

CHAPTER THREE: PUBLIC PARTICIPATION

3.1 INTRODUCTION

This chapter of the report provides details of the Public Participation Process undertaken for the Amendment Application. The Amendment Application Process (AA Process) being implemented can be divided into three phases namely:

- **Phase 1: Pre-Application and Project Announcement**
 - Communication with DEDEAT and Authorities
 - Project Announcement and Registration of I&APs (30 days)
 - Specialist Studies
- **Phase 2: Application Form and Amendment Report**
 - Submission of Amendment Application Form to DEDEAT
 - Draft Amendment Report Review (30 days)
 - Submission of Final Amendment Report to DEDEAT (**We Are Here**)
- **Phase 3: Decision Making and Appeal Period**

3.2 PHASE 1: PRE-APPLICATION AND PROJECT ANNOUNCEMENT

3.2.1 Communication with DEDEAT and Authorities

Correspondence from DEDEAT dated, 5 September 2017, confirmed that this AA Process is considered a substantive amendment. Regulation 32 of GN R326 prescribes the requirements for an Amendment Report, which, for a substantive amendment, must be subject to a Public Participation Process agreed to with the competent authority (DEDEAT, Sarah Baartman Region). In line with this requirement, correspondence outlining the proposed Public Participation Process for the AA Process, dated the 25 January 2018, was submitted to DEDEAT. Approval for the proposed AA Process and associated Public Participation Process was received from DEDEAT on the 8 June 2018. Copies of correspondence with DEDEAT are included as Appendix B of this report.

In correspondence sent by DEDEAT to the Environmental Control Officer (ECO) for this project, Mr Mark Marshall of Sandula Conservation, dated the 10 September 2018, it was requested that this AA Process take into account the State of the Environment Report for the development. As required, the State of the Environment Report, dated 23 July 2018, was provided to the EAP by the ECO and has been considered in the assessment process. See Chapter Five of this report for the Ecological Specialist Assessment.

Included with the approval letter from DEDEAT, 8 June 2018, was the requirement to include comments from the Nelson Mandela Bay Municipality (NMBM), as part of the Public Participation Process for the AA Process. In order to comply with this requirement, the following representatives from the NMBM were proactively identified and included on the database for this project from the outset of the assessment process:

- Rosa Blaauw, (Adjacent Landowner, Erf 298), NMBM: Environmental Management Sub-Directorate - Assistant Manager Systems
- Yusuf Gaffore, NMBM: Infrastructure and Engineering Directorate - Roads, Stormwater and Transportation
- Schalk Potgieter, NMBM: Strategic Planning – Director
- Gustav Rautenbach, NMBM: Councillor - Ward 8
- Clyde Scott, (Adjacent Landowner, Erf 298), NMBM: Environmental Management Sub-Directorate
- Morne Steyn, NMBM: Councillor - Ward 6

All the above mentioned representatives of the NMBM received written, as well as email notification of the commencement of the AA Process. Included with this correspondence was a Background Information Document, as well as a locality map and comment form. At the time of release of the Draft Amendment Report (Draft AR), comments and a request to register had been received from Mr Mdingi of the NMBM Environmental Management Sub-Directorate and a request to register from Cllr Rautenbach. The Comments and Responses Trail in Section 3.5 below outlines the comments submitted during the pre-application and project announcement phase from Mr Mdingi and Cllr Rautenbach and provides a response. Appendix F of this report includes copies of the correspondence received from I&APs, including representatives of the NMBM. In line with the request to register interest on the project, the database for the Draft AR was amended to include the following representative of the NMBM:

- Siyavuya Mdingi, NMBM: Environmental Sub-Directorate

The representatives from the NMBM remained on the database for this project and continued to receive notification of the various stages to comment on the AA Process.

All of the above representatives of the NMBM received written and email notification of the 30-day comment period for the Draft AR. Included with this notification was a Comment Form and an Executive Summary of the Draft AR. The Draft AR was also made available on the project website, www.publicprocess.co.za for downloading. Comments received from Cllr Steyn are included in the Comments and Responses Trail in Section 3.5 below and a response has been provided by the project EAP. Copies of correspondence to and from I&APs are included in Appendix E and F, respectively.

