

CHAPTER TWO: PROPOSED REZONING AMENDMENTS

2.1 CURRENT ZONING

Fairview Suburban Estate Company (Pty) Ltd (the applicant), received a positive Environmental Authorisation (EA) for the Residential and Mixed-Use Development of the Remainder of Erf 1082, Fairview, Nelson Mandela Bay Municipality, from the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), on 9 May 2012 (DEDEAT reference no ECm1/387/M/07-169). Amendment Notice 2, dated 6 November 2012 and issued to Fairview Suburban Estate Company (Pty) Ltd, supersedes the original EA of 9 May 2012 and is referred to hereunder as the current Amended Environmental Authorisation (**Amended EA**).

The current Amended EA, under section 2 “Detailed description of activity” and when read together with the Final EIA (2011), authorises the following development to take place on Phases 5 and 6 of Erf 1082 Fairview.

PHASE 5 (Hybrid)		Portions	Area in m ²	% Allo
	Residential 2	1 - 49	28073.00 m ²	76.40%
	Private Open Space	50	2322.00 m ²	6.47%
	Special Purpose (Access)	51	6506.00 m ²	17.12%
Totals		51	36901.00 m ²	100.00%
PHASE 6 (Hybrid)		Portions	Area in m ²	% Allo
	Residential 2	1 - 60	34416.00 m ²	76.40%
	Private Open Space	61	2917.00 m ²	6.48%
	Special Purpose (Access)	62	7712.00 m ²	17.12%
Totals		62	45045.00 m ²	100.00%

Figure 2.1: Extract from Metroplan Drawing Number, FAI/2027/10 Rev10.

Thus, as per table 2.1 below, the current Amended EA authorises the construction of 109 Residential 2 units (Townhouses) on 6.24ha, Private Open Space on 0.52ha and Special Purpose (Access and Internal Roads) on 1.42ha. The total development area for Phases 5 and 6 measures 8.19ha in extent.

Table 2.1: Current Zoning for Phases 5 and 6.

CURRENT ZONING	AREA (HA)
Residential 2 - 109 units (Townhouses)	6.24
Private Open Space	0.52
Special Purpose (Access and Internal Roads)	1.42
TOTAL	8.19

The following extracts of the current Amended EA, under Section 2 “Detailed description of activity” which begins on page 2 of 21, have relevance with regards to the development of Phases 5 and 6 and the proposed amendments.

➤ Phase 5 to phase 9: Residential 2 consisting of 239 units on 12.43 ha (10.74%) of the site;

Extract from current Amended Environmental Authorisation (page 3 of 21, bullet 1).

➤ Transportation 1 (Roads) and bulk infrastructure measuring approximately 4.33 ha (3.74%) of the site; and

Extract from current Amended Environmental Authorisation (page 3 of 21, bullet 5).

➤ Special Purpose (access) measuring 2.96 ha (2.56%) of the site.

