

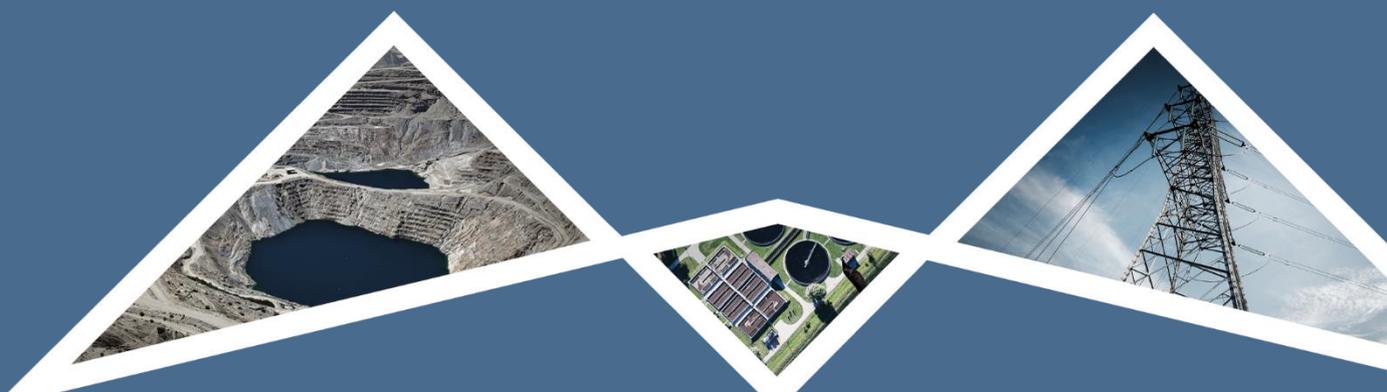


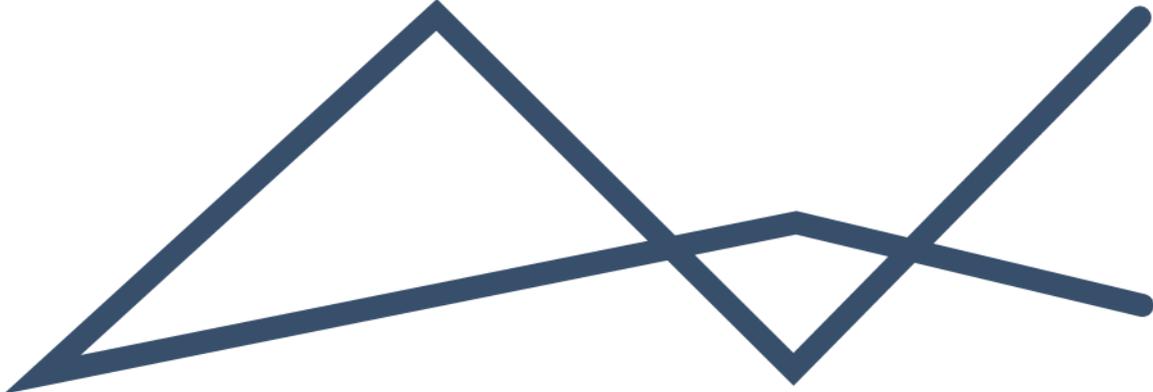
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## PUBLIC PARTICIPATION REPORT

KELVIN POWER STATION COMBINED CYCLE GAS TURBINE PLANT





### DOCUMENT DETAILS

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2024/04/24	REVISION 1	PPR for Final Scoping Report submission
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2024/09/19	REVISION 3	PPR for Final EIA Report submission
2024/10/15	REVISION 4	Updated PPR for Final EIA Report submission

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## Abbreviation List

CCGT	Combined Cycle Gas Turbine
CER	Centre for Environmental Rights
DALRRD	Department of Agriculture, Land Reform & Rural Development
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMPr	Environmental Management Programme
GMA	Gautrain Management Agency
I&AP	Interested and Affected Party
MHI	Major Hazard Installation
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
SACAA	South African Civil Aviation Authority
SAHRA	South African Heritage Resources Agency
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).
- Water Use Licence (WUL) in accordance with the National Water Act – NWA (Act 36 of 1998).