All Public Participation documentation (Draft and Final Reports) have been sent to the competent authority (DEDEAT), including affected/ Juristic Organs of State and State Departments, which are registered on the project database. Authorities are required to provide their input into the assessment process, within the timeframes stipulated. Input from authorities, where received, have been included in the Comments and Responses Trail for the assessment process. In addition to the representatives from the NMBM, the following State Departments were included on the project database for the project announcement phase of the assessment.

- Peter Lotter, Provincial Authority, EC Department of Transport: Engineering Technologist
- Randall Moore, Provincial Authority, EC Department of Transport: District Roads Engineer

While representatives of the Department of Water and Sanitation were not included on the database for the project announcement, the database has subsequently been amended and they have received written notification of the comment period for the Draft AR and will receive written notification of the submission of the Final Amendment Report (Final AR).

Affected/ Juristic Organs of State and State Departments remained on the database for the duration of the assessment process for this project and received information in the format as agreed to with the respective Departments (hard copy, CD or email). Information available for I&AP review was placed on the website www.publicprocess.co.za for the duration of the AA Process. Appendix D.2 includes the database of affected/ Juristic Organs of State and State Departments, with their contact details.

3.2.2 Project Announcement and Registration of I&APs

An important element of the Public Participation Process is the identification of I&APs prior to advertising the commencement of the assessment process. Prior to advertising the assessment process, the EAP, drawing on previous experience with this project and by means of a deed search, developed an initial database of potential I&APs for the initiation of the assessment process. Adjacent landowners/ tenants were identified through a deeds search (Windeed) and, where required, contact information was confirmed by telephonic communication. This database included, amongst others, adjacent landowners/ tenants, affected/ Juristic Organs of State and State Departments, as well as the competent authority (as outlined in Section 3.2.2 above), the Councillor for Ward 6 and 8, and other potential I&APs. A copy of the database for the project is included as Appendix D.1 of this report and **at the time of advertising the AA Process, included 62 registered IA&Ps.**

I&APs were notified of the requirement to register their interest on the database for this project from the outset of the assessment process, via Letter 1 to I&APs. However, the identification and registration of I&APs was ongoing for the duration of the assessment process. While not required by the regulations, those I&APs identified at the outset of the process remained on the project database and were kept informed of all opportunities to comment and were only removed from the database by request. During the Project Announcement Phase, **two I&APs requested to deregister** from the project database. Seven I&APs requested to register their interest on the project database, five of these I&APs were proactively identified as I&APs prior to the commencement of the process and will remain registered on the project database. **Two additional I&APs have thus been added to the project database.** In addition, and as noted in Section 3.2.1 **two additional representatives of the Department of Water and Sanitation have been added** to the project database for the Application Form and Draft Amendment Report Review Phase. **Thus, at the time of release of the Draft AR for I&AP review, the database included 64 registered I&APs.**

During the comment period for the Draft AR, no additional I&APs requested to register interest on the project database, thus **the I&AP database for the Final Report includes 64 registered I&APs.** A copy of the database for the project is included as Appendix D.1 of this report.

In order to notify and inform the public, potential I&APs, as well as affected/ Juristic Organs of State and State Departments, as well as the competent authority of the proposed project, the opportunity to register as an I&AP, as well as raise issues of concern, the assessment process was announced as follows:

- Advertisement in one local newspaper:
 - The Herald, 26 July 2018 (Provincial distribution).
- Site Notice Board:
 - A notice board announcing the AA Process, identifying the area under assessment, proposed rezoning changes and contact details for further information and registration as an I&AP, was placed on the corner of Circular Drive and Fern Road, on the south western boundary of the Phase 5 and 6.
- Letter 1 to I&APs - Notice of the AA Process, Comment and Registration Period:
 - Letter 1 to I&APs included a Background Information Document (BID), locality map and comment form. On 26 July 2018, written notification of the AA Process was sent to all I&APs on the project database via normal mail and where available, via email. A 31-day comment and registration period was provided for I&APs to register their interest on the project database and raise issues of concern for inclusion in the Draft AR. This period extended from **26 July to 27 August 2018** (taking into account a public holiday which fell over this period).