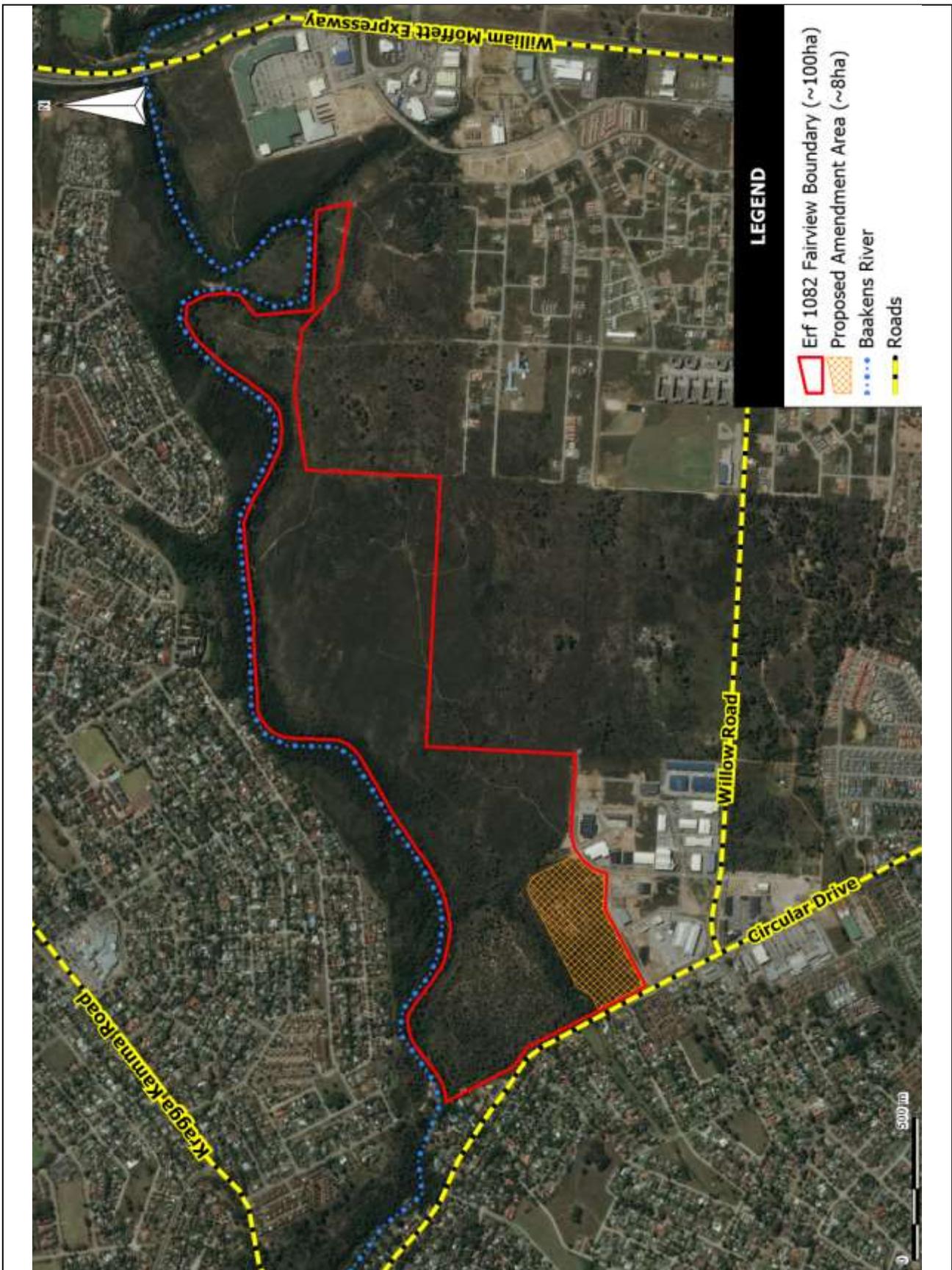
Extract from current Amended Environmental Authorisation (page 3 of 21, bullet 6).

➤ Private Open Space measuring 1.13 ha (0.98%) located within the Residential 2 component of Phases 5 to 9.

Extract from current Amended Environmental Authorisation (page 4 of 21, bullet 2).

The applicant proposes to consolidate, subdivide and rezone Phases 5 and 6 of Erf 1082 from Residential 2 (Townhouses), Private Open Space and Special Purpose (Access and Internal Roads) **to** Special Purpose (High Tech/ Industrial Business Park) and Transportation 1 (Roads).

The total development area of 8.19ha is not proposed to change. The rezoning of Phases 5 and 6 will be in line with the existing Special Purpose zoning of Phase 1, 2 and 3 of Erf 1082. Map 2.1 below indicates the location of Phases 5 and 6, as well as the current approved zoning as per the approved Town Planning Layout for Erf 1082 (FAI/2027/10 Rev10). Map 2.2 indicates the locality of Phases 5 and 6 (orange cross hatching) in relation to the remainder of Erf 1082, Fairview.



Map 2.2: Phases 5 and 6 (orange crosshatched) within Erf 1082 Fairview, NMBM, originally proposed as Residential 2 (Townhouses), Private Open Space and Special Purpose (Access and Internal Roads).

