



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 70411932

**Erf 165639, Erf 165638, Remainder Erf
158112, Remainder Erf 148343,
5 Lower Loop Street and
Remainder Erf 192 Roggebaai**

Development Management



ERF 165639, CAPE TOWN

**AND ERVEN 165638, 158112-RE AND 148343-RE CAPE TOWN
AND ERF 192-RE ROGGEBAAIN**

Municipal Planning By-Law Application

Prepared by:

**&NIGEL BURLS
ASSOCIATES**

JAPIE HUGO

June 2018

TABLE OF CONTENTS

1. INTRODUCTION AND BACKGROUND	6
2. PREVIOUS APPROVALS	6
3. APPLICATION DETAILS	10
4. PROJECT CONTEXT	13
4.1. Urban Context	13
4.2. Existing and Surrounding Zoning	14
4.3. Existing and Surrounding Land Use	14
4.4. Site Description	15
4.5. Legal Context	17
4.6. Servitude in Favour of the General Public	18
4.7. Planning Context	18
5. DEVELOPMENT PROPOSAL	25
5.1. Architectural Concept	25
5.2. Land Use	28
5.3. Access considerations	29
5.4. Parking	29
5.5. Required Servitudes	30
5.6. Consent for “underground rights”	30
5.7. Future proofing	31
5.8. Green Building Status	32
5.9. Urban Design and Landscaping Proposal	32
5.10. Services	33
5.11. Traffic	34
6. MOTIVATION	36
6.1. Motivation for amendment / deletion of previous conditions of approval	36
6.2. Motivation for parking provision	36
6.3. Motivation for height and setback departures	37
6.4. Motivation for amendment of restrictive condition	37
6.5. Desirability of the proposed development i.t.o. s99 of the MPBL	40
6.6. Impact of the application on existing rights	42
6.7. Alignment with Policy	43
7. CONCLUSION AND RECOMMENDATION	43

LIST OF FIGURES

Figure 1: Site B in relation to the Cape Town Foreshore.....	13
Figure 2: Site B location and surrounding context.	15
Figure 3: Aerial Photograph	16
Figure 4: Extract from Table Bay District Plan.	20
Figure 5: Extract from the City Centre Development Strategy (2011).	21
Figure 6: Tall buildings (existing and proposed) in the precinct. (Source: DHK, Design Motivation) ...	24
Figure 7: Impressions of the proposed building. (Source: DHK)	26
Figure 8: Land use distribution through the building. (Source: DHK).	28
Figure 9: Future proofing of structured parking. (Source: DHK).....	31
Figure 10: Pedestrian desire lines across Erf 165639.	38

ANNEXURES

Annexure A	Application Form
Annexure B	Power of Attorney from Growthpoint
Annexure C	Power of Attorney from City of Cape Town
Annexure D	Previous Approvals
Annexure E	Certified Copy of Title Deed
Annexure F	SG Diagram
Annexure G	Base Level Certificate
Annexure H	Conveyancer's Certificate
Annexure J	Plans of Subdivision
Annexure K	Site Development Plan
Annexure L	Landscape Development Plan
Annexure M	North Shore Precinct Urban Design Framework
Annexure N	Design Motivation for Proposed Mixed-Use Building
Annexure O	Wind Study
Annexure P	Electrical Services Report
Annexure Q	Civil Services Report
Annexure R	Traffic Impact Assessment
Annexure S	Geotechnical Report
Annexure T	Pre-submission Consultations

EXECUTIVE SUMMARY

Property Description: Erf 165639, Cape Town and portions of City-owned street being portions of Erven 165638, 158112-RE and 148343-RE Cape Town and Erf 192-RE Roggebaai

Location: Cape Town Northern Foreshore, between Lower Long Street, Loop Street and Alpha Street

With respect to Erf 165639, Cape Town:

Owner: Growthpoint Properties Limited

Title Deed: XXXXXXXXXX

SG Diagram: SG No. 4951/2001

Size: 3932m²

Zoning: GB7 – subject to Substitution Scheme as a result of 1994 rezoning approval and 1996 amendment

Servitude: 10.0m wide servitude right of way across a portion of Erf 165639 in favour of the general public to allow for a pedestrian and vehicular thoroughfare

Description of the Proposed Development:

- Application is made to permit a mixed-use development on Erf 165639 comprising office, hotel and retail, exercising a maximum of 46 000m² of the existing Permissible Floor Area of 69 000 m² approved for Block AB.
- The floor space utilisation is as follows:
 - Retail – 2 047m²
 - Office – 28 148m²
 - Hotel – 15 445m²
- Proposed building height of 106m places the building in Level 3 category in terms of the Tall Buildings Policy.
- A total of 948 parking bays are provided at the following ratios based on a parking demand study:
 - Offices – 3.12 bays per 100m² GLA
 - Hotel – 0.3 bays per key
 - Retail - Nil
- The building is comprised of retail at ground level (first storey) and restaurants and conferencing facilities on the second storey. Two towers rise above the retail podium, one being an office tower and the other a hotel tower, so as to mitigate the massing impact. The office tower comprises 24 storeys of office and two storeys of sky lobby which accommodates a bar and restaurant. The hotel tower constitutes seven levels of structured parking above the retail podium, an 8-storey 3-star hotel and an 8-storey 4-star hotel.

- A super-basement of parking is provided below Erf 165639 and a portion of Loop Street, for which a servitude is being sought from the City.
- A pedestrian thoroughfare is provided at ground level over which a servitude right of way in favour of the general public will be registered to replace the existing servitude across the site.
- Application is made to subdivide Erf 165639 to create a land portion over which a new servitude right of way in favour of the general public will be registered. Application is made to subdivide portions of erven 165638, 158112-RE and 148343-RE Cape Town and Erf 192-RE Roggebaai being portions of Alpha Street, Lower Long Street and Loop Street to allow for the registrations of servitudes in favour of Erf 165639 for basement parking purposes and below-ground structural support.
- A High Court application is in the process of being made to allow for the relocation of the access servitude in favour of the general public.

Motivation for the Proposed Development:

- The proposed tall building on Erf 165639 on the Northern Foreshore is entirely in alignment with relevant spatial planning policies which identify this as a tall buildings zone and is fully motivated in terms of the Tall Buildings Policy. The proposal is fully compatible with surrounding land uses.
- The proposed development will result in the productive utilisation of an underutilised strategically located property.
- The creation of nearly 46 000m² of additional economically productive space in the CBD will contribute significantly to City's economy and the generation of employment both during construction and during the lifecycle of the building.
- No additional rights with respect to floor area are being sought.
- The proposed development aims to achieve a Green Star SA 5 Star Rating, which would significantly reduce its load on municipal services and its impact on the environment.
- The proposed development of the site allows for a generous, high quality pedestrian space that is protected from the elements and facilitates convenient movement through the site and the broader precinct. The creation of a dignified pedestrian environment, particularly for workers who use public transport into the City and then walk to the V&A Waterfront, would have a positive social impact.
- The proposed re-alignment of the existing pedestrian servitude in favour of the general public to a more central line through the site will have a positive impact as it is more responsive to the existing dominant pedestrian desire lines that traverse the site. The re-alignment will have no negative material impact on the general public due to the fact that although the servitude exists in terms of an approved SG diagram, it has been indiscernible to the general public on the ground across the currently vacant site.
- The proposal includes the upgrade of the broader urban environment in the area between the proposed building and the ENS and Investec buildings, all of which are owned by Growthpoint. This will be a significant investment that will be for the benefit of Cape Town and its residents and visitors.

- The provision of an active retail podium, including restaurant and conferencing facilities, will assist in activating the space not only during the day, but also at night when the area is currently empty of people and generally unsafe.
- The provision of a super-basement for parking aims to mitigate the impact of circulation at grade and improve the urban form in relation to the public realm.
- Structured parking above ground sits above the first two storeys and is “future proofed” to allow for future conversion to habitable space.
- The design specifically strives to avoid towers characterised by orthogonal monolithic massing randomly placed onto the site. Instead it comprises two slender towers that are more appropriately responsive to the environment both in terms of massing and urban form.

1. INTRODUCTION AND BACKGROUND

Nigel Burls & Associates with Japie Hugo were appointed by Growthpoint Properties Ltd to prepare and submit an application on their behalf to allow for the development of Erf 165639, Cape Town. The proposal is for a high-rise mixed-use development, incorporating office, hotel, and retail uses, and includes proposals for the improvement of the public realm through and around the site.

Erf 165639 originally formed part of the old ICS-Power Station Site bounded by Buitengracht Street, Walter Sisulu Avenue, Lower Long Street and Hans Strijdom Avenue. Following its decommissioning, the power station site was rezoned and subdivided in the mid-1990s into a number of individual development sites, each of which was governed by various conditions of approval establishing its development rights and envelope. The development sites were referred to at the time as “blocks” and the conditions of approval became a substitution scheme superseding the development parameters provided for in the zoning scheme at the time. This substitution scheme remains in place (in terms of section 142(1) and (2) of the Municipal Planning By Law, 2015) and has been acted on (in terms of section 142 (4) of the Municipal Planning By Law).

Erf 165639 was originally referred to as “Block B” in the original rezoning and subdivision of the old power station site. The property was purchased by Growthpoint from the City in 2017 with the intention of developing a mixed-use development on the property including offices, retail and hotels. The proposed development does not exceed the unutilised bulk as approved but re-imagines the way in which that bulk is manifested on the site in terms of the built form that is proposed, particularly with respect to height.

2. PREVIOUS APPROVALS

Approval was granted on 25 August 1994 for the rezoning of the ICS-Power Station site to Subdivisional Area subject to various conditions and the subdivision into various portions was subsequently approved on 31 January 1995, resulting in the creation of Block B, zoned General Business Sub-Zone B6 in terms of the zoning scheme applicable at the time. Various conditions applied to Block B relating to its maximum permissible floor area, height and setbacks, access and parking, as well as the requirement for a 10m wide servitude area to be registered in favour of the general public. These conditions became the substitution scheme on the confirmation of the subdivision by the registration of the first land unit on 16 April 1996 as provided for in terms of s22(2) and s22(3) read with sections 27 (1) and 27 (3) of the Land Use Planning Ordinance 15 of 1985. Refer to Annexure D: Previous Conditions of Approval.

On 22 May 1996, the Premier approved amendments in terms of s42 of LUPO to these rezoning conditions in respect of Blocks A and B. The amended conditions:

- increased the maximum Permissible Floor Area of the combined Block A and B from 41 000 m² to 69 000 m², and
- amended Plan TPZ 11576/1 to reflect the above changes in Plan TPZ 11576/2 to reflect the rights over Block A and Block B as a single package of rights.

Blocks A and B were consolidated to become Erf 158112 (also referred to as Block AB) and sold off by the City and transferred to a third party.

The consolidated erf was subsequently transferred back to the City of Cape Town and on 11 September 2001 the Surveyor-General approved the subdivision of Block AB (Erf 158112) into what is now Block A (erf 165637) and Block B (erf 165639). Around 2004, Block A was sold by the City of Cape Town and in 2005 building plans were approved for "The Icon" building with 22 896 m² of bulk.

The "1996" amended rezoning conditions for Block AB have not been changed again and are still in place. This is confirmed by the City issuing a zoning certificate reflecting the 1996 rights as not having been altered.

As a result of the various approvals mentioned above, the table below summarises the conditions of approval that apply to Block B. Conditions that have been superseded/amended by subsequent approvals are shown in grey text. The third column indicates whether a particular condition requires amendment in terms of the current application.

