

# DRAFT

## ISSUED FOR COMMENT

### HERITAGE IMPACT ASSESSMENT IN TERMS OF SECTION 38 (2)

### OF THE NATIONAL HERITAGE RESOURCES ACT (NHRA)

### FOUNDERS GARDEN REZONING AND DEVELOPMENT

### ERF 186 and ERF 187 ROGGEBAAI CAPE TOWN

### MARCH 2015



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## EXECUTIVE SUMMARY

### SITE NAME

Erf 186 (2.8ha) and 187 (1.4039ha) Roggebaai (Founders Garden) Cape Town

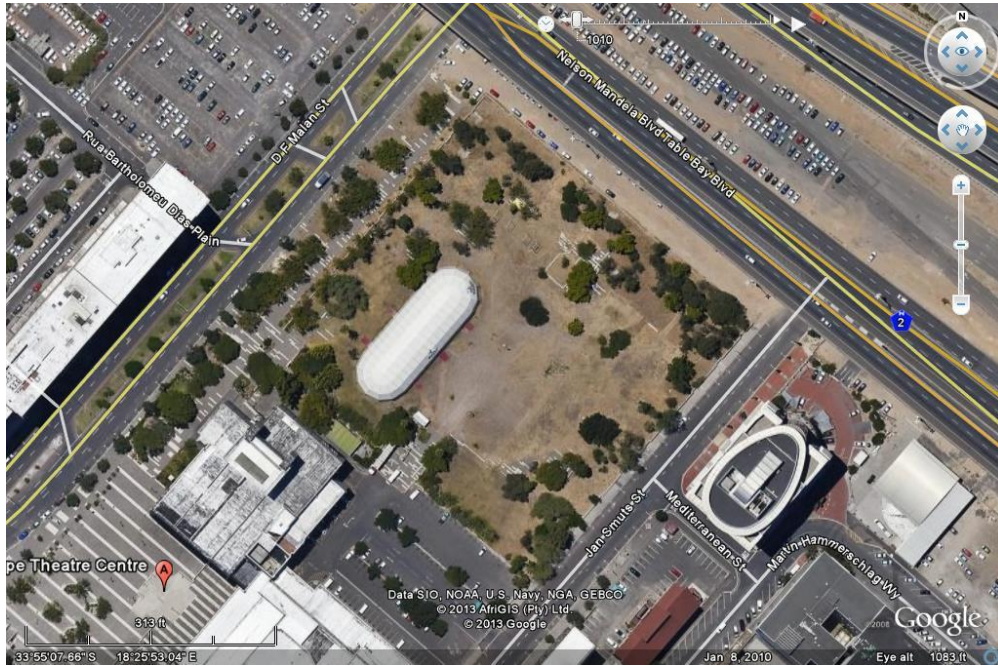
### LOCATION

The Founders Garden Site (Erf 186) is situated in Roggebaai south of Nelson Mandela Boulevard, the elevated freeway. Together with the Artscape Complex (Erf 187) it is bounded on the south by Hertzog Boulevard. DF Malan Avenue is on the east side and Jan Smuts Drive is on the west. It is a landmark site, because of the distinctive architecture of the Opera House and the green 'openness' of the Founders Garden.

### LOCALITY PLAN



Locality Map (Source: Map Studio)



**Aerial Photo** (Source: Google Earth 2014)

## DESCRIPTION OF PROPOSED DEVELOPMENT

The project consists of basement parking and a podium structure with two medium rise blocks with retail offices and hotel residential uses. There is an open square in the U shape configuration and the buildings are reduced in scale on the Artscape edge, in order to reduce scale impacts.

Alterations and additions to the Artscape complex will be dealt with in another application.

## HERITAGE RESOURCES IDENTIFIED

### 1.1 The View

The elevated highway is a Scenic Drive, (As per the City of Cape Town's Scenic Drive Network Management Plan)

The view from the highway of the City and the Table Mountain backdrop is a heritage resource. Development of the treed vacant Founders Garden Site will affect the view. A visual Impact Assessment needs to be undertaken for the views from, the highway.

**Indicator:** Development should allow for views through to the mountain

### 1.2 Possible marine archaeology resources.

The site may contain archaeological remains.

**Indicator:** A specialist marine archaeologist has been briefed to prepare to study. (see report Annexure 7)

### 1.3 The Cultural / Public Facility Network

Founders Garden is related physically adjacent to the rear of Artscape is part of an identifiable network or public facilities structure which consist of the Artscape precinct,



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plaza over Hertzog Boulevard linking to the Civic Centre Complex and to the adjacent Railway Station Complex, the parade with The City Hall as well as Adderley Street at the important Strand Street intersection. This network of facilities has transport terminal points, 2 bus stations, the taxi terminus on the Station Deck and of course the Station itself.

**Indicator:** Development on the Founders Garden site should contribute to the social role of the network, reinforce the cultural / social network as a vital part of the city.

#### 1.4 The Artscape Complex

As an arts venue for theatre music, ballet and opera, Artscape has considerable cultural significance. It was a site of contestation because of racial segregation under apartheid. The building in its Brutalist Style has some architectural significance and is a landmark building. The building is a venue for theatre, ballet, music and opera, forms of 'high culture'.

**Indicator:** The development should not compete with or 'overwhelm' Artscape and should not compromise its stand-alone quality.

#### 1.5 Founders Garden Site itself (See historical Study)

Founders garden is a rectangle fenced or grassed open space with a largely random planting of trees (mostly on the perimeter) and a largely random arrangement of concrete planters and benches. (There is one on axis) This loose arrangement of low built structures is in line with the construction of Artscape (concrete) and underlying geometry (on orthogonal asymmetric arrangement). The space has not been well maintained over the last few years and is in an unkempt condition. (see google earth photo and drawing)

The sausage shaped Zip Zap circus tent has for the last few years occupied a part of the site (see Google earth photographs) The trees provide a green foreground when viewed from the highway.

It should be noted that Founders Garden does not relate particularly well to the Artscape Complex. The garden lies at the rear of the building. There is a parking area between Artscape and the garden, and the service access is located on this part of the site. To some extent, Founders Garden can be read as the remnant or left over space after the grand boulevard plan was aborted.

**Indicator:** Heritage Indicators for the Founders Garden Site would include maintaining as much open garden space as possible as well as planting. Ensure that 25% of the site be open space (Western Cape Government)  
The width of the original shaft of space should be acknowledged by a landscaping element. A landscaping plan should be drawn for the site. Existing valuable trees should be retained on site.

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## 1.6 The Founders Garden Memorial Plaque

The damaged memorial stone is located in an space on DF Malan Street on the North West corner of the site, set back from the road.

It has historical significance as it is evidence of the original Foreshore Plan of the 'Shaft of Space'.

**Indicator:** It should be restored, retained and incorporated in the new development within the public space in its present position or as close to it as possible.

## ANTICIPATED IMPACTS ON HERITAGE RESOURCES

- The View – The visual study found that there are no significant visual impacts on heritage resources.
- Possible marine archaeology resources – archaeological monitoring during construction required.
- The cultural / public facility network – The proposal will add to and strengthen the social facility network. The public square will be a positive measure.
- The Artscape Complex – The development will have little impact on the complex as it is at the rear of the building, and the proposed building is reduced in scale close to Artscape. The public square will be a positive measure.
- Founders Garden Site – The undeveloped site is an anomaly in the area. It is the remnants of an abandoned plan and is 'space left over after planning'. Some open space will be retained in the proposals. A line of trees is proposed to mark out the original width of the 'shaft of space' which was part of the original gateway Foreshore Plan.
- Valuable trees are to be replanted.
- The Founders Garden memorial plaque – This is to be restored and re-used in the new proposals.

## 2. RECOMMENDATIONS

The following recommendations are put forward:

That Heritage Western Cape endorses this report and the architects plans drawing numbers:

- 103-AR-CPT- 100-B1, 103-AR-CPT- 100-B2, 103-AR-CPT- 100, 103-AR-CPT-101, 103-AR-CPT-102, 103-AR-CPT-104, 103-AR-CPT-105, 103-AR-CPT-107, 103-AR-CPT-200 and issue a positive comment for the proposals.
- The recommendations of the marine archaeology report should be endorsed as follows.
  - \* 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;

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- \* 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 erwen making up the development.
- The City of Cape Town’s Heritage Resources Section must check the submitted construction plans to confirm that the plans correspond to these in the document and that the heritage indicators have been complied with.
  - The landscape plan must indicate the row of trees demarcating the width of the shaft of space, the re-use of the valuable trees (Olea, Erithryna, Kigeka) and the memorial plaque.
  - A separate Heritage Impact Assessment should be undertaken for the approval for a Site Development Plan for the Artscape Precinct, and for development at and around the Artscape Complex. .DOCOMOMO has requested to be consulted in the process.

