

24G Application Process for Unlawful Activities on the Remainder of Erf 196, Portion 1 of Erf 196, the Remainder of Erf 197 and Erf 198, Ashburton, KwaZulu-Natal

BACKGROUND INFORMATION DOCUMENT

November 2022



WHAT IS THE PURPOSE OF THIS DOCUMENT?

The purpose of this document is to:

- ◆ Inform Interested and Affected Parties (I&APs) about the application, and to invite them to participate;
- ◆ Provide a brief background on the application; and
- ◆ Explain the aims and objectives of the 24G Application Process.



WHAT IS THE BACKGROUND TO THIS APPLICATION?

Movito (Pty) Ltd wishes to make a retrospective environmental application, via the 24G Application Process, for unlawful activities which have taken place on the Remainder of Erf 196, Portion 1 of Erf 196, the Remainder of Erf 197 and Erf 198, Ashburton, KwaZulu-Natal. The property is located on Thorne Tree Road, Ashburton, at GPS Coordinates 29° 40' 27.53" S and 30° 27' 19.63" E. Refer to Figure 1.

In terms of the Environmental Impact Assessment (EIA) Regulations 2014 (as amended 2017 and 2022), published in Government Notice No. R. 324, 325, 326 and 327 of 2017, the application had the potential to trigger the following Listed Activities. Please note that the applicability of the below list will be confirmed during the process:

Activity	Description
GNR 327, Activity 19	<i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand shells, shell grit, pebbles or rock of more than 10 cubic metres from (i)] a watercourse...."</i>
GNR 327, Activity 27	<i>"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for – (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan (ii) maintenance purposes undertaken in accordance with a maintenance management plan."</i>
GNR 324, Activity 6	<i>"The development of resorts, lodges, hotels, [and] tourism or hospitality facilities that sleeps 15 people or more. d. KwaZulu-Natal."</i>

	<p>vii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p> <p>xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority.”</p>
GNR 324, Activity 12	<p>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>d. KwaZulu-Natal...</p> <p>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans...</p> <p>Xii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the act and as adopted by the competent authority...”</p>
GNR 324, Activity 14	<p>“The development of – ...</p> <p>[(iv) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres in size; ...</p> <p>(xiii) infrastructure or structures with a physical footprint of 10 square metres or more;...</p> <p>(i) Dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) Infrastructure or structure with a physical footprint of 10 square metres or more; Where such development occurs –</p> <p>(a) Within a watercourse; ...</p> <p>(b) If no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse...</p> <p>d. KwaZulu-Natal...</p> <p>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;...</p>

Under Government Notice No R. 326 of 2017, as amended, the Applicant, Movito (Pty) Ltd, is required to appoint an independent Environmental Assessment Practitioner (EAP) to conduct the retrospective Environmental Authorisation process. The Applicant has appointed Green Door Environmental to conduct the process.



WHAT ACTIVITIES ARE CURRENTLY TAKING PLACE?

The Applicant commenced with the construction of the following infrastructure prior to obtaining Environmental Authorisation:

- B&B able to sleep 96 people;
- Restaurant;
- Salon;
- Laundry;
- Gym and spa;
- Conference room;
- Access road; and
- Septic tank and soakaways.

The extent of the development is approximately 2.91 ha.

?

WHERE ARE THE PROPERTIES?



Figure 1: Overview map showing the location of the site.



WHAT IS THE AIM OF A 24G ENVIRONMENTAL ASSESSMENT?

The 24G Environmental Assessment process aims to:

- ◆ Inform and involve all potentially Interested and Affected Parties (I&APs) of the application;
- ◆ Identify the impacts (positive and negative) that have occurred as a result of the unauthorised activity (both ecological and socio-economic impacts);
- ◆ Provide recommendations based on the identified impacts and conduct specialist studies if necessary; and
- ◆ Provide the Competent Authority with enough information to make an informed decision regarding the application.



WHAT IS INVOLVED IN THE 24G APPLICATION PROCESS?

The 24G Environmental Assessment Process can be described as follows:

1. *24G Application Form:*
An official 24G Application Form is required to be completed and submitted to the Competent Authority. This Form provides information on the properties, and a description of the activities which have taken place prior to authorisation.
2. *Public Participation:*
The general public and relevant Authorities are notified of the application development through newspaper adverts, site notices and direct consultation. Alternative methods will be employed to inform those I&APs who may be illiterate, disabled or otherwise disadvantaged. Should you be aware of anyone who might be interested in this project, but has not been notified, please send the relevant contact details to Green Door Environmental. This Background information Document will be circulated to neighbouring landowners, relevant authorities and any other persons registered as I&APs following the adverts and site notices.
3. *Identification of Impacts and Alternatives*
Environmental issues, concerns, development constraints and possible development alternatives will be identified using professional judgement, project information, experience of similar projects, a review of available literature, site visits, and consultation with authorities and the public.
4. *Impact Evaluation*
The significance of environmental issues will be evaluated in terms of their extent, intensity, duration and probability of occurrence in the future.
5. *Mitigation and Management Measures*
Measures to manage and minimise impacts to within acceptable levels, as well as measures to maximise the socio-economic benefits associated with the development, will be identified and recorded in the Environmental Report. An Environmental Management Programme (EMPr) will be compiled to facilitate the implementation of mitigation measures.
6. *Reporting*
The Environmental Report and Draft EMPr will be made available for 30 days for review and comment by all I&APs and relevant authorities. A Final Environmental Report and EMPr will be compiled and will include comments received on the circulated Environmental Report.
7. *Authority Decision*
The Final Environmental Assessment Report will be used by the Competent Authority as the basis for the decision on whether the Application should receive retrospective authorization.



WHAT ENVIRONMENTAL IMPACTS HAVE INITIALLY BEEN IDENTIFIED?

The following issues have been identified as potentially problematic and will, amongst other issues, be investigated during the Environmental Process:

- ◆ Impacts to watercourses.
- ◆ Impacts on surrounding landowners.
- ◆ Surface and storm water management.
- ◆ Soil erosion.

