

3 LEGISLATION, POLICIES AND INITIATIVES

There are two main documents dealing with legislation, policies and initiatives that need to be researched for the project set out in the project brief: The Coastal Management Policy (CMP) and the Lubombo Spatial Development Initiative (LSDI).

3.1 KEY PIECES OF LEGISLATION

Together the Coastal Management Policy (CMP) and the Lubombo Spatial Development Initiative (LSDI) encompasses all of the relevant legislations and macro frameworks needed to guide the proposed development.

The CMP and LSDI incorporate a combination of acts that have either environmental or human rights implication trying to relieve socio-economic pressures without exploiting the environment:

- Constitution Act (108 of 1996)
- Environment Conservation Act (73 of 1989)
- National Environmental Management Act (107 of 1998)
- Marine Living Resources Act (18 of 1998)
- World Heritage Convention Act (49 of 1999)
- Development Facilitation Act (67 of 1995) and provincial planning legislation KwaZulu-Natal Nature Conservation
- KwaZulu-Natal Heritage Act (10 of 1997)
- White Paper for Sustainable Coastal -Development in South Africa (2000) Spatial Planning and Land Use Management White Paper (2001)

- Protected Areas Bill (2003)
- Seashore Act (21 of 1935)
- Maritime Zones Act (15 of 1994)
- Municipal Systems Act (32 of 2000)
- Management Act (9 of 1997)
- Biodiversity Bill (2003)

The CMP also goes a step further than the individual acts and shows how the National White Paper for Sustainable Coastal Development has been adapted to provide a provincial policy that is specific to the coastal environments of KwaZulu-Natal.

Both the documents have a strong socio-economic perspective on the environment and how it may be developed.

3.2 COMMENTS ON THE CMP

The KwaZulu Natal CMP is a major shift in thinking about coastal development and management. The old paradigm of conservation at all cost approach is discarded.

Instead the document is driven by the challenges of transforming our society and economy. It contributes to achieving the Constitution's commitment to improving the quality of live of all citizens, while protecting the natural environment for the benefit of present and future generations.

This view strongly makes use of instrumental value theory (as discussed in point 4.1, paragraph 4) and is shared by the LSDI as explained in point 3.3.

The document could be summarized by the following paragraph:

The goal of the CMP is to improve the quality of life of human communities, which depend on coastal resources, by implementing sustainable coastal development – involving a balance between material

prosperity, social development, cultural values, spiritual fulfillment and ecological integrity, in the interest of all citizens, while maintaining the biological diversity and productivity of coastal ecosystems involved.

Here follows a check list compiled from the CMP to help guide and evaluate the proposed development as described by the planning and design brief, point 2.4.3:

- Meaningful public participation
- Promote public awareness
- Promote integrated coastal planning
- Ensure public right of physical access to the environment
- Equitable access to opportunities
- Protect historical and cultural resources
- Promote long term viability of coastal economies
- Alleviate coastal poverty
- Maintain a balance between built, rural and wilderness areas
- To design in harmony with local and regional aesthetics
- Plan to avoid increasing the incidence of natural disasters
- to protect the regenerative capacity of coastal ecosystem
- Rehabilitate damaged habitats

3.3 COMMENTS ON THE LSDI

The Lubombo SDI is a macro scale planning and development strategy that puts major emphasis on economic growth and social upliftment through the development of under utilizes natural resources and cultural potential, mapped out in Figure 8.

Just like the CMP this document draws strongly from instrumental value theory and explains it attitude toward conservation as follows:

“Red tape and environmental regulations can be used to block development. This is sometimes caused by a purist/overly protectionist approach to conservation. Sometimes conservation can ‘crowd out’ rather than attract outside investors. The SDI is working to achieve a healthy balance between the need to commercialize wildlife areas and environmental controls to protect conservation estates” (Lubombo Spatial Development Initiative, 2006: 39).



