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## **3 ENVIRONMENTAL IMPACT ASSESSMENT PROCESS**

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### **3.1 Study Approach and Progress to Date**

The EIA Process being followed for this project complies with the new EIA Regulations-R.385, R. 386 and R. 387 as amended and administered by the DEAT and promulgated in April 2006 in terms of the Section 24 (5) of the National Environmental Management Act (NEMA) (Act 107 of 1998). The technical and public participation process undertaken for this EIA is summarised below and schematically represented in Figure 3.

#### **3.1.1 Pre-Application Consultation**

On notification and receipt of the appointment letter from Eskom, a project inception meeting was held on 13 November 2007 between Eskom and Zitholele Consulting Project Team. During this project kick-off meeting the following was discussed:

- Project Scope and Requirements;
- Project Schedule;
- Identification of key stakeholders and role players; and
- Analyse the preliminary loop in and loop out route alignments.

A pre-application consultation with Mr. Wayne Hector of the DEAT was held on 21 April 2008. During this meeting the proposed project was presented to the authorising authority and the project-specific requirements for environmental authorisation were discussed and finalised.

#### **3.1.2 Submission of an Application for Authorisation**

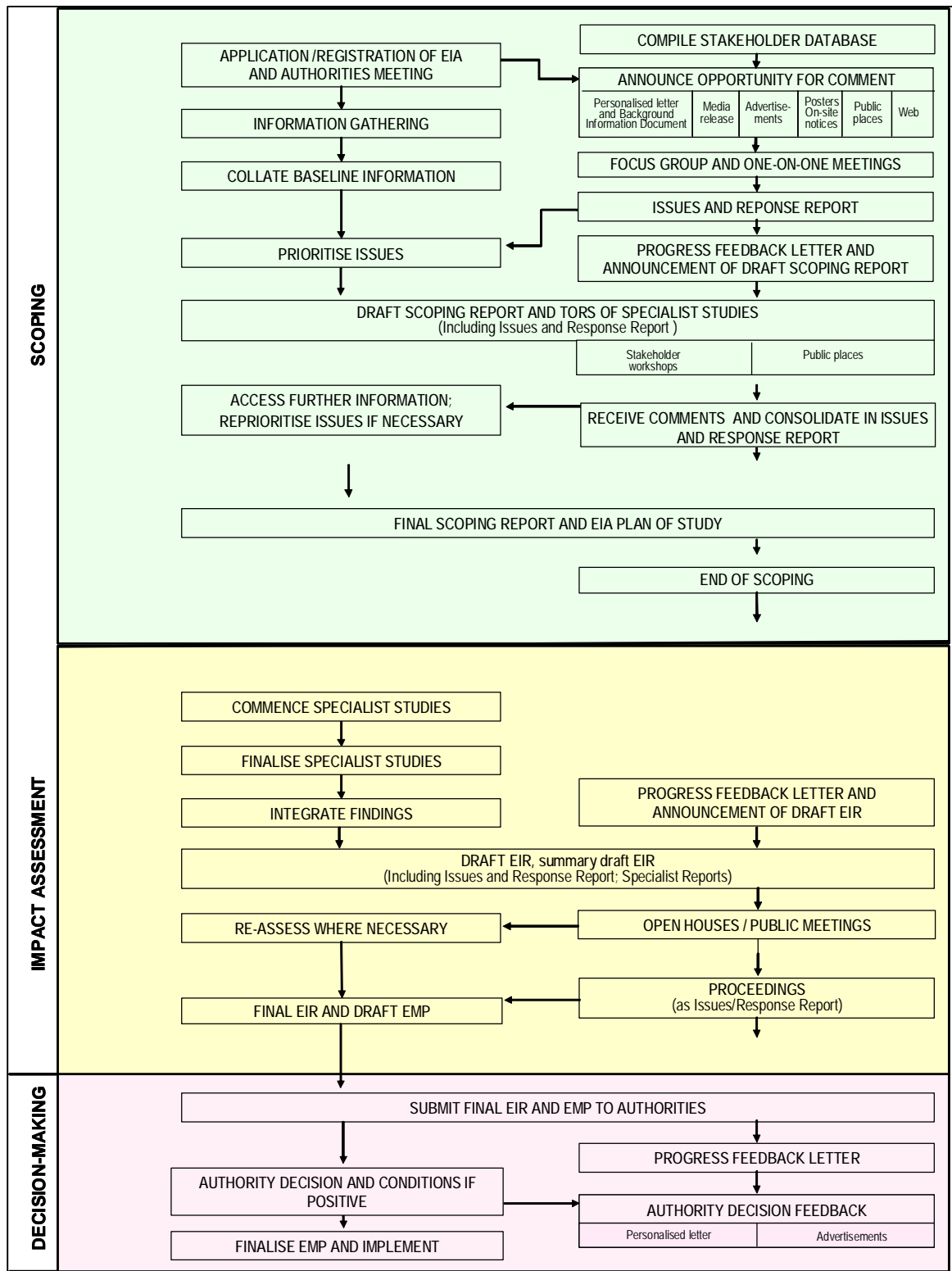
The EIA application form (Appendix AB) for the proposed project was submitted to the DEAT on 7 January 2008. The potentially affected landowners are attached as Appendix C to this report.

