new provisions that will apply in them.

All the heritage resources will be discussed between HWC and TWKM prior to submitting the data to the HWC Committee for approval, after which the list is gazetted. *At some stage, all listed property owners must be consulted*, in particular concerning how the proposed changes to land use and development rules will affect them.

Within 6 months of gazetting TWKM, HWC and Province have to agree the provisions for the management of the heritage resources, which will be implemented through Overlay Protection Zones.

The community has not been informed of any details of these operations.

2.4 Implications and concerns

These concerns have not been discussed in the Survey and attempts to get any response from TWKM or HOZAC have been ignored. We have to wonder why and who is responsible:

- a. There may be requirements for Estate Agents to disclose information on the possible impact of the NHRA on house sellers and buyers;
- b. There are no proposals for the protection of Greyton:
- c. Outside the boundary of the current urban edge/Heritage Buffer Areas;
- d. Or, inside a Heritage area, next to graded properties;
- e. Or, where exemption from requiring a permit from HWC to carry out alterations etc has been granted (see section 3.2);
- f. There is no information on the criteria by which a heritage resource has been graded, so that owners can agree or not with the Consultants' assessment;
- g. There are no proposals for the extent of the heritage protection provisions or how they will compare to the current Aesthetic Guidelines, in terms of:
 - The different heritage gradings 2, 3A, 3B and 3C;
 - The differences between the Core and the Buffer Heritage Areas;
- h. There is no indication as to whether the property owner has a right to alter or veto any grading, or to negotiate changes to the provisions that apply to his/her property;
- i. There should be terms of reference for the HOZAC Committee, the Greyton Conservation Society under whose auspices they operate, and GAAC, bearing in mind that both HOZAC and GAAC are official advisory committees for TWKM. It is noted that at least 3 GAAC members currently have business interests in architectural design;
- j. The local registered organisation, Greyton Conservation Society, has significant responsibilities and duties for the management of heritage resources in terms of the Act (sections 27(8) and 30(11)(a)), which are yet to be defined;
- k. There is no information on the procedure that must be used by owners of any property graded 2, 3A, 3B or 3C, or any property in a heritage Area, to apply for planning approval for a new building or alteration of an existing building.
- l. There is no mention of Local Area Protective Zones, which were the basis for the Overlay proposals from Greyton in 2014, which were discarded by TWKM. These would have been augmented with Heritage protection zones.

2.5 Terms of reference

There is lack of clarity in the terms of reference concerning the ways in which the heritage survey should assist in the finalisation of the Greyton Overlay.

2.6 Criteria used for grading

Heritage experts have an understanding of the parameters they use to determine the significance of Heritage Resources and are therefore expected to achieve a level of agreement with each other.

However, these parameters are not defined anywhere, so how is it possible for the average property owner to be able to objectively assess the significance of his/her property from the standard data sheets used, and therefore comment on the grading? Furthermore, they do not tie up with criteria used in the Report, such as building scale, materials, building position (including setback), distinctive qualities etc.

There are 11 properties graded 3A, 71 properties graded 3B and a nominal balance of 253 heritage resources graded 3C. However, **48** are listed with little or no data; there is no explanation for this.

Erf 398 is an example of a 3C graded property, where some criteria are incorrect or missing to the extent that the grading should be questioned:

- Late 19th century: only applies to original central part of house, the rest comprises extensions on both sides from late 20th and early 21st centuries;
- Original part has old clay floor tiles and mud brick walls;
- Steel small pane windows and doors replaced by modern wooden sash ones, some with incorrect proportions;
- Roof largely IBR corrugated iron, only some behind parapets;
- External “*abbatjie*” fireplace ignored.

The grading is not an end in itself, but a means of establishing an appropriate level of management for the process of future formal protection.

So, by implication, as nowhere is the subject discussed fully, the different gradings lead to different levels of protection through different development rules. What are they?

2.7 Consultation with property owners

Owners of heritage resources must be consulted prior to that resource being included in the register (Appendix 2 HWC Guidelines section 3.1). This applies to submissions for inclusion on the heritage inventory (NHRA section 30(7)), and also applications for the designation of Heritage Areas (NHRA section (31(5))). The main requirement of the consultation is that the owner of a heritage resource must be informed about the provisions that will be made for protection of the resource.