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 gas turbines, 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*”<sup>1</sup>. 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;
- Comment on the findings of the environmental assessments; and
- Provide relevant local information and knowledge to the environmental assessment.

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<sup>1</sup> 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



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 14<sup>th</sup> 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 C1 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 Metropolitan Municipality
- City Power
- Department of Employment & Labour
- Department of Public Works, Roads and Transport (DPWR) (National)
- Department of Road and Transport
- Eskom Holdings SOC limited
- Gauteng Department of Agriculture and Rural Development and Environment
- 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
- Natural Justice
- 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 14<sup>th</sup> 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 C2 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 14<sup>th</sup> 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 C3 for proof of site notice and site notice distribution.

#### **4.1.3 NEWSPAPER ADVERTISEMENT**

Advertisements describing the proposed project and Environmental Impact Assessment (EIA) process were placed in newspapers in the vicinity of the study area, namely the Bedfordview and Edenvale News Newspaper (in English) on the 21<sup>st</sup> of February 2024, as well as the Kempton Express Newspaper (in English and isiZulu) on the 22<sup>nd</sup> 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 C4 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 6<sup>th</sup> 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 C5 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 (DSR) and associated appendices was provided to pre-identified and registered I&APs through either email, fax, and/or registered mail where contact details were available. The notification included details regarding where a hard copy of the report can be accessed. Contact details were provided to I&APs if they require assistance accessing the information or require copies of the report. Additionally, I&APs were invited to attend a Public Open Day.

The Draft Scoping Report and associated appendices was made available for public review and comment for a period of 30 days for the EA application process at the Kempton Park Library.

Please refer to Appendix C6 for the DSR Availability and Public Open Day notification and proof.

### **4.2.1 PUBLIC OPEN DAY – SCOPING PHASE**

A Public Open Day was held at the Kelvin Estate Club House (Kelvin Estate Club House, Cnr Starling & Cape Wagtail Street, Kelvin Estate, Spartan) on the 3<sup>rd</sup> of April 2024 from 16:00 to 19:00. I&APs were able to attend the session at any time during the 3-hour timeslot.

Open Day Sessions differ from public meetings in the sense that they do not include any formal presentation. By excluding a formal presentation, more time was allocated to allowing I&APs to engage with the project essentially allowing for a finer evaluation of the project.

All I&APs were asked to sign an attendance register upon entering the hall. Walkthrough tours were conducted during the session where I&APs were guided through various Posters placed around the hall. The facilitators present at the Public Open Day captured comments using comment booklets. I&APs were also provided A4 copies of the posters and comment sheets to fill out should they wish to leave written comments with the facilitators at the Public Open Day. Please refer to Appendix C7 for the Scoping Phase Public Open Day Record which includes all comments received during the Public Open Day.

The Posters included the following information:

- Project name;
- Project description;
- Project alternatives;
- Overview of the Scoping and EIA process;
- Project location;
- Map of proposed project area and Preliminary Layout Map;
- Description of the Baseline Environment;
- Preliminary Impact Assessment;
- Plan of Study for EIA;
- Description of the proposed Public Participation Process and information on how to submit comments;
- Relevant EIMS contact person for the project.



Refer to Appendix C7 for the posters, comments and responses and photographic record of the Scoping Phase Public Open Day, and Appendix C8 for the Attendance Register.

### **4.3 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF DRAFT EIA REPORT AVAILABILITY**

Notification (in English and isiZulu) regarding the availability of the Draft EIA Report (DEIR) and associated appendices was provided to pre-identified and registered I&APs through either email, fax, and/or registered mail where contact details were available. The notification included details regarding where a hard copy of the report can be accessed. Contact details were provided to I&APs should they require assistance accessing the information or require copies of the report. Additionally, I&APs were invited to attend a Public Open Day.

The Draft EIA Report and associated appendices was made available for public review and comment for a period of 30 days for the EA application process at the Kempton Park Library.

Refer to Appendix C9 for the Draft EIA Report Availability and Public Open Day notification and proof.

