



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/3/2/1018/AM1

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Mr Eugene Marias
South African Mainstream Renewable Power Developments (Pty) Ltd
P. O. Box 45063
CLAREMONT
7735

Tel: (021) 657 4040
E-mail: eugene.marais@mainstreamrp.com

PER MAIL / EMAIL

Dear Eugen

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 MARCH 2018 FOR THE PROPOSED CONSTRUCTION OF THE IXHA BOOM WIND FARM NEAR LOERIESFONTEIN, HANTAM LOCAL MUNICIPALITY IN THE NOTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 29 March 2018, and your application for amendment of the EA received by this Department on 11 April 2019 and acknowledged on 24 April 2019 refer.

Based on a review of the reason for requesting an amendment to the abovementioned EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 11 April 2019, as follows:

Amendment 1 to turbine curtailment:

Condition 42 on page 15

From:

All turbines must be curtailed below cut in speed and not allow for free-wheeling from the start of operation, for every night of the year from sunset to sunrise.

To:

Curtailment must be applied from the start of operation at Level 3 on all turbines for every night from dusk until dawn, from 1 August to 30 April every year (thus months of May, June and July are excluded). Level 3 requires ninety degree feathering of blades below manufacturer's cut-in speed so it is exactly parallel to the wind direction as to minimize freewheeling blade rotation as much as possible without locking the blades.

Condition 43 on page 15 and 16

From:

The following curtailment schedule must be implemented. The levels of curtailment must be adjusted according to the results of the operational monitoring, based on robust mortality data:

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	Specific conditions of mitigation implementation
Peak activity (times to implement curtailment/ mitigation)	Met Mast (80m): 15 – 25 January over the time of sunset - 01:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (80m): Wind speed below 7m/s <i>and</i> Temperature above 18°C
Peak activity (times to implement curtailment/ mitigation)	Met Mast (80m): 25 August – 30 November over the time of sunset – 00:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (80m): Wind speed below 8m/s (non-normalised data used) <i>and</i> Temperature above 14°C

To:

Should robust and scientifically defensible data gathered during the operational study phase reveal higher bat mortalities than currently anticipated, the mitigations in Table 1 must be applied to the turbines identified as causing the highest impacts. Such curtailment specified in Table 1 will have to be at a maximum of Level 5 which requires ninety degree feathering of blades below mitigation cut in conditions.

Table 1: The periods and weather conditions for implementation of mitigation, when needed, as outlined above

Specific conditions of mitigation implementation	
Peak activity (times to implement curtailment/ mitigation)	Met Mast (80m): 15 – 25 January over the time of sunset - 01:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (80m): Wind speed below 7m/s <i>and</i> Temperature above 18°C
Peak activity (times to implement curtailment/ mitigation)	Met Mast (80m): 25 August – 30 November over the time of sunset – 00:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (80m): Wind speed below 8m/s (non-normalised data used) <i>and</i> Temperature above 14°C

Amendment 2: Contact details for the holder of the EA

From:

South African Mainstream Renewable Power Developments (Pty) Ltd
 Mr Michael Mangnall
 PO Box 45063
CLAREMONT
 7735

Telephone Number: (021) 657 045
 Cell phone Number: (083) 785 1492
 Email Address: mike.mangnall@mainstreamrp.com

To:

South African Mainstream Renewable Power Developments (Pty) Ltd
 Mr Eugene Marias
 PO Box 45063
CLAREMONT
 7735
 Telephone Number: (021) 657 4040
 Fax Number: (021) 671 5665

M.S

Email Address: Eugene.marais@mainstreamrp.com

Reason for Decision:

Mainstream initially intended to construct 70 wind turbines on the !Xha Boom Wind Farm site and as such the environmental specialists assessed the entire development site during the scoping phase and then extensively investigated the proposed 70 turbine layout during the EIA phase of the project. However, in order to ensure that the proposed wind farm development avoided the sensitive areas identified during the EIA phase and did not result in significant environmental impacts, Mainstream put forward an alternative turbine layout for assessment, in which the number of turbines was reduced to 47 and environmentally sensitive areas were avoided. The 47 turbine layout was comparatively assessed by the specialists as a design alternative to the original 70 turbine layout and was found to be the preferred alternative from an environmental perspective and was granted EA. During the EIA process, the specialists updated the findings of their studies and revised the recommended mitigation measures, where necessary. The reduction in the number of turbines resulted in significant changes to the turbine curtailment measures recommended by the Bat Specialist. These revised turbine curtailment measures are however not reflected in the specific conditions of the EA issued on 29th March 2018. It is therefore necessary to amend the EA to ensure that it is aligned with the recommendations of the Bat Specialist pertaining to turbine curtailment which are specific to the authorised 47 turbine layout and which were informed by the 12 months of preconstruction bat monitoring. The amendments to the turbine curtailment conditions will not result in any additional impacts, nor change the nature, scope or description of the authorised project.

An amendment to the contact details for the holder of the EA is required, as Mr Michael Mangnall is no longer employed by Mainstream and Mr Eugene Marais is now acting as the contact person.

This letter must be read in conjunction with the EA dated 29 March 2018, as amended.

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 EA Amendment, 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, 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.

Your attention is also drawn to Chapter 2 of 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 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: appealsdirector@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 appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 13/05/2019

CC:	Ms Andrea Gibb	SIVEST SA (Pty) Ltd	Tel: 011 798 0600	Email: andrea@sivest.co.za
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