

been replaced with modern steel casements. Some mature Palm trees and low stone walls form a terraced garden to the north of the house.

## 4.0 CONSERVATION PRINCIPLES

The suitable commemoration of history and the conservation of sites of cultural significance must take place in accordance with defined principles. The principles laid down in the Burra Charter should apply but in addition cognisance must be taken of the special nature of the Constitution Hill Precinct. This is addressed by four additional site-specific principles that apply to the Western Portion, namely

- **Principle No 1:**

If Constitution Hill is to be financially viable and if heritage conservation is to be sustainable, then conservation policy must take cognizance of the economic forces that are likely to prevail.

- **Principle No 2:**

The Old Fort, Section 4 & 5 and the Women's Gaol are amongst the most important National Heritage buildings to be found in South Africa. The correctness of this assertion is confirmed firstly by the historical study carried out by Elzabe Brink which was commissioned by SAHRA and secondly in the Design Brief for the Constitutional Court Competition. It was because of the heritage buildings on the property and what they symbolize that the site was chosen for the Constitutional Court.

- **Principle No 3:**

Acceptance of Principles No 1 and No 2 implies that if the Old Fort, Sections 4 & 5 and the Women's Gaol (and what they stand for) are to survive and given that outside financial resources are limited and are likely to be even more restricted in the foreseeable future, then the Western Portion should be developed to generate sufficient income to sustain conserved heritage or at least contribute sufficient towards its maintenance to make upkeep affordable.

- **Principle No 4:**

All the buildings which exist on the Western Portion, which are older than 60 years have some cultural significance, derived from a relationship to the important public functions which the hospital and mortuary performed. Nevertheless in terms of Principle No 3 it will not be possible to retain all the buildings which presently exist on the Western Portion of Constitution Hill, albeit that they may have some cultural significance.

## 5.0 CONSERVATION POLICY: THE WESTERN PORTION

### 5.1 *The Western Portion*

- Policy No. 1: The cultural significance of the Western Portion of Constitution Hill (the Western Portion) is recognized.
- Policy No. 2: Cultural significance is derived from the long association which the area has had with two institutions of considerable social importance namely Queen Victoria Maternity Hospital and the Johannesburg Mortuary.
- Policy No. 3: Whilst some of the buildings on the Western Portion are culturally significant, it is the land with its long historical and social connections rather than any building on it which affords the best opportunities to celebrate that history.
- Policy No. 4: It is important that in any future development of the site its history be suitably commemorated and, where there is architectural value, attention be paid to acknowledging this quality.
- Policy No. 5: In the past there were three separate functions which occupied the now to be unified Constitution Hill site. These institutions had little or no functional relationship with each other. For example it is in the nature of gaols that they are secure and separate. If therefore prison personnel used any of the houses situated on the Western Portion of the site, this connection shall be deemed to have no special significance with respect to the conservation of the gaol. Similarly any functional relationship between gaol and hospital or hospital and mortuary is a tenuous one.
- Policy No. 6: The Queen Victoria Maternity Hospital, situated on the north side of the Western Portion, consists of a number of wings of architectural value and by virtue of this, its prominent position and size, it constitutes a landmark in the city. The portions coloured green on Plan Drawing No.2 typify the architecture of the Hospital. These portions will be conserved for their landmark qualities, in recognition of their

Aspects that will be covered in the Site Development Policy Directive are, inter-alia:

- acceptable distances between old and new buildings;

- **Policy No. 11**

It is intended that in addition to every "client's brief" to architects commissioned to design buildings on the Western Portion, there shall be a **Site Development Policy Directive**. The purpose of such a Site Development Policy Directive is to ensure that any new building development on the site conforms to principles that will ensure the integrity of heritage buildings that are to be conserved.

- **Policy No. 10**

Plan Drawing No. 3 prepared by OMM Design Workshop and Urban Solutions shows "landparcels" rather than proposed "footprints" of buildings to be erected on the Western Portion. This drawing is not indicative of the suggested shape of any future building, but merely identifies potential sites for development.

- **Policy No. 9**

Another possibility might be to commission art works that provoke public interest in the history of the place and the services rendered to the public by the many people who worked at the hospital and mortuary for almost a century.

It might take the form of commemorative plaques or in the naming of buildings or the spaces between buildings.

- **Policy No. 8**

In acknowledgement of the significance of the site it is intended that its history be suitably commemorated. Exactly how this will be done has not yet been decided.

- **Policy No. 7**

The Plan Drawing No.2 shows which buildings should remain and which should be demolished. What must remain and what must go is in accordance with the Principles described in Clause 4.0 of this document.

architectural value and because of their sociological and historical significance.

- **Policy No. 18**  
Changes to the interior of the buildings to be retained will be necessary to meet altered functional requirements.

- **Policy No. 17**  
The interior spaces of the buildings to be retained are not distinguished by any special details but there is a consistency of detail and style that is very much of the period. The character of the interior, as opposed to any particular space or detail, is worth conserving.

- **Policy No. 16**  
In the event that any changes to the facades of the buildings to be retained are contemplated, approval for such alterations will be obtained from SAHRA prior to any work being done.

- **Policy No. 15**  
It is not intended that the elevations of the buildings to be retained will be altered.

- **Policy No. 14**  
Buildings, which should be demolished, and those which should be retained are shown on the Plan Drawing No. 2. The buildings to be retained are distinguished by their landmark and/or architectural quality.

- **Policy No. 13**

**5.2 The Queen Victoria Maternity Hospital Site**

The Site Development Policy Directive will be submitted to SAHRA for comment when this has been completed, i.e. prior to development proceeding on site.

- **Policy No. 12**
  - the detail and massing of new buildings to respond appropriately to architectural details and elements which are a significant part of any heritage buildings and which should be seen to advantage and not be hidden;
  - the materials and finishes in spaces adjoining heritage buildings and the detail of these where they meet;

Any social or historical significance that the residential buildings might have derives from their functional attachment to the mortuary which they served rather than any special architectural value. Once the mortuary buildings are demolished, that connection will disappear and their conservation would not be justified.

