



DEPARTMENT OF TOURISM,  
ENVIRONMENT AND CONSERVATION

ISEBE LEZOKHENKETHO, INDALO  
NOLONDOLOZO

LEFAPHA LA BOJANALA, TIKOLOGO  
LE TSHOMARELO

DEPARTEMENT VAN TOERISME,  
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Imibuzo :  
Navrae :

**S.G Mbanjwa**

Date :  
Letlha :  
Umhla :  
Datum :

**07<sup>th</sup> November 2008**

Reference :  
Tshupelo :  
Isalathiso :  
Verwysings :

**NNO 25/19  
NC/FR/SOL/01/2007**

**Mr. Lionel Koster & Joe Loedolf  
Rapitrade 555 (pty) ltd  
Private Bag x 3018  
Strand  
7139**

**Fax: 021-8533258**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION: ACTIVITIES IDENTIFIED IN GOVERNMENT NOTICE 387, ACTIVITY NO.1; 2; 3; 5 AND LISTED GOVERNMENT NOTICE 386, ACTIVITY NO. 1;12;15;16;18 (GG. 28753) THE PLANNING OF AN URBAN AREA OF 4 600 ERVEN ON PORTION 16 MIDDLE CAMP OF THE FARM ROODEPAN NO.70, IN EXTENT 241, 2917 HECTARS, PORTION 42 OF THE FARM ROODEPAN NO.780, 18N EXTENT 123, 3406 HECTARS, AND THE REMAINDER OF PORTION 30 OF THE FARM ROODEPAN NO.70, IN EXTENT 21 HECTARS. KIMBERLEY, SOL PLAATIE MUNICIPALITY, FRANCES BAARD DISTRICT MUNICIPALITY.**

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2006, the Department hereby grants authorisation to **APPLICATION FOR ENVIRONMENTAL AUTHORISATION: ACTIVITIES IDENTIFIED IN GOVERNMENT NOTICE 387, ACTIVITY NO.1; 2; 3; 5 AND LISTED GOVERNMENT NOTICE 386, ACTIVITY NO. 1;12;15;16;18 (GG. 28753) THE PLANNING OF AN URBAN AREA OF 4 600 ERVEN ON PORTION 16 MIDDLE CAMP OF THE FARM ROODEPAN NO.70, IN EXTENT 241, 2917 HECTARS, PORTION 42 OF THE FARM ROODEPAN NO.780, 18N EXTENT 123, 3406 HECTARS, AND THE REMAINDER OF PORTION 30 OF THE FARM ROODEPAN NO.70, IN EXTENT 21 HECTARS. KIMBERLEY, SOL PLAATIE MUNICIPALITY, FRANCES BAARD DISTRICT MUNICIPALITY.**

A detailed description of the activity is given in the **Environmental Impact Report dated dated July 2008**, subject to the conditions listed in the environmental authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within five (7) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

*Permit No 98/2008*



**A DESTINATION IN HARMONY WITH NATURE**

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, inter alia, lodge a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2006, with the Member of the Executive Council, Ministry of Tourism, Environment and Conservation within 10 days of receiving this letter, by means of one of the following methods:


By facsimile: (053) 832 1026;

By post: Private Bag x 6102, Kimberley, 8300 or

By hand: T-Floor, MetLife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

**Yours faithfully**



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**MR. JJ MUTYORAUTRA – DIRECTOR  
ENVIROMENTAL MANAGEMENT**

**DEPARTMENT OF TOURISM, ENVIRONMENT AND CONSERVATION**

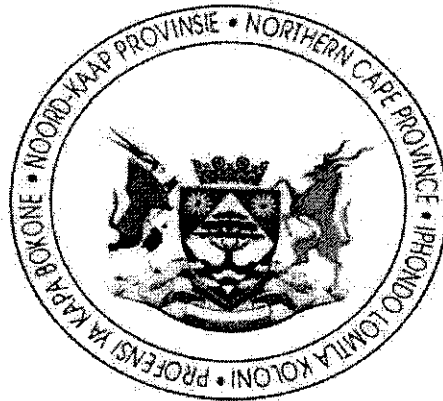
**Date of Decisions:** 07th November 2008

