



c/o: robyn@nu.org.za

RPR/1/20
31/01/2020

By email: district.sdf@capetown.gov.za

To whom it may concern,

RE: NDIFUNA UKWAZI COMMENT ON DRAFT TABLE BAY DISTRICT PLAN BASELINE AND ANALYSIS REPORTS

1. Ndifuna Ukwazi is a non-profit activist organisation and law centre that combines research, organising and litigation in campaigns to advance urban land justice in Cape Town. Our primary mission is to expand and protect access to affordable housing and build an integrated and inclusive city.
2. We work to disrupt the reproduction of spatial apartheid and inequality by compelling government to meet its obligations to use well-located land to provide affordable housing, while simultaneously defending the rights and security of tenure of poor and working-class people who live in rental housing and are being forced out of the city because of rising rents, gentrification and unfair rental practices.
3. Please see attached our comment on the draft Draft Table Bay District Plan Baseline and Analysis Reports.

Yours faithfully,

Ndifuna Ukwazi

Per: Robyn Park-Ross
Researcher

[Sent electronically]

INTRODUCTION

1. In order to maximise and increase the provision of a flexible range of affordable housing options across the Table Bay District (“the District”) through the leveraging of state-owned land as well as private sector development, The Table Bay Baseline and Analysis Reports must provide a clear understanding of the affordable housing needs and pressures across the District.
2. Ndifuna Ukwazi’s submission focuses on:
 - a. the need to articulate the challenges of the District more explicitly in terms of the enduring spatial legacy of apartheid;
 - b. the processes of gentrification, resultant displacement and the impact of this on the living heritage and social structure of urban areas in the District; and
 - c. the need to better articulate the opportunity to use inclusionary housing as a mechanism for the private sector to both produce affordable units while also fostering integration.
3. This submission will first address concerns that cut across all the reports. The comments should be applied holistically across the Baseline and Analysis. After these overarching comments, further comments related to specific Reports will be outlined.

THE LEGACY OF APARTHEID AS A BARRIER TO SPATIAL JUSTICE AND SPATIAL TRANSFORMATION

4. The District Plan does not speak sufficiently to the development principles and spatial transformation agenda of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA). For instance, the discussion about public transport and congestion is primarily articulated in terms of the economic and environmental costs and not in terms of the impact that these challenges have on spatial justice. From a spatial justice perspective, the challenges associated with public transport and congestion disproportionately affect poor and working class people of colour, the majority of whom live on the urban periphery as a result of apartheid spatial planning and are subjected to the longest commutes and highest transport costs. The poor and working class spend more of their limited resources and time on transport to access economic opportunities and social amenities, such as schools, health facilities and basic services. The failure to acknowledge this dimension ignores the depth of the issue and the mandate given by SPLUMA to advance spatial justice.
5. An important aspect in this regard is the need for the Baseline and Analysis Reports to more explicitly articulate the legacy of apartheid. For instance, the Preface Report indicates that the legacy of apartheid town planning lives on in the “expansion of high density, low quality development.”¹ This is a woefully insufficient description of the full extend of apartheid’s legacy and the reverberations that this legacy continues to have 26 years after apartheid. One dimension of this legacy which must be articulated is the

¹ Pg. 5, Preface Report

continued exclusion of people of colour from well-located areas through market forces in combination with government development of state subsidized housing on the periphery.

- Another dimension of this legacy, and central challenge of our city broadly and the Table Bay district specifically, is racial and class segregation. It is essential to include data on the extent and spatial dynamics of this segregation in order to begin to address it. The Adrian Frith Dot Maps below provide a starting point for this understanding, but there is an urgent need to supplement this research with updated information.² It is clear from these maps that especially racial but also class segregation pose serious challenges in the District. The omission of this challenge speaks to the lack of attention given to the social-spatial dynamics across the Analysis and Baseline Reports.

