

**Green Lung to Logistics Park:
A Critical Assessment of the Rezoning of the
Clairwood Racecourse**

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ABSTRACT

Title

Green Lung to Logistics Park: A Critical Assessment of the Rezoning of the Clairwood Racecourse

The South Durban Basin (SDB) (located in KwaZulu-Natal, South Africa) is the second largest industrial zone in South Africa, and has one of the highest concentrations of chemical and petro-chemical industries in the country. This is of great concern as there are several residential areas that are located adjacent to the SDB. With the vision for the development of the new port in the SDB, the Clairwood Racecourse was identified as a prime location for the development of a logistics park. The aim of this study is to examine the impacts of the sale and rezoning of the Clairwood Racecourse as a Logistics/Distribution Park on the surrounding communities. This research employs a case study approach. It largely utilizes qualitative analysis, and makes use of key-informant interviews as well as in-depth documentary analysis. The development of the Clairwood Racecourse into a Logistics/Distribution Park has been riddled with controversies. This study highlights the challenges facing the communities since the development commenced, which include: the loss of the last green lung in the area, pollution hazards, increase in heavy vehicles in the area, loss of recreational space and a decrease in the biodiversity currently present within the Clairwood Racecourse. An in-depth critique of the Environmental Impact Assessment (EIA), compiled by Kerry Seppings Environmental Management Specialists (KSEMS) revealed that social impacts were not considered. The study also highlights the action taken by the South Durban Community Environmental Alliance (SDCEA) together with the Clairwood Racecourse Action Committee (CRAC) in opposing the development. A key issue is environmental injustice, which is of great concern, particularly when one takes into consideration the already compromised living conditions of residents of the community.

DECLARATION

I, Suveena Maharaj, hereby declare that the dissertation entitled: **‘Green Lung to Logistics Park: A Critical Assessment of the Rezoning of the Clairwood Racecourse’**, is a result of my own research and investigation and that all sources utilized or quoted have been appropriately acknowledged and referenced. This dissertation is being submitted for the degree of Master of Science at the University of KwaZulu Natal, and has not been submitted for a degree or examination at any other institution or university.

Suveena Maharaj

Date

Prof. Brij Maharaj

Date

For
Shrivaar Panday

In Memory of someone who made
this world a
brighter and better place

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ABBREVIATIONS

ANC	African National Congress
BOP	Back of Port
CONNEPP	Consultative National Environmental Policy Process
CPF	Capital Property Fund
CRAC	Clairwood Racecourse Action Committee
DAEA	Department of Agriculture and Environmental Affairs
DEAT	Department of Agriculture and Environmental Affairs
DID	Development-Induced-Displacement
D'MOSS	Durban Metropolitan Open Space System
DOP	Dugout Port
ECA	Environmental Conservation Act of 1989
EDTEA	Department of Economic Development and Environmental Affairs
EIA	Environmental Impact Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EKZNW	Ezemvelo KZN Wildlife
EPA	Environmental Protection Agency
GIS	Geographic Information System
I&APs	Interested and Affected Parties
IEM	Integrated Environmental Management

KSEMS	Kerry Seppings Environmental Management Specialists
LRC	Legal Resource Centre
MDGs	Millennium Development Goals
NEMA	National Environmental Management Act
NEPA	National Environmental Policy Act of 1969
NGOs	Non-governmental Organizations
PPP	Public Participation Process
SDB	South Durban Basin
SDCEA	South Durban Community Environmental Alliance
SDGs	Sustainable Development Goals
SIA	Social Impact Assessment
TIA	Traffic Impact Assessment
UNCED	United Nations Conference on Environment and Development

CHAPTER ONE

INTRODUCTION

1.1 Preamble

According to the Rio Declaration, a healthy environment is considered to be a basic right of all the inhabitants on the Earth. However at the same time it is common knowledge that environmental risks are distributed within all societies (Cutter, 1995). Hence, the demand for environmental justice has grown considerably in the past few years. Environmental justice refers to the issue of equity and the distribution of environmental ills and benefits. Environmental justice is a critical “part of the struggle to improve and maintain a clean and healthful environment, especially for those who have traditionally lived, worked and played closest to the sources of pollution” (Skelton and Miller, 2016: p.1). The fight for environmental justice starts with the activists, affected communities and non-governmental organizations (Schlosberg, 2004).

Environmental justice does not look solely at issues facing the natural environment. One of the ways in which environmental justice has significant influence has been in the expansion of the idea of ‘the environment’ to include even the most densely populated areas (Gottlieb, 1993). This has led environmentalists to take into consideration the health and quality of life of individuals who reside in urban areas (Schweitzer and Stephenson, 2007).

Environmental justice is a term that also combines ‘environmental racism’ and ‘environmental classism’ (Schweitzer and Stephenson, 2007). As Schweitzer and Stephenson (2007) state, environmental justice attempts to incorporate the notion that different racial and socioeconomic groups experience a distinct variation with regards to access to environmental quality.

Hence, environmental justice examines the racial and socioeconomic issues relating to the distribution of pollution, environmental hazards and locally unwanted land uses (Mohai and Saha, 2006), the core focus of this study. There have been many debates which have involved the broader economic, social and political systems, which bring

about inequalities across diverse racial groups and geographic areas (Haughton, 1999). A major challenge is the loss of urban green spaces in cities.

Areas said to be semi-natural with considerable amounts of vegetation can be defined as ‘urban green spaces’ (Jim and Chen, 2006; Zhou and Parves Rana, 2012). These spaces are viewed as being one of the few remaining pieces of nature within urban areas (Kong and Nakagoshi, 2006). Urban green spaces typically perform functions such as, maintaining biodiversity, absorbing rain water and pollutants and mitigating against urban heat island effects (Kong and Nakagoshi, 2006). This study is an investigation into the effects of developing one of the last green spaces in the South Durban Basin (SDB) an area which is already highly compromised due to the large percentage of industrial activity and pollution already present in the area. The focus of this study is the Clairwood Racecourse, the last remaining urban green space in the SDB. It also aims to investigate whether the correct processes were followed prior to the rezoning decision.

The SDB, located on the east coast of South Africa has become the second largest industrial zone in the country (Sutherland et al., 2009). The SDB has one of the largest concentrations of chemical and petro-chemical industries in the country. In turn this has resulted in a high percentage of air pollution and hazardous waste. It is composed of the residential areas of Bluff, Clairwood, Wentworth, Merebank, Isipingo and Lamontville, as well as the industrial areas of Jacobs and Prospecton (Figure 3.2) (eThekweni Municipality, 2011a). The SDB is also the center point of transport routes, for example; the north – south N2 and M4 highways, South Coast Road, and the east – west M7 (DEAT, 2007). Due to the prime location of the SDB, the vision of an efficient port adjacent to and providing services, to an established industrial area became part of the plans for the expansion of the Durban Harbour, and the establishment of a new port at the site of the old Durban International Airport (Bracking and Diga, 2015). These projects have become known as the Back of Port (BOP) and Dug out Port (DOP) logistics development, respectively.

For several decades the Port of Durban has been South Africa’s premier harbour. However, there are expectations that the current port will be unable to cope with the increase in vessels and cargos in the near future (Steeneken et al., 2015). It has been estimated that the container demand will grow by 4% during the next 30 years. Hence, in

order to protect the economic situation of South Africa, it is vitally important that the port expands accordingly (Steeneken et al., 2015). However, there have been suggestions that these projections have been exaggerated.

In a seminar hosted by eThekweni Municipality's Economic Development and Investment Promotion Department¹; international port expert Jamie Simpson suggested that the current Durban harbour is not functioning at its maximum capacity. He suggested that Durban should rather focus on maximizing the efficiency of the existing Durban Port rather than focusing on developing a new one. During the late 20th century Durban became one of the most expensive and inefficient ports. By 2012 it was the world's most costly harbour, with an average container ship tariff of \$285 000, close to five times higher than the world average (Bond, 2014a).

Bond (2014b) states that Transnet are arguing the port expansion based on projections for the growth in container handling. However, based on their calculations of an 8% growth rate, projections indicate that a capacity of only 12 million containers will be needed by 2040. However, Transnet are building capacity for 40 million. Hence, there are legitimate concerns about how Transnet has justified the proposed expansion given the high rates of competition from other ports, growing resource constraints, carbon taxes on shipping and global economic collapse (Bond, 2014b).

Expansion of the current port has been deemed non-feasible due to the environmental sensitivity of its location and the fact that it is surrounded by developed urban properties (Mather and Reddy, 2011). An alternative and more suitable location is the old international airport, due to its proximity to the SDB (Steeneken et al., 2015). However, this development brings about various socio-economic problems, particularly for the communities of Clairwood, Merebank and Wentworth.

Clairwood is one of Durban's oldest residential suburbs. With the BOP and DOP logistics developments the daunting possibility of development-induced-displacement (DID) becomes a reality in this area (Maharaj and Crosby, 2013). DID is often promoted and defended as being in the interests of the public, and the victims are invariably the poor and historically disadvantaged (Cernea, 2003; Cernea, 2006). Such displacements

¹ Meeting was attended by researcher.

“sacrifice human, social and cultural relations and destroy livelihoods” (Patkar, 2009: p. xiii).

Due to the proximity of the Clairwood to the BOP and DOP expansion projects, it has been proposed by Transnet, with the support of central provincial (KwaZulu Natal) and local government (eThekweni Municipality), that the areas central core i.e. the Clairwood Racecourse be rezoned for logistics uses (Graham Muller Associates, 2012) . The advantages of the rezoning include: the development of an optimally located logistics area close to the port and the development of maximum economic and job creation in the SDB (Graham Muller and Associates, 2012). However, it has been argued by Maharaj and Crosby (2013) that these jobs are mostly temporary and construction based.

The Clairwood Racecourse which has also been dubbed as the last remaining ‘green lung’ in the Clairwood area, was bought for R430 million by Capital Property Fund (CPF) now known as Fortress Income Fund (FIF) in June 2012 (Nair, 2012; Mbonambi, 2012). CPF plans to develop the 91 year old Clairwood Racecourse into a Logistics/Distribution Park (Mbonambi, 2012). This decision was made without consulting the communities adjacent to the racecourse.

Hence, there has been strong resistance and opposition to this project from local communities, led by the South Durban Community Environmental Alliance (SDCEA). SDCEA is made up of fourteen affiliated organizations and has been active since 1996 (Reid and D’Sa, 2005). Joining SDCEA in the resistance action is the Clairwood Racecourse Action Committee (CRAC) which was formed in 2015 by the residents of Merebank, Wentworth and Clairwood. The process and protocol followed, in the rezoning of the Clairwood Racecourse, and the resistance action is the focus of this dissertation.

1.2 Research Problem

Due to the location of the SDB, it was regarded as the natural choice for the development of the BOP and DOP logistics development. Due to its prime location between the BOP and DOP, the Clairwood Racecourse was earmarked as the ideal site for the development a logistics/distribution park. However, such a development will result in various challenges facing the surrounding communities which include: the loss of the last green lung in the area, pollution hazards, an increase in heavy vehicles in the area, loss of

recreational space and a decrease in the biodiversity currently present within the Clairwood Racecourse. It has been scientifically established that the SDB has one of the highest levels of concentrated, industrial and chemical pollution in the world, putting the communities at a risk (Scott and Barnett, 2009; Leonard, 2014a). With the development of the Clairwood Racecourse the quality of life of the adjacent, local communities will continue to worsen. The research focus, therefore, is the potential impacts that the development of the Clairwood Racecourse into a logistics/distribution park will have on the surrounding communities.

1.3 Aim

The aim of this project is to examine the impacts of the rezoning of the Clairwood Racecourse as a Logistics/Distribution Park.

1.4 Objectives

The objectives of this study are to:

- i. Examine the history, sale and rezoning of the Clairwood Racecourse
- ii. Critically evaluate the Environmental Impact Assessment which favored the rezoning decision.
- iii. Evaluate the social impacts of the rezoning decision on the surrounding the communities.
- iv. Assess the nature of protest and resistance to the rezoning decision.

1.5 Motivation

As city populations continue to grow, the quality of urban environments are becoming increasingly compromised. According to Davies et al. (2008), the provision of green spaces has significant impacts on the quality of life of urban populations. Firstly, it has been shown that green spaces support human physical and mental well-being (Takano et al., 2002; Lee and Maheswaran, 2011). Secondly, green spaces provide economic benefits, including increasing house prices and the attraction of businesses to the area. Lastly, green spaces have been shown to influence ecosystem resilience and biodiversity (Zhou and Parves Rana, 2012). The Clairwood Racecourse was the green lung for the SDB (Carnie, 2014).

The SDB is host to a large petro-chemical industry (ENGEN and SAPREF) amongst other industries as well as residential communities Clairwood, Merebank, Wentworth, Isipingo, Umlazi and Lamontville (Aylett, 2010). Hence, the residential communities in the SDB are already living in highly vulnerable environmental and social circumstances. Over the years studies have shown that the SDB communities have abnormally high rates of respiratory illnesses and cancer, possibly due to the large amounts of chemical emissions (Scott and Barnett, 2009; Aylett, 2010). Furthermore, the SDB accounts for close to 50% of the city's carbon dioxide emissions (Aylett, 2010). Against this background, the government and private sector agencies should be increasing the number and size of green spaces in the SDB. Instead, by developing the Clairwood Racecourse into a logistics/distribution park, one of the last remaining green spaces in the area, the vulnerability of the surrounding communities increase.

A key argument in this dissertation is that the residents in Clairwood and the surrounding communities have been victims of environmental injustice, in the apartheid and post-apartheid eras (Leonard and Pelling, 2010). Plans for the sale and rezoning of the Clairwood Racecourse have been conducted without adequate and intensive consultation with residents of Clairwood and the surrounding communities. In fact a key contention in this study is that the very serious concerns of the communities adjacent to the Clairwood Racecourse were not considered at all. This study will identify the concerns of the community as well as ascertain whether or not the correct procedures have been followed during the processes prior to rezoning.

According to Desmond D'Sa, chairperson of SDCEA, the racecourse is the last 'green lung' in the community, which acts as a natural filter, which is vital due to the high level of pollution already present in the South Durban area (Carnie, 2014). The racecourse is also regarded as one of the few aesthetically pleasing locations left in the area. It has the ability to enhance the lives of residents both psychologically and socially (Carnie, 2014). To those interested in making profits the problems arising from the rezoning of the Clairwood Racecourse may seem to be minimal; however for residents the majority of whom were disadvantaged by the apartheid regime, the impacts are significant.

The case study approach adopted in this investigation will provide a focused and detailed assessment of the challenges facing the residents as a result of the rezoning of the

Clairwood Racecourse. Such a study is necessary and relevant as very little attention has been paid to the residents and their complaints. Hence, this study will provide critical insights into the various challenges related to the rezoning of the Clairwood Racecourse into a logistics/distribution park. Residents of the SDB have already been previously disadvantaged as victims of apartheid induced forced removals; they are now facing a very similar situation albeit in different conditions, in the democratic era. Therefore, this study will investigate the concerns of a community that has repeatedly been victims of environmental injustices, since the 1940s.

1.6 Chapter Sequence

1.6.1 Chapter One: Introduction

This chapter presents a general overview of the research and provides the motivation for the study.

1.6.2 Chapter Two: Conceptual Framework and Literature Review

This chapter discusses the concepts of environmental justice and human rights, which provides the conceptual foundation for the study. This chapter helps highlight the importance of this project as well as place it in a global and local context. The chapter then goes on to critically examine the development of Environmental Impact Assessments (EIAs) both internationally and nationally, and provides an overview of procedures and associated challenges.

1.6.3 Chapter Three: Study Area and Methodology

This chapter provides insight into the study area. The chapter provides an overview of the aim and objectives of the study. The chapter also explains the methodology used and provides reasons as to why these methods were chosen.

1.6.4 Chapter Four: Results and Discussion

The key findings for this study are analyzed in this chapter.

1.6.5 Chapter Five: Evaluation and Recommendations

This chapter evaluates the key findings of the study and links it to the literature review and the theoretical framework.

1.7 Conclusion

The SDB is a highly industrialized area with some of the highest levels of pollution in South Africa, therefore any form of green space is vital for the purification of the atmosphere. Thus the need for a study of this kind is important to highlight the injustices presented to SDB communities by developing their last green lung. The consequences of developing the Clairwood Racecourse have been overlooked by professionals, primarily because profits are their primary concern. The relationship between developers and communities is non-existent, thus the impacts on these communities have been completely ignored during the EIA procedure. This study therefore makes use of the case study approach and investigates the impacts of development on surrounding communities by analyzing the EIA process done prior to development.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Environmental issues have been emphasized in many countries, especially since the Brundland Report and the first Earth Summit (Morrison-Saunders and Retief, 2012). This chapter contextualizes the study within international and national literature on EIAs. It provides a critical review of research relating to EIA processes and impacts. More specifically, the focus is on EIA procedures, strengths or benefits, as well as challenges.

The key research theme in this literature review is the development of the EIA procedures and the associated laws. The development of EIAs has significantly changed the outcome of the environment in the face of large scale developments.

The promulgation of the National Environmental Policy Act (NEPA) developed in the United States served as the basis for the promulgation of environment laws in various countries, including South Africa. The EIA procedures in South Africa as well as the laws associated with it are critically analyzed in this chapter.

The chapter begins by reviewing the theoretical framework of the study, which focused on two main themes: environmental justice, and basic human rights and the environment. The chapter then goes on to critically examine the development of EIAs both internationally and nationally, and provides an overview of procedures and associated challenges. The conclusion to the chapter summarizes some the key aspects reviewed.

2.2 Theoretical Framework

2.2.1 Environmental Justice

The framework for environmental justice both internationally and nationally has evolved considerably since the United Nations Conference on the Human Environment held in Stockholm in 1972. This framework has advanced at a fairly constant rate through various milestones such as the United Nations Conference on Environment and Development held in Rio in 1992, and the World Summit on Sustainable Development held in Johannesburg in 2002. A safe and healthy environment is a basic right for all inhabitants

on Earth, a sentiment which has been affirmed by the Rio Declaration held in 1992 (Cutter, 1995). Principle 7 of the Rio Declaration states: “States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth’s ecosystem” (Low and Gleeson, 1999: p.177).

Furthermore, during the United Nations Millennium Summit in 2000, 147 states gathered and adopted the Millennium Development Goals (MDGs) which was to be achieved by 2015 (Sachs and McArthur, 2005). The MDGs are made up of eight goals all in line with addressing extreme poverty across the planet. Environmental justice can be linked to goal seven which is to ensure environmental sustainability, aimed at providing all individuals with healthy living environments in the face of ongoing globalization (Sachs and McArthur, 2005). However, with an environment facing dangerous levels of climate change and other environmental ills, policy-makers decided environmental objectives needed a higher profile, hence the Sustainable Development Goals (SDGs) were developed (Sachs, 2012).

The essence of environmental justice is incorporating environmental issues into the broader intellectual and institutional framework of human rights and democratic accountability. Environmental justice places people at the center of social, economic, political and environmental relationships (McDonald, 2002; Bullard et al., 2008). The focus is on environmental injustices within these relationships and how this can be addressed so that there is no reoccurrence (McDonald, 2002). One of the most important influences of environmental justice is the expansion of the idea of ‘the environment’ which ranges from pristine, unspoiled natural areas to include even the most densely populated urban spaces (Mohai et al., 2009).

Environmental justice is a concept that incorporates both ‘environmental racism’ and ‘environmental classism,’ it attempts to showcase the idea that various racial and socio-economic groups experience differing levels of environmental deprivation (Schweitzer and Stephenson, 2007). According to Johnson (1996: p. 565), the Environmental Protection Agency (EPA) defined environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.” Hence, in addition to racism, environmental justice also

includes other groups (women, children and the poor) who find themselves being deprived of their environmental rights (Cutter, 1995).

Most environmental justice cases refer to issues of equity and the distribution of environmental ills and benefits. However, the understanding of environmental justice as simply a means to gain equity is incorrect (Schlosberg, 2004). Activists, affected communities and non-governmental organizations (NGOs) demand more than a just distribution. Schlosberg (2004) contends that environmental justice is in fact a threefold matter: equity in the distribution of environmental risk, recognition of the diversity of the participants and experiences in the affected communities, and finally participation in the political processes which create and manage environmental policies. The presence of these three factors effectively shows the coherence between the theory and practice of environmental justice (Schlosberg, 2004).

In South Africa during the apartheid era the environment was seen as either a white suburban issue or as a tool of racial based oppression (McDonald, 2004). For example, blacks were forced to live in the most dangerous and polluted environments. However, with the easing of apartheid legislation in the 1980's and the unbanning of anti-apartheid political parties during the early 1990's, a change in environmental policy was imperative. In 1992 Earthlife Africa organized a conference, entitled "What Does It Mean to Be Green in the New South Africa?" (McDonald, 2004). The conference brought together leading environmentalists and academics nationally and internationally in an attempt to develop a progressive framework for the environmental justice movement in South Africa. In 1994 with the election of the African National Congress (ANC) the environmental justice movement gained a supporter in government as well (at least initially, during the honeymoon phase of democracy). Recognizing that poverty and environmental degradation were closely linked, the ANC announced that social, economic and political relations all made up part of the environmental equation. Furthermore, environmental inequalities and injustices would be addressed as part of the party's Reconstruction and Development Program (McDonald, 2004).

In South Africa activism in the city of Durban has played a vital role in the emergence of the environmental justice movement, particularly in the SDB (Scott and Barnett, 2009; Leonard and Pelling, 2010; Leonard, 2014a). The SDB has a vast history of forced

removals based on environmentally racist planning, which led to the development of an area with a core of heavy industry surrounded by low-income black residential areas. Thus the SDB has a rich history of civic struggles for a better living environment, housing, jobs and other basic reproductive needs (Scott et al., 2002). These continuous struggles continued into the post-apartheid era, and served as a catalyst for the formation of SDCEA in 1996 (Leonard and Pelling, 2010). SDCEA comprises of fourteen civic and residential organizations, as well as links with other progressive organizations (trade unions, religious, etc.), in order to connect local concerns across all boundaries (Leonard and Pelling, 2010). One of SDCEA's primary objectives is to mobilize communities in south Durban to counteract the impacts of industrial expansion (Scott and Barnett, 2009).