**CC: MR. PETER ROUX  
TURGIS CONSULTING  
FAX: 053-8316158**

**CC: DEPT OF WATER AFFAIRS AND FORESTRY  
FAX: 053-8315682**

*Permit No.98/2008*

**Northern Cape Province  
DEPARTMENT OF  
TOURISM, ENVIRONMENT  
& CONSERVATION**



**Porofensi Ya Kapa Bokone  
LEFAPHA LA BOJANALA,  
TIKOLOGO LE  
SHOMARELO**

**ENVIRONMENTAL AUTHORISATION**  
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the  
Environmental Impact Assessment Regulations, 2006

**Authorisation Register  
Number:**

**PERMIT 98/2008**

**Reference Number:**

**NC/FR/SOL/01/2007**

**Last Amended:**

**N/A**

**Holder of Authorisation:**

**SOL PLAATJE MUNICIPALITY**

**Location of activity:**

**NORTH OF KIMBERLEY AND WEST OF THE SUBURB OF  
ROODEPAN**

## DEFINITIONS

- "Activity"** means an activity identified in Government Notice No. R. 386 and No. R. 387 of 2006 as a listed activity.
- "Applicant"** means a person who has submitted an application
- "Application"** means an application for an environmental authorization in terms of chapter 3 of these regulations (of Government Notice No. 28753)
- "Basic assessment"** means a process contemplated in regulation 22 of Government Notice No. 28753
- "Basic assessment report"** means a report contemplated in regulation 22 of Government Notice No. 28753
- "EAP"** means an environmental assessment practitioner as defined in regulation 1 of Government Notice No. 28753
- "Environmental Management Plan"** means an environmental management plan in relation to identified or specified activities envisaged in chapter 5 of the Act and described in regulation 34 of Government Notice No. 28753
- "Interested and affected party"** means an interested and affected party contemplated in section 24(4) (d) of the Act, and which in terms of that section includes
- Any person, group of persons or organisation interested in or affected by an activity, and
  - Any organ of state that may have jurisdiction over any aspect of the activity
- "Public Participation Process"** means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters
- "Scoping"** means a process contemplated in regulation 28(e)
- "Scoping report"** means a report contemplated in regulation 29
- "The Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998)

## DECISION

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

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, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises – **Rapitrade 555 (PTY) LTD trading as Northern Cape Property Investment Holdings**

with the following contact details –

**Mr. Lionel Koster / Mr. Joe Loedolf**

Private Bag X 3018

**STRAND**

7139

Tel. : (021) 854 7621

Fax. : (021) 853 3258

E-mail: info@group 1.co.za

to undertake the following activity /ies (hereafter referred " the activity /ies") –

*The proposed development of residential property which consist of the following:*

<b>Triangle Mall &amp; Estate</b>	<i>Suburban business</i>
	<i>General residential (630 apartments)</i>
	<i>Public open space / green belts</i>
	<i>Paved surfaces</i>
	<i>Undetermined</i>
	<i>Local authority</i>
<b>Central Park Estate</b>	<i>2024 Single residential erven</i>
	<i>4 Educational erven</i>
	<i>2 General residential erven</i>
	<i>Public open space</i>
	<i>Local authority</i>
	<i>Paved surfaces</i>
	<i>2 Place of worship</i>
<b>Flamingo Estate</b>	<i>545 Single residential erven</i>
	<i>1 Educational erven</i>
	<i>1 General residential erven</i>
	<i>Public open space</i>
	<i>1 Place of Worship</i>
	<i>Paved surfaces</i>
<b>Lakeview Estate</b>	<i>412 Single residential erven</i>
	<i>1 Educational erf</i>
	<i>Public open space</i>
	<i>Special- tourist</i>
	<i>Paved Surfaces</i>
<b>Northgate Estate and Community Centre</b>	<i>2 Suburban business erf</i>
	<i>6 General residential erven</i>
	<i>2 Local authority erven</i>
	<i>Parking</i>
	<i>Public open space</i>
	<i>Paved surface</i>
<b>Northgate Valleyview Estate</b>	<i>521 Single residential erven</i>
	<i>1 Educational erf</i>
	<i>1 Suburban business erf</i>
	<i>Public open space</i>
	<i>Paved surfaces</i>
<b>Camel Thorn Estate</b>	<i>521 Single residential erven</i>
	<i>4 General residential erven</i>