## **AUTHORS AND DATE**

Andrew Berman for Urban Design Services cc – March 2015



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## 1. THE NATURE OF THE APPLICATION

The Provincial government wishes to consolidate Erf 186 Roggebaai (Founders Garden) and Erf 187 Roggebaai (The Artscape Complex) and rezone the property to allow for development on the Founders Garden site.

A Heritage Impact Assessment is required in terms of the National Heritage Resources Act (NHRA) as it is for a rezoning of a site larger than 10 000m<sup>2</sup>, and also that the character of the site will be changed. Initially, this HIA was to be part of an Environmental Impact Assessment, but the legislation has changed, and this is no longer required (see Annexure 10). A Notification of Intent to Develop was submitted to Heritage Western Cape suggesting a limited HIA as it was believed that there were few heritage resources. HWC required a full HIA with a Visual Impact Assessment (see Annexure 4).

The present zoning of the subject properties is as follows: Erf 186 is zoned Open Space Zone 2 and Erf 187 is zoned Community Zone 2.

It is proposed to consolidate the two properties and rezone the consolidated property to General Business Zone GB7. General Business Zone permits the current land uses on the property (Artscape is defined as a “place of entertainment” in terms of the Zoning Scheme) whereas the current Community zone 2 does not permit this land use and is much more restrictive. General Business Zone will also allow a wide range of other land uses which are appropriate for a higher order arts, culture and business complex, including places of entertainment, places of instruction, places of assembly, restaurants, offices, shops, residential and other community uses. It is the intention to develop the site with an integrated mixed use development comprising of many of these land uses as set out above.

The proposed subzone of GB7 is appropriate for the site because of its location in the central CBD of Cape Town and it being located in the “tall buildings” zone. It allows development up to 60m in height which is consistent with the development proposals for this property and consistent with the current development surrounding the site. It is proposed furthermore that the rezoning will be structured according to the “Package of plans” approach as set out in the Cape Town Zoning Scheme, which allows for various tiered levels of plans to be approved firstly for the overall site (A Development Framework) and then subsequently more detailed approvals for sub-precincts as and when more detailed designs become available (Site Development Plans). It is therefore the intention to submit a Development Framework (which will include a full Contextual Analysis) for the whole site which would set out the parameters and fixes of the overall development. This Development Framework will be informed and based on the Architects’ Conceptual plans included in this HIA submission and will also reflect the outcome of all the impact assessments including the recommendations of this HIA. It is furthermore intended to submit a Site Development Plan (SDP) for the Founders Garden Precinct, because development proposals for this component is well developed. These SDP plans will contain more details on the

development proposals on the Founders Garden Precinct and will be based on the Architects' Conceptual plans included in this submission.

Apart from the overall development parameters and fixes indicated in the Development Framework, no detailed proposals or an SDP will be submitted for Artscape since these proposals have not been formulated by Artscape. It will therefore be a future condition of approval of the rezoning that Artscape prepare a Site Development Plan prior to any building plans being approved for future expansions.

### 3. WHAT IS A HERITAGE IMPACT ASSESSMENT

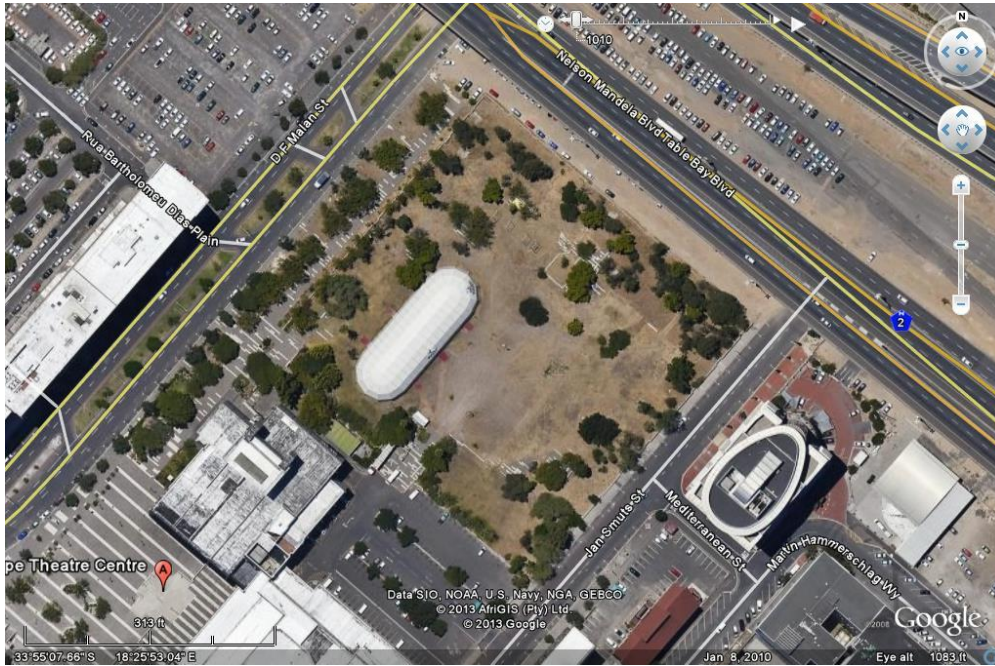
A Heritage Impact Assessment (HIA) is a tool for the heritage authority to make an informed response to a proposed development. It also provides a mechanism to ensure that development occurs in such a manner as to minimize negative impacts on the heritage value of a place. It often adds significant value to a development by informing how a development may maximize its historical potential and best respond to its physical environment. In some cases, where the heritage resources are especially significant or fragile, a heritage impact assessment may recommend that a development not be approved by the heritage authority or make recommendations as to alternative development possibilities.

### 4. LOCALITY

The Founders Garden Site (Erf 186) is situated in Roggebaai south of Nelson Mandela Boulevard, the elevated freeway. Together with the Artscape Complex (Erf 187) it is bounded on the south by Hertzog Boulevard. DF Malan Avenue is on the east side and Jan Smuts Drive is on the west. It is a landmark site, because of the distinctive architecture of the Opera House and the green 'openness' of the Founders Garden.



Figure 1: Locality Map (Source: Map Studio)



**Figure 2: Aerial Photo** (Source: Google Earth)

## 5. CONTRIBUTIONS TO THIS HERITAGE IMPACT ASSESSMENT

The compiling and production of a Heritage Impact Assessment involves the input of a number of specialists. Melanie Attwell undertook the historical Study. The marine archaeology was tackled by David Halkett of Aco Associate. The Visual Impact Study was produced by Andre Pentz.

Much information was gained from Anine Trumpelmann of @planning, who is submitting the rezoning, and compiled the status Quo Report. (Annexure 3)

## 6. STATEMENT OF INDEPENDENCE

Andrew Berman, the author of this report is an independent heritage management practitioner. He has no financial interest in the project other than fair remuneration for services rendered. He is an architect and urban designer and has over ten years of experience as a heritage consultant. He was a founder member of AHAP and is a current member of APHP.

## 7. PROPERTY DETAILS

The mother Erf 186 (Founders Garden) encloses Erf 187 (The Artscape Complex) which totals 2.8ha.  
See Site Plan