Thus at its core environmental justice is about social transformation and meeting basic human needs and enhancing the quality of life (McDonald, 2004; Bullard et al., 2008). The environmental justice approach seeks to link environmental and social justice in a way that challenges the abuse of power, which results in the poor having to deal with the consequences of environmental degradation as a result of decisions made by the rich (McDonald, 2004). The focus of environmental justice movements includes workers and communities who are exposed to dangerous chemicals, and rural communities without basic needs. By recognizing that the poor are most adversely affected by environmental degradation, environmental justice aims to include all affected parties in the decision making process with regards to the environment (McDonald, 2004).

2.2.2 Basic Human Rights and the Environment

According to the Universal Declaration of Human Rights, human rights were designed to allow people to explore and develop their full potential whilst at the same time ensuring that their dignity remains intact, through the promotion of social progress, and a better standard of living (Marks, 2005). The Human Rights Based Approach is an attempt to ensure that human rights are not violated during development projects.

According to Marks (2005), the Human Rights Based Approach can be defined as one that attempts to put people first and promotes human-centered development. It recognizes that every human being deserves to preserve their dignity no matter what their race. It promotes equality between men and woman and recognizes that every individual deserves the right to equal opportunities in terms of the economy, access to public resources and

social justice. The principles of the Human Rights Based Approach include equality, equity, accountability, empowerment and participation (Marks, 2005).

Environmental rights do not fit into any particular category of human rights, rather it can be viewed from three different perspectives, all overlapping with various other categories of human rights (Boyle, 2006; Bulto, 2014). Firstly, current civil and political rights can be utilized to provide individuals, groups and NGOs access to environmental information. These groups can facilitate participation in environmental decision-making, and pressurize governments to meet minimum environmental standards (Boyle, 2006). Secondly, environmental quality could be viewed as a value, giving it the same status as economic and social rights (Boyle, 2006). Lastly, environmental quality can be defined as a collective or solidarity right. Hence, communities have the right to determine how their environment and natural resources should be protected and managed (Boyle, 2006; Bulto, 2014).

The question of why environment quality should be regarded as a human rights issue is straightforward. The environment impacts directly in the life, health and property of humanity. Additionally, it promotes the rule of law - governments become responsible for any failure to regulate and control environmental problems, especially those caused by corporations (Boyle, 2012). Government is also responsible for facilitating access to justice and the enforcement of environmental laws. The protection of the environment within regional and international human rights institutions has promoted the recognition of environmental human rights in national constitutions and legislation (Gear and KotzŹ, 2015). Currently a hundred and forty-seven countries have included environmental rights and/or environmental responsibilities into their national constitutions (Gear and KotzŹ, 2015). A major challenge is enforcement, and especially the political will to do so.

It is common knowledge that humanity is facing serious environmental challenges (Johnston, 1995). The most obvious is the impacts of climate change, which is no longer abstract or intangible. Additionally, environmental crises are not confined to one particular area. In many places information regarding changes in the environment (frequently from development projects) is not adequately explained or is withheld from communities who will experience the adverse consequences (Johnston, 1995).

According to Johnston (1995) human environmental rights abuse can occur at various levels. In many cases discrepancies are government induced: where the rights of powerless groups (e.g. the poor, ethnic minorities) and their basic rights are viewed as insignificant compared to, for example, national security or national energy agendas, or the imperative to generate economic growth and employment opportunities. In some cases violation of environmental rights occurs simply because people are living in the wrong place (Johnston, 1995). Either there is economic or strategic mineral sources existing in the land they are occupying or the land attracts companies seeking economic, political and environmental alternatives. Additionally environmental abuse can occur because the communities find themselves in the way of national economic progress which supersedes individual and community concerns (Johnston, 1995). For these and many other reasons, communities become displaced from their homes and thus find it increasingly difficult to maintain individual, household and community health (Johnston, 1995).

Environmental protection was introduced to the general public as early as the 1960s. Thus over the years as knowledge about trans-boundary and global environmental problems increases, the public has joined forces in order to determine widespread preventative action to ensure that all practices involving changes in the environment in a way that is conducive to life and human well – being (Anton and Shelton, 2011).

2.3 Environmental Impact Assessments

According to Robinson (1992: p.565), the need for EIAs was evident long before it was developed. In his 1908 White House Conference Convention, President Theodore Roosevelt called for foresight, he said:

We have become great in a material sense because of the lavish use of resources, and we have just reason to be proud of our growth. But the time has come to inquire seriously what will happen when our forests are gone...when the soils shall have further impoverished further and washed into streams....These questions do not relate only to the next century or to the next

generation. On distinguishing characteristic of really civilized men is foresight...and if we do not exercise that foresight, dark will be the future.

Almost 61 years later, in 1969, the United States developed the National Environmental Policy Act of 1969, which initiated the development of EIAs (Bartlett and Kurian, 1999). NEPA was primarily implemented as a political response to the changing scale and nature of industrial development post – World War II (Cashmore et al., 2008). Following the implementation of NEPA, the use of EIAs spread globally with astounding rapidity. It is currently used in more than 100 countries, and by numerous bilateral and multilateral aid and funding agencies (Cashmore et al., 2004). Due to the rapid internationalization of EIAs, NEPA was described as being one of the major policy innovations of the twentieth century (Cashmore, 2004).

Initially EIAs were described as a tool which identified the possible consequences for the biogeophysical environment and for human health and welfare, prior to a proposed development project being approved (Wathern, 2013). The purpose of the EIA is to encourage developers to take the environment into consideration, with the intention that developers will take actions that are more environmentally compatible (Jay et al., 2007).

However, some professionals in the field argued that EIAs need to also include the socioeconomic effects that arise from a development project (Canter, 1996). Thus EIAs can now be defined as a process that requires the “systematic identification and evaluation of the potential impacts of proposed projects, plans, programs, or legislative actions, relative to the physical, chemical, biological, cultural and socioeconomic components of the environment” (Canter, 1996: p. 1).

For EIAs to be successful it needs to be conducted in a systematic, holistic and multidisciplinary way (Ortolano and Shepherd, 1995). Glasson et al. (2013) states that the EIA process should be cyclic allowing for interaction between the various steps, they further state that there are fifteen generalized steps in the EIA process, these steps are summarized below and further illustrated in Figure 2.1:

- i. *Project screening*, narrows the application of EIAs to those that would have a significant impact on the environment.

- ii. *Scoping*, aims to identify all the crucial and significant impacts that the proposed project will cause.
- iii. *The consideration of alternatives*, investigates that the project owners have investigated alternative approaches, including different locations, processes, operating conditions and the ‘no action’ option.
- iv. *The description of the project/development action*, this step provides affected parties with a rationale for the project and understanding of how the project will be carried out with regards to developmental stages, location and processes.
- v. *The description of the environmental baseline*, involves establishing the present and future state of the environment, taking into account changes occurring as a result of natural events and anthropogenic activities.
- vi. *The identification of the main impacts*, this step brings together all the previous steps, ensuring that all potential environmental impacts (adverse and beneficial) are taken into account during the process.
- vii. *The prediction of impacts*, aims to identify the significance of the identified change in the environment should the project continue, and compares the results to a situation where the land remains untouched.
- viii. *The evaluation and assessment of significance*, focuses on the main adverse effects and assess the relative significance of the predicted impacts.
- ix. *Mitigation*, introduces measures to avoid, reduce or compensate for any adverse impacts. Additionally, *enhancement* involves the development of any beneficial impacts.
- x. *Public consultation and participation*, aims to ensure that the public’s views are taken into consideration during the decision making process.
- xi. *EIA presentation* is a vital step in the process. If done badly, it could result in the invalidation of the EIA.
- xii. *Review*, involves a systematic evaluation of the quality of the EIA.
- xiii. *Decision making*, any decisions made on the project involves consideration by the authority of the EIA (including responses from consults) along with material consideration.
- xiv. *Post-decision making*, involves recording all outcomes arising from developmental impacts, assuming a decision to proceed is taken.

- xv. *Auditing*, involves actual outcomes with predicted outcomes. These comparisons can be used to assess the quality of predictions and effectiveness of mitigation.

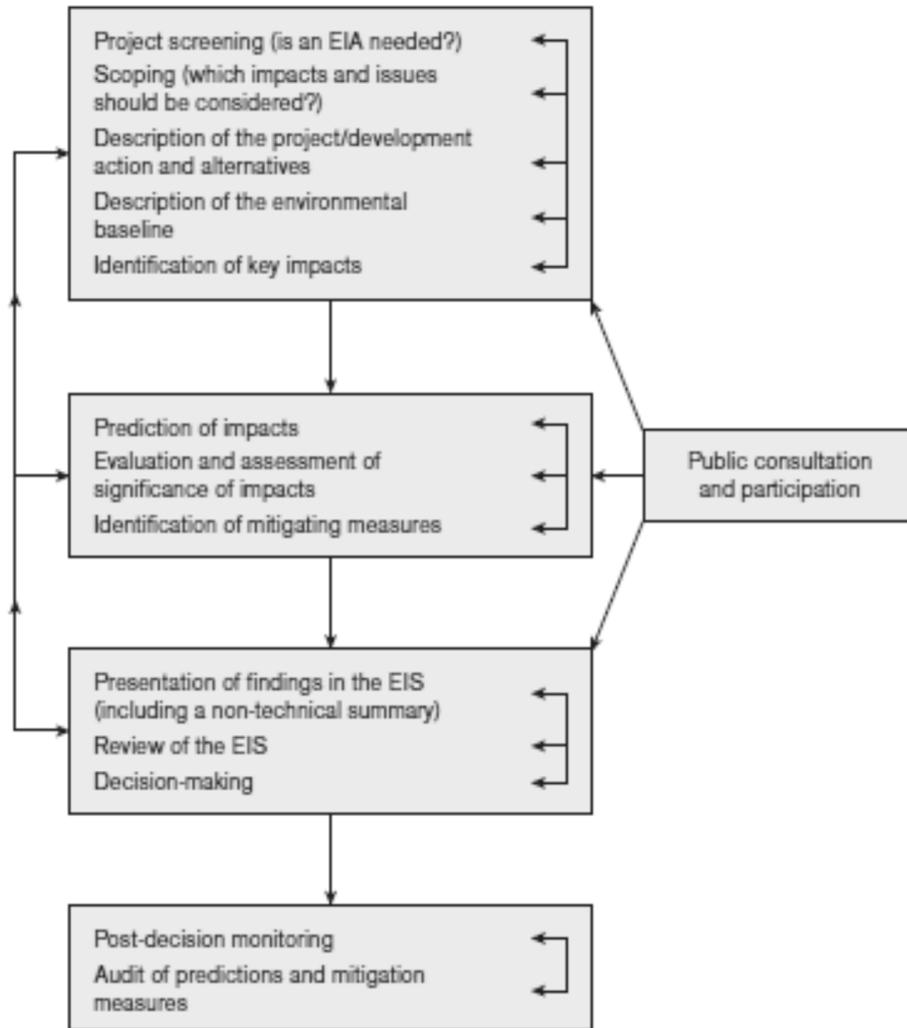


Figure 2.1 Important steps in the EIA process (Glasson et al., 2013)

The above mentioned steps form part of a generalized process. It has been noted that jurisdictions around the world have tailored their EIA process to meet the unique geographic characteristics, environmental needs, level of socioeconomic development and cultural and governmental traditions in different countries (Robinson, 1992). When looking at EIA trends around the world, it can be identified that each jurisdiction has tailored the EIA process to meet its geographic characteristics and environmental needs;

it also takes into consideration the jurisdiction of the socioeconomic development and cultural and governmental traditions.

Even though EIAs have been institutionalized on an international scale, it would appear that in some cases that the EIA has more to offer in theory than in practice (Cashmore et al., 2004). Cashmore (2004) argued that one of the limitations of the EIA process is that its theoretical basis is poorly defined and inadequately developed. The administrative framework for EIA developed from a political background rather than a scientific background, and practice begun prior to the development of adequate scientific capacity (Cashmore, 2004; Cashmore et al., 2004).

Cashmore et al. (2008) contended that the effectiveness of EIAs to promote sustainable development, generally believed to be its primary purpose, is limited. EIAs were envisaged as a tool for promoting sustainable development *via* generating scientific data which interested parties would utilize in order to make rational decisions. This data would generally be compiled by various independent technical specialists (Ortolano and Shepherd, 1995). Ortolano and Shepherd (1995) suggest that technical specialists often rely primarily on professional experience to predict environmental impacts. These predictions are often so vague that it cannot be validated.

In some cases mathematical models are also used during the evaluating process, however they are not necessarily universally utilized making its usage controversial. For example in Taiwan a mathematical model was used in considering the development of a dam on the Liwu River (Ortolano and Shepherd, 1995). This development would have resulted in the destruction of a scenic treasured resource. This resulted in intense public criticism.

Despite these weaknesses of the EIA system it has still been accepted by governments globally. This acceptance can only increase as the governments recognize the importance in taking environmental issues seriously (Morgan, 2012). The EIA process needs to become an integral part of the project development and design processes, and not relegated to the final legal step prior to project commencement. This will allow for all stakeholders to be involved in the decision making process, which in turn will mean that projects will be sensitive to the environmental and social objectives of local communities (Morgan, 2012).

2.4 Environmental Impact Assessments Internationally

Issues concerning the environment are well understood in a host of countries. It has been observed that environmental issues have been on the political agendas of many countries particularly since the Brundland Report and the first Earth Summit, United Nations Conference in Environment and Development (UNCED) held in Rio de Janeiro 1992 (Morrison-Saunders and Retief, 2012). With the concern in the environment growing, it was important that a tool be developed that could effectively deliver on expectations; one such tool was an EIA.

It has been suggested that 191 of the 193 member nations of the United Nations have either implemented some sort of national legislation or have signed some form of legal documentation that involves the use of EIAs (Morrison-Saunders and Retief, 2012). The worldwide usage of EIAs became prevalent due to Principle 17 of the Rio Declaration on Environment and Development at the 1992 Earth Summit, the principle states, “Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment as are subject to a decision of a competent national authority” (Morrison-Saunders and Retief, 2012: p. 34).

According to (Robinson, 1992) there are seven distinct trends in the EIA process. First, EIAs can be utilized in all political systems; it can be adapted to governmental procedures in both developed and developing countries. It has been successfully established in common law, civil law and socialist traditions. Second, the use of the EIA as an analytical tool for decision makers has spread at a fairly rapid rate. The different jurisdictions that make use of the EIA have modified and often refined the EIA process, thus resulting in a continuous sharing of methodologies. This system of sharing new and innovative techniques is likely to continue as the EIA becomes more widely utilized (Robinson, 1992). Third, the use of the EIA gives local people the opportunity to participate in decision-making, particularly in cases where their environment will be affected, at least in theory. The EIA also provides an opportunity for indigenous and inner-city communities to voice their concerns. Fourth, the EIA encourages communication and consultation between all interested parties. Thus allowing for all environmental data to be effectively consolidated, and thereby allowing for decision – making to be easier. Fifth,

despite the overwhelming evidence with regard to the value of EIAs, decision makers and administrators almost always resist it, and view it as an obstacle in the path of progress and development. This resistance is partly related to the time and cost of compiling the EIA. However, as more and more government and private sector institutions are adopting the use of EIAs, this resistance is declining. Sixth, there is a tendency to only use EIAs for large projects. However, a few states have started using EIAs even for small projects as they recognize that even the smallest project can cause various unintended environmental consequences. Lastly, the EIA is not consistently successful. This means that there is an on-going requirement to evaluate the effectiveness of the EIA process in each jurisdiction in order to improve, streamline and remove any flaws that may exist in the process (Robinson, 1992).

In the United States the EIA process was established by NEPA (Steinemann, 2001). NEPA requires that all parties concerned to analyze the environmental impacts of a proposed development and its alternatives (Figure 2.2). These analyses are then presented in the form of an EIS (Environmental Impact Statement). According to Steinemann (2001) alternatives are options or choices of action, and are a means to accomplish ends. From an EIA perspective, these ends include the project owner's goals as well as broader goals such as the protection and promotion of environmental quality. However, in many cases the choice of alternatives can be very biased and illogical. In many cases more environmentally friendly alternatives are often overlooked or informally eliminated prior to the final analysis of the EIA. Public participation often occurs too late during the decision-making process to consider a full range of alternatives. As an EIA typically starts after a company has already proposed and become committed to particular projects, this results in alternatives being foreclosed (Steinemann, 2001).

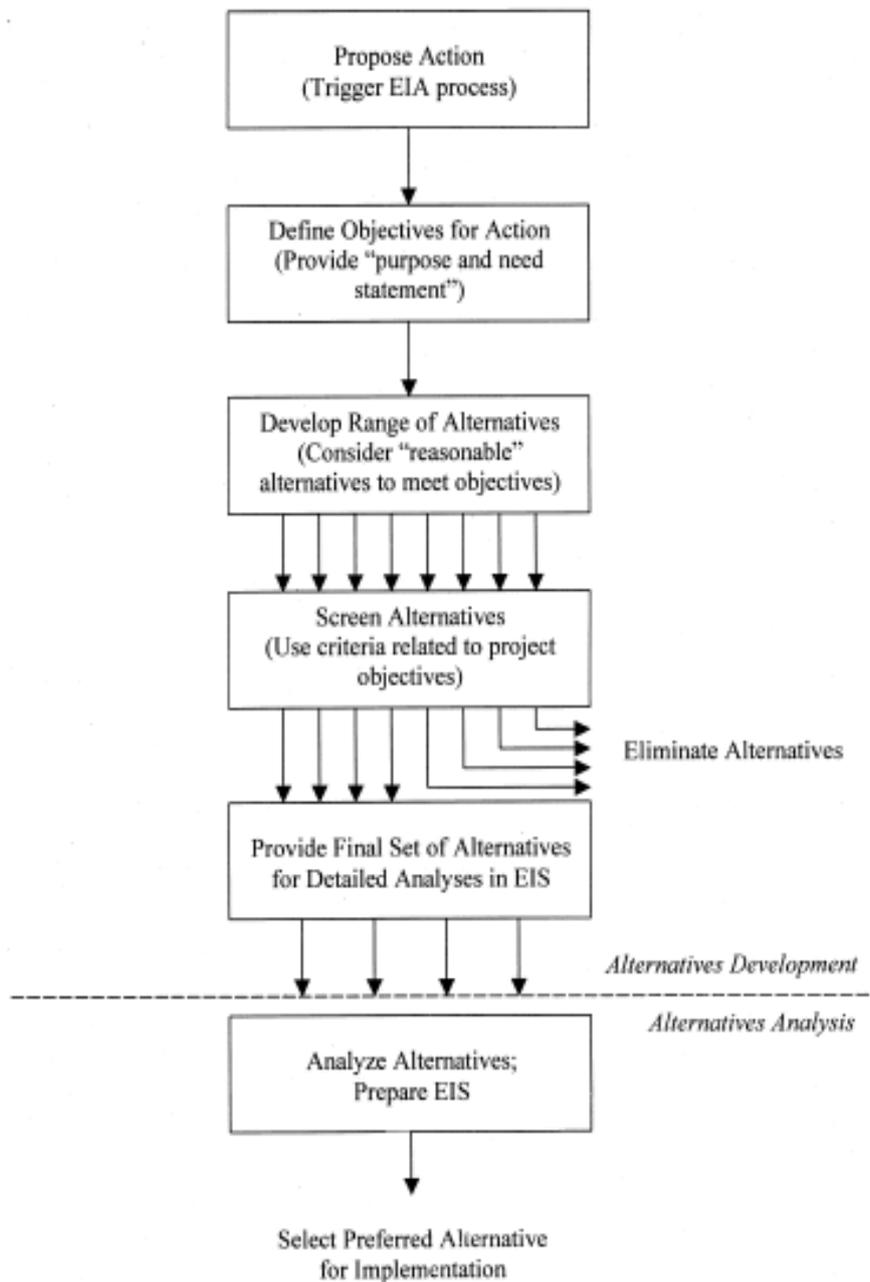


Figure 2.2 Alternatives Development According to NEPA (Steinemann, 2001)

The goal of an EIA is to promote efforts that will reduce or eliminate damage to the environment (Steinemann, 2001). The EIA showcases the duty that each nation has to preserve the environment. In order to prevent any harm, all nations need to examine the consequences of its actions and thereafter adjust as necessary. EIAs have the ability to show nations how to preserve the environment globally as well as locally. By using EIAs

as a decision making tool one can evaluate all precautions taken, and then determine what can be done more efficiently in order to eliminate any impacts experienced should a similar development proposal be undertaken.

2.5 Environmental Impact Assessment Nationally (South Africa)

An analysis of South Africa's environmental policies over the decades reflects a very brutal and unfair pattern (Rossouw and Wiseman, 2004). Under the apartheid regime, the protection of fauna and flora had a greater importance than majority of the country's citizens. Black South Africans were forcibly removed from their homes in an attempt to make way for the development of facilities for white South Africans (Rossouw and Wiseman, 2004). Thus most Black South Africans paid little or no attention towards environmental policies as it was regarded as a means for racially based oppression (Sowman et al., 1995).

With an extensive network of national parks and game reserves as well as a professional conservation groups unequalled in Africa, South Africa has developed an image as the continent's conservation leader (Sowman et al., 1995). However, evidence of severe environmental degradation particularly in the "black" areas suggest otherwise. These extreme levels of environmental degradation are being linked to the policies and practices of the colonial and apartheid eras. Apartheid law and policies distributed the natural resources of South Africa along racial lines (Rossouw and Wiseman, 2004). Up until the first democratic elections in South Africa, majority of South Africans were prevented from participating in government. South Africa's first democratic elections in 1994 resulted in the development of elaborate nation-wide environmental policy processes. This consequently resulted in new legislative requirements based on democratic and participative principles (Rossouw and Wiseman, 2004).