• **Policy No. 24**

The residential buildings i.e. the apartment building and the house do not have sufficient architectural merit to warrant conservation and the space is required for more intensive development.

• **Policy No. 23**

None of the other Mortuary buildings is deemed to have sufficient architectural merit to warrant consideration and in accordance with Policy No 7 they should be demolished to make way for new developments.

• **Policy No. 22**

A mortuary has been associated with the land on which the existing mortuary stands for almost a century. Its social significance and history should not be underestimated. The most northerly building on the Johannesburg Mortuary site has architectural merit but adaptation to another use would, in the light of its past use, be problematic. It is also obsolete and moreover has been condemned as a health hazard. It should be demolished to make way for new developments.

• **Policy No. 21**

**5.3 The Mortuary Site**

In accordance with Policies No's 3, 7 & 13, not withstanding any cultural significance that the small structures on the Queen Victoria Maternity Hospital site may have by virtue of their being older than 60 years and being adjuncts of the hospital, they shall be demolished.

• **Policy No. 20**

There are a number of small buildings and houses shown on the Plan Drawing No. 2. These structures have no special architectural significance.

• **Policy No. 19**

Such changes as may be necessary to the interior will be carried out in such a way as to be consistent with the architectural style and in keeping with the character of the building to be conserved

## 6.0 CONCLUSION AND RECOMMENDATIONS

- (i) This report is limited to proposals for the Western Portion of Constitution Hill. However cognizance must be taken of the fact that the Eastern Portion is by virtue of its extraordinary heritage component rendered totally devoid of any development potential. This fact must be taken into account when considering how to assess a Heritage Policy for the Western Portion.
- (ii) Any site, after nearly a hundred years of occupation must have cultural significance and the Western Portion is no exception. It needs to be accepted that such value as does exist is less important than that existing on the Eastern Portion. Therefore what needs to be conserved on the Eastern Portion and how the ongoing cost of such conservation will be met has to be understood and accepted if what is worth conserving can be sustained and managed.
- (iii) Arising out of an assessment of the cultural significance of what exists on the Western Portion, how this compares with what must be conserved on the Eastern Portion, and the financial imperatives, SAHRA is asked to issue demolition permits for the buildings coloured red on Plan Drawing No. 2.

**7.0 REFERENCES**

**7.1 Unpublished Sources**

**7.1.1 State Archives: Johannesburg Mortuary**

	Source	Volume	Ref
7.1.1	PWD	1171	2880
			Jhb Mortuary: Additions Forensic Medicine Institute: 1934.
7.1.2	PWD	1171	3/2880
			Jhb Mortuary: Letting of Stables: 1931/1938.
7.1.3	PWD	1171	5/2880
			Jhb Mortuary : Erection of Mortuary: 1937 - 1938
7.1.4	URU	1998	116
			Authorising expenditure i.e.w. Jhb Mortuary: 1942
7.1.5	GOV	1042	PS 11/6/07
			Alleged Irregularities : Jhb Mortuary: 1907
7.1.6	GOV	1120	PS 3/10/08
			Jhb Mortuary: Improvements/ Additions: 1908.
7.1.7	LD	449	AG 2552/03
			Jhb Mortuary : Coach House Stabling: 1903
7.1.8	AGT	122	1326/07
			Jhb Mortuary Additions/Estimate: 1907
7.1.9	LD	1278	AG 2578/06
			Number of Bodies 1.1.06 - 30.04.06
7.1.10	LD	1306	AG 3371/06
			Commission of Enquiry: 1906
7.1.11	LD	1459	AG 2264/07
			Appointment of Ass. Curator: 1907

**7.1.2 State Archives: Queen Victoria Hospital**

	Source	Volume	Ref
7.2.1	URU	237	1199
			Reservation for the purposes of Hospital: 1915.
7.2.2	TFS	15	TA11/3418
			New approach to Hospital: 1911
7.2.3	LD	1149	AG 4783/05
			Stands at Doornfontein (QVMMH): 1905.

7.2.4	TPB	1659	TA 13503	Add ground for QVMH: 1925
7.2.5	LTG	154	135/9	Queen Victoria Maternity Home: 1905
7.2.6	LTG	166	TEL 1463	Request to name wards: 1905.

7.1.3 Police Museum "Volksstem" Building Pretoria

7.1.3.1 "Die Suid-Afrikaanse Regsgeneeskundige Stelsel" File #2704. typescript, no date, no author, circa 1963.

7.1.4 Strange Library, Johannesburg Public Library

7.1.4.1 "Queen Victoria Maternity Hospital", Document No : S Pam 362.11 (j) Que: no date, no author, circa 1945.

7.1.5 Local Government Library, Johannesburg Civic Centre.

7.1.5.1 11th City Council: Minutes of 116<sup>th</sup> Meeting 27.04.1904.

7.1.5.2 11th City Council: Minutes of 119<sup>th</sup> Meeting 08.05.1904.

7.1.5.3 11th City Council: Minutes of 143<sup>rd</sup> Meeting 24.06.1905.

7.1.6 Chief Directorate Surveys & Mapping, Mowbray, Cape Town

7.1.6.1 Job 162; 1941; Strip 11: Photo No 57612

7.1.6.2 Job 314; 1952; Strip No 5; Photo No 44497

7.2 Published Sources

7.2.1 Books

Chipkin, Clive: Johannesburg Style Architecture & Society 1880's - 1960's; David Philip, Cape Town; 1993

Official Souvenir of Johannesburg's 40<sup>th</sup> Birthday, Johannesburg Publicity Association, 22 September 1926, Johannesburg.

Shorren J.R. : The Johannesburg Saga, 1970.

Smith, A. : Johannesburg Street Names; 1971, Johannesburg.

