

24G Application Process for Unlawful Activities on Portion 46 of Driefontein No. 1389, Winterton, KwaZulu-Natal

BACKGROUND INFORMATION DOCUMENT

May 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?

Champagne Sky (Pty) Ltd wishes to obtain retrospective environmental approval, via the 24G Application Process, for unlawful activities on Portion 46 of Driefontein No. 1389, Winterton, KwaZulu-Natal.

In terms of the Environmental Impact Assessment (EIA) Regulations 2014 (as amended 2017), 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, Part 12	<i>The development of ii) infrastructure or structures with a physical footprint of 100 square metres or more where such development occurs a) within a watercourse...</i>
GNR 327, Part 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 a watercourse...</i>
GNR 327, Part 27	<i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation...</i>
GNR 324, Part 5	<i>The development of resorts, lodges, hotels, tourism or hospitality facilities that sleep less than 15 people d) KZN ii) Outside urban areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve...</i>
GNR 324, Part 6	<i>The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more xii) Outside urban areas: aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve...</i>
GNR 324, Part 12	<i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is</i>

	<i>required for maintenance purposes undertaken in accordance with a maintenance management plan d) KZN v) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans...</i>
GNR 324, Part 14	<i>The development of ii) infrastructure or structures with a physical footprint of 10 square metres or more... x) Outside urban areas: aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve...</i>

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



WHAT ACTIVITIES ARE CURRENTLY TAKING PLACE?

The site is located at GPS Coordinates 28° 59' 34.95" S and 29° 27' 18.97" E on Portion 46 (of 5) of the Farm Driefontein 1389 within the Okhahlamba Local and uThukela District Municipality, Winterton, KwaZulu-Natal (Figure 1). The Applicant commenced with the construction of a wedding venue and amphitheatre; the area cleared exceeds 1 ha in extent.

The following has been established to date:

- The construction of a building (wedding venue) has commenced – including the laying of the foundations and installation of the roof and columns of the steel structure (350 m²).
- Amphitheatre (90% complete).
- Platform (150 m²) has been cleared for construction / storage containers.
- Lemon tree orchard – area has been cleared.

Building Plan approval for the below has been issued by the Municipality:

- 650 m² wedding venue.
- 8 x hotel rooms.
- 5 x chalets (150 m² each).
- Staff housing / accommodation (250 m²).

It must be noted that the Applicant sort confirmation from a professional on whether the proposed development triggered the need for Environmental Authorisation, prior to commencing with construction. They were informed that the development did not require Environmental Authorisation and, as such, the Municipality approved the building plans for the entire development with no reference to the EIA Regulations. It only came to light that the development required Environmental Authorisation after construction had commenced.



WHERE ARE THE PROPERTIES?



Figure 1: Aerial map showing the location of the site (Google Earth).



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:

- ◆ Potential impacts to wetlands and watercourses.
- ◆ Potential impacts on surrounding landowners.
- ◆ Potential impact on biodiversity.
- ◆ Soil erosion.



HOW CAN I&APs COMMENT ON THIS DEVELOPMENT?

The need for public input and involvement is of critical importance. All I&APs (neighbours, authorities, organisations etc.) are invited to comment on the application. Comments can be communicated to us by post, telephone or email (contact details are provided below). In order to ensure that your comments are addressed and incorporated, please ensure that we have received all comments by **20 June 2022**.



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Website: www.greendoorgroup.co.za

Title:	First Name:	Surname:	Initials:
Organisation / Property Name:			
Interest in project (e.g. authority, neighbour, competitor, supplier):			
Postal Address:			
		Post Code:	
Tel Number:		Cell Number:	
Fax Number:		Email:	

1. The following issues must be noted regarding the 24G Application Process for unlawful activities on Portion 46 of Driefontein No. 1389, Winterton, KwaZulu-Natal:

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2. The following potentially interested and affected parties should also be contacted:

Name:	Organisation:
Tel Number:	
Address:	
Name:	Organisation:
Tel Number:	
Address:	

3. Additional comments?

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Should you be aware of anyone who might be interested in this project, but may be illiterate, disabled or otherwise disadvantaged, please send the relevant contact details to Green Door Environmental.

Thank you