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Ref: EC06/C/LN1&3/M/65-2022



Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial Reference Number: EC06/C/LN1&3/M/65-2022 NEAS Reference: ECP/EIA/0001344/2022
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Boeram Venter Trust
LOCATION OF ACTIVITY	Portions 10 & 40 of Farm T`Zoetgeneugd, Farm 192, known as Middledrift, Addo, within the Sundays River Valley Municipality.
CO-ORDINATES OF ACTIVITY (Centre)	33° 35'57" S; 25° 39'16"E

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

“Audit” – as used in the context of this Environmental Authorisation refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements/stipulations of a Construction and/or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.

“CEMPr” – Construction Environmental Management Programme.

"Commencement" – Any physical activity on site that can be viewed as associated with the development of the solar photovoltaic facility and associated infrastructure, as described under Section 2 of this Environmental Authorisation, inclusive of initial site preparation.

“EAP” – Environmental Assessment Practitioner represented by Public Process Consultants.

“EIA Regulations” – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

“EMPr” – Environmental Management Programme, titled “Draft Environmental Management Programme: Proposed Construction and Operation of a Solar Photovoltaic Facility and Associated Infrastructure, on a portion of Portions 10 & 40 of Farm T`Zoetgeneugd No. 192, known as Middledrift, Sundays River Valley Municipality”, dated February 2023, included in the consultants FBAR as Appendix F.

"FBAR" - Final Basic Assessment Report titled "Proposed Construction and Operation of a Solar Photovoltaic Facility and Associated Infrastructure, on a portion of Portions 10 & 40 of Farm T`Zoetgeneugd No.192, Sundays River Valley Municipality", dated February 2023 and received on 13 February 2023, compiled by Public Process Consultants.

"NEMA" – National Environmental Management Act, Act 107 of 1998.

"SRVM" – Sundays River Valley Municipality.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations, 2014, the Department hereby authorises Boeram Venter Trust, being the legal or natural person who has applied for this authorisation, with the following contact details:

Name	Boeram Venter Trust		
Address	P.O. Box 112, Kirkwood 6120		
Telephone	N/A	Fax	N/A
Cell	082 360 4263		
Contact	Mr Nico Venter	E-mail	nico@venterboerdery.co.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

Detailed description of activity (as extracted from the EAP's FBAR)
<p>The site is located on a portion of Portion 10 and 40 of Farm T`Zoetgeneugd No. 192, known as Middledrift, which is located ~4.6km south of Addo/ Valentia in the Sundays River Valley Municipality. The farm portions measure approximately ~114ha in combined extent and are currently zoned Agriculture 1. The farm can be accessed by turning off the R335 road onto the MN50595 gravel road and continuing for a distance of ~2.7km, which intersects a private access road situated along the southern boundary of Portion 10 and gives access to the farm. The nearest boundary of the Addo Elephant National Park is located ~5.2km east of portion 40 of Farm 192 and ~5.6km from the proposed development footprint.</p> <p>See Figure 1 below.</p>



