



# ZUNCKEL ECOLOGICAL & ENVIRONMENTAL SERVICES

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Anganna Investment 177 (Pty) Ltd

## Environmental Assessment

for the application for a 24G Environmental Assessment for the development and operation of a tourism lodge on Portion 10 of the Farm Fagazaan No.17599, uMngeni Local Municipality

## BACKGROUND INFORMATION DOCUMENT

15 November 2022

### WHAT IS THE PURPOSE OF THIS DOCUMENT?

The purpose of this document is to:

- ◆ Inform relevant stakeholders and Interested and Affected Parties (I&APs) about the proposed project, and to invite them to participate in the Environmental Assessment process;
- ◆ Provide a brief background on the proposed project; and
- ◆ Explain the aims and objectives of the Environmental Assessment process.

### WHAT IS THE BACKGROUND TO THIS DEVELOPMENT?

The Applicant unintentionally commenced a listed activity prior to obtaining an environmental authorisation on the said property. Notice of Intention to issue a Compliance Notice was issued by the KZN Department of Economic Development, Tourism and Environmental Affairs (DEDTEA): Environmental Management on 5 October 2022. Anganna Investment appointed Zunckel Ecological + Environmental Services (ZEES) as their Environmental Assessment Practitioners (EAPs), to investigate, evaluate and assess the impact of the claims made in the said letter. The Applicant has indicated their willingness to remedy and rehabilitate any areas that require it. Furthermore, it is their wish to continue with the development, and they are therefore lodging a section 24G Application for Redress to DEDTEA's MEC to rectify their actions. With the exception of soft rehabilitation measures to stabilise the bare areas, and prevent soil erosion, no further construction of permanent structures will be undertaken until such time as a decision on the Application has been granted and there will be no additional structures / infrastructure that is going to be developed within 32m of any watercourse other than what is already there.

### WHAT IS BEING PROPOSED?

The proposal is for a tourism facility that accommodates up to 57 people in what was the old cow shed, main house and a new staff house and laundry. An entrance gate has been built to accommodate a caretaker and it is proposed that there be a parking area of grass block pavers at the entrance. A wooden deck and bridge over the watercourse has been constructed with cleared pathways connecting the cowshed to the deck and main house, which need to be rehabilitated because of the rains and risk of soil erosion into the dam. A new addition to the main house was built, which extended towards the northern watercourse, and falls within 32 metres of the watercourse. Similarly, a new septic tank and soakaway has been constructed within 32m of the same watercourse, which triggers the need for an Environmental Assessment. It is also the intention of the Applicant to rehabilitate the existing dam on site, which will require a Maintenance Management Plan for DEDTEA's approval. This process can take place concurrently with the s24G Application.



Figure 1: The locality of the property relative to the surrounding properties in Balgowan, uMngeni Municipality.



Figure 2: An illustration of the dam which is planned for rehabilitation, the new wooden deck and bridge and the main house.



Figure 3: The new staff housing and laundry



Figure 4: Main house with outdoor wedding venue and new septic tank & soakaway.



Figure 3: 'Cowshed' built on the footprint of the original. Application had to be made to AMAFA for its demolition because there were no foundations.

## WHY IS A S24 G APPLICATION FOR REDRESS NECESSARY?

Unauthorised initiation or continuance of activities recognised in terms of the Environment Impact Assessment Regulations is a contravention of Section 24G(1)(a) of the National Environmental Management Act (NEMA), and may be corrected through an application to the relevant MEC, in terms of Section 24G of the NEMA, read in conjunction with section 7 (Transitional provision) of the National Environmental Management Amendment Act (Act No. 8 of 2004). The development activities already undertaken triggered the need to apply for a 24G Environmental Authorisation due to the following listed activities:

