

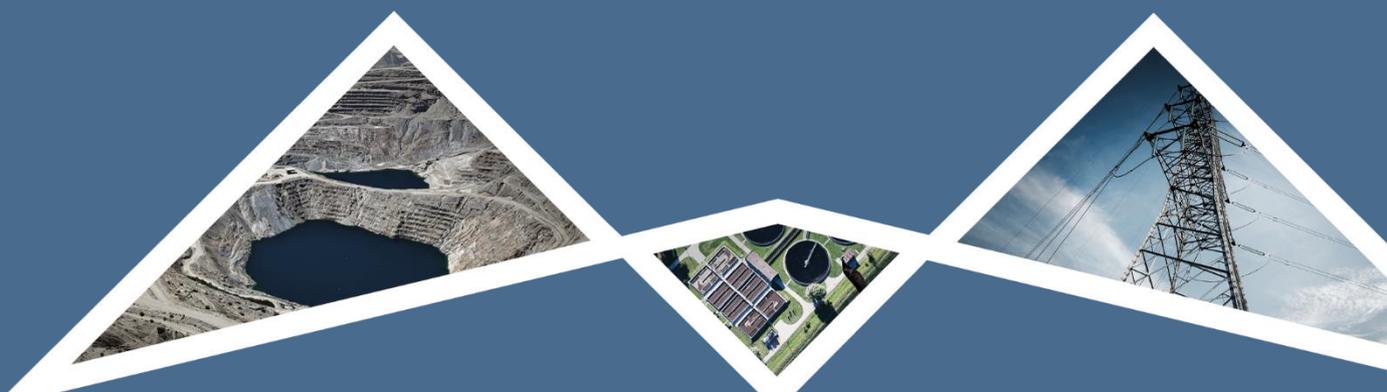


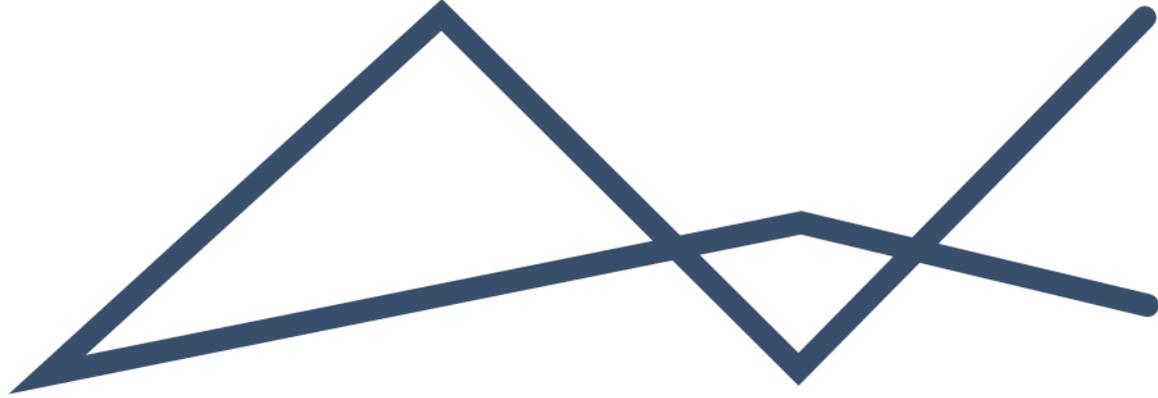
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PUBLIC PARTICIPATION REPORT

KELVIN POWER STATION COMBINED CYCLE GAS TURBINE PLANT





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Abbreviation List:

CCGT	Combined Cycle Gas Turbine
DALRRD	Department of Agriculture, Land Reform & Rural Development
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
I&AP	Interested and Affected Party
NEMA	National Environmental Management Act
NEM:AQA	National Environmental Management: Air Quality Act
NEM:WA	National Environmental Management: Waste Act
PPP	Public Participation Process
PPR	Public Participation Report
WUL	Water Use Licence



1 INTRODUCTION

Kelvin Power (Pty) Ltd (“Kelvin”) (hereafter referred to as the applicant) has appointed Environmental Impact Management Services (Pty) Ltd (EIMS) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the required authorisation processes (including the statutory public participation), and to compile and submit the required documentation in support of application for:

- Environmental Authorisation (EA) in accordance with the National Environmental Management Act.
- Atmospheric Emissions Licence in accordance with the requirements of the National Environmental Management: Air Quality Act- NEM:AQA (Act 39 of 2004).
- Waste Management Licence in accordance with the requirements of the National Environmental Management: Waste Act- NEM:WA (Act 59 of 2008).
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998) .

