



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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DEFF Reference: 14/12/16/3/3/2/867/1

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Mr Joseph Mosedi Tenyane
Richards Bay Gas Power 2 (Pty) Ltd
Six Floor Building 1, Hertford Office Park
90 Bekker Road Vorna Valley
MIDRAND
1686

Telephone Number: (011) 805 3324
Email Address: thabiso@phakwegroup.co.za

PER EMAIL / MAIL

Dear Mr Tenyane

RE-ISSUE OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 04 OCTOBER 2016 FOR THE CONSTRUCTION AND OPERATION OF THE 400MW RICHARDS BAY POWER FACILITY ON ERVEN 17455, 17443 AND 17442 WITHIN THE RICHARDS BAY INDUSTRIAL DEVELOPMENT ZONE, UMTHLATHUZE LOCAL MUNICIPALITY IN KWAZULU-NATAL

With reference to the above application, please be advised that the Department has decided to grant an amendment to the authorisation by means of reissuing the Environmental Authorisation. The reissued Environmental Authorisation (EA) and reasons for the decision are attached herewith.

Please note that this re-issue of the Environmental Authorisation replaces the previous Environmental Authorisation issued on 04 October 2016.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

M.S

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director, Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries

Date: 31/03/2021

cc:	J Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com ; gideon@savannahsa.com
	M Zondo	KZN:DEDT&EA	Email: mduduzi.zondo@kznedtea.gov.za
	N Sibeko	uMhlatuze Local Municipality	Email: reg@umhlatuze.gov.za



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

**RE-ISSUE OF THE 400MW RICHARDS BAY POWER FACILITY ENVIRONMENTAL AUTHORISATION
(EA) ISSUED ON 04 OCTOBER 2016 ON ERVEN 17455, 17443 AND 17442 WITHIN THE RICHARDS BAY
INDUSTRIAL DEVELOPMENT ZONE, UMTHLATHUZE LOCAL MUNICIPALITY IN THE KWAZULU-NATAL
PROVINCE**

uThungulu District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/867/1</i>
Last amended:	<i>Re-issue</i>
Holder of authorisation:	<i>Richards Bay Gas Power 2 (Pty) Ltd</i>
Location of activity:	<i>Erven 17455 Erven 17443 Erven 17442 Richards Bay Industrial Development Zone uMhlathuze Local Municipality uThungulu District Municipality Kwazulu-Natal Province</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

MJ

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

RICHARDS BAY GAS POWER 2 (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Joseph Mosedi Tenyane
Six Floor Building 1, Hertford Office Park
90 Bekker Road Vorna Valley

MIDRAND

1686

Telephone Number: (011) 805 3324
Cell phone: (083) 445 0046
Email Address: thabiso@phakwegroup.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 2 (GN R. 983 and 984):

Activity number	Activity description
<p><u>GN R. 983: Activity 27:</u> <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation"</i></p>	<p>The development area is 7.3ha in extent and will require the clearance of natural vegetation.</p>
<p><u>GN R. 983: Activity 28:</u> <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectare;"</i></p>	<p>The development is located within the urban edge and is more than 5ha.</p>
<p><u>GN R. 984: Activity 2:</u> <i>"The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more"</i></p>	<p>The facility will have an output of 400MW.</p>
<p><u>GN R. 984: Activity 4:</u> <i>"The development of facilities or infrastructure, for the storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres"</i></p>	<p>Fuel tanks with a capacity of up to 10000m³ will be used for fuel storage until the gas infrastructure is constructed by Transnet and as emergency fuel storage thereafter.</p>
<p><u>GN R. 984: Activity 6:</u> <i>"The development of facilities or infrastructure for any purpose or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent."</i></p>	<p>An Air Emission License is required to be obtained for the project in terms of the NEM: Air Quality Act.</p>
<p><u>GN R. 984: Activity 28:</u> <i>"Commencing of an activity, which requires an atmospheric emission license in terms of section 21 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)."</i></p>	<p>An Air Emission License is required to be obtained for the project in terms of the NEM: Air Quality Act.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated June 2016 at:

21 SG Code:

N	O	G	V	O	4	2	1	0	0	0	0	8	8	1	8	0	0	0	0	0
N	O	G	V	O	4	2	1	0	0	0	0	8	8	2	0	0	0	0	0	0
N	O	G	V	O	4	2	1	0	0	0	0	8	8	1	9	0	0	0	0	0

Site (preferred):

Plant	Latitude	Longitude
North-West Corner	32° 01'31.137"E	28° 44'19.238"S
North-East Corner	32° 01'41.779"E	28° 44'31.585"S
South-West Corner	32° 01'27.870"E	28° 44'24.814"S
South-East Corner	32° 01'45.057"E	28° 44'26.176"S
Substation	32° 01'39.580"E	28° 44'27.320"S
Access to site	32° 01'32.330"E	28° 44'20.160"S

- for the 400MW Richards Bay Gas to Power Energy Facility and its associated infrastructure located on Erven 17455, 17443 and 17442 within the Richards Bay IDZ Phase 1F, uMhlatuze Local Municipality, KwaZulu-Natal, hereafter referred to as "the property".

The 400MW Richards Bay Gas to Power Energy Facility will encompass 400MW fuel generated energy and will comprise the following:

- Six (6) Gas Turbines for Mid-merit/Peaking plant.
- The power plant will comprise multiple turbine units, each of ~70MW. Stacks associated with each turbine will be up to 20m in height."
- Access roads within project locality boundaries.
- Fuel tanks with a combined capacity of up to 10 000m³ will be used as a fuel storage facility. Eight (8) fuel unloading stations will be associated with these tanks.
- Water storage facilities for process water and fire-fighting purposes.
- An HV-Yard and Substation, adjacent to the power plant.
- A new 132kV power line to connect into the municipal grid, connecting directly to the Indus Substation bordering the site.
- Guard house, administration building, workshops and a warehouse.

Technical details of the proposed facility:

Component	Description/ Dimensions
Location of the site	Erven 17455, 17443 and 17442 within the Richards Bay IDZ Phase 1F, KwaZulu-Natal
SG Codes	NOGVO4210000881800000 NOGVO4210000881900000 NOGVO4210000882000000
Site access	R34/John Ross PKWY The site will be accessed via existing internal roads within the IDZ Phase 1F.
Power Output capacity	400MW fuel generated
Proposed technology	Six (6) Gas Turbines (GT) Engines fuelled by LPG, or LNG (in various forms) where a suitable source becomes available Closed Fin-fan coolers Water Injection
Stack height	Stacks associated with engine halls will be up to 20m in height.
Extent of the proposed development footprint (including all associated infrastructure)	7.3ha
Grid connection	132kV On-site substation (HV Yard) associated with the power station. A new 132kV power line to connect to the Indus Substation bordering the site.
Fuel storage	Fuel tanks with a combined capacity of up to 10 000m ³ will be used as a fuel storage facility. Eight (8) fuel unloading stations will be associated with these tanks.
Associated buildings	Guard house, admin building, workshops and a warehouse.
Water Storage	Water storage facilities will be located on site. This will include a raw water and fire water tank, demineralisation water tank and a tank for partially treated water.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of the Mid-merit/Peaking Richards Bay Gas to Power Facility with a maximum output of 400MW as described above is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

14. The updated layout (Figure 1.4 on page 6 of the EMPr dated December 2020) attached as Annexure 1 is approved.
15. The updated EMPr (Revision 1, dated December 2020) is approved.
16. The approved EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development. Any updates to this EMPr must be undertaken in accordance with the relevant legislation.

17. Changes to the EMPr must be submitted to this Department for approval before such changes could be effected.
18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

Frequency and process of updating the EMPr

19. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 26 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
20. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
21. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
22. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
23. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

24. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.

