

## Marais, Wanda

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**From:** Safety & Security Cllr - Rautenbach <grautenbach@mandelametro.gov.za>  
**Sent:** 02 March 2016 01:50 PM  
**To:** Marais, Wanda  
**Cc:** JVanSchalkwyk@hatch.co.za; Ward8 NMMM; vanwyng@vwsa.co.za  
**Subject:** Re: Overhead powerline along Macon Road Lorraine  
**Attachments:** Re: Overhead powerline along Macon Road Lorraine

Good Afternoon Ms Marais

My attached email dated 15 February 2016 refers.

I also refer to email received from Sibongile Zenzile that SRK had been appointed to undertake an EIA in this regard.

I once again reiterate the following:

**This office is not aware of any public participation taking place in this regard.**

**The last public participation regarding the 17th Ave, Walmer substation was on 2013/10/10.**

Can you please inform me of the following:

1. when the public consultation process was done ?
2. why my office was not informed ?

I wish to register my strongest objection in the way that this process was conducted in this ward.

Regards

**GUSTAV RAUTENBACH**  
**DA COUNCILLOR : WARD 8**  
**DA CAUCUS CHIEF WHIP: NMBM**  
**DA SAFETY AND SECURITY SPOKESPERSON (NMBM)**  
**079 490 0054 (CELL)**  
**041 368 7008 (OFFICE)**  
(ak)

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Please further note that any confidential, private or privileged information contained in the message is subject to legal privilege.

## Marais, Wanda

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**From:** Ward8 NMMM <ward8@mandelametro.gov.za>  
**Sent:** 15 February 2016 02:16 PM  
**To:** Hanlie Junius  
**Cc:** Safety & Security Cllr - Rautenbach; Eugene van Wyngaardt  
**Subject:** Re: Overhead powerline along Macon Road Lorraine  
**Attachments:** Overhead powerline along Macon Road Lorraine

Good Afternoon Hanlie

Attached email from Mr van Wyngaardt for your attention.

This office is not aware of any public participation taking place in this regard.

The last public participation regarding the 17th Ave, Walmer substation was on 2013/10/10.

Please address the residents concerns and inform me of then status quo.

Regards

**GUSTAV RAUTENBACH**  
**DA COUNCILLOR : WARD 8**  
**DA CAUCUS CHIEF WHIP: NMBM**  
**DA SAFETY AND SECURITY SPOKESPERSON (NMBM)**  
**079 490 0054 (CELL)**  
**041 368 7008 (OFFICE)**  
(ak)

## Marais, Wanda

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**From:** van Wyngaardt, Eugene <vanwyng@vwsa.co.za>  
**Sent:** 10 February 2016 08:18 AM  
**To:** Ward8 NMMM; Safety & Security Cllr - Rautenbach  
**Subject:** Overhead powerline along Macon Road Lorraine  
**Attachments:** ATT00001.txt; ATT00002.htm

Good day Councillor Rautenbach,

Please take note of my comments about the proposed overhead powerline along Macon Road Lorraine and please forward to the relevant powers in charge.

All the residents of Macon Road (Section A to B of the provided map in Public Participation invite), are opposed to the cable being hung overhead in front of our houses.

Apart from being unsightly it is, noisy and dangerous with negative health effects caused by long term exposure to the electrical field.

Over the past 10 ten years, three trenches have been dug and various lines laid along Macon Road. The last one being a conduit line. I was given the assurance that this was exactly for this reason, so that future cables could be accommodated without digging new trenches.

Furthermore, they are about to start digging a huge trench for a new stormwater system next to the railway line. WHY CAN THIS NOT BE UTILIZED TO LAY THE NEW CABLING. Surely there should be huge cost saving in this?

Best Regards

Eugene van Wyngaardt

295 Macon Road, Lorraine



Joubert Galpin Searle  
 Attorneys-Advocates  
 Port Elizabeth

WANDA MARAIS  
 SRK Consulting (South Africa) (Pty) Limited  
 e-mail: [wmarais@srk.co.za](mailto:wmarais@srk.co.za)

**Our Ref:** W PARKER/mdh/KIR2/0022

**Your Ref:**

22 February 2016

Dear Madam

**PROPOSED 132 KV POWERLINE, WALMER**

1. We refer to our letter dated 1 February 2016 enclosing our duly completed registration sheet reflecting our representation of Stylestar Properties 191 (Pty) Limited and Kirland Investments (Pty) Limited.
2. Whilst we await the basic assessment report to provide comprehensive comments in relation to the proposed 132 KV powerline, Walmer (the "PL") we are at this stage, requested to submit the following comments:

**2.1 NO CURRENT SERVITUDE**

- (a) We have not been able to identify any servitude over our client's property, Erf 4033 (Portion of Erf 1226, Fairview) (the "Property"), in favour of Eskom;
- (b) In addition, the Title Deed in respect of the Property, as also the main property (attached marked "Annexure A") reflect no special conditions over the Property in favour of Eskom;
- (c) In *Bowring NO*<sup>1</sup> the Court held that:

*"The nature of the right granted by the seller in this instance [servitude] appears from the following statement by Innes CJ in Willoughby's Consolidated Co v Cophall Stores Ltd 1918 AD 1 at 16:*

*'Now a servitude, like any other real right, may be acquired by agreement'."*

<sup>1</sup> *v Vrededorp Properties CC (271/2006) [2007] SCA 80 (RSA) (31 May 2007).*

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Joubert Galpin & Searle Inc, Reg No 1990/000957/21

**Directors**

MC Botha (Managing), Rowan Willcock, Hennie van Eck, Warren Parker, Salmia Munshi, Leon van Staden, Dubennette Moolman

**Senior Associates**

Innis Du Preez, Justin Malherbe, Owen Huxtable, Natasha Boshoff

**Associates**

Chris Walton, Lee-Anne Groener, Shakira Ahmed

**Candidate Attorneys**

Daschia Pather, Shayne De Beer, Ashleigh Dyke, Stuart Hodgkinson, Anda Makwede, Lauren Cunningham

**Consultant**

Mike Searle

- (d) Therefore, servitudes are based on principles of contract and owing to such fact, agreement is an essential element. A party cannot be forced to conclude a servitude agreement. As such, a land owner such as our client would need to agree to a servitude, as well as the conditions relating thereto.
- (e) Eskom has issued a paper on the servitude negotiation process. No attempt has been made by Eskom to commence such process with our client.

## 2.2 Environmental Legislation

- (a) NEMA provides the framework in which projects such as construction of PL's are to be evaluated and approved;
- (b) It is under this legislation where one must consider the merits (pro's and con's) of the project, the appropriate manner, details of the exact location and type of construction;
- (c) Section 24(2) of NEMA provides for certain defined works to be listed in a schedule for which consent/authorisation is needed. The related schedule lists:  
*"The development and related operation of above ground cableways and funiculars",*  
as a listed activity in which a competent authority in the related province (MEC or delegated authority ) must approve;
- (d) From the above it is clear that the construction of the PL's in question need to be confirmed by the competent authority after considering certain criteria. This criteria is listed in Section 2 and section 24(O) of NEMA.
- (e) The left hand column in the table below considers the principles to be applied in the relevant sections of NEMA and the right hand column considers the application of these principles to the current case. These are stated with prejudice to our client's entitlement to rely on the fact that no servitude has been requested in favour of Eskom that would permit it to construct the PL on our client's Property:

<b>Applicable legislation</b>	<b>Application to facts</b>
<b>2(2) of NEMA</b>	
Environmental management must place people and their needs at the	In order to achieve this aim underground cables should be laid.

forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.	Aboveground PL's have many adverse effects including, health risks. The cost and burden on the state of aboveground PL's owing to increased health costs is significant.
<b>2(3) of NEMA</b>	
Development must be socially, environmentally and economically sustainable.	It would be more appropriate to lay underground cables as aboveground PL's are not economically and environmentally sustainable as maintenance and upkeep of the PL's aboveground would cost more (treatment of poles, wear on wires, exposed to elements). Also fire hazards are also negated should the cables be laid underground.
<b>2(4)(a) of NEMA</b>	
That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;	Should the aboveground PL's be built, this will affect animals and bird life in the area. Laying cables underground will negate most, if not all adverse effects, as animal life would not be less affected.
That pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;	The immediate environment would be degraded, in that animals would suffer loss of habitat, and the environmental look would be unsightly if aboveground PL's are erected.
That the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied;	A cultural heritage expert would need to be consulted, although, it can be said that the natural landscape would be negatively affected by aboveground PL's.
That a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions	This is applicable in that the health danger from being exposed to such PL, especially schools nearby, residential areas and a soon to be hospital. A

and actions;	prudent approach would be to construct an underground cable, which would not adversely affect the public's health, as well as the functioning of the hospital's equipment.
That negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.	This would be satisfied by running an underground cable, for the reasons stated above.
<b>(2)(4)(g) of NEMA</b>	
Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.	The interests and needs of all the parties, both financial and health related would be best served by laying underground cables as opposed to aboveground PL's.
<b>(2)(4)(i) of NEMA</b>	
The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.	These interests will be best served by laying underground cables as opposed to aboveground PL's. The severe financial impact on the landowner in this specific instance must be considered.
<b>Section 24(O) of NEMA</b>	
Any pollution, environmental impacts or environmental degradation likely to be caused if the application is approved or refused;	The immediate environment would be degraded, in that animals would suffer loss of habitat, and the environmental look would be unsightly if aboveground PL's are erected.
Measures that may be taken— (aa) to protect the environment from harm as a result of the activity which is	This can be achieved by the construction of underground cables for the same reasons as stated above.

the subject of the application; and (bb) to prevent control or mitigate any pollution to the environment or any negative environmental impacts or environmental degradation;	
The ability of the applicant to implement mitigation measures and to comply with any conditions subject to which the application may be granted;	Mitigation measures would be to construct an underground cable system.
Where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment;	Once again laying underground cables will provide satisfactory adaptation of running aboveground PL's and would minimise a multitude of negative impacts on the environment, general public and land owner.

- (f) Section 24E of NEMA makes the authorisation contingent on the transfer of rights and obligations in terms of land upon which such activities are to be conducted. Therefore, a servitude would need to be concluded first;
- (g) The regulations pertaining to EIA state that if the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land. No such written consent has been sought or obtained;

### 2.3 Public health concerns

- (a) There are numerous medical journal articles relating to the dangers and health risks of exposure to electromagnetic fields associated with being in close proximity to aboveground PL's. Further, many countries have imposed strict rules relating to the construction of aboveground PL's near schools, hospitals and residential areas;
- (b) Eskom has compiled a comprehensive guideline on electricity distribution in SA, which details widths of servitudes critical areas etc. (all pertinent to the issues in question).<sup>2</sup> The paper provides that for a PL of 132kV, a minimum width is 18 metres from the centreline of the PL. This will give a minimum servitude distance

<sup>2</sup> Attached as "Annexure B".



of 36 metres. However, in the Background Information Document, a servitude width of 25 metres is indicated;

- (c) In addition to the above Eskom is bound by section 24 of the constitution, which states that everyone has the right to an environment which, *inter alia*, is not harmful to their health or wellbeing, which is not achieved if the PL are constructed on our client's Property;

#### 2.4 Foreign Law comparisons<sup>3</sup>

The EU has been proactive in addressing the environmental and health issues surrounding PL's and electromagnetic frequency associated therewith. The EU has passed recommendations which some EU countries have signed into law in their own countries. This means that the basic restrictions and reference levels must be applied. Member states in this group are the Czech Republic, Estonia, Greece, Hungary, Luxembourg, Portugal, Romania, Latvia, Denmark, Germany, Slovakia, France, Sweden, Netherlands and Austria.

Luxembourg also has a ministerial recommendation not to create any new living spaces in the immediate vicinity of overhead power lines (within 20 metres for 65 kilovolt lines and 30 metres for 100 to 220 kilovolt lines).

In France the limits only apply to new or modified installations.

In Germany and Slovakia the reference levels in the Recommendation are applied as *de facto* exposure limits, without reference to basic restrictions.

In Denmark the Danish National Board of Health (Sundhedsstyrelsen) recommended in 1993 not to build new homes or children's institutions close to power lines or new power lines close to homes or children's institutions.

In the Netherlands the Ministry of Infrastructure and the Environment has recommended that local authorities and grid companies avoid creating new situations with long-term stay of children in areas close to overhead high-voltage power lines with annually averaged magnetic flux density greater than 0.4 microtesla (0.4% of the reference level in the Recommendation). This advice was given because of epidemiological studies that found an association between residence near overhead power lines and childhood leukaemia.

In Sweden they have in conjunction with the Environmental code and legislation of 1998, provided guidance for policy makers which explains how the precautionary principle is to be applied to electric and magnetic fields of 50 hertz. For existing situations, exposure to a magnetic flux density that differs strongly

<sup>3</sup> [http://ec.europa.eu/health/electromagnetic\\_fields/docs/emf\\_comparison\\_policies\\_en.pdf](http://ec.europa.eu/health/electromagnetic_fields/docs/emf_comparison_policies_en.pdf)

from natural background (0.1% of the reference level in the Recommendation) must be reduced when possible at reasonable cost and with reasonable consequences. For new situations, an effort has to be made to reduce the exposure when designing and constructing sources.

Latvia, Austria and Czech Republic have all ratified the EU guidelines in 2015, although English versions of their additional requirements are not available.

3. For the above initial reasons, our client's objection to the proposed construction of the PL's
4. We trust you will find the above in order.

Yours faithfully

**JOUBERT GAIPIN SEARLE**



**WARREN PARKER**

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Encl.

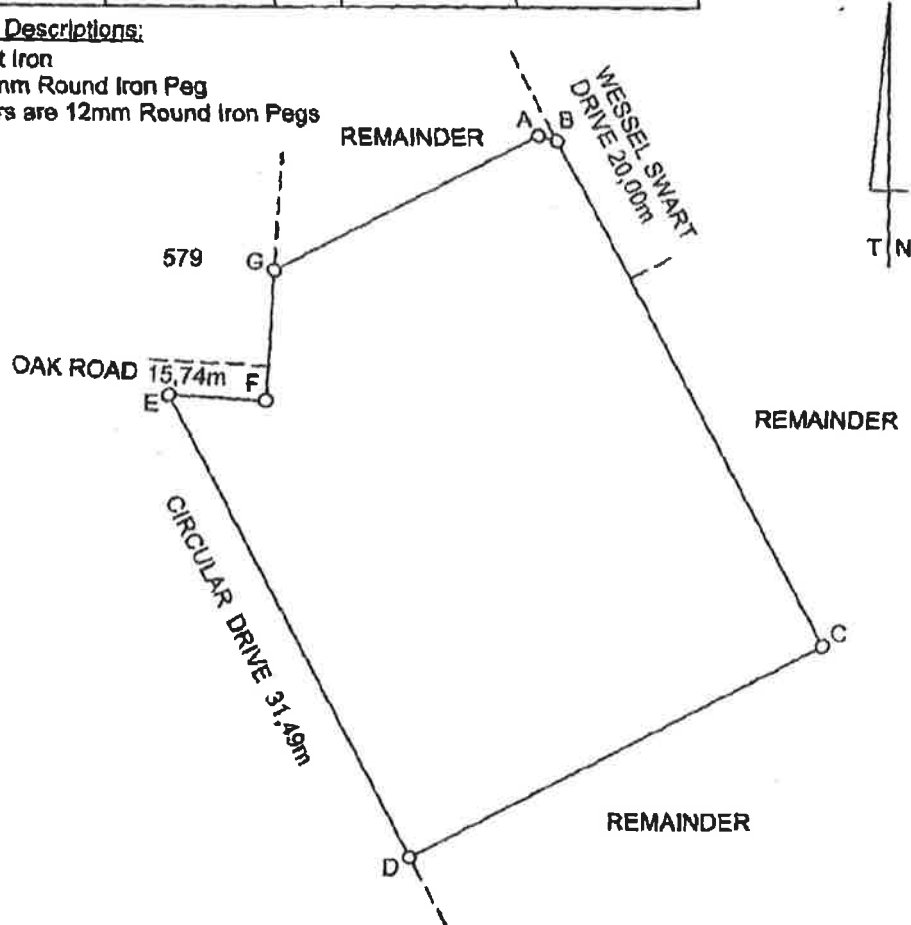
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NZELENZELE, PRESTON & MEDCALF, Professional Land Surveyors, East London

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System WG 25° X			S.G. No.
AB	8,74	287 07 40	A	± 0,00	± 0,00	7003/2008
BC	255,86	332 28 10	B	-49 329,17	+3 761 022,49	Approved
CD	206,73	62 30 30	C	-49 447,44	+3 761 251,95	<i>[Signature]</i>
DE	233,76	152 36 20	D	-49 284,06	+3 761 347,38	for
EF	43,17	273 22 20	E	-49 156,50	+3 761 139,83	Surveyor-General
FG	58,73	183 25 40	F	-49 199,60	+3 761 142,37	2009.01.16
GA	132,69	242 30 30	G	-49 203,11	+3 761 083,74	
		425P5	⊕	-51 170,80	+3 761 248,95	
		15DC21	⊕	-49 287,30	+3 761 424,24	

Beacon Descriptions:

- E : Flat Iron
- F : 20mm Round Iron Peg
- All others are 12mm Round Iron Pegs



The figure represents

Scale 1:3000  
A B C D E F G  
5,1845 Hectares

Erf 4033 (Portion of Erf 1226) Fairview  
Situate in the Nelson Mandela Metropolitan Municipality  
Administrative District of Port Elizabeth  
Province of the Eastern Cape

of land, being

Surveyed in November 2008  
by me

*[Signature]*  
M.J. Medcalf (PLS 0972)  
Professional Land Surveyor

EXEMPT FROM PROVISIONS OF ACT  
70 OF 1970  
SECTION 1(C)

APPROVED IN TERMS OF BECT. 88  
OF ORD. 15/1985  
REF. 55/01226  
DATE 8 December 2008

This diagram is annexed to No. T 24105/2009 dated i.f.o.	The original diagram is SG. No. 5766/1990 annexed to Transfer  D/T 1992...83151	File No. S/7902/118 V.3 S.R. No. E3135/2008 Comp. BO-BCC/Y21 (6711) BO-BCC/X2 (2041)  Gen. Plan. LPIC0590009
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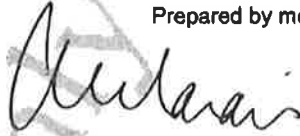
Registrar of Deeds

Erf 6144 Fairview

S

54 MOSTERT & BOSMAN  
ATTORNEYS, NOTARIES & CONVEYANCERS  
PLETTENBERG BAY

Prepared by me



CONVEYANCER  
Marais CC

FEE  
R. 1200.00

VERBOND MORTGAGED	
VIR FOR R 15 000 000.00	
B 014035209	
28 MAY 2009	REGISTRAR/REGISTRAR

DATA / VERBOND  
22 JUN 2009  
OLIVIER YOLANDI

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

T 024106709

PETRUS JOHANNES CILLIE

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at PLETTENBERG BAY on 20 JANUARY 2009 granted to him by

WONDERWONINGS PROPERTIES (PROPRIETARY) LIMITED  
No. 1869/014285/07

DATA / CAPTURE  
19 JUN 2009  
BARLOW M

Page 2

And the appearer declared that his said principal had, on 10 June 2008, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**STYLESTAR PROPERTIES 191 (PROPRIETARY) LIMITED**  
**NO. 2008/003464/07**

or its Successors in Title or assigns, in full and free property

**ERF 4033 FAIRVIEW SITUATE IN THE NELSON MANDELA BAY  
METROPOLITAN MUNICIPALITY, ADMINISTRATIVE DISTRICT OF PORT  
ELIZABETH, PROVINCE OF THE EASTERN CAPE**

**IN EXTENT 5,1845 (FIVE COMMA ONE EIGHT FOUR FIVE) HECTARES**

**FIRST REGISTERED** and still held by Certificate of Registered Title No. T. 2416/09.  
with Diagram SG No. 7003/2008 relating thereto

For Information Only



WHEREFORE the said Appearer, renouncing all right and title which the said

**WONDERWONINGS PROPERTIES (PROPRIETARY) LIMITED**  
**No. 1969/014285/07**

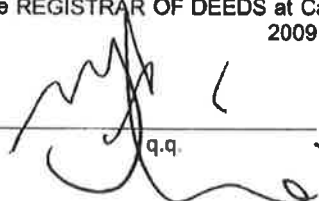
heretofore had to the premises, did in consequence also acknowledge it to be entirely  
dispossessed of, and disentitled to the same, and that by virtue of these presents, the  
said

**STYLESTAR PROPERTIES 191 (PROPRIETARY) LIMITED**  
**No. 2008/003454/07**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto,  
conformably to local custom, the State, however reserving its rights, and finally  
acknowledging the purchase price to be the sum of R15 000 000,00 (FIFTEEN  
MILLION RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have  
subscribed to these presents, and have caused the Seal of Office to be affixed  
thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape  
Town on 28 MAY 2009 2009

  
q.q.

