



Public participation in environmental decision making: Community opposition to the Lombardy East Social Housing Project.

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May 2019

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Declaration

A research report submitted to the Faculty of Science, University of the Witwatersrand, in partial fulfilment of the requirements for the Degree of Masters in Environmental Sciences by course work and research report.

I, Mashienyane Geniver Tebeila, declare that 'Public participation in environmental decision making: Community opposition to the Lombardy East social housing project' is my own work. All the sources that I have used for this report are fully acknowledged and referenced accordingly.

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Signature

Ms. M G Tebeila

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Date

Executive summary

The Constitution of South Africa recognises public participation as a right by all South African citizens. Section 32 of the bill of rights chapter, states that every South African citizen has a right to access of information. This means that those implementing development projects are mandated by law to carry out the public participation process with the affected public before implementation. The public has a right to access to any information concerning a proposed development that will take place in their space and has a right to freedom of expression, as per section 16 in the bill of rights chapter, in giving input and raising concerns with regards to a proposed development. However, public participation does not automatically guarantee a mutually agreeable solution as the interests of various stakeholders vary and are often conflicting. The public participation process is not a simple process and can be a tug-of-war between the different role players who have different interests in the outcome of the decision making process. Community opposition to development projects is one of the actions that prove that the public participation process can at times be a frustrating process where the different interested and affected parties (I&APs) and the project implementers do not reach consensus and can result in an unresolved dispute.

The aim of this research was to determine the nature of the public participation process for the proposed Lombardy East Social Housing Project and how different interests concerning the project are addressed. The Lombardy East Social Housing Project was proposed by the City of Johannesburg Metropolitan Municipality (COJMM) in 2014. The project has not materialised due to opposition by the Greater Lombardy East Residents Association (GLERA). The project developer proposed to rezone the property from government to residential use. The rezoning application was submitted in 2014 by the Johannesburg Social Housing Company (JOSHCO) on behalf of the City of Johannesburg Metropolitan Municipality. In terms of its original context, the site is located south of Alexandra Township which falls within the M1, N3 and London road triangle. The site is located in the vicinity of Marlboro, Buccleuch and Bramley suburbs, approximately 12km north-east of the Johannesburg CBD. Towards the South of the site is a medium-income tree-lined suburban neighbourhood (Lombardy East).

The research was guided by the following questions.

1. Who are the different role players in the project (I&AP) and what different interests do they have in relation to the project?

2. What is the nature of the Lombardy East Social Housing Project and what steps have been followed to implement it and what is the current status of the project?
3. What arguments are raised in favour of the proposed project and what objections are raised against the project?
4. What public participation process/strategies were employed by the project implementers? How were the I&APs being engaged in the process and how are their views addressed? Was the final decision based on the concerns of the I&APs?
5. How are different interests managed through the public participation process?

A qualitative research design was used for the study and data was collected through semi-structured interviews and document analysis was also used as a means to gather data. The Lombardy East residents, project implementers, ward councillor and ward committee members were used as the study sample as they possessed substantial knowledge about the nature of the entire public participation process of the Lombardy East Social Housing Project, and they gave most relevant information to answer the research questions.

The key findings of the research highlight the magnitude of different interests with regards to the proposed project. There were five main reasons given in favour of the project: the need for affordable housing; the need for well located housing; the need to make use of existing infrastructure through infill development; the need to use the land for formal development to prevent land invasions, illegal dumping and crime; and the need to generate employment opportunities. Meanwhile those arguing against the project offered three main objections: the project would have negative environmental impacts; it was based on poor town planning; and they argued that the developer had a poor track record with completing and managing projects. The findings of the research also indicate that public participation process cannot always resolve the various conflicts even when implemented correctly thus it is sometimes necessary to compromise and make an executive decision in the greater public interest.

Key words: Public participation, decision making, community opposition.

Acknowledgements

Firstly, I would like to thank the Almighty God for giving the opportunity to study and for giving me the strength to finish the course.

I would also like to extend great appreciation to my supervisor, Dr. Richard Ballard for the support, patience and constructive criticism. Thank you for believing in me and for encouraging me even when I could see no light.

My special thanks go to my loving husband, Mr. Setumo Daniel Rankapole. Thank you so much for the love and emotional support you have shown me throughout my studies. I truly appreciate.

I would also like to thank all the participants that took time out of their busy schedules to volunteer and be part of the study. Thank you very much for your contributions.

Finally, I would like to say thank you to all my friends, family and co-workers for the good advice and understanding throughout the course.

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LIST OF ABBREVIATIONS

I&APs	Interested and Affected Parties
EIA	Environmental Impact Assessment
BA	Basic Assessment
BAR	Basic Assessment Report
GDARD	Gauteng Department of Agriculture and Rural Development
EMPr	Environmental Management Programme
NEMA	National Environmental Management Act, 1998(Act No.107 of 1998)
SPLUMA	Spatial Planning and Land Use Management Act, 2013(Act No. 16 of 2013)
GLERA	Greater Lombardy East Resident Association
COJ	City of Johannesburg
JOSHCO	Johannesburg Social Housing Company
NIMBY	Not In My Backyard
SMME	Small, Medium and Micro Enterprise
PSC	Project Steering Committee
EAP	Environmental Assessment Practitioner
BID	Background Information Document
CBA	Critical Biodiversity Area
SANBI	South African National Biodiversity Institute
SDF	Spatial Development Framework
RSDF	Regional Spatial Development Framework

CHAPTER 1: INTRODUCTION AND BACKGROUND

There is a compulsory need for members of the public to be presented with an opportunity to voice their concerns regarding a development project before a decision that affects their quality of life is made. The most benefit of public participation is that the project proponents and the public will have knowledge about each other's diverse views and make proper joint decisions. This process will prevent project oppositions, project delays and cancellations (Hartley & Wood, 2005).

This research was motivated by a newspaper article published in *the Star* newspaper on 19 April 2016 entitled 'Alex housing project still on shaky grounds' (see appendix A). The article states the need for affordable housing in Alexandra Township (Alex for short), Johannesburg. It states how the government is responding to the housing need in Alexandra. However, it explains that the proposed project receives resistance from the local community. In particular, the Greater Lombardy East Residents Association (GLERA), a representative structure from middle class suburbs adjacent to the site, objects to the application to rezone the land.

According to the article, the project objectors had concerns about the fact that the land on which the proposed development was planned is classified as a wetland and which according to environmental law requirements project implementers were obliged to submit a wetland study for approval by the competent authority, the Gauteng Department of Agriculture and Rural Development (GDARD). According to the developers, Johannesburg Social Housing Company (JOSHCO), prior to approval of the application, a wetland study was submitted to the City of Johannesburg Metropolitan Municipality (COJMM) Impact Management and Compliance Monitoring Department, and environmental investigations conducted found the site to be highly degraded.

From the article I identified two interesting matters to investigate.

1. According to the National Environmental Management Act (NEMA) Environmental Impact Assessment (EIA) Regulations, public participation is a process where the environmental decision is an informed collaborative decision between the project implementers and the interested and affected parties. I therefore wanted to investigate the two conflicting environmental decision stories; the resident's accusation of a wetland study not being carried out by the developer against the developer's claim

that a wetland study was actually carried out and submitted to the relevant competent authorities. I wanted to find out what really happened and how the story unfolded.

2. I assume that because the land was found to be degraded then the project should be allowed to go ahead. I wanted to investigate the public participation process undertaken for the proposed project and how does the process manage the different interests.

There are many ways of classifying public participation. One way of classifying participation is between invited and invented spaces of participation. According to Cornwall (2002) the invited or 'official' spaces of participation are those spaces the public would be invited by authorities to be a part of, and meaningfully participate in activities, such as public meetings, distribution of flyers and radio announcements. Invented or 'unofficial' spaces of participation are those spaces that the public create by themselves other than those provided by the authorities. Such avenues include public protesting, lobbying, writing to the media, writing to the court. However, Cornwall stresses that people will participate in both spaces; she therefore recommends authorities allow citizens to create their own public participation spaces as long as these spaces are peaceful and allow citizens voices to be heard. Cornwall (2002) goes on to argue the possibility for both spaces of participation to co-exist. It is therefore important for authorities' to accept and listen to concerns coming from the two spaces of participation because citizens should not be deprived of opportunities to meaningfully participate and influence decisions regardless of what platform they choose for participation. Cornwall (2002) also stresses the need for alternative spaces of participation because sometimes the invited spaces of participation do not work out effectively and citizens should be allowed to create their own spaces of participation through various ways in order for them to be included in the decisions concerning proposed developments. It is also important to note that those in authority tend to only recognize the invited spaces of participation and dismiss the invented spaces of participation. This could be because the authorities do not set the agenda when ordinary people invent spaces of participation and thus the authorities find it harder to control the public participation process.

In *Inclusion and Democracy*, Young (2000) speaks of how the participation process tend to create spaces for deliberation where different interests are communicated, where discussion of issues related to the project are shared and diverse groups sit and think together to arrive to robust decision making. Young (2000) further explains that through the deliberation process people often gain different experiences, new information and learn that their own interests are

very narrow in relation to other people's interests and the point of deliberation is that people get a broad understanding about other interests than their own. However, there might not be a mutually agreed outcome as the interests of various stakeholders vary and are often conflicting; in fact Young basically says that an obsession with consensus does not serve the interests of democracy:

‘Too strong a commitment to consensus as a common good can incline some or all to advocate removing difficult issues from discussion for the sake of agreement and preservation of the common good’(Young,2000:44).

The public participation process is not a simple process and can be a tug-of-war between the different Interested &Affected Parties who have different interest in the outcome of the decision making process. A ‘Not In My Backyard’ (NIMBYism)syndrome is one-explanation for some objections to development. This syndrome manifests when residents object to a development project due to an anticipated change in their quality of life as a result of that development. The syndrome can cause a lot of tension and conflict between residents and project implementers leading to delays and subsequent cancellation of development projects.

The aim of this research was to assess the nature of the public participation process for the proposed Lombardy East Social Housing Project, and to assess the different interests being expressed in the public participation process for the proposed development by analysing arguments in favour of the project and objections against the project, to evaluate how public participation even when implemented correctly cannot always neatly resolve various different interest.

1.1Research questions

The following research questions guide the aims and objectives of the study and are answered in different sections of the report.

Questions:

1. Who are the different role players in the project (I&AP) and what different interests do they have in relation to the project?
2. What is the nature of the Lombardy East Social Housing Project, what steps have been followed to implement it and what is the current status of the project? What

arguments are raised in favour of the proposed project and what objections are raised against the project?

3. What public participation process/ strategies were employed by the project implementers? How were the I&APs being engaged in the process and how were their views addressed? Was the final decision based on the concerns of the I&APs?
4. How are the different interests managed through the public participation process?

1.2 Research report structure

Chapter 2 outlines the literature in which the concept of public participation is explained in detail. The chapter covers benefits and disadvantages of the public participation process, and explores factors that contribute to an effective public participation process. The chapter also covers the types and levels of public participation processes which determine the quality and effectiveness of the public participation process. Invited and invented spaces for participation are also explored in this chapter. The conflicts of interest that arise during the public participation process as well as possible conflict management and resolution strategies are also explored in chapter 2. Chapter 3 presents the research methodology; research design and the sampling technique used for the study. The methodology is followed by explanation of study limitations. Chapter 4 of the report presents the description of the key role players involved in the proposed project and a timeline of the Lombardy East Social Housing Project. Arguments in favour of the project and the objections against the project are presented in chapter 5. Chapter 6 presents the different perceptions concerning the public participation process for the proposed Lombardy East Social Housing Project. Chapter 7 is the final chapter of the report, it concludes with a discussion of major findings of research project and recommendations of the research project.

CHAPTER 2: LITERATURE REVIEW: PARTICIPATION AND DIFFERENT INTERESTS

2.1 Introduction

This chapter outlines debates by different authors in the field of environmental and social studies on the concept of public participation, the challenges that come with the process as well as the possible solutions to challenges faced. This chapter starts by introducing the concept of public participation, followed by theories of different types of public participation techniques and levels adopted, and how these techniques help in identifying the effectiveness of the process. This chapter also explores the invited and invented spaces of participation and how the public can participate in both spaces. The chapter presents the different conflicts of interests that arise during the public participation process and explores ways of managing and dealing with such conflict. It seeks to explore factors influencing community opposition to development projects and suggests strategies which can be employed to address community opposition to development projects.

