



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House ·473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2117

Enquiries: Ms Matlhodi Mogorosi

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Mr Joseph Mosedi Tenyane
Sixth Floor, Building I, Hertford Office Park
90 Bekker Street
Vorna Valley
MIDRAND
7500

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

PER EMAIL / MAIL

Dear Mr Tenyane

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF THE 2000MW PHAKWE RICHARDS BAY GAS POWER 3 COMBINED CYCLE POWER PLANT (CCPP) AND ASSOCIATED INFRASTRUCTURE WITHIN THE RICHARDS BAY IDZ PHASE 1F, IN RICHARDS BAY, CITY OF UMHLATHUZE LOCAL MUNICIPALITY, KWAZULU-NATAL PROVINCE

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

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 fourteen (14) days of the date of the 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.

JMS

Your attention is drawn to Chapter 2 of 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.

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@dffe.gov.za;

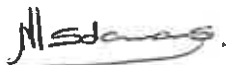
By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

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@dffe.gov.za.

Yours faithfully



Ms Milicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Date: 22/11/2022.

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
	Mr Siza Sibande	KZN DEDT&EA	Email: siza.sibande@kznedtea.gov.za
	Ms Sharin Govender	City of uMhlathuze Local Municipality	Email: Sharin.Govender@umhlathuze.gov.za

DFFE Reference: 14/12/16/3/3/2/2117

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APPROVAL OF ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT OF THE 2000MW PHAKWE RICHARDS BAY GAS POWER 3 COMBINED CYCLE POWER PLANT (CCPP) AND ASSOCIATED INFRASTRUCTURE WITHIN THE RICHARDS BAY IDZ PHASE 1F, IN RICHARDS BAY, CITY OF UMLATHUZE LOCAL MUNICIPALITY, KWAZULU-NATAL PROVINCE



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The development of the 2000MW Phakwe Richards Bay Gas Power 3 Combined Cycle Power Plant (CCPP) and associated infrastructure within the Richards Bay IDZ Phase 1F, in Richards Bay, City of uMhlathuze Local Municipality, KwaZulu-Natal Province
King Cetshwayo District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/2117</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Phakwe Richards Bay Gas Power 3 (Pty) Ltd</i>
Location of activity:	<i>Erf 16820; Erf 16819; Erf 1/16674; Subdivision of Erf 17442; City of uMhlathuze Local Municipality; King Cetshwayo 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.

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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, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

Phakwe Richards Bay Gas Power 3 (Pty) Ltd

with the following contact details –

Mr. Joseph Mosedi Tenyane
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90 Bekker Street
Vorna Valley
MIDRAND
7500

Telephone Number: (011) 805 3324
Cell phone Number: (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, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Item 14:</u></p> <p><i>“The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.”</i></p>	<p>Chemicals of up to 80m³ will be utilized during construction and operation of the facility, stored in bunded tanks on site. This storage infrastructure will supply the proposed development with the fuel required for black start, heating, as well as operation.</p>
<p><u>Listing Notice 1, Item 16:</u></p> <p><i>“The development and related operation of facilities for the desalination of water with a design capacity to produce more than 100 cubic metres of treated water per day.”</i></p>	<p>A demineralisation water treatment plant producing more than 100m³ per day of process water to be used in the energy production system will be developed as part of this project.</p>
<p><u>Listing Notice 1, Item 27:</u></p> <p><i>“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.”</i></p>	<p>The development requires the clearance of up to a maximum of 11.8ha of indigenous vegetation.</p>
<p><u>Listing Notice 1, Item 28:</u></p> <p><i>“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes of afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.”</i></p>	<p>The development occurs within an industrial complex (RB IDZ Phase 1F) which is regarded as being outside an urban area and will have a footprint of up to 11.8ha. This area was most likely utilised for agriculture between the years of 1998 and 2004.</p>
<p><u>Listing Notice 2, Item 2:</u></p> <p><i>“The development and related operation of facilities or infrastructure for the generation of electricity from a non-renewable resource where the electricity output is 20 megawatts or more.”</i></p>	<p>Phakwe Richards Bay Gas Power 3 CCPP will have a generating capacity of up to 2000MW and will use natural gas (in various forms) as a fuel resource, which is a non-renewable resource.</p>