#### **3.1.3 Site Visit**

A site visit was conducted by Mr Johan Hayes and Mr Andre Joubert from Zitholele Consulting on 24 April 2008. The objective of this site visit was to familiarise the project team with the area.

#### **3.1.4 Draft Scoping Report and Terms of Reference for Specialist Studies**

The Draft Scoping Report (DSR) was prepared on the basis of information and issues identified during the Scoping Phase of this EIA. The Terms of Reference (ToR) for the envisaged specialist studies during the Environmental Impact Assessment Phase and a Plan of Study for EIA were compiled. The DSR was later updated based on public review and comments obtained from the I&APs. After the public review period, the Final Scoping Report was submitted to the DEAT for approval to commence the Environmental Impact Phase. The Final Scoping Report was approved by DEAT on 1 October 2008.



**FIGURE 3: TECHNICAL AND PUBLIC PARTICIPATION PROCESS AND ACTIVITIES THAT COMPRISE THE ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED CONSTRUCTION OF A 400 KV BY-PASS LINE FROM DUVHA POWER STATION.**

### **3.1.5 Public Participation Process**

Public participation is an essential and legislative requirement for environmental authorisation. The principles that demand communication with society at large are best embodied in the principles of the National Environmental Management Act (Act 107 of 1998, Chapter 1), South Africa's overarching environmental law. In addition, Section 24 (5), Regulation 56 of GN R385 under the National Environmental Management Act, guides the public participation process that is required for an Environmental Impact Assessment (EIA).

The public participation process for the proposed loop-in and loop-out overhead power lines has been designed to satisfy the requirements laid down in the above legislation and guidelines. Figure 3 provides an overview of the EIA technical and public participation processes, and illustrates how issues and concerns raised by the public are used to inform the technical investigations of the EIA at various milestones during the process. This section of the report highlights the key elements of the public participation process followed.

#### Objectives of Public Participation in an EIA

The objectives of public participation in an EIA are to provide sufficient and accessible information to I&APs in an objective manner to assist them to:

##### **During Scoping:**

- Identify issues of concern, and provide suggestions for enhanced benefits and alternatives.
- Contribute local knowledge and experience.
- Verify that their issues have been considered.

##### **During Impact Assessment:**

- Verify that their issues have been considered either by the EIA Specialist Studies, or elsewhere.
- Comment on the findings of the EIA, including the measures that have been proposed to enhance positive impacts and reduce or avoid negative ones.

#### Identification of interested and affected parties

The identification of stakeholders is an ongoing process, refined throughout the process as on-the-ground understanding of affected stakeholders improves through interaction with various stakeholders in the area. The identification of key stakeholders and community representatives (land owners and occupiers) for this project is important and was done in collaboration with the local municipalities and other organisations in the study area.