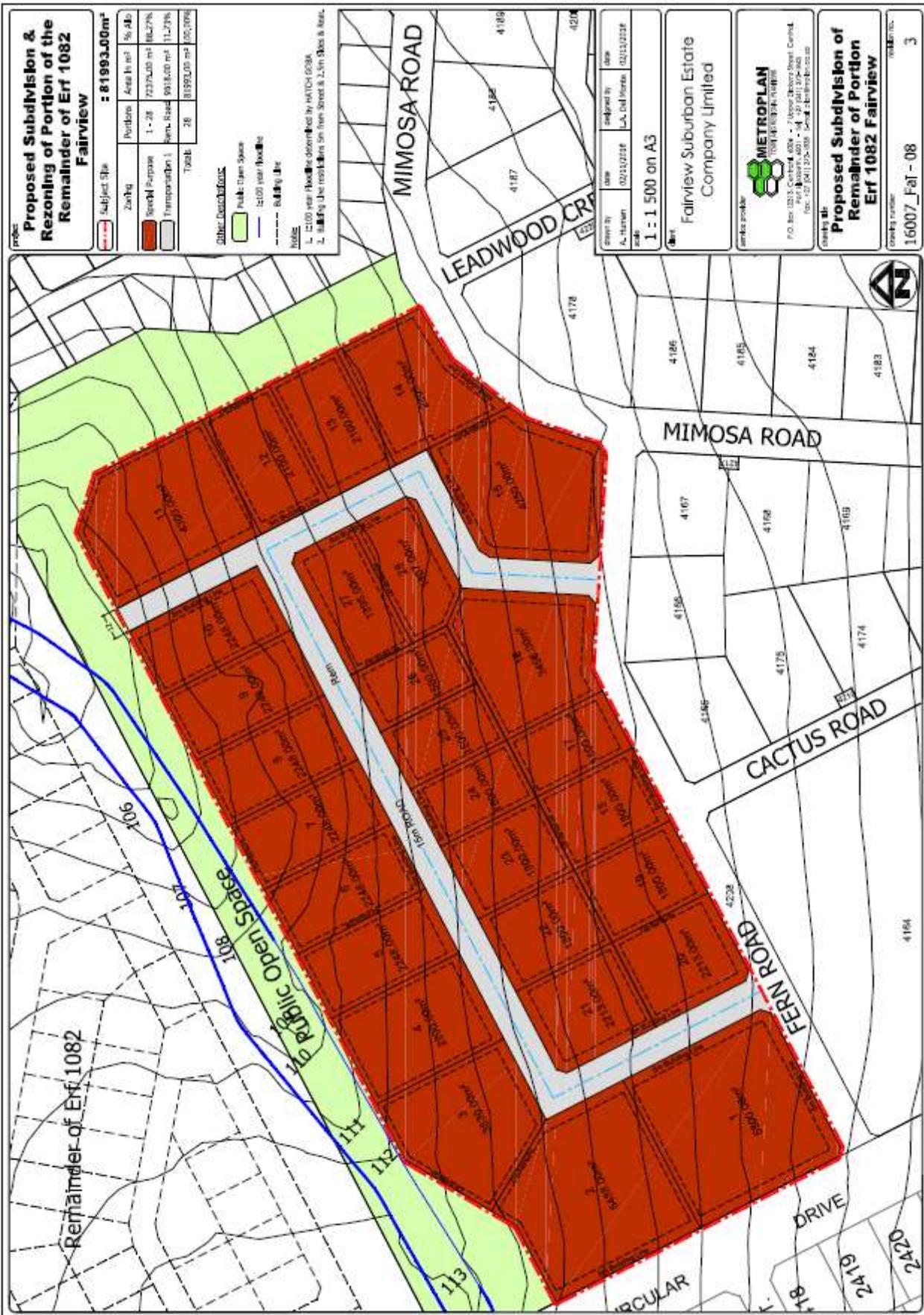
2.2 PROPOSED REZONING

Based on primarily market demand amongst other factors, it is proposed that Phases 5 and 6 of Erf 1082 be consolidated, subdivided and rezoned to Special Purpose (High Tech/ Industrial Business Park) and Transportation 1 (Roads). The Special Purpose zoning would allow for the construction of 28 erven (7.23ha) for, inter alia, retail, offices, warehousing incidental to retail and high-tech industrial use. In terms of the proposed zoning no noxious use is or will be allowed.

The proposed rezoning would exclude the area that is currently zoned Private Open Space, measuring ~0.52ha in extent, as this would be incorporated into the Special Purpose and/ or Transportation 1 zoning. The rezoning application further includes a request to relax the town planning requirement for 30% of the area to be set aside for landscaping, as well as to relax the rear and side building line from 5m to 2.5m but to maintain 5m along street frontages. Internal roads are proposed to be between 12m and 15m wide (0.96ha), although the total extent of the surfaced area will be less, when compared to that of the current Residential 2 zoning. Table 2.2 below provides an overview of the proposed rezoning and Map 2.3 an overview of the proposed layout.

