

SOUTH DURBAN COMMUNITY

Environmental Alliance

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The Right to Know, the Duty to Inquire, the Obligation to Act

No.2 John Dunn Home
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01 December 2012

MEMORANDUM TO:

- **KWAZULU NATAL PREMIER : MR ZEWELI MKHIZE:**
- ***THE ETHEKWINI MAYOR: HIS WORSHIP COUNCILLOR JAMES NXUMALO***
- ***ETHEKWINI MUNICIPALITY MANAGER: MR SIBUSISO SITHOLE***
- ***THE PORT MANAGER:***

Presented in Langeberg Road, outside Durban Container Terminal, Durban, South Africa

Background

We commend the Municipality for recognizing that the Back of Port and South Durban as a whole have been adversely affected by Port impacts such as the impact of trucking and that this needs to be addressed and adequately planned for.

However, we strongly disagree with the manner in which this planning has taken place. The present Back of Port expansion plan is a response to a Transnet plan, which has not been presented to the public for discussion. In fact, the Municipality has been sitting behind closed doors with Transnet and major industries planning industrial and port expansion which will have a direct impact on many communities from as early as 2006 - without wider public consultation.

Noting:

- Public engagement process to date has not been meaningfully sought due to the fact that there was little attempt to ensure attendance at meetings by working through community organisations.

- The number of hard copies of documents distributed in the community is inadequate given the size and complexity of the documentation, and that the majority of affected people do not have access to computers.
- The documents were difficult to find on the eThekweni Municipality website.
- The language used in the documents is difficult for laypersons to understand and has a lot of technical jargon.
- The south Durban basin is one of the most industrialised areas in Africa and also has suffered considerable environmental degradation. Here too the cumulative impacts of pollutants from various industries are not being considered, with the BoP LAP suggesting an increase in polluting industry. Existing pollution monitoring is inadequate and only assesses a limited range of chemicals.
- The biological importance of certain habitats to populations of endangered species including birds, chameleons and frogs has been ignored.
- We note the history of south Durban and black history in this country, where thousands of people suffered forced removals to make way for industrial development and spatial engineering on the basis of race. We are concerned that this suffering will be repeated as these Back of Port plans seem to indicate a mass relocation of residents resulting in unwanted social fragmentation and untold economic hardship by the people of south Durban.
- Climate change is occurring right now and this most important issue is not considered in the plans. If the plans were to go ahead, they will lead to the destruction of people and the planet.

Our concerns:

- Even if rezoning does not come into effect until property owners sell, these will effectively still force residents out of areas that will become increasingly unlivable - with offices, warehousing and trucking for logistics taking over.
- While the creation of a new zone for ‘offices’ that can act as a buffer between residential areas and logistics or industry seems like a good idea, on closer inspection this office zone is also in service of port operations and mostly has been created by rezoning existing open space and other Council owned properties including some residential areas. We consider that this amounts to a land grab, taking much needed open space away from the community. The fact that some of these spaces are poorly maintained and have become dangerous is the fault of the Municipality. Residents should NOT have to lose critical green space in an over-crowded and polluted

environment because of the city's inability (and in some cases deliberate neglect) to provide social services to these areas.

- We also note with concern that increased trucking brings with it an increase in taverns near distribution and trading centers, prostitution, drugs, increased deaths on the road (already there are 7000 accidents involving trucks in eThekweni every year) and damage to infrastructure. Proximity to the port increases access to illegal goods and human trafficking.
- No alternative plan has been included where we can consider the development of small manufacturing industry.
- Government's commitment to international conventions and UN to reduce our carbon footprint and the related chemicals are not being carried out. Instead there is a flagrant disregard of them as seen by a plan that increases climate change and thereby threatens important species, people and environment.

Our Demands:

- We strongly object to Rezoning of any residential areas for other uses as there is insufficient residential space in the area. This is evidenced by numerous informal settlements and many transit camps where people have remained uncertain of their future, without government providing decent housing for several years. In particular, we note the unacceptable and inhumane conditions of families separated according to sex in tented transit camps. We object to "constructive eviction" from residential areas through a process of service neglect or proximity to logistics, warehousing and industry;
- We demand the urgent establishment of a resourced stakeholder forum for affected community organizations, as promised by the Mayor, with representatives from all three tiers of government; this would enable communities to make informed and comprehensive input to the Back of Port plans;
- We demand resources to adequately participate in the development process and to access the support of our own expertise to contribute to decision-making and monitor the impacts of developments;
- We demand the translation of important documentation into isiZulu and distribution of information through channels and in a form appropriate to affected communities;
- We demand the handing over of all information, developed since 2006 by Transnet, government and its consultants on the proposed port and related planning, to be given to the community representatives;

- We demand the holding of public hearings to be lead by impartial legal representatives (e.g. retired judges) in the affected communities to hear the issues at first hand from affected communities and their real concerns about these developments; and
- We re-iterate our request that the planning related to the Bay, Port expansions and all areas that may be impacted by this plan are all brought into a **single public participation process**. In this way, all spheres of government, developers and communities can honestly interrogate the merits of port expansion as proposed by yourselves against other options for local economic development, before detailed area and project planning commences. The Municipality should facilitate this process with Transnet together with the provincial and national planning commissions.

Signed by SDCEA:

Date:

Signed by The Premier or representative

Date:

Signed by The Mayor or representative:

Date:

Signed by Municipal manager or representative:

Date:

Signed by Port Manager or representative:

Date:
