

## **DRAFT SECTION 24G REPORT**

# **Proposed Rectification in Terms of Section 24G of National Environmental Management Act (NEMA, Act 107 of 1998) for the Unlawful Activities on Portion 46 of Driefontein No. 1389, Winterton, KwaZulu-Natal**

**GDE PROJECT NO.:** GDE279

**REFERENCE NO.:** Dc23/S24G/0001/2022

**APPLICANT:** Champagne Sky (Pty) Ltd

**DATE:** 07 July 2023




**VERSION:** Revision 1



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# EXECUTIVE SUMMARY

The Applicant, Champagne Sky (Pty) Ltd wishes to apply for the continuation of activities in terms of the Environmental Impact Assessment (EIA) Regulations and Section 24G of the National Environmental Management Act (NEMA, Act No. 107 of 1998) for the Unlawful Activities on Portion 46 of Driefontein No. 1389, Winterton, KwaZulu-Natal.

In terms of the National Environmental Management Act (NEMA), Act 107 of 1998, and the Environmental Impact Assessment (EIA) Regulations of 2014 (as amended 2017 & 2021), published in Government Notice Regulation (GNR) 324, 325 and 327 of 2014 (as amended 2017 & 2021), certain Listed Activities require either a Basic Assessment (BA) Process (GNR 324 and GNR 327) or a Scoping and EIA Process (GNR 325) to be undertaken for Environmental Authorisation (EA). The proposed activities would have triggered the following Listed Activities which require a BA Process to be undertaken.

Indicate the number of the relevant Government Notice:	Activity No (s) (relevant notice): e.g. Listing notices 1, 2 or 3	Describe each listed activity as per the wording in the listing notices as well as per the proposed activity:
GNR 327	<p><b>Activity 12:</b> <i>“The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) <b><i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></b></p> <p><b><i>where such development occurs—</i></b></p> <p>(a) <b><i>within a watercourse;</i></b></p> <p>(b) <i>in front of a development setback; or</i></p> <p>(c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; ...”</i></p>	<p><b>This activity is applicable as the wetland specialist identified an A Section Channel on site.</b></p>
GNR 327	<p><b>Activity 19:</b> <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></p>	<p><b>This activity is applicable as the wetland specialist identified an A Section Channel on site.</b></p>
GNR 327	<p><b>Activity 27:</b> <i>““The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation...”</i></p>	<p><b>The activity is applicable as more than 1 ha of indigenous vegetation has been cleared on site.</b></p>
GNR 324	<p><b>Activity 4:</b> <i>“The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>d. KwaZulu-Natal.</i></p> <p><i>v. World Heritage Sites...</i></p> <p><i>xii. Outside urban areas:</i></p>	<p><b>This activity is applicable as the internal roads will be 4.5 m in width according to the Engineering Design Drawings Site Plan, and the site is located within 10 km of the uKhahlamba Drakensberg</b></p>

	<i>(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 areas of a biosphere reserve;...</i>	<b>Park which is a World Heritage Site and thus a Protected Area.</b>
GNR 324	<b>Activity 12:</b> <i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation... d. KwaZulu-Natal... v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plan...”</i>	<b>This activity is applicable as more than 300 square metres of indigenous vegetation has been cleared and the site is located within 10 km of the uKhahlamba Drakensberg Park which is a World Heritage Site and thus a Protected Area.</b>
GNR 324	<b>Activity 14:</b> <i>“The development of – ... (ii) Infrastructure or structure with a physical footprint of 10 square metres or more; Where such development occurs – (a) Within a watercourse; ... d. KwaZulu-Natal. 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>	<b>This activity is applicable as the wetland specialist identified an A Section Channel on site.</b>

On 22 February 2022, a Notice of Intention to issue a Compliance Notice was issued to the Applicant by the Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) in terms of the NEMA. Subsequently, the Applicant responded to this Notice with the request to apply for a Section 24G Application for the rectification and continuation of the listed activities. On the 28 March 2022, the DEDTEA issued a Re-Response to the Notice of Intention to issue a Compliance Notice stating that the Applicant can proceed with the Section 24G Application. Green Door Environmental was appointed by the Applicant as the Environmental Assessment Practitioner (EAP) to address the abovementioned unlawful activities in terms of the NEMA. This Report has been compiled in accordance with the requirements set out in the EIA Regulations, 2014 (as amended 2017 and 2021), which are promulgated in terms of Section 24 (5) and 44 of the NEMA, as well as in terms of Section 24(G) of the NEMA, 1998.

The Applicant commenced with the construction of the following infrastructure and is approximately 1.43 ha in extent:

- The construction of a building (wedding venue), including the laying of the foundations and installation of the roof and columns of the steel structure (350 m<sup>2</sup>).
- Amphitheatre (90% complete).
- Platform (150 m<sup>2</sup>) has been cleared for construction / storage containers.
- Lemon tree orchard – area has been cleared.

The development will consist of the following components:

Wedding Venue and Associated Infrastructure:

- Entrance foyer
- Reception venue
- Restaurant

- 
- Kitchen
  - Office space
  - Ablutions
  - Coats room
  - Generator yard
  - Lemon tree orchard
  - Yard and courtyard
  - Entrance circle and access road
  - Parking
  - Platform area for construction materials and storage containers

Amphitheatre:

- Platform area
- Concrete steps

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

- 650 m<sup>2</sup> wedding venue.
- 8 x hotel rooms.
- 5 x chalets (150 m<sup>2</sup> each).
- Staff housing / accommodation (250 m<sup>2</sup>).

The unlawful activity did not result in any impacts to heritage sites or paleontological features.

In KwaZulu-Natal one job supports seven dependents. The operational phase of the wedding venue is expected to be long term. During the operational phase, it is anticipated that 33 permanent jobs will be created. The Champagne Sky wedding venue has the potential to result in 231 dependents being supported during the operational phase.

The property is characterised by Northern KwaZulu-Natal Moist Grassland (Gs4) vegetation type. This vegetation type is classified as 'Vulnerable' in terms of its ecosystem status and 'Poorly Protected' in terms of its level of protection. Based on the Screening Tool results, the site is characterised by a 'Low' plant species sensitivity, and a 'Medium' plant species sensitivity to the south of the property. The animal species sensitivity of the site is characterised as 'Medium' in the northern portion and 'High' for the remainder of the property. The development site and adjacent land was assessed, and it was determined that the area comprises is secondary grassland, and thus the site was not representative of Northern KwaZulu-Natal Moist Grassland. This is due to no indicator species commonly associated with primary grassland in this area were found. Historically, the property has been used as croplands, and is currently baled. Therefore, a low plant and animal diversity was evident on site.

The property falls within the V13B quaternary catchment. No Freshwater Ecosystem Priority Area (FEPA) wetlands were identified within the study site. As such, the scope of work was amended to focus on the delineation and classification of watercourses identified within the area as well as the assessment of any associated riparian zones. Six watercourses were delineated and classified as follows:

- Four (4) watercourses were classified as A section channels.
- One (1) watercourse was classified as a B section channel.
- One (1) watercourse was classified as a C section channel (the Sterkspruit River).

The construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind. Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils. The A section channels were delineated closest to the construction activities with the closest distances of 40 m to approximately 100 m to the west of the construction site, and 260 m to the east of

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the construction site. The A section channels that are located on neighbouring properties have not and will not be impacted by the construction and operation of the wedding venue.

During the Public Participation Process the following comments / issues were raised:

- Noise and light pollution impacts.
- Lack of notification to surrounding neighbours of the development.
- Potential contamination of water courses - the Sterkspruit is at the bottom of the property.
- The property is located within the buffer zone of the World Heritage Site.
- Erosion impacts.
- A wedding venue will positively impact the surrounding businesses such as contributing to the hospitality industry.
- The wedding venue will alter the sense of place of the area.
- The property is not correctly zoned to allow a wedding venue.
- Concerns about the need and desirability of the development.
- Concerns regarding water, electricity and sewage supply.

To help towards addressing the above comments / issues, the following Specialist Studies have been undertaken as part of this 24G Application:

- Wetland Assessment.
- Biodiversity Assessment.
- Geohydrological Assessment.
- Visual Impact Assessment.
- Noise Impact Assessment.
- Heritage Impact Assessment.
- Engineering Report and Layout Plans.

Through the Public Participation Process it became very apparent that three main issues dominated I&AP concerns: visual impacts, noise impacts and the apparent fact that the Municipality did not follow due process with the special consent application for the property. Whilst this assessment has included specialist noise and visual impact assessments, we are unable to comment to any great degree on the consent use process to date, as rezoning falls under Planning legislation where work is required to be undertaken by qualified Planners. Green Door Environmental is not a Planning consultancy. In addition, Green Door Environmental was only contracted to conduct the 24G process post planning submission, thus we have limited knowledge of any communication which took place prior to the 24G process commencing.

The findings of the Noise Impact Assessment concluded that once the venue is operational, sound levels exceeding the SANS Day-time Guidelines can be expected in the surrounding residential areas for a distance of up to 1 km from the venue, and sound levels exceeding the Night-time Guidelines for Rural Districts can be expected in the surrounding residential areas for a distance up to 4 km from the venue. These sound level calculations were undertaken assuming that the venue will not implement any noise mitigation measures i.e. the worst case scenario. In order to mitigate the noise impacts, the wedding venue will implement the Noise Impact Management Plan which will establish sound level barriers between the venue and the residential areas. According to the Noise Impact Specialist, *"Provided that the wedding venue implements the Noise Impact Management Plan provided in this report, specifically with regards to establishing sound level barriers between the venue and the residential areas and installing mitigation measures into the building structure and the sound equipment, as well as implementing time sensitive noise limiters for the music at night-time, it is anticipated that the predicted negative noise impacts can be managed to levels that will be acceptable to the potentially affected communities."*

The objectives of the noise management plan are:

- To achieve continual compliance with noise legislation and standards.

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- To enable the mine to demonstrate compliance with all noise legislation and standards.
  - To ensure that the sound level environment experienced by off-site sensitive receptors is not significantly negatively impacted on by the proposed activities.
  - To ensure that any complaints relating to noise are recorded, investigated and actioned to the satisfaction of the complainant.
  - To promote reasonable best environmental practice.
  - To provide a practical management system that facilitates implementation.

The Visual Impact Assessment concluded that the small scale of the development means that with distance, any visual intrusion is relatively quickly diminished. The wedding venue will have a low impact on the visual amenity value of the Cathkin Park. The high number of existing buildings and activities in the landscape means that this development is not an isolated feature. Views from within the World Heritage Site at Champagne Castle are not impinged on as the development is located further than 5 km from the boundary and is lost in the complexity of the valleys landscape. There are housing and other developments that are of far greater impact that are closer to the boundary of the park and are far more intrusive. The development will have a moderate to high impact on a single property to the west (immediate neighbour). The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site. These statements are only valid if mitigation measures are put in place as described, particularly for the design of the structures (colour palette, non-reflective surfaces etc.) and for the design of lighting.

The Environmental Assessment Practitioner (EAP) concludes that no fatal flaws have been identified during the Section 24G Application Process, and provided that the Environmental Management Programme (EMPr) and recommendations made in this Report are strictly adhered to, the continued construction and operation of the wedding venue unlawful activities will not result in significant, detrimental impacts on the environment.



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# TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>19</b>
1.1	PROJECT TITLE .....	19
1.2	LISTED ACTIVITIES.....	19
1.3	LIST OF LEGISLATION, POLICES AND / OR GUIDELINES THAT ARE RELEVANT TO THE APPLICATION .....	20
1.4	SG 21 DIGIT CODE(S) OF THE PROPERTIES .....	22
1.5	PHYSICAL ADDRESS & FARM NAME .....	22
1.6	CO-ORDINATES OF THE PROPERTY .....	22
1.7	SPECIALIST STUDIES .....	22
<b>2</b>	<b>LEGISLATIVE FRAMEWORK .....</b>	<b>23</b>
2.1	THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (ACT NO. 108 OF 1996) .....	23
2.2	NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT NO. 107 OF 1998) .....	23
2.3	SUSTAINABLE DEVELOPMENT.....	23
2.4	“POLLUTER PAYS” PRINCIPLE.....	24
2.5	NATIONAL WATER ACT (ACT NO. 36 OF 1998) .....	24
2.6	NATIONAL VELD AND FOREST FIRE ACT (ACT NO. 101 OF 1998) .....	24
2.7	NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT (ACT NO. 10 OF 2004).....	25
2.8	EZEMVELO KZN WILDLIFE CONSERVATION PLAN (C-PLAN) AND STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) DATABASE .....	26
2.8.1	<i>IRREPLACEABILITY ANALYSIS.....</i>	<i>26</i>
2.8.2	<i>CRITICAL BIODIVERSITY AREAS.....</i>	<i>26</i>
2.9	NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT (ACT NO. 57 OF 2003) AND NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS AMENDMENT ACT (ACT NO. 21 OF 2014) .....	27
<b>3</b>	<b>ASSISTING GUIDELINE DOCUMENTS.....</b>	<b>28</b>
3.1	THE DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM ASSISTING GUIDELINE DOCUMENT SERIES .....	28
3.1.1	<i>WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS EIA GUIDELINE AND INFORMATION DOCUMENT SERIES (MARCH 2013) .....</i>	<i>28</i>
3.2	UTHUKELA DISTRICT MUNICIPALITY: INTEGRATED DEVELOPMENT PLAN (2022 / 2023 – 2026 / 2027).....	29
3.3	OKHAHLAMBA LOCAL MUNICIPALITY INTEGRATED DEVELOPMENT PLAN ADJUSTMENT (2021 / 2022) .....	29
<b>4</b>	<b>THE PROJECT .....</b>	<b>30</b>
4.1	PROPERTY LOCATION AND LAND DESCRIPTION .....	30
4.1.1	<i>SITE PHOTOGRAPHS.....</i>	<i>34</i>
4.2	PROJECT DESCRIPTION .....	36
4.3	MOTIVATION .....	36

4.3.1	DESCRIPTION OF SERVICES .....	39
<b>5</b>	<b>ALTERNATIVES.....</b>	<b>41</b>
5.1	WEDDING VENUE TO BE RETAINED AND COMPLETED (PREFERRED).....	41
5.2	WEDDING VENUE TO BE REMOVED OR DECOMMISSIONED, AND THE AREA REHABILITATED.....	42
<b>6</b>	<b>PUBLIC PARTICIPATION PROCESS .....</b>	<b>44</b>
6.1	PUBLIC PARTICIPATION PROCESS .....	44
6.2	APPLICATION FOR SECTION 24G APPLICATION PROCESS.....	44
6.3	PROTECTION OF PERSONAL INFORMATION ACT (POPIA, ACT NO 14 OF 2013).....	44
6.4	PUBLIC INFORMATION SESSION .....	76
6.4.1	SUMMARY OF ISSUES RAISED DURING THE PUBLIC PARTICIPATION PROCESS 84	
6.5	CIRCULATION OF THE DRAFT SECTION 24G REPORT .....	84
<b>7</b>	<b>IMPACTS ON THE SOCIAL AND ECONOMIC ENVIRONMENTS.....</b>	<b>85</b>
7.1	LOCAL ECONOMY AND EMPLOYMENT OPPORTUNITIES / NEED AND DESIRABILITY 85	
7.2	PLANNING INITIATIVES.....	86
7.2.1	NATIONAL DEVELOPMENT PLAN .....	86
7.2.2	PROVINCIAL GROWTH AND DEVELOPMENT STRATEGY .....	86
7.2.3	UTHUKELA DISTRICT MUNICIPALITY: INTEGRATED DEVELOPMENT PLAN (2022/2023).....	87
7.2.4	ALIGNMENT WITH LOCAL MUNICIPAL GOALS AND OBJECTIVES.....	87
7.3	CULTURAL, HISTORICAL AND ARCHAEOLOGICAL RESOURCES.....	87
7.4	LAND USE AND AESTHETICS .....	89
7.5	TRAFFIC, ROADS, AND ACCESS .....	92
7.6	CONSTRUCTION ACTIVITIES, NOISE AND DUST .....	93
7.7	SAFETY AND SECURITY .....	98
<b>8</b>	<b>IMPACTS ON THE BIOPHYSICAL ENVIRONMENT .....</b>	<b>99</b>
8.1	TOPOGRAPHY .....	99
8.2	CLIMATE .....	99
8.3	GEOLOGY AND SOILS.....	100
8.4	SURFACE WATER AND WETLAND SYSTEMS.....	103
8.5	BIODIVERSITY.....	105
<b>9</b>	<b>ASSESSMENT OF ENVIRONMENTAL IMPACTS.....</b>	<b>107</b>
9.1	IMPACT ASSESSMENT METHODOLOGY .....	107
9.2	IMPACT ASSESSMENT.....	108
<b>10</b>	<b>ENVIRONMENTAL MANAGEMENT PROGRAMME .....</b>	<b>123</b>
<b>11</b>	<b>RECOMMENDATIONS.....</b>	<b>124</b>
11.1	ENVIRONMENTAL IMPACT STATEMENT .....	124
11.1.1	SUMMARY OF KEY FINDINGS .....	124

11.1.2 POSITIVE AND NEGATIVE IMPLICATIONS OF THE PROJECT.....	128
11.2 ENVIRONMENTAL OPINION .....	129
<b>12 CONCLUSION .....</b>	<b>130</b>

## LIST OF FIGURES

FIGURE 1: LOCALITY MAP OF THE CHAMPAGNE SKY WEDDING VENUE, WINTERTON, KWAZULU-NATAL.....	31
FIGURE 2: OVERVIEW MAP OF THE CHAMPAGNE SKY DEVELOPMENT, WINTERTON, KWAZULU-NATAL.....	32
FIGURE 3: OVERVIEW MAP OF THE CHAMPAGNE SKY DEVELOPMENT, WINTERTON, KWAZULU-NATAL.....	33
FIGURE 4: PHOTOGRAPHS OF THE CHAMPAGNE SKY WEDDING VENUE.....	35
FIGURE 5: WORLD HERITAGE SITE BUFFER AREAS (SOURCE: GEONEST). .....	89
FIGURE 6: LOCATION OF PHOTO POINTS (SOURCE: GEONEST). .....	90
FIGURE 7: MAP SHOWING THE LOCATION OF THE NOISE MONITORING SITES (SOURCE: IMA TRADER 20 CC). .....	95
FIGURE 8: PROPOSED MONITORING POINTS (SOURCE: GCS). .....	102
FIGURE 9: WATER RESOURCES DELINEATED WITHIN THE STUDY SITE AND WITHIN PROXIMITY TO THE CONSTRUCTION AREA (SOURCE: LAND MATTERS ENVIRONMENTAL CONSULTING). .....	103
FIGURE 10: NORTHERN KWAZULU-NATAL MOIST GRASSLAND (SOURCE: PETER LE ROUX). .....	105

## LIST OF TABLES

TABLE 1: CONTACT DETAILS OF APPLICANT AND ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP).....	3
TABLE 2: APPLICABLE LISTED ACTIVITIES IN TERMS OF THE NEMA: EIA REGULATIONS, 2014 (AS AMENDED 2017 & 2021). .....	19
TABLE 3: LIST OF LEGISLATION, POLICIES AND / OR GUIDELINES THAT ARE RELEVANT TO THE APPLICATION. .....	20
TABLE 4: WATER DEMAND FOR THE WEDDING VENUE (SOURCE: TORR & ASSOCIATES PTY LTD). .....	40
TABLE 5: POSITIVES AND NEGATIVES OF RETAINING WEDDING VENUE.....	41
TABLE 6: POSITIVES AND NEGATIVES OF THE WEDDING VENUE TO BE REMOVED OR DECOMMISSIONED.....	42
TABLE 7: COMMENTS RECEIVED FOLLOWING CIRCULATION OF THE NEWSPAPER ADVERTS, SITE POSTERS AND BID. .....	45
TABLE 8: COMMENTS RECEIVED DURING THE PUBLIC INFORMATION SESSION. ....	77
TABLE 9: DETAILS OF THE SOUND LEVEL MEASUREMENT SITES (SOURCE: IMA TRADER 20 CC). .....	94
TABLE 10: SOUND LEVEL RATINGS IN DBA FOR DIFFERENT CATEGORIES OF DISTRICTS (SANS 10103: 2008) (SOURCE: IMA TRADER 20 CC). .....	98

---

TABLE 11: RIPARIAN ECOLOGICAL SCORE (SOURCE: LAND MATTERS ENVIRONMENTAL CONSULTING). .....	104
TABLE 12: SUMMARY OF ASPECTS USED FOR ASSESSING ENVIRONMENTAL IMPACTS. ...	107
TABLE 13: ASSESSMENT OF POTENTIAL IMPACTS ASSOCIATED WITH THE PROJECT. ....	109
TABLE 14: WATER DEMAND FOR THE WEDDING VENUE (SOURCE: TORR & ASSOCIATES PTY LTD). .....	127

## **LIST OF PLATES**

PLATE 1: VIEW OF ONE OF THE WEDDING VENUE AND PROPERTY.....	34
PLATE 2: VIEW OF THE WEDDING VENUE AND CLEARED AREAS. ....	34
PLATE 3: VIEW OF THE WEDDING VENUE. ....	34
PLATE 4: VIEW OF THE AMPHITHEATRE AND WEDDING VENUE. ....	35
PLATE 5: AERIAL VIEW OF THE WEDDING VENUE. ....	35

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## APPENDICES

Appendix A: Site Mapping & Layout Plans

Appendix B: Draft 24G Application Form

Appendix C: Public Participation Documents

Appendix C1: I&AP List

Appendix C2: Advertisements

Appendix C3: Site Posters

Appendix C4: Background Information Document

Appendix C5: Public Information Session

Appendix C6: Consultation with DEDTEA

Appendix C7: Comments Received

*Comments on the BID*

Appendix D: Specialist Reports & Declaration Forms

Appendix D1: Biodiversity Assessment

Appendix D2: Heritage Impact Assessment

Appendix D3: Visual Impact Assessment

Appendix D4: Noise Impact Assessment

Appendix D5: Geohydrological Assessment

Appendix D6: Wetland Impact Assessment

Appendix D7: Engineering Report

Appendix D8: Engineering Design Drawings

Appendix E: Environmental Management Programme (EMPr)

Appendix F: EAP Documentation

Appendix F1: R. Bowd – Environmental Assessment Practitioners CV

Appendix F2: R. Bowd – EAPASA Registration Certificate

Appendix F3: H. Markham – Candidate Environmental Assessment Practitioners CV

Appendix F4: H. Markham – Candidate EAP EAPASA Registration Certificate

Appendix G: Other Information

Appendix G1: Notice of Intent to Issue a Compliance Notice Letter

Appendix G2: Applicant Response to Notice of Intent to Issue a Compliance Notice

Appendix G3: DEDTEA Re-Response to Notice of Intent to Issue a Compliance Notice

Appendix G4: Okhahlamba Cathkin Park Zoning Map

## LIST OF ACRONYMS & ABBREVIATIONS

BA	Basic Assessment
BAR	Basic Assessment Report
BID	Background Information Document
CA	Competent Authority
CBD	Central Business District
CER	Centre for Environmental Rights
DAFF	Department of Agriculture, Forestry and Fisheries
DARD	Department of Agriculture and Rural Development
DBAR	Draft Basic Assessment Report
DEA	Department of Environmental Affairs
DEA & DP	Department of Environmental Affairs and Development Planning
DEDTEA	KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs
DEG	Digital Elevation Model
DoE	Department of Energy
DOJCD	Department of Justice and Constitutional Development
DoT	Department of Transport
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
EAPASA	Environmental Assessment Practitioners Association of South Africa
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMPr	Environmental Management Programme
FBAR	Final Basic Assessment Report
GIS	Geographic Information Systems
GNR	Government Notice Regulation
HIA	Heritage Impact Assessment
I&AP	Interested and Affected Parties
IAIA	International Association for Impact Assessment
IDP	Integrated Development Plan
IEM	Integrated Environmental Management
IWMSA	Institute of Waste Management of Southern Africa
KZN	KwaZulu-Natal
MDGs	Millennium Development Goals
MPRDA	Mineral and Petroleum Resources Development Act
NDP	National Development Plan
NEMA	National Environmental Management Act
NEM:BA	National Environmental Management Biodiversity Act
NAM:PAA	National Environmental Management Protected Areas Act
NEM:WA	National Environmental Management Waste Act
NEM:WAA	National Environmental Management: Waste Amendment Act
NEM:AQA	National Environmental Management Air Quality Act
NFA	National Forests Act
NHRA	National Heritage Resources Act
NSDF	National Spatial Development Framework
NWA	National Water Act
OHSA	Occupational Health and Safety Act

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PGDS	Provincial Growth and Development Strategy
PIS	Public Information Session
POPIA	Protection of Personal Information Act
PP	Public Participation
Pr.Sci.Nat.	Professional Natural Scientist
PSDP	Provincial Spatial Development Perspective
SAHRA	South African Heritage Resources Agency
SAIIEA	The South African Institute of International Affairs
SANBI	South African National Biodiversity Institute
SANS	South African National Standards
SDF	Spatial Development Framework
SIP	Strategic Integrated Project
SSAG	The Society of South African Geographers
UC	Urban Core
WISA	The Water Institute of Southern Africa
WUL	Water Use Licence

## TERMINOLOGY

Term	Definition
Activity (Development)	An action either planned or existing that may result in environmental impacts through pollution or resource use. For the purpose of this report, the terms 'activity' and 'development' are freely interchanged.
Alternative	A possible course of action, in place of another, of achieving the same desired goal of the proposed project. Alternatives can refer to any of the following but are not limited to: site alternatives, site layout alternatives, design or technology alternatives, process alternatives or a no-go alternative.
Applicant	The project proponent or developer responsible for submitting an environmental application to the relevant environmental authority for environmental authorisation.
Biodiversity	The diversity of animals, plants and other organisms found within and between ecosystems, habitats, and the ecological complexes.
Construction	means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a listed or specified activity but excludes any modification, alteration or expansion of such a facility, structure or infrastructure and excluding the reconstruction of the same facility in the same location, with the same capacity and footprint.
Cumulative Impacts	Impacts that result from the incremental impact of the proposed activity on a common resource when added to the impacts of other past, present or reasonably foreseeable future activities to produce a greater impact or different impacts.
Direct impacts	Impacts that are caused directly by the activity and generally occur at the same time and at the same place of the activity. These impacts are usually associated with the construction, operation or maintenance of an activity and are generally quantifiable.
Ecological Reserve	The Ecological Reserve specifies both the quantity and quality of water that must be left in the national water resource. The Ecological Reserve is determined for all major water resources in the different water management areas to ensure sustainable development. The water that is necessary to protect the water ecosystems of the water resource. It must be safeguarded and not used for other purposes.
Ecosystem	A dynamic system of plant, animal (including humans) and micro-organism communities and their non-living physical environment interacting as a functional unit. The basic structural unit of the biosphere, ecosystems are characterised by interdependent interaction between the component species and their physical surroundings. Each ecosystem occupies a space in which macro-scale conditions and interactions are relatively homogenous.
Environment	In terms of the National Environmental Management Act (NEMA) (Act No 107 of 1998) (as amended), "Environment" means the surroundings within which humans exist and that are made up of: <ul style="list-style-type: none"> <li>a) the land, water and atmosphere of the earth;</li> <li>b) micro-organisms, plants and animal life;</li> <li>c) any part or combination of (a) or (b) and the interrelationships among and between them; and</li> <li>d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and wellbeing.</li> </ul>



<b>Term</b>	<b>Definition</b>
Environmental Assessment	The generic term for all forms of environmental assessment for projects, plans, programmes or policies and includes methodologies or tools such as environmental impact assessments, strategic environmental assessments and risk assessments.
Environmental Authorisation	An authorisation issued by the competent authority in respect of a listed activity, or an activity which takes place within a sensitive environment.
Environmental Assessment Practitioner	The individual responsible for planning, management and coordination of environmental impact assessments, strategic environmental assessments, environmental management programmes or any other appropriate environmental instrument introduced through the EIA Regulations.
Environmental Impact	A change to the environment (biophysical, social and/ or economic), whether adverse or beneficial, wholly or partially, resulting from an organisation's activities, products or services.
Environmental Impact Assessment	The process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made.
Environmental Issue	A concern raised by a stakeholder, interested or affected parties about an existing or perceived environmental impact of an activity.
Environmental Management	The inclusion of environmental concerns in all stages of the development, so that the development is sustainable and does not detrimentally impact the environment.
Environmental Management Programme	A detailed plan of action prepared to ensure that recommendations for enhancing or ensuring positive impacts and limiting or preventing negative environmental impacts are implemented during the life cycle of a project. The EMP focuses on the construction phase, operation (maintenance) phase and decommissioning phase of the proposed project.
Expansion	Means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.
Fatal Flaw	Issue or conflict (real or perceived) that could result in developments being rejected or stopped.
General Waste	Waste that does not pose an immediate hazard or threat to health or to the environment, and includes domestic waste, building and demolition waste, business waste, and inert waste.
Hazardous Waste	Waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment.
Indirect impacts	Indirect or induced changes that may occur as a result of the activity. These types of impacts include all of the potential impacts that do not manifest immediately when the activity is undertaken or which occur at a different place as a result of the activity.
Integrated Environmental Management	A philosophy that prescribes a code of practice for ensuring that environmental considerations are fully integrated into all stages of the development and decision-making process. The IEM philosophy (and principles) is interpreted as applying to the planning, assessment, implementation and management of any proposal (project, plan, programme or policy) or activity – at local, national and international level – that has a potentially significant effect on the environment.

<b>Term</b>	<b>Definition</b>
	Implementation of this philosophy relies on the selection and application of appropriate tools for a particular proposal or activity. These may include environmental assessment tools (such as strategic environmental assessment and risk assessment), environmental management tools (such as monitoring, auditing and reporting) and decision-making tools (such as multi-criteria decision support systems or advisory councils).
Interested and Affected Party	For the purposes of Chapter 5 of the NEMA and in relation to the assessment of the environmental impact of a listed activity or related activity, means an interested and affected party contemplated in Section 24(4)(a)(v), and which includes – (a) any person, group of persons or organisation interested in or affected by such operation or activity; and (b) any organ of state that may have jurisdiction over any aspect of the operation or activity.
Mitigate	The implementation of practical measures designed to avoid, reduce or remedy adverse impacts or enhance beneficial impacts of an action.
No-Go Option	In this instance, the proposed activity would not take place, and the resulting environmental effects from taking no action are compared with the effects of permitting the proposed activity to go forward.
Rehabilitation	A measure aimed at reinstating an ecosystem to its original function and state (or as close as possible to its original function and state) following activities that have disrupted those functions.
Sensitive environment	Any environment identified as being sensitive to the impacts of the development.
Significance	Significance can be differentiated into impact magnitude and impact significance. Impact magnitude is the measurable change (i.e. magnitude, intensity, duration and likelihood). Impact significance is the value placed on the change by different affected parties (i.e. level of significance and acceptability). It is an anthropocentric concept, which makes use of value judgements and science-based criteria (i.e. biophysical, social and economic).
Stakeholder engagement	The process of engagement between stakeholders (the proponent, authorities and I&APs) during the planning, assessment, implementation and/or management of proposals or activities.
Sustainable Development	Development which meets the needs of current generations without hindering future generations from meeting their own needs.
Watercourse	Means: a) a river or spring; b) a natural channel or depression in which water flows regularly or intermittently; c) a wetland, lake or dam into which, or from which, water flows; and d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998) and a reference to a watercourse includes, where relevant, its bed and banks.
Wetland	Means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

# PROPOSED RECTIFICATION IN TERMS OF SECTION 24G OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA, ACT 107 OF 1998) FOR THE UNLAWFUL ACTIVITIES ON PORTION 46 OF DRIEFONTEIN NO. 1389, WINTERTON, KWAZULU-NATAL

## 1 INTRODUCTION

### 1.1 Project Title

Proposed rectification in terms of Section 24G of National Environmental Management Act (NEMA, Act 107 of 1998) for the unlawful activities on Portion 46 of Driefontein No. 1389, Winterton, KwaZulu-Natal.

### 1.2 Listed Activities

In terms of the National Environmental Management Act (NEMA), Act 107 of 1998, and the Environmental Impact Assessment (EIA) Regulations of 2014 (as amended 2017 and 2021), published in Government Notice Regulation (GNR) 324, 325 and 327 of 2014 (as amended 2017 and 2021), certain Listed Activities require either a Basic Assessment (BA) Process (GNR 324 and GNR 327) or a Scoping and EIA Process (GNR 325) to be undertaken for Environmental Authorisation (EA). The proposed activities trigger the following Listed Activity which require a BA Process to be undertaken (refer to **Table 2** below).

