



Since 1975

Minutes of De Waterkant Civic Association Public Meeting
held at Victoria Junction Hotel, Somerset Road, De Waterkant,
at 18h00 on 30th September 2015

Attendees:

Management Committee

Ian McMahon, Chair
Francesco Uys Rootenberg, Secretary
Theodore Nortje, Treasurer
Elda Storck
Annalien Loots
Deon Redman
Garth Psaradelis
Deon de Wet

Apologies

Heather Parker

Attendees / invitees

Tommy Brummer, architect
Craig Armstrong, FWJK
Campbell Brummer, FWJK
Pierre X, architect
Grant Eglin
Tobin Shackelford
Jeremy Jonker
Mike Knightley & Lorna Knightley
Jeremy Bird
Steve van der Merwe
Kris Rossouw
Brenda Brink
Chris Brink
Andrew Matterson
Thomas Friess
George Rose
Pieter Hartzler
Riaan Tolken
Gregoire Fontaine

Marc Truss, CID
Hilary Dennis

Norbert Furnon-Roberts
Karen Muller
Zoran Aleksic
Mary Bailey
Colin Rosenberg

1. Welcome

The Chair welcomed attendees to the meeting and thanked the Victoria Junction Hotel for hosting the DWCA.

2. Approval of minutes

The Chair noted that no comments had been received regarding the previous minutes. The minutes are duly considered to have been approved.

3. Noise

3.a) Gym and Call Centre in Eagle House

FUR noted that complaints continue to be received by DWCA regarding noise from gym established in Eagle House and Dialect casino call centre, and sketched history of issue to date.

DWCA has offered to mediate but offer has not yet been accepted.

FUR noted input from Hilary Dennis, local resident for inclusion in the minutes: "There has been limited improvement in the thudding from the Gym. My guests who have used the second bedroom overlooking the courtyard of the third floor have been woken every morning. We are all desperately keen to solve this problem that has now continued for at least nine months."

IMM highlighted that DWCA role in such disputes was for mediation with the aim of avoiding any unnecessary escalation.

Grant Eglin, representing most top floor residents of Eagle House, noted that key concerns were now related to kettle bells in gym, specifically early in the morning, and noise from the call centre at unreasonable hours of the evening and night. Noted that the nuisance caused by these two noisy tenants impacted most residents.

GE observed that progress in resolving the noted issues had been slow and that this had led residents to involve the Body Corporate in the dispute as well as registering Noise Complaints with DWCA.

GE noted that DWCA had been successful in mediating such conflicts in the past and might be able to help broker a fair solution. He acknowledged that there had recently been progress but believed that DWCA expertise and experience would be facilitate a fair resolution.

Colin Rosenberg, owner of the premises housing the gym and call centre, noted that building is multi-tenanted and intended for both commercial and residential use.

He informed the meeting that the gym has been operating for 6 months. CR accepts that there have been some problems but observed that time was needed to address each element satisfactorily.

Flooring in gym was not appropriate and led to reverberations, but new matting has since alleviated the sounds.

No heavy weights are being used in the gym and the weights in use are required to be placed on stands.

CR noted that latest concern in gym relates to kettle bells; if not placed softly /correctly, they create a thud. He informed the meeting that the gym had just bought material to alleviate the kettle drum thuds. CR observed that he did not deem some complaints to be fair. Claims that cracks were created by gym activities are factually incorrect, as building has been poorly developed, and other complaints were highly exaggerated. IMM and FUR noted that these building-related matters and informal complaints were of no direct interest to DWCA in its role as potential mediator.

CR went on to address concerns raised about activities new subsidiary (casino call centre) of Dialect that arrived March last year. War cries and bell-ringing are part of their normal business operations. CR has discussed this with managers of Dialect who have agreed to temper war cries when circumstances and hours require lower levels of noise. FUR noted that experience with Manhattan had shown that such nuisance required robust people management and the managerial will to impose a solution, or there would be little chance of success.