1994 Approval of the Rezoning to Subdivisional Area of the ICS-Power Station Site		
Condition No.		Application required
B1.2	The site designated as Block B shall have a maximum Permissible Floor Area of 17 500m ² .	Amended by 1996 approval
B2.2	No building in Block B shall exceed 55m in height.	Amended by 1996 approval
B3.2	Notwithstanding any provision referring to building heights, no point of any building or façade or part thereof fronting on to Long Street Extension, Alpha Street, Loop Street Extension, or Bravo Street, shall project beyond an imaginary plane extending at an angle of 50 degrees from an imaginary horizontal line above the interface between the proposed building or part thereof and any ground abutting such street, which line shall be at the following heights above ground level: Long Street Extension: 35m Alpha Street: 25m Loop Street Extension: 35m	Amended by 1996 approval
B4.2	Access and egress to and from Block B shall be by way of Alpha Street.	Amended by 1996 approval
B4.9	The points of access and egress to Blocks A, B, C, D, E1 and E2 shall be to the satisfaction and approval of Council and the approval of the Provincial Roads Engineer.	Amended by 1996 approval

B4.11	Notwithstanding the provision of the Council's Zoning Scheme with regard to parking provision, parking shall be provided on site to the extent of one bay for every 50m ² of Actual Floor Area used for offices.	Condition to be amended in respect of Block B only and addressed by SDP.
B4.12	No parking, garaging or loading areas shall be permitted at ground storey level in any building within 10m from any street boundary or public place.	
B5.1	In the event of an hotel being developed on any site, all parts of such hotel shall be included for the purposes of calculation in the total Permissible Floor Area.	
1995 Approval of the Subdivision of the ICS-Power Station Site SE 14155/1 (8447)		
Condition No.		Application required
A4.1	Servitude area BS lettered BP BC BD BO represents the horizontal position of the servitude area which must be registered over Portion B in favour of the General Public.	Condition to be deleted and replaced by SDP
A4.3	Such general servitudes as referred to in Conditions 4.1 and 4.2 shall stipulate that the vertical parameters of such servitudes shall be determined by amending Notarial Deeds of Servitude subsequent to the completion of buildings on the relevant new erven.	Condition to be amended.
A5.1	The areas hatched on Plan SE 141511/1 attached represent the horizontal positions of General Servitude rights of way which must be registered as follows: - - Minimum widths of 2.5m and 3.0m as shown must be registered over Portion B in favour of the Municipality of Cape Town.	
1996 Amendment of Rezoning Conditions		
Condition No.		Application required
	Section 1 PERMISSIBLE FLOOR AREA, 1.1 and 1.2 to be replaced by: "The site designated as Block AB shall have a maximum Permissible Floor Area of 69 000m ² "	
	Section 2 BUILDING HEIGHTS, 2.1 and 2.2 to be replaced by: "No building on Block AB shall exceed 60m in height on portion A, 55m height on portion B and 15m height on portion B2"	Condition to be amended in respect of Block B only.
	Section 3 BUILDING HEIGHTON STREETS AND PUBLIC SQUARE, 3.1 and 3.2 to have references to "Alpha Street" removed and replaced by: "Block AB: Notwithstanding any provision referring to building heights, no point of any building or façade or part thereof fronting onto Long Street extension, Hans Strydom Avenue or Loop Street Extension shall project beyond an imaginary plane extending at an angle of 50 degrees from an imaginary horizontal line	Condition to be amended in respect of Block B only.

	<p>above the interface between the proposed building or part thereof and any ground abutting such street, which line shall be the following heights above ground level:</p> <p>Hans Strydom Avenue: 40m Long Street Extension: 35m Loop Street Extension: 35m”</p>	
	<p>Section 4 ACCESS AND PARKING, 4.1 and 4.2 to be replaced by: “Access and egress to Block AB shall be by way of Loop Street extension and Long Street extension, and shall be to the satisfaction of Council and the Provincial Engineer”</p>	Condition to be amended in respect of Block B only.
	<p>Section 4 ACCESS AND PARKING, 4.9 reference to Blocks A & B to be replaced by Block AB.</p>	
1996 Amendment of Subdivision Conditions		
Condition No.		Application required
3.1.1(a)(i)	A general servitude shown hatched on Plan SE14155/2A shall be registered over portion AB in favour of this Council.	Condition to be amended in respect of Block B only.
3.1.1(a)(ii)	The general servitude shall stipulate that the vertical parameters of the servitude shall be determined by amending Notarial Deed of Servitude subsequent to the completion of the building on this new erf.	

3. APPLICATION DETAILS

In order to allow for the development of Erf 165639 as envisaged, application is hereby made for the following:

- In terms of s42(d) of the Cape Town Municipal Land Use By-Law 2015, the subdivision of erven 165639, 165638, 148343-RE, 158112-RE and 192-RE to allow for the registration of various servitudes as indicated on Plans of Subdivision No. LP-01-01 to LP-01-05;
- In terms of s42(g) of the Cape Town Municipal Land Use By-Law 2015, the amendment of title deed condition VI.B.1. as follows:
 - “The figure ... on Diagram ... represents a servitude right of way in favour of the general public to allow for pedestrian thoroughfare.” Note: details of the servitude description will be provided following the High Court decision with regards to its amendment.
- In terms of s42(h) of the Cape Town Municipal Land Use By-Law 2015, consent of the City of Cape Town (being the Transferor) as required in terms of condition VI.B.2. to permit buildings /structures to be erected within or over the servitude area as indicated on the Site Development Plan (Annexure K),
- In terms of s42(i) of the Cape Town Municipal Land Use By-Law 2015, the approval of Site Development Plan (Drawing No. 01-03-127, 01-03-000 to 01-03-003, 01-03-100 to 01-03-124, 01-03-201 to 01-03-207, 01-03-401 to 01-03-416, 03-02-001 to 03-02-004, and 02-03-000 to 02-03-001) and Landscape Development Plan (Drawing No. 01-01-100 and 01-01-200);
- In terms of s42(i) of the Cape Town Municipal Land Use By-Law 2015, consent for “air and underground rights” for portions of erven 165638, 148343-RE, 158112-RE and 192-RE for the purposes indicated in the Site Development Plan (Annexure K);
- In terms of s42(j) of the Cape Town Municipal Land Use By-Law 2015, the deletion of the following condition:
 - Condition A4.1 of the 1995 subdivision approval;
- In terms of s42(j) of the Cape Town Municipal Land Use By-Law 2015, the amendment of the following conditions of approval as follows:
 - Condition B4.11 of the rezoning approval dated 25 August 1994 as follows:
 - “Notwithstanding the provision of the Council’s Zoning Scheme with regard to parking provision, parking shall be provided on site to the extent of one bay for every 50m² of Actual Floor Area used for offices, **with the exception of Erf 165639 where parking shall be in accordance with the approved site development plan,**”
 - Condition A4.3 of the 1995 subdivision approval as follows:
 - “Such general servitudes as referred to in ~~Conditions 4.1 and~~ **Condition 4.2** shall stipulate that the vertical parameters of such servitudes shall be determined by amending Notarial Deeds of Servitude subsequent to the completion of buildings on the relevant new erven.”
 - Condition 3.1.1(a)(i) of the 1996 subdivision amendment approval as follows:
 - “A general servitude shown hatched on Plan SE14155/2A shall be registered over portion **AB A** in favour of this Council.”

- The 1996 Amendment of Rezoning Conditions as follows:
 - *Section 2 BUILDING HEIGHTS, 2.1 and 2.2 to be replaced by: “No building on Block AB shall exceed 60m in height on portion A, ~~55m height on portion B and 15m height on portion B2~~”;*
 - *Section 3 BUILDING HEIGHT ON STREETS AND PUBLIC SQUARE, 3.1 and 3.2 to have references to “Alpha Street” removed and replaced by: “Block AB: Notwithstanding any provision referring to building heights, no point of any building or façade or part thereof fronting onto Long Street extension, Hans Strydom Avenue or Loop Street Extension shall project beyond an imaginary plane extending at an angle of 50 degrees from an imaginary horizontal line above the interface between the proposed building or part thereof and any ground abutting such street, which line shall be the following heights above ground level:*

<i>Hans Strydom Avenue:</i>	<i>40m</i>
<i>Long Street Extension:</i>	<i>35m</i>
<i>Loop Street Extension:</i>	<i>35m”</i>
 - *Section 4 ACCESS AND PARKING, 4.1 and 4.2 to be replaced by: “Access and egress to Block A B shall be by way of Loop Street extension and Long Street extension, and shall be to the satisfaction of Council and the Provincial Engineer”*
- In terms of s42(b) of the Cape Town Municipal Planning By-Law 2015, the following permanent departures:
 - Height of 106m in lieu of 60m;
 - Minor architectural features projecting to a maximum of 940mm in lieu of 250mm beyond the Loop Street boundary on Hotel Tower storeys 2 to 10;
 - Minor architectural features projecting to a maximum of 1010mm in lieu of 250mm beyond the Loop Street boundary on Office Tower storeys 2 to 9;
 - Minor architectural features projecting to a maximum of 440mm in lieu of 250mm beyond the Lower Long Street boundary on Office Tower storey 3;
 - From the Alpha Street boundary, the following setbacks:
 - 0m in lieu of 0.850m on Hotel Tower storeys 1 to 12;
 - From the Alpha Street, Loop Street and Lower Long Street boundary, the following setbacks:
 - 0m in lieu of 1.340m on Hotel Tower storey 13;
 - 0m in lieu of 2.890m on Hotel Tower storey 14;
 - 0m in lieu of 4.440m on Hotel Tower storey 15;
 - 0m in lieu of 5.990m on Hotel Tower storey 16;
 - 0m in lieu of 7.540m on Hotel Tower storey 17;
 - 0m in lieu of 9.090m on Hotel Tower storey 18;
 - From the Loop Street and Lower Long Street boundary, the following setbacks:
 - 0m in lieu of 1.810m on Office Tower storey 11;
 - 0m in lieu of 3.595m on Office Tower storey 12;
 - 0m in lieu of 5.380m on Office Tower storey 13;
 - 0m in lieu of 7.165m on Office Tower storey 14;
 - 0m in lieu of 8.950m on Office Tower storey 15;

- 0m in lieu of 10.735m on Office Tower storey 16.

The site is zoned GB7 and a height departure of 106m in lieu of 60m is requested. No setback departures are specified or requested after the 60m height limit.

The intention of the above applications is effectively to replace all parameters related to the development of Block B set in terms of previous conditions of approval, with the exception of maximum permissible floor area, with the approval of a Site Development Plan. The maximum permissible floor area remains as per the 1996 approval of the amendment of the rezoning conditions, which limits the maximum permissible floor area of Block AB to 69 000m². The current application seeks to exercise 46 000m² of that floor area.

4. PROJECT CONTEXT

4.1. Urban Context

Erf 165639 is located in the Cape Town City Centre in the area referred to as the Foreshore, which is the area that lies between the historic city centre and the modern Cape Town Port that was reclaimed from Table Bay in the 1930s and 1940s. Unlike the fine-grained grid of the historic city centre, the Foreshore is far more coarsely grained, less rectilinear, and geared towards vehicular movement. The Foreshore is characterised by large-scale transport infrastructure, including the port itself, the railway line, and the elevated freeways that bring vehicular movement into the city.

Erf 165639 lies in the northern portion of the Foreshore, which is increasingly becoming known as the financial and legal centre, accommodating numerous office buildings occupied by fiduciary and legal firms. There are a number of hotels in the area catering to both leisure and conference-related travel. The CTICC lies in close proximity to the north-east of the site. This portion of the Foreshore plays the important role of being the gateway between the city centre and the V&A Waterfront and sees a significant amount of pedestrian movement between the two.

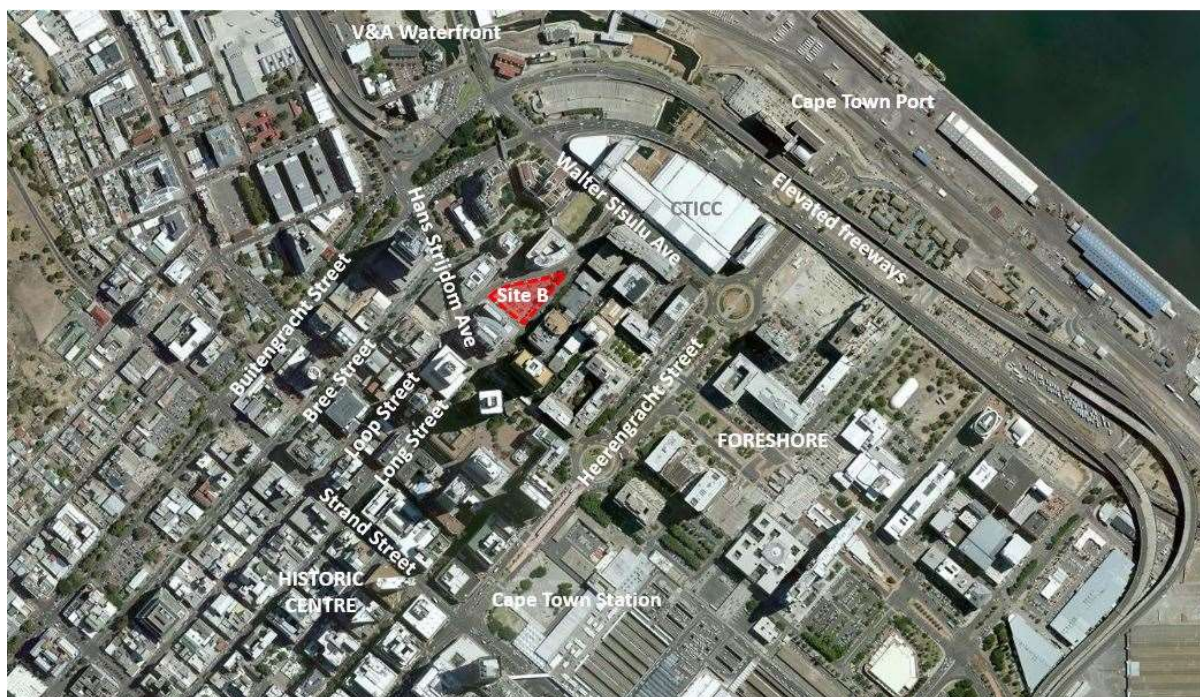


Figure 1: Site B in relation to the Cape Town Foreshore.

