
PUBLIC PARTICIPATION REPORT: PROPOSED POWER GENERATION ON PORTION 69 OF FARM 127, YZERVARKENSRUG, SALDANHA AND OTHER PROPERTIES FOR THE PIPELINE/TRANSMISSION ROUTES

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Public Participation Report as Part of the Scoping
and EIA Process: DRAFT SCOPING REPORT 2A

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Public Participation Report: Proposed Power Generation on Portion 69 of Farm 127, Yzervarkensrug, Saldanha and other properties for the pipeline/transmission routes

**PUBLIC PARTICIPATION REPORT AS PART OF THE SCOPING AND
EIA PROCESS: DRAFT SCOPING REPORT 2A**

IMPORTANT NOTE:

In terms of legislation, the Final Scoping Report must be submitted to the authorities within 44 days of them receiving the Application for Environmental Application. Unfortunately, this submission was deemed to be late by the DEFF, necessitating a new Application for Environmental Authorisation. Regulations require a statutory 30-day public review of the Draft Scoping Report for all new applications. As such, the following clarification is offered:

Draft Scoping Report (1st Application) - the report that was circulated for public review between 16 October 2020 – 16 November 2020;

Final Scoping Report (1st Application) – the report which took account of all the comments received during the public participation process and was circulated to the public for information purposes on 25 November, 2020.

Draft Scoping Report (2nd Application) – this report is essentially the Final Scoping Report (1st Application) that was already circulated on 25 November (which contains all of the public comment previously received) but is renamed the Draft Scoping Report 2A.

1. INTRODUCTION

The project area is located adjacent to the Saldanha Industrial Development Zone (IDZ), in Saldanha Bay, Western Cape, where the Applicant, Assegai Pty Ltd (Assegai) is proposing to develop a gas-to-power facility for direct transmission into the ESKOM electricity grid. The proposal forms part of a bid submission to be included under the Risk Mitigation IPP Procurement Programme for new generation capacity (as advertised by the Department of Mineral Resources and Energy). It should be noted that an Environmental Authorisation was granted for the construction and operation of a LPG facility on the abovementioned farm which included an associated pipeline on 31 October 2014. The Applicant for this activity was Avedia Energy Pty Ltd.

The Department of Environment, Forestry and Fisheries (DEFF) published revised EIA Directions for conducting EIAs and other permitting processes under the National State of Disaster and association lockdown conditions (i.e. the “revised EIA Directions”).

The previous EIA Application lapsed necessitating a new Application. As such, all the public participation activities undertaken prior to this new application are considered pre-application activities. The interactions and the comments received contribute to this new Application.

2. PUBLIC PARTICIPATION PLAN

In terms of the National State of Disaster, a Public Participation Plan was submitted to the DEFF prior to the commencement of any public participation. The plan included the following:

- “A detailed description of the steps that will be undertaken in terms of Public Participation which will be conducted during the declared lockdown period(s), so that compliance with Regulation 41 of the EIA Regulations 2014 (as amended) is achieved; and
- A detailed description of the additional measures proposed in terms of the proposed Public Participation Process (PPP) to augment the Regulation 41 requirements...”

This PPP Plan received feedback from the DEFF and amendments were made accordingly.

Refer to **Annexure 1** for the updated Public Participation Plan which was also met with approval by the DEFF.

3. METHODOLOGY

This document is the Public Participation Report, appended to the draft Scoping Report for the second application (DSR 2A) which follows on from the public participation activities that took place prior to this new application.

All comments raised in relation to the DSR circulated for the first application have been considered, and where appropriate, changes have been incorporated into the previous FSR (which has now lapsed). Nonetheless, the comments received are valid and the previous FSR is now the DSR 2A.

This report describes the process used to identify and notify potential Interested and Affected Parties (I&APs) of the proposal, scoping process and associated public review and the opportunity to provide comment.

Following the public review period of the previous DSR, this report incorporates the following:

- Updated I&AP Database (following registration of I&APs);
- Evidence of distribution of notification letters to potential I&APs;
- Evidence of site notice placement including a map of the location of notices;
- Evidence of the newspaper advertisements in the Weslander and Cape Times;
- Evidence of distribution and delivery of hardcopies of the post-application draft BAR to public libraries and relevant State Departments;
- Evidence of uploading the previous DSR to Chand’s website for the duration of the public review period;
- Comments received from I&APs on the previous DSR;

- Responses to the comments received from I&APs on the [previous](#) DSR; and
- Minutes of Focus Group Meetings held.