**Table 2: Applicable Listed Activities in terms of the NEMA: EIA Regulations, 2014 (as amended 2017 & 2021).**

Indicate the number of the relevant Government Notice:	Activity No (s) (relevant notice): e.g. Listing notices 1, 2 or 3	Describe each listed activity as per the wording in the listing notices as well as per the proposed activity:
GNR 327	<p><b>Activity 12:</b> <i>"The development of —</i></p> <p><i>(iii) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(iv) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(d) within a watercourse;</i></p> <p><i>(e) in front of a development setback; or</i></p> <p><i>(f) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; ..."</i></p>	<p><b>This activity is applicable as the wetland specialist identified an A Section Channel on site.</b></p>

GNR 327	<b>Activity 19:</b> <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>	This activity is applicable as the wetland specialist identified an A Section Channel on site.
GNR 327	<b>Activity 27:</b> <i>“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation...”</i>	The activity is applicable as more than 1 ha of indigenous vegetation has been cleared on site.
GNR 324	<b>Activity 4:</b> <i>“The development of a road wider than 4 metres with a reserve less than 13,5 metres. d. KwaZulu-Natal. v. World Heritage Sites... xii. Outside urban areas: (bb) 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 areas of a biosphere reserve;...”</i>	This activity is applicable as the internal roads will be 4.5 m in width according to the Engineering Design Drawings Site Plan, and the site is located within 10 km of the uKhahlamba Drakensberg Park which is a World Heritage Site and is a Protected Area.
GNR 324	<b>Activity 12:</b> <i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation... d. KwaZulu-Natal... v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plan...”</i>	This activity is applicable as more than 300 square metres of indigenous vegetation has been cleared and the site is located within within 10 km of the uKhahlamba Drakensberg Park which is a World Heritage Site and is a Protected Area.
GNR 324	<b>Activity 14:</b> <i>“The development of – ... (ii) Infrastructure or structure with a physical footprint of 10 square metres or more; Where such development occurs – (a) Within a watercourse; ... d. KwaZulu-Natal. 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>	This activity is applicable as the wetland specialist identified an A Section Channel on site.

### 1.3 List of Legislation, Policies and / or Guidelines that are relevant to the application

There are a number of significant sections of environmental and other legislation that need to be recognised and adhered to during this EA Process. **Table 3** below provides a list of legislation, policies and / or guidelines that are relevant to the application.

**Table 3: List of Legislation, Policies and / or Guidelines that are relevant to the application.**

Title of legislation, policy or guideline:	Administering authority:	Date:
uThukela District Municipality Amended Integrated Development Plan (IDP)	uThukela District Municipality	2022/2023 – 2026/2027
Okhahlamba Integrated Development Plan (IDP)	Okhahlamba Local	2021/2022

<b>Title of legislation, policy or guideline:</b>	<b>Administering authority:</b>	<b>Date:</b>
Adjustment	Municipality	
Okhahlamba Municipality Spatial Development Framework (SDF)	Okhahlamba Local Municipality	2019
The National Environmental Management Act (NEMA, Act No. 107 of 1998)	Department of Environmental Affairs (DEA)	1998
The Constitution of South Africa (Act No. 108 of 1996)	Department of Justice and Constitutional Development (DOJCD)	1996
Environmental Impact Assessment (EIA) Regulations promulgated under the NEMA	DEA	2017
Integrated Environmental Management (IEM) Information Series	DEA	2010
The National Water Act (NWA, Act No. 36 of 1998)	Department of Water and Sanitation (DWS)	1998
Water Services Act (Act No. 108 of 1997)	DWS	1997
National Heritage Resources Act (NHRA, Act 25 of 1999)	South African Heritage Resources Authority (SAHRA)	1999
KwaZulu-Natal Heritage Resources Act (Act No. 10 of 1997)	SAHRA	1997
National Road Traffic Act (Act No. 93 of 1996)	Department of Transport (DoT)	1996
The National Environmental Management: Waste Act (NEM: WA, Act No. 59 of 2008)	DEA	2008
The National Environmental Management: Waste Amendment Act (NEM: WAA, Act No. 26 of 2014)	DEA	2014
The National Veld and Forest Fire Act (Act 101 of 1998)	DEA	1998
The Hazardous Substances Act (Act No. 15 of 1973)	South African Government	1973
The Occupational Health and Safety Act (OHSA, Act No. 85 of 1993)	South African Government	1993
The Mineral and Petroleum Resources Development Act (Act No. 28 of 2002)	South African Government	2002
The South African National Standard (SANS, 10103:2008): The measurement and rating of environmental noise with respect to annoyance and speech communication	SANS	2008
The National Environmental Management: Air Quality Act (NEM:AQ, Act No. 39 of 2004)	DEA	2004
The National Environmental Management: Biodiversity Act (NEM:BA, Act No. 10 of 2004)	DEA	2004
The Biodiversity Policy	South African National Biodiversity Institute (SANBI)	2021
KwaZulu-Natal Nature Conservation Management Act (Act No. 9 of 1997)	Centre for Environmental Rights (CER)	1997
EIA Guideline and Information Document Series: Guideline on Alternatives	Provincial Government of the Western Cape: Department of Environmental Affairs and Development Planning	2010

Title of legislation, policy or guideline:	Administering authority:	Date:
	(DEA&DP)	
EIA Guideline and Information Document Series: Guideline on Public Participation	Provincial Government of the Western Cape: DEA&DP	2011
EIA Guideline and Information Document Series: Guideline on Need and Desirability	Provincial Government of the Western Cape: DEA&DP	2010
EIA Guideline and Information Document Series: Information Document on Generic Terms of Reference for EAPs and Project Schedules	Provincial Government of the Western Cape: DEA&DP	2010
Integrated Environmental Guideline: Guideline on Need and Desirability	DEA	2017
Public Participation Guideline in terms of the NEMA (1998) and the EIA Regulations (2017)	DEA	2017
South African National Standard (SANS) 10 108 The classification of hazardous locations and the selection of apparatus for use in such locations.	SABS	2005
South African National Standard (SANS) 10400 – Code of Practice for the Application of the National Building Regulations.	SABS	1990
South African National Standard (SANS) 10 131 Section 5.	SABS	2004

#### 1.4 SG 21 Digit Code(s) of the Properties

N	0	F	S	0	0	0	0	0	0	0	0	0	1	3	8	9	0	0	0	4	6
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#### 1.5 Physical Address & Farm Name

<b>Address</b>	Portion 46 (of 5) of the Farm Driefontein No. 1389
<b>Farm Name</b>	Gracelands
<b>Town</b>	Winterton
<b>Postal Code</b>	3350

#### 1.6 Co-ordinates of the Property

Corner/Position	Latitude (S)	Longitude (E)
<b>Corner 1</b>	28°59'31.17"S	29°27'12.99"E
<b>Corner 2</b>	28°59'34.20"S	29°27'23.08"E
<b>Corner 3</b>	29° 0'2.83"S	29°27'27.42"E
<b>Corner 4</b>	29° 0'0.20"S	29°27'17.23"E

#### 1.7 Specialist Studies

As part of the Section 24G Application Process, the following Specialist Studies have been undertaken:

- Biodiversity Assessment.
- Heritage Impact Assessment.
- Visual Impact Assessment.
- Noise Impact Assessment.
- Geohydrological Assessment.
- Wetland Assessment.
- Engineering Report and Layout Plans.

Input from the Specialist Studies has been included in the Section 24G Report where applicable.

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## 2 LEGISLATIVE FRAMEWORK

### 2.1 The Constitution of the Republic of South Africa (Act No. 108 of 1996)

The Constitution of the Republic of South Africa (Act No. 108 of 1996) is the legal source for all law, including environmental law, in South Africa. The Bill of Rights is fundamental to the Constitution of South Africa and the underlying principle behind Section 24 of the Act is that ‘*everyone has the right to an environment that is not harmful to their health or well-being*’. Furthermore, the environment must be protected for present and future generations by preventing pollution, promoting conservation, and practicing ecologically sustainable development.

### 2.2 National Environmental Management Act (Act No. 107 of 1998)

The National Environmental Management Act (NEMA) came into effect in January 1999. The NEMA is South Africa’s overarching environmental legislation and its primary objective is to provide for cooperative governance by establishing principles for decision making on matters affecting the environment, institutions that will promote cooperative governance and procedures for coordinating environmental functions exercised by organs of state, and to provide for matters connected therewith.

The NEMA provides the equitable distribution of natural resources, sustainable development, environmental protection, and the duty of care / polluter pays principles of environmental management frameworks (see below).

In terms of the Environmental Impact Assessment (EIA) Regulations (2014, as amended – 2017 & 2021) promulgated under the NEMA, certain Listed Activities are specified for which either a Basic Assessment Process (GNR 324 and GNR 327) or a Scoping and EIA Process (GNR 325) is required.

The project would have been subject to a **Basic Assessment Process** in terms of the EIA Regulations. However, since the unlawful activities have already been undertaken, the Applicant wishes to obtain retrospective Environmental Authorisation in terms of Section 24G of the NEMA. As such, a **Section 24G Application Process** is required to be undertaken.

The aim of the Section 24G of the EIA Regulations is to assess the environmental impacts that have occurred and have the potential to occur as a result of the unlawful activities.

### 2.3 Sustainable Development

The principle of sustainable development has been established in the Constitution of the Republic of South Africa and is given effect by the NEMA. Section 1 (29) of the NEMA states that sustainable development refers to the “*integration of social, economic and environmental factors into the planning, implementation and decision-making process so as to ensure that development serves present and future generations.*”

Thus, sustainable development requires that:

- The disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
- That pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
- The disturbance of landscapes and sites that constitute the nation’s cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied;
- Waste is avoided, or where it cannot be altogether avoided, minimised and reused or recycled where possible and otherwise disposed of in a responsible manner;
- A risk-averse and cautious approach is applied, which considers the limits of current knowledge about the consequences of decisions and actions; and
- Negative impacts on the environment and on people’s environmental rights be anticipated; and, prevented and where they cannot altogether be prevented, are minimised, and remedied.

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## 2.4 “Polluter Pays” Principle

The ‘Polluter Pays’ principle provides that ‘the cost of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment’.

Section 28 of the NEMA makes provision that anyone who causes pollution or degradation of the environment is responsible for preventing impacts occurring, continuing, or recurring, and for the costs of repair of the environment. In terms of the provisions under Section 28:

*(1) Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*

## 2.5 National Water Act (Act No. 36 of 1998)

The project falls within the ambit of the NWA because of its potential to cause pollution of water resources defined under the NWA. The NWA recognises that water is a natural resource that belongs to all people. It regulates the manner in which persons obtain the right to use water and provides for just and equitable utilisation of water resources.

Sustainability and equity are identified as central guiding principles in the protection, use and management of water resources. These guiding principles recognise:

- The basic human needs of present and future generations;
- The need to protect water resources;
- The need to share some water resources with other countries; and
- The need to promote social and economic development through the use of water.

Section 19 of the NWA states that the person responsible for land upon which any activity is or was performed and which causes, has caused or is likely to cause, pollution of a water resource, must take all reasonable measures to prevent any such pollution from occurring, continuing, or recurring.

Part 5 of the NWA deals with the pollution of water resources, following an emergency incident. This could include an accident involving the spill of a harmful substance that finds, or may find, its way into a water resource. In terms of Section 30 of the NEMA and Section 20 of the NWA, the responsibility for remedying the situation rests with the person responsible for the incident or the substance involved. If there is a failure to act, the relevant Catchment Management Agency may take the necessary steps and recover the costs from the responsible person(s).

## 2.6 National Veld and Forest Fire Act (Act No. 101 of 1998)

The purpose of the National Veld and Forest Fire Act (Act No. 101 of 1998) is to prevent and combat veld, forest and mountain fires throughout South Africa. The Act provides Regulations for the establishment, registration, duties and functioning of fire protection associations. In addition, it provides for the prevention of veld fires through a fire emergency rating system. Chapter 4 of the Act places a duty on owners to prepare and maintain firebreaks and provides regulations on the role of adjoining landowners. Chapter 5 places a duty on all owners to acquire equipment and have firefighting personnel available to combat fire. Chapter 6 provides Regulations on offences and penalties.

Chapter 4 of the Act deals with veldfire prevention through firebreaks and places a duty on all landowners to prepare and maintain firebreaks.



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- ◆ Section 12 (1) states that *‘Every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land.’*
  - ◆ Section 13 states that *‘An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area –*
    - (a) it is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighbouring land;*
    - (b) it does not cause soil erosion; and*
    - (c) it is reasonably free of inflammable material capable of carrying a veldfire across it.’*

## **2.7 National Environmental Management: Biodiversity Act (Act No. 10 of 2004)**

The National Environmental Management: Biodiversity Act (NEM:BA, Act No. 10 of 2004) makes provision for the management and conservation of South Africa’s biodiversity within the framework of the NEMA through:

- The protection of species and ecosystems;
- Sustainable use of indigenous living organisms; and
- The equitable distribution of benefits that result from biological resources.

Sections 75 and 76 of the NEM:BA deals with alien invasive species monitoring, control and eradication plans and how they should be implemented:

- Section 75 (1) states that *‘control and eradication of a listed alien invasive species must be carried out by means of methods that are appropriate for the species concerned and the environment in which it occurs’;*
- Section 75 (2) states that *‘any action taken to control and eradicate a listed alien invasive species must be executed with caution and in a manner that may cause the least possible harm to biodiversity and damage to the environment’;* and
- Section 75 (3) states that *‘The methods employed to control and eradicate a listed alien invasive species must also be directed at the offspring, propagating material and regrowth of such alien invasive species in order to prevent such species from producing offspring, forming seed, regeneration or re-establishing itself in any manner’.*

**Category 1a** Listed alien invasive vegetation species (such as Bluebell Creeper, Water Primrose, Skeleton Weed) are those species that must be removed and eradicated and require compulsory control. No person is allowed to sell, advertise, exhibit, transmit, send, deliver for sale, exchange or dispose of any specimen. It is also illegal to accept a Category 1a plant as a gift or disperse of the weed from one place to another. All Category 1a species are required to be removed by law and no permits are issued.

**Category 1b** Listed alien invasive vegetation species (such as Bugweed, Lantana, Madagascar Periwinkle and Triffid Weed) are those species that must be controlled. These plants need to be eradicated and removed as they are declared weeds and are not tolerated. No person is allowed to grow, sell, breed or move any specimen. These plants are known to have a high invasive potential, and an invasion of these species can require an Alien Invasive Vegetation Management Programme and need to be eradicated. No permits are issued for Category 1b species.

**Category 2** Listed alien invasive vegetation species (such as Black Wattle, Australian Blackwood, St John’s Wort, Jacaranda Tree) are those species that require a permit to carry out a restricted activity within an area specified in the Notice or an area specified in the permit. In order to carry out a restricted activity, a permit is required. A person on whose land a Category 2 Listed alien invasive vegetation species occurs must ensure that the species does not spread outside of the land where the permit is specified. These plants may only be grown in areas demarcated on sites where such plants may be established, retained and strictly controlled. In the case for the exemption of an existing plantation whereby a plantation existed before the NEM:BA notice came into effect; it is exempted from requiring

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a permit for any restricted activity. A permit is needed to authorise multiple restricted activities. Category 2 vegetation may only be acquired or sold by any person who has an area of land which has been demarcated for the growing of that species.

**Category 3** Listed alien invasive vegetation species (such as the Chameleon Plant, Stinging Nettle, Lesser Balloon Vine) are those species that are prohibited from growing, breeding, selling, buying and donating. Further plantings are prohibited. An individual plant permit is required to undertake any of the following restricted activities (import, possess, grow, breed, move, sell, buy or accept as a gift) involving a Category 3 species. Without a permit, trade in category 3 plants is not allowed, however, the trade in the wood of Category 3 plants is allowed. If these plants exist already, they may be retained but no new planting or trade may occur. A permit is required to take on any of the restricted activities. Any action taken to control weeds or invader plants must be executed with caution and in a manner that will have minimal environmental impact.

## **2.8 Ezemvelo KZN Wildlife Conservation Plan (C-Plan) and Strategic Environmental Assessment (SEA) Database**

The C-Plan is a systematic conservation-planning package that runs with the GIS software, ArcGIS, and which analyses biodiversity features and landscape units. The C-Plan is used to identify a national reserve system that will satisfy specified conservation targets for biodiversity features. Biodiversity features can be land classes or species, and targets are set within area units either for land classes, or as numbers of occurrences of species for species locality data sets. These units or measurements are used as surrogates for unsampled data. The C-Plan is an effective conservation tool when determining priority areas at a regional level and is being used in South Africa to identify areas of high conservation value. The SEA modelled the distribution of a selection of 255 red data and endemic species that have the potential to occur in the area.

### *2.8.1 Irreplaceability Analysis*

“The first product of the conservation planning analysis in C-Plan is an irreplaceability map of the planning area, in this case, the province of KwaZulu-Natal. This map is divided into grid cells called ‘planning units’.

Each planning unit has associated with it an ‘Irreplaceability Value’, which is a reflection of the planning unit’s importance with respect to the conservation of biodiversity. Irreplaceability reflects the planning unit’s ability to meet set ‘targets’ for selected biodiversity ‘features’. The irreplaceability value is scaled between 0 and 1.

**Irreplaceability value – 0:** Where a planning unit has an irreplaceability value of 0, all biodiversity features recorded here are conserved to the target amount, and there is unlikely to be a biodiversity concern with the development of the site.

**Irreplaceability value – 1:** These planning units are referred to as totally irreplaceable and the conservation of the features within them is critical to meet conservation targets.

**Irreplaceability value > 0 but < 1:** Some of these planning units are still required to meet biodiversity conservation targets. If the value is high (e.g. 0.9) then most units are required (few options available for alternative choices). If the value is low, then many options are available for meeting the biodiversity targets.”

The irreplaceability units have been optimised further to create various subcategories called CBAs and Ecological Support Areas.

### *2.8.2 Critical Biodiversity Areas*

The CBAs can be divided into two subcategories, namely ‘Irreplaceable’ and ‘Optimal’. Each of these can in turn be subdivided into additional subcategories. The CBA categories are based on the optimised outputs derived using systematic conservation planning software, with the Planning Units (PU) identified

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representing the localities for which the conservation targets for one or more of the biodiversity features contained within can be achieved. The distribution of the biodiversity features is not always applicable to the entire extent of the PU but is more often confined to a specific niche habitat. In such cases, a project could be considered within the PU if special mitigation measures are put in place to safeguard these features and if the nature of the project is commensurate with the conservation objectives. This is dependent on a site by site, case by case basis.

## **2.9 National Environmental Management: Protected Areas Act (Act No. 57 of 2003) and National Environmental Management: Protected Areas Amendment Act (Act No. 21 of 2014)**

- The purpose of the National Environmental Management Protected Areas (NEMPA) Act (Act No. 57 of 2003) and National Environmental Management Protected Areas Amendment (NEMPAA) Act (Act No. 21 of 2014) is to provide for the protection and conservation of ecologically viable areas representative of South Africa's biological diversity and its natural landscapes. The system of protected areas in South Africa consists of the following kinds of protected areas:
  - Special nature reserves, national parks, nature reserves (including wilderness areas) and protected environments.
  - World heritage sites.
  - Marine protected areas.
  - Specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998 (Act No. 84 of 1998).
  - Mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970).

According to Chapter 3 of NEMPAA, the purpose of protected areas is:

- a) to protect ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes in a system of protected areas;*
- b) to preserve the ecological integrity of those areas;*
- c) to conserve biodiversity in those areas;*
- d) to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;*
- e) to protect South Africa's threatened or rare species;*
- f) to protect an area which is vulnerable or ecologically sensitive;*
- g) to assist in ensuring the sustained supply of environmental goods and services;*
- h) to provide for the sustainable use of natural and biological resources;*
- i) to create or augment destinations for nature-based tourism;*
- j) to manage the interrelationship between natural environmental biodiversity, human settlement and economic development;*
- k) generally, to contribute to human, social, cultural, spiritual and economic development; or*
- l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species.*

The project site falls within the ambit of the NEMPAA as the site is located within a world heritage site. Therefore, the ecological integrity of this area must be conserved and protected, and to manage the interrelationship between natural environmental biodiversity, human settlement and economic development.

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### 3 ASSISTING GUIDELINE DOCUMENTS

#### 3.1 The Department of Economic Development, Environmental Affairs and Tourism Assisting Guideline Document Series

##### 3.1.1 *Western Cape Department of Economic Development, Tourism and Environmental Affairs EIA Guideline and Information Document Series (March 2013)*

In order to assist potential Applicants, EAPs and Interested and Affected Parties (I&APs) to understand what is required of them in terms of the EIA Regulations, what their rights are and / or what their role may be, the Department of Environmental Affairs (DEA) has made provision for the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) to issue an EIA Guideline & Information Document Series. Following permission from the National Minister, the DEA formally published the following EIA guidelines in terms of Section 24J:

- **Guidelines on Transitional arrangements (March 2013);**
- **Guideline on Appeals (March 2013);**
- **Guideline on Alternatives (March 2013);**
- **Guideline on Public Participation (March 2013);**
- **Guideline on Exemption Applications (March 2013);**
- **Guideline on Need and Desirability (March 2013); and**
- **Guideline on Generic Terms of Reference for EAPs and Project Schedules (March 2013).**

Unpublished guidelines in terms of Section 24J of the NEMA are as follows:

- **Information Document on the Interpretation of the Listed Activities (August 2010); and**
- **Information Document on Biodiversity Offsets (October 2011).**

The following three guideline documents were consulted in the compilation of the Section 24G Report:

##### **Guideline on Alternatives (March 2013)**

The NEMA defines the 'best practicable environmental option' as '*the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term*'. Alternatives are defined in the EIA Regulations as '*different means of meeting the general purpose and requirements of the activity*'. The '*feasibility*' and '*reasonability*' of and the need for alternatives must be determined by considering, inter alia, (a) the general purpose and requirements of the activity, (b) need and desirability, (c) opportunity costs, (d) the need to avoid negative impact altogether, (e) the need to minimise unavoidable negative impacts, (f) the need to maximise benefits, and (g) the need for equitable distributional consequences.

##### **Guideline on Public Participation (March 2013)**

The general objectives of integrated environmental management laid down in the NEMA include to: '*Ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment*'. The NEMA principles include the principle that '*the participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary to achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured*'.

The guideline provides details on when to facilitate public participation, the methods to apply for notifications to I&APs, the formats required to be used for notifications, details on requirements for commenting and consultation periods, the process of identifying and responding to stakeholders, and guidelines for compilation of public participation reports for inclusion to the environmental report.

##### **Guideline on Need and Desirability (March 2013)**

The guidelines specify that the needs and desirability of a project must be measured within a local strategic context against the Municipality's Integrated Development Plan (IDP), Spatial Development Framework (SDF) and Environmental Management Framework (EMF). These local strategies and

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policies will contain the local community's needs, interests and objectives in respect of desired land uses and location and nature of the project within the Municipality. Of equal importance is the question of whether the project meets the societal needs and interests of the broader public. Fourteen questions provided in the guidelines are intended to provoke adequate consideration of 'need and desirability' in order to ensure that the best practicable environmental option is pursued and that the project more equitably serves broader societal needs.

### **3.2 uThukela District Municipality: Integrated Development Plan (2022 / 2023 – 2026 / 2027)**

The uThukela District Municipality is approximately 11 500 km<sup>2</sup>. It is one of ten district municipalities in KwaZulu-Natal. The Amajuba, uMzinyathi and uMgungundlovu District Municipalities border onto the uThukela District Municipality. It comprises three local municipalities which are the Alfred Duma, Inkosi Langalibalele and Okhahlamba Local Municipalities. The uThukela District Municipality is predominantly rural in nature, with a population of approximately 706 589 people. It is characterised by high levels of poverty based on both income inequality and low levels of development.

According to the uThukela District IDP, the tourism sector comprises three main parts: the berg experience with hotels, chalets and camp sites located from Mount Aux Sources in the north through to Giants Castle in the south. The second major part includes historical tourism. The third part involves game reserves and the wildlife experience in the lower lying bushveld areas of the district and private conservancies. The main tourism hub is the Cathkin Park, which falls within the Cathkin Park node. Therefore, the site and wedding venue is well located in this area and will contribute to the tourism industry and the Gross Domestic Product (GDP) for the region.

### **3.3 Okhahlamba Local Municipality Integrated Development Plan Adjustment (2021 / 2022)**

The Okhahlamba Local Municipality falls within the uThukela District Municipality. It is located along the eastern boundary of KwaZulu-Natal and borders the Free-State and Lesotho. It covers an area of approximately 3 543 km<sup>2</sup> and has a population of 135 132 people. The local municipality is characterised by its major spatial feature which is the Drakensberg Mountains. The main economic sectors within the local municipality include agriculture, manufacturing, trade, commerce and tourism. Winterton is located within a secondary node as it provides services to the surrounding farming community and tourism gateway.

The Okhahlamba IDP undertook a comprehensive review and analysis of the district municipality, specifically highlighting the socio-economic and infrastructural backlogs, together with the developmental challenges. As a result, the district municipality is rural in nature, and is characterised by high levels of poverty, based on both income inequality and low levels of development. The municipal IDP states that "*landscape should spatially guide development and should protect the intrinsic character of sensitive and valuable landscapes*". It recognises that the most sensitive areas to landscape change are the high lying areas of the escarpment and the foothills.

The main tourism hub is the Cathkin Park area, which falls within the Cathkin Park node. The intrinsic beauty of the area enhances the tourism opportunities in the district. The Drakensberg mountains contribute to the tourist experience of the area, with the views and landscape of this region being a draw factor for tourists. The Okhahlamba IDP identifies the Cathkin Park area as a tourism development node. The IDP identifies the need to manage development in this area, due to the sensitive nature and value of the landscapes. It requires careful management for the protection against the loss of environmental and agricultural resources in this area.

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## 4 THE PROJECT

### 4.1 Property Location and Land Description

The Champagne Sky property is approximately 23.53 ha in extent and is accessed off the D160 District Road in Winterton at GPS coordinates 28° 59' 34.95" S and 29° 27' 18.97" E. The property is located on Portion 46 of Driefontein No. 1389, Winterton. The northern part of the property is zoned as 'Rural Residential 2' and the southern portion is zoned as 'Conservation' according to the Okhahlamba Cathkin Park Zoning Map (**Appendix G4**). The property was historically used as croplands, with it recently being used as a pasture and long-term mowing and baling. The property is located within 5 km of the uKhahlamba Drakensberg Park which is a Protected Area. Construction of the Champagne Sky wedding venue commenced in 2021.

To access the property, from Pietermaritzburg travel on the N3 towards Johannesburg. Turn left at the Bergville / Colenso off ramp and continue straight on the R74 Road through Winterton. Turn right onto the R600 towards Champagne Sports Resort. Just before Champagne Sports Resort, turn right onto the D160 district road. Travel on the D160 Road for approximately 1.6 km and the property will be on the left.

Refer to **Figure 1 to 3** for maps showing Champagne Sky and the surrounding area, and **Figure 4** for photographs of the property.

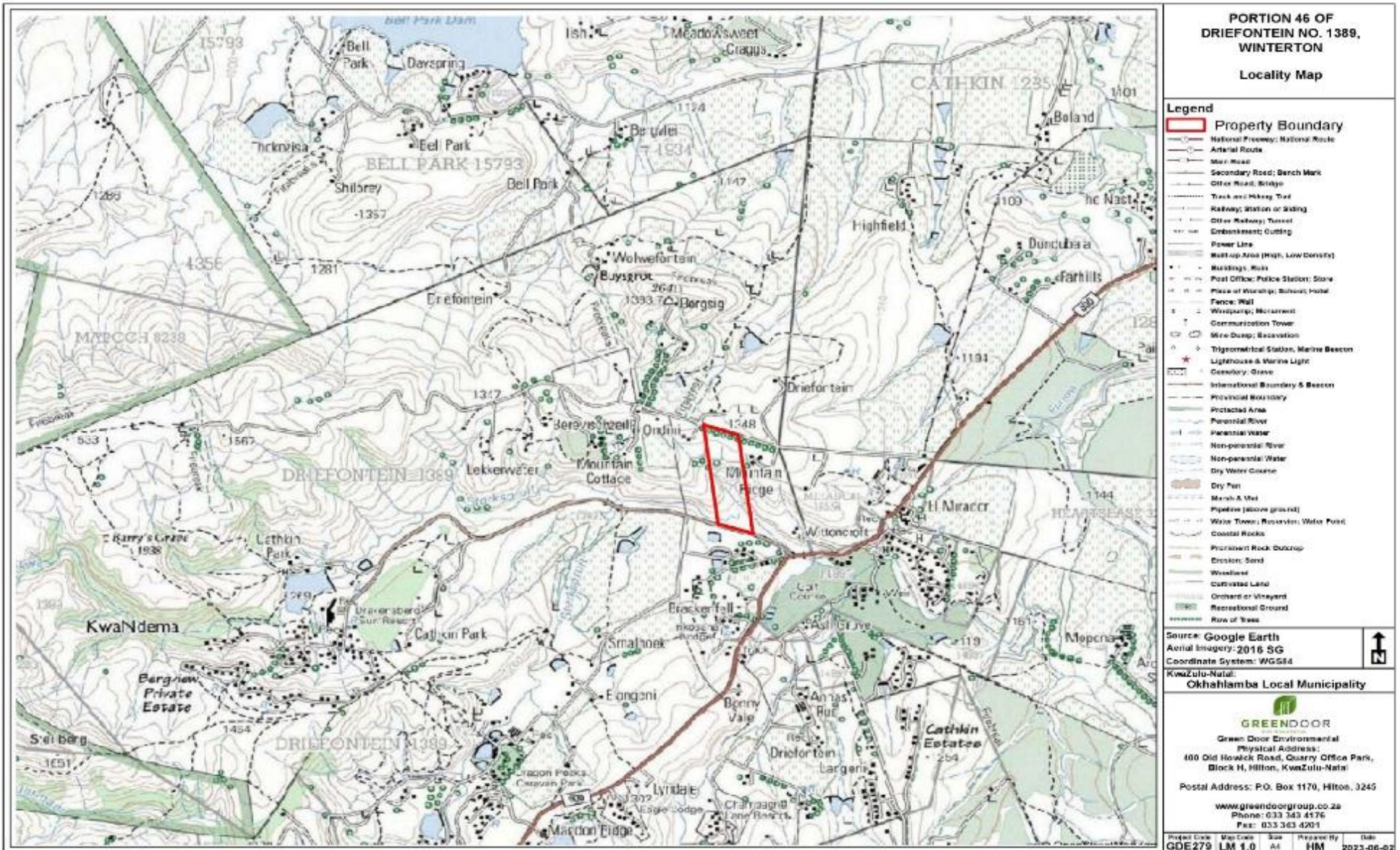


Figure 1: Locality Map of the Champagne Sky Wedding Venue, Winterton, KwaZulu-Natal.



Figure 2: Overview Map of the Champagne Sky development, Winterton, KwaZulu-Natal.



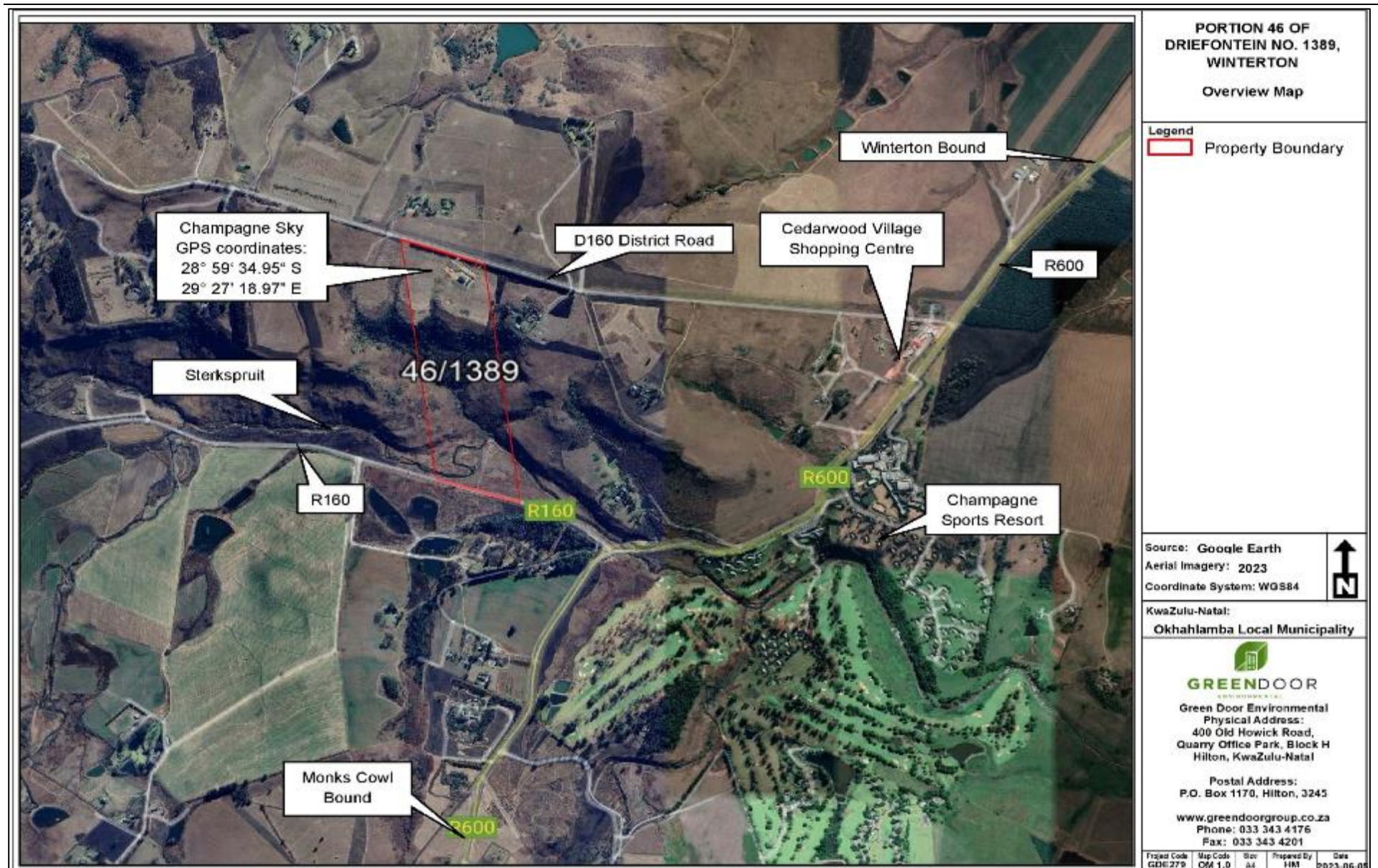


Figure 3: Overview Map of the Champagne Sky development, Winterton, KwaZulu-Natal.