- As outlined in Section 3.2.2 above, affected/ Juristic Organs of State and State Departments, including the competent authority, received notification of the assessment process via Letter 1 to I&APs.
- Letter 1, the BID and comment form for the project were placed on the following website: www.publicprocess.co.za

Appendix C contains photos of the site notice board placed at the site and a copy of the newspaper advertisement placed in "The Herald". Appendix E contains a copy of the correspondence sent to all I&APs, as well as affected/ Juristic Organs of State and State Departments on the project database. Appendix F contains copies of correspondence received from I&APs in response to the project announcement. The following provides a summary of the issues raised during the project announcement phase, the number in brackets indicates the number of times a specific issue has been raised by I&APs during this phase of the assessment process:

- Traffic Impacts (2)
- Noise Impacts (1)
- Pollution Impacts (1)
- Ecological Impacts (1)
- Socio-Economic Impacts (4)
- Public Participation Process and Amendment Application (7)

The issues raised have been included in the Comments and Responses Trail in Section 3.5 below and copies of these comments are included in Appendix F of this report.

3.3 PHASE 2: APPLICATION FORM AND AMENDMENT REPORT

The sections below outline the Public Participation Process for the Draft and Final AR and includes the Comments and Responses Trail for this AA Process.

3.3.1 Submission of Amendment Application Form to DEDEAT

The first step in this phase of the process entailed the submission of the Amendment Application Form to DEDEAT. The applicant must within 90 days of receipt by the competent authority of the application form, submit to the competent authority the Final AR (this report), which includes specialist assessments and the details of the Public Participation Process, which was agreed to by the competent authority.

3.3.2 Draft Amendment Report Review (30 days)

In parallel to the submission of the Amendment Application Form to the competent authority, the Draft AR was released for a minimum 30-day comment period, which extended from the **19 November 2018 to the 11 January 2019**, taking into account the period from the 15 December to the 5 January, which in terms of the NEMA EIA Regulations 2014 (as amended) is to be excluded in the reckoning of days. The Draft AR included a Comments and Responses Trail indicating the comments received from I&APs, including affected/ Juristic Organs of State and State Departments during the 30-day project announcement period (Phase 1: Pre-Application and Project Announcement), see Section 3.5 below. The following indicates the process for the distribution of information during the review period of the Draft AR:

- Letter 2 to I&APs - Notification of comment period on the Draft AR:
 - All I&APs notified in writing of the 30-day comment period, NEMA EIA R 2014 (as amended) and receive an executive summary of the Draft AR, as well as a comment form.
- Report Distribution:

- Affected/ Juristic Organs of State and State Departments were provided with a hard copy, or electronic version of the report (CD or Email), as agreed to with the respective Department.
- The Councillors for Ward 6 and 8 were provided with a CD copy of the report.
- A copy of the report, including an executive summary of the Draft AR and comment form was placed on the following project website: www.publicprocess.co.za
- One on one meetings were to be held as and when necessary with key I&APs, upon request, however no such requests were received, and no meetings held.

The following summarises the comments received from I&APs during the comment period for the Draft AR.

- Noise Impacts (1)
- Ecological Impacts (5)
- Public Participation Process and Amendment Application (1)

The comments received have been included in the Comments and Responses Trail in Section 3.5 below and a response provided. Copies of comments received from I&APs are included in Appendix F of this report.

3.3.3 Submission of Final Amendment Report to DEDEAT (We are here)

The Final AR, together with the specialist studies, have been prepared and submitted to the DEDEAT for their decision-making, within 90 days of submission of the Amendment Application Form. The Final AR includes all the comments received from I&APs during the Pre-Application and Application Phase of the assessment (Draft AR). The following indicates the process for the distribution of information during the submission of the Final AR:

- Letter 4 to I&APs – Notification of the submission of the Final AR:
 - All I&APs on the project database will be provided with written notification of the submission of the Final AR to DEDEAT for their decision making. No additional comment period is proposed for the FAR.
 - A copy of the report, including an executive summary of the Final AR will be placed on the following project website: www.publicprocess.co.za

DEDEAT will have 107 days from receipt of the Final AR to decide the application.

3.4 PHASE 3: DECISION MAKING AND APPEAL PERIOD

As per regulation 27. 2) “Where the competent authority decides to amend an environmental authorisation, the competent authority must—

- (a) issue an amendment to the environmental authorisation either by way of a new environmental authorisation or new environmental authorisations or an addendum to the relevant environmental authorisation; or
- (b) replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental authorisation, if the existing environmental authorisation is directly related to the amendment required.”