Since 1994, a range of factors have been used to determine the environmental policy agenda, and these include:

- Commitment by the dominant political party to implement an effective system of environmental management;
- The declaration of environmental rights in the Constitution; and

- A development in policy for environmental justice, environmental health and environmental management issues (Rossouw and Wiseman, 2004).

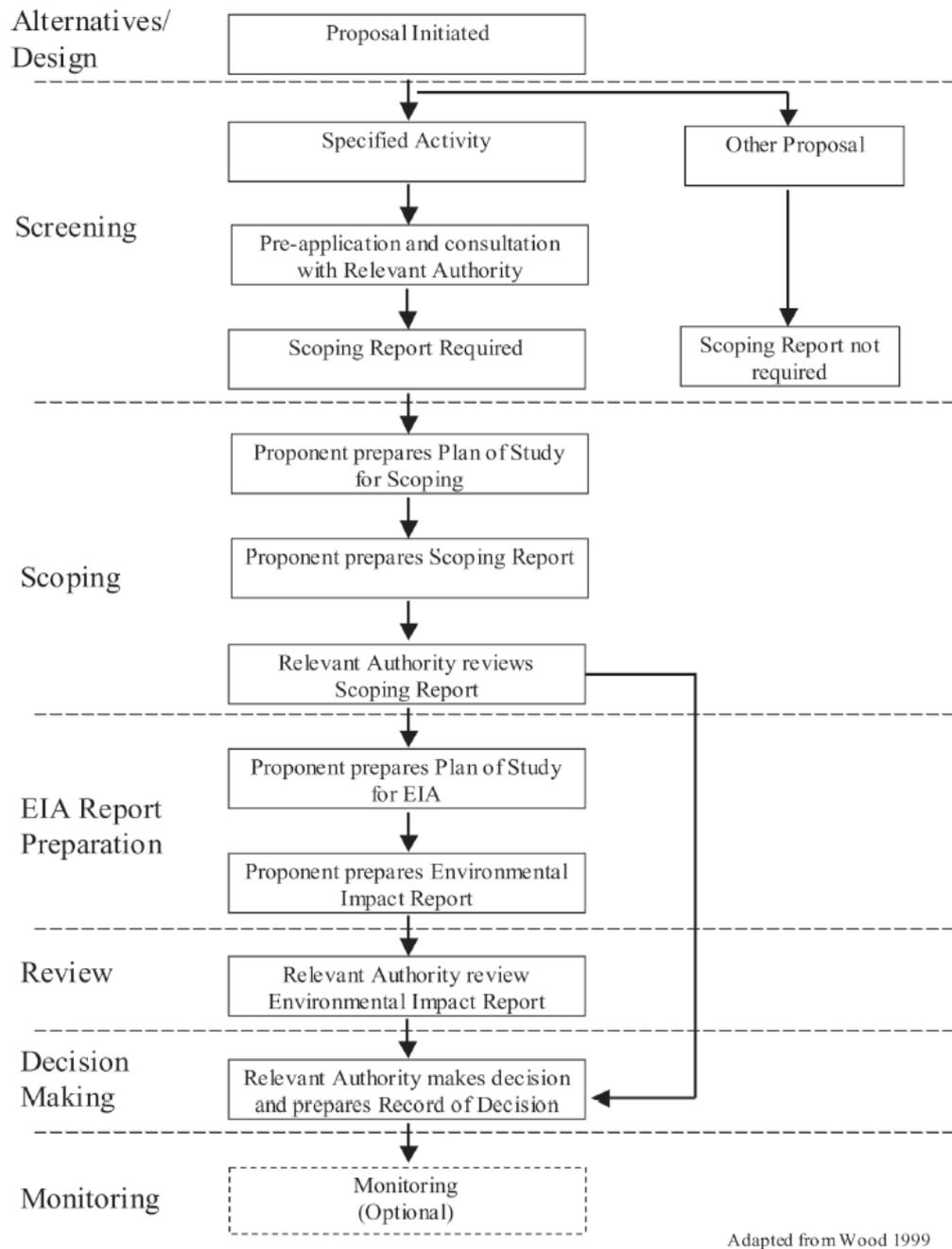
The EIA process in South Africa started off on a non-mandatory basis in the 1970s, when there were no formal administrative systems in place to process EIAs at any level of government (Duthie, 2001; Sandham et al., 2013). Any party wanting to conduct an EIA had to do so according to the Integrated Environmental Management (IEM) procedure, which was published by the Council for the Environment in 1989 (Duthie, 2001). With the publication of the IEM documents, professionals, business leaders and administrative authorities became more responsive to adopting a procedure that ensured the inclusion of environmental consideration into decision-making (Sowman et al., 1995). Thus the Environmental Conservation Act (ECA) 1989 was developed. Thereafter EIA regulations were developed in terms of ECA and EIAs became mandatory in September 1997 (Sandham et al., 2013). The EIA system includes all the normal linked steps, which include screening, scoping, public participation, environmental reports, review and decision (Figure 2.3) (Stærdahl et al., 2004).

The above mentioned factors provided the foundation for the development of the first national environmental policy process. This process was known as the Consultative National Environmental Policy Process (CONNEPP) (Du Pisani and Sandham, 2006). A direct role was played by CONNEPP in the development of the National Environmental Management Act (NEMA), 1998. Act no. 107 of 1998 (Rossouw and Wiseman, 2004). NEMA provides the legal framework for environmental management in South Africa, and was promulgated on 27th November 1998 and was effective from 29th January 1999.

In terms of NEMA, the EIA system is required to follow five main steps, all in line with international standards (Figure 2.3) (Sandham et al., 2013):

- i. Submission of application for authorization for a proposed project;
- ii. Scoping report, this step includes conducting an extensive public participation process;
- iii. Environmental Impact Report (EIR), this step includes public involvement, specialist reports and a draft of the Environmental Management Plan;
- iv. Review of EIR by a capable authority; and

v. Environmental Authorization.



Adapted from Wood 1999

Figure 2.3 Steps in the South African EIA Process (Stærdahl et al., 2004)

As mentioned earlier, South Africa had various problems with regards to environmental procedures in the past. The introduction of EIAs was an attempt to alleviate some of these problems. However, many have considered the implementation of EIA processes to be a

copy of foreign procedures, thereby effectively ignoring issues specific to South Africa (Stærdahl et al., 2004). According to Rossouw and Wiseman (2004) the national environmental policy of South Africa reflects the consultative approaches that are necessary in a democracy. However, it is essential that all levels of government follow and implement these policies. The framework policy lacks a logical sequence of implementation and this has resulted in many of the principles of the national environmental policy being overlooked.

According to Sandham et al. (2013) EIA in South Africa requires a comprehensive scoping report for any project, with extensive emphasis on public participation, the result of this ended up being a drawn-out and expensive administrative procedure. Thus, the majority of assessments (over 80%) were authorized on the basis of an extended scoping report (Sandham et al., 2013). This meant that the scoping report was extended to include more information than that which was usual for a scoping report, but less than what was required for an EIA.

Furthermore, although a great deal of emphasis is placed on public participation, there is no regulation that determines exactly when during the EIA process it should take place (Stærdahl et al., 2004). In many cases a Social Impact Assessment (SIA) is incorporated into the EIA process, this has led to a superficial treatment of the socio-economic aspects of a project (Du Pisani and Sandham, 2006). Due to the impreciseness of the regulation, the extent of public participation varies from project to project.

South Africa is still a developing country thus to many it may seem as if the costs of the EIA system outweighs the benefits (Wood, 2003). Although the South African provincial authorities recognize EIAs to be a valuable environmental management tool, many believe that too many projects are being assessed. However, whilst some officials and stakeholders believe in the importance to environmental management and long term economic development, most either do not or choose to ignore in favor of immediate goals.

2.6 The Legislative Framework for Conducting EIAs in South Africa

2.6.1 *Constitution of the Republic of South Africa, Act No. 108 of 1996*

The Constitution of the Republic of South Africa Act No. 108 of 1996 (Republic of South Africa, 1996) is regarded as being the law of the land, and it incorporates various provisions in keeping with international sustainability principles (Morrison-Saunders and Retief, 2012). Chapter 2 is the Bill of Rights, within this chapter there are various clauses linked to the environment. The most important right in Section 24 states that:

“Everyone has the right -

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

The ‘environment’ is defined in the broadest sense and includes all aspects of the environment around us, including the:

- geographical
- physical
- biological
- social
- economic and
- cultural environments.

It is implied that it is the responsibility of the state to protect the environment in order to protect the health and well-being of the people. Thus the aim is for the people of South Africa to become united in developing a society where all people have enough food, clean air and water, decent living environments and green spaces in their neighborhoods that will allow them to live in spiritual, cultural and physical harmony with their surrounding environments (Bhikraj-Kalicharan, 2010).

2.6.2 National Environmental Management Act, Act No. 107 of 1998

The National Environmental Management Act, Act No. 107 of 1998 (NEMA) (Republic of South Africa, 1998) can be identified as the framework law, providing overarching principles for sustainable development that apply to all activities of the state (Rossouw and Wiseman, 2004). The purpose of NEMA is to:

“provide for co-operative, environmental governance by establishing principles for decision making on matters affecting the environment, institutions that will promote co-operative governance and procedures for coordinating environmental functions exercised by organs of state; and to provide for matters connected therewith.” (Republic of South Africa, 1998: p. 2).

According to DEAT (2005) the central pillars of NEMA are: quality in environmental decision-making, cooperative governance and implementing the constitutional imperative to respect, protect, promote and fulfill the environmental rights in the Bill of Rights.

In section 1 of NEMA the environment is defined as the surroundings in which humans exist and that are made up of -

- (i) the land, water and atmosphere of the earth;
- (ii) micro-organisms, plant and animal life;
- (iii) any part or combination of (i) and (ii) and the interrelationships among and between them; and
- (iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.

Chapter one of NEMA outlines the principles that must be followed by all bodies of state wanting to significantly change the environment. One of the principles clearly states that “Environmental management must place the people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.” (s2(2)). The Act’s commitment to sustainable development is clearly promoted by the principle that “development must be socially, environmentally and economically sustainable” (s2(3)). This is followed up with eight (8) more principles that are linked to sustainable development in section 2 (4)(a):

- (i) the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot altogether be avoided, are minimized and remedied;
- (ii) that pollution and degradation of the environment are avoided, or, where they cannot altogether be avoided, are minimized and remedied;
- (iii) that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or, where they cannot altogether be avoided, are minimized and remedied;
- (iv) that waste is avoided or where it cannot be altogether avoided, is minimized and re-used or recycles where possible and otherwise disposed of in a responsible manner;
- (v) that the use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;
- (vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardized;
- (vii) that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and
- (viii) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented are minimized and remedied.

The above mentioned sustainability principles have many features in common with internationally accepted principles of environmental management, which can be seen when compared to the principles decided upon at the Rio Summit 1992 (Kidd, 2011). According to Kidd (2011) of the prominent principles listed above, one of the most important is 2(4)(a)(vii) which pertains to pollution. This principle can be linked to the polluters pay principle in section 2(4)(p) of NEMA which states: "The costs of remedying pollution, environmental degradation and consequent health effects, and of preventing, controlling or minimizing further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment." This ensures

that any persons responsible for any form of pollution must also pay the costs connected with the consequences of pollution (Bhikraj-Kalicharan, 2010).

Chapter five of NEMA focuses on 'Integrated Environmental Management (IEM),' and section 23 outlines its objectives IEM is a procedure designed to ensure that all environmental consequences of public or commercial developments are understood and considered during the planning process (Bhikraj-Kalicharan, 2010). Section 23(1) states the purpose of chapter five is: "To promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities." The general objectives of IEM follows in section 23(2)(a-f).

Section 24 is of utmost importance as it outlines how the objectives in Section 23 are to be achieved. Section 24(1) states: "activities...which may significantly affect the environment, must be considered, investigated and assessed prior to their implementation". This is significant as it accounts for potential impacts that a proposed activity may have on the environment. It allows for planning, assessment of impacts and appropriate mitigation measures (Bhikraj-Kalicharan, 2010).

2.7 Conclusion

The aim of this chapter was to the theoretical framework for the study and to provide a review of the literature relating to EIA. Environmental justice and basic human rights and the environment presented the theoretical focus for this study.

The purpose of an EIA is to encourage developers to take environmental considerations into consideration. This chapter highlighted the significant role that EIAs play influencing project approval. Attention was drawn to the importance of environmental laws and the proper implementation of the EIA procedure. In addition to providing a history of the development of EIAs and associated legislation, this chapter has also provided a brief history of South Africa's environmental procedures and legislation. This contextualizes the historical situation and provides a backdrop for this study, examines the impacts of the rezoning of the Clairwood Racecourse as a Logistics/Distribution Park.

CHAPTER THREE

STUDY AREA AND METHODOLOGY

3.1 Introduction

This chapter explains the methodology that has been utilized for this research and also provides insight into the study area. The primary and secondary data used for of the study is elucidated, in order to highlight the range of data sources used. This study made use of official documents, newspaper articles, journal articles, key informant interviews and information gathered at community meetings. A case study approach was adopted which focused on the Clairwood Racecourse.

The chapter begins by giving an overview of the background and geographical context of the study area that is the SDB. This is followed by an overview of the research design. This study adopted a qualitative approach, and the techniques used included conducting key informant interviews, participation-observation research and documentary analysis. The sampling methodology used is non-random, namely purposive and snowball sampling.

3.2 Site Location and Description

3.2.1 South Durban Basin

Durban, also known as the eThekweni Municipality, has the largest port on the east coast of Africa, with a total population of approximately 3.5 million people and an area of 2 300 km², with a budget of R23.4 billion (Roberts, 2008). This makes eThekweni one of South Africa's most important urban and economic centers (Roberts, 2008). One of the major characteristics of eThekweni is the large transportation networks and petrochemical industries situated in the SDB which is commonly known as the industrial hub of the city, with an approximate area of 63 km² (Vissers, 2010; eThekweni Municipality, 2011a). It is a narrow belt of mixed industrial and residential areas running south of the Durban Harbour (Scott et al., 2002).

In the SDB low-income black residential communities are juxtaposed with heavy petrochemical industries. The mix of industrial and residential spaces, often located across the

street from one another is the result of colonial and apartheid-era planning. Apartheid policy established the practice of locating black citizens in close proximity to those industries that they worked for (Aylett, 2010). The SDB was authorized as a zone for heavy industry by the Durban Town Council in 1938 (Scott, 2003). The residential areas comprised of Bluff, Clairwood, Wentworth, Merebank, Isipingo and Lamontville (Figure 3.1 and Figure 3.3).

SDB is host to one of the largest concentrations of chemical and petrochemical industries in the country (Sutherland et al., 2009). Two of the country's four oil refineries are located within the SDB, namely, ENGEN and SAPREF (Figure 3.1). Additionally, there are pulp and paper, beverages, textiles, plastics, petroleum and motor vehicle assembly (Toyota) which are also located in the area (Scott et al., 2002). These compromise 70% of Durban's heavy industry (Scott et al., 2002). All these industries have contributed significantly to the long history of air, water and ground pollution in the area (Sutherland et al., 2009).

In order to fully understand the potential of the SDB as an industrial development zone, a brief history of the area is required. The SDB zone was initially planned in the early twentieth century as a modernist industrial landscape (Sutherland et al., 2009). During this time the vision of a port adjacent to, and serving an industrial area, became part of the agenda for the development of Durban (Scott, 2003). The chosen area for such a vision to become a reality was south Durban. This required institutional changes and the development of legislation at both the local and national levels. Thus the foundation of the South Durban industrial zone was laid, in order to fulfill the local political, social and economic goals of the white elite in Durban (Scott et al., 2002). The earliest small industrial developments in the south of Durban were located at Congella, Isipingo, Wentworth, Merebank, Umbilo, Jacobs, the Bluff and Clairwood (Figure 3.3) (Scott et al., 2002). By the late 1950's the infiltration of industries in Clairwood began, initiating a slow but sure course of urban decay. In 1954 Stanvac was granted permission to construct a large oil refinery in Wentworth, adjacent to the residential areas of Merebank and Wentworth (Figure 3.1) (Scott and Barnett, 2009; Sutherland, 2009).

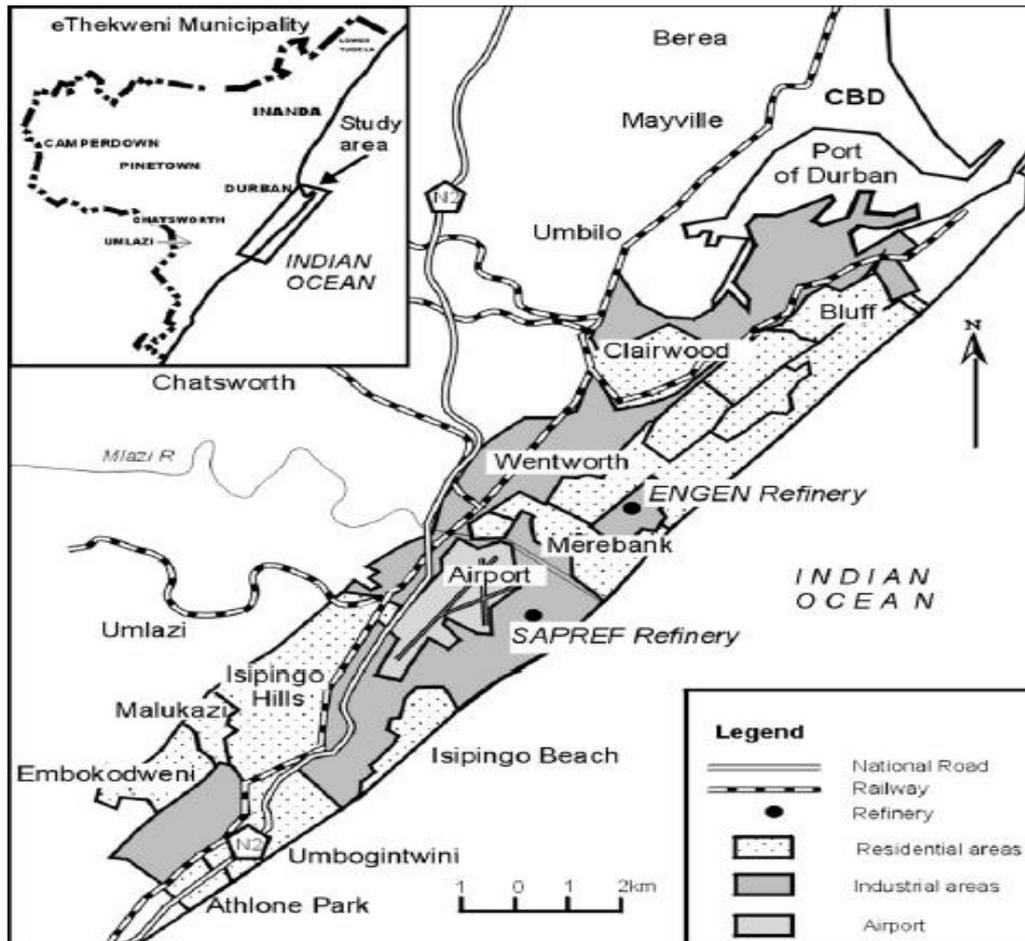


Figure 3.1 South Durban Map showing proximity of industry to residential areas (Scott and Barnett, 2009)

The extension of the industrial zone required a pool of labor sources. Thus the Wentworth Housing Scheme was developed in 1939, despite opposition from Indian political organizations (Sutherland et al., 2009). In 1948, when the scheme was implemented it created a pre-apartheid residential zone and was regarded as a forerunner to the Group Areas Act of 1950. The Indian and Colored communities of Mérébank, Wentworth and Austerville lie adjacent and to industries and particularly close to the refineries (Scott and Barnett, 2009). Clairwood, situated further north has been demarcated for industrial penetration for over forty years, and the majority of established residents were displaced by stealth.

The SDB area is dominated by social conflict and tension due to the proximity of the lower and middle income residential areas to the heavy industry (Figure 3.1). Since the 1970's residential communities in the SDB have engaged in on-going civic struggles in

an attempt to improve their living environment, particularly with regards to housing, open space provision and waste removal (Scott and Barnett, 2009).

3.2.2 Clairwood

According to Scott (1994) Clairwood was originally known as Clairmont, named after the farm on which it was situated. Later on the name was changed to Clairwood to avoid confusion with Claremont in Cape Town (Pather, 2015). Clairwood is an extension of the bay-head area. Even though it was a flood plain, waterlogged and mosquito infested, it served as an ideal spot for market-gardening, a prominent form of livelihood for the prospective residents, indentured labourers and their descendants (Pather, 2015).

From the late 19th century, upon completion of their contracts, ex-indentured Indian labourers started settling in Clairwood in an attempt to find opportunities in other sectors of the urban economy (Scott, 1994; Pather, 2015). The swampy, low lying areas, classified as being unsuitable for white habitation, attracted the Indian population for market gardening and residential use (Kasavel, 2010). Thus over time Clairwood became an urban node consisting of informal housing and market gardening (Pather, 2015). It was in Clairwood that the early pioneer Indian families relocated, the more successful of whom began to purchase properties (Scott, 1994). As the area expanded, the communities started building their own places of worship and schools. The first institution to be built was Clairwood Boys' School (Scott, 1994). For 52 years Clairwood functioned as a fully-fledged, self-supporting Indian suburb. It also became the second largest Indian trading area in Durban, the first being located in the Grey Street area (Scott, 1994).

However in the early 1950s the Durban City Council applied to have Clairwood designated as an industrial area. In October of 1956, Council suggested that Clairwood be re-zoned as a white area for industrial purposes and the proposal for racial segregation in industrial and residential areas was put forward (Pather, 2015). Gradually the areas surrounding Clairwood were industrialized under the pretense that the Council was creating employment for Indians in the community. Despite experiencing many setbacks since its formation, Clairwood has been the home of a vibrant community for over 150 years (Bracking and Diga, 2015).

