

SECTION 24G RECTIFICATION
FOR THE
EXISTING INFRASTRUCTURE ON PORTION 97 (PORTION OF
PORTION 81) OF THE FARM BOSCHFONTEIN 330JQ,
RUSTENBURG, NORTH WEST PROVINCE

REF: REC06/2012NW

BACKGROUND INFORMATION DOCUMENT

Prepared by



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January 2013

LIST OF ABBREVIATIONS

BID	Background Information Document
CBA	Critical Biodiversity Area
CBD	Central Business District
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMP	Environmental Management Programme
GNR	Government Notice Regulation
GPS	Global Positioning System
I&AP	Interested and Affected Party
MPNE	Magaliesberg Protected Natural Environment
NEMA	National Environmental Management Act, 1998 (Act 107 of 1998)
NW DEDECT	North West Department of Economic Development, Environment, Conservation and Tourism
PPP	Public Participation Process
RLM	Rustenburg Local Municipality
SDF	Spatial Development Framework
SEA	Strategic Environmental Assessment
SAHRA	South African National Heritage Resources Act, 1999 (Act 25 of 1999)

1. INTRODUCTION

HydroScience CC, an independent Environmental Assessment Practitioner (EAP), has been appointed by Professional Environment Services (Pty) Ltd to apply for environmental authorisation through a Section 24G rectification application for the existing infrastructure on portion 97 (portion of portion 81) of the farm Boschfontein 330JQ, Rustenburg, North West Province.

As part of the rectification process for the illegal commencement or continuation of listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998), as amended, and associated EIA regulations, an application has been submitted to the North West Department of Economic Development, Environment, Conservation and Tourism (NW DEDECT).

2. PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide background information (in addition to the notices on the site and published in the newspaper) in terms of Government Notice Regulation (GNR) 543 (Sections 54 through 57) of NEMA to all Interested and Affected Parties (I&APs) regarding the intention of the applicant to legalise current infrastructure on the site as described in this document.

In addition, this document will provide a platform from which to obtain comments and contributions from stakeholders with regard to the existing and potential environmental impacts of the project as part of the Public Participation Process (PPP). The aim of the PPP is not only to adhere to the required legislation, but also to give as many stakeholders and I&APs as possible an opportunity to be actively involved in this process.

The PPP will be carried out in accordance with Chapter 6 of NEMA as amended and in support of the Environmental Impact Assessment Regulations, 2010 and associated guidelines.

3. ROLE OF I&APs

You are invited to register as an I&AP (see contact details and registration form attached) and to assist us in:

- Identifying issues of concern that need to be investigated as well as possible impacts of the project on the environment;
- Suggesting alternatives to mitigate possible negative impacts and enhance positive impacts.

Your input is considered valuable as it contributes to:

- The decision-making process;
- Information on public needs, values and expectations; and
- Local and traditional knowledge.

The following authorities will also be notified and requested to provide comments:

- The South African Heritage Resources Agency in terms of the South African National Heritage Resources Act (SAHRA), 1999 (Act 25 of 1999) due to the presence of graves on the site;
- The Rustenburg Local Municipality (RLM) who is the local authority under whose jurisdiction it falls and who needs to ensure that the development fits in with their Spatial Development Framework (SDF), Strategic Environmental Assessment (SEA) and

Environmental Management Framework (EMF). RLM does not provide services to the property.

4. PROJECT

4.1. Project motivation

The property is located favourably for tourist facilities, along the R24 between Rustenburg and Magaliesburg/Johannesburg in the Rustenburg-Olifantsnek-Corridor in close proximity to the town of Rustenburg (13.5 km from CBD) and the Olifantsnek Dam (1.55 km). Rustenburg CBD has all the necessary support services and amenities (police, hospital, shops etc). The facility will add to the local economy of Rustenburg.

The property was purchased by the applicant in 2005. Many of the buildings/infrastructure/structures existed on the property at the time (2005) and the applicant therefore paid a market related price for the property including structures. The applicant was not aware that these structures were established illegally within the Critical Biodiversity Area – Magaliesberg Protected Natural Environment (MPNE).

The applicant added additional structures in 2010/2011. The structures added in 2010/2011 were small in extent (1 163m²) and due to its nature (Storage & Workshop) and size (surface area) did not trigger any listed activity requiring authorisation.

The applicant had no intention of contravening the law and wishes to legalise and authorise the illegal structures/facilities/infrastructure that exists on the property that he owns in terms of all relevant legislation.

4.2. Project objective

The applicant wishes to legalise and authorise the illegal structures/facilities/infrastructure that exists on the property that he owns in terms of all relevant legislation.