The Foreshore is well accessible on a metropolitan level both in terms of public transport infrastructure and in terms of private transport. The Cape Town train station lies 500m to the south and a number of MyCiti trunk stations are located in close proximity. The local area is well served by the MyCiti bus network. Although the Foreshore feeds directly into both the N1 and N2 connecting the area to the rest of the city, the area is becoming less accessible to the greater Cape Town via private transport due to

the increasing levels of congestion, albeit the growing number of people living in the CBD and choosing to make use of alternative modes of transport.

The Foreshore has historically been characterised by large tracts of undeveloped land, which together with the large scaled urban form has resulted in a somewhat hostile urban environment, exacerbated by modernist architecture. In recent years, there has been increasing development activity, perhaps fuelled to an extent by the significant investment in the CTICC and its expansion, with at least five other tall buildings currently being proposed within a 300m radius of Erf 165639 and a greater emphasis on the quality of the urban environment.

4.2. Existing and Surrounding Zoning

Erf 165639 forms part of the old ICS-Power Station Site, which is bounded by Buitengracht Street, Walter Sisulu Avenue, Lower Long Street and Hans Strijdom Avenue. Most of the properties within the power station site are zoned General Business 7, with the exception of the Protea Hotel (erf 165411) and the historic North Wharf building (rem. Erf 149298) which are zoned GB6 and BG4 respectively. Despite the zones allocated to this precinct, the substitution scheme that arose as a result of the 1994 rezoning approval dictates the development parameters that apply to these sites.

Further to the south-east of Lower Long Street, the zoning reduces in scale somewhat and includes GB1 and GB2, as well as GB6 and GB7 zones.

4.3. Existing and Surrounding Land Use

Erf 165639 (Block B) is one of two of the remaining undeveloped sites of the Power Station Site, the other one being Site D in front of the CTICC and the Southern Sun Cullinan Hotel. The Power Station precinct currently accommodates the Southern Sun Cullinan and Waterfront hotels, the North Wharf Protea Hotel which includes a residential component, the Icon building which is predominantly residential with retail on the ground floor, the Investec and ENS office buildings, and the North Wharf building on the corner of Buitengracht Street and Hans Strijdom Avenue, which accommodates a mix of office and retail uses.

The precinct is bounded by the CTICC and its extension to the north-east, the start of the V&A Waterfront to the north-west, the Portside building and a collection of tall office and residential buildings to the south-west and south-east. There has been a growing trend towards residential development in the lower CBD, including the recently completed Onyx development and the proposed 16 On Bree development and the Zero-2-One tower further south, both of which are planned to be amongst the tallest buildings in the CBD.

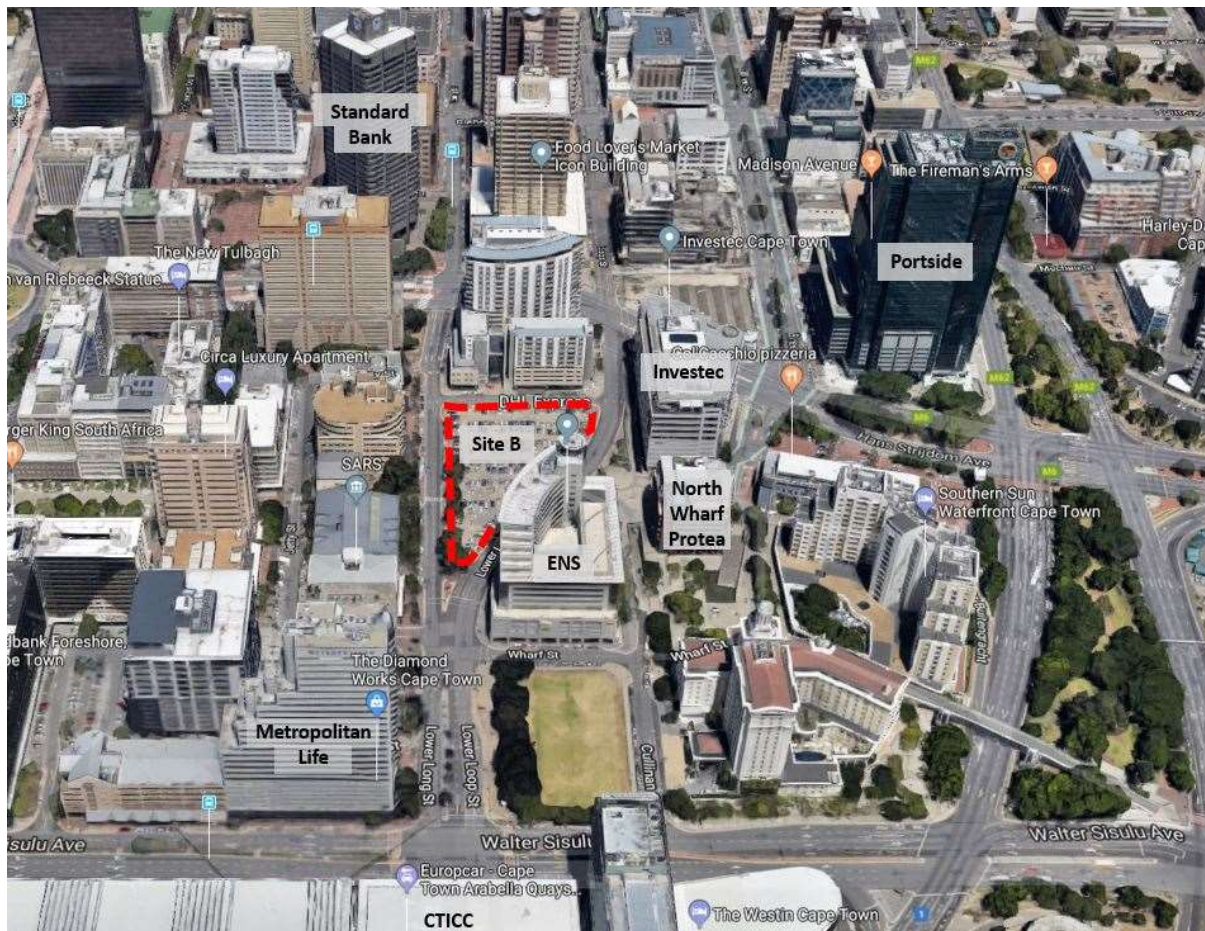


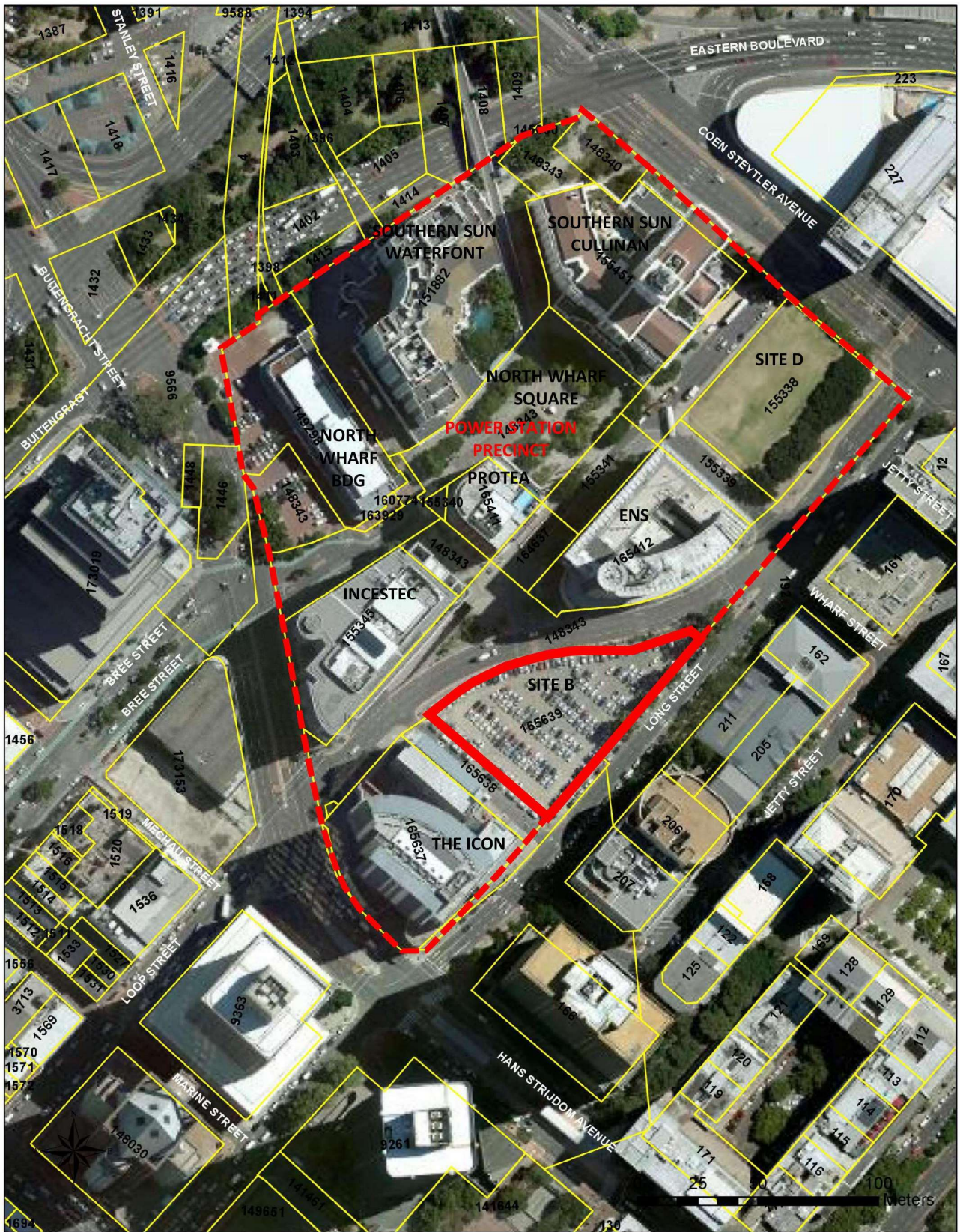
Figure 2: Site B location and surrounding context.

There are various existing and proposed tall buildings in the vicinity of Erf 165639, including the existing Portside, Metropolitan Life, and Standard Bank buildings all of which are taller than 20 storeys, and the proposed 16 on Bree, the Modern, and 35 Lower Long which are in the order of 100m tall. This part of the CBD is becoming known for its growing collection of tall buildings, which act as an arrival statement both from the perspective of the harbour the freeways with Table Mountain providing a dramatic backdrop. A series of public squares weaves through the built fabric.

4.4. Site Description

Erf 165639 is vacant and is being utilised for at-grade parking. The site measures approximately 3932m² in extent and is effectively flat. The property used to accommodate significant pedestrian traffic particularly between the Cape Town Station and the V&A Waterfront until it was fenced to secure the parking. The pedestrian traffic is now diverted along the perimeter of the site.

The property is triangular in shape and is bounded by Lower Long Street, Loop Street and Alpha Street. The Icon building lies to the south-west of the site. A series of attached buildings (including the SARS building and the previous Virgin Active gym) lie to the south-east of the site across Lower Long Street



	Project	Erf 165639, Cape Town	Scale:	1:2000	Source	CCT
	Drawing	AERIAL PHOTOGRAPH (2015)		Date	June 2018	Figure

Figure 3: Aerial Photograph

and are currently in the process of being redeveloped. To the north of the site across Loop Street are the Investec and ENS office buildings, both of which are also owned by Growthpoint. A super-basement lies below the ENS and the North Wharf Protea Hotel and serves both of those buildings as well as the Investec building. Access to the super-basement is off the left-most lane of Loop Street and pops out on the other side at Cullinan Street. This subterranean link is a direct and unobstructed public accessway. The public realm around the site is currently of a sub-standard quality given the prominence of the area. Pedestrian networks are ambiguous and unclear, public spaces are underutilised and building facades at street level are often blank or inward looking.