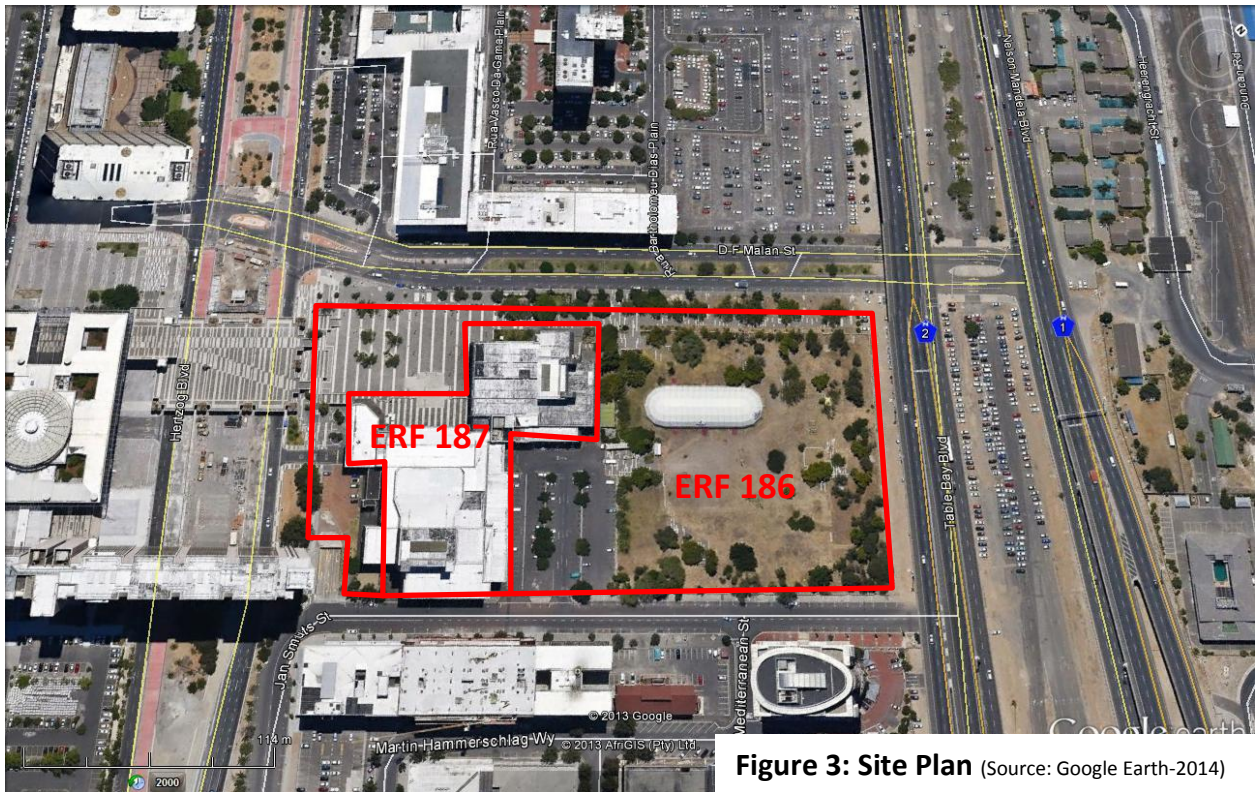


Figure 3: Site Plan (Source: Google Earth-2014)

The following property details are extracts from the @planning report (Annexure 3) pg 5 and 6 of Status Quo Report.

### Title Deed Conditions, Servitudes and Entitlements

A cursory inspection of the two title deeds has revealed that the following condition is only applicable to Erf 186 Roggebaai:

B: *“Die erf mag nie vir ‘n ander doel gebruik word as die volgende doel nie, naamlik, ‘n tuin en park insluitende gebruike eie daaraan, voetganger- en motorvoertuigtoegange na die Operahuisgebou op Erf 187, Roggebaai, en ondergrondse Munisipale en Poskantoor dienste, tensy beide Huisse van die Parlement by besluit daardie ander doel goedgekeur het.”*

A court order dated 21 October 2011 ruled that *“beide Huisse van Parlement”* be replaced with *“Die Provinsiale Wetgewer van die Wes-Kaap”*.

There are no servitudes registered over either of the two erven.

Erf 186 is 2.8ha in total and includes Erf 187(1.4039ha).



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***Approvals already obtained:***

In March 2013 the Western Cape Government approved that development proposals be pursued for Erf 186, namely that the property may be developed for General Business and Cultural purposes, provided that an area equivalent to 25% of the area of Erf 186 be retained as an open space or public square. This approval therefore paves the way for the various planning approvals to be sought in terms of the relevant legislation. The title deed does not require to be amended since the required Provincial Parliamentary approval of the intended use was obtained as prescribed in the title deed.

## **8. METHODOLOGY**

### Process

This report fulfills the requirements as set out in Section 38(3) of the NHRA as follows:

- (3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a): Provided that the following must be included:
- (a) The identification and mapping of all heritage resources in the area affected;
  - (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;
  - (c) an assessment of the impact of the development on such heritage resources;
  - (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
  - (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
  - (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
  - (g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

It also has to address further requirements from Heritage Western Cape as per their response to the Notification of Intent to Develop as follows (see Annexure 4)

A Visual Impact Study, Design Indicators and Archaeological Study have been requested as part of the HIA. A tree study was conducted as part of the EIA (now not required) and is a contribution to this study. Comment is required from CoCT HRS, The Heritage Committee of the Cape Institute for Architecture, Documomo and CIBRA.

The HIA report consists of an executive summary, the location and physical and statutory context, the mapping of the heritage resources, the listing of the site, the significance of these heritage resources, a proposed grading and heritage indicators to protect the identified heritage resources.

The proposals are described by the architects and the design is evaluated in terms of the indicators and impacts on the heritage resources. The interested and affected parties are consulted and their comments/adjustments to the design are incorporated and the final HIA report will be submitted to Heritage Western Cape for comment.

## 9. CONTEXT

The site is separated from the harbor by the elevated freeway. To the west is the new Chris Barnard Hospital (under construction) and the site of the proposed phase 2 of the Cape Town International Convention Centre. This development will complete the existing Naspers/Salazar Square and Convention Centre configuration. Artscape is connected by an elevated Plaza which crosses Hertzog Boulevard to link to the Civic Centre.

There is a My Citi bus stop adjacent to Artscape. To the east are office buildings. The urban context is harsh and gritty' with little street life. (see Annexure 2:Photographs).

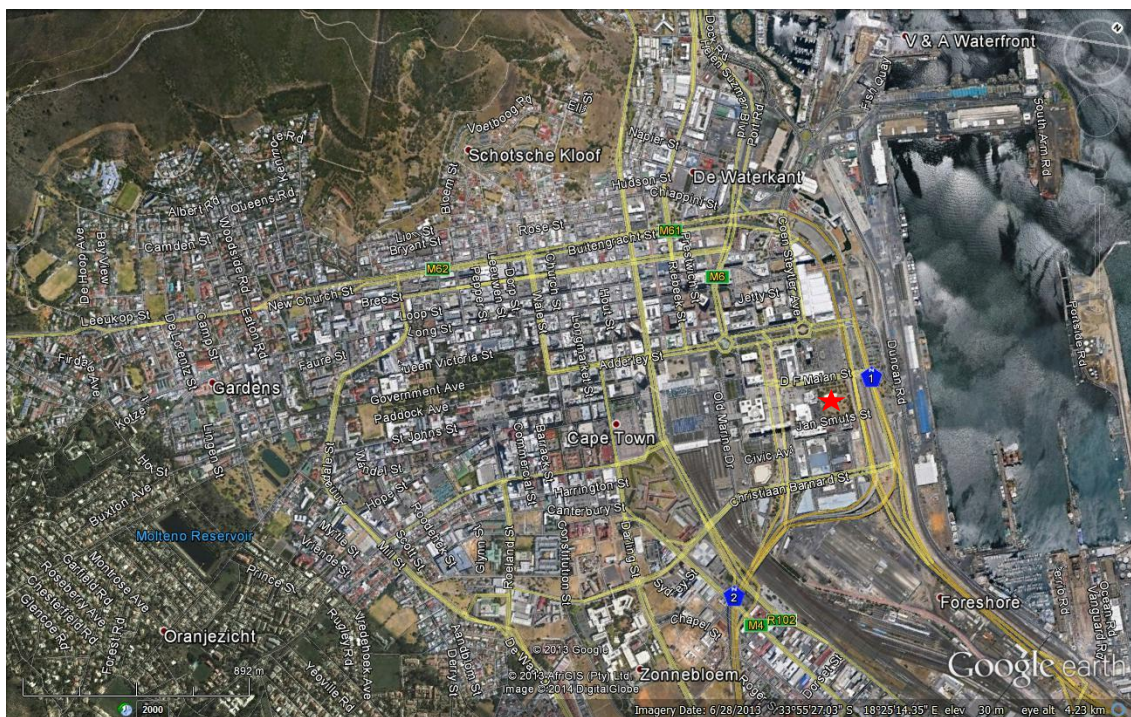


Figure 4: Context Plan (Source: Google Earth)

## 10. STATUTORY CONTEXT

### Heritage

A Heritage Impact Assessment was triggered under Section 38(1) as it is to be a rezoning of a site exceeding 10 000m<sup>2</sup>, 38(1)(d) and it is a development that will change the character of a site.

## 11. PLANNING AND POLICY FRAMEWORKS

The following are applicable:

### 11.1 Provincial Spatial Development Framework – 2010(PSDF) Objective 5

Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.

### 11.2 Cape Town Spatial Development Framework – 2012 (CTSDf)

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Key Storey 3. Build an inclusive, integrated vibrant city. It mentions that ‘The City’s heritage resources, scenic route and destination places that are fundamental to the City’s unique sense of place are to be identified, conserved and managed

11.3 City of Cape Town Table Bay District Plan 2013

The Nelson Mandela Boulevard is classified as a (S1) Scenic Route. Development should seek to retain significant views, and focus on landscape improvements.

