



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Reference: 12/212/20/913
Enquiries: Ms Lené Grobbelaar
Telephone: (012) 310-3087 Fax: (012) 320-7535
E Email: L.Grobbelaar@environment.gov.za

Ms Deirdre Herbst
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2000

Fax: (011) 800-5140

PER FACSIMILE / MAIL

Dear Ms Herbst

AMENDMENT TO THE ENVIRONMENTAL AUTHORITY'S DECISION ON THE PROPOSED CONSTRUCTION OF A WIND ENERGY INFRASTRUCTURE, WESTERN CAPE PROVINCE

AMENDMENT TO THE ENVIRONMENTAL AUTHORITY'S DECISION ISSUED ON 24 APRIL 2008 FOR THE PROPOSED CONSTRUCTION OF A WIND ENERGY FACILITY AND ITS ASSOCIATED INFRASTRUCTURE, WESTERN CAPE PROVINCE

With reference to the abovementioned application, the Department in terms of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the Environmental Authorisation (EA) issued on 24 April 2008 as follows -

Department in terms of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the Environmental Authorisation (EA) issued on 24 April 2008 as follows -

- The project description, bullet 1 on page 4 of the EA described as
 - "100 wind turbine units (80m in height) with 45m blades);

EA described as
with a 90m diameter rotor (consisting of 3 x

Must be substituted with

- "100 wind turbine units (120m in height) with 45m blades);

with a 90m-diameter rotor (consisting of 3 x

This proposed amendment must be read in conjunction with the EA issued 24 April 2008, the extension issued on 15 June 2009 and the errata issued on 12 June 2009.

in conjunction with the EA issued 24 April 2008, the extension issued on 15 June 2009 and the errata issued on 12 June 2009.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within twelve (12) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Environmental Impact Assessment ("EIA") Regulations, 2010.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within twelve (12) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Environmental Impact Assessment ("EIA") Regulations, 2010.

Your attention is drawn to Chapter 7 of the EIA Regulations, 2010, which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

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A copy of the official appeal form can be obtained from:

Mr TH Zwane: Senior Legal Administrator (ptzwane@environment.gov.za)
Tel: 012 310 3929

Should any party, including the applicant, wish to appeal any aspect of the decision, they or the applicant must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 20 days after the date of the decision, by means of one of the following methods:

By facsimile: 012 320-7561
By post: Department of Environmental Affairs
Private Bag X447
Pretoria
0001

By hand: Fedsure Forum Building,
2nd Floor North Tower
Corner Van der Walt and Pretorius Street
Pretoria.

If the appellant is a person other than the applicant, lodging the notice of intention to appeal, provide a copy of the notice to the applicant and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant is the appellant, the applicant must also provide a copy of the notice of intention to appeal, to each person and organ of state which was a registered interested and affected party. The above-mentioned registered interested and affected party must furthermore provide all the parties with a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister or MEC, and indicate where and for what period the appeal submission will be available for inspection by such person or organ of state.

Please include the Department, attention of the Director, list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity or activities shall not commence within thirty (30) days of the date of signature of the authorisation. An appeal under this section does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless otherwise directed by the Minister, MEC or delegated organ of state directs otherwise.

Yours sincerely



Mr Dumisane Mthembu
CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT (Acting)
Department of Environmental Affairs

Date: 29/10/2010

CC: Ms Karen Jodas

Savannah Environmental

Fax: (086) 684 0547

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

NEMA EIA REGULATIONS, 2010 AS PER GN R. 543 OF 2010

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation (EA) from the relevant Competent Authority (CA).	1. Receive notice of Environmental Authorisation (EA) from Applicant/Consultant.
2. Within 20 days after the date of the decision, notify the relevant Appeal Authority of the intention to appeal.	2. Within 20 days of date of the decision, notify the relevant Appeal Authority of the intention to appeal.
3. The Applicant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2. above, provide to each persons and organ of state who was a registered IAP: 3.3.1. a copy of the notice of intention to appeal; and 3.3.2. a notice indicating that the appeal submission will be made available on the day of lodging it with the Appeal Authority and where and for what period the appeal submission will be available for inspection by such registered IAP.	3. The Applicant must within 10 days of having submitted a notice of intention to appeal, as indicated in 2 above, provide the applicant with: 3.1. a copy of the notice of intention to appeal; and 3.2. a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.	4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission of notice of intention to appeal.
5. Any person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Appeal Authority or designated organ of state within 30 days from the date that the appeal submission was lodged with the Appeal Authority.	5. Any person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Appeal Authority or designated organ of state within 30 days from the date the appeal submission was lodged with the Appeal Authority.