3.3.1 LSDI lack of defining Culture

The LSDI fails in clearly defining the cultural asset it wishes to develop. The fear in that culture is not defined as the specific cultures that are present or have historically shaped a specific location is very valid, especially when considering the importance placed on heritage in the St.Lucia area by the LSDI.

Showcasing the cultures specifically relevant to an area and highlighting the cultural uniqueness adds value to that specific location. On the other hand showcasing that same culture in a place not specifically relevant, could do just the opposite, and degrade the value of that location.

Not defining culture and heritage properly can present the opportunity to investors, looking to make quick money, to turn a location into a watered down cultural theme park with no true value. The integrity of “Cultural village” developments does not seem important to the LSDI it only sees cultural villages only as a low investment projects that will generate jobs in the area.

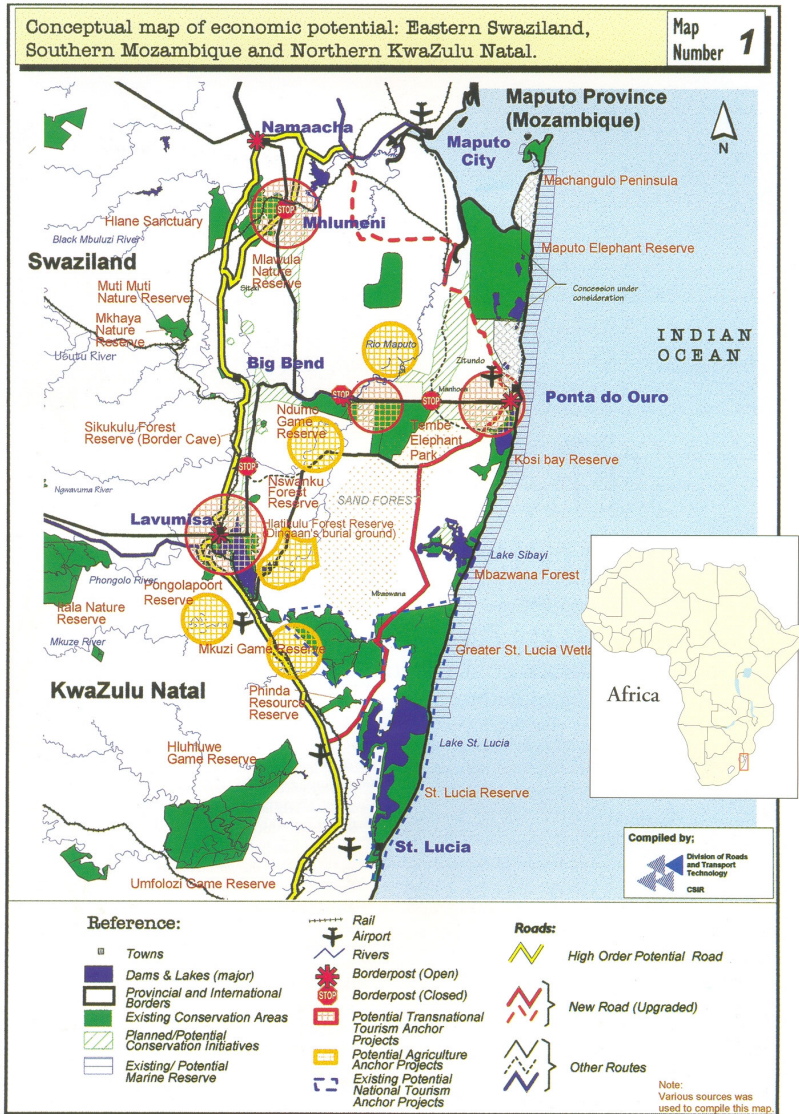
Please refer to the comments on the Inzingizi Infrastructural Development Project (IIDP), specifically point 3.4.2, dealing with proposed cultural theme parks in St.Lucia. The IIDP is an example of the dangerous consequences resulting from not defining culture.

