



MEMORANDUM

TO	Director: Land Use Management
ATT	Paul Heydendrych
CC	Dimitri Georgeades
DATE	2016/08/18

RE APPLICATION TO DEVELOP A VACANT SITE AT 37 LION STREET, BO-KAAP, ERF 168212 CASE NUMBER: 70263506

Paul Heydendrych's email to Dimitri Georgeades of 10 August 2016 instant (attached) inviting E&HM to provide comment before 19 August 2016, refers.

Thank you for agreeing to allow E&HM to comment on the above LUM application which was not formally circulated to E&HM for comment albeit that the site falls within the Proposed Bo-Kaap HPOZ and within the Identified Grade I Area, as identified by the South African Heritage Resources Agency (SAHRA). E&HM notes that the application was circulated to SPUD and other internal line departments for comment.

LUM has requested that E&HM specify the legislative requirement for commenting on said application.

Please be advised that E&HM's comment is made to Section 99(3)(g) of the Municipal Planning By-Law, Criteria for Deciding Applications, requiring that the **impact on heritage** be assessed when deciding an application, and is in line with the general principles of heritage management set out in the National Heritage Resources Act.

2. Application:

The proposal is for a five level apartment block on a vacant site which requires rezoning from GR4 to GR5 and various departures as set out in the motivation report.

The application documentation has been accessed via DAMS. Although the applicant's representative, Mr Andrew Pratt, had approached E&HM almost a year ago over-the-counter, E&HM had not received a proposal to assess and hence no comment had been provided on this or any other proposal. Mr Pratt's statement in his motivation report that E&HM HRS had "been involved through the development of the proposal" and had "supported the proposal" is misleading.

The motivation report makes clear reference to the "distinct" character of the "historic Bo-Kaap area" and its "finer grain urban development". The social, architectural, aesthetic and historic significance of Bo-Kaap is undisputable and cognizance must further be given to the recent (Vredehoek) Davenport court ruling which accepted the proposed Vredehoek HPOZ as a heritage resource.

3. Recommendation

The proposal is not in keeping with the unique urban character of the Bo-Kaap, an important heritage resource of high heritage significance, hence the Grade I identification by SAHRA and identification by the City for declaration as a HPOZ. Its design, height and bulk will have a negative impact on this area as a heritage resource.

The application does not evidence any analytical assessment of the impact of the proposed development on heritage and thus cannot be considered to have satisfied the requirements of Section 99 of the MPBL.

E&HM objects to the rezoning of the site to GB5 and to the proposal, and recommends refusal of the application.

Kindly upload the comment onto DAMS for record purposes.

Regards,



Tamar Shem-Tov

**HERITAGE PROFESSIONAL: ENVIRONMENTAL & HERITAGE MANAGEMENT
(TABLE BAY DISTRICT)**