In my presence

  
REGISTRAR OF DEEDS



stuart

## Deeds Office Document Copy Request Accepted

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Your Document Copy request has been accepted with the following details:

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<b>Deeds Office</b>	Cape Town
<b>Microfilm reference</b>	
<b>Date requested</b>	2016/02/03 10:41

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Best regards,  
The GhostConvey Team

Website: [www.ghostconvey.co.za](http://www.ghostconvey.co.za)  
email: [csc@korbitec.com](mailto:csc@korbitec.com)  
08611-GHOST (0861 144 678)

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%

**FEE**  
 R. 500,00  
 55,00

Prepared by me,

CONVEYANCER

Z.O. ADAM

DATA / GILT 1000  
 08 MAR 2007  
 VERIFIED

T  
 000000102 / 2007

DEED OF TRANSFER

DATA / VERIFY

02 APR 2007

FARLJAARD-D

BE IT HEREBY MADE KNOWN:

*George M<sup>c</sup>Gregor*  
 THAT ~~MARIUS STOCKENSFRAM~~ appeared before me, the REGISTRAR OF DEEDS at  
 CAPE TOWN, he the Appraiser, being duly authorised thereto by a Power of Attorney  
 granted to him by the PROVINCIAL GOVERNMENT OF THE EASTERN CAPE

dated 15 January 2007 and signed at BHISHO.



AND the said Appearer declared that:

Whereas the former Development and Housing Board sold Erf 1214 Fairview, measuring 103,4887 on 31 October 1985 for the amount of R2 112 500-00, to Wonderwonings Eiendomme Beperk;

And Whereas the former Development and Housing Board transferred Erf 1609, a portion of Erf 1214 Fairview, measuring 25,0751 Hectares to Wonderwonings Eiendomme Beperk in partial fulfilment of its obligations in terms of the above agreement as per Deed of Transfer No. T83152/1992;

And Whereas the Development and Housing Board on 23 October 1990 sold Erf 1608 Fairview for an amount of R226 582-74 to Wonderwonings Eiendomme Beperk;

And Whereas Wonderwonings Eiendomme Beperk agreed on 6 August 1992 and subsequently transferred Erf 571 Fairview to the former Development and Housing Board as per Deed of Transfer No. T56228/1992 on condition that the property be included in the hereinafter mentioned consolidation, the components of which have to be transferred to Wonderwonings Eiendomme Beperk in terms of the above agreements;

And Whereas the above Remainder Erf 1214 Fairview, Erf 1609 Fairview and Erf 571 Fairview were consolidated and are now described as Erf 1226 Fairview as per Deed of Transfer No. T83151/1992;

And Whereas the former Development and Housing Board transferred Erf 1349 a portion of Erf 1226 Fairview, measuring 30,2630 Hectares to Wonderwonings Eiendomme Beperk as per Deed of Transfer No T83151/1992 in partial fulfilment of its above contractual obligations;

W

- 3 -

And Therefore he, in his capacity aforesaid, did by these presents, cede and transfer, in full and free property, to and on behalf of

**WONDERWONINGS EIENDOMME BEPERK**  
**Registration Number: 1969/014285/06**

Its successors-in-title or assigns:

REMAINDER ERF 1226 FAIRVIEW, In the Nelson Mandela Bay Metropolitan Municipality, Division Port Elizabeth, Province of the Eastern Cape.

MEASURING: 60,1071 (Sixty Comma One Nil Seven One)  
Hectares

FIRST TRANSFER AND STILL HELD BY DEED OF TRANSFER NO. T83151/1992 WITH DIAGRAM NO. 5766/1990 RELATING THERETO.

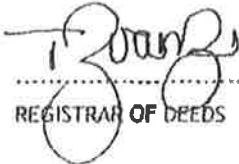
N


M

IN WITNESS WHEREOF, I, the said REGISTRAR, together with the Appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THIS DONE AND EXECUTED in the Office of the REGISTRAR OF DEEDS at CAPE TOWN on the *24<sup>th</sup>* day of *February* in the year of Our Lord Two Thousand and Seven, (2007). *u*

In my presence,

  
.....  
REGISTRAR OF DEEDS

  
.....  
q.q his Principal

*M*

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Your Document Copy request has been accepted with the following details:

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Best regards,  
The GhostConvey Team

Website: [www.ghostconvey.co.za](http://www.ghostconvey.co.za)  
email: [csc@korbitec.com](mailto:csc@korbitec.com)  
08611-GHOST (0861 144 678)

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## Deeds Office Property

**GhostConvey**

FAIRVIEW, 4033, 0 (CAPE TOWN)

## GENERAL INFORMATION

Date Requested 2016/02/03 10:40  
 Deeds Office CAPE TOWN  
 Information Source DEEDS OFFICE  
 Reference -



## PROPERTY INFORMATION

Property Type ERF  
 Erf Number 4033  
 Portion Number 0  
 Township FAIRVIEW  
 Local Authority NELSON MANDELA BAY METROPOLITAN MUNICIPALITY  
 Registration Division PORT ELIZABETH RD  
 Province EASTERN CAPE  
 Diagram Deed T24105/2009  
 Extent 5.1845H  
 Previous Description -  
 LPI Code C05900090000403300000

## OWNER INFORMATION

Owner 1 of 1  
 Company Type COMPANY  
 Name STYLESTAR PROP 191 PTY LTD  
 Registration Number 200800345407  
 Title Deed T24106/2009  
 Registration Date 2009/05/28  
 Purchase Price (R) 15,000,000  
 Purchase Date 2008/06/10  
 Share  
 Microfilm Reference  
 Multiple Properties NO  
 Multiple Owners NO

## ENDORSEMENTS (2)

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2	SUBDIVISION FROM	TOWN FAIRVIEW ,ERF 1226 ,PRTN 0	UNKNOWN	

## HISTORIC DOCUMENTS (2)

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Document Classification: **Controlled Disclosure**

Title: **Distribution Guide – Part 19:  
BUILDING LINE RESTRICTIONS,  
SERVITUDE WIDTHS, LINE  
SEPARATIONS AND  
CLEARANCES FROM POWER  
LINES**

Unique Identifier: **34-600**  
Document Type: **DGL**  
Revision: **0**  
Published date: **MARCH 2011**  
Total pages: **20**  
Review date: **MARCH 2016**

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DATE: <i>15.02.2011</i>	DATE: <i>15.2.2011</i>	DATE: <i>21/2/11</i>	DATE: <i>3.3.2011</i>

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DOCUMENT CLASSIFICATION: **CONTROLLED DISCLOSURE**  
**BUILDING LINE RESTRICTIONS, SERVITUDE**  
**WIDTHS, LINE SEPARATIONS AND CLEARANCES**  
**FROM POWER LINES**

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## Foreword

The Land and Rights Work Group was established under the Land Development Study Committee for the purpose of compiling Standards, Procedures, Guidelines and training material for related engineering and construction practices within Eskom Distribution.

## Revision history

This revision cancels and replaces revision no 0 of document no. **SCSAGAAW2**

Date	Rev.	Clause	Remarks
March 2011	0		<b>Compiled By:</b> MM Le Roux
		-	Option document was amended. Reference numbers changed. Agreement between Eskom and Telkom was removed.
		-	Draft watermark added
May 2004	0		<b>Compiled By:</b> V Constable, J C Greyling Document approved
Aug 2002	A		<b>Compiled By:</b> V Constable, J C Greyling Document compiled and numbered in accordance with the Eskom Documentation System

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This guide shall apply throughout Eskom Holdings Limited, its divisions, subsidiaries and entities wherein Eskom has a controlling interest

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## **Introduction**

The question of the width of Eskom's power line servitudes on privately owned land is very sensitive and has legal, health and safety as well as emotional connotations attached to it. This is even more so in areas with high land values or where buildings are in close proximity to the selected route (the latter being the 'critical areas'). The final decision taken on the width of the servitude will ultimately determine how effectively Eskom can exercise its rights over the property in its effort to supply affordable electrical power. This while taking all health and safety precautions into account, as well as maintaining good relations with property owners.

The Electrical Machinery Regulations, promulgated under Section 43 of the Occupational Health and Safety Act 85 of 1993, and SANS 10280 provide for **statutory clearances**.

The current regulation 15(1) published in Government Gazette No 11458 of 12 August 1988. "The electric conductors and other wires" as set out in aforementioned regulation are not stationary and hang in catenary curves which vary by a considerable amount depending on a number of factors.

Eskom separation and tree and building restriction distances as currently being interpreted, are constant along the longitudinal length of the power line. These constant distances must therefore take into account the worst case distance condition, under normal circumstances at the mid-span point.

In many of the older servitudes the building restriction refers to the outside conductors of the power line. In most cases the figure of 30 feet was used as the distance from the outside conductor. The majority of the above servitudes refer to 88kV and lower voltage power lines so the figure of 11 metres can be used to describe the building restriction from the centre line in these cases. The outside conductor was usually less than 1,86 metres (6,1 feet) from the centre phase in these types of construction [ $9,14\text{m} + 1,86\text{m} = 11,00\text{m}$ ]. This archaic practice causes difficulty in interpretation when the line is re-built on a different structure type, but can not be ignored.

## **Keywords**

A guideline for building line restrictions, servitude widths, line separations and clearances from Power lines.

### **1 Scope**

This document is intended to be used as a guideline for the determination of separation distances between parallel power lines, the tree and building restriction distances of various voltage power lines, as well as the height clearance of various voltage power lines over man-made and natural objects. Also included is a section on Underground Cables dealing with different voltage requirements as well as cable bending radii.

It is important to note that this document is not a specification or a standard, but rather a guideline as mentioned above.

### **2 Normative references**

The following documents contain provisions that, through reference in the text, constitute requirements of this guide. At the time of publication, the editions indicated were valid. All standards and specifications are subject to revision, and parties to agreements based on this guide are encouraged to investigate the possibility of applying the most recent editions of the documents listed below. Information on currently valid national and international standards and specifications can be obtained from the Information Centre and Technology Standardization Department at Megawatt Park.

Advertising on Roads and Ribbon Development Act 21 of 1940

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Eskom Conversion Act 13 of 2001

Electricity Regulation Act, Act 4 of 2006

Explosives Act 26 of 1956

SA National Roads Agency Limited and National Roads Act 7 of 1998.

Occupational Health and Safety Act 85 of 1993

National Railway Safety Regulator Act 16 of 2002

Telecommunications Act 103 of 1996

DST\_34-1202, Rev.2, *Distribution Standard Part 6: Sub-transmission Lines, Section 1: General.*

DST\_34-1191, Rev.0, *Distribution Standard Part 4: Medium Voltage Reticulation, Section 0: General information and requirements for overhead lines up to 33kV with conductors up to HARE/OAK.*

DST\_34-1192, Rev.0, *Distribution Standard Part 4: Medium Voltage Reticulation, Section 1: Light conductors - Particular requirements for overhead lines up to 33 kV with conductors up to Hare conductor*

DST\_34-827: Rev.0, *Procedure for the approval of work where Eskom's rights might be encroached upon and/or services/assets placed at risk.*

DGL\_34-363, Rev.4, *Guide for the co-use of Eskom Servitudes*

DGL\_34-601, Rev.0, *Powerline Route selection as part of sustainable development.*

SANS 10280-1:2008

### **3 Definitions and abbreviations**

#### **3.1 Definitions**

In this guide, unless the context indicates otherwise:

**Power line:** means an overhead line of whatever voltage, erected for the conducting of electricity.

**Cable:** means an underground service of whatever voltage, laid for the purpose of conducting electricity.

**Tree and building restriction:** means the horizontal distance measured perpendicularly from the centre line (on either side) within which no trees and buildings may encroach. Note that: use of the centre line, which is a visible physical feature to define the width of the building and tree restrictions in servitude and wayleave agreements, has been made here. The types of supporting structures and method of constructing Eskom power lines render the physical definition of the centre line of a power line easily recognisable.

**Separation distance:** means the horizontal distance between centre lines measured perpendicularly between any two power lines running parallel to each other. Due to the fact that a number of variables (such as the worst case weather conditions which are likely to be encountered) have to be considered, guidelines for distances only can be laid down. The present ruling in Eskom is that when two lines of dissimilar voltages are running parallel, the separation distance is determined by the separation requirements of the higher voltage line.

**Clearance:** means the radial distance from any electrical power transmission conductor and other wires of power lines. The Occupational Health and Safety Act 85 of 1993 and its regulations lay down the minimum clearances of electric conductors and other wires of power lines away from buildings and other structures. Non-compliance with the Act is non-negotiable.

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**Right:** means the right to traverse or occupy land and includes inter alia servitudes, surface right permits, wayleaves, exercised options, licences and permissions to occupy. These are sometimes described as Rights-of-Way.

**Wayleave agreement:** means an unregistered personal contract conferring electric power transmission rights to Eskom, which is generally regarded as being binding on successors in the title who have knowledge of the right. Eskom's minor power lines, which are rural and urban reticulation lines, are covered by wayleave agreements. These are not secured by registration in the Deeds Office. Eskom's security relies largely on the fact that power supplies are or can be made available from these lines. No compensation is paid for these rights because their presence is generally regarded as being an advantage to the property.

**Servitude:** means a parcel of electric power transmission rights granted to Eskom over the immovable property of another and registered or to be registered against the title deed of the land in question and usually involves the payment of compensation.

### 3.2 Abbreviations

Not applicable

## 4 Requirements

### 4.1 Underground Cables

Underground power cables are not visible physical features and it is for this reason that area servitudes should be acquired. The reasons for an area servitude is the fact that the underground cables can not be installed in a straight line and tend to zigzag in the cable trench. It sometimes happens that Eskom's rights for an overhead power line provide for underground cables as well. The wording, for example, would be as follows: "*centre line of an Overhead Electric Power Transmission Line with Underground cables*". In such cases the requirements set down in this document for underground cables do not apply. Refer to Part 22 of the DT Web for detailed information.

### 4.2 Different voltages and requirements

The following apply as regards underground cables:

- Increased voltages for underground cables do not necessarily require larger tree and building restriction areas (servitude areas) than the normal minimum required for, say, an 11kV underground cable. Different depths for cables are as follow. For high voltage cables (66kV and above), the depth must be 1.2 metres; medium voltage cables (11kV and 22kV), the depth must be 1 metre and for low Voltage cables (4 core cables), the depth must be 800mm.
- Eskom has through the years maintained that '*no excavations may be effected within 1.5 metres from any of its underground electric cables*'. Therefore, keeping servitude areas for underground cables at **minimum 3.00 metres wide** is preferable. Where multiple cables are laid next to each other, 300mm spacing apart from each other is preferable.
- No attempt should be made either in the Deed or the servitude diagram to limit the servitude area to the right of laying one cable only. This should be left open for any possible future cables that could be laid in the area with separation distance (that will not affect the cooling of the cables or the cable rating) permitting.

### 4.3 Cable bending radius

A cable bend at 90 degrees can never be achieved. Define a radius for the curve that would best suite the configuration at the bends. Furthermore, the 'area servitude' eliminates, to a great extent, the need to worry about what the cable does at the bends when precautionary measures are taken into consideration. In extreme cases, for example, breaking the curve into short cords would solve the problem – see figure below.