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4.1.1 *Site Photographs*



**Plate 1: View of one of the wedding venue and property.**



**Plate 2: View of the wedding venue and cleared areas.**



**Plate 3: View of the wedding venue.**



**Plate 4: View of the amphitheatre and wedding venue.**



**Plate 5: Aerial view of the wedding venue.**

**Figure 4: Photographs of the Champagne Sky Wedding Venue.**

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## 4.2 Project Description

The property is located on Portion 46 of Driefontein No. 1389, Winterton at GPS coordinates 28° 59' 34.95" S and 29° 27' 18.97" E. The property was historically used as croplands, with it recently being used as a pasture and long-term mowing and baling. The development site is located within 5 km of the uKhahlamba Drakensberg Park which is a Protected Area and is part of the Maloti-Drakensberg Park, a World Heritage Site. Construction of the Champagne Sky Wedding Venue commenced in 2021.

The Applicant commenced with the construction of the following infrastructure and is approximately 1.43 ha in extent:

- The construction of a building (wedding venue), including the laying of the foundations and installation of the roof and columns of the steel structure (350 m<sup>2</sup>).
- Amphitheatre (90% complete).
- Platform (150 m<sup>2</sup>) has been cleared for construction / storage containers.
- Lemon tree orchard – area has been cleared.

## 4.3 Motivation

The Applicant, Champagne Sky (Pty) Ltd wishes to apply for the continuation of activities in terms of the Environmental Impact Assessment (EIA) Regulations and Section 24G of the National Environmental Management Act (NEMA, Act No. 107 of 1998).

On 22 February 2022, a Notice of Intention to issue a Compliance Notice was issued to the Applicant by the Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) in terms of the NEMA (**Appendix G1**). Subsequently, the Applicant responded to this Notice with the request to apply for Section 24G Application for the rectification and continuation of the listed activities (**Appendix G2**). On the 28 March 2022, the DEDTEA issued a Re-Response to the Notice of Intention to issue a Compliance Notice stating that the Applicant can proceed with the Section 24G Application (**Appendix G3**). Green Door Environmental was appointed by the Applicant as the Environmental Assessment Practitioner (EAP) to address the abovementioned unlawful activities in terms of the NEMA.

The Applicant, Champagne Sky (Pty) Ltd, identified the need for a wedding venue in the Winterton area, combined with the area's natural beauty and popularity with tourists, this area is a huge draw factor for potential weddings being held on the property. The tourism industry consists of many different sectors, one of which is the event sector. Prospective weddings would generate revenue and income for local suppliers and businesses such as local caterers, florists and local flower suppliers, musicians and DJs, and accommodation options such as bed and breakfasts. The Champagne Sky Wedding Venue will have a positive impact on the local economy by contributing to economic growth and development and has a greater socio-economic benefit rather than the leaving the site undeveloped.

The site is located in the Champagne Valley area surrounding Winterton. The location of the wedding venue is well situated and suited to the area; there are a number of tourist facilities and accommodation in close proximity to the wedding venue, and the site offers spectacular views of the Drakensberg Mountains which is a feature and attraction for the wedding venue.

- The site is easily accessible.
- The site is adequately sized for the establishment of the proposed infrastructure as well as for the provision of adequate parking.
- The site is located in an area that would be well located for a wedding venue.

The wedding venue, as a whole, helps towards addressing the following:

- Employment opportunities and sustainability.
- Tourism.
- Benefits to local economy.
- Skills development.

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- Improved quality of life of the surrounding community through job creation and service demand.

In KwaZulu-Natal one job supports seven dependents. The operational phase of the wedding venue is expected to be long term. During the operational phase, it is anticipated that 33 permanent jobs will be created. The Champagne Sky wedding venue has the potential to result in 231 dependents being supported during the operational phase. This in turn has the potential to result in approximately 231 dependents being negatively impacted should the unlawful activity not be authorised.

Agriculture and tourism make up the core components of the district municipality's economy. The district municipality comprises favourable conditions for the development and expansion of the tourism sector. The uThukela District Municipality is part of the world heritage site with the Cathkin Park and Royal Natal National Park being the main tourism hubs of the region. The area has a good climate with an abundance of natural resources, such as the Drakensberg mountains. This natural intrinsic beauty enhances the tourism opportunities in the district.

The wedding venue is in line with the Okhahlamba Local Municipality's IDP and SDF in terms of adequate and sustainable economic activities being key priorities for the Municipality. The wedding venue would be an economic contributor to the area. The wedding venue and associated infrastructure will benefit the local economy, as well as provide job opportunities for the surrounding community. The activities will help address issues of national concern, namely economic development and job creation.

According to the Biodiversity Assessment (**Appendix D1**), the property is characterised by Northern KwaZulu-Natal Moist Grassland (Gs4) vegetation type. This vegetation type is classified as 'Vulnerable' in terms of its ecosystem status and 'Poorly Protected' in terms of its level of protection. Based on the Screening Tool results, the site is characterised by a 'Low' plant species sensitivity, and a 'Medium' plant species sensitivity to the south of the property. The animal species sensitivity of the site is characterised as 'Medium' in the northern portion and 'High' for the remainder of the property. The development site and adjacent land was deemed secondary grassland, and thus the site was found not to be representative of Northern KwaZulu-Natal Moist Grassland. This is due to no indicator species commonly associated with primary grassland being found. Historically, the property has been used as croplands, and is currently baled. Therefore, a low plant and animal diversity was evident on site.

The findings of the Heritage Impact Assessment (HIA) (**Appendix D2**) stated that one or two possible fossils were noted, but due to the fact that most of the rock had been crushed and compacted there were not many loose rocks around that were not embedded on the floor and were large enough to be examined. The stratigraphy of the exposed soil profile was examined for archaeological material, such as lithics or ceramics, but nothing was observed. Besides one or two possible fossils observed within pieces of quarried bedrock, no other heritage-related material was observed on site. No graves, stoned-walled features or historical buildings were observed on the site footprint.

According to the HIA, *"During a meeting for interested and affected parties some locals claimed that the graves of their ancestors were buried on the property, but this did not appear to be a legitimate claim as they were very vague in their description and could not point to a precise location of the graves. Based on the ground survey it is unlikely that this claim has any validity as there was no indication that any graves were present within the boundaries of the site footprint."*

According to the Visual Impact Assessment (**Appendix D3**), the development site is located within 5 km of a World Heritage Site and the uKhahlamba Drakensberg Park which is a Protected Area. With the exception of a few isolated areas, the structures (roofs already erected) do not break the skyline, largely because the structures are below the crest of the hill and the row of trees which raise the horizon and provide visual contrast. The Visual Impact Assessment concluded that the small scale of the development means that with distance, any visual intrusion is relatively quickly diminished. The wedding venue will have a low impact on the visual amenity value of the Cathkin Park. The high number of existing buildings and activities in the landscape means that this development is not an isolated feature.

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Views from within the World Heritage Site at Champagne Castle are not impinged on as the development is located further than 5 km from the boundary and is lost in the complexity of the valleys landscape. There are housing and other developments that are of far greater impact, and which are closer to the boundary and are far more intrusive. The development will have a moderate to high impact on a single property to the west (immediate neighbour). The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site. These statements are only valid if mitigation measures are put in place as described, particularly for the design of the structures (colour palette, non-reflective surfaces etc.) and for the design of lighting.

The operation of a wedding venue would result in noise generation. The findings of the Noise Impact Assessment (**Appendix D4**) concluded that once the venue is operational, sound levels exceeding the SANS Day-time Guidelines can be expected in the surrounding residential areas for a distance of up to 1 km from the venue, and sound levels exceeding the Night-time Guidelines for Rural Districts can be expected in the surrounding residential areas for a distance up to 4 km from the venue. These sound level calculations were undertaken assuming that the venue will not implement any noise mitigation measures i.e. the worst case scenario. In order to mitigate the noise impacts, the wedding venue will implement a Noise Impact Management Plan which will establish sound level barriers between the venue and the residential areas. According to the Noise Impact Specialist, *“Provided that the wedding venue implements the Noise Impact Management Plan provided in this report, specifically with regards to establishing sound level barriers between the venue and the residential areas and installing mitigation measures into the building structure and the sound equipment, as well as implementing time sensitive noise limiters for the music at night-time, it is anticipated that the predicted negative noise impacts can be managed to levels that will be acceptable to the potentially affected communities.”*

The local geology is characterised by unconsolidated quaternary deposits of the Masotcheni formation and rocks from the Adelaide Formation (shale and sandstone) and Estcourt Formation (alternating sandstones, shale and mudstones) of the Beaufort Group which is part of the Karoo Supergroup (**Appendix D5**). Geological contacts, dolerite dyke, and sill structures are known to occur in the area. The area around the Amphitheatre is characterised by shallow soils (<2 m) belonging to the rocky Glenrosa, Hutton and Clovelly soil forms. The rocky Glenrosa soils at the site are generally shallow and overlie an impeding rock layer and have a cutanic character expressed as tongues of prominent colour variations caused by residual soil formation and illuviation resulting in localisation of one or more of clay, iron and manganese oxides. The Clovelly and Hutton soils are deep and are formed by alluvium from mixed sources. The soils are characterised by an A-Horizon with a weak structure without water stagnation and a structureless B-Horizon subsoil.

According to the Wetland Assessment (**Appendix D6**), Champagne Sky property falls within the V13B quaternary catchment. No Freshwater Ecosystem Priority Areas (FEPA) wetlands were identified within the study site. As such, the scope of work was amended to focus on the delineation and classification of watercourses identified within the area as well as the assessment of any associated riparian zones. Six watercourses were delineated and classified as follows:

- Four (4) watercourses were classified as A section channels.
- One (1) watercourse was classified as a B section channel.
- One (1) watercourse was classified as a C section channel (the Sterkspruit River).

The construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind. Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils. The A section channels were delineated closest to the construction activities with the closest distances of 40 m to approximately 100 m to the west of the construction site and 260 m to the east of the construction site. The A section channels are located on neighbouring properties and have not and will not be impacted by the construction and operation of the wedding venue.

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#### 4.3.1 Description of Services

An Engineering Report was compiled for the development (**Appendix D7**).

##### Traffic and Access

To access the property, from Pietermaritzburg travel on the N3 towards Johannesburg. Turn left at the Bergville / Colenso off ramp and continue straight on the R74 Road through Winterton. Turn right onto the R600 towards Champagne Sports Resort. Just before Champagne Sports Resort, turn right onto the D160 district road. Travel on the D160 Road for approximately 1.6 km and the property will be on the left.

The development includes a new main entrance access near the west end of the property, as well as a service entrance at the position of the current access where the concrete strip road into the property is situated. The roads are initially planned to be surfaced on steeper sections (>10 %) and gravelled only on all other less steep sections (<10 %).

- Storm Water is to be controlled on the high side of all roads via open grassed drains where gradient allows (<5 - 10 % longitudinal slope), and on steeper sections or where stormwater needs to be taken through e.g., retaining walls. All storm water will be piped in underground pipes.
- All storm water pipes are preferably to be 315 mm diameter or greater, other than minor pipes from buildings and small, clean catchments, where a minimum of 160 mm uPVC pipes are to be used.
- All storm water pipes are to be installed at a minimum gradient of 1:60 to 1:100 depending on location, purpose, risk, etc.

Where possible, wide open grassed swales are to manage the broader overland flows around the site, diverting sheet flow away from the main buildings and services, and disposing of these flows into open areas of low risk of erosion or damage to the receiving environment.

Attenuation of peak flows from the developed areas of the site are to be attenuated at 1 m<sup>3</sup> of attenuation / infiltration volume per 40 m<sup>2</sup> of hardened area, or at a volume determined by the Project Engineer by use of the Rational Method.

Post-development peak runoff is to be throttled in any attenuation facilities such that the post development peak flow does not exceed the pre-development peak flow for the 1:10 and 1:50 year storms. Rational method calcs and details of the various attenuation / infiltration facilities are to be provided in the detailed SW Design Report and drawings.

The main buildings proposed on the Site Plan (**Appendix D8**) are situated adjacent to a shallow "bowl" which will require diversion of storm water around the buildings and discharge safely downslope.

##### Water

Supply of water to the proposed wedding venue development is to be from ground water (borehole/s) in the immediate area. The building is connected to a borehole on an adjacent property; however, it is the intention of the owners to drill a borehole on the property to service the facility, should the facility be authorised.

It is estimated that the potable water demand for the development (Phase 1) is approximately 11 500 L/ day (**Table 4**). It is proposed to provide a minimum of 48 hours storage of water on site in the form of jo-jo type tanks, located at the high point on the site near the service entrance. It is proposed that 3 x 10 000 L (30 000 L total) tanks be dedicated to potable water supply.

**Table 4: Water demand for the wedding venue (Source: Torr & Associates Pty Ltd).**

Champagne Sky Wedding Venue - Phase 1: Administration Building (Reception & Facilities Blocks)						
Input Data :		Potable Water Demand		Sewage Volumes		
	Pax	Unit (l/p/d)	Total (l/d)	Unit (l/p/d)	Total (l/d)	
Max Number of Visitors :	200	50	10 000	45	9 000	
Max Number of Personnel :	15	100	1 500	75	1 125	
Equivalent Laundry Numbers :	0	0	0	0	0	
<b>Totals</b>			<b>11 500</b>		<b>10 125</b>	
Fire Water Supply & Facilities						
Occupancy Classification :	A1					
Total Floor Area of Buildings :	526 m <sup>2</sup>	No of Extinguishers (Min) (T T 37.4: 1/200m <sup>2</sup> ) :		3 no		
Main Reception Venue :	333 m <sup>2</sup>	No of Extinguishers (Recommended) :		4 no		
Facilities Venue :	193 m <sup>2</sup>	Additional Hose Reels (Recommended) :		2 no		
		Fire Water Storage (Nominal > 9kl) :		10 kl		
		Static pressure to Hose Reels :		100 kPa		
		Additional Boost Pressure from Pump system :		300 kPa		
		Total Avail Pressure at Hose Reels :		400 kPa		
		Fire Fighting Water duration @ 0,5 l/s (one FHR) :		5.5 hrs		

### Sewage

The proposed development is located outside of the Local Municipality Urban Edge and will provide its own on-site sanitation. The wedding venue will generate approximately 10 125 L / day of sewage. Septic tanks and soakaways are proposed.

The site is generally gently sloping (<10%), with relatively deep residual soils overlaying shale type formation sub-soils. Percolation tests and final placement will be confirmed, if and when Environmental Authorisation is granted.

### Wastewater

The following sewerage infrastructure is proposed for Phase 1 of the development:

- Waterborne sewage piped system from all ablutions and kitchens etc – pipe sizes 110 – 160 mm and pipe gradients at 1:40 to 1:60.
- Septic tank positioned on the southeast corner of the main buildings – sized for 1 day flow at 10 125 L / day.
- The tank is to be to Engineer's details – provisionally 3 compartment double brick with concrete base and cover slab – each at 1.5 x 1.5 x 1.5 m providing the design volume.
- Soakaways will be positioned on the levelled front lawn of the main venue buildings. These are sized to hold 1 day of flow volume in the voids of the soakaways, and provided at approximately 21 m x 2 m to give the required side wall infiltration area at the expected infiltration of 100 L / m<sup>2</sup> / day (once the detailed percolations are known, these soakaways will be resized to suit under the Engineer's direction on site)
- The evapotranspiration area around the soakaways will be sufficient to ensure effective evaporation and transpiration of the liquids entering the soils.

### Domestic refuse

Solid waste from the development – both during construction, and under operation, will be disposed of under written agreement with a service provider to remove all solid waste from the site, and to dispose of such at an approved and authorized landfill in the region. That waste management arrangement must be in place and functional prior to operation of the development and needs to be checked and reported on during construction to ensure compliance with local norms. No refuse is to be buried on site or burnt.



## 5 ALTERNATIVES

The EIA Regulations require an identification and investigation of alternatives. For the purposes of the Section 24G Application Process, the following alternatives were identified. These alternatives and their feasibilities have been evaluated in this Section 24G Report.

The following alternatives have been investigated as part of the Section 24G Application Process:

- Wedding venue to be retained and completed (preferred) – The assessment of the positive and negative implications associated with the unlawful activities (**Table 5**)
- Wedding venue to be removed or decommissioned, and the area rehabilitated – The assessment of the positive and negative implications associated with the removal and decommissioning of the wedding venue (**Table 6**).

Alternative layouts, activities, locations, infrastructure and land-uses have not been investigated as this Section 24G Application Process is for an unlawful activity that has already commenced. Thus, to investigate the abovementioned alternatives is non-purposeful.

### 5.1 Wedding venue to be retained and completed (preferred)

**Table 5: Positives and negatives of retaining wedding venue.**

POSITIVES	NEGATIVES
In KwaZulu-Natal one job supports seven dependents. Approximately 33 jobs are to be created during the operational phase of the wedding venue, which has the potential to result in approximately 231 dependents being positively impacted should the wedding venue receive Environmental Authorisation.	The development is within 5 km of a World Heritage Site, and is visible to surrounding neighbours, landowners and tourists.
Job creation and contribution to the local economy and the social environment through the spending of capital at local businesses.	Once operational, sound levels exceeding the SANS Day-time Guidelines for rural districts can be expected in the surrounding residential areas for a distance up to 1 km from the wedding venue. Sound levels exceeding the Night-time Guidelines for Rural Districts can be expected in the surrounding residential areas for a distance of up to 4km from the wedding venue. However, the above is true only if there are no mitigation measures implemented.
Weddings will contribute to the tourism industry within the Okhahlamba Local Municipality.	The development will have a moderate to high visual impact on a single property to the west (immediate neighbour). However, the above is only true if there are no mitigation measures implemented.
Landscaping and building design have the potential to blend into the surroundings and not negatively affect the aesthetics of the surrounding area if the recommendations of the Visual Impact Assessment are implemented. The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site.	The wedding venue will have a low impact on the visual amenity value of the Cathkin Park and negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site. This is only true if the recommended mitigation measures are put in place as described in the Visual Impact Assessment (Appendix D3).

The operational phase is expected to be long term thereby creating permanent employment and skills development opportunities.	
No flora of conservation concern was identified on site and were unlikely to occur prior to the construction of the wedding venue.	
No graves stoned walled features or historical buildings were observed on the site footprint.	
Landscaping and the planting of trees will make the wedding venue less visible.	
Construction activities will not impact the A section channel, and therefore the linked B section channel and Sterkspruit River downstream of the activities in the long term.	
There are no biodiversity constraints on the property.	
The property is located in an area that is well located for a wedding venue and will benefit the local economy.	
The current site plan and proposed activities pose a low risk to the groundwater environment.	
Noise impacts can be managed and monitored carefully throughout the operation of the venue and events such that they do not present a significant negative environmental impact.	

The EAP is of the opinion that given the abovementioned positive and negative impacts associated with the unlawful activities, the currently preferred wedding venue design has resulted in and will continue to result in minimal negative impacts provided that the recommendations and mitigation measures provided in the specialist studies are implemented and enforced. This includes the implementation of a Noise Impact Management Plan and implementing specific building design guidelines and landscaping measures. Prior to the unlawful activities taking place, the property was historically used as croplands, with it recently being used as a pasture and for mowing and baling. Thus, the economic sustainability of the operations of the property require improvement, due to climate change and variability. The removal or decommissioning of the wedding venue will thus result in significant negative environmental, ecological and socio-economic impacts.

## 5.2 Wedding venue to be removed or decommissioned, and the area rehabilitated.

**Table 6: Positives and negatives of the wedding venue to be removed or decommissioned.**

POSITIVES	NEGATIVES
The removal or decommissioning of the wedding venue and infrastructure that has already been constructed will result in the property returning to its previous state and condition, as far as ecologically possible.	The 33 jobs to be created during the operational phase of the wedding venue will not be realised.
Properties within 300 m of the wedding venue will not be exposed to sound levels that exceed the SANS Day-time and Night-time guidelines if mitigation measures are not implemented.	The property will continue to be used for baling and possibly grazing.

The property will be rehabilitated to its original natural state and will blend in with the surrounding environment.	Potential erosion damage if not correctly managed.
	Potential for alien vegetation species to encroach and dominate the site if not correctly managed.
	The removal or decommissioning of the wedding venue will impact on the long-term resilience and operation of the property.
	Job creation and contribution to the local economy and the social environment through the spending of capital at local businesses will not be realised.
	The benefits of job security during the operational phase, which will in turn result in skills development, income generation and improved quality of life of the employees, as well as their dependents will not be realised.

The EAP is of the opinion that the removal or decommissioning of the wedding venue has the potential to result in significant negative environmental, ecological and socio-economic impacts. As such, the positive impacts associated with keeping the facility outweighs that of the anticipated negative impacts.

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## 6 PUBLIC PARTICIPATION PROCESS

### 6.1 Public Participation Process

A Public Participation Process, as described in Regulation 39 to 44 of the EIA Regulations was undertaken, and includes:

- A list of I&APs was compiled, and is continually updated (refer to **Appendix C1**);
- Newspaper adverts were published in English and Zulu in the Ladysmith Gazette on 27 May 2022 to notify I&APs of the project (refer to **Appendix C2**);
- Site posters in English and Zulu were placed on site on 23 May 2022 (refer to **Appendix C3**);
- A Background Information Documents (BID) was circulated by email from 19 May 2022 (refer to **Appendix C4**);
- A Public Information Session was held on site on 30 June 2022 at 10h00 (refer to **Appendix C5** for the Public Information Session notification, attendance register, handout, and minutes); and
- Hard copies of all comments received following circulation of the newspaper adverts, site posters and BID are included in **Appendix C6**.

### 6.2 Application for Section 24G Application Process

The official Application Form, provided by the DEDTEA was completed with all the necessary details, including contact details of, and signed declarations by the Applicant and Environmental Consultant. It also included a description of the project, property location and applicable Listed Activities. This was submitted to the DEDTEA (refer to **Appendix B**).

### 6.3 Protection of Personal Information Act (POPIA, Act No 14 of 2013)

The Protection of Personal Information Act (POPIA, Act No. 14 of 2013) came into effect on 01 July 2021 and aims to promote the protection of personal information. In terms of the POPIA, personal information refers to '*the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person*'. The EIA Regulations require, *inter alia*, transparent disclosure of registered Interested and Affected Parties (I&APs) and their comments. I&APs who submit comment, attend a Public Information Session or request registration in writing for the 24G Environmental Process are deemed registered I&APs who must be added to the list of I&APs. By registering, I&APs are deemed to give their consent for relevant information to be processed and disclosed, in fulfilment of the requirements of the EIA Regulations.

For the purposes of this Environmental Process and in terms of the requirements of the POPIA, only the names, affiliations and comments of I&APs have been included in this report. Should additional personal information be required by the DEDTEA, consent to share this personal information will be obtained from the I&AP prior to doing so.

Comments received following the circulation of the newspaper adverts, site posters and BID are included in **Table 7** (refer to **Appendix C6**). Additional information has also been provided where it has become available.

**Table 7: Comments received following circulation of the newspaper adverts, site posters and BID.**

I&AP	COMMENT	RESPONSE
<p>Mike Frost Valley Resident 18 May 2022</p>	<ul style="list-style-type: none"> <li>• Please can you register me as an Interested and Affected Party for the 24G process in the matter of Portion 46 of Driefontein No1389, Winterton, KZN.</li> <li>• I am the owner of Portion 48 (of6) of Driefontein 1389. We are directly affected by noise and light pollution as due to the height of the planned establishment the sound travels across the valley. I would recommend that all those in the valley below, as well as those opposite and below the height of the proposed development be included. A wedding held on the property recently had music streaming through our whole house. As a once off it can be tolerated but on a regular basis it will make living unpleasant and affect the value of my property.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted, this was done.</li> <li>• Noted. A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) were conducted. Impacts and mitigation measures have been provided in Section 7 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. The Visual Impact Specialist provided recommendations in their report for specific building design guidelines that must be implemented, which will ensure that the buildings will blend in with the surrounding environment. Some of these recommendations include painting the buildings a natural colour palette to blend in with the surroundings, having a charcoal-coloured roof, using specific lights that face downward. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that exceed the SANS Day-time and night-time guidelines. Once the venue is operational, sound levels exceeding the night-time guideline for rural districts can be expected in residential areas up to 4km from the venue. Should Environmental Authorisation be granted, various mitigation measures will be implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will be compiled and implemented.</li> </ul>

<p>N. Sontangane DFFE 25 May 2022</p>	<ul style="list-style-type: none"> <li>• The Department of Forestry, Fisheries and Environment (DFFE) appreciates the opportunity given to register as an interested and affected party for the above-mentioned activities. DFFE through the sub-directorate Forestry Regulations and Support is the authority mandated to implement the National Forests Act No. 84 of 1998 by regulating the use of natural forests and protected tree species in terms of the said Act. The purpose of this Act is to promote sustainable forest management and the development of forests for the benefit of all.</li> <li>• With reference to the information provided in the BID, the activities have commenced without an Environmental Authorisation (EA). It is not clear at this stage what type of vegetation was present on the site before the commencement of these activities. However, the document indicates that the clearance of indigenous vegetation was amongst the list of activities that were triggered. Therefore, the Department's Forestry Branch requests that a vegetation assessment be conducted for the site, this study will assist in determining the possible vegetation that may have been present on the site in question. This study should also consist of re-vegetation / landscaping plans. Informed comments will be issued on receipt and review of the following report inclusive of the requested studies.</li> <li>• Should any further information be required, please do not hesitate to contact this office. This letter does not exempt you from considering other legislations.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Refer to Appendix D1 for the Biodiversity Assessment. According to the Biodiversity Assessment, it was concluded that the vegetation type on the property was Northern KwaZulu-Natal Moist Grassland (Gs4). However, based on the findings of the site assessment, the site consists of secondary grassland and is not representative of the Northern KwaZulu-Natal Moist Grassland. No indicator species commonly associated with primary grassland in this area were found. Therefore, biodiversity constraints on the development footprint were considered as 'Moderate' to 'Low'.</li> <li>• Noted.</li> </ul>
<p>Dave Dowling Berghaven Cottages / Champagne Alarms 02 June 2022</p>	<ul style="list-style-type: none"> <li>• A friend of mine kindly sent me a copy of your "BACKGROUND INFORMATION DOCUMENT". Whilst I am aware, albeit by word of mouth, that the project has been stopped and that your business will perform an E.I.A.</li> <li>• My need for now is to establish at this stage whether this notice is formal or informative because it has a closing date on the last page. If responses are being called for why have I not received a copy?</li> <li>• What the appropriately correct procedure of notification to all property owners is going to be, bearing in mind that public notices at the site in</li> </ul>	<p>GDE Response, 2 June 2022:</p> <ul style="list-style-type: none"> <li>• Green Door Environmental have been appointed to conduct a Section 24G Application Process on the said property.</li> <li>• We are at the very beginning stages of the process with the implementation of the public participation process. We will register you as an Interested and Affected Party (I&amp;AP) whereby you will receive notification on when documents and reports are available for review and comment.</li> <li>• You can still provide us with your preliminary comment on the attached BID. Please also provide us with the names</li> </ul>



<p>Dave Dowling Berghaven Cottages / Champagne Alarms 06 June 2022</p>	<ul style="list-style-type: none"> <li>• I can imagine that your establishment is extremely busy with work of vital importance.</li> <li>• The last thing I want to engage in is protracted 'Ping Pong' correspondence.</li> <li>• My questions are simple and to the point.</li> <li>• Why have you failed to notify me of this unlawful activity as a property owner in the Champagne Valley AND as an immediate neighbour?</li> <li>• What is the appropriately correct procedure of notification to all property owners going to be?</li> <li>• If the regulations stipulate otherwise, please tell me what the salient point by point factors are.</li> <li>• If my impression is correct that Greendoor is relying on the public to do the donkey work 'mouth to mouth' style, then this process is doomed to fail and put the status of the World Heritage Site further at risk than it already is.</li> <li>• Referring to your request to supply as many contact details of Interested &amp; Affected parties as possible, I will request the Municipality to make their ratepayer e-mail data available to you for contact details of every property owner that abuts the World Heritage Site.</li> <li>• 'WE ONLY HAVE ONE VALLEY'</li> </ul>	<p>GDE Response, 7 June 2022:</p> <ul style="list-style-type: none"> <li>• We agree that a 'ping pong' correspondence would not be helpful. The answers to your questions reiterated from our previous correspondences:</li> <li>• <u>Why have you failed to notify me of this unlawful activity as a property owner in the Champagne Valley AND as an immediate neighbour?</u></li> </ul> <p>As stated previously, we are at the very beginning stages of the process – the Public Participation Process. We follow the legislated requirements for public participation as stipulated in the EIA Regulations, which includes the erection of site posters, publication of newspaper adverts and the distribution of a Background Information Document (BID). Direct neighbours will be informed of the process. I&amp;APs have until 20 June 2022 to submit their initial comments and concerns. The comments received will be included and addressed in the Draft Environmental Report, which is again circulated for 30 days for public review and comment. The Draft Environmental Report will include the findings of the various specialist studies. Comments received following the circulation of the Draft Report will be included and responded to in the Final Environmental Report, which is then submitted to the Department of Economic Development, Tourism and Environmental Affairs for decision.</p> <p>You have been registered as an Interested and Affected Party and will therefore receive correspondence when documents / reports are available for review and comment. It is assumed that you have a concern about the project; to date we have not received details of your concerns. It is important that you supply us with these as soon as possible so that the appointed specialists, as well as Green Door Environmental, can address these.</p> <p>Please also note that we will be hosting a public meeting for this application – you will receive an invitation in due</p>
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		<p>course.</p> <ul style="list-style-type: none"> <li>• <u>What is the appropriately correct procedure of notification to all property owners going to be?</u> As stated previously, we follow the legislated requirements for public participation as stipulated in the EIA Regulations, which includes the erection of site posters, publication of newspaper adverts and the distribution of a Background Information Document (BID). I&amp;APs have until 20 June 2022 to submit their initial comments and concerns. Direct neighbours will be informed of the process. We have also attempted to contact the surrounding neighbours / tourist establishments in the area. A public meeting will be held for this application in due course. Your assumption in the email below “<i>that Greendoor is relying on the public to do the donkey work 'mouth to mouth' style, then this process is doomed to fail and put the status of the World Heritage Site further at risk than it already is...</i>” is inaccurate. As stated in previous correspondences, we follow the legislated requirements in terms of public participation. We also call on members of the public, such as yourself, to inform any members of the public, with possible interest in our application, that environmental processes are taking place. Your offer to request that the Municipality to make their ratepayer e-mail data available to you for contact details of every property owner that abuts the World Heritage Site is therefore appreciated.</li> <li>• <u>If the regulations stipulate otherwise, please tell me what the salient point by point factors are.</u> This has been answered in the responses above, as well as in previous correspondences.</li> <li>• To conclude, Green Door Environmental assumes that you have a serious concern about the project; to date we have not received details of your concerns. It is important</li> </ul>
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		<p>Wetland Assessment (Appendix D6), Champagne Sky property falls within the V13B quaternary catchment. No Freshwater Ecosystem Priority Areas (FEPA) wetlands were identified within the study site. As such, the scope of work was amended to focus on the delineation and classification of watercourses identified within the area as well as the assessment of any associated riparian zones. Six watercourses were delineated and classified as follows:</p> <ul style="list-style-type: none"> <li>• Four (4) watercourses were classified as A section channels.</li> <li>• One (1) watercourse was classified as a B section channel.</li> <li>• One (1) watercourse was classified as a C section channel (the Sterkspruit River).</li> </ul> <p>The construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind. Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils. The A section channels were delineated closest to the construction activities with closest distances of 40 m to approximately 100 m to the west of the construction and 260 m to the east of the construction. The A section channels are located on neighbouring properties and have not and will not be impacted by the construction and operation of the wedding venue.</p>
<p>Mike Frost Valley Resident 14 June 2022</p>	<ul style="list-style-type: none"> <li>• Any music played at the proposed venue travels directly into my house. This was evidenced when a wedding was held at the site last year. There is already a conference/wedding venue which impedes on our peace and adding another will turn the valley into a huge discotheque</li> </ul>	<ul style="list-style-type: none"> <li>• Noted, Refer to Appendix D3 for the Noise Impact Assessment. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that</li> </ul>