Encourage intensification.

Protect green links and open space systems.

Encourage a vibrant and pedestrian friendly city.

Improve and enhance Cape Town CBD as a civic precinct.

11.4 Central City Development Strategy Development.

Guidelines for land Use Management – Phase 2 Draft 2010. This draft document refers to views, view corridors and visual links, but calls for high buildings in this area. Also for ‘mixed use contemporary with commercial and civic focus’.

11.5 Urban Design Policy

These are general ‘broad brush’ objective to improve the urban environment.

11.6 Scenic Drive Network Management Plan – 2003 (Vol 3)

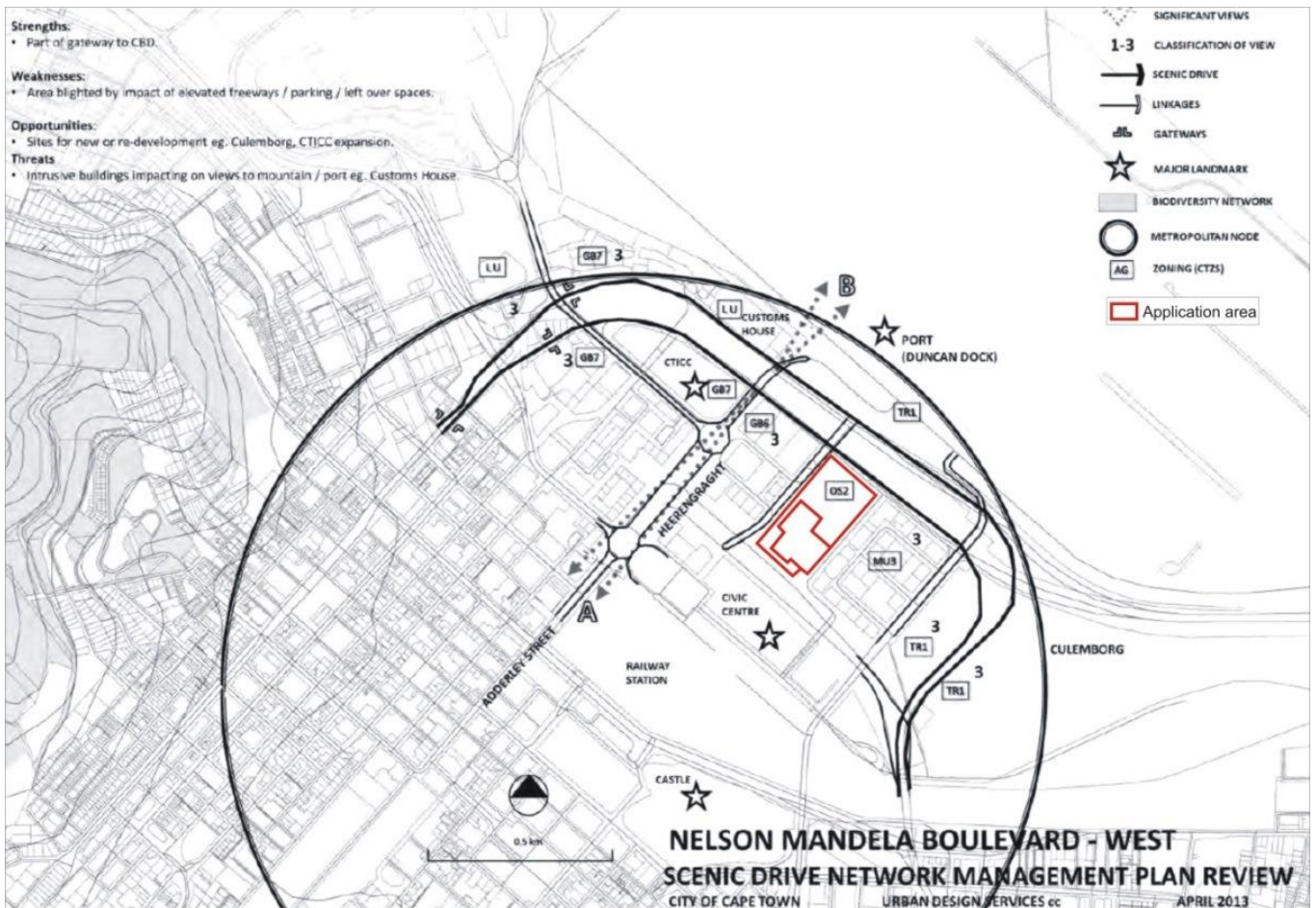
**Status:** Adopted Council Policy.

**Summary:** According to the document, the Eastern Boulevard (now known as Nelson Mandela Boulevard) is identified as route number 21 and classified as an S1 Scenic Route which runs between Coen Steytler Avenue and the M5 (links Rhodes Drive and the N2 with the CBD). The route stretches from the entrance of the V&A Waterfront along the M4 and Settler’s Way until the Black River Parkway interchange. The route provides representative scenic views of Table Mountain, Table Bay and the Cape Flats as it descends down hospital bend. It provides a gateway experience to the CBD for northward bound traffic.

Draft Scenic Drives Network Management Plan Review: Phase 1 (SDNMP REVIEW: 1) – May 2013 Draft

**Status:** A draft policy.

**Summary:** The Policy consist of a revision of 9 of the 41 scenic routes originally included in the Scenic Drives Network Management Plan dated 2003. The draft document covers the key views from the 9 scenic routes and it envisages that the document, once approved will have policy status which can inform the assessment of development applications on relevant properties. Nelson Mandela Boulevard (from Coen Steytler Ave to Princess Anne Ave) forms part of the 9 revised scenic routes. According to the draft policy, the Route is an important gateway to the centre of Cape Town, linking the N2 (and the airport) with the central and southern districts of Cape Town. The draft policy sets out detailed analysis of the 9 scenic routes under review and significant views and edges for each route is depicted in figures in the document. The document notes that significant views frequently occur at changes in the direction of the road and where the road is elevated from its surroundings.



**Figure 5: Nelson Mandela Boulevard SDNMP**

The western leg of the Drive (Nelson Mandela Boulevard) comprises the elevated freeway which wraps around Cape Town's re-claimed Foreshore area with its modern high-rise buildings, affording elevated views into the city and over the harbour. The application area is situated within this identified western leg. According to the document a sense of movement is prevalent along the route, as one approaches the city centre along the palm-tree lined Boulevard, and this sense is highlighted by the seven overhead pedestrian bridges crossing it. In terms of edge configuration and extent of scenic area, the documents explains that the densely forested areas of Newlands create a strong sense of enclosure, contrasting with (at the other end of the route) the hard outlines of the Foreshore buildings, interspersed with open parking areas.

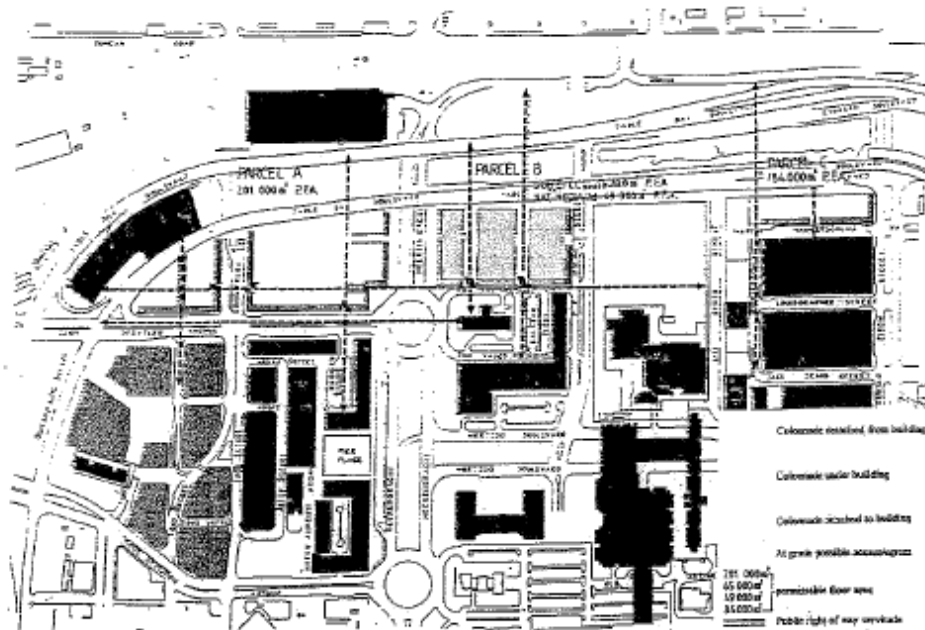
According to the document, view corridors along the north/south streets, looking towards the mountain and/or the sea should be protected from further intrusion especially potential impact of tall buildings. Building facades and frontages facing the Scenic Route on the Foreshore area should present a homogenous and uniformly pleasing appearance to the Scenic Route, forming an aesthetically neutral visual foreground to the backdrop of the mountain and the historic centre of the city, located beyond the Foreshore. Heritage and Cultural landscape resources, which includes the following, should be conserved:

- Historic routes, avenues and vie lines such as the Adderley Street – Heerenracht shaft of space linking to the historic centre of the CBD and Company Gardens, and seawards to Duncan Dock, indicative of Cape Town’s historic role as a sea port.
- Views to natural features such as Table Mountain and Table Bay.