Activity No(s):	Provide the relevant Activity/ies as set out in the EIA Regulations, 2017, as amended.	Describe the portion of the proposed project to which the applicable listed activity relates.
Activity 12 of Listing Notice 1 (GNR 327)	The development of (xi) boardwalks exceeding 100m <sup>2</sup> in size; and (xii) infrastructure or structures with a physical footprint of 100 square metres or more, where such development occurs (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.	The wooden deck over the dam and the wooden bridge over the adjacent watercourse extent exceeds 100m <sup>2</sup> . Rock gabions need to be installed below the deck to stabilise the bank against which the deck is located.
Activity 19 of Listing Notice	The infilling or depositing of any material of more than 10 m <sup>3</sup> into, ...a watercourse, but excluding where such	Of greatest concern are the bare areas on steep slopes above the dam in the vicinity of the

Activity No(s):	Provide the relevant Activity/ies as set out in the EIA Regulations, 2017, as amended.	Describe the portion of the proposed project to which the applicable listed activity relates.
1 (GNR 327)	infilling... (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or (c) falls within the ambit of Activity 21 in this Notice, in which case that activity applies...	wooden deck. Silt traps will be put down immediately at 1 m intervals down the slope to act as waterbars/pole drains to reduce possible siltation into the dam and watercourse. Silt traps should be put across the slope at an angle of about 10°, which will trap the silt, but turn and direct the water to the downhill side of the slope.
Activity 48 of Listing Notice 1 (GNR 327)	The expansion of (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more, where such expansion [or expansion and related operation] occurs within 32 metres of a watercourse, measured from the edge of a watercourse.	The soakaway system and Unit 4 of the Main House have been constructed within 32 metres of a watercourse.
Activity No. 6 of Listing Notice 3 (GNR 324)	The development of resorts, lodges, hotels, [and] tourism or hospitality facilities that sleeps 15 people or more is triggered due to the site's proximity within 5 km of some proclaimed protected areas.	The Applicant wishes to take this opportunity to apply for an Amendment on their planning approval of 14 beds, and use the s24G Application to apply for a maximum capacity of 57 PAX on site, which can be used as a wedding venue. This should accommodate the Development's proximity to the Michaelhouse and Blue Crane Nature Reserves, which are <5 km from the site, and its position within the uMgungundlovu DM's Environmental Management Framework (EMF).

## WHAT IS THE AIM OF AN ENVIRONMENTAL ASSESSMENT (EA)?

The Environmental Assessment (EA) process aims to:

- ◆ Inform and involve all potentially interested and affected parties (I&APs) of the proposed development;
- ◆ Identify the potential impacts (positive and negative) that the proposed development may have on the ecological and socio-economic environment;
- ◆ Provide recommendations based on the identified impacts and conduct further specialist studies if necessary; and
- ◆ Provide the KZN Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) with enough information to make an informed decision regarding the proposed development.

## WHAT IS INVOLVED IN A SECTION 24 G APPLICATION FOR REDRESS?

The mandatory steps for conformity of the Section 24G Impact Assessment Process are defined in detail below.

Step 1: A company or person determines whether they are at fault for the initiation or continuance of an activity that requires authorisation in terms of the EIA Regulations without the obligatory authorisation. This step has already been completed as part of our letter to DEDTEA on the 12 October 2022.

Step 2: An application for redress can be submitted to the department.

Step 3: The application must be reviewed. This may comprise a site inspection to confirm information provided. The applicant will be informed of further information required to consider the application based on the evaluation of the application.

Step 4: The relevant MEC or Minister shall recommend the applicant on further information and procedural requirements by means of a notice. This includes the compilation of a report after suggested public consultation. The relevant MEC or Minister will also inform the applicant of the administrative fine payable and details of the account where fees are to be deposited. The penalty will be within the parameters above.

Step 5: The applicant follows the process recommended by the relevant MEC or Minister and pay the fine.

Step 6: The applicant submits the proof of payment of the fine and the required reports to the department. Reports submitted without exemption from payment or proof of payment will not be processed.

Step 7: The department must review the reports and advise the relevant MEC or Minister to inform his decision.

Step 8: The relevant MEC or Minister must inform the applicant of his decision. This decision may involve: issuing environmental authorisation; or instructing the applicant to cease the activity and rehabilitate the environment.

