

# APPENDIX E: COPIES OF CORRESPONDENCE TO I&APS

## PRE-APPLICATION PHASE: PROJECT ANNOUNCEMENT AND REGISTRATION

### Letter 1: Notice of the Amendment Application Process

PO Box 27688 Greenacres 6057  
120 Diaz Road Adcockvale, PE 6001  
Phone 041 374 8426 Fax 041 373 2002  
Email sandy@publicprocess.co.za  
Ck 97/32984/23 VAT 44601 68273



26 July 2018

«Title» «Name» «Surname»  
«Organisation\_and\_Position»  
«Address1»  
«Address2»  
«City»  
«Code»

Dear «Title» «Surname»

**RE: NOTICE OF AMENDMENT APPLICATION PROCESS: PROPOSED CHANGE IN ZONING OF PHASES 5 AND 6 OF ERF 1082, FAIRVIEW FROM RESIDENTIAL 2 TO SPECIAL PURPOSES (DEDEAT REFERENCE NO: ECM1/387/M/07-169)**

The applicant, Fairview Suburban Estate Co (Pty) Ltd, proposes to undertake an Amendment Application Process in order to amend an existing Environmental Authorisation for the mixed-use development of Erf 1082, Fairview. This Amendment Application Process, relates to the proposed rezoning of two phases of the development, namely Phases 5 and 6 (~8.19ha in extent) from Residential 2 (Townhouses), Private Open Space and Special Purposes (Access) to Special Purposes (High Tech/ Industrial Business Park) and Transportation 1 (Roads). The amendment will further entail the consolidation of Phases 5 and 6 into one site, including associated infrastructure (water, stormwater management, effluent management, electricity).

The proposed amendment is deemed substantive in terms of Regulation 31 of the NEMA EIA Regulations, 2014 (as amended) and, therefore, an Amendment Report (AR) must be prepared to describe the advantages and disadvantages of the proposed change, assess the impacts thereof, both positive and negative and provide mitigation to enhance potential positive impacts and mitigation to manage or avoid potential negative impacts. The AR must be subjected to a Public Participation Process in order to bring the proposed change to the attention of potential and registered Interested and Affected Parties (I&APs), Organs of State and the Competent Authority. Public Process Consultants has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the Amendment Application Process.

In terms of the NEMA EIA Regulations, 2014 (as amended), published in GN R326, 327, 325 and 324, promulgated under Chapter Five of the National Environmental Management Act (as amended), you have been identified as an I&AP for the above Amendment Application Process and have been included on the project I&AP database. In order to ensure that any issues and or concerns you may have, are included in the **Draft Amendment Report**, you are kindly requested to submit any comments to the EAP indicated above, during the comment period which extends from the **26 July to 27 August 2018**. To assist you in the submission of your comments, we have enclosed with this correspondence a **Background Information Document, locality map**, as well as a **comment form**. Further project information can be accessed on the website [www.publicprocess.co.za](http://www.publicprocess.co.za).

***If you are not the landowner, please ensure that a copy of this correspondence is sent to the landowner.*** We look forward to your input and participation in this process. Should you have any queries, please contact Sandy Wren, Marisa Jacoby or Zandri Grobbelaar using the contact details provided above.

Yours sincerely

**SANDY WREN**  
**EIA PROJECT LEADER**

## Letter 1: Email sent to I&APs



Thu 2018/07/26 10:25 AM

Marisa Jacoby

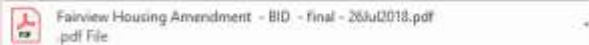
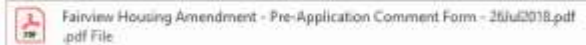
NOTICE OF AMENDMENT APPLICATION PROCESS: PROPOSED CHANGE IN ZONING OF PHASES 5 AND 6 OF ERF 1082, FAIRVIEW FROM RESIDENTIAL 2 TO SPECIAL PURPOSES (DEDEAT REFERENCE NO: ECM1/387/M/07-169)

