

# Section 27 Application

submitted in terms of the National Heritage Resources Act

prepared for

Kayad Knight Piesold (Pty) Ltd

on behalf of

The City of Cape Town: Universal Access and Non-motorised Transport

May 2 015

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GOVERNMENT AVENUE

CAPE TOWN

## Executive summary

vidamemoria heritage consultants have been appointed by Kayad Knight Piesold (Pty) Ltd on behalf of The City of Cape Town: Universal Access and Non-motorised Transport to conduct the necessary heritage assessment related to the proposal for a Cycle Route along **Government Avenue** in Cape Town. This proposed intervention triggers Section 27 of the National Heritage Act (Act 25 of 1999).

Government Avenue is located within the Old Company Gardens in Cape Town CBD. The avenue is a linear pedestrian path edged on both sides with a bed of low underplanting and lines of oaks on either side. The character of Government Avenue changes along its length and a stone-lined water channel runs on either side of the avenue.

27(18) of the NHRAct states that *no person may destroy, damage, deface, excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority.*

Parliament, Tynhuys, Paddocks and Government Avenue on erven 95164 and 95165 have been Gazetted by SAHRA as a **National Heritage Site** within Government Gazette Notice 269 of 2014. The proposed bicycle lane falls within the area declared as a National Heritage Site. This application has thus been compiled for submission to the relevant heritage resources authority, the South African Heritage Resources Agency (SAHRA).

The City of Cape Town: Universal Access and Non-motorised Transport are proposing the opening up of Government Avenue for accommodate *responsible cycling*. **Motivation for trial period of 6 months from October 2015 to March 2016 to allow cycling along Government Avenue to test the feasibility of cycling along the Avenue** and to inform SAHRA of the potential sustainability and social benefits of cycling along Government Avenue and how potential negative impacts of cycling along Government Avenue will be mitigated. has been drafted by Tuens Kok, City of Cape Town Universal Access and NMT Section: Transport Planning Department: Transport for Cape Town (TCT). Motivation has been included in full within the report and considers restrictions on cycling along Government Avenue, Government Avenue access function, role of Government Avenue in the NMT network, alternative cycle routes between the city centre and city bowl investigated, conclusion on alternatives, sustainability and social benefits of cycling along Government Avenue, support for the cycling trial period, mitigation measures as well as monitoring and evaluation. The motivation concludes that feasibility of cycling along Government Avenue and the number of cyclists who will make use of the Avenue to travel between the City Bowl and Central City is unknown and can only be determined during a trial period when regular surveys and observations can be undertaken.

The Company Gardens has existed since the inception of the city and is considered as a significant heritage resource. Heritage themes considered associated heritage indicators pertaining to the significance of Government Avenue. The following heritage themes and heritage indicators have been considered within the assessment of heritage impact:

- Garden of necessity to botanical garden and urban park
- Education and Culture
- Public Access
- Slave Labor
- Colonization and Politics of space
- Conservation of fauna and flora
- Taming the wild; civilization versus nature

The Company Gardens with its variety of cultural centers is a popular attraction amongst citizens of Cape Town as well as tourists. Management of the gardens should encourage the flow of visitors and ensure a pleasant experience for visitors. Due to their size and speed, bicycles pose a threat to these visitors. Preservation and conservation of the Company's Gardens and Government Avenue is a priority and any actions posing a high risk of damage to its resources should be prohibited. The importance of the Government Avenue's history calls for greater discretion in consideration of regulations.

Responsible cycling is a subjective and contested concept and one can by no means ensure the absence of reckless behavior. The collision of bicycles with pedestrians, trees, plants and animals may result in injuries and damage. Dense traffic, speed and noise poses a threat to birds, squirrels and cats; the element of nature that creates the unique appeal of Government Avenue.

The consideration and treatment of Government Avenue as a road reserve cultivates an erroneous belief about the origin and character thereof. Government Avenue is not a pathway on its own, merely running parallel to the Gardens, but sharing unity with the Gardens as one of a few pathways originally crossing the Gardens. The Avenue gained prominence as a consequence to its widening, initiated by Governor Simon van der Stel.

The landscape is considered sensitive with a low ability to accommodate change or intervention without experiencing unacceptable effects to its character and values. It is believed that the proposed development will detract from heritage significance and result in a negative impact. The proposals would result in a negative impact and the overall status of heritage impact is considered as high. The project will result in low social and economic benefits for the local community. The introduction of a bicycle lane on Government Avenue would not result in sustainable benefits with the loss of heritage resources.

The preservation of Government Avenue as a walk reserved for pedestrians only should be encouraged. The identification of heritage resources and significance as well as assessment of the impact of the proposed intervention indicate a high negative heritage impact and thus the proposal cannot be supported from a heritage perspective.

This report is however submitted to the relevant heritage authority, SAHRA for consideration of request for trial period by The City of Cape Town: Universal Access and Non-motorised Transport.