	1 Place of worship erf
	1 Educational erf
	Public open space
	Private open space
	Paved surfaces
<b>Kamfersdam Commercial Estate</b>	83 Commercial erven
	Public open space
	Paved surfaces

**Activities in terms of EIA Regulations, 2006:**

**Activity:**

<b>R387</b>	1	The construction of facilities or infrastructure, including associated structure or including associated structures or infrastructure, for –  (t) any purpose where lawns, playing fields or sports tracks covering an area of 10 hectares or more, will be established.
	5	The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been determined before the publication of this notice and which has not been authorized by a competent authority in terms of Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R385 of 2006, where-  (a) It is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act 1998 (Act No 7 of 1998); (b) It is a road administered by a provincial authority; (c) The road reserve is wider than 30 meters; or (d) The road will cater for more than one lane of traffic in both directions.
	2	Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.
<b>R386</b>	1	The construction of facilities or infrastructure, including associated structures or infrastructure, for –  (k) the bulk transportation of sewage and water, including storm water, in pipelines with- (i) an internal diameter of 0.36 meters or more;

		<p>or</p> <p>(ii) a peak throughput of 120 liters per second or more;</p> <p>(n) the off-stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in item 6 of Government Notice No R387 of 2006;</p>
	12	The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critical endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004)
	15	The construction of a road that is wide than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.
	16	<p>The transformation of undeveloped, vacant or derelict land to –</p> <p>(a) Establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or</p> <p>(b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.</p>
	18	The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

*At*

*Portion 16 MIDDLE CAMP of the farm Roodepan No. 70, in extent 241, 2917 hectares;*

*Portion 42 of the farm Roodepan No. 70, in extent 123, 3406;*

*Remainder of portion 30 of the farm Roodepan No. 70, in extent of 17, 5275 hectares;*

*Portion 62, portion 30 of the farm Roodepan No. 70 in extent 1, 8997 hectares*

which falls under the jurisdiction of Sol Plaatje Local Municipality of the Frances Baard District Municipality, hereafter referred to as the "property".

The granting of this environmental authorisation is subject to the conditions set out below.

## CONDITIONS

### Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation 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 the authorisation.
3. The activity(s) which is authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
5. 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.

### General conditions:

6. A copy of this authorisation must be kept at the Municipal Offices. The authorisation 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 property.
7. 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.
8. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs & Tourism, National Department of Agriculture, Department of Housing & Local Government, Department of Water Affairs & Forestry, Department of Minerals and Energy, Department of



Transport, Roads & Public Works, Department Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).

12. The activity, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
  - a. One week's written notice must be given to the Department before commencement with the activity.
  - b. Such notice shall make clear reference to the site location details and the reference number given above.
  - c. The said notice must also include proof of compliance with the following conditions described herein:
    - i. Conditions: *(11 & 23)*
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
16. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Record of Decision. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
18. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
19. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
20. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his 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 applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction.

**Appeal of authorisation:**

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
24. The notification referred to in 23 must –
- specify the date on which the authorisation was issued;
  - inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
  - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
25. If the applicant should appeal against this record of decision, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

**Management of activity:**

26. All mitigation measures and recommendations as laid down in the Environmental Management Plan are binding and must be implemented and strictly adhered to during commencement, operation and closure of the activity.
27. The disturbance to the environment must be restricted to the absolute minimum.
28. Measures must be in place to prevent incursions of humans and pets into the wetland through a human proof and dog-proof barrier.
29. There must be a Storm Water Management Plan for the proposed development.
30. Procedures must be in place for the regular inspection and maintenance of the development area to ensure that environmental degradation is prevented and possible impacts arising from the operation are mitigated
31. There must be a rehabilitation plan of all areas disturbed during the construction phase of the project excluding areas where permanent structures are erected.
32. Waste avoidance, minimisation and disposal of waste at an appropriate facility must be observed and exercised at all times.
33. There must be provision for plant search and rescue of protected and endangered species which should be done before commencement of any construction related activities.

