

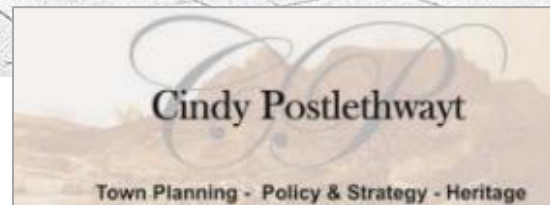
**HERITAGE IMPACT ASSESSMENT
PREPARED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT.**

**THE PROPOSED REDEVELOPMENT OF THE ARTSCAPE PRECINCT
ERVEN 186 & 187 ROGGEBAAI CAPE TOWN**

**Client: Western Cape Government: Department of Transport & Public Works
HWC Case Number: 18100908AS1011E**

JULY 2020

Prepared by Cindy Postlethwayt with specialist input from Urban Design Services cc



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ARCHITECTS - PLANNERS
HERITAGE CONSULTANTS

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Statement of Independence

Cindy Postlethwayt hereby declares that I have no conflicts of interest related to the work of this report. Specifically, I declare that I have no personal financial interests in the property and/or development being assessed in this report, and that I have no personal or financial connections to the relevant property owners, developers or financiers of the development. I declare that the opinions expressed in this report are my own objective, independent views and a true reflection of my professional expertise.

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Cover picture: Artscape 2017(Olga Ernst)
[https://commons.wikimedia.org/wiki/File:Artscape Theatre Centre, Cape Town \(2017\).jpg](https://commons.wikimedia.org/wiki/File:Artscape_Theatre_Centre,_Cape_Town_(2017).jpg)

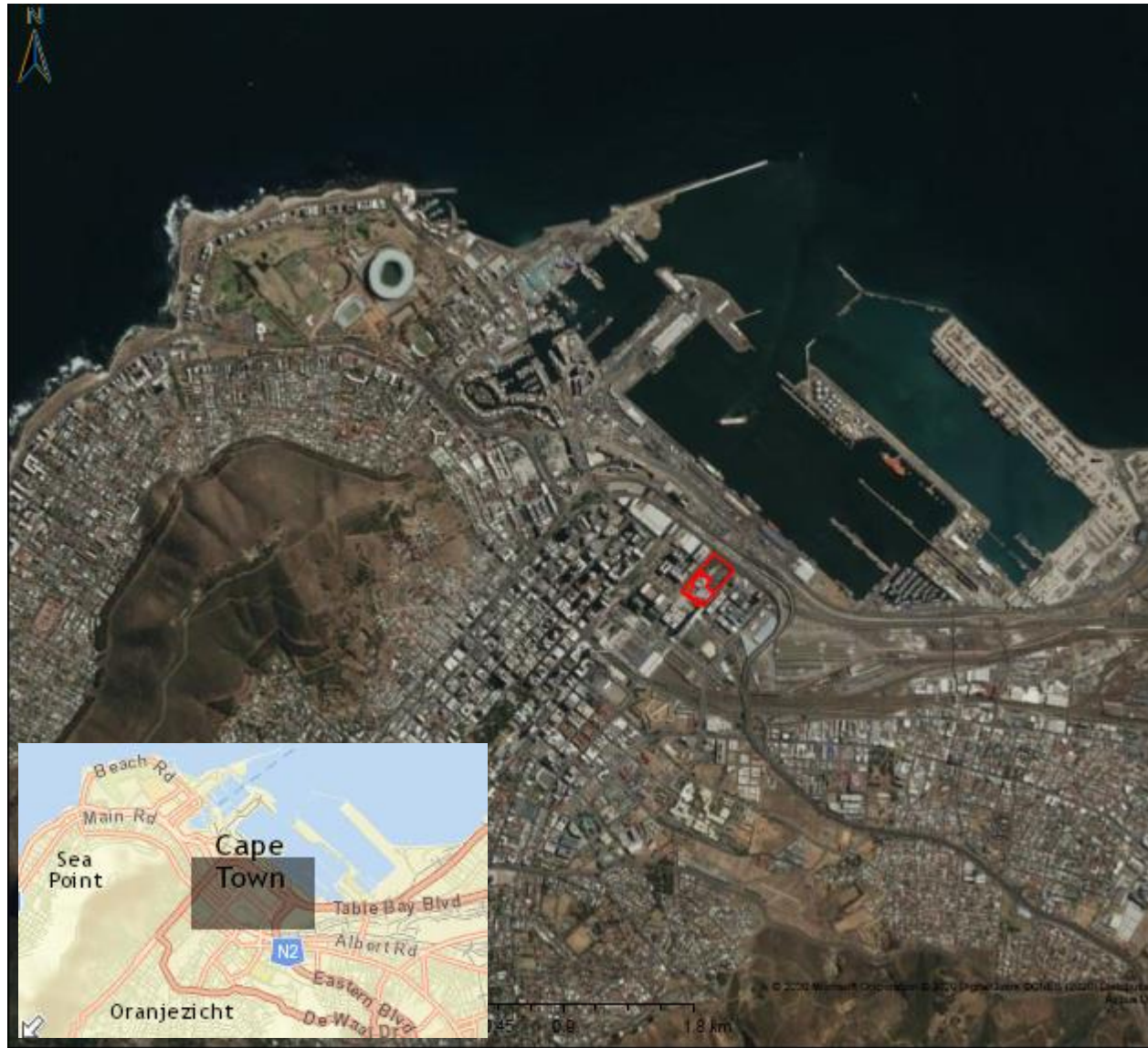


Figure 1: Site in the Cape Town CBD context (Cape Farm Mapper – CFM)

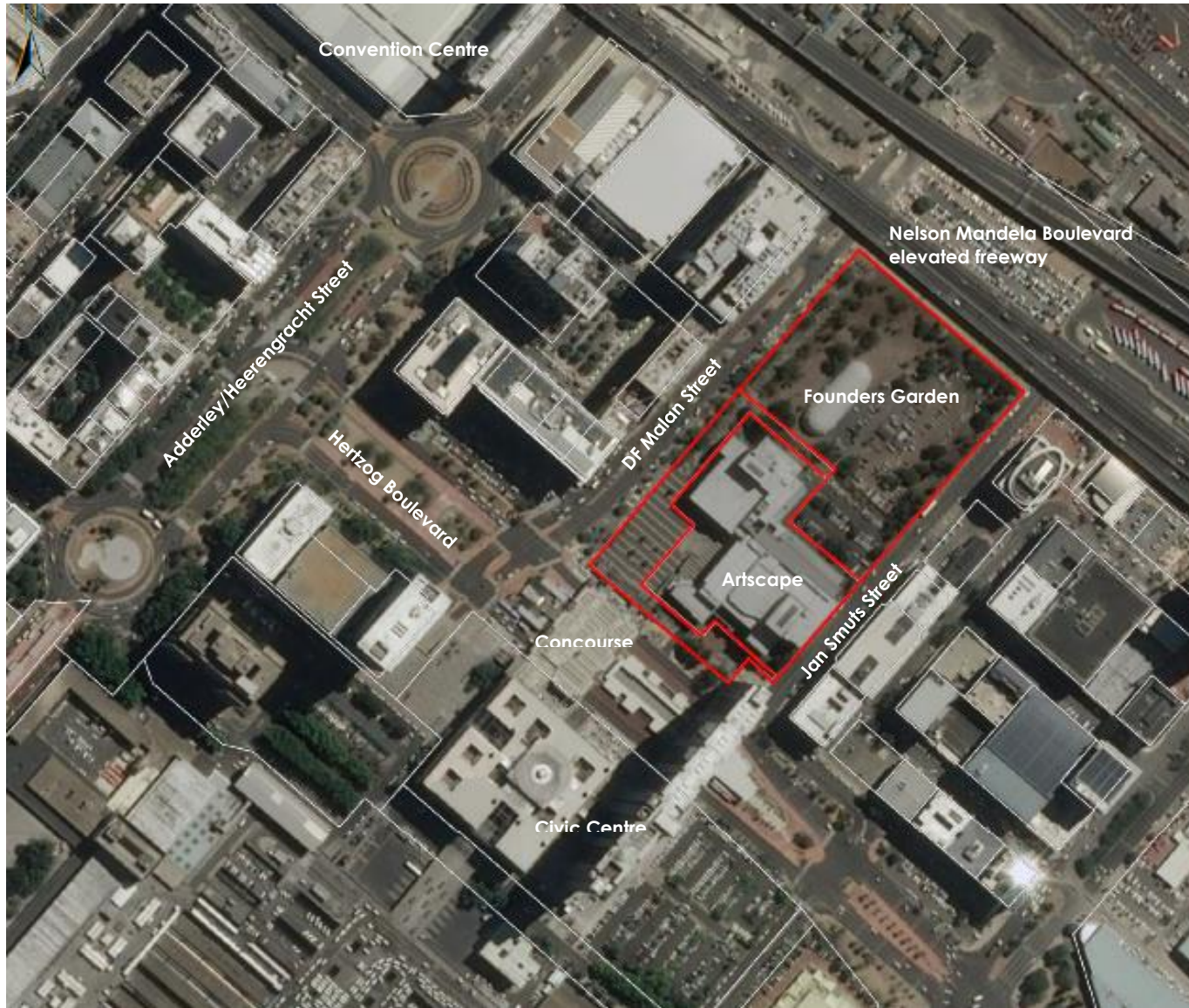


Figure 2: Site in the local context (CFM)

1. Background

This HIA should be read in the context of the overall Founders Garden/ Artscape Special Planning Area Site Development Plan (FGA SDP), submitted as a component of an HIA undertaken in 2015 by Urban Design Services in respect of the Founders Garden Precinct and approved by Heritage Western Cape (HWC) on 8 April 2015.

The FGA proposals are, in turn, part of the Western Cape Government's (WCG) strategy to address apartheid legacy challenges, in particular the need to provide affordable housing on well located sites. The WCG, in collaboration with local government and the private sector, have embarked on the BLM Game Changer project, the first or exemplar project of this kind (also approved by HWC) having been commissioned on the former Conradie Hospital site located between Pinelands and Thornton in January 2019.

In 2011 the Cabinet of the WCG approved a development proposal for the FGA Precinct and the inclusion thereof in the Central City Regeneration Programme. The development proposal was aimed at expanding the cultural footprint in the FGA precinct by accommodating the proposed expansion of Artscape, inclusion of a new Cape Town Museum, quality public open performance space and parking needs while also generating a revenue stream for the Provincial Government through a commercially-led integrated mixed-use development incorporating residential land use.

In 2015 a rezoning application was prepared and submitted to the City of Cape Town (CCT) to rezone the properties in the Precinct (erven 186 and 187) to General Business Use (GB7). In June 2016 the CCT approved the rezoning, which approval cannot lapse, subject to the approval of a Package of Plans. A Development Framework was also approved which allows a certain development bulk on the whole site (98 000m² GLA), of which 10 000m² was floating bulk, which could be allocated either to the Artscape Precinct or the Founders Garden Precinct.

Our Ref: HWC/CAPE TOWN METROPOLITAN/CITY CENTRE CBD/FOUNDERS GARDEN ERF 186

Enquiries: Andrew September
Tel: 021 483 9543
Email: andrew.september@westerncape.gov.za

Date: 15 April 2015
Case No: 15032305AS0325M
Auto IDs: 3207 - 3839



FINAL DECISION
In terms of section 38(4) of the National Heritage Resources Act (Act 25 of 1996)
and the Western Cape Provincial Gazette 6051, Notice 298 of 2003

Attention: Mr Andrew Berman
P.O. Box 305605
Tokai
7899

CASE NUMBER: 15032305AS0325M
HIA: PROPOSED REZONING AND DEVELOPMENT ON ERF 186 AND ERF 187, FOUNDERS GARDEN, ROGGEBAAI

The matter above has reference.

Heritage Western Cape is in receipt of your correspondence on the above matter, dated 26 March 2015.

Decision:

1. The Committee resolved to support the proposed development of the site.
- 1.1. A specialist archaeological team must be appointed to the project to monitor the bulk earthworks at the proposed project site. A monitoring schedule must be drawn up by the appointed archaeological company in consultation with the construction and bulk earthworks contractors and project manager.
- 1.2. A plan of action must be prepared in advance of the commencement of bulk earthworks that addresses the procedures to be followed in the event of the discovery of significant heritage material (shipwrecks). This plan must take into account the lack of adequate local facilities to deal with conservation and storage necessitated by large scale wreck recovery projects.
- 1.3. The task of recovering, recording and conserving the smaller day to day finds will fall to the archaeological team. They will monitor the earthworks and alert the project managers and construction crew if significant finds are recognised that will require mitigation.
- 1.4. HWC will require that the monitoring schedule and plan of action be incorporated into a Work Plan that must be approved by HWC before work commences.

www.capegateway.gov.za/office.aspx

Page 1 of 2

Postal Address: 141 Cecil Johnstone Building, Green Bay, 8001, Cape Town 8001. • RFB Address: Private Bag 9007, Pinelands, 7800.

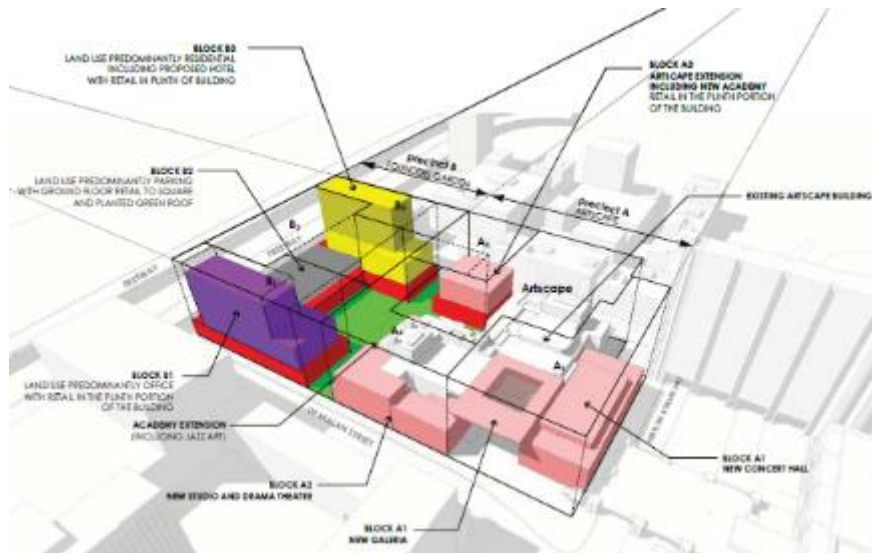


Figure 3: CCT approved 2015 FGA SDP 3D plan indicating proposed footprints within development blocks

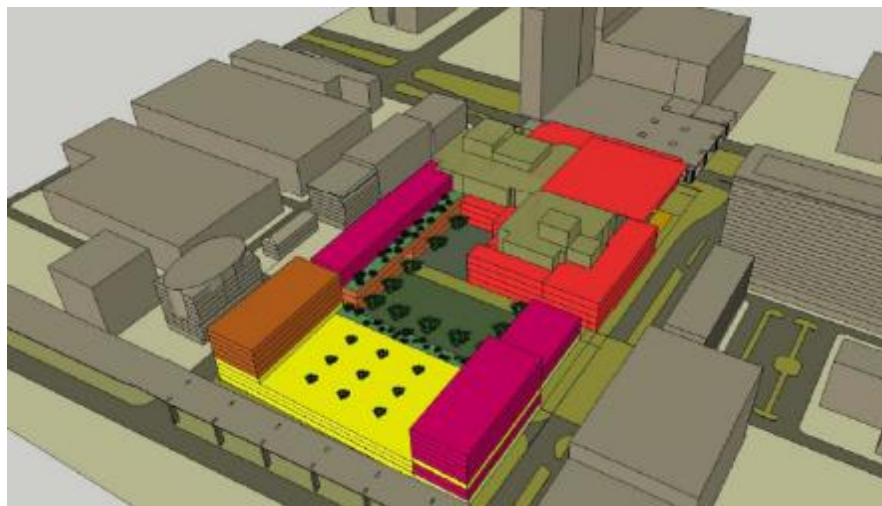


Figure 4: Approved 2015 FGA SDP 3D view from North

In June 2018 land-use consultants were appointed to act on certain conditions of rezoning approval in order to further enable the Precinct for development. These actions included the consolidation and subdivision of the properties in the precinct, registration of required servitudes, development of a conceptual precinct plan for the Artscape precinct, development of a Landscape Framework for the FGA precinct and the preparation of land-use scenarios for the Founders garden site incorporating grant-funded housing.

In December 2018 a Property Economist was appointed to consider the various land use scenarios within the context of (a) the current property market, (b) the economy and (c) stakeholder needs and based on the findings thereof, made an optimal land-use recommendation for the FGA precinct.

In April 2019 the WCG Cabinet approved an amendment to the recommended land-use for the FGA precinct from commercial to residentially-led mixed-use development and a proposed way forward to further enable the precinct for development. The need to complete the NHRA process for the Artscape Precinct of the FGA forms one component of this. **A revised Conceptual Plan for the Artscape Precinct (2019, as amended May 2020) has been prepared and will form the subject of this HIA.**

The proposed development of the site in terms of the Artscape Precinct Plan triggers Sections 38(1)(c)(i) of the National Heritage Resources Act (NHRA). Accordingly, a comprehensive Notification of Intent to Develop (NID) was submitted to HWC, which put forward the proposal that given the limited heritage significance of the site, established in the 2015 HIA, no HIA for the Artscape Precinct be required. However, In a response dated 2 November 2018, HWC required an HIA with specific reference to visual impacts and impacts upon the built environment.

Our Ref: HM/CAPE TOWN METROPOLITAN/CITY CENTRE CIVIC CENTRE/
ERVEN 186 AND 187
Case No.: 18100908AS1011E
Enquires: Andrew Sepember
E-mail: andrew.sepember@westerncape.gov.za
Tel: 021 483 9543
Date: 02 November 2018



Andre Pentz
PO Box 30595
Taka
7966

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6041, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED NEW REDEVELOPMENT OF ARTSCAPE FORECOURT, ERVEN
186 AND 187, CORNER OF HERTZOG BOULEVARD AND DF MALAN STREET, CAPE TOWN, SUBMITTED IN TERMS
OF SECTION 38(2) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 18100908AS1011E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 11 October
2018. This matter was discussed at the Heritage Officers meeting held on 02 November 2018.