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# 1. INTRODUCTION

## 1.1 Introduction

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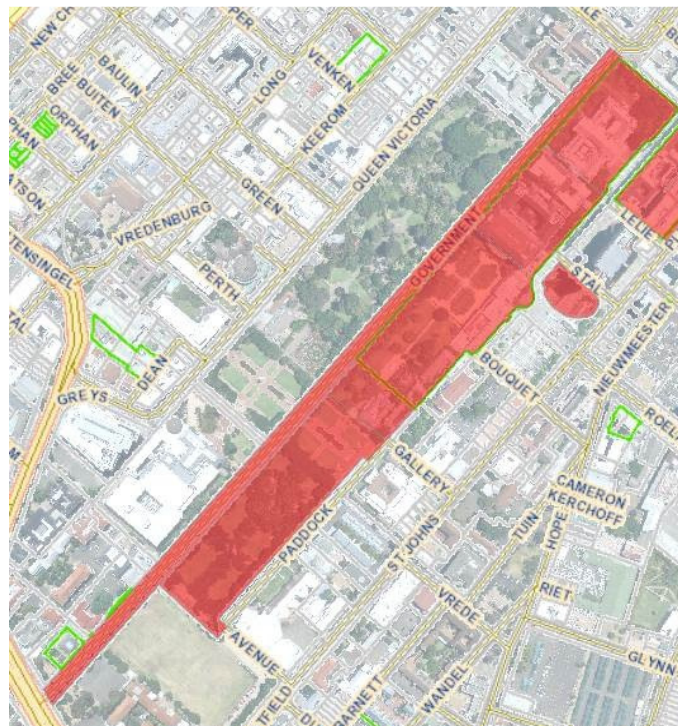


Figure 1: National Heritage Site within Government Gazette Notice 269 of 2014

## 1.2 Background

*The Company's Garden Cape Town Policy Frame work and Action Plan* considers place destination and assessment of significance of Government Avenue. The report highlights the significance of Government Avenue as the green heart of Cape Town, a very old and historical cultural landform, as a significant pedestrian route, an important townscape and urban design element, the significant retention of timeless form, visual quality and homogenous character of oaks; and a representation of strict geometry (OvP Associates 2002:21).

As a significant pedestrian route, the avenue physically connects various parts of the Garden, institutions and links the CBD to the upper Table Valley. The avenue symbolically connects mountain and sea and links the historical productive purpose of the Garden through the presence of water channels. The avenue experientially connects through an uneven rhythm of events, closures and vistas. As an important townscape and urban design element, the qualities of the avenue forms part of the main sea-mountain axis and contribute the main axis of Cape Town as it extends down Adderley Street within the city grid.

The idea of opening Government Avenue to cyclists has been mooted in motivations to the Company's Garden Action and Steering Committee on a number of occasions in recent years particularly following a presentation by Mr Lance Burger of the Pedal Power association advocating this in 2008. In January 2009 the proposal was considered again with Government Avenue proposed to be part of the network of cycle routes proposed within the Non-Motorized Transport System of Cape Town (Environmental & Heritage Management Branch: City of Cape Town).

At this time, as in the past, the Heritage Resources Section voiced strong opposition to this proposal. At the Company's Garden Steering Committee meeting of March 3, 2009 it was decided to call a special meeting to consider the proposal. The matter was presented before the Company Gardens Action Team meeting of the 25<sup>th</sup> of June 2009 where Mr Paul Booth of the Transport Department and consultants Argus Gibb presented the case for Government Avenue as part of the MNT network. This was followed by a report submitted to City departments for comment on 17<sup>th</sup> February 2010 (Environmental & Heritage Management Branch: City of Cape Town).

Former submissions to consider Government Avenue to accommodate bicycle use include:

- 1) Preliminary Heritage impact statement on the proposed use of Government Avenue in the Company's Garden as a route for bicycle traffic within the overall Non-Motorized Transport (NMT) Master Plan for the City of Cape Town. *Joint Assessment statement February 24<sup>th</sup>, 2010: Heritage Resources Section, Urban Design Section/Landscape Architecture, Land Use Management, City Parks, Environmental Management Section.*

- 2) Environmental & Heritage Management Branch Comments on the illegality and inappropriateness of the proposed use of Government Avenue Pedestrian Way as a mixed pedestrian and bicycle lane. *Further Submission to Company's Garden Action Team and Steering Committee 30<sup>th</sup> July 2009.*
- 3) Several proposals for the change of use of Government Avenue have been unsuccessful at local municipal level, these include:
  - Segway scooter route declined
  - Pedicab use of the Avenue declined
  - Relocation of informal traders from Greenmarket Square to the Avenue declined
  - MNT cycle route in Avenue declined and now subject of this heritage assessment

Organisations and individuals who have been consulted concerning previous submissions

- The Heritage Resources Section: Environmental and Heritage Management Branch – Environmental Resources Management Department: City of Cape Town.
- The Company's Garden Action Team and Steering Committee. Opinions were developed from the *Company's Garden Policy Framework and Action Plan* approved by Council as a master planning framework.
- PEPCO: the multi-party task team established on 1<sup>st</sup> September 2009 under chairmanship of Councillor T Amira

### 1.3 Legal framework

Government Avenue and the Paddocks comprise Erf 95164, owned by Provincial Government and managed by the City of Cape Town since 1913. The following summary considers the legal framework, restrictions and reservations governing Government Avenue. It should be noted that this assessment focuses only on the application in terms of the National Heritage Resources Act.