11.7 Culemborg Quarter Contextual Planning Framework -2010.

11.8 Northern Foreshore Design Guidelines – 1988

These guidelines did not show proposals for Founders Garden, except for a pedestrian route across the site.



Proposed Area Plan and Development Rights

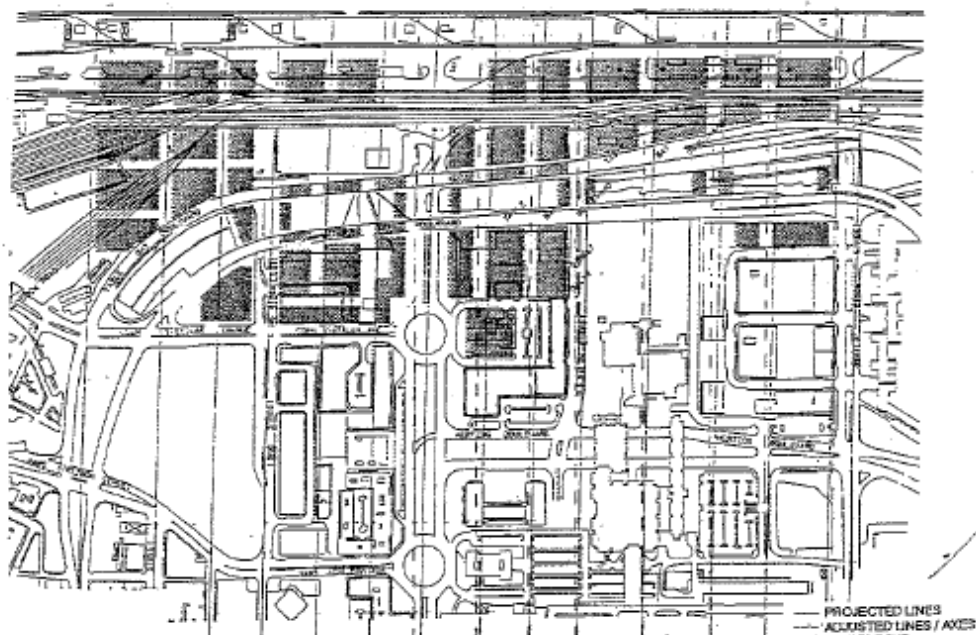
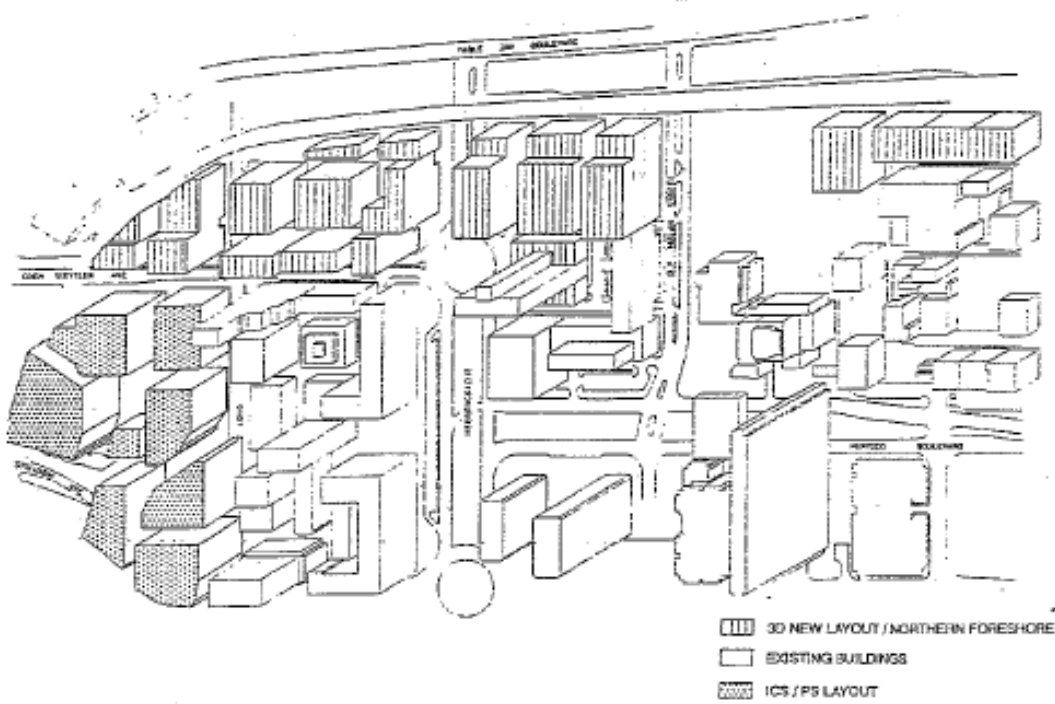


Figure 6: Proposed Area Plan and Development Rights



**Figure 7: City Block Projection to the Sea with 3D Illustration Scheme**

## 12. HISTORY (MELANIE ATTWELL)

Below is an extract from the Attwell Study outlining the historical heritage resources. See Annexure 8 for full report.

### Identification of heritage resources

#### Heritage Resources: The Founder's Garden and Artscape Theatre



**Figure 8:** *The amended Foreshore Plan of 1947. The proposal is for two monumental approaches – one the Heerengracht as an extension of Adderley and the other the original Monumental Approach extending up from the Duncan Dock to a new civic area. It shows the proposed railway station with a forecourt fronting on to Adderley Street and an elevated deck linking the monumental approach to the Grand Parade, which in this instance is indicated and a park. A broad stairway leads from the elevated deck to the Parade.*

#### Heritage structures older than 60 years

The land forming part of the Founder's Garden was reclaimed from the sea as late as 1943 and remained empty. With the exception of a repositioned memorial stone first identified in 1956 and moved to its current position, no heritage structures or structures older than 60 years exist within the Founder's Garden. The memorial marked the beginning of the failed grand plan for Cape Town and thus should be considered of heritage significance despite the fact that the plan failed, particularly in relation to the relationship to the sea and the Monumental Approach.

The aerial photograph of 1953 indicates no structures on the site. This is despite a monumental at the entrance to the Garden which refers to an opening of the Founder's Garden by DF Malan Prime Minister of South Africa in 1952. It was probably moved from another position. Nevertheless it is of heritage significance. By 1953 the planning for the Founder's Garden appears to have started as the aerial photograph

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shows the beginnings of a pathway system and the interior planning of the space. The peripheral walls are likely to have been built by 1971 as part of the Artscape theatre development which they reflect in style and materials. The Founder's Garden remained a well maintained open space and park from 1971 to 1994 when poor maintenance and neglect was very marked and the space became unusable and unsafe. Most of the park furniture placed in 1971 remain and is of a good quality.

The site is largely significant therefore as a remnant of the Monumental Approach which defined the Foreshore plan but which never really was implemented. The transportation driven planning and alteration of the Plan which followed, the loss of the sea trade and the failure to build the passenger terminal the war which interrupted and changed the economy together with the "fatal flaw" of the railway station and goods yards cutting the monumental axis transversely all intimated towards its failure.

The intention to link the City and the Mountain with the sea was an important one and was one which could have survived the loss of major part of the Foreshore Plan had the decision not been taken to build an elevated freeway across the Monumental Approach, thus cutting the City off from the sea.

### **Cultural/Historical significance of Founder's Garden**

The Cape Performing Arts Board was established in 1968 and the Artscape Theatre (formerly the Nico Malan Theatre) was built in 1971. Originally an apartheid structure built in a Modernist/Brutalist style, it has transformed into an African centre for the performing arts. It has the only opera school in Africa and presents a wide range of performing arts. It may be considered as being of cultural significance although it is not older than 60 years. Reviews of the building are mixed. Brent Meersman<sup>1</sup> noted in 2012 that some saw the Theatre as an "apartheid bunker" but others saw it was a rare example of International Modernism, comparable to iconic opera houses that we built around the world in the 1960's and 1970's.