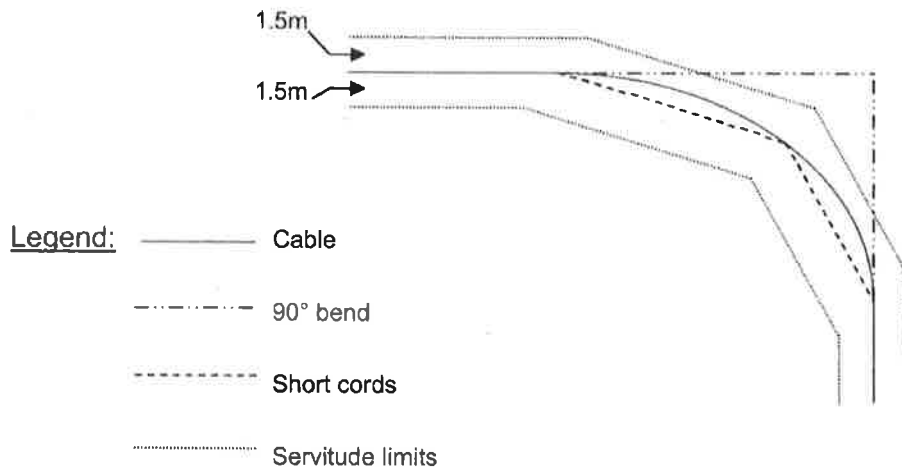


Figure 1

## 5 Overhead Lines

The question of servitude widths, and tree and building restriction distances have been central to long discussions and studies in the past and recently. Problems often arise due to stay positions of the angle strain structure at the bends falling outside the restriction area, commonly referred to as the "servitude area" in the Deed as well as the options. The problem occurs where stayed mono pole structures are utilised. Self supporting mono pole and lattice structures are recommended where an instance such as this could occur.

It is apparent from the studies that the tree and building restriction distance and parallel line separation distance will have to be obtained from the relevant Design Engineer for each individual project. Based on theoretical and practical principles, the servitude width is a function of the following:

- A = Horizontal conductor spacing at the structure (Generically a family of structures, e.g. self-supporting monopoles have roughly the same horizontal spacing between conductors for all types of structures; the standoff insulators are 1.2m long and the strain crossarms about the same).
- B = Conductor swing at 500Pa wind
- C = OHS Act Clearance to buildings, etc.

Therefore, required servitude width =  $A + 2 \times (B+C)$

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This approach has been used very successfully in high-cost or critical areas (e.g. buildings close to proposed servitude). The best that has been achieved so far was where the land value was so high (through Stellenbosch vineyards) that, in that project, R700 000 in servitude costs were saved. This was achieved by using a single wood pole compact design over a comparatively short section of line, the reason being that, technically, the compact monopole 132kV lines can be accommodated on an even smaller servitude than 31.0m. The above equation can be used for any critical area where the applicable servitude width might not be achievable.

We can summarize the above by saying that one could have a scenario where your line servitude width changes depending on span length and cost of land. This means that it will depend on the span and the basic structure width (i.e. the horizontal conductor separation) that defines the servitude width, the other two (conductor and swing out span) being constant for a particular line. One could have shorter spans for narrower servitude width and balance the savings hereof against the cost of having more structures. It might be worthwhile to have more compact or alternative structures (which may have a cost implication) for such high land values.

The problem of stays extending beyond the servitude area can be eliminated, and should be negotiated and agreed upon with the landowner. From the Notarial Deeds of Servitudes as well as the Option documents it appears that Eskom's rights are only limited to activity within the servitude area except when it comes to the right of entry and the right to use existing roads. This is true since a 'servitude' gives only a limited right, which is also another reason why it is necessary to frame a servitude diagram in order to indicate the extent of these rights over the property concerned. Historical developments (Land Survey Manual: 8.17 Eskom's Consideration formula) also support this idea of a "restricted area". The normal clause in a deed for the rights acquired currently reads as follows:

- 1) The servitude/each of the servitudes shall include the following
  - a) the right to erect such structures and works on the property or to erect or lead such conductors, cables or appliances or other equipment on or over the property as may be necessary or convenient in exercising the right of servitude; and the right to erect such supporting mechanisms for structures and works with the possibility that it may reasonably extend beyond the servitude area as may be necessary or convenient to safely secure the structures or works.
  - b) the right to enter and be upon the property at any time in order to construct, erect, operate, use, maintain, repair, re-erect, alter or inspect the structures, works, appliances, conductors or cables on the property or in order to gain access to any adjacent property in the exercise of similar rights;
  - c) the right to use existing roads giving access to the property or roads running across the property and gates on the property and to erect in any fence such gates as may be necessary or convenient to gain access to or egress from the property and to gain access to any power line, telecommunication conductors, cables or accessory equipment;
- 2) the right to remove any trees, bush, material, grass or structures within the restricted area defined in clause 3 hereof and the right to cut or trim any tree in order to comply with the restrictions referred to in clause 3 hereof;
  - a) None of the above mentions 'supporting mechanisms', that is, stays. Sub-clauses 1.1 and 1.6 above come close to solving the problem but they could be interpreted to limit those rights within the servitude area only. It is for that reason that the standard clause 1.1 was changed in July 2002 to read as follows:
  - b) the right to erect such structures and works on the property or to erect or lead such conductors, cables or appliances or other equipment on or over the property as may be necessary or convenient in exercising the right of servitude; **and the right to erect such supporting mechanisms for structures and works with the possibility that it may reasonably extend beyond the servitude area as may be necessary or convenient to safely secure the structures or works.**

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The above, will eliminate the problem of stays falling outside the servitude area. The need to register a servitude at the strain points for, say, a circle with a radius of 20m from the centre peg at the bends, will also not be necessary. This clause can be justified to the landowner by the 10% solatium that is currently being paid as part of compensation. Should it be evident that stays falling outside the servitude area would adversely affect the property, and then an increase in solatium can be negotiated for during presentation for approval to the Land and Rights Tender Committee.

Over and above the rights mentioned above, the following restrictions are placed on the owner:

Extract from the official document.

- c) With regards to the owner the following special restrictions are placed on the use of the property/ properties namely -

No building or structure may be erected or installed above or below the surface of the ground within metres of the centre line of any power line or within metres from any structure supporting mechanism.

No tree shall be planted within the servitude area.

No tree which will grow to a height in excess of the horizontal distance of that tree from the nearest conductor of any power line shall be planted within the vicinity of the power line.

No material which may in the opinion of Eskom endanger the safety of any power line shall be placed within metres of the centre line of any power line.

No mining activities or blasting operations shall be carried out within 500 metres of the centre line of any power line, without the prior written permission of Eskom.

## 5.1 Different voltages and requirements

As illustrated in the foregoing discussion on overhead lines, the following applies:

- For a number of reasons, one of which is that the clearance distance to a building in mid-span of power line would be different to the distance near a support structure due to conductor swing, Eskom has laid down servitude widths in excess of those required by the OHS Act.
- These building restrictions are constant throughout the length of power line of any particular voltage - conductor size, type of construction and route permitting. These may be reduced in accordance with the above where land values are very high.

Current practice within Eskom is that each region has its own standard building restrictions, which are applicable throughout that region. The guidelines given below are generally being used in the majority of the regions while the minority do not differ by more than 1 – 2 metres.

Table 1 below gives the building line restriction distances that should be used as guidelines. It is intended to lay down standard building restrictions that will be applicable to all regions within Eskom. The building restriction distances given are perpendicular from the centreline of the power line to the edge of the building restriction on one side of the power line. In order to obtain the total building restriction of a single power line the figures should be multiplied by two.

Separation distances between power lines that run parallel to each other are necessary in order to avoid excessive induction. The separation distance between two parallel lines is measured perpendicularly from the centre of the one line to the centre of the other line. Applicable separation distances for different operating voltages are also shown in Table 1.

**Table 1 – Guidelines for different voltages and requirements**

<b>Voltage</b>	<b>Building restriction on each side of centre line</b>	<b>Separation distance between parallel lines</b>
1) All voltages below 22kV	9 metres	12 metres
2) 22kV	9 metres	12 metres
3) 33kV	11 metres	14 metres
4) 44kV	11 metres	14 metres
5) 66kV	11 metres	14 metres
6) 88kV	11 metres	14 to 15 metres
7) 132kV and Delta construction 275kV	18 metres (15.5 - 20)	15 metres (21 - 24)
8) 220kV	23.5 metres (19.5 - 21.0)	32 metres (25m)
9) 275kV (Horizontal)	23.5 metres	32 metres
10) 400kV	27.5 metres (Stayed) (23.5 m Self-supporting)	35 metres
11) 765kV	40 metres	46 metres

**Note:** The information above is quoted from the *Rights of Way Manual (Module 15979)* and the information in brackets, where the two are different and inconsistent, is quoted from *the Land Survey Manual*.

Furthermore, it is strongly advised that the restriction distances for a particular voltage line not be assumed to be as given above, but that the question be discussed prior to commencing with route planning. Furthermore, in the context of this document, the following classification applies to the operating voltages shown in Table 1 above:

- 1 to 3 are classified as Distribution Lines (MV),
- 4 to 7 are classified as Sub-transmission Lines (HV) , and
- 8 to 11 are classified as Transmission Lines (HV).

**Note also that the ruling in Eskom is that when two lines of dissimilar voltages are running parallel, the separation distance be defined by the requirement of the higher voltage of the two lines.**

The separation distance between **parallel lines for 132kv lines** of 15m will not be a problem when two monopole 132kv lines run parallel to each other, but could become a problem when a monopole 132kv line runs parallel to a lattice 132kv line.

It should therefore be considered that the **15m separation distance** only apply to monopole type construction lines running adjacent to each other.

Where monopoles are planned to run adjacent to lattice type structures, each line needs to be looked at individually, since each lattice line has its own variables. These variables, as shown below, will need to be determined prior to a separation distance being decided on.

- a) The cross-arm length of the lattice suspension structure.
- b) The insulator length
- c) The type of conductor, conductor thickness and conductor mass
- d) The longest span between two suspension structures
- e) The maximum sag

The last four variables will have a major impact on the perpendicular distance that the conductor will swing out under heavy wind conditions. Once this has been calculated the formula to calculate the separation distance would then be as follows:

$$\text{Line Separation} = I + S1 + M + C + L + S2$$

Where: I = Length of stand off insulator from monopole

S1 = Swing out distance of conductor from monopole stand off insulator

M = Minimum safety distance as per the OHS Act

C = Length from centre of structure to insulator

S2 = Swing out distance of insulator and conductor from lattice structure

## 6 Line clearances

### 6.1 The Occupational Health and Safety Act 85 of 1993

The Occupational Health and Safety Act 85 of 1993 (the OHS Act), as mentioned previously, provides for **statutory clearances** – see Annex A (informative) on page 15 for details. Eskom and a number of other authorities (Roads Department, Transnet Telkom, etc.) have laid down minimum clearances to their works, which are in excess of those required by the OHS Act.

### 6.2 Various clearances

Table 2 below gives the minimum clearances as adopted and used for various operating voltages:

- 1 to 3 are classified as Distribution Lines (MV),
- 4 to 7 are classified as Sub-transmission Lines (HV), and
- 8 to 11 are classified as Transmission Lines (HV).



**Table 2 – Clearances (all distances are given in metres)**

Description of Service	Distribution				Sub-Transmission				Transmission					
	6.6kV	11kV	22kV	33kV	44kV	66kV	88kV	132kV	220kV	275kV	400kV	533kV	765kV	
Outdoor earth: minimum safety clearance	0.2	0.2	0.3	0.4	0.5	0.8	1.0	1.5	1.9	2.4	3.2	3.7	5.5	
Phase to phase	0.2	0.3	0.4	0.6	0.7	1.0	1.2	1.7	2.3	3.0	4.0	N/A	6.1	
Ground clearance inside and outside townships	in	5.5	5.5	5.5	5.5	5.7	5.9	6.3	6.7	6.7	7.2	8.1	8.6	15.0
	out	5.0	5.1	5.2	5.3									
Building structures not part of power line	3.0	3.0	3.0	3.0	3.0	3.2	3.4	3.8	4.2	4.7	5.6	6.1	10.0	
Transnet walkways and foot bridges	4.7	4.8	4.9	5.0	5.1	5.3	5.6	6.0	6.6	6.9	7.8	8.3	15.0	
Powerlines other than Transnet	0.7	0.8	0.9	1.0	1.1	1.4	1.6	2.0	2.4	2.9	3.8	4.3	7.5	
Transnet electrification wires and track earth wires	2.0	2.1	2.2	2.3	2.4	2.6	2.8	3.3	3.7	4.2	5.0	5.5	7.5	
Above roads in townships, proclaimed roads including Transnet	6.2	6.3	6.4	6.5	6.6	6.9	7.1	7.5	7.9	8.4	9.3	9.8	15.0	
Telkom telephone lines (Eskom requirement)	1.8	1.8	1.8	1.8	1.8	1.8	1.8	2.0	2.4	3.0	3.9	4.3	7.5	
Transnet telephone lines	1.4	1.4	1.5	1.7	1.8	2.0	2.2	2.7	3.2	3.6	4.5	4.9	7.5	
Spoornet tracks	9.6	9.7	9.8	9.9	10.0	10.2	10.4	10.9	11.4	11.8	12.7	13.2		
Spoornet electrification structures	3.0	3.0	3.0	3.0	3.0	3.2	3.4	3.8	4.3	4.8	5.6			
Transnet power lines	1.4	1.4	1.5	1.7	1.8	2.0	2.2	2.7	3.2	3.6	4.5			
Natal & Transvaal (TVL); abnormal load routes and TVL freeways: minimum	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5						
National roads and Natal: minimum	6.5	6.5	6.5	6.5										

As regards to other clearances the following applies:

- **Timber restrictions:**

The distance at which a single tree or a row of trees may grow in the vicinity of a power line is set out in the servitude agreements signed by each landowner. This distance is dependent on the height of the tree, the extent of foliage and the manner in which the tree grows. The main purpose of the clause in the servitude agreement is to preclude any danger to the power line.

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When power lines are planned and constructed through known forestry areas i.e. an area designated for the commercial production of timber, the servitude area is increased to the figures given in Table 3 below.

**Table 3 – Timber areas (all distances are given in metres)**

Voltage	Tree restriction distance on each side of the centre line	Total servitude width paid for at 100%
1) 11, 22 and 33kV	25	50
2) 42 and 66kV	33	66
3) 88kV	33.5	67
4) 132kV	36	72
5) 275kV	38.5	77
6) 400kV	40	80

No trees should be permitted within the servitude area given above. Existing firebreaks in the timber areas should be used as far as possible to mitigate costs.

- **Explosive magazines**

Power Lines must not be constructed in the close proximity of explosive magazines.

Regulation 7.3 of the Explosives Act 26 of 1956 lays down that no power line shall be erected or alternatively no magazine may be erected unless the following minimum horizontal distances are adhered to:

**Table 4 – Explosive magazines (all distances are given in metres)**

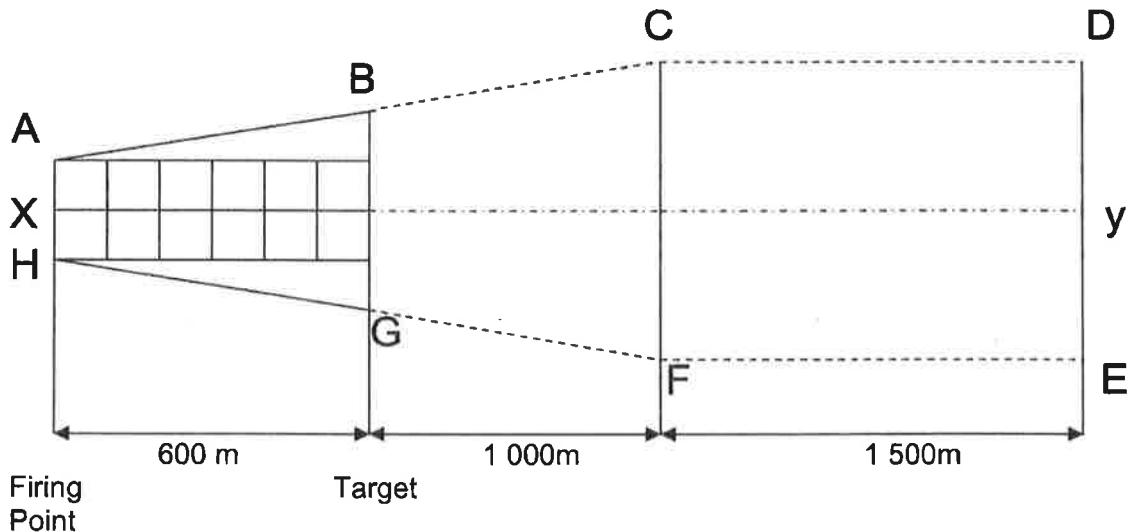
Length of power line span	Clearance to magazine
1) Under 30metres	15 metres
2) 30 – 150 metres	20 metres
3) Over 150 metres	30 metres

The distances given above are not only to the centre line but rather to any part of the power line.

- **Rifle ranges**

Power lines should not be routed across or within the areas defined as "danger zones" of rifle ranges as stray bullets may damage the conductor or insulators. The requirement for the planning of a power line in the vicinity of one of the South African National Defence Force ranges is set out in *Planning of Power Lines in the vicinity of Rifle Ranges*. This standard sets out the procedure to be followed in the case where a power line is planned within or near the danger zone of a South Africa National Defence Force rifle range.

The sketch below illustrates the danger zone of a rifle range of 12 targets.



Note:

BG = 384m

CF = 824m

DE = 824m

**Figure 2: Proximity to rifle ranges**

It will be noted that the danger zone extends for 2 500 meters behind the target area. This area can be reduced for local conditions e.g. such as a hill 60m high behind the targets.

• **Vertical clearances over navigable waters**

Generally, normal ground clearances should be provided to the normal summer water level of a river and the spillway level of a dam. Care should be taken not to place support structures of transmission and distribution lines in the 50 and 100-year flood plains.

If crossings are proposed over rivers, dams or lakes (which are or could be used as navigable, particularly by yachts or boats with high masts) then a clearance of 2,5 metres plus the relevant minimum outdoor clearance should be provided over the tallest mast likely to be encountered on such water under conditions of spillway level and maximum conductor sag. The tallest mast likely to be encountered on inland waters should not exceed 15 metres (measured from the water level).

Finally, regulation 15(1)(b) of the Electrical Machinery Regulation states that: the clearances of conductors and other wires over the normal high-water level of power lines crossing over water shall not be less than the values for power lines above the ground outside townships, with the provision that if the owner of the land on which the water is situated requires a greater clearance and no agreement can be reached, the dispute shall be referred to the chief inspector for a decision.

