

**NAUTICA DEVELOPMENT  
ERF 1942, BEACH ROAD, MOUILLE POINT**

**Revised HIA submitted in terms of Section 38(4) of the  
NHRA**

**CASE NUMBER: 200622 06 5B 06 23E**



**Submitted on behalf of  
Growthpoint Properties  
by  
Nicolas Baumann  
Heritage Consultant  
May 2021**

## **EXECUTIVE SUMMARY**

The Nautica development is located on Erf 1942, Beach Road Mouille Point. A mixed-use development of a maximum of 5 to 6 storeys is proposed. The sole heritage issue is adherence to a 1993 agreement between the NMC, now SAHRA, and the City of Cape Town, related to the proposed Granger Bay rezoning to maintain a view cone from Fort Wynyard to Robben Island. The western edge of the view cone cuts through the middle of the Nautica site, thus precipitating the need for a heritage assessment. There are no heritage resources on the site. During a series iteration with the design team the massing and form of the proposed development has been substantially remodelled to address the core heritage issue. The view to Robben Island has been retained. The assessment recommends that HWC approve the set of SDP drawings related to the revised proposals and that no further heritage studies are required.

Nicolas Baumann  
5 May 2021

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## **NAUTICA DEVELOPMENT: REVISED HERITAGE IMPACT ASSESSMENT CASE NUMBER: 200622 06 5B 06 23E**

### **1. INTRODUCTION**

#### **1.1 The Brief**

Nicolas Baumann Urban Conservation and Planning has been appointed by MDSA Project Management (Pty) Ltd to compile a heritage impact assessment (HIA) to address the HWC response to the Notification of Intent to Develop dated 7 July 2020.

The HWC Response was: *“You are hereby notified that, since there is reason to believe that the proposed redevelopment of Nautical Suite on erf 1942 Cape Town will impact on Heritage Resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38 (3) of the NHRA be submitted. The HIA must have specific reference to the following:*

- *Visual impacts of a proposed development.*

*The required HIA must have an integrated set of recommendations. The Comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA.”*

A HIA was submitted to HWC and tabled at the IACOM meeting on 13 January 2021.

In the Further Requirements response dated 2021.01.28 IACOM required that the HIA be updated to address the concerns noted, particularly related to the clarification of the view from Fort Wynyard to Robben Island established as part of the Granger Bay rezoning process in 1992.

The concerns referred to relate largely to the agreement reached between the NMC (now SAHRA) and the City of Cape Town regarding the nature and extent of the view cone to Robben Island from Fort Wynyard.

More particularly the urban design and architectural approach adopted to retain the view cone was regarded by the Committee as contrived. It was stated that it would compromise the integrity of the broader context. The horizon line in the immediate context of the Island needed to be maintained.

It was thus strongly recommended that the top two storeys of the development be removed.

The site is located immediately to the north of the V&A Waterfront and Water Club precinct and to the north-west of Fort Wynyard, a Provincial Heritage Site (PHS) (figure 1).

The earlier Nautica development proposal was to demolish the existing structure and to replace it with a seven storey (maximum) mixed use development.

The present proposal has removed the top two storeys and a maximum height of five to six storeys is proposed (five storeys within the view cone, six storeys outside the view cone). The key principle has been to maintain the horizon line in the context of Robben Island.

The primary focus of the HIA relates to the possible impact of the proposed development on the 'arc of fire' from Fort Wynyard to Robben Island. The view cone established by the arc of fire was addressed in detail in the HIA for the adjacent Beach Road precinct compiled by the author in 2015. This in turn was based on the 1993 rezoning approval for the Granger Bay development. The Record of Decision (ROD) in response to the 2015 HIA endorsed the consultant's recommendation to restrict the height of any development within the identified viewshed.

A part of the proposed Nautica development falls within the view cone endorsed by HWC. The purpose of this revised HIA is thus to establish the extent to which the proposed development intrudes into the view cone and to identify mitigation measures/modification to ensure that potential impacts on the view cone will be minimised.

In response to the Further Requirements stipulated by IACOM it addresses and takes into consideration the agreement reached between SAHRA and the City of Cape Town in 1992 which formed part of the conditions of approval.





**FIGURE 1: LOCATION PLAN**



## 1.2 The legislative context

At the time of the submission of the Notification of Intent to Develop was submitted to HWC, the National Environmental Act (NEMA) was deemed to apply. In terms of Section 38 (8) of the NHRA, HWC would thus be the commenting authority and the Department of Environmental Affairs and Development Planning (DEA&DP) the authorising body. An EIA applicability checklist was submitted to DEA&DP with the motivation that NEMA should not be triggered. Formal notification from DEA&DP that NEMA does not apply has been received and this HIA is thus submitted in terms of 38 (4) the NHRA.

## 1.3 The process to date

In the HWC Final Comment, dated 15 July 2015, (Appendix 2) the Committee supported the proposals contained in the Granger Bay Precinct Plan (with reclamation) Option 2, subject to the consultant's recommendations, the mitigation measures proposed in clause 15.3 of the HIA and further subject to a number of amendments.

It should be noted that the NEMA authorization was the subject of an appeal by the Water Club Residents Association. The appeal was dismissed in a notification from the Western Cape Government dated 10 April 2019. The HWC Final Comment dated 15 July 2015 thus still stands and provides the framework within which the proposed Nautica development needs to be assessed.

The mitigation measures included in the HIA are based on an agreement reached between the National Monuments Council (now the South African Heritage Resources Agency (SAHRA) in 1992. In this agreement, it was stipulated that the strategic view planes from the key gun emplacement of Fort Wynyard must be protected. Two 'windows' (view cones) were proposed:

- The view of Robben Island.
- The view extending from Granger Bay to Table Bay with the distant coastline in the background.

Furthermore, in order to protect these two key views, the then Monuments Council proposed that an absolute height restriction be defined over those portions of the property falling within the view planes. It was further decided that a height restriction of a maximum of 5 storeys be imposed on the balance of land falling outside these view plains (Anon, 1982). The extent of this height restriction beyond the identified view cones was not stipulated.

The HWC Final Comment supported the proposals contained in the Granger Bay Precinct Plan (Option 2) subject to the consultants' recommendations (the mitigation measures proposed in Section 15.3 in the HIA). The Granger Bay Precinct Plan is illustrated in Appendix 3.

The mitigation measures referred to above are as follows (15.3):



- The view cone from Fort Wynyard, as presented to the HWC Ministerial Tribunal for the Beach Road development, must be observed in the Granger Bay development in determining the height of buildings.
- As determined by the HWC Tribunal, and endorsed by the City of Cape Town's Conditions of Approval (Annexure A and B) proposed buildings adjacent to the Water Club must not exceed 21.5m above MSL to prevent excessive obstruction of existing views from Fort Wynyard.
- The topmost floors of buildings within the arc of fire should be fragmented in form and light weight in nature, and set back from the main structure, as is evident in the first phase of the Marina residential development at the V&AW.
- Structures on roofs (inclusive of plant equipment, lift over runs and services should not, in the main, exceed the height established by the Beach Road development, taking the angle of declination from Fort Wynyard into account.

At the IACOM meeting in January 2021 concerns were raised related to the original agreement between SAHRA and the COCT in 1992. The agreement needed to be clarified by referring to the original file. After extensive enquiries regarding the location of the file which was evidently in neither the COCT or SAHRA libraries it was eventually located by a previous member of the COCT planning team which had been party to the agreement. The relevant file is attached in Appendix 8 and discussed further below.

#### **1.4 The development proposal**

The revised proposal is to demolish the existing four-storey office building and replace it with residential apartments with a maximum of five to six storeys and a proposed floor space area of 11496m<sup>2</sup> square. The site area is 4639m<sup>2</sup>. The existing parking basement will be retained and extended.

The revised SDP drawings are included in the Appendix 7.





**FIGURE 2: SITE PLAN**





**FIGURE 3: DEVELOPMENT PROPOSAL (JUNE 2020)**



## 1.5 Study methodology

The study methodology is determined by the need to ensure that the development proposal adheres to the parameters established in the original COCT 1993 rezoning approval and the HWC Final Comment dated July 2015 referred to above.

The following steps were undertaken:

- The review of the HWC Final Decisions dated July 2015 related to the Granger Bay precinct and its potential impact on the Nautica site.
- The superimposition of the view cone from Fort Wynyard to Robben Island over the site. The view cone was established in the agreement reached between the National Monuments Council, now the South African Heritage Resource Agency (SAHRA) and the Water Club in 1992.
- A photomontage of the proposed development on the view towards Robben Island from the point of origin of the arc of fire from Fort Wynyard as established in the NMC/SAHRA decision in 1992.
- An iterative series of meetings with the design team to shape and mould the massing, height and bulk of the proposed structure to ensure the view cone to Robben Island is maintained.
- The distribution of the draft assessment to the Interested and Affected parties who participated in the 1992 rezoning process and the 2015 Granger Bay HIA and the formulation of a recommendation to HWC.

## 1.6 Assumptions and Limitations

It is assumed that the photomontages of the view from the point of origin of the arc of fire at Fort Wynyard and the proposed changes to the height massing and bulk of the proposed development are an accurate reflection of the revised development proposal.

## 1.7 Statement of Independence

Nicolas Baumann has no financial involvement the development proposal, other than remuneration for the professional services rendered in the compilation of this assessment report.

## 2. STATEMENT OF HERITAGE SIGNIFICANCE

### 2.1. Local context

A detailed history of the evolution of the system of coastal fortifications dating from the Dutch period is included in the scoping study which formed part of the 2015 HIA and is not repeated here.

A summary of the nature of heritage significance is provided below:

Fort Wynyard was declared a National Monument in 1976. In terms of the provisions of the NHR Act it is now a Provincial Heritage Site. The heritage significance of the Fort is tied to its strategic defence position at the entrance to Table Bay, and its ability to cover in its arc of fire the approach from Robben Island and the opposite shoreline where the suburbs of Blaauwberg and Table view are now located.

- **High international and national historical/military technological significance.**

Three pre dreadnought naval guns are in their original positions with much of their original mechanisms still intact.

The 9.2" disappearing mounting gun is the only one of its kind still surviving in Africa and one of the few remaining in the world.

The Fort represents an unbroken line of evolution of gun emplacements on this strategic position and active military occupation from 1795 to the present.

- **High landmark status**

The Fort is situated on a prominent calcrete dune which during the 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> centuries contributed to its strategic landmark position. It would have been visible from the Green Point Common, the Portwood area buildings including the Somerset Hospital site and from the ocean. The visual spatial relationship with the ocean is clearly a critical component of its significance.

The context has changed with the extensions to the Somerset Hospital and with the construction of the stadium immediately to the south-west of the Fort.

While this context is undergoing considerable change, of key importance is the relationship of the Fort to the shoreline and the retention of significant sea views/ view planes as identified above. These views have been retained in the development of the Water Club, the Radisson Hotel and The Hotel School to the north.

- **High national educational significance**

The site has national, regional and local military history significance as a coastal artillery battery and open-air museum. Fort Wynyard is the only complete Victorian battery with its guns intact. The complete and intact fortification has much educational and tourism value which is currently undervalued and unrealised.

The Coastal Artillery Museum functioned between 1987 and 1991 and attracted over 2000 visitors a year, at a time when the tourism value of the V&A Waterfront was a fraction of what it is today.

The potential of the Fort in terms of international tourism value, particularly in relation to the context of the urban park immediately to the north-west of the Fort, the recently completed Amsterdam Battery Park and the stadium is very high.

- **High national and local aesthetic architectural significance**

The Fort is a rare and good example of a Victorian coastal defence system. It is an excellent example of military engineering and the extensive use of local stone for the construction of the ramparts and underground chambers. Most of the joinery and fittings are still intact although vandalism has occurred.

It should be noted that the Fort is presently neglected and in the absence of a Management Plan has been allowed to become derelict in places. The urban park immediately to the north of the Fort, provides opportunities for the potential integration of the Fort into the park and its long-term sustainable rehabilitation.

- **High associational value**

The Fort is highly significant as part of a system of coastal defences spanning nearly three centuries. In the immediate context of the V&AW there are linkages with the Amsterdam and Chavonnes batteries. During the 19th century the Fort's counterpart would have been Craig's Battery, now demolished, at the mouth of the Salt River.

During the Second World War, Fort Wynyard was closely linked with the gun batteries at Simon's Town, Llandudno, Robben Island and Gordon's Bay and formed a critical component in the general network of coastal defences and communications.

## **2.2 Site context**

There are no heritage resources of any significance on the site. The present Nautica development is located on largely reclaimed land and dates from the early 21st century. The possibility of maritime archaeology (shipwrecks) are minimal as there is already basement parking.

Minimal increase of basement parking provision is proposed. No increase in depth is envisaged.

## **3. HERITAGE INDICATORS**

The only heritage indicator deemed to be of significance is adherence to the conditions contained in the COCT/SAHRA Agreement (1992) and the HWC Final Comment dated July 2015 referred to in Section 1.3 above.



The conditions were based, to a large extent, on the agreement reached between the National Monument Council (NMC), now the South African Heritage Resources Agency (SAHRA) in 1992.

In the agreement it was stipulated that the strategic view cones and planes from the key gun emplacement at Fort Wynyard must be protected. Two 'windows' (view cones) were proposed:

- The view extending from Granger Bay to Table Bay with the distant coastline in the background. This is the view immediately in front of Fort Wynyard.
- The view of Robben Island.

The latter is the central focus of this heritage assessment.

Furthermore, in order to protect these two key views, the then Monuments Council proposed that an absolute height restriction be defined over those portions of the properties falling within the view cones.

In response to the queries raised at the IACM meeting of 13 January 2021 the COCT file related to the 1992 agreement was accessed and analysed. It is included in Appendix 8 of this report. Specific reference to the view corridor is made in:

- 6.3.1 The NMC support for the rezoning with conditions related to the retention of the view corridor and references to the on-site meeting between NMC and COCT officials on 22 July 1992
- 8.4 The COCT Departmental Response to the NMC conditions and reference to the land surveyor's definition of the view corridor (Annexure C)
- Annexure C. The Stern and Ekermans survey of coordinates and reference points dated 23 November 1993.

The HWC Final Comment dated July 2015 endorsed the mitigation measures contained in the HIA, more specifically, that the view cones from Fort Wynyard, as presented to the HWC Ministerial Tribunal for the Beach Road development, must be observed in the Granger Bay development in determining the height of buildings.

As determined by the HWC Tribunal, and endorsed by the City of Cape Town's Conditions of Approval proposed buildings adjacent to the Water Club must not exceed 21.5m above MSL to prevent excessive obstruction of existing views from Fort Wynyard.

Structures on roofs (inclusive of plant equipment, lift over runs and services should not, in the main, exceed the heights stipulated, taking the angle of declination from Fort Wynyard into account.

Regarding the Nautica development which is the subject of this HIA, the primary indicator is thus:

The retention of the view from Fort Wynyard to Robben Island. This should include a sufficient visual spatial 'field of sea' to ensure the context of the island.

Heights within this view zone should not exceed to 21.5m above MSL.





**FIGURE 4: ARC OF FIRE IMPOSED ON SITE PLAN**



#### 4. PUBLIC PARTICIPATION PROCESS

The revised draft HIA is to be distributed to the following I&AP's who were involved in the 1992 agreement and the 2015 HIA process for the Granger Bay development:

- The City of Cape Town (Environmental and Heritage Management).
- SAHRA
- The Simon Van der Stel Foundation.
- The SA Military History Society.
- Fort Wynyard.
- The Gunners Association of SA.
- The VOC.
- The Green Point Ratepayers Association.

#### 5. HERITAGE IMPACT ASSESSMENT

The assessment relates to the set of revised SDP drawings (Revision 2) which are included in Appendix 6.

Of fundamental significance is the nature of the process undertaken to ensure adherence to the indicators referred to above. A series of interactions with the development team has resulted in the substantial remodelling of the original design concept (dated June 2020, Figures 3 to 5) to ensure the retention of the view towards Robben Island from Fort Wynyard. The massing, form and height of the proposed structure has been reformulated to adhere to the conditions stipulated.

Reference is made to the following figures which reflects the design development.

Figures 3 to 5 indicate the original design proposal dated June 2020.

Figure 5 indicates the extent to which the height of the originally proposed structure breaks the horizon line and blocks the northern portion of Robben Island. The critical view cones are included in the diagram below. It is clearly evident that the north-western edge of the view cone towards the island, as measured from the point of origin established in the 1992 agreement, cuts through the middle of the Nautica site. Refer also to Figure 3 which superimposes the view cone over the Nautica site.

Figure 6 indicates a montage from the point of origin, stipulating the required setback to ensure the retention of the view cone. Figure 7 indicates the earlier design response in terms of massing; form and height. Figure 8 indicates the proposed earlier massing from a higher plane to illustrate the extent to which the proposal fits in with the broader context.

Figure 9 indicates the land surveyors' interpretation of Annexure C of the 1993 rezoning approval.

Figure 10 is the revised proposal indicating the removal of the top two floors and the lowering of the height to retain the horizon line. Figures 11, 12 and 13 are axonometries to indicate the degree of 'fit' within the broader context.

From the above it is evident that the revised proposal, Revision 5, has addressed the heritage indicators and the concerns raised at the 13 January 2021 IACOM meeting. The view cone towards Robben Island has been retained and a sufficient allowance has been made for a 'field of sea' to ensure the Island context. The horizon line has been maintained.