<p><u>Listing Notice 2, Item 6:</u></p> <p><i>"The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent."</i></p>	<p>An Air Emissions Licence is required to be obtained for the development in terms of the NEM: Air Quality Act.</p>
<p><u>Listing Notice 3, Item 2:</u></p> <p><i>"The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>(viii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The development includes storage tanks for process water of capacity greater than 250 cubic metres. The project site is located within a Critical Biodiversity Area (CBA) as per the KwaZulu-Natal Biodiversity Sector Plan, 2016 (updated).</p>
<p><u>Listing Notice 3: Item 4:</u></p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>(viii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The development will require the development of access or internal roads of 6m maximum width. The project site is located within a Critical Biodiversity Area (CBA) as per the KwaZulu-Natal Biodiversity Sector Plan, 2016 (updated).</p>
<p><u>Listing Notice 3, Item 10:</u></p> <p><i>"The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic meters –</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>(ix) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>Chemicals of up to 80m³ will be utilized during construction and operation of the facility, stored in bunded tanks on site. This storage infrastructure will supply the proposed development with the fuel required for black start, heating as well as operation. The project site is located within a Critical Biodiversity Area (CBA) as per the KwaZulu-Natal Biodiversity Sector Plan, 2016 (updated).</p>

<p>Listing Notice 3, Item 12:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation;</i></p> <p><i>d. KwaZulu-Natal</i></p> <p><i>(v) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans."</i></p>	<p>The development requires the clearance of up to a maximum of 11.8ha of indigenous vegetation. The project site is located within a Critical Biodiversity Area (CBA) as per the KwaZulu-Natal Biodiversity Sector Plan, 2016 (updated).</p>
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as described in the Environmental Impact Assessment Report (EIAR) dated August 2022 at:

SG 21 Code

Farm names & Portion numbers	SG 21 Digit Code
Erf 16820	N0GV04210001682000000
Erf 16819	N0GV04210001681900000
Erf 1/16674	N0GV04210001667400000
Subdivision of Erf 17442	N0GV04210001744200000

Project Site Coordinates

Phakwe Richards Bay Gas Power 3 Combined Cycle Power Plant (CCPP)	Latitude	Longitude
	28° 44' 31.5306" S	32° 1' 39.4420" E
	28° 44' 26.9614" S	32° 1' 42.3432" E
	28° 44' 31.6831" S	32° 1' 51.9240" E
	28° 44' 45.6445" S	32° 1' 42.9759" E
	28° 44' 43.0901" S	32° 1' 38.0691" E
	28° 44' 33.7688" S	32° 1' 43.9819" E

- for the development of the up to 2000MW Phakwe Richards Bay Gas Power 3 Combined Cycle Power Plant (CCPP) and associated infrastructure within the Richards Bay IDZ Phase 1F, in Richards Bay, City of uMhlathuze Local Municipality, KwaZulu-Natal Province, hereafter referred to as "the property".

The main infrastructure associated with the facility includes the following:

- Up to 4 gas turbines for the generation of electricity through the use of natural gas (liquid or gas forms), or a mixture of Natural gas and Hydrogen (in a proportion scaling up from 20% H₂) as fuel source, operating all turbines at mid-merit or baseload (estimated 16 to 24 hours daily operation).
- Exhaust stacks associated with each gas turbine.
- Up to 4 Recovery Steam Generator (HRSG) to generate steam by capturing the heat from the turbine exhaust.
- Up to 4 steam turbines to generate additional electricity by means of the steam generated by the HRSG.
- The water treatment plant will demineralise incoming water from municipal or similar supply to the gas turbine and steam cycle requirements. The water treatment plant will produce two parts demineralised water and reject one-part brine, which will be discharged to the RB IDZ stormwater system.
- Steam turbine water system will be a closed cycle with air cooled condensers. Make-up water will be required to replace blow down.
- Air cooled condensers to condensate used steam from the steam turbine.
- Compressed air station to supply service and process air.
- Water pipelines and water tanks for storage and distributing of process water. (Potential sourcing of alternative water outside RB IDZ supply (Municipality)).
- Water retention pond.
- Closed Fin-fan coolers to cool lubrication oil for the gas turbines.
- Gas generator Lubrication Oil System.
- Gas pipeline supply conditioning process facility.
- Site water facilities including potable water, storm water, wastewater.
- Fire water (FW) storage and FW system.
- Diesel emergency generator for start-up operation.
- Onsite fuel conditioning including heating system.
- All underground services: This includes stormwater and wastewater.
- Ancillary infrastructure including:
 - Stormwater channels.
 - Roads (access and internal);
 - Warehousing and buildings;
 - Workshop building;
 - Fire water pump building;
 - Administration and Control Building;