Figure 1: Locality map

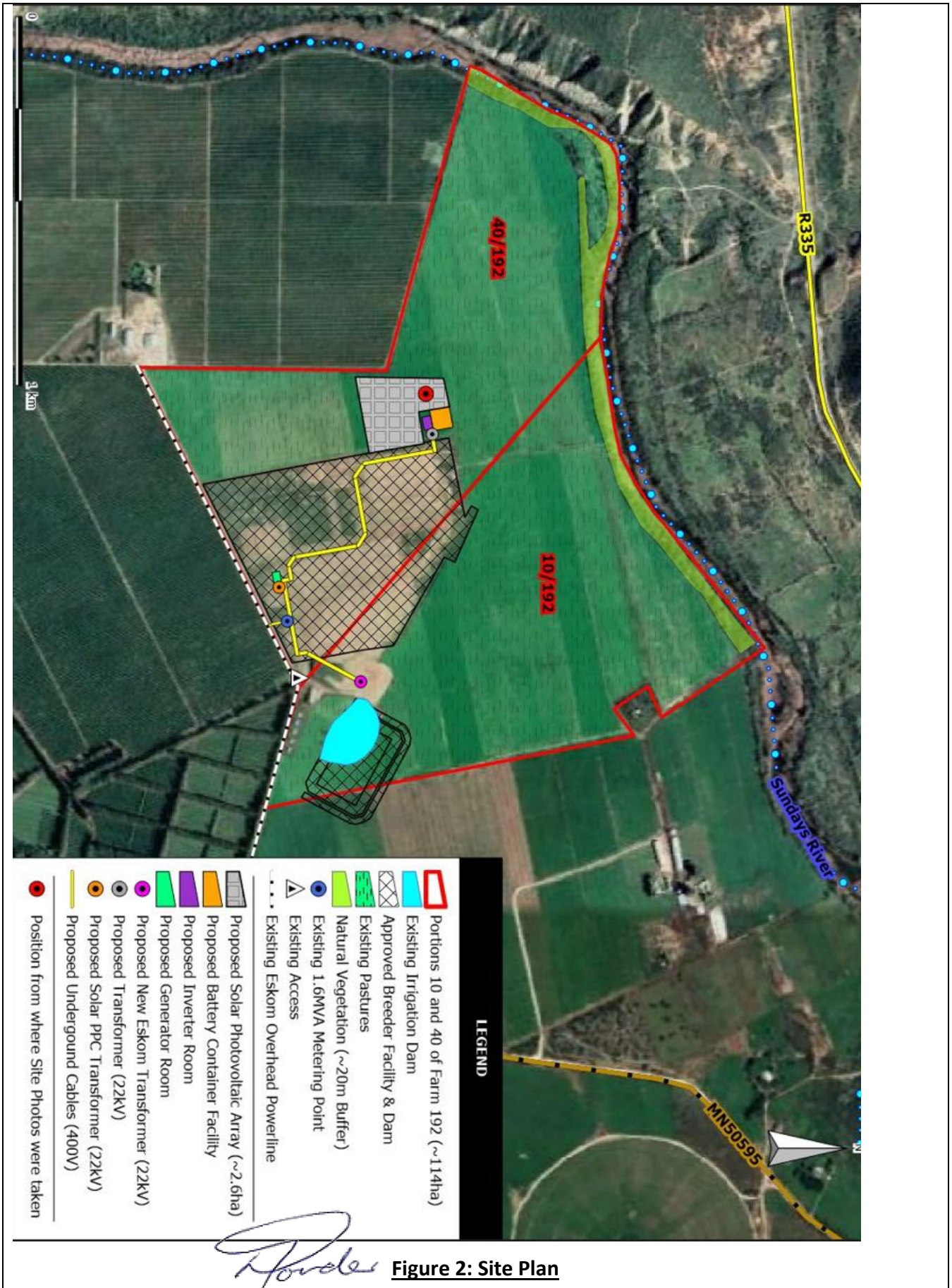
The proposed activity entails the construction and operation of a 2.2MW Solar Photovoltaic (PV) facility, including associated support and ancillary infrastructure. The facility will have a development footprint of approximately 3 ha and will produce 2.2 MW of AC electricity for private use for existing agricultural activities on the farm Middledrift. The PV facility will supplement Eskom supply on site.

The PV Facility will consist of the following:

- A 2.6ha stationary solar PV array with internal roads approximately ~4 meters wide
- A ~750m² BESS area
- A ~200m² inverter room and 22kV transformer
- A ~200m² generator room, including a solar PPC transformer
- A new 22kV underground cable to be installed over a distance of approximately 950 meters, with the eastern 100 meters being on Portion 10 to connect into a 22kV transformer located adjacent to the pump house

The PV Facility construction will be on the western boundary of a portion of Portion 40, with a 100-meter length of 22kV cable being installed underground on Portion 10. The generator room is proposed to be constructed on the southern boundary of the site and will include a new Power Plant Controller (PPC) transformer. See figure 2 below:

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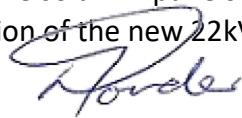


The PV panels are proposed to be mounted onto metal frames which are usually a combination of aluminium, galvanised steel and concrete foundations. The type of PV panel and BESS installed will be based on the best available technology at the time of construction, however the PV panels will be stationary and have a built-in nonreflective film. The PV facility will be a hybrid facility, as it will consist of a PV array as well as a BESS. Micro-siting and positioning of the individual mounts within the array will be confirmed by the technical team at the time of construction and will take into consideration the solar regime and other climatic conditions, topographic features, soil stability, and hydrology of the site. However, subject to the outcome of this detailed planning phase and as per the Facility Illustration in **Figure 3 below** (contained in Appendix C of the consultant's FBAR), approximately 6 PV blocks may be constructed on site over an area of ~ 2.6 ha.

The poultry facility will be the primary consumer of the proposed renewable energy, however there will still be dependence on Eskom supply and generators. In addition to the poultry facility the energy will be utilized for other agricultural facilities on the site, e.g., staff housing, workshop, irrigation infrastructure and pump house.

