

Constantia Property Owners' Association

- Striving together for 60 years to protect and enjoy our beautiful and historic Valley -

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NEWSLETTER

Constantia Uitsig Farm: Proposed Development

The Present Situation/Position

The owners of the Constantia Uitsig Farm submitted applications which included the following:

- Amendment of the Urban Structure Plan to move the urban edge;
- Rezoning and sub-division of farm land to develop 30 new up market properties of 2000 square meters, each for single residential purposes;
- New guest bedrooms as part of the hotel;
- Commercial zoning of the existing/and extended hotel, existing spa and two restaurants and the cricket field;
- Relocation of stables and workshop;
- A new winery, and
- Land Reform proposals.

Our association called on those of its members who are contactable by email to submit their personal views, comments and /or objections to these proposals and we were gratified to know that some 300 of our members responded. The CPOA decided to employ the services of several consultants to provide professional and expert comment on planning, heritage and land reform issues. We believe that we have made an excellent case for the authorities to decline the non-farming proposals and to protect the farm against suburbanization and commercialization.

We have also commented on the scoping exercise that the owners' consultants undertook in regard to environmental matters affected by the proposals. In the next few months we expect to receive their Environmental Impact Assessment report and we will comment thereon to the Provincial authorities.

After this process, the City Council will then have to consider all the comments and objections that have been received. The entire process, which could include appeal opportunities, may take a couple of years before a final decision is made.

The substance of our comments and objections

1. Land Reform:

The attempt by the applicants to use a Land Reform initiative to urge authorities to look favorably on their planning applications is considered to be nothing more than a covert attempt to advance the commercial activities of the Uitsig Farm.

Our association views Land Reform as a most creditable initiative, but this should be motivated on its own merits and not be linked to obtaining planning permission for subdivision and rezoning for commercial and residential developments on farm land within the urban edge. The two are separate issues and are not inter-dependent.

We have therefore submitted a careful and well researched analysis of the miss-directed land reform initiative and have questioned the genuine motives of this application.

The applicant's Motivation Report states that the development of 30 single residential properties on

the farm will be used to fund the agricultural development and land reform acquisition costs. It also states that the development is in the public interest as it promotes land reform in Constantia by enabling farm workers to become 35% shareholders of the two entities, which own the agricultural property and the wine and farming operations respectively; and that it will ensure the long term viability of its farming operations.

Unfortunately, the Motivation Report lacks any further detail as to the structure of the Land Reform transaction, its funding, the liabilities to be incurred by farm workers, measures to ensure their meaningful participation in decision-making, or the timing of the transaction. In fact, the terms in which the transaction are structured are so vague that the real intentions of the owners can be seriously questioned, particularly as this proposed land reform project aims to obtain approval for a residential development on a Grade I Heritage Site outside of the Urban Edge.

2. Public Interest

Constantia Uitsig is a rare element in South Africa's cultural history and consequently is of special national significance. The whole farm is a Grade I Site and as such all the elements including the vineyards, the homestead and its outbuildings, the avenue of trees, all form part of the Grade I Site. The farm forms an integral part of the cultural and historical landscape of the Constantia-Tokai Valley and is part of the National Estate

This farm, together with the neighbouring farms of Buitenverwachting, Klein Constantia and Groot Constantia, constitutes the central agricultural anchor of the Constantia-Tokai Valley. Constantia Uitsig is close to Steenberg farm, another anchor, which lies to the south of Constantia Uitsig along the scenic Spaanschemat River Road. These farms all contribute to the rich natural and cultural heritage that establishes the significance of the cultural landscape of this portion of the Cape Winelands and together they meet the criteria for inclusion in the cluster nomination for inscription on the UNESCO World Heritage List. The Cape Winelands has been placed on the tentative list of UNESCO World Heritage Sites as a World Heritage cultural landscape.

A survey of CPOA members was held earlier this year, and in answer to a question of what attracted Constantia residents to the area, the vast majority mentioned the rural character, the wine farms, the heritage sites, open spaces, the beauty and tranquillity of the Valley, mountain views and/or access thereto.

The proposed development is against public interest and appears to serve only the narrow interests of the owners of Uitsig and, to a questionable degree, at best 20 farm workers. The most basic comparison of the expected gains that could result from the proposed development (even if 20 farm workers are to benefit) with the losses that will result insofar as the general public and its interests are concerned, inarguably leads to the conclusion that this proposed development would be against public interest.