All I&APs on the project database will be notified in writing of the outcome of the decision-making process and Appeal Period. The following indicates the process for the distribution of information regarding the outcome of the decision-making process and Appeal Period:

- Letter 3 to I&APs – Notification of the decision and Appeal Period:

- All I&APs on the project database will be provided with written notification of the outcome of the decision-making process and Appeal Period.
- A copy of the decision and summary of the Appeals procedure will be placed on the following project website: www.publicprocess.co.za

3.5 COMMENTS AND RESPONSES TRAIL

An important element of the AA Process is Public Participation and to identify issues for inclusion in the assessment. These issues provide input towards the assessment of alternatives, the scope and Terms of Reference for the specialist assessments. To ensure that a comprehensive range of issues are identified, the following sources have been used for the identification of issues and the development of the Final AR:

- Site visit undertaken by Public Process Consultants on the 26 July 2018.
- Report by specialists on the advantages and disadvantages of the proposed amendments and review of impacts, as well as mitigatory measures proposed, including any additional recommendations for the EMPr:
 - Vegetation
 - Aquatic
 - Traffic
 - Bulk Services
- Technical Information provided by Fairview Suburban Estates Company (Pty) Ltd and the appointed Town Planners, Metroplan.
- Scoping of issues with I&APs:
 - Issues and concerns raised via email and written correspondence during the Project Announcement Phase.
 - Issues and concerns raised via email and written correspondence during the comment period for the Draft AR.
- Scoping of issues with relevant authorities:
 - NMBM

The specialist studies forming part of the AA Process are outlined in Chapters Four to Six of this report.

During the assessment process, it is important to evaluate and prioritise the issues raised through the interactions with authorities, I&APs, specialists on the assessment team, and the project proponent. In accordance with the philosophy of Integrated Environmental Management, it is necessary to focus the assessment on the key issues raised.

To assist in the identification of key issues, a decision-making process is applied to the issues raised, based on the following criteria:

- Whether the issue falls within the scope and responsibility of this assessment.
- Whether sufficient information is available to respond to the issue raised without further specialist investigation.

Where an issue is considered to fall beyond the scope of this assessment process, sufficient reasoning needs to be provided. Table 3.1, the Comments and Responses Trail below, indicates the comments made to date during the assessment process. Appendix F contains copies of the comments made via fax, email or written correspondence. In line with the criteria outlined above, a response to the comment/ issue raised has been provided by the assessment team. The following provides a summary of the issues raised to date, the number in brackets, indicates the number of times a specific issue has been raised by I&APs.

Summary of Comments Received during the Project Announcement Phase

- Traffic Impacts (2)
- Noise Impacts (1)
- Pollution Impacts (1)
- Ecological Impacts (1)
- Socio-Economic Impacts (4)
- Public Participation Process and Amendment Application (7)

Summary of Comments Received during the Draft Amendment Review

- Noise Impacts (1)
- Ecological Impacts (5)
- Public Participation Process and Amendment Application (1)

Table 3.1: Comments and Responses Trail.