Specific EIA listed activities and/or water uses will be confirmed during the process.

The applicant wishes to develop a Combined Cycle Gas Turbine (CCGT) Power Plant at the Kelvin Power Station. The net output will be approximately 600 megawatts. The CCGT Power Plant will comprise of one H class gas turbine, a heat recovery boiler and a steam turbine. The main structures comprising the plant include a gas turbine building, steam turbine building, water treatment plant, heat recovery steam generator, mechanical draft cooling tower, EHV substation, exhaust stack, auxiliary buildings and administration buildings. Other possible infrastructure includes additional water and treated sewage wastewater supply pipelines, as well as electricity transmission lines to the CityPower Sebenza substation adjacent to the power station.

The proposed project is located on Zuurfontein Farm 33-IR portion 391 R/E, Ekurhuleni Metropolitan Municipality, Gauteng Province. The site is approximately 4km West South West of Kempton Park CBD. The centre point of the site is approximately 26° 6'45.84"S, 28°11'36.42"E.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public’s right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the new Constitution that provides: *“The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement”*. This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly and especially the National Environmental Management Act (Act 107 of 1998, NEMA) and the recent regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as...*“a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently”*¹. From this definition, it can be seen that the input of the public is regarded as very important indeed.

The Public Participation Process (PPP) is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

During the Environmental Impact Assessment Process:

- Verify that their issues have been recorded;

¹ Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



- Comment on the findings of the environmental assessments; and
- Provide relevant local information and knowledge to the environmental assessment.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for the necessary authorisation required for the project needs to be managed sensitively and according to best practises in order to ensure and promote:

- Compliance with international best practice options;
- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and
- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed project and process for the authorisation project;
- Explain the environmental authorisation;
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This Public Participation Report (PPR) lists all verbal and written issues raised by I&APs during the call to register period from the 14th of February 2024 to date. A breakdown of the PPP is given within the remaining sections of this PPR.

2.1 LEGAL COMPLIANCE

The PPP must comply with all environmental legislation that requires public participation as part of an application for authorisation or approval; namely, the National Environmental Management Act (NEMA, Act No. 107 of 1998).

Adherence to the requirements of the above-mentioned Act will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirements for public participation referenced in the Act. The details of the Integrated PPP are provided below.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES (I&APS)

An initial I&AP database has been compiled from historic projects in the area and Windeed searches to obtain the contact details of the surrounding landowners. The I&APs referred to in the PPR include:

- Pre-identified and registered landowners and surrounding landowners;



- Pre-identified and registered key stakeholders;
- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners within the study area, review of related previously conducted studies, and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer to Appendix 1 for the Key Stakeholder/I&AP Database.

3.1 LIST OF ORGANS OF STATE IDENTIFIED AND NOTIFIED

The following key I&APs, but not limited to, were notified of the proposed project and invited to participate in the public participation process:

- City of Ekurhuleni Metropolitan Municipality
- City of Johannesburg
- City Power
- Department of Employment & Labour
- Department of Public Works, Roads and Transport (DPWR) (National)
- Department of Road and Transport
- Eskom
- Gauteng Department of Agriculture and Rural Development
- Gauteng Department of Co-operative Governance and Traditional Affairs
- Gauteng Department of Economic Development
- Gauteng Department of Human Settlements
- Gauteng Department of Roads and Transport
- Gauteng Department of Social Development
- Gauteng Provincial Government
- Gauteng Provincial Government - Department of Community Safety
- Gauteng Provincial Government - Department of Health
- Gauteng Provincial Government - Department of Infrastructure Development
- Gauteng Provincial Government - Department of Roads and Transport
- Gauteng Provincial Government - Department of Sport, Arts, Culture and Recreation
- Gauteng Tourism Authority
- Gauteng Wetland Forum
- National Department Of Agriculture, Land Reform And Rural Development
- National Department of Forestry, Fisheries and Environment (DFFE)
- National Department of Human Settlements
- National Department of Mineral Resources & Energy (DMRE)
- National Department of Tourism
- National Department of Transport
- National Department of Water and Sanitation (DWS)
- National Energy Regulator of South Africa (NERSA)
- National House of Traditional Leaders
- Petroleum Agency SA
- PetroSA