4.3. Project locality

The property is located on Portion 97 (portion of portion 81) of the farm Boschfontein 330JQ, Rustenburg, North West Province. The said portion of land is located approximately 13.5 km south of the Rustenburg Central Business District (CBD) in the area of the Olifantsnek Dam (1.55 km) on the western side of the R24/R30 Magaliesberg/Johannesburg road. Global Positioning System (GPS) coordinates are 25° 46' 12.541" South and 27° 15' 52.03" East (see locality map – Figure 1). The property is located within the MPNE (Figure 2) and only partially developed (Figure 3).

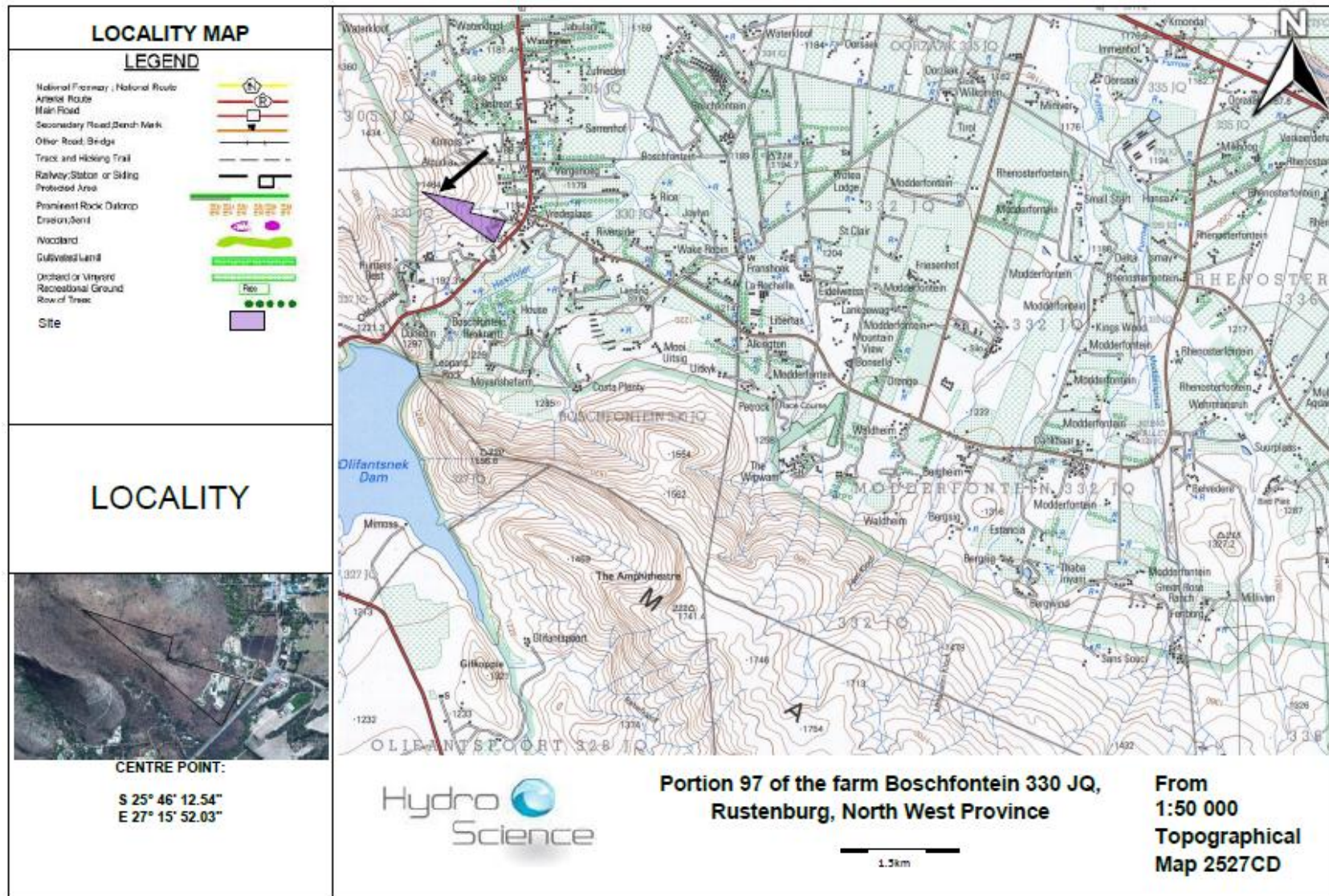


Figure 1: Regional locality map for Portion 97 of the farm Boschfontein 330 JQ, Rustenburg