Stark, F. : Seventy Golden Years, Johannesburg, 1956

7.2.2 Periodicals



- 7.3 *Personal Communication*
- "Die Brandwag" 6 August 19776. place of publication unknown.
  - "Justicia" January 1964. place of publication unknown.
  -
- 7.3.1 Dr. Kemp: Retired Pathologist: Johannesburg Mortuary.
- 7.3.2 Prof. Scholze: Professor of Forensic Pathology, Wits Medical School
- 7.3.3 Dr. Patricia Klepp: Pathologist: Johannesburg Mortuary.
- 7.3.4 Superintendent Schoon: South African Police Services.
- 7.3.5 Mrs. F. Bird: Chairman: Parktown Westcliff Heritage Trust.
- November 2001

**ANNEXURE 8.1 (i)**

**HAMLYN • GEBHARDT**  
Quantity Surveyors

**KOOR DINDAR**  
Quantity Surveyors

21 November, 2001

**Revitalization of the Constitution Hill Precinct**

**The Rationale for Financial Sustainability**

Please refer to the "Landparcel Location" Drawing No: 24407-0001 in Annexure 8.2 (iv)

The Johannesburg Development Agency has undertaken the responsibility for the rejuvenation of certain "focus areas" of the City. The environs of the New Constitutional Court complex is one such area.

This Report will demonstrate that (after completion of the capital works) a reasoned basis for financial sustainability of the Precinct has been derived, in terms of which it is essential that the revenue-generating potential of the smaller western portion (less than 20% of the area) of the Site (areas A to E on the drawing) be astutely exploited in the interests of the operating sustainability of the entire Precinct, the predominance of which comprises heritage buildings.

The financial model:

- Addresses the opportunities and constraints of this historic Site, in terms of which new commercial development which (whilst needing the critical mass to guarantee operating sustainability) will be required to respect and defer to the scale and character of the retained existing buildings and the new Court buildings
- Seeks to improve the public profile (and hence the *usability*) of the *retained existing buildings*. This will involve peripheral support / access works and new service retentions; as well as treatment to arrest the deterioration of the structures until refurbishment initiatives are finalized
- Sets out to ensure that *further public funds will not be required* to develop or maintain the Site beyond its reconfiguration as proposed and budgeted for
- Establishes a Precinct-management framework, in terms of which operating revenue from the component buildings, will be used to manage the provision of services, security public open space management, area lighting, etc to the benefit of all buildings equally, within the managed area i.e. The heritage buildings will benefit from the operating revenue generated by commercial buildings.

The existing buildings to be retained are:

1. The Section 4 & 5 Prison
2. The Old Fort
3. The Women's' Gaol
4. The Sub-station

The Precinct shall (from an operating perspective) remain a financially self-sufficient entity  
Broadly, the model is structured using the following features:

**The Financial Model**

1. In executing the capital works, ensure that all (*inter alia*, heritage) buildings within the Precinct are properly bounded, accessed, serviced and secured, to facilitate sustainable operation, making them desirable locations for potential users
2. Configure the surroundings to raise the profile of the Court and heritage buildings in the public eye
3. Arrest deterioration of heritage buildings
4. Develop usage in the commercial buildings that is compatible with nature of the Precinct
5. Upon completion of the approved capital works, apply a financial operating model which seeks to employ operating revenue generated from commercial buildings to the benefit of all (including heritage) buildings

**Principal Objectives**

1. Operators found for the heritage buildings listed above are unlikely to generate revenue that exceeds (or even meets) the servicing of:
  - (1) the cost of refurbishment,
  - (2) the monthly operating costs, and
  - (3) recapitalisation (further refurbishment) costs into the future.
2. The area available for dependable revenue generation to undergird the Precinct, is restricted to the western margin of the Site along Joubert Street; and even there, the adjoining building-retention, fall of ground, access and restriction of scale will be challenges.

**Site Constraints**

1. Operators found for the heritage buildings listed above are unlikely to generate revenue that exceeds (or even meets) the servicing of:
  - (1) the cost of refurbishment,
  - (2) the monthly operating costs, and
  - (3) recapitalisation (further refurbishment) costs into the future.
2. *New development on the remaining portion of the Site must be optimized* (i.e. Desirable rentable area maximized) in order to generate sufficient revenue to preserve the financial operating stability of the Site. Given that any new development will be required to respect (in both scale and character) the existing buildings and Court; this optimization will be a challenge.

Those buildings listed do not readily lend themselves to the generation of revenue sufficient to maintain and service them as operating entities. Whilst innovative means of operating these buildings are being actively pursued, two things remain abundantly clear:

5. The Governor's Residence
6. The Recreation Centre
7. The Recreation Ground
8. The Queen Victoria Hospital; and
9. The two residential buildings relating to the Queen Victoria Hospital

Heritage buildings retained within the Precinct on similar principles to any other component (being entitled to the same servicing benefits)

Commercial buildings will be configured to respect the Court and heritage components on the Site, but gross rentals (including operating costs) will have to be set at levels commensurate with local market conditions in order to attract occupants; and therefore a critical mass of commercial space is necessary, in order to maintain the financial viability of the Precinct.

Whilst the retention of the considerable extent of heritage buildings will burden the model with a margin of overhead; conversely, the following factors should serve to ameliorate that burden:

- (i) Government grant finance for initial capital development
- (ii) Low land availability cost
- (iii) Sponsorship of the refurbishment of heritage buildings
- (iv) Partial application of yields on commercial space to Precinct costs
- (v) Reduced assessment rates for retention of heritage buildings, and internal provision of civic services

### Conclusion

An amount of grant finance has been approved by Government for the capital works necessary to redevelop the Constitution Hill Precinct.

In addition, the Department of Justice has committed certain funds toward the construction of the Constitutional Court complex, which will be handed back to that Department on completion (i.e. it does not represent an opportunity to earn market-related rentals).

The predominant portion of the Site will be occupied by heritage buildings, the Constitutional Court and designated public open space. It is therefore essential to the long-term operating sustainability of the whole Precinct, that the remaining western margin of the Site be sensitively developed with the maximum reasonable area of commercially rentable space.

If – in the context of the considerable endeavours already being made to respect the existing heritage buildings – the development of the revenue-generating component of the Precinct is to be even further limited (by the retention of the relatively minor structures which are planned to be demolished to make way for the commercial development), it is likely that the financial operating stability of the entire Precinct and Constitutional Court will be threatened.

