



SAIA KWAZULU-NATAL

21 November 2023

To : KZN Amafa and Research Institute
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PROPOSED NEW KZN MUSEUM (REVISED PROPOSAL) AT 96 JABU NDLOVU STREET, PIETERMARITZBURG;

RESPONSE IN TERMS OF SECTION 34(1), 38 OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999) AND SECTION 37, 41(1) OF THE KWAZULU-NATAL AMAFA AND RESEARCH INSTITUTE ACT (ACT 05 OF 2018)

As an Interested and Affective Party, we are responding to the revised proposal for the new KZN Museum at 96 Jabu Ndlovu Street, Pietermaritzburg on behalf of the South African Architects Institute of Architects KZN (SAIA-KZN) members. We are requesting for Council to Review their decision as set out in the Final Decision letter of 7 November 2023 addressed to the Department of Public Works and Infrastructure on procedural grounds.

The following interim comments were made by the KZN Amafa and Research Council after consideration of the amended proposal at a meeting held on the 10 May 2023.

- *The applicants presented a revised proposal and noted that the development had to be curtailed due to cost factors. The new proposal included the demolition of all existing buildings, except Blocks A and C (the old hospital wards and the nuns convent).*
- *The Committee was concerned about the extent of the interventions on fabric that was previously destined to be protected in the development. As this proposal differed to such a large extent from the previous proposal, a new Development application (Form J) was required to be submitted. This application would be handled in conjunction with the Form A application submitted for the proposed demolition work.*
- *As the proposal had changed to such an extent and the demolition of original fabric had increased, Public Consultation would need to be conducted on the revised proposal.*

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- The Committee noted that the site contained buildings of high social and architectural significance that were situated within an environment that contained several listed and permanently protected heritage sites and resources. It was resolved to grade the site Grade IIIa.

Interim decision

- A new application Form J was required to be submitted, together with the fee and all the required documentation, including the presentation made to the committee.
- *Public Consultation:* The committee required that the application be subjected to a public participation process that would involve the KZN Amafa and Research Institute placing an advertisement in the Witness newspaper and contacting the previously identified interested and affected parties.

THE DECISION

The decision subsequent to the submission of a Form J application was taken on October 26, 2023. The decision referenced NHRA s38(4) and KZNHA s41(4)

CASE DISCUSSION

The application is for a revised development proposal on a reduced footprint but that required the demolition of heritage resources which were previously identified for protection and re-use, being Blocks E, F and G.

The public consultation process had involved identified heritage and local interest groups as well as the adjoining neighbours. A number of objections/responses had been submitted, primarily raising issues around the retention of Blocks E and G. Heritage Practitioner's and Engineer's Reports supported the architects revised proposal.

Proposals for the memorialisation of the hospital and the buildings that were to be demolished, particularly Block E (the Chapel), were under consideration and would be finalised through the s37 application.

The committee noted that the s37 (Form A) application for the interventions on all the structures over 60 years of age could not be completed at this stage as some of the details for the proposed interventions were not yet finalised.

The Committee agreed that the demolition of the structures in question as necessary in order to render the project feasible and the revised proposal was accepted.



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FINAL DECISION

The KwaZulu Natal Amafa and Research Institute, therefore, has no objection to the proposed development within limits of the stipulated conditions and mitigation measures as outlined in the heritage report, especially with regard to the interventions on the existing buildings and the memorialisation of the demolished buildings, particularly Block E.

WE COMMENT AS FOLLOWS:

The relevant sections referenced in the NHRA and the KZNHA are:

Structures NHRA 34.1 and KZNHA 37

37. (1)(a) No structure which is, or which may reasonably be expected to be, older than 60 years, may be demolished, altered or added to without the prior written approval of the Institute having been obtained on written application to the Institute.

Form J references Section 37 Structures or part thereof that can reasonably be expected to be over 60 years of age. This implies a Form A application.

Despite the interim comment calling for Form A applications, particularly as the buildings had been graded 3a, at the meeting of 26 October, it was agreed that the Form A applications could not be completed at this stage. The KZN Amafa and Research Institute Regulations 2023 sets out in 2(b) the requirements of the assessments of the heritage significance of the site and the resources thereon. How can this be assessed without Form A applications and furthermore how can a decision be made to forego a further HIA based on the information to hand?

There is also no reference to the intangible heritage of the site. Memorializing structures goes against the Nara Document on Authenticity (1994 and 2014).

We also note that no minutes have been made available from the decision-making meeting of 26 October 2023.

We therefore ask that the Final Decision be set aside on procedural grounds as the decision taken was premature.

PATRICIA EMMETT and IVOR DANIEL

Interim Co-Chairpersons of the SAIA KZN Heritage and Cultural Identity Committee.