The entire facility is fenced in and will be remotely monitored for maintenance purposes. Associated with the construction and operation of the proposed PV Facility are the following project activities:

- In order to limit windblown dust, which increases the need for maintenance, blanket clearing for the PV array area is not proposed.
- Clearing and levelling of the area for the establishment of a concrete slab for the generator and associated transformer will be required.
- During the detailed design phase of the project soil tests will be undertaken and based on the results of these tests either concrete pillars or piling of steel will be use for the PV mounts.
- The BESS and Inverter room will require the construction of concrete plinths and the laying down of and collection of BESS containers. Thus, no blanket clearing of vegetation is proposed.
- Establishment of a project laydown area for equipment.
- Clearing of pastures and levelling of areas for the establishment of internal access roads for construction and operational purposes.
- Transportation and installation of the solar PV panels and BESS.
- Removal of topsoil for the installation of the new 22kV underground cable.
- Erection of the perimeter fence.



Internal Roads

Internal roads will be required for maintenance and cleaning purposes. It is proposed that the roads constructed during the construction phase of the project and will be utilised during the operational phase of the project. It is anticipated that the new roads will measure ~4m in width. Exact dimensions of road needed will be determined by the project engineers prior to commencement of the construction phase.

Cleaning and maintenance

The solar PV panels are monitored remotely for faults, thus maintenance is usually conducted as and when required, although, on average, this is anticipated to be twice a year. Dirt accumulates on the panels over time, and this will reduce the efficiency thereof, thus the panels need to be washed approximately 4 times per year. A combination of compressed air, water and soap mixture will be used for cleaning, thus reducing the amount of irrigation water required from the dam. The frequency of washing is dependent on various factors, predominantly local climatic conditions (e.g., frequency of precipitation and windblown dust etc.). A reliable water supply is available on site to undertake cleaning of the panels.

Security

The PV facility will be fenced in for security purposes and will have an access-controlled entrance.

Water Supply

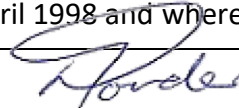
The solar panels will require cleaning from time to time, which will involve spraying foreign contaminants, such as dust, from the panels with water and a high-pressure cleaner. The combined use of compressed air and clean water is optimal and reduces the water requirements. Cleaning intervals are based on local climatic conditions and seasonal variations, thus the amount of water required for cleaning operations will vary. Water will be sourced from the applicant’s existing water use entitlements which have been issued by the Lower Sundays River Water Users Association (LSRWUA).

Solid waste

Construction phase, as well as operational phase solid waste will be disposed of at the nearest licensed waste disposal site (Kirkwood Waste Disposal Site). Waste considered unsuitable for municipal waste disposal sites will be disposed of at a suitably licensed hazardous waste disposal facility (Koedoeskloof Waste Disposal Site).

Listed Activities triggered in terms of the NEMA EIA Regulations 2014 as amended, as contained in the application form:

LN 1: GN R. 327 – 1	The development of facilities or infrastructure for the generation of electricity from a renewable resource where— (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;
LN 1: GN R. 327 – 28	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:



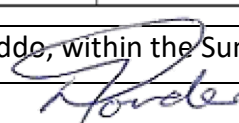
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

	(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.
LN 3: GN R. 324 – 18	<p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>a. Eastern Cape</p> <p>i. Outside urban areas:</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;”</p>

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Sarah Baartman					
Municipal Area	Sundays River valley Municipality					
Farm Name	T`Zoetgeneugd No.192, known as Middledrift					
Farm Number and Portion	Farm 192, Portions 10 and 40					
Erf Number and Township Extension or Suburb	N/A					
Co-ordinates of the site boundary where the Solar PV Facility is to be constructed, as stated in the FBAR.	Point Number	Latitude (S) (DDMMSS)			Longitude (E) (DDMMSS)	
	1	33°	35'	30.40"S	25°	39' 37.21"E
	2	33°	35'	37.91"S	25°	39' 43.26"E
	3	33°	35'	38.90"S	25°	39' 40.58"E
	4	33°	35'	41.35"S	25°	39' 42.53"E
	5	33°	35'	39.91"S	25°	39' 44.90"E
	6	33°	36'	6.89"S	25°	39' 51.24 "E
	7	33°	36'	4.36"S	25°	39' 40.61"E
	8	33°	36'	16.08"S	25°	39' 12.56"E
	9	33°	35'	58.02"S	25°	39' 12.87"E
	10	33°	35'	51.91"S	25°	38' 46.15"E
	11	33°	35'	51.01 "S	25°	38' 46.53 "E
	12	33°	35'	46.27 "S	25°	38' 49.95 "E
	13	33°	35'	44.37 "S	25°	38' 50.96 "E
	14	33°	35'	42.79 "S	25°	38' 52.03 "E
	15	33°	35'	41.65 "S	25°	38' 53.03 "E
	16	33°	35'	41.20 "S	25°	38' 53.91 "E
	17	33°	35'	40.94 "S	25°	38' 56.66 "E
	18	33°	35'	40.97 "S	25°	39' 0.15 "E
	19	33°	35'	41.68 "S	25°	39' 2.86 "E
	20	33°	35'	42.24 "S	25°	39' 6.06 "E
	21	33°	35'	42.34 "S	25°	39' 9.99 "E
	22	33°	35'	41.28 "S	25°	39' 18.23 "E
	23	33°	35'	40.88 "S	25°	39' 20.24 "E
	24	33°	35'	38.40 "S	25°	39' 25.36 "E
Physical address	Middledrift Farm 192, Adde, within the Sundays River Valley Municipality.					



