



APPEAL FORM
In terms of the National Appeal Regulations

April 2019

Form Number: 2019

Note that:

1. This appeal must be submitted within **20 days** of being notified of the decision.
 2. This form is current as of **April 2019**. It is the responsibility of the Appellant to ascertain whether subsequent versions of the form have been released by the Appeal Administrator.
 3. This form must be used for appeals submitted in terms of National Appeal Regulations, 2014 in so far as it relates to decisions in terms of the:
 - a. Environment Conservation Act, 1989 (Act No. 73 of 1989);
 - b. National Environmental Management Act, 1998 (Act No. 107 of 1998);
 - c. National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
 - d. National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
 - e. National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);and subordinate legislation made in terms of these laws.
 4. The required information must be inserted within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces may be expanded where necessary.
 5. Unless protected by law, all information contained in, and attached to this application, will become public information on receipt by the Department.
 6. A digital copy of this form may be obtained from the Department's website at <http://www.capegateway.gov.za/dept/eadp>.
 7. Please consult the National Appeal Regulations (dated 8 December 2014) and the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations (dated 9 December 2014), and any other relevant regulations.
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A. DECISION BEING APPEALED

1. Reference Number of the Decision being appealed:

16/3/3/2/
D2/19/0000/22

2. Type of Decision being appealed (please circle the appropriate option):

Environmental Authorisation X	24G Administrative Fine	Amendment of Environmental Authorisation	Amendment of Environmental Management Programme	Waste Management Licence	Atmospheric Emission Licence	Exemption Notice
Permit in terms of NEM: BA	Administrative Notice/ Directive	ECA: OSCA Permit	Other			

3. Brief Description of the Decision:

Environmental Authorisation of the Proposed Tertiary Education and Mixed Use Precinct Development at the Garden Route Dam and Associated Infrastructure on a Portion of the Remainder of Erf 464 George

4. Date of the decision being appealed (i.e. date on which the decision was made):

19 September 2022

B. APPELLANT'S INFORMATION

5. Please circle the appropriate option

Applicant	State Department / Organ of State	X Interested and Affected Party
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6. Appellant's information:

Name:

WESSA Eden (Wildlife and Environment Society of South Africa , Eden Branch)

Address: care of 8 Assegai Street, Heatherlands, George 6529

Tel: 044 873 4203

Cell: 071 378 0629

Fax:

Email: wessageorge@isat.co.za

C. APPEAL INFORMATION

7. Did you lodge an Appeal submission within 20 days of the notification of the decision being sent to you?

Yes /

No (Circle the appropriate response). If "Yes", attach a copy herewith.

8. The following documents must accompany the appeal submission, kindly indicate if they have been attached to the submission:

- 8.1 a statement setting out the grounds of appeal?;

Yes /

No (Circle the appropriate response)

- 8.2 supporting documentation which is referred to in the appeal submission?;

Yes /

No (Circle the appropriate response)

- 8.3 a statement, including supporting documentation, by the appellant that a copy of the appeal was submitted to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

- 8.3.1 the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

Yes /

No (Circle the appropriate response).

Please indicate the date on which a copy of the Notice of the decision was **sent**.

21 September 2022

OR

- 8.3.2 the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority.

Yes /

No (Circle the appropriate response).

Please indicate the date on which a copy of the Notice of the decision was sent.

D. GROUNDS OF APPEAL

9. Set out the ground/s of your appeal: Clearly list your appeal issues and provide an explanation of why you list each issue.

___1. The major concern is that no development should be permitted on slopes / gradients descending into the Garden Route Dam area to avoid any potential contamination of the sole potable drinking water supply of George.

There are already unresolved issues regarding pollution seemingly commencing in the Kat Rivier which "flows" through residential and commercial areas.

There is an ongoing recurrence of Kariba weed which has not yet been resolved.

___2. More buildings means more people, means more water needed. The abnormally high influx of new residents where climate change is challenging the local water reserves could well lead to a Day Zero.

___3. It is crucial that the water security calculations, as well as pollution effect be considered.

___4. ___DEADP's Environment Authorisation is inordinately dependent on future municipal policing and enforcement. _There is little faith in this happening based on past experience.____

___5. The precautionary principle for sustainable development should apply here.____ _

- 9.1 Is your appeal based on factors associated with the process that was followed by the applicant/Environmental Assessment Practitioner/Competent Authority in reaching the decision?