	<p>on weekends.</p> <ul style="list-style-type: none"> <li>• The venue will not only need light in the venue, but as has happened in other recent developments, security has required large lights to be installed in the car parks which pollute and ruin the neighbours views.</li> <li>• Many of the valley residents bought in the area to enjoy the natural environment and felt secure in the knowledge that the town planning scheme. No further development was supposed to happen on that plot.</li> <li>• We are not direct neighbours, but our property is on the opposite slope to the proposed venue at a lower altitude.</li> </ul>	<p>exceed the SANS day-time and night-time guidelines, without mitigation measures. Once the venue is operational, sound levels exceeding the night-time guideline for rural districts can be expected in residential areas up to 4 km from the venue, without mitigation measures. Should Environmental Authorisation be granted, various mitigation measures will be implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will be implemented. Refer to Section 7.6 of this Report for impacts and proposed mitigation measures that pertain to noise.</p> <ul style="list-style-type: none"> <li>• Noted, Refer to Appendix D4 for the Visual Impact Assessment. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase.</li> <li>• Noted.</li> <li>• Noted, Refer to Appendix D4 for the Visual Impact Assessment. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Being in the buffer zone to the world heritage site, and the custodians thereof, including town planners, would protect the intrinsic value of the properties. This is not happening.</li> <li>• The area of development was intended for conservation due to its exposure and the impact development would have on the valley.</li> <li>• The square meterage of this property was used when Gracelands was developed, and it was supposed to be amalgamated.</li> <li>• Zone of the World Heritage site and also specific inclusion of residents of the environmentally sensitive area.</li> <li>• The amendment of the Town Planning Scheme in 2016 was done without taking into account the requirements of the Buffer.</li> <li>• I would also like to know why the Town Planner ignored getting an EIA and public comment for something that requires special consent.</li> </ul>	<p>Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase.</p> <ul style="list-style-type: none"> <li>• Noted. Ezemvelo KZN Wildlife are the custodians of the world heritage site and are included as key Interested and Affected Parties (I&amp;APs). The Draft Environmental Report has been sent to them for review and comment.</li> <li>• According to the Okhahlamba Cathkin Park Zoning Map (Appendix G4), the northern portion of the property is zoned 'Rural Residential 2' and the southern portion is zoned 'Conservation'. The construction and development of the wedding venue will only be on the northern portion.</li> <li>• Noted.</li> <li>• According to the Okhahlamba Spatial Development Framework (2019), the Ukhahlamba Drakensberg Park World Heritage Site is a protected area. The development site falls within the Layer 2 buffer area which is further away and reflects an area where careful planning is required to protect the important biodiversity that is present. The SDF highlights that the Cathkin Park area falls within a planned "pockets" in order to ensure distribution of recreational development and activities evenly along the Drakensberg and create a balance between environmental conservation and tourism through the provision of these recreation nodes (SDF, 2013). To this end, a Town Planning Scheme was developed for Cathkin Park, to guide future development within this node."</li> <li>• Noted. This is a town planning issue.</li> <li>• Noted. This is a town planning issue.</li> </ul>
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	<ul style="list-style-type: none"> <li>The small bit of development has already caused erosion and a full development will affect the runoff and hence the natural forest below.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. According to the findings of the Wetland Assessment (Appendix D6), the construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind. Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils. The A section channels were delineated closest to the construction activities with closest distances of 40 m to approximately 100 m to the west of the construction and 260 m to the east of the construction. The A section channels are located on neighbouring properties and have not and will not be impacted by the construction and operation of the wedding venue. Mitigation and rehabilitation measures have been provided in Section 7 and 8 of this Report.</li> </ul>
<p>Keith Kuhn Valley Resident 16 June 2022</p>	<ul style="list-style-type: none"> <li>I support the application for retrospective environmental approval.</li> <li>My interest in this application stems from:</li> <li>Since 2007 I have owned two properties at Bergview Private Estate and currently reside at 5 Kiepersol Crescent on the Estate. The Estate consists of 98 permanent and or holiday homes.</li> <li>Bergview Estate and our neighbours, the Drakensberg Sun Resort are situated at the end of road P519. The Champagne Sky development, alongside the D160 road, is clearly visible in the distance (about 3 kms) from Yellowwood Drive on our Estate.</li> <li>Cathkin Park (commonly referred to as the Champagne Valley) consists of many businesses, several hotels, two golf resorts, TimeShare complexes, four caravan park resorts and numerous holiday home lets that provides employment to hundreds of people from Loskop, Bell Park Dam area and Winterton.</li> <li>In recent years two wedding venues have ceased operating, and sadly the consequent loss of employment for many people.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> <li>Noted.</li> </ul>

	<ul style="list-style-type: none"> <li>• Hopefully the final Environmental Assessment Report will receive retrospective authorisation by the Competent Authority.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
<p>Felicity-Rose Brown Valley Resident 19 June 2022</p>	<ul style="list-style-type: none"> <li>• By way of introducing myself kindly find my particulars on the attached, taken from your Background Information Document. I express my unreserved approval of the development in my capacity as a fervent resident of this Valley.</li> <li>• A point of great relevance is that the property in question used to be a tangle of wattle, bugweed, bramble and lantana. The ridge as it is today vastly rehabilitated.</li> <li>• An up-market wedding venue will not only put “bodies into beds”, which will benefit the entire hospitality industry in the Valley but will further showcase how spectacular the Central Drakensberg is, even luring overseas prospective clients and guests. The desperate need for employment in this corner of KZN too would be enhanced. Young entrepreneurs should be given all the support possible to make this country prosper – their hopes and dreams should not be dashed through pettiness and envy, which will only force them to look elsewhere for fulfilment.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted. A retrospective Biodiversity Assessment was conducted (refer to Appendix D1). The property is characterised by Northern KwaZulu-Natal Moist Grassland (Gs4) vegetation type. This vegetation type is classified as ‘Vulnerable’ in terms of its ecosystem status and ‘Poorly Protected’ in terms of its level of protection. Based on the Screening Tool results, the site is characterised by a ‘Low’ plant species sensitivity, and a ‘Medium’ plant species sensitivity to the south of the property. The animal species sensitivity of the site is characterised as ‘Medium’ in the northern portion and ‘High’ for the remainder of the property. The development site and adjacent land was secondary grassland, and the site was not representative of Northern KwaZulu-Natal Moist Grassland. This is due to that no indicator species commonly associated with primary grassland in this area were found. However, due to the species poor old croplands with low plant diversity, as is common on mowed and baled secondary grassland, faunal diversity was also low.</li> <li>• Refer to Section 7 of this Report for Impacts on the Social and Economic Environment. The following socio-economic impacts are: <ul style="list-style-type: none"> <li>○ During the construction phase, the project contributed positively to the local economy and the social environment through spending of capital at local businesses.</li> <li>○ A number of temporary employment opportunities were generated during the planning phase, which</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• I wish you well in your 24G Application Process.</li> </ul>	<p>included engineers and Specialists.</p> <ul style="list-style-type: none"> <li>○ A number of temporary employment opportunities were generated during the construction phase, which included engineers, contractors and labour (skilled, semi-skilled and unskilled labour).</li> <li>○ The generation of additional employment opportunities has resulted in skills development, income generation and improved quality of life, which is important for a strong, local economy.</li> <li>○ In KwaZulu-Natal one job supports seven dependents. Approximately 33 people are to be employed by the Applicant, which has the potential to result in approximately 231 dependents being negatively impacted should the unlawful wedding venue not be authorised.</li> </ul> <ul style="list-style-type: none"> <li>• Noted.</li> </ul>
<p>Iain Don-Wauchope Mountain Splendour 19 June 2022</p>	<ul style="list-style-type: none"> <li>• I am a permanent resident in the Cathkin Park. My family has owned a property here since 1980 and I'm the owner of two businesses currently operating in the immediate area.</li> <li>• Consequently, please register me as an interested and affected party regarding the Champagne Sky application.</li> <li>• I have concerns regarding this application and, not only to the specific erf, but also to the zone that this property lies within the Cathkin Park Town Planning Scheme. Herewith are my concerns:</li> <li>• <u>Sense of place.</u></li> <li>• It is imperative that the sense of place of this area is maintained and not degraded or even destroyed. This sense of place is the very reason for people coming to this area to experience the peaceful, tranquil, and magnificent scenery. Therefore, it is very important that we protect and maintain the sense of place of Cathkin Park; the very reason that people come and visit this area. That is the purpose of town planning regulations, municipal authorities and environmental legislation; to allow sustainable development, to create jobs and grow the local economy without damaging or harming the environment and the very reason for</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted, this has been done. Refer to Appendix C1.</li> <li>• Noted.</li> <li>• Mitigation measures have been provided in Section 7 and 8 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting</li> </ul>



	<p>people visiting such a place. We must ensure that the sense of place of Cathkin Park is maintained, and certainly not degraded.</p> <ul style="list-style-type: none"> <li>• <u>UNESCO World Heritage Site status</u></li> <li>• It is also extremely important to maintain the UNESCO World Heritage status that has been given to the uKhahlamba Drakensberg National Park. This has huge long-term financial implications and is arguably one of greatest draw cards for international tourists and investors. Losing this status will have profound negative financial consequences to the local people and economy. The Cathkin Park town planning area falls directly alongside this World Heritage area. Therefore, it's very important to maintain the correct conditions in the valley in order to maintain that status. UNESCO have already indicated their displeasure in a number of recent developments in the Cathkin Park area and we cannot afford for these types of developments to continue and jeopardize our UNESCO World Heritage status.</li> <li>• <u>Zoning and building rights.</u></li> <li>• I'm greatly concerned that if this development is allowed, that the remaining properties in that specific zone will soon be equally developed and this will have a very substantial negative impact on the above 2 points. There have been very good reasons for previous town planners and qualified professionals to designate certain areas within Cathkin Park with specific development rights, just as there are clearly designated wilderness zones within the Ukhahlamba National Park area where limited access is allowed. So too do we need to apply similar principles to sensitive areas within the Cathkin Park area. It appears that Okhahlamba municipality has made changes in recent years to the Cathkin Park town planning scheme without following due process and this must be investigated further. Even if they did follow the correct procedures including sufficient public participation, this amendment to the building regulations of this particular zone must be reconsidered. Allowing guesthouses, lodges and multiple units to be constructed on a prominent high lying ridge is extremely short-sighted. This will undoubtedly impact negatively on this area, not just now, but forever in the future too.</li> </ul>	<p>Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase.</p> <ul style="list-style-type: none"> <li>• Noted. Ezemvelo KZN Wildlife are the custodians of the world heritage site and are included as key Interested and Affected Parties (I&amp;APs). The Draft Environmental Report will be sent to them for review and comment.</li> <li>• Noted. The Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) is the Competent Authority and they ultimately make the decision on whether an Environmental Authorisation is granted or not. All building plans need to obtain approval from the Municipality. Additionally, should rezoning be required, the correct channels and processes are required to be followed. The findings of the Visual Impact Assessment (Appendix D3) confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase.</li> </ul>
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	<ul style="list-style-type: none"> <li>• <u>Environmental Impacts</u></li> <li>• Due to the elevated profile of this ridge, the visual pollution of the proposed development will be greatly amplified. In addition, the noise pollution during weddings and functions will resonate unimpeded into the valleys below the ridge. Another concern is the continued use of septic tanks to treat effluent, especially in areas of high clay content and shale. How will groundwater contamination be avoided when our local water systems are already under strain with contaminants such as E.coli present? Surely there are better alternative properties to develop within the Cathkin Park in the manner that Champagne Sky intends doing? A wedding venue is a good idea, but it needs to take place on an appropriate property.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. The findings of the Visual Impact Assessment (Appendix D3) confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase. Refer to Appendix D7 for the Engineering Report. Based on the findings of the Geohydrological Assessment, the local geology is characterised by unconsolidated quaternary deposits of the Masotcheni formation and rocks from the Adelaide Formation (shale and sandstone) and Estcourt Formation (alternating sandstones, shale, and mudstones) of the Beaufort Group which is part of the Karoo Supergroup. Geological contacts, dolerite dyke, and sill structures are known to occur in the area. The area around the Amphitheatre is characterised by shallow soils (&lt;2m) belonging to the rocky Glenrosa, Hutton and Clovelly soil forms. The rocky Glenrosa soils at the site are generally shallow and overlie an impeding rock layer and have a cutanic character expressed as tongues of prominent colour variations cause by residual soil formation and illuviation resulting in localisation of one or more of clay, iron, and manganese oxides. The Clovelly and Hutton soils are deep and are formed by alluvium from mixed sources. The soils are characterised by an A-Horizon with a weak structure without water stagnation and a structureless B-Horizon subsoil. According to the Geohydrological Assessment, <i>“Based on the proposed activities, and the risk assessment undertaken, no hydrogeological buffer areas or protected areas will be</i></li> </ul>
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	<ul style="list-style-type: none"> <li>• It is possible that the fault may not lie entirely with this particular applicant but rather with the municipality by providing inaccurate information to the applicant and allowing them to proceed without completing an EIA prior to commencement of the project. Will the Okhahlamba municipality be held accountable for their possible failings? Will the residents of this area ever see the termination of illegal activities? If developers are allowed to continue unabated, what will Cathkin Park look like in 20, 30 or 50 years' time?</li> <li>• I sincerely hope that these unlawful activities are finally stopped and that regulations are adhered to by all parties involved.</li> </ul>	<p><i>required provided that the client implements the mitigation measures to risks identified. The activities at the site can be considered low risk, in terms of potential hydrogeological impacts.”</i></p> <ul style="list-style-type: none"> <li>• Green Door Environmental has been appointed to undertake the Section 24G Application Process in which the Applicant wishes to apply for the rectification and continuation of activities on site. We are not involved in the Municipality planning processes.</li> <li>• Noted. Construction activities on site were halted and have not continued.</li> </ul>
<p>Jeremy Ridl Champagne Share Block Limited 19 June 2022</p>	<ul style="list-style-type: none"> <li>• If you have not already registered me as an interested and affected party, please do, using the particulars on this letterhead.</li> <li>• I provide comments on the abovementioned application made on behalf of Champagne Sky (Pty) Ltd (“the Applicant”).</li> <li>• <u>MY LOCUS STANDI</u></li> <li>• I act:</li> <li>• (a) On behalf of Champagne Share Block Limited (CSB) in a professional capacity and as a director of the company; and</li> <li>• (b) In my personal capacity as I have an interest in a family farm neighbouring Dragon Peaks Mountain Resort depicted on the aerial map contained in the background information document (BID).</li> <li>• CSB operates the timeshare scheme within Champagne Sports Resort. It is not to be confused with the operator of the hotel, golf course or conference facilities. CSB is a neighbour of the Applicant and is not a competitor.</li> <li>• I have had an interest in the area since my parents bought our family farm in 1964.</li> <li>• The potential impact on the uKhahlamba-Drakensberg Park World Heritage Site (“the WHS”) is a matter of public interest. The proposed</li> </ul>	<ul style="list-style-type: none"> <li>• Noted, was done. Refer to Appendix C1 for the I&amp;AP List.</li> <li>• Noted.</li> <li>• Noted.</li> <li>• Noted.</li> <li>• Noted.</li> <li>• Noted.</li> <li>• Ezemvelo KZN Wildlife are the custodians of the world heritage site and are included as key Interested and</li> </ul>

	<p>development is within the 10-Kilometre “buffer zone” created as part of the registration of the WHS as a UNESCO World Heritage Site. It was a condition of the establishment of the WHS that it would be protected by the strict control of development within the buffer zone. All development within the buffer zone has the potential to cause biophysical impacts because of the environmental sensitivity of the area, and equally importantly, may have an impact on the registration of the WHS.</p> <ul style="list-style-type: none"> <li>• I therefore also make these comments in the public interest, and in the interests of the protection of the environment.</li> <li>• <u>COMMENTS ON AND QUERIES RELATED TO THE APPLICATION</u></li> <li>• Who was the environmental consultant who advised that no environmental authorisation was required?</li> <li>• It is important to establish the credibility of the Applicant and whether information provided henceforth in the process can be relied upon.</li> </ul> <ul style="list-style-type: none"> <li>• If the Applicant ultimately obtains environmental authorisation for the proposed development, it is important to know if it can be relied upon to comply with the many conditions that are likely to be attached to the environmental authorisation.</li> <li>• The Applicant’s attitude to legal compliance must be demonstrated. If the development proceeded without regard the law and the environmental sensitivity of the development property (“the Site”), this must be recorded.</li> <li>• Has the Applicant or any of its directors or shareholders received prior compliance notices under any of the provisions of National Environmental Management Act 107 of 1998 (“NEMA”)?</li> <li>• This has a bearing whether the Applicant is to be treated as a “repeat</li> </ul>	<p>Affected Parties (I&amp;APs) (Appendix C1). A copy of the Draft Environmental Report has been sent to them for review and comment.</p> <ul style="list-style-type: none"> <li>• Noted.</li> <li>• Green Door Environmental was informed that the municipality indicated that no EA was required.</li> <li>• All information provided in this report is factual. Green Door Environmental remains independent from the Applicant, and we only present the findings from the Specialist Studies to the Competent Authority who is the Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) who ultimately make the decision on whether Environmental Authorisation is granted or not.</li> <li>• The Environmental Authorisation and Environmental Management Programme are legally binding documents and must be upheld.</li> <li>• Noted, this will be done.</li> <li>• Noted. This will be confirmed and considered by the Competent Authority when determining their decision.</li> <li>• Noted. This will be confirmed and considered by the</li> </ul>
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	<p>contravener” under regulation 9 of the “Section 24G Regulations” published in GN R. 698 of 20 July 2017.</p> <ul style="list-style-type: none"> <li>• Need and desirability has not been identified as an issue for assessment: As you know, it is a mandatory component of environmental impact assessments under the EIA Regulations, 2014. While the EIA Regulations do not apply to this process, it is submitted that this assessment is essential.</li> <li>• Unless need and desirability are dealt with comprehensively and persuasively, neither the MEC nor the Department of Economic Development, Tourism and Environmental Affairs (“EDTEA”) as the competent authority will be able to discharge their duties under section 2 of NEMA, in particular the following subsections: <ul style="list-style-type: none"> <li>• (2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.</li> <li>• (4) (a)(viii) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.</li> </ul> </li> <li>• (b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.</li> <li>• (c) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.</li> <li>• (d) Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto</li> </ul>	<p>Competent Authority when determining their decision.</p> <ul style="list-style-type: none"> <li>• Noted. Refer to Section 7 of this report for impacts on the social and economic environment.</li> <li>• Noted.</li> <li>• Noted. This will be done.</li> <li>• Noted. This has been done. Refer to Section 7 and 8 of this report for identified potential impacts on the Socio-Economic and Biophysical Environment, and mitigation measures and recommendations provided. Refer to Appendix E for the Environmental Management Programme (EMPr).</li> <li>• Noted. This has been done. Refer to Section 7 and 8 of this report for identified potential impacts on the Socio-Economic and Biophysical Environment, and mitigation measures and recommendations provided. Refer to Appendix E for the Environmental Management Programme (EMPr).</li> <li>• Noted.</li> <li>• Noted. This has been done. Refer to Section 7 and 8 of this report for identified potential impacts on the Socio-Economic and Biophysical Environment, and mitigation</li> </ul>
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	<p>by categories of persons disadvantaged by unfair discrimination.</p> <ul style="list-style-type: none"> <li>• (g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognizing all forms of knowledge, including traditional and ordinary knowledge.</li> <li>• (i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.</li> <li>• (o) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.</li> <li>• While it is not mandatory, it is submitted that for consistency, need and desirability must be assessed in accordance with the guideline published by the Minister of Water and Environmental Affairs (the ministry now being Forestry, Fisheries and the Environment) in GN 792 of 2012.</li> <li>• <u>Specific issues that must be addressed:</u></li> <li>• Has the financial viability of the proposed development been established? Other similar wedding venue developments in the area have failed.</li> </ul>	<p>measures and recommendations provided. Refer to Appendix E for the Environmental Management Programme (EMPr).</p> <ul style="list-style-type: none"> <li>• Noted, this will be done.</li> <li>• Noted, this has been done. Refer to Section 7 for the Potential Impacts on the Social and Economic Environment, and mitigation and recommendation measures provided.</li> <li>• Noted.</li> <li>• Green Door Environmental uses the following guidelines to assess need and desirability: Western Cape Department of Environmental Affairs and Development Planning (DEA&amp;DP) Guideline on Need and Desirability (2011), and the Department of Environmental Affairs (DEA) Pretoria, Integrated Environmental Management Guideline Series 9: Guideline on Need and Desirability (2014).</li> <li>• <i>Response from Champagne Sky (Pty) Ltd (Nicky Cawood): Yes, the viability of a wedding venue that is well marketed and designed around a couples' needs and wants, is viable. We have received numerous enquiries about the venue and have had to turn couples away, due to the venue development being stalled due to the 24G Application Process. We also draw evidence from the Cathkin Farm Venue. It was run as a very successful wedding venue with numerous weddings being held. The owner decided to pull it off the market and focus on the core business of farming. I, Nicky Cawood, specialise in designing, planning and co-ordinating events with my KZN</i></li> </ul>
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	<ul style="list-style-type: none"> <li>• What research has been done on the availability of similar facilities in the area?</li> <li>• What market research has been done to show that the facility is needed?</li> </ul>	<p><i>team on the Midlands Meander called Service Excellence. Service Excellence is an events management company providing exclusive expertise for events and wedding planning. I have had a successful reputation in the wedding industry. There is a need for a wedding and events venue in the Central Berg. The wedding venue will benefit the entire valley. Wedding events will benefit the local accommodation establishments. There are 114 wedding venues in the Natal Midlands and these are full every weekend as my staffing asset work with all these wedding venues every weekend. Locals need jobs, this venue will give me the opportunity to train a Service Excellence team up here in the Central Berg and get the youth upskilled. The difference between Nottingham Road and the Central Berg is there is no shortage of accommodation in the Berg. Venues have failed due to lack of personability with guests, trying to make a wedding venue on a budget, and a lack of insight into marketing. The area lacks the upmarket capability that venues in the Midlands hold. The hall itself offers a space for events and functions that are not only focussed on weddings. There are many opportunities that will arise from of the development, i.e. conferences, community events, etc.</i></p> <ul style="list-style-type: none"> <li>• <i>Response from Champagne Sky (Pty) Ltd (Nicky Cawood): There are three venues in the area; there is no reason why these venues shouldn't be successful. A venue's success is based on appeal, management and how it is marketed. Our venue will be welcomed competition and an opportunity to get the area busier on weekends.</i></li> <li>• <i>Response from Champagne Sky (Pty) Ltd (Nicky Cawood): I currently conduct business in the wedding industry, my client base is always asking about wedding venues and enquire about the Central Berg on a regular basis. With my own success in the wedding industry there</i></li> </ul>
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	<ul style="list-style-type: none"> <li>• What of the impact other lawful wedding venues at local resorts? These will be compromised, and while “trade objections” might not be legitimate, the principles espoused in Fuel Retailers1 must be considered. A failed development within a sensitive environment has serious consequences, which must be fully understood and assessed according to the risk they present (see the comments below regarding the World Heritage Site).</li> <li>• What social benefits will accrue to the local community and which, specifically those categories of persons disadvantaged by unfair discrimination, will benefit? Jobs alone are not sufficient.</li> </ul>	<p><i>is a demand for new and inspiring wedding spaces. I don't foresee weddings diminishing to the extent that the venue will fail. I run a company called Service Excellence with 250 staff that go out every weekend running and planning weddings, as well as waitering at these events.</i></p> <ul style="list-style-type: none"> <li>• The I&amp;AP refers to “...the principles espoused in Fuel Retailers1...”. This has on an application for a wedding venue? The Section 24G Application Process being conducted, assesses the impacts to the other venues in the area, as well as the impacts to the World Heritage Site.</li> <li>• The location of the wedding venue in the Central Berg, combined with the area's natural beauty, views of the World Heritage Site and popularity with tourists, is a huge draw factor for weddings and wedding venues. The tourism industry consists of many different sectors, one of which is the event sector. Prospective weddings would generate revenue and income for local suppliers and businesses such as local caterers, florists and local flower suppliers, musicians and DJs, and accommodation options such as bed and breakfasts. The Champagne Sky Wedding Venue will have a positive impact on the local economy by contributing to economic growth and development in the area and has a greater socio-economic benefit rather than leaving the site undeveloped. The operational phase of the wedding venue is expected to be long term. During the operational phase, it is anticipated that 33 permanent jobs will be created. In KwaZulu-Natal one job supports seven dependents. The Champagne Sky Wedding Venue has the potential to result in 231 dependents being supported during the operational phase.</li> <li>• Noted.</li> </ul>
	<ul style="list-style-type: none"> <li>• It is in the interests of the protection of the WHS that existing facilities be used to their maximum capacity and if there is demand for the</li> </ul>	



	<p>facilities proposed to be offered by the Applicant, that existing facilities should be expanded where possible, thereby maximising use of space with the least amount of infrastructure and conversion of open space to buildings and infrastructure.</p> <ul style="list-style-type: none"> <li>• Water issues need more investigation than appears to be planned in the process. These questions must be investigated:</li> <li>• What is the likely volume of water to be used – is there sufficient in the catchment?</li> </ul> <ul style="list-style-type: none"> <li>• What is the current state of pollution of the Sterkspruit River and can it accommodate the additional nutrient load of sewage generated on the site?</li> </ul> <ul style="list-style-type: none"> <li>• What sewage treatment works are proposed?</li> <li>• If septic tanks and soakaways are planned, are the soils suitably permeable?</li> </ul> <ul style="list-style-type: none"> <li>• What impact will the sewage treatment have on nearby watercourses</li> </ul>	<ul style="list-style-type: none"> <li>• Refer to Appendix D7 for the Engineering Report.</li> <li>• According to the Engineering Report, 11 500 L/day of water will be required for the development. The findings from the Geohydrological Assessment (Appendix D5), <i>“based on the intermediate groundwater reserve determination (IGRD) conducted for the delineated sub-catchment, the GW balance indicates a surplus-value in the order + 152.95m<sup>3</sup>/day available for abstraction.”</i> Therefore, there is sufficient ground water supply available for abstraction.</li> <li>• Refer to Appendix D6 for the Wetland Assessment. The Sterkspruit River has had impacts to its water quality from upstream development such as agricultural activities within its catchment. These would have led to a decline in the water quality of the river affecting downstream users. The results obtained from the riparian zones associated with the B section channel as well as the portion of the Sterkspruit River that were delineated within the site. Both riparian zones are categorised as Moderately Modified (PES C).</li> <li>• Septic tanks and soakaways are the preferred sewage option.</li> <li>• According to the Geohydrological Assessment Report, <i>“Risk during the operational phase range from low to moderate, with contamination of the shallow groundwater by the septic tank being of the greatest risk. However, the risk can be managed by the implementation of the proposed mitigation measures.”</i></li> <li>• Should appropriate mitigation measures be implemented,</li> </ul>
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	<p>and the Sterkspruit River?</p> <ul style="list-style-type: none"> <li>• Is a WULA being undertaken at the same time? If not, why not, as activities listed under Section 21 of the National Water Act 36 of 1998 would seem to be proposed?</li> <li>• Is ESKOM able to supply sufficient power for the development?</li> <li>• The legitimacy and legality of the development is an issue.</li> <li>• How was town planning approval granted without environmental authorisation? 7.2. Were the guidelines for development in the buffer zone of the World Heritage Site considered? In “layer 2” defined in section 11.4.3 of the Okhahlamba Land Use Management Scheme (“the Scheme”), which is the area within a radius between two and ten kilometres from the edge of the World Heritage Site the following applies: <ul style="list-style-type: none"> <li>- Any new activities can only be permitted if they do not pose a threat to the Outstanding Universal Values of the WHS.</li> <li>- The biodiversity values of this layer cannot be compromised.</li> <li>- View sheds and landscapes must be considered with no development allowed on ridge lines and all relevant legislation protecting water resources and biodiversity to be strictly adhered to.</li> <li>- Any development in this layer must have a clearly defined footprint, which cannot be exceeded; settlement sprawl must be further prevented; further settlement expansion or densification should be discouraged and directed to layer 3 (beyond 10 km).</li> </ul> </li> </ul>	<p>as stated in the Geohydrological Assessment, sewage will not impact the Sterkspruit River. According to the Geohydrological Assessment, the non-perennial streams are situated downstream of the wedding venue. No hydrogeological buffer areas or protected areas will be required provided that the client implements the mitigation measures to risks identified. The activities at the site are considered low risk, in terms of potential hydrogeological impacts.</p> <ul style="list-style-type: none"> <li>• A WULA will be undertaken, however the process will not be run concurrently due to the fact that the 24G Application may be refused; the scope in terms of Water Use Triggers cannot be confirmed at this stage.</li> <li>• <b>This will be investigated and confirmed in the Engineering Report.</b></li> <li>• Noted, hence a 24G Application Process is being undertaken.</li> <li>• Green Door Environmental has been appointed to undertake the Environmental Authorisation process. The municipality approved the buildings plans without being aware of any environmental triggers.</li> </ul>
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	<ul style="list-style-type: none"> <li>- All development in this layer, current and future, should be encouraged to make use of sustainable utility services: energy, water supply, waste recycling etc.</li> <li>- Consolidation of land to be promoted but subdivision of land shall not be promoted.</li> <li>- Public Infrastructure and facilities to be located within identified Public Capital Investment Framework study centres.</li> <li>- Sustainable energy to be promoted and energy generators to be located outside this layer.</li> <li>- While planning matters fall within the exclusive domain of municipalities, where South Africa has given an undertaking that a World Heritage Site will be protected by the implementation of town planning controls in order to provide a buffer zone, this becomes a matter for consideration by the environmental authority charged with the protection of world heritage sites.</li> </ul> <ul style="list-style-type: none"> <li>• It follows, that the competent authority and MEC are bound to consider and apply the guidelines contained in section 11.4 of the Scheme. 7.4. What is the attitude of Ezemvelo KZN Wildlife to the proposed development?</li> <li>• South Africa as a signatory to the World Heritage Convention and its acceptance of the conditions upon which the WHS was registered is an international agreement by which South Africa is bound. The implications for a failure to adhere to an international agreement must be investigated in the process.</li> <li>• The building plans should not have been passed. The National Building Regulations and Building Standards Act 103 of 1977 requires that a local authority may only approve a building plan if it is satisfied that the building plan complies with the Act, and “any other applicable law”. The Applicant did not comply with NEMA. The building plans for the development are therefore tainted with illegality. This fact must be considered and taken into account when deciding if to grant environmental authorisation for the proposed development.</li> <li>• It is too early to comment on the environment issues. Comments will be made on the draft environmental impact report supporting the section 24G application. It is not clear if and in what depth the following</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Ezemvelo KZN Wildlife is included as an I&amp;AP. They have received a copy of the Draft Environmental Report.</li> <li>• Noted. Ezemvelo KZN Wildlife are the custodians of the world heritage site and are included as key Interested and Affected Parties (I&amp;APs) (Appendix C1). A copy of the Draft Environmental Report has been sent to them for review and comment.</li> <li>• Noted. Green Door Environmental has been appointed to undertake the Environmental Authorisation through the Section 24G process.</li> <li>• Noted. A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) has been conducted. Refer to Appendix D5 for the Geohydrological</li> </ul>
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	<p>environmental impacts on the following will be assessed:</p> <ul style="list-style-type: none"> <li>- registration of the WHS;</li> <li>- wilderness zones in the WHS, especially visual and light;</li> <li>- “sense of place”;</li> <li>- complex and fragile geology of the site;</li> <li>- archaeology – the area is known to have been inhabited by the San people;</li> <li>- Will the “impacts on surrounding landowners” include noise, views, loss of sense of place?</li> </ul> <ul style="list-style-type: none"> <li>• I look forward to seeing how you respond to these comments in due course.</li> <li>• Thank you for the invitation to attend the public information session on 30th June 2022. Unfortunately, I will not be able to attend, but I am sure you will get a good turnout. There seems to be a lot of interest in the development.</li> </ul>	<p>Assessment, Appendix D6 for the Wetland Assessment, and Appendix D2 for the Heritage Impact Assessment.</p> <ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted. Refer to Appendix C5 for the Public Information Session meeting minutes.</li> </ul>
<p>Dave Dowling Berghaven Cottages / Champagne Alarms 20 June 2022</p>	<ul style="list-style-type: none"> <li>• The approval by the municipality goes against every policy relating to usage of this land, with blatant disregard for Section II Guidelines – UNESCO – Ezemvelo Wildlife and Planning Commissions Policies KZN. Read Section 11.4 – Buffer Zone W.H.O.</li> <li>• Investigate conditions of establishment of W.H.O.</li> <li>• Endless complaints to Gracelands for noise from unlawful wedding activities, bright lights, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted, this is a planning issue and must be dealt with via the municipality.</li> <li>• Noted, this is a planning issue and must be dealt with via the municipality.</li> <li>• A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) was conducted. Impacts and mitigation measures have been provided in Section 7 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase</li> </ul>

