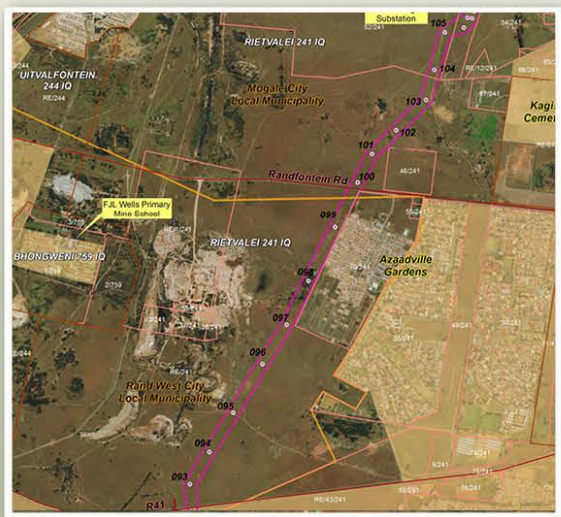




GA Environment



## ESKOM AZAADVILLE 4KM 400kV DEVIATION POWERLINE – NOTIFICATION LETTER

BASIC ASSESSMENT AND WATER USE AUTHORISATION PROCESS FOR THE ESKOM AZAADVILLE 4KM 400kV DEVIATION POWERLINE, ESKOM WESTRAND STRENGTHENING PHASE I, MOGALE CITY AND RAND WEST CITY LOCAL MUNICIPALITY, GAUTENG PROVINCE



SEPTEMBER 2021

Environmental best practice, safety and sustainability

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22 September 2021

Dear Interested and Affected Party

NOTIFICATION OF A BASIC ASSESSMENT PROCESS FOR THE CONSTRUCTION OF A 4KM DEVIATION LINE FROM THE EXISTING AND AUTHORISED HERA - WESTGATE 400KV TRANSMISSION POWERLINE, MOGALE CITY AND RAND WEST CITY LOCAL MUNICIPALITY, GAUTENG PROVINCE

Notice is hereby given in terms of Chapter 5 of the National Environmental Management Act (NEMA) (Act No. 107 of 1998) and Chapter 6 of the Environmental Impact Assessment Regulations (EIA), 2014 (as amended), that Eskom Holdings SoC Ltd is proposing to construct a 4km deviation line from the existing and authorised Hera - Westgate 400kV transmission powerline. This Notice is also in terms of Section 41(4) of the National Water Act No 36 of 1998, read with Regulations 17 to 19, regarding procedural requirements for Water Use Licence Applications and Appeals in GNR 267, published in Government Gazette 40713 of 24 March 2017.

The intention of the proposed project is to improve the transmission network supply in the West of Johannesburg and cater for existing and proposed new developments in the area. In line with the NEMA EIA regulations, Eskom Holdings SoC Ltd has appointed GA Environment (Pty) Ltd as the Independent Environmental Assessment Practitioners to undertake the Basic Assessment (BA) and Water Use Authorization (WUA) Process for the proposed project.

This Notification Letter serves to provide background information on the project as well as information on how one can register as an Interested and Affected Party (I&AP) in order to be kept abreast of all developments on the project. Section 12(1) of Protection of Personal Information Act (POPIA) provides that personal information must be collected directly from the data subject and strictly used for the purposes of the Basic Assessment Process which complies with an obligation imposed by law (NEMA) on the applicant.

Yours Sincerely



Nyaladzi Nleya  
Senior Environmental Assessment Practitioner

**1. Background to the project**

Eskom Holdings SOC Ltd, (hereafter Eskom) intends to construct a 4km 400kV deviation route from the existing and authorised Hera - Westgate 400kV transmission powerline. The proposed deviation line is located across Ward 3 and 6 of Mogale City and Ward 8 of Rand West City Local Municipality. The proposed deviation line will affect the Remainder of Portions 0, 52, 53, 70 of the Farm Rietvalei 241 IQ and Erf 210,213 and 214 Azaadville Gardens. Land negotiations and acquisition of affected property for this deviation are currently underway. The deviation line starts at the existing Westgate substation with approximate starting point coordinates of 26°08'58.43"S; 27°45'17.40"E and turns to the South Westerly direction for 4km to end coordinates of 26°11' 05.37"S; 27°44'08.58"E. The locality map showing the location of the section where the amendment is proposed is presented in **Figure 1**.

