Press Release

BoKaap Civic and Ratepayers Association on the Public Hearing held 09 February 2019

“Almost, but not quite there yet: Bo Kaap concerns on City’s Proposed HPOZ Guidelines on heritage protection.”

The BoKaap Civic and Ratepayer’s Association is grateful that the HPOZ is finally moving forward after a three-year delay in the former Mayor’s office. We give thanks to all our community members who have braved rain and wind, day after day to stand on the streets protesting the lack of heritage protection.

We request that the HPOZ is approved immediately, and at the same time we demand assurances around our concerns. As set out in the City’s HPOZ guideline document (page 5) we look forward to partnering with the City’s officials to work on the:

“specific provisions in terms of the DMS [Development Management Scheme] (which) must still be developed and implemented after the designation of the HPOZ.”

It is important that the broader community of Cape Town, South Africa and internationally understands that it is not the heritage value of private houses or individual properties that are at immediate risk in Bo-Kaap: they have always been protected by the Heritage Act of 1999; and, building plan applications for heritage houses have always been submitted to the heritage authorities. So, the Proposed HPOZ does not change much of the status quo.

The most pressing and immediate concerns of BoKaap residents are the high-rise developments currently in progress (eg: 117 Strand St, 40 Lion Street), the developments that are not yet built yet approved (eg: Monster Building on Rose St and Buitengracht St), as well as any future high-rise developments within the BoKaap boundaries. High-rise developments are allowed in terms of the current Zoning Scheme (now called the DMS). Residential properties with zoning reference GR4 are allowed to reach up to a staggering 8 to 9 storeys (24m), Commercial properties 8 to 9 storeys...
business properties can go as high as 12 to 20 storeys (60m), with zoning references of Mixed Use 2 (MU2) and Mixed Use 3 (MU3) respectively.

These development rights – currently part of the proposed HPOZ within the Development Management Scheme (old Zoning Scheme) – is at odds and out of place with the heritage character and culture of the Bo Kaap.

High-rise developments in the Bo Kaap have caused deep distress within the community, particularly over the last few years with applications for these kinds of developments have accelerated at an alarmingly pace.

The Bo Kaap social and cultural environment will remain at high risk unless more detailed height and development restrictions are introduced and legislated as part of the HPOZ.

As formulated, the current version is in contravention with the spirit and intent of the HPOZ. This can be seen through the way the City has implemented the Observatory HPOZ where the HPOZ has not provided any protection against the inappropriate heights and insensitive and extractive development.

It is of great and grave concern to the Bo Kaap community to hear the Mayor announce at the Public Hearing on Bo Kaap HPOZ on Saturday, 09 February 2019 that development rights will not be restricted.

The statement – repeated twice in the course of the same day on Saturday – is at odds with the City’s current proposed HPOZ document for Bo Kaap, which clearly states on page 14 (emphasis on the word “may”):

"An overlay zone may vary the development rules or use rights relating to a property or area, or may set new development rules or use rights."

The next sentence on page 14 in the same document goes on to say:

“The provisions of an overlay zoning may be more restrictive (or permissive) than the provisions of the base zoning.”

In other words, contrary to the Mayor’s pronouncement on Saturday, development rights may indeed be restricted, and are not subject to an arbitrary decision by any individual or administration (as seen in the recent past).

Bo-Kaap buildings are in the vast majority are 1 to 3 storeys, and the community looks forward to an HPOZ that includes additional Special Provisions regarding appropriate, maximum permitted heights across the whole of the Bo-Kaap.

The Bo Kaap Civic and Ratepayers Association, as mandated by the Bo Kaap residents, looks
forward to working closely with the City to develop a “living” HPOZ that has provisions for ongoing policy development that reflects the heritage protection desires, aspirations and demands of Bo Kaap residents and respects the dynamic social and cultural context of the area.

END

Statement released by the Bo-Kaap Civic and Ratespayers Association.