In the context of the grant finance available for capital works, the proposed redevelopment represents an opportunity to simultaneously meet the divergent objectives of redevelopment of an historically important Precinct and long-term financial stability; which – in turn – facilitates the maintenance of these heritage buildings into the future.

## ANNEXURE 8.1 (ii)

### CONSTITUTION HILL TOWN PLANNING PROPOSALS

#### THE CURRENT STATUS

The constitution Hill development comprises the land bordered by Joubert Street in the west, Sam Hancock in the north, Kotze in the south and Hospital Street in the east. Small land parcels on the eastern side of Hospital Street will also be included in the development such as the governor's house and the recreation centre.

The land is situated in the urban renewal zone, where in terms of normal historical planning principles, the properties would be in line for redevelopment. As a result of the historical values of a number of buildings on the site and the fact that the government and the Local Authority own the land, the opportunity arose to combine the redevelopment of the site with the preservation of the historical features.

#### PROPOSED PLANNING ROUTE

The site will be re-developed as an entity, primarily to preserve and maintain historical architectural values and incorporate it into the aesthetics of all the new developments on the site. The developments must have the objective to preserve for the older generations, but also to be feasible and acceptable for the younger generations.

It must furthermore be a practical and useable project, but more important it should be financially viable in the long term. For this reason it is vital that compatible and supportive income producing facets be introduced on the property. The introduction of revenue producing land uses and developments along the western boundary of the site is a further attempt to generate sufficient funds to preserve and maintain the historical features on the site.

As a result of this holistic approach to the development of Constitution Hill, it is the intention to direct and regulate the development in such a way that the future control and maintenance of the entire property can be managed in a responsible manner. This can be achieved by the introduction of a management company for Constitution Hill, to manage all the properties in the total development. (Similar to a body corporate in a sectional title development).

TOWN PLANNER

NICO BOTHA

No development will be allowed on the site unless it complies with all the standards and requirements of the developer or management company. The town planning conditions to be laid down for each property will also regulate the future use of the specific property.

The main objective of the proposed new development from a town planning point of view, will be to provide a framework for development and maintenance of the Constitution Hill site as an entity in order that all the buildings, structures and features are preserved and utilized in the best practical manner, including all the historical buildings.

### OBJECTIVES

- Transfer of properties and premises, either under full title or sectional title. In these instances all the management conditions and regulations will also still apply.
- Transfer of the new erven (court and fort erven) to the new owners, but still with overall management conditions applicable;
- Establishment of the management company for the Constitution Hill development as an entity;
- Introduction of management control measures for the common use areas, roadways and open spaces;
- Application for the establishment of a township on the property, showing the various land parcels as erven, each with specific rights and conditions;
- Consolidation of the various farm portions and erven;
- Authorization for the transfer to one owner or the joint development of the land;

The generic process of the route to proclamation will entail the following basic steps

### PROCESS

## ANNEXURE 8.1 (iii)

### MOTIVATION FOR THE REDEVELOPMENT OF THE WESTERN LANDPARCELS

During the formulation of the Development Framework for the Constitution Hill precinct, the need was identified early on for an income-generating component of the precinct to cross-subsidise heritage components, such as the Old Fort, Section 4&5 and the Women's Gaol. These components have great historical and cultural significance, but due to restrictions on their use necessitated by this significance, opportunities for income generation are limited.

The sites located between the Queen Victoria Hospital and the Women's Gaol on the Western Portion of the precinct were identified as the best option for the location for new development that will satisfy the economic requirements for sustainability of the entire Constitution Hill precinct.

The influences on this decision were as follows.

Firstly, the historical and cultural significance of the existing buildings located on these sites is arguably less than most of the existing buildings located throughout the remainder of the precinct.

Secondly, the location and nature of these sites make them suitable for the type of development proposed, in terms of access, the feasibility of consolidating one large developable site, and physical separation both from important heritage components like the Old Fort and from the new Constitutional Court building.

Lastly, in terms of the overall Development Framework for the precinct, the buildings on these sites were deemed the least compatible with proposed form, scale and use intended for the precinct, consisting as they do of a series of detached houses and a Mortuary complex. The Queen Victoria Hospital and the associated Art-Deco Apartment buildings are proposed for retention since they can be more easily integrated into the proposed development.

The proposed development of the Western landparcels of the precinct will take place within strict parameters, in keeping with the importance of the precinct. Parking for the entire precinct will be accommodated in a basement located beneath the new development, to avoid the need for extensive off-street parking in and around the Old Fort, Section 4&5, Women's Gaol and the new Constitutional Court.