The Founder's Garden may be considered of significance chiefly in terms of its remnant status as part of the Monumental Approach, a core vision of the Modern Movement Plan for Cape Town. It was a dismal failure and was gradually dismembered over time. The Founder's Garden contains a memorial stone with the lettering removed, commemorating the Founder's Garden which is dated 1952. It was been moved from its original position at the foot of the Monumental Approach and is currently placed near the entrance to the Park opposite the Artscape Theatre. This is considered of cultural significance. It is older than 60 years and it links the Founder's garden to the Monumental Approach.

### **Sites of significance**

The structure on Erf 861 i.e. The Artscape Theatre was built in 1971 and can be considered a site of cultural significance although is not older than 60 years. It is noted that the Artscape Theatre originally called the Nico Malan and named after the Nationalist Government's Administrator of the Cape, was the scene of intense anti-apartheid demonstrations at the time of its opening and well into the early 1980's. This was because the theatre was a "'whites only" theatre in terms of the Apartheid Separate Amenities Act. People who were not "white" were unable to perform or to be part of the audience. The Nico Malan Theatre was renamed Artscape and has transformed itself into a national and international centre for the performing arts and contains the only opera school in Africa

The Artscape Theatre stages about 715 productions annually and its facilities are regarded as outstanding. Recently Artscape upgraded the Opera house auditorium and renovated rehearsal spaces. The Theatre is State founded.

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<sup>1</sup> Brent Meersman, Mail and Guardian 14<sup>th</sup> Dec 2012.



The value of the Founder’s Garden lies in its open space qualities as a remnant of the vast Monumental Boulevard or City Beautiful Approach that was intended as the Gateway to Africa by the Planners of the Foreshore.

### 13. MAPPING

#### Mapping of Heritage Resources

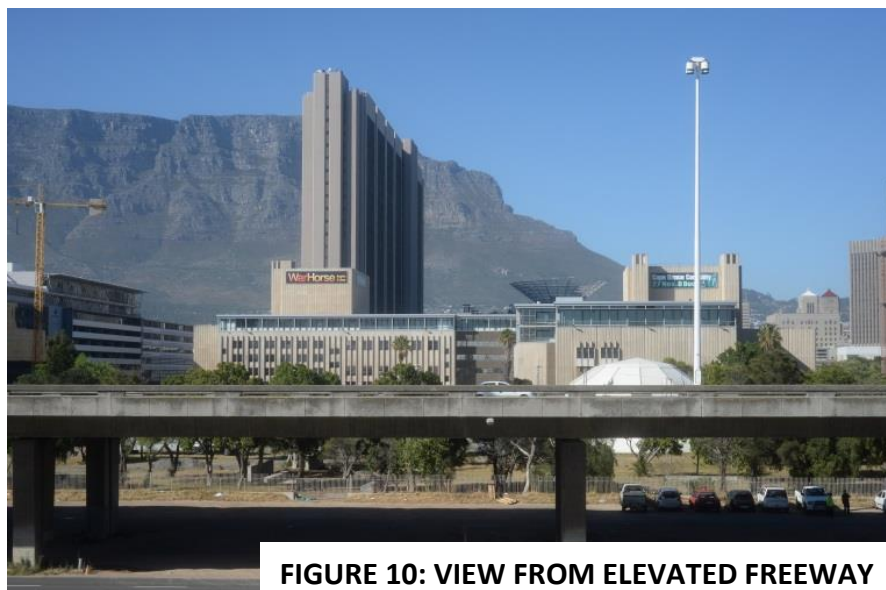


**FIGURE 9: MAPPING** (Source: Google Earth 2014)

#### 13.1 The View

The elevated highway is a Scenic Drive, (As per the City of Cape Town’s Scenic Drive Network Management Plan)

The view from the highway of the City and the Table Mountain backdrop is a heritage resource. Development of the treed vacant Founders Garden site will affect the view. A Visual Impact Study needs to be undertaken for the views from, the highway.



**FIGURE 10: VIEW FROM ELEVATED FREEWAY**

### 13.2 Possible marine archaeology resources.

The site may contain archaeological remains. (see Annexure 7:marine archaeology study )

### 13.3 The Cultural / Public Facility Network

Founders Garden is related physically adjacent to the rear of Artscape and is part of an identifiable network or public facilities structure which consist of the Artscape precinct, plaza over Hertzog Boulevard linking to the Civic Centre Complex and to the adjacent Railway Station complex, the Parade with the City Hall as well as Adderley Street at the important Strand street intersection. This network of facilities has transport terminal points, 2 bus stations, the taxi terminus on the station deck and of course the station itself.



**FIGURE 11: THE CULTURAL / PUBLIC FACILITY NETWORK** (Source: Google Earth 2014)

### 13.4 The Artscape Complex

As an arts venue for theatre music, ballet and opera, Artscape has considerable cultural significance. It was a site of contestation because of racial segregation under apartheid. The building in its brutalist style has some architectural significance and is a landmark building. The building is a venue for theatre, ballet, music and opera, forms of 'high culture' and is the art centre for the Western Cape Province it thus has provincial significance.



**FIGURE 12: THE ARTSCAPE COMPLEX**

Founders Garden Site itself (See historical Study)

Founders garden is a rectangle fenced or grassed open space with a largely random planting of trees (mostly on the perimeter) and a largely random arrangement of concrete planters and benches. (There is one on axis) This loose arrangement of low built structures is in line with the construction of Artscape (concrete) and underlying geometry (on orthogonal asymmetric arrangement) The space has not been well maintained over the last few years and is in an unkempt condition. (see google earth photo and drawing)

The sausage shaped Zip Zap circus tent has for the last few years occupied a part of the site (see Google earth photographs) The trees provide a green foreground when viewed from the highway.

It should be noted that Founders Garden does not relate particularly well to the Artscape complex. The garden lies at the rear of the building. There is a parking area between Artscape and the garden, and the service access is located on this part of the site. To some extent, Founders Garden can be read as the remnant or left over space after the grand boulevard plan was aborted.

There are a few valuable trees in the site (Annexure 6: tree study).



**FIGURE 13: THE FOUNDERS GARDEN SITE**

3/11/2008

### 13.5 The Founders Garden Memorial Plaque

The damaged memorial stone is located in a space on DF Malan Street on the North West corner of the site, set back from the road.

It has historical significance as it is evidence of the original Foreshore Plan of the 'Shaft of Space'.



**FIGURE 14: MEMORIAL PLAQUE**

8/11/2013

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## 12.6 Tree Study

An arborist prepared a tree study for the founders Garden Site (see Annexure 6) few of the trees are indigenous, none are protected. 3 Trees were 'identified' as being of value, the Olea, Erithryna and Kigeka. All are transportable and could be used in the future landscaping plan for the site.

## 14. STATEMENT OF SIGNIFICANCE AND SUGGESTED GRADING

### Founders Garden

Founders Garden has some historical and social significance.

The value lies in its open space qualities, as a remnant of the vast monumental Boulevard or City Beautiful Approved that was intended as the gateway to Africa by the Planners of the Foreshore (Attwell). It is associated with and part of the Artscape Complex. Artscape was a contested site in the apartheid era and is a cultural centre in the Western Cape Province, and is thus of provincial cultural significance.

**Suggested Grading:** The Garden, Grade 3B (Significance is substantial but not 'high')

**Suggested Grading:** Artscape, Grade II (Provincial Heritage Site)

## 15. HERITAGE INDICATORS

### Mapping of Heritage Resources

The following heritage resources have been identified. Indicators to protect them are included at the end of each section.

#### 15.1 The View

The elevated highway is a Scenic Drive, (As per the City of Cape Town's Scenic Drive Network Management Plan)

The view from the highway of the City and the Table Mountain backdrop is a heritage resource. Development of the treed vacant Founders Garden Site will affect the view. A visual impact Study needs to be undertaken for the views from, the highway.

**Indicator:** Development should allow for views through to the mountain



**FIGURE 15: INDICATORS** (Source: Google Earth 2014)

#### 15.2 Possible marine archaeology resources.

The site may contain archaeological remains.

**Indicator:** A specialist marine archaeologist has been briefed to prepare the study. (see report Annexure 7)

### 15.3 The Cultural / Public Facility Network

Founders Garden is related physically adjacent to the rear of Artscape is part of an identifiable network or public facilities structure which consist of the Artscape precinct, plaza over Hertzog Boulevard linking to the Civic Centre Complex and to the adjacent Railway Station Complex, the parade with The City Hall as well as Adderley Street at the important Strand Street intersection. This network of facilities has transport terminal points, 2 bus stations, the taxi terminus on the Station Deck and of course the Station itself.

**Indicator:** Development on the Founders Garden site should contribute to the social role of the network, reinforce the cultural / social network as a vital part of the city.