According to Maharaj and Crosby (2013) the Clairwood community has a history of displacements, and residents have fought for decades for their right to remain in the suburb despite facing various racially motivated forced removals. From the 1950s to the 1970s large numbers of Indians were forcibly removed from their homes by the Durban Municipality (Scott, 1994; Maharaj and Crosby, 2013). From 1969 to 1975, one thousand two hundred and twenty two families were forcibly removed from Clairwood.

This study focuses more specifically on the rezoning of the Clairwood Racecourse (Figure 3.2 and red circle in Figure 3.3). The Clairwood Racecourse, which was previously owned by Gold Circle (Pty) Ltd prior to its sale to CPF, was utilized as a horse racing, stabling and training venue (KSEMS, 2014). It is situated in between the Clairwood, Merebank, Mobeni and Jacobs suburbs. The racecourse 76.4 hectares in size and has been declared as part of the Durban Metropolitan Open Space System (D'MOSS) program. It is one of the only useable pieces of land that is available for large-scale development in the area. It is adjacent to the BOP/DOP projects which are driven by Transnet and supported by the eThekweni Municipality.



Figure 3.2 The Clairwood Racecourse (Source: SDCEA)

Officially opened on the 24th May 1921 the Clairwood Racecourse was rich in fauna and flora (Prins, 2012). Being more than 60 years old the racecourse is technically a heritage site protected by provincial heritage legislation (Prins, 2012). The very high aesthetic value, combined with the excitement of horseracing made the racecourse an ideal point for social gatherings. The race with the highest popularity was the Clairwood Winter Handicap traditionally run a few weeks after the Durban July (Ramsay, 2014). Other races run at the racecourse include: the Grade 1 Champions Cup, Grade 1 Gold Challenge, the Grade 1 Mercury Spiral, the Gold Circle Derby and the Gold Circle Oaks (Prins, 2012).

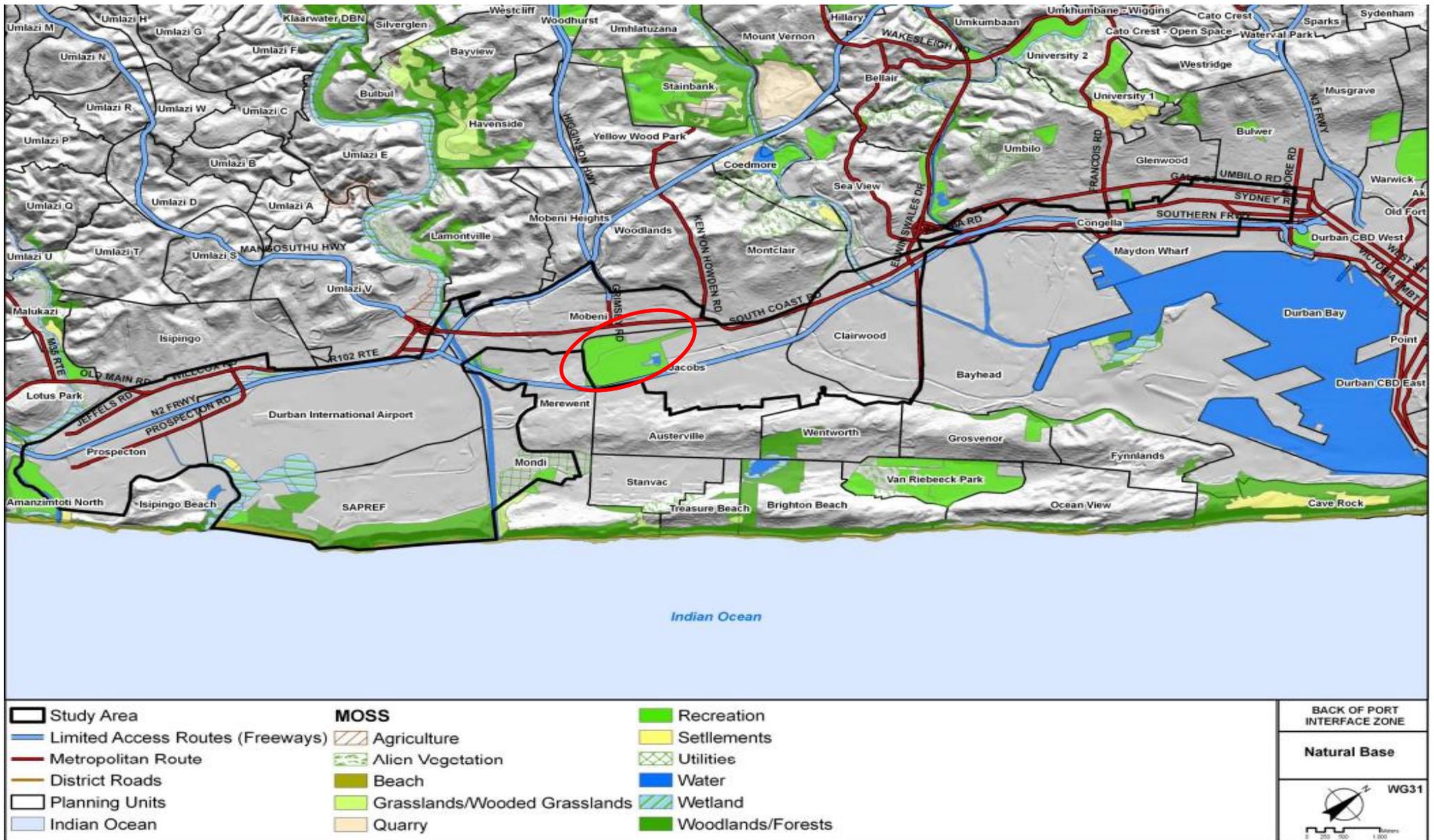


Figure 3.3 Map of the South Durban Basin (Graham Muller Associates, 2012: p. 61).

3.3 The Case Study Approach

A case study approach was adopted for this investigation in order to understand the impacts of the rezoning of the Clairwood Racecourse as a Logistics/Distribution Park on the surrounding communities. According to VanWynsberghe and Khan (2007) a case study approach can be defined as a trans-disciplinary empirical paradigm, which allows for isolation within the area of analysis. In other words, this method provides an understanding of complex issues, by bringing about a level of direct focus on one case study, in this study the Clairwood Racecourse (Gerring, 2004). This allows for the researcher to focus on issues which are fundamental to understanding the system being examined.

One of the criticisms of case studies that have been made is that it is impossible to make generalizations and concluding remarks from a single study (Flyvbjerg, 2006). Yin (1994) states, that one of the greatest concerns is the lack of preciseness in a case study. There was concern that sometimes a researcher may allow ambiguous evidence or biased views to influence the outcome of a study. Additionally, in some situations a case study may be time consuming resulting in large, unreadable documents. On the other hand however, case studies allow a researcher to gain a holistic view of a particular phenomenon (Noor, 2008).

This study focuses on the case of the Clairwood Racecourse and the complex issues surrounding the development of this open space. The use of the case study approach has allowed for insight to be gained with regards to the relationship between development in the area and its residents. This case study provides insight into how new developments impact on the lives of residents living in an already compromised situation. It also raises critical questions about the roles of EIAs and SIAs, and the extent to which these are objective or biased.

3.4 Data Collection

Both primary and secondary data sources were utilized for this study. This was done to ensure that a comprehensive and critical analysis of the topic was achieved. As the information gathered for this study is entirely qualitative in nature a variety of sampling and research techniques have been utilized.

Primary data refers to the original data gained during the research process (Hox and Boeije, 2005). The primary data used for this study include in depth, semi-structured interviews with the chairperson and project co-ordinator SDCEA, members of CRAC, members of religious institutions in the area and members of the community who were opposed to the development (Table 3.1). These interviews formed part of the key informant interviews. From a participation-observation perspective, the researcher attended various community meetings during the course of the study (Table 3.2), these included: strategic planning meetings, community meetings and mass meetings. All meetings attended were convened by SDCEA and CRAC.

The developers and their associates refused to be interviewed by the researcher. However, the developer's views were clearly articulated in documents which were in the public domain. Important documents which have been analysed include: the EIA conducted by Kerry Seppings Environmental Management Specialists (KSEMS) and its supporting documents; and also a SIA conducted by Dr. Edwin. C. Perry, Prof. Urmilla Bob and Ms Suveshnee Munien. Key documents, email correspondence and memoranda written by SDCEA have been used as additional primary data in this study. A variety of international and national journal articles, newspaper articles, media sources and websites have been used in this study as secondary data.

3.5 Documentation Analysis

Documentary analysis is a methodical procedure utilized for reviewing and evaluating documents, both printed and electronic (Bowen, 2009). Document analysis involves data being examined and interpreted in order for a researcher to gain meaning and understanding from a data source such as: official government documents and company documents. During documentary analysis a researcher may make use of documents that are both in the private and public domain (Mogalakwe, 2006). More often than not documentary evidence is combined with data from interviews and observations in order to minimize the chances of bias and to increase reliability of findings (Bowen, 2009). Additionally, documentary analysis is a very cost effective way of gaining data, due to the fact that in most cases the documents are readily available.

According to Mogalakwe (2006) using documentary analysis has often been considered as a specialization of historians, librarians and information science specialist. This has

meant that other academic disciplines prefer to use surveys and in-depth interviews as a source of data. However Mogalakwe (2006) states that these methods may not always be appropriate or cost effective. Whereas documentary analysis can be a very efficient method as it involves 'data selection' rather than 'data collection', allowing a researcher to decide what information is valuable to his or her study. In addition, documents tend to have a broader coverage of as various situations may be included in the final product.

This study included the analysis of various documents, including: EIA constructed by KSEMS and its supporting documents; the SIA conducted by Dr. Edwin. C. Perry, Prof. Urmilla Bob and Ms Suveshnee Munien. By analyzing these documents insight was gained as to whether correct procedure and protocol was adhered to during the EIA and SIA processes. Furthermore, the appeal documents prepared by SDCEA was analyzed in order to further assess reasons for the objections to the development of the Clairwood Logistics/Distribution Park.

3.6 Sampling Methodology used to identify key informant for interviews

According to Latham (2007) there are two standard categories of sampling frameworks. These two frameworks are referred to as random sampling and non-random sampling, within each category there are sub-categories of sampling frameworks.

Due to the nature of this study non-random sampling was used and more specifically purposive and snowball sampling. Non-random sampling is most widely utilized when the topic at hand is sensitive, thereby making a large percentage of a population unwilling to participate. It is also used when a researchers have a particular outcome in mind. However, researchers have to be careful not to generalize results (Latham, 2007).

According to Noy (2008) snowball sampling is one of the most widely used sampling frameworks in qualitative research. Snowball sampling occurs when a researcher gets access to informants via contact information that has been provided by other informants. For this study snowball sampling proved to be useful as it helped in providing information from residents in the surrounding areas whose role the researcher may otherwise not have been aware off.

The sampling purpose of this study was to gain information from key informants (Table 3.1) about a specific area, in this case the Clairwood Racecourse, and their attitudes

towards the development of said area. In order to acquire this information, the researcher needed to interview people closely linked to the development project. Information gathered during the interviews was centered on the views that individuals and organizations have towards the development of the Clairwood Logistics/Distribution Park, and how they would be affected by this project. The interviewees also play key roles in the opposition/resistance action against the development of the Clairwood Racecourse. Thus purposive and convenience sampling frame works were adopted. Purposive sampling implies that a researcher makes a decision based on their objectives with regards to with whom, where and how the research will be conducted (Palys, 2008).

A key informant interview refers to an expert source of information (Marshall, 1996). The informants, as a result of their personal skills or position, have the ability to provide more information and a greater insight into a situation (Marshall, 1996). Due to their formal roles in the community, informants are able to provide the information sought out by the researcher, they also obtain the most meaningful knowledge to a specific topic (Marshall, 1996). According to Marshall (1996) the greatest advantage of conducting key informant interviews is that high quality of data can be obtained in a fairly short period of time.

Interviews conducted with members of SDCEA and CRAC focused on plans to oppose the development (public marches, mass meetings and the appeal process). Members of SDCEA also provided information their involvement in the EIA process from the very beginning, and the nature of interaction with the environmental specialists (KSEMS). All interviews conducted made use of the semi-structured interview (Appendix A) process. A set of questions (Appendix A) was formulated and used to generate responses from key informants. This method was employed as it allowed for a set focus to be maintained, without restricting the flow of the conversation.

All interviews were conducted one-on-one and face-to-face, with the exception of one (indicated on Table 3.1). All interviews were recorded with the permission of the individual being interviewed. This allowed for the researcher to transcribe and review the data during analysis. The interview data collected was sorted manually according to specific themes namely; the individuals view on the rezoning of the Clairwood Racecourse, biological impacts, social impacts, traffic impacts and the individuals

involvement in the opposing action. Thereafter, the data collected was used to supplement the critique of the EIA and SIA.

Table 3.1 List of Key Informants Interviewed

Unless mentioned by name the key informants chose to remain anonymous and have been assigned a coded as follows:

	Name	Position	Date
1	Mr. Desmond D'Sa	Chairperson of SDCEA	13/06/2016
2	Ms. Priya Pillay	Project Officer of SDCEA	13/06/2016
3	Respondent 1	Resident of Merebank	13/06/2016
4	Respondent 2	Member of Merebank Sanathan Dharma Woonathee Sabha/Merebank Resident	17/06/2016
5	Respondent 3	Chairperson of Merebank Sanathan Dharma Woonathee Sabha/Merebank Resident	20/06/2016
6	Respondent 4	Member of Merebank Sai Centre	27/06/2016
7	Respondent 5	Merebank Resident	05/07/2016
8	Respondent 6	Merebank Sai Centre/Merebank Resident	05/07/2016
9	Respondent 7	Merebank Resident	Responded via Email

Prior to conducting interviews all key informants were informed that all interviews will be confidential. The researcher did present each key informant with a consent document explaining what the research was about as well as the nature of the interview. Only once the key informant signed the consent document did the interview commence.

3.7 Participatory Research

The concept of participatory research developed in Tanzania in the early 1970s, its purpose is to work with oppressed people in developing areas (Khanlou and Peter, 2005). The goal of participatory research is structural transformation and its focus is exploited or oppressed groups, immigrants, indigenous people and women (Khanlou and Peter, 2005). According to Maguire (1987) participatory research allows a researcher to openly demonstrate their solidarity with oppressed and disempowered groups.

Participatory research can be used to enable local people to seek solutions according to their priorities (Cornwall and Jewkes, 1995). Whilst some conventional research methods involve limited interaction with people, participatory research can often achieve high-levels of in-depth participation. One of the key strengths of participatory research is exploring the knowledge and perceptions of the local people (Cornwall and Jewkes, 1995). However, in some cases not everyone within a community will be able to participate, nor will everyone be motivated to participate. Participation is time consuming and often those with whom the researcher wants to work with are too busy (Cornwall and Jewkes, 1995).

For this study the researcher attended various community meetings, mass meetings and strategic meetings (Table 3.2). The meetings attended were organized by SDCEA as well as CRAC. These meetings served as a medium to inform of the community of the development of the Clairwood Racecourse. Community members were also given the chance to present their views, opinions and objections with regards to the development.

Table 3.2 List of Meetings Attended

	Meetings	Venue	Date
1	Community Meeting	St. Mary's Primary School	11/06/2015
2	Mass Community Meeting	MTSS Hall	28/06/2015
3	Community Meeting	St. Mary's Primary School	01/07/2015
4	SDCEA Meeting	John Dunn House	14/10/2015
5	CRAC Meeting	St. Mary's Primary School	28/01/2016

3.8 Conclusion

This chapter has provided information on the different data sources, the sampling framework and the various qualitative methods which have been adopted in the study, including the use of documentary analysis, participatory research and key informant interviews. A case study method focusing on the Clairwood Racecourse was also adopted. This chapter also provided a history of the SDB, Clairwood and the Racecourse. A key contention of this dissertation is whether the Logistics/Distribution Park at the Clairwood Racecourse will benefit the surrounding communities. This shall be discussed in the next chapter.

CHAPTER FOUR

DATA ANALYSIS

4.1 Introduction

The aim of this study has been to examine the impacts of the rezoning of the Clairwood Racecourse as a Logistics/Distribution Hub. This chapter presents the findings of the study and provides a discussion of the results. Data was obtained from interviews with members of SDCEA), CRAC and other relevant stakeholders, including, members of religious organizations and residents of the surrounding communities. Attending mass meetings convened by; SDCEA and CRAC during the course of 2015 and 2016 also yielded useful information. Additional information was also obtained from journal articles, newspaper articles, emails and supporting documents from SDCEA and CRAC. Additional documents included that relating to the EIA and SIA.

This chapter is divided into three sections. The first section discusses the history and rezoning of the Clairwood Racecourse as well as provides analysis of the importance of the racecourse to surrounding communities. The second section presents a critique of the EIA and SIA reports and processes. Additionally the impacts of changes resulting from the proposed development on surrounding communities are analyzed. The last section assesses the resistance action by SDCEA, CRAC and other organizations against the rezoning decision.

4.2 Clairwood Racecourse – History, Sale and Rezoning

The Clairwood Racecourse is 76.4 hectares in size and prior to the sale was utilized as a horse racing, stabling and training venue. Also known as the “Garden Course,” the Clairwood Racecourse (Figure 4.1) is an oasis of fauna and flora, which was officially opened on Tuesday May 24th, 1921 (Prins, 2012). The aesthetic value combined with the excitement of horseracing, made the racecourse an ideal venue for family entertainment. The one race that always captured the attention of the racing community was the Clairwood Winter Handicap which was traditionally run a few weeks after the Durban July (Ramsay, 2014). Other races run at the Clairwood Racecourse include: the Grade 1

Champions Cup, Grade 1 Gold Challenge, the Grade 1 Mercury Sprint, the Gold Circle Derby and the Gold Circle Oaks (Prins, 2012).

Being over 60 years old the Clairwood Racecourse should technically be regarded as a heritage site protected by provincial heritage legislation (Prins, 2012). Nine of the buildings and features present on the site are also over 60 years old. These include four residential homes, horse stables, some out buildings and the actual racing track. According to Prins (2012) these heritage sites should not be disturbed or altered in any way.

However, according to the EIA: *“The nature of a Logistics/Distribution Park, consisting mainly of large scale warehouse facilities and vehicle handling areas, it is the intention to fully demolish all structures on site”* (KSEMS, 2014: p. 71). Furthermore, a second report, done by Archaic Consulting 2012 states that it would be impractical and irresponsible to preserve the heritage sites.



Figure 4.1 The Clairwood Racecourse (Source: SDCEA)

In June 2012, the 91 year old Clairwood Racecourse, previously owned by Gold Circle (Pty) Ltd., was purchased by CPF, for an amount of R430 million (Mbonambi, 2012). According to SDCEA the surrounding communities had not been informed of the sale and there was concern that the seller, Gold Circle Pty Ltd., was putting profits ahead of the needs of the community (Nair, 2012).

CPF have put forth plans to develop a Logistics/Distribution Park on the site. According to Nico Prinsloo spokesperson for CPF, their plan is to build at least 300 000m² of logistics space in the form of modern, state-of-the-art energy efficient warehouses. The total development will cost about R3 billion (Arde and le Guern, 2014). These plans have been steam-rolled due to the site's strategic location from the existing container terminal entrance at the Durban Harbour, as well as the future plans to develop the Dug-Out Port at the old Durban International Airport. The Clairwood Racecourse has been deemed a particularly desirable piece of land due to its relatively flat topography as well as the demand for freight and logistics in the area:

This particular racecourse development is linked to a whole big plan called ...The Back of Port Infrastructural and Logistical Zoning Plan. That's the vortex into which you [residents] are falling into as a community (Public Meeting/28Jun2015).

The negative impacts of the development of the Clairwood Logistics/Distribution Park is of great concern to the residents in adjacent areas, and various environmental organizations due to the negative impacts such as impacts on the quality of the air, land, water, health and well-being of the community (Priya Pillay/13Jun2016). The Clairwood Racecourse is currently the largest green space left in the area, and was referred to as the 'green lung' of the SDB. With the loss of the Clairwood Racecourse the already high levels of pollution in the atmosphere from the surrounding industry will continue to increase significantly, contributing to climate change (Desmond D'Sa/13Jun2016):

Excess CO₂ [carbon dioxide] emissions will lead to climate change problems that we [South Africa] are experiencing and undermine the global convention that South Africa has signed.

The racecourse is situated in one of the most polluted areas in Durban, where environmental conditions are already deemed as being fragile. Hence, the sale of the racecourse and consequently the plans to develop it can have a very serious domino effect on the environment, health and well-being of local communities. The developers have constantly used the term "logistics park", which is very ambiguous and is presented as

being innocuous. However, the logistics park is associated with approximately 2200 trucks, the implications are dire:

Logistics is a more glamorized word for trucking and container storage...by having these trucks on excess to what is already happening in the South Durban and this particular area [Clairwood] is only going to catalyze more deaths, pollution concerns, accidents will arise in alarming numbers (Priya Pillay/13Jun2016).

With the sale of the Clairwood Racecourse one of the major concerns is the relocation of residents that could occur as a result of the proposed development:

A common theme in South Africa's apartheid history is the destruction of black established communities and forced displacement...victims of the Group Areas Act were relocated in areas like Merebank, Wentworth and Isipingo. With the sale of the Clairwood Racecourse...the residents of Merebank, Wentworth, Clairwood and Isipingo once again face the real threat of eviction and displacement or worse living under hazardous conditions (Public Meeting/28Jun2015).

However, the EIA report contended: *"It is of high importance to clarify that the development will take place within the development footprint and no residents will need to be relocated."* (KSEMS, 2014: p. 24). However, with the area becoming increasingly more industrialized, the devaluation of property is inevitable. Also, the quality of life will decline, and as living conditions become unbearable, residents will be forced to move out of the area:

This is a Catch 22...this is a systematic harassment by the municipality to get the people out through pressure (Respondent 4/27Jun2016).

According to the Specialist Planning Report done by TC Chetty & Associates (2013) the reason for such a development is due to the: *"Large demand for logistic uses in this area*

with the eThekweni Back of Port Area being identified as a key node for the proposed development” (KSEMS, 2014: p. 17).