- Ablution facilities;
- Storage facilities;
- Guard House;
- Fencing;
- Maintenance and cleaning area;
- Operational and maintenance control centre.
- Service infrastructure including:
 - Stormwater channels.
 - Water pipelines.
 - Temporary work areas during the construction phase (laydown areas).

Below is a table for the details or dimensions of the up to 2000MW Phakwe Richards Bay Gas Power 3 Combined Cycle Power Plant (CCPP) and associated infrastructure:

Component	Description/ Dimensions
Location of the site	Erven 16820, 16819 1/16674 and a subdivision of Erf 17442 within the Richards Bay IDZ Phase 1F, KwaZulu-Natal
Landowner	Richards Bay Industrial Development Zone (IDZ), Phase 1F
Municipal Jurisdiction	King Cetshwayo District Municipality and the City of uMhlathuze Local Municipality
Electricity Generating capacity	2000MW (installed)
Proposed technology	Combined Cycle Gas Turbine Technology with associated Balance of Plant
Extent of preferred project sites	11.8ha
Extent of the 2000MW PRBGP3 CCPP	Up to 11ha
Stack dimensions (Site elevation: 43 - 47m above mean sea)	<ul style="list-style-type: none"> ● Exhaust and bypass stack height will be a minimum of 45m up to 90m (1 stack per Heat Recovery Steam Generator (HRSG) and one additional bypass for each gas turbine. ● Diameter of each stack is expected to be approximately 9m
Fuel Sources	<ul style="list-style-type: none"> ● Natural gas (LNG or similar) – 2 218 407 840 (i.e., 2 218 million) normal m³. ● Mixture of Natural gas and Hydrogen

Site access	The site will be accessed via existing roads within the IDZ Phase 1F (already approved through an EIA undertaken for the Phase 1F infrastructure) and internal access roads (width of up to 6m) which will be constructed.
Water requirements	<ul style="list-style-type: none"> • The construction phase of the PRBGP3 plant will require ~25 000m³ of water for a period of 36-48 months. The average consumption will be approximately 550-700m³/month. Potable water is to be sourced from RB IDZ as part of the lease agreement conditions. • Water volumes of approximately 1 130 000m³ per annum are expected to be required for the operation of the plant. This amount to between 2790 and 3100m³/day which will be provided by the RB IDZ. Water provided by RB IDZ will be sourced from the uMhlathuze Municipality Water Works.
Associated infrastructure	<ul style="list-style-type: none"> • Temporary laydown areas. • Warehousing and buildings. • Workshop building. • Fire water pump building. • Administration and Control Building. • Ablution facilities. • Storage facilities. • Guard House. • Fencing. • Maintenance and cleaning area. • Operational and maintenance control centre.
Services required	The proposed project will be located within the Richards Bay IDZ 1F under a long-term lease. The Zone Operator / Landlord (RBIDZ) is responsible for all services required by Phakwe Richards Bay Gas Power 3 (Pty) Ltd (the tenant) under the long-term lease agreement. The RBIDZ lease agreement states:

	<p><i>"Undeveloped land which is to be serviced by the Landlord to include bulk water, sewer, and electrical connections and a road external to the leased premises but within the RBIDZ. The Landlord will be responsible for the development of the Property as vacant developed land with services in place to the supply points installed by the Landlord near the boundary of the Property."</i></p> <p>In this regard, the following engineering services will be provided by the Landlord:</p> <ul style="list-style-type: none"> • Water; • Sewage; • Roads; • Storm water; • Electricity; and • General waste removal on a weekly basis by the uMhlathuze Municipality.
Raw/Process-Water Storage Reservoir	<p>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.</p>

Conditions of this Environmental Authorisation

Scope of authorisation

1. The development of the 2000MW Phakwe Richards Bay Gas Power 3 Combined Cycle Power Plant (CCPP) and associated infrastructure within the Richards Bay IDZ Phase 1F in Richards Bay, within Ward 26 of the City of uMhlathuze Local Municipality in the King Cetshwayo District Municipality in the KwaZulu-Natal Province, as per the geographic coordinates cited in the table 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.