Table 2.2: Proposed changes to Phases 5 and 6.

PROPOSED ZONING	AREA (HA)
Special Purpose - 28 Erven (High Tech/ Industrial Business Park)	7.23
Private Open Space	0
Transportation 1 (Roads)	0.96
TOTAL	8.19



Map 2.3: Proposed rezoning as per Metroplan Drawing Number 16007_FAI - 08 (Rev3), 02/11/2018.

2.2.1 Proposed Bulk Services

Chapter Four of this report provides the detailed findings of the Supplementary Bulk Services Report, October 2018, undertaken by Hatch. Access to the proposed area to be rezoned will be off the newly upgraded Willow Road, Circular Drive and Centenary Road. Royal Haskoning DHV, in their Traffic Impact Assessment Addendum (16 August 2018, see Chapter 6 of this report) for the proposed development on Erf 1082 Fairview, Port Elizabeth, concluded that: “no further upgrading of the existing road infrastructure is considered necessary to accommodate the additional traffic at the Circular Drive / Fern Road and Willow Road / Mimosa Road traffic circles”. It is anticipated that the proposed rezoning would result in an overall reduction in road surface area and length, which will result in a reduction in maintenance and life cycle costs.

Stormwater generated from the proposed rezoned area will still be able to discharge overland, as well as through a piped stormwater network, to eventuate into the Baakens River via the defined water course adjacent to the area to be rezoned. As opposed to the previously proposed three discharge points, only one stormwater outlet is now proposed into the Public Open Space adjacent to the north eastern boundary of Phases 5 and 6. Stormwater from Erf 1 to 10 will discharge overland to eventuate into the tributary of the Baakens River north of the site. No discharge is proposed directly into the 1:100-year floodline.

Water supply to the development is still proposed off the existing 250mm diameter water main in Fern Road. The length of water main pipelines required to service the proposed Special Purpose erven will be significantly shorter, which will result in a reduction in maintenance and life cycle costs. The additional water demand required to service the Special Purpose erven is equivalent to the Annual Average Daily Demand (AADD) of an additional 94 residential erven, which equates to an additional 94KI/day, or a total anticipated AADD of 203KI/day.

Effluent from the proposed rezoned area will flow into internal 160mm diameter foulsewer pipelines, still required to be constructed, and then into the existing 250mm diameter foulsewer pipeline situated on the northern boundary of the proposed development, which in turn discharges into the existing 600mm diameter Baakens River Bulk Sewer pipeline. Peak dry and wet weather flow for effluent is not anticipated to be affected by the proposed rezoning.

Map 2.4 below provides an overview of the bulk services for the proposed rezoning and Table 2.3 a comparative overview of the changes proposed.

Table 2.3: A comparative overview of the rezoning.

ZONING	CURRENT ZONING (HA)	PROPOSED ZONING (HA)	DIFFERENCE (HA)
Residential 2 - 109 units (Townhouses) to Special Purpose - 28 erven (High Tech/ Industrial Business Park)	6.24	7.23	+0.99
Private Open Space	0.52	0	-0.52
Special Purpose (Access and Internal Roads) to Transportation 1 (Roads)	1.42	0.96	-0.46
TOTAL	8.19	8.19	

2.3 REZONING MOTIVATION

The motivation for the rezoning has been provided by Metroplan in their report “*Proposed Amendment of Substitution Scheme: Remainder Erf 1082 Fairview, March 2017*”, the following are extracts from the report, pages 15-17.

2.3.1 Economic Development

“According to Stats SA 2011 Census data the unemployment rate for the NMBM was 36.6%. This is more than 10% higher than the country’s unemployment rate of 26.5%. The need to create sustainable job opportunities for residents in the municipality is evident. The proposed special purposes zone will enable retail, offices, warehousing, and high-tech industrial development that will create much needed job opportunities. Manufacturing is one the largest economic sectors which contributes significantly to the GDP of the municipality. The proximity of motor sales and components outlets along William Moffett provides an opportunity to promote economic development through the expansion of light industrial activity in support of the sector.”