**Monitoring:**

34. The applicant must appoint an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP:
- The ECO shall be appointed one month before the start of construction and the authorities must be notified of such an appointment for communication purposes.
  - The ECO shall maintain the following on site
    - A daily site diary
    - A schedule of current site activities including the monitoring of such activities

- A complaints register of all public complaints and the remedies applied to such complaints
  - The ECO must keep a report on environmental compliance. This report shall include a description of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO. This report must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
  - The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.
35. A Groundwater monitoring plan must be submitted to the Department of Water Affairs and Forestry (DWAF) for assessment before commencement of the activity and a copy thereof be submitted to this Department. Frequent monitoring and reporting must be exercised.

#### **Recording and Reporting to the Department:**

36. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any official from Compliance and Monitoring section of the Directorate: Environmental Management within seven (7) days of written request by the said officer.
37. Should the developer be requested to submit an audit report, it will be his/her (developer) responsibility to appoint an independent auditor at his or her own expenses and submit an audit report within the time specified by this Department.

#### **Commissioning of the activity:**

38. There must be no Petrol filling Station constructed on the proposed site as planned for Phase 5.
39. The Offset Agreement signed on the 04<sup>th</sup> November 2008 between Rapitrade 555 (Pty) Ltd t/a Northern Cape Property Investment Holdings (Portion 16, 42 & 30 of the Farm Roode Pan 70) (The Developer) and Trevor Datnow (on behalf of Biodiversity Off-set Property, Portion 1 of the Farm Vaalpan 118) (Property Owner) and Flamingo Conservation Trust (PBO to be formed) represented by S Mitha must be implemented before commencement of construction. Proof of compliance to this condition must be submitted to the Department prior to commencement of construction of the proposed development.
- Approval must be obtained from the Department of Water Affairs and Forestry (DWAF) with regard to implementation of condition 9 (*Construction of pipeline*) of the Offset Agreement and implementation thereof must comply with the regulations and requirements of the National Water Act, 1998 (Act 36 of 1998).
  - An environmental authorization must be issued by the competent authority prior to the implementation of condition 10 (*Re-Routing of Power lines*) of the Offset Agreement and approval from the owner of the power line must be obtained. Should Eskom be the owner of the power line, National Department of Environmental Affairs and Tourism (DEAT) is the competent authority.
  - The PBO (Flamingo Conservation Trust) must be established prior to the commencement of construction of the proposed development in order to implement condition 12 (*Construction of tourist and viewing facilities*) & 13 (*Contributions to the Flamingo Conservation Trust (PBO)*) of the Offset Agreement.
40. This activity (including site preparation) must not commence until the alternative sewerage system (which will be used) is approved in compliance with all applicable laws, constructed and operational AND/OR the upgrade on the existing Homevale sewerage treatment works, which will improve the capacity to the extent that it can accommodate additional effluent, is completed. Proof of compliance with this condition must be submitted to this Department before the activity commences.
41. This authorization will be rendered invalid with immediate effect of failing to comply with condition number 40.

42. Seven (7) 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.
43. No protected tree must be cut, disturbed, damaged or destroyed and removed without a license from the Department of Water Affairs and Forestry (DWAF).
44. The developer must apply for an integrated water use license from the Department of Water Affairs and Forestry before commencement of construction.