Step 9: The applicant must implement the decision of the relevant MEC or Minister. This opportunity is limited to 6 months to correct.

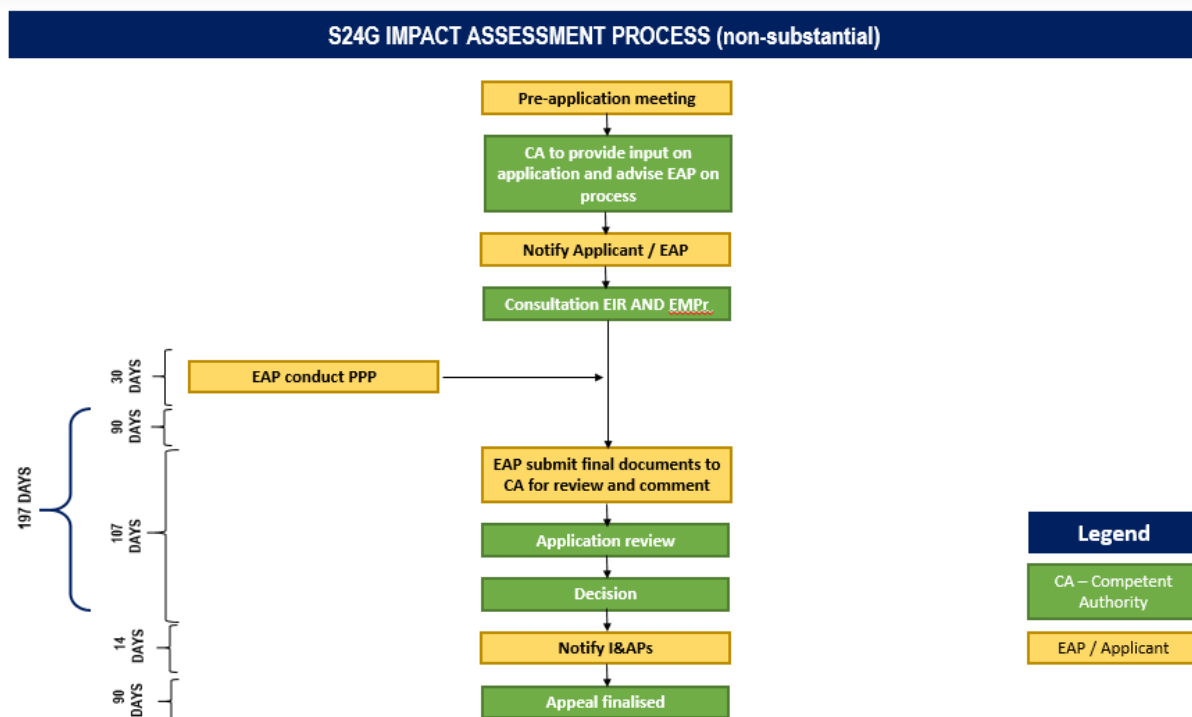



Figure 6: The S24G Process Timeframes

## HOW CAN I&APs COMMENT ON THIS DEVELOPMENT?

The need for the involvement of interested and affected parties (I&APs) is of critical importance. All I&APs (neighbours, authorities, organisations etc.) are invited to comment on the application. Comments can be communicated to the EAP by telephone or email (contact details are provided below).



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In order to ensure that your comments are addressed and incorporated into the draft Assessment Report, please ensure that you register as an I&AP and that we have received your comments no later than by the **end of January 2023**. Please use the structure below to guide your inputs into this process. You will be notified when other related reports are available for review and comment as well as to other steps in the process.

Title:	First name:	Surname:	Initials:
Organisation:		Designation:	
Address:			
Postal Code:			
Tel No:		Cell No:	
Fax No:		E-mail:	

**COMMENTS:**

1. The following issues must be addressed in the basic assessment of the proposed development:

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2. Please add the following persons to your list of interested and affected parties:

Name:	Organisation:
Telephone:	
Address:	
Name:	Organisation:
Telephone:	
Address:	

3. Any other comments:

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***Thank you for your participation.***