

## **QUESTIONS FROM COMMUNITY MEETING HELD AT BRYANSTON COUNTRY CLUB 7<sup>TH</sup> MARCH 2019**

### **1. PUBLIC PARTICIPATION**

- 1.1 If the Council is so open to the community why have we had to engage through the Access to Information Act to find out about 'behind the scenes negotiations with developers without community engagement – a case in point is the Whiskin development?
- 1.2 The Constitution is Supreme. Why are the COJ regulations not in line with the constitution, and why has there not been sufficient public participation?
- 1.3 How much public participation has taken place and when was there public participation?
- 1.4 How can we as residents best support your (The City's) efforts to transform our unequal unjust city to become a better place for all?
- 1.5 What background (research) and public participation has contributed to these plans?
- 1.6 How is CoJ satisfied that there was sufficient Public Participation? Please let us see your process and how you quantify sufficient participation?
- 1.7 Having followed planning in Joburg over the past 10 (ten) years, the removal of the RSDF and the replacement of blanket zones seems to be a Top-Down approach. City of Johannesburg has recognised the mistake in disbanding the Regional Municipal Courts; this (*new*) Top-Down approach takes decisions away from the communities who are closest to the Region. Can CoJ consider a regional approach to planning with more community input (which results in better understanding of each community's needs)? Those without access to internet and town planning knowledge have not had a chance to give input into these policies.

### **2. LAND USE**

- 2.1 The MMC Mr Masango and the Mayor Mr Machaba opened a 630 unit Condo in December 2018. You were informed that it is illegal. There were no occupation certificates. There were illegal water connections used by the developer amongst others. Will you continue to approve illegal developments or will you halt the developments where there have been illegalities?

- 2.2 The MMC stated in a public meeting in Carlswald that no developments over 20u/ha will be approved on the edge of the Urban Development Boundary and within the Crowthorne area. Will the Department honour this commitment?
- 2.3 Has anyone studied the effects of shebeens on residential areas? In Randburg it is known that these are a law unto themselves and extremely loud amongst others thus creating a neighbourhood disturbance.
- 2.4 Apart from individual residences, how will our green areas be affected? The spruit? The Delta and green areas? Will they be kept or eroded?
- 2.5 Given the potential damage to the “Green lung” aspect of the City of Johannesburg, what amendments have been or will be done in respect of the impact on the quality of the air if the “forest” has been depleted in the name of growth?
- 2.6 What will happen to the water attenuation if the trees are replaced by concreted building and the resultant flooding?
- 2.7 Will the current Environment Impact Assessment regulations and NEMA still apply and be considered?
- 2.8 A shebeen in a residential neighbourhood will affect neighbours, the land use scheme does not permit consumption or gathering but this will happen outside the shebeen. Who will ‘police’ this considering that I have been trying to get a building inspector to look at illegal buildings in our area for over 6 months now?

### **3. NODAL REVIEW**

- 3.1 In an area zoned orange/metropolitan (as per Nodal review) that has heritage status (Parktown West) the majority of homes are heritage status. Will the heritage status (of homes and suburbs) be respected? How can this be integrated? Was this considered when rezoned?
- 3.2 Was the Nodal review outsourced? If so who? How much did it cost? Property developers have already been granted rights in terms of this – perhaps been encouraged to do so by Council. How can we be assured that we will be listened to? Surely the date of 20 May contradict this invite that we will be listened to – the Nodal Review should be put on hold until consensus has been achieved.