4. PRE-APPLICATION PUBLIC PARTICIPATION ACTIVITIES UNDERTAKEN

4.1 Identification of I&APs

A preliminary database of I&APs was compiled. In addition to the legislated I&APs required to be notified, Chand conducted research in the area and also used the I&AP database from the previous EIA conducted on the site as a base.

The following parties as required in Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended) are included in the I&AP database:

- Owners and Occupiers of the site where the activity is to be undertaken (noting that the Applicant is the landowner and that there are no occupiers of the site);
- Owners and Occupiers of the land adjacent to the site where the activity is to be undertaken. Where email was not available for some of these parties, a “knock and drop” was undertaken being conscious of COVID sanitation and social distance requirements.
- The Municipal Ward Councillor and Sub-Council Manager (the Ward Councillor also served as the point of contact with the local community, particularly those who may not have access to internet/documents for download);
- Organs of the State having jurisdiction in respect of any aspect of the activity (these include Saldanha Municipality, Department of Human Settlements, Water and Sanitation-DHSWS, Heritage Western Cape (HWC), Department of Agriculture, and CapeNature);
- Local Ratepayers’ Associations; and
- Registered Conservation/Heritage Bodies.

The registered I&AP database is included in **Annexure 2**. Note that, to protect privacy, the contact information of these parties has not been made publicly available. However, the full database, which would contain contact details, will be included in the submission to the DEFF.

The I&AP database would be continually updated throughout the environmental investigation.

4.2 Notification of EIA process (16 October 2020)

Written notification of the EIA process, registration of I&APs and public review dates for the [previous](#) DSR were circulated to legislated I&APs, as well as additional I&APs on the database. The following actions were undertaken:

- Distribution of a notification letter to the preliminary I&AP database (which includes parties required in terms of Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended)) via email to those who have email addresses and registered post to those who only have postal addresses;
- Knock-and-drop exercise to occupiers/owners adjacent to the boundary of the site; and

Although there are no townships/low cost housing areas in the vicinity of the site, notices (A4) of the process were placed in the following venues to communicate the process to those potential I&APs who may not have access to the media.

- Saldanha Public Library;
- Saldanha Clinic;
- Shoprite Supermarket;
- Saldanha Post Office; and

- Spar Supermarket.

Circulation of notification letters to all potential I&APs via email, registered post, knock-and-drop exercise and A4 notices was undertaken on 15 October 2020 (refer to **Annexure 3** for the content of the letter, proof of the distribution via email and registered post, evidence of knock-and-drop and photographic proof of public notices).

Note that both the Department of Environmental Affairs and Development Planning, and the DEFF requested that additional associations other than those mentioned above be registered as I&APs. Email notifications were sent to the various associations and evidence thereof is appended as **Annexure 3**.

4.3 Notice board on site

Placement was made of site notice boards at various locations on 15 October 2020 where the proposed activities are to be undertaken on the site boundary (noting that contents and size adhered to requirements of Regulations 41 (3) and (4) of the EIA Regulations, 2014 (as amended)). Refer to **Annexure 4** for the content of the notice, a map of notice locations and photographic evidence in this regard.

4.4 Advertisements

Compilation and placement of one English advertisement in the Cape Times (regional newspaper) and an Afrikaans advert in Die Weslander (local community newspaper) was made (noting that the content adhered to requirements of Regulation 41 (3) of the EIA Regulations, 2014 (as amended)). The advertisements appeared on Thursday, 15 October 2020 respectively. Refer to **Annexure 5** for evidence of the adverts placed.

4.5 Public Review of the **previous** Draft Scoping Report (16 October 2020)

The **previous** DSR was available for a 30-day comment period (i.e. the typical legislated comment period) from 16 October 2020 to 16 November 2020.

Review by the Public:

The **previous** DSR was advertised for public review and available for download from Chand's website on 16 October 2020. Notifications were also sent to I&APs on the database via email or registered post. A hard copy of the **previous** DSR (and comment sheets for I&APs to fill in, if they desired) was available at the Saldanha Public Library.

The public participation process has however accommodated the notification of disadvantaged and vulnerable persons by the placement of notifications in the local clinic and the library. Investigation revealed that there is no free community newspaper in the area, so the regulatory advertisement was placed in the Weslander. While it is acknowledged this paper is not free of charge, it was a means to notify the local community of the project. Furthermore, a dedicated Whatsapp/ SMS line was made available for the registration of I&APs and the receipt of comments”

With a view to understanding the local protocol of engaging vulnerable and disadvantaged communities, a discussion was held with the local councillor. It was indicated that these parties are engaged via the councillors and their established communication structures. A dedicated focus group meeting has been held with the local councillor and the environmental officer for Saldanha Bay Municipality. It was confirmed in

the meeting that there are no low-income communities in the vicinity of the site. It was also emphasised that the low-income communities are mainly concerned with potential employment opportunities and possible economic upliftment that may arise from the Applicant's Corporate Social Responsibilities.