This brings about the idea that the reason for the development is purely due to the plans for expanding the port. Furthermore, due to the limited availability of land in the area, the Clairwood Logistics/Distribution Park will be ‘very popular’ ensuring that the developers gain maximum profits (Arde and le Guern, 2014). The EIA also states that the desirability of the project can also be linked to the fact that it will allow the *“Municipality to raise millions of additional Rands in property rates”* (KSEMS, 2014: p.21). Such statements suggest that the developers as well as the municipality are encouraging this development purely due to the profits they will receive, without taking into consideration the needs of the local and surrounding communities.

4.3 The Clairwood Racecourse EIA

Prior to the commencement of any development an EIA has to be completed in terms of the National Environmental Management Act, Act No. 107 of 1998. CPF appointed KSEMS to conduct the EIA for the proposed Clairwood Logistics/Distribution Park. On the 25th June 2012, an application for environmental authorization was submitted to the Department of Agriculture and Environmental Affairs (DAEA), now known as the Department of Economic Development, Tourism and Environmental Affairs (EDTEA).

Notification to interested and affected parties (I & APs) commenced on the 3rd July 2012, and relevant adverts (Figure 4.2) were placed in newspapers as per the requirements of NEMA. KSEMS hosted an information evening at the Clairwood Racecourse on 20th August 2012.² The purpose of the meeting was to inform I & APs of the proposed development and to meet the applicant (CPF) and environmental consultants (KSEMS). In addition during the meeting the EIA process was presented. However, according to SDCEA this meeting was more of an exhibition with no interaction between the applicant, consultant and members of the community (Priya Pillay/13Jun16).

²Meeting was attended by members of; KSEMS, CPF, SDCEA, Merebank Residents Association (MRA) and residents.

The Draft Scoping Report was submitted to I & APs on the 27th August 2012 for comment and review. Comments on the EIA were provided by SDCEA, during which they raised concerns with regards to the proposed development:

Massive developments catered for economic concerns will no doubt have enormous impacts, certainly negative ones on too many sectors such as rapid and irreversible conversion of prime agricultural land, loss of numerous unique plant and animal communities and increased pollution of water and air resources. It goes without saying that developments often has substantial impacts on the quality and quantity of a community's air, land, water, health and well-being, social and biological resources. This will be the case with the Clairwood Racecourse potentially turning into a logistics and distribution center.³

The Final Scoping Report was submitted to the DAEA along with all comments received from SDCEA on the 19th November 2012. The DAEA approved the Scoping Report on the 19th December 2012. After receiving specialist reports the Draft EIA was compiled and submitted to I & APs on the 18th June 2013 for further comments.

Once again SDCEA provided comments regarding aspects of the EIA that they felt had not been adequately investigated. These concerns included; the chrome-6 contamination, effects on biodiversity, traffic impacts and potential social impacts. At an open evening hosted by KSEMS at the Clairwood Racecourse on the 18th July 2013 further comments on the Draft EIR was recorded.⁴ At the open evening, KSEMS and other specialists were invited to a community meeting hosted by the Krishna Rabilall Foundation on the 31st July 2013 at the Parasakthie Temple Hall. All comments received were included in the Final EIA and submitted to the DEAE for environmental authorization. The DEAE rejected the Final EIA on the 24th January 2014 pending submission of additional information. The additional information was gathered and incorporated into the amended

³Comment sent to the DEAE by SDCEA with regards to the EIA.

⁴ Meeting was attended by members of SDCEA, the Krishna Rabilall Foundation and residents.

Final EIA in November 2014. After which environmental authorization was granted on the 29th May 2015.

Classifieds

KERRY SEPPINGS ENVIRONMENTAL MANAGEMENT SPECIALISTS

Notice is hereby given that an application for environmental authorization in terms of the EIA Regulations, 2010 (Regulations in terms of Chapter 5 of the National Environmental Management Act, 1998, as amended) has been lodged with the KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development.

Capital Property Fund propose to construct a Logistics/Distribution Park and associated structures including bulk sewer connection, bulk water supply, bulk electricity supply, upgraded access roads due to the possible increase in traffic, possible railway siding, stormwater handling infrastructure. The development is approximately 350 000m². The coordinates for the proposed site are: 29°56'25.78"S and 30° 58' 05.31"E.

The proposed activity requires application subject to a Scoping and EIR assessment and all interested and affected parties (I &APs) are invited to register with the contact person on below within 14 days of the issuing of this notice. Representations with respect to this application may be made by phone, fax or e-mail. Please note that in order to continue to receive information regarding this project, you must register as an I & AP. A meeting may be held if requested. The time and venue of the meeting will be confirmed with registered I & APs.

Kerry Seppings Environmental Management Specialists cc
Contact: Ronell Kuppen
Phone: 031 769 1578
Fax: 031 769 1579
E-mail: kerry.seppings@telkomsa.net
Website: www.ksems.co.za

Figure 4.2 Advert placed in The Rising Sun, Merebank, July 2012

4.3.1 Land Usage

The Clairwood Racecourse falls within an important developmental node, which has been allocated within the BOP Plan commissioned by the Municipality as a key investment node (KSEMS, 2014). Prior to being sold The Clairwood Racecourse was privately owned. Following an application by CPF, the Clairwood Racecourse has been rezoned as part of a logistics zone.

The rezoning decision has been met with a vast amount of resistance from environmental organizations in the community, key stakeholders and residents. There was concern that the rezoning and logistics park will destroy the social fabric of surrounding communities and the sense of neighborhood that has formed over the years (Priya Pillay/13Jun2016):

The rezoning decision is an injustice and injudicious act on part of metro council and business, which will impact negatively on the people [residents] living in Merebank. It will create traffic congestion, pollution and devaluing of present residential areas (Respondent 4/27Jun2016).

The proposed development will consist of a variety of buildings and warehouses (Figure 4.3 and Figure 4.4), with the primary purpose of managing and organizing both national and international goods (KSEMS, 2014). However, the nature of the substances to be stored on the premises has not been disclosed (Priya Pillay/13Jun2016). This is of great concern as some of the containers could contain hazardous substances, which would be detrimental to the environment and communities, especially if there is a leak or spillage.



Figure 4.3 Architects Impression of the Clairwood Logistics/Distribution Park (KSEMS, 2014)



Figure 4.4 Artist Impression of the Proposed Logistics Park (Walford, 2016)

Currently, there is no certainty with regards to the number of individual buildings to be developed. However, it has been stated that approximately 60% of the available land will be transformed into the Logistics/Distribution Park, this estimate excludes the areas set aside for covered parking bays. This is of great concern as this leaves less than 40% of the available land to be used for the rehabilitation of wetlands and other environmental aspects currently on site.

4.3.2 Alternate Land Usage

A crucial step in the EIA process is the consideration of alternatives which is conducted to ensure that the developer has considered other feasible approaches, including alternative project locations, scales, processes, layouts, operating conditions and the ‘no action’ option (Glasson et al., 2013). In terms of the Clairwood Racecourse, CPF stated that they will only look at the option that makes the biggest profits:

Out all the options they [KSEMS] chose the logistics park. Their reasoning for choosing the option of a logistics park is because of the Dig out Port that is going to happen...this piece of land is critical to that development...feel that they will make

a lot of money due to the business that they will get
(Community Meeting/11Jun2016).

For the Clairwood Racecourse there were four alternatives that were presented by KSEMS. It has been further argued by SDCEA that the alternative uses of the site include, but are not limited to, residential use, office park activity and preservation as a potential industrial development green space. According to the EIA there are four alternatives with regards to the usage of the land these are:

- Alternative 1: The development of the entire site for a Logistics/Distribution Park.
- Alternative 2 (preferred option by developer): The development of a Logistics/Distribution Park on most of the site, retaining important environmental services where possible.
- Alternative 3: The development of heavy industry on the site.
- Alternative 4: The No-Go option: The Clairwood Racecourse will remain undeveloped(KSEMS, 2014).

Each of the above mentioned alternatives have their own advantages and disadvantages as depicted in Table 4.1.

Table 4.1 Advantages and Disadvantages of each Alternative for the Development for the Clairwood Racecourse (Adapted from KSEMS, 2014: p. 47 - 49)

	Advantages	Disadvantages
Alternative 1	<ul style="list-style-type: none"> • Provide logistics/distribution support for the Back of Port Area and potentially the proposed Dug-Out Port. • Employment opportunities during construction and operational phase. • Maximum financial return for the applicant. • Stimulate investment and trading opportunities in eThekweni and South Africa on a larger scale. • Lower impact of air emissions compared to Alternative 3. • Opportunity to develop and apply for the new “Logistics Zone: to be incorporated into the eThekweni Central Town Planning Scheme, providing an example to future developments in the zone. 	<ul style="list-style-type: none"> • Total loss of open space associated with the site. • Significant increase in heavy traffic on the immediate road network. • Potential loss of the rare Racecourse Lily site. • Loss of wetland system and associated services within the site. • Loss of fauna species on the property as there is no other large area of open space available in the area for the species to relocate to. • Total loss of landing area available to the Crowned Cranes which will result in the relocation of the Cranes to a more preferable site.

<p>Alternative 2</p>	<p>Provide logistics/distribution support for the Back of Port area and potentially the</p> <p>Employment opportunities during construction (4725 jobs) and operational phase (4667 permanent).</p> <p>Stimulate investment and trading opportunities in eThekweni and South Africa on a larger scale.</p> <p>The retention of open space elements associated with the proposed wetland conservation area.</p> <p>There is sufficient economic return to develop the Logistics/Distribution Park preserving environmental services where possible.</p> <p>The development is in line with sustainable principles allowing development taking into consideration environmental services.</p> <p>Opportunity to protect and conserve the rare Racecourse Lily.</p> <p>Upgrading the road network in the vicinity which would have required upgrading with the naturally increase in traffic volumes.</p> <p>Low impact of air emissions compared to Alternative 3.</p>	<p>Partial loss of the private open space associated with the racecourse.</p> <p>Increase in heavy vehicles on the immediate road network and significant upgrades required to surrounding road network.</p> <p>Partial loss of wetland system currently on site and associated ecosystems.</p> <p>Reduction in landing area available to the Crowned Cranes likely to result in the relocation of the Cranes to a more preferable site.</p> <p>Impact on the wetland system requiring offsite offsets.</p>
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Alternative 3	<p>Opportunity to develop and apply for the new “Logistics Zone: to be incorporated into the eThekwini Central Town Planning Scheme, providing an example to future developments in the zone.</p> <p>Opportunity to contribute significantly to crane conservation in South Africa.</p> <p>Opportunity to contribute significantly to conservation of the Pickersgill’s Reed Frog (if it is confirmed on the site).</p>	
	<ul style="list-style-type: none"> • Employment opportunities during construction and operational phase. • Stimulate investment in eThekwini. 	<ul style="list-style-type: none"> • Loss of open space and associated environmental services. • Increase emissions in an already problematic area. • No logistics/distribution support for the Back of Port area and proposed Dug-Out Port. • Increase in heavy traffic on the immediate road network. • Potential loss of the rare Racecourse Lily site.
Alternative 4 (No – Go)	<ul style="list-style-type: none"> • Entire “green lung” retained in the South Durban Basin. • There would be no heavy traffic increase in the immediate area. 	<ul style="list-style-type: none"> • Degradation of the entire site over time impacting negatively on the immediate neighborhood

	<ul style="list-style-type: none"> • The wetland system on site will not be disturbed at this stage. 	<p>resulting in the possible increase in crime.</p> <ul style="list-style-type: none"> • No new employment opportunities. • Lost opportunity to provide a sustainable means to development the strategically located piece of land and maintain a wetland conservation area. • Increased demand for trade and logistics in this area.
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Alternative 1 involves turning the entire site into a Logistics/Distribution Park, effectively eliminating the green space altogether, and in no way taking into consideration the needs of the local community. Alternative 2 involves developing the site, and leaving a small site as a green space. This is the option favored by the developers. However, this is not the best option in terms of the environmental, social and community impacts. Alternative 3 involves the development of industry in the area. However, due to the already compromised situation with regards to air quality in the SDB, this option is not viable. Lastly, there is the No-Go option, which involves leaving the site undeveloped; this has been disregarded by the developers (KSEMS, 2014). It is evident from Table 4.1 the EIA is heavily biased towards the logistics option, with the alternate usage options not being properly investigated.

4.3.3 Biological Impacts

The Clairwood Racecourse historically formed part of an extensive wetland system located between the Umbilo River and the Umlaas River (Page, 2012; Page, 2013). There are three substantially different wetland systems which occur on the site, namely in: the westernmost corner, in the northeast against the outermost track and within the innermost track in the front of the grandstands (Figure 4.5). These three sites are the only permanent water bodies on site, however the water table is still very high (Page, 2012). Thus, many wetland species are still found on site, despite the presence of various disturbances for example, trampling and regular mowing.



Figure 4.5 Location of wetlands within the Clairwood Racecourse (Adapted from: Prins, 2012)

The Clairwood Racecourse is also part of the D'MOSS program developed by Dr. Debra Robertson from the environmental planning and protection department (Maharaj, 2016). The purpose of D'MOSS is to preserve the city's ecological diversity and enhance living conditions (eThekweni Municipality, 2011b). The D'MOSS areas were intended to sustain habitats and ecological systems, as well as provide human life supports such as clean air and fresh water. Therefore, the development of the logistics park undermines the purpose of D'MOSS, and deprives the surrounding communities of clean air in an

area which already has one of the highest levels of pollution in the world (Aylett, 2010). The Clairwood Racecourse is the last green lung in the area, thus it serves as an offset for all the pollution already present in the SDB (Desmond D'Sa/13Jun2016):

Clairwood Racecourse is supposed to be an environmental offset for the destruction that's going to be done when they do the Dig out Port...if they have a Back of Port plan that is meant to keep the racecourse and the first thing that happens is that the racecourse goes...then one loses faith that there will be any idea of an environmental offset or any form of environmental standards related to the development of this area [SDB] (Public Meeting/28Jun2015.)

The D'MOSS program is a network of open space conservation and recreation areas, linked by open space corridors (Roberts and Diederichs, 2002). According to Page (2013) connections between the racecourse and surrounding remnant patches of the Umbilo-Umlaas Wetland System are still present. The old Durban airport site is close to the Treasure Beach complex and the Bluff Golf Course. The importance of these linkages is that the population of species of mobile organisms such as birds, amphibians and plants are likely to be distributed in other sites of the wetland system.

In terms of fauna on the site, a wide range of wetland birds occur on the site as either permanent residents or as occasional visitors. There is also a pair of semi-resident crown cranes; this is of particular importance as the species is highly threatened. The wetland floral species found are food for the crowned cranes. A heronry, in which Black – headed heron, Sacred Ibis and Reed cormorant breed was reported to occur in the south – west region of the site (Page, 2013).

However, according to (KSEMS, 2014) the Clairwood Racecourse has limited and questionable physical links with any other D'MOSS area. Furthermore, " *when developing the layout of the proposed Clairwood Logistics/Distribution Park, the applicant has taken into careful consideration the principal of sustainable development.* " (KSEMS, 2014: p. 10).

Hence, the developers have made a decision to keep aside approximately 13.87 hectares of green space on site. The extent of land will comprise of 7.46 hectares of wetland area in the north-east corner of the site (red ring, Figure 4.6). It has been proposed that they will plant two green swales on either side of the central road and a portion of the south-west corner is to remain undeveloped (green ring, Figure 4.6), bringing the amount of open green space on site to 13.87 hectares. Furthermore, they have proposed to secure 12 hectares of the wetland for the conservation of the Crowned Cranes and a further 3 hectares for the Pickersgill’s Reed Frog, effectively adding 15 hectares to the open green space off site.

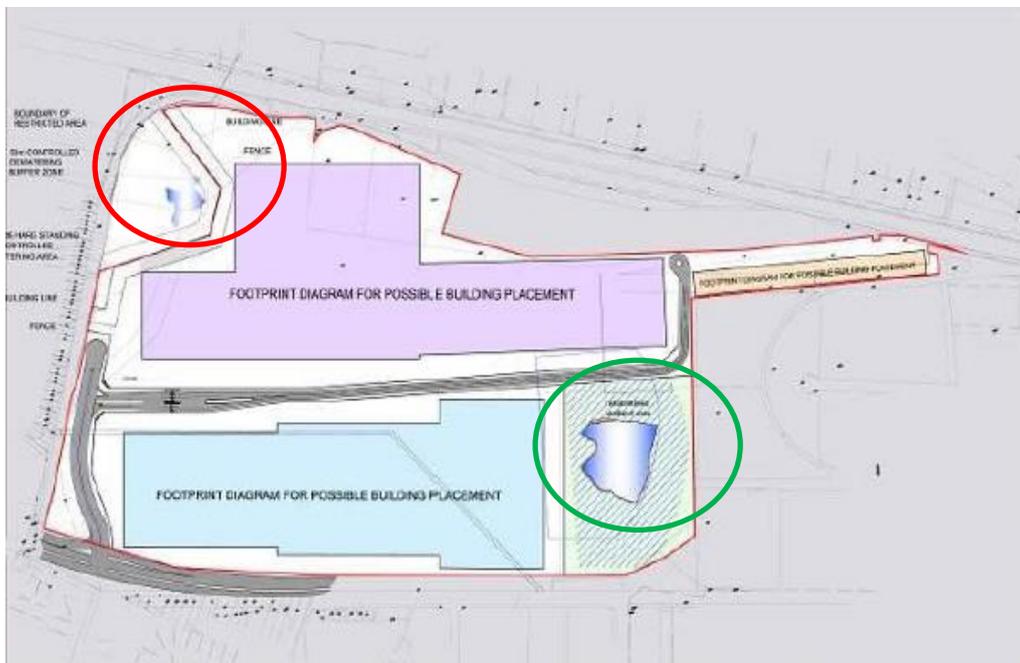


Figure 4.6 Proposed areas to be retained as green spaces (Adapted from: KSEMS, 2014)

If one examines the ratio between the amount of land being used for development and the amount being conserved it is a mere 37%. Furthermore, it has been emphasized in the EIA, via constant repetition that the 3 hectares being set aside for the Pickersgill’s Reed Frog will only be conserved should the presence of the amphibian be “confirmed on site” (KSEMS, 2014). This suggests that should their presence not be confirmed this land will also be developed, effectively decreasing the amount of open green space which will be conserved.

In terms of the floral species one with particular importance is *Kniphofia pauciflora* (Figure 4.8), which is commonly known as the Racecourse Lily. This particular floral species is a South African endemic, restricted to KwaZulu Natal. It is currently known to be in a single locality in Durban, namely, the inner field of the track in the Clairwood Racecourse (Bajjnath and Ramdhani, 2014) (Figure 4.7). Prior to 1956, *K. pauciflora* was known to have a wider distribution within the Durban area but populations were reduced as a result of urban development. *K. pauciflora* was thought to be extinct in the wild by the mid-1990s. However, in 2003 Prof. Himansu “Snowy” Bajjnath, a local botanist at the University of KwaZulu-Natal, discovered some specimens of the plant in the Clairwood racecourse (Carnie, 2011). Due to the sensitivity of the plants survival it has been suggested that the lily will be relocated to the conservation area (KSEMS, 2014). However, it has not been determined whether the lily will be able to flourish in its new environment. Hence, since the racecourse is the only natural site at which *K. pauciflora* can be found, changing its location could possibly lead to the species extinction.



Figure 4.7 Site at which *K. pauciflora* is situated in the Clairwood Racecourse (Bajjnath and Ramdhani, 2014)



Figure 4.8 The endangered *K. pauciflora* (Bajinath and Ramdhani, 2014)

In terms of faunal species there is particular emphasis on birds. A wide range of wetland birds occur on site, particular significance is given to a pair of semi-resident *Balearica regulorum*, commonly known as Grey Crowned Cranes. It is unlikely that the crowned cranes will be able to tolerate even moderate development of the site and the reduction of area available to them (Page, 2013). These cranes require long glide space for landing and open space for takeoff; they also forage over wide areas. The wetland floral species found on the site serve as food for the crowned crane. A 12 hectare offset has been set aside for the pair of crowned cranes (KSEMS, 2014). However, according to van Vuuren (2014) crowned cranes cannot be relocated as this has been proven to be unsuccessful in past developments. In addition to the crowned cranes, there is a pair of *Ciconia nigra* commonly known as Black Storks. It is unclear whether the Black Storks will remain once development commences.

In the south-west region of the site there is a heronry surrounded by large specimens of Eucalyptus. Even though the Eucalyptus is an exotic tree species, it serves as a nesting site for herons, egrets and other large and small wetland birds. This heronry is of great importance as only a few heronries are left in the Durban Metropolitan area. It is for this reason that the heronry needs to be preserved at all costs (Page, 2013). Removal of this heronry will impact significantly on bird diversity and population sizes, both on and off the site. Within this area several frog species also occur. Tall trees serving as wind breaks surrounding the racecourse also provide perching and roost sites for several bird species.

It is therefore evident that there are vast amount of biodiversity on site and given the occurrence of several threatened plant and animal species, the ethical alternative would be for no development to occur on site, and for the site to be restored as a functioning wetland.

Thus it is debatable as to whether or not the development of the site is in fact being done in synergy with the policy of sustainable development. Even though there are small areas set aside for the faunal and floral components of the area, the plans of management may not be efficient. Baijnath (2014) states that even though the task of creating a biologically diverse wetland, compromising of open water as well as a gradation of wetland habitats is said to be achievable. The habitat will nevertheless be secondary, and it will be near impossible to re-create the original conditions. Furthermore, the area will be very small in size, effectively decreasing the genetic diversity of the translocated species (Baijnath, 2014). Hence, it may be possible for one to manage the floral species. However, the possibilities of one being able to manage the area in which the faunal species reside may prove to be difficult, particularly with regards to semi-resident Crowned Cranes, which requires large grassland forage areas.