#### **National Heritage Resources Act (No. 25, 1999)**

The Company's Garden is a former National Monument (proclaimed August 13, 1937) and now Provincial Heritage Site and as such protected under Section 27(18) of the National Heritage Resources Act 25 of 1999 and which states: "no person may destroy, damage, deface excavate, alter, remove from its original position, subdivide or change the planning status of any heritage site without a permit issued by the heritage resources authority responsible for the protection of such a site."

### **Government Gazette Notice 110 Regulation 202 of 1901**

“No horse or other animal or vehicle shall be led, driven or ridden, or drawn over any footway other than upon a crossing duly constructed in accordance with the Regulation in that behalf, without the permission in writing of the Corporation given under the hand of the Town Clerk, and no person shall be allowed to lead, drive or ride, or draw any horse, animal or vehicle along, or to stand any horse, animal or vehicle upon any footway. This Regulation shall apply to the main or other avenues of the Public Gardens, including the walk known as the Government Ave”.

### **Certificate of reservation**

“Under and by virtue of the provisions contained in Section VI of Act No.15 of 1887, entitled an Act for regulating the manner in which the Crown Lands of the Colony shall be disposed of and in terms of a resolution adopted by the Honourable the House of Assembly on 3.5.1913 and concurred in by the Honourable the Senate on the 6<sup>th</sup> June, 1913, hereby certify that the piece of land, in extent about 4 Morgen, being the land known as the Government Avenue and the adjoining paddocks and other open spaces lying in the City of Cape Town, in the Division of the Cape, has been reserved in favour of the Honourable the Administrator for the time being of the Province of the Cape of Good Hope, in trust for the Provincial Administration of the said Province of the Cape of Good Hope, on condition that the land shall not be diverted to uses other than those for which it has hitherto been maintained, and that the grantee shall be responsible for the upkeep of the Avenue and paddocks and for their due preservation.”

### **Section 15 Ordinance No 19/1913**

“From commencement of the Ordinance it shall be the duty of the Council to assume control of the thoroughfare known as the Government Avenue, Cape Town, and the paddocks, paths and trees in connection therewith and to maintain the same in good and efficient order; provided, however, that the Council shall not make any material alteration in the existing arrangement of the said Avenue, paddocks, paths and trees or to erect any structure hoardings or the like therein or thereon without the sanction of the Administrator first obtained; and provided further that no vehicular traffic shall be allowed in the said Avenue or paths except such as the Council may consider necessary for repairing, cleaning or watering the said Avenue or paths.”

### **Land Use Planning Ordinance 1988 (LUPO): Cape Town Zoning Scheme**

Further the Company’s Garden including Government Avenue is zoned P.O.S under LUPO and has an S2 reservation S2/217 reserving it for public gardens and public buildings only.



### **Section 108 of the City of Cape Town Zoning Scheme**

The Company's Garden falls within the Central City Urban Conservation Area and as such is covered under Section 108 of the Zoning Scheme. A vparliamentary reservation prohibiting vehicles for anything other than maintenance including that "no vehicles, including bicycles or motorised scooters/segways may be permitted in Government Avenue exists.

### **Policy framework: Extracts from the Company's Garden Policy Framework and action plan**

The present Company's Garden Policy Framework and Action Plan was approved by Council as the master planning framework for the Garden and through which all City actions must be considered. Relevant extracts pertaining to the application are:

*Policy 5: Access and linkages: Improve access and linkages to the Garden from the City center in particular and the City Bowl in general by:*

- Maintaining the Garden as a pedestrian place;
- Ensuring free public access to the Garden;
- Restricting vehicles to Government Avenue and the Garden except for ceremonial or emergency purposes or on Council business; and
- Strengthening physical, spatial, historical and symbolic linkages with urban and natural networks and spaces.

*Policy 8: Place by place analysis-informants; Government Avenue*

- Description: Straight, broad, unobstructed linear pedestrian path...
- Essential Character, Qualities, Values and Significance: Very old and historical cultural landform, contemporary with Castle and a significant pedestrian route.
- Significant retention of timeless form, visual quality and homogenous character of oaks (consistent planting) vaulting (creating lineal tree canopy) over a pedestrian path.

## 1.4 Relevant studies pertaining to Government Avenue

On the 17<sup>th</sup> of March 1892 the then City of Cape Town Council assumed control of the Company's Garden. A review of mayoral minutes from the time of assuming control in 1892 to 1988 reflects various Council decisions pertaining to individual additional planting, memorials, statues, built structures and events. The period 1976 to 1987 reflected little, if any reference to the Garden in terms of planning or development. However early 1988 saw a renewed interest and the need to establish policy for the Garden. The *Company's Garden Revitalisation Project* was initiated to prepare a preliminary policy framework and a conservation plan.