2.3.2 Location and Accessibility

“The subject site is strategically located along Circular Drive a mobility corridor in the municipality. It is situated in proximity to the Gardens Retail/Business node and Industrial activity, at the intersection of Circular Drive and Willow Road. The node is experiencing growth in commercial and industrial development. The recent upgrading of the Circular Drive and Willow Road intersection by Fairview Suburban Estate has improved access not only for the business node but also to the surrounding residential development.

The subject site is also situated in proximity to high density residential development taking place in Fairview, providing convenience and easy access to retail and commercial facilities, and job opportunities for residents.

The site is accessible from Circular Drive, Fern Road and Mimosa Road. Mimosa is a main road in Fairview and provides access to and from both Circular Drive (via Willow road) and William Moffett. Mimosa Road will provide the main access into the subject site. Connectivity to the existing road network is adequate.”

2.3.3 Character of the Surrounding Area

“As mentioned, the subject site is situated in an area that is considered a retail and industrial node, along Circular Drive characterised by a mix of uses consisting of warehousing, workshops, retail and a shopping centre. The area is experiencing significant redevelopment of the restitution sites for high density residential. The mix of uses provided for in proposed Special Purposes Zone is therefore in line with the character of the area.

Furthermore, the use rights are the first measure of compatibility restricting use to clean activities. The second is the imposition of parameters of onerous standards of landscaping and building lines. The imposition of such an onerous landscaping condition (30%) is entirely tied up with sites’ location in the midst of a planned residential area

The idea behind building lines is to create a free space which could be dedicated for landscaping purposes to:

- *Either screen off industrial activities from public view (even high tech industrial uses).*
- *Or green the industrial activity to blend in with the surrounding residential area.*

- *A third alternative is a combination of screening and blending.*

The imposition of 5m on front, side and rear boundaries effectively gives a 10m space where the erf shares a common boundary with adjacent industrial erf. The effective 10m side/rear space so created would not fully fulfil the purpose of landscaping as side and rear spaces are generally not visible from the road. This is particularly so in this location because of the flatness of the area. The front building line used exclusively for landscaping would be far more effective for greening and screening.

Therefore, it is proposed that the front building lines be maintained at 5m and the side and rear spaces at 2,5m. Where the two erven share a common boundary this effectively will be 5m. Furthermore in the light of the location and adjacent potential residential development it is proposed that the building lines be used exclusively for landscaping. This will protect the character of the areas.

To ensure the right impact it is further proposed that the Site Development Plan should indicate clearly landscaping proposals such as planting, berming and other treatments and visual interventions.”

2.3.4 Development Potential

“The development potential of the subject site is determined by the current zoning for residential 2. The zoning only permits hybrid residential development. The proposed Special Purposes zoning will enable a variety of land uses and higher development parameters such as FSI and coverage on this strategically located site which is over 8ha in extent.

However the building line and landscaping requirements imposed will limit the development of the area to its full potential. The 30% landscaping in addition to the free space of the building lines appears to be excessive. Table 4 summarises the various areas required for landscaping and building lines in relation to the area of the subject site and the development potential that results.

Table 2.4: Comparison Area of Erf Versus Area for Landscaping & Building Lines.

Subject Portion	Area	Landscaping (30%)	Area of Building Line 5m all round	Development Potential
<i>Phase 5 and 6 of Remainder Erf 1082 Fairview</i>	<i>81993m² 100%</i>	<i>24598m² 30%</i>	<i>5993m² 7.3%</i>	<i>51402m² 62%</i>

From the table, it can be seen that the combined effect of the landscaping and the building lines is nearly 40% which means that only 62% (or FSI of 0.62) is available for development. This is considered excessive. When applied to the individual erven to be created, the combined effect is far greater. Reducing the side and rear building lines to 2,5m, retaining the front building lines at 5m and then equating the landscaping requirement to these setbacks will still achieve the greening screening of landscaping but yields higher development potentials.

It is therefore not unreasonable to equate the landscape area to the building setback. Front building lines should be retained at 5m, side and rear building lines should be relaxed to 2.5m and the land set aside exclusively for landscaping.