2.2 The concept of public participation

Glucker *et al* (2013) explains public participation as a process that takes place when interested and affected parties are included and play a decision making role in a proposed development or policy that will eventually have a positive or negative effect on their wellbeing (Glucker *et al.*, 2013). The author also warns that public participation is not a once off event but an ongoing process that will not happen overnight. It requires strategic planning and effort. Wright *et al* (2013) explores some factors that can help facilitate the process effectively. These factors include continuous engagement with the public with the aim of ensuring that the public feels important and included in the process. Information sharing including new information regarding the proposed project will ensure effective public participation. An effective public participation process will create transparency and trust between the project proponents and interested and affected parties. When development happens it is crucial that the interested and affected parties be involved from the onset of the project in order to give their inputs as early as possible and work on solutions as early as possible (Wright *et al.*, 2013). For a public participation process to be effective, certain criteria must be met. This includes conditions such as early participation, representativeness, inclusion, access to information, improved decision making process, education, negotiation and support of the participant (Ander *et al*, 2006; Chilvers, 2008). According to Heravi *et al.*, (2015) many

factors can affect the success of the project and attitudes of different stakeholders are an important factor in the success of a project. Poor stakeholder involvement at the planning phase of the project results in low level of stakeholder contribution in other phases of the project and low morale and disinterest of stakeholders. The authors state how a stakeholder analysis can be used as a systematic approach to identify key project stakeholders, examine their needs and assess the impact they can have on the success of the project. The authors categorise stakeholder analysis into four steps that can assist in examining the level of stakeholder involvement during a project planning process, namely, 1. identify key stakeholders 2. assess the interests of the stakeholder 3. assess the influence and importance of the stakeholder and 4. outline a participation strategy (Heravi *et al*, 2015).

Glucker (2012) also explores some factors that are necessary to ensure an effective and good quality public participation process. He mentions early involvement of the public in the process as one of the most important factors. The statement is supported by O’Faircheullaigh (2010) who claims that the later the public participation process occurs in the development project process, the less chance that public comments and concerns will influence the final decision. O’Faircheullaigh further argues that the public must be allowed enough time to prepare and participate effectively therefore the public participation must include reasonable timeframes (O’Faircheullaigh, 2010). Webler *et al.*, (1995) emphasise the importance of transparency and responsiveness of decision makers towards the participants, arguing that people lose interest in participating if they do not receive feedback about their concerns and inputs (Webler *et al.*, 1995).

The key benefit of an effective public participation process is that it gives all the role players affected by the project clear and accurate information about the potential impacts brought by the proposed development. Public participation gives role players an opportunity to voice their concerns about the project and also address any uncertainties regarding the project. The main aim of the public participation process is that raised concerns be addressed as far as reasonably practical by the project implementers. The outstanding benefit of public participation is to create a platform for communication between decision makers and the affected communities. Public participation communication can open doors for concerns to be raised and for constructive information sharing. Hughes (1998) adds that it is important that those who have a great interest in the project are given the opportunity by the project developers to offer their inputs and ideas of the development project (Hughes, 1998) this is important in ensuring that informed decisions about the planned development are made.

De Santo (2016) argues that the process of incorporating stakeholder participation is also important and has to start at the initial stages of the project with clear objectives outlined. This point is further emphasised by the Aarhus Convention (2001), a United Nations Economic Commission for Europe (UNECE) which stresses the need for government to provide the public with access to environmental information and for public participation process to play a role in environmental decision making. The convention also emphasises the issue of transparency when decisions are made.

Communication of issues and feedback in response to the issues raised is of crucial importance. Four public participation approaches in four countries (Canada, Denmark, the United Kingdom and the Philippines) were reviewed in a study by Marzuki (2015). The primary aim of the study was to identify how the public was involved in the decision making process and what difficulties arose from the process. The results of the study indicated that local communities possess substantial knowledge and if given a chance to participate, can make meaningful contributions towards better informed decision making. It was also discovered through this research that recommendations made by local residents can result in solutions that are cost effective and that local community inputs can lead to better understanding of priorities and reduce wasteful spending (Marzuki, 2015).

When public participation has taken place, it is often assumed that people were given a platform to be informed about decisions that could affect them and were given opportunities to influence the decisions that will affect current and future generations. Thus, public participation is a two way process whereby both the project proponents and the interested and affected parties can contribute and gain from each other. However, there are also disadvantages of public participation. One disadvantage is that it can be time consuming and costly. For the process to be done effectively, project proponents have to sometimes appoint external independent stakeholder engagement consultants to facilitate the process on their behalf. And if the process is done poorly the participants may lose faith in the project proponents and not participate in future processes (Kaya & Erol, 2016).

According to Arnstein (1969), public participation means citizen power to influence decisions. Arnstein explains public participation as 'the redistribution of power that enables the citizens to be deliberately included in decision making processes' (Arnstein, 1969: 216). The critical difference is between going through the empty ritual of participation and having

the real power needed to affect the outcome of the process. Arnstein uses the metaphor of a ladder to describe different 'rungs' of participation: manipulation, therapy, informing, consultation, placation, partnership, delegated power and citizen control. Arnstein defines manipulation and therapy as 'non-participation', which has its aim to 'enable the power holders to educate or cure the participants' (Arnstein, 1969: 218). For Arnstein, informing, consultation and placation allows citizens to be heard but under these conditions they lack the power to ensure that their views will be taken into consideration. Moreover, in the abovementioned processes, the end goal of the decision maker is known prior to the process of informing and consultation taking place. The local residents are placated by minor concessions without ever changing or deviating from the pre-determined end goal (Arnstein, 1969). The forms and types of public participation outlined by White (1996) are similar to Arnstein's ladder of participation. These types of participation are described as 'nominal, instrumental, representative and transformative' (White, 1996: 7). White's description shows the extent to which the public participation process can shape and influence the decision making process with nominal being the least participation that goes only as far as information sharing and transformative being the most participation that goes as far as the public's views and interests having a strong influence to the decision making process (White, 1996).

Fell and Saddler (1999) use different methods for different levels of public participation to facilitate the public participation process. The first level is called information and education, it is achieved by newspaper articles (local and national newspapers), newsletters and leaflets techniques. The second level provides for information feedback which is achieved by telephone communication, displays, internet, surveys, and questionnaires, interviews (structured and non-structured) and public meetings techniques. The third level of participation is called involvement and consultation which is achieved by workshops, open houses and focus groups techniques. The last level provides for extended involvement and it is achieved by community advisory, citizen juries and visioning techniques (Fell and Saddler, 1999).

The above mentioned forms, types and levels of participation are used to identify the degree of power that the citizens have to influence the final decision. The quality and effectiveness of the participation process of a development project is determined by establishing where the process falls on the levels of participation. The project implementers need to consider the depth of predicted impacts of the proposed project; the nature and characteristics of the affected community and the sensitivity of the receiving environment. In consideration of the

above mentioned attributes the project implementer will determine which public participation technique is most appropriate to facilitate the process. Examples of public participation techniques to be used include public meetings, questionnaire surveys, information telephone lines conferences and websites. The project implementer must respond to all comments received and notify the interested and affected parties about the outcome of the decision.

2.3 Spaces for public participation

The concept of spaces of participation is developed by Cornwall (2003). The two spaces discussed by the author are the invited spaces of participation and the invented space of participation. Invited spaces are more formal spaces initiated by the project proponents for the concerned public to contribute and be part of the project. These are the spaces where the project proponents have control over the participation process which include invitation of the public to meetings, the placement of site notices to notify the public about the proposed development, and advertisement of the proposed development in local media. In contrast, invented spaces are the more informal spaces initiated by the concerned public to be part of the development without being invited by the project proponents. These are the spaces that the public have power and control over and create their own opportunities to influence the decision making process. This normally happens when residents feel ignored by project implementers or when they feel that the project implementers are not resolving their concerns. Such spaces can lead to protests and opposition to proposed development. This is achieved by distributing flyers door to door and circulating petitions to have signatories to oppose the project, approaching the media to state their side of the story, holding separate meetings to oppose the development and threats of a legal action if the development gets approval.

In the article on housing and eviction, Miraftab and Wills (2005) share how individuals practice their right to adequate housing by going beyond the formal invited spaces of participation. The article share how individuals created their own opportunities and inclusive spaces of participation such as protesting against poor quality of service delivery and mass mobilisation. This was done in order to get full attention of the local authority to respond to service delivery issues. The authors also note that citizens have other alternatives in the case the local authority does not respond to their needs. One of the strategies commonly implemented is through collective action where community members will illegally reconnect their own electricity and water services through illegal connections. Another strategy is to break locks and reoccupy evicted homes (Miraftab & Wills, 2005).

Public participation in South Africa is a human right and the creation of alternative spaces for participation for public engagement is necessary. According to Ngamlana and Mathoho (2007), the government should see the need to create both spaces of participation i.e. invented and invited spaces so as to improve on citizen participation in local government matters. The above statement is supported by Nyalunga (2006) who argues that the purpose of the formation of the three spheres of government (national government, provincial government, and local government) that were established in 1994 when the new government came into power, was to create and promote spaces for all South African citizens to participate in issues that will affect their wellbeing. According to the author, there are numerous ways by which citizens can participate and influence decisions in local government. This include participation by public actions, lobbying and protests; public hearings; casting of votes in elections. In a local government setting, public participation can be done through ward councillors, citizens can refer their concerns to their ward councillor who is mandated to address the concerns and give feedback. Another way that public participation can take place is through ward committees which have a role to make sure that citizens are consulted and informed about decisions that affect their wellbeing (Nyalunga, 2006).

Another example of invited space of participation that is exercised by government is the public participation process in Environmental Impact Assessment (EIA) process. Public participation is an important part of the Environmental Impact Assessment process as per the requirement mandated by the National Environmental Management Act (NEMA) (Act 107 of 1998). The EIA is the process that assesses the impact of the proposed development on the receiving environment and community and thereafter come up with alternatives and mitigation measures that will minimise impact. According to the EIA regulations (2014) process should 'identify the impacts of development projects on the quality of life of the affected people' (EIA regulations, 2014: 41). The project implementer is required by the EIA public participation regulations to give a notice to all interested and affected parties about the proposed project. This can be done by placing a notice on a board at the proposed project site; provide a notice in writing to the person in charge of the land on which the project is proposed to be build; provide a notice in writing to the people living in the land or living in the land adjacent on which the proposed project is going to be build; notify in writing the local and district authorities as well as any relevant organ of state and place an advertisement of the proposed project in one local newspaper or government gazette. The regulations also

requires the project implementer to identify and approach specific potential interested and affected parties to comment and give input on the proposed development.

2.4 Conflict and conflict resolution in public participation

The development of any project can result in disputes because it can impact on the living space of nearby residents. These impacts might be regarded as positive or negative. These disputes can result in delays and the cancellation of development projects if diverse needs and concerns are not properly managed. It is very common that developers will encounter some form of opposition from the local residents when planning a new project. Community opposition can be referred to as NIMBYism (an acronym for the phrase ‘Not In My Back Yard’). Smith *et al.*, (2004) define the NIMBY syndrome as opposition by local residents to unwanted development. It happens when locals do not want a particular development in close proximity to their homes and would rather have the development take place elsewhere (Smith *et al.*, 2004). This is not necessarily opposition to the development per se, but rather an objection to being exposed to the immediate impacts of the development. Rezoning application will often seek some form of public involvement and this is the platform where some communities use the opportunity to oppose and delay the development. Most NIMBY responses to the proposed projects occur at the early planning stages of the proposed project. Most opposition is driven by fear of living near or with new neighbours who have a lower income, or people who are racially or ethnically different. Smith *et al.*, (2004, 2) argue that NIMBYism is ‘localised opposition to a specific development that is often opposed in the name of environmental protection’. In their study the authors seek to differentiate between NIMBYism and environmentalism in offshore oil drilling. The authors conclude that environmentalists are likely to oppose offshore oil drilling in despite of the location because the focus is on protecting the natural environment from damage, whereas NIMBYists will oppose to offshore oil drilling because such a development is close to them.

Another study was carried by Davison *et al.*, (2013) to understand why communities oppose affordable housing. Data was collected in four communities which have opposed to affordable housing between the year 2007 and 2011 in the United States. The key findings from the survey were that opposition mostly takes place in communities that are wealthy with high priced properties. People living adjacent to the development site are most likely to oppose to the development. The most common concerns raised related to increased demand

for parking space, the density of the development, and the pressure that will be put on the current community infrastructure. The authors also outlined some strategies that developers can implement to mitigate opposition. These include, educating the potential affected community about the positive benefits of affordable housing and get their buy in and support at the onset of the project. Identifying opposition as early into the project as possible will assist in finding ways to convince the community very early into the project and address opposition more effectively(Davison *et al.*, 2013).