Erf 165639 lies at a very prominent position at the confluence of Lower Long Street and Loop Street, creating a site reminiscent of the Flatiron Building in New York. It is particularly prominent from the view point of the CTICC looking up Lower Long Street and presents a significant opportunity for an architectural statement and a landmark feature to contribute to the identity of the precinct.

4.5. Legal Context

Erf 165639 is described in SG Diagram No. 4951/2001 and measures 3932m² in extent (refer to Annexure F: SG Diagram). Ownership of the property vests in Growthpoint Properties Limited as indicated in the title deed T11980/2017 (Refer to Annexure E: Title Deed). The title deed lists a number of conditions to which the property is subject, most of which do not impact on the proposed development as confirmed in the Conveyancer's Certificate, with the exception of Condition VI.B.1. which was imposed in terms of Section 42 of Ordinance 15 of 1985 by the City of Cape Town when approving the subdivision of Erf 14843, and states the following:

"The figure C1abB1 on Diagram SG No. 2416/1996 annexed to Certificate of Registered Title No [REDACTED] represents a servitude area 10.0m wide, being a servitude right of way in favour of the general public to allow for a pedestrian and vehicular thoroughfare."

This servitude severs the site into two portions – a large portion in the southern part of the site and a much smaller portion in the northern part which is so small as to be unviable to be developed on its own. An application is in the process of being made to the High Court to cancel this servitude and replace it with a pedestrian right-of-way servitude in favour of the general public in a different location on the site to better suit the dominant pedestrian desire lines and the design of the proposed development.

Application is also made in terms of s42(g) of the Cape Town Municipal Land Use By-Law 2015 to amend the title deed condition VI.B.1. so as to replace the servitude location and extent as described in the current title deed [REDACTED] with the new proposed relocated servitude which responds more appropriately to the dominant pedestrian desire lines through the site. A detailed motivation for the proposed amendment to condition VI.B.1. is provided in Section 6 of this report.

Condition VI.B.2. of title deed [REDACTED] requires that consent be obtained from the Transferor (being the City of Cape Town) to permit buildings /structures to be erected within or over the (realigned) servitude area. In this regard, application is made for the Transferor's consent in terms of s42(h) of the Cape Town Municipal Land Use By-Law 2015.

4.6. Servitude in Favour of the General Public

Growthpoint's appointed attorney has advised that the correct procedure to follow in order to re-align the existing pedestrian servitude would require an application to the High Court to allow for the cancellation of the existing servitude and its replacement with a new realigned servitude that better serves the dominant pedestrian desire lines that traverse across the site. An application to the High Court is in the process of being made and a High Court decision is expected to be reached prior to a decision by the City on this land use application.

4.7. Planning Context

4.7.1. TOD Strategic Framework (2016)

The TOD Strategic Framework sees TOD as a planning, design and implementation approach that can be employed to address inefficiencies in the urban form of the city by optimising movement patterns to enable social equality and economic development. The Strategic Framework describes the process of achieving this as a transversal one, addressing urbanisation, urban growth and service delivery, and regards transport as the catalyst to achieving operational efficiencies in the urban environment.

The Strategic Framework identifies tools and mechanisms that can be employed by various role players at various scales to ensure that the city moves towards a more sustainable, compact and equitable urban form, amongst which is the imperative to influence the land use distribution across the metropolitan area to achieve a balanced multi-directional flow through appropriate distribution of attractors and generators of traffic and providing affordable housing in good locations in proximity to employment opportunities.

The Strategic Framework sets down the objectives of TOD in Cape Town, which include maximising locational efficiency so that people can walk, cycle and use public transport which is achievable through a "comprehensive approach to land use density, mix and intensity. Other objectives include providing a mix of housing, shopping, recreational and transportation choices, as well as creating a sense of place.

The Cape Town CBD is arguably the most intensely developed node in the city and accommodates a rich mix of employment, recreational, institutional and residential opportunities. The proposed development of Erf 165639 in a manner that optimises the permissible floor area on a well-located site within the CBD is in alignment with the Strategic Framework's objectives and would serve the very

important role of supporting and reinforcing the economic importance of the CBD node which is crucial to the economic sustainability of the city.

The proposed development will contribute significantly towards the sense of place of this portion of the Foreshore, which currently lacks a clear identity and is not particularly legible. The ownership by Growthpoint of the sub-precinct of buildings made up of Erf 165639, the ENS building and the Investec building presents a unique opportunity to invest in the public realm beyond the cadastral extent of the site to create a better sense of place to the benefit of the city.

4.7.2. Cape Town Municipal Spatial Development Framework (2018)

The MSDF notes that there is a transition underway from outward to inward growth with a concentration of commercial activity in three business nodes, being the Cape Town CBD, Century City and Tyger Valley, while blue-collar jobs are dispersed to peripheral industrial nodes and in-migration outpaces job creation. The MSDF acknowledges the significance of the Cape Town CBD as a metropolitan node accommodating a broad spectrum of intense and diverse land uses serving a wide spectrum of citizens and businesses via formal and informal means.

Cape Town CBD lies within the area designated as the “Urban Inner Core” where land use intensification is supported and where the desired land use outcome is stated as being “diverse and dense land uses in association with current and future public transport infrastructure provision”. Some of the guidelines applicable to Erf 165639 specifically include the following:

- Refrain from the following land uses:
 - single residential developments around main transport corridors and stations;
 - low worker density around main transport corridors and stations;
 - noxious land uses that limit the nature of development on adjacent land due to Environmental Health Regulations;
 - any land use which is only viable subject to the provision of extensive ground level parking areas;
 - mono-functional, single storey public sector buildings; and
 - single storey schools and sports fields that are not shared.
- public and private land development and investment should be prioritised;
- the optimisation of the utilisation of space be prioritised;
- All structured parking to have floor to ceiling heights allowing for conversion to non-parking land uses over time.

The MSDF encourages the focussing of intensification in metropolitan nodes to realise very high intensity, mix and clustering of urban activities or land uses at points of very high accessibility, exposure, convenience and urban opportunity.

The proposed high-rise mixed-use development of Erf 165639, including a mix of office, retail and hotel uses, is entirely in alignment with the objectives of the MSDF in that it represents a significant private sector investment in a node of metropolitan significance, utilising the site optimally by using all of the available floor area to provide an employment-dense land use in an area that is highly accessible. The development of office and hotel related uses enforces the clustering related to the hospitality and fiduciary character of this particular part of the Foreshore. The parking requirement for the building is accommodated to a significant extent in a subterranean super-basement so as to not impact negatively on the sense of place of the urban environment. Wherever structured parking occurs above ground, it is future proofed by being designed to be easily convertible to office space in the future when conditions change.

4.7.3. Table Bay District Plan (2012)

Erf 165639 (indicated with a red star in fig. 4) is designated for “mixed use intensification” in the Table Bay District Plan. Mixed use intensification is encouraged in the Foreshore and the East City in particular. Much of the Foreshore area is indicated as being in need of an urban civic upgrade.

The supporting development guidelines contained in the District Plan with respect to the Foreshore include the following:

- Reinforce the central city as a vibrant business district with a diverse range of economic activity and land uses;
- Promote mixed use intensification particularly in the Foreshore area to facilitate regeneration and improve the public realm;
- Facilitate further development in the northern Foreshore area and encourage a graduated skyline by concentrating buildings with greater heights according to the natural topography and wind conditions;
- Facilitate developments of greater height and bulk in the northern Foreshore area in line with the Tall Buildings Policy;
- Any development in this area should have positive, active frontages and landscaping to improve the harsh and pedestrian un-friendly environment;

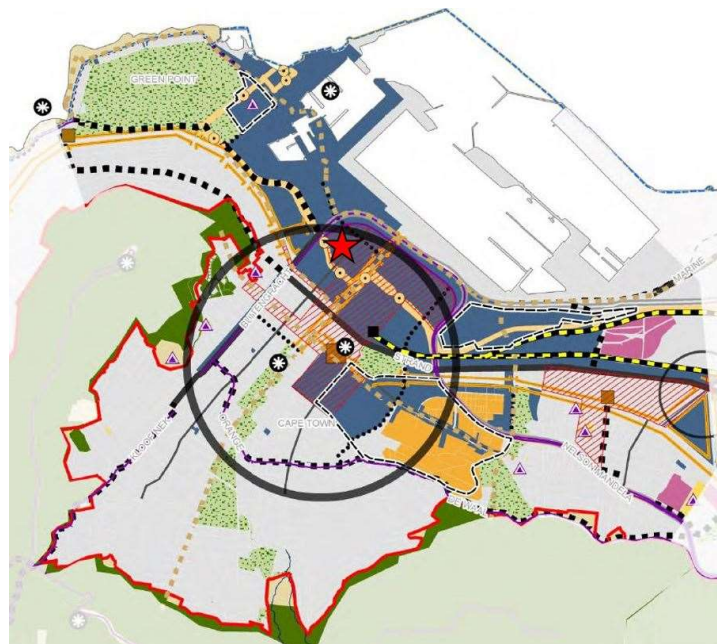


Figure 4: Extract from Table Bay District Plan.

- Establish and emphasise east west pedestrian connections along the Foreshore to connect it with potential development on Culemborg.

The proposed development of Erf 165639 is fully in alignment with the designation and development guidelines of the District Plan. The development of a strategically located site that has been severely underutilised in a manner that draws commercial activity and provides employment opportunities is entirely in accordance with this policy, as is the proposed investment by Growthpoint in the upgrading of public space well beyond the cadastral extent of the property.

The District Plan acknowledges the northern Foreshore as an area where tall buildings are appropriate and desirable. The proposed development aims to improve the experience for the pedestrian by providing a fully publicly accessible thoroughfare through the site in a high quality urban environment, active frontages and appropriate hard and soft landscaping as described in more detail in Section 5 of this report. The pedestrian link to Culemborg is maintained as required in terms of the District Plan and aligned in a way that optimises all the dominant pedestrian desire lines through the site.

4.7.4. Central City Development Strategy (2011)

The Central City Development Strategy aimed to translate the vision for the Central City into a desirable built form and to give direction to the public and private sector with respect to formulating development proposals and assessing them to ensure the spatial coherence and strengthening the Central City as the economic, administrative and historical core of the metropolitan area.

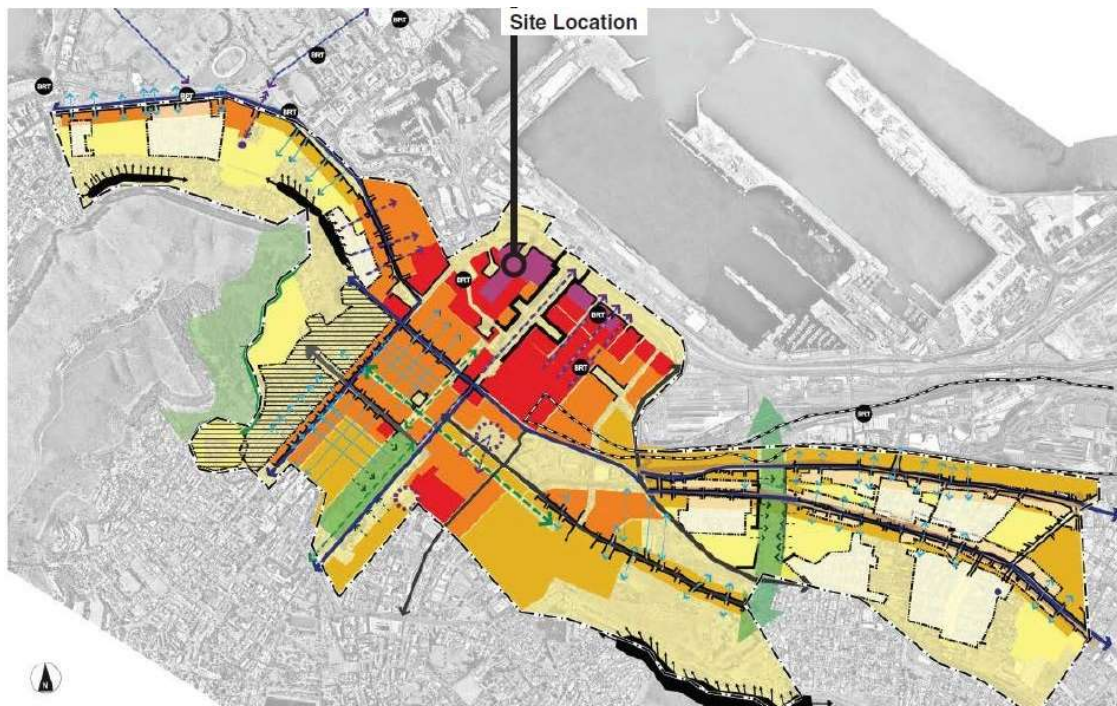


Figure 5: Extract from the City Centre Development Strategy (2011).