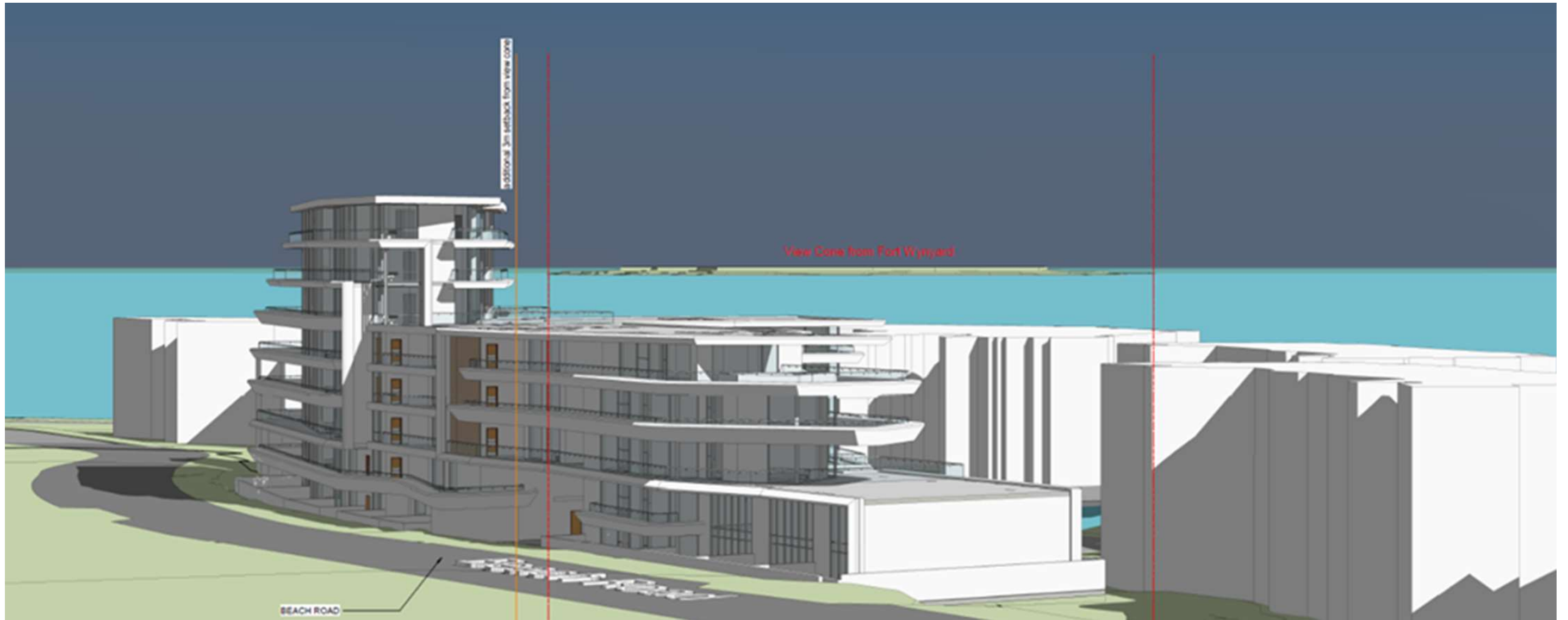


**FIGURE 5: MONTAGE FROM FORT WYNYARD POINT OF ORIGIN SHOWING IMPACT OF PROPOSED DEVELOPMENT (JUNE 2020)**





**FIGURE 6: MONTAGE INDICATING PROPOSED SET BACK LINES TO FRAME ROBBEN ISLAND OCTOBER 2020.**

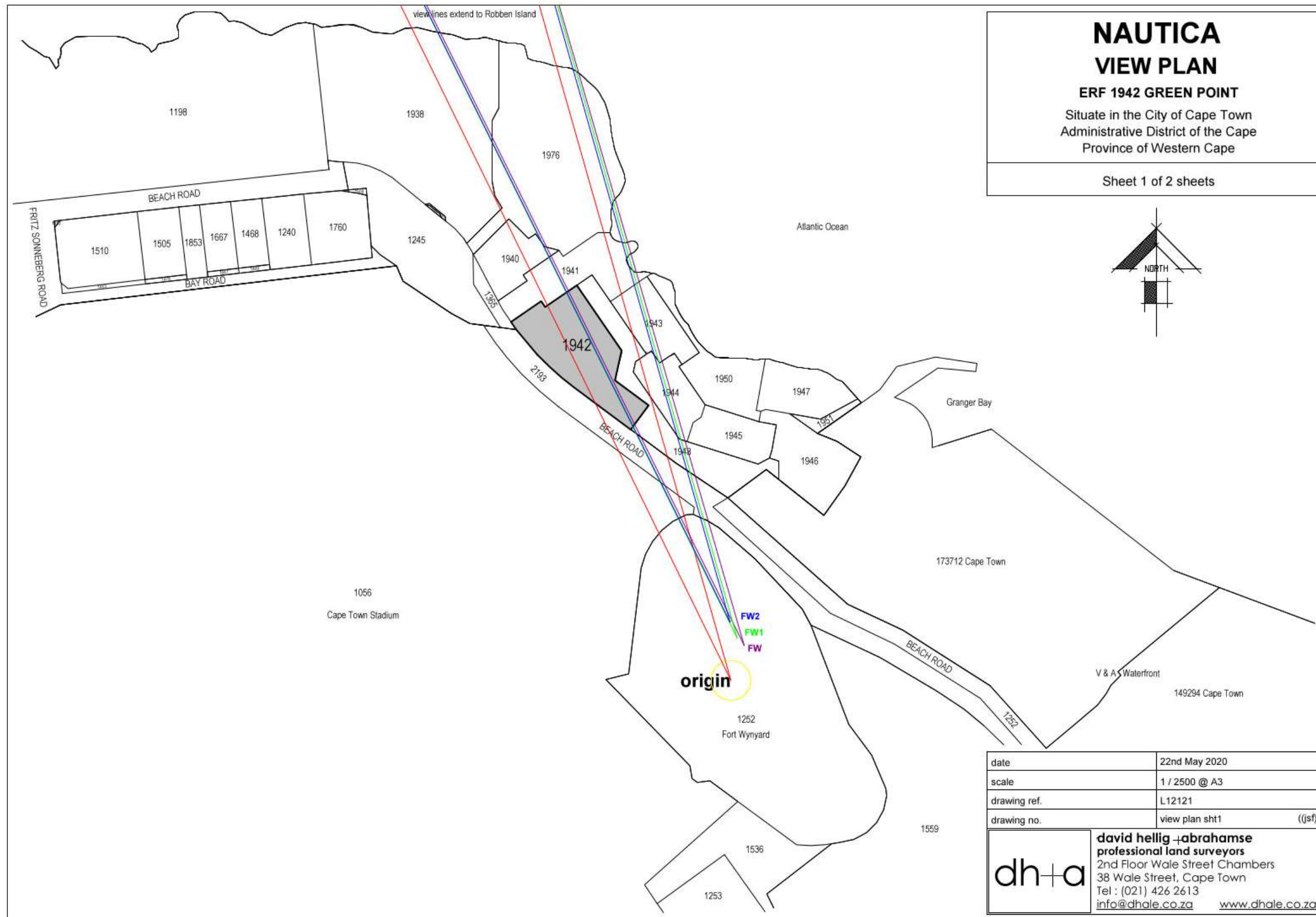


**FIGURE 7: THE DESIGN RESPONSE (SVA), MONTAGES OCTOBER 2020**





**FIGURE 8: RESPONSE TO SET BACK WITHIN THE BROADER CONTEXT OCTOBER 2020**



**FIGURE 9: SURVEY OF THE 1993 REZONING APPROVAL (ANNEXURE C) (DHA LAND SURVEYORS) APRIL 2021**



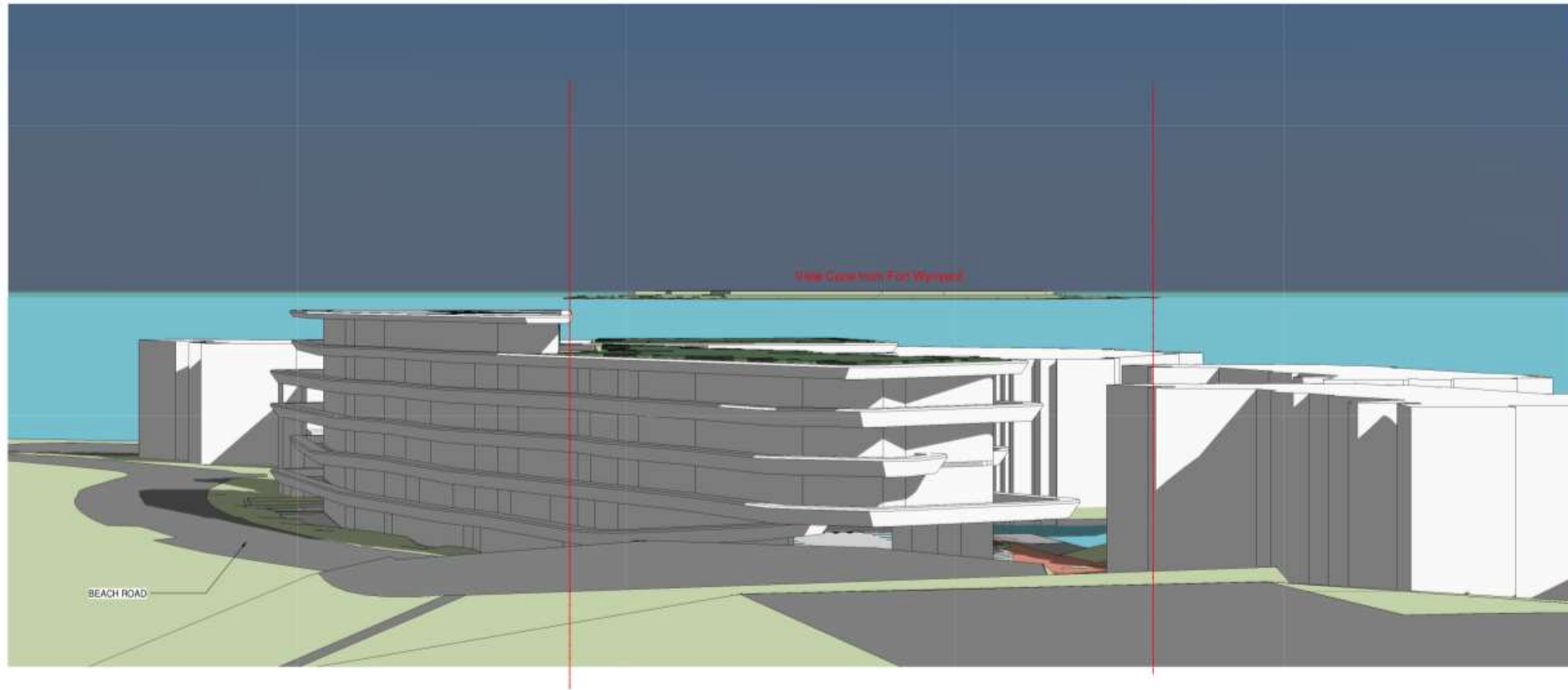


**Nautica House Residential:**

Fort Wynyard Photo overlay



**FIGURE 10.1 REVISED SDP REV 5 SHOWING MONTAGES OF PROPOSED DEVELOPMENT IN RELATIONSHIP TO ROBBEN ISLAND**



**Nautica House Residential:**  
Block View from Fort Wynyard



**FIGURE 10.2 REVISED SDP REV 5 SHOWING MONTAGES OF PROPOSED DEVELOPMENT IN RELATIONSHIP TO ROBBEN ISLAND**





1 Fort Wynyard High

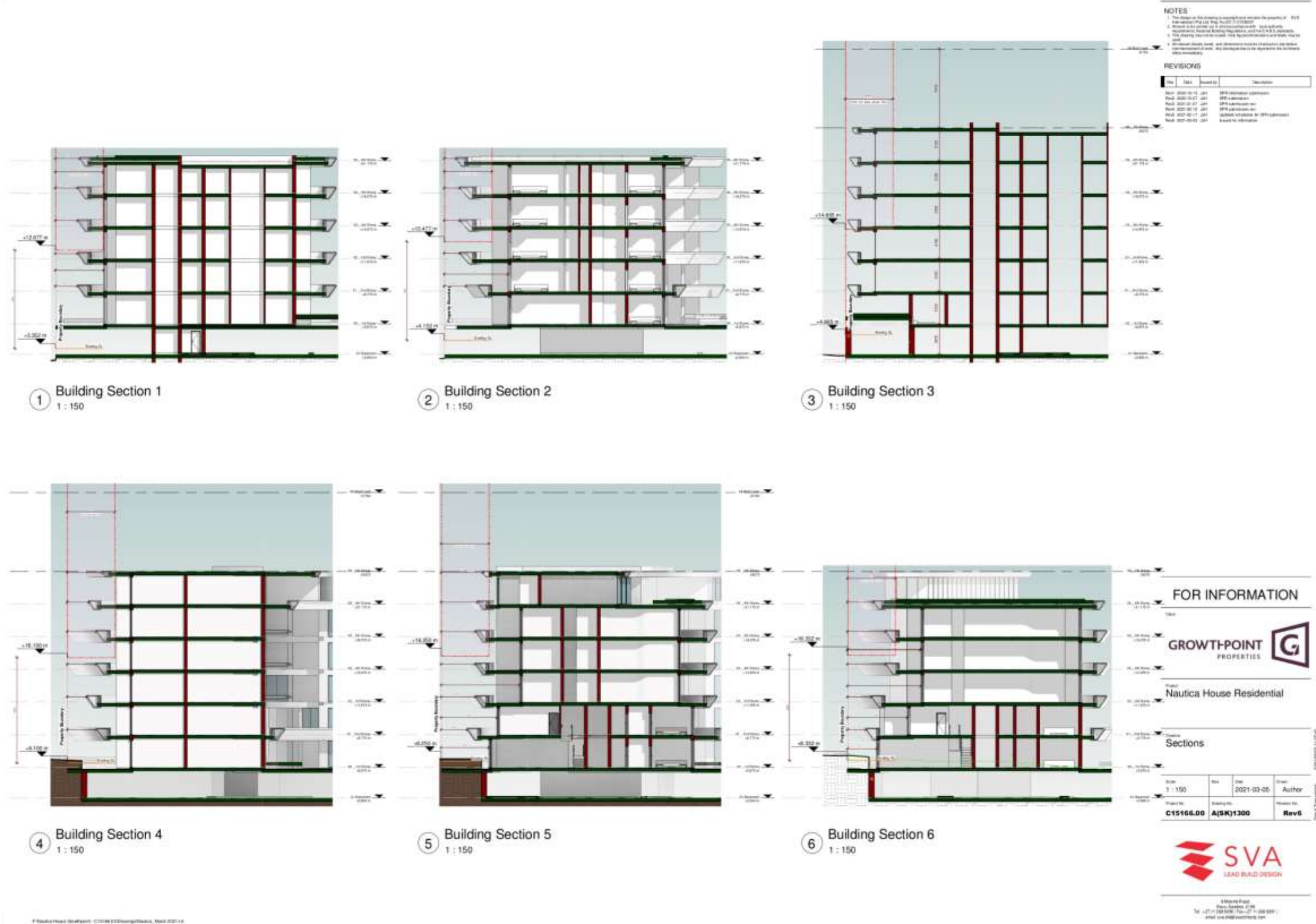
**Nautica House Residential:**  
Block View from Fort Wynyard High



**FIGURE 10.3 REVISED SDP (REVISION 5). MONTAGE SHOWING DEVELOPMENT IN RELATION TO ROBBEN ISLAND.**

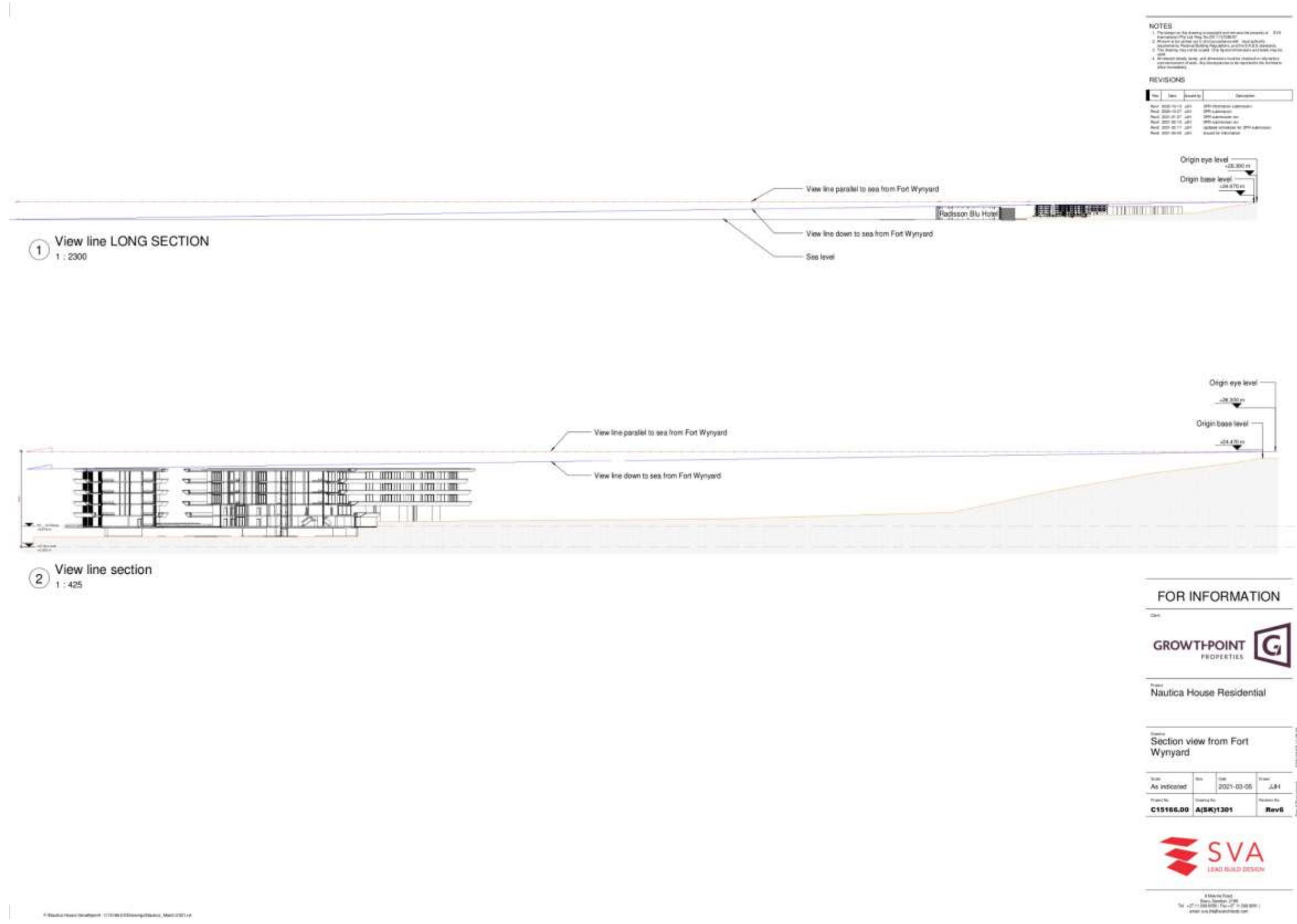






**FIGURE 11.2: SECTIONS/ELEVATIONS OF REVISED SDP (REVISION 5)**





**FIGURE 11.3: SECTIONS/ELEVATIONS OF REVISED SDP (REVISION 5)**

**NOTES**

1. The design is based on the information provided and does not constitute a guarantee of accuracy.
2. The design is based on the information provided and does not constitute a guarantee of accuracy.
3. The design is based on the information provided and does not constitute a guarantee of accuracy.
4. The design is based on the information provided and does not constitute a guarantee of accuracy.