To

Cc: Sandy Wren

Bcc: 'blakow@mandelametro.gov.za'; 'garth.buffon@ecolynria.co.za'; 'bruce.boych@freddyhirsch.co.za'; 'dinfond@jdg.co.za'; 'jafioral@telkomsa.net'; 'jgaffore@mandelametro.gov.za'; 'nicole.Gerber@dedea.gov.za'; 'marinus.gieselbach@vulabel.co.za'; 'morgan.griffiths@wriisa.co.za'; 'hayzee@assess.co.za'; 'daude@vancoparis.co.za'; 'denick@lynnia.com'; 'Peter.Loffer@dpw.ecape.gov.za'; 'fairview@riverroad.co.za'; 'k.oogan.maria@crystalistics.com'; 'sanduta.conservation@gmail.com'; 'randall.moore@dpw.ecape.gov.za'; 'spotgirl@mandelametro.gov.za'; 'ward@mandelametro.gov.za'; 'qucott@mandelametro.gov.za'; 'ward@mandelametro.gov.za'; 'Andrius.Struwig@dedea.gov.za'; 'andrew@v4.co.za'

You forwarded this message on 2018/07/26 10:40 AM.



PO Box 27888 Greensmead 6027  
120 Diaz Road Adcockville, PE 6001  
Phone 041 374 8429 Fax 041 373 2002  
Email [sandyw@pubproc.co.za](mailto:sandyw@pubproc.co.za)  
CR 0712094/22 VAT 44021 88273

26 July 2018

Dear Interested and Affected Party / Organ of State

**RE: NOTICE OF AMENDMENT APPLICATION PROCESS: PROPOSED CHANGE IN ZONING OF PHASES 5 AND 6 OF ERF 1082, FAIRVIEW FROM RESIDENTIAL 2 TO SPECIAL PURPOSES (DEDEAT REFERENCE NO: ECM1/387/M/07-169)**

The applicant, Fairview Suburban Estate Co (Pty) Ltd, proposes to undertake an Amendment Application Process in order to amend an existing Environmental Authorisation for the mixed-use development of Erf 1082, Fairview. This Amendment Application Process, relates to the proposed rezoning of two phases of the development, namely Phases 5 and 6 (-8.19ha in extent) from Residential 2 (Townhouses), Private Open Space and Special Purposes (Access) to Special Purposes (High Tech/ Industrial Business Park) and Transportation 1 (Roads). The amendment will further entail the consolidation of Phases 5 and 6 into one site, including associated infrastructure (water, stormwater management, effluent management, electricity).

The proposed amendment is deemed substantive in terms of Regulation 31 of the NEMA EIA Regulations, 2014 (as amended) and, therefore, an Amendment Report (AR) must be prepared to describe the advantages and disadvantages of the proposed change, assess the impacts thereof, both positive and negative and provide mitigation to enhance potential positive impacts and mitigation to manage or avoid potential negative impacts. The AR must be subjected to a Public Participation Process in order to bring the proposed change to the attention of potential and registered Interested and Affected Parties (I&APs), Organs of State and the Competent Authority. Public Process Consultants has been appointed as the Independent Environmental Assessment Practitioner (EAP) to undertake the Amendment Application Process.

In terms of the NEMA EIA Regulations, 2014 (as amended), published in GN R326, 327, 325 and 324, promulgated under Chapter Five of the National Environmental Management Act (as amended), you have been identified as an I&AP for the above Amendment Application Process and have been included on the project I&AP database. In order to ensure that any issues and/or concerns you may have, are included in the Draft Amendment Report, you are kindly requested to submit any comments to the EAP indicated above, during the comment period which extends from the 26 July to 27 August 2018. To assist you in the submission of your comments, we have enclosed with this correspondence a Background Information Document, locality map, as well as a comment form. Further project information can be accessed on the website [www.pubproc.co.za](http://www.pubproc.co.za)

We look forward to your input and participation in this process. Should you have any queries, please contact Sandy Wren, Marisa Jacoby or Zandi Gribbelaar using the contact details provided above.

Yours sincerely,

SANDY WREN  
EIA PROJECT LEADER

**Please Note:** A hard copy of this correspondence has also been sent via normal mail.

Regards  
Marisa Jacoby (BSc Hons)  
Environmental Assessment Practitioner  
Public Process Consultants  
120 Diaz Road  
Adcockville  
Port Elizabeth  
Phone: 041 374 8429 Fax: 041 373 2002  
Cell: 083 233 5822  
Website: [www.pubproc.co.za](http://www.pubproc.co.za)



## Letter 1: Comment Form

### AMENDMENT APPLICATION PROCESS

#### Pre-Application Comment and Registration Form

**Proponent:** Fairview Suburban Estate Co (Pty) Ltd  
**Project:** Proposed Amendment of the Amended Environmental Authorisation for Erf 1082, Fairview: Phases 5 and 6.

