

APPEAL ADMINISTRATOR

APPEAL FORM In terms of the National Appeal Regulations

April 2019

Form Number: 2019

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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:

DEA&DP: REFERENCE: 16/3/3/2/D2/19/0000/22

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

<input checked="" type="radio"/> Environmental Authorisation	<input type="radio"/> 24G Administrative Fine	<input type="radio"/> Amendment of Environmental Authorisation	<input type="radio"/> Amendment of Environmental Management Programme	<input type="radio"/> Waste Management Licence	<input type="radio"/> Atmospheric Emission Licence	<input type="radio"/> Exemption Notice
Permit in terms of NEM: BA	Administrative Notice/Directive	ECA: OSCA Permit	Other			

3. Brief Description of the Decision:

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: 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

The proposal entails the development of the following components:

- Campus – University / Research Institute / Academy which will comprise of an area of approximately 13,66 hectares
- Waterfront Commercial Development which will cover an area of approximately 4,66 hectares
- Hotel and supporting infrastructure which will cover an area of approximately 1,55 hectares
- Medium Density Residential / Group Housing which will cover an area of approximately 5,47 hectares
- Apartments / Flats / Student Housing which will cover an area of approximately 4,84 hectares
- Free Standing Dwelling Houses which will cover an area of approximately 5,76 hectares
- Recreation Spaces / Sports Fields which will cover an area of approximately 7,57 hectares
- Roads which will cover an area approximately 7,6 hectares Parks / Natural Assets / Preservation Areas which will cover an area of approximately 67,39 hectares
- The authorised development requires the clearance of more 20-hectares of indigenous vegetation, the crossing of watercourses, installation of service infrastructure, the development of roads with a reserve bigger than 13,5m and the development of infrastructure exceeding 100m² within 32 meters of a watercourse

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	<input checked="" type="radio"/> Interested and Affected Party
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6. Appellant's information:

Name: TRACEY PHAROAH
Communication Representative: Eden Residents' Association

Address: Box 438, Wilderness, 6560

Tel: +27 76 976 2629

Email: era@ezipezi.com

PLEASE NOTE: In terms of confidentiality and current legislation, ID number & other personal information will be provided on request by the Department Environmental Affairs and Development Planning (DEA&DP).

Please refer to Annexure A for a list of supporters of the Eden Residents' Association. ID numbers & other personal information will be provided on request by the Department Environmental Affairs and Development Planning (DEA&DP).

The processing of personal information is subject to the Protection of Personal Information Act (POPIA), Act No. 4 of 2013



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.

Please refer to Annexure B: Notification from Betsy Ditsham at Sharples Environmental Services. This notification was received by the representative on 21 September 2022 (two days after the official date of 19 September 2022 mentioned in the email notification) while some received notification on the 19 September and others did not receive any notification. This appeal is being submitted within 20 days of this date i.e. by 12 October 2022.

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)

Please refer to Annexure C: Statement setting grounds of appeal

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

☒ **Yes** / **No** (Circle the appropriate response)

Water Quality & Availability (Annexure D)

Specialist comments pertaining to water quality and the trophic state of the dam, along with a risk assessment of the proposed development for the dam as a drinking water resource provided by Dr J. Dabrowski have not been sufficiently addressed. Arguably, there is limited understanding by the appointed specialist of the requirements for a risk assessment of this nature. At the least there should have been a meeting arranged with the consultant or Sharples should have submitted Dr Dabrowski's comments to an independent specialist with a background in limnology who could have addressed these comments independently – the comments are scientific in nature and the consultant would be unable to address them in a satisfactory manner without obtaining a report by an independent suitably qualified freshwater specialist.

- 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 Sept 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.

The Public Participation Process was inadequate in terms of the following issues:
(Please refer to Annexure C: Statement setting grounds of appeal):

1. Notifying members of the public and those who lodged objections via various websites,
2. Registered letters were not sent to landowners in the vicinity of the development,
3. Emails were insufficient since not everyone who objected received notification or acknowledgment of their objection while some residents received only one email saying they were registered; some did not receive notifications at all and not all I&APS were notified of the final decision.
4. I&APs were unable to see how their comments were addressed or how they could provide more input or enter into discussions.
5. No meetings were held with respondents and I&AP (for example online meetings could have been held with I&APs to explain the misconceptions such as the type of university (refer to the comments and response report as this issue has still not been clarified).
6. There was no background information (BID) distributed that could have explained the process and the alternatives to the I&APs as well as what the proposed development entailed seeing that there are many outstanding issues such as the 100m buffer that was proposed as a No-go area which is not reflected in the layout that formed part of the authorised EA
7. Many were not aware that they could appeal the decision and were not informed that there was a 20 day deadline for submission of appeals nor that a specific format was required in order for the appeal to be recognised.
8. A mitigating factor of huge concern to those wishing to appeal was the fact that for a number of days during the Appeal period, access to the internet and electricity was severely restricted and having a negative impact on communication between organisations, individuals and concerned residents hampering their efforts to notify others or obtain further information as these efforts were hampered as the appeal period occurred during a time when we were dealing with up to Stage 6 loadshedding.
9. The outcome of the application of the Water Use License (WULA) which was issued on 15 September 2022 was not shared with any I&APs. Later on 05 & 06 October 2022 when questioned about the WULA certification and why the consultant (Sharples) had not shared the outcome, they replied stating that it was the responsibility of the responsible authority to inform those who commented on the process. This is in contradiction to what the Water Act states: *a procedure for public participation must be conducted as contemplated in section 41(4) of the Act, as part of the water use licence application process.*

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

The public participation process was inadequate and inefficient with many people raising concerns that there should at least have been a clarification meeting to address issues raised by the interested and affected parties (I&APs). No opportunity for involvement, clarification or discussion was provided by Sharples Environmental Services to the I&APs; for example by way of



'in-person' or online meetings or through the distribution of Background Information Documents to provide clarity on various misunderstandings such as:

1. the type of housing (low cost housing versus middle class)
2. the type of university (private or state)
3. the ridgeline development (confusing interpretations etc).

Which means that the public's participation has been limited and/or restricted and did not allow for the sufficient investigation, clarification, or engagement with the consultant (Sharples) who did not offer or provide an opportunity for any clarification meetings which is a stipulated requirement as per as per NEMA regulations. Refer to EIA Guideline and Information document series (March 2013. Part 4 Guideline on Public Participation) Chapter 6 Section 41 (6):

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.

Please refer to Annexure K - NEMA GUIDELINES – PUBLIC PARTICIPATION

PUBLIC PARTICIPATION

1. No public meetings were held to dispel the misconceptions identified in the public participation process. According to the consultant, the public had numerous misconceptions about the type and extent of development throughout the public participation process.

Given:

- a) the large volume of information provided for review,*
- b) the complexity in terms of process for the layman (e.g. historic EA for a portion), and*
- c) the high number of I&APs registered (thousands)*

it is entirely unjustified that public meetings were not held.

2. Concerns from residents about water quality and the state of water resources have been inadequately addressed because poor distinction is made in the aquatic specialist report between water quality for ecosystem health and water quality for human health (drinking water reservoir). Yes, we know that the ecosystem status is poor (although this can be rehabilitated and shouldn't be an excuse to make it worse).

While the Present Ecological State of the Kat River and surrounding wetlands was determined in the freshwater study, this indicates how the aquatic ecosystem is functioning. This provides us with an idea that our water resource could be under threat, it does not quantify the risk from a human health / consumption perspective.

The freshwater impact assessment, and response to comments, has still not addressed the comment that the present trophic state of the dam is unknown, no monitoring takes place, and no monitoring of water quality for the trophic state has been included in the future in the EA. Monitoring of drinking water reservoirs is international best practice, and while the responses table states that all mitigation measures have adhered to best practice, the omission of a robust risk assessment including the present trophic state of the dam and requirements for future monitoring are definitely not best practice.

The freshwater specialist appointed to compile the work may not be qualified to undertake this work, and an independent specialist with a strong background in limnology and eutrophication of reservoirs should have been contacted to compile such a report. Or at the very least, for comment on this issue. The types of information that would need to be included are relative loads of Phosphate from different sources, current P cycling in the dam (e.g. sediment -Kariba weed- water column), trophic state thresholds, and lake stratification regimes. This Risk Assessment should be done BEFORE an approval is given and should not be a post hoc condition of the EA.

It is meant to provide a more robust and scientific quantification of the risk to the dam as a water resource for drinking water

2. It should be of concern that the Annotated pictures of the dam showing diatom PES results and depth profile monitoring of Phosphate and E. coli which were provided by Dr J. Dabrowski were not included in



the comments and response table, therefore, any regulating authority looking at this report would not have seen this information.

3. While the response to Dr Dabrowski's comment about Risk Assessment is dismissive and states that this has been addressed in the freshwater report, which is untrue as the dam was not sampled in any manner conventionally used in limnological science to assess the trophic state, which is one of the factors underlying the risk assessment.

CONDITIONS OF THE EA

1. The Environmental Authorisation utilised recommendations from specialist reports as conditions of the approval, with no revised layout or plans provided. The revised layout or plans would be provided through the EMP which would be shared with DEA&DP alone, excluding I& APs from considering the revision. The result is an excessively long and complicated list of conditions which could have been addressed with a revised layout and associated plans (e.g. stormwater management plans) in the public participation phase. Establishment of the proposed Environmental Liaison Committee including members of the local community has been recommended to ensure conditions of the EA are fulfilled. However, this places an unreasonable burden on members of the public to now act as a watchdog for the implementation of recommendations which should have been incorporated as revisions to begin with.

2. Monitoring requirements (section 13) of the EA make no mention of monitoring water quality and trophic state of the dam. As water quality in the dam is one of the fundamental objections made by I&APs in the PP process; this can only be seen as an oversight.

3. Section 31 includes a condition whereby stormwater generated during the operational phase will be diverted along a constructed berm to be released into the Swart River below the dam. While this condition is meant to protect water quality in the dam, it transfers the impact downstream to the Swart River, which is already under pressure due to development in the catchment. Furthermore, there is no indication of the volumes of stormwater that would be diverted, and how these would be delivered to the Swart River. If delivered through a conventional piped outflow with typical energy dissipators designed for a 1:10 year flood, there could be serious erosion and sedimentation in the Swart River in more significant rainfall events. As a tributary of the Kaaimans Estuary, this has a far-reaching impact. The cumulative impact is important in this situation but was seriously downplayed. The activity of diverting stormwater into the Swart River is classified as a Section 21 c) and i) water use in terms of the NWA as it would definitely alter the flow and characteristics of the river.

4. General Point. The fact that a large buffer zone of 100m has been provided around the development has been raised time and again as a mitigation measure to protect the water resource. Aquatic Impact Buffer zones have many benefits, including corridors for movement of wildlife, and trapping sediments, nutrients and pollutants in diffuse overland flow. But a buffer zone cannot mitigate point-source impacts. For example, sewage leaking out of a pump station or manhole, or stormwater discharging through a piped outflow (even with energy dissipators) will not be mitigated by a buffer zone. In high rainfall situations, a point source discharge way generate sufficient volume and velocity that it could break through the proposed water protection berm and enter the dam.

5. The biodiversity assessment was inadequately addressed and should have been conducted by a specialist third party to address on behalf of Sharples and scientific report in the world includes the methods used for assessment. It's a fundamental basis of scientific work, and ensures results can be replicated and scrutinised. So to defend the exclusion of methods for other more important information is completely unprofessional at best, and would be considered suspicious by many in the scientific community at worst. Lengthy methods can always be included in an appendix..

REASONS FOR THE DECISION

1. One of the reasons provided for motivating the proposed development is that the George Municipality doesn't have the budget to maintain and construct paths and trails on this property and that the development therefore provides the only avenue to construct such paths and trails. This is entirely non-factual as there are already numerous well-maintained paths for running, cycling and walking which are maintained entirely by the public (mainly Hillbillies MTB Club). Arguably there are no further trails or paths required for recreation.

2. Pg. 29 of the EA acknowledges that pollution of the dam is a 'major concern' and that 'although the threat is real' this section goes on to detail the mitigation measures specified in the freshwater specialist report. It is however, argued, that residual risk is still present, and that without adequate knowledge of the current



trophic state of the dam the risk cannot be adequately assessed. The relative risk depends on the state of the receiving waterbody, which in this case, is unknown. In simple terms, how much more pollution would it take to 'push' the dam into an alternate eutrophic state where aesthetics and recreation are compromised, and water treatment is difficult and expensive. Only when we know this, can we decide the level of risk that is acceptable in the proposed development.

