



DATE:

REPORT TO: PORTFOLIO COMMITTEE: SPATIAL PLANNING AND ENVIRONMENT
SUBCOUNCIL 16

1. ITEM NUMBER

2. SUBJECT

BO-KAAP LOCAL SPATIAL DEVELOPMENT FRAMEWORK:
RECOMMENDATION FOR APPROVAL

ONDERWERP

PLAASLIKERUIMTELIKEONTWIKKELINGSRAAMWERK VIR DIE BO-KAAP:
AANBEVELING VIR GOEDKEURING

ISIHLOKO

ISAKHEKO SOPHUCULO LWAMABALA ENDAWO SASEBO KAAP: ISINDULULO
SOKUBA SIPHUNYEZWE

3. DELEGATED AUTHORITY

Portfolio Committee:

In terms of the **System of Delegations** adopted on 21 March 2021, resolution **C06/12/21**:

Part 7, Section (3) "To develop and review policy, and recommend the same to Council."

This report is FOR COMMENT AND SUPPORT BY

- Committee name** : Spatial Planning and Environment
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Council

Making progress possible. Together.

Subcouncil 16:

In terms of the **System of Delegations** adopted on **21 March 2022**, resolution **C06/12/21**

Part 25, section 5:

“(1) To comment on by-laws and policies of Council within the timeframes advertised and submit comments and objections to the Executive Mayor together with the Mayoral Committee for submission to Council.”

Part 25, section 8A:

“(2) To recommend to Council the adoption of a draft district spatial development framework, draft local spatial development framework or amendment thereof, in terms of section 14.”

This report is FOR COMMENT AND SUPPORT BY

- Committee name :
- The Executive Mayor together with the Mayoral Committee (MAYCO)
- Subcouncil

4. DISCUSSION

4.1 Purpose of the Report

This report is to inform the Portfolio Committee and Subcouncil of the finalisation of the Bo-Kaap Local Spatial Development Framework (LSDF) and to obtain comment and support so that these proposals can be used to guide development decision making going forward. The report is also to obtain support for the responses to the comments obtained during the Public comment period and to request that the Bo-Kaap LSDF be recommended for decision by Council.

4.2 Background

Bo-Kaap is one of the oldest residential neighbourhoods in South Africa and one of Cape Town’s most treasured cultural heritage areas. In 2019 the City’s Heritage Protection Overlay Zone was extended to include the Bo-Kaap area. The aim of developing this LSDF is to provide the spatial guidance and vision for Bo-Kaap’s future, holding heritage as a key element of the framework and working towards more co-ordinated planning.

4.3 Process for drafting the Bo-Kaap Local SDF

The LSDF was initiated to coincide with the Development of Heritage Specific Provisions which are being developed to ensure heritage conservation efforts in the Bo-Kaap are consistent and easy to apply. The LSDF was initiated to ensure a balance of considerations of both the Heritage of Bo-Kaap and the future needs of Bo-Kaap residents and affected parties.

A baseline analysis report allowed for consideration of the changing trends affecting planning in the Bo-Kaap area. See Annexure 4.

Therefore the LSDF set as objectives the need to guide development and identify spatial opportunities and constraints and aims to enhance the character, functioning and urban growth in the area.

Simultaneously the Urban Catalytic Investments department initiated a planning process for the Foreshore Gateway Precinct which the Bo-Kaap LSDF has taken into consideration.

Inputs were invited from City line departments through a Project Management Team composed of the following line functions:

- Community Services and Health
- Parks and Recreation
- Urban Sustainability
- Urban Design
- Development Management
- Environmental Management and Heritage
- Development Management
- Urban Sustainability
- Policy and Strategy
- Human Settlements
- Infrastructure
- Transport/Mobility
- Stormwater Management
- Resilience
- Urban Catalytic Investments

One-on-one meetings and workshops with various line departments further supplemented these engagements

A public participation process, described in Annexure 2 was undertaken to solicit input to the LSDF.

