



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: 14/12/16/3/3/2/2155

Enquiries: Ms. Sindiswa Dlomo

Telephone: (012) 399 9390 **E-mail:** sdlomo@dffe.gov.za

Mr. Warren Morse
Fountain Solar PV1 (Pty) Ltd
P O Box 548
HOWARD PLACE
7450

Telephone Number 021 6853240
E-mail Address: warren@mulilo.com

PER MAIL / EMAIL

Dear Mr. Morse

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF UP TO 120MW FOUNTAIN SOLAR PV1 FACILITY AND ASSOCIATED INFRASTRUCTURE LOCATED ON A SITE APPROXIMATELY 10KM EAST OF DE AAR WITHIN THE EMTHANJENI LOCAL MUNICIPALITY AND THE PIXLEY KA SEME DISTRICT MUNICIPALITY IN THE NORTHERN CAPE 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 the 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.

MS

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@dffe.gov.za.

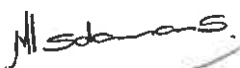
By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

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 or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully



Ms. Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries, and the Environment
Date: 24/02/2023.

cc:	Ms Jo-Anne Thomas	Savannah Environmental (Pty) Ltd	Email: joanne@savannahsa.com
	Mr Bryan Fisher	Northern Cape Department of Agriculture, Environmental Affairs, Rural Development, and Land Reform	Email: Bfisher@ncpg.gov.za
	Mr Isak Visser	Emthanjeni Local Municipality	Email: visser@emthanjeni.co.za



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 development of up to 120MW Fountain Solar PV1 Facility and associated infrastructure located on a site approximately 10km east of De Aar within the Emthanjeni Local Municipality and the Pixley Ka Seme District Municipality in the Northern Cape Province

Pixley Ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/2/2155
Last amended:	First issue
Holder of authorisation:	Fountain Solar PV1 (Pty) Ltd
Location of activity:	Remaining Portion 4 of the Farm Riet Fountain No. 6 (4/6) Emthanjeni Local Municipality Northern Cape 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 –

FOUNTAIN SOLAR PV1 (PTY) LTD

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

with the following contact details –

Mr Warren Morse
P O Box 548
HOWARD PLACE
7450

Telephone Number: 021 6853240
E-mail Address: warren@mulilo.com

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

as described in the Environmental Impact Assessment Report (EIAR) dated October 2022 at:

1

Activity number	Activity description
<p><u>GNR 327 Item 11 (i)</u></p> <p><i>“The development of facilities or infrastructure for the transmission and distribution of electricity</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.”</i></p>	<p>The internal electrical infrastructure required to connect the Fountain Solar PV1 facility to the grid connection infrastructure will consist of a 132kV onsite substation and 132kV cabling (buried or overhead) and will collectively exceed 2km outside an urban area for each project respectively.</p>
<p><u>GNR 327 Item 12 (ii) (a) (c)</u></p> <p><i>“The development of –</i></p> <p><i>(ii) Infrastructure or structures with a physical footprint of 100 square metres or more</i></p> <p><i>Where such development occurs-</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) within 32 metres of a watercourse.</i></p>	<p>The construction and operation of the Fountain Solar PV1 facility and associated infrastructure will occur within rivers, as well as within 32m of watercourses. The infrastructure will have a physical footprint of more than 100 square metres.</p>
<p><u>GNR 327 Item 14</u></p> <p><i>The development and related operation of facilities and 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 the Fountain Solar PV1 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, and solvents) associated with the on-site substations, where such storage will occur inside containers with a combined capacity possibly exceeding 80 cubic meters but not exceeding 500 cubic meters.</p>
<p><u>GNR 327, Item 19 (i):</u></p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation,</i></p>	<p>Parts of the development area for the Fountain Solar PV facility consist of extensive rivers throughout. Therefore, during the construction phase, 10 cubic</p>