You are hereby notified that, since there is reason to believe that the proposed artscape forecourt
redevelopment and new additional buildings will impact on heritage resources, HWC requires that a
Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted.
This HIA must have specific reference to the following:

- Visual impacts of the proposed development
- Impacts to the built environment including a detailed site development plan

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies and the relevant Municipality must be
requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be
submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is
acceptable on a case by case basis

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


.....
Dr. Xolisi Dlamini
Chief Executive Officer, Heritage Western Cape

In a meeting held on 8 November 2018 with HWC officials to clarify the reasons for the requirement for an HIA, HWC noted that this was because "the development on the forecourt will impact the sense of place on the following identified heritage resources or intangible elements of significance:

- The socio-historical significance of the Artscape and Civic Centre buildings in relation to their symbolic history and role as government institutions during Apartheid;
- Their architectural significance relating to the above-mentioned historical elements including their modernist architectural elements including the Forecourt;
- The role of the Forecourt as an "entrance to the City" as a public space and significant thoroughfare;

It was advised that separate specialists dealing with the separate elements of cultural heritage significance (architectural, socio-historical, visual etc.) should contribute to the report.

In a further communication with the case officer on 11 March 2020, this author asserted that the RNID only required "Visual Impacts" and "Impacts to the Built environment including a detailed SDP". The RNID is a legal decision, with a right of appeal, which DTPW chose not to pursue although the NID had recommended that no HIA was necessary. However, the 2018 consultation meeting with HWC to clarify the scope of work (SoW) considerably expanded the SoW to include the above-mentioned, including a recommendation that they each be undertaken by separate specialists. It was suggested that this expanded SoW was neither legal, nor warranted given the level of significance. It was proposed that the requirements of the RNID must be met, and that as a matter of course, the HIA should include an *appropriate* level of socio-historical, architectural and visual assessment. However, the requirement for a separate specialist for each cannot be justified by the level of significance or DEA&DP guidelines for involving visual specialists (indeed, this work was not undertaken by separate specialists for the overall SDP and Founders Garden Precinct, which was approved by Committee in 2015, and the need for an HIA questioned then). It was proposed that the only

specialist work be in respect of the assessment of modernist architecture and significance. HWC concurred in an email dated 12 March 2020.

2. Property Details

The overall FGA area consists of two properties, Erven 186 and 187 Roggebaai and they are held under two separate title deeds.

Erf No.	Erf 186 Roggebaai	Erf 187 Roggebaai
Owner	Western Cape Government	
Extent	2.8051 ha	1.4039 ha
Total extent	4.2090 ha	
Title Deed No.	T36740/1976	T30193/1971
Current Zoning	General Business GB7	General Business GB7
Current Land Use	Zip-Zap Circus and Gardens	Artscape Theatre
Applicable Zoning Scheme	Cape Town Development Management Scheme (2015)	
Title Deed Restrictions	Yes - Western Cape Parliament permission obtained as is required by condition	No Restrictions
NEMA Regulations Applicable	No	
Overlay/Special Zones	Outside Heritage Protection Overlay Zone Inside Roggebaai Local area Overlay Zone	

Table 1: Property details

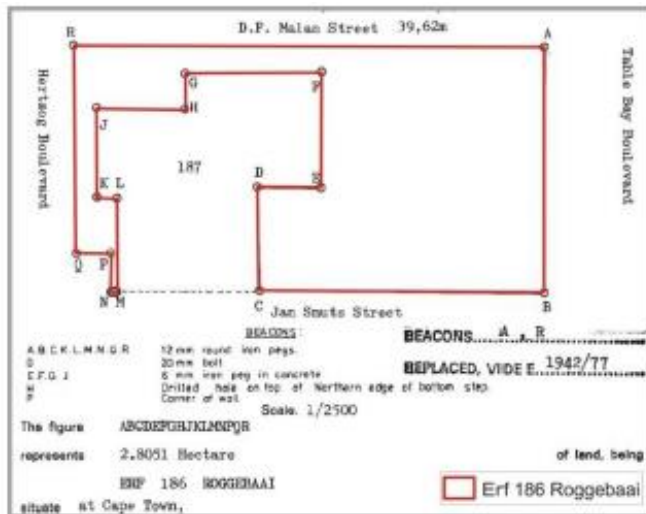


Figure 5: Erf 186 Roggebaai (SG 2976/1976)

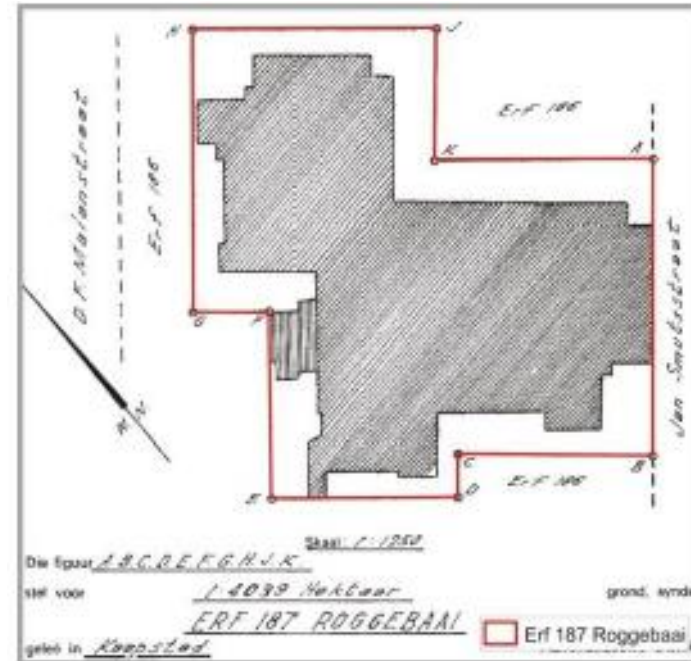


Figure 6: Erf 187 Roggebaai (SG 5097/1971)

An application was lodged with the CCT for the consolidation of Erven 186 and 187 into one cadastral entity and the re-subdivision into two separate erven, which would create the two development precincts, namely Founders Garden Precinct and the Artscape Precinct. The application was approved by the City on 26 February 2019. The 10m wide bulk services servitude in favour of the City which traverses the site has been drawn up on separate SG Diagram and can be registered on the consolidated site (new erf 281). The proposed subdivision is in accordance with the approved Development Framework and also reflects the services servitude on the Founders Garden erf (new erf 282). Once the Founders Garden erf is registered, the Artscape erf will be known as Remainder Erf 281.



Figure 7: Proposed Subdivision Plan

3. Statutory Process

The proposed development of the property concerned will not trigger any Listed Activities in terms of the EIA Regulations. This HIA is therefore conducted in terms of Section 38(4) of the NHRA and is submitted to HWC for a Record of Decision.

4. Methodology

This HIA will be structured to fulfil the requirements of Section 38(3) of the NHRA and to respond to the requirements of HWC. The public participation process generally follows the HWC guidelines. The comments received will be considered for incorporation into the findings and recommendations of the HIA.

The following sources of material have been consulted:

¹ Extracts from Artscape Conceptual Precinct Plan February 2019

- Previous heritage and planning reports, upon which much of the heritage related information is based and directly extracted.
- Building plans for the Artscape
- Secondary sources (listed in references)
- Limited on-site inspection

The project team includes, inter alia:

- HIA Practitioner: Cindy Postlethwayt
- Specialist heritage input: Andre Pentz of Urban Design Services cc.
- Technical Project Management & Precinct Plan revision: ARG Design
- Precinct Plan Town Planners: @Planning
- Precinct Plan Urban Designers: Design Space Africa (Luyanda Mpahlwa)
- Precinct Plan Landscape Architects: Viridian

5. Assumptions & Limitations

The information and assessments supplied by others are assumed to be accurate and a fair representation of the proposed development. It is assumed all relevant information has been disclosed. Access to the site and some information was limited by the state of National Lockdown in response to the Covid-19 pandemic. However, all authors have extensive prior knowledge of the site and sufficient information was available not to impact the credibility of the conclusions drawn.

6. Site description¹

The precinct under consideration, which comprises the Artscape Theatre complex, is situated on the Cape Town Foreshore, south of the Nelson Mandela Boulevard elevated freeway and the open space known as Founders Garden. The reconfigured site (once the consolidation and subdivision are enacted as set out above), will accommodate the entire existing Artscape Theatre complex and will

include the open forecourt to the south-west of the main entrance steps, and the small parking court on the southern edge (adjacent to Hertzog Boulevard).

The existing parking area along Jan Smuts Street, which forms the backstage area of Artscape (east of the theatre complex) is not included in the site. Due to the high development potential of this land, it is included in the Founders Garden Precinct with a servitude in favour of Artscape to ensure access to backstage loading areas and parking. Future development can therefore proceed onto the parking area on condition that the access to stage loading areas are included in the redesign and parking for Artscape is replaced elsewhere on the Founders Garden Precinct or under the Artscape Plaza.

The Artscape Precinct consists of four distinct areas, each with their own function and character, offering different development opportunities and interfaces with the surrounding area:

An important part of the site is the northernmost portion of the site, along the north-western street boundary of the DF Malan Street edge of the site where the proposed new "Entrance 1" is located. The area includes the new "Main Entrance" to the theatre complex which leads to the box-office foyer, and also accommodates a separate entrance to the Arena Theatre, which is a smaller more experimental theatre (and the third stage in the theatre complex).

At the entrance, and along this section of DF Malan Street, there is an established row of Ficus trees with a tall tree canopy which creates a particularly attractive street edge. This avenue of trees continues further north towards the Founders Garden Precinct and has been identified as an important avenue to retain in order to create a sense of space and promote the activation of the street edge along DF Malan Street. A significant mature Ficus Nitida tree is located at the northernmost corner of the theatre complex, just outside the fire escape from the theatre.

To the east of this tree are the newly installed generators which serve the entire theatre complex. These large generators should remain accessible for servicing but should at least be screened if this edge becomes a highly used pedestrian route and activity node. The generators could be relocated, but such relocation should be undertaken in conjunction with Artscape and ongoing access for maintenance must be ensured. To the east of the generators is a dilapidated pre-fabricated building (called 'The Annex') which is used as overflow rehearsal space.

A memorial stone dating to 1956 is located in the northernmost corner of the precinct. This memorial stone is in a bad state of neglect with letters stolen off, overgrown and in need of restoration. The 2016 HIA, recommended it be relocated and restored elsewhere on the Founders Garden Precinct.

Several storage areas are located along the north-eastern and north-western edge of the theatre complex building on the ground floor and are accessible from the outside only. These storage areas are used by Artscape and must remain accessible for future use.

The Artscape Management has been involved in the preparation of the 2019 Artscape Precinct Conceptual Plan, as amended 2020.



Figure 8: Artscape (@Plan)



Figures 9 (above) & 10 (below): Naming of Parts



Figure 11: Artscape Plaza with the Civic Centre, it's podium and concourse linking to the Artscape Plaza in the background (@Plan)



Figure 12: Artscape Plaza with the Main Opera House in the background and the concourse level on the right, in front of the Civic Centre (@Plan)



Figure 13: Opera House side parking area (@Plan)



Figure 14: Parking area at the Stage Door with the Opera House loading dock on the left (@Plan)

7. Context²

Within the Foreshore context, the Artscape is a prominent site, because of the distinctive architecture of the theatre and its public use.

Fronting onto DF Malan Street, it is bounded to the south by Hertzog Boulevard, one of the entry points into the Foreshore area of the CBD.

² Some written extracts from Pentz (2014) VIA

The rear entrance is situated on Jan Smuts Street. The general area is “predominantly made up of large modern multi-storey office blocks and complexes located within a semi-grid street block pattern that includes open spaces and parking lots. This existing framework largely defines the character of the area which is modern late 20th century and also corresponds to the gradual and piecemeal development of the area over the past 60 years.” (2014 VIA)



Figure 15: Artscape from DF Malan Street, the Civic Centre dominating the background, views through to Table Mountain (Google Earth image).

There are few active street edges in the vicinity. The elevated freeways north of the Founder’s Garden site also have a blighting effect with the space between them open parking areas.



Figure 16: Artscape just visible from DF Malan Street; the Civic Centre dominating the background; the newly built Christiaan Barnard Hospital in the right foreground; and views through to Table Mountain (Google Earth image).



Figure 18: Herzog Boulevard, entering the City from the east, the Civic Centre dominating the entry views and Artscape, right of picture, entirely obscured by the My Citi infrastructure. (Google Earth image).



Figure 17: Artscape from Jan Smuts Street, the Civic Centre dominating the background, a sliver view through to Table Mountain (Google Earth image).



Figure 19: Artscape from corner DF Malan Street and Herzog Boulevard outbound, the only clear sightline of the building on Herzog Boulevard (Google Earth image).



Figure 20: 3D image of Artscape looking north over the Civic Centre podium and concourse (Google Earth image).



Figure 21: 3D image of Artscape looking south over the elevated freeways illustrating the urban environment within which it is situated (Google Earth image).

“It should be noted that the primary issue from a visual impact point of view as far as heritage resources are concerned is the view from the Nelson Mandela Boulevard Scenic Drive (the elevated freeway)” (2014 VIA).

8. Historical Background

Much of the relevant heritage analysis was conducted for the 2015 HIA. This included the following:

- Founder’s Garden Historical Background Report undertaken by Melanie Attwell, October 2013;
- Desktop Marine Archaeological Assessment of the Proposed Founders Garden Development by Dave Halkett of ACO Associates cc, May 2014
- Visual Impact Study for Erf 186 Roggebaai (Founders Garden) by Andre Pentz of Urban Design Services cc, December 2014; and
- Heritage Impact Assessment for Erven 186 and 187 Roggebaai by Andrew Berman of Urban Design Services cc March 2015;

The information contained within them is merely summarised here, supplemented with additional information as relevant and specific to the Artscape site.

8.1 Archaeology³

The FGA Precinct is located on land reclaimed from the sea. As such, there is a risk of encountering maritime remains resting on the old seabed in the course of any project in this area, particularly the more substantial projects which penetrate deep into the reclaimed land, through the old seabed and into the underlying bedrock in order to provide solid foundations and often basement parking facilities.

In the event of remains being found, the worst case scenario from a development perspective would involve the discovery of *in situ* wrecks containing the physical remains of slaves and or other human

³ Extracts from ACO (2014)

remains, and/or well preserved structural details and cargoes. One cannot definitively say what vessels or cargo's may be significant, though in broadest terms, one may assume that older vessels would be of greater interest to the scientific community.

The likelihood of finding decontextualised anchorage/shipwreck debris on the old seabed, and/or shipwreck debris within the landfill is higher than finding a substantial shipwreck. The potential risk to development of such decontextualised finds is considerably less than for an in situ shipwreck. Some thought may be given to display of such material if it is in such quantity and of a suitable nature, within any development on the site.

While the lack of precision with respect to wreck locations means that one can never rule out the possibility of encountering significant remains on the site, evidence suggests that the area of the bay over which the proposed developments are proposed, was not an area where ships are recorded as having sunk (notwithstanding numerous unaccounted wreck locations).

Shipwrecks and associated material of any type is protected by the National Heritage Resources Act of 1999 (NHRA). Although the Act devolves responsibility for most provincial heritage matters to the Provincial Heritage Resources Authority (PHRA), shipwrecks remain a national issue and fall under the jurisdiction of the South African Heritage Resources Agency (SAHRA). Permission is required from that organisation to disturb or remove shipwrecks or associated material (if found).



Figure 22: Foreshore mid 1940's. The war is over; Cape Town is poised for rapid economic growth and a leap towards a promising modernity... The bare expanse of the recently reclaimed but undeveloped Foreshore also illustrates how growth-inspired development severed Cape Town's link with its defining littoral. The city gained a spanking new harbour, but the people lost touch with the sea. ⁴

⁴ Micheal Morris <http://www.viewfromabove.co.za/Argus.htm>

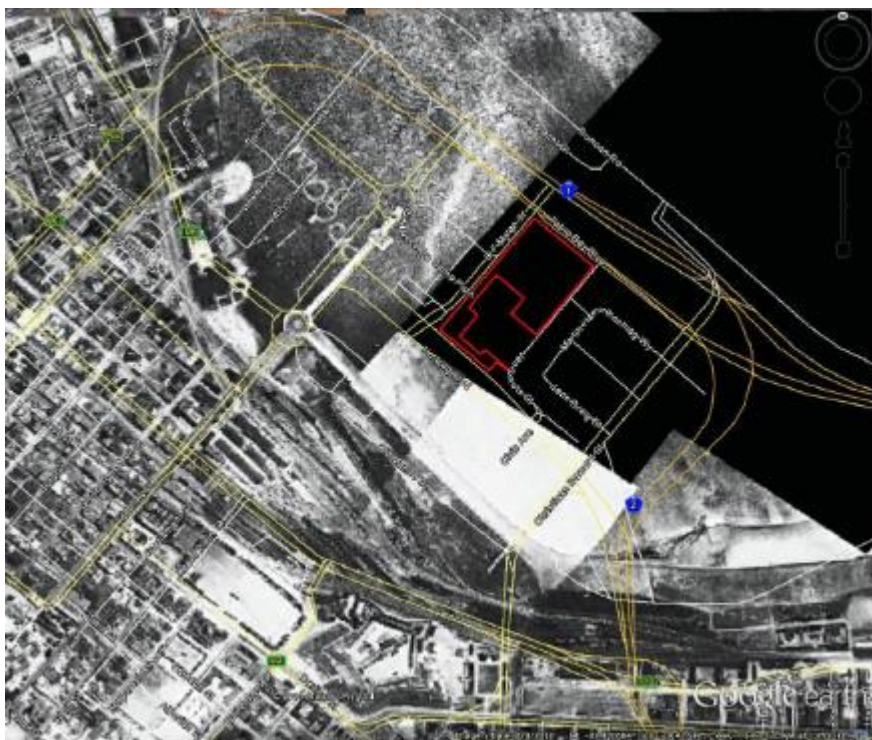


Figure 23: An extract from the 1926 aerial photo of Cape Town showing the 1913 pier (source: Jordan 2003) with current street map superimposed via Google Earth. The old Roggebaai fishing boat harbour and beach clearly visible at centre. The old promenade running south east from the base of the new pier at the foot of Adderley Street. The position of Erven 186 and 187 offshore at that time is indicated by the red polygon (ACO).

8.2 Foreshore planning and development⁵

“The planning for the additional space created by the extended shoreline took place at a time when planning, design and architecture were heavily influenced by new ideas; and political and

social frameworks best reflected by Swiss planner Le Corbusier. He declared that the historic organic or “accidental layout” was best replaced by a formal layout where design could create stronger control. Formalism led to repetition and regulation; which assisted monopoly capital in production and in the control of movement, access and use. Living, working and recreational spaces were separated. Areas separated by use were linked by fast moving freeways, wide landscaped boulevards and open park-like spaces. Le Corbusier believed in the ruthless removal of the old city – he referred to the “surgical method” - and the accompanying rebuilding of the city along lines of efficiency and control.