This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

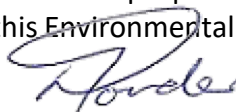
3.1. Duration of authorisation

- 3.1.1. Construction of the solar photovoltaic facility and associated infrastructure as authorised in this Environmental Authorisation must commence within a period of 24 (twenty-four) months from the date of issue of this Authorisation. Should commencement of the activity not occur within this time period, this Environmental Authorisation will be deemed to have lapsed and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.2. Construction is to be completed within a period of 24 (twenty-four) months from the date of commencement of the activity.
- 3.1.3. An application for the amendment of the Environmental Authorisation to extend the validity thereof may be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no such request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for amendment, the Department reserves the right to request such information as it may deem necessary to consider the application for amendment which may include but not limited to:
 - 3.1.4.1. An updated CEMPr; and
 - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.5. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions and declarations

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to **comply with any other statutory requirements** that may be applicable to the undertaking of the activity, including but not limited to:
 - 3.2.3.1. The Conservation of Agricultural Resources Act, Act No. 43 of 1983;

- 3.2.3.2. The National Water Act, Act 36 of 1998;
 - 3.2.3.3. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
 - 3.2.3.4. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974;
 - 3.2.3.5. The National Heritage Resources Act, Act No. 25 of 1999;
 - 3.2.3.6. The National Environmental Management Waste Act, Act No. 59 of 2008; and
 - 3.2.3.7. The Occupational Health and Safety Act, Act 85 of 1993.
- 3.2.4. The holder of this Environmental Authorisation being the Boeram Venter Trust, shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 3.2.6. Boeram Venter Trust will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.8. This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or withdraw this authorisation, in the event that such impacts exceed its significance as predicted in the consultant's FBAR and supporting documentation referenced in Section 4.1 of this Environmental Authorisation.
- 3.2.9. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation read together with the Final BAR. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.**
- 3.2.10. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer is to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.
- 3.2.11. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such

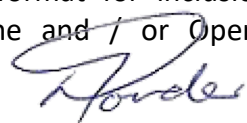


interested and affected party including the neighbouring landowners within 14 (fourteen) days of receiving this Environmental Authorisation.

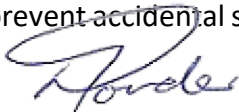
- 3.2.12. **This Environmental Authorisation or a certified copy thereof, must be kept on site at all times during construction.** Such must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the site.
- 3.2.13. **Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.**
- 3.2.14. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.15. 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 107 of 1998 and the regulations.

3.3. Project - specific conditions in relation to the design and construction phase

- 3.3.1. Fourteen days' written notice must be given to the Department that the activity will commence. 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 report indicating to what extent pre-commencement conditions have been complied with.
- 3.3.2. A final layout plan must be submitted to the Department for approval prior to commencement of the activity, inclusive of the facility layout, which includes the detailed design drawings for the construction of the solar photovoltaic facility and associated infrastructure, as well as the final designs and PV panels to be installed which will be based on the best available technology at the time of construction.
- 3.3.3. Construction of the solar photovoltaic facility and associated infrastructure must adhere to the activity description as described in Section 2 of this Environmental Authorisation and as depicted in the layout plan that are to be approved by the Department in terms of Condition 3.3.2.
- 3.3.4. Any recommendations / mitigatory measures contained in the FBAR and its appendixes and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.5. Further to Condition 3.3.4, Boeram Venter Trust, is to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the Final BAR and any specialist studies, in tabular format for inclusion in the Construction phase Environmental Management Programme and / or Operational Phase Environmental Management Programme as applicable.