- Presidential Climate Commission
- Provincial Heritage Resources Authority Gauteng (PHRAG)
- Rand Water
- South African Civil Aviation Authority
- South African Heritage Resource Agency (SAHRA)
- South African National Parks
- South African National Road Agency (SANRAL)
- Transnet
- Ward councillors

3.2 LIST OF OTHER KEY I&APS IDENTIFIED AND NOTIFIED

- African Conservation Trust
- AfriForum
- Air Products
- Air Traffic and Navigation Service (ATNS)
- Airports Company South Africa (ACSA)
- BirdLife South Africa
- Botanical Society
- Centre for Environmental Rights
- Conservation South Africa (CSA)
- Council for Geoscience
- Earth Life Africa
- Endangered Wildlife Trust
- Federation of Sustainable Environment (FSE)
- Gautrain
- Gautrain Management Agency
- Kelvin Estate Club House
- Kelvin Homeowners Association
- Kelvin Power Station
- Kempton Park Golf Club
- Modderfontein Reserve
- Sasol
- South African National Biodiversity Institute
- The Green Connection
- Wildlife and Environment Society of South Africa (WESSA)

4 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

This section provides details on the notifications that were distributed as part of the consultation process to date.

4.1 INITIAL NOTIFICATION OF KEY I&APS

The PPP commenced on the 14th of February 2024 with an initial call to register notification. Notification during this initial consultation was given in the manner described below.

4.1.1 FAXES, REGISTERED MAIL AND EMAILS

Notification letters in English and isiZulu were distributed to pre-identified I&APS through either faxes, registered mail and/or emails.

The notification documents included the following information:

- List of anticipated activities to be authorised;



- Sufficient detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties;
- Details of the South African environmental legislation that must be adhered to;
- Contact details of the EAP.

Please refer to Appendix 2 for initial notification and proofs.

4.1.2 SITE NOTICE PLACEMENT

Sixteen (16) A1 Correx site notices and one (1) A3 poster (in English and isiZulu) were placed at 17 locations along, and surrounding the perimeter of the proposed project study area on the 14th of February 2024. The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 3 for proof of site notice and site notice distribution.

4.1.3 NEWSPAPER ADVERTISEMENT

Advertisements describing the proposed project and EIA process were placed in the Bedfordview and Edenvale News Newspaper (in English) with circulation in the vicinity of the study area on the 21st of February 2024, as well as the Kempton Express Newspaper (in English and isiZulu) with circulation in the vicinity of the study area on the 22nd of February 2024. The newspaper adverts included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 4 for proof of adverts placed.

4.1.4 PROVINCIAL GOVERNMENT GAZETTE NOTICE

Notices (in English and isiZulu) describing the proposed project and EIA process were placed in the Gauteng Provincial Gazette with publication on the 6th of March 2024. The Gazette notices included the following information:



- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements; and
- Relevant EIMS contact person for the project.

Please refer to Appendix 5 for proof of Gazette Notices placed.

4.2 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF SCOPING REPORT AVAILABILITY

Notification (in English and isiZulu) regarding the availability of the Draft Scoping Report and associated appendices will be provided to pre-identified and registered I&APs through either email, fax, and/or registered mail where contacts are available. The notification will include details regarding where a hard copy of the report can be accessed. Contact details will be provided to I&APs if they require assistance accessing the information or require copies of the report.

The Draft Scoping Report and associated appendices will be made available for public review and comment for a period of 30 days for the Environmental Authorisation (EA) application process at the Kempton Park Library.

4.3 SUMMARY OF PUBLIC PARTICIPATION OPPORTUNITIES

The table below provides a summary of the opportunities provided to I&APs for participation in the public participation process to date.