Stakeholders' details are captured on Maximiser 9, an electronic database management software programme that automatically categorises every mail to stakeholders, thus providing an ongoing record of communications - an important requirement by the authorities for public participation. In

addition, comments and contributions received from stakeholders are recorded, linking each comment to the name of the person who made it.

According to the new EIA Regulations under Section 24(5) of NEMA, a register of I&APs must be kept by the public participation practitioner. Such a register has been compiled and is being kept updated with the details of involved I&APs throughout the process (Appendix F).

#### Announcement of opportunity to become involved

The opportunity to participate in the EIA was announced in April 2008 as follows:

- Distribution of a letter of invitation to become involved, addressed to individuals and organisations by name, accompanied by a Background Information Document containing details of the proposed project, including maps of the project area and the alternative routes, and a registration sheet (Appendix G);
- Advertisements were placed in the following newspapers (Appendix I):

**TABLE 2: ADVERTISEMENTS PLACED DURING THE ANNOUNCEMENT PHASE.**

<b>NEWSPAPER</b>	<b>DATE</b>
City Press	27 April 2008
Pretoria News	22 April 2008
Beeld	23 April 2008
The Star	24 April 2008
Citizen	25 April 2008
Pretoria Record Central	25 April 2008
Tshwane Sun West	30 April 2008
Tembisan	25 April 2008
Middelburg Herald	25 April 2008
Witbank News	25 April 2008
Springs Advertiser	23 April 2008
Streeknuus	23 April 2008
Ekasi News	25 April 2008
Ridge Times	25 April 2008
The Echo	25 April 2008

- Notice boards were placed at prominent localities at each alternative route during May and June 2008 at conspicuous places at various public places and on route (Appendix H). Site notices were placed prominently to invite stakeholder participation.

### **3.1.6 Draft Scoping Report**

The purpose of the DSR was to enable I&APs to verify that their contributions have been captured, understood and correctly interpreted, and to raise further issues. At the end of Scoping, the issues identified by the I&APs and by the environmental technical specialists, were used to define the Terms of Reference for the Specialist Studies that were conducted during this Impact Assessment Phase of

the EIA. A period of four weeks was available for public review of the DSR (from Monday 21 July to Thursday, 21 August 2008).

In addition to media advertisements and site notices that announced the opportunity to participate in the EIA, the opportunity for public review was announced as follows:

- In the Background Information Document (April 2008).
- In advertisements published (see table above and Appendix I) to advertise the public review period;
- In a letter sent out on 7 July 2008, and addressed personally to all individuals and organisations on the stakeholder database.

The Draft Scoping Report, including the Issues and Response Report Version 1, was distributed for comment as follows:

- Left in public places in the project area. The public places where documents were available are listed in the table below:
- Mailed to key stakeholders.
- Mailed to I&APs who requested the report.
- Copies were made available at the public meetings (see table 3 below) where stakeholders had the opportunity to comment on the Scoping Report.

**TABLE 3: LIST OF STAKEHOLDER MEETINGS THAT WERE ADVERTISED AND HELD AS PART OF THE PUBLIC REVIEW PERIOD OF THE DRAFT SCOPING REPORT.**

DATE	VENUE
Monday, 28 July 2008 at 18:00	Midrand
Tuesday, 29 July 2008 at 18:00	Bronkhorstspuit
Wednesday, 30 July 2008 at 18:00	Kendal
Thursday, 31 July 2008 at 18:00	Leandra

The minutes of the public meetings are attached as Appendix L.

I&APs could comment on the report in various ways, such as completing the comment sheet accompanying the report, and submitting individual comments in writing or by email.