Dot Map of South Africa

by [Adrian Frith](#)

Select displayed data:

- Race
- Language
- Household income

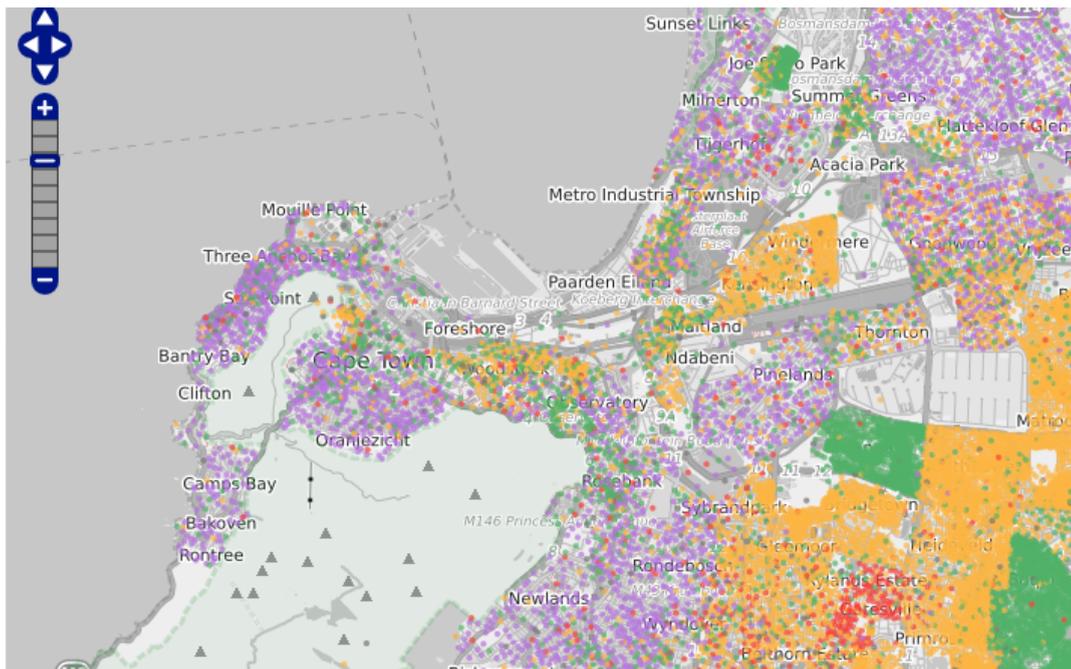
Select background:

- Map
- Aerial photo

One dot = 50 people

- Black African
- Coloured
- Indian or Asian
- White
- Other

From self-identification in Census 2011.



Dot Map of South Africa

by [Adrian Frith](#)

Select displayed data:

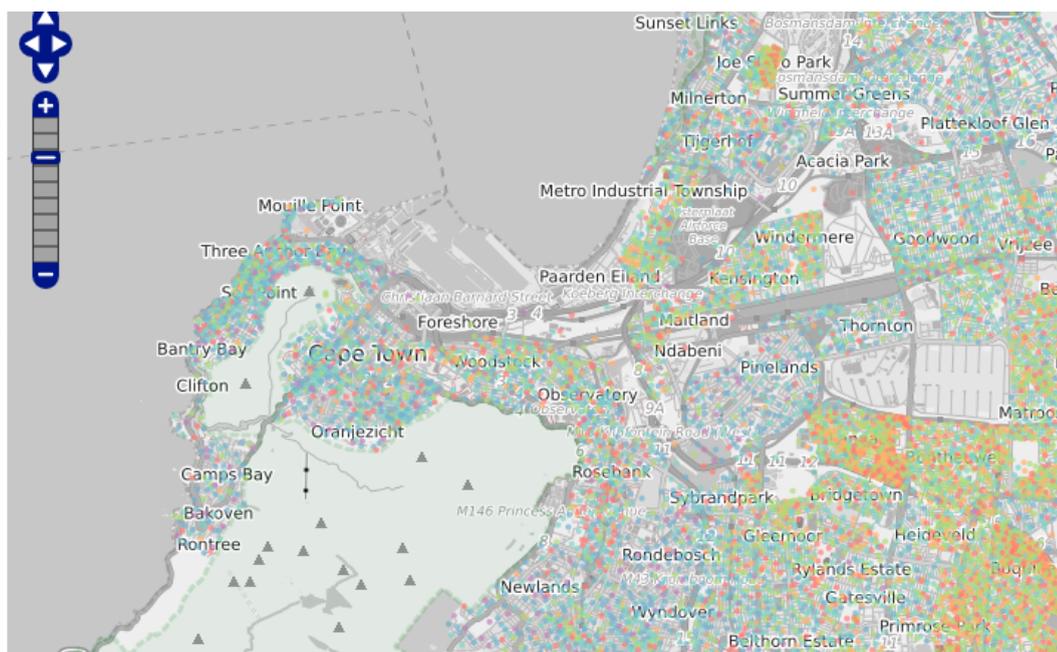
- Race
- Language
- Household income

Select background:

- Map
- Aerial photo

One dot = 25 households

- R0 – R4 800
- R4 801 – R19 600
- R19 601 – R76 400
- R76 401 – R307 600
- R307 601 – R1 228 800
- R1 228 800 –



7. Related to this, there is not a clear enough articulation of the legacy of apartheid in relation to how infrastructure and green spaces continue to segregate the city and maintain the race and class divides illustrated above.³ This is pertinent in the Table Bay District which has some of the clearest examples of divisive infrastructure, such as the complete lack of integration between Pinelands and Langa due largely to the rail line functioning as a buffer. This structural issue must be addressed head on throughout the city (and in this District in particular) if we are to have any hopes of creating a more just city in the lifetime of the District Plans.

GENTRIFICATION AND DISPLACEMENT

8. Across the Baseline and Analysis Reports the process of gentrification and the resultant displacement of long-standing residents is completely invisibilised. If the primary aim of the Baseline and Analysis Reports is to establish the issues and opportunities of the District, the complete omission of gentrification and the negative impacts associated therewith is unacceptable and fails to convey an accurate picture of the District. Gentrification poses a major threat to various established communities throughout the District, with the few multi-racial, mixed-income neighbourhoods in the District being disproportionately affected. This is a systemic crisis that requires urgent attention. It is therefore essential that the Baseline and Analysis Reports are clear on the severity of this trend across areas in the District in order to respond with effective interventions in the planning of these areas.
9. The processes of gentrification have steadily gathered momentum over the last decade and have come to define the reality of many poor and working-class families in areas such as Woodstock, Salt River, BoKaap and Observatory. This is not isolated to one area in the District, it is widespread and therefore *must* be addressed at the District level.
10. An example of this glaring omission is seen in the Land Use Application Trends section of the State of the Built Environment Report. The section is silent on the impact that the “major investment in high-end residential units and business / commercial buildings”⁴ has had on ordinary working class people living and working in the area. If this section is to truly reflect the trends of development in the area, it must speak to the exclusionary developments that are inextricably linked to gentrification and the resultant displacement, relocation and evictions of working-class families from areas like Woodstock. It should be made explicit that the exclusionary nature of “the catalytic developments set to change the Cape Town skyline” has potentially negative consequences for the ordinary Capetonians who have lived and worked in the City for decades.
11. Another example of this omission is the State of the Economy and Property Market Report. Part of the purpose of this report is to identify the best performing property markets in the District and which areas offer the most economic potential. The report is limited to an economic analysis of the Districts property markets. An underlying assumption of the Report is that ‘well performing’ property markets are inherently

³ See Unequal Scenes (<https://unequalscenes.com/south-africa>) for a visual indication of how infrastructure and green spaces function to maintain the racial and class segregation established during apartheid

⁴ Pg. 10-11, State of the Built Environment Report

good. However, this fails to take cognisance of the exclusionary nature of urban land markets and the profoundly negative social and cultural impacts that these markets may have. We submit that the Report must be expanded to include the negative impacts of property markets on ordinary residents in the District.

12. The opportunities section of State of the Economy and Property Market Report indicates that “Table Bay has high scores on the human development index, indicating a combination of qualities which provide opportunities for people to thrive. **There is opportunity to allow more people access to the benefits of this location.**”⁵ We welcome this idea and emphasise the need for the next phase of the District Plans to articulate exactly how the City will enable greater access to the benefits of this location. However, we are concerned that there is no indication of people who have historically had access to this district but are now being pushed out of the area due to the drastic price increases. These drastic increases are indicated in figure 2.7 which shows residential value increases of up to 100% between 2012 and 2018.
13. This trend has resulted in historic residents being pushed out of areas such as BoKaap, Woodstock, Salt River among other areas in the District. In conjunction with planning for how more people can access the opportunities of this District, it is absolutely essential that the City plans for how to protect the access of those who are at serious risk of being displaced through increasing prices.
14. In order to do this, it is crucial to include spatial information on evictions across the District in order to understand the extent and spatial dynamics of gentrification. Without this basic understanding how will the City craft interventions? A considerable issue here is the lack of statistics, data and records of the plethora of evictions that have taken place. This means that the true scale of this crisis is unknown and the City has a responsibility to determine the scale and spatial dynamics underlying this systemic challenge in order to effectively respond.
15. The omission of gentrification and displacement as a serious challenge in the District will lead to the lack of a response from the City. This means that no regard will be given to the desperate need for well-located transitional housing for evictees across the District. See *I Used to Live There*, Ndifuna Ukwazi’s report on the City’s failure to provide well-located transitional housing for those rendered homeless as a result of evictions, for more detail on the extent of the issue and the desperate need for transitional housing in areas experiencing gentrification.⁶