#### Return Completed Reply Form to:

Public Process Consultants, PO Box 27688, Greenacres 6057  
Phone: 041 – 374 8426 or Fax: 041-373 2002 or Email: [sandy@publicprocess.co.za](mailto:sandy@publicprocess.co.za)

#### Complete all Relevant Sections Below and Return by: 27 August 2018

Please provide your full contact details:

FIRST NAME:	SURNAME:
ORGANISATION:	TITLE/ POSITION:
POSTAL ADDRESS:	
CODE:	
PHONE:	FAX:
CELL:	EMAIL:

Would you like to register as an interested and affected party? (please tick the appropriate box)

**NOTE:** You are required to register as an I&AP in order to receive further correspondence regarding the EIA process.

YES
NO

Please clearly state any interest you may have in the project and/ or list your issues and comments or questions you may have (use additional pages if required).

## Letter 1: Background Information Document

### AMENDMENT APPLICATION PROCESS

**FAIRVIEW HOUSING ERF 1082, NELSON MANDELA BAY MUNICIPALITY**  
**Proposed Amendment of the Amended Environmental Authorisation for**  
**Erf 1082, Fairview: Phases 5 and 6.**

**Project Applicant:** Fairview Suburban Estate Company (Pty) Ltd  
**DEDEAT Reference No:** ECm1/387/M/07-169



**BACKGROUND INFORMATION DOCUMENT: July 2018**

### INTRODUCTION

Fairview Suburban Estate Co (Pty) Ltd was issued with an Environmental Authorisation (dated 9 May 2012) by the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), Sarah Baartman District, to undertake a mixed-use development on Erf 1082, Fairview, Nelson Mandela Bay Municipality. The original environmental authorisation has subsequently been amended by Amendment Notices #1 (dated 24 August 2012), #2 (dated 6 November 2012), #3 (dated 27 May 2013) and #4 (dated 17 January 2017).

This Amendment Application Process, relates to the proposed rezoning of two phases of the development on Erf 1082, namely Phases 5 and 6 (~8.19ha in extent) from Residential 2 (townhouses), Private Open Space and Special Purposes (Access) to Special Purposes (high tech/ industrial business park) and Transportation 1 (roads). The Amendment will further entail the consolidation of Phase 5 and 6 into one site, including associated infrastructure (water, stormwater management, effluent management, electricity). The proposed amendment is deemed substantive in terms of Regulation 31 of the NEMA EIA Regulations, 2014 (as amended) and therefore, an Amendment Report (AR) must be prepared to describe the advantages and disadvantages of the proposed change, assess the impacts thereof, both positive and negative and provide mitigation to enhance potential positive impacts and mitigation to manage or avoid potential negative impacts. The AR must be subjected to a public participation process in order to bring the proposed change to the attention of potential and registered Interested and Affected Parties (I&APs), Organs of State and the competent authority.

The project applicant, Fairview Suburban Estate Co (Pty) Ltd, has appointed Public Process Consultants as the independent Environmental Assessment Practitioners to undertake the Amendment Application Process.

### WHAT DOES THIS DOCUMENT TELL YOU?

As a registered I&AP on the database for the project, this document provides you with the following:

- A summary of recent developments with regards to the Environmental Authorisation issued for the mixed-use development of Erf 1082, Fairview, as well as subsequent amendments to the authorisation.
- An overview of the Amendment Application Procedure and specialist studies to be undertaken, as well as an overview of the Public Participation Process for the Amendment Application Process.
- An overview of the proposed project amendments.

The sharing of information forms an important component of the Public Participation Process and provides you with the opportunity to become actively involved in the Amendment Application Process from the outset. This document indicates how you can become involved in the project, receive information and raise issues that may interest and/ or concern you. Public Participation is an important component of the Amendment Application process and together with scientific investigations, assists the competent authority, in this instance the Department of Economic Development Environmental Affairs and Tourism (DEDEAT), Sarah Baartman District, with their decision-making.

### HOW CAN I PARTICIPATE IN THIS AMENDMENT APPLICATION PROCESS?

In terms of regulation 42(b) of Government Notice R326, Interested and Affected Parties (I&APs) are to request in writing that their names be placed on the register of I&APs. To register as an I&AP, complete the comment and registration form included with this correspondence or submit your contact details (via fax or email), stating your full name, address and contact numbers, to the consultant indicated in this documentation. In terms of regulation 43(1), a registered I&AP is entitled to comment in writing on all reports and plans submitted as part of the public participation process, as well as raise any issues which may be of significance to the consideration of the application. Additionally, I&APs are required to disclose any direct

business, financial, personal or other interest which they may have in the approval or refusal of the application. By registering on the project register, you will be notified as and when information on the project is available for I&AP review and comment.