1. Traffic Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
ISSUES RAISED BY I&APS DURING THE PROJECT ANNOUNCEMENT				
1.1	The traffic is already busy. So it is a big No.	Gillian Warmenhove, Adjacent Landowner, 5 San Pama Estate	13&14Aug2018, email & comment form	<p>The traffic characteristics of the proposed rezoning change from Residential 2 to Special Purpose in Phases 5 and 6 of the Erf 1082 Fairview development were assessed to determine the resulting impact during the weekday morning (AM) and afternoon (PM) peak traffic hours.</p> <p>The proposed change in land-use will lead to increased vehicle trips (ranging from 79 to 185 more vehicles) travelling to/ from this part of the development during weekday peak traffic hours. The most directly affected roads include Fern Road, Mimosa Road, Circular Drive and Willow Road. Inspection of the SIDRA capacity analysis results contained in the 2010 TIA for the 2020 ultimate scenario (all Erf 1082 land-uses fully developed) indicate that the newly upgraded traffic circles at Circular Drive / Fern Road (Access B) and Willow Road / Mimosa Road would operate with minimal traffic congestion and delay, and that adequate spare capacity should be available to accommodate the additional traffic generated by the proposed change in land-use. No further upgrading is therefore considered necessary at these two traffic circles.</p>
1.2	The traffic that a High Tech/ Industrial Business Park would generate would have a negative effect on the value of all the townhouses in our San Pama Estate complex.	Jacques & Erin Gieseke, Adjacent Landowner, 11 San Pama Estate	16&17Aug2018, email & comment form	<p>The traffic characteristics of the proposed rezoning change from Residential 2 to Special Purpose in Phases 5 and 6 of the Erf 1082 Fairview development were assessed to determine the resulting impact during the weekday morning (AM) and afternoon (PM) peak traffic hours.</p> <p>The proposed change in land-use will lead to increased vehicle trips (ranging from 79 to 185 more vehicles) travelling to/from this part of the development during weekday peak traffic hours. The most directly affected roads include Fern Road, Mimosa Road, Circular Drive and Willow Road. Inspection of the SIDRA capacity analysis results contained in the 2010 TIA for the 2020 ultimate scenario (all Erf 1082 land-uses fully developed) indicate that the newly upgraded traffic circles at Circular Drive / Fern Road (Access B) and Willow Road / Mimosa Road would operate with minimal traffic congestion and delay, and that adequate spare capacity should be available to accommodate the additional traffic generated by the proposed change in land-use. No further upgrading is therefore considered necessary at these two traffic circles.</p> <p>Based on the input from the Traffic Impact Assessment it is not anticipated that the increase in traffic will negatively affect property values at San Pama Estate.</p>

2. Noise Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
ISSUES RAISED BY I&APS DURING THE PROJECT ANNOUNCEMENT				
2.1	The noise that a High Tech/ Industrial Business Park would generate would have a negative effect on the value of all the townhouses in our San Pama Estate complex.	Jacques & Erin Gieseke, Adjacent Landowner, 11 San Pama Estate	16&17Aug2018, email & comment form	<p>A separate noise impact assessment has not been undertaken for the Amendment Application. The noise generated by the Special Purposes rezoning must be in line with the legal limits for the area, as specified in local authority and/or SANS standards.</p> <p>It is anticipated that during the construction phase, noise levels may increase but these will be temporary in nature and associated with construction phase activities. Construction phase activities will need to be in line with municipal standards and confined to working hours, 08h00 to 17h00.</p> <p>It is not anticipated that temporary construction phase noise impacts will negatively impact on property prices for the area.</p>
ISSUES RAISED BY I&APS DURING THE DRAFT AMENDMENT REPORT REVIEW				
2.2	Already, the Suburb of Sunridge Park is experiencing a level of noise pollution from the current development and this will only increase as additional buildings are constructed.	Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge Neighbourhood Watch	13Jan2019, email	<p>A separate Noise Impact Assessment has not been undertaken for the Amendment Application. The noise generated by the Special Purposes rezoning must be in line with the legal limits for the area, as specified in local authority and/ or SANS standards.</p> <p>It is anticipated that during the construction phase, noise levels may increase but these will be temporary in nature and associated with construction phase activities. Construction phase activities will need to be in line with municipal standards and confined to working hours, 08h00 to 17h00.</p>

3. Pollution Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
ISSUES RAISED BY I&APS DURING THE PROJECT ANNOUNCEMENT				
3.1	The pollution that a High Tech/ Industrial Business Park would generate would have a negative effect on the value of all the townhouses in our San Pama Estate complex.	Jacques & Erin Gieseke, Adjacent Landowner, 11 San Pama Estate	16&17Aug2018, email & comment form	<p>The Special Purposes rezoning will be for High- tech industrial uses, defined as an activity which is not noxious use but in which advanced technology is used. No noxious use is permitted and therefore associated "pollution" is not anticipated to negatively impact on property values. The Special Purposes Zoning will be required to comply with all municipal guidelines and standards, which apply to the zoning.</p>