- **Other structures**

Boreholes and Windmills should be treated in the same manner as a building. The sweep of the tail of the windmill should not be closer than the building restriction distances set out in Table 2.

Although swimming pools do not normally protrude above the ground surface they should be treated in the same manner as a building is.

- **Clearances as per agreement with Telkom**

Where an overhead non insulated electrical supply line (except overhead service mains) crosses an existing or projected overhead telecommunications line, the electricity supplier or user must provide minimum clearances as follows:

- a) In accordance with the regulations in terms of the Occupational Health and Safety Act 85 of 1993, see Table Annex A.

### **6.3 High load roads/routes**

The requirements of the Occupational Health and Safety Act (OHS Act) 85 of 1993 must be strictly adhered to when crossing over high load roads or routes. Table 2 (under 'abnormal load routes') on page 11 gives the clearances as adopted and used in this regard.

The following are some of the standard conditions for clearances that are applicable to power lines and/or cables that cross or are parallel to national roads:

- (i) No tower, pole, stay, pipe nor cable shall be erected or laid within a distance of 20 or 60 metres as applicable, measured from the national road reserve boundary, if such tower, pole or stay, pipe or cable is erected or laid parallel to the national road.
- (ii) No tower, pole or stay shall be erected within a distance of 20 or 60 metres as applicable, measured from the national road reserve boundary, if such tower, pole or stay is erected for the purpose of establishing a power line across the national road.
- (iii) No manhole shall be constructed within a distance of 20 metres, measured from the national road reserve boundary, if such a manhole is constructed for the purpose of laying an underground cable underneath the national road, unless an alternative position for the manhole has been previously determined in consultation with the Regional Engineer
- (iv) A vertical clearance of not less than 6.5 metres, measured from the crown of the national road to the lowest wire, shall be observed for lines operating at a phase voltage of 33kV and below.
- (v) The underground cable pipe shall be laid inside a sleeve pipe, which shall extend across the full width of the national road reserve, the top convex of which shall be at least one metre below the surface of the national road and the natural ground level. ESKOM shall ensure that in the process of laying an underground cable or sleeve pipe across the national road, the surface of the road shall not be interfered with.
- (vi) ESKOM shall undertake to maintain any tower, pole, stay or overhead wire, cable or pipe at all times, at its own cost and to take all necessary precautions to ensure the safety of road users.
- (vii) ESKOM shall undertake to shift or relocate, at its own cost and without compensation, any overhead power line or underground cable at the intersection of such power line with the existing national road, if such shifting or relocation becomes necessary as a result of road widening work, road construction work or road maintenance work, provided that such widening, construction or maintenance shall not involve any re-routing of the national road.

DOCUMENT CLASSIFICATION: **CONTROLLED DISCLOSURE**  
**BUILDING LINE RESTRICTIONS, SERVIDUDE**  
**WIDTHS, LINE SEPARATIONS AND CLEARANCES**  
**FROM POWER LINES**

Unique Identifier: **34-600**  
Type: **DGL**  
Revision: **0**  
Page: **15 of 21**

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Another standard condition of importance to remember is that: *No permanent entrance to or exit from a National Road shall be permitted.*

The 20 metres referred to in clauses (i) and (ii) is applicable to those power lines of voltage below 40kV. The 60 metres distance refers to power lines whose voltages are 40kV or higher.

The clearance given in clause (iv) is a minimum for road purposes only. The Occupational Health and Safety Act 85 of 1993 require clearances in excess of 6,5 metres for all voltages above 40kV, and these additional clearances must be abided by.

The SA National Roads Agency Limited and National Roads Act 7 of 1998 require that no crossing should be within 500 metres of the point of intersection at a junction but this restriction may be waived with special application with motivation. No fee is payable for any application to National Roads.

As regards Provincial roads the following applies: the Provinces use clauses in the Advertising on Roads and Ribbon Development Act 21 of 1940 to impose building restrictions for a distance outside the road reserve boundaries. The clauses in the Advertising on Roads and Ribbon Development Act preclude without approval, any building or structure within 300 Cape feet each side of the centre line of any proclaimed building restriction road. By common usage the 300 Cape feet has been converted to 95 metres.

The jurisdiction of any provincial roads department does not extend beyond the 190 metre wide strip whose centre line is the centre line of the proclaimed road reserve. Eskom has agreed to apply to the relevant provincial road authority for all new Eskom services so that Eskom can be advised of future road plans and other special conditions that must be observed.

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**Annex A - Electrical machinery regulations**  
 (Informative)

Maximum voltage for which insulation is designed. kV rms phase-phase	Minimum safety clearance	Minimum clearance in metres				
		Above ground outside townships	Above ground in townships	Above roads in townships, proclaimed roads outside townships and tramways	To telecommunication lines or between power lines and cradles	To buildings, poles and structures not forming part of power lines
1.1 or less.....	—	4.9	5.5	6.1	0.6	3.0
7.2.....	0.15	5.0	5.5	6.2	0.7	3.0
12.....	0.20	5.1	5.5	6.3	0.8	3.0
24.....	0.32	5.2	5.5	6.4	0.9	3.0
36.....	0.43	5.3	5.5	6.5	1.0	3.0
48.....	0.54	5.4	5.5	6.6	1.1	3.0
72.....	0.77	5.7	5.7	6.9	1.4	3.2
100.....	1.00	5.9	5.9	7.1	1.6	3.4
145.....	1.45	6.3	6.3	7.5	2.0	3.8
245.....	1.85	6.7	6.7	7.9	2.4	4.2
300.....	2.35	7.2	7.2	8.4	2.9	4.7
362.....	2.90	7.8	7.8	9.0	3.5	5.3
420.....	3.20	8.1	8.1	9.3	3.8	5.6
800.....	5.50	10.4	10.4	11.6	6.1	8.5
533kV d.c.* .....	3.70	8.6	8.6	9.8	4.3	6.1

\* Maximum voltage to earth for which insulation is designed.

Provided that these figures are based on the assumption that clearances shall be determined for a minimum conductor temperature of 50 °C and a swing angle corresponding to a wind pressure of 500 Pa: Provided further that where under normal conditions power line conductors operate at a temperature above 50 °C, the clearance at a higher temperature at which the conductors operate shall be in accordance with the clearance indicated in the table.

---

## **Annex B – Impact Assessment** (Normative)

**Impact assessment form to be completed for all documents.**

### **1 Guidelines**

- All comments must be completed.
- Motivate why items are N/A (not applicable)
- Indicate actions to be taken, persons or organisations responsible for actions and deadline for action.
- Change control committees to discuss the impact assessment, and if necessary give feedback to the compiler of any omissions or errors.

### **2 Critical points**

**2.1 Importance of this document. E.g. is implementation required due to safety deficiencies, statutory requirements, technology changes, document revisions, improved service quality, improved service performance, optimised costs.**

Comment: Document Revisions

**2.2 If the document to be released impacts on statutory or legal compliance - this need to be very clearly stated and so highlighted.**

Comment: n/a

**2.3 Impact on stock holding and depletion of existing stock prior to switch over.**

Comment: n/a

**2.4 When will new stock be available?**

Comment: n/a

**2.5 Has the interchangeability of the product or item been verified - i.e. when it fails is a straight swop possible with a competitor's product?**

Comment: n/a

**2.6 Identify and provide details of other critical (items required for the successful implementation of this document) points to be considered in the implementation of this document.**

Comment: n/a

**2.7 Provide details of any comments made by the Regions regarding the implementation of this document.**

Comment: (N/A during commenting phase)

**Annex B**  
(continued)

**3 Implementation timeframe**

**3.1 Time period for implementation of requirements.**

Comment: Immediately

**3.2 Deadline for changeover to new item and personnel to be informed of DX wide change-over.**

Comment: n/a

**4 Buyers Guide and Power Office**

**4.1 Does the Buyers Guide or Buyers List need updating?**

Comment: n/a

**4.2 What Buyer's Guides or items have been created?**

Comment: n/a

**4.3 List all assembly drawing changes that have been revised in conjunction with this document.**

Comment: n/a

**4.4 If the implementation of this document requires assessment by CAP, provide details under 5**

**4.5 Which Power Office packages have been created, modified or removed?**

Comment: n/a

**5 CAP / LAP Pre-Qualification Process related impacts**

**5.1 Is an ad-hoc re-evaluation of all currently accepted suppliers required as a result of implementation of this document?**

Comment: n/a

**5.2 If NO, provide motivation for issuing this specification before Acceptance Cycle Expiry date.**

Comment: n/a

**5.3 Are ALL suppliers (currently accepted per LAP), aware of the nature of changes contained in this document?**

Comment: n/a



## **Annex B**

(continued)

**5.4 Is implementation of the provisions of this document required during the current supplier qualification period?**

Comment: n/a

**5.5 If Yes to 5.4, what date has been set for all currently accepted suppliers to comply fully?**

Comment: n/a

**5.6 If Yes to 5.4, have all currently accepted suppliers been sent a prior formal notification informing them of Eskom's expectations, including the implementation date deadline?**

Comment: n/a

**5.7 Can the changes made, potentially impact upon the purchase price of the material/equipment?**

Comment: n/a

**5.8 Material group(s) affected by specification: (Refer to Pre-Qualification invitation schedule for list of material groups)**

Comment: n/a

## **6 Training or communication**

**6.1 Is training required?**

Comment: Yes

**6.2 State the level of training required to implement this document. (E.g. awareness training, practical / on job, module, etc.)**

Comment: On Job

**6.3 State designations of personnel that will require training.**

Comment: Survey staff and Land & Rights Practitioners

**6.4 Is the training material available? Identify person responsible for the development of training material.**

Comment: Workgroup/Development Team

**6.5 If applicable, provide details of training that will take place. (E.G. sponsor, costs, trainer, schedule of training, course material availability, training in erection / use of new equipment, maintenance training, etc).**

Comment:

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**Annex B**  
(continued)

**6.6 Was Technical Training Section consulted w.r.t module development process?**

Comment: n/a

**6.7 State communications channels to be used to inform target audience.**

Comment: n/a

**7 Special tools, equipment, software**

**7.1 What special tools, equipment, software, etc will need to be purchased by the Region to effectively implement?**

Comment: n/a

**7.2 Are there stock numbers available for the new equipment?**

Comment: n/a

**7.3 What will be the costs of these special tools, equipment, software? n/a**

**8 Finances**

**8.1 What total costs would the Regions be required to incur in implementing this document? Identify all cost activities associated with implementation, e.g. labour, training, tooling, stock, obsolescence**

Comment:

.....  
.....  
.....

Impact assessment completed by:

Name: Magda Le Roux \_\_\_\_\_

Designation: Land and Rights \_\_\_\_\_



### REGISTRATION & COMMENT SHEET

## BASIC ASSESSMENT PROCESS FOR THE PROPOSED WALMER 132 kV POWERLINE, PORT ELIZABETH

Attention: **Wanda Marais**

Fax No: 041—509 4850

Email: [wmarais@srk.co.za](mailto:wmarais@srk.co.za)

I wish to register as an Interested and Affected party and/or bring to the attention of SRK Consulting the following comments.

**Contact Information:**

Title: <u>MR</u>	Name: <u>RUDI VAN SCHALKWIJK</u>
Organisation:	Nature of Interest*: <u>RESIDENT</u>
Postal Address: <u>1 BERGEGUS STREET</u>	Telephone Number: <u>041 373 6552</u>
	Facsimile Number**:
<u>CADASTAL REF. 277 MACON ROAD</u>	Mobile Number: <u>082441 6629</u>
<u>C/O BERGEGUS &amp; MACON</u>	Email**: <u>rudi_vans@hotmail.com</u>

\*The NEMA EIA Regulations, 2014, require that an IAP discloses any direct business, financial, personal or other interest in the approval or refusal of the application  
\*\*Preferred method of communication. The absence of email / facsimile facilities may result in a delay in receipt of IAP notifications. Please write clearly

**Comments (please use additional sheets of paper if required):**

I STRONGLY OPOSE THE ERRECTION OF PETECHANE STYLE TOWERS IN THIS AREA BETWEEN POINTS A & C.

THE DISTURBANCE THAT WILL BE CAUSED BY THESE HUGE UNSIGHTLY STRUCTURES FAR EXCEED PURELY VISUAL IMPACT.

I PERSONNALLY UTILIZE THIS OPEN SPACE, PLACING THIS OVERHEAD LINE WILL RUIN THE OPEN SPACE.

SURELY AN UNDERGROUND CABLE IS A BETTER OPTION.

Signed: \_\_\_\_\_



Date: 22/02/2014

Thank you for your participation

**COUNCILLOR/RAADSLID RETIEF ODENDAAL  
(WARD/WYK 6)**



UNIT 11 WALMER DOWNS FAMILY CENTRE WILLIAM MOFFATT EXPRESSWAY  
PORT ELIZABETH  
Tel: (041) 3671670 Fax: (041) 3682309  
Email: [ward6@mandelametro.gov.za](mailto:ward6@mandelametro.gov.za)



22 FEBRUARY 2016  
ATT: WANDA MARAIS

PER EMAIL

Dear Sir/s

**RE: BASIC ASSESSMENT PROCESS FOR THE PROPOSED WALMER 132 KV POWERLINE PE**

The abovementioned matter has reference.

I confirm that I am addressing this letter to you for and on behalf of the greater Overbaakens and Fairview community.

The greater Fairview / Overbaakens area has seen unsurpassed growth in development over the last number of years. Not only has the area alongside William Moffett become a very important business node but the residential property market has also seen unsurpassed growth even in the current difficult economic climate. I have no doubt that the area shall continue to develop at an unparalleled pace given the fact that the first newly built school has just recently opened their doors here as well as the fact that a private hospital is currently being constructed and is due for completion during the third quarter of 2016.

Given the aforesaid it stands to reason that the local authority has to ensure that the existing infrastructure is sufficiently upgraded in order to enable them to meet the future electricity demands of the area. Although I welcome the proposed upgrade of the Walmer Substation which is long overdue, I cannot however support the construction of the proposed high level masts (pylons) in our area and therefore wish to raise the following concerns:

1. The masts shall have a very negative visual impact on its surroundings;
2. The electromagnetic radiation from these masts may have a negative impact on the health of nearby residents;
3. Property values in the area shall be severely affected by the construction of said masts.
4. The construction of the proposed high level masts shall have a definite negative impact on future growth and development in the area.

I fail to understand how the local authority can even consider erecting these unsightly, potentially dangerous high level masts in this day and age. Given the fact that local authorities are increasingly installing this type of infrastructure underground, we have no choice but to investigate alternatives to the archaic proposal made in the application at hand.

I trust you find the above in order.

I remain, yours faithfully

Retief Odendaal L.L.B (NMMU)



## Marais, Wanda

---

**From:** John Baeyens <john.baeyens@gmail.com> on behalf of John Baeyens <john@vinlanda.com.br>  
**Sent:** 18 February 2016 04:15 PM  
**To:** Marais, Wanda  
**Cc:** Mike Cohen; Johan Strydom; Marc Crocker  
**Subject:** Re: Reminder: Proposed 132kV Powerline, Walmer, Port Elizabeth

**Importance:** High

Dear Mrs. Wanda,

John Baeyens, director of Capeco Developments; private owner of big portions of land with zoning and ROD that are impacted by this

My colleague director, Marc Crocker, who has been in contact with you over the phone today, will file our Registration sheet tomorrow, we will include our initial objection sheets (a complete pack); which we will further complete when we receive the fully detailed report.

We have three questions/comments:

1. You send us this Background information today Thursday February 18th at 12:00. The deadline you give all IAPs to file Registration is Monday February 22nd at 12:00. This is less than 2 working days. Is such short notice legal? You write "reminder"; we were never informed before today. We never were contacted by you before today. Please provide context on the timing.
2. You did not include the names and contact details of all Stakeholders and IAPs (they were Blind Copied. Please send us the full list).
3. The BID is 4 pages long and doesn't specify crucial elements. Pictures and drawings of the electricity masts, exact locations of the servitudes in the various scenarios, specifications why some parts were granted underground options and others not.
4. The fact that no pictures of the massive visual impact is included, means that IAPs who receive this writing (in such short notice) cannot judge correctly the necessity to register. In this context we oppose the way this Public Consultation is being performed.
5. You are aware that your plans cross areas on our property which are classified as "sensitive ecological areas" in our ROD?
6. When do we receive the fully detailed report? It is impossible to comment based on this Information Document./

Please provide us full detailed info on the above 4 topics in a timely matter (considering your self-imposed deadlines).

Sincerely,

John Baeyens

On 18 Feb 2016, at 09:27, Marais, Wanda <WMarais@srk.co.za> wrote:

Dear Authorities, Stakeholders and IAPs,

**Reminder: Proposed 132kV Powerline, Walmer, Port Elizabeth**



# WONDERWONINGS EIENDOMME (PTY) LTD

PO Box 10021 Union Square Port Elizabeth 6015  
Tel: 0421 367 2664 Fax: 0421 559 0223  
Company Reg no: 1969/0142289/07

DEBATE REF: FOR: 11/11/2011-15

2 September 2013

By e-mail: [info@cape.gov.za](mailto:info@cape.gov.za); [debate@cape.gov.za](mailto:debate@cape.gov.za)

Department of Environmental Affairs

241 508 5900

College and House

Central

6001

FOR ATTENTION: Ms Indira George

Dear Madam,

## RE: PROPOSED WALMER 17<sup>TH</sup> AVENUE 132211 KV SUBSTATION DEVELOPMENT

1. Ms Indira George, on behalf of Wonderwonings Eiendomme (Pty) Ltd, the owners of Erf 1226  
Pretoria.

Erf 1226 is currently being rezoned for a Retirement Village and residential development.

1. The two north of the water channel, erf 1226 is being zoned for a Retirement Village consisting of 355 accommodations as well as 10 Residential Portions consisting of 276 apartments. (See annexure A).
2. The south of the water channel, erf 1226 is being zoned for residential purposes, consisting of 4 portions with 503 opportunities. (See annexure B).

Schematic layout plans have already been prepared and drawn for these residential developments. (See annexure B).

Currently, we are also in negotiations with an educational institute who wants to acquire a portion of erf 1226 for a private school, situated directly next to the water channel to the south.

We are also finalising the negotiations with a National Government Village Quarter for the portion of land directly north of the water channel.

All our professional studies have been completed, including the Traffic Impact Assessments, Bulk Services Report, and the Environmental Assessment.