Review by State Departments:

No hardcopies were delivered to state departments as the documentation was available for download, and no requests were received by these state departments for hard copies.

As discussed at the pre-application meeting, DEFF agreed to review the [previous](#) DSR. As such, a copy of the [previous](#) DSR was uploaded to the Case Officer via the DEFF portal. DEFF Biodiversity and Air Emissions Department were notified via email notification. DEFF in their comment to the DSR requested that DEFF: Climate Change also be given an opportunity to participate. Email notification and follow up phone calls were made to engage this department.

Registrations resulting from the advert and [previous](#) DSR distribution were added to the I&AP database. Comments from the [previous](#) DSR review are included in a Comments and Responses table contained in this public participation report. Refer to **Annexure 6** for evidence of placement of the DSR on Chand's website, at the Saldanha Public Library and upload to the DEFF portal.

4.6 Stakeholder Engagement (16 October-16 November 2020)

During the review period, a series of Focus Group Meetings (FGMs) took place with **key** Interested and Affected Parties. Electronic invitations were extended to these parties. Initially, it was arranged that the FGM series would take place with groupings having a similar interest. However, it was raised by one I&AP that it would be valuable to rather promote a diversity of participants in each group to allow for a cross pollination of information and ideas. As such, the environmental team obliged this request by sending out an email which invited possible participants to join any session, thereby promoting a mix of attendees.

The meetings were held on the following dates:

Session Date	Session Time	
4 November 2020	11:30 –12:30	Key notes in Annexure 8.
9 November 2020	16:00 –17:00	Key notes in Annexure 8.
9 November 2020	17:30 –18:30	This meeting was attended by 1 invitee. After waiting for 30 minutes, the I&AP suggested we conclude the meeting as she wanted to participate with others. Thus, there are no notes recorded for this meeting.
10 November 2020	15:00 –16:00	Key notes in Annexure 8.
11 November 2020	10:00 –11:00	Key notes in Annexure 8.

These meeting were arranged via Zoom, with project information (See **Annexure 7** for the Project Synopsis) circulated in advance to familiarize the attendees with the project proposal. A presentation was prepared highlighting the Request for Proposal, description of the development proposal, environmental process, and key findings from the specialist investigations. These meetings were held for an hour and key notes were documented (refer to **Annexure 8** for a copy of the invitations, presentation and key notes of the meetings).

All I&APs identified for the FGMs had access to the internet. It was specified by Councillor Wilhelm America during a FGM that vulnerable communities are best communicated with via the Councillor or Ratepayers

Association. He added that these communities in his experience have very little desire to be involved in the biophysical environmental impact of a proposed project. Their main interest is related to the manner in which their community could possibly be uplifted from an economic perspective.

4.7 Comments and Responses

The comments raised following the 30-day public review of the [previous](#) DSR process have been included in a Comments and Responses (C&R) table (refer to **Annexure 9**). These comments have been captured verbatim as instructed by DEFF. Evidence of the original comments received from I&APs are included as **Annexure 10**.

Where relevant, either the Applicant or the Engineers have provided input to technical responses.

The key issues raised are below with a summarised version of the responses given:

Key Issue:	Response:
In principle opposition to a Bid using a non-renewable power source.	National Government put out a RFP in relation to risk mitigation, which favours the use of non-renewable power sources given the nature of dispatching power in emergency situations. The opposition in principle is not for Assegai to address but rather an issue to be taken up with national government.
Transmission lines preferences from neighbouring owners of land.	The proposal has been amended to accommodate this comment.
Protection of avifauna.	The suggested mitigation measures in relation to bird deflectors will be implemented. There will be an avifaunal assessment in the Impact Assessment Phase.
Ensuring road infrastructure is maintained.	This will be addressed in the EMPr.
Empowering local communities to participate in the process.	The environmental team are working via the local structures to engage these communities. To this end, the local Councillor, MAYCO member and the environmental officer of Saldanha Bay Municipality have been engaged.
Stakeholder fatigue with so many proposals to review.	The Applicant needs to undertake public participation in terms of the legal requirements of an EIA process.
Ensuring local economic empowerment.	This is a Bid requirement and has been incorporated into Assegai's Bid submission specifically in relation to ensuring participation of local labour and local contracting companies in the construction phase, and ensuring skills transfer in the operational phase. Furthermore, Assegai's Corporate Social