LIVING HERITAGE

16. Directly related to the devastating impact on gentrification and displacement on communities across specific areas in the District is the destruction of the living heritage and social structures of these areas. The cycle of displacement and evictions that are associated with gentrification and the lack of dignified emergency or transitional housing for evictees, undermines and erodes the living heritage in historically important areas such as Woodstock and Salt River.

⁵ Pg. 5, State of the Economy and Property Market Report

⁶ I Used To Live There Report by Ndifuna Ukwazi (attached)

17. Despite the fact that the National Heritage Resources Act 25 of 1999 mandates the state to give due regard to living heritage, the State of Population and Environment Report in its discussion of heritage and cultural significance mistakenly perpetuates and over-emphasises the significance of buildings and physical structures at the expense of any consideration of the significance of people's way of life in defining areas such as Woodstock.
18. This over-focus on buildings rather than people means that across the reports the opportunity to protect the living heritage of the area through ensuring people are not displaced is completely overlooked. This is an opportunity to protect the social fabric, not just built form of significant areas and communities. A meaningful consideration of the living heritage of working-class people in areas such as Woodstock is essential and long overdue.

THE OPPORTUNITY FOR INCLUSIONARY HOUSING

19. The reports allude to the impact of development on residential affordability and the opportunity to use inclusionary housing as a tool to respond to these challenges.
20. For instance, the State of the Built Environment Report notes that the thriving property market "has resulted in a challenge for creating affordable housing opportunities in the area." At the same time it acknowledges that "there is a steady stream of development proposals for even higher buildings and rezoning applications focus on increasing the allowable bulk on sites".⁷ In line with the City's public announcement on 10 November 2019 to develop the inclusionary housing policy draft by 2021,⁸ the District Plan should elaborate on the challenge of affordable housing opportunities articulated above and expand on how private developers' applications for additional rights provide an opportunity to encourage, incentivise or compel developers to contribute to the development of inclusionary housing. This would ensure that inclusionary housing could be used as a mechanism to both generate affordable units within private developments, as well as tackle spatial segregation.
21. The Key Challenges and Opportunities of Land Use and Development Trends section lists as an opportunity that "[t]he area experiences enough demand for high end development to encourage and incentivise the development for Green Buildings and Carbon Neutral Development,"⁹ but is silent on the opportunity that this provides to leverage and incentivise a contribution towards well-located affordable housing by developers.
22. The drafting of the inclusionary housing policy must feed into the drafting of the District Plans in order to give local direction to how the policy will be applied. For instance, this policy may need area specific overlay zones that direct where the policy applies.

⁷ Pg. 5, State of the Built Environment Report

⁸ <https://www.dailymaverick.co.za/article/2019-11-11-cape-town-cbd-a-step-closer-to-affordable-housing/>