## 4. GENERAL

- 4.1 The opening slide makes reference to SPLUMA but no mention was made of the National Building Regulations section 7.1 which states that Local Council shall refuse to grant or approve any development that may or in fact will denigrate from the value of neighbouring properties. The Constitutional court ruling handed down on the 19<sup>th</sup> February 2019 against the City of Cape Town confirmed the sanctity of 7.1 of the National Building Regulations.
- 4.2 A recent High Court ruling stated that decisions of local councils cannot be made based on an event that may or may not take place in the future. Is the Council going to require that all amenities in an area are provided by the applicant prior to approval i.e. parks, schools crèches, medical clinics, roads, hospitals etc? If not they are contravening a High Court ruling.
- 4.3 We can't have Global North's perspectives in a Global South perspective. Zain Ally stated that they (*City of Johannesburg*) looked at Seattle (*Global North USA*). We (*South Africa*) cannot (*do the same*) because we must consider the Rio Declaration Agenda 21, we must also consider Carbon sinks and biodiversity pools in Forest Nations like Jozi. We must understand terrain in terms of mining and earth tremors and densification.
- 4.4 Zayne Ally stated that density and height should be downgraded adjacent to a low density area and urban development boundary. Will this be honoured with regard to the Kyalami Corner and Carlswald applications or is this just cheap speak?
- 4.5 Buildings have been approved in contravention of NEMA and the zoning regulations by the Building Plan approval Department. The BCO has been removed in the meantime however the building still stands. Since 2017 I have been writing to the Mayor, the MMC and the City Manager, I have yet to receive a response to my request for a meeting. Mr MMC your words about being open to the community are hollow. Are you forcing members of the community to meet you in the courtroom?
- 4.6 Is the City Council going to update their application documentation regarding different submission ie site development plans, relaxation, consent etc and if so when will they be made available? Can they be downloaded from the website?
- 4.7 Dear City Officials, What are you values? Clearly there is a huge breakdown of trust! What will you do to fix this?
- 4.8 Zain Ally. You said that registered letters will go to your neighbours and consent must be obtained. 100%? What if they did not receive these letters? What happened in the case of Ferndale (304 Main Avenue) the example that was given by the Chairperson of the Ferndale Residents Association where the objectors did/could not receive the

letters as the addresses that the City Council used wholly incorrect. There are many other examples of the neighbours not being notified.

- 4.9 What to do we have to do when processes are not followed by Town Planning? Residents' objections are not circulated. Tribunals are held irregularly etc. Sewage etc. reports are reversed. Appeal results are not circulated etc. (Woodmead and Khyber Rock Residents Associations)

## **5. IMPACT**

- 5.1 To what extent has the 4<sup>th</sup> generation been taken into account? Over the coming 10 (ten) years fewer people will need to travel to work by use of new technology. Has this been taken into consideration?
- 5.2 Buildings account for 40% of carbon emissions. How does the city intend to offset emissions given densification and potential destruction of urban forests?
- 5.3 The philosophy behind these policy documents is to reduce all to the lowest common denominator – capital does not work like this. How do you anticipate keeping the owners of capital in the City when their need and wants are not being met? (Sun Valley Residents Association)
- 5.4 “Growth for the sake of growth is the ideology of the cancer cell”. This overall philosophy behind the “plans” is for the mixed use over the city, negating the need for the land use department. How will this department be redeployed? Mixed use will change many by-laws e.g. noise – from 45Db to 95Db – the end of Department of Environmental Health? How are these employees going to be redeployed? (Sun Valley Resident Association)
- 5.5 The City has insufficient funds. If the City relies on bulk services from developers to do infra- structure development it implies that residents are held to “ransom” by the developers for any infrastructure improvements. Will this model be changed to meet the real needs and wants of the residents?
- 5.6 The City is not implementing or policing the restrictions of certain zones by relaxing the rules. You are letting developers run free!
- 5.7 How can the City justify their policies in the light of Section 7.1 of the National Building Regulations which states that a local authority must refuse any development that may or will derogate the value of the neighbouring property? The Constitutional Court Ruling of 19 Feb 2019 confirmed the sanctity of Section 7.1 of the National Building Regulations. Thus it implies that the whole policy is unconstitutional.

5.8 There will be no single traditional single dwelling suburbs in Johannesburg – the city will have no variation of character of suburbs. Even high density cities London, New York, Paris, Sydney have differentiated character suburbs. Is this really the intention of the vision of the city planners?

## **6. LACK OF SERVICES**

6.1 We have experienced a 12 months delay to deal with one illegal business. What provision has been made to deal with the mountain of objection which will be received in respect of these developments? Glen Austin Conservatory

6.2 Midrand has no fire engine, how does the city intend to manage fires or other disasters with higher densities when it can't manage the current requirements?

## **7. QUALIFICATION**

7.1 Can every person in the panel stand and introduce themselves with the degree they hold and years experience in the various fields in order to establish their qualifications to hold their positions in the Department of Development?

7.2 Are there qualified Town Planners involved? Johannesburg is still about the only country in the world which has no official public transport system. The Gautrain is by no means sufficient and too expensive. Look at Beijing, Moscow and New York etc. Midrand is high density area but the traffic of New Road (Midrand) has been narrowed and no alternative road is provided by the City of Johannesburg. What portion is allocated for Green Zones?

7.3 MEC what qualifications from a tertiary institution do you and your colleagues hold to qualify you to hold this portfolio and to execute you duties?

7.4 Many of these changes have been proposed without considering the existing home owners who have chosen to live in quiet peaceful suburbs. There has to be some consideration for this. Have those in charge some post matric diplomas or degrees when considering these changes? It seems that not a great deal of thought has been put into these proposals.