	<ul style="list-style-type: none"> <li>• Land Use Scheme 2016 fatally flawed – use of “Guest House” anything more than permitted in previous scheme is unacceptable.</li> <li>• Validity of Land Use 2016 – Approval date and public participation procedures conducted.</li> <li>• Sale of portion of consolidated land contravention?</li> </ul>	<p>and operational phase. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that exceed the SANS day-time and night-time guidelines, without mitigation measures. Once the venue is operational, sound levels exceeding the night-time guideline for rural districts can be expected in residential areas up to 4 km from the venue, without mitigation measures. Should Environmental Authorisation be granted, various mitigation measures will be implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will be implemented.</p> <ul style="list-style-type: none"> <li>• This is a planning issue and must be dealt with directly with the municipality.</li> <li>• This is a planning issue and must be dealt with directly with the municipality.</li> <li>• This is a planning issue and must be dealt with directly with the municipality.</li> </ul>
<p>Iain Don- Wauchope Mountain Splendour 20 June 2022</p>	<ul style="list-style-type: none"> <li>• I am a permanent resident in the Cathkin Park. My family has owned a property here since 1980 and I'm the owner of two businesses currently operating in the immediate area.</li> <li>• Consequently, please register me as an interested and affected party regarding the Champagne Sky application.</li> <li>• I have concerns regarding this application and, not only to the specific erf, but also to the zone that this property lies within the Cathkin Park Town Planning Scheme. Herewith are my concerns:</li> <li>• <u>Sense of place.</u></li> <li>• It is imperative that the sense of place of this area is maintained and not degraded or even destroyed. This sense of place is the very reason for people coming to this area to experience the peaceful, tranquil and magnificent scenery. Therefore, it is very important that we protect and maintain the sense of place of Cathkin Park; the very reason that people come and visit this area. That is the purpose of town planning</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• This has been done. Refer to Appendix C1 for the I&amp;AP List.</li> <li>• Noted.</li> <li>• Noted. The findings of the Visual Impact Assessment (Appendix D3) confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the</li> </ul>

	<p>regulations, municipal authorities and environmental legislation; to allow sustainable development, to create jobs and grow the local economy without damaging or harming the environment and the very reason for people visiting such a place. We must ensure that the sense of place of Cathkin Park is maintained, and certainly not degraded.</p> <ul style="list-style-type: none"> <li>• <u>UNESCO World Heritage Site status</u></li> <li>• It is also extremely important to maintain the UNESCO World Heritage status that has been given to the uKhahlamba Drakensberg National Park. This has huge long-term financial implications and is arguably one of greatest drawcards for international tourists and investors. Losing this status will have profound negative financial consequences to the local people and economy. The Cathkin Park town planning area falls directly alongside this World Heritage area. Therefore, it's very important to maintain the correct conditions in the valley in order to maintain that status. UNESCO have already indicated their displeasure in a number of recent developments in the Cathkin Park area and we cannot afford for these types of developments to continue and jeopardize our UNESCO World Heritage status.</li> <li>• <u>Zoning and building rights.</u></li> <li>• I'm greatly concerned that if this development is allowed, that the remaining properties in that specific zone will soon be equally developed and this will have a very substantial negative impact on the above 2 points. There have been very good reasons for previous town planners and qualified professionals to designate certain areas within Cathkin Park with specific development rights, just as there are clearly designated wilderness zones within the Ukhahlamba National Park area where limited access is allowed. So too do we need to apply similar principles to sensitive areas within the Cathkin Park area. It appears that Okhahlamba municipality has made changes in recent years to the Cathkin Park town planning scheme without following due process and this must be investigated further. Even if they did follow the correct procedures including sufficient public participation, this amendment to the building regulations of this particular zone must be reconsidered. Allowing guesthouses, lodges and multiple units to be constructed on a prominent high lying ridge is extremely short-sighted. This will</li> </ul>	<p>buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase.</p> <ul style="list-style-type: none"> <li>• Noted. Ezemvelo KZN Wildlife are the custodians of the world heritage site and are included as key Interested and Affected Parties (I&amp;APs) (Appendix C1). A copy of the Draft Environmental Report has been sent to them for review and comment.</li> <li>• Noted. This is a planning issue and must be dealt with directly with the municipality.</li> </ul>
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	<p>undoubtedly impact negatively on this area, not just now, but forever in the future too.</p> <ul style="list-style-type: none"> <li>• <u>Environmental Impacts</u></li> <li>• Due to the elevated profile of this ridge, the visual pollution of the proposed development will be greatly amplified. In addition, the noise pollution during weddings and functions will resonate unimpeded into the valleys below the ridge. Another concern is the continued use of septic tanks to treat effluent, especially in areas of high clay content and shale. How will groundwater contamination be avoided when our local water systems are already under strain with contaminants such as ecoli present? Surely there are better alternative properties to develop within the Cathkin Park in the manner that Champagne Sky intend doing? A wedding venue is a good idea but it needs to take place on an appropriate property.</li> </ul>	<ul style="list-style-type: none"> <li>• A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) was conducted. Impacts and mitigation measures have been provided in Section 7 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that exceed the SANS Day-time and night-time guidelines, without mitigation measures. Once the venue is operational, sound levels exceeding the night-time guideline for rural districts can be expected in residential areas up to 4km from the venue, without mitigation measures. Should Environmental Authorisation be granted, various mitigation measures will be implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will be implemented. According to the Geohydrological Assessment Report (Appendix D5), <i>“Risk during the operational phase range from low to moderate, with contamination of the shallow groundwater by the septic tank being of the greatest risk. However, the risk can be managed by the implementation of the proposed mitigation measures.”</i></li> </ul>
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	<ul style="list-style-type: none"> <li>• It is possible that the fault may not lie entirely with this particular applicant but rather with the municipality by providing inaccurate information to the applicant and allowing them to proceed without completing an EIA prior to commencement of the project. Will the Okhahlamba municipality be held accountable for their possible failings? Will the residents of this area ever see the termination of illegal activities? If developers are allowed to continue unabated, what will Cathkin Park look like in 20, 30 or 50 years' time?</li> <li>• I sincerely hope that these unlawful activities are finally stopped and that regulations are adhered to by all parties involved.</li> </ul>	<ul style="list-style-type: none"> <li>• Green Door Environmental has been appointed to undertake the Section 24G Application Process in which the Applicant wishes to apply for the rectification and continuation of activities on site. We are not involved in the Municipality planning processes.</li> <li>• Noted.</li> </ul>
<p>Ray Renzi Valley Resident 21 June 2022</p>	<ul style="list-style-type: none"> <li>• My property is above this proposed development, after that owned by Andre Jooste. I am extremely concerned that this type of development and its activities will impact on my quality of life there, and spoil much of what this property has to offer.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) was conducted. Impacts and mitigation measures have been provided in Section 7 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that exceed the SANS day-time and night-time guidelines, without mitigation measures. Once the venue is operational, sound levels exceeding the night-time guideline for rural districts can be expected in residential areas up to 4 km from the venue, without mitigation measures. Should Environmental Authorisation be granted, various mitigation measures will be implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will</li> </ul>



	<ul style="list-style-type: none"> <li>• Regulations and laws have been put in place to offer protection to a recognised World Heritage Site, to which us owners in this buffer zone have adhered to over the many years.</li> <li>• With celebratory functions and conferences taking place on this proposed development, these are always accompanied with considerable noise levels and lighting i.e loud music and PA systems, people partying loudly, hooters blowing etc.</li> </ul>	<p>be implemented.</p> <ul style="list-style-type: none"> <li>• Noted. According to the Okhahlamba Spatial Development Framework (2019), the Ukhahlamba Drakensberg Park World Heritage Site is a protected area. The development site falls within the Layer 2 buffer area which is further away and reflects an area where careful planning is required to protect the important biodiversity that is present. The SDF highlights that the Cathkin Park area falls within a planned <i>“pockets” in order to ensure distribution of recreational development and activities evenly along the Drakensberg and create a balance between environmental conservation and tourism through the provision of these recreation nodes (SDF, 2013). To this end, a Town Planning Scheme was developed for Cathkin Park, to guide future development within this node.”</i></li> <li>• Noted. A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) was conducted. Impacts and mitigation measures have been provided in Section 7 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that exceed the SANS day-time and night-time guidelines, without mitigation measures. Once the venue is operational, sound levels exceeding the night-time</li> </ul>
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	<ul style="list-style-type: none"> <li>• With large volumes of concentrated people using this facility one is concerned how the sewer and wastewater will affect our own boreholes and ecology. How will the small Sterkspuit stream cope with this concentrated volume of pollution making its way into it?</li> <li>• The Buffer Zone has a special and intrinsic value, and past regulations have ensured that developments such as the proposed have been disallowed in order to maintain the very special nature of the Drakensberg. Let's not now start to spoil it.</li> <li>• It is blatantly clear that the prescribed procedure was not followed in the undertaking of this project. If this is the attitude shown I am seriously concerned what future respect will then be shown to the surrounding</li> </ul>	<p>guideline for rural districts can be expected in residential areas up to 4km from the venue, without mitigation measures. Should Environmental Authorisation be granted, various mitigation measures will be implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will be implemented.</p> <ul style="list-style-type: none"> <li>• According to the Engineering Report, 11 500 L/day of water will be required for the development. According to the Geohydrological Assessment, the non-perennial streams are situated downstream of the wedding venue. No hydrogeological buffer areas or protected areas will be required provided that the client implements the mitigation measures to risks identified. The activities at the site are considered low risk, in terms of potential hydrogeological impacts.</li> <li>• Noted. According to the Okhahlamba Spatial Development Framework (2019), the Ukhahlamba Drakensberg Park World Heritage Site is a protected area. The development site falls within the Layer 2 buffer area which is further away and reflects an area where careful planning is required to protect the important biodiversity that is present. The SDF highlights that the Cathkin Park area falls within a planned <i>“pockets” in order to ensure distribution of recreational development and activities evenly along the Drakensberg and create a balance between environmental conservation and tourism through the provision of these recreation nodes (SDF, 2013). To this end, a Town Planning Scheme was developed for Cathkin Park, to guide future development within this node.” This is a planning issue and must be dealt with directly with the municipality.</i></li> <li>• Noted. This is a planning issue and must be dealt with directly with the municipality.</li> </ul>
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	<p>neighbours and environment.</p> <ul style="list-style-type: none"> <li>• One should seriously question why no correct EIA was ever done by Town planning on such a serious issue.</li> <li>• The amendment of the Town Planning Scheme in 2016 was not done with professional evaluation. This being a buffer zone to a world heritage site, one should consider it a highly and irresponsible act and error. No parties with property in this zone were notified of the amendment. I respectfully ask that one considers these issues extremely carefully and the long-term impact it could have on neighbours, the ecology, and this unique and wonderful part of our country.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. This is a planning issue and must be dealt with directly with the municipality. Green Door Environmental has been appointed to undertake the Section 24G Environmental Authorisation application.</li> <li>• Noted. This is a planning issue and must be dealt with directly with the municipality.</li> </ul>
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#### 6.4 Public Information Session

A Public Information Session was held on site on 30 June 2022 at 10h00. The purpose of a Public Information Session is to provide information to I&APs on the project, present the major concerns raised to date, and give I&APs the opportunity to raise any additional issues which they feel should be addressed during the process. All I&APs were notified of the Public Information Session from 14 June 2022.

The Public Information Session consisted of a presentation in poster format, whereby all available information on the development and environmental process was provided in poster format at the meeting. The I&APs were given the chance to read through the information on the posters and were given the opportunity to ask questions and raise any concerns. During the Public Information Session, the Environmental Consultants documented the concerns raised by the I&APs regarding the project.

The following project team member from Green Door Environmental was present:

- Roxanne van Rooyen – Environmental Consultant
- Rebecca Bowd – Environmental Consultant

Comments received before and during the Public Information Session are included in **Table 8** (refer to **Appendix C6** for the Public Information Session notification, attendance register, handout, and a photograph). Additional information has also been provided where it has become available, and the responses changed where applicable.

**Table 8: Comments received during the Public Information Session.**

I&AP	COMMENT	RESPONSE
Mike Frost	<p>My concerns are:</p> <ul style="list-style-type: none"> <li>• Noise impacts.</li> <li>• Light impacts.</li> <li>• The site is high-lying – impacts of this.</li> <li>• Champagne sports held a conference recently. The noise caused my windows to rattle. I did bring this to their attention; they have committed to try and alleviate the noise impacts.</li> <li>• Architectural code – the current roof reflects badly.</li> <li>• The densities of these properties.</li> <li>• Need to be aware that this will set a precedent in the area for other similar developments.</li> <li>• Visual impacts.</li> <li>• Sense of place.</li> <li>• Any development must stay within the ethos of the berg.</li> <li>• How legal is this type of development?</li> <li>• Is there actually demand in the area for another wedding venue as many have closed down?</li> <li>• Will this development be sustainable?</li> </ul>	<p>Thank you very much for your comments, all of which have been noted and will be addressed as part of the 24G process.</p>
Mr. Mabaso	<p>We used to live on this property, and we want to know what we are going to get from the development.</p>	<ul style="list-style-type: none"> <li>• Compensation and land claims do not fall under the environmental legislation; however your concern has been noted and we shall forward to the relevant people to make contact. It is a legal issue and as the development has Municipal approval, the issue must be taken up with the Municipality.</li> <li>• Did you live on the property before or after it was a timber plantation?</li> </ul>
Mr. Mabaso	<ul style="list-style-type: none"> <li>• Our ancestors' graves are on the property.</li> </ul>	<ul style="list-style-type: none"> <li>• Were the graves under the footprint of any of the infrastructure which has been established on site?</li> </ul>

	<ul style="list-style-type: none"> <li>No, they are down the slope.</li> </ul>	<ul style="list-style-type: none"> <li>That is a relief. Graves require a 5 m buffer in terms of current legal requirements. We shall tell the property owners about these graves. Based on the ground survey of the Heritage Specialist, <i>“it is unlikely that this claim has any validity as there was no indication that any graves were present within the boundaries of the site footprint.”</i> Refer to Appendix D2 for the Heritage Impact Assessment.</li> </ul>
Mr. Mabaso	This is the first we are hearing about this development, and we need to take the information back to the community before we can provide comment.	Noted. We are at the beginning stages of the public participation process and are pleased that you attended today.
Ray Renzi	<p>I am a close neighbour and have owned the property for over 30 years. I have serious objections and a concern regarding impacts to my standard of living – my property is a holiday home.</p> <ul style="list-style-type: none"> <li>Noise impacts.</li> <li>Sewage disposal and how this will impact my borehole.</li> <li>Visual impacts – the loss of intrinsic value / the wedding facility is out of place.</li> </ul> <p>Residents in the area do everything by the book and attempt to preserve the area as much as possible.</p>	<p>Noted. A Noise Impact Assessment (Appendix D4) and a Visual Impact Assessment (Appendix D3) was conducted. Impacts and mitigation measures have been provided in Section 7 of this Report. The findings of the Visual Impact Assessment confirmed that with landscaping of the grassed area around the development site and the planting of trees and shrubs would make the wedding venue considerably less visible. Specific building design guidelines will be implemented which will ensure that the buildings will blend in with the surrounding environment. Should Environmental Authorisation be granted, a Lighting Specialist will be consulted to ensure that all considerations are given to lighting in the design phase and operational phase. The findings of the Noise Impact Assessment concluded that properties within 300 m of the wedding venue will be exposed to sound levels that exceed the SANS day-time and night-time guidelines. Once the venue is operational, sound levels exceeding the night-time guideline for rural districts can be expected in residential areas up to 4km from the venue. Should Environmental Authorisation be granted, various mitigation measures will be</p>

		implemented which will minimize the effects of noise on the surrounding area. Additionally, a Noise Impact Management Plan will be implemented. Sewage disposal will be via septic tanks and soakaways.
Dave Dowling	<p>Town Planning Scheme:</p> <ul style="list-style-type: none"> <li>• I have contacted the municipality regarding the approval of the building plans for this wedding venue. I have had no response and suspect I will not get a response.</li> <li>• The current Town Planning Scheme is seriously flawed. The process is questioned, as well as the planning public participation process, or lack thereof.</li> <li>• I request conclusive evidence in the form of: minutes of the council meeting and proof (an official document), the planning practitioners that were consulted on the Town Planning Scheme.</li> <li>• This property is zoned Rural Residential 2. It is very protected in terms of environmental. No commercial activities are permitted. Commercial activities are only permitted in Rural Residential 1. We bought and run our property (Berg Haven Cottages) according to these zoning permits.</li> <li>• There has been a blatant disregard for the Town Planning Scheme.</li> <li>• The current Town Planning Scheme may not be valid, in which case the old Town Planning Scheme is applicable.</li> <li>• Refer to Section 11 of the Town Planning Scheme.</li> <li>• The Town Planning Process and the Environmental Authorisation are not integrated; they need to be.</li> <li>• Light and noise impacts.</li> </ul> <p>I will provide you with more detailed comments after this meeting.</p>	Your comments are noted and will be investigated as part of the process. Please note that Green Door is conducting the environmental authorisation process in terms of the EIA Regulations. A number of your concerns relate directly to the Planning Process of which Green Door is unable to comment on, as it is not within our scope of work or knowledge base. It is usual for the EIA Process to be completed prior to the Planning Process being finalized, thus we have the unusual situation where planning issues are being raised as part of the Environmental Process. Your comments will be forwarded to the relevant people and we shall try to provide answers as best we can in our Environmental Process.
Kat Dowling	<ul style="list-style-type: none"> <li>• Eskom came to the area recently and told everyone that there is no more Eskom supply.</li> <li>• We battle with firebreaks on this ridge. The grass is burnt every year. This is not good for fauna and flora.</li> <li>• There are endangered birds on the property: Ground Hornbill, Marshall</li> </ul>	<p>Thank you for your comments; all of which will be addressed by the relevant specialists as part of the Environmental Process.</p> <p>The following email was received from the Biodiversity Specialist and is also attached at Appendix D1:</p>

	Eagle and the Orange-throated Long Claw.	<p><i>“With regard to the three species listed, this would not change my findings for the following reasons:</i></p> <ol style="list-style-type: none"> <li><i>1. I use the term 'site' when referring to the impacted area that was investigated, so the comments below are specific to the 1.4 ha site. I use 'property' when referring to the entire property.</i></li> <li><i>2. Ground Hornbill could have utilized the site, but would not have been resident nor have bred on the site; also, there is abundant similar and more favourable habitat on the remainder of the property (and on the adjacent properties) for these birds to be unaffected by the development.</i></li> <li><i>3. Orange-throated Longclaw might have been resident on the site, but they would have been able to move in response to the development to similar and more favourable habitat on the remainder of the property (and on the adjacent properties).</i></li> <li><i>4. Martial Eagle might have flown over the site when hunting, but would not have been resident nor have bred on the site. The loss of 1.4 ha of secondary grassland would be irrelevant considering their home range.</i></li> <li><i>5. The property has forest and cliff habitats that are possibly suitable for nesting by Martial Eagles and Ground Hornbills. However these habitats occur to the south of the development site and if used for nesting by either species, they would not be affected by the development in the operational phase.”</i></li> </ol>
Mark Robertson EKZN Wildlife	<ul style="list-style-type: none"> <li>• I am from EKZN Wildlife and I only just heard about this meeting from someone in the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. We sent the Background Information Document to Dominic Wieners and Nerissa Pillay in the planning Department at QEP. It is disappointing that EKZNW did not inform you of this. We have your details on record now and will ensure that we correspond directly with you, as</li> </ul>



	<ul style="list-style-type: none"> <li>• Light and noise impacts need to be looked at. I know that Champagne Sports has someone conduct acoustic monitoring.</li> <li>• The nesting sites of rare birds cannot be given out to the public, however I can provide you with the distance between this site and the nesting sites. Would this be useful.</li> <li>• There are a number of policies and guideline documents that need to be consulted in your assessment, such as the Principles and Guidelines for Building in the Berg.</li> </ul>	<p>well as those at QEP.</p> <ul style="list-style-type: none"> <li>• Noted. These issues will be investigated as part of the process. We shall contact Champagne Sports to investigate who has conducted this work. Refer to Appendix D3 for the Visual Impact Assessment and Appendix D4 for the Noise Impact Assessment.</li> <li>• Yes it would be useful. Please could you forward this information.</li> <li>• Noted, this will be done. Green Door are conducting other applications in the Berg and are familiar with these documents. Refer to Section 1.3 of this Report for the list of Legislation, Policies and / or Guidelines that are relevant to this Application.</li> </ul>
Kat Dowling	<ul style="list-style-type: none"> <li>• How is noise monitoring done?</li> <li>• You can see that erosion is a serious concern on this site. There are other areas along with stretch of cliff where sections have slumped because of the recent high rainfall and thus significant erosion has occurred. The area is prone to erosion.</li> </ul>	<ul style="list-style-type: none"> <li>• Ambient noise readings are taken at different times of the day, and noise levels of similar operations to that of the wedding venue are overlaid. Wind direction is also taken into consideration, as well as noise attenuation measures, such as trees, speaker direction etc. Refer to Appendix D4 for the Noise Impact Assessment.</li> <li>• Erosion will be investigated as part of this assessment. The findings from the Wetland Assessment (Appendix D6) noted the following impact: <i>"The potential for soil erosion and the washing of this sediment into the linked B section channel and Sterkspruit River. Sedimentation of watercourses destabilises the bed and banks of these systems."</i></li> </ul>

Dave Dowling	The Municipality does not have adequate green design policy. In fact those lodges which have illegally been built are more in line with green design policy than those passed by the Municipality.	Noted.
Raymond Renzi	<ul style="list-style-type: none"> <li>• I am concerned about the stream which runs below the site. Waste water could impact on water quality.</li> <li>• Rare birds frequent the site and nest nearby – Marshall's Eagle, Ground Hornbill and orange throated longclaw.</li> </ul>	<ul style="list-style-type: none"> <li>• This will be investigated as part of the assessment.</li> <li>• We shall communicate this to the Biodiversity Specialist. The following email was received from the Biodiversity Specialist and is also attached at Appendix D1: <i>“With regard to the three species listed, this would not change my findings for the following reasons:</i> <ol style="list-style-type: none"> <li>1. I use the term 'site' when referring to the impacted area that was investigated, so the comments below are specific to the 1.4 ha site. I use 'property' when referring to the entire property.</li> <li>2. Ground Hornbill could have utilized the site but would not have been resident nor have bred on the site; also, there is abundant similar and more favourable habitat on the remainder of the property (and on the adjacent properties) for these birds to be unaffected by the development.</li> <li>3. Orange-throated Longclaw might have been resident on the site, but they would have been able to move in response to the development to similar and more favourable habitat on the remainder of the property (and on the adjacent properties).</li> <li>4. Martial Eagle might have flown over the site when hunting but would not have been resident nor have bred on the site. The loss of 1.4 ha of secondary grassland would be irrelevant considering their home range.</li> </ol> </li> </ul>

		<i>5. The property has forest and cliff habitats that are possibly suitable for nesting by Martial Eagles and Ground Hornbills. However, these habitats occur to the south of the development site and if used for nesting by either species, they would not be affected by the development in the operational phase."</i>
Rebecca Bowd	When I have attended weddings in the Midlands and the Berg before, the venue has always respected the local curfew on music. Do the existing venues in this area respect music curfews?	No, music curfews are not enforced or respected.
Owen McLuckie	The road past the properties is maintained by the property owners. The road servitude is not registered.	Noted.
Dave Dowling	I do not have a problem with the Applicant. I have a problem with the Municipality who do not follow due process.	Noted.

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#### 6.4.1 *Summary of Issues Raised During the Public Participation Process*

The main issues raised during the Public Participation Process include:

- Noise and light pollution impacts.
- Lack of notification to surrounding neighbours of the development.
- Potential contamination of water courses, the sterkspruit is at the bottom of the property.
- The property is located within the buffer zone of the World Heritage Site.
- Erosion impacts.
- A wedding venue will positively impact the surrounding businesses such as contributing to the hospitality industry.
- The wedding venue will alter the sense of place of the area.
- The property is not correctly zoned to allow a wedding venue.
- Concerns about the need and desirability of the development.
- Concerns regarding water, electricity, and sewage supply.

#### **6.5 Circulation of the Draft Section 24G Report**

Copies of the Draft Section 24G Report have been circulated to the following I&APs for review and comment:

- Dumisane Gwede – Department of Economic Development, Tourism and Environmental Affairs;
- Bongiwe Thabede – Department of Agriculture and Rural Development;
- Thabisile Xulu – Department Forestry, Fisheries and Environment;
- Siyabonga Buthelezi – Department of Water and Sanitation;
- Chris Du Plessis – Department of Transport;
- Ashantia Nerissa Pillay – Ezemvelo KZN Wildlife;
- Brian Akkiah – Eskom;
- Bernadet Pawandiwa – KwaZulu-Natal Amafa and Research Institute;
- Sanele Zikalala – uThukela District Municipality; and
- Samke Msibi – Okhahlamba Local Municipality.

All I&APs have been notified of the availability of the Draft Section 24G Report, and their opportunity to provide comment. I&APs have been given 30 days to provide comment on this Report. Comments received following circulation of the Draft Section 24G Report will be included in the Final Section 24G Report which will be submitted to the DEDTEA for decision.

Electronic copies of the Draft Section 24G Report are available on request.

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## 7 IMPACTS ON THE SOCIAL AND ECONOMIC ENVIRONMENTS

### 7.1 Local Economy and Employment Opportunities / Need and Desirability

#### Description

The uThukela District Municipality, of which the Okhahlamba Local Municipality forms a part, is predominantly rural in nature. It is one of ten district municipalities in KwaZulu-Natal and covers an area of approximately 11 500 km<sup>2</sup> and comprises a population of approximately 706 589 people. It is characterised by high levels of poverty, based on both income inequality and low levels of development.

Agriculture and tourism make up the core components of the district municipality's economy. The district municipality comprises favourable conditions for the development and expansion of the tourism sector. The uThukela District Municipality is part of the world heritage site with the Cathkin Park and Royal Natal National Park being the main tourism hubs of the region. The area has a good climate with an abundance of natural resources such as the Drakensberg mountains. This natural intrinsic beauty enhances the tourism opportunities in the district.

The Applicant, Champagne Sky (Pty) Ltd, identified the need for a wedding venue in the Winterton and Cathkin Park area. The area is a popular holiday destination as a result of the Drakensberg Mountains and natural aesthetic beauty of the area. The Applicant's property would be a popular choice for potential wedding clients, as the site boasts incredible views of the Drakensberg mountains. The tourism industry consists of many different sectors, one of which is the event sector. Prospective weddings would generate revenue and income for local suppliers and businesses such as local caterers, florists and local flower suppliers, musicians and DJs, and accommodation options such as bed and breakfasts. The Champagne Sky Wedding Venue will have a positive impact on the local economy by contributing to economic growth and development in the area and has a greater socio-economic benefit rather than leaving the site undeveloped.

The operational phase of the wedding venue is expected to be long term. During the operational phase, it is anticipated that 33 permanent jobs will be created. In KwaZulu-Natal one job supports seven dependents. The Champagne Sky wedding venue has the potential to result in 231 dependents being supported during the operational phase.

#### Implication / Risk / Impact

- During the construction phase, the project contributed positively to the local economy and the social environment through spending of capital at local businesses.
- A number of temporary employment opportunities were generated during the planning phase, which included engineers and Specialists.
- A number of temporary employment opportunities were generated during the construction phase, which included Engineers, contractors and labour (skilled, semi-skilled and unskilled labour).
- The generation of additional employment opportunities has resulted in skills development, income generation and improved quality of life, which is important for a strong, local economy.
- In KwaZulu-Natal one job supports seven dependents. Approximately 33 people are to be employed by the Applicant, which has the potential to result in approximately 231 dependents being negatively impacted should the unlawful wedding venue not be authorised.

#### Mitigation / Recommendations

- The use of local contractors, suppliers and service providers was undertaken during the construction phase and will continue to be undertaken during the operational lifetime of the project.
- Local businesses and unemployed people in the immediate area were considered first before labour and services from further afield were employed.

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- Where possible, local businesses and unemployed people in the immediate area must be considered first, before employing labour and services from further afield during the operational phase.

## **7.2 Planning Initiatives**

### *7.2.1 National Development Plan*

The National Development Plan (NDP) offers a long-term perspective on development in South Africa. It defines a desired destination and identifies the role different sectors of society need to play in order to reach that destination by 2030.

The NDP aims to eliminate poverty and reduce inequality in South Africa, by drawing on the energies of its people, growing an inclusive economy, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

Although there has been significant progress, 25 years into democracy, South Africa remains a highly unequal society where too many people live in poverty and too few people work. The quality of school education for black learners is poor. The apartheid spatial divide continues to dominate the landscape. A large proportion of young people feel that the odds are stacked against them. These immense challenges can only be addressed through a step change in the country's performance. To accelerate progress, deepen democracy and build a more inclusive society, South Africa must translate political emancipation into economic wellbeing for all.

### *7.2.2 Provincial Growth and Development Strategy*

Inequalities exist within the current South African economy, and there is a legacy of inequitable spatial development and associated economic development and potential. This has had a negative impact on public sector investment. This is evident in the unbalanced economic and social costs for poor communities in locations far from employment and other economic opportunities. The Provincial Growth and Development Strategy (PGDS) is a vehicle to address the legacies of the apartheid system's long-term impacts to the economy and to promote sustainable development and ensure the eradication of poverty and unemployment through the creation of additional employment opportunities and the rectification of past inequitable spatial development.

The government has a mandate to restructure the process of development and service delivery in KwaZulu-Natal. This is to be achieved through the three spheres of government, the various government sectors, and the different strategic frameworks. The key challenges it faces, in the achievement of this mandate, is to effectively align and harmonise these structures towards this end; and to harness and align fiscal, financial, and human resources at its disposal towards eradicating poverty, creating employment, and laying the foundations for accelerated economic growth.

The PGDS offers a tool through which provincial government can direct and articulate its strategy and similarly for local government to reflect the necessary human, financial and fiscal support it needs to achieve these outcomes. It facilitates proper coordination between different spheres of government and aims to prevent provincial departments from acting out of concert with local municipalities. It enables intergovernmental alignment and guides activities of various role players and agencies (provincial sector departments, parastatals, district, and local municipalities). Thus, the PGDS aims to enhance service delivery.

It is a framework for public and private sector investment, indicating areas of opportunities and development priorities. It addresses key issues of implementation blockages whilst providing strategic direction. The PGDS implies a developmental approach to government. This implies a pro-active and facilitative approach to development and not one based on formulating and applying regulations and restrictions. The PGDS on the one hand involves preparing policies, strategies, and guidelines and on

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the other hand, it involves preparing mechanisms to align and facilitate the implementation, monitoring and evaluation of key growth and development priorities.

### 7.2.3 *uThukela District Municipality: Integrated Development Plan (2022/2023)*

The uThukela District Municipality IDP undertook a comprehensive review and analysis of the district municipality, specifically highlighting the socio-economic and infrastructural backlogs, together with the developmental challenges. As a result, the district municipality is rural in nature, and is characterised by high levels of poverty, based on both income inequality and low levels of development. The Okhahlamba Local Municipality has a window of opportunity to improve in agriculture and tourism economies, as the municipality has the uKhahlamba Drakensberg World Heritage site.

As a result of its rural nature, terrain and topography, both challenges and opportunities result. According to the uThukela District Municipality IDP, the challenges faced by the tourism sector include the tourism potential not being fully exploited, lack of marketing of the district as a tourism destination and investment destination, and ongoing environmental degradation impacting the eco-tourism of the area leading to a reduction of resources available for conservation aspects.

In order to address the challenges, the district municipality is committed to paying more attention to the following:

- Good governance and public participation;
- Municipal transformation and organisational development;
- Service delivery and infrastructural development;
- Local economic development;
- Municipal financial viability and management; and
- Spatial integration and environmental sustainability.