#### **4.3.1 PUBLIC OPEN DAY – EIA PHASE**

A Public Open Day was held at the Kelvin Estate Club House (Kelvin Estate Club House, Cnr Starling & Cape Wagtail Street, Kelvin Estate, Spartan) on the 27<sup>th</sup> of August 2024 from 16:00 to 19:00. The same process as described in Section 4.2.1 of this report was followed. I&APs could attend the session at any time during the 3-hour timeslot.

All I&APs were asked to sign an attendance register upon entering the hall. Walkthrough tours were conducted during the session where I&APs were guided through various Posters placed around the hall. The facilitators present at the Public Open Day captured comments using comment booklets for accurate record-keeping. I&APs will be provided with A4 copies of the posters and comment sheets to fill out should they wish to leave written comments with the facilitators at the Public Open Day. Please refer to Appendix C10 for the EIA phase Public Open Day record for the comments that were captured on the day.

The posters included the following information:

- A description of the EIA process;
- A description of the proposed activity;
- The key findings of:
  - The Air Quality Impact Assessment;
  - The Climate Change study;
  - The Noise specialist study;
  - The MHI Risk Assessment; and
  - The Social Impact Assessment
- A summary of the findings from the EIA; and
- Contact details of the relevant EIMS contact person

Refer to Appendix C10 for the posters, comments and responses and photographic record of the EIA phase Public Open Day, and Appendix C11 for the Attendance Register.

### **4.4 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)
	Gazette Notice	Notices (in English and isiZulu) was placed in the Gauteng Provincial Gazette.	6 March 2024
Availability of Scoping Report for Public Review and Comment	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via SMS, email, fax, and/or post. A hard copy of the report was placed at the Kempton Park Library.	15 March 2024 until 17 April 2024
	Public Open Day	A Public Open Day was held at the Kelvin Estate Club House (Kelvin Estate Club House, Cnr Starling & Cape Wagtail Street, Kelvin Estate, Spartan).	3 April 2024 (from 16:00 to 19:00)
Availability of EIA Report for Public Review and Comment	Notification of landowners, occupiers, and other key I&APs.	Affected landowners and key I&APs were notified via SMS, email, fax, and/or post. A hard copy of the report was placed at the Kempton Park Library.	16 August 2024 until 16 September 2024
	Public Open Day	A Public Open Day was held at the Kelvin Estate Club House (Kelvin Estate Club House, Cnr Starling & Cape Wagtail Street, Kelvin Estate, Spartan).	27 August 2024 (from 16:00 to 19:00)