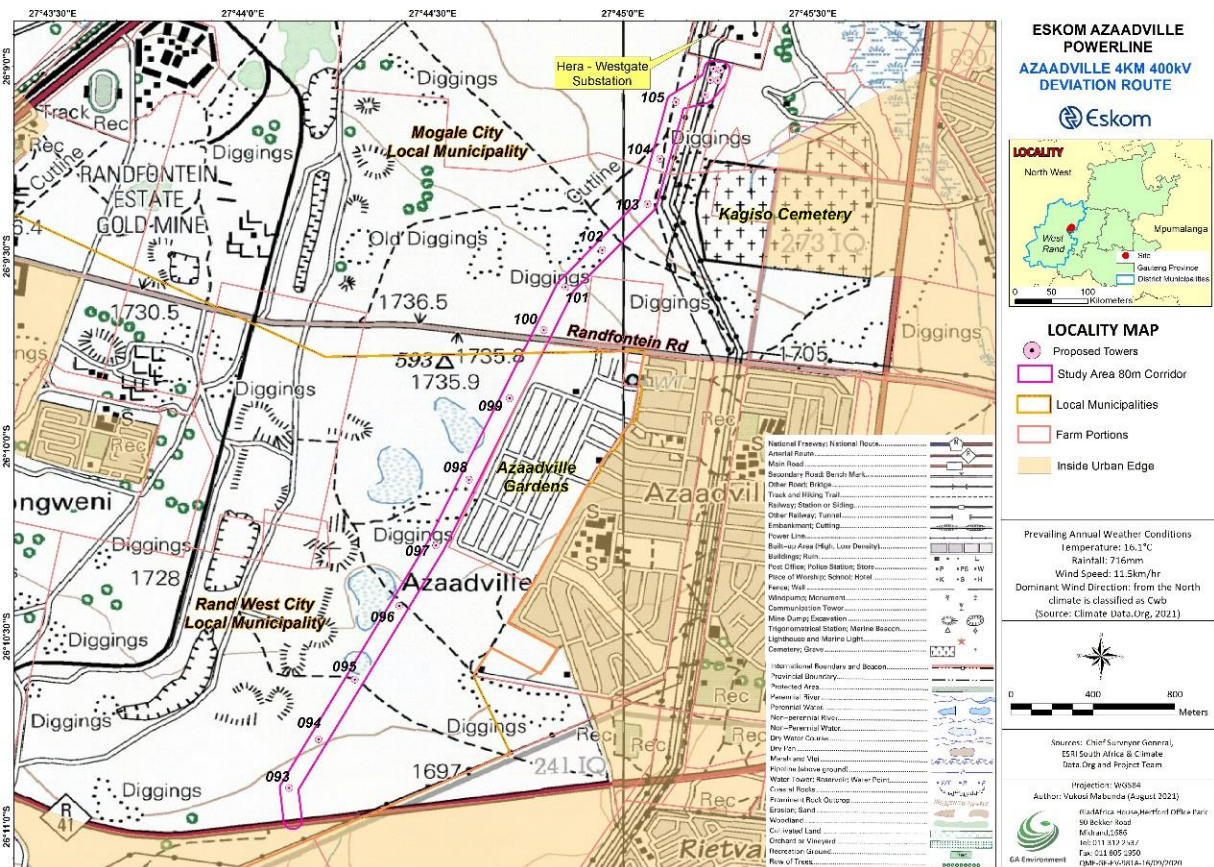


Figure 1: Project site locality

As per the illustration in **Figure 1**, the proposed deviation route is represented by the pink area and is located to the west of the approved Hera - Westgate 400kV transmission powerline. The proposed deviation and will affect privately owned properties. Eskom is currently busy with land negotiations and acquisition process of affected properties.

The proposed development which is located outside the urban edge will require the clearance of indigenous vegetation within the identified Critical Biodiversity Areas (CBA) and triggers Activity 9 of Listing Notice 2. According to the NEMA EIA Regulations 2014, as amended, a Scoping and EIA process is required for the project. Since , the deviation line is located within a Strategic Transmission Corridor (Central corridor), it



will not trigger the need to undertake a Scoping/EIA Process. A Basic Assessment (BA) process is therefore contemplated in terms of Government Notice No. 113 (Government Gazette No. 41445) which prescribes the procedure to be followed when applying for environmental authorisation for electricity transmission and distribution expansion occurring in the identified central corridor.