According to van Dijk and van der Wulp (2010) local opposition groups (LOGs) are formed when locals are not satisfied or are not included in the decision making process of the proposed project. Local Opposition Groups are a group of residents or organisers who volunteer their time to address issues that concern or impact on the quality of life in their neighbourhood. These groups normally work within an existing organisational structure that already exists within the community. According to van Dijk and Van der Wulp (2010) it takes educated, well-connected and organised individuals to make an opposition effective. 'Individuals who oppose development projects are often highly informed and know exactly what is required' (van Dijk and Van der Wulp, 2010: 23). To collect data for their study, the authors made use of a questionnaire to local opposition groups in the Netherlands. The sample for the research was obtained from a community generated website where 133 groups debated loss of space. The study revealed that a total of 83% of the participants, the most important actor lived close to the development site suggesting that people are more inclined to act strongly when living next to areas in close proximity to their own residential spaces are planned for development. The study also revealed that well 'educated people are more successful in managing Local Opposition Groups'(van Dijk and Van der Wulp, 2010: 23) this is because they have more skills and resources for getting useful relevant information and they know how to follow procedure. The results of the study indicated that 39% of participants had a masters degree and 35 % of the participants are qualified with a bachelors degree. In some cases Local Opposition Groups may recruit other neighbours who initially did not have a problem with the development to join in and support opposition. Their concerns are mostly about the impact of the project on traffic, community infrastructure, overcrowding of local schools and devaluing of local properties.

A similar study was conducted by Carlisle *et al.*, (2016) which evaluated the public attitude towards large scale solar power developments. The study examined proximity to respondents' residences and proximity to different types of land (e.g. agricultural land, recreation areas,

wetlands, and wildlife migratory routes). Data was collected through telephone survey from six southern Californian countries in the United States. The results showed that visual impact of large scale solar facilities does matter for public support and proximity of proposed large-scale solar facilities do change depending on the type of land that is being considered.

From the findings presented above, opposition to development can delay project implementation and this is often created by residents in the area that is close to the proposed development site. The residents create opposition groups that will fight the development in despite of the project benefits. The costs and benefits of a project are complex, and some residents arguably have valid concerns about being asked to live with the effects of a development on their doorstep, even if this development has benefits for society at large. Authorities may resolve to relocate the project elsewhere to avoid imposing unreasonable negative effects on a local community. From the studies is clear that what residents are most concerned about is the hazards and disadvantages that the project will bring into their area or impact that the project will have on their lifestyle. Tim Iglesias (2002) stresses the fact that developers should not avoid or ignore opposition but rather should learn to manage opposition conflicts. The author goes on to say that at most times opposition results from poor communication between the project implementers and the concerned public and that the project implementer should take appropriate steps to present the public with the project facts as early as possible.

In research on construction of a highway in the city of Antwerp, Belgium, Coppens *et al* (2018) wanted to explore if proximity to the project site had any negative perceptions about the project. Data for the research was obtained from the local action group that had the names and home addresses of protesters. The action groups had developed a website for posting and discussions on opposing the project. Results of the study revealed that indeed local people situated closest to the site had negative perceptions about the project and this could be due to the fact they are the ones that will have to bear the all the negative impacts associated with the project. The study also revealed some other variables that contributed to protests. These are variables such as place attachment whereby some neighbours opposed to the project simply because it will change the nature and character of the area.

Kaya and Erol (2016) conducted a study in Izmir, a city in Turkey, with the aim to explore the reasons for locally unwanted land uses by local residents. In the study the authors also aim to explore solutions that can assist in conflict resolution. They explain that in order to

resolve conflicts, one need to understand the reasons for the conflicts understand the levels of disputes, investigate the different parties involved and the strategies employed by the opponents to fight development. Qualitative techniques such as document analysis, interviews and internet search were used to collect data for the study. The study revealed that conflict cases are mainly caused by the developers putting projects in wrong locations and on sensitive land uses such as e agricultural land. Other conflicts are caused by the impacts that the projects could bring, such as environmental degradation, noise, crime, traffic congestions, causing of diseases such as cancer, damage to local infrastructure. The study also revealed that that sometimes conflicts in development projects are caused by procedures followed e.g. procedure such as the top-down decision making procedure, where government officials have a final say about development projects. This particularly happens when final decisions are made by the project implementers, which create a lot of mistrust and lack of transparency.

According to the housing assistance council (HAC) (1994), a United States based non-profit organisation that develops affordable housing for rural communities, there are three strategies that project proponents can implement to resolve conflict in public participation process, the first strategy is by negotiating and being willing to make changes with the local community by responding to raised concerns. For example in the study conducted by Terry *et al.*, (2012) the project developer was willing to reach a compromise by agreeing to reduce the number of units to have less impact on the neighbourhood. The second strategy is that project developers can file housing complaints by referring to land use and development plans which support social housing, these documents will state the important role of local authorities in supporting social housing. This type of documents can be used to challenge opposition to affordable housing. The last strategy is by filling lawsuits and litigations against the project objectors.

Tim Iglesias (2002)describes an approach that can be used by project developers to manage local opposition to development of housing projects. The author firstly speaks of research and planning where project implementers must prepare for potential opposition by doing thorough research of the area where the proposed development is going take place. Secondly the author advises the project developer to establish a support team that will assist in gathering as much information as possible about the affected neighbourhood and develop strategies to address potential opposition. However, theauthor goes on to mention that being able to predict what the concerned public is likely to do does not guarantee actual control over the situation so it is important to always be prepared for the unknown. Another strategy

that is described is the implementation of a community outreach plan which includes forming a community support committee made up of the most influential people (e.g. local business groups, community woman forum, and environmental groups) within the community to support the proposed development. The author then emphasises the fact that ‘most developers respond to upset public because they themselves failed to manage the opposition from the planning stages of the project and they are constantly defensive and react to the public’s attack all the time’ (Iglesias, 2002:90). And lastly the author speaks of considering the role of the law should there be any anticipations of legal problems pertaining to the proposed development. The author also warns that litigation should always be the last resort considering the risks that come with excising legal rights i.e. waste of time and money.

The goal of conflict management in public participation is to avoid unproductive public disputes and to keep channels of communication open. Consensus is not often a realistic expectation in a conflict environment, but mutual understanding can be achieved with the right tools and strategies and can lead to a sustainable solution.

2.5 Conclusion

This chapter reviewed literature on public participation and decision making. It started by highlighting what public participation is and how the definition of the concept differs from person to person and from organisation to organisation. The two spaces of participation i.e. invented and invited spaces of participation that can be adapted by the public were briefly outlined. The literature revealed that it is possible for the public to participate in both spaces at the same time. The government or project developers should embrace the two spaces as the goal is for the voices of the public to be heard. From this chapter we learn the different type and levels of participation that determine the effectiveness of the public participation process. The levels also reveal to what extent the stakeholders have influence in decision making. The chapter also discussed conflict of interest and conflict resolution in the public participation process. The chapter emphasised how development project can have so much controversy as the interests of different stakeholders can at times be conflicting. It is noted that conflict is mostly caused by the impacts that the projects could bring, such as environmental degradation, noise, crime, traffic congestions, and damage to local infrastructure. This chapter went on to discuss methods which can be implemented to resolve conflict. One of the most noted common ways to resolve conflict is by responding to raised concerns as early as reasonably practicable. Authorities may agree with residents that it would be unreasonable

for them to bear the negative impacts of a project and therefore rule that a developer should relocate the project. Alternatively they may feel that the location of the project in its planned site is appropriate notwithstanding objections from residents there.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

This chapter covers the research methodology and design; the data collection methods used and the sample chosen for the research study. The study made use of a qualitative research design. According to Pushkin (1993) qualitative research methods reveal the actual nature of certain situations, settings, processes and also allow the researcher to judge the effectiveness of particular innovations, policies and practices. The use of this type of design is relevant to this study as it reveals the effectiveness and influence of public participation process in the Lombardy East Social Housing Project by going to the actual setting to collect data. According to Leedy and Ormrod (2009, 135) ‘qualitative researchers believe that the researcher’s ability to interpret and make sense of what he or she sees is critical for understanding any social phenomenon. In this sense, the researcher is the instrument in much the same way that an oscilloscope, sociogram, or a rating scale is an instrument’.

3.2 Interviews

Data was collected between the months of May 2017 and September 2018 mainly through semi-structured interviews using the interview schedule presented in Appendix D, content analysis of documents and media reports. The reviewing of the basic assessment report compiled by the appointed environmental consultant for the proposed project assisted in obtaining contacts of the interested and affected parties listed in the interested and affected parties’ database. I made use of the database to contact and set appointment with the potential participants mainly through email and telephone.

Purposeful sampling was used, targeting the project proponents, the Lombardy East residents, GLERA and other relevant role players. A total of 13 participants were interviewed. Table 1 presents the number and type of participants that were interviewed. Amongst the interviewed participants were five key participants namely the project implementers (JOSHCO, COJMM, town planning consultant and stakeholder facilitator), the project objectors (GLERA), the ward councillor and ward committee members, and five Lombardy East residents. It is also important to note that a Small, Medium and Micro Enterprise (SMME) representative was also interviewed. These participants possessed substantial knowledge about the nature of the entire public participation process of the Lombardy East Social Housing Project, and they

gave most relevant information to answer the research questions and meet the research objectives (Leedy& Ormrod, 2009).

Table 1: Number and type of participants interviewed

Date	Interview Number	Participant type	Telephonic/face	On record/ off record
29/05/2017	1	GLERA representative	Face	On record
14/06/2017	2	JOSHCO representative	Face	On record
19/04/2018	3	Ward councillor	Face	On record
19/04/2018	4	Lombardy East resident	Face	On record
30/04/2018	5	SMME representative	Face	On record
30/04/2018	6	Ward committee member	Face	On record
14/05/2018	7	Lombardy East resident	Telephonic	Off record
15/07/2018	8	Stakeholder facilitator	Face	On record
26/07/2018	9	COJ representative	Face	On record
29/07/2018	10	Lombardy East resident	face	Off record
29/07/2018	11	Lombardy East resident	face	Off record
22/08/2018	12	Lombardy East resident	face	On record
13/09/2018	13	Town planning consultant	face	On record
Total	13			

An interview schedule with semi-structured open-ended questions was used (Naidoo, 2007) (Appendix D). The participants were asked direct questions and given a chance to respond as much as they liked and in the process revealed information that benefited the research. The major advantage of semi-structured interviews is that they are flexible and I was able to follow and develop the conversation naturally. The interviews were conducted at a venue of the participant's choice. A voice recorder was used to record the audio of the interview (on record). This helped in identifying the participant's point of view, writing transcriptions and ensuring the accuracy of reporting. This also allowed me to dedicate full attention to the interview instead of interviewing, listening and writing down the entire field notes at the same time. I obtained permission from participants to voice record before the start of each interview. Most of the interviews lasted for approximately 45 minutes each, depending on the flow of the conversation. Two participants refused to be voice recorded (off record) this

meant that I was unable to give the participant my full attention as I had to interview, listen and write down detailed field notes all at the same time and I had no voice record of the interview for further clarity and information verification. One participant refused a face to face interview and only allowed a telephonic interview. There was also one participant that refused to sign the consent form and only gave verbal consent.

3.3 Document analysis

I used and analysed the following documents for the study: Community engagement reports, newspaper articles, basic assessment report, comments and response report, City of Johannesburg comment letters, GLERA letters and reports, environmental consultant background information report, site notices for the proposed development, environmental management programme report, town planners reports (See table 2). The documents assisted to determine the extent to which information collected during the interviews was consistent with the information on the reports with regards to public participation and decision making. The document analysis also assisted in providing additional information that the participants were not able to provide during the interview.

Table 2: Type of documents used and analysed

Name of document	Source
1. GLERA letter of demands	GLERA town planning consultant
2. GLERA letter of objection	GLERA town planning consultant
3. GLERA appeal report	GLERA town planning consultant
4. Community engagement report	JOSHCO representative
5. Basic Assessment Report	Environmental management consultant
6. COJ response letter	JOSHCO representative& GLERA representative
7. COJ Tribunal response letter	JOSHCO representative& GLERA town planning consultant
8. Environmental Management Programme report(EMPr)	JOSHCO representative
9. Newspaper article	<i>The Star</i> newspaper
10. Background Information Document	Environmental management consultant
11. JOSHCO's rezoning application	JOSHCO's town planning consultant

report	
12. Site notices	Provincial gazette, 6 May 2015, notice 1385 of 2015
13. Interested ad affected parties database	Environmental management consultant
14. GDARD meeting minutes	JOSHCO representative
15. GLERA chairperson's report	Lombardy East resident

3.4 Data analysis

A qualitative analysis of data was undertaken by means of 'coding' which includes reading, transcription, and summarising of information collected from the semi-structured interviews, and documents analysed (Attride-Sterling, 2001). The summarised data was categorised into two main themes of topics related to the objectives of the study followed by the sub themes. Each theme was described, interpreted and explained (Attride-Stirling, 2001). A reference to the literature review was also used when discussing the findings of the study.

3.5 Limitations to the study

Time

The research sample size is small bearing in mind that this is a mini research report supported by the course work and has limited time allocation for completion.