**FIGURE 16: THE CULTURAL / PUBLIC FACILITY NETWORK** (Source: Google Earth 2014)

### 15.4 The Artscape Complex

As an arts venue for theatre music, ballet and opera, Artscape has considerable cultural significance. It was a site of contestation because of racial segregation under apartheid. The building in its Brutalist Style has some architectural significance and is a landmark building. The building is a venue for theatre, ballet, music and opera, forms of 'high culture'.

**Indicator:** The development should not compete with or 'overwhelm' Artscape and should not compromise its stand-alone quality.

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### 15.5 Founders Garden Site itself (See historical Study)

Founders garden is a rectangle fenced or grassed open space with a largely random planting of trees (mostly on the perimeter) and a largely random arrangement of concrete planters and benches. (There is one on axis) This loose arrangement of low built structures is in line with the construction of Artscape (concrete) and underlying geometry (on orthogonal asymmetric arrangement). The space has not been well maintained over the last few years and is in an unkempt condition. (see Google Map)

The sausage shaped Zip Zap circus tent has for the last few years occupied a part of the site (see Google earth photographs) The trees provide a green foreground when viewed from the highway.

It should be noted that Founders Garden does not relate particularly well to the Artscape Complex. The garden lies at the rear of the building. There is a parking area between Artscape and the garden, and the service access is located on this part of the site. To some extent, Founders Garden can be read as the remnant or left over space after the grand boulevard plan was aborted.

**Indicator:** Heritage Indicators for the Founders Garden Site would include maintaining as much open garden space as possible as well as planting. Ensure that 25% of the site be open space (Western Cape Government)  
The width of the original shaft of space should be acknowledged by a landscaping element. A landscaping plan should be drawn for the site. Existing valuable trees should be retained on site.

### 15.6 The Founders Garden Memorial Plaque

The damaged memorial stone is located in an space on DF Malan Street on the North West corner of the site, set back from the road.

It has historical significance as it is evidence of the original Foreshore Plan of the 'Shaft of Space'.

**Indicator:** It should be restored, retained and incorporated in the new development within the public space in its present position or as close to it as possible.

## 16. VISUAL IMPACT STUDY (Andre Pentz)

The heritage specialist is advised that there are no significant visual impacts on heritage resources and that the development can proceed as per the current design proposals. (Full Visual Impact Study – Annexure 9).





## B. KEY DESIGN PRINCIPLES:

### • CONNECTIVITY

Founders Garden is a pivotal site in the Foreshore, being the only remaining dedicated open space in the area. It is seen as an opportunity to develop the urban realm through physical/walk-able connections with the rest of the foreshore; as well as to maintain visual connections with the city skyline and the surrounding natural landscapes of the port and Table Mountain.

Pedestrian Routes and connections with surrounding developments and attractions are therefore one of the key informants in the development. In particular connections across the site which link the Culemborg Development with the Convention Centre on a East/West Axis; and the Foreshore with the city centre and transport nodes in a North/South direction are reflected.

### • DIVERSITY OF USE

A diverse and flexible mix of uses is promoted throughout the site. Land Uses are organised across both a horizontal and vertical plane in order to allow for active uses like retail and small commercial uses to benefit from and generate pedestrian activity. In turn these activities are supported by movement routes through the site and the amenity value of public space.

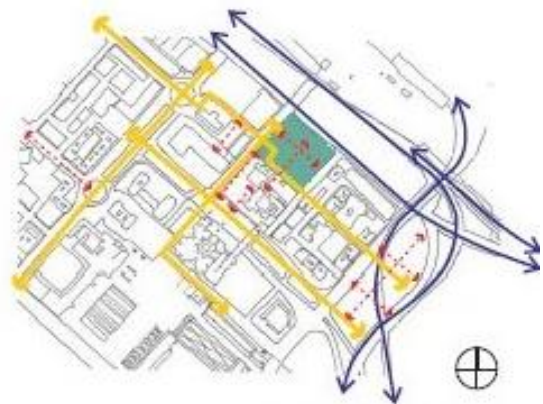
More private/passive uses like hotel, residential and office space are arranged to make the most of contextual opportunities such as views of the mountain and sea.

### • PUBLIC OPEN SPACE

A holistic approach to public spaces has been adopted where on-site open space opportunities are seen as part of an open space network that promotes recreation and pedestrian activity throughout the Foreshore.

Founders Garden is envisaged as a green open space with appropriate planting as well as seating, play and public art features to promote the space as a destination. Special attention will be given to the comfort of pedestrians within the space to mitigate the effects of wind. The design of building interfaces with the open space will be both climatically and human scale appropriate possibly through means of covered ground floor walkways and/or setbacks etc.

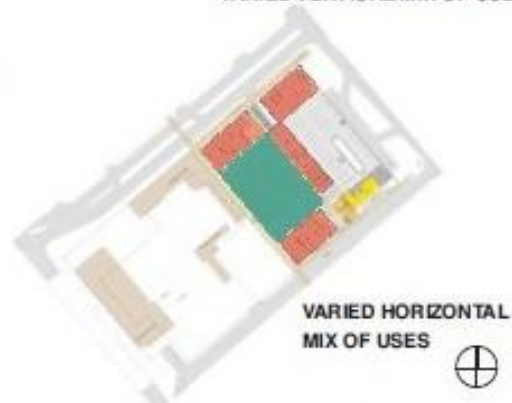
Due to its proximity to event spaces such as Artscape and the Convention Centre, the open space is flexible enough to accommodate the spillover of events that contribute to the identity of the Foreshore as a cultural precinct.



CONNECTIONS, ACCESS & PERMEABILITY



VARIED VERTICAL MIX OF USES



VARIED HORIZONTAL MIX OF USES



PUBLIC OPEN SPACE & GREEN NETWORK

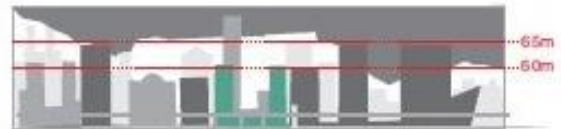


**B. KEY DESIGN PRINCIPLES:**

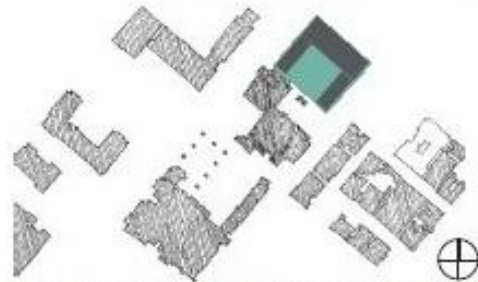
....continued

**• DENSITY & INTENSITY**

Density is a key contributor to goals of sustainability as well as the activation of public life. The foreshore has been identified as a precinct where density is encouraged through the *City of Cape Town Tall Building Policy*. However, density alone does not ensure a vibrant public realm. Thus the type of density pursued in this development is coupled with design for intensity of activity. The addition of new uses, especially residential uses within the city centre, promotes the idea of a 24 hour city as well as of a more demographically diverse inner city.



**DENSITY & HEIGHT** Appropriate height- relative to surrounding buildings & skyline



**DENSITY & ENCLOSURE** Appropriate typology\_ perimeter block as opposed to existing podium buildings that do not define space

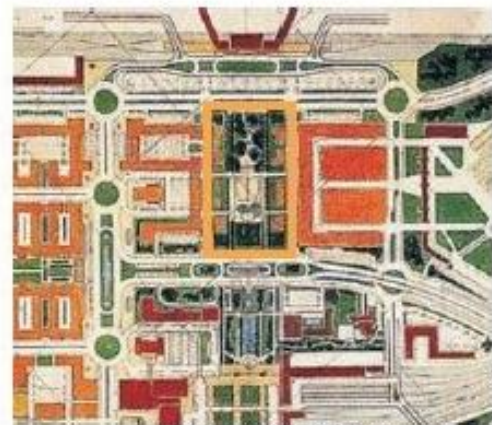
**C. HERITAGE: RELEVANCE & APPROACH**

The Founders Garden site\_ ERF 186, was part of the original scheme for the development of the Foreshore.

While this scheme was never fully implemented due to changes in the economic and planning contexts of the city, this plan is still relevant as an acknowledgement of the powerful vision that created the Foreshore, which was an ambitious and monumental engineering and planning feat in its time.

In this plan, Founders Garden was part of a grand green network made up of wide boulevards and open spaces orientated along strong axes that acknowledged relationships with the natural landscapes and vistas of both sea and mountain.

The current project proposal adopts a conceptual approach to acknowledging the original plan and subsequent developmental narrative of the Foreshore, rather than through literal references.