This presupposes that Heritage Protection Overlay Zones have already been broadly defined in sufficient detail so that all the land uses and development rules can be compared with the current zoning provisions applicable to the property, and the additional provisions in the existing guidelines, for example:

- Building height;
- All buildings positioned between 5-10m from the front boundary;
- Rear building line set back a maximum 35-38m from front boundary;
- Conformity with existing architectural and aesthetic design in the vicinity;
- Vertically proportioned windows, never large single panes;
- Painted and plastered walls, no face brick, concrete etc.

It is considered that any significant change by way of too prescriptive or too relaxed a provision, in relation to the existing aesthetic Guidelines, should require the active agreement from the vast majority of owners.

There is no process yet available for consulting property owners on these matters or for determining their acceptability. Until this is done, the list of heritage resources cannot be approved by HWC and entered onto the Register.

2.8 Proof of Consultation

There is no evidence that TWKM intends to consult the community and demonstrate that it has done so to the satisfaction of the community.

3. OTHER MATTERS

3.1 Greyton Commonage

If the Greyton Commonage can be identified as a heritage resource, it must be defined in terms of its history and range of land uses, specifically including the provision that it was bequeathed to the community by Herbert Vigne for perpetual use for the benefit of the community with the restriction that it must never be alienated.

The boundaries of the Commonage must be identified properly, in relation to the proposed HPOZ (comprising the Core Heritage precinct and the Secondary precinct shown in Figure 7 of the report). The Commonage is Erf 595 (Remainder) which should extend to the proposed boundaries of the areas designated to be incorporated into the Greyton Reserve or rezoned to a Conservation zone. The River corridors must be protected. The area of 'Open Space' shown in Figure 10 is incorrect and must be accurately delineated.

*What is required is **one** map of Greyton with all the zones mapped correctly and accurately, with the current land uses identified.*

3.2 Exemptions

Owners of properties that are over 60 years old, in a Heritage Area, unless they are graded 3C or higher, can apply for exemption (NHRA section 34) from having to comply with the heritage provisions. Such relative development freedom could have an adverse effect in the Area and should be controlled by means of Local Area Protective Zones with the same provisions as the HPOZ. This is not clear from the report, where there is no reference to such zones.

This is considered a major failing of the legislation, compounded by the apparent lack of understanding of the implications by HOZAC and TWKM Planning.

3.3 Architectural standards and Aesthetics

There must be a clear definition of a *mandatory* provision in the Overlay zones that ensures a common understanding by all parties, so that a significant change in land use or development rule can be assessed, amongst other criteria, by the extent of deviation from the Base or Overlay Zone. If significant, Consent should be required or a Departure applied for.

A similar requirement is proposed for the Guidelines, which are considered subjective or discretionary, where one or more options or preferences are stated. Any development application and its assessment must consider this. Where a Guideline suggests a specific option, then a decision

not to accept it must be motivated. In the case of Overlay zones, if the deviation is considered significant, Consent should be required or a Departure applied for.

4. THE SURVEY REPORT

Comments in the Report have been identified as possibly being confusing and may therefore detract from the validity of, and support for, the Survey:

- 'Some of these buildings should be closely inspected (exterior and interior) and documented' (Figure 2). *Whose responsibility should it be?*
- 'Most buildings are simple in form with double pitched roofs of one and a half storeys (i.e. loft height)' (Figure 2). *Untrue, as most buildings have 2 storeys, one being the loft made suitable for human habitation as defined by LUPO and the IZS;*
- 'All boundary definitions should be kept low using a variety of timber, wire fencing and vegetation' (Figure 3). *Stone walls also used, and are a feature;*
- '*Densification* of existing agricultural plots is not preferred within the proposed HPOZ and should rather occur outside of the proposed HPOZ' (Figure 10). *This needs to be clarified, as it seems to be a new TWKM policy;*
- '*Sensitive* planning should, nonetheless, take place when developments are proposed in the commonage' (Figure 10). The actual Commonage is considerably larger than shown on the map (see also section 3.1). *What does sensitive mean here? What possible future developments are part of this Survey?*
- *The Survey was not sufficiently comprehensive in presenting and defining the importance of certain features, as they are the essence of Greyton and therefore the basis for the provisions in the Overlay Zones (see Annexure B);*
- 'The team has also undertaken to update the Greyton Aesthetic guidelines which are in progress and will be complete during July 2016' (Report page 33). *When will they be available?*
- 'GAAC is worried about subdivisions in the village since very few erven have ever been subdivided, however the local SDF for Greyton will address the subdivision issue' (Report page 41). *This needs to be clarified;*
- There do not appear to be any photos, sketches etc to describe the lei water system and the map of the layout (Figure 6 of the report) is incorrect in several places. *This needs to be addressed;*
- The map titled 'Greyton's vacant erven' (on the website but omitted from the report) shows the part of the village north of Kloof Street, all the erven numbered and the areas not built on are coloured green. It is not clear how the 3C grading of '*vacant areas of land in the agricultural plots fed by the lei water system*' will protect these areas. *This description is incomplete without these important features:*
 - Long, narrow erven with their original boundaries still intact;
 - Erven are back to back, creating the extra open space;
 - All buildings are positioned near the road boundary;