Notification of authorisation and right to appeal

9. 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.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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

12. The site layout plan attached in Appendix P of the EIAr and labelled "*Layout Map (indicative infrastructure areas)*" for the Phakwe Richards Bay Gas 3 Combined Cycle Power Plant is not approved. The final layout plan must be submitted to the department for review and approval once all processes as well as approvals required for the associated infrastructure (gas pipeline, onsite substation, switching station and powerline) have been finalised. The approval of the final site layout plan must be informed by the EIA process applicable at the time.
13. The Environmental Management Programme (EMPr) submitted as part of the EIAr dated August 2022 is approved and must be implemented and adhered to.
14. The generic EMPr submitted as part of the final EIAr, for the onsite substation, is not approved. Activity 9 of LN 2 of the 2014 EIA Regulations as amended was not applied for as part of the listed activities which require environmental authorisation, and the on-site substation as well as the impact thereof were not assessed as part of the scope of work and plan of study for EIA.
15. The 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 when approved.
16. Changes to the approved EMPr must be submitted in accordance with the EIA Regulations applicable at the time.
17. 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

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 24 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.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. 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.
21. 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 the EIA Regulations, 2014 as amended. 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.
22. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. 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.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.
 - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.

- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 23.4. 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

- 24. 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.
- 25. 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.
- 26. 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 the EIA Regulations, 2014 as amended.
- 27. 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.
- 28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended 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.
- 29. 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

- 30. 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

31. 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

32. 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

33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
34. Should an Air Emission Licence (AEL) be required, it must be applied for and obtained from the relevant Authority prior to commencing with construction activities.
35. Vegetation clearing must be limited to the required footprint for construction works. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
36. A final walkthrough by a qualified Botanist/Ecologist must be undertaken prior to commencement of construction activities, to scan the development site for the presence of any protected flora species or species of conservation concern that may be affected by the development.
37. Should there be any protected flora species or species of conservation concern found within the development site, these must be clearly marked and where it is deemed necessary, be translocated by the Botanist/Ecologist who conducted the pre-construction walkthrough as per condition 36.
38. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
39. A permit must be obtained from the relevant nature conservation agency for the removal of protected or endangered plant or animal species.
40. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
41. Dust suppression measures must be implemented during the construction phase to limit the impacts of dust.

42. 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.
43. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities, all works must be stopped immediately, and AMAFA must be notified without delay.
44. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use, and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

45. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 45.1. at the site of the authorised activity;
 - 45.2. to anyone on request; and
 - 45.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
46. 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: 22/11/2022.



Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

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 -

- The listed activities as applied for in the application form received on 12 November 2021.
- The information contained in the final EIAr dated August 2022.
- The comments received from interested and affected parties as included in the EIAr dated August 2022.
- Mitigation measures as proposed in the EIAr and the EMPr dated August 2022.
- The information contained in the specialist studies contained within the appendices of the EIAr dated August 2022 and as appears below:

Title	Prepared by	Date
Terrestrial Ecology Impact Assessment	Rautenbach Biodiversity Consulting	April 2022
Aquatic Impact Assessment	The Biodiversity Company	March 2022
Air Quality Impact Assessment	Airshed Planning Professionals	August 2022
Health Risk Impact Assessment	Infotox (Pty) Ltd	May 2022
Agriculture Impact Assessment	The Biodiversity Company	March 2022
Visual Impact Assessment	LOGIS	April 2022
Climate Change Impact Assessment	Promethium Carbon	August 2022
Noise Impact Assessment	EARES (Enviro Acoustic Research)	April 2022
Social Impact Assessment	Urban-Econ Development Economists	August 2022
Traffic Impact Assessment	JG Afrika	April 2022
Quantitative Risk Impact Assessment	Riscom	August 2022
EMPr	Savannah Environmental (Pty) Ltd	August 2022

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 and reducing the current carbon footprint per unit of electricity produced, as power plants using natural gas emit approximately half the carbon of coal-fired power plants while using considerably less water, thus supporting Government's commitment to reduce carbon emissions.
- c) The EIAr dated August 2022 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The location of the proposed Phakwe Richards Bay Gas Power 3 Combined Cycle Power Plant.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated August 2022 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 as amended for public involvement.

