



# 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:** 14/12/16/3/3/2/2106

**Enquiries:** Mr Kevin Mathebula

**Telephone:** (012) 399 9216 **E-mail:** [KLMathebula@dfffe.gov.za](mailto:KLMathebula@dfffe.gov.za)

Mr. David Peinke  
Setaria PV (Pty) Ltd  
PO Box 51060  
Waterfront  
**CAPE TOWN**  
8002

Telephone Number : 021 418 2596  
Cellphone Number : 084 401 9015  
Email Address : [david@atlanticep.com](mailto:david@atlanticep.com)

## PER EMAIL / MAIL

Dear Mr Peinke

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE PROPOSED DEVELOPMENT OF THE 75MW SETARIA PHOTOVOLTAIC (PV) FACILITY AND ASSOCIATED INFRASTRUCTURE, NEAR LICHTENBURG, WITHIN THE DITSOBOTLA LOCAL MUNICIPALITY, NORTH WEST PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

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 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, 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, 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.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 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.

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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@dfef.gov.za](mailto:appeals@dfef.gov.za);

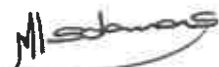
By hand: Environment House  
473 Steve Biko  
Arcadia  
Pretoria  
0083; or

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.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@dfef.gov.za](mailto:appeals@dfef.gov.za).

Yours faithfully



**Ms Milicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Forestry, Fisheries and the Environment**  
Date: 20/07/2022.

cc:	Ms. Ouma Skosana	North West (DEDET)	E-mail: <a href="mailto:oskosana@nwpg.gov.za">oskosana@nwpg.gov.za</a>
	Mr. L.J. Dintwe	Ditsobotla Local Municipality	E-mail: <a href="mailto:leefodin@gmail.com">leefodin@gmail.com</a>
	Ms. Karen Jodas	Savannah Environmental (Pty) Ltd	E-mail: <a href="mailto:karen@savannahsa.com">karen@savannahsa.com</a>



## forestry, fisheries & the environment

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

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The proposed development of the 75MW Setaria photovoltaic (PV) facility and associated infrastructure, near Lichtenburg, within the Ditsobotla Local Municipality, North West Province

### Ngaka Modiri Molema District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/2/2106
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Setaria PV (Pty) Ltd
<b>Location of activity:</b>	Portion 1, Portion 9, and Portion 10 of the Farm Houthaalboomen 31; Portion 0 of Farm Talene 25; Portion 7 of Farm Elandsfontein 34; near Lichtenburg, within ward 16 Ditsobotla Local Municipality, Ngaka Modiri Molema District Municipality, North West Province

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

### **SETARIA PV (PTY) LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr David Peinke

Setaria PV (Pty) Ltd

PO Box 51060

Waterfront

**CAPE TOWN**

8002

Telephone Number : 021 418 2596

Cellphone Number : 084 401 9015

Email Address : [david@atlanticep.com](mailto:david@atlanticep.com)

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><b><u>Listing Notice 1– Activity 11(i)</u></b>  <i>The development of facilities or infrastructure for the transmission and distribution of electricity—                      (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</i></p>	<p>33kV MV cabling, 132kV facility substation, 132kV Eskom switching station, and Loop-in Loop out 132kV power line are proposed to connect Setaria PV to the Eskom electricity grid. The site falls outside an urban area.</p>
<p><b><u>Listing Notice 1 – Activity 14</u></b>  <i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres</i></p>	<p>The development of Setaria PV facility will require the construction and operation of facilities and infrastructure for the storage and handling of dangerous goods (combustible and flammable liquids, such as oils, lubricants, solvents) associated with the on-site substations where such storage will occur inside containers with a combined capacity exceeding 80 cubic meters but not exceeding 500 cubic meters.</p>
<p><b><u>Listing Notice 1 – Activity 24(ii)</u></b>  <i>The development of a road—                      (ii) With a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres</i></p>	<p>Access roads will be developed during the construction phase of the projects. These are likely to exceed 8m in width.</p>
<p><b><u>Listing Notice 1 – Activity 28(ii)</u></b>  <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:                      (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare</i></p>	<p>The total area to be developed for the PV facility and associated infrastructure is greater than 1ha and occurs outside an urban area in an area currently zoned for agriculture.</p>