<p><i>removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a</i> <i>i (i) Watercourse.</i></p>	<p>metres of rock will be removed from the watercourses for the development of the Fountain Solar PV1 facility and associated infrastructure.</p>
<p><u>GNR 327, Item 24 (ii):</u> <i>The development of a road –</i> <i>(ii) with a reserve wider than 13.5m, or where no reserve exists where the road is wider than 8m.</i></p>	<p>The construction of the Fountain Solar PV11 facility will require the construction of new access roads in areas where no road reserve exists to provide access to the facility. These are likely to exceed 8m in width.</p>
<p><u>GNR 327, Item 28 (ii)</u> <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:</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1ha.</i></p>	<p>The total area to be developed (i.e., the development footprint) for the Fountain Solar PV1 facility is greater than 1ha and occurs outside an urban area in an area currently zoned for agriculture.</p>
<p><u>GNR 327, Item 56 (ii)</u> <i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre</i> <i>(ii) where no reserve exists, where the existing road is wider than 8 metres.</i></p>	<p>Existing farm roads within the project site may require widening, and access roads will be widened by more than 6 metres.</p>
<p><u>GNR 325, Item 1</u> <i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where the electricity output is 20MW or more.</i></p>	<p>The project comprises a renewable energy generation facility, which will utilise solar power technology and will have a generation capacity of up to 120MW.</p>
<p><u>GNR 325, Item 15</u> <i>The clearance of an area of 20ha or more of indigenous vegetation.</i></p>	<p>The facility is located on agricultural land where the predominant land use is livestock grazing and is therefore likely to comprise indigenous vegetation. The project would therefore result in the clearance of indigenous vegetation within an area in excess of 20ha for the development of infrastructure.</p>

<p><u>GNR 324, Item 10 (g) (ii)</u></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><i>g. Northern Cape</i></p> <p><i>ii. Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.</i></p>	<p>The development of the Fountain Solar PV1 facility will require the construction and operation of facilities for the storage and handling of dangerous goods (combustible and flammable liquids, such as oils, lubricants, and solvents) associated with the on-site substations, where such storage will include insider containers with a capacity of 80 cubic meters. Parts of the development area for the Fountain Solar PV1 facility consist of extensive rivers throughout. The development area falls within the Northern Cape Province.</p>
<p><u>GNR 324, Item 14(ii)(a)(c)(g)(ii)(ff)</u></p> <p><i>The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse; or</i></p> <p><i>(c) within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p> <p><i>g. Northern Cape</i></p> <p><i>ii. Outside urban areas:</i></p> <p><i>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</i></p>	<p>The development of the Fountain Solar PV1 facility will require the establishment of infrastructure with a physical footprint exceeding 10m² within 32m of the watercourses. The project site comprises areas classified as Other Natural Areas (ONA) and falls outside of an urban area.</p>
<p><u>GNR 324, Item 18(g)(ii)(ii)</u></p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p><i>g. Northern Cape</i></p> <p><i>ii. Outside urban areas:</i></p> <p><i>Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland.</i></p>	<p>The development of the Fountain Solar PV1 will require the widening of roads by more than 4m, outside urban areas, within a watercourse or wetland and within 100m from the edge of a watercourse or wetland in the Northern Cape Province.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated October 2022:

GPS coordinates the proposed facility.

Coordinates	Latitude	Longitude
The new substation at the PV solar facility		
Site Coordinates (centre of affected property)	-30.700643°	24.170610°
Site Coordinates (corner/bend points of development area)	30°41'22.42"S	24° 8'54.85"E
	30°42'41.24"S	24° 9'20.29"E
	30°42'28.36"S	24°10'6.81"E
	30°41'21.73"S	24° 9'28.03"E
Battery Energy Storage System (BESS)	30°41'18.29"S	24°9'6.24"E
	30°41'26.12"S	24°9'8.75"E
	30°41'27.68"S	24°9'2.23"E
	30°41'19.85"S	24° 8'59.72"E
Internal distribution roads	30°41'17.80"S	24°8'53.27"E
	30°41'18.44"S	24°8'54.45"E
	30°41'19.29"S	24° 8'55.51"E

Farm portion and SG code

Farm portion	SG code
Portion 0 and Portion 1 of Farm Rondavel 85:	C03000000000000500000 C03000000000000600001

Technical details for the proposed facility

Component	Description/dimensions
Surface area to be cleared and covered	300ha
Panel Height	Up to 5m
Technology	Use of fixed-tilt, single-axis tracking, and PV technology. Bifacial panels or monofacial are being considered
Contracted capacity	Up to 120MW
The area occupied by the solar array	200ha
The area occupied by the on-site facility substation	15ha
The area occupied by the Switching Station	1ha
The capacity of the on-site facility substation	33kV/132kV