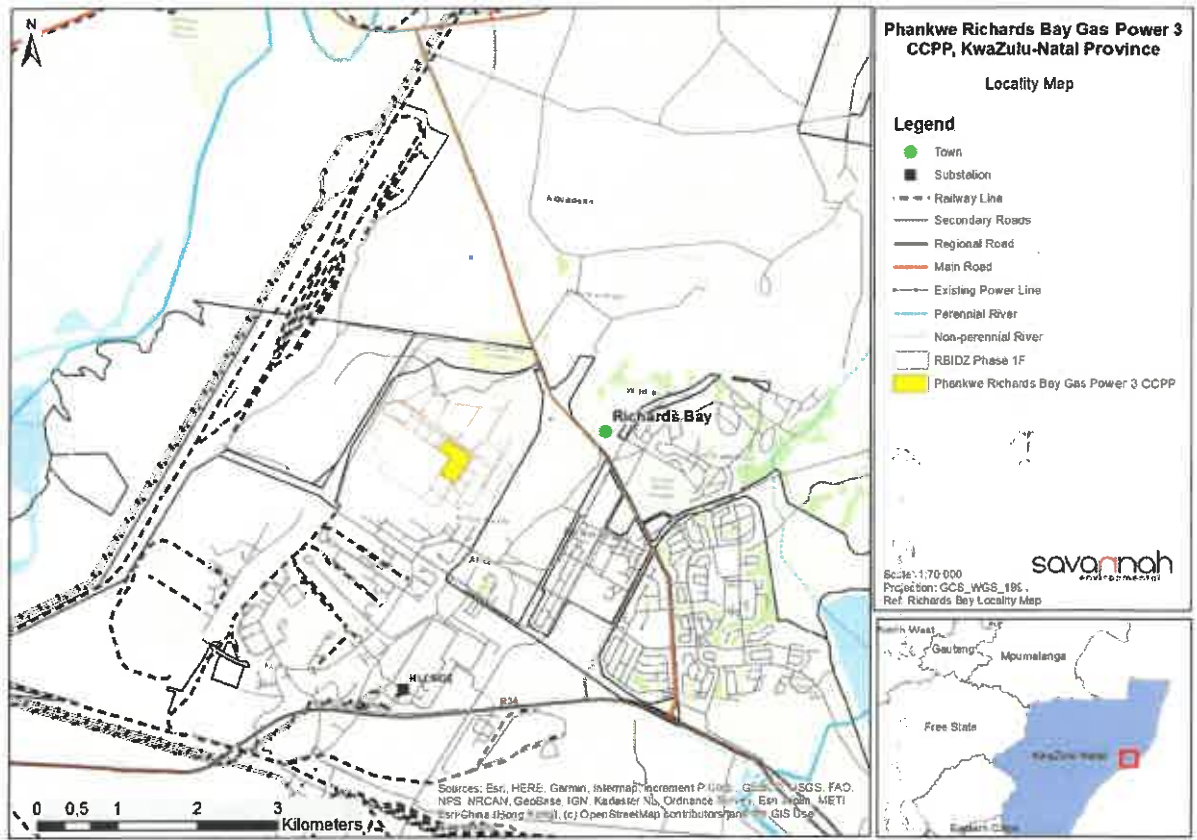
3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIAr dated August 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the EIAr dated August 2022 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

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 2: Locality Map





forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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Ms. Milicent Solomons
Director: Prioritised Infrastructure Projects

Dear Ms. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 01 NOVEMBER 2022 – 16 DECEMBER 2022

I hereby inform you that I have decided to appoint you as Acting Chief Director: Integrated Environmental Authorizations, for the period of 01 November 2022 – 16 December 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Devinagie Bendeman

Deputy Director-General: RSCM (Regulatory Compliance and
Sector Monitoring)

Date: 31 October 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorisations

Signed:

Date: 31/10/2022.