

**MINUTES OF THE MEETING OF THE SPATIAL PLANNING, ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, 6<sup>TH</sup> FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON WEDNESDAY 13 APRIL 2011 AT 10:00**

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**SPEL18/04/11      APPLICATION FOR CONSENT: ERF 174009, CNR STRAND AND BREE STREETS, CAPE TOWN**

**Tabled document – attached as Annexure J**

Objection from Captrust

**APPLICANT**

Dr G Fagan  
Dr S Townsend

**OBJECTORS**

Ms M-L Roux  
Ms K Dumbrell  
Dr H Fransman  
Mr P Labrosse

The Committee heard representations from Ms M-L Roux, Ms K Dumbrell, Dr H Fransman and Mr P Labrosse representing objectors.

The Committee then heard representations from Dr G Fagan and Dr S Townsend representing the applicant.

At the conclusion of the representations from Dr G Fagan and Dr S Townsend representing the applicant the Acting Chairperson allowed Ms M-L Roux, Ms K Dumbrell, Dr H Fransman and Mr P Labrosse to raise issues of clarity and rebuttal on the representations from Dr G Fagan and Dr S Townsend representing the applicant.

After a brief introduction by Mr G September, Department: Planning and Building Development Management, Mr C James, Department: Environmental Resource Management addressed the Committee. Mr James said that most of the comments of Environmental Resource Management were contained in the report but he did want to address issues that had come out of the presentations. He referred to a City joint evaluation team and to the Rennie Survey that had given rise to the first discussion around what grading the building and the complex had or should have. He pointed out that a document in the Rennie

Survey that graded the building also had a volume attached to it that mapped different measures of significance. He said that there were eight (8) levels of significance in the Rennie survey. He said that the warehouse on its own, without looking at the context of the street that it was in, or the block that it was on, met four (4) of the eight (8) levels of significance.

Mr James said that the City's assessment team had agreed with the comment by South African Heritage Resources Agency (SAHRA) that the building was of potential national significance but he added that it would be SAHRA that would have to make the call in that regard. He referred members to the recommendation in the report that covered the issue of the matter being referred to SAHRA.

Mr James said that the City's assessment team had looked at the area of the building in a number of different contexts. He explained to the Committee the different views of the building and block that the team had taken into context at an on-site inspection. He mentioned the Waterkant Street context in particular as it was a street that had only recently become extremely important in terms of it being part of the Fan Walk that visitors' to the City experienced when walking to the Cape Town Stadium. He said that an important aspect of the building was that it was low key and allowed the Church to stand out. He said that an extension would compete with the Lutheran Church on that block. He said that sending the matter back to SAHRA would allow any decision to take into account the national significance of the site.

The Acting Chairperson invited the Ward Councillor to address the meeting. Alderman Walker said that it was her view that no planning application could be dealt with entirely as a technical issue. She said that the spirit of the Constitution was that the person in the street must be involved. She said that the unsolicited views of people who had become aware of the application also had to be taken into account and the views that she had become aware of were not against the form of the development, but that such form should not be located on the site concerned. She said that the issue was - should there be a development on the site? She said that she looked at it from the point of view of an ordinary person who walked around the City and looked at what was there and was not there anymore, or had been irrevocably changed. She said that her gut feeling was that where there was any doubt one should be conservative and not take any decision that would change permanently something that one might not want to change at all.

Alderman Walker said that when there was a City block that was so complete on its own, her view was that it did not need anything else on it and needed to be left alone. She said that as the Ward Councillor she would like to see the site left alone in celebration of what it was, rather than trying to put the new onto the old.

The Acting Chairperson then briefly adjourned discussion to allow the members of the Committee, and any other persons that might be interested, an opportunity to view models of the building and surrounding buildings that were on display inside the meeting venue.

The Acting Chairperson allowed discussion amongst people viewing the model and representatives for both the applicant and objectors got the opportunity to address members about issues related to the context of the buildings in and around the site.

Councillor van der Walt asked what would happen if the decision was to refuse the application as she was concerned about the restoration and upkeep of the building.

Mr James said that the owner would sit with the building with its existing package of rights. He said that the Committee in refusing the application would not be indicating that nothing could ever happen on the site and the package of rights would remain. He said that what the Consent application was dealing with was the proposal that was before the Committee for consideration.

Councillor van der Walt said that if there was something that could be done that would allow the building to be restored and maintained consideration should be given to any such proposal, but not necessarily the proposal that was before the Committee.

Alderman Holderness asked that it be noted that the public participation process had not been adequate.

Alderman Holderness said that she supported the recommendation for refusal.

Alderman Holderness referred to the recommendation on folio 1152, (page 19 of the report) and said that it was her suggestion that the issue of the City block in which the proposed development was situated, be referred back to the South African Heritage Resources Agency (SAHRA) to address the question of the national significance and grading of the complex in question as a matter of urgency. She said that so much had been lost in the City and the Country and the members of the Committee would like to do all they could do to

prevent such losses. She said that she noted the comments made by the applicant about the nature of surrounding proposed developments that had been approved, and the applicants comment about the impact that those approved proposed developments would have on the area.

Alderman Holderness said that in addition the City's officials should investigate the signage as had been highlighted during the presentations to the Committee, and that the signage in question should be dealt with appropriately by the City's officials.

The Chairperson summed up the proposal by Alderman Holderness as being that the Committee adopt the recommendation on folio 1157 (page 24 of the report) and that there be a part B to the decision of the Committee as set out on folio 1152 (page 19 of the report).

Councillor Salwary seconded the proposal by Alderman Holderness but added that he was a big supporter of development because he knew what it meant for people, especially those people that were unemployed, but, in the case before the Committee for consideration, he supported the recommendation to refuse the application because of the issues of culture and heritage. He said that if he could be assured that the Lutheran Church would not be affected detrimentally he would look at the matter differently.

There were no members present who had a view different to that of the proposal put forward by Alderman Holderness.

### **RESOLVED**

That Consent for Erf 174009, Cape Town to permit work in a declared Urban Conservation Area **BE REFUSED** in terms of Section 108 (1) (iii) of the City of Cape Town Zoning Scheme Regulations for the reasons as set out in the report dated March 2011.

### **FURTHER RESOLVED**

That the South African Heritage Resources Agency (SAHRA) be requested to address the grading of the building, the complex in question, and the City Block, in light of its potential national significance, as a matter of urgency.