NOTES

1. An appeal against a decision must be lodged with:
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Minister of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the decision was issued by the Director-General of the Department of Environmental Affairs or the delegated Competent Authority;
 - c) the MEC if the decision was issued by the Head of Department (or another official) acting in his/her capacity as the delegated Competent Authority; or
 - d) the designated organ of state where relevant.
2. An appeal lodged with:
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Justice and Constitutional Development;
 - c) the MEC must be submitted to the provincial department responsible for environmental affairs; or
 - d) the designated organ of state, where relevant, must be submitted to the designated organ of state.
3. An appeal must be accompanied by:
 - a) an official form obtainable or published by the relevant Appeal Authority;
 - b) a statement setting out the grounds of appeal;
 - c) supporting documentation which is referred to in the appeal and is not available to the relevant Appeal Authority;
 - d) a statement that the appellant has complied with regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in regulation 60; and
 - e) the prescribed appeal fee, if any.
4. A copy of the official appeal form can be obtained from:

Mr T. Zwane: Senior Legal Administrator (Appeals)
Tel: 0212 310 3829 ptzwane@environment.gov.za

issued by the Director-General of the Department of Environmental Affairs or the delegated Competent Authority;

the Department of Water Affairs and the decision was issued by the Director-General of the Department of Water Affairs or the delegated Competent Authority;

the Head of Department (or another official) acting in his/her capacity as the delegated Competent Authority;

the provincial department responsible for environmental affairs;

the designated organ of state.

available to the relevant Appeal Authority;

(3) has been complied with together with copies of

RECEIVED
2010-10-07



05 October 2010
DEA ref: 12/12/20/913

Department of Environmental Affairs
Private Bag X447
PRETORIA
0001
Fax: (012) 320-7539

Attention: Ms Lene Grobbelaar

Dear Ms Grobbelaar,

PROPOSED CONSTRUCTION OF A WIND ENERGY FACILITY AND ASSOCIATED INFRASTRUCTURE AT A SITE IN THE WESTERN CAPE PROVINCE

AMENDMENT OF ENVIRONMENTAL AUTHORISATION

The meeting held between yourself, Eskom Environmental on 17 September 2010 regarding

Eskom Holdings Limited and Savannah Environmental (Pty) Ltd regarding the above project has reference.

In terms of the environmental authorisation issued for this project issued on 24 April 2008, the project description referred to the installation of 100 wind turbines (80m in height) with a 90 m diameter rotor (consisting of 3 x 45 m blades). Following 18 months of wind resource assessment on the development site, Eskom Holdings limited is proposing to increase the hub height of the turbines to a height of up to 120 m in order to improve the net capacity factor and net production output. In this regard, Eskom hereby requests that the wording within the authorisation in terms of the project description be amended to accommodate this change in technology. This request is made in terms of condition 1.14 of the Environmental Authorisation.

for this project issued on 24 April 2008, the project description referred to the installation of 100 wind turbines (consisting of 3 x 45 m blades). Following 18 months of wind resource assessment on the development site, Eskom Holdings limited is proposing to increase the hub height of the turbines to a height of up to 120 m in order to improve the net capacity factor and net production output. In this regard, Eskom hereby requests that the wording within the authorisation in terms of the project description be amended to accommodate this change in technology. This request is made in terms of condition 1.14 of the Environmental Authorisation.

The technical motivation for the need for increased hub height was presented at the meeting with DEA on 17 September 2010 (as Appendix A), and includes the following:

increased hub height was presented at the meeting with DEA on 17 September 2010 (as Appendix A), and includes the following:

UNIT 506, 1410 EGLIN OFFICE PARK, 4 EGLIN ROAD, STANNINGHILL, CAPE TOWN
PO BOX 142, STANNINGHILL, 2111
TEL: +27 (0)21 234 6621 - FAX: +27 (0)21 234 6621
WWW.SAVANNAHSA.CO.ZA
DIRECTORS: KM JODAS - I THOMAS
COMPANY REGISTRATION NO.: 2008/000123/07
VAT REGISTRATION NO.: 471

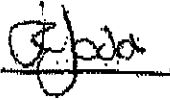
471 EGLIN ROAD, STANNINGHILL, CAPE TOWN
7815, CAPE TOWN
E-MAIL: INFO@SAVANNAHSA.COM
ORDM
S 15 - M MARSABU
0896/000123/07
020226736

1. The Wind Resource Assessment (WRA) s III wind regime.
2. The site layouts based on the WRA and sized for the site indicates the need for repositioning of the wind turbine generato
3. The new site layout improves the site C project viable

As indicated in point 2 above, the revised site of the wind turbine generators on the site. account all environmental constraints identify as the conditions of the environmental auth layout would be submitted to DEA for accep Environmental Authorisation.

Please contact me with any queries in this reg

Kind regards



Karen Jodas

Attached: Appendix A - Project Sere Presentati

study shows that the site has a class
the available wind turbine generator
hub height of up to 120 m and the
srs on the site.
Capacity Factor by 16% making the

layouts would include repositioning
This repositioning has taken into
ced through the EIA process, as well
riorisation granted in 2008. A final
tance, as per condition 1.4 of the

ard.