~ <u>MEMORANDUM</u> ~					
AAN / TO	Mr A Everson Acting Municipal Manager	VAN / FROM	TL Brunings Assistant Town and Regional Planner		
VERW / REF	15/4/12/7_Middelburg 10/6 Robertson	DATUM / DATE	25 January 2021		
ONDERWERP SUBJECT	APPEAL REPORT FOR SUBMISSION TO THE LANGEBERG APPEAL AUTHORITY: PROPOSED ABATTOIR COMPOSTING FACILITY AND FEEDLOT ON PTN 6 OF THE FARM MIDDELBURG 10, ROBERTSON				

Dear Sir,

I refer to my memorandum dated 5 March 2020, and the preliminary appeal hearing held on 28 August 2020, at which the appeal hearing was postponed. The hearing will take place on 11 February 2021.

The full "Appeal Bundle" has been made available on the Langeberg Municipality's website, and all parties to the appeal have been advised thereof as per email dated 22 January 2021. For ease of reference, below is an index to the Appeal Bundle:

Index:

Annexure	Documentation (Note: pages are numbered in the bottom right-hand corner)	Page No's
1	Plans: Locality, Site Plan & Amended Site Plans, Aerial Photo: Application Site and Objectors	10 - 18
2	Planning Assessment Reports to Langeberg Municipal Planning Tribunal	19 - 361
(1)	1 February 2019 (18.01.19): Tribunal Agenda item Annexure A Recommended Conditions of Approval Annexure B Plans: Locality, Objector's properties, Site Plan Annexure C Application Additional Information submitted by Applicant Objections 1-3 Annexure F Applicant's Response to Objections Comments from Departments: Heritage (1/2/17), CWDM (17/11/17), Department of Transport (7/2/18), BGCMA (16/1/18), Cape Nature (19/1/18), Dept of Agriculture (6/3/18) Annexure H Annexure I Extracts from: NEM: WA 59/2008; The mini guide to the Management of Abattoir Waste (DEA&DP. 2016/17); and The National Organic Waste Composting Strategy (DEA&DP, 2013) 1 February 2019: Tribunal Meeting Minutes	20 - 40 41 - 43 44 - 46 47 - 86 87 - 179 180 - 192 193 - 209 210 - 230 231 - 234 235 - 250
(2)	6 September 2019 (30.08.19): Tribunal Agenda item Annexure A du Bois Attorney's letter of 4 March 2019 in response to Municipal Notice Annexure B Legal Opinion from DHM Attorneys dated 17 April 2019 Annexure C PAJA: TP Dept's response to De Bois' 4 March 2019 letter 6 September: Tribunal Meeting Minutes	254 - 258 259 - 266 267 - 289 290 291 - 292
(3)	18 October 2019 (20.09.19): Tribunal Agenda item Annexure 1 Amended Site Plan (March 2019). Annexure 2 Applicant's Response dated 12 April 2019 to Tribunal's Information Request (22 February 2019). Annexure 3 Applicant's Response dated 27 June 2019 to final request for comments (29 May 2019) subsequent to legal opinion. Annexure 4 CWDM (Health) comments re. why the activity is not considered listed in terms of NEM: Air Quality Act, 2004.	293 - 303 304 - 305 306 - 324 325 - 333 334 - 338

	Annexure 5 DEA&DP's Response re. definitions of infectious, condemned	339 - 341
	and hazardous waste. Annexure 6 WC Department of Agriculture: Veterinary Public Health	342 - 343
	comments re. pollution control and public health. Annexure 7 Recommended Conditions of Approval.	344 - 347
	Annexure 8 Langeberg Municipal Bylaw for the Prevention and Suppression of Nuisances, 28 May 2010.	348 - 350
	Annexure 9 Departmental Comments: Department of Transport (7 Feb 2018) and BGCMA (16 January 2018).	351 - 355
	18 October 2019: Tribunal Meeting Minutes	356 - 361
3	Tribunal Decision Letter	362 – 372
4	Section 65 of the Langeberg Land Use Planning Bylaw 2015	373 – 377
5	Appeal 1: Applicant	378 – 624
6	Objectors' Response to Applicant's Appeal (Appeal 1)	625 – 647
7	Appeal 2: Christo Reeders - Perisseia	648 – 686
8	Appeal 3: P J Gerber	687 – 694
9	Appeal 4: Ndlovu de Villiers – L Jordaan & H Jooste	695 – 728
10	Applicant's Response to Appeals 2-4	729 – 794
11	Compliance Notices and Applicant's Responses	795 – 831
12	Environmental Authorisation (EA)	832 – 851
13	Waste Management Licence (WML)	852 - 880
14	Municipal Appeals against EA and WML	881 – 894
15	File Notes re. factual inaccuracies and unsubstantiated allegations in the du Bois appeal.	895 – 951
16	Reports on flies and odours: Site Inspections by Departmental officials (DEA&DP, CWDDM, VPH).	952 – 973
17	Time line: progress of LLUP application	974 – 976
18	Section 81 of the Langeberg Land Use Planning Bylaw 2015: Consideration by Appeal Authority	977 – 980

Notes:

- A copy of DHM Legal Opinion is attached to the Sept Tribunal item: Annexure 2(2) (pgs. 267 289 of the appeal bundle). As this is a privileged legal opinion provided to the Municipality, only pages 267 and 288 (conclusions) are available as part of the appeal bundle.
- A copy of the DEA&DP Court Order is attached to Appeal 1, marked Annexure "A11" (pgs. 524 527 of the appeal bundle).
- Other documents on the Municipal file records, which are not attached herewith, include:
 - o BAR in terms of the EIA regulations; and
 - Objectors' Appeals against WML in terms.of NEMA.

Documents received subsequent to the submission of appeals and appeal report

Annexure	Documentation (Note: pages are numbered in the bottom right-hand corner)	Page No's
19	Appellants' Heads of Argument	981-1016
	(1) Ndlovu	982-992
	(2) du Bois	993-1016
	(3) Reeder (refer Annex 24(1))	1
20	Applicant's Submission to the High Court re. DEA&DP decisions:	1017*
	* Application to High Court and Founding affidavit available at the following link: https://www.dropbox.com/sh/6tjwcrqfeiw4r0s/AADf0Jq1WpppCxvKFTyDTIF-a?dl=0	
21	Appellants' submissions regarding compliance and enforcement procedures relating to the existing composting activities	1018-1040
22	DEA&DP Appeal Decision on the Environmental Authorisation and Waste	1041-1057
	Management Licences in terms of NEMA	
23	Middelburg Dam: Feedback from DEA&DP and Environmental Consultant	1058-1062

Submissions relating to the postponement of the appeal hearing on 28 August 2020

Annexure	Documentation (Note: pages are numbered in the bottom right-hand corner)	Page No's
24	Appellants' submissions requesting postponement of hearing	1063-1143
	(1) Reeder 27 August 2020	1064-1067
	(2) Du Bois 28 August 2020	1068-1077
	(3) Reeder 1 September 2020	1078-1092
	(4) Ndlovu 3 September 2020	1093-1098
	(5) Du Bois 11 September 2020	1099-1125
	(6) Ndlovu 29 September 2020 (incl. Du Bois 10 September 2020)	1126-1143

Supplementary Appeal Assessment Report

Annexure	Documentation (Note: pages are numbered in the bottom right-hand corner)	Page No's
25	Supplementary Appeal Assessment Report dated 21 January 2021	Marked Annexure
		25 pages 1-35

Yours faithfully

T L BRUNINGS

TL. Bugs.

ASSISTANT TOWN AND REGIONAL PLANNER