

# Did De Lille stall while Bo Kaap developers scored?

By [Steve Kretzmann](#)

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A proposal to declare the Bo Kaap a heritage site sat on former mayor Patricia de Lille's desk for three years, during which time four big developments were approved, according to the Bokaap Civic and Ratepayers Association.



A new development, nicknamed the Monster Building and being opposed by Bo Kaap residents, is mooted to be built just the other side of this block on Rose Street. It is set to be 18 storeys high and would loom over the area pictured. Photo: Steve Kretzmann/WCN

Ward councillor Brandon Golding said former ward 77 councillor Dave Bryant had applied to the City Council in 2013 to have the Bo Kaap put under a Heritage Protection Overlay Zone.

There was a public participation process and the heritage report was ready to go at the end of 2015, said Golding.

But while the report sat on the mayor's desk, at least four major developments in the Bo Kaap were approved, two of which have sparked heated protests by residents.

The developments which were approved were:

- a townhouse complex at the top of Longmarket Street, in the vicinity of the noon gun;
- 117 Strand Street, a 16-storey building which is nearing completion;
- the 'Monster Building', an 18-storey building on 100 Buitengracht Street, which is being opposed; and
- 40 Lion Street, a 12-storey block that sparked protests in November last year.

However De Lille denied that she had delayed the plan. "I'm not involved in the actual processes; it's the municipal planning tribunal," said De Lille.

She said the Spatial Land Management Act which came into effect in June 2015 required the city to establish a planning tribunal with a 50-50 representation of city officials and "people from outside". As mayor she was merely the appeals authority when it came to the planning tribunal.

The Bo Kaap Civic and Ratepayers' Association (Bokra) wants the Heritage Protection Overlay Zone to be applied retrospectively. The heritage plan was finally passed by subcouncil on March 18 and is expected to get full council approval on Thursday, 28 March. While Heritage Protection Overlay Zones are not normally retroactive and only apply to future development once gazetted, Bokra believes residents should not have to bear the negative impacts of possible fraud, collusion, or corruption by city officials.

The association's spokesperson Jacky Poking says they have called on the city to order an independent investigation into why the Bo Kaap heritage zone was not processed for three years.

Poking said the submission for an investigation was made on 9 February, in the presence of Mayor Dan Plato, during an open day for public hearings on the heritage zone held at the Civic Centre. The heritage zone proceeded rapidly through city bureaucracy after De Lille resigned from her post and the DA following a spat with her own party, but the city had to restart the public participation process as the delay meant it was out of date and could be legally challenged.



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## Overwhelming public support

Golding said there was overwhelming public support for the heritage zone, which was "approved with accolades" at the subcouncil. The new public participation process, which closed on 22 February, resulted in 2,298 responses from the public, of which 2,271, or 98.8%, were in support.

There were only six objections, while five supported it with qualifications, and two responses were comments that were neither supportive nor unsupportive.

Golding said he expected it "to fly through" Council this week. "When I took office in 2016 I started asking questions as to what had happened with the process," said Golding. "In the meantime the 'monster building' between Rose and Buitengracht streets was being developed and there was opposition to that. There were court cases and objections and I was told the legal challenges affected implementation, but I don't think that was really true."

He said he had been "pushing through queries" about the heritage process since July last year.

Questions from GroundUp to the city, asking whether a preliminary investigation into the stalling of the heritage zone was being considered, as requested by Bokra, were not answered. The only response was that an update would be provided to council on 28 March. "As such, the city will not comment any further," stated city spokesperson Priya Reddy.

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### Allegations of misconduct

An investigation by lawyers Bowman Gilfillan into allegations of misconduct in the city, tabled in October last year, contains a submission that De Lille instructed the Environmental Management Department not to proceed with the Bo Kaap heritage application but to obtain her approval before commencing with heritage work. Asked whether this was true, De Lille said Bo Kaap was not part of what Bowman's had been mandated by council to investigate. She said the issue of the Bo Kaap heritage plan had been put there by "the white cabal" in the city in order to make findings against her.

She said a separate report by Bowman's had cleared her of wrongdoing, and thus she was fighting the findings against her in court. A court date for early April or May was expected.

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