## 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.
- General requests for more information regarding the project.
- Declared interest from nearby residents in the risk assessment and mitigation factors; the health of the stream and catchment; potential impacts on business and the surroundings.
- Comments from I&APs that attended the Public Open Day on the 3<sup>rd</sup> of April 2024 and on the 27<sup>th</sup> of August 2024 are recorded in the Public Open Day Record – please refer to Appendix C7 and Appendix C10, respectively, for more details.
- An I&AP stated that they have a business that is on a nearby property (within a few hundred meters of the Kelvin Power Station) and that they have 12 full time employees on the premises with several vehicles that use the roads around the Power Station. The I&AP stated that they have comments regarding the project and asked if they should wait for the Public Open Day to voice their comments. The I&AP was informed that they were welcome to provide their comments prior to the Open Day. The I&AP later attended the Public Open Day. Please refer to the Public Open Day Record (Appendix C7) for more details.
  - The above-mentioned I&AP provided comments on the Draft Scoping Report regarding the fact that they have been a nearby property and business owner for 25 years and that they have grown used to the look of the cooling Towers and large brick buildings which house the boilers and compressors. They stated that the structures are an integral part of the heritage of the area and requested that they be preserved, if possible. The I&AP mentioned that large industrial buildings can be re-purposed (as has been done in South Africa and globally), while still retaining their look and character, and often look better than before. The I&AP requested that the EIA look at ways to achieve their request. The I&AP was informed that the decommissioning of the A-Station site (the current proposed location of the CCGT plant) was approved in a separate, previous application. The I&AP was referred to the various ways in which site location and layout alternatives were addressed and informed that there is limited opportunity to avoid the removal of the A-Station cooling towers. However, the I&AP was informed that the B-Station towers will remain. The I&AP was referred to the previous decommissioning application which undertook a heritage study in which the heritage specialist gave recommendations to mitigate the impacts of the decommissioning and proposed demolition of the A-Station and to preserve the history of Kelvin Power Station and historical electrical power generation.
- Rand Water:
  - Request for shapefiles/KMZ files, locality map and application from Rand Water.
  - Confirmation from Rand Water that Rand Water is not affected by the proposal.
  - Notification regarding wayleave application processing. The I&AP was informed that the intention of the Draft EIA Report and Open Day notification was not for a wayleave application, rather to inform the I&AP of the opportunity to review and comment on the report.
- 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.
  - Request from DALRRD for motivation, sketch plan, locality map, title deed and other supporting documentation for the department to process the application. EIMS clarified that the purpose of the notification to DALRRD was not to make an application with DALRRD, rather to inform of the project and provide an opportunity to participate in the Public Participation Process.
  - Request for clarification regarding the notification sent for the Draft EIA Report and Public Open Day and whether it is a land claim enquiry.
- Requests from Eskom to be informed regarding the progress of the application and for KMZ files of the proposed development area.
- Wayleave approval from Eskom National Transmission Company South Africa (NTCSA) stating that the NTCSA Northrand- Sebenza 400kV vacant servitude will be affected by the application and that NTCSA will raise no objection to the environmental authorisation provided that a list of terms is adhered to (please refer to Appendix C12 and Appendix C13). EIMS responded stating that their comments will be passed on to the applicant for their consideration, but the specified servitude is unlikely to be affected by the proposed development.
- 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. An Open Day was held on the 3<sup>rd</sup> of April 2024 during the Scoping phase and on the 27<sup>th</sup> of August during the EIA phase The Ward Councillor was contacted again during the EIA phase and they requested more information (an infographic) to notify community members of the Open Day, the I&AP was provided the notification regarding the draft EIA report and Public Open Day as well as the Background Information Document.
- 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; request for SANRAL to be registered as an I&AP and for the application to be sent to the SANRAL offices – it was explained to the I&AP that the intention of the notification is not to apply for anything at SANRAL and rather to offer the I&AP an opportunity to participate in the PPP.
- DFFE Directorate – Biodiversity Conservation:
  - Acknowledgement of receipt of the Draft Scoping Report availability and Public Open Day notification as well as the Draft EIA Report availability and Public Open Day notification; assigned case officers and requested shapefiles of the development footprints; requested that all Public Participation Process documents related to Biodiversity EIA review and other Biodiversity EIA queries be submitted to the Directorate: Biodiversity Conservation.
  - Comments on the Draft Scoping Report were provided stating that the Directorate: Biodiversity Conservation does not have any objection to the Draft Scoping Report and the Plan of Study for EIA. The Directorate: Biodiversity Conservation stated that it is essential that impacts on sensitive and highly localised habitats are minimized or avoided all together to ensure the continued persistence of ecosystems and that national conservation targets are achieved. They stated that the EIA report must comply with the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5) (A) and (H) and 44 of the National Environmental Management Act, 1998. The comments were acknowledged and the Directorate: Biodiversity Conservation was informed that the EIA report will comply with the procedures for assessment for reporting on the identified environmental themes as per their requirements.
  - Comments on the Draft EIA Report were provided stating that after reviewing the EIA report, the impacts do not seem to be very high from the Biodiversity and Conservation impacts perspective and provided recommendations to consider and adhere to (please refer to Appendix C12 and Appendix C13 for the list of recommendations).
- Acknowledgement from the DWS of receipt of the Draft Scoping Report and Public Open Day notification as well as the Draft EIA Report and Public Open Day notification.
- Request from the City of Ekurhuleni Environmental Resources and Waste Management Department (Compliance Division) for a hardcopy and soft copy (USB) of the report to be sent to their offices. The Draft Scoping Report and Draft EIA Report were couriered to the specified address.
- SAHRA:
  - Request from the South African Heritage Resources Agency (SAHRA) for an application to be made. An application was made and SAHRA were notified.
  - Final comments from SAHRA stating that they have no objections to the proposed development and granted the project exemption from the requirement of an HIA. SAHRA provided conditions that should be adhered to (please refer to Appendix C12 and Appendix C13 for the final comment from SAHRA).