### 7.2.4 *Alignment with local municipal goals and objectives*

The unlawful activity complies with the goals and objectives of the uThukela District Municipality IDP, and Okhahlamba Local Municipality IDP. During the construction phase, the project has and will result in the generation of temporary employment opportunities, which in turn resulted in skilled development, income generation and improved quality of life. As a result, this is beneficial in terms of alleviated poverty. During the operational phase, the unlawful activity will result in the long-term resilience and sustainability of the wedding venue and contribution to tourism in the area. This has positive impacts on the job security of the employees that are employed at the wedding venue.

#### **Implication / Risk / Impact**

- The development complies and will comply with all the above Planning Initiatives, most notably the generation of employment opportunities and local economic development which in turn results in skills development and income generation. This is important for a strong, local economy.
- The operational phase of the wedding venue is expected to be long term. During the operational phase, it is anticipated that 33 permanent jobs will be created. In KwaZulu-Natal one job supports seven dependents. The Champagne Sky wedding venue has the potential to result in 231 dependents being supported during the operational phase.

#### **Mitigation / Recommendations**

- None.

## **7.3 Cultural, Historical and Archaeological Resources**

### **Description**

A Heritage Impact Assessment (HIA) was compiled for the project (**Appendix D2**). The site footprint is located within an area where the underlying geology is given a high (red) palaeo-sensitivity rating on

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the SARHIS map and these deposits are very likely to contain some palaeontological material. In addition, archaeological material and/or sites may also be present in the area. Rocks of the Karoo Basin are rich repositories for palaeontological material, necessitating measures to minimise activities which may disturb or destroy fossils preserved in underlying beds. The geology in the area of the proposed development comprises of Late Permian deposits of the Adelaide Subgroup and early Triassic deposits of the Tarkastad Subgroup of the Beaufort Group.

The stratigraphic sequence making up these Subgroups accumulated as sediments originating from a radial-type network of drainages spread across Gondwana entering into a giant inland sea. The stratigraphic sequence preserved in the bedrock beneath the site represents sediments from tranquil depositional settings, such as an overbank or floodplain environment. The Tarkastad Subgroup comprises of fine- to medium-grained sandstone and red, blue and green mudstone whereas the sediments of the Adelaide Subgroup predominantly comprise of greenish-grey to blueish-grey mudstone, as well as siltstone, sandstone and dark-grey shale (which is often carbonaceous). These deposits could preserve trace fossils, as well as insect, plant and vertebrate fossils (especially therapsid fossils).

### **Implication / Risk / Impact**

- The site footprint was located on the side of a gently sloping hill.
- The bedrock on site had many embedded structures which resembled fossils, but most of them were from pebbles or mineral deposits within the rock. One or two possible fossils were noted.
- Due to the fact that most of the rock had been crushed and compacted there were not many loose rocks around that were not embedded in the floor and were large enough to be examined.
- This bedrock was not quarried on site as the deepest cuttings into the mountain slope only revealed the upper soil horizon, with no exposures of bedrock. The stratigraphy of the exposed soil profile was examined for archaeological material such as lithics or ceramics, but nothing was observed.
- Besides one or two possible fossils observed within pieces of quarried bedrock, no other heritage-related material was observed on site.
- Being located on an exposed slope and not close to a stream, rock overhand or raw material source reduced the chances that humans would have used such an open, uneven location as a working or living area.
- No graves, stone-walled features or historical buildings were observed on the site footprint.
- During a meeting for interested and affected parties some locals claimed that the graves of their ancestors were buried on the property, but this did not appear to be a legitimate claim as they were very vague in their description and could not point to a precise location of the graves. Based on the ground survey it is unlikely that this claim has any validity as there was no indication that any graves were present within the boundaries of the site footprint.
- No rocks were exposed at the surface within the boundaries of the site footprint and as a result, no fossil material was observed within the cutting. This is due to the fact that the soil column caps the bedrock and acts as a kind of protective buffer for buried fossiliferous rock strata against construction activities happening at the surface.

### **Mitigation / Recommendations**

- It is recommended that training be provided to onsite staff on fossil identification in order to increase the chances of observing paleontological material that may be present within the boundaries of the site footprint.
- If any palaeontological or any other heritage-related material were to be unearthed during future construction activities, developers and/or landowners are reminded that according to the National Heritage Resources Act 1999 (Act No. 25) and KwaZulu-Natal Heritage Act 2008 (Act No. 4), work should immediately cease and the **Chance Find Protocol** must be followed.
- Quarried fossil bearing bedrock had been brought onto site to strengthen and stabilise the floor of the site footprint. Due to the possibility of damaging fossils through further quarrying of this



rock type, the use of this material will need to stop and another suitable material will have to be sourced for the remainder of the floor. Dolerite is abundant in the region and this material can be sensitively quarried without ruining the aesthetic of the landscape and with no chance of encountering palaeontological material as this rock type is not fossiliferous.

- Alternatively, crushed stone from a building co-op could also be used for this purpose.

## 7.4 Land Use and Aesthetics

### Description

The Champagne Sky property is approximately 23.53 ha in extent and is accessed off the D160 District Road in Winterton at GPS coordinates 28° 59' 34.95" S and 29° 27' 18.97" E. The property is located on Portion 46 of Driefontein No. 1389, Winterton. The property was historically used as croplands, with it recently being used as a pasture and long-term mowing and baling. The property is located within 5 km of the Ukhahlamba Drakensberg Park which is a protected area.

A Visual Impact Assessment (**Appendix D3**) was conducted.

The development site is located within 5 km of the World Heritage Site (WHS) boundary. A buffer zone has been delineated for the WHS and specific planning policies are in place for any proposed development within the area. The delineated buffer zone consists of two areas, Layer 1 which is closer to the WHS boundary and reflects a high level of sensitivity, and Layer 2 which is further away and reflects an area where careful planning is required to protect the important biodiversity that is present. The development site is located within Layer 2 of the Buffer Zone (**Figure 5**). A site visit was conducted to evaluate sensitive views and to photograph them from points where the development may be visible. Refer to **Figure 6** for the key photo points.

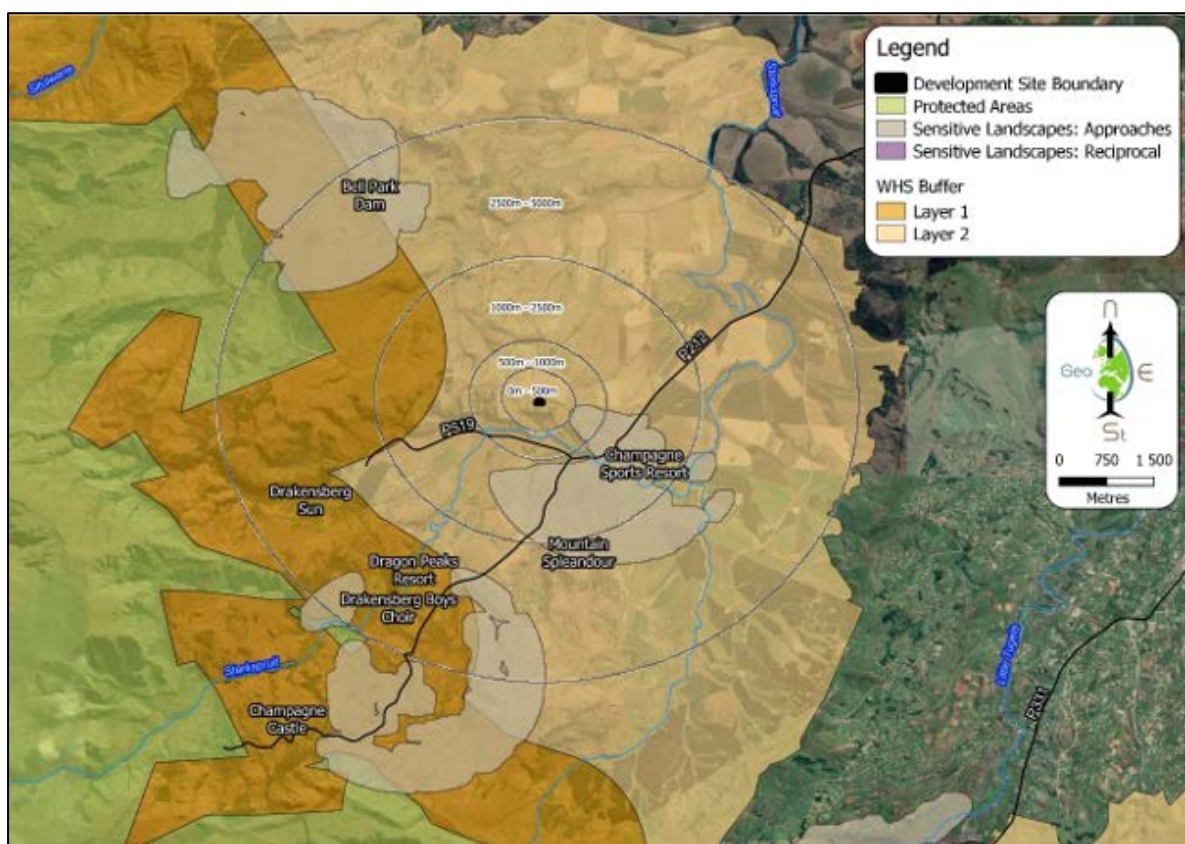


Figure 5: World Heritage Site Buffer Areas (Source: GeoNest).



Figure 6: Location of Photo Points (Source: GeoNest).

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### **Implication / Risk / Impact**

- The proposed development is largely in keeping with the broader vision for the valley expressed in various planning policies as a low to moderate level tourism destination, leveraging the natural amenities offered by the buffer zone and World Heritage Site (WHS) to generate broad based and sustainable economic activity.
- The high number of existing buildings and activities in the landscape means that this development is not an isolated feature.
- The small scale of the development means that with distance, any visual intrusion is relatively quickly diminished.
- With the exception of a few isolated areas, the structures (roofs already erected) do not break the skyline, largely because of the situation of the structures below the crest of the hill and due to the row of coniferous trees which raise the horizon and provide visual contrast.
- Views from within the WHS at Champagne Castle are not impinged on as the development is located greater than 5 km from the boundary and is lost in the complexity of the valley's landscape. There are housing and other developments which are of far greater impact closer to the boundary which are far more intrusive and dominate views.
- Whilst the development is more visible from the WHS at the more proximal Bergview / Drakensberg Sun (approximately 5 km), the impact is still considered low due to the high absorption capacity provided by the myriad land uses and patchwork effect of the landscape.
- The majority of visitors and residents look towards the Drakensberg escarpment for breath-taking views rather than towards the ridge on which the development is located.
- The development will have a moderate to high impact on a single property to the west (immediate neighbour).
- The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site.

### **Mitigation / Recommendations**

- Landscaping of the grassed area around the development site and the planting of trees and shrubs would make it considerably less visible.
- Important design guidelines are given in "Building in the Berg" (*Rushworth, 2011*).
- The colour palette selected should be responsive to the natural hues and earthy tones of the environment that will allow the buildings to merge with the landscape instead of contrasting with it. The landscape changes colour from predominantly shades of green in summer to yellows, greys and browns in winter, and paints/materials used should complement and blend with these colours. Colours used should thus be earth colours, the colours of matter and nature, such as browns, greens, charcoal and duller shades.
- Green roofs are not recommended as they become highly visible in winter. A charcoal colour is particularly effective in limiting visibility. This will also work well against the site's backdrop of coniferous trees.
- Buildings should be of a modest scale that sit 'in' the landscape and grows out of it rather than sitting 'on' the site.
- Highly reflective glass or mirror glass cannot be used. Effort should be made to shade glass surfaces to reduce reflection (glinting) of sun off the glass. A minimum of a 2.5 m covered veranda is recommended to reduce glare for large windows.
- All potentially reflective surfaces must be colour treated. No metallic surfaces should be left unpainted.
- All considerations given to colour and painting of reflective surfaces in the design phase should apply to any further construction (including erection of signage etc.) or maintenance activities on site in the operational phase.
- Indoor lighting should wherever possible be positioned above the window lintel and positioned on the southerly wall, facing inwards.
- Full black-out curtaining must be installed that prevents any light escape from the large windows of the building.

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- For external lighting, a lighting plan should be drawn up to identify the minimum number and locations of required lights. This can be drawn up by the developer but should be done in consultation with a lighting specialist. The plan should be approved by the Competent Authority. The plan should:
    - Consist of a detailed plan of the development site.
    - Map out the activities / facilities requiring lighting.
    - Identify critical lighting requirements such as minimum brightness required for operational conditions.
    - Position luminaries on the plan with the associated extent of lit area – this is to ensure the minimum number of luminaries are used.
    - Provide specifications as to the type of luminaries (fully shielded / cut-off, motion sensor), the lumens required, mounting height etc.
  - All external lights must be fully shielded / be full cut-off luminaires to ensure no escape of up light and sky glow.
  - Any lighting used outdoors should be focused downward and inward (into the hill slope) to eliminate light spill. No lighting should be oriented in a southerly, westerly or south-westerly direction.
  - No lighting should be used to illuminate the external walls of buildings or trees.
  - All external lights should be amber or warm colours as opposed to blueish white lights.
  - No flashing or moving lights should be used outside of the building, as part of celebrations or at any other time.
  - Wherever possible, non-permanent lighting options should be used (e.g., motion sensor lights instead of permanent security flood lights) and reflective markers should be used rather than illuminated signs.
  - All considerations given to lighting in the design phase should apply to maintenance or addition of lighting in the operational phase.
  - Vegetation removal should be kept to a minimum and vegetation should be retained wherever possible. Areas that are temporarily cleared must be rehabilitated as soon as the need for the use of that area ends.
  - The line of coniferous trees between the buildings and the road must be maintained and augmented with additional trees. This is to ensure that a loss of trees to disease / lightning etc. will not result in a loss of the visual screening and horizon extending services provided by these trees.
  - The starkness of the grassed area around the site increases its visual impact. A variety of ornamental trees and shrubs should therefore be planted immediately to the south of the building structures and to the west. These will assist in screening the structure from view and in fragmenting the grassed landscape to increase its visual absorption capacity. Ideally these should be relatively mature plants at the time of planting to reduce the time before they are effective in performing these services.
  - Reversing of construction vehicles should be kept to a minimum to minimise the use of reverse warning sounds and wherever possible vehicles should be turned around without using reverse gear.

## **7.5 Traffic, Roads, and Access**

### **Description**

To access the Champagne Sky property, from Pietermaritzburg travel on the N3 towards Johannesburg. Turn left at the Bergville / Colenso off ramp and continue straight on the R74 Road through Winterton. Turn right onto the R600 towards Champagne Sports Resort. Just before Champagne Sports Resort, turn right onto the D160 district road. Travel on the D160 Road for approximately 1.6 km and the property will be on the left.

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Access to the development will include a new main entrance access near the west end of the property, as well as a service entrance at the position of the current access where the concrete road into the property is situated.

**Implication / Risk / Impact:**

- The roads are planned to be surfaced on the steeper sections (>10%) and gravelled on all sections that are less steep (<10%).
- Access is achievable for the number of vehicles anticipated directly off the surface District Road off the D19.
- In terms of the traffic regulations, a Traffic Impact Assessment is not required, as the trip generation is less than 50 vehicles per hour.

**Mitigation / Recommendations:**

- Vehicles accessing the property must be driven cautiously within the required speed limits.
- The access road must be maintained on a bi-annual basis, or as and when necessary.
- Implementation of dust control may be needed.
- Maintenance of the access roads within the property must be undertaken.
- Vegetation along the access roads must be regularly removed to improve visibility.

## **7.6 Construction Activities, Noise and Dust**

**Description:**

A Noise Impact Assessment (NIA) was conducted for the development (**Appendix D4**). Based on the findings of the NIA, the key noise-generating sources at the proposed venue include:

- Music.
- People talking.
- Cars.
- Lawnmowers and hedge cutting leading up to the event.

SANS 10103: 2008 defines the day-time period to be between 06h00 and 22h00, and the night-time period to be between 22h00 and 06h00. The specified noise monitoring in this study was conducted during both daytime and night-time, given that the wedding venue will likely operate in the night-time hours when weddings are taking place.

The sound level survey was conducted on the 09 and 10 December 2022 as follows:

- Day-time operational survey: 09 & 10 December 2022: 09h00 – 14h00.
- Night-time operational survey: 09 & 10 December 2022: 22h30 – 03h00.

The sound level measurement sites are presented in **Table 9** below. Refer to **Figure 7** for a map showing the locations of the sound level measurement sites.

**Table 9: Details of the sound level measurement sites (Source: IMA Trader 20 CC).**

Site Code	Latitude	Longitude	Site Name	Site Description	Classification
MW_01	28.993428°S	29.455451°E	Wedding Venue	Near the large shed constructed at the wedding venue premises	Suburban districts with little road traffic
MW_02	28.994440°S	29.455481°E	Cliff Edge near the Wedding Venue	At the cliff edge south of the wedding venue premises	Suburban districts with little road traffic
MW_03	29.002725°S	29.455224°E	Berghaven Wedding Venue	At the bridge near the small dams a few meters from the residential household and wedding venue	Suburban districts with little road traffic
MW_04	29.007044°S	29.424468°E	Drak Sun Resort	Outside the entrance gate to the Drakensberg Sun Resort	Suburban districts with little road traffic
MW_05	28.966124°S	29.430037°E	Bell Park Dam B&B	Outside the entrance gate to the Bell Park Dam Bed & Breakfast	Suburban districts with little road traffic
MW_06	28.981832°S	29.479589°E	Valley Bakery	Outside the entrance gate to the Valley Bakery premises	Suburban districts with little road traffic
MW_07	28.997051°S	29.470911°E	Champagne Sports Resort	Outside the entrance gate to the Champagne Sports Resort premises	Suburban districts with little road traffic
MW_08	28.990841°S	29.455179°E	Welstead House	In the garden of the residential home and guest cottage at the Welstead House (McLuckie owned cottages across the road from the wedding venue premises)	Suburban districts with little road traffic
MW_09	28.990841°S	29.455179°E	Ghost Mountain Retreat	On the dirt road, at the entrance gate to the Ghost Mountain Retreat, which is the closest	Suburban districts with little road traffic
				residing property to the west of the proposed wedding venue.	
MW_10	28.990841°S	29.455179°E	Inkosana Berg Lodge	In the garden of the Inkosana Berg Lodge cottages, south of the proposed wedding venue	Suburban districts with little road traffic



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- The residential properties located within 300 m of the proposed wedding venue will be exposed to sound levels from the venue that are calculated to potentially exceed the SANS day-time guideline for a rural district by 14 dBA and the night-time Guideline by 24 dBA. Residential properties up to 1 km from the venue will also potentially experience noise levels from the venue that will exceed the SANS Day-time Guidelines for rural districts.
  - All residential properties beyond 1 km from the venue are unlikely to experience noise level impacts from the venue that will exceed the SANS Day-time Guidelines for Rural Districts.
  - Residential properties up to 4 km from the venue, which includes ALL the receptor sites in this study, will potentially experience noise levels from the venue that will exceed the SANS Night-time Guidelines for Rural Districts.
  - In terms of the day-time and night-time SANS Guidelines, it is calculated that the residential properties and holiday resorts to the west, north-west and south-west of the venue will not be impacted on significantly by the wedding venue during the day, but will be impacted on during the night.
  - The residential areas and holiday resorts to the east, north-east and far-south (beyond 1 km south) of the venue is also unlikely to be impacted on significantly by the wedding venue during the day but will be impacted on during the night.
  - It is predicted that operations at the proposed wedding venue will likely not impact significantly on any of the other residential areas or properties further than 1.6 km from the wedding venue.
  - Visitors to, and wildlife in the surrounding World Heritage Sites locations which are more than 3.4 km from the wedding venue, will not be impacted on by the noise levels at the proposed wedding venue.

**Implication / Risk / Impact:**

- Increased noise levels in residential areas within 1 km of wedding venue. The operation of the proposed wedding venue and its activities are estimated to potentially negatively impact on noise levels experienced by the residential properties located within 1 km of the proposed venue and its proposed activities.
- Once the venue is operational, sound levels exceeding the Night-time Guidelines for Rural Districts can be expected in the surrounding residential areas for a distance up to 4 km from the proposed venue (i.e. all 9 receptor sites considered). However, this is unchanged from the pre-operation of the wedding venue, as all 9 receptor sites measured in the baseline survey already presented sound levels that exceeded the Night-time Guidelines for Rural Districts. The difference being that the reasons for heightened sound levels during night-time hours in the baseline survey (pre-operation of wedding venue) was predominantly the active night-life, e.g. buck, beetles, crickets, frogs, etc, whereas the reasons for the heightened sound levels post-operation of the wedding venue will likely be loud music and PA systems, etc, which may sit differently with the residents than the typical night-life noises they are used to hearing, as this contributes to changes to residents' 'sense of place'.

**Mitigation / Recommendations:**

- Operations in the proposed wedding venue will have the potential to raise the noise levels in the nearby residential areas above the Rural Guideline during both day-time and night-time up to 1 km from the venue. The proposed wedding venue will have to investigate means to mitigate these noise impacts and liaise closely with the residents of this community to ensure their noise concerns are investigated and actioned properly.
- The Noise Impact Management Plan (NIMP) must be implemented and is included in the Noise Impact Assessment (**Appendix D4**) and within the Environmental Management Programme (**Appendix E**) .
- Appointment of internal Environmental Officer (EO) who will be required to monitor the site and assist management with implementation and monitoring of the noise impact management.



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- The Noise Impact Management Plan must be incorporated into the induction and training programme for employees.
  - Applicant to establish a community relations committee with members of the affected communities to act as a formal vehicle of communication of issues and concerns and information sharing.
  - Weddings and events related to loud noises (i.e. music and PA system) should try to be limited in night-time hours (past 10 pm) except if the approval to operate at night has been received from the community.
  - Undertake investigations into suitable noise barriers to be placed between the major noise source sheds/buildings and the nearby residential communities (i.e. near site MW\_03) to mitigate against the noise impacts that operation of this venue are predicted to have.
  - Ensure equipment purchased or contracted for weddings and events operations meets the noise level specifications of the manufacturers. Implement a policy of 'buy quiet' i.e. purchasing or obtaining equipment that is equipped with devices to reduce noise generation. Installation of mitigation measures into the building structure and the sound equipment. Such mitigations could include enclosure of music and PA noise bays, or sound-proofing walls and windows to attempt to contain noise inside the venue, and/or investigation into purchasing sound limiting / silencing device adaptations for music and PA system equipment.
  - Required NIMP must be made known to all vendors, suppliers and contractors who work at the venue. DJs and sound engineers must be made aware of night-time noise limitations etc.
  - Undertake noise monitoring before/after a wedding/event at all the proposed monitoring sites to determine the ambient sound levels for comparison with the same monitoring locations during the period of a wedding/event.
  - The EO must undertake monthly to quarterly inspections (depending on frequency of weddings and events) to encourage implementation of the requirements of this NIMP.
  - The EO should undertake internal compliance audits every 6 months to determine compliance with the NIMP.
  - Provided that the wedding venue implements the Noise Management Plan that is included in the Noise Impact Assessment, specifically with regards to establishing sound level barriers between the venue and the residential areas and installing mitigation measures into the building structure and the sound equipment, as well as implementing time sensitive noise limiters for the music at night-time, it is anticipated that the predicted negative noise impacts can be managed to levels that will be acceptable to the potentially affected communities.

### **Noise Management Plan**

The objectives of the noise management plan are:

- To achieve continual compliance with noise legislation and standards.
- To enable the mine to demonstrate compliance with all noise legislation and standards.
- To ensure that the sound level environment experienced by off-site sensitive receptors is not significantly negatively impacted on by the proposed activities.
- To ensure that any complaints relating to noise are recorded, investigated and actioned to the satisfaction of the complainant.
- To promote reasonable best environmental practice.
- To provide a practical management system that facilitates implementation.

The proposed wedding venue will ensure that noise levels in the adjacent residential areas remains within the SANS Guidelines as presented in **Table 10**. At present, the Rural District noise zone is applicable to the wedding venue location.

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**Table 10: Sound level ratings in dBA for different categories of districts (SANS 10103: 2008) (Source: IMA Trader 20 CC).**

Type of District	Day-time	Night-time
Rural districts	45	35
Suburban districts with little road traffic	50	40
Urban districts	55	45
Urban districts with main roads	60	50
Central business districts	65	55
Industrial districts	70	60

## **7.7 Safety and Security**

### **Description:**

The unlawful construction activities were unlikely to have resulted in any security related impacts on the property, and surrounding neighbours and landowners.

### **Implication / Risk / Impact:**

- There is the potential that crime in the area increased during the construction phase as a result of people seeking employment opportunities, and additional workforce and contractors being on site.

### **Mitigation / Recommendations:**

- The use of local contractors, suppliers and service providers was undertaken during the construction phase and must continue to be undertaken during the remainder of the construction phase and operational lifetime of the project.
- Local businesses and unemployed people in the immediate area were considered first before labour and services from further afield were employed.
- Access onto and off the property must be controlled during the construction phase and will continue to be controlled during the operational lifetime of the project, or as and when required.

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## 8 IMPACTS ON THE BIOPHYSICAL ENVIRONMENT

### 8.1 Topography

#### Description:

The Champagne Sky wedding venue is located in the foothills of the Northern Drakensberg. The wider landscape is relatively mountainous, whilst more locally, the site is located on an elevated ridge above the Sterkspruit River and overlooks the Champagne Valley to the south, which is strongly undulating with a predominantly north facing aspect.

The wedding venue is situated on a site characterised by a flat plateau along the northern boundary, with the topography then forming a very steep cliff face within the central portion of the site, which leads down to the Sterkspruit River which flows along the southern boundary. The slope is gentle along the northern boundary with averages of 5%, however the central portion of the site is very steep with averages of 20 – 30% and maximum slopes of 70%. The altitude ranges from 1 334 m above sea level (absl) at the northern boundary to 1 175 m absl at the southern boundary. This steep topography limits the formation of wetland systems, with non-perennial channels more likely to be formed.

#### Implication / Risk / Impact:

- The potential for soil erosion and washing of this sediment into the linked B section channel and Sterkspruit River. Sedimentation of watercourses destabilises the bed and banks of these systems.
- The potential for pollution of the watercourses is increased as a result of the development affecting the water quality.

#### Mitigation / Recommendations:

- Keeping the impact of the construction related activities from impacting the A section channel and therefore the linked B section channel and Sterkspruit River downstream of the activities in the long term.
- Mitigation measures built into the design of the development to enable the watercourses to cope with the increase in hardened surfaces and provide functions relating to attenuation, filtration and erosion control.
- Reducing and controlling the encroachment of alien invasive plant species within the site.

### 8.2 Climate

#### Description:

The Champagne Valley is characterised by a summer rainfall pattern with limited rainfall events in the winter months. The mean annual precipitation for the area is approximately 1 198 mm with January and February receiving the most rainfall at 215 mm on average. The mean annual temperature for the area is 14°C with maximum temperatures in January at 24°C. The mean minimum temperatures in June and July are approximately 0.7°C.

#### Implication / Risk / Impact:

- There is potential for bare or disturbed areas, and stockpiled soil to have been wind-blown, and thus generating dust nuisances.
- There is potential for high intensity rainfall to have resulted in severe soil erosion and sedimentation of the B section channel and Sterkspruit River.
- It was noted in the Retrospective Biodiversity Assessment (**Appendix D1**) that with construction activities having been halted, management of water flow and soil stabilisation was incomplete. Thus, soil erosion has been problematic on site.
- According to the letter from the Wetland Specialist (**Appendix D6**), it was noted that the construction activities had an impact on site with areas of exposed soil being noted.

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### **Mitigation / Recommendations:**

- It was recommended by the Biodiversity and Wetland Specialists that the rehabilitation of the site be allowed to continue.
- The continued planting of grass within the areas of exposed soil, and the completion of the stormwater management activities on the site will limit the potential for further soil erosion.
- Appropriate measures must be implemented to minimise the areas of soil disturbance and the potential for the mobilisation of bare or disturbed areas.
- Areas of active soil erosion were controlled immediately and will continue to be controlled during the operational lifetime of the project.
- During the construction phase, vegetation remained and will continue to remain intact where possible to limit high surface flows and mobilisation of bare or disturbed areas.
- Removal of alien invasive vegetation, and rehabilitation and revegetation of bare or disturbed areas has taken place and will continue to take place and must be ongoing during the operational lifetime of the project.

### **8.3 Geology and Soils**

#### **Description:**

A Geohydrological Assessment was undertaken (refer to **Appendix D5**). The local geology is characterised by unconsolidated quaternary deposits of the Masotcheni Formation and rocks from the Adelaide Formation (shale and sandstone) and Estcourt Formation (alternating sandstones, shale, and mudstones) of the Beaufort Group which is part of the Karoo Supergroup. Geological contacts, dolerite dyke, and sill structures are known to occur in the area.

The area around the Amphitheatre is characterised by shallow soils (<2 m) belonging to the rocky Glenrosa, Hutton and Clovelly soil forms. The rocky Glenrosa soils at the site are generally shallow and overlie an impeding rock layer and have a cutanic character expressed as tongues of prominent colour variations caused by residual soil formation and illuviation resulting in localisation of one or more of clay, iron and manganese oxides. The Clovelly and Hutton soils are deep and are formed by alluvium from mixed sources. The soils are characterised by an A-Horizon with a weak structure without water stagnation and a structureless B-Horizon subsoil.

#### **Implication / Risk / Impact:**

- Building rubble, cement, paint, oil and fuel spills during the construction phase.
- Poor quality seepage from the septic tank systems.
- Oil spillage from parked vehicles and delivery vehicles at the wedding venue.
- Disturbing vadose zone during soil excavations and levelling for the construction of the wedding venue hall, amphitheatre and septic tanks.
- Poor quality seepage from machinery used to excavate soils. Oil, grease and fuel leaks could lead to hydrocarbon contamination of the vadose zone which could percolate to the shallow aquifer.

#### **Mitigation / Recommendations:**

- Only excavate areas applicable to the project area.
- Backfill the material in the same order it was excavated to reduce contamination of deeper soils with shallow oxidised soils.
- Cover excavated soils with a temporary liner to prevent contamination.
- Keep the site clean of all general and domestic wastes.
- Water quality monitoring of the downstream surface water.
- Stockpiled materials must not be near watercourses or channels.
- Install a temporary cut-off trench to contain poor quality runoff.

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- During the construction phase, it is proposed that water and soil monitoring focus on active excavation and equipment/heavy machinery parking or housing areas. Regular visual inspections of these areas need to be undertaken.
  - Placement of drip trays underneath parked construction vehicles will help to determine which vehicles need to be repaired/taken off site to prevent contamination while in service.
  - Due to the septic tanks, some degree of groundwater monitoring is proposed (**Figure 8**). This would involve installing hand auger piezometric boreholes (up to 3 m) downstream of these areas, to serve as an early detection system of poor-quality seepage. If pollution is evident, deeper boreholes (up to 30 m) can be considered to determine the impact on the local aquifer system.
  - Minimise the amount of exposed ground and stockpiles of building material (i.e. sand, cement, wood, metal, paint, solvents, etc.) to prevent suspended solid transport loads and leaching of rocks/materials. Stockpiles can be covered, and sediment fences constructed from a suitable geotextile.