- 3.3.6. Boeram Venter Trust will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.3.7. Prior to commencement of construction, the site boundary of the solar photovoltaic facility and the associated infrastructure must be clearly demarcated. Any disturbance and all construction activities must be confined to these areas only. All construction material and machinery, stockpile areas, and the site camp and laydown area are to be located within the demarcated activity zone. No activities, stockpiling, vehicle movement, or dumping may take place outside of the demarcated activity zone.
- 3.3.8. A dedicated CEMPr to be compiled, submitted to and approved by the Department prior to the commencement of construction. In this regard sections of the Draft Environmental Management Programme (EMPr) contained in Appendix F of the Final BAR compiled by Public Process Consultants that deals specifically with construction can be used as a framework. The CEMPr is to include, amongst others:
- 3.3.8.1. Applicable conditions contained in this Environmental Authorisation;
 - 3.3.8.2. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, minimization of dust, etc.;
 - 3.3.8.3. All mitigation measures and recommendations as contained in the FBAR and the specialist reports;
 - 3.3.8.4. An alien invasive vegetation management plan;
 - 3.3.8.5. Any fauna or avi-fauna on site is to remain undisturbed as far as possible, except in search and rescue relocations, and shall not be trapped/killed or otherwise caught by any persons;
 - 3.3.8.6. Construction work must be limited to normal working hours of the landowner;
 - 3.3.8.7. Construction areas are to be clearly demarcated and all construction activities are to be restricted to within this demarcated area;
 - 3.3.8.8. Clear stipulations as to who is responsible and accountable for what actions;
 - 3.3.8.9. Penalties for any contractor that transgresses the provisions of the CEMPr and conditions of this Environmental Authorisation;
 - 3.3.8.10. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts; and
 - 3.3.8.11. Contingency plans for any emergencies that may affect the environment during construction, such as fuel spills from the construction equipment.
- 3.3.9. In addition to the requirements contained in the CEMPr referred to in Condition 3.3.8, the following general principles of environmental management to be implemented during the construction phase of the project if not specifically contained within the CEMPr:
- 3.3.9.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;



- 3.3.9.2. Dust that may be generated during construction from stockpiled, excavated material must be dampened to minimize dust until such time that this material has been utilized during the rehabilitation process or that it can be removed and disposed of;
 - 3.3.9.3. No waste from construction or otherwise, may be disposed of on site. All waste generated on site, must be removed from site and disposed of at a registered waste disposal site. In this regard, adequate litter drums or other suitable containers must be located on site to ensure that waste generated on site is disposed of in a suitable and timeous manner;
 - 3.3.9.4. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - 3.3.9.5. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.9.6. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis and disposed of at a suitably registered waste disposal site;
 - 3.3.9.7. The contractor must provide adequate waste disposal and sanitation facilities and must ensure that these facilities are properly used and maintained; and
 - 3.3.9.8. Measures to be taken to minimize soil erosion associated with construction activities.
- 3.3.10. The relevant conditions of this Environmental Authorisation as well as the relevant requirements of the CEMPr shall form part of any contracts entered into between the holder of the authorisation and any contractor/sub-contractor(s).
- 3.3.11. Further to Condition 3.3.10, a performance-based requirement with regards to environmental impact management must be included in all contracts related to any activity relating to this Environmental Authorisation inclusive of incentives and penalties.
- 3.3.12. Boeram Venter Trust must appoint a suitably qualified Environmental Control Officer (ECO) prior to the commencement of construction and the name, qualifications and contact details of the ECO to be submitted together with the 14-day notice of commencement contemplated in Condition 3.3.1.
- 3.3.13. The ECO will be responsible, amongst others, for the following:
- 3.3.13.1. **A Pre-Commencement Audit of the conditions of this Environmental Authorisation, which must be submitted prior to the notice of commencement, as referred to in Condition 3.3.1;**
 - 3.3.13.2. Ensuring that the CEMPr is implemented and strictly adhered to inclusive of the relevant conditions contained within this Environmental Authorisation;
 - 3.3.13.3. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.13.4. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these

issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;