4.4 Contents of the Bo-Kaap Local SDF

Annexure 1 Presents the Bo-Kaap LSDF report.

4.4.1 Vision

The Vision for Bo-Kaap was developed with consideration of the inputs made during the public participation process and the strengths and opportunities in the Bo-Kaap with an emphasis on inclusion, acknowledging the need to ensure a sustainable community and noting underutilised vacant land opportunities.

The vision statement is as follows:

'Bo-Kaap is a vibrant area with a strong history which makes it a treasured place in the City. The residents and the varying components which frame this living heritage site are connected to one another and its surrounding areas in a safe and efficient manner. Bo-Kaap is a space whereby positive interactions between inhabitants, economic markets and the natural environment co-exist in order to ensure a healthy and inclusive place.'

4.4.2 Main Spatial Ideas

The Bo-Kaap Local SDF Report is contained in Annexure 1. The SDF concept is supported by the following four main spatial ideas and strategies:

- ***Utilizing vacant & underutilized strategic land parcels to provide dignified living experiences and future housing opportunities*** the Bo-Kaap Quarry sites as well as some of the public buildings in the Bo-Kaap are underutilised and derelict, but provide great opportunity to take advantage of tourism interest in the area and provide community facilities and limited edge development. Areas of the deproclaimed road scheme on Buitengracht Street are being investigated for their development potential for affordable housing through the Gateway process and the sites if developed to their potential can add around 475 of units.
- ***Leveraging environmental opportunities, creating a sense of place and preserving identity and culture*** The LSDF promotes enhancing the sense of

place in the Bo Kaap, connecting the urban, cultural and natural destinations in a legible environment that is easy to understand for visitors.

- ***Integrating Bo-Kaap with surrounding areas through improved linkages and a more legible movement system*** Connections between the Bo Kaap, De Waterkant and the CBD can be enhanced, promoting non-motorised transport access and traffic calming to ensure pedestrian safety. Wayfinding in the area can help visitors to interpret the area.
- ***Strengthen Economic Vitality*** The LSDF promotes a concentration of economic activity in key areas, in particular, Buitengracht and Wale Street, and around the Civic node in the Bo Kaap.

4.4.3 Precinct Area Guidelines

The detailed Bo-Kaap area guidelines address the following:

Precinct 1 provides guidance to the area along Buitengracht Street, giving details for the appropriate development of remaining under-developed City owned land and including guidelines on appropriate heights and interfaces with the neighbouring heritage buildings.

Precincts 2, 4 and 5 provide guidance to the residential areas, sensitive infill development and the highest priority areas for the conservation of architectural heritage.

Precinct 3 provides guidance for the development of the Quarry sites and the Magazine site, with a focus on making these sites a usable part of the tourism fabric of the Bo Kaap.

4.5 Policy Alignment: Alignment of the Bo Kaap Local SDF proposals with the CTMSDF and Table Bay District SDF

The CTMSDF adapted the previous Cape Town SDF (CTSDF) and the Built Environment Performance Plan (BEPP) spatial logic and in so doing established an Urban Inner Core (UIC). The Bo-Kaap local area is located within the UIC, an area that represents the priority development and investment focus for the City at a metropolitan scale. Where infrastructure needs to be upgraded and prioritised to support intensification efforts in support of spatial transformation, budget will be prioritised here. The proposed Local SDF is therefore aligned or consistent with the CTMSDF. The CTMSDF further acknowledges the heritage protection overlay zones, therefore the heritage protection elements of the LSDF are aligned.

The Table Bay District SDF specifically promotes the sensitive interface with the Bo-Kaap heritage area and its conservation as a character area. It further supports the removal of the urban edge around the Strand Street Quarry and Erf 81 in order to allow for sensitive development to occur in these areas. The LSDF is therefore consistent with the Table Bay District Plan.