MCLUCKIE WEDDING VENUE - PROPOSED GW & SW MONITORING NETWORK

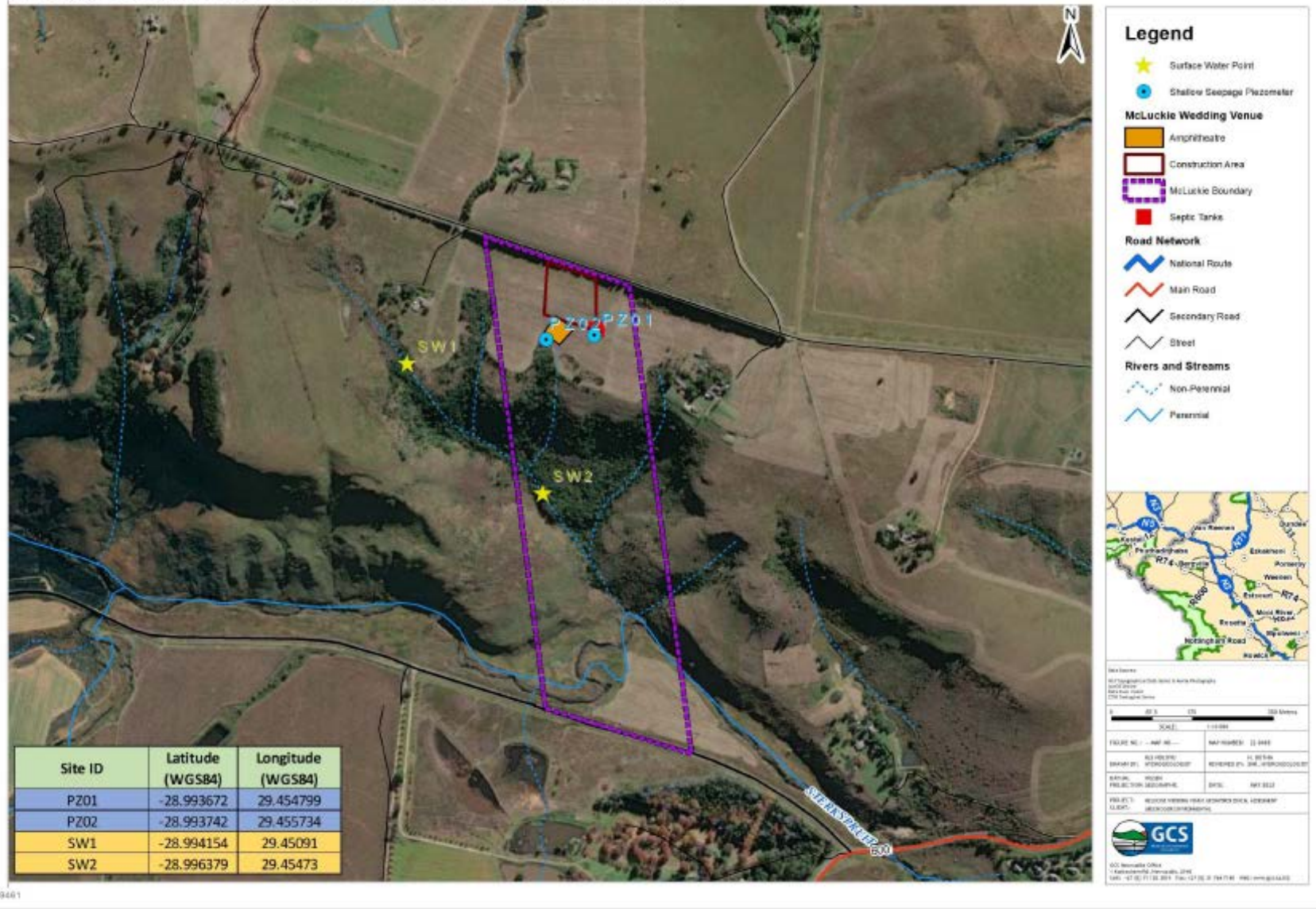


Figure 8: Proposed monitoring points (Source: GCS).

## 8.4 Surface Water and Wetland Systems

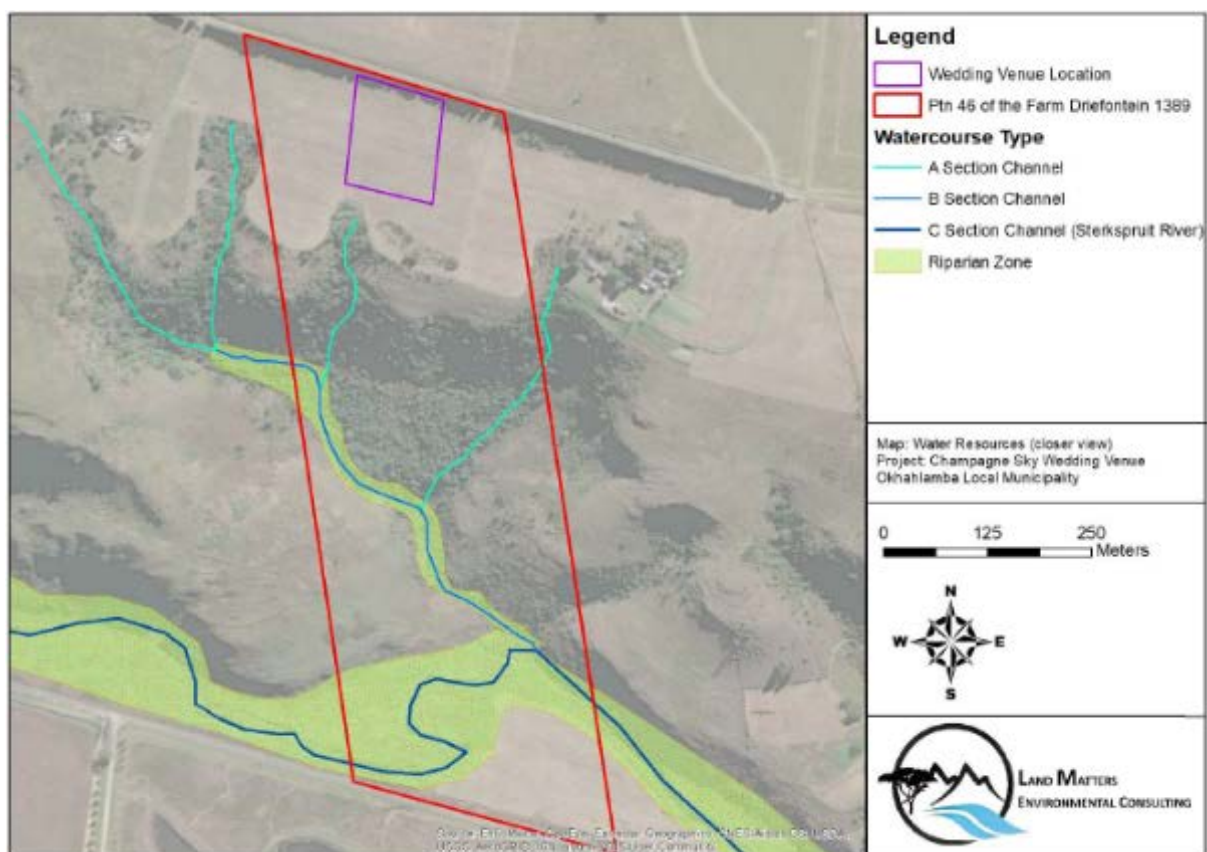
### Description:

A Wetland Impact Assessment was compiled for the project (refer to **Appendix D6**). The project area is situated within the V13B quaternary catchment. The Sterkspruit River is the major river within this catchment, and it flows along the southern boundary of the farm property, approximately 700 m from the wedding venue. Approximately 2 km to the east of the site the Sterkspruit River turns and flows in a northerly direction, where it forms a confluence with the Little Thukela River about 20 km downstream of the site.

No Freshwater Ecosystem Priority Areas (FEPA) wetland are located within the study site or within the 500 m regulated area. The results of the Geohydrological Assessment (**Appendix D5**) also supported and confirmed that no wetlands were located on the property. As such the scope of work was amended to focus on the delineation and classification of watercourses identified within the area as well as the assessment of any associated riparian zones.

Within the assessment area six watercourses were delineated and classified as follows (**Figure 9**):

- Four (4) watercourses were classified as A section channels.
- One (1) watercourse was classified as a B section channel.
- One (1) watercourse was classified as a C section channel (the Sterkspruit River).



**Figure 9: Water resources delineated within the study site and within proximity to the construction area (Source: Land Matters Environmental Consulting).**

A Section channels are temporary watercourses that convey stormwater runoff immediately after a rain event and are not saturated often enough to be associated with a riparian zone. They are termed ephemeral watercourses and are not hydrologically sensitive systems. B Section channels are described as non-perennial, while C Section channels are described as perennial. Both B section and

C section channels are considered hydrologically sensitive as they are associated with a riparian habitat.

The Sterkspruit River has had impacts to its water quality from upstream development as agricultural activities within its catchment. These would have led to a decline in the water quality of the river affecting downstream users. The results obtained from the riparian zones associated with the B section channel as well as the portion of the Sterkspruit River that were delineated within the site are shown in **Table 11**. Both riparian zones are categorised as Moderately Modified (PES C).

**Table 11: Riparian Ecological Score (Source: Land Matters Environmental Consulting).**

TYPE OF CHANNEL	SCORE (%)	PES CLASS
B Section channel	67.7	C
Portion of the Sterkspruit River	62.9	C

**Implication / Risk / Impact:**

- The construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind.
- Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils.
- The A section channels were delineated closest to the construction activities with closest distances of 40 m to approximately 100 m to the west of the construction and 260 m to the east of the construction. The A section channels are located on neighbouring properties and have not and will not be impacted by the construction and operation of the wedding venue.
- The development will increase the volume of traffic to the site during the operational phase and amplify the potential for waste to enter into the watercourse.
- The potential for soil erosion and the washing of this sediment into the linked B section channel and Sterkspruit River. Sedimentation of watercourses destabilises the bed and banks of these systems.
- The potential for pollution of the watercourse is increased as a result of the development.
- The potential for further encroachment of alien invasive species.

**Mitigation / Recommendations:**

- Do not develop any closer to the boundary of the A section channel. The current buffer of indigenous grass species must be retained as this is protecting the A section channel from future impact.
- Attenuation of stormwater from the development site is important to reduce the velocity of runoff into the downstream watercourse. attenuation measures include the use of sandbags, hessian sheets, silt fences, retention or replacement of vegetation and geotextiles such as soil cells which must be used for the protection of slopes.
- The use of water storage tanks is recommended to capture rainfall and decrease the runoff of stormwater from the site.
- Indigenous landscaping in open areas must be incorporated into the design of the wedding venue. This is a grassland area and thus graminoids and forbs should be utilised in areas surrounding the buildings that form the wedding venue.
- Once construction continues, do not allow surface water or storm water to be concentrated, or to flow down cut or fill slopes without erosion protection measures being in place, as is currently taking place at the amphitheatre site.



- Vegetation clearing must be undertaken only in the areas to be developed and must not extend outside of the development footprint.
- Keeping the impact of the construction related activities from impacting the A section channel and therefore the linked B Section channel and Sterkspruit River downstream of the activities in the long term.
- Mitigation measures built into the design of the development to enable the watercourses to cope with the increase in hardened surfaces and provide functions relating to attenuation, filtration, and erosion control.
- Reducing and controlling the encroachment of alien invasive plant species within the site.

## 8.5 Biodiversity

### Description:

A Retrospective Biodiversity Assessment (**Appendix D1**) was compiled for the project. According to the Biodiversity Assessment, the vegetation on the property was Gs4 Northern KwaZulu-Natal Moist Grassland and Vegetation Code 25: Northern KwaZulu-Natal Moist Grassland (Jewitt, 2018) (**Figure 10**). The ecosystem status of the site was ranked as *Vulnerable* and the level of protection is *Poorly Protected*. No Critical Biodiversity Areas were indicated, nor were Ecological Support Areas or corridors. The National Screening Tool indicated *Low* sensitivity for Plant Species in the northern part of the property where the development is situated. The remainder of the property in the south was ranked *Medium*.

Based on the site assessment conducted by the biodiversity specialist, the development site and adjacent land was secondary grassland, and the site was not representative of Northern KwaZulu-Natal Moist Grassland. This is due to that no indicator species commonly associated with primary grassland in this area were found.

The National Screening Tool indicated a *Medium* sensitivity for Animal Species in the northern area where the development site is situated, and *High* in the remainder of the property. The medium sensitivity category was supported, based on the findings for fauna (and habitat suitability) in the northern part of the property.



**Figure 10: Northern KwaZulu-Natal Moist Grassland (Source: Peter le Roux).**

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No reptiles were found. There were no signs of earthworms in the assessed areas, and very few flowering plants that may have attracted butterflies were present and only one species of common butterfly was seen on the southern boundary of the site, no species of conservation concern were likely to occur considering the species-poor condition of the secondary grassland.

**Implication / Risk / Impact:**

- With past use of the site having been mowing and baling (and probably grazing), the ecological function of the development footprint as part of an upper catchment has been masked.
- Being located on secondary grassland, biodiversity constraints on the development footprint were considered as moderate to low. However, other factors on the development site were important and required immediate mitigation; these pertained especially to drainage and soil erosion.
- This appears to have been considered by the developer, so measures were being implemented to divert water flow around the development footprint and back into the water course that is fed by the catchment.
- With construction having been halted during the S24G application procedure, management of water flow and soil stabilization was incomplete. As a result, soil erosion has been extensive; this is an environmental issue that requires urgent mitigation.
- The cessation of construction activities, particularly non-completion of drainage and incomplete planting of grass on slopes, has had detrimental environmental impacts.
- Many fauna species were likely to occur on the property, but mostly concentrated in the primary grassland and forest south of the development site.
- By contrast the assessed area comprised species-poor old croplands with low plant diversity, as is common on mowed and baled secondary grassland, faunal diversity was also low.
- Some species of conservation concern may occur seasonally, in the context of land use occasionally creating favourable conditions for some mobile species, especially birds and mammals; such conditions include post-fire (for Bald Ibises), or post mowing (for Oribi).
- In the context of the unauthorised development, there was an abundance of similar land to the east and west of the impacted area, both on the property and on neighbouring farms. Connectivity between these properties would be severed by the development, but not for mobile species such as Oribi Common Duiker and Reedbuck.

**Mitigation / Recommendations:**

- It is recommended that completion of the drainage and incomplete planting of grass on slopes be permitted, as both would remain as essential mitigation measures, irrespective of the outcome of the S24G process.
- Mitigation of faunal impacts in relation to the development was considered and it was concluded that if the current land use around the site was perpetuated, the seasonal benefits to some species of conservation concern would be minimally affected. The rationale for this conclusion was that an operational wedding venue presented sporadic activity that would have minimal impacts on mobile species that had adequate similar (and more suitable) habitats to move to if disturbed.

## 9 ASSESSMENT OF ENVIRONMENTAL IMPACTS

### 9.1 Impact Assessment Methodology

In order to assess potential environmental issues associated with the unlawful activities, each aspect addressed in **Sections 8 and 9** have been given a qualitative rating in relation to its environmental impact (refer to **Table 12**). Each aspect has been divided into a number of different classes, each of which has been assigned various criteria.

Where relevant, the following methods have been used to predict the characteristics of identified impacts:

- Professional judgement;
- Quantitative mathematical models;
- Experiments and physical models;
- Physical or visual simulations or maps (including GIS tools);
- Case studies; and
- Past experience.

**Table 12: Summary of aspects used for assessing environmental impacts.**

ASPECT	CLASS	CRITERIA
<b>NATURE OF IMPACT</b>	Positive	The impact on the environment will be positive.
	Negative	The impact on the environment will be negative.
	Direct	The impact is caused directly by the activity and generally occurs at the same time and place of the activity.
	Indirect	The impact induces changes that may occur as a result of the activity.
	Cumulative	The impact is as a result from the incremental impact of the proposed activity on a common resource when added the impacts of other past, present or reasonably foreseeable future activities.
<b>OCCURRENCE OF IMPACT</b>	Construction	The impact will happen during construction.
	Operation	The impact will happen during operation.
	Decommissioning	The impact will happen during decommissioning.
	Immediate	The impact will happen immediately.
	Delayed	There will be a delay in the impact occurring.
<b>PROBABILITY OF IMPACT OCCURRING (WITH MITIGATION)</b>	Definitely	The impact will definitely occur, even with mitigation (100%).
	Likely	It is likely that the impact will occur (60% - 99%).
	Fair	There is a fair chance that the impact will occur (30% - 59%).
	Unlikely	It is unlikely that the impact will occur (10% - 29%).
<b>REVERSIBILITY (WITH MITIGATION)</b>	Possible	It is possible to reverse the impact.
	Partly	It is partly possible to reverse the impact.
	Not Possible	It is not possible to reverse the impact.
<b>EXTENT OF IMPACT (WITH MITIGATION)</b>	Site	The impact will be limited to the site.
	Local	The impact will affect the local area (within a radius of 40 kilometres).
	Provincial	The impact will affect areas beyond the site but within the boundaries of KwaZulu-Natal.
	National	The impact will affect areas beyond the Province but within the boundaries of South Africa.

ASPECT	CLASS	CRITERIA
<b>DURATION (WITH MITIGATION)</b>	Short-term	0 – 5 Years (construction phase).
	Medium-term	5 – 40 Years (construction and operation).
	Long-term	> 40 years.
	Permanent	Permanent damage to the environment.
<b>SIGNIFICANCE OF IMPACT WITHOUT MITIGATION</b>	Low	Small impact / disturbance.
	Medium	Moderate impact / disturbance expected.
	High	Significant impact / disturbance expected.
<b>SIGNIFICANCE OF IMPACT POST- MITIGATION</b>	Low	Small impact / disturbance.
	Medium	Moderate impact / disturbance expected.
	High	Significant impact / disturbance expected.

## 9.2 Impact Assessment

The table below lists potential impacts associated with the proposed redevelopment, and details what mitigation measures should be taken to minimise these impacts (**Table 13**).

**Table 13: Assessment of potential impacts associated with the project.**

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION		
<p><b>LOCAL ECONOMY AND EMPLOYMENT OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>During the construction phase, the project contributed positively to the local economy and the social environment through spending of capital at local businesses.</li> <li>A number of temporary employment opportunities were generated during the planning phase, which included engineers and Specialists.</li> <li>A number of temporary employment opportunities were generated during the construction phase, which included Engineers, contractors and labour (skilled, semi-skilled and unskilled labour).</li> <li>The generation of additional employment opportunities has resulted in skills development, income generation and improved quality of life, which is important for a strong, local economy.</li> <li>In KwaZulu-Natal one job supports seven dependents. Approximately 33 people are to be employed by the Applicant, which has the potential to result in approximately 231 dependents being negatively impacted should the unlawful wedding venue not be authorised.</li> </ul>	<ul style="list-style-type: none"> <li>The use of local contractors, suppliers and service providers was undertaken during the construction phase and will continue to be undertaken during the operational lifetime of the project.</li> <li>Local businesses and unemployed people in the immediate area were considered first before labour and services from further afield were employed.</li> <li>Where possible, local businesses and unemployed people in the immediate area must be considered first, before employing labour and services from further afield during the operational phase.</li> </ul>	Positive	Partly	Definitely	Definitely	Partly	Partly	Local	Local	Long-term and Permanent	Long-term and Permanent	High (positive)	High (positive)
<p><b>PLANNING INITIATIVES</b></p> <ul style="list-style-type: none"> <li>The development complies and will comply with all the above Planning Initiatives, most notably the generation of employment opportunities and local economic development which in turn results in skills development and income generation. This is important for a strong, local economy.</li> <li>The operational phase of the wedding venue is expected to be long term. During the operational phase, it is anticipated that 33 permanent jobs will be created. In KwaZulu-Natal one job supports seven dependents. The Champagne Sky wedding venue has the potential to result in</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>	Positive	Partly	Definitely	Possible	Partly	Partly	Site and Local	Site and Local	Permanent	Permanent	High (Positive)	High (Positive)

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION	
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION			
	231 dependents being supported during the operational phase.													
CULTURAL AND HISTORICAL AND ARCHAEOLOGICAL RESOURCES	<ul style="list-style-type: none"> <li>The site footprint was located on the side of a gently sloping hill.</li> <li>The bedrock on site had many embedded structures which resembled fossils, but most of them were from pebbles or mineral deposits within the rock. One or two possible fossils were noted.</li> <li>Due to the fact that most of the rock had been crushed and compacted there were not many loose rocks around that were not embedded in the floor and were large enough to be examined.</li> <li>This bedrock was not quarried on site as the deepest cuttings into the mountain slope only revealed the upper soil horizon, with no exposures of bedrock. The stratigraphy of the exposed soil profile was examined for archaeological material such as lithics or ceramics, but nothing was observed.</li> <li>Besides one or two possible fossils observed within pieces of quarried bedrock, no other heritage-related material was observed on site.</li> <li>Being located on an exposed slope and not close to a stream, rock overhand or raw material source reduced the chances that humans would have used such an open, uneven location as a working or living area.</li> <li>No graves, stone-walled features or historical buildings were observed on the site footprint.</li> <li>During a meeting for interested and affected parties some locals claimed that the graves of their ancestors were buried on the property, but this did not appear to be a legitimate claim as they were very vague in their description and could not point to a precise location of the graves.</li> </ul>	<ul style="list-style-type: none"> <li>It is recommended that training be provided to onsite staff on fossil identification in order to increase the chances of observing paleontological material that may be present within the boundaries of the site footprint.</li> <li>If any palaeontological or any other heritage-related material were to be unearthed during future construction activities, developers and/or landowners are reminded that according to the National Heritage Resources Act 1999 (Act No. 25) and KwaZulu-Natal Heritage Act 2008 (Act No. 4), work should immediately cease and the Chance Find Protocol must be followed.</li> <li>Quarried fossil bearing bedrock had been brought onto site to strengthen and stabilise the floor of the site footprint. Due to the possibility of damaging fossils through further quarrying of this rock type, the use of this material will need to stop and another suitable material will have to be sourced for the remainder of the floor. Dolerite is abundant in the region and this material can be sensitively quarried without ruining the aesthetic of the landscape and with no chance of encountering palaeontological material as this rock type is not fossiliferous.</li> <li>Alternatively, crushed stone from a building cop could also be used for this purpose</li> </ul>	Negative, Direct	Highly Likely	Likely	Fair	Partly	Possible	Site	Site	Short-term	Short-term	Medium	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION		
<p>Based on the ground survey it is unlikely that this claim has any validity as there was no indication that any graves were present within the boundaries of the site footprint.</p> <ul style="list-style-type: none"> <li>No rocks were exposed at the surface within the boundaries of the site footprint and as a result, no fossil material was observed within the cutting. This is due to the fact that the soil column caps the bedrock and acts as a kind of protective buffer for buried fossiliferous rock strata against construction activities happening at the surface.</li> </ul>													
<p><b>LAND USE AND AESTHETICS</b></p> <ul style="list-style-type: none"> <li>The proposed development is largely in keeping with the broader vision for the valley expressed in various planning policies as a low to moderate level tourism destination, leveraging the natural amenities offered by the buffer zone and World Heritage Site (WHS) to generate broad based and sustainable economic activity.</li> <li>The high number of existing buildings and activities in the landscape means that this development is not an isolated feature.</li> <li>The small scale of the development means that with distance, any visual intrusion is relatively quickly diminished.</li> <li>With the exception of a few isolated areas, the structures (roofs already erected) do not break the skyline, largely because of the situation of the structures below the crest of the hill and due to the row of coniferous trees which raise the horizon and provide visual contrast.</li> <li>Views from within the WHS at Champagne Castle are not impinged on as the development is located greater than 5 km from the boundary and is lost in the complexity of the valley's landscape. There are housing and other developments which are of far greater impact</li> </ul>	<ul style="list-style-type: none"> <li>Landscaping of the grassed area around the development site and the planting of trees and shrubs would make it considerably less visible.</li> <li>Important design guidelines are given in "Building in the Berg" (Rushworth, 2011).</li> <li>The colour palette selected should be responsive to the natural hues and earthy tones of the environment that will allow the buildings to merge with the landscape instead of contrasting with it. The landscape changes colour from predominantly shades of green in summer to yellows, greys and browns in winter, and paints/materials used should complement and blend with these colours. Colours used should thus be earth colours, the colours of matter and nature, such as browns, greens, charcoal and duller shades.</li> <li>Green roofs are not recommended as they become highly visible in winter. A charcoal colour is particularly effective in limiting visibility. This will also work well against the site's backdrop of coniferous trees.</li> <li>Buildings should be of a modest scale that sit 'in' the landscape and grows out of it rather than sitting 'on' the site.</li> </ul>	Negative, Direct	Partly	Definitely	Likely	Not Possible	Partly	Local and Site	Local and Site	Long-term and Permanent	Medium-term	High	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION		
<p>closer to the boundary which are far more intrusive and dominate views.</p> <ul style="list-style-type: none"> <li>Whilst the development is more visible from the WHS at the more proximal Bergview / Drakensberg Sun (approximately 5 km), the impact is still considered low due to the high absorption capacity provided by the myriad land uses and patchwork effect of the landscape.</li> <li>The majority of visitors and residents look towards the Drakensberg escarpment for breathtaking views rather than towards the ridge on which the development is located.</li> <li>The development will have a moderate to high impact on a single property to the west (immediate neighbour).</li> <li>The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site.</li> </ul>	<ul style="list-style-type: none"> <li>Highly reflective glass or mirror glass cannot be used. Effort should be made to shade glass surfaces to reduce reflection (glinting) of sun off the glass. A minimum of a 2.5 m covered veranda is recommended to reduce glare for large windows.</li> <li>All potentially reflective surfaces must be colour treated. No metallic surfaces should be left un-painted.</li> <li>All considerations given to colour and painting of reflective surfaces in the design phase should apply to any further construction (including erection of signage etc.) or maintenance activities on site in the operational phase.</li> <li>Indoor lighting should wherever possible be positioned above the window lintel and positioned on the southerly wall, facing inwards.</li> <li>Full black-out curtaining must be installed that prevents any light escape from the large windows of the building.</li> <li>For external lighting, a lighting plan should be drawn up to identify the minimum number and locations of required lights. This can be drawn up by the developer but should be done in consultation with a lighting specialist. The plan should be approved by the Competent Authority. The plan should: <ul style="list-style-type: none"> <li>Consist of a detailed plan of the development site.</li> <li>Map out the activities / facilities requiring lighting.</li> <li>Identify critical lighting requirements such as minimum brightness required for operational conditions.</li> </ul> </li> </ul>												



DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION		
	<ul style="list-style-type: none"> <li>• Position luminaries on the plan with the associated extent of lit area – this is to ensure the minimum number of luminaries are used.</li> <li>• Provide specifications as to the type of luminaries (fully shielded / cut-off, motion sensor), the lumens required, mounting height etc.</li> <li>• All external lights must be fully shielded / be full cut-off luminaires to ensure no escape of up light and sky glow.</li> <li>• Any lighting used outdoors should be focused downward and inward (into the hill slope) to eliminate light spill. No lighting should be oriented in a southerly, westerly or south-westerly direction.</li> <li>• No lighting should be used to illuminate the external walls of buildings or trees.</li> <li>• All external lights should be amber or warm colours as opposed to blueish white lights.</li> <li>• No flashing or moving lights should be used outside of the building, as part of celebrations or at any other time.</li> <li>• Wherever possible, non-permanent lighting options should be used (e.g., motion sensor lights instead of permanent security flood lights) and reflective markers should be used rather than illuminated signs.</li> <li>• All considerations given to lighting in the design phase should apply to maintenance or addition of lighting in the operational phase.</li> <li>• Vegetation removal should be kept to a minimum and vegetation should be retained wherever possible. Areas that are temporarily cleared must be rehabilitated as soon as the need for the use of that area ends.</li> </ul>												

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				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION			
	<ul style="list-style-type: none"> <li>The line of coniferous trees between the buildings and the road must be maintained and augmented with additional trees. This is to ensure that a loss of trees to disease / lightning etc. will not result in a loss of the visual screening and horizon extending services provided by these trees.</li> <li>The starkness of the grassed area around the site increases its visual impact. A variety of ornamental trees and shrubs should therefore be planted immediately to the south of the building structures and to the west. These will assist in screening the structure from view and in fragmenting the grassed landscape to increase its visual absorption capacity. Ideally these should be relatively mature plants at the time of planting to reduce the time before they are effective in performing these services.</li> <li>Reversing of construction vehicles should be kept to a minimum to minimise the use of reverse warning sounds and wherever possible vehicles should be turned around without using reverse gear.</li> </ul>													
TRAFFIC, ROADS AND ACCESS	<ul style="list-style-type: none"> <li>The roads are planned to be surfaced on the steeper sections (&gt;10%) and gravelled on all sections that are less steep (&lt;10%).</li> <li>Access is achievable for the number of vehicles anticipated directly off the surface District Road off the D19.</li> <li>In terms of the traffic regulations, a Traffic Impact Assessment is not required, as the trip generation is less than 50 vehicles per hour.</li> </ul>	<ul style="list-style-type: none"> <li>Vehicles accessing the property must be driven cautiously within the required speed limits.</li> <li>The access road must be maintained on a bi-annual basis, or as and when necessary.</li> <li>Implementation of dust control may be needed.</li> <li>Maintenance of the access roads within the property must be undertaken.</li> <li>Vegetation along the access roads must be regularly removed to improve visibility.</li> </ul>	Negative, Direct	Likely	Fair	Fair	Partly	Possible	Site	Site	Medium-term	Medium-term	Medium	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
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<p><b>CONSTRUCTION ACTIVITIES, NOISE AND DUST</b></p> <ul style="list-style-type: none"> <li>Increased noise levels in residential areas within 1 km of wedding venue. The operation of the proposed wedding venue and its activities are estimated to potentially negatively impact on noise levels experienced by the residential properties located within 1 km of the proposed venue and its proposed activities.</li> <li>Once the venue is operational, sound levels exceeding the Night-time Guidelines for Rural Districts can be expected in the surrounding residential areas for a distance up to 4 km from the proposed venue (i.e. all 9 receptor sites considered). However, this is unchanged from the pre-operation of the wedding venue, as all 9 receptor sites measured in the baseline survey already presented sound levels that exceeded the Night-time Guidelines for Rural Districts. The difference being that the reasons for heightened sound levels during night-time hours in the baseline survey (pre-operation of wedding venue) was predominantly the active night-life, e.g. buck, beetles, crickets, frogs, etc, whereas the reasons for the heightened sound levels post-operation of the wedding venue will likely be loud music and PA systems, etc, which may sit differently with the residents than the typical night-life noises they are used to hearing, as this contributes to changes to residents' 'sense of place'.</li> </ul>	<ul style="list-style-type: none"> <li>Operations in the proposed wedding venue will have the potential to raise the noise levels in the nearby residential areas above the Rural Guideline during both day-time and night-time up to 1 km from the venue. The proposed wedding venue will have to investigate means to mitigate these noise impacts and liaise closely with the residents of this community to ensure their noise concerns are investigated and actioned properly.</li> <li>The Noise Impact Management Plan (NIMP) must be implemented and is included in the Noise Impact Assessment (Appendix D4) and within the Environmental Management Programme (Appendix E) .</li> <li>Appointment of internal Environmental Officer (EO) who will be required to monitor the site and assist management with implementation and monitoring of the noise impact management.</li> <li>The Noise Impact Management Plan must be incorporated into the induction and training programme for employees.</li> <li>Applicant to establish a community relations committee with members of the affected communities to act as a formal vehicle of communication of issues and concerns and information sharing.</li> <li>Weddings and events related to loud noises (i.e. music and PA system) should try to be limited in night-time hours (past 10 pm) except if the approval to operate at night has been received from the community.</li> <li>Undertake investigations into suitable noise barriers to be placed between the major noise source sheds/buildings and the nearby</li> </ul>	Negative, Direct	Likely	Likely	Fair	Partly	Possible	Site	Site and Local	Short-term during construction and Medium-term during operation	Short-term	High	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
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	<p>residential communities (i.e. near site MW_03) to mitigate against the noise impacts that operation of this venue are predicted to have.</p> <ul style="list-style-type: none"> <li>• Ensure equipment purchased or contracted for weddings and events operations meets the noise level specifications of the manufacturers. Implement a policy of 'buy quiet' i.e. purchasing or obtaining equipment that is equipped with devices to reduce noise generation. Installation of mitigation measures into the building structure and the sound equipment. Such mitigations could include enclosure of music and PA noise bays, or sound-proofing walls and windows to attempt to contain noise inside the venue, and/or investigation into purchasing sound limiting / silencing device adaptations for music and PA system equipment.</li> <li>• Required NIMP must be made known to all vendors, suppliers and contractors who work at the venue. DJs and sound engineers must be made aware of night-time noise limitations etc.</li> <li>• Undertake noise monitoring before/after a wedding/event at all the proposed monitoring sites to determine the ambient sound levels for comparison with the same monitoring locations during the period of a wedding/event.</li> <li>• The EO must undertake monthly to quarterly inspections (depending on frequency of weddings and events) to encourage implementation of the requirements of this NIMP.</li> <li>• The EO should undertake internal compliance audits every 6 months to determine compliance with the NIMP.</li> </ul>												