**REVISIONS**

| No.   | Date       | Drawn by | Description     |
|-------|------------|----------|-----------------|
| Rev 1 | 2021-03-15 | JPH      | Initial Design  |
| Rev 2 | 2021-03-27 | JPH      | Client Comments |
| Rev 3 | 2021-04-07 | JPH      | Client Comments |
| Rev 4 | 2021-05-12 | JPH      | Client Comments |
| Rev 5 | 2021-05-17 | JPH      | Client Comments |
| Rev 6 | 2021-05-19 | JPH      | Client Comments |



① North East Elevation  
1 : 150



② East Elevation  
1 : 150

**FOR INFORMATION**

Date:



Project:  
Nautica House Residential

Drawings:  
Elevations

| Scale     | Date       | Author |
|-----------|------------|--------|
| 1 : 150   | 2021-03-05 | Author |
| C15166.00 | A(SK)1401  | Rev 6  |



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**FIGURE 11.4: SECTIONS/ELEVATIONS OF REVISED SDP (REVISION 5)**





**Nautica House Residential:**  
Block View South West Elavation



**FIGURE 11.5: SECTIONS/ELEVATIONS OF REVISED SDP (REVISION 5)**

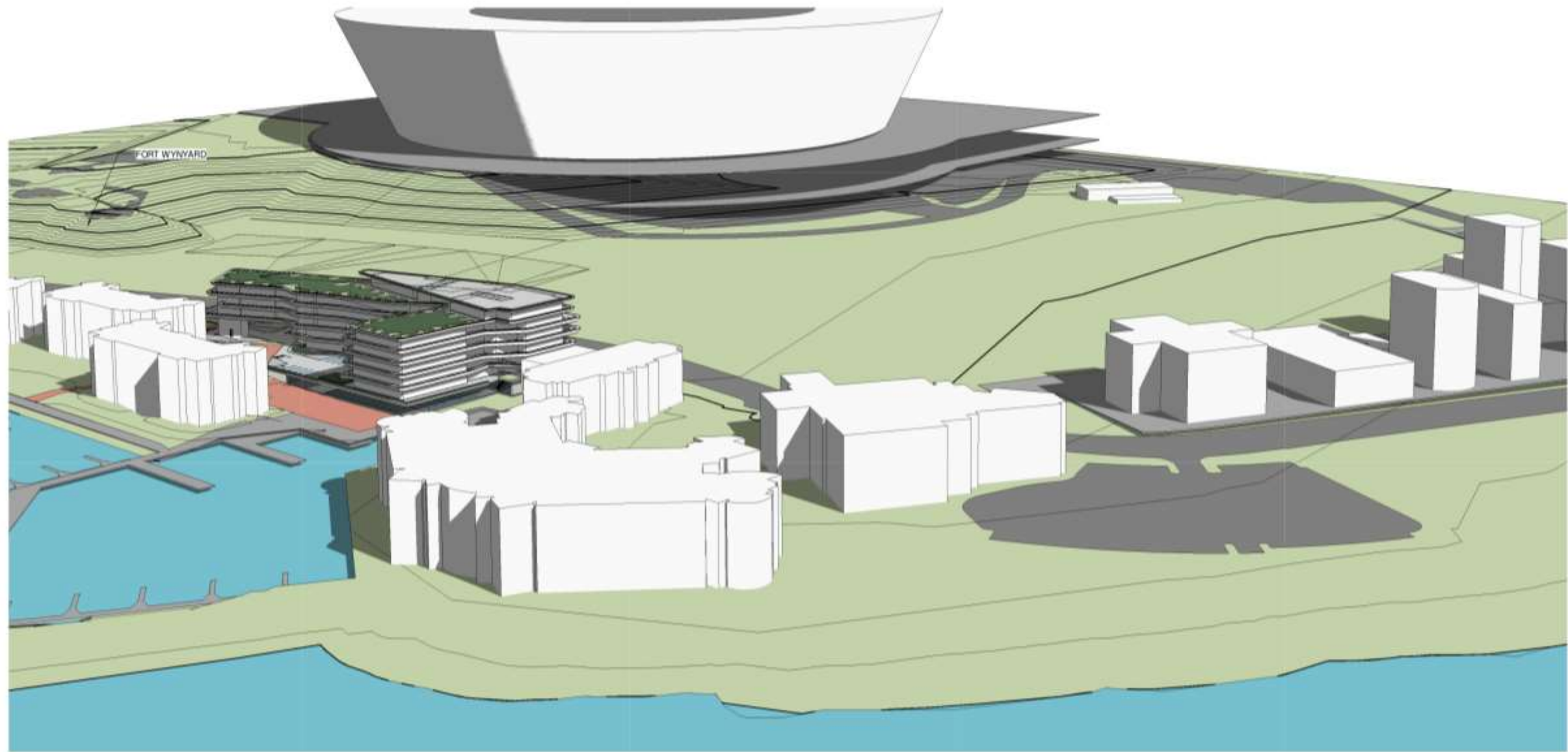


**Nautica House Residential:**  
Locality Block Views



**FIGURE 12.1: AXONOMETRIC DRAWING OF NAUTICA DEVELOPMENT WITHIN THE BROADER CONTEXT.**





**Nautica House Residential:**  
Locality Block Views



**FIGURE 12.2: AXONOMETRIC DRAWING OF NAUTICA DEVELOPMENT WITHIN THE BROADER CONTEXT.**



**Nautica House Residential:**  
Locality Block Views



**FIGURE 12.3: AXONOMETRIC DRAWING OF NAUTICA DEVELOPMENT WITHIN THE BROADER CONTEXT.**





**Nautica House Residential:**  
Locality Block Views



**FIGURE 12.4: AXONOMETRIC DRAWING OF NAUTICA DEVELOPMENT WITHIN THE BROADER CONTEXT.**

## 6. CONCLUSIONS

The primary heritage resource to be addressed in this impact assessment is the view towards Robben Island from Fort Wynyard. There are no heritage resources on the site itself. The view cone was established in the agreement between the then NMC, now SAHRA, and the City of Cape Town related to the rezoning of the Water Club in 1992.

The conditions underpinning the agreement were endorsed by the Ministerial Tribunal related to the Beach Road/Granger Bay HIA in 2015. The sole purpose of this assessment is to ensure adherence to the conditions stipulated.

It is concluded that the revised proposal, Revision 6, has addressed the primary heritage indicator; the retention of the view cone from Ford Wynyard to Robben Island.

By maintaining the horizon line, the primary concerns raised at the IACOM meeting of 13 January 2021 have been addressed.



## 7. RECOMMENDATIONS

It is thus recommended that HWC acknowledge that this assessment has fulfilled the conditions of Section 38 (4) of the NHRA and that the development proposed for the Nautica site, as illustrated in the SDP set of drawings included in Appendix 7 (Revision 6) may proceed without any further heritage assessment.

It is further recommended that should any archaeological resources (shipwrecks) be encountered during the excavation process the work should be suspended and HWC notified to advise on any further requirements.

Nicolas Baumann

## APPENDICES

1. HWC Response to Notification of Intent to Develop, July 2020
2. HWC Final Comment: Beach Road HIA, 15 July 2015
3. Approved CoCT Granger Bay Precinct Plan
4. HWC Approved view lines (HIA 2015)
5. View plans Fort Wynyard to Robben Island, DM&A, August 2020
6. HWC Further Requirements, dated 28 January 2021
7. Revised SDP drawings, Revision 5, dated 17 February 2021
8. CoCT Rezoning Report

# **APPENDIX 1: HWC RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP, JULY 2020**



**Our Ref:** HM/ CAPE TOWN METROPOLITAN / V&A WATERFRONT / ERF 1942  
**Case No.:** 20062206SB0623E  
**Enquiries:** Stephanie-Anne Barnardt  
**E-mail:** stephanie.barnardt@westerncape.gov.za  
**Tel:** 021 483 5959  
**Cell:** 076 481 8392 (during the lock-down period)  
**Date:** 7 July 2020



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**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED**  
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape**  
**Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REDEVELOPMENT OF NAUTICA SUITE ON ERF 1942, V&A WATERFRONT, CAPE TOWN, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20062206SB0623E**

The matter above has reference. Heritage Western Cape is in receipt of your application for the above matter received on 25 June 2020. This matter was discussed at the Heritage Officers meeting held on 6 July 2020.

You are hereby notified that, since there is reason to believe that the proposed redevelopment of Nautica Suite on erf 1942, V&A Waterfront, Cape Town will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:

- Visual impacts of the proposed development

The required HIA must have an integrated set of recommendations. Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case Basis.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

HWC reserves the right to request additional information as required.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

.....  
Dr. Mxolisi Dlamuka  
Chief Executive Officer

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

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## **APPENDIX 2: HWC FINAL COMMENT: BEACH ROAD HIA, 15 JULY 2015**



**Our Ref:** HMICAPE TOWN METROPOLITANCAPE TOWN HARBOUR\BREAKWATER DOLOS REVETMENT



**Enquiries** Guy Thomas

**Tel:** 021 483 9685

**Email:** [guy.thomas@westerncape.gov.za](mailto:guy.thomas@westerncape.gov.za)

**Date:** 15 July 2015

**Case No:** 15050401GT0527M

**Auto IDs:** 2147 - 4170

#### FINAL COMMENT

In terms of section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

**Attention:** Dr Nicolas Baumann

43 Glen Crescent

Higgovale

Cape Town

8001

**CASE NUMBER:** 15050401GT0527M

**HIA: PROPOSED EXTENSION OF THE BREAKWATER DOLOS REVETMENT ACROSS GRANGER BAY, RECLAMATION OF LAND IN THE SEA AND ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE GRANGER BAY PRECINCT, V & A WATERFRONT**

The matter above has reference.

Heritage Western Cape is in receipt of your correspondence on the above matter,

The matter was tabled at the Impact Assessment Committee.

#### FINAL COMMENT

The Committee supported the proposals contained in the Granger Bay Precinct Plan (with reclamation), option 2, subject to the consultant's recommendations, the mitigation measures proposed in clause 15.3 of the HIA and further subject to the following amendments:

1. The essential mitigation measures and the optional mitigation measures must all be considered essential mitigation measures.
2. The height of the proposed buildings adjacent to the Water Club and all indicated 'A' on the Figure 23 must be moderated by a review of the angle of declination so as to ensure that the remaining view from the fort is protected from cumulative impacts. Structures on the roofs of these buildings must be included in these height restrictions.
3. The future SDP's must be referred back to this Committee for consideration
4. The archaeological survey report must be submitted to HWC for its record.

The following conditions, contained in the consultant's recommendations in the HIA report, are endorsed:

1. The top floor of buildings flanking the view corridor of the main gun placement of Fort Wynyard must have a different architectural treatment, which must be lighter and more fragmented in form and set back from the main structure.
2. The 30m view corridor in front of Fort Wynyard must be treated as a major public space, linking the Sea Point promenade to the Waterfront and be appropriately landscaped.
3. Buildings on either side of this corridor must be staggered to open up the corridor. The top two floors on either side of the view corridor must be set back behind the envelope established by the approved Beach Road development as illustrated in the VIA (Viewpoint 5) .
4. The continuity of the coastal corridor must be ensured for public access and visual amenity

Page 1 of 2

[www.capegateway.gov.za/culture\\_sport](http://www.capegateway.gov.za/culture_sport)