To drive this initiative an interdepartmental working group of Council officials was established during 1988-1990. Members of this group undertook the preparation of surveys and maps pertaining to structural features, memorial plaques and statues, buildings on the periphery of the Garden, a tree inventory, assessment of current management and maintenance. In March 1994 a document was produced by Council entitled 'Cape Town Gardens - The Development of a Guiding Strategy', which encapsulated analysis, a statement of cultural significance as well as information from a series of studies and analysis initiated by the Cape Town City Council in 1989, with the intention of formulating a conservation and management policy for the historic site. Key documents pertaining to the history of the site are:

- Historical research, Gwen Fagan: *Company's Garden – Volume I: 1652 – 1806 and Volume II: 1806 – 1988*, Prepared for the Cape Town City Council, 1988. This study is an invaluable source especially of the first 300 years. It comprises a full collection of references to and images of the Garden, which reproduces much original data in time sequence with a running commentary and interpretation.
- User survey by Michael Young in 1989-1991
- Public participation programme by Sandra and John Fowkes to facilitate the contribution of interested and affected parties in the development of a planning policy in April 1992

The period of 1994 to 1999 saw a lull in the planning process of the Garden due to resource constraints. Subsequently in 1999, interest was once again renewed as a result of public pressure, primarily due to the deterioration of maintenance in the Garden.

OvP Associates were appointed to complete a study entitled '*Company's Garden Cape Town: Development of a Management Plan* (Final Report, September 2000), adopted by Council in November 2000. Conservation input into the studies included a heritage audit of the Garden on a place-by-place basis. The heritage audit drew attention to themes, overarching conservation principles, and development and management indicators (Pistorius & Harris draft 2001). *How the garden grew: a brief spatial history of the Cape Town Gardens* (Harris, S), with the collaboration of Penny Pistorius was published in the VASSA Journal (7) June 2002 (ed) Antonia Malan.

## 1.5 Response to proposals for cycles in Government Avenue

The Heritage and Environmental Branch of the City Council of Cape Town have considered the request to allow bicycles in Government Avenue in the past. As part of this application, *vidamemoria* met with the department to discuss the application and previous submissions. The Department expressed opinion against the proposal with the main argument that such a lane poses a threat to the heritage of Government Avenue as a promenade reserved for pedestrians. The history of the Gardens and Government Avenue is well documented and their arguments were based on relevant heritage studies and legislative framework.

Given that extensive public participation had been conducted in the past and revealed public opinion on the subject of vehicular traffic on the Avenue. In addition to participation processes, the following surveys have also been conducted, Fowkes J & S.1992. *A public participation programme to facilitate the contribution of interested and affected parties in the development of a planning policy of the Company's Gardens* and Young, M. 1989 & 1991. *User Assessment Study of Cape Town's Historic Company's Gardens: a Study to aid its management and improve its recreational opportunities*.

The proposal of a bicycle lane on Government Avenue dates back to the period before the commencement of the FIFA World Cup in 2010. Proposals have evoked strong arguments against the use of bicycles on Government Avenue and recommended the use of alternative routes for such a bicycle lane.

The Certificate of Reservation (Section VI of Act No. 15 of 1887) renders Government Avenue and the paddocks as one erf, identified as erf 95164, and thus Government Avenue is not a road reserve.

### *Parties and individuals that objected to the proposed bicycle lane on Government Avenue*

- Taki Amira- Councillor: City of Cape Town
- Calvin van Wijk: Heritage Western Cape
- Rory Phelan: Chairperson of the Company's Garden Action Committee and Manager of the Gardens
- The Company's Garden Steering Committee
- Clive James: Environmental and Heritage Management Branch, City Council, Cape Town
- Melanie Attwell

*Taki Amira:* "I share the concern that no cycling be allowed or contemplated in Government Avenue no matter what sentiments there are out there for the NMT lanes. Whilst I support any upgrading we must ensure that this is in keeping with the historical aspect of the avenue and its heritage". (e-mail correspondence to Paul Booth and Clive James in response to upgrading of Government Avenue before the FIFA World Cup. 19 April 2010).

*Calvin van Wijk:* "It is clear from the information (Certificate of reservation/ Section VI of Act No. 15 of 1887 and Section 15 Ordinance No. 19/1913), that legally no vehicular traffic could be allowed along Government Avenue. It simply cannot be supported from a heritage point of view. The entire character of the site will be changed to its detriment." (e-mail correspondence to Clive James following a discussion on the legitimacy of allowing bicycles on Government Avenue. 04 March 2010). "From my personal point of view, I would also not support a cycle lane along Government Avenue. It has historically always been a pedestrian route and had never, to my knowledge, been used for vehicular traffic, of whatever kind." (e-mail correspondence to Clive James in response to an inquiry by Mr James with regards to the proposed bicycle lane. 23 July 2009).

*Rory Phelan:* "This letter serves to record the above committee's resolution in respect of this proposal which is that it does not support compromising the exclusive use of Government Avenue by pedestrians alone. This tenet being enshrined in legislation and comprehensively explained and supported by the Heritage Statement written by Mr. J. Hallinan of the Heritage Resources Department of the City of Cape Town in response to the Kayad Consultations document. While it is recognised that Government Avenue presents a convenient link for the proposed cycle route from the City Bowl area, the Company's Garden Action Committee is of the opinion that a long-term view should be taken in terms of finding a solution to this issue. It is suggested that this should be that Queen Victoria Avenue be seen as the alternative route for bicycles and that the issues related to the vehicular congestions in this road be critically evaluated by the roads Department with a view to rationalising the usage of this road in order to include a bicycle lane." (letter 01 March 2010 officially condemns the proposal of a bicycle lane on Government Avenue).