- There are a number of data entries with 'Management Level' (blank, 1, 2, or 3). *The meaning of these must be defined.*

3. CONCLUSION

- a. The Heritage Survey is only one part of a whole, complex project and must not be considered separately.
- b. The Heritage Report is limited in details. This may delay approval of the Heritage Register, or later it may provide loopholes for developers to contest the Overlay regulations.
- c. There are significant areas of Greyton devoid of protection against inappropriate development.
- d. There are no details of the development provisions that should specifically inform the Overlays.
- e. There is no information on the differences between gradings and between heritage areas in terms of the development provisions applicable to each.
- f. The public participation process has failed its purpose. All owners have not been properly informed of the implications of heritage protection of their properties. The vast majority need to demonstrate their support in order that any recommendation can be made for the project to go ahead.
- g. Details of the criteria used to assess the grading of properties are not available, thus making any comparison with the data sheets for most owners impossible.
- h. There is concern with the lack of accurate and reliable information from the Committees purporting to represent the interests of Greyton property owners and with the lack of transparency in their involvement with this project.

The future conservation and protection of Greyton, by means of heritage and local area protective Overlay zones, and augmented by aesthetic design Guidelines, will be jeopardised if the survey is approved as it is now.

On behalf of Ward 2 Forum



WARD 2 FORUM TEAM

*Should you wish to receive additional information on the Heritage Survey or wish to participate in any of the W2F Projects please contact the **Ward 2 Forum Team** on the email info@ward2forum.org*

Or you could also visit our:

Facebook : <https://www.facebook.com/groups/ward2forum/>
website : <http://ward2forum.org/>

Annexure A

Acronyms used:

HPOZ	Heritage Protective Overlay Zone
NHRA	National Heritage Resources Act (No 25 of 1999)
PP	Public Participation
SDF	Spatial Development Framework
TWKM	Theewaterskloof Municipality
HWC	Heritage Western Cape
GAAC	Greyton Aesthetics Advisory Committee
HOZAC	Heritage Overlay Advisory Committee
LUPO	Land Use Planning Ordinance
IZS	Integrated Zoning Scheme.

Annexure B

The following features describe and define the essence of Greyton:

- 1) Location and layout of the original village, confined by mountains, hills, rivers and their flood plains, and shaped to follow the land contours;
- 2) Variety of views of the mountains and hills from almost every property, their proximity close enough to appreciate the detail, without being overbearing;
- 3) Erf dimensions, ranging from large to small, designed to give variety of property values and house sizes, mostly with a minimum ratio of 4:1 length to width, to allow agricultural allotments behind the houses;
- 4) Building height originally limited by the length and load capacity of available local timber roof structures, and the prevailing use of thatch;
- 5) The later use of the storage loft as living space, variety of dormer windows;
- 6) The mixture of roof-scapes, with double pitched roofs, different pitch angles from thatch and corrugated iron, similar roof colours, with some flat roofs behind parapets;
- 7) The open green and sometimes wooded areas acting as 'the lungs of Greyton', made more significant by the properties being 'back-to-back';
- 8) The open design of the street-scapes, with buildings set back 10 metres along the major streets and front walls being 1,2 metres high maximum;
- 9) The uniformity of the painted, rough traditional plastered wall finish, and the absence of face brick and other modern materials unless they are visibly similar to the original;
- 10) Small pane windows, vertically proportioned – no plate glass etc;
- 11) Distinctive chimneys on gable end walls, rough plastered and painted.

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