The deviation corridor is also located within the regulated area of identified wetlands and a Water Use Authorization (WUA) may be triggered in terms of Section 21 (c) and (i) of the National Water Act (NWA), 1998 (Act No. 36 of 1998). These activities (c) impeding or diverting the flow of water in a watercourse; (i) altering the bed, banks, course or characteristic of a watercourse will be confirmed with the Department of Human Settlements, Water and Sanitation. Any other triggered activities will be confirmed after consultation with the Department of Human Settlements, Water and Sanitation.

In terms of the NEMA EIA Regulations, 2014, as amended, all Interested and Affected Parties (I&APs) must be provided with an opportunity to participate in the Basic Assessment application. Although the study area covers several properties within a 6km buffer, Table 1 below presents a list of properties on which the powerline and the associated infrastructure is proposed has been summarised as follows:

**Table 1** below presents a list of properties on which the infrastructure is proposed to be constructed and has been summarised as follows:

*Table 1: Affected properties as per the study corridor*

No	Farm Name	Parcel No	Portion	Latitude	Longitude	SG 21 Digit Code
1	Rietvalei 241 IQ	241		26°10'11.43S	27°44'21.99E	T0IQ0000000024100000
2	Rietvalei 241 IQ	241	0	26°10'29.89S	27°43'49.95E	T0IQ0000000024100000
3	Rietvalei 241 IQ	241	52	26°8'56.64S	27°44'52.28E	T0IQ0000000024100052
4	Rietvalei 241 IQ	241	53	26°9'9.95S	27°45'11.39E	T0IQ0000000024100053
5	Rietvalei 241 IQ	241	70	26°10'12.14S	27°44'44.57E	T0IQ0000000024100070

## 2. Purpose of this Notification Letter

The Public Participation Process (PPP) forms an integral part of any environmental application. This Notification Letter provides basic information regarding the project and offers the reader an opportunity to obtain further information on the project so as to make informed comments, raise issues of concern and generally contribute positively towards the realisation of the project. The distribution of this document is in line with the Directions regarding the measures to address, prevent and combat the spread of COVID-19 for National Environmental Management Permits and Licences issued by the Minister of Environment, Forestry and Fisheries on 05 June 2020. The distribution of this document is a crucial step in advising the reader on how to become involved in the PPP. This document includes the following:

- A brief introduction to the project, including location and the proposed infrastructure.
- An overview of the proposed activities and the environmental legal framework in which the project will be executed.
- An explanation of the Public Participation Process (PPP) to be followed.

### 3. Need and Desirability for the project

Eskom's mandate is to provide electricity in an efficient and sustainable manner through the generation, transmission, and distribution processes. Eskom does continual projections for electricity supply and demand nationally through so-called grid planning. This application relates to the grid planning done by Eskom for the West Rand region. According to the Grid Plan Report, there is a significant load growth forecast to the west of Johannesburg in areas around Lenasia and Soweto. The load growth is expected to introduce high growth of power demand in the West Rand Customer Load network in the next 5 to 20 years.

The above Westrand Strengthening is due to the increasing energy demand from various land use activities in the region. The advantages of the proposed transmission power lines would include:

- avoiding current and future possible voltage collapse.
- contributing towards a more flexible electrical network.
- improvement in the overall reliability of the electrical systems, which would benefit electricity users in the region; and to sustain economic growth in the Province.

For these reasons, it is anticipated that West Rand network will be under pressure to supply the new loads. Grid Planning has undertaken a study to address the system constraints and the overall reliability of the substations in the West rand area emerging from the year 2026 onwards. The scope of this application is the proposed solution for the future electricity load growth and load shift in the West Rand.

### 4. Environmental Legislative Requirements for the Proposed Development

Within the Bill of Rights, Section 24 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) states that:

*“Everyone has the right—*  
*(a) to an environment that is not harmful to their health or wellbeing; and*  
*(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—*  
*(i) prevent pollution and ecological degradation;*  
*(ii) promote conservation; and*  
*(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

It is clear that environmental protection is crucial for human well-being and to ensure sustainable development whilst ensuring the protection of the natural environment.

In order to identify potential environmental issues that may arise during the construction and operation of the proposed development, a site visit was undertaken. The following are the *key* environmental characteristics of the site based on site observations:

- The proposed overhead deviation power line traverses existing powerlines, servitudes and is located within the vicinity of Critical Biodiversity Areas.
- Possible heritage or cultural features exists within the study area.

NEMA is a national legislation that provides for the authorisation of certain controlled activities known as listed activities. **Table 2** is an outline of the key legislation well as the reasons for the project applicability and implications, therefore.