Water Quality & Availability (Annexure D)

Comments provided by Dr J. Dabrowski have not been sufficiently addressed – there should have been a meeting or the consultant (Sharples) should have submitted Dr Dabrowski's comments to an independent freshwater specialist who could have addressed these comments independently – the comments are of scientific in nature and the consultant would be unable to address them in a satisfactory manner without obtaining a report by an independent freshwater specialist.

Public Participation

Numerous IAP have highlighted their concerns regarding the suitability of this site for a development of this nature at Erf 464, Garden Route Dam. Many feel that their issues have been insufficiently addressed during the public participation process.

Sense of Place

The sense of place for Erf 464 is conservation, tranquillity, a place for all residents, visitors and holidaymakers to enjoy the beauty and diversity of this natural resource whilst protecting our main source of water for the citizens and visitors to the region.

Visual Impact

There will be significant visual impact for the residents of adjacent properties many of whom were attracted to this area because of its natural beauty and had no knowledge of the proposed development at the time of purchasing and may have chosen to purchase elsewhere had they been aware of the possibility of any development being approved at that location.

Clean, Secure Drinking Water (Annexure D & E)

Priority should be given to providing the community with a clean, secure drinking water for the future. Identify and consider options to construct a second dam in a catchment area at another location to alleviate the stress of water shortages in the region. The Status quo should be kept, rather develop in a less sensitive area and declare the George dam and environs a conservation area. Take all the issues raised by I&AP into account. Increased tourism provides much needed employment but also increases demand for water and is a factor that needs to be seriously considered before allowing our scarce resources to be put at risk by proposing a development next to our main water source (Annexure J – Tourism)

ZONING PROCESS (Annexure F)

The process of appealing zoning applications by the George Municipality has not been clearly detailed or outlined in terms of Public Participation and this failure has caused a lot of confusion among residents as they are unaware of the correct procedures to follow.

REZONING (Annexure F)

Rezoning applications are poorly reported and publicised (Refer Annexure F which shows a social media post with no reactions in the form of likes or comments and 1 Share). The municipality seems to rely on mediums that many members of the community do not have access to such as social media or local newspapers.

NO – GO NO IMPACT (Annexure G)

The proposed mitigation does not address the concerns raised with regards to a loss of sense of place, the security of our water resources and does not offer any consideration for an alternative area for this development.

Many have suggested Sallywood as a potential site or additional development at the existing Saasveld campus which already has much of the infrastructure in place to facilitate construction



and expansion without the need to address the issues of safety, security and traffic issues which have been raised by many residents.

The NO-GO alternative would result in the conservation of the site and prevention of any further development (status quo). Should the site not be developed, one can expect the current use of the open area for running, cycling, and fishing within the site will continue with the current level of security and safety concerns for the recreational users. The safety and security concerns should be investigated and interested parties should be invited to draft possible action plans in this regard such as the Keep Our Forest Safe initiative in Witfontein area.

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

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

Water Quality & Availability (Annexure D)

Numerous IAP have highlighted their concerns regarding the suitability of this site for a development of this nature at Erf 464, Garden Route Dam. Many feel that their issues have been insufficiently addressed during the public participation process.

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.

ZONING / REZONING / COMMUNITY LIAISON & ALTERNATIVE SITE (Annexure E)

ZONING PROCESS

The process of appealing zoning applications by the George Municipality has not been clearly detailed or outlined in terms of Public Participation and this failure has caused a lot of confusion among residents as they are unaware of the correct procedures to follow.

REZONING

Rezoning applications are poorly reported and publicised (Refer Annexure F which shows a social media post with no reactions in the form of likes or comments and 1 Share). The municipality seems to rely on mediums that many members of the community do not have access to such as social media or local newspapers.

THEMBALETHU

Many residents of Thembaletu are unaware of the proposed development and during informal discussions have indicated that they would prefer to have a development like this closer to where they live as access to this location would be expensive in terms of taxi fares while Sallywood is ideally situated nearby and for many; within walking distance. Many are excited at the prospect of a soccer stadium on their doorstep where they feel the likes of Bafana Bafana, Orlando Pirates and other favourite teams could be hosted at a venue with easy access for their community whereas something further away would be expensive to travel to in order to attend.

LOCAL RESIDENTS

Information regarding the proposed development to those residing at locations adjacent to the development was not delivered by Registered Letter and residents who did not receive sufficient notification were unable to comment during the early, initial stages. Some residents only purchased properties after the process was underway and no effort was made by the municipality to enlighten these individuals as to the proposed development plans adjacent to their residences.

Residents have given examples whereby if they should wish to make changes to their properties, all neighbours would need to be notified and even if one person objects, their application is declined and yet when an entire community mobilises and questions the proposed development at Erf 464, Garden Route Dam which represents an ecological environment and sensitive water source, their concerns are not adequately addressed.



Many are of the opinion that there are other areas better suited that could be developed such as 'Sallywood' which is located at the confluence of the N2 or possibly even other sites yet to be considered as well as the existing Saasveld Campus which has existing infrastructure and already offers a university campus. (Refer Annexure G)

The status quo at Erf 464 should be kept, and rehabilitated and we propose that the municipality consider the construction of a development of this type in a less sensitive area and declare the George dam and environs a conservation area.

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.

The sense of place for Erf 464 is conservation, tranquillity, a place for all residents, visitors and holidaymakers to enjoy the beauty and diversity of this natural resource whilst protecting our main source of water for the citizens of the region. A pre-requisite would be to arrange meetings with landowners, prioritise and secure drinking water for the future. Identify and consider options to construct a second dam in a catchment area at another location to alleviate the stress of water shortages in the region. The Status quo should be kept, rather develop in a less sensitive area and declare the George dam and environs a conservation area. Take all the issues raised by I&AP into account. Increased tourism also increases demand for water and is a factor that needs to be seriously considered before allowing our scarce resources to be put at risk by proposing a development next to our main water source.

The proposed mitigation does not address the concerns raised with regards to a loss of sense of place, the security of our water resources and does not offer any consideration for an alternative area for this development.

Many have suggested Sallywood as a potential site or additional development at the existing Saasveld campus which already has much of the infrastructure in place to facilitate construction and expansion without the need to address the issues of safety, security and traffic issues which have been raised by many residents.

The NO-GO alternative would result in the conservation of the site and prevention of any further development (status quo). Should the site not be developed, one can expect the current use of the open area for running, cycling and fishing within the site will continue with the current level of security and safety concerns for the recreational users. The safety and security concerns should be investigated and interested parties should be invited to draft possible action plans in this regard such as the Keep Our Forest Safe initiative in Witfontein area.

Refer to:

ANNEXURE D	-	WATER QUALITY	ANNEXURE E	-	WATER AVAILABILITY
ANNEXURE F	-	ZONING / REZONING	ANNEXURE G	-	ALTERNATIVE SITE
ANNEXURE I	-	WULA CERTIFICATE	ANNEXURE J	-	TOURISM

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

The PPP should be conducted in an adequate way addressing the issues of I&APs

The alternative; namely the "Status Quo" should be considered and rather develop on less sensitive areas away from the dam (drinking water of George).



The possibility of a Forum to assist with the alien clearing around the dam should be investigated as well as the possibility of "adopt-a-spot" should be investigated in order to provide a source of income for the George municipality to uphold the area in a sustainable manner.

While the Present Ecological State of the Kat River and surrounding wetlands was determined in the freshwater study, this indicates how the aquatic ecosystem is functioning and provides us with the possibility that our water resource could be under threat, it does not quantify the risk from a human health / consumption perspective.

The freshwater impact assessment, and response to comments, has still not addressed the comment that the present trophic state of the dam is unknown, no monitoring takes place, and no monitoring of water quality for the trophic state has been included in the future in the EA. Monitoring of drinking water reservoirs is international best practice, and while the responses table states that all mitigation measures have adhered to best practice, the omission of a robust risk assessment including the present trophic state of the dam and requirements for future monitoring are definitely not best practice.

The freshwater specialist appointed to compile the work may not be qualified to undertake this work, and an independent specialist with a strong background in limnology and eutrophication of reservoirs should have been contacted to compile such a report. Or at the very least, for comment on this issue. The types of information that would need to be included are relative loads of Phosphate from different sources, current P cycling in the dam (e.g. sediment -Kariba weed- water column), trophic state thresholds, and lake stratification regimes. This Risk Assessment should be done BEFORE an approval is given and should not be a post hoc condition of the EA.

It is meant to provide a more robust and scientific quantification of the risk to the dam as a water resource for drinking water

- 4. It should be of concern that the Annotated pictures of the dam showing diatom PES results and depth profile monitoring of Phosphate and E. coli which were provided by Dr J. Dabrowski were not included in the comments and response table, therefore, any regulating authority looking at this report would not have seen this information.*
- 5. While the response to Dr Dabrowski's comment about Risk Assessment is dismissive and states that this has been addressed in the freshwater report, which is untrue as the dam was not sampled in any manner conventionally used in limnological science.*

CONDITIONS OF THE EA

1. The Environmental Authorisation utilised recommendations from specialist reports as conditions of the approval, with no revised layout or plans provided. The revised layout or plans would be provided through the EMP which would be shared with DEA&DP alone, excluding I& APs from considering the revision. The result is an excessively long and complicated list of conditions which could have been addressed with a revised layout and associated plans (e.g. stormwater management plans) in the public participation phase. Establishment of the proposed Environmental Liaison Committee including members of the local community has been recommended to ensure conditions of the EA are fulfilled. However, this places an unreasonable burden on members of the public to now act as a watchdog for the implementation of recommendations which should have been incorporated as revisions to begin with.

2. Monitoring requirements (section 13) of the EA make no mention of monitoring water quality and trophic state of the dam. As water quality in the dam is one of the fundamental objections made by I&APs in the PP process; this can only be seen as an oversight.

3. Section 31 includes a condition whereby stormwater generated during the operational phase will be diverted along a constructed berm to be released into the Swart River below the dam. While this condition is meant to protect water quality in the dam, it transfers the impact downstream to the Swart River, which is already under pressure due to development in the catchment. Furthermore, there is no indication of the volumes of stormwater that would be diverted, and how these would be delivered to the Swart River. If delivered through a conventional piped outflow with typical energy dissipators designed for a 1:10 year flood, there could be serious erosion and sedimentation in the Swart River in more significant rainfall events. As a tributary of the Kaaimans Estuary, this has a far-reaching impact. The cumulative impact is important in this situation but was seriously downplayed. The activity of diverting stormwater into the Swart River is classified as a Section 21 c) and i) water use in terms of the NWA as it would definitely alter the flow and characteristics of the river.



4. *General Point.* The fact that a large buffer zone of 100m has been provided around the development has been raised time and again as a mitigation measure to protect the water resource. Aquatic Impact Buffer zones have many benefits, including corridors for movement of wildlife, and trapping sediments, nutrients and pollutants in diffuse overland flow. But a buffer zone cannot mitigate point-source impacts. For example, sewage leaking out of a pump station or manhole, or stormwater discharging through a piped outflow (even with energy dissipators) will not be mitigated by a buffer zone. In high rainfall situations, a point source discharge way generate sufficient volume and velocity that it could break through the proposed water protection berm and enter the dam.

5. *The biodiversity assessment was inadequately addressed and should have been conducted by a specialist third party to address on behalf of Sharples and scientific report in the world includes the methods used for assessment. It's a fundamental basis of scientific work, and ensures results can be replicated and scrutinised. So to defend the exclusion of methods for other more important information is completely unprofessional at best, and would be considered suspicious by many in the scientific community at worst. Lengthy methods can always be included in an appendix.*

REASONS FOR THE DECISION

1. *One of the reasons provided for motivating the proposed development is that the George Municipality doesn't have the budget to maintain and construct paths and trails on this property and that the development therefore provides the only avenue to construct such paths and trails. This is entirely non-factual as there are already numerous well-maintained paths for running, cycling and walking which are maintained entirely by the public (mainly Hillbillies MTB Club). Arguably there are no further trails or paths required for recreation.*

2. *Pg. 29 of the EA acknowledges that pollution of the dam is a 'major concern' and that 'although the threat is real' this section goes on to detail the mitigation measures specified in the freshwater specialist report. It is however, argued, that residual risk is still present, and that without adequate knowledge of the current trophic state of the dam the risk cannot be adequately assessed. The relative risk depends on the state of the receiving waterbody, which in this case, is unknown. In simple terms, how much more pollution would it take to 'push' the dam into an alternate eutrophic state where aesthetics and recreation are compromised, and water treatment is difficult and expensive. Only when we know this, can we decide the level of risk that is acceptable in the proposed 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.)