As mentioned earlier, the racecourse has been demarcated as part of the eThekweni D'MOSS program. This was done as the racecourse contains a particular type of habitat known as North Coast Grassland, a remnant of what was previously a vast ecosystem in the South Durban area (KSEMS, 2014). The North Coast Grassland has been listed as being critically endangered in terms of the National Environmental Management: Biodiversity Act, 2004. Therefore, environmental authorization is needed prior to any clearance activities. In light of this legal position, the vegetation specialist contracted by KSEMS states: *“The herbaceous layer is regularly disturbed by trampling and mowing with “very little indigenous vegetation” occurring on the site”* (KSEMS, 2014: p. 58).

However, the term “very little” has not been quantified, and is unscientific and subjective. This gives an impression that the contractors have no respect for the law and the environment. Hence, it is evident that the development of this land will have numerous negative impacts for the environment, for example, the loss of natural resources and possibly the extinction of species. By proceeding with the project the developers (CPF)

are destroying the natural aspects of the environment. The green lung space will be destroyed, with adverse consequences for the environment and the community.

4.3.4 Social Impacts

Social impacts refers to specific action, which alters the daily way in which people live, work, relate to one another and organize to meet their needs and generally cope as members of society (Du Pisani and Sandham, 2006). The aim of a SIA is to assess the social consequences, whether intended or unintended, positive or negative, that is likely to occur as a result of developments.

Its purpose is to answer the following question: “Will there be a measurable difference in the quality of life in the community as a result of the proposed action?” (Du Pisani and Sandham, 2006: p.708). SIA is important as it aids planners, project proponents, the impacted population and decision-makers to understand and be able to anticipate the possible social consequences of a proposed development.

In terms of the SDB there has always been tension surrounding the social dynamics, mainly due to the conflicts between the industries and the local communities. The SDB has a history of forced removals based on environmentally racist planning, which led to the development of a core of heavy industry surrounded by low-income black residential areas (Scott and Barnett, 2009). It is therefore evident that by developing the last urban green space in the area, a vast and informative SIA would be necessary.

Dr. Edwin. C. Perry, Prof Urmilla Bob and Suveshnee Munien were appointed by KSEMS to conduct a SIA for the proposed development of the Clairwood Logistics/Distribution Park. The SDB consists of a population of approximately 280 000 people (eThekweni Municipality, 2011a). When the SIA was conducted only 102 residents within the community were interviewed and 20 businesses. According to Desmond:

The fault lies at the academics because Prof Urmilla Bob who has done the research should know that the research needs to be wider and include more people. She should have advised the company [CPF] that research of this nature...should encapsulate people all over and more importantly include people using the roads at peak hours(Desmond D'Sa/13Jun2016).

The SIA covered the following thematic aspects: demographic profile of households and businesses surveyed, perceptions of current residential and business location, perceptions pertaining to traffic congestions which emerged as a main community concern during the public participation process, current use of the Clairwood Racecourse by households and businesses, knowledge of the change of land use from the Clairwood Racecourse to the Clairwood Logistics/Distribution Park (including perceptions regarding the types of activities that should be located in and around the Clairwood Racecourse), perceived potential impacts of the Clairwood Logistics/Distribution Park project, knowledge of and involvement in the public participation process (including willingness to participate in future processes) and perceptions regarding the role that the Clairwood Logistics/Distribution Park can play in the community (Perry et al., 2013).

In order to determine which households would be interviewed a Geographic Information Systems (GIS) map was generated of the area under study and key roads were identified. However, no GIS map is presented in the SIA report, rather there is a Google earth image presented. As a result interviews with residents were conducted over thirty-six roads while interviews with business owners were conducted in eleven roads owing to the fact that there are fewer businesses in the area (Perry et al., 2013). No interviews, however, were conducted with school principals this is of great concern as the well-being of scholars is a particular concern for the community. Additionally, no interviews were conducted with religious organizations namely the Merebank Sanathan Dharma Woonathee Sabha, who are immediate neighbors of the racecourse on the southern boundary, only being separated by the railway line (Respondent 3/20Jun2016). This also applies to the Merebank Parasakthie Alayam and the adjacent mosque:

As a community no one has come to us [Merebank Sanathan Dharma Woonathee Sabha] and no letters were sent to us. There was no consultation whatsoever with us being a direct member. Adjacent temples [Merebank Parasakthie Alayam] and mosque was not consulted either (Respondent 2/17Jun2016).

The residents and business owners ranged from 18 – 86 years in age and 18 – 73 years in age respectively. In terms of historical racial categories, most of the respondents were Coloreds (52%) followed by Indians (43.1%) and African (4.9%). None of the residents interviewed were White (Perry et al., 2013).

During the process of the SIA it emerged that residents used the racecourse for leisure purposes. As indicated in Table 4.2, 86.9% of the residents used the racecourse for leisure purposes such as picnics, bird watching and relaxation. Furthermore, there is no other space in the area which can be utilized for these activities. Residents also used the racecourse for social gatherings and personal functions during the course of the year.

Table 4.2 Usage of the Clairwood Racecourse (Perry et al., 2014: p. 27)

	Residents (n=61)	Business (n=6)
For leisure purposes (relax, picnic, etc.)	86.9	83.3
To walk to other areas in the community/ use of thoroughfare	4.9	-
Work in the Racecourse	3.3	-
Betting/ gambling	4.9	-
Attend events/ functions held in racecourse venues	6.6	16.7
Take-away restaurant	1.6	-
Pick up customers	-	16.7

Table 4.3 Benefits gained from the Clairwood Racecourse (Perry et al., 2013: p 28)

	Residents (n=45)
Visual benefit	80
Stormwater attenuation (flood prevention)	24.4
Bird attraction	48.9
Other environmental benefit	48.9
Entertainment (horse racing, events)	6.7
Family days	2.2
Halls for functions	4.4

It is evident from Tables 4.2 and 4.3 that the racecourse is important to the residents. In some way or the other, residents have gained value from the presence of the racecourse. In the racecourse there used to be a function's venue which was utilized by the public (Respondent 2/17Jun2016).

According to the SIA report, residents identified the following major problems: Environmental problems (61.8%), lack of employment opportunities (60.8%), poor health (41.2%), unable to afford services such as electricity and water (36.3%), not enough land (24.5%) and conflicts (9.8%) (Perry et al., 2013). Environmental problems were of the highest concern for residents. They are already living in an area that is highly polluted due the presence of industries surrounding the area. The SDB also has some of the highest levels of respiratory illnesses and cancer recorded (Aylett, 2010).

Without this new development Merebank has been heavily polluted, now we are going to get more pollution from the vehicles which will increase the chemical levels in the area. It is going to impact on the general clean air in the area
(Respondent 4/27Jun2016).

Thus it is evident that with the development of the racecourse there will be further environmental degradation, and the associated negative impacts on the quality of life of residents will increase. This concern has been raised repeatedly by SDCEA in all comments presented to KSEMS.

According to the SIA report, the majority of the respondents 96.1% (residents) and 95% (businesses) believe that the development should actually support community projects (Perry et al., 2013). The developers way of responding to such a request is to contribute a sum of R2 million to upgrade the educational facilities in the area as a social offset (KSEMS, 2014). However, this amount is particularly minimal if one takes into account that the company has already spent R430 million for the purchase of the site, and plans to spend a further R2 billion to develop it (Public Meeting/28Jun2015).

One of the positive impacts resulting from the development is supposedly the creation of jobs for the local community: “*Employment opportunities during construction will amount to 4725 jobs and during the operational phase there will be 4667 permanent jobs available*” (KSEMS, 2014: p. 48).

It is clear that there will be employment opportunities during the construction phase of the project, however these jobs fall away once the development is complete. Furthermore, as conceded in the EIA: “*A logistics park consists of large separate developments that do not have high numbers of employees but operate 24 hours a day 7 days a week*” (KSEMS, 2014; p: 41).

Hence, this notion of creating job opportunities seems to be illusionary. Additionally, there is no guarantee that CPF will employ residents from the SDB. In such a case residents of the surrounding communities do not gain in any way from the development. South Africa already has a deficiency in the amount of jobs opportunities available. Therefore money used to develop the Clairwood Racecourse should rather be invested in creating jobs that would last and benefit the people in the long run (Public Meeting/28Jun2015).

Furthermore, Clairwood is valued by the community because the area provides jobs and business opportunities for all income levels (Bracking and Diga, 2015). In a study done by Bracking and Diga (2015), residents stated that the presence of industries as well as formal businesses in the area provide community members with employment opportunities. In addition to formal jobs many residents have informal businesses such as selling fruit, vegetables, sweets and cigarettes on the street. However, with the proposed development these individuals fear losing their jobs and businesses, which could

ultimately mean losing their livelihoods (Bracking and Diga, 2015). If residents are forced to relocate there is no guarantee that they will find such employment opportunities elsewhere.

Residents were asked what, in their view, the racecourse should be used for and the responses were as follows:

- Retention of open space (43%)
- Retention as a racecourse (37%)
- Logistics park retaining environmental features (15%) (Perry et al., 2013).

This suggests that the residents do not support the developmental plans for the racecourse.

SDCEA as well as members of the community have clearly stated that the preferred option from a community perspective would be for the racecourse to be rezoned as a recreational site. According to Priya Pillay/13Jun2016 the racecourse should have been rezoned as a recreational site:

The Clairwood Racecourse was a place of recreation and a green lung...it uplifted people. By having an industrial development it just promotes the idea of economic development over environmental and social development.

These sentiments have been further emphasized by community residents, who have over the years used the space as recreational site:

I have lived in Merebank for 57 years and used to take the children there. I am not happy that the Clairwood Racecourse is being rezoned to an industrial park. That should have been rezoned for small businesses with a recreational area for residents (Respondent 1/13Jun2016).

Furthermore, the SIA also concluded that “most respondents believed that the space should be left as is” (Perry et al, 2013.: p. 46).

According to SDCEA, the Clairwood Racecourse has been set aside as an emergency holding area, due to the nature of the industries surrounding the area; should a fire or explosion occur, the community needs a safe place in which all residents can gather. Thus the need for such an area is of utmost importance. However, this usage of the racecourse has not been mentioned in the SIA or EIA. When questioned about this during a meeting held on the 31st July 2013 at the Parasakthie Temple Hall the response from the respective consultant who conducted the SIA was that during the social survey there was no mention of the Clairwood Racecourse being an emergency holding area. In addition Brett Goodwill from the eThekweni Municipality has stated:

The Clairwood Racecourse was identified in our original emergency plan as the emergency holding area for communities affected by catastrophic incidents occurring in the South Durban Basin. The South Durban Emergency plan was reviewed approximately 2 years ago and the decision taken then was to rather utilize the local community halls as emergency holding areas/mass care centers. So in response to the communities concerns the racecourse is no longer identified in our plan as an emergency holding area.⁵

However communities were not informed of the change in the emergency plan. Furthermore, the use of local community halls becomes an issue as these halls are limited in terms of size and capacity. Moreover, when not in use the halls are locked and in most cases can only be opened by certain individuals. Therefore, the fact that the Clairwood Racecourse is a public venue and large in size meant that it was the ideal location for members of the community to congregate in case of an emergency. According to Desmond D'Sa (13Jun2016) this suggests that the developers and associated consultants have “no respect for lives” of the surrounding communities.

Other impacts associated with the Clairwood Racecourse include an increase in air pollution and noise pollution. According to Barnett and Scott (2007) the residential areas of South Durban suffer from high levels of air, ground and water pollution, due to their

⁵Email from KSEMS to Clairwood I & APs.

proximity to two oil refineries, a paper and pulp factory and numerous petrochemical plants. Industrial air pollution has been a pressing concern for the predominantly black local communities in South Durban for decades (Barnett and Scott, 2007).

The Clairwood Racecourse as mentioned previously is the last remaining green lung in the area; it has to some extent relieved the surrounding communities from the vast amounts of pollution already present in the atmosphere. By developing this land into a Logistics/Distribution Park the communities lose any benefits that the racecourse has provided. Additionally, with high numbers of trucks travelling through the area levels of pollution are expected to increase due to the fumes produced and the lifting of dust particles as a result of improper road infrastructure. This could result in an increased occurrence of respiratory diseases such as asthma.

This area was the our green lung providing us with a fair amount of oxygen, now that it is being developed, it is going to increase the problems of asthma and wheezing in the area
(Respondent 4/27Jun2016).

With a Logistics/Distribution Park noise pollution does become an issue. During the construction phase there is likely to be large amounts of noise pollution from construction vehicles and building operations, Thereafter noise pollution will occur from the constant presence of trucks on the roads and the movement of containers on and off the trucks once the Clairwood Logistics/Distribution begins operating. In the EIA it states that noise is likely to occur during the 'day period' (06h00 to 22h00). This is of concern to residents as these are the functional hours during which most daily actions are undertaken. During these functional hours businesses are operating and schools are in session in the morning. In the afternoons children are completing homework and it is generally family time (Desmond D'Sa/13Jun2016).

These large amounts of noise during this time will cause many disruptions. In addition to this religious organizations have raised concerns that the presence of large numbers trucks as well as the loading and offloading of containers will disturb the solace and

tranquility required for praying and mediating (Respondent 2/17Jun2016 and Respondent 3/20Jun2016).

From a temple perspective it affects the peace, tranquility and the solace of the environment, because we have meditations, classes and sathsangs...also a venue for hindu weddings
(Respondent 3/20Jun2016).

Ultimately the presence of noise pollution associated with the trucks and the development will make it impossible for the religious organizations to function as a place of worship.

An additional concern for SDCEA, other environmental organizations and residents is the presence of hexavalent chromium commonly known as chrome-6, in the Clairwood Racecourse. Chrome 6 contamination occurred as a result of the Bayer/Lanxess manufacturing plant in Tomango Road which produced chrome 6 up until 1991 (Ambler, 2008). An area of 9500m² in the race course has been contaminated by chrome 6. If inhaled, chrome 6 increases the risk of lung cancer and problems like ulcers in the nose and perforation of the septum. If swallowed it can cause digestive issues, stomach ulcers and organ damage (Rose-Innes, 2005).

Being an airborne pollutant all concerns presented by SDCEA is valid. By developing the Clairwood Racecourse the ground under which the chrome 6 is present will be disturbed, causing the chrome 6 to move. Lanxess have been conducting remediation processes, particularly in the south-west corner of the racecourse and have suggested that no construction be conducted close to the site (KSEMS, 2014). KSEMS have stated that the chrome 6 land has been cordoned off.

All measures are to be taken to ensure that the chrome on site does not spread. Lanxess have provided input throughout the assessment and polluted areas have been identified particularly in the south-west corner where chrome levels are currently being monitored by Lanxess” (KSEMS, 2014: p. 141).

However, according to Desmond D’Sa (13Jun2016) all information pertaining to the chrome 6 has been very confidential. He believes that the developer (CPF) and KSEMS should have been upfront with the community in terms of the chrome 6 remediation plans.

Desmond D'Sa (13Jun2016) is concerned about the social ills that will increase as a result of the development, and these include but are not limited to: taverns, trucking accidents, drugs and prostitution. These social ills are already present in the adjacent Jacobs area. The consultants have not included the analysis of social ills in the SIA. Instead according to the SIA the SDB *“is deemed to be a relatively safe community for those who live and are involved in business activities in this location.”* (Perry et.al., 2014, p. 16-17).

Thus it is evident that whilst a SIA was conducted it was highly flawed and did not adequately inform residents of the impacts associated with such a development. There are serious concerns regarding the SIA, according to Desmond D'Sa/13Jun2016 the consultants did not investigate the high levels of unemployment present in the area, they did not consider the cost of living in the SDB and the fact that these cost will increase with the increase in pollution. Additionally, a serious omission from the SIA was consequences of the increase in traffic.

4.3.5 Traffic Impacts

One of the major issues concerning both residents and environmental organizations regarding the development is the influx of trucks that will be travelling through the area once the development is complete. According to the EIA: *“The Logistics Park is expected to generate a total of 3362 vehicles per hour during AM and PM peak hours.”* (KSEMS, 2014: p. 41).

This total does not take into account the existing traffic in the area as well as the current and future public transport facilities. The developer plans to provide a formal on-street rank as part of the road network improvements. Therefore it has been suggested that the total traffic generation can be reduced to two thousand eight hundred and eighty three vehicles during the AM peak hours and two thousand nine hundred and nine during the PM peak hours. Even though this does provide a slight reduction in the number of vehicles present on the road, the fact that the roads are very narrow (mainly one lane and two lane roads) is of great concern as this can result in a higher number of accidents.

Residential roads are not designed for huge trucks and heavy duty vehicles coming in and out on a daily basis. By having the Clairwood Racecourse developed into a logistics park it is

obviously going to increase in trucking (Priya Pillay/13Jun2016).

The main access point to Clairwood is of the M4 at the northern end of Basil February Road (Figure 4.9). This is the proposed access route which the trucks will be using. However, this large influx of heavy vehicles into the area is of great concern to the community and environmental organizations, due to the fact that residents also use this access point for entering and exiting the area. This means that due to the increase in traffic a gridlock situation will be unavoidable during certain hours of the day.



Figure 4.9 Basil February entrance into Merebank and Clairwood (Aurecon, 2014: p. 8)

Trucks will be parking on the side of roads and pavements; this area is home to thousands of residents who use these roads on a daily basis (Figure 4.10). Furthermore, this access point is used as an informal pick up point for minibus taxis, where the majority of the passengers are scholars travelling from surrounding communities to schools in Wentworth and Merebank. Scholars travel daily between 7h00 and 8h00 in the morning to school and then again between 14h00 and 15h00 when they are going home (Figure 4.11).



Figure 4.10 Informal drop off and pick up points used by scholars on a daily basis
(Source: SDCEA)



Figure 4.11 Scholars travelling to school in the morning (Source: SDCEA)

There are 5 schools in the Wentworth and Merebank area, a large amount of the scholars attending these schools either walk or use the public transport available (Figure 4.11). The increase in traffic will put the lives of these children in danger. The sheer size of the trucks makes it very easy to obscure children from the driver's vision; this could lead to accidents which could result in the loss of these very young lives.

In order to assess the intensity of thousands of trucks coming into the area, In March 2013 Aurecon performed a Traffic Impact Assessment (TIA) on behalf of KSEMS, which was amended in August 2014. The report addresses the traffic impact of the proposed logistics park surrounding road networks. The Aurecon report makes little or no reference to scholars walking through the intersection (Figure 4.12). This is inconsistent with the responses from the key informant interviews in the present study. Closer inspection reveals that the Aurecon statistics were collected on the 2 December 2013 (Figure 4.12), 2 days before the schools close for the summer vacation. It is common knowledge that once examinations have been completed, students do not attend school. Whether this was deliberate or not, this omission by Aurecon favors the developers, and raises questions about the credibility of the TIA report.

CLIENT:	AURECON										
SITE:	INTERSECTION OF M4 AND BASIL FEBRUARY ROAD (EAST OF INTERCHANGE)										
DATE:	12 HOUR COUNT ON MONDAY 02 DECEMBER 2013										
UNITS:	CLASSIFIED										
NAME MOVEMENT TIME	PEDESTRIANS WALKING ALONG BASIL FEBRUARY ROAD (NORTH SIDE EAST TO WEST)				PEDESTRIANS WALKING ALONG BASIL FEBRUARY ROAD (NORTH SIDE WEST TO EAST)				TOTAL BOTH DIRECTIONS		
	60-	60+	Scholar	Infant	TOTAL	60-	60+	Scholar	Infant	TOTAL	
06:00 - 06:15	2	1	0	0	3	3	1	0	0	4	7
06:15 - 06:30	1	0	0	0	1	1	0	0	0	1	2
06:30 - 06:45	1	0	0	0	1	3	0	0	0	3	4
06:45 - 07:00	7	0	0	0	7	13	0	0	0	13	20
07:00 - 07:15	0	0	0	0	0	6	0	0	0	6	6
07:15 - 07:30	1	0	0	0	1	8	0	0	0	8	9
07:30 - 07:45	0	0	0	0	0	5	0	0	0	5	5
07:45 - 08:00	0	0	0	0	0	1	0	0	0	1	1
08:00 - 08:15	1	0	0	0	1	0	0	0	0	0	1
08:15 - 08:30	1	0	0	0	1	1	0	0	0	1	2
08:30 - 08:45	0	0	0	0	0	0	0	0	0	0	0
08:45 - 09:00	0	0	0	0	0	3	0	0	0	3	3
09:00 - 09:15	0	0	0	0	0	0	0	0	0	0	0
09:15 - 09:30	1	0	0	0	1	5	0	0	0	5	6
09:30 - 09:45	2	0	0	0	2	3	0	0	0	3	5
09:45 - 10:00	1	0	0	0	1	3	0	0	0	3	4
10:00 - 10:15	1	0	0	0	1	5	0	1	0	6	7
10:15 - 10:30	9	0	0	0	9	7	0	0	0	7	16
10:30 - 10:45	6	0	0	0	6	0	0	0	0	6	6
10:45 - 11:00	1	0	0	0	1	2	1	0	0	3	4
11:00 - 11:15	5	0	0	0	5	1	0	0	0	1	6
11:15 - 11:30	8	0	0	0	8	1	0	0	0	1	9
11:30 - 11:45	1	0	0	0	1	2	0	0	0	2	3
11:45 - 12:00	3	0	0	0	3	3	0	0	0	3	6
12:00 - 12:15	2	0	1	0	3	6	1	0	0	7	10
12:15 - 12:30	2	0	0	0	2	3	1	0	0	4	6
12:30 - 12:45	4	0	0	0	4	4	0	0	0	4	8
12:45 - 13:00	2	0	0	0	2	1	0	0	0	1	3
13:00 - 13:15	4	0	1	0	5	4	0	0	0	4	9
13:15 - 13:30	0	0	0	0	0	0	0	0	0	0	0
13:30 - 13:45	0	0	0	0	0	0	0	0	0	0	0
13:45 - 14:00	5	0	0	0	5	0	0	0	0	0	5
14:00 - 14:15	12	0	1	0	13	3	0	0	0	3	16
14:15 - 14:30	7	0	0	0	7	3	0	0	0	3	10
14:30 - 14:45	2	0	0	0	2	1	0	0	0	1	3
14:45 - 15:00	7	0	0	0	7	2	0	0	0	2	9
15:00 - 15:15	2	0	0	0	2	2	0	0	0	2	4
15:15 - 15:30	5	0	0	0	5	2	0	0	0	2	7
15:30 - 15:45	4	0	0	0	4	6	1	0	0	7	11
15:45 - 16:00	9	0	0	0	9	5	0	0	0	5	14
16:00 - 16:15	12	0	0	0	12	0	0	0	0	0	12
16:15 - 16:30	4	0	0	0	4	5	0	0	0	5	9
16:30 - 16:45	16	0	0	0	16	0	0	0	0	0	16
16:45 - 17:00	16	0	0	0	16	6	0	0	0	6	22
17:00 - 17:15	17	0	0	0	17	9	0	0	0	9	26
17:15 - 17:30	30	0	0	0	30	4	0	0	0	4	34
17:30 - 17:45	6	0	0	0	6	10	0	0	0	10	16
17:45 - 18:00	10	0	0	0	10	7	0	0	0	7	17
TOTAL	230	1	3	0	234	159	5	1	0	165	399

Figure 4.12 Pedestrian Count (Aurecon, 2014: p. 153)

The developer's solutions to the traffic concerns are to modify the current road systems in the area. These modifications include (Figure 4.13):

1. Re-configuring of the interchange by increasing the distance between the interchange intersections.
2. Linking all the signalized intersections in Basil February Road to provide progression.
3. Increasing the capacity of the southern M4 off and on ramps to/from Himalayas Road.
4. Increasing the capacity of the intersections to the north of the site (Barrier Lane, Richard Carte Road, R102) (Aurecon, 2012: p. 96).