The purpose of the study was to translate the private and public sector development visions, aims and frameworks into a set of clear guidelines that provides a consistent basis for development decision making by public officials. As part of this, the study presented a vision for the future development of the Inner City, which took into account general urban form issues and set out a number of future development height scenarios.

Erf 165639 lies in the area identified as the “tallest buildings zone” where buildings of a height greater than 20 storeys were deemed appropriate. Although this study does not have a formal policy status, it has clearly informed the thinking of the Table Bay District Plan in relation to the northern Foreshore where tall buildings are encouraged.

4.7.5. Cape Town Urban Design Policy (2013)

The Urban Design Policy provides direction on how development and redevelopment can contribute to a safer, more economically prosperous, socially inclusive and environmentally sustainable City while improving its visual and functional performance for all those who live in and visit the City.

The Urban Design Policy Objectives are summarised below:

- **Objective 1:** Ensure that development contributes positively to the urban structure of the City to create integrated and legible places and neighbourhoods.
- **Objective 2:** Ensure that development contributes to improved quality of the public realm and public spaces.
- **Objective 3:** Ensure that developments contribute to the creation of safe and secure communities.
- **Objective 4:** Ensure opportunities and amenities are accessible and that people can move about easily and efficiently.
- **Objective 5:** Promote development intensity, diversity and adaptability.
- **Objective 6:** Development should recognize and respond appropriately to informality.
- **Objective 7:** Development should protect, value and enhance the natural environment through sustainable design.
- **Objective 9:** Development should respect and enhance the heritage, character and unique identity of the City and its neighbourhoods.

Since the proposed scheme for Erf 165639 involves the development of nearly 46 000m² of floor space, this policy applies and the applicant is required to demonstrate the urban design rationale for the proposal, addressing all nine of the objectives listed above. A detailed urban design exercise has informed the proposed development, including the form and scale of the building, how it interfaces with its environment at ground level, its impact on pedestrians, how it is informed by heritage in relation to the northern Foreshore, and its relationship with and impact on the public realm. The urban design rationale is demonstrated as a variety of scales ranging from the Framework scale being the northern

Foreshore area, to the Precinct scale being the old Power Station Site precinct, down to the Masterplan scale being Erf 165639, the ENS and Investec buildings and the public realm between them. Refer to Annexure M: Northshore Precinct Urban Design Framework.

4.7.6. Tall Buildings Policy (2013)

The Tall Building Policy advocates responsible and sustainable growth that makes a positive contribution to place-making and the public realm, and enhances the overall cityscape. This is achieved by ensuring the development of well-integrated tall buildings in appropriate locations while providing guidance on the design during the early planning and design phases.

The main principles of the Policy are to promote and encourage sustainable growth in the city by permitting greater building height in appropriate locations; ensure that tall buildings fit into the context of the surrounding cityscape without negative impacts; encourage design excellence to contribute to high quality urban environments in specific locations; and to recognise that growth is dynamic and the approach to tall buildings should be flexible, provided that the proposal meets the strictly applied criteria for quality, design, character, context and protection of the urban environment.

The proposal for Erf 165639 is for a building of a height exceeding 100m which is considered a “significantly tall building” in terms of the Policy. In this regard, the policy requires that all Policy statements are adhered to, that the Assessment Criteria and submission material requirements are adhered to, that pre-application discussions with the City are held, and that application be unpacked with reference to the “issues to be addressed by the applicant”.

In compliance with these requirements, a separate motivation document has been prepared as required in terms of the Policy and is appended in Annexure N: Design Motivation for New Mixed-Use Building. The document is informed by and demonstrates how the Wind Study prepared for the site (attached in Annexure O) has influenced the design of the proposed building.

At a height of 106m the proposed building on Erf 165639 is only slightly taller than some of the buildings immediately adjacent, such as the SARS building at 95m and 35 Lower Long at 86m. However, the proposed building will be lower than some of the existing or approved buildings on the southern side of Hans Strijdom namely: Portside (138m); The Modern (approved at 124m); 16 on Bree (approved at 118m tall) which are significantly taller.

Various pre-submission consultations were held with the Urban Design department prior to submission during the design development phase. The records of these meetings are attached in Annexure T.

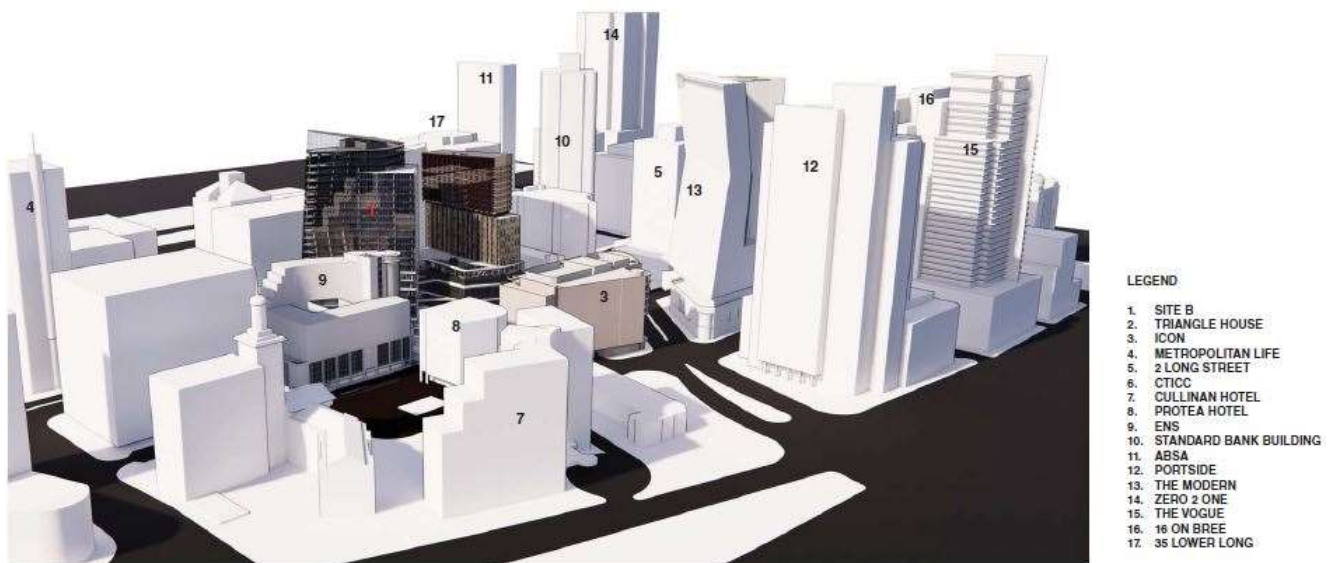


Figure 6: Tall buildings (existing and proposed) in the precinct. (Source: DHK, Design Motivation)

4.7.7. Cape Town Densification Policy (2012)

Although no additional floor area rights are being applied for, putting the existing permissible floor area to its full intended use assists in alleviating the challenges articulated in the introduction of the Densification Policy and meets the non-residential objectives of the policy.

4.7.8. Social Development Strategy

The City's Social Development Strategy seeks to maximise income generating opportunities for people who are excluded or at risk of exclusion; build and promote safe communities; support the vulnerable through enhancing access to infrastructure and services; promote and foster social integration; and mobilise resources for social development. The proposed development of 46 000m² of floor space in the CBD would result in the creation of hundreds of income opportunities across a wide range of income bands and skill levels and is therefore in support of this strategy. The development of a vacant site in the CBD would improve the safety and wellbeing of the community residing and working in the CBD. The proposed development is in alignment with this strategy insofar as it is applicable.

4.7.9. Economic Growth Strategy

The proposed development would contribute a significant number of employment opportunities across a range of skill levels, both during and after construction. The proposed development would contribute towards reinforcing the economic importance of this node, particularly with respect to its functional relationship to the CTICC and would therefore contribute towards making Cape Town a globally competitive city in accordance with the strategic objectives of this Strategy.

5. DEVELOPMENT PROPOSAL

5.1. Architectural Concept

Erf 165639 sits within a precinct where a number of the surrounding buildings are approximately 20 years old and dated in their design. The proposed building on the site aims to be a world class, timeless, innovative, sustainable building which will serve to inspire future buildings in the surrounding context and create an identity that will inform how surrounding neighbours respond in their future redevelopment. Being some distance away from the historical city centre and within a zone identified as appropriate for tall buildings, the design approach is considered to be appropriate in this context.

The defining aspects of the proposed concept are as follows:

Creating a new vibrant Public Realm:

Of critical importance and integral to the design of the scheme is the prominent pedestrian route through the site which coincides with the proposed realignment of the public right-of-way servitude, and the less prominent one linking to the Icon building. This public thoroughfare through the site is celebrated, enhanced and activated by extending the public realm through and into the site on multiple levels. A main Plaza has been created facing Loop Street with appropriate hard and soft landscaping, the look and feel which will be extended across Loop Street to the Municipal public open space between ENS, Investec and Protea Hotel. The details in relation to the treatment of the broader public realm are contained in Annexure M: North Shore Precinct Urban Design Framework.

The building accommodates two levels of retail and conferencing space at ground level and the level above so as to ensure an active relationship with the street. The pavement sweeps up from the northern edge of the site to allow an almost effortless access onto this upper level, which overlooks the main Plaza helping to define this public space. Active edges have been created along the entire length of Loop Street and the majority of Lower Long Street with a partial active edge on the more service related Alpha Street. Colonnades line the building at ground level along most of its perimeter, in line with the original intention as set out in the rezoning approval of 1994, providing a comfortable space for pedestrians to move around the site.

Additional publicly accessible facilities are accommodated on the 7th floor where the public space in relation to the hotel is located, and on the top two floors of the office tower which are anticipated to accommodate sky bars and restaurants. Overlooking features are thus provided at various vertical intervals affording views that are more and more expansive the further up one goes.

Form and massing:

The building itself comprises a mix of office, hotel and retail uses together adding up to 46 000m² of floor space as allowed for in terms of the current conditions of approval related to the site. An effort has been made to break up the building mass to create a series of independent buildings that have been consolidated at the lower levels with the upmost floors having a distinctive profile. The building form comprises two major vertical towers, one being the office component and the other the hotel tower. The length and geometry of the site suggested a non-orthogonal office tower to the northern wedge-shaped portion of the site due to offices being able to accommodate non-orthogonal floor plates. As hotels require longer orthogonal floorplates the hotel tower is positioned perpendicular to the office tower on the wider more orthogonal southern portion of the site (flanking Alpha Street) above the structured parking. The hotel tower itself is fragmented horizontally (shifting floor plate) and vertically (top mass shifted over the lower mass), with the lower portion being a 3-star hotel offering and the higher portion 4 star.