Such ideas were dominated by regulation and separation - very prevalent ideas in pre-war Fascist Europe. Don Pinnock (1989:156) noted that it was no accident that modern movement planning was accompanied the destruction of the working class portions of the old City and, after 1948, the spatial separation of Cape Town residents by race along with use separation. Modern Movement Planning foreshadowed and enhanced the Nationalist Government Apartheid agenda.

South African Railways and Harbours Planner Professor W Thorton-White produced a deeply Modernist interpretation in the first plan for the Foreshore in 1941. This was a plan of regular buildings stretching up from the shoreline linked by roads. He was the first to introduce the concept of a Monumental Approach and a very wide boulevard as a gateway to Africa. Norman Hanson at the 1938 Congress had foreshadowed the vision and role behind a Monumental Gateway by linking the sea and the “founding father myth” - the myth of the arrival of civilization in Africa. The Monumental Approach was to be an expression of civic power and an announcement of the gateway to Africa by sea sentiment. He said at the Congress, “Cape Town is the focal point of South African history and character. White civilisation gained its first hazardous foothold on that southern peninsula...”

⁵ Extracts from Attwell (2013)

“The planners appointed by the South African Harbours were deeply influenced by this functional, mechanistic “clean sweep” approach and it strongly influenced their plans for the Foreshore.

Following the completion of the reclamation, the South African Railways and Harbour Administration appointed the British planner, F Longstreth Thompson and Professor L.W. Thornton White of UCT as advisers to prepare plans for the reclaimed area, while the municipality used the services of the French planner, E.E. Beaudouin”. For years however, implementation of the plan was hampered by deadlock over the position of the railway station.

The final proposals, called the “The Cape Town Foreshore Plan,” were made in 1946 and published in 1947 - 1948.”

“The final plan had two monumental approaches. They were

- The gateway from the sea approach – the original concept of the Gateway to Africa. This involved the Monumental Approach from the Duncan Dock. This was regarded as important because the approach from the sea for it” established “as long as Cape Town existed” and it found historical expression in the line of Adderley Street to the Gardens which stretching from sea to mountain amphitheatre forms the main axis of the old town”. The Monumental Approach from the Sea consisted of an open park: providing a clear vista to the (new) City Hall set against a mountain backdrop”. It was seen as a garden setting based on the Company Garden and as a traffic free pedestrian zone. The huge distances and windy environment were not considered inimical to pedestrian use. The Monumental Approach was composed of a broad formal garden terminating in and defined by civic buildings.



Figure 24: The application of the road network and spatial plan at its purest 1952-1953, prior to later amendments: This shows the Monumental Ceremonial approach (arrowed, through the FGA site) and the Monumental Commercial approach or the Grand Boulevard (Heerengracht/Adderley Street). The Monumental Approach is not yet developed except for the outline of the road framework

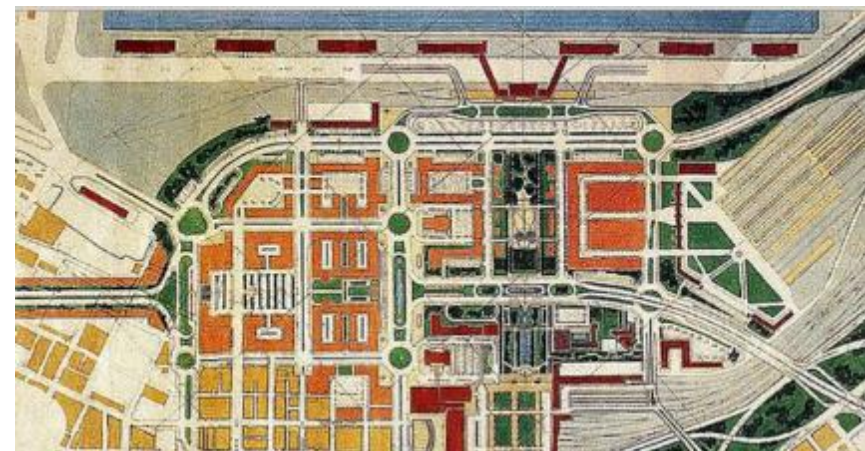


Figure 25: The amended Foreshore Pan of 1947.

- The Grand Boulevard extending up from the new Heerengracht and linking with the old city axis Adderley Street. This was to be a motor vehicle approach up the extension of Adderley Street and composed primarily of commercial buildings and uses. The statue of Jan Van Riebeeck – the original “founder” acted as the pivot linking the old and the new cities. A new Civic Centre would be built in the block containing the City Hall terminating the monumental approach which extended across the sea terminal across the roof deck of the railway station and across the Grand Parade.

The plan also proposed a system of freeways - an eastern and western boulevard accessing the city and crossing the central boulevard. The proposal built on the City’s strong relationship with the sea, the extension of the City grid in an altered form. Importantly and uniquely for a modern movement plan, it proposed building on the City’s dominant central axis – the Government Avenue Adderley Street axis extending it to meet the Table Bay Boulevard and beyond that to the Duncan Dock. It proposed a grid system similar to that of the existing historic city grid which allowed views towards the sea and the mountain, accentuating the “Gateway” concept.

The 1947 Scheme contains and celebrates certain monuments and spaces associated with the Dutch origins of the City including the Castle, and the Parade which it links to a Monumental axis or a gateway to Africa. However these were selective and the Scheme in general did not respond to the scale character and morphology of the City Centre preferring to opt for a modernist vision of building blocks separated by large boulevards and open spaces. It’s possible to conclude that the historicist references owed equally to a sense of nationalism and a link to the Dutch past as a modernist approach to city planning. This approach was welcomed and fully utilised by the Nationalist Government after coming to power in 1948. The concept of the “founder” and the “gateway” were concepts fully explored in the 1952 Van Riebeeck Festival.

As far as the Monumental Approach was concerned, one could argue that it was doomed to failure – it was in the wrong place, did not respond to the spatial dynamics of the City as they existed historically, was dependent on a dying sea trade for relevance; and never really overcame the problem of the railway lines situated in direct visual competition with the Monumental Approach itself. In addition, it was unclear why two Monumental Approaches were necessary to a small colonial city; and in the end it was the Adderley Street/Heerengracht approach that became the most recognised as the “Gateway to South Africa”. The “gateway” concept has been transferred in its entirety to Adderley Street now re-interpreted as the “Gateway to Africa”.

The City of Cape Town’s City Engineers Department produced a key document in 1951 reviewing the 1947 scheme called “*Metropolis of Tomorrow*”. Directed by the City Engineer - Dr Solly Morris, it proposed radical changes to the Foreshore Scheme and to the monumental approaches. The report proposed the building of a new City Hall Complex in the centre of the Monumental Approach and a ring road to provide better access and improve transportation flows into the City. The proposals were accepted by the parties concerned. The ring road although only partially built effected a major blow for the Government Avenue - Adderley Street - Heerengracht spine cutting it off from its link with the sea by an elevated freeway.

The impacts for Cape Town in terms of its aesthetics, its scenic qualities and its identity as a port city have been incalculable. Planners still grapple with the problem today. By 1963 the Morris proposals were put to the Shand Committee which confirmed the departmental proposal of the partial ring-road around the City, including the development of the Western Boulevard, the Eastern Boulevard, the extension of Strand Street; and the Table Bay Boulevard which affected the city/sea link. Importantly the Commission recommended the further development infill of the original Monumental Approach to include the Nico Malan Opera House (now Artscape) and the development of podium/tower

buildings, not part of the original proposals and which affected the space-to-void relationship of the Foreshore Plan. The Shand Commission' recommendations were approved in 1968 and implemented shortly thereafter. The design for the elevated freeway was undertaken by the Foreshore Freeway Consultants. At the same time the Cape Provincial Administration took over the remaining gardens of the Monumental Approach and began work on the Nico Malan Opera Complex, which was completed in 1971. The remaining portion of the Monumental Approach was renamed the "Founder's Garden" in honour of the "founding father myth."⁶

The aerial photograph of 1968 indicates no structures on the site.



Figure 26: This 1968 aerial photograph shows the Foreshore at the time when substantial changes were affecting the original urban design.

⁶ Artscape (2012)

⁷ https://esaf.sun.ac.za/index.php/Nico_Malan_Theatre

Fig. 26 cont.. The "new Cape Town Station is in the process of being built cutting off the old east city from the sea, and the eastern Boulevard is under construction. The Founder's Garden and the Monumental Approach remains empty, although development around Culemborg and Jan Smuts continue. The Civic Centre and the Artscape (Nico Malan) Theatre have not yet been built".

8.3 Artscape/Nico Malan Theatre social history

The Artscape has been identified as the oldest State-owned theatre complex in the country.⁶ Construction of the Nico Malan Theatre (now the Artscape) began in 1969, the original architects being KMH Architects, in association with Naude, Papendorf and van der Merwe. Named after the then incumbent Nationalist Party Administrator of the Cape Province, and publically funded, it opened in 1971. "Architecturally and technologically the most advanced of all South African theatres when it was opened in 1971, it had been constructed for a massive R12 million. (It was) one of the first theatres in the Southern Hemisphere with an electro-mechanical facilities for transporting décor. The theatre was also geared with a computerised lighting system. A fire in the opera house's lighting switchboard caused approximately R1 million in damages in 1976."⁷

The theatre was home to the Cape Performing Arts Board (CAPAB) - a South African theatre organisation based in Cape Town, serving the former Cape Province. It was one of the four state funded performing arts Councils in the four former provinces of South Africa, instituted in 1962, "with the aim to promote the performing arts in the Cape Province and South Arica. The arts councils received sufficient government subsidies to fund various art forms as well as the operational requirements of the theatre facilities. Staff could be taken into permanent employment."⁸

⁸ <https://en.wikipedia.org/wiki/CAPAB>

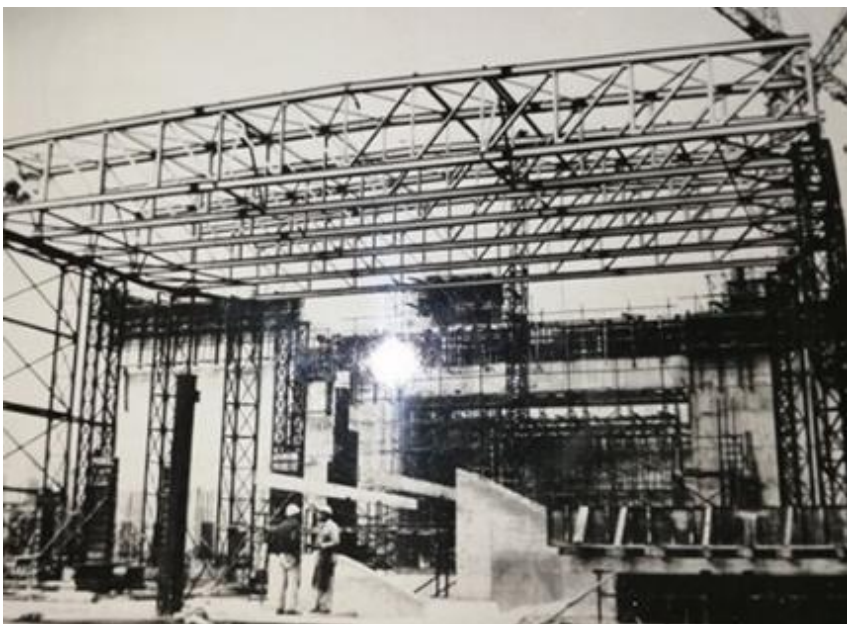


Figure 27: The Nico Malan Opera stage under construction 1969⁹

However, since 1994, government policy changed dramatically. All performing arts boards were transformed to managers of playhouses and the various arts companies had to become independent. The CAPAB Drama Department staged its last production in May 1997 with a final performance of David Mowat's *The Guise*, a play which has as its theme the survival of the theatre.

The new organisation, Artscape, was launched on 27 March 1999 to replace CAPAB and the Nico Malan Theatre Complex was renamed the Artscape Theatre Centre. Artscape was declared a cultural institution in terms of Section 3 of the Cultural Institutions Act, 1998 (Act No. 119 of 1998) on 1 April 2003. Effective from this date, Artscape became a Schedule 3A (national entity) under the Public Finance

⁹ <https://www.facebook.com/212793662187355/posts/contruction-of-the-nico-malan-theatre-artscape19691-opera-stage-2-stage-lifts-ar/1614358792030828/>

Management Act, 1999 (Act No. 1 of 1999). As such, the Artscape is still a state-funded cultural institution.

From its inception the Nico Malan was controversial, reserved from the start for 'whites only', despite opposition from artists, critics and the general public. As part of the Republic Festival, the theatre was inaugurated in 1971, with a 1,204 seat opera house and various facilities for the performance of theatre, music and ballet. However, the opening was met with public protests. "Apart from students at the University of Cape Town handing out protest pamphlets outside the venue at the inauguration, an extensive campaign against the colour bar was waged by advocate Brian Bamford, who lobbied for a boycott of the inauguration by the Cape Provincial Parliament. The resistance (sic) movement Black Sash joined the protests, picketing on the day of the inauguration in the city centre with slogans such as 'Culture knows no colour bar' and 'Never have so many paid for so few'.

Most newspapers reported on the 'glitter and dissent' ... the Cape Times ... calling it an "operatic tragedy"."

The contribution of the Eoan group amongst others to the cultural life of the City was acknowledged, their exclusion from the Nico Malan deplored. The debate broadened to include, *inter alia*, the poet Adam Small, who, in articulating the rage and frustration of the 'coloured community' pointed to the limitations of white liberal protests, their complicity with apartheid, the 'high culture' orientation of the Eoan Group, and who was entitled to speak on behalf of the broader public on these matters.

After considerable pressure the theatre finally became the first in South African to allow all races onto its premises in 1975. However, the

boycott of the theatre lasted many more years.”¹⁰ As with many such state institutions, whilst the Nico Malan was owned and funded by the apartheid government, the latter was able to influence its programme and prevent critical or challenging works.

After 1994, the relaunch of the theatre, first in the interim re-named *The Nico* in an attempt to distance it from its apartheid past, then as *Artscape* in 1999, marked a fundamental shift in the cultural agenda of the organising body, with a commitment to transformation at all levels. A multicultural performing arts strategy has been “developed to ensure that our staff, suppliers, audience, performers and programme content is reflective of the diverse demography and cultures of Cape Town and the South African society. Artscape is determined to remain a leading South African and African performing arts institution that will also contribute to economic development and social cohesion in the Western Cape.”¹¹

8.4 Architecture

The direct extracts below are taken from Urban Design Services cc (April 2020): Assessment of the significance of the Artscape complex as modernist architecture, commissioned as a separate specialist assessment and included in full in [Annexure A](#).

8.4.1 History¹²

The old Cape Town opera house, sited near the Grand Parade, was demolished in the 1920's. In 1964 Dr Nico Malan, the then Administrator of the Cape, declared that a new opera house be built. It was decided to place the new building on the site of what was, on the old 1945 Foreshore Plan, the monumental gardens. This made

sense as it was also next to the site of the proposed new civic centre complex,

In 1965 a team of architects was commissioned to undertake a tour of European and American opera houses and cultural centres. Construction was started in 1968 and completed in 1971, in time for the Republic Festival events. The opera house was named after Dr Malan, being affectionately referred to as 'The Nico'.

8.4.2 The Architects

The firms of Kent, Miszewski and Hockley (now known as KMH Architects) in association with Naude, Papendorf and van der Merwe were appointed as architects.¹³ KMH Architects was an old Cape Town firm (established 1912) with Miszewski an expert in theatre design.¹⁴

The driving force behind the project was JDP 'Hannes' van der Merwe (1924-2012), who in 1952, became a partner in the firm of Meiring and Naude¹⁵, a successful Pretoria based firm and the recipients of many government contracts.

Hannes van der Merwe trained at UCT and was a contemporary of the architects Barrie Biermann, Revel Fox and Jack Barnett. After completing his studies at UCT he joined the British office of Fry¹⁶ and Drew. The firm was undertaking work in West Africa so he became a member of the 'Africa group', and with a sound background and training in modernism, he was ideally placed to further his career on his return in 1947 to a booming post-war Cape Town.

¹⁰ https://esat.sun.ac.za/index.php/Nico_Malan_Theatre

¹¹ Artscape Annual Report 2017/18

¹² Reference for historical background: 'The Gateway of Tomorrow: Modernist Town Planning on Cape Town's Foreshore, 1930-70' by Nicholas Michiel Botha. Dept. of Historical Studies. Faculty of Humanities. UCT 2013.

¹³ Doreen Greig. A Guide to Architecture in South Africa. Howard Timmins, Cape Town. 1971

¹⁴ Source H.Aikman, pers. comm.

¹⁵ For biographical details see the Artefacts website: <https://www.artefacts.co.za>

¹⁶ Maxwell Fry, of the firm Drew and Fry, was a pioneer of modernism in England. He had worked with Walter Gropius and was between 1951 and 1954 senior architect at Chandigarh in India, designed by Le Corbusier (Artefacts). Sir Denys Lasdun, the celebrated British architect of the *Brutalist* National Theatre on the South Bank in London, begun in 1963, joined the firm in 1952.

He was accomplished at many levels, wrote extensively and was active in cultural circles. He was politically well-connected, with brothers high up the D. R. Church and Nationalist Party government.¹⁷ He had considerable project experience under his belt, having been project architect on the Sanlam Centre building (1961) on the Foreshore, and was at the time of his appointment the architect of record for the new Cape Town Civic Centre. He led the fact-finding team on a tour of over 40 opera houses and venues in 9 countries, soon after which he established an office on the site.¹⁸

8.4.3 Naming of parts



¹⁷ Ibid; H.Aikman

KEY

1,2,3,4,5= Entrances, 6 =Opera, 7= Theatre, 8= Restaurant
 9= Recent additions, 10= Towers, 11= Plaza, planters &stairs,
 12= Terrace, 13=Tunnel, 14= Vehicular entrances, 15= Service,
 16=Concourse, 17= My Citi bus stop, 18= Civic Centre podium,
 19=Parking, 20=Founders Garden, 21=Civic Centre tower.