Yes
yes

/ **No** (Circle the appropriate response). Please provide details.

___The Environmental Authorisation was issued in absence of the Water Use License in contravention of the _____ Department's _____ One _____ Environmental _____ System policy._____

- 9.2 Is your appeal based on factors associated with matters of unacceptable environmental impacts/extenuating circumstances not taken into account by the Competent Authority?

Yes

/ **No** (Circle the appropriate response). Please provide details

___The latest Blue Drop evaluation shows that none of these systems achieved compliance for chemical monitoring. They also fared poorly in the technical skills rating, "which is an indication of inadequate presence of relevant process controllers, supervisors and maintenance teams"____

_____The Latest Green Drop rating, is down from 94% in 2009 to 74% in 2021.
In two other audits after 2009, George scored 91% (in 2011) and 85% (in 2013).
This is an additional potential health hazard.

9.3 Have your appeal issues been raised previously in the public participation process?

☒ **Yes**

/ **No**

(Circle the appropriate response). Please provide details.

yes

_____WESSA Eden _submitted comments on 9 March 2022 which included security of water supply
both in quantity and
quality.

9.4 Are you fundamentally opposed to the decision (e.g. to any development activity on the site)?

Yes

/

No

/

Not applicable (Circle the appropriate response). Please provide details.

no

____Only slopes with a gradient away from both the Dam and the Kat Rivier should be considered for
development

9.5 Are you in favour of the decision if your concerns can be remedied by rectifying the process or by
mitigating or eliminating an impact/s of the activity/ies?

☒ **Yes**

/

No

/

Not applicable (Circle the appropriate response). Please provide details.

yes

____Only slopes with a gradient away from both the Dam and the Kat Rivier should be considered for
development

9.6 Please indicate what measures you propose to have your concerns remedied.

____All sewage infrastructure in the catchment area of the dam, and therefore all development

requiring such infrastructure to be developed in the catchment area of the dam should be

prohibited. _____

____ Only slopes with a gradient away from both the Dam and the Kat Rivier should be considered for development _____

9.7 Does your appeal contain any new information that was not submitted to the Environmental Assessment Practitioner (EAP) / or registered I&APs/ or the competent authority prior to the decision?

Yes / **No** (Circle the appropriate response). If the answer above is "Yes" please explain what this information is and why it should be considered by the Appeal Authority and why it was not made available to the EAP/ or I&AP/ or the competent authority prior to the decision. (Please ensure that the new information is attached hereto.)

_____ yes _____

_____ See attachment specifically regarding expansion of points above and the failure through the legislation of permitting I&APs to participate fully in the Appeal process _____

E. SUBMISSION ADDRESS

This appeal must be submitted to the Appeal Administrator at the address listed below within 20 days of being notified of the decision:

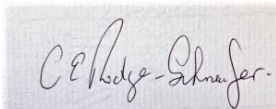
By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs & Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator.



Appellant's signature

Christine Ridge-Schnauffer, Secretary: Wessa Eden

____ 5 October 20220 _____
Date

Supporting comments regarding the Appeal against the proposed Development of the Garden Route Dam

Sole water resource

The Garden Route Dam is the sole water source for ever increasing expanding population of George Municipality.

The resource has for years been impacted by the residential development along the Kat Rivier as proven most recently by a severe sewage spill reported in the George Herald 28 Sep 2022

<https://www.georgeherald.com/News/Article/General/sewage-flows-into-kat-river-202209290928>

Water quality – lack of research

Over the past 11 years, repeated requests have been made by the press, WESSA Eden and other interested parties to make water test results available.

The most recent reply from Deon de Jager, Deputy Director: Water and Sanitation

Civil Engineering Services Department, Office: 044 801 9352 Email: ddejager@george.gov.za dated 27 Sep 2022 :-

“We treat our water quality monitoring test results as discreet and confidential. This information can only be shared with the District Municipality, BGCMA and DEADP who also has monitoring programmes in place for rivers in and around the George Municipal area. As mentioned in our response below:

This monitoring program is not a legislative requirement but was implemented by the George Municipality as a precautionary management measure to monitor the infrastructure.