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Nicolas Baumann

BA.MCRP(UCT) . MSc(dist)(OxBr) . DPhil(York) . SACPLAN . MSAPI . APHP

## **APPENDIX 3: APPROVED COCT GRANGER BAY PRECINCT PLAN**





granger bay precinct plan

61

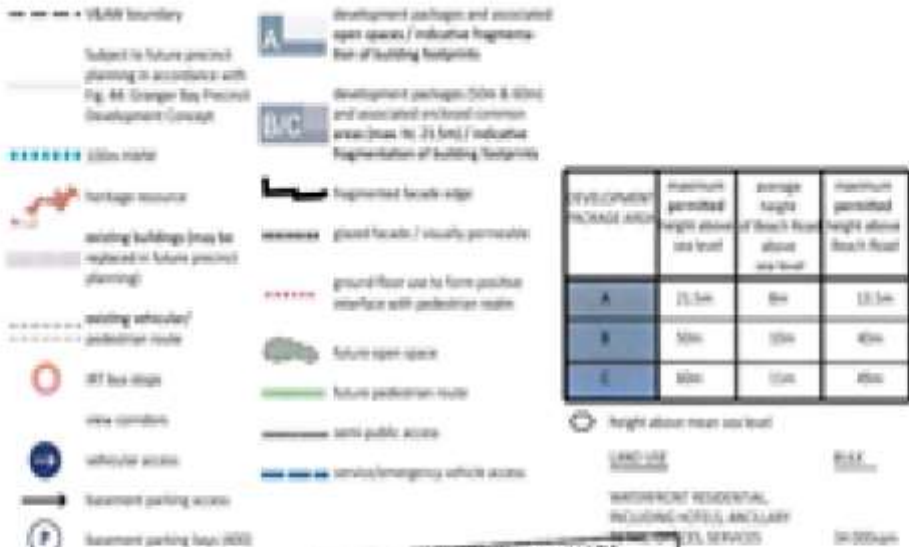


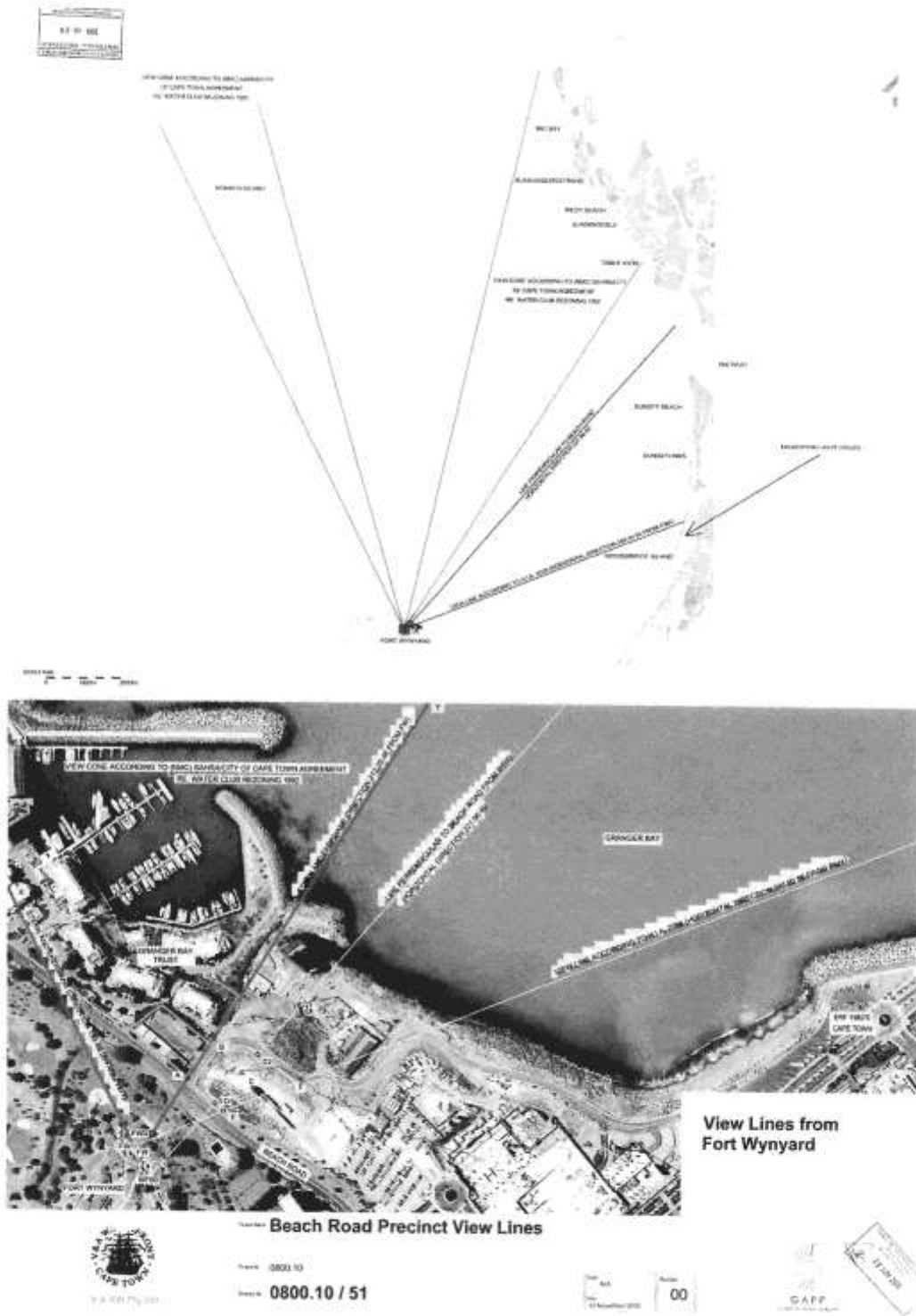
Figure 43. Granger Bay Precinct Plan



January 2018

## **APPENDIX 4: HWC APPROVED VIEW LINES (HIA 2015)**

Figure 11: Beach Road Precinct view lines. 0800.10/10





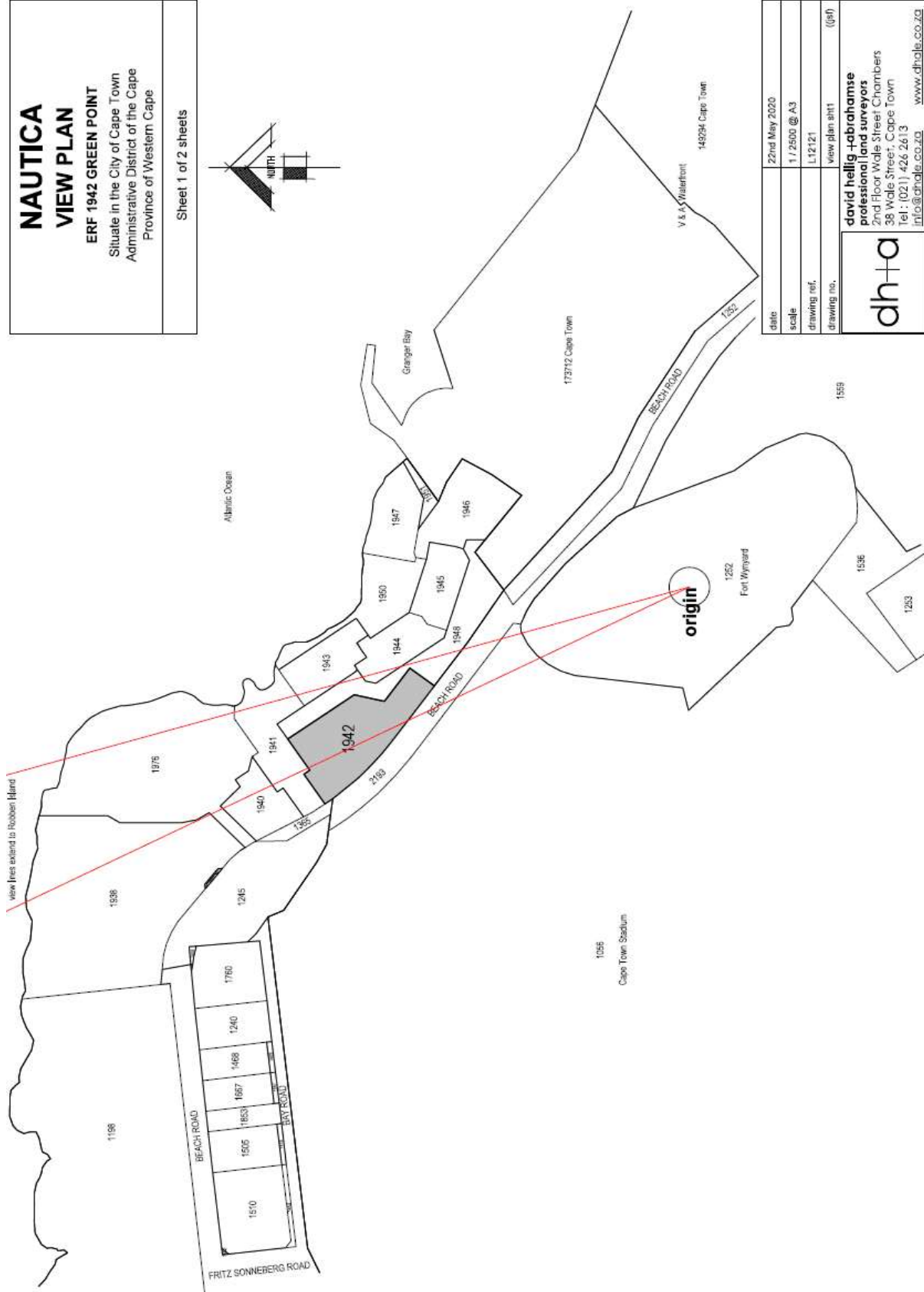
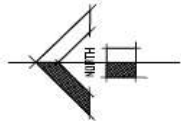
## **APPENDIX 5: SDP DRAWINGS, SVA, REVISION 2, DATED 27 OCTOBER 2020**

# NAUTICA VIEW PLAN

## ERF 1942 GREEN POINT

Situate in the City of Cape Town  
Administrative District of the Cape  
Province of Western Cape

Sheet 1 of 2 sheets



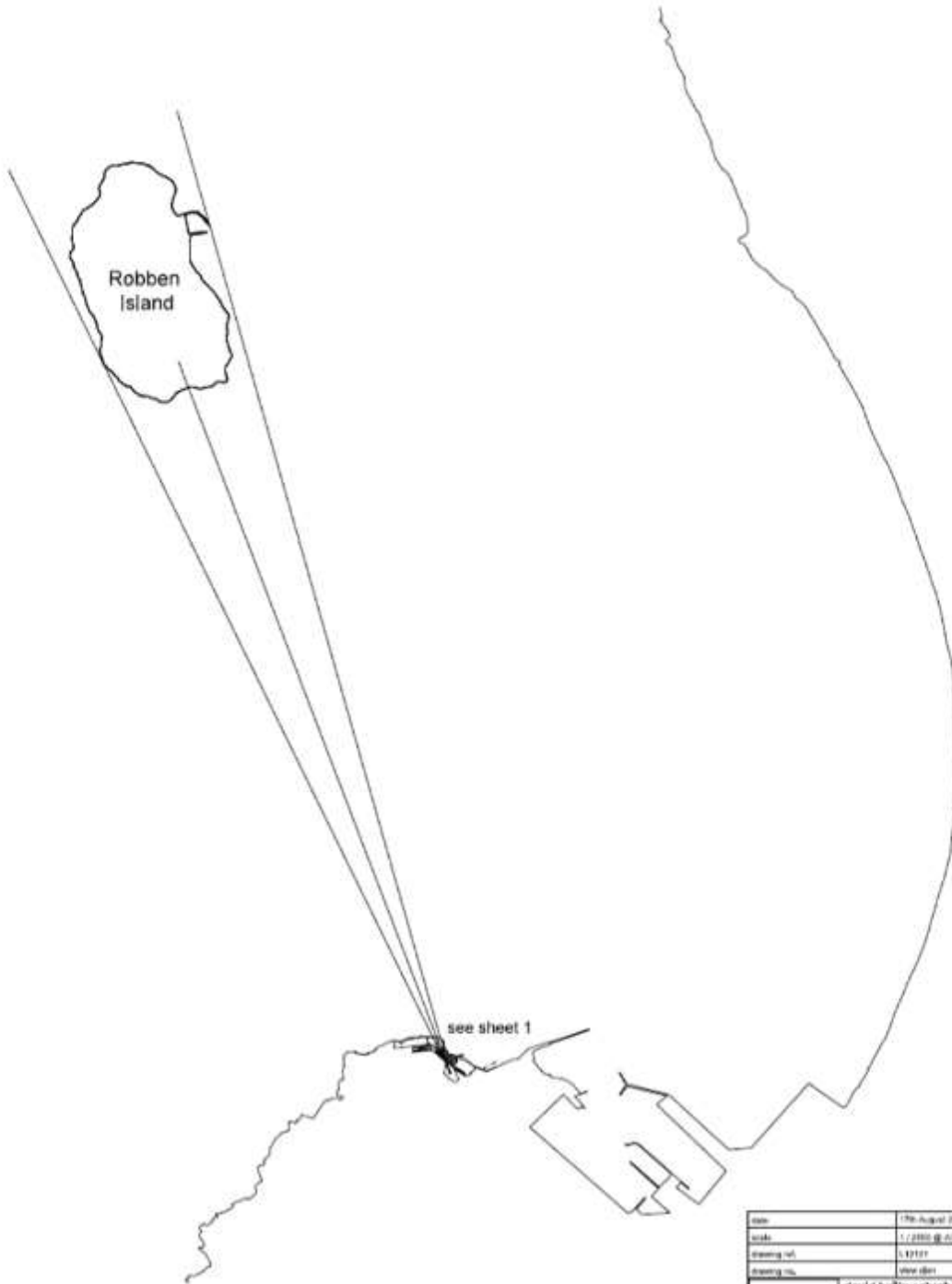
|              |                     |
|--------------|---------------------|
| date         | 22nd May 2020       |
| scale        | 1 / 2500 @ A3       |
| drawing ref. | L12121              |
| drawing no.  | view plan sht1 (98) |

**dh+o**  
**david hellig + abrahamse**  
 professional land surveyors  
 2nd Floor Wale Street Chambers  
 38 Wale Street, Cape Town  
 Tel: (021) 426 2613  
 info@dh+o.co.za www.dh+o.co.za

**VIEW PLAN  
FORT WYNYARD  
V&A WATERFRONT**

Site in the City of Cape Town  
Administrative District of the Cape  
Province of Western Cape

Sheet 2 of 2 sheets



|             |                                |
|-------------|--------------------------------|
| date        | 17th August 2001               |
| scale       | 1:2000 @ A3                    |
| drawing ref | 5.47101                        |
| drawing no  | view plan (2)                  |
| <b>dh+a</b> | <b>david hogg-sabrothome</b>   |
|             | professional land surveyors    |
|             | 2nd floor Wide Street Chambers |
|             | 38 Wide Street, Cape Town      |
|             | tel: (021) 424 2813            |
|             | info@dh+a.co.za                |
|             | www.dh+a.co.za                 |



## **APPENDIX 6: IACOM FURTHER REQUIREMENTS 28 JANUARY 2021**

**Our Ref:** HM/ CAPE TOWN METROPOLITAN/ MOUILLE POINT/ ERF 1942  
**Case No.:** 20032622SB0615E  
**Enquiries:** Stephanie-Anne Barnardt  
**E-mail:** stephanie.barnardt@westerncape.gov.za  
**Tel:** 021 483 5959  
**Date:** 28 January 2021



Nicolas Baumann  
43 Glen Crescent, Higgovale, Cape Town, 8001  
urbancon@iafrica.com

**FURTHER REQUIREMENTS**  
**In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**HERITAGE IMPACT ASSESSMENT: PROPOSED NAUTICA DEVELOPMENT ON ERF 1942, BEACH ROAD, MOUILLE POINT, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20032622SB0615E**

The matter above has reference.  
This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 13 January 2021.

**FURTHER REQUIREMENTS:**

The committee requires the HIA to be updated to address the concerns noted. DS agreed to assist the applicant with locating the earlier information related to the view cone dating from the time of the earlier development c 1990.

The updated information is to be circulated to I&APs when submitted to HWC.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....  
Colette M Scheermeyer  
Acting Chief Executive Officer



[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

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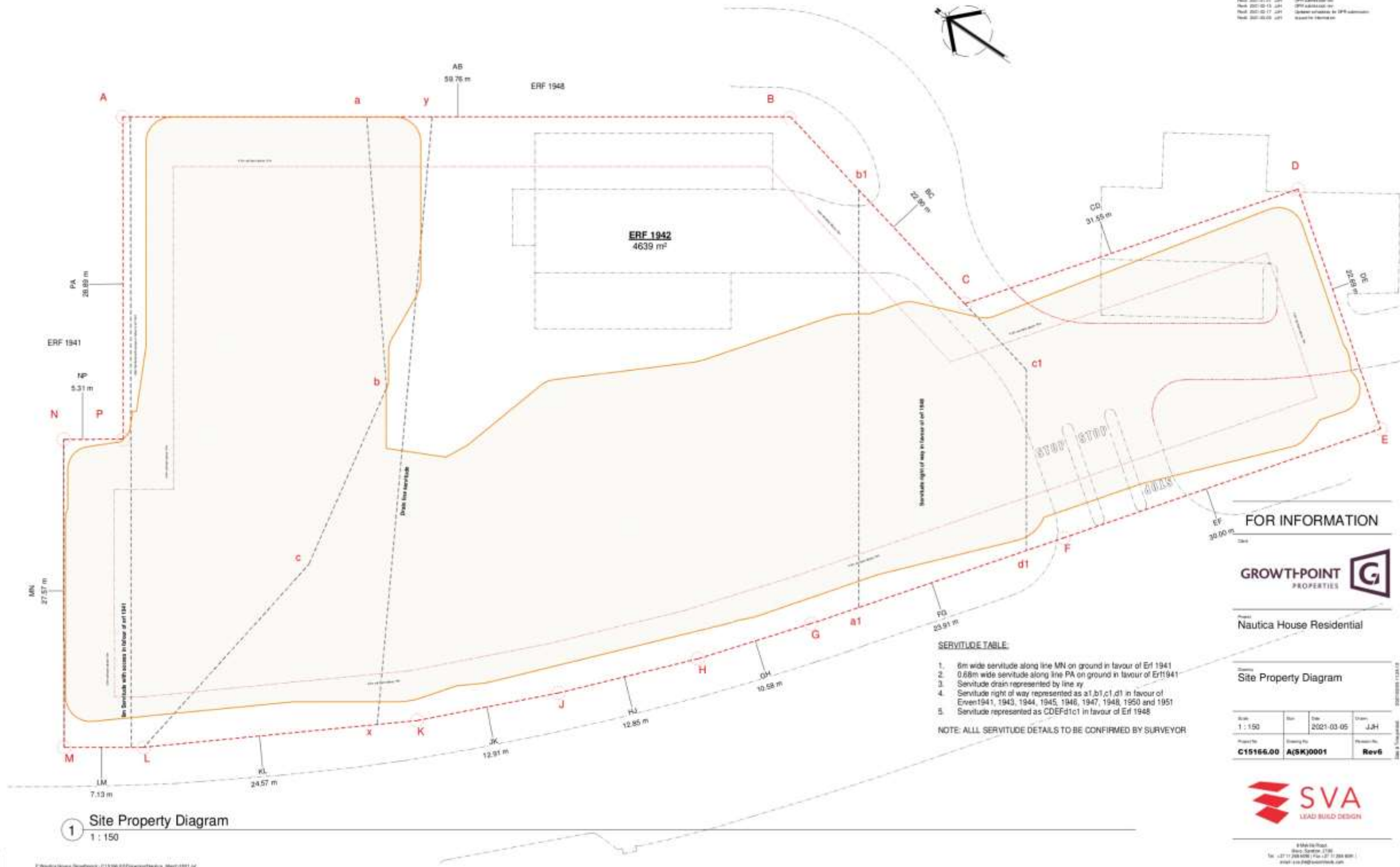
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**Idilesi yendawo:** kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za

## **APPENDIX 7: NAUTICA REVISED PROPOSAL (REV. 6) FLOOR PLANS**







**NOTES**

- The design on this drawing is a suggestion and remains the property of SVA.
- It is the client's responsibility to ensure that all necessary approvals are obtained.
- It is the client's responsibility to ensure that all necessary approvals are obtained.
- It is the client's responsibility to ensure that all necessary approvals are obtained.
- It is the client's responsibility to ensure that all necessary approvals are obtained.

**REVISIONS**

| Rev  | Date       | Author | Description                              |
|------|------------|--------|--|
| Rev1 | 2021-03-15 | J.J.H. | SPR submission submission                |
| Rev2 | 2021-03-17 | J.J.H. | SPR submission                           |
| Rev3 | 2021-03-17 | J.J.H. | SPR submission                           |
| Rev4 | 2021-03-18 | J.J.H. | SPR submission                           |
| Rev5 | 2021-03-17 | J.J.H. | Submission submission for SPR submission |
| Rev6 | 2021-03-22 | J.J.H. | Update to Rev6                           |

1 Site Property Diagram  
1:150

**SERVITUDE TABLE**

- 6m wide servitude along line MN on ground in favour of Erf 1941
- 0.66m wide servitude along line PA on ground in favour of Erf 1941
- Servitude drain represented by line xy
- Servitude right of way represented as a1,b1,c1,d1 in favour of Erfen 1941, 1943, 1944, 1945, 1946, 1947, 1948, 1950 and 1951
- Servitude represented as CDEFd1c1 in favour of Erf 1948

NOTE: ALL SERVITUDE DETAILS TO BE CONFIRMED BY SURVEYOR

FOR INFORMATION



Nautica House Residential

Site Property Diagram

| Scale       | Rev         | Date         | Drawn  |
|-------------|-------------|--------------|--------|
| 1:150       |             | 2021-03-05   | J.J.H. |
| Project No. | Drawing No. | Revision No. |        |
| C15166.00   | A(SK)0001   | Rev6         |        |



10000000 11/2013









**APPENDIX 8: REZONING REPORT: BEACH ROAD  
GRANGER BAY FROM UNDETERMINE USE AND  
PUBLIC OPEN SPACE TO GENERAL COMMERCIAL  
C2 CAPE TOWN TECHNIKON TP 3928/DRS;  
CS; RZ; 568/DS**



Civic Centre  
Burgersentrum  
Cape Town  
8001



CITY OF CAPE TOWN  
CITY PLANNER'S DEPARTMENT  
STAD KAAPSTAD  
DEPARTEMENT VAN DIE  
STADSBEPLANNER

**REPORT  
VERSLAG**

No/Nr: 186/1993  
Ref/Verw: TP 3928/DRS; CS.RZ. 568/DS  
Date/Datum: 1993 -11- 23  
To/Aan:

THE TOWN PLANNING COMMITTEE

PROPOSED REZONING OF ERVEN 1533, 1534, 1246, 1247, 1571, BEACH ROAD,  
GRANGER BAY FROM UNDETERMINED USE AND PUBLIC OPEN SPACE ZONES TO  
GENERAL COMMERCIAL USE ZONE, SUB-ZONE C2: CAPE TECHNICON



Figure 1: Model of Proposed Development (Reference No. 7949/007) submitted as part of the rezoning application.