Resistance to participate

Carrying out field work also had challenges and delays. There was a lot of resistance to participate especially from the Lombardy East residents. Some potential participants would agree to participate but at the last minute cancel, give excuses or refer me to someone else. One participant refused to sign the consent form but was willing to continue with the interview. One participant was not comfortable with a face to face interview and only allowed telephone interview. This had a great limitation because at some point during the interview, the telephone line was bad that I and the participant could not understand each other properly. I was also was unable to record the conversation for further clarity and information verification. Another participant refused to be tape recorded. This was time consuming because I had to take detailed field notes and at the same time give the participant

my full attention. Some participants would postpone interview times by shifting dates and rescheduling times. This had a great impact on my schedule as most participants were available during office hours and I had to ask time off from my employer which was at times a serious challenge.

3.6 Ethics issues

The research ethical clearance was granted by the University of the Witwatersrand ethics committee before field work was undertaken. At the start of each interview the participants were given information about the purpose and nature of the research and how their contributions will help in the achievement and realisation of the research objectives (Appendix B). I emphasised that participation in the study is voluntary and participants gave both interview consent and recording consent before participating (Appendix C). I assured the participants that they had an absolute right to discontinue participating at any given time should they feel uncomfortable. Participants were assured that the data provided is strictly confidential and will only be used to meet the objectives of the research. The names of the participants as well as the consulting companies are not mentioned in the research report for anonymity.

3.7 Conclusion

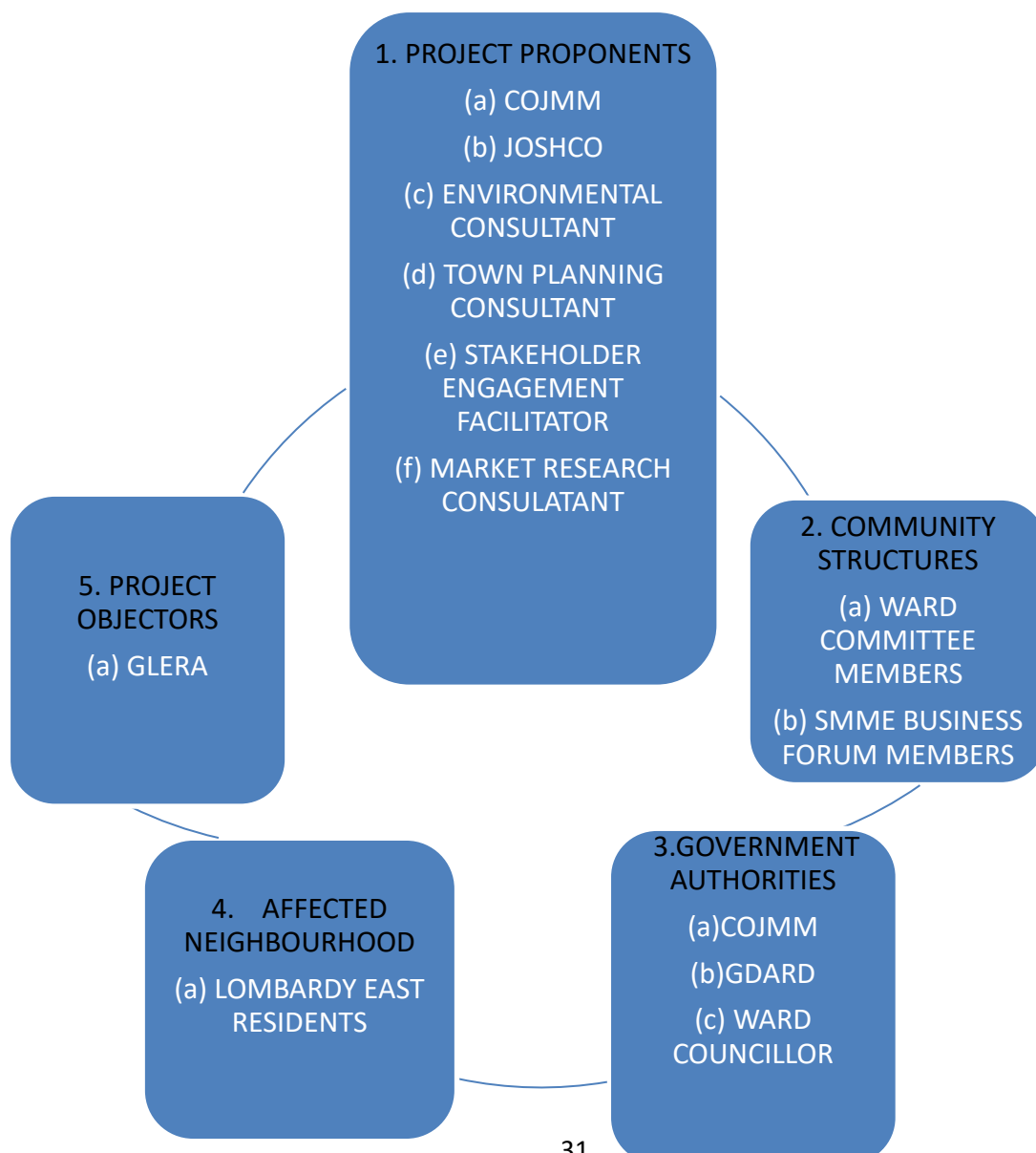
This chapter discussed the different data collection techniques and methods that were used to gather data for the study; this includes the semi-structured interviews, the analyses of different relevant documents and the recording of the interviews. A total of 13 participants volunteered their time to participate in the interviews amongst the participants were five Lombardy East residents. This chapter also pointed out the limitations to the study which includes limited time allocated to complete the course which could only allow for a small sample and it also pointed out the challenges experienced during field work such the resistance to participate by some participants. It is important to note that the participants' names and consulting companies are not mentioned in the research report for ethical reasons.

CHAPTER 4: UNDERSTANDING THE CASE STUDY

4.1 Introduction

This chapter describes the proposed Lombardy East Social Housing Project from the beginning phase to the current phase. This chapter answers the first and second research questions which ask, what is the nature of the Lombardy East Social Housing Project and what steps have been followed to implement it and what is the current status of the project? Who are the different role players in the project (I&APs) and what different interests do they have in relation to the project? Figure1 shows a map of the different key role players followed by a brief description of how the role players relate to another and to the project.

Figure 1: key role player mapping



The first role players who are behind implementing the project are the Johannesburg Social Housing Company (JOSHCO)(Figure1, 1(b) who is the applicant and the project proponent for all components of the work related to the development. This is the social housing company that was tasked by City of Johannesburg Metropolitan Municipality(COJMM)(Figure1, 1(a)) to develop portion 1 Erf 537 Lombardy East for a low cost housing development. In order to carry out the task effectively, JOSHCO appointed a few external consultants to undertake certain tasks on their behalf. An environmental consultant(Figure 1, 1(c)) was appointed to manage the environmental application for the proposed social housing development it is important to note that JOSHCO appointed two environmental consultants; this is after the first appointed environmental consultant performed an environmental screening and found the site to be degraded but according the COJMM investigations the site has a wetland so this led to the project implementer appointing a new environmental consultant to perform environmental screening on their behalf. It is also important to note that the environmental consultant referred to in this research report is the second appointed environmental consultant. A town planner (Figure 1, 1(d)) was appointed to manage the rezoning application for the proposed social housing development. A stakeholder facilitator (Figure1, 1(e)) was appointed to inform and consult the community about the planned project and a market research consultant (Figure1, 1(f)) was appointed to assess the demographic profile, economic trends, growth and development potential of the proposed residential social housing development.

The second group of role players that are about implementing the project are the community structures who also represent the Alexandra residents' i.e. Ward committee members (Figure 1, 2(a)) which is a community based structure that is appointed as per the Local Government Municipal Structures Act, 1998. The structure represents ward 81 of the City of Johannesburg. This structure plays a critical role in ensuring that the community gives input to the decisions that the project implementers make. They are the medium through which communication between the local residents, the ward councillor and the local municipality occurs. The Small, Medium and Micro Enterprise forums (Figure1, 2(b))is the small local businesses that will benefit from the implementation of the proposed development by means of employment and skills development. The SMMEs registered their businesses on a profile (database) so as to be considered in getting work from the proposed development.

The third group of role players are the government authorities i.e. City of Johannesburg Metropolitan Municipality (Figure1, 3(a)) which is a local authority that is the registered

land-owner of proposed portion 1 of the remaining extent of Erf 357 Lombardy East. The core mandate of the municipality is service delivery to the locals. In response to the growing demand for well managed accommodation in the city and addressing the need for affordable, safe and clean housing, the City of Johannesburg Metropolitan Municipality tasked JOSHCO to develop the portion 1 of the remaining extent of Erf 357 Lombardy East. The Gauteng Department of Agriculture and Rural Development (Figure1, 3(b)) is the mandated authority in terms of the National Environmental Management Act (Act No. 107 of 1998) that determines whether environmental authorisation should be issued for the construction, operation and maintenance of the Lombardy East Social Housing Project. The ward councillor (Figure 1, 3(c)) is the City of Johannesburg Metropolitan Municipality ward 81 Councillor. The ward councillor has a role to represent ward 81 which encompasses Bramley view, Lombardy East, Lombardy West, River Park, and Kew. The councillor was elected in local government elections to represent Lombardy East. The ward councillor was elected by the Democratic Alliance (DA) party which won the 2016 local elections. The development was proposed in the previous administration which was an African National Congress (ANC) administration. The ward councillor provides a link between the community and the local authorities.

The Lombardy East residents (Figure1, 4(a)) are a middle class community situated in Region E of the City of Johannesburg Metropolitan Municipality. The houses in Lombardy East are low density middle income houses. It is important to note that although the proposed social housing project is going to be constructed in this community not all residents object to the proposed development.

The last key role player is against the implementation of the project i.e. Greater Lombardy East Residents Association (Figure 1, 5(a)) GLERA is a non-profit resident association that is made up of a group of unpaid volunteers that reside in Lombardy East. The association was formed back in 1951 and their mission is 'to create a community that is able to sustain a quality of life that is safe and conducive for residents to live happily with family and neighbours' (GLERA chairperson's report, 13 August 2016: 3). The association meetings are held every second Tuesday of the month at a local Methodist church. The meetings normally consist of the executive committee members of the association and Lombardy East residents. The purpose of the meetings is to discuss issues affecting Lombardy East residents, issues like water availability and safety, conditions of roads in the area, street lights and environment, etc. Currently the most discussed issue is the objection to the proposed social

housing development in the area. The association has appointed an independent town planner and a lawyer to assist with the issue.

4.2 Project timeline and description

The case concerns an opposition by some Lombardy East residents to a proposed social housing project on portion 1 of Erf 357 Lombardy East, City of Johannesburg Metropolitan Municipality (COJMM). The social housing project was proposed by the City of Johannesburg in 2014. The target date for completion of the project was originally 2018, but to date the project has not materialised five years since its proposal.

At the initial planning stages of the proposed development the City of Johannesburg commissioned a market research study consultant to assess the demographic profile of the area and the need for the proposed housing. It was found that there is a shortage of available residential stock in the area. Furthermore most of the available housing is financially out of reach of the surrounding communities. The results of the market research also showed that 43% of the community would be able to afford the rental stock to be made available by the proposed development (Motivating memorandum, proposed rezoning application, 2015).

According to the motivating memorandum for the proposed rezoning application (2015), in terms of its original context, the proposed site for development is located South of Alexandra Township which falls within the M1, N3 and London road triangle. According to the memorandum the site is located in the vicinity of Marlboro, Buccleuch and Bramley suburbs, approximately 12km North-East of the Johannesburg CBD. The area has a mixture of medium to low income households. Towards the south of the site is a medium-income tree-lined suburban neighbourhood (Lombardy East). To the north opposite a large drainage ditch the housing typology changes to represent an area of more affordable accommodation (River Park) which is a new development residential area that was formed back in 2002 as part of the Alexandra Renewal Projects. The houses in River Park are all working class houses, requiring a household income of around R15000 to R20000 per month. Low income housing is found near London road and Alexandra Far East bank. According to the motivating memorandum for the proposed rezoning application, the site of the proposed social housing project falls within what can be described as a transitional zone. The Regional Spatial Development Framework (RSDF) proposes Lombardy East to be earmarked for social housing and low-income developments (Motivating memorandum, proposed rezoning application, 2015).

Figure 2: Locality Map. Locally the site is located south of London road and north of Victoria Road.

