

Appendix J: Additional Information



DEPARTMENT OF TOURISM,
ENVIRONMENT AND CONSERVATION

ISEBE LEZOKHENKETHO, INDALO
NOLONDOLOZO

LEFAPHA LA BOJANALA, TIKOLOGO
LE TSHOMARELO

DEPARTEMENT VAN TOERISME,
OMGEWING EN BEWARING

Metlife Towers
T-Floor
Private Bag X6102
KIMBERLEY
8300

Meago wa Metlife
T-Floor
Kgetsanaposo X6102
KIMBERLEY
8300

Isakhiwo se Metlife
T-Floor
Inqowa yeposi X6102
KIMBERLEY
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Metlife Towers
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8300

Tel. (053) 832-8601
(053) 832-8606

Fax (053) 832-8330
Corporate Services
Fax (053) 832-9560
HOD

Enquiries :
Dipalliso : S.G Mbanjwa
Imbuzo :
Navrae :

Reference : NNO 25/19
Tshupelo : NC/KUR2/34/2006

Isalathiso :
Verwysings :

Mr. Gus van Dyk
Tswalu Kalahari Reserve
P.O. Box 1081
Kuruman
8460

Fax (053) 781 9238

Dear Mr. Gus van Dyk

APPLICATION FOR AUTHORIZATION: THE CHANGE OF LAND USE FROM: AGRICULTURE OR UNDERTERMINED USE TO ANY OTHER LAND USE: DEVELOPMENT OF STAFF ACCOMODATION AND RELATED INFRASTRUCTURE AT WITBERG, KGALAGADI DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers delegated to me in terms of Section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I hereby in terms of Section 22(3) of the Act authorize: **Application for Authorization: THE CHANGE OF LAND USE FROM: AGRICULTURE OR UNDERTERMINED USE TO ANY OTHER LAND USE DEVELOPMENT OF STAFF ACCOMODATION AND RELATED INFRASTRUCTURE AT WITBERG, KGALAGADI DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** Schedule 1/2 of Government Notice No. R. 1182: activity 2: a detailed description of the activity is given in the final **scoping report** dated (April 2006), subject to the conditions listed in the record of decision.

The record of decision including the conditions under which the application is authorized is attached. This authorization is valid for a period of (3) years from the date of issue and if the activity is not undertaken within this period the authorization will be invalidated.

An appeal against this authorization or conditions of authorization may be lodged in writing with: **The Member of the Executive Council, Ministry of Tourism, Environment & Conservation, Private Bag X6102, Kimberley 8300, Fax. (053) 8321026**, within 30 calendar days from the date issue of this authorization, setting the grounds of appeal and including all relevant documentation as required by Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

Yours Faithfully

Mrs. P. M. N. Mokhali: HOD
Department of Tourism, Environment and Conservation
Date: 06.08.2006

Permit No 109/2006



A DESTINATION IN HARMONY WITH NATURE

Northern Cape Province
DEPARTMENT OF TOURISM,
ENVIRONMENT &
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA BOJANALA,
TIKOLOGO LE
SHOMARELO

RECORD OF DECISION

In terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No 73 of 1989) with regard to the undertaking of the activity described below as required by Government Notice No R. 1183 of 5 September 1997

Reference number: NC/KUR2/34/2006

Permit number: 109/2006

Project title:	The change of land use from: Agriculture or undetermined use to any other land use: Development of staff accommodation and related infrastructure at Witberg.			
Brief description of project:	<ul style="list-style-type: none"> • Upgrading of staff accommodation through the construction of 84 units • Associated infrastructure in two phases. 			
Project location:	Tswalu Kalahari Reserve, Farm Witberg			
Co-ordinates:	Latitude:	27°	12'	04.68" South
	Longitude:	22°	27'	56.16" East
District Municipality	Kgalagadi District Municipality			
Local authority/municipality:	NCDMACB1 Municipality			
Name of Property:	Tswalu Kalahari			
Farm/Erven Name and Number	Witberg 295; Title Deed T1423/1995			
Size of Property:	Tswalu Kalahari Reserve: +/- 100 000ha; Witberg 295 – 2100,3193ha			
Closest City/Town:	Kuruman	Distance (in km)	2.5km	
Project Applicant:	Tswalu Kalahari Reserve			
Business Reg. No./ID No.	1968/001382/07			
Contact person:	Mr. Gus van Dyk			
Postal Address:	P.O Box 1081, Kuruman, 8460			
Telephone:	(053) 781 9211	Cell:	082-496-3970	
Email:	gm@tswalu.com	Fax:	(053) 781 9238	
Environmental Consultant(s):	Eko-Impak			
Contact person:	Mr. C. Benade			