IMM noted that number of mitigating factors had been put in place, but suggested that CR accept mediation by DWCA in order to find a win-win solution together with all other stakeholders. CR and GE agreed to pursue this route, DWCA will arrange a kick-off meeting.

IMM also recommended that CR arrange to undertake formal noise assessment in order to have an objective assessment of the situation.

4.b) Café Manhattan

Noise complaints continue to be received.

DWCA will co-operate with COCT officials who are undertaking a formal assessment of the issue.

5. Parking update

IMM notified meeting that DWCA has developed parking proposal for paid parking system for all non-residents in light of the fact that increase in non-resident parking is a growing concern for all DW residents.

Outcome and progress dependent on speed with which COCT will implement the required by-laws.

6. Public spaces

a.) DWCA has been co-operating with COCT and councillor to have De Smidt Street Park re-fenced IMM informed meeting that COCT will place palisade fencing within next month.

b.) Rat infestation problem in De Waterkant for past few months due to poor management of waste by residents and letting agencies.

CID has alerted community of additional concern that early placement of bins leads to rummaging and spotting activities by potential criminals.

IMM repeated request that rubbish not be placed out before Friday morning.

c.) FUR noted that follow-up by COCT to Service Requests placed on City's website has been excellent and encouraged residents to alert city to any management issues in order keep the neighbourhood in tip-top shape.

KR concurred that Service Request follow-up was superb and sometimes occurred within hours.

Site: www.capetown.gov.za/en/ServiceRequests/Pages/default.aspx

7. Crime & Grime

Apologies from Marc Truss of CID for his absence.

IMM underlined need for vigilance in light of continuous criminal activity in the area that could be expected to increase in the Summer months

Failure to report incidents to SAPS has led to official impression that there is no crime in De Waterkant due to absence of relevant statistics.

IMM appealed to residents and businesses to report all criminal incidents at the Caledon Square police station in town.

8. Built Environment

a.) Sky Bar bedouin tent

Tent has been declared illegal, COCT has fined Sky Bar. Councillor Bryant has committed to follow-up by COCT officials.

b.) 32 Napier St Development

Architect / Pierre (not listed on register!) provided a presentation with plans and projections of the proposed development at 32 Napier Street, currently operating as Wunders, that will include 15 apartments and retail space, with a penthouse on the top floor. Development will effectively be a third element of the Cape Quarter (CQ) complex and has been initiated by current CQ owners.

He noted that departures had been requested from street boundaries and that thanks to these departures building is lower than it could be.

Contended that only a slither of building at back is in Heritage Protection Overlay Zone, hence there was no need to reflect or respect vernacular style of the rest of street.

Observed that the proposed plans have been advertised to the civic association and surrounding property owners, and that comments and objections must be submitted on or before 6th October.

Noted his belief that appropriate reference had been taken from surrounding height of buildings for the proposed plans, specifically with regard to Cape Quarter 2 opposite the development.

The development proposes to connect Cape Quarter 2 with Napier Street development via underground passage in the parking area to be built below Napier Street but will not provide parking entrance along the Napier façade.

Development will include 3 levels of parking under Napier Street, that will be accessed via the two existing Cape Quarter parking entrances.

Napier St will be closed during construction and development of the parking garage will be executed in two phases, in order to allow continued deliveries to CQ2. Smaller delivery vehicles will be used in lower Napier to accommodate the foreseen issues.

Attendees noted that Napier Street was already currently regularly blocked by trucks due to poor management of deliveries to CQ2

In response to concerns architect informed the meeting that a Traffic Management Plan has been executed -as instructed by COCT- and has been approved by COCT in order to deal with deliveries; includes phased plan for construction in Napier and requirement that deliveries to be made by smaller vehicles

IMM noted that in light of community's experience with similar projects and the construction of CQ2, the DWCA is not confident that the management plan will be well planned or executed.