### PROJECT LOCALITY

Phases 5 and 6 measure ~8.19ha in combined extent and are bound to the south by Fern Road and Mimosa Road and to the west by Circular Drive. See the attached locality map.

### OVERVIEW OF THE PROPOSED AMENDMENTS

The **existing** amended Environmental Authorisation allows for the following development of Phases 5 and 6 of Erf 1082, Fairview:

- Phase 5
  - 49 Residential 2, erven (~2.8ha)
  - Private Open Space (2 322m<sup>2</sup>)
  - Special Purpose (access) (6 506m<sup>2</sup>)
- Phase 6
  - 60 Residential 2, erven (~3.4ha)
  - Private Open Space (2 917m<sup>2</sup>)
  - Special Purpose (access) (7 712m<sup>2</sup>)

In other words, the **current** amended Environmental Authorisation allows for the development of townhouse complexes in an area of ~8.19ha.

The proposed amendments would entail changing the abovementioned zonings of Phase 5 and 6 only to Special Purposes (~7.23ha) and Transportation (~0.96ha) and combining the two sites/phases (5 and 6) into one site/phase. The Special Purposes rezoning would allow for the construction of, inter alia, retail, offices, warehousing incidental to retail and high-tech industrial use and would be similar in nature to existing adjacent development between Willow Road and Fern/ Mimosa Road, see photos below.



*Photos of existing development adjacent to Phases 5 and 6, indicating the nature of development proposed.*

As part of the Amendment Application, the area of ~0.52ha that is currently zoned Private Open Space, and which would have represented open space areas within the townhouse complexes, will be lost. Additionally, as part of the Town Planning Application, a request has been submitted to relax 30% of the area to be set aside for landscaping and to relax the rear and side 5m meter building line to 2.5m. Internal roads are proposed to be between 12 to 15m wide.

### AMENDMENT APPLICATION PROCEDURE

The following Amendment Application Process and associated Public Participation Process was submitted to the competent authority, DEDEAT, by the EAP and has subsequently been approved.

The assessment process being implemented can be divided into three phases namely:

- **Pre-Application Phase**
  - Notification to DEDEAT
  - Project announcement and registration of I&APs (30 days) (**We Are Here**)
  - Specialist studies
- **Amendment Application and Report Phase**
  - Amendment Application Form prepared and submitted to DEDEAT
  - Draft Amendment Report for I&AP review (30 days)
  - Final Amendment Report submitted to DEDEAT
- **Decision Making and Appeal Period**

### **Phase 1: Pre-Application Phase (Current Stage)**

#### **• Project Announcement and Registration of I&APs (30 days)**

The first stage in the process entails notification to the DEDEAT, as well as I&APs of the intention to proceed with the Amendment Application Process. Identified I&APs are provided with a Background Information Document (BID) on the project, a locality map and a comment form. An advertisement will be placed in a local newspaper and a site notice board will be erected at the site. During this stage I&APs are provided with a 30-day period to register their interest on the project database to receive further project information and raise any issues for inclusion in the Draft Amendment Report (DAR).

In parallel with the project announcement and registration period, the following specialist studies are proposed to be undertaken in order to review and assess the impacts associated with the proposed changes. The following specialist studies are proposed to form part of the amendment process:

- Traffic Impact Assessment
- Engineering Services
  - Domestic Water
  - Waste Management
  - Effluent Management
  - Stormwater Management
  - Electricity
- Aquatic Impact Assessment
- Review of Vegetation Impacts

### **Phase 2: Amendment Application and Report Phase**

#### **• Application Form and Draft Amendment Report (DAR) (30 days)**

In parallel to the compilation and submission of the Amendment Application Form, the Draft Amendment Report (DAR) will be compiled which will include a Comments and Responses Trail – indicating the issues and concerns raised by I&APs during the 30-day project announcement period (Phase 1: Pre-application phase).

