



FOR PUBLIC PARTICIPATION

Our ref: KMH/sg/A47-01
Your ref:

02 October 2018

Dear Sir/Madam

**RE: AMENDMENT APPLICATION IN RESPECT OF A DEMOLITION PERMIT ISSUED
IN 2007 – ERF 3032, 150 BUITENGRACHT STREET, CAPE TOWN**

1. Any Side Investments (Pty) Ltd is applying to Heritage Western Cape ("HWC") for the amendment of a condition contained in a 2007 demolition permit issued in respect of *Erf 3032*, situated at 150 Buitengracht Street, Cape Town
2. In or around 2007, the previous owner of *Erf 3032* sought to develop the property, which at the time contained a structure older than 60 years. It consequently applied to HWC for a demolition permit in terms of section 34 of the National Heritage Resources Act, 1999 ("NHRA").
3. A demolition permit was issued to the previous owner by HWC's Built Environment and Landscapes Committee ("BELCOM") on 14 May 2007. In relation to the replacement building, the permit required the following: "*The final amended plans are to be cleared by Heritage Western Cape.*"
4. Various iterations of the permit were thereafter issued by HWC, in conjunction with 3D images provided by the architect at the time. The final record of decision was issued by HWC on 25 March 2008. BELCOM confirmed at a meeting held on 26 September 2018 that HWC had cleared the previous plans in 2008 in terms of the 2007 demolition permit.

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5. The previous plans which were endorsed by BELCOM in 2007/2008, and in terms of which the previous owner was therefore entitled as of right to develop, comprised a nine-storey building, with commercial and residential units, with an approximate total gross construction area of 5275m².
6. Building plan approval in terms of the previous plans was achieved from the City of Cape Town on 4 September 2009. The structure older than 60 years on *Erf 3032* was demolished in 2008 in accordance with the 2007/2008 demolition permit, but the previous building plans were never implemented by the owner at the time.
7. Any Side Investments (Pty) Ltd acquired *Erf 3032* in 2017. Any Side wishes to develop *Erf 3032*. In terms of the demolition permit issued by HWC in 2007/2008, it is entitled as of right to do so in accordance with the previous design, and the building envelope described in paragraph 5 above.
8. However, Any Side seeks to improve the previous design of the building which was cleared by BELCOM in 2008. The improvements relate specifically to: enhancing and improving the visual link to the historic curvilinear house; creating uninterrupted, active street edges; and adjusting the building grain / width. Objek Architects was appointed to develop the new design. An amendment to the previous proposal has been developed for comment, and a comparison between the old design and the new design is depicted in a set of 3D images prepared by Objek.
9. Any Side therefore sought HWC's advice regarding whether it would be able to amend the condition of the 2007/2008 demolition permit in terms of which the previous plans were cleared by HWC, in order to incorporate the new proposed design.
10. Legal opinion was obtained from both HWC and external attorneys, Nicholas Smith Attorneys regarding whether HWC was empowered by the NHRA to entertain an

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amendment application (this being a novel situation which HWC had not previously been called upon to consider). HWC's BELCOM confirmed at a meeting on 25 July 2018 that HWC was empowered by the NHRA to entertain an application for amendment of the relevant condition in the 2007/2008 demolition permit.

11. At the BELCOM meeting of 26 September 2018, BELCOM confirmed that Any Side can initiate its amendment application by starting the requisite public participation procedure. This notification comprises that procedure.

Yours faithfully,
NICHOLAS SMITH ATTORNEYS
Per:

KATHERINE HANDLEY

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