Herewith our comments on the Basic Assessment Report dated July 2013.

- The NEMA regulations clearly states that feasible and reasonable alternatives should be investigated. We would like to see attention on the surrounding applications have already been submitted for a proposed 1086 residential dwelling including a retirement village. Your clients 1<sup>st</sup> and 2<sup>nd</sup> alternatives are variations not considered. The most desirable option is either to accept private development for a proposed activity that will not double the privately owned land or accept a mixed residential development in the developments proposed in alternatives A and B attached.

According to the NEMA regulations, the applicant should identify the disadvantages that the proposed activity might have on the community. Besides the comment of the overhead power lines being visually intrusive, there are also financial factors to take into account which has not been dealt with. Especially alternative 1 that because through a hospital site will impact the retirement village development.

- The housing developments also will be negatively impacted as the 2<sup>nd</sup> alternative suggests Public Services also indicate that people are unlikely to buy into a residential development which is directly adjacent to overhead power cables. Therefore creating a huge reaction for a private land owner with regards to marketing and selling the proposed residential development.

- The option of private school, open school shed on a portion of erf 1226 would also become highly ineffective educational facilities if situated well beyond the land available for a learning environment for their age direct health issues associated with overhead power cables – thus derailing the private property substantially.

- We acknowledge that the best alternative for the position of the overhead cables is in the water channel which is part of erf 1226, but as it is a sensitive development with the retirement village to the north and residential developments to the south. The only alternative we are willing to negotiate and accept is the underground option for the portion of 1226.

- It is noted that every response to the underground option states the proposed development is not viable to accommodate such an option. Unfortunately, this is the only option that will not directly affect the proposed developments for erf 1226 or to harm the owners of the land to the north of the water channel. The power lines therefore in conflict with all surrounding and owners development are not viable and the option needs to be considered as the only solution moving forward.

- Negotiations with Wonderwonings Eiendomme (Pty) Ltd need to be re-started with the agreement to allow the negotiator to accommodate underground cables over the portion of erf 1226. This negotiator should be between the 2 options needs to be clear and transparent to form the foundation of the negotiations.

- We acknowledge that the proposed new situation with private new permanent job positions. But with the large scale development proposed for erf 1225 and if a house to site, we are envisaging a couple of hundred permanent jobs and not to mention the jobs created for the construction of these developments over a 5 – 10 years period. So both the alternatives proposed will result directly in hundreds of jobs that would be created if the over-head option is approved, hence the accumulative impact will be however more negative than positive.
- Our strong position on the over-head cables as the only option is unamenable and it should be rejected.
- The construction of the proposed developments for erf 1225 are not complete yet, but should be highlighted in the assessment. And included as a negative impact on the area.
- If a final assessment is not indicated that you are uncertain whether any environmental or ecological impact exists within 20m of the site. The departmental action form clearly states that if you are uncertain, a specialist investigation has to be conducted. Your response is that an investigation will be conducted if the project gets the go ahead – find this remark to be very flawed as this study should be conducted prior to an authorisation being granted. Therefore this final assessment is incomplete as there are no specialist studies attached.
- We acknowledge that the local authority is committed to providing a safe, reliable and affordable electricity supply which is critical in assisting business growth, job creation and sustainable development in the region. But this service should not be to the detriment of private and owners and it directly contravenes my point on job creation.
- To the response made to Merke Vreken with regards to the proposed route alternative has been changed to accommodate her concerns, we find your second alternative to a so what the one private property rights. The proposed alternatives have not improved the situation, but added to it. Some sensible words as it now affects a larger portion of private land, namely erf 1226. The violation of private property rights will expose your client to considerable claims for damages. I does not make sense that the proposed budget would not be revised to accommodate an underground option, as this would be the most viable option for all parties considering all the copies are not just the immediate one.
- It is also noted that there is no service registered in favour of the municipality of Ekurhuleni over erf 1225 (in view).

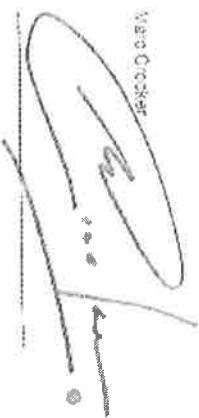
**In conclusion:**

- We are of the opinion that the 2 alternatives meeting erf 1226 and 4033 are unamenable and must that all specialist studies to be conducted before any decision is made.
- That negotiators be contacted with the owners of erf 1225. Further to make the underground a viable one as the over-head cable option will negatively affect all developments proposed for erf 1225.

**Attachments:**

- Annexure A: North portion of erf 1225, Part 1 – Refinement Village & Residential Developments
- Annexure B: South portion of erf 1225, Part 2 – Residential Developments
- Annexure C: Refinement Village Site Plan
- Annexure D: Letter – Our Environmental Consultancy Comments on the Final Draft.
- Annexure E: Letter – Mr. Johan Van De Walle – Urban Dynamics (Urban Planners)
- Annexure F: Letter – Endorsement Letter – Debet Odeonga – Frelwey Ward Councilor

Waco Ocker



For Workformer's Environmental Pty Ltd





ZONING PLAN



PORTIONS	ZONING	AREA
PORTION 3	RESIDENTIAL 2	1 172 00
PORTION 7	RESIDENTIAL 2	1 043 00
PORTION 5	RESIDENTIAL 2	1 041 00
PORTION 1	RESIDENTIAL 2	1 039 00
PORTION 6	RESIDENTIAL 2	1 133 00
PORTION 8	RESIDENTIAL 2	1 152 00
PORTION 7	RESIDENTIAL 2	3 972 00
PORTION 9	RESIDENTIAL 2	3 898 00
PORTION 9	RESIDENTIAL 2	3 322 00
PORTION 13	RESIDENTIAL 2	3 519 00
PORTION 11	RESIDENTIAL 3	5 753 00
PORTION 12	TRANSFORMATION 1	1 212 00
PORTION 13	TRANSFORMATION 1	3 272 00
PORTION 14	PUBLIC OPEN SPACE	15 147 00
TOTAL		78 882 00

Date: 09/2013 Drawing No: 1432E/ZP/2

Scale: 1:1000

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URBAN DYNAMICS

ZONING PLAN



PORTIONS	ZONING	AREA
PORTION 1	RESIDENTIAL 3	2 062 00
PORTION 2	RESIDENTIAL 3	2 494 00
PORTION 3	RESIDENTIAL 3	2 754 00
PORTION 4	RESIDENTIAL 3	2 682 00
PORTION 5	TRANSFORMATION 1	1 042 00
TOTAL		12 034 00

Date: 09/2013 Drawing No: 1374E/ZP/2

Scale: 1:1000

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URBAN DYNAMICS

Marc Crocker

From: Mike Cohen <acohen@walmart.com>  
Sent: 15 September 2013 15:25  
To: Marc Crocker

Hi Marc

A few notes on the power line

The Basic Assessment states:

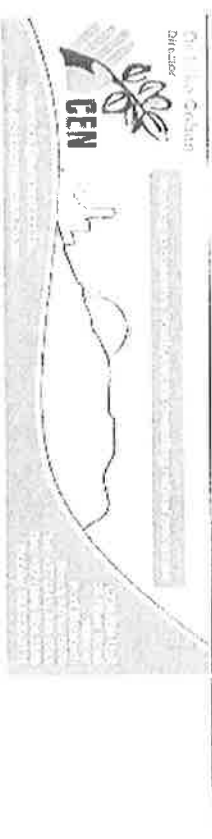
1. Failure to adequately address alternatives  
The assessment of impacts stated that that as Alternative 1 has land rights issues Alternative 2 became the preferred alternative.

It must be pointed out that Alternative 2 has the exact same land rights issues as Alternative 1 and the very reasons given by the EAP for rejecting Alternative 1 are applicable to alternative 2. If no one was rejected due to land rights issues then the second must also be rejected.

The close proximity of the two alternatives does not constitute a reasonable and feasible alternative.  
A land owner objected to the proposed route alternative 1 as it passed through their property that is earmarked for an already approved development. After numerous discussions, it was agreed to take route alternative 2 the preferred alternative. Full details of the correspondence and consulting process are included in Appendix E and Section D (1) of the report.

2. Electromagnetic Radiation  
The assessment does not address the potential impact of electromagnetic radiation

3. Property Values  
The report does not address the potential loss of property value. There will be a reduced value of all properties within a 50-100m distance from the line. The reduction will be related to electromagnetic radiation (aesthetically and perceived) and the massive visual impact. The turn of the line is also a detriment.



Annexure D

# URBAN DYNAMICS

NEW AND REGIONAL PLANNERS

17 September 2013

PROJ/01/01/7/109/13

Client: Wal-Mart  
11 Leinster Road  
Cherry  
North Epsom  
6001

Annexure E

Attention: Mr Marc Crocker

## PROPOSED WALMART SEVENTEENTH AVENUE 132 / 11KV SUBSTATION AND POWERLINE DEVELOPMENT

Reference is made to the Environmental Impact Assessment process currently being undertaken by Coastal Infrastructure Services to obtain authorisation of a 11KV substation near Waimere, Seventeenth Avenue, Port Elizabeth. The proposal also includes building a cable circuit 11KV line from the existing Lorraine 11KV substation to the new substation on the eastern side of the W. H. van Riebeeck Drive. The proposed alignment of the power line will directly impact on the proposed development to the south and north of E-1 132C, Portview (Wardensville 33-34-35). Applicants for development proposals to implement medium to high density residential developments on the land parcels have been prepared and submitted to the Northern KwaZulu Natal Municipality. These proposals are in line with the South African Spatial Development Framework, identifying this area as a residential (medium) density and development code up to 50 units per hectare.

With note and in view that the proposed construction of the power line and the alignment thereof, as per the Basic Assessment Report, will have a negative regional and developmental effect on the vicinity, the visual and development code on E-1 132C, is as follows:

The following new functions of development are hereby proposed for the site of development:

- Visual impact with a maximum of 30% density residential area is unacceptable and will directly impact on visibility of this area as a residential intensification and infill code
- The existing open space and greenery form an important open space as a barrier to a residential development. Areas with a 50m buffer of Fynbos / Karoo and construction of overhead powerlines and towers will seriously impact on the visual quality of this area and integrated open space system.
- Routing of the overhead power lines will decrease open greenery and existing trees on E-1 132C
- The existing vacant land on E-1 132C, Portview, has approval for residential development and when the residential character will have a negative impact on the visual and development code of the area.
- The construction of overhead powerlines with a substantial visual impact on the area and urban area should not be permitted especially given the value of E-1 132C, Portview as a strategic investment and development opportunity.

It is noted that based on a thorough Environmental Impact Assessment process, alternative options for infrastructure development in the area will be done based on a detailed reference to possible underground cabling as the only alternative viable option within the development area.

Kind regards,  
Mr. Marc Crocker  
Director, Environmental Impact Assessment  
Phone: 031 463 4000

Director, Environmental Impact Assessment  
11 Leinster Road  
Cherry  
North Epsom  
6001

1. If you do not have the required information, please refer to the office of the Director of the Department of the Environment and Forestry.

King Eusebio  
Urban Dynamics Design Inc.

  
Director  
Department of the Environment and Forestry (DENR) (DOF) (DENR) (DOF) (DENR) (DOF)

Amendable F

NELSON MANDELA METROPOLITAN MUNICIPALITY NELSON MANDELA METROPOLITAN MUNICIPALITY

**COUNCILLOR GRAZIELLE RETIEF ODENDAAL**  
(WARD 06)



UNIT 11, ELMONT CENTRE, WILLOWDALE, JOHANNESBURG  
TEL: 011 551 2111  
WWW.DAMUNICIPALITY.CO.ZA

15 SEPTEMBER 2015 YOUR REFERENCE:

MRS MARG CRONKER  
WONDERWONNINGS DEVELOPMENT (PTY) LTD  
P.O. BOX 1111  
1600

RE: PROPOSED DEVELOPMENT - NEW STATION WALKER

1. In terms of the Environmental Management Act (Act 107 of 1989) and the Environmental Management Regulations (Act 193 of 2002), you are required to submit an application for a Developmental Consent (DC) for the proposed development.

  
Grazielle Retief Odendaal  
Councillor Ward 06

2015/09/15 10:00 AM



proposed that a Heritage practitioner be consulted before the construction phase to avoid an unnecessary impact on any significant culture and importance of the surrounding and proposed construction area.

**4. Public Response report Paragraph 12**

The requested a specialist report on the magnetic fields, this was not provided. This matter will be further addressed in this letter.

**5. Basic Assessment Report Paragraph 5**

It should be noted that paragraph 5.15 of this section was (accidentally) not ticked. Even though there is not a hospital at the moment, Building plans have been approved and it will be constructed soon.

**6. National Environmental Management Principles (Act 107 of 1998)**

NEMA sets out principles that apply throughout the Republic of South Africa to the actions of all organs of state that may significantly affect the environment. The following principles have relevance to this particular application:

NEMA Principle	IE&P's comment / interpretation
(1) "Environmental management must place people and the interests of the present of its concern, and serve their physical, psychological, developmental, cultural and social needs equitably."	It is noted that the 132 kV power line is necessary to provide sufficient distribution to allow sustainable and growth for commercial and residential areas. It is however worth questioning whether an overhead power line with its associated health impacts would not in the best interest for both affected parties and the environment. Maybe considering the idea of <b>UNDERGROUND</b> .
(3) "Developments must be socially, economically and environmentally sustainable."	Including an underground channel for the proposed power lines, will be more sustainable <b>TO THE ENVIRONMENT AND PEOPLE.</b>
(4) "Sustainable development requires the consideration of all relevant factors including the following: (1) that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimized and remedied; (2) that a risk-averse and cautious approach is adopted, which takes into account the limits of current knowledge about the consequences of decisions regarding the environment."	It is proposed to introduce a Heritage practitioner when development commences. Physical landscape and cultural significant sites can be disturbed if not identified before development commences. Thus underlining that a Heritage practitioner be consulted beforehand.
(4) "That a risk-averse and cautious approach is adopted, which takes into account the limits of current knowledge about the consequences of decisions regarding the environment."	The risk involved of constructing a 132kV overhead power line will be detrimental to the high-tech medical equipment of the proposed private hospital. Impact on the quality of health of surrounding inhabitants and the visual impact created by the towers.

**NEMA Principle**

**IE&P's comment / interpretation**

(4) "Environmental management must be integrated, recognizing that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option."	The construction of overhead power lines and the effects it carries to the environment and affected parties should be taken into consideration.
(4) "Decisions must take into account the interests, needs and wishes of all interested and affected parties and this includes recognizing all forms of knowledge, including traditional and ordinary knowledge."	The interest and health needs of affected parties should be taken into consideration during the assessment in its application.
(4) "The social, economic and environmental impacts of activities, including planned, proposed and existing, must be considered, assessed and evaluated, and the functional ability of the any of the medical equipment it could then further result into the limited use of such equipment and hence result in a loss in economic opportunities and access to the proper utilisation of medical facilities."	The health impacts of the power line within the proposed 12m service area should be further investigated. If the electromagnetic fields affect the functionality of the any of the medical equipment it could then further result into the limited use of such equipment and hence result in a loss in economic opportunities and access to the proper utilisation of medical facilities.

The principles discussed above is of high importance and should be taken into consideration. It is vital that both affected parties and the environment be given in mind before any decisions are taken.

**7. Case Studies on adverse Human Health Impacts of high voltage power lines**

We have reviewed in our initial comments that we are concerned about the health impacts of the electromagnetic fields from the high voltage power lines. This concern has not been appropriately addressed in the Basic Assessment report.

We have done some research on the subject and attach four (4) articles for consideration. These are:

- 7.1. An analysis of risks associated with the proposed Energex Sun Coast 132 kV Power line Project's "option 3" in relation to the Hungersford and nearby properties at Forest Glen, Qld, authored by P Maisch on 15 May 2009.

This study investigates five (5) specific impacts. These are: 1) Inadequacy of the standards in relation to reassurances of public health protection, 2) What is a "safe" level and distance? 3) Possible health effects on both people and horses spending large amounts of time under or near the lines, 4) Adverse effects on property values, 5) Loss of livelihood, 6) Occurrence of health and

Safety (OH&S) risks for workers working under and near the lines. Important information from this study for consideration include:

- (i) "Current studies indicate that Extra Low Frequencies (ELF) increase susceptibility to cancers. They do not generate cancers. It is thought that ELF "disrupts" the immune system. This susceptibility to cancers is only during the period of exposure; it doesn't result in permanent degradation of the immune system. Therefore the longer the exposure, the longer the opportunity for the cancers to take hold. The current understanding is that the greatest exposure risk is to the head and torso. Current evidence suggests health problems could arise with prolonged exposure above 4 mG. A very general observation I have seen that at 60 Hz the transmission line magnetic field levels are below 5 mg at power load times. For comparison, the Swiss government's OMR standard indicates that for a 110V transmission line levels may approach 10mg up to 30 meters from the line and for 220KV this would be up to 55 meters. In the U.S. a 115 KV line can reach 2.5 mg at peak load at 30 meters and for a 220 KV line at that distance 14.5mg at peak loading. Now that powerline in north Queensland has a policy that "no sensitive site" is less than 150 metres from transmission lines. This policy acknowledges perceived concerns on part of the community and is aimed at minimising those concerns. At 150 metres the magnetic field would be well less than 1 mg.
- (ii) In my opinion ELF radiation is not a risk to the public as a whole because it is covered herein is taken into account.
- (iii) Another high ELF occupationally exposed group are industrial seamstresses who were found to have exposure levels usually over 10mg for much of the workday. This observation is also found to consistently be at a higher risk of a potentially dangerous female breast cancer, two diseases that have an associated link with the magnetic field exposure.
- (iv) Other indications of the health effects include the visual side of the transmission lines will have a negative effect on the Hurgertord property and even more so with the Urban Basic development subdivision the transmission line will undoubtedly have high visibility from many of the allotments and this likely make it harder to sell. There are numerous other negative impacts a lesser case make it likely are to be sold.
- (v) It stands to reason that, quite separate from the potential for actual hazards (real or imagined) to humans and horses, there are numerous other health, welfare, and other risks associated with the transmission lines that have not been considered and that of the Koorinda Park Pony Club as well. My general still be willing to assist their horses if they have a possible hazard exists for their animals. I will parents the willing to have their children practice under the lines. Unfortunately the only way to answer these questions

**7.2. Evidence that Electromagnetic fields from high voltage power lines and in buildings, are hazardous to human health, especially to young children, authored by Dr Neil Cherry, dated 29 August 2001**

will to see effect on the balance shields after the fire in NSW and elsewhere. Energy may well have a case to answer if the process in the case.