Subsequent to the submission of the Application Form to the competent authority, the DAR will be released for a minimum, legislated 30-day I&AP comment period. All registered I&APs will be notified in writing of the opportunity to comment. In order to assist I&APs with their understanding of the project and to facilitate the identification of issues for inclusion in the Final Amendment Report (FAR), I&APs will be provided with an executive summary of the DAR, as well as a comment form. Copies of the report will also be made available on the website [www.publicprocess.co.za](http://www.publicprocess.co.za).

#### **• Final Amendment Report Submission (FAR)**

The Final Amendment Report (FAR), including the Comments and Responses Trail will be compiled for submission to the competent authority (DEDEAT) for their consideration. The FAR, including specialist studies, which has been subjected to a 30-day Public Participation Process must be submitted to the competent authority within 90 days of receipt of the Application Form by the competent authority. All I&APs on the project database will be notified in writing of the submission of the FAR.

### **Phase 3: Decision Making and Appeal Period**

The competent authority must, within 107 days of receipt of the Amendment Report, reach a decision on the Application and notify the applicant. The applicant must, within 14 days of the date of the decision, notify all registered I&APs of the decision and provide them with access to the decision and reasons for the decision, as well as indicate the manner of appeal.

### **WHAT IS YOUR ROLE AS AN INTERESTED AND AFFECTED PARTY (I&AP)?**

1. Should you wish to register your interest in the project or raise issues of concern you are required to respond to the letters of notification and/ or newspaper advertisements:
  - By emailing, faxing or mailing a comment form to the public participation consultant indicated below.
  - By registering your interest in the project, you will be kept informed of the process and will be notified of any opportunities to comment.
2. I&APs are required to state their area of interest and/ or concern in the matter.
  - By emailing, faxing or mailing a comment form to the public participation consultant indicated below.
3. By telephonically contacting the public participation consultant if you have a query, comment, or require further project information.
4. By reviewing the Draft Amendment Report and submitting any comments/ issues within the specified comment period.

**WHO SHOULD YOU CONTACT?**

Sandy Wren,  
Public Process Consultants  
PO Box 27688  
Greenacres  
6057

Phone: 041-374 8426 or Fax: 041-373 2002

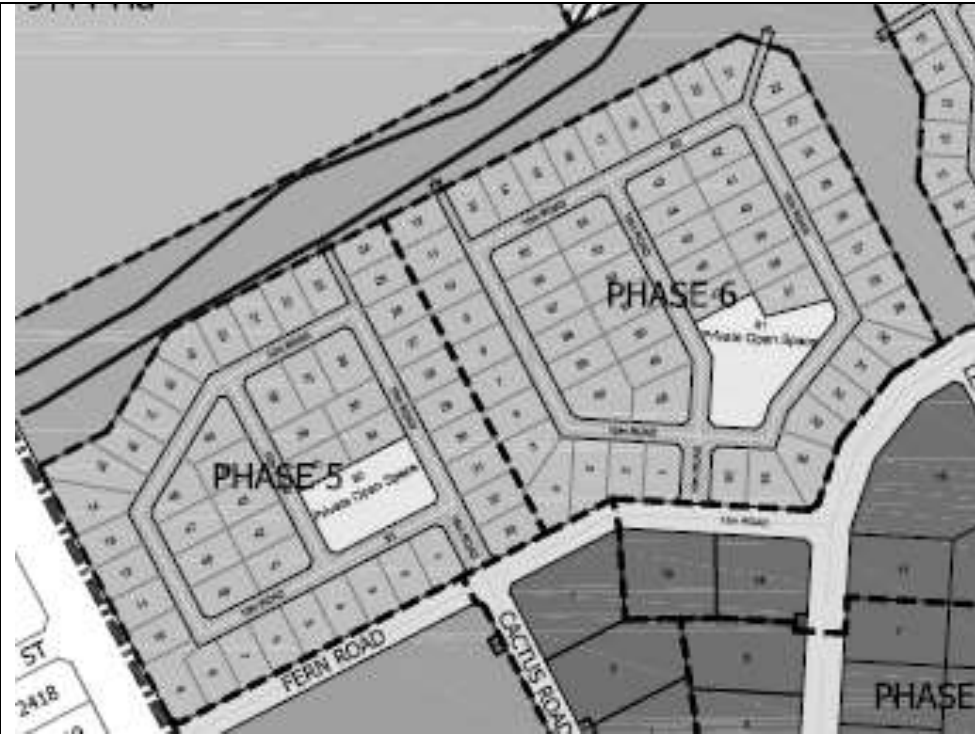
Email : [sandy@publicprocess.co.za](mailto:sandy@publicprocess.co.za)

Information on the project can be downloaded from the following website: [www.publicprocess.co.za](http://www.publicprocess.co.za)



Locality Map: Phases 5 and 6 (crosshatched) within Erf 1082 Fairview, NMBM, originally proposed as Residential 2, Private Open Space and Special Purposes (access).