8.4.4 Plan form and arrangement

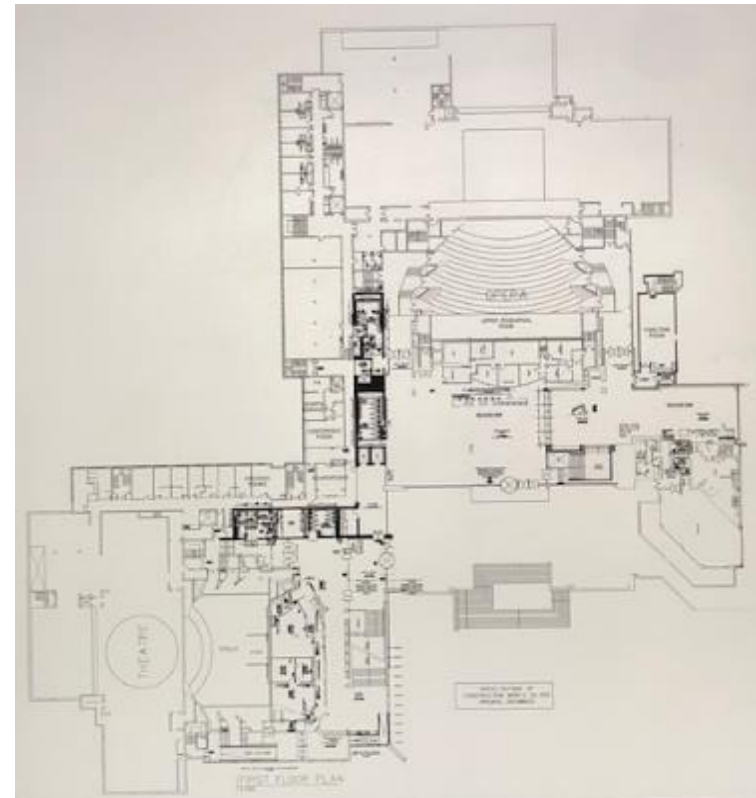


Figure 28: First floor plan (KMH Architects)

¹⁸ Ibid. Artefacts website.

The concept diagram is two rectangular blocks, one for the theatre and one for the opera house, each embedded within their respective blocks, with stages and service spaces located to their sides and rear. The blocks intersect at corners, as a pivot to form a rectangular outdoor plaza. This provides a forecourt to the public foyers and circulation spaces of the building. The plaza is punctuated by a flight of stairs leading to a rectangular terrace at the main podium level which is book-ended by a restaurant tilted at 45 degrees, a device intended to generate a diagonal sense of movement.

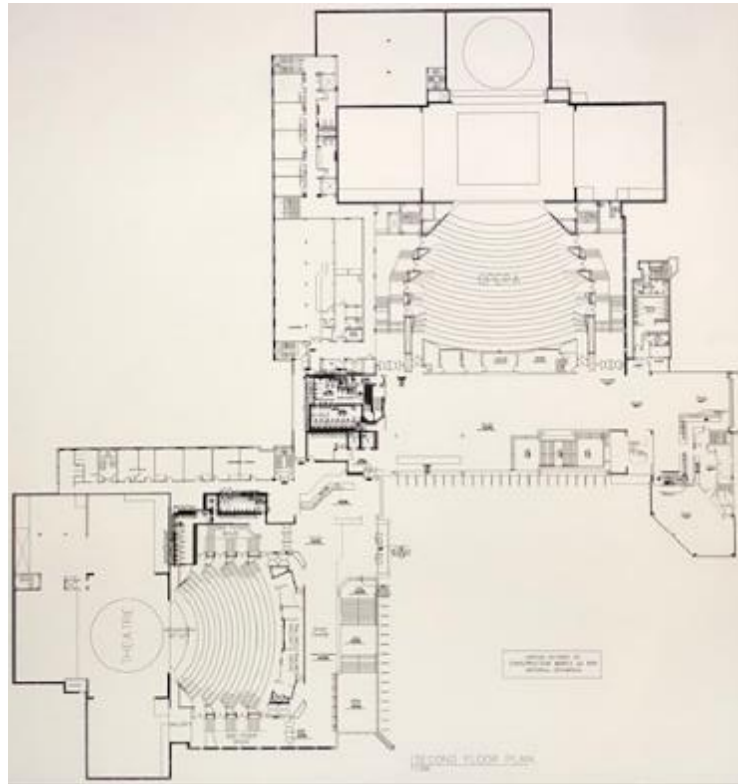


Figure 29: Second floor plan (KMH Architects)

8.4.5 Exterior views- principal facades (UDS 2018-20)





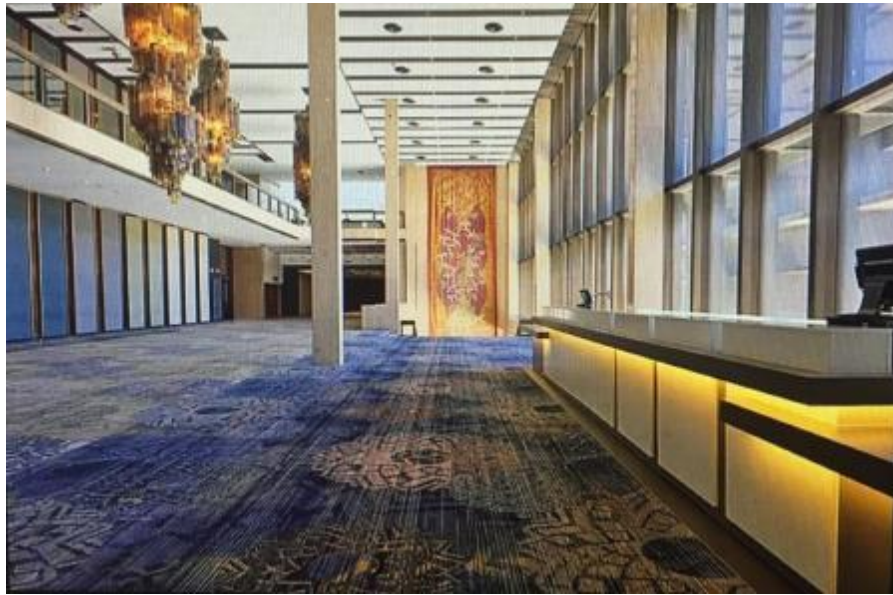
8.4.6 Exterior views- rear and side facades (UDS 2018-20)





8.4.7 Interior views (KMH Architects)





8.4.8 Views of the environs (UDS 2018-20)





8.4.9 Alterations and additions

In 2009/10 GAPP Architects undertook various upgrades to the Front of House (auditorium, ablution and bar facilities) and additions to the Back of House (opera roof extensions and stage door extensions).

KMH Architects have also recently completed the refurbishment of interior spaces.



Figure 30: View of opera roof and stage door extensions (Photo: UDS)

8.4.10 Analysis: Artscape as a building of its time

Artscape displays all the characteristics of mid- to late 20th century international style architecture, often referred to as *Brutalism*, or the *New Brutalism* as it was described by the architectural critic Reynar Banham. In his words the movement was to “*make the whole conception of the building plain and comprehensible. No mystery, no romanticism, no obscurities about function and circulation*”.¹⁹ The *New Brutalism* had come about as a reaction to what was seen as the frivolity of “humanist” modernism as represented by Scandinavian architects such as Alvar Aalto and the 1951 Festival of Britain pavilion. Ironically, by the 1970’s the backlash against modernism was in full swing²⁰ (Artscape was complete in 1971).

The architecture of the Artscape complex is similar to that of the adjoining Civic Centre, in style and finish and reflects the same hand in its conception and execution. Both were to all intents and purposes the brainchild of the architect Hannes van der Merwe. In character the complex strongly resembles the 1960’s public architecture of American cities where there was a penchant at the time for building

¹⁹ As quoted from article on *Brutalism*, see the Open University website <https://www.open.edu>

grand civic complexes. The overall form of the building consists of sheer cubic masses rising to the theatre spaces and taller double volumes housing the backstage lifts, each with double mini-tower elements that give the building an aloof, citadel-like quality.

The uncompromising almost monumental approach, the hard, blank, box-like forms, disdain for decoration (other than the Corbusian *brise soleil*) or historical references, the severe geometry (only partly relieved by the subtle use of the diagonal), the mega-structure elements of elevated walkways and vast paved areas are all typical of the period.

The building can be considered with its forecourt space and attached walkway as a ‘set piece’. It is a windswept, hard environment. The square is enclosed strongly on 2 sides by the building, weakly on the side of the walkway, and is open on DF Malan Street. There is little or no activity on the edges or in the plaza, and the environmental quality and sense of security of the area around the elevated walkways, concourse and narrow linking pedestrian passage is of low standard and save for the My Citi bus station under the concourse, poorly used.

Artscape, by virtue of its size and presence for forty years or so, has some landmark status, but it is unlikely that this is due to any positive place-making qualities. The forecourt’s only specific use is during the annual *Suidoosterfees*. Artscape has never been recognised by architects or the public as a particularly notable building. It has won no awards. It is of some interest to DOCOMOMO, a body dedicated to modernist architecture, but it is not a good example of *brutalism*, as it lacks that rough and raw concrete character or ‘truth to materials’ quality which is the prerequisite of true *brutalist* architecture. As described in the section “*Brutal, As in Ugly*”²¹; “*whereas raw concrete in the hands of Le Corbusier became*

²⁰ Ibid.

²¹ Ibid.

something beautiful and almost spiritual ... Brutalist buildings often seemed tough, hard and uncompromising".

9. Applicable Policy

The City of Cape Town Heritage Audit has not yet audited this area. HWC, in approving the Founders Garden Precinct Plan 2015 was of the opinion that the Founders Garden site should not be graded as a heritage resource (IACom Minutes 8 April 2015).



Figure 31: CCT Heritage Audit Declared and Proposed HPOZs

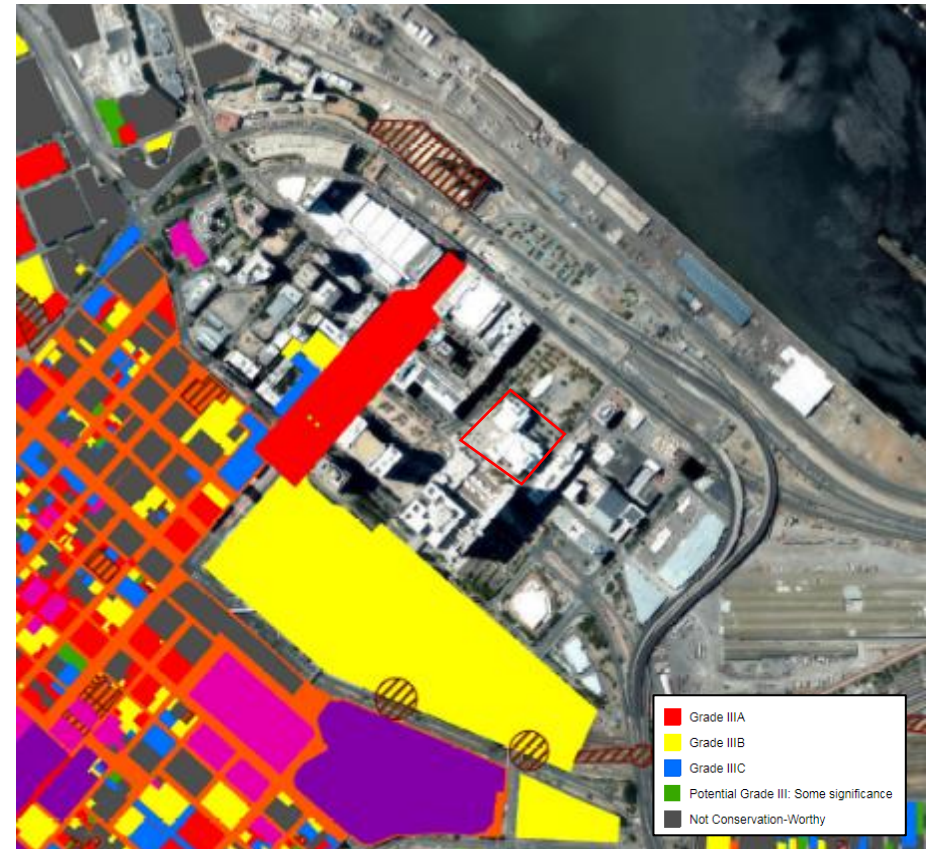


Figure 32: CCT Heritage Audit Heritage Resources

10. Identification of heritage resources and significance

Establishing and grading for heritage significance is based on the three tier grading system used in the NHRA and HWC's "Grading Implications & Management of Heritage Resources HWC guidelines April 2016". Reference is also made to the assessment criteria set out

in the DOCOMOMO²² US website (see Annexure B for further elaboration).

a) *Historical value and social value*

The Artscape Theatre was built in 1971 as a Provincial performing arts cultural centre. From its earliest years, it was a site of contestation and negative social memory because of racial segregation under apartheid. It is also likely to be held in popular memory by some Capetonians who have attended events at the Theatre. However, it is the view of this assessor that it has no unique or pertinent associations to warrant deeming the site as a heritage resource, on the basis of this history or use alone.

HWC has no clear policy or guidelines in respect of incorporating matters affecting intangible heritage into the formally legislated Heritage Impact Assessment process. Nor is there any guidance of how such matters should be weighted against other factors relating to tangible heritage findings.

The NHRA provides some legal guidance:

Section 2 Definitions (xxi) "living heritage" means the intangible aspects of inherited culture and may include, *inter alia*, cultural tradition and performance

Section 3(2) The national estate includes, *inter alia*, places which are associated with living heritage.

Section 3(3) Criteria for assessing the significance of a place or objects: a place has heritage significance, *inter alia*, because of:

- a) Historical value: its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;

²² DOCOMOMO – International Committee for the documentation and conservation of buildings, sites and neighbourhoods of the Modern Movement

²³ Author's emphasis

- d) Social value: it is associated with living heritage (cultural traditions, public culture, oral history, performance or ritual)

Policy guidance is provided by UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (which SA has ratified). It proposes five broad 'domains' in which intangible cultural heritage is manifested. This includes "traditions or living expressions ***inherited from our ancestors and passed on to our descendants***²³, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts"

"The importance of intangible cultural heritage is not the cultural manifestation itself but rather the wealth of knowledge and skills that is transmitted through it from one generation to the next."²⁴

UNESCO expands on the domain of the performing arts, which range from vocal and instrumental music, dance and theatre to pantomime, sung verse and so on. They include numerous cultural expressions that reflect human creativity and that are also found, to some extent, in many other intangible cultural heritage domains. However, it goes on to state that these arts are more than simply 'performances' for an audience; they are always linked to traditional practice that reflect the identity of a nation, and often play crucial roles in culture and society.

Pietrobruno notes that such alignments with traditional culture are not always as definitive as the UNESCO guidelines. Traditional cultures (regarded as intangible heritage) are generally seen as distinct from commercial cultural forms, which are transmitted and promoted via businesses, commercial establishments, and media. However, research on culture reveals that many contemporary intangible

²⁴ <https://ich.unesco.org/en/intangible-heritage-domains-00052>

heritage practices interweave tradition and commodification, thus for example the *tumba francesa* is considered a traditional dance of Cuba, yet historically, commercialism is intertwined with its development, combining instruments of West African origin with the dance vernacular of the elite court of France, bringing together the dance culture of “high” European society and the “low” culture of enslaved Africans brought to the New World.

Locally, only the Maropeng National Policy on South African Living Heritage (Draft 2009)²⁵ provides specificity in the local context in respect of ‘living heritage’. However, it has a clear focus on the living heritage of people indigenous to Africa and slaves which is not relevant in this instance.

Deacon and Dondolo et al²⁶ raise a number of pertinent points:

- It is difficult to manage intangible heritage forms in the same way that built heritage has been managed because intangible heritage forms change frequently and are often not expressed in a permanent physical form;
- It is often difficult to define who owns a specific cultural form and who constitutes a community.
- Discussion about intangible heritage also raises the question of whether cultural products or practices need to be generally highly valued outside the community where they are practiced or produced;
- Also it raises the question of whether our understanding of heritage should be restricted to what is old, traditional, indigenous, tied to ethnic identities, and so on.

On the basis of these views, it is argued by this author that the mere fact that the *raison d'être* of the Artscape (ex Nico Malan) is a provincial funded performance art space and entity, does not fulfil

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www.maropeng.co.za/uploads/files/National_Policy_on_South_African_Living_Heritage_ICH.

the criteria for defining it as either being of Provincial heritage significance, or as intangible heritage, either in its history or practice.

Although an important cultural facility, it has in the past been a symbolically negative space for many, a symbol of cultural exclusion rather than cultural expression. Current cultural programming has likely displaced this vestige of negative social memory. It would be inappropriate for the heritage authority to consider this to fall within the domain of intangible heritage, worthy of management and protection.

b) *Architectural, technical and aesthetic value*

The building is not older than 60 years and the City of Cape Town heritage audit indicates that the building itself is Not Conservation Worthy.

Utilising the DOCOMOMO criteria advanced in Annexure B:

1. Technological merit

Does the work employ innovative modern technology to solve structural, programmatic, or aesthetic challenges?

- The structure employs conventional modernist building technology; structural steel / reinforced concrete frame and slabs, precast concrete cladding, aluminium and glass curtain walling.
- The theatre was architecturally and technologically the most advanced of all South African theatres when it opened in 1971, and was one of the first theatres in the Southern Hemisphere with electro-mechanical facilities for transporting décor. It was also geared with a computerised lighting system.²⁷

²⁶ H Deacon with L Dondolo, M Mrubata & S Prosalendis (2004) *The Subtle Power of Intangible Heritage*

²⁷ <https://esat.sun.ac.za/index.php/Nico>

2. Social merit

Does the design reflect the changing social patterns of 20th century life? Did the designer attempt to improve either living or working conditions, or human behaviours through the work's form or function?

- Intrinsically, the building, which houses important cultural activities, is of much social merit. The design reflects the cultural aspirations of the ruling political and social class of the period, including the then prevailing artistic and architectural establishment. By adoption this still holds true.
- The designers then believed that by following the example of international modernism and 'best practice' they were advancing the social and cultural well-being of the broader community and contributing to the progress of modern Cape Town, as was then being advanced with the redevelopment of the Cape Town Foreshore.
- The Cape Town Foreshore was then being developed along lines that represent what is now universally recognised as being a fundamental failing of architectural modernism, namely the almost total disregard for traditional patterns of urbanism.²⁸ Notwithstanding notions of architectural excellence, the Artscape complex is guilty of these shortcomings. These include an environment that is unfriendly to pedestrians, typically demonstrated by blank walls lining inactive street edges and expanses of windswept open spaces that present as 'SLOAP'. (Space Left Over After Planning).
- The social value of the building is tarnished by it having been initially reserved for white audiences when it opened in 1971, and

²⁸ Urbanism as seen then and promoted by the CIAM (International Congress of Modern Architecture 1928-60, a highly influential group that paved the course of modern architecture) was dominated by the concept of functional zoning and the future separation of the city into compartments. This was supported by the general acceptance that the motor car era would facilitate these constructs.

the boycott of the theatre that followed reflects the antagonism towards the venue felt by those who opposed this injustice. While these events are now well in the past, the uncompromising environs and bunker-like 'brutalist' exterior of the building has been likened to the former apartheid government's attitude to its opponents and its response to the increasing international isolation it was being subjected to during this period.²⁹

3. Artistic and Aesthetic merit

Does the work exhibit skill at composition, handling of proportion, scale and material and detail?