The area occupied by the laydown area	10ha
Battery Energy Storage Facility	<ul style="list-style-type: none"> • Footprint Area: 6.5 ha • Height: < 10m • NaS or Li-ion technology
Access and internal roads	Wherever possible, existing access roads will be utilised to access the project site and development area. A 12m wide access road and entrance gate will be part of the development scope. Internal roads of up to 6m in width will be required to access the PV panels and the on-site substation.
Grid Connection Works (IPP)	A 132kV on-site IPP substation and associated infrastructure will be constructed with a footprint of approximately 50m x 100m.
Temporary infrastructure	Temporary infrastructure, including laydown areas, hardstand areas and a concrete batching plant, will be required during the construction phase. All areas affected by temporary infrastructure will be rehabilitated following the completion of the construction phase, where it is not required for the operation phase.

-for the development of up to 120MW Fountain Solar PV1 Facility and associated infrastructure near De Aar within the Emthanjeni Local Municipality and Pixley Ka Seme District Municipality in the Northern Cape Province, hereafter referred to as "the property".

Conditions of this Environmental Authorisation

Scope of authorisation

1. The development of up to 120MW Fountain Solar PV1 Facility and associated infrastructure near De Aar within the Emthanjeni Local Municipality and Pixley Ka Seme District Municipality in the Northern Cape Province is hereby approved as per the geographic coordinates cited in the table above.
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 the commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made for the activity to be undertaken.
8. Construction must be completed within five (05) years of the commencement of the activity on site.

Notification of authorisation and right to appeal

9. 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.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;

- 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
- 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request;
and
- 10.4. give the reasons of the Competent Authority for the decision.

Commencement of the activity

11. 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

12. A final site layout plan for the PV facility and associated infrastructure, as determined by the detailed engineering phase and micro-siting, and all mitigation measures as dictated by the final site layout plan, must be submitted to the Department for approval before construction. A copy of the final site layout map must be made available for comments to 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 the commencement of the activity. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible. The layout map must indicate the following:
 - 12.1. The position of the solar PV panels;
 - 12.2. All associated infrastructure
 - 12.3. The finalised access routes;
 - 12.4. The on-site and/or switching substation, indicating the Independent Power Producer's section and Eskom's section.
 - 12.5. All sensitive features; and
 - 12.6. All "no-go" and buffer areas.
13. The generic Environmental Management Programme (EMPr) for the substation (the relevant section that will be maintained by the Independent Power Producer and Eskom), submitted as part of the EIAr dated

October 2022, is approved. The final site layout plan of the on-site and/or switching substation, depicting the Independent Power Producer's section and Eskom's section, must be appended to Part C of the generic EMPr for the substation.

14. The Environmental Management Programme (EMPr) for the PV facility, submitted as part of the EIAr is not approved and must be amended to include measures, as dictated by the final site layout map and micro-siting, and the provisions of this environmental authorisation. The EMPr (inclusive of the final site layout plan as contained in condition 12 above) must be made available for comments to 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 the commencement of the activity.
15. The EMPr amendment must include the following:
 - 15.1. The requirements and conditions of this environmental authorisation;
 - 15.2. All recommendations and mitigation measures recorded in the EIAr and the specialist reports as included in the final EIAr dated October 2022;
 - 15.3. The final site layout map (as per Condition 12), inclusive of all associated infrastructure for the project.
16. Once approved, the EMPrs (for the PV facility and the generic EMPr for the substation) must be implemented and strictly enforced during all phases of the project. They shall be seen as dynamic documents and shall be included in all contract documentation for all phases of the development.
17. Changes to the approved EMPrs must be submitted in accordance with the EIA Regulations applicable at the time.
18. The Department reserves the right to amend the approved EMPrs, 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, before submission of the updated EMPr to the Department for approval.
22. In assessing whether to approve 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 the 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 a 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 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 an environmental audit report 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 before the commencement of the activity. Commencement for the purposes of this condition includes site preparation. 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 before 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