*The Company's Garden Steering Committee Meeting* (4 December 2012 at 09:30 Held at 12th Floor Boardroom 44 Wale Street, Cape Town) Attended by Cllr Dave Bryant (Chairperson), Pauline McConney, Rory Phelan, David Hart and Jim Hallinan. Dave Bryant advises that it has been proposed that Government Avenue be opened for cyclists. David Hart states that the CoCT's Policy clearly indicates that Government Avenue is to be used only for pedestrians and that vehicular traffic includes bicycle riding. Government Avenue has a total of between 600-700 pedestrians daily, thus allowing no space for a bicycle lane and leaving very restricted space for walking. All agree.

*Clive James:* Regarding the use of Government Avenue pedestrian route as a cycle lane, Environmental and Heritage Management Branch opposes the proposal as it is contrary to the historical and cultural character and use of the avenue, and contrary to the adopted heritage audit and Policy Framework for the Company's Garden. (e-mail correspondence to Calvin van Wijk in response to permit application of a cycle lane 01 July 2009). In addition to City's Policy, the land known as Government Avenue and the Paddocks, is not a road reserve. It comprises one Erf 95164 owned by Province and controlled by the City of Cape Town since 1913, and legislation prohibits any alteration thereof, stating explicitly that no vehicular traffic shall be allowed on Government Avenue. (e-mail correspondence to David Hart and Rory Phelan in preparation for a steering committee meeting that took place later in the month. 07 June 2009)

*Melanie Attwell* (personal capacity): "Government Avenue is a provincial Heritage Site. Changes to the use of such a site cannot be made in an ad hoc way, not even for a trial period. Protection governing this status is contained in relevant sections of the National Heritage Resources Act 25 of 1999. The relevant sections of the Act are quite clear. The intention in the Company Gardens Management Plan was to ensure that there was a place in the city where pedestrian activity and enjoyment of a tree and green space was not adversely affected by vehicular movement. Exhaustive historical background research proved beyond doubt that Government Avenue was a pedestrian dominated space; and since the late eighteenth century had been used as a promenade. Management for this use is also made quite clear in the certificate of reservation dated 1887. The policy framework for the Company Gardens (and Government Avenue) is therefore part of a long tradition of management ensuring this core historic space is reserved as a people friendly and pedestrian dominated environment. Alterations to this by the insertion of a cycle route are a substantial change to a historical use pattern in a protected environment and need to be taken seriously.

The City cannot unilaterally change or adversely impact the pedestrian dominated use of this historic space city space; as it is contrary to the City's own responsibilities as outlined in the certificate of reservation; contrary to the City's own approved Management Plan and Policy Framework; and has not followed any of the required legal processes outlined in terms of the National Heritage Resources Act... (e-mail correspondence to Theuns Kok in response correspondence circulated amongst members of the Heritage and Environmental Branch, City of Cape Town. 17 August 2009).

### 3. DESCRIPTION OF PROPOSALS

#### 3.1 Project description

The City of Cape Town: Universal Access and Non-motorised Transport are proposing the opening up of Government Avenue for accommodate *responsible cycling*. This approach is favoured over the formal demarcation of a dedicated cycle lane (Teuns Kok 03 July 2013).

#### 3.2 Project motivation

**Motivation for trial period** has been drafted by Tuens Kok, City of Cape Town Universal Access and NMT Section: Transport Planning Department: Transport for Cape Town (TCT), dated 15 April 2015. Motivation has been included in full within this report.

##### 1. Purpose of the motivation

The purpose of this request to SAHRA, South African Heritage Resources Agency, is for **trial period of 6 months from October 2015 to March 2016 to allow cycling along Government Avenue to test the feasibility of cycling along the Avenue** and to inform SAHRA of the potential sustainability and social benefits of cycling along Government Avenue and how potential negative impacts of cycling along Government Avenue will be mitigated.

##### 2. Government Avenue

Government Avenue and the Paddocks comprise Erf 95164 (a single erf). The land is owned by Province and managed by the City of Cape Town since 1913. The Avenue has a block paved surface of 6m wide within a corridor approximately 15m wide flanked by shrubs and trees.

##### 3. Restriction on cycling along Government Avenue

The restriction on cycling along Government Avenue is based on the restrictions on vehicles included in the Government Gazette and Ordinance:

**Government Gazette Notice 110 Regulation 202 of 1901:** 202. "No horse or other animal **or vehicle** shall be led, driven or ridden, or drawn over any footway other than upon a crossing duly constructed in accordance with the Regulation in that behalf, without the permission in writing of the Corporation given under the hand of the Town Clerk, and no person shall be allowed to lead, drive or ride, or draw any horse, animal **or vehicle** along, or to stand any

horse, animal or vehicle upon any footway. This Regulation shall apply to the main or other avenues of the Public Gardens, including the walk known as the Government Ave”.

