

- The outcome of this appeal will have serious consequences for Cape Town. I pray that the Mayoral Advisory Panel will provide appropriate and solid advice. Professionally, the matter is of great import and should be properly debated.

## ACKNOWLEDGEMENTS

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<sup>1</sup> What ICOMOS documents refer to as the concept of 'setting'.

<sup>2</sup> See the UNESCO Vienna Memorandum, for example.

<sup>3</sup> As exemplified by: precedent in other well-known world cities (for example, Toronto); many UNESCO and ICOMOS pronouncements (see References); the National Heritage Resources Act (Act 25 of 1999); and the City of Cape Town Heritage Protection Overlay Zones (HPOZ) that have been (and are being) put in place, following decades of 'Conservation Area' provisions that were exercised as a norm.

<sup>4</sup> The unfolding of then mayor Helen Zille's statement: 'not red tape but red carpet'.

<sup>5</sup> Following the 'Laws of the Indies' practice, compiled by Phillip II of Spain, prevalent at the time.

<sup>6</sup> The professional team of the development proponents comprises: the so-styled Bluegreen Planning and Design (Derek Chittenden *et al.*); the town planner Tommy Brümmer; and the architect Dennis Fabian. The documentation they produced is available at: <https://www.dropbox.com/sh/atepg515s91n9kf/AAAI25XCJq9GhsNH20Pz7rF4a?dl=0>. The author's report on the matter, prepared

at the request of the local civic association is entitled, 'Objections to, Comment on and Representations about, the Proposed Mixed-Use Building Development on Erven 8210 and 144698, Bounded by the Buitengracht, Shortmarket, Longmarket and Rose Streets, Central Cape Town' and is dated 10 February 2016. It is available at: [www.bridgesnotbarriers.co.za](http://www.bridgesnotbarriers.co.za), as is the argument presented at the City of Cape Town Municipal Planning Tribunal hearing of June and, upon the tribunal decision approving the development proposals, the appeal documents lodged with the appropriate authority.

<sup>7</sup> See: [www.bridgesnotbarriers.co.za](http://www.bridgesnotbarriers.co.za).

<sup>8</sup> The City of Cape Town has recently advertised its intention of protecting the conservation of the Bo-Kaap via a Heritage Protection Overlay Zone.

<sup>9</sup> Unless there is effective restructuring there will be increasing social unrest in Cape Town.

<sup>10</sup> City of Cape Town, The Integrated Metropolitan Environmental Policy (IMEP): Cultural Heritage Strategy, 2005.

<sup>11</sup> For an account of this confrontation in the Bo-Kaap, which did lead to at least some physical urban conservation there as a consequence of ID du Plessis's apartheid championing of the 'Cape Malays' and of the 'Malay Quarter' as a distinct racial group and their just habitat, respectively – even if some of the habitat is arguably sanitised and even fake – see Todeschini and Japha, 2004; whereas for the very different conflict landscape story of District Six, where utter destruction was the apartheid aim, see Todeschini, 2008.

<sup>12</sup> City of Cape Town (1987), a report prepared by the very same professional planner (Derek Chittenden) who has been at the forefront of the professional team that has formulated the current development proposals. See pages 46 and 51.

<sup>13</sup> This is in keeping with the recommendations of a maximum 14 metre-height appearing in the City of Cape Town (1987) report.

<sup>14</sup> Prepared by Henry Aikman, one of the very professionals, with Derek Chittenden, who when in the employ of the city in the 1980s recommended 14 metres as the maximum height of buildings in the context.

<sup>15</sup> The author of this paper was a founding member of UDISA and is Honorary Patron thereof.

<sup>16</sup> City of Cape Town (2013) Urban Design Policy, p. 5. <https://www.capetown.gov.za/en/Planningportal/Documents/Urban%20Design%20Policy.pdf>, accessed 27 December 2015.

<sup>17</sup> Currently City of Cape Town policy in this matter appears to be incoherent at best: it could well learn from international best practice on townscape. The author has developed this general argument somewhat elsewhere in a number of papers: see Todeschini, F. 2013 and 2015.

<sup>18</sup> As mentioned, proposals about such constraints were recommended in 1987 by a professional planning team in the employ of the City of Cape Town. See City of Cape Town (1987), a report prepared by the very same city planner who has been at the forefront of the professional team that formulated the current development proposals. In 1987 he specifically recommended a maximum 14-metre height of buildings in the context (where the land was in City Council ownership), whereas the development proposals under review are of a height of 60 metres.

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