- (i) Dr Neil Cherry was asked by a school in Florida, United States, to review of biological and epidemiological health effects of electromagnetic fields, especially for children with the proposed to have a substation constructed next to the school with high voltage power lines coming in. This review shows are mainly showing an extremely low-frequency and magnetic fields reduced motorily enhance chromosome aberrations, damaged DNA strands and increase rates of cancer electrical and electronic workers, and children are adults in residential substations both from power lines and from the fields in their own homes. Because we almost all live in homes with electric energy that means for the electronic fields which enhance the background cancer rate so that there is no not unexposed group to be used as a reference group for epidemiological studies. Therefore the published studies significantly underestimate the relative risks levels. Very few people realize how many health effects of human status from the background fields we live in. Important information from this study for consideration include:
- (ii) Genetic damage occurs cell-by-cell and repair mechanisms take some cell-by-cell. The more cells that are damaged and the poorer is the repair mechanism, the greater is the risk and incidence of damaged cells dying. Cell death is a very important process for clearing the system. Not all damaged cells are detected and eliminated. Those that survive increase the risk and incidence of cancer, cardiac, neurological and reproductive diseases and death. This shows the role of cumulative exposures leading to significant increases in risk.
- (iii) The authors conclude the childhood leukemia peak of concern about lymphoblastic leukemia (ALL) is attributable to residential electromagnetic fields of childhood ALL and 50% of all childhood leukemia may be preventable.
- (iv) associations between (i) increased risk of leukemia in children and the existence of an increase in power lines in the vicinity of their residences, (ii) an increased risk of chronic lymphatic leukemia and occupational exposures to low frequency electromagnetic fields and (iii) an increased risk of breast cancer following residence of the skin, nervous system tumors, non-hodgkin lymphoma, acute myeloid leukemia or acute myeloid leukemia and certain occupational.
- (v) Hence utility workers in the Substation and maintaining the power lines are directly and chronically at risk of serious health effects. People who live or work in the vicinity of the substation or the high voltage lines are also significantly at risk, including children who



It is the policy of the Department to provide the following information to the applicant in order to assist in the preparation of the application for the approval of a new or amended plan or scheme. The applicant should refer to the following information in the application form and the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(i) The date and time of the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(ii) The names of the directors of the company who were present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(iii) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(iv) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(v) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(vi) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(vii) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(viii) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

(ix) The names of the directors of the company who were not present at the meeting of the directors of the company at which the resolution for the adoption of the new or amended plan or scheme was passed. The applicant should also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

The endorsement will be given on evidence of proof that the conditions of the proposed plan or scheme have been complied with. Furthermore, the conditions of the proposed plan or scheme must be stated in the power of attorney of the applicant for endorsement. The applicant must be satisfied that the conditions of the proposed plan or scheme have been complied with. The applicant must also refer to the relevant provisions of the Companies Act 1985 and the Companies (Tables A to F) Regulations 1985.

Yours faithfully,  
EXECUTIVE DIRECTOR HUMAN SETTLEMENTS  
ENCLOSURE AS ABOVE  
20-1220-1/201







ATTENTION: Planning and Development Division

The Executive Director, Infrastructure and Engineering  
P.O. Box 7  
PORT ELIZABETH  
6000

SUBMISSION APPLICATION NO.

Submission of the /226

Application Form FAIRVIEW

Street Address

NEWER NUMBERS

STREET ADDRESS

Plot No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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This is to certify that copies of water and sewerage

plans, as the responsibility of the applicant, are submitted for the purpose of obtaining

approval of the plans for the purpose of obtaining a water and sewerage

connection and that the applicant is responsible for the cost of the water and sewerage

SIGNED: (PLUMBING AND DRAINAGE CONTRACTOR)

Registration No. DATE

PLUMBING AND DRAINAGE CONTRACTOR

ATTENTION: Planning and Development Division

The Executive Director, Infrastructure and Engineering  
P.O. Box 7  
PORT ELIZABETH  
6000

SUBMISSION APPLICATION NO.

Submission of the

Application Form

NEWER NUMBERS

STREET ADDRESS

Plot No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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This is to certify that copies of electricity

plans, as the responsibility of the applicant, are submitted for the purpose of obtaining

approval of the plans for the purpose of obtaining a electricity connection and that the applicant is responsible for the cost of the electricity connection

and that the applicant is responsible for the cost of the electricity connection

SIGNED: (ELECTRICAL CONTRACTOR)

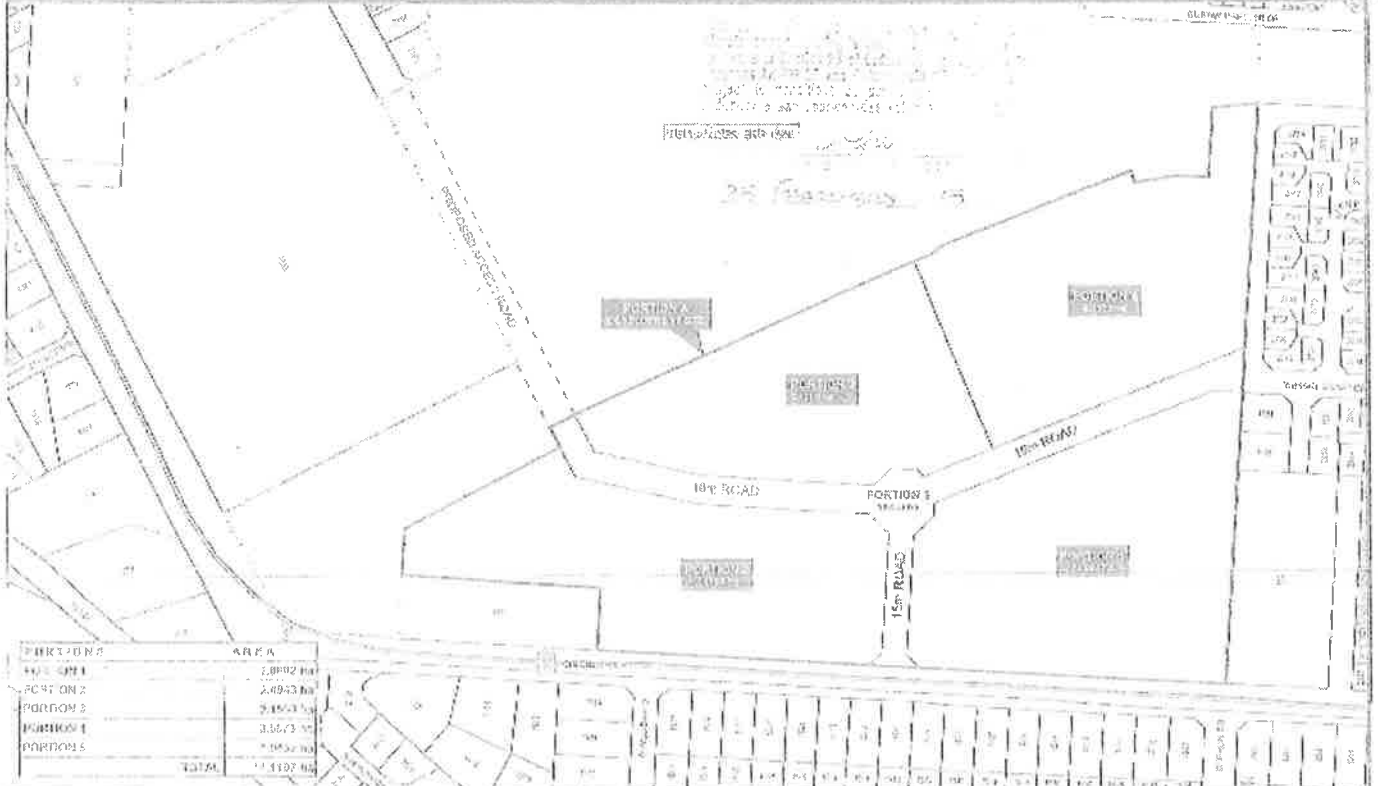
Registration No. DATE

ELECTRICAL CONTRACTOR

REZONING AND SUBDIVISION OF A PORTION OF ERF 1226 FAIRVIEW

Map No. 10

SUBDIVISION PLAN (PORTION A OF ERF 1226 FAIRVIEW)



PORTION	AREA
PORTION 1	2,8892 ha
PORTION 2	2,4843 ha
PORTION 3	2,1573 ha
PORTION 4	3,3573 ha
PORTION 5	1,9573 ha
TOTAL	13,8454 ha

Date: 09/2013  
Drawing Ref: 1374E/SDA/2

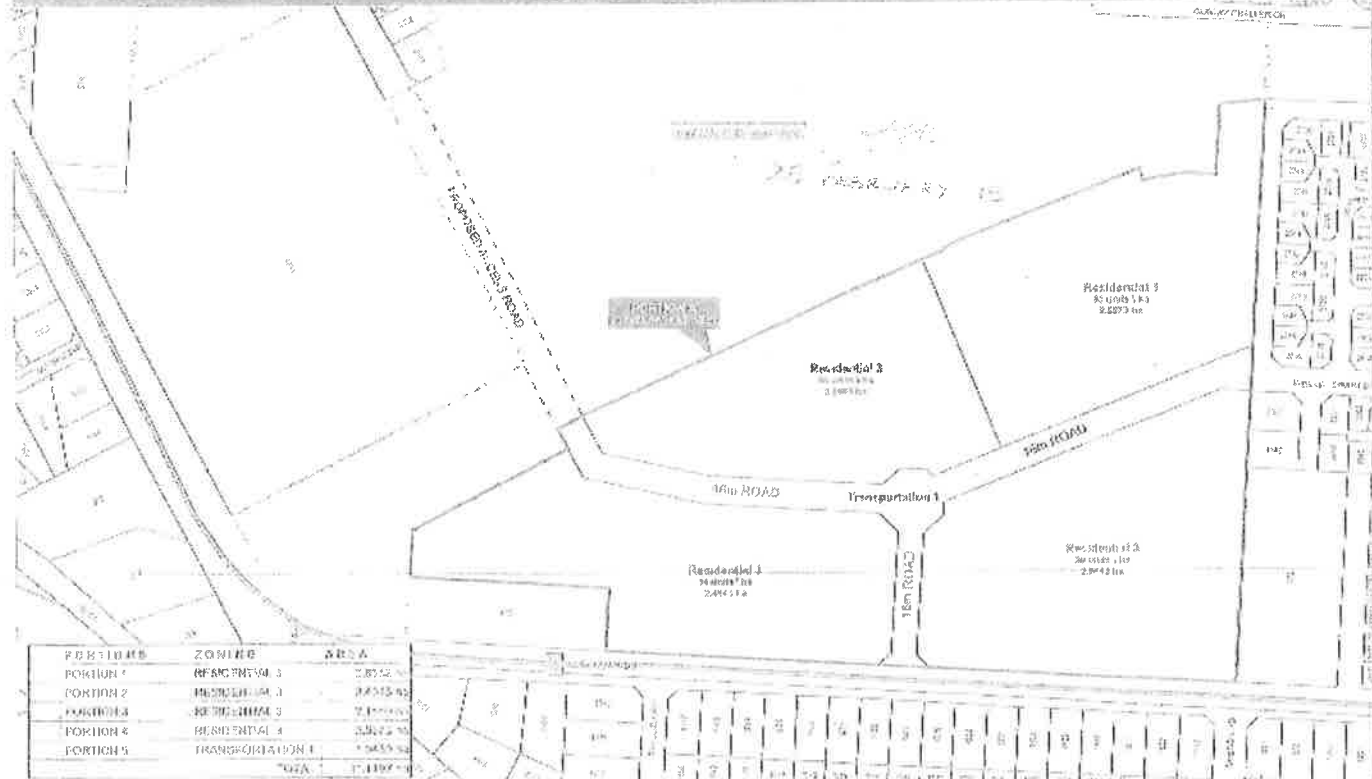
I hereby declare that the information provided in this plan is true and correct to the best of my knowledge and belief, and that I am not aware of any facts or circumstances which would render the information misleading or deceptive.

**COPYRIGHT RESERVED** URBAN DYNAMICS  
 1001 S. BROADWAY, SUITE 100, DALLAS, TX 75210  
 TEL: 214.742.1234 FAX: 214.742.1235

REZONING AND SUBDIVISION OF A PORTION OF ERF 1226 FAIRVIEW

Map No. 11

ZONING PLAN

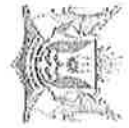


PORTION	ZONING	AREA
PORTION 1	RESIDENTIAL 3	2,8892 ha
PORTION 2	RESIDENTIAL 3	2,4843 ha
PORTION 3	RESIDENTIAL 3	2,1573 ha
PORTION 4	RESIDENTIAL 4	3,3573 ha
PORTION 5	TRANSITIONAL 1	1,9573 ha
TOTAL		13,8454 ha

Date: 09/2013  
Drawing Ref: 1374E/ZP/2

I hereby declare that the information provided in this plan is true and correct to the best of my knowledge and belief, and that I am not aware of any facts or circumstances which would render the information misleading or deceptive.

**COPYRIGHT RESERVED** URBAN DYNAMICS  
 1001 S. BROADWAY, SUITE 100, DALLAS, TX 75210  
 TEL: 214.742.1234 FAX: 214.742.1235



Province of the  
**EASTERN CAPE**  
ECONOMIC DEVELOPMENT, ENVIRONMENTAL  
AFFAIRS AND TOURISM  
CACADU REGION

PO Box 10051  
Linton Orange  
Port Elizabeth  
6015  
Fax: 085 502 6710  
E-mail: [info@capr.gov.za](mailto:info@capr.gov.za)

PI Bag X6001, Greenhills, Port Elizabeth, South Africa, 6087  
Phone: +27 (0)41 508 5880  
Fax: +27 (0)41 508 5885  
Web: [www.capr.gov.za](http://www.capr.gov.za)  
E-mail: [Nicola.Gerber@capr.gov.za](mailto:Nicola.Gerber@capr.gov.za)

*LoD Phase 2 - Final*

Underwriting: **Standard (Pty) Ltd** Reference: **ECM/11/03/11/2-SS**  
Linton Orange Request: **X Orange**  
Port Elizabeth  
6015  
Fax: **085 502 6710**  
E-mail: **info@capr.gov.za**

Attention: **The Director**  
C/O: **Mr Marc Crocker**

**APPLICATION FOR AUTHORIZATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, PROPOSED RESIDENTIAL DEVELOPMENT ON A PORTION OF ERFP 1226, PHANTOM PORT ELIZABETH, WITHIN THE NELSON MANDELA BAY MUNICIPAL AREA**

With reference to the above-mentioned application (Reference number: ECM/11/03/11/2-SS), please be advised that the Department has decided in favor of the application. The Authorization Notice and plans for the location are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties in writing and within twelve calendar days of the date of this notice of the Department's decision in respect of your application.

1. The written notification referred to above must:
    - 1.1 Specify the date on which the Environmental Authorization was issued;
    - 1.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and
    - 1.3 Advise interested and affected parties that a copy of the Environmental Authorization and plans for the location will be furnished on request.
  2. Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating when, and for what period, the appeal submission will be available for inspection.
- Only appeals to environmental grants can be considered. An appeal should be accompanied by relevant supporting documentation.
3. Notices of intention to appeal against the decision contained in the Authorization must be addressed in writing to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as the MEC) in terms of Regulation 50(1) of the

ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NEMA EIA Regulations, 2010 and within twenty (20) days after the applicant has been notified in terms of Regulations 1 and 2 of the decision.  
The address to which the originals of any such a notice of intention to appeal must be mailed is outlined below. These may also be delivered per hand or courier.

<b>Department</b>	<b>Economic Development, Environmental Affairs &amp; Tourism</b>
<b>Attention:</b>	<b>General Manager: Environmental Affairs</b>
<b>Postal Address:</b>	<b>Private Bag X1054, BRISHO, 6005</b>
<b>Hand delivered at:</b>	<b>Beacon Hill Lionel Clove King William's Town 6601</b>
<b>General Manager: Environmental Affairs</b>	<b>0431 505 7900</b>
<b>Manager: M. S. Gqaligane</b>	<b>0431 505 7900</b>
<b>Environmental Impact Management per fax:</b>	<b>0431 505 7900</b>
<b>It is strongly recommended that separate copies of the notice of intention to appeal be submitted as follows:</b>	<b>3-man addresses will be supplied on request</b>
<b>3-man addresses will be supplied on request</b>	

In the event that an appeal is lodged with regard to this Authorization, the listed activities described in this Authorization may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever is the latter.

*[Signature]*  
**DAMIAN GOVENDER**  
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS  
CACADU REGION  
DATE: 09/09/2014

ECM/11/03/11/2-SS



PROVINCE OF THE  
EASTERN CAPE

Private Bag X5031, Grahamstown, Port  
Elizabeth, South Africa, 6057  
Phone: (041) 508 5800  
Fax: (041) 508 5885  
E-mail: [Neom.Govt@ecape.gov.za](mailto:Neom.Govt@ecape.gov.za)

ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	ECM/ENV/183/M/12-88
LAST AMENDED	Not applicable
HOLDER OF AUTHORIZATION	Wonderwings Eendomme Pty Ltd
LOCATION OF ACTIVITY	A portion of Erf 1226, Fairview, Port Elizabeth, within the Nelson Mandela Bay Metropolitan Area

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA Regulations" - These are the Environmental Impact Assessment Regulations in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

As published in Government Notice R. 548 of 15 June 2010 as corrected by Correction Notice 1 (GN No. R. 560 of 30 July 2010) and Correction Notice 2 (GN No. R. 1157 of 10 December 2010).

"The Department" - The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

"Commencement" - Any physical activity on site that can be viewed as associated with the construction of the development inclusive of initial site preparation, including the removal of alien vegetation (other than heavy machinery) in terms of other relevant legislation.

1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activities specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4 of this Environmental Authorisation.