⁹ Pg. 16, State of the Built Environment Report

STATE OF THE BUILT ENVIRONMENT REPORT

23. This report indicates that the public sector opportunities for transformation in the District are around the Two Rivers Urban Park, the Athlone Power Station and smaller pockets of state owned land across the district.¹⁰ While we welcome the commitment to use public land for spatial transformation, this excludes multiple substantial sites in which commitments for affordable housing have been made; such as Conradie, the Green Point Bowling Green site, the 11 sites of the Woodstock and Salt River Prospectus, the Foreshore Freeway site and others. The District Plan must clearly indicate these projects in order to give weight to these commitments and provide direction and clarity.
24. It is also essential to clarify the intention to prioritise affordable housing on the sites that are identified in the District Plan. For instance, while Athlone Power Station is indicated as “a mixed use precinct that can significantly enhance the surrounding area by providing a variety of community needs”¹¹ this must be clarified to provide guidance in the next phase of the District Plan.
25. Aside from sites that have already been committed for affordable housing, the District Plan must expand on the further range of public land in this District and how it will be leveraged to provide well-located affordable housing towards a more spatially just city.¹²
26. The District Plan indicates the trend of the rise of micro-units and links it to trends of these units being purchased by investors who often target exclusive rental markets for tourists including Airbnb. It is important to elaborate here on the impact that this has on the rental housing stock available for ordinary residents of Cape Town.¹³ As this is an area specific issue which mainly finds a home in the Table Bay District, the District Plan is an important place to expand on the issue, the full extent of the impact on the people living in Cape Town, and the interventions that can be used to protect renters in the city from being pushed out to make way for Airbnb and other short-term tourism focused uses.
27. Cities around the world such as Berlin, Vancouver and Barcelona¹⁴ are cracking down on services such as Airbnb in response to the devastating effects it has on the local rental market.¹⁵ Cape Town could similarly find innovative ways to minimise the negative impacts on local residents. However, in order to do this it is essential that the negative impacts of these trends are more clearly articulated in the Baseline and Analysis.

¹⁰ Pg. 5, State of the Built Environment Report

¹¹ Pg. 9, State of the Built Environment Report

¹² For an analysis of how the City of Cape Town fails to utilise prime public land to promote access to affordable housing and combat the City’s apartheid legacy, see N Budlender, J Sendin and J Rossouw, City Leases: Cape Town’s Failure to Redistribute Land, Ndifuna Ukwazi Research Report (2019), available at: <https://www.dropbox.com/s/c524q5x89yrtcc/Ndifuna%20Ukwazi%20%28NU%29%20City-Leases-Cape-Towns-Failure-to-Redistribute-Land.pdf?dl=0>.

¹³ Pg. 76, I Used To Live There Report by Ndifuna Ukwazi (attached)

¹⁴ <https://www.citylab.com/life/2018/06/barcelona-finds-a-way-to-control-its-airbnb-market/562187/>

¹⁵ Pg. 76, I Used To Live There Report by Ndifuna Ukwazi (attached)

28. It is noted that Paarden Eiland and other industrial areas in the District are experiencing recent pressure for commercial and residential development.¹⁶ We argue that mixed use intensification is not to be viewed only as a challenge, but also as an opportunity. While a core area could be protected for industrial use only, it is possible to capitalise on the space that industrial functions do not make use of for intensification and diversification of the area.
29. For instance, the nature of industrial uses means that it is unlikely that development will occur above one or two stories, despite the fact that industrial zoning allows for more bulk and height than this. This means that as of right, there is potential bulk that will never be realised by industrial uses alone. Considering the significant pressure for affordable well-located housing, does it not make sense to utilise this unused bulk to compliment the industrial use with residential where-ever possible? The District Plan has an opportunity to craft this intensification in a sensitive and clear way that will allow for mixed use densification while supporting the current industrial use. In this way demand for the diversification of uses in these areas could be seen as an opportunity.
30. In terms of the analysis of Vacant Land, the map provided at pg. 18 is insufficient in providing an understanding of the vacant and underutilised land in the District. Specifically, the analysis of Vacant land completely overlooks publicly owned sites that provide opportunities for the provision of affordable housing. These include large sites such as erf 81, Culemborg, Foreshore Freeway land and more.
31. The section on public transport is wildly optimistic about the dysfunction and challenges of all aspects of the public transport systems and what that means for those that have to commute long distances every day.¹⁷ This is a defining feature of our city and one aspect of the violent legacy left by apartheid and is not to be downplayed. Only by giving an accurate, realistic and reflective account of these issues can the District Plan hope to move towards improving the situation.
32. In relation to the section on demand for state-subsidised housing, we take issue with the methodology of calculating demand for state-subsidised housing in the district. This method focuses only on the number of informal structures plus the amount of people **in the District already** that have registered their need for housing on the City's Housing Needs Registry.¹⁸ To take into consideration only those who are on the City's Housing Needs Registry **residing in the district already** is entirely misleading of the extend of demand for state-subsidised housing in the District. Table Bay is one of the most affluent areas and, as the Reports have articulated, provides access to around a third of the city's economic opportunities. It is therefore crucial that in the planning of state-subsidised housing in the District that sufficient regard is given to the demand of people currently living outside of the District who desire to live in the District and access the opportunities it provides.