- 3.3.13.5. To keep copies of all reports submitted to the Department on site;
 - 3.3.13.6. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site; and
 - 3.3.13.7. To report any non-compliance with the provisions of the CEMPr and conditions of this Environmental Authorisation.
- 3.3.14. The construction camp site and any lay down areas if required, must be restricted to within the boundaries of the site.
 - 3.3.15. The ECO is to monitor the adherence of the contractors to their method statements and the conditions of the CEMPr and this Environmental Authorisation.
 - 3.3.16. Prior to the commencement of the activity a plant search and rescue to be undertaken in order to remove any species of special concern as well as any other species that could be translocated. Such species to be used in rehabilitation / restoration initiatives on the site.
 - 3.3.17. Prior to the removal of any species contemplated in Condition 3.3.16, the necessary permits / approvals in terms of the relevant provincial legislation to be obtained.
 - 3.3.18. All sand, gravel stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.
 - 3.3.19. The construction phase is to be audited on an ongoing basis by the ECO. The findings of such audits are to be consolidated and submitted to this Department on a quarterly basis. A final post construction audit is to be conducted and submitted to this Department within three months of the completion of the construction. All audit reports must include photographic records for the construction site.
 - 3.3.20. Any non-compliance must be reported to DEDEAT within 48 hours. Provision for penalties and fines is to be made by the ECO for any non-compliance or transgressions, and all contractors and subcontractors are to be held liable, in conjunction with the authorisation holder, Boeram Venter Trust, and will be required to rectify any damages to the environment on site.
 - 3.3.21. Non-compliance with any stipulation in the CEMPr or conditions of this Environmental Authorisation will be regarded as non-compliance in terms of this Environmental Authorisation.
 - 3.3.22. The South African Heritage Resources Agency (SAHRA) as well as the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) must be contacted immediately should any archaeological or palaeontological findings be discovered during the course of the development. Should such material be exposed then work must cease in the immediate area until examined by these authorities.

3.4. Conditions specific to the ongoing operation and management of the development

- 3.4.1. A dedicated Operational Environmental Management Programme (OEMPr) is to be drafted and submitted to the Department for approval prior to the commencement of construction. In this regard sections of the Draft Environmental Management Programme (EMPr) contained in Appendix F of the Final BAR compiled by Public Process Consultants that deals specifically with operation can be used as a framework. The OEMPr is to include, amongst others:
- 3.4.1.1. Any conditions contained within this Environmental Authorisation that specifically relate to the operational phase;
 - 3.4.1.2. A Code of conduct for any contractors and or workers;
 - 3.4.1.3. Management / systematic removal and subsequent destruction of all alien invasive species listed in terms of CARA that may occur on the site, or that may colonise disturbed ground prior to it attaining the seed formation stage during the lifetime of the project, inclusive of ongoing monitoring and management, as well as any rehabilitation that may be required;
 - 3.4.1.4. All mitigatory measures / recommendations contained in the FBAR that are applicable to the operational phase of the development; and
 - 3.4.1.5. A storm water management and erosion control plan.
- 3.4.2. A dedicated person to be designated / appointed to oversee implementation of and ongoing adherence to Operational Environmental Management Plan.
- 3.4.3. Compliance with the OEMPr to be audited on an annual basis and the results of such audits to be submitted to DEDEAT within one month of such audit being completed.
- 3.4.4. Boeram Venter Trust will be held liable in the event of non-compliance with any condition of this Authorisation Notice or any stipulation of the CEMPr and OEMPr by any contractor/worker associated with this activity.
- 3.4.5. Prior to decommissioning all or part of the operations the applicant must submit a decommissioning plan to DEDEAT.
- 3.4.6. All decommissioned areas must be left in a state that is equal to or better than the original environment.
- 3.4.7. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the consultant's FBAR that are applicable to operations must be adhered to.

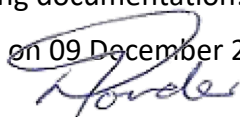
4. Reasons for Decision

4.1. Information considered in making the decision

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

4.1.1. The information contained in the following documentation:

- 4.1.1.1. The Application Form received on 09 December 2022;

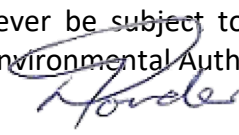


- 4.1.1.2. The Draft Basic Assessment Report (DBAR) and associated Appendices received electronically on 09 December 2022; and
- 4.1.1.3. The FBAR received on 13 February 2023 and acknowledged on 24 February 2023.
- 4.1.2. Observations made by Nicole Gerber of the Department in the company of the EAP Ms Sandy Wren, Mr JP Hechter and Ms Geena Pringle of Public Process Consultants, during a site visit conducted on 03 March 2023.
- 4.1.3. The EIA Regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