Figure 4.13 Proposed interchange upgrades (Aurecon, 2014: p. 87)

With the proposed road infrastructure upgrades, there will be a flyover built linking to the southern freeway, as a result a support structure will need to be constructed adjacent to the boundary of the Merebank Sanathan Dharma Woonathee Sabha (red circle, Figure 4.13). This is a major concern as there has already been damage to the temple property from the passing heavy duty vehicles (Respondent 3/20Jun2016). The vibrations caused by the trucks have resulted in cracks forming in some of the buildings, particularly the supervisor's quarters. Additionally, with the supporting structure being constructed on the boundary line of the temple grounds and encroaching the temple property, it is expected that the grounds will reduce in size; this is of great concern as throughout the year Hindu devotees attend sathsangs, recitals and prayer meetings, this means that they need space to park vehicles. Devotees have raised concern that travelling time from their homes to the temple and back will increase. At the moment travelling time is approximately five minutes, with the increase in trucks on the road it is expected that travelling will increase to fifteen minutes (Respondent 5/5Jul2016).

In objecting to the project, the Merebank Sanathan Dharma Woonathee Sabha argued that it was once again facing the threat of relocation, like under the apartheid era:

*The Merebank Sanathan Dharma Woonathee Sabha was relocated to its present site as a result of Group Areas displacement. By granting permission to the proposed logistics park the government will be perpetuating a form of neo-apartheid by forcing the temple and its congregation to be relocated, and showing callous disregard for the devastating negative impacts on a community which was similarly disadvantaged under the apartheid era.*⁶

In the SIA conducted, it was apparent that many of the residents were concerned with the influx of traffic in the area. Residents and business were asked about what they thought the reasons for traffic congestion was. Their responses were as follows:

Table 4.4 Major causes for traffic congestion (Perry et al., 2014: p. 25)

	Residents (n=102)	Business (n=20)
Not applicable/ no response	35.3	20
Road (too narrow)	35.3	45
Badly constructed roads	16.7	20
Too many vehicles used by residents	21.6	45
Too many heavy/ commercial vehicles	38.2	40
Taxis/ combis	2.0	5
Blind rise on road	1.0	-
Many people use the bridge as a short cut	1.0	-
Many children from outside area attending schools	1.0	-
Too much construction	1.0	-
Poor drainage causes congestion during bad weather	-	5

From Table 4.4 it is clear that the residents have classified heavy/commercial vehicles as the main cause of traffic congestion. In the concluding remarks of the SIA, it is stated: “Those who did experience traffic congestion experienced normal peak hour congestion” (Perry et al., 2014: p: 46).

In the EIA it is clearly stated:

⁶ Letter written as part of the appeal by the Merebank Sanathan Dharma Woonathee Sabha.

“The residents felt that the main causes of traffic congestion were too many heavy/commercial vehicles on the road, that the roads are too narrow, too many vehicles are used by residents and that the roads are badly constructed” (KSEMS, 2014: p. 64).

However, no measures have been taken to address these concerns, except the adjustments made to the road infrastructure, which suggests that relocation of residents is in the pipeline. During the SIA process relocation came up as one of the main issues concerning residents with regards to the development of the Clairwood Racecourse.

Approximately, 53% of the residents voiced concerns of being relocated. Such concerns have been categorized by KSEMS as being “unfounded fears” which have occurred as a result of misinformation. In the EIA, however, there are recommendations for road upgrades where the current intersections and roads will not cope with the predicted increase in traffic (KSEMS, 2014). The key issue is how this upgrade will be made possible without the relocation of families from certain houses. According to Maharaj (2014) the communities of Durban South have endured hardships in both the apartheid and democratic eras, with respect to forced removals. Thus it would seem as if the communities will be reliving these hardships with the development of the Clairwood Logistics/Distribution Park.

The regular occurrence of accidents is an additional concern raised by residents and organization members. According to Bond (2014) truck related deaths and injuries occur weekly across Bluff, Clairwood, Jacobs and Wentworth. In the decade 2003 – 2013 ten Clairwood and Bluff residents were killed by truck accidents. In 2012 alone seventy people were killed in the course of 7000 truck related accidents in Durban, most of the trucks were freight trucks (Bond, 2014b). In September 2013, twenty three people were killed by a runaway freight truck on the Fields Hill section of the alternative highway from Johannesburg (Bond, 2014b).

In order to highlight the hazards posed by trucks, reference will be made to an accident which occurred on the N3 near the Marianhill Toll Plaza on the 8 October 2014. The accident was caused when a collision occurred between two trucks travelling in the same

direction, thereafter a third truck collided into the stationary vehicles. This accident occurred around 7am and the clearance operation lasted approximately 8 hours. As a result of the accident one lane was closed and traffic had to be diverted. The accident caused the death of one individual and six others were severely injured (Manda, 2014). If the accident on a national road (N3) could result in such tragic situations, the consequences on much narrower residential roads in Clairwood will be far greater.

The roads in Clairwood are narrow; therefore if a lane had to be closed it would result in an entire area being closed to local residents. Furthermore, there is no space for traffic to be diverted in the area; this could result in the residents being further inconvenienced. In light of these impacts residents and community organizations have requested for a strategic plan for traffic improvements from the municipality. However, Roshan Ramdheen, chairperson of CRAC, reported at a public meeting held on 11 June 2016, that the municipality response was that the information is “too sensitive”.

According to Desmond D’Sa (13Jun2016), there are railways tracks available which can be utilized for the transportation of goods. However, the developers have not really considered this transport option. This mode of transport will not only take the pressure of the roads in the community, but will aid the developers in moving away from “dirty transport”. Furthermore, with increased traffic there is an increase in pollution and noise that is unbearable. Particularly in a community which already has to face these problems on a daily basis.

4.4 Resistance to Rezoning

South Durban has a history of civic struggle through which residential communities fought for a better living environment, housing, jobs and other reproductive needs (Scott and Barnett, 2009). With regards to the development of the Clairwood Racecourse, there are various stakeholders who are actively contesting the development of the racecourse due to environmental concerns and the history of the site.

The decision to rezone the racecourse land has been met with resistance from communities in the SDB. If the rezoning application is approved, then it will affect the communities in a number of ways. Firstly, there will be thousands of trucks on the road. This will result in high levels of truck related accidents and will contribute to traffic

congestion. The high levels of truck emissions will have severe impacts on a community that is already suffering from high levels of pollution produced by industry.

4.4.1 South Durban Community Environmental Alliance (SDCEA)

SDCEA is an umbrella organization, made up of fourteen civic and residential organizations which was established in 1996 (Scott and Barnett, 2009; Leonard and Pelling, 2010). SDCEA has had a variable membership, made up of civic organizations, church groups, women's organizations, ratepayer's associations, as well as environmental groups (Barnett and Scott, 2007). Its strongest base is in the former Indian area of Merebank and the former Colored area of Wentworth. SDCEA contributes to the struggle against environmental racism, environmental justice and environmental health in the SDB.

SDCEA aims to counter the contemporary impacts of industrial expansion by mobilizing communities in South Durban, as well as networking with international organizations and funders (Scott and Barnett, 2009). SDCEA has established itself as one of the biggest and most influential environmental movements in South Africa. They have engaged in combined action to challenge industry and local government regarding the various environmental challenges faced by communities in the SDB (Scott and Barnett, 2009).

SDCEA has succeed in coordinating campaigns and mobilizations around environmental and social problems across spatially separated, racially divided and class divided communities (Barnett and Scott, 2007). SDCEA is considered to be successful for many reasons, one of which is that it is a vocal and attentive grouping in terms of lobbying, reporting and researching industrial harmful activity in the area (Reid and D'Sa, 2005).

As an organization SDCEA has contributed to hundreds of EIAs, by providing information and technical assistance to local communities, in order to challenge 'dirty' expansion developments (Reid and D'Sa, 2005). SDCEA is one of the major environmental organizations which are opposing the development of the Clairwood Racecourse into a Logistics/Distribution Park. SDCEA has been actively involved in all meetings with KSEMS and CPF, have initiated community mass meetings in conjunction with CRAC, and organized marches and demonstrations in opposition of the Clairwood Racecourse development.

4.4.2 Protest Action

Protest action against the sale and rezoning of the Clairwood Racecourse had begun prior to the sale to CPF. According to Desmond D'Sa, SDCEA took the sale of the Clairwood Racecourse very seriously, due to the negative impacts the proposed development will have on the surrounding communities (Nair, 2012). Since June 2012, SDCEA had been initiating strategy meetings to oppose the sale of the Clairwood Racecourse. However, Gold Circle proceeded with the sale to CPF.

Thereafter SDCEA made contact with KSEMS once an application for environmental authorization was submitted to the DAEA on 25th June 2012. SDCEA raised concerns about the proposed development in light of the fact that the Clairwood Racecourse is the last green lung in the SDB, an area which is already highly industrialized and polluted.

SDCEA has commented on all environmental documents presented to the DAEA by KSEMS. In addition they have organized marches, demonstrations and public meetings, in order to bring awareness to the injustices that will arise from developing the racecourse. Members of the community were informed of key events via emails, pamphlets, flyers and advertisements in local newspapers. In conjunction with CRAC, SDCEA has successfully raised awareness with regards to the Clairwood Racecourse development.

Table 4.5 Key marches, demonstrations and meetings

	Protest Action	Date	Figure
1	Protest March from Kwa Pixley Ka Seme Street	29/03/2014	Figure 4.14
2	Picket outside Clairwood Racecourse entrance	25/06/2015	
3	Mass Meeting held at MTSS Hall	28/06/2015	Figure 4.15
4	Durban July Protest outside the Greyville Racecourse	04/07/2015	Figure 4.16
5	Appeal Hand In	17/07/2015	Figure 4.20
6	Mass Meeting held at MTSS Hall	16/09/2015	
7	Peace Walk from AFM Church to Greyville Racecourse	19/09/2015	
8	Rally outside Clairwood Racecourse entrance	03/10/2015	Figure 4.17
9	Public Meeting at Merebank Community Centre	10/02/2016	
10	Demonstration outside the Clairwood Racecourse	12/03/2016	Figure 4.18
11	Durban July Protest outside the Greyville Racecourse entrance	02/07/2016	Figure 4.19



Figure 4.14 Pamphlet distributed to communities advertising protest march



Figure 4.15 Mass meeting held at MTSS Hall (Source: SDCEA)



Figure 4.16 Pamphlet distributed to community advertising the Durban July Protest (Source: SDCEA)



Figure 4.17 Rally outside the Clairwood Racecourse entrance (Source: SDCEA)



Figure 4.18 Demonstrations outside Clairwood Racecourse (Hanekom, 2016b)



Figure 4.19 Durban July Demonstration (Hanekom, 2016a)

The purpose of organizing the different protest events was to bring about a higher level of awareness regarding the dangers and injustices associated with developing the Clairwood Racecourse into a Logistics/Distribution Park. According to Priya Pillay (13Jun2016) CPF was very arrogant and only started taking the note of the community opposition action more seriously when the media started covering the various protest planned. These sentiments were reinforced by Desmond (13Jun2016): *They [CPF] have been arrogant; they think they can buy everybody and anybody.*

It is therefore evident that SDCEA, CRAC and members of the community have opposed to the development from the very beginning. However, without the support from the municipality, council and government this becomes a difficult battle to fight. SDCEA and its affiliates however refuse to back down and will continue to fight what some have named a ‘David and Goliath’ battle.

4.4.3 Appeal

On the 29th May 2015, the Minister of EDTEA, Mr. Michael Mabuyakhulu, granted environmental authorization to CPF for the development of the Clairwood Racecourse into a Logistics/Distribution Park. This after the application for environmental authorization was initially rejected on the 24th January 2014, on the basis that certain aspects of the EIA were not adequately researched and represented. As result KSEMS and all consultants that were commissioned to produce reports for the EIA had to go back and re-investigate certain aspects.

SDCEA received notification of the positive authorization on 3rd June 2015. Thereafter they started an appeal process which involved the collection of signatures from the public in the form of a petition. Additionally, SDCEA coordinated the collection of letters from reputable organizations with in the community opposed to the project. The final appeal document was compiled by SDCEA in conjunction with CRAC and handed over together with the petition to the appeals administrator, Mr. Haresh Inderlall from EDTEA on 17th July 2015 (Figure 4.20).

The appeal submitted by SDCEA was based on eight grounds⁷:

⁷ All information for this section was obtained from the appeal document submitted to the EDTEA by SDCEA

- i. **No Option for Alternatives:** SDCEA have made a number of requests for Economic Assessments of alternatives but have not received these reports yet. SDCEA believes that the CPF had not adequately explored alternative usage of the land. SDCEA had suggested that the land be used for cluster housing schemes, light industry or remain as an open, recreational area.
- ii. **Traffic Management Plan and Lack of Alternative Entrance:** A great concern for SDCEA is the degree to which this development will add risks to the already highly compromised, disadvantaged residential communities in the SDB. SDCEA has highlighted the fact that the proposed route for entrance into the racecourse is utilized on a daily basis by scholars and workers commuting between school, work and home. SDCEA had raised concerns that data used in the TIA was flawed and therefore do not accurately represent the daily pedestrian traffic through the proposed access point. The influx of traffic is a major concern, with approximately three thousand vehicles on the road at peak hours. If there was a breakdown, accident or any form of traffic congestion, then there will be major delays. According to SDCEA this has not been thoroughly assessed. No thorough social assessment has been conducted to understand which residential roads and thoroughfares will be affected. Additionally, the Clairwood Racecourse is meant to part of the evacuation emergency plan for the SDB should a disaster occur.
- iii. **Pollution:** Pollution is a major concern for the SDB, rated as one of the most polluted industrial zones in the world. According to SDCEA the EIA has in general failed to undertake a detailed air quality assessment. Whilst there will be no emissions from the building itself, the high influx of trucks results in air pollution via emissions, dust storms, accidents and potential fires should a truck be carrying flammable substances, pose dangers. Additionally, with the close proximity to residential areas, there is no doubt that there will be a degree of noise pollution from the demolition and construction phase, as well as the noise generated by trucks and the constant movement of containers. In terms of pollution alleviation, the racecourse is the only green space left and is part of the D'MOSS program, a fact that has been overlooked in the EIA.
- iv. **Unsustainable Development:** There is already a mushrooming of container storage sites in the SDB; therefore there is no justifiable reason as to why the

Clairwood Racecourse needs to be developed into a Logistics/Distribution Hub. There have been no proper investigations undertaken with regards to the Transnet pipelines that run through the racecourse. Also, even though there is a remediation plan for the Chrome 6, should it be disturbed via a digging or other means, no indication of safety measures have been given.

- v. **Rehabilitation of Biodiversity and Offset Plans:** The Clairwood Racecourse is home to semi-resident crown cranes and various other birdlife, would be lost forever to both current and future generations. The developers have stated in the EIA that a small percentage of land will be conserved as a wetland site. However with the constant traffic activity in the area the public benefit is limited.
- vi. **Public Participation:** The SIA conducted clearly stated that the residents would have preferred the area to remain a green lung. However, according to the EIA the development is well supported but it does not indicate by whom. The development is a threat to people's environmental rights, will cause social ills, and will have significant negative impacts on the quality of life of surrounding communities. By removing this green space, communities lose a source of natural filters and a recreational area.
- vii. **Unlawful Activities on Site:** SDCEA was informed that site preparation had already commenced prior to the issuing of environmental authorization. When an enquiry was made to KSEMS they stated that this was not the case and any activity observed was separate from the EIA process and was being managed by the developer.
- viii. **Decision of Authorities:** In the environmental authorization document it is stated that the site is ideal for the development of a logistics and distribution park due to its proximity to the Back of Port roads and its connectivity to the Durban Harbour via key road infrastructure. Therefore it is clear that the issuing of environmental authorization was decided first and foremost in terms of economic interests, and the fact that the Clairwood Racecourse is situated within a residential area was not considered.



Figure 4.20 Members of the community joined SDCEA and CRAC for the appeal handover (Walford, 2015)

On the 25th January 2016 SDCEA received notice that their appeal was rejected by Mr. Michael Mabuyakhulu minister of EDTEA on the grounds that they did not have merit. Additionally the petition handed over was deemed incorrect on the basis that identity numbers were missing. The outcome of the appeal was presented to the community during a public meeting held on the 28 January 2016 at St. Mary’s Primary School in Merebank.

According to MEC Mr. Mabuyakhulu all eight grounds presented in the appeals document has been sufficiently addressed by both KSEMS and CPF. Rejection of each of the eight objections was based on the following reasons⁸:

- i. **No Option for Alternatives:** According to Mr. Mabuyakhulu KSEMS and CPF did a comprehensive assessment of other land usage alternatives in the EIA. According to the Minister use of the land for any other purposes is not feasible.
- ii. **Traffic Management Plan and Lack of Alternative Entrance:** Mr. Mabuyakhulu has stated that this ground was made up of unrelated issues;

⁸All information in this section was obtained from the appeal response document compiled by the EDTEA.

however it was still covered in the EIA. According to the EDTEA the TIA was amended and include in the revised EIA in August 2014. According to the EDTEA the municipality reviewed the TIA and supplemented it further. In respect of the emergency plan, the South Durban emergency plan was reviewed approximately two years ago and the Clairwood Racecourse was no longer identified as an emergency holding area.

- iii. **Pollution:** Mr. Mabuyakhulu states that these grounds were addressed by the EIA and that SDCEA have not demonstrated that any shortcomings were present in the assessments done.
- iv. **Unsustainable Development:** According to Mr. Mabuyakhulu this ground consists of general statements, unsubstantiated allegations and unjustified criticism of the EIA. According to Mr. Mabuyakhulu the decision for development was taken after integrating a delicate balance between economic, social and environmental concerns.
- v. **Rehabilitation of Biodiversity and Offset Plans:** According to Mr. Mabuyakhulu when environmental authorization was issued it was stated that the rehabilitation plan must be amended to include the following; (i) it must be a community driven initiative which involves training and employment opportunities; (ii) include routine clean ups for removing litter which may enter the conserved area; (iii) include the removal of alien invasive plants which must be replaced by indigenous vegetation; and (iv) the rehabilitation plan must be presented to Ezemvelo KZN Wildlife (EKZNW) for comment. Thus Mr. Mabuyakhulu has stated that the EDTEA has applied its mind to rehabilitation.
- vi. **Public Participation:** According to Mr. Mabuyakhulu SDCEA want KSEMS to go above and beyond what is legally required for public participation. He argued that KSEMS had done what was legally required under NEMA principles. Mr. Mabuyakhulu contended that whilst the interests of the residents of SDB are important, the interests of the general public are just as important.
- vii. **Unlawful Activities on Site:** Mr. Mabuyakhulu has stated that employees of EDTEA have visited the site in the presence of a site manager on the 21 May 2015. This visit was conducted due to a complaint received by SDCEA. The site visit confirmed that no unlawful activities were being undertaken onsite.

Decision of Authorities: It has been stated that SDCEA’s criticism of EDTEAs decision was unjustified. Such a development has no noxious industry traits associated with it thus it will not aggravate the challenging environmental conditions in the SDB. According to Desmond D’Sa/13Jun2016 Mr. Mabuyakhulu did not apply his mind when rejecting the appeal decision. SDCEA is of the opinion that the minister did not review the appeal application himself; rather his team did it and took the decision based purely on economic benefits:

The MEC did not apply his mind; he took whatever was discussed between his officials and the developer and made it a fact. We [SDCEA] strongly believe that the MEC erred in his decision to grant environmental authorization (Desmond D’Sa/13Jun2016).

Since the rejection of the appeal SDCEA has determined that in order to be able to fight the injustices caused by the development of the Clairwood Racecourse legal help will be needed. They have since joined forces with the Legal Resource Centre (LRC) in order to build a legal case against CPF in an attempt to stop the development of the Clairwood Racecourse in to a Logistics/Distribution Hub. LRC are supporting SDCEA and CRAC in developing a strong legal case against CPF. This is in an attempt to stop CPF from developing the land and instead retaining it as a green space.

On the 20th January 2017 CPF’s legal team headed by Dov Green responded to the legal case presented by LRC on behalf of SDCEA. CPF have rebutted by stating that they resist to reviewing the application for environmental authorization based on two preliminary points.⁹ The first point is that SDCEA lacks the capacity to sue in its own name and the second point is that SDCEA missed the deadline for furthering the appeal:

The applicant delayed unreasonably in instituting this review, and therefore the court does not have jurisdiction to determine the review, especially as the applicant has not sought any

⁹CPF’s answering affidavit in response to the legal case presented by LRC on behalf of SDCEA.

extension of time in accordance with section 9 of the Promotion of Administrative Justice Act.