**EXECUTIVE SUMMARY**

In August 1992, Council, after affording the matter due consideration, requested the Minister of Local Government, Housing and Works to rezone the abovementioned erven from Undetermined Use and Public Open Space Zones to a General Commercial Use Zone,



Sub-zone C2. Council's support for the proposal was subject to the development being in accordance with concept plans and a model submitted by the applicant and the conditions contained in the rezoning report compiled by the City Planner's Department.

In February 1993, the Technicon, after deciding not to proceed with the application, requested Council to "cancel" the report, which the Minister was considering at the time.

After having reconsidered this decision, the Technicon have resubmitted their proposal.

The proposal was advertised and 19 letters were received in response, of which 8 objected to the development. It should be noted that all persons making enquiries as a result of the advertisement were shown details of the proposals as well as the conditions attached to Council's previous recommendation to the Minister. After an evaluation of the desirability of the application and the concerns of the objectors, my Department is of the opinion that the comments and concerns expressed have been adequately addressed. The proposal therefore deserves continued support. This report therefore proposes that the rezoning be granted subject to the development being generally in accord with the concept plans and model submitted as part of the application, as required in the first rezoning report. Certain significant matters that remain unresolved must then be finalised prior to the submission of sketch plans. No development will be possible until the said sketch plans have been approved by the Town Planning Committee.

#### APPLICATION DETAILS

|   |   |  |
|---|---|--|
| Date  | : | 1993-10-11   |
| Applicant   | : | The Cape Technicon   |
| Property Concerned  | : | Old Merchant Navy Academy, Granger Bay   |
| Owner   | : | The Cape Technicon   |
| Existing Zoning   | : | Undetermined Use and Public Open Space Use Zones   |
| Proposed Zoning   | : | General Commercial Use Zone, Sub-zone C2   |
| Does Council have authority to grant or refuse rezoning? No |   | Does the application conform to the Peninsula Guide Plan? Yes  |
| Property Size   | : | 38 672m <sup>2</sup>   |
| Valuation Ref. No.  | : | Erf 1533 WC 015A 043<br>Erf 1534 WC 015A 042<br>Erf 1246 WC 015A 024<br>Erf 1247 WC 015A 023<br>Erf 1571 WC 015A 045 |

Policy Plan : The Green and Sea Point Local Area Policy Plan.  
The Contextual Framework for Cape Town Central Waterfront

Interviews requested? : Yes

: Deryk Uys on behalf of the Villa Capri Body Corporate

: Mr J Siebert for Earthlife Africa

: Mrs C A Sulcas as an observer

## ANNEXURES

- Conditions to be imposed in terms of section 42(1) of the Land Use Planning Ordinance 15 of 1985 in respect of the property concerned.
- Concept Plan No 7949/001.
- Details of Defined View Planes
- Map indicating location of property concerned
- Extract from Zoning Map (TPZ 11330).

The application was advertised and interested parties notified in terms of section 17(2) of Ordinance No 15 of 1985.

Closing date for objections : 1993-11-18. 8 objections were received together with 11 letters of concern or conditional support.

---

### 1. DELEGATED AUTHORITY

Council does not have authority in terms of powers delegated in accordance with the General Structure Plan of the Cape of Good Hope, to grant or refuse this application. This is the case as the application entails the rezoning of Public Open Space to General Commercial Use Zone, Sub-zone C2.

### 2. BRIEF BACKGROUND TO THE CURRENT REZONING APPLICATION

- 2.1 Council's assessment of proposals for the development of this site was initiated with an application to rezone the relevant erven submitted to Council in May 1992.

- 2.2 The proposal was advertised and 16 objections were received, together with 9 letters of conditional approval. Discussions followed with many of the interested parties, resulting in the submission of the City Planner's report to the Town Planning Committee in August 1992.
- 2.3 The Town Planning Committee endorsed the positive recommendation of the report, as did Council later that month. The matter was then forwarded to the Minister of Local Government, Housing and Works for consideration.
- 2.4 However, in February 1993, the Cape Technicon requested that the rezoning be cancelled. At that stage the Minister had not reached a decision on the matter.
- 2.5 The Technicon subsequently reconsidered their decision to cancel the application, and requested Council to resubmit the report to the Minister. Legal opinion was obtained and it was decided that the proposed development would have to be resubmitted and readvertised.
- 2.6 The Cape Technicon therefore resubmitted their development proposal, as recommended for approval by Council, in October 1993.

### 3. THE SITE AND LOCATION

- 3.1 Since the first beginnings of a formal settlement in Table Bay, Granger Bay has served a significant maritime function.
- 3.2 In recent history, the site was used to train the country's merchant seamen, before it was handed over to the Cape Technicon who have used it to house their hotel and catering school and maritime training centre.
- 3.3 The site is strategically situated between the Mouille Point beachfront and the Victoria and Alfred Waterfront development. Beach Road runs along the southern perimeter of the site. The site is presently underdeveloped and underutilised, given its excellent location.
- 3.4 Existing development on the site consists of:
  - two and three storeyed face brick buildings housing the Cape Technicon's hotel school;
  - stores, a large boatshed and classrooms housing the Technicon's Maritime Training Department;



- a supervisor's house; and
- a slipway and small craft harbour.

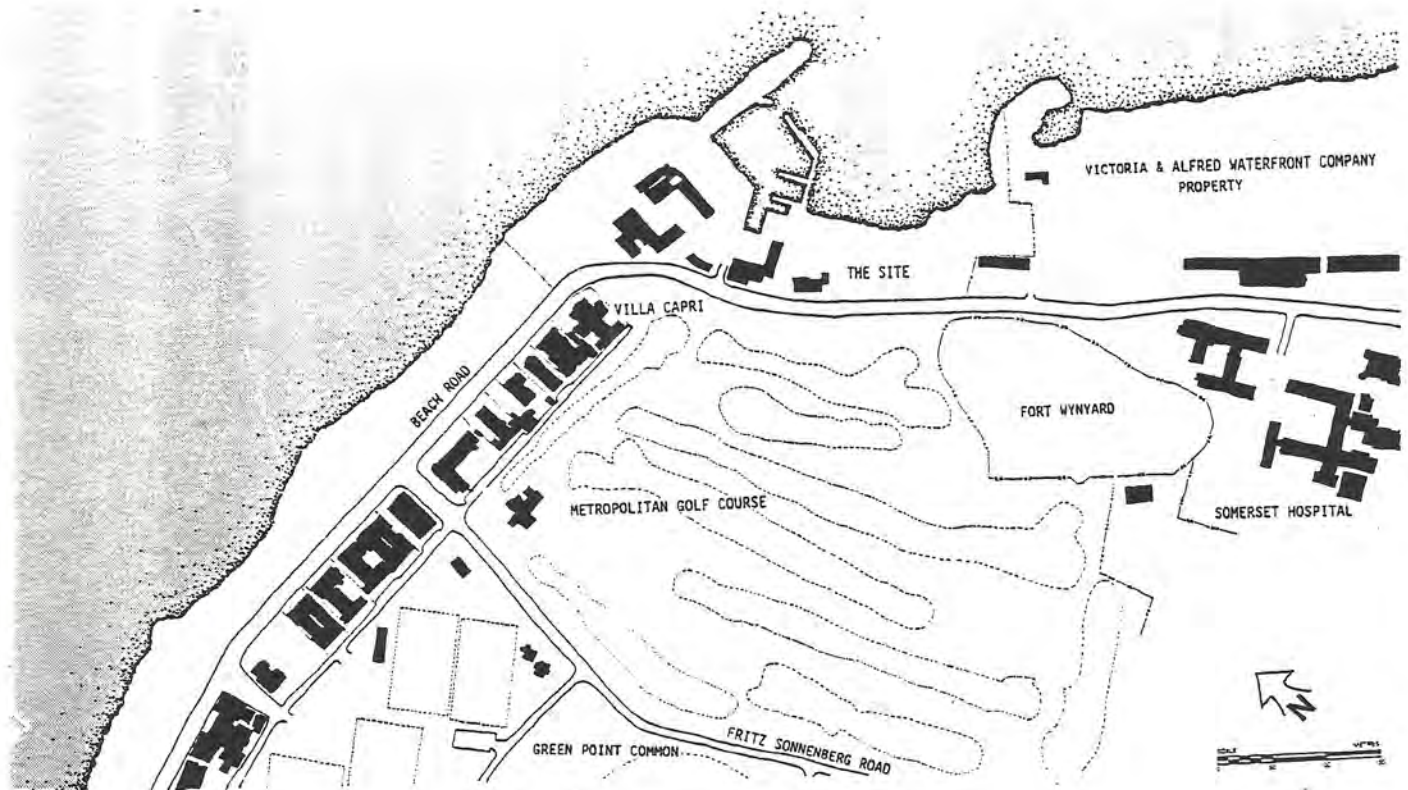


Figure 2: The site and surrounds

#### 4. SURROUNDING ZONING AND LAND USE

- 4.1 The use and zoning of surrounding properties is as follows (refer to the attached extract of the Zoning Map: TPZ 11330):
- the area to the west of the site is predominantly zoned General Residential Use Zone with maximum development rights taken up in the form of 7-9 storey beachfront apartments. These buildings form a screen or barrier between the Green Point Common and the beachfront.
  - the Metropolitan Golf Course lies to the south of the site and is zoned as Public Open Space. Fort Wynyard, which enjoys National Monument status, abuts the Golf Course. The Fort has an Undetermined Zoning.
  - land to the south east of the site, owned by the Victoria and Alfred Company, is presently largely undeveloped and has an

Undetermined zoning.

## 5. PROPOSED DEVELOPMENT OF THE SITE

### 5.1 Use and Development

A mixed use development proposal has been put forward as the basis for the application. Residential accommodation, a hotel, the Cape Technicon's hotel school, a number of small office blocks, educational facilities, and a small retail component are proposed. Concept plans and a scale model have been submitted as part of the application.

It is proposed to retain the existing maritime training facility as well as the slipway and its ancillary functions.

Marine works will include the upgrading and enlarging of the marina and supporting infrastructure for boat maintenance. The northern breakwater will be extended and a new spur will be constructed to enclose the marina.

Most of the buildings to be constructed will be between 4 and 5 storeys in height.

The developers aver that the existing and emerging built fabric and uses in the adjacent waterfront area, and the proposed use of the site in question, are not only appropriate, but also compliment the surrounding area. They add that the development will offer a strategic advantage to Cape Town in terms of tourism which is vital to the city. Similar facilities have proved highly successful in other parts of the world and are attractive tourist destinations.

### 5.2 Proposed Zoning

The applicants have chosen to apply for a General Commercial C2 zoning as it provides for a diversity with regard to land utilisation and flexibility with regard to land use restrictions.

### 5.3 Public Areas

It is proposed that public areas be accommodated around the hotel. Pedestrians will be able to circulate around the hotel and will have access to its quayside level and the plaza.

It is proposed that the residential and office components, lying between the slipway and the Victoria and Alfred development, will be in a controlled area with limited access to the public.

#### 5.4 Landscaping

The paving, street furniture and planting design will be sympathetic to the maritime site and the adjacent Victoria and Alfred Waterfront development.

A planting palette of exotic and indigenous species will be used in order to overcome the sometimes hostile growing conditions. Large specimens will be used, where appropriate, to achieve a sense of early maturity. The boundary along Beach Road will be planted with trees and hedges as to provide specific views across the site.

The carpark behind the hotel, which is at ground level, will be designed as a plaza with integral paving patterns, water features and parking.

It is proposed to create an island at the end of the southerly breakwater as a haven or refuge for seabirds. The extent and details of this structure will be the subject of liaison with experts.

#### 5.5 Traffic and Parking Proposals

The applicant's propose to provide the following on-site parking:

- 75 bays for the hotel
- 187 bays for the apartments
- 175 bays for the offices
- 30 bays for the training centre

The office parking will be conveniently located and available for use by hotel guests after office hours. The applicants regard the on-site parking provision to be entirely adequate in terms of the applicable requirements.

### 6. RESPONSE TO THE ADVERTISEMENT OF THE PROPOSAL

A total of 19 letters were received by Council of which 8 objected to the development.

#### 6.1 The following comments or concerns have been received:

##### 6.1.1 Comments from surrounding residents:

###### The application

- the documentation is incomplete and sketchy;



- the application is too broad. Restrictive clauses are needed in regard to the type of structures and uses permissible; and
- a blanket zoning should not be granted.

#### **Traffic and parking issues**

- increased traffic flows need to be addressed. The proposal will exacerbate existing traffic congestion;
- the inadequate parking provision must be addressed;
- similarities with the ex-President Hotel site, alluded to in the traffic report are inaccurate; and
- the serious safety problems with regard to the two successive road curves in Beach Road should be addressed.

#### **Loss of existing views**

- areas to the west of existing structures should not be developed;
- the loss of views should be restricted; and
- the Town Planning Committee's requirement for a view corridor from Villa Capri has not been shown on the sketch plan. The western seaside office building blocks this proposed viewing corridor.

#### **Land usage**

- shops, commercial or trading activities should not be permitted;
- no public offsales should be allowed;
- the hotel should conform with the upmarket status of the area; and
- the site is not suitable for office development.

#### **Height of development**

- the western side of the hotel should be limited to four storeys and the eastern side to six; and
- the maximum height of the office block and hotel school should not exceed 4 storeys;

### Public access

- the public should be able to walk from the Mouille Point beachfront, along the water's edge to the future Victoria and Alfred Waterfront development; and
- inadequate public access is proposed.

### Construction

- restrictions must be imposed on the developers regarding construction traffic, service vehicles and site works, including any blasting during the construction of the proposed development.

6.1.2 The Victoria and Alfred Waterfront Company has reiterated the position it took in response to the first advertising of the proposed development of Granger Bay. The Company states that while it supports the development of the site, it has the following concerns;

- the proposed General Commercial Use, Sub-zone C2 zoning is inappropriate in this location. Office usage on the site is questioned and it is felt that a predominantly residential development will form a more acceptable link between residential Mouille Point and the Waterfront;
- in order to facilitate flexibility in the planning and development of the site it is suggested that the principles of the "Package of Plans" concept used for the Waterfront be applied to the site;
- development of the site could be greatly enhanced if joint planning between the V & A Waterfront and Cape Technicon and its development agents could be conducted;
- the General Botha harbour was originally developed and maintained with State funding. As such, the public amenity value of this facility should be maximised;
- it appears that a portion of the General Botha site is on reclaimed land which has not been cadastrally defined and registered. This should be resolved as an integral part of the processing of the rezoning application;
- the rezoning should be subject to a condition that an agreement be entered into with the V & A Waterfront on future access to harbour works in the General Botha site area;
- continuity of accessways and linkages is regarded as an important consideration. It is recommended that the three access categories of public access to areas in the Waterfront, as agreed to by Council, be applied to the development of the

General Botha site;

- the City should require that the nature and quality of the landscape routes on the General Botha site be compatible with that of the V & A Waterfront's landscape routes;
- the shared use of office parking by hotel guests cannot be supported. The developers should be required to provide at least 200 parking bays for the hotel; and
- it is believed that a condition of the rezoning should be that the developer of the site should reimburse V & A Waterfront with a proportionate capital contribution for the use of a new trunk sewer financed by the V & A Waterfront. The basis for this contribution should be determined in conjunction with the City Engineer.

6.1.3 The Maritime Industry Training Board submitted the following comments:

- that Granger Bay was probably one of the finest examples of a maritime college anywhere in the world in terms of location and facilities;
- that the conceptual drawings do not make adequate provision for the maritime training needs of the industry, particularly when it comes to waterborne activities; and
- as an industry wide needs analysis is currently underway to identify the appropriate infrastructure needed to give South Africa's maritime industry a strategic advantage in the region, it is important that no unilateral restructuring is undertaken by the owners of the site until the MITB has been fully consulted.

6.2 The following objections have been received

6.2.1 **Objections** received from seven interested parties are based on the following:

**Traffic and parking issues:**

- the increase in traffic will create future problems;
- the development will exacerbate existing traffic congestion; and
- the proposed parking is hopelessly inadequate.



**Loss of views**

- the development will completely obscure present sea views.

**Public access**

- the proposal does not provide for adequate access for the public to the sea.

**Land use**

- there is no need for office blocks to be erected in a residential area;
- commercial and retail activity is clearly not required by the local residents who are fully serviced by the Waterfront; and
- the site is not suitable for office development.

**Building heights**

- the existing heights must not be exceeded.

**Miscellaneous**

- the development does not provide a corridor of land that may at some future date be used for a light rail system connecting Cape Town's CBD with the Greenpoint/Sea Point areas via the Waterfront;
- that the Cape Technicon has absolutely no power or authority to apply for the rezoning of the erven in question, and that the application is consequently *ultra vires* in terms of the Technicon's Act. The application is fatally defective and should be rejected;
- the proposal involves the rezoning of public open space to facilitate the development; and
- a scheme of the magnitude envisaged will incur massive works and construction in the area which will disadvantage local residents.