Postal Address:		8 Conrad Street, New Park, Kimberley, 8301	
Telephone:		(053) 832 7510	Cell: 083 262 3683
Email:		Hannes@infraplan.co.za	Fax: (053) 832 7510
Site visit	Yes	No	
Persons present: Mr. Walter Steenbok(EO)& Mr Gus Van Dyk			

DECISION

After due consideration of the facts presented to the Northern Cape Department of Tourism, Environment & Conservation (hereafter referred to as the Department), authorization is hereby granted in terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No 73 of 1989) for **the proposed development of staff accommodation and related infrastructure at Witberg in the Northern Cape.** (Schedule 1 of Government Notice No R.1182: *Activity2(c), The change of land use from agriculture or undetermined use to any other land use*);

The authorization is granted subject to the following conditions:

CONDITIONS

General conditions:

1. This authorization is granted only in terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
2. This authorization refers only to the project as specified and described in the scoping report dated **April 2005**. Any other activity listed under Section 21 of the Environment Conservation Act, 1989 (Act No 73 of 1989) which is not specified above, is not covered by this authorization and a separate application will have to be launched and must therefore comply with the requirements of the Environment Conservation Act, 1989 (Act No 73 of 1989) and Government Notice No. R. 1183 of 5 September 1997 and its amendments.
3. **This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those authorities.**
4. No development may take place on the area of concern without the necessary permits/approvals and/or service agreements, where it is relevant, from or between the following authorities, including:
 - National Department of Environmental Affairs & Tourism
 - National Department of Agriculture
 - Department of Housing & Local Government
 - Department of Water Affairs & Forestry.
 - Department of Minerals & Energy
 - Department of Transport, Roads & Public Works
 - McGregor Museum
 - South African Heritage Resources Agency
 - Civil Aviation Authority, and
 - Any other relevant authority whether national, provincial or local
5. The applicant shall within 5 (five) days of receipt of this authorization, provide all interested and affected parties identified during the public consultation process, with copies of this authorization, including all the conditions attached thereto.
6. One week written notice must be given to the Department before commencement with construction activities.
 - 6.1 Such notice shall make clear reference to the site location details and the reference number given above.

- 6.2 The notice must include proof of compliance with the following conditions described herein:
i.e. conditions: 5 & 14
7. All mitigation measures and recommendations as laid down in the Scoping Report are binding and must be implemented, unless stated differently in this ROD.
 8. The Environmental Control Officer must ensure that changes in the project resulting in significant environmental impacts and that differ from what was authorized by the Department, must be submitted to this Department for approval prior to such changes being effected.
 9. The applicant must notify this Department, in writing, within 24 hours thereof if conditions of the authorization are not complied with.
 10. Non-compliance with, or any deviation from, the conditions set out in this authorization constitutes a failure in compliance with the authorization. Such failure in compliance is regarded as an offence and will be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
 11. The Department must be notified of any change of address of the applicant.
 12. The Environmental Management Plan (EMP) for construction and management of activities relating to the protection of the natural environment during the construction phase and must be adhered to at all times unless stated differently in this ROD.
 13. An Environmental Control Officer (ECO) must be appointed to oversee the implementation of the EMP. The ECO or his representative must visit the site at least once a week for the duration of the construction phase.
 14. The conditions of the authorization should be brought to the attention of all persons (employees, sub-consultants, etc) associated with the undertaking of this activity and the applicant should take such measures necessary to bind such persons to these conditions.
 15. A copy of the authorization shall be available on site during construction. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract.
 16. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction.
 17. Appropriate toilets must be supplied for the entire construction period and must be serviced on a regular basis.
 18. All waste including general litter must be removed from site and disposed off at an applicable licensed disposal site. No waste material shall be left on site.
 19. No fires are permitted on site.
 20. No plants must be removed other than required for the layout of the site. However, if the affected plant(s) is endangered or protected, permission must be sought from Northern Cape Department of Tourism, Environment & Conservation for the removal thereof.
 21. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.
 22. Records relating to the compliance/non-compliance with the conditions of the authorization 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 and also included in the Environmental Audit report.
 23. Any complaints regarding the said development must be brought to the attention of the Department within 24 working hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
 24. 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.
 25. 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.
 26. The Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this ROD must be made known to the new owner and/ or developer and are binding on the new owner and/or developer.