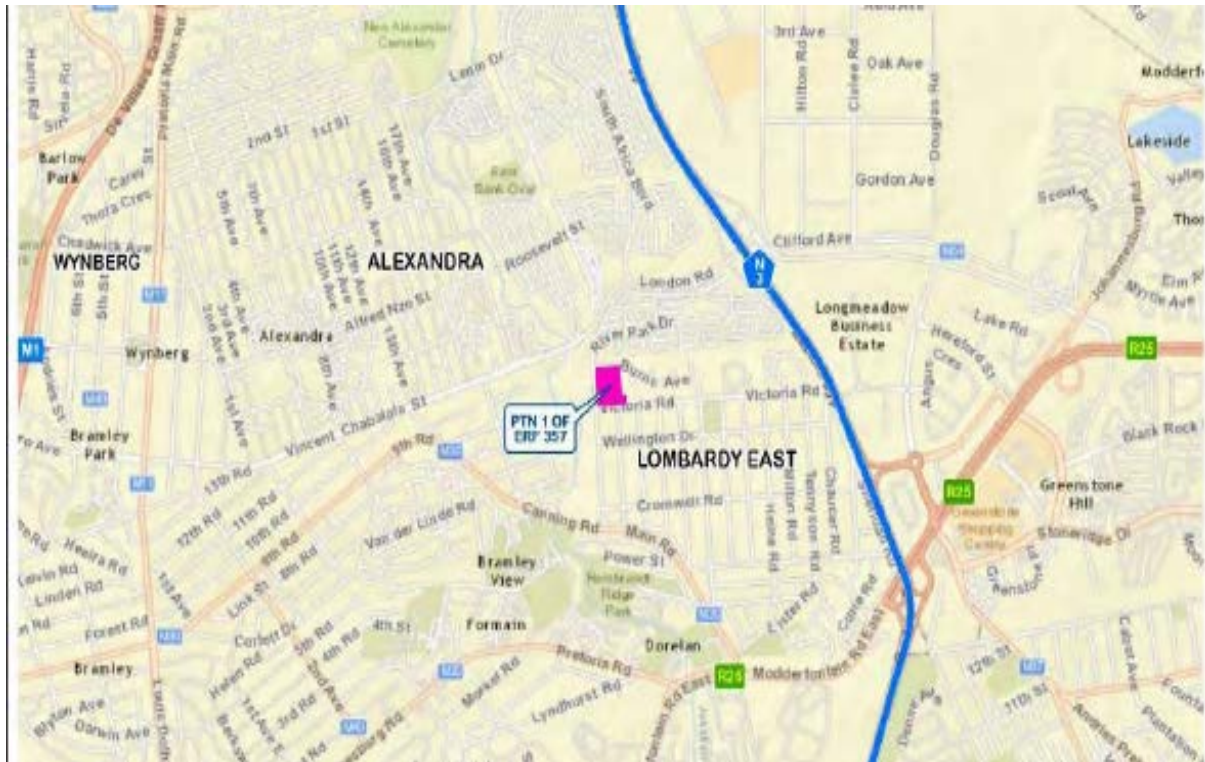


Figure 3: Aerial view of portion 1 Erf 357 Lombardy East



JOSHCO's appointed town planning consultant submitted a rezoning application on behalf of Johannesburg Social Housing Company and City of Johannesburg Metropolitan Municipality (owner of proposed portion 1 of the remaining extent of Erf 357 Lombardy East) in March 2015. The application proposed that the property would be rezoned from government to residential. The rezoning application was submitted in terms of section 56 of the Town Planning and Townships Ordinances, 1986 (Ordinance 15 of 1986) and as read with clause 36 and 37 of the Johannesburg Town Planning Scheme, 1979. The property measures 4.139 hectares (ha) in extent with the total development footprint of 2.37 ha. The proposed development would consist of approximately 327 two bedroom units and 186 one bedroom units (513 units in total) (Motivating memorandum, proposed rezoning application, 2015).

The first appointed JOSHCO environmental consultant conducted an environmental screening on the 6th of November 2014 and the findings suggested that there is surface water occurring on site and that the vegetation is transformed to a degree that it does not constitute irreplaceable or important vegetation (GDARD meeting minutes, 1 December 2014).

On the 06th May 2015 the proposed development was advertised in the provincial gazette, Volume 21, Number 153. Following the advertisement the Greater Lombardy East Residents Association (GLERA) through their town planner, whom they have appointed, submitted a first letter of objection on 18 May 2015. The letter was submitted to the City of Joburg Executive Director for Development Planning Department. The letter represented a total of 266 Lombardy East Residents objector signatories. Below I have summarised the basis of the objections expressed by the residents (GLERA, objection letter, May 2015).

- According to the Gauteng Conservation plan (C-plan) 2013 database, the site has been identified as a critical biodiversity area (CBA) and is characterized by sensitive environmental features such as the primary vegetation, Orange listed plant habitat, South African National Biodiversity Institute (SANBI) priority grassland and threatened ecosystems (Egoli Granite Grassland).
- The presence of a wetland and non-perennial river has also been confirmed. The proposed development is listed in terms of listing notice 1, activity 27 listing notice 3, activity 12 of environmental impact assessment (EIA) Regulations 2014, published under the National Environmental Management Act (Act no.107 of 1998 as amended). The development therefore legally requires environmental authorization from the Gauteng Department of Agriculture and Rural Development (GDARD).
- Overlooking, invasion of privacy and the absence of a reasonable building line, especially with respect to properties situated to the east of the site.
- Absence of recreational facilities, despite the fact that a large number of units are proposed on the site.
- Substandard parking provision/lower parking ratios without motivation/ justification.
- Disregard to the nature and character of the surrounding environment, especially when the density of surrounding properties is taken into account.

The stakeholder facilitator had the responsibility to undertake the community engagement process. The first activity undertaken by the stakeholder engagement team was a Lombardy East social housing survey of 450 households in 2015. Of these, 63% of those interviewed

were household owners and 37% were tenants. The objective of the survey was to gather concerns that the community might have about the project, as well as possible solutions. The raised concerns were forwarded to JOSHCO and corrective measures were put in place. These responses were made as part of the community engagement phase of the project. The objections received from GLERA were also addressed, and communicated to JOSHCO through a public meeting held on 11 April 2015 and a meeting with JOSHCO's CEO on 21 October 2015 (Community engagement report, 2015). In addition a meeting of the individual objectors was held on 11th June 2015. The main outcome was that they had no independent concerns outside of those expressed by GLERA.

According to the stakeholder facilitator report (2015), JOSHCO, with the assistance of the stakeholder team, organised an open day and Small Micro and Medium Enterprise (SMME) empowerment day. Various state departments and institutions availed themselves to assist the community and SMMEs. The organisations answered community questions; and assisted SMMEs to ensure that they are compliant and therefore eligible to participate in the contract opportunities that are part Of JOSHCO Lombardy East Social Housing Project. The event was held on 23rd of July 2015, at the Lombardy East bowling club. The SMME database of ward 81 was established, focusing on all SMMEs that do business in construction. According to the stakeholder report these SMMEs have been prepared and are ready to start and benefit from the project when it starts.

In January 2016 the GLERA association appeared before the planning committee of the City of Johannesburg to object the application. The objection was based on the above GLERA concerns. On 27 January 2016 the Municipal Planning Tribunal Planning Committee overruled the objections and approved the application. The application was approved on the basis that the wetland delineation shall be indicated on the site development plan and shall be certified by an engineer. In terms of the objectors' concerns with regards to overlooking; invasion of privacy; absence of reasonable building line; absence of recreational facilities, the department was of the view that the concerns are addressed by the applicant. On 22 March 2016 GLERA, through their town planner, filed an appeal against the decision of municipal land use tribunal to approve the application. According to GLERA's appeal report(2016) the objectors questioned the fairness of the proceedings because of the following reasons,

- The City of Johannesburg is the applicant, The Urban Planning Department of the City of Johannesburg assessed the application from a town planning point of view;

and the tribunal of the City of Johannesburg rendered the final decision. Therefore according to GLERA this result in the final proceedings rendered not fairly (GLERA appeal report, 22 March 2016).

The planning committee overruled the appeal and again approved the application.

In 2016 JOSCHO appointed the second environmental consultant who provided stakeholders with the opportunity to register as interested and affected parties and to raise their issues and concerns with regards to the proposed housing development. A public participation process was conducted by the appointed environmental consultant in terms of chapter 6 of GN No.982 of December 2014, of the NEMA, 1998(107 OF 1998) (Basic Assessment Report, 2016) and the public participation process involved the following:

1. Site notices were erected at prominent points and around the study area
2. BIDS were distributed to the neighbouring properties and estates/ developments that may be affected by the proposed development.
3. Notices regarding the project were emailed to the councillors in the area and other possible stakeholders (including authorities and state departments).
4. An advertisement was placed in local newspaper.

The environmental authorisation process (Basic Assessment process) was undertaken by the newly appointed environmental consultant on 20 October 2016 in order to determine whether the proposed development triggers any environmental related legislation that requires authorisation, licenses or permits. In terms of GN No. R983 and R985 OF 04 December 2014 of the NEMA (Act 107 of 1998), a specific list of activities were identified which could have a detrimental impact on the receiving environment. The listed activities required environmental authorisation from competent authority, i.e. the Gauteng Department of Agriculture and Rural Development (GDARD). Accordingly, the proposed project required authorisation from GDARD via the BA process outlined in GN No. 982 of 04 December 2014 of NEMA. Authorisation was applied for and approval granted in November 2016.

On the 12th of June 2017 JOSHCO received a court order from the objectors' lawyers. The matter is currently lying with the high court for a decision.

4.3 Conclusion

This chapter answered the first two questions of the research study. The second research question which states; Who are the different role players in the project (I&APs) and what different interests do they have in relation to the project? This was addressed by identifying and mapping out different key role players that are involved in the project and their different roles were briefly described. Five kinds of role players are described- project proponents, government authorities, project objectors, the community structures and the affected neighbourhood. We learn from the chapter that there are stakeholders who are in full support of the project and there are also stakeholders that are not in support of the project and are objecting to its implementation.

The second research question is; what is the nature of the Lombardy East social housing project and what steps have been followed to implement it and what is the current status of the project? This question was addressed by giving a detailed history of the project from the initial stages up to the current stage. We learn that the basis of the objections was not only environmental concerns related to the wetland but town planning issues such as overlooking, invasion of privacy and project details. These objections will be explained upon in the next chapter. We also learn from this chapter that JOSCHO undertook a three part public participation process by means of market research study, stakeholder facilitation process and the Environmental Impact Assessment public participation process.

CHAPTER 5: ARGUMENTS FOR AND AGAINST THE PROPOSED PROJECT.

5.1 Introduction

This chapter outlines the various arguments given in favour of the project by those who support it, and the various objections raised by those who oppose it. The arguments are based on findings from the documents analysed and on opinions from the interview participants. This chapter answers the third research question; what arguments are raised in favour of the proposed project and what objections are raised against the project? A summary of the responses and rebuttals to the arguments are also stated in this chapter.

5.2 Arguments in favour of the project

This section considers all those arguments in favour of the project which is all the positives that will be brought by the proposed project. The five major reasons that were given in favour of the project are as follows: 1) the need for affordable housing for lower income families; 2) the need for affordable housing in well located place in order to create diversity and ensure that workers do not have to commute and travel long distances; 3) the need for infill development to make most effective use of existing infrastructure; 4) the need to prevent land invasion, dumping and crime on the open land; and 5) the need to generate employment opportunities through the construction of the housing. This section first summarises the above points and then summarises the rebuttals given by the objectors to the arguments in favour of the project.

5.2.1 Need for affordable housing

According to the motivating memorandum drafted by the town planning consultant appointed by JOSHCO(2015), the proposed development is in line with the City of Johannesburg Metropolitan Municipality housing vision because it complements the City's commitment towards its 'inclusionary housing policy' which is aimed at increasing the availability of housing to middle range and lower income families. The memorandum argues that the growing gap between income and the cost of housing does not affect only lower income households but also households with middle range incomes that struggle to find affordable housing. (Motivating memorandum, proposed rezoning application, 2015). According to the memorandum, the influx of people to Gauteng province in search for better employment opportunities has increased the need for both low and middle income housing. The proposed

development would offer this opportunity to this first time home buyers (Motivating memorandum, proposed rezoning application, 2015).

Some residents of Lombardy East agreed with this argument, especially considering the fact that many people live in informal accommodation in Alexandra.

‘I was very excited when the project was introduced because to me it was a solution to the problems that we are facing in terms of housing backlog. And again it helped us because the area was turned into a waste land; there was illegal dumping.’ (Interview, Lombardy East resident, 19 April 2018)

‘I think it’s a good thing that must happen, and you know we’ve got a lot of people who require housing and we all for the city to actually providing that housing.’ (Interview, Lombardy East resident, 22 August 2018).

5.2.2 The need for affordable housing in well located places

The JOSHCO town planning consultant (2018) argued that there is a need not only for affordable housing, but for housing in an appropriate suitable location. JOSHCO’s town planning consultant (2018) explained that there is a need for the city to develop vacant land, especially land which is already serviced. He further argued that the development of the site aligns well with the densification strategy of the Johannesburg Metropolitan Municipality, where the development will be concentrated close to well-planned transportation arteries. He further stated that the ‘Joburg growth and development strategy 2040, focuses on transit-oriented development with mixed use development such as high density accommodation, supported by office buildings, retail developments and recreation along transport routes’. He stated that the proposed development will encourage infill development along major routes, including the N3, London Road and Modderfontein road (Interview, JOSHCO town planning consultant, 13 September 2018).