- Within the modernist aesthetic, considerable skill is exhibited in the handling of proportion, scale, material and detail. This applies equally to both the exterior and interiors, which have been remodelled.
- The building was built at a cost of R12 million in 1971 which equates to some R800 million today. A very high standard of finish was required and this extended to the use of rare and precious materials and works of art- for example the Venetian Murano glass chandeliers that were hung in the main foyer.
- The high level of detail and workmanship is testament to the current good condition of the building and its ability to have withstood the elements since completion.

4. Canonic merit

Is the work and/or architect famous or influential? Is it exemplary work?

²⁹ See for example the thesis: 'The Gateway of Tomorrow: Modernist Town Planning on Cape Town's Foreshore, 1930-70' by Nicholas Michiel Botha. Dept. of Historical Studies. Faculty of Humanities. UCT 2013.

- The work was the result of the collaboration of two architectural firms. While there is no doubt as to the competence and artistic ability of the architects originally involved, none of these are celebrated today as famous for their originality or pioneering work, either here or abroad.
- It should be mentioned that the driving force of the project, the architect Hannes van der Merwe, was highly accomplished, influential in social and cultural circles and served on numerous committees and boards. He was also the president of the Cape Provincial Institute of Architects for a number of years.
- Notwithstanding its adherence to the tenets of architectural modernism, the building is not regarded as an exemplary work of the period. As far as can be established the building did not receive any awards.
- Although the Artefacts website describes the building as *Brutalist*, it is not considered to be an exemplary work of *Brutalism*.³⁰ The neat, finely textured precast panel finish of the exterior does not strictly qualify it as *Brutalist*.

5. Referential Value

Did this work exert an influence on subsequent designers as a result of one or more of its attributes?

- The building is representative of the later period of 20th Century architectural modernism and can be considered one of the last of that period in Cape Town, particularly as far as the Foreshore is

³⁰ *Brutalist* Architecture was a progression from early modernism particularly the work of Le Corbusier and was popularised by the British historian and critic Rayner Banham. Banham wrote for the influential architectural magazine the *Architectural Review*, and in December 1955 published an essay defining the characteristics of *Brutalism* as:

1. Formal legibility of plan,
2. Clear exhibition of structure.
3. Valuation for materials for inherent 'as found' qualities.
4. Sense of 'brutality' or 'bloody-mindedness'.

concerned. After the completion of the Cape Town Civic Centre in 1978, construction on the Foreshore stood largely dormant until the opening of the Cape Town International Convention Centre in 2003.

- As far as it can be established the building has had no specific influence on other designers, and there are no specific features of the building that resonate elsewhere in Cape Town.
- The block-like precast panel finish of the exterior is standard for the period and is characteristic of many office buildings that were constructed in the 1970's.

6. Integrity

Is the original design intent apparent? Have material changes been made which compromise the architectural integrity of the structure or site?

- The original design intent remains and it still exerts a strong presence on the site and its environs. True to modernism, the site is treated as a 'blank slate', for the programmatic requirements of the brief to be fulfilled (form follows function). The building is often referred to as being iconic.
- The interiors have recently undergone refurbishing and modernisation, and with this the original 'look and feel' has been altered, but retains its spatial qualities.

International exponents of *Brutalism* include the work of Louis Khan, Paul Rudolph, Kenzo Tange, Denys Lasdun and the Smithsons. Local examples include the work of Revel Fox (e.g. UCT Education Block, Provincial Building in Wale Street) and Roelof Uytendogaardt (e.g. Bonwit clothing factory, Werdmuller Centre). Although much admired by the architectural *avant-garde*, *Brutalism* has been criticized for being insensitive to local traditions, with the failure of many buildings to address their urban context adequately.

- Office additions to the rear, in the form of contrasting glass and steel structures, have not unnecessarily compromised the architectural integrity of the structure or site.

With regard to the grading of the building on the basis of architectural merit the building fulfils the criteria to be classified as a fully-fledged modernist building i.e. true to the period c.1930-1980, and there are aspects of the design and its execution that must be considered merit-worthy. In terms of the DOCOMOMO criteria examined above the Artscape complex rates as having low-medium significance.

The significance of the Artscape complex as modernist architecture is summarised in the table below.

Tabulation of the significance of the Artscape complex as modernist architecture in terms of DOCOMOMO criteria			
LEVEL OF SIGNIFICANCE	LOW	MEDIUM	HIGH
1. Technological merit		✓	
2. Social merit	✓		
3. Aesthetic and Artistic merit		✓	
4. Canonic merit	✓		
5. Referential value	✓		
6. Integrity		✓	
RECOMMENDED GRADING: IIB (Medium to low significance)			

Unfortunately, the reputation of the building is tarnished by it having been initially reserved for white audiences when it opened in 1971. Similarly the uncompromising environs and bunker-like 'brutalist' exterior of the building has been likened to the then apartheid government's 'kragdadig' or heavy-handed policies that characterised that period.

In conclusion it would be difficult to dismiss the building as being without architectural merit. There are also internal fixtures such as the Venetian Murano glass chandeliers that are important examples of 20th Century Decorative Arts.

However taken as a whole, the complex is not conservation-worthy, and some alterations and additions have already occurred. Notwithstanding any notions of architectural excellence, Artscape as a building complex is compromised by adherence to modernist principles universally recognised as being fundamentally flawed, namely the disregard for traditional patterns of urbanism and the failure to address urban contexts adequately. The Artscape complex, occupying a full city block, is largely pedestrian unfriendly. Much of it turns its back on the street, presenting as a stand-alone, self-contained building with hard, blank and inactive edges, implying that the street mainly serves as a conduit for vehicles.

This situation is exacerbated by the oppressive bearing of the neighbouring Civic Centre complex, particularly the slab-like tower of the administration block that straddles over the Hertzog Boulevard, creating a wind-tunnel effect notorious for bringing pedestrians to their knees. Equally over-bearing is the large expanse of the hard-surfaced overhead concourse, a bleak, featureless space that together with over-scaled stairs and walkways links the Artscape complex to the Civic Centre.

In mitigation, the attempt at creating a civic-scaled forecourt plaza on the south western corner of the Artscape site, that rises to the podium in a flight of stairs (a clear reference to the 'grand stair' and *piano nobile* concepts of the opera houses of old), and the crisp detailing of the facades of the Artscape building that frame it, embellished with bronze-clad *brise soleil* elements, is emblematic of modernism and should be considered worthy of retention or conservation, and where appropriate, carefully considered adaptive reuse.

With regard to the question of the modernist architecture of Artscape being significant enough to be considered a cultural heritage resource in terms of the NHRA definition, the application of the indicators outlined in this report should provide sufficient protection for any future interventions.

There are no heritage resources in the vicinity. The adjoining Founder's Garden is considered Not Conservation Worthy. The location of the property on the original Monumental Ceremonial Approach, subsequently discarded, may be of some historical interest, but is of no heritage consequence, particularly given the significantly negative impacts of the Foreshore Plan on the historic city. The area is not heritage sensitive. There is no declared or proposed Heritage Protection Overlay.

11. Heritage Development Informants

The relatively low significance of the Artscape site translates into few development indicators for future consideration:

1. The initial HIA for Founders Garden found that Artscape's stand-alone quality should be respected. While this may still hold sway, it should not preclude additions or development nearby. Subsequent to the initial HIA, new surrounding buildings such as the Christiaan Barnard Hospital have overshadowed Artscape's previous physical dominance in the locale and have altered its stand-alone quality.
2. The forecourt space should be retained because it is integral to the architectonic composition, playing an important role in providing a foreground to the principal facades of the building. It is also culturally important because the annual *Suidoosterfees* is held there. Redevelopment of the forecourt and the provision of underground parking may not impact on the grand staircase and first floor concourse level that serve as the foreground to the Opera House façade.
3. Additions to the building and the modernisation of the interiors have been undertaken in the past without heritage concerns or approvals required. These were successfully undertaken while Artscape's non-heritage status remained. There can therefore be now no good reason for the need for further heritage indicators.

4. The principles of best practice, or architectural good manners should nevertheless apply when adding to, altering, or building nearby. This would include where applicable the protection of the modernist architecture of the Artscape building as an identifiable layer.

12. Artscape Conceptual Precinct Plan

12.1 2015 approved SDP

The approved SDP for the overall FGA Precinct formed part of the approved 2015 Founders Garden HIA. Whilst proposals for the Artscape site were not fully developed, the broad conceptual parameters for development were established. The precinct was divided into three development blocks, , with indicative land uses to support the functioning of Artscape, illustrated on Figure 33 below.

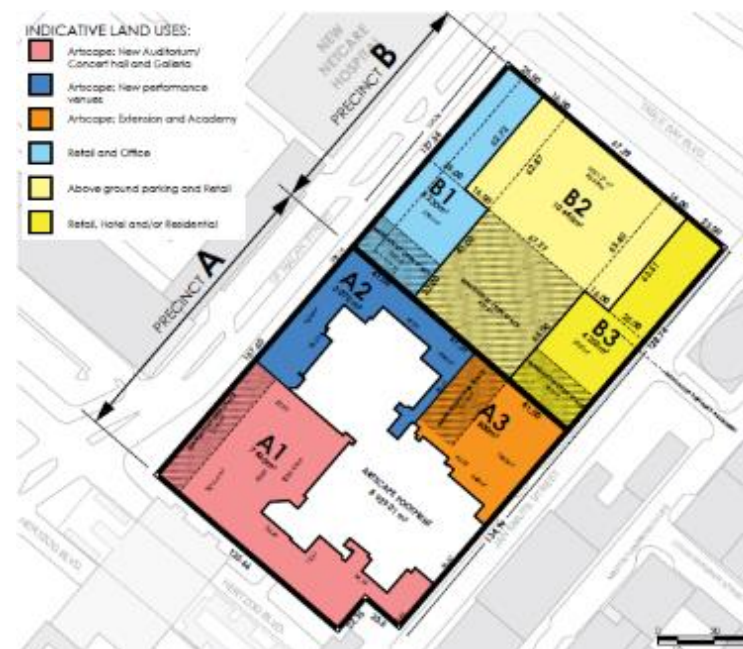


Figure 33: Development Blocks FGA SDP 2015

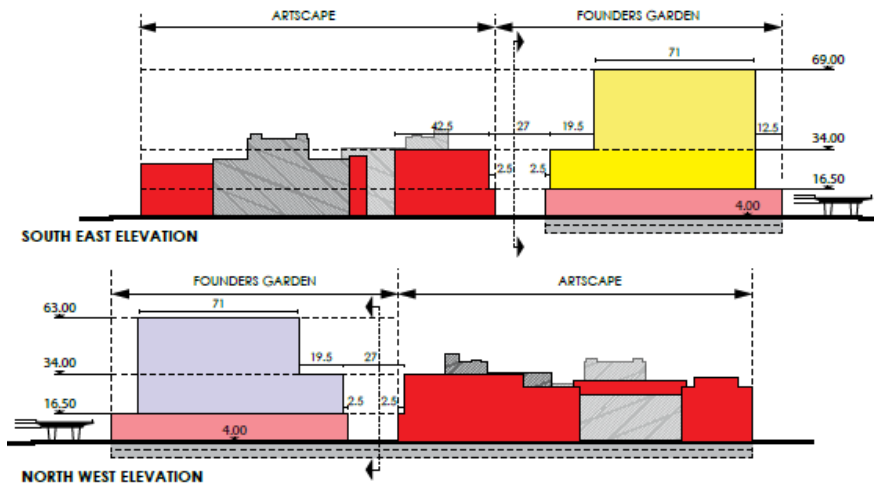


Figure 34: Elevations of the proposed building envelopes SDP 2015

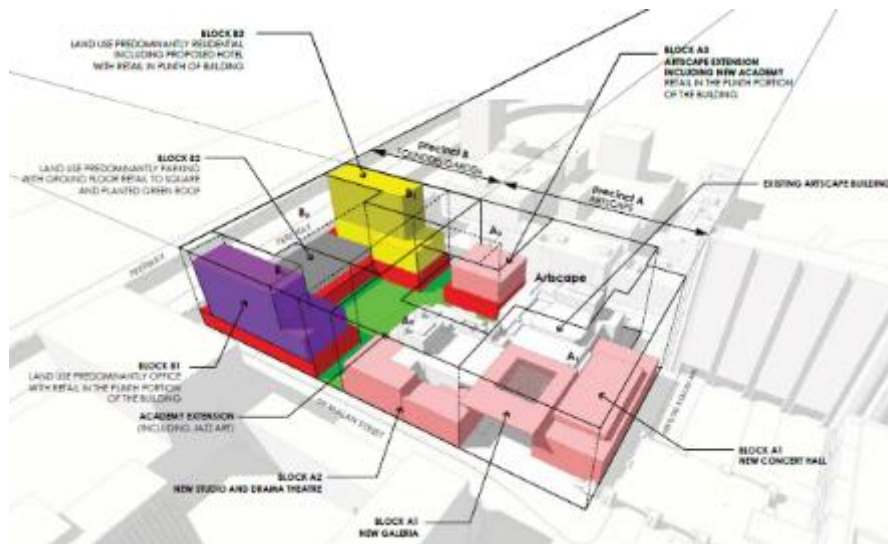


Figure 35: 3D map indicating proposed footprints within the development blocks SDP 2015.

12.2 2019/20 proposed revised SDP

Whilst the broad spatial parameters of the approved SDP are to be retained, market conditions and Provincial Government imperatives to provide opportunities for well located, affordable housing have necessitated a change of land use in the FGA Precinct, to a predominantly residential led development on the Founders Garden site. In respect of the Artscape Precinct, financial constraints and a realistic review of the Artscape development programme have necessitated a revision to this Precinct Plan, which represents a substantial decrease in the development footprints initially proposed.

The Artscape Conceptual Precinct Plan 2019, as amended May 2020, is included in full in Annexure C. Erven 186 and 187 have already been rezoned (2016) to General Business GB7. The Artscape has approximately 28 075m² GLA in terms of its existing rights. The proposed additional GLA on the Artscape Precinct includes approximately 1,200m² to a new Plaza Performance/Rehearsal space in SDP Area A2; and 1,300m² to additional performance space and Porte Cochere in SDP Area A1 (total addition of 2,500m²). This is drawn from the 10,000m² FGA floating GLA. The remaining 7,500m² will be allocated to the Founders Garden Precinct. In terms of the approved rezoning, the land use in the Artscape Precinct remains predominantly a place of entertainment (a new concert hall, rehearsal space and training facilities were all envisaged at that time). Other related, more publicly active land uses, such a shops and restaurant were also envisaged, but would not be predominant land uses in the precinct.

Artscape Precinct	
Permitted land uses in GB7	Place of entertainment, place of instruction; shops, restaurants, open space, parking (amongst others).
Predominant character of development:	Arts and culture theatre complex and entertainment precinct with related rehearsal and training facilities including an open space and parking.
Predominant new land uses:	All ancillary land uses associated with existing Artscape theatre; including new rehearsal & training rooms, concert hall, performance venues and parking.

Table 1: Land Use table for the Artscape Precinct 2016 in terms of the approved rezoning

As the primary user, the Artscape management have been, and continue to be involved in the Precinct Planning process to determine their current and future requirements. The following summarises the outcome of these interactions:

- Artscape does not plan to construct any significant expanded facilities in the foreseeable future due to a lack of funds. Previous expansion proposals generated (and which were notionally included in the original 2016 rezoning proposal) are no longer being pursued.
- Artscape has recently undertaken extensive internal refurbishments to the entrance foyer on DF Malan Street to improve access from the street to the theatre complex. This entrance links to the box-office and lifts which also improves disabled access to all levels of the complex.
- A further improvement, which would contribute greatly to the theatre is a new porte-cochere on DF Malan Street which would further improve access from the street. Artscape does not have the funds to pursue this proposal, however the need for it was expressed. A porte-cochere entrance will allow for improved taxi drop-offs (a mode of transport which is increasingly being used by patrons) as well as allowing improved street level access for physically impaired, elderly and disabled.
- The following important elements need to be retained for Artscape to ensure successful ongoing operations:
 - The large Forecourt (Artscape Plaza) is used for outdoor festivals (currently the Suidoosterfees) and should remain open and accessible to the public and for use by Artscape;
 - Backstage access for large delivery trucks (Opera House and Concert Hall loading docks) must be retained and relocation of these loading docks is not possible;
 - Parking for staff and performers (±120 bays) to be retained, but ideally more parking is required;
 - Link through the tunnel must be improved for pedestrians;

- Disabled parking in the tunnel (during performances) and vehicular access to it should be retained (controlled access);
- Access to external storage areas must be retained. (1.5m wide passage);
- Fire escapes must remain operational or must be re-routed where new buildings affect them;
- Artscape generators north of, and alongside, the building must be retained. These can be moved (which will be very costly) but they must remain accessible for future servicing, refuelling etc.;
- The existing Annex must be retained or could be replaced with additional new rehearsal space. There is a need for further additional rehearsal spaces, which can be leased if these do not belong to the Department/Artscape.

Additional urban design informants included landscape, pedestrian and parking considerations. These included, *inter alia*:

- Retaining the significant Ficus and Metrosideros tree avenue along DF Malan Street (Area A1) to provide pedestrian continuity and links between the harbour/future Foreshore development and station. Buildings are to be set back 8m from the property boundary (15m from kerb edge) to accommodate this avenue of trees. The basement (both levels) also needs to be set back to protect roots (this therefore affects previous 2015 basement design);
- Retaining the large Ficus tree at the Arena Theatre fire escape (Area A1) due to its significant contribution to the sense of place at a major activity point and softening of the Artscape stage building;
- Retaining two significant Ficus trees in Area A3 - Opera House parking area to contribute to future new public square sense of place;
- Existing high traffic pedestrian routes are to be accentuated. The tunnel is to be retained as a pedestrian link and activated to make the link more attractive;

- Significant views from the Artscape Plaza towards the Civic Centre and Table Mountain (at New Entrance No. 1) must be preserved. Any buildings along the southern edge of the Artscape Plaza/Forecourt must take this view into account;
- A significant network of canopied pedestrian routes already permeates the site and must be incorporated into the design. New additional canopied pedestrian routes must be provided to increase the comfort of pedestrians;
- Significant pedestrian routes are identified along DF Malan Street and Hertzog Boulevard. Careful design and land use activation are required along these edges.

The design team took into consideration the single heritage informant provided in the 2015 HIA for this site: “The building in its modern “brutalist” style has some architectural value as a landmark building. The stand-alone quality of the building must therefore be retained, and buildings close to Artscape must therefore respond with similar scale (stepped down).” It is proposed the Forecourt will be retained although minor low-level buildings are proposed along the southern edge to activate the edge of the Plaza and provide activity on Hertzog Boulevard.