- 24.1. The ECO must be appointed before commencement of any authorised activities.
- 24.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 24.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 24.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
26. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
27. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
28. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
29. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
30. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

31. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site

preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

32. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

33. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

Conditions for non-operational aspects

Avifauna and bats

34. The facility must be designed in a manner that prevents infrastructure components from being used as perching or roosting substrates by birds and bats, as such is prohibited.
35. The holder of this environmental authorisation must restrict the construction activities to the footprint area. No access to the remainder of the property is allowed.
36. Anti-collision devices such as bird flappers must be installed on the power line where necessary. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the power line once the exact positions of the towers have been surveyed and pegged. These devices must be according to Eskom's Transmission and EWT's Guidelines.
37. A pre-construction walk through of the power line alignment and facility position must be conducted by an avifaunal specialist to ensure that the micro-siting of the pylons and power line alignment have the least possible impact, there are no nests sites of priority species on or close to the construction corridor and all protected plant species impacted are identified.

Vegetation, wetlands and water resources

38. All watercourses are regarded as sensitive. All developments within 500m of watercourses must comply with the National Water Act.
39. The layout plan must be ground-truthed before submission to the DEA for approval and before construction commences. A walk-through to identify any sensitive features must be conducted during the wet season. The pre-construction walk-through report must be made available on request.
40. Relevant permits must be obtained from relevant authorities for any removal or destruction of Threatened or Protected Species (TOPs).
41. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be kept by the ECO.
42. Construction activities must be restricted to demarcated areas to restrict the impact on sensitive environmental features.
43. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan to be included in the final EMPr.
44. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
45. No exotic plants may be used for rehabilitation purposes; only indigenous plants of the area may be utilised.
46. No activities will be allowed to encroach into a water resource without a Water Use License being in place from the Department of Water and Sanitation.
47. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
48. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
49. Contractors and construction workers must be clearly informed of the no-go areas.
50. The final development area should be surveyed for species suitable for search and rescue, which should be trans-located prior to the commencement of construction.
51. Electric fencing should not have any strands within 30cm of the ground, which should be sufficient to allow smaller mammals, reptiles and tortoises to pass through, but still remain effective as a security barrier.
52. Disturbed areas must be rehabilitated as soon as possible after construction with locally indigenous plants to enhance the conservation of existing natural vegetation on site.

53. Wetlands, rivers and river riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
54. Workers must be made aware of the importance of not destroying or damaging the vegetation along rivers and in wetland areas and this awareness must be promoted throughout the construction phase.
55. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
56. If construction areas are to be pumped of water (e.g. after rains), this water must be pumped into an appropriate settlement area, and not allowed to flow into any rivers or wetland areas.
57. Workers must be made aware of the importance of not polluting rivers or wetlands and of not undertaking activities that could result in such pollution, and this awareness must be promoted throughout the construction phase.
58. Freshwater ecosystems located in close proximity to the site must be inspected on a regular basis (but especially after rainfall) by the ECO for signs of sedimentation and pollution. If signs of sedimentation or pollution are noted, immediate action must be taken to remedy the situation and, if necessary, a freshwater ecologist must be consulted for advice on the most suitable remediation measures.

Roads and transportation

59. The approved primary access route to the site is the R34/Johan Ross PKWY.
60. Existing internal road infrastructure must be used for providing access to the site.
61. Signs must be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration should be given to limiting construction vehicles travelling on public roadways during the morning and late afternoon commute time.
62. A designated access to the site must be created and clearly marked to ensure safe entry and exit.
63. Signage must be erected at appropriate points warning of turning traffic and the construction site.
64. Construction vehicles carrying materials to the site should avoid using roads through densely populated built-up areas so as not to disturb existing retail and commercial operations.
65. Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.
66. Roads must be designed so that changes to surface water runoff are avoided and erosion is not initiated.
67. All construction vehicles should adhere to a low speed limit to avoid collisions with susceptible species such as snakes and tortoises.

Noise

68. The potential noise impact must be re-evaluated should the layout be changed such that the facility is located closer than 1,000m from a confirmed noise sensitive receptor.
69. A noise register must be kept and should a reasonable and valid complaint about noise be registered, a noise investigation must be done by an independent acoustic consultant.
70. The holder of this authorisation must ensure that the construction staff working in areas where the 8-hour ambient noise levels exceed 75dBA wear ear protection equipment.
71. The holder of this authorisation must ensure that all equipment and machinery are well maintained and equipped with silencers.
72. The holder of this authorisation must provide a prior warning to the community when a noisy activity e.g. blasting is to take place.
73. Construction staff must be trained in actions to minimise noise impacts.

