

NOTES FROM THE PUBLIC MEETING AT THE ASHBURTON COMMUNITY HALL ON 16 MAY 2013 COMMENCING AT 5:30 PM.

ATTENDANCE REGISTER: See separate document

SUMMARY:

The Preservation of the Mkondeni Mpushini Biodiversity Trust have given Jeremy Ridl and Nora Choveaux a mandate to represent them at meetings for the Local Area Plan for Ashburton with the consultants appointed by the Msunduzi Municipality. The present meeting was organised to inform residents of the Local Area Plan, their right to participate in the planning process and to establish whether those present agree that the Trust represent them at meetings with the consultants. By a show of hands, the majority of residents were in agreement with this decision.

The community was encouraged to attend an Open Day which will be organised by the consultants shortly.

The Trust will keep residents informed of the development of the plan over the next two years through their website and by contacting residents directly.

NOTES

1.0 The PMMB Trust

- 1.1 The meeting was organised by the Preservation of the Mkondeni Mpushini Biodiversity Trust (PMMBT). Over 100 residents attended the meeting. The majority who attended signed the attendance register and gave their contact details for further communication about the Local Area Plan.
- 1.2 Mike Jewitt who is chairman of the Trust explained that the Trust was set up in response to the development pressure in the Mkondeni and Mpushini valleys in 2006. The Trust has been involved in all developments in the area by submitting comments on environmental and planning applications. Where necessary, the Trust has engaged the services of Jeremy Ridl, an

environmental law specialist who has written appeals which have challenged the decisions that the authorities have made.

- 1.3 Recently, the municipality commenced the planning process that will culminate in a Local Area Plan for the south eastern area which includes Ashburton. The Trust has appointed Nora Choveaux and Jeremy Ridl to engage with the consultants tasked to prepare the plan.
- 1.4 He explained that the purpose of the meeting was to encourage the community to participate in the process and to establish whether those present at the meeting were in agreement with the Trust representing the community in further discussions with the consultants and the municipality.

2.0 Community participation in planning

- 2.1 Jeremy Ridl explained that he lectures students reading towards masters degrees in planning, land survey and architecture at the University of KwaZulu-Natal. He enquired of them whether any of them has attended a public meeting organised by their municipality to comment on the Integrated Development Plans of the municipality. None have attended such a meeting despite the fact that planning is integral to their studies. Their lack of involvement in the process is similar to the apathy of most people who think that their opinion will not be taken seriously.
- 2.2 However, he explained that ordinary people can make a difference in the decision making processes.
- 2.3 According to the Constitution members of a community have rights. If they allow their rights to be trampled on by not exercising them, they downgrade hard fought-for rights.

3.0 Local Area Plan

- 3.1 He explained that the Terms of Reference given by the municipality to the consultants is very difficult to understand and hoped that the planning consultants understood them! He added that as part of the brief given by the Trust, he will make sure that the final plan is written in plain English. He informed the meeting that the plan will be developed by the community, for

their benefit and therefore it must be written in a language that all could understand.

- 3.2 He added that the preparation of the Local Area Plan is a community participation project. The documents that are relevant to the process will be uploaded onto the PMMB Trust website. (www.pmmmbtrust.org)
- 3.3 One of the challenges is to represent all in Ashburton and surrounds in an open and fair way so that the interests of all are taken into account. He noted that it was important that the needs of the community at the Sacca informal settlement in Mkondeni were addressed in the process.
- 3.4 Jeremy explained that the Local Area Plan is the final plan drawn up with community involvement. Thereafter, this plan feeds into the Land Use Management System which becomes legally binding on all landowners when it is incorporated into the town planning scheme. The Local Area Plan will be part of a suite of plans that originates from the Integrated Development Plan (IDP) which combines the resources available to the municipality and the needs of the community. The Spatial Development Plan (SDF) is a broad brush plan that integrates different land uses. It is one of the plans that informs the IDP and will be used to inform the Local Area Plan.
- 3.5 He added that this was the first time that a Local Area Plan had been initiated by Msunduzi Municipality. The PMMB Trust decided to interact directly with the consultants appointed by the municipality. One of the reasons for calling the meeting was to establish whether the Ashburton community would give the Trust a mandate to represent the community at these meetings.
- 3.6 He explained that the process to develop the plan will take two years to complete and that there were three possible outcomes to the process:
 - a. if the Trust does not convey the message from the community of its desires for the future of Ashburton to the consultants, the Trust will have failed.
 - b. if the community does not give sufficient information and the final plan is not what they want, then the Trust and the community have both failed.
 - c. if the Trust takes sufficient information from the community and conveys the message accurately to the consultants and this is not

translated into the final plan, then the system will have failed. At the end of the day, this will mean that the integrated development plan of the municipality has failed to deliver the requests of the community to the community.

3.7 He added that in addition to giving the community an opportunity to exercise their personal rights to participate in the process, the development of the Local Area Plan for the area will also be used as a test case. He explained that people generally do not have a say in the plans that the municipality makes. Although residents are invited to comment before plans are finalised, they are seldom invited to participate in the preparation of plans. The process underway is a chance for the community to have their say in the preparation of the plans that will affect them. He encouraged them to make the most of the opportunity. He added that the Trust will make sure that due process is followed. If the process fails despite our best efforts and the final plan does not resemble what we want, then the entire planning process which culminates in the IDP will have failed. Due to the nature of planning, this will be a good opportunity to test the system.