**Section 15 Ordinance No 19/1913:** From and after the commencement of the Ordinance it shall be the duty of the Council to assume control of the thoroughfare known as the Government Avenue, Cape Town, and the paddocks, paths and trees in connection therewith and to maintain the same in good and efficient order; provided, however, that the Council shall not make any material alteration in the existing arrangement of the said Avenue, paddocks, paths and trees or to erect any structure hoardings or the like therein or thereon without the sanction of the Administrator first obtained; **and provided further that no vehicular traffic shall be allowed in the said Avenue or paths except such as the Council may consider necessary for repairing, cleaning or watering the said Avenue or paths.”**

#### **4. Government Avenue access function**

Government Avenue is located in the City Centre and links the City Bowl and Gardens areas with Adderley Street/ Wale Street and the public transport facilities and services in town (Cape Town Station, MyCiTi bus services, Golden Arrow Bus Services and minibus-taxi services). It also provides pedestrian access to amenities of national and cultural importance within the Company Gardens. These amenities include the Public Library, National Gallery, Museum, War Memorials, Planetarium, Tuynhuis and the Gardens itself.

#### **5. Role of Government Avenue in the NMT network**

Government Avenue is at present used by pedestrians only as cycling is not permitted. In the morning the main pedestrian movement is from the public transport facilities (Cape Town Station, MyCiTi services, GABS, minibus-taxi) up along Adderley Street and St Georges Mall and then into Government Avenue. Learners use this route to walk to schools (mainly Cape Town High and Gardens Commercial School). Workers use the route to walk to places of work in the Gardens, City Bowl and Kloof Street areas. Very few pedestrians walk in the opposite direction from the City Bowl and Gardens areas into the CBD during the morning. The pedestrian flows are reversed in the afternoon with a return to public transport services in the CBD.

The pedestrian movements along Government Avenue were first observed in October 2009 and then again observed and counted (morning, middle of the day and evening) during November 2009. As many as 825 pedestrians were counted in the morning peak half-hour flow between 7h30 and 8h00 on the section of Government Avenue between the Adderley Street entrance and the entrance to the Company Gardens opposite the National Library. The pedestrian volumes on the Avenue reduced as individuals branched off the Avenue at the National Art Gallery, the Museum and other destinations. Further up the Avenue, towards the Mount Nelson Hotel, the pedestrian volumes

reduced until they were about 25% of the volumes counted at the Adderley Street entrance. At about 8h00 the pedestrian volumes reduced dramatically to about 35% of the peak early morning flows.

Large tour groups started arriving at about 8h45 at the Adderley/ Wale Street entrance to Government Avenue. They slowly moved up the Avenue and turned right to enter the Company Gardens beyond the library. They then moved through the Gardens to the Museum and the Planetarium. Some crossed the Avenue to De Tuynhuys and the National Art Gallery. The tourists were collected by buses parked on Queen Victoria Street opposite the Planetarium.

The pedestrian flows peaked again between 12:30 and 13:00. This peak was about 60% of the morning peak at the Adderley Street entrance.

The evening peak flows between 17:00 and 17:30 were the opposite of the morning peak flows with the direction towards the City Centre. Pedestrian volumes were similar to the morning peak, except that learners were no longer in the pedestrian mix, having left school earlier in the day.

## **6. Alternative cycle routes between the city centre and city bowl investigated**

The cycle route between the City Centre with the City Bowl area's must be suitable for use by both experienced and inexperienced cyclists. Government Avenue provides the ideal cycle route link due to directness, paved surface located away from motorized traffic. Neither of the alternative routes investigated were found to be suitable.

**Alternative 1: Queen Victoria Street:** Queen Victoria Street connects with Wale Street and is not too distant from St Georges Mall and Adderley Street. At the southern end, it links with Orange Street. However, Queen Victoria Street is not ideal as a cycle route. The sidewalks are cluttered and not wide enough to accommodate cyclists. The road itself is narrow with on-street parking which would need to be removed from one side. Orange Street is a busy road with many conflict points at intersections and accesses.

**Alternative 2: Hatfield/ St Johns/ Plein Streets:** It is possible to provide a cycle lane on the west side of Hatfield/ St Johns from Orange Street to the Jewish Museum using the sidewalks and by removing the existing parking. However, from the Jewish Museum past the entrance to Parliament and into Plein Street, the road narrows and there is no space for a cycle lane.

**Conclusion on Alternatives:** It was concluded that neither of the alternatives investigated would be suitable. Furthermore, the removal of on-street parking in areas with a high demand for parking, in order to implement a cycle is not feasible.



## **7. Sustainability and social benefits of cycling along Government Avenue**

The Draft Inner City Transport Plan (2014), The Low Carbon Central City Strategy (2014), Parking Policy for the City of Cape Town (2014) and the State of Energy and Energy Futures Report (2011) **highlights carbon emissions and supports sustainable transport objectives** of which walking and cycling are key components. The Low Carbon Central City Strategy highlights the following facts for the Central City:

- 881 000 tonnes of carbon emissions per year was the carbon footprint in 2012.
- 40% of the carbon emissions is generated from transportation.
- At 69% transportation is the biggest energy consumption sector. Commercial uses are the 2<sup>nd</sup> highest contributor at 23% - significantly lower than transport's contribution.

Apart from the carbon emissions, the Central City is area is also characterized by increasing volumes of all day traffic, severe levels of congestion during the AM and PM peak periods and a high parking demand. Increased levels of cycling to the CBD will contribute to less private vehicle travel, congestion and parking demand and reduce carbon emissions.