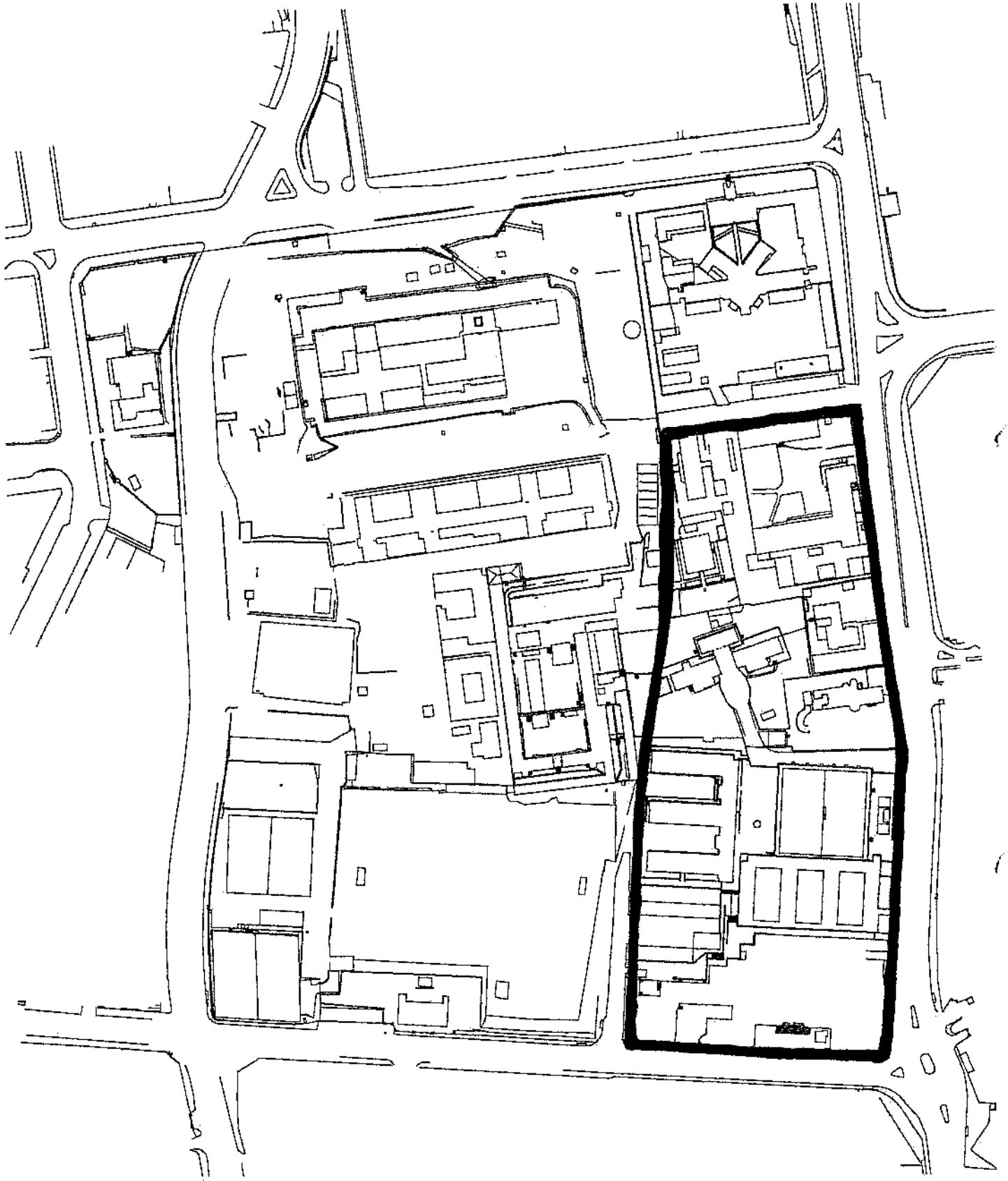
Above ground, new buildings will be required to adhere to build-to-lines and to specific height requirements of 3 to 4 storeys. The intention of these parameters is to control the shape and form of public spaces between buildings, both the proposed buildings and

retained existing buildings such as the Queen Victoria Hospital and the Art-Deco Apartment buildings. Additionally, it is the intention to ensure that the new buildings are sensitive both to the existing heritage buildings and the new Court.

**Prepared by OMM Design Workshop and Urban Solutions**

November 2001





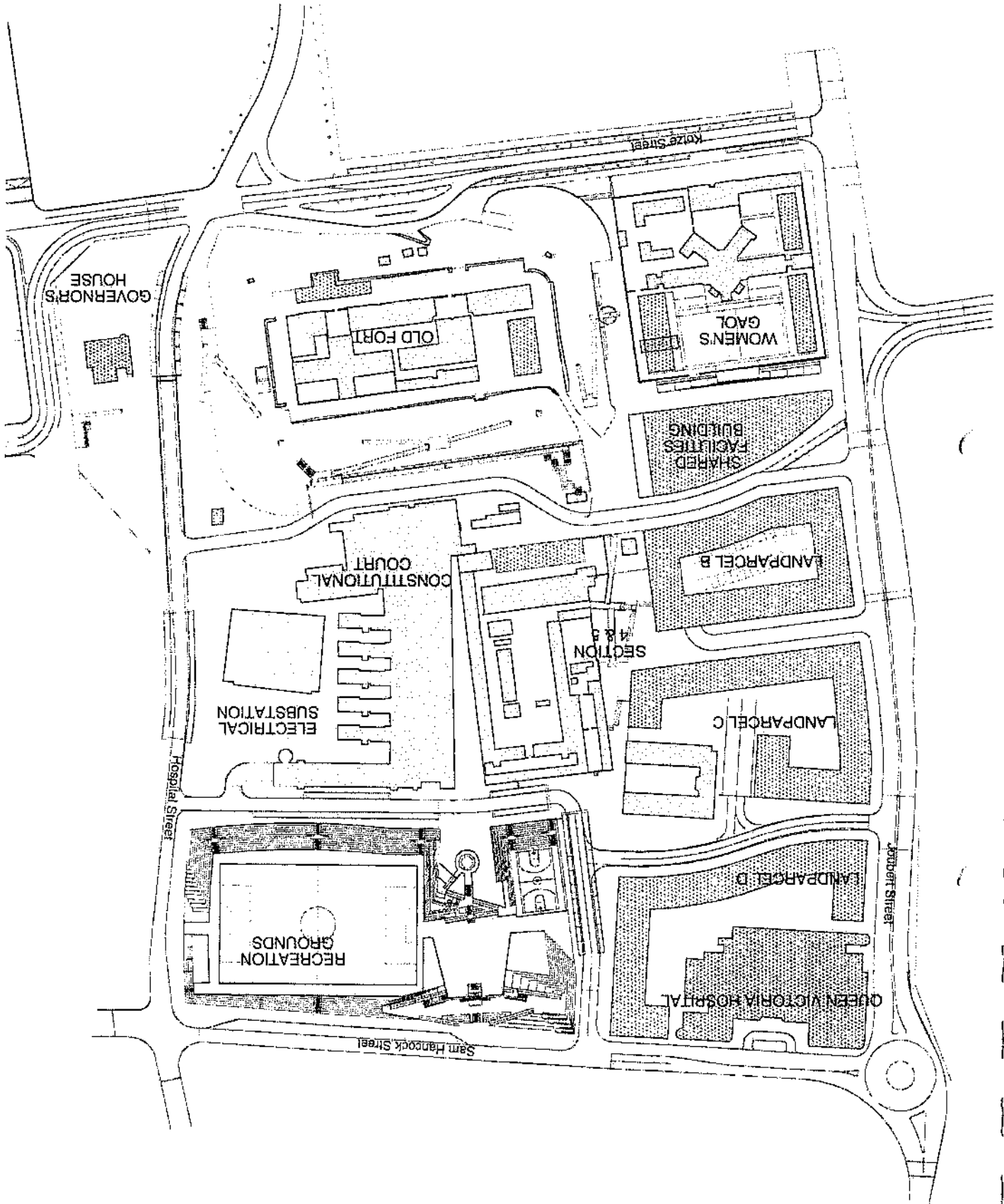
**ANNEXURE 8.2 (i): Plan Drawing No 1**  
Extent of Western Portion of Constitution Hill