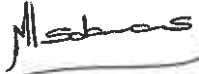
34. The Environmental Control Officer (ECO), responsible for the development, must be aware of the possibility of finding fossils in the Adelaide Subgroup (Beaufort Group, Karoo Supergroup) and Quaternary deposits in the area.
35. If Palaeontological Heritage is uncovered during surface clearing and excavations, the Chance find Protocol attached must be implemented immediately. These discoveries ought to be protected (if possible, in situ) and the ECO must report to SAHRA (Contact details: SAHRA, 111 Harrington Street, Cape Town. PO Box 4637, Cape Town 8000, South Africa. Tel: 021 462 4502. Fax: +27 (0)21 462 4509. Web: www.sahra.org.za) so that correct mitigation (recording and collection) can be carried out by a palaeontologist.
36. Before any fossil material can be collected from the development site, the specialist involved must apply for a collection permit from SAHRA. Fossil material must be housed in an official collection (museum or university), while all reports and fieldwork must meet the minimum standards for palaeontological impact studies proposed by SAHRA (2012). It is consequently recommended that no further palaeontological heritage studies, ground truthing and/or specialist mitigation are required pending the discovery of newly discovered fossils.
37. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, reuse and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

38. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP must be made available for inspection and copying-
 - 38.1. at the site of the authorised activity;
 - 38.2. to anyone on request; and
 - 38.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible websites.
39. 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 the authorisation.

Date of Environmental Authorisation: 24/02/2023.



Ms Millicent 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 14 April 2022.
- b) The information contained in the EIAr dated October 2022.
- c) The comments received from Eskom, Department of Water and Sanitation, South African Heritage Resource Agencies, South African National Defence Force, and Affected Parties and Interested and Affected Parties as included in the EIAr dated October 2022.
- d) Mitigation measures as proposed in the EIAr and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the EIAr dated October 2022 and as appears below:

Name of Specialist	Title of specialist reports	Date issued
Andrew Husted of The Biodiversity Company	Ecology, freshwater and soil specialist	June 2022
Chris van Rooyen and Albert Froneman	Avifauna specialist	July 2022
Lourens du Plessis of LoGIS	Visual specialist	June 2022
Tony Barbour of Tony Barbour Environmental Consulting	Social specialist	June 2022
Jenna Lavin of CTS Heritage	Heritage (including Archaeology Palaeontology and Cultural Landscape)	July 2022
Adrian Johnston of JG Afrika	Traffic Specialist	July 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 the most significant is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need and desirability of Fountain Solar PV1 facility, from an international perspective, can be described through the project's alignment with internationally recognised and adopted agreements, protocols and conventions. South Africa is a signatory to a number of international treaties and initiatives, including the United Nations Development Programme's (UNDP's) Sustainable Development Goals

(SDGs). The SDGs address global socio-economic challenges such as poverty, hunger, health, education, climate change, gender equality, water, sanitation, energy, urbanisation, environment and social justice. The SDGs consist of 17 global goals set by the United Nations. The 17 SDGs are characterised by 169 targets and 304 indicators. Goal 7 of the SDGs relates to “Affordable and Clean Energy”, with the aim of the goal being to ensure access to affordable, reliable, sustainable and modern energy for all. The following targets and indicators have been set for Goal 7.

- c) The EIAr dated October 2022 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- d) The location of the proposed project.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated October 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.