- Communication from an I&AP that they would not be able to attend the Scoping Phase Public Open Day and requested the presentation materials and meeting minutes. The I&AP was provided a copy of the posters that were to be used at the Open Day and the comments and responses record was sent to the I&AP once they were available.
- Request from the City of Ekurhuleni Health District to be registered as an I&AP.
- Request from the South African Civil Aviation Authority (SACAA) for an application to be made. SACAA was informed that the applicant will be informed of the request from SACAA and that an application will be made, if required, by the applicant prior to commencement.
- Comments on the Draft Scoping Report were provided by the Department of Forestry, Fisheries and the Environment (DFFE) regarding information that must be included in the Final Scoping Report. Please refer to Appendix C12 and Appendix C13 for more detail of the comments received and the response provided.
- Comments on the Draft Scoping Report were provided by LEAP enviro on behalf of JT Group. For more detail on the comments received and response provided, please refer to Appendix C12 and Appendix C13. A summary of the comments is provided below:
  - The I&AP stated that the proposal is contradicting the commitment of South Africa to move towards clean energy and away from fossil fuel – stating that the development of new fossil fuel plants may be allowed but should be questioned if it is in contravention of the government's commitment to clean energy.
  - The provisions of the Gauteng Pollution Buffer Zones Guideline (March 2017) must be taken into account in the submission and must consider the prescribed distance that any polluting facility must be located from any residential areas.
  - The I&AP stated that the residential areas have been there for many years and have been subject to the polluting impacts of the Kelvin Power Station for the same period and that “two wrongs do not make a right”.
  - The baseline, ambient air quality studies must be provided, and the current and potential health-related impacts must be indicated. The air quality must look at the historic and future impacts as well.
  - Detailed assessments must be provided of human, bird, and animal impacts as well as potential water and soil pollution.
  - The I&AP stated that research has been conducted and proven that power plants cannot be located inside built-up areas, the potential pollution cannot be mitigated adequately and that the risks to all life forms is too high.
  - The I&AP stated that the Environmental health specialist must be appointed on the specialist team and that it is not sufficient to only investigate the aspects that were identified in the Background Information Document.
  - The I&AP commented that the operational aspects and the storage of large quantities of gas on the premises or the transportation of gas via pipelines or tankers cannot be overshadowed by the construction of the plant. The I&AP stated that the movement corridors and storage facilities must be investigated and the impact assessment cannot be restricted to the site alone; the source of the gas must be provided and the potential impacts at the source must be investigated.
  - The I&AP provided the following comments regarding specialist studies: The Air Quality Assessment must include health impacts; request for the brief that will be provided to the



specialist for the Socio-economic Assessment; the Climate Change study must include carbon emissions and the carbon tax that will be paid by the installation; the Noise Assessment must include health impacts; asked if the facility will be located on an existing industrial site and requested the DFFE screening results regarding the Heritage (including palaeontology) Assessment; accepted the Major Hazard Installation (MHI) Assessment.