We do not have a problem if GARDAG or any other entity wish to proceed with a monitoring programme of the Kat River. We trust you will find the above in order. “

Privately funded tests have proven that the water in the Garden Route Dam is severely compromised and this was made public in the local press on 29 Sep 2022 :-

<https://www.georgeherald.com/News/Article/General/cat-footing-it-at-the-kat-river-202209290939>

Since information on poor quality water is not available, how can residents be assured of the sustained efficacy of the purification process?

This leads to a lack of confidence in the capacity of the Municipality to ensure a safe water supply.

Further, the watercourses of the Kat River and the Garden Route dam have been choking under the strain of an endemic, annual reappearance of the Kariba Weed (Salvinia Molesta) since 2013.

Blue drop award

It would appear that the quality of potable water is challenged regarding technical skills.

Extract from George Herald , 12 May 2022 :-

“George Municipality's Blue Drop report for this period (in other words, the Municipality's 'rating' of the processed drinking water supply that is provided by the municipal systems) and the municipality's overall risk rating (BDRR) is, according to the Municipality, 40,1% (low risk). All four water treatment plants at Haarlem, Uniondale and Wilderness, fall into the low-risk category, and have, according to the Municipality, have a 100% microbial compliance, as well as “very high” microbiological monitoring compliance and chemical compliance.

What is of greatest significance and the one which represents the greatest threat, is that none of the purification plants have achieved compliance with respect to chemical monitoring. They also fare poorly, as a result of the known low level of technical skills and competence which is very probably, an indication of inadequately qualified (and relevant) process controllers, which may well result in a knock on effect resulting in supervisors and maintenance teams not having the necessary skill set, according to the report.

Is there sufficient water available, to supply an ever-increasing demand?

Notwithstanding the fact that the dam wall has been raised, the inescapable fact is that the palpably erratic rainfall is evidence that planning will, as a consequence, become more of a hit and miss guesswork process. There is a lack of information about dam levels, which will inevitably, impact effective planning.

Lack of information as to allocation of water resources

Many large developments are planned: These include Destiny Africa, the new Mediclinic; Mountview housing development; King George Park housing development (Village Ridge); Groenkloof extensions; Kraaibosch/Welgelegen extensions; Blue Mountain extensions; Thembaletu extensions; Flats block in Scout Street, Blanco extension and Pacaltsdorp extensions, Herolds Bay development to mention but a few are on the cards for the near future. Also not clearly shown is how much water may/needs to be/ can be allocated to other planned Social housing developments at:

Ef 26823, Omega St

Erf 464 York St

Erf 6236, 6231, 659 & 658 Langenhoven St

Erven 140-143 Plantation Rd

Erven 152-155 Barry Roadwater

Green Drop Award

The Latest Green Drop rating, is down from 94% in 2009 to 74% in 2021.

In two other audits after 2009, George scored 91% (in 2011) and 85% (in 2013).

Sadly a substantial 20% decline service delivery and thus an additional potential health hazard.

Number of individual comments on proposed development – what is the state of play?

The number and wide scope if the list of individual I&APs response to the invitation to comment speaks for itself.

According to the APPENDIX E1 IAP REGISTER FINAL (1) received IAP's were received from:-

9 State Departments;

14 Organs of State;

83 Other Organisations;

6 Affected Landowners;

1600 I&APs (requested to be registered);

28 I&APs only provided objection with no comment;

60 I&APs only provided objection with no comment;

18 I&APs submitted the Landmark Foundation template;

1246 I&APs submitted the Garden Route 101 template.

Thus a total of 1688 individuals have registered their concern.

It is doubtful that such a response from citizens has been registered for any development proposal in this town at any stage before.

These represent a significant number of organizations and I&AP's that have responded presenting their criticism or opposition.

And this is indicative that there are an overwhelming number who are opposed but feel overwhelmed or hopelessly unable to register their objections and concerns. We would guess that the number of objectors criticising and or objecting is statistically significant.

The Appeal Process

The appeal process requires that “An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the Applicant, as well as to any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date of the notification of the decision was sent to the applicant:

This, in itself, is a severe stumbling block to the submission of an Appeal by the 1688 individual registered I&APs is the challenge / impossibility of submitting an e-mail to 3064 addresses as well as to the 6 affected Landowners who are also challenged in this matter.