Table 1: Opportunities Provided for Public Participation

PUBLIC PARTICIPATION PHASE			
ACTION	DESCRIPTION	PUBLICATION/PLACE	DATE
Initial Call to Register	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via SMS, email, fax, and/or post.	14 February 2024
	Placement of site notices.	Sixteen (16) A1 site notices and one (1) A3 Poster (in English and isiZulu) were placed around the study area (17 placement locations).	14 February 2024
	Newspaper advertisement	Newspaper advertisements were placed in the Bedfordview and Edenvale News (in English) and the Kempton Express (in English and isiZulu).	21 February 2024 (Bedfordview and Edenvale News) 22 February 2024 (Kempton Express)



PUBLIC PARTICIPATION PHASE			
	Gazette Notice	Notices (in English and isiZulu) was placed in the Gauteng Provincial Gazette.	6 March 2024

5 RECORD OF ISSUES RAISED

Comments on the proposed project were solicited from pre-identified and registered I&APs and key stakeholders. To date the following comments have been received:

- I&AP registrations.
- Requests to be deregistered from the I&AP Database.
- Request for shapefiles/KMZ files, locality map and application from Rand Water.
- Acknowledgement from the Department of Water and Sanitation (DWS) of receipt of the initial notification.
- Department of Agriculture, Land Reform & Rural Development (DALRRD):
 - Office of the Regional Land Claims Commission – Gauteng Province provided a letter regarding land claims on the property Zuurfontein 33 IR, lodged between 2014 and 2016. Further investigation was undertaken to verify whether there are any existing land claims on the application area's property, portion 391 R/E of Zuurfontein Farm 33-IR. DALRRD indicated that the land claims are on the entire farm (Zuurfontein 33 IR), the claims were submitted by different claimants, and that the exact portion of the farm cannot be determined as the Commission is currently interdicted by the Constitutional Court judgement to not process any claims lodged between 2014 and 2016. DALRRD could not provide claimants' contact details without their consent and indicated that the land claims are lodged against the state and not the land owners. DALRRD stated that under the interdict by the constitutional court, the commission is not allowed to do anything that may be considered as processing the claims on the property since they were lodged between 2014 and 2016.
- Requests from Eskom to be informed regarding the progress of the application and for KMZ files of the proposed development area.
- Enquiry from Transnet Freight Rail about whether the proposed project would affect Transnet's railway infrastructure. Transnet Freight Rail were provided with KMZ files of the development area and a locality map, and were asked to confirm whether Transnet's railway infrastructure would be affected. EIMS has not yet received a response.
- Request from Transnet Pipelines for the Background Information Document.
- Confirmation from Transnet Pipelines that the proposed project does not affect Transnet Pipelines.
- Request from the Ward Councillor and Chair of the Kelvin Homeowner's Association that a presentation be held for the residents to explain the project.
- Requests for more information about the project:
 - General/ further information about the project



- Enquiries as to whether the power station belongs to Johannesburg and if there are any benefits for anyone else from the development.
 - Stated interest in the health of the stream and catchment.
 - Enquiries for clarity on what the proposed development means for residents and how they are affected.
 - Enquiries on the potential impact that the proposed development would have on business and the surroundings.
- Job applications/ enquiries regarding opportunities for work.
 - Request from SANRAL for a locality map and GPS co-ordinates pertaining to the application.

Please refer to Appendix 6 and Appendix 7 for comments or issues received.

6 CONCLUSIONS AND RECOMENDATIONS

The comments received during the initial call to register period to date were used to inform the compilation of this PPR. This report will be updated for submission to the competent authority, Department of Forestry, Fisheries & Environment, following the 30-day public participation period.



APPENDIX 1

INTERSTED AND AFFECTED PARTIES DATABASE

Please note that in an effort to protect the personal information of the Registered I&AP's the contact information of the I&APs will not be made publicly available. Should you require access to this document for the purposes of fulfilling your obligations under the NEMA EIA Regulations or other lawful right, please feel free to contact the EIMS Information officer at 011 789 7170 or popia@eims.co.za



APPENDIX 2

INITIAL NOTIFICATION LETTER

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APPENDIX 3

SITE NOTICE PLACEMENT



APPENDIX 4

NEWSPAPER ADVERTISEMENT



APPENDIX 5

GAZETTE NOTICE



APPENDIX 6

TABLE OF CORRESPONDENCE



APPENDIX 7

CORRESPONDENCE DOCUMENT

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