

## National Association of Conservancies of South Africa

- Questions for developers
- How does the development process work?
  - Arguments used by developers

(Abbreviations used in this document: **EIA**: Environmental Impact Assessment; **I&AP**: Interested and Affected Party; **DWAF**: Department of Water Affairs and Forestry; **ROD**: Record of Decision – final decision given by authority, eg GDACE; **MEC**: Member of the Executive Council ; **GDACE**: Gauteng Department of Agriculture, Conservation and Environment.

Development is a fact of life. Whether it is appropriate or not in a specific area is of concern to the surrounding community that will ultimately be affected by it.

You – as part of the local community (Interested & Affected Party: I&AP) have the right to give input to a proposed development in your area, the right to ask questions, the right to object or to approve. That is the reason why Public Participation Meetings are written into the environmental legislation.

### The development process:

Before ANY construction can start, certain steps have to be taken.

- The developer has to apply to the local municipal council and to the provincial Department of conservation and environment.. (Some apply for exemption of the impact assessment process, but I&APs can object to it.)
- The provincial department will ask for a Plan of Scoping – broad details of the development and will indicate whether they refuse permission, grant permission to proceed, or ask for more details.
- The developer has to appoint an independent consultant to do the Scoping Plan. I&APs should ask for the consultant's credentials and qualifications and insist on seeing the signed Declaration of Independence, which the consultant must sign in each case.
- The aim of the Scoping Plan is to make sure ALL relevant information about the development is sourced and recorded – from specialists, planners, experts, etc, PLUS all the concerns of I&APs. For this reason public meetings must be held, and notices put up in the area and placed in newspapers. (The latter is useless, but required.)
- I&APs have to register with the consultant handling the development process. **This does not mean they object or approve or are bound in any way** – it simply means they are entitled to all information and their comments/concerns must be addressed and included in the Scoping Report.
- The Scoping Report is given to the local Council, the Department of conservation and environment and to I&APs for final comment and may be followed by a comprehensive Environmental Impact Assessment (EIA) of the property and proposal, required by GDACE.
- GDACE then gives a Record of Decision (RoD), either refusing approval, granting approval or granting approval with certain conditions to be adhered to. Objectors then have 30 days to lodge appeals and the MEC will then review the appeals and make a final decision.

If the decision is YES, only then can the developer start with construction.

### Notes:

- Some developers use the DFA (Development Facilitation act) which was originally created to fast-track low-cost housing. The process starts off with a Tribunal Pre-hearing, followed by a full Hearing. By arrangement you can attend as an observer or as an objector. If you have concerns/objections, these need to be lodged with the Designated Officer (details supplied by the consultant) by a given deadline.
- Find out from the consultant what the reference number for the development is. The provincial Department usually has a reference number, Councils would have their own. This speeds up the process when you try to get information.

- Find out who the person at the provincial Department is who handles your particular area. Get his/her telephone number, cell number, e-mail address. It helps to find out who he/she reports to – copy correspondence to this person as well – it may help to speed things up if they are slow to respond
- Keep a “paper-trail” – file all your correspondence. Make notes of telephone conversations: jot down the date and the person you spoke to as well.
- Be persistent! If you have asked for information, make a note in your diary to follow up if there has been no response.

### Typical issues around a development in a rural area:

#### Water:

- **If boreholes are to be used:**
  - Have present boreholes been tested for capacity?
  - Can we see the certificates stating that? (*Note; Some certificates state more than the actual capacity.*)
  - Will they have to be pumped 24 hours per day?
  - How will it affect the surrounding properties' underground water?
  - Is the development taking place on a dolomitic area?
- **If municipal water is to be used:**
  - Who will supply it? **Can you provide correspondence with the relevant person/department?** (*Note: Developers sometimes state as a fact that which they hope can be done. Insist on seeing the correspondence.*)
  - How much water will be supplied?
  - What size pipe? (*Developers sometimes put in a larger pipe than necessary, so that water can be sold to other developments.*)
  - Where is the connection?
  - Over which properties will the pipe be laid?
  - Will an EIA on the pipe be done?
  - Who pays for the pipe?
- **If river water is to be used** (eg for irrigation):
  - Do you have approval from DWAF?
  - How much are you allowed to pump from the river? (**Ask for documentation**)
- **If dams are to be constructed in the river:**
  - Do you have approval from DWAF? Show us this approval. How will this affect owners downstream?
- **Rainwater:**
  - Is there provision to catch and use rain water?
- **Run-off:**
  - If the development borders/incorporates a river, stream, dam or wetland, what measures are in place to prevent pollution, excessive silting and harmful chemicals / sewerage leaching into the water?