**Government Avenue provides a direct link between the Central City and the City Bowl area and will provide a feasible alternative for commuting by bicycle to the Central City.**

## **8. Trial period for cycling along Government Avenue**

**A trial period of 6 months from October 2015 to March 2016 is proposed along Government Avenue** (and not the rest of the Company Gardens) to test the feasibility of cycling along the Avenue. The trial period is proposed for the summer period as this is when more people cycle for commuting purposes. The summer period with allows for surveys and improve observation of user behavior, compliance and potential incidents.

**The feasibility of cycling along Government Avenue and the number of cyclists who will make use of the Avenue to travel between the City Bowl and Central City is unknown and can only be determined during a trial period when regular surveys and observations can be undertaken.**

## **9. Support for the cycling trial period**

**Support for the trial period to test the feasibility of cycling along Government Avenue** has been expressed by the following:

- Cllr Brett Herron, Mayco Member for Transport for Cape Town
- Cllr Dave Bryant, Ward Councilor City Bowl (Ward 77)
- Bicycle Cape Town (support provided by Leonie Mervis)
- Pedal Power Association (PPA) (support provided by Liz Robbins)
- Bicycle Empowerment Network (BEN) (support provided by Sonja Pithey)

## **10. Mitigation measures**

The historical restriction on cycling, skateboarding and rollerblading along the Sea Point Promenade was lifted in October 2012 and the Promenade now functions as a space that is shared between pedestrians and the other active mobility users. It must be noted that the Promenade is a constant 7m in width along most of its length (there are a few “pinch points”) and Government Avenue is 6m in width. The experience gained along the Sea Point Promenade indicates that a popular pedestrian route can indeed be shared between pedestrians and cyclists.

The following mitigation measures will be undertaken:

- A sign board at the Adderley Street and Annandale Road entrances to Government Avenue requesting cyclists to use the Avenue in a responsible manner and respect pedestrians.
- Cycling organizations will be requested to communicate to their members that Government Avenue must be used in a safe and responsible manner.
- Cyclists will be requested to push their bicycles from the Adderley Street entrance to the entrance to enter the Company Gardens beyond the library.

## **11. Monitoring and evaluation**

Monitoring will be undertaken monthly and consist of morning, midday and afternoon surveys and observation of cyclist volumes and behavior, compliance and potential incidents. At the end of the trial period a report will be compiled based on the surveys information and behavior observed.

#### 4. ASSESSMENT OF IMPACTS

The Company Gardens has existed since the inception of the city and is considered as a significant heritage resource. Certain codes of conduct are prescribed for places of reverence; out of respect for its history, codes of conduct should be prescribed for the Company Gardens and Government Avenue. Since its inception Government Avenue was a shaded green tranquil place offering a pleasant pedestrian route free from the dangers of traffic. Heritage themes considered associated heritage indicators pertaining to the significance of Government Avenue. The following heritage themes and heritage indicators have been considered within the assessment of heritage impact:

- Garden of necessity to botanical garden and urban park
- Education and Culture
- Public Access
- Slave Labor
- Colonization and Politics of space
- Conservation of fauna and flora
- Taming the wild; civilization versus nature

The Company Gardens with its variety of cultural centers is a popular attraction amongst citizens of Cape Town as well as tourists. Management of the gardens should encourage the flow of visitors and ensure a pleasant experience for visitors. Due to their size and speed, bicycles pose a threat to these visitors. It is important to note Cape Town High School and Gardens Commercial school location within the precinct of the Company's Gardens. The policy of walking as a means to travel in the Gardens and on Government Avenue allows visitors a greater opportunity to observe their surroundings and become accustomed to all facilities the site has to offer.

Preservation and conservation of the Company's Gardens and Government Avenue is a priority and any actions posing a high risk of damage to its resources should be prohibited. The avenue cannot be considered as road reserve and the Gardens not merely another public park. The importance of the Government Avenue's history calls for greater discretion in consideration of regulations. Government Avenue is the only promenade in the city that allows pedestrians to travel free from the dangers of traffic and should maintain this status quo. The *outcome of a programme of public participation in development of a planning policy for the company gardens* (J & S Fowkes 1992) revealed that the public strongly opposed to the allowance of vehicles of any form in Government Avenue.

The Company Gardens and Government Avenue is a product of slave labor and artifacts pertaining their history must be treated with respect and maintained in proper fashion. South Africa's history is characterized by oppression, thus, decision making regarding heritage resources should be coordinated efforts to accommodate the rights and privileges of all parties involved. Consumers of Government Avenue will argue strongly for their right as pedestrians

to travel in a traffic free environment. Cyclists might argue their right from the same viewpoint. It is worthwhile to consider all options to ensure a favorable outcome.

Responsible cycling is a subjective and contested concept and one can by no means ensure the absence of reckless behavior. The collision of bicycles with pedestrians, trees, plants and animals may result in injuries and damage. Dense traffic, speed and noise poses a threat to birds, squirrels and cats; the element of nature that creates the unique appeal of Government Avenue. A condition of vulnerability might cause pedestrians and animals to avoid the pathway of the Avenue. Old trees might be treated as lamppost for bicycles and suffer additional damage to the vandalism that sometimes occurs. Responsible ownership of the Gardens entails the prevention of neglect and abuse and to eliminate the risks thereof. The Company Gardens is the city's foremost green space and the protection of its resources should be a priority.