**Operation of the activity:**

45. Relevant Occupational Health and Safety Standards must be observed at all times.
46. All recommendations made by the Department of Water Affairs and Forestry and applicable sections of the National Water Act (No.36 of 1998) must be met and strictly adhered to.
47. If the lilliput system is used, the proponent must apply for a water use license as prescribed in Section 40 of the National Water Act, 1998 and all the information requested by the Department of Water Affairs and Forestry must be supplied before construction of the activity.
48. Water use license must first be obtained from the Department of Water Affairs and Forestry before building the retention dams.
49. The surface runoff must be channelled to the low laying clay covered area where infiltration is limited.
50. Construction must be done during normal working hours as to minimise noise impact.
51. Pollution creating activities must be minimised and environmentally friendly dust – retardants must be used to minimise dust.
52. All containers of cleaning and lubricating chemicals must be stored in dedicated, bunded and fenced chemical storage areas.
53. No blasting must take place on site and expanding cements (Nonex) must be used to crack rocks for excavation purposes.
54. Machinery must operate only in daylight hours and not all at once.
55. Silenced equipment must be used where possible.
56. All waste produced during the construction period must be removed and disposed off at a registered site.
57. No waste, organic material and paper products must be burned on site.
58. It is recommended that Kamfersdam rubbish dump (the archaeological and historical heritage site that exist along the south western shores of Kamferdam) must be protected from all indirect impacts resulting in any way from this development as requested by SAHRA.
59. If any evidence of archaeological sites or artefacts (e.g. fossilized bones, stone artefacts, or ostrich egg shell flasks) unmarked human burials or other heritage resources are found during construction activities, SAHRA APM Unit must be alerted immediately.
60. Where the bedrock is to be affected, a Palaentological Desk Top study must be undertaken to assess whether or not the development will impact upon palaeoniological resources.
61. On site chemical toilets must be used during the construction phase.
62. No protected tree must be removed before the necessary permit from the Department of Water Affairs and Forestry is obtained.
63. Any threatened species must be preserved and effective vegetation buffer zones must be created within the development area to fit into the development objective.
64. The following must be done to ensure protection of the LESSER FLAMINGOS at Kamfers Dam:
  - A solid wall with no open gaps or windows must be built with the minimum height of 2 metres prior to any further construction.
  - The wall must be electrified with at least three strands of electric wire.
  - The development footprint must be completely walled in with controlled access gates.
  - 24 hour security monitoring including a camera covering the island is recommended.
65. The development area must be completely walled in with a controlled access gates to minimise human movement to the dam.

66. A solid wall, with minimum height of 2 metres and no open gaps or windows, must be built at the border of the development site as a buffer between the development site and the dam to prevent disturbance of the Flamingos by residents.
67. No open fires must be allowed on the site.

**Site Closure and Decommissioning:**

68. Should the activity ever cease or become redundant the applicant shall 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 the time.
69. In case of decommissioning of the project, the holder of Environmental Authorization must rehabilitate the site to the satisfaction of this Directorate: Environmental Management.
70. The ecosystem integrity must be promoted.

**DURATION AND PERIOD OF VALIDITY**

This activity(s) must commence within a period of five (5) years from the date of issue. 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.

**APPEAL**

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2006, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within ten (10) days of being notified of the decision, and an appeal must **be lodged within thirty (30) days** of lodging of the notice to appeal to:

The Member of the Executive Council  
Ministry of Tourism, Environment & Conservation  
Private Bag X6102  
Kimberley  
8300  
Fax: (053) 8321032

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2006 Government Notice No. R. 385 of 21 April 2006.

  
\_\_\_\_\_  
**MR. J.J. MUTYORAUTA**  
**DIRECTOR: ENVIRONMENTAL MANAGEMENT**

**DATE OF ENVIRONMENTAL AUTHORISATION:** 07th November 2008

## ANNEXURE 1: REASONS FOR DECISION

### 1. Background

The applicant, Rapitrade 555 (PTY) LTD trading as Northern Cape Property Investment Holdings, applied for authorization to carry on the following activities:

*The development of residential property at  
Portion 16 MIDDLE CAMP of the farm Roodepan No. 70, in extent 241, 2917 hectares;  
Portion 42 of the farm Roodepan No. 70, in extent 123, 3406;  
Remainder of portion 30 of the farm Roodepan No. 70, in extent of 17, 5275 hectares;  
Portion 62, portion 30 of the farm Roodepan No. 70 in extent 1, 8997 hectares*

The applicant appointed Mr. Peter Roux, Turgis Mining Consultants to undertake an Environmental Impact Assessment process.