There were also residents who supported the above statement and felt that it will good for people to work closer to home and if the development is going to offer such an opportunity then it must be approved.

‘There is no longer that thing of one working in Greenstone and staying in Soweto. If there is a chance of staying next to or near to your workplace, those are the things we want.’ (Interview, Lombardy East resident, 19 April 2018).

5.2.3 Need for infill development to make most effective use of existing infrastructure

According to the motivating memorandum for the proposed rezoning application (2015)‘ Gauteng province is working as whole towards an integrated city region. Effective spatial planning requires increased strategic, socio-economic and bulk infrastructure-led growth and increase the performance of the economy. To provide energy efficient and coordinated cities, the optimum utilisation of all resources including land, engineering services, transportation infrastructure, social infrastructure and ecological resources, is required’(Motivating memorandum, proposed rezoning application, 2015:18). According to the memorandum the proposed development was designed to be one which is compact, and will take advantage of these the above principles.

According to the motivating memorandum for the proposed rezoning application (2015) this particular piece of land has remained vacant for quite some time. The memorandum argues that the vacant land is underutilised. It is within a well-established neighbourhood, and as such the investment into infrastructure is wasted. The memorandum argues that this infill-development within an existing neighbourhood will counteract urban sprawl. The memorandum points out that the land is strategically located and is one of the last remaining publically owned pieces of land in the area. The memorandum cites the Breaking New Ground policy which argues that publically owned land should be developed in a strategic manner which can enhance the location of new housing projects. Thus the proposed development will ensure optimum utilisation of the vacant land without defeating any of the primary considerations in respect of conservation and environmental issues. The proposed development will contribute toward diversifying land use and economic activities in the area catering for needs and attracting investment into the area (Motivating memorandum, proposed rezoning application, 2015).

5.2.4 To prevent land invasions, illegal dumping and crime on the open land

JOSHCO’s representative (2017) mentioned the fact that the open land may fall victim in illegal settlement because of its vacancy and argued that land invasion must be prevented in order to protect the surrounding land values. The representative also argued that the proposed development will drastically improve the site’s security saying that JOSHCO prides itself in creating safe and nurturing environments. With the upgrade in security, the representative claims that potential urban decay will be prevented and the property’s function will be optimised (interview, JOSHCO representative, 14 June 2017).

There are participants who were relieved that the vacant land was going to be developed as it had turned in to an illegal dumpsite and a crime spot. And also there was a worry that the vacant land was going to be occupied illegally.

‘There is space that is not being utilised, we have housing crisis that the space can be utilised for and the empty space is also a crime spot.’ (Interview, Ward 81committee representative, 30 April 2018).

‘Another issue is that some nearby locals mentioned that if the development does not take place then they are going to build shacks there, they are going to invade the space illegally. Our worry now is the more you delay, land invasion will take place.’ (Interview, Ward 81committee representative, 30 April 2018).

5.2.5 Need for employment opportunities

The motivating memorandum (2015) argues that the construction and the earthworks to be undertaken on the site will create job opportunities for a number of residents in the surrounding communities. The memorandum further states that the proposed development will create employment and develop skills that may open other doors of opportunity (Motivating memorandum, proposed rezoning application, 2015).

Some participants were excited that the development was going to bring employment to the local people. When the DA councillor was asked about how the people of Alex felt about the project. This was the response:

‘From Alexandra side, they just want to know when the project starts so they can find some work.’ (Interview, Ward councillor, 19 April 2018)

5.3Rebuttals by GLERA to project proponent’s arguments in favour of the project

Before examining GLERA’s main objections to the project (section 5.4) this section considers the way in which GLERA responded to the arguments in favour of the project.

In response to the argument in favour of the project because there is a need for affordable housing, according to GLERA appeal report (2016) the objectors do not dispute the need for affordable housing, nor do the objectors dispute that these housing types should be integrated in the more established residential areas, such as Lombardy East. In their appeal, they dispute the need for a density of 125 units per hectare. They argue that there appears to be no casual

connection between the need for and desirability of affordable residential housing and the development controls applied for (GLERA appeal report, 22 March 2016).

In response to an argument in favour of the project because there is a need for infill development to make most use of existing infrastructure and the need to develop the vacant land in order to prevent land invasions, illegal dumping and crime on the open land, according to GLERA appeal report (2016), from a town planning point of view it is desirable to utilise vacant land in the established suburb, as this gives access to the tenants to generally utilise the better quality of suburban schools, suburban parks and other amenities. However, the objector's complaints revolve around the density applied for which they claim is not suitable.

In response to the argument in favour because there is a need for affordable housing in well located places, according to GLERA appeal report (2016), there appears to be no benefit for locating the development in this specific area because there is no public transportation infrastructure; there are inadequate social amenities, such as libraries, schools and clinics and there are no nearby employment nodes. So in response to arguments that more housing is needed, that the houses should be well located, that the vacant land should be utilised before it is invaded, GLERA broadly agreed with these logics but based their concern on the density of the proposed project

In response to argument in favour of the project because there is a need for employment opportunities, according to GLERA town planner (2017) Johannesburg also has a high unemployment rate and need to create job opportunities. The town planner suggested that the proposed site should rather be zoned 'industrial' and be developed with factories for employment opportunities.

5.4 Objections against the project

This section considers all those objections against the project. It is important to note that most of the negative perceptions came from GLERA through their town planner. This is due to the fact GLERA is opposing the project. Three major objections were raised: 1) the negative environmental impacts; 2) poor town planning; and 3) residents concerns regarding JOSCHCO property.

5.4.1 Negative environmental impacts

According to the GLERA appeal report (2016), the proposed development falls within the threatened ecosystem identified as the Egoli granite grassland and this vegetation type is classified as endangered. According to the report the proposed development also occurs within the critical biodiversity areas (CBAs) and ecological support area (ESA). A City of Johannesburg wetland occurs north of the site. Therefore, the proposed development occurs within 500m of a wetland. In terms Water Act 38 of 1998, a local authority must determine the 1:100 year flood line and associated wetland in respect of all watercourses within its area of jurisdiction and make such information available to members of the public. The local authority must further determine a strategy to ensure the protection and preservation of its watercourses and associated wetland areas (GLERA appeal report, 22 March 2016). The GLERA appeal report(2016) also states that in terms of the Regulation 12 of notice R983 appearing in government gazette dated 04 December 2014, the development of 'buildings exceeding 100 metres in size, where such development occurs in a watercourse', environmental authorisation must be obtained prior to any development on the site.

The concerns of some participants were that a wetland study should be undertaken and authorisation from the competent authority should be obtained before any construction takes place. GLERA town planner shared their concerns pertaining to this issue.

'The land is affected by a wet land and they did not attend to that, obviously we pointed it out they subsequently started an Environmental Impact Assessment process' (Interview, GLERA town planner, 29 May 2017).

'Although there are two separate processes, environmental and town planning processes, our feeling was you should complete your environmental process, because what if the outcome of the environmental process is that the portion of the land must be set aside for open space purposes and now you have already zoned it all for development, so how are you going to marry the two conflicting inputs' (Interview, GLERA town planner, 29 May 2017).

5.4.2 Poor town planning

In addition to the environmental concerns, the objectors argued that the density of 513 units (125 units per hectare) would be too high. According to the objectors this is approximately three times the density that the city would ordinarily support in similar circumstances.

According to the GLERA appeal report (2016) the Spatial Development Framework (SDF) and Regional Spatial Development Framework (RSDF) principles demonstrate that the site does not possess any characteristics that would make it suitable for the type and kind of densities proposed by the project implementer. The GLERA appeal report further argues that the densities are not justifiable in terms of any town planning principles and are far in excess of what is reasonable to the area. Furthermore, the high density has effect on overlooking, presumably that people in the new accommodation would be able to see into the yards of Lombardy East houses. The report argues that the poor town planning will result in inadequate facilities and lack of recreational space and therefore in terms of the SDF analysis, there are no factors whatsoever supporting any densities other than ordinary suburban type of densification, 20 to 40 dwelling units per hectare.

GLERA stated in their appeal report (2016) that the project developers have not attempted to justify the applied for density in terms of the prescribed development principles of the RSDF. They felt that the only reason for applying for the density is the fact that the land is available. GLERA is also contesting about what they term 'city's hypocrisy' because when a private developer applied for only 80 dwelling units per hectare on the Lombardy East bowling club the application was rejected on the grounds that there were too many units and instead reduced to 50 dwellings per hectare. But when the city applied 125 dwelling units per hectare, the application gets approved.

According to the GLERA appeal report (2016), the development promotes racial segregation and creates stigmatised suburbs whereby the development is just an extension of low income housing in Alexandra and is not in line with the RSDF principles and guidelines i.e. The property is not situated within, adjacent or nearby an existing node; the property is not situated along or nearby a mobility spine, mobility road or public transport route.

'They keep making Alexander bigger and bigger and it's not going to help, Alexandra isn't going to suddenly become this beautiful suburb. It's a deprived ghetto and no matter how bigger you make it will remain a deprived ghetto. But we are saying all you are doing is taking the least resistance way. I have a bit of land, its next to Alexandra; I'm not going to get so much opposition so I will just do it'(Interview, GLERA town planner, 29 May 2017).

There was also a complaint that current infrastructure for transport, electricity, water and sanitation is old and inadequate and will not be able to handle the additional load.

5.4.3 Concerns about the JOSHCO property

According to the GLERA objection report (2015), residents had a few concerns regarding JOSHCO's buildings. There was fear of JOSHCO leaving buildings not completed without roofing which causes illegal settlements, crime, and slum-like conditions.

There were also concerns about the number of proposed parking bays that are not adequate; therefore going to cause untidiness and lack of order as some tenants will opt to park in the street, even increase crime levels due to hijacking on the area. The objectors also foresee upcoming disasters like hawkers settling in after project is done. The objectors demand that the project be delivered as a complete project- with full paving all the way to the entrances, the curbs, and main road. And that one building site should be replaced with a foundation level school and playground for resident's children because there are not enough schools in the area to accommodate tenant's children.

5.5 Responses by project proponents to objectors

One of the main objections by opponents is in response to the concern related to the environmental impacts. In response to this concern, JOSHCO stated that they appointed a second environmental consultant who undertook a comprehensive basic assessment process outlined in GN No. 982 of 04 December 2014 of NEMA. Environmental authorisation was applied for and approval granted by GDARD in November 2016.

In response to the concern that the project was designed with poor town planning, JOSHCO revised the plans to reduce the high rise building by one storey (Stakeholder Facilitator report, 2015). This was communicated to GLERA and the community on the 4th February 2015 and during the public meeting of 11th April 2015.

In response to opponents concerns that JOSHCO has a tendency of leaving buildings incomplete and creating slum like conditions. According to the stakeholder facilitator report (2015), a site visit tour was organised for the community to go view other JOSHCO property developments recently undertaken and completed, this was to showcase the housing development that JOSHCO has developed that are similar to the housing development proposed for Lombardy East. The site visit took place on 6th of June 2016 to Orlando ekhaya, City Deep and Roodepoort projects, according to the report some of the residents were satisfied with the quality of JOSHCO's buildings. With regards to the complaint about inadequate parking space, the stakeholder facilitator report states that the proposed parking

was compliant with the land use department's requirements for social housing projects. A parking of 0.7 parking bays per unit will be provided. The report also argues that a playground has been provided within the proposed development; however limitations in terms of the size of the property will make a provision of a school a challenge. However, JOSHCO argued that there are already existing care facilities for children within a 5km radius. Such as, Magic prep & primary, Lombardy East Methodist nursery school, Rembrandt Park primary, Lyndhurst primary school and Eden college

In response to the concern that JOSHCO had a poor track record on post construction management, JOSHCO explained that it had a provision for tenant training and any other community outreach programs in conjunction with the support service unit (Stakeholder Facilitator report, 2015).

‘There are existing policies in place regarding the tenants conduct. All laws are maintained and no illegal loitering and hawkers is allowed’ Stakeholder Facilitator report, 2015: 3).

In response to the concern that current infrastructure for transport, electricity, water, and sanitation will not be able to handle the additional load, JOSHCO organised an open day for departments to speak to the community about the concerns. In addition, a public meeting was held where the MMC for housing outlined the plans to improve the infrastructure and respond to the current infrastructure concerns.

