



# forestry, fisheries & the environment

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

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

**DFFE Reference:** 14/12/16/3/3/2/1018/AM4

**Enquiries:** Ms Trisha Pillay

**Telephone:** (012) 399 9406 **E-mail:** TPillay@dfffe.gov.za

Mr Eugene Marais  
!Xha Boom Wind Farm (Pty) Ltd  
PO Box 45063  
**CLAREMONT**  
7735

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

## PER E-MAIL

Dear Mr Marais

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 MARCH 2018 FOR THE CONSTRUCTION OF THE 235MW !XHA BOOM WIND ENERGY FACILITY (WEF) AND ITS ASSOCIATED INFRASTRUCTURE SITUATED NEAR LOERIESFONTEIN, HANTAM LOCAL MUNICIPALITY IN THE NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 29 March 2018, the application for amendments to the EA dated 13 May 2019, 09 March 2020 and 26 July 2021, your application for amendment of the EA received by the Department on 27 March 2023 and the acknowledgement letter dated 05 April 2023, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 29 March 2018, as amended as follows:

#### **Amendment 1: Amendment to extend the validity period of the EA:**

The activity must commence within a period of five (05) years from the date of expiry of the EA issued on 29 March 2018 (i.e. the EA will lapse on 29 March 2028). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

#### **Reason for amendment:**

The applicant applied to extend the validity period of the EA as there was not sufficient time for the IPP to obtain funding and commence with the construction of the WEF and associated infrastructure before the EA lapses.

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

*MS*

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@dffe.gov.za](mailto:appeals@dffe.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](https://www.dffe.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@dffe.gov.za](mailto:appeals@dffe.gov.za) .

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: *24/07/2023*

cc:	Arlene Singh	Nala Environmental (Pty) Ltd	E-mail: <a href="mailto:arlene@veersgroup.com">arlene@veersgroup.com</a>
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