Given the number of questions that must have been raised in many (if not all) the submissions raised and possibly not answered and given the fact that under South African law, it is the appellant/ developer that appoints the consultants, begs the question of transparency. Whose interests are really being met? The developer, or the silent majority, who are either unskilled or ill versed in the nature of an EIA, what is required of it or in the outcomes of large-scale environmental disturbance such as what will without doubt, result if this development goes ahead?

Our very survival depends on a healthy environment coupled to a conservative, long-term planning scenario.

Clearly as stated;
the precautionary principle for sustainable development should and must apply here.

Compiled by Christine Ridge-Schnauffer
Secretary, WESSA Eden
wessageorge@isat.co.za

SES Environment Services
Attn Ms Betty Ditcham
By e-mail betsy@sesc.net

8 Assegai Street, Heatherlands
George 6529

8 March 2022

Comment on the proposed
TERTIARY EDUCATION AND MIXED-USE PRECINCT DEVELOPMENT AT THE GARDEN ROUTE DAM
AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF ERF 464, GEORGE
DEA&DP Ref: 16/3/3/2/D2/19/0000/22

Dear Ms Ditcham,

The major concern of this Committee is that no development should be permitted on slopes descending into the Garden Route Dam area to avoid any potential contamination of the sole potable drinking water supply of George.

There are already unresolved issues regarding pollution seemingly commencing in the Kat Rivier which “flows” through residential and commercial areas. There is an ongoing problem with Kariba weed which has not yet been resolved.

Hence the proposed areas for Residential, Hotel and Waterfront and any other development should be scrapped for that simple reason.

More buildings means more people, means more water needed. Where is this to come from if - even as this Evaluation process takes place - after the Dam wall has been raised, George residents are subject to water restrictions?

WESSA Eden is seriously concerned about the proposed tertiary institution, with a business school added. No information is provided on any private or government initiative to start a new university. Without such backing of the project, the plan will be stillborn, while a development footprint has been approved on the site. This could lead to changes in the plans / use of the proposed buildings without the requirement for an EIA, leading to a worse impact than anticipated.

WILDLIFE AND ENVIRONMENT SOCIETY OF SOUTH AFRICA

Reg No. 1933/004658/08 (Non-Profit Company)

Registration Number in Terms of the Non-Profit Organisations Act 1997: 000-716NPO Tax Exemption Number: 18/11/13/1903

DIRECTORS: HW Mandlana (Chairperson), H Atkinson (Vice-Chairperson), Dr L Pichegru, D Millar, Prof M Zulu, EO Apelgren, JP Davies, M Immerman, G Koekemoer, Dr DT Magome, MJ Majozi, A Steyn, JR Wesson.

www.wessa.org.za

Covid has caused universities to utilise on-line tuition, which reduces the need for physical campuses. And this process will continue. The long-established Saasveld Campus of the Nelson Mandela University is surely the obvious choice for expansion of tertiary education.

On the preferred layout we do not see how the hundreds of George residents and visitors who use the area for leisure activities such as walking, running, cycling and picnicking will gain access to the area up to the Dam wall and beyond.

Should the access not be free flowing ie. without having to go through a security control which is not more difficult than the current situation, this would seriously impair freedom of movement in a particularly popular area which is safer than most unbuilt “natural” areas around George.

It is after all, this type of activity that has in recent years grown dramatically in the forest and open areas around George, even with national competitions taking place.

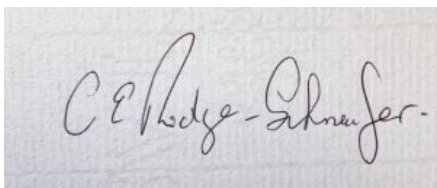
Although technically a disturbed area, there has been much alien eradication in recent times and the biodiversity of the area has not yet been adequately explored. The most dramatic record, however is of leopard activity in the area. Another profound reason for NOT developing the area and thus reducing suitable ranges for wildlife.

There are other areas within the Municipal boundary where development could take place if it MUST take place.

For example on the site of the former Crocodile Farm at the southern end of York Street. This nearly 5 ha. area has lain barren since 2008 and would have much better infrastructure with public transport already available.

Also densification of the city central areas should be prioritised before expansion on the green edges of town.

On behalf of the WESSA Eden Committee,



Christine Ridge-Schnauffer
Honorary Secretary
WESSA Eden
wessageorge@isat.co.za