4.6 Process Considerations

The LSDF has been prepared with consideration given to the draft Heritage Specific Provisions (2021) submitted for the review of the Municipal Planning By-Law. There are some areas where the heritage provisions are not in alignment, however these occurred prior to the public consultation process, where the degree to which the community considered affordable housing to be a priority was not yet known. The proposals for affordable housing on Buitengracht Street seek to provide more units and therefore larger buildings than was possible in the draft Heritage Provisions.

Consensus will be sought with the relevant departments, including Heritage management and Development management prior to the inclusion of heritage provisions in the By-Law. Development management can further assist in determining a key issue resulting from the overlap of two Overlay zones in the Bo-Kaap study area along Buitengracht Street. the CBD overlay zone and the Heritage protection overlay zone have an area of overlap that needs to be resolved to determine the best course to ensure that development along Buitengracht responds more sensitively to the Bo-Kaap context than what has been the case with recent applications. A notable example being 100 Buitengracht Street.

The Foreshore Gateway planning process has been considered in the development of the LSDF, and the LSDF has aligned with the proposals for the City owned land along Buitengracht Street.

The Tourism Development Framework commissioned by Sub-Council 16 and managed by our team has been incorporated into the report and is attached as Annexure 3.

4.7 Public Consultation

Annexure 2 contains a list of the engagements conducted in the finalization phase; the comments received and the responses thereto. Support is sought through this report for the responses to the comments received.

(a) Process followed

The public engagement process for the preparation of the plan included the following invitations and engagements:

- An initial I&AP database was compiled from historic projects in the area and Windeed searches to obtain contact details of land owners.
- The draft LSDF was advertised in the Cape Argus, Die Burger, Atlantic Sun, People's Post and on the City's online platforms on the 1st of September 2021. The statutory public participation period was initially for 60 days, to end on the 31 October.
- To support the community to give comments during the COVID 19 pandemic, an online survey was made available. The Bo-Kaap LSDF was available on the City's "have your say" website for the duration of the public comment period.
- An open house meeting was held on the 12 October 2021 and was attended by approximately 40 members of the public, it took the form of a town hall discussion and exhibition.
- The comment period was extended to the 15th of December 2021 to ensure stakeholders were given further opportunity to comment- this went beyond the statutory comment period.
- At the request of the community members present at the open house, follow up meetings were held with the Tanu Baru trust (11 November 2021) and the Bo-Kaap Civic association and Ratepayers (8 December 2021). SANParks was also engaged directly as a key stakeholder in the area in July 2021.

(b) Comments received and related responses

Annexure 2 and Annexure 2.1 captures the comments received, most of which were made in person and captured as meeting notes. 17 substantive survey responses were completed, and 50 written comments were received during the public process.

The inputs that were received were considered by the drafting team, and the project management team as required. The issues raised most frequently by commenters, were complaints about gentrification and overcrowding, frequent statements regarding the need for affordable housing for the community and the need for heritage protection, inputs on traffic management and public facilities, especially recreational space were also relevant.

The City was requested to follow up on "low hanging fruit" and plans are in place to take forward some of the supported actions in the next stage of the project, which will provide a detailed implementation plan.

Issues were raised in relation to the proposals in Buitengracht street, to release state land for housing development, the reason for the issues stated were that the developments could benefit people from outside the Bo Kaap or be for profit, that they may contribute to

further gentrification or that the development would not match the heritage character of Bo Kaap. Other residents supported the development if it would add affordable housing. The LSDF emphasises that affordable housing would be the focus of development of these particular sites, the Bo Kaap housing list can inform beneficiaries.

Generally, upgrading proposals and heritage protections were supported. The LSDF guides for enhancing the character and heritage elements of the Bo Kaap.

With regards to tourism, two focus areas emerged, the first that the local community should receive greater benefit from tourism numbers. The second, that tourists should have a safe and rich experience in the area. LSDF future implementation proposals and guidelines take cognisance of both these goals.