<p><b><u>Listing Notice 1– Activity 56(ii)</u></b></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas</i></p>	<p>Existing roads may require widening of up to 6m and/or lengthening by more than 1km, to accommodate the movement of heavy vehicles and cable trenching activities.</p>
<p><b><u>Listing Notice 2 – Activity 1</u></b></p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20 megawatts or more</i></p>	<p>The proposed PV facility will have a capacity that exceeds 20MW. The Setaria PV facility will have a contracted capacity of 75MW</p>
<p><b><u>Listing Notice 2 – Activity 15</u></b></p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation</i></p>	<p>Setaria PV will require the clearance of an area in excess of 20ha for the development of the PV facility and associated infrastructure.</p>
<p><b><u>Listing Notice 3 – Activity 4h(iv)</u></b></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres</i></p> <p><b><i>h. North West</i></b></p> <p><i>(iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority</i></p>	<p>The development of the PV facility and associated infrastructures will require the development of roads wider than 4m within ESA areas</p>
<p><b><u>Listing Notice 3 – Activity 10(h)(iv)</u></b></p> <p><i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p><b><i>h. North West</i></b></p>	<p>The development of the PV facility and associated infrastructures will require the storage and handling of a dangerous good with a capacity of 80 cubic meters within ESA areas</p>

<p><i>(iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority</i></p>	
<p><b>Listing Notice 3 – Activity 12(h)(iv)</b>  <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</i>  <b>h. North West</b>  <i>(iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority</i></p>	<p>The development of the renewable energy facility and associated infrastructures will require the clearance of more than 300 square meters of indigenous vegetation within areas classified as ESA.</p>
<p><b>Listing Notice 3 – Activity 18(h)(v)</b>  <i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i>  <b>h. North West</b>  <i>(v) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority;</i></p>	<p>The development of the renewable energy facilities and associated infrastructures may require the widening of a road by more than 4metres, outside urban areas and within areas classified as ESA.</p>

As described in the Environmental Impact Assessment Report (EIAR) dated March 2022 at:

**21 Digit Surveyor General Code for the Affected Properties:**

T	O	I	P	0	0	0	0	0	0	0	0	0	0	3	1	0	0	0	0	1
T	O	I	P	0	0	0	0	0	0	0	0	0	0	3	1	0	0	0	0	9
T	O	I	P	0	0	0	0	0	0	0	0	0	0	3	1	0	0	0	1	0
T	O	I	P	0	0	0	0	0	0	0	0	0	0	2	5	0	0	0	0	0
T	O	I	P	0	0	0	0	0	0	0	0	0	0	3	4	0	0	0	0	7

**The co-ordinates of the proposed Setaria PV include the following:**

Authorised Locations	Point	Latitude	Longitude
Site Location	Centre point	26° 6'0.12"S	26° 6'22.23"E
	Northern point	26° 5'30.83"S	26° 6'14.23"E
	Eastern point	26° 5'56.88"S	26° 6'40.48"E
	Southern point	26° 6'21.09"S	26° 6'26.12"E
	Western point	26° 6'10.09"S	26° 6'1.20"E
Grid connection Alternative 1	Start	26° 6'15.80"S	26° 6'45.89"E
	Middle	26° 6'19.91"S	26° 6'46.91"E
	End	26° 6'23.10"S	26° 6'48.30"E
Facility Substation	Centre	26° 6'13.73"S	26° 6'45.39"E
Eskom Switching Station	Centre	26° 6'16.17"S	26° 6'45.55"E
Centre Coordinates BESS, Construction and O&M hub	Centre	26° 6'8.77"S	26° 6'42.62"E

- for the proposed development of the 75MW Setaria photovoltaic (PV) facility and associated infrastructure, near Lichtenburg, within the Ditsobotla Local Municipality, Ngaka Modiri Molema District Municipality, North West Province.