While the Present Ecological State of the Kat River and surrounding wetlands was determined in the freshwater study, this indicates how the aquatic ecosystem is functioning. This provides us with an idea that our water resource could be under threat, it does not quantify the risk from a human health / consumption perspective.

The freshwater impact assessment, and response to comments, has still not addressed the comment that the present trophic state of the dam is unknown, no monitoring takes place, and no monitoring of water quality for the trophic state has been included in the future in the EA. Monitoring of drinking water reservoirs is international best practice, and while the responses table states that all mitigation measures have adhered to best practice, the omission of a robust risk assessment including the present trophic state of the dam and requirements for future monitoring are definitely not best practice.

The freshwater specialist appointed to compile the work may not be qualified to undertake this work, and an independent specialist with a strong background in limnology and eutrophication of reservoirs should have been contacted to compile such a report. Or at the very least, for comment on this issue. The types of information that would need to be included are relative loads of Phosphate from different sources, current P cycling in the dam (e.g. sediment -Kariba weed- water column), trophic state thresholds, and lake stratification regimes. This Risk Assessment should be done BEFORE an approval is given and should not be a post hoc condition of the EA.

It is meant to provide a more robust and scientific quantification of the risk to the dam as a water resource for drinking water

6. *It should be of concern that the Annotated pictures of the dam showing diatom PES results and depth profile monitoring of Phosphate and E. coli which were provided by Dr J. Dabrowski were not included in the comments and response table, therefore, any regulating authority looking at this report would not have seen this information.*
7. *While the response to Dr Dabrowski's comment about Risk Assessment is dismissive and states that this has been addressed in the freshwater report, which is untrue as the dam was not sampled in any manner conventionally used in limnological science.*

CONDITIONS OF THE EA

1. *The Environmental Authorisation utilised recommendations from specialist reports as conditions of the approval, with no revised layout or plans provided. The revised layout or plans would be provided through the EMP which would be shared with DEA&DP alone, excluding I& APs from considering the revision. The result is an excessively long and complicated list of conditions which could have been addressed with a revised layout and associated plans (e.g. stormwater management plans) in the public participation phase. Establishment of the proposed Environmental Liaison Committee including members of the local community has been recommended to ensure conditions of the EA are fulfilled. However, this places an unreasonable burden on members of the public to now act as a watchdog for the implementation of recommendations which should have been incorporated as revisions to begin with.*

2. *Monitoring requirements (section 13) of the EA make no mention of monitoring water quality and trophic state of the dam. As water quality in the dam is one of the fundamental objections made by I&APs in the PP process; this can only be seen as an oversight.*

3. *Section 31 includes a condition whereby stormwater generated during the operational phase will be diverted along a constructed berm to be released into the Swart River below the dam. While this condition is meant to protect water quality in the dam, it transfers the impact downstream to the Swart River, which is*



already under pressure due to development in the catchment. Furthermore, there is no indication of the volumes of stormwater that would be diverted, and how these would be delivered to the Swart River. If delivered through a conventional piped outflow with typical energy dissipators designed for a 1:10 year flood, there could be serious erosion and sedimentation in the Swart River in more significant rainfall events. As a tributary of the Kaaibans Estuary, this has a far-reaching impact. The cumulative impact is important in this situation but was seriously downplayed. The activity of diverting stormwater into the Swart River is classified as a Section 21 c) and i) water use in terms of the NWA as it would definitely alter the flow and characteristics of the river.

4. *General Point.* The fact that a large buffer zone of 100m has been provided around the development has been raised time and again as a mitigation measure to protect the water resource. Aquatic Impact Buffer zones have many benefits, including corridors for movement of wildlife, and trapping sediments, nutrients and pollutants in diffuse overland flow. But a buffer zone cannot mitigate point-source impacts. For example, sewage leaking out of a pump station or manhole, or stormwater discharging through a piped outflow (even with energy dissipators) will not be mitigated by a buffer zone. In high rainfall situations, a point source discharge way generate sufficient volume and velocity that it could break through the proposed water protection berm and enter the dam.

5. *The biodiversity assessment was inadequately addressed and should have been conducted by a specialist third party to address on behalf of Sharples and scientific report in the world includes the methods used for assessment. It's a fundamental basis of scientific work, and ensures results can be replicated and scrutinised. So to defend the exclusion of methods for other more important information is completely unprofessional at best, and would be considered suspicious by many in the scientific community at worst. Lengthy methods can always be included in an appendix..*

REASONS FOR THE DECISION

1. One of the reasons provided for motivating the proposed development is that the George Municipality doesn't have the budget to maintain and construct paths and trails on this property and that the development therefore provides the only avenue to construct such paths and trails. This is entirely non-factual as there are already numerous well-maintained paths for running, cycling and walking which are maintained entirely by the public (mainly Hillbillies MTB Club). Arguably there are no further trails or paths required for recreation.

2. Pg. 29 of the EA acknowledges that pollution of the dam is a 'major concern' and that 'although the threat is real' this section goes on to detail the mitigation measures specified in the freshwater specialist report. It is however, argued, that residual risk is still present, and that without adequate knowledge of the current trophic state of the dam the risk cannot be adequately assessed. The relative risk depends on the state of the receiving waterbody, which in this case, is unknown. In simple terms, how much more pollution would it take to 'push' the dam into an alternate eutrophic state where aesthetics and recreation are compromised, and water treatment is difficult and expensive. Only when we know this, can we decide the level of risk that is acceptable in the proposed development.

WULA EMAIL ENQUIRY (Annexure F)

Sharples was contacted by Dr J. Dabrowski, (Pr.Sci.Nat.Aquatic Science), by way of two email enquiries on 5 & 6 October 2022 requesting an update and feedback on the status on the decision for issuance of the WULA certificate by the Dept of Water Affairs Betsy Ditsham replied on the 7 October (Appendix D) to which she attached the requested WULA Certificate stating that:

"A decision has been reached by DWS regarding the WULA for the Garden Route Dam.

My understanding of the Water Act (Part 7 Point 42) and WULA process is that the authority is responsible for notifying those that commented on the process of the decision."



WULA CERTIFICATE (Annexure G)

THE APPLICATION FOR A WATER USE LICENCE IN TERMS OF SECTION 40 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998): Development on Erf 464, George.

Was officially declined by the Department of Water & Sanitation and signed by:

"I, Mrs NM Bila-Mupariwa (Provincial Head: Western Cape)
herewith electronically sign this document.
Serial Number: 5462281249422514928
Provincial Head
Date: Sep 15, 2022, 11:46PM"

And submitted to:

WSP: GEORGE LOCAL MUNICIPALITY
PO Box 19
George
6530
Attention: Mr. E.F.H. Herandien

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



Date 2022 October 11



ANNEXURE INDEX

ANNEXURE A	-	EDEN RESIDENTS' ASSOCIATION
ANNEXURE B	-	NOTIFICATION OF OUTCOME FROM SHARPLES
ANNEXURE C	-	STATEMENT SETTING GROUNDS OF APPEAL
ANNEXURE D	-	WATER QUALITY
ANNEXURE E	-	WATER AVAILABILITY
ANNEXURE F	-	ZONING / REZONING
ANNEXURE G	-	ALTERNATIVE SITE
ANNEXURE I	-	WULA CERTIFICATE
ANNEXURE J	-	SENSE OF PLACE & TOURISM
ANNEXURE K	-	GUIDELINES – PUBLIC PARTICIPATION
ANNEXURE L	-	LIST OF SUPPORTERS

Represented by: Tracey Pharoah
Communications Representative
EDEN RESIDENTS ASSOCIATION

Phone: +27 76 976 2629

Email: era@ezipezi.com

Who is the Eden Residents Association:

EDEN RESIDENTS ASSOCIATION

Eden Residents Association (ERA) is an informal, voluntary, community-based association, under the banner of Garden Route 101, loosely formed in 2022 as mutual concerns were raised about the need and desirability of the proposed development at the Garden Route dam and represented by Tracey Pharoah, with open membership to all residents, and citizens of the greater Eden district, managed by volunteers and comprising of interested & affected parties, concerned individuals, homeowners, residents, business owners, as well as organisations in opposition to the proposed development and with the common objective of appealing the proposed development of Erf 464, Garden Route Dam, George.

Received by: Tracey Pharoah
From: Betsy Ditcham
SHARPLES ENVIRONMENTAL SERVICES
Date/s Received: 21 September 2022, 04:36pm
23 September 2022, 09:04am

Notification Received on 21 September 2022 via email from Betsy Ditcham, Sharples Environmental Services:

This notification should have been sent on 19 September in terms of the 20 day Appeal deadline
No Read Receipts confirming Receipt of this notification was requested.

From: Betsy Ditcham <betsy@sescc.net>
Sent: 21 September 2022 04:36 PM
Subject: ENVIRONMENTAL AUTHORISATION AMENDMENT: 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
Importance: High

Dear Registered Interested and Affected Party and/or Organ of State,

This email serves to inform you that the Department of Environmental Affairs and Development Planning have **Granted** Environmental Authorisation for the Tertiary Education and Mixed-Use Precinct Development at the Garden Route Dam on a Portion of Remainder Erf 464, George, on 19 September 2022. A copy of the Authorisation, including the reasons for decision (**Annexure 3**) has been attached to this email.

Note that I&AP's have the opportunity to appeal in terms of the National Appeals Regulations, 2014 (as Amended), should they so wish. The Appeals procedure is detailed in **Section G** of the attached EA (pg. 20) and summarised below.

Appeals Procedure

An appellant must, within 20 calendar days from the date the Holder of the decision sent notification of the decision –

1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
2. Submit a copy of the Appeal to the Holder of the decision, any registered I&APs, any Organ of State with interest in the matter and the decision maker i.e. DEADP Director: Development Management (Region 3)

The appeal must be submitted to the address as listed below:

By Post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000
By Facsimile: (021) 483 4174
By Hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitus Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, appellants are requested to submit electronic copies of the appeal, responding statement and any supporting documents to the Appeal Authority above and/or via email to DEADP.Appeals@westerncape.gov.za

A prescribed appeal form is available from the Appeal Authority at Tel: (021) 483 3721, Email: DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>

Kind Regards,

Betsy Ditcham Director Cape Town Registered Environmental Assessment Practitioner (EAPASA Reg: 2020/1480) TEL: (021) 554 5195 CELL: 082 456 6918 FAX: 086 575 2869 EMAIL: betsy@sescc.net Unit 1 A2 The Avenues Parklands Cape Town PO BOX 443 Milnerton 7435 WEB: www.sescc.net	 <p>ENVIRONMENTAL IMPACT ASSESSMENTS ENVIRONMENTAL AUDITING AND MONITORING ENVIRONMENTAL MANAGEMENT PLANS WASTE AND WATER LICENCES PROJECT MANAGEMENT REHABILITATION AND CLOSURE PLANS</p> <p>1998 Years</p>
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**Notification Received on 23 September 2022 via email from
Betsy Ditcham, Sharples Environmental Services:**

**This information should have been made available on 19 September in terms of the 20 day Appeal deadline. No
Read Receipt confirming Acknowledgement of this notification was requested.**

Betsy Ditcham

Fri, Sep 23, 9:04 AM ☆ ↶ ⋮


to Betsy ▾

Good Day,

Please note that, on request by I&AP's, the Final Environmental Impact Assessment with associated Appendices has been loaded onto our website and can be accessed through the following link:

<https://sescc.net/eia-report/post-application-draft-scoping-report-for-the-proposed-university-precinct-development-at-the-garden-route-dam-and-associated-infrastructure-on-a-portion-of-the-remainder-of-erf-464-george/>

Kind Regards,

<p>Betsy Ditcham Director Cape Town Registered Environmental Assessment Practitioner (EAPASA Reg: 2020/1480) TEL: (021) 554 5195 CELL: 082 456 6918 FAX: 086 575 2869 EMAIL: betsy@sescc.net Unit 1 A2 The Avenues Parklands Cape Town PO BOX 443 Milnerton 7435 WEB: www.sescc.net</p>	 <p>ENVIRONMENTAL IMPACT ASSESSMENTS ENVIRONMENTAL AUDITING AND MONITORING ENVIRONMENTAL MANAGEMENT PLANS AQUATIC ASSESSMENT WASTE AND WATER LICENSES PROJECT MANAGEMENT REHABILITATION AND CLOSURE PLANS</p> <p>PROFESSIONAL SERVICE 1998</p>
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PUBLIC PARTICIPATION PROCESS

In terms of the procedures followed in regard to the Public Participation Process, as per NEMA regulations we are addressing the following points:

1) PUBLIC CLARIFICATION MEETING

The public participation process was inadequate and inefficient with many people raising concerns that there should at least have been a clarification meeting to address issues raised by the interested and affected parties (I&APs). No opportunity for involvement, clarification or discussion was provided by Sharples Environmental Services to the I&APs; for example by way of 'in-person' or online meetings or through the distribution of Background Information documents to provide clarity on various misunderstandings such as:

4. the type of housing (low cost housing versus middle class)
5. the type of university (private or state)
6. the ridgeline development (confusing interpretations etc).