Visual resources

74. The holder of this authorisation must reduce visual impacts during construction by minimising areas of surface disturbance, controlling erosion, using dust suppression techniques and restoring exposed soil as closely as possible to their original contour and vegetation.
75. A lighting engineer must be consulted to assist in the planning and placement of light fixtures in order to reduce visual impacts associated with glare and light trespass.
76. Lighting of main structures (turbines) and ancillary buildings should be designed to minimise light pollution without compromising safety.

Human health and safety

77. A risk management plan based on a risk assessment, must be specifically compiled for the Phase 1 Mid-merit/peaking plant and must be kept on site and be implemented during emergency situations.
78. A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the energy facility.
79. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act.
80. No unsupervised open fires for cooking or heating must be allowed on site.

Hazardous materials and waste management

81. Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
82. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
83. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved waste landfill site licensed to accept such waste.
84. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
85. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
86. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore, no chemicals must be stored nor may any vehicle maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
87. Temporary bunds must be constructed around chemical storage to contain possible spills.
88. Spill kits must be made available on-site for the clean-up of spills.
89. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
90. The holder of this authorisation must provide sanitation facilities within the construction camps and along the road so that workers do not pollute the surrounding environment. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste disposal site.
91. The holder of this authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations, 2014.

Excavation and blasting activities

92. Foundations and trenches must be backfilled with originally excavated materials as much as possible. Excess excavation materials must be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.

93. Borrow materials must be obtained only from authorised and permitted sites. Permits must be kept on site by the ECO.
94. Anti-erosion measures such as silt fences must be installed in disturbed areas.

Air emissions

95. An Air Emissions Licence must be obtained from the relevant competent authority prior to construction commencing. All specific requirements made by that competent authority must be included into the EMPr.
96. Dust abatement techniques must be used before and during surface clearing, excavation, or blasting activities.
97. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind. Such measures may include wet suppression, chemical stabilisation, the use of a wind fence, covering surfaces with straw chippings and re-vegetation of open areas.

Historical / cultural / paleontological resources

98. If concentrations of archaeological heritage material, fossils and human remains are uncovered during construction, all work must cease immediately and be reported to the South African Heritage Resources Agency (SAHRA) so that a systematic and professional investigation / excavation can be undertaken.
99. Construction managers/foremen must be informed before construction starts of the possible types of heritage sites and cultural material they may be encountered and the procedures to follow when they find sites.
100. Should any human remains be uncovered during development they must be immediately protected in situ and reported to the heritage authorities or to an archaeologist. The remains will need to be exhumed at the cost of the developer.

Conditions for operational aspects

Vegetation, wetlands and water resources

101. The 'no-go' areas of the development property must be clearly demarcated and must be avoided. Contractors and workers must be clearly informed of the no-go areas.
102. All watercourses are regarded as sensitive. All activities within 500m of watercourses must comply with the National Water Act.

103. Relevant permits must be obtained from relevant authorities for any removal or destruction of Threatened or Protected Species (TOPs).
104. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
105. No discharge of effluents or polluted water must be allowed into any rivers or wetland areas.
106. Workers must be made aware of the importance of not polluting rivers or wetlands and of not undertaking activities that could result in such pollution, and this awareness must be promoted.

Roads and transportation

107. The approved primary access route to the site is the R34/Johan Ross PKWY.
108. Existing internal road infrastructure must be used for providing access to the site.
109. Road borders should be regularly maintained to ensure that vegetation remains short and that they therefore serve as an effective firebreak.

Noise

110. The holder of this authorisation must ensure that the National Noise Control Regulations and SANS10103:2008 are adhered to and measures to limit noise from the work site are implemented.
111. The holder of this authorisation must ensure that all equipment and machinery are well maintained and equipped with silencers.

Visual resources

112. Lighting of main structures and ancillary buildings should minimise light pollution without compromising safety.

Human health and safety

113. A risk management plan based on a risk assessment, must be specifically compiled for the Phase 1 Mid-merit/peaking plant and must be kept on site and be implemented during emergency situations.
114. A health and safety programme must be developed to protect both workers and the general public during construction, operation and decommissioning of the energy facility.