**The Technical details of the Setaria PV:**

Component	Description/Dimensions
Total extent of the project site	552ha
PV Development Area	186ha
PV Development Footprint	179ha
Permanent laydown area	Less than 1ha will remain in place for operation
Temporary Laydown area	Up to 3ha in extent
PV Export Capacity	75MW
PV module and mounting technology	Monofacial or Bifacial PV panels, mounted on either fixed-tilt, single-axis tracking, and/or double axis tracking systems
PV panels	<ul style="list-style-type: none"> <li>Height: 5.5m from ground level (installed).</li> </ul>

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	<ul style="list-style-type: none"> <li>• Between 200 000 – 300 000 panels required.</li> </ul>
Battery Energy Storage System (BESS)	<ul style="list-style-type: none"> <li>• Approximately less than 1ha in extent</li> <li>• The BESS Facility proposes to use solid-state technology as a preferred technology</li> </ul>
Facility Substation	<ul style="list-style-type: none"> <li>• On-site facility substation with a 132kV capacity, located within Portion 1 of the Farm Houthaalboomen 31.</li> <li>• Less than 1ha in extent.</li> </ul>
Eskom Switching Station	<ul style="list-style-type: none"> <li>• Eskom switching station with a 132kV capacity located within Portion 1 of the Farm Houthaalboomen 31.</li> <li>• Less than 1ha in extent</li> </ul>
Grid Connection	<ul style="list-style-type: none"> <li>• A 100m wide grid connection corridor within which the grid connection infrastructure will be constructed and operated.</li> <li>• 33kV cabling connecting PV array to facility substation</li> <li>• A loop-in-loop-out overhead 132kV powerline is required for grid connection.</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Via the R505 regional road and main access to the site will be via District Road (D2435) of approximately 2.5km in length, which will need to be upgraded to be up to 8m.</li> <li>• A network of gravel internal access roads, each with a width of up to 5m.</li> </ul>
Other infrastructure	<ul style="list-style-type: none"> <li>• Operations and Maintenance buildings</li> <li>• Gate house, security building, control centre, office buildings, warehouse, workshop and visitor's centre</li> </ul>

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The proposed development of the 75MW Setaria photovoltaic (PV) facility and associated infrastructure, near Lichtenburg, within the Ditsobotla Local Municipality, Ngaka Modiri Molema District Municipality, North West Province is approved as per the geographic coordinates cited in the table above.

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2. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further Environmental Authorisation in terms of the regulations.
6. The holder of an Environmental Authorisation must apply for an amendment of the Environmental Authorisation with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of ten (10) years from the date of issue of this Environmental Authorisation. 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.
8. Construction must be completed within five (05) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this Environmental Authorisation, of the decision to authorise the activity.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;

- 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request;  
and
- 11.4. Give the reasons of the Competent Authority for the decision.

### **Commencement of the activity**

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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 has been finalised.

### **Management of the activity**

13. A copy of the final development layout map must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final development layout map must be submitted to the Department for written approval prior to commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. The layout map must indicate the following:
  - 13.1. The specific position of the foundation footprints;
  - 13.2. Substation(s) inverters and/or transformer(s) sites including their entire footprint;
  - 13.3. Internal roads indicating width and length;
  - 13.4. All existing and proposed associated infrastructure on the site;
  - 13.5. Any sensitive environmental features that will be affected by the proposed Setaria PV facility; and
  - 13.6. All "no-go" and buffer areas.
14. The Environmental Management Programme (EMPr) submitted as part of the EIAR is not approved and must be amended to include measures as dictated by the final site lay-out map and micro-siting, and the provisions of this environmental authorisation. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of this environmental authorisation must consider such comments. Once amended, the final EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.
15. The EMPr amendment must include the following:
  - 15.1. The requirements and conditions of this environmental authorisation;

- 15.2. A Heritage Management Plan for the ongoing conservation of potential burial sites LICBUR10; LI13; LI14 and SAHRIS Site 51472.
- 15.3. Recommendations and mitigation measures recorded in the EIAr dated March 2022.
- 15.4. Any site-specific mitigation measures that may arise when the final walk through is undertaken: and
- 15.5. The final development layout plan and all mitigation measures as dictated by the final development layout plan.
16. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
17. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
18. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

#### **Frequency and process of updating the EMPr**

19. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 26 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
20. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
21. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
22. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of the EIA Regulations, 2014 as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
23. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments

to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

### **Monitoring**

24. The holder of the authorisation must appoint an experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 24.1. The ECO must be appointed before commencement of any authorised activities.
  - 24.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 24.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 24.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
26. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
27. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of the EIA Regulations, 2014 as amended.
28. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.

29. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 as amended and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
30. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Notification to authorities**

31. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

#### **Operation of the activity**

32. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

#### **Site closure and decommissioning**

33. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and Competent Authority at that time.

#### **Specific conditions**

34. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
35. Areas outside of the footprint, including sensitive areas and buffer areas, must be clearly demarcated (using fencing and appropriate signage) before construction commences and must be regarded as "no-go" areas.
36. The avifaunal specialist must conduct a walk-through prior to implementation to demarcate sections of powerline that need to be marked with Eskom approved bird flight diverters.

37. The bird flight diverters must be installed on the full span length on the earth wire (according to Eskom guidelines - five metres apart). Light and dark colour devices must be alternated to provide contrast against both dark and light backgrounds respectively.
38. No pylons must be placed within the delineated watercourses and the riparian habitat; however, the pylons may span these features.
39. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the EMPr.
40. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
41. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
42. All high sensitive freshwater resource features must be excluded from the development footprints and must subsequently be regarded as No-Go Areas.
43. A pre-construction walk down of the final construction must be completed by an archaeologist to inform the micro-siting of the pylon placement in order to ensure that no impact occurs to Site.
44. The South Africa Heritage Resources Agency (SAHRA) Fossil Finds Protocol must be implemented for the duration of construction activities.
45. A Heritage Management Plan must be developed for the ongoing conservation of potential burial sites LICBUR10; LI13; LI14 and SAHRIS Site 51472. The management plan must be submitted to SAHRA for commenting before construction. Construction may not commence without comments from SAHRA on the report.
46. If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Elijah Katsetse/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the National Heritage Resources Act 25 of 1999 (NHRA).
47. If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqalabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA.
48. The following condition applies with regards to the appointment of specialists:  
If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or

palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA.

49. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, SAHRA must be informed, and the services of an accredited heritage professional obtained for an assessment of the heritage resources.
50. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008)

### **General**

51. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
  - 51.1. at the site of the authorised activity;
  - 51.2. to anyone on request; and
  - 51.3. Where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
52. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of Environmental Authorisation: 20/01/2022.



**Ms Milicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment**



## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 15 October 2021.
- b) The information contained in the EIAr dated March 2022
- c) The comments received from Interested and affected Parties (I&APs) as included in the EIAr dated March 2022.
- d) Mitigation measures as proposed in the EIAr dated March 2022 and the draft EMPr.
- e) The information contained in the specialist studies contained within the appendices of the EIAr dated March 2022 and as appears below:

Title	Prepared by	Date
Ecological Impact Assessment	Nkurenkuru Ecology & Biodiversity	February 2022
Avifauna Impact Assessment	Pachnoda Consulting CC	November 2022
Agricultural Impact Assessment	TerraAfrica Consult cc	January 2022
Visual Impact Assessment	LOGIS	January 2022
Heritage Impact Assessment	CTS Heritage	January 2022
Traffic Impact Assessment	BVI Consulting Engineers Western Cape (Pty) Ltd:	December 2021
Social Impact Assessment	Savannah Environmental (Pty) Ltd	January 2022
Generic OHPL Environmental Management Programme (EMPr)	Savannah Environmental (Pty) Ltd	March 2022
Generic Substation Environmental Management Programme (EMPr)	Savannah Environmental (Pty) Ltd	March 2022
Facility Environmental Management Programme	Savannah Environmental (Pty) Ltd	March 2022

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the provision of electricity to the national grid.
- c) The EIAr dated March 2022 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- d) The location of the 75MW Setaria photovoltaic (PV) facility and associated infrastructure.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated March 2022 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended for public involvement.