*Table 1: Key environmental legislation that is applicable to the project*

Legislation	Applicability to project	Implications
National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended)	NEMA is the main environmental legislation for South Africa. The NEMA EIA Regulations are discussed in Section 6 of this of this Notification Letter.	A Basic Assessment (BA) will be undertaken.
Government Notice No. 113 (Government Gazette No. 41445)	Procedure to be followed in applying for Environmental Authorisation for Large Scale Electricity Transmission and Distribution Development Activities	The deviation line is located within a Strategic Transmission Corridor (Central corridor) and therefore a Basic Assessment (BA) is contemplated.
National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act 10 of 2004)	A portion of the site is located within a CBA and in an area where a wide range of fauna and birds occur.	Specialist studies such as a Floral Assessment (i.e. Plant study), and Avifauna Assessment (bird study) will be undertaken. (refer to Section 5 of this Notification Letter).
National Heritage Resources Act, 1999 (Act No. 25 of 1999)	The proposed development triggers certain activities under Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). These are 38(1)(a) and 38(1)(c)(d) which are applicable to the project as the proposed powerline length exceeds 300m and because the proposed activity will exceed 5000m <sup>2</sup> respectively.	A Heritage Impact Assessment must be undertaken (refer to Section 5 of this Notification Letter).
National Water Act, 1998 (Act No. 36 of 1998)	The proposed deviation route may transverse wetlands that have been identified on site and through GIS. This will be investigated through the Basic Assessment Report.	Water Use Authorisation (WUA) is required for the project.

The triggered listed activities that are applicable to the project both under the National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended) and the National Water Act, 1998 (Act No. 36 of 1998) will be presented.

#### **4.2 National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended)**

The NEMA as amended in April 2017 identifies three separate administrative processes for EIAs, depending on the nature of the activity. A Basic Assessment process (Listing Notice 1) is identified for those activities that have less of a possible detrimental impact to the environment. A Scoping and EIA process (Listing Notice 2) is necessary for those activities, which are identified as having more of a possible detrimental impact on the environment, whereas Listing Notice 3 relates to identified activities that would require a Basic Assessment prior to the commencement of those activities in specific identified geographical areas only.

According to the NEMA EIA Regulations 2014, as amended, a Basic Assessment (BA) is required for the project based on the following triggered activities:

*Table 2: Triggered NEMA EIA Listed Activities*

Listing Notice	Activity Number	Activity Description
Listing Notice 1	Activity 12	The development of: <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more where such development occurs if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i>
Listing Notice 1	Activity 30	Any process or activity identified in terms of section 53(1) of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004).
Listing Notice 2	Activity 9	The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.
Listing Notice 3	Activity 12	The clearance of an area of 300 square metres or more of indigenous vegetation <i>(c) Gauteng (ii) Within critical biodiversity areas identified in bioregional plans;</i>
Listing Notice 3	Activity 14	The development infrastructure of structure with a physical footprint of 10 square meters or more where the development occurs if no development setback has been adopted, within 32 meters of a watercourse measured from the edge of a watercourse <i>(c) Gauteng (iv) Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans</i>

It is important to note that other listed activities may be identified as the project progresses. The Basic Assessment Process is briefly discussed in **Section 6** of this Notification Letter.

#### **4.3 National Water Act, 1998 (Act No. 36 of 1998)**

Due to the close proximity of the site to identified wetlands, it is anticipated that the proposed development will impact on wetlands. Any activity that occurs within a regulated area requires an application for a Water Use License Application (WULA). Of the Eleven (11) Water Uses covered under Section 21 of the National Water Act (NWA), 1998 (Act No. 36 of 1998), the triggered activities identified for the proposed development are presented in **Table 3**.

*Table 3: NWA Triggered Activities*

Proposed Activity	Section 21 Triggered Activity	Implications
The clearance of vegetation will impact on the banks and bed of identified wetlands which may result in high sediment loads into the identified wetlands. Other construction related matters such as leaking equipment could negatively	<i>(c) impeding or diverting the flow of water in a watercourse (i) altering the bed, banks, course or characteristic of a watercourse</i>	A Water Use Authorisation is required for the project. Along with these the following Specialist Studies discussed in greater detail in <b>Section 5</b> of this Notification Letter.