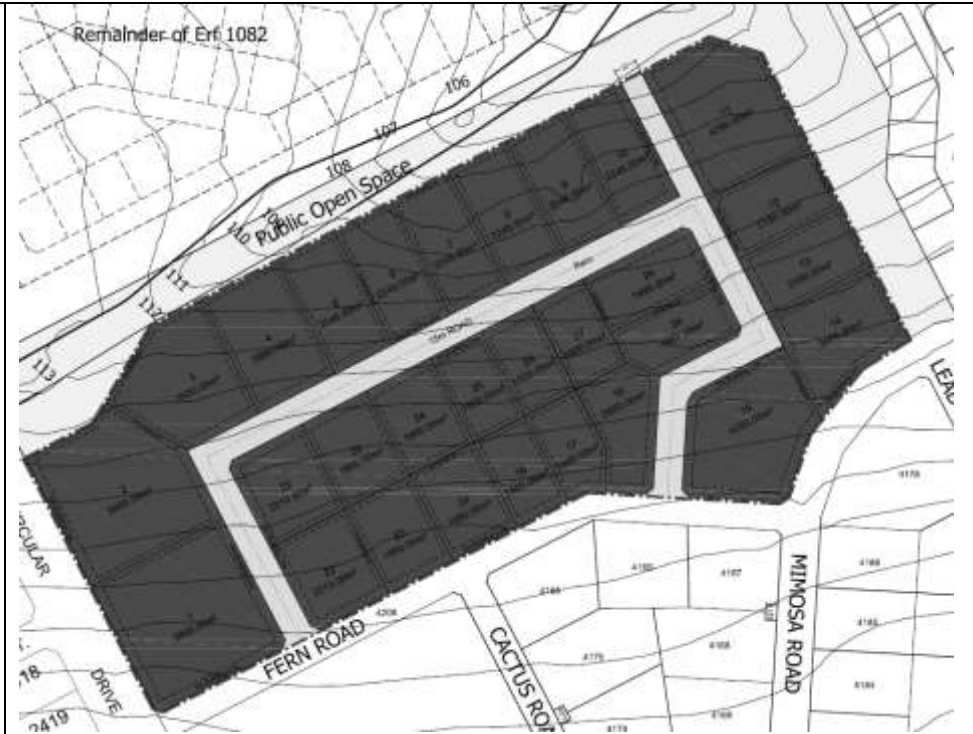




PHASE 5 (Hybrid)			
	Portions	Area In m <sup>2</sup>	% Allo
Residential 2	1 - 49	28073,00 m <sup>2</sup>	76,40%
Private Open Space	50	2322,00 m <sup>2</sup>	6,47%
Special Purpose (Access)	51	6506,00 m <sup>2</sup>	17,12%
<b>Totals</b>	<b>51</b>	<b>36901,00 m<sup>2</sup></b>	<b>100,00%</b>

PHASE 6 (Hybrid)			
	Portions	Area In m <sup>2</sup>	% Allo
Residential 2	1 - 60	34416,00 m <sup>2</sup>	76,40%
Private Open Space	61	2917,00 m <sup>2</sup>	6,48%
Special Purpose (Access)	62	7712,00 m <sup>2</sup>	17,12%
<b>Totals</b>	<b>62</b>	<b>45045,00 m<sup>2</sup></b>	<b>100,00%</b>

Above excerpt indicates **existing** zoning of Phases 5 and 6 as authorised. Relates to area indicated by cross-hatching in the attached locality map.



**Subject Site : 81993.00m<sup>2</sup>**

Zoning	Portions	Area In m <sup>2</sup>	% Allo
Special Purpose	1 - 28	72375,00 m <sup>2</sup>	88,27%
Transportation 1	Rem, Road	9618,00 m <sup>2</sup>	11,73%
<b>Totals</b>	<b>28</b>	<b>81993,00 m<sup>2</sup></b>	<b>100,00%</b>

**Other Descriptions:**

- Public Open Space
- 1:100 year floodline
- Building Line

Above excerpt indicates **proposed** zoning and combining of Phases 5 and 6. Relates to area indicated by cross-hatching in the attached locality map.