6.2.2(a) The Villa Capri Body Corporate objects to the rezoning on the following grounds:

- the increase in traffic density will be totally unacceptable and the traffic problems have not been adequately researched;

- the provision of office space on the site is alien to the residential feeling of the area. There is an existing glut of office space in the city;
  - the City Policy Plan specifically aims to make public areas more accessible to all members of the public, and the stated aims of the V&A Waterfront development are also to bring the public to the seafront. This development as it is at the moment, ignores the principles of both these guidelines. There should be free access between the development and the V&AW; and
  - there are inconsistencies regarding the heights of buildings. The exact height of buildings above Mean Sea Level needs to be known.
- (b) Mr Deryk Uys on behalf of the Villa Capri Body Corporate states that as he believes that the circumstances related to the application have not changed since the first advertising process, it is unnecessary, in the circumstances, to formulate all the objections afresh. He therefore requests that the objection be based on the following:
- all objections received from residents living in Villa Capri in response to the first advertising procedure.
  - written addresses made by Mr P Shepherd and Mr D Uys respectively to the Town Planning Committee and read to the Committee on 1992-08-17.
- i) Previous objections from certain residents of Villa Capri were based on the following:
- the loss of existing views;
  - an increase in existing traffic problems;
  - that the office development will not be in harmony with the surrounding residential area;
  - that the development will cause surrounding property values to depreciate;
  - that these should be a gradual change in density across the site towards Mouille Point;
  - that 6 storey buildings should not be allowed;

- the development seems to infringe on the Seashore Act of 1935.
- ii) Mr Shepherd in addressing the Town Planning Committee raised the following points:
- that Villa Capri was not opposed to the development. However, they were concerned that the view of the bay that they had enjoyed for a long time would be lost;
  - that the proposed bulk factor and height of the development would have an adverse effect on the area as a whole;
  - that any additional traffic would not be in the interest of the residential and that a traffic management plan be investigated; and
  - that the tennis court area should remain undeveloped and not be turned into a car park as it will generate noise and exhaust fumes.
- iii) Mr Uys in addressing the Town Planning Committee raised the following legal points:
- he claimed that the applicant does not have *locus standi*;
  - that details of the conditions, or the application for the removal of Title Deed restrictions had not been given;
  - that the first application (submitted on 1992-05-15) was not properly advertised;
  - that the first application (submitted on 1992-05-15) was altered or amended during the application process;
  - that the application shall be refused on the basis of its effects on existing rights;
  - the Council's ability to enforce conditions imposed in terms of a rezoning is questioned; and
  - that the public has a vested right in land zoned as Public Open Space.

6.3 The following comments have been received from official bodies:



6.3.1 The National Monuments Council has expressed **support** for the development, **conditional** on the following:

- the 'view corridor', as defined and agreed upon by all parties concerned at the meeting held at Fort Wynyard on 1992-07-22 be maintained. The Council adds that the present Concept Plan does not recognise this view corridor;
- that an archaeological investigation and historical report be done prior to any further detailed planning for the property being undertaken;
- the suggestion that long term planning for the greater area be considered; and
- the development tie in with work being done on the adjacent V & A Waterfront land.

6.3.2 The Director of Metropolitan Transport Planning states the following comments:

- there are no particular problems or concerns with the proposed development, if dealt with in isolation;
- it is, however, not possible to assess the transportation planning implications of the development in isolation from the Victoria and Alfred Waterfront development. The proposed development is only part of the larger proposed Granger Bay marina development; and
- that the incremental increase in traffic volumes and turning movements at the proposed new intersection between Portswood Road and the Western Boulevard needs to be superimposed on the data used in recent evaluation, as reported on the Utilities and Works Committee, in a report "*Access improvement proposals to the Victoria and Alfred Waterfront development: Comments and Recommendations*" dated 1992-06-10, to determine the continued validity of the conclusions arrived at in that report, and the true impact of the present development proposals.

6.3.3 The Provincial Roads Engineer offers **conditional support** based on the following criteria:

- that the development should not exceed the parameters given in the BKS report ie

Hotel: 150 bedrooms; 2100m<sup>2</sup> of public area.

Residential: 75 units (flats), one to four bedrooms

Offices: GLA of 6 000m<sup>2</sup>  
Maritime Training Facility: 2500m<sup>2</sup>

(Development beyond the above parameters is not precluded in the future. However, a further Traffic Impact Assessment would have to be submitted to the Provincial Roads Engineer for approval before any additional development is permitted);

- that a layout plan to scale, showing the planned structures, proposed uses, parking areas, access points and internal roads be submitted to the Provincial Roads Engineer for approval; and
- that the final proposed parking provision is submitted to the Provincial Roads Engineer together with the layout plan of the development, for formal approval.

## 7. THE APPLICANTS' RESPONSE TO THE OBJECTIONS AND COMMENTS RECEIVED

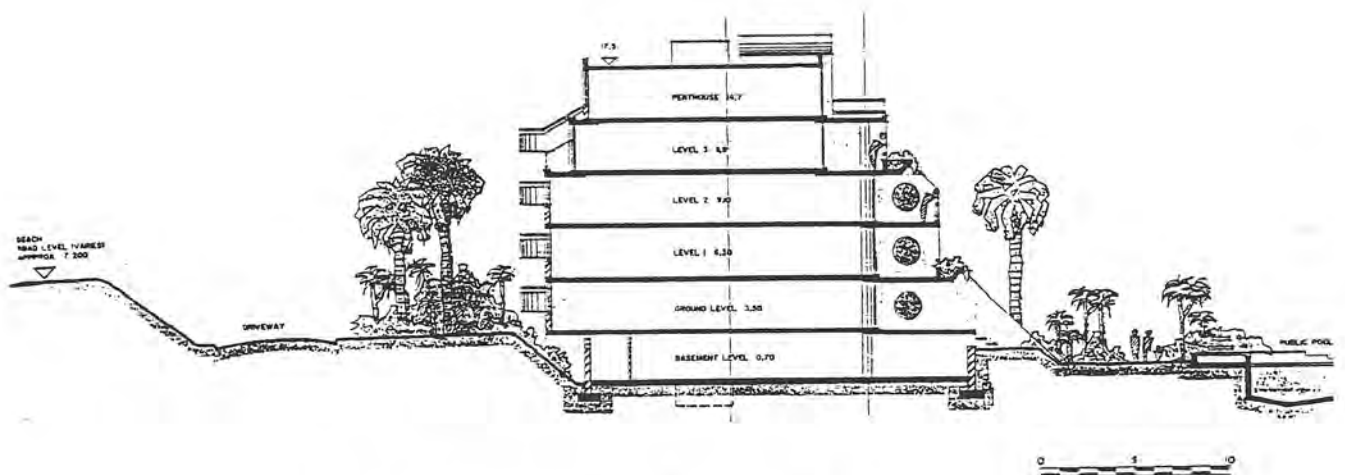
7.1 The applicants have submitted the following response to the objections and comments received.

### **Heights and Views**

The heights of the proposed buildings have not changed since the last application. In fact, cognisance has been taken of the restraints placed by Council during the last application approval.

Furthermore, it is stated that the architects have responded to previous objections by replanning the site layout with none of the buildings on the site now exceeding 5 storeys in height and the bulk of them being 4 storeys.

The applicants feel that cognisance must be taken of the topography which in effect lowers the platform level of these buildings to approximately 1,5 floors below the Beach Road level and therefore lowers their overall height (see Figure 3).



**Figure 3: Cross section Apartment B**

Comments from the east facing residents of Villa Capri have resulted in the repositioning of the buildings in such a manner as to afford vistas through to the Victoria and Alfred Waterfront and proposed marina.

Furthermore, the residential component has now been set back from Beach Road.

As a result of a request by the National Monuments Council to preserve some vistas across Table Bay from Fort Wynyard, a view corridor was established at an on site meeting which took place in June 1992. The details are available for inspection.

## 7.2 Traffic

The applicants state that the conclusions of the traffic impact study done by Messrs BKS are that the development will only have a moderate impact on traffic in the area.

They note that there are plans to create a new interchange at the intersection of Portswood Road and Western Boulevard, which would divert traffic from the Victoria and Alfred Waterfront development through a shorter route back to the city.

## 7.3 Parking

Subsequent to the previous application, and as a result of more detailed planning, the applicants advised that the proposed on-site parking can be increased substantially as follows:



| <u>Use</u>    |  | <u>Total</u> |
|---------------|--|--------------|
| Residential   | ± 2 bays per unit<br>plus 1 bay per 5 units for visitors                     | ± 211        |
| Hotel         | 3 bays per 100m <sup>2</sup> of office space<br>plus visitor parking         | ± 101        |
| Offices       | 2.5 bays per 100m <sup>2</sup> of office floor space<br>plus visitor parking | ± 181        |
| The Technicon |  | ± 142        |
|               |  | <u>± 635</u> |

#### 7.4 Zoning for offices

Although a number of reservations were received with regard to this component, the viability of offices is unquestionable in terms of development mix.

The offices are envisaged as studio type office accommodation to be located around the working harbour, serving as a transition and a buffer between the residential, hotel and educational components.

The type of mix envisaged conforms to a popular international concept of working/living/leisure environment.

Subsequent to the previous application, a further motivation for this office space is that the Technicon's maritime/survival school will be occupying over 1000m<sup>2</sup> of this office accommodation.

#### 7.5 Archaeological and Historical Research

Archaeological and historical research, as requested by the National Monuments Council, has been undertaken and completed by the University of Cape Town.

#### 7.6 Coordinated Design of the Breakwater

Coordinated breakwater design between the applicants and the V&A Waterfront was commissioned two months ago. A design is presently being modelled by the CSIR in Stellenbosch, and will be completed within the next fortnight.

Portnet have recommended the proposed upgraded extensions to the existing harbour to the relevant Ministers for approval. Such approval is imminent.

### **7.7 The Maritime Industry Training Board Objection**

The Technicon are the registered owners of the site and believe that adequate provision has been made for maritime training needs, together with a provision for future expansion. It is furthermore believed that the rezoning application is not the correct forum for the Board's objection.

### **7.8 The Hotel**

Discussions and negotiations are underway with two international hotel groups who wish to invest in the project. In both cases, the operators envisage a five star operation.

### **7.9 Other Comments:**

During the last eight months, discussions have taken place with various non-statutory bodies, including SANCO and the ANC, and after lengthy consultation their support and endorsement of the scheme has been given. As a result of these discussions, it has been agreed that a Trust be formed, to be named the National Education Tourism Trust, which will provide for disadvantaged students wishing to enter the tourism and hospitality industry. A R1 million contribution from the proceeds of this development will be injected into the Trust to kick-start the programme.

The unique aspect for education in respect of the hotel school, which will be connected by agreement to the new hotel, will launch the Technicon's hotel school into the international theatre of hospitality management.

In conclusion, it is believed that the criteria which have been met by way of educational needs, foreign investment, hotel/tourist facilities, residential and office components, and a unique marina in the city of Cape Town, will be a tremendous boost for an area which is commonly known as the "backyard of Table Bay".

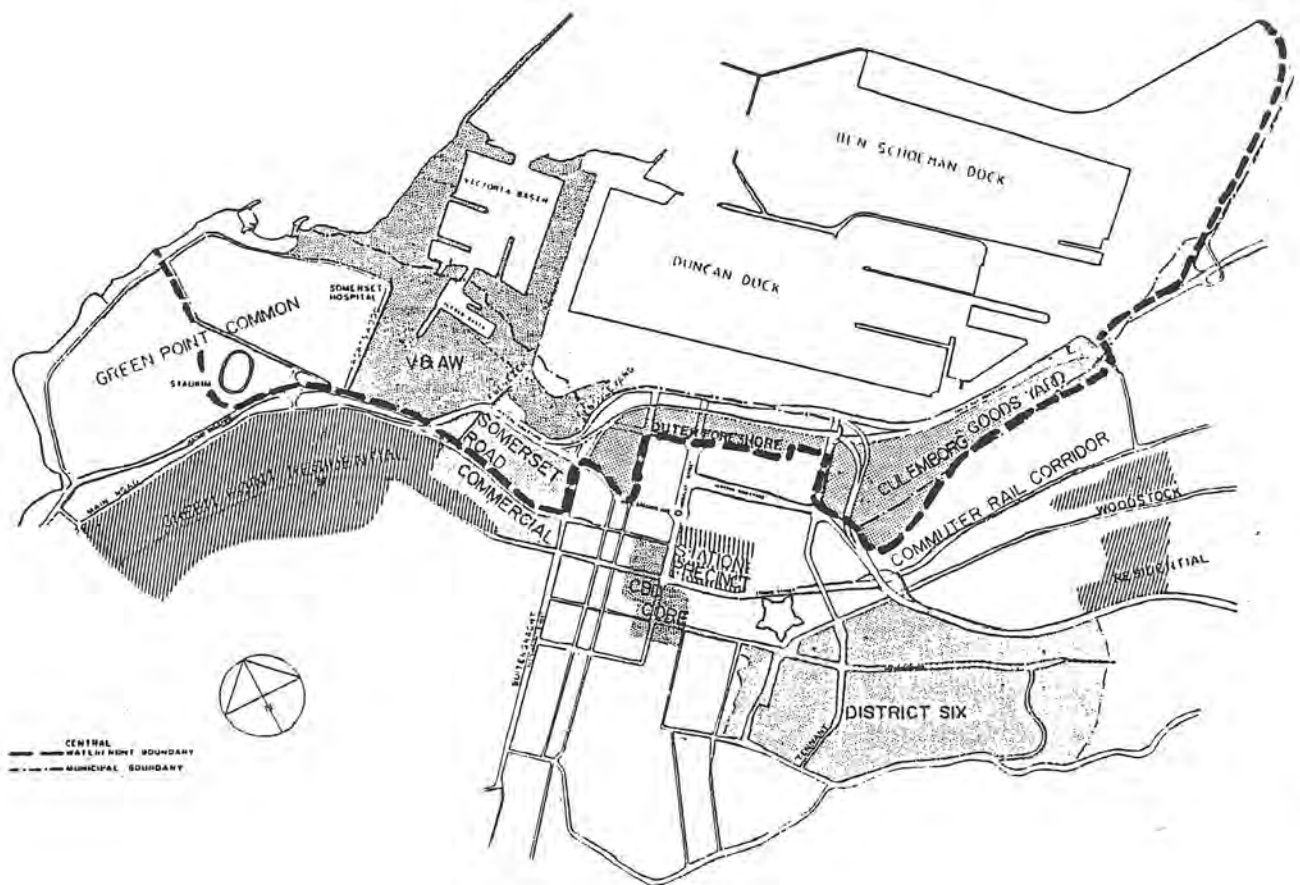
It is noted that neither the Sea Point Ratepayers' Association or the Atlantic Action Group have objected to this rezoning.

## **8. DEPARTMENTAL COMMENTS**

### **8.1 Planning in the Central Waterfront**

The redevelopment of Cape Town's historical and largely underutilised Central Waterfront has captured the attention of the inhabitants of this city as well as travellers from far afield. Thus far, the spotlight has focused on the Victoria and Alfred Waterfront development. However, other areas of Cape Town's waterfront infrastructure provide similar challenges and opportunities.

It was for this reason that when the Victoria and Alfred development was first mooted, Council developed a Contextual Framework, published in 1989, to guide coordinated development of the Central Waterfront. This area is described in the report as extending from just west of the Green Point Stadium to east of the Royal Cape Yacht Club (see Figure 4).



**Figure 4: The Central Waterfront**  
**Source: Contextual Framework for Cape Town Central Waterfront 1989**

The roots of this report are, however, to be found in two earlier policy documents produced by Council, namely "The Development



Potential of Cape Town's Historical Waterfront". November 1985, and "Granger Bay Project Assessment" - March 1982.

These reports embody many of the goals and objectives which were encapsulated in the Contextual Framework for Cape Town Central Waterfront report, which is today guiding development currently underway.

The goals and objectives are briefly as follows:

1. Integration: To increase the physical, perceptual, functional and jurisdictional integration of the Central Waterfront with the rest of the city, for all segments of society.
2. Public Use: To increase public use and enjoyment of the Central Waterfront by extending the richness, diversity and activity of city life to that area, through new residential, institutional, recreational and commercial development.
3. Public Access: To increase and improve public access and open space along the water's edge and within the Central Waterfront.
4. Economic development: To promote economic development and job creation through tourism, recreation, commerce and light industry.
5. Compatible land uses: To protect the role of existing compatible land uses and public utilities as a source of industrial and commercial income and jobs.
6. Physical improvement: To provide aesthetic, environmental and infrastructural improvements.
7. Economic cooperation: To promote public/private sector cooperation to achieve financial viability and development of underutilised assets.

As the site in Granger Bay falls within the Central Waterfront, this Departmental assessment of the proposed development has been guided by the above goals and objectives, as well as policy statements made in the report. This report recommends support for the type of development proposed, subject to the resolution of certain matters.

## 8.2 The proposed development's contribution to the revitalisation of the Central Waterfront.

Granger Bay has in many ways been the 'backyard' of Table Bay

Harbour for some time. Its strategic position between existing Sea Point beachfront development and the rapidly emerging redeveloped Waterfront is such that market forces will not allow it to remain underdeveloped for much longer.

The redevelopment of the Cape Technicon site provides a further opportunity to unlock the latent potential of Cape Town's Central Waterfront. The proposed multifunctional use of the site is supported, with the mixture of office and residential functions promising to provide a high degree of vitality.

The site's attractive position on the Atlantic coastline makes it an ideal location for an upmarket hotel. The hotel will in turn provide special opportunities for the adjacent Hotel School. The Technicon's national and international image stands to benefit greatly from this.

The extension of the breakwater and the creation of a marina, is likely to be received with enthusiasm amongst the local boating fraternity. It is, however, important that a high degree of accessibility for general waterborne traffic is provided. The harbour infrastructure and associated mooring facilities need to be accessible, at least in part, to the public and seen as part of an emerging string of similar marina facilities along the Cape Coast.

The development needs to capitalise on its position outside the confines of the protected Table Bay harbour, and provide experiences drawn from its exposure to the open sea.

### **8.3 The Public Realm**

Various policy statements embodied in the Central Waterfront Conceptual Framework address the issue of public use directly.

These include:

- the provision of pedestrian walkways that are comfortable, convenient and enjoyable;
- that water's edge land in the Central Waterfront should generally remain in public ownership and freely accessible to the public at all times;
- that publicly accessible water's edge land should be expanded by the provision of parks, 'parkettes', and wider public rights-of-way; and
- that the ground floor of buildings adjacent to such areas should be pedestrian orientated and used for purposes which are

generally publicly accessible.

The development process which the Victoria and Alfred Waterfront Company has been required to follow has resulted in the 'fine tuning' of many of the Public Space Policy Statements.