Which means that the public's participation has been limited and restricted and did not allow for the sufficient investigation or clarification, or engagement with Sharples who did not offer or provide an opportunity for any clarification meetings which is a stipulated requirement as per as per NEMA regulations. Refer to Nation Appeal Regulations - Guidelines - 8 December 2014
Chapter 6 Section 41 (6) :

When complying with this regulation, the person conducting the public participation process must ensure that —

(a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and
(b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.

(7) Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation process contemplated in this Chapter may be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes.

For Additional Information, refer to Nation Appeal Regulations - Guidelines - 8 December 2014
Point 42, 43 and 44 of the Regulations and PPP Guidelines Part 4 & 5

POINT 5.8 - there should have been meetings due to the public outcry :
Identifying and Approaching Specific Stakeholders Over and above the placement of general notices in the media calling for I&APs to participate, certain stakeholders should be specifically approached.

The following means of identifying stakeholders should be used when appropriate:

- *Social profiles or probes provide a comprehensive summary of the key characteristics of the people of a community or area and can serve as a starting point for identifying stakeholders.*
- *Brainstorming sessions with the proponent and/or authorities, based on previous experience, to identify key stakeholders who may be interested or affected by the proposal.*
- *Established lists and databases, held by consultancies, authorities or research institutions, may hold additional contact details of residents, Non-Government Organisations, Community Based Organisations or constituents.*

PUBLIC PARTICIPATION

1. No public meetings were held to dispel the misconceptions identified in the public participation process. According to the consultant, the public had numerous misconceptions about the type and extent of development throughout the public participation process.

Given:

- a) the large volume of information provided for review,
- b) the complexity in terms of process for the layman (e.g. historic EA for a portion), and
- c) the high number of I&APs registered (thousands)

it is entirely unjustified that public meetings were not held.

2. Concerns from residents about water quality and the state of water resources have been inadequately addressed because poor distinction is made in the aquatic specialist report between water quality for ecosystem health and water quality for human health (drinking water reservoir). Yes, we know that the ecosystem status is poor (although this can be rehabilitated and shouldn't be an excuse to make it worse).

While the Present Ecological State of the Kat River and surrounding wetlands was determined in the freshwater study, this indicates how the aquatic ecosystem is functioning. This provides us with an idea that our water resource could be under threat, it does not quantify the risk from a human health / consumption perspective.

The freshwater impact assessment, and response to comments, has still not addressed the comment that the present trophic state of the dam is unknown, no monitoring takes place, and no monitoring of water quality for the trophic state has been included in the future in the EA. Monitoring of drinking water reservoirs is international best practice, and while the responses table states that all mitigation measures have adhered to best practice, the omission of a robust risk assessment including the present trophic state of the dam and requirements for future monitoring are definitely not best practice.

The freshwater specialist appointed to compile the work may not be qualified to undertake this work, and an independent specialist with a strong background in limnology and eutrophication of reservoirs should have been contacted to compile such a report. Or at the very least, for comment on this issue. The types of information that would need to be included are relative loads of Phosphate from different sources, current P cycling in the dam (e.g. sediment -Kariba weed- water column), trophic state thresholds, and lake stratification regimes. This Risk Assessment should be done BEFORE an approval is given and should not be a post hoc condition of the EA.

It is meant to provide a more robust and scientific quantification of the risk to the dam as a water resource for drinking water

- 8. It should be of concern that the Annotated pictures of the dam showing diatom PES results and depth profile monitoring of Phosphate and E. coli which were provided by Dr J. Dabrowski were not included in the comments and response table, therefore, any regulating authority looking at this report would not have seen this information.
- 9. While the response to Dr Dabrowski's comment about Risk Assessment is dismissive and states that this has been addressed in the freshwater report, which is untrue as the dam was not sampled in any manner conventionally used in limnological science.

CONDITIONS OF THE EA

1. The Environmental Authorisation utilised recommendations from specialist reports as conditions of the approval, with no revised layout or plans provided. The revised layout or plans would be provided through the EMP which would be shared with DEA&DP alone, excluding I& APs from considering the revision. The result is an excessively long and complicated list of conditions which could have been addressed with a revised layout and associated plans (e.g. stormwater management plans) in the public participation phase. Establishment of the proposed Environmental Liaison Committee including members of the local community has been recommended to ensure conditions of the EA are fulfilled. However, this places an unreasonable burden on members of the public to now act as a watchdog for the implementation of recommendations which should have been incorporated as revisions to begin with.



2. Monitoring requirements (section 13) of the EA make no mention of monitoring water quality and trophic state of the dam. As water quality in the dam is one of the fundamental objections made by I&APs in the PP process; this can only be seen as an oversight.

3. Section 31 includes a condition whereby stormwater generated during the operational phase will be diverted along a constructed berm to be released into the Swart River below the dam. While this condition is meant to protect water quality in the dam, it transfers the impact downstream to the Swart River, which is already under pressure due to development in the catchment. Furthermore, there is no indication of the volumes of stormwater that would be diverted, and how these would be delivered to the Swart River. If delivered through a conventional piped outflow with typical energy dissipators designed for a 1:10 year flood, there could be serious erosion and sedimentation in the Swart River in more significant rainfall events. As a tributary of the Kaaimans Estuary, this has a far-reaching impact. The cumulative impact is important in this situation but was seriously downplayed. The activity of diverting stormwater into the Swart River is classified as a Section 21 c) and i) water use in terms of the NWA as it would definitely alter the flow and characteristics of the river.

4. General Point. The fact that a large buffer zone of 100m has been provided around the development has been raised time and again as a mitigation measure to protect the water resource. Aquatic Impact Buffer zones have many benefits, including corridors for movement of wildlife, and trapping sediments, nutrients and pollutants in diffuse overland flow. But a buffer zone cannot mitigate point-source impacts. For example, sewage leaking out of a pump station or manhole, or stormwater discharging through a piped outflow (even with energy dissipators) will not be mitigated by a buffer zone. In high rainfall situations, a point source discharge way generate sufficient volume and velocity that it could break through the proposed water protection berm and enter the dam.

5. The biodiversity assessment was inadequately addressed and should have been conducted by a specialist third party to address on behalf of Sharples and scientific report in the world includes the methods used for assessment. It's a fundamental basis of scientific work, and ensures results can be replicated and scrutinised. So to defend the exclusion of methods for other more important information is completely unprofessional at best, and would be considered suspicious by many in the scientific community at worst. Lengthy methods can always be included in an appendix..

REASONS FOR THE DECISION

1. One of the reasons provided for motivating the proposed development is that the George Municipality doesn't have the budget to maintain and construct paths and trails on this property and that the development therefore provides the only avenue to construct such paths and trails. This is entirely non-factual as there are already numerous well-maintained paths for running, cycling and walking which are maintained entirely by the public (mainly Hillbilly's mountain bike club). Arguably there are no further trails or paths required for recreation.

2. Pg. 29 of the EA acknowledges that pollution of the dam is a 'major concern' and that 'although the threat is real' this section goes on to detail the mitigation measures specified in the freshwater specialist report. It is however, argued, that residual risk is still present, and that without adequate knowledge of the current trophic state of the dam the risk cannot be adequately assessed. The relative risk depends on the state of the receiving waterbody, which in this case, is unknown. In simple terms, how much more pollution would it take to 'push' the dam into an alternate eutrophic state where aesthetics and recreation are compromised, and water treatment is difficult and expensive. Only when we know this, can we decide the level of risk that is acceptable in the proposed development.

SCIENTIFIC PROCESS

Examples of poor / inadequate responses to specialist comments most by Ken Coetzee on the biodiversity report were not professionally addressed at all. As background, refer to this definition of the scientific method:



scientific method

noun

a method of procedure that has characterized natural science since the 17th century, consisting in systematic observation, measurement, and experiment, and the formulation, testing, and modification of hypotheses.

"criticism is the backbone of the scientific method"

According to Dr J. Dabrowski, the scientific process is meant to be open to robust debate and scrutiny of your scientific work is not personal and it is expected to be both publicly and critically challenged by experts, professors and lecturers in the field of study. This is not personal, it's constructive, and is a cornerstone of the scientific method.

Otherwise scientists can become biased by their own hypotheses and perspectives of how things are. The response below, combined with other comments submitted why the methods sections was removed from the report (to be replaced by other "important information") reflects how the specialist is taking personal offense to comments and providing an inadequate and unprofessional response. As a scientist, your work has to be an open book, and you have to be equipped to deal with criticism of it. The response to the comment focussed on defence of the specialist's credentials as opposed to comprehensively responding to each point in the comment.

<p>8.3 MAMMALS</p> <p>Again, there are assumptions made about the presence / absence of mammals based on the habitat present at the site which has not been adequately surveyed, mapped or described. Animals, including mammals, are needing to occupy far more marginal habitats than may be their preference given development pressures. Especially on the edge of urban areas. It is therefore presumptions to assume that because the ideal habitat described in a textbook is not present, that the animal won't be there. The only way to be sure is to survey under different conditions. As in the reptile study, the mitigation measures are vague, eg. "Develop a noise mitigation plan to reduce potential noise impact". Is this during the construction or operational phase? What</p>			<p>The following response was provided by the specialist:</p> <p>Again, I refer to the fact that my checklists are considered to be "assumptions". I have been doing mammal checklists for 26 years as a consultant and for 15 years as a reserve manager for four different reserves in the northern Cape. I know how to prepare a mammal checklist. I am also very familiar</p>
<p>species is this aimed at protecting? Who must develop the noise mitigation plan? What noise needs to be mitigated?</p>			<p>with mammal ecology (my field of expertise) and I made no "assumptions", all species listed were carefully considered in terms of all the conditions in the study area which were carefully evaluated by means of a number of field visits to the study site. I consider these statements to be high-handed and very offensive.</p>

EXAMPLES OF FAILURES & INCONSISTENCIES IN THE PUBLIC PARTICIPATION PROCESS

INCONSISTENCIES IN STATUS - HOW DOES ONE CONFIRM IF THEY ARE REGISTERED OR NOT?