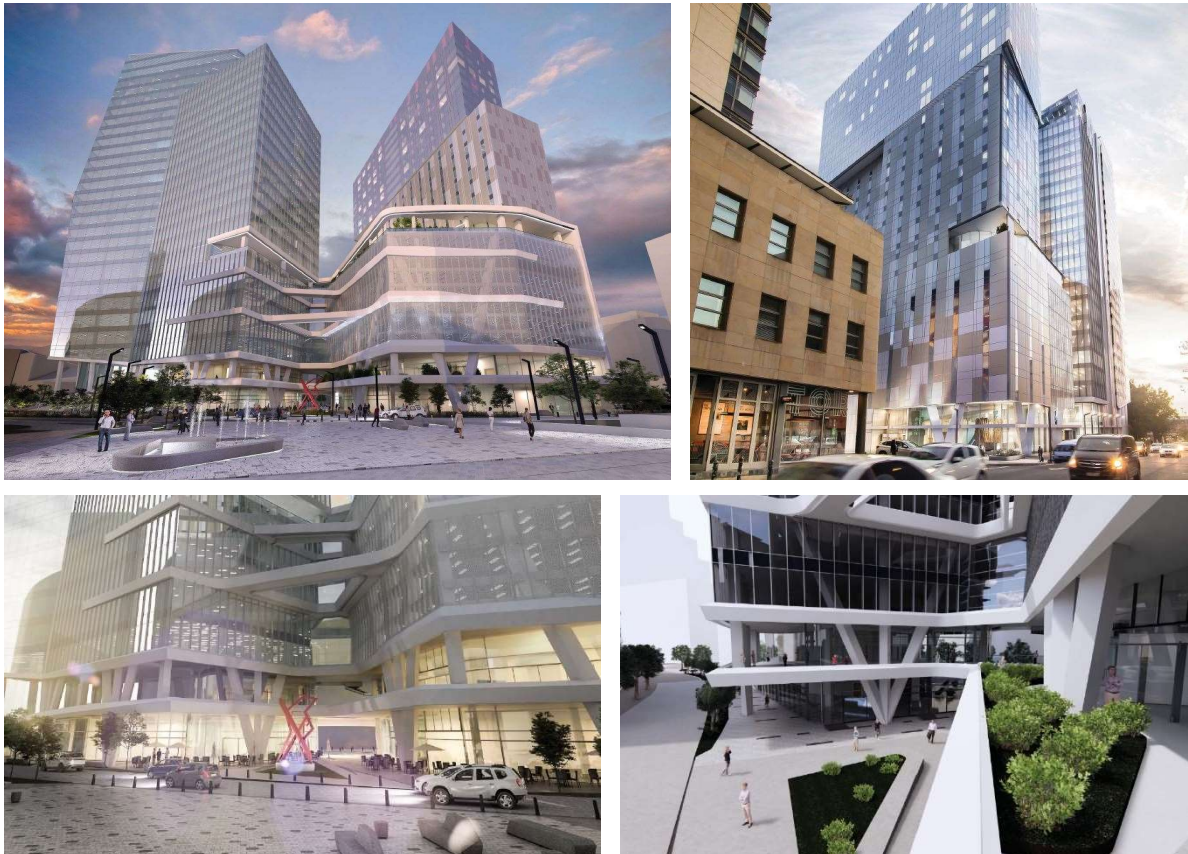


Figure 7: Impressions of the proposed building. (Source: DHK)

The design specifically strives to avoid towers characterised by orthogonal monolithic massing randomly placed onto the site – instead it is cognisant of how best to take advantage of the irregular triangular site geometry and the relationship to the surrounding buildings and skyline. The office tower takes advantage of the triangular northern portion of the site to create a crystalline shard like sculptural

massing which is expanded in size towards the south thus avoiding an overbearing wall like northern façade. Similarly, the southern façade is shaped to allow views from the hotel to look on either side of the office tower.

Design of Lower & Upper Base:

The undulating footprint of the ground and first level created by the public realm being recessed into the building mass creates a series of curvilinear edge conditions which are visually enhanced by the white shaped horizontal bandings on every second level. These continue up over the upper base (parking) and as far as the 7th level hotel Terrace. These terminate on each level into the office tower in an attempt to stitch the podium to the office tower where there is no podium.

The upper base is limited to the structured parking which will be able to be converted to habitable area when the need for parking diminishes. The façade treatment incorporates vertical metal louvers cranked in section to have an undulating profile from floor to floor in an attempt to avoid a mere utilitarian parking façade. On the southern corner of the site the façade of the hotel towers above extends over the upper base (parking garage) base to allow a visible connection to the ground floor entrance.

Façade Design

A number of facades types are proposed to achieve a number of differing objectives such as:

- Breaking up a of a large office mass by two intersecting forms one with flush glazed curtain walls and the other with expressed mullions / fins fronting the glazing. This creates the illusion of two much more vertical towers of differing heights abutting one another.
- The hotel facades differ according to Star Rating i.e. the higher 4 Star component flush glazed and the lower 3 Star being more solid in appearance by being clad with aluminium panels with glazing slots between panels.
- In order to avoid the problematic scenario of a tower building being positioned on top of a parking podium, the lower hotel mass has the appearance of extending down over the parking garage down to the Hotel Entrance on the corner of Lower Long and Alpha Street by using the same façade treatment as the hotel.

Skyline:

The tops of both buildings are shaped to create a distinctive, recognisable and dynamic skyline to enhance the existing cluster of taller buildings in the vicinity and to forge a relationship with the significantly taller buildings to the south of Hans Strijdom Avenue.

Prioritising the pedestrian:

Pedestrians have been prioritised over vehicles by carefully positioning the parking entrance to the structured parking, drops offs and services points in a portion of Alpha Street well away from the key pedestrian routes. The negative impact on the public realm of above-ground parking is reduced by proposing a multi-level super-basement which extends under a portion of Loop Street. Access to this basement is via an existing entry / exit ramp to the ENS & Protea Hotel Building. The structured parking is limited to the southern portion of site and occurs only from the 2nd floor upwards in the form of future proofed parking to allow later conversion into habitable areas.

5.2. Land Use

Land use in relation to the proposed mixed-use development is diagrammatically shown in the figure alongside. The building rests on two levels of retail, including restaurants and conferencing space, with a public outward-looking nature. An office tower of 24 storeys rises above the retail space in the wedge of the site, on the roof of which sits a sky lobby which is intended to accommodate a sky bar and restaurant.

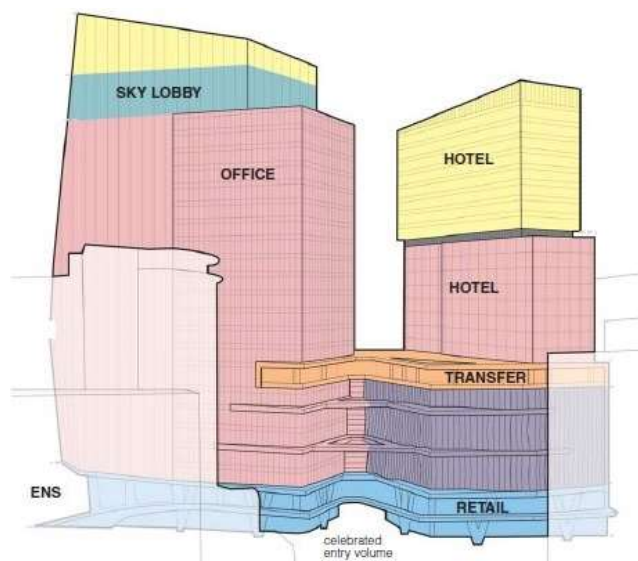


Figure 8: Land use distribution through the building. (Source: DHK).

On the wider portion of the site along Alpha Street, seven levels of structured parking rise above the retail podium, topped by a transition level accommodating the uses related to the hotel offerings that are of a public nature. The two hotels rise above this transition level, eight storeys each. The hotel lobby is located on the ground floor on the Alpha Street/Lower Long Street corner, providing an active edge and a double-volume architectural feature to add interest at ground level.

The proposed development utilises nearly the full extent of 46 000m² of floor space as permitted in terms of the applicable substitution scheme, distributed in terms of land use as follows:

- Retail – 2 047m²
- Office – 28 148m²
- Hotel – 15 445m²

Of the total floor space, 1872m² are in the form of trafficable terraces accessible to the public.

The measurement of floor space in relation to the hotel component has been done in accordance with condition B5.1 of the 1994 rezoning approval, which states the following:

In the event of an hotel being developed on any site, all parts of such hotel shall be included for the purposes of calculation in the total Permissible Floor Area.

5.3. Access considerations

The majority of the ground level interfaces positively with all street edges and incorporates colonnades wherever possible allowing generous space for pedestrian circulation. The three main dominant pedestrian desire lines across the site are accommodated within the proposed relocated pedestrian servitude which traverses across this site and the pedestrian link to the Icon building.

Vehicular access to the proposed basement parking occurs off the existing ramp from Loop Street, which currently provides access to the superbasement below the ENS building and the Protea Hotel building, and emerges in Wharf Street. Access to the above-ground structured parking occurs off Alpha Street. No parking is proposed in the first two storeys of the building so as not to impact negatively on the public realm.

5.4. Parking

Although the site is located in a PT2 zone and the CBD Local Area overlay zone where no off-street parking is required in terms of the DMS, condition B4.11 of the 1994 rezoning conditions of approval requires parking to be provided on site at a ratio of 1 bay per 50m² of floor area used for offices. A parking demand study was undertaken by UrbanEQ and Gibb, the outcome of which is contained in section 8 of the attached Annexure R: Traffic Impact Assessment. The study analysed the current peak parking utilisation ratios for a number of office buildings in the immediate vicinity and parking utilisation trends at various existing hotels, and acknowledges the availability of various modes of public transport and NMT facilities in the area. The study recommends the following parking ratios as being appropriate and not excessive for the proposed development:

- Offices – 3.12 bays per 100m² GLA
- Hotel – 0.3 bays per key

Taking these recommendations into account, the Site Development Plan has allowed for the following in terms of parking provision:

	GRA / keys	Parking Ratio	Bays Provided
Office	26380	3,12 bays per 100m ²	823
Hotel	416	0,3 bays per key	125
Retail	2047	0 bays	0
Total			948

During the design process, various options were explored and workshopped with the City (refer to Annexure T: Pre-submission Consultations) for the nature of parking provision on site. It was agreed that in order to minimise the structured parking above ground, the super-basement option below the site and a portion of Loop Street would be pursued, in spite of the significant cost implications, so as to minimise impact on the public realm. The proposal is to extend the proposed basement parking below Erf 165639 below a portion of Loop Street. This would be contiguous to the existing basement parking below the ENS building which is also owned by Growthpoint. The provision of a larger super-basement as proposed, accessed off an existing ramp directly off the left-hand lane Loop Street, would have the added benefit of moving relocating circulation below ground thus reducing traffic circulation from street / pedestrian level.

The geotechnical viability of constructing the super-basement as proposed has been assessed. Refer to Attachment S: Geotechnical Investigation.

5.5. Required Servitudes

A number of servitudes are required to be registered as part of this application. Plans of subdivision have been submitted (refer to Annexure J: Plans of Subdivision) in order to create the required land portions over which servitudes are required to be registered.

The following servitudes are required to be approved:

- **Over a portion of Erf 165639**, a 7m wide pedestrian servitude in favour of the general public as shown on Plan of Subdivision No. LP-01-01;
- **Over a portion of Erf 165638** (Alpha Street), a 1.5m wide servitude in favour of Erf 165639 for structural support as shown on Plan of Subdivision No. LP-01-02;
- **Over a portion of Erf 158112-RE** (Lower Long Street), a 4.0m wide servitude in favour of Erf 165639 for structural support as shown on Plan of Subdivision No. LP-01-03;
- **Over a portion of Erf 192-RE** (Lower Long Street), a 4.0m wide servitude in favour of Erf 165639 for structural support as shown on Plan of Subdivision No. LP-01-04;
- **Over a portion of Erf 148343-RE** (Loop Street):
 - A servitude for basement parking and ancillary uses as shown on Plan of Subdivision No. LP-01-05;
 - A servitude for structural support as shown on Plan of Subdivision No. LP-01-05.

5.6. Consent for “underground rights”

The portions of Alpha Street, Lower Long Street and Loop Street over which the servitudes described in the preceding section are required, are zoned TR2, in terms of which the only permitted primary uses are public street, public road and utility service. An application is therefore made in terms of s42(i) of the Municipal Planning By-Law for consent for “air and underground rights” for the portions of erven

165638, 148343-RE, 158112-RE and 192-RE over which servitudes are required to be registered for the purposes indicated in the Site Development Plan (Annexure K).

5.7. Future proofing

In recognition of the ever-changing patterns of parking demand in the city and the City of Cape Town's ongoing efforts to improve public transport in Cape Town, the structured parking above ground has been future proofed to allow for easy conversion to habitable space in future. The parking levels have been designed in such a way as to allow for two decks to be demolished and replaced by a single deck resulting in generous floor-to-ceiling heights to allow for an appropriate conversion to office or residential, as demonstrated in the figure below.