4. Ecological Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
ISSUES RAISED BY I&APS DURING THE PROJECT ANNOUNCEMENT				
4.1	The Erf subjected to Amendment of Environmental Authorisation is within critical ecological processes and critical biodiversity areas (CBA) in term of the Nelson Mandela Bay Metropolitan Open Space Systems (NMB MOSS).	Siyavuya Mdingi, NMBM Environmental Sub-Directorate	3Aug2018, email & comment form	The Final Environmental Impact Assessment identified the CBA's and EPA's on Erf 1082. The development footprint for Phase 5 and 6 is not proposed to change, and therefore no additional positive or negative impacts on CBA's and ESA's, other than those identified in the Final EIA, are anticipated as a result of the rezoning. See Chapter five of the report for further details.
ISSUES RAISED BY I&APS DURING THE DRAFT AMENDMENT REPORT REVIEW				
4.2	<p>I am the Ward Councillor of the applicable area and my office was registered as a I&AP/ Organ of State.</p> <p>Having regard to the original Report herein my office and that of my predecessor do not object in principle to the amendment. I do however wish to raise the following concerns:</p> <ul style="list-style-type: none"> The removal of the private open space in its entirety; The environmental impact (even if addressed in the original determination, the impact still remains a concern) 	Cllr, Morne Steyn, NMBM Ward 6	11Jan2019, email & comment form	<p>The loss of the private open space has been assessed in this Amendment Application, refer to Chapter Five page 5.33:</p> <p><i>“As part of the Amendment Application, the area that is currently zoned Private Open Space of ~0.52ha, will be lost. However, the need to have an area set aside as Private Open Space within the Residential 2 development is a town planning requirement and was not based on the conservation value of the vegetation on the site. As noted above, all of the existing vegetation on the site (Phase 5 and 6) would be cleared to allow for the construction of the housing development and replaced with ornamental gardens and lawns within the Private Open Space areas and private gardens. This would still be the case, should the zoning of the site be changed as proposed.”</i></p>
4.3	This is a eco sensitive area which will be destroyed by this type of development.	Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge Neighbourhood Watch	13Jan2019, email	<p>See response to 4.2 above. The original development footprint for Phase 5 and 6 is not proposed to change.</p> <p>The potential impacts of the proposed amendments regarding rezoning of Phases 5 and 6 of Erf 1082 Fairview do not differ significantly from those originally assessed in the Final EIA Report (2011) for the project.</p>
4.4	In addition, the current runoff into the Baakens River as well as illegal dumping in the area adjacent to the current development has placed the Valley under severe strain.	Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge	13Jan2019, email	<p>The impact of the potential increase in stormwater was assessed as part of this Amendment Application and the following is noted.</p> <p>The stormwater management plan has now consolidated all discharge structures into one area and will no longer discharge into the 1:100-year flood line. It is further recommended that should approval be granted for</p>

		Neighbourhood Watch		<p>this project an additional condition must be included which requires the submission of a revised Roads and Wet Services plan for approval by DEDEAT prior to the commencement of construction.</p> <p>The disposal of waste in open space areas is illegal. This project has an appointed Environmental Control Officer, who amongst others, monitors compliance with the conditions of the environmental authorisation.</p>
4.5	<p>I would be happy to walk the area with relevant persons and explain the issues in more detail.</p> <p>In conclusion, this particular request will not affect significantly the area as it has already been lost to invader vegetation.</p> <p>Approval of this application should be considered with the following proviso's:</p> <p>As a quid pro quo, the developer undertakes to re-establish a section of the valley (equal to the development area) by removing all invader vegetation.</p> <p>Whilst I understand that development of open spaces is inevitable, good faith from developers and a commitment to protect the natural resources should ensure that both developments and eco systems could exist alongside each other.</p>	<p>Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge Neighbourhood Watch</p>	<p>13Jan2019, email</p>	<p>As part of the original Environmental Authorisation the applicant is required to remove alien invader species from the site on a continual basis. Amendment Notice 3, dated the 27/05/2013, notes the following in condition 3.1.2:</p> <p><i>"The restoration of the site, which is inclusive of alien vegetation removal and rehabilitation of all the designated opens paces to commence within 3 months from the date of signature of this Amendment Notice."</i></p> <p>The original Environmental Authorisation, condition 2 under Detailed Description of Activity, requires that an area of 57.60ha (49.78%) is proposed to be set aside as Open Space (Private and Public). Should this amendment application be granted this figure will change to 57.08ha (49.33%) of the site.</p>
4.6	<p>Approval of this application should be considered with the following proviso's:</p> <p>The developer agrees to control runoff from the development so that it does not adversely affect the Baakens Valley or River.</p>	<p>Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge Neighbourhood Watch</p>	<p>13Jan2019, email</p>	<p>As per the response in 4.4 above it is recommended that the applicant submit a revised Roads and Wet Services plan for approval by DEDEAT prior to the commencement of construction, which must include the proposed stormwater infrastructure for Phase 5 and 6.</p>