According to the answering affidavit there is no valid reason for reviewing MEC Mr. Michael Mabuyakhuklu's decision to reject the first appeal presented to EDTEA on the 17th July 2015. It is stated that the appeal is based on one allegation and that is the negative impact that the Clairwood Logistics/Distribution Park will have on air quality in the SDB. The answering affidavit states: *"The review is based on narrow grounds. In effect there is only one basis for the review"*. Based on this response the matter has now been taken to the High Court by SDCEA and LRC.

4.5 Conclusion

This chapter has analyzed and presented the results from key informant interviews, document analysis and articles. There have been a number of key points that have merged. The Clairwood Racecourse is a valuable piece of land for the residents in both the local and adjacent communities. The land has economical as well as aesthetic value for the community. Hence, the strong community resistance to the logistics park project in which SDCEA and CRAC played leading roles. The flaws in the EIA and SIA are of great concern, and a bias was apparent. When one reads the EIA, there is a distinct impression that KSEMS seems to be giving reasons as to why the development needs to occur rather than doing a critical, objective analysis of the impacts.

This chapter has outlined the socio-economic consequences of the logistics park project in the Clairwood Racecourse, and has shown the negative impacts that the development will have on the surrounding communities. Even though the development is a multi-billion Rand project it has no direct long-term benefits for the communities of the SDB. The appeal against the authorization for the project was rejected out of hand the MEC. It was evident that economic and commercial interests were being placed ahead of the very real concerns of the community.

CHAPTER FIVE

EVALUATION, RECOMMENDATIONS AND CONCLUSION

5.1 Introduction

South Africa can be defined as an upper-middle-income, industrialized country in political transition (Leonard and Pelling, 2010). The developmental path chosen by South Africa has resulted in industrial risks being common in large urban centers like Durban (Leonard and Pelling, 2010). The political history of South Africa and its contemporary context has led to an uneven social and geographical distribution of environmental risks. The oppression of Black South Africans during apartheid resulted in Black citizens sharing their neighborhoods with polluting refineries, waste disposal sites, incinerators and chemical industries (Leonard and Pelling, 2010).

The previous chapter presented and illustrated the results to the study. This chapter presents the evaluation, recommendations and conclusion to this study. This chapter focuses on the key findings derived from the Data Analysis (Chapter 4) a conclusion to the research will also be provided. The chapter is divided into three sections; first the key findings of the research will be presented, secondly recommendations will be made and lastly a conclusion to the study will be presented.

5.2 Theoretical Reflections

The theoretical foundation of this study was influenced by the environmental justice approach. Environmental justice is about incorporating environmental issues into both the broader intellectual and institutional framework of human rights and democratic accountability (Cutter, 1995; McDonald, 2002). Environmental justice places people at the center of social, economic, political and environmental relationships. Environmental justice is a concept that incorporates both ‘environmental racism and’ and ‘environmental classism,’ its aim is to showcase the idea that various racial and socio-economic groups experience different levels of environmental quality (Schweitzer and Stephenson, 2007).

Environmental and social justice have been connected in an attempt to challenge the abuse of power, which results in the poor (workers, unemployed and black) having to deal with

the consequences of environmental degradation as a result of decisions made by the industrial sector and supported by the government (McDonald, 2004).

The SDB, and especially the development of the Logistics/Distribution Park on the Clairwood Racecourse, is a very good example of such a situation. With a history of forced removals and environmentally racist planning, the SDB was developed with a core of heavy industry surrounded by low-income black residential areas (Scott and Barnett, 2009). However, despite the vulnerability of communities in the SDB, plans for further development in the area is still prevalent. Thus there is a constant and ongoing battle between activists on the one hand, and government and developers on the other, for environmental justice in the area.

Contributing to 60% of the Durban Metropolitan Areas Gross Geographic Product, the SDB is the second most important manufacturing region in the country (Leonard, 2014b). Containing 30% of all industrial land in the city, it is one of the most heavily polluted areas in southern Africa, containing two of South Africa's oil refineries (SAPREF and ENGEN), Africa's largest chemical storage facility and over one hundred and eighty smokestack industries (Leonard, 2014b). The impacts of environmental pollution in the SDB have fallen disproportionately on local communities who are exposed in varying degrees. White neighborhoods situated on the periphery are minimally affected, and Indian and Colored residents within the industrial area bear the brunt of pollution, whilst African townships are marginally affected (Leonard, 2014b). Over the years communities have spoken out against environmental injustices (Chari, 2008).

Pollution had become a key issue of resistance in the SDB. Toxic emissions from industries are a potential threat to the health of communities, workers and the environment in the SDB (Scott and Barnett, 2009). In some cases poor industrial operating practices have led to spills and industrial accidents; with inadequate emergency evacuation strategies for workers and residents. Other serious problems in the area include excessive heavy transport on residential roads, truck accidents, noise pollution and illegal dumping of toxic waste. Industrial impacts are more concentrated in the residential areas of Merebank, Bluff, Wentworth and Clairwood due to the close proximity to industrial activities (Scott and Barnett, 2009).

Clairwood Racecourse was purchased by CPF for an amount of R430 million from Gold Circle (Pty) Ltd in 2012. Due to the prime location of the land relative to the DOP and BOP, the new owners have put forth plans to develop a Logistics/Distribution Park on site. This will result in thousands of trucks travelling on the residential roads. Additionally there will be an increase in noise pollution both during the construction phase and once the Logistics/Distribution Park is operational. Furthermore, by developing the Clairwood Racecourse communities in the SDB are facing the loss of the last green lung in the area. Being an already highly compromised area in terms of pollution, such a loss is of great concern to environmental activists and members of the community.

By developing this valuable piece of land the lives of residents in Merebank and surrounding communities will be further comprised. Adding to the history of struggles that communities in the SDB have face due to environmentally racist planning (Scott et al., 2002).

Currently these communities are already living in conditions which are in violation of Section 24 of the Bill of Rights, which states:

“Everyone has the right -

- (c) to an environment that is not harmful to their health or well-being; and
- (d) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
 - (iv) prevent pollution and ecological degradation;
 - (v) promote conservation; and
 - (vi) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development(Republic of South Africa, 1996).

According to Boyle (2012) the environment humans live in impacts directly in the life, health and property. However, by living in an area that has severe environmental degradation it becomes increasingly difficult for communities to maintain individual, household and community health (Johnston, 1995). It is the responsibility of government to facilitate access to justice and enforcement of environmental rights (Gear and KotzŽ,

2015). Communities in SDB find themselves in a situation where government has put economic interests before that of people and their basic human rights.

5.3 Evaluation

This section evaluates the key findings of the study in terms of the following objectives, which were to:

- i. Examine the history, sale and rezoning of the Clairwood Racecourse.
- ii. Critically evaluate the Environmental Impact Assessment which favored the rezoning decision.
- iii. Evaluate the social impacts of the rezoning decision surrounding the communities
- iv. Assess the nature of protest and resistance to the rezoning decision.

CPF appointed KSEMS as consultants for the Clairwood Logistics/Distribution Park to prepare an EIA. The purpose of the EIA is to encourage developers to take the environment into consideration, with the intention that developers take the actions that are more environmentally compatible (Jay et al., 2007). In accordance with South African law the EIA conducted had to follow specifications as stated in NEMA. The application process for environmental authorization begun on 25th June 2012 and was granted on 25th May 2015. The main sections analyzed for the purposes of this study include: land usage and alternatives, biological impacts, social impacts and traffic impacts. These impacts caused the greatest amount of concern for SDCEA, CRAC and residents.

5.3.1 Land Usage and Alternatives

The Clairwood Racecourse falls within an important developmental node, which is located within the BOP Plan commissioned by the eThekweni Municipality, and the envisaged DOP at the old Durban International Airport. Hence, CPF developed plans to rezone the Clairwood Racecourse into an industrial node. According to CPF the location of the racecourse makes it a prime site for the development of a Logistics/Distribution Park. However, key informants and civil society organizations have contended that this rezoning decision perpetuates environmental injustice in the SDB from the apartheid era.

The proposed development will consist of a variety of building and warehouses, with the primary purpose of managing and organizing both national and international goods.

According to current plans approximately 60% of the land will be developed, this excludes any space set aside for covered parking bays. With these plans only 40% or less of the remaining land will be used for conservation purposes.

According to established procedures, one of the crucial steps in the EIA process is the consideration of alternatives. This is necessary in order to ensure that the developer has considered all other feasible options, including alternative locations, layouts, operating conditions and the 'no action' route (Glasson et al., 2013). There are four alternatives which have been presented by KSEMS for the development of the land, these are:

- Alternative 1: The development of the entire site for a Logistics/Distribution Park.
- Alternative 2 (preferred option by developers): The development of a Logistics/Distribution Park on most of the site, retaining important environmental services where possible.
- Alternative 3: The development of heavy industry on the site.
- Alternative 4: The No-Go option: The Clairwood Racecourse will remain undeveloped.

However, from the investigations presented in the EIA it seems as if the time spent on researching the alternatives has not been sufficient. This notion is further emphasized by the developer's statement that they are only looking at the alternative that provides the highest amount of profits. It is clear that focus was kept on the preferred option which is Alternative 2. As SDCEA have stated alternative uses include but are not limited to residential use, office park activity and preservation of the land.

During the SIA process 43% of the residents suggested that the Clairwood Racecourse be retained as an open space. This can be linked to the fact that many residents attach some sort of aesthetic value to the site. Significantly, the majority of the residents (86.9%) use the racecourse for leisurely purposes such as picnics, relaxation amongst other activities. In an area surrounded by industrial activity the presence of a green space adds considerable aesthetic value. As emphasized by Desmond D'Sa (13Jun2016) this racecourse is the only green space in close proximity to the area that can be utilized for such purposes. Hence, it is clear why the residents will prefer for the racecourse to be

retained as per its original open space designation, rather than be developed into a logistics park.

5.3.2 Biological Impacts

Within the Clairwood Racecourse there are three significantly different wetland systems present in different locations on the site (Page, 2012). With the water table, many wetland species are attracted on site (Figure 4.5). In addition, the Clairwood Racecourse is home to a significant amount of biodiversity. There is a variety of floral and faunal species which are found specifically in this area. These include species such as the endemic *Kniphofia pauciflora* commonly known as the Racecourse Lily (Figure 4.7), the Pickersgill's Reed Frog which is considered to be endangered; there is also a pair of semi-resident Crowned Cranes.

The inner field of the racecourse track is the last natural environment in which *K. pauciflora* (Figure 4.7) has been located (Bajjnath and Ramdhani, 2014). According to studies conducted prior to 1956, *K. pauciflora* had a wider distribution within the Durban area. However, populations diminished due to urban development. Plans have been made to relocate specimens of *K. pauciflora* to the biodiversity rehabilitation site; however there are no guarantees that the plants will actually flourish in the demarcated areas. A senior botanist emphasized that these areas will be secondary, and it is almost impossible to re-create the original conditions. Only 37% of the land is being conserved for biodiversity rehabilitation purposes. It may be possible to recreate a biologically diverse wetland habitat, but it will nevertheless be secondary and it will be near impossible to recreate the original conditions (Bajjnath, 2014).

Faunal species on the site include a wide range of wetland bird species including a pair of semi-resident *Balearica regulorum* commonly known as Grey Crowned Cranes. It is highly unlikely that the crowned cranes will be able to tolerate even moderate development on the site (Page, 2013). Plans have been made to relocate the crowned cranes, however in previous developments such plans have proven to be unsuccessful (van Vuuren, 2014).

In the south-west region of the site is a heronry surrounded by large Eucalyptus trees. These trees serve as a nesting site for a variety of birds. In the Durban Metropolitan area

there are a limited number of heronries, thus the preservation of such a site is highly important (Page, 2013). Destruction of this area will result in the loss in faunal biodiversity both on and off the site.

With the presence of such high amounts of biodiversity which will inevitably be destroyed, it is evident that the development of the Logistics/Distribution Park on the Clairwood Racecourse is unsustainable. This conclusion is further verified as the racecourse was previously demarcated as part of the D'MOSS program. Moreover, the Clairwood Racecourse was meant to be the environmental offset for the BOP/DOP Plan spearheaded by Transnet and the eThekweni Municipality:

The development of the Clairwood Racecourse will lead to significant negative consequences for the environment. There will be a loss of habitats and consequently the loss of biodiversity. In addition communities will lose out on a valuable source of natural air filters. The racecourse could also provide educational values for schools in the area.

5.3.3 Social Impacts

Social impacts are those which alter the way in which people live, work, organize their needs and generally cope as members of society (Du Pisani and Sandham, 2006). Hence, an SIA is of utmost importance as it aids planners, project proponents, the impacted population and decision-makers to understand and be able to anticipate the possible social consequences that could arise from a proposed development (Du Pisani and Sandham, 2006).

With a development of a Logistics/Distribution Park in such close proximity to residential areas a host of impacts occur, which include: increase in traffic on roads, an increase in heavy vehicles travelling on residential roads, air pollution and noise pollution and an increase in social ills. These impacts have already been a concern for communities in the SDB (Scott and Barnett, 2009).

After the completion of the Logistics/Distribution Park, an estimated 2200 trucks will be travelling through the area during peak hours (KSEMS, 2014). However, this does not include the current traffic in the area. Hence, one of the major concerns voiced by residents is the increased congestion as well as the dangers that these high number of vehicles will pose. The main access point to Clairwood is off the M4 at the northern end

of Basil February Road (Figure 4.9), this is also the proposed access point for trucks to enter the Clairwood Logistics/Distribution Park. The problem here lies in that fact that residents also utilize these roads as it is the only entrance and exit point to Merebank and Clairwood. Furthermore, this area is used as an informal pick up point for minibus taxis, where majority of the passengers are scholars attending both the primary and secondary schools.

With the presence of vast numbers of trucks on the roads accidents are inevitable. Truck related accidents are a weekly occurrence across communities in the SDB (Bond, 2014b). In an area without the road infrastructure to support heavy vehicles, the probability of accidents occurring is amplified. This not only puts the lives of residents at risk, but also that of the truck drivers.

There have been plans to upgrade the roads in the area, to allow for this influx of heavy vehicles. However, this may mean the relocation of some residents. Thus, there is anxiety about the possibility of relocation. As Maharaj and Crosby (2013) have stated, this area is rich with history and consists of closely knit communities with a strong sense of attachment to their houses. In addition, these residents have already experienced various hardships in terms of forced removals during the apartheid era as a result of the Group Areas Act.

Another impact residents have to face is the increase in air and noise pollution. With such a high volume of trucks entering and exiting the area on a daily basis, truck emissions will contribute significantly to the already high volumes of pollution present in the SDB. Furthermore, heavy vehicles tend to raise large amounts of dust when travelling, which could also contribute to the air pollution.

With a Logistics/Distribution Park noise pollution is inevitable. In the case of the Clairwood Racecourse noise pollution will be present during the construction phase as well as when operations start. This is a twenty-four operation, thus movement of containers between trucks and storage facilities will constantly be occurring. This will increase noise levels, which will disturb residents and religious organizations, particularly those located in close proximity to the Racecourse.

Community organizations have also raised concerns regarding the social ills that will manifest as a result of the development. These include but are not limited to: taverns, drugs, crime and prostitution. Some of these problems are already present in the area, and an escalation will make conditions worse for residents especially, those attempting to maintain a balanced and safe family life.

Communities in the SBD have lived in highly compromised conditions for decades, and have fought for better living environments (Scott, 2003; Barnett and Scott, 2007; Chari, 2008; Scott and Barnett, 2009; Leonard and Pelling, 2010; Leonard, 2014b). By rezoning the Clairwood Racecourse the developers as well as government (at all levels) have shown that economic interests come before the welfare of people and their basic rights. Concerns raised by environmental organizations and residents are legitimate and need to be taken more seriously, rather than being brushed aside as has been the trend.

5.4 Resistance to Rezoning

In post-apartheid South Africa a wide range of social movements has emerged for the purpose of challenging the government around issues pertaining to political and socio-economic rights. In conjunction, there has been a growth of environmental movements (Scott and Barnett, 2009). Environmental movements are part of a broader oppositional process and have linked to the discourse of environmental justice and a rights-based notion of democracy (Scott and Barnett, 2009). Activism in the SDB has played a key role in the emergence of an environmental justice movement in South Africa. The SDB has a history of civic struggle through which residential communities and workers have fought for a better living environment. One of the key organizations opposing the Clairwood Logistics/Distribution Park development is SDCEA, in conjunction with the CRAC. SDCEA has been fighting environmental risks in the community since 1996.

Since 2012 SDCEA have organized numerous strategic meetings with the community. In addition SDCEA together with CRAC have organized marches and produced pamphlets (Figure 4.13 - Figure 4.19), informing the community about the developments and the impacts it will have on their quality of life. SDCEA have commented on and presented all concerns regarding the EIA. There is no evidence that the concerns and issues raised by the community organizations were taken seriously.

In July 2015 SDCEA appealed the decision by the minister of EDTEA, Mr. Michael Mabuyakhulu, to grant environmental authorization for the Logistics/Distribution Park (Figure 4.20). The appeal however was rejected and thus SDCEA engaged with lawyers from LRC in order to pursue the matter further. However, on the 20th January 2017 the legal case was rebutted and the matter will now be forwarded to the High Court.

5.5 Recommendations

In this section recommendations for the improvement of the processes and procedure that have been undertaken during the EIA phase of the Clairwood Logistics/Distribution Park development.

According to Sandham et al. (2013) EIAs in South Africa require extensive public participation processes (PPP). In a community already previously affected by industrial developments and forced removals the need for proper a better PPP is of utmost importance. Thus a more in-depth PPP should have been conducted, that allows residents to effectively gain knowledge about the proposed development of the Clairwood Logistics/Distribution Park as well as allow them a viable platform on which to voice their concerns. Webler et.al (2001) suggest designing a process which meets the needs and desires of the potential participants. Parties planning the PPP need to listen to what participants want and find a way to incorporate their expectations into a proposed project. Furthermore, both planners and participants should determine how each expect to benefit from the PPP, and thereafter find a process that allows the wishes of both parties to be heard. Lastly, all parties involved need to be familiar with the different PPP techniques available and assess which will be of greater benefit to the proposed development as well as other affected parties.

There needs to be a joint effort between the local organizations and the consultants with regards to decision-making regarding environmental matters. Thereafter the decision needs to be shared with environmental organizations and residents. The reason for this is that the residents will be facing the consequences of the development and therefore need to be part of the decision making process. In addition, there needs to be a degree of transparency with regards to the purpose of the development, items to be stored in the proposed Logistics/Distribution Park and traffic plans. Residents need to be able to understand all details associated with the development.

The independence of KSEMS the associated consultants needs to be reviewed by the relevant parties. In some cases during public meetings there was no clear separation between the view of the developers (CPF) and that of the EIA consultant (KSEMS).¹⁰ The consultant needs to play the role of an unbiased mediator between the developer and the community. In light of the fact that consultants are chosen by developers as well as paid by the developers, perhaps consultants should be appointed based on professional affiliations. A critical question is whether consultants are bound by any code of ethics?

5.6 Conclusion

From this research it can be noted that the development of the Clairwood Racecourse into a Logistics/Distribution Park is surrounded by controversies. The development will lead to various negative impacts in a community which has a long history of living with environmental risks. For many decades the concerns of the community has been sidelined in favor of industrial development and the associated economic benefits. The communities in the SDB have constantly had to deal with the effects of pollution, forced removals and other compromised living conditions.

It is clear that the local community as well as the surrounding communities are not in favor of the logistics park and have voiced their opinions and concerns via memoranda, petitions, marches and appeals. It is evident that there are a vast amount of social and environmental and social ills arising from the sale and rezoning of the Clairwood Racecourse. Thus for these reasons environmental authorization for the development of the racecourse into a logistics and distribution park should not have been approved by a government who claims to be committed to social and environmental justice (Maharaj, 2016).

Thus it is evident that residents are not in favour of the rezoning of the Clairwood Racecourse. However there has been a blatant disregard of their concerns by the developers, environmental consultants and all levels of government. This is of great concern as South African government has prided itself on being a democratic nation were the interests of the people are of the highest importance. However, in the SDB, like in the

¹⁰Notes taken at meeting attended by researcher.

apartheid era, the residents are facing environmental injustices in all areas of life in the interest of industrial development.

Apart from the fact that this development will result in various social ills, there will be a significant impact on the natural environment such the extinction of species and loss of natural resources. The benefits of the economy are often of more concern and importance in a developing city, whereas the benefits of environmental protection and the improvements of communities are often less evident. This has been showcased in the fact that local and provincial governments have not attempted to aid SDCEA, CRAC and the communities of the SDB in opposing the development of the Clairwood Logistics/Distribution Park. Hence, the solution to such trade – offs, should not be the choosing of one over the other, but rather reaching a balanced and sustainable relationship between the two.

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APPENDIX A: QUESTIONS FOR KEY INFORMANT
INTERVIEWS

1. What are your views regarding the rezoning decision made for the Clairwood Racecourse?
 - How does it affect the local community and surrounding communities?
 - Who is directly affected?
 - What are the concerns relating to the potential hazards?
2. Any idea if the community or any organizations were consulted prior to the sale
3. Are there any logistical plans in place to accommodate the large influx of traffic?
 - Accident and safety issues
 - Effect on general public - school children, working members of the community.
4. The Clairwood Racecourse has been regarded as the last “green lung” in the area, how does this impact the community?
 - Pollution
 - Recreation
 - Aesthetics
5. Did the community try to oppose the rezoning decision?
 - What were the methods used?
 - What was the outcome?
6. With regards to Q5. what was the response to your concerns from:
 - Capital Property Fund
 - KZN Departments
 - eThekweni
7. Have any political parties or councilors attempted to engage you on your views of the logistics park?
8. Is this development linked in any way to the DOP plans and the initiative to expand South Durban into an industrial area?