Three areas are proposed for new development:

1. The new Entrance 1
2. The Artscape Plaza and Concourse steps area (linking to the Civic Centre)
3. The Stage Door Parking area

These are summarised as follows:

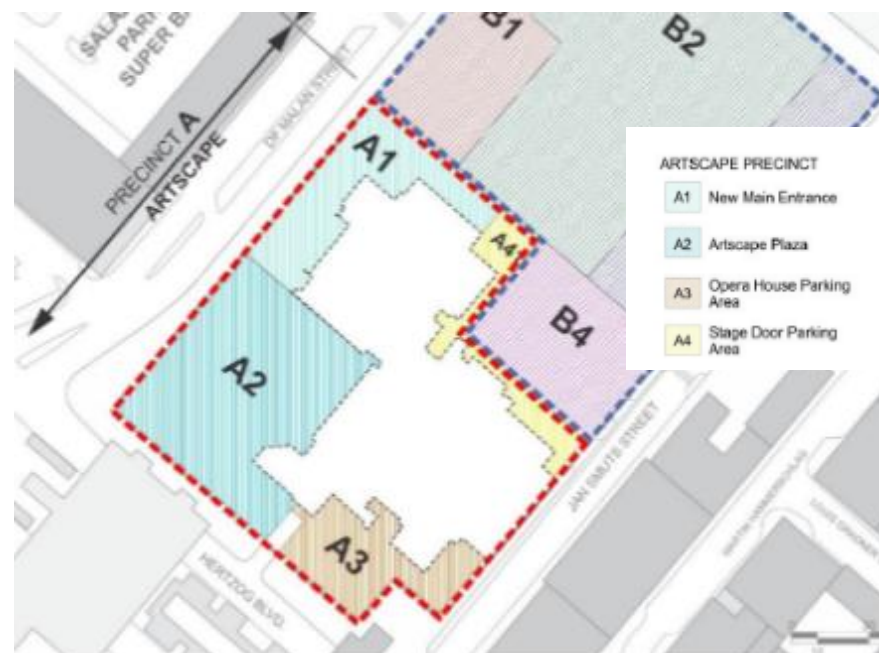


Figure 36: Future site development areas Artscape Precinct Plan, excluding A3 Opera House Parking, for which new development has now been precluded.

1. *New Entrance 1*

A new, universally accessible vehicular covered drop off is proposed in the area indicated as A1. The ficus trees along DF Malan in the island drop off are to be retained.

A new building at the northernmost corner is proposed, to be used as a shop or a restaurant on the ground floor (where it faces onto DF Malan), to activate the pedestrian entrance to the Founders Garden site. The building consists of 3 storeys and can accommodate restaurant, office or rehearsal spaces for Artscape. The new building will also replace the “Annex” and will screen the generators. The first and second floor can cantilever over the generators (subject to

detail design). The building should accommodate access to storage areas and the fire escape.



Figure 37: SDP Area A1 New Entrance

2. The Artscape Plaza

The Plaza is to remain a paved open square accessible to the public. A parking basement is proposed to be constructed under the Artscape Plaza Forecourt. This basement will gain access via the parking basement of Founders Garden.

The Plaza is to be retained as a publically accessible square, activated with a new performance space in a building located on the boundary with the concourse. Further edging and articulation of

the square is to be created through structural planting and other hard landscape elements such as seating, public art, etc.

The front of the proposed building is to be aligned with the 45 degree chamfered corner of the Arts Café wing, rather than aligning with the rear of the Arts Café wing as proposed previously. The additional 5m or so extension of the frontage into the Plaza is required to provide an adequately proportioned space for the Plaza Performance/ Rehearsal space. The Plaza is a very large space and is better contained by the Plaza Performance/Rehearsal space moving further forward, while the Arts Café chamfered corner is still seen from the Plaza as the buildings are separated from each other by the raised walkway connecting Artscape to the City Council Plaza above the My Citi Station. The open space below the lower walkway deck is to be occupied by "back of house" functions such as change rooms, toilets and storage. The stairway at the DF Malan Street end of the walkway is to be demolished and a new one built to replace it at 90 degrees towards DF Malan.

Urban Design parameters include:

- Ground floor activation under the concourse bridge facing the plaza
- Visually permeable and punctured buildings to allow pedestrian access to My-City and Hertzog Boulevard and linkages from the bridge to the plaza;
- Retention or re-configuration of the pedestrian linkages from the concourse to the Plaza and to the Artscape concourse;
- Balconies that overlook the plaza, Opera House Square and Founders Garden pedestrian route;
- Retaining the stand-alone quality of the Artscape;
- Maximum height 16m to ensure that there is adequate headroom for rigging of trapeze and sets and for the roof structure but which does not materially affect views or relationships to other buildings at all.



Figure 38: SDP Area A2 Artscape Plaza

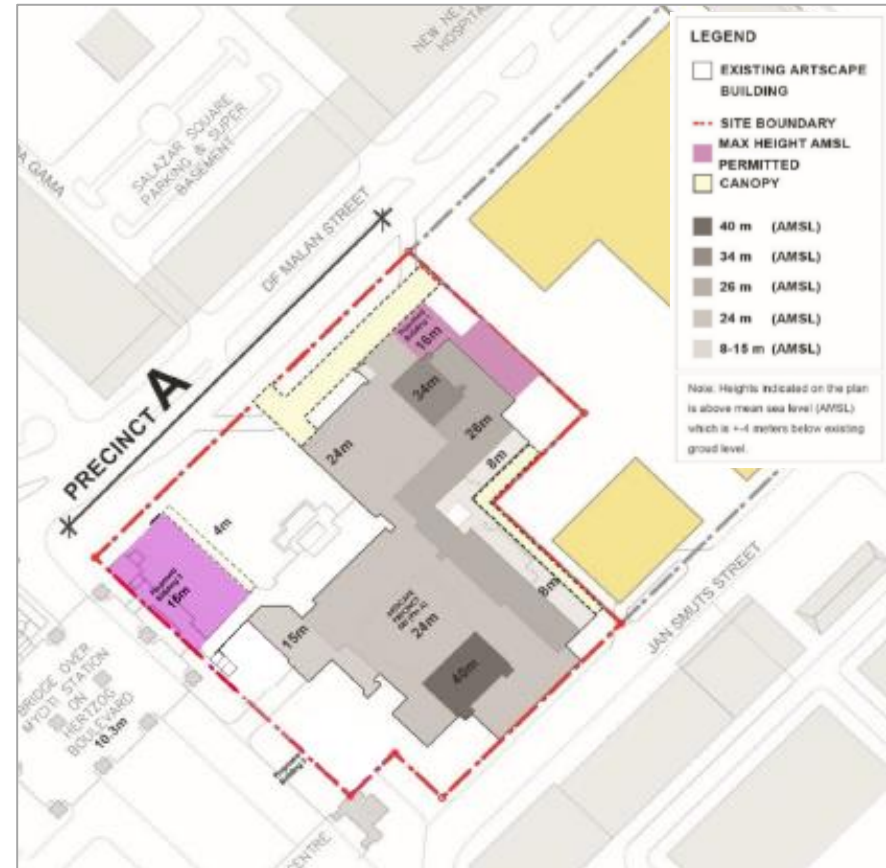


Figure 39: Artscape Precinct maximum building heights

3. The Stage Door Parking area B4

This area is to be designed as part of the detailed planning for the approved Founders Garden Precinct Plan. Artscape are being consulted.

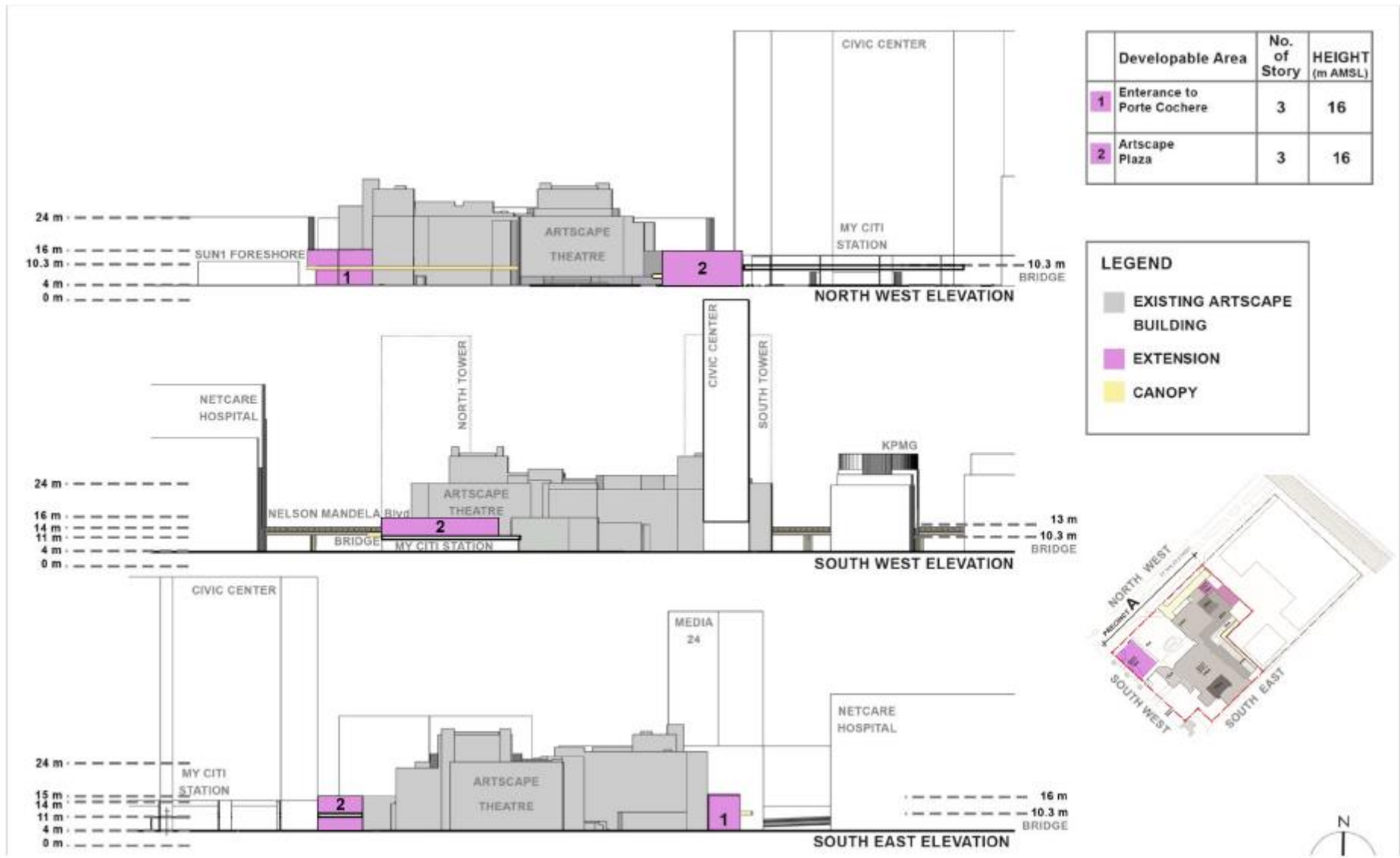


Figure 40: Artscape Precinct maximum proposed additional development envelopes

13. Impact Assessment

13.1 Impact assessment

Set against the assessment of significance contained in Section 10 of this report, this assessor is of the view that overall, the conceptual precinct plan proposals are carefully considered and substantially reduced in scale from the 2015 SDP. In particular, the then proposed new studio and drama theatre, galleria and concert hall on the full length of the DF Malan and Hertzog Boulevard edges of the site (see Figures 33 – 35) have been excluded. The public space of the Plaza is to be largely retained, but enclosed on the south-western corner. The proposed new building will serve to activate the existing hard edge and improve the pedestrian scale and site conditions of the Plaza. The proposed performance space use will re-inforce the cultural orientation of this precinct. The Artscape building remains the dominant form within the precinct and the two new proposed structures remain subservient in scale. Given that heritage significance is limited, any issues that may arise, if at all, are more architectural and urban design considerations than heritage, and more appropriately the remit of the local authority.

In terms of the DEA&DP Guidelines for the involvement of Visual and Aesthetic Specialists the development is defined as a Category 4 (medium density) development. The receiving environment would in the main be classified a disturbed area of generally low scenic, cultural or historical significance. The visual impact would be local in extent and involve the built environment (defined as a Type B Assessment). Minimal to moderate impacts could be expected. On this basis, a Level 2 to 3 Visual Impact Assessment would be required. This assessment is not required to be undertaken by a Visual Impact Assessment specialist. The findings of the previous Visual Statement for the FGA property will be utilised as appropriate.

As the 2014 VIA photomontages illustrate (Figures 41 – 51 below), the approved development of the adjoining Founders Garden Precinct

makes the views of the Artscape from the only significant visual receptor, the Nelson Mandela Boulevard, a moot point.

Although the Founders Garden Precinct land use will now change to a predominantly residential led development, the built form will be substantially in accordance with the approved SDF, with minor amendments expected as part of the detailed planning and design process - some modifications to the setbacks of the North and East towers, and a reduction in height of the South Tower - down to 24m, lower than Artscape. The Artscape and the proposed, scaled-down additions at its site perimeter will be entirely invisible from the Nelson Mandela Boulevard behind the proposed Founders Garden development, the latter being designed in such a way that the "lower height of the podium between the towers allows for existing views back to Table Mountain from the Scenic Drive and over the Artscape building to be maintained. This view is 'framed' between the two towers."³¹

The 2014 VIA concludes that, in respect of the Founder's Garden development, some change in the visual character of the area can be expected with new development being added to the existing development in the area. Overall however, potential impacts including cumulative impacts are all neutral to positive:

- Established views including protected view corridors are reinforced by the additional framing of the tower blocks.
- The marginal reduction of general views to Table Mountain is offset by the positive townscape qualities and sound urban design or place-making principles being introduced by the proposed development.

There are no additional significant visual impacts expected of the development proposed in the Artscape Precinct Plan.

³¹ UDS VIA 2014 p6



Figure 41: Significant view corridors (UDS VIA 2014 p10)



Figure 42: Since no other visual resources have been identified, the viewsheds pertaining to FG Precinct are equally pertinent to Artscape (UDS VIA 2014 p10)



Figures 43 & 44: Existing and proposed view Founder's Garden development from Nelson Mandela Boulevard travelling west (UDS VIA 2014). Artscape identified by an arrow.





Figures 45 & 46: Existing and proposed view Founder's Garden development from Nelson Mandela Boulevard travelling west, looking obliquely towards the site(UDS VIA 2014). Artscape identified by an arrow.



Figures 47 & 48: Existing and proposed view Founder's Garden development from Nelson Mandela Boulevard travelling west, looking directly towards the site(UDS VIA 2014). Artscape identified by an arrow.





Figures 49 & 50: Existing and proposed view Founder's Garden development from Nelson Mandela Boulevard travelling east, looking directly towards the site(UDS VIA 2014). Artscape identified by an arrow.



Figure 51: 3D images of the approved Founders Garden concept plan in the context of the Artscape (foreground).

13.2 Sustainable Socio-economic benefits

A specialist study in this regard has not been commissioned for the Artscape Precinct Plan. However, the Artscape is a regional community cultural facility and the proposal is designed to allow for augmentation and intensification of this facility. The inefficient at-grade parking area to the rear of the complex will be freed up for development and the proposed activities in the precinct will establish a greater multi-functional use. The existing windswept, hard environment of the public square will be substantially enhanced, improving opportunities for use of the outdoor spaces.

Inclusionary housing is envisaged on the Founders Garden Precinct. Whilst the core driver of the cultural and creative hub in the area will remain Artscape, other related cultural activities will be invited to locate in the new structures, thereby creating a precinct of unique character that focusses on recreation, creativity, cultural development and play.

Overall, the proposals will contribute to the long term sustainability of this state funded regional cultural facility.

14. Public Participation

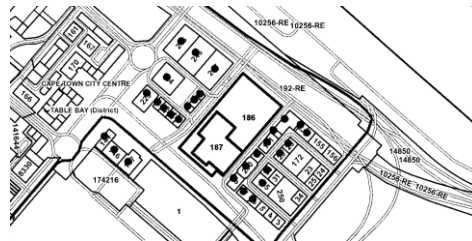
Proof of advertising and comments received are included in full in [Annexure D](#).

The registered Conservation Bodies, being City Bowl Ratepayers & Residents Association (CIBRA) and Docomomo South Africa; together with the local Ward Councillor, City of Cape Town Heritage Resource Management (CCT HRM), Artscape, Zip Zap Circus and the general public by way of five notices on site and on the Heritage Portal website were invited to comment on the Draft HIA in a 30 day advertising process. In addition, during the advertising process, Die Burger newspaper published an article on 18th June drawn from the HIA Report and providing a link to the Heritage Portal.

The Heritage Review Committee of the Cape Institute for Architecture (CifA) was not advertised to since they commented on both the 2015 FGA HIA and on the 2018 Artscape Precinct NID submission, specifically articulating their view that there was little if any heritage significance to comment upon. However, their comments will be summarised below for information.

Given the limited significance of the site and context, no further advertising was considered appropriate. In this regard, it is to be noted that the application for the rezoning of Erven 186 and 187 (FGA Precinct), approved by the CCT in 2016, was advertised extensively, including in the Press; Government Gazette; notices to surrounding owners, the Ward councillor, the Cape Town Partnership, CIBRA, and CifA; and the general public by way of an on-site display. *No objections or comments were received.*

Figure 52: Application for rezoning of Erven 186 and 187 Roggebaai (FGA Precinct), advertising to surrounding owners (SPELUM Report)



Comments received

4 comments were received, are summarised and responded to below.

1. CifA 2015 and 2019 comments

In respect of comments provided by the Heritage Review Committee of CifA to both the 2015 FGA HIA and on the 2018 Artscape Precinct NID submission, in both instances they expressed their concern at HWC requiring a full heritage assessment and visual impact assessment (expensive and time-consuming studies). "CifA did not view the site as one holding inherent heritage significance and noted that issues around the site had their own mechanisms for appraisal in the Urban Design Department at the City."

CifA concurs that the Artscape is a cultural resource with significant cultural/public facilities, networks and linkages and with resources which reside in the facility and services provided by the complex. In addition, and in respect of the assessment of possible buried marine archaeology resources, CifA takes direction from Halkett's 2014 report which notes that, by experience gained in other investigations, the likelihood of finding significant marine heritage sites is low.

They note that the heritage significance of the Artscape building's appearance and fabric have not, to CifA's knowledge, been publicly recognised

"To comment on this proposal as requested from a heritage perspective is more difficult. Comment should relate to the impact of the proposal on the site's heritage significance. The question is then, as a left over piece of an abandoned urban plan, does it form any meaningful part of the city except as a sign of loss? The site is therefore not inherently significant but rather takes its importance from a now tenuous link to the Gateway proposal.