**TABLE 4: LIST OF PUBLIC PLACES WHERE THE DRAFT SCOPING REPORT WAS AVAILABLE**

PLACE	CONTACT PERSON	TELEPHONE
Blue Valley Golf and Country Estate, HALFWAY HOUSE	Bothma, Lise	(011) 512 0538
City of Johannesburg: Human Development, HALFWAY HOUSE	Kubheka, Kaiser	(011) 203 3419
Delmas Public Library, DELMAS	Mehlape, Lydia	(013) 665 2425
Kungwini Public Library, BRONKHORSTSPRUIT	Smith, Brenda	(013) 665 2425
Leandra Public Library, LEANDRA	Potgieter, A M	(017) 683 0055

Lebogang Public Library, LESLIE	Mosako, Rosina	(017) 683 3000
Midfield Homeowners Association, MIDSTREAM ESTATES	Du Preez, Tarynlee	(012) 661 0456
Midlands Homeowners Association, MIDSTREAM ESTATES	De Wet, Lizette	087 805 3610
Midstream Homeowners Association, MIDSTREAM ESTATES	van der Westhuizen, Durette	(012) 661 0915
Olievenhoutbosch Library, OLIVENHOUTBOSCH	Nkonki, Bongsi	(012) 652 1001
Phola Public Library, OGIES	Mabena, Agnes	(013) 645 0094
Secunda Public Library, SECUNDA	Griesel, Tertia	(017) 620 6183

### 3.1.7 Final Scoping Report

The Final Scoping Report was updated with additional issues raised by I&APs and contained new information that was generated as a result of this process. The FSR was distributed to the Authorities (DEAT) and key I&APs, and to those individuals who specifically requested a copy. I&APs were notified of the availability of the report. Approval of the FSR was received from the DEAT on 1 October 2008.

### 3.1.8 Public participation during the Impact Assessment

The purpose of the public participation process during the Impact Assessment Phase is to ensure that the Draft Environmental Impact Assessment Report is made available to the public for comments. I&APs are requested to comment on the findings of the EIA, including the measures that have been proposed to enhance positive impacts and reduce or avoid negative ones. Once the review is completed, the authority may decide to request additional information on matters that may not be clear from the report, authorise the application with certain conditions to be complied with by the applicant or reject the application. An Environmental Authorisation reflecting the decision of the authority as well as any conditions that may apply will be issued to the applicant.

Public participation during the impact assessment phase of the EIA mainly involves a review of the findings of the EIA, presented in the Draft Environmental Impact Report and the volume of Specialist Studies.

I&APs were advised of the availability of the above mentioned reports, how to obtain them, and the dates and venues of public review where the reports were made available for review.

## 3.2 Draft Environmental Impact Assessment Report and Environmental Management Plan

Findings of the environmental investigations were integrated by the environmental consultants and captured in a Draft Environmental Impact Assessment Report. The report included the Issues/Response Report (Version 2), which listed every issue raised with an indication of where the issue was dealt with in the technical evaluations, and the relevant findings. It also included a full description of the EIA process, including the necessary appendices.

### 3.3 Announcement of opportunity to comment on findings

The availability of the Draft Environmental Impact Assessment Report and Environmental Management Plan as well as the comment period and the deadline for comment, was announced by the following methods:

- Personalised letters to all individuals and organisations on the mailing list (see notification as part of Appendix J)
- Posters at the public places to announce the opportunity to comment (Table 4 – the same public places were used throughout the project to ensure consistency)
- Paid advertisements in the local and regional media (See Appendix I)

**TABLE 5: ADVERTISEMENTS AND ANNOUNCEMENTS TO ANNOUNCE THE AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND THE OPPORTUNITY TO COMMENT ON THE FINDINGS OF THE EIA**

NEWSPAPER	DATE
City Press	25 February 2009
Pretoria News	25 February 2009
Beeld	25 February 2009
The Star	25 February 2009
Citizen	25 February 2009
Pretoria Record Central	25 February 2009
Tshwane Sun West	25 February 2009
Tembisan	25 February 2009
Middelburg Herald	25 February 2009
Witbank News	25 February 2009
Springs Advertiser	25 February 2009
Streeknuus	25 February 2009
Ekasi News	25 February 2009
Ridge Times	25 February 2009
The Echo	25 February 2009

### 3.4 Distribution

The full Draft Environmental Impact Assessment Report and Environmental Management Plan, Issues and Response Report and the volume of Specialist Studies, were left in public places (see Table 4 – same as the public places used for the Draft Scoping Report) in the study areas where the broader public had access to it, and was on display at meetings with stakeholders. The Draft Environmental Impact Assessment Report and Environmental Management plans were on public review from 23 March 2009 to 30 April 2009.