5. Potential Socio-Economic Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
ISSUES RAISED BY I&APS DURING THE PROJECT ANNOUNCEMENT				
5.1	We are against the Amendment, It will cause our property value to fall.	Daniel Van Der Nest, Adjacent Landowner, 2 San Pama Estate	27Aug2018, email & comment form	The value and subsequent marketing price for a property is calculated and determined by a number of factors, and not the zoning of an adjacent property/ development. The value for a development is determined by a number of factors, namely, cost of the land paid for by a developer, cost of services (width of roads, quality of internal services) and finishing's for a specific unit.
5.2	I am a co-owner of the above mentioned unit in the townhouse complex. The rezoning will affect our home prices negatively. I am against the rezoning.	Igna Botha & Elna Burger, Adjacent Landowner, 10 San Pama Estate	16Aug2018, email & comment form	The value and subsequent marketing price for a property is calculated and determined by a number of factors, and not the zoning of an adjacent property/ development. The value for a development is determined by a number of factors, namely, cost of the land paid for by a developer, cost of services (width of roads, quality of internal services) and finishing's for a specific unit.
5.3	I am totally against the new proposal of proposed Amendment of the Amended Environmental Authorisation for Erf 1082, Fairview: Phases 5 & 6. Townhouse complexes - YES. Retail, offices, warehousing, Industrial - NO. My townhouse is right opposite this site and it will bring down the value of our properties at San Pama Estate.	Gillian Warmenhove, Adjacent Landowner, 5 San Pama Estate	13&14Aug2018, email & comment form	The value and subsequent marketing price for a property is calculated and determined by a number of factors, and not the zoning of an adjacent property/ development. The value for a development is determined by a number of factors, namely, cost of the land paid for by a developer, cost of services (width of roads, quality of internal services) and finishing's for a specific unit.
5.4	We the owners of 11 San Pama Estate, STRONGLY OBJECT to the proposed rezoning of Phases 5&6 of Erf 1082, Fairview as indicated in your Notice of Amendment dated 25 July 2018. When we purchased our townhouse in December 2015 we were not advised about the possible development of a High Tech/ Industrial Business Park. We were advised that the Erf had been earmarked for a townhouse development. The traffic, noise and pollution that a High Tech/ Industrial Business Park would generate would have a negative effect on the value of all the townhouses in our San Pama Estate complex.	Jacques & Erin Gieseke, Adjacent Landowner, 11 San Pama Estate	16&17Aug2018, email & comment form	The value and subsequent marketing price for a property is calculated and determined by a number of factors, and not the zoning of an adjacent property/ development. The value for a development is determined by a number of factors, namely, cost of the land paid for by a developer, cost of services (width of roads, quality of internal services) and finishing's for a specific unit. See responses above with regards to potential noise, traffic and pollution impacts on property values.