Proposed Activity	Section 21 Triggered Activity	Implications
impact the functionality of the wetland.		<ul style="list-style-type: none"> <li>Wetland and riparian assessment and delineation</li> </ul>

## 5. Environmental Specialist Studies

Environmental specialist studies are required to support the Basic Assessment process. A specialist, appointed in terms of regulation 12(1) or 12(2) of the EIA Regulations, 2014 as amended must:

- be independent.
- have expertise in undertaking specialist work as required, including knowledge of the Act, these Regulations and any guidelines that have relevance to the proposed activity; and
- perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the application.

The determination of required specialist studies is undertaken by generating a site screening report as per Regulation 16(1)(v) of the National Environmental Management Act (NEMA) EIA Regulations (2014) as amended. A Screening Report was generated and following a review of the screening report, specialist assessments were identified by the screening report based on the environmental sensitivities of the proposed development footprint. GA Environment then undertook a site verification exercise on the 29<sup>th</sup> of July 2021 to determine the need for each site assessment. Following the site assessment and verification the following Specialist studies were commissioned:

The key environmental studies that will be undertaken for the project are as follows:

- Plant Species Assessment.
- Animal Species Assessment.
- Avifauna Assessment.
- Aquatic Biodiversity Impact Assessment.
- Wetland Impact Assessment.
- Paleontology Report.
- Archaeologic and Cultural Impact Assessment.

## 6. Application Process

### 6.1 Basic Assessment Process

The BA process is required for this project as detailed in Table 1. A Basic Assessment (BA) process aims to identify and assess potential environmental impacts associated with the proposed housing development as well as any alternatives to the development / activity and to compile appropriate mitigation measures. The key objective of the BA process is for Eskom to obtain the required Environmental Authorisation (EA) for the project from the Department of Forestry, Fisheries and the Environment (DFFE) as the Competent Authority (CA). The CA an organ of state charged by the National Environmental Management Act (NEMA) with evaluating the environmental impact of an activity and, where appropriate, with granting or refusing



an environmental authorisation in respect of that activity. In the case of the proposed project, the CA is the DFFE. The EA is a decision by a CA to authorise a listed activity in terms of the National Environmental Management Act (NEMA). The authorisation means that a project, either in totality or partially, can commence subject to certain conditions. The Competent Authority has a right to refuse to grant authorisation for a project in totality or partially. Should the EA be granted, Eskom will commence with the construction of the proposed development.

A Draft Basic Assessment Report (BAR) will be issued for Public and CA review for a period of at least 30 Calendar Days. The Final BAR will then be issued to the CA for review and decision making and if satisfactory, an EA will be issued to Eskom.

## **6.2 Water Use Authorisation Process**

A Water Use Authorisation (WUA) process is required for this project subject to specialist findings and consultation with the Department of Human Settlements, Water and Sanitation. It is important to note that the WUA can either be a General Authorisation if the proposed National Water Act, Act. No 36 of 1998 Section 21(c) and (i) activities are deemed to have a low rating as determined by the departments risk matrix or a Water Use Licence Application (WULA) if the rating is medium or high.

## **7. Public Participation Process**

In terms of Chapter 6 of the NEMA Environmental Impact Assessment (EIA) regulations, 2014, as amended, a Public Participation Process (PPP) forms an integral part of an Environmental Impact Assessment Process. Section 41(4) of the National Water Act No 36 of 1998, read with Regulations 17 to 19 of the Regulations, regarding procedural PPP requirements for Water Use Licence Applications and Appeals in GNR 267, published in Government Gazette 40713 of 24 March 2017. The PPP provides Interested and Affected parties (I&APs), including DFFE as the Competent Authority, with an opportunity to provide comments and to raise issues of concern about the project or to make suggestions on the processes and proposed activities. Any I&APs can therefore register on the project to obtain ongoing information about the EA Amendment Process. An I&AP as defined by NEMA, 1998 as:

*“an interested and affected party contemplated in section 24(4)(a)(v), and which includes-*  
*(a) any person, group of persons or organisation interested in or affected by such operation or activity; and*  
*(b) any organ of state that may have jurisdiction over any aspect of the operation or activity.”*

The compilation of PPP documents such as this Notification Letter is one of the requirements of Chapter 6 of the NEMA Environmental Impact Assessment (EIA) Regulations, 2014, as amended. Other documents that will be drafted as part of the project notification phase include a Site Notice that will be mounted on site and its immediate surrounding areas, and a local and regional newspaper. The process also requires the use of any other PPP methods such as Focus Group and/or Public Meetings where the need for these arises.

