



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/1015/AM1

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Mr Eugene Marais
South Africa Mainstream Renewable Power Developments (Pty) Ltd
PO Box 45063
CLAREMONT
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Tel: (021) 657 4045

Email: eugene.marais@mainstreammrp.com

PER EMAIL / MAIL

Dear Mr Marais

13/03/2023

Themba Mnguni
Commissioner of Oaths
Admitted Attorney RSA
4th Floor Mariendahl House,
Newlands on Main,
Cnr of Campground and
Main Road, Cape Town

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 15 MARCH 2018 FOR THE CONSTRUCTION OF 235MW HARTEBEEST LEEGTE WIND FARM SITUATED NEAR LOERIESFONTEIN, HANTAM LOCAL MUNICIPALITY IN THE NORTHERN CAPE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 15 March 2018 and your application for amendment to the EA received by this Department on 11 April 2019 and acknowledgment thereof on 27 April 2019 refer.

The applicant applied to amend the turbine curtailment conditions and to change the contact details of the holder of the EA. Based on a review of the reasons for requesting amendments to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment (EIA) Regulations, 2014, as amended, has decided to amend the EA dated 15 March 2018 as follows:

Amendment 1: To amend Condition 44 on page 13 of the EA with regard to the turbine curtailment

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 should 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.

Amendment 2: To amend Condition 45 on page 14 of the EA with regard to the turbine curtailment

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".

	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 and 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) and 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 below must be applied to the turbines identified as causing the highest impacts. Such curtailment specified in table below must be at a maximum of Level 5 which requires ninety degree feathering of blades below mitigation cut in conditions.

	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 and 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) and Temperature above 14°C

The applicant applied to amend the specific conditions related to turbine curtailment measures which intend to reduce the impacts of wind turbines on bats. The amended conditions will align with the mitigation measures recommended by the Bat Specialist for the authorised 47 turbine layout and the proposed amendments will not result in any additional bat impacts.

Amendment 3: To change the contact details of the holder of the EA as described on page 2 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
Fax Number: (021) 671 5665
Email Address: mike.mangnall@mainstreamrp.com

To:

South Africa Mainstream Renewable Power Developments (Pty) Ltd
Mr Eugene Marias
PO Box 45063
CLAREMONT
7735

Telephone Number: (021) 657 4040
Fax Number: (021) 671 5665
Email Address: eugene.marais@mainstreammrp.com

This letter must be read in conjunction with the EA dated 15 March 2018.

The applicant further applied to amend the details of the holder of the EA as Mr Michael Magnall is no longer employed by Mainstream and Mr Eugene Marais is now acting as the contact and/or responsible person for the EA.

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 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is 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: 22/05/2019

cc:	Ms S. Andrea Gibb	SIVEST SA (Pty) Ltd	Tel: (011) 798 0638	E-mail: andreag@sivest.co.za
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