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Ms Devereux,

Principal Heritage Officer,

Built Environment,

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Dear Sir, Madam,

**Re : ALTERATIONS AND ADDITIOINS TO THE STRACHAN MEMORIAL HALL,
UMZIMKHULU, PERMIT NUMBER 2019-01-18a.**

This letter is addressed to the Heritage Resource Agency of KwaZulu Natal to formally advise the KZN Amafa and Research Institute of the current status of the Alterations and Additions to a building situated on ERF 2458, UMZIMKHULU, being the STRACHAN MEMORIAL HALL AND TEH NEW TOWN HALL, Umzimkhulu and to request that the HRA issues a Stop Work Order to all work on site until such time as an appropriately qualified and experienced Structural Engineer has been appointed to advise on and supervises the necessary structural aspects of restoration works related to this Permit..

The RHA will be aware of the history of this project which can be summarised as follows :

1. In 2012 and 2013 a previous professional team was appointed to design and supervise the construction of a New Town Hall, and the restoration of the Strachan Memorial Hall, for Umzimkhulu,
2. the previous professional team undertook work on the site without the requisite permits,
3. in 2015 the previous professional team's appointment was terminated by the Local Authority for a number of reasons,
4. in 2016 the Local Authority appointed Buyeye Consulting as the Implementing Agent for the completion of this Contract. Mr Buyeye, of Buyeye Consulting

appointed iQhayiya Design Workshop (Pty) Ltd as the Principal Architects, who recommended the appointment of Robert J W Brusse Architect as the heritage architect for the Strachan Memorial Hall. The latter was duly appointed by Buyeye Consulting to be the architect responsible for the restoration of the Strachan Memorial Hall within the project for the completion of the New Town Hall and restoration of the Strachan Memorial Hall, Umzimkhulu.

5. The whole project, New Town Hall and Strachan Memorial Hall became the subject of a Public Protector's inquiry. The Public Protector issued her report on 2018.12.19 which, amongst other findings, reflected negatively on the RHA.
6. In February 2019 an application was submitted by the current professional team for the restoration of the Strachan Memorial Hall and the New Tow Hall resulting in a Permit being issued on 6th May 2019 (Permit 2019-01-18a)
7. There was a period during which the failure to proceed with work on site and a threat from the Implementing Agent to cancel the appointment of the Heritage Architect caused the HRA to issue a 'STOP WORK ORDER'. There followed a meeting in Pietermaritzburg attended to by the Local Authority, Amafa, the Implementing Agent, the Principal Architect and myself, at which a number of outstanding issues were agreed to, and a new permit was issued Permit No 2019-01-18a-rev). Very few of the agreements entered into between the Implementing Agent and the Heritage Architect actually materialised.
8. The original Structural Engineer, who was appointed as part of the second professional team, worked closely with the Heritage Architect to address the special needs of the SMH, as well as the integration of this building with the NTH.
9. Invitations were extended to experienced and competent building contractors to tender for the proposed work to the SMH, but none of the invited contractors was willing to tender due to concerns arising from the findings of the Public Protector's report, and the nature of an appointment as Sub-Contractor to the Main Contractor who was already contracted for the NTH.
10. It was subsequently agreed to engage the Main Contractor (MC),, to undertake the wet trades at the SMH and engage specialist contractors for the more specialised aspects of the project.
11. In February 2021, without adequate supervision the MC took the roof tiles off the roof and failed to adequately prop up a structurally unstable gable, which then collapsed on the residual roof trusses.
12. In March 2021, again without adequate supervision, the MC's workmen took down the residual rafters, dropping them on the concrete floor slab, increasing

the damage to these original elements to such an extent that appropriate repair was greatly increased.

13. The availability of matching timber and particularly timber of the requisite cross section dimensions to execute the repairs proved impossible to resolve. Alternative design solutions for the repair and, or replacement of trusses was investigated and the then Structural Engineer was asked to calculate the stress loads likely to be generated by a tiles laid on a similarly patterned truss system. The SE was not experienced in this type of work and three months passed without any progress.
14. In late July 2021 the then Structural Engineer was killed in a cycling/vehicular accident outside Pietermaritzburg. His practice did not have another Professional Structural Engineer to continue the work. All structural work on site had to stop.
15. Within weeks of the above tragedy I wrote to the Implementing Agent asking for the appointment of 'an appropriately qualified and experienced structural engineer', but got no response. Throughout the ensuing six months letters and email reminders emails have been sent to the I A on a monthly basis – copies can be forwarded on request – and he has never responded.
16. I was asked by the Principal Architect to approach LSC Brunette c.c. for a fee proposal, which I did. Mr Bowman, senior partner in the firm LSC Brunette cc. sent a fee proposal to Buyeye Consulting on 25th October 2021, outlining his anticipated scope of work and the concomitant fees - proof can be supplied on request. LSC Brunette c.c. has had one solitary phone call from the I.A. since receiving that fee proposal, and it was devoid of any commitment.
17. The matter has been raised at several Progress Meetings and either the Implementing Agent, or a representative of his firm, has assured the meeting that 'an appointment will be made tomorrow / by Friday / shortly', but absolutely nothing materialises.
18. Representatives of the Local Authority have been specifically advised, during a Progress Meeting, of the consequences of the Implementing Agent's failure to appoint the recommended engineer – i.e the continuing deterioration of material, the extensions of time and the inevitable increase in costs.