4.2. **Key factors considered in making the decision**

- 4.2.1. The proposed activities entail the construction of a solar photovoltaic facility and associated infrastructure, as described in Section 2 of this Environmental Authorisation. The footprint for the PV facility and associated components is on a portion of the farm previously transformed to pastures. The total area proposed for the construction of the Solar PV Facility and associated infrastructure is anticipated to be ~3ha in extent. Surrounding land uses include commercial agriculture (i.e., citrus orchards), livestock grazing as well as pivot irrigation. As per the EAP's FBAR "Although the proposed construction of a PV facility is not characteristic of the surrounding area, the landscape is characterised by transformed surfaces associated with packhouses, sorting sheds, farm sheds, dairies and more recently shade cloth. The PV facility is being constructed to provide renewable energy to newly authorised, proposed and existing agricultural activities." Furthermore, "the farm portions measure approximately ~114ha in extent and is currently zoned Agriculture 1. The majority of the farm has been modified to pastures for domestic livestock grazing with no natural vegetation remaining. Approximately a 20ha portion of the site has been partially cleared of pastures associated with an authorised Poultry Breeder facility. Existing access to the farm is located on the southern boundary of Portion 10, which provides access to both Portions 10 and 40 of Middledrift. An existing workshop/ tool shed, and six staff houses are located east of the farm access point, on the southern boundary of Portion 10. An existing Eskom overhead powerline runs along the southern boundary of Portion 10 and Portion 40 and an existing 1.6MVA metring point is located ~37m north of the southern boundary of the farm.

Middledrift is a working farm located within an agricultural area and consists predominantly of transformed land for pastures for grazing of domestic cattle and associated infrastructure, offices, diary, staff housing, farm dams and a cleared area for the construction of the previously authorised poultry breeder facility. Included as part of this poultry breeder facility authorisation, is the expansion of an existing farm dam on the southern boundary of Portion 10 of Farm 192 as well as the relocation of the existing pump house and 22kV transformer. The applicant is in the process of commencing with a Part 2 Amendment Application for a change in project scope, to utilize the authorised 6 poultry houses to produce broilers versus as a breeder facility and construct and operate an additional 6 broiler houses on site, 12 broiler houses in total. This will however be subject to a separate Part 2 Amendment Application process and an Amended Environmental Authorisation, should one be granted.



This solar PV facility will supplement the electricity from Eskom and generators needed during load shedding. The electricity produced will also be used for other agricultural facilities on the site, e.g., staff housing, workshop, irrigation infrastructure and pump house.”

- 4.2.2. The majority of the proposed development site falls within an area in which the vegetation is classified historically as Sundays Valley Thicket. However, according to the terrestrial biodiversity specialist, the proposed development footprint is located in an area that has been previously cleared for pastures and no natural vegetation is remaining within the proposed footprint. The vegetation within the proposed site is comprised of pasture grasses. The Terrestrial Biodiversity Compliance Statement confirmed that the entire site is confirmed to have a Low Terrestrial Biodiversity sensitivity, and that the proposed site has been irreversibly transformed and no ecological processes will be significantly affected by the development. The development will thus not have any impact on terrestrial biodiversity.
- 4.2.3. The aquatic biodiversity specialist has compiled an Aquatic Compliance Statement, which has confirmed that the Sundays River and its associated non-perennial tributaries occur more than 300m north of the study area and is unlikely to be affected by the development. No natural wetlands occur within the site, but there are a number of water storage dams on surrounding farms and on the southern boundary of Portion 10 of Farm 192. The Aquatic Compliance Statement furthermore indicates that according to the ECBCP (2019) Freshwater mapping resource, the study area traverses an Ecological Support Area (ESA) 1 area but does not follow rivers, streams, wetlands and are not connected to a stream channel. Although, labelled as ESA 1, these areas are not natural in any form or linked to any areas of conservation importance. The conclusion of the aquatic biodiversity specialist is that “the proposed development is unlikely to have any adverse negative impacts on the surrounding or downstream watercourses as no sensitive watercourses are directly within the site”; and “The proposed development footprint falls within an existing transformed area considered to be of **LOW** aquatic sensitivity. The only linear activity, the proposed powerline route footprint, is expected to be rehabilitated to current state (already transformed) effectively within two years of completion of construction.”
- 4.2.4. A Visual Specialist Opinion Report concluded that the visual intrusion is low and can be mitigated effectively with the recommended mitigation measures proposed.
- 4.2.5. An Archaeological Impact Assessment was undertaken as part of the previous authorised breeder facility in January 2019. The conclusions of this study indicate that “it is unlikely that any significant archaeological heritage remains will be exposed during the development, there is always a possibility that human remains, and/ or other archaeological and historical material may be uncovered during the development. Should such material be exposed then work must cease in the immediate area of the finds and it must be reported...”. Condition 3.3.22 of this Environmental Authorisation has taken cognisance of this recommendation. A letter from the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) dated 23 March 2023, indicated that the studies were older than 10 years and that a new Heritage Impact Assessment would be required. The consultant did, however, reply to this letter to indicate that the study was conducted in 2019 and thus was not older than 10 years. ECPHRA sent an updated comment to the EAP on 16 May 2023 indicating acceptance of the AIA & PIA Exemption Letters (Archaeological Impact Assessment and Palaeontological Impact Assessment), with stipulated recommendations. The Department is satisfied that conditions

of this Environmental Authorisation will minimise any risks to any heritage resources, especially since the site is already transformed.