The Gateway proposal is undoubtedly an important piece of Cape history and town planning. This element of interest however does not devolve to the open site having heritage significance. At best the site

can be considered a sad remnant of the plan and at worst as irrelevant. Its lost link to the sea reinforces this, as does the debate as to whether or not the grand gesture would actually have been a good thing for Cape Town anyway.

As an urban design response to the open erf, the gesture of providing a space between the two new side buildings is appropriate, but it is considered that there is no heritage significance to respond to or comment on. Because the gesture is therefore not a heritage response, it should not be seen as a fix or limitation on the site development envelope which could in fact be much larger and could face onto the highway if the City's zoning scheme allows. Perhaps a more important comment is why HWC have required a comment from the ClfA. The issues around the site have their mechanisms for appraisal in the urban design department at the City."

2. *Mr N Schwartz*

Mr Schwartz requested to be registered as an I&AP in this process, and indicated that he had no comment on the HIA or associated studies.

3. *CIBRA*

CIBRA supported the proposal.

4. *DOCOMOMO South Africa*

In general, DOCOMOMO supports the findings of the report with some conditions.

Comment	Response
Documents incorrectly refer to Docomomo as "Document for the Modern Movement in Architecture". Please note that Docomomo stands for the International Committee for the documentation and conservation of buildings, sites and neighbourhoods of the Modern Movement, of which Docomomo SA represents the South African chapter	Noted with apologies. The footnotes on pages 30 and 57 have been corrected accordingly.

The reports also refer to so-called 'Docomomo criteria', taken from a Docomomo US website, and apply these criteria to the evaluation of the local modern architectural value of the Artscape precinct in a tickbox manner. Please note that these criteria do not originate from Docomomo International, they are the US chapter's own creation and must be read in the spirit of offering an introductory guideline to modernist architecture to a US audience, not official 'criteria' relating to the Docomomo's entire field of interest. It is noted that Docomomo International as well as Docomomo-SA take a broad view of the value and impact of the modern movement in architecture, interior design, urbanism and landscapes and the exchange of ideas relating to conservation, technology, history and education.	Noted.
We support the reduction (from the 2015 FGA Precinct Plan) of the proposed extensions, both in terms of footprint and volume.	Noted
The pre-emptive establishment of the Artscape precinct in the context of the unrealised monumental planning aspirations for the Foreshore, has resulted in unaddressed disjunctions of scale and integration between the Artscape and its immediate urban surroundings. In addition, the architectural approach of the Artscape established it as a representative product of its time: a landmark building by virtue of its size and location, an austere architectural style incorporating best practices and technological advances from international theatre design and representing a bastion of exclusive 'high culture'. It is therefore a common cause that improvements should be permitted to the Artscape forecourt to enable it as a more accessible, inclusive and activated public space, in part to redress the complex's history as a symbolically exclusionary and intimidating space but also to (re)establish better performing urban interfaces.	Noted
Support a IIB grading as appropriate for the Artscape precinct, as the building form and architectural language contribute to a representative example of accomplished institutional modern architecture, but with a tangible heritage significance that is not so high as to disallow alterations or additions.	Noted
In general, agree with the indicator that the the stand-alone, dominant quality of the Opera House and Main Theatre building must be retained, and that new	Noted

additions/extensions must be stepped down or subservient to the main building volumes.	
The proposed additions of the new entrance building and portecochere on DF Malan Street and the proposed max. 16m high new performance/rehearsal space to the south western edge of the Artscape Plaza adhere to this indicator, and therefore we do not object to these additions.	Noted
Support the HIA statement that "... the attempt at creating a civic-scaled forecourt plaza on the south western corner of the Artscape site, that rises to the podium in a flight of stairs (a clear reference to the 'grand stair' and piano nobile concepts of the opera houses of old), and the crisp detailing of the facades of the Artscape building that frame it, embellished with bronze-clad brise soleil elements, is emblematic of modernism and should be considered worthy of retention or conservation, and where appropriate, carefully considered adaptive reuse." Accordingly, we support the indicator that the Artscape Plaza must remain an open public space, and that the lower forecourt in particular can manage change or alteration, including the introduction of underground parking.	Noted
It is requested that the heritage indicators for future development make explicit that redevelopment of the forecourt and the provision of underground parking do not impact on the grand staircase and first floor concourse level that serve as the foreground to the Opera House façade.	Noted and agreed, the indicator in respect of the retention of the forecourt has been expanded to this effect.
We object to the heritage development indicator number 3 (p.35) which states: "Additions to the building and the modernisation of the interiors have been undertaken in the past without heritage concerns or approvals required. These were successfully undertaken while Artscape's non-heritage status remained. There can therefore be now no good reason for the need for 'heritage indicators'." A past lack of awareness of modern movement sites and/or the dismissal of significant sites younger than 60 years as not (yet) being conservation-worthy have contributed to alterations to many of these sites not being regulated or guided. The grading of heritage sites is an ongoing process, therefore it is reasonable for the heritage status of a site to change as time passes or circumstances change. The report identifies that the Artscape precinct does indeed have	Noted

heritage significance. Therefore management of the resource in terms of the NHR Act is warranted.	
Request to be kept informed on the progress of the HIA and any development relating to the Artscape Precinct.	Noted

5. CCT EHM

The CCT comment is lengthy. However, it has conflated comments on the HIA, with comments on the current planning submission to the CCT for the Founders Garden Precinct, which is a separate application. Moreover, many of the comments are more appropriately dealt with in the later Council submission process for the Precinct Plan and detailing, and are not clearly heritage related. The HIA process is designed to establish the presence or otherwise of heritage resources, and the potential for impacts thereon. In the main therefore, only those comments deemed pertinent to the Artscape HIA are summarised and responded to below.

Comment	Response
The HIA incorrectly states that the FGA rezoning approval cannot lapse: a five-year extension of the initial validity period was granted and the departure and rezoning approvals are valid until June 2023.	In a letter dated 2018-10-31, the CCT did in fact confirm as follows "In the light of Item 136(4)(11) of the DMS quoted above, it is confirmed that since two components of a package of plans have been approved (namely the Development Framework and Precinct Plan), the current zoning of the property (General Business Use Zone (GB7)) as well as the related departures and Council approval will not lapse." This letter is included in Annexure E for the record.
The HIA report argues that a 'revised' Conceptual Plan for the Artscape Precinct has been prepared and that its proposals are 'substantially reduced' in scale from what was approved in the 2015 FG SDP. It is however important to note that this precinct was not previously assessed and	The HIA acknowledges this. However, as CCT EHM then go on to say in respect of the 2015 FGA Precinct Plan "Although the principle of regenerating and upgrading of the Artscape Theatre complex and its adjoining public open spaces was agreed with, the cumulative impact

<p>commented on by E&HM in terms of the NHRA, nor by HWC or Docomomo.</p>	<p>of the proposal, which included a parking garage (basement and above ground), two tower blocks on Founders Garden Precinct, <u>and additional substantial building footprints on the Artscape forecourt was not supported by E&HM.</u>" And they go on to enumerate these concerns. It is clearly then not unreasonable for the HIA to refer to these revisions as relevant background.</p> <p>Any heritage related concerns the CCT EHM might have with the Founders Garden Precinct Plan, are a moot point and should not be raised in the context of this HIA.</p>
<p>The HIA notes that the site is not identified as a heritage resource in the CCT's heritage audit and that it is graded as Not Conservation Worthy. This is incorrect: this part of the City has to date not been included in an audit; the site is therefore still to be assessed and it cannot be assumed that there is no heritage value.</p>	<p>Noted and this will be corrected. It is unfortunate that the CCT Map Viewer does not make this distinction. However, the report does not rely on the heritage audit information and goes on to assess significance.</p>
<p>It is argued in the HIA that the fact that the raison d'être of the Artscape is a provincial funded performance art space and entity, does not fulfil the criteria for defining it as either being of (Provincial) heritage significance, or as intangible heritage, either in its history or practice.</p> <p>The author goes on to state that 'although an important cultural facility, it has in the past been a symbolically negative space for many, a symbol of cultural exclusion rather than cultural expression. Current cultural programming has likely displaced this vestige of negative social memory. It would be inappropriate for the heritage authority to consider this to fall within the domain of intangible heritage, worthy of management and protection'.</p>	<p>This assessor stands by the analysis of social significance. It does not derogate at all from the importance of this cultural facility, nor its past or recent history, but only questions whether it should be governed by the provisions of the NHRA and managed as such. By similar extension, any performance space should be accorded a heritage grading, which, in the opinion of this assessor is neither an appropriate interpretation of the intent of heritage legislation, nor desirable.</p> <p>The grading of social significance has little precedent in SA (indeed, how the CCT would have arrived at a IIIB grading in this regard is</p>

<p>E&HM disagrees with this assessment. In terms of the NHRA a heritage resource means any place or object of cultural significance. Furthermore, cultural significance in the Act includes social value or significance and such social significance is within mandate of HWC. It is stated that the reputation of the building is tarnished by it having been initially reserved for white audiences when it opened in 1971 – this is in itself socially significant. The building has been operating as a democratic space for the last 26 years with demographically representative artists and audiences. It is considered to be of very high social significance due to the scale and broad reach of its extensive cultural activities and the public memory associated with this. E&HM is of the view that this social value merits a 3B grading.</p> <p>As a whole, the precinct is considered to be of 3C heritage significance in light of its social and architectural value. As such it merits a careful design approach with particular attention required to safeguard and enhance the public realm and amenity value of the precinct.</p>	<p>unsubstantiated), and the HIA explores this, together with international conventions in this regard.</p> <p>Moreover, both during the rezoning of this site and the advertising relating to the various applications and HIAs for the FGA Precinct, there have been no comments from anyone who might have a direct interest in the social significance of the Artscape, including the Artscape itself and all affiliated performance art groupings. The Artscape is in full support of these proposals and has made no further comment on the HIA.</p> <p>This grading is disputed: aside from aspects of the building itself, the spatial aspects of the immediate and broader context have no heritage significance and indeed are recognised to be environments particularly devoid of amenity value. It is inappropriate to designate this space as a heritage resource. However, the HIA (supported by ClfA), does acknowledge the importance of good urban design and architectural good manners in any re-development of the site - these issues have their mechanisms for appraisal in the urban design department at the City.</p>
<p>With regard to the grading of the building on the basis of architectural merit, E&HM agrees with the finding that the building fulfils the criteria to be classified as a fully-fledged modernist building and that there are aspects of the design and its execution that must be considered merit-worthy. In this respect a 3C grading is considered appropriate.</p>	<p>The HIA suggests a grading of IIIB and this is supported by DOCOMOMO.</p>

<p>The 2020 Artscape Conceptual Proposal represents a reduction in the scale of the built envelopes from that proposed in the 2016 SDP. E&HM acknowledges that the proposals will contribute to the long term sustainability of this state funded regional cultural facility, but requires certainty that the quality of the public realm and amenity value of the precinct will not be jeopardised in the process.</p>	<p>Noted, although the quality of the public realm and the amenity value of the spaces about the Artscape (which is where proposals are made) are currently significantly compromised, and are unlikely to be compromised further.</p>
<p>It is important to secure the public square/plaza and its use as an open space, and retain a generous formalised forecourt to the Artscape theatre building as the primary resource of the precinct. The intention for the plaza to remain open to the public and for use by Artscape is noted. However, as it is zoned GB7, it is vulnerable to potential future development if not safeguarded. The open character of the remaining public spaces such as the forecourt therefore needs to be secured in perpetuity and mechanisms should be investigated in this regard.</p>	<p>If the Precinct Plan is approved, this stipulates the retention of the Plaza as an open space. Any retention in perpetuity should be explored as part of the planning process, if appropriate.</p> <p>Moreover, there is only 2,500m² GLA available to Artscape Precinct and the Precinct Plan specifies where buildings are allowed. GB7 on its own does not allow for unchecked development.</p>
<p>The current proposed footprint of Building 2 takes up approximately a third of the existing public plaza. Such a substantial loss of public space can be supported in principle if there is sufficient clarity on the benefits that the building will offer and that adverse impacts can be mitigated. It is potentially an exciting design opportunity which could activate the plaza</p>	<p>Noted. It must be re-iterated, the Plaza at the moment is a bleak and hostile environment, and generally not functional as an open space. Enclosure with a performance space building alongside the concourse will, together with landscaping, contribute considerably to providing a sheltered and more human scaled environment.</p>
<p>There is still a risk that the new building envelope will obscure the Artscape building and diminish its visual dominance in the context, particularly as experienced from the Hertzog Boulevard side and its corner with DF Malan. E&HM therefore recommends that the building step back on this corner so as not to obscure the plaza as much as it currently would.</p>	<p>The requirements of a potential tenant (although this will have to go out for tender and cannot be determined with certainty at this stage) requires an envelope as proposed. It is not clear why this particular viewpoint is significant from a visual perspective. The concourse currently obscures part of the Artscape for pedestrians. For vehicles, the concourse and</p>

	<p>vegetation also obscure this part of the building and such views are fleeting and not the most significant of the building</p>
	
<p>The developable area is only shown diagrammatically in plan and elevation and not sufficient three-dimensional information is provided to assess its relationship to the adjacent buildings, raised public walkways and pedestrian routes. This, together with detailed cross-sections, should be provided.</p>	<p>This is a Precinct Plan, conceptual in nature and proposal are equally conceptual. These details can be resolved as part of later planning submissions to the CCT</p>
<p>It is stated that the proposed additional GLA on the Artscape Precinct includes approximately 1,200m² to the new plaza performance/rehearsal space. The SDP should provide dimensions to accurately define the footprint.</p>	<p>As above</p>
<p>It is not clear from the available information how the existing pedestrian movement across the site, parallel to Hertzog Boulevard, will be accommodated. The building will have an impact on the pedestrian realm and should improve pedestrian route quality, amenity and security.</p>	<p>As above</p>
<p>The height of 16m is a potential concern. The support for this structure is subject to further assessment of its detail design as well as its three-dimensional envelope in relation to the existing surrounding structures such as the walkways. This area is already a sterile environment characterised by anti-social behaviour. If</p>	<p>As above</p>

there is not sufficient active edges and passive surveillance to mitigate the height of this edge, this 'no-man's land' feeling will be exacerbated.	
Active edges and visual permeability through the building must be provided for and designed in greater detail to clarify how the building relates to Hertzog Boulevard, the corner and the public plaza. Although notionally indicated in the urban design drawings, the function of the building is likely to preclude such positive interfaces to some degree.	As above
The building should be architecturally interesting and articulated and relate well to the character of the cultural arts complex; this can be challenging if it is a performance building which can typically result in a solid unarticulated envelope	As above
If it is found that, due to the functional requirements as a performance space, the new building cannot offer sufficient advantages in its contextual fit and architectural response, consideration should be given to rather locating the building in the Opera House Parking Area. (It has been suggested in a pre-submission meeting that the Zip Zap circus could potentially occupy the building. In such a case, or in similar scenarios, it is unlikely that the building will be able to offer the envisaged activation of the plaza.)	It has been specified in the Precinct Plan that the New Performance Space must have active edges towards DF Malan and the Plaza. It is also specified that the other two sides of the building must have visual permeability at the first floor podium level to enable passers-by to see inside. It is also specified that the building must be able to open to the Plaza via a 10m wide and 5m high opening to enable performances out onto the Plaza. While it cannot be compulsory that Zip Zap occupy the Space it is the intention of Artscape to ensure that however the new space is occupied it must actively use the Plaza space. The existing Opera House parking area is not sufficiently large nor is it the appropriate location for a Performance space whose intention is to activate the Plaza. This is a Precinct Plan and SDP issue and not an HIA one and should be addressed as such as part of the Planning Submission.

It is recommended that an assessment of the visual impact of this structure be undertaken.	The HIA provides 3D images sufficient to assess impacts at this conceptual phase of design.
A full landscape plan should be included with HIA to assess the continuity of pedestrian routes and the viability of tree planting. This should include cross sections to show where basement parking is proposed/exists.	This is a Precinct Plan, conceptual in nature and proposal are equally conceptual. These details can be resolved as part of later planning submissions to the CCT (some of this is already part of the current planning process for FG)
The new porte-cochère on DF Malan Street is supportable in principle, however the scale and extent of the structure is questioned. Differing layouts are provided for the porte-cochère in the various application documentation; see Figures 7 & 8. The extent, alignment and impact on pedestrian realm is to be confirmed so as to reduce any impact on the plaza space, which is already impacted on by the additional footprint of Building 2. The porte-cochère disrupts the pedestrian and NMT links as set out in the approved Development Framework (see figure 9) and requires careful design in this regard. A new building at the northernmost corner is also proposed (Building 1), to be used as a shop or a restaurant on the ground floor, to activate the pedestrian entrance to the Founders Garden site. Clarity on the design footprint is required to ensure the protection of existing trees in the vicinity. Similarly, the basement layout is to be confirmed.	Figures 7 and 8 are part of the addendum to the Precinct Plan and intended to illustrate the changes to Building 2 and the removal of the originally proposed buildings in the Opera Parking Area . All these issues are more appropriately dealt with as part of later planning submissions to CCT, when detail can be more fully resolved. Similarly the pedestrian and NMT links, which form part of on-going engagement with the City. These are not heritage issues.
There is currently a LUMS application underway including an amended Development Framework and amended Founders Garden Precinct Plan. As these amendments are being considered subsequent to the previous ROD for the Founders Garden Precinct, EHM recommends that HWC provide confirmation that there are no further requirements or assessments needed in this	HWC have issued an RoD in respect of Founders Garden. There is no legal authority to review this and request additional submissions in terms of the NHRA.

regard, given the potential cumulative impacts of proposals.	
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15. Recommendations

It is recommended that Heritage Western Cape:

- Endorses this report as having met the requirements of Section 38(3) of the NHRA;
- In terms of Section 38(4) of the NHRA approves in principle the proposed Artscape Precinct Plan, as outlined in Annexure C of this report:

subject to the following conditions:

- A specialist archaeological team must be appointed to the project to monitor the bulk earthworks at the proposed project site. A monitoring schedule must be drawn up by the appointed archaeological company in consultation with the construction and bulk earthworks contractors and project manager;
- The task of recovering, recording and conserving the smaller day to day finds will fall to this team. They will monitor the earthworks and alert the project managers and construction crew if significant finds are recognised that will require mitigation;
- A plan of action should be prepared in advance of the commencement of bulk earthworks that addresses the procedures to be followed in the event of the discovery of significant heritage material (shipwrecks). This plan must take into account the lack of adequate local facilities to deal with conservation and storage necessitated by large scale wreck recovery projects. The Maritime archaeological unit from SAHRA should be involved in the drafting of such a plan;
- While the appointed archaeological team may assist with mitigation, in the case of the discovery of a shipwreck, specialist maritime archaeologists may have to be appointed. Permit/s will have to be issued by SAHRA for such work;

- Any human remains located can only be removed with the permission of SAHRA;
- The HIA/archaeological component should be submitted to SAHRA (Maritime Unit) for comment. They should specifically indicate if a separate permit will be required to mitigate “day to day” maritime related finds identified during monitoring (i.e. decontextualised anchors and other anchorage debris, cargo);
- A permit/s must be issued by Heritage Western Cape for the ongoing “day to day” mitigation of non-maritime finds found during the monitoring process. HWC must indicate if more than one permit will be required (i.e. by individual development site - erf) or if one permit can be issued to cover the multiple erven making up the development.