¹⁶ Pg. 8, State of the Built Environment Report

¹⁷ Pg. 19-25, State of the Built Environment Report

¹⁸ Pg. 45, State of the Built Environment Report

33. To assume that only those residing in the District already make up the demand for state-subsidised housing in the area is to essentially say that no one outside of the District has the option or right of accessing the opportunities of this District through state housing. Essentially this means a family living in Khayelitsha will never be considered or given the opportunity to live in this District and experience the positive knock-on effects of living close to the biggest employment node in the city with access to high quality schools, hospitals and other social amenities. This would lead to a continued system of excluding people from well-located areas of the city and would result in the unjust spatial structure of Cape Town being entrenched and exacerbated. This methodology also means that the actual demand in this District and the failure of the city to make progress in addressing the housing backlog is vastly under emphasised. Failure to consider the inevitable demand for state-subsidised housing is simply poor planning.
34. In addition, the assumption at pg. 45 that “due to the active property market in the District, some of these opportunities could be provided in part or whole by the private sector” is to deny the reality of the substantial gap between housing that the market provides in this District and what poor and working class (and even middle class) people can afford. This is illustrated earlier at pg. 29 of the State of the Economy and Property Market report which illustrates that “the majority of properties [across the District] showed growth of over 80% with a substantial number growing over 100% in value” between 2012 and 2018. Pg. 47 outlines the role of the private sector in the provision of housing at all income levels. Linking to the section above on the need to be more explicit about the opportunity for inclusionary housing across the reports, it is important to provide clarity to this role of the private sector in specifically contributing to the provision of **affordable housing**.
35. Pg. 47 speaks to a map which “outlines human settlements projects that are in construction, planned..., or pipelined...” yet this crucial map is missing from the document. This is a serious omission that should urgently be addressed.
36. While we support the articulation that the key opportunities for Human Settlements in the District is leveraging state land for affordable housing, the opportunities and constraints outlined for Human Settlements are insufficient in providing a full picture of the reality in the District.¹⁹ For instance, difficulty in accessing public land held by other spheres of government, such as erf 81 and Culemborg should appear as a key challenge. In addition, this section does not speak at all to the need for and lack of emergency or transitional accommodation for evictees, which is a key human settlements challenge or ‘constraint’ in the District. “Land invasion” is listed as a significant challenge but in reality unlawful occupations are a manifestation of the state’s failure to provide well-located affordable housing and redress the ills of the past. An opportunity that should be articulated in this section is for the provision of well-located affordable housing units through the inclusionary housing policy which mandates private developers to contribute to this delivery.

¹⁹ Pg. 48, State of the Built Environment Report

37. Most of the remaining well-located land owned by the City, Province and National Government in Cape Town which should be prioritised for redistribution is used instead for ineffective, exclusive and unsustainable uses which results in it being captured by a wealthy minority, lying empty or being vastly underutilised.²⁰ See Ndifuna Ukwazi's report 'City Leases' for a full account of this issue. This mismanagement of prime public land is a serious challenge in this District, where all levels of government own vast tracts of unused or underutilised land that could play an important role in addressing spatial inequality. Key examples of public land that could be used for the provision of affordable housing are sites such as Green Point Bowling Green, Buitengracht Corridor, Harrington Square and more. This issue must be clearly articulated in the Public Facilities section, most likely in the Key Observations on pg. 65. If this is not identified as an issue, it is unlikely that a strategy to utilise the land towards spatial transformation will be established.

RISK AND RESILIENCE REPORT

38. It is unclear whether this report is the 'spatial synthesis' report mentioned by the Preface document. If so, it is insufficient in capturing the full extent of the risks and resilience of the District. The narrow application of this 'risk and resilience' lens has almost entirely focused on an environmental reading of the District and has excluded social considerations. For instance, a failure to provide affordable housing in the District provides a risk to the social sustainability of the District and will inevitably lead to increased frustration and protest.

²⁰ See the report for an indication of how these sites could be used for the delivery of well-located affordable housing. N Budlender, J Sendin and J Rossouw, City Leases: Cape Town's Failure to Redistribute Land, Ndifuna Ukwazi Research Report (2019), available at: <https://www.dropbox.com/s/c524q5x89yutcc/Ndifuna%20Ukwazi%20%28NU%29%20City-Leases-Cape-Towns-Failure-to-Redistribute-Land.pdf?dl=0>.