The consideration and treatment of Government Avenue as a road reserve cultivates an erroneous belief about the origin and character thereof. Government Avenue is not a pathway on its own, merely running parallel to the Gardens, but sharing unity with the Gardens as one of a few pathways originally crossing the Gardens. The Avenue gained prominence as a consequence to its widening, initiated by Governor Simon van der Stel.

Alterations and changes to Government Avenue will destroy the character and appearance thereof. Government Avenue is appreciated as the oldest pedestrian pathway of the city and the likelihood of cyclists posing a threat to pedestrians is high. Allowing cyclist movement along Government Avenue might serve as a precedent to other developments such as a lane or road surface for bicycle. Such developments would result in a negative impact on the natural vegetation as well as a high negative impact on the water channels alongside Government Avenue. The trees and the encompassing gardens create a tranquil atmosphere which will be destroyed by additional traffic and possible friction between cyclists and pedestrians.

#### **4.1 Assessment of impact on heritage resources**

The landscape is considered sensitive with a low ability to accommodate change or intervention without experiencing unacceptable effects to its character and values. It is believed that the proposed development will detract from heritage significance and result in a negative impact. The proposals would result in a negative impact and the overall status of heritage impact is considered as high.

#### **4.2 Impact relative to sustainable social and economic benefits**

The project will result in low social and economic benefits for the local community. The introduction of a bicycle lane on Government Avenue would not result in sustainable benefits with the loss of heritage resources.

## 5. DISCUSSION

The proposal for a bicycle lane on Government Avenue forms part of the initiative of a *non motorised transport* plan. Ownership of the Company Gardens is vested in the Provincial Government of the Western Cape and in 1923 the rights of control were handed to the City with the express condition that the Government Avenue was earmarked for pedestrians only. The intention to allow non motorised transport through the Gardens is contrary to such agreement. The City of Cape Town heritage management has suggested that alternate cycle routes be investigated.

The approach is accommodating/ allowing and opening up Government Avenue for responsible cycling rather than demarcating a dedicated cycle lane. Non motorised transport aims to *go green* by initiating other means of transport such as cycling as a measure to save the environment and it is important to note that the applicant, City of Cape Town NMT is in favor of the conservation of natural resources. However, concerns have been raised with regard to the concept of 'responsible cycling' and how mitigation measures would be implemented.

It is unclear whether a demand for a cycle lane exists as previous studies indicated that the majority of the Gardens visitors walked to their destination. The demand for a bicycle lane is unclear and it is predicted that the number of cyclists attracted to the avenue to be very few initially. No physical intervention is proposed at this stage but one might consider the consequential impact in future such as bollards, painting, signage, and advertising.

Comments received indicate that the proposed introduction of cycling along Government Avenue is a matter of convenience and alternatives were not properly investigated and suggested that congestion of parking in Queen Victoria Street be resolved by restricting parking space to on one side of the street and changing the parallel parking spaces to diagonal ones in order to compensate for the loss of parking space, leaving enough space for a bicycle lane on the side of the road. This would involve minor structural changes at low cost without the expense of the deterioration of a Provincial Heritage Site.

The introduction of bicycles to the avenue will destroy the tranquil atmosphere as it poses a threat to pedestrians and animals. The need of a limited number of cyclists must not place strain on the movement of the majority of pedestrians and their privilege to enjoy the Avenue as a traffic-free pedestrian walk.

## 6. RECOMMENDATIONS

The preservation of Government Avenue as a walk reserved for pedestrians only should be encouraged. The identification of heritage resources and significance as well as assessment of the impact of the proposed intervention indicate a high negative heritage impact and thus the proposal cannot be supported from a heritage perspective.

This report is however submitted to the relevant heritage authority, SAHRA for consideration of request for trial period by The City of Cape Town: Universal Access and Non-motorised Transport.

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## **National Archives**

- 526/36 10 July 1936 Letter to the Town Clerk describing GA as the only place within the city where one is free from traffic dangers.
- 526/36 4 March 1942 Letter to Mr. van der Houton surface of GA at Mount Nelson's end in a very bad condition. "It is so bad that many people who use it regularly have had to resort to using the trams." The loose stones are troublesome to walk on. It's a shame, the avenue is used a tremendous lot. Yours truly, Miss D.J. Baker.
- 3/CT 4/1/5/636 REF 461/5 Plan showing proposed water main in GA. The laying of a 15 inch Water Main to the Docks. 26 May 1930 The Town clerk is asking: position of the existing services laid in the avenue, including sewers, watermains and cables (if any) as well as depth of existing services and depth of new main. 9 June 1930 to city engineer: With reference to you memorandum of 19 May it is not considered necessary to seek the Administrator's consent to the laying of the new main down a portion of GA. From Town Clerk.
- 3CT 4/2/1/1/83 ref 214/10 Letter to city engineer. 28 October 1910. Please fix a few taps for water in the paddocks of GA. A lot of children fainted for want of water. They're training for the avenue reception to T.R.H. the duke and duchess of Connaught. From the town Clerk.