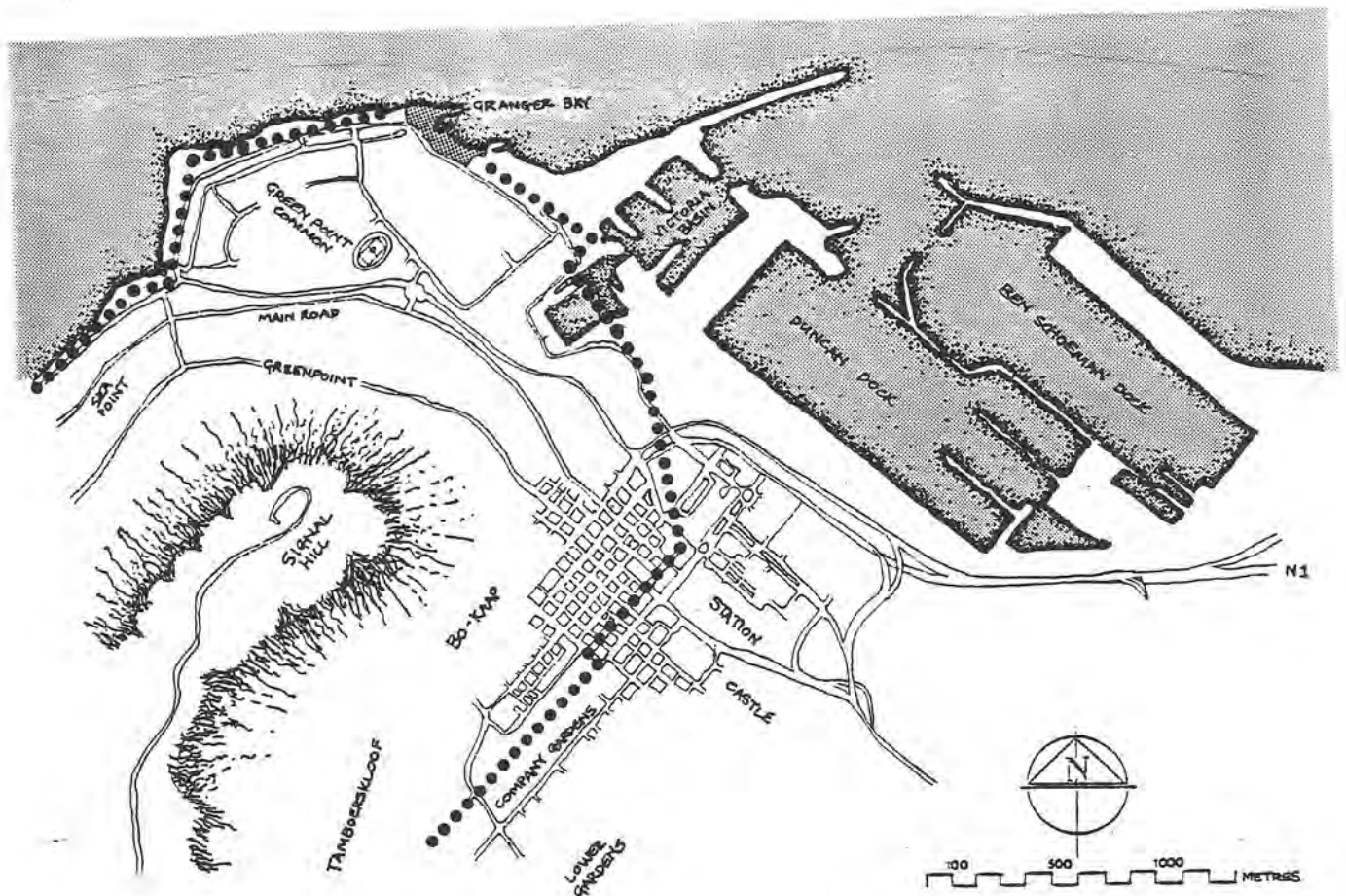
Pedestrian movement has accordingly been defined by varying degrees of public and private access. These levels of access are as follows:

- (i) Areas of unrestricted public access, providing free access to the public, subject to crowd control and management measures to ensure public safety and security.
- (ii) areas of limited or semi-public access, providing access along controlled routes and edges within defined development and land use areas.
- (iii) Areas of restricted access or private areas, which are exclusive use areas set aside for particular development parcels to ensure privacy and security for the occupant.

Detailed design must be such as to make it absolutely clear to the casual visitor which areas are which.

With regards to public access, the General Botha site has a particularly important role to play in linking the Sea Point/Mouille Point beachfront with the pedestrian network of the Waterfront which will eventually be linked to the pedestrian network of the CBD via the Power Station/ICS site (see Figure 5).



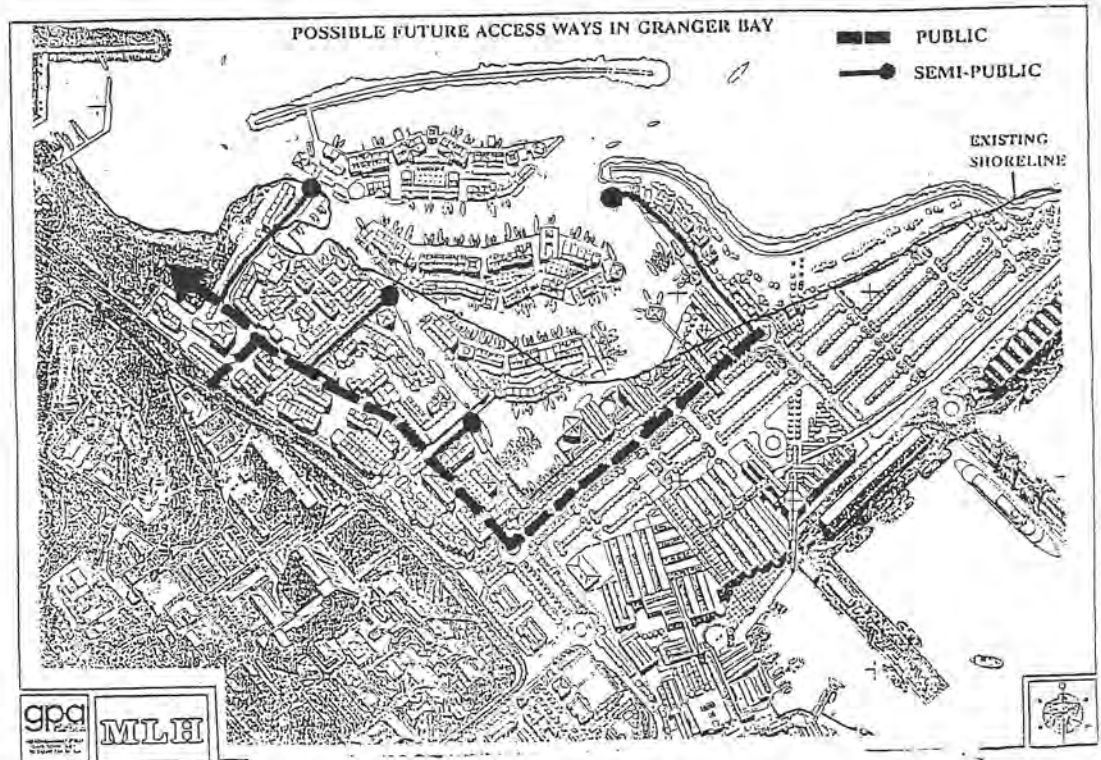


**Figure 5: The Emerging Pedestrian Network**

A clearly defined, and more importantly, well located unrestricted pedestrian route across the site, linking up with the Victoria and Alfred Waterfront's pedestrian route needs to be seen as a vital component of the development.

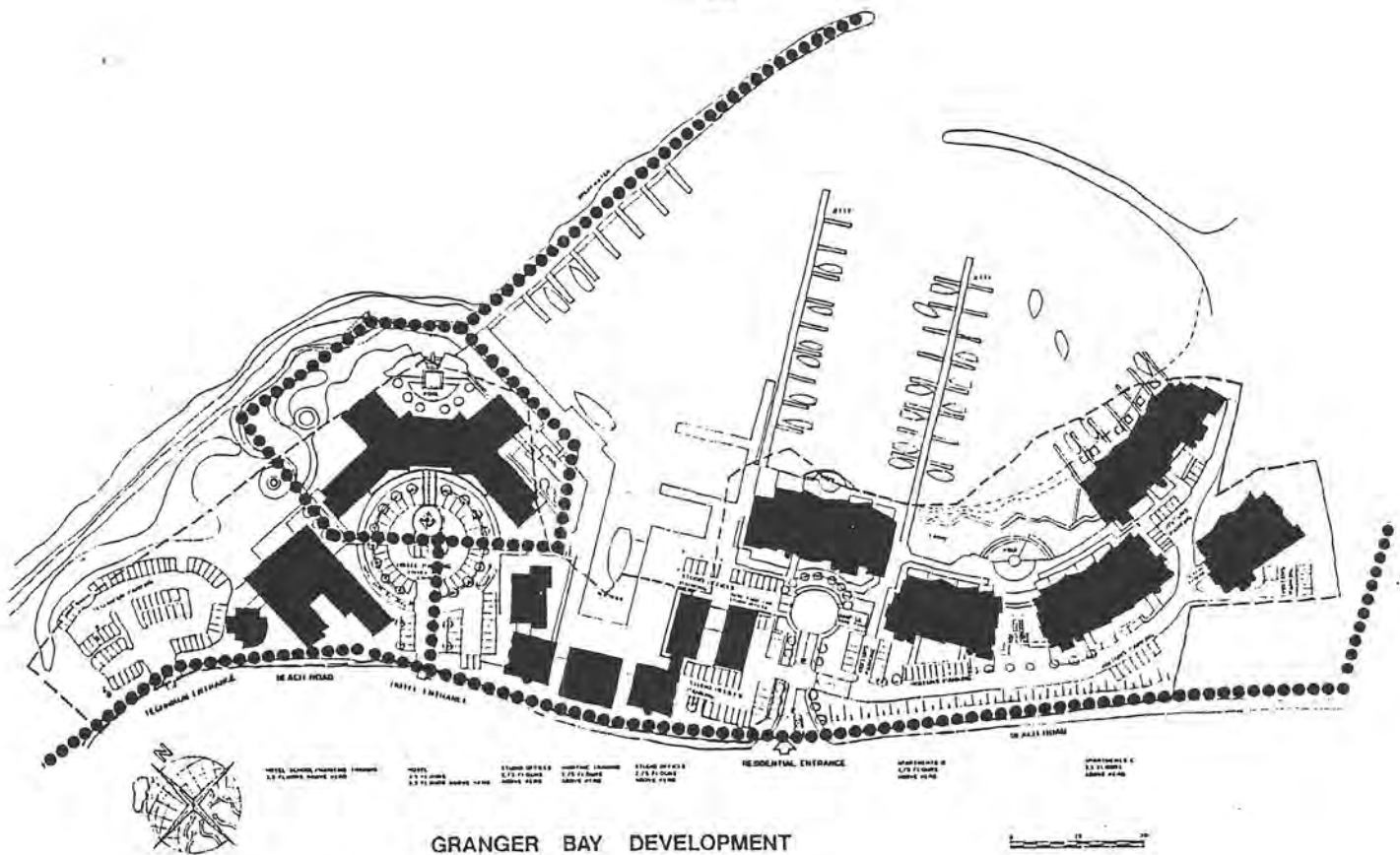
This route needs to be planned as part of the development to take advantage of the location and the numerous activities of interest, as well as the degree of security and surveillance the development will offer visitors.

Requiring unrestricted access to the entire water's edge in front of the residential component would, however, be unreasonable and rather onerous on the development given the nature of the residential accommodation. Defined points of public and semi-public access, as it is intended with the adjacent Victoria and Alfred Waterfront development (see Figure 6), should be required.



**Figure 6: Possible Future Public Access in the V & AW Granger Bay Proposal. Source: MLH Architects**

The amended Concept Plans submitted by the applicant do not, however, respond adequately to these concerns. Public access depicted in these plans, other than that which is necessary around the hotel, occurs exclusively along the roadside edge of the site and as shown must be regarded as unacceptable (see Figure 7).



**Figure 7: The Developer's Proposed Public Accessways**

The proposal indicates two access/egress points with the Maritime Training Centre physically splitting the site in two, thus severing a desirable link between the proposed hotel area and the residential area. Perhaps this problem could be redressed by linking the site with a foot-bridge.

The proposal clearly needs to create public spaces that will relate to, accommodate and enhance adjacent activities. It needs to plan public areas to facilitate management and control, and to create a network of public spaces of varying character and size within the site (see Figure 8).

My Department therefore proposes that the applicants be requested to readdress the issue of public access and ensure that a reasonable and satisfactory degree of public access to and across the site is provided.

As these public accessways and public places will have to be safeguarded, it is proposed that the owner of the property be required to register public servitudes over the relevant areas. Registration of these public servitudes is to commence prior to the submission of building plans. The exact location and dimensions



of these public servitudes are to be depicted in sketch plans to the satisfaction of the City Planner (see Condition 3.2).

Figure 8 depicts a more desirable degree of public access, based on principles contained in the Central Waterfront Conceptual Framework, which should be achieved.

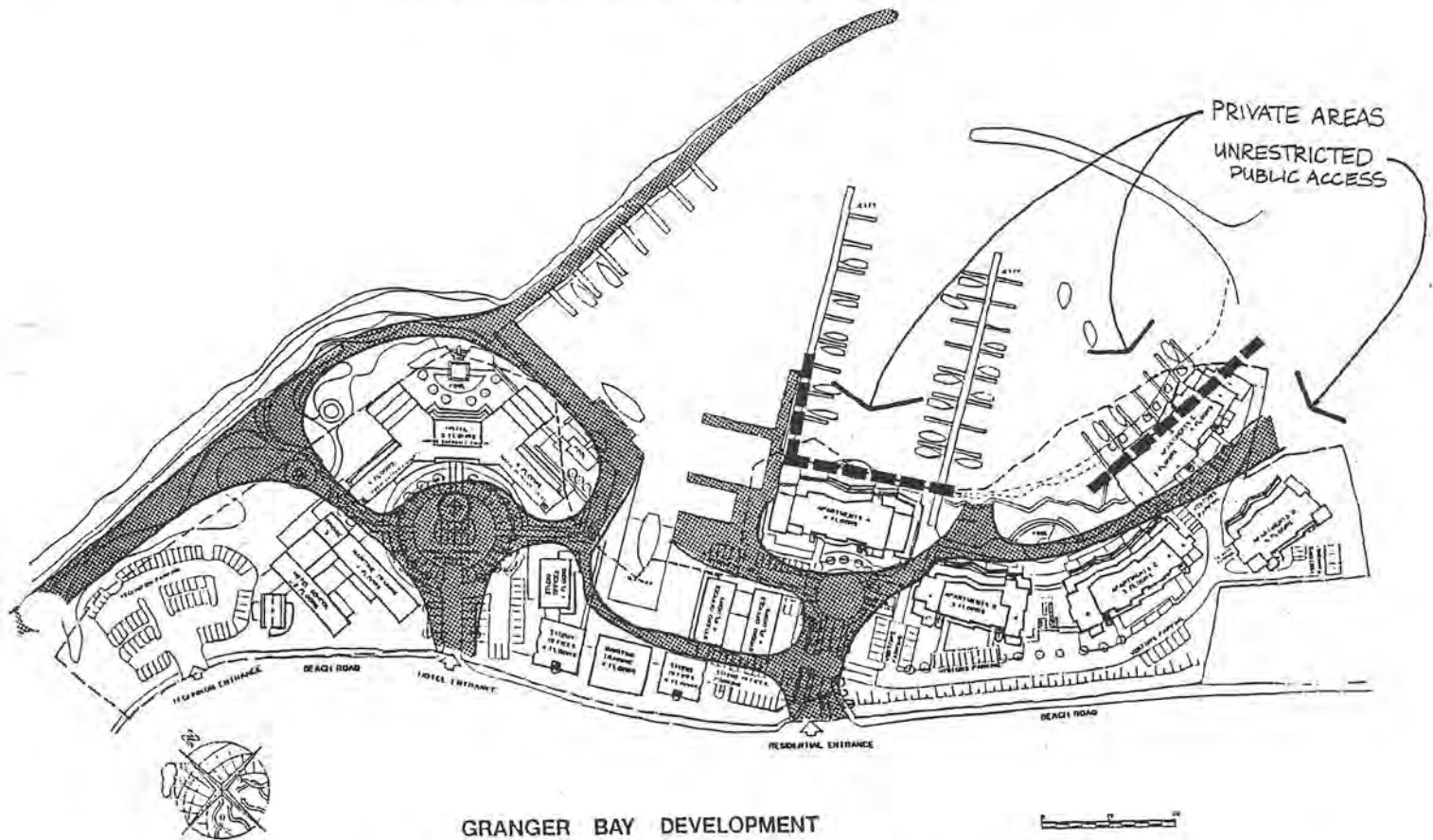


Figure 8: A More Desirable level of Public Access

#### 8.4 The protection of existing views.

In commenting on the rezoning, the National Monuments Council (NMC) has stated that in terms of the National Monuments Act, every effort must be made to ensure that views from Fort Wynyard, a National Monument, are not obstructed.

The view of the bay is in fact the fort's *raison d'être*. Of all the forts constructed over the years to protect the Cape sea coast, Fort Wynyard is the only installation other than the Castle which remains intact today. It is of great cultural and military interest and has valuable tourist appeal.

My Department has therefore worked with the National Monuments Council, representatives of the Technicon, the developers and the

V & A Waterfront, to identify view corridors and view planes from the fort. The resultant 'view windows', which protect views from a viewing position at the key gun emplacement at the fort, have been precisely defined with the assistance of a land surveyor. (See Annexure C for survey details.)