#### Sewage:

- What system do they intend using? (*Septic tanks are no longer regarded as safe.*) If package plants are to be used and effluent will be discharged, what are the quality specifications? Who will monitor the discharge? Will this person(s) be properly qualified / trained? How frequently and for how long (in years) will the monitoring take place?
- What protection will be put in place to protect the area and rehabilitate it should there be a problem? (*KZN requires a deposit of 1.5 times the cost of the plant over five years.*)
- If the development takes place in/near a dolomite area, how will sewage be handled?
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**Note: Tshwane Municipality in Gauteng has indicated that package plants will no longer be approved.**

#### Fencing:

- What type of fencing will be used?
- Whose access will be affected?

- Has this been discussed with the affected residents?
- If electric fencing is used, what measures will be taken to protect wild animals and allow free and safe passage of small animals (steenbok, tortoises, rabbits, porcupines, etc)?

#### **Workers' accommodation (long-term)**

- How many gardeners, domestics, security guards, etc will be employed?
- Where will they be accommodated?
- What standard of accommodation and services?
- Experience has shown that upmarket estates that didn't make provision for their employees' accommodation on site, created squatter camps around the estate, as these people need to be near their work. *Examples: Around Hartbeespoort Dam.*

#### **Workers' accommodation, short-term:**

- How many workers will you be using during construction?
- How long is the construction period?
- Where will they be accommodated?
- What ablution facilities will be used and how will sewage be removed?
- What plans are in place to prevent crime escalating in the surrounding area?  
*Note: Experience has shown that temporary workers are often responsible for thefts in the surrounding community.*

#### **Construction:**

- What will the working day consist of – start and end times?
- Which days of the week? Holidays?
- How will noise be regulated during working times?
- How will dust be regulated, on the site and on the roads used?
- Where will heavy equipment enter and travel to the site?
- How will littering by construction workers be controlled?

#### **Roads:**

- Will the road(s) to the development affect local residents, eg cutting them off or necessitating detours?
- What will be done to ensure that the roads cope with the additional traffic, both during construction and afterwards?
- Will the developer contribute to the road upkeep? For what period?

#### **Game:**

- What game does the developer intend bringing in?
- Do they have approval to bring in game? From whom?
- Who has advised them as to carrying capacity and appropriate species for the area?
- Show us written proof of this.

#### **Visual impact**

- What is the lay-out plan for the development?
- Who is the architect/planner?
- Are the buildings environmentally-friendly – eg using natural materials, face brick or wall colours that blend in?
- Lighting – will the lighting used add to the light pollution in the area?
- What measures will be taken to mitigate this?
- How visible will the buildings be to residents already living in the area? Double or single storey?
- Will the opinions of residents be taken into account?
- Example: Tshwane Municipality's policies favour "*cluster and space*" – clustering the buildings so as to leave as much space as possible open and undamaged. (The guideline used by Tshwane, for example, is a total development footprint – including buildings, roads, sewage plants, pipelines - of 5% of the area.) Other Councils??

**Domestic animals:**

- How many domestic animals are likely to be brought in? (*Eg two dogs and a cat per property x 120 residences = 360 extra domestic animals in the area.*)
- How will these be controlled?
- What effect may they have on game naturally occurring in the area – steenbok, rabbits, birds, etc

**Fire:**

- Does the development have a Fire Plan?
- Will it join the local Fire Protection Association?
- How will residents of the estate co-operate with the locals regarding fires in the area?