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				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION			
	<ul style="list-style-type: none"> <li>Provided that the wedding venue implements the Noise Management Plan that is included in the Noise Impact Assessment, specifically with regards to establishing sound level barriers between the venue and the residential areas and installing mitigation measures into the building structure and the sound equipment, as well as implementing time sensitive noise limiters for the music at night-time, it is anticipated that the predicted negative noise impacts can be managed to levels that will be acceptable to the potentially affected communities.</li> </ul>													
SAFETY & SECURITY	<ul style="list-style-type: none"> <li>There is the potential that crime in the area increased during the construction phase as a result of people seeking employment opportunities, and additional workforce and contractors being on site.</li> </ul>	<ul style="list-style-type: none"> <li>The use of local contractors, suppliers and service providers was undertaken during the construction phase and must continue to be undertaken during the remainder of the construction phase and operational lifetime of the project.</li> <li>Local businesses and unemployed people in the immediate area were considered first before labour and services from further afield were employed.</li> <li>Access onto and off the property must be controlled during the construction phase and will continue to be controlled during the operational lifetime of the project, or as and when required.</li> </ul>	Negative, Indirect	Fair	Fair	Fair	Partly	Possible	Site	Site	Medium-term	Short-term	Medium	Low
TOPOGRAPHY	<ul style="list-style-type: none"> <li>The potential for soil erosion and washing of this sediment into the linked B section channel and Sterkspruit River. Sedimentation of watercourses destabilises the bed and banks of these systems.</li> <li>The potential for pollution of the watercourses is increased as a result of the development affecting the water quality.</li> </ul>	<ul style="list-style-type: none"> <li>Keeping the impact of the construction related activities from impacting the A section channel and therefore the linked B section channel and Sterkspruit River downstream of the activities in the long term.</li> <li>Mitigation measures built into the design of the development to enable the watercourses to cope with the increase in hardened surfaces</li> </ul>	Negative, Direct	Partly possible	Definitely	Likely	Not Possible	Partly	Site and local	Site	Medium term	Short term	High	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION	
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION			
	<ul style="list-style-type: none"> <li>and provide functions relating to attenuation, filtration and erosion control.</li> <li>Reducing and controlling the encroachment of alien invasive plant species within the site.</li> </ul>													
CLIMATE	<ul style="list-style-type: none"> <li>There is potential for bare or disturbed areas, and stockpiled soil to have been wind-blown, and thus generating dust nuisances.</li> <li>There is potential for high intensity rainfall to have resulted in severe soil erosion and sedimentation of the B section channel and Sterkspruit River.</li> <li>It was noted in the Retrospective Biodiversity Assessment (Appendix D1) that with construction activities having been halted, management of water flow and soil stabilisation was incomplete. Thus, soil erosion has been problematic on site.</li> <li>According to the letter from the Wetland Specialist (Appendix D6), it was noted that the construction activities had an impact on site with areas of exposed soil being noted.</li> </ul>	<ul style="list-style-type: none"> <li>It was recommended by the Biodiversity and Wetland Specialists that the rehabilitation of the site be allowed to continue.</li> <li>The continued planting of grass within the areas of exposed soil, and the completion of the stormwater management activities on the site will limit the potential for further soil erosion.</li> <li>Appropriate measures must be implemented to minimise the areas of soil disturbance and the potential for the mobilisation of bare or disturbed areas.</li> <li>Areas of active soil erosion were controlled immediately and will continue to be controlled during the operational lifetime of the project.</li> <li>During the construction phase, vegetation remained and will continue to remain intact where possible to limit high surface flows and mobilisation of bare or disturbed areas.</li> <li>Removal of alien invasive vegetation, and rehabilitation and revegetation of bare or disturbed areas has taken place and will continue to take place and must be ongoing during the operational lifetime of the project.</li> </ul>	Negative, Direct	Partly	Definitely	Likely	Partly	Partly	Site	Site	Short-term	Short-term	High	Low
GEOLOGY AND SOILS	<ul style="list-style-type: none"> <li>Building rubble, cement, paint, oil and fuel spills during the construction phase.</li> <li>Poor quality seepage from the septic tank systems.</li> <li>Oil spillage from parked vehicles and delivery vehicles at the wedding venue.</li> </ul>	<ul style="list-style-type: none"> <li>Only excavate areas applicable to the project area.</li> <li>Backfill the material in the same order it was excavated to reduce contamination of deeper soils with shallow oxidised soils.</li> <li>Cover excavated soils with a temporary liner to prevent contamination.</li> </ul>	Negative, Direct	Partly	Definitely	Likely	Partly	Partly	Site	Site	Long-term	Long-term	Medium	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION		
<ul style="list-style-type: none"> <li>Disturbing vadose zone during soil excavations and levelling for the construction of the wedding venue hall, amphitheatre and septic tanks.</li> <li>Poor quality seepage from machinery used to excavate soils. Oil, grease and fuel leaks could lead to hydrocarbon contamination of the vadose zone which could percolate to the shallow aquifer.</li> <li>Disturbing vadose zone during soil excavations and levelling for the construction of the wedding venue hall, amphitheatre and septic tanks.</li> <li>Poor quality seepage from machinery used to excavate soils. Oil, grease and fuel leaks could lead to hydrocarbon contamination of the vadose zone which could percolate to the shallow aquifer.</li> <li>The percolation tests indicate that the soils beneath the site are not suitable for the use of conventional septic tanks and soakaway systems due to the shallow bedrock beneath the site area.</li> <li>Geotechnically, the site is generally suitable for the proposed development provided the recommendations given in this report are adhered to.</li> </ul>	<ul style="list-style-type: none"> <li>Keep the site clean of all general and domestic wastes.</li> <li>Water quality monitoring of the downstream surface water.</li> <li>Stockpiled materials must not be near watercourses or channels.</li> <li>Install a temporary cut-off trench to contain poor quality runoff.</li> </ul>												
<b>SURFACE WATER AND WETLAND SYSTEMS</b> <ul style="list-style-type: none"> <li>The construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind.</li> <li>Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils.</li> <li>The A section channels were delineated closest to the construction activities with closest distances of 40 m to approximately 100 m to the</li> </ul>	<ul style="list-style-type: none"> <li>Do not develop any closer to the boundary of the A section channel. The current buffer of indigenous grass species must be retained as this is protecting the A section channel from future impact.</li> <li>Attenuation of stormwater from the development site is important to reduce the velocity of runoff into the downstream watercourse. attenuation measures include the use of sandbags, hessian sheets, silt fences, retention or replacement of vegetation</li> </ul>	Negative, Direct	Partly	Definitely	Highly Likely	Partly	Likely	Site	Site	Long-term	Long-term	Medium	Low

DESCRIPTION OF IDENTIFIED ENVIRONMENTAL IMPACT	MITIGATION	NATURE OF IMPACT	DEGREE TO WHICH IMPACT CAN BE MITIGATED	PROBABILITY OF IMPACT OCCURRING		REVERSIBILITY OF IMPACT		EXTENT OF IMPACT		DURATION OF IMPACT		SIGNIFICANCE OF IMPACT WITHOUT MITIGATION	SIGNIFICANCE OF IMPACT WITH MITIGATION
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<p>west of the construction and 260 m to the east of the construction. The A section channels are located on neighbouring properties and have not and will not be impacted by the construction and operation of the wedding venue.</p> <ul style="list-style-type: none"> <li>• The development will increase the volume of traffic to the site during the operational phase and amplify the potential for waste to enter into the watercourse.</li> <li>• The potential for soil erosion and the washing of this sediment into the linked B section channel and Sterkspruit River. Sedimentation of watercourses destabilises the bed and banks of these systems.</li> <li>• The potential for pollution of the watercourse is increased as a result of the development.</li> <li>• The potential for further encroachment of alien invasive species.</li> </ul>	<p>and geotextiles such as soil cells which must be used for the protection of slopes.</p> <ul style="list-style-type: none"> <li>• The use of water storage tanks is recommended to capture rainfall and decrease the runoff of stormwater from the site.</li> <li>• Indigenous landscaping in open areas must be incorporated into the design of the wedding venue. This is a grassland area and thus graminoids and forbs should be utilised in areas surrounding the buildings that form the wedding venue.</li> <li>• Once construction continues, do not allow surface water or storm water to be concentrated, or to flow down cut or fill slopes without erosion protection measures being in place, as is currently taking place at the amphitheatre site.</li> <li>• Vegetation clearing must be undertaken only in the areas to be developed and must not extend outside of the development footprint.</li> <li>• Keeping the impact of the construction related activities from impacting the A section channel and therefore the linked B Section channel and Sterkspruit River downstream of the activities in the long term.</li> <li>• Mitigation measures built into the design of the development to enable the watercourses to cope with the increase in hardened surfaces and provide functions relating to attenuation, filtration, and erosion control.</li> <li>• Reducing and controlling the encroachment of alien invasive plant species within the site.</li> </ul>												



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				WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION		
<p><b>BIODIVERSITY</b></p> <ul style="list-style-type: none"> <li>• With past use of the site having been mowing and baling (and probably grazing), the ecological function of the development footprint as part of an upper catchment has been masked.</li> <li>• Being located on secondary grassland, biodiversity constraints on the development footprint were considered as moderate to low. However, other factors on the development site were important and required immediate mitigation; these pertained especially to drainage and soil erosion.</li> <li>• This appears to have been considered by the developer, so measures were being implemented to divert water flow around the development footprint and back into the water course that is fed by the catchment.</li> <li>• With construction having been halted during the S24G application procedure, management of water flow and soil stabilization was incomplete. As a result, soil erosion has been extensive; this is an environmental issue that requires urgent mitigation.</li> <li>• The cessation of construction activities, particularly non-completion of drainage and incomplete planting of grass on slopes, has had detrimental environmental impacts.</li> <li>• Many fauna species were likely to occur on the property, but mostly concentrated in the primary grassland and forest south of the development site.</li> <li>• By contrast the assessed area comprised species-poor old croplands with low plant diversity, as is common on mowed and baled secondary grassland, faunal diversity was also low.</li> </ul>	<ul style="list-style-type: none"> <li>• It is recommended that completion of the drainage and incomplete planting of grass on slopes be permitted, as both would remain as essential mitigation measures, irrespective of the outcome of the S24G process.</li> <li>• Mitigation of faunal impacts in relation to the development was considered and it was concluded that if the current land use around the site was perpetuated, the seasonal benefits to some species of conservation concern would be minimally affected. The rationale for this conclusion was that an operational wedding venue presented sporadic activity that would have minimal impacts on mobile species that had adequate similar (and more suitable) habitats to move to if disturbed.</li> </ul>	Negative, Direct	Highly Likely	Definitely	Fair	Partly possible	Possible	Site	Site	Permanent	Medium-term	Medium	Low

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<ul style="list-style-type: none"> <li>Some species of conservation concern may occur seasonally, in the context of land use occasionally creating favourable conditions for some mobile species, especially birds and mammals; such conditions include post-fire (for Bald Ibises), or post mowing (for Oribi).</li> <li>In the context of the unauthorised development, there was an abundance of similar land to the east and west of the impacted area, both on the property and on neighbouring farms. Connectivity between these properties would be severed by the development, but not for mobile species such as Oribi Common Duiker and Reedbuck.</li> </ul>													

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## 10 ENVIRONMENTAL MANAGEMENT PROGRAMME

In terms of the Regulations stated in Appendix 4 of Chapter 8 of the NEMA, an Environmental Management Programme (EMPr) has been compiled (**Appendix E**), which contains guidelines for ensuring that all activities associated with the unlawful activity are carried out in an environmentally responsible and acceptable manner. Specific management objectives and mitigation measures have been specified for the operational lifetime of the project.

The EMPr is based on the principles of the NEMA as well as the recommendations made in the Section 24G Report. It identifies roles and responsibilities of employees onsite and will be used as a framework for environmental compliance monitoring and reporting, should the unlawful activities be authorised.

An EMPr is a legally-binding document that contains guidelines with which the Applicant must comply, and which must be strictly implemented and regularly monitored. If this is done, it is likely that the majority of the potentially adverse impacts associated with operational lifetime of the project can be minimised or prevented. An ECO must be appointed by the Applicant to ensure compliance with the EMPr during the operational lifetime of the project. Should non-compliance occur, this must be brought to the attention of the DEDTEA, who will conduct the required prosecution procedure.

Specific management objectives and mitigation measures are specified in the EMPr for the operational lifetime of the project, including the following stages:

- Construction;
- Operation or undertaking of the activities;
- Rehabilitation of the environment; and
- Closure, where relevant.

The EMPr includes *inter alia*:

- Measures to prevent further degradation;
- Measures to minimise soil erosion;
- Measures to control stormwater discharge; and
- Removal of alien vegetation.

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## 11 RECOMMENDATIONS

### 11.1 Environmental Impact Statement

#### 11.1.1 Summary of Key Findings

As part of the Section 24G Application Process, the following Specialist Studies have been undertaken:

- Biodiversity Assessment
- Heritage Impact Assessment
- Visual Impact Assessment
- Noise Impact Assessment
- Geohydrological Impact Assessment
- Wetland Impact Assessment
- Engineering Report

#### BIODIVERSITY ASSESSMENT

According to the Biodiversity Assessment (**Appendix D1**), the property is characterised by Northern KwaZulu-Natal Moist Grassland (Gs4) vegetation type. This vegetation type is classified as 'Vulnerable' in terms of its ecosystem status and 'Poorly Protected' in terms of its level of protection. Based on the Screening Tool results, the site is characterised by a 'Low' plant species sensitivity, and a 'Medium' plant species sensitivity to the south of the property. The animal species sensitivity of the site is characterised as 'Medium' in the northern portion and 'High' for the remainder of the property. The development site and adjacent land was secondary grassland, and the site was not representative of Northern KwaZulu-Natal Moist Grassland. This is due to that no indicator species commonly associated with primary grassland in this area were found. This is as a result of the property historically being used as old croplands, and currently being used for baling. Therefore, a low plant and animal diversity was evident on site.

#### HERITAGE IMPACT ASSESSMENT

The findings of the Heritage Impact Assessment (HIA) (**Appendix D2**) stated that one or two possible fossils were noted, but due to the fact that most of the rock had been crushed and compacted there not many loose rocks around that were not embedded on the floor and were large enough to be examined. The stratigraphy of the exposed soil profile was examined for archaeological material such as lithics or ceramics, but nothing was observed. Besides one or two possible fossils observed within pieces of quarried bedrock, no other heritage-related material was observed on site. No graves, stoned-walled features or historical buildings were observed on the site footprint.

According to the HIA, *"During a meeting for interested and affected parties some locals claimed that the graves of their ancestors were buried on the property, but this did not appear to be a legitimate claim as they were very vague in their description and could not point to a precise location of the graves. Based on the ground survey it is unlikely that this claim has any validity as there was no indication that any graves were present within the boundaries of the site footprint."*

#### VISUAL IMPACT ASSESSMENT

According to the Visual Impact Assessment (**Appendix D3**), the development site is located within 5 km of a World Heritage Site and the uKhahlamba Drakensberg Park which is a Protected Area. With the exception of a few isolated areas, the structures (roofs already erected) do not break the skyline, largely because the structures are below the crest of the hill and the row of trees which raise the horizon and provide visual contrast. The Visual Impact Assessment concluded that the small scale of the development means that with distance, any visual intrusion is relatively quickly diminished. The wedding venue will have a low impact on the visual amenity value of the Cathkin Park. The high number of existing buildings and activities in the landscape means that this development is not an isolated feature. Views from within the World Heritage Site at Champagne Castle are not impinged on as the development is located further than 5 km from the boundary and is lost in the complexity of the valleys landscape. There are housing and other developments that are of far greater impact that are closer to

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the boundary and are far more intrusive. The development will have a moderate to high impact on a single property to the west (immediate neighbour). The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site. These statements are only valid if mitigation measures are put in place as described, particularly for the design of the structures (colour palette, non-reflective surfaces etc.) and for the design of lighting.

### **NOISE IMPACT ASSESSMENT**

The operation of a wedding venue would result in noise generation. The findings of the Noise Impact Assessment (Appendix D4) concluded that once the venue is operational, sound levels exceeding the SANS Day-time Guidelines can be expected in the surrounding residential areas for a distance of up to 1 km from the venue, and sound levels exceeding the Night-time Guidelines for Rural Districts can be expected in the surrounding residential areas for a distance up to 4 km from the venue. These sound level calculations were undertaken assuming that the venue will not implement any noise mitigation measures i.e. the worst case scenario. In order to mitigate the noise impacts, the wedding venue will implement a Noise Impact Management Plan which will establish sound level barriers between the venue and the residential areas. According to the Noise Impact Specialist, *"Provided that the wedding venue implements the Noise Impact Management Plan provided in this report, specifically with regards to establishing sound level barriers between the venue and the residential areas and installing mitigation measures into the building structure and the sound equipment, as well as implementing time sensitive noise limiters for the music at night-time, it is anticipated that the predicted negative noise impacts can be managed to levels that will be acceptable to the potentially affected communities."*

### **GEOHYDROLOGICAL ASSESSMENT**

The local geology is characterised by unconsolidated quaternary deposits of the Masotcheni formation and rocks from the Adelaide Formation (shale and sandstone) and Estcourt Formation (alternating sandstones, shale and mudstones) of the Beaufort Group which is part of the Karoo Supergroup (**Appendix D5**). Geological contacts, dolerite dyke, and sill structures are known to occur in the area. The area around the Amphitheatre is characterised by shallow soils (<2 m) belonging to the rocky Glenrosa, Hutton and Clovelly soil forms. The rocky Glenrosa soils at the site are generally shallow and overlie an impeding rock layer and have a cutanic character expressed as tongues of prominent colour variations cause by residual soil formation and illuviation resulting in localisation of one or more of clay, iron and manganese oxides. The Clovelly and Hutton soils are deep and are formed by alluvium from mixed sources. The soils are characterised by an A-Horizon with a weak structure without water stagnation and a structureless B-Horizon subsoil.

### **WETLAND ASSESSMENT**

According to the Wetland Assessment (**Appendix D6**), Champagne Sky property falls within the V13B quaternary catchment. No Freshwater Ecosystem Priority Areas (FEPA) wetlands were identified within the study site. As such, the scope of work was amended to focus on the delineation and classification of watercourses identified within the area as well as the assessment of any associated riparian zones. Six watercourses were delineated and classified as follows:

- Four (4) watercourses were classified as A section channels.
- One (1) watercourse was classified as a B section channel.
- One (1) watercourse was classified as a C section channel (the Sterkspruit River).

The construction activities that have already taken place have led to the removal of soil and this increases the susceptibility of the area to environmental factors including rainfall and wind. Water was noted running down the amphitheatre and into the A section channel as a result of the change in topography, caused by the construction of a trench and the amphitheatre, coupled with high clay content of the soils. The A section channels were delineated closest to the construction activities with closest distances of 40 m to approximately 100 m to the west of the construction and 260 m to the east of the construction. The A section channels are located on neighbouring properties and have not and will not be impacted by the construction and operation of the wedding venue.

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## ENGINEERING REPORT

An Engineering Report was compiled for the development (**Appendix D7**).

An Engineering Report was compiled for the development (**Appendix D7**).

### Traffic and Access

To access the property, from Pietermaritzburg travel on the N3 towards Johannesburg. Turn left at the Bergville / Colenso off ramp and continue straight on the R74 Road through Winterton. Turn right onto the R600 towards Champagne Sports Resort. Just before Champagne Sports Resort, turn right onto the D160 district road. Travel on the D160 Road for approximately 1.6 km and the property will be on the left.

The development includes a new main entrance access near the west end of the property, as well as a service entrance at the position of the current access where the concrete strip road into the property is situated. The roads are initially planned to be surfaced on steeper sections (>10 %) and gravelled only on all other less steep sections (<10 %).

- Storm Water is to be controlled on the high side of all roads via open grassed drains where gradient allows (<5 - 10 % longitudinal slope), and on steeper sections or where stormwater needs to be taken through e.g., retaining walls. All storm water will be piped in underground pipes.
- All storm water pipes are preferably to be 315 mm diameter or greater, other than minor pipes from buildings and small, clean catchments, where a minimum of 160 mm uPVC pipes are to be used.
- All storm water pipes are to be installed at a minimum gradient of 1:60 to 1:100 depending on location, purpose, risk, etc.

Where possible, wide open grassed swales are to manage the broader overland flows around the site, diverting sheet flow away from the main buildings and services, and disposing of these flows into open areas of low risk of erosion or damage to the receiving environment.

Attenuation of peak flows from the developed areas of the site are to be attenuated at 1 m<sup>3</sup> of attenuation / infiltration volume per 40 m<sup>2</sup> of hardened area, or at a volume determined by the Project Engineer by use of the Rational Method.

Post-development peak runoff is to be throttled in any attenuation facilities such that the post development peak flow does not exceed the pre-development peak flow for the 1:10 and 1:50 year storms. Rational method calcs and details of the various attenuation / infiltration facilities are to be provided in the detailed SW Design Report and drawings.

The main buildings proposed on the Site Plan (**Appendix D8**) are situated adjacent to a shallow "bowl" which will require diversion of storm water around the buildings and discharge safely downslope.

### Water

Supply of water to the proposed wedding venue development is to be from ground water (borehole/s) in the immediate area. The building is connected to a borehole on an adjacent property; however it is the intention of the owners to drill a borehole on the property to service the facility, should the facility be authorised.

It is estimated that the potable water demand for the development (Phase 1) is approximately 11 500 L/ day (**Table 14**). It is proposed to provide a minimum of 48 hours storage of water on site in the form of jo-jo type tanks, located at the high point on the site near the service entrance. It is proposed that 3 x 10 000 L (30 000 L total) tanks be dedicated to potable water supply.

**Table 14: Water demand for the wedding venue (Source: Torr & Associates Pty Ltd).**

Champagne Sky Wedding Venue - Phase 1: Administration Building (Reception & Facilities Blocks)						
Input Data :		Potable Water Demand			Sewage Volumes	
	Pax	Unit (l/p/d)	Total (l/d)	Unit (l/p/d)	Total (l/d)	
Max Number of Visitors :	200	50	10 000	45	9 000	
Max Number of Personnel :	15	100	1 500	75	1 125	
Equivalent Laundry Numbers :	0	0	0	0	0	
<b>Totals</b>			<b>11 500</b>		<b>10 125</b>	
Fire Water Supply & Facilities						
Occupancy Classification :	A1					
Total Floor Area of Buildings :	526 m <sup>2</sup>	No of Extinguishers (Min) (T T 37.4: 1/200m <sup>2</sup> ) :			3	no
Main Reception Venue :	333 m <sup>2</sup>	No of Extinguishers (Recommended) :			4	no
Facilities Venue :	193 m <sup>2</sup>	Additional Hose Reels (Recommended) :			2	no
		Fire Water Storage (Nominal > 9kl) :			10	kl
		Static pressure to Hose Reels :			100	kPa
		Additional Boost Pressure from Pump system :			300	kPa
		Total Avail Pressure at Hose Reels :			400	kPa
		Fire Fighting Water duration @ 0,5 l/s (one FHR) :			5.5	hrs

### Sewage

The proposed development is located outside of the Local Municipality Urban Edge and will provide its own on-site sanitation. The wedding venue will generate approximately 10 125 L / day of sewage. Septic tanks and soakaways are proposed.

The site is generally gently sloping (<10%), with relatively deep residual soils overlaying shale type formation sub-soils. Percolation tests and final placement will be confirmed, if and when Environmental Authorisation is granted.

### Wastewater

The following sewerage infrastructure is proposed for Phase 1 of the development:

- Waterborne sewage piped system from all ablutions and kitchens etc – pipe sizes 110 – 160 mm and pipe gradients at 1:40 to 1:60.
- Septic tank positioned on the southeast corner of the main buildings – sized for 1 day flow at 10 125 L / day.
- The tank is to be to Engineer's details – provisionally 3 compartment double brick with concrete base and cover slab – each at 1.5 x 1.5 x 1.5 m providing the design volume.
- Soakaways will be positioned on the levelled front lawn of the main venue buildings. These are sized to hold 1 day of flow volume in the voids of the soakaways, and provided at approximately 21 m x 2 m to give the required side wall infiltration area at the expected infiltration of 100 L / m<sup>2</sup> / day (once the detailed percolations are known, these soakaways will be resized to suit under the Engineer's direction on site)
- The evapotranspiration area around the soakaways will be sufficient to ensure effective evaporation and transpiration of the liquids entering the soils.

### Domestic refuse

Solid waste from the development – both during construction, and under operation, will be disposed of under written agreement with a service provider to remove all solid waste from the site, and to dispose of such at an approved and authorized landfill in the region. That waste management arrangement must be in place and functional prior to operation of the development and needs to be checked and reported on during construction to ensure compliance with local norms. No refuse is to be buried on site or burnt.

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### 11.1.2 Positive and Negative Implications of the Project

#### Positive

- In KwaZulu-Natal one job supports seven dependents. Approximately 33 jobs are to be created during the operational phase of the wedding venue, which has the potential to result in approximately 231 dependents being positively impacted should the wedding venue receive Environmental Authorisation.
- Job creation and contribution to the local economy and the social environment through the spending of capital at local businesses.
- Weddings will contribute to the tourism industry within the Okhahlamba Local Municipality.
- The development will have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site.
- Landscaping and building design have the potential to blend into the surroundings and not negatively affect the aesthetics of the surrounding area.
- The operational phase is expected to be long term thereby creating permanent employment opportunities.
- The wedding venue will ensure the sustainability of the job security during the operational phase, which will in turn result in skills development, income generation and improved quality of life of the employees, as well as their dependents.
- No flora of conservation concern was identified on site and were unlikely to occur prior to the construction of the wedding venue.
- No graves, stoned walled features or historical buildings were observed on the site footprint.
- Landscaping and the planting of trees will make the wedding venue less visible.
- Construction activities will not impact the A section channel, and therefore the linked B section channel and Sterkspruit River downstream of the activities in the long term.
- There are no biodiversity constraints on the property.
- The property is located in an area that is well located for a wedding venue and will benefit the local economy.
- The current site plan and proposed activities pose a low risk to the groundwater environment.
- With the exception of a few isolated areas, the structures (roofs already erected) do not break the skyline, largely because of the situation of the structures below the crest of the hill and due to the row of coniferous trees which raise the horizon and provide visual contrast.
- Views from within the WHS at Champagne Castle are not impinged on as the development is located greater than 5 km from the boundary and is lost in the complexity of the valley's landscape. There are housing and other developments which are of far greater impact closer to the boundary which are far more intrusive and dominate views. The small scale of the development means that with distance, any visual intrusion is relatively quickly diminished.

#### Negative (Long-term / operation)

- Increased noise levels in residential areas within 1 km of wedding venue. The operation of the proposed wedding venue and its activities are estimated to potentially negatively impact on noise levels experienced by the residential properties located within 1 km of the proposed venue and its proposed activities if mitigation measures are not implemented.
- The potential for soil erosion and washing of this sediment into the linked B section channel and Sterkspruit River. Sedimentation of watercourses destabilises the bed and banks of these systems.
- Poor quality seepage from machinery used to excavate soils. Oil, grease and fuel leaks could lead to hydrocarbon contamination of the vadose zone which could percolate to the shallow aquifer.
- The potential for pollution of the watercourse is increased as a result of the development.
- The potential for further encroachment of alien invasive species.



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## 11.2 Environmental Opinion

In the interests of all spheres of the environment, namely, the ecological, social, economic, cultural and biophysical, and in the interests of sustainable development, the EAP recommends that this Environmental Authorisation be granted as the findings from this Section 24G Report indicate that keeping the wedding venue is preferable, , provided that the following mitigation measures are made conditions of the Environmental Authorisation. The Section 24G Report has shown that the socio-economic impacts of decommissioning the wedding venue have the potential to have far-reaching negative impacts, not only for the labour employed during the completion of the construction phase, but for the 33 employment opportunities to be provided during the operational phase, as well as their dependents, and the economy as a whole with local service and supplier usage.

Recommended conditions to be included in the Environmental Authorisation:

### SAFETY AND MONITORING

- The Appended Environmental Management Programme (EMPr) must be strictly enforced.

### WETLAND / WATER COURSES

- All recommendations in the Wetland Assessment must be adhered to.

### BIODIVERSITY

- Only locally indigenous plant species are to be used for landscaping.
- Alien Vegetation Control Programme must be implemented.
- The recommendations as outlined in the Biodiversity Assessment must be adhered to.

### GEOLOGY AND SOILS

- All recommendations contained in the Engineering Report must be adhered to.
- Percolation tests and final placement of the evapotranspiration area must be confirmed, prior to the re-commencement of the construction phase.

### CULTURAL

- If any palaeontological or any other heritage-related material were to be unearthed during future construction activities, the Applicant is reminded that according to the National Heritage Resources Act 1999 (Act No. 25) and KwaZulu-Natal Heritage Act 2008 (Act No. 4), work should immediately cease, and the **Chance Find Protocol** must be followed.

### NOISE

- The Noise Impact Management Plan (NIMP) must be implemented that is included in the Noise Impact Assessment.
- An Internal Environmental Officer (EO) must be appointed who will monitor the site and assist management with implementation and monitoring of the noise impact management.
- The Noise Impact Management Plan must be incorporated into the induction and training programme for employees.
- The Applicant must establish a community relations committee with members of the affected communities to act as a formal vehicle of communication of issues and concerns and information sharing.
- Weddings and events related to loud noises (i.e. music and PA system) should try to be limited in night-time hours (past 10pm) except if the approval to operate at night has been received from the community.
- The EO must undertake monthly to quarterly inspections (depending on frequency of weddings and events) to encourage implementation of the requirements of the NIMP.
- The EO should undertake internal compliance audits every 6 months to determine compliance with the NIMP.

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## VISUAL

- All recommendations contained in the Visual Impact Assessment must be implemented and adhered to.
- A lighting plan must be drawn up by the developer and be done in consultation with a Lighting Specialist.
- Landscaping of the grassed area around the development site must be undertaken in order to make the development less visible.
- The colour palette selected must be responsive to the natural hues and earthy tones of the environment that will allow the buildings to merge with the landscape instead of contrasting with it. The landscape changes colour from predominantly shades of green in summer to yellows, greys and browns in winter, and paints/materials used should complement and blend with these colours. Colours used should thus be earth colours, the colours of matter and nature, such as browns, greens, charcoal and duller shades.
- Highly reflective glass or mirror glass cannot be used. Effort should be made to shade glass surfaces to reduce reflection (glinting) of sun off the glass. A minimum of a 2.5 m covered veranda is recommended to reduce glare for large windows.
- All potentially reflective surfaces must be colour treated. No metallic surfaces should be left unpainted.
- All considerations given to colour and painting of reflective surfaces in the design phase should apply to any further construction (including erection of signage etc.) or maintenance activities on site in the operational phase.
- Indoor lighting must wherever possible be positioned above the window lintel and positioned on the southerly wall, facing inwards.
- Full black-out curtaining must be installed that prevents any light escape from the large windows of the building.

## GENERAL

- The use of any local contractors, suppliers and service providers associated with the operational lifetime of the project must continue.
- Local businesses and unemployed people in the immediate area must continue to be considered first before labour and services from further afield area employed.
- Where possible, any additional employment opportunities available at the wedding venue must be filled by people from the local community.

## 12 CONCLUSION

Through the Public Participation Process it became very apparent that three main issues dominated I&AP concerns: visual impacts, noise impacts and the apparent fact that the Municipality did not follow due process with the consent use for the property. Whilst this assessment has included specialist noise and visual impact assessments, we are unable to comment to any great degree on the consent use application process to date, as rezoning falls under Planning legislation where work is required to be undertaken by qualified Planners. Green Door Environmental is not a Planning consultancy. In addition, Green Door Environmental was only contracted to conduct the 24G process post planning submission, thus we have limited knowledge of any communication which took place prior to the 24G process commencing.

The results from the specialist studies support the retaining of the facility, provided all recommendations and mitigation measures are implemented.

Of key concern was the potential negative impact of the facility on the nearby World Heritage Site. However, it was concluded by the specialists that the development will only have a negligible impact on the Protected Value and Outstanding Universal Value of the World Heritage Site provided the

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mitigation measures are put in place as described, particularly for the design of the structures (colour palette, non-reflective surfaces etc.) and for the design of lighting.

The EAP has identified that the facility is in keeping with the area. Combined with the surrounding area's natural beauty and popularity with tourists, this area is a huge draw factor for potential weddings being held on the property. The tourism industry consists of many different sectors, one of which is the event sector. Prospective weddings would generate revenue and income for local suppliers and businesses such as local caterers, florists and local flower suppliers, musicians and DJs, and accommodation options such as bed and breakfasts. The Champagne Sky wedding venue will have a positive impact on the local economy by contributing to economic growth and development and has a greater socio-economic benefit rather than the leaving the site undeveloped.

The location of the wedding venue is well situated and suited to the area; there are a number of tourist facilities and accommodation in close proximity to the wedding venue, and the site offers spectacular views of the Drakensberg Mountains which is a feature and attraction for the wedding venue.

- The site is easily accessible.
- The site is adequately sized for the establishment of the proposed infrastructure as well as for the provision of adequate parking.
- The site is located in an area that would be well located for a wedding venue.

The wedding venue addresses the following:

- Employment opportunities and sustainability.
- Tourism.
- Benefits to local economy.
- Skills development.
- Improved quality of life of the surrounding community.

The development will not only ensure that the disturbed portions of the site which are currently eroding, will be rehabilitated, and revegetated and all stormwater discharge be controlled, it will also permit the minimal employment of 33 previously disadvantaged people for the surrounding community, which will also have a profound impact on their dependents. Having this facility on the doorstep on the World Heritage Park will also encourage more people to visit and enjoy the Park and be educated on the importance of the park.

Given the abovementioned information and provided that the EMPr and recommendations made in the Section 24G Report are strictly adhered to, there should be no significant, detrimental impacts on the environment during the operational lifetime of the project, and it is likely that a number of positive environmental, ecological, social, economic, cultural and biophysical impacts associated with the continuation of the facility will be realised.