6. Public Participation and Amendment Application Process

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
ISSUES RAISED BY I&APS DURING THE PROJECT ANNOUNCEMENT				
6.1	Request to register	Gustav Rautenbach, Cllr Ward 8, NMBM	30July201, email & comment form	The Councillor for Ward 8 was proactively identified as an I&AP prior to commencement of the assessment process and will remain on the database for this project as requested.
6.2	We are also disappointed at the short time that owners of our townhouse complex have to object to this proposal as some of the townhouses are tenanted and the owners might not yet have been advised by their tenants of this proposal.	Jacques & Erin Gieseke, Adjacent Landowner, 11 San Pama Estate	16&17Aug2018, email & comment form	Notification of the Amendment Application process was provided to all 36 units in San Pama Estate dated the 26 July 2018. This correspondence clearly stated in bold lettering " <i>If you are not the landowner, please ensure that a copy of this correspondence is sent to the landowner.</i> " In addition, an additional 30 day comment period will be provided to all I&APs on the database for this project upon the release of the Draft Amendment Report for review. This was clearly outlined in the Background Information Document, which accompanied the correspondence to the residents of San Pama Estate.
6.3	Request to Register	Jorge De Freitas, JA Floral Distributors, Adjacent Landowner/ Tenant		Jorge De Freitas, of JA Floral Distributors, was proactively identified as an I&AP prior to commencement of the assessment process and will remain on the database for this project as requested.
6.4	Request to deregister	Marinus Gieselbach, Vulatel	7Aug2018, email & comment form	As requested this I&AP will be removed from the project database and receive no further correspondence with regards to this application.
6.5	Request to deregister	Daniel Van Der Nest, Adjacent Landowner, 2 San Pama Estate	27Aug2018, email & comment form	While this I&AP provided comment in response to the notification to register interest they have indicated on the comment form a request to deregister from the database for this project and as such will be removed from the project database and receive no further correspondence with regards to this application.
6.6	I wish to register as interested and /or affected party on behalf of the Nelson Mandela Bay Municipality, Environmental Management Sub-Directorate. The proposed Amendment of the Environmental Authorisation, Rezoning from Residential 2 (Townhouse), Private Open Space and Special Purposes (Access) to Special Purposes (High Tech/ Business Park) and Transportation I	Siyavuya Mdingi, NMBM Environmental Sub-Directorate	3Aug2018, email & comment form	This I&AP has been registered on the database for the project as requested. The Amendment Application Process will not trigger Listing Notice 3 in GN R 324: Activity 15. This application is for the substantive amendment of an existing Environmental Authorisation and is subject to the NEMA EIA Regulations 2014 (as amended), GN R326, Section 31 and 32. The approach to the amendment application has been confirmed by the decision making authority, the Provincial Department of Economic Development Environmental Affairs and Tourism, in correspondence dated 5 September 2017 and 8 June 2018.

	(Access) will trigger Listing Notice 3 (GN R324): Activity 15.			
6.7	<p>Further to your notification of an amendment to the development of erf 1082, Fairview, I wish to be registered as an interested party.</p> <p>I am a Committee Member for Ward 9, the Chairman of the SunFern SCF and Sunridge Neighbourhood Watch and an active participant in the protection of the Baakens Valley.</p>	<p>Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge Neighbourhood Watch</p>	<p>10&13Aug20 18, email</p>	<p>This I&AP has been registered on the database for the project as requested and will be notified of the opportunity to comment on the Draft Amendment Report.</p>
ISSUES RAISED BY I&APS DURING THE DRAFT AMENDMENT REPORT REVIEW				
6.8	<p>I acknowledge that this submission has been lodged after the closing date (11/01/2019) and will in all probability be disregarded.</p> <p>That said however, I would place on record my objection to the above application.</p> <p>The request to rezone from Residential & POS will set a president for Erf 1082 which in all probability, will see future sections rezoned for light industrial without any approval necessary.</p> <p>Approval of this application should be considered with the following proviso's:</p> <p>It does not establish an automatic approval for further developments</p>	<p>Vincent Jearey, Committee Member Ward 9, Chairman Sun Fern SCF & Sunridge Neighbourhood Watch</p>	<p>13Jan2019, email</p>	<p>It was confirmed via email to this I&AP on the 14 January 2019 that the comments submitted outside of the timeframe would be included in the Final Amendment Report.</p> <p>This application is for the rezoning of Phase 5 and 6 only, any further amendments to the original Environmental Authorisation will require the necessary approvals from DEDEAT. The applicant is legally required to abide by the conditions of the Environmental Authorisation and the NEMA EIA Regulations 2014 (as amended). Areas cannot be rezoned without the necessary approvals.</p>

3.6 CONCLUSIONS AND RECOMMENDATIONS

No comments have been received from I&APs which have required additional specialist studies to be undertaken as part of the Amendment Application Process. The recommendations made by I&APs with regards to the management of stormwater runoff, alien vegetation removal and the setting aside of open space areas have been taken into account in this Amendment Application Process, as well as the original Environmental Authorisation and amendments thereto.