**ANNEXURE 8.2 (ii) Plan Drawing No 2**

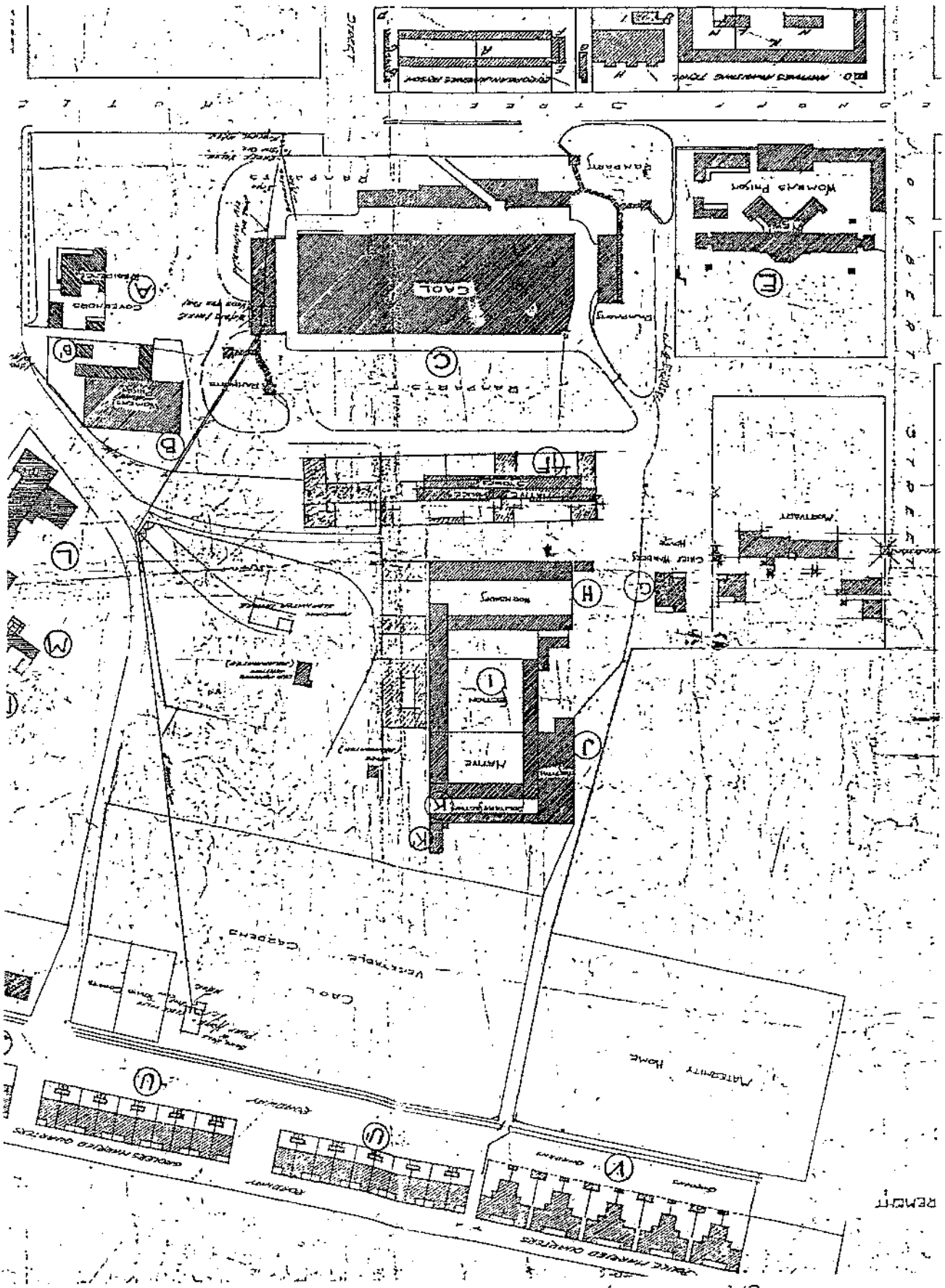
**ANNEXURE 8.2 (iii): Plan Drawing No 3**