On the issue of development potential in terms of these proposed relaxations the available potential floor space is 0.62 which is considered a low threshold. Furthermore the issue of potential floor space versus possible floor space in any development is usually determined by the parking requirements as opposed to FSI and/or coverage. Parking standards are such that even for very large erven they determine how much floor space can be built, in many cases the FSI cannot be achieved.

It is submitted that by reducing the building lines (side and rear only) and equating this area to dedicated landscaping will not necessarily mean an increase in floor space, but landscaping for screening and greening will certainly be achieved.”

2.4 SUMMARY OF PROPOSED REZONING CHANGES

The applicant proposes to consolidate, subdivide and rezone Phases 5 and 6 of Erf 1082 from Residential 2 (Townhouses), Private Open Space and Special Purpose (Access and Internal Roads) **to** Special Purpose (High Tech/ Industrial Business Park) and Transportation 1 (Roads). **The total development area of 8.19ha is not proposed to change.** The proposed rezoning would result in the following changes to Phases 5 and 6:

- 28 Special Purpose (High Tech/ Industrial Business Park) erven of 7.23ha, **previously** 109 Residential 2 (Townhouses) erven of 6.24ha.
- Private Open Space of 0.52ha **to be incorporated** into Special Purpose (High Tech/ Industrial Business Park) and Transportation 1 (Roads) zoning.
- Transportation 1 (Roads) zoning of 0.96ha, **previously** Special Purpose (Access and Internal Roads) of 1.42ha.
 - Overall reduction in road surface area and length, which will result in a reduction in maintenance and life cycle costs.
- Relaxation of 30% of the area to be set aside for landscaping.
- Relaxation of side and rear building lines from 5m to 2.5m but maintain street frontage at 5m.
- Main access off existing recently upgraded Circular Drive, Fern and Willow Road. Slight change in position of the access for Phase 5 along Fern Road, westwards.
- Stormwater to discharge overland into the adjacent Baakens River tributary, for erven 1 to 10. The remaining erven will discharge through a piped stormwater network into the Public Open Space on the north eastern boundary of the site and will eventuate into the Baakens River via the defined water course. **Previously** three (3) discharge points were proposed.
 - The overall increase in hard surfaces due to the proposed zoning changes will result in shorter times of concentration in major storm events, thus increasing the stormwater runoff from the area under consideration. An additional 0.7m³/s will be generated for both the 1:50 and 1:100-year storm events. However, the rezoning will have no effect on the 1:100-year floodline previously determined, as the additional runoff is considered negligible.
- Water supply via the existing 250mm diameter main in Fern Road. The additional Annual Average Daily Demand (AADD) is estimated at 94kl/day, translating to an AADD of 203kl/day. No change required, except internal reticulation in line with erven. However, the overall length of water main pipelines required to service the proposed Special Purpose (High Tech/ Industrial Business Park) erven will be significantly shorter, which will result in a reduction in maintenance and life cycle costs.
- Effluent to flow via internal 160mm diameter pipes, still required to be constructed, into the existing bulk 250mm diameter foulsewer and ultimately into the existing 600mm diameter Baakens River Bulk Sewer pipeline. No change for discharge into existing main foulsewer pipes, only internal reticulation in line with Special Purpose (High Tech/ Industrial Business Park) erven. Peak dry and wet weather flow for effluent will not be affected by the proposed rezoning.

2.5 CONCLUSIONS AND RECOMMENDATIONS

Based on the proposed rezoning of Phases 5 and 6 from Residential 2 (Townhouses) and Special Purpose (Access and Internal Roads) **to** Special Purpose (High Tech/ Industrial Business Park) and Transportation 1 (Roads), the following specialist studies have been undertaken as part of the Amendment Application Process:

- Ecological Assessment:
 - Aquatic Assessment – to, amongst others, assess the impacts of increased stormwater runoff on the Lorraine Tributary which forms part of the Baakens River and to make appropriate recommendations for stormwater management.
 - Vegetation Assessment Review – to review the assessment of impacts associated with the proposed change in zoning on the vegetation cover occurring on Phases 5 and 6.
- Bulk Services Review – review of the bulk services for Phases 5 and 6, based on the proposed change in zoning. Changes in stormwater runoff and management thereof, domestic water consumption, effluent generation and electricity demand.
- Traffic Assessment Review – revision of the Traffic Assessment for Phases 5 and 6 based on the proposed change in zoning.
- Review of the EMPr.