- The I&AP stated that the technology that will be used must be provided as well as facilities that have been successfully operating with the same technology – along with the associated audit reports of those facilities as proof of the claims for the technology proposed for the project.
- The I&AP provided research from Harvard and requested feedback on each fact and claim in the report and how the proposed plant will address potentially similar results from the operations. The report included the following main topics:
  - Potential impacts of using natural gas fuel (CO<sub>2</sub>, NO<sub>x</sub> emissions, methane, Particulate Matter, SO<sub>x</sub>, CO, formaldehyde, ammonia, non-methane hydrocarbons, Ozone).
  - Health consequences of exposure to pollutants such as ammonia, NO<sub>x</sub>, PM<sub>2.5</sub>, that is released from burning gas, such as increased early mortality rates and respiratory illnesses.
  - Concerns and health concerns of stationary emissions sources.
  - Socioeconomic inequalities.
  - Impacts on the Environment and Wildlife through the various stages of construction, operation and maintenance, and decommissioning.
  - History of incidents at gas plants that had impacts on human health and the environment, mostly due to explosions and fires.
- Request from Natural Justice to be registered as an I&AP.
- Request from LEAP enviro for their client (JT Group) to be put in contact with Kelvin management regarding the possibility of linking the Kelvin Power Station CCGT project with a possible development of solar panels on their client's land.
- Request from SANBI to be deregistered from the list of I&APs for the project.
- Enquiry from a researcher regarding an upcoming EIA and whether the Kelvin CCGT Power Station project has had any appeals to the EIA being approved by the competent authority and if the project had received any negative attention. The I&AP was informed that the project is still on-going and in the EIA phase, therefore, no appeals have been made. The I&AP was directed to the Draft Scoping Report for further information.
- Enquiry about the impact on residential houses of Kelvin Estate and the ecological impact of the proposed development.
- Acknowledgment of receipt of the Draft EIA Report and Public Open Day notification from the Gauteng Provincial Health Department, stating that the team will attend to the notification.
- Request for data on the emissions from the power plant for the past two years (2021 to 2023) from the Gauteng Provincial Health Department, and acknowledgement of receipt of the data.



- Centre for Environmental Rights (CER) requested to be registered as an I&AP. CER were registered and notified that the review period for the Draft EIA Report had ended and that they will be notified of the decision.
- The Gautrain Management Agency (GMA) contacted EIMS after the final comment and review period had ended and stated that they would provide comment. EIMS provided a response to their comments with an updated EMPr and confirmed that their comments would be passed onto the competent authority. Please refer to Appendix C12 and Appendix C13 for the EAP's response to the GMA's comments. The GMA's comments are summarised as follows:
  - The EIA should consider environmental impacts to the Gautrain alignment during operation as well as construction phases, considering distance, noise and vibration controls, vegetation management, water and waste water management and safety measures.
  - Concerns over Electromagnetic Interference and Electromagnetic Induction from the CCGT plant impacting the Gautrain system (signalling, communication, and operational systems) and requesting further investigation.
  - Concerns over the proximity of the Gautrain system and the risk assessment associated with gas explosions. The GMA requests that the risk assessment accounts for gas explosions and the unlikely event of train derailment and the consequences for the Gautrain infrastructure and passengers. Additionally, the GMA requested that comprehensive emergency and safety plans are made that include risks associated with fuel handling, potential fires/explosions and risks associated with high voltage equipment.
  - GMA requests that written permission in terms of Section 46 (3) of the Gauteng Transport Infrastructure Act be obtained.
  - GMA recommends that consultation with the GMA is undertaken to ensure that the power plant's construction and operation are compatible with rail operations, and to protect the rail infrastructure.
  - GMA further requested additional contacts to be added onto the I&AP database for future correspondence.

Please refer to the Open Day Records (Appendix C7 and Appendix C10) and the table of correspondence (Appendix C12) and Correspondence Document (Appendix C13) for comments or issues received.

## **6 CONCLUSIONS AND RECOMENDATIONS**

The comments received during the initial call to register period to 19 September 2024 were used to inform the compilation of this PPR, additional late comments from the Gautrain Management Agency have been incorporated in the updated PPR. This report has been updated for submission to the competent authority, the Department of Forestry, Fisheries & Environment.



## Appendix C1: Interested 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](mailto:popia@eims.co.za)

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## Appendix C2: Initial Notification Letter

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](mailto:popia@eims.co.za)

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Appendix C3: Site Notice Placement



Appendix C4: Newspaper Advertisement



Appendix C5: Gazette Notice



## Appendix C6: Scoping Report Availability & Open Day Notification

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## Appendix C7: Scoping Phase Open Day Record

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## Appendix C8: Scoping Phase Open Day Attendance Register

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#### Appendix C9: EIA Report Availability & Open Day Notification

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## Appendix C10: EIA Phase Open Day Record

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## Appendix C11: EIA Phase Open Day Attendance Register

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Appendix C12: Table of Correspondence



### Appendix C13: Correspondence Document

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