3.3.2 Not recognizing St.Lucia town as a Lead Project

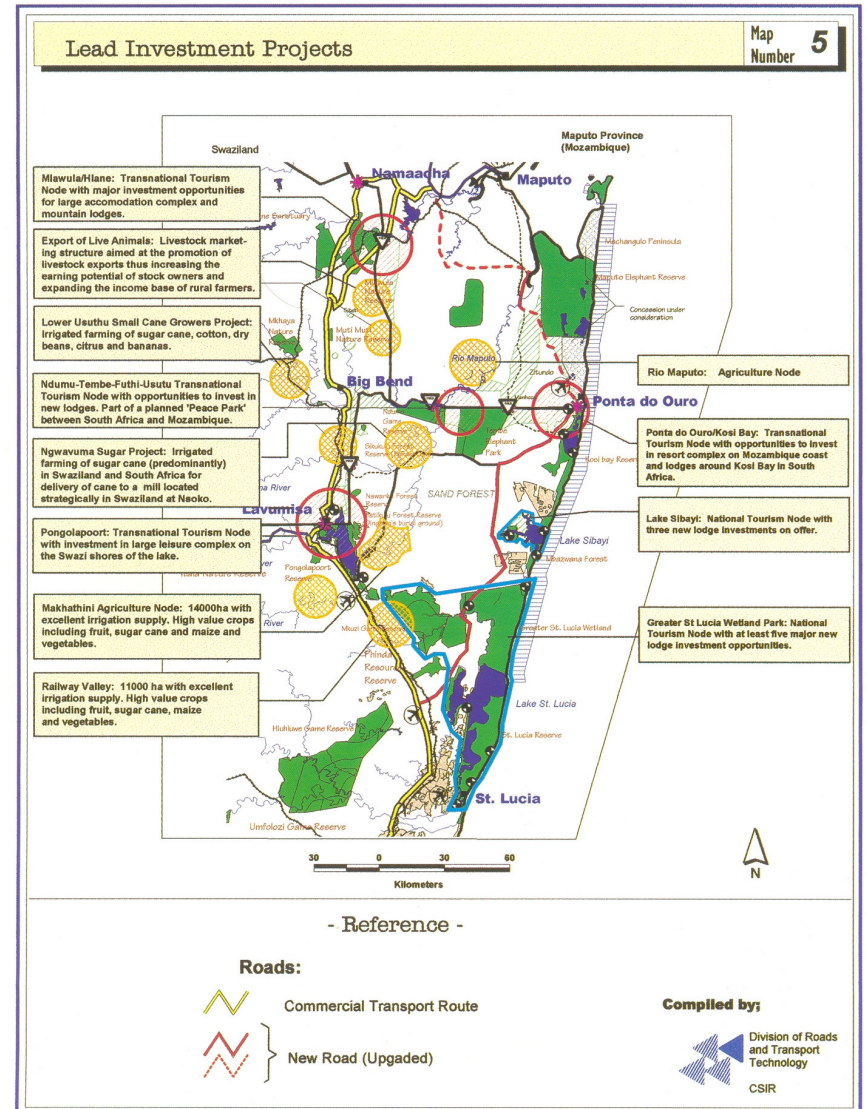
Please refer to figure 8. The LSDI recognizes the Greater St Lucia Wetland Park as an anchor project that will act as a catalyst for economic growth in north-east KwaZulu-Natal, yet it fails to recognize the importance and potential of the town itself.

The only reference to the town is a planned accommodation and cultural project at its entrance, known as the Gateway Cultural Project. Also “at its entrance” is vague and does not clarify where this development is envisioned to be or how it will function.

St.Lucia town is the commercial heart of the Greater St.Lucia Wetland Park and surrounding area. As discussed earlier, in point 2.1, the town’s proximity to the lake (the areas biggest assets that remain under utilized) and to Dukuduku Township makes it perfect “...to Generate economic growth by making use of the inherent but under-utilized potential of the area.”