ECM/ENV/183/M/12-88

Page 1 of 18

ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF EXECUTIVE ENVIRONMENTAL AFFAIRS

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations, 2010, the Department hereby authorises Wonderwings Eendomme Pty Ltd being the legal or natural person who has applied for this authorisation, with the following conditions:

Name	Wonderwings Eendomme Pty Ltd (The Director)		
Address	P O Box 10051, Linton Grange, Port Elizabeth, 6015		
Telephone	041 387 2954	Fax	086 602 6710
Contact	Mr Marc Crocker	Email	<a href="mailto:marc@wepco.co.za">marc@wepco.co.za</a>

To undertake the following activities hereafter referred to as "the activity", in terms of the schedule activities listed in the table below:

Detailed description of activity

The proposed development entails the establishment of a residential township and associated roads and infrastructure on a portion of Erf 1226, Fairview, Port Elizabeth. Erf 1226 is currently zoned as Residential 1, Transportation 1, Community 1 and Community 3, yet 1226 will be subdivided into two portions, namely the remainder of Erf 1226 and Portion A, the development site. Portion A will be rezoned into 5 portions, with portions 1, 2 & 3 being rezoned as Residential 3 and portions 4 being rezoned as Transportation 1, as indicated in figure 1 on page 8.

The total area of the development site, i.e. Portion A, is approximately 11,197 hectares. A total maximum of 860 residential opportunities will be developed. The following table indicates the areas of each portion, maximum density, maximum number of units and required Private Open Space areas (inclusive of the identified conditionally sensitive area in Portion 4/ Area 2B):

Portion Number	Area	Maximum density	Max. no. units	Required Private Open Space (calculated at 54m <sup>2</sup> /unit within access of six units)
1 - Res. 3	2,9682 ha	30 units/ha	85	1020 m <sup>2</sup>
2 - Res. 3	2,3940 ha	30 units/ha	76	1838 m <sup>2</sup>
3 - Res. 3	2,2689 ha	80 units/ha	181	9650 m <sup>2</sup>
4 - Res. 3	2,5373 ha	80 units/ha	205	10765 m <sup>2</sup>
5 - Transport 1	0,8627 ha	N/A	N/A	N/A

The proposed layout is shown in Figure 2 on page 4 below with the various portions labeled as Areas, with Portions A and B included as Area 2A and Area 2B respectively.

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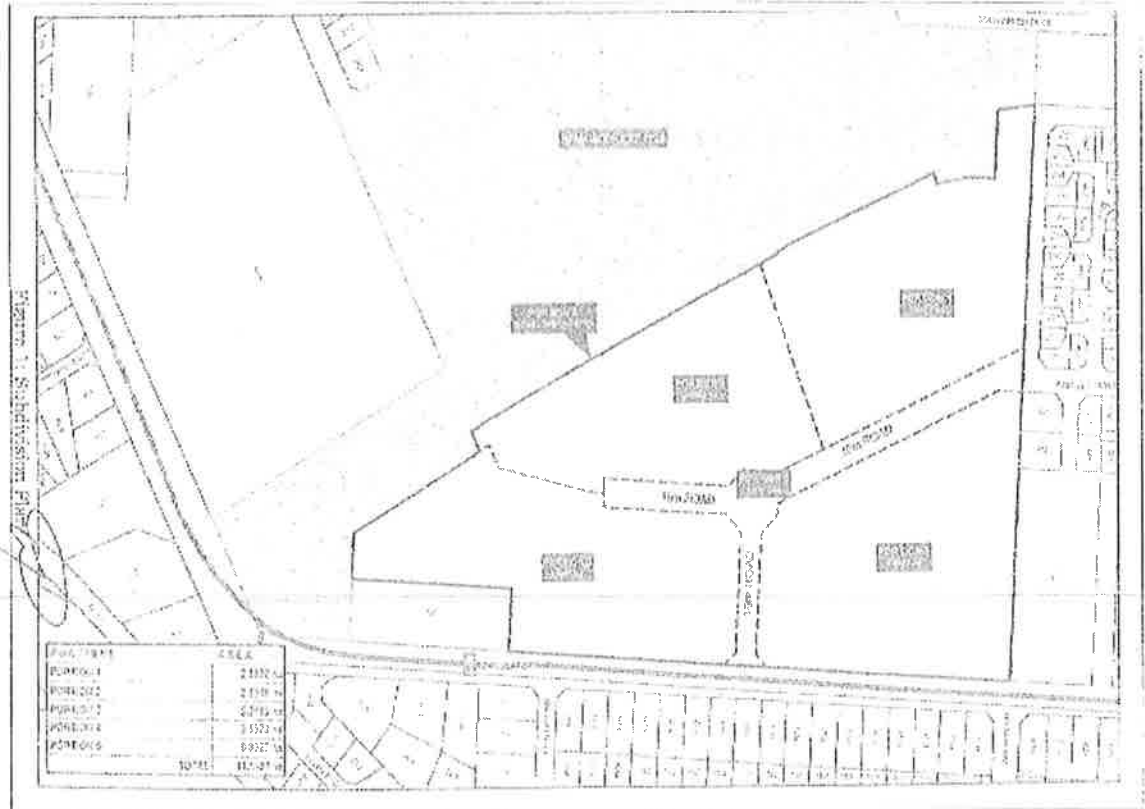


Figure 1: Subdivision plan

DOM/ENV/03/06/12/88



Figure 2: Proposed layout plan

DOM/ENV/03/06/12/88

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Areas 1 and 2 will have a mixture of 2 and 3 bedroom units with a maximum height of 2 stories. Areas 3A and 3B will have a mixture of 1, 2 and 3 bedroom units with a maximum height of 3 stories. Each Area of the development will be a gated estate with sectional title ownership and Body Corporate Management. The open spaces will be zoned as Private Open Space as there will be no access to the general public. Each gated complex will have a Gate/Guard house with access control. 1200m<sup>2</sup> are also other common use areas provided for the complexes.

**Access:**

Access to the development site will be via Church Drive at a point approximately halfway between Church Road and Play the Road. Access is also proposed from West Street Drive which will be extended into the development and will form the boundary between Areas 1 and 2 and Areas 3A and 3B. A traffic circle will be provided at the junction with the access from Church Drive.

A Traffic Impact Assessment was undertaken for the development and the recommendations for various road upgrades to be funded by the developer are included as conditions of this Environmental Authorisation.

Internal roads will be constructed to municipal standards.

**Services:**

**Stormwater**

- o Stormwater will be drained via a combination of pipes, low along roadways and through a system of detention ponds. Conditions of this Environmental Authorisation will require that storm water is stored in pre-development ponds, with storm water being attenuated on site and being released over an extended period of time.
- o Both the rain (102 year) and water (1:100) storms will be conducted in an overland/piped system which uses both the local reservoir, stormwater pipes and detention ponds as the stormwater conduit for the 100 year storm and the 1:100 year storm.

**Water**

- o Bulk water supply will be from the Hottelbank Reservoir with a 100 year level of 170 m ASL.
- o A dedicated 150 mm offtake from the pipeline in Church Drive is available to serve the development.

**Sanitaries**

- o On-site access to the existing network to accommodate the sewerage emanating from this development.
- o Bulk sewerage will drain into the Delflands Collector Sewer. Augmentation of this collector sewer has been approved and conditions of this Environmental Authorisation will require that this augmentation must be completed prior to the commencement of sale of units.

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o Internal pipe collectors will be a minimum of 150 mm and sewers will be installed in the road reserves.

**Electricity**

- o Electricity will be supplied by the NEMM1.

**Solid Waste**

- o Solid waste will be removed by the municipality and disposal of at the nearest registered waste disposal facility.

**Listed Activities in terms of the 2010 NEMTA EIA Regulations**

2.344 - 9

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water (i) with an internal diameter of 0,36 metres or more, or (ii) with a peak throughput of 120 litres per second or more, excluding (a) where such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage leading to road reserves; or (b) where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of a watercourse.

2.344 - 11

Construction of all bulk storm water outlet structures; (i) with a length exceeding 50 metres in size or (ii) infrastructure of stormwater covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

2.344 - 23

The transformation of undeveloped, wooded or duneveld land to residential, retail, commercial, recreational, industrial or institutional use, inside an urban area and where the total area to be constructed is 5 hectares or more, but less than 20 hectares.

2.346 - 4

The construction of a road wider than 4 metres with a traverse less than 10,5 metres (a) in any urban area; (b) in any urban area; (c) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation use.

2.346 - 13

The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation (a) in the Ransom Cape (b) in urban areas, the following (b) Areas designated for conservation use in Spatial Development



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4.846-16	<p>Features adopted by the competent authority or court for a conservation use.</p> <p>(d) Areas on the watercourse side of the Environment setback line or within 100 metres from the edge of a watercourse when no such setback line has been determined.</p> <p>The construction of</p> <p>(i) Ditches with a footprint exceeding 10 square metres in area or</p> <p>(ii) Infrastructure crossing 10 square metres or more</p> <p>where such construction occurs within a watercourse or within 30 metres of a watercourse, measured from the edge of watercourse, excluding where such construction will be behind the development setback line.</p> <p>(3) In the Eastern Cape</p> <p>(i) Inside urban areas, by</p> <p>(ii) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation use.</p>
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As the locality defined in the Table below, such location referred to as the property:

District	Canada
Municipal Area	Nelson Mandela Bay Municipality
Farm Name	N/A
Farm Number and Portion	N/A
Erf Number and Township	A portion of Erf 1234, Talow, Port Elizabeth
Extension of Suburb	
Co-ordinates	33°58'30.15" S, 18°52'07.00" E
Physical Address	A portion of Erf 1234, Talow, Port Elizabeth, within the Nelson Mandela Bay Municipal Area

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development, Environmental Affairs and Tourism may from time to time revoke this Environmental Authorisation and on special grounds and after written notice to the holder thereof suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

Approved 3.4.2014

3.1.1. Structures and the subsequent residential development inclusion of the associated infrastructure as depicted in Section 2 of this Environmental Authorisation must commence within a period of 24 months from the date of issue of this Authorisation. Non-compliance of the activity does not occur

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within this period, this Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.

3.1.2. Construction of all components includes of service infrastructure and top surfaces to be completed within 60 months of commencement.

3.1.3. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be observed, that in the opinion of this Department is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. Any changes to, or variations from, the project description set out in this Environmental Authorisation must be approved in writing by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has requested their interests in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected

- 3.2.10. This Environmental Authorisation must be provided to any individual applying for this Environmental Authorisation.  
This Environmental Authorisation must be provided to any individual applying for this Environmental Authorisation. It must be made available to the Department by any employee or agent of the holder of the authorisation who works or undertakes work at the site.
- 3.2.11. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephone details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department in writing within 30 days if a condition of the authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. Non-compliance with a condition of the Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.3. Conditions specific to access arrangements and bulk sewerage provision to be compiled with prior to the commencement of construction of the residential development as described in Section 2 of this Environmental Authorisation
  - 3.3.1. All road upgrades required to accommodate the extra traffic from this development, which are due in part to the current general increases in background traffic, as stated in the Traffic Impact Assessment by Engineering Advice and Services (Pty) Ltd dated October 2012, and reported in the additional information submitted by the consultants and received on 08 January 2014, must be completed prior to the transfer of any services within the development.
  - 3.3.2. The upgrading of the required intersection by the developer in the Circular Drive/John Avenue intersection, as contained in the Traffic Impact Assessment, must be completed before construction of the development begins.
  - 3.3.3. Further to Condition 3.3.1, the extension of Wessels Street Drive and the access to the development from Circular Drive, as described in Section 2 of this Environmental Authorisation, is to be completed prior to the commencement of infrastructure installation and must conform to the recommendations and drawings in the Traffic Impact Assessment.
  - 3.3.4. Transfer of any services within the development may only commence once acceptance of the *Services* Collector Sheet by the W&A is completed.

- 3.4. Conditions specific to the establishment (inclusive of layout and design) of the residential development as described in Section 2 of this Environmental Authorisation
  - 3.4.1. Fifteen days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
  - 3.4.2. A final layout plan based on the layout plan filed "Proposed Rezoning for ERF 1026, Portlouis" with Project No. P112-10 and Drawing No. SP1-09, dated February 2011, by Informa P/A Architects cc, as included in Appendix C of the additional information received on 23 October 2012, must be submitted to W&A for approval prior to the commencement of construction. Such amended layout plan to include the following:
    - 3.4.2.1. The detailed 1:100 year flooding for the watercourse north of the development.
    - 3.4.2.2. No structures or infrastructure to be located within the 1:100 year floodline.
    - 3.4.2.3. The location of all storm water detention/accumulation ponds must be indicated on the layout plan.
    - 3.4.2.4. All Open Spaces to be zoned for Open Space Zone 2 - Private Open Space and
    - 3.4.2.5. The 10 metre buffer around the environmentally sensitive area in area 2B1 to be maintained.
  - 3.4.3. Ownership of individual units to be by means of sectional title, and a Body Corporate to be implemented for each gated complex. Management of the Open Space Zone 2 areas to be implemented by a Management Committee consisting of representatives of each Body Corporate.
  - 3.4.4. A plant "search and rescue" to be conducted by a botanical specialist prior to commencement of any site preparation or construction activities for all protected species and species of special concern that may be affected by construction, as well as other indigenous plant specimens which can be relocated. Such specimens are to be housed in an on-site nursery wherever they are to be returned and appropriately transplanted, including in re-vegetation initiatives where applicable and practicable, in the private open space areas on the site. A list of all relocated specimens must be submitted to W&A for approval. Areas where removal will take place are to be clearly demarcated and the ECO is to be on site to monitor that no species are removed from the designated open space areas.
  - 3.4.5. Parties to Condition 3.4.1 are required to provide to the Department a list of protected species which need to be removed or relocated to be necessary permits to be obtained from DEDEAT by those species protected under the Game Nature and Environmental Ordinance (Ordinance 19 of 1974). The relevant permits are to be obtained from the Department of Agriculture, Forestry and Fisheries for any species protected under the National Forest Act 1998.

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3.4.6 A dedicated team is to carry out a Rural "search and rescue", which are to be restricted to a suitably protected rural area prior to the commencement of construction. Any spoils, produced in terms of the Game Reserve and Environmental Ordinance (No. 19 of 1971) which need to be removed or relocated require the necessary permits to be obtained from DDEPAT.

3.5. Conditions specific to the installation of infrastructure and construction of the development as described in Section 2 of this Environmental Authorisation

3.5.1. All open spaces of the development as contained in the amended layout plan described in Condition 3.4.2, as well as the drainage flow to the north of the development site, are to be demarcated as "No Go" areas for the duration of construction activities and must be fenced off prior to the commencement of any activity on site, specifically fencing the 10 metre buffer around the environmentally sensitive area. The fencing must however allow for the free movement of small mammals.

3.5.2. Construction must be in accordance with the amended site layout plan as described in Condition 3.4.2.

3.5.3. Construction areas are to be clearly demarcated and all construction activities are to be restricted to within this demarcated area.

3.5.4. An Environmental Control Officer (ECO) must be appointed for

3.5.4.1. Oversee all construction activities and  
3.5.4.2. Ensure compliance with the conditions set out in this Environmental Authorisation and the Construction Environmental Management Programme.

3.5.5. A comprehensive stormwater management plan is to be submitted to DDEPAT prior to the commencement of construction. This is to address the **largest storm event and retention provision**. This plan is to include the management of stormwater during construction as well as the installation of stormwater infrastructure, placement and construction of attenuation ponds, and management thereof after completion of construction.

3.5.6. All tanks/trashings are to be constructed with the following energy and water saving mechanisms:

3.5.6.1. Solar heaters or heat pumps, as well as solar panels;

3.5.6.2. Energy saving lights;

3.5.6.3. Dual flush toilets and low-flow shower heads;

3.5.6.4. Rain water harvesting tanks for each block/section of units within the complex with a minimum 10000 litre capacity for irrigation use, washing of cars, etc.

3.5.7. The Draft Construction Environmental Management Programme (CEMP) as contained in Appendix 7 of the application information received on 28 October 2013, is hereby approved. The CEMP, together with all conditions of this Environmental Authorisation, as well as the general principles of

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3.5.8. Environmental management as contained in Condition 3.5.8 below must be adhered to.

3.5.8. General principles of environmental management as applicable to construction activities must be adhered to during the installation of services and construction of the all components of the development. These principles to include, amongst others, the following:

3.5.8.1. Management of dust that may be generated during construction activities;

3.5.8.2. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent run-off of spills from coming into contact with the soil surface.

3.5.8.3. Measures to be taken to minimize soil erosion associated with construction activities;

3.5.8.4. Generators and fuel supply needed during construction must be placed on trays, which rest on green sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;

3.5.8.5. Any sub-terrain contaminated by the spillage of hydrocarbons or other pollutants is to be removed from the site and disposed of at a registered waste disposal site;

3.5.8.6. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis;

3.5.8.7. The contractor must provide adequate waste disposal and collection facilities and must ensure that these facilities are properly used and maintained;

3.5.8.8. Clear signposts as to who is responsible and accountable for what actions;

3.5.8.9. The ECO must report any non-compliance with the provisions of the CEMP and conditions of this Environmental Authorisation;

3.5.8.10. Penalties must be stipulated for any contractor that transgresses the provisions of the CEMP and conditions of this Environmental Authorisation and

3.5.8.11. A general code of conduct for any contractor that might be carrying out any work on the development site.

3.5.9. All mitigation measures as contained in Section D of the contractor's Basic Assessment Report are to be adhered to.

3.5.10. Construction work must be limited to between 07:00 and 17:00 during weekdays. No construction must take place on weekends or public holidays.

3.5.11. All alien invasive species and damaged woods, in terms of the Conservation of Agricultural Resources Act, Act 43 of 1983, are to be systematically eradicated and any of these species, (including) disturbed ground after the completion of construction are to be eradicated and destroyed prior to starting the seed formation phase.