	Responsibility will focus on uplifting education in the community.
Protecting biodiversity.	A botanist, faunal specialist and freshwater ecologist have contributed to this environmental investigation.
Adjustment to Focus Group Meetings to facilitate a cross pollination of ideas/comments.	This request was accommodated in the public participation phase.
Climate Change impacts as a result of non-renewable power sources.	The Air Quality Report will have a dedicated section on Climate Change which will document the relevant emission quantities, the global warming potential due to the emissions, as well as the relevant legislation and reporting requirements for the plant's operation.
Control of construction phase impacts.	An EMPr to manage construction and operational phase will be compiled in the Impact Assessment phase.
Compliance with Air Quality Regulations.	An air quality specialist has contributed to the Scoping Phase and will conduct a full Impact Assessment in the next phase.
Guidance for specialists in the Impact Assessment Phase.	The suggested methodology for assessing Impacts will be undertaken by the specialists.
Sustainable use of water in the process.	The municipality has confirmed capacity to accommodate the water requirements of the project. If in future, Assegai chooses to use their boreholes on site, this would be subject to a Water Use Licence Application.
Considering cumulative impacts.	Cumulative Impacts will be considered in the Impact Assessment phase.
The need for an integrated HIA report which included archaeological impacts.	An archaeologist will contribute to the integrated HIA report which will be included in the Impact Assessment phase.
Consideration of possible impacts on the marine environment.	Assegai will not have any engagement with the marine environment as they will be obtaining their gas from Avedia Energy. Avedia Energy has an environmental authorisation to offload and transport the LPG. The impact on the marine environment was considered in their EIA.
Scope of the Assegai EIA vs the Avedia Environmental Authorisation.	Assegai and Avedia Energy are two separate legal entities. Assegai will purchase LPG from Avedia Energy.

Inclusion of hazardous waste as part of the proposed activity.	This request was incorporated into the Final Scoping Report.
Consideration of visual impacts.	A Visual Statement will be included in the Integrated HIA which will be compiled for the Impact Assessment phase.
Management of runoff and impacts on the aquifer.	A stormwater management plan will be included in the Environmental Impact Assessment report.
The need for a geotechnical investigation.	A geotechnical investigation will be included in the Impact Assessment Phase.
Attention to waste management.	An EMPr will be compiled which fully documents waste management in the construction and operational phases.
Increase in harbour traffic and associated impacts.	The receipt of LPG via ships has been addressed in the Avedia Energy EIA which has authorisation. The Applicant confirms that there will be no increase in the ship traffic as a result of this proposal.
Consideration of alternatives.	Alternatives were considered in terms of the transmission lines, fuel and technology. Site alternatives were not considered given the strategic location of the Avedia Energy site which is located in an industrial zone in close proximity to the port where the LPG will be offloaded. Furthermore, the site already has the infrastructure required to store the LPG.

4.8 Notification and Circulation of the **previous Final Scoping Report**

The FSR was made available for information purposes, in order for I&APs to view how their comments had been responded to. It was also said that should I&APs have comments on the said documentation, these would be considered as part of the EIA phase. I&APs were informed via email, and for those without email, via registered post of the previous FSR being available. A hardcopy report was also delivered to Saldanha Public Library. The intention was to have the previous FSR available for the I&APs between 25 November 2020 until 15 January 2021. Owing to the lapsed Application, this report has now been removed from the website and the Saldanha Public Library, and replaced with the Draft Scoping Report 2A.

4.9 Notification and Circulation of the **Draft Scoping Report 2A**

The Draft Scoping Report 2A will be circulated for public review starting 28 November 2020 until 18 January 2021. I&APs will be notified via email and those without email addresses will be notified via registered post. A hard copy of the report with comment sheets will be placed in the Saldanha Public Library. For I&APs with access to the internet, a link will be sent with the notification allowing for the downloading of the report and related appendices from the Chand website. Comments will be accepted via email, post, fax or WhatsApp/SMS.

5 PUBLIC PARTICIPATION ACTIVITIES TO BE UNDERTAKEN DURING EIR PHASE

The following public participation activities will include the following:

- Notification of Public Review of the EIR and Public Review;
- One-on-One meetings with authorities as deemed necessary;
- Open House Event (February/March 2021);
- Circulation of the Final EIR for information purposes; and
- Notification of the DEFF Decision.