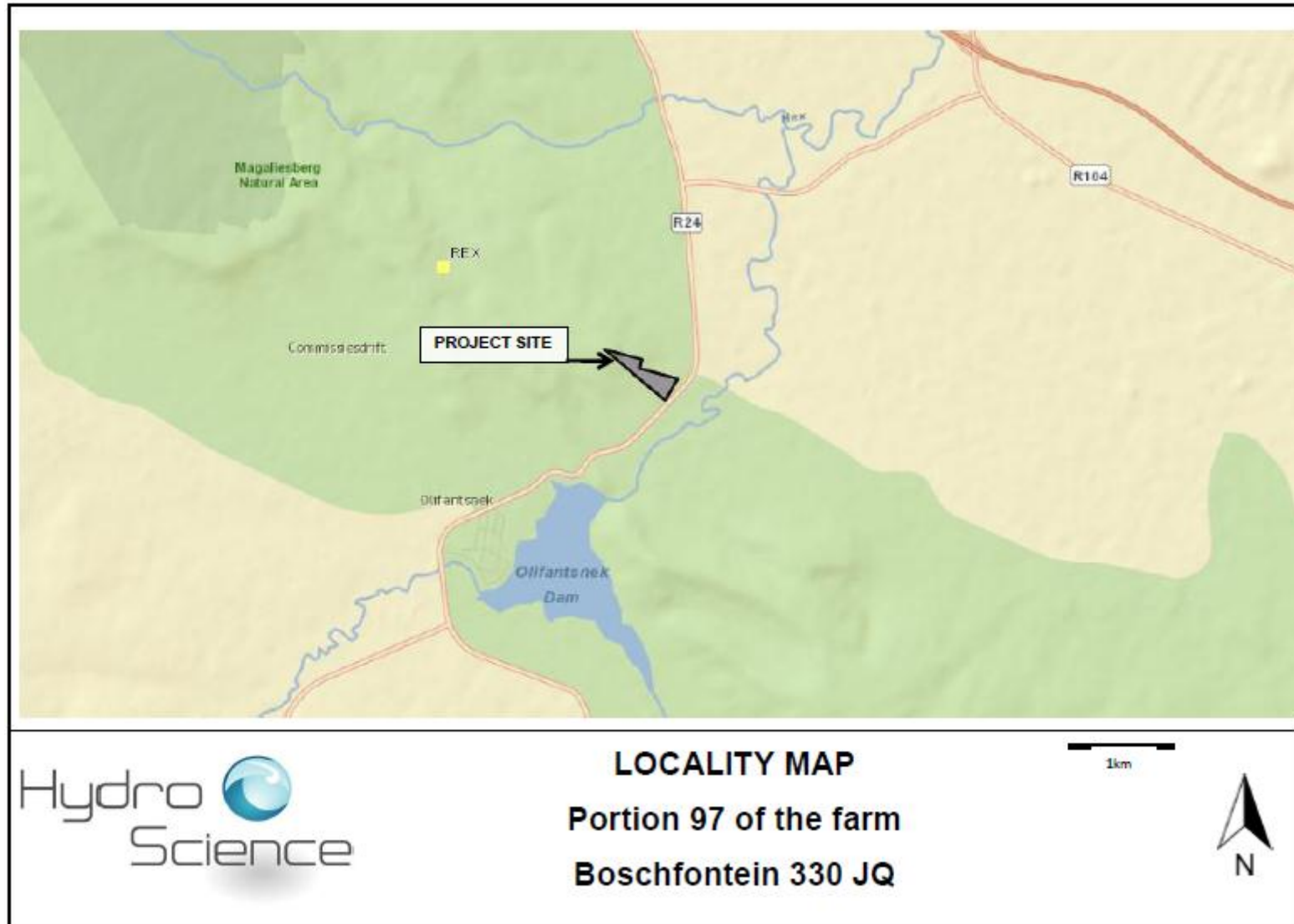


Figure 2: Location within the MPNE, a critical biodiversity

4.4. Project description

The operation of a guest lodge and resort on Portion 97 (portion of portion 81) of the Farm Boschfontein 330 JQ in Rustenburg in the North West Province. The property is located within a sensitive area, a critical biodiversity area namely the Magaliesberg Protected Natural Environment (MPNE) of the North West Province.

The farm stretches across 18.446 ha. The majority of the site (95%) is undisturbed with only <0.9 ha developed/built on.

The existing infrastructure (5 391m²) consists of:

- Residential houses (2) and associated garages
- An old and new workshop
- Administration offices and boardroom
- Ablution facilities (2)
- Accommodation (Blocks A – D; 4 blocks with 28 units)
- Roads and guard/security house (2)
- Storage (29 units)
- Cemetery

The facility can accommodate approximately 72 people overnight.