In special cases, such as the decision-making and commenting authorities, the full sets of reports were distributed. The Draft Environmental Impact Assessment Report and individual Specialist Studies were, however, distributed to stakeholders that specifically requested them.

### 3.5 Methods of public review and obtaining comments

Public review of the Draft Environmental Impact Assessment Report and Environmental Management Plan was done by the following methods:

- Written comment, including email – a comment sheet asking I&APs to respond to particular questions accompanied the report; while further written submissions are encouraged
- Verbal comment during public meetings
- One-on-one discussions with the EIA team members subsequent to the public meetings.

I&APs were asked to keep the following in mind when reviewing the findings of the EIA:

- Verify that the issue(s) they have raised during the Scoping Phase have been considered in the report
- If the issue (s) was/ were not specifically considered in the report, verify that an indication has been provided of where and when it/ they will be addressed
- Indicate which of the findings they agree with, and which not
- For those of the findings that they do not agree with, they have been asked to provide reasons and supporting information, or at least the sources where such information can be obtained. They were also welcome not to agree because of personal preference.

#### 3.5.1 Public meetings

Five public meetings (Table 6) were convened to assist stakeholders to comment on the findings of the investigations. The details of the meetings are as follows:

**TABLE 6: PUBLIC MEETINGS TO COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT**

DATE	VENUE
Monday, 23 March 2009 at 13:00	Library Hall, Diepsloot
Tuesday, 24 March 2009 at 18:00	Public Hall, Olievenhoutsbosch
Wednesday, 25 March 2009 at 18:00	Kaiamanzi, Bronkhorstspuit
Thursday, 26 March 2009 at 18:00	Graceland Casino, Secunda
Tuesday, 31 March 2009 at 18:00	Blue Valley Estate, Midrand

### 3.6 Issues and Response Report and acknowledgements

Issues raised thus far, are captured in an Issues and Response Report Version 3, appended to this Final Environmental Impact Report (Appendix K). The Final EIR was updated to include any additional I&AP contributions that were received as the EIA process proceeds. Issues and comments raised during the public review period of the Final Scoping Report were added to the report as Version 3 of the Issues and Response Report.



The contributions made by I&APs are acknowledged in writing.

### **3.6.1 Environmental Impact Assessment**

The EIA culminates in the compilation of this Environmental Impact Report (EIR). The EIR contains an evaluation of feasible alternatives including a comparative assessment of the environmental impacts associated with these alternatives, determination of the significance of identified impacts, as well as proposed mitigation measures to reduce, avoid or prevent the negative impacts and enhance the positive aspects of the activity. This report also contains a summary of specialist investigations undertaken as well as an interpretation of the relevance of the results to the study.

Like the Scoping Report, the EIR has been made available for public review. Stakeholders had an opportunity to comment on the findings of any specialist studies completed and to review the evaluation of impacts and determination of significance. Once this final EIR (including all stakeholder feedback) is submitted to the Regulator, the EIR will be assessed to determine if the impact assessment is adequate for decision-making, whether all the key issues raised during scoping have been investigated and whether the procedures followed comply with the EIA Regulations. The Regulator may either request additional information or clarification, or proceed with decision-making based on the contents of the EIR. The application to undertake the proposed activity could either be authorised with or without conditions, or the application could be rejected. An Environmental Authorisation reflecting the decision of the authority, as well as any conditions that may apply, will then be issued to the Applicant.

### **3.6.2 Notice of Environmental Authorisation**

Within 7 days of the Environmental Authorisation receipt, all stakeholders registered on the database will be notified of the outcome of the authority decision-making process. Stakeholders will also be informed of their rights to appeal.

### **3.6.3 Appeal**

An appeal on the Environmental Authorisation can be lodged with the National Minister of Environmental Affairs by either the Proponent or a stakeholder within 30 days following issue of the Environmental Authorisation. The appeal should describe the grounds for appeal and must be substantiated with evidence.