115. Potential interference with public safety communication systems (e.g. radio traffic related to emergency activities) must be avoided.
116. The holder of this authorisation must train safety representatives, managers and workers in workplace safety. The operation process must be compliant with all safety and health measures as prescribed by the relevant act.

Hazardous materials and waste management

117. Only Liquefied Petroleum Gas (LPG), Liquefied Natural Gas (LNG), Regasified Liquefied Natural Gas (RLNG) or pipeline natural gas are to be used as a fuel source. No Heavy Fuel Oil or Light Fuel Oil are to be used as a fuel source for the plant.
118. Should sustainable supplies of cleaner fuel (e.g. biofuel) become commercially viable in the future then the holder of the EA should get approval from the Department prior to changing the fuel source.
119. Areas around fuel tanks must be bunded or contained in an appropriate manner as per the requirements of SABS 089:1999 Part 1.
120. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
121. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved waste landfill site licensed to accept such waste.
122. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.
123. Hazardous substances must not be stored where there could be accidental leakage into surface or subterranean water.
124. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore, no chemicals must be stored nor may any vehicle maintenance occur within 350m of the temporal zone of wetlands, a drainage line with or without an extensive floodplain or hillside wetlands.
125. Bunds must be constructed around chemical storage to contain possible spills.
126. Spill kits must be made available on-site for the clean-up of spills.
127. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
128. The holder of this authorisation must provide sanitation facilities for the operation staff.

Air emissions

129. All apparatus must be operated in accordance with their design specifications and all maintenance and repair operation requirements must be maintained to ensure optimum performance and minimum emissions.

General

130. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 130.1. at the site of the authorised activity;
 - 130.2. to anyone on request; and
 - 130.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
131. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 21/03/2021



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental, Forestry and Fisheries

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the amended application form received on 15 June 2016.
- b) The information contained in the EIAr dated June 2016.
- c) The comments received from the Department of Energy; SANRAL; AMAFA Heritage KwaZulu-Natal; the Richards Bay Clean Air Association; the City of UMhlatuze Local Municipality, the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs, the uThungulu District Municipality and Ezemvelo KZN Wildlife.
- d) Mitigation measures as proposed in the EIAr.
- e) The information contained in the specialist studies contained within the appendices of the EIAr dated June 2016 and as appears below:

Title	Prepared by	Date
Atmospheric Impact Report	M Zunckel and A Raghunandan of uMoya-Nilu	May 2016
Specialist Terrestrial Ecological Assessment Report	A Teixeira-Leite of Eco-Pulse Environmental Consulting Services	26 April 2016
Soil Impact Assessment	C Hunter of Savannah Environmental (Pty) Ltd. and peer reviewed by Neville Bews of Dr Neville Bews & Associates: Social Impact Assessors	May 2016
Noise Impact Assessment	M de Jager of Enviro-Acoustic Research cc	06 November 2015
Visual Impact Assessment	Afzelia Environmental Consultants and Environmental Planning and Design	January 2016
Heritage	Ceder Tower Services (Pty) Ltd.	April 2015

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The EIAr dated June 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAr dated June 2016.
- d) The location of facility as presented in the final EIAr.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated June 2016 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The information contained in the EIAr dated June 2016 is deemed to be accurate and credible.
- b) The identification and assessment of impacts are clearly detailed in the EIAr dated June 2016 and sufficient assessment of the key identified issues and impacts have been completed for Phase 1 of the development proposal.
- c) The impacts associated with Phase 1 for the mid-merit/peaking plant can be mitigated to acceptable levels.
- d) The information for the sourcing and assessment of impacts associated with the supply of gas for Phase 2 of the development is not adequate for decision making.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 1: Layout Plan



Figure 1.4: Updated Environmental Sensitivity and Layout Map for the project study area illustrating ecologically sensitive areas in relation to the gas to power plant as well as the location of protected plant species (Refer to Appendix B for A3 maps). The layout map has been updated in accordance with Condition 14 of the EA.