No municipal services exist in the area. Water is available from Rand Water. Waste is collected weekly by a contractor, Reclam Rustenburg. Sewage goes to conservancy tanks which are emptied by a honeysucker from Deonak Backactors & Plumbing for off-site disposal to the Rustenburg Sewage Treatment Works under permission of Water Solutions Southern Africa.

4.5. Project schedule

The Section 24G rectification process will take approximately six (6) months.

4.6. Additional Work

The following additional work will be completed as part of the project:

- An application in terms of the Township Ordinance will be submitted by the Town Planner in terms of Town Planning requirements.
- Registration of the conservancy tanks with Department of Water Affairs in terms of Section 21(g) of the National Water Act, 1998 (Act 36 of 1998).

If preliminary investigations indicate that specific specialist studies are required, these will be pursued.

5. POTENTIAL IMPACTS

As the development already exists, any environmental impact associated with the construction/establishment was already exerted and cannot be reversed without affecting the ecological integrity.

The area developed (0.54ha) is only a small section of the property of 18.446ha (5% of surface area). The remainder of the property (95%) which is part of the ridge area remains undisturbed and for this reason still has a high biodiversity value. This landscape feature adds to the aesthetic value of the property (beautiful view) which promotes tourism (positive socio-economic impact to owner).

Preliminary predictions of possible adverse impacts that may occur during the operational phase relate mostly to the fact that the property does not have access to municipal services. Waste and wastewater management as well as water supply will therefore need to be addressed and managed as part of the Environmental Management Programme (EMP).

6. APPLICABLE LEGISLATION

An application to rectify the unlawful commencement or continuation of listed activities in terms of Section 24G of the NEMA, as amended, has been submitted to the NW DEDECT (Reference number: REC06/2012NW).

Notification, in the form of site notices and an advertisement placed in the Rustenburg Herald (18 January 2013) as well as BIDs, was given to all I&APs, as prescribed in Chapter 6 of NEMA, informing them that a Section 24G process will be followed and a report compiled in terms of and as a result of the process will be submitted to the relevant authorities to obtain environmental authorisation for the development/infrastructure as set out in Section 4 of this document.

The following listed activity which requires environmental authorisation was identified in terms of the relevant legislation:

NEMA: GNR 546 (18 June 2010):

6 (c) i – The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more. In North West - any protected area including municipal or provincial nature reserves as contemplated by NEMPAA or other relevant legislation. **The accommodation facilities sleep 72 people and was constructed within the MPNE.**

7. PROCESS AND WAY FORWARD

- An application for Section 24G rectification has been submitted to NW DEDECT. The reference number: REC06/2012NW has been assigned and the application will be handled by Ms Motshabi Mohlalisi in the NW DEDECT Rustenburg offices at 80 Kerk Street, reachable on 014 597 3597.
- Notices have been placed in the Rustenburg Herald (18 January 2013) and on the site (17 January 2013).
- Further notification and BIDs are to be delivered by hand, fax or email to other identified I&APs, including neighbours, authorities and other stakeholders on 17-18 January 2013.
- Comments and/or completed registration forms from I&APs should be received on or before 28 February 2013.
- A draft report will become available for public review during March 2013.
- A final report, incorporating comments received on the draft, will be submitted to the NW DEDECT for their review and a decision no later than May 2013.

8. CONTACT DETAILS

Please complete the attached form or contact the person below should you wish to be registered as an I&AP or make any comments regarding this project.

HydroScience cc

Person: Paulette Jacobs
Tel: 082 850 5482
Fax: 086 692 8820
E-mail: paulette@hydroscience.co.za
Postal address: P.O. Box 1322, Ruimsig, 1732

**COMPLETE & FAX OR E-MAIL TO:
HYDROSCIENCE 086 692 8820 / paulette@hydroscience.co.za**

SECTION 24G RECTIFICATION FOR THE EXISTING INFRASTRUCTURE ON PORTION 97 (PORTION OF PORTION 81) OF THE FARM BOSCHFONTEIN 330JQ, RUSTENBURG, NORTH WEST PROVINCE. REFERENCE: REC06/2012NW

INTERESTED AND AFFECTED PARTY REGISTRATION AND COMMENT SHEET

Title:	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr		
Surname:				First name & initials:		
Organisation / Company:						
Postal / physical address:				Postal code:		
Tel:				Fax:		
Email:				Cell:		
Interest in approval or refusal:	Business:	YES	NO	Preferred method of notification / communication	Post/mail:	
	Financial:	YES	NO		Fax:	
	Personal:	YES	NO		Email:	
Details of interest:						
Name of other I&AP to be contacted:						
Contact details:						

Comments: (please use separate sheets if you wish/require)

Thank you for your comments, participation and time. Your contribution is appreciated and will form part of the final submission to the authority for decision-making.