



forestry, fisheries & the environment

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

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DFFE Reference:14/12/16/3/3/2/1123/AM1

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Ms Deidre Herbst
Eskom Holdings SOC Ltd
P.O. Box 1091
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JOHANNESBURG
2000

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PER E-MAIL

Dear Ms Herbst

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 DECEMBER 2019 FOR THE PROPOSED CONSTRUCTION OF RICHARDS BAY COMBINED CYCLE POWER PLANT AND ASSOCIATED INFRASTRUCTURES WITHIN THE CITY OF UMHLATHUZE LOCAL MUNICIPALITY IN KWAZULU NATAL PROVINCE

The Environmental Authorisation ("EA") issued for the abovementioned application by this Competent Authority ("CA") on 23 December 2019, your application for amendment of the EA received by the CA on 20 September 2024, and the acknowledgement letter dated 01 October 2024 requesting additional information, and the additional information received by the CA on 03 October 2024, refer.

Based on a review of the reason for requesting an amendment to the above EA, this CA in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 23 December 2019, as follows:

Amendment 1: Extension of validity period - Condition 7 of the EA dated 23 December 2019

The validity period of the EA (which was due to lapse on **23 December 2024**) is hereby extended by an additional five (5) years to **23 December 2029**. As such, condition 7 of the EA dated **23 December 2019** is amended as follows:



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The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

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"7. This activity must commence within a period of ten (10) years from the date of issue of this authorisation. The authorisation **lapses on 23 December 2029**. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made for the activity to be undertaken."

Reason for the above amendment

The Applicant Eskom, applied for the extension of the validity period of the EA as construction has not commenced because of the judicial review process that is on-going. The EA was appealed and dismissed on 13 October 2020. The matter was taken further for judicial review, and the hearing was scheduled in the Supreme Court on 30 August 2024.

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10-year period, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

This proposed amendment letter must be read in conjunction with the EA dated 23 December 2019.

In terms of the Promotion of Administrative Justice Act, 2000 (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, 2013 (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.

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, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (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 twenty (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@dff.gov.za


By hand: Environment House
473 Steve Biko Road
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.dffe.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dff.gov.za.

Yours faithfully


Dr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 24/10/2024

cc:	Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Emails: joanne@savannahsa.com
	Estelle E Naidoo	City of uMhlathuze Local Municipality	Emails: NaidooEE@uMhlathuze.gov.za
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