27. In the event of sharing the Conditions imposed in this ROD must be made known to the sharing party. All conditions in this ROD are binding on the sharing party. The applicant is responsible to ensure that all these conditions are complied with.
28. National government, provincial government, 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.
29. If any condition imposed in terms of this authorization is not being complied with, the authorization may be withdrawn after 30 days written notice to the applicant in terms of Section 22 (4).
30. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
31. In the event that any archaeological material is found and it is likely that it will be disturbed, the Department must be alerted immediately.
32. The Department must be supplied with an approval from the landowner giving consent for the applicant to proceed with the project, before construction/upgrading takes place.

Special conditions:

1. Any waste produced during construction must be cleared off site.
2. Care must be taken to rehabilitate degraded vegetation as quickly as possible, or to use erosion control measures such to stabilize the soil where necessary.
3. Since no Archaeological study was conducted, the contractor must be on the look out for any artifacts, which may be unearthed during excavation, and should any artifacts or human remains be uncovered, the contractor is obliged to cease the operation temporary and the McGregor Museum must be contacted to further investigate.
4. All mitigation measures and recommendations as laid down in the Scoping Report by Mr. Hannes Freysen dated **May 2005** are binding and must be implemented, unless stated differently in this ROD.

KEY FACTORS AFFECTING THE DECISION

The Department's authorization is based upon a review of the scoping report and appendices dated **May 2005**. The Scoping Report findings, given the nature of the projects and the selected sites and study area, concludes that the potential impacts associated with the proposed development are of a nature and extent that can be reduced, limited and eliminated by the introduction of appropriate mitigation measures. The conditions of the ROD and the recommendations made in the scoping report and appendices dated **May 2005** should be sufficient to mitigate and manage the impacts associated with the development.

The legal and procedural requirements have been complied with and the information contained in the Scoping Report and appendices is to the satisfaction of the Department.

PERIOD OF VALIDITY AND RENEWAL OF AUTHORIZATION

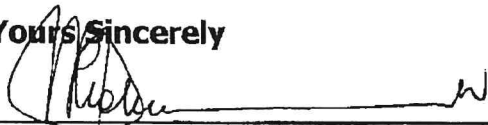
If the construction does not commence within a period of three (3) years from the date of this authorization, it will lapse and should the applicant intend to invoke the project, a new application must be launched with this department. The Department reserves the right to review and amend the conditions of the authorisation at any given time.

APPEAL

The applicant must, within 5 calendar days of receipt of this record of decision (ROD) inform all interested and affected parties registered during the EIA process of at least the following:

- i. That an authorization has been issued to the applicant to proceed with the construction and operation of the facilities.
- ii. That any appeal in terms of the Section 10 (1) of regulation 11 of the environmental assessment regulations (Government Notice No R. 1183 of 5 September 1997) against the issuing of the authorization must be lodged with the MEC for Tourism, Environment & Conservation within 30 (thirty) days from the date on which the ROD has been issued to the applicant and at the address stipulated in the authorization.
- iii. Include the date on which the ROD was issued to the applicant in terms of regulation 10 (1) and the date by which the appeals must reach the MEC.
- iv. Indicate where copies of the authorization and ROD can be viewed / obtained.

Yours Sincerely



Mrs. P.M.N. Mokhali: HoD

Department of Tourism, Environment and Conservation

Date: 06. 08. 2006