George Sustainable City Forum	J Daneel	2022-03-11		admin@scf-za.org	
Lorie Land Creche	C Groves	2022-03-11		lorieland@gmail.com	
Poll projects	L Hadarag	2022-03-11		lorettepitout@outlook.com	
Training Answers	H Du Plessis	2022-03-11		hermien@traininganswers.co.za	
Land Owner	SJP Badenhorst	Registered	PO Box 12 George 6530 T: 044 871 1450		
MTO forestry	Mr Geoff Taylor	Registered	Private Bag X6603 George East 6539 T: 044 620 5101	Geoff@mto.co.za	
MTO forestry	Mr. Marius Davids	Registered	Private Bag X6603 George East 6539 T: 044 620 5102	mariUSD@mto.co.za	
Saasveld NMMU Campus	Alet van Tonder marketing and corporate relations	Registered	PO Box 77000 Port Elizabeth 6031 T: 044 801 5098	alet.vantonder@mandela.ac.za	
Saasveld NMMU Campus	Lee-Anne Groener	Registered	PO Box 77000 Port Elizabeth 6031	Lee-Anne.Groener@mandela.ac.za	
Saasveld NMMU Campus	Magda Eybers, Academic Administration	Registered	PO Box 77000 Port Elizabeth 6031 T: 044 801 5566	magda.eybers@mandela.ac.za	
AFFECTED LANDOWNERS					
PORTION/ ERF	NAME AND SURNAME	DATE REGISTERED	CONTACT DETAILS		PREFERRED METHOD
	Mr. Greg Young	Notified		gregyoung@xsnet.co.za	
Interested and Affected Party	Mrs M.S. Moretti	Notified		Melinda.moretti@gmail.com	
Interested and Affected Party	Mr. Peter Risi	Notified		vpeterisi@gmail.com	
Interested and Affected Party	Mrs. W.R.G. Branford	Notified		justin.branford@igen.co.za	

1. FAILURE TO ADDRESS TRAFFIC ISSUES ADEQUATELY

Comments and Response Table Draft EIA Phase:

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

Comments Received during the 30-Day Public Participation on the Draft EIA Report					
Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
	ACCESS				The extracted text refers to construction of the development.
	<p>The main access to the site is from Stander, Meyer and Arthur Bleksley Streets in the residential suburbs of Loerie Park, Eden and Genevafontein, as well as in Eastern Extension.</p> <p>"Access to the proposed development area during construction will be provided East from Stander Street. [This latter location does not make sense.] This road will however be upgraded following construction of the internal roads." (Extracts from pages 77 and 78).</p> <p>"The two (2) main access roads to the Saasveld Campus after construction" [construction of what?] will be North from Madiba Drive."</p>				

Extract: APPENDIX E6 COMMENTS AND RESPONSE REPORT – DRAFT EIA CONS

"TRAFFIC: IS MENTIONED IN 213 PLACES IN THIS DOCUMENT"

EXAMPLE OF A TRAFFIC RELATED COMMENT ON PAGE 19 / 20 of 327
Example of failure to address issues in a satisfactory manner without any communication suggesting holding a meeting with residents to discuss.



2. FAILURE TO ADDRESS RESIDENTS' CONCERNS RELATING TO VISUAL IMPACT

Comments and Response Table Draft EIA Phase:

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

Comments Received during the 30-Day Public Participation on the Draft EIA Report					
Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
	Visual impact The visual assessment report considers only the first row of houses as highly impacted by the development of the site. This is untrue, since all 2nd row houses, most 3rd row houses and some 4th row houses, depending on whether it is at the hill slope top, looks down onto the other rows and directly onto the undeveloped property. So much so that we were first to report where fires sprung up in the veld during the Outeniqua fires in 2018. The 1st row houses are lower lying and therefore the line of site assumptions in your report is flawed.				Your opinion on the visual impact of the development is noted.

Extract: APPENDIX E6 COMMENTS AND RESPONSE REPORT – DRAFT EIA CONSULTATION_COMPRESSED

Page 110 of 327

“VISUAL IMPACT: IS MENTIONED IN 30 INSTANCES IN THIS DOCUMENT

and inadequately addressed - another example of the failure to address serious issues of concern to residents in a satisfactory manner without any communication suggesting holding a meeting with residents to discuss.

PLEASE REFER TO THE IMAGES ON THE FOLLOWING PAGE TO SEE PHOTOGRAPHIC EVIDENCE OF THE VISUAL IMPACT THIS WILL HAVE ON THE NEIGHBOURING HOMES

THE RESPONSE BY THE CONSULTANT IS INSUFFICIENT AND CLEARLY IGNORES THIS RESPONDENT'S VALID CONCERNS.



QUESTIONS REGARDING EXPENDITURE

Many have raised concerns relating to the costs this lengthy process which seems to date back to 2014. Our research to attempt to get to the bottom of this issue has uncovered a number of articles that offer contradictory views and leave us with more questions than answers. Many taxpayers are questioning the process and believe that they are paying for a study which seemingly “no one authorised”, “no one requested” and “no one wants” while others are calling for a full audit of the project. There seems to be some confusion relating to who requested the study with some saying Aurecon approached the George Municipality but in a recent article in the George Herald, the George Municipality issued the following statement:

Extract George Herald 06 October 2022

GEORGE NEWS - Reaction to environmental approval granted last week for the proposed development at the Garden Route Dam has again highlighted the strong opposition to the proposal among large groups of residents and interest groups.

An editorial decision was made to place in full a statement issued on 5 October by George Municipality's director of Planning and Development, Lauren Waring.

GEORGE MUNICIPALITY STATEMENT:

Aware of concerns

George Municipality is aware of continued concerns pertaining to the proposed development at the Garden Route Dam after Interested and Affected Parties (IAPs) were all informed of the decision by the Provincial Department of Environmental Affairs and Development Planning (DEADP) to grant the environmental authorisation on 19 September.

In these communications full details were provided for the reasons for the decision, as well as information pertaining to the right to appeal the decision.

History

As previously stated, the history of this matter goes back to 2014 when the first studies were undertaken.

Over the years there has been interest from various entities to acquire the land for development, but the Municipality was of the view that any potential for the land had to be subject to a process to attain the environmental approvals and the town planning or land rights before any appropriate development. It is again emphasised that Council does not intend to develop the land itself nor are there any interested investors, irrespective of the potential land rights.

The unfortunate and misinformed contentions that Council is acting in the interests of any business or individual is thus blatantly false. Council land is a valuable asset and, as any landowner will know, ensuring that property is correctly and appropriately zoned maximises the value of the property.

It is acknowledged that land-use planning is often polarising and contentious and may be a source of conflict and tension.

This statement seems to be a contradiction as the Municipality initially states:
“there has been interest from various entities to acquire the land for development.”

Later in the same paragraph, they state that they do not intend to develop the land NOR “are there any interested investors,”
So we want to know why is this process still ongoing utilising funds that could be better spent on worthwhile projects that would help the region to provide employment and recover from the devastating effects of CoVID on our economy.



But the purpose of zoning any land is to allow for the regulation of land and property markets, to control the allocation of land for specific uses, to ensure land complementary uses and services, and for the community to have knowledge and certainty for the future.

This ensures that finite resources (i.e. land) are available for future generations. It can also minimise the effect of economic activities and development on the environment as the best use of available resources is achievable through organised usage.

One could argue that this statement seems to be a contradiction as the Municipality does not seem to be focused on the security of our main water source which will undoubtedly be at risk should this development go ahead.

No land use authorisation yet

The land use authorisation has NOT been awarded for this matter and both the environmental and land use authorisations must be in place for any development to go ahead.

(The Municipality does not refer to the WULA Certificate here which should be of primary concern)

The town planning application will be assessed by the Eden District Tribunal for consideration, but only after the matter has again been assessed by the Council, for Council to decide if it wishes to further proceed. Council may decide to only proceed with the residential development, and Council may resolve to impose certain restrictions on any development opportunity.

Would the decision to proceed with residential development be subject to another EIA Process.

Must remain accessible

In closing, George Municipality agrees that the Garden Route Dam must remain accessible to all citizens and believes that responsible, sustainable, mixed land use development will not only celebrate the qualities of this extraordinary site but also address some of the negative issues which residents are experiencing associated with large tracts of densely vegetated land - such as illegal occupation of land, sheltering of vagrants and criminals, cost of vegetation management and fire risk.

Residential development would restrict access to all citizens.
Incidents & Occurrences of illegal occupation are not common to this area.
Rehabilitation of the land to its natural state would reduce the cost of vegetation management as well as fire risk

Council has to seek ways in which to protect its assets and sweat its assets in order to provide for the sustainable development and the protection of the city and its environment.



Garden Route Dam Development – Portion of Remainder of Erf George

Jul 28, 2020,

<https://thegremlin.co.za/george-news/wordpress/2020/07/28/garden-route-dam-development-portion-of-remainder-of-erf-george/>

- (a) *There are several misleading rumours and distorted information being circulated regarding the development proposals for the land south of the Garden Route dam.*




Project Overview presentation July 2020

Below is a summary that contains the factual account of the intended development and the anticipated benefits for the city of George and its communities as a whole that has motivated the initiation of this development:

The George Municipality appointed Aurecon South Africa (Pty) Ltd. to prepare and submit an application for rezoning (including Departure and Consent use) and subdivision on a 118ha portion of the Remainder of Erf George adjacent to the Garden Route Dam in order to establish suitable rights on the site for the purposes of a university/research institute/academy in order to maximise the potential social, economic and environmental benefits on this site and to improve access to this site to the benefit of the entire community. The site has been earmarked for urban expansion since the adoption of the Municipal Spatial Development Framework in 2013 and has been included within the urban edge as potential land for expansion ever since.

An ROD for business development on a portion on the site was granted through previous applications lodged. After various studies, socio-economic analyses, stakeholder workshops and site visits with a range of specialists, a concept for this proposed university/research institute/academy was developed to harness potential synergies in support of the business development and serve as catalyst for infrastructure upgrades in the area. The rezoning and subdivision application is based on the consolidated findings and recommendations from the respective specialist studies. The key component of the development proposal is the proposed



campus, of which the basis is the provision of educational spaces and facilities and mixed uses, which is collectively referred to as the campus. Findings from various socio-economic studies indicate that a university/research institute/academy would become a regional attraction and would greatly contribute to the growth of George. The institution will be required to adhere to the prescripts of the Department of Higher Education and is aimed to complement existing tertiary institutions in the area. Greater diversity in curricula, presenting more options for local youth, is considered to aid in the retention of youth, skills and knowledge in our area.

The residential land uses are seen to be first and foremost to support the campus environment and could also evolve and grow into various products that can be used for students during term and holidaymakers during the holidays. A variety of types of housing is planned that could cater for undergrad students, lecturers, visiting lecturers, post grad students through to single residential erven. The varied public uses, which takes full advantage of the scenic nature of the site, are and will continue to be accessible to the community of George as well as the campus users.

Thorough Civil Engineering Services investigations were undertaken to determine the current infrastructure and services that are available to the site in order to assess what upgrades will be required to ensure that there is sufficient civil infrastructure to service and support this proposed development. Specific care was also taken to make sure that measures are put in place to limit any pollution of the water courses and the Garden Route Dam from the proposed development. These measures are informed by the environmental impact assessment, supported by a detailed aquatic study and storm water management plan.

A traffic impact study was also conducted to assess the traffic impact of the proposed development as well as detail any potential road upgrades that will be required due to the proposed development. There is a strong pedestrian focus built into the design of the development. The campus area is connected to the business area and the sport and student housing area with a Campus Walk. Additional walkways and pathways are also planned to run throughout the development and to use the opportunities alongside the green belts to create strong connections to the various precincts of the development. The areas on the edge of the dam and sports fields present opportunities for public parks, picnic areas and recreational activities. These are connected to the Waterfront business area via walkways and paths.

As per the findings of the various environmental studies undertaken on the site, this development proposal places strong emphasis on the preservation and enhancement of natural assets present on the site. This development proposal has strategically harnessed the high-quality vegetation in order to allow these natural systems to flourish and contribute to the sustainability of this proposed development. The riparian areas have been maintained in the development proposal and selected buffer areas have been placed around these riparian zones. In order for the natural environment to maintain its functionality, this development proposal further makes use of green belts throughout the site and at strategic locations these green belts are used as buffers and beautification tools and honours the sense of place. Understanding the importance of the functions of the natural resources on this site has played an integral role in the layout of the proposed residential, educational, commercial and public spaces.

The inclusion of adequate recreational spaces on the site is also an important aspect of the development proposal. The natural beauty of the site will further be enjoyed by the public through the inclusion of picnic areas along the water's edge as well as exploring the natural features of the surroundings such as the picturesque Garden Route Dam and Katrivier Nature Reserve.

Benefits of the proposed development:

- The proposed development will dramatically contribute to enhancing access to tertiary education. New employment opportunities will aid in generating income and



enhancement of local skills and knowledge can act as stimulus to the local economy through trade entrepreneurship. This will contribute towards improvement of sustainable livelihoods in the community. This proposal is aligned with current spatial objectives both local and national.

- The development proposal is built on inclusivity, productivity, resilience and opportunity and the proposed land uses fully rely on these principles. The proposed development also aims to fully protect and enhance the natural assets of the site and has incorporated these assets as a key part of the development proposal.
- The resultant improvement of custodianship, surveillance and risk management will serve not only the direct local community, but the community of George as a whole.
- The proposed development is anticipated to yield significant benefits in terms of social, economic and environmental aspects and will thus contribute to the sustainable development model of George Municipality.

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SEWER SYSTEM BEING UPGRADED TO PREVENT SPILLAGE INTO KAT RIVER

Two recent samples taken by Gardag near the Eden pump station reveal an abnormally high *E. coli* presence - almost four times the allowed maximum for contact sport.