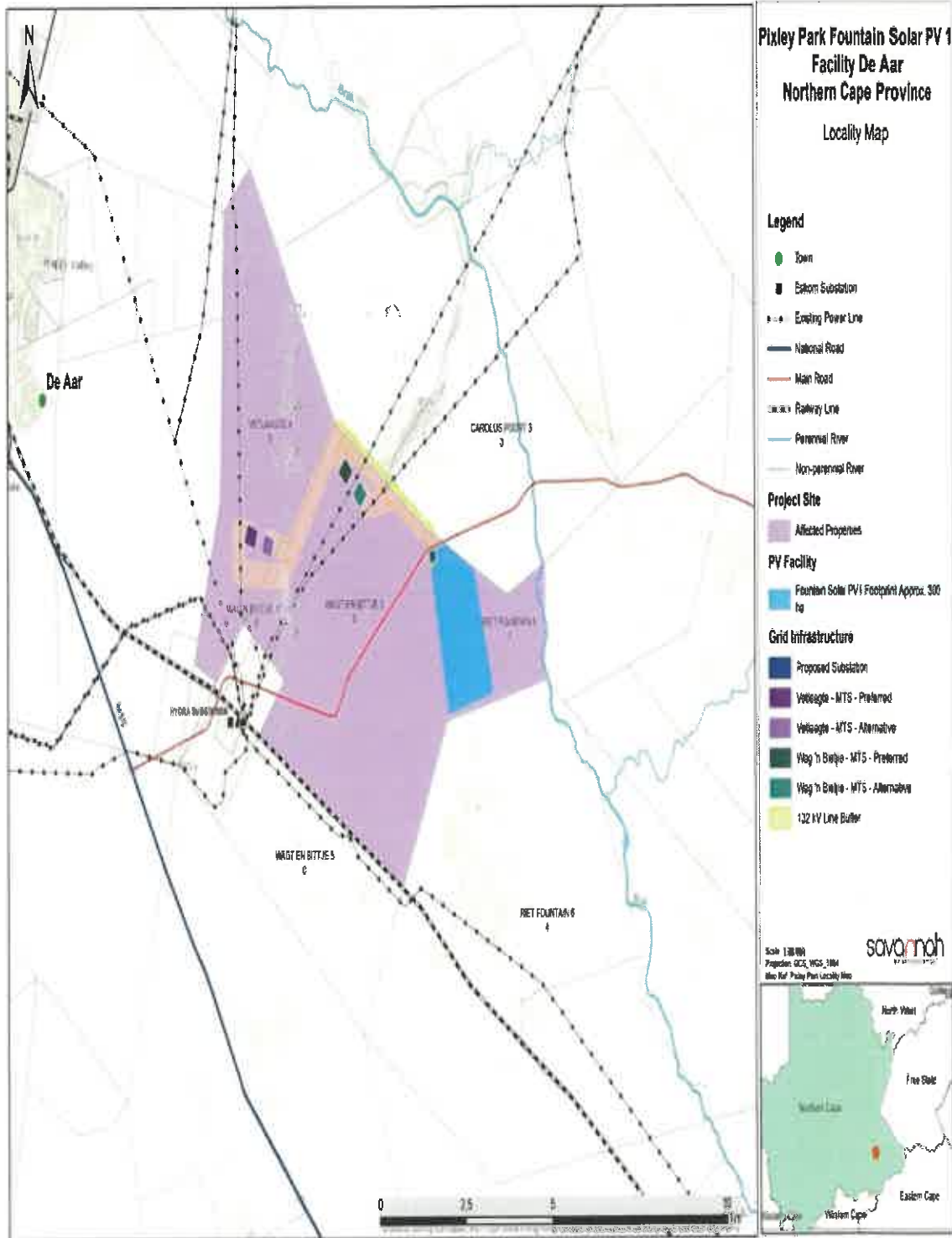
3. Findings

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 October 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 October 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 X 447 Pretoria 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +86 625 1042

Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@dfie.gov.za

Ms. Milicent Solomons
Director: Priority Infrastructure Projects

Dear Ms. Solomons

APPOINTMENT AS CHIEF DIRECTOR: INTERGRATED ENVIRONMENTAL AUTHORISATIONS (ACTING), FROM 01 FEBRUARY UNTIL 28 FEBRUARY 2023

I hereby inform you that I have decided to appoint you as Acting Chief Director: Intergrated Environmental Authorisations from 01 February until 28 February 2023.

All correspondence and other documents that are usually signed by the Chief Director: Intergrated Environmental Authorisations during must be signed under Acting Chief Director: Intergrated Environmental Authorisations 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 1998), 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 Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Ms Devinagie Bendeman
Deputy Director-General: Regulatory Compliance and Sector Monitoring

Date: 31 January 2023



Batho pele - putting people first

The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others

ACKNOWLEDGEMENT

I **ACCEPT / DO NOT ACCEPT**
appointment as Acting Chief Director:
Intergrated Environmental Authorisations
Signed:

Date: 31 January 2023