4.0 Influence of other plans

4.1 Jeremy added that the community must also be aware of the plans that Umgungundlovu District Municipality has made. These have been informed by plans made by the National Planning Commission. He informed that the N3 corridor from Durban Harbour to Gauteng has been declared a National Strategic Integrated Project (SIP2). The government has planned a corridor of industrial development along this route to encourage economic growth in the region. This will mean that development on either side of the N3 will not be required to follow due process. Part of the corridor will be a dry port which will be situated at Cato Ridge. He emphasised that the community must accept that they cannot influence national plans. Their wishes will have to give way to the national imperative. He warned that the community will not be able to take government on but he added that they can take government out of the equation.

4.2 He informed the meeting that a number of years ago, Dr Jeff McCarthy

predicted that a corridor 11km wide along the N3 extending from Durban Harbour to Howick, would be a target for development. McCarthy recommended that residents, who were not happy with the proposal, relocate to either the south coast or the Drakensberg as it was inevitable, given the national priorities of the National Development Plan.

5.0 Team of consultants

- 5.1 Jeremy explained that the team of consultants preparing the Local Area Plan were predominantly from Royal Haskoning DHV (RHDHV). The team is led by Tony Markewitz a senior planner with RHDHV. The rest of the team are Andrew Schultz and Simon Plunkett, both planners, Glen Robbins, an economist, Janet Loubser, a strategic environmental planner, Derek McGuigan, a traffic specialist, Greg Owendale, a water and sanitation engineer, an electrical engineer and Jasmin Kouvardia, a housing specialist.
- 5.2 He informed that the consultants have completed the Inception Report which is the road map for the Local Area Plan. He added that the Trust has not had sight of the report to date. Although the consultants have a mandate and can go ahead and achieve their aim without consultation with the community, it is not right and is a dangerous road to take. The Inception Report will reveal how the consultants intend interacting with the community and it will give an outline of the milestones en route to finalising the plan. He hoped that the report was not cast in stone and that the consultants would be willing to amend the report if the Trust was not happy with it. He explained that due process is very important because if the process is right, the final decision is more likely to be right. He added that if due process is followed, the result might not be completely to our liking but it will be a fair outcome. He informed that the Trust will only see the report once it has been signed off by the municipality.
- 5.3 The consultants have commenced with the Status Quo report. The Trust will observe how information from the community is fed into the report. Currently Tony Markowitz is undertaking a planning workshop with the steering

committee which is a team selected by the municipality. Jeremy reiterated that the quality of the synthesis of the information for the plan was dependent on the input from the community. He added that the number of times the Local Area Plan is fed back to the community for review will be noted.

6.0 Municipal Systems Act

- 6.1 Jeremy explained that the rights of the community and the obligations of the municipality to the community are contained in section 4 of the Municipal Systems Act. The municipality is obliged to uphold these rights and obligations. Amongst other instructions, the municipality must encourage community participation. It is also the duty of the municipality to consult with the community. He emphasised that the community has the right to contribute to the decision making process and that it is the responsibility of the municipality to achieve and permit these tasks.
- 6.2 He added that the community has a legal right to enforce these instructions.
- 6.3 The one responsibility that the community must fulfil in order to exercise its rights, is to pay rates.

7.0 Strategic Environmental Assessment

- 7.1 Jeremy informed that Kevan Zunckel has recently completed a Strategic Environmental Assessment (SEA) for Umgungundlovu District Municipality which includes this area. The municipality has accepted the report which spells out the environmental capacity of the area and gives an outline of the implications of the environmental constraints on planning. The PMMB Trust will create a link to the SEA report on their website (www.pmmmbtrust.org).
- 7.2 If this report is adopted by the municipality it will form the baseline document on which all other plans are designed. If this information is translated into the IDP it then becomes law. Having examined the report, Jeremy noted that there are vast areas that are strategic from an environmental point of view

and therefore undevelopable. It will mean that instead of environmental activists always fighting to protect strategic areas, the municipality will be bound by the IDP and may only allow development where it is possible. He noted that in the past, development plans have been drawn up without consideration of the environment and the environment has been expected to fit in. Since the environmental data is now available, it is possible to develop the plans the other way round which is the right way to do so. He noted that the acknowledgement of an SEA in planning is in keeping with the concept promoted by a Scottish landscape architect, Ian McHarg who wrote the book Design with Nature. McHarg showed how important it is to work with natural systems.

8.0 Agreement that the PMMB Trust represent the community.

- 8.1 Jeremy explained that the PMMB Trust has a strong environmental agenda and a focus on the welfare of the community. The involvement of the Trust in the planning process is to ensure that there is compliance with the consultants and the law so that people have a say in planning. He added that because this is a new process, he expects that there will be areas where we will fail. Since the process must be transparent and since there must be open disclosure, if we fail, the community must inform us and if there is conflict we need to know about it so that we can address it.
- 8.2 Jeremy asked by a show of hands, those who were in favour of the PMMB Trust representing the community in discussions with the consultants and the municipality. Most people present raised their hands in support.

9.0 Communication and Open Day proposed by the consultants

- 9.1 The Trust is open to suggestions in going forward and will need contact details such as email address to communicate further.
- 9.2 The consultants plan to host an Open Day as their first direct engagement with the community during the course of next week. The community must give as much information as they can to the consultants.
- 9.3 Jeremy reminded the community that it was their lives, their land and their

future that will be affected by the Local Area Plan and encouraged them to participate in the process.

10.0 Closure

10.1 Mike Jewitt closed the meeting by thanking all for attending. He also thanked Bonnie Jeudwine of Stumble Inn for providing refreshments.