3. Questionable Application Process

The applicant has requested the Council not to exercise its delegated authority (in terms of the Land Use Planning Ordinance) and also that Council should submit its recommendations to the Western Cape Provincial Government to take the necessary decisions. The motivation given for this request is in our view completely without foundation. There is no valid reason for the Council to pass up its delegated authority.

The CPOA has reason to believe that the applicant aims to short circuit the decision making process and avoid full and proper local input by the sub council and other municipal structures. This application involves amendments, departures, rezoning, subdivision and policy decisions which are at the heart of the municipality's core business. In our view, the Council would be failing in its duty if it accedes to the applicant's request and we have called on the Council to decline this proposal.

4. Heritage and Planning Issues

Our association has engaged Professor Fabio Todeschini and Professor David Dewar to prepare

objections and comments on behalf of the CPOA. Their comprehensive 27 page report forms the primary basis of our objections and is presented in two parts. The main part reviews the primary issues related to the case and the second part is a detailed review of the legislative and policy framework affecting the site. The report sets out the assessment of the application; the context of the farm Constantia Uitsig; an overview of the settlement dynamics and the changing attitudes to development in the Constantia-Tokai Valley; as well as the issue of public good and the issue of precedent.

Our consultants' report concludes that the proposed changes would have significant negative impact on a Grade 1 Site; that the development proposals fly in the face of almost every planning policy; that the proposals offer no spatial or environmental public benefits and that they would establish an appalling precedent.

Further, to our consultants report, we consider the application in terms of LUPO to be premature as no Heritage Impact Assessment forms part of it, nor does it inform the application or the authorities for that matter. The relevant heritage resources authority has not yet been afforded an opportunity to comment and/or make recommendations in regard to the development. We believe that it is precisely because of the farm's heritage and cultural significance that this application precedes a survey and assessment of all heritage resource pertaining to the farm and its position on the Constantia-Tokai Valley and the Cape Winelands landscape on behalf of the applicant.

We have drawn the attention of the Council to the applicable provisions of the National Heritage Resources Act and the National Environmental Management Act.

The City Council's policy document "*Urban Edge Guidelines Manual for the City of Cape Town*" dated October 2004 is relevant to this application. The creation of the urban edge was identified as a mechanism to protect significant resources, to contain urban sprawl and to rationalise undesirable growth and development.

5. The Urban Edge Policy Guidelines

It is also obvious to all but those who don't want to see that by moving the Urban Edge, rezoning and subdividing the farm for residential purposes, any future viability of the farm will be further compromised. The vital question that should be answered is: Should a historical farm that forms part of a national asset be exploited and ultimately destroyed because of a high risk decision by allowing the new owners to develop the farm in the course of their property development business?

The Urban Edge policy specifically serves to protect productive land and the retention of good agricultural land. It further indicates that development adjacent to or on good agricultural land should be compatible with agricultural land use. The removal of vines to make way for this residential development should not be allowed.

The introduction of a 30 dwelling residential development in the midst of established vineyards is an urban intrusion into farmland that flies in the face of the Council's Urban Edge Guidelines. An anomalous situation in respect of the cadastral based urban edge will be created, with islands of 30 dwellings within the vineyards.

The connectivity of Constantia farms with the Table Mountain National Park is considered to be a unified urban edge that collectively cannot be allowed to be compromised by the development of 30 large dwellings. It is suburbanisation on land that is considered a national asset.

In our view there is no public benefit in amending the urban edge and no compelling motivation has been provided by the applicant in this regard. In terms of Council's guidelines and the Urban Edge manual's decision chart, the proposals for the development of 30 dwellings should be declined.

6. Events and Hospitality Facilities

It is not apparent from the applicant's Motivation Report that the Uitsig cricket field is in fact

included for rezoning from rural to commercial usage. The CPOA has, however, established that the cricket field falls within the area that has been demarcated for rezoning for commercial purposes, although the application is silent about this very important aspect and no motivation for the proposed rezoning of the cricket field has been provided. Under the circumstances, we are unable to address this issue and so are, for that matter, all other objectors who cannot comment due to a lack of information. This application should be refused on that basis alone.