Journalist Alida de Beer | Monday, 03 October 2022, 14:32



Update

GEORGE NEWS - The Garden Route Dam Action Group (Gardag) sent out a warning to local canoeists, anglers and other water sport lovers last week to be extra careful in the Kat River, as there is evidence of alarmingly high contamination levels of the water.

The Kat River feeds into the Garden Route Dam.

Two recent samples taken by Gardag near the Eden pump station reveal an abnormally high *E. coli* presence - almost four times the allowed maximum for contact sport.

The Garden Route District Municipality has promised to comment, but is says it is awaiting the results of lab tests.

George Municipality responded as follows to Gardag's warning:

Incident 1:

The Eden Sewer pump station experienced an overflow into the Garden Route Dam on Sunday 17 July and the incident was immediately reported to the Department of Environmental Affairs and Development Planning (DEADP), Breede Gouritz Catchment Management Agency (BGCMA) and the Garden Route District Municipality (GRDM).

One of the isolating valves on the delivery manifold of the sewer pump station failed, therefore the George Municipality had to cut in a new isolating valve on the sewer rising main outside the pump station to isolate the effluent inside the sewer rising main to enable the municipality to replace the isolating valve on the pump station delivery manifold.

The emergency work was completed from Saturday 23 July to the morning of 28 July at 05:30, with the most important part taking place on Wednesday night 27 July, from 08:00 to the morning of 28 July 2022 at 05:30.

All work was completed, but the emergency has been minimised with two duty pumps available to pump sewage from the Eden pump station.

The work was completed with no incidents, and the rising main (pump-line) is currently operational with two pumps available to pump into the rising main that can now be isolated for emergency and maintenance purposes.

The municipality constructed an emergency HDPE (high density polyethylene)-lined overflow pond system next to the sewer pump station in case of emergency overflows.

Incident 2:

Another incident occurred on 22 August. One of the pipes on the delivery manifold of the sewer pump station failed. The emergency overflow pond system was initiated and no spillage into the dam occurred.

The incident was reported to DEADP, BGCMA and GRDM. Remedial works to the sewer pump station were carried out on the same day. The emergency pond was cleared and cleaned.

Incident 3:

On 19 September, both sewer pumps at the Eden Sewer pump station tripped due to electrical failures, probably caused by Eskom load-shedding. The emergency overflow pond was initiated and filled before the George municipal operational team could resolve the issue.

A limited spillage was recorded and reported to DEADP, BGCMA and GRDM.

George municipal river sampling

George Municipality takes note of the high E. coli count as a result of the three incidents listed above. Monthly river samples are taken up- and downstream of pumping stations near or next to the Kat River.

This monitoring programme is not a legislative requirement, but was implemented by the municipality as a precautionary management measure to monitor the infrastructure, where a risk of possible pollution may occur.

Samples are taken and tested as part of standard operating procedures. Should any trace of contamination be detected, or brought to the attention of the municipality, it is referred to the section Wastewater Collection to investigate and resolve.

This is then further communicated to the GRDM, which is the monitoring authority, BGCMA and DEADP per the protocols in the Wastewater Risk Abatement Plan of George Municipality.

All spillage incidents are dealt with, within 24 hours, or a maximum of 48 hours, depending on the available manpower and intensity of the complaint. The municipality acts within the spillage incident protocols.

Remedial and preventative measures

Remedial measures along the Kat River stream affected by sewer blockages and sewer pump station spillages are implemented by George Municipal Sewer Operations.

Preventative measures implemented to prevent spillages in the Kat River (Eden pump station drainage area):

- * Back-up generators are in place in the event of power outages;
- * Desludging periods at the WTW are scheduled to be during off-peak periods (during night flows);
- * Process controllers make frequent visits to the pump station to check the pump performance;
- * As part of the pump station upgrading, a new motor control centre will be installed at Eden pump



station;

- * Telemetry was upgraded at the pump station and linked to the Scada (supervisory control and data acquisition) system for quick response in the event of an emergency and alerts personnel to potential overflows/spillages;

- * George Municipality applied for an emergency directive at DEADP to construct an HDPE-lined emergency overflow pond next to the Eden sewer pump station;

- * A back-up overflow pond was constructed within the confines of the existing sewer pump station;

- * Valves and pipework in the pump station were upgraded during August and September 2022.

Pressure relief plans on the gravity sewer system along the Kat River

The upgrading of the George New Water Treatment Facility entails an additional 20 megalitres of potable water treatment capacity per day.

The upgrading will also include the treatment of the sludge (WTW residual) generated by the water treatment facilities on site, relieving the stress on the main sewer gravity line along the Kat River.

The residual from the new water treatment works is currently still discharged to the waterborne sewer system and is pumped via the Eden, Meul and Schaapkop pump stations to the Outeniqua Wastewater Treatment Works.

The 20 ML/d upgrading of the New Water Treatment Works has commenced and includes the residual management at the plant, which will ultimately eliminate the discharging of the residual to the sewer system, thereby reducing the load on the sewer system.

This component of the project will be completed in the second half of 2025.

Wash water from the filters at the Old Water Treatment Works is discharged into raw water balancing dams while the sludge from the sedimentation process is discharged to the waterborne sewer system and is pumped via the Eden, Meul and Schaapkop pump stations to the Outeniqua Wastewater Treatment Works.

The upgrading of the old water treatment works is underway and will be concluded within the next nine to 10 months.

Upgrading of Eden sewer pump station

The Eden sewer pump station was the subject of an extensive sewer pump station audit conducted in 2018.

The full funding required to address the Eden sewer pump station is committed to the current five-year budget, with the first phase of the Eden sewer pump station having been completed.

The motor control centre at the Eden pump station will be addressed as part of phase 1 of the Meul sewer pump station upgrade.

George Municipality has appointed consultants for the phase 2 upgrades to the Eden pump station, with designs to commence shortly and construction likely to start during 2023/24. The municipality has replaced pipework and valves in- and outside the existing sewer pump station during the incidents listed above.

Kariba weed

Gardag previously indicated that they will embark on an alien species plant removal. George Municipality would like to thank them and the Outeniqua Canoe Club for their efforts to clean up the Kariba weed in the Kat River.

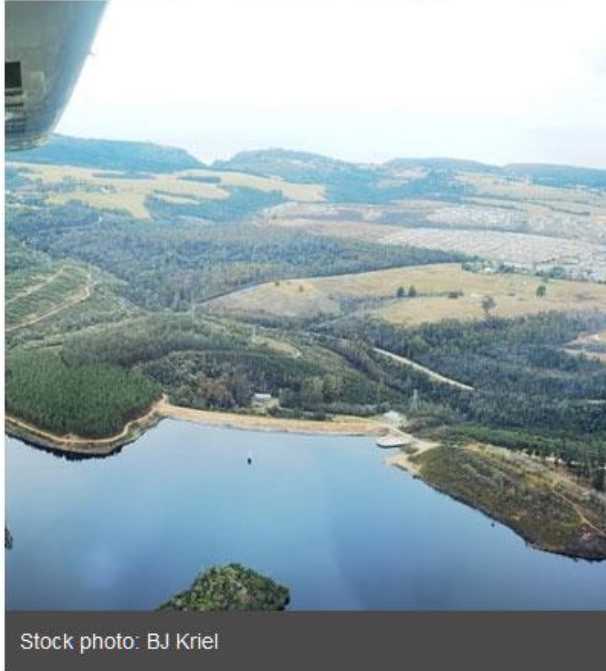


FLUCTUATING WATER LEVELS / IMPACT OF FIRE

GARDEN ROUTE DAM LEVEL UPDATE

Section 2B water restrictions for Uniondale and George remain in place as per Council decision.

Source George Municipality | Tuesday, 13 September 2022, 12:57



Stock photo: BJ Kriel

Update

GEORGE NEWS - The latest water update on 12 September, supplied by George Municipality:

- Percentage storage at old unraised dam wall height: 83.39%
- Percentage storage at new raised dam wall height : 66.73%
- Rainfall for the month of August 2022 (George Witfontein Weather Station): 57.2mm
- Demand/usage per day: 33.3 megalitres

(Please note the dam level indication is based on the spillway and dam wall height before it was raised, the latter is the new unofficial estimation based on preliminary calculations ahead of re-calibration of the dam.)

<https://www.georgeherald.com/News/Article/General/garden-route-dam-level-update-202209131239>

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(Please note the dam level indication is based on the spillway and dam wall height before it was raised, the latter is the new unofficial estimation based on preliminary calculations ahead of re-calibration of the dam.)

Re-calibration has commenced and is dependent on several factors. Adjusted official readings will be implemented and reported once new capacity has been confirmed, the time period of this is unknown.

Section 2B water restrictions for Uniondale and George remain in place as per Council decision.

<https://www.george.gov.za/civil-engineering/water/>

WATER RESTRICTIONS APPLY TO GEORGE AND SURROUNDS

The immediate measures to be adhered to are as follows:

- Mechanical or automatic irrigation/watering devices or sprinkler systems for gardens are prohibited. Gardens may only be watered with a handheld hose from 19h00 – 21h00 (September – April) and 17h00 – 19h00 (May – August)
- Mondays/Thursdays: Even-numbered households ONLY
- Tuesdays/Fridays: Uneven numbered households ONLY
- The irrigation or watering of all sports fields is prohibited. Exemption applies only for golf course greens, bowling greens, and cricket pitches daily between 19h00 – 21h00.
- The washing of vehicles using a handheld/garden hose, except by a commercial enterprise, is prohibited.
- Cleaning of any outside surface area using a hosepipe/mechanical means is prohibited. The use of a bucket is permitted.
- Filling of swimming pools is prohibited.
- Where own water from a borehole or reservoir is used, "OWN WATER" signage must be displayed.
- Exemption can be applied for and considered, please contact 044 801 9354.

ZONING / REZONING

Rezoning applications are poorly reported and publicised and most of the public are ill-informed regarding the process of Appeal or getting involved in and voicing their opinions.

Below is an example of their failure to properly engage with the public. The image is a screenshot captured on Facebook showing a social media post by the George Municipality for the purposes of informing the public regarding the proposed Land Use Application Erf 464.

It is abundantly clear that it did not draw the attention of the public as there are no reactions in the form of likes or comments and 1 Share (which was shared by Sharples). The municipality seems to rely on communication and reporting mediums that many members of the community do not have access to such as social media or local newspapers.

In the screenshot example shown below, the George Municipality published a social media post on Facebook on 17 June 2020. The country was in Lockdown and also the day after the Youth Day holiday and the link to the details on the post on the George Municipality website results in a Page Not Found result.

For some idea of the context at this time, here are some other headlines at this time:

"Over 100 – days since the first case of COVID-19 was identified in South Africa, by 17 June 2020. 1 674 – people who have died in South Africa by 17 June 2020. 80 412 – confirmed cases in South Africa by 17 June 2020 since the start of the outbreak of COVID-19."

We were on alert level 3 so it is entirely possible that people were sick, dying or focused on just getting through this troubled time and would have missed an announcement of this nature. Or indeed misunderstood the relevance of it.

ZONING

- INADEQUATE NOTIFICATIONS TO THE PUBLIC



George Municipality
Land Use Application - Restant Erf 464: (Garden Route Dam Development

Herewith notice of a Land Use Application submitted to the George Municipality in regards to Restant Erf 464 George

Click on the link below for related documentation. Inquiries: (<http://www.george.gov.za/resource-category/general-documents/notice?page=1>)

Street address and neighbourhood of the applicable property: The Remainder of Erf 464 George (Garden Route Dam Development)

Enquiries: Administrative Officer: Primrose Nako +27 (0)44 801 9416, pnako@george.gov.za Applicant: Rudolf Schröder, 044 805 5400 / 0833906963, rudolf.schroder@aurecongroup.com

DESCRIPTION OF LAND USE APPLICATION:

Application on the Remainder of Erf 464, George (Garden Route Dam Development) in order to establish suitable rights for the purposes of a university/ research institute/academy:

Rezoning in terms of Section 15(2)(a) of the George Municipality Land Use Planning By-Law, 2015, for the rezoning of the Remainder of Erf 464, George, from "Undetermined use zone" to a "Subdivisional area".