LK, DR and GP expressed concern regarding impact on access to the neighbourhood and possible traffic chaos. GP noted that both entrances to CQ are poorly engineered, queried whether extra parking load could be absorbed given existing issues.

TS noted that CQ1 commitment to DWCA with regard to Parking was not executed, and that CQ2's parking commitments were not respected, and expressed scepticism regarding this third initiative.

An attendee observed that CQ had rented out 50 parkings in CQ2 to Avis and that this decision on their part was partly responsible for the increasing parking shortage for tenants and visitors.

DWCA MC noted that robust Traffic Assessment Plan was required rather than a simple Traffic Management Plan, and that this should cover both the situation during the construction period as the traffic situation after completion.

Attendees raised concern regarding destabilising impact of building activities on surrounding properties. Architect noted that there was only one floor basement in Napier and that this would help prevent any danger to stability of neighbours. He also noted that the Moreland Terrace frontage will be glass and illuminated – believed that this will help improve security in the alleyway.

IMM queried whether or not stability of church will be impaired by proposed development, as it was sustained some serious damage during the construction of CQ2.

Craig Armstrong of FWJK noted that there will be a setback from church and that insurance policies have been taken out for potential damage. He committed to provide copies of the insurance policies to DWCA.

TS noted that construction of CQ2 led to significant cracks in houses all along Napier Street, even those between Waterkant and Loader – IMM observed that mechanism to deal with potential damage should be clarified by developers.

Architect noted that setbacks have been asked for along front, back and sides in return for which construction along the boundary wall with the neighbouring heritage property has been sacrificed; he noted furthermore that Johan Cornelius and Mark Bell of Heritage WC, & Pieter Koekemoer (Land Use Management – LUM) have advised on facades

IMM enquired as to the logic of having no setbacks on Napier St, yet sacrificing space along the wall with neighbouring house. He noted that whilst the façade facing the church along Moreland Terrace was perhaps of less interest and less impactful, the absence of setbacks along Napier made the façade starkly obtrusive in the Napier streetscape.

Pierre noted that this was to achieve a more slender façade whilst limiting the building's height and suggested that this approach would save the view from houses in Loader Street.

Attendees noted that the view towards the harbour of houses in Jarvis St and Waterkant St would be blocked anyway by current proposal.

IMM informed the attendees that general feedback received to date by DWCA MC was that the proposed development was deemed to be far too high for the neighbourhood and in relation to neighbouring buildings.

IMM and KR noted that the style of the building did not fit into DW, contrasted too strongly with surrounding architecture, and lacked compensating aesthetic value.

IMM stated that a key concern was that the absence of a front setback created a boxed look-and-feel, and further contributed to ruining the view down Napier Street. DR noted that proposal resembled a wall with windows in it and that it contrasted far too starkly with vernacular architecture.

Pierre responded by noting that the proposed design was modern yet neutral and helped accentuate the charm of the vernacular architecture in the rest of Napier Street.

ES noted building was well designed but she believed that it was not appropriate in its proposed location.

ES observed that from her perspective the developer was effectively asking permission to build in Heritage Protection Overlay Zone, and therefore strong input from DWCA and Heritage WC was both legitimate and required, especially as the development does not visually respond to other buildings in Heritage Overlay Zone.

ES expressed her belief that rights of zoning in this case could probably be overridden by regulations pertaining to the Heritage Overlay Zone

ES noted that sight lines might also be relevant to the proposed development. TB objected that this was not relevant as building was within height limits for its relevant zoning, and insisted that there was no need to consult with Heritage WC.

The DWCA MC agreed to review options to secure a more acceptable design, as well as the necessity of engaging Heritage WC. Noted that there was the option to request that closing date of 6th October be extended or otherwise to submit objections based on current design whilst continuing negotiations for requested improvements, and retract objections if there is a satisfactory outcome.

MC agreed to meet and decide on next steps after closure of public meeting.

Meeting closed at 19h55.