



SAIA KWAZULU-NATAL

25 January 2023

To : KZN Amafa & Research Institute
Head of Built Environment Department

**OBJECTION IN RESPECT OF THE INTENTION OF AMAFA AND
RESEARCH INSTITUTE TO ISSUE A PERMIT FOR THE DEMOLITION**

in respect to buildings situated on
Durban Harbour T-Jetty and Point Precinct

The KZN Region of the South African Institute of Architects have had sight of the application:

Case ID 18075

“Proposed Demolition of Buildings and structures in the Point Precinct in the Port of Durban”

SAIA-KZN is a voluntary association of Professional Architects residing and working in KZN. The Institute promotes good design and appreciation of architecture working towards a better built environment for all. We promote sustainable and environmentally-friendly practice. We have a “Heritage Portfolio” which promotes the preservation and conservation of architecturally, historically, culturally and socially significant buildings and places in KZN. We recognise the role that existing and historic structures play in our environment, both sustainably and in the history and development of the city of Durban.

After review of the motivation and proposals, we cannot support the application and wish to appeal to the Provincial Heritage Authority, KZN Amafa & Research Institute (Amafa) to **refuse or suspend the demolition application.**

The Heritage Scoping Report (RennieScurrArdendorff-Oct2022) which accompanies the application, recommends Heritage Gradings II and IIIA of the structures proposed to be demolished, but the final Grading is pending your review of their recommendation. The final Grading adopted have guidelines and regulations for the preservation of structures of their status, which should be enforced as in other Provinces.

The demolition application should only be considered once the Grading has been confirmed and the processes listed below have been followed.

We make the following representation with respect to the high heritage value in the following categories, as referred to in the Heritage Scoping Report (RennieScurrArdendorff-Oct2022):

160 Bulwer Road, Glenwood
Durban, 4001.

Tel: +27 31 201 7590
admin@kznia.org.za
www.kznia.org



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1. Architectural/ aesthetic significance

Refer to addendums :

Architectural Review March 1963

Architect and Builder January 1962

ADA No. 12 of 1994

Planning Magazine 128 July 1993

KZNIA Journal 1/2000

Refer to Chapter 3: Items 3.4-3.5 and Chapter 5: 5.4 of Heritage Scoping Report :

RennieScurrArdendorff

2. Historical significance

Refer to Chapter 3: items 3.1-3.3 of Heritage Scoping Report :

RennieScurrArdendorff

3. Technological significance

Ref : Architectural Review March 1963

Architect and Builder January 1964

Refer to Chapter 3: items 3.4-3.5 of Heritage Scoping Report :

RennieScurrArdendorff

4. Environmental and contextual significance

Refer to Chapter 5: item 5.3 of Heritage Scoping Report : RennieScurrArdendorff

5. Social significance

Refer to Chapter 3: items 3.1-3.3 and 3.7 of Heritage Scoping Report :

RennieScurrArdendorff

Each category is sufficiently covered in the report, therefore we support the findings thereof.

We note that the application is made within the context of an overall Port redevelopment proposal. In order to properly consider this application, a holistic view must be taken of the proposed Port redevelopment plan, considered against the high architectural and heritage value of the Ocean Terminal complex structures. In considering this application the following factors need to be taken into consideration:

1. Any development proposal including the demolition of the terminal complex, requires environmental authorisation under the NEMA EIA Regulations. In that process the issue of sustainability, the need for the redevelopment and the necessity for the demolition of the structures, can be fully assessed, NEMA arguably provides the single most integrated assessment of impacts that exists in South African law.



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2. An EIA process triggers a number of activities requiring authorisation from the national Department (DFFE). Heritage, or cultural impacts, are an explicit focus of EIA, and even though heritage matters are governed by discrete legislation, they form part of an EIA assessment.
3. The three “legs” of the definition of “sustainability” in NEMA – environmental, social and economic impacts – provide the decision-maker with an explicit mandate to balance all of these impacts against each other and thereby achieve an appropriate outcome. That outcome will enable the “need” for the redevelopment generally, as against the “need” for the demolition of the structures, to be fully interrogated. It will furthermore, enable any approval to be issued with accompanying conditions appropriate to timing, extent and actual implementation stages.
4. As the proposals include reclamation and substantial alterations to the existing Port infrastructure, these will necessitate the regulatory processes of municipal planning in addition to environmental and other statutory approvals. Proof of engagement with the City of Durban municipality is lacking in the application.
5. The whole rationale and principle behind the demolition of the structures, is the need for the Port redevelopment. The proposed demolitions are therefore predicated on the utility of the Port's needs outweighing the heritage value of the terminal buildings. It is also presumably predicated on the impossibility or undesirability of integrating of the buildings into the redevelopment. This rationale needs to be interrogated further. The motivation presented is not convincing and has no understanding of Heritage or the preservation thereof. The application fails completely to weigh the utility of demolition (in the context of the Port redevelopment) against the heritage value of retaining the structures, in whole or in part. As a result, it is impossible on the basis of the Amafa application alone, to properly assess whether the demolitions are justified.
6. It is accepted by Transnet's own Heritage consultants that key components of the Ocean Terminal structures application have high heritage value and should be conserved. The demolition application does not however deal at all with the various possible outcomes of the redevelopment proposals and the impact on the Point Precinct's Heritage.



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7. In addition, concern is raised that in the course of the redevelopment's environmental and planning processes, it is probable that the current plans will be approved with modifications – some of which may themselves involve the heritage issues as part of the environmental assessments. Further, there is no assurance that, even if the environmental and planning approvals are granted, that the approvals will in due course ever be implemented.
8. It is common cause that the terminal buildings have high heritage value. Given the above and the provisions of section 41 of the Act, Amafa's appropriate response to the application should be to suspend any consideration until a full assessment has been conducted under the EIA regulations, including a heritage assessment. The applicant should be advised that Amafa will only consider the application when the outcome of the EIA process is known, including any of the conditions that may be imposed by the competent authority in any Environmental Authorisation.

In summary :

The application goes against all principles that the architectural profession are trained and stand for.

Inter-governmental co-operation is mandated by the Constitution and would be achieved by first requiring EIA to be completed.

In this application the whole rationale for destroying important heritage buildings, is predicated on the alleged "higher good" of the Port redevelopment. If that is not approved in due course or if the DFFE only approves it in part, the demolition may not have been necessary. Consequently, the outcome of the EIA is critical to the merits of the Amafa application.

This application is therefore premature and should be suspended until the conclusion of the EIA.

Signed at DURBAN

We declare that we have no relationship with the applicant

Sikhumbuzo Mtembu
President, SAIA-KZN



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