Departure in terms of Section 15(2)(b) of the George Municipality Land Use Planning By-Law, 2015 for the relaxation of parking requirements of "Business Premises" from 6 bays per 100m² GLA to 4 bays per 100m² GLA; and by reducing the standard FAR of "Business Premises" from 3.0 to 1.0

Consent Use in terms of Section 15(2)(o) of the George Municipality Land Use Planning By-Law, 2015, for consent use for the following land uses: Conference Facility; Boarding Houses; and Convenience shops on certain erven in the proposed development as more fully described in the application.

Subdivision, in terms of Section 15(2)(d) of the George Municipality Land Use Planning By-Law, 2015 in accordance with the Subdivision plan, in order to give effect to the approved Subdivisional zoning.

Hiermee kennisgewing van 'n grondgebruiks beplannings aansoek ingedien by die George Munisipaliteit op die Restant van Erf 464 George:

'n link na die plek op die website waar dit gelaai is. <http://www.george.gov.za/resource-category/general-documents/notice?page=1>

'n straatadres en woonbuurt vir die toepaslike erf. Restant Erf 464 George (Tuin Roete Dam Ontwikkeling)

Navrae: Administratiewe Beampte: Primrose Nako +27 (0)44 801 9416, pnako@george.gov.za Applikant: Rudolf Schröder, 044 805 5400 / 0833906963, rudolf.schroder@aurecongroup.com

BESKRYWING VAN AANSOEK:

Aansoek op die Restant van Erf 464, George (Tuin Roete Dam Ontwikkeling), om die toepaslike ontwikkelings regte te vestig vir die doel van 'n universiteit/ navorsings instituut of akademie:

Hersonering ingevolge artikel 15(2)(a) van die George Munisipaliteit: Grondgebruikbeplanningsverordening (2015) vir die hersonering van die Restant van Erf 464, George vanaf "Onbepaald" na "Onderverdelings area".

Afwyking ingevolge artikel 15(2)(b) van die George Munisipaliteit: Grondgebruikbeplanningsverordening

(2015) vir die verslapping van parkeervereistes van besigheids perseel vanaf 6 parkeer plekke per 100m² BVO na 4 parkeerplekke per 100m² BVO asook die verlagings van die standaard VRV van besigheids persele vanaf 3.0 na 1.0

Toestemmingsgebruik ingevolge artikel 15(2)(o) van die George Munisipaliteit: Grondgebruikbeplanningsverordening (2015) vir die toestemming vir die volgende grondgebruik: konferensie fasiliteite, losies huise, en Geriefswinkels op spesifieke erwe in die voorgestelde ontwikkeling soos uiteengesit in die aansoek.

Onderverdeling ingevolge artikel 15(2)(d) van die George Munisipaliteit: Grondgebruikbeplanningsverordening (2015) in ooreenstemming met die onderverdelings plan, ten einde uitvoering te gee aan die goedgekeurde sonering.

Timeline photos · 17 Jun 2020 ·

[View full size](#) · [More options](#)

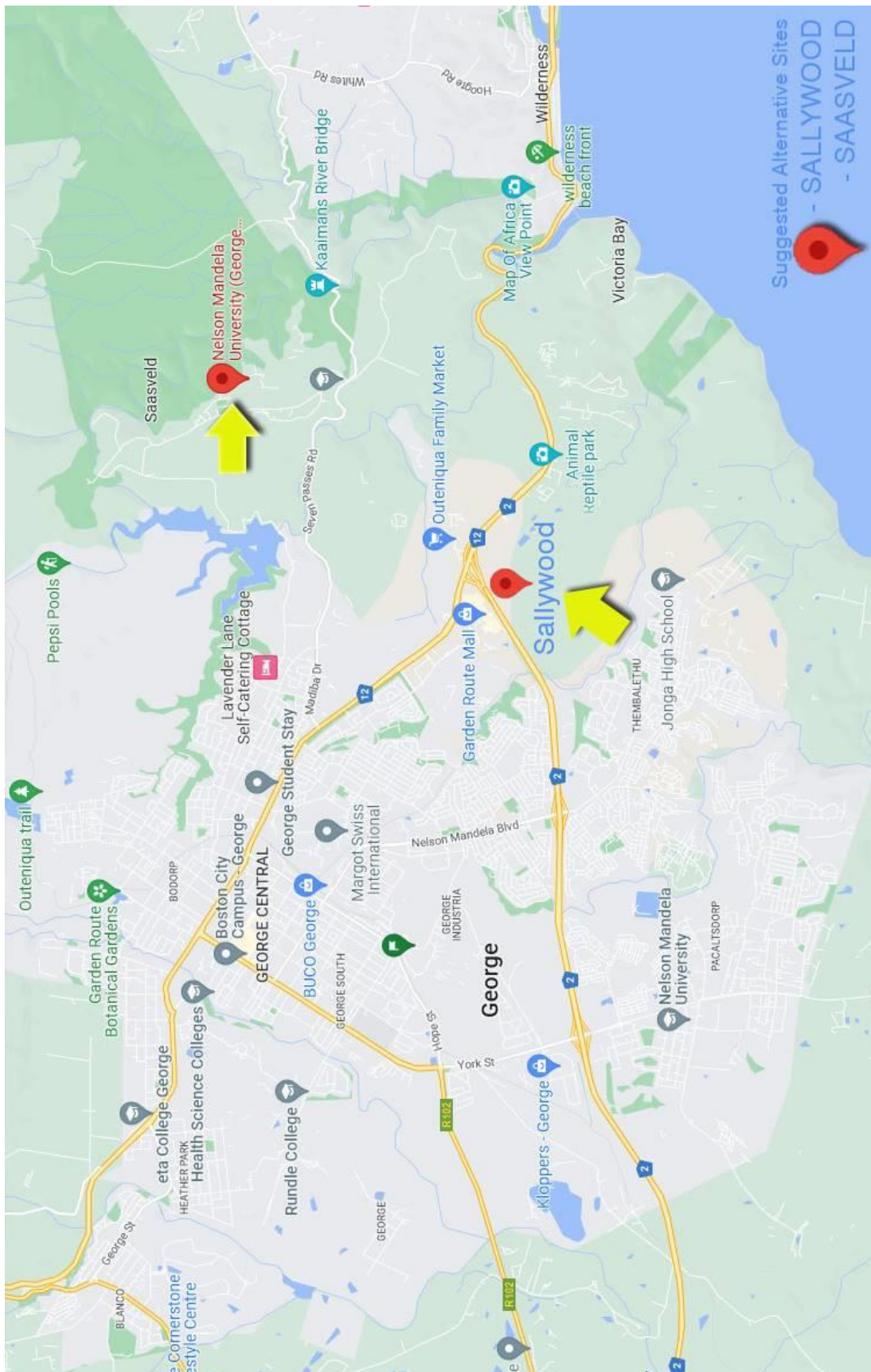


1 share

No Likes or Comments / 1 Share

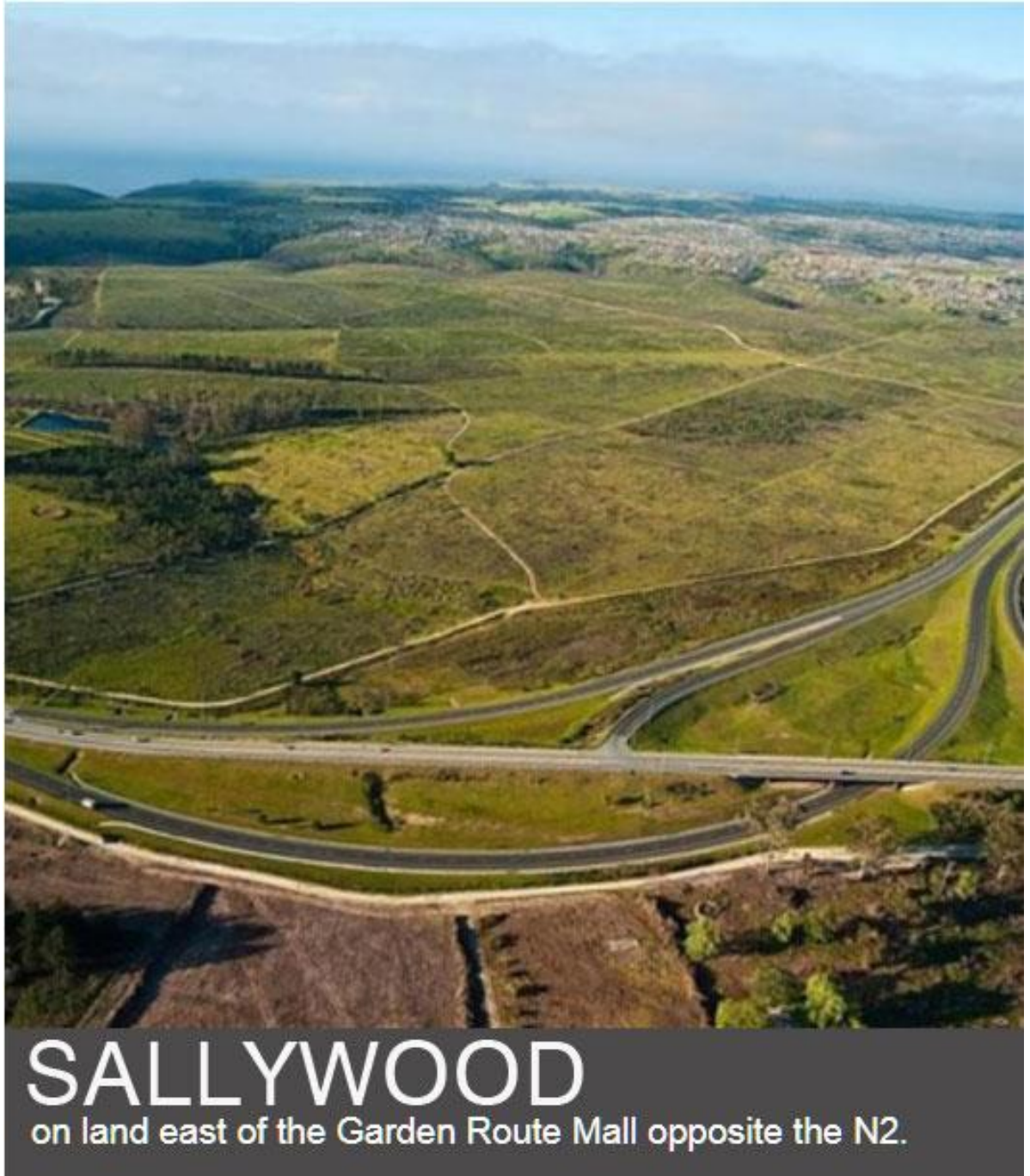
<https://m.facebook.com/george.municipality/photos/land-use-application-restaurant-erf-464-garden-route-dam-development-herewith-notice/4251803638178009/>

OPPORTUNITIES EXIST AT TWO ALTERNATE LOCATIONS: SALLYWOOD & SAASVELD



[Handwritten signature]

SALLYWOOD – PRIME ALTERNATIVE LOCATION FOR PROPOSED DEVELOPMENT
Many residents proposed an alternate location at Sallywood. Thembaletu residents seem to be unaware of the proposed development at Erf 464, Garden Route dam and had little access to resources to find out more about it. Those canvassed did not want a development on the Garden Route Dam and felt that it would be better positioned at Sallywood where they would have access to the facilities such as the stadium, university etc.




SALLYWOOD

on land east of the Garden Route Mall opposite the N2.

SAASVELD CAMPUS

Many respondents have proposed additional development at the existing Saasveld campus which already has much of the infrastructure in place to facilitate construction and expansion without the need to address the issues of safety, security and traffic concerns which have been raised by many residents.



Wildlife Excellence Award for Mandela Uni's Prof Graham Kerley #R2bP

14 September 2022

Reasons to be Proud - #R2bP: The Southern African Wildlife Management Association recently awarded its prestigious "Wildlife Excellence Award" to Nelson Mandela University's Prof Graham Kerley of the Zoology Department and Director of the Centre for African Conservation Ecology.