In the light of the above, I am concerned that the Implementing Agent is either unwilling, or unable to execute the duties that his appointment expects of him. While dereliction of his duties may not fall within the ambit of the KZN Amafa & Research Institute, the consequences of his failure to act do fall within the concerns of the RHA : a grade two

building has been left exposed to the elements, to deteriorate because of the failure to proceed with urgently required restoration work in the absence of 'an appropriately qualified and experienced structural engineer'.

What are these consequences :

1. the timber members of the original roof trusses, which should have been restored and reused, have lain exposed to the weather for seven or eight months, and the integrity of the material has been severely compromised. It may well be that little, or none of this material can be reincorporated into the roof structure again,
2. the heavy rains that the province has experienced over the last seven or eight months has soaked the site and continues to affect the friable foundations of the heritage building,
3. the Paris Pattern roof tiles that were specially sourced and paid for have now remained in the suppliers yard for more than three years,
4. the windows, doors and frames that have been restored for the second time since they were removed from the building by the first professional team, have now been stored at the restorer's yard for six months,
5. unless the re-roofing of the SMH can be resolved, the glazing of the atrium to the New Town Hall cannot be completed because the support of the glazing relies on the new structural elements associated with the SMH and its roof construction.

During the period since we were first appointed to this project there has been no indication from the Local Authority that it does not intend to use the Strachan Memorial Hall as a small museum. The building also forms an integral part of the complex that incorporates the New Town Hall. Consequently the latter building cannot be completed in its approved format without the SMH being restored.

During my long career in working with heritage structures, I have witnessed a phenomena that we refer to as 'demolition by neglect', where an owner purposefully allows a heritage worthy structure to remain exposed to the elements and vandals so that its condition deteriorates to such an extent that it is no longer considered to be economically viable to restore it. In this instance it is not necessarily the 'owner' of the property who is causing the 'demolition by neglect' but his Implementing Agent.

We are fortunate that work that had been undertaken prior to the death of the original Structural Engineer – in particular, the stabilisation of the brickwork walls – has ensured that the main elements of the residual structure are fairly stable. It is fortunate that we have the roof covering paid for; we have the windows, doors and frames fully restored and partly paid for; we have prepared the detailed drawings for the reconstruction of the collapsed gable, and the details for re-plastering the structure. So there can be little reason to have the remaining structure declared either unfit for purpose, or that the completion of the restoration will be uneconomically unviable.

In the light of the the following paragraph from the Public Protector's Report ,

6.1 gg, Therefore the Agency failed to exercise its oversight function with regard to the refurbishment of the Umzimkhulu Memorial Hall. As the Agency had already granted the Municipality an "in principle" approval but not the permit, they should have held continuous monitoring of the landmark site to ensure its preservation.

It stands to reason that the Agency has a continuing statutory responsibility to monitor the '*refurbishment*' of the Strachan Memorial Hall to ensure the preservation of '*the landmark site*' .

I am of the opinion that, unless the Heritage Resource Agency of KwaZulu Natal, i.e. the KZN Amafa & Research Institute, takes a firm stand on the failure by the Implementing Agent – Buyeye Consulting - to appoint the recommended ' appropriately qualified and experienced structural engineer, (LSC Brunette c.c.)' as the Structural and Civil Engineer for the restoration of the Strachan Memorial Hall with immediate effect, the '*refurbishment*' of '*the landmark site*' will not be realised.

I therefore strongly recommend that the KZN Amafa & Research Institute withdraws its PERMIT NUMBER 2019-01-18a, issues a STOP WORKS ORDER, and informs the owner of the property, the Umzimkhulu Municipality, accordingly.

In response to the closing recommendations of the Public Protector's report :

8. MONITORING

8.2 The Pubic Protector will monitor the remedial action in terms of this report within one (1) month of its signature, and thereafter on a monthly basis.

I would recommend that the KZN Amafa & Research Institute submits a report to the Public Protector's office advising it of the current status of the subject of their Investigation and report.

Should you require any further information, proof of dates or correspondence, please do not hesitate to communicate with me at your earliest convenience.

Yours respectfully,

Robert J W Brusse,
Pr Architect.