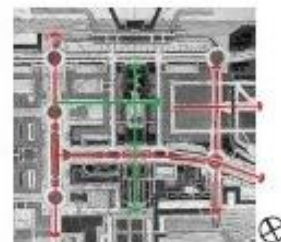
**1947 FORESHORE PLAN**-shows the site occupied by a central garden surrounded by buildings

**CONCEPTUAL APPROACH TO HERITAGE :**

**1. Connectivity:**

The Foreshore included a highly connected movement network. The current proposal translates this connectivity to a scale appropriate to pedestrians rather than the original plan that primarily prioritised motorised transport.

This creates choice allowing for pedestrian movement, NMT and motorised traffic, to co-exist in a more complex and intricate movement system surrounded by permeable/accessible developments.



**ORIGINAL CONNECTIVITY APPROACH:** Coarse scaled and dominated by motorised transport - low choice environment



**CURRENT CONNECTIVITY APPROACH:** Greater complexity in connectivity that promotes choice of movement :- non-motorised/ public & motorised



### C. CONCEPTUAL APPROACH TO HERITAGE:

.....continued

#### 2. Public Open Space Network and Place Making Approach:

The historically defined identity of Founders Garden as an open space is maintained in the current development proposal. However this identity is combined with contemporary place-making concepts such as :

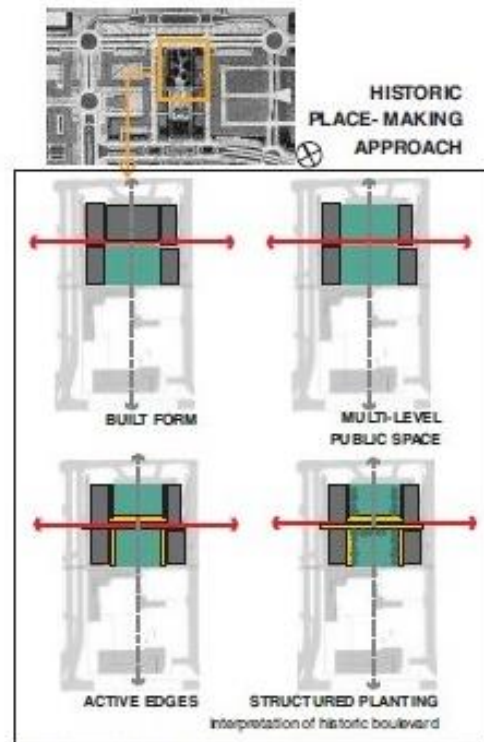
- The need for buildings to form edges and create positive street interfaces.
- The idea of enclosure and activity in public spaces to promote use and safety.
- 'Pedestrianisation' of spaces through design for human comfort and scale - using elements such as shaded walkways, colonnades, balconies, encroachments and surface treatments to break down scale.

#### 3. Visual Impact:

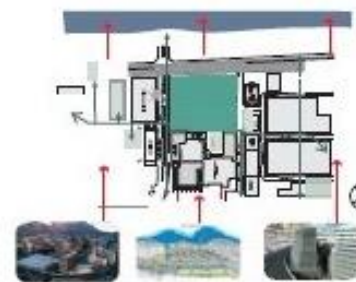
While wide vistas of sea or mountain are no longer the most distinguishable features of the Foreshore, a contemporary language of framed views is developing, that uses elevation to maintain visual connections with the mountain and the sea, especially where road and port infrastructure constrain physical connections to the sea.

• **Visual Connection with Sea:** Visual connection with the sea occurs across the elevated freeway. In the Founders Garden proposal the ground level public space provision is augmented with an elevated public space between two tower blocks that creates this visual connection as well as recreational opportunities.

• **Framed Views of Mountain:** Whilst the mountain is still the dominant background of the skyline as visible from the Foreshore, the contemporary foreground is populated by an urban skyline that creates a layered view.



DIAGRAMS OF CONTEMPORARY APPROACH- to illustrate heritage influences and references



CONTEMPORARY language of VISUAL CONNECTIONS TO SEA



FRAMED VIEW OF MOUNTAIN



Additional Views of Development



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## **18. IMPACTS AND MITIGATION**

**18.1** The view this is minimal (see VIS).

**18.2** Marine Archaeology

Marine archaeological resources are unlikely. (See marine archaeology are unlikely).

**18.3** The Cultural / Public Facility Network.

Development will strengthen the public facility network by adding to the Artscape node.

**18.4** The Artscape Complex

The proposed development does not impact on the stand alone quality of the building. It will turn the service side of the building into a more positive edge.

- The Artscape Complex – The development will have little impact on the complex as it is at the rear of the building, and the proposed building is reduced in scale close to Artscape. The public square will be a positive measure.

**18.5** Founders Garden Site

- Founders Garden Site – The undeveloped site is an anomaly in the area. It is the remnants of an abandoned plan and is ‘space left over after planning’. Some open space will be retained in the proposals. A line of trees is proposed to mark out the original width of the ‘shaft of space’ which was part of the original gateway Foreshore Plan.

The development if 75% of the garden will completely change the character of the site. The fenced garden space was never much used, and lately was used for a site for a circus tent. It was the last remnant of a planning ‘shaft of scape’ which ended up, after the development of the Cape Town Civic Centre and Artscape, as a space left over after planning. It has however, some value as a green open space in the adjacent elevated freeways and is little used. Some open space (25%) will be retained, and this space has been designed to be framed by active edges and is likely to be more successful as a public open space.

The positive benefits will include the positive public use of an underutilized derelict site. The few valuable trees will be used in the landscape design .

**18.6** The Memorial Plaque

This is to be restored and relocated.

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## 19. PARTICIPATION

Heritage Western Cape, in their response to the Notification of Intent to Develop application, required comments from the following bodies.

- The City of Cape Town Heritage Resources Section
- The Heritage Committee of the Cape Institute for Architects
- DOCOMOMO
- Cibra

City of Cape Town Heritage Resources Section

A copy of the HIA was given to HRS on the 21<sup>st</sup> of February 2015 allowing for the 30 day comment period. An interim comment dated 10 March 2015 is included. This comment expresses concern about development around the Arstcape Complex. This will be the subject of a separate HIA to be done later, and is included in the recommendations of this HIA.

The final comment was promised by the end of 24/03/2015. If not received the City's comment will be forwarded to HWC before the IACom meeting.

The Heritage committee of the Cape Institute for Architecture commented from an urban design perspective and questioned the need for a full HIA as required by HWC. (The NID submitted by the heritage practitioner originally suggested a limited HIA without a Visual Impact Assessment).

DOCOMOMO South Africa

DOCOMOMO comments refer to supporting the restoration and re-use of the memorial plaque. The bulk of their comment refer to future development at Artscape, not addressed in this HIA. DOCOMOMO asks to be involved in the future Artscape HIA.

Cibra had 'no comment' as their comment. The HIA was presented to the CIBRA committee and it appears that they had no issue with the HIA or the proposals.

These comments are included in Annexure 11.

## 20. CONCLUSION

The development should respond positively to Artscape, in preserving its stand-alone quality, to an appropriate scale so that it does not overpower the building and that it retains some open public space next to Artscape.

Founders Garden as an Open Space and remnant of the Foreshore Plan.

The Garden has some resource value as open space in the city, though this has been compromised by the presence and noise of the elevated freeway. It has not been well used for a number of years. Also Artscape has no real positive relationship with the Garden. Its service entrance and parking area faces the garden.

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The loss of the garden will be mitigated by the positive use of the new public space which will be surrounded by an active edge. The view through to the mountain will be retained by the space between the two towers and the view down the roads are now framed by the development.

This report recommends the approval of the proposals.

## 21. RECOMMENDATIONS

The following recommendations are put forward:

That Heritage Western Cape endorses this report and the architects plans drawing numbers:

- 103-AR-CPT- 100-B1, 103-AR-CPT- 100-B2, 103-AR-CPT- 100, 103-AR-CPT-101, 103-AR-CPT-102, 103-AR-CPT-104, 103-AR-CPT-105, 103-AR-CPT-107, 103-AR-CPT-200 and issue a positive comment for the proposals.
- The recommendations of the marine archaeology report should be endorsed as follows.
  - \* 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 erfen making up the development.
- The City of Cape Town’s Heritage Resources Section must check the submitted construction plans to confirm that the plans correspond to these in the document and that the heritage indicators have been complied with.

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- The landscape plan must indicate the row of trees demarcating the width of the shaft of space, the re-use of the valuable trees (Olea, Erithryna, Kigeka) and the memorial plaque.
  - A separate Heritage Impact Assessment should be undertaken for the approval for a Site Development Plan for the Artscape Precinct, and for development at and around the Artscape Complex. .DOCOMOMO has requested to be consulted in the process.