Proposed Site Development of the Western Portion

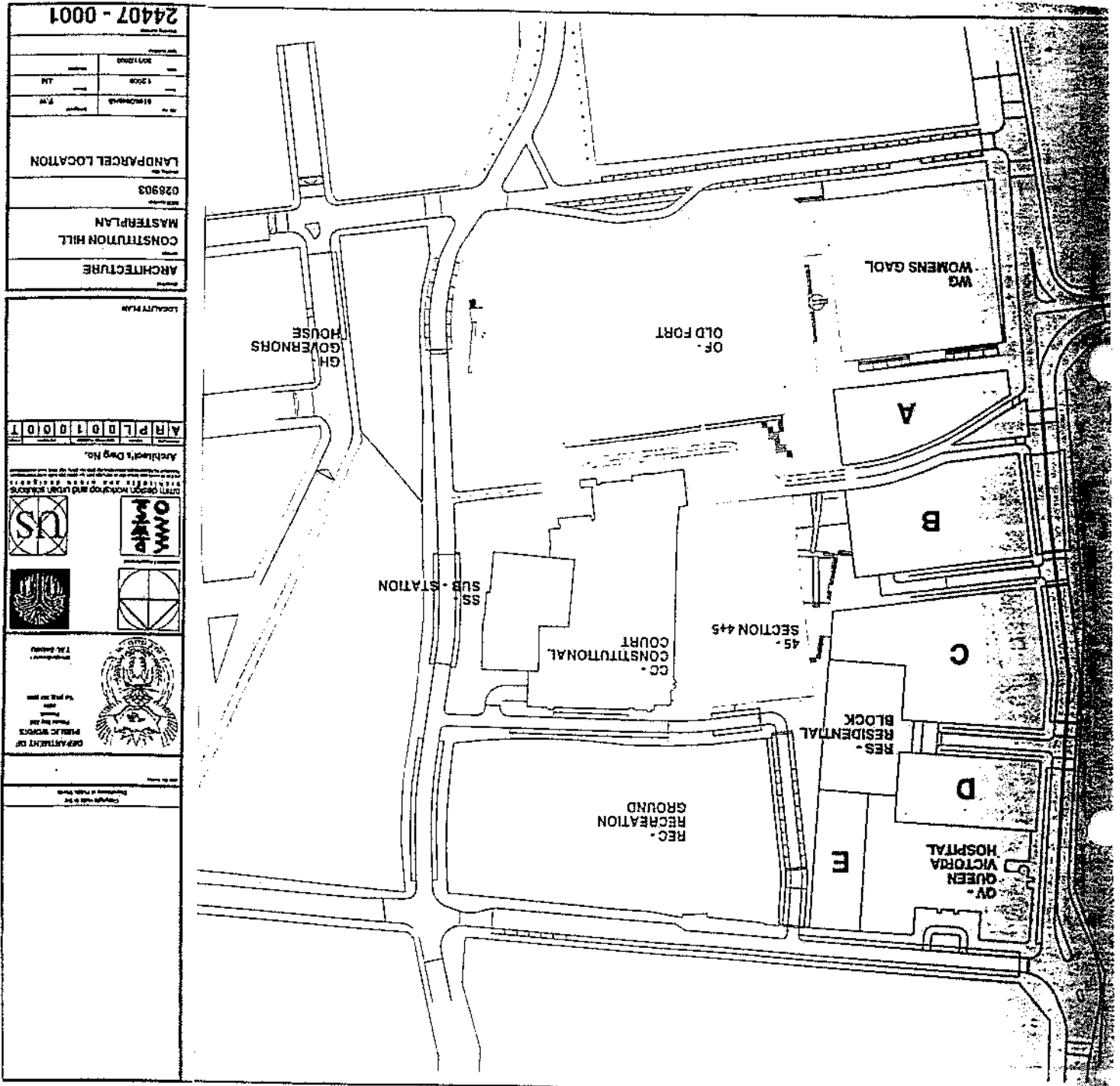


# ANNEXURE 8.2 (v): Plan Drawing No 5

PWD Johannesburg; (Extract from) Site Plan circa 1905



**ANNEXURE 8.2 (iv) Plan Drawing No 4**  
 OMM Urban Solutions Drawing No 2447-0001



<b>24407 - 0001</b>	
DATE	12/08/2001
BY	MM
PROJECT	CONSTITUTION HILL
LANDPARCEL LOCATION	028903
ARCHITECTURE	CONSTITUTION HILL MASTERPLAN