5.6 Conclusion

This chapter outlined the different arguments with regards to the proposed development. The major reasons in favour of the project and against the project were given. According to the motivating memorandum submitted by the town planner on behalf of JOSHCO ‘the proposed development provides an opportunity where different housing needs are met in a sustainable human settlement to supply a range of well-located, good quality, safe and affordable accommodation opportunities (Motivating memorandum, proposed rezoning application, 2015: 1)’. The memorandum also argues that there is a need for infill development to make most effective use of the existing infrastructure and according to a representative from JOSHCO; it will be good for the land to be developed in order to prevent illegal dumping, crime and illegal settlement. The proposed development will create employment

opportunities as the DA ward 81 councillor mentioned that the Alexandra people want to know when the project starts so they can be employed.

Notwithstanding these arguments in favour of the project, GLERA articulated a series of objections to the project. The major reasons included the fact that the development could have negative impacts on the environment due to a wetland that occurs on the proposed site. GLERA also had concerns about the high density dwellings that are going to be constructed on the proposed site which they say are not in line with the prescribed development principles of the RSDF. There were also a number of concerns raised with regards to the JOSHCO property. The main concern was the period after the handover of the complete project, the after care and management of the property, the maintenance of the property. Concerns such as weak security measures, hawkers, neglected buildings and increased crime levels in the area. The responses and rebuttals to the raised concerns were also discussed in this chapter. In some instances, the developer modified the construction in response to the concerns, notably by reducing the number of storeys from four to three. In other instances, the developer followed additional procedures, for example on environmental clearance. And finally the developer also provided additional information to attempt to placate GLERA's concerns by arranging site visits and open days.

CHAPTER 6: PERCEPTIONS OF PARTICIPATION

6.1 Introduction

This chapter outlines the perceptions of the public participation process undertaken for the proposed development. The chapter reveals how the public was involved in the decision making process and the challenges that were experienced from the implementation of the process. The perceptions are separated into two categories; 1) there was adequate public participation process and; 2) there was inadequate public participation process. The last section of the chapter addresses the decision making process. This chapter also answers the remaining research questions: What public participation process strategies were employed by the project implementers? How were the I&APs being engaged in the process and how are their views addressed? Was the final decision based on the concerns of the I&APs?

6.2 Adequate public participation process

From the literature review, we learn that public participation is an important aspect of any development. The constitution of South Africa places a responsibility on the project implementers to undertake a public participation process with the affected communities to get their inputs and concerns about the proposed project. As O’Faircheullaigh (2010) argues, public participation is a long process that takes a lot of time and requires a lot of strategic planning and effort. And as Kaya and Erol (2016) explain, for the public participation processes to be done effectively the project implementers have to consider appointing independent consultants to facilitate the process on their behalf. The JOSHCO representative (2017) shared their view on the importance of public participation by reinforcing that public participation is important because when people are aware of projects that are coming they become more literate and they know what the processes are and as a project implementer when you do a public participation process you will have an idea of what kind of product to design for the community. The statement was also supported by the stakeholder facilitator (2018) who explained that public participation is very important to collect the views of the people, it makes sure that the people are informed, if people have any issues, their issues are dealt with, because in the end it’s their project. The above two statements show that the project implementers for the proposed social housing project understand the importance of public participation and that the process is necessary and the public’s opinions must be taken into consideration so that the community can feel part of the process.

We learn from the findings of the research that the project implementers for the proposed development appointed outside consultants to undertake the public participation process on their behalf. The market research consultant was appointed to do a demographic assessment of the area which concluded on the type of housing that is needed in the area. The stakeholder facilitator was appointed to consult the community about the proposed project, record the community's concerns and facilitate a process of addressing the concerns. The social facilitator served as a link between the community and JOSHCO through meetings set up between the project implementers and the community. The concerns raised were forwarded to JOSHCO and corrective measures were put in place as noted in chapter 4. The environmental consultant offered the public an opportunity to register as interested and affected parties and raise their concerns with regards to the project. The environmental consultant conducted a public participation process by putting site notices around the proposed development site so that the community can know about the upcoming project, emailed notices of the proposed development to the ward councillor and other stakeholders and the environmental consultant also placed an advertisement of the proposed development in the local newspaper so that the local people can be aware of the proposed project.

We also learn that the project implementers made use of the formal invited spaces of participation as referred to by Cornwall (2003) to include the public in the participation process. The stakeholder facilitator also confirmed in the interview that meetings were used as a platform to give feedback to the community (Interview, Stakeholder facilitator 15 July 2018). Participants also supported the invited spaces of participation initiated by the project implementers. In interviews I asked the participants how they got informed about the project, some participants said:

‘There were many meetings, about 4 or 5, and they lasted about 2 to 3 hours. There was always a discussion and a presentation’ (Interview, Lombardy East resident, 14 May 2018).

‘Yes, there were numerous meetings and invitation was through flyers (put in post boxes) and also through local media’ (Interview, Lombardy east resident, 19 April 2018).

According to Glucker (2012) early involvement of the public on to the decision making process serves as important factor in ensuring effective and quality public participation process. This allows the public to feel important enough to participate effectively. When

asked at what stage the public should be involved, the participants seemed to understand that it is only fair that the public gets involved from the planning stages in order for informed decision to be made. According to the stakeholder facilitator, the public was involved from the beginning of the project and they were never excluded.

‘From my side I think public participation process must start from day one, if you invite the community later then you are inviting problems to the project’ (Interview, SMME representative, 30 April 2018).

According to the interview with the JOSCHCO town planning consultant, prior to the application JOSCHCO held several meetings with the public to discuss the project and their views were addressed and taken into consideration.

‘Involvement needs to be from the beginning as soon as you register as an interested and affected party then you need to be part of the process right through’ (Interview, JOSCHCO Town planning consultant, 13 September 2018).

When I asked the JOSCHCO representative when the public should be involved, she explained that:

‘The public must be informed during the planning stage. Because you don’t want a case where you do all the planning, you do all the drawing, you crunch all the numbers only to find that when you inform the people, whatever their inputs takes you back to zero, you are forced to change the layout altogether or you find out that out of the information they are giving you, you cannot even develop a single unit, so you need to involve them from the onset because it works in your favour. If you involve them from the onset chances are high that you will get their buy in. They become part of the solution and not part of the problem’ (Interview, JOSCHCO representative, 14 June 2017).

Some participants also agreed with the above mentioned statement and when asked to give their opinion on whether they thought the public participation process was conducted fairly. This is what they had to say:

‘The public participation process was fair, to an extent where JOSCHCO took the residents to nearby JOSCHCO products to show them what the JOSCHCO product looks like’ (Interview SMME representative, 30 April 2018).

‘The public participation process was fair; I feel that JOSHCO tried to address all raised concerns’ (Interview, Lombardy East resident, 19 April 2018).

6.3 Inadequate public participation process

There are some participants claiming that the public participation process for the proposed development was not adequate. According to Arnstein’s ladder of participation (1969), informing, consultation and placation are allowing citizens to ‘hear and be heard but under these conditions they lack the power to ensure that their views will be considered’ (Arnstein, 1969: 22). Moreover, in the abovementioned processes, the end goal of the decision maker is known prior to the process of informing and consultation taking place. The local residents are placated by minor concessions without ever changing or deviating from the pre-determined end goal. In interviews, some participants indeed felt that the project implementers had the project designed, architect and complete before approaching the residents. Participants felt that the inputs from the residents were closed and the entire public participation process was self-serving. Some participants also felt that the only reason the project implementers did a public participation process is so they would know what opposition they would meet so they could prepare themselves to answer opposition. Participants had the following to say:

‘The only thing that the council got involved in was non-participation. They were informing us of what they wanted to do and were certainly not interested in what we had to say because none of the inputs were taken seriously’ (Interview, GLERA town planner, 29 May 2017).

‘Remember participation especially in an environmental context always includes alternatives. No alternatives were ever even considered at all. There is only one which they were concerned about and that was the project they wanted’ (Interview, Lombardy east resident, 14 May 2018)

Some participants also argued that because the project was finished already, the project implementer had already set certain goals and objectives. The project implementer had already made up their minds and concluded about the minimum number of units it intended to erect on the site, the type and kind of units it intended to develop on the site and the type of facilities it will provide for the development. The participants further felt that the process followed was therefore designed to legitimise a pre-determined goal.

‘Because in my view they started and done something without involving the community from the onset and the community only started coming in when the project was about to be implemented which is where I feel the process was flawed(Interview, Ward 81committee representative, 30 April 2018).

According to the literature, sometimes the public participation process is undertaken just as to comply with the legislation by undermining the contributions of the interested and affected parties. The process only serves as an information sharing session as important decisions have already been concluded. Participants were asked if they agreed that the process is never about what is achieved but rather about how much public participation was conducted.

‘JOSHCO appointed a social facilitator who led a committee of people in an effort to address raised issues. I was part of that group to a point where I felt that the group itself was mainly meant to exercise the process and not necessarily to address the issues. The purpose of the group was just to say a meeting was held and get an attendance register that the meeting went through, but the issues that were on the table were not properly addressed. I then excused myself because it wasn’t a fruitful exercise’ (Interview, Lombardy East resident, 22 August 2018).

Another participant shared a view on the fact that just because they were meetings it does not necessarily mean that the public’s views are taken into consideration.

‘And then they went ‘HOOHAA’ about how many public meetings they called and how many times they called the residents to discuss the project. But I said that is not public participation. You had already had your project finished and done before you made your first presentation’ (Interview, GLERA town planner, 29 May 2017)

According to the reviewed literature (Cornwall, 2003) invented or claimed spaces of participation are those spaces that the public create by themselves other than those provided by the project implementers such as public protesting, lobbying, writing to the media, writing to the court. These kind spaces are normally created when the public feel side-lined by the project implementers. Participants were asked if they created such participation spaces for themselves. One participant gave this answer:

‘Yes, we appointed a town planner who highlighted some of the issues that were actually not addressed by the city, we then asked him to represent us to the city to help us address those issues. It came to a point where we approached the legal team because

we were not getting joy from council to resolve those issues’ (Interview, Lombardy East resident, 22 August 2018).

One participant mentioned that the GLERA people would not come to the meetings invited by the project implementer, what they would do instead is to organise their own meetings and write to the court (interview, SMME representative, 30 April 2018). Another participant added on to say that some Lombardy East residents fill up an objection register to submit to council to delay the project (Interview, Lombardy East resident, 19 April 2018). This participation method is noted by Cornwall (2003) whereby opponents circulate petitions to have signatories to oppose the project.

6.4 Decision making process

Different stakeholders have different interests about the proposed project, but it is learned that in the end some kind of authority has to arbitrate between different interests expressed through public participation process in order to determine an outcome which serves the greater good. So the individuals most directly affected by the decision might not like it but the authority might decide to go ahead anyway because of the broader objectives and parameters they have in mind. For example the authorities might in the end go against the wishes of the middle class residents not to have the proposed social housing implemented because the priority of the authority is to foster inclusion and cater to those who have historically been excluded.

According to a response by JOSHCO’s town planner (2018) ‘communities need to be involved as far as possible in decision making’. The town planner further explained that public participation needs to take place but there’s is a democratic decision making that take place afterwards and people cannot participate and expect a decision that suits only them. The town planner went on to add that the project implementer did a lot public participation for the proposed project but the problem is that some people will always be unhappy and cannot be convinced. This is an important point because it shows that public participation cannot solve everything because many middle class residents feel they have more to lose than to gain from the project going ahead.

‘My opinion is that this type of community will at all cost not want a development, they will keep on fighting, it doesn’t matter on what grounds, and they will change their grounds completely. They will fight on environmental issues and if it fails they will

fight on planning issues, on heritage issues, they will fight on all kinds of new things just to delay the implementation of the project’ (Interview, JOSHCO town planning consultant, 13 September 2018).

From the vantage of the JOSHCO town planner, the objective of community participation is not necessarily to satisfy the community because it may not be possible to do so. The role of community participation is to allow a full opportunity for concerns to be raised, but then for an authority to assess the importance of these concerns within a broader set of government objectives.

‘At some point when a decision is taken you have to abide by the decision. You’ve had your chance, you raised your concerns, you appealed, your voice was heard, and the decision was taken based on the policy of the area and the needs of the catered community. So I think the municipality and the tribunal has a very important role to determine which of the demands can be accommodated without impacting the integrity and viability of the scheme (Interview, JOSHCO town planning consultant, 13 September 2018).

Some respondents were against what is stated above and argued that communities should have the final say:

‘Authorities should also disregard their own goals and objectives and present a product that is a result of a negotiated settlement.(Interview, GLERA town planner, 29 May 2017).