The two view windows to be protected are:

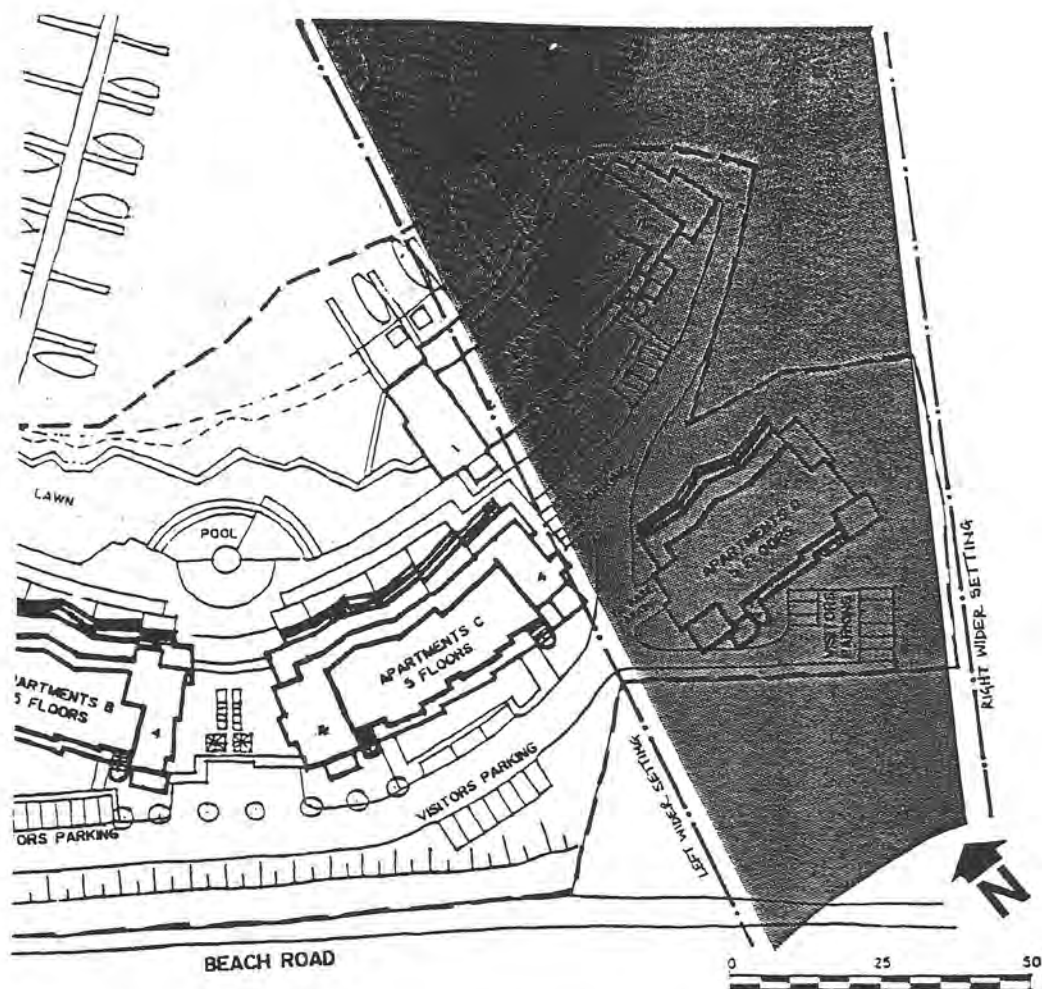
- a) The view of Robben Island and its coastline with the left and right extremities of the island as horizontal reference points.
- b) The view extending from Granger Bay in the foreground and including the proposed extended breakwater, to Table Bay and the distant coastline in the background. The horizontal extent of this window is determined by physical features in the background.

In order to protect these two key views which could be threatened by the development, it is proposed that an absolute height restriction (ie height above mean sea level) be defined over the portions of the property falling below these principle view windows.

At a meeting held at Fort Wynyard on 1992-07-23, representatives of the applicants, as well as the V & A Waterfront, over whose land view Window B projects, it was indicated that height restrictions would need to be accepted by both parties in order to address the concerns of the National Monuments Council.

At this meeting my Department stated that select intrusions, which would have to be depicted on a sketch plan, could perhaps be permitted within these windows. These would need to be essentially minimal.

The view controls as proposed would provide reasonable protection of the important existing views from the fort. These view windows, however, need to be ratified by the Western Cape Regional Plans Committee of the National Monuments Council (see Figure 9).



**Figure 9: Protected View Plane as Required by the National Monuments Council**

On the balance of the land (ie that falling outside the view windows) the developers would be limited by a maximum 5 storey height restriction.

The residents of Villa Capri, an adjacent block of flats, have also appealed to Council to protect existing views of the sea. The developers have largely responded to this plea in reassessing their original development and shifting buildings to the east of the site and leaving the existing tennis courts free of buildings. By doing this, they have secured the views residents presently have over the existing tennis courts on the site.

Certain residents on the east side of Villa Capri still stand to lose most of their only visual links with Granger Bay (see Figure 10). My Department feels, however, that by shifting bulk on the site, a view window could be secured which would not have an onerous effect on the viability of the development and which would ameliorate the overall impact on existing views (see Figure 11).





## 8.5 Traffic Management

The main route to and from the site is likely to be along Fritz Sonnenburg Avenue via the Green Point traffic circle. Current traffic planning proposes that Portswood Road be linked directly to the Western Boulevard. Fritz Sonnenburg will in all likelihood, however, remain the primary route to the Granger Bay site due to the high traffic volumes along Portswood Road generated by the Waterfront development.

At a meeting held on 1992-08-05 between members of my Department, officials from the office of the Provincial Roads Engineer and the applicant's traffic consultants, it was agreed that adequate parking must be provided. The concept of shared office/hotel parking is acceptable, but the applicant must submit parking studies that support his proposals.

The Provincial Roads Engineer has stated that parking will have to be to his satisfaction.

My Department will meet with the Provincial Roads Engineer and the developers to resolve this matter.

While my Department believes that the possibility of linking the Sea Point Coast to the CBD by means of a light rail should certainly not be negated, it is our belief that the current development proposals do not preclude such a link.

## 8.6 Historical Documentation

The historical significance of the Central Waterfront area cannot be discounted. The site in question contains the last remaining portion of natural shoreline within this area and therefore warrants special consideration. Many feel that this is in fact the site where Jan van Riebeeck actually came on shore in 1652.

In view of this, the National Monuments Council has stated that it will require a historical report, containing an archaeological investigation, to be submitted. They recommend that this report takes the form of the reports previously compiled by Revel Fox and Partners for the Waterfront precincts.

My Department feels that this needs to be made a condition of the rezoning and that the final development must respect any recommendations arising from the report.

The applicants have stated that a historical report has been produced and will be submitted to Council and the National Monuments Council shortly.

## **8.7 The Application of the Sea Shore Act of 1935.**

While a portion of Erf 1571 falls within the designated high and low water marks, the erf is not affected by the Sea Shore Act of 1935.

Erf 1571, Green Point, was granted to the Municipality of the City of Cape Town on the 26th September 1923. It is clear from section 2(3) of the Sea Shore Act that the provisions of the Act providing for the alienation and letting of the sea-shore and sea only apply to the sea-shore and the sea of which the State President was declared to be the owner.

It seems clear that it would have been most unfair and inequitable for Parliament to have imposed limits or restrictions on the rights of those persons who had, before the Act came into operation, acquired portions of the sea and sea-shore.

It follows that since this erf was alienated prior to the enactment of the Sea Shore Act in 1935, it is not affected by the provisions thereof and the title thereto which is held by the Cape Technicon is not eroded or qualified in any way by the provisions of the Act.

## **8.8 The need for Coordinated Joint Planning**

Due to the site's relationship with Granger Bay and adjoining undeveloped land, the resolution of certain issues requires joint planning between the developers and their neighbours, the V & A Waterfront, who will develop the adjacent land. This concern is echoed in the Green and Sea Point Policy Plan which states that any development on the Granger Bay site must be coordinated with the Waterfront proposal, and must be appropriate to the site.

The V & A Waterfront have in fact suggested that this occurs as they feel that this will enhance the development of the site, and the developers of the property concerned are in agreement.

It is therefore recommended that my Department should coordinate a meeting between the Cape Technicon or its representatives, and the Victoria and Alfred Waterfront to resolve matters of joint concern.

The following detailed concerns require attention:

1. The nature of the interface. The exact location, scale and massing of structures in immediate proximity to the V & A Waterfront boundary.
2. Pedestrian linkage. The exact position of the link between the Technicon's proposed public pedestrian route, and the



V & A Waterfront's route as well as resolving general continuity of public accessways within the sites.

3. Coordinated landscaping. The nature and quality of landscaping, surface treatment, and street furniture in order to achieve environmental continuity.
4. Coordinated marine engineering. The joint planning of all seaworks proposed for Granger Bay.
5. Decision on the proportionate contribution to the costs of construction of the new trunk sewer, paid for by the V & A Waterfront in Beach Road. The City Engineer has stated that he feels that this should be addressed as a condition of the rezoning. My Department has reservations regarding the wisdom of imposing such a requirement on the applicant. Council has limited powers under LUPO to levy such 'impact charges' and complications may arise with other past and future applications elsewhere in the city as a result of such a precedent.

## 9. CONCLUSION

The proposed development of Granger Bay has already received the blessing of your Committee and Council. After advertising the recommended proposal for a second time, and having considered the comments and objections received, my Department reaffirms its position that the development is worthy of support.

The development stands to play a significant role in revitalising Cape Town's Central Waterfront, as well as helping to make our city an internationally competitive one. The proposal therefore has significant Metropolitan significance, an important consideration to bear in mind in assessing it.

My Department therefore recommends that your Committee approve of the rezoning of the site subject to development complying with the amended concept plan (Reference No 7949/001) and model (Reference No 7949/007) submitted by the applicants, and the satisfactory resolution of public access, the protection of view windows and certain design details.

Furthermore, it is recommended that following the resolution of these matters, sketch plans are to be submitted to the Town Planning Committee for scrutiny and approval. Such approval is to be given only in writing.

No building plans will be accepted for scrutiny until the Committee has approved the sketch plans.

It is the firm belief of my Department that in adhering to this process, the site will be developed to the satisfaction of all interested parties.

10. RECOMMENDATIONS

It is accordingly recommended that:

- Council request the Administrator to rezone Erven 1533, 1534, 1246, 1247, and Erf 1571 (shown bordered yellow on Plan TPZ 11330) in terms of section 15(1) of Ordinance 15 of 1985 from Undetermined Use and Public Open Space Zones to General Commercial Use Zone, Sub-zone C2 subject to the development being generally in accordance with the concept plans (Reference No 7949/001) and model (Reference No. 7949/007) submitted as part of the rezoning application and the conditions contained in the Annexure A hereto and imposed in terms of section 42(1) of the said Ordinance. This will entail an amendment to the Zoning Map as depicted on TPZ 11330 and an addition to the register of Departures as set out in Annexure A to this report; and
- Council require that prior to the submission of any building plans the applicant submit sketch plans of the proposed development to the Town Planning Committee for approval: such approval is to be given only in writing.

  
CITY PLANNER

|   |
|---|
| APPROVED by COMMITTEE <u>Town Planning 93.11.29</u> |
|   |
| APPROVED by COUNCIL <u>93.11.30</u>                 |
| SUBMITTED to ADMINISTRATOR <u>93.12.02</u>          |
| APPROVED by ADMINISTRATOR <u>93.12.17</u>           |

Conditions to be imposed in terms of section 42(1) of the Land Use Planning Ordinance 15 of 1985 in respect of the property concerned:

In these conditions:

"Council" means the Municipality of the City of Cape Town;

"the owner" means the owner of the property;

"the property" means Erven Nos. 1533, 1534, 1246, 1247, 1571 Beach Road, Granger Bay (Valuation Reference Numbers WC015A 043; WC015A 042; WC 015A 024; WC015A 023; and WC015A 045), shown bordered yellow on Plan TPZ 11330

"Scheme Regulations" has the meaning assigned thereto by Ordinance 15 of 1985, as applicable to Council.

1. DEPARTURES (Alterations to existing Land Use Restrictions)

Notwithstanding anything to the contrary contained in the Scheme Regulations:

- 1.1 no buildings erected on the property shall exceed 5 storeys in height;
- 1.2 the Actual Floor Area of any development or redevelopment on the property shall not exceed 40 000m<sup>2</sup>;
- 1.3 no Builders Store, Public Garage or Industrial Building, with the exception of a Boat yard, shall be permitted on the property.

2. NEW LAND USE RESTRICTIONS

2.1 The property shall be developed:

- generally in accordance with the sketch plans referred to below as approved by Council (refer to section 3.2 below); and
- to the satisfaction of Council.

| AUTHORITY               | DATE OF APPROVAL | FILE NO.    | REFERENCE NO. IN REGISTER |
|-------------------------|------------------|-------------|---------------------------|
| TOWN PLANNING COMMITTEE |                  | TP 3928/DRS |                           |
| COUNCIL                 |                  |             |                           |
| ADMINISTRATOR           |                  |             |                           |



## Annexure A to Report No. 186/1993 (contd)

- 2.2 The exterior design, including roofing and the pitch thereof, fenestration, architectural features, colours and finishes of any building erected on the property concerned shall be to the satisfaction of Council.
- 2.3 The height, location and design of any fencing or walling separating development on the property from any adjacent property, public roads or spaces accessible to the public shall be to the satisfaction of Council.
- 2.4 The Actual Floor Area of the following components of the development shall not exceed the following amounts:
- residential use 26500m<sup>2</sup>
  - office use 7000m<sup>2</sup>
  - institutional use 6500m<sup>2</sup>
3. ADDITIONAL CONDITIONS WHICH ARE NOT LAND USE RESTRICTIONS
- 3.1 The Sketch Plans required to be submitted shall generally be in accordance with the concept plan (Reference No 7949/001) and model (Reference No 7949/007) submitted as part of the rezoning application.
- 3.2 Prior to the submission of sketch plans (see 3.2 below):
- the owner shall submit to the National Monuments Council and Council;
    - (i) a report addressing the history and archaeology of the property.
    - (ii) exact surveyed details of the view planes within the view corridors to be protected, which are to be approved by the Western Cape Regional Plans Committee of the National Monuments Council, and depicted on the sketch plan.
- 3.3 Prior to the submission of building plans for the development or redevelopment of any portion of the property, the owner shall submit to Council, and shall have received written approval for, sketch plans depicting:
- the alignment and specifications and nature of proposed routes accessible to the public;

## Annexure A to Report No. 186/1993 (contd)

- the location, dimensions and design principles of open spaces accessible to the public;
- adequate pedestrian links to the V & A Waterfront and Mouille Point beachfront;
- provision for the disposal of stormwater;
- the location and proposed envelope of all structures;
- vehicular access points;
- the design and location of parking areas;
- fencing and walling including fencing and walling referred to in Condition 2.3;
- proposed building heights, setback and facing materials; and
- landscaping proposals prepared by a landscape architect, which shall be in accordance with the detailed set of instructions for landscape plans as required by Council's Parks and Forests Branch.

The sketch plans will be forwarded along with a progress report, to the Town Planning Committee for approval.

- 3.4 A registered Land Surveyor's certificate in respect of any proposed building lying within the view corridors, as approved by the National Monuments Council and the City Planner's Department, certifying that no part of any building will protrude above the view planes, shall be submitted along with the building plans.
- 3.5 The owner shall be responsible for all costs incurred in respect of the upgrading, extension, deviation or removal of any existing stormwater, sewerage, electricity or other services or works, whether on the property of the Council or of any other body whether public or private which may be requested by the Council or any other body having authority so to require as a result of the development of the property and for any connection costs in respect of such service or works.
- 3.6 All signage shall be to the satisfaction of the City Planner.
- 3.7 Public accessways and public spaces as depicted in the approved sketch plans shall be registered as public servitudes. Application to

Annexure A to Report No. 186/1993 (contd)

register the public servitudes shall occur prior to the submission of building plans.

- 3.8 On-site parking shall be to the satisfaction of the City Planner and the Provincial Roads Engineer.



stern &amp; ekermans

1993 -11- 23

professional land surveyor  
 professionele landmeter

town and regional planners  
 stads- en streekbeplanners

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 deeltitel konsultante

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 27 July 1992

### FORT WYNYARD

Co-ordinates and heights of reference points:-

|                       | Y         | X         | Height |
|-----------------------|-----------|-----------|--------|
| LEFT POINT<br>(FW2)   | 54157,057 | 52704,058 | 19,268 |
| CENTRE POINT<br>(FW1) | 54157,654 | 52716,020 | 20,750 |
| RIGHT POINT<br>(FW)   | 54146,386 | 52721,574 | 21,073 |

NOTE:- Heights of points are given relative to M.S.L. (mean sea level).  
 Add 1.60m to these values to calculate the height of an observer's eyelevel.  
 Left and right are defined by facing Granger Bay.

### VIEW TO ROBBEN ISLAND

| From:-                | left direction | Right direction | Declination |
|-----------------------|----------------|-----------------|-------------|
| LEFT POINT<br>(FW2)   | 153.39.14      | 164.09.12       | 90.15.47    |
| CENTRE POINT<br>(FW1) | 153.40.56      | 164.08.25       | 90.26.08    |
| RIGHT POINT<br>(FW)   | 153.37.43      | 163.52.43       | 90.29.44    |

### VIEW TO MELKBOS/TABLE VIEW

|                       | left direction | Right direction | Declination |
|-----------------------|----------------|-----------------|-------------|
| LEFT POINT<br>(FW2)   | 192.28.54      | 212.31.02       | 93.40.48    |
| CENTRE POINT<br>(FW1) | 191 23.29      | 212.30.24       | 94.09.17    |
| RIGHT POINT<br>(FW)   | 191.18.10      | 212.28.46       | 94.12.07    |

Note:- The declination (vertical angle) is given from  
 a vertical line of 00.00.00 and was chosen at the consultants  
 site meeting on 22/07/92.

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please quote our reference in all correspondence  
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