



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

Telephone Number: (021) 657 4045
Email Address: eugene.marais@mainstreammp.com

PER MAIL / E-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 THE 235MW HARTEBEEST LEEGTE WIND FARM SITUATED NEAR LOERIESFONTEIN, HANTAM LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above-mentioned application by this Department on 15 March 2019, the amendment to the EA dated 22 May 2019, your application for amendment of the EA received by this Department on 12 August 2019, the draft report received on 27 September 2019, the comments issued by this Department on 18 October 2019 and the final report received on 11 November 2019, refers.

Based on a review of the reason for requesting an amendment to the above-mentioned 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:

1. Amendment to turbine dimensions on page 5 of the EA

From:

Hub height from ground level	Up to 160m
Rotor diameter	Up to 160m

To:

Hub height from ground level	Up to 200m
Rotor diameter	Up to 200m

2. Amendment to turbine numbers on page 5 and 13 of the EA

From:

Up to 47 turbines

To:

Up to 37 turbines

3. **Amendment to curtailment programme in Condition 45 on page 14 of the EA (as amended on page 2 of the EA Amendment dated 22 May 2019)**

From:

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 <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 the total output of the wind farm exceed 200MW, the curtailment programme indicated in the table below **must** be applied at the onset of the wind development facility.

Terms of mitigation implementation	
Peak activity (times to implement curtailment/ mitigation)	Met Mast (10m): 15 – 25 January from the time of sunset to 04:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (10m): Wind speed below 8.5m/s <i>and</i> Temperature above 20°C
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 (10m): 15 February – 31 March over the time of sunset – 04:00
Environmental conditions in which to implement curtailment/ mitigation -	Met Mast (10m): Wind speed below 8.0m/s <i>and</i> Temperature above 16.0°C
Peak activity (times to implement curtailment/ mitigation)	Met Mast (10m): 10 April – 10 June over the time of sunset – 04:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (10m): Wind speed below 6m/s <i>and</i> Temperature above 17°C
Peak activity (times to implement curtailment/ mitigation)	Met Mast (10m): 25 August – 30 November over the time of sunset – 03:00
Environmental conditions in which to implement curtailment/ mitigation	Met Mast (10m): Wind speed below 8m/s <i>and</i> Temperature above 14°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 <i>and</i> Temperature above 13°C

4. Correction to the holder of the authorisation on page 1 of the EA

From:

South African Mainstream Renewable Power Developments Pty (Ltd)

To:

South Africa Mainstream Renewable Power Developments Pty (Ltd)

5. Correction to the contact person on page 2 of the EA (as amended on page 3 of the EA Amendment dated 22 May 2019)

From:

Mr Eugene Marias

To:

Mr Eugene Marais

Conditions of the EA amendment

The following mitigation measures must be incorporated into the amended EMPr to be submitted to the Department for approval per Conditions 18 and 19 of the EA. These mitigation measures must be aligned with the similar conditions of the EA dated 15 March 2018, and, where they differ, an application for amendment of the applicable conditions must be applied for:

- the mitigation measures in the Bat Impact Assessment Amendment Report dated August 2019 compiled by Stephanie Dippenaar Consulting for the Hartebeest Leegte Wind Energy Facility, Northern Cape; and
- the condition of the noise specialist that the wind turbine sound power emission levels should not exceed 108.5 dBA.

Reasons for the amendments:

Amendments to authorised turbine dimensions, turbine numbers and curtailment programme:

The main reason for the proposed increase in the hub height and rotor diameter is to ensure that the most efficient wind turbines available on the market can be used at the time of construction. The available turbines on the market are constantly improving and, as new technology becomes available, the turbine specifications often change. More up-to-date turbine models are more efficient, and some are better suited to the native wind conditions on the site. These up-to-date turbines will allow for the optimisation of the project, driving improved overall efficiency. In addition, larger turbines have larger generators, which result in fewer turbines to produce the same export capacity. This can increase the efficiency, higher energy production and profitability of the

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overall project. As such, the maximum number of authorised turbines may be reduced, which can also benefit the environment. South Africa Mainstream Renewable Power Developments (Pty) Ltd has consequently agreed to reduce the number of authorised turbines from 47 to 37. This would amount to a 21.2% reduction in the number of turbines.

Furthermore, the potential negative impacts resulting from the amendments would remain unchanged with the implementation of the specific new bat mitigation measures to be included in the EMPr. The amendment to the curtailment programme was recommended by the bat specialist, to ensure that the potential negative impacts remain unchanged. The advantages of the amendments therefore outweigh the disadvantages, as the increase in the hub height and rotor diameter of the turbines will ensure that the most efficient wind turbines available on the market can be used at the time of construction. The final turbine model and specifications will be determined once the project is selected as a preferred bidder in the Department of Energy's (DoEs) future Renewable Energy Independent Power Producer Procurement Programme's (REIPPPP) bidding rounds. The final development layout plan, with siting of the reduced turbines, will be determined during the detailed design phase once the project has been awarded preferred bidder status, and will be submitted to the Department for written approval, per Condition 16 of the EA dated 15 March 2018.

Amendments to the holder of the EA and contact person:

The reference to 'South African Mainstream Renewable Power Developments (Pty) Ltd' is incorrect. The correct holder of the EA is 'South Africa Mainstream Renewable Power Developments (Pty) Ltd'. The 'n' in the word Africa was included in error and required amendment so that there is no uncertainty or ambiguity regarding the holder of the EA. In addition, the surname of Eugene Marais was spelt incorrectly and required correction.

General

This amendment letter must be read in conjunction with the EA dated on 15 March 2018, as amended.

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 stipulate 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 abuse or compromise 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 prescribes 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@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 Environmental Affairs

Date: 04/03/2020

CC:	Mr Stephan Jacobs	SiVest SA (Pty) Ltd	Email: stephanj@sivest.co.za
	Mr Thulani Mthombeni	NC DENC	Email: tmthombeni@ncpg.gov.za

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