6.5 Conclusion

This chapter presented the perception of participation by respondents. The public participation process implemented by the project implementer was three fold; 1). Public participation through market research that performed a demographic assessment of the area which concluded on the type of housing is needed in the area; 2). An environmental consultant who conducted a public participation process as per the NEMA EIA legislation requirements; 3). A stakeholder facilitator who drove the public participation process by engaging with the community through meetings. As noted, the project implementer carried out a public participation process for the proposed project and there are participants who were satisfied with the process, who feel that the process was conducted fairly and their concerns were addressed accordingly. And then in contrast to that there are participants who were not

satisfied with the participation process and who created their own invented spaces of participation in order to influence the decision making process. Some participants felt that the project implementers had a readymade project before even approaching the public about the project. The participants felt that their inputs did not matter and will not make a difference to the decision making process hence the residents created their own space of participation by appointing a town planner and a lawyer to resolve their issues. On the other hand, the developer felt that those objecting were using their 'invented' forms of participation simply to delay the project and should be willing to accept whatever the final decision was going to be following their appeals. The chapter showed how public participation can have a lot of controversy due to the different interests being expressed in the process and it shows how difficult it is for the process to accommodate these different interests and make a fair decision.

CHAPTER 7: RESEARCH DISCUSSION AND CONCLUSION

The central aim of the research was to assess the nature of the public participation process for the proposed Lombardy East Social Housing Project to assess the different interests being expressed during the public participation process and to evaluate how the public participation process manages the different interests. This chapter discusses the overall findings and conclusions of the research as per each research question.

The questions of the research study were:

1. Who are the different role players in the project (I&AP) and what different interests do they have in relation to the project?

The question was answered by identifying and mapping out the different key role players who have influenced the decision making process of the proposed project as discussed in chapter 4. The identified key role players include the project proponents who are the authorities responsible for all components of the work related to the project and are interested in the success and implementation of the project. On the other hand there are project objectors who are the Greater Lombardy East Residents Association representing some of the Lombardy East residents and are against the implementation of the project. From the research findings it is noted that the broader interest of the authorities is to provide housing for the less privileged as per the requirement in section 26 of the South African constitution and improve the lives of the people who were denied access to adequate housing by the South African apartheid government. From the findings it is also noted that the provision of housing by the authorities is delayed by opposition from the more privileged people (GLERA) that benefited from the apartheid regime. It is interesting to note how the more privileged people know and exercise their rights with regards to the development. They are organised, well informed about development processes and have money to influence the decision making processes. The findings support the arguments of Van Dijk and Van der Wulp (2010) that educated, well-connected and organised individuals make an opposition effective. The authors emphasise that development projects are normally opposed by persons who are well informed and know exactly what is required. One participant made a comment in support of the above statement.

‘The difference here is you have people who don’t want the project who are highly organised and have lots of money to fight. People have money to discover that loophole to delay housing from a community that needs housing’ (Interview, Stakeholder facilitator, 15 July 2018).

From the above two conflicting interests it is noted how the state is attempting to reach a negotiated outcome. For example, based on the findings in chapter 5, one of the concerns raised by the project objectors was the unacceptable density applied for. The objectors’ concerns were noted and the proposed housing project building design was revised, the storeys of the building were reduced from 4 storeys to 3 storeys. However, even after such negotiation the objectors change and bring in new grounds of objections. These shows how difficult is it to resolve conflict of interests in a decision making process and how the authorities must sometimes make executive decision in the greater public interest.

2. What is the nature of the Lombardy East Social Housing Project and what steps have been followed to implement it and what is the current status of the project?

To answer this question, a detailed timeline of the history of the proposed project is discussed in chapter 4 of the research report. The findings show that the project was proposed in 2014 and to date it has not materialised. The reasoning for the implementation of the Lombardy East Social Housing Project was for government to address the housing backlog within the area as per the market research study findings. The steps that have been taken to implement it are that the Johannesburg Social Housing Company was tasked by the City of Johannesburg Metropolitan Municipality to develop the identified land into affordable social housing. The rezoning application of the proposed development was submitted and approved by the urban planning department of the City of Johannesburg Metropolitan Municipality. The proposed development was then advertised in the government gazette and objected to by the Greater Lombardy East Resident Association (GLERA) due various reasons. The municipal planning tribunal committee of the City of Johannesburg Metropolitan Municipality overruled the objections and approved the project. GLERA then appealed against the decision through their appointed town planner. The matter is currently lying with the high court for a decision.

3. What arguments are raised in favour of the proposed project and what objections are raised against the project?

This question is answered by the discussion in chapter 5. The arguments in favour of the project made mostly by the project implementers included the need for affordable housing and the need for affordable housing in well located places. The proponents of the project point out that there is a need for housing for the less privileged. The aim of the proposed development is to offer quality housing opportunities to those who earn lower income and cannot afford bonded houses. This development will also offer opportunity for people to live closer to work as the development will be located closer to transport nodes. Another argument in favour of the project is that the development encourages infill development and makes most effective use of existing infrastructure. The infill development is within an existing serviced neighbourhood and will therefore make use of existing infrastructure. According to the motivating memorandum for the proposed development (2015), the piece of land that the proposed development is going to take place has remained vacant for some time and it has been used as a dump site and crime spot. The proposed development will prevent such as well as prevent illegal settlements. Finally, the proposed development is motivated on the grounds that it will bring job opportunities as well as skills development.

Objections against the project were mostly made by GLERA and they included the fact that the proposed development has negative environmental impacts because according to the wetland audit prepared by the City of Johannesburg, approximately 50% of the property to be developed is affected by hill slope seep and therefore requires environmental authorisation. Another negative perception is the poor town planning tendencies that is brought by the proposed development. According to the GLERA appeal report (2015) the Spatial Development Framework (SDF) and Regional Spatial Development Framework (RSDF) principles demonstrate that the site does not possess any characteristics that would make it suitable for the type and kind of densities proposed by the developer. The objectors are against the three storey 513 units applied for by the project implementer. The objectors are also under the impression that the proposed development is just an extension of low income housing in Alexandra which they say is against the RSDF principles and guidelines. Furthermore they have concerns about the aftercare of JOSHCO's properties. There is a concern that the social housing company has a tendency to abandon their buildings and leave them vulnerable to illegal settlements, crime and slum formation.

According to the responses and rebuttals to the arguments it is noted that both the project implementers and the objectors have a strong opinion about the proposed development. The responses and rebuttal illustrates a tug of war situation between the project implementers and the project objectors both pulling in opposite directions in the attempt to influence the outcome of the project. It is noted how implementers are addressing the concerns of the objectors and the objectors feel that the concerns are not addressed to their satisfaction.

4. What public participation process/ strategies were employed by the project implementers? How were the I&APs being engaged in the process and how are their views addressed? Was the final decision based on the concerns of the I&APs?

This question is answered in chapter 6 where the perceptions of the public participation process are outlined. The key findings from the research report are that the project implementers did carry out a public participation process and they understand the role and importance of the public participation process. The project implementers carried out a three-part public participation process which was through market research study carried out by the market research study consultant; a community consultation process carried out by the stakeholder facilitator and public participation process carried out by the environmental consultant as per the EIA NEMA requirements. It is important to note that the community in which the public participation process took place is the Lombardy East residents and the reason for this is that Lombardy East is the community in which the proposed development is going to take place and they are the residents that are going to be exposed to the immediate impacts of the proposed development. It is important to point out that not all Lombardy East residents opposed the development. It is interesting to note that during the public participation process, the middle class Lombardy East residents utilised both spaces of participation (invited and invented) to influence the decision making process. The middle class residents started off by utilising the invited spaces of participation through attending meetings organised by the project implementers and immediately when they realised that the project implementers were not resolving their concerns to their satisfaction, they then switched on to utilise the invented spaces of participation by creating their own ways of influencing the outcome. They appointed an independent town planner to represent them with regards to the objections and appeal. And they also appointed a lawyer to represent them in the high court. This suggests that the middle class residents acted strongly to oppose the development because the development will take place close to their residential spaces and

they have more skills and resources for getting useful relevant information to delay implementation of the project (Van Dijk & van der Wulp, 2010).

From the research findings it is noted how the public participation process can have disputes and turn into a frustrating process. There are different interests being expressed during the public participation process and every stakeholder wants their interests to be taken into consideration and possibly be implemented. Now the question remains, how does the public participation process manage the different interests? Whose voice should count? And who reconciles the situation? From the findings of the research we learn that public participation is not always about achieving consensus and resolving conflict among diverse stakeholders. But in this study we learn that public participation allows the lines of conflict to be clear and reflects the different groups mobilising their different interest. The different interests are the project proponents who are the implementers of the proposed project and who does everything in their power to ensure the project gets implemented and the project objectors who are against the implementation of the project and does everything in their power to ensure that the project is delayed and cancelled. Young (2000) emphasises on the point that it is good to have a deliberative forum to hear all these different interests but it should also be noted that public participation process will not resolve all concerns and the authorities should make a decision on the broader public interest.

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LIST OF APPENDICES

APPENDIX A: Motivation for study news paper article



APPENDIX B: The participant information sheet:

Good day,

My name is Geniver Tebeila. I am from University of the Witwatersrand. I am carrying out a research study on public participation and environmental decision making. Environmental decisions affect the quality of life of both the current and future generation, so it is crucial that the public be offered an opportunity to take part and influence the decisions that affect them.

The aim of the research is to assess the nature of the public participation process of the Lombardy east social housing project and specifically to assess how the public participation process manages the different interests being expressed. The completion of the study will add to the pool of knowledge regarding public participation and environmental decision making.

I would like to invite you to take part in an interview about the role of public participation in environmental decision making. The interview will take about 30 minutes of your time. Participation is voluntary and you have a right to decline to answer any questions should you feel uncomfortable.

The information supplied by you will be used for academic purposes only and you will remain anonymous if you wish. I would also like to tape record the interview if you are comfortable.

The study will be made available in a form of research report. You are welcome to contact me or my supervisor should you have any questions.

Researcher contact details:	Supervisor contact details:
Geniver Tebeila	Richard Ballard
0786606322	011 7177 197
823855@students.wits.ac.za	Richard.ballard@wits.ac.za

APPENDIX C: Informed interview consent form:

I....., agree and volunteer to take part in the research study conducted by Geniver Tebeila from the University of the Witwatersrand. I have read and understood the purpose of the research. My participation in the project has been explained to me. I understand that I can withdraw from the interview at any time without penalty.

1. Please select the following. Please tick the appropriate box:

☐

-I am happy for quotes to be attributed to me by name

☐

-I prefer for my name not to be used (e.g. my quotes would be attributed to a pseudonym/ invented name)

Do you agree that a tape recorder be used during the discussion?

☐

Yes

No

☐

.....

Participant signature

.....

Date

.....

Researcher signature

.....

Date

APPENDIX D: Semi-structured interview schedule

MSc RESEARCH PROJECT

INTERVIEW SCHEDULE

LOMBARDY EAST RESIDENTS

.....

1. How long have you been residing at Lombardy?
2. How has the area changed over time since your stay?
3. What are some of the things that you like about the area?
4. What are the things that you dislike about the area?
5. Are you aware of the proposed Lombardy housing project?
6. How did you get informed about it?
7. What do you think of this project in general?
8. Do you think the project is going to affect you? If so, how?
9. Do you feel the public should have a right to influence these projects and do you feel that this happened in the case of this project?
10. Were you involved any meetings regarding the project? How many meetings were there? How were you invited to participate in such meetings? How long did the meetings last? How many people attended? Who attended the meetings? (Were there any representatives from Lombardy?) What was the format of the meetings (e.g. were there a series of presentations only, was there lots time for discussion, and were there a small group discussion)?
11. Did you personally make any contributions in those meetings and if so, what did you say?
12. Did residents organise any meetings themselves? (How many meetings? Who attended? How were people notified? Who set the agenda? What happened in the meetings? Were there any differences of opinions between the residents? Did you express opinions and what were they? What actions did the residents decide to take?
13. Were you aware of any attempts to influence the outcome other than at the meetings you were invited to? For example did anyone write letters; are there any legal processes?
14. Do you think the public participation process was conducted fairly? What are some of the challenges that you have experienced with regards to the public participation process? Do you have any recommendations in addressing these challenges?

MSc RESEARCH PROJECT

INTERVIEW SCHEDULE

PROJECT IMPLEMENTERS

.....

1. How long have you been involved with the Lombardy east housing project
2. Have you been involved with other social housing projects before?
3. How does this project compare with other projects?
4. What is your understanding of the role of public participation in decision making process? Do you it is important/ necessary?
5. Was there any public participation that took place with regards to this project?
6. Please describe the public participation process that you undertook for this project? (have you begun to engage with potential beneficiaries or have you identified beneficiaries?(how). Did you meet with the residents of Lombardy east? How many times did you meet with them? Who initiated these meetings? How were people invited to attend? What was the format? How many people attended? How long did the meetings take? Were there differences of opinions?
7. Were the views of the interested and affected parties taken into consideration? Did the views affect the outcome of the decisions made?
8. Was there any feedback provided to the interested and affected parties?
9. What have been the major challenges with regards to the public participation process?
10. Do you have any recommendations to address these challenges?