Upon DFFE's issuing of the Environmental Authorisation (permission to commence with the development), all registered I&APs will be informed of the decision and provided with an opportunity to appeal the decision. The opportunity to register on the project as an I&AP will be kept open from the Initial Notification phase up to the issuing of the Environmental Authorisation. The project I&AP database has been opened and will be maintained by GA Environment.

## 8. Opportunity to participate

Should you wish to register as an I&AP on the project or to make suggestions and/or comments on this proposal, kindly provide these together with your name, contact details (preferred method of communication, e.g. e-mail cellphone) and an indication of any interest which you (or the organisation you represent) have in the application to **Name:** Nyaladzi Nleya at **Tel:** 011 312 2537 **Fax:** 011 805 1950, **e-mail:** [nyaladzin@gaenvironment.com](mailto:nyaladzin@gaenvironment.com) or [environment@gaenvironment.com](mailto:environment@gaenvironment.com) or **Post:** P.O Box 6723 Halfway House 1685. You may use the attached registration and comment sheet. **Please register your interest in the project by latest 25<sup>th</sup> October 2021.**

## 9. Promotion of Access to Information Act (PAIA) and Protection of Personal Information Act (POPIA)

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) determines that everyone has a right of access to any information held by the state. Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. The Promotion of Access to Information Act (PAIA), 2000 (Act No. 2 of 2000) is the national legislation contemplated in section 32(2) of the Constitution. Section 9 of PAIA recognises that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance.

Section 14 of the Constitution provides for the right to privacy. Protection of Personal Information Act (POPIA), 2013 (Act No. 04 of 2013) gives effect to the constitutional right to privacy provided in section 14 of the Constitution:

- by safeguarding a person's personal information when processed by public and private bodies;
- in a manner which balances the right to privacy with any other rights, including the rights in the Bill of Rights in chapter 2 of the Constitution, particularly the right to access to information; and
- subject to justifiable limitations, including, but not limited to effective, efficient and good governance and the free flow of personal information, particularly trans-border transfers.

Section 3(3)(b) of POPIA provides that the POPIA must be interpreted in a manner that does not prevent any public or private body from exercising or performing its powers, duties and functions in terms of the law as far as such powers, duties and functions relate to the processing of personal information and such processing is in accordance with the POPIA or any other legislation, as referred to in section 3(2), that regulates the processing of personal information. The EAP and applicant have a legal duty to perform a function in terms of the NEMA EIA Regulations, which requires the preparation of reports, that include comments made by registered I&APs.

All personal information collected will be processed lawfully and in a reasonable manner that does not infringe the privacy of the I&APs. Section 11(1)(c) provides that personal information may only be processed if processing complies with an obligation imposed by law on the responsible party (Eskom). The comments and names of commenting parties will be included the Draft and Final Basic Assessment reports as per the requirements of the NEMA EIA Regulations and submitted to DFFE to enable informed decision-making.

**NOTIFICATION OF BASIC ASSESSMENT AND WATER USE AUTHORISATION PROCESS FOR THE ESKOM AZAADVILLE 4KM 400kV DEVIATION POWERLINE, ESKOM WESTRAND STRENGTHENING PHASE I, MOGALE CITY AND RAND WEST CITY LOCAL MUNICIPALITY, GAUTENG PROVINCE**

**REGISTRATION AND COMMENT SHEET**

**September 2021**

Section 11(1)(a) of POPIA, provides that personal information may only be processed if the data subject consents to the processing unless mandated by law in terms of Section 11(1)(c). Kindly provide consent to the processing of personal information expressly for the Basic Assessment Process for the Eskom Azaadville 4km 400kV Deviation Powerline.

Do you provide consent for the processing of your personal information?

YES

NO

Fax number:.....

Cellphone number:.....

E-mail address:.....

**COMMENT/S**

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

Name:.....

Surname:.....

Organisation:.....

Postal or Residential Address:.....

.....

Post Code: .....

Tel number:.....

**OTHER INTERESTED AND AFFECTED PARTIES**

Please add the following neighbours/interested or affected parties to your mailing list (please provide their names, surnames and telephone numbers):

1).....

.....

2).....

.....

Please complete and return to GA Environment for:

**Attention: Nyaladzi Nleya**

**E-mail:** [environment@gaenvironment.com](mailto:environment@gaenvironment.com) or [nyaladzin@gaenvironment.com](mailto:nyaladzin@gaenvironment.com) or **Fax:** (011) 805 1950/57,

**Post:** PO Box 6723, Halfway House, Midrand, 1685

**You may also call us on** (011) 312 2537