- 4.2.6. Alternatives assessed included layout alternatives, which are linked to the applicant's main economic activity of chicken farming. The needs have changed and thus the applicant's requirement to amend the previous authorisation from a breeder facility to a broiler facility. The Solar PV facility will provide a reliable source of alternative energy when electricity supply is constrained from Eskom, reduce the requirement for expensive diesel generators and also feed back into the grid.
- 4.2.7. Furthermore, the need and desirability section of the FBAR indicates that "The proposed PV facility will supplement electricity supply to the National Grid, thus contributing to the NDP's target of 20 000MW, as well as provide renewable energy to the applicant directly, thus reducing their carbon footprint. The Final Integrated Development Plan for the SRVM (SRVM IDP 2015/ 2016), indicates that the current unemployment rate in the municipal area may be as high as 38.54%. The Agricultural sector, apart from tourism, is the largest provider of employment in the SRVM area and, as it currently represents ~11% of the employment for the SRVM area (Final SRVM IDP 2015/ 2016). Additionally, the SRVM IDP (2015/ 2016; Page 36) states that: "The municipality can boast its ecotourism and agricultural potential." Finally, the following statement is given by the SRVM Spatial Development Framework (SRVM SDF 2013; Page 8): "The agricultural sector is one of the key economic drivers of the Sundays River Valley Municipality. The proposed development is anticipated to create 3 new permanent employment opportunities for the lifespan of the project as well as 17 temporary employment opportunities during the construction phase of the project. The Poultry Facility requires a reliable, constant energy supply in order to ensure that a certain temperature, humidity and air quality is maintained within the houses at all times. However, with the increased instability of the national electricity network, the increasing costs of electricity, as well as the increased cost of alternative energy sources (e.g. diesel for generators), maintaining a consistent power supply at the Poultry facility, is increasing production costs. By constructing a Solar PV facility, the applicant will be able to ensure a stable and cost-effective electricity supply to the Poultry Facility, thus mitigating increasing input costs and ultimately production costs. The project will provide economic stimulation in the SRVM, through a temporary increase in demand for goods associated with the construction phase of the activity. In the long term and during the operational phase of the activity, positive economic benefits are associated with the creation of additional employment opportunities; a reduction in food production costs and the resultant food price increases."
- 4.2.8. The project has been advertised and has been subjected to Public Participation as per the EIA Regulations and no objections were lodged against the proposed activity. All relevant organs of state have been informed of the Environmental Impact Assessment and that the FBAR was available for comment. All comments, notably from ECPHRA, have been noted and addressed in the FBAR and/or in the CEMPr and OEMPr, as well as the conditions in this Environmental Authorisation.
- 4.2.9. The Environmental Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and provides adequate information on which to base an informed decision on the environmental implications of the proposed project.
- 4.2.10. The Department is of the opinion that after implementation of the mitigation measures described in the FBAR, the residual impacts and risks to the environment are acceptable.

- 4.2.11. The conditions set in this Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed or managed effectively.
- 4.2.12. In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5. Appeal of authorisation

- 5.1. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the Department's decision in respect of your application.
- 5.2. The written notification referred to above must –
- 5.2.1. Specify the date on which the Environmental Authorisation was issued;
- 5.2.2. Inform interested and affected parties of the appeal procedure provided for in terms of the National Appeal Regulations, 2014, as contained in GN R. 993 of 08 December 2014; and
- 5.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.
- 5.4. An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office; and
- 5.5. The Appellant must also serve a copy of the appeal to the regional office that processed the application.
- 5.6. In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2 of the decision.

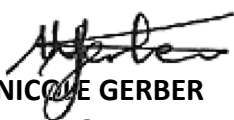
Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.



- 5.7. The address to which the **originals** of any such an appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
By Hand	Old Safety and Liaison Building (Global Life Complex) Opposite Engen Garage, Bhisho, 5605
In order to facilitate efficient administration of appeals copies of the notice of intention to appeal and any subsequent appeal documentation must also be submitted via email as follows:	
Appeal Administrator: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
CC: Ms Phumeza Gxala – Admin support for Mr Gqalangile	Phumeza.Gxala@dedea.gov.za

- 5.8. In the event that an appeal is lodged with regard to this Environmental Authorisation, no listed activities as described in this Environmental Authorisation may commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



NICOLE GERBER
ENVIRONMENTAL OFFICER: EIM
SARAH BAARTMAN/NMB REGION
DATE: 02 June 2023



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
SARAH BAARTMAN/NMB REGION
DATE: 02 June 2023