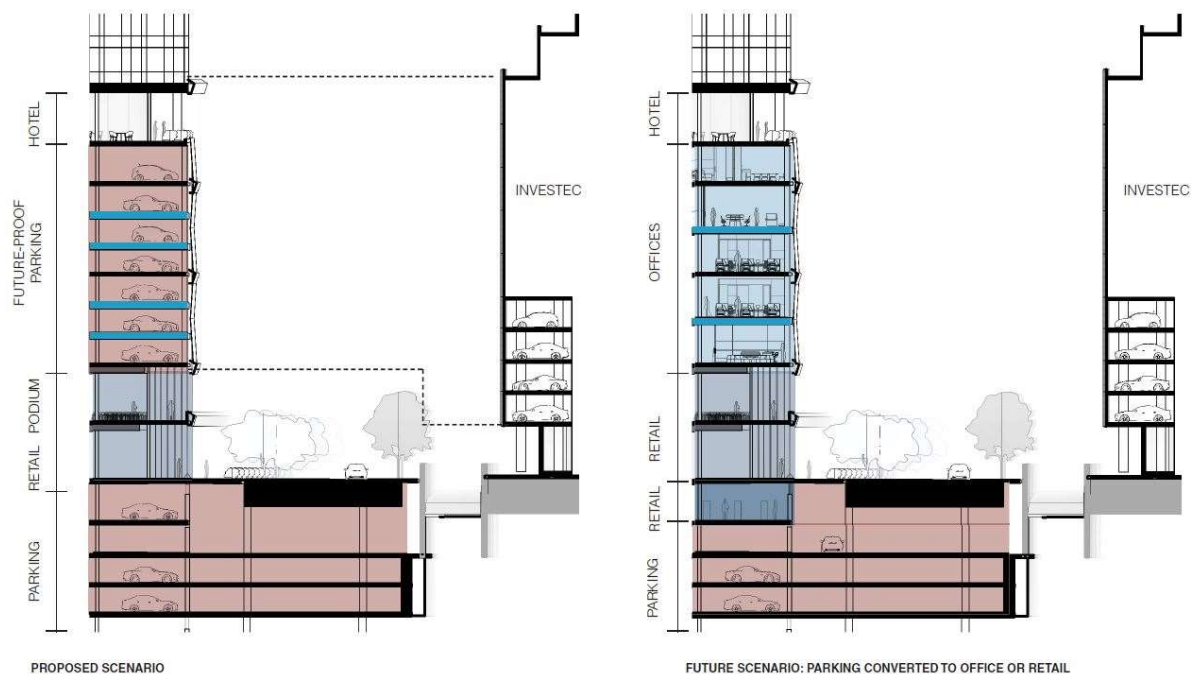


Figure 9: Future proofing of structured parking. (Source: DHK)

Further future proofing has been allowed for in the design of the first basement level below Site B at level LB-1 (which itself does not extend below Loop Street but is effectively a mezzanine parking level), such that it can be converted to a retail space for the likes of Pick 'n Pay as has been done successfully at the V&A Waterfront.

The lower-most level of the basement parking has been designed so that it can be converted to a water storage tank in future if required.

5.8. Green Building Status

The proposed development on Erf 165639 aims to achieve a Green Star SA 5 Star Rating. Some of the interventions that are currently being considered include the following:

- On site waste management: ensure 70% of excavation and construction waste is recycled;
- Learning Resources: installing a screen within the building explaining the green initiatives;
- HVAC system: Using sea water to cool the air in the HVAC system;
- Grey water system: Recycle the shower water to flush toilets;
- On site electricity generation: Photovoltaic system on the facade or roof to generate electricity;
- BMS system: Install as Building management system that allows facility manager and client to track water and electricity usage;
- Outdoor space: a landscaped open piazza for the benefit of the general public.

5.9. Urban Design and Landscaping Proposal

In recognition of the significance of the site in its local context within the old Power Station Site precinct, a detailed Urban Design Framework has been prepared to guide future design responses in this precinct. The Urban Design Framework in turn informs a Landscape Concept Design which deals with the more immediate vicinity of the site, particularly in relation to the ENS and Investec buildings which are also owned by Growthpoint. Refer to Annexure M: North Shore Precinct Urban Design Framework.

The Landscape Concept Design has resulted in a Landscape Development Plan (Drawing No. 01-01-100) approval for which is being sought through this application. The Landscape Development Plan covers the area in the vicinity of Erf 165639 which Growthpoint, being the owners of three buildings in the precinct, intend to invest in so as to significantly improve the public realm to be benefit of the general public that moves through and around the site.

Amongst the various proposals made in the Landscaping Development Plan is the reduction of Loop Street from a three-lane facility to two lanes between the Hans Strijdom Avenue intersection and the Lower Long Street intersection. This is in recognition of the vast volumes of pedestrians who move through the site between the City Centre and the V&A Waterfront. The benefits of this intervention to the public realm are summarised below and are supported from a traffic perspective in Annexure R: TIA:

- There will be a considerable private investment into the precinct. This will greatly improve the public realm in terms of quality as a place, but also in terms of pedestrian movement and in activating the public environment.
- There will be a general reduction in the speed of vehicular movement due to reduced road width and the associated traffic calming mechanisms.
- The lane reduction allows for the addition of a three bay drop & go facility that will service the greater precinct.

- The lane reduction will effectively reduce the pedestrian crossing distance over Loop Street from approximately 11m to 7.5m and thus improve pedestrian circulation through the precinct.
- The lane reduction allows for the addition of a tree line and planting along the Loop Street edge with the ENS building. Currently there is not sufficient space for trees or planting along this edge.
- The above mentioned will also result in a wider pedestrian sidewalk (from approximately 3m to 5m) along the ENS building.

5.10. Services

5.10.1. Civil Services

A Civil Services Report has been prepared for the proposed development and is included in Annexure Q. The report concludes that there is adequate water, sewer and stormwater capacity to accommodate the proposed development, and notes the following in relation to those services:

- **Water** – There is an existing 150mm steel water main on the north-western side of the Loop Street. There is also an existing 375mm water main on the south-eastern side of Lower Long Street. The City of Cape Town confirmed that there is sufficient spare capacity and residual pressure in the water main surrounding the site and the bulk supply to accommodate the additional 190kl/d demand for the proposed development.
- **Sewer** – There is an existing 200mm gravity sewer main in Loop Street falling towards the north-east. This sewer pipe cuts across the north-eastern corner of the site (south-eastern direction) and ties into the sewer main in Lower Long Street at invert level 3.03. There is an existing sewer connection available discharging to the sewer main in Loop Street with an invert level of approximately 3.8. The proposed development is situated within the catchment of in Greenpoint Outfall. The City of Cape Town confirmed that there is sufficient spare capacity in the existing sewer infrastructure and Waste Water Treatment facility to accommodate the proposed development.
- **Stormwater** – There is an existing 450mm concrete stormwater pipe in Loop Street and Lower Long Street, becoming 525mm and then 600mm towards the north-east. The invert levels at the north eastern end of the site is approximately 3.30. There is an existing 2.6m x 2.16m “cold water outlet culvert” extending into the north-eastern corner of the site and falling towards the ocean. It is unclear if this section of culvert is still operational. However, existing stormwater pipes are discharging into the culvert about 60m north-east of the site in Lower Long Street. The site does not fall within the 1:50 or 1:100 year flood line.

5.10.2. Electrical

The electrical/electronic installations design for the building is guided by the requirements of the Green Start SA environmental rating system for buildings. Various green strategies will be adopted, including energy efficient lighting, occupancy sensors, the use of photocells and time switches to control the external façade lighting, power factor correction to improve the measured electrical demand, and the provision of sub-metering in the distribution boards for each floor. Refer to Annexure P: Electrical Report.

The bulk incoming electricity supply to Erf 165639 will be made available by the Local Supply Authority, the City of Cape Town, and will be at a Medium Voltage (MV) 11kV. A new MV (11kV) Switching Room is required to be provided for the Supply Authority. It is proposed that the Switching Room be located on the lower basement level LB-1 at the entrance to the parking area. The existing Switching Stations for the ENS and Protea Hotel buildings are located in the same area. The current proposed position on LB-1 has been accepted by the City of Cape Town.

The electrical load of the proposed development is estimated at 4.2MVA. The City of Cape Town has indicated that the current electrical infrastructure around the site can provide up to an estimated 5MVA to the site.

5.11. Traffic

A traffic impact assessment was prepared for the site to determine the impact of the proposed development on the surrounding network and the impact of the proposed interventions with respect to lane closures and intersections. Refer to Annexure R: TIA. The TIA concludes the following:

- The proposed development will meet the requirements in terms of access spacing and shoulder sight distance
- All intersections within the study area currently operate adequately with the exception of the Lower Long Street / Lower Loop Street / Walter Sisulu Avenue intersection during the AM peak hour
- All intersections will continue to operate adequately after the commencement of the proposed development, except for the Lower Long Street / Lower Loop Street / Walter Sisulu Avenue intersection during the AM peak hour
- Access to public transport facilities from the proposed development and the provision of NMT facilities can be considered to be excellent
- Pedestrian activity in the study area is currently high and is expected to increase further in future as a result of numerous developments in the CBD.

The following recommendations are made:

- The northern most lane along Lower Loop Street, between Hans Strijdom and Wharf Street, be converted into a sidewalk, thereby reducing the total number of lanes from three to two
- The geometry for the Loop Street / Hans Strijdom Avenue intersection be amended so that the shared through and right lane on the south-western approach, be converted to a dedicated through lane to better accommodate future traffic flows
- The lane allocation and signal phasing of the Lower Long Street / Lower Loop Street / Walter Sisulu Avenue intersection be altered to improve the operation of the intersection.
- The upgrade of the Lower Long / Lower Loop / Wharf / Cullinan intersection. This upgrade will adversely affect pedestrians and is, therefore, not recommended. However, ultimately the City of Cape Town's Transport and Urban Development (TDA) officials must decide whether or not to implement this upgrade.
- Off-street parking be provided as follows:
 - 3.12 bays per 100m² GLA for offices
 - 0.30 bays per room for hotel
 - Nil bays for line shop retail
- Disabled parking be provided in accordance with the Municipal Planning By-law
- Pick-up/drop-off bays for the hotel be provided at a ratio of 0.02 standard bays per key (or room), and that it be a multi-use space for coaches, shuttles and taxis.

6. MOTIVATION

6.1. Motivation for amendment / deletion of previous conditions of approval

The conditions that arose from the rezoning approval of 1994 and its subsequent amendment resulted in a particular envelope with respect to Site B, which is stocky, bulky and limited to a height of 55m and no longer appropriate in the Northern Foreshore context. The thinking at the time that the conditions were imposed in the mid-1990s was clearly superseded by the 2011 Central City Development Strategy and the subsequent 2012 Table Bay District Plan, both of which see the Northern Foreshore as the zone where the tallest buildings in the city should be located.

This current development proposal has positively responded not only to the guidelines with respect to building height contained in these policies, but also the guidelines with respect to urban design and tall buildings as demonstrated in Annexure M: North Shore Precinct Urban Design Framework and Annexure N: Design Motivation for Proposed Mixed-Use Building.

In order to allow for the proposed development, this application seeks to amend various conditions of approval by removing any reference to Block B from them and to delete various others which prescribe the development parameters that are applicable to the site, with the exception of permissible floor space. The intention of this is to replace the development parameters that apply to the site with the new Site Development Plan that has been submitted for approval, which will greatly simplify the rules that apply to the site without making them any less stringent.

Condition A5.1 of the 1995 subdivision approval required that servitude rights of way be registered over certain parts of the perimeter of the site of widths varying between 2.5m and 3.0m, the intention of which was to create colonnaded spaces from pedestrians to move through. This condition was subsequently amended by condition 3.1.1(a)(i) of the 1996 approval of the subdivision amendment. This application seeks to amend condition 3.1.1(a)(i) to remove any reference to Block B so as to allow the Site Development Plan to dictate the treatment of the building's interface at ground level. The Site Development Plan allows for very generous colonnaded pedestrian spaces around almost the full perimeter of the building, which is an improvement on what condition A5.1 originally intended to achieve. The poor response to this condition is evident in a number of the existing buildings in the precinct which have dead facades behind large colonnades that obstruct rather than facilitate pedestrian movement.

6.2. Motivation for parking provision

An empirical parking demand study informed the provision of 948 parking bays to serve the proposed development with detailed justification provided in the TIA in Annexure R. Although the site and the CBD are relatively well served by public transport, the reality is that the public transport network across the City is not adequately extensive to allow future employees working in the building to access their

place of employment conveniently and reliably without the use of private vehicles. Besides being limited in its span across the City, the current public transport system is unreliable in respect of rail and inconvenient, and residents from particularly the low density northern suburbs are not serviced by public transport at all. Nor is it on the long-term horizon to serve large parts of the City with public transport. Failure to provide parking for the proposed development would result in the commercial failure of the building.

Cognisance is taken of the fact that the public transport offering in Cape Town may improve in time by future proofing the design of the parking levels, both above and below ground, to allow for their future conversion to residential or commercial space as parking demand drops.

6.3. Motivation for height and setback departures

Various departures are required from the height and setback parameters that apply in term of the GB7 zone. This motivation has demonstrated that the proposed form of the building is desirable and responds appropriately and positively in terms of urban design in relation to the immediate and broader context. In order to allow for the proposed built form as extensively motivated, the various departures as applied for are required.