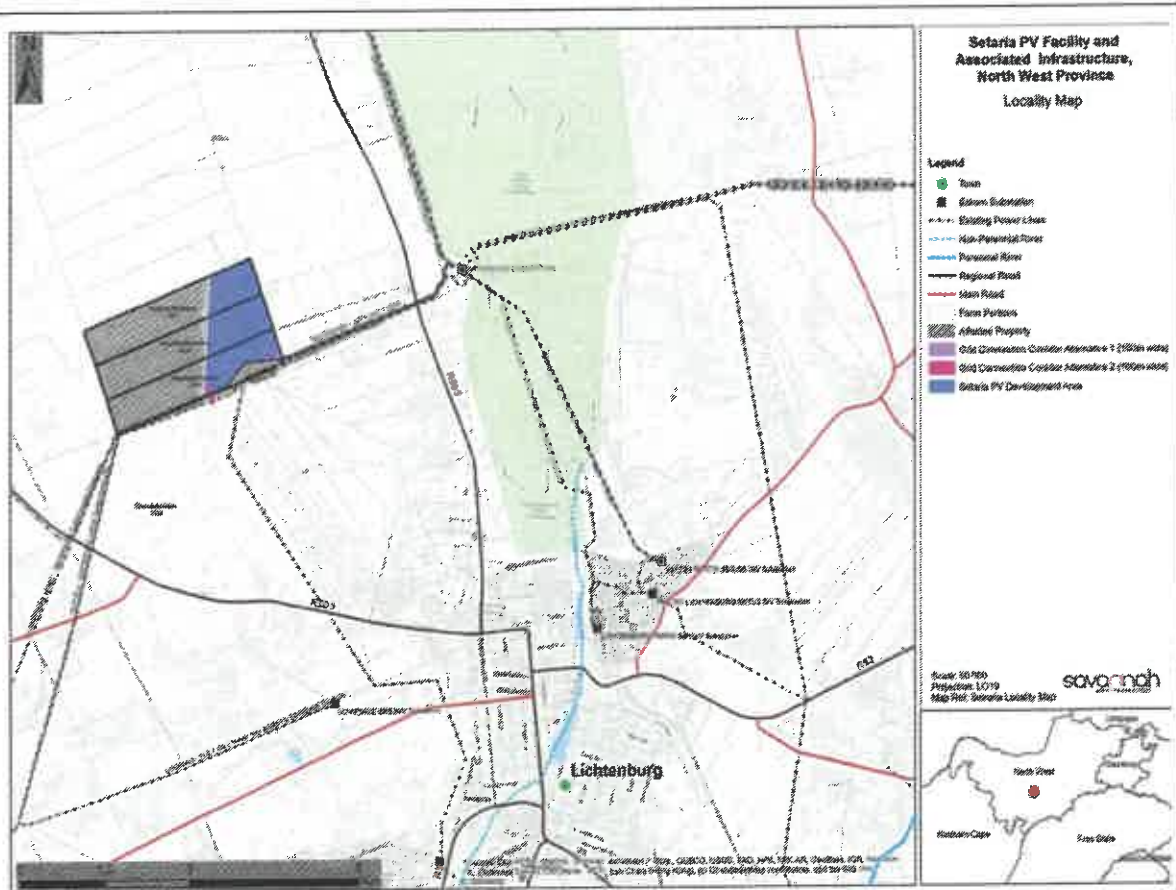
### **3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAr dated March 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the EIAr dated March 2022 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAr and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

## Annexure 2: Locality Plan





## forestry, fisheries & the environment

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

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia · PRETORIA  
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Ms. Milicent Solomons  
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

### APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Devlinagie Bendeman  
Deputy Director-General: RCSM (Regulatory Compliance and  
Sector Monitoring)

Date 20 April 2022

#### ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~  
appointment as Acting Chief  
Director: Integrated Environmental  
Authorizations

Signed:

Date:

20/04/2022