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- 3.5.12. Any fauna or avifauna on site is to remain undisturbed as far as possible, and shall not be trapped/killed or otherwise caught by any persons.
- 3.5.13. Construction activities, stockpiling of any building material and the stacking of machinery must be accommodated within such demarcated areas and in accordance with the relevant provisions of the OEMP.
- 3.5.14. Excavated soil must be stockpiled for use during rehabilitation. Care must be taken not to mix topsoil with subsoil.
- 3.5.15. Gravel, sand and stone used during construction must be obtained from a local job source.
- 3.5.16. No blanket clearing of vegetation is to occur. Vegetation removal must be done only for the specific phase being undertaken at that time. Such removal must be carried out in a progressive manner, and all required mitigation measures be retained to prevent soil erosion.
- 3.5.17. All disturbed areas must be progressively rehabilitated with specimens that have been collected from corresponding areas.
- 3.5.18. Workoverseas Undertakings (WU) Ltd will be held liable in the event of non-compliance by any contractor associated with this activity.
- 3.5.19. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any noticeable concentration of heritage resources be discovered during the course of the development.
- 3.5.20. An environmental audit must be carried out by the DCO quarterly throughout the course of the development, as well as a final audit once construction is completed, and submitted to the Department.
- 3.5.21. Compliance/non-compliance records must be kept and shall be made available on request from the authorities.
- 3.6. Conditions specific to the on-going operation and management of the development as described in Section 2 of this Environmental Authorisation.
  - 3.6.1. An Operational Environmental Management Programme (OEMP) is to be submitted to DDT/DTAT for approval prior to the completion of the development.
  - 3.6.2. The OEMP provided for in Condition 3.5.1 must include environmental goals, and objectives, management actions, monitoring requirements and criteria for monitoring and remedial actions where authors use indicators. The OEMP is to include the following amongst others:
    - 3.6.2.1. Management of all private open space areas, inclusive of an urban regulation management plan.
    - 3.6.2.2. A comprehensive storm water management programme including special measures that may be necessary to ensure that storm water from all units within the development is managed in a manner that does not pose a risk of erosion. All storm water must be retained on site for as long as possible within the site boundaries. Erosion control measures must be implemented. All necessary measures are to be put in place to prevent erosion at the discharge points.

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- 3.6.2.3. A comprehensive Fire Management Plan (jointly).
- 3.6.2.4. A comprehensive waste management programme, inclusive of mechanisms to provide for recycling of waste.
- 3.6.2.5. Maintenance of all internal private roads.
- 3.6.2.6. The registration of all Private Open Spaces into a collective body of the Body Corporate, i.e. the Management Committee.
- 3.6.2.7. Management rules for the Body Corporate referred to in Condition 3.6.3, as well as a code of conduct incorporating general as well as environmental management rules and
- 3.6.2.8. Must bind all property owners to comply with the conditions of the Body Corporate rules and the Environmental Authorisation, and any other conditions resulting from this Environmental Authorisation.
- 3.6.2.9. A suitable qualified, dedicated person to be appointed by the Management Committee of the Body Corporate to oversee the implementation of and on-going adherence to the OEMP.
- 3.6.4. Notwithstanding the provisions of any of these conditions, all recommendations, evidence and shared conditions contained in the consultant's Basic Assessment Report must be adhered to.
- 4. Information considered in making the decision
  - 4.1. In reaching its decision, the Department took into account the following information considered in making the decision:
    - 4.1.1. The information contained in the following correspondence:
      - > Application form dated 20 November 2013 and received on 11 December 2012.
      - > The Final Basic Assessment Report compiled by CPN Integrated Environmental Management that used "Proposed Residential Development on a Portion of Erf 1234, Rolfontein, Nelson Mandela Bay Municipality" dated May 2013 and received on 28 May 2013;
      - > The Department's letter requesting further information dated 22 August 2013;
      - > The Amended Final Basic Assessment Report from CEN EM Unit dated 22 October 2013 and received on 23 October 2013;
      - > Observations made during a site visit conducted by Mr. Anthony Swirving and Ms Nicole Gardner of the Department, together with the consultation on 22 November 2013;
      - > The Department's letter requesting further information as a result of the site visit dated 22 November 2013;
      - > The consolidated response submitted from CEN EM Unit dated 18 December 2013 and received on 23 January 2014;

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- 2. The acceptance of the Attached Final Basic Assessment Report and additional information dated 07 March 2013.
  - 4.1.2. The SA Regulations of 2010 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.
5. Key factors considered in making the decision

5.1. The site was previously authorised for residential development but the Environmental Authorisation had lapsed.

5.2. The site is located within the urban edge of Port Elizabeth and is currently zoned as Residential 1, Transportation 1, Community 1 and Community 3. The site will be rezoned to allow for Residential 3 (Group Housing), Private Open Space 2, Transportation 1 for internal roads. The south-western portion of the site is earmarked for future residential development in the NRMV STRP 2009, while the remainder falls within a Critical Biodiversity Area of the Nelson Mandela Bay Municipality's (NMBM) conservation network. However, as the site has been severely degraded and a residential development has previously been authorised on the site based on the findings of an environmental impact assessment, the NMBM's Environmental Management Sub-Divisional has issued a letter of agreement for the development of the site as proposed.

5.3. The development is in accordance with the NMBM SA's objectives of its urban densification policy which supports densification and increased development along corridors, assets of public transport are in existing nodes. This reduces urban sprawl, the need to extend bulk services infrastructure to the periphery of the urban, and allows access to transport corridors. The average density of the development in Areas 1 and 2 is 30 units/hectare, and in Areas 3A and 3B is 80 units/home, which is in line with the draft Walker LSPD which allows a maximum density of 20 - 40 dwelling units/hectare.

5.4. Furthermore, other developments in the area have been approved at higher densities, thus the character of the area with its mostly single residential, one-storey houses, is in the process of changing to a higher density area with other 2 - and 3-storey buildings along the Cleverly Drive corridor. Visual impact is reduced as the higher density area are set back from Cleverly Drive. A reduction in the impact of loss of privacy for residences on the eastern boundary of the development is provided by an open space buffer area.

5.5. Services are available for the development and Condition 3.3.3 will ensure that the Directorate's Collector Sewer augmentation is completed prior to the transfer of any bulk/overhead traffic impacts will also be minimised as much as possible, as contained in Conditions 3.3.4 to 3.3.6.

5.6. A specialist vegetation assessment report contained in Appendix D 2 of the conditions of information received on 23 October 2013, showed that the majority of the site has been degraded and invaded by alien vegetation. The impact of development in terms of biodiversity loss will be low. An area of

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the site has retained some of the grassy 3000s species and has been described as the ecologically sensitive area referred to in Condition 3.3.2.4 and a 0 metre buffer will be retained around the area. The drainage due to the nature of the development is designated as a Critical Ecological Process area. Conditions of this Environmental Authorisation require that a 1:100 year floodline is determined and that no development is to encroach on this. All Open Space areas will be rehabilitated with species of special concern and protected species which have been recorded in terms of Condition 3.3.9. An Operational Environmental Programme will be implemented which also provides for alien vegetation management, fire management and stormwater management.

5.7. All storm water will be managed on site and will be released over a long period of time, in order to minimise potential negative impacts of increased storm water flow into the drainage line, as contained in Condition 3.3.2.2 of this Authorisation.

5.8. Public participation yielded comments which included some concerns regarding the development. These issues have been addressed in the Final Basic Assessment Report and subsequent information submitted to the Department.

5.9. The development will have a positive effect in terms of job opportunity created in the construction phase.

5.10. The Department is of the opinion that, after implementation of the conditions of this Environmental Authorisation and all mitigation measures described in the Environmental Impact Assessment Report, the residual impacts and risks to the environment are acceptable.

5.11. The conditions set in this Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed or managed effectively.

5.12. In conclusion, it is believed that project implementation will not result in unacceptable environmental impacts.

5.13. In general, the environmental process followed is found to be satisfactory. It is the opinion of the Department that the information as found is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management and down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially damaging environmental impacts resulting from the proposed activities can be managed to acceptable levels.

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9. Appeal of authorisation

6.1. In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are referred to notify all registered interested and affected parties in writing and within 12 (twelve) calendar days of the date of this letter, of the Department's decision in respect of your application.

6.2. The written notification referred to in Condition 6.1 above must -

6.2.1. Specify the date on which the authorisation was issued;

6.2.1.1. Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and

6.2.1.2. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.


6.3. Notice of intention to appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 6(1) of the NEMA EIA Regulations, 2010 and within 20 (twenty) days after the applicant has been notified in terms of Conditions 6.1 and 6.2, of the decision.

6.4. The address to which the originals of any such a Notice of intention to appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager Environmental Affairs
Postal Address	Private Bag X0054, BRISBANE, 2605
By Email	EGAD@ecdt.gov.za
In order to facilitate efficient administration of appeals, copies of the Notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
General Manager, Mr Albert Mphahlele: Environmental Affairs	011 51 505 7300
Manager Environmental Affairs	043 505 7060
Mr S. (Squangile) per fax:	
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	

ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM  
 DEPARTMENTAL ENVIRONMENTAL AFFAIRS

In the event that an appeal is lodged with regard to this Authorisation, the listed parties concerned in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever occurs the latter.

  
 NICOLIBE GERBER  
 ENVIRONMENTAL OFFICER: EIM  
 CACADU REGION  
 DATE: 07/04/2014

  
 DAVALAN GOVENDER  
 DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS  
 CACADU REGION  
 DATE: 07/04/2014





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REGISTRATION & COMMENT SHEET

**BASIC ASSESSMENT PROCESS FOR THE PROPOSED WALMER 132 kV POWERLINE, PORT ELIZABETH**

Attention: **Wanda Marais**

Fax No: 041—509 4850

Email: wmarais@srk.co.za

I wish to register as an Interested and Affected party and/or bring to the attention of SRK Consulting the following comments.

**Contact Information:**

Title: <u>MRS</u>	Name: <u>NONTUTHUZELO RITA JALI</u>
Organisation: <u>N/A</u>	Nature of Interest*: <u>Environmental &amp; Social</u>
Postal Address: <u>22 LION CACHET CRESCENT</u>	Telephone Number: <u>074 425 2926</u>
<u>OVERBAAKENS</u>	Facsimile Number**: <u>086 224 7502</u>
<u>PORT ELIZABETH</u>	Mobile Number: <u>074 425 2926</u>
<u>6070</u>	Email***: <u>ngcagichibi@gmail.com</u>

\*The NEMA EIA Regulations, 2014, require that an IAP discloses any direct business, financial, personal or other interest in the approval or refusal of the application.  
 \*\*Preferred method of communication. The absence of email / facsimile facilities may result in a delay in receipt of IAP notifications. Please write clearly.

**Comments (please use additional sheets of paper if required):**

At this stage I do not know whether I will be affected by this powerline but I do know, point K the start of the underground work is not far from my property actually it is almost at my <sup>own</sup> backyard, if I read the map properly. Environmentally this will have an impact, people are walking through as it is a short cut to the shops, there are also guinea fowls in the area which will be affected by the bush clearing.

Be aware this area people treat it as a dumping site.

Signed: Rai

Date: 2016/02/08





REGISTRATION & COMMENT SHEET

**BASIC ASSESSMENT PROCESS FOR THE PROPOSED WALMER 132 KV POWERLINE, PORT ELIZABETH**

Attention: **Wanda Marais**

Fax No: 041—509 4850

Email: [wmarais@srk.co.za](mailto:wmarais@srk.co.za)

I wish to register as an Interested and Affected party and/or bring to the attention of SRK Consulting the following comments.

<b>Contact Information:</b>	
Title:	Name: <b>JOUBERT GALPIN SEARLE INC</b>
Organisation: <b>STYLESTAR PROPERTIES 191 (PTY) LTD KIRLAND INVESTMENTS (PTY) LTD</b>	Nature of Interest*: <b>ATTORNEYS TO STYLESTAR &amp; KIRLAND</b>
Postal Address: <b>P.O. Box 54, PORT ELIZABETH 6000</b>	Telephone Number: <b>041-3969234</b>
	Facsimile Number**: <b>041-3733588</b>
	Mobile Number: <b>078 4567859 (WARREN PARKER)</b>
	Email**: <b>wp@jgs.co.za</b>

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\*\*Preferred method of communication. The absence of email / facsimile facilities may result in a delay in receipt of IAP notifications. Please write clearly.

**Comments (please use additional sheets of paper if required):**

**IN DUE COURSE . PLEASE SEND TO US ALL INFORMATION  
RELATIVE TO THE PROJECT TO ENABLE US TO PREPARE  
COMMENTS .**

Signed: 

Date: 01/02/2016

**WARREN PARKER OF  
JOUBERT GALPIN SEARLE INC** thank you for your participation  
**O.B.O STYLESTAR & KIRLAND**



Joubert Galpin Searle

Advokates en Oorlogadvokates, N.O.

Port Elizabeth

WANDA MARAIS  
SRK Consulting (South Africa) (Pty) Ltd  
e-mail: [wmarais@srk.co.za](mailto:wmarais@srk.co.za)

**Our Ref:** W PARKER/nm/KIR2/0022

**Your Ref:**

01 February 2016

Dear Madam

**PROPOSED WALMER 17<sup>TH</sup> AVENUE 132/11 KV SUBSTATION DEVELOPMENT, PORT ELIZABETH**

1. We represent Stylestar Properties 191 (Pty) Ltd and Kirland Investments (Pty) Ltd.
2. Stylestar Properties 191 (Pty) Ltd is the registered owner of Erf 4033 (Portion of Erf 1226, Fairview).
3. Kirland Investments (Pty) Ltd, has been granted a Private Hospital License to develop a Private Hospital upon Erf 4033 (Portion of Erf 1226, Fairview).
4. The proposed powerline dissects Erf 4033 (Portion of Erf 1226, Fairview), and is accordingly, highly prejudicial to our client's proposed development of a Private Hospital facility on such property.
5. We attach a duly completed registration sheet reflecting our representation of Stylestar Properties 191 (Pty) Ltd and Kirland Investments (Pty) Ltd.
6. Please would you provide us with all information relative to the proposed development so that we may submit detailed comments in relation to the proposed development.
7. We look forward to hearing from you as a matter of urgency.

Yours faithfully

**JOUBERT GALPIN SEARLE**

**WARREN PARKER**

For terms and conditions of service see [www.jgs.co.za/terms](http://www.jgs.co.za/terms)

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Grahamstown	PO Box 50 Grahamstown, 6140	22 Somerset Street, Grahamstown, 6139, South Africa	DOCEX 20 Grahamstown	t +27 46 622 2692 f +27 86 206 5517	grahamstown@jgs.co.za

Joubert Galpin & Searle Inc, Reg No 1990/000957/21

**Directors**

MC Botha (Managing), Rowan Willcock, Hennie van Eck, Warren Parker, Salma Munshi, Leon van Staden, Dubennette Moolman

**Senior Associates**

Innis Du Preez, Justin Malherbe, Owen Huxtable, Nalasha Boshoff

**Associates**

Chris Walton, Lee-Anne Groener, Shakira Ahmed

**Candidate Attorneys**

Daschia Pather, Shayne De Beer, Ashleigh Dyke, Stuart Hodgkinson, Anda Makrwele, Lauren Cunningham

**Consultant**

Mike Searle



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REGISTRATION & COMMENT SHEET

BASIC ASSESSMENT PROCESS FOR THE PROPOSED WALMER 132 KV POWERLINE, PORT ELIZABETH

Attention: Wanda Marais

Fax No: 041—509 4850

Email: wmarais@srk.co.za

I wish to register as an Interested and Affected party and/or bring to the attention of SRK Consulting the following comments.

Contact Information:

Title: MR.	Name: EUGENE VAN WYNGAARDT
Organisation:	Nature of Interest*: RESIDENT
Postal Address: 295 MACON RD LORRAINE.	Telephone Number:
	Facsimile Number**:
	Mobile Number: 0842234789
	Email**: vanwynq@uwsa.co.za

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 \*\*Preferred method of communication. The absence of email / facsimile facilities may result in a delay in receipt of IAP notifications. Please write clearly.

Comments (please use additional sheets of paper if required):

SECTION A TO B SHOULD NOT REQUIRE TO BE OVERHEAD AS AN UNDERGROUND PIPE (CONDUIT) ~~WAS~~ EXISTS!

ALL THE RESIDENTS OF MACON ROAD OBJECT TO AN OVERHEAD LINE IN FRONT OF OUR HOUSES.

THE OPEN SPACE IS UTILIZED BY THE PUBLIC FOR VARIOUS RECREATIONAL ACTIVITIES, PHOTOGRAPHY, KITE FLYING, HORSE RIDING ETC. OVERHEAD POWERLINES AND STEEL TOWER STRUCTURES WILL RUIN THIS!

Signed:

Date: 28/01/2016

Thank you for your participation



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**REGISTRATION & COMMENT SHEET**  
**BASIC ASSESSMENT PROCESS FOR THE PROPOSED WALMER 132 KV POWERLINE, PORT ELIZABETH**

Attention: **Wanda Marais**

Fax No: 041—509 4850

Email: [wmarais@srk.co.za](mailto:wmarais@srk.co.za)

I wish to register as an Interested and Affected party and/or bring to the attention of SRK Consulting the following comments.

**Contact Information:**

Title: <b>MR .</b>	Name: <b>Renaud Vanderlinden</b>
Organisation: <b>Private.</b>	Nature of Interest*: <b>House owner .</b>
Postal Address: <b>1 Clermont Street</b>	Telephone Number:
<b>Lorraine Manor.</b>	Facsimile Number**:
<b>6001.</b>	Mobile Number: <b>083 458 7286</b>
	Email**: <b>Renaud@webmail.co.za .</b>

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 \*\*Preferred method of communication. The absence of email / facsimile facilities may result in a delay in receipt of IAP notifications. Please write clearly.

**Comments (please use additional sheets of paper if required):**

The proposed power lines will devalue my house  
 and as such I am against the project. If the  
 lines are built on the other side of the railway  
 line. Towards Lorraine, not Lorraine Manor and  
 Lavemore Heights then I am ok with the project.

Signed:

Date: 26.01.16.

Thank you for your participation

## Marais, Wanda

---

**From:** Claire Threadingham <ClaireT@L2B.co.za>  
**Sent:** 25 January 2016 09:43 AM  
**To:** Marais, Wanda  
**Subject:** 132kv Powerline, Walmer, PE

Good morning Wanda,

I hope you are well and had a lovely holiday.

I am emailing in connection to the above mentioned notice of BA I came across.

Please can I register as an I&AP and also please request a copy of the background information document for this proposed development.

Looking forward to hearing from you.

Kindest regards

Claire Threadingham  
Regional Content Researcher  
Private Projects

Leads 2 Business ([www.L2B.co.za](http://www.L2B.co.za))

Tel: 0860 836337  
0860 TENDER  
Fax: 033 3435882

'Affiliates of CESA and ASAQS'

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