- 4.9. **Financial Implications** None Opex Capex
 Capex: New Projects
 Capex: Existing projects requiring additional funding
 Capex: Existing projects with no additional funding requirements

- 4.10. **Policy and Strategy** N/A
Legislative Vetting and Policy and Strategy resolved that local SDFs do not enter into the City's policy process and nor do they require legislative vetting which is part of the policy process, as they implement existing larger level spatial planning instruments/policy (District plans and MSDF) that are required to go through the vetting process.

- 4.11 **Legislative Vetting** N/A

Legislative Vetting and Policy and Strategy resolved that local SDFs do not enter into the City's policy process and nor do they require legislative vetting which is part of the policy process, as they implement existing larger level spatial planning instruments/policy (District plans and MSDF) that are required to go through the vetting process.

- 4.12 **Legal Compliance** Yes

- 4.13 **Staff Implications** No

4.14 Risk Implications No

4.15 POIA Compliance Yes It is confirmed that this report has been checked and considered for POPIA compliance.

5. RECOMMENDATIONS

For consideration by Subcouncil 16 and Spatial Planning and Environment Portfolio Committee:

It is recommended that:

- a) Notes the comments received from the external public consultation that was conducted from September 2020 to 15 December 2021 and supports the responses provided by District Planning and Mechanisms, as set out in this report and more fully explained in Annexure 2
- b) The Bo-Kaap Local Spatial Development Framework proposals be noted and supported;
- c) Support that the Bo-Kaap Local Spatial Development Framework be presented for recommendation for approval to Council.

AANBEVELINGS

Vir oorweging deur subraad 16 en die portefeuljekomitee oor ruimtelike beplanning en die omgewing:

Daar word AANBEVEEL dat:

- a) Daar kennis geneem word van die kommentaar ontvang van die eksterne openbare konsultasie wat van September 2020 tot 15 Desember 2021 gedoen is en steun verleen word aan die antwoorde wat deur distriksbeplanning en -meganismes verskaf is, soos in hierdie verslag uiteengesit en meer volledig in bylae 2 verduidelik word;
- b) Daar van die voorstelle vir die plaaslikeruimtelikeontwikkelingsraamwerk vir die Bo-Kaap kennis geneem word en gesteun word;
- c) Daaraan steun verleen word dat die plaaslikeruimtelikeontwikkelingsraamwerk vir die Bo-Kaap voorgelê word vir aanbeveling vir goedkeuring by die Raad.

IZINDULULO

ZeZokuba zithathelwe ingqalelo liBhungana16 neKomiti yeSebe lezoCwangciso lwamaBala nokuSingqongileyo:

Kundululwe ukuba:

- a) Kuqwalaselwe izimvo ezifunyenwe kucetyiswano noluntu langaphandle elathi laqhutywe ukususela ngeyoMsintsi 2020 ukuya kowe15 kweyoMnga 2021 kwaye kuxhaswe iimpendulo ezinikezelwe ngabezoCwangciso lweSithili neeNdlela ezithile njengoko kuqulunqwe kule ngxelo kwaye nangokucaciswe ngokupheleleyo kwisihlomelo2
- b) Makuqwalaselwe kwaye kuxhaswe iziphakamiso ezingeSakheko soPhuhliso lwamaBala eNdawo saseBo Kaap;
- c) Kuxhaswe iSakheko soPhuhliso lwamaBala eNdawo sase Bo-Kaap ukuba kunikezelwe ingxelonkcaza ngaso ukuze kwenziwe isindululo ukuba siphunyezwe liBhunga.

ANNEXURES

- Annexure 1: Bo-Kaap Local Spatial Development Framework Report 2022
- Annexure 2: Annexure 2: Bo-Kaap Local Spatial Development Framework Public Participation Report
- Annexure 3: Bo-Kaap Tourism Development Framework
- Annexure 4: Bo-Kaap Local Spatial Development Framework Baseline Analysis Report

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LEGAL COMPLIANCE

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
- NON-COMPLIANT

NAME		COMMENT:
DATE		
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