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**ANNEXURE A: Urban Design Services cc (April 2020):
Assessment of the significance of the Artscape complex as
modernist architecture**

(appended as a separate e-file)

ANNEXURE B: Criteria heritage significance

Cultural significance is defined as: aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. The national estate includes, inter alia, places, buildings, and structures of cultural significance; historical settlements and townscapes; and landscapes and natural features of cultural significance (NHRA)

Section 3(3) of the NHRA identifies criteria for assessing the significance of a place. In respect of those values relevant to this property, a place has heritage significance, inter alia, because of:

b) Historical value

- It is important in the community or pattern of history (including in the evolution of cultural landscapes and settlement patterns; association with events, developments or cultural phases) or illustrates an historical period
- It has a strong or special association with the life or work of a person, group or organisation of importance in history
- its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- It has significance relating to the history of slavery

b) Architectural value

- It is significant to architectural or design history or is the work of a major architect or builder
- It is an important example of a building type, style or period
- It possesses special features, fine details or workmanship

c) Aesthetic value

- It is important in exhibiting particular aesthetic characteristics valued by a community or cultural group (including its contribution to the aesthetic values of the setting demonstrated by a landmark quality or having an impact on important vistas or otherwise contributing to the identified aesthetic qualities of the cultural environs or the natural landscape within which it is located)

d) Social value

- It is associated with economic, social or religious activity
- It is significant to public memory
- It is associated with living heritage (cultural traditions, public culture, oral history, performance or ritual)

e) Spiritual value

- It is associated with religious activity and/or phenomena
- It is significant to a particular group relating to spiritual events and/or activities

f) Linguistic value

- It is associated with the custodianship and/or sustainability of a particular language or events associated with that language
- It is significant to a particular group relating to the evolution and/or dissemination of a particular language

g) Technical/Scientific value

- Its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage
- Its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- Its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- It is important to archaeology, palaeontology, geology or biology

The grading of heritage significance is based on the three tier grading system used in the NHRA and HWC's "Grading Implications & Management of HR HWC guidelines April 2016".

Table 1: Guide to Grading of Built Environment Resources

Grading	Description of Resource	Examples of Possible Management Strategies	Heritage Significance
I	Heritage resources with qualities so exceptional that they are of special national significance. Current examples: Robben Island	May be declared as a National Heritage Site managed by SAHRA.	Highest Significance
II	Heritage resources with special qualities which make them significant in the context of a province or region, but do not fulfil the criteria for Grade I status. Current examples: St George's Cathedral, Community House	May be declared as a Provincial Heritage Site managed by HWC.	Exceptionally High Significance
III	Such a resource contributes to the environmental quality or cultural significance of a larger area and fulfils one of the criteria set out in section 3(3) of the Act but that does not fulfill the criteria for Grade II status. Grade III sites may be formally protected by placement on the Heritage Register. These resources are currently managed by HWC unless the local authority has been found competent and has been granted delegated authority.		
IIIA	Such a resource must be an excellent example of its kind or must be sufficiently rare. These are heritage resources which are significant in the context of an area.	This grading is applied to buildings and sites that have sufficient intrinsic significance to be regarded as local heritage resources; and are significant enough to warrant that any alteration, both internal and external, is regulated. Such buildings and sites may be representative, being excellent examples of their kind, or may be rare. In either case, they should receive maximum protection at local level.	High Significance
IIIB	Such a resource might have similar significances to those of a Grade III A resource, but to a lesser degree. These are heritage resources which are significant in the context of a townscape, neighbourhood, settlement or community.	Like Grade IIIA buildings and sites, such buildings and sites may be representative, being excellent examples of their kind, or may be rare, but less so than Grade IIIA examples. They would receive less stringent protection than Grade IIIA buildings and sites at local level.	Medium Significance

IIIC	Such a resource is of contributing significance to the environs These are heritage resources which are significant in the context of a streetscape or direct neighbourhood.	This grading is applied to buildings and/or sites whose significance is contextual, i.e. in large part due to its contribution to the character or significance of the environs. These buildings and sites should, as a consequence, only be regulated if the significance of the environs is sufficient to warrant protective measures, regardless of whether the site falls within a Conservation or Heritage Area. Internal alterations should not necessarily be regulated.	Low Significance
NCW	A resource that, after appropriate investigation, has been determined to not have enough heritage significance to be retained as part of the National Estate.	No further actions under the NHRA are required. This must be motivated by the applicant and approved by the authority. Section 34 can even be lifted by HWC for structures in this category if they are older than 50 years.	No research potential or other cultural significance

In assessing modernist architecture, reference may be made to the assessment criteria set out in the DOCOMOMO³² US website: <https://www.docomomo-us.org/explore-modern/explore-the-register/how-to-evaluate-modern>.

(see table below)

³² DOCOMOMO – International Committee for the documentation and conservation of buildings, sites and neighbourhoods of the Modern Movement

The following criteria can be applied to a building or landscape to evaluate its significance. The six categories listed below are meant to offer a set of appraisals that analyse the building or landscape through different lenses, each of which is an attribute of modern design. A site does not have to qualify under all six categories, but typically is rated more significant the more categories it satisfies.

1. Technological merit

Does the work employ innovative modern technology to solve structural, programmatic, or aesthetic challenges?

2. Social merit

Does the design reflect the changing social patterns of 20th century life?

Did the designer attempt to improve either living or working conditions, or human behaviours through the work's form or function?

3. Artistic and Aesthetic merit

Does the work exhibit skill at composition, handling of proportion, scale and material and detail?

4. Canonic merit

Is the work and/or architect famous or influential? Is it exemplary work?

5. Referential Value

Did this work exert an influence on subsequent designers as a result of one or more of its attributes?

6. Integrity

Is the original design intent apparent? Have material changes been made which compromise the architectural integrity of the structure

ANNEXURE C1: Artscape Conceptual Precinct Plan February 2019

(appended as a separate e-file)

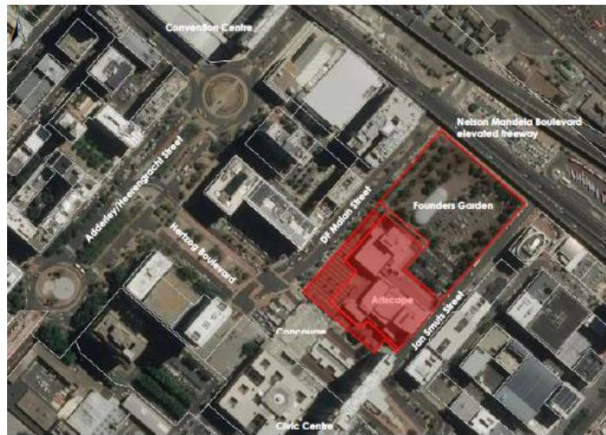
**ANNEXURE C2: Addendum to Artscape Conceptual Precinct Plan
May 2020**

ANNEXURE D1: Proof of Advertising Public Participation

NOTICE APPLICATION IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT (NHRA), 1999, ACT 25 OF 1999

Notice is hereby given that an application in terms of Section 38(4) of the NHRA will be submitted to Heritage Western Cape regarding the following property:

ARTSCAPE PRECINCT PLAN: ERVEN 186 & 187 ROGGEBAAI CAPE TOWN
LOCAL/DISTRICT MUNICIPALITY: City of Cape Town Municipality
STREET ADDRESS: Hertzog Boulevard, Roggebaai, Cape Town



Short Description of the work to be done: The Artscape Conceptual Precinct Plan proposes to retain the area's predominant character as a place of entertainment. Artscape does not plan to construct any significant expanded facilities in the foreseeable future. Precinct proposals include:

- a new porte-cochere on DF Malan Street for improved taxi drop-offs and disabled access. A new building at the northernmost corner is proposed, to be used as a shop or a restaurant on the ground floor.
- The large forecourt (Artscape Plaza) is to remain open to the public and for use by Artscape.
- The Plaza is to be activated with landscaping and a new performance space in a building located on the south-western boundary with the concourse, maximum height 16m.

Members of the public and Interested and Affected Parties are invited to comment on the application. A copy of the draft documentation can be downloaded for scrutiny from Dropbox. Please Ctrl + Click on the following link:

https://www.dropbox.com/sh/fonv8qydg8xsw12/AAA3_dHLKVLMIuFmsS6_Fedpa?dl=0

Any person wishing to object or comment on heritage grounds to the application must make such comment /objection in writing to Ms. C Postlethwayt at cindy@cpheritage.co.za on or before 3 July 2020. Kindly note that objections or comments that are not made on heritage grounds will not be considered. Late objections/comments received after 3 July 2020 may be ignored.

Notice date: 3 June 2020

From: [Cindy Postlethwayt](mailto:Cindy.Postlethwayt@cityofcape.gov.za)
To: "Cindy Postlethwayt"
Bcc: "citybowratepayers@gmail.com"; "info@wolffarchitects.co.za"; "Dave.Bryant@cape.gov.za"; "Dimitri.georgeades@cape.gov.za"; "Mark.Bell"; "mariusg@artscape.co.za"; "Mardene.le.Roux"; "byr@zip-zap.co.za"; "laurence@zip-zap.co.za"; "Mark.Munro"; "Alastair.Rendall"; "Tali.Bruk"; "URBAN.DESIGN"
Subject: Notice for comment: Heritage Impact Assessment Artscape Precinct Plan, Roggebaai, Cape Town
Date: 03 June 2020 06:37:00 AM
Attachments: [HIA Artscape NOTICE for comment emailed.pdf](#)

To whom it may concern

Please find attached notice for comment and link below

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Notice date: 3 June 2020



Invitation to comment on the draft Artscape Precinct Plan, Cape Town

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- Webinar series for Archivists: Reaching Your Audience Digitally Sunday, May 31, 2020 - 13:12 Notice
- Kenneth Stanley Birch – born in 1914, Johannesburg memorialist Thursday, May 28, 2020 - 14:49 Article
- 1950 Commemorative Booklet reveals wonderful photographs of Jan Smuts Wednesday, May 27, 2020 - 14:46 Article
- Historian Dr Dean Allen In Conversation with Schalk Burger - 28 May 2020 Wednesday, May 27, 2020 - 09:33 Notice
- A hundred years ago: St John's College, Johannesburg, in 1920 Tuesday, May 26, 2020 - 17:11 Article
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- Herbert Prins Remembered Tuesday, May 19, 2020 - 16:43 Notice
- Review of 'Barnato's Diamonds' Tuesday, May 19, 2020 - 13:04

Notice is hereby given that an application in terms of Section 98(4) of the NHRA will be submitted to Heritage Western Cape regarding the following property:

ARTSCAPE PRECINCT PLAN: ERVEN 186 & 187 ROGGEBAAI CAPE TOWN
 LOCAL / DISTRICT MUNICIPALITY: City of Cape Town Municipality
 STREET ADDRESS: Hertzog Boulevard, Roggebaai, Cape Town

Short Description of the work to be done: The Artscape Conceptual Precinct Plan proposes to retain the area's predominant character as a place of entertainment. Artscape does not plan to construct any significant expanded facilities in the foreseeable future. Precinct proposals include:

- a new porte-cochere on DF Malan Street for improved taxi drop-offs and disabled access. A new building at the northernmost corner is proposed, to be used as a shop or a restaurant on the ground floor.
- The large forecourt (Artscape Plaza) is to remain open to the public and for use by Artscape.
- The Plaza is to be activated with landscaping and a new performance space in a building located on the south-western boundary with the concourse, maximum height 16m.

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Members of the public and Interested and Affected Parties are invited to comment on the application. A copy of the draft documentation can be downloaded for scrutiny from Dropbox (click here to view).

Any person wishing to object or comment on heritage grounds to the application must make such comment / objection in writing to Ms. C. Poolethoep at cindy@heritage.co.za on or before 7 July 2020. Kindly note that objections or comments that are not made on heritage grounds will not be considered. Late objections/comments received after 3 July 2020 may be ignored.

New York city doodles elements collection, Harp
 Sintra, Portugal
 Beautiful view of the city of Erbil, Iraq

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Donderdag 18 Junie 2020 **DIE BURGER**

GRONDGEBRUIK AANGEPAS

Kunstekaap vernuwe

Skepswraak dalk onder grond

Marlene Barnard

'n Jare lange plan om die Kunstekaap-geboeskompleks in Kaapstad te vernuwe asook 'n wêreldse plan om 'n aangrensende stuk grond te ontwikkel, is afgeskop en die publiek het nou die kans om kommentaar daaroor te lewer.

Die Wes-Kaapse regering het in 2017 'n plan goedgekeur om dié gebied in Roggebaai te ontwikkel. Die Kaapstad-metroraad het in 2018 'n aansoek goedgekeur dat die twee betrokke erwe se grondgebruik vir algemene kommersiële gebruik oënskynbaar word.

Verlede jaar het die Wes-Kaapse regering besluit dat die erwe se grondgebruik aangepas moet word om kommersiële en groot-lits residensiële en vir gemeenskaplike gebruik.

Nou word daar van Erfenis Wes-Kaap gevra om die veranderde planne goed te keur en die publiek word gevra om voor 3 Julie kommentaar te lewer as deel van dié proses.

Die erwe van die hele Kunstekaap-kompleks in, die oop ruimte aan die voorkant van Kunstekaap, die oopruimte tussen die geboukompleks asook die deel waar die Zipzap-sirkus nou geleë is en die aangrensende grond by die sirkus.

Volgens die aansoek het die beoogte ontwikkeling bestaan uit twee dele: die Kunstekaap met 'n nuwe konsertsaal en dramatiese en die Founders Garden met 'n nuwe hotel.

KUNSTEKAAP

- 1 Nuwe hoofingang
- 2 Kunstekaap-plaza
- 3 Parkering
- 4 Huidige Kunstekaap-gebou
- 5 Nuwe konsertsaal
- 6 Nuwe studio en dramatiese
- 7 Nuwe arkaas met winkels

FOUNDERS GARDEN

- 8 Nuwe gebou – kantore en winkels
- 9 Nuwe ondergrondse parking met winkelspaasie op grondvloer
- 10 Nuwe gebou – hoofsaaklik residensiële, asook 'n hotel en winkels
- 11 Nuwe gebou

Ter agtergrond van die Kunstekaap-kompleks word in die aansoek genoem dit is in 1971 amptelik oopgestel. Die bouwyf word beskryf as 'n Bruttaliese, omvondige blokagtige ontwerp, wat 'n sonder argitektoniese meriete is nie'. Die gebou is in opdrag van dr. Nico Malan, in sy hoedanigheid as administrateur van die Kaap-geboe. 'n Groep argitektoe het in 1982 na Amerika en Europa gereis om daar idees te kry, waarna daar in 1983 begin is met die bouwerk.

Die trappe aan die voorkant van die geboukompleks (aan die kant van D.P. Malanstraat) is wêreldse kultuur- en historiese erfenis.

Op die perseel waar die Zipzap-sirkus is, word geboue met woonstelle, kantore, winkels, res-

housante en 'n hotel begin. Kry meer inligting oor die ontwikkeling by www.theheritageportal.co.za. Die publiek het tot 3 Julie kans om kommentaar te lewer oor die erfenis-aansoek.

Brook Urban Design Services

ANNEXURE D2: Comments received

From: [Neil Schwartz](#)
To: [Cindy Postlethwayt \(cindy@cpheritage.co.za\)](mailto:Cindy.Postlethwayt@cpheritage.co.za)
Subject: HWC Case Number: 18100908AS1011E - Artscape
Date: 15 June 2020 10:04:49 AM

Dear Cindy

Please register me as an interested and affected party for this application.

I have no comments on the Draft HIA or associated studies.

Kind Regards,

Neil Schwartz
 021 408 7678
 082 7777 330



Urban Conservation & Town Planning Advisory Panel

COMMENTS

from meeting of the 06-Jul-2020
 Applicant No: 0701 /2020

BLOCK A:	All fields in Block A are mandatory	Date:	
PROPERTY DETAILS:			
Erf number(s):	186; 187; ;	in:	
Street Address:	Artscape Herzog Boulevard Roggebaai		
Applicant's name:	C Postlethwayt	Applicant's profession:	Heritage Practitioner
Applicant's e-mail address:	cindy@cpheritage.co.za	Applicant's phone no.:	021 / 7971005
TYPE & DETAILS OF APPLICATION / PROPOSED WORK (Additions / partial demolitions / total demolition / alterations / renovation / restorations / repairs / etc):			
HIA for Artscape precinct Plan			

COMMENTS:

Application supported in principal to the development as required, however a more finalized proposal will be required for comment on actual structures.

Comments received from Docomomo and CCT EHM appended as separate files

ANNEXURE E: CCT confirmation of rezoning validity



DEVELOPMENT MANAGEMENT

JLESLIE1
PPO: Development Management

T: 021 400 6450 F: 021 400 6444
E: Juliet.leslie@capetown.gov.za
Case ID: 70234640

BLUM010

31 OCTOBER 2018

Dear Amozelle Lambrechts

VALIDITY OF THE REZONING, DEPARTURES AND COUNCIL APPROVAL FOR PROPOSED DEVELOPMENT SUBMITTED IN TERMS OF THE LAND USE PLANNING ORDINANCE 15 OF 1985: ERVEN 186 AND 187 DF MALAN STREET, ROGGEBAAI: FOUNDERS GARDEN AND ARTSCAPE

Your letter dated 2018-10-31 refers.

On 21 June 2016, the City approved the rezoning of the abovementioned property (Erven 186 and 187) to a General Business Use Zone (GB7). The approval included the approval of a Development Framework for Erven 186 and 187, and the approval of a Precinct Plan for Erf 186.

In terms of Item 136(4)(11) of the DMS, *"an approval granted for a component of a package of plans referred to in sub-item (4)(a) to (c) does not lapse."*

In the light of Item 136(4)(11) of the DMS quoted above, it is confirmed that since two components of a package of plans have been approved (namely the Development Framework and Precinct Plan), the current zoning of the property (General Business Use Zone (GB7)) as well as the related departures and Council approval will not lapse.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J. Leslie'.

for DIRECTOR: DEVELOPMENT MANAGEMENT

MEDIA CITY BUILDING, 2ND FLOOR,
CNR. ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001