[Read more](#)

George Campus News

- 06 September 2022 - Digital know-how a critical career aid for new researchers
- 29 August 2022 - High-performance programme pays dividends for Madibaz Water Polo Club
- 23 August 2022 - Shaping the future with sustainable stewardship
- 15 August 2022 - Visual Arts honours student Luke Rudman wins Mandela Uni's Abe Bailey travel bursary #R2BP

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CONTACT US:

Madiba Drive, George, 6560
T: 044 801 5111
E: george-info@mandela.ac.za



WULA CERTIFICATE DECLINING APPLICATION

The Water Tribunal can be reached at the following contact details:

The Acting Registrar of the Water Tribunal: Mr Luyanda Xuba
Telephone: (012) 336 8168
E-mail: XubaL@dws.gov.za

Postal Address:

Water Tribunal
Private Bag X316
PRETORIA
0001

Physical Address:

Room 322
Waterbron Building
191 Francis Baard Street
PRETORIA
0001

Please note that any use of water without authorization is illegal as it is in contravention of the National Water Act, 1998 (Act No. 36 of 1998) and is punishable by law.

Approved
Comments:

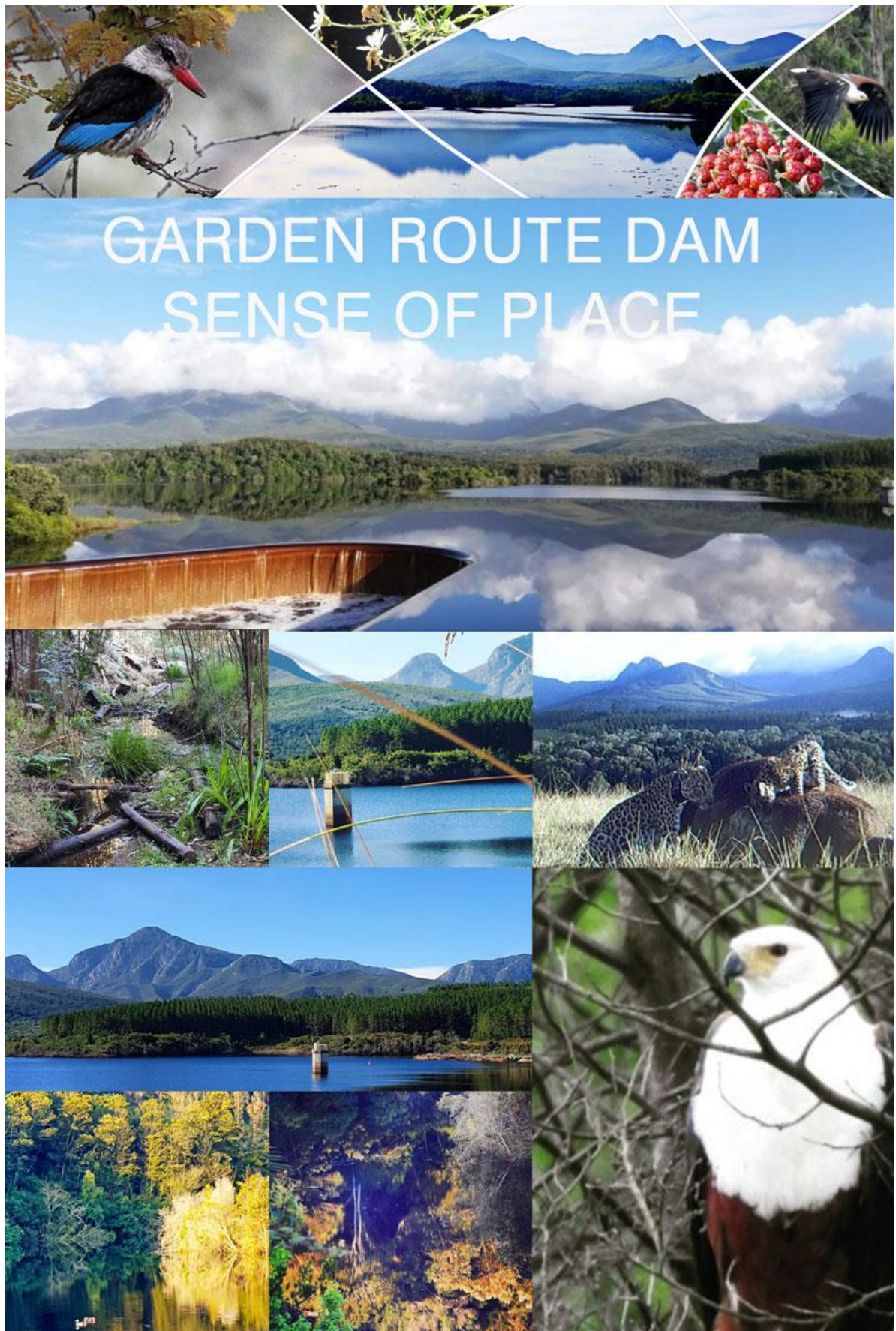


I, Mrs NM Bila-Mupariwa (Provincial Head: Western Cape) herewith electronically sign this document.

Serial Number : 5462281249422514928

Provincial Head

Date: Sep 15 2022 11:46PM



Tourism recovery reason for hope

<https://www.georgeherald.com/News/Article/General/tourism-recovery-reason-for-hope-202204200922>

(b) Attractions in the province also saw steep growth.

Journalist **Alida de Beer** | **Friday, 22 April 2022, 11:59**

George Airport has seen a significant increase in passenger numbers.

GARDEN ROUTE NEWS - Western Cape tourism statistics released in April by Wesgro show a return to pre-Covid visitor numbers to the province in the first quarter of 2022, with the Garden Route & Klein Karoo region also getting its share in the growth.

According to Wesgro's February Air Access Update, George Airport's domestic terminal has shown a consistent recovery through 2020 and into the first quarter of 2022, with January and February experiencing an 86% and 87% recovery respectively.

"In these two months alone, 111 191 passengers have travelled through the terminal. The preliminary data set for 1 to 6 March 2022 depicts that this positive growth will continue as shown by the 92% passenger recovery compared to the same period in 2019," says Wesgro.

George Airport manager Brenda Vorster said she is "ecstatic" at the growth in both passenger numbers and flights. "However, what remains a priority is the health and safety of our passengers, and ensuring a great passenger experience.

"As an airport we are cautiously optimistic that the growth will continue, as we welcome passengers to the beautiful Garden Route."

Hotel occupancy doubles

The February Wesgro Tourism Research Overview shows that hotel occupancy in the province more than doubled from 23% in February 2021 to 60% in February 2022. This is a recovery rate of 75% when compared to February 2019.

"Domestic tourists to the Western Cape spent the longest time in the Garden Route & Klein Karoo (3,2 days). Nearly 70% of sampled domestic tourists stayed overnight in the Garden Route & Klein Karoo, which is higher than the general average for the province (52,2%)," reads the overview.

Among international tourists, 27,5% visitors to the Garden Route & Klein Karoo region and 50,4% of domestic visitors did repeat visits.

Attractions in the province also saw steep growth. In the Garden Route & Klein Karoo, Wilderness National Park had an 87% recovery in visitor numbers in February 2022 compared to February 2019.

There was a 56% increase compared to February 2021. The Cango Caves saw a 21% recovery from February 2019 and a 190% growth in visitors compared to February 2021.

Tsitsikamma National Park had a 37% recovery compared to 2019 and Knysna National Park a 97% recovery in February 2022 compared to February 2019.

"Shopping and markets was the most popular type of attraction among both domestic and international tourists. Natural attractions, especially Table Mountain and Cape Point, were popular among both domestic and international tourists. The Knysna Waterfront was popular among domestic visitors who spent a lot of time here," states the overview.

George, Wilderness establishments happy with occupancy

Leon de Kock, operational manager at Wilderness Hotel, told George Herald they have experienced a definite upswing since December. "It is still only South Africans. We had two buses with overseas tourists since December compared to the four buses per day that we were used to. But occupancy is definitely much, much better and that is applicable overall in our hotel group, which includes Oakhurst, The Point and Oceans hotels.

"We are back to 2018's figures, but not yet 2019, when we had a very good year."

Elize Healey, manager of Lord Caledon Guest House in George, said they are grateful that business has picked up significantly. "We receive more corporate clients - sales representatives that are again allowed to see their branches and clients. We have also been fortunate to accommodate visitors who have visited for sporting events such as golf tours and swimming, as well as school sport, which was great for business. We are about 50% to 60% up from last year, but not yet back to pre-Covid figures. I am positive though that we can reach those levels again if there is not another lockdown."

Comment from the George Tourism office:

George Tourism manager Joan Shaw said they were "thrilled" at Wesgro's stats that were presented at their recent regional Tourism Office meeting. The Tourism Office invited Wesgro's air access team to present the good news statistics at a Tourism Member Conference at the Dotsure George Arts Theatre on Wednesday 20 April.

"Since George Airport shares statistics with our office directly, we have indeed noticed the rapid recovery in especially domestic flights. George Airport services the entire Garden Route, and we have had an excellent bounce-back of visitors that started before the December holidays and has continued well into this year. This is also showing in our business venues being well booked, our accommodation statistics, and rate at which families moving to George are purchasing houses, to settle or commute. This in turn will have a spin-off effect as more friends and family consider holidays or moves to our beautiful area."

In terms of adhering to the Guidelines regarding Level of Public Participation, the community has largely been left in the dark and their attempts to engage with the consultant were not readily accommodated, resulting in much confusion on the part of the General Public who are unaware of the various procedures that should be followed as well as in terms of understanding a lot of technical jargon

For many, it was difficult to access information and this could have been avoided had Sharples arranged other forms of engagement with the community such as Public Meetings, either in-person or online. They could have provided a dedicated support or helpline and information desks to demonstrate their willingness to engage with the public and provide the necessary information for the public to make an informed decision regarding the development.

Extract from EIA Guideline and Information document series (March 2013. Part 4 Guideline on Public Participation) Chapter 6 Section 41 (6)

Images below feature examples as laid out in the Guidelines for the Public Participation Process which were ignored by the consultant.

6. GUIDANCE ON THE LEVEL OF PUBLIC PARTICIPATION

The minimum requirements for public participation outlined in the Regulations will not necessarily be sufficient for all applications. This is mainly due to the fact that the circumstances of each application are different, and it may be necessary in some situations to incorporate additional steps in the public participation process. This section provides guidance for deciding on the required level of public participation.

Three categories of variables need to be taken into account when deciding on the level of public participation and the process to be followed:

- the scale of anticipated impacts of the proposed project;
- the sensitivity and the degree of controversy of the project; and
- the characteristics of the potentially affected parties.

GUIDELINE ON PUBLIC PARTICIPATION

6. (CONTINUED)

Based on the above, the use of the following public participation mechanisms, over and above the requirements, should also be considered (see 6.9 above):

- Public meetings and open days
- Conferences
- Press releases
- Questionnaires or opinion surveys
- Information desks and/or info lines (helplines)
- Meetings/workshops with constituencies (e.g. National Standing Committees, Non-Government Organisations / Community Based Organisations)

As already highlighted, the person conducting the public participation process must give notice by reasonable alternative methods, as agreed to by the Department, in those instances where a person is desiring of but unable to participate due to illiteracy, disability, or any other disadvantage⁴¹. A request for the Department's agreement to an alternative method of notification must be agreed to by the Department prior to following the alternative method.

The following aspects need to be considered in this regard:

Scale of anticipated impacts:

Are the impacts of the project likely to extend beyond the boundaries of the local municipality?

Are the impacts of the project likely to extend beyond the boundaries of the province?

Is the project a greenfields development (a new development in a previously undisturbed area)?

Does the area already suffer from socio-economic problems (e.g. job losses) or environmental problems (e.g. pollution), and is the project likely to exacerbate these?

Is the project expected to have a wide variety of impacts (e.g. socio-economic and environmental)?

Public sensitivity of the project:

Is widespread public concerns expected about the potential negative impacts of the project?

Is there a high degree of conflict among I&APs?

Will the project impact on private land other than that of the applicant?

Does the project have the potential to create unrealistic expectations (e.g. that a new factory would create a large number of jobs)?

Potentially affected parties:

Has very little previous public participation taken place in the area?

Did previous public participation processes in the area result in conflict?

Are there existing organisational structures (e.g. local forums) that can represent I&APs?

What is the literacy level of the community in terms of their ability to participate meaningfully during the public participation process?

Is the area characterised by high social diversity (i.e. socio-economic status, language or culture)?

Were people in the area victims of unfair expropriations or relocation in the past?

Is there a high level of unemployment in the area?

Do the I&APs have special needs (e.g. a lack of skills to read or write, disability, etcetera)?

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(in terms of confidentiality and current legislation only Names/Surnames are supplied – other personal information will be provided on request by the Department Environmental Affairs and Development Planning (DEA&DP)).

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