6.4. Motivation for amendment of restrictive condition

Condition A4.1 of the 1995 subdivision approval was that a servitude in favour of the General Public be established across Block B, dividing the site into two development portions, being Blocks B1 and B2. The servitude was created and is described in condition VI.B.1. of the title deed [REDACTED] which reads as follows:

“The figure C1abB1 on Diagram SG No. 2416/1996 annexed to Certificate of Registered Title No [REDACTED] represents a servitude area 10.0m wide, being a servitude right of way in favour of the general public to allow for a pedestrian and vehicular thoroughfare.”

Application is made in terms of s42(j) to delete the condition of approval A4.1 of the 1995 subdivision approval relating to the servitude, and in terms of s42(g) of the Cape Town Municipal Land Use By-Law to amend title deed condition VI.B.1. of the title deed [REDACTED] as follows:

“The figure ... on Diagram ... represents a servitude right of way in favour of the general public to allow for pedestrian thoroughfare.”

As noted previously, an application is in the process of being made to the High Court to cancel the servitude in favour of the general public described in the title deed condition VI.B.1. Once this process is concluded, a new Servitude Diagram will be prepared for the realigned access servitude prior to planning authorisation being issued by the City.

The extensive urban design exercise that has informed the design of the proposed development recognises the importance of the pedestrian link represented by the servitude, but also takes cognisance of other equally and potentially more important pedestrian links across the site which have come into existence since the original rezoning and subdivision. The outcome of this exercise is that two main drivers require that the servitude in favour of the General Public be re-aligned:

- In addition to the pedestrian route through the Virgin Active building, represented by the current alignment of the servitude, there are two additional pedestrian links which the design of the building seeks to retain, as shown in the figure alongside. The link from the MyCiti trunk station on Hans Strijdom Avenue through the site to the V&A Waterfront, which is a particularly prominent pedestrian route, as well as the link through

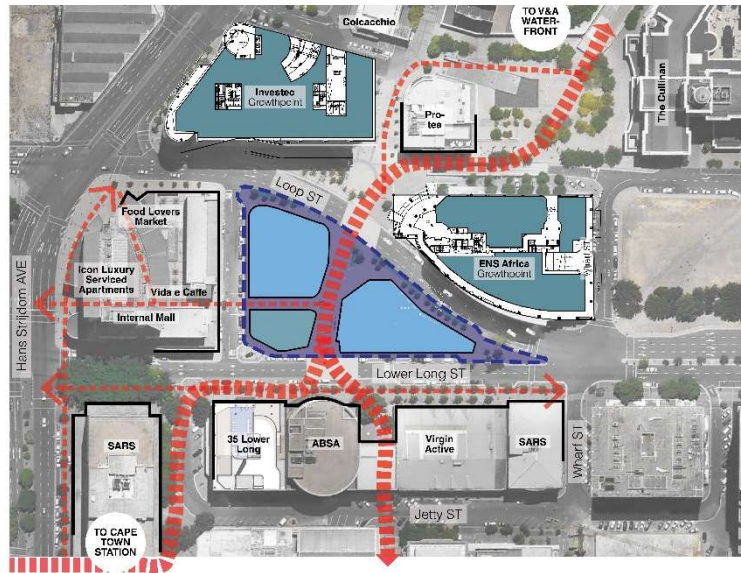


Figure 10: Pedestrian desire lines across Erf 165639.

the Icon Building. In order to accommodate all three pedestrian links more effectively, the proposal allows for a re-aligned route along a more central line through the site.

- The current location of the servitude creates a large Block B1 and a very small Block B2, which is problematic from a massing perspective as it would effectively result in one over-scaled development on the site, whereas the current proposal aims to achieve a finer-grained massing across the site. This would be a far more sensitive urban design response but requires the re-alignment of the servitude as proposed in order to create a larger development portion on the northern side of the site. In doing so, and as set out above, this better accommodates pedestrian movement.

It is important to note that the proposal ultimately is to re-align the pedestrian servitude in favour of the General Public in a more appropriate position, rather than to eliminate it. The re-alignment is merely a shift of the servitude position of less than 25m towards the Alpha Street / Lower Long Street intersection.

It is also important to note that the site has been vacant since the decommissioning of the power station more than two decades ago and has been utilised as a parking area. Although the servitude has existed in terms of an approved SG diagram, it has been indiscernible to the general public on the ground. As such its re-alignment would simply be a procedural matter and would not impact the general public's amenity in any perceivable way.

Although the current servitude is also for vehicular movement, the implementation of an additional road in this location would not improve, and may even impede the vehicular flow in the movement network around the site.

6.4.1. Motivation w.r.t. s39(5) of LUPA

Section 39(5) of LUPA requires that the decision-making authority have regard for various considerations, as set out below, when considering the removal, suspension or amendment of restrictive title deed conditions. Motivation for the removal or amendment of the relevant conditions as proposed in this application is provided under each section below.

a) Financial or other value of rights enjoyed

The proposal is ultimately for the re-alignment of the pedestrian servitude, rather than its cancellation. Therefore, there would be no material negative impact on the rights currently enjoyed by the general public. In fact, it would improve the value to the general public by facilitating pedestrian movement from the MyCiti trunk station on Hans Strijdom Avenue and the Cape Town Central Railway Station through the site to the V&A Waterfront, which are particularly prominent pedestrian routes, as well as the link through the Icon building.

b) Personal benefits accruing to the holder of rights

The benefits to the general public that would accrue as a result of the proposed development and servitude re-alignment would be ability to enjoy moving through a high-quality urban environment that provides active street edges directly onto the re-aligned servitude area and protection from the elements. Furthermore, the re-alignment of the servitude as proposed would result in a far more desirable urban form of the building that is proposed than that which is possible in terms of the current development envelope.

c) Personal benefits accruing to the person seeking removal / amendment of condition

Should approval be granted for the re-alignment of the pedestrian servitude, Growthpoint will be able to develop a building in a manner that not only meets their commercial needs, but responds far more positively to the surrounding urban environment than what the current servitude alignment would allow.

d) Social benefit of restrictive conditions remaining in place

There is absolutely no social benefit of the restrictive condition remaining in place in its current form. The application seeks merely to re-align the pedestrian servitude in a way that better serves the dominant pedestrian desire lines that traverse the site, rather than for its outright cancellation.

e) Social benefit of removal of restrictive conditions

The social benefit of the proposed re-alignment of the pedestrian servitude is a better response to the dominant desire lines which currently traverse the site and the high-quality environment which will replace the existing car parking.

f) Whether removal will completely remove all rights enjoyed by the beneficiary, or only some of those rights

It will not remove all of the rights. The amendment of the condition as proposed would only remove the small section of the public who are vehicle owners' right of vehicular access across the site, but it has been demonstrated that this hypothetical vehicular access is neither necessary nor desirable. The proposed re-alignment of the pedestrian servitude would improve the rights currently enjoyed by the general public by better responding to the dominant pedestrian desire lines which currently exist and by providing a high-quality environment with which to engage.

6.4.2. Motivation w.r.t. s47 of SPLUMA

Section 47 of SPLUMA requires that a decision by a Municipal Planning Tribunal to remove, amend or suspend a restrictive condition be effected in accordance with s25 of the Constitution, with due regard to the respective rights of all those affected, and to the public interest, and in the prescribed manner if such removal, amendment or suspension will deprive any person of property as contemplated in s25 of the Constitution.

It has been demonstrated that the rights of the general public will not be materially affected by the re-alignment of the pedestrian servitude as proposed, nor will the proposed amendment of the relevant title deed condition result in the deprivation of any person of property. The proposed re-alignment will in fact result in a significant improvement of the rights currently enjoyed by the general public.

6.5. Desirability of the proposed development i.t.o. s99 of the MPBL

6.5.1. Socio-economic impact

Erf 165639, despite being one of the most strategically located pieces of land in the Cape Town City Centre, has been severely underutilised for decades. The proposed development would result in the creation of nearly 46 000m² of additional economically productive space in the CBD, contributing significantly to City's economy and the generation of employment both during construction and after the completion of the development during the lifecycle of the building. The accent on creating a dignified pedestrian environment and, in particular for workers who use public transport into the City and then walk to the V&A Waterfront, also has a positive social impact.

6.5.2. Compatibility with surrounding land uses

The Northern Foreshore is known as the financial and conferencing centre in the CBD. The proposed office and hotel development is therefore entirely compatible with the surrounding land uses. The Northern Foreshore is also identified in the relevant spatial planning policies as the zone that is most suitable for tall buildings. Being at a height of 106m, the proposed building is perfectly situated within this zone. There are a number of existing tall buildings in the vicinity including the Portside and Metropolitan Life buildings, as well as a number of proposed buildings including the Modern, 35 Lower Long and 16 on Bree, many of which are significantly taller than the proposed building on Erf 165639.

The more public retail uses proposed for the first two storeys of the building are in direct response to the need to activate the street edges and to accommodate the realigned pedestrian thoroughfare in an appropriate and dignified way. The colonnaded edges of the building respond to the existing language of colonnades in the precinct.

6.5.3. Impact on external engineering services

Confirmation has been received from the relevant engineering departments that there is adequate capacity to accommodate the proposed development. Refer to Annexure...: Civil Engineering Report. The proposed development aims to achieve a 5-star Green Star rating and in doing so is implementing numerous strategies to minimise its load on municipal services, including investigating the possibility of utilising sea water for the cooling of the building which would result in a significant saving in terms of energy and water use.

6.5.4. Impact on safety, health and wellbeing of surrounding community

The proposed development would result in the full utilisation of a strategically located property in one of the most land-use intensive parts of the CBD. Currently the site is utilised as an informal parking area which is not a dignified space to accommodate the hundreds of pedestrians that traverse the site on a daily basis. The proposed development of the site allows for a generous, high quality pedestrian space that is protected from the elements and facilitates convenient movement through the site and the broader precinct.

The proposal includes the upgrade of the broader urban environment in the area between the proposed building and the ENS and Invested buildings, all of which are owned by Growthpoint. This will be a significant investment that will be for the benefit of Cape Town and its residents and visitors.

The provision of an active retail podium, including restaurant and conferencing facilities, will assist in activating the space not only during the day, but also at night when the area is currently empty of people and unsafe.

6.5.5. Impact on heritage

Although the site does not fall within an HPOZ, heritage considerations within the broader precinct have been taken into account in the formulation of the North Shore Precinct Urban Design Framework and the Landscape Development Plan. There are no elements of heritage significance on the site itself.

6.5.6. Impact on the biophysical environment

The site is located in the City Centre, which is an urban environment without any environmentally sensitive elements in the immediate vicinity. Numerous measures will be adopted in the implementation of the building in its aim to achieve a Green Star rating, which will reduce the impact of the development in terms of its reliance on municipal services and therefore on the biophysical environment.

6.5.7. Traffic, access and transport related considerations

The TIA has shown that the proposed development can be adequately accommodated within the surrounding road network. The provision of a super-basement for parking aims to mitigate the impact of circulation at grade and improve the urban form in relation to the public realm. The proposed development aims to balance the interests of vehicular and pedestrian movement needs around the site by proposing the reduction of width of Loop Street by one lane.

6.6. Impact of the application on existing rights

The proposed development aims to utilise the remaining 46 000m² of floor area that were granted in terms of the 1996 rezoning amendment approval, therefore no additional rights with respect to floor area are being sought.

The application does seek significant additional height but has been shown to be entirely aligned with the relevant spatial planning policies which advocate for tall buildings in this zone. The motivation provided in terms of the Tall Building Policy (refer to Annexure N: Design Motivation for Proposed Mixed-Use Building) demonstrates the various measures that have been adopted in order to mitigate the impact of the building in terms of its built form and massing, including splitting the development into two separate slender towers and articulating its profile.

Although the Icon building across Alpha Street is likely to have its views across the site impacted, given the policy direction with respect to this zone and the recent approvals of buildings significantly taller than that currently being proposed in the area, an expectation related to views could not be regarded as an “existing right”. It should be noted that the existing permissible height on Block B is of the same order as that of the Icon Building, so any development on Block B even within its current rights would have had a similar impact on the Icon building.

6.7. Alignment with Policy

The proposed development is entirely in alignment with all spatial planning and urban design policies that apply, as has been demonstrated in depth in section 4.7 of this application.

7. CONCLUSION AND RECOMMENDATION

The proposed development represents a significant investment in the Central City and the full utilisation of a strategically located site which has been vacant for decades. It will contribute significantly to the local economy, as well as in terms of employment creation both during construction and once the building is ultimately tenanted.

As a tall building in its urban context, the proposed development has responded positively to the opportunity presented by this strategic site and will ultimately enhance the quality of the public realm and be an asset to the city's skyline.

For the reasons set out in this motivation, we recommend that this application be approved.