8 LSDI Conceptual map of economical potential (Lubombo Spatial Development Initiative, 2006: 41)



9 LSDI Lead Investment Projects Map (Lubombo Spatial Development Initiative, 2006: 44)

3.4 COMMENTS ON THE INSINGIZE INFRASTRUCTURE DEVELOPMENT PROJECT

3.4.1 Introduction

The INSINGIZE INFRASTRUCTURE DEVELOPMENT PROJECT (IIDP) is a document put together for the Greater St. Lucia Wetland Park Authority (GSLWPA) by a multi-disciplinary team.

When asked about the IIDP, the only comment given by the GSLWPA is that it is a document intended to guide the parks development over the next few years.

After examining the IIDP it becomes clear that the document tries to interpret the development requirements and goals as set out by the Lubombo Spatial Development Initiative (LSDI), refer to point 3.3, by addressing socio-economic issues.



- 10 A bad interpretation of the Gateway Cultural Project, as proposed by the LSDI, with tacky signage that clearly was an afterthought (INSingizi Infrastructure Development Project, 2000: 12)

3.4.2 PROPOSED CULTURAL THEME PARK CONCERNS

In point 3.3.1 the LSDI was criticized for its lack of defining culture. The concern was raised that the integrity of culture is not respected and that this would lead to exploitation thereof. It was stated, by this thesis, that culture was only important because it is seen as low investment projects that manifest into “cultural villages”.

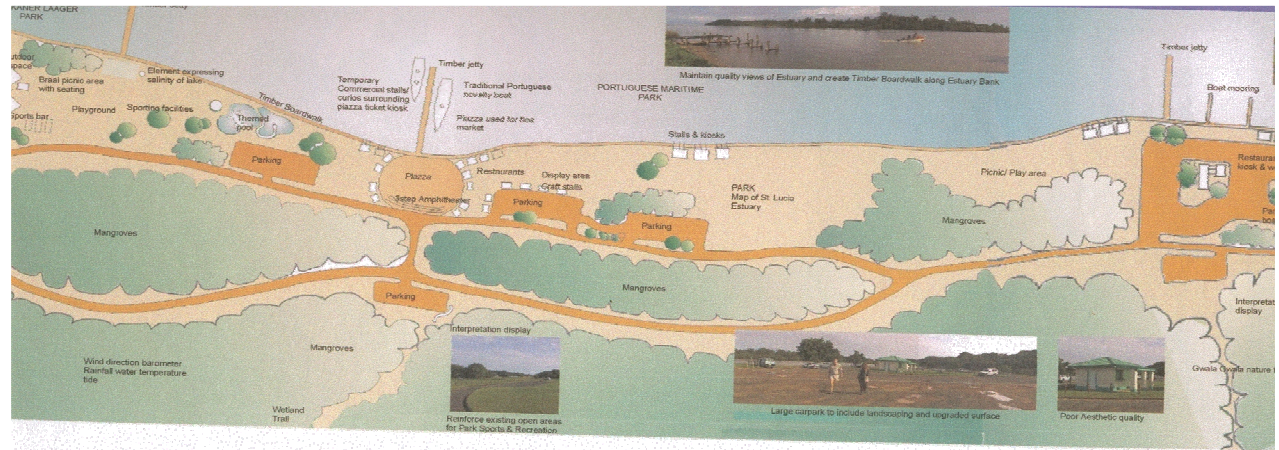
This concern seems true for the IIDP.

The IIDP confirms the concern raised above, not only on a cultural level but also ecologically and architecturally.

Figure 11 is an image taken from the IIDP explaining their vision for a, two kilometer long, cultural theme park. The location of this theme park is at the ecologically sensitive estuary mouth. The proposed activities reach the edge of the water with planned roads cutting through mangrove forests.

The IIDP also proceeds in choosing cultural themes that have nothing to do with the history or people of St. Lucia. An example of this is the “Afrikaner laager” and “Swazi” themes.

Appropriate “theming” could draw from actual event, cultures and people that shaped St. Lucia, for example: That St. Lucia was first named in 1554, Rio de Areias de Ouro (River of the sands of gold), by survivors of the Portuguese ship the Saint Benedict or that before the Portuguese arrived the Bangazi people lived there.