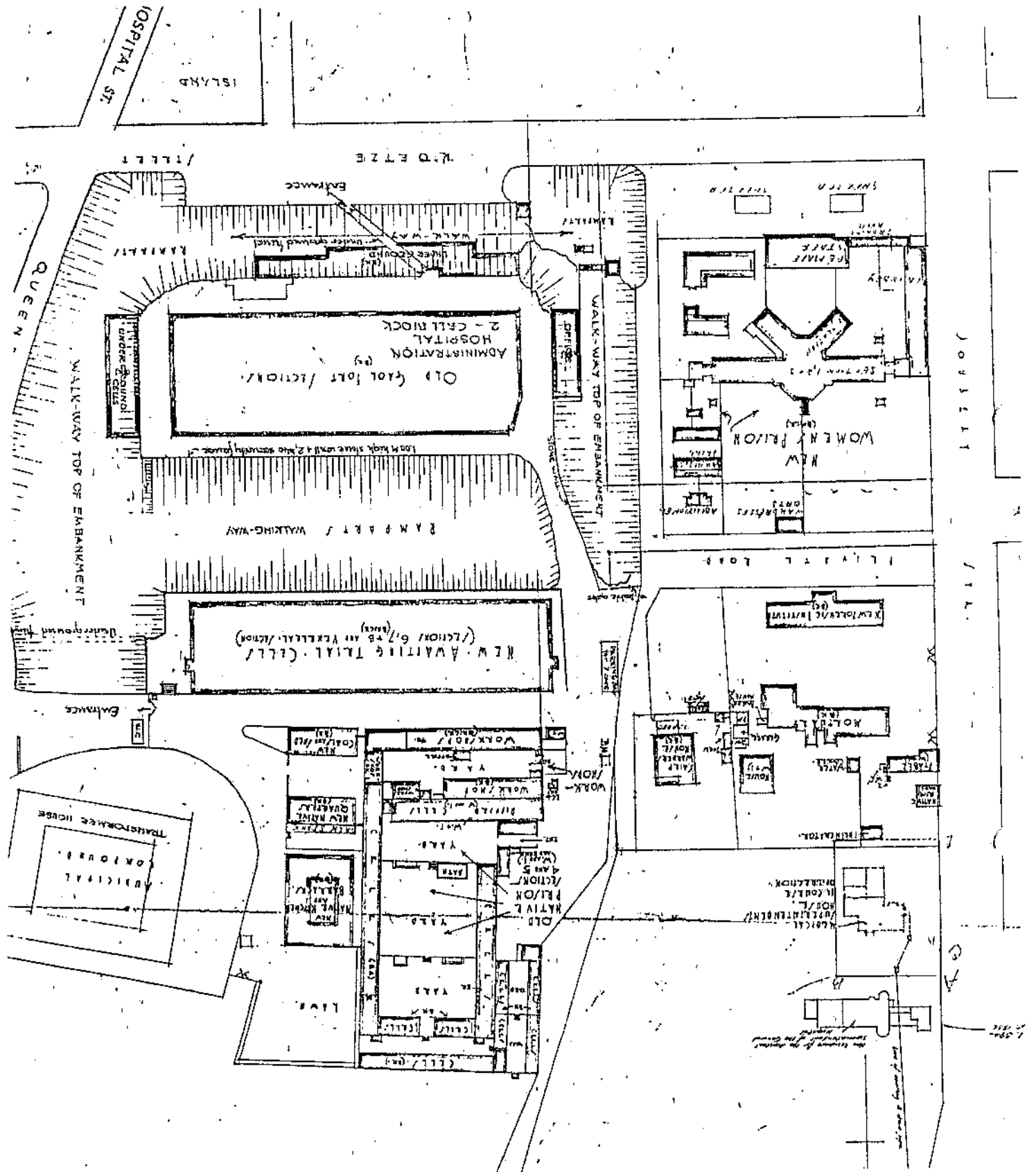
LOCALITY PLAN

Architect's Draw No. 24407-0001

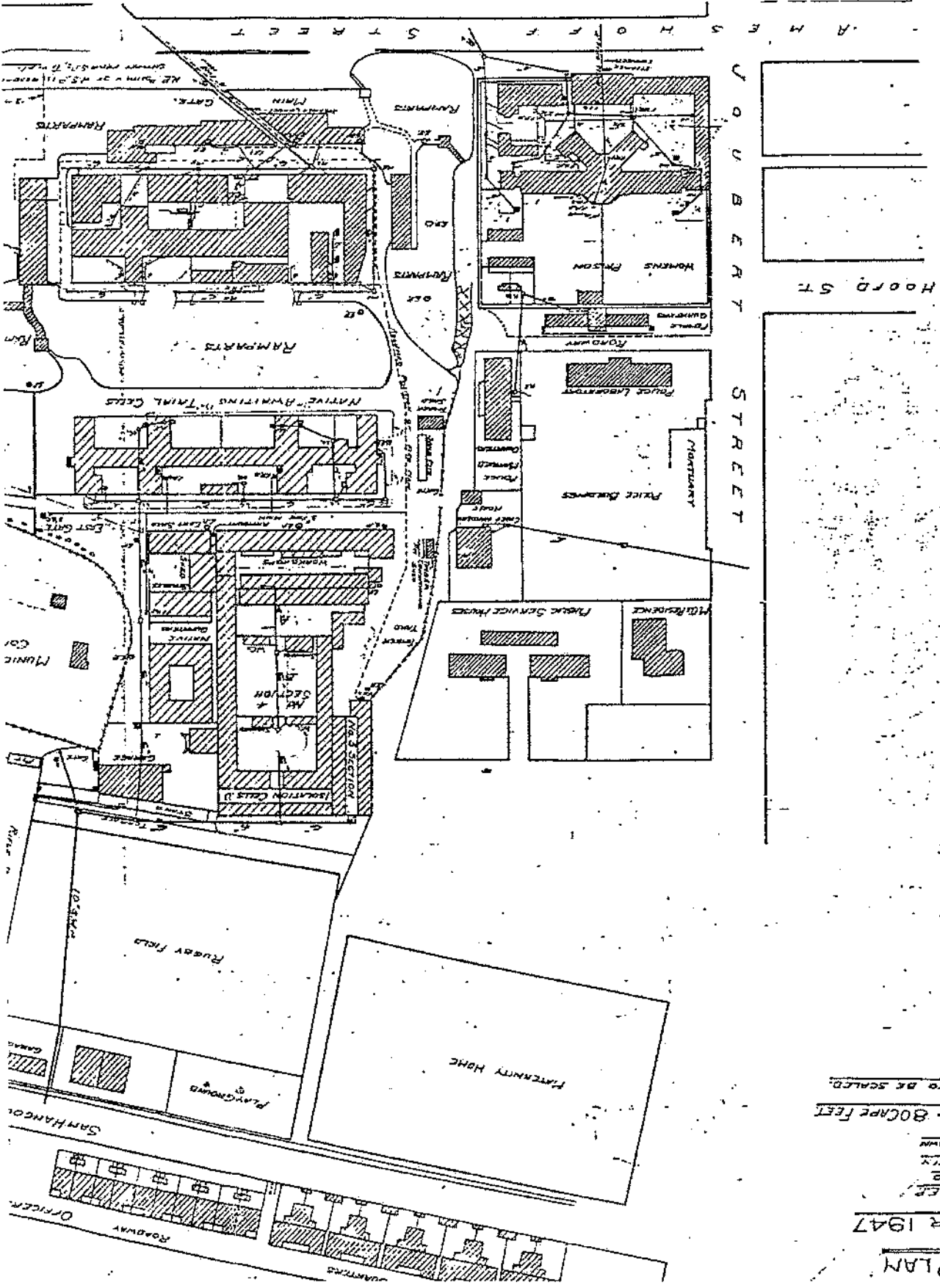
OMM URBAN SOLUTIONS

DEPARTMENT OF PUBLIC WORKS

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ANNEXURE 8.2 (vi) : Plan Drawing No 6 PWD Johannesburg; (Extract from) Site Plan 26 July 1936



SCALE: 1 INCH = 80 FEET  
 DRAWING IS NOT TO BE SCALED.

ELECTRICITY POLES - 0 E.P.  
 FIRE SERVICE - RED  
 DOMESTIC SUPPLY - D.M.  
 DRAINAGE - BROWN

OCTOBER 1947  
 BLOCK PLAN

ANNEXURE 8.2 (vii): Plan Drawing No 7  
 Johannesburg Gaol; (Extract from) Block Plan October 1947