**Refuse removal:**

- How will refuse removal be handled?
- What provision is made for recycling?
- Does the developer regard garden refuse as compostable or disposable?

**Biodiversity:**

- What research has been done on the plant and animal species on the proposed site?
- Were these studies done at the right time in the right season?
- May we have sight of the lists?
- Were any Red Date species found? Which?

**Cultural/historical sites:**

- Were any cultural or historical sites identified on the property?
- If yes, was SAHRA (South African Heritage Resource Agency) notified?
- Are there graves on the site? Will relatives have continued access?

**Arguments used by developers:**

- *Development will enhance the value of your property.*
  - Yes it will. It could also mean higher rates and taxes. The only ones who benefit now are the transient ones who buy to sell and make a big profit, leaving the rest of the community who bought “for keeps” with a fragmented area.
- *It's either this development or a squatter camp. (Other version: do you prefer game or a squatter camp?)*
  - Developers have used that for 20 years to scare people. Squatter areas have developed around, and were caused by upmarket estates because provision was not made for workers – many examples around Hartbeespoort Dam. The Gamalatjie squatter camp near Lanseria developed largely because of hopes of employment in Blair Atholl. Their Scoping Report claimed 6 000 jobs, mainly temporary construction jobs and some long-term jobs. Many hopefuls flocked into the area, but how many of them read and understood the Scoping Report?
- *We're enhancing the area by bringing in bulk services.*
  - Services make further development possible, creating a domino effect and eventually the entire area will be carved up into gated, fenced and exclusive estates. This also prevents the free movement of wild animals. The Oori in the Rhenosterspruit Nature Conservancy (Gauteng) has proved the magic of the opposite – 40 owners dropping fences and creating a large game farm which all the residents enjoy.
  - If a rural area is slowly carved up by enclosed estates, any larger game reserve will become impossible in the rest of the area – a dream many have held and some have made possible.
- *The people who buy into this development love nature.*
  - Maybe, but will they be prepared to take responsibility for protecting nature and the larger area, or will the estate's Management Committee be responsible for keeping things working, attractive and comfortably “urbanised”? It's the difference between

custodians of nature and consumers of nature. Consumers buy their expensive piece of nature and there it stops. Custodians protect and care for an area and community much larger than just their own houses or properties.

- *Development is inevitable.*
  - This argument is used to paint a picture of something beyond your power to question. Some people are swayed by it and give way without querying the consequences of it. And many cannot resist the promises of BIG MONEY.

## **The National Association of Conservancies of South Africa's stance:**

NACSA's starts from the standpoint that the greenbelt in South Africa is worth conserving and as custodians we have to resist changes that damage it irreversibly.

That means:

- Insisting on every aspect of due legal process being followed when developments that will change the character of the area are proposed.
- Vigorously opposing any development that threatens the fundamental character of rural areas.
- Engage initially only to ensure this legal process is followed: negotiate only after all this has been done in letter and spirit.
- Be continually vigilant and use the influence of Gauteng Conservancy Association (GCA), the National Association of Conservancies of SA (NACSA) and provincial Departments to make sure environmental legislation is complied with.

Three things are driving developers' interest in rural areas:

- Legislation: The legislative environment is strong on theory but slack on application. Developers can get away with flouting the law.
- Interest rates: Cheap property combined with relatively low interest rates make rural and agricultural areas attractive for developers to invest in the costly infrastructure needed for urbanised living.
- "Ex-urbs": A new yuppie trend - country-living with style and convenience. Thus golfing estates and exclusive, denser, upmarket developments where the residents insist on all the conveniences with none of the responsibilities. It is often their second home – only occupied over weekends/holidays. Developers often try to prove "a need" for such housing.

## **Implications**

Of many, two are important:

- Planning precedents. **Planning follows precedent. In town planning perceptions, one change to land use in a region is the thin end of the wedge and starts the domino effect.** Other similar development will follow (market forces and all that).
- Water. Piped water is the strongest driver of development in rural areas. Once it is available, cheap land is opened for quick development. End