11 Sketchplan of the proposed cultural theme park (Insingizi Infrastructure Development Project, 2000: 20)

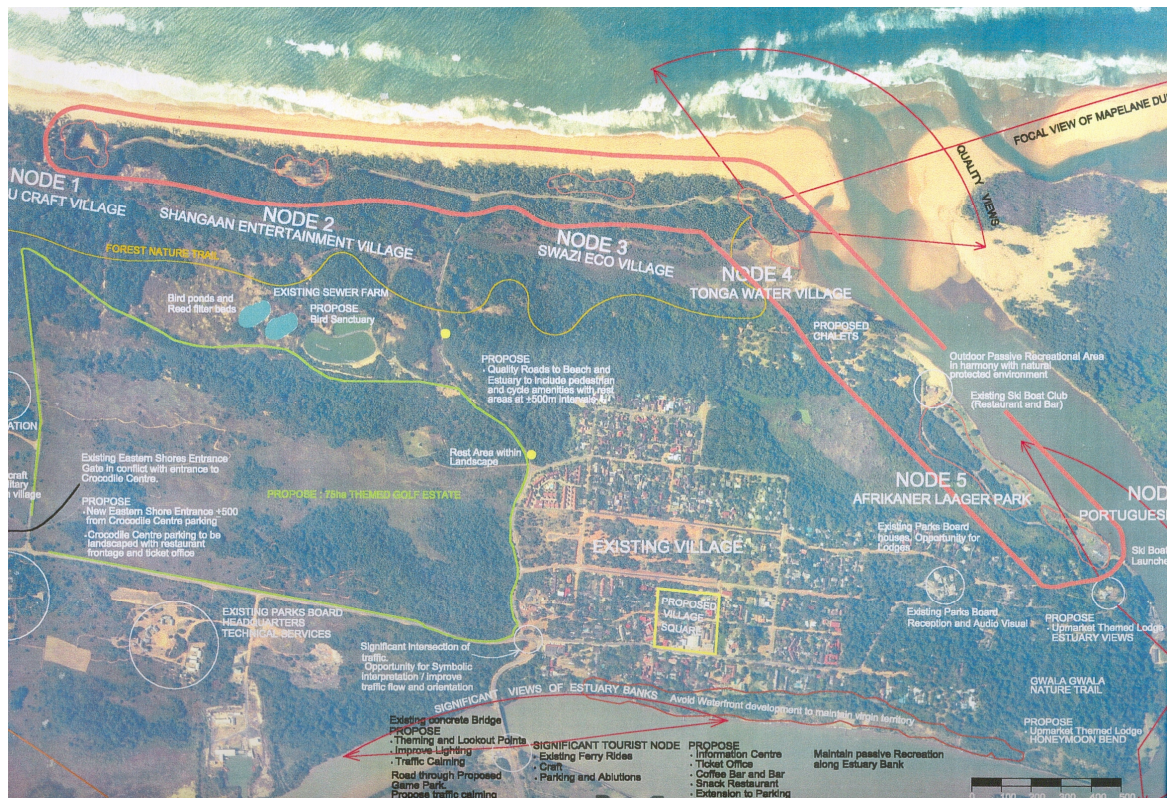
3.4.3 Criticism on the context analysis and design concept

The irrationality of this document is further realized considering that the context analysis was done on an aerial photograph from 1980. Please refer to Figure 12.

The text accompanying figure 12 talks about applying “theming” to the town. This implies a superficial identity instantaneously being created. A meaningless identity that residents and visitors alike, would have difficulty in relating to.

Architecturally the design concept says the right things but implements them in an irrational way. For example the IIDP states that a hierarchy of public spaces be created. This is then interpreted as an oversized square being placed randomly within the urban fabric.

The scheme also includes a golf estate the size of the entire town. Considering the sandy soils, low lying water table, World Heritage Site status and proximity to the lake, a golf course seems ecologically inappropriate.



12 IIDP context analysis and design concept (INsingizi Infrastructure Development Project, 2000: 16)