The proposed activity involves one of the listed activities identified in *Government Notice 387, Activity No.1;2;3;5 and listed Government Notice 386, Activity No. 1; 12; 15; 16 ;18 (GG. 28753)*. As a result the Environmental Impact Assessment process was followed.

### 2. Information considered in making the decision

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

The information contained in the Environmental Impact Report dated **21<sup>st</sup> July 2008** for the proposed residential development.

- a) Relevant information contained in the Departmental information base including -
  - Environmental Impact Management Assessment Regulations promulgated in terms of the new Environment Management Act (No. 107 of 1989).
  - Public Participation guideline.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- c) The Geohydrological study by SRK Consulting SA (Pty) Ltd dated March 2008.
- d) The Social and Economic Impact Assessment.
- e) The Blasting Report by Turgis Mining Consultants.
- f) The Avifauna Study by Marienne de Villiers dated...
- g) The Avifauna Amendment Study by Marienne de Villiers dated February 2008.
- h) The Flora Assessment by Mr B.H. Erasmus.
- i) The Heritage Impact Study by Mr P. Beaumont dated March 2008.
- j) The Traffic Impact Study.
- k) The Electrical Services agreement dated May 2008
- l) The Legal Assessment by Mjila & Partners dated June 2008.
- m) The Storm Water Study by MVD Kalahari dated June 2008.
- n) The Geotechnical Study by Stabilis dated October 2007.
- o) The Civil Engineering Report by MVD Kalahari dated October 2007.
- p) The Ecological Study by Dr P.C. Anderson, Geo-Rock International dated November 2007 and Addendum by Ms C. Yetman & Prof W. Ferguson.
- q) Homevale Sewage Treatment Plant Report by Dikubu Water & Environmental Services dated July 2008.
- r) Comments from National Department of Environmental Affairs and Tourism dated 23<sup>rd</sup> June 2008.

- s) Comments received from the Department of Water Affairs and forestry dated 01<sup>st</sup> September 2008 and 20<sup>th</sup> October 2008.
- t) Comments from SAHRA dated 21<sup>st</sup> July 2008.
- u) The Public Participation Process as well as comments and correspondence from registered I&AP's and other stakeholders. Comments and Response document.
- v) The Offset Agreement signed on the 04<sup>th</sup> November 2008 between Rapitrade 555 (Pty) Ltd t/a Northern Cape Property Investment Holdings (Portion 16, 42 & 30 of the Farm Roode Pan 70) (The Developer) and Trevor Datnow (on behalf of Biodiversity Off-set Property, Portion 1 of the Farm Vaalpan 118) (Property Owner) and Flamingo Conservation Trust (PBO to be formed) represented by S Mitha; and
- w) The findings of the site visit undertaken by Ms. R. Hlongwane, EO: Impact Management, Ms H. Muhanganei, EO: Impact Management; Ms B Mkhombo, AD: Impact Management, Mr S.G. Mbanjwa, DD: Impact Management, Mr B.H. Erasmus, Consultant & Mr P. Roux, Consultant on (1<sup>st</sup> November 2007) and Ms D. Moleko, PEO: Impact Management on (06<sup>th</sup> June 2008).

### **3. 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 Environmental Impact Report and Appendices/Addendums findings given the nature of the project, concludes that the potential impacts associated with the proposed development are of a nature and extent that can be mitigated.
- b) The legal and procedural requirements have been complied with and the information contained in the Environmental Impact Report and Appendices/Addendums is to the satisfaction of this Department.

### **4. Findings**

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

- a) Environmental Impacts associated with the proposed project can be reduced to acceptable levels if properly managed.
- b) Adequate Public Participation Process took place.
- c) The legal and procedural requirements have been complied with and the information contained in the Environmental Impact Report and Appendices is to the satisfaction of this Department.

In view of the above, 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, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.