It is also questionable whether the existence of a cricket field on land zoned for agricultural use is permissible in the first place. The applicant should in any event reinstate the cricket field for agricultural purposes to make the farm more viable. The cricket field has in the past been used as a public events venue for concerts, carnivals, markets and the like. These events have caused noise disturbance to residents in the area, notably those living in Nova Constantia and Klein Constantia areas. In addition, traffic and parking congestion has occurred. The proposed rezoning of the cricket field is, in our view, inappropriate and should be declined.

The rezoning of other events facilities, such as the restaurants, is also opposed due to the noise nuisances that occur. In our view, temporary departures that are subject to review are more appropriate. The extension of the hotel complex is also opposed by our association.

7. Farming-related Proposals

Proposals such as the relocation of the stable and the workshop, and the provision of a winery are acceptable subject to location and design restraints.

Conclusion

The CPOA believes that this application would create a devastating precedent for the suburbanisation and increased commercialization of the historic Constantia farms and we will use every avenue available to us to oppose the Uitsig development.

Steenberg Farm: Heritage Impact Assessment

The Owners of Steenberg Farm intend closing down the hotel complex on the farm in June 2011 for financial reasons. The hotel is in a complex made up of seven separate structures, the oldest being the historic Steenberg homestead, and the newest the administration and spa building, built in 1996. It is intended to convert six of the buildings into single dwellings. The homestead would be stripped of most of the 1992 hotel extensions and would be retained as the headquarters of the Graham Beck Foundation.

As the property is located within an area designated as a Grade 1 Site by the SA Heritage Resources Agency, application must be made to SAHRA. The Heritage Impact Assessment forms the core of this application.

Our Association has retained a top heritage consultant to represent our views on this application. Our concern is that a number of poor decisions have been already taken in the past. These relate to the Steenberg golf estate, the use of the homestead and outbuildings as a hotel, alterations of the old buildings of the werf and the erection of new cellars, restaurants and wine-tasting facilities.

It is our view, that much of its lost significance can be recovered. Indeed, if SAHRA does proclaim the farm a National Heritage Site, it must ensure the recovery, rather than the continued erosion and loss of historical significance.

The current proposal does, however, continue the transformation of a historical farm and homestead - which is set in rural surrounds, by inserting a suburban residential density and ownership pattern with all the associated patterns of use and lifestyle into the very heart of the farm.

The proposal effectively 'removes' the homestead from the farm, radically altering and further damaging the significance and meaning of both. This proposal, which requires applications to subdivide, to rezone, to amend the urban edge sectoral structure plan, to amend the Guide Plan and

to convert the homestead into a cluster of six luxurious villas, will effectively "suburbanizes" the homestead and the lower part of the farm. Any proposal that amends the Urban Edge - technically and substantially, will extend the gradual urban/suburban creep into this very fine agricultural land.

In our view, applications like this should only be considered if the viability of agricultural uses is improved - the current application will not do that! Should it be approved, we are sure that this application will adversely impact on the agricultural uses. The proposed essentially suburban insertion cannot but affect the way in which agriculture will be practiced in the close vicinity; and adversely at that.

The homestead should, ideally, remain a functional component of the farm.

In our submission to SAHRA, we have argued that:

- The subdivision, rezoning and amendments of the urban edge and Guide Plan should not be approved and alternate forms of tenure/ownership should be pursued which do not create the impression that suburban creep is continuing;
- if the homestead complex cannot be given functions that return it to a meaningful role in the farm as a whole, the number of dwellings proposed should be reduced to the number permitted on rural or agricultural land;
- much of the building-work constructed since the early 1990s should be removed in order to recover the character and significance of the homestead complex; and
- access to the complex and its components should be redirected to the front or lower part of the complex giving meaning to the most significant components of the complex, the homestead and the verf-space itself within the collection of buildings.

Our association has held a number of informal meetings with the consultants, acting for the owners of the Steenberg Farm and we are hopeful of persuading them to meet our concerns rather than pursuing an application that will have a significant negative impact on this Grade 1 Heritage Site and on the Constantia-Tokai Valley cultural and historical landscape.

Other Current Property Development Proposals

Sillery Estate: The large Sillery Estate development has been halted by a decision of the Land Claims Court pending a court hearing of land claims involving this land. The court hearing has commenced and will continue this month.

Retirement Village off Strawberry Lane: Notice of an intention to develop a retirement village comprising 16 cottages has been received by our association for comment. The land concerned is at the end of Eskol Avenue and Lasswade Road, off Strawberry Lane.

Nursery School in Vineyard Avenue: A temporary land use departure is being sought to operate a nursery school on erf 327, Vineyard Avenue.

Gated Housing Estate on Herzlia School site: This application is in the hands of the Provincial Government for consideration of our appeal against the Council's decision to approve the application.

Spatial Development Framework

Further to comments submitted by our consultants, we have again commented on the final draft of this policy document. Included in our latest comment are our concerns regarding the trend for farm owners to seek permission for non-agricultural uses of rural farm land and inappropriate development beyond the urban edge.

Ladies Mile Refuse Depot

The land claims, which include the site of the Ladies Mile refuse depot, have been conceded by the

Council and in due course the refuse depot will have to close. However, the land use processes for the development of this land could take some years to be finalized and we have urged the Council to keep this site open until required by the new owners, even if this means a short term leasing of the depot site.

We are opposed to the Council's proposal that the existing Wynberg and Retreat depots be used as alternative facilities once the Ladies Mile facility has been closed. We do not believe that these two alternative sites can cope with the traffic and volume of materials that the Ladies Mile depot receives. If this alternative plan is implemented, we expect that dumping of garden refuse on street verges, green belts and public open spaces would increase substantially in the Constantia-Tokai Valley.

In our view more suitable alternative sites should be investigated. We are holding meetings with the ward councillors and the Council officials concerned; and the officials have been directed to present alternative sites for consideration at a further meeting later this month. The CPOA has also proposed alternative sites for consideration.

We will keep you posted on developments in this regard.

High Constantia Shopping Centre

Our Association has initiated discussions with our ward councilor and various Council departments to improve the visual character of the city land between the High Constantia shopping complex and the ADM store, on Constantia Main Road. This site has deteriorated into a dust bowl, partially because the large road works vehicles and equipment used this site as a base when the reconstruction of the Constantia Main Road was being undertaken.

Portion of the site is used for informal trading and it also gives vehicular access to the ADM store and deliveries to the High Constantia shops. Two alternative landscape designs have been prepared by the Council's urban design team and it is hoped that this project will be funded by a partnership arrangement between the Council and the owners of High Constantia.

CPOA Membership & Subscriptions

The CPOA registered membership stands at 1123 property owners. Regrettably, at present some 600 of these members are outstanding with subscriptions.

We have sent reminders to some 170 members who have email addresses and have included with this newsletter some 430 reminders to those members who do not have email addresses.

We are hoping that we get a good response to these reminders so that we can maintain our numerical strength and receive the necessary funds that allow us to employ qualified professionals in our fight to protect the Constantia valley.

There are about 3500 properties within the CPOA area of interest and it is disappointing that only 1123 have registered as members. Nevertheless, this is a comparatively good record for a ratepayer body in Cape Town. We would, however, like to ask all our existing members to encourage their neighbours and acquaintances in Constantia to join our association.

Email Addresses

Those members who are still getting this newsletter by ordinary post but who do have email facilities are requested to allow the CPOA to rather communicate with them by email. This will not only save us printing and postage costs but allows us to send you useful information at any time. Please let us have your email address – we will not divulge your email address to any third party or abuse this facility. To ensure your privacy, we have selected a reputable and registered bulk email service provider.

Please note: If we are already communicating with you by email, please remember to notify our office if you change your email address.

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Phyl and Ingrid welcome Steve Thomas to our very successful Upper

Constantia Team!

Steve has been with Sotheby's International Realty since 2003. He joins us after a long period of successful service in the rest of Constantia with his wife, Jo – well known to all, as the "Steve & Jo" brand. This move to Upper Constantia will add strength and synergy to the interactive markets in our Valley.

We look forward to meeting the residents and new clients in Constantia to whom we will provide our dedicated client-focused service, while maintaining a visible and active contribution to the community.

An excerpt taken from a letter addressed to the "Constantia Crime Watch" members, reads –

"From the beginning of 2011 The Constantia Community Police Sub-Forum are working closely with Sotheby's International Realty. We are excited by this co-operation agreement and encourage you to use Sotheby's and their highly professional Constantia agents."

Along with the voice of